

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date: October 3, 2022

Action Required: Adoption of Ordinance (2nd Reading)

Presenter: Lisa Robertson, City Attorney

Staff Contacts: Brenda Kelley, Redevelopment Manager

Title: Request for Vacation of Unaccepted Right-of-Way for Oak Street at 321 6th Street (3rd reading; deferred from August 15)

Background

The City has received a request from Portia Boggs and Vignesh Kuppusamy, the owners of a lot located at **321 6th Street, S.W.**, asking the City to convey to them a strip of property adjacent to their lot. 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 6th 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 has been reviewed by the following department heads, none of whom had any substantive comments or recommendations: Utilities; Public Works; Neighborhood Development Services; Office of Community Solutions; Economic Development; Parks and Recreation.

Alignment with City Council's Vision and Strategic Plan

Not indicated by any department head.

Community Engagement

A public hearing is required, per Va. Code §15.2-2272(2) and was conducted as part of the first reading of this proposed ordinance.

Budgetary Impact

None identified by any department director or the city manager's office.

Recommendation

The City Attorney's office recommends that any ordinance vacating the Subject Street should require a private easement in favor of the owner of 313 6th Street, S.W. There exists a utility service line within a portion of the Subject Street, connecting a house on that lot to a public main in 6th Street, S.W. Although the precise location is not known at this time, in relation to the centerline of the Subject Street area, requiring that the vacation be subject to a private easement in favor of 313 6th Street, S.W. will ensure that--to the extent, if any, that the existing utility line might be located in an area that crosses over the centerline of the Subject Street area, the homeowner on 313 6th Street, S.W. will not be placed at odds with the landowner(s) on the opposite side of the Subject Street.

Suggested Motion: "I MOVE THE ORDINANCE closing, vacating and discontinuing that portion of Oak Street, an unaccepted right of way, between 6th Street, S.W. and 6-1/2 Street, S.W., adjacent to Parcels 98 and 184 on City Real Estate Tax Map 29."

Alternatives

Council may (by verbal motion) deny the request. Council may also defer the request for action at a later date.

Attachments

1. ORDINANCE 321 6th Street Vacation