

**APPROVAL OF MEMORANDUM OF UNDERSTANDING AND
TEMPORARY CONSTRUCTION EASEMENT TO
BALL HOMES, INC. ON THE
ATHENS-CHILESBURG ELEMENTARY SCHOOL PROPERTY**

BACKGROUND AND RATIONALE: Ball Homes is constructing apartments on the vacant land just south of the Athens-Chilesburg Elementary School. Until recently, the boundary between the school property and the apartment site was obscured by the dense overgrowth of trees and shrubbery remaining from the former Gess farm. FCPS installed a 4'-high chain-link fence on the property line when the school was completed in 2006. As the apartment property was developed, the overgrowth was removed and the site was re-graded resulting in a steep slope (as high as ten feet) between the property line and the proposed new buildings (as near as twenty-five feet away). As is, this slope is too severe to maintain it in the future and requires either a reduction in height, or a retaining wall. Ball Homes has requested permission from the Board to reduce the height of the slope by approximately 3' along about 250' of the length of the property line. This work will require removal and re-installation of the existing chain-link fence, and re-installation of the lawn at all disturbed areas. The work will also disturb a single row of "stone" seating (25' of retaining wall blocks) at an amphitheater built at ACE by the PTA. The school has asked for this seating to be relocated/re-installed at the soccer field. The work will take only a week to finish and will require a temporary construction easement 20' wide by 355' long. All known buried utilities in the area have been located and marked to eliminate the risk to school activities. When complete, the new grades will improve lawn mowing for FCPS along this section of the school property. Ball Homes will cover all costs and protect the Board from expense. A memorandum of understanding has been prepared to include these provisions, as well as the requirement for Ball Homes to repair or replace any and all school property damaged by this work, and to escrow funds (\$8,700) from the developer to ensure project completion. Approval of this action by the Board will allow execution of the memorandum and the work to commence.

PROPOSAL:

<u>Item</u>	<u>Amount</u>	<u>Funding Source</u>	<u>Recurring/ Nonrecurring</u>	<u>Measurable Expected Impact and Timeline</u>
Easement to Ball Homes, Inc.	N/A	N/A	N/A	To allow Ball Homes, Inc. to construct improvements to land adjacent to Athens-Chilesburg Elementary property.

STAFF CONTACT: Bill Wallace, Director, Facility Design & Construction (381-3824)

POLICY REFERENCE: 01.11 – Powers and Duties of the Board

RECOMMENDATION: A motion is in order to:

"Authorize the Superintendent to execute Memorandum of Understanding and a 20' x 355' temporary construction easement with Ball Homes, Inc. on the Athens-Chilesburg Elementary School site as described above."

On a motion by _____, and seconded by _____, the Board authorizes the Superintendent to execute a Memorandum of Understanding and 20' x 355' temporary construction easement with Ball Homes, Inc. on the Athens-Chilesburg Elementary School site as described above."

John Price, Chair

Tom Shelton, Superintendent

August 25, 2014