

## Rivergate Owners Association

Dear Waterfront Plan Work Group Member,

This letter is written on behalf of the Board of Directors of the Rivergate Owners Association (the “Board”) with the advice of Mr. Engin Artmel, a resident of Rivergate.

The Rivergate Owners Association is a Virginia not-for-profit, community association, organized in 1993, (“ROA”) for the purpose of maintaining and preserving the common property and enforcing the covenants created under the Association’s declaration. The ROA’s property consists of 58 residential units located between Madison and Montgomery Streets in Old Town Alexandria. The ROA’s property includes Rivergate Park on the east by the river.

At the September 21, 2011 meeting of the Waterfront Plan Work Group during the parks and public spaces portion of the agenda the Work Group discussed Rivergate Park, including raising several questions about Rivergate Park and its current use. The meeting notes of the September 21 meeting, approved by the Work Group at its September 28 meeting, refers to this discussion and provides the City staff’s response, as follows:

*“Consideration of how Rivergate Park might contribute to public space activities, and/or public art and historical interpretation. A: The Plan calls for the recommendations of the art and history plans for Rivergate Park to be pursued but does not call for the essential character of Rivergate Park to be changed. Changes that would increase activities in the portions of Rivergate Park owned by the Rivergate homeowners association would likely require an amendment to the easement agreement with the City”.*

The purpose of this letter is to provide the Work Group some additional information with respect to the ownership and current uses of Rivergate Park. We also want to express our strong agreement with the Waterfront Plan Policy Statement agreed upon by the Work Group at its September 28 meeting:

*“Implementation of [The Waterfront Plan] should respect and balance the rights of private property owners with public benefits”.*

### Ownership of Rivergate Park<sup>1</sup>

As summarized in Appendix 2 of the Alexandria Waterfront Small Area Plan, the fee interest in Rivergate Park is privately owned by ROA.<sup>2</sup> In 1982 the United States and the predecessor in interest to ROA entered into a settlement agreement which defines the rights and duties of the parties and the City of Alexandria, with respect to Rivergate Park. The agreement confirmed the fee ownership of Rivergate Park in the predecessor in interest to ROA subject to restrictions which permit Rivergate Park to be used for certain limited public purposes, i.e. “pedestrian walkways, bicycle trails, seating, landscaped areas, fountains, gardens, play areas,

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<sup>1</sup> The following information with respect to the ownership of Rivergate Park and the legal rights and obligations of Rivergate Owner’s Association is based upon the Board’s review of the underlying legal documents and the material contained in Appendix 2 of the Alexandria Small Area Plan and the discussion of Rivergate Park in the Character and Theme Area section of the Plan. Our comments have not been reviewed by the Association’s legal counsel.

<sup>2</sup> In fact, the City of Alexandria owns a small portion of the 2.4 acre Rivergate Park; about 2/5 acres in the northeast corner. See p.40 of the Small Area Plan.

plazas, and temporary facilities for special events...”. The settlement agreement further provides that the ROA agrees that the City of Alexandria may do all things necessary to improve and maintain Rivergate Park for public use consistent with the restrictions specified above, subject to approval by ROA which approval shall not be unreasonably withheld by ROA

In 1996 the ROA and the City of Alexandria entered into a letter agreement regarding maintenance responsibilities with respect to Rivergate Park. Under the agreement, in return for an annual fee payable to the City by ROA the City assumed responsibility for all maintenance in Rivergate Park.

### Current Uses of Rivergate Park

During the Work Group’s discussion of Rivergate Park at the September 21 meeting it was suggested that the Park was “deadspace”, i.e. an underutilized public asset. We disagree with that observation.

The Park is currently used extensively by many different segments of the public. Individuals and groups use the Park for a variety of activities ranging from the quiet enjoyment of reading and sunbathing to wedding parties, company picnics, birthday parties, family reunions, and children’s pre-school programs. Permits for group activities are issued by the City’s Recreational, Park and Cultural Activities Department.

Rivergate Park, unlike the other parks on the waterfront, is privately owned and an integral part of a residential community. Accordingly, the principle adopted by the Work Group at its September 28 meeting calling for an appropriate balance between rights of property owners and public benefits applies here. As to the application of this principle to Rivergate Park, we agree with the conclusion reached in the Small Area Waterfront Plan:

*“Due to limited nearby parking and proximity to residences the current level of activity is appropriate. “*

### The Rivergate Community’s Attitude about use of Rivergate Park.

The Rivergate community wants to be good neighbors with all Alexandrians while preserving the residential nature of our community. We endorse the idea that the waterfront should be enjoyed by all Alexandrians. For example, we support the idea of using art and historical markers along the walkways in Rivergate Park, as considered by the Work Group and recommended in the Small Area Plan.

During the Workgroup’s discussion of Rivergate Park at the September 21 meeting, Bob Wood suggested that we identify uses of Rivergate Park which serve the public and at the same time benefit the owners the Rivergate property, i.e. the Rivergate homeowners. We certainly support that thought.

If you have questions, please contact the undersigned. I would be happy to meet with the Work Group if you think that is desirable.

*Thomas D. Terry*

Thomas D. Terry  
President  
Rivergate Owner’s Association