

Albemarle County Parks and Recreation/CAMBC Memorandum of Understanding

November 20, 2006

This Memorandum of Understanding (MOU) is made and entered into between Albemarle County Parks and Recreation, hereinafter referred to as ACPR, and the Charlottesville Area Mountain Bike Club, hereinafter referred to as CAMBC.

I. PURPOSE

The purpose of this MOU is to outline and clarify the numerous verbal agreements made between ACPR and CAMBC, since CAMBC's formation in 2003. By outlining these agreements, ACPR and CAMBC hope to expand upon the existing framework of cooperation in beneficial programs, projects, and recreational multi-use trail development activities already accomplished and planned by ACPR and CAMBC. Such programs, projects and activities comprise part of the ACPR's desire for multi-use recreation trails and are in the best interests of the public. This MOU intended to act as a for guide future cooperation between ACPR and CAMBC at a countywide local level and may be amended by mutual agreement from time to time as the parties may desire. It is not intended to be a legally binding or enforceable document in any respect, and nothing hereinafter creates any legal obligations of any kind for ACPR or CAMBC.

II. INTRODUCTION

As a Department of the County of Albemarle, ACPR is a land management organization dedicated to the management of several parks owned by Albemarle County for the benefit of its citizens. The parks provide for a variety of uses and activities including outdoor recreation. Recognizing high public demand for rustic, recreational, multi-use trails, as illustrated by a recent Parks and Recreation survey, ACPR is interested in providing recreational multi-use trails, in various locations throughout Albemarle County in both existing parks (such as Chris Green Lake, Mint Springs Park, Totier Creek, and Walnut Creek Park) and potential new parks (such as Patricia Bryom Park and Preddy Creek). ACPR is also proactive the Albemarle County's greenway plan. ACPR recognizes mountain bicycling, as a beneficial recreational use on rustic multi-use or single-use trails and other facilities within the aforementioned parks. Furthermore, ACPR supports community objectives that contribute to local and regional economies and quality of life.

CAMBC is an International Mountain Bicycling Association (IMBA) affiliated club. CAMBC represents the major segment of the organized mountain bicycling public in the Charlottesville area and is the recognized leader in establishing mountain bike ethics, safety standards, volunteerism, and fostering appropriate land-use management on lands managed by ACPR (such as County Parks), UVA (such as O'hill), and the Federal Government (such as Sherando Recreation Area within the George Washington National Forest). CAMBC has over 75 active, dues paying members and provides over 200 people with current event information about mountain biking in the Charlottesville Area. CAMBC members desire to use ACPR managed properties for recreational purposes, and through this MOU or subsequent agreements will provide support, volunteer labor and/or funds to ACPR for accomplishment of mutually beneficial bicycling projects or related activities.

There is a need to actively promote public-private partnerships that encourage athletic activity and public participation in trail maintenance and construction opportunities within properties managed by ACPR. Both ACPR and CAMBC share the common responsibility and interest of promoting, maintaining, and developing venues for mountain bicycling. In consideration of the above premises, the parties agree as follows:

III. ACPR SHALL:

- A. Work with CAMBC to identify appropriate partnership opportunities (trail projects, education programs, etc.) and jointly pursue such projects in conjunction with the mountain biking community in and around Albemarle County, contingent upon availability of funds and personnel.
- B. Encourage continued participation between ACPR officials and CAMBC in the development of mutually beneficial trail work projects and educational activities.
- C. Continue to make existing ACPR managed lands, specifically Mint Springs Park and Walnut Creek Park, available for mountain biking and other human powered, multi-use trail recreation, subject to ACPR or other County policies regarding park usage.
- D. Facilitate introductions between CAMBC and other trail maintenance groups so that multiple groups can work together towards building trails that are safe, fun and sustainable.
- E. Work towards the creation of a multi-use trail loop at Chris Greene Lake that can be categorized as an “easy” trail within the Albemarle County park system.
- F. Work towards the creation of new multi-use recreational trails at Patricia Byrom Park and Preddy Creek when these venues become available.
- G. Work toward creating new multi-use trails at other County venues as they are acquired or developed.
- H. Encourage the management of mountain bike use as a human powered activity, similar in recreational benefits, reasons for participation, and impact to hiking and trail running. Mountain biking is an activity distinct from activities by motorized vehicles for purposes of land management and park development.
- I. Maintain all existing and new pedestrian/bicycle bridges in ACPR parks, such as the wooden bridge at Walnut Creek.

IV. CAMBC SHALL:

- A. Work with the ACPR to identify appropriate partnership opportunities (trail projects, education programs, etc.) and jointly pursue such projects in conjunction with the mountain biking community and ACPR county-wide, contingent upon availability of funds and personnel.
- B. Provide technical assistance to land managers and communities involved in projects, educational activities and mountain bicycling opportunities, contingent upon availability of funds and personnel.

- C. Encourage its members to work with local ACPR officials to discuss and identify opportunities for cooperative work on mutually beneficial projects or activities, when appropriate.
- D. Continue regular trail maintenance and construction events at ACPR facilities with existing trail networks such as Walnut Creek and Mint Springs. Typical trail maintenance is performed to keep the trails open and passable, as well as attempting to mitigate erosion issues through the use of grade dips, grade reversals, and reroutes.
- E. Assist with new trail construction, followed by regular trail maintenance at ACPR facilities newly opened, or anticipated to be opened, to mountain biking, such as Patricia Byrom Park and Preddy Creek.
- F. Utilize sustainable trail construction techniques on new trails.
- G. Seek approval from ACPR prior to construction of any major new trail or major reroute of any existing trail.

V. IT IS MUTUALLY AGREED AND UNDERSTOOD BY AND BETWEEN THE SAID PARTIES THAT:

- A. The principal contacts for this agreement are:

<p>Mr. Pat Mullaney Director Albemarle Co. Parks and Recreation Room 118 401 McIntire Road Charlottesville, VA 22902</p>	<p>Mr. Will Sanford President Charlottesville Area Mountain Bike Club 1581 Thornridge Way Charlottesville, VA 22911</p>
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Future ACPR directors and current and future CAMBC Board members, who may enter into subsequent agreements and partnerships as needed to accomplish portions of this MOU.

B. Non Fund-Obligating or Legally Enforceable Document. This MOU is not intended to be a legally binding or enforceable document, and does not create any legal, financial, funding or other fiscal obligations of any kind on the participants.. The intent of this MOU is to express mutual understanding in the areas outlined herein, and nothing in this MOU will be construed as affecting the legal authority of the participants or to require any of the participants to obligate or expend funds or commit any acts of any kind that could be construed as legally enforceable.

C. Modification. Modifications within the scope of the instrument shall be made by mutual consent of the current or future ACPR Director and by a majority vote of the CAMBC Board of Directors. The issuance of a written modification shall be signed and dated by the parties, prior to any changes being performed.

D. Participation in Similar Activities. This MOU in no way restricts the ACPR or CAMBC from participating in similar activities or arrangements with other public or private agencies, organizations, or individuals.

E. Commencement/Expiration Date. This MOU becomes effective upon signature by all parties and, unless terminated, shall be in force for five years from the date of the last signature, at which time it is subject to review and renewal or expiration. Each party in this MOU reserves the right to withdraw from this agreement, or any part thereof, at any time upon 30 days written notice. The agreement may continue with the remaining parties. Additional parties may be added to this MOU, and the MOU may be modified or amended, with the concurrence of the present parties.

F. Termination. Either party may terminate the MOU in whole, or in part, at any time for convenience or any other reason, on or before the date of expiration, by sending written notice of termination.

IN WITNESS WHEREOF, the parties hereto have executed this MOU as of the last written date below.

PAT MULLANEY
Director, Albemarle County Parks and Recreation

Signature on File

Date:

MICHELE CO
Director, Charlottesville Area Mountain Bike Club

Signature on File

Date:

TED GAYLE
Director, Charlottesville Area Mountain Bike Club

Signature on File

Date:

JASON HISER
Director, Charlottesville Area Mountain Bike Club

Signature on File

Date:

MARTY QUINN
Director, Charlottesville Area Mountain Bike Club

Signature on File

Date:

WILL SANFORD
Director, Charlottesville Area Mountain Bike Club

Signature on File

Date: