

TOWN OF VIENNA
TOWN COUNCIL WORKSESSION MEETING
Monday, August 20, 2012
7:00 PM
Charles A. Robinson Jr. Town Hall, 127 Center St. South

 Print

1. **Vacating of Town Property**

TOWN OF VIENNA
TOWN COUNCIL WORKSESSION ITEM
August 20, 2012
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ITEM NO.

Vacating of Town Property

BACKGROUND SUMMARY:

Three different and unrelated requests to abandon Town street or alley right-of-ways have been received recently. The proposed vacation and abandonment procedure would apply to all requests which are not part of a larger development or site plan.

OVERVIEW:

1. Property owners adjacent to Ninovan Road SE near Adahi Road SE have requested that the unopened street right-of-way be abandoned. At the April 9, 2012 Work Session, Town Council deferred action pending review of a uniform procedure for dealing with disposal of right-of-ways.
2. During reconstruction of the former "Once Upon A Time" store at 120 Church Street NE, the developer approached staff about abandoning the existing unopened alley adjacent to the property. The land is very steep and it is unlikely that the alley would ever be opened. The Department of Parks and Recreation has spent thousands of dollars cutting back the volunteer trees and vegetation.
3. As part of their demolition and new home construction, the builder at 112 Ayr Hill Avenue NW has requested vacation of the unopened alley behind the property. It is unlikely the alley will ever be opened. Because the lot is mid-block, we may want to approach other adjacent property owners about other sections of the alley.

SUMMARY/STAFF IMPRESSIONS:

Public right-of-ways have value and any disposal must follow state law. The extra land may improve adjacent property and allow for a building addition or even provide enough property to allow a subdivision. Because each situation is unique, we suggest gathering all the facts in a uniform fashion using the attached procedure.

Because the applicant is receiving something of value, staff feels it important that the applicant pay all associated costs for the vacation or abandonment of the public property.

DOCUMENTS ATTACHED:

1. [Vacation and Abandonment Proceedure 8-7-2012.doc](#)
2. [Alley between Ayr Hill and Wilmar.pdf](#)
3. [Alley between Center and Dominion.pdf](#)
4. [Ninovan Road.pdf](#)
5. [Dennis Rice letter of 8-16-2012.pdf](#)

RECOMMENDATION:

Endorse or adopt the proposed Vacation and Abandonment Procedure. Direct staff to develop an application fee and a second fee for survey, deed research, plat preparation, etc. to be included within the Town Code.



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.

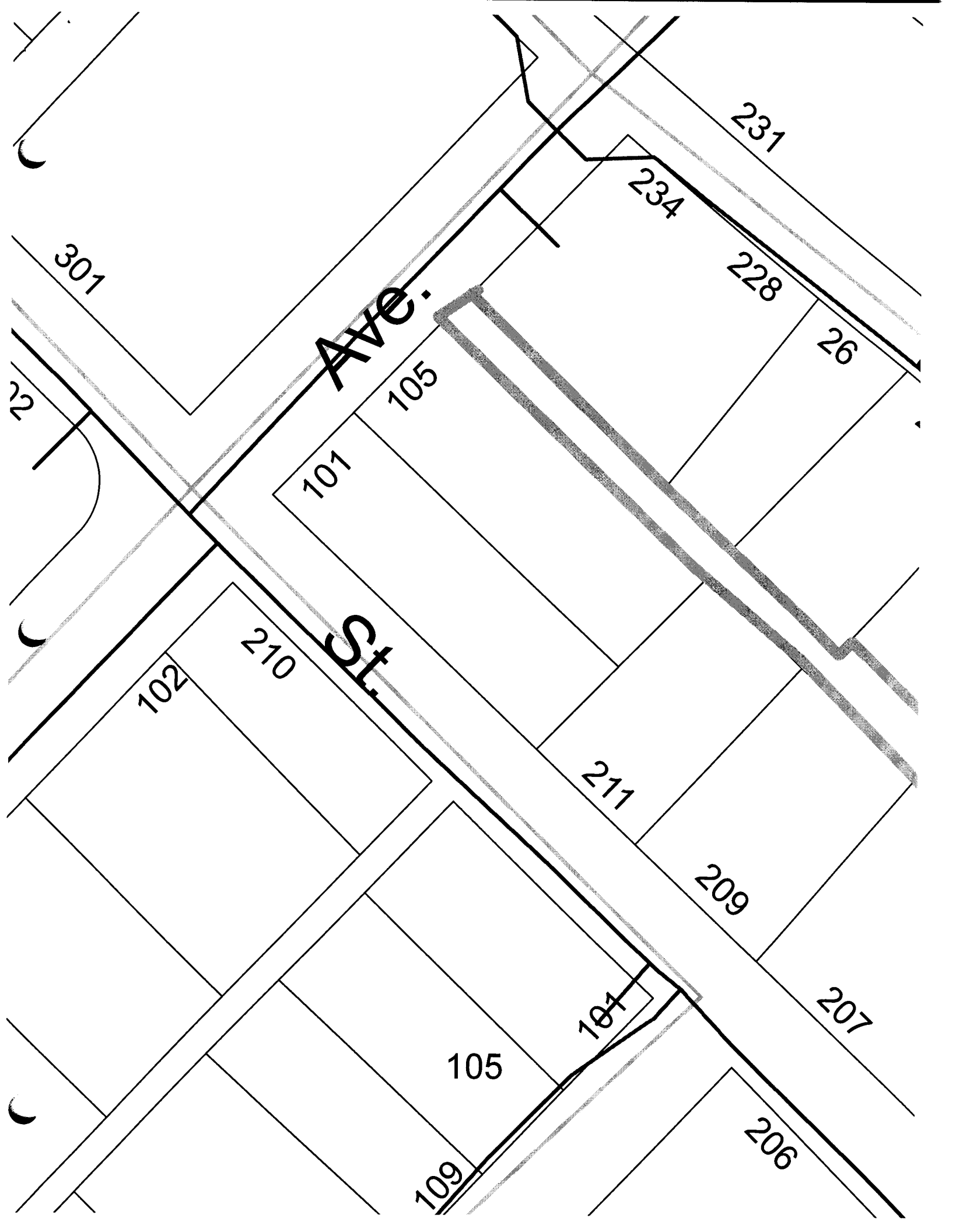
If the surveyor concludes the parcel does not revert to adjacent property owners as a result of a subdivision and the parcel may be sold, the Vienna Town Attorney hires an appraisal firm at requestor's expense.

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



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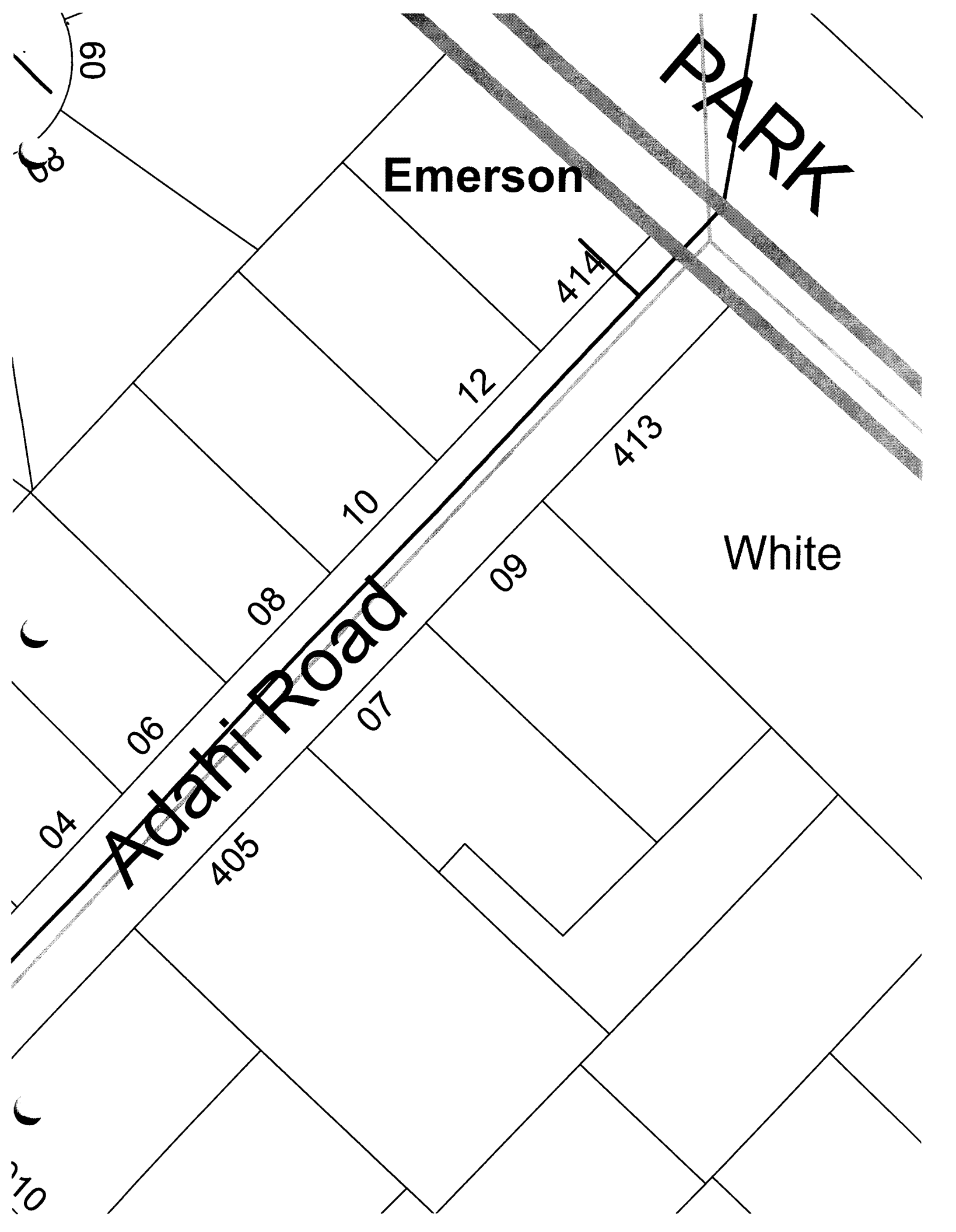
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Emerson

PARK

Adahi Road

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J.D.A. CUSTOM HOMES, INC.

August 16, 2012

Dear Town of Vienna Town Council,

J.D.A. Custom Homes, Inc. is interested in purchasing the alleyway to the rear of 112 Ayr Hill Road, NW, Vienna, VA 22180. Should you have any questions please call Dennis Rice at 703-932-5021.

We look forward to working with the town council on this matter.

Best,

Dennis Rice