

Gulf Oil Realty Company

William C. Cox
PRESIDENT

Gulf Building
Pittsburgh, Pa. 15230

July 15, 1981

The Hon. Martha Pennino
The Fairfax County Board of Supervisors
4000 Chain Bridge Road
Fairfax, VA 22030

Dear Mrs. Pennino:

As you know, Gulf Oil Realty Company ("GORC"), the successor by merger to Gulf Reston, Inc., has sold its land holdings in Reston and is completing its few remaining obligations with respect to roads, walkways and the like, prior to completely closing down its operations in Fairfax County. In connection with this process, we have taken steps to provide for the continued maintenance and repair of the Lake Anne Dam.

Specifically, we have requested that the Reston Home Owners Association ("RHOA") assume this maintenance responsibility. As you know, RHOA is an organization which was created at the inception of the development of Reston, and is the entity which is charged with the responsibility, under the Reston Protective Covenants and Restrictions, to maintain the land, structures and other improvements which are dedicated by the developer of Reston to the common use and enjoyment of the residents of Reston. It is completely supported by dues from its membership, which includes all owners of residential housing in Reston. It has developed the staff and equipment necessary to carry out its responsibilities. Further, RHOA is the owner of Lake Anne and the land upon which the dam was constructed. Title to the dam was conveyed to RHOA several years ago by Gulf Reston. In a very real and practical sense, RHOA is the organization best able to provide for the continued maintenance of the Lake Anne Dam. The only step which remains to be done for GORC to be relieved of the maintenance responsibility is for RHOA to be substituted on a bond given Fairfax County several years ago when a street was built across the dam.

Based upon these considerations, GORC has asked RHOA to formally acknowledge its responsibility to maintain the dam, and to become substituted in the place of GORC under the 1970 agreement between Gulf Reston, Inc., and Fairfax County pertaining to the dam. Pursuant to this request, RHOA has recently written to Jay Lambert, the



County Executive, and asked to be substituted in the place of Gulf Reston (now GORC) under the 1970 agreement. A copy of said agreement is enclosed for your reference.

Recently I was told that a resident of Fairfax County has made a complaint to the Board of Supervisors which calls into question the safety of the Lake Anne Dam. I believe this individual does not live in the water shed in which Lake Anne is located. I have also been told that a meeting was held, at the Massey Building on June 15, 1981, apparently in response to the citizen's complaint and that at the meeting you said that RHOA's request for a transfer of the maintenance responsibility for the Lake Anne Dam would not be considered by the County until a further engineering study was undertaken which would endorse the safety of the dam without qualification.

I hope my information is correct. Assuming for the moment that it is, I am wondering whether copies of three recent engineering studies of the dam have been made available to you.

The dam has been inspected on three separate occasions by competent, licensed engineers. Written reports were produced as a result of each inspection. The studies conducted are the following:

- (a) Schnabel Engineering Associates
Bethesda, MD
June 22, 1978
(This report was done for Gulf Reston, Inc.).
- (b) Michael Baker, Jr., Inc.
Beaver, PA
July, 1980
(This report was done for the Army Corps of Engineers under the National Dam Inspection Program, and submitted to the State Water Control Board).
- (c) CH₂M Hill, Inc.
Reston, VA
January 8, 1981
(This report was done for RHOA)

I am told that the County staff has received copies of each one of the three reports and they can doubtless be made available to you. If that is not the case, I shall be glad to see that you get them, should you wish copies. The reports, while they are carefully worded, do not question the structural integrity of the dam nor do they raise any serious questions as to the continued safety of the dam. More to the point, there is no finding in any of the three reports that indicates further engineering studies are needed. I wonder also whether you are aware that the dam was designed by Massey Engineers of Fairfax and approved by the Fairfax County staff at the time of construction.

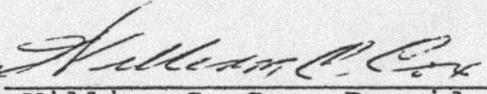
RHOA is willing to assume the maintenance responsibility for the dam. In his letter of June 12, 1981, to J. Hamilton Lambert, County Executive, Mr. Thomas S. Kenny, Attorney for RHOA, states that RHOA wishes to be substituted for GORC under the 1970 agreement with the County pertaining to the maintenance of the Lake Anne Dam. Mr. Kenny also states that RHOA's engineering consultant is in the process of developing a planned maintenance program for the dam. A copy of Mr. Kenny's letter is enclosed.

The request which RHOA has made of the County requires only that the County consent to the substitution of RHOA for GORC under the 1970 agreement. The 1970 agreement specifically contemplates such a substitution, by its terms. I am also wondering whether you are aware that under 62H-104 of the Code of Virginia, the General Assembly has given the State Water Control Board responsibility for all matters having to do with the operation and structural soundness of water retention dams such as the one at Lake Anne. It was for this reason the Baker report was compiled. The State Water Control Board received a copy of the Baker study and has not required any further action by GORC except minor remedial and maintenance work which has been done.

I would greatly appreciate your doing what you can to expedite the approval of RHOA's request by the County. GORC will, in the near future, close its operations in Reston and will be unable to provide the continued monitoring and maintenance services which are necessary to the proper operation of the dam. Therefore, further delays in this matter will do nothing to assure the safety of the Lake Anne Dam, nor will it serve the best interests of the citizens of Fairfax County.

Very truly yours,

GULF OIL REALTY COMPANY

By 
William C. Cox, President

WCC/lp

cc: J. Hamilton Lambert, County Executive
Thomas Burgess
Thomas S. Kenney, Esq.
Charles L. Chambers

bcc: E. A. Prichard, Esq.
✓ Stephen R. Clineburg, Esq.