

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	June 21, 2022
Action Required:	<b>Vacation of Platted Alley (Ordinance, One Reading, Public Hearing is required)</b>
Presenter:	Lisa Robertson
Staff Contacts:	N/A
Title:	<b>Vacation of Platted Street ROW (Oak Street ROW, Adjacent to 321 6<sup>th</sup> Street, S.W.)</b>

**Background:**

The City has received a request from Portia Boggs and Vignesh Kuppusamy, the owners of a lot located at **321 6<sup>th</sup> Street, S.W.**, asking the City to convey to them a strip of property adjacent to their lot. (For a map, see p. 3 of this document)

Property: the strip of property in question was platted (circa 1888) as a 20-foot right-of-way identified as “Oak Street” (“Subject Property”). The subdivision plat which created the right-of-way was recorded in the land records of Albemarle County at Deed Book 90 Page 52. (This area is part of an area that was annexed by the City in the distant past).

Previous 2010 Council Vacation: previously, in March 2010, City Council closed a seventy-seven (77) foot section of the old platted street, beginning at 6-1/2 Street S.W. and continuing up to the eastern property line of the lots currently identified as 316 and 322 6-1/2 Street S.W. In 2010 City Council did not require the landowners who requested vacation of the plat to pay for the extra square footage of land that was acquired. The 2010 Ordinance states that there were no utility “easements” within the portion of Oak Street that was previously vacated.

Per Virginia Code §15.2-2274, if this remaining portion of Oak Street is vacated by City Council, fee simple title to the centerline of the platted street will vest in the *two* adjacent landowners (i.e., Boggs/ Kuppusamy, who are requesting this, and their neighbors at 313 6<sup>th</sup> St., S.W.).

**Discussion:**

Virginia Code §15.2-2272 authorizes City Council to vacate property lines shown within a recorded subdivision plat, upon the application of any interested person. The request submitted by Boggs/ Kuppusamy has been reviewed by the following departments, and their comments/ recommendations for conditions or reservations of rights are listed below:

- 1) **Director of Utilities** (Lauren Hildebrand) - Based on the Department of Utilities’ records, a portion of the household sewer lateral for 313 6<sup>th</sup> Street S. W appears to be

located in the ROW. Any ordinance vacating the area would need to reserve a utility easement

- 2) **Director of Public Works** (Stacey Smalls) – no comments or recommendations.
- 3) **Director of Neighborhood Development Services** (James Freas)- no comments or recommendations
- 4) **Office of Community Solutions** (Alex Ikefuna) - no concerns; recommends that they utility easement be reserved per Utility Director’s notes
- 5)
- 6) **Director of Economic Development** (Chris Engel) – no comments or recommendations
- 7) **Director of Parks and Recreation** (Dana Kasler) – no comments or recommendations

**Budgetary Impact:** none identified by any department director

**Community Engagement:** a public hearing is required, per Va. Code §15.2-2272(2)

**Alignment with Council Vision Areas and Strategic Plan:** not indicated by any department director

**Staff Recommendation** – the City Attorney’s Office agrees with the Director of Utilities that reservation of an easement for existing utilities is essential, and recommends that any vacation be subject to the requirement that the owners of 313 and 321 all execute a written deed of easement conveying a standard utility easement to the City.

*Suggested motion:*

**Attachment:**

- Proposed Ordinance
- GIS Map Reference

**ORDINANCE**  
**CLOSING, VACATING AND DISCONTINUING THAT PORTION OF OAK STREET, AN UNACCEPTED RIGHT OF WAY, BETWEEN 6<sup>TH</sup> STREET AND 6-1/2 STREET, S.W., ADJACENT TO PARCELS 98 AND 184 ON CITY REAL ESTATE TAX MAP 29**

WHEREAS Portia Boggs and Vignesh Kuppusamy, the owners of the property at 321 6<sup>th</sup> Street, S.W., have petitioned the City to close a portion of Oak Street, an unaccepted right-of-way running from 6<sup>th</sup> Street, S.W. in a westerly direction to the property line(s) for 316 and 322 6-1/2 Street, S.E., adjoining Parcels 98 and 184 on City Tax Map 29 (“Subject Street”); and

WHEREAS the portion of Oak Street that is the subject of this petition was created circa 1888, by a subdivision plat recorded in the Albemarle County land records at Deed Book 90 Page 52, and subsequently annexed into the City of Charlottesville; however, there is no known record of the City Council ever having formally accepted the area within the 20-foot Oak Street platted right-of-way; and

WHEREAS, by ordinance adopted March 15, 2010, this City Council previously vacated a different segment of the platted Oak Street right-of-way adjoining Parcels 97 and 185 on City Real Estate Tax Map 29 (316 and 322 6-1/2 Street, S.W., respectively); and

WHEREAS the owners of property adjoining the Subject Street (e.g., 313 and 321 6<sup>th</sup> Street, S.W.) have been notified of this petition, and notice has been given to the public pursuant to Virginia Code Sections 15.2-2204 and 15.2-2272, and a public hearing by the City Council was held on June 21, 2010; and

WHEREAS after due consideration of the petition this Council finds and determines that the petitioners’ request should be granted; now, therefore

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Subject Street is hereby closed, vacated and abandoned, subject to the City’s reservation of a utility easement and the execution of a permanent utility easement in favor of the City centered upon any utility line existing within the area of the Subject Street, said area being more particularly described as follows:

A twenty (20) foot platted street, designated as Oak Street, running from 6<sup>th</sup> Street, S.W. for the entire length of the adjoining lots identified on 2022 City Real Estate Tax Map 29 Parcels 98 and 184 (313 and 321 6<sup>th</sup> Street, S.W., respectively).

BE IT FURTHER ORDAINED that the execution of a deed of easement for a permanent utility easement in favor of the City of Charlottesville, centered on the existing utility line(s) located within the Subject Street area, is hereby made an express condition precedent to the closing, vacation and abandonment of the area within the Subject Street; and

BE IT FURTHER ORDAINED that this Ordinance shall take effect on the date as of which both of the following conditions have been satisfied (“Effective Date”) : (i) all of the owners of property at 313 and 331 6<sup>th</sup> Street, S.W. have fully executed and delivered to the City Attorney a deed of easement satisfactory to the City Attorney and the Director of Utilities, conveying to the City a permanent utility easement for all utility lines currently in place within the Subject Street, and (ii) 60 days have expired from the date of City Council’s vote to approve this Ordinance, and no appeal from City Council’s enactment of this ordinance is filed of record within the Charlottesville Circuit Court. The City Attorney and City Manager are authorized to take all actions necessary to carry out the actions authorized by this Ordinance, and, on or after the Effective Date to record an attested copy of this Ordinance within the Street Closing Book within the land records of the Charlottesville Circuit Court, and to record the original deeds of easement, within 9said land records.

