

**SUBDIVISION 74-01. Inverness Lane Right-of-Way Vacation
Staff Report for the October 9, 2001, Board of Supervisors Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS Building C Board Room; County Government Complex
Board of Supervisors: December 9, 2001, 7:00 p.m.

SUMMARY FACTS

Applicant: Ms. Michelle Proffitt and Mr. Chang Mug Kim

Proposed Use: Vacate the 50-foot wide Inverness Lane Right-of-Way, as was originally shown on the plat for the Hamlet Subdivision, Phase I

Location: In between 110 and 112 Canterbury Place, off Olde Towne Road

Tax Map and Parcel No.: 110 Canterbury Place: (32-4)(3-51)
 112 Canterbury Place: (32-4)(3-52)

Primary Service Area: Inside

Existing Zoning: R-2, General Residential

Comprehensive Plan: Low-Density Residential

Surrounding Zoning: The right-of-way is completely surrounded by other developed R-2 zoned property

Staff Contact: Paul D. Holt, III - Phone: 253-6685

STAFF RECOMMENDATION:

This vacation proposal has been reviewed by County staff (the Planning Division, the Environmental Division, the County Engineer, the James City Service Authority, the Fire Department, and the County Attorney's Office) and by the Virginia Department of Transportation (VDOT), and has been found acceptable. Staff further finds that the vacation would not negatively impact or irreparably damage any adjacent property or land owner.

Therefore, staff recommends approval of the vacation request and recommends the Board adopt the attached Ordinance which would sell the right-of-way to the two adjacent property owners for an amount of 25 percent of the lands assessed value.

Description of the Proposal

Ms. Michelle Proffitt (property owner of 112 Canterbury Place) and Mr. Chang Mug Kim (property owner of 110 Canterbury Place) have applied to extinguish the 50-foot-wide Inverness Lane right-of-way, as was originally shown on the plat of the subdivision for the Hamlet Subdivision, Section 1, dated April 1965.

When the Hamlet Subdivision was first recorded, a 50-foot right-of-way was platted in between 110 Canterbury Place and 112 Canterbury Place in anticipation of a future through road. When subsequent sections of the Hamlet were platted, the opposing street connection was never completed by the developer and lots were platted in its place, effectively eliminating any possibility of the through connection.

Therefore, the existing stub street, approximately 135 feet in length, has never been improved and has never been taken into the State street system.

The applicant requests the County sell back the right-of-way to the two adjacent property owners, who would then split the right-of-way in equal halves and would incorporate the new property into their existing lots - all as shown on the enclosed plat.

Process

As it applies to this case, Virginia State Code (§ 15.2-2272) allows for the extinguishment of right-of-way by one of two methods:

1. By an instrument agreeing to such a vacation signed by all the owners of lots shown on the original plat (which is impractical in this instance given the number of lot owners, 49), or
2. By ordinance of the governing body following a public hearing. Attached is an ordinance for the Board's consideration.

Purchase Price

On September 14, 1987, the James City County Board of Supervisors passed a resolution establishing the purchase price for streets, alleys, easements, and other public ways to be vacated by the County to be set at twenty-five percent of the assessed value as determined by the James City County Department of Real Estate Assessments; provided, however, due to special or unique circumstances of the property, a greater or lesser value may be agreed to after due consideration by the Board.

The Real Estate Assessments Office has reviewed this proposal and has declared that the value of the right-of-way is \$9,100. Therefore, 25 percent of this amount is \$2,275 (or \$1,137.50 for each adjacent land owner). Staff does not find any special or unique circumstances of this property to warrant a change in this amount.

Surrounding Development

The right-of-way is completely surrounded by single-family detached homes on property zoned R-2, General Residential. These homes have been built and occupied for a number of years, and all lots have unrestricted access via public streets. Staff does not find the vacation would impact access or negatively affect any lot owner within this subdivision.

RECOMMENDATION:

This vacation proposal has been reviewed by County staff (the Planning Division, the Environmental Division, the County Engineer, the James City Service Authority, the Fire Department, and the County Attorney's Office) and by the Virginia Department of Transportation (VDOT), and has been found acceptable. Staff further finds that the vacation would not negatively impact or irreparably damage any adjacent property or land owner.

Therefore, staff recommends approval of the vacation request and recommends the Board adopt the attached Ordinance which would sell the right-of-way to the two adjacent property owners for an amount of 25 percent of the lands assessed value.

Paul D. Holt, III

CONCUR:

O. Marvin Sowers, Jr.

PDH/gb
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Attachments:

1. Location Map
2. Approved Resolution, dated September 14, 1987
3. Copy of the plat for Section I of the Hamlet (separate)
4. Plat for the proposed vacation of Inverness Lane and boundary line adjustment (separate)
5. Proposed Ordinance