

**LYNCHBURG CITY COUNCIL  
PHYSICAL DEVELOPMENT COMMITTEE**

**Tuesday, December 8, 2015  
9:00 a.m.**

**Information Items**

**Recent/Pending Contract Awards:** -There were no new contracts awarded.

**Update on priority projects:** -no change to the priority project list.

**General Business**

1. Right-of-way vacation: Main Street

Rachel Frischeisen

2. Roll Call

Pc: Kimball Payne, City Manager  
Bonnie Svrcek, Deputy City Manager  
Council Members  
Gaynelle Hart, Director of Public Works  
News & Advance

**Next Meeting: January 12, 2016**

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **December 8, 2015 - PDC**

AGENDA ITEM NO.:

CONSENT:           REGULAR: X           WORK SESSION:

CLOSED SESSION:  
(Confidential)

ACTION: X                           INFORMATION:

ITEM TITLE: **Vacate and sell a portion of Main Street**

RECOMMENDATION: Approval of the right-of-way vacation and authorization of the City Manager to sell the property

SUMMARY: Genworth Life & Annuity Insurance Company, the owner of 717 Main Street, is petitioning to vacate a narrow portion of right-of-way along the frontage of the property at 717 Main Street. The petitioner is requesting the right-of-way vacation to accommodate the construction of a parking deck associated with The Virginian Hotel. This right-of-way is approximately two (2) feet wide and extends one hundred fifty-five (155) feet. It contains a portion of sidewalk. The total area of the proposed vacation is approximately eight thousandths (0.008) of an acre. The petitioner is also requesting authorization for the sale of the right-of-way, once vacated, so that the property can be conveyed to them in exchange for the fair market value of four-thousand, four-hundred (\$4,400) dollars.

An additional parking level would be built over the existing parking lot which would result in sixty-two (62) new parking spaces for a total of one hundred fifteen (115) off-street parking spaces. The vacation and sale of the right-of-way would align the front façade of the proposed parking deck with the adjacent building at 715 Main Street. Removal of a portion of the existing sidewalk would reduce the overall width to eight (8) feet which matches the sidewalk width for the balance of that block. The design team for the Downtown waterline/streetscaping project confirmed the eight (8)-foot sidewalk width is consistent with the width proposed for that side of the Main Street corridor and noted the proposed vacation would not negatively impact the design.

PRIOR ACTION(S):

November 17, 2015: The Technical Review Committee [TRC] reviewed the petition. The TRC comments have been incorporated into the proposed ordinance.

FISCAL IMPACT:       \$4,400, sale of City-owned property

CONTACT(S):       Rachel Frischeisen, Planner I – 455-3900  
Tom Martin, City Planner - 455-3900  
Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Application
- Right-of-way vacation plat
- Map
- Parking Deck Concept Plans

REVIEWED BY:

**RECEIVED**

**OCT 28 2015**

**COMMUNITY DEVELOPMENT**

APPLICATION FOR THE VACATION OF A PORTION OF:

Main Street

(Street/Alley)

LOCATED BETWEEN

7<sup>th</sup> Street and 8<sup>th</sup> Street

The undersigned applicant, Genworth Life and Annuity Insurance Company, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 35-77 of the City Code, 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain street right of way described as follows:

As described by plat of survey dated September 1, 2015, by Nixon Land Surveying, LLC, and containing 0.008 acres. Being a portion of the south west right of way of Main Street between 7<sup>th</sup> Street and 8<sup>th</sup> Street.

The applicant further requests the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chambers, City Hall, 900 Church Street, Lynchburg, Virginia, on \_\_\_\_\_, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described street.

Given under my hand this 27<sup>th</sup> day of October, 2015.

Applicant:

GENWORTH LIFE AND ANNUITY INSURANCE COMPANY

By: *Michael Shadler*

Name: Michael Shadler

Title: VP

**RECEIVED**

**NOV 06 2015**

**COMMUNITY DEVELOPMENT**

700 Main Street  
Address

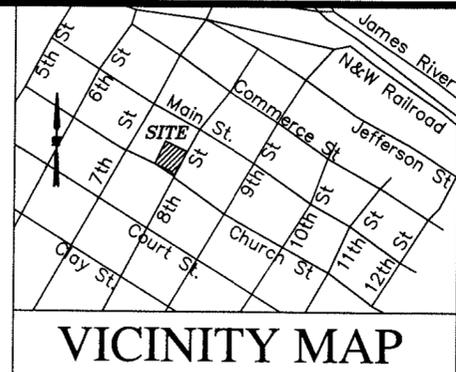
Lynchburg, VA 24504

434-522-2805  
Telephone Number

WE, THE ADJOINING PROPERTY OWNER(S), ARE IN AGREEMENT TO THE VACATION OF THE ABOVE DESCRIBED PROPERTY:

*Blaise Gunsey*  
BY: Virginian Hotel, LLC (712 Church Street)

*David Summers*  
BY: Main Street Projects, LLC (715 Main Street)

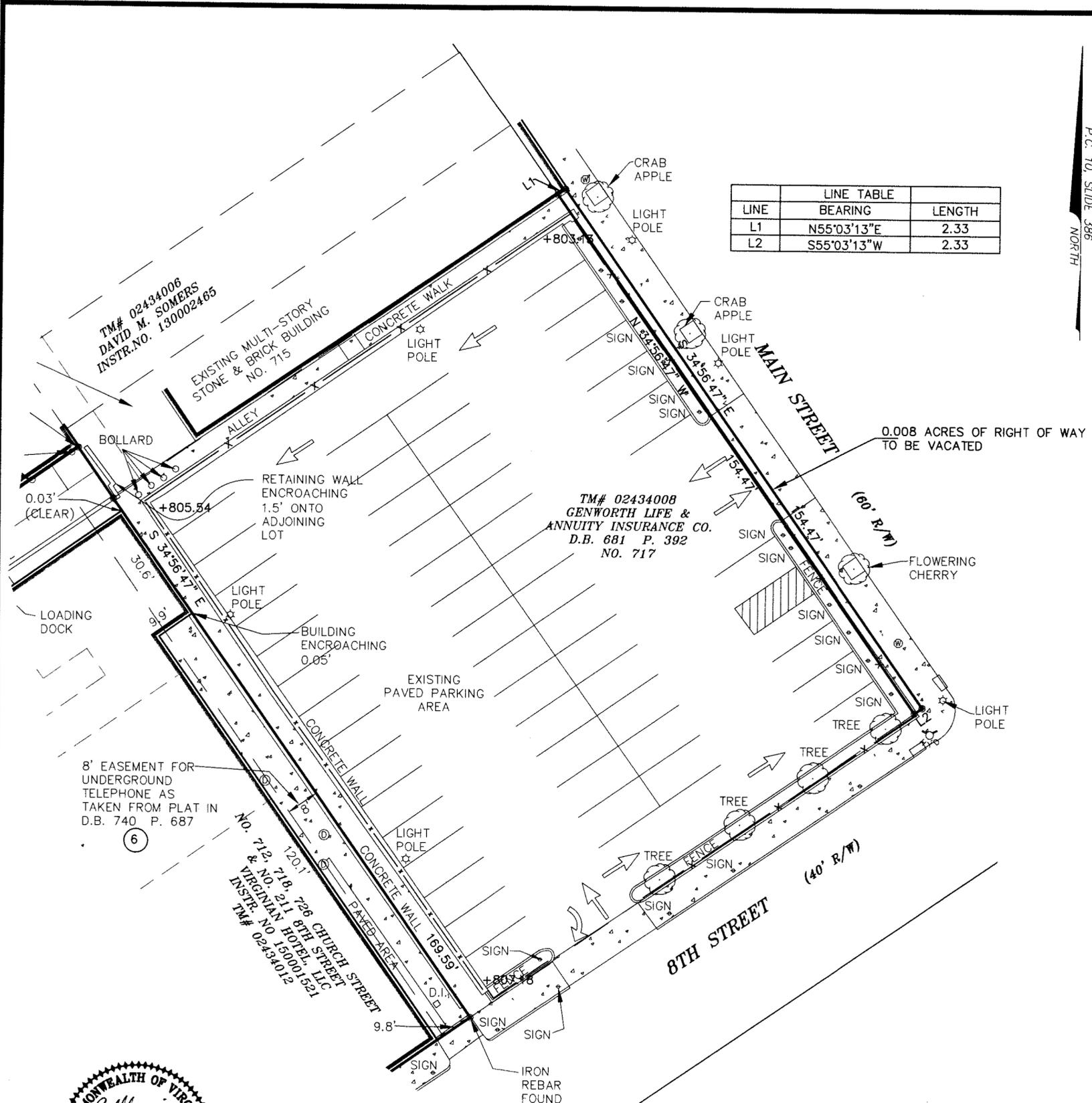


**LEGEND**

- ⊙ IPF IRON REBAR FOUND
- ⊙ FIRE HYDRANT
- ⊙ WATER VALVE
- ⊙ SIGN
- ⊙ CONCRETE
- ⊙ LIGHT POLE
- ⊙ D.I. DROP INLET
- ⊙ WATER METER
- ⊙ TELEPHONE MANHOLE
- +800.00 SPOT ELEVATION

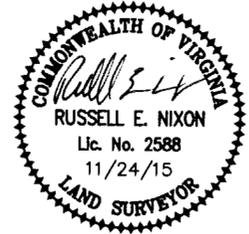
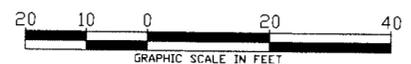
LINE	BEARING	LENGTH
L1	N55°03'13"E	2.33
L2	S55°03'13"W	2.33

P.C. 10, SLIDE 386  
NORTH



**NOTES:**

1. THIS PLAT HAS BEEN PREPARED WITH THE BENEFIT OF A TITLE REPORT PROVIDED FROM FIDELITY NATIONAL TITLE INSURANCE COMPANY, BEING COMMITMENT NO. FN-20546, DATED FEBRUARY 18, 2015.
2. THIS PROPERTY FALLS WITH IN ZONE "X" AS SCALED FROM FROM THE F.E.M.A. MAP PANEL NO. 5100930042D DATED JUNE 3, 2008 WHICH DOES NOT INDICATE THAT THIS PROPERTY IS SUBJECT TO FLOODING. THIS SURVEYOR DOES NOT CERTIFY TO THE ACCURACY OF THE F.E.M.A. MAP.
3. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY DONE PER DATE OF THIS PLAT AND THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN HEREON.
4. NO DETERMINATION OF WETLANDS HAVE BEEN MADE BY NIXON LAND SURVEYING, LLC OR THIS SURVEYOR.
5. PROPERTY SERVED BY PUBLIC WATER AND SEWERAGE CONNECTION.
6. THE SURVEY WAS MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION AND CORRECTLY SHOWS THE LEGAL DESCRIPTION AND THE LAND AREA OF THE SUBJECT PROPERTY, ALL APPLICABLE SETBACK REQUIREMENTS, THE LOCATION AND TYPE OF ALL VISIBLE ABOVE GROUND BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS (INCLUDING SIDEWALKS, CURBS, PARKING AREAS AND SPACES AND FENCES) SITUATED ON THE SUBJECT PROPERTY, AND ANY OTHER MATTERS SITUATED ON THE SUBJECT PROPERTY.
7. EXCEPT AS SHOWN ON THE SURVEY, THERE ARE NO VISIBLE EASEMENTS OR RIGHTS OF WAY OF WHICH THE UNDERSIGNED HAS BEEN ADVISED, THERE ARE NO CEMETERIES OR GRAVES, THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK OR CONSTRUCTION WITHIN RECENT MONTHS, AND THERE IS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
8. THE DESCRIPTION OF THE SUBJECT PROPERTY FORMS A MATHEMATICALLY CLOSED FIGURE.
9. THE LOCATION OF EACH EASEMENT, RIGHT OF WAY, SERVITUDE AND OTHER MATTER (ABOVE OR BELOW GROUND) AFFECTING THE SUBJECT PROPERTY AND LISTED IN THE TITLE INSURANCE COMMITMENT FILE WITH RESPECT TO THE SUBJECT PROPERTY, HAS BEEN SHOWN ON THE SURVEY, TOGETHER WITH APPROPRIATE RECORDING REFERENCES, TO THE EXTENT THAT SUCH MATTERS CAN BE LOCATED. THE PROPERTY SHOWN ON THE SURVEY IS THE PROPERTY DESCRIBED IN THE TITLE COMMITMENT. THE LOCATION OF ALL IMPROVEMENTS ON THE SUBJECT PROPERTY IS IN ACCORD WITH THE MINIMUM SETBACK, SIDE YARD AND REAR YARD LINES, PROVISIONS AND RESTRICTIONS OF RECORD FOR THE SUBJECT PROPERTY REFERENCED IN SUCH TITLE COMMITMENT.
11. THIS PROPERTY IS B-4.
12. SETBACK REQUIREMENTS NO VIOLATIONS FOUND.  
FRONT YARD = 0'  
SIDE YARD = 0'  
REAR YARD = 0'
13. SPOT ELEVATIONS SHOWN AS A REFERENCE ONLY, THE ELEVATIONS SHOWN ARE AN ASSUMED VERTICAL DATUM AND ARE NOT TIED TO MEAN SEA LEVEL.
14. FACTS AND MATTERS AS SHOWN ON PLAT OF SURVEY BY NIXON LAND SURVEYING, LLC DATED OCTOBER 16, 2014 AND RECORDED IN PLAT CABINET 10 SLIDE 386.
15. FACTS AND MATTERS AS SHOWN ON PLAT OF SURVEY BY R. FLOYD MATHEWS DATED DECEMBER 5, 1988 AND RECORDED IN DEED BOOK 740 PAGE 687.



SOURCE OF TITLE:  
(TM# 02434008)  
GENWORTH LIFE &  
ANNUITY INSURANCE CO.  
D.B. 681, PG. 392

**SURVEYED FOR:**  
**GENWORTH LIFE & ANNUITY INSURANCE CO.**

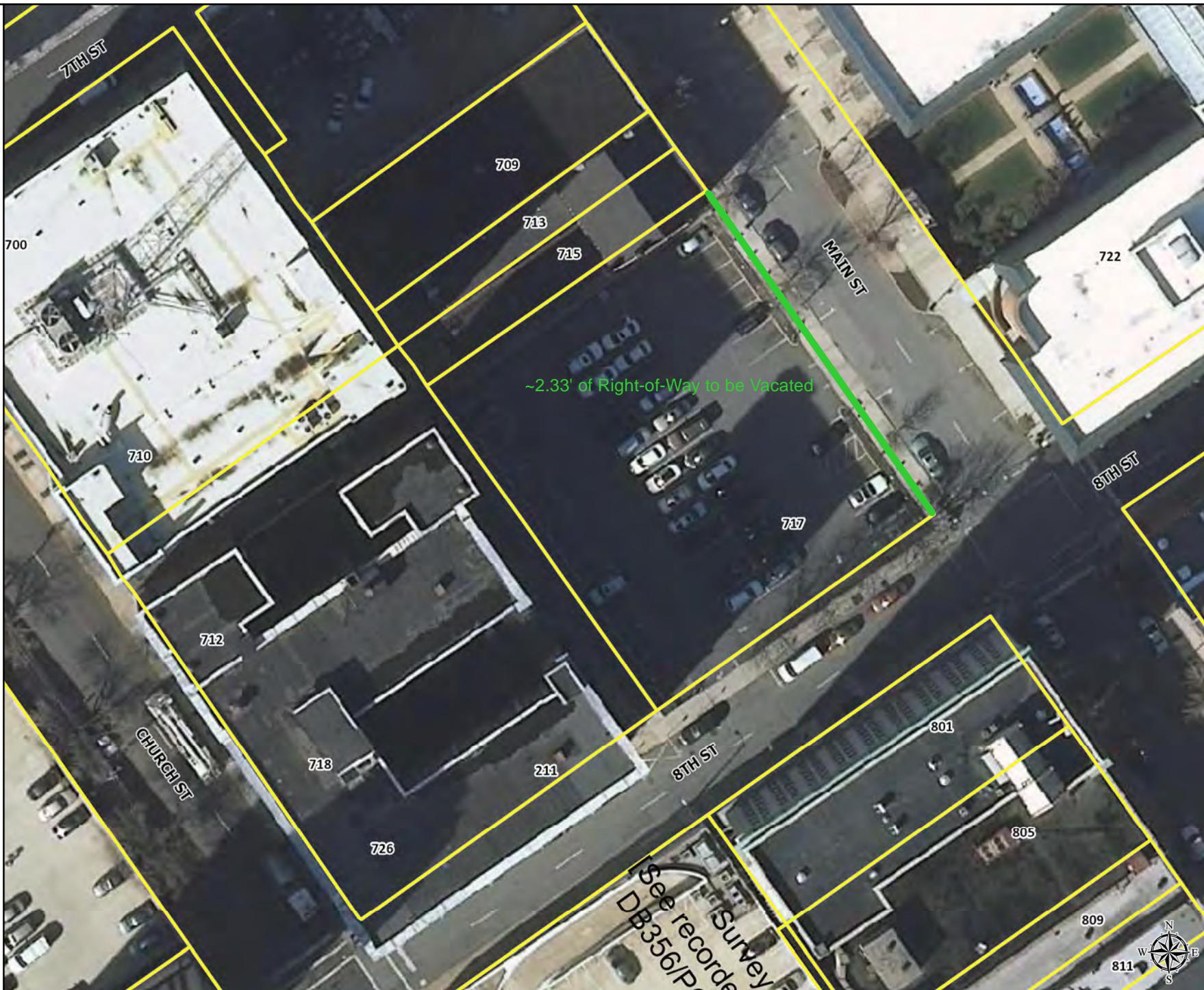
**Nixon Land Surveying, L.L.C.**  
1063C Airport Road  
Lynchburg, VA 24502  
Phone: (434) 237-3600  
Fax: (434) 237-0699

Email: ren@nixonlsec.com  
www.nixonlsec.com

**PLAT SHOWING**  
**THE VACATION OF**  
**A PORTION OF STREET RIGHT OF WAY**  
**ALONG MAIN STREET**  
**CITY OF LYNCHBURG, VIRGINIA**

COMM. NO.: 2014165 | REVISED: 11/24/15  
SCALE: 1"=20' | DR. BY: REN | DATE: 09/01/15  
SHEET: 1 OF 1 | CHK. BY: REN DRW. NME/VACATION

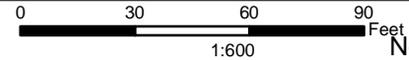
DO NOT MOVE AN ANCIENT BOUNDARY STONE OR ENCROACH ON THE FIELDS OF THE FATHERLESS. PROVERBS 23:10 (NIV)



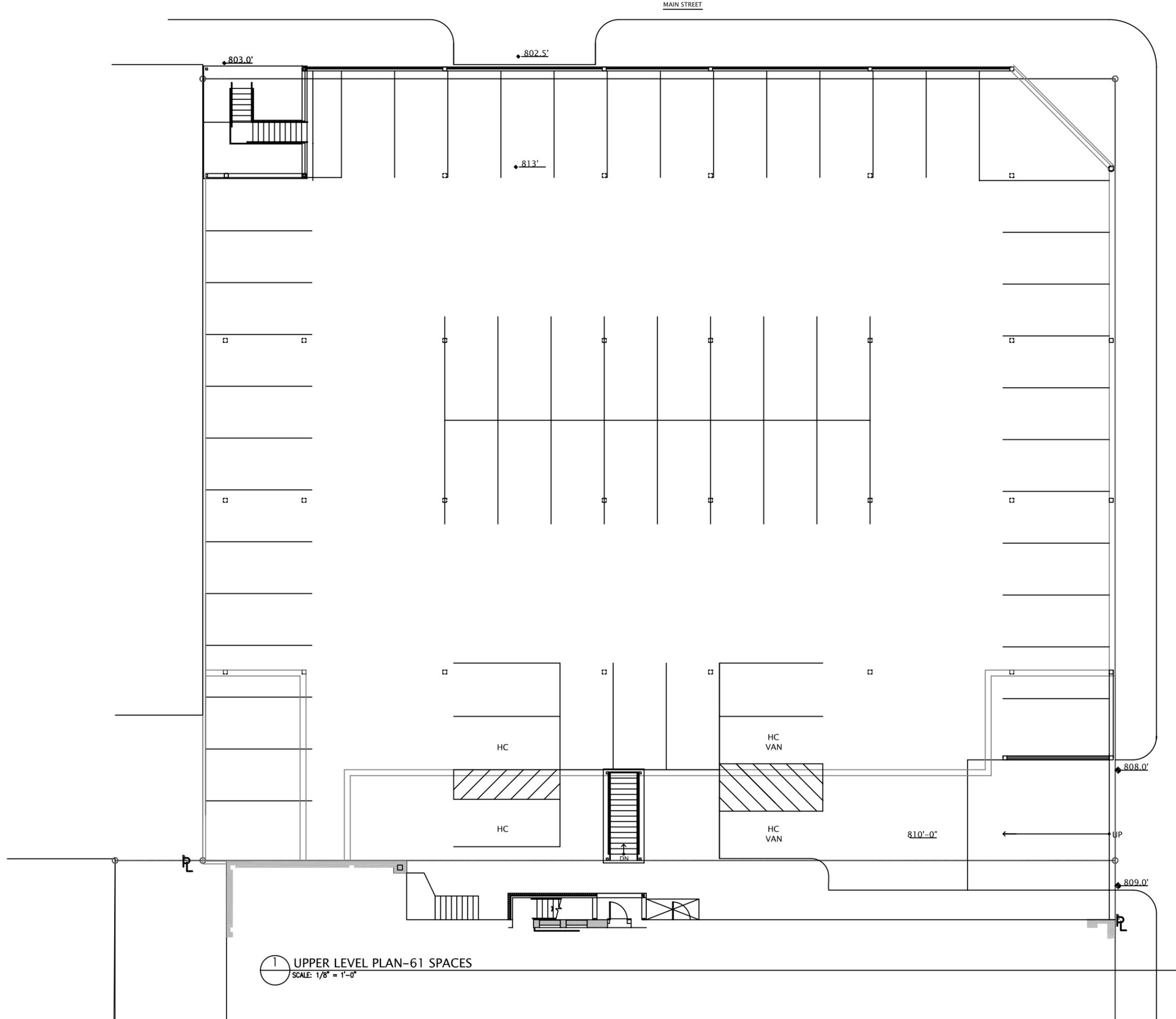
### 717 Main Street - Proposed Right-of-Way Vacation



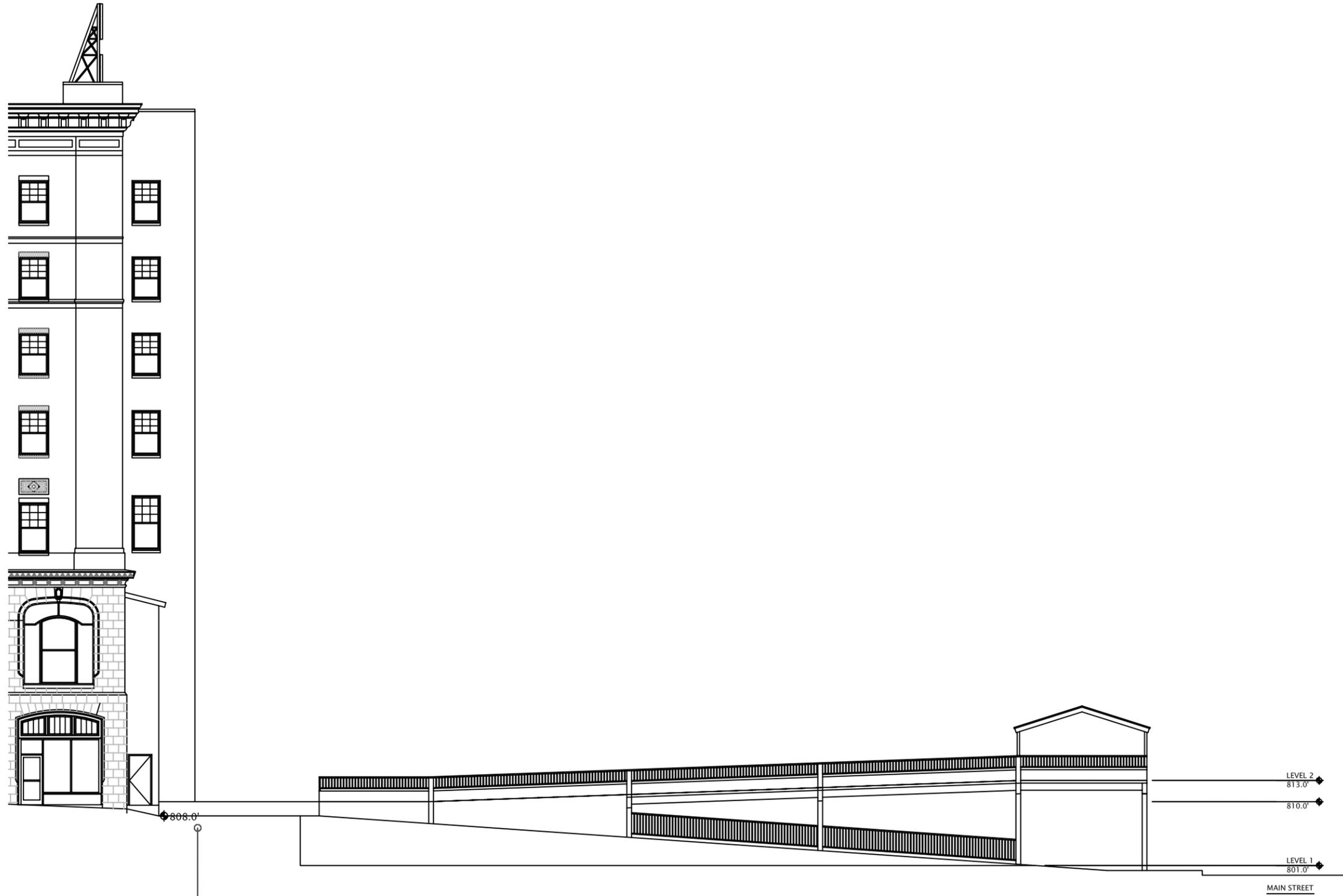
DISCLAIMER: THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS SUCH. THE INFORMATION DISPLAYED IS A COMPILATION OF RECORDS, INFORMATION, AND DATA OBTAINED FROM VARIOUS SOURCES. THE CITY OF LYNCHBURG IS NOT RESPONSIBLE FOR ITS ACCURACY OR HOW CURRENT IT MAY BE.



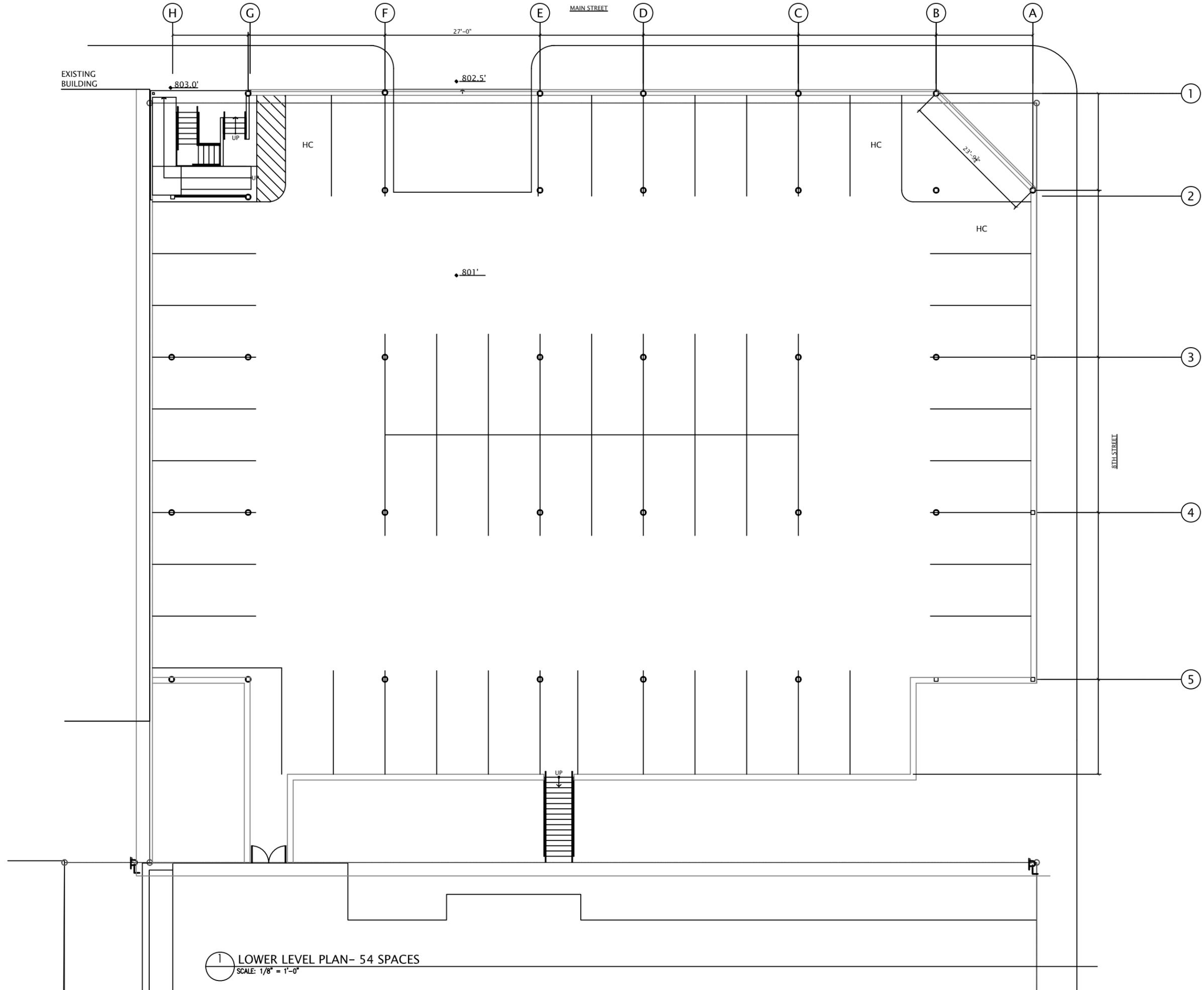
PRINTED ON  
November 16, 2015



1 UPPER LEVEL PLAN-61 SPACES  
 SCALE: 1/8" = 1'-0"



1 8TH STREET ELEVATION  
SCALE: 1/8" = 1'-0"



1 LOWER LEVEL PLAN- 54 SPACES  
 SCALE: 1/8" = 1'-0"



1 MAIN ST. ELEVATION  
 SCALE: 1/8" = 1'-0"