

**ORDINANCE**  
**CLOSING, VACATING AND DISCONTINUING THAT PORTION OF OAK STREET, AN UNACCEPTED RIGHT OF WAY, BETWEEN 6<sup>TH</sup> STREET S.W. 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 6th 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 an easement for the benefit of the owner(s) of 313 6<sup>th</sup> Street, S.W., for an existing utility service line located within the area of the Subject Street, and the said area of the Subject Street 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 this ordinance shall take effect (i) 60 days after the date of City Council’s vote to approve this Ordinance, if no appeal from City Council’s enactment of this ordinance is filed of record within the Charlottesville Circuit Court, or (ii) if an appeal is filed, upon the entry of a final order by the circuit court disposing of the appeal (“Effective Date”). 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. Upon the recordation of this Ordinance within the said Street Closing Book, the owner(s) of the lots currently addressed as 313 and 321 6<sup>th</sup> Street, S.W., respectfully, shall acquire title to the centerline of the Subject Street adjoining their lot.