TOWN COUNCIL REGULAR WORK SESSION
MONDAY, JANUARY 13, 2025 @ 7:00 PM
Town Hall Conference Room

View meeting online LIVE at https://www.frontroyalva.com/673/Town-Hall-Live

1. Roll Call

2. NEW BUSINESS
   A. Request to Vacate a Portion of Kibler Street Adjoining 219 E. 7th Street for Carlos Camacho- *Lauren Kopishke*

3. OLD BUSINESS
   A. Request for Town Water and Sewer in the Corridor for Industrial Use - 444 Baugh, LCC – *BJ Wilson*
   B. License Agreement with Downtown Front Royal, Inc (DFRi) for a Sign Installation at the Intersection of Commerce Avenue and Main Street– *George Sonnett*

4. CLOSED MEETING

COUNCIL REGULAR WORK SESSION
AGENDA STATEMENT

Meeting Date: January 13, 2025 Item# 02A

Agenda Item: Request to Vacate a Portion of Kibler Street Adjoining 219 E. 7th Street for Carlos Camacho

Summary: The applicant [Carlos Camacho) is requesting to vacate a 180-square-foot portion of Kibler Street. Approval will allow the applicant to proceed with a lot consolidation and comply with building setback requirements.

The adjoining property owners have been notified and a public hearing is scheduled for Monday, January 27, 2025.

Budget/Funding: N/A

Staff Recommendation:

Staff recommends approval of the alley vacation. There are no anticipated utility impacts beyond the loss of the alley for potential future installations. Approving this request will enable the applicant to comply with Town Code requirements.

DOUGLAS W. NAPIER
Attorney at Law
VSB No. 16136
195 Park Ridge Court
Front Royal, VA 22630
Telephone: 540.622.7732
napierdouglas22@gmail.com

September 20, 2024

Honorable Lori A. Cockrell, Mayor
Town Council of the Town of Front Royal
VIA: Joseph Waltz, Town Manager

Re: Updated Typed Copy of Application to Vacate Streets and Alleys With Current Plat Showing 2' Part of Alley (Kibler Street) Requested to Be Vacated

Dear Mayor Cockrell and Members of Town Council:

Attached is an Amended (updated) Application for Vacation of a two-foot (2') portion of an Alley (Kibler Street) with a current plat dated 7-22-2024 showing the two-foot (2') portion requested to be vacated, filed on behalf of the owner, Carlos Camacho.

Please let me know when this matter is scheduled to be heard by Town Council. I will be out of town from September 21, 2024, until September 28, 2024.

Please let me know if you have any questions.

Sincerely,

Douglas W. Napier,
For: Carlos Camacho

COPY

RECEIVED
SEP 20 2024
TOWN OF FRONT ROYAL
PLANNING & ZONING DEPARTMENT

VACATION OF STREETS AND ALLEYS and OTHER TOWN RIGHTS-OF-WAYS APPLICATION

APPLICANT INFORMATION
(please print)

Name CARLOS CAMACHO (GUALBERTO CARLOS CAMACHO-PEREZ)

Mailing Address 5540 HARRY BYRD HIGHWAY

BERRYVILLE, VA 22611

Phone # 703-304-9597 **E-mail** CAMACHOCARLOS24@yahoo.com

VACATION INFORMATION

Description (please select all that apply)

☑ **Street/Portion of Street**

☑ **Alley/Portion of Alley**

☐ **Other** *(please specify)* WANT TO ACQUIRE 200 (TWO) FT. OR MORE OF KIBLER ST. (ALLEY) ALONG LENGTH OF APPLICANT'S ADJOINING PROPERTY LOCATED AT 219 E. 7TH ST.

Location KIBLER ST., NEXT TO 219 E. 7TH ST. (LOT 2 OF MAP OF LOTS FOR C.D. BINNS).

Reason for request NEED TO ADD ENOUGH OF KIBLER ST. (GRAVELED ALLEY) TO APPLICANT'S PROPERTY TO MEET SIDEYARD SETBACK. LOT WAS SURVEYED PRIOR TO START OF CONSTRUCTION, BUT CONTRACTOR EXCAVATOR ACCIDENTALLY DUG UP PINS, & PINS RESET IN SLIGHTLY WRONG LOCATIONS.

☑ **Current Plat Attached Showing Property to be Vacated**

Applicant's Signature _____ Date 03-01-24

Completed application shall be returned by mail or delivery to:
Town Manager's Office, Town Hall, 102 E. Main Street, P.O. Box 1560, Front Royal, VA 22630
Additional Information: Town Manager's Office (540)635-8007, Monday-Friday, 8:00am – 5:00pm

Revised 3-1-22

COPY

RECEIVED
SEP 20 2024
TOWN OF FRONT ROYAL
PLANNING & ZONING DEPARTMENT

VACATION OF STREETS AND ALLEYS and OTHER TOWN RIGHTS-OF-WAY APPLICATION

(Amended typed copy with plat showing portion of alley to be vacated)

Name Carlos Camacho (Gualberto Carlos Camacho-Perez)
Mailing Address 5540 Harry Byrd Highway
Berryville, VA 22611
Phone # 703-304-9597 **Email** camachocarlos24@yahoo.com

VACATION INFORMATION

Description Portion of Street or Alley
Want to acquire 2.0 (two) feet or more of Kibler Street (alley along length of Applicant's adjoining property located at 219 E. 7th Street).

Location Kibler Street next to 219 E. 7th Street (Lot 2 of Map of Lots for C.D. Binns.

Reason for Request Need to add enough of Kibler Street (a graveled alley) to Applicant's property to meet side yard setback. Lot was surveyed prior to start of construction, but contractor excavator accidentally dug up pins, and pins re-set in slightly wrong locations. Variance denied by Board of Zoning Appeals (see attached).

1. **Plat dated 2-20-23, attached, shows old house relative to Kibler Street prior to new house construction.**
2. **Plat dated 9-27-2023, attached, shows newly constructed house relative to Kibler Street.**

COPY

RECEIVED SEP 27 2023 TOWN OF FRONT ROYAL PLANNING & ZONING DEPARTMENT

3. **Plat dated 7-22-2024, attached, shows portion of Kibler Street requested to be vacated.**
4. ***Applicant's Signature on attached original hand-written Application.* Dated 03-01-24.**

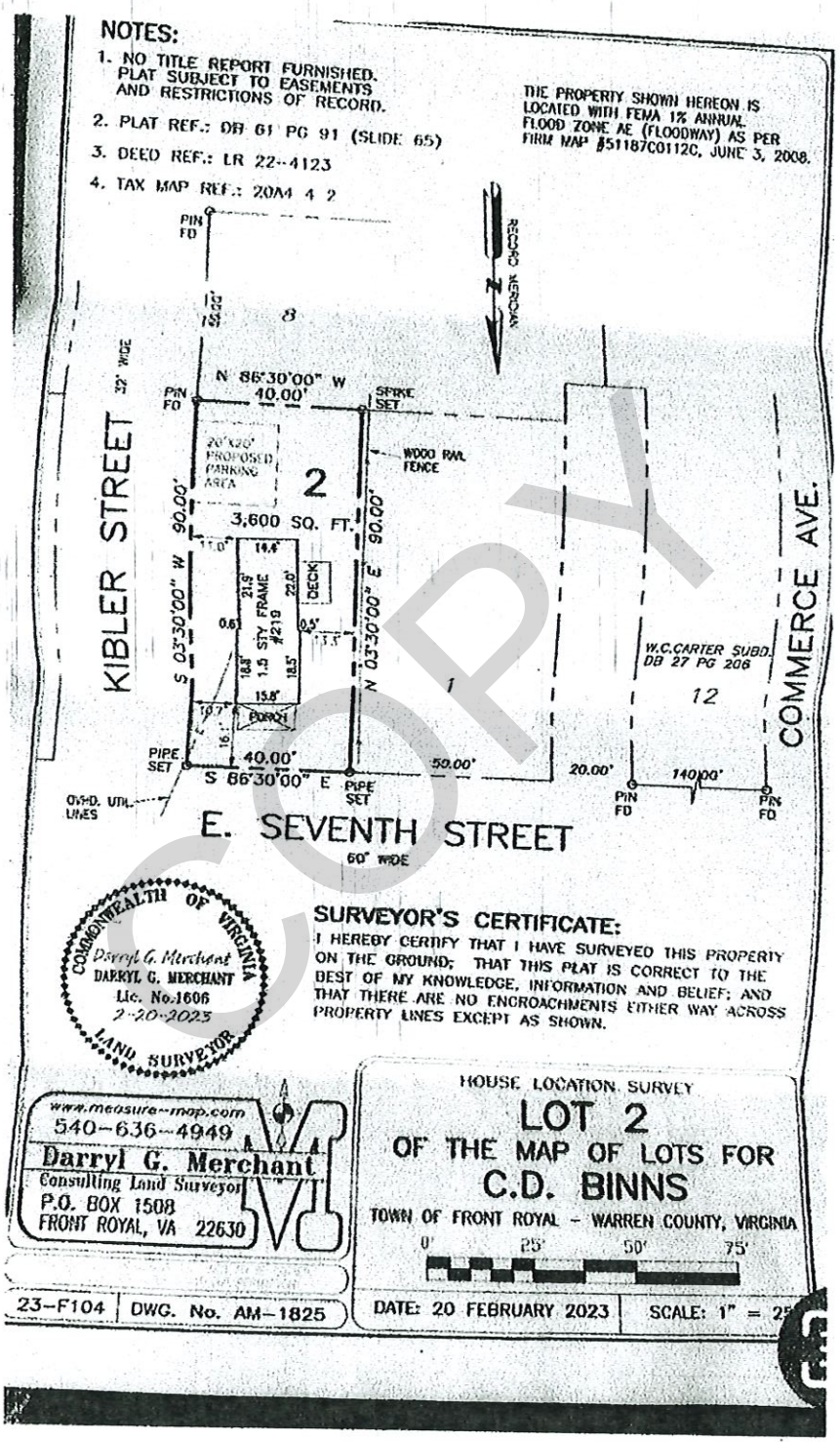
Carlos Camacho, Applicant

By: *Douglas W. Napier*
Telephone: 540-622-7732
napierdouglas22@gmail.com
VSB No. 16136

COPY

RECEIVED
SEP 20 2024
TOWN OF FRONT ROYAL
PLANNING & ZONING DEPARTMENT

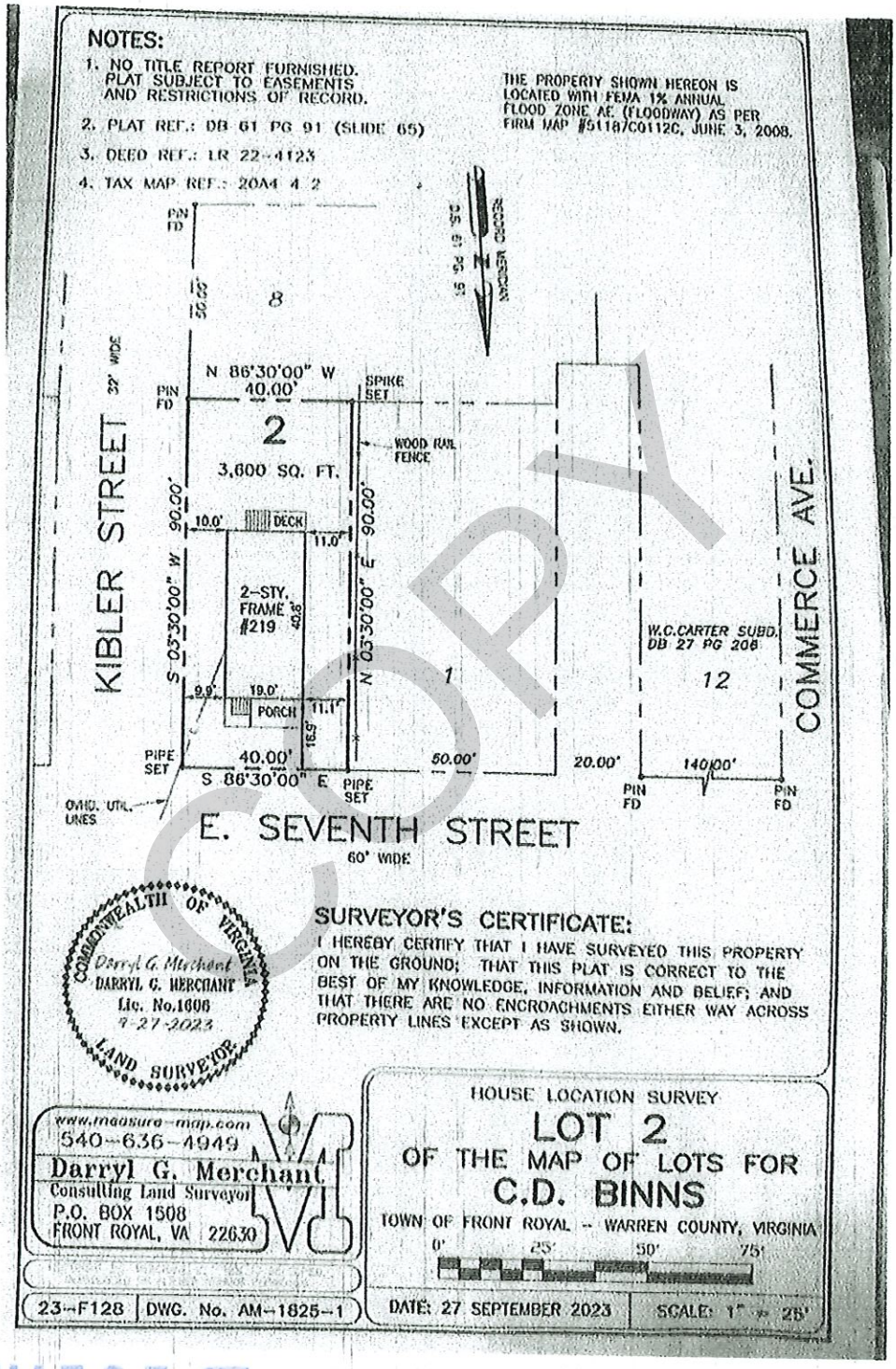
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RECEIVED
TOWN OF FRONT ROYAL
PLANNING & ZONING DEPARTMENT

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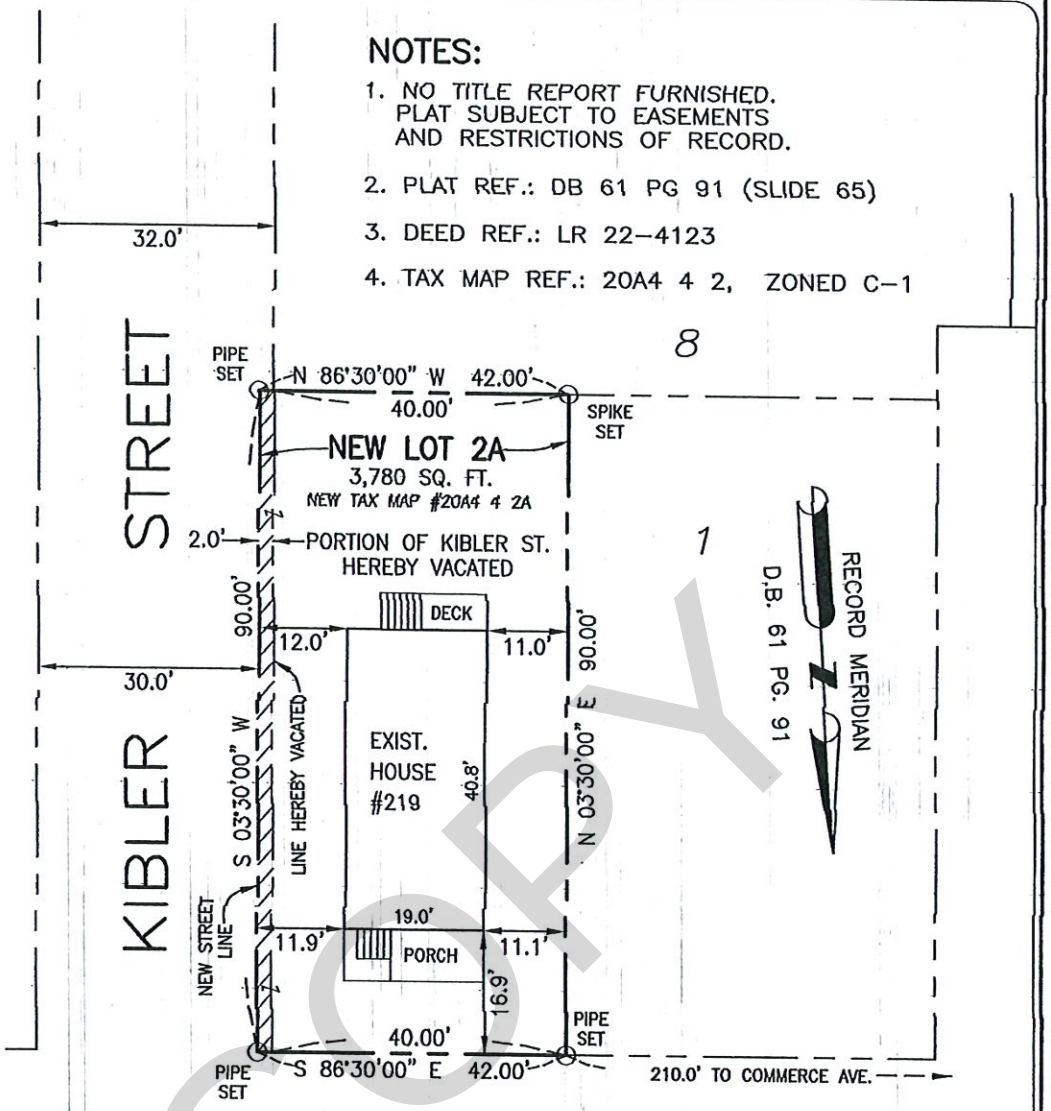


COPY

RECEIVED
SEP 28 2023
TOWN OF FRONT ROYAL
PLANNING & ZONING DEPARTMENT

NOTES:

1. NO TITLE REPORT FURNISHED. PLAT SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
2. PLAT REF.: DB 61 PG 91 (SLIDE 65)
3. DEED REF.: LR 22–4123
4. TAX MAP REF.: 20A4 4 2, ZONED C–1



E. SEVENTH STREET

60' WIDE

DENOTES PORTION OF KIBLER STREET HEREBY VACATED AND ATTACHED TO *THE ADJACENT LOT 2*

AREA TABULATION

3,600 SQ. FT = ORIG. LOT 2
180 SQ. FT = VACATED PORTION OF KIBLER ST.
3,780 SQ. FT. = NEW LOT 2A

COMMONWEALTH OF VIRGINIA
Darryl G. Merchant
DARRYL G. MERCHANT
Lic. No.1606
7-22-2024
LAND SURVEYOR

BOUNDARY INFORMATION SHOWN HEREON BASED ON FIELD RUN SURVEY.

www.measure-map.com
540–636–4949
Darryl G. Merchant
Consulting Land Surveyor
P.O. BOX 1508
FRONT ROYAL, VA 22630

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23–F128 | DWG. No. AM–1825–2

PLAT SHOWING VACATION OF A PORTION OF

KIBLER STREET

OF THE MAP OF LOTS FOR

C.D. BINNS

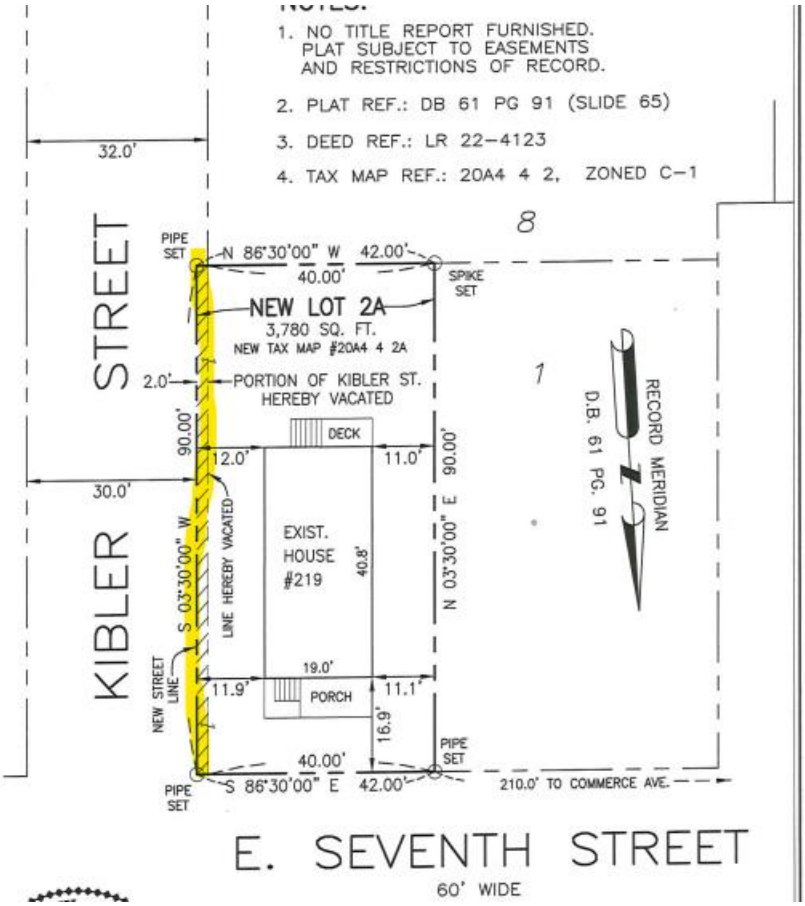
TOWN OF FRONT ROYAL – WARREN COUNTY, VIRGINIA

0′ 20′ 40′ 60′

DATE: 22 JULY 2024 | SCALE: 1" = 20'

COPY

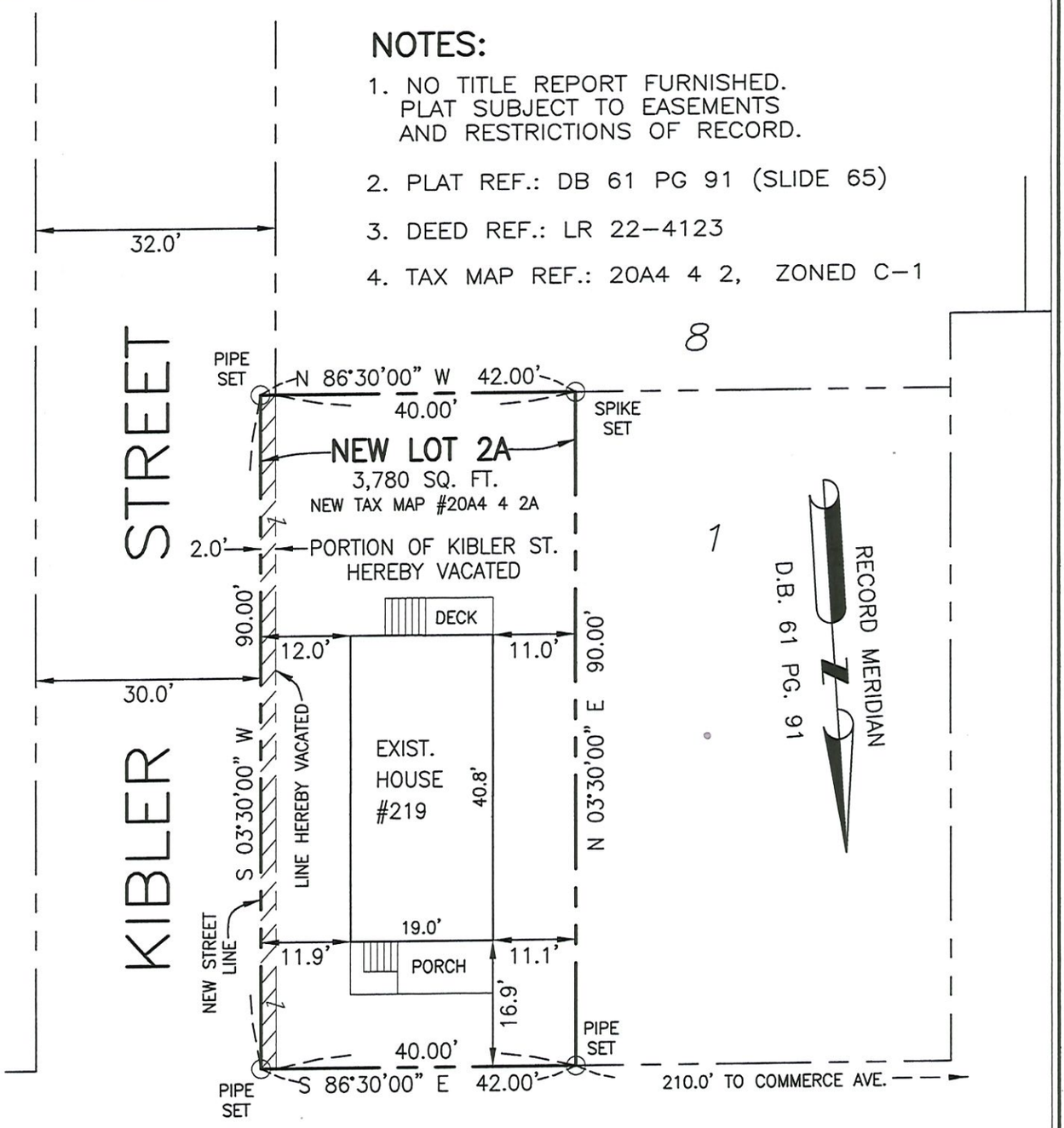
Alley Vacation Request 2400554, along Kibler St intersecting 7th Street

Request	The applicant is requesting to vacate a portion (180 SF) of Kibler St. If approved, the applicant will move forward with a lot consolidation and the applicant will be in compliance with the building restriction setbacks.
Background Information	The applicant constructed a dwelling unit within the side yard setback. The applicant originally had the lot surveyed, during excavation the survey pins were excavated and placed back in the wrong place. The home was then built 2 feet over the building restriction line.
Public Works Comments	This request would create an offset to the street for any possible future improvements to Kibler St. 10/11/24
Energy Services Comments	No comments from the Department of Energy Services. 10/04/24
Planning Comments	

	Land value Worksheet calculated the value of the requested vacation to be approximately $630.00
Staff Recommendation	There are no potential utility impacts beyond losing the use of the alley for future installation. Permitting this vacation would allow this applicant to comply with, not violate Town Code. The alternative is moving the dwelling unit, which is currently occupied, to within the permitted setbacks.

NOTES:

1. NO TITLE REPORT FURNISHED. PLAT SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
2. PLAT REF.: DB 61 PG 91 (SLIDE 65)
3. DEED REF.: LR 22–4123
4. TAX MAP REF.: 20A4 4 2, ZONED C–1



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COMMONWEALTH OF VIRGINIA
Darryl G. Merchant
DARRYL G. MERCHANT
Lic. No.1606
7-22-2024
LAND SURVEYOR

BOUNDARY INFORMATION SHOWN HEREON BASED ON FIELD RUN SURVEY.

www.measure-map.com
540–636–4949
Darryl G. Merchant
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FRONT ROYAL, VA 22630

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23–F128 | DWG. No. AM–1825–2

PLAT SHOWING VACATION OF A PORTION OF

KIBLER STREET

OF THE MAP OF LOTS FOR

C.D. BINNS

TOWN OF FRONT ROYAL – WARREN COUNTY, VIRGINIA

0' 20' 40' 60'

DATE: 22 JULY 2024 | SCALE: 1" = 20'

Vacation of Alley's, Streets and Right-of-Ways (Apple Contractors Inc. #2400554)

Tax Map ID	Acres	Square Footage		Land Value		Price per square foot
20A4-4-3 and 20A4-4-4 and 20A4-4-5	0.5638	24,559.13	$	40,300.00	$	1.641
20A4-3-6 and 20A4-3-7	0.285	12,414.60	$	49,700.00	$	4.003
20A4-3-8 and 20A4-3-9	0.523	22,781.88	$	75,000.00	$	3.292
20A4-3-1, 2, 3, 4 and 5	0.527	22,956.12	$	91,800.00	$	3.999
20A4-4-1	0.103	4,486.68	$	23,000.00	$	5.126
20A4-4-2	0.082	3,571.92	$	28,800.00	$	8.063
20A4-4-6	0.084	3,659.04	$	5,000.00	$	1.366
20A4-4-7	0.115	5,009.40	$	28,800.00	$	5.749
20A4-4-8	0.115	5,009.40	$	23,000.00	$	4.591
TOTAL		104,448.17	$	365,400.00	$	3.498
Portion of Area Requested	0.004132	180.00	**$**	**629.64**	$	3.498

COPY

COUNCIL REGULAR WORK SESSION
AGENDA STATEMENT

Meeting Date: January 13, 2025 Item# 03A

Agenda Item: Request for Town Water and Sewer in the Corridor for Industrial Use - 444 Baugh, LCC

Summary: The Town has received a joint request from Warren County and 444 Baugh, LLC for water and sewer service within the corridor area designated for industrial use. The property, located at 444 Baugh Drive and identified on Tax Map 12G, Section 2, Block 1, Lot 10A, is intended for development as a distribution warehouse center. Currently vacant, the property has a concept plan for five (5) distribution warehouses, totaling 850,500 square feet.

At this time, the applicant only has a concept plan, which includes the five distribution warehouses. As such, they are unable to provide water usage estimates at this stage.

Budget/Funding: N/A

Staff Recommendation: Town Council to consider out of town utility connection for an industrial use

APPLICATION FOR OUT-OF-TOWN UTILITY CONNECTION

Town of Front Royal
Public Works
800 Crosby Rd – PO Box 1560
Front Royal VA 22630
(540) 635-7819 (O) • (540) 635-8973 (F)
www.frontroyalva.com

Application Date: 10/17/2024

Owner(s) / Applicant(s) Full Name: 444 Baugh, LLC

Mailing Address: 49 Riverside Ave

City/State/Zip: Westport, CT 06880

Daytime Phone: 617-872-3912 Email: lpullman@hkgrp.com

Property Address/Lot #: 444 Baugh Drive, Front Royal, VA (Tax Map # 12G 2 1 10A)

IF RESIDENTIAL:

Type of Unit: ☐ Single Family ☐ Townhouse ☐ Duplex/Multi Family

IF COMMERCIAL or INDUSTRIAL:

Type of Business: Industrial warehouse/distribution

Number of Employees: _____ Hours of Operation: _____

Estimated Usage: _____ gallons per day

ALL APPLICANTS:

Number of Toilets: _____ Urinals: _____ Sinks: _____ Tubs/Showers: _____

Size of Meter (Must match water service size): _____

Fire Suppression Required: Yes / No Meter size yes

THIS SECTION TO BE COMPLETED BY WARREN COUNTY PLANNING DEPARTMENT

Application Approved by Board of Supervisors: _____ Date: _____

Application Approved by Building Department: _____ Date: _____

Application Approved by Planning Staff: _____ Date: _____

Director of Planning Signature: _____ Date: _____

TOWN APPROVAL PROCESS

- ✓ **Approval of Connection by Town Council if applicable (Four Weeks)**
- ✓ **Review of Site Plans if applicable (Three Weeks per submittal)**
- ✓ **If Commercial–Completion of PILOT Agreement, if applicable-through Town Attorney's Office (Two Weeks)**
- ✓ **Payment of Applicable Fees through Finance Department (One Week)**
- ✓ **Developer provides and installs all equipment (pipes, valves, meters, etc.)**

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THIS SECTION TO BE COMPLETED BY PUBLIC WORKS

Water & Sewer Availability: _____

Utility Extension Required: _____

Utility Plans Reviewed & Approved: _____

PILOT Agreement Completed: _____

Confirmation from Director of Finance that Taxes have been paid in full: ___ Date: _____

Signature: _____

FEES:

Water Connection Fee _____

Water Additional Fee _____

Fire Suppression Fee _____

Sub Total (Water) _____

Sewer Connection Fee _____

Sewer Additional Fee _____

Sub Total (Sewer) _____

TOTAL _____

COPY

Public Works Director Signature: _____ Date: _____

134-71.1 PURCHASE OF WATER AND SEWER TAPS

- A water and sewer connection can be purchased from the Town of Front Royal only for a specific, designated building site or lot.
- Once an application to purchase a water and sewer connection has been received, the connection shall not be transferrable to another site.
- If the water and sewer connection is not installed within twelve (12) months from the date of purchase because the purchaser is not ready for actual installation, the purchase shall be voided and the purchase price alone shall be refunded without interest.
- Water and sewer connection fees shall be paid upon application. However, when a single developer in a single application requests the purchase of six (6) or more water and sewer taps for six (6) or more building units, the connection fee for each tap may be paid upon actual installation of each respective tap. **(Ord. No. 2-86 Added Entire Section 2-10-86-Effective Upon Passage)**

GENERAL INFORMATION

1. A site plan or plat depicting the utility connection locations to the Town water and sewer mains must be included with this application. Warren County may release building permit upon Town approval of site plans.
2. All owner information must be completed and Warren County approvals received prior to processing by the Town.
3. The tax map number can be found on your Zoning or Building permit. If you do not know this number, it can be obtained from the County Planning Department (540-636-3354).
4. Connection fee information can be obtained from the Town website www.frontroyalva.com or by contacting Public Works (540) 635-7819.
5. For tenant occupied structures, separate water meters must be provided for each unit.
6. Information about the Town's PILOT program and Out-of-Town Water & Sewage Service Agreement can be obtained from the Town website www.frontroyalva.com or by contacting the Town Attorney at (540) 635-8007. Warren County may release Occupancy Permit upon completion of PILOT Agreement.
7. Out-of-Town residential & industrial fees & rates are 200% in-Town rates.

COPY

COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:
November 6, 2024	K.3.	444 Baugh, LLC - Request for Public Sewer & Water from Town for Industrial Zoned Property

EXPLANATION & SUMMARY:

This request is being made for the property located on Baugh Drive and identified on Tax Map 12G-2-1-10A. As an Industrial zoned property, the Town of Front Royal requires that prior to the "Application for Out-of-Town Utility Connection" being reviewed and approved the Town Council must receive a request from the County Board of Supervisors to bring the property into the boundaries of the Town's Sewer and Water district boundaries. This property is currently vacant and a concept plan has been submitted for five distribution warehouses for a total area of 850,500 square feet. The application for out-of town utilities connection will be submitted to the Town Public Works department at the time the site plan is submitted for comments. The applicant has requested staff to submit this application to the Board of Supervisors and Town Council prior to submission of the site plan. The property is currently owned by Toray Plastics, LLC and is currently under contract.

COST & FINANCING:

PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors request that the Town of Front Royal provide water and sewer service to the property identified on Tax Map 12G, Section 2, Block 1, as parcel 10A.

SUBMITTED BY:	ATTACHMENTS:
Matt Wendling, Planning Director	1. 444 Baugh LLC Out-of-Town-Utility-Connection-Application 2. 2024-07-30 Option 1 Exhibit (850.5k sf) 3. TorayPlasticsInc_12G--1--2---10A_Location Map

COPY

COUNTY OF WARREN

County Administrator's Office
Warren County Government Center
220 North Commerce Avenue, Suite 100
Front Royal, Virginia 22630
Phone: (540) 636-4600
Email: edaley@warrencountyva.gov

Dr. Edwin C. Daley
County Administrator

MEMORANDUM

TO: Matt Wendling, Planning Director

FROM: Zach Henderson, Deputy Clerk of the Board

SUBJECT: 444 Baugh, LLC - Request for Public Sewer & Water from Town for Industrial Zoned Property

DATE: 11/07/2024

The Board of Supervisors, at its meeting on November 6th, 2024, requested that the Town of Front Royal provide water and sewer service to the property identified on Tax Map 12G, Section 2, Block 1, as parcel 10A.

COPY

CHAIR, Cheryl L. Cullers
South River District

VICE CHAIR, Jerome K. Butler
Happy Creek District

Vicky L. Cook
Fork District

John W. Stanmeyer
Shenandoah District

Dr. Richard A. Jamieson
North River District

Dr. Edwin C. Daley
County Administrator

444 BAUGH DRIVE DEVELOPMENT
OPTION 1 EXHIBIT
JULY 30, 2024

GRAPHIC SCALE

80 0 40 80 160 320

(IN FEET)
1 inch = 80 ft.

VICS NORTH 1983

BAUGH DRIVE

Ex. OHE Line (Approx.)

Ex. 50' Electric Easement (Approx.)

Ex. 30' Gas Easement (Approx.)

Ex. Gas Line (Approx.)

Ex. Stream (Approx.)

BUILDING #5
147,000 SF WAREHOUSE FACILITY
~175 PARKING SPACES
0 TRACTOR TRAILER PARKING SPACES
~54 DOCK DOORS

BUILDING #4
231,000 SF WAREHOUSE FACILITY
~225 PARKING SPACES
52 TRACTOR TRAILER PARKING SPACES
~54 DOCK DOORS

BUILDING #3
157,500 SF WAREHOUSE FACILITY
~150 PARKING SPACES
35 TRACTOR TRAILER PARKING SPACES
~42 DOCK DOORS

BUILDING #2
178,500 SF WAREHOUSE FACILITY
~170 PARKING SPACES
52 TRACTOR TRAILER PARKING SPACES
~42 DOCK DOORS

BUILDING #1
136,500 SF WAREHOUSE FACILITY
~130 PARKING SPACES
48 TRACTOR TRAILER PARKING SPACES
~32 DOCK DOORS

POTENTIAL SWM/BMP POND

POTENTIAL SWM/BMP POND

POTENTIAL SWM/BMP POND

POTENTIAL SWM/BMP POND

50' FRONT-YARD SETBACK

15' SIDE-YARD SETBACK

50' FRONT-YARD SETBACK

15' SIDE-YARD SETBACK

Ex. 100' Electric Easement (Approx.)

Ex. OHE Line (Approx.)

Ex. Stream (Approx.)

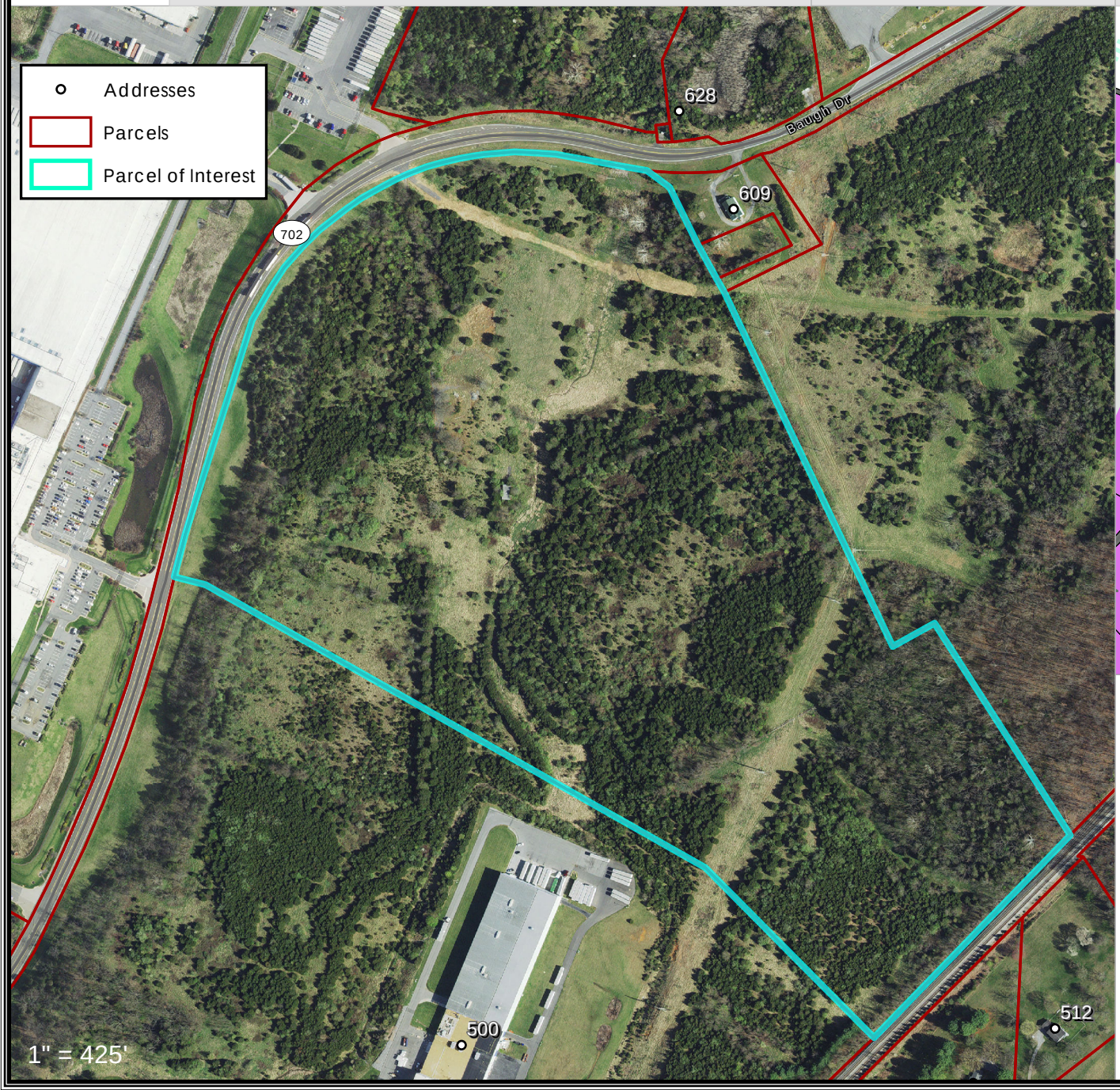
County of Warren

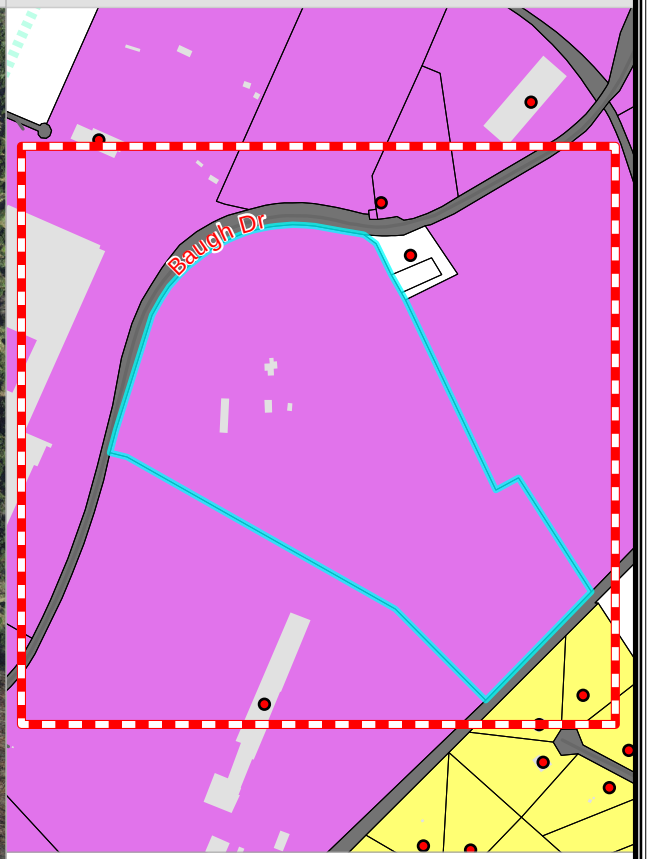
Out of Town Utility Connection

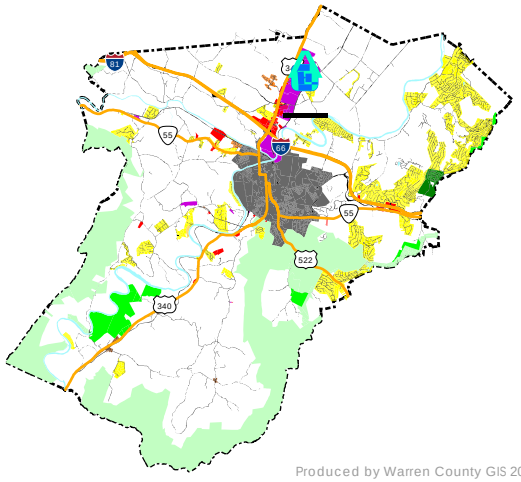
N

TM # 12G--2-1---10A
444 Baugh Drive

Toray Plastics (America) Inc.
Zoning: Industrial
Acreage: 71.0859







Produced by Warren County GIS 2024 ©
Department of Planning

COUNCIL REGULAR WORK SESSION
AGENDA STATEMENT

Meeting Date: January 13, 2025 Item# 03B

Agenda Item: License Agreement with Downtown Front Royal, Inc (DFRi) for a Sign Installation at the Intersection of Commerce Avenue and Main Street

Summary: On November 12, 2024, Council received a request from Downtown Front Royal, Inc. (DFRi) to install a "Downtown Front Royal" sign at the intersection of Main Street and Commerce Avenue. DFRi plans to cover the costs for both the construction and ongoing maintenance of the sign and is seeking approval to install and maintain it on town-owned property. The Town Attorney has drafted a License Agreement. It is attached for Council's review.

Budget/Funding: N/A

Staff Recommendation: Upon Council's direction, the agreement will be placed on the January 27th agenda for approval.

Tina Presley

From: Joe Waltz
Sent: Wednesday, January 8, 2025 1:09 PM
To: Tina Presley
Cc: Hillary Wilfong; Joe Waltz
Subject: FW: Main St sign and Town property

This email has my response. FYI

Joseph Waltz
Town Manager
Town of Front Royal, VA

From: Ellen Aders [redacted]
Sent: Tuesday, October 1, 2024 6:14 PM
To: Joe Waltz <jwaltz@frontroyalva.com>
Subject: Re: Main St sign and Town property

Thank you, Joe! Let me know what I need to do.
Ellen
Sent from my iPhone

> On Oct 1, 2024, at 1:58 PM, Joe Waltz <jwaltz@frontroyalva.com> wrote:
>
> Hi Ellen,
>
> I believe the Town owns this property at the corner of Main and Commerce where the old DBA sign was located before it was removed in 2018. I was able to locate the original sign maintenance agreement with the Town and DBA that dates back to 1999. I also was able to find the agreement for the LOVE letters that were installed in 2020.
>
> We will need to get an agreement to allow the installation and maintenance of the sign on Town right of way which will have to go to Council for approval. I will get with our legal department to start working on an agreement to allow the placement of the sign on town property and town right of way. If you have any questions, please let me know.
>
> I will be in touch,
>
> Thank you,
>
> Joe
>
> **Joseph Waltz**
> *Town Manager*

COPY

From: Ellen Aders [redacted]
Sent: Tuesday, October 1, 2024 8:01 AM
To: Joe Waltz <jwaltz@frontroyalva.com>
Cc: Lauren Kopishke <lkopishke@frontroyalva.com>; John Ware <jware@frontroyalva.com>; George Sonnett <gsonnett@frontroyalva.com>
Subject: Main St sign and Town property

Good morning, Joe! I am following up on a previous email to see if you have been able to figure anything out regarding the corner of Main and Commerce. Downtown Front Royal, INC is eager to begin work on a permanent sign in that location. I know that there is a current agreement between the Town and FRIBA, giving permission to put the LOVE letters there. This would indicate to me that the Town does in fact own the land. However, I can't seem to get anyone to confirm this. As mentioned before, I have met with a landscape architect and DFRi is ready to apply for a grant. This would be permanent signage and likely cost in the neighborhood of $20k-$30k. We are excited to begin work. Can you advise of the next steps?
Thanks!
Ellen Aders, President
Downtown Front Royal, INC
(813)719-0014

COPY

LICENSE AGREEMENT

THIS LICENSE AGREEMENT is made and entered into this _____ day of _____, 2025, by and between the **TOWN OF FRONT ROYAL, VIRGINIA,** a Virginia municipal corporation, hereinafter referred to as "the Town", and **DOWNTOWN FRONT ROYAL, INC,** a Virginia non-stock, nonprofit, §501(c)(3) tax exempt corporation, hereinafter referred to as "DFR".

WHEREAS, one of DFR's corporate purposes as a Virginia non-stock, nonprofit, §501(c)(3) tax exempt corporation is the promotion of Front Royal's historic Main Street district as the commercial and cultural center of Front Royal and Warren County, and,

WHEREAS, in furtherance of such purpose, DFR wishes to erect, install and maintain a sign and related infrastructure ("Sign") upon and over the grassy area of the Town's real property located in the northwest corner formed by and adjacent to the intersection of East Main Street and South Commerce Avenue, an area containing 1,500 square feet, more or less (the "Property"); and,

WHEREAS, the Town of Front Royal, Virginia, acting by and through its Town Council, desires to authorize the use of the Property for the placement of the Sign on the Property by DFR as a Council approved exempt "Public Sign" pursuant to Town Code §175-106(A)(6)(j) in recognition of the governmental purpose of providing directional, identification, and special event promotional information to the public.

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NOW THEREFORE, for and in consideration of the sum of one dollar ($1.00), paid by DFR to the Town and other good and valuable consideration, receipt of which is hereby acknowledged, incorporating the above recitals herein, the Town issues this license for the Sign to DFR ("License"), subject to the following terms and conditions:

1. **PREMISES** - The Town issues this License to DFR to erect, install and maintain the Sign upon and over the Property at a specific location on the Property to be determined and approved by the Town Manager.

2. TERM OF LICENSE - The term of the License is for a period of ten (10) years, commencing on the _____ day of _____, 2025, and ending on the _____ day of _____, 2035 ("Term").

3. PAYMENT OF LICENSE FEE – DFR shall pay to the Town a license fee payment of One Dollar ($1.00). The license fee payment shall be paid in advance beginning on the 1st day of _____, 2025, and on the first day of each year thereafter for the remainder of the Term.

4. USE OF PREMISES – DFR may erect, install and maintain the Sign on the Property at the specific location determined by the Town Manager, with the Property to otherwise be subject to the exclusive use of the Town. The Sign shall be constructed and maintained in substantially the same design, dimensions and appearance as shown in Exhibit A, attached hereto and made part hereof. The Sign shall at all times be maintained as an exempt sign pursuant to Town Code §175-106(A)(6)(j). DFR shall not assign or sublicense this License. DFR shall not permit or allow any dangerous practice or hazardous conditions to occur on the Property, shall not violate any State,

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Federal, or local law concerning the use of the Property, or permit any illegal activity to occur thereon. DFR shall not create or allow any nuisance to be or to remain upon the Property.

5. ALTERATIONS OR IMPROVEMENTS - Any alterations, additions, or improvements to the Property shall not be permitted without the written consent of the Town Manager, except as set forth herein. The Sign and any permitted alterations, additions, or improvements to the Property shall be performed at the sole expense of DFR by reputable workmen and contractors as approved by the Town Manager. The Sign and all alterations, additions, or improvements to the Property shall be and shall remain the sole property of the Town, except as otherwise approved in writing by the Town Manager, subject to DFR's right to remove the Sign upon termination of this License Agreement.

6. MAINTENANCE – DFR shall maintain the Sign and any other authorized improvements in a safe condition of good repair. DFR shall surrender use of the Property to the Town upon termination of the License, free and clear of the Sign. It is specifically understood that the Town has no obligation to make any repairs, improvements, or replacements whatsoever to the Property during the Term of the License. The Town does not warrant or guarantee the suitability of the Property for any particular purpose.

7. TERMINATION – In the event that DFR should lose its non-stock, nonprofit, §501(c)(3) tax exempt corporate status, or should DFR not maintain the Sign as an exempt sign pursuant to Town Code §175-106(A)(6)(j) in the Town's sole judgement, this License Agreement shall terminate immediately. This License Agreement may be terminated by either party for any reason upon six (6) months' notice

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from the date of mailing or hand delivery of written notice of termination to the other party. For the purposes of this License Agreement, all notices shall be made in writing and shall be delivered by first class mail or hand delivered to the parties at the addresses stated herein, to-wit:

TOWN OF FRONT ROYAL
c/o Town Manager
102 East Main Street
Front Royal, Virginia 22630

DOWNTOWN FRONT ROYAL, INC.
1 Kidd Lane
Front Royal, Virginia 22630

In the event of termination by the Town prior to the scheduled expiration of the License Agreement, DFR shall be given a reasonable time to remove its Sign and supporting infrastructure from the Property, not to exceed two (2) weeks. In the event that public necessity requires an immediate termination of this Lease Agreement by the Town without notice, and DFR is unable to immediately remove the Sign and supporting infrastructure from the Property, the Town may remove the Sign and supporting infrastructure for DFR, without liability therefor. Except as provided herein, any fixtures or personal property which remains upon the Property upon termination or expiration of the License Agreement and a reasonable time for removal shall become the sole property of the Town at the sole option of the Town.

8. <u>RELEASE AND HOLD HARMLESS</u> – DFR hereby agrees to hold the Town, its officers, employees, agents, and invitees harmless from any liability pertaining to DFR's, and DFR's members, guests, invites, agents, officers, and contractors' use of the Property.

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9. AUTHORITY- All parties and signatories hereto affirmatively represent that by signing this License Agreement, that they have the necessary and appropriate authority of their representative organizations to do so and legally bind their organizations hereto.

10. INTERPRETATION - The interpretation of the provisions of this License Agreement shall be in accordance with the laws of the Commonwealth of Virginia.

11. MODIFICATION AND EXTENSIONS - Modification of the terms and conditions of this License Agreement and any extensions or renewals of this License Agreement shall not be permitted, unless agreed to in writing and executed with the same formality as this License Agreement.

GIVEN under our hands this _____ day of _____, 2025.

TOWN OF FRONT ROYAL, VIRGINIA

BY: _____
Town Manager

DOWNTOWN FRONT ROYAL, INC.

BY: _____
Name/Title

APPROVED AS TO FORM:

_____
Town Attorney

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CLOSED MEETING
AGENDA STATEMENT

Meeting Date: January 13, 2025 Item #4

MOTION TO GO INTO CLOSED MEETING

[to be approved by affirmative recorded vote, with motion set forth in detail in the minutes. Council may take action in open session following closed meeting].

I move that Town Council convene a closed meeting, pursuant to Sections 2.2-3711 and 2.2-3712 of the Code of Virginia, for the following purposes:

1) pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, more specifically, HEPTAD, LLC v. Town, and,

2) pursuant to Section 2.2-3711(A)(8) of the Code of Virginia, consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, more specifically, the insolvency and dissolution of the Industrial Development Authority of the Town of Front Royal and the County of Warren, Virginia, and,

3) pursuant to §2.2-3711(A)(1) of the Code of Virginia, for the discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body, more specifically, the Town Manager position.

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 Act 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.

Moved _____ ***Seconded*** _____

Wood _____ ***Vice Mayor Veitenthal*** _____ ***Sealock*** _____ ***Rappaport*** _____ ***Ingram*** _____ ***DeDomenico-Payne*** _____