



Waynesboro City Council Agenda Briefing

Meeting Date:	January 27, 2020	Staff/Council Member(s): Luke Juday, Director of Planning
Agenda Item #	8	
Ordinance #		
Department:	Planning Department	
Subject:	Request to Close and Vacate a City Right of Way	

Background: As part of a performance agreement with the City through its Economic Development Department, Waynesboro Hotel LLC has applied to dissolve lot lines and vacate a portion of the undeveloped Chicurel Lane right of way in order to allow for construction of Chicurel Lane as well as a new hotel.

This deal will also include Waynesboro Hotel LLC dedicating new right of way to the City in order to allow for a future road connection to the Days Inn property.

City Manager's Recommendation: The City Council should introduce an ordinance to vacate a portion of the undeveloped Chicurel Lane, contingent on recordation of the attached plat.



CITY OF WAYNESBORO, VIRGINIA
STAFF REPORT TO VACATE STREET OR ALLEY
#VAC 19-002
January 27th, 2020

SUMMARY SHEET

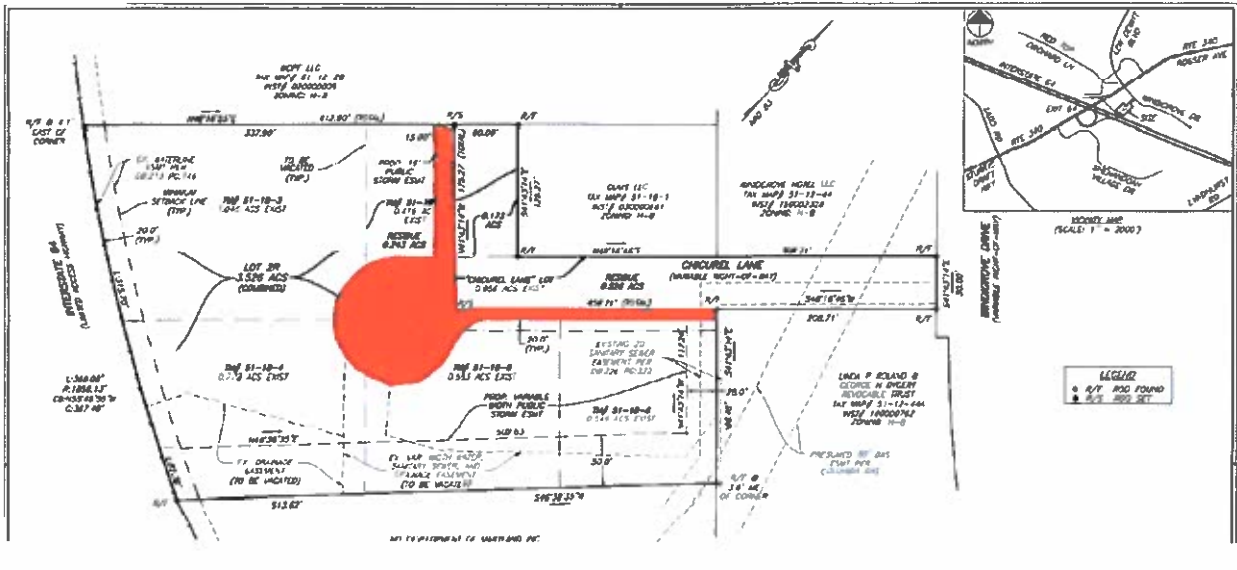
<i>Applicant:</i>	Waynesboro Hotel LLC
<i>Address/Legal Description:</i>	Vacation of cul-de-sac right of way on Chicurel Lane
<i>Tax Map Number:</i>	Tax Map 51-18-4
<i>Current Zoning:</i>	H-B Highway Business
<i>Comprehensive Plan Designation:</i>	Commercial/Retail
<i>Attachments:</i>	1. Viewers Reports 2. Associated resubdivision plat 3. Draft Ordinance
<i>Flood Plain:</i>	No
<i>Enterprise Zone:</i>	No
<i>Action Requested:</i>	Vacate a part of the right of way previously designed to accommodate a cul-de-sac turnaround.
<i>Authorizing Code Section(s):</i>	Va. State Code § 1800 City Charter Sec. 2.6
<i>Summary Recommendations:</i>	City staff recommends approval of the attached Ordinance (Attachment 3) that vacates a portion of the right of way on Chicurel Lane.

Nature of Request

In 2016, the City entered into an economic development agreement with Waynesboro Hotel LLC to bring a medium-price hotel to the property off Chicurel Lane. As part of this agreement, the City agreed to manage construction of a public road through the unimproved right of way to provide the hotel with road access. The hotel owners agreed to reimburse the City for the cost of construction of the road. This road had the added benefit to the City of eventually providing an alternative access for Wendy's, Days Inn, and the Silk Road restaurant to allow for future safety improvements to the Windigrove/Rosser intersection.

The right of way on which the road is to be constructed is already dedicated but has not been improved. Now that designs have been completed for the road, the right of way needs to be adjusted. Whereas previously the right of way was designed to accommodate a cul-de-sac turnaround, it is now a simple t-intersection, with Chicurel Lane terminating in the hotel parking lot and a second road segment from Days Inn intersecting at the same point.





Review with respect to Charter requirements

In accordance with the City Charter, the Mayor appointed 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 if the vacation is approved. Two of the Viewers' Report indicated that abandoning and vacating the streets and alleys will not inconvenience the general public nor negatively affect the abutting landowners, one expressed concern about it being wide enough to accommodate large tractor trailer trucks that are frequently parked near that area (Attachment 2).

Other general considerations:

Streets and Transportation:

Vacating and abandoning the streets and alleys will not have any major impact on the City's transportation network because none of the vacated right of way is currently improved. This action will also result in dedication of additional right of way.

Public Utilities:

There is no impact to public utilities by this vacation.

Effect on Adjoining Properties

There is only one adjoining property owner and this owner is involved in the deal that is resulting in this vacation request.

Conveyance of the Public Right-of-Way to the Adjoining Properties

The vacated right of way will be included in a new parcel being created by Waynesboro Hotel LLC to accommodate development of the hotel required by the City's performance agreement.

Determination of Vacated Land's Value

Under Council's Policy, if the area of right-of-way to be vacated is determined by the City Assessor's Office to be less than \$1,000 in assessed value or if it would add less than \$1,000 in

1998

1999

2000

2001

land value to a parcel, then the vacated right-of-way shall be transferred without a sale. Otherwise, City Council may sell the land to the applicant for the difference in assessed value.

City Council may still elect to waive the fee and has done so in the past in instances where it believed the public had a strong interest in the right-of-way vacation or would benefit from the proposed use of the land. Because this request involves only a small amount of land, because it has been prompted by a City-sponsored economic development agreement, and because the applicant is dedicating additional right of way in place of the vacated sections, staff recommends no charge for the vacated property.

Staff Recommendation:

Staff believes the right-of-way in question does not serve a public purpose and can be closed without adverse effects. This closure should be contingent on recording of the attached subdivision plat dedicating the new right of way to the boundary of the Days Inn property.

cc:

Todd Wood, City Engineer
Joe Honbarrier, Zoning Administrator



Proposed vacating some of right of way at Chicurel Lane, per request of Waynesboro Hotels LLC. Viewer's Report requested return date of Friday, December 13, 2019.

VIEWER'S REPORT FORM

1(a). Will any inconvenience result to the public if the proposed vacation is approved?

Yes [] No

(b). (Answer only if 1(a) was answered "yes"). Describe the inconvenience, if any, you feel will result to the public if the proposed vacation is approved.

My concern for public safety is the future traffic pattern improvements to Windigrove/Rosser intersection. When option "B" and Chicurel Lane are built will their intersection (90 degree turn) be wide enough to handle the huge tractor trailer trucks that are frequently parked on Days Inn property parallel to Rosser that would need to exit onto option "B" and then turn onto Chicurel Lane? Will the design of the roads, now, take future needed improvements into consideration? Are some of the right of ways requested by hotel needed to make the width of the road safe for the huge trucks that may use that route when the city improves the traffic pattern?

2(a). Will any landowner or landowners abutting on the proposed vacation suffer any special damage if the vacation is approved?

Yes [] No

(b). (Answer only if 2 (a) was answered "yes"). Describe the special damages that you feel such abutting land owner(s) will suffer if the street/alley is vacated, discontinued, or altered, in whole or in part, as proposed.

In the future, depending on how the future traffic pattern is designed and implemented to cross Days Inn property to connect to Option "B."

(Signed) Ellen Winter

Date: 12/13/2019

Recd
12/10/19

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2(a). Will any landowner or landowners abutting on the proposed vacation suffer any special damage if the vacation is approved?

Yes

No

(b). (Answer only if 2 (a) was answered "yes"). Describe the special damages that you feel such abutting land owner(s) will suffer if the street/alley is vacated, discontinued, or altered, in whole or in part, as proposed.

(Signed) *Jeffrey C. Malhotra*

Date: 12/10/19



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2(a). Will any landowner or landowners abutting on the proposed vacation suffer any special damage if the vacation is approved?

Yes

No

(b). (Answer only if 2 (a) was answered "yes"). Describe the special damages that you feel such abutting land owner(s) will suffer if the street/alley is vacated, discontinued, or altered, in whole or in part, as proposed.

(Signed) Mark Stephens

Date: 12/5/19



ORDINANCE NUMBER 2020-



**AN ORDINANCE VACATING A CUL-DE-SAC RIGHT OF WAY
ON CHICUREL LANE, WAYNESBORO, VIRGINIA**

WHEREAS, upon petition by Waynesboro Hotel LLC to vacate a portion of the undeveloped cul-de-sac on Chicurel Lane, the Mayor appointed viewers under the provisions of the Charter of this City to ascertain and report whether any inconvenience would result to the public and whether, in the viewer's opinion, any special damages would be suffered by any person if the hereinafter described alley were closed, and

WHEREAS, after receipt by the entire Council of a report from the majority of viewers concluding no adverse impacts to the traveling public or adjoining property owners, and

WHEREAS, this vacation is necessary for the success of an economic development initiative in the interest of the public and shall also result in the donation of new right of way from the recipient of the vacated right of way, and

WHEREAS, a lawfully convened public hearing was held pursuant to due notice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAYNESBORO, VIRGINIA THAT:

1. The cul-de-sac right of way on Chicurel Lane, shall be vacated, contingent upon approval and recordation of the plat entitled Final Plat Chicurel Subdivision: A Resubdivision of the "Subdivision of the C&B Associations, LTD Property" completed by Daniel E. Hansen and dated October 22, 2019.
2. The title to the vacated area may be vested in the owners of the property adjoining the vacated right-of-way portions, as their interests may appear and at their request, subject to reservation of any and all existing easements for utility purposes over the alley portion hereby vacated.
3. The City Council hereby authorizes and designates the City Manager as sole designee for purposes of executing and associated quitclaim deeds conveying the City's interest identified by this ordinance.
4. The City Manager is hereby authorized to take all actions reasonably necessary, including executing such documents as are reasonably necessary, to effectuate and carry out the purposes of this Ordinance.
5. This Ordinance shall take effect immediately upon adoption by the City Council.

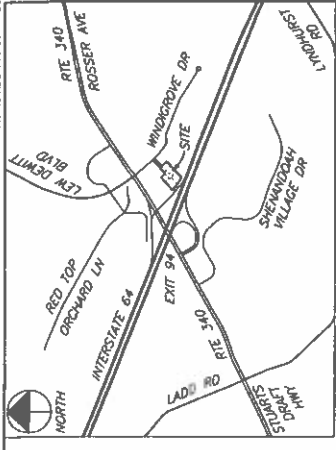
Introduced: _____, 2020
Adopted: _____, 2020
Effective: _____, 2020

[SEAL]

ATTEST: _____
Clerk, City Council
City of Waynesboro, Virginia

Mayor, City Council
City of Waynesboro, Virginia





VICINITY MAP
(SCALE: 1" = 2000')



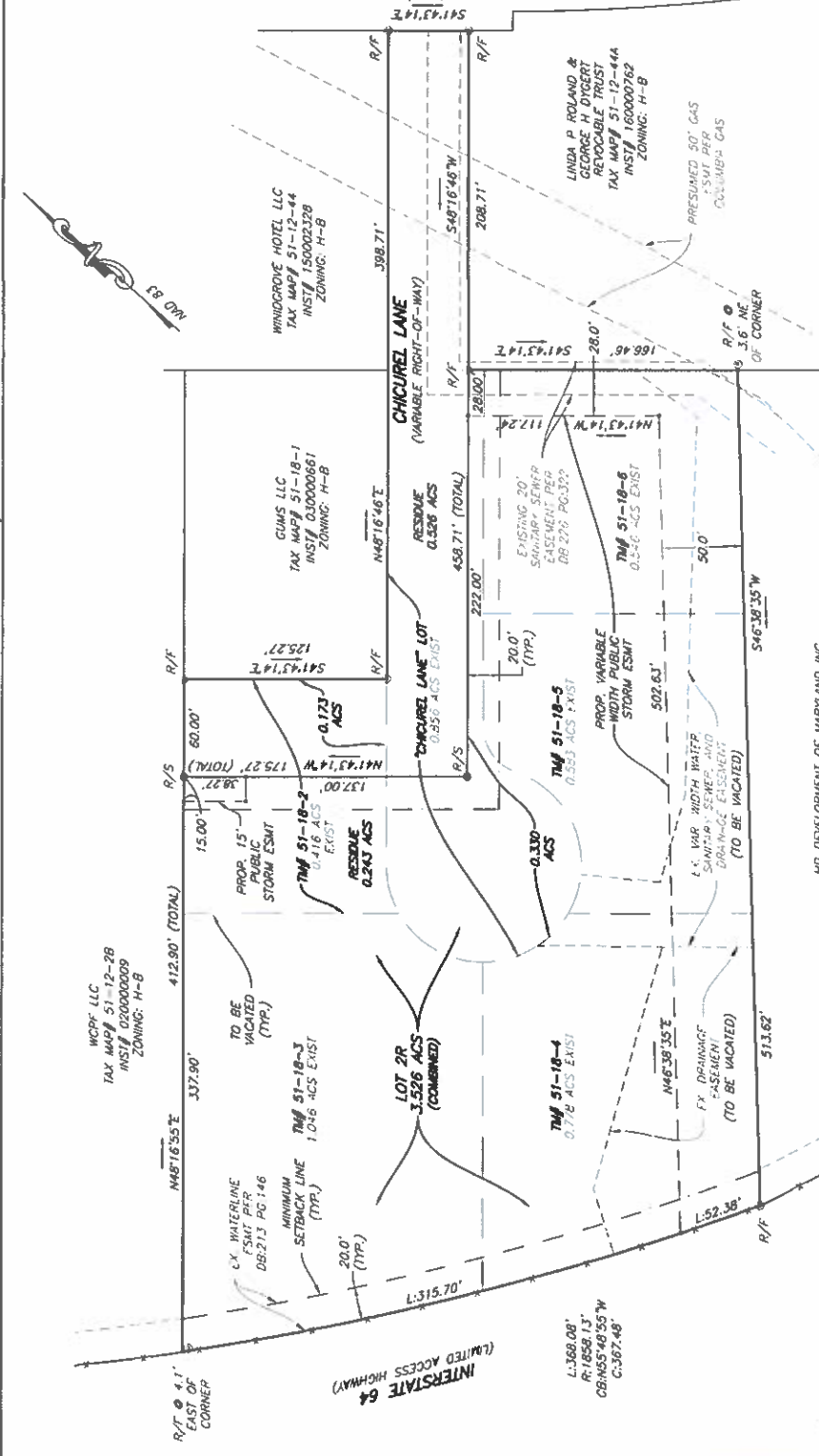
LEGEND
 * R/F ROD FOUND
 • R/S ROD SET



DATE: 10-22-2018
 SCALE: 1" = 50'
 JOB: 34170041.00
 DRAWN BY: ATE
 CHECKED BY: DEH
 SHEET 01 OF 01

FINAL PLAT CHICUREL SUBDIVISION A RE-SUBDIVISION OF THE "SUBDIVISION" OF THE C&B ASSOCIATES, LTD PROPERTY"

CITY OF WAYSBORO, VIRGINIA
 PLANNING DEPARTMENT / ENGINEERING / SURVEYORS
 1801 Commonwealth Plaza, Suite 401 | Waynesboro, Virginia 22791 | www.waynesboro.gov



THIS SUBDIVISION IS APPROVED AND MAY BE ADMITTED TO RECORD
 MAYOR _____ DATE _____
 CITY OF WAYSBORO

THIS SUBDIVISION IS APPROVED AND MAY BE ADMITTED TO RECORD
 SUBDIVISION AGENT _____ DATE _____
 CITY OF WAYSBORO

SOURCE OF TITLE:
 I, DANIEL E. HANSEN, A LAND SURVEYOR DULY LICENSED BY THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT THIS SUBDIVISION KNOWING AS FINAL PLAT CHICUREL SUBDIVISION A RE-SUBDIVISION OF THE SUBDIVISION OF THE C&B ASSOCIATES, LTD PROPERTY" IS A PORTION OF THOSE CERTAINLY 3.526 ACRES OF LAND LAST CONVEYED TO WAYSBORO HOTEL LLC BY INSTRUMENT 050003787, OF RECORD IN CLERK'S OFFICE OF THE CITY OF WAYSBORO, VIRGINIA.

OWNER'S CONSENT AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, AND DESIGNATED AS "FINAL PLAT, CHICUREL SUBDIVISION, A RE-SUBDIVISION OF THE "SUBDIVISION" OF THE C&B ASSOCIATES, LTD PROPERTY", SITUATED IN THE CITY OF WAYSBORO, VIRGINIA, IS WITH THE FREE CONSENT AND DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES

REPRESENTATIVE _____ DATE _____
 WAYSBORO HOTEL LLC
 COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF _____ TO WIT:
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED
 BEFORE ME THIS _____ DAY OF _____, 2018.
 BY: _____
 NOTARY: _____

HD DEVELOPMENT OF MARYLAND INC
 TAX MAP # 51-12-47
 INST# 050003787
 ZONING: H-B

NOTES:
 1) OWNER: WAYSBORO HOTEL LLC
 TAX MAP #S 51-18-2, 51-18-3, 51-18-4, 51-18-5, 51-18-6 & CHICUREL LANE
 INST# 170003300
 ZONING: H-B (HIGHWAY BUSINESS)

SUBDIVIDER:
 WAYSBORO HOTEL LLC
 15 WINDCROVE DR
 WAYSBORO, VA 22780

2) TOTAL AREA OF PROPOSED SUBDIVISION: 4.225 ACRES
 LOT: 3.526 ACRES
 R-O-W: 0.699 ACRES

3) ZONING: H-B (HIGHWAY BUSINESS)
 FRONT SETBACK: 20 FEET
 REAR SETBACK: 25 FEET
 SIDE (INTERIOR) SETBACK: 25 FEET
 SIDE (ABUTTING RESIDENTIAL): 25 FEET
 REAR (ABUTTING RESIDENTIAL): 25 FEET
 REAR (ABUTTING RESIDENTIAL): 30 FEET
 4) WATER: PUBLIC
 5) SEWER: PUBLIC

6) THIS PLAT REPRESENTS A CURRENT FIELD SURVEY.
 7) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO INFORMATION DISCLOSED BY SURV.
 8) PORTIONS OF EXISTING EASEMENTS WITHIN THE PROPOSED RIGHT-OF-WAY OF CHICUREL LANE ARE TO BE VACATED UPON THE DEDICATION OF SAID RIGHT-OF-WAY.
 9) PROPERTY IS LOCATED IN FEMA DEFINED ZONE "X"
 COMMUNITY PANEL NOS.: 5101500337D & 5101500581F
 EFFECTIVE DATE: SEPTEMBER 28, 2007 & AUGUST 01, 2015 (RESPECTIVELY)
 10) IT IS THE INTENTION OF THIS PLAT TO ADJUST 0.173 ACRES FROM TAX MAP # 51-18-2 WITH THE 0.327 ACRES RESERVE OF THE "CHICUREL LANE" LOT. THE RESULTANT IS TO BE TREATED AS ONE PARCEL (CHICUREL LANE VARIABLE RIGHT-OF-WAY) AND DEDICATED TO PUBLIC USE.
 11) IT IS FURTHER THE INTENTION OF THIS PLAT TO ADJUST TAX MAP #S 51-18-3, 51-18-4, 51-18-5, 51-18-6 IN THEIR ENTIRETIES, AND 0.329 ACRES FROM THE "CHICUREL LANE" LOT INTO THE RESERVE OF TAX MAP # 51-18-2. THE RESULTANT IS TO BE TREATED AS ONE PARCEL (LOT 2R).

