

PER INST.# 040002428
 SCALE 1" = 20'

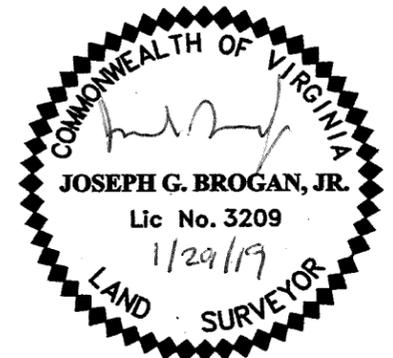
**BOUNDARY LINE ADJUSTMENT BETWEEN
 TAX MAP 20A8-4 PARCELS 23 AND 29**

FORK MAGISTERIAL DISTRICT

TOWN OF FRONT ROYAL

WARREN COUNTY, VA.

PREPARED BY:
 BROGAN LAND SURVEYING, PLC
 P.O. BOX 1578
 FRONT ROYAL, VA. 22630-0034
 TEL. & FAX (540) 635-5657
 JANUARY 29, 2019



RESOLUTION

WHEREAS, Vibe Properties, LLC, a Virginia Limited Liability Company (“Vibe Properties”), the owner of improved real property located at 120 and 124 E. Main Street, Town of Front Royal, County of Warren, Virginia, has requested that the Town Council of the Town of Front Royal, Virginia, authorize of a proposed encroachment of a portion of said improvements located on Vibe Properties’ real property, specifically, a loading dock, including steps and a roof, onto, on and over the Town’s Peyton Street Parking Lot; and,

WHEREAS, pursuant to the authority granted the Town by Sections 15.2-2009 through 15.2-2011 of the Code of Virginia, 1950, as amended, Town Council is of the opinion that it is in the public interest to authorize said proposed encroachment of a portion of said improvements located on Vibe Properties’ real property, specifically, a loading dock, including steps and a roof, onto, on and over the Town’s Peyton Street Parking Lot, for a period not to exceed five (5) years, which said authorization period may be extended by additional five (5) year periods by further Encroachment License executed by the Town Manager in the name of the Town Council, all according to the terms and conditions stated in an Encroachment License to be executed by the parties, with plat of survey attached, to the extent as more particularly described therein, it being intended that said encroachment would be substantially the same as described as shown on that certain drawing plat titled “120-124 E. MAIN ST. ZONING DIMENSIONAL DRAWING TOWN OF FRONT ROYAL, VIRGINIA TM# 20A8-4 PARCEL 29”, dated 4-27-17, by John C. Lewis, Professional Engineer, Painter-Lewis, P.L.C..

NOW, THEREFORE, BE IT, HEREBY, RESOLVED by the **Town Council of the Town of Front Royal, Virginia, that the Town Council hereby authorizes the proposed encroachment** of a portion of said improvements located on Vibe Properties' real property, specifically, a loading dock, including steps and a roof, onto, on and over the Town's Peyton Street Parking Lot, for a period not to exceed five (5) years, which said authorization period may be extended by additional five (5) year periods by further Encroachment License executed by the Town Manager in the name of the Town Council, all according to the terms and conditions stated in an Encroachment License to be executed by the parties, with plat of survey attached, to the extent as more particularly described therein, it being intended that said encroachment would be substantially the same as described as shown on that certain drawing plat titled "120-124 E. MAIN ST. ZONING DIMENSIONAL DRAWING TOWN OF FRONT ROYAL, VIRGINIA TM# 20A8-4 PARCEL 29", dated 4-27-17, by John C. Lewis, Professional Engineer, Painter-Lewis, P.L.C..

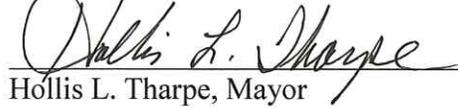
This encroachment authorization is conditioned upon the execution and recording of an Encroachment License by Vibe Properties, with plat of survey attached, authorizing said proposed encroachment according to the terms and conditions stated therein and to the extent as more particularly described therein. The Mayor is hereby authorized to execute an Encroachment License acceptable to Town on behalf of the Town.

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[[SIGNATURES NEXT PAGE FOLLOWING]]

THIS RESOLUTION was approved at the Regular Meeting of the Town of Front Royal, Virginia, Town Council conducted on 6-12, 2017, upon the following recorded vote:

APPROVED:


Hollis L. Tharpe, Mayor

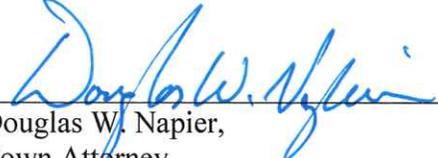
Town Council Members:

John P. Connolly yes
Jacob Meza yes
Eugene R. Tewalt yes

Bébhinn C. Egger yes
William A. Sealock yes
Christopher Morrison yes

Attest:


Jennifer E. Berry, CMC, Clerk of Council
Approved as to form:

 6-12-17
Douglas W. Napier, Date
Town Attorney

EXCERPT FROM WORK SESSION MINUTES OF Monday, June 5, 2017

Request from Vibe Properties for Proposed Encroachment at 120-124 E. Main St (Barnhart Bldg) – Director of Community Development/Tourism

Summary: A request was submitted by Vibe Properties for a proposed encroachment into the Peyton Street Parking Lot (public property). This encroachment is for a loading dock, including steps and a roof. The loading dock would be used by the new brewpub restaurant located within the building of 120-124 E. Main Street (Barnhart Building). More specifically, the encroachment would be located within the narrow area between the back of the parking lot curb and the applicant's wall. Based on the applicant's plans, only approximately 1 ½ feet of the loading dock would encroach into the public property.



Staff Evaluation: Staff recommends approval of the proposed loading dock encroachment.

Budget/Funding: no direct impact. Indirect costs would include moving the electrical box in the ground back away from the loading dock. In addition, it is anticipated that the dumpster pad would need to be increased in size to meet the solid waste disposal needs of the brewpub.

Felicia Hart introduced the Barnharts and noted that the packet contained photos of what the couple planned for downtown. Mrs. Barnhart noted that Vibe Properties was an LLC and they have resided in the community for three years, owning properties for five. She stated that she and her husband are retired and saw the need for certain properties in the downtown area, and they purchased the Weaver Building (old Lucky Star location); and the Old Boyd's Garage building and the attached parcel next to it. Mrs. Barnhart explained that they would like to change the energy along Main Street, as with their purchases they would have six storefronts that would change the look along those sections of the downtown area. She stated that it was their hope to change the look and feel of Main Street and set an example for Main Street as a whole. She went on to note that it would include the bakery, an art gallery, a restaurant, the Vine & Leaf, the outdoor store, and Front Royal Brewing Company.

Mrs. Barnhart also introduced Jerry Welcome, the General Manager of the Brewing Company. She explained that the lease for each property have set hours to encourage the downtown area to remain open more often; open 6 days a week for at least 8 hours per day. She noted that merchandising consulting assistance being provided to each business and their business model is different from other landlords as they are looking for long-term investments, not just rent.

Mrs. Barnhart explained that they are retrofitting the auction house and creating the Brewery and they Mr. Thompson is the Chief Engineer of the Brewing Company and he was also available to answer any questions with Mr. Welcome. She stated that they would need the loading dock area to bring in hops and other items that come in on pallets, tanks and other large things for the kitchen and the brewery. She added that they had extended 18" over the property line and are asking for an encroachment for the loading dock.

Council Discussion: Mayor Tharpe asked how to best proceed. Mr. Napier noted that they would need to post a nominal fee. Mayor Tharpe asked Council's desire; Vice Mayor Tewalt asked if it needed to go through Planning Commission. Mrs. Barnhart stated that it did not and the Planning Staff have recommended approval of the 18". Mr. Tewalt voiced his support, as did Mr. Meza, adding that he would like to move forward with the property selling, rather than returning back to Council every five years. Mayor Tharpe expressed his agreement with Mr. Meza.

Mrs. Barnhart noted that progress would be seen in the next few weeks and their timeline was pressing; she expressed her thanks for Council's support. Vice Mayor Tewalt noted that if they sold the property it would go back to the Planning Commission, so if time was of the essence it would need to move forward with the encroachment and then return at a later time with the selling of the property permanently. Ms. Hart noted that was correct, adding that Mr. Camp had recommended that this was the fastest way to not hold up the process for the businesses.

Mayor Tharpe asked that Messrs. Napier and Waltz move it forward as fast as possible and he welcomed the Barnharts to Main Street. Mr. Napier noted that the encroachment would take very little time and then the sale would take a bit longer to finalize. Council discussed the outside eating area and entrance for customers, as well as the dumpster reconfiguration. Mayor Tharpe directed Mr. Waltz that if the business needed other parking near the rear to take care of that for the Brewery.