



## Waynesboro City Council Agenda Briefing

<b>Meeting Date:</b>	February 11, 2019	<b>Staff/Council Member(s):</b> Luke Juday, Planning Director
<b>Agenda Item #</b>	5	
<b>Resolution</b>	None	
<b>Department:</b>	Department of Planning	
<b>Subject:</b>	Request to close and vacate undeveloped alleys around a property located at the end of Carmen Avenue, Summercrest Avenue, Stonewall Jackson Drive, and Robert E. Lee Avenue, city tax map number 42-12-7 (part)	

**Background:** The City Planning Department has received a request from Valley Covenant Church, to vacate undeveloped alleys around a property at the end of Carmen Avenue, Summercrest Avenue, Stonewall Jackson Drive, and Robert E. Lee Avenue, tax map number 42-12-7 (part). The alleys to be vacated include two parts: a 20-foot alley adjoins tax map parcels 42-8-11-2&3 and 42-10-11-15 to 20; and an alley in variable width (10 feet to 20 feet) adjoins tax map parcels 32-3-13-1, 32-3-12-1 to 5, 32-3-11-1 to 6, and 42-14-13-1.

In accordance with the City Charter, the Mayor shall appoint three citizen viewers to ascertain whether any inconvenience to the public will result or whether landowners abutting on the proposed vacation will suffer any special damage from the vacation. Upon receipt of the viewer's report the City Council will set a public hearing on the matter. A staff report will be provided in advance of the public hearing.



**City Manager's Recommendation:** The Mayor should appoint three viewers, and name a Chairman and an alternate viewer.

**Suggested Motion(s):** None needed.

**Attachments:**

1. Application
2. Plat showing alleys to be vacated



# VACATING STREET/ALLEY APPLICATION

CITY OF WAYNESBORO, PLANNING DEPARTMENT

Reference City Charter Sec. 2.6(b)

Application Fee \$300

### A.) APPLICATION TYPE:

Street Vacation

Name of Street \_\_\_\_\_

Alley Vacation

Name of alley (if applicable) See description below

### B.) SITE INFORMATION:

Description and location of area requested to be vacated: Alley adjoining Lot 1, Blk 13; Lots 1-5, Blk 12; Lots 1-6 Blk 11 Mondomaine Unit 2 and Lot 1, Blk 13 Walnut Grove Farm Section 3. Alley adjoining Lots 15-20, Lot 2-3 Blk 11 Walnut Grove Farm Section 4. See attached sketch

Reason for requesting vacation: Applicant is the owner of adjoining property, TM#42-12-7 (part) and wants to "clean up" unused alleys.

Present Zoning: RG-5 Comprehensive Plan Designation: Low Density Residential

Is the Portion of the Alley or Street Improved?  YES  NO

If Yes, is it being used by persons other than yourself?  YES  NO If Yes, please explain: \_\_\_\_\_

List all Property Owners Adjacent to the Street/Alley: (use separate sheet if necessary)

Property Owner Name	Mailing Address	City Tax Map # & Parcel
See Attached Spreadsheet	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

### C.) APPLICANT INFORMATION:

Name: Valley Covenant Church c/o David Kirby

(Printed)

Address: P.O.Box 804 Fishersville VA 22939

(Street Address)

(City, State, Zip)

Email Address: david.kcompany@gmail.com Phone #: 540 476-1505

FOR OFFICE USE ONLY:

Date Rec'd 01/21/2019 Fee Paid \$ 300.00 MS Receipt # \_\_\_\_\_ Application # 17-025 Approval Date \_\_\_\_\_  Not

**G.) SIGNATURE:**

**AFFIDAVIT:** The undersigned certifies that the foregoing information is true and correct to the best of my knowledge and belief. I hereby authorize City staff and City Council to review this request, appoint viewers to visit the site, and contact any appropriate design professional in relation to questions generated as a result of the review.

David Kirby

Print Name

Signature of Applicant

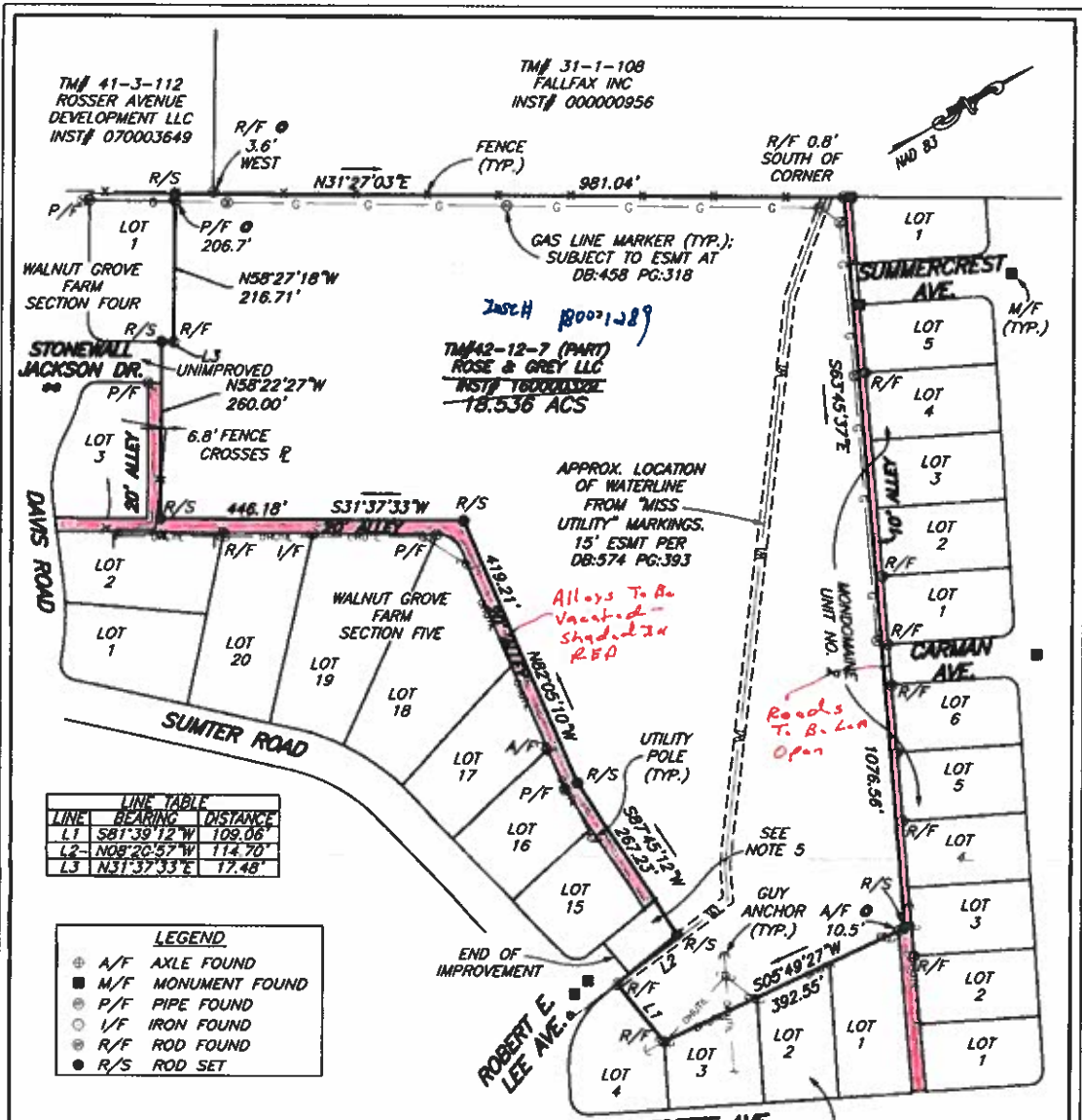
540 476-1505

Daytime phone number of contact

Date

**PROCEDURE FOR ALLEY OR STREET VACATION**

1. The applicant will file an application with the City's Planning Department. The application shall include:
  - a. A complete and signed application;
  - b. Payment of the application fee; and,
  - c. A plat, produced by a licensed surveyor, that shows the metes and bounds of the area proposed to be closed and vacated as well as parcel(s) to which the vacated land will be appended.
2. The Mayor will appoint Citizen Viewers as prescribed by the City Charter.
3. Upon receipt of the Viewers' report and recommendation, the Mayor shall fix a date to consider the application at public hearing a public hearing.
4. At the public hearing, Council will receive a report from city staff which shall evaluate potential impacts and issues with vacating the right of way. Furthermore, the staff report shall include a determination by the City Assessor's office as to the value of the right of way and any potential increase in value to parcels to which the vacated land will be appended.
5. If the value of the right of way or parcel(s) to which the vacated land will be appended is \$999 or less, then the land shall be transferred without cost to the applicant.
6. However, if the value of the right of way or parcel(s) to which the vacated land will be appended is \$1,000 or greater, then the land may be sold to the affected landowners for the value as determined by the City Assessor.
7. At their discretion, Council may elect to reduce or eliminate the selling price if it is determined that the sale would not advance a specific economic development, redevelopment, or other similar initiative.
8. At their discretion, Council may elect to retain certain rights within the right of way or place conditions that it deems necessary.
9. When the decision is to sell the property, the sale shall occur at or before the recordation of a quitclaim deed by the City.

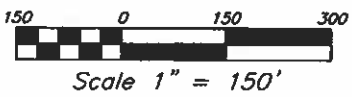


LINE	BEARING	DISTANCE
L1	S81°39'12"W	109.06'
L2	N08°26'57"W	114.70'
L3	N31°37'33"E	17.48'

LEGEND	
⊕	A/F AXLE FOUND
■	M/F MONUMENT FOUND
⊙	P/F PIPE FOUND
⊖	I/F IRON FOUND
⊗	R/F ROD FOUND
⊙	R/S ROD SET

**NOTES:**

- 1) THIS PLAT REPRESENTS A CURRENT FIELD SURVEY.
- 2) NOT ALL IMPROVEMENTS SHOWN HEREON.
- 3) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO INFORMATION DISCLOSED BY SUCH.
- 4) PROPERTY IS LOCATED IN FEMA DEFINED ZONE "X" COMMUNITY PANEL NO.: 51013C0533D EFFECTIVE DATE: SEPTEMBER 28, 2007
- 5) PROPERTY SUBJECT TO DRAINAGE EASEMENT RECORDED AT DB:524 PG:345.
- 6) \*\* WALNUT GROVE FARM PLAT GRAPHICALLY SHOWS STONEWALL JACKSON DRIVE EXTENDING ONTO THE SUBJECT PROPERTY; HOWEVER, IT DOES NOT APPEAR THE INTENT WAS TO DEDICATE THE ROAD PAST THE 20' ALLEY AT REAR OF LOT 3.



**PLAT SHOWING  
BOUNDARY SURVEY OF  
A PORTION OF  
TAX MAP #42-12-7**

DATE: 08-13-2018  
SCALE: 1"=150'  
JOB: 35180028.00  
DRAWN BY: ATE  
SHEET 01 OF 01

CITY OF WAYNESBORO, VIRGINIA  
PLANNERS • ARCHITECTS • ENGINEERS • SURVEYORS  
ROANOKE • RICHMOND • NEW RIVER VALLEY • STALWARTON • HARRISONBURG  
1561 Commerce Road • Suite 401 • Verona, Virginia 24482 • Phone (540) 248-3220 • hvance@balzer.co



VIEWERS FOR STREET AND ALLEY CLOSINGS

Revised 1/2018 JEB

Requested to remain on list of active viewers

For your convenience the following list consists of those persons who have served, or have agreed to serve, as viewers. ***There is no requirement that you follow this list. It is strictly to give you the names of some of the citizens who are willing to serve in this capacity.***

Greg Bruno, 341 Ridge Circle	949-0770
Edith L. Eckman, 229 Morgan Court	241-3326
Doris Hulvey, 816 Greenway Cir.	949-8803
James W. Nichols, 501 Summercrest Ave.	949-0014
Dot Sayre, 737 Pine Avenue	942-2681
Garnett Weatherholtz, 329 S. Winchester Ave.	943-8246
Ellen Winter, 1101 Fairway Drive (do not assign as chairman)	942-5455
*Mark Snyder, 421 S. Magnolia Avenue ( <a href="mailto:msnyder@mansrentals.com">msnyder@mansrentals.com</a> )	447-0599
*Jeff Mellott, 1915 Park Road ( <a href="mailto:jmellott@lumos.net">jmellott@lumos.net</a> )	943-2002
*Mark Stephens, 2549 Belvue Road ( <a href="mailto:mark4890@aol.com">mark4890@aol.com</a> )	836-9738

Appoint 3 Viewers, Appoint 1 Alternate - and Designate Chair

*\*in response to request for volunteers, added in 2018*

*Viewers Appointed Most Recently:*

October 14, 2014: Ms. Ellen Winter as chair, Greg Bruno, Edie Eckman, with Doris Hulvey as alternate.

April 11, 2016: Ms. Doris Hulvey as Chair, Greg Bruno, Jim Nichols (no alternate named)

December 11, 2017: Mr. Greg Bruno as chair, Ms. Winter, Ms. Hulvey, and Mr. Browning as alternate