

JAN 18 2007

VANDERPOOL, FROSTICK & NISHANIAN, P.C.

ATTORNEYS AT LAW  
SUITE 400  
9200 CHURCH STREET  
MANASSAS, VIRGINIA 20110

703-369-4738  
FAX 703-369-3653  
E-MAIL INFO@VFNLAW.COM

January 18, 2007

Corey A. Stewart, Chairman  
Board of Supervisors  
Prince William County  
1 County Complex Court  
Prince William, VA 22192

Phil Campbell, Clerk  
Board of Supervisors  
Prince William County  
1 County Complex Court  
Prince William, VA 22192

RECEIVED  
07 JAN 18 PM 1:38  
COUNTY EXECUTIVE OFFICE  
PRINCE WILLIAM CO., VA

**Re: Request to the Board of County Supervisors to Convey Real Estate  
(The Silver Lake Parcel)**

Dear Mr. Campbell and Chairman Stewart:

The Toll Brothers proffer package for the Dominion Valley Rezoning (REZ PLN #2005-00197) requires a conveyance to the County of approximately 318 acres surrounding Silver Lake. This property is proffered for the following uses: a middle school (40 acres); the Rainbow Therapeutic Riding Program (45 acres); and, park and recreation purposes (the remaining 233 acres). The proffers expressly state that all or a portion of this remaining 233 acres may be owned and operated by the Bull Run Mountains Conservancy in trust for the general public.

The Request

On behalf of the Bull Run Mountains Conservancy, Inc. (hereinafter "BRMC"), this letter shall serve to request that the Board of County Supervisors schedule a public hearing and, after closing the hearing, authorize the following actions relative to the 318 acre Silver Lake Property:

1. Provide approximately 40.5 acres to the School Board for a middle school site;
2. Lease approximately 45 acres to the Rainbow Therapeutic Riding Program;
3. Reserve approximately 20 acres for a Park Authority operated equestrian center and park entrance/welcome center;

4. Convey approximately 213 acres to the BRMC to become part of a larger 481 acre natural recreation area, which is to be owned and operated by BRMC for the benefit of the public. I enclose a written proposal from the Board of Directors of the BRMC. It outlines the public uses proposed for the property, the timing of the establishment of these uses, and a description of how BRMC will establish these uses.

#### A Public/Private Initiative

The Park Authority 2002 Needs Assessment Survey report states that county residents *"agreed overwhelmingly (73.7%) that the Park Authority should enter into more public/private initiatives to provide more diverse facilities."* This BRMC proposal to establish and operate a 481 acre natural recreation area is a great example of such a public/private initiative to provide a public facility which does not now exist in Prince William County. This initiative leverages 213 acres of County land into a 481 acre public natural recreation area – with no subsidy from the County or Park Authority.

#### Public Use in Perpetuity Will be Ensured

BRMC proposes that the approximately 213 acres conveyed to it be made subject to certain terms, conditions, restrictions and covenants, for which the Board of County Supervisors will be the beneficiary. In the event BRMC either ceases to exist, or does not abide by the terms, conditions, restrictions and covenants, the Board will have the power to cause the 213 acres to vest, in fee simple ownership, in the Prince William County Park Authority. This will ensure public use and access to the land in perpetuity – no matter what may happen in the future. I will forward a draft deed containing such restrictions to the County Attorney for his review.

#### Conveyance Will Enable a Conservation Easement to be established on the Silver Lake Property

A Conservation Easement (with the Virginia Outdoor Foundation as holder of the easement) will be conveyed by BRMC as soon as possible after it acquires the property. BRMC will request that the Virginia Outdoors Foundation extend its current approval of a conservation easement on the 268 acres adjacent to Silver Lake to also include the 213 acre portion of the Silver Lake Property. I enclose a copy of the Conservation Easement which is approved for the adjacent parcel so you can review its terms. This request to extend the Conservation Easement to Silver Lake can be approved by VOF only if both properties are combined and owned by BRMC. This will enable the conservation easement to be established much sooner than it otherwise could.

This would be an important step to discourage the imposition of undesirable uses by others, such as the Dominion Power transmission lines. This is so for three reasons. First, the Virginia Open Space Lands Act (§10.1-1700, et. seq. of the Code of Va.) requires restitution or replacement property for open space easement land that is taken or damaged. Second, SCC guidelines for

Transmission Line applications require a specific assessment of the impacts to lands encumbered by Conservation Easements. Third, the Conservation Easement establishes an additional property interest which will have to be condemned by Dominion.

#### Other Benefits to the County

Ownership of this 213 acre portion of the Silver Lake Property by BRMC offers significant advantages to the County, as compared to ownership by the County or its Park Authority.

- BRMC will more than DOUBLE THE SIZE of the public *natural recreation area* by adding an additional 268 acres of mature hardwood forests, pristine streams, and upland grasslands.
- BRMC will provide necessary improvements and maintenance of the *natural recreation area* WITH NO SUBSIDY OR MONETARY CONTRIBUTION FROM THE COUNTY OR THE PARK AUTHORITY. Why allocate tax dollars to Silver Lake when the same public access and programs are being offered with no County subsidy? The Park Authority will need additional staff and additional operating funds in FY '08 (and each year thereafter) to provide the same public programs and events BRMC will provide.
- BRMC will OPEN the entire 481± acre *natural recreation area* for programs and events WITHIN THREE TO FOUR MONTHS, and for general admission within one year. The Park Authority is unprepared to develop and staff the new facility until funding becomes available. There is no operating or CIP funding for this purpose in either the County or the Park Authority budget.
- BRMC's Youth Outdoors program and interpretive programs sponsored by other conservation entities will utilize Silver Lake, thereby providing an invaluable asset to the three nearby schools in Dominion Valley, as well as for all other Prince William County schools.
- In combination with the nearby Camp William B. Snyder's 350 acres, there will be over 830 acres of perpetually protected natural open space in the rural crescent.

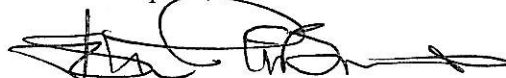
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BRMC requests that you direct Staff to schedule a public hearing on this matter. BRMC is prepared to work with County and Park Authority staff to provide further details and information in order to ensure that the Board of County Supervisors makes an informed decision concerning this important request.

Sincerely,

Vanderpool, Frostick & Nishanian, P. C.



John L. McBride

JLM/bdl  
Enclosures

cc: Maureen S. Caddigan, Vice Chairman, Dumfries District Supervisor  
Hilda M. Barg, Woodbridge District Supervisor  
Wally Covington, Brentsville District Supervisor  
John D. Jenkins, Neabsco District Supervisor  
Michael Kieffer, Executive Director, BRMC  
Martin E. Nohe, Coles District Supervisor  
John T. Stirrup, Jr., Gainesville Supervisor  
John Elcano, Vice President, Toll Brothers  
Jay Ellington, Director PWCPA  
Craig S. Gerhart, County Executive

BULL RUN MOUNTAINS CONSERVANCY  
PROPOSAL TO DOUBLE THE SIZE  
OF  
THE PROFFERED SILVER LAKE NATURAL RECREATION AREA

Prince William County now has the opportunity to create a 481± acre public *natural recreation area* around Silver Lake, which is located in the Gainesville/Haymarket area.

Pursuant to the Toll Brothers proffer package for the Dominion Valley rezoning (REZ PLN#2005-00197), 318± acres surrounding Silver Lake will soon be conveyed to the County for a school site, as well as for park and recreation purposes. Forty acres will be dedicated for a middle school site. Pursuant to the proffers, the remaining 278± portion of this acreage (which is to be used for parks and recreation) may be divided among, and controlled separately by, the Bull Run Mountains Conservancy, Inc. (BRMC), Rainbow Therapeutic Riding Inc. and the Park Authority.

BRMC is a not-for-profit conservation entity, which, among other pursuits, operates and manages the Bull Run Mountains State Natural Area Preserve for the Commonwealth of Virginia.

The owner of an adjoining 268 acre parcel has generously offered to donate its land to BRMC to be used as part of a larger *natural recreation area*, provided that BRMC owns and manages a 213 acre portion of the Silver Lake Property as a *natural recreation area*. BRMC proposes to own and operate this combined 481± acres in trust for the benefit of the general public—in a manner similar to that of the Nature Conservancy and the Civil War Preservation Trust. BRMC does not request any monetary subsidy or contribution from Prince William County or the Park Authority.

BRMC requests that the Board of County Supervisors authorize the following actions relative to the 318 acre Silver Lake Property: (1) provide 40.5± acres for a middle school; (2) reserve 45± acres for lease to the Rainbow Therapeutic Riding Center; (3) reserve 20± acres for a Park Authority Equestrian Center and entrance/welcome center; and (4) convey 213± acres to BRMC to become part of a larger 481± public *natural recreation area*. These separate areas are shown on the attached map, entitled "Silver Lake Natural Recreation Area."

The land conveyed to BRMC will be made subject to certain terms, conditions, restrictions and covenants, prior to its conveyance from the County, which will ensure public use and access in perpetuity. Title to this 213 acres will vest in the Prince William County Park Authority in the event BRMC either ceases to exist or does not abide by the terms, conditions, restrictions and covenants of the conveyance.

This beautiful 481 acre *natural recreation area*, in combination with the Bull Run Mountains State Natural Area Preserve, will provide over 1,300 acres of pristine, natural open space which is accessible to the public during daylight hours. The maintenance of this area by BRMC will preserve and perpetuate a mosaic of important natural habitats, specifically a wetland ecosystem, a lake ecosystem, and an upland grassland. These unique ecosystems are not



found in the Bull Run Mountains State Natural Area Preserve and will greatly enhance the conservation value of the region.

Ownership of this 213 acre portion of Silver Lake by BRMC offers significant advantages to the public, as compared to ownership by the County or by another organization. Among these:

- BRMC will more than DOUBLE THE SIZE of the public *natural recreation area* by adding an additional 268 acres of mature hardwood forests, pristine streams, and upland grasslands.
- BRMC can provide necessary improvements and maintenance of the *natural recreation area* WITH NO SUBSIDY OR MONETARY CONTRIBUTION FROM THE COUNTY OR THE PARK AUTHORITY. Why allocate tax dollars to Silver Lake when the same public access and programs are being offered by a non-profit entity with no County subsidy?
- BRMC will open the entire 481± acre *natural recreation area* for public programs and events within three to four months, and for general admission within one year. The Park Authority is unprepared to develop and staff the new facility until funding becomes available. There is no operating or CIP funding for this purpose in either the County or the Park Authority budgets. Projected County revenue shortfalls for fiscal year 2008 make it unwise, at this time, to increase Park Authority staff and initiate new park programs.
- BRMC's Youth Outdoors program and interpretive programs sponsored by other conservation entities will utilize Silver Lake, thereby providing an invaluable asset to the three nearby schools in Dominion Valley, as well as for all other Prince William County schools.
- In combination with the nearby Camp William B. Snyder's 350 acres, there will be over 830 acres of perpetually protected natural open space in the rural crescent.

The *natural recreation area* will be available to all citizens of Prince William County so they can enjoy nature and the outdoors. Bicycling, birding, non-motorized boating, fishing, hiking, horseback riding, primitive camping, jogging, picnicking, walking, and walking domestic pets will be allowed. Unique education programs for Prince William County students and teachers, environmental studies, interpretive programs, and other similar programs will be available to Prince William children. Access will be limited to daylight hours, and the existing Antioch Road entrance would be the sole non-emergency access point for the public. For liability and security purposes, this entrance will be closed from sunset to sunrise. BRMC will require all visitors to sign liability waivers acknowledging their agreement to comply with all rules and regulations regarding site use. BRMC will add this site to its existing liability insurance policy.

BRMC will bring these amenities to county citizens as quickly as possible. Within one year, BRMC will bring residents and school children to Silver Lake through public education

programs and events for which they pre-register. These program events will provide controlled access to portions of the site, while other portions are being made ready for public accommodations (e.g., restrooms, trails, parking areas, environmental protections, etc.).

BRMC has a challenge grant of \$500,000 to commence the infrastructure improvements necessary to open the area to the public. This enables it to immediately begin to maintain the Property, as well as identify and mark hiking, equestrian and nature trails. BRMC will coordinate with the Park Authority, as well as various equestrian, hiking and other user groups to locate, establish and maintain trails throughout the 481± acre *natural recreation area*.

The timetable to open the *natural recreation area* depends on the types of permits required by Prince William County and the specific requirements imposed on their issuance. To keep the land in as natural a state as possible, BRMC will endeavor to minimize the extent to which the site will be disturbed or developed to accommodate public access. Moreover, the more requirements are imposed for site improvements, the longer it will take to open the entire *natural recreation area* to the public.

Assuming minimal County permitting requirements before opening to the public, BRMC will have guided programs, public events and some trails open within three or four months after acquiring the 481± acres. BRMC will have a grand opening within one year after the site is acquired. After this grand opening, the site will be available during daylight hours (sunrise to sunset) for self-guided public use and exploration. BRMC may charge user fees, but will provide a discounted rate for all Prince William County residents.

Respectfully submitted on behalf of the  
Bull Run Mountains Conservancy, Inc.  
Board of Directors

By:   
Michael J. Kieffer, Executive Director

Andrea B. Currier, President  
P. Douglas Fout, Vice-President  
Harry Leach, Treasurer  
Kathleen Higgins, Secretary  
Lavinia Currier, Director  
Dr. Stephen Jameson, Director  
Marcia Markey, Director  
Ellen Percy Miller, Director  
Claude Schoch, Director  
Jonathan L. Shurberg, M.D., Director



# Silver Lake Natural Recreation Area

