

**TOWN OF LEESBURG
NOTICE OF PUBLIC HEARING**

**AN ORDINANCE OF VACATION OF A PORTION OF 3RD STREET
BETWEEN SOUTH KING STREET AND WIRT STREET SW**

The **LEESBURG TOWN COUNCIL** will hold a public hearing on **TUESDAY, FEBRUARY 25, 2014, at 7:30 p.m.**, in the Council Chambers at Town Hall, 25 W. Market Street, Leesburg, Virginia, 20176, to consider an application to vacate a public right-of-way, to wit: the portion of 3rd Street located between South King Street and Wirt Street SW, pursuant to Code of Virginia of 1950, as amended, Section 15.2-2006. The application to vacate the portion of 3rd Street between South King Street and Wirt Street SW will be proposed to transfer ownership of the public right-of-way to the adjoining properties located at 711 and 713 South King Street, as a result of an application

Copies of the proposed Ordinance of Vacation and associated Plat are available from the Town Clerk, located in Town Hall. Additional information regarding this proposed Ordinance is available in the Executive Department, located on the first floor of the Leesburg Town Hall, 25 West Market Street, Leesburg, Virginia, during normal business hours (Monday-Friday 8:30 a.m. to 5:00 p.m.), or by calling Lee Ann Green, Town Clerk, at 703-771-2733.

At this hearing, all persons desiring express their views concerning this matter will be heard. Persons requiring special accommodations should contact the Clerk of Council at 703-771-2733, three days in advance of the meeting. For TTY/TDD service, use the Virginia Relay Center by dialing 711.

2/12/14, 2/19/14



Date of Council Meeting: February 25, 2014

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: Application for Vacation of Public Right-of-Way pursuant to Code of Virginia of 1950, as amended, section 15.2-2006.

Staff Contact: Lee Phillips, Department of Plan Review
Barbara Notar, Deputy Town Attorney

Recommendation: The Town Council should enact an Ordinance of Vacation authorizing the vacation and discontinuance of a portion of public right-of-way, dedicated as “3rd Street” and located adjacent to S. King St.

Issue: Should the Town Council grant an application filed with the Town by two (2) abutting property owners and enact an Ordinance of Vacation vacating a portion of dedicated public right-of-way named “3rd Street” for eventual conveyance to the property owners?

Fiscal Impact: None. Code of Virginia, Section 15.2-2008 allows the town council to condition the vacation upon a purchase price paid by the applicants. The purchase price shall be no more than the fair market value or the contributory value to the abutting property. However, the portion of right-of-way requested to be vacated is of nominal value and would have little to no contributory value to the adjoining properties. Conveyance of the right-of-way to the adjacent landowners would potentially eliminate the cost of the Town to construct and maintain the street; add the vacated street right-of-way land area back into the real estate tax rolls for tax assessment purposes; and would not change the existing highest and best use of the adjacent properties from residential use and add any significant developable area or land value to the adjoining properties. The cost of the public hearing advertisement, property survey and preparation of the plat to be used for the vacation and conveyance of the street right-of-way has been paid by the adjoining landowners requesting this action.

Background: In 1909, a subdivision plat was recorded in the Land Records which depicted the Waverley Heights Subdivision. The plat contained street dedications, one of which was a 24 foot wide area labeled “3rd Street”, a planned street which would have connected S. King Street and Wirt St., SW. Neither public improvements of any kind have been constructed nor are they planned to be constructed within this right-of-way. (The street is not depicted on the Town Plan.) A public road connection into S. King Street at this location would not comply with current public road design standards and would be unsafe. There is no need for a public road at this location and no reason exists to retain the public right of way. Therefore, there is no public benefit to retain this land and is considered surplus property.

The owners of two (2) adjacent lots to the right of way have filed a joint application with the Town requesting vacation of the right of way. They intend to use the right of way as a shared driveway to provide access to their lots. Along with their joint application, they have submitted the necessary fee and a plat depicting the area of vacation and the area of shared access easement. All other abutting property owners have been duly notified of the proposed vacation in accordance with the applicable

Vacation of Portion of 3rd Street pursuant to Code of Virginia, Section 15.2-2006

February 18, 2014

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code section. Once vacated, the mayor will be requested to execute a Deed of Conveyance which will convey the vacated right of way, in equal parts, to the applicants.

Attachments: 1.) Draft Ordinance
2.) Plat depicting area of vacation of 3rd Street
3.) Illustrative depicting area of vacation of 3rd Street

TOWN CONSENT

THE VACATION OF THE RIGHT OF WAY SHOWN HEREON AND IDENTIFIED AS "3RD STREET", IS WITH FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE TOWN OF LEESBURG, VIRGINIA. THE VACATION OF RIGHT OF WAY SHOWN HEREON IS IN ACCORDANCE WITH THE LAWS OF THE COMMONWEALTH OF VIRGINIA. THE TITLE TO THE AREA OF THE STREET VACATED BY THE TOWN IS NOT ASSURED BY THE TOWN. THE VACATION REMOVES ONLY THE TOWN'S PUBLIC STREET INTEREST IN THE LAND.

TOWN OF LEESBURG, VIRGINIA

OWNERS CONSENT

WE THE OWNERS OF THE LANDS ADJACENT TO THE PLATTED 3RD STREET, DO HEREBY ACKNOWLEDGE AND CONSENT TO THE CONSOLIDATION OF ONE-HALF PORTION OF THE VACATED LAND WITH OUR LOTS, AND FURTHER AGREE TO THE PLATTING OF THE SHARED ACCESS EASEMENT AS SHOWN HEREON.

BY: ESTERA WARRICK, OWNER LOT 17

NOTARY CERTIFICATE

STATE OF VIRGINIA, _____
TO WIT:
SUBSCRIBED AND ACKNOWLEDGED BEFORE ME, THIS _____ DAY OF _____, 20____.

BY: _____
NOTARY PUBLIC

MY COMMISSION EXPIRES _____

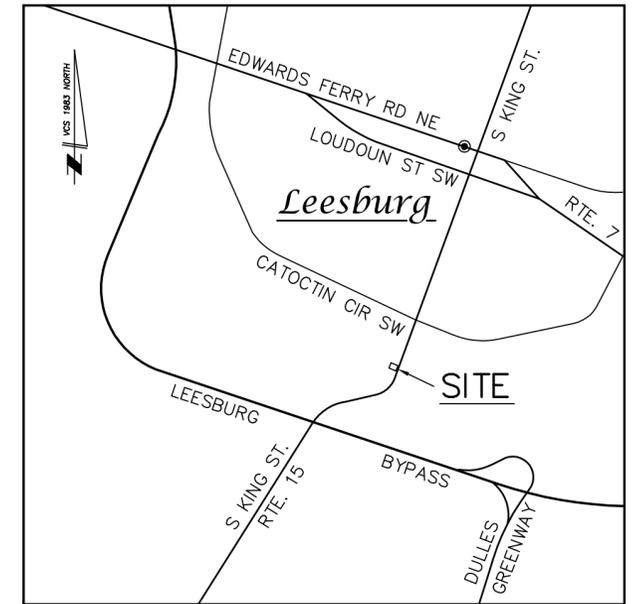
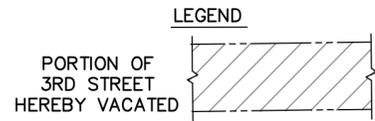
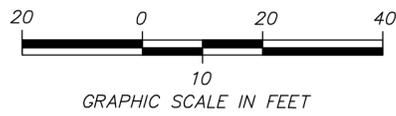
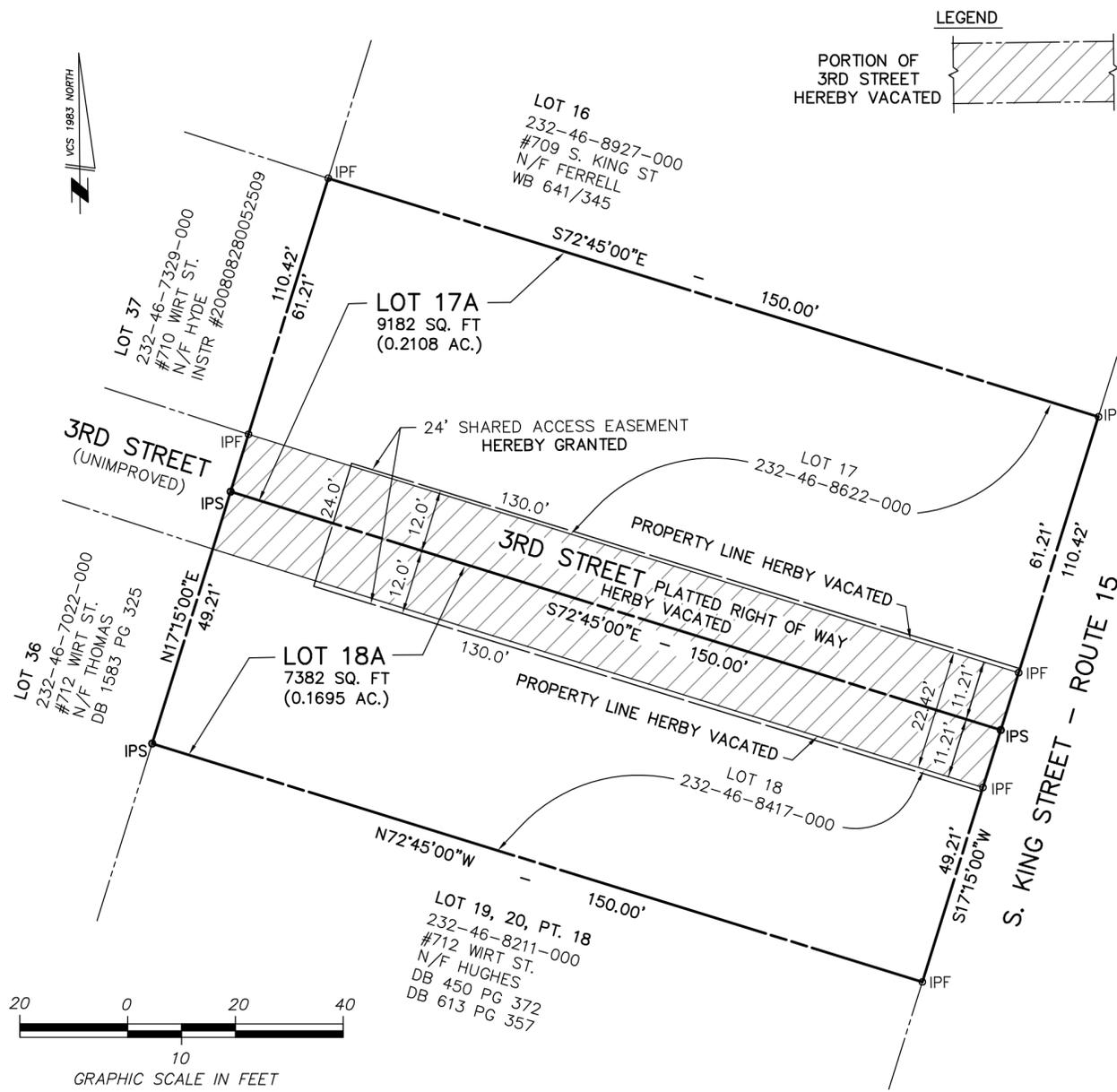
BY: STEVEN P. GREEN, OWNER LOT 18

NOTARY CERTIFICATE

STATE OF VIRGINIA, _____
TO WIT:
SUBSCRIBED AND ACKNOWLEDGED BEFORE ME, THIS _____ DAY OF _____, 20____.

BY: _____
NOTARY PUBLIC

MY COMMISSION EXPIRES _____



VICINITY MAP
SCALE: 1"=2000'

NOTES:

- METES AND BOUNDS SHOWN HEREON WERE TAKEN FROM DEEDS OF RECORD.
- NO TITLE REPORT HAS BEEN FURNISHED, PROPERTIES SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
- THIS PLAT SHALL SERVE AS THE VACATION FOR ONLY THAT PORTION OF 3RD STREET, ADJACENT TO LOTS 17 AND 18.
- THE PROPOSED SHARED ACCESS EASEMENT SHALL CREATE LEGAL AND PERPETUAL RIGHT OF ACCESS FOR LOTS 17A AND LOT 18A TO SOUTH KING STREET.
- THE INTENDED WIDTH OF 3RD STREET IS IN QUESTION AS THE ORIGINAL DOCUMENT DOES NOT CLEARLY INDICATE THIS INFORMATION. BASED ON FIELD RECOVERY OF SURROUNDING LOT CORNERS, THE WIDTH OF 3RD STREET HAS BEEN DETERMINED BY WHAT REMAINS BETWEEN THE PLATTED LOTS. THIS INFORMATION AND THE LAND AREA TOTALS ARE REFLECTED ON THIS PLAT.

ZONING - R-6 (STANDARD)

SETBACKS
FRONT - 15'
SIDE - 10'
REAR - 20'

APPROVAL BLOCK

LAND DEVELOPMENT OFFICIAL

ZONING ADMINISTRATOR

TOWN COUNCIL

AREA TABULATION - BEFORE RIGHT OF WAY VACATION

EXISTING 3RD STREET RIGHT OF WAY --- 3363 SF or 0.0772 AC.
LOT 17 ----- 7500 SF or 0.1722 AC.
LOT 18 ----- 5700 SF or 0.1309 AC.
TOTAL -----16,563 SF or 0.3802 AC.

AREA TABULATION - AFTER RIGHT OF WAY VACATION

LOT 17 ----- 7500 SF or 0.1722 AC.
PORTION OF 3RD ST. CONVEYED TO LOT 17 --- 1681.50 SF or 0.0386 AC.
LOT 17A ----- 9181.50 SF or 0.2108 AC.

AREA TABULATION - AFTER RIGHT OF WAY VACATION

LOT 18 ----- 5700 SF or 0.1309 AC.
PORTION OF 3RD ST. CONVEYED TO LOT 18 --- 1681.50 SF or 0.0386 AC.
LOT 18A ----- 7381.50 SF or 0.1695 AC.

AREA TABULATION SUMMARY

LOT 17A ----- 9181.50 or 0.2108 AC.
LOT 18A ----- 7381.50 or 0.1695 AC.

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THE LAND SHOWN HEREON TO BE VACATED (3RD STREET), IS IN THE NAME OF THE TOWN OF LEESBURG, VIRGINIA, CONTAINING 3363 SQUARE FEET, AND WAS DEDICATED AS RIGHT OF WAY WITH THE DEED RECORDED AT DEED BOOK 8 I, AT PAGE 473, TITLED "WAVERLEY HEIGHTS SUBDIVISION", AND THAT THE LOT OWNERS ARE AS INDICATED ON THIS PLAT. THE METES AND BOUNDS SHOWN HEREON ARE BASED ON THE ORIGINAL PLAT OF RECORD, AND REPRESENT A CURRENT FIELD SURVEY WITH AN ERROR OF CLOSURE OF LESS THAN 1:20,000. UPON APPROVAL BY THE TOWN COUNCIL AND PRIOR TO APPROVAL OF ANY SUBSEQUENT SITE PLAN, ALL NEW PROPERTY CORNERS PROPOSED HEREON SHALL BE SET.

PROPERTY INFORMATION - LOT 17
PARCEL ID - 232-46-8622-000
ADDRESS - 711 KING STREET
LEESBURG, VA 20175

OWNER INFORMATION
ESTERA WARRICK
9396 SIGNAL STATION DRIVE
MANASSAS, VA. 20111-8254
(INSTR. #20130219-0014453)

PROPERTY INFORMATION - LOT 18
PARCEL ID - 232-46-8417-000
ADDRESS - 713 KING STREET
LEESBURG, VA 20175

OWNER INFORMATION
STEVEN P. GREEN
43450 GOLDEN MEADOW CIRCLE
ASHBURN, VA. 20147
DB 1470 PG 201

TLBV-2014-0001

PLAT SHOWING

VACATION OF A PORTION OF 3RD STREET, RESUBDIVISION AND SHARED ACCESS EASEMENT ON
LOT 17A AND 18A
WAVERLEY HEIGHTS SUBDIVISION
TOWN OF LEESBURG
LOUDOUN COUNTY, VIRGINIA



SCHOOLS & TOWNSEND, P.C.

ENGINEERS · SURVEYORS
9252 MOSBY STREET · MANASSAS, VIRGINIA 20110
703-368-8001 · 631-2995 · FAX 703-368-9950

DATE: DEC. 20, 2013 SCALE: 1" = 20' FILE: OGP

DRAWN BY: TD CHECKED BY: TD SHEET 1 OF 1

REVISIONS	
DATE	DESCRIPTION
1-29-14	CORRECTIONS PER TOWN COMMENT LETTER OF 1-13-14.
2-20-14	LANGUAGE CORRECTIONS PER DEPUTY TOWN ATTORNEY

PRESENTED: February 25, 2014

ORDINANCE NO. _____

ADOPTED: _____

AN ORDINANCE: VACATING A PORTION OF 3rd STREET, PURSUANT TO CODE OF VIRGINIA (1950) AS AMENDED, SECTIONS 15.2-2006 AND CONVEYING THE TOWN'S INTEREST IN THE VACATED RIGHT-OF-WAY TO TWO (2) ABUTTING PROPERTY OWNERS

WHEREAS, the Town of Leesburg, Virginia ("Town") is the owner of certain right-of-way comprising a portion of 3rd Street situate in the Town, containing 0.0772 acres (3363 square feet) of land (the "Right-of-Way"), as shown on a plat attached hereto and incorporated herein by reference dated December 20, 2013, revised through February 19, 2014, entitled, "PLAT SHOWING VACATION OF A PORTION OF 3RD STREET, RESUBDIVISION AND SHARED ACCESS EASEMENT ON LOT 17A AND 18A, WAVERLY HEIGHTS SUBDIVISION" (the "Plat"), prepared by Schools & Townsend, P.C., of Manassas, Virginia; the Town having acquired the right-of-way by plat of Waverley Heights Subdivision dated October 4, 1909, recorded in Deed Book 8 I at Page 474, among the Land Records of the Loudoun County Circuit Court; and

WHEREAS, two (2) property owners whose lots abut the right-of-way, Steven P. Green ("Green"), owner of 713 King St., Leesburg, Virginia, PIN 232-46-8417 and Estera Warwick ("Warwick"), owner of 711 King St., Leesburg, Virginia, PIN 232-46-8622, have filed a joint application with the Town to vacate the portion of right-of-way, as depicted on the Plat, and once vacated, for the Town to convey one-half of the right-of-way to Warwick and one-half to Green; and

AN ORDINANCE: VACATING A PORTION OF 3rd STREET, PURSUANT TO CODE OF VIRGINIA (1950) AS AMENDED, SECTION 15.2-2006, AND CONVEYING THE TOWN'S INTEREST IN THE VACATED RIGHT-OF-WAY TO TWO (2) ABUTTING PROPERTY OWNERS

WHEREAS, a street has not been constructed within the right-of-way, the right-of-way is not depicted on the Town Plan and the Director of the Department of Public Works has determined that there is no public need for the right-of-way; and

WHEREAS, additionally, the Town's Land Acquisition Manager has determined that the public right-of-way has nominal fair market value and nominal contributory value to the applicants; and

WHEREAS, pursuant to Sections 15.2-2006 and 15.2-2008 of the Code of Virginia of 1950, as amended, the Town Council is authorized, and so desires, to vacate that portion of public right-of-way as depicted on the Plat and convey the right-of-way at no cost to the applicants; and

WHEREAS, after the publication of notice of the hearing on the application, a public hearing was held on February 25, 2014; and

WHEREAS, no persons appeared at the public hearing in opposition to the joint application to vacate the public right of way.

THEREFORE, the Council of the Town of Leesburg in Virginia hereby ordains:

SECTION I. That portion of 3rd St. containing approximately 0.0772 acres (3363 square feet) and depicted on the Plat dated December 20, 2013, revised through February 19, 2014, entitled, "PLAT SHOWING VACATION OF A PORTION OF 3RD STREET, RESUBDIVISION AND SHARED ACCESS EASEMENT ON LOT 17A AND 18A,

AN ORDINANCE: VACATING A PORTION OF 3rd STREET, PURSUANT TO CODE OF VIRGINIA (1950) AS AMENDED, SECTION 15.2-2006, AND CONVEYING THE TOWN'S INTEREST IN THE VACATED RIGHT-OF-WAY TO TWO (2) ABUTTING PROPERTY OWNERS

WAVERLY HEIGHTS SUBDIVISION" (the "Plat"), and prepared by Schools & Townsend, P.C., of Manassas, Virginia, is hereby vacated.

SECTION II. The area of land vacated shall be conveyed by the Town, by deed to the applicants equally; one-half, approximately 0.0386 acres (1681.50 square feet) to Green and one-half, approximately 0.0386 acres (1681.50 square feet) to Warwick.

SECTION III. No purchase price shall be paid by the applicants to the Town for the conveyance of the right-of-way. The applicants shall pay all costs required as set forth in Code of Virginia, Section 15.2-2008.

SECTION IV. The Mayor is authorized to sign and deliver any Deed or other ancillary legal instrument necessary to evidence or carry out the conveyance of right-of-way as described in this Ordinance, provided such Deed and/or legal instrument has been reviewed and approved by the Town Attorney.

SECTION V. The letter dated November 19, 1996, from Steven C. Brown, Town Manager for the Town addressed to "To Whom It May Concern" authorizing the parking of vehicles on the public right-of-way known as 3rd St. is hereby revoked and invalidated.

SECTION VI. This ordinance shall be effective upon its adoption.

SECTION VII. This ordinance shall be recorded among the Land Records of the Loudoun County Circuit Court, no sooner than sixty (60) days following its adoption.

AN ORDINANCE: VACATING A PORTION OF 3rd STREET, PURSUANT TO CODE OF VIRGINIA (1950) AS AMENDED, SECTION 15.2-2006, AND CONVEYING THE TOWN'S INTEREST IN THE VACATED RIGHT-OF-WAY TO TWO (2) ABUTTING PROPERTY OWNERS

PASSED this ____ day of _____, 2014.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council

COMMONWEALTH OF VIRGINIA
COUNTY OF LOUDOUN, to wit:

I, the undersigned Notary Public, in and for the jurisdiction aforesaid, do hereby certify that Kristen C. Umstattd as Mayor of the Town of Leesburg, Virginia, whose name is signed to the foregoing Ordinance, appeared before me and personally acknowledged the same in my jurisdiction aforesaid.

GIVEN under my hand and seal this _____ day of _____, 2014.

Notary Public _____

My commission expires: