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September 22, 2025

Via First-Class Mail

Gail Barb, Clerk
Fauquier County Circuit Court
29 Ashby Street
Warrenton, Virginia 20186

Re: *The Town of Warrenton, Virginia and The County of Fauquier, Virginia for the Annexation of Land into the Town*

Dear Ms. Barb:

Enclosed please find a joint Motion to Amend Final Order Approving Annexation Agreement executed by all counsel of record in this matter. The Special Court entered a Final Order on April 24, 2025. The parties noticed two clerical errors in the description of the annexed property and are requesting the entry of an Amended Final Order correcting these errors. Also enclosed is an Amended Final Order Approving Annexation Agreement for the Court's consideration.

Please advise if a hearing on this matter is required for the entry of the Amended Final Order.

Thank you for your assistance in this matter. If you have any questions or concerns, please give me a call at the above number.

Cordially,



Melisa G. Michelsen

MGM/kgk/09244

Enclosure

cc w/encl: Janelle Downes
Chap Petersen
John Foote

VIRGINIA:

BEFORE THE SPECIAL COURT IN FAUQUIER COUNTY

**IN RE: AN ORDER AFFIRMING A)
PROPOSED VOLUNTARY SETTLEMENT)
AGREEMENT BETWEEN THE)
TOWN OF WARRENTON, VIRGINIA, AND) Case No. CL24000655-00
THE COUNTY OF FAUQUIER, VIRGINIA,)
FOR THE ANNEXATION OF 243.87295)
ACRES OF LAND INTO THE TOWN OF)
WARRENTON, VIRGINIA)
_____)**

MOTION TO AMEND FINAL ORDER APPROVING ANNEXATION AGREEMENT

This day came the Town of Warrenton (“Town”), Fauquier County, Virginia (“County”), and Van Metre Communities, LLC, (“Van Metre”) pursuant to Va. Code § 8.01-428, and files a joint motion to correct two clerical mistakes in the Final Order entered on April 24, 2025, approving the annexation agreement between the Town and the County, and state in support as follows:

1. Pursuant to the provisions of Va. Code § 15.2-3400, the Special Court entered a Final Order on April 24, 2025, approving the voluntary agreement (the “Voluntary Settlement Agreement”) incorporating certain parcels (the “Annexed Area”) from Fauquier County into the Town of Warrenton as set forth in the parties’ Voluntary Settlement Agreement.

2. The parties have identified two clerical errors in the legal description of the Annexed Area set forth in Exhibit A to the Final Order, which inadvertently omitted certain data and cited incorrect metes and bounds citations in the legal description.

3. The corrections do not substantively alter the terms of the Final Order or Voluntary Settlement Agreement as approved by the Court, nor does it affect any substantive rights or obligations of third parties.

WHEREFORE, the Town of Warrenton, Fauquier County, Virginia, and Van Metre Communities, LLC, respectfully request that the Final Order be amended to substitute the corrected legal description as set forth in Exhibit A, attached hereto and incorporated herein, and for any other relief deemed necessary.

**TOWN OF WARRENTON, VIRGINIA,
THE COUNTY OF FAUQUIER, VIRGINIA
VAN METRE COMMUNITIES, LLC**

By Counsel

WE ASK FOR THIS:

J. Chapman Petersen by Melissa Michelsen

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and

Melissa Michelsen

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Counsel for Fauquier County

and

John H. Foote by *Mukulshree*

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VSB 14336

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Counsel for Van Metre Communities, LLC

VIRGINIA:

BEFORE THE SPECIAL COURT IN FAUQUIER COUNTY

**IN RE: AN ORDER AFFIRMING A)
PROPOSED VOLUNTARY SETTLEMENT)
AGREEMENT BETWEEN THE)
TOWN OF WARRENTON, VIRGINIA, AND) Case No. CL24000655-00
THE COUNTY OF FAUQUIER, VIRGINIA,)
FOR THE ANNEXATION OF 243.87295)
ACRES OF LAND INTO THE TOWN OF)
WARRENTON, VIRGINIA)
_____)**

AMENDED FINAL ORDER APPROVING ANNEXATION AGREEMENT

This matter came before the Court on the joint motion of the Town of Warrenton (“Town”), Fauquier County, Virginia (“County”), and Van Metre Communities, LLC, (“Van Metre”) pursuant to Va. Code § 8.01-428, to correct a clerical mistake in the Final Order entered on April 24, 2025, approving the annexation agreement between the Town and the County. Upon consideration of the joint motion, the record in this matter, and the representations of counsel, the Court finds as follows:

1. Pursuant to the provisions of Va. Code § 15.2-3400, the Special Court entered a Final Order on April 24, 2025, approving the voluntary agreement (the “Voluntary Settlement Agreement”) incorporating certain parcels (the “Annexed Area”) from Fauquier County into the Town of Warrenton, as set forth in the parties’ Voluntary Settlement Agreement.

2. The parties identified two clerical errors in the legal description of the Annexed Area set forth in Exhibit A to the Final Order, which inadvertently omitted certain data and cited incorrect metes and bounds citations in the legal description, and requested these errors be corrected.

3. The corrections do not substantively alter the terms of the Final Order or Voluntary Settlement Agreement as approved by the Court, nor does it affect any substantive rights or obligations of third parties.

Accordingly, it is hereby **ORDERED** that:

1. The omitted curve data shall be added to and the chord bearing, chord length, and arc length corrected in the metes and bounds description of the Annexed Area, as set forth in Exhibit A hereto, which is incorporated herein;

2. These corrections are deemed effective as of April 24, 2025;

3. The Voluntary Annexation Agreement between the Town and the County remains in full force and effect, subject to the corrected description of the metes and bounds description of the Annexed Area;

4. The Clerk of the Court shall forward certified copies of this Amended Final Order to the Commissioner of the Revenue, the Department of Elections, Secretary of the Commonwealth, Auditor of Public Accounts of the Commonwealth of Virginia, and Census Bureau of the United States Department of Commerce in order that all such allocations of state and federal funds at various times to the Town of Warrenton, Virginia and Fauquier County, Virginia, as may be affected by changes to the boundaries of the Town herein described may be revised in accordance with the law on or after the effective date of the annexation. The Clerk shall also record this Amended Final Order in the land records of this Court and forward an attested copy to all counsel of record.

ENTERED this ___ day of _____, 2025.

Judge

SEEN AND AGREED:

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J. Chapman Petersen
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Counsel for the Town of Warrenton

SEEN AND AGREED:

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Counsel for Fauquier County

and

SEEN AND AGREED:

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