



## TOWN COUNCIL WORK SESSION

Monday, November 16, 2015 @ 7:00pm  
Front Royal Administration Building

### **Town/Staff Related Issues:**

1. UtiliWorks AMI Assessment – *Director of Energy Services*
2. Cost of Service Rate Study – *Director of Energy Services*
3. Energy Services Staffing Program – *Director of Energy Services*
4. Main Street Lighting Reimbursement Request – *Town Manager*
5. Budget Calendar – *Director of Finance*
6. Curb/Gutter Assessment Relief Request – *Brenda Chrisman – Town Manager*
7. Deed of Easement for Aldi, Inc. – *Town Attorney*

### **Council/Mayor Related Items**

8. Terms Expiring for UFAC and Audit/Finance Committee
9. Council Vacancy and NSVRC Elected Representative Vacancy due to Election
- 10 Council Discussion/Goals (*time permitting*)
11. CLOSED MEETING – Disposition of Energy Services Building

### **Motion to Go Into Closed Meeting**

Pursuant to Town Code Section 1-22 and Virginia Code Section 15.2-953, I move that Town staff and Town Council begin the process of selling the Town's Department of Energy Services Building located on 6th Street in the Town of Front Royal, as follows: first by holding a public hearing on the question of the sale after two (2) publications in a newspaper; then if Town Council be so advised, by resolution of Town Council authorizing the terms of the sale; then by bids accepted by the Town's Purchasing Agent on the date such property is advertised for sale; and then Town Council authorizing the acceptance or rejection of the best bid in accordance with the criteria Town Council deems in the best interest of the public at the first available Town Council meeting.

**Motion to Certify Closed Meeting at its Conclusion** [*At the conclusion of the Closed Meeting, immediately re-convene in open meeting and take a roll call vote on the following:*]

I move that Council certify that to the best of each member's knowledge, as recognized by each Council member's affirmative vote, that only such public business matters lawfully exempted from Open Meeting requirements under the Virginia Freedom of Information Action as were identified in the motion by which the Closed Meeting was convened were heard, discussed or considered in the Closed Meeting by Council, and that the vote of each individual member of Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

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## Town of Front Royal, Virginia Work Session Agenda Form

Date: November 16, 2015

**Agenda Item:** UtiliWorks AMI Assessment

**Summary:** In the fall of 2014, a steering committee was formed to develop a proposal for a business plan to determine if there is a good business case for Front Royal to implement an AMI Solution. The Town issued an RFP and evaluated all responses. The Town of Front Royal engaged UtiliWorks (UWC) to perform a business case analysis for the implementation of a smart grid system on the Town of Front Royal's electrical system. UWC completed their assessment and the committee has completed its review.

**Council Discussion:**

**Staff Evaluation:** UWC developed a comprehensive financial model to examine multiple scenarios and facilitate changes to the underlying assumptions. The model captured the Net Present Value (NPV) of the quantifiable capital and operating costs versus the achievable benefits. These benefits include cost savings, operational efficiencies and revenue enhancements in areas such as: meter reading, billing, call center operations, and field customer service. UWC evaluated three scenarios, which were: AMI only, Optimized deployment, and Fully (all) program deployment. UWC recommends that Front Royal move forward with the deployment of the optimized AMI system.

**Budget/Funding:** Future CIP project

**Legal Evaluation:**

**Staff Recommendations:** The steering committee concurs with the results and recommendations from the business case analysis performed by UWC. The committee is currently evaluating several opportunities for system procurement and will provide further updates at a future work session.

**Town Manager Recommendation:**

**Council Recommendation:**

Additional Work Session     Regular Meeting     No Action

Consensus Poll on Action: \_\_\_(Aye) \_\_\_(Nay)

Work Session

2



## Town of Front Royal, Virginia Work Session Agenda Form

Date: November 16, 2015

**Agenda Item:** Cost of Service Rate Study – Energy Services

**Summary:** In the spring of 2015, a steering committee was formed to develop and evaluate proposals for a Cost of Service Rate Study for the Energy Services department. The committee was comprised of four members representing the finance and energy services department.

**Council Discussion:**

**Staff Evaluation:** The Town received two (2) responses to the RFP in June for a Cost of Service Rate Study proposal. The committee interviewed both firms on their qualifications and experience on performing the services requested in the RFP. The committee selected their top firm and negotiated cost of services.

**Budget/Funding:** Encumber funds from FY14-15

**Legal Evaluation:**

**Staff Recommendations:** The steering committee recommends Burton & Associates to perform the Cost of Service Rate study. They have partner with Utility Financial Services (UFS) as part of their project team to perform the study. UFS has extensive experience dealing with AMP members who have similar complex wholesale power supply portfolios.

**Town Manager Recommendation:**

**Council Recommendation:**

Additional Work Session     Regular Meeting     No Action

Consensus Poll on Action: \_\_\_(Aye) \_\_\_(Nay)

Work Session

3



## Town of Front Royal, Virginia Work Session Agenda Form

Date: November 16, 2015

**Agenda Item:** Energy Services Staffing Program

**Summary:** The department experienced a significant turnover in the line division over the past year, which has resulted in extra burden on current staff. We were able to address the main issue but our recovery from the loss of experienced linemen will correct itself in about two years. Since then, I began a strategic work force planning process focusing on our current and future challenges in Front Royal and the industry.

**Council Discussion:**

**Staff Evaluation:** The strategic work force planning process evaluated workflow, productivity, job classifications including skills levels and skill levels of current employees. It was identified during this process the following areas that need to be addressed; experienced staff (lineman), formalized training programs, workflow and the need for additional staff.

**Budget/Funding:** Funds available in FY15-16 budget

**Legal Evaluation:**

**Staff Recommendations:** The most critical issue is our productivity and workflow with current operations. I plan to request additional staff in the upcoming budget to assist and correct some of the issues the department is experiencing. But, an immediate need is a change in responsibility and workflow to allow our department to work more efficiently, responsibly and provide the necessary overlap in the critical positions of the operation of an electric utility. Therefore I recommend restructuring the department with a classification change from Operations Manager to Deputy Director.

An additional recommendation is an establishment of a formalized apprentice training program for the highly skilled profession of a meter technician. This program will allow the Town to adequately train, maintain, and recruit qualified employees.

**Town Manager Recommendation:**

**Council Recommendation:**

Additional Work Session     Regular Meeting     No Action

Consensus Poll on Action: \_\_\_(Aye) \_\_\_(Nay)

Work Session



**TOWN OF FRONT ROYAL**  
**DEPARTMENT OF ENERGY SERVICES**  
P.O. BOX 1560  
FRONT ROYAL, VIRGINIA 22630-1560

JOSEPH E. WALTZ  
Director  
(540) 635-3027  
jwaltz@frontroyalva.com

To: Steve Burke, Town Manager  
From: Joseph Waltz, Director of Energy Services  
Date: November 9, 2015  
Subject: Promotion – David Jenkins

A handwritten signature in black ink, appearing to be "JW", is written over the "From:" line of the memo.

The department experienced a significant turnover in the line division over the past year, which has resulted in extra burden on current staff due to the inexperienced apprentices. We were able to address the main issue but our recovery from the loss of experienced lineman will correct itself in about two years.

Since then, I began a strategic work force process focusing on our current and future challenges in Front Royal and the industry. During the process I evaluate workflow, productivity, job classifications including skills levels and skill levels of current employees. It was identified during this process the following areas that need to be addressed:

1. Journeyman Lineman – Salaries have been adjusted and problem will correct itself in approximately two years
2. Formalized Training Program for Meter Technicians – Issue will be addressed in a separate memo
3. Additional staff – To be addressed in FY17 Budget
4. Efficiency and Overlap of Critical Positions – To be addressed in this memo

The most critical issue is our productivity and workflow with current operations. I plan to request additional staff in the upcoming budget to assist and correct some of the issues the department is experiencing. But, an immediate need is a change in responsibility and workflow to allow our department to work more efficiently, responsibly and provide the necessary overlap in the critical positions of the operation of an electric utility.

As a brief history, when the previous Manager retired in January 2013, I split the department into two division reporting to the Director with Mr. Jenkins responsible for Metering, Safety, Right of way, Inventory, SCADA while the Crew Supervisor was

responsible for line maintenance and construction, substations and traffic control systems. This allowed for more detailed training and evaluation of staff.

During the past two and half years, Mr. Jenkins has excelled in his position and has displayed good leadership skills. Therefore, I recommend promoting David Jenkins to the position of Deputy Director of Energy Services at a rate of \$70,000 a year. He would be responsible for the daily operations of the electrical system along with providing overlap with the Director and the Crew Supervisor.

Please let me know when we can discuss further my recommendations for Mr. Jenkins and the Energy Services Department.

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Town of Front Royal, Virginia  
Work Session Agenda Form

Date: November 16, 2015

**Agenda Item:** Main Street Lighting Reimbursement Request

**Summary:** The Town has received the following request:

Dear Mayor Darr and Town Council,

It is with regret that FRIBA asks for the return of \$5000.00 donated for additional Main Street lighting. The money was given as a support for the lighting project by friends and businesses in our community.

This is the only fair, businesslike approach to resolving this issue in our community.

Many community volunteers have spent hundreds of hours and hundreds of dollars trying to support our community and it's Main Street needs. Our return and the lack of true community support from the town has been unsatisfactory. Because of this, a distrust is developing.

I must say, the addition of a "Cheerleader" is very welcome and should be of great assistance under the direction of the Mayor and Council. We all look forward to this positive change and thank the Mayor for his encouragement.

Thank each of you for your commitment to our "Home Town".

Check should be made to FRIBA for redistribution to our generous donors.

Respectfully Yours,

George L. McIntyre, Jr.  
FRIBA/Vice President

**Council Discussion:** Council is requested to consider this request.

**Staff Evaluation:** The Council accepted a donation of \$2,700 at the October 27, 2014 meeting. This is the only donation the Town has identified towards the project. To date, the Town has spent over \$6,000 for this project.

**Budget/Funding:** The Director of Finance will be available to address fiscal issues.

**Legal Evaluation:** The Town Attorney will be available to address legal issues.

**Staff Recommendations:** Staff recommends that if return of the donation is approved that Council authorize staff to remove the overhead lighting.

**Town Manager Recommendation:** The Town Manager recommends that if return of the donation is approved that Council authorize staff to remove the overhead lighting.

**Council Recommendation:**

- Additional Work Session
  - Regular Meeting
  - No Action
- Consensus Poll on Action: \_\_\_(Aye) \_\_\_(Nay)



David W. Silek, Esq.  
(Admitted: VA & DC)  
[dsilek@sileklaw.com](mailto:dsilek@sileklaw.com)

Paralegal:  
L. Ellen Woodruff  
[ewoodruff@sileklaw.com](mailto:ewoodruff@sileklaw.com)

**SILEK LAW GROUP, P.C.**  
*A Professional Law  
Corporation*

Main Office:  
8500 Leesburg Pike, Suite 400  
Vienna, VA 22182  
Phone: 703.361.9700  
Fax: 571.327.3311

Client Meeting Location:  
128 East Main Street  
Front Royal, VA 22630

October 14, 2015

Steve M. Burke, Town Manager  
P.O. Box 1560  
Front Royal, Virginia 22630



**RE: Lighting Anchor Attachment**

Dear Steve:

This law firm has been retained to represent the Lola S. Wood Testamentary Trust. Please direct all future correspondence regarding any property owned by the Lola S. Wood Testamentary Trust to this office and to my attention.

Specifically I am writing to you today regarding a letter received by my mother regarding the Main Street lighting program. Please be advised that the address for the Trust which is on the letter to my mother is incorrect. It is a good thing the mailman knows where to deliver the mail.

I have had an opportunity to review the Waiver & Release of Liability. I have included a copy of the letter from Mr. Waltz as well as a copy of the Wavier & Release of Liability herewith. When I read the Waiver & Release of Liability I actually laughed out loud. It the most absurd Waiver & Release of Liability I have ever seen come out of the Town of Front Royal. That anyone actually signed it is surprising. I find it unconscionable that the Town wants the property owner to assume all liability associated with the installation of this cable that you are requesting be installed on a property owner's structure. I also find it laughable that the Town is somehow equating a property owner's desire to participate in a lighting program as an assumption of liability on their behalf.

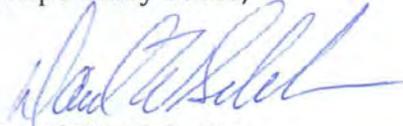
This is exactly why people should never trust the Town of Front Royal to ever do the correct thing. In fact, this document is absolute proof of the Town's desire to "screw" people.

Please be advised that if the Town of Front Royal desires to install an anchor or cable on the property located at 217 E. Main Street they can buy or lease space on the building to do so and the Town will be responsible for the maintenance, upkeep, and any liability associated with the installation of aforesaid anchor, cable, and lighting so installed.

I think it shameful that the Town would send such a request out to any property owner of the Town. Or was such just sent to our family?

I look forward to raising this issue with the members of Council.

Respectfully Yours,



David W. Silek, Esq.

DWS/ew

Cc: Suzanne Silek - 295 W. Main Street  
BJ Biggs - 500 E. Main Street  
Erwin Anselm - 219 E. Main Street  
Delores Williams - 219 E. Main Street  
Paula Judy - by email  
John O'Neill, Esq. - by email  
Ralph Waller - 304 E. Main Street  
Donald Poe - 702 N. Commerce Ave.  
Andy Stokes - 533 E. Main Street  
Linda Grimsley - 420 N. Royal Ave.  
Craig Laird - 203 E. Main Street  
Daryl Funk - 35 N. Royal Ave.



TOWN OF FRONT ROYAL  
 OFFICE OF THE TOWN MANAGER  
 ADMINISTRATION BUILDING  
 P.O. BOX 1560  
 FRONT ROYAL, VIRGINIA 22630-1560

STEVEN M. BURKE, PE  
 Town Manager  
 (540) 635-8007  
 (540) 636-7475 (Fax)  
 sburke@frontroyalva.com

**LIGHTING ANCHOR ATTACHMENT  
 WAIVER & RELEASE OF LIABILITY**

The Town of Front Royal, Virginia is working with property owners on Main Street to enhance the experience of visiting and shopping Downtown through the installation of overhead lighting. To accomplish this Tourism Project, the Town needs to install an anchor in compliance with the Building Code, as inspected by the Warren County Building Official, on your building to span Main Street with cable to support the lighting.

The installation and maintenance of the anchor, cable, and lighting will be conducted by Town staff. Town staff will need to install the anchor into the structure of your building to support the cable.

NOW THEREFORE, in consideration of the property owner's desire to participate in the Downtown Lighting Program, the property owner(s) hereby agree as follows:

The property owner(s) for themselves, their successors, assigns, personal representatives, and heirs do hereby release the Town of Front Royal, its officers, officials, agents, employees, and contractors from any and all damage or injuries, as well as any claims by third parties, and further agree to indemnify and hold harmless the Town of Front Royal, its officers, officials, agents, employees, and contractors of and from any liability including attorneys fees and expenses, which may arise from the installation and maintenance of the lighting anchors.

Property Address:		
Property Owner: (print)		
Property Owner: (signature)		Date:
Property Owner: (print)		
Property Owner: (signature)		Date:
Witness: (signature)		Date:

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## Town of Front Royal, Virginia Work Session Agenda Form

Date: November 16, 2015

**Agenda Item:** Budget Calendar for FY17

**Summary:** Town Manager and Director of Finance have established the Budget Calendar for Fiscal Year 2017.

**Council Discussion:** To add or change the dates that have been provided by Staff

**Staff Evaluation:** Staff has received the proposed calendar

**Budget/Funding:** None

**Legal Evaluation:** Town Attorney will be available

**Staff Recommendations:** Approval of Budget Calendar FY17

**Town Manager Recommendation:**

**Council Recommendation:**

Additional Work Session     Regular Meeting     No Action

Consensus Poll on Action: \_\_\_(Aye) \_\_\_(Nay)

Work Session

## Fiscal Year 2016-2017 Budget Calendar

Oct 2015	Department requests for CIP [Capital Improvement Program] Include 2017 through 2022
Nov 6, 2015	CIP requests due to Finance
Nov 2015	Finance Department distributes FY17 Budget forms to Departments
Nov 2015	Council goals and objectives for FY17 to Town Manager/Finance Director
Dec 4, 2015	Departments request due for Personnel Changes [including promotions, reorganization and/or new staffing]
Dec 15, 2015	Mid-year FY16 Budget transfers due from departments
Dec 21, 2015	Departments spending requests for FY17 due [with justifications]
Jan 18-22, 2016	Town Manager review spending requests with departments
Jan 25, 2016	Overview of budget with Audit Committee at 6:00 pm
Feb 1, 2016	Work Session to set tax rate
February 2016	Advertisement for annual tax rate for Real and Personal Property ~ rate has to be set prior to April 1
Mar 14, 2016	Public Hearing (1) Tax rates for Real and Personal
Mar 28, 2016	Approval of Town Tax rates for both Real Estate and Personal Property
Apr 1, 2016	Town Manager's Recommended Budget to Town Council
Apr 4, 2016	Town Manager's presentation of proposed budget to Council
Apr 18 & May 2, 2016	Council review proposed budget during scheduled work sessions
May 9, 2016	Public Hearing and First Reading of Appropriations Ordinance and Rate ordinances
May 16, 2016	Budget Work Session [if necessary]
May 23, 2016	Second and Final Reading of Appropriation Ordinance and Rate Ordinances

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Town of Front Royal, Virginia  
Work Session Agenda Form

Date: November 16, 2015

**Agenda Item:** Curb & Gutter Assessment Relief Request - Brenda Chrisman

**Summary:** The Town has received a request from Ronnie and Brenda Chrisman seeking relief from the curb and gutter assessment assigned to their property at 1450 Anderson Street. Their letter summarizing the fact the original lien to the previous owner had the incorrect spelling of their name which resulted in the lien not being identified when the Chrismans purchased the property. The lien was transferred to the Chrismans after they purchased the property.

**Council Discussion:** Council is requested to consider the request to remove the lien for the curb and gutter assessment at 1450 Anderson Street.

**Staff Evaluation:** Staff were unable to located any correspondence to the original property owner or to the Chrismans regarding the transfer of the lien to them. By law, the lien was assigned to the property, which should have resulted in final execution prior to the sale of the property. Council can approve the relief from this lien as they desire.

**Budget/Funding:** The Director of Finance will be available to address fiscal issues.

**Legal Evaluation:** The Town Attorney will be available to address legal issues.

**Staff Recommendations:** Staff recommends that Council consider the request for relief.

**Town Manager Recommendation:** The Town Manager recommends that Council consider the request for relief.

**Council Recommendation:**

- Additional Work Session
  - Regular Meeting
  - No Action
- Consensus Poll on Action: \_\_\_(Aye) \_\_\_(Nay)



Oct 27-15

2017-023  
I Ronnie & Brenda Chisman Purched the Property at 1450 Anderson St. on Nov. 25, 2003.

With Title search the Property had no liens. A few weeks ago, I learned it had a lien.

I received a number of bills for Curb & gutter work, that was already in place when I purchased property. Back in 2004 or 2005, not sure, I got a bill for the same thing, went to Town Hall, they said it would be

Taken care of. The bill was suppose to have went to Thomas Bast. The paper work

will show, they sent the bill to the wrong spelling of name. The lien was on Property when purchased in the wrong name Thomas N.

Blast not Thomas N. Bast, other wise it would have shown up on Title search and money with held and Paid at settlement.

We are asking you to remove lien on our Property, This is not our fault. ~~We~~ do not owe Curb & gutter bills.

Thank You.  
Ronnie & Brenda  
Chisman

000009 FEB 25 2004

**CURB AND GUTTER ABSTRACT**

Abstract of an ordinance of the Town of Front Royal, Virginia authorizing the installation of curb and gutter, which abstract is to be recorded in the Judgment Lien Docket Book and Deed Book in the Clerk's Office of the Circuit Court of Warren County, Virginia, pursuant to Section 15.2-2404 of the Virginia Code of 1950 as amended.

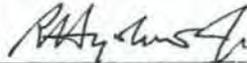
THIS IS TO CERTIFY that by resolution of the Town Council of the Town of Front Royal, Virginia, at a meeting held on May 28, 2003, curb and gutter was authorized to be installed in the **Mountain View Subdivision**. This authorization included an assessment against the owners of the abutting properties. On **February 23, 2004**, by resolution of Council, the assessment was amended to correct and reduce the authorized assessment against the owners of said property, namely: **Ronnie W. & Brenda J. Chrisman**. The property which was affected by the curb and gutter is listed as follows:

**Tax Map 20A15, Double Circle 1, Block 5, Lot 1**

Front Royal, Warren County, Virginia, and the cost of said installation, which will be assessed against the landowners, is \$8.82 per front foot.

The Clerk of the Circuit Court of Warren County, Virginia is requested to record this abstract in the Judgment Lien Docket Book and Deed Book of his office and index the same in the name of the Town of Front Royal, Virginia and in the name of **Ronnie W. & Brenda J. Chrisman**.

Given under my hand this 24th day of February, 2004.



Richard A. Anzolut, Jr., Town Manager  
TOWN OF FRONT ROYAL, VIRGINIA

Estimated Curb and Gutter  
Assessment: 200 ft. @ \$8.82 = \$1,764

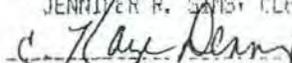
State of Virginia  
County of Warren, to-wit:

I, Rhonda S. North, a Notary Public in and for the State and County aforesaid, do hereby certify that Richard A. Anzolut, Jr., whose name is signed as Manager of the Town of Front Royal, Virginia, to the foregoing writing bearing the date of the 24th day of February, 2004, has this day acknowledged the same before me in my County and State aforesaid. My commission expires July 31, 2006.

Given under my hand this 24th day of February, 2004.

  
Notary Public

INSTRUMENT #040001031  
RECORDED IN THE CLERK'S OFFICE OF  
WARREN COUNTY ON  
FEBRUARY 25, 2004 AT 09:19AM  
JENNIFER R. SAMS, CLERK

BY:  . . .

-

Sales Information (Map: 20A151 5 1)

Return to Search

Sale Date	Sale Price	Instrument	Grantor
12/2/2003	\$100,000	03 0014560	BAST THOMAS N

-

Transaction History (Map: 20A151 5 1)

Return to Search

Sale Date	Sale Price	Instrument	Grantee
10/29/1999	\$64,000	99 0007459	BAST THOMAS N
10/03/1994	\$62,500	537 / 856	MORRIS BETTY LOU
10/00/1983	\$27,000	0	HARLAN, LESLIE L ET UX
00/00/0000	\$142	306 / 16	EPPS MARK H ET UX

*(Right Spelling)*

-

Building Information (Map: 20A151 5 1) Building 1 v

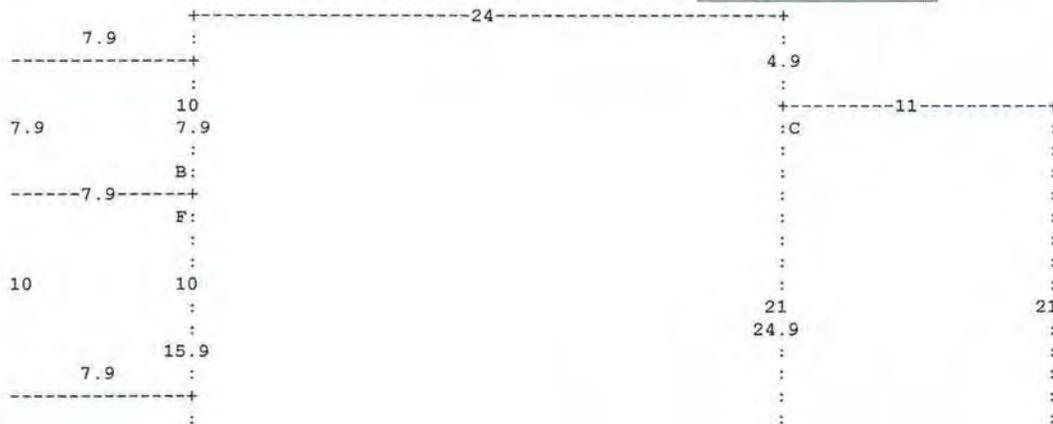
Use dropdown box to view additional buildings Return to Search

Exterior Information	Interior Information	Site Information
Year Built: None Occupancy Type: DWELLING Condition: GOOD Foundation: STONE Exterior Walls: VINYL Roofing: COMP SHG Roof Type: GABLE Garage: NONE No. Cars: None Built-in Garage No. Cars: None Carport: NONE	Stories: 1.00 Rooms: 4 Bedrooms: 2 Baths: 1 Half Baths: None Building Sq. Ft: 959 Basement Sq. Ft: None Fin. Bsmt Sq. Ft: None Interior Walls: PLASTER Floors: WOOD Heating: FORCED AIR A/C: YES	Zoning Type: None Terrain Type: ON Character: ROLLING/SLOPING Right of Way: PUBLIC Easements PAVED Water: PUB-I Sewer: PUB-I Electric: YES Gas: NO Fuel Type: PPANE Utility Value: None Fireplace: None Stk Fireplace: None Flues: None Metal Flues: None Stacked Flues: None Inop Flue/FP: None

-

Sketch (Map: 20A151 5 1)

Return to Search



000298 MAY 29 03

CURB AND GUTTER ABSTRACT

Abstract of an ordinance of the Town of Front Royal, Virginia authorizing the installation of curb and gutter, which abstract is to be recorded in the Judgment Lien Docket Book and Deed Book in the Clerk's Office of the Circuit Court of Warren County, Virginia, pursuant to Section 15.2-2404 of the Virginia Code of 1950 as amended.

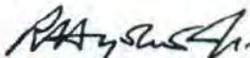
THIS IS TO CERTIFY that by resolution of the Town Council of the Town of Front Royal, Virginia, at a meeting held on **May 28, 2003** curb and gutter was authorized to be installed in the **Mountain View Subdivision**, and an assessment was authorized against the owners of said property, namely: **Thomas N. Blast**. The property which will be affected by the proposed curb and gutter is listed as follows:

**Tax Map 20A15, Double Circle 1, Block 5, Lot 1**

Front Royal, Warren County, Virginia, and the cost of said installation, which will be assessed against the landowners, is \$12.00 per front foot.

The Clerk of the Circuit Court of Warren County, Virginia is requested to record this abstract in the Judgment Lien Docket Book and Deed Book of his office and index the same in the name of the Town of Front Royal, Virginia and in the name of **Thomas N. Blast**.

Given under my hand this **28th day of May, 2003**.



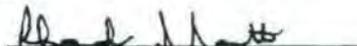
Richard A. Anzolut, Jr., Town Manager  
TOWN OF FRONT ROYAL, VIRGINIA

Estimated Curb and Gutter  
Assessment: Lot 1 - 200 ft. @ \$12 = \$2,400

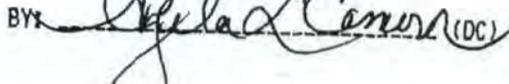
State of Virginia  
County of Warren, to-wit:

I, Rhonda S. North, a Notary Public in and for the State and County aforesaid, do hereby certify that Richard A. Anzolut, Jr., whose name is signed as Manager of the Town of Front Royal, Virginia, to the foregoing writing bearing the date of the 28th day of May, 2003, has this day acknowledged the same before me in my County and State aforesaid. My commission expires July 31, 2006.

Given under my hand this 28th day of May, 2003.

  
Notary Public

INSTRUMENT #030005892  
RECORDED IN THE CLERK'S OFFICE OF  
WARREN COUNTY ON  
MAY 29, 2003 AT 01:17PM  
JENNIFER R. SIMS, CLERK

BY:  (DC)

000009 FEB 25 2

CURB AND GUTTER ABSTRACT

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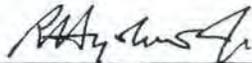
THIS IS TO CERTIFY that by resolution of the Town Council of the Town of Front Royal, Virginia, at a meeting held on May 28, 2003, curb and gutter was authorized to be installed in the **Mountain View Subdivision**. This authorization included an assessment against the owners of the abutting properties. On **February 23, 2004**, by resolution of Council, the assessment was amended to correct and reduce the authorized assessment against the owners of said property, namely: **Ronnie W. & Brenda J. Chrisman**. The property which was affected by the curb and gutter is listed as follows:

**Tax Map 20A15, Double Circle 1, Block 5, Lot 1**

Front Royal, Warren County, Virginia, and the cost of said installation, which will be assessed against the landowners, is \$8.82 per front foot.

The Clerk of the Circuit Court of Warren County, Virginia is requested to record this abstract in the Judgment Lien Docket Book and Deed Book of his office and index the same in the name of the Town of Front Royal, Virginia and in the name of **Ronnie W. & Brenda J. Chrisman**.

Given under my hand this 24th day of February, 2004.



Richard A. Anzolut, Jr., Town Manager  
TOWN OF FRONT ROYAL, VIRGINIA

Estimated Curb and Gutter  
Assessment: 200 ft. @ \$8.82 = \$1,764

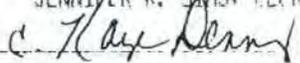
State of Virginia  
County of Warren, to-wit:

I, Rhonda S. North, a Notary Public in and for the State and County aforesaid, do hereby certify that Richard A. Anzolut, Jr., whose name is signed as Manager of the Town of Front Royal, Virginia, to the foregoing writing bearing the date of the 24th day of February, 2004, has this day acknowledged the same before me in my County and State aforesaid. My commission expires July 31, 2006.

Given under my hand this 24th day of February, 2004.

INSTRUMENT #040001931  
RECORDED IN THE CLERK'S OFFICE OF  
WARREN COUNTY ON  
FEBRUARY 25, 2004 AT 09:19AM  
JENNIFER R. GAMS, CLERK

  
Notary Public

BY:  104

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## Town of Front Royal, Virginia Work Session Agenda Form

Date: November 16, 2015

**Agenda Item:** Deed of Easement from Aldi, Inc. to the Town for water/sewer easement and right-of-way acquisition for facilities serving Land Unit 2 in Riverton Commons.

**Summary:** It is proposed that the Town acquire water/sewer easement and right-of-way over portions of Land Unit 2 in Riverton Commons for access and maintenance to water/sewer facilities to be owned by the Town and serving Land Unit 2.

**Council Discussion:** Town Council is asked to consider approving the Deed of Easement, to be executed by the Mayor.

**Staff Evaluation:** The proposed easement/right-of-way acquisition is required to provide water/sewer service to the parcel located outside of Town limits.

**Budget/Funding:** None.

**Legal Evaluation:** The Town Attorney will be available for legal questions.

**Staff Recommendations:** Steve Burke, Town Manager/Town Engineer, and Jimmy Hannigan, Director of Environmental Services, will be available to answer questions.

**Town Manager Recommendation:** The Town Manager recommends that the Town acquire water/sewer line easement and right-of-way over portions of Land Unit 2, Riverton Commons Land Condominium, owned by Aldi, Inc.

**Council Recommendation:**

Additional Work Session     Regular Meeting     No Action  
Consensus Poll on Action: \_\_\_(Aye) \_\_\_(Nay)

Work Session

**This instrument was prepared by J. Daniel Pond II, Esquire, VSB #13624  
35 N. Royal Avenue  
Front Royal, VA 22630**

**THIS DEED OF EASEMENT** made and entered into this \_\_\_\_ day of November, 2015, by and between **Aldi, Inc. (Maryland)**, a Maryland corporation, GRANTOR, and **Town of Front Royal, Virginia, a Municipal Corporation**, GRANTEE.

WITNESSETH:

Aldi, Inc. (Maryland) is the owner of Land Unit 2 as shown on that certain plat of survey dated March 19, 2007 and revised May 18, 2007, prepared by Control Point Associates, Inc. and recorded in the Clerk's Office of the Circuit Court of Warren County, Virginia in Slide 233-T, having acquired the same by deed recorded in the aforesaid Clerk's Office in Instrument #150003933; and

Whereas, the Grantor wishes to grant unto the Town of Front Royal, Virginia easements and rights-of-way for the installation and maintenance of sanitary sewer lines and water lines onto, over and through the aforesaid unit, and to that end have caused to be prepared this instrument.

WITNESSETH:

That for and in consideration of the sum of ONE DOLLAR (\$1.00) cash in hand paid by the Grantee to the Grantor, receipt of which is hereby acknowledged, the Grantor grants and conveys unto the Grantee, its successors and assigns, the following rights in real property situated in the North River Magisterial District, Warren County, Virginia, to-wit:

The privileges, easements, and rights-of-way in perpetuity to construct, lay, maintain, repair, inspect, improve and operate within the easements and rights-of-way of varying widths herein described and referred to, mains, works and systems for the operation of utilities over, upon, across and under the property of the Grantor as shown on Sheet 1 and Sheet 3 of a plat of survey dated October 24, 2007 and revised on July 27, 2015 and on September 8, 2015, prepared by Bohler Engineering and attached hereto and made a part of this instrument as Exhibit A.

These easements and rights-of-way shall be for the construction, installation, inspection, repair and maintenance of mains, works, and systems for the transmission of water and the collection and transmission of sewage, and waste water, including, but not limited to, water meters and water meter vaults, (herein "facilities") over, across and under the properties of the Grantors, with the location and width of said easements and rights-of-way as shown on the aforesaid attached plat. The real parcel encumbered by this instrument is known and designated as Land Unit 2 on the aforesaid plat recorded in the aforesaid Clerk's Office in Slide 233-T.

There is also hereby conveyed rights-of-way of ingress, egress, and access over, upon, and across the property of the Grantor to the above-described easements for the purpose of allowing access to facilities located thereon by the employees, agents, and contractors of the Grantee.

The further terms and conditions of this grant are as follows:

(a) That the Grantee may (but is not required to) trim, cut, remove, and keep clear all trees, limbs, undergrowth, and any and all other obstructions, within the said easements and rights-of way, that may in any manner, in Grantee's sole judgment, endanger or interfere with

the proper and efficient operation of the facilities, and the Grantee shall have all such other rights and privileges as are reasonably necessary or convenient for the full enjoyment and use of the easements and rights-of-way herein granted for the aforesaid purpose. Nothing contained herein shall be construed to require Grantee to install, repair or maintain any portion of any water and sewer service laterals providing utilities to any improvements located on the aforesaid Land Unit 2.

(b) The granting of the easements and rights-of-way hereinafter described neither expressly nor impliedly constitutes any payment, nor the waiver of any obligation for the payment, by the Grantor or its successors or assigns, or any cut-in fee or charge, tax, assessment or other charge or obligation whatsoever now due or heretofore due or hereafter to become due and payable to the Grantee or to any person, firm or other corporation whatsoever.

(c) That Grantee will exercise reasonable care to protect the property of the Grantor from damage or injury occasioned in the enjoyment of the easements and rights-of-way herein granted, and to promptly repair the said property or reimburse the Grantor for any property damaged beyond repair.

(d) That, if Grantee does cut or fell any brush, undergrowth or trees, or should excavations be carried on pursuant to these easements and any large-sized rocks or boulders are unearthed and are not buried in said excavation, such brush, undergrowth, trees, large-sized rocks and boulders shall, at the expense of Grantee be removed from the property of the Grantor.

(e) Once constructed and installed, the facilities shall become the property of the Grantee and Grantor shall have no right, title, interest, estate or claim whatsoever in facilities by virtue of the rights conveyed herein.

(f) The easements are non-exclusive.

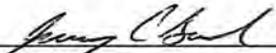
(g) Facilities installed pursuant to the easement shall be underground, except for manhole and vault covers which shall be flush with adjacent grade, except as is otherwise consistent with best practices or as shown on plans approved by Grantor.

(h) Grantor retains the right to use the surface areas of such encumbered parcel for any use not inconsistent with the rights granted the Grantee, including use of the easements areas for pavement, drives, curbing, sidewalks and landscaping.

(i) Grantor reserve the right to require the Grantee to relocate its facilities to another location on the affected parcel, subject to the conveyance of a similar easements and rights-of-way, all at the cost and expense of the Grantor.

WITNESS the following signature and seal.

Aldi, Inc. (Maryland)  
A Maryland Corporation.

By:  \_\_\_\_\_  
Jeffrey Baehr  
Vice President

**THIS SPACE INTENTIONALLY LEFT BLANK**

STATE OF MARYLAND

CITY/COUNTY OF Frederick, TO-WIT:

I, Shannon Minor, A Notary Public in and for the State and City/County aforesaid, do hereby certify that Jeffrey Baehr, whose name is signed as Vice President on behalf of Aldi, Inc. (Maryland) to the foregoing Deed of Easement bearing the date of November 9<sup>th</sup>, 2015, has this day personally appeared and acknowledged the same before me in my State and County aforesaid.,

My commission expires: August 14, 2019.

Registration No.: 29624

Given under my hand this 9<sup>th</sup> day of November, 2015.

Shannon Minor  
Notary Public



The foregoing conveyance is hereby accepted by the Town of Front Royal, Virginia, as evidenced by the signature of the undersigned, who is authorized to accept this conveyance on behalf of the Town, as evidenced by a Resolution adopted by the Town Council.

WITNESS the following signature:

TOWN OF FRONT ROYAL, VIRGINIA

By: \_\_\_\_\_  
Timothy W. Darr, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer E. Berry  
Clerk of Council

STATE OF VIRGINIA

COUNTY OF WARREN, TO-WIT:

I, \_\_\_\_\_, A Notary Public in and for the State and County aforesaid, do hereby certify that Timothy W. Darr, Mayor and Jennifer E. Berry, Clerk, whose names are signed on behalf of the Town of Front Royal, Virginia, to the foregoing Deed of Easement bearing the date of November \_\_\_\_\_, 2015, have each this day personally appeared and acknowledged the same before me in my State and County aforesaid.

My commission expires: \_\_\_\_\_.

Registration No.: \_\_\_\_\_

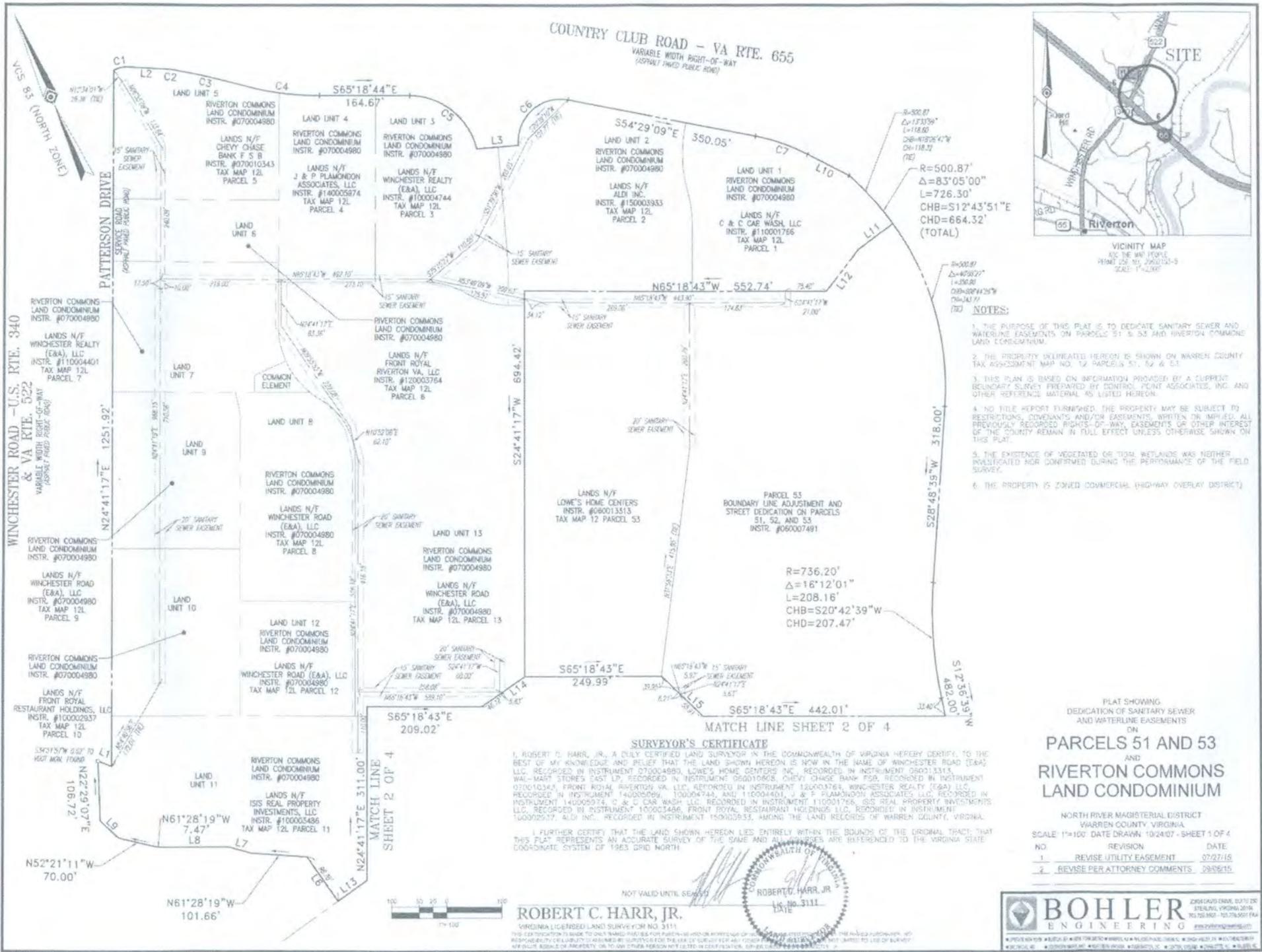
Given under my hand this \_\_\_\_\_ day of November, 2015.

\_\_\_\_\_  
Notary Public

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Douglas W. Napier, Town Attorney

Date: \_\_\_\_\_



VICINITY MAP  
AS THE MAP PEOPLE  
PRINT US, NO. 200003-5  
SCALE: 1"=100'

- NOTES:**
1. THE PURPOSE OF THIS PLAT IS TO DEDICATE SANITARY SEWER AND WATERLINE EASEMENTS ON PARCELS 51 & 53 AND RIVERTON COMMONS LAND CONDOMINIUM.
  2. THE PROPERTY DELINEATED HEREON IS SHOWN ON WARREN COUNTY TAX REASSESSMENT MAP NO. 12, PARCELS 51, 52 & 53.
  3. THIS PLAN IS BASED ON INFORMATION PROVIDED BY A CURRENT BOUNDARY SURVEY PREPARED BY GEORGE J. PONT ASSOCIATES, INC. AND OTHER REFERENCED MATERIAL AS LISTED HEREON.
  4. NO TITLE REPORT FURNISHED. THE PROPERTY MAY BE SUBJECT TO RESTRICTIONS, EASEMENTS AND/OR ENCUMBRANCES, WRITTEN OR IMPLIED, ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS OR OTHER INTEREST OF THE COUNTY REMAIN IN FULL EFFECT UNLESS OTHERWISE SHOWN ON THIS PLAT.
  5. THE EXISTENCE OF VEGETATED OR TOAD WETLANDS WAS NEITHER INVESTIGATED NOR CONFIRMED DURING THE PERFORMANCE OF THE FIELD SURVEY.
  6. THE PROPERTY IS ZONED COMMERCIAL (HIGHWAY OVERLAY DISTRICT).

PLAT SHOWING  
DEDICATION OF SANITARY SEWER  
AND WATERLINE EASEMENTS  
ON  
**PARCELS 51 AND 53**  
AND  
**RIVERTON COMMONS  
LAND CONDOMINIUM**  
NORTH RIVER MAGISTERIAL DISTRICT  
WARREN COUNTY, VIRGINIA  
SCALE: 1"=100' DATE DRAWN: 10/24/07 - SHEET 1 OF 4  
NO. REVISION DATE  
1. REVISE UTILITY EASEMENT 07/27/15  
2. REVISE PER ATTORNEY COMMENTS 2/26/15

**SURVEYOR'S CERTIFICATE**

I, ROBERT C. HARR, JR., A DULY CERTIFIED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE LAND SHOWN HEREON IS NOW IN THE NAME OF WINCHESTER ROAD (E&A), LLC, RECORDED IN INSTRUMENT 070004980, LOWE'S HOME CENTERS INC., RECORDED IN INSTRUMENT 060013313, WAL-MART STORES EAST LP, RECORDED IN INSTRUMENT 060010603, CHEVY CHASE BANK FSB, RECORDED IN INSTRUMENT 070010343, FRONT ROYAL RIVERTON VA, LLC, RECORDED IN INSTRUMENT 120003764, WINCHESTER REALTY (E&A), LLC, RECORDED IN INSTRUMENT 140005974, J & P PLAMONDON ASSOCIATES, LLC, RECORDED IN INSTRUMENT 140005974, C & C CAR WASH, LLC, RECORDED IN INSTRUMENT 110001766, SIS REAL PROPERTY INVESTMENTS LLC, RECORDED IN INSTRUMENT 100003486, FRONT ROYAL RESTAURANT HOLDINGS LLC, RECORDED IN INSTRUMENT 100002937, ALDI INC., RECORDED IN INSTRUMENT 150003933, AMONG THE LAND RECORDS OF WARREN COUNTY, VIRGINIA.

I FURTHER CERTIFY THAT THE LAND SHOWN HEREON LIES ENTIRELY WITHIN THE BOUNDS OF THE ORIGINAL TRACT THAT THIS PLAT REPRESENTS AN ACCURATE SURVEY OF THE SAME AND ALL DISTANCES ARE REFERENCED TO THE VIRGINIA STATE COORDINATE SYSTEM OF 1983 GRID NORTH.

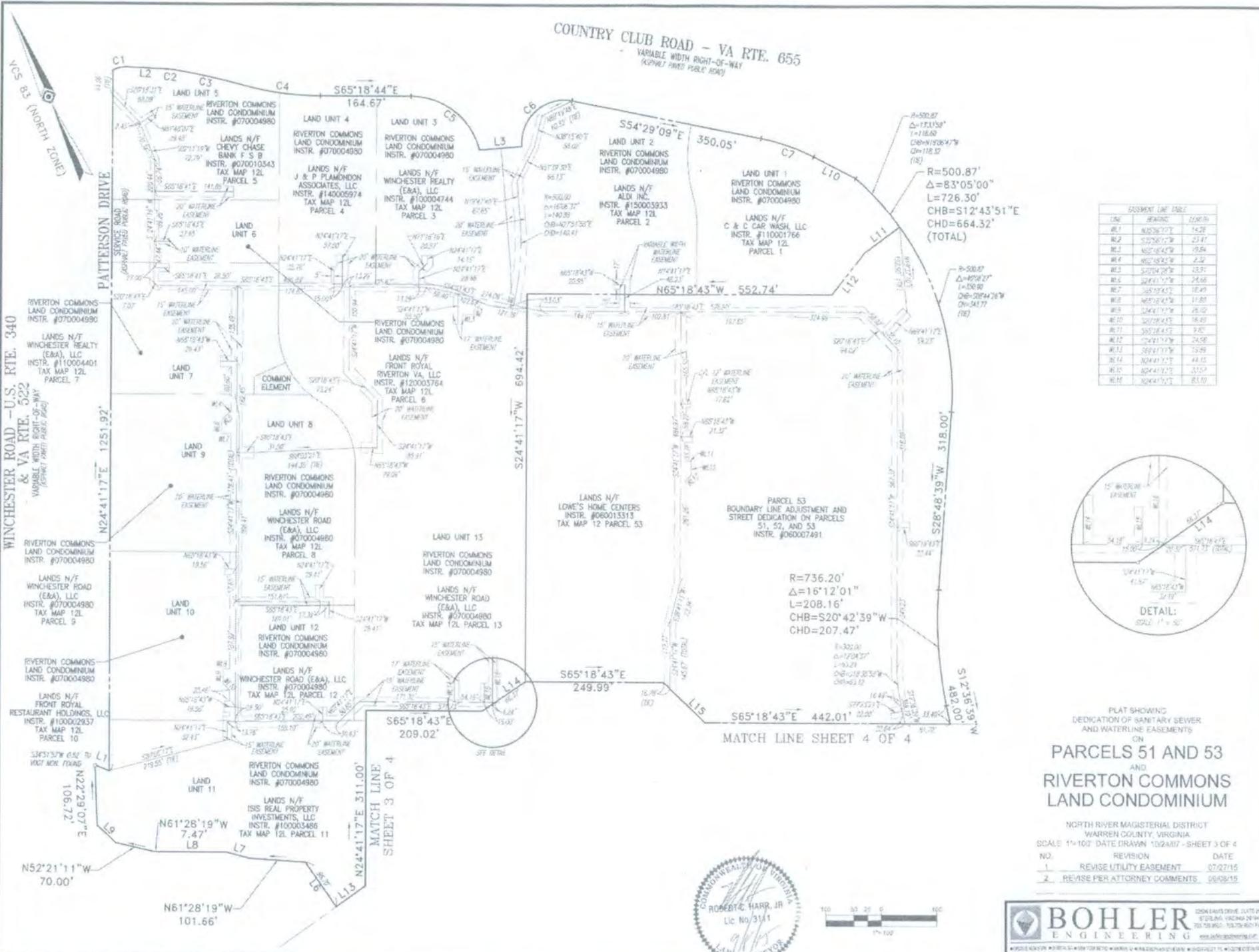


NOT VALID UNTIL SIGNED  
**ROBERT C. HARR, JR.**  
VIRGINIA LICENSED LAND SURVEYOR NO. 3111

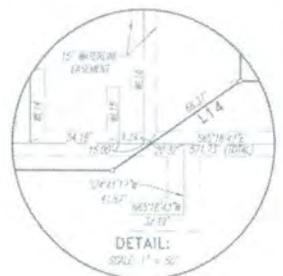


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COUNTRY CLUB ROAD - VA RTE. 655  
 VARIABLE WIDTH RIGHT-OF-WAY  
 (EXCEPT WHERE SHOWN OTHERWISE)



EASEMENT LINE SCHEDULE		
LINE	BEARING	LENGTH
RL1	N82°08'12"E	14.28
RL2	S72°56'12"W	23.41
RL3	N52°16'42"W	19.84
RL4	N62°18'42"W	2.32
RL5	S72°56'12"W	13.91
RL6	S24°11'12"W	24.66
RL7	S65°18'43"E	18.49
RL8	N65°18'43"E	11.87
RL9	S24°11'12"W	25.12
RL10	S72°56'12"W	18.49
RL11	S52°18'42"E	9.82
RL12	S24°11'12"W	13.91
RL13	N24°41'17"E	48.15
RL14	N24°41'17"E	33.52
RL15	S24°11'12"W	18.49



PLAT SHOWING DEDICATION OF SANITARY SEWER AND WATERLINE EASEMENTS ON

PARCELS 51 AND 53  
 AND  
 RIVERTON COMMONS  
 LAND CONDOMINIUM

NORTH RIVER MAGISTERIAL DISTRICT  
 WARREN COUNTY, VIRGINIA  
 SCALE: 1"=100' DATE DRAWN: 10/28/17 - SHEET 3 OF 4  
 NO. REVISION DATE  
 1. REVISE UTILITY EASEMENT 07/27/19  
 2. REVISE PER ATTORNEY COMMENTS 06/09/19



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## Town of Front Royal, Virginia Work Session Agenda Form

Date: November 16, 2015

**Agenda Item:** UFAC and Audit/Finance Committee Terms Expire

**Summary:** The Urban Forestry Advisory Commission members Cary Hulse and David Means terms expire December 20, 2015. They would both like to be considered for re-appointment.

Councilman Bret Hrbek and Councilman Eugene Tewalt terms on the Audit and Finance Committee expire December 31, 2015.

**Council Discussion:** Council takes desired action.

**Staff Evaluation:** N/A

**Budget/Funding:** N/A

**Legal Evaluation:** N/A

**Staff Recommendations:** N/A

**Town Manager Recommendation:** N/A

**Council Recommendation:**

- Additional Work Session     Regular Meeting     No Action  
Consensus Poll on Action: \_\_\_(Aye) \_\_\_(Nay)

Work Session

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## Town of Front Royal, Virginia Work Session Agenda Form

Date: November 16, 2015

**Agenda Item:** Council Vacancy and NSRC Elected Representative Vacancy due to Election

**Summary:** Councilman Daryl Lee Funk was recently elected as Warren County Clerk of the Court, said term to begin January 1, 2016. Council is requested to discuss whether to pursue appointment or special election for vacant Town Council seat.

Councilman Funk was appointed as the Town's Northern Shenandoah Valley Regional Commission's (NSVRC) Elected Representative on July 9, 2012, said term to expire June 30, 2016. Council is requested to discuss filling the unexpired term until December 31, 2016, the length of Councilman Funk's term. Councilman Connolly is the NSVRC's Town Alternate Representative (term expires 12/31/18) and Jeremy Camp is the NSVRC's Town Non-Elected Representative (term expires 6/30/17).

**Council Discussion:** Council takes desired action

**Staff Evaluation:** N/A

**Budget/Funding:** N/A

**Legal Evaluation:** N/A

**Staff Recommendations:** N/A

**Town Manager Recommendation:** N/A

**Council Recommendation:**

Additional Work Session     Regular Meeting     No Action

Consensus Poll on Action: \_\_\_(Aye) \_\_\_(Nay)

Work Session