

## ***UMW Must Lease Air Rights***

*By Emily Battle, The Free Lance-Star Publishing Company*

September 24, 2009

As the University of Mary Washington's Eagle Village project moves along, one of the more technical aspects of connecting the mixed-use complex with the college campus will be before the Fredericksburg City Council tonight. In order to build a pedestrian bridge across U.S. 1 that will allow people to safely walk to Eagle Village, the UMW Foundation must lease the air rights to the land the bridge will cross. The city has owned the U.S. 1 right of way since the Virginia Department of Transportation conveyed it in 2000. Tonight the City Council will hold a public hearing on a 60-year agreement that would lease the air rights to Eagle Housing LLC, the project's developer.

City Attorney Kathleen Dooley noted in a memo on the matter that the lease will give the city leverage to enforce more stringent quality control on the construction of the bridge, which will be used by the general public as well as the university community. Another big concern of the city's is the affect the bridge's construction, which is expected to take a year, will have on traffic on U.S. 1.

City public works officials have told the UMW Foundation that it may close only one lane in each direction at a time. If all lanes must be closed for any period of time, that must be scheduled for a low-use period, such as the middle of the night. The UMW Foundation would pay \$1,000 per year for the lease for the first five years, and that would increase by 10 percent every five years after that. This isn't the first time the city has had to lease to someone the rights to cross the air above land it owns. In 2002, Fredericksburg first leased the air rights over some of its Rappahannock River land to the Silver Cos. so it could build a gondola to connect the Stafford and Fredericksburg sides of Celebrate Virginia.

That lease originally required that Silver begin building the gondola by July 10, 2007. The City Council extended that deadline to July 10, 2009, and then this past April, extended it again to July 10, 2012. In exchange for that lease, Silver donated 60 acres it owned in Celebrate Virginia along the Rappahannock to Fredericksburg. That land is now under permanent conservation easement.