

**LYNCHBURG CITY COUNCIL
PHYSICAL DEVELOPMENT COMMITTEE
Tuesday, September 11, 2012
9:00 a.m.**

Information Items

Recent/Pending Contract Awards

Project/Phase	Contractor/Consultant	Budgeted Amount	Contract Amount
Boonsboro Road PRV	F. L. Showalter	\$130,000	\$86,300
CSO 16.3B	Counts & Dobyms	\$1,950,000	\$1,868,456
Hood Street Small Water Main Replacement	J.D. Ludwig, Inc.	\$571,361	\$589,817

Update on priority projects – see attached.

General Business

1. Right-of-Way Vacation – Cornerstone Street & Hunterdale Drive Roundabout Intersection Kevin Henry
2. Right-of-Way Vacation – Portion of Rotunda Street Cul-de-sac Kevin Henry
3. Roll Call

Next Meeting – October 9, 2012

pc: Kimball Payne, City Manager
Bonnie Svrcek, Deputy City Manager
Council Members
Dave Owen, Director of Public Works
News & Advance
File

Lynchburg Capital Projects (General Fund)

September 11, 2012

Projects of Interest	Status		Notes
Rivermont Avenue Bridge	Construction	July 2012	Substantially Complete; Railing being installed.
Wards Road Pedestrian X-ing	Construction	May 2012	Trail phase 2B Acquiring easements.
Midtown Connector	Construction	March 2015	Under construction.
Greenview Drive Phase 2	Design	August 2012	Project schedule is dependent on available funds from VDOT. R/W authorization granted by FHWA.
Kemper Street Bridge/Interchange	Design	March 2012	Bid: September 2012. Finalizing plans.
Lower Bluffwalk Phase 1 (lower bluffwalk, 12th Street & Jefferson Street south)	Construction	October 2012	Construction underway; Scheduled for completion in late Fall.
Lower Bluffwalk Phase 2	Bid	September 2012	Moving forward with completing construction documents. Bid this month.
Memorial - Park - Lakeside Intersection	Design	September 2012	Working on acquiring R/W .
Main Street Retaining Wall	Construction	September 2012	Complete.
Expressway Drainage	Construction	February 2013	Construction underway.
Fifth Street Phase 2 Utilities w/streetscapes	Construction	June 2013	Project progressing with waterline moving northward. Additional crews added. Concrete and storm sewer work also ongoing.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 11, 2012 PDC**

AGENDA ITEM NO.:

CONSENT: REGULAR: **X** WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Right-of-Way Vacation – Cornerstone Street & Hunterdale Drive Roundabout Intersection**

RECOMMENDATION: Vacate a portion of Cornerstone Street and Hunterdale Drive where the rights-of-way intersect at a roundabout.

SUMMARY: The applicant, JBO, LLC, is petitioning to vacate a portion of right-of-way of the intersection of Cornerstone Street and Hunterdale Drive. The area to be vacated shortens the perimeter around the existing roundabout fifteen (15) feet in width where it adjoins private property. If the right-of-way is vacated, each parcel along these blocks would extend their boundary line fifteen (15) feet closer to the existing intersection. The acreage increase for each parcel involved in the vacation is approximately two hundredths (0.02) of an acre.

The vacation of right-of-way around the roundabout of Cornerstone Street and Hunterdale Drive is sought in order to provide more space to develop the properties located at the intersection of the roundabout. The property located at 1100 Greenview Drive (western intersection; opposite Hunterdale Drive), will remain as open space in accordance with the conditions of the development.

PRIOR ACTION(S):

August 24, 2012: The Technical Review Committee (TRC) reviewed the petition. If the application is approved, the TRC comments have been incorporated into the proposed ordinance.

FISCAL IMPACT: None

CONTACT(S): Kevin Henry, Planner II – 455-3900
Tom Martin, City Planner - 455-3900
Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Ordinance
- Street Vacation Plat
- Aerial Photo
- Technical Review Committee Report
- Application for the Vacation of a Street/Alley/Right-of-Way

REVIEWED BY:

ORDINANCE:

AN ORDINANCE VACATING A PORTION OF THE INTERSECTION OF CORNERSTONE STREET AND HUNTERDALE DRIVE.

WHEREAS, JBO, LLC, is petitioning to vacate a portion of the right-of-way of the intersection of Cornerstone Street and Hunterdale Drive, which extends around the perimeter of the existing intersection approximately fifteen (15) feet in width adjoining all private property;

WHEREAS, City Council finds that no public inconvenience will result from vacating a portion of the unopened right-of-way; and

WHEREAS, City Council determined that the City has no need for the portion of public right-of-way in question and the City's continued ownership of such public right-of-way is not necessary or required to serve the best interest of the City;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg, on its own motion, and in accordance with the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 36-77 of the City Code, 1981, as amended, the following described right-of-way be, and the same hereby is, discontinued and vacated, namely:

BEGINNING AT A POINT, said point being on the right-of-way of lot "R-1" and Cornerstone Street, thirty-three and thirty-two hundredths (33.32) feet south east of the NW corner; thence S 30°08'46" E, four and four hundredths (4.04) feet to a point; Thence, along a non-tangent curve to the right having a radius of twenty-one (21.00) feet, a central angle of 55°23'47", a tangent length of eleven and two hundredths (11.02) feet, the long chord of which bears S 02°26'54" E for a distance of nineteen and fifty-two hundredths (19.52) feet with a radial line in of S 59°51'12" W and a radial line out of S 64°45'01" E for an arc length of twenty and thirty hundredths (20.30) feet to a point; thence, along a reverse curve to the left with a radius of sixty (60.00) feet, a tangent length of eighty-six and ninety-six hundredths (86.96) feet, a central angle of 110°47'31", the radius of which bears S 64°45'01" E, the chord of which bears S 30°08'46" E for a distance of ninety-eight and seventy-seven hundredths (98.77) feet; thence along the arc of said curve for a distance of one hundred sixteen and two hundredths (116.02) feet to a point; thence, along a reverse curve to the right with a radius of twenty-one (21.00) feet, a tangent length of eleven and two hundredths (11.02) feet, a central angle of 55°23'43", the radius of which bears S 04°27'28" W, the chord of which bears S 57°50'40" E for a distance of nineteen and fifty-two hundredths (19.52) feet; thence along the arc of said curve for a distance of twenty and thirty hundredths (20.30) feet to a point; thence S 30°08'46" E, four and four hundredths (4.04) feet to a point; thence N 63°26'06" E, zero (0.00) feet to a point; Thence, along a non-tangent curve to the right having a radius of seventy-five (75.00) feet, a central angle of 141°03'27", a tangent length of two hundred twelve and thirteen hundredths (212.13) feet, the long chord of which bears N 30°08'46" W for a distance of one hundred forty-one and forty-two hundredths (141.42) feet with a radial line in of N 10°40'30" W and a radial line out of N 49°37'03" W for an arc length of one hundred eighty-four and sixty-four hundredths (184.64) feet to a point; the POINT OF BEGINNING.

CONTAINING: two thousand three hundred sixty nine (2369) square feet or fifty-four thousandths 0.054 acres of land, more or less.

BEGINNING AT A POINT, said point being along the right-of-way of lot "Q-4" and Cornerstone Street fifty-seven and ninety-four hundredths (57.94) feet south east of the north west corner; thence, along a curve to the right having a radius of seventy-five (75.00) feet, a central angle of 51°05'03", a tangent length of thirty-five and eighty-four hundredths (35.84) feet, the long chord of which bears S 75°07'58" E for a distance of sixty-four and sixty-eight hundredths (64.68) feet with a radial line in of S 10°40'30" E and a radial line out of N 40°24'34" E for an arc length of sixty-six and eighty-seven hundredths (66.87) feet to a point; thence S 59°24'06" W, three and eighty-four hundredths (3.84) feet to a point; thence, along a tangent curve to the right with a radius of twenty-one (21.00) feet, a tangent length of eleven and fourteen hundredths (11.14) feet, a central angle of 55°54'11", the radius of which bears N 30°35'54" W, the chord of which bears S 87°21'12" W for a distance of nineteen and sixty-nine hundredths (19.69) feet; Thence along the arc of said curve for a

distance of twenty and forty-nine hundredths (20.49) feet to a point; thence, along a reverse curve to the left with a radius of sixty (60.00) feet, a tangent length of eleven and four hundredths (11.04) feet, a central angle of 20°50'49", the radius of which bears S 25°18'17" W, the chord of which bears N 75°07'07" W for a distance of twenty-one and seventy-one hundredths (21.71) feet; Thence along the arc of said curve for a distance of twenty-one and eighty-three hundredths (21.83) feet to a point; thence, along a reverse curve to the right with a radius of twenty-one (21.00) feet, a tangent length of eleven and two hundredths (11.02) feet, a central angle of 55°23'44", the radius of which bears N 04°27'28" E, the chord of which bears N 57°50'40" W for a distance of nineteen and fifty-two hundredths (19.52) feet; Thence along the arc of said curve for a distance of twenty and thirty hundredths (20.30) feet to a point; thence N 30°08'46" W, four and four hundredths (4.04) feet to a point, the POINT OF BEGINNING.

CONTAINING: seven hundred seventy-nine (779) square feet or eighteen thousandths (0.018) acres of land, more or less.

BEGINNING AT A POINT, said point being along the right-of-way of lot "P-27" and Hunterdale Drive thirteen and seventeen hundredths (13.17) feet from the North West corner; thence, along a curve to the right having a radius of seventy-five (75.00) feet, a central angle of 51°01'46", a tangent length of thirty-five and eighty hundredths (35.80) feet, the long chord of which bears S 14°52'04" W for a distance of sixty-four and sixty-one hundredths (64.61) feet with a radial line in of S 79°21'11" W and a radial line out of S 49°37'03" E for an arc length of sixty-six and eighty hundredths (66.80) feet to a point; thence N 30°08'46" W, four and four hundredths (4.04) feet to a point; thence, along a tangent curve to the right with a radius of twenty-one (21.00) feet, a tangent length of eleven and two hundredths (11.02) feet, a central angle of 55°23'46", the radius of which bears N 59°51'14" E, the chord of which bears N 02°26'53" W for a distance of nineteen and fifty-two hundredths (19.52) feet; Thence along the arc of said curve for a distance of twenty and thirty hundredths (20.30) feet to a point; thence, along a reverse curve to the left with a radius of sixty (60.00) feet, a tangent length of ten and ninety-eight hundredths (10.98) feet, a central angle of 20°44'02", the radius of which bears N 64°45'01" W, the chord of which bears N 14°52'58" E for a distance of twenty-one and fifty-nine hundredths (21.59) feet; Thence along the arc of said curve for a distance of twenty-one and seventy-one hundredths (21.71) feet to a point; thence, along a reverse curve to the right with a radius of twenty-one (21.00) feet, a tangent length of ten and ninety-one hundredths (10.91) feet, a central angle of 54°53'08", the radius of which bears S 85°29'03" E, the chord of which bears N 31°57'31" E for a distance of nineteen and thirty-six hundredths (19.36) feet; Thence along the arc of said curve for a distance of twenty and twelve hundredths (20.12) feet to a point; thence N 59°24'06" E, four and twenty-four hundredths (4.24) feet to a point, the POINT OF BEGINNING.

CONTAINING: seven hundred seventy-seven (777) square feet or eighteen thousandths (0.018) acres of land, more or less.

Said vacation is contingent upon the following: (1) that an easement to locate, relocate, repair, replace, maintain, and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg, and the construction of any building or structure or the use of the vacated property in any manner that could interfere with the City's right to locate, relocate, repair, replace, maintain and perpetually operate utilities is prohibited without the prior written approval of the City Manager's Office, City Water Resources Division and the City Engineering Division.

BE IT FURTHER ORDAINED that the Clerk of the Council is hereby authorized and directed to deliver a duly-certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name of the City of Lynchburg.

Adopted:

Certified:

Clerk of Council

OWNERS:
 JBO, LLC.
 104 ARCHWAY CT.
 LYNCHBURG, VA 24502-2889

CORNERSTONE PROPERTY OWNERS ASSOCIATION
 3715 OLD FOREST RD.
 LYNCHBURG, VA 24501-6902

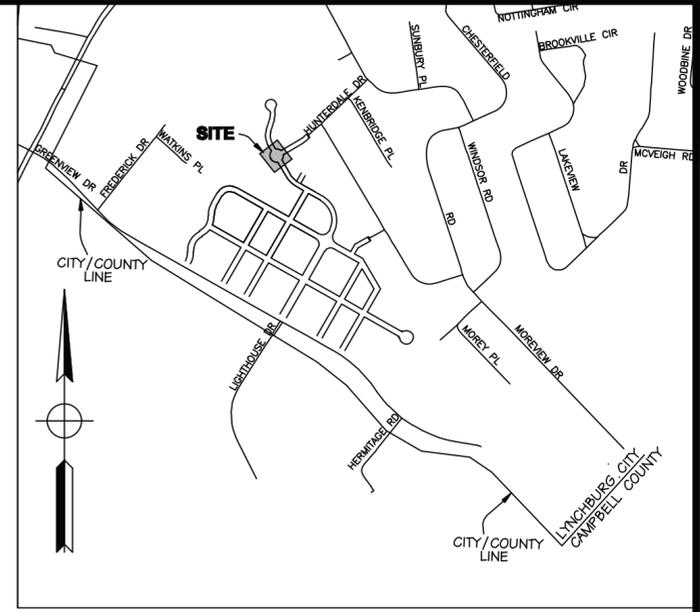
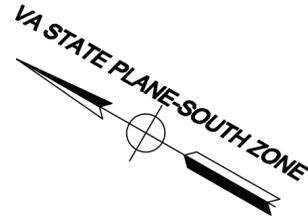
PARCEL ID: <<<J14>>, 26315513,
 26315527, 26315576
 PLACE OF RECORD:
 INST# 060007271 & 060007272

PARCEL ID: 26315444
 PLACE OF RECORD:
 INST# 080005725

ALL SOURCES SHOWN ARE RECORDED IN THE CLERKS OFFICE OF THE CITY OF LYNCHBURG

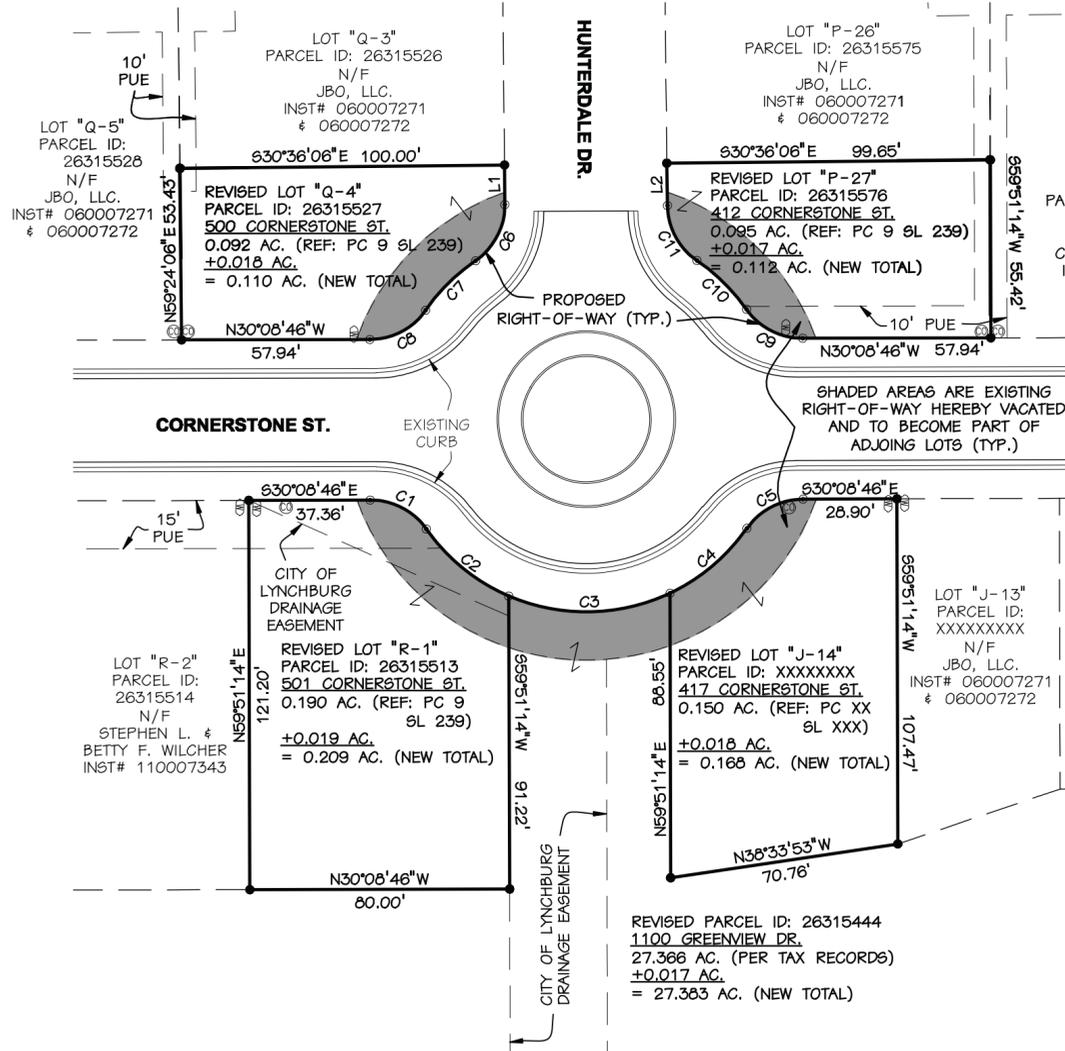
NOTES:

1. THIS PLAT HAS BEEN PREPARED FROM A CURRENT FIELD SURVEY DONE AS PER THE DATE OF THIS PLAT.
2. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT INDICATE ALL OF THE ENCUMBRANCES UPON THE PROPERTY.
3. IRON PINS ARE TO BE SET AT ALL CORNERS, WHERE POSSIBLE, OR AS OTHERWISE INDICATED ON THIS PLAT.
4. AS DETERMINED BY GRAPHIC SCALING ONLY, THIS PROPERTY IS NOT WITHIN THE 100 YEAR FLOOD ZONE ACCORDING TO FEMA PANEL NUMBER 5100930103D, DATED JUNE 3, 2008.
5. THIS DEVELOPMENT WILL BE SERVED WITH PUBLIC WATER AND SEWER BY THE CITY OF LYNCHBURG.
6. ALL UTILITIES ARE UNDERGROUND EXCEPT WHERE SHOWN.



VICINITY MAP
 NTS

THE RIGHT-OF-WAY VACATION, AS SHOWN HEREON, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS AND TRUSTEES, IF ANY.



CITY OF LYNCHBURG, VIRGINIA _____ DATE _____

COMMONWEALTH AT LARGE TO WIT:
 STATE OF VIRGINIA

COUNTY OF _____

I, _____ A NOTARY PUBLIC IN AND FOR THE AFORESAID STATE, DO HEREBY CERTIFY THAT THE OWNERS WHOSE NAMES ARE SIGNED ABOVE HAVE ACKNOWLEDGED THE SAME BEFORE ME.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC _____ DATE _____ NUMBER _____

JBO, LLC. _____ DATE _____

COMMONWEALTH AT LARGE TO WIT:
 STATE OF VIRGINIA

COUNTY OF _____

I, _____ A NOTARY PUBLIC IN AND FOR THE AFORESAID STATE, DO HEREBY CERTIFY THAT THE OWNERS WHOSE NAMES ARE SIGNED ABOVE HAVE ACKNOWLEDGED THE SAME BEFORE ME.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC _____ DATE _____ NUMBER _____

CORNERSTONE PROPERTY OWNERS ASSOCIATION _____ DATE _____

COMMONWEALTH AT LARGE TO WIT:
 STATE OF VIRGINIA

COUNTY OF _____

I, _____ A NOTARY PUBLIC IN AND FOR THE AFORESAID STATE, DO HEREBY CERTIFY THAT THE OWNERS WHOSE NAMES ARE SIGNED ABOVE HAVE ACKNOWLEDGED THE SAME BEFORE ME.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC _____ DATE _____ NUMBER _____

LINE TABLE		
LINE	BEARING	LENGTH
L1	S59°24'06"W	12.35'
L2	N59°24'06"E	13.17'

CURVE TABLE					
CURVE	LENGTH	RADIUS	BEARING	CHORD	DELTA
C1	20.30'	21.00'	S02°26'54"E	19.52'	55°23'47"
C2	33.29'	60.00'	S09°21'23"W	32.86'	31°47'14"
C3	51.13'	60.00'	S30°57'06"E	49.60'	48°49'44"
C4	31.60'	60.00'	S70°27'15"E	31.24'	30°10'33"
C5	20.30'	21.00'	S57°50'40"E	19.52'	55°23'43"
C6	20.49'	21.00'	S87°21'12"W	19.69'	55°54'10"
C7	21.83'	60.00'	N75°07'07"W	21.71'	20°50'49"
C8	20.30'	21.00'	N57°50'40"W	19.52'	55°23'44"
C9	20.30'	21.00'	N02°26'53"W	19.52'	55°23'46"
C10	21.71'	60.00'	N14°52'58"E	21.59'	20°44'02"
C11	20.12'	21.00'	N31°57'31"E	19.36'	54°53'08"

RIGHT-OF-WAY VACATION APPROVED:

DIRECTOR OF ENGINEERING, LYNCHBURG, VIRGINIA _____ DATE _____

CITY PLANNER, LYNCHBURG, VIRGINIA _____ DATE _____

LEGEND

- IRON PIN SET
- IRON PIN FOUND
- N/F NOW OR FORMERLY
- ⊙ CLEANOUT
- ⊕ WATER METER

SHEET 1 OF 1



REV: 8/30/12 AAD
 DWN: AAD
 DATE: 7/31/2012
 DWG: V-BLA-12261
 JOB: 12261

PLAT SHOWING
 RIGHT-OF-WAY VACATION ON
CORNERSTONE STREET
 CITY OF LYNCHBURG, VIRGINIA



27 GREEN HILL DRIVE, FOREST, VIRGINIA 24551
 PHONE: 434-525-5985 FAX: 434-525-5986
 E-Mail: pno@perkins-orrison.com

APPLICATION FOR THE VACATION OF A
RIGHT OF WAY

RECEIVED

AUG 07 2012

COMMUNITY
DEVELOPMENT

LOCATED

Along the turnaround of Cornerstone St. and Hunterdale Dr

The undersigned applicant, JBO, LLC.

pursuant to the provisions of Section 51.1-364 of the Code of Virginia, 1950, as amended, and Sections 35-71 to 35-77, both inclusive, of the Lynchburg City Code, 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain Right of Way consisting of 3 separate parcels along the turnaround at Cornerstone St.

described as follows:

BEGINNING AT A POINT, said point being on the R/W of lot "R-1" and Cornerstone St., 33.32 south east of the NW corner; thence S 30°08'46" E, 4.04 feet to a point; Thence, along a non-tangent curve to the right having a radius of 21.00 feet, a central angle of 55°23'47", a tangent length of 11.02 feet, the long chord of which bears S 02°26'54" E for a distance of 19.52 feet with a radial line in of S 59°51'12" W and a radial line out of S 64°45'01" E for an arc length of 20.30 feet to a point; thence, along a reverse curve to the left with a radius of 60.00 feet, a tangent length of 86.96 feet, a central angle of 110°47'31", the radius of which bears S 64°45'01" E, the chord of which bears S 30°08'46" E for a distance of 98.77 feet; thence along the arc of said curve for a distance of 116.02 feet to a point; thence, along a reverse curve to the right with a radius of 21.00 feet, a tangent length of 11.02 feet, a central angle of 55°23'43", the radius of which bears S 04°27'28" W, the chord of which bears S 57°50'40" E for a distance of 19.52 feet; thence along the arc of said curve for a distance of 20.30 feet to a point; thence S 30°08'46" E, 4.04 feet to a point; thence N 63°26'06" E, 0.00 feet to a point; Thence, along a non-tangent curve to the right having a radius of 75.00 feet, a central angle of 141°03'27", a tangent length of 212.13 feet, the long chord of which bears N 30°08'46" W for a distance of 141.42 feet with a radial line in of N 10°40'30" W and a radial line out of N 49°37'03" W for an arc length of 184.64 feet to a point; the **POINT OF BEGINNING**.

CONTAINING: 2369 square feet or 0.054 acres of land, more or less.

BEGINNING AT A POINT, said point being along the R/W of lot "Q-4" and Cornerstone St. 57.94 south east of the north west corner; thence, along a curve to the

right having a radius of 75.00 feet, a central angle of $51^{\circ}05'03''$, a tangent length of 35.84 feet, the long chord of which bears $S 75^{\circ}07'58'' E$ for a distance of 64.68 feet with a radial line in of $S 10^{\circ}40'30'' E$ and a radial line out of $N 40^{\circ}24'34'' E$ for an arc length of 66.87 feet to a point; thence $S 59^{\circ}24'06'' W$, 3.84 feet to a point; thence, along a tangent curve to the right with a radius of 21.00 feet, a tangent length of 11.14 feet, a central angle of $55^{\circ}54'11''$, the radius of which bears $N 30^{\circ}35'54'' W$, the chord of which bears $S 87^{\circ}21'12'' W$ for a distance of 19.69 feet; Thence along the arc of said curve for a distance of 20.49 feet to a point; thence, along a reverse curve to the left with a radius of 60.00 feet, a tangent length of 11.04 feet, a central angle of $20^{\circ}50'49''$, the radius of which bears $S 25^{\circ}18'17'' W$, the chord of which bears $N 75^{\circ}07'07'' W$ for a distance of 21.71 feet; Thence along the arc of said curve for a distance of 21.83 feet to a point; thence, along a reverse curve to the right with a radius of 21.00 feet, a tangent length of 11.02 feet, a central angle of $55^{\circ}23'44''$, the radius of which bears $N 04^{\circ}27'28'' E$, the chord of which bears $N 57^{\circ}50'40'' W$ for a distance of 19.52 feet; Thence along the arc of said curve for a distance of 20.30 feet to a point; thence $N 30^{\circ}08'46'' W$, 4.04 feet to a point, the **POINT OF BEGINNING**.

CONTAINING: 779 square feet or 0.018 acres of land, more or less.

BEGINNING AT A POINT, said point being along the R/W of lot "P-27" and Hunterdale Dr. 13.17' from the North West corner; thence, along a curve to the right having a radius of 75.00 feet, a central angle of $51^{\circ}01'46''$, a tangent length of 35.80 feet, the long chord of which bears $S 14^{\circ}52'04'' W$ for a distance of 64.61 feet with a radial line in of $S 79^{\circ}21'11'' W$ and a radial line out of $S 49^{\circ}37'03'' E$ for an arc length of 66.80 feet to a point; thence $N 30^{\circ}08'46'' W$, 4.04 feet to a point; thence, along a tangent curve to the right with a radius of 21.00 feet, a tangent length of 11.02 feet, a central angle of $55^{\circ}23'46''$, the radius of which bears $N 59^{\circ}51'14'' E$, the chord of which bears $N 02^{\circ}26'53'' W$ for a distance of 19.52 feet; Thence along the arc of said curve for a distance of 20.30 feet to a point; thence, along a reverse curve to the left with a radius of 60.00 feet, a tangent length of 10.98 feet, a central angle of $20^{\circ}44'02''$, the radius of which bears $N 64^{\circ}45'01'' W$, the chord of which bears $N 14^{\circ}52'58'' E$ for a distance of 21.59 feet; Thence along the arc of said curve for a distance of 21.71 feet to a point; thence, along a reverse curve to the right with a radius of 21.00 feet, a tangent length of 10.91 feet, a central angle of $54^{\circ}53'08''$, the radius of which bears $S 85^{\circ}29'03'' E$, the chord of which bears $N 31^{\circ}57'31'' E$ for a distance of 19.36 feet; Thence along the arc of said curve for a distance of 20.12 feet to a point; thence $N 59^{\circ}24'06'' E$, 4.24 feet to a point, the **POINT OF BEGINNING**.

CONTAINING: 777 square feet or 0.018 acres of land, more or less.

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 Chamber, City Hall, 900 Church Street, Lynchburg, Virginia, on October 9, 2012, 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 Right of Way.

Given under my hand this 7th day of August,
2012.

JBO LLC BY [Signature]
Applicant

104 Archway Court
Lynchburg, VA 24502
Address

(434) 846-8458
Telephone Number

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

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 Chamber, City Hall, 900 Church Street, Lynchburg, Virginia, on October 9, 2012, 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 Right of Way.

Given under my hand this 7TH day of AUGUST,
2012.

GODFREY B. A. ST. JAMES
Applicant

104 ARCHWAY COURT

LYNCHBURG, VA 24502
Address

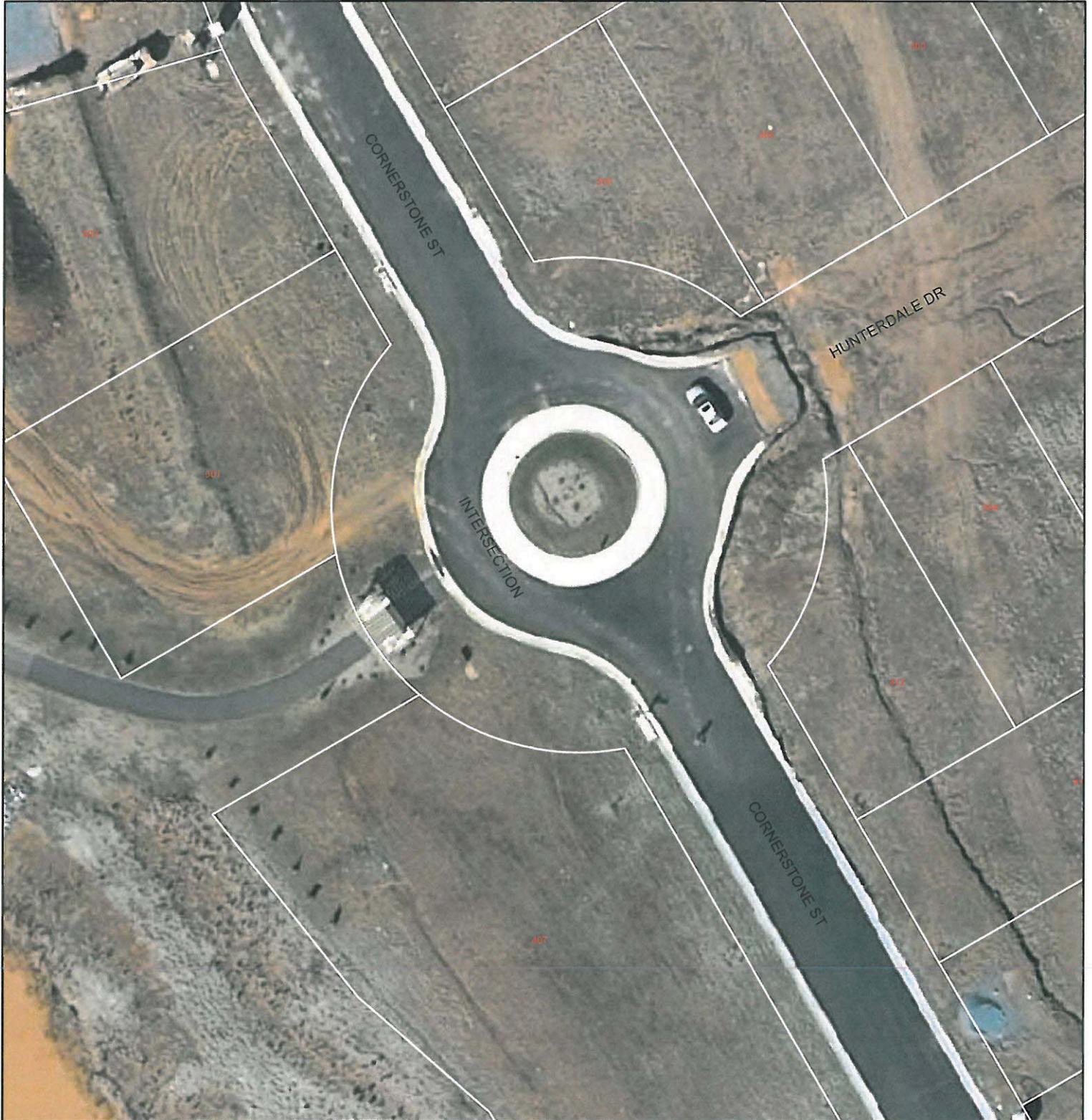
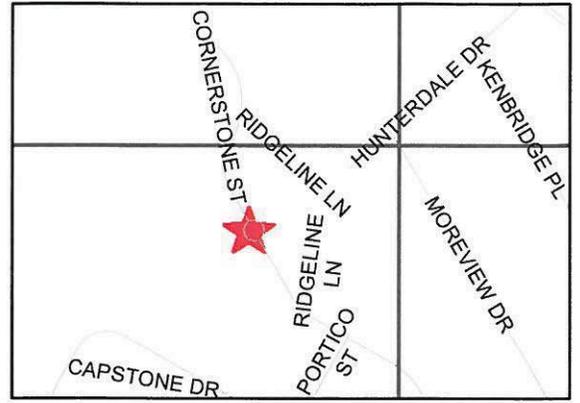
(434) 846-8458
Telephone Number

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

Cornerstone/Hunterdale Street Vacation

Right-of-Way Vacation

★ Property



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 11, 2012 PDC**

AGENDA ITEM NO.:

CONSENT: REGULAR: **X** WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Right-of-Way Vacation – Portion of Rotunda Street Cul-de-sac**

RECOMMENDATION: Vacate a portion of the Rotunda Street cul-de-sac.

SUMMARY: The applicant, JBO, LLC, is petitioning to vacate a portion of right-of-way of the cul-de-sac of Rotunda Street. The area to be vacated shortens the perimeter around the existing cul-de-sac fifteen (15) feet in width where it adjoins private property. If the right-of-way is vacated, each parcel along these blocks would extend their boundary line fifteen (15) feet closer to the existing cul-de-sac.

The vacation of right-of-way around the cul-de-sac of Rotunda Street is sought in order to provide more space to develop the properties located at the end of the cul-de-sac. If approved, the entire perimeter of the cul-de-sac would be vacated including the adjoining private streets.

PRIOR ACTION(S):

August 24, 2012: The Technical Review Committee (TRC) reviewed the petition. If the application is approved, the TRC comments have been incorporated into the proposed ordinance.

FISCAL IMPACT: None

CONTACT(S): Kevin Henry, Planner II – 455-3900
Tom Martin, City Planner - 455-3900
Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Ordinance
- Street Vacation Plat
- Aerial Photo
- Technical Review Committee Report
- Application for the Vacation of a Street/Alley/Right-of-Way

REVIEWED BY:

ORDINANCE:

AN ORDINANCE VACATING A PORTION OF THE CUL-DE-SAC OF ROTUNDA STREET.

WHEREAS, JBO, LLC is petitioning to vacate a portion of the right-of-way of the cul-de-sac of Rotunda Street, which extends around the perimeter of the existing cul-de-sac approximately fifteen (15) feet in width adjoining all private property;

WHEREAS, City Council finds that no public inconvenience will result from vacating a portion of the unopened right-of-way; and

WHEREAS, City Council determined that the City has no need for the portion of public right-of-way in question and the City's continued ownership of such public right-of-way is not necessary or required to serve the best interest of the City;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg, on its own motion, and in accordance with the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 36-77 of the City Code, 1981, as amended, the following described right-of-way be, and the same hereby is, discontinued and vacated, namely:

BEGINNING AT A POINT, said point being point along the right-of-way of Rotunda Street and lot 30 block "O" (Ref: PC 9, sl 201) 16.31' east of west corner lot 30; thence, along a curve to the left having a radius of thirty-five (35.00) feet, a central angle of 53°47'09", a tangent length of seventeen and seventy-five hundredths (17.75) feet, the long chord of which bears S 87°20'57" E for a distance of thirty-one and sixty-six hundredths (31.66) feet with a radial line in of N 29°32'38" E and a radial line out of S 24°14'31" E for an arc length of thirty-two and eighty-six hundredths (32.86) feet to a point; thence, along a non-tangent curve to the right having a radius of seventy-five (75.00) feet, a central angle of 287°30'34", a tangent length of fifty-four and ninety-eight hundredths (54.98) feet, the long chord of which bears S 29°39'42" W for a distance of eighty-eight and sixty-nine hundredths (88.69) feet with a radial line in of S 24°05'35" E and a radial line out of S 83°24'59" W for an arc length of three hundred seventy-six and thirty-five hundredths (376.35) feet to a point; thence, along a reverse curve to the left with a radius of thirty-five (35.00) feet, a tangent length of seventeen and seventy-five hundredths (17.75) feet, a central angle of 53°46'42", the radius of which bears S 83°24'59" W, the chord of which bears N 33°28'22" W for a distance of thirty-one and sixty-six hundredths (31.66) feet; Thence along the arc of said curve for a distance of thirty-two and eighty-five hundredths (32.85) feet to a point; thence S 60°21'43" E, twenty-five and eighty-one hundredths (25.81) feet to a point; thence, along a non-tangent curve to the right having a radius of twenty-one (21.00) feet, a central angle of 50°58'41", a tangent length of ten and one hundredth (10.01) feet, the long chord of which bears S 34°52'26" E for a distance of eighteen and seven hundredths (18.07) feet with a radial line in of S 29°38'14" W and a radial line out of N 80°36'55" E for an arc length of eighteen and sixty-eight hundredths (18.68) feet to a point; thence, along a reverse curve to the left with a radius of sixty (60.00) feet, a tangent length of forty-eight and sixty-three hundredths (48.63) feet, a central angle of 281°57'16", the radius of which bears N 80°36'55" E, the chord of which bears N 29°38'17" E for a distance of seventy-five and fifty-six hundredths (75.56) feet; Thence along the arc of said curve for a distance of two hundred ninety-five and twenty-six hundredths (295.26) feet to a point; thence, along a reverse curve to the right with a radius of twenty-one (21.00) feet, a tangent length of ten and one hundredth (10.01) feet, a central angle of 50°58'38", the radius of which bears N 21°20'21" W, the chord of which bears N 85°51'02" W for a distance of eighteen and seven hundredths (18.07) feet; Thence along the arc of said curve for a distance of eighteen and sixty-eight hundredths (18.68) feet to a point; thence N 60°21'43" W, twenty-five and seventy-six hundredths (25.76) feet to a point, the POINT OF BEGINNING.

CONTAINING: five thousand five hundred ten (5510) square feet or one hundred twenty-six thousandths (0.126) acres of land, more or less.

Said vacation is contingent upon the following: (1) that an easement to locate, relocate, repair, replace, maintain, and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg, and the construction of any building or structure or the use of the vacated property in any manner that could interfere with the City's right to locate, relocate, repair, replace, maintain and perpetually operate utilities is prohibited without the prior written approval of the City Manager's Office, City Water Resources Division and the City Engineering Division.

BE IT FURTHER ORDAINED that the Clerk of the Council is hereby authorized and directed to deliver a duly-certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name of the City of Lynchburg.

Adopted:

Certified:

Clerk of Council

OWNERS:
JBO, LLC.
104 ARCHWAY CT.
LYNCHBURG, VA 24502-2889

CORNERSTONE PROPERTY OWNERS ASSOCIATION
3715 OLD FOREST RD.
LYNCHBURG, VA 24501-6902

PARCEL ID: 26315288, 26315289,
26315290 & 26315291
PLACE OF RECORD:
INST# 060007271 & 060007272

PARCEL ID: 26315295
PLACE OF RECORD: INST# 080009494

PARCEL ID: 26315014
PLACE OF RECORD: INST# 090004162

ALL SOURCES SHOWN ARE RECORDED IN THE CLERKS OFFICE OF THE CITY OF LYNCHBURG

NOTES:

1. THIS PLAT HAS BEEN PREPARED FROM A CURRENT FIELD SURVEY DONE AS PER THE DATE OF THIS PLAT.
2. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT INDICATE ALL OF THE ENCUMBRANCES UPON THE PROPERTY.
3. IRON PINS ARE TO BE SET AT ALL CORNERS, WHERE POSSIBLE, OR AS OTHERWISE INDICATED ON THIS PLAT.
4. AS DETERMINED BY GRAPHIC SCALING ONLY, THIS PROPERTY IS NOT WITHIN THE 100 YEAR FLOOD ZONE ACCORDING TO FEMA PANEL NUMBER 5100930103D, DATED JUNE 3, 2008.
5. THIS DEVELOPMENT WILL BE SERVED WITH PUBLIC WATER AND SEWER BY THE CITY OF LYNCHBURG.
6. ALL UTILITIES ARE UNDERGROUND EXCEPT WHERE SHOWN.

THE RIGHT-OF-WAY VACATION, AS SHOWN HEREON, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS AND TRUSTEES, IF ANY.

CITY OF LYNCHBURG, VIRGINIA _____ DATE _____

COMMONWEALTH AT LARGE TO WIT:
STATE OF VIRGINIA

COUNTY OF _____

I, _____ A NOTARY PUBLIC IN AND FOR THE AFORESAID STATE, DO HEREBY CERTIFY THAT THE OWNERS WHOSE NAMES ARE SIGNED ABOVE HAVE ACKNOWLEDGED THE SAME BEFORE ME.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC _____ DATE _____ NUMBER _____

JBO, LLC. _____ DATE _____

COMMONWEALTH AT LARGE TO WIT:
STATE OF VIRGINIA

COUNTY OF _____

I, _____ A NOTARY PUBLIC IN AND FOR THE AFORESAID STATE, DO HEREBY CERTIFY THAT THE OWNERS WHOSE NAMES ARE SIGNED ABOVE HAVE ACKNOWLEDGED THE SAME BEFORE ME.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC _____ DATE _____ NUMBER _____

CORNERSTONE PROPERTY OWNERS ASSOCIATION _____ DATE _____

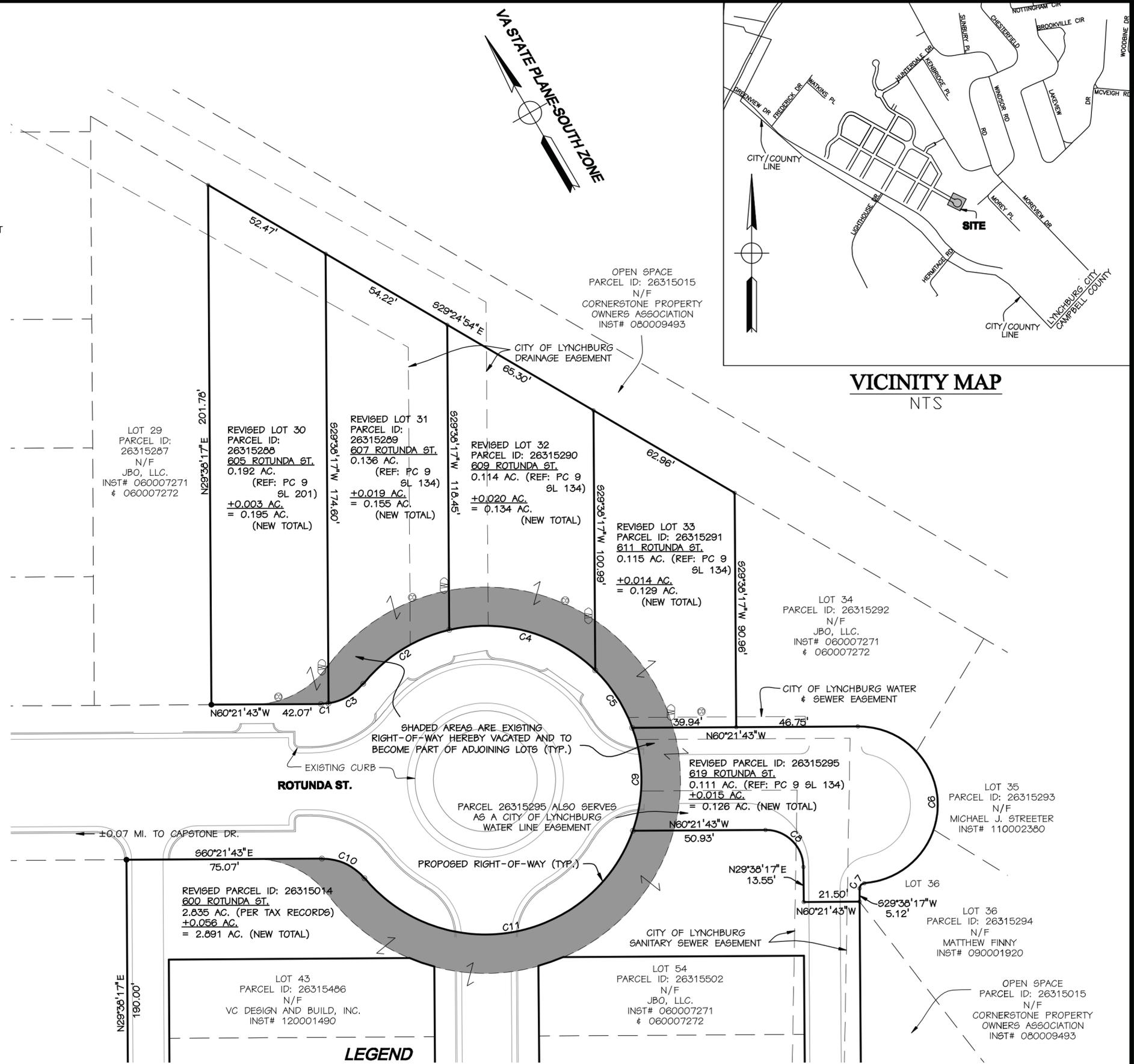
COMMONWEALTH AT LARGE TO WIT:
STATE OF VIRGINIA

COUNTY OF _____

I, _____ A NOTARY PUBLIC IN AND FOR THE AFORESAID STATE, DO HEREBY CERTIFY THAT THE OWNERS WHOSE NAMES ARE SIGNED ABOVE HAVE ACKNOWLEDGED THE SAME BEFORE ME.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC _____ DATE _____ NUMBER _____



CORNERSTONE PROPERTY OWNERS ASSOCIATION _____ DATE _____

COMMONWEALTH AT LARGE TO WIT:
STATE OF VIRGINIA

COUNTY OF _____

I, _____ A NOTARY PUBLIC IN AND FOR THE AFORESAID STATE, DO HEREBY CERTIFY THAT THE OWNERS WHOSE NAMES ARE SIGNED ABOVE HAVE ACKNOWLEDGED THE SAME BEFORE ME.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC _____ DATE _____ NUMBER _____

CURVE	LENGTH	RADIUS	BEARING	CHORD	DELTA
C1	2.94'	21.00'	N64°22'13"W	2.94'	8°00'57"
C2	39.77'	60.00'	S87°36'59"W	39.05'	37°58'41"
C3	15.75'	21.00'	N89°51'31"W	15.36'	42°57'39"
C4	60.65'	60.00'	N44°18'33"W	58.27'	58°06'14"
C5	26.62'	60.00'	N02°32'43"W	26.41'	25°25'27"
C6	93.71'	30.50'	S27°39'30"W	60.96'	176°02'26"
C7	3.00'	2.00'	S72°39'30"W	2.73'	86°02'26"
C8	22.78'	14.50'	N15°21'43"W	20.51'	90°00'00"
C9	40.78'	60.00'	N29°38'17"E	40.00'	38°56'33"
C10	18.68'	21.00'	S34°52'26"E	18.07'	50°58'41"
C11	127.24'	60.00'	S70°08'16"E	104.70'	121°30'22"

LEGEND

- IRON PIN SET
- IRON PIN FOUND
- N/F NOW OR FORMERLY
- ⊙ CLEANOUT
- ⊕ WATER METER

**PLAT SHOWING
RIGHT-OF-WAY VACATION ON
ROTUNDA STREET
CITY OF LYNCHBURG, VIRGINIA**



SHEET 1 OF 1

REV:	8/30/12 AD
DWN:	AD
DATE:	8/6/2012
DWG:	V-BLA-12275
JOB:	12275

GRAPHIC SCALE 1"=30'

PERKINS ORRISON
ENGINEERS ▲ PLANNERS ▲ SURVEYORS

27 GREEN HILL DRIVE, FOREST, VIRGINIA 24551
PHONE: 434-525-5985 FAX: 434-525-5986
E-Mail: pno@perkins-orrison.com

APPLICATION FOR THE VACATION OF A

RIGHT OF WAY

RECEIVED

Located

AUG 07 2012

At the cul-de-sac of Rotunda Street

COMMUNITY
DEVELOPMENT

The undersigned applicant, JBO, LLC.

pursuant to the provisions of Section 51.1-364 of the Code of Virginia, 1950, as amended, and Sections 35-71 to 35-77, both inclusive, of the Lynchburg City Code, 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain Right of Way described as follows:

BEGINNING AT A POINT, said point being point along the R/W of Rotunda St. and lot 30 block "O" (Ref: PC 9, sl 201) 16.31' east of west corner lot 30; thence, along a curve to the left having a radius of 35.00 feet, a central angle of 53°47'09", a tangent length of 17.75 feet, the long chord of which bears S 87°20'57" E for a distance of 31.66 feet with a radial line in of N 29°32'38" E and a radial line out of S 24°14'31" E for an arc length of 32.86 feet to a point; thence, along a non-tangent curve to the right having a radius of 75.00 feet, a central angle of 287°30'34", a tangent length of 54.98 feet, the long chord of which bears S 29°39'42" W for a distance of 88.69 feet with a radial line in of S 24°05'35" E and a radial line out of S 83°24'59" W for an arc length of 376.35 feet to a point; thence, along a reverse curve to the left with a radius of 35.00 feet, a tangent length of 17.75 feet, a central angle of 53°46'42", the radius of which bears S 83°24'59" W, the chord of which bears N 33°28'22" W for a distance of 31.66 feet; Thence along the arc of said curve for a distance of 32.85 feet to a point; thence S 60°21'43" E, 25.81 feet to a point; thence, along a non-tangent curve to the right having a radius of 21.00 feet, a central angle of 50°58'41", a tangent length of 10.01 feet, the long chord of which bears S 34°52'26" E for a distance of 18.07 feet with a radial line in of S 29°38'14" W and a radial line out of N 80°36'55" E for an arc length of 18.68 feet to a point; thence, along a reverse curve to the left with a radius of 60.00 feet, a tangent length of 48.63 feet, a central angle of 281°57'16", the radius of which bears N 80°36'55" E, the chord of which bears N 29°38'17" E for a distance of 75.56 feet; Thence along the arc of said curve for a distance of 295.26 feet to a point; thence, along a reverse curve to the right with a radius of 21.00 feet, a tangent length of 10.01 feet, a central angle of 50°58'38", the radius of which bears N 21°20'21" W, the chord of which bears N 85°51'02" W for a distance of 18.07 feet; Thence along the arc of said curve for a distance of 18.68 feet to a point; thence N 60°21'43" W, 25.76 feet to a point, the **POINT OF BEGINNING**.

CONTAINING: 5510 square feet or 0.126 acres of land, more or less.

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 Chamber, City Hall, 900 Church Street, Lynchburg, Virginia, on October 9, 2012, 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 Right of Way.

Given under my hand this _____ day of _____,
20____.

CORINNE BOA BY [Signature]
Applicant

104 ARLOWAY COURT

LYNCHBURG, VA 24502
Address

(434) 846-8458
Telephone Number

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

Rotunda Street Vacation

Right-of-Way Vacation

★ Property

