

Date: October 25, 2018

For ACTION \_\_\_\_\_

For INFORMATION   X  

Board Agenda: Yes   X  

No \_\_\_\_\_

**FROM:** Gregory C. Hutchings, Jr., Ed.D., Superintendent of Schools

**TO:** The Honorable Ramee Gentry, Chair, and Members of the Alexandria City School Board

**TOPIC:** Dominion Power Right of Way Agreement for Patrick Henry Elementary School

**SUMMARY:** The City of Alexandria, Dominion Virginia Power and ACPS recently finalized a right-of-way agreement (“Easement”) for the relocation of a power line at Patrick Henry Elementary School (the “Property”).

On October 18, 2018, the Superintendent signed the agreement on behalf of the School Board as outlined below.

**BACKGROUND:** Although the Property is currently owned by the City of Alexandria, the Easement was signed by the Superintendent on behalf of the School Board. This resulted from the City Attorney’s position that its existing Franchise Agreement with Dominion prevents the City from executing an Easement on the Property. In addition, Section 22.1-125(B) of the Virginia Code expressly provides that school property located within the boundaries of the school division is under the “official care and authority of the school board” even if the property itself is titled in the city. For this reason, both the City of Alexandria and Dominion Power agreed that the School Board could grant the Easement.

Legal counsel for ACPS subsequently determined the following School Board policies to grant the Superintendent authority to execute the Easement on behalf of the Board:

***CBA – Qualifications and Duties for the Superintendent***

Section II.(E)(4) and (5) – the Superintendent oversees facilities management, including “(4) approves the utilization of school property, and (5) monitors any construction, renovation, and demolition of school facilities.”

***CHD/BFE – Administration in Policy Absence***

“In cases where action must be taken by the school division and the School Board has provided no guidelines for administrative action, the Superintendent has the authority to act, but the Superintendent’s decisions are subject to review by the School Board at

its next regular meeting. It is the duty of the Superintendent to inform the School Board promptly of such action and of the need for policy.”

Based on the foregoing, the Superintendent hereby notifies the Board that he executed the easement before a notary. The executed easement, including the easement plat, was then delivered to the City Attorney’s office for execution by the City Manager. The final signatory is Dominion Power.

**RECOMMENDATION:** The Superintendent recommends the School Board receive the above notification in accordance with Policy CHD/BFE.

**CONTACT PERSON:** Dr. Gregory C. Hutchings, Jr., 703-619-8001