

**RESOLUTION TO CREATE AN EASEMENT AND/OR AMEND THE
VIRGINIA TECH/MONTGOMERY REGIONAL AIRPORT AUTHORITY
STORMWATER EASEMENT TO ACKNOWLEDGE AN ENCROACHMENT
AND CREATE A STORMWATER CHANNEL/DITCH**

WHEREAS, the Board of Visitors of the Virginia Polytechnic Institute and State University (“Virginia Tech”) approved a resolution on November 18, 2013 authorizing the transfer of approximately 26.361 acres in fee simple, 17.920 acres in a permanent easement for the Runway Protection Zone, and 3.549 acres for a stormwater easement to the Virginia Tech/Montgomery Regional Airport Authority (the “Airport Authority”) in order to allow for the expansion of the Virginia Tech/Montgomery Executive Airport; and

WHEREAS, the Board of Visitors approved a resolution on November 10, 2014 to clarify and affirm Article VI Reversion Clause as stated in the Agreement For Purchase And Sale of Real Estate dated November 2013; and

WHEREAS, Virginia Tech by Deed of Easement dated March 6, 2015 and recorded in the Clerk’s Office of the Circuit Court of Montgomery County, Virginia, at Instrument Number 2015001468 granted a stormwater easement on a 3.549 acres area as more particularly identified on a survey recorded in the said Clerk’s Office at Instrument Number 2015001466 and as shown on the attached drawing entitled “Stormwater Easement Near Lane Substation;” and

WHEREAS, the March 6, 2015 Deed of Easement states in part that Virginia Tech may use the 3.549 acres stormwater easement area for any purpose not inconsistent with the rights granted in the easement, and that Virginia Tech may relocate for Virginia Tech’s convenience any of the Airport Authority’s facilities installed and used pursuant to the easement; and

WHEREAS, the Board of Visitors approved a resolution on April 28, 2015 for the Lane Substation expansion; and

WHEREAS, the Lane Substation expansion encroaches in part into the 3.549 acres stormwater easement area by approximately thirty feet (30’) in width and approximately one hundred eighty feet (180’) in length as more particularly shown on the attached drawing; and

WHEREAS, a portion of the Virginia Tech/Montgomery Executive Airport expansion project under construction by the Airport Authority requires an improved and more directed flow of stormwater in the area of the Lane Substation through the creation of a stormwater channel or ditch. The majority of which channel/ditch will be located within the 3.549 acres stormwater easement area. However, a portion of the stormwater channel/ditch will need to be located outside the 3.549 acres stormwater easement area and will connect to an existing Virginia Tech stormwater pipe on other Virginia Tech land. The portion of the stormwater channel/ditch located outside the 3.549 acres stormwater

easement area is estimated to be approximately ten feet (10') in width by approximately one hundred thirty feet (130') in length; and

WHEREAS, Virginia Tech and the Airport Authority desire to acknowledge and agree to the encroachment, in part, of the Lane Substation expansion into the stormwater easement area, and to improve and direct the stormwater flow into the 3.549 acres stormwater easement area through a stormwater channel/ditch;

NOW, THEREFORE, BE IT RESOLVED, that the Vice President for Operations, his successors and/or assigns, be authorized to execute an easement and/or an amendment to the existing March 6, 2015 Deed of Easement, as appropriate, to acknowledge and agree to the partial encroachment of the Lane Substation expansion into the stormwater easement area, and to allow for the creation and maintenance of a stormwater channel/ditch in accordance with applicable Virginia Tech procedures as permitted by the Higher Education Restructuring Act and Management Agreement with the Commonwealth of Virginia, and the Code of Virginia (1950), as amended.

RECOMMENDATION:

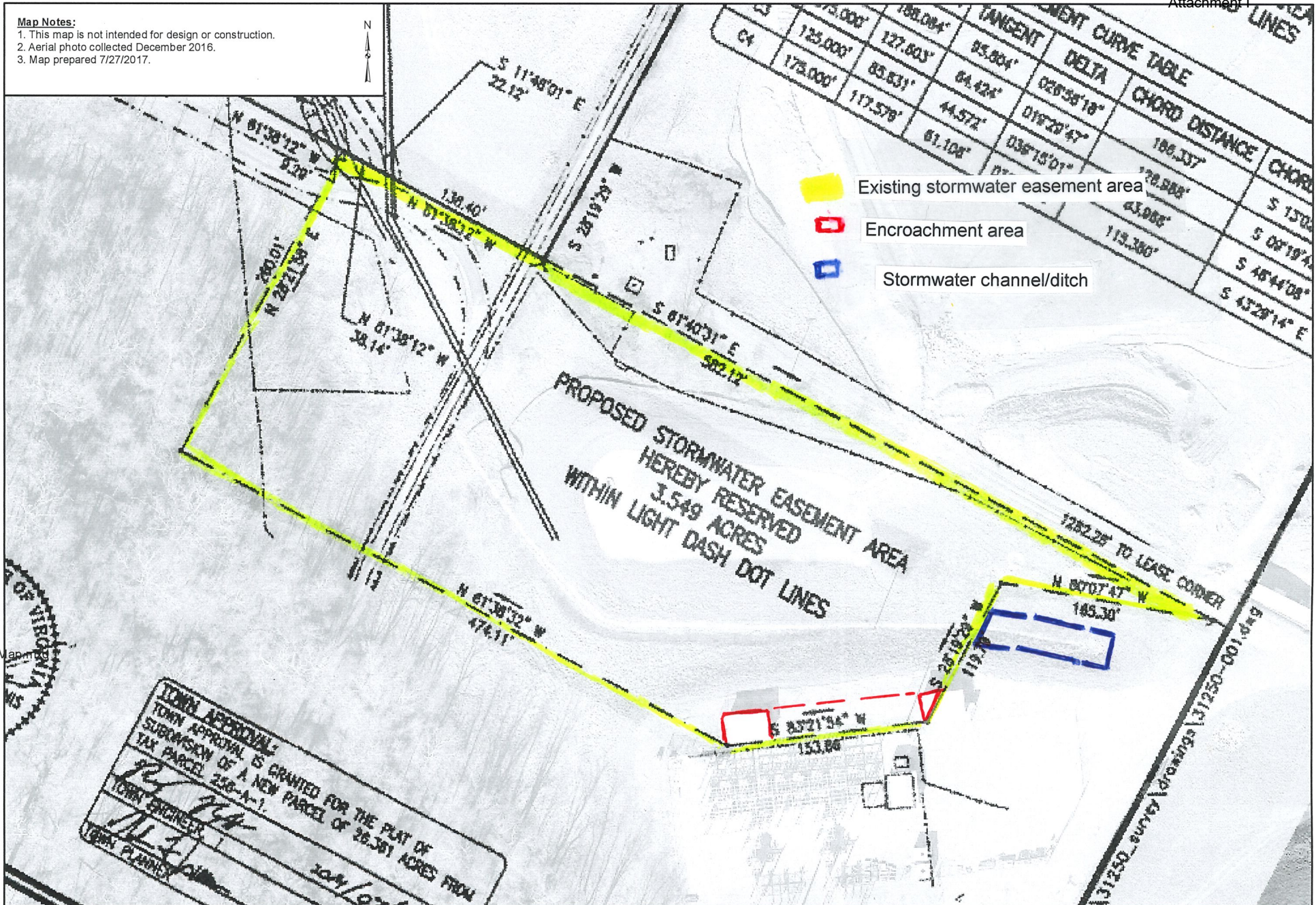
That the above resolution authorizing the Vice President for Operations, his successors and/or assigns, to create an easement or to amend the existing March 6, 2015 Deed of Easement, as appropriate, to acknowledge and agree to the partial encroachment of the Lane Substation expansion into the stormwater easement area, and to allow for the creation and maintenance of a stormwater channel/ditch be approved.

November 5, 2017

- Map Notes:**
1. This map is not intended for design or construction.
 2. Aerial photo collected December 2016.
 3. Map prepared 7/27/2017.

STATION	TANGENT	DELTA	CHORD DISTANCE	CHORD BEARING
C3	175.000'	188.084'	85.804'	028°58'18"
C4	125.000'	85.831'	64.424'	018°20'47"
	173.000'	117.578'	44.572'	038°15'01"
			61.108'	07°
			186.337'	178.988'
			63.956'	113.360'
				S 13°02'
				S 08°19'40"
				S 46°44'08"
				S 43°28'14" E

- Existing stormwater easement area
- Encroachment area
- Stormwater channel/ditch



TOWN APPROVAL:
 TOWN APPROVAL IS GRANTED FOR THE PLAT OF
 SUBDIVISION OF A NEW PARCEL OF 26.381 ACRES FROM
 TAX PARCEL 258-A-1.
 TOWN ENGINEER: [Signature]
 TOWN PLANNER: [Signature]



Stormwater Easement Near Lane Substation

Date Created: Jul, 27, 2017