MONTGOMERY COUNTY DEPARTMENT OF
PLANNING & GIS SERVICES

755 ROANOKE STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

MEMORANDUM

TO: Board of Supervisors
FROM: Planning Staff
DATE: April 4, 2016
RE: Vacation of 15' Public Utility Easement

The County has received a request from Insomnia Holdings, LLC to vacate a fifteen (15) foot public utility easement measuring approximately 395 feet in length located on property identified as Tax Parcels 47-3-2A and 47-3-2C. (See plat). A certification statement from Mr. Neil Martin, Land Surveyor indicates there are no public utilities within the existing easement (see attached). There is an existing Comcast distribution cable that serves only the Prochem building (see attached Comcast letter).The public utility easement was dedicated by plat recorded in plat book 16 page 192 in the Montgomery County Circuit Court Clerk's Office.

Section 15.2-2272 of the Code of Virginia, as amended, authorizes the Board of Supervisors to vacate a lot line and a public utility easement by Ordinance.

Pursuant to the provisions of Section 15.2-2204 & 15.2-2272(2) of the Code of Virginia of 1950, as amended, notice was given of a public hearing to be held on April 11, 2016 at 7:30 p.m. in order to hear citizen comments on the Board of Supervisors intent to act on the aforementioned ordinance.

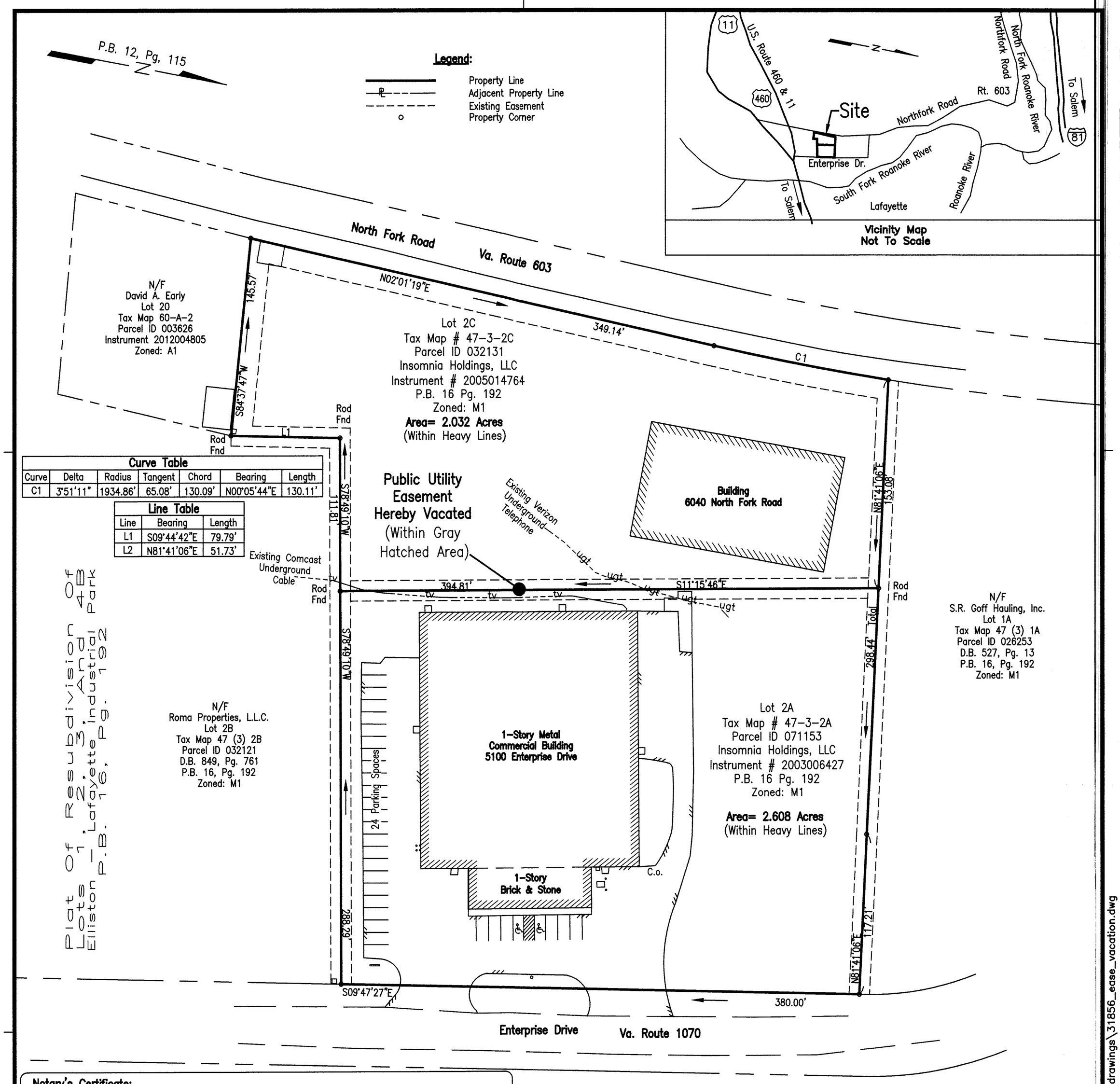
Attachments:
- Aerial Map
- Preliminary plat, prepared by Anderson & Associates, dated September 23, 2015
- Certification Letter prepared by Neil Martin, dated September 29, 2015
- Certification Letter prepared by Comcast

Map Prepared by Montgomery County, Va
Planning and GIS Services
4/4/2016

Insomnia Holdings
(Parcel ID: 032131, 071153)

0 140 280 420 Feet

N W E S



Curve Table

Curve	Delta	Radius	Tangent	Chord	Bearing	Length
C1	3°51'11"	1934.86'	65.08'	130.09'	N00°05'44"E	130.11'

Line Table

Line	Bearing	Length
L1	S09°44'42"E	79.79'
L2	N81°41'06"E	51.73'

Notary's Certificate:

Commonwealth Of _____

City/County Of _____, To-wit:

I, _____, A Notary Public In And For The State And County Aforesaid Do Hereby Certify That Barry Shelley, Representative Of Insomnia Holdings LLC.

Whose Name Is Signed To The Writing Bearing The Date Of _____, 20____ Has Personally Appeared Before Me And Acknowledged The Same.

Given Under My Hand And Seal On This ____Day Of _____, 20____

Notary Public _____

My Commission Expires _____

Owners Certificate Of Consent

This Is To Certify That The Public Utility Easement Vacation As Shown On This Plat For Tax Parcels 47-3-2C & 47-3-2A Are With Free Consent And In Accordance With The Desire Of The Undersigned Owner. Furthermore, Undersigned Representative Certifies That All Existing Utilities Located And Shown Within Easement Vacation Area Are Serving 5100 Enterprise Property And Easement Vacation Will Not Affect Any Other Utilities Serving Other Properties.

Representative Of Insomnia Holdings LLC Date:

Notes:

1. This Plat Was Prepared Without The Benefit Of A Title Report, And Therefore May Not Agree With Deeds And Plats Of Record Or Show All Encumbrances Upon The Property Surveyed.
2. Utilities Shown Within Vacated Easement Is Shown From An Actual Field Survey Performed In September, 2015 And Only Reflects Utilities Marked At That Time.
3. This Plat Does Not Represent A Current Land Boundary Survey.
4. Property is Zoned M1.
5. Mailing Address: Insomnia Holdings, LLC; 5100 Enterprise Drive; Elliston, VA 24087

Montgomery County Approval Statement:

Under The Authority Of The Subdivision And Zoning Ordinances, Acting For And On Behalf Of Montgomery County, Virginia This Plat Of Public Utility Easement Vacation Is Hereby Approved For Recordation.

Montgomery County Subdivision Agent Date

Conforming Statement:

This Is To Certify That This Plat Of Public Utility Easement Vacation Is Established To Conform To All Of The Requirements And Provisions Of The Subdivision And Zoning Ordinances Governing Minor Subdivisions For Montgomery County, Virginia.

Neil A. Martin, L.S. 2454 — 9/23/2015 Date

Source Of Title:

This Is To Certify That The Property Shown Hereon Is All The Property Acquired By Insomnia Holdings, LLC, By Deeds Recorded In Instrument 2005014764 And 2003006427; Which Deeds Are The Last Instruments In The Chain Of Title To The Said Property.

Neil A. Martin, L.S. 2454 — 9/23/2015 Date

COMMONWEALTH OF VIRGINIA
9/23/2015
NEIL AVERY MARTIN
Lic. No. 2454
LAND SURVEYOR

Plat Of Public Utility Easement Vacation Prepared For Insomnia Holdings, LLC Located In

Shawsville Magisterial District
Montgomery County, Virginia

ANDERSON & ASSOCIATES, INC.
Professional Design Services
www.andassoc.com
100 Ardmore St.
Blacksburg, Va. 24060
540-552-5592

DATE : 23 SEPT 15
DESIGNED:
DRAWN : ---
CHECKED : NAM
QA / QC : NAM

REVISIONS:

DOCUMENT NO. 31856-EV
SHEET 1 OF 1

Lewis, Justin / 9/23/2015 9:13 AM / \\aaprojects\projects\31\31856\31856_survey\drawings\31856_ease_vacation.dwg

September 29, 2015

On behalf of Anderson & Associates, Inc., I Neil A. Martin, a Licensed Land Surveyor in the State of Virginia, do herby certify that an inspection of the fifteen foot public utility easement that runs along the common boundary line between lots 2A & 2C of "Plat of Survey of Boundary Line Vacation and Adjustment Prepared for Insomnia Holdings", was performed by myself and that in my professional opinion, there are two private utilities crossing the public utility easement, but no visible evidence of any public utilities along the public utility easement that is proposed to be vacated. Furthermore, our client, Kirk Jones, stated that utilities were private and marked by Miss Utility in September, 2015.

"Plat of Survey of Boundary Line Vacation and Adjustment Prepared for Insomnia Holdings" subdivision plat showing the subject parcels and public utility easement is recorded in the clerk's office of the Circuit Court of Montgomery County, Virginia. A plat prepared by Anderson & Associates entitled "**Plat of Public Utility Easement Vacation Prepared For Insomnia Holdings LLC**", dated 23 September 2015, shows the vacation of the of the existing public utility easement between lots 2A and 2C to be vacated. This plat is to be recorded upon approval of the county subdivision agent and by a resolution by the Board of Supervisors of Montgomery County, Virginia approving vacation of the fifteen foot public utility easement.

Sincerely,
ANDERSON & ASSOCIATES, INC.

Neil A Martin

Neil Avery Martin, LS
Vice President of Survey
License No. 2454

2303 N. Augusta Street, Suite D
Staunton, Virginia 24401
Phone: 1-800-266-2278
Fax: 540-886-2347

Mr. Kirk Jobes

Pro Chem

5100 Enterprise Drive, Elliston VA 24087

Mr. Jobes,

Please be aware Comcast has field verified that the underground distribution cable constructed up to the Pro Chem building at the above mentioned address is there solely to provide cable TV and Internet service to the same.

Should you require additional information please do not hesitate to either me or Noel Esteves.

Ralph_Boydjr@cable.comcast.com

Noel_Esteves@cable.comcast.com

Thank You,

Best Regards,

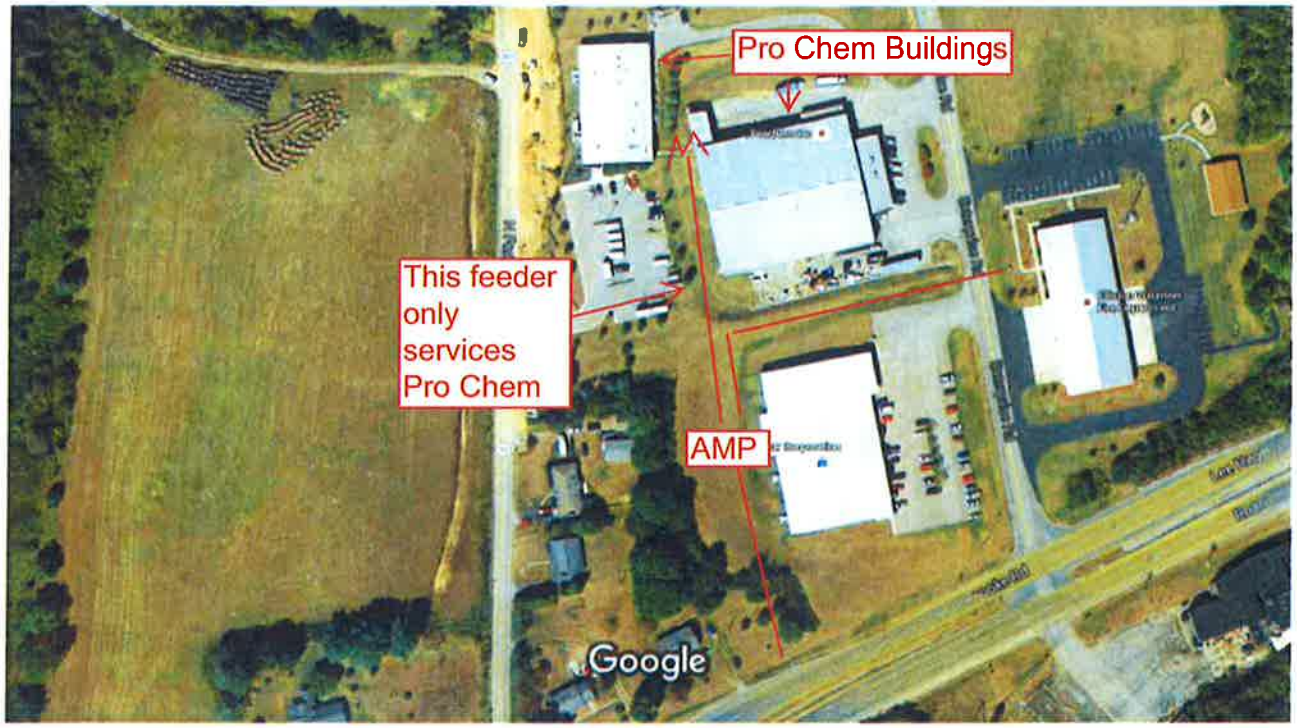
2/15/16

Ralph Boyd

Construction Supervisor

Comcast Cable Corporation

Google Maps Enterprise Dr



Imagery ©2016 Google, Map data ©2016 Google 100 ft

Enterprise Dr
Elliston, VA 24087

AN ORDINANCE VACATING THE PUBLIC UTILITY EASEMENT DEDICATED IN PLAT BOOK 16 AT PAGE 192 RECORDED IN THE MONTGOMERY COUNTY CLERK'S OFFICE LOCATED BETWEEN LOTS 2A AND 2C ADJACENT TO ENTERPRISE DRIVE IN THE SHAWSVILLE ELLISTON-LAFAYETTE INDUSTRIAL PARK, SHAWSVILLE MAGISTERIAL DISTRICT, COUNTY OF MONTGOMERY,VIRGINIA

WHEREAS, Insomnia Holding, LLC have requested the Montgomery County Board of Supervisors to vacate a public utility easement between lots 2A and 2C located in the Shawsville Elliston-Lafayette Industrial Park, recorded in plat book 16, page 192 in the Montgomery County Circuit Court Clerk's office, as shown more particularly on the Plat entitled "Plat of Public Utility Easement Vacation Prepared For Insomnia Holdings, LLC Located in Shawsville Magisterial District" dated September 23, 2015, plat prepared by Anderson & Associates, Inc. (the "Plat"); and

WHEREAS, Section 15.2-2272 of the Code of Virginia, as amended, provides that the Board of Supervisors may vacate a portion of a plat after sale of a lot by Ordinance; and

WHEREAS, the existing public utility easement is not necessary to provide services to surrounding properties; and

NOW THEREFORE, BE IT ORDAINED, by the Board or Supervisors of the County of Montgomery, Virginia that the Board of Supervisors in accordance with Section 15.2-2272 of the Code of Virginia, as amended, hereby authorizes the vacation of a public utility easement between lots 2A and 2C located in the Shawsville Elliston-Lafayette Industrial Park, recorded in plat book 16, page 192 in the Montgomery County Circuit Court Clerk's office, as shown more particularly on the Plat entitled "Plat of Public Utility Easement Vacation Prepared For Insomnia Holdings, LLC Located in Shawsville Magisterial District" dated September 23, 2015, plat prepared by Anderson & Associates, Inc. (the "Plat"); and

BE IT FURTHER ORDAINED, by the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby authorizes the Chair to sign the respective plat for recordation.

This Ordinance shall take effect upon adoption.