



Loudoun County, Virginia

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Department of Building and Development

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LAND DEVELOPMENT APPLICATION INSTRUCTIONS & CERTIFICATION STANDARDS

To better serve the public, Loudoun County's Departments of Building and Development and Planning, in conjunction with the Office of the County Attorney, hereby emphasize the importance for all perspective applicants, property owners and/or designated representatives to fully assume the responsibility of properly completing the attached land development application form. Proper completion of the land development application will aid in minimizing processing and tracking delays and aid in assuring that the "public" record is accurate and reliable. Be advised that said departments have full discretion not to accept land development applications for processing until such time as all of the components of the application are deemed complete in a legible manner with the applicant and property owner certifications duly signed and dated. **Prior to filing a land development application please carefully read and acknowledge the following considerations in an effort to minimize and avoid delays with the processing and acceptance of your application.**

1. **Question:** Which individuals or entities have the legal authority to sign the "property owner and applicant certifications" on behalf of an individual who is the actual property owner or applicant?

Answer: The only person who can legally sign a land development application on behalf of an individual property owner or applicant is someone to whom that individual has granted, in writing, the right to act on their behalf. Normally, this would be in the form of a Power of Attorney. The rules are the same, whether it is an individual, or a corporation or other business entity, whenever the person signing is signing as an attorney-in-fact pursuant to a Power of Attorney. The executed document (certification/land development application) must be accompanied by a copy of the Power of Attorney; the Power of Attorney must clearly grant to the attorney-in-fact the power and authority to take the action or give the consent that the

attorney-in-fact is taking or giving by his or her signature; and the Power of Attorney must be accompanied by a separate document, or must contain at the foot of the Power of Attorney, a certificate or affidavit which is dated the same date as the signature of the attorney-in-fact, and which certifies or affirms that the Power of Attorney is in full force and effect as of that date. So long as the County is furnished with an original certification or affidavit signed and currently dated, it is not necessary to furnish an original of the Power of Attorney. **Summation:** In every case, the County must be provided with at least a copy of the authorizing document, it must clearly provide the authorization, and the County must be presented with original documentation that the authorization document is in full force and effect as of the date the representative is signing. It is inappropriate to use "casual" titles such as "agent", "associate", "contract owner", and "managing member representative" or generic statements such as "on behalf of", "in care of", or "doing business as" are not acceptable, unless the document creating the agency, association, authorization, etc., is provided and verified.

2. **Question:** What documentation is required to accompany a land development application if a person purports to be a Trustee for a Trust that is the owner of a property?

Answer: The County must be provided with either a copy of the Trust Agreement so that it can be verified that the Trustee is authorized to take such actions on behalf of the Trust, or if applicable, the Trustee must provide a copy of the Deed which conveyed the property to the Trustee in trust, and such Deed must contain the statutory language which gives the Trustee the power to act without requiring other persons to inquire as to the authority of the Trustee (Reference Section 55-17.1 of the Virginia Code).

3. **Question:** Who is authorized to sign a land development application on behalf of a company, corporation, limited liability company, partnership, limited partnership, etc.?

Answers (A-D):

- A. For corporations, the signature of the President, the Vice President, CEO, CFO, or Treasurer would be acceptable. If the title indicates probable authority such as Real Estate Manager, that would be acceptable. However, if it is not one of those officers, it is appropriate for the County to require documentation from the corporation that the

person signing on its behalf does have the authority to take such actions on behalf of the corporation.

- B.** For partnerships, it should be at least one partner.
 - C.** For a limited partnership, it should be a General Partner.
 - D.** For a limited liability company, it should be a managing member although a simple member may be acceptable.
- 4. Question:** Is it appropriate for the County to request documentation of ownership when the owner information on the land development application is not the same as in the County's Land Management Information (LMIS) database?

Answer: If there is any doubt at all, the signer/applicant must provide written documentation to verify ownership. The generic use of statements such as "on behalf of", "in care of", or "doing business as" is not acceptable.

- 5. Question:** Is it acceptable for the County to accept a land development application for processing which is not signed, dated or is incomplete?

Answer: It is the County's policy not to accept a land development application for processing until such time as it is completed in every sense with appropriate signatures and dates.

- 6. Question:** Regarding land development applications for telecommunication tower uses, can the contract lessee, current lessee, or tower facility owner sign as the property owner?

Answer: In the telecommunication lease situation, the actual property owner must execute the application.

- 7. Question:** Are faxed or reproduced signatures acceptable?

Answer: Faxed or reproduced signatures are NOT acceptable.

NOTE: Attach properly completed land development application.