

Gardner, Stephen

From: Gardner, Stephen
Sent: Thursday, May 13, 2010 11:59 AM
To: 'Sean Hughes Law'
Cc: 'Bird, Amy'; 'Claffey, Vicky'; Armstrong, Van
Subject: RE: WAN493 Beaumeade BTD
Attachments: PC CMTE MEMO 05-19-10.pdf

Sean,

I have attached the May 19, 2010 Planning Commission Work Session Memorandum as an FYI. Regarding your questions:

- 1) T Mobile is listed as item # 2 on the agenda; land use cases are not included under administrative items.
- 2) As previously indicated, the right-of-way issue is identified as outstanding. Condition # 6 has been proposed as a solution. Any answer as to whether a commissioner or board member will identify this issue as a concern would be speculative. I will note that the both the Board and PC look for solutions, and a solution has been proposed.
- 3) At this time, no additional revisions to the drawings are needed. The plat that was transmitted to the PC is the latest that was submitted, dated May 5, 2010.
- 4) No additional written comments from Transportation have or will be provided. The concerns of transportation are reflected in the attached memorandum. The only additional County review comments that you can anticipate receiving will be from the County Attorney's Office and will reflect a final review of the Conditions of Approval.

I hope this helps.

Stephen Gardner

-----Original Message-----

From: Sean Hughes Law [mailto:shugheslaw@comcast.net]
Sent: Thursday, May 13, 2010 8:06 AM
To: Gardner, Stephen
Cc: 'Bird, Amy'; 'Claffey, Vicky'; Armstrong, Van
Subject: RE: WAN493 Beaumeade BTD

Stephen-

Thanks for the below feedback-this is helpful. Also--I am re-pasting some pending questions from my most recent email and would appreciate your additional feedback re them:

1. -We are on for PC review next wed, May 19
*** Do we fall under admin items at that work session and/or where do you expect us to be on the agenda-as do not specifically see us listed on the agenda by name?
2. -You noted that the ROW item will likely be listed as an Outstanding item-but one that can be resolved at site plan review. Do you and Van envision this being a concern for PC or Bd?

3. Do you want any additional revisions to the drawings? Are you using the most recent version we sent you last week or prior version (what is the date on the version you are submitting).

4. We have not seen the Transportation Division's comments re the ROW and how to address from their perspective. Please forward any written comments from them.

Thank you-

sean

-----Original Message-----

From: Gardner, Stephen [mailto:Stephen.Gardner@loudoun.gov]

Sent: Wednesday, May 12, 2010 4:09 PM

To: Sean Hughes Law

Cc: 'Bird, Amy'; 'Claffey, Vicky'; Armstrong, Van

Subject: RE: WAN493 Beaumeade BTD

Sean,

I apologize that I missed you again this morning. The following summarizes what was included in my voicemail. T Mobile Beaumeade will be considered by the Planning Commission at its May 19, 2010 Work Session. The item applicable to this meeting will be distributed to the Planning Commission today and made available to you tomorrow. As an FYI, I have attached the revised Conditions of Approval.

Regarding the issue of dedication, the current SPEX plat depicts right-of-way widths ranging from thirty-five (35) feet to thirty-four (34) feet from the existing centerline of Smith Switch Road to the property line. This is in contrast to the March 23, 2010 draft of the plat which depicts a right-of-way of thirty-five (35) feet from the ultimate centerline to an adjusted property line, suggesting the need for additional dedication.

The County has reviewed the documents submitted previously and concurs that a public dedication did occur pursuant to SBWV-1994-0021 and was properly recorded. The questions that remains is whether this dedication was sufficient to accommodate the ultimate condition of Smith Switch Road.

Given the discrepancy between the right-of-way noted on the plat and the removal of the ultimate centerline as a reference point, Staff considers the issue of right-of-way dedication outstanding. However, Condition # 6 related to the "Dedication of Right-of-Way" resolves this issue and, as such, has been retained. Staff maintains its recommendation of approval, subject to this and the other Conditions.

Finally, this application has been advertised for the June 7, 2010 Board of Supervisors Public Hearing. In the next day or so, I will initiate the final review of the Conditions by the County Attorney's Office. I am hopeful this review can be completed by the 7th.

Thanks,

Stephen Gardner

From: Sean Hughes Law [mailto:shugheslaw@comcast.net]

Sent: Tuesday, May 11, 2010 6:04 PM

To: Gardner, Stephen; Armstrong, Van
Cc: 'Bird, Amy'; 'Claffey, Vicky'
Subject: RE: WAN493 Beaumeade BTD

Stephen-

Thanks for your voice message today. I tried you back live and got your voice mail and left a message this afternoon.

Please call back or email at your earliest convenience so I/we understand where we stand here, next steps-so T-Mobile can do its best to make this application move forward towards timely completion-in hopes that all three wireless providers can gain approval and soon provide enhanced wireless services to the area.

Sean

From: Sean Hughes Law [mailto:shugheslaw@comcast.net]
Sent: Monday, May 10, 2010 10:21 PM
To: 'Gardner, Stephen'; 'van.armstrong@loudoun.gov'
Cc: 'Bird, Amy'; 'Claffey, Vicky'
Subject: RE: WAN493 Beaumeade BTD

Stephen-

I understand that you literally bumped into Amy Bird in the hallway this past Friday and briefly discussed this matter.

Please advise me re below and pass on any written feedback/direction you have received back from Transportation division.

Thank you,

Sean Hughes

From: Sean Hughes Law [mailto:shugheslaw@comcast.net]
Sent: Thursday, May 06, 2010 2:59 PM
To: 'Gardner, Stephen'; 'van.armstrong@loudoun.gov'
Cc: 'Bird, Amy'; 'Claffey, Vicky'
Subject: RE: WAN493 Beaumeade BTD

Stephen & Van-

Per my phone call discussions with Stephen on Tue and Wed.-I understand that the County Transportation division has yet to respond re the ROW dedication issue per the info we provided last Tuesday (April 27).

As my client desires to continue forward with this needed and solid application, which received no opposition at the Planning Commission Public Hearing on March 24 (or otherwise that we are aware of)-we have sent out revised plans today to Stephen (for delivery tomorrow am) in order to stay on track for our review dates of May 12 by the PC and Board on June 7. The revised drawings reflect the prior dedication and location of the ROW per the documents supplied last week. We hope and believe that the County/Transportation group will concur and we can proceed forward.

Thanks,

Sean Hughes

From: Sean Hughes Law [mailto:shugheslaw@comcast.net]
Sent: Monday, May 03, 2010 1:36 PM
To: 'Sean Hughes Law'; 'Gardner, Stephen'; van.armstrong@loudoun.gov
Cc: 'Bird, Amy'; 'Claffey, Vicky'
Subject: RE: WAN493 Beaumeade BTD

Stephen-

I just tried you live and left another voice message. I/we will await your call.

Sean

From: Sean Hughes Law [mailto:shugheslaw@comcast.net]
Sent: Friday, April 30, 2010 3:55 PM
To: 'Gardner, Stephen'; 'van.armstrong@loudoun.gov'
Cc: 'Bird, Amy'; 'Claffey, Vicky'
Subject: RE: WAN493 Beaumeade BTD

Stephen and Van-

I tried both of you today and was told you were both gone for the day.

Since we have not heard back re the ROW item-which we sent Tuesday afternoon and the revised plan addressing comments from meeting last week per below (submitted yesterday am) I will assume that they are not due Monday-as we need your feedback in order to ensure the plan is in the format you desire for our PC review, etc.

Please call Monday am to advise on these 2 items and we will make any edits to the plan (if requested) and look to print the plan and send for Tuesday delivery-and thus move forward towards our planed dates.

Thank you,

Sean Hughes
703 906 0184

From: Sean Hughes Law [mailto:shugheslaw@comcast.net]
Sent: Thursday, April 29, 2010 10:15 AM
To: 'Gardner, Stephen'; 'van.armstrong@loudoun.gov'
Cc: 'Bird, Amy'; 'Claffey, Vicky'
Subject: RE: WAN493 Beaumeade BTD

Stephen-

Good morning. I just tried you live and left a message.

Please call or email back re:

1. Below item-re ROW documentation
2. I would like to send you and/or Nita the REVISED DRAFT Drawing-per

edits at our meeting last Friday to confirm that we fully understood and effectively transmitted the changes onto this REVISED Plan. We will look to provide later today by email.

3. Re 2 above we would like to allow you and/or Nita some time to review-through mid-day on Friday and reply with any edits. To that end we would like to ask to have the weekend and Monday am to make any edits and ship out the plans to you. Is a Tue am delivery acceptable?

Thank you-

Sean

From: Sean Hughes Law [mailto:shugheslaw@comcast.net]
Sent: Tuesday, April 27, 2010 4:12 PM
To: 'Gardner, Stephen'; 'van.armstrong@loudoun.gov'
Cc: 'Bird, Amy'
Subject: FW: WAN493 Beaumeade BTB

Stephen and Van-

Good afternoon. Pursuant to our call last week and the ROW item- Please see below and attached (and the highlights noted on the docs to assist) info re that Dominion 35ft ROW on Smith Switch Road. We believe this provides the documentation to support Dominion's position that the ROW exists and has for some time and which apparently sufficed for Loudoun Co. during previous (2002) review of property.

Please confirm that the condition can now go away or let's talk live if needed. I believe and hope that with this and the other items we discussed and are clearly up- per our meeting last Friday that all issues are/will be resolved.

Thanks again-

Sean

703 906 0184 cell

From: Erin Fagan [mailto:efagan@ustitlesolutions.com]
Sent: Tuesday, April 27, 2010 11:04 AM
To: Sean Hughes Law; Bobiak, Ron
Subject: RE: WAN493 Beaumeade BTB

Sean,

You are welcome.

To reiterate our conversation this morning please see my notes below:

The vesting deed to the subject property recorded in Deed Book 1348 Page 684 from Beau Meade Associates to Virginia Electric Power Company shows a 35' dedication for public use along the northern part of the property. The 35' dedication is referenced on the following:

Boundary Line Adjustment in Instrument No. 20040923-0103064 Vesting Deed
1348/684 - Reference on survey attached to deed Plat Book 151 - Reference to dedication on plat.

I have noted the dedication on the document attached for your review.

Please let me know if you need anything further.

Thank you.

[cid:image001.gif@01CAF1E4.BA8C39F0]

Erin S. Fagan

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