

MOTION:

**March 19, 2019
Regular Meeting
Res. No. 19-**

SECOND:

**RE: AUTHORIZE CONVEYANCE OF VARIOUS
TELECOMMUNICATIONS EASEMENTS IN CONNECTION WITH
THE INSTALLATION OF MULTI-CONDUIT INFRASTRUCTURES
OVER COUNTY-OWNED PROPERTIES LOCATED AT 9405
DISCOVERY BOULEVARD, 9349, 9401, 9451, 9525 AND 9601
HORNBAKER ROAD – BRENTSVILLE MAGISTERIAL DISTRICT**

ACTION:

WHEREAS, Innovation Park was acquired by the County by Deed recorded March 27, 1997, in Deed Book 1228 at page 219 among the land records of Prince William County and was planned as a business and technology park area intended for parcels to be marketed to biotechnology, life science, and other high technology industry prospects for purchase, development and facilities construction and operations; and

WHEREAS, accessibility to reliable high-speed, broadband, fiber-optic telecommunications is an essential service prospective Innovation Park purchasers require for their business operations. Providing this access increases the desirability and marketability of the Innovation Park parcels and gives the County a competitive advantage when marketing sales of the Innovation Park parcels; and

WHEREAS, providing this access increases the desirability and marketability of the Innovation Park parcels and gives the County a competitive advantage when marketing sales of the Innovation Park parcels; and

WHEREAS, MetroDuct Systems, VA, LLC, a Licensed Competitive Local Exchange Carrier, has requested conveyance of the various telecommunications easements inside and outside existing common service easement areas in connection with the installation of multi-conduit infrastructures over County-owned properties located at 9405 Discovery Boulevard, 9349, 9401, 9451, 9525 and 9601 Hornbaker Road and has agreed to pay the fair market value of \$390,842 for the 195,421 square feet of easement area determined by staff to be \$2.00 per square foot; and

WHEREAS, a public hearing has been duly advertised for this purpose and was conducted on March 19, 2019, pursuant to Section 15.2-1800(B) and Section 15.2-1813 VA Code Annotated for this purpose, and all interested citizens were heard; and

WHEREAS, County staff recommends authorizing the conveyance of the various telecommunications easements in connection with the installation of multi-conduit infrastructures over County-owned properties located at 9405 Discovery Boulevard, 9349, 9401, 9451, 9525 and 9601 Hornbaker Road as set forth in the attachment;

March 19, 2019
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Page Two

NOW, THEREFORE, BE IT RESOLVED, the Prince William Board of County Supervisors hereby authorizes conveyance of various telecommunications easements in connection with the installation of multi-conduit infrastructures over County-owned properties located at 9405 Discovery Boulevard, 9349, 9401, 9451, 9525 and 9601 Hornbaker Road in the Brentsville Magisterial District as set forth in the attachment in exchange for payment of \$390,842 to the County by MetroDuct Systems, VA, LLC;

BE IT FURTHER RESOLVED that the Prince William Board of County Supervisors hereby authorizes the Transportation Director or his designee to execute deeds, plats and/or such documents that are necessary to effect the intent of this Resolution and approved as to form by the County Attorney's office.

ATTACHMENTS: Template Easement Agreement.
Six Plats Showing Variable Width Easements Across The Property of Board of County Supervisors of Prince William County, Virginia, located in the Brentsville Magisterial District of Prince William County, Virginia, Dated in October, 2018, and January, 2019, by MetroDuct Systems.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

For Information:

County Attorney

Transportation Director

ATTEST: _____
Clerk to the Board

MetroDuct Systems
Tract # VA-PW-_____
Prince William County, Virginia

**MetroDuct Systems VA LLC
NON-EXCLUSIVE EASEMENT**

THIS EASEMENT AGREEMENT is made this ____ day of _____, 201_, for one dollar (\$1.00) and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the undersigned **BOARD OF COUNTY SUPERVISORS OF PRINCE WILLIAM COUNTY, VIRGINIA**, a governing body of Prince William County, Virginia a political subdivision of the Commonwealth of Virginia having an address of One Complex Court, Prince William, Virginia 22192 ("Grantor") hereby grants and conveys to **METRODUCT SYSTEMS VA LLC**, a Virginia limited liability company having an address of 1366 Dublin Road, Columbus, Ohio 43215 ("Grantee"), its affiliates, licensees, successors and assigns (collectively "Grantees") a non-exclusive and perpetual right of way and easement in, under, and across the "Easement Area" (described as being the same as shown on Exhibit "A" attached hereto and made a part hereof), for the installation, construction, maintenance, operation, repair and replacement of cables, lines and other facilities at any time and from time to time for the communication, transportation or other transfer of data, information, signals, or other material by means of fiber optics, electronic signaling or any other means including all technological developments evolving therefrom ("Facilities"). Permitted uses shall include the installation of below-ground vaults and the like and any utilities required for the operation thereof, together with the right to have underground commercial electrical service extended across the Easement Area to provide service to such Facilities and the reasonable right of ingress and egress across the "Property" to the Easement Area for the purpose of access to and use of the easement granted herein including over such drives, lanes, ways or private roads as may now or hereafter exist on the Grantor's "Property". If there are no drives, lanes, ways or private roads reasonably convenient to the Easement Area, Grantor further grants the right of ingress or egress across any of the Grantor's "Property" for the purposes consistent with the easement, including but not limited to, intrusive construction and installation of the Facilities.

The "Property" is legally described as being: _____ GPIN # _____. Grantor affirmatively states and represents him/her/itself is the owner in fee simple of the Property.

Being the same Property as recorded in: Prince William County, Virginia, Instrument # _____.

The Grantor represents and warrants to the Grantee that Grantor is the true and lawful owner of the Property and has full right and power to grant and convey the rights conveyed herein and will defend the same unto the Grantee against the adverse claims of all persons.

Grantee hereby reserves the right to use said Easement Area for non-exclusive utility line and easement purposes.

Grantee hereby agrees to promptly restore at its expense all property disturbed by its activities in use of the Easement Area to substantially the same condition prior to the disturbance, including the replacement of all plantings and other landscaping or improvements disturbed or impacted by Grantee's activities within or outside of the Easement Area. Grantee further agrees to repair at its expense any damage to roads, sidewalks, curbing, gutters, paving, signs, fences, parking areas, and/or other improvements, whether located within or outside the boundaries of the Easement Area caused by Grantee, its employees, and/or agents.

If the Grantor at some later time proposes property improvements on said land that would necessarily require the relocation of the Facilities of the Grantee, which have been or may be installed under this easement, said Grantee will relocate those Facilities at Grantor's sole cost and expense upon receipt of payment from Grantor. Said Grantee shall have the right, when relocating those Facilities, to place and maintain (and remove) them in a suitable location

elsewhere on said land as mutually agreed to by Grantor and Grantee (which agreement shall not be unreasonably withheld by either party) and shall have the same rights hereunder in such new location as it originally possessed hereunder in the old location. Grantor acknowledges that prior to making such improvements, including the improvements set forth in the paragraph below, that Grantor shall provide Grantee with reasonable prior written notice before commencement of construction of such improvements so that Grantee may make adjustments to its Facilities.

The Grantor shall have the right to use the surface of the land over said Easement Area for any purpose provided the Grantor does not in any way interfere with the Grantees use of the easement granted herein, and provided further that no building or other permanent structure (excluding curbs, gutters, driveways, entrances, fences, landscaping and signs) shall be erected upon, across or over the Easement Area granted herein, and Grantor shall not materially alter the grade of the Property within the Easement Area. Grantor may also construct on the Easement Area below ground facilities so long as the same do not interfere with Grantee's exercise of any rights granted it hereunder.

Any work performed on the Facilities or any relocation required hereunder shall be conducted in a good and workmanlike fashion and in accordance with all applicable laws, rules, regulations and ordinances.

Grantee shall maintain insurance coverage insuring Grantee against claims, demands or actions for personal injuries or death resulting from the use or operation of the Facilities with limits of not less than One Million Dollars (\$1,000,000) any one occurrence, in an aggregate amount of Two Million Dollars (\$2,000,000) and for damage to property in an amount of not less than Five Hundred Thousand Dollars (\$500,000).

Each party shall protect, indemnify, defend and hold the other party, their agents, customers, employees and invitees (collectively, the "Indemnified Parties") harmless from and against any and all third party claims for loss, damage, liability, injury to person or property, including reasonable cost and expense incurred by the Indemnified Parties on account of any claim or assertion of liability arising or alleged to have arisen out of the negligence or willful misconduct of the indemnifying party. An Indemnitor's indemnification obligations hereunder shall not be applicable to any claims to the extent caused by the negligence, intentional acts or omissions or willful misconduct of the Indemnified Persons.

Any notice to be given in connection with this Agreement shall be in writing and shall be sent either by hand delivery (which shall include, without limitation, overnight delivery by a nationally recognized overnight courier service such as Federal Express or United Parcel Service) or by depositing it with the United States Postal Service or any official successor thereto, certified or registered mail, return receipt requested, with adequate postage prepaid, addressed to the party to whom the notice is being sent (and marked to a particular individual's attention if so indicated) as hereafter provided. Rejection or other refusal by the addressee to accept or the inability of any party attempting hand delivery or, in the case of attempted delivery by mail, the United States Postal Service to deliver because of changed address of which no prior written notice was given shall be deemed to be the receipt of the notice sent on the day hand delivery was attempted or, in the case of attempted delivery by mail, on the date which is three (3) days after the notice was deposited with the United States Postal Service or any official successor thereto. In the event that registered or certified mail service is not being provided by the United States Postal Service or any official successor thereto at the time in question, each notice may then be served by regular mail. Any party hereto shall have the right from time to time to change the address or individual's attention to which notices to it shall be sent by giving the other party written notice thereof. For notice purposes the addresses of the parties shall be as follows:

If to Grantor:

If to Grantee:

MetroDuct Systems VA LLC
c/o Team Fishel
8093 Elm Drive
Mechanicsville, VA 23111
Attn: Legal Department

The foregoing addresses (or subsequent addresses of which notice is recorded as provided in this sentence) shall continue to be effective for notice purposes under this Agreement notwithstanding a sale of all or portions of the Property, unless the party acquiring the rights of this Agreement by sale of the Grantor Property files a notice in the County of Prince William, Commonwealth of Virginia land records cross referenced to this Agreement which specifies the address (and up to two additional addresses) to which such notices under this Agreement to such party are to be sent.

It is understood and agreed that this is an easement only and in no way grants or conveys any part of the underlying fee simple estate of any lands owned by Grantor. This agreement and all of the terms, provisions and obligations hereof shall be covenants running with the land affected thereby and shall inure to the benefit of and be binding upon Grantor and Grantee and their respective successors and assigns.

Grantee's acceptance of this agreement and the recordation hereof in the Land Records of Prince William County, Virginia shall be deemed to constitute and evidence Grantee's agreement to all of the terms and provisions hereof.

This Easement and all rights, duties, and obligations hereunder, are binding upon and shall inure to the benefit of the heirs, successors, assigns, and licensees of the parties hereto.

(Signature page to follow)

Signed and acknowledged in the Presence of:

(Witness Signature)

(Witness Printed)

By: _____

(Grantor Signature)

(Grantor Printed)

Title: _____

STATE OF _____

SS:

COUNTY OF _____

The forgoing instrument was acknowledged before me this _____ day of _____, 201_,
by _____, who is the _____ of
(Name of Signatory) (Title)

BOARD OF COUNTY SUPERVISORS OF PRINCE WILLIAM COUNTY, VIRGINIA on behalf of the
County.

Notary Public (Name)

Notary Public (Signature)

My commission expires: _____

Notary Registration Number: _____

PLEASE RETURN RECORDED ORIGINAL TO:

Team Fishel
8093 Elm Drive
Mechanicsville, VA 23111

This document was drafted by:
Joseph G. Blake II, Esq.
General Counsel
MetroDuct Systems VA LLC
1366 Dublin Road
Columbus, Ohio 43215

Exhibit "A"

[See attached Exhibit Plat]

EXHIBIT "A"

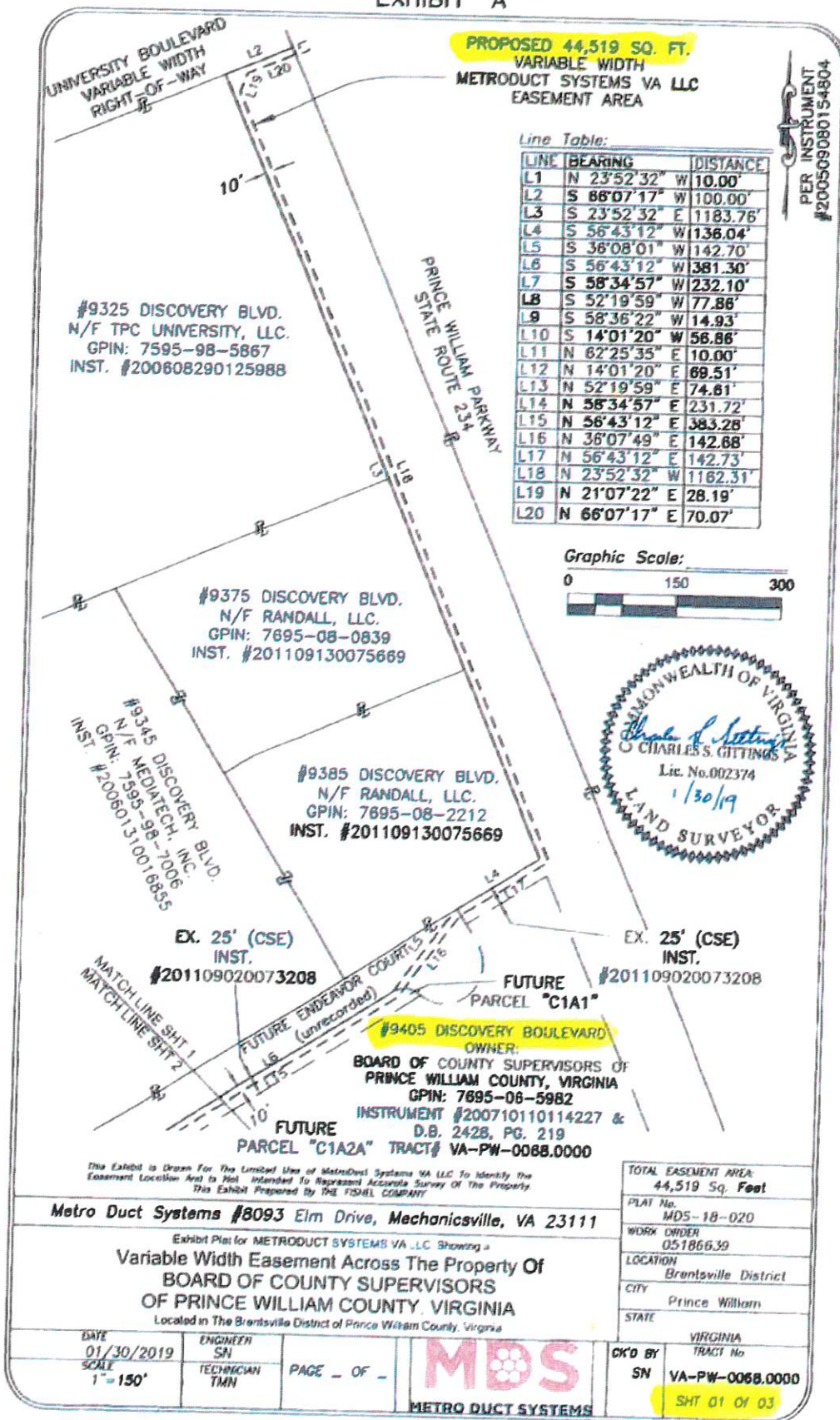


EXHIBIT "A"

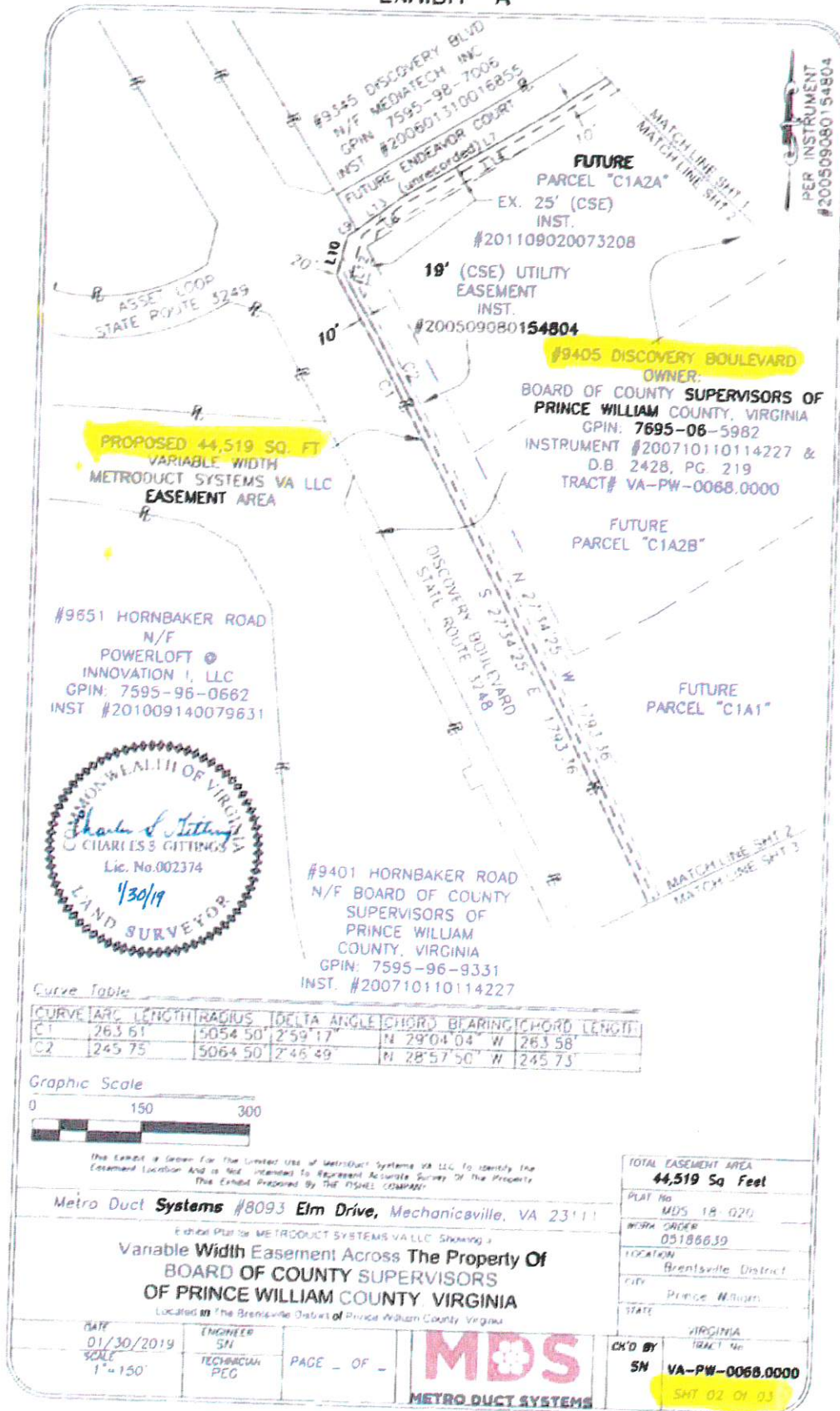


EXHIBIT "A"

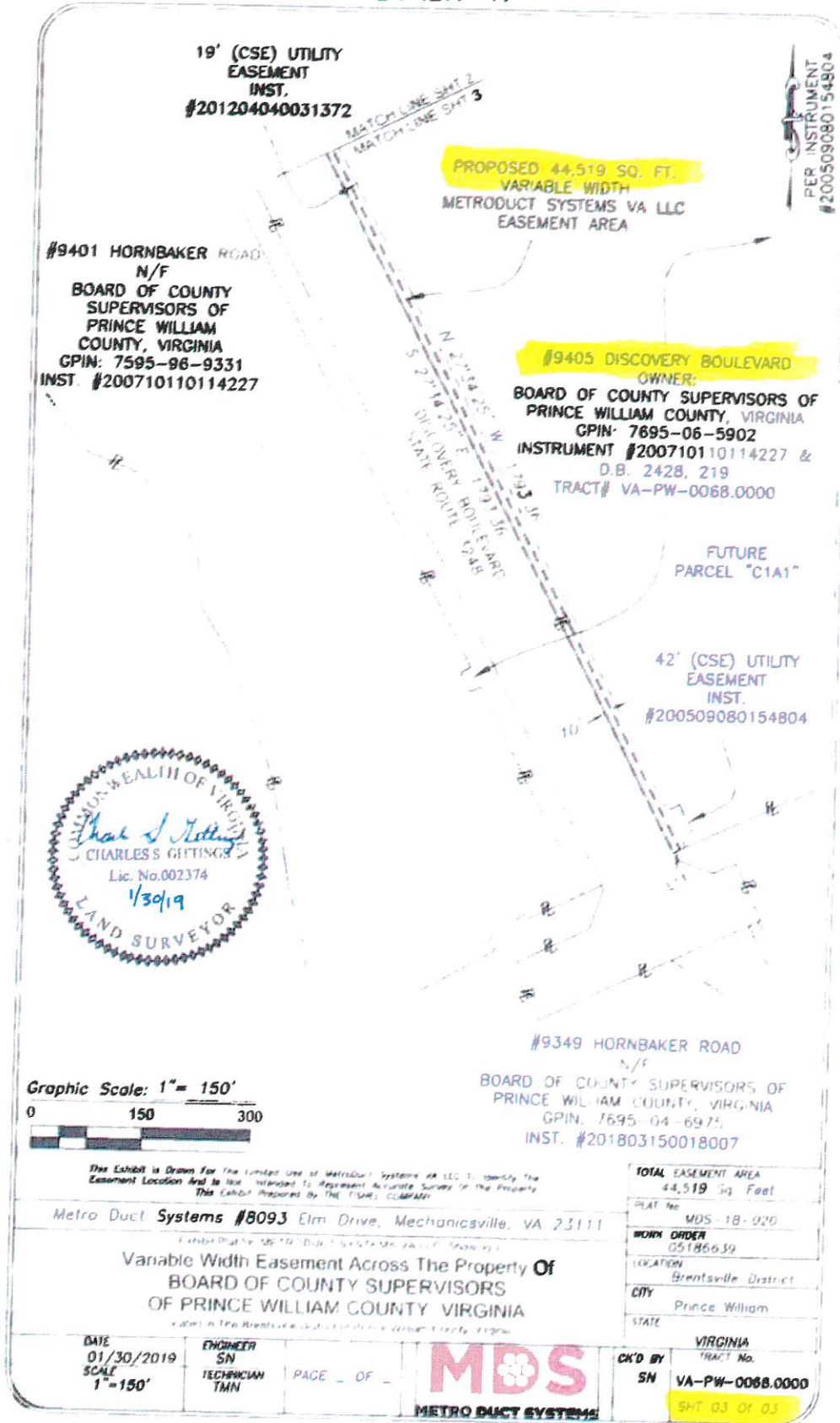


EXHIBIT "A"

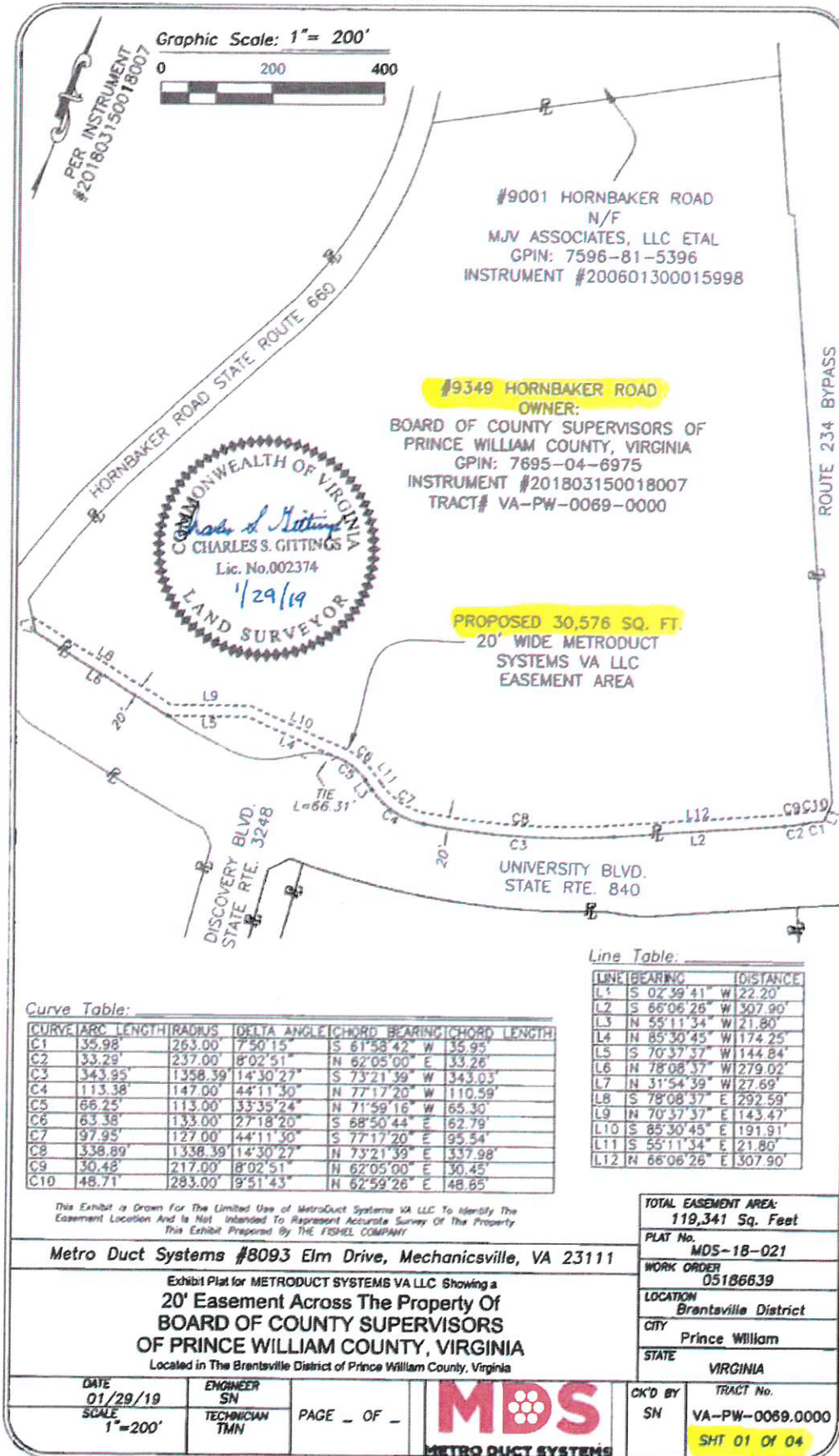
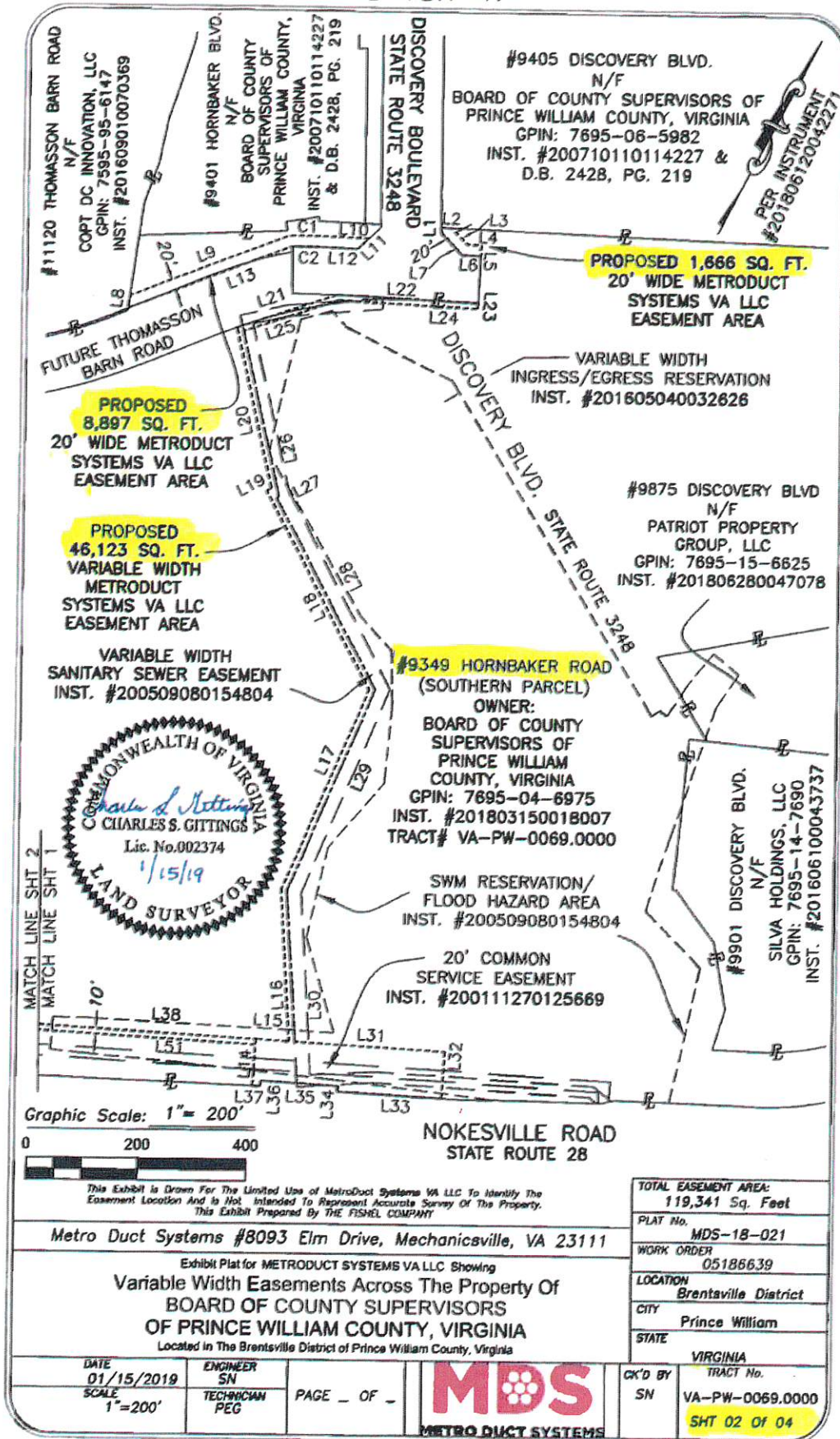


EXHIBIT "A"



#11120 THOMASSON BARN ROAD
N/F
COPT DC INNOVATION, LLC
GPIN: 7595-95-6147
INST. #201609010070369

FUTURE THOMASSON BARN ROAD

20' COMMON SERVICE EASEMENT
INST. #200111270125669

#9349 HORNBAKER ROAD (SOUTHERN PARCEL)
OWNER:
BOARD OF COUNTY SUPERVISORS OF PRINCE WILLIAM COUNTY, VIRGINIA
GPIN: 7695-04-6975
INST. #201803150018007
TRACT# VA-PW-0069.0000

35' COMMON SERVICE EASEMENT
INST. #200111270125669

20' COMMON SERVICE EASEMENT
INST. #200111270125669

PROPOSED 32,079 SQ. FT. VARIABLE WIDTH METRODUCT SYSTEMS VA LLC EASEMENT AREA

HORNBAKER ROAD STATE ROUTE 660

NOKESVILLE ROAD STATE ROUTE 28

Line Table:

LINE	BEARING	DISTANCE
L38	S 65°52'31" W	1576.03'
L39	N 15°22'05" W	9.88'
L40	S 68°02'31" W	10.07'
L41	N 15°22'05" W	956.57'
L42	N 15°22'05" W	32.00'
L43	N 37°28'58" E	66.68'
L44	N 06°12'24" W	88.06'
L45	S 87°52'46" W	20.05'
L46	S 06°12'24" E	81.47'
L47	S 37°28'58" W	53.51'
L48	S 15°22'05" E	32.00'
L49	S 15°22'05" E	977.73'
L50	N 74°37'56" E	5.00'
L51	N 65°52'31" E	1592.76'
L52	N 24°11'45" W	10.00'

Curve Table:

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C3	227.00'	49.83'	49.73'	N 09°04'44" W
C4	273.00'	59.94'	59.82'	N 09°04'45" W
C5	1841.86'	192.22'	192.13'	N 12°22'42" W
C6	1851.86'	211.38'	211.27'	S 12°05'53" E
C7	263.00'	57.74'	57.62'	S 09°04'45" E
C8	237.00'	52.03'	51.93'	S 09°04'44" E

Graphic Scale: 1" = 200'

0 200 400

COMMONWEALTH OF VIRGINIA
Charles S. Gittings
Charles S. Gittings
Lic. No. 002374
4/15/19
LAND SURVEYOR

Metro Duct Systems #8093 Elm Drive, Mechanicsville, VA 23111
Exhibit Plat for METRODUCT SYSTEMS VA LLC Showing
Variable Width Easements Across The Property Of
BOARD OF COUNTY SUPERVISORS
OF PRINCE WILLIAM COUNTY, VIRGINIA
Located in The Brentsville District of Prince William County, Virginia

TOTAL EASEMENT AREA:
119,341 Sq. Feet

PLAT No.
MDS-18-021

WORK ORDER
05186639

LOCATION
Brentsville District

CITY
Prince William

STATE
VIRGINIA

TRACT No.
VA-PW-0069.0000

DATE
01/15/2019

ENGINEER
SN

TECHNICIAN
PEG

PAGE _ OF _

MDS
METRO DUCT SYSTEMS

CK'D BY
SN

SHT 03 OF 04

LINE	BEARING	DISTANCE
L38	S 65°52'31" W	1576.03'
L39	N 15°22'05" W	9.88'
L40	S 68°02'31" W	10.07'
L41	N 15°22'05" W	956.57'
L42	N 15°22'05" W	32.00'
L43	N 37°28'58" E	66.68'
L44	N 06°12'24" W	88.06'
L45	S 87°52'46" W	20.05'
L46	S 06°12'24" E	81.47'
L47	S 37°28'58" W	53.51'
L48	S 15°22'05" E	32.00'
L49	S 15°22'05" E	977.73'
L50	N 74°37'56" E	5.00'
L51	N 65°52'31" E	1592.76'
L52	N 24°11'45" W	10.00'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C3	227.00'	49.83'	49.73'	N 09°04'44" W
C4	273.00'	59.94'	59.82'	N 09°04'45" W
C5	1841.86'	192.22'	192.13'	N 12°22'42" W
C6	1851.86'	211.38'	211.27'	S 12°05'53" E
C7	263.00'	57.74'	57.62'	S 09°04'45" E
C8	237.00'	52.03'	51.93'	S 09°04'44" E

Graphic Scale: $1'' = 200'$

0 200 400

A horizontal graphic scale bar with alternating black and white segments. It is marked with '0' at the left end, '200' in the middle, and '400' at the right end. Below the bar, there is a small legend with a black square and a white square.

This Exhibit is Drawn For The Limited Use of MetroDuct Systems VA LLC To Identify The Easement Location And is Not Intended To Represent Accurate Survey Of The Property.
This Exhibit Prepared By THE FISHEL COMPANY

Metro Duct Systems #8093 Elm Drive, Mechanicsville, VA 23111

Exhibit Plat for METRODUCT SYSTEMS VA LLC Showing
Variable Width Easements Across The Property Of
BOARD OF COUNTY SUPERVISORS
OF PRINCE WILLIAM COUNTY, VIRGINIA
Located in The Brentsville District of Prince William County, Virginia

TOTAL EASEMENT AREA:	
119,341 Sq. Feet	
PLAT No.	MDS-18-021
WORK ORDER	05186639
LOCATION	Brentsville District
CITY	Prince William
STATE	VIRGINIA
CK'D BY	TRACT No.
SN	VA-PW-0069.0000
	SHT 03 OF 04

EXHIBIT "A"

PROPOSED 1,686 SQ. FT. 20' WIDE METRODUCT SYSTEMS VA LLC EASEMENT AREA

Line Table:

LINE	BEARING	DISTANCE
L1	N 27°34'25" W	10.14'
L2	N 64°47'29" E	18.72'
L3	S 71°11'21" E	41.76'
L4	N 65°11'42" E	25.76'
L5	S 24°48'18" E	20.00'
L6	S 65°11'42" W	33.76'
L7	N 71°11'21" W	55.88'

PROPOSED 8,897 SQ. FT. 20' WIDE METRODUCT SYSTEMS VA LLC EASEMENT AREA

Line Table:

LINE	BEARING	DISTANCE
L8	N 19°46'33" W	22.82'
L9	N 41°25'34" E	310.67'
L10	N 65°11'42" E	49.76'
L11	S 18°48'39" W	27.63'
L12	S 65°11'42" W	30.70'
L13	S 41°25'34" W	318.08'

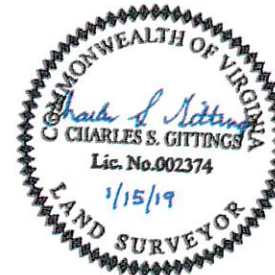
Curve Table:

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	1494.89'	92.64'	92.63'	N 63°25'11" E
C2	1474.89'	87.85'	87.84'	S 63°29'19" W

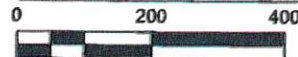
PROPOSED 46,123 SQ. FT. & 32,079 SQ. FT. VARIABLE WIDTH METRODUCT SYSTEMS VA LLC EASEMENT AREAS

Line Table:

LINE	BEARING	DISTANCE
L14	N 24°11'45" W	85.61'
L15	N 65°52'31" E	60.00'
L16	N 31°11'12" W	275.28'
L17	N 04°35'07" W	394.05'
L18	N 55°20'00" W	408.17'
L19	N 34°40'00" E	9.65'
L20	N 40°21'41" W	299.99'
L21	N 43°58'32" E	191.87'
L22	N 65°11'42" E	254.68'
L23	S 24°48'18" E	10.00'
L24	S 65°11'42" W	252.81'
L25	S 43°58'32" W	180.94'
L26	S 40°21'41" E	308.96'
L27	S 34°40'00" W	4.65'
L28	S 55°20'00" E	392.91'
L29	S 04°35'07" E	396.43'
L30	S 31°11'12" E	274.16'
L31	N 65°52'31" E	272.22'
L32	S 24°07'29" E	85.20'
L33	S 65°48'28" W	188.04'
L34	N 24°11'45" W	10.00'
L35	S 65°48'15" W	140.00'
L36	S 24°11'45" E	10.00'
L37	S 65°48'15" W	14.15'



Graphic Scale: 1" = 200'



This Exhibit is Drawn For The Limited Use of MetroDuct Systems VA LLC To Identify The Easement Location And Is Not Intended To Represent Accurate Survey Of The Property. This Exhibit Prepared By THE FISHEL COMPANY

Metro Duct Systems #8093 Elm Drive, Mechanicsville, VA 23111

Exhibit Plat for METRODUCT SYSTEMS VA LLC Showing

Variable Width Easements Across The Property Of
BOARD OF COUNTY SUPERVISORS
OF PRINCE WILLIAM COUNTY, VIRGINIA
Located in The Brentsville District of Prince William County, Virginia

TOTAL EASEMENT AREA:
119,341 Sq. Feet

PLAT No.
MDS-18-021

WORK ORDER
05186639

LOCATION
Brentsville District

CITY
Prince William

STATE
VIRGINIA

DATE
01/15/2019
SCALE
1"=200'

ENGINEER
SN
TECHNICIAN
PEG

PAGE _ OF _

MDS
METRO DUCT SYSTEMS

CK'D BY
SN
TRACT No.
VA-PW-0069.0000
SHT 04 OF 04

EXHIBIT "A"

PER INSTRUMENT
#200710110114227

PROPOSED 1,638 SQ. FT.
10' WIDE METRODUCT
SYSTEMS VA LLC
EASEMENT AREA

#9310 DISCOVERY BLVD.
N/F
SWEENEY BARNS, LLC
GPIN: 7595-88-6674
INST. #201802280013672

HORNBAKER ROAD
STATE ROUTE 660

#11285 ASSETT LOOP
N/F
ZESTRON HOLDINGS, LLC
GPIN: 7595-88-7717
INST. #200505270086312

#9401 HORNBAKER ROAD

OWNER:
BOARD OF COUNTY
SUPERVISORS OF PRINCE
WILLIAM COUNTY, VIRGINIA
GPIN: 7595-98-9331
INST. #200710110114227 &
D.B. 2428, PG. 219
TRACT# VA-PW-0070.0000

#9451 HORNBAKER ROAD
N/F
BOARD OF COUNTY
SUPERVISORS OF PRINCE
WILLIAM COUNTY, VIRGINIA
GPIN: 7695-88-2202
INST. #200710110114227



Curve Table

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	19.42	157.44	8°05'37"	N 05°12'01" W	19.40
C2	11.18	261.59	2°26'53"	N 37°39'04" W	11.18

Graphic Scale: 1" = 50'



This Exhibit is Drawn For The Limited Use of Metroduct Systems VA LLC To Identify The
Easement Location And Is Not Intended To Represent Accurate Survey Of The Property
This Exhibit Prepared By THE PRINCE COMPANY

Metro Duct Systems #8093 Elm Drive, Mechanicsville, VA 23111

Project For: METRODUCT SYSTEMS VA LLC Shenandoah

10' Easement Across The Property Of
BOARD OF COUNTY SUPERVISORS
OF PRINCE WILLIAM COUNTY, VIRGINIA
Located in The Brentsville District of Prince William County Virginia

DATE
10/29/18
SCALE
1"=50'

ENGINEER
SN
TECHNICIAN
TMM

PAGE - OF -

MDS
METRO DUCT SYSTEMS

TOTAL EASEMENT AREA
1,638 Sq Feet
TRACT No.
MDS 18-022
ACRES
0.5186639
LOCATION
Brentsville District
CITY
Prince William
STATE
VIRGINIA
CK'D BY
SN
TRACT No.
VA-PW-0070.0000

EXHIBIT "A"

Line Table

LINE	BEARING	DISTANCE
L1	S 25°49'48" W	37.48'
L2	S 57°41'12" W	42.37'
L3	S 29°56'07" W	97.68'
L4	S 77°10'45" E	20.04'
L5	N 29°56'07" E	96.78'
L6	N 57°41'12" E	31.23'
L7	N 02°46'14" E	15.33'

Graphic Scale: 1" = 100'



PER INSTRUMENT
#200710110114227

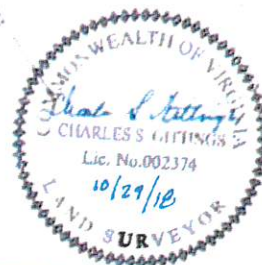
PROPOSED 13,891 SQ. FT.
20' WIDE METRODUCT
SYSTEMS VA LLC
EASEMENT AREA

(CSE) UTILITY
EASEMENT
INST.
#201204040031372

EX. 25' (CSE) UTILITY
EASEMENT
INST.
#200710110114227

#9451 HORNBAKER ROAD
OWNER:
BOARD OF COUNTY
SUPERVISORS OF
PRINCE WILLIAM COUNTY, VIRGINIA
GPIN 7695-88-2202
D.B. 2428, PG. 219 &
INSTRUMENT #200710110114227
TRACT# VA-PW-0071.0000

#9601 HORNBAKER ROAD
N/E
BOARD OF COUNTY SUPERVISORS OF
PRINCE WILLIAM COUNTY, VIRGINIA
GPIN 7595-81-3529
INSTRUMENT #200710110114227



Curve Table

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	121.87'	109.59'	63°36'48"	N 57°38'17" E	115.52'
C2	22.64'	1377.89'	0°56'23"	N 25°21'33" E	22.64'
C3	106.21'	1389.89'	4°22'41"	S 18°41'09" W	106.18'
C4	101.81'	1369.89'	4°15'30"	S 18°40'47" W	101.79'
C5	23.52'	1397.89'	0°57'51"	N 25°22'38" E	23.52'
C6	136.19'	129.59'	80°12'50"	N 56°43'31" E	130.01'
C7	28.83'	137.44'	17°01'09"	N 03°14'13" W	28.78'

This Exhibit is drawn for the limited use of Metroduct Systems VA, LLC. To identify the Easement location and is not intended to represent an accurate survey of the property. This Exhibit Prepared by THE TSMC COMPANY

Metro Duct Systems #8093 Elm Drive, Mechanicsville, VA 23111

Exhibit Plat for METRODUCT SYSTEMS VA LLC Showing a
20' Easement Across The Property Of
BOARD OF COUNTY SUPERVISORS
OF PRINCE WILLIAM COUNTY, VIRGINIA
Located in The Brentsville District of Prince William County, Virginia

DATE
10/29/18
SCALE
1" = 100'

ENGINEER
SN
TECHNICIAN
TAM

PAGE - OF -

MDS
METRO DUCT SYSTEMS

TOTAL EASEMENT AREA
13,891 Sq. Feet

PLAT No
MDS-18-023

WORK ORDER
05186639

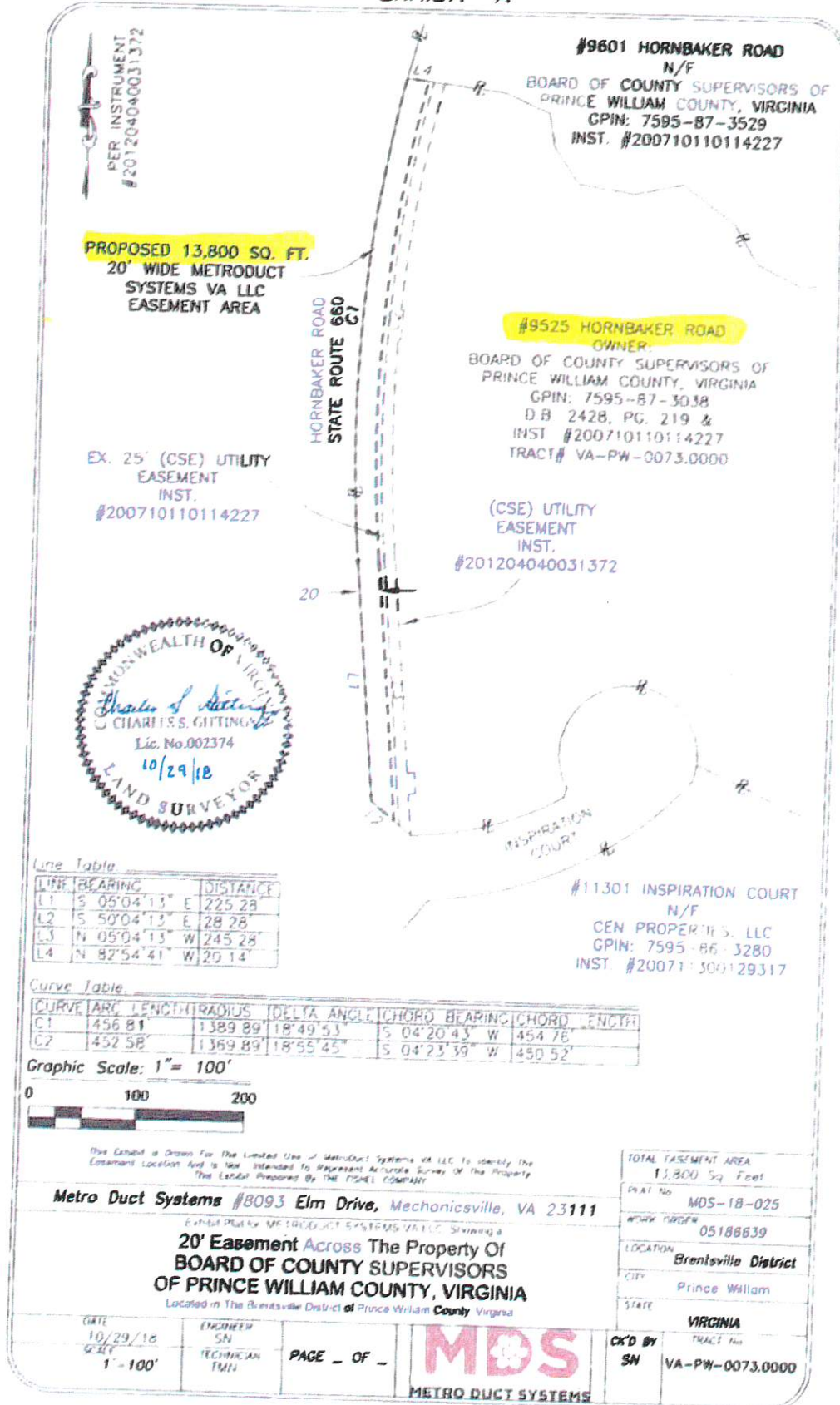
LOCATION
Brentsville District

CITY
Prince William

STATE
VIRGINIA

CK'D BY
SN
TRACT No
VA-PW-0071.0000

EXHIBIT "A"



PER INSTRUMENT
#200710110114227



BOARD OF COUNTY SUPERVISORS OF
PRINCE WILLIAM COUNTY, VIRGINIA
GPIN: 7695-88-2202
INSTRUMENT #200710110114227

#201204040031372

#9601 HORNBAKER ROAD
OWNER:

BOARD OF COUNTY SUPERVISORS OF
PRINCE WILLIAM COUNTY, VIRGINIA
CPIN: 7595-87-3529
D.B 2428, PG. 219
INSTRUMENT #20071010114227
TRACT# VA-PW-0072.0000

EX. 25' (CSE) UTILITY
EASEMENT
INST.
#200710110114227

BOARD OF COUNTY SUPERVISORS OF
PRINCE WILLIAM COUNTY VIRGINIA
GPIN 7695-87-303B
INSTRUMENT #200710110114227

Curve table

CURVE	ARC LENGTH	RADIUS	DELTA ANG.	CHORD BEARING	CHORD LENGTH
C1	66.37'	1389.89	2°44'09"	S 15°07'44" W	66.36'
C2	64.36'	1369.89	2°41'30"	S 15°12'17" W	64.35'

Age Group	Total (%)	Male (%)	Female (%)	Unknown (%)
0-14	~10	~10	~10	~10
15-24	~15	~15	~15	~15
25-34	~25	~25	~25	~25
35-44	~35	~35	~35	~35
45-54	~45	~45	~45	~45
55-64	~55	~55	~55	~55
65+	~60	~60	~60	~60

This Exhibit is Intended For the Limited Use of MetroQuest Systems, LLC to Identify the (Excluded Location Area) is Not Intended to Represent Accurate Survey of the Property.
This Exhibit Prepared by the 115th COMPANY

Metro Duct Systems #8093 Elm Drive, Mechanicsville, VA 23111

Exhibit Plat for ME 7(RD) 11 6 4 4 FM 9 VA LC Showing a

20' Easement Across The Property Of
BOARD OF COUNTY SUPERVISORS
OF PRINCE WILLIAM COUNTY, VIRGINIA

Located in The Brentsville District of Prince William County, Virginia

TOTAL CASEMENT AREA:
2,432 Sq Feet

PLAT No
MDS-18 024

05:86539

LOCATION
Brentsville District

Prince William

STATE VIRGINIA

DATE 10/27/18

SCALE
1"=30'

ENGINEER
SN
TECHNICIAN
TMN

PAGE _ OF _

MDS
METRO DUCT SYSTEMS

CK'D BY
SN

TRACT No

VA-PW-0072.0000

SHT 01 01 02

EXHIBIT "A"

#9575 HORNBAKER ROAD
N/F
CEN PROPERTIES, LLC
GPIN: 7695-86-3280
INSTRUMENT #200711300129317

#9601 HORNBAKER ROAD
OWNER:
BOARD OF COUNTY SUPERVISORS OF
PRINCE WILLIAM COUNTY, VIRGINIA
GPIN: 7595-87-3529
D.B. 2428, PG. 219 &
INSTRUMENT #200710110114227
TRACT# VA-PW-0072.0000

PROPOSED
1,125 SQ. FT.
20' WIDE METRODUCT
SYSTEMS VA LLC
EASEMENT AREA

#9651 HORNBAKER ROAD
N/F
POWERLOFT @ INNOVATION I, LLC
GPIN: 7595-96-0062
INSTRUMENT #201009140079631

EX. 25' (CSE) UTILITY
EASEMENT
INST.
#200710110114227

HORNBAKER ROAD
STATE ROUTE 660

Line Table:

LINE	BEARING	DISTANCE
L1	N 67°44'43" W	56.20'
L2	N 15°25'27" E	20.14'
L3	S 67°44'43" E	56.28'
L4	S 15°39'52" W	20.13'

Graphic Scale: 1" = 30'



The Exhibit is Drawn for the limited use of Metroduct Systems VA LLC to identify the easement location and is not intended to represent accurate survey of the property. This Exhibit Prepared by THE TISHILL COMPANY

Metro Duct Systems #8093 Elm Drive, Mechanicsville, VA 23111

Field Plot for METRODUCT SYSTEMS VA LLC Showing a

20' Easement Across The Property Of
BOARD OF COUNTY SUPERVISORS
OF PRINCE WILLIAM COUNTY, VIRGINIA
Located in The Brentsville District of Prince William County Virginia

DATE
10/27/18
SCALE
1"=30'

ENGINEER
SN
TECHNICIAN
TMM

PAGE - OF -

MDS
METRO DUCT SYSTEMS

CK'D BY
SN

TRACT #
VA-PW-0072.0000

SHT 02 OF 02

TOTAL EASEMENT AREA
2,432 Sq Feet

PLAT No

MDS 18 024

WORK ORDER

05186639

LOCATION

Brentsville District

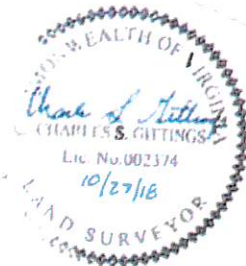
CITY

Prince William

STATE

VIRGINIA

PER INSTRUMENT
#200710110114227





Christopher E. Martino
County Executive

COUNTY OF PRINCE WILLIAM

OFFICE OF EXECUTIVE MANAGEMENT

1 County Complex Court, Prince William, Virginia 22192-9201
(703) 792-6600 Metro 631-1703 FAX: (703) 792-7484

BOARD OF COUNTY SUPERVISORS

Corey A. Stewart, Chairman

Maureen S. Caddigan, Vice Chairman

Ruth M. Anderson

Pete Candland

Jeanine M. Lawson

Martin E. Nohe

Frank J. Principi

February 25, 2019

TO: Board of County Supervisors

FROM: Ricardo Canizales 
Director of Transportation

THRU: Christopher E. Martino 
County Executive

RE: Authorize Conveyance of Various Telecommunications Easements in Connection with the Installation of Multi-Conduit Infrastructures Over County-Owned Properties Located at 9405 Discovery Boulevard, 9349, 9401, 9451, 9525 and 9601 Hornbaker Road – **Brentsville Magisterial District**

I. Background on the subject in chronological order is:

- A. Innovation Technology Park – Innovation Park was acquired by the County by Deed recorded March 27, 1997, in Deed Book 1228 at page 219 among the land records of Prince William County and was planned as a business and technology park area intended for parcels to be marketed to biotechnology, life science, and other high technology industry prospects for purchase, development and facilities construction and operations.
- B. High Speed Broadband Accessibility – Accessibility to reliable high-speed, broadband, fiber-optic telecommunications is an essential service prospective Innovation Park purchasers require for their business operations. Providing this access increases the desirability and marketability of the Innovation Park parcels and gives the County a competitive advantage when marketing sales of the Innovation Park parcels.

- C. Establishment of Common Service Easement Areas – By Instrument Nos. 200111270125669 and 201204040031371 recorded November 27, 2001, and April 4, 2012, respectively, among the land records of Prince William County, Common Service Easement areas (CSE areas) were established adjoining the various parcels and roadways in Innovation Park. The CSE areas were established for the future installation, construction and maintenance of utilities and recordation of any easements required by utility companies or other easement holders servicing parcel owners in Innovation Park.
- D. Telecommunications Easement Requirements – MetroDuct Systems, VA LLC (MetroDuct), a licensed competitive local exchange carrier in the Commonwealth of Virginia, has proposed plans for construction of telecommunications multi-conduit infrastructures that would require 195,421 square feet of easement area both inside and outside the CSE areas over the following County-owned Innovation Park properties:
1. 9405 Discovery Boulevard
 - MetroDuct Systems, VA LLC – 44,519 square feet of land inside and outside CSE areas is necessary for a MetroDuct Systems, VA LLC Easement.
 2. 9349 Hornbaker Road
 - MetroDuct Systems, VA LLC – 30,576, 8,897, 46,123, 1,666 and 32,079 square feet of land outside the CSE areas is necessary for a MetroDuct Systems, VA LLC Easement.
 3. 9401 Hornbaker Road
 - MetroDuct Systems, VA LLC – 1,638 square feet of land outside the CSE area is necessary for a MetroDuct Systems, VA LLC Easement.
 4. 9451 Hornbaker Road
 - MetroDuct Systems, VA LLC – 13,691 square feet of land inside and outside the CSE areas is necessary for a MetroDuct Systems, VA LLC Easement.
 5. 9525 Hornbaker Road
 - MetroDuct Systems, VA LLC – 13,800 square feet of land inside the CSE areas is necessary for a MetroDuct Systems, VA LLC Easement.

6. 9601 Hornbaker Road

- MetroDuct Systems, VA LLC – 1,307 and 1,125 square feet of land inside the CSE area is necessary for a MetroDuct Systems, VA LLC Easement.

II. **Current Situation** is as follows:

- A. Easements Requested – To allow for the installation of the multi-conduit infrastructures, MetroDuct has requested conveyance of the various MetroDuct easements inside and outside the existing CSE areas over County-owned properties located at 9405 Discovery Boulevard, 9349, 9401, 9451, 9525 and 9601 Hornbaker Road, and has agreed to pay the fair market value of \$390,842 for the 195,421 square feet of easement area determined by staff to be \$2.00 per square foot.
- B. Public Hearing Notice – Notice of a public hearing was advertised in a newspaper of general circulation on March 6, 2019, and March 13, 2019.
- C. Board Action Requested – The Board of County Supervisors is requested to authorize conveyance of various telecommunications easements in connection with the installation of multi-conduit infrastructures over County-owned properties located at 9405 Discovery Boulevard, 9349, 9401, 9451, 9525 and 9601 Hornbaker Road in the Brentsville Magisterial District.

III. **Issues** in order of importance are:

- A. Service Level/Policy Issue – What are the service levels or policy issues involved with authorizing conveyance of various telecommunications easements in connection with the installation of multi-conduit infrastructures?
- B. Timing – Is there a deadline to authorize a public hearing for the conveyance of the easements to occur?
- C. Fiscal Impact – What is the cost to the County?
- D. Legal – How will the legal requirements be fulfilled?

IV. **Alternatives** in order of feasibility are:

- A. Authorize conveyance of various telecommunications easements in connection with the installation of multi-conduit infrastructures over County-owned properties located at 9405 Discovery Boulevard, 9349, 9401, 9451, 9525 and 9601 Hornbaker Road in the Brentsville Magisterial District.

1. Service Level/Policy Issue – Authorizing the conveyance of various telecommunications easements in Innovation Park will further the County’s goal to successfully market and sell the parcels by improving the desirability and value of the parcels to prospective parcel purchasers.
2. Timing – There is no deadline for the County to hold a public hearing to consider conveyance of the easements; however, improvement of the Innovation Park parcels cannot be completed without conveyance of the easements.
3. Fiscal Impact – No costs will be incurred by the County by authorizing a public hearing except the cost of advertising, and Board and staff time. The County will be paid the fair market value of \$390,842 for the 195,421 square feet of easement area determined by staff to be \$2.00 per square foot which is based on the fee simple fair market value of \$6.00 per square feet.
4. Legal – In accordance with Virginia Code Section 15.2-1800 Ann., a public hearing is required prior to the disposition of County-owned property.

B. Take No Action

1. Service Level/Policy Issue – The County will be unable to improve the marketability and desirability of the parcels with state of the art access to high speed telecommunications.
2. Timing – Installation of multi-conduit infrastructures will be delayed.
3. Fiscal Impact – The County incurs no cost by not conveying the telecommunications easements but will not realize payment of the easement value \$390,842, proceeds from sales of the parcels and gains accruing to the tax base through private development of Innovation Park.
4. Legal – The Board is under no legal obligation to convey the easements.

V. Recommendation is that the Board of County Supervisors concurs with Alternative A and approves the attached Resolution.

Staff Contact: Tim Witter 703-792-5275