

## **FACILITIES**

### **Site or Building Acquisition and Disposal**

### **Granting of Easements and Permits for Construction on School Property**

This policy supersedes Policy 8330.1.

#### **I. PURPOSE**

This policy establishes conditions under which the School Board shall cooperate with adjacent property owners, utility companies, and governmental agencies to grant them easements and permits for construction on School Board property.

#### **II. SUMMARY OF CHANGES SINCE LAST PUBLICATION**

Policy 8330 has been revised to update the department name and title of chief operating officer and to clarify the definition of “easement.”

#### **III. DEFINITIONS**

- A. Easement—The right of way, or privilege of installing and maintaining facilities, on School Board property.
- B. Permit—A temporary grant of permission to enter onto property for the purpose of installing and maintaining facilities.

#### **IV. CONDITIONS FOR GRANTING EASEMENTS OR PERMITS**

Easements or permits may be granted when construction will in no way permanently damage, interfere with, or limit the present or future use of the property and will not endanger the general health, safety, or welfare of individuals using the property.

#### **V. DETERMINATION OF CHARGES FOR PERMITS AND EASEMENTS**

- A. No Costs—The user shall not be charged if the proposed construction is of direct benefit to the specific School Board-owned property and/or the operation of the school system.
- B. User Costs—A user shall be charged when the proposed construction is not deemed beneficial to the property and/or the school system. The charge shall be based on:
  1. The fair market value of the land area based on an appraisal prepared by an independent real estate appraiser.

2. Damage that will be incurred as a result of the proposed construction.
3. All costs involved (e.g., legal fees, appraisal charges, etc.).

**VI. APPROVAL PROCEDURES**

All requested easements or permits shall be reviewed and approved by the director, Design and Construction Services, Fairfax County Public Schools. Easements for all approved bond projects and minor capital improvement projects shall be considered approved and executed by the Division Superintendent, or his or her designee, or the chief operating officer for the Department of Facilities and Transportation Services. All other easements must be approved by the School Board and executed by the chairman. Permits shall be executed by the chief operating officer for the Department of Facilities and Transportation Services or his or her designee.

**VII. RECORDING**

All easements and permits shall be recorded among the land records of Fairfax County.

Legal Reference:Code of Virginia, §22.1-129

Policy  
adopted: July 1, 1986  
Corrected: November 1, 1993  
Revised: December 7, 2001  
Reviewed and  
corrected: July 15, 2008