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**Regular Meeting Agenda**  
**400 Kendrick Lane, Suite D, Front Royal, VA**

**June 24, 2022**

**8:00 AM**

1. Call to Order
2. Adoption of Agenda – Additions or Deletions
3. Approval of Minutes – May 27, 2022
4. Reports
  - A. Executive Committee – Jeff Browne
    - i. Avtex Ad Hoc Committee Update – Jorie Martin
  - B. Asset Committee – Greg Harold
  - C. Finance Committee/Budget Update – Jim Wolfe
  - D. Board Members
  - E. County Administrator Report – Ed Daley
  - F. Warren County Director of Economic Development – Joe Petty
5. Unfinished Business
  - A. Deed of Release of Parcel 15 on Fairground Road – Sharon Pandak
6. New Business
  - A. IT Discussion – Joe Petty
  - B. Small Business Loans Update – Joe Petty
  - C. Utility Easement Request, TM#20A1-3-----7C, 0 Kendrick Lane – Joe Petty
  - D. Royal Arms – Jeff Browne
7. Closed Session
  - A. 4 matters – Discussion of disposition of publicly held real property where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, Stephens Industrial Park, 1321 Happy Creek Rd, Avtex redevelopment, Happy Creek Industrial Park, and legal advice related thereto, pursuant to Va. Code §§ 2.2-3711.A.3 and 8.
  - B. 2 matters – Consultation with legal counsel pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, *EDA v. Jennifer McDonald. et al.*, and litigation between the EDA and the Town of Front Royal (*EDA v. Town of Front Royal, et al.* (2 cases) and *Town of Front Royal v. EDA*), pursuant to Va. Code §§ 2.2-3711.A.7 and 8.
8. Additional New Business (if needed)



## ITEM 3

# Approval of Minutes

**INDUSTRIAL DEVELOPMENT AUTHORITY  
OF THE TOWN OF FRONT ROYAL & COUNTY OF WARREN, VIRGINIA  
dba THE ECONOMIC DEVELOPMENT AUTHORITY (EDA)**

At a regular meeting of the Board of Directors of the Industrial Development Authority of the Town of Front Royal and the County of Warren, Virginia, dba Economic Development Authority, held on Friday, May 27, 2022, at 8:00 AM, at the EDA main office located at 400 Kendrick Lane, Suite D, Front Royal, VA 22630.

Board Members Present: Jeff Browne (Chairman); Greg Harold; Jorie Martin; Jim Wolfe; Scott Jenkins

Others Present: Cheryl Cullers, Board of Supervisors; Sharon Pandak, EDA attorney; Joe Petty, Warren County Director of Economic Development

Jeff Browne called the meeting to order at 8:00 AM

### **Adoption of Agenda**

On a motion by Scott Jenkins seconded by Jim Wolfe and by the following vote, the Board of Directors approved the agenda as presented:

Browne, Aye; Harold, Aye; Jenkins, Aye; Martin, Aye; Wolfe, Aye

### **Approval of Minutes**

On a motion by Jim Wolfe, seconded by Greg Harold, and by the following vote, the Board of Directors approved the meeting minutes from April 29, 2022, and May 13, 2022, as presented:

Browne, Aye; Harold, Aye; Jenkins, Aye; Martin, Aye; Wolfe, Aye

### **Closed Meeting**

On a motion at 8:04 AM by Greg Harold, seconded by Jim Wolfe, and by the following vote, the Board of Directors entered into a closed meeting for the following:

- 5 matters – Discussion of disposition of publicly held real property where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, Avtex Redevelopment, and 426 Baugh Drive, Happy Creek Industrial Park, 1321 Happy Creek Parcel and Stephens Industrial Park and legal advice related thereto, pursuant to Va. Code § 2.2-3711.A.3 and 8.
- 1 matter – Consultation with legal counsel pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, *EDA v. Jennifer McDonald. et al.*, pursuant to Va. Code §§ 2.2-3711.A.7 and 8.

Browne, Aye; Harold, Aye; Jenkins, Aye; Martin, Aye; Wolfe, Aye

On a motion at 9:46 AM by Jim Wolfe, seconded by Jorie Martin, and by the following vote, the EDA Board of Directors certified to the best of each member's knowledge only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the meeting by the public body.

Browne, Aye; Harold, Aye; Jenkins, Aye; Martin, Aye; Wolfe, Aye

### **Committee Reports**

Jim Wolfe provided the following updates for the Finance Committee:

- Plan to have financial and loan reports at the June meeting.

Greg Harold provided the following updates for the Asset Committee:

- Expressed the need to fill the two vacant EDA Board of Director positions.

### **Warren County Director of Economic Development Report**

- Plan to provide Board with update on current loan program status
- Will work with Asset Committee in the future on prospects.

### **New Business**

On a motion by Jim Wolfe, seconded by Greg Harold, and by the following vote, the Board of Directors approved a negotiated settlement of claims against Linda Hassenplug and Little Rugratz Daycare, LLC in the amount of \$50,000 subject to an executed release, which the EDA authorizes its Chair Jeffrey Browne to execute on behalf of the EDA and entry by the Warren County Circuit Court of an order of Partial Final Judgment in favor of the EDA and against Linda Hassenplug and Little Rugratz Daycare, LLC.

Browne, Aye; Harold, Aye; Jenkins, Aye; Martin, Aye; Wolfe, Aye

On a motion by Jorie Martin, seconded by Jim Wolfe, and by the following vote, the Board of Directors approved to amend the Bylaws Article VII, Section 6: "~~Four (4)~~ **A majority of the** members of the Board of Directors shall constitute a quorum of the Board for the purpose of conducting its business and exercising its powers."

Browne, Aye; Harold, Aye; Jenkins, Aye; Martin, Aye; Wolfe, Aye

The Board tabled a vote until the June Meeting regarding the Deed of Release of Parcel 15, given they were unable to determine the property location of Parcel 15.

On a motion by Scott Jenkins, seconded by Jim Wolfe, and by the following vote, the Board of Directors approved for the next fiscal year (beginning July 1, 2022) the renewal and reaffirmation of the Support Agreement relating to the First Bank & Trust loan to the Industrial Development Authority of the Town of Front Royal and the County of Warren, Virginia, dated March 2, 2022, on substantially the same terms. The Chair and the Secretary and Treasurer are each authorized and directed to take such action as may be necessary to accomplish the same.

Browne, Aye; Harold, Aye; Jenkins, Aye; Martin, Aye; Wolfe, Aye

### **Adjournment**

Jim Wolfe made the motion to adjourn, seconded by Jorie Martin, and by unanimous vote the motion was approved.

Browne, Aye; Harold, Aye; Jenkins, Aye; Martin, Aye; Wolfe, Aye

Jeff Browne adjourned the meeting approximately 10:30 AM.



## ITEM 4-A.i

### Avtex Ad Hoc Committee Update

Jorie Martin



June 17, 2022

#### AVTEX COMMITTEE REPORT:

The Avtex Committee met June 2, and June 9, 2022. Below is a summary of the meetings with time line and recommendations.

6/2/2022

Attendees: Jorie Martin, Board Member Scott Jenkins Board Member, Joe Petty EDA Executive Director, Sharon Pandak, Attorney

The two members appointed by the Board Chair to the Ad Hoc Avtex/ Royal Phoenix Committee met on Thursday, June 2, 2022. The meeting was called to order at 9:35 AM.

Joe Petty reviewed the parcel map and the current land use/ Covenant Restrictions on the Avtex/ Royal Phoenix site. The color coded map and zoning/ covenant restrictions is attached for board review.

The past studies were discussed, and the 2000 Conservancy Master Plan is the one the Committee focused on for the meeting.

The Committee determined the best way to move forward is to break up the project into Parcel 1 (Parking lot) and Conservancy side.

In reviewing the Covenants it is clear currently no housing can be built on any parcel within the Avtex site. The Committee supports exploring the changing of the Covenants for Parcel 1.

**Action ITEMS:** Joe Petty will reach out to DEQ and other parties to explore the feasibility of a housing project on Parcel 1. Joe Petty will contact Mr. Parsons, and the Town Planning Department to confirm that housing on the parcel is in the Town Comprehensive Plan.

On Parcel 1 the Committee supports Asset Committee Chair Greg Harold's initiative for affordable cooperative housing. Greg proposes a joint meeting with stakeholders and a prospective building partner within the next month.

#### Conservancy Side:

The Committee discussed the 2000 Conservancy Master Plan. Joe Petty outlined the process from 2000 and the stakeholder input. The EPA, DOJ, Town of Front Royal, Warren County, and the Front Royal Warren County EDA developed the plan. Joe discussed how the conservancy is a vital part of the trail system and an extension of the National Park in many ways. The Committee agreed that the Conservancy Master Plan was a good blueprint for development of the site.

The Committee discussed how best to move forward with the Conservancy Plan. The Committee believes that the best approach is for Warren County to purchase the property from EDA and develop the Plan through Parks and Recreation. The EDA and other stakeholders could assist in an advisory capacity.

**ACTION ITEMS:** Joe Petty will discuss with Ed Dailey and the County the feasibility of the County purchasing the Conservancy side of the Avtex site for development. If the County is interested, the Committee recommends that the County use the EDA process of submission of an LOI to the EDA for review. The EDA would be interested in a LOI that follows the Conservancy Master Plan 2000 development plan where possible.

Sharon Pandak will review the mechanics of how the transfer could be done.

The goal is to have an approved sale completed by the end of calendar year 2022.

**RECOMMENDATIONS:** The Committee recommends the EDA Board terminate exploring further the installation of solar panels on the Conservancy side. The Committee further recommends that prospective businesses interested in both Avtex and Stephens Industrial Park be directed to Stephens Industrial Park for development.

The Committee addressed the IT Federal Parcel which it understands can be sold separately. The Committee requested a review of the sale agreement documents to understand the mechanics of the sale.

**ACTION ITEM:** Sharon Pandak and Joe Petty to review documents and update the Committee and EDA board.

The Committee agreed to meet at 9:30 Thursday, June 9, 2022. The agenda will include discussion and review of the Plant side of the Avtex site.

## **6/9/2022**

Attendees: Jorie Martin, Board Member Scott Jenkins Board Member, Joe Petty EDA Executive Director

The Committee met and addressed the Plant side of the Avtex site.

The committee reviewed the approved uses of the plant side including town zoning and EPA restrictive covenants (revised in 2014)

The Committee discussed the uses and how the uses of the Plant Side should complement the Conservancy Side. Based on the above premise the Avtex Committee recommends the following for the Plant Side.

1. Light industrial to include small manufacturing possible flex use space.
2. Incubator space
3. Small business such as medical office, law office, services

4. Ancillary services to serve the light industrial, incubator and small business mix

The Committee recommends the following for the development and look of the Plant side

1. Single story buildings
2. Develop a Form Base Code working with the town and county on a coordinated look for all buildings (similar to the Overlay District in the county)
3. Embrace the rail as a positive
4. No smoke stacks
5. Mindful of the view shed
6. Synergy with the Conservancy side

The Committee recommends no large manufacturing, or “smoke stack business”. The Committee also recommends businesses that would **not** significantly increase truck traffic.

**There are two attached documents to the report. The Avtex map color coded and the restrictions for the site are for the board review and reference.**

The Committee will have a formal presentation for the full board at the July meeting.



- 1: TM#20A1-3-----7C, 4.5486 ACRES, INDUSTRIAL EMPLOYMENT DISTRICT (I-2)
- 2: TM#20A1-3-----6A, 3.2349 ACRES, COMMUNITY BUSINESS DISTRICT (C-1)
- 3: TM#20A1-3-----7D, 30.0913 ACRES, MIXED-USE CAMPUS DEVELOPMENT (MCD) DISTRICT
- 4: TM#20A1-3-----7, 117.2945 ACRES, MIXED-USE CAMPUS DEVELOPMENT (MCD) DISTRICT
- 5: TM#20A1-3-----8, 240.7483 ACRES, INDUSTRIAL EMPLOYMENT DISTRICT (I-2)
- 6: 88 PARCELS, 71.53 ACRES, RESIDENTIAL-1 (R-1)



**Area 3 (Conservancy and Open Space Area) & Area 4 (West Bank Acres/Rivermont Acres)**

Instrument #140004560



The Property is subject to the following activity and use limitations, which shall run with the land and are binding on Grantor and any successors, assigns, tenants, agents, employees, and any other persons under its control, until such time as this environmental covenant may terminate or be amended as provided by law:

- A. Until such time as EPA determines that the groundwater clean-up levels specified in the OU7 ROD have been achieved and this environmental covenant has been amended to allow the same, the following groundwater use and well restrictions shall apply:
  1. Groundwater beneath the Property shall not be extracted or used for any purpose, except as may be required by EPA or DEQ for ground water monitoring and/or remediation; and
  2. No groundwater extraction wells shall be installed on the Property, until and unless, approved, in writing, by EPA.
- B. Residential dwellings of any kind are prohibited on the Property.
- C. Trails on the Property may be designed to provide access to the South Fork Shenandoah River by motorized emergency vehicles.
- D. Accumulation of trash, refuse, junk or any other unsightly material is not permitted on the Property.
- E. Hunting or trapping of animals on the Property is prohibited.
- F. Display of billboards, signs, or other advertisements is not permitted on or over the Property, except to provide notice necessary for: (1) protection of the Property; (2) health and welfare; (3) giving directions to visitors; and (4) such signage that is customary and appropriate for parks and recreational areas.
- G. No permanent or temporary building or structure shall be built or maintained on the Property except for:
  1. such buildings or structures as are necessary for the protection of human health or the environment or are constructed by either the United States or FMC on the Property for purposes of performing or implementing any activity relating to a response action on the Property pursuant to CERCLA.
  2. such buildings as are customary and appropriate for park and recreational usage, such as park ranger's stations, boat landings, storage or maintenance buildings, bathrooms and fences.
- H. The Property shall not be used in any manner that would interfere with, adversely affect or impair the integrity, protectiveness or efficacy of the removal or remedial actions implemented or to be implemented pursuant to the Consent Decree. The Property shall only be used in a manner which is consistent with any obligations or restrictions that EPA determines are necessary to implement, ensure non-interference with or ensure protectiveness of the removal or remedial actions implemented or to be implemented pursuant to the Consent Decree.
- I. The Conservancy and Open Space Area of the Property (Area 3 on Exhibit B) is restricted to conservancy and open space, but may include hiking, nonmotorized biking, or nature trails, a wastewater treatment plant and sewers, pipes and other means leading to the wastewater treatment plant; provided, however, no trails shall be placed on and no public access shall be permitted to the Treatment and Disposal Areas depicted in Exhibit C hereto where such trails or other public access would interfere with the response actions being performed under the

Consent Decree, or which may be fenced off by FMC. Until the completion of the response actions called for in the Consent Decree or other response action document, or unless necessary for the implementation of those response actions, logging or tree cutting in Area 3 on Exhibit B is prohibited. Any cutting of trees in Area 3 on Exhibit B after the completion of the response actions called for in the Consent Decree or other response action document shall be performed only to maintain hiking trails, nonmotorized biking trails, nature trails, wildlife refuges or wetlands areas and shall be performed in accordance with best management practices (BMPs) that are defined by the Virginia Department of Forestry or other such Virginia agency to which authority for defining such BMPs may be assigned. Cutting of trees is also allowed for maintenance of the capped basins or for control of surface water runoff,

- J. The West Bank Acres of the Property (Area 4 on Exhibit B) are restricted to public park and recreational usage.

**Areas 2, 2A and 2B**

Instrument #140004561



The Property is subject to the following activity and use limitations, which shall run with the land and are binding on Grantor and any successors, assigns, tenants, agents, employees, and any other persons under its control, until such time as this environmental covenant may terminate or be amended as provided by law:

- A. The Property shall be restricted to light commercial and industrial use. By way of example only and not of limitation, the following types of uses **are permitted** on the Property:
1. colleges and other institutions of higher education without on-premises residences;
  2. business, professional and government offices and facilities, including telecommuting stations, call centers and data storage centers;
  3. theaters;
  4. light manufacturing facilities;
  5. retail shops and stores that do not cater primarily to children;
  6. eating establishments;
  7. grocery stores;
  8. customer service businesses such as banks other financial institutions, accountants, insurance agencies, dry cleaners and laundries;
  9. personal service facilities such as barber shops, beauty shops, fitness centers, gyms, tattoo parlors, and tanning salons;
  10. warehouses and distribution facilities;
  11. parking facilities;
  12. public safety facilities such as fire, rescue and police stations;
  13. recycling transfer stations and material processing;
  14. public transportation facilities;
  15. repair service establishments;
  16. contractors' and tradesmen's offices and facilities;
  17. dental and medical offices and clinics, including but not limited to optometrists, chiropractors, hearing specialists, and similar specialists, and health care supply retailers;
  18. research and development facilities.
- B. The following activities and uses **are prohibited** on the Property:
1. Child or day care centers;
  2. Pre-school, elementary, middle or high schools;
  3. Residential dwellings of any kind;
  4. Outdoor recreational facilities;
  5. Elder care facilities;
  6. Facilities that shelter or house animals;
  7. Hunting or trapping of animals;
  8. Facilities that cater to or are specifically designed for children under the age of 12;
  9. Accumulation of trash, refuse, junk or any other unsightly material;
  10. Hotels, motels, hospitals, bed and breakfasts, or any other overnight accommodations.
- C. Excavation of soils on the Property.
1. Except as provided in Paragraph 3.c.2 immediately below, excavation of soil 10 feet below the elevations depicted on the map attached hereto as Exhibit C is prohibited;

2. Excavation of soil in any manner is prohibited in Borrow Area A depicted on the map attached hereto as Exhibit C.
- D. Until such time as EPA determines that the groundwater clean-up levels specified in the OU7 ROD have been achieved and this environmental covenant has been amended to allow the same, the following groundwater use and well restrictions shall apply:
1. Groundwater beneath the Property shall not be extracted or used for any purpose, except as may be required by EPA or DEQ for ground water monitoring and/or remediation; and
  2. No groundwater extraction wells shall be installed on the Property, until and unless, approved, in writing, by EPA.
- E. The Property shall not be used in any manner that would interfere with, adversely affect or impair the integrity, protectiveness or efficacy of the removal or remedial actions implemented or to be implemented pursuant to the Consent Decree. The Property shall only be used in a manner which is consistent with any obligations or restrictions that EPA determines are necessary to implement, ensure non-interference with or ensure protectiveness of the removal or remedial actions implemented or to be implemented pursuant to the Consent Decree.

# COUNTY OF WARREN



## Department of Economic Development

Warren County Government Center  
220 North Commerce Avenue, Suite 100  
Front Royal, Virginia 22630

Phone: (540) 252-0050

Email: [jpetty@warrencountyva.gov](mailto:jpetty@warrencountyva.gov)

*Joe Petty*

*Director of Economic Development*

### BOARD OF SUPERVISORS

\*\*\*\*\*

**CHAIR**  
Cheryl L. Cullers  
*South River  
District*

**VICE CHAIR**  
Delores R. Oates  
*North River  
District*

Jerome K. Butler  
*Happy Creek  
District*

Vicky L. Cook  
*Fork  
District*

Walter J. Mabe  
*Shenandoah  
District*

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Dr. Edwin C. Daley  
*County Administrator*

June 17, 2022

RE: FR-WC EDA Board Meeting, Agenda Item 4-F, Warren County Director of Economic Development Report

I will provide an updates regarding economic development for Warren County and open to any questions from the Board of Directors.

# COUNTY OF WARREN



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*Joe Petty*

*Director of Economic Development*

### BOARD OF SUPERVISORS

\*\*\*\*\*

RE: FR-WC EDA Board Meeting, Agenda Item 6-A, IT Discussion

June 17, 2022

**CHAIR**  
Cheryl L. Cullers  
*South River  
District*

I will provide a brief update on current IT operations and possible future options.

**VICE CHAIR**  
Delores R. Oates  
*North River  
District*

Jerome K. Butler  
*Happy Creek  
District*

Vicky L. Cook  
*Fork  
District*

Walter J. Mabe  
*Shenandoah  
District*

\*\*\*\*\*

Dr. Edwin C. Daley  
*County Administrator*

*Front Royal-Warren County  
Rivers of Opportunity-Mountains of Success*

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*Joe Petty*

*Director of Economic Development*

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Walter J. Mabe  
*Shenandoah  
District*

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Dr. Edwin C. Daley  
*County Administrator*

June 17, 2022

RE: FR-WC EDA Board Meeting, Agenda Item 6-B, Small Business Loans Update

I will provide a brief update on current status of the small business loans and next steps regarding current loans and future applications.



# COUNTY OF WARREN



## Department of Economic Development

Warren County Government Center  
220 North Commerce Avenue, Suite 100  
Front Royal, Virginia 22630

Phone: (540) 252-0050

Email: [jpetty@warrencountyva.gov](mailto:jpetty@warrencountyva.gov)

*Joe Petty*

*Director of Economic Development*

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District*

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Dr. Edwin C. Daley  
*County Administrator*

June 17, 2022

RE: FR-WC EDA Board Meeting, Agenda Item 6-C, Utility Easement Request, TM#20A1-3---7C,  
0 Kendrick Lane

I received information from the Town of Front Royal which is requesting a utility easement through the subject property. Town staff will be attending the meeting to present the request and answer any questions. Please find the attached documents regarding the request.

**TOWN COUNCIL SPECIAL CALLED MEETING**  
**Monday, June 13, 2022 @ 6:30pm in Town Hall Conference Room**

1. Roll Call
2. FY22 Budget Amendment and Payment for Legal Fees Related to Litigation – *Steven Hicks*
3. Adjourn

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**TOWN COUNCIL WORK SESSION**  
**Monday, June 13, 2022 @ 7:00pm in the Town Hall Conference Room**

1. Front Royal EDA By-Laws – *Rick Novak*
2. Deeds of Easement for Existing and New Stormwater Infrastructure Located Between 610 B and 612 W. 11<sup>th</sup> Street and IDA-owned Property Located at Kendrick Lane and Monroe Avenue – *Steven Hicks*
3. American Municipal Power (AMP) Power Purchase Portfolio– *Mary Ellen Lynn*
4. Items Slated for Public Hearing on June 27<sup>th</sup>
  - A. Special Use Permit for Short-Term Rentals – *Lauren Kopishke*
    - 108 Virginia Avenue submitted by Bridget Scanlan
    - 201 E. Main Street submitted by Aaron Hike
  - B. Proposed Ordinance Amendment to Chapter 175 for Data Centers – *Lauren Kopishke*
  - C. FY22 Budget Amendment & Budget Transfer for Additional Revenue for Paving Projects - *BJ Wilson*
  - D. Resolution Pertaining to Redundant Waterline for Route 522 North Corridor – *Kathleen Leidich*
5. Items Slated for the Consent Agenda for June 27<sup>th</sup>
  - A. Bid for Various Grades of Stone for FY23 – *BJ Wilson*
  - B. Bid for Various Grades of Asphalt for FY23 - *BJ Wilson*
  - C. FY22-23 Budget Amendment Sponsors for Gazebo Movies - *BJ Wilson*
  - D. Thermoplastic Pavement Markings – *BJ Wilson*
  - E. Electrical Engineering Services for Energy Services - *BJ Wilson*
  - F. Environmental Engineering Services for Public Works Department – *BJ Wilson*
  - G. Supervisory Control and Data Acquisition (SCADA) Change Order For Water Treatment Plant – *BJ Wilson*
  - H. FY2021-2022 Write Off for Bad Debt - *BJ Wilson*
  - I. Deed of Easement from Front Royal Self Storage, LLC for waterline easement for facilities serving commercial property located in the 522 Corridor, Warren County Tax Map Parcel 12-56C. – *George Sonnett*
  - J. Request of T-Mobile Northeast LLC to Amend its Lease to Expand Leased Floor Space to Update Antennae Facilities Located on the Water Tank, and to Extend the Lease Term – *George Sonnett*
6. Update on Joint Towing Advisory Board – *Chief Magalis*
7. Designation of Councilmember and Town Staff to Discover Front Royal Board – *Steven Hicks*
8. Open Discussion
  - Planning Commission Member Jones term expires in August
  - Employee Appreciation Day
9. CLOSED MEETING – Town Attorney Position
10. Adjourn



## Work Session Agenda Statement

Item # 02

Meeting Date: June 13, 2022

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**Agenda Item:** Deeds of Easement for Existing and New Stormwater Infrastructure Located Between 610 B and 612 W. 11<sup>th</sup> Street and IDA-owned Property Located at Kendrick Lane and Monroe Avenue.

**Summary:** Town staff has been working to complete the installation of stormwater infrastructure between the properties located at 610 B and 612 W. 11<sup>th</sup> Street. In order to complete the installation of this infrastructure and to complete the tie-in to the existing Town stormwater system, two easements will need to be obtained by the Town: one is located between the properties of 610 B and 612 W. 11<sup>th</sup> Street, and one is located on the property owned by the Industrial Development Authority (IDA) located on the corner of Kendrick Lane and Monroe Avenue. Deed of Easement documents will be ready for signatures at the June 27<sup>th</sup> Regular Business Meeting.

**Budget/Funding:** N/A

**Staff Recommendation:** Staff recommends approval of the proposed easement documents on W. 11<sup>th</sup> Street and the corner of Kendrick Lane/Monroe Avenue and place on the Consent Agenda at the June 27<sup>th</sup> Regular Council Meeting for formal approval.

# W. 11<sup>th</sup> Street/Kendrick Lane Area Map



**General location of the Stormwater Infrastructure connection between the proposed easements.**

# W. 11<sup>th</sup> Street Easement Acquisition Timeline

## 9/1/21: Sink Hole Occurred

- A sink hole occurred between 610B and 612 W. 11<sup>th</sup> Street during a heavy rainstorm. The Town Police and Public Works staff responded. A tow truck pulled a resident's vehicle out of the sink hole. Public Works staff filled the hole with stone and placed barricades around the hole for public safety.

## 9/2 through 11/2021: Town Replaced Storm Drain infrastructure along W. 11<sup>th</sup> Street

- The Town installed 160 ft. of 36" culvert pipe and replaced two storm drain structures along W. 11<sup>th</sup> Street to the property line of 610B and 612 W. 11<sup>th</sup> Street. The installation of the pipe was stopped when Public Works staff discovered the lack of an easement covering the pipe location beyond the established Town easement/public right-of-way. The existing pipe, that is currently failing, was installed without an established easement.
- Public Works staff spoke with the owners for both properties to let them know that work to replace the failing pipe would stop until the Town obtained the appropriate easements to complete the work. Both property owners expressed willingness to grant the required easements.

## November 2021: Public Works staff contacted a surveyor to complete the easement plats

- The first surveying company that was contacted agreed to do the work, but after 2 months ultimately failed to even start the easement surveys due to current workload issues.

## February 1, 2022: Public Works staff contacted a second surveyor to complete the easement plats

April 3, 2022: The easement plats were completed by the second surveyor and provided to the Public Works staff

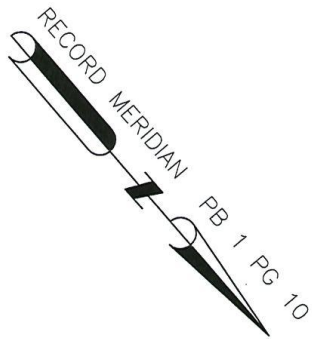
April 5, 2022: Public Works staff provided the plats to the Assistant Town Attorney for review

## May 23, 2022: Public Works staff meeting with the Assistant Town Manager and Assistant Town Attorney to check the status of the easement plat review

- The Assistant Town Manager to work with the Assistant Town Attorney and Public Works staff to draft the easement documents and put together the required Council Agenda Items for the June Work Session and Regular Business meeting.

NO TITLE REPORT FURNISHED.  
 PLAT SUBJECT TO EASEMENTS  
 AND RESTRICTIONS OF RECORD.

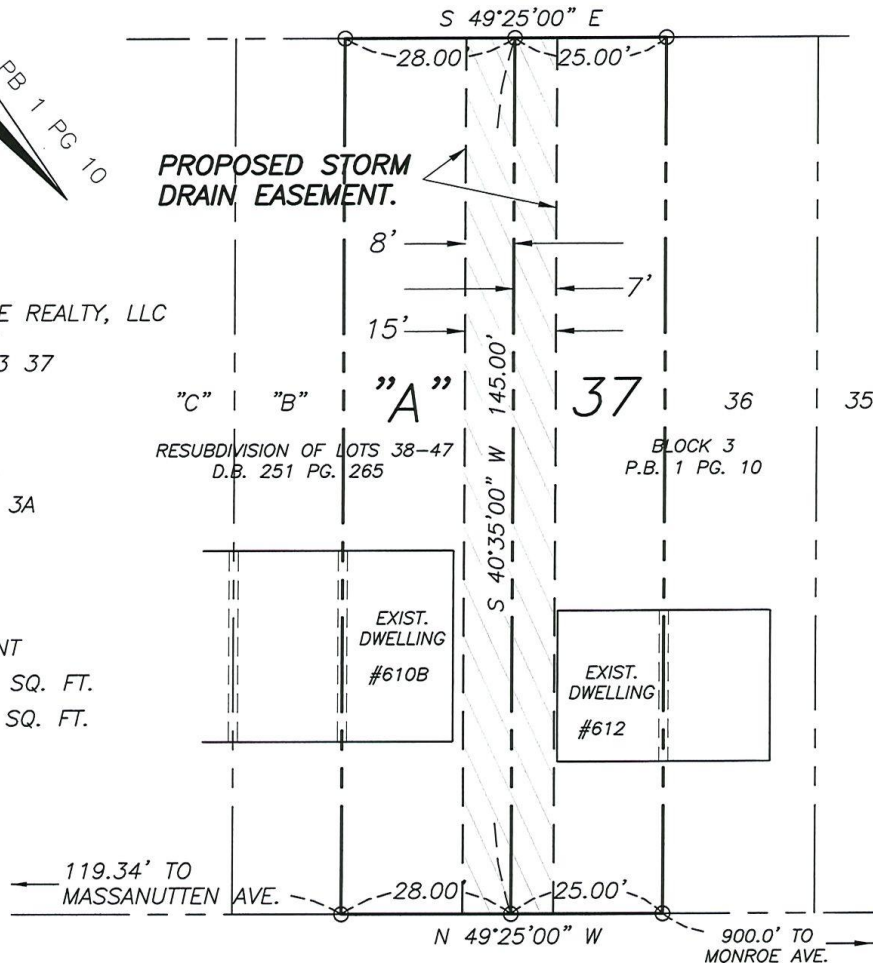
N/F INDUSTRIAL DEVELOPMENT AUTHORITY  
 OF THE TOWN OF FRONT ROYAL AND THE  
 COUNTY OF WARREN, VIRGINIA  
 Instr.# 060000383



LOT 37  
 N/F INDEPENDENCE REALTY, LLC  
 Instr.# 160006912  
 Tax Map 20A1 2 3 37

LOT "A"  
 N/F OELZE  
 Instr.# 200002972  
 Tax Map 20A1 24 3A

AREA OF EASEMENT  
 LOT "A" = 1,160 SQ. FT.  
 LOT 37 = 1,015 SQ. FT.



BOUNDARY INFORMATION  
 SHOWN HEREON BASED ON  
 CURRENT FIELD SURVEY.

**West 11th STREET**  
 60' WIDE



survey@measure-map.com  
 540-683-6878  
**Darryl G. Merchant**  
 Consulting Land Surveyor  
 P.O. BOX 1508  
 FRONT ROYAL, VA 22630

PLAT SHOWING PROPOSED STORM DRAIN EASEMENT  
 PREPARED FOR THE TOWN OF FRONT ROYAL ON  
**LOT 37 and LOT "A"**  
 (LOT "A" OF THE RESUBDIVISION OF LOTS 38 - 47)  
**BLOCK 3**  
**ROYAL VILLAGE SUBDIVISION**  
 TOWN OF FRONT ROYAL  
 WARREN COUNTY, VIRGINIA

COPYRIGHT D.G. MERCHANT, L.S. NOT TO BE COPIED,  
 REPRODUCED OR ALTERED WITHOUT PERMISSION.  
 22-F103 DWG. No. AM-1812

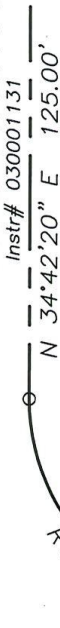
DATE: 25 MARCH 2022 SCALE: 1" = 25'

**NOTES:**

1. NO TITLE REPORT FURNISHED. PLAT SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
2. PLAT REF.: SLIDE 218-D
3. DEED REF: Instr# 060000383
4. TAX MAP REF.: 20A1 3 7C

ROYAL VILLAGE	SUBD. -	BLOCK 3
P.B. 1 PG. 10	- DB. 251	PG. 265
36	37	"A"

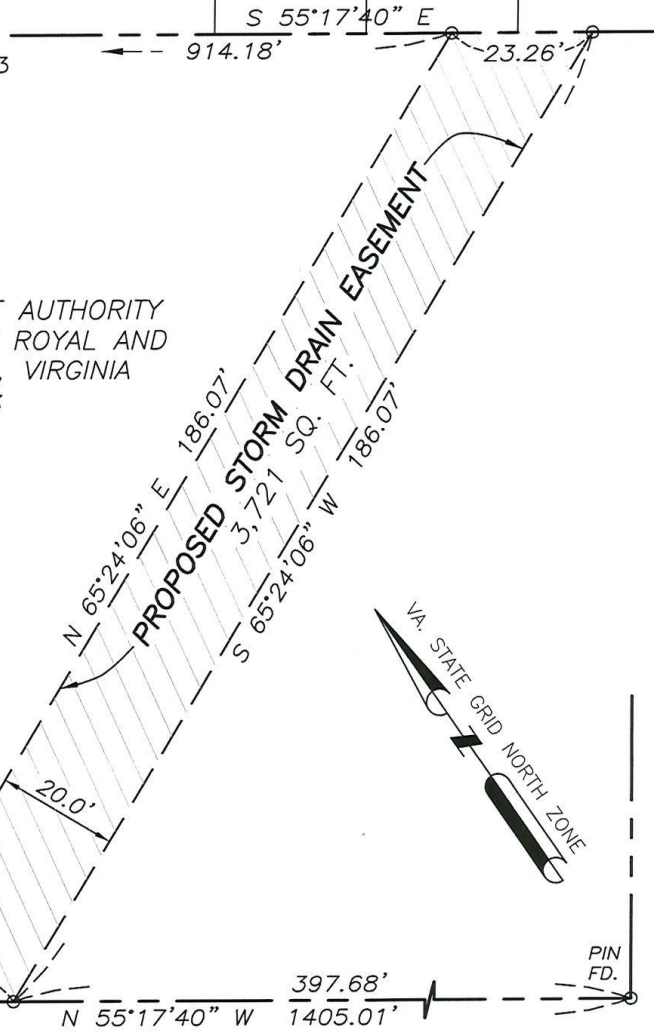
**MONROE AVENUE**



INDUSTRIAL DEVELOPMENT AUTHORITY  
OF THE TOWN OF FRONT ROYAL AND  
THE COUNTY OF WARREN, VIRGINIA

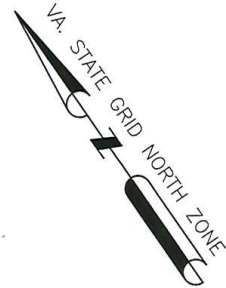
Instr# 060000383

Tax Map 20A1 3 7C  
4.5486 ACRES

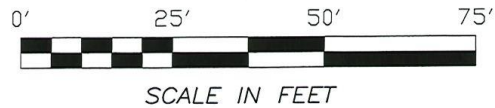


**KENDRICK LANE** 80' WIDE

N:7022942.727  
E:11566047.591



BOUNDARY INFORMATION  
SHOWN HEREON BASED  
ON CURRENT FIELD SURVEY.



survey@measure-map.com  
540-683-6878

**Darryl G. Merchant**  
Consulting Land Surveyor  
P.O. BOX 1508  
FRONT ROYAL, VA 22630

PLAT SHOWING PROPOSED STORM DRAIN EASEMENT  
PREPARED FOR THE TOWN OF FRONT ROYAL  
ON THE LAND OF THE

**INDUSTRIAL DEVELOPMENT  
AUTHORITY OF THE TOWN OF  
FRONT ROYAL AND THE COUNTY  
OF WARREN, VIRGINIA**

TOWN OF FRONT ROYAL - WARREN COUNTY, VIRGINIA

DATE: 26 MARCH 2022      SCALE: 1" = 25'

## Kathleen Leidich

---

**From:** Steve Scheulen  
**Sent:** Friday, May 27, 2022 8:25 AM  
**To:** Kathleen Leidich  
**Cc:** George Sonnett; Robbie Boyer  
**Subject:** FW: Easement 610B W 11th St

Kathy,

We should be good to go on this one.

Steve Scheulen  
Infrastructure Manager  
Town of Front Royal  
540-635-7819  
sscheulen@frontroyalva.com

---

**From:** Carmelia Oelze <cmoelze@gmail.com>  
**Sent:** Thursday, May 26, 2022 7:39 PM  
**To:** Steve Scheulen <sscheulen@frontroyalva.com>  
**Subject:** Easement 610B W 11th St

Steve,

Pet our conversation this morning, I am willing to cooperate with any requests for easements on my property at 610B W 11th St in regards to drainage work.

Please let me know if any further information is required.

Carmelia Oelze



## Kathleen Leidich

---

**From:** Steve Scheulen  
**Sent:** Friday, May 27, 2022 9:34 AM  
**To:** Kathleen Leidich  
**Cc:** Robbie Boyer; George Sonnett  
**Subject:** FW: 612 West 11th easement storm sewer

**Importance:** High

Kathy,

See owners response below.

Steve Scheulen  
Infrastructure Manager  
Town of Front Royal  
540-635-7819  
sscheulen@frontroyalva.com

-----Original Message-----

From: Steve Scheulen <sscheulen@frontroyalva.com>  
Sent: Wednesday, January 26, 2022 11:35 AM  
To: Steve Scheulen <sscheulen@frontroyalva.com>  
Subject: FW: 612 West 11th easement storm sewer  
Importance: High

Steve Scheulen  
Town of Front Royal  
540-635-7819

-----Original Message-----

From: Nate Redabaugh <nate@greenteaminc.com>  
Sent: Wednesday, January 26, 2022 11:12 AM  
To: Steve Scheulen <sscheulen@frontroyalva.com>  
Cc: Dull, Stan <standull@hotmail.com>  
Subject: RE: 612 West 11th easement storm sewer  
Importance: High

Please forward emails to me and Stan, copied on the email.

We are happy to move forward with storm sewer easement needed.

Please select Stanley P Dull, President/Owner of Independence Realty LLC for signer on behalf of Independence Realty LLC

Wishing you and yours health and safety.

Best,

Nate Redabaugh

Accountant

Independence Realty 703-366-3462 <tel:%28703%29%20366-3440>

10307 Piper Lane

Manassas, VA 20110

Fax 703-366-3498 <tel:%28703%29%20366-3498>

nate@greenteaminc.com <mailto:nate@greenteaminc.com>

## Joe Petty

---

**From:** Kathleen Leidich <kleidich@frontroyalva.com>  
**Sent:** Wednesday, June 15, 2022 11:47 AM  
**To:** Joe Petty  
**Subject:** Storm Drainage Easement Documents  
**Attachments:** Agenda Item-W 11th St Easements.pdf

Joe,

Attached, please find the agenda item that was presented at the June 13<sup>th</sup> Council Work Session. I will drop off the hard copies for you shortly. If you have any questions or need any additional information, please let me know. Also, Town staff is available to attend the EDA meeting next week if you would like.

Thanks again for helping coordinate the signature process,

Kathy

Kathleen R. Leidich, AICP  
Assistant Town Manager  
Town of Front Royal  
PO Box 1560  
Front Royal, VA 22630  
540-631-3626  
[kleidich@frontroyalva.com](mailto:kleidich@frontroyalva.com)  
[www.frontroyalva.com](http://www.frontroyalva.com)



THIS DOCUMENT WAS PREPARED WITHOUT  
BENEFIT OF A TITLE EXAM BY:  
George M. Sonnett, Jr. (VSB #22418)  
Deputy Town Attorney  
Town of Front Royal, Virginia 22630

This deed is exempt from taxation under Virginia Code § 58.1-811(A)(3).  
This deed is exempt from the recordation taxes imposed by §58.1-801 and §58.1-803 of the Code of Virginia,  
1950, pursuant to §58.1-811.A.3.

Tax Map Number: #20A1 3 7C

**THIS DEED OF EASEMENT** for storm water facilities is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2022, by and between **INDUSTRIAL DEVELOPMENT AUTHORITY OF THE TOWN OF FRONT ROYAL AND THE COUNTY OF WARREN, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, herein referred to as "**Grantor**", and **TOWN OF FRONT ROYAL, VIRGINIA**, a Municipal Corporation, herein referred to as "**Grantee**".

**WITNESSETH:**

THAT for and in consideration of the sum of ONE DOLLAR (\$1.00) cash in hand paid by the Grantee to the Grantor, and other good and valuable consideration, receipt whereof is hereby acknowledged, Grantor grants and conveys unto Grantee, its successors and assigns, the following rights in real property situated in the Town of Front Royal, Warren County, Virginia, to-wit:

The privilege and easement in perpetuity for rights-of-way to construct, lay, maintain, repair, inspect, improve, and operate within the easement strip hereinafter described and referred to, those facilities, works and systems for the collection, drainage, and transmission of storm water, and/or waste water, over, upon, across, and under the property of the Grantor known and designated as a **20' x 186.07' area containing approximately 3,721 sq. ft. being that portion of Warren County Tax Map 20A1 3 7C lying entirely within the cross-hatched area marked "PROPOSED STORM DRAIN EASEMENT."** on that certain plat intended to be filed and recorded herewith in the Clerk's Office of the Circuit Court of Warren County, Virginia, which plat is titled: "**PLAT SHOWING PROPOSED STORM DRAIN EASEMENT PREPARED FOR THE TOWN OF FRONT**

**ROYAL, ON THE LAND OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE TOWN OF FRONT ROYAL AND THE COUNTY OF WARREN, VIRGINIA”, dated March 26, 2022, prepared by Darryl G. Merchant, Land Surveyor, signed March 26, 2022.**

The further terms and conditions of this grant are as follows:

- (a) Granting of the easements hereinafter described neither expressly or impliedly constitutes any payment, nor the waiver of any obligation for the payment, by Grantor or their successors or assigns, or any cut-in fee or charge, tax, assessment or other charge or obligation whatsoever now due or heretofore due or hereafter to become due and payable to Grantee or to any person, firm or other corporation whatsoever.
- (b) Should excavations be carried on pursuant to this easement and any large sized rocks or boulders are unearthed and are not buried in said excavation, such brush, undergrowth and easements herein contained as may be requisite, trees, large-sized rocks and boulders shall at the expense of Grantee be removed from Grantor’s property.
- (c) Grantor shall have no right, title, interest, estate or claim whatsoever in or to any of the lines, pipes, or other equipment and accessories installed by virtue hereof. All lines, pipes, and other equipment and accessories installed or constructed shall remain the property of Grantee.
- (d) Grantee shall have the right to inspect, rebuild, remove, repair, improve and make such changes, alterations, additions to or extensions of its storm water facilities within the boundaries of said easement as are consistent with the purpose expressed herein.
- (e) Grantee shall exercise reasonable care to protect Grantor’s property from damage or injury occasioned in the enjoyment of the easements and rights herein granted, and to promptly repair the said property or reimburse Grantor for any property damaged beyond repair completion of any activity by Grantee upon the easement, Grantee shall restore the Property as nearly as possible to its original condition as is practicable, including backfilling, and compaction of trenches, repaving, reseeding or re-sodding of lands, replacement of equipment and facilities of Grantor, removal of trash and debris, and removal of Grantee’s equipment, accessories or appurtenances not inconsistent with the construction, maintenance or operation of said sewerage facilities or the exercise of any rights or privileges expressed herein, and will make a good faith effort to minimize any damage. Grantee shall maintain said easement and storm water facilities in such repair as not to endanger or otherwise limit the enjoyment or use of the Property, including ingress, egress or parking in, on and over driveways, roads, or parking lots.

- (f) Grantee may (but is not required to) trim, cut, remove, and keep clear all trees, limbs, undergrowth, and any and all other obstructions, within the said rights-of-way or easement that may in any manner, in Grantee's judgment, endanger or interfere with the proper and efficient operation of the storm water facilities therein or thereon and Grantee shall have all such other rights and privileges as are reasonably necessary or convenient for the full enjoyment and use of the easement herein granted for the aforesaid purpose.
- (g) If Grantee does cut or fell any brush, undergrowth or trees, or should excavations be carried on pursuant to this easement and any large-sized rocks or boulders are unearthed and are not buried in said excavation, such brush, undergrowth, trees, large-sized rocks and boulders shall be the expense of Grantee be removed from the Property.
- (h) This permanent easement shall run with the land of Grantor, and shall be binding upon the heirs, executors, administrators, successors, and assigns of Grantor and Grantee.

Grantor further covenants that they have the right to convey the easements aforesaid; that Grantee shall have quiet and peaceful enjoyment and possession of said easements, and that Grantor will execute such further assurances of the said grant and easements herein contained as may be requisite.

**WITNESS** the following signatures and seals:

**GRANTOR:**

**INDUSTRIAL DEVELOPMENT AUTHORITY  
OF THE TOWN OF FRONT ROYAL AND THE  
COUNTY OF WARREN, VIRGINIA**

By: \_\_\_\_\_ (SEAL)  
**JEFFREY BROWNE, Chairman**

**ATTEST:**

\_\_\_\_\_

\_\_\_\_\_  
Clerk of the Board

**COMMONWEALTH OF VIRGINIA  
COUNTY OF WARREN, TO-WIT:**

I, \_\_\_\_\_, a Notary Public in and for the Commonwealth of Virginia At Large, do hereby certify that Jeffrey Browne and \_\_\_\_\_, whose names are signed on the foregoing Deed of Easement have this day personally appeared and acknowledged the same before me in my State and in the County aforesaid.

Given under my hand this \_\_\_\_ day of \_\_\_\_\_, 2022.  
My commission expires on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

The foregoing Deed of Easement is hereby approved, and this conveyance of an interest in real property is hereby accepted, by the Town of Front Royal, all as evidenced by the signature of the undersigned who is authorized to do so by Resolution of the Town of Front Royal adopted on \_\_\_\_\_.

**GRANTEE:**

**TOWN OF FRONT ROYAL**

By: \_\_\_\_\_ (SEAL)  
**CHRIS W. HOLLOWAY, Mayor**

ATTEST:

\_\_\_\_\_  
Tina Presley, Clerk of Council

**COMMONWEALTH OF VIRGINIA  
COUNTY OF WARREN, TO-WIT:**

I, \_\_\_\_\_, a Notary Public in and for the Commonwealth of Virginia At Large, do hereby certify that Chris W. Holloway and Tina Presley, whose names are signed on the foregoing Deed of Easement have each this day personally appeared and acknowledged the same before me in my State and in the County aforesaid.

Given under my hand this \_\_\_\_ day of \_\_\_\_\_, 2022.  
My commission expires on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

**APPROVED AS TO FORM:**

---

James E. Cornwell  
Interim Town Attorney

Date



**NOTES:**

1. NO TITLE REPORT FURNISHED. PLAT SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
2. PLAT REF.: SLIDE 218-D
3. DEED REF: Instr# 060000383
4. TAX MAP REF.: 20A1 3 7C

ROYAL VILLAGE	SUBD. -	BLOCK 3
P.B. 1 PG. 10	- DB. 251	PG. 265
36	37	"A"

**MONROE AVENUE**

Instr# 030001131  
N 34°42'20" E 125.00'

INDUSTRIAL DEVELOPMENT AUTHORITY  
OF THE TOWN OF FRONT ROYAL AND  
THE COUNTY OF WARREN, VIRGINIA

Instr# 060000383

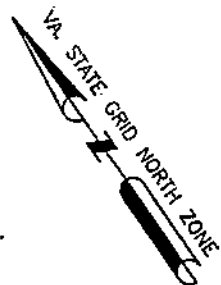
Tax Map 20A1 3 7C  
4.5486 ACRES

N:7022942.727  
E:11566047.591

**KENDRICK LANE** 80' WIDE

S 55°17'40" E  
914.18' 23.26'

PROPOSED STORM DRAIN EASEMENT  
3,721 SQ. FT.  
N 65°24'06" E 186.07'  
S 65°24'06" W 186.07'



BOUNDARY INFORMATION  
SHOWN HEREON BASED  
ON CURRENT FIELD SURVEY.



survey@measure-map.com  
540-683-6878  
**Darryl G. Merchant**  
Consulting Land Surveyor  
P.O. BOX 1508  
FRONT ROYAL, VA 22630

PLAT SHOWING PROPOSED STORM DRAIN EASEMENT  
PREPARED FOR THE TOWN OF FRONT ROYAL  
ON THE LAND OF THE  
**INDUSTRIAL DEVELOPMENT  
AUTHORITY OF THE TOWN OF  
FRONT ROYAL AND THE COUNTY  
OF WARREN, VIRGINIA**  
TOWN OF FRONT ROYAL - WARREN COUNTY, VIRGINIA

DATE: 26 MARCH 2022      SCALE: 1" = 25'