

## APPENDIX A

### CITY OF FREDERICKSBURG WATERSHED PROPERTY MANAGEMENT POLICY.

#### CITY ADMINISTRATIVE MANUAL

##### Section 2-207. CITY WATERSHED PROPERTY MANAGEMENT POLICY

###### A. Purpose.

The City owns approximately four thousand eight hundred (4,800) acres of land along the Rappahannock and Rapidan Rivers and their tributaries and roughly eight hundred eighty (880) acres at the Motts Run Reservoir. This land constitutes a significant portion of the Rappahannock watershed that serves as a source of the City's raw water supply. The protection of these water resources is essential to the health, safety, and welfare of the City and its citizens. Most of the land is undeveloped and much is inaccessible except by water. It performs a vital water quality function by restricting nonpoint source pollution, retarding erosion and sedimentation, and protecting the riverine ecosystem.

This watershed is increasingly vulnerable to pollution and destruction as a result of increased population and development. The purpose of the City Watershed Property Management Policy is to formalize existing City policies on the management of this property and to provide the City Manager with explicit guidelines for the appropriate use and management of these public lands in the future. This policy, however, does not constitute a comprehensive plan for the use or protection of the City's watershed. On the contrary, it is a rudimentary property management plan designed to provide minimum safeguards against unauthorized use of City property and to ensure that the City is kept informed of key land use decisions that affect the City's watershed.

###### B. Applicability.

This Section shall apply to the City's watershed property, which shall consist of the following lands, buildings, and facilities:

- (1) Motts Run Reservoir, consisting of roughly eight hundred eighty (880) acres located off State Route 688 in Spotsylvania County, Virginia;
- (2) all City-owned lands located along the banks of the Rappahannock River, the Rapidan River, Deep Run, and all other tributaries of such waters located in the City, Spotsylvania County, Stafford County, Orange County, Fauquier County, and Culpeper County upstream of the Embrey Dam. Said property, consisting of roughly four thousand eight hundred (4,800) acres, is more fully described in a deed dated March 19, 1969, from the

Virginia Electric & Power Company to the City of  
Fredericksburg and recorded in Deed Book 137 at Page 360  
among the land records of the Clerk of the Circuit Court  
of the City of Fredericksburg

C General Policy.

The City watershed property shall be open and available to the public for general recreational uses, except as otherwise provided by this section, City Code Section 16-17.1, or other applicable laws, ordinances and regulations. Such recreational uses shall include hiking, camping, hunting, fishing, birdwatching, boating, and swimming. Nothing in this policy, however, shall prohibit the City Manager from limiting the aforementioned recreational uses in certain areas or placing other restrictions on the use of the City watershed property if he determines that such restrictions are necessary to effectuate the purposes of this Section.

D. Special Permission to Use Watershed Property.

1. The City Manager shall have the authority to grant special permission or licenses to persons seeking to use the City watershed property for purposes not granted to the public generally, provided such licenses are consistent with the terms of this Section and with City Code Section 16-17.1.

2. The City Manager shall not grant any special permission or license to any person to use the City watershed property unless such license

- a. is in writing and signed by the City Manager and the licensee;
- b. is revocable at the convenience of the City;
- c. provides the City with indemnification for all damages or losses suffered by the licensee or any third party as a result of the licensee's use of the property;
- d. involves no cost of liability for the City; and
- e. requires that the licensee use the property in a manner consistent with applicable provisions of the Chesapeake Bay Preservation Ordinance of the City of Fredericksburg.

3. Any proposed use not meeting the requirements set forth in paragraph (D)(2) above shall require a formal lease agreement approved by City Council in accordance with the requirements of Virginia Code Section 15.1-307, et seq.

4. Any person currently using City watershed property without the benefit of a written license or lease agreement as of the date of

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adoption of this Section shall enter into such an agreement no later than December 31, 1991.

E. Posting of Property.

The City Manager shall have the authority to post any portion of the City watershed property which, in his opinion, requires posting in order to prevent trespassing, or violations of this Section, or City Code Section 16-17.1. In addition, the City Manager shall have the authority to erect barriers or barricades on such property to ensure compliance with such ordinances and regulations.

F. Watershed Property Manager; Duties.

The City Manager shall designate a City employee as the Watershed Property Manager. Such person shall have the authority and responsibility to:

1. administer the provisions of this Section;
2. refer suspected violations of this Section and City Code Section 16-17.1 to the City Police Department or the City Attorney;
3. conduct regular inspections of the City watershed property by water, land, and air;
4. serve as liaison between the City and the Counties of Stafford, Spotsylvania, Culpeper, Orange, and Fauquier on all matters related to the City watershed property; and
5. make reports and recommendations periodically to the City Manager and City Council on the state of the City watershed property.

G. Regional Cooperation.

1. The City Manager shall periodically communicate with the County Administrators of Stafford, Spotsylvania, Culpeper, Orange and Fauquier Counties to advise them of the provisions of this Section, City Code Section 16-17.1, and the extent and location of City-owned lands in their respective jurisdictions. Upon the appointment of a new County Administrator in any such county, the City Manager shall promptly communicate the contents of this Section to such person. The City Manager shall solicit the assistance of such Administrators and their governing bodies in (1) enforcing City and county ordinances and regulations regarding the use of such property, (2) protecting the City watershed property from unauthorized or inappropriate uses, and (3) encouraging general recreational uses of the City watershed property by county residents.

2. The City Manager shall periodically request each Zoning Administrator of each of the five counties listed above to notify the City of all rezoning and subdivision applications filed by the owners

of properties adjacent to the City watershed property and all other land use applications which are likely to impact the City's property. Whenever the City Manager receives notice of such an application, the Watershed Property Manager shall immediately review such application and determine whether the proposed use or subdivision could adversely affect the City watershed property. If the City Manager determines that the City should comment or actively participate in proceedings related to such application, he shall take whatever action he deems appropriate and forward copies of any formal response or comments to the City Council.

H. Enforcement.

1. The City Manager shall take whatever action he deems appropriate to secure the eventual removal of all encroachments (e.g. docks, roads) by private property owners on the City watershed property that currently exist or that may exist in the future.

2. The City Manager is authorized to seek all appropriate legal action, including civil, criminal, or injunctive relief, to enforce the terms of this Section and City Code Section 16-17.1. For example, the City Manager shall consider service of trespass notices upon all known violators, their beneficiaries, and successors-in-interest, by the recordation of such notices in the Clerk's Office of the Circuit Court of the jurisdiction in which the affected watershed property is located.

3. The City Manager shall publicize the name and phone number of the Watershed Property Manager in order to encourage public inquiries and reports of violation of this Section and City Code Section 16-17.1.

Date of Adoption: September 10, 1991

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