

ORDINANCE 2025-XX

**April 13th, 2025
Town Council
Public Hearing
Ordinance 2025-**

**AN ORDINANCE VACATING PORTIONS OF SUBDIVISION AND CERTAIN EASEMENTS
ENCUMBERING TAX MAP PARCEL 6984-18-3854-000
FURTHER FACILITATING COMPLETION OF
THE WATERLOO JUNCTION COMMUNITY DEVELOPMENT PROJECT.**

WHEREAS, Broadview Holdings, LLC. (“Owner”) is the owner of certain real property located in the Town of Warrenton, Virginia, identified as Tax Map Parcel 6984-18-3854-000 containing 2.9733 acres and located at the address 394 Broadview Ave, Warrenton, VA 20186 (the “Property”).

WHEREAS, on November 9, 2022, the Town approved the development of the Property for the construction of 47 townhomes, retail space, and a private park, among other usable structures; and,

WHEREAS, portions of the Property were previously known as Lots 41, 42, and 43, Block B, Broadview Acres as shown on that certain plat recorded in Deed Book 197 at Page 41 on September 7, 1956 (said plat also included as pages 156-158 within the body of a deed recorded in Deed Book 200 at Pages 153-159) (the “Original Lots”); and portions of Lots 21, 22, and 23, Block A, Broadview Acres as shown on that certain plat recorded in Deed Book 185 at Page 43 on September 20, 1955; said Lots 21, and 22, Block A, Broadview Acres were subsequently identified as Lots 21A and 22A, Block A, Broadview Acres as shown on that certain plat of resubdivision recorded in Deed Book 626 at Pages 248-251 on September 28, 1989; and all of the aforesaid lots and a portion of former road right-of-way were redefined as Lot-21A-R, Lot-22A-R, Lot-23R, Lot 41R, Lot-42R, and Lot-43R as shown on that certain boundary line adjustment plat recorded in Deed Book 863 at Pages 978-989 (collectively, “Instruments”) among the Fauquier County, Virginia land records (the “Land Records”).

WHEREAS, these Instruments each identify “utility easements” and/or “drainage easements” on the Lots and noted as follows:

- Deed Book 197 at Page 41, “utility easements” and “drainage easements” identified on Lots 41, 42, and 43, Block B, Broadview Acres;
- Deed Book 200 at Pages 156-158, “utility easements” and “drainage easements” identified on Lots 41, 42, and 43, Block B, Broadview Acres;

- Deed Book 196 at Pages 261-264, the width of certain of the aforesaid “utility easements” on Lots 21, 22, and 23, Block A, and Lots 41, 42, and 43, Block B, Broadview Acres were reduced and an additional “utility easement” (5.12 feet wide) was created on Lots 41, 42, and 43, Block B, Broadview Acres; and
- Deed Book 626 at Pages 248-251, “utility easements” shown on Lot 42 and Lot 41, Block B, Broadview Acres (collectively, all of the aforesaid easements are defined as the “Easements” with such Easements subsequently shown on a boundary line adjustment plat recorded in Deed Book 863 at Pages 978-989).

WHEREAS, these Easements are originally reserved by the previous deed owner, Broad View Acres, for use in the development and improvement of the Original Lots and the Easements are specified for “utility usage”; however, no utility is specified in any of the Instruments; and further, the easements state no specific grantee or benefitted party, and there are no improvements constructed in the easement areas; and

WHEREAS, Broad View Acres has been fully developed for decades, and the subdivision, by separate grants of specific utility easements are fully served for water, sanitary sewer, and similar public utilities, thus there is no need for any other utility connectivity to be established for the use and benefit of the Original Lots, as subsequently redefined, and that reserved easements are not necessary for Owner’s development of its real property since the Town of Warrenton has approved the site plan and accounted for specific utility easements to serve Broadview Holdings’ development, either by grant or the use of existing specific utility easements; and

WHEREAS, the Easements, therefore, have been unused, forgotten, or otherwise abandoned for the purpose to which they were established; they now impede Broadview Holdings’ current development of the Property in a project commonly known as the Waterloo Junction Development Project; and

WHEREAS, the Town of Warrenton has the authority via statutory method to cause the vacation of the portion of the plats containing the “Original Lots” and the Easements shown thereon, and the authority to decide which easements are non-specific as to purpose, and recognize that Owner has no use for the aforementioned Easements since all public utility easements in Broadview Holdings’ development are accounted for in its own utility easements by specific grant; and,

WHEREAS it is the desire of the Owner and the Town to vacate the aforesaid portions of the plats showing the Original Lots and Easements thereon as permitted by Code of Virginia Section 15.2-2272 (2); and

WHEREAS the Town Council desires to adopt this ordinance to vacate the aforementioned utility easement as set forth on the aforesaid plats of survey;

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Warrenton, Virginia, as follows:

1. That the Council vacates the portions of the subdivision plats showing the Original Lots and Easements; and
2. That the Town's staff and Town attorney are hereby directed to execute a deed of vacation of such Original Lots and Easements to be recorded and registered with the Land Records of Fauquier County, and take any other actions necessary to give effect to this Ordinance.

Votes:

Ayes:

Nays:

Absent from Meeting:

For Information:

Town Attorney