



Alley Vacation and Abandonment Procedure

Department of Public Works

August 7, 2012

Background

On occasion the Town is approached about disposing, giving away or selling Town alleys. The general purpose of alleys, at least on paper, is to allow access to the rear of residential or commercial property parcels for garage access, utility corridors, trash collection and vehicle circulation. However practical considerations like steep terrain or other obstructions, or the general lack of need for the alley mean some alley rights-of-way remain unopened and unused.

Alley Vacation Request Applications

Alley Vacation Requests separate from site plan, subdivision or other development will be initially received by the Department of Public Works. It is suggested a \$100 application fee be established to cover the staff and administrative costs of processing the request. The Public Works Department will solicit input from the staff of the departments of Planning & Zoning, and Parks & Recreation, Town Attorney and the Town Manager. Finance and Police will be provided copies of the request for information.

Alley Vacation Requests which are part of site plan, subdivision or other development will be considered with the overall development and processed by the Department of Planning & Zoning.

Internal staff Evaluation of Alley Vacation Requests

Public Works will comment on existing or planned roads, trails, sidewalks, water mains, sewer lines, or other potential uses. If the request is to abandon only part of an alley behind one or two homes, Public Works will comment on the feasibility.

Public Works will inform utility companies of the alley vacation request so they can provide comment.

Parks and Recreation will comment on existing or planned park, recreation, open space, or other community uses.

Parks and Recreation will inform associated agencies and community organizations so they can provide comment (NVRPA, FFX Park Authority, FFX Schools, etc.)

Public Works will compile staff comments and input. The Public Works Director and the Manager will informally ask the Mayor if the alley abandonment request should be scheduled for consideration by the Town Council. Public Works staff will notify the requestor if the abandonment is not scheduled for Council.

Public Notice and First Council Action. Public Works staff, with the assistance of Planning & Zoning staff will prepare the Town Council agenda report for discussion at a regular Council meeting. Public Works staff will notify Town boards and commissions, post “public hearing” signs on-site (with the assistance of

Planning & Zoning staff) and send meeting notice letters to property owners adjacent to and affected by the proposed abandonment.

Public Works staff's agenda report will include comments and correspondence from all agencies and interested parties, then recommend a disposition.

Town Council decides if the land is indeed surplus and confirms the requestor is responsible for the fees to implement disposal of the parcel. It is recommended a substantial fee be established as up-front payment of field survey, deed research, plat preparation, appraisal, filing fees, etc. ***NOTE: Article 2, Chapter 20, of Title 15.2 of the Code of Virginia specifies a set procedure for appointing viewers, determining values, etc., for any vacation of street rights-of-way.***

If Council chooses to move toward disposing of the property, the requestor (or the Town at the requestor's expense) hires a licensed surveyor at their expense to confirm parcel ownership and to produce a report explaining how the land was originally deeded to the Town and for what purpose. The surveyor shall give their professional opinion on who the property reverts to when vacated.

The surveyor prepares the appropriate plats and deeds of vacation at the requestor's expense.

If the surveyor concludes the parcel does not revert to adjacent property owners as a result of a subdivision and the parcel may be sold, the Vienna Town Attorney hires an appraisal firm at requestor's expense.

Public Notice and final Council action. Public Works staff prepares a second Town Council agenda report for discussion at a regular Council meeting. Public Works staff will notify Town boards and commissions, post "public hearing" signs on-site and send meeting notice letters to property owners adjacent to and affected by the proposed abandonment.

Public Works staff's agenda report will include the surveyor's report, plat and deed; comments and correspondence from all agencies and other interested parties; then recommend a final disposition.

Recording of Deed. If the Town Council authorizes abandonment, sale or other disposition of the property, the requestor shall pay the value of the parcel. The Town Attorney records the deed and any unspent survey fees are returned to the requestor.

Presented to Town Council 8-20-2012