

ORDINANCE 2025-XX

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

**AN ORDINANCE VACATING AN UNUSED UTILITY EASEMENTS ENCUMBERING
SHOWN ON PARCEL NUMBER – FURTHER FACILITATING COMPLETION
OF THE WATERLOO JUNCTION COMMUNITY DEVELOPMENT PROJECT.**

WHEREAS, Broadview Holdings, LLC. (“Broadview Holdings” or “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 in subplots of land have been identified and recorded in Deed Book 197 at Page 41 on September 7, 1956; Deed Book 200 Pages 153-159 on July 27, 1957; Deed Book 626 at Pages 248 on September 28, 1989; and 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” noted as follows:

- Deed Book 197 at Page 41 “utility easement” granted on Lots 37, 38, 39, 40 and 41;
- Deed Book 200 Pages 153-159 reserving a 7.5’ utility easement to Lots 26-29, a 15’ utility easement to Lot 84, and a 10’ utility easement to Lot 73;
- Deed Book 626 Page 248 reserving a 7.5’ utility easement at Lot 22A which runs parallel to Lot 42 and Lot 41 that have a 15’ utility easement that runs perpendicular between the two lots; and
- Deed Book 863 Page 978 reserving a number of easements denoted in pgs. 982-85.

(collectively, the “Easements”).

WHEREAS, these Easements are originally reserved by the previous deed owner, Broad View Acres, for use in the development and improvement of the lots which were originally subdivided in 1957, and further adjusted in 1989 and thereafter in that decade, and the Easements are specified for “utility usage”; however, no utility is specified on the 1956, 1957, or 1989 deeds; 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 lots previously identified in the Instruments, 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 plats and easements, and the authority to decide which easements are non-specific as to purpose, and recognize that Owner has no use for the aforementioned utility 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 plats and utility easement created in said deeds, 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 Easements created and identified by the Deed in Fauquier County Land Records initially recorded in Deed Book 197 at Page 41 on September 7, 1956; Deed Book 200 Pages 153-159 on July 27, 1957; Deed Book 626 at Pages 248 on September 28, 1989; and Deed Book 863 at Pages 978-989; and
2. That the Town’s staff and Town attorney are hereby directed to execute a deed of vacation of the aforementioned easement 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