



Office of the Town Manager
Frank Cassidy

Warrenton Town Council

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Paul Mooney, At Large
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STAFF REPORT

Council Meeting Date:	April 8 th , 2025
Agenda Title:	Vacation of Easement, Ordinance Request
Requested Action:	Consider inclusion of an Ordinance at an upcoming Town Council Meeting.
Department / Agency Lead:	Town Attorney
Staff Lead:	Patrick Corish

EXECUTIVE SUMMARY

Through title and Deed research by the Developer (Van Metre) and the Town, the property at GPIN 6984-18-3854-000, has been found to have unused utility easements that have existed since the 1950s. These easements were for unnamed, unspecified utilities when the property was subdivided in the 1950s. In all this time, the easements were never used or acted upon. Through the previous development of the area, new easements were granted, rendering the original "relic" easements essentially abandoned. In order to move forward with the project, the Developer would need to have those easements vacated. The developer has requested the Town Council consider an Ordinance to use its inherent powers under Va. Code § 15.2-2271(2) to vacate those easements. A process which Van Metre has encountered in various projects throughout the Commonwealth.

BACKGROUND

At the November 9th, 2022, Regular Town Council meeting, CPA/ZMA/SUP 2022-01 Waterloo Junction Mixed-Use Center was approved by the Town Council. The Developer has been working through the process for this development and has found historic easements that are still active.

Their existence was overlooked by the owner and developer until fairly recently, when they were discovered in a title search.

STAFF RECOMMENDATION

Consider the request of the developer and the Town Attorney for the inclusion of a Public Hearing on this item at the May 13th, 2025, Regular Town Council Meeting.

Service Level/Collaborative Impact

The Town Attorney, the Developer, and the Property Owner have been in discussions for this request, along with an initial request for a draft ordinance be proposed to counsel by Councilor Mooney. The Town Attorney has been liaising with the Developer, their legal team, and the Property Owners to identify the exact terms of the ordinance in order to resolve the matter.

Policy Direction/Warrenton Plan 2040

Fiscal Impact

Minor fiscal impact for the holding of the public hearing and advertising.

Legal Impact

Minimal, as no beneficiary to these easements are named or identified, and have otherwise been abandoned or waived for decades. The publication and advertisement requirements under Va. Code § 15.2-2271(2) should provide enough notice to any challengers of the vacation, and there is an opportunity for an appeal to the Circuit Court within 30 days of the ordinance passing prior to it becoming permanent.

ATTACHMENTS

1. 11.09.22 Comprehensive Plan Amendment Signed
2. 11.09.22 Resolution Zoning Ordinance approval signed
3. 11.09.22 Resolution Zoning ordinance approval
4. 197-41
5. 200-153
6. 626-248
7. 863.978
8. Draft Ordinance for consideration.