

VALLEY SELF STORAGE

Replacement of Storm Water Management Facility



Lot 6F, Valley Industrial Park Existing Conditions

- Antiquated Stormwater Management (SWM) Facility
- SWM inadequate for modern standards
- Exposed to natural elements – mosquitos and vegetation

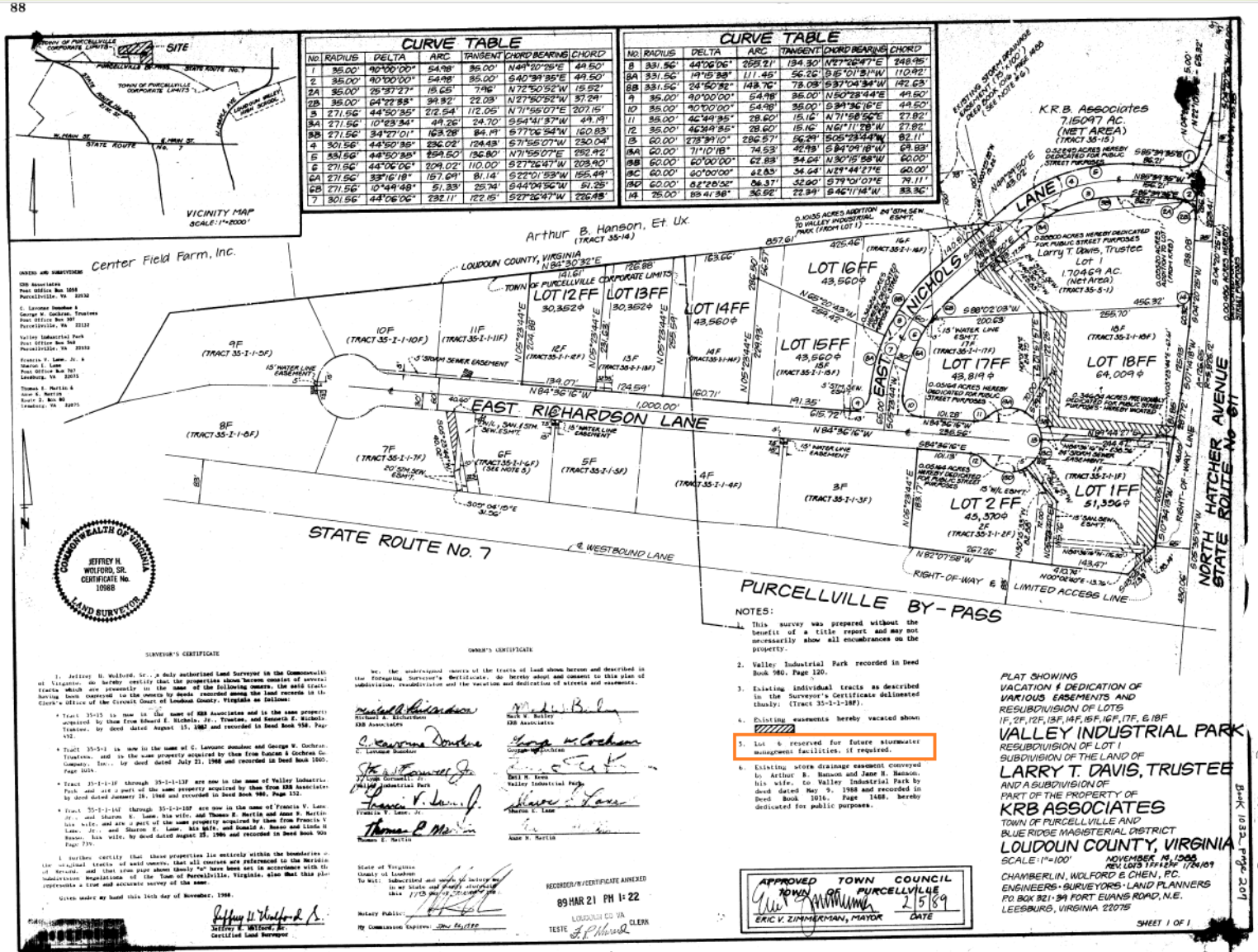


Valley Self Storage



- Valley Self Storage (VSS), the Owner of Lot 6F
- VSS is proposing to replace the existing SWM facility on Lot 6F.
- VSS has been diligently pursuing the application for 4 years

Record Plat of Current SWM Facility




Deed Book
1032, Page 200
Loudoun
County
Land Records

Record Plat of Current SWM Facility

Plat Note #5

- Plat Note #5 states "Lot 6[F] reserved for future stormwater management facilities, if required"
- Document is silent to any construction, responsibility and/or maintenance of the current SWM Facility

NOTES:

1. This survey was prepared without the benefit of a title report and may not necessarily show all encumbrances on the property.
2. Valley Industrial Park recorded in Deed Book 980, Page 120.
3. Existing individual tracts as described in the Surveyor's Certificate delineated thusly: (Tract 35-1-1-18F).
4. Existing easements hereby vacated shown 
5. Lot 6 reserved for future stormwater management facilities, if required.
6. Existing storm drainage easement conveyed by Arthur B. Hanson and Jane H. Hanson, his wife, to Valley Industrial Park by deed dated May 9, 1988 and recorded in Deed Book 1016, Page 1488, hereby dedicated for public purposes.



Legislation Permits Changes to Plats

- The Code of Virginia establishes a public process to alter the terms of a SWM Easement
- Virginia Code **§15.2-2272**
Vacation of Plat after Sale of Lot
 - In a case where a lot has been sold, the plat or part thereof may be vacated by the ordinance of the governing body in which the land shown on the plat or part thereof may be vacated by application of the interested party.

Legal Documentation

- VSS has submitted **deeds of easement and vacation of easement** which will vacate the outdated SWM easements and create new SWM easements
- VSS has also submitted a **SWM agreement** with clear legal language
- These legal documents assigns responsibility and hold VSS accountable for construction and maintenance





Request to Purcellville Town Council

- Requesting permission from the Purcellville Town Council to build a new code complaint Stormwater Management Facility with:
 - **no expense** to the Lot Owners in the Valley Industrial Park and
 - **no expense** to the Town of Purcellville

Rights of Valley Industrial Park Lot Owners

<u>RECORDATION COVER SHEET</u>	
TYPE OF INSTRUMENT:	DEED OF EASEMENT AND VACATION OF EASEMENTS
DATE OF INSTRUMENT:	_____
NAMES OF GRANTORS:	1) <u>ELIZABETH A. LEONE, Trustee of the TRUST AGREEMENT u/t/d December 15, 2006</u>
NAMES OF GRANTEES:	1) <u>SAVILLES SERVICE CENTER LC</u> 2) <u>GITTINGS LLC</u> 3) <u>TYBEC LLC</u> 4) <u>P & A DEL CARPIO LLC</u> 5) <u>IRONWOOD PROPERTIES LC</u> 6) <u>SHEA ENTERPRISES, LLC</u> 7) <u>STATEWIDE ENTERPRISES LLC</u> 8) <u>WALSHS VIP AUTO SERVICE LC</u> 9) <u>SUZANNE U MOORE, Trustee of the SUZANNE U MOORE REVOCABLE TRUST u/t/d January 25, 2010</u> 10) <u>CRAIG KRIS HOLDINGS LLC</u> 11) <u>LIGHTENING BOLT LLC</u> 12) <u>UNIT D LLC</u> 13) <u>GERALD WALSH and NANCY WALSH</u> 14) <u>NESSERODTE PROPERTIES LLC</u> 15) <u>AHMED B. NASR and SAMANTHA M. NASR, Trustees of the AHMED B. NASR & SAMANTHA M. NASR REVOCABLE FAMILY TRUST u/t/d October 28, 2015</u> 16) <u>EAST RICHARDSON ASSOCIATES, LLC</u> 17) <u>PERRY L. SCHULZE and DENISE E. SCHULZE</u> 18) <u>TOWN OF PURCELLVILLE, VIRGINIA</u> , a municipal corporation
COUNTY WHERE PROPERTY LOCATED:	LOUDOUN
BRIEF DESCRIPTION OF PROPERTY:	Lot 6F, Valley Industrial Park

Deed of Easement

- All pertinent Lot Owners in the Valley Industrial Park that drain into Lot 6F have been included (as Grantees) in the new Deed of Easement
- The Deed of Easement Language states that VSS is responsible for the construction and maintenance of the SWM facility
- Existing Plat Note #5 only reserves the right to have a SWM Facility

Rights of Valley Industrial Park Lot Owners

Stormwater Management Agreement

- The SWM Agreement language states that the responsibility for the construction and maintenance of the SWM facility shall be borne solely by VSS
- Annual inspection of the facility is required by the SWM agreement

5. In the event the Landowner, its successors and assigns, fails to maintain the stormwater management/BMP facilities in good working conditions acceptable to the Town, the Town may enter upon the Property and take whatever steps necessary to correct deficiencies identified in the inspection report and to charge the costs of such repairs to the Landowner, its successors and assigns. This provision shall not be construed to allow the Town to erect any structure of permanent nature on the land of the Landowner outside of the easement for the stormwater management/BMP facilities. It is expressly understood and agreed that the Town is under no obligations to routinely maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the Town.

7. In the event the Town, pursuant to the Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner, its successors and assigns, shall reimburse the Town upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the Town hereunder.

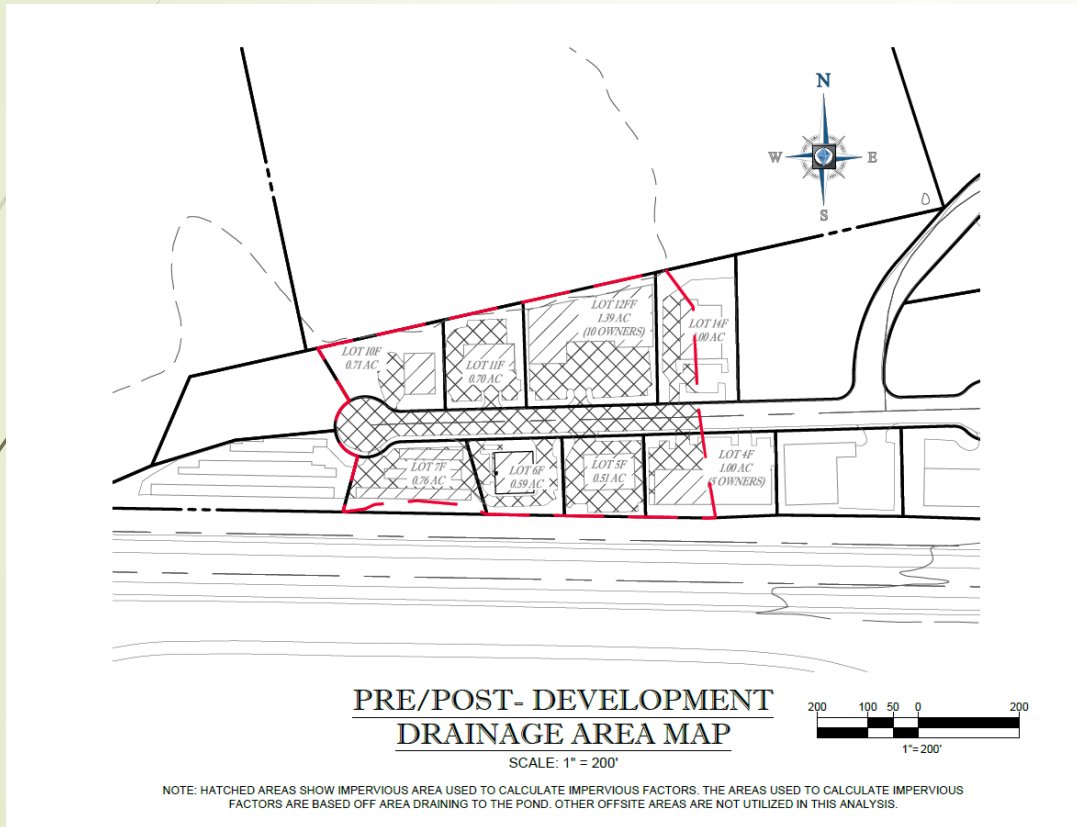
Rights of Town of Purcellville



1. All sewers, manholes, inlet structures, and appurtenant facilities which are installed in the easement shall be and remain the property of the Owner, its successors and assigns. It is expressly understood and agreed that the Town is under no obligations to routinely maintain or repair said facilities, and in no event shall these easements be construed to impose any such obligation on the Town.

- Both the Deed of Easement and SWM Agreement provide for
 - All construction costs to be borne by VSS
 - All maintenance costs borne by VSS
 - If VSS does not properly maintain Town has the right to charge VSS for any maintenance or construction the Town was forced to perform on behalf of VSS

Benefits to Valley Industrial Park Lot Owners



- New SWM Facility has 50% more capacity
- Construction plans and calculations will be in place to support such development without expense to adjoining property owners
- New building will significantly upgrade the industrial park.
- Clarify poor legal language (Plat Note #5)
- New SWM Facility meets all Town, County and State requirements for quality of SWM

Benefits to Town of Purcellville

- Better SWM quality
- No expenses to Town for construction or maintenance
- Maintenance of Easement to be governed by the SWM Agreement
- Construction of modern facility valued at \$2.6 Million
- Taxes to Town: \$5,720/year
- SWM Facility to be Fully Enclosed
- Facility is to be constructed in accordance with the site plan approved by the County of Loudoun, SWM team

