# CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA



Agenda Date: July 20, 2020

Action Required: Public Hearing; Adoption of Ordinance (Waive Second Reading)

Presenter: John Blair, City Attorney

Staff Contacts: Lisa Robertson; Lauren Hildebrand, Director of Utilities

Title: Lochlyn Hill Subdivision: Vacation of Utility Easements and ROW

#### **Background:**

Pursuant to Virginia Code §15.2-2265, when a locality approves a subdivision plat and the plat is recorded within the Circuit Court's land records, recordation of the plat operates to transfer legal title to all rights-of-way, easements or other interest of the City in the land identified on the plat as being dedicated for public use. (But note: the City is not required to accept ownership or maintenance responsibility for any *improvements* installed within the dedicated areas, for example: water, sewer or storm sewer mains, unless and until the City verifies that the improvements have been constructed within the public easements AND have been constructed in accordance with City standards).

Once a Developer records a plat and legal title to dedicated right-of-way (ROW) passes to the City, a Developer may not subsequently "take back" [abandon, vacate, etc.] that easement except in accordance with applicable state laws. As a general rule, City Council is required to take action in order to dispose of any public interest in real property. Thus, in most instances—particularly after a developer begins to sell off lots within a subdivision—a developer cannot simply record new subdivision plats to "erase" public easements created by a prior subdivision plat, *see* Va. Code §15.2-2272. If a developer tries to do this, it can create problems in the chain of title to the City's interests in real estate, as well as private property.

#### **Discussion:**

It has come to the attention of the City Attorney's Office that there are a number of corrections that must be made with respect to matters depicted within the various subdivision plats recorded within the Lochlyn Hill Subdivision.

*First*, in a number of places new utilities have been constructed outside the boundaries of recorded easements. In those cases the easement locations must be adjusted to correlate with the actual location of utility lines.

Second, boundaries of utility or stormwater easements have been platted and re-platted, on occasion; in some of the re-plats, the Developer referenced an easement as being "hereby vacated" without first having obtained the approval of City Council. For these issues, in order for the property rights to be clarified, Council would need to take action to vacate the

areas labeled as "vacated".

Third, Lochlyn Hill Drive, although not yet completed, was constructed in a location different than the dedicated public ROW depicted on recorded plats. To partially address this, the Developer has dedicated additional ROW for the portion of the street constructed outside the platted ROW [this has already been done and accepted by the City Attorney on behalf of the City, as he is authorized to do]. Now, the Developer is requesting the City Council to vacate ROW that was previously platted and dedicated, but that is no longer necessary to achieve the required width for the "relocated" Lochlyn Hill Drive.

Just in the way of a status report: the following issues related to utilities and public street improvements remain outstanding throughout the Development:

- (1) Developer has not yet submitted notice(s) of completion, accompanied by final as-built plans and inspection reports for (i) all utility facilities and (ii) public street improvements;
- (2) For utility mains (water, sewer and storm sewer lines) that have been constructed within Phase 3, the Developer has confirmed location of utility mains but has not yet provided final verification that the depth of cover required for the new utility lines has been achieved;
- (3) The City's zoning administrator and Housing Specialist will need to verify that the proffered development conditions (affordable housing) throughout the Development have been satisfied. This involves checking location and ownership of units, and checking on the status of a Fund referenced within the proffers.
- (4) The City's stormwater administrator will need to verify that the requirements of the stormwater management plan for the Lochlyn Hill development (all phases) have been satisfied to the extent that state permit coverage can be terminated; this closeout process is not anticipated for quite some time, and will involve an application and closeout information per state law and regulations, and the City's water protection ordinance.

Resolution of these outstanding issues will take place over a course of time in accordance with City ordinances and applicable state laws. Taking action at this time to correct subdivision plat errors will not adversely impact [either the City or the Developer] as they work through the completion process, and will clear title to some land/lots which have already been sold.

# **Alignment with Council Vision Areas and Strategic Plan:**

<u>N/A</u>

#### **Community Engagement:**

A public hearing is required to be held by City Council on this request, pursuant to Va. Code §15.2-2272.

#### **Budgetary Impact:**

N/A

#### **Recommendation:**

Staff and the City Attorney's Office recommend approval of the attached Ordinance. (**Note: on the last page of the Ordinance, there is a provision that waives the requirement for a second reading of the Ordinance**).

# **Alternatives**:

City Council may decline to approve the Ordinance, or may edit the terms of the proposed Ordinance prior to adopting it.

# **Attachments**:

- Proposed Ordinance
- Copies of plats referenced in the Ordinance

# ORDINANCE CLOSING, VACATING AND DISCONTINUING CERTAIN UTILITY EASEMENTS WITHIN THE LOCHLYN HILL SUBDIVISION

WHEREAS, the developers of the Lochlyn Hill subdivision ("Developers") have recorded one or more subdivision plat(s) within the land records of the Charlottesville Circuit Court for the Lochlyn Hill Subdivision ("Subdivision"); and

**WHEREAS**, within the various plat(s) the Developers have created certain public rights of way and easements for public utilities, and have dedicated the areas of land within those easements for public use ("Subject Rights-of-Way"), but the Developers have also attempted to vacate certain of those easements by recordation, or re-recordation, of the plat(s); and

**WHEREAS**, once the Developers began selling lots within the Subdivision, the City of Charlottesville's right, title and interest in and to utility easements created by recordation of subdivision plat(s), and the boundary(ies) of those easements, may be extinguished or altered only in accordance with the provisions of Virginia Code §15.2-2265 and §15.2-2272; and

**WHEREAS**, the Developers have made application to the City Council, requesting Council to vacate or relocate certain easements the Subdivision and to vacate a portion of right-of-way previously dedicated to the City for Lochlyn Hill Drive; and,

WHEREAS, landowners who own property adjacent to the Subject Rights-of-Way have been duly notified of the Petition, in accordance with Virginia Code §15.2-2272, and within each of the subdivision plats recorded by the Developers, the Developers, by notes on such plats, reserved the right to vacate or revise any easement depicted on the plats, and by such notes the lot owners purchasing from the Developers have also been put on notice that the easements may be vacated or revised; and,

**WHEREAS,** following notice to the public given in accordance with Virginia Code §15.2-2272 and 15.2-2204, and a public hearing by the City Council was held on July 20, 2020; and,

**WHEREAS**, this Council finds and determines that the Developer's application should be conditionally granted;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia as follows:

(1) Within the Subdivision Plat titled "SUBDIVISION PLAT LOCHLYN HILL, PHASE II AND FUTURE PHASE III, BEING A BOUNDARY LINE ADJUSTMENT OF TMP48A-39 AND 48A-40 AND VACATING A PORTION OF AN EXISTING CITY 20' SANITARY EASEMENT AND A STORMWATER MAINTENANCE AND ACCESS EASEMENT AS SHOWN HEREON CITY OF CHARLOTTESVILLE, VIRGINIA DECEMBER 20, 2015, MARCH 16, 2016 (REVISED) JULY 6, 2016 (REVISED) AUGUST 31, 2016 (REVISED)", recorded within the land records of the Charlottesville

Circuit Court as Instrument Number 2016-00003811, City Council hereby vacates the following easements:

- <u>Sheet 3 of 22</u>: "Portion of Ex. Stormwater Maintenance and Access Easement Instrument #201400921 (City) (HEREBY VACATED")" <u>and</u> "Portion of Ex. City 20' Sanitary Sewer Easement D.B. 773, Pg. 503, 509 (PLAT)(HEREBY VACATED)";
- <u>Sheet 4 of 22</u>: "Portion of Ex. Stormwater Maintenance and Access Easement Instrument #201400921 (CITY) (HEREBY VACATED)";
- (2) And within the Subdivision Plat titled "PLAT SHOWING REVISED 20' SANITARY SEWER EASEMENTS AND NEW 20' STORM DRAINAGE EASEMENTS AND EXISTING STORM DRAINAGE EASEMENTS TO BE VACATED ACROSS LOCHLYN HILL, PHASE II, CITY OF CHARLOTTESVILLE, VIRGINIA, FEBRUARY 1, 2019, JUNE 21, 2019 (REVISED), NOVEMBER 6, 2019 (REVISED)" recorded within the land records of the Charlottesville Circuit Court as Instrument Number 2019-00004144, City Council hereby vacates the following easements:
  - <u>Sheet 3 of 13</u>: Drainage Easements (or portions thereof) labeled as "A" on Sheet 3 of 13 on the above-referenced Plat, such easements having been dedicated to the public on the 2016 subdivision plat recorded as Instrument 2016-00003811; **and** Drainage Easements (or portions thereof) labeled as "D" on Sheet 3 of 13 on the above-referenced Plat, such easements having been dedicated to the public on the 2016 subdivision plat recorded as Instrument 2016-00003811;
- (3) And within the Subdivision Plat titled "LOCHLYN HILL, PHASE III, CITY OF CHARLOTTESVILLE, VIRGINIA JANUARY 11, 2019, APRIL 19, 2019 (REVISED), JUNE 3, 2019 (REVISED)" recorded within the land records of the Charlottesville Circuit Court as Instrument Number 2019-00002201, City Council hereby vacates the following easements:
  - **Sheet 4 of 14**: Drainage Easements (or portions thereof) labeled as "A, B, C, and D" on Sheet 4 of 13 on the above-referenced Plat; **and** a Waterline Easement (or portion thereof) labeled as "G" on Sheet 4 of 13 of the above-referenced Plat; **and** a Sanitary Sewer Easement (or portion thereof) labeled as "H" on the above-referenced Plat, such easements having been dedicated to the public on the 2016 subdivision plat recorded as Instrument 2016-00003811;
- (4) And within a plat titled "Survey Showing Lots 61-A and 61-B being a division of Lot 61 and Lots 90-A, 90-B, 90-C, being a division of Lot 90 (Revised) and Lots 91 (Revised) through Lot 99 (Revised) being a boundary line adjustment of Lots 91 through 99 and New Access Easement across Lot 61-A Lochlyn Hill, Phase III," prepared by Kirk Hughes and Associates and dated February 10, 2020, recorded within the land records of the Charlottesville Circuit Court as Exhibit A to Instrument Number 2020-00001078, City Council hereby vacates the following easement:
  - <u>Sheet 4 of 6 (titled "Plat Showing Lochlyn Hill, Phase III, Public Drainage Easement to be Vacated"</u>: the existing drainage easement (or portions thereof) depicted as a cross-hatched

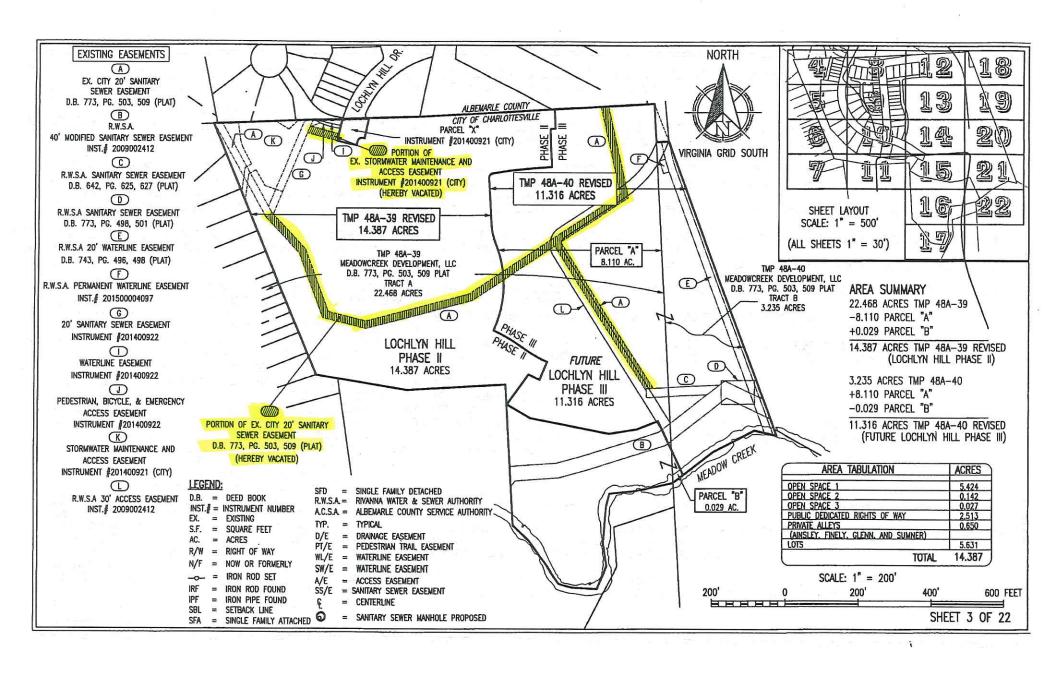
area and labeled "Portion of Ex. D/E to be Vacated"

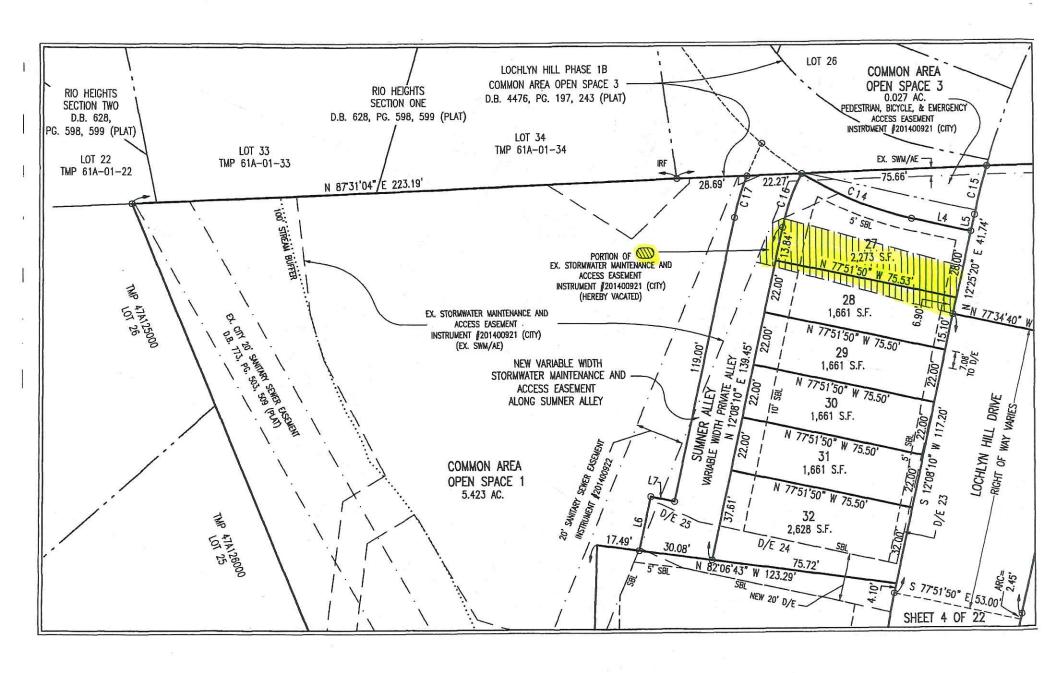
(5) And with respect to a PROPOSED plat titled "Boundary line adjustment, Lots 101-107 and Lochlyn Hill Drive, Lochlyn Hill, Phase III, as shown hereon" prepared by Kirk Hughes and Associates and dated February 10, 2020 (not yet recorded within the land records of the Charlottesville Circuit Court, but attached to Council's agenda materials for July 20, 2020), City Council hereby agrees to and approves a vacation of the following portions of the public right-of-way for Lochlyn Hill Drive and City Council further authorizes the City's Subdivision Agent to execute a final boundary line adjustment plat having the same details and information as set forth within the aforementioned PROPOSED plat:

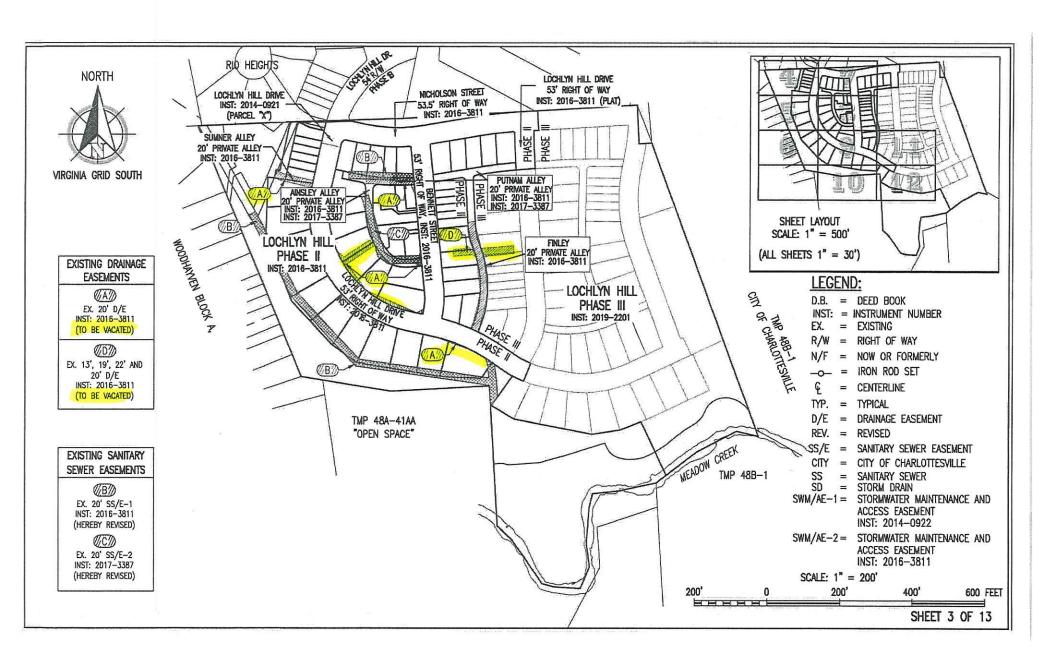
<u>Sheet 2 of 3</u>: portions of the variable width right-of-way for Lochlyn Hill Drive adjacent to Lots 101-107, more specifically, those portions labeled (A), (B), (C), (D), (E), (F) and (G) on said plat, each labeled portion having the area stated within the tables provided on Sheet 3 of 3 of said boundary line adjustment plat.

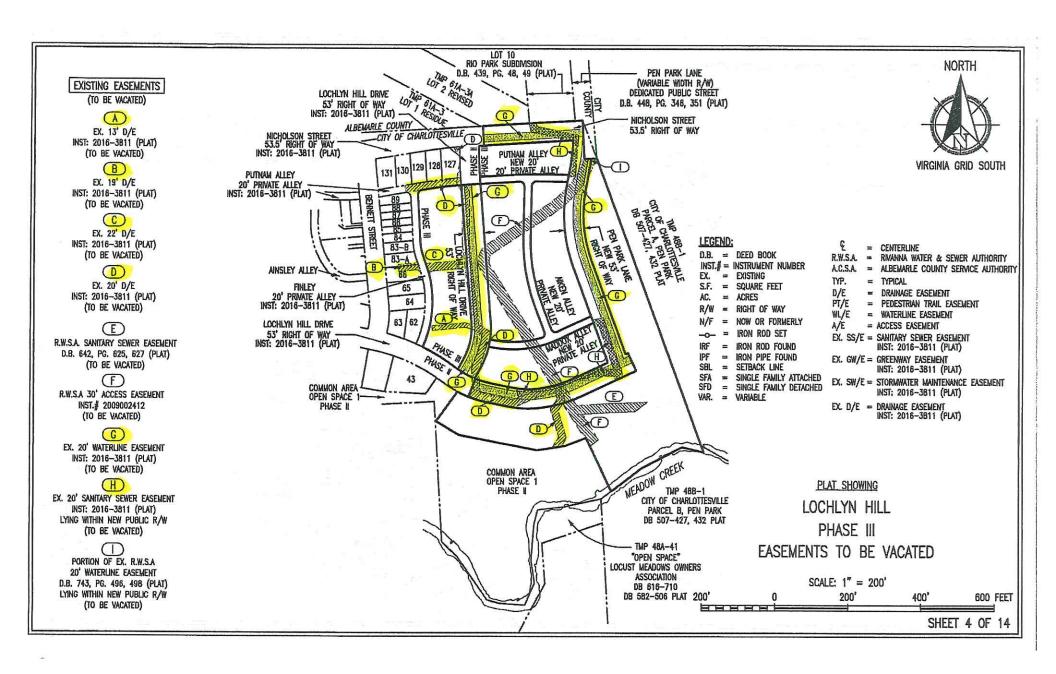
**PROVIDED, HOWEVER,** that this Ordinance shall not be or become effective until (i) a period of 30 calendar days from July 20, 2020 has expired, and no appeal has been taken by any person from Council's adoption of this Ordinance pursuant to Virginia Code §15.2-2272(2), and (ii) a certified copy of this Ordinance is recorded in the land records of the Circuit Court for the City of Charlottesvile, along with a Deed of Vacation approved as to form by the City Attorney. In the event that this Ordinance and the related Deed of Vacation have not been recorded in the City's land records within one (1) year after the date of approval of this Ordinance by City Council, then this Ordinance shall be void.

AND BE IT FURTHER ORDAINED BY CITY COUNCIL THAT the requirement within City Code Section 2-97 (for a two readings of an ordinance) is hereby WAIVED by a four-fifths vote and this Ordinance shall be effective upon its adoption by Council without any requirement for a second reading.







# **EXHIBIT A**

(Survey showing Lots 61-A and 61-B being a division of Lot 61 and Lots 90-A, 90-B, 90-C, being a division of Lot 90 (Revised) and Lots 91 (Revised) through Lot 99 (Revised) being a boundary line adjustment of Lots 91 through 99 and New Access Easement across Lot 61-A Lochlyn Hill, Phase III," prepared by Kirk Hughes and Associates and dated February 10, 2020)

# <u>OWNER'S CONSENT</u>

THE DIVISION OF THE LAND DESCRIBED HEREIN IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND / OR TRUSTEES, IF ANY. ANY REFERENCE TO FUTURE POTENTIAL DEVELOPMENT IS TO BE DEEMED A THEORETICAL ONLY. ALL STATEMENTS AFFIXED TO THIS PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

LOCHLYN, HILL DEVELOPEMENT GROUP, LLC

BY: FRANK R. STONER, IV

TITLE: MANAGER

TMP 48A040018-48A040028

**IIILE SOURCE:** 

LOCHLYN HILL DEVELOPEMENT GROUP, LLC INSTUMENT NO. 2016-3812

INSTRUMENT NO. 2019-2201 (PLAT)

<u>CERTIFICATE OF ACKNOWLEDGMENT OF SIGNATURE:</u>

Albemarle CITY/COUNTY OF COMMONWEALTH OF VIRGINIA

THE FOREGOING WAS ACKNOWLEDGED BEFORE ME THIS 24 DAY OF March, 20 20 \_, 20<u>2</u>0

> N Kitde Mechli NOTARY PUBLIC

REGISTRATION NUMBER:

CITY OF CHARLOTTESVILLE APPROVAL

CITY SUBDIMISION AGENT, OR AUTHORIZED DESIGNEE

DATE

DATE 3/23/2

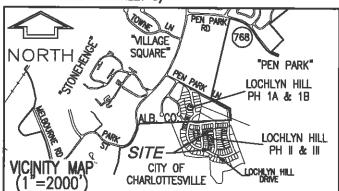
95 MS AGONT

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CHAIR, CITY PLANNIN CHAIR, CITY PLANNING COMMISSION

- 1.) SURVEY PREPARED FOR LOCHLYN HILL DEVELOPEMENT GROUP, LLC.
- 2.) THIS SURVEY IS BASED ON A CURRENT FIELD BOUNDARY SURVEY.
- 3.) NO GRAVES, CEMETERIES OR OTHER OBJECTS OR STRUCTURES MARKING A PLACE OF HUMAN BURIAL WERE FOUND OR OBSERVED ALONG THE PERIMETER OF THE BOUNDARY SHOWN HEREON.
- 4.) THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND MAY NOT INDICATE ALL ENCUMBRANCES ON THE PROPERTY SHOWN HEREON. PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS AND RIGHTS OF WAY RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF CHARLOTTESVILLE. PROPERTY SUBJECT TO THE LOCHLYN HILL DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS RECORDED IN COUNTY DEED BOOK 4476, PAGE 197 IN THE CIRCUIT COURT OF THE COUNTY OF ALBEMARLE VIRGINIA AND ALL AMENDMENTS THERETO.
- 5.) IRON RODS, UNLESS OTHERWISE NOTED, ARE TO BE SET AT ALL CORNERS UPON THE COMPLETION OF ROAD CONSTRUCTION.
- 6.) USE: RESIDENTIAL
- A.) SINGLE FAMILY ATTACHED LOTS 61-A, 61-B, 90-A, 90-B, 90-C, AND LOTS 94 (REVISED) THROUGH LOT 99 (REVISED)
- B.) SINGLE FAMILY DETACHED LOTS 91 (REVISED) THROUGH LOT 93 (REVISED).
- 7.) ZONED: PLANNED UNIT DEVELOPMENT (PUD)
- 8.) PROPERTY LIES WITHIN FLOOD ZONE "X" NOT A F.E.M.A. DEFINED 100 YEAR FLOOD ZONE.

(NOTES CONTINUED ON SHEET 3)



SHEET LAYOUT					
SHEET 1	COVER SHEET				
SHEET 2	BOUNDARY LINE ADJUSTMENT				
JIILLI Z	LOTS 90-99				
SHEET 3	LOTS 90-A, 90-B, AND 90-C				
	LOTS 61-A AND 61-B				
SHEET 4	DRAINAGE EASEMENT				
	TO BE VACATED				
SHEET 5	LEGEND AND				
3111113	AREA SUMMARIES				
SHEET 6	CURVE TABLE				
2UEEL 0	AND LINE TABLE				

HUGHES? Lic. No. 1458 AND SURVE

SURVEY SHOWING

LOTS 61-A AND 61-B BEING A DIVISION OF

**LOT 61** 

**AND** 

LOTS 90-A, 90-B, 90-C,

BEING A DIVISION OF

LOT 90 (REVISED)

**AND** 

LOTS 91 (REVISED) THROUGH LOT 99 (REVISED)

BEING A BOUNDARY LINE ADJUSTMENT OF

LOTS 91 THROUGH 99

AND A

**NEW ACCESS EASEMENT** 

**ACROSS** 

LOT 61-A

LOCHLYN HILL, PHASE III

AS SHOWN HEREON

CITY OF CHARLOTTESVILLE, VIRGINIA FEBRUARY 10, 2020

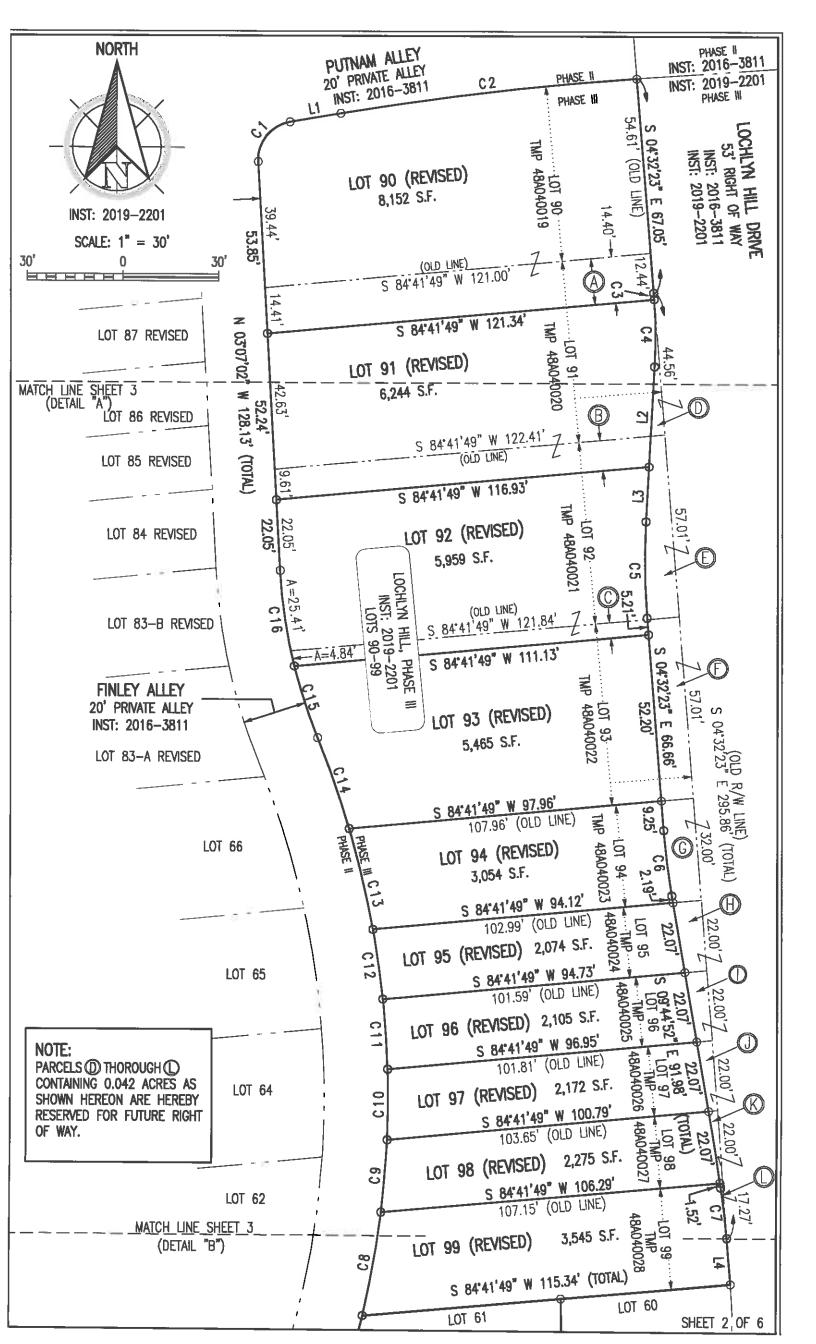
KIRK HUGHES & ASSOCIATES LAND SURVEYORS AND PLANNERS 220 EAST HIGH STREET CHARLOTTESVILLE, VA. 22902 (434) 296-6942

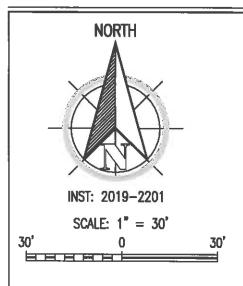
FILE: 2018-254, WO: 2020-024

\LOCHLYN HILL\LOT\_61 AND 90-99\LH\_61 AND 90-99 BLA.DWG

PLOTTED: 2/10/2020

SHEET 1 OF 6





NOTES CONTINUED FROM SHEET 1
9.) BUILDING SETBACKS

SINGLE FAMILY ATTACHED (SFA)

LOTS 61A AND 61B (ARE SHOWN HEREON)

LOTS 90A, 90B, AND 90C (ARE SHOWN HEREON) LOTS 94 (REVISED) THROUGH LOT 99 (REVISED)

FRONT = 5 FEET (ALONG LOCHLYN HILL DRIVE)

SIDE = 3 FEET (NO SIDE SETBACK ALONG

SHARED PROPERTY LINES)

REAR = 10 FEET (ALONG FINLEY ALLEY)

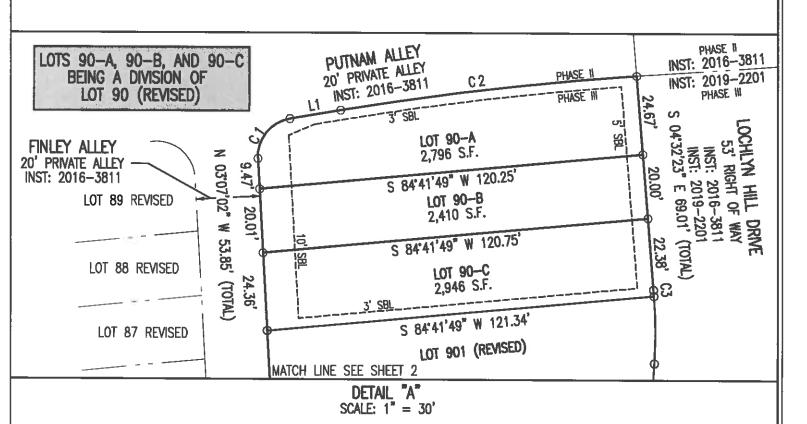
SINGLE FAMILY DETACHED

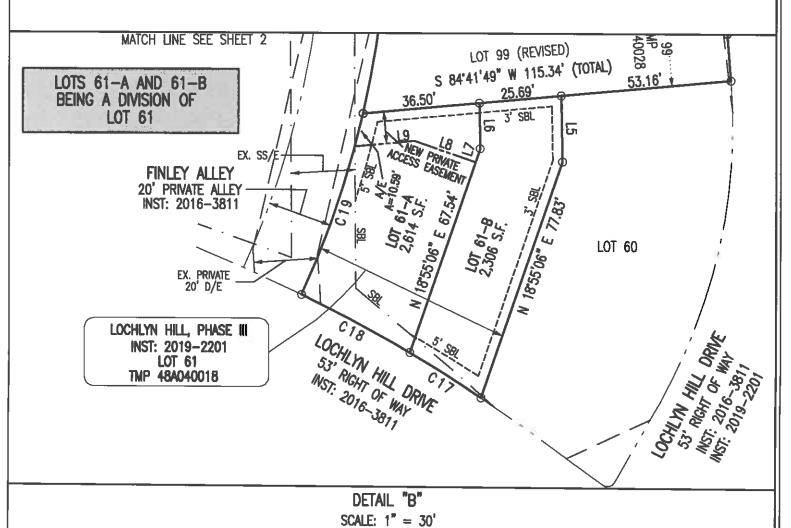
LOTS 91 (REVISED) THROUGH LOT 93 (REVISED)

FRONT = 10 FEET (ALONG LOCHLYN HILL DRIVE)

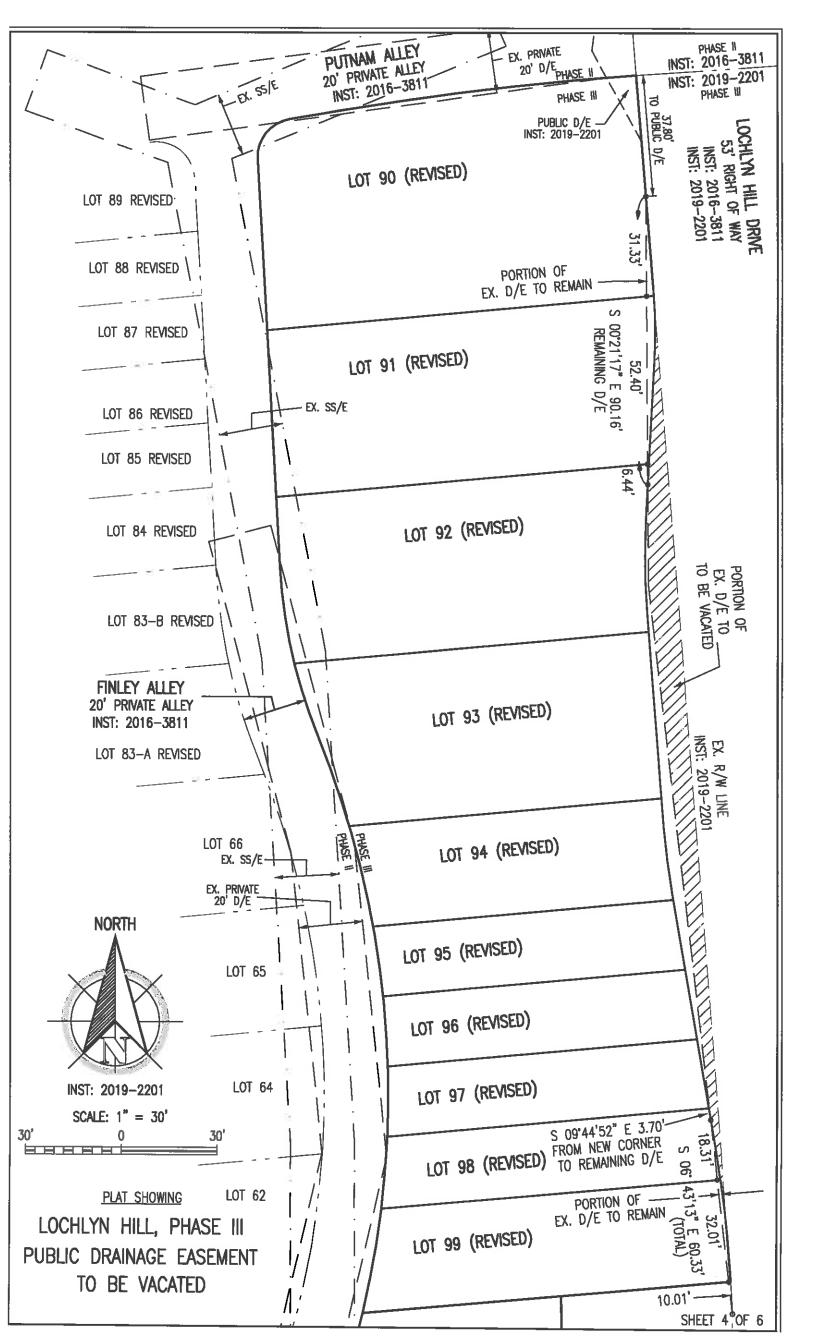
SIDE = 3 FEET

REAR = 10 FEET (ALONG FINLEY ALLEY)





SHEET 3 OF 6



# AREA SUMMARY

CEE		~
NEE.	VHE FI	-7
JLL	JIILLI	_

SEE SHEE	1 2
LOT 90	AREA (S.F.)
LOT 90 (PLAT)	
	6,407
PARCEL (A)	1,745
LOT 90 (REVISED)	8,152
107.04	4DE1 (0.E.)
LOT 91	AREA (S.F.)
LOT 91 (PLAT)	6,937
PARCEL (A)	-1,745
PARCEL (1)	-76
PARCEL ®	1,128
LOT 91 (REVISED)	6,244
zo: or (KETIOLD)	0,211
1 2 2 2	1001 (000)
LOT_92	AREA (S.F.)
LOT 92 (PLAT)	7,001
PARCEL ®	-1,128
PARCEL (D	-449
PARCEL (C)	535
LOT 92 (REVISED)	5,959
LOT OF (MEADED)	
LOT 93	AREA (S.F.)
LOT 93 (PLAT)	6,570
PARCEL ©	
	-535
PARCEL ①	-570
LOT 93 (REVISED)	5,465
20: 55 (12:1525)	0,100
LOT 94	AREA (S.F.)
LOT 94 (PLAT)	3,365
PARCEL ©	<del>-311</del>
LOT 94 (REVISED)	3,054
LOT 95	AREA (S.F.)
LOT 95 (PLAT)	
	2,247
PARCEL (B)	
LOT 95 (REVISED)	2,074
	2,011
LOT 00	1051 (0.5)
LOT 96	AREA (S.F.)
LOT 96 (PLAT)	2,234
PARCEL O	-129
LOT 96 (REVISED)	0.405
FOI SO (KEAISED)	2,105
LOT 97	AREA (S.F.)
LOT 97 (PLAT)	
	2,257
PARCEL ①	-85
LOT 97 (REVISED)	2,172
LOT OO	ADEA (O.E.)
LOT 98	AREA (S.F.)
LOT 98 (PLAT)	2,316
PARCEL ®	-41
LOT 98 (REVISED)	
TOT 30 (KEAISEN)	2,275
LOT 99	AREA (S.F.)
LOT 99 (PLAT)	3,550
DADOEL A	
PARCEL ()	
PARCEL (D LOT 99 (REVISED)	<u></u>

# SEE SHEET 3

	DIVISION	LOT	90	(REVISED	))	
LOT	90-A				2,796	S.F.
LOT	90-B				2,410	S.F.
	90-C				2,946	S.F.
LOT	90 (REVI	SED)			8,152	S.F.

DIVISION LOT 61	
LOT 61-A	2,614
LOT 61-B	2,306
LOT 61 (PLAT)	4,920

# DEDICATED R/W

DEDICATED R/W	(PLAT)	2.272	AC.

# FUTURE R/W RESERVED

PARCEL (1)			76	S.F.
PARCEL (D			449	S.F.
PARCEL (D			570	S.F.
PARCEL (G)			311	S.F.
PARCEL (B)			173	S.F.
PARCEL ()			129	S.F.
PARCEL (1)			85	S.F.
PARCEL ®			41	S.F.
PARCEL ①			5	S.F.
PARCELS D-L	(0.042	AC.)	1,839	S.F.

#### LEGEND:

INST.# = INSTRUMENT NUMBER

N/F = NOW OR FORMERLY

EX. SS/E = 20' SANITARY SEWER EASEMENT

INST: 2016-3811 (PLAT)

EX. = EXISTING S.F. SQUARE FEET

PUBLIC D/E = PUBLIC DRAINAGE EASEMENT

INST: 2019-2201

R/W = RIGHT OF WAY

PRIVATE D/E = PRIVATE 20' DRAINAGE EASEMENT

<del>-</del>O- = IRON ROD SET

(PLAT)

INST: 2019-2201

SBL = SETBACK LINE

PHASE II = LOCHLYN HILL PHASE II INST: 2016-3811 (PLAT)

VAR. = VARIABLE

D/E = DRAINAGE EASEMENTA/E = ACCESS EASEMENT

= LOCHLYN HILL PHASE III INST: 2019-2201 (PLAT)

**(A)** = PARCEL

 $\begin{array}{ll} \text{(OLD LINE)} = & \text{EXISTING PROPERTY LINES} \\ & \text{HEREBY VACATED} \end{array}$ 

# CURVE TABLE:

NO.	DELTA	RADIUS	ARC	TANGENT	CH. BEARING	CHORD
C1	83'31'46"	12.00'	17.49'	10.72'	N 38'38'52" E	15.99'
C2	05'30'42"	968.00'	93.12'	46.59'	N 83"10'06" E	93.08'
C3	00'38'50"	173.50'	1.96'	0.98*	S 04'12'58" E	1.96'
C4	06'59'12"	173.50'	21.16'	10.59'	S 00°23'57" E	21.14'
C5	07'38'02"	226.50'	30.18'	15.11'	S 00'43'22" E	30.16'
C6	05'12'29"	226.50'	20.59'	10.30'	S 07'08'37" E	20.58'
C7	05'12'29"	173.50	15.77'	7.89	S 07'08'37" E	15.77'
C8	06'19'58"	300.00	33.16'	16.60'	N 09°46'36" E	33.14'
C9	04 15 53"	300.00'	22.33'	11.17'	N 04'28'41" E	22.32'
C10	04°13'20"	300.00'	22.11'	11.06'	N 00°14'04" E	22.10'
C11	04*12*14*	300.00'	22.01'	11.01'	N 03'58'43" W	22.01'
C12	04*12'29"	300.00	22.03'	11.02'	N 08'11'04" W	22.03'
C13	06'10'33"	300.00'	32.34'	16.18'	N 13'22'35" W	32.32'
C14	05'43'58"	300.00'	30.02	15.02'	N 19'19'50" W	30.00'
C15	08'22'44"	162.00'	23.69'	11.87'	N 18'00'27" W	23.67'
C16	10'42'04"	162.00'	30.26'	15.17'	N 08'28'04" W	30.21
C17	02*51'30"	526.50'	26.26'	13.13'	N 58'26'22" W	26.26'
C18	04*10'49"	526.50'	38.41'	19.22'	N 61°57'31" W	38.41
C19	11*27'00"	300.00	59.95'	30.08	N 18°40'05" E	59.85'

# LINE TABLE:

NO.	BEARING	DISTANCE
L1	N 80°24'45" E	16.12'
L2	S 03'05'39" W	31.47'
L3	S 03'05'39" W	17.12'
L4	S 04'32'23" E	14.73
L5	N 01'11'57" W	20.63'
L6	N 01'11'57" W	14.24'
L7	S 18'55'06" W	4.50'
L8	N 71°04'54" W	20.26'
L9	S 84'41'49" W	18.65'

# OWNER'S CONSENT

THE DIVISION OF THE LAND DESCRIBED HEREIN IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND / OR TRUSTEES, IF ANY. ANY REFERENCE TO FUTURE POTENTIAL DEVELOPMENT IS TO BE DEEMED A THEORETICAL ONLY. ALL STATEMENTS AFFIXED TO THIS PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

LOCHLYN HILL DEVELOPMENT GROUP, LLC

BY: FRANK R. STONER, IV

TITLE: MANAGER

TMP 48A040030-48A040032 TMP 48A040034-48A040036

# CERTIFICATE OF ACKNOWLEDGMENT OF SIGNATURE:

CITY/COUNTY OFCOMMONWEALTH OF VIRGINIA THE FOREGOING WAS ACKNOWLEDGED BEFORE ME THIS _ DAY OF, 20	
NOTARY PUBLIC  REGISTRATION NUMBER:	

# **OWNER'S CONSENT**

THE DIVISION OF THE LAND DESCRIBED HEREIN IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND / OR TRUSTEES, IF ANY. ANY REFERENCE TO FUTURE POTENTIAL DEVELOPMENT IS TO BE DEEMED A THEORETICAL ONLY. ALL STATEMENTS AFFIXED TO THIS PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

PEAK BUILDERS, LLC BY: MATTHEW F. GRUBER

TITLE: MANAGER TMP 48A040033

# CERTIFICATE OF ACKNOWLEDGMENT OF SIGNATURE:

CITY/COUNTY OFCOMMONWEALTH OF VIRGINIA THE FOREGOING WAS ACKNOWLEDGED BEFORE ME THIS DAY OF, 20	_
NOTARY PUBLIC REGISTRATION NUMBER: MY COMMISSION EXPIRES:	

### CITY OF CHARLOTTESVILLE APPROVAL

BY:	 				
DATE	 SUBDIVISION	AGENT,	0R	AUTHORIZED	DESIGNE

BY:					
DATE					
	CHAIR	CITY	PI ANNING	COMMISSION	

	SHEET LAYOUT
SHEET 1	COVER SHEET
SHEET 2	BOUNDARY LINE ADJUSTMENT LOTS 101-107
SHEET 3	AREA SUMMARY, CURVE AND LINE TABLES, AND LEGEND

#### TITLE SOURCES:

LOCHLYN HILL DEVELOPMENT GROUP, LLC LOTS 101-103 AND 105-107 INSTRUMENT NO. 2016-3812 INSTRUMENT NO. 2019-2201 (PLAT)

PEAK BUILDERS, LLC LOT 104 INSTRUMENT 2019-4432 INSTRUMENT NO. 2019-2201 (PLAT)

#### NOTES:

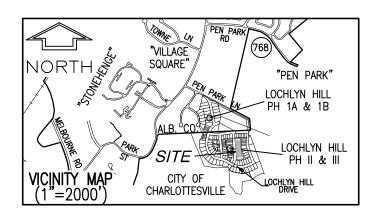
- 1.) SURVEY PREPARED FOR LOCHLYN HILL DEVELOPMENT GROUP, LLC.
- 2.) THIS SURVEY IS BASED ON A CURRENT FIELD BOUNDARY SURVEY.
- 3.) NO GRAVES, CEMETERIES OR OTHER OBJECTS OR STRUCTURES MARKING A PLACE OF HUMAN BURIAL WERE FOUND OR OBSERVED ALONG THE PERIMETER OF THE BOUNDARY SHOWN HEREON.
- 4.) THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND MAY NOT INDICATE ALL ENCUMBRANCES ON THE PROPERTY SHOWN HEREON. PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS AND RIGHTS OF WAY RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF CHARLOTTESVILLE. PROPERTY SUBJECT TO THE LOCHLYN HILL DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS RECORDED IN COUNTY DEED BOOK 4476, PAGE 197 IN THE CIRCUIT COURT OF THE COUNTY OF ALBEMARLE VIRGINIA AND ALL AMENDMENTS THERETO.
- 5.) IRON RODS, UNLESS OTHERWISE NOTED, ARE TO BE SET AT ALL CÓRNERS UPON THE COMPLETION OF ROAD CONSTRUCTION.
- 6.) USE: SINGLE FAMILY DETACHED LOTS 101 (REVISED) THROUGH LOT 107 (REVISED).
- 7.) ZONED: PLANNED UNIT DEVELOPMENT (PUD)
- 8.) PROPERTY LIES WITHIN FLOOD ZONE "X" NOT A F.E.M.A. DEFINED 100 YEAR FLOOD ZONE.
- 9.) LOT SETBACKS LOTS 101 (REVISED) THROUGH LOT 107 (REVISED) FRONT = 10 FEET (ALONG LOCHLYN HILL DRIVE) SIDE = 3 FEET

REAR = 10 FEET (ALONG AIKEN ALLEY)

S Og.v. "Kirk" hughes

Lic. No. 1458

SURVEYO



**BOUNDARY LINE ADJUSTMENT** 

LOTS 101 - 107 AND LOCHLYN HILL DRIVE LOCHLYN HILL, PHASE III

AS SHOWN HEREON

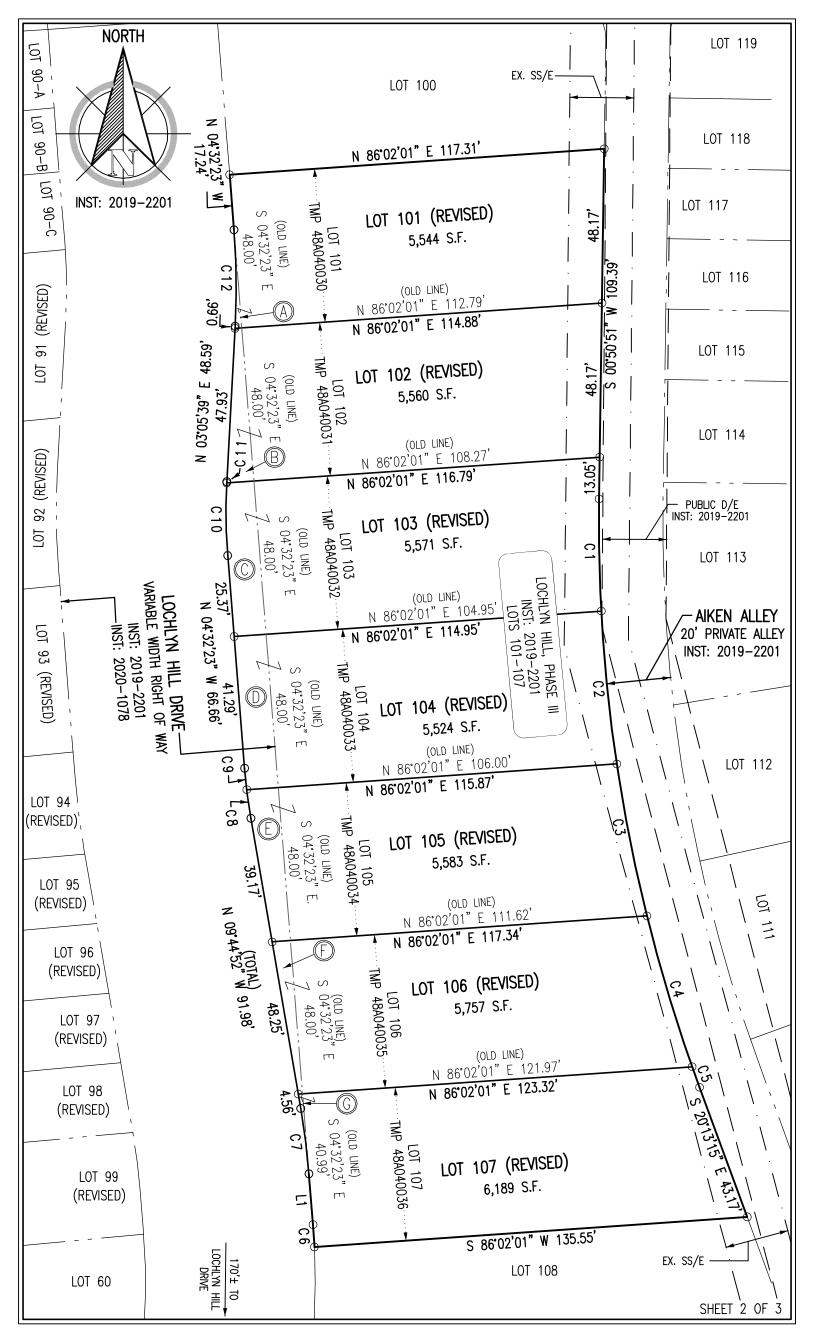
CITY OF CHARLOTTESVILLE, VIRGINIA FEBRUARY 10, 2020

KIRK HUGHES & ASSOCIATES LAND SURVEYORS AND PLANNERS 220 EAST HIGH STREET CHARLOTTESVILLE, VA. 22902 (434) 296-6942

FILE: 2018-254, WO: 2020-024

PLOTTED: 5/12/2020

SHEET 1 OF 3



# AREA SUMMARY

# LOTS 101 - 107

L013 101	- 107
LOT 101	AREA (S.F.)
LOT 100 (PLAT)	5,522
PARCEL (A)	5,544
LOT 100 (REVISED)	5,544
LOT 102	AREA (S.F.)
LOT 102 (PLAT)	5,305
PARCEL ®	255
LOT 102 (REVISED)	5,560
LOT 103 LOT 103 (PLAT)	AREA (S.F.)
LOI 103 (PLAI)	5,102
PARCEL ©	469
LOT 103 (REVISED)	5,571
LOT 104	ADEA (C.E.)
LOT 104 LOT 104 (PLAT)	AREA (S.F.) 5,045
IDADOCIA	•
PARCEL (D) LOT 104 (REVISED)	479 5,524
LOT TO4 (NEVISED)	J,J24
LOT 105	AREA (S.F.)
LOT 105   LOT 105 (PLAT)	5,204
PARCEL ©	379
LOT 105 (REVISED)	5,583
(1211022)	5,000
LOT 106	AREA (S.F.)
LOT 106 (PLAT)	5,587
PARCEL (D)	170 5,757
LOT 106 (REVISED)	5,757
LOT 107	AREA (S.F.)
LOT 107 (PLAT)	6,177
PARCEL ©	12
LOT 107 (REVISED)	6,189

# PHASE III DEDICATED R/W

INST: 2019-2201	(PLAT)	2.272 AC.
INST: 2020-1078	(PLAT)	0.042 AC.
	TOTAL	2.314 AC.

## LESSED R/W

PARCEL (A)			22	S.F.
PARCEL (B)			255	S.F.
PARCEL ©			469	S.F.
PARCEL ①			479	S.F.
PARCEL (🕀			379	S.F.
PARCEL (🗗			170	S.F.
PARCEL ©			12	S.F.
PARCELS A-G	(0.041	AC.)	1,786	S.F.

# PHASE III REVISED DEDICATED R/W

INST: 2019-2201	(PLAT)	2.272	AC.
INST: 2020-1078	(PLAT)	0.042	AC.
THIS SURVEY		-0.041	AC.
	TOTAL	2.273	AC.

### **CURVE TABLE:**

NO.	DELTA	RADIUS	ARC	TANGENT	CH. BEARING	CHORD
C1	03'56'14"	510.00'	35.05'	17.53'	S 01'07'16" E	35.04'
C2	05'23'50"	510.00'	48.04'	24.04'	S 05°47'18" E	48.02'
C3	05'26'17"	510.00'	48.40'	24.22'	S 11'12'22" E	48.39'
C4	05'31'50"	510.00'	49.23'	24.63'	S 16'41'25" E	49.21'
C5	00°45'56"	510.00'	6.81'	3.41'	S 19'50'17" E	6.81'
C6	01'46'28"	226.50'	7.01'	3.51'	N 03°39'09" W	7.01'
C7	05'12'29"	226.50'	20.59'	10.30'	N 07°08'37" W	20.58'
C8	02'59'21"	173.50'	9.05'	4.53'	N 08°15'11" W	9.05'
C9	02.13,07,	173.50'	6.72'	3.36'	N 05°38'57" W	6.72'
C10	07'29'26"	173.50'	22.68'	11.36'	N 00°47'40" W	22.67'
C11	00.08,36,	173.50'	0.43'	0.22'	N 03°01'21" E	0.43'
C12	07'38'02"	226.50'	30.18'	15.11'	N 00°43'22" W	30.16'

#### LINE TABLE:

NO.	BEARING	DISTANCE
L1	N 04°32'23" W	15.90'

### **LEGEND:**

INST.# = INSTRUMENT NUMBER

EX. = EXISTING

S.F. SQUARE FEET

R/W = RIGHT OF WAY

N/F = NOW OR FORMERLY

**─** = IRON ROD SET

SBL = SETBACK LINE

VAR. = VARIABLE

D/E = DRAINAGE EASEMENT

A/E = ACCESS EASEMENT

= PARCEL EX. SS/E = 20' SANITARY SEWER EASEMENT

INST: 2016-3811 (PLAT)

PUBLIC D/E = PUBLIC DRAINAGE EASEMENT INST: 2019-2201

PRIVATE D/E = PRIVATE 20' DRAINAGE EASEMENT

INST: 2019-2201

PHASE II = LOCHLYN HILL PHASE II INST: 2016-3811 (PLAT)

(PLAT) = LOCHLYN HILL PHASE III

INST: 2019-2201 (PLAT)

(OLD LINE) = EXISTING PROPERTY LINES

HEREBY VACATED

SHEET 3 OF 3