

Right-of-way Vacation or Alteration

Application Packet



Town of Strasburg
Department of Planning and Zoning
174 East King Street
PO Box 351
Strasburg, VA 22657
540-465-9197

Updated June 2, 2010



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APPLICATION FOR RIGHT-OF-WAY VACATION OR ALTERATION

Application Instructions

1. **REVIEW ORDINANCE REQUIREMENTS:** Applicants are strongly encouraged to carefully review Town Code § 74-5, Alteration and vacation of public rights-of-way, and meet with a member of town staff prior to submitting an application. A copy of Town Code § 74-5 has been attached to this application packet for your convenience.
2. **APPLICATION FORM:** Complete the application form on Page 3. Please note that *all* fields **MUST** be completed in order for your application to be processed. Do not fill in the shaded fields – they will be completed by Town staff. All owners benefiting from the proposed vacation or alteration must be identified and sign the application.
3. **SUPPLEMENTARY INFORMATION:** You **MUST** provide all of the following information in addition to the application form on Page 3:
 - TITLE REPORT** from a licensed attorney that identifies current adjoining landowners.
 - LAND SURVEY** prepared by a licensed land surveyor identifying the land to be vacated or altered. The survey must show all abutting properties and identify the owner, the assessed land value (tax records), and property ID number. The survey should show the right-of-way proposed for vacation or alteration and which properties will accept the vacated or altered land.
 - APPRAISAL** if the vacation involves a public street and the value of the proposed vacation (based on average per square-foot assessment of all abutting properties) exceeds \$5,000. Applicants are required to pay for the vacated land if the vacation involves a public street (not an alley) and the value exceeds \$1,000 (see Town Code § 74-5(f)).
 - APPLICATION FEE** of \$100 as set forth by Town Code § 74-5(b).
4. **SUBMIT APPLICATION:** Please turn in the application form, supplementary information, and application fee to the Town Office located at 174 East King Street, Strasburg.



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 Department of Planning and Zoning
 174 East King Street
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Application Num. _____
 (office assigns)

RIGHT-OF-WAY VACATION OR ALTERATION APPLICATION FORM

APPLICANT	NAME	
	ADDRESS	
	PHONE	FAX
	EMAIL	
PROPERTY OWNER(S) INFORMATION	NAME	PHONE
	ADDRESS	PID
	SIGNATURE	
	NAME	PHONE
	ADDRESS	PID
	SIGNATURE	
	NAME	PHONE
	ADDRESS	PID
	SIGNATURE	
	NAME	PHONE
	ADDRESS	PID
	SIGNATURE	
APPLICATION REVIEW	DATE RECEIVED	COMPLETE APPLICATION? <input type="checkbox"/> YES <input type="checkbox"/> NO
	HEARING DATE	<input type="checkbox"/> ALLEY <input type="checkbox"/> STREET <input type="checkbox"/> BOTH
	APPROVED <input type="checkbox"/> YES <input type="checkbox"/> NO	PAYMENT REQUIRED? <input type="checkbox"/> YES <input type="checkbox"/> NO
	TOWN PLANNER SIGNATURE	
<p>By signing below, I certify that the information provided on this application and all other information submitted with the application is true. I do also hereby authorize Town of Strasburg staff on official business to enter onto the subject property as necessary to process the application.</p>		
_____ Print Name of Applicant		_____ Signature of Applicant



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ADDITIONAL PROPERTY OWNER(S) INFORMATION

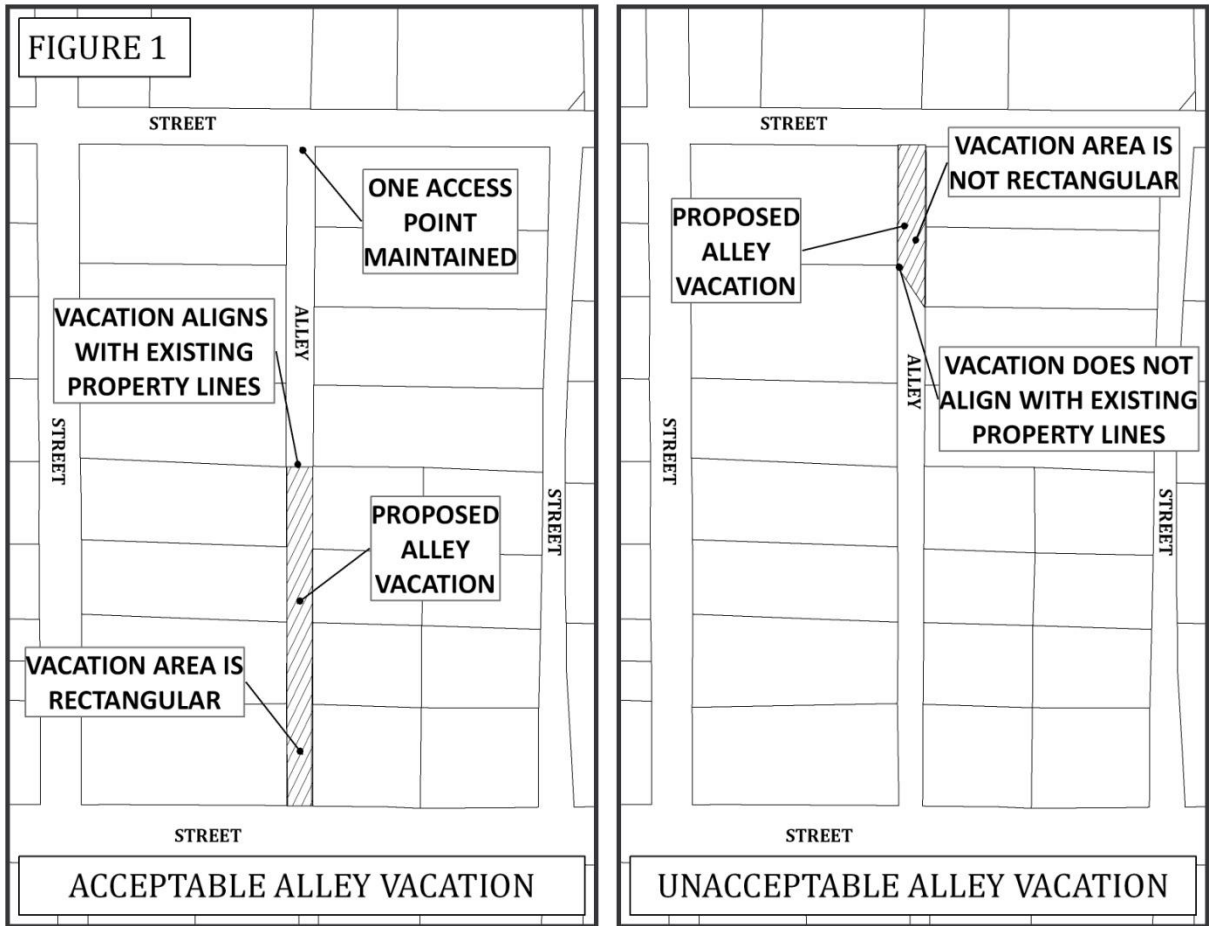
<p>PROPERTY OWNER(S) INFORMATION</p> <p>All owners benefiting from the proposed vacation or alteration must sign the application.</p>	NAME	PHONE		
	ADDRESS	PID		
	SIGNATURE			
	NAME	PHONE		
	ADDRESS	PID		
	SIGNATURE			
	NAME	PHONE		
	ADDRESS	PID		
	SIGNATURE			
	NAME	PHONE		
	ADDRESS	PID		
	SIGNATURE			
	NAME	PHONE		
	ADDRESS	PID		
	SIGNATURE			
	NAME	PHONE		
	ADDRESS	PID		
	SIGNATURE			

Sec. 74-5. Alteration and vacation of public rights-of-way.

- (a) *General.* In accordance with the Code of Virginia § 15.2-2006, public rights-of-way may be altered or vacated with the approval of the Town Council. Prior to making a motion to alter or vacate a public right-of-way, the Council shall hold a public hearing.
- (b) *Initiation.* An alteration or vacation of a public right-of-way shall be initiated by the Town or by application submitted by any person. Any person submitting an application for such request shall submit a processing fee of \$100 to the Town. All applications for an alteration or vacation shall be submitted with the following:
 - 1. A title report from a licensed attorney that identifies current adjoining landowners; and,
 - 2. A survey prepared by a licensed land surveyor identifying the land to be vacated or altered.

The applicant shall be responsible for the cost of the preparation of a title report and survey.

- (c) *Public Alley.* If the alteration or vacation involves a public alley and all adjacent owners do not sign a statement in support of the proposal, then a partial alley vacation shall be permitted provided that:
 - 1. At least one access point is provided to the alley from a public street, and;
 - 2. The area to be vacated is generally rectangular in shape with all sides aligning with existing property lines (see Figure 1). A deviation to this requirement may be granted if the distance the property lines are offset does not exceed 10 percent of the width of the widest lot.
- (d) *Notice Required.* The Town Council shall not make a motion to alter or vacate a public right-of-way unless notice of a public hearing has been provided in accordance with the Code of Virginia § 15.2-2006. Notice shall be published twice in a newspaper of general circulation, with at least six days elapsing between each publication. The notice shall specify the time and place of the hearing at which persons affected may appear and be heard. If the alteration or vacation is initiated by application, the expense of providing notice of a public hearing shall be borne by the applicant.



- (e) *Viewers.* At the conclusion of the public hearing and on application of any person, the Town Council may appoint three to five people to view the public right-of-way proposed for alteration or vacation and report any inconvenience that would result from discontinuing the right-of-way. The Council may allow the viewers up to fifty dollars each for their services. The amount allowed shall be paid by the person making the application to alter or vacate the public right-of-way. From such report and other evidence, if any, and after the land owners affected thereby, along the public right-of-way proposed to be altered or vacated, have been notified, the Council may discontinue the public right-of-way.
- (f) *Sale of right-of-way.* As permitted in the Code of Virginia § 15.2-2008, the Town may require that vacated right-of-way be purchased by the benefitting property owner. If the vacation involves a public alley, no payment shall be required from the owner(s) benefitting from the vacation. For purposes of this ordinance, an alley shall be defined as a public right-of-way that generally runs parallel to the side or rear of a lot and provides secondary access to real property, or is designated as an alley on any plat of record. If the vacation does not involve a public alley, then payment for vacated right-of-way shall be calculated as follows:

Value of proposed vacation based on average per square-foot assessment of all abutting properties	Payment required?	Payment amount
\$0 to \$999	No	N/A
\$1,000 to \$4,999	Yes	Based on average per square-foot assessment of all abutting properties
\$5,000 and greater	Yes	Based on value determined by a professional appraisal to be paid for by the applicant

The proposed vacation shall not be completed until the agreed price has been paid in full.

- (g) *Recording.* A certified copy of the ordinance of vacation shall be recorded as deeds are recorded and indexed in the name of the Town.
- (h) *Appeal.* Any appeal shall be filed with the circuit court within sixty (60) days of adoption of the ordinance of alteration/vacation.