

**TOWN OF HERNDON, VIRGINIA
WORK SESSION AGENDA
HERNDON COUNCIL CHAMBERS BUILDING
765 LYNN STREET
SEPTEMBER 3, 2019
7:00 P.M.**

PRESENTATIONS

1. Proclamation, to recognize "POW/MIA Recognition Day," September 20, 2019
2. Proclamation, to recognize "Virginia Bicyclist and Pedestrian Awareness Month," September 2019
3. Proclamation, to express appreciation to Green Lizard Cycling
4. Proclamation, to recognize the 130th Anniversary of the Herndon Fortnightly Club

PUBLIC HEARINGS

5. Ordinance, to authorize the acquisition of a temporary easement on property owned by PSBP Monroe LLC for public use by condemnation for the Herndon Metrorail Access Improvements project for the purpose of construction of public transportation facilities over real estate located at 560 Herndon Parkway, Herndon, Virginia
6. Ordinance, to authorize the acquisition of fee simple, permanent and temporary easements on property owned by Parkview Executive Center, Joint Venture RLLP for public use by condemnation for the Herndon Metrorail Access Improvements project for the purpose of construction of public transportation facilities over real estate located at 593 Herndon Parkway, Herndon, Virginia
7. Ordinance, to authorize the acquisition of fee simple, permanent and temporary easements on property owned by Monroe Parkway Joint Venture for public use by condemnation for the Herndon Metrorail Access Improvements project for the purpose of construction of public transportation facilities over real estate located at 570 Herndon Parkway, Herndon, Virginia
8. Ordinance, to authorize the acquisition of fee simple, permanent and temporary easements on property owned by Kiddar Herndon Station LLC for public use by condemnation for the Herndon Metrorail Access Improvements project for the purpose of construction of public transportation facilities over real estate located at 575 Herndon Parkway, Herndon, Virginia

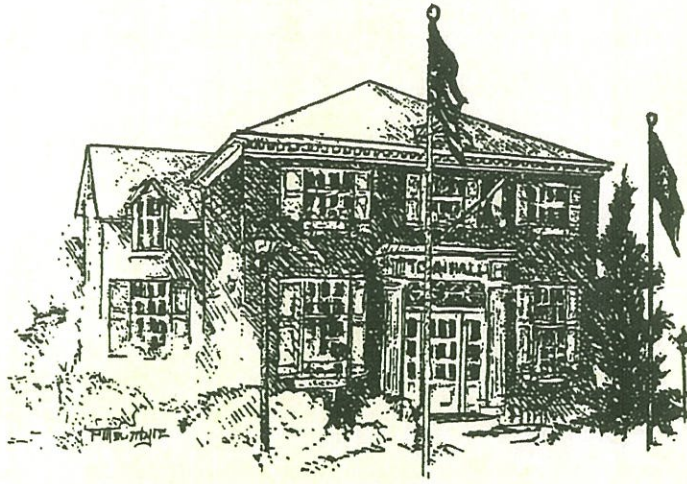
GENERAL

9. Resolution, to establish the Town Council meeting schedule for January 1, 2020 to December 31, 2020

CONSENT AGENDA

10. Resolution, to endorse and authorize a funding application to the Virginia Department of Transportation for the allocation of Revenue Sharing funds to be directed towards the East Elden Street Project
11. Resolution, to endorse and authorize a funding application to the Virginia Department of Transportation for the allocation of Revenue Sharing funds to be directed towards the East Spring Street Project
12. Resolution, to award Contract #19-14, Bulk Curbside Trash Collection Service
13. Resolution, to award Contract #B-20-01, Chandon Park Trail Improvements
14. Resolution, to authorize a Standard Project Administration Agreement between the Town and the Commonwealth of Virginia Department of Transportation for the administration of the SGR Primary Extension Paving FY2020 project

ROUNDTABLE



**TOWN OF HERNDON, VIRGINIA
PROCLAMATION
POW/MIA RECOGNITION DAY
SEPTEMBER 20, 2019**

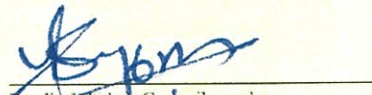
For many years, the American Legion supported the observance of a National **POW/MIA Recognition Day**, which ~ with the Legion's support ~ was first recognized at the national level on July 18, 1979. That first year, Congress passed a resolution and the national ceremony was held at the National Cathedral in Washington, D.C. Every year following, **POW/MIA Recognition Day** legislation was introduced until 1985, when the President began to issue a proclamation honoring this important day each year, on the third Friday in September.

POW/MIA Recognition Day honors the commitment and sacrifices made by our nation's prisoners of war; those who are still missing in action; and their families. On this commemorative day, we pay tribute to the service men and women who have not returned home from past conflicts; stand beside their families and loved ones; and honor those who are held captive as prisoners of war. We remain focused on America's responsibility to achieve the fullest possible accounting of the missing members of our armed forces and to bring them home.

Therefore, in recognition of these brave Americans, the Mayor and Town Council of the Town of Herndon, Virginia, hereby proclaim Friday, September 20, 2019 as **POW/MIA Recognition Day** in the Town of Herndon, and offer full support to all members of the United States armed forces, who defend American lives and liberties with unwavering devotion.

Further, the Mayor and Town Council of the Town of Herndon, Virginia, hereby proclaim that the Town of Herndon shall annually observe the third Friday of each September as **POW/MIA Recognition Day** and encourage citizens to acknowledge this day of honor and remembrance through the display of the POW/MIA flags and with appropriate ceremonies and activities.

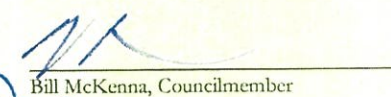

Sheila A. Olem, Vice Mayor

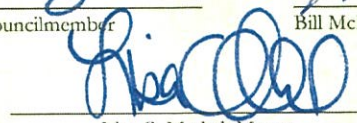

Pradip Dhaka, Councilmember


Jennifer K. Baker, Councilmember

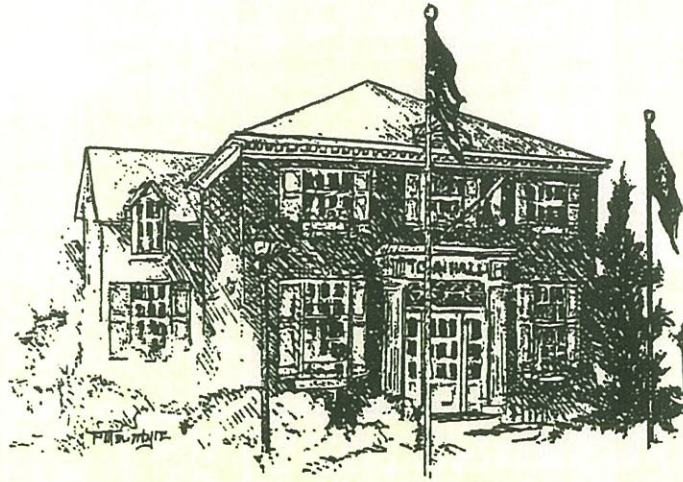

Signe Friedrichs, Councilmember


Cesar del Aguila, Councilmember


Bill McKenna, Councilmember


Lisa C. Merkel, Mayor





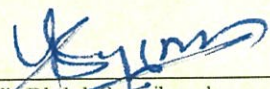
**TOWN OF HERNDON, VIRGINIA
PROCLAMATION
VIRGINIA BICYCLIST AND PEDESTRIAN
AWARENESS MONTH
SEPTEMBER 2019**

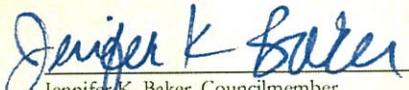
Every year, bicyclists and pedestrians are killed or injured in crashes with motor vehicles in Virginia. To combat these tragic events, hundreds of partners ~ including towns, cities, counties, businesses, organizations, schools, and sporting groups from across the state ~ are teaming up with DRIVE SMART Virginia, Bike Virginia, the Virginia Highway Safety Office at the Division of Motor Vehicles, and other like-minded organizations, to raise awareness about the importance of sharing the road to reduce the number of crashes and injuries. During the month of September, the public awareness campaign known as **Virginia Bicyclist and Pedestrian Awareness Month** encourages bicyclists, pedestrians, and motorists to work together with this year's theme ~ 'See and Be Seen' ~ to find solutions to reduce roadway injuries and fatalities, while promoting safety, respect, and cooperation.

Therefore, the Mayor and Town Council of the Town of Herndon, Virginia, hereby proclaim September 2019 as **Virginia Bicyclist and Pedestrian Awareness Month** in the Town of Herndon; recognize that bicyclists, motorists, and pedestrians all have mutual rights and responsibilities when traveling on the roadways of Virginia; emphasize the importance of safety for all individuals traveling on the roadways; and promote bicycling and walking as healthy, efficient and sustainable forms of transportation.

Further, the Mayor and Town Council of the Town of Herndon, Virginia, hereby express support for the Herndon Police Department, Herndon Police Citizens' Support Team, and the town's Pedestrian and Bicycle Advisory Committee, in their efforts to make our roads, trails, and paths safer; and remind pedestrians, bicyclists and motorists to be safe, aware and to 'share the road.'

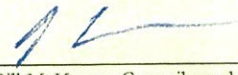

Sheila A. Olem, Vice Mayor


Pradip Dhakal, Councilmember


Jennifer K. Baker, Councilmember


Signe Friedrichs, Councilmember


Cesar del Aguila, Councilmember

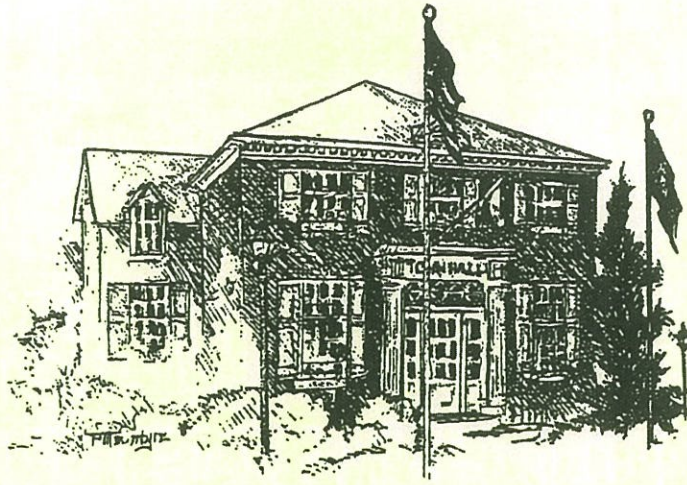

Bill McKenna, Councilmember


Lisa C. Merkel, Mayor



Proclaimed by the Herndon Town Council September 10, 2019.

For more information about motorist, bicyclist and pedestrian safety, visit www.drivesmartva.org, or visit the Herndon Police Department's webpage at: www.herndon-va.gov/public-safety.



TOWN OF HERNDON, VIRGINIA PROCLAMATION GREEN LIZARD CYCLING

Dave and Beth Meyer opened **Green Lizard Cycling** ~ a family-owned business that is now an integral part of the Herndon community ~ in downtown Herndon in March 2013. Throughout the past six years, the Meyers and **Green Lizard Cycling** have been actively involved in partnering with the town and local organizations toward the betterment of the community. Their advocacy for area cyclists has included working with groups such as Reston Bike Club, Washington Area Bicyclist Association, Fairfax Alliance for Better Biking, Mid-Atlantic Offroad Enthusiasts, and the Virginia Bicycling Federation. The Meyers have hosted events including the Crooked Lizard Bicycle Scramble benefitting Friends of Homeless Animals and Boulder Crest, the Annual Fun Ride Bike-a-Thon for the Herndon High School Band in conjunction with the Rotary Club of Herndon, and frequent community group rides and events for cyclists of all ages and levels.

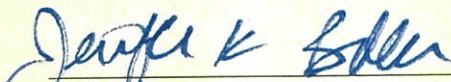
The Meyers have worked with the town to support and promote the annual Bike to Work Day, Coffee with a Cop, and other town events and ~ in collaboration with the Department of Parks and Recreation ~ donated bike helmets and provided technicians to repair bikes at the 2019 Play It Safe: Bike Rodeo and Safety Fair.

They also work to give back to the community through The Green Lizard Foundation, which was formed to bring the lifestyle of cycling to everyone regardless of economic status or activity level, and they provide training and sponsor and donate resources to initiatives that support the growth of safe cycling and healthy living.

Therefore, the Mayor and Town Council of the Town of Herndon, Virginia, hereby express its appreciation to Dave and Beth Meyer of **Green Lizard Cycling** for their valued presence in town and their many contributions to the community, and look forward to their continued growth and involvement.


Sheila A. Olem, Vice Mayor

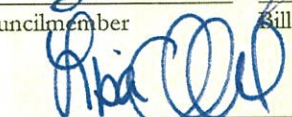

Pradip Dhakal, Councilmember


Jennifer K. Baker, Councilmember

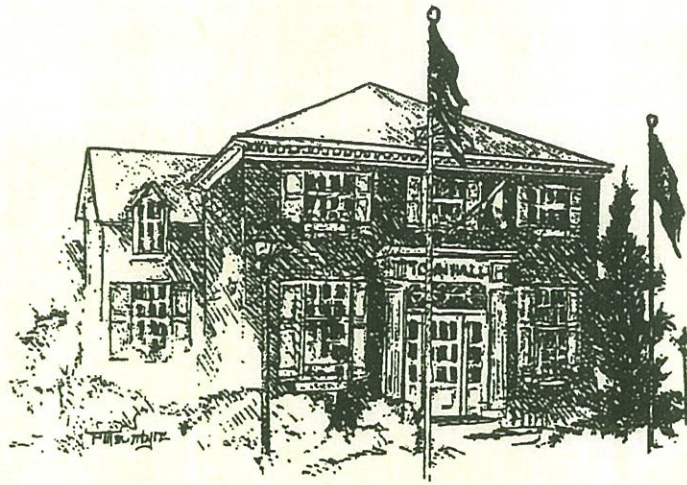

Signe Friedrichs, Councilmember


Cesar del Aguila, Councilmember


Bill McKenna, Councilmember


Lisa C. Merkel, Mayor





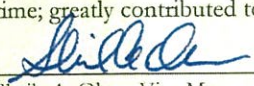
**TOWN OF HERNDON, VIRGINIA
PROCLAMATION
130TH ANNIVERSARY
HERNDON FORTNIGHTLY CLUB**

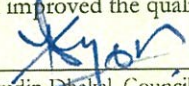
In 1889, a group of 11 women from Herndon formed a study club called the "*Fortnightly Club of Herndon*" ~ later named the **Herndon Fortnightly Club** ~ the oldest women's club in Virginia's General Federation of Women's Clubs. Its purpose was to enhance member's knowledge of literature, art, science and the issues of the day, and was so named because they met every two weeks. The club has participated in many philanthropic, patriotic and community events over the decades. They started a collection of 40 books that grew to over 1,000 books by 1900, at which point the club became the county's first lending library out of a rented room in Herndon's downtown. In 1927, Fortnightly Club volunteers opened a brick library at 660 Spring Street. By 1953, this library contained over 8,000 books and a few years later, it was designated as a Deposit Station of the Fairfax County system.

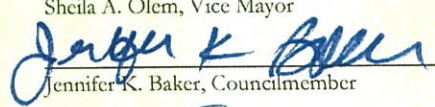
In 1972, the **Herndon Fortnightly Club** moved into a new building on Spring Street and operated the Herndon Fortnightly Library until the Fairfax County Public Library System assumed the management and funding responsibilities of the library. The club has maintained an active role with the library and the community, including their comprehensive scholarship program, which has provided over \$200,000 in scholarships to date for area students. A new "Herndon Fortnightly Library" was opened by the county in 1995 ~ so named to honor the significant and historic role the **Herndon Fortnightly Club** has played in supporting and protecting Herndon's heritage.

Therefore, in recognition of the 130th anniversary of the **Herndon Fortnightly Club**, the Mayor and Town Council of the Town of Herndon, Virginia, hereby congratulate and celebrate this important organization and encourage residents to learn more about the club, its history, and its work in the town.

Further, the Mayor and Town Council of the Town of Herndon, Virginia, hereby express sincere gratitude and appreciation to the many volunteers of the **Herndon Fortnightly Club**, who have dedicated countless hours of their time; greatly contributed to our community; and improved the quality of life in the Herndon area for the past 130 years.

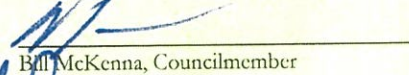

Sheila A. Olem, Vice Mayor


Pradip Dhakal, Councilmember


Jennifer K. Baker, Councilmember


Signe Friedrichs, Councilmember


Cesar del Aguila, Councilmember


Bill McKenna, Councilmember


Lisa C. Merkel, Mayor

Proclaimed by the Herndon Town Council September 10, 2019.





STAFF REPORT

Town Council
September 3, 2019

Title:

Ordinance – Authorizing the acquisition of fee simple, permanent and temporary easements on property owned by PSBP Monroe LLC, for public use by condemnation for the Herndon Metrorail Access Improvements project for the purpose of construction of public transportation facilities over real estate located at 560 Herndon Parkway, Herndon, Virginia.

Staff Contacts:

John Irish, Deputy Director, Public Works
(703)435-6853
john.irish@herndon-va.gov

Lesa J. Yeatts, Town Attorney
(703)787-7370
lesa.yeatts@herndon-va.gov

Summary:

The Herndon Metrorail Access Improvements at the Herndon Metro Station on Herndon Parkway is a long-standing CIP item. In order to construct the improvements, the acquisition of several interests in land were identified as necessary. The Town, through its consultant, made a bona fide but ineffectual effort to acquire a 43 square foot temporary easement from PSBP Monroe LLC for \$100.00. The landowner did not accept this offer. Therefore, the Town now seeks to file and prosecute to completion a condemnation action against PSBP Monroe LLC for the Town's condemnation of these necessary interests in land over the aforementioned real estate so that construction of this critical project can begin.

Background:

The Herndon Metrorail Access Improvements at the Herndon Metro Station on Herndon Parkway is a long-standing CIP item. The completed public use project will provide a drop-off lane for both directions to accommodate Fairfax Connector buses and for drivers to pull off of Herndon Parkway, stop and drop off Dulles Metrorail passengers safely.

The project provides for a signalized ped/ bike crosswalk connection between the bus bays on the north-side of Herndon Parkway and the bus bays on the south-side

of Herndon Parkway. The project includes ADA accessible wide streetscape, refuge median island and bus shelter/transit facilities.

Project plans show right-of-way acquisition for vehicle and bus pull-off bays along a section of Herndon Parkway (vicinity of the north-side pedestrian access facility associated with the future Herndon Dulles Metrorail Station).

Clark Nexsen, Inc. was awarded a Contract for the design of Herndon Metrorail Access Improvements, as the best qualified to provide civil engineering services for this project as the result of their proposal, interview and selection by an evaluation committee.

As part of their scope of work, Clark Nexsen was tasked with providing Right-of-Way acquisition services including but not limited to:

- Right of Way oversight and compliance management
- Prepare right of way cost estimate reports
- Complete QAIQC of right of way plans and plats (and revisions)
- Support good-will contacts with affected landowners and tenants
- Provide title research
- Provide property acquisition appraisals

Written “bona fide” offers were made to all property owners from whom interests in property are needed for construction of the project. The Virginia Code requires that a bona fide, but ineffectual offer be made to the property owner prior to initiating condemnation proceedings as well as an advertised public hearing. A check representing the fair market value of the land interests will be deposited in the Fairfax County Land Records along with the Certificate of Take. Negotiations are authorized to continue after the filing of the Certificate of Take and may continue, even if the Town is required to file a Petition in Condemnation—the next step after the filing of a Certificate of Take. The “quick take” process is authorized under the Virginia Code to allow condemners to enter property and obtain “defeasible title” to the property in order to start projects and compensate the property owner later. If acquisition of the land interests does not occur after the filing of a Certificate of Take, the Town will file a Petition in Condemnation in the Circuit Court to allow a judge or jury to determine just compensation for the land interests.

Despite many conversations with the property owner for 560 Herndon Parkway, they will not agree to the conveyance of the necessary interests in land listed below:

ROW Acquisition Type	Size of ROW Acquired (Sq. Ft.)	Unit Price For Real Estate		FAR	Adjusted	% of Value Applied	Appraisals
Fee Take	0						\$0
Perm. Utility Easement	0						\$0.00
Perm. Traffic Easement	0						\$0.00
Temporary Easement	43	\$28.00	1 year		\$35.00	7%	\$100.00

VDOT authorization of advertising for construction contract bidding is contingent on the ability of the Town to have property rights secured. Approval of this Ordinance will accomplish this end and secure the property rights. It is anticipated that this project will be advertised for bidding upon completion of utility relocation in early 2020 with construction completed within one year of award.

Fiscal Impact:

Anticipated land acquisition costs are included in the project budget but due to rapidly escalating costs we expect to exceed the current budget.

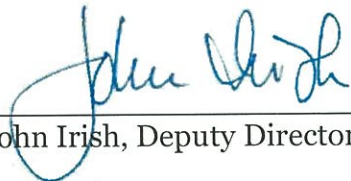
Recommendation:

Staff recommends that the Town Council approve the draft ordinance as proposed.

Attachments:

Draft Ordinance
Project Parcel Map

Prepared and Approved By:



John Irish, Deputy Director, Public Works

Lesa J. Yeatts, Town Attorney
Town Attorney

TOWN OF HERNDON, VIRGINIA

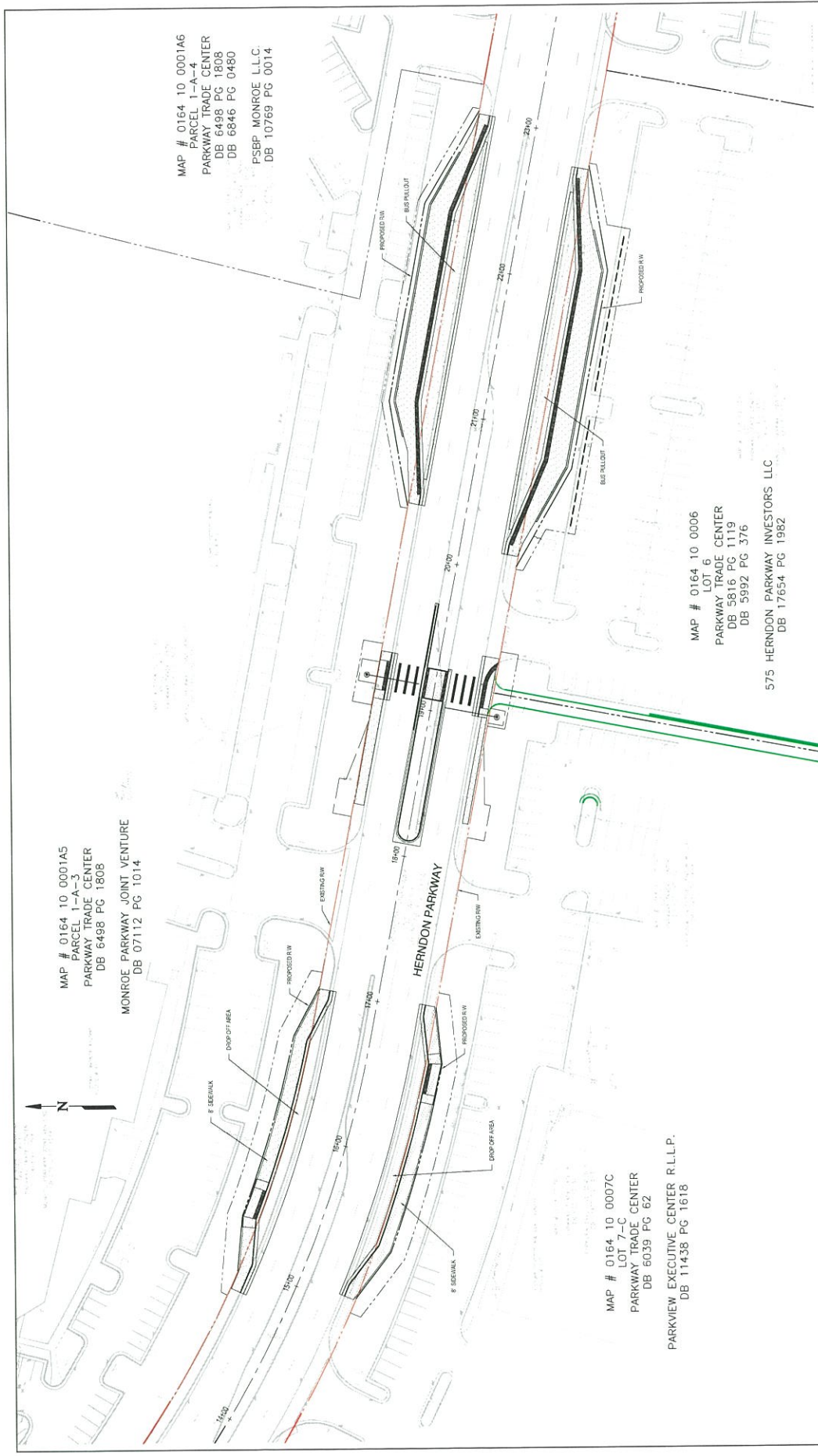
ORDINANCE

SEPTEMBER 10, 2019

Ordinance – Authorizing the acquisition of a temporary easement on property owned by PSBP Monroe LLC for public use by condemnation for the Herndon Metrorail Access Improvements project for the purpose of construction of public transportation facilities over real estate located at 560 Herndon Parkway, Herndon, Virginia.

BE IT ORDAINED by the Council for the Town of Herndon that:

1. The Town of Herndon made a bona fide but ineffectual effort to acquire a 43 square foot temporary easement from PSBP Monroe LLC for \$100 in connection with the Herndon Metrorail Access Improvements project. The landowner did not accept this offer. Therefore, the Town Attorney and outside counsel on behalf of the Town is authorized and directed to file and prosecute to completion a condemnation action against PSBP Monroe LLC for the Town's condemnation of this temporary easement over real estate located at 560 Herndon Parkway, Town of Herndon, Fairfax County, Virginia.
2. The Town Council approves the following proposed public use for this acquisition: the construction, maintenance, or improvement of the public transportation facilities, for the public safety and welfare of the Town.
3. The Town Council directs the Town Manager, Town Attorney, and their outside counsel to acquire the above described easement rights for public use by condemnation, purchase, or other means. The Town staff is hereby authorized to pay the compensation set forth in paragraph 1 above in the form of a Certificate of Take to be filed in the Fairfax County Circuit Court.
4. The easement rights shall be used for the Metrorail Access Improvements project. The easement rights are necessary for the construction, maintenance, or improvement of, and access to, the public transportation facilities.
5. This ordinance shall be effective on and after the date of its adoption.



MAP # 0164 10 0001A5
PARCEL 1-A-3
PARKWAY TRADE CENTER
DB 6498 PG 1808
MONROE PARKWAY JOINT VENTURE
DB 07112 PG 1014

MAP # 0164 10 0001A6
PARCEL 1-A-4
PARKWAY TRADE CENTER
DB 6498 PG 1808
DB 6846 PG 0480
PSBP MONROE LLC
DB 10769 PG 0014

MAP # 0164 10 0007C
LOT 7-C
PARKWAY TRADE CENTER
DB 6039 PG 62
PARKVIEW EXECUTIVE CENTER R.L.L.P.
DB 11438 PG 1618

MAP # 0164 10 0006
LOT 6
PARKWAY TRADE CENTER
DB 5816 PG 1119
DB 5992 PG 376
575 HERNDON PARKWAY INVESTORS LLC
DB 17654 PG 1982



HERNDON METRORAIL STATION ACCESS

OPTION D

AUGUST, 2016



CLARK NEXSEN





STAFF REPORT

Town Council
September 3, 2019

Title:

Ordinance – Authorizing the acquisition of fee simple, permanent and temporary easements on property owned by Parkview Executive Center, Joint Venture RLLP, for public use by condemnation for the Herndon Metrorail Access Improvements project for the purpose of construction of public transportation facilities over real estate located at 593 Herndon Parkway, Herndon, Virginia.

Staff Contacts:

John Irish, Deputy Director, Public Works
(703)435-6853
john.irish@herndon-va.gov

Lesa J. Yeatts, Town Attorney
(703)787-7370
lesa.yeatts@herndon-va.gov

Summary:

The Herndon Metrorail Access Improvements at the Herndon Metro Station on Herndon Parkway is a long-standing CIP item. In order to construct the improvements, the acquisition of several interests in land were identified as necessary. The Town, through its consultant, made a bona fide but ineffectual effort to acquire a 1,822 square foot fee simple interest, a 1,920 square foot permanent utility easement, a 71 square foot permanent traffic easement and a 2,334 square foot temporary easement from Parkview Executive Center, Joint Venture RLLP for \$493,300.00, including damages. The landowner did not accept this offer. Therefore, the Town now seeks to file and prosecute to completion a condemnation action against Parkview Executive Center, Joint Venture RLLP for the Town's condemnation of these necessary interests in land over the aforementioned real estate so that construction of this critical project can begin.

Background:

The Herndon Metrorail Access Improvements at the Herndon Metro Station on Herndon Parkway is a long-standing CIP item. The completed public use project will provide a drop-off lane for both directions to accommodate Fairfax Connector buses and for drivers to pull off of Herndon Parkway, stop and drop off Dulles Metrorail passengers safely.

The project provides for a signalized ped/ bike crosswalk connection between the bus bays on the north-side of Herndon Parkway and the bus bays on the south-side of Herndon Parkway. The project includes ADA accessible wide streetscape, refuge median island and bus shelter/transit facilities.

Project plans show right-of-way acquisition for vehicle and bus pull-off bays along a section of Herndon Parkway (vicinity of the north-side pedestrian access facility associated with the future Herndon Dulles Metrorail Station).

Clark Nexsen, Inc. was awarded a Contract for the design of Herndon Metrorail Access Improvements, as the best qualified to provide civil engineering services for this project as the result of their proposal, interview and selection by an evaluation committee.

As part of their scope of work, Clark Nexsen was tasked with providing Right-of-Way acquisition services including but not limited to:

- Right of Way oversight and compliance management
- Prepare right of way cost estimate reports
- Complete QAIQC of right of way plans and plats (and revisions)
- Support good-will contacts with affected landowners and tenants
- Provide title research
- Provide property acquisition appraisals

Written “bona fide” offers were made to all property owners from whom interests in property are needed for construction of the project. The Virginia Code requires that a bona fide, but ineffectual offer be made to the property owner prior to initiating condemnation proceedings as well as an advertised public hearing. A check representing the fair market value of the land interests will be deposited in the Fairfax County Land Records along with the Certificate of Take. Negotiations are authorized to continue after the filing of the Certificate of Take and may continue, even if the Town is required to file a Petition in Condemnation—the next step after the filing of a Certificate of Take. The “quick take” process is authorized under the Virginia Code to allow condemners to enter property and obtain “defeasible title” to the property in order to start projects and compensate the property owner later. If acquisition of the land interests does not occur after the filing of a Certificate of Take, the Town will file a Petition in Condemnation in the Circuit Court to allow a judge or jury to determine just compensation for the land interests.

Despite many conversations with the property owner for 593 Herndon Parkway, they will not agree to the conveyance of the necessary interests in land listed below:

ROW Acquisition Type	Size of ROW Acquired (Sq. Ft.)	Unit Price For Real Estate		FAR	Adjusted	% of Value Applied	Appraisals
Fee Take	1,822	\$36.00	per FAR	4.3	\$154.80	100%	\$282,000.0
Perm. Utility Easement	1,920	\$158.53	per SF			60%	\$182,600.00
Perm. Traffic Easement	71	\$158.53	per SF			25%	\$2,800.00
Temporary Easement	2,334	\$158.53	per SF			7%	\$25,900.00

VDOT authorization of advertising for construction contract bidding is contingent on the ability of the Town to have property rights secured. Approval of this Ordinance will accomplish this end and secure the property rights. It is anticipated that this project will be advertised for bidding upon completion of utility relocation in early 2020 with construction completed within one year of award.

Fiscal Impact:

Anticipated land acquisition costs are included in the project budget but due to rapidly escalating costs we expect to exceed the current budget.

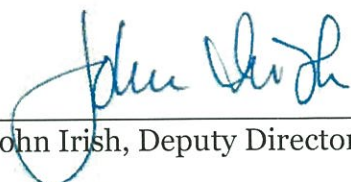
Recommendation:

Staff recommends that the Town Council approve the draft ordinance as proposed.

Attachments:

Draft Ordinance
Project Parcel Map

Prepared and Approved By:



John Irish, Deputy Director, Public Works



Lesa J. Yeatts, Town Attorney
Town Attorney

TOWN OF HERNDON, VIRGINIA

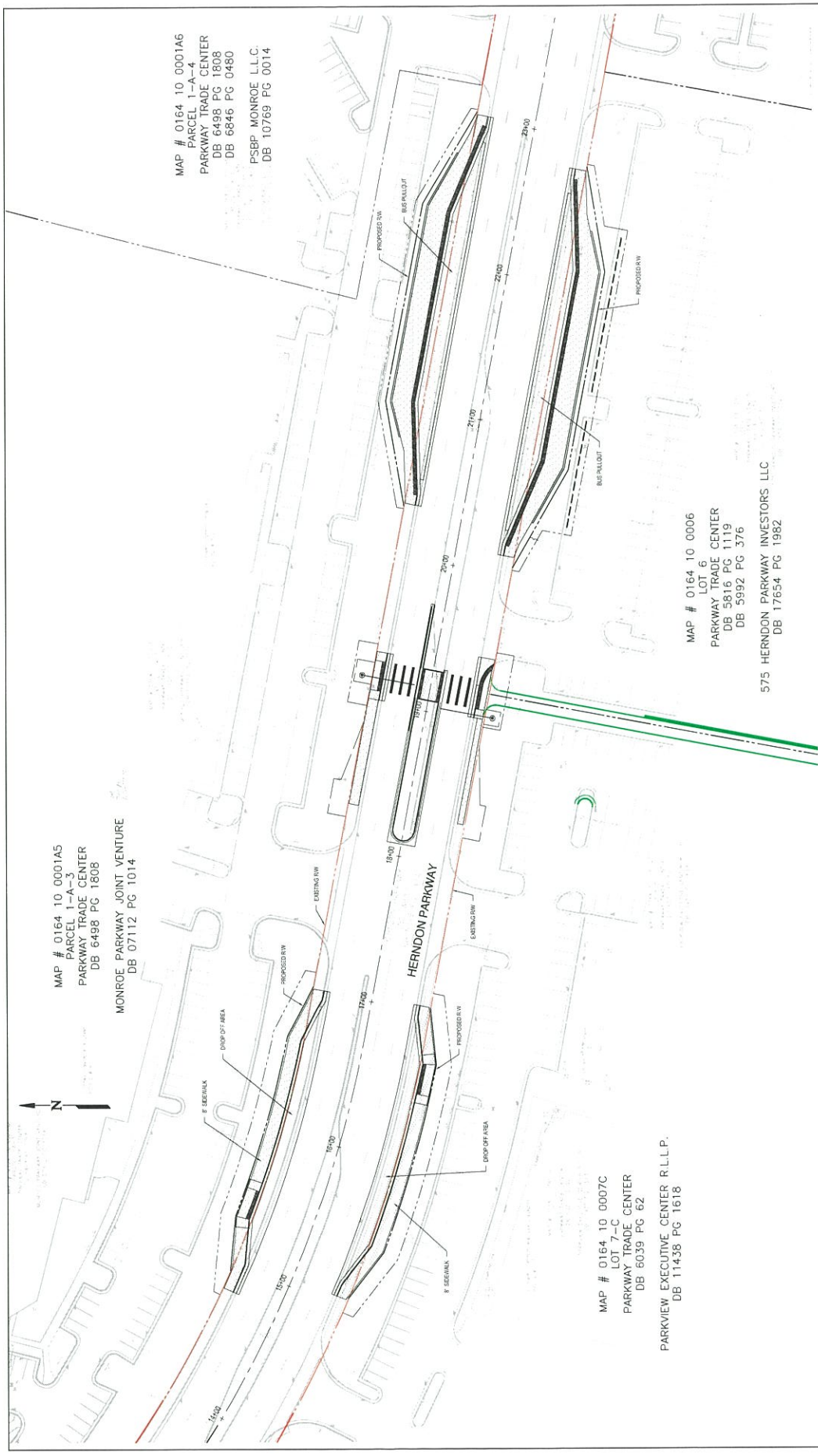
ORDINANCE

SEPTEMBER 10, 2019

Ordinance – Authorizing the acquisition of fee simple, permanent and temporary easements on property owned by Parkview Executive Center, Joint Venture RLLP for public use by condemnation for the Herndon Metrorail Access Improvements project for the purpose of construction of public transportation facilities over real estate located at 593 Herndon Parkway, Herndon, Virginia.

BE IT ORDAINED by the Council for the Town of Herndon that:

1. The Town of Herndon made a bona fide but ineffectual effort to acquire 1,822 square foot fee simple, 1,920 square foot permanent utility, 71 square foot permanent traffic and 2,334 square foot temporary easements from Parkview Executive Center, Joint Venture RLLP for \$493,300 in connection with the Herndon Metrorail Access Improvements project. The landowner did not accept this offer. Therefore, the Town Attorney and outside counsel on behalf of the Town is authorized and directed to file and prosecute to completion a condemnation action against Parkview Executive Center, Joint Venture RLLP for the Town's condemnation of these interests in property over real estate located at 593 Herndon Parkway, Town of Herndon, Fairfax County, Virginia.
2. The Town Council approves the following proposed public use for this acquisition: the construction, maintenance, or improvement of the public transportation facilities, for the public safety and welfare of the Town.
3. The Town Council directs the Town Manager, Town Attorney, and their outside counsel to acquire the above described interests in property for public use by condemnation, purchase, or other means. The Town staff is hereby authorized to pay the compensation set forth in paragraph 1 above in the form of a Certificate of Take to be filed in the Fairfax County Circuit Court.
4. The property interests shall be used for the Herndon Metrorail Access Improvements project. The property interests are necessary for the construction, maintenance, or improvement of, and access to, the public transportation facilities.
5. This ordinance shall be effective on and after the date of its adoption.



MAP # 0164 10 0001A5
PARCEL 1-A-3
PARKWAY TRADE CENTER
DB 6498 PG 1808
MONROE PARKWAY JOINT VENTURE
DB 07112 PG 1014

MAP # 0164 10 0001A6
PARCEL 1-A-4
PARKWAY TRADE CENTER
DB 6498 PG 1808
DB 6846 PG 0480
PSBP MONROE LLC
DB 10769 PG 0014

MAP # 0164 10 0007C
LOT 7-C
PARKWAY TRADE CENTER
DB 6039 PG 62
PARKVIEW EXECUTIVE CENTER R.L.L.P.
DB 11438 PG 1618

MAP # 0164 10 0006
LOT 6
PARKWAY TRADE CENTER
DB 5816 PG 1119
DB 5992 PG 376
575 HERNDON PARKWAY INVESTORS LLC
DB 17654 PG 1982



HERNDON METRORAIL STATION ACCESS OPTION D AUGUST, 2016



STAFF REPORT

**Town Council
September 3, 2019**

Title:

Ordinance – Authorizing the acquisition of fee simple, permanent and temporary easements on property owned by Monroe Parkway Joint Venture for public use by condemnation for the Herndon Metrorail Access Improvements project for the purpose of construction of public transportation facilities over real estate located at 570 Herndon Parkway, Herndon, Virginia.

Staff Contacts:

John Irish, Deputy Director, Public Works
(703)435-6853
john.irish@herndon-va.gov

Lesa J. Yeatts, Town Attorney
(703)787-7370
lesa.yeatts@herndon-va.gov

Summary:

The Herndon Metrorail Access Improvements at the Herndon Metro Station on Herndon Parkway is a long-standing CIP item. In order to construct the improvements, the acquisition of several interests in land were identified as necessary. The Town, through its consultant, made a bona fide but ineffectual effort to acquire the 5,283 square foot fee simple interest and 175 square foot permanent and 4,687 square foot temporary easements, including damages from Monroe Parkway Joint Venture for \$158,200. The landowner did not accept this offer. Therefore, the Town now seeks to file and prosecute to completion a condemnation action against Monroe Parkway Joint Venture for the Town's condemnation of these necessary interests in land over the aforementioned real estate so that construction of this critical project can begin.

Background:

The Herndon Metrorail Access Improvements at the Herndon Metro Station on Herndon Parkway is a long-standing CIP item. The completed public use project will provide a drop-off lane for both directions to accommodate Fairfax Connector buses and for drivers to pull off of Herndon Parkway, stop and drop off Dulles Metrorail passengers safely.

The project provides for a signalized ped / bike crosswalk connection between the bus bays on the north-side of Herndon Parkway and the bus bays on the south-side of Herndon Parkway. The project includes ADA accessible wide streetscape, refuge median island and bus shelter/transit facilities.

Project plans show right-of-way acquisition for vehicle and bus pull-off bays along a section of Herndon Parkway (vicinity of the north-side pedestrian access facility associated with the future Herndon Dulles Metrorail Station).

Clark Nexsen, Inc. was awarded a Contract for the design of Herndon Metrorail Access Improvements, as the best qualified to provide civil engineering services for this project as the result of their proposal, interview and selection by an evaluation committee.

As part of their scope of work, Clark Nexsen was tasked with providing Right-of-Way acquisition services including but not limited to:

- Right of Way oversight and compliance management
- Prepare right of way cost estimate reports
- Complete *QA/QC* of right of way plans and plats (and revisions)
- Support good-will contacts with affected landowners and tenants
- Provide title research
- Provide property acquisition appraisals

Written “bona fide” offers were made to all property owners from whom interests in property are needed for construction of the project. The Virginia Code requires that a bona fide, but ineffectual offer be made to the property owner prior to initiating condemnation proceedings as well as an advertised public hearing. A check representing the fair market value of the land interests will be deposited in the Fairfax County Land Records along with the Certificate of Take. Negotiations are authorized to continue after the filing of the Certificate of Take and may continue, even if the Town is required to file a Petition in Condemnation—the next step after the filing of a Certificate of Take. The “quick take” process is authorized under the Virginia Code to allow condemners to enter property and obtain “defeasible title” to the property in order to start projects and compensate the property owner later. If acquisition of the land interests does not occur after the filing of a Certificate of Take, the Town will file a Petition in Condemnation in the Circuit Court to allow a judge or jury to determine just compensation for the land interests.

Despite many conversations with the property owner for 570 Herndon Parkway, they will not agree to the conveyance of the necessary interests in land listed below:

ROW Acquisition Type	Size of ROW Acquired (Sq. Ft.)	Unit Price For Real Estate		FAR	Adjusted	% of Value Applied	Appraisals
Fee Take	5,283	\$25.90	per SF			100%	\$136,800.00
Permanent Easement	175	\$25.90	per SF			25%	\$1,100.00
Temporary Easement	4,687	\$25.90	per SF			7%	\$8,500.00

VDOT authorization of advertising for construction contract bidding is contingent on the ability of the Town to have property rights secured. Approval of this Ordinance will accomplish this end and secure the property rights. It is anticipated that this project will be advertised for bidding upon completion of utility relocation in early 2020 with construction completed within one year of award.

Fiscal Impact:

Anticipated land acquisition costs are included in the project budget but due to rapidly escalating costs we expect to exceed the current budget.

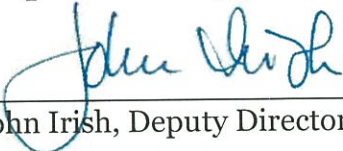
Recommendation:

Staff recommends that the Town Council approve the draft ordinance as proposed.

Attachments:

Draft Ordinance
Project Parcel Map

Prepared and Approved By:



John Irish, Deputy Director, Public Works



Lesa J. Yeatts, Town Attorney
Town Attorney

TOWN OF HERNDON, VIRGINIA

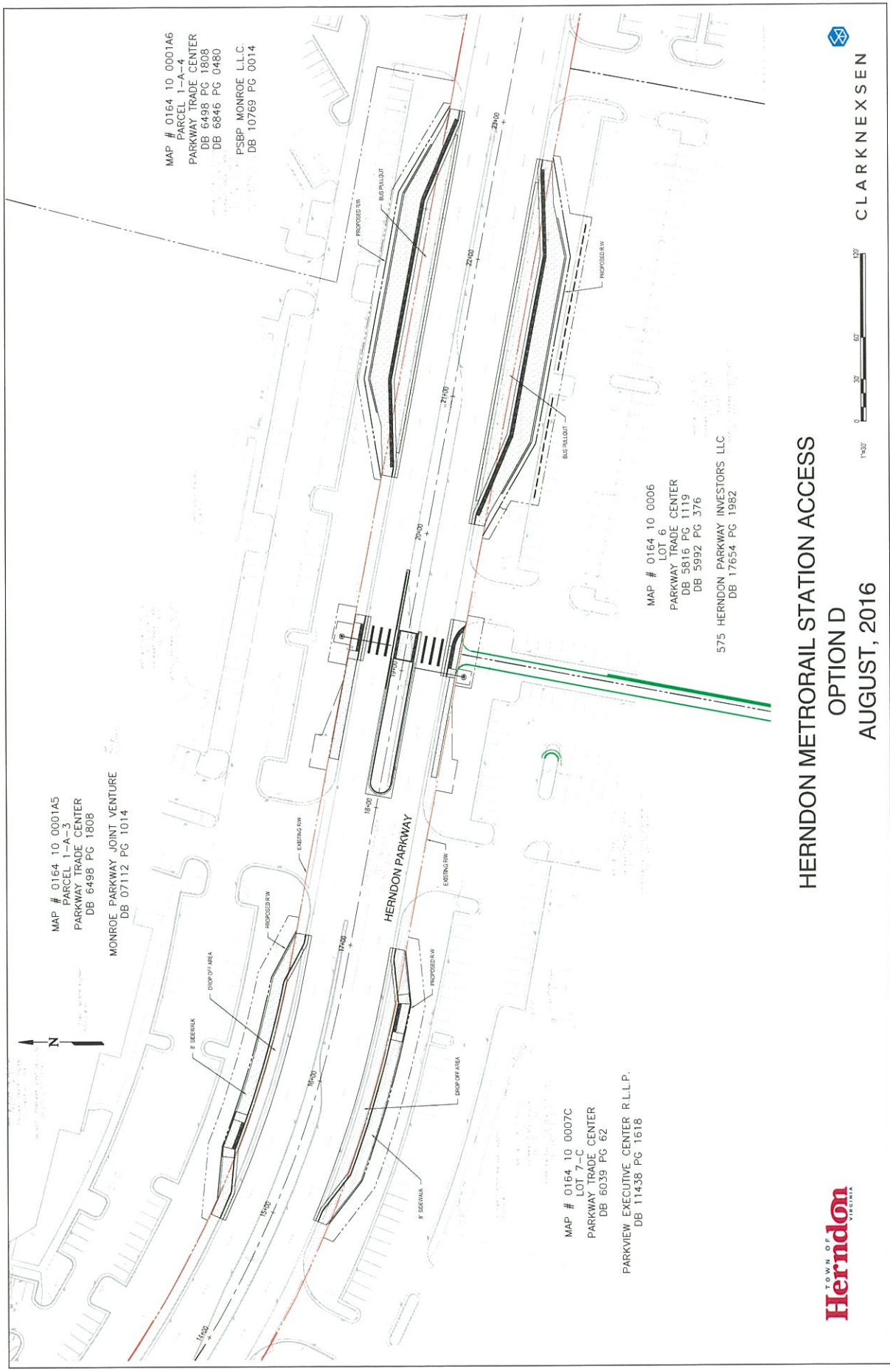
ORDINANCE

SEPTEMBER 10, 2019

Ordinance – Authorizing the acquisition of fee simple, permanent and temporary easements on property owned by Monroe Parkway Joint Venture for public use by condemnation for the Herndon Metrorail Access Improvements project for the purpose of construction of public transportation facilities over real estate located at 570 Herndon Parkway, Herndon, Virginia.

BE IT ORDAINED by the Council for the Town of Herndon that:

1. The Town of Herndon made a bona fide but ineffectual effort to acquire 5,283 square foot fee simple, 175 square foot permanent and 4,687 square foot temporary easements from Monroe Parkway Joint Venture for \$158,200 in connection with the Herndon Metrorail Access Improvements project. The landowner did not accept this offer. Therefore, the Town Attorney and outside counsel on behalf of the Town is authorized and directed to file and prosecute to completion a condemnation action against Monroe Parkway Joint Venture for the Town's condemnation of these interests in property over real estate located at 570 Herndon Parkway, Town of Herndon, Fairfax County, Virginia.
2. The Town Council approves the following proposed public use for this acquisition: the construction, maintenance, or improvement of the public transportation facilities, for the public safety and welfare of the Town.
3. The Town Council directs the Town Manager, Town Attorney, and their outside counsel to acquire the above described interests in property for public use by condemnation, purchase, or other means. The Town staff is hereby authorized to pay the compensation set forth in paragraph 1 above in the form of a Certificate of Take to be filed in the Fairfax County Circuit Court.
4. The property interests shall be used for the Herndon Metrorail Improvements project. The property interests are necessary for the construction, maintenance, or improvement of, and access to, the public transportation facilities.
5. This ordinance shall be effective on and after the date of its adoption.



MAP # 0164 10 0001A5
PARCEL 1-A-3
PARKWAY TRADE CENTER
DB 6498 PG 1808
MONROE PARKWAY JOINT VENTURE
DB 07112 PG 1014

MAP # 0164 10 0001A6
PARCEL 1-A-4
PARKWAY TRADE CENTER
DB 6498 PG 1808
DB 6846 PG 0480
PSBP MONROE L.L.C.
DB 10769 PG 0014

MAP # 0164 10 0007C
LOT 7-C
PARKWAY TRADE CENTER
DB 6039 PG 62
PARKVIEW EXECUTIVE CENTER R.L.L.P.
DB 11438 PG 1618

MAP # 0164 10 0006
LOT 6
PARKWAY TRADE CENTER
DB 5816 PG 1119
DB 5992 PG 376
575 HERNDON PARKWAY INVESTORS LLC
DB 17654 PG 1982

HERNDON METRORAIL STATION ACCESS OPTION D AUGUST, 2016





STAFF REPORT

Town Council
September 3, 2019

Title:

Ordinance – Authorizing the acquisition of fee simple, permanent and temporary easements on property owned by Kiddar Herndon Station LLC for public use by condemnation for the Herndon Metrorail Access Improvements project for the purpose of construction of public transportation facilities over real estate located at 575 Herndon Parkway, Herndon, Virginia.

Staff Contacts:

John Irish, Deputy Director, Public Works
(703)435-6853
john.irish@herndon-va.gov

Lesa J. Yeatts, Town Attorney
(703)787-7370
lesa.yeatts@herndon-va.gov

Summary:

The Herndon Metrorail Access Improvements at the Herndon Metro Station on Herndon Parkway is a long-standing CIP item. In order to construct the improvements, the acquisition of several interests in land were identified as necessary. The Town, through its consultant, made a bona fide but ineffectual effort to acquire a 5,706 square foot fee simple interest and 3,824 square foot permanent traffic and 2,488 square foot temporary easements from the land owner of 575 Herndon Parkway, Kiddar Herndon Station LLC for \$1,359,300.00, including damages. The landowner did not accept this offer. Therefore, the Town now seeks to file and prosecute to completion a condemnation action against PSBP Monroe LLC for the Town's condemnation of these necessary interests in land over the aforementioned real estate so that construction of this critical project can begin.

Background:

The Herndon Metrorail Access Improvements at the Herndon Metro Station on Herndon Parkway is a long-standing CIP item. The completed public use project will provide a drop-off lane for both directions to accommodate Fairfax Connector buses and for drivers to pull off of Herndon Parkway, stop and drop off Dulles Metrorail passengers safely.

The project provides for a signalized ped/ bike crosswalk connection between the bus bays on the north-side of Herndon Parkway and the bus bays on the south-side of Herndon Parkway. The project includes ADA accessible wide streetscape, refuge median island and bus shelter/transit facilities.

Project plans show right-of-way acquisition for vehicle and bus pull-off bays along a section of Herndon Parkway (vicinity of the north-side pedestrian access facility associated with the future Herndon Dulles Metrorail Station).

Clark Nexsen, Inc. was awarded a Contract for the design of Herndon Metrorail Access Improvements, as the best qualified to provide civil engineering services for this project as the result of their proposal, interview and selection by an evaluation committee.

As part of their scope of work, Clark Nexsen was tasked with providing Right-of-Way acquisition services including but not limited to:

- Right of Way oversight and compliance management
- Prepare right of way cost estimate reports
- Complete *QA/QC* of right of way plans and plats (and revisions)
- Support good-will contacts with affected landowners and tenants
- Provide title research
- Provide property acquisition appraisals

Written “bona fide” offers were made to all property owners from whom interests in property are needed for construction of the project. The Virginia Code requires that a bona fide, but ineffectual offer be made to the property owner prior to initiating condemnation proceedings as well as an advertised public hearing. A check representing the fair market value of the land interests will be deposited in the Fairfax County Land Records along with the Certificate of Take. Negotiations are authorized to continue after the filing of the Certificate of Take and may continue, even if the Town is required to file a Petition in Condemnation—the next step after the filing of a Certificate of Take. The “quick take” process is authorized under the Virginia Code to allow condemners to enter property and obtain “defeasible title” to the property in order to start projects and compensate the property owner later. If acquisition of the land interests does not occur after the filing of a Certificate of Take, the Town will file a Petition in Condemnation in the Circuit Court to allow a judge or jury to determine just compensation for the land interests.

Despite many conversations with the property owner for 575 Herndon Parkway, they will not agree to the conveyance of the necessary interests in land listed below:

ROW Acquisition Type	Size of ROW Acquired (Sq. Ft.)	Unit Price For Real Estate	FAR	Adjusted	% of Value Applied	Appraisals	
Fee Take	5,706	\$36.00	per FAR	4.3	\$154.80	100%	\$883,300.00
Perm. Traffic Easement	3,824	\$154.80		1.0	\$154.80	75%	\$444,000.00
Temporary Easement	2,488	\$154.80		1.0	\$154.80	7%	\$27,000.00

VDOT authorization of advertising for construction contract bidding is contingent on the ability of the Town to have property rights secured. Approval of this Ordinance will accomplish this end and secure the property rights. It is anticipated that this project will be advertised for bidding upon completion of utility relocation in early 2020 with construction completed within one year of award.

Fiscal Impact:

Anticipated land acquisition costs are included in the project budget but due to rapidly escalating costs we expect to exceed the current budget.

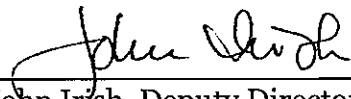
Recommendation:

Staff recommends that the Town Council approve the draft ordinance as proposed.

Attachments:

Draft Ordinance
Project Parcel Map

Prepared and Approved By:



John Irish, Deputy Director, Public Works



Lesa J. Yeatts, Town Attorney
Town Attorney

TOWN OF HERNDON, VIRGINIA

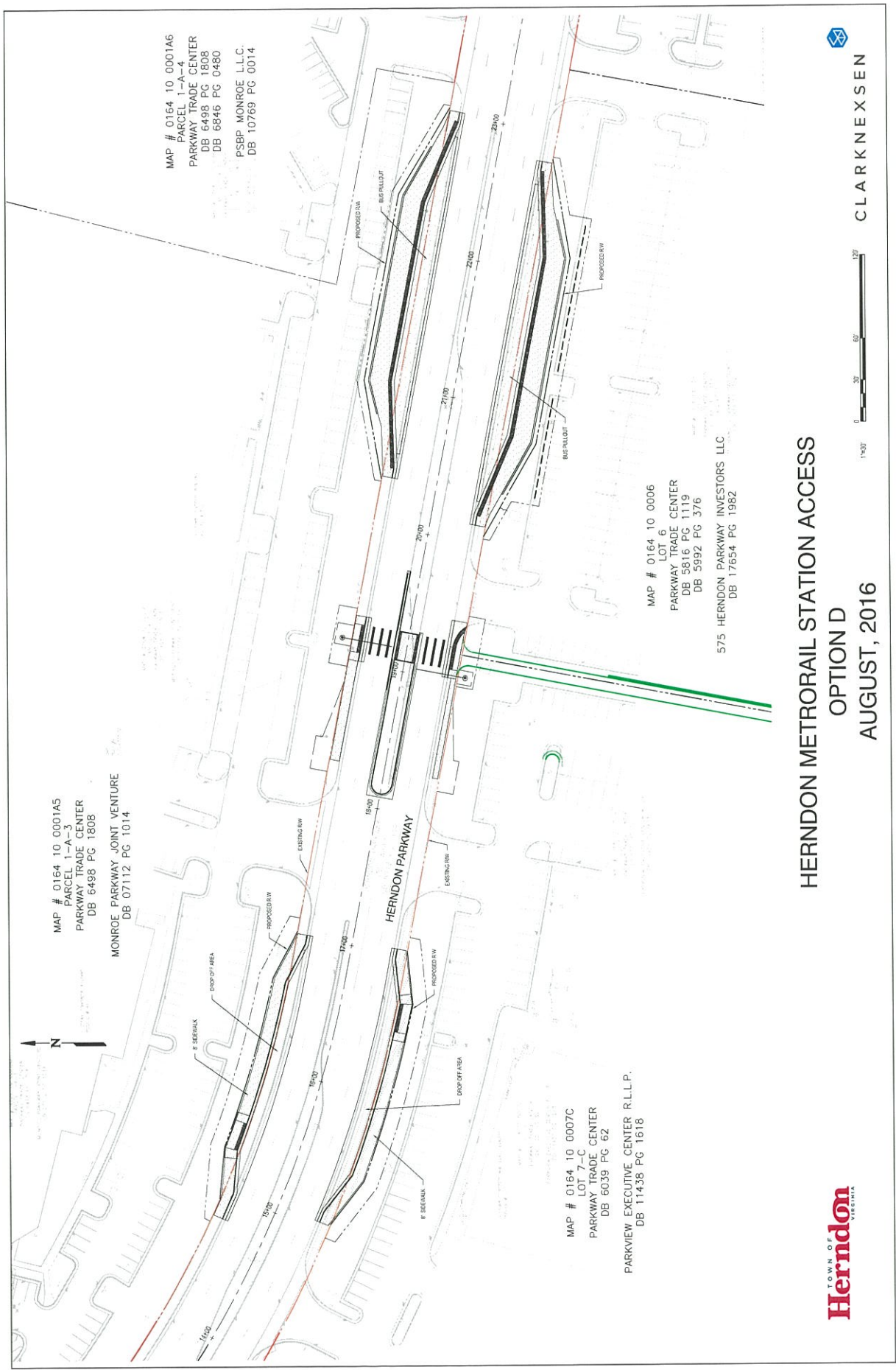
ORDINANCE

SEPTEMBER 10, 2019

Ordinance – Authorizing the acquisition of fee simple, permanent and temporary easements on property owned by Kiddar Herndon Station LLC for public use by condemnation for the Herndon Metrorail Access Improvements project for the purpose of construction of public transportation facilities over real estate located at 575 Herndon Parkway, Herndon, Virginia.

BE IT ORDAINED by the Council for the Town of Herndon that:

1. The Town of Herndon, made a bona fide but ineffectual effort to acquire 5,706 square foot fee simple, 3,824 square foot permanent traffic and 2,488 square foot temporary easements from Kiddar Herndon Station LLC for \$1,359,300 in connection with the Herndon Metrorail Access Improvements project. The landowner did not accept this offer. Therefore, the Town Attorney and outside counsel on behalf of the Town are authorized and directed to file and prosecute to completion a condemnation action against Kiddar Herndon Station LLC for the Town's condemnation of these interests in property over real estate located at 575 Herndon Parkway, Town of Herndon, Fairfax County, Virginia.
2. The Town Council approves the following proposed public use for this acquisition: the construction, maintenance, or improvement of the public transportation facilities, for the public safety and welfare of the Town.
3. The Town Council directs the Town Manager, Town Attorney, and their outside counsel to acquire the above described interests in property for public use by condemnation, purchase, or other means. The Town staff is hereby authorized to pay the compensation set forth in paragraph 1 above in the form of a Certificate of Take to be filed in the Fairfax County Circuit Court.
4. The property interests shall be used for the Herndon Metrorail Access Improvements project. The property interests are necessary for the construction, maintenance, or improvement of, and access to, the public transportation facilities.
5. This ordinance shall be effective on and after the date of its adoption.



MAP # 0164 10 0001A5
PARCEL 1-A-3
PARKWAY TRADE CENTER
DB 6498 PG 1808
MONROE PARKWAY JOINT VENTURE
DB 07112 PG 1014

MAP # 0164 10 0001A6
PARCEL 1-A-4
PARKWAY TRADE CENTER
DB 6498 PG 1808
DB 6845 PG 0480
PSBF MONROE L.L.C.
DB 10769 PG 0014

MAP # 0164 10 0007C
LOT 7-C
PARKWAY TRADE CENTER
DB 6039 PG 62
PARKVIEW EXECUTIVE CENTER R.L.L.P.
DB 11438 PG 1618

MAP # 0164 10 0006
LOT 6
PARKWAY TRADE CENTER
DB 5816 PG 1119
DB 5992 PG 376
575 HERNDON PARKWAY INVESTORS LLC
DB 17654 PG 1982

HERNDON METRORAIL STATION ACCESS OPTION D AUGUST, 2016





STAFF REPORT

**Town Council
September 3, 2019**

Title:

Resolution, to establish the Town Council meeting schedule for January 1, 2020 to December 31, 2020.

Staff Contact:

Viki Wellershaus, Town Clerk
(phone) 703.435.6804
(e-mail) viki.wellershaus@herndon-va.gov

Background:

Chapter 2 (Administration), Section 2.1 (Meeting Schedule), of the Herndon Town Code, authorizes the town council to modify the meeting schedule by resolution.

With the development of the 2020 annual town calendar underway, there is an opportunity for the council to consider modifications to the meeting schedule in time to reflect the meeting dates in the 2020 town calendar.

Discussion:

The meeting schedule is modified to accommodate holidays, participation in National Night Out, the annual Virginia Municipal League Conference, state and county elections and Thanksgiving holiday travel.

Fiscal Impact

None

Staff Report
Town Council Meeting Schedule
Page Two

Staff Recommendation:

Staff recommends that the council consider the 2020 meeting schedule as outlined in the proposed resolution.

Attachments:

Draft resolution
Proposed 2020 meeting schedule

Prepared and Approved by:

Viki Wellershaus, Town Clerk

TOWN OF HERNDON, VIRGINIA

RESOLUTION

SEPTEMBER 10, 2019

Resolution- to establish the Town Council meeting schedule for January 1, 2020 to December 31, 2020.

BE IT RESOLVED that the town council of the Town of Herndon, Virginia, hereby:

1. Incorporates the meeting schedule set out in Section 2-1 of the Herndon Town Code (2000), as amended, and establishes the meeting schedule for January 1, 2020 to December 20, 2020, modified as follows:
 - Reschedule the town council work session on Tuesday, August 4 **TO** Wednesday, August 5, to allow council participation in National Night Out activities;
 - Reschedule the town council public hearing on Tuesday, October 13 **TO** Wednesday, October 14, to allow council participation in the annual VML conference;
 - Reschedule the town council work session on Tuesday, November 3 **TO** Wednesday, November 4, to recognize the 2020 state and Fairfax County elections; and
 - Forgo the town council's work session on Tuesday, November 17 and the public hearing on Tuesday, November 24, to accommodate Thanksgiving holiday travel.
2. Directs staff to reflect the modified meeting schedule in the 2020 annual town calendar.

JANUARY 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30	31	1 New Year's Day Town Closed	2	3	4
5	6	7 TCWS	8	9	10	11
12	13	14 TCPH	15	16	17	18
19	20 M.L. King, Jr. Day Town Closed	21 TCWS	22	23	24	25
26	27	28 TCPH	29	30	31	1

FEBRUARY 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
26	27	28	29	30	31	1
2	3	4 TCWS	5	6	7	8
9	10	11 TCPH	12	13	14 Valentine's Day	15
16	17 Presidents' Day Town Closed	18 TCWS	19	20	21	22
23	24	25 TCPH	26	27	28	29

MARCH 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3 TCWS	4	5	6	7
8	9	10 TCPH	11	12	13	14
15	16	17 St. Patrick's Day TCWS	18	19	20	21
22	23	24 TCPH	25	26	27	28
29	30	31	1	2	3	4

APRIL 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30	31	1	2	3	4
5	6 FCPS Spring Break	7 TCWS FCPS Spring Break	8 FCPS Spring Break	9 FCPS Spring Break	10 FCPS Spring Break	11
12 Easter Sunday	13	14 TCPH	15	16	17	18
19	20	21 TCWS	22	23	24	25
26	27	28 TCPH	29	30	1	2

MAY 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
26	27	28	29	30	1	2
3	4	5 TCWS	6	7	8	9
10 Mother's Day	11	12 TCPH	13	14	15	16
17	18	19 TCWS	20	21	22	23
24	25 Memorial Day Town Closed	26 TCPH	27	28	29	30
31	1	2	3	4	5	6

JUNE 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
31	1	2 TCWS	3	4	5	6
7	8	9 TCPH	10	11	12	13
14	15	16	17	18	19	20
21 Father's Day	22	23	24	25	26	27
28	29	30	1	2	3	4

JULY 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
28	29	30	1	2	3 Town Closed	4 Independence Day
5	6	7 TCWS	8	9	10	11
12	13	14 TCPH	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	1

AUGUST 2020						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
26	27	28	29	30	31	1
2	3	4 National Night Out	5 TCWS	6	7	8
9	10	11 TCPH	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	1	2	3	4	5

Reschedule the town council work session on Tuesday, August 4 TO Wednesday, August 5, to allow council participation in National Night Out activities.

SEPTEMBER 2020						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
30	31	1 TCWS	2	3	4	5
6	7 Labor Day Holiday/CLOSED	8 TCPH	9	10	11	12
13	14	15 TCWS	16	17	18	19
20	21	22 TCPH	23	24	25	26
27	28	29	30	1	2	3

OCTOBER 2020						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
27	28	29	30	1	2	3
4	5	6 TCWS	7	8	9 VML Conference	10 VML Conference
11 VML Conference	12 Indigenous Peoples' & Columbus Day Holiday/CLOSED VML Conference	13 VML Conference	14 TCPH	15	16	17
18	19	20 TCWS	21	22	23	24
25	26 TCPH	27	28	29	30	31 Halloween

Reschedule the town council public hearing on Tuesday, October 13 TO Wednesday, October 14, to accommodate council participation in the annual VML conference.

NOVEMBER 2020						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3 Election Day	4 TCWS	5	6	7
8	9	10 TCPH	11 Veterans Day Town Closed	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26 Thanksgiving Day Town Closed	27 Town Closed	28
29	30	1	2	3	4	5

Reschedule the town council work session on Tuesday, November 3 TO Wednesday, November 4, to recognize the 2020 state & county elections.

Forgo the town council's work session on Tuesday, November 17 and public hearing on Tuesday, November 24, to accommodate Thanksgiving holiday travel.

DECEMBER 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30	1 TCWS	2	3	4	5
6	7	8 TCPH	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24 Christmas Eve Town Closed 1/2 DAY	25 Christmas Town Closed	26
27	28	29	30	31	1 Town Closed	2



STAFF REPORT

Town Council
September 3, 2019

Title:

Resolution - To endorse and authorize a funding application to the Virginia Department of Transportation (VDOT) for the allocation of FY21 and FY22 Revenue Sharing funds to be directed towards the VDOT administered *East Elden Street Widening and Improvements* project (VDOT-UPC 50100).

Staff Contact:

Mark Duceman, AICP - Transportation Program Manager/Senior Planner
(phone) 703-787-7380
(e-mail) mark.duceman@herndon-va.gov

Summary:

The Revenue Sharing Program for fiscal years 2021 and 2022 is administered by the Virginia Department of Transportation to provide additional funding to construct, improve or maintain the roadway systems. On July 1, 2019, town staff submitted to VDOT a Revenue Sharing pre-application to determine project eligibility for the *East Elden Street Widening and Improvements* project (VDOT-UPC 50100) in an effort to address a recent and significant funding gap. Town staff desires to continue processing this year's Revenue Sharing application of up to \$4,405,000 divided across FY2021 and FY2022 (ie. \$2,202,500 per fiscal year funding request) to be directed to the town's East Elden Street project. A 50% Local Match is required under VDOT's Revenue Sharing program.

The *East Elden Street Improvements and Widening* Project is 1.0 mile in length and is located between Monroe Street and Fairfax County Parkway. The scope of this project is to widen and reconstruct East Elden Street from 4 to 6 lanes with a raised landscaped median between Fairfax County Parkway and Herndon Parkway, continuing as a 4-lane section with a raised landscaped median and dedicated turning lanes between Herndon Parkway and Van Buren Street, and then transitioning to a 2-lane section with left-turn lanes between Van Buren and Monroe Street. The project approach is comprehensive to include the undergrounding of utilities and other pedestrian and cyclist enhancements along the street. The project will be ADA accessible to include pedestrian/audio signalization, crosswalk enhancements and bus stop improvements at select major intersections, as well as bicycle lanes in each direction along the street. The project is to improve safety, reduce congestion and facilitate circulation for the travelling public, transit users, pedestrians and cyclists to adjoining and nearby commercial, hotel and office land uses as well as to/from Fairfax County Parkway, Herndon Parkway, downtown Herndon and future Herndon Metrorail Station.

Significant funding totaling \$46,339,000 million in previous allocations of Northern Virginia Transportation Authority (NVTA) funding, VDOT Smart-Scale funding and federal Regional Surface Transportation Program (RSTP) funding have been directed towards the East Elden Street project. However, as of April 2019, the total estimated cost of the project has increased to \$50,744,000. Remaining funds of \$4,405,000 million are needed to fully fund the project and to be directed towards the construction phase.

The purpose of VDOT's Revenue Sharing Program is to provide additional funding for use by localities to construct, reconstruct, improve or maintain their roadway systems. The Revenue Sharing Program also provides funding for immediately needed improvements or to supplement funds for existing projects. Revenue Sharing Program funds are generally expected to be in active development that is leading to their completion within the near term. Projects receiving funds from the program should have construction initiated within two fiscal years subsequent to allocation, or the funds may be at jeopardy for reallocation to other projects. A successful application of Revenue Sharing funding to the *East Elden Street Widening and Improvements* project will enable this capital improvement project to move forward to construction in year 2023.

Fiscal Impact:

Jurisdictions must commit a minimum of 50% in local matching funds within the two fiscal years subsequent to the Revenue Sharing allocation. The town's 50% Local Match could be comprised of town general funds, town bond funds and/or NVTA HB-2313 Local funds of up to \$2,202,500 (ie. \$1,101,250 for FY2021 and \$1,101,250 for FY2022). If awarded, the town's application would be for 2 fiscal years (FY21 and FY22) with funding available 7/1/2020 and 7/1/2021 respectively.

Recommendation:

Staff recommends approval of the resolution in an effort to obtain the remaining funds needed for constructing the town's East Elden Street project. VDOT will accept resolutions from localities in support of the locality's Revenue Sharing applications prior to close of business on October 1, 2019.

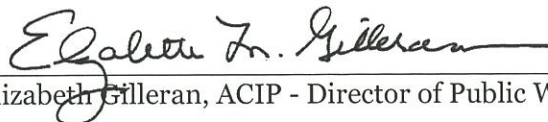
Attachments:

1. Draft Resolution, dated September 10, 2019

Staff



Mark Duceman, AICP - Transportation Program Manager/Senior Planner



Elizabeth M. Gilleran, ACIP - Director of Public Works

TOWN OF HERNDON, VIRGINIA

DRAFT RESOLUTION

September 10, 2019

Resolution - To endorse and authorize an application to the Virginia Department of Transportation (VDOT) for the Allocation of FY2021 and FY2022 Revenue Sharing Funds for the *East Elden Street Widening and Improvements* project

WHEREAS, the Revenue Sharing Program provides additional funding to construct, improve or maintain the highway system; and

WHEREAS, the program is administered by the Virginia Department of Transportation in cooperation with the participating locality, under the authority of Section 33.1-23.05 of the Code of Virginia; and

WHEREAS, the Town of Herndon may directly apply for this program since it maintains its own streets; and

WHEREAS, the Town of Herndon must provide VDOT with a Revenue Sharing application and resolution, outlining its request to participate and support of the potential projects identified for possible funding by October 1, 2019; and

WHEREAS, the Town of Herndon desires to submit an application for an allocation of funds of up to \$4,405,000 through the Virginia Department of Transportation Fiscal Year 2021 and Fiscal Year 2022 Revenue Sharing Program; and

WHEREAS, the Town of Herndon must commit a minimum of fifty percent in matching funds, comprised of town general funds, town bond funds and/or NVTB HB-2313 Local revenue, of up to \$2,202,500 (\$1,101,250 for FY21 and \$1,101,250 for FY22), within the two fiscal years subsequent to allocation along with a Town/VDOT agreement prior to beginning a VDOT administered project; and

WHEREAS, these funds in the amount up to \$2,202,500 are requested to be directed towards funding the *East Elden Street Widening and Improvements* (UPC 50100) project in the Town of Herndon.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia hereby supports and authorizes this application be submitted for the allocation of up to \$4,405,000 through the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED THAT the Town of Herndon hereby grants authority for the Town Manager to execute project administration agreements for any approved VDOT Revenue Sharing projects.



STAFF REPORT

Town Council
September 3, 2019

Title:

Resolution - To endorse and authorize a funding application to the Virginia Department of Transportation (VDOT) for the allocation of FY21 and FY22 Revenue Sharing funds to be directed towards the VDOT administered *East Spring Street Widening* project (VDOT-UPC 105521).

Staff Contact:

Mark Duceman, AICP - Transportation Program Manager/Senior Planner
(phone) 703-787-7380
(e-mail) mark.duceman@herndon-va.gov

Summary:

The Revenue Sharing Program for fiscal years 2021 and 2022 is administered by the Virginia Department of Transportation to provide additional funding to construct, improve or maintain the roadway systems. On July 1, 2019, town staff submitted to VDOT a Revenue Sharing pre-application to determine project eligibility for the *East Spring Street Widening* project (VDOT-UPC 105521) in an effort to address a recent funding gap. Town staff desires to continue processing this year's Revenue Sharing application of up to \$4,608,000 divided across FY2021 and FY2022 (ie. \$2,304,000 per fiscal year funding request) to be directed to the town's East Spring Street project. A 50% Local Match is required under VDOT's Revenue Sharing program.

The overall purpose of the town's *East Spring Street Widening* project is to provide for access management controls and to reduce congestion through roadway widening (from 4-lane divided roadway to 6-lane divided roadway from Herndon Parkway to town limits). The project is designed to incorporate cycle track along east side Herndon Parkway as well as ADA accessible sidewalks/streetscape with pedestrian scale street-lighting, transit stops and landscaping to include trees and applicable landscape or other treatment for raised medians. The project is to improve safety and facilitate circulation for the travelling public, transit users, pedestrians and cyclists to adjoining and nearby commercial, hotel and office land uses as well as to/from Fairfax County Parkway, downtown Herndon and future Herndon Metrorail Station.

Significant funding totaling \$10,376,000 million in previous allocations of VDOT Smart-Scale funding, federal Regional Surface Transportation Program (RSTP) funding as well as previous Revenue Sharing funding have been directed towards the East Spring Street project. However, as of April 2019, the total estimated cost of the

project has increased to \$14,422,484 million. Remaining funds of \$4,608,000 million are needed to fully fund the project and to be directed towards the construction phase.

The purpose of VDOT's Revenue Sharing Program is to provide additional funding for use by localities to construct, reconstruct, improve or maintain their roadway systems. The Revenue Sharing Program also provides funding for immediately needed improvements or to supplement funds for existing projects. Revenue Sharing Program funds are generally expected to be in active development that is leading to their completion within the near term. Projects receiving funds from the program should have construction initiated within two fiscal years subsequent to allocation, or the funds may be at jeopardy for reallocation to other projects. A successful application of Revenue Sharing funding to the *East Spring Street Widening* project will enable this capital improvement project to move forward to construction in year 2021.

Fiscal Impact:

Jurisdictions must commit a minimum of 50% in local matching funds within the two fiscal years subsequent to the Revenue Sharing allocation. The town's 50% Local Match would be comprised, of the town general funds, town bond funds and/or NVTA HB-2313 Local funds, of up to \$2,304,000 (ie. \$1,152,000 for FY2021 and \$1,152,000 for FY2022). If awarded, the town's application would be for 2 fiscal years (FY21 and FY22) with funding available 7/1/2021 and 7/1/2022 respectively.

Recommendation:

Staff recommends approval of the resolution in an effort to obtain remaining funding needed for constructing the town's *East Spring Street Widening* project. VDOT will accept resolutions from localities in support of the locality's Revenue Sharing applications prior to close of business October 1, 2019.

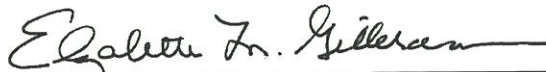
Attachments:

1. Draft Resolution, dated September 10, 2019

Staff



Mark Duceman, AICP - Transportation Program Manager/Senior Planner



Elizabeth Gilleran, ACIP - Director of Public Works

TOWN OF HERNDON, VIRGINIA

DRAFT RESOLUTION

September 10, 2019

Resolution - To endorse and authorize an application to the Virginia Department of Transportation (VDOT) for the Allocation of FY2019 and FY2020 Revenue Sharing Funds for the *East Spring Street Widening* project

WHEREAS, the Revenue Sharing Program provides additional funding to construct, improve or maintain the highway system; and

WHEREAS, the program is administered by the Virginia Department of Transportation in cooperation with the participating locality, under the authority of Section 33.1-23.05 of the Code of Virginia; and

WHEREAS, the Town of Herndon may directly apply for this program since it maintains its own streets; and

WHEREAS, the Town of Herndon must provide VDOT with a Revenue Sharing application and resolution, outlining its request to participate and support of the potential projects identified for possible funding by December 1, 2017; and

WHEREAS, the Town of Herndon desires to submit an application for an allocation of funds of up to \$4,608,000 through the Virginia Department of Transportation Fiscal Year 2021 and Fiscal Year 2022 Revenue Sharing Program; and

WHEREAS, the Town of Herndon must commit a minimum of fifty percent in matching funds, comprised of town general funds, town bond funds and/or NVTB HB-2313 Local funds, of up to \$2,304,000 (\$1,152,000 for FY2021 and \$1,152,000 for FY2022), within the two fiscal years subsequent to allocation along with a Town/VDOT agreement prior to beginning a locally administered project; and

WHEREAS, these funds in the amount up to \$4,608,000 are requested to be directed towards funding the *East Spring Street Widening* (UPC 105521) project in the Town of Herndon.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia hereby supports and authorizes this application be submitted for the allocation of up to \$4,608,000 through the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED THAT the Town of Herndon hereby grants authority for the Town Manager to execute project administration agreements for any approved VDOT Revenue Sharing projects.



DEPARTMENT OF PUBLIC WORKS

STAFF REPORT

Town Council
September 3, 2019

Title:

Resolution - Award Contract #19-14, Bulk Curbside Trash Collection Service

Staff Contact:

Gerald W. Amacker (Jerry), CPPB, VCO, VCA Purchasing Agent
(phone) 703-435-6800 ext. 2048
(e-mail) gerald.amacker@herndon-va.gov

Tammy Chastain, Deputy Director of Public Works
(phone) 703-435-6860
(e-mail) tammy.chastain@herndon-va.gov

Background:

This purpose of this contract is to attain the services of a qualified contractor to provide collection and disposal service of bulk trash during the Town's annual Spring and Fall clean up events.

On June 17, 2019, contract #19-14, Bulk Curbside Trash Collection Service, was advertised. A pre-bid conference was held on July 1, 2019 and was attended by two firms. On July 17, 2019, the following bids were received:

<u>Contractor</u>	<u>Bid</u>
Samourai Loafers	\$ 52,304
Junk King	\$ 68,190

The apparent lowest bidder, Samourai Loafers, was determined to be not responsive and responsible after reaching out to references listed. Based on information received from the references it was determined that the lowest bidder could not satisfy the terms of the contract. The second lowest bidder, Junk King, was determined to be responsive and responsible.

September 3, 2019

Staff Report: Resolution- Award of Contract #19-14, Bulk Curbside Trash Collection Service

Page 2 of 2

Fiscal Impact:

Funds to support this contract are available in the Refuse account (Landfill Charges) number 0010889-420380 and the Refuse (Contract Services) account number 0010889-420610.

Staff Recommendation:

Staff recommends Town Council Award Contract #19-14, Bulk Curbside Trash Collection Service, to Junk King for \$68,190.

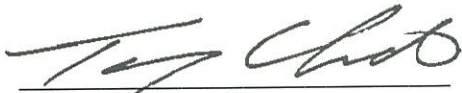
Attachments:

Draft Resolution.

Staff:



Gerald W. Amacker
Purchasing Agent



Tammy Chastain
Deputy Director

TOWN OF HERNDON, VIRGINIA

RESOLUTION

SEPTEMBER 10, 2019

Resolution- Award Contract #19-14, Bulk Curbside Trash Collection Service.

WHEREAS, Bulk Curbside Trash Collection Service was budgeted in the General Fund for FY20; and

WHEREAS, IFB #19-14, Bulk Curbside Trash Collection Service, was advertised on June 17, 2019; and

WHEREAS, the following bids were received and opened on July 17, 2019 at a public bid opening:

<u>Contractor</u>	<u>Bid</u>
Samourai Loafers	\$ 52,304
Junk King	\$ 68,190; and

WHEREAS, Samourai Loafers submitted the lowest bid, which was determined to not be responsive and responsible after reaching out to references listed. Based on information received from the references it was determined that the lowest bidder could not satisfy the terms of the contract. The second lowest bidder, Junk King, was determined to be responsive and responsible; and

WHEREAS, funds to support this contract are available in the Refuse account (Landfill Charges) number 0010889-420380 and the Refuse account (Contract Services) number 0010889-420610

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby awards Contract #19-14, Bulk Curbside Trash Collection Service, to Junk King in the amount of \$68,190.

BE IT FURTHER RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby authorizes the Director of Public Works designee to approve contract modifications (change orders) that increase service scope and costs, utilizing the service contingency.

STAFF REPORT

Town Council
September 3, 2019

Title:

Resolution – Award of Contract #B-20-01, Chandon Park Trail Improvements

Staff Contact:

John Irish, Deputy Director of Public Works
(phone) 703-435-6853
(e-mail) john.irish@herndon-va.gov

Background:

Chandon Park Trail Improvements is a project in the Capital Improvement Program. The project consists of construction of an eight foot wide asphalt multimodal trail connecting the Dulles Glen Apartments to Worldgate through Chandon Park to facilitate access to the Herndon Metrorail Station. This project was developed under the Herndon Metrorail Station Access Management Study (HMSAMS) program administered through Fairfax County.

On July 16, 2019 contract #B-20-01, Chandon Park Trail Improvements was advertised. A pre-bid conference was held on July 31, 2019 and was attended by four firms.

On August 13, 2019 the following six bids were received:

<u>Contractor</u>	<u>Bid</u>
The Kauffman Group, Inc.	\$342,000
McGee Civil Construction, LLC	\$375,000
Finley Asphalt & Concrete	\$404,225
Arthur Construction Co., Inc.	\$538,965
Accubid Construction Services, Inc.	\$560,000
Sagres Construction Corp.	\$647,500

The apparent lowest bidder, The Kauffman Group, Inc. has been found to be responsive and responsible.

Fiscal Impact:

Funds to support this contract are available in the Capital Projects Account #0150886-491780. Reimbursement of funds up to \$500,000 are available through a Herndon Metrorail Station Access Management Study (HMSAMS) grant from Fairfax County.

Staff recommends Contract #B-20-01, Chandon Park Trail Improvements be awarded to The Kauffman Group, Inc. for \$342,000. Staff also recommends a \$34,000 contingency, which is approximately 10% of the contract amount, be authorized.

Staff Recommendation:

Staff recommends Town Council:

1. Award Contract #B-20-01, Chandon Park Trail Improvements, to The Kauffman Group, Inc. for \$342,000.
2. Authorize a contingency of \$34,000.

Attachments:

Draft Resolution

Staff:



John Irish
Deputy Director of Public Works

TOWN OF HERNDON, VIRGINIA

RESOLUTION

SEPTEMBER 10, 2019

Resolution- Award of Contract #B-20-01, Chandon Park Trail Improvements.

WHEREAS, the Chandon Park Trail Improvements project is in the Capital Improvement Program; and

WHEREAS, Contract #B-20-01, Chandon Park Trail Improvements, was advertised on July 16, 2019; and

WHEREAS, a pre-bid conference was held on July 31, 2019 and was attended by four firms; and

WHEREAS, the following bids were received and opened on August 13, 2019 at a public bid opening:

<u>Contractor</u>	<u>Bid</u>
The Kauffman Group, Inc.	\$342,000
McGee Civil Construction, LLC	\$375,000
Finley Asphalt & Concrete	\$404,225
Arthur Construction Co., Inc.	\$538,965
Accubid Construction Services, Inc.	\$560,000
Sagres Construction Corp.	\$647,500; and

WHEREAS, The Kauffman Group, Inc. submitted the lowest bid which was found to be responsive and responsible; and

WHEREAS, staff recommends in addition to the contract that a contingency of \$34,000 which is approximately 10% of the bid, be authorized; and

WHEREAS, funds to support this contract are available in the Capital Projects Account Number 0150886-491780; and

WHEREAS, reimbursement of funds up to \$500,000 are available through a Herndon Metrorail Station Access Management Study (HMSAMS) grant from Fairfax County.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby awards Contract #B-20-01, Chandon Park

Trail Improvements, to The Kauffman Group, Inc. in the amount of \$342,000.

BE IT FURTHER RESOLVED that the Town Council of the Town of Herndon, Virginia hereby authorizes a contingency of \$34,000.

BE IT FURTHER RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby authorizes the Director of Public Works designee to approve contract modifications (change orders) that increase project scope and costs, utilizing the project contingency.

TOWN OF HERNDON, VIRGINIA

STAFF REPORT

SEPTEMBER 3, 2019

Title:

Authorizing a Standard Project Administration Agreement between the Town and the Commonwealth of Virginia Department of Transportation for the administration of the SGR Primary Extension Paving FY2020 project.

Staff Contact:

John Irish, Deputy Director of Public Works
(phone) 703-435-6853
(e-mail) john.irish@herndon-va.gov

Staff Comments:

Council authorization of this Agreement is necessary so that funds allocated to the SGR Primary Extension Paving FY2020 project may be obligated in accordance with the current State of Good Repair Program. The State of Good Repair Program is administered by the Virginia Department of Transportation in cooperation with the participating locality, under the authority of Section 33.2-369 of the Code of Virginia.

Fiscal Impact:

The Agreement will include General Funds of \$500,000. The town has committed a minimum of fifty percent in matching funds for this project.

The actual cost of the project is to be determined at the time of construction. The Town would be responsible for additional financial support, if the project exceeds current funding.

Local project matching will be funded from the operating account for the Repaving program.

Attached Documents:

Resolution
Standard Project Administration Agreement

Staff:



John Irish
Deputy Director of Public Works

TOWN OF HERNDON, VIRGINIA

RESOLUTION

September 10, 2019

Resolution: **Authorizing a Standard Project Administration Agreement between the Town and the Commonwealth of Virginia Department of Transportation for the administration of the SGR Primary Extension Paving FY2020 project.**

WHEREAS, the town has expressed its desire to administer the work described in this Standard Project Administration Agreement, and such work for the improvement shown is hereinafter referred to as the Project; and

WHEREAS, the funds shown in the Standard Project Administration Agreement have been allocated to finance the Project and the funding currently allocated or proposed for the project does not include Federal-aid Highway funds; and

WHEREAS, both parties have concurred in the town's administration of the work for the respective Project listed in the Standard Project Administration Agreement in accordance with applicable federal, state and local laws and regulations.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia authorizes the Standard Project Agreement and commits to fund its local share of the resurfacing of a portion of Herndon Parkway from Elden Street to Springtide Place under agreement with the Virginia Department of Transportation in accordance with the project agreement.

BE IT FUTHER RESOLVED that the Mayor is authorized to execute all agreements and/or addendums for this project with the Virginia Department of Transportation.

STANDARD PROJECT ADMINISTRATION AGREEMENT
State-aid Projects

Project Number	UPC	Local Government
0228-235-370	115302	Town of Herndon

THIS AGREEMENT, made and executed in triplicate this ____ day of _____, 2019, by and between the Town of Herndon, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

WHEREAS, the LOCALITY has expressed its desire to administer the work described in Appendix A, and such work for each improvement shown is hereinafter referred to as the Project; and

WHEREAS, the funds shown in Appendix A have been allocated to finance the Project(s) and the funding currently allocated or proposed for the project(s) does not include Federal-aid Highway funds; and

WHEREAS, both parties have concurred in the LOCALITY's administration of the phase(s) of work for the respective Project(s) listed in Appendix A in accordance with applicable federal, state and local laws and regulations.

NOW THEREFORE, in consideration of the mutual premises contained herein, the parties hereto agree as follows:

1. The LOCALITY shall:
 - a. Be responsible for all activities necessary to complete the noted phase(s) of each Project shown in Appendix A, except for activities, decisions, and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties.
 - b. Receive prior written authorization from the DEPARTMENT to proceed with the project.
 - c. Administer the project(s) in accordance with guidelines applicable to Locally Administered Projects as published by the DEPARTMENT.
 - d. Provide certification by a LOCALITY official of compliance with applicable laws and regulations on the **State Certification Form for State Funded Projects** or in another manner as prescribed by the DEPARTMENT.
 - e. Maintain accurate and complete records of each Project's development of all expenditures and make such information available for inspection or auditing by the DEPARTMENT. Records and documentation for items for which reimbursement will be requested shall be maintained for not less than three (3) years following acceptance of the final voucher on each Project.

- f. No more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of related vendor invoices paid by the LOCALITY and also include an up-to-date project summary and schedule tracking payment requests and adjustments.
 - g. Reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if due to action or inaction solely by the LOCALITY the project becomes ineligible for state reimbursement, or in the event the reimbursement provisions of Section 33.2-214 or Section 33.2-331 of the Code of Virginia, 1950, as amended, or other applicable provisions of state law or regulations require such reimbursement.
 - h. On Projects that the LOCALITY is providing the required match to state funds, pay the DEPARTMENT the LOCALITY's match for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 2.a.
 - i. Administer the Project in accordance with all applicable federal, state, and local laws and regulations. Failure to fulfill legal obligations associated with the project may result in forfeiture of state-aid reimbursements
 - j. If legal services other than that provided by staff counsel are required in connection with condemnation proceedings associated with the acquisition of Right-of-Way, the LOCALITY will consult the DEPARTMENT to obtain an attorney from the list of outside counsel approved by the Office of the Attorney General. Costs associated with outside counsel services shall be reimbursable expenses of the project.
 - k. For Projects on facilities not maintained by the DEPARTMENT, provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT.
2. The DEPARTMENT shall:
- a. Perform any actions and provide any decisions and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties.
 - b. Upon receipt of the LOCALITY's invoices pursuant to paragraph 1.f, reimburse the LOCALITY the cost of eligible Project expenses, as described in Appendix A. Such reimbursements shall be payable by the DEPARTMENT within 30 days of an acceptable submission by the LOCALITY.
 - c. If appropriate, submit invoices to the LOCALITY for the LOCALITY's share of eligible project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraph 2.a.
 - d. Audit the LOCALITY's Project records and documentation as may be required to verify LOCALITY compliance with applicable laws and regulations.

- e. Make available to the LOCALITY guidelines to assist the parties in carrying out responsibilities under this Agreement.
3. Appendix A identifies the funding sources for the project, phases of work to be administered by the LOCALITY, and additional project-specific requirements agreed to by the parties. There may be additional elements that, once identified, shall be addressed by the parties hereto in writing, which may require an amendment to this Agreement.
4. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to Section 33.2-1011 of the Code of Virginia, 1950, as amended.
5. Nothing in this Agreement shall obligate the parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been included in an annual or other lawful appropriation. In the event the cost of a Project is anticipated to exceed the allocation shown for such respective Project on Appendix A, both parties agree to cooperate in providing additional funding for the Project or to terminate the Project before its cost exceeds the allocated amount, however the DEPARTMENT and the LOCALITY shall not be obligated to provide additional funds beyond those appropriated pursuant to an annual or other lawful appropriation.
6. Nothing in this agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
7. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.
8. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT shall not be bound by any agreements between the either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the LOCALITY or the DEPARTMENT has, in writing, receive a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.

9. This agreement may be terminated by either party upon 30 days advance written notice. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs 1.f, 1.g, and 2.b, subject to the limitations established in this Agreement and Appendix A. Upon termination and unless otherwise agreed to, the DEPARTMENT shall retain ownership of plans, specifications, and right of way for which state funds have been provided, unless all state funds provided for the Project have been reimbursed to the DEPARTMENT by the LOCALITY, in which case the LOCALITY will have ownership of the plans, specifications, and right of way.

THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

THE LOCALITY and the DEPARTMENT further agree that should Federal-aid Highway funds be added to the project, this agreement is no longer applicable and shall be terminated. The LOCALITY and the DEPARTMENT mutually agree that they shall then enter into a Standard Project Administration Agreement for Federal-aid Projects.

THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors, and assigns.

THIS AGREEMENT may be modified in writing by mutual agreement of both parties.

The remainder of this page is BLANK

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written.

TOWN OF HERNDON, VIRGINIA:

Lisa C. Merkel	
Typed or printed name of signatory	
Mayor	
Title	Date
Signature of Witness	Date

NOTE: The official signing for the LOCALITY must attach a certified copy of his or her authority to execute this agreement.

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION:

Chief of Policy	Date
Commonwealth of Virginia	
Department of Transportation	
Signature of Witness	Date

Attachment
Appendix A – UPC 115302

Appendix A

Date: 8/7/2019

Project Number: 0228-235-370

UPC: 115302

CFDA # N/A

Locality: Town of Herndon

Project Location ZIP
20170-5577Locality DUNS #
74818535Locality Address (incl ZIP+4):
PO Box 427
Herndon, VA 20172-0427

Project Narrative

Work Description: #SGR Primary Extension Paving FY20 - Resurface a portion of Herndon Parkway from Elden Street to Sterling Road

From: Elden Street

To: Sterling Street

Locality Project Manager Contact info: John Irish 703-435-6853

john.irish@herndonva.gov

Department Project Coordinator Contact Info: Ed Del Rio 703-259-2374

ed.delrio@vdot.virginia.gov

Project Estimates

	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$0	\$0	\$490,000	\$490,000
Estimated VDOT Project Expenses	\$0	\$0	\$10,000	\$10,000
Estimated Total Project Costs	\$0	\$0	\$500,000	\$500,000

Project Cost and Reimbursement

Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering						
Total PE						\$0
Right of Way & Utilities						
Total RW						\$0
Construction	\$250,000	State Funds	0%	\$0	\$250,000	
	\$250,000	Local Funds	100%	\$250,000	\$0	
Total CN	\$250,000			\$250,000	\$250,000	\$240,000
Total Estimated Cost	\$250,000			\$250,000	\$250,000	\$240,000

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)

\$250,000

Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)

\$240,000

Project Financing

CTB Formula State Funds	Local Funds					Aggregate Allocations
\$250,000	\$250,000					\$500,000

Program and Project Specific Funding Requirements

- This Project shall be administered in accordance with VDOT's Locally Administered Projects Manual and Urban Manual.
- This is a limited funds project. The LOCALITY shall be responsible for any additional funding in excess of \$250,000
- This Project shall meet all applicable ADA requirements.
- This Project must be advertised within six months of award funding or be subject to deallocation.
- The LOCALITY will continue to operate and maintain the facility as constructed. Should the design features of the Project be altered by the LOCALITY subsequent to Project completion without approval of the DEPARTMENT, the LOCALITY inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the DEPARTMENT.

This attachment is certified and made an official attachment to this document by the parties to this agreement.

APPROVED AS TO FORM

Authorized Locality Official and Date

Lisa C. Merkel, Mayor

Typed or printed name of person signing

By:

Lesa J. Yeatts, Town Attorney
Town of Herndon, Virginia
Date:

Authorized VDOT Official and Date

Marille Phillips

Typed or printed name of person signing