



Date of Council Meeting: November 25, 2013

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: Morven Park Boundary Line Adjustment

Staff Contact: Scott E. Parker, AICP, Assistant Town Manager

Issue: Should the Town consider incorporating a portion of US Route 15 into the Boundary Line Adjustment (BLA) for Morven Park, thusly bringing it into the corporate limits of Leesburg?

Recommendation: Town of Leesburg staff does not recommend that a portion of Route 15 be incorporated into the BLA, and then part of the Town.

Background: Morven Park is located on approximately 990 acres of land adjacent to the northern corporate limits of Leesburg. Morven Park is currently administered by the Board of Trustees of the Westmoreland Davis Foundation, and they are a nonprofit organization. Currently, Morven Park is open to the public as a museum, cultural attraction and equestrian center.

In January of 2010, the Board of Trustees adopted a five-year Strategic Plan, which encourages Morven Park as being a hub for historical, educational and income-generating activities in both Leesburg and Loudoun County. The plan will serve as a guide to the development of the grounds, identify best use and conceptual configurations of current facilities, identify locations and conceptual configurations of new facilities, buildings and programs, and address solutions for site access and circulation.

As part of this mission, Morven Park determined that their existing uses and special events, as well as program elements within the master plan, were not compatible with Loudoun County's Zoning Ordinance.

In December of 2012, the Board of Trustees voted unanimously, after talks with both Loudoun County and the Town of Leesburg, to pursue a BLA in order to be incorporated into the Town. The Board of Supervisors made a public statement at their meeting of May 1, 2013 that a BLA is acceptable, and that there is no objection to Morven Park being incorporated into the Town through the BLA process. Through a resolution, they directed their legal staff to work with the Town on the legal BLA procedure.

At its meeting of September 10, 2013, the Leesburg Town Council adopted Resolution 2013-107 that formalized the Town's desire to pursue a BLA for the Morven Park property and authorizing Town staff to cooperate with the Attorney for the County of Loudoun to prepare the BLA agreement.

As part of this resolution, Town staff was directed to bring back two items for consideration by the Town Council. These items were:

- The incorporation of a portion of US Route 15 in the vicinity of the Morven Park property into the BLA request, thus bringing this portion of Route 15 into the Town.
- Status of the Marion duPont Scott Equine Medical Center of Virginia Tech as it pertains to participating in the BLA request.

Incorporation of US Route 15 into the Town in the vicinity of Morven Park

With the incorporation of Morven Park into the Town, the issue of the Town also potentially acquiring the frontage of Route 15 that is adjacent to Morven Park has been raised and vetted by Town staff. This acquisition would be from the current Town boundary at Tuscarora High School to Tutt Lane. Since Morven Park's current main access is from Route 15, for the purpose of law enforcement serving the property, and traffic control of the road itself, it has been discussed as to whether this portion of the road needs to be part of the Town, as well.

After discussion with staff from the Leesburg Police Department and the Department of Public Works, staff has determined that it is not desirable or necessary to acquire this part of Route 15.

By bringing this portion of the road into Town jurisdiction, a part of the "mixing bowl" north of Town will now be in Town jurisdiction. Staff has analyzed this and feels that this would potentially make the Town obligated to participate in any future improvements to the area. For reference, please find attached a document from Gorove Slade, dated March 23, 2005 that was submitted to VDOT during the discussions of a location for a high school site. This document outlines some potential fixes and costs associated with the options (Attachment 1).

Town staff has reached out to officials from VDOT to get their input as to the realistic possibility of the Town being required to participate in a fix of the interchange. Officials from VDOT have not returned attempts at communication on the issue to date, therefore no official opinion has been garnered related to participation, but staff feels that is not unreasonable to think that the Town would be obliged to participate in any fix should a portion of the road be incorporated into the Town.

With respect to law enforcement and traffic enforcement, it is the position of the Leesburg Police Department that it is not paramount that the road be incorporated for the purpose of enforcement of ingress and egress for events at Morven Park. They feel that communication and coordination with other jurisdictions regarding events is the best remedy for traffic situations, and that since Morven Park will become part of the Town it is anticipated that the Town will be more aware of events coming to the facility than they have in the past, and that event management on site is more important than the agency enforcing traffic on Route 15. In addition, since Leesburg would only acquire a portion of the road, there would still be confusion as to the enforcement agencies responsible for other legs of the Route 15 and Route 15 bypass interchange.

It should be noted that Town staff believes that the solution to traffic issues related to Morven Park lies in their ability to utilize the signalized intersection at Francis Hazel Reid and the traversing of the Tuscarora High School property. Although no monetary or

time commitment has been made, representatives from Morven Park have acknowledged that this point of ingress and egress could be a key part of future plans for Morven Park. While signalized, the entrance and the road would need considerable upgrades, and an extension would need to be constructed to function as a primary entrance to Morven Park for events. Staff believes that this access would be a desirable condition for the Town, County, and Morven Park, given the analysis of traffic patterns for events and access management. Town staff highly encourages the utilization of this signalized intersection for access to Morven Park.

It should also be noted that it has been determined that ongoing and routine road maintenance of any part of Route 15 incorporated into the Town should not be an issue, as the cost would be offset by funds provided by VDOT for said maintenance. Plowing of snow would become the responsibility of the Town, however.

Another issue associated with the acquisition of Route 15 is a parcel owned by the O'Connor family that would essentially be a property within County jurisdiction that would be surrounded by the Town Boundary if Route 15 became part of the Town.

Marion Scott duPont Equine Medical Center

Pursuing a BLA for Morven Park will leave the above referenced property within County jurisdiction, creating a "donut hole" within the area contemplated by the BLA. As part of due diligence with respect to Resolution 2013-107, the Town has reached out to Virginia Tech as indicated within the attached letter dated October 22, 2013 from the Town Attorney's office. (Attachment 2)

Follow up conversations are being held between the Town Attorney and Counsel for Virginia Tech, while initial discussions have been positive, more information on the subject will be available at a later date.

Attachments:

1. Gorove Slade memo, March, 2005
2. Town Attorney letter of October 22, 2013, which includes Resolution 2013-107 and Morven Park area exhibit



MEMORANDUM

TO: Alan Kaub, P.E., PhD Virginia Department of Transportation
Tom Mason Town of Leesburg

CC: John Cunningham Cambridge
David Rice William H. Gordon Associates

FROM: Chris Tacinelli, P.E.
Chad Baird

DATE: March 23, 2005

SUBJECT: Proposed interim and future access break along the Route 15 By-Pass

As we discussed, attached please find the four plans identifying the proposed interim and future plans to incorporate and access point along the Route 15 By-pass. The proposed access along the Route 15 By-pass will allow for an entrance into the proposed High School site located on the eastern O'Connor property. In addition, below is a potential schedule of events leading up to both the interim phase of work and ultimate the future phase of work.

Exhibit 1: Depicts the proposed interim intersection of Route 15 By-Pass and Route 15 Business

- Purple = New roadway alignment (Signalized intersection for Route 15 Business and Route 15 By-Pass)
- Orange = Demolition of existing roadway
- Route 15 By-Pass will remain two-lanes undivided with adequate turn lanes at the proposed intersection
- Dedicate future Right-Of-Way (Route 15 By-Pass to accommodate a 4-lane divided section)
- Approximate cost of new intersection included demolition would be in the range of \$4,000,000 to \$6,000,000 (including design fees)

Exhibit 2: Depicts the proposed interim intersection of Route 15 By-Pass and Route 15 Business with the existing roads to be demolished, removed from the plan.

Exhibit 3: Depicts the proposed ultimate conditions Route 15 By-Pass with Route 15 Business interchange configuration

- Purple = New roadway alignment (Signalized intersection on newly constructed bridge over Route 15 By-Pass)
- Construct new Bridge section (approximately 400 to 500 feet in length)
- Orange = Demolition of interim alternative roadway
- Route 15 By-Pass will be constructed as a four-lane divided roadway with adequate turn lanes at the proposed intersections
- Dedicate future Right-Of-Way (Route 15 By-Pass to accommodate a 4-lane divided section, new diamond interchange and possible future loop ramp located in the southeast quadrant of the interchange)

- Approximate cost of new intersection included demolition would be in the range of \$14,000,000 to \$17,000,000 (including design fees)

Exhibit 4: Depicts the proposed ultimate conditions Route 15 By-Pass and Route 15 Business interchange configuration with the existing and interim roads to be demolished, removed from the plan.

Potential Schedule:

- Meet with the Virginia Department of Transportation and the Town of Leesburg to discuss alternatives **(Complete)**
- Revise plans to depict preferred alternative **(Complete)**
- Distribute Plans to the Virginia Department of Transportation and the Town of Leesburg for Review **(March 05')**
- The Virginia Department of Transportation and the Town of Leesburg reviews preferred alternative **(March 05')**
- Comments from VDOT and Town of Leesburg incorporated into preferred alternative for distribution to Loudoun County and the School Board **(April 05')**
- Loudoun County and the School Board reviews preferred alternative and distributes comments **(April 05')**
- Comments from Loudoun County and the School Board are incorporated into preferred alternative and a meeting is scheduled to formally discuss plans and scope appropriate studies (FHWA, VDOT, Town) **(May 05')**
- Prepare studies evaluating proposed designs and impact to existing Limited Access Break **(June 05' – September 05')**
- Submit study to VDOT and Town for review and comment **(October 05')**
- Revise Study and resubmit to VDOT to be forwarded to VDOT Central Office and FHWA **(November 05' – December 05')**
- Town and VDOT conduct Public Meetings and Possible Design Charette **(December 05' – March 06')**
- Town Council Adopts Revise Plan **(March 06')**
- FHWA reviews study and grants approval for proposed design modifications **(January 06' – March 06')**
- Prepare Preliminary and Final Construction Drawings **(March 06' – July 06')**
- Construct interim alternative construction **(July 06 – July 07')**



October 22, 2013

Dr. Charles W. Steger, President
Office of the President
Burruss Hall, Suite 210
800 Drillfield Dr.
Blacksburg, VA 24061

RE: Virginia Tech Marion duPont Scott Equine Medical Center

Dear President Steger:

As you may already be aware, the Town of Leesburg, Virginia ("Town") and the County of Loudoun, Virginia, are in the process of negotiating a boundary line adjustment ("BLA") to incorporate into the Town approximately 980 acres of land adjacent to the northern limits of our corporate boundary and owned by the Westmorland Davis Memorial Foundation Inc., also known as Morven Park. In September, the Town Council of Leesburg passed Resolution No. 2013-107 initiating a zoning ordinance text amendment to accommodate the uses anticipated by Morven Park; directed my office to work with the County Attorney's Office to draft a boundary line agreement for potential approval by our respective governing bodies; and directed staff to engage in due diligence with property owners in the vicinity of the BLA. I attach Resolution No. 2013-107 for your review.

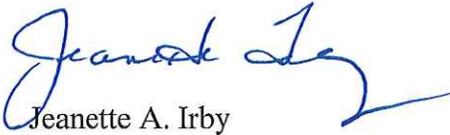
Adjacent to, and to the southwest of Morven Park, is approximately 198 acres owned by the Virginia Polytechnical Educational Foundation, Inc., and where the Marion duPont Scott Equine Medical Center is located. Even though the Equine Medical Center is not within the Town limits presently, it is serviced by Town water and sewer utilities and also borders the town's corporate limits.

The Town Council has directed me to contact you to discuss the possibility of your participation in the BLA process. As you can see by the enclosed map, the Equine Medical Center forms a "donut hole" within the area contemplated by the BLA and this may cause inefficiencies in the our provision of public services to the area. It may also be beneficial to for the Equine Medical Center to become part of the Town of Leesburg.

President Charles W. Steger
October 22, 2013
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Would you kindly contact me at your earliest convenience to discuss these matters? I look forward to hearing from you.

Sincerely,


Jeanette A. Irby

Enclosures

cc: Michael Quillen, Rector
Board of Visitors

Dr. Cyril Clarke, Dean
VA-MD Regional College of Veterinary Medicine

Virginia Polytechnical Institute Educational Foundation, Inc.
Attn: Special Projects Manager Mode A. Johnson

Kevin Sullivan, Esq.

The Town of
**Leesburg,
Virginia**

PRESENTED: September 10, 2013

RESOLUTION NO. 2013-107

ADOPTED: September 10, 2013

**A RESOLUTION: INITIATION OF A BOUNDARY LINE ADJUSTMENT; MORVEN PARK
AND OTHER PROPERTIES**

WHEREAS, the Westmoreland Davis Memorial Foundation, Inc., a non-profit corporation which owns approximately 990 acres outside the Town limits within Loudoun County, known as Morven Park, which is utilized for community and educational events, has expressed a desire to be within the boundaries of the Town; and

WHEREAS, the Town Council has expressed a desire to have the Morven Park property brought into the boundaries of the Town; and

WHEREAS, the Town Council has expressed the potential to also bring Virginia Tech's Marion duPont Scott Equine Medical Center into the boundaries of the Town; and

WHEREAS, the Town Council has expressed the potential to also bring a portion of U.S. Route 15 adjacent to Morven Park, from the current corporate boundary to Tutt Lane, into the boundaries of the Town; and

WHEREAS, Town staff is directed to engage in due diligence with respect to the Boundary Line Adjustment concerning Morven Park, Virginia Tech and Route 15 including, but not limited to, seeking input from the respective property owners and Loudoun County.

THEREFORE, RESOLVED by the Council of the Town of Leesburg in Virginia that:

SECTION I: Town staff is hereby directed to bring the information and recommendation concerning the Boundary Line Adjustment with respect to Virginia Tech and Route 15 back to Council for consideration.

A RESOLUTION: INITIATION A OF BOUNDARY LINE ADJUSTMENT; MORVEN PARK
AND OTHER PROPERTIES

SECTION II: The Town of Leesburg hereby authorizes and initiates the process to begin a formal Boundary Line Adjustment for the properties outlined above.

SECTION III: The Town Attorney is hereby authorized to cooperate with the Attorney for the County of Loudoun to prepare the Boundary Line Adjustment agreement to be approved by the Town of Leesburg and Loudoun County.

PASSED this 10th day of September, 2013.


Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council

