



## Legislation Details (With Text)

**File #:** 19-1543      **Version:** 1      **Name:**

**Type:** Action Item      **Status:** Agenda Ready

**File created:** 12/18/2019      **In control:** Town Council Meeting

**On agenda:** 1/6/2020      **Final action:**

**Title:** Request for alley vacation for property adjacent to 108-110 Church Street NE and behind 207 Center Street N.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 207 Center St N - Williams app, 2. Moon Application, 3. Location map alley between Center and Dominion, 4. Alley Vacation Evaluation Memo, 5. Full plat, 6. SAMPLE Church Street alley letter December 2019, 7. Church Street alley labels December 2019, 8. Regulatory Requirements for Agenda Items Rev 081519 (002)

Date	Ver.	Action By	Action	Result
1/6/2020	1	Town Council Meeting	deferred	Pass

**Subject:**

Request for alley vacation for property adjacent to 108-110 Church Street NE and behind 207 Center Street N.

### EXPLANATION AND SUMMARY :

Between Church Street NE and Ayr Hill Avenue NE, an alley runs between residential properties along Center Street N and the commercial properties along Dominion Road NE. The Town has received requests and applications from James Moon, owner of 108-110 Church Street NE, and from Carey Williams, owner of 207 Center Street N, to vacate half of the alley immediately adjacent to each property.

Pursuant to Virginia Code Section 15.2-2006, the Town may consider vacation of public rights-of-way at a public hearing. If Town Council is inclined to entertain these proposals, it must appoint three (3) to five (5) people to view the public right-of-way and report in writing any inconveniences that would result from discontinuing the right-of-way. Based upon the viewers' report and other evidence, if any, and following notification of landowners affected along the public right-of-way that is proposed to be altered or vacated, the governing body may discontinue the public right-of-way.

All Town departments and utility companies have verified that they have no objections to this alley vacation as requested. If Town Council is interested in starting the vacation process, it is recommended that a panel of three viewers be appointed to determine if there are any inconveniences to the public and if there is a need to keep any piece of the alley. It is recommended that the town attorney be authorized to secure an independent appraisal and that the applicant be required to dedicate the area occupied by the Church Street sidewalk to the Town. It is recommended that Town Council set a public hearing on this matter for its March 9, 2020 meeting.

As a condition to vacation or abandonment, Town Council may require the fractional portion of its public right-of-way be purchased by any abutting property owner. The price shall be no greater than the property's fair market value or its contributory value to the abutting property, whichever is greater, or the amount agreed upon by the parties. No such vacation shall be concluded until the agreed price has been paid. If any abutting property owner does not pay for such owner's fractional portion within one year, or other time period made a condition of the vacation, then the vacation shall be void as to any such property owner.

**Departmental Recommendation** : Recommend that Council appoint viewers, grant authority for an appraisal, and schedule a vacation public hearing.

**Finance Recommendation** : Recommend approval.

**Purchasing Recommendation** : n/a

**Town Attorney Recommendation** : Town Council may refer the proposed vacation of alley to a panel of viewers and hold a subsequent public hearing to consider the requested vacation in the discretion of Town Council. The applicants should provide a full title report examination and certified appraisal for the alley in support of the application.

**Town Manager's Recommendation** : I recommend the Town Council appoint viewers, grant authority for an appraisal and schedule a vacation public hearing for the property adjacent to 108-110 Church Street NE and behind 207 Center Street N, as presented.

Cost and Financing: N/A

Account Number: N/A

Decision Needed by This date: N/A

### **PROPOSED/SUGGESTED MOTION**

"I move to set a public hearing at the March 9, 2020 Town Council meeting regarding a request for vacation of the public alley adjacent to 108 Church Street NE and behind 207 Center Street N and instruct the town clerk to advertise notice of a public hearing."

And

"I further move to authorize the mayor to appoint a panel of three viewers from citizens serving as Planning Commission and Board of Zoning Appeals members to determine if there exists an inconvenience to the public or need to retain the alley."

And

"I further move to authorize the town attorney to obtain an independent appraisal of the alley property."

Or

Other action deemed necessary by Council.

