

**RESOLUTION TO RE-EVAULATE CERTAIN DEFENSES IN THE MATTER OF CHARLES AND
MARYGAY CROSS, ET. AL., PLAINTIFFS-PETITIONERS VS. THE TOWN COUNCIL OF THE TOWN
OF WARRENTON AND THE TOWN OF WARRENTON, DEFENDANTS**

WHEREAS on March 16, 2023, the above-named petitioners filed a Petition for Review and Complaint in Fauquier County Circuit Court (“Petition”) appealing the decision of the Warrenton Town Council on January 14, 2023, to issue Special Use Permit 22-03 (“SUP 22-03”) to Amazon Data Services, Inc. (“Amazon”);

WHEREAS Plaintiffs-Petitioners Kevin and Amy Hampton reside at 90 Dorset Lane, Warrenton VA, located approximately 400 feet of the Amazon property;

WHEREAS Plaintiff-Petitioner Chrystal Mehl resides at 92 Dorset Lane, Warrenton, VA, located approximately 400 feet of the Amazon property;

WHEREAS Plaintiff-Petitioner The Lauren-Donahoo-Hatchell Trust owns a single family residence at 525 Colony Court, within approximately 825 feet of the Amazon property, occupied by Lauren-Donahoo-Hatchell;

WHEREAS Plaintiffs-Petitioners Ms. Claudia Delores Sandoval González and Mr. Carlos Ivan Lemus Bojórquez own and reside at a single-family home nearby and to the northwest of the Amazon property that is commonly known as 23 Pepper Tree Court, Warrenton, Virginia 20186 (the “Bojórquez-Sandoval González Home”), just across Blackwell Road from the Property, an area that will be directly impacted by the Data Center’s expected traffic, and will also suffer from impacts to viewshed, increased light and constant noise.

WHEREAS on April 10, 2023, the Town filed a Motion Craving Oyer and Demurrer to the Petition, alone contesting the standing of the Petitioner-Plaintiffs;

WHEREAS it is unclear whether the referenced residents were properly noticed;

WHEREAS on April 12, 2023, Amazon filed an unopposed motion for leave to intervene, granted by order on April 14, 2023;

WHEREAS on May 5, 2023, Amazon filed a Motion Craving Oyer, Demurrer, and Plea in Bar;

WHEREAS on June 7, 2023, CFFC filed an amended petition, which states that when the Council initiated a text amendment on April 13, 2021, to include data centers as a Special Use Permit, (“The Data Center Resolution”), the resolution failed to state a public purpose as mandated by VA. Code § 15.2-2286(A)(7);

WHEREAS on August 10, 2021, the Town Council adopted the Data Center Zoning Amendment pursuant to the Data Center Resolution;

WHEREAS if the Data Center Resolution was not “properly initiated” under VA. Code § 15.2-2286(A)(7), it may render Resolution *void ab initio*;

WHEREAS at a December 13, 2023, hearing, the court found that the Plaintiffs-Petitioners’ petition had been timely filed and was properly before the Court;

WHEREAS at the same hearing, the court found that the “Plaintiffs do enjoy standing” and denied the Town’s demurrer contesting the sufficiency of same;

WHEREAS, in light of the foregoing, the Town Council seeks to re-evaluate its role in the litigation and evaluate its legal options going forward;

THEREFORE BE IT RESOLVED that in the interest of the public, and to further avoid the unnecessary expenditure of public resources, the Town Council hereby directs the Town Attorney to determine the appropriateness of the Town’s defenses in this matter and seek the potential amendment of its Answer so as to withdraw certain defenses.