TOWN OF Herndon VIRGINIA

Town Council Regular Meeting
Agenda Item 6.c.

Agenda Item: **Ordinance 26-O-18 to approve an Encroachment Agreement with AM Worldgate Owner, LLC, to permit the encroachment of stormwater ponding backup and overland relief resulting from development of the Worldgate Property in accordance with site plan MJP24-02, over a portion of Town owned property known as Chandon Park**

Meeting Date: July 28, 2026

Category: Public Hearings

Prepared by: Lauri Sigler, Deputy Town Attorney

Description:
The proposed ordinance approves an Encroachment Agreement with AM Worldgate Owner, LLC ("Worldgate") related to the redevelopment of Worldgate's property. The Agreement permits increased temporary inundation, stormwater ponding backup, and overland relief flow during a 100-year rain event over a portion of Chandon Park.

Background/Timing Impact:
Worldgate owns property identified as Tax Map 0161 30 B, located south of and adjacent to Town-owned property known as Chandon Park. Chandon Park contains 7.9144 acres, is located at 900 Palmer Drive in Herndon, Virginia, and is identified as Fairfax County Tax Map 0161 19 D1. The Worldgate property is being redeveloped under site plan MJP24-02 ("Site Plan"), which requires construction of a retaining wall on the Worldgate property along its northern boundary with Chandon Park. In its existing condition, Chandon Park is subject to temporary inundation, stormwater ponding backup, and overland relief flow within a natural drainage channel located away from current park improvements and amenities.

During a 100-year rain event, stormwater ponding and backup currently encroach on approximately 10,691 square feet of Chandon Park. Construction of the retaining wall on the Worldgate property will increase the area subject to stormwater ponding and backup to approximately 25,621 square feet, resulting in an additional encroachment of approximately 14,930 square feet. The Town Attorney and staff have approved the terms of the Encroachment Agreement ("Agreement"), and Worldgate has signed and accepted the Agreement. Under the Agreement, the permitted encroachment area for the 100-year temporary inundation, stormwater ponding backup, and overland relief flow increases to 25,621 square feet as shown on the plat attached to the Agreement. Worldgate has agreed to pay the Town a one-time fee of $16,012.00 for the right to use Chandon Park for the encroachment.

The consideration was calculated as follows: assessed value of Chandon Park per square foot × 25% × increase in encroachment area, or $4.29 × 25% × 14,930 = $16,012.00. The Agreement also requires Worldgate to restore or repair any park property or improvements disturbed or damaged by the encroachment and to maintain insurance naming the Town as an additional insured. Town Council approval of the Agreement is required under Virginia Code § 15.2-1800, which requires a governing body to hold a public hearing before conveying any interest in real property.

Strategic Focus Area:
Good Governance

Fiscal Impact:
The Town is being compensated $16,012.00 for the encroachment.

Legal Impact:
The Code of Virginia requires a governing body to hold a public hearing before conveying any interest in real property.

Staff Recommendation/Next Steps:
Staff recommends approval of the proposed Ordinance to approve the Encroachment Agreement.

Attachments:
1. Ordinance (Proposed)
2. Encroachment Agreement
3. Legal Ad
4. Presentation