

*Mayor*  
Kwasi A. Fraser



*Town Manager*  
David A. Mekarski

*Council*  
Chris Bledsoe  
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**TOWN OF PURCELLVILLE  
IN  
LOUDOUN COUNTY, VIRGINIA**

**ORDINANCE NO. 20-04-02**

**PRESENTED: MAY 26, 2020  
ADOPTED: JUNE 23, 2020**

**AN ORDINANCE: VACATING PLAT NOTE #5 OF THE SUBDIVISION PLAT FOR THE VALLEY INDUSTRIAL PARK, RECORDED IN LOUDOUN COUNTY LAND RECORDS AT DEED BOOK 1032, PAGE 200, AND APPROVING THE VACATION BY SEPARATE INSTRUMENT OF A STORMWATER DETENTION EASEMENT RECORDED IN LOUDOUN COUNTY LAND RECORDS AT DEED BOOK 1977, PAGE 2328**

WHEREAS, Tracy A. Byrd, Trustee, Successor to Elizabeth A. Leone, Trustee of the Trust Agreement u/t/d December 15, 2006 (“**Owner**”) is the owner of Lot 6F of the Valley Industrial Park subdivision (“**Property**”), by a deed recorded in the land records of Loudoun County as Instrument Number 20080125-004306; and

WHEREAS, the Property is subject to a restriction created by plat note #5 on the plat of subdivision dated November 14, 1988 and signed by the Town on February 5, 1989, entitled, “*Plat Showing Vacation and Dedication of Various Easements and Resubdivision of Lots 1F, 2F, 12F, 13F, 14F, 15F, 16F, 17F, and 18F, Valley Industrial Park,*” recorded in the land records of Loudoun County at Deed Book 1032, Page 200. Plat note #5 states, “*Lot 6 reserved for future stormwater management facilities, if required*” (“**Plat Note #5**”). A stormwater detention basin benefitting the subdivision has been installed on the Property; and

WHEREAS, the Property is also subject to a never-used stormwater management easement that was granted to the Town for the purpose of installing and maintaining an underground stormwater management facility on the Property that was never installed, which easement was granted to the Town by a plat of subdivision entitled, “*Plat Showing Various Easements, Lot 6F, Valley Industrial Park,*” dated June 1, 2001 and revised through July 10, 2001, recorded in the land records of Loudoun County at Deed Book 1977, Page 2328 (plat at page 2336) in the land records of Loudoun County, Virginia (the “**2001 Stormwater Easement**”); and

AN ORDINANCE:

**VACATING PLAT NOTE #5 OF THE SUBDIVISION PLAT FOR THE VALLEY INDUSTRIAL PARK, RECORDED IN LOUDOUN COUNTY LAND RECORDS AT DEED BOOK 1032, PAGE 200, AND APPROVING THE VACATION BY SEPARATE INSTRUMENT OF A STORMWATER DETENTION EASEMENT RECORDED IN LOUDOUN COUNTY LAND RECORDS AT DEED BOOK 1977, PAGE 2328**

WHEREAS, it is the desire and intent of the Owner to develop the Property with a commercial use pursuant to Site Plan Application TP 15-10 for Valley Industrial Park, Lot 6F Self-Storage Facility, dated November 9, 2015 and revised through January 24, 2020 (the “**Site Plan**”), which would include the construction of a new underground stormwater management facility on the Property located within a new stormwater management easement; and

WHEREAS, in order to develop the Property with the commercial use as shown on the Site Plan, both Plat Note #5 and the 2001 Stormwater Easement must be vacated; and

WHEREAS, pursuant to Va. Code Section 15.2-2272(2), the Town may vacate Plat Note #5 by ordinance adopted after a duly-advertised public hearing, which the Town held on January 28, 2020; and

WHEREAS, pursuant to Va. Code Section 15.2-2272(1), the Town may vacate the 2001 Stormwater Easement by an instrument signed by the Owner and the Town, because only the Owner’s property was shown on the subject plat, the Town was the only grantee of such easement, and the vacation does not impede or alter drainage for any lot owners; and

WHEREAS, the Council of the Town of Purcellville, with the recommendation of the Town of Purcellville Department of Public Works and Loudoun County Stormwater Management Team, finds the stormwater management facilities proposed in the Site Plan will improve the quality of stormwater discharged into Catoctin Creek and increase stormwater management capacity, without expense to the taxpayers of the Town of Purcellville; and

WHEREAS, the Town desires to vacate Plat Note #5 and the 2001 Stormwater Easement, so long as the Owner establishes a new stormwater easement and the Property continues to capture and treat the stormwater flowing to the Property from properties owned by other lot owners within the Valley Industrial Park Subdivision, with the obligations of the Owner being established and ensured by the following documents: (a) the *Deed of Easement and Vacation of Easements on Lot 6F, Valley Industrial Park*; (b) the *Deed of Easement for Lot 7F, Valley Industrial Park*; and (c) the *Stormwater Management/BMP Facilities Maintenance Agreement* for Lot 6F, Valley Industrial Park (collectively, the “**Documents**”); and

WHEREAS, the Owner has agreed to the terms of the Documents which establish, among other things, the Owner’s responsibility for the construction and maintenance of improved stormwater management and BMP facilities on Lot 6F for the benefit of properties draining to Lot 6F.

AN ORDINANCE: **VACATING PLAT NOTE #5 OF THE SUBDIVISION PLAT FOR THE VALLEY INDUSTRIAL PARK, RECORDED IN LOUDOUN COUNTY LAND RECORDS AT DEED BOOK 1032, PAGE 200, AND APPROVING THE VACATION BY SEPARATE INSTRUMENT OF A STORMWATER DETENTION EASEMENT RECORDED IN LOUDOUN COUNTY LAND RECORDS AT DEED BOOK 1977, PAGE 2328**


NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Purcellville, Virginia:

- Section 1. That Plat Note #5, which reads, "*Lot 6 reserved for future stormwater management facilities, if required*" as set forth on the plat entitled, "*Plat Showing Vacation and Dedication of Various Easements and Resubdivision of Lots 1F, 2F, 12F, 13F, 14F, 15F, 16F, 17F, and 18F, Valley Industrial Park,*" dated November 14, 1988 and signed by the Town on February 5, 1989, recorded at Deed Book 1032, Page 200, shall be vacated automatically after the Documents have been properly and fully executed and recorded among the land records of Loudoun County.
- Section 2. That the Town Manager shall execute a separate instrument vacating the 2001 Stormwater Easement, which was conveyed to the Town by deed and plat recorded in the land records of Loudoun County at Deed Book 1977, Page 2328 (plat at page 2336), with the plat entitled, "*Plat Showing Various Easements, Lot 6F, Valley Industrial Park,*" dated June 1, 2001 and revised through July 10, 2001. That such separate instrument shall be signed by the Town Manager *after* the Documents have been properly and fully executed and recorded among the land records of Loudoun County.
- Section 3. That the Town accepts the terms and conditions of the Documents, and directs its Mayor or Town Manager to execute the Documents *prior to* the Town taking final action on Site Plan TP 15-10.
- Section 4. That Site Plan TP 15-10 shall reference the Documents within the notes on Sheet 1, prior to receiving final action from the Town.
- Section 5. That no one of the Documents shall be valid unless and until all of the Documents are fully and properly executed and recorded by the Owner in the Loudoun County land records.
- Section 6. That this Ordinance shall be recorded in the land records of Loudoun County.

**PASSED THIS 23rd DAY OF JUNE, 2020.**

  
Kwasi A. Fraser, Mayor  
Town of Purcellville

ATTEST:

  
Diana Hays, Town Clerk