



PHYSICAL DEVELOPMENT COMMITTEE
City Council Committee

Tuesday, September 12, 2023 | 3:00 PM
2nd Floor Training Room- City Hall
900 Church Street
Lynchburg, VA 24504

PHYSICAL DEVELOPMENT COMMITTEE AGENDA

- I. Welcome** *Councilmember Larry Taylor, Chair*
- II. Information Items**
- III. General Business**
 - III.1.** Vacation of public easement lying between 1504 Elm Street, 1500 Main Street, and 1520 Main Street.
 - III.2.** Virginia Department of Transportation (VDOT) Grant Funding Applications
- IV. Roll Call**
- V. Next Regular Meeting**
 - V.3.** October 10, 2023

AGENDA ITEM SUMMARY

MEETING DATE

September 12, 2023

PRESENTED BY

Eve Mergenthaler, Planner I

AGENDA ITEM # III.1

Vacation of public easement lying between 1504 Elm Street, 1500 Main Street, and 1520 Main Street.

RECOMMENDATION

Physical Development Committee recommendation for approval of the vacation of easement for public right of way on a portion of Elm Street.

SUMMARY

Andy Maddox of Main, LLC is petitioning to vacate an easement for public right of way on a portion of Elm Street located between 1504 Elm Street, 1500 Main Street, and 1520 Main Street. The purpose of the petition is to allow the installation of parking to facilitate the continued expansion of The Wayne, which is a by-right development that consists of condo units and amenities. The total area of the proposed easement vacation is approximately five hundred seventy-two thousandths (0.572) of an acre.

The area to be vacated currently contains a paved road that serves the adjoining lots. If the petition is approved, access would continue through the establishment of several easements and agreements. A fifteen (15) foot wide public Bluff Walk pedestrian easement has been established on 1504 Elm Street and a twenty-four (24) foot wide public access easement has been established on 1500 Main Street. An agreement with the owner of 1520 Main Street will be established to preserve access to and from the rear of his property.

Tenants and guests of The Wayne will be required to exit the development at the stop light on Main Street. Signs prohibiting entry onto Pearl Street from Elm Street will be installed. Mr. Maddox has also indicated that he will continue working with neighbors to increase the parking along Pearl Street for the neighbors' use.

PRIOR ACTION(S)

July 11, 2023: City Council reviewed the petition as a public hearing item. The item was tabled until September 26.

June 27, 2023: City Council Business Item Briefing.

June 7, 2023: The Technical Review Committee (TRC) reviewed the petition. Comments have been addressed.

FISCAL IMPACT

The value of the easement is anticipated to be approximately twenty-five (25) percent of the assessed value for the property, or \$43,603.50 to \$62,290.00. The value of the easement would be offset by the Bluffwalk extension, which will be constructed by the developer in the public pedestrian easement.

CONTACT(S)

Eve Mergenthaler, Planner I
Tom Martin, City Planner
Susan Hartman - Senior Assistant City Attorney

ATTACHMENT(S)

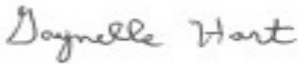
1. Presentation
2. Ordinance
3. Exhibit, Concept Plan, Letters of Support, Easement Plat, Property Photos, Memo, Application, Adjoining Owners

REVIEWED BY



Kent White, Director of Community Development

Date: September 07, 2023



Gaynelle Hart, Director of Public Works

Date: September 07, 2023



Greg Patrick, Deputy City Manager

Date: September 07, 2023



VACATION OF EASEMENT FOR PUBLIC RIGHT OF WAY ON A PORTION OF ELM STREET

Tuesday, September 12, 2023



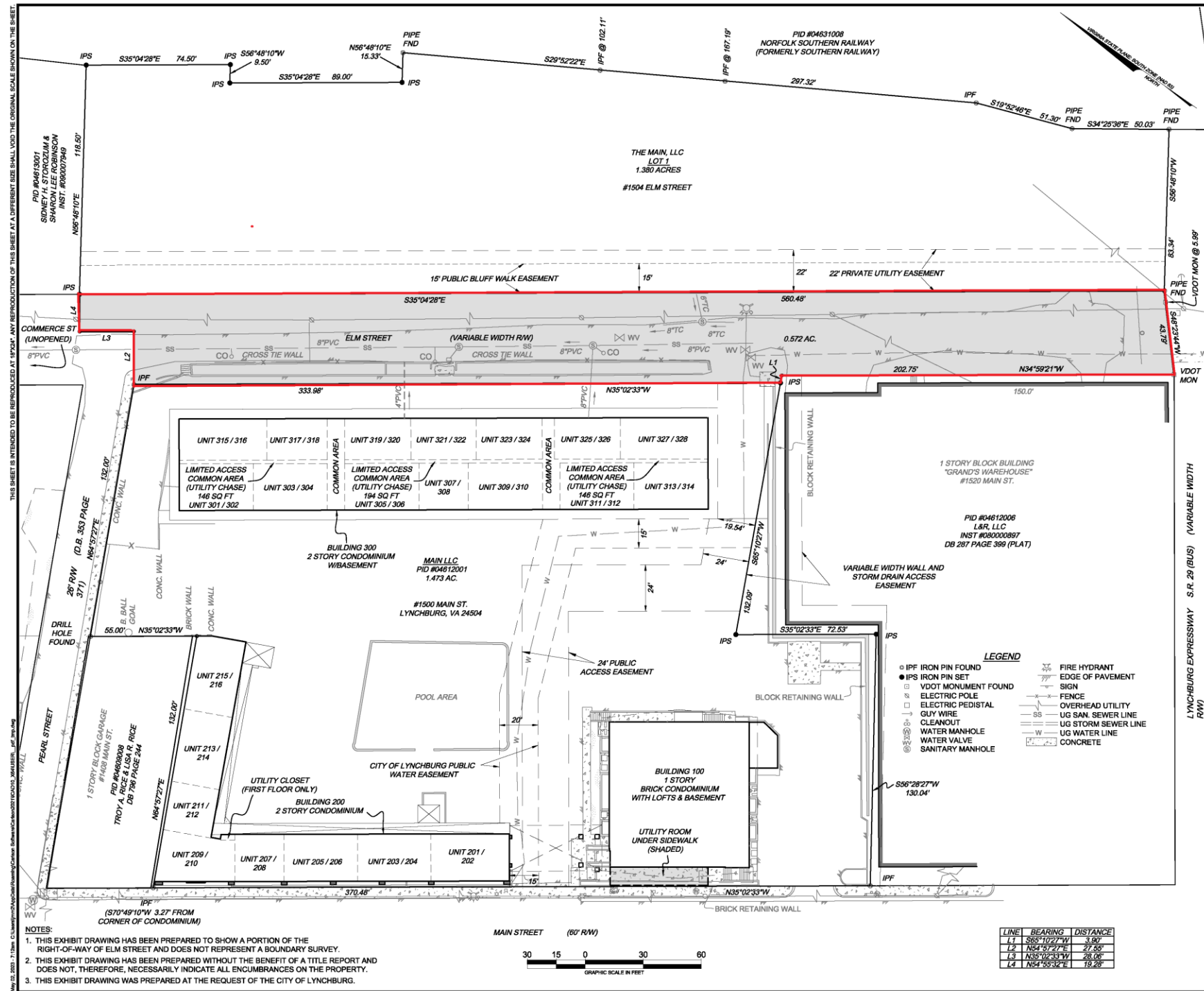
PURPOSE AND ACTION

Purpose: Andy Maddox of Main, LLC is petitioning to vacate an easement for public right of way on a portion of Elm Street. The vacation would allow the installation of parking to facilitate the continued expansion of The Wayne.

Recommendation: Approval of the vacation of easement for public right of way on a portion of Elm Street.



AREA TO BE
VACATED



HURT & PROFFITT
INSPIRED / RESPONSIVE / TRUSTED


434.447.7796
2524 LANTHORN ROAD
LYNCHBURG, VA 24501
SURVEYING • LAND DEVELOPMENT • ENVIRONMENTAL
ENGINEERING • CONSTRUCTION TESTING & INSPECTION • CULTURAL RESOURCES

EXHIBIT SHOWING
A PORTION OF
ELM STREET RIGHT-OF-WAY
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO. 20201088
FILE NO. SL-15532
LAT. 37.40970°
LONG. -79.13749°
DATE: 04/20/2023
DRAWN BY: JMM
CHECKED BY: JMM

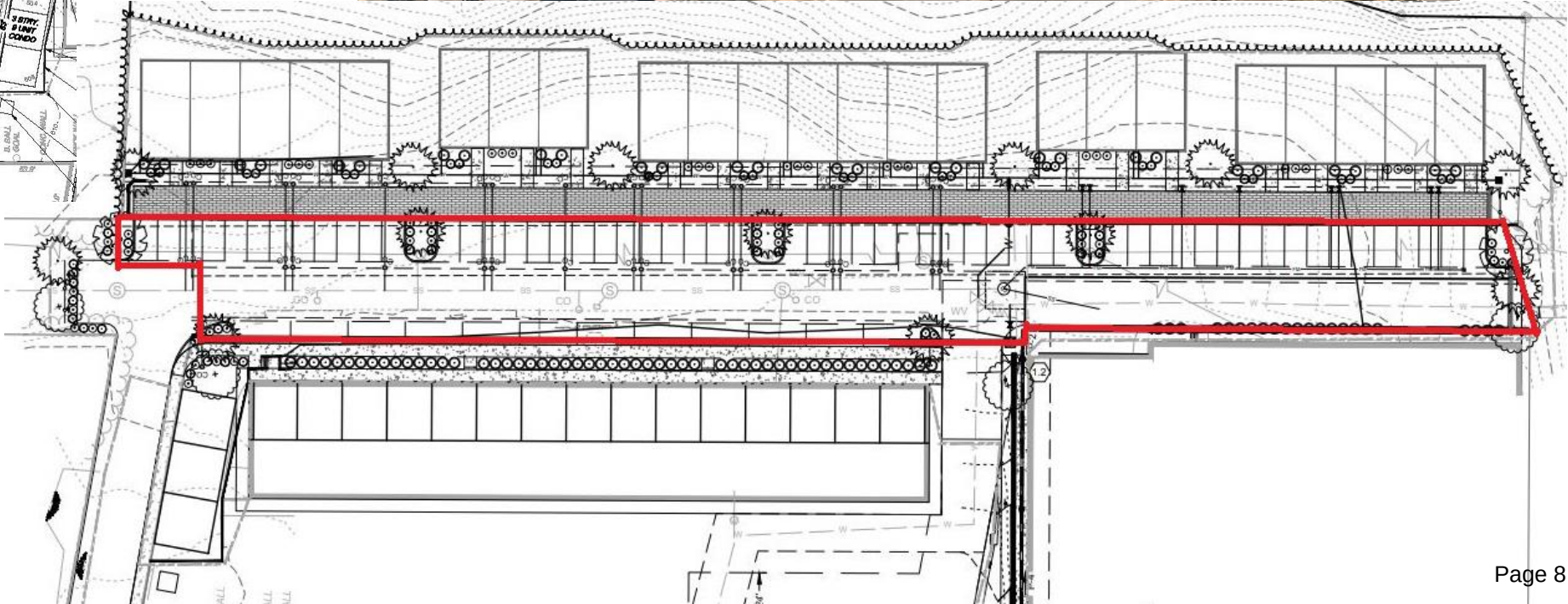
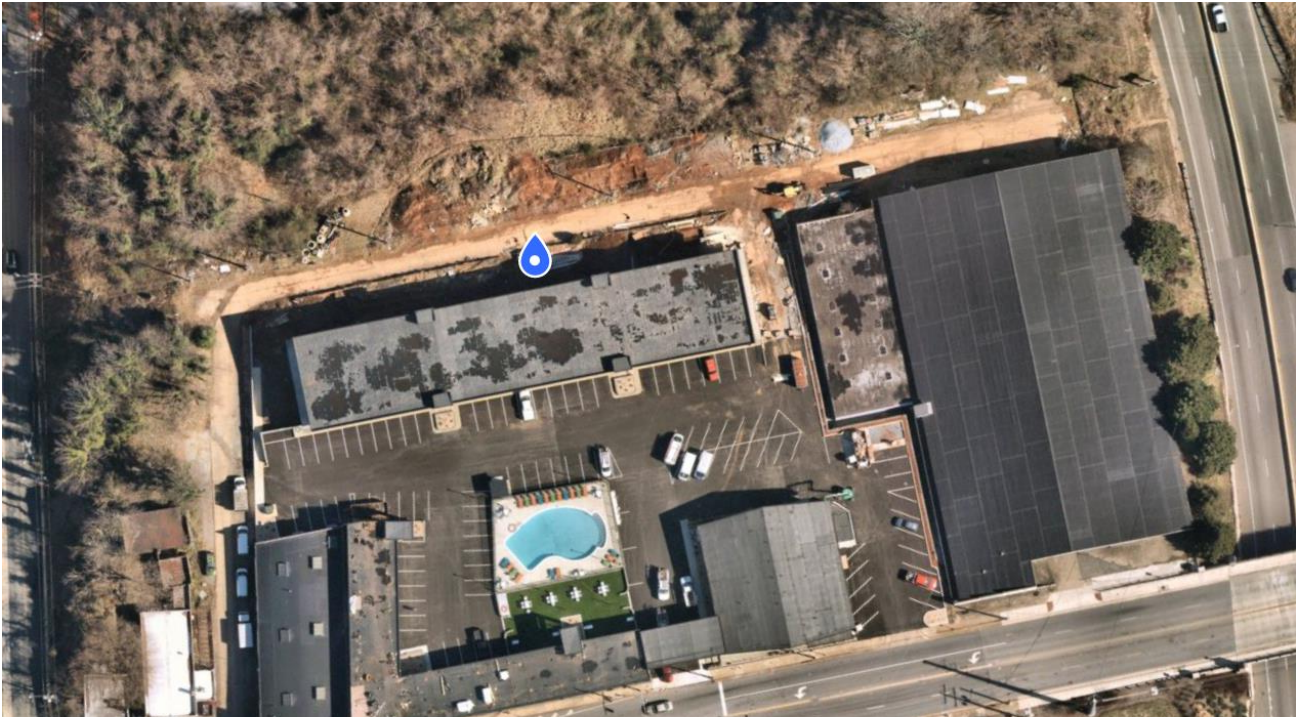
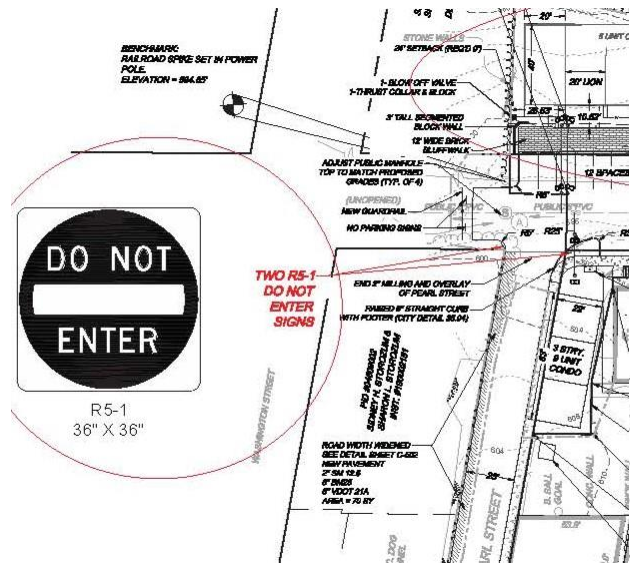

RELEASED
05/02/2023
JOSEPH M. MAY
Lic. No. 3123
LAND SURVEYOR

SHEET NO. 1 OF 1
REV. Page 6 of 40

EXISTING SITE



EXISTING SITE AND PROPOSED USE



PLAT ACCEPTED: 6/2/23
CITY PLANNER: [Signature]
CITY ENGINEER: [Signature]

APPROVAL VOID IF NOT RECORDED BY 12/2/2023

LEGEND

- IPF IRON PIN FOUND
- IPS IRON PIN SET
- VDOT MONUMENT FOUND
- ELECTRIC POLE
- ELECTRIC PEDISTAL
- GUY WIRE
- CLEANOUT
- WATER MANHOLE
- WATER VALVE
- SANITARY MANHOLE
- ⊕ FIRE HYDRANT
- EDGE OF PAVEMENT
- SIGN
- FENCE
- OVERHEAD UTILITY
- UG SAN SEWER LINE
- UG STORM SEWER LINE
- UG WATER LINE
- CONCRETE

GRAPHIC SCALE IN FEET

0 15 30 45 60

<i>SHEET NO.</i> 3 OF 3	<i>REV.</i>
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AN UNCODIFIED ORDINANCE TO VACATE A PUBLIC EASEMENT AND/OR PUBLIC RIGHT OF PASSAGE OVER A CERTAIN PORTION OF ELM STREET LYING BETWEEN 1504 ELM STREET, 1500 MAIN STREET, AND 1520 MAIN STREET IN THE CITY OF LYNCHBURG, VIRGINIA

ORDINANCE:

#O-23-_____

WHEREAS, The Main, LLC is the owner of properties fronting both the northern and southern sides of Elm Street lying between “Pearl Street and Dead End at Lynchburg Expressway” as shown on a map entitled “Exhibit Showing a Portion of Elm Street Right-of-Way City of Lynchburg, Virginia” attached as Exhibit “A”; and

WHEREAS, The Main, LLC has petitioned the City of Lynchburg, Virginia (“City”) to vacate that certain portion of Elm Street lying between “Pearl Street and Dead End at Lynchburg Expressway” being shown as the shaded area on Exhibit “A”; and

WHEREAS, The Main, LLC understands the City cannot confirm it holds fee simple title over that portion of Elm Street in the City lying between 1504 Elm Street, 1500 Main Street, and 1520 Main Street (i.e. lying between “Pearl Street and Dead End at Lynchburg Expressway”), but rather believes it holds a public easement and/or public right of passage over the same; and

WHEREAS, The Main, LLC understands the City will retain, reserve, and expressly except from this Ordinance all water line, sewer line, and utility easements which run under and/or through that portion of Elm Street lying between “Pearl Street and Dead End at Lynchburg Expressway” together with a perpetual right of ingress and egress along the line of said easements to locate, repair, replace, maintain, and perpetually operate any and all utilities located therein or needed by the City in the future with The Main, LLC understanding the construction of any permanent structure over, across, and/or above the said easements is expressly prohibited unless or until prior written approval is obtained from the City; and

WHEREAS, The Main, LLC understands the City will retain, reserve, and expressly except from this Ordinance the fifteen (15) foot public easement for pedestrian traffic over and across the area shown as the “15’ Public Bluff Walk Easement” on Exhibit “A” which runs the length of the northern side of Elm Street generally over and across 1504 Elm Street and in any area which does, may now, or hereafter encroach upon that portion of the public easement and/or public right of passage vacated and discontinued hereby with The Main, LLC understanding the construction of any permanent structure over, across, and/or above the said easement is expressly prohibited unless or until prior written approval is obtained from the City; and

WHEREAS, The Main, LLC understands the City will retain, reserve, and expressly except from this Ordinance any and all portions of the twenty-four (24) foot public access easement, including any utilities and related easements connected therewith, being shown on Exhibit “A” as the “24’ Public Access Easement” which does, may now, or hereafter encroach upon that portion of the public easement and/or public right of passage vacated and discontinued hereby with The Main, LLC understanding the construction of any permanent structure over, across, and/or above the same is expressly prohibited unless or until prior written approval is obtained from the City; and

WHEREAS, The Main, LLC has represented to the City they have entered into or will in the future enter into an agreement with the owner of 1520 Main Street, their successors and assigns, preserving and allowing for the perpetual right of ingress and egress over and across that certain portion of Elm Street between “Pearl Street and Dead End at Lynchburg Expressway” for the purpose of allowing access to and from the rear of 1520 Main Street; and

WHEREAS, based on the foregoing, the Lynchburg City Council finds no public inconvenience will result from vacating any public easement and/or public right of passage over that portion Elm Street in the City lying between 1504 Elm Street, 1500 Main Street, and 1520 Main Street (i.e. lying between “Pearl Street and Dead End at Lynchburg Expressway”); and

WHEREAS, the Lynchburg City Council determined that the City has no need for the public easement and/or public right of passage over that portion of Elm Street in the City lying between 1504 Elm Street, 1500 Main Street, and 1520 Main Street (i.e. lying between “Pearl Street and Dead End at Lynchburg Expressway”).

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that, on its own motion, in accordance with the provisions of Sections 15.2-2006 *et. seq.* of the Code of Virginia, 1950, as amended, and Sections 35-71 through 35-77 of the Code of City of Lynchburg, 1981, as amended, subject to the exceptions and condition noted herein this Ordinance, the public easement and/or public right of passage and any other rights, title, and/or interest the City may hold over the following described portion of Elm Street in the City is hereby vacated and discontinued, *to-wit*:

BEGINNING AT AN IRON PIN FOUND AT THE NORTHERNMOST CORNER OF TAX MAP #046-12-001 AT ITS INTERSECTION WITH THE WESTERN RIGHT-OF-WAY LINE OF ELM STREET AND THE SOUTHERN RIGHT-OF-WAY LINE OF PEARL STREET; THENCE N54°57'27"E 27.55' TO A POINT; THENCE N35°02'33"W 28.06' TO A POINT; THENCE N54°55'32"E 19.28' TO AN IRON PIN SET; THENCE S35°04'28"E 560.48' TO A PIPE FOUND; THENCE S48°23'44"W 43.79' TO A VDOT MONUMENT; THENCE N34°59'21"W 202.75' TO A POINT; THENCE S65°10'27"W 3.90' TO AN IRON PIN SET; THENCE N35°02'33"W 333.98' TO THE POINT OF BEGINNING, CONTAINING APPROXIMATELY 0.572 ACRE, AND BEING SHOWN ON EXHIBIT “A”, A MAP ENTITLED “EXHIBIT SHOWING PORTION OF ELM STREET RIGHT-OF-WAY CITY OF LYNCHBURG, VIRGINIA” DATED APRIL 20, 2023, BY HURT & PROFFITT.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the City retains, reserves, and expressly excepts from this Ordinance all water line, sewer line, and utility easements which run under and/or through that portion of Elm Street lying between “Pearl Street and Dead End at Lynchburg Expressway” together with a perpetual right of ingress and egress along the line of said easements to locate, repair, replace, maintain, and perpetually operate any and all utilities located therein or needed by the City in the future with The Main, LLC understanding the construction of any permanent structure over, across, and/or above the said easements is expressly prohibited unless or until prior written approval is obtained from the City.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the City retains, reserves, and expressly excepts from this Ordinance the fifteen (15) foot public easement for pedestrian traffic over and across the area shown as the “15' Public Bluff Walk Easement” on Exhibit “A” which runs the length of the northern side of Elm Street generally over and across 1504 Elm Street and in any area which does, may now, or hereafter encroach upon that portion of the public easement and/or public right of passage vacated hereby with The Main, LLC understanding the construction of any permanent structure over, across, and/or above the said easement is expressly prohibited unless or until prior written approval is obtained from the City.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the City retains, reserves, and expressly excepts from this Ordinance any and all portions of the twenty-four (24) foot public access easement, including any utilities and related easements connected therewith, being shown on Exhibit “A” as the “24' Public Access Easement” which does, may now, or hereafter encroach upon that portion of the public easement and/or public right of passage vacated and discontinued hereby with The Main, LLC understanding the construction of any permanent structure over, across, and/or above the same is expressly prohibited unless or until prior written approval is obtained from the City.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that, as a condition of a duly certified copy of this Ordinance being submitted for recordation in the Clerk's Office of the Circuit Court for the City of Lynchburg, Virginia, The Main, LLC shall provide the Clerk of Council a true copy of the final fully executed agreement entered into with the owner of 1520 Main Street, their successors and assigns, preserving and allowing for the perpetual right of ingress and egress over and across that certain portion of Elm Street between “Pearl Street and Dead End at Lynchburg Expressway” for the purpose of allowing access to and from the rear of 1520 Main Street.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the Clerk of Council is hereby authorized and directed, upon the above described condition being met, to deliver a duly certified copy of this Ordinance to the Clerk's Office of the Circuit Court for the City of Lynchburg, Virginia so that said copy may be recorded as deeds are recorded and indexed in the name of the City. Exhibit "A", or a copy thereof, and a copy of the above described final fully executed agreement between The Main, LLC and the owner of 1520 Main Street, their successors and assigns, shall be submitted for recordation in the manner previously described as well. Further, the City Manager is authorized to sign any documents and take any further actions necessary to effectuate any and all actions contemplated by this Ordinance and in furtherance of the actions contemplated by this Ordinance.

Adopted:

Certified: _____
Clerk of Council

By joining in this Ordinance through signature of its authorized representative, The Main, LLC acknowledges its understanding and agreement to what is set forth above.

WITNESS the following signature and seal.

THE MAIN, LLC

By: _____ (Seal)

Printed Name: _____

Its: _____

State/Commonwealth of _____
County/City of _____, *to-wit*:

Acknowledged before me on behalf of The Main, LLC, by _____, its
_____, on this the ____ day of _____, 20_____.

Notary Public

My Commission Expires: _____
Registration No. _____

Affix Seal:

May 02, 2023 - 7:12am C:\Users\jrm2\AppData\Roaming\Carlson Software\Carlson\2021\CAD10_X64\USER\jrm2_imp.dwg



HURT & PROFFITT
INSPIRED / RESPONSIVE / TRUSTED

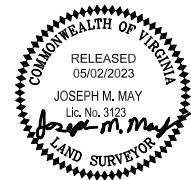


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LYNCHBURG, VA. 24501
HAND.P.COM

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GEOTECHNICAL • CONSTRUCTION TESTING & INSPECTION • CULTURAL RESOURCES

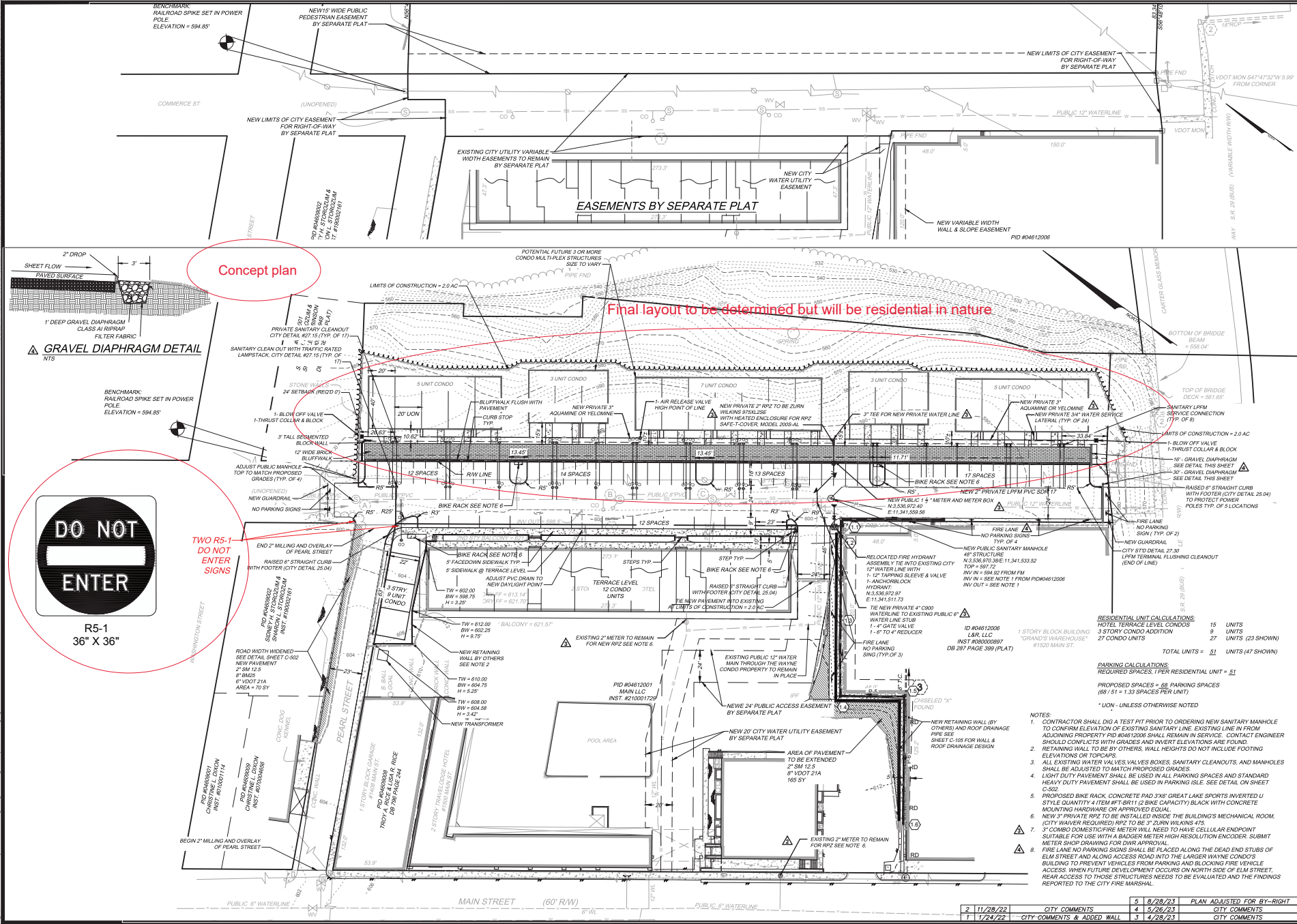
EXHIBIT SHOWING
A PORTION OF
ELM STREET RIGHT-OF-WAY
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO.	20201088
FILE NO.	SL-15532
LAT.	37.40970°
LONG.	-79.13749°
DATE:	04/20/2023
DRAWN BY:	JMM
CHECKED BY:	JMM



<i>SHEET NO.</i>	<i>REV.</i>
1 OF 1	

THIS SHEET IS LIMITED TO THE INFORMATION SHOWN HEREON. NO OTHER INFORMATION SHALL BE RELIED UPON. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATORY APPROVALS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATORY APPROVALS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATORY APPROVALS.



HURT & PROFFITT
INSPIRED / RESPONSIVE / TRUSTED

THE WAYNE DEVELOPMENT - SPR2109-0003
LYNCHBURG, VIRGINIA

PROJECT NO. 20201088
LAT. 37.4090007
LONG. -79.1370007
DATE. 08/20/2021
DRAWN BY: MDH
CHECKED BY: ASK

8/28/2023

0 15 30 60
SCALE 1" = 30'

HURT & PROFFITT

SHEET NO. C-102
REV. 3

2 11/28/22
1 1/24/22

CITY COMMENTS
CITY COMMENTS & ADDED WALL

5 8/28/23
3 4/28/23

PLAN ADJUSTED FOR BY-RIGHT
CITY COMMENTS

MADDOX & SON CONSTRUCTION, INC

1152 Gables Drive · Forest, VA 24551

September 1, 2023

Re: Elm Street

Dear Council Members,

This request to vacate the City Easement on Elm Street will greatly benefit this area of the City. The Wayne Development project is bringing much needed residential space to the downtown area. Our vision has been to revitalize this area of the City and we would love to continue on that path by extending The Wayne Development to the north side of Elm Street that overlooks downtown Lynchburg and the 29 Expressway, one of the gateways into the City. In its current condition Elm Street does not offer much to the gateway other than an old, dilapidated road, billboard, illegal dump site, and a steep hill with overgrown trees and weeds. Not to mention the old motel which we have renovated into something far more appealing. The residential buildings I envision for Elm Street will be as appealing or more due to the greater visibility and the views this area will have looking over Downtown Lynchburg.

In talks with my neighbors, I have assured them I will do what is necessary to reduce traffic on Pearl Street by requiring my tenants to exit via the stop light on Main Street. I will be installing do not enter signs where Pearl and Elm Street meet and additionally provide the below voluntary measures that will also benefit my neighbors and improve their space along Elm and Pearl Street.

Voluntary Measures:

- Install Exit Only signs at Elm and Pearl Street
- Require all tenants to exit via stop light on Main Street
- Work with the neighbors to increase parking along Pearl Street


Andrew D. Maddox, Developer

MADDOX & SON CONSTRUCTION, INC

1152 Gables Drive · Forest, VA 24551

September 1, 2023

Re: Elm Street

Dear Council Members,

I write to you to give my support for the vacation of the City Easement on Elm Street. After more consideration and speaking with the developer, Andrew Maddox, we feel this request will greatly benefit this area of the city. It will bring much needed improvements to the dilapidated road and greatly improve the visual appearance of Elm Street to the surrounding area. Mr. Maddox has assured us he will do what is necessary to reduce traffic on Pearl Street by requiring his tenants to exit via the stop light on Main Street. He has also indicated that he will be installing do not enter signs where Pearl and Elm Street meet to also deter vehicular traffic from leaving The Wayne via Pearl Street.



L&R LLC, Owner



Andrew D. Maddox, Developer

MADDOX & SON CONSTRUCTION, INC

1152 Gables Drive · Forest, VA 24551

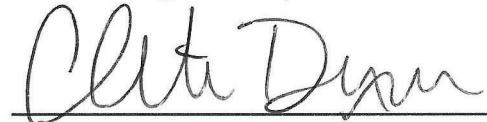
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Christine Dixon



Andrew D. Maddox, Developer

MADDOX & SON CONSTRUCTION, INC

1152 Gables Drive · Forest, VA 24551

September 1, 2023

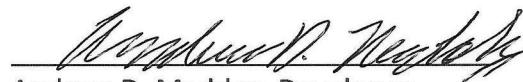
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Sidney Storozum


Andrew D. Maddox, Developer

NOTES:

1. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY ON JUNE 2, 2021 AND REVISED JANUARY 20, 2023. THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN.
2. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
3. THE AREA SHOWN HEREON IS LOCATED IN FLOOD HAZARD ZONE 'X' AND IS NOT LOCATED WITHIN FLOOD HAZARD ZONE 'AE' FOR A 100 YEAR FLOOD AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON FEMA MAP #5100830042D DATED JUNE 3, 2008.
4. UNDERGROUND UTILITIES SHOWN HEREON WERE MARKED BY VA 811. ALTHOUGH EVERY EFFORT WAS MADE TO ENSURE ACCURACY, IT SHALL BE THE RESPONSIBILITY OF THE OWNER/CONTRACTOR TO HAVE UNDERGROUND UTILITIES MARKED PRIOR TO LAND DISTURBANCE/EXCAVATION OF ANY KIND.
5. ALL FUTURE UTILITIES WILL BE PLACED UNDERGROUND.
6. PUBLIC WATER AND SEWER PROVIDED BY THE CITY OF LYNCHBURG.
7. THE PROPERTY SHOWN HEREON IS ZONED B-4.
8. THIS SURVEY WAS PREPARED AT THE REQUEST OF THE MAIN, LLC.

OWNERS ADDRESS

THE MAIN, LLC
1152 GABLES DR
FOREST, VA 24551

THE PLATTING OR DEDICATION OF THE PROPERTY SHOWN HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES IF ANY.

Andrew R. Maddy
REPRESENTATIVE OF THE MAIN, LLC

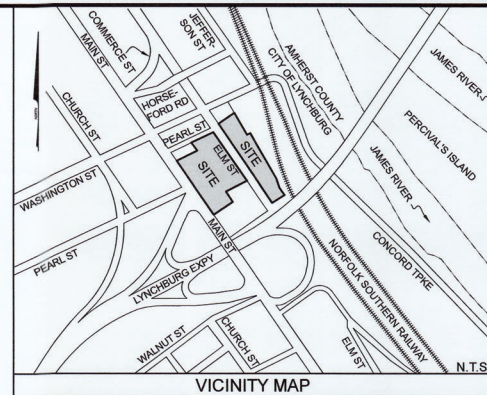
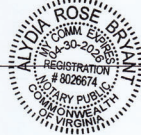
14 JAN 23
DATE

COMMONWEALTH AT LARGE TO WIT:

STATE OF VIRGINIA
COUNTY/CITY OF *Bedford*
I, *Allydia Rose Bryant*, A NOTARY PUBLIC IN
AND FOR THE STATE AFORESAID, DO HEREBY CERTIFY THAT THE
OWNERS/REPRESENTATIVES WHOSE NAMES ARE SIGNED HEREON HAVE
ACKNOWLEDGED THE SAME BEFORE ME THIS *14* DAY
OF *April*, 20 *23*. MY COMMISSION

EXPIRES *04-30-2026*

Allydia Rose Bryant
NOTARY PUBLIC



VICINITY MAP

HURT & PROFFITT
INSPIRED / RESPONSIVE / TRUSTED



HANDPCOM
LYNCHBURG, VA 24501
ENGINEERING SURVEYING LAND DEVELOPMENT ENVIRONMENTAL
GESTECHNICAL - CONSTRUCTION TESTING & INSPECTION - CULTURAL RESOURCES

PLAT SHOWING
INTERIOR PROPERTY LINE VACATION FOR
THE MAIN, LLC
CITY OF LYNCHBURG, VIRGINIA

PLAT ACCEPTED:	
<i>Ranschurn</i>	6/2/23
CITY PLANNER	DATE
<i>A. R. Maddy</i>	6/2/23
CITY ENGINEER	DATE

APPROVAL VOID IF NOT RECORDED

BY *12/2/2023*

SOURCE OF TITLE: PID #04612001, 04613004, 04613006, 04613008, & 04613009

THE AREA SHOWN WAS ACQUIRED BY THE MAIN, LLC FROM SURESH PATEL & BHAMINI PATEL BY DEED DATED FEBRUARY 16, 2021 AS RECORDED IN INSTRUMENT #210001729 OF THE CIRCUIT COURT CLERK'S OFFICE OF THE CITY OF LYNCHBURG.

SOURCE OF TITLE: PID #04613005

THE AREA SHOWN WAS ACQUIRED BY THE MAIN, LLC FROM THE MAIN, LLC & ALFRED C. WRIGHT, ESTATE BY DEED DATED APRIL 27, 2022 AS RECORDED IN INSTRUMENT #220003292 OF THE CIRCUIT COURT CLERK'S OFFICE OF THE CITY OF LYNCHBURG.

SOURCE OF TITLE: PID #04613002

THE AREA SHOWN WAS ACQUIRED BY THE MAIN, LLC FROM MADDOX & SON CONSTRUCTION, INC. BY DEED DATED JUNE 9, 2022 AS RECORDED IN INSTRUMENT #220004682 OF THE CIRCUIT COURT CLERK'S OFFICE OF THE CITY OF LYNCHBURG.

SOURCE OF TITLE: PID #04613003

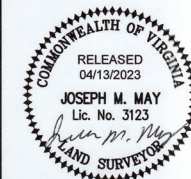
THE AREA SHOWN WAS ACQUIRED BY THE MAIN, LLC FROM GREENSPACE OF VIRGINIA, L.L.C. BY DEED DATED JUNE 9, 2022 AS RECORDED IN INSTRUMENT #220004683 OF THE CIRCUIT COURT CLERK'S OFFICE OF THE CITY OF LYNCHBURG.

SUBJECT PLATS OF REFERENCE:

PLAT BY JAMES C. MAY AND ASSOCIATES, P.C. TITLED "COMPOSITE OFFICE PLAT SHOWING VACATION OF INTERIOR LOT LINES AND COMBINATION OF CERTAIN PARCELS OWNED BY SURESH PATEL AND BAHAMINI PATEL, A.K.A. 1500 MAIN STREET DESCRIBED IN D.B. 993, PG. 106 & D.B. 359, PG. 179" AND DATED "DECEMBER 28, 2018", RECORDED IN INSTRUMENT #190000048 OF THE CIRCUIT COURT CLERK'S OFFICE OF THE CITY OF LYNCHBURG.

PLAT BY HURT & PROFFITT, INC. TITLED "PLAT SHOWING PROPERTY OF TEXINNS, INC." AND DATED "JUNE 5, 1990". RECORDED IN D.B. 772 PAGE 588 OF THE CIRCUIT COURT CLERK'S OFFICE OF THE CITY OF LYNCHBURG.

PROJECT NO.	20201088
FILE NO.	SL-15500
LAT.	37.40970°
LONG.	-79.13749°
DATE:	01/20/2023
DRAWN BY:	JMM
CHECKED BY:	JMM



SHEET NO.	REV.
1 OF 2	

HURT & PROFFITT

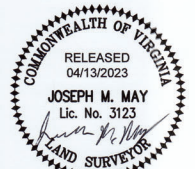
INSPIRED / RESPONSIVE / TRUSTED



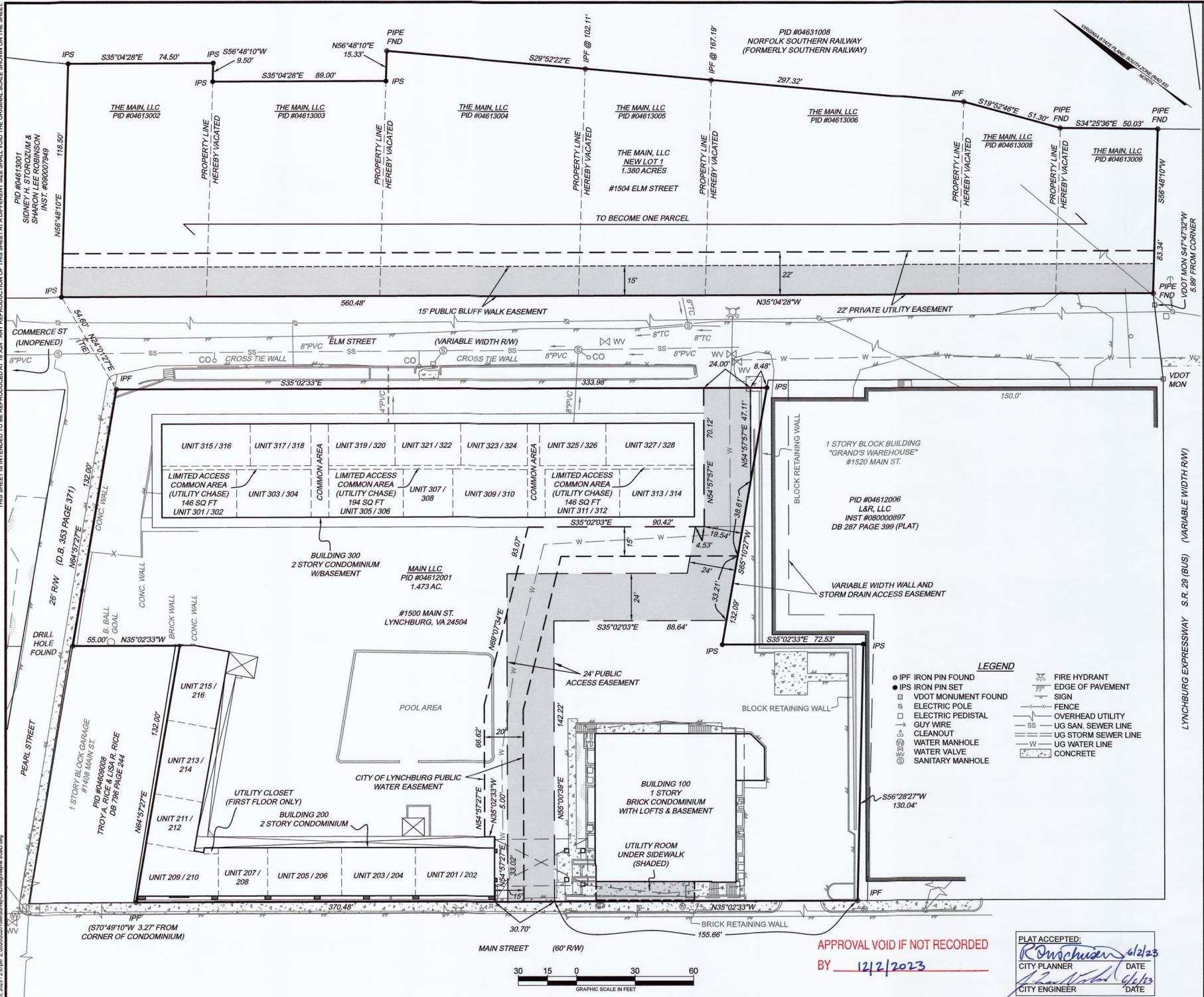
HANDP.COM
LYNCHBURG, VA, 24501
434.847.7796
2524 LANGHORNE ROAD
ENGINEERING • SURVEYING • LAND DEVELOPMENT • ENVIRONMENTAL
GEOTECHNICAL • CONSTRUCTION TESTING & INSPECTION • CULTURAL RESOURCES

PLAT SHOWING INTERIOR PROPERTY LINE VACATION FOR THE MAIN, LLC CITY OF LYNCHBURG, VIRGINIA

PROJECT NO. 20201088
FILE NO. SL-15500
LAT. 37.40970°
LONG. -79.13749°
DATE: 01/20/2023
DRAWN BY: JMM
CHECKED BY: JMM

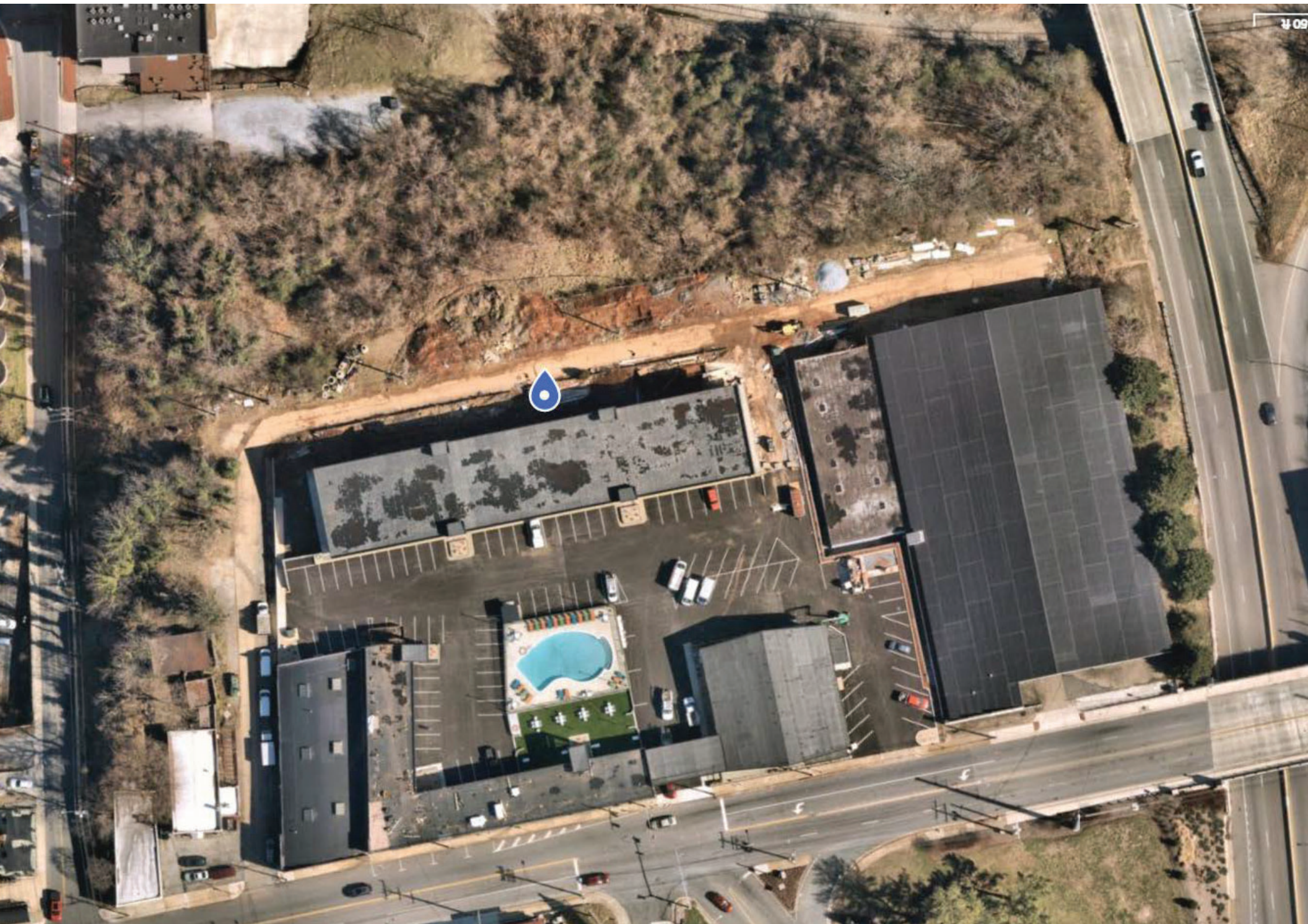


SHEET NO. 2 OF 2
REV.



APPROVAL VOID IF NOT RECORDED
BY 12/2/2023

PLAT ACCEPTED:
CITY PLANNER
CITY ENGINEER
DATE 6/2/23
DATE 6/6/23







MEMORANDUM

The City Attorney's Office

To: Department of Community Development

From: Susan L. Hartman, Senior Assistant City Attorney

Subject: Vacation of Public Easement/Right of Public Passage
for Public Right of Way on Elm Street

Date: June 13, 2023

You inquire what ownership rights the City has over that certain portion of Elm Street in the City of Lynchburg, Virginia described as follows: being and lying between its intersection with an unopened portion of Commerce Street and Pearl Street to the west, the Lynchburg Expressway to the east and the boundary lines of 1504 Elm Street to the north and 1500 and 1520 Main Street to the south, hereafter referred to as “that certain portion of Elm Street”.

In 1796, John Lynch conveyed a portion of the land he owned to the Trustees of the Town of Lynchburg. That conveyance included fee simple title to the streets as well as the lots and other areas. However, the original conveyance to the Town of Lynchburg did not extend past Horsford Branch and did not include that certain portion of Elm Street (which was still a part of Campbell County at the time of the conveyance). Old maps of the area show that certain portion of Elm Street as having been annexed into the City in 1870. Our office located additional information indicating that Charles Williams secured permission from the Virginia General Assembly on February 3, 1818 to establish a warehouse just east of the Lynchburg town limits and later built a three-story brick bank on Main Street near 14th Street and a house for himself and other houses on Elm Street. These houses were demolished in 1961 to make way for a motel.

Further, on the said maps showing the 1870 annexation, there were lots set out on the north side of Elm Street overlooking the James River and there were conveyances in City records indicating the lots were conveyed by metes and bounds and *did not* show ownership to the centerline of Elm Street. Our office also located a book, entitled *Official Reports and Supplement to the Code for the City of Lynchburg for Fiscal Year Ending January 31, 1900*, in which the City Engineer at that time reported having “Stepping Rock on Hand” for repairs and improvement of Elm Avenue between Washington and Pearl Streets. Thus, it appears the City over a hundred years ago likely maintained and improved that certain portion of Elm Street.

Thus, this would at least indicate the City has had some right of use over that certain portion of Elm Street, but the extent of the same is not fully known.

According to the Report of the Attorney General, 340, 341 dated October 4, 1973, to the Hon. Joseph M. Kuczko, Commonwealth's Attorney of Wise County: "Title to streets and alleys vests in accordance with the law applicable at the time of recordation." The earliest known subdivision act, effective March 5, 1888 and before 1922, provided that the recordation of a subdivision plat created a public easement or right of public passage in the streets and alleys shown thereon while fee simple title remained with the subdivider. Further, please note if subdivisions are done improperly or do not lawfully exist, the common law provides that "[w]hen lands are laid off into lots, streets and alleys and a map or plat thereof is made and recorded, all lots sold and conveyed by reference thereunto, without reservation, carry with them as appurtenant thereto the right to the use of the easement in such streets and alleys *necessary* to the enjoyment and value of said lots." *Payne v. Godwin*, 147 Va. 1019, 1024 (1926) (citations omitted). This information is consistent with Chapter IX §§ 68-76 of the Charter of the City of Lynchburg, 1928, c. 343, as amended.

Our office has been unable to locate the original subdivider (or their successors, assigns, and/or heirs) of the applicable property to determine whether he conveyed property to the centerline of that certain portion of Elm Street as part of the subdivision. Every conveyance our office has found (going back to the early 1800's) shows specific lots laid out and conveyed by metes and bounds with only a reservation for the area of the street.

Therefore, after having reviewed deeds of record in both the City of Lynchburg and Campbell County as well as searching other documents, books, photographs, and maps, everything our office has found indicates that the City's only interest in that certain portion of Elm Street is likely a public easement or right of public passage with the fee simple title vested and remaining in its original creator, their successors, assigns, and/or heirs as at common law. For these reasons, the City may only vacate that which it can confirm it owns, which, in this situation, is a public easement or right of public passage.

Sincerely,



Susan L. Hartman, Esquire



The City of Lynchburg, Virginia

RIGHT-OF-WAY VACATION PACKET

Department of Community Development
 City Hall, 900 Church Street
 Lynchburg, Virginia 24504
 PHONE • (434) 455-3900
 FAX • (434) 845-7630

1. PETITIONER: The applicant is the: •Owner ☒ •Contract Purchaser: ☐ •Contract Leaseholder: ☐

Name: Main, LLC

Street: 1152 Gable City: Forest State: VA Zip: 24551

Telephone#: 434-385-6512

E-Mail: andy@maddoxandson.com

E-Signed: Andy Maddox (Petitioner) Date: 1/3/22

2. OWNER: (if different from petitioner; otherwise leave this section blank)

Name:

Street: City: State: Zip:

Telephone#: Email:

E-Signed: _____ (Owner) Date:

3. REPRESENTATIVE:

Name:

Firm Name:

Street: City: State: Zip:

Telephone#: Email:

Application Submittal Requirements - Right-of-Way Vacation	
	One (1) original signed right-of-way vacation application, complete with metes and bounds description and any adjoining owner signatures.
	A title search or opinion from an attorney or title examiner determining ownership of the right-of-way after it is vacated. A copy of a sample opinion letter is included with the right-of-way vacation application.
	Copy of a sketch (or plat) showing the right-of-way to be vacated. Do not include other work (e.g. internal lot lines to be vacated) on submitted diagram.
	Photos of notification signs (if applicable)
	A check payable to the City of Lynchburg in the amount set forth in the fee schedule adopted by City Council (\$75)
	Electronic copy of all submittals. (Electronic copies may be submitted through eTrakit by contacting Eve Mergenthaler at 434-455-3917, by email at eve.mergenthaler@lynchburgva.gov . Please name the files in the following format: (YY-MM-DD_File name)

This following describes the materials needed and steps involved in a right-of-way (ROW) vacation. This process takes roughly 90-120 days from submittal until the decision to vacate is made.

1. Submit the required materials to the Department of Community Development, located at 900 Church Street (second floor):
 - a. One (1) original signed ROW vacation application, complete with metes and bounds description (usually provided by a surveyor) and any adjoining owner signatures.
 - i. Be aware that any disagreement by affected adjoining land owners may result in City Council denying the ROW vacation.
 - b. Electronic copy of a sketch (or plat) showing the ROW to be vacated.
 - c. Electronic copy of a title search or opinion from an attorney or title examiner determining ownership of the right-of-way after it is vacated. A copy of a sample opinion letter is included with the right-of-way vacation application.
 - i. In order for the ROW to be vacated by the City, the ownership of the ROW after it is vacated must first be determined. As a petitioner (or their representative) interested in having the City vacate ROW in order to serve the petitioner's interest, you will be required to provide this information.
 - ii. Past laws dictating how ROW was dedicated and annexation history of the ROW need to be taken into consideration during the research process. Here are some, but not all, things to consider when performing the title research:
 1. Was the property in question publicly dedicated?

APPLICATION FOR THE VACATION OF A
ELM STREET

Street/Alley/Right-of-way

LOCATED BETWEEN

Pearl Street and Dead End at Lynchburg Expressway

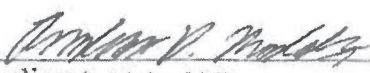
The undersigned applicant, Main, LLC (Andy Maddox)
pursuant to the provisions of Section 15.2-2006 of the Code of
Virginia, 1950, as amended, Sections 35-71 through 35-77 of the
Lynchburg City Code, 1981, as amended, and where applicable,
Section 15.2-2272(2) of the Code of Virginia, 1950, as amended,
respectfully makes application to the Lynchburg City Council for the
vacation of that certain _____ described as follows:

Vacate Elm Street for the private development use of
parking for future multifamily development.

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
March 8, 2022, 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 Elm Street.

The City does not guarantee that the adjoining property owners get title to any portions of a public street or alley that is vacated. When vacating public right of way the City is only giving up its interest in the public right of way. State law determines who gets title to the vacated right of way. Anyone who wishes to acquire an interest in the vacated right of way should consult with an attorney or title examiner.

Given under my hand this 3 day of January,
2022.


Applicant Main, LLC

1152 Gables Drive

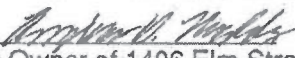
Forest, VA 24551

Address

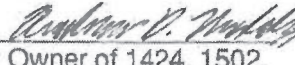
434-385-6513

Telephone Number

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

Signed: 
Property Owner of 1406 Elm Street
Maddox & Son Construction, Inc

Signed: 
Property Owner of 1414 Elm Street
Greenspace of Virginia, LLC

Signed: 
Property Owner of 1424, 1502,
1506, 1512, and 1514 Elm Street
Main, LLC


Property Owner of 1500 Main Street
Main, LLC

Signed: 
Property Owner of 1520 Main Street
L&R, LLC, by David M. Somers, sole member and
manager of L&R, LLC

Adjoining owners to a portion of Elm Street located between 1504 Elm Street, 1500 & 1520 Main Street

Parcel ID	Address	Owner
04612023	1500 MAIN ST 301	CAMERON, NANCY J
04612019	1500 MAIN ST 213	CAREY, HEIDI M
04608005	1410 COMMERCE ST	CHADWICK, CHRISTOPHER J
04631021	1541 CONCORD TPKE	CITY OF LYNCHBURG
04609001	1400 MAIN ST	DIXON, CHRISTINE L
04609009	1404 MAIN ST	DIXON, CHRISTINE L
04612006	1520 MAIN ST	L&R LLC
04612027	1500 MAIN ST 305	LIONS DEN LLC
04608003	107 WASHINGTON ST	LYNCHBURG 101 LLC
04608004	1329 JEFFERSON ST	LYNCHBURG 101 LLC
04608002	18 HORSEFORD RD	LYNCHBURG 101 LLC
04608001	20 HORSEFORD RD	LYNCHBURG 101 LLC
04613004	1424 ELM ST	MAIN LLC
04612001	1500 MAIN ST	MAIN LLC
04612065	1500 MAIN ST 100.5	MAIN LLC
04612057	1500 MAIN ST 104	MAIN LLC
04612062	1500 MAIN ST 105	MAIN LLC
04612063	1500 MAIN ST 106	MAIN LLC
04612059	1500 MAIN ST 111	MAIN LLC
04612060	1500 MAIN ST 112	MAIN LLC
04612061	1500 MAIN ST 113	MAIN LLC
04612064	1500 MAIN ST 114	MAIN LLC
04612018	1500 MAIN ST 212	MAIN LLC
04612020	1500 MAIN ST 214	MAIN LLC
04612021	1500 MAIN ST 215	MAIN LLC
04612022	1500 MAIN ST 216	MAIN LLC
04612024	1500 MAIN ST 302	MAIN LLC
04612025	1500 MAIN ST 303	MAIN LLC
04612026	1500 MAIN ST 304	MAIN LLC
04612028	1500 MAIN ST 306	MAIN LLC
04612029	1500 MAIN ST 307	MAIN LLC
04612030	1500 MAIN ST 308	MAIN LLC
04612031	1500 MAIN ST 309	MAIN LLC
04612032	1500 MAIN ST 310	MAIN LLC
04612033	1500 MAIN ST 311	MAIN LLC
04612034	1500 MAIN ST 312	MAIN LLC
04612035	1500 MAIN ST 313	MAIN LLC
04612036	1500 MAIN ST 314	MAIN LLC
04612037	1500 MAIN ST 315	MAIN LLC
04612038	1500 MAIN ST 316	MAIN LLC
04612039	1500 MAIN ST 317	MAIN LLC
04612040	1500 MAIN ST 318	MAIN LLC
04612041	1500 MAIN ST 319	MAIN LLC
04612042	1500 MAIN ST 320	MAIN LLC
04612043	1500 MAIN ST 321	MAIN LLC
04612044	1500 MAIN ST 322	MAIN LLC

04612045	1500 MAIN ST 323	MAIN LLC
04612046	1500 MAIN ST 324	MAIN LLC
04612047	1500 MAIN ST 325	MAIN LLC
04612048	1500 MAIN ST 326	MAIN LLC
04612049	1500 MAIN ST 327	MAIN LLC
04612050	1500 MAIN ST 328	MAIN LLC
04613005	1502 ELM ST	MAIN LLC
04613006	1506 ELM ST	MAIN LLC
04613008	1512 ELM ST	MAIN LLC
04613009	1514 ELM ST	MAIN LLC
04614001	1606 MAIN ST	MYERS & RHODES EQUIPMENT CO INC
04631023	52 WASHINGTON ST	OLSEN, SVEN W & BENGT M
04609008	1408 MAIN ST	RICE, TROY A & LISA R
04631007	50 WASHINGTON ST	SABRINAS CASTLE LLC
04631008	1521 CONCORD TPKE	SOUTHERN RAILWAY
04613001	1402 ELM ST	STOROZUM, SIDNEY H &
04609002	1401 ELM ST	STOROZUM, SIDNEY H & SHARON L
04613002	1406 ELM ST	THE MAIN LLC
04613003	1414 ELM ST	THE MAIN LLC
04612055	1500 MAIN ST 103	U & ME BABY LLC
04607007	1411 COMMERCE ST	WOODALL, FAY M & LANG, EDITH L

AGENDA ITEM SUMMARY

MEETING DATE

September 12, 2023

PRESENTED BY

Gaynelle Hart, Director of Public Works

AGENDA ITEM # III.2

Virginia Department of Transportation (VDOT) Grant Funding Applications

RECOMMENDATION

Review and forward to Council for approval of applications to VDOT to include the attached list of projects for the FY 2025 Revenue Sharing (RS) and Transportation Alternatives (TAP) Projects programs.

SUMMARY

Staff recommends the following projects for application to Revenue Sharing:

Previous Revenue Sharing Projects -Due to the unprecedented inflation over the past two years, the projects are underfunded and this funding request is for inflationary funds for the Revenue Sharing projects previously approved by City Council on September 24, 2019 at the Regular Meeting and for the 501/221 project. Hollins Mill Road Bridge and Bikeway Improvements was added in the last Revenue Sharing application process for partial funding and we are also requesting for additional funding in this cycle. Additional funding for the project will need to be applied for in future grant funding cycles.

Staff recommends the following project for application to Transportation Alternative Program:

Sidewalk at Lynchburg Center for Industry- This project completes sidewalk at the Lynchburg Center for Industry located off of Graves Mill Road. This project is submitted in partnership with Economic Development.
Previous cycle funded phase 1 of this project on the east side of the Mill Race and this is to install sidewalk on the west side.

Funds will not become available until FY 2027 and FY 2028 to begin design and construction.

PRIOR ACTION(S)

Regular City Council Meeting, September 24, 2019
PDC Meeting, September 14, 2021
Regular City Council Meeting, September 14, 2021

FISCAL IMPACT

Requires matching funds of 50% for Revenue Sharing, and 20% for TAP
Requires funding for VDOT review and administrative charges

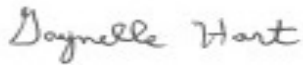
CONTACT(S)

Lee Newland, City Engineer
Gaynelle Hart, Director of Public Works

ATTACHMENT(S)

1. Council Resolution
2. Grant Application Listing
3. 221_501 Sketch
4. Breezewood Drive Sketch
5. Lakeside Reconstruction Sketch
6. Link at Boonsboro sketch
7. Wards Ferry at Atlanta sketch
8. Hollins Mill Concept
9. Millrace Phase 2 Sketch

REVIEWED BY



Gaynelle Hart, Director of Public Works

Date: September 05, 2023



Greg Patrick, Deputy City Manager

Date: September 07, 2023



Alicia Finney, Clerk of Council

Date: September 07, 2023

A RESOLUTION BY THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA,
ENDORISING THE REVENUE SHARING, AND TRANSPORTATION ALTERNATIVES
PROGRAM APPLICATIONS

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution of support be received from the local jurisdiction requesting the Virginia Department of Transportation (VDOT) establish and fund projects in the City of Lynchburg.

NOW, THEREFORE, BE IT RESOLVED, that the City of Lynchburg does support and requests the Commonwealth Transportation Board to establish and fund, for any successful program application and all stages of construction, the projects as listed in the agenda item titled *“Proposed Virginia Department of Transportation (VDOT) Grant Funding Applications for FY 2025”* for any of the programs including Revenue Sharing and Transportation Alternatives Programs.

BE IT FURTHER RESOLVED THAT: The City of Lynchburg hereby agrees to provide its share of the total cost for preliminary engineering, right-of-way and construction of these projects in accordance with the project financial documents.

BE IT FURTHER RESOLVED THAT: The City of Lynchburg hereby agrees to enter into project administration agreements with VDOT and provide the necessary oversight to ensure the projects are developed in accordance with all applicable federal, state and local requirements for design, right-of-way acquisition, and construction of the projects.

BE IT FURTHER RESOLVED THAT: The City of Lynchburg will be responsible for maintenance and operating costs of the facilities as constructed unless other arrangements have been made with VDOT.

BE IT FURTHER RESOLVED THAT: If the City of Lynchburg subsequently elects to cancel any of the projects, the City of Lynchburg hereby agrees to reimburse VDOT for the total amount of costs expended by VDOT through the date VDOT is notified of such cancellation. The City of Lynchburg also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration or VDOT.

BE IT FURTHER RESOLVED THAT: The Council of the City of Lynchburg hereby grants authority for the City Manager to apply for funds and execute project administration agreements, as well as all other documents necessary for the approved projects.

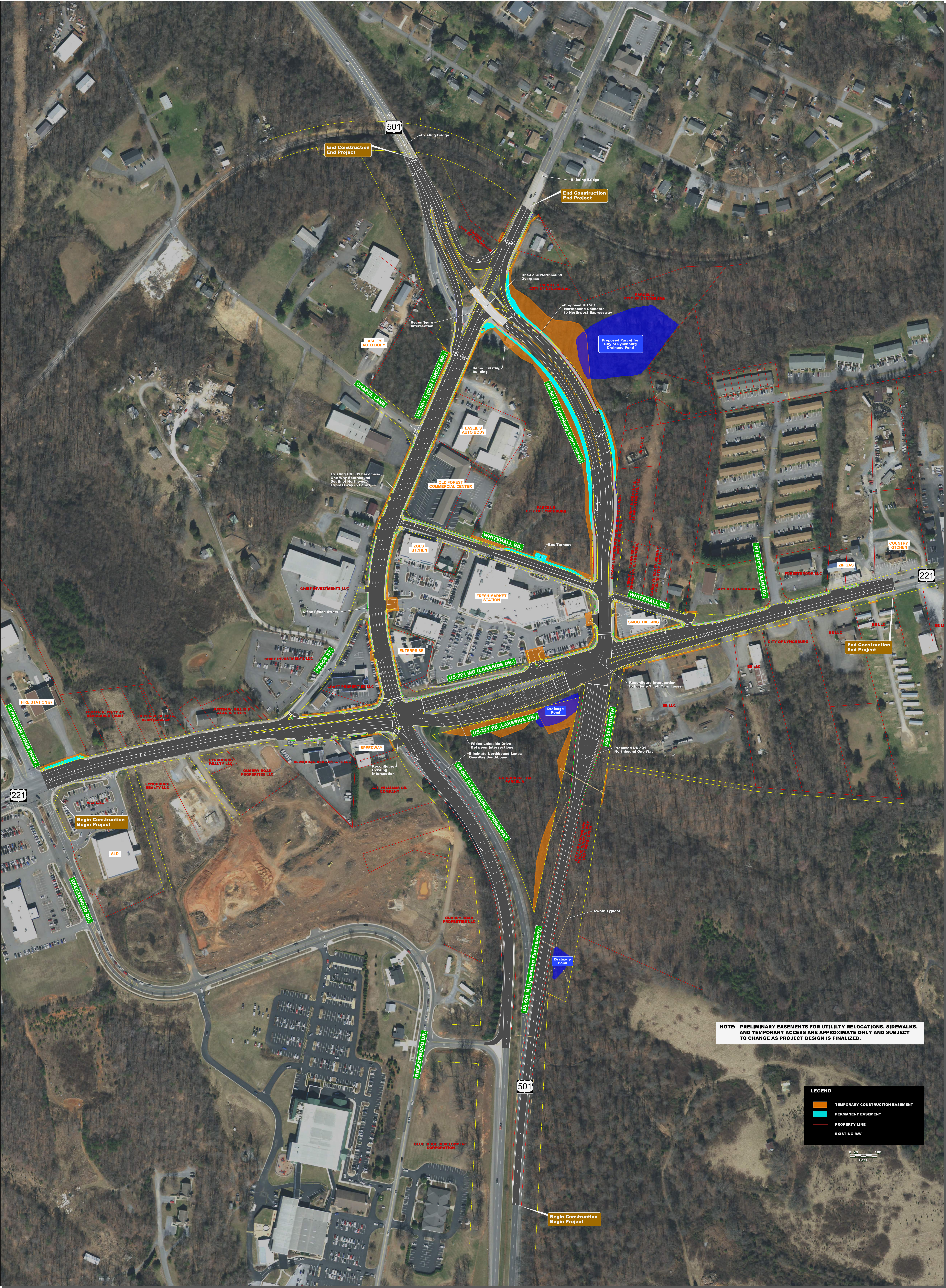
Adopted:

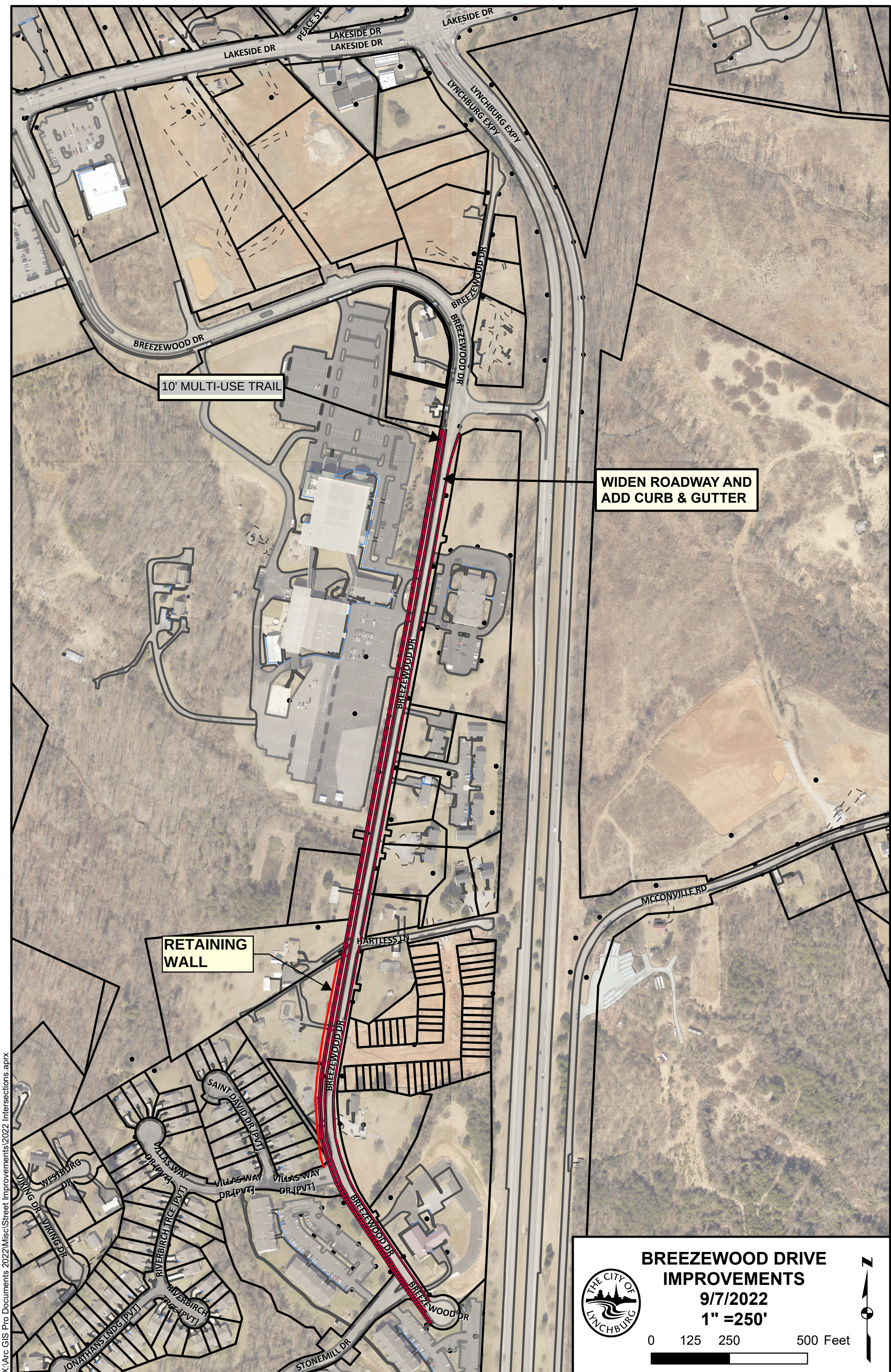
Certified: _____
Clerk of Council

135K

VDOT Grant Application Listing FY 2025

Revenue Share - VDOT portion only	FY 2025
501/221 Split Pair - Additional Inflationary Funds	\$4,109,526
Breezewood Drive Reconstruction and Widening - Additional Inflationary Funds	922,914
Lakeside Drive Reconstruction and Widening - Additional Inflationary Funds	196,320
Link Road Intersection with Rivermont Avenue - Additional Inflationary Funds	255,598
Wards Ferry Road Turn Lanes at Atlanta Avenue - Additional Inflationary Funds	342,954
Hollins Mill Road Bridge Replacement w/ Pedestrian Features – (Total Project - \$19,851,062)	4,172,688
TOTAL	\$10,000,000
<i>Total CITY Match needed (50/50 match)</i>	<i>\$10,000,000</i>
Total Appropriation - Grant and City combined	\$20,000,000
Transportation Alternatives Program (TAP) - application request only	FY 2025
Lynchburg Center for Industry – Phase 1 – Awarded FY2024 - \$653,879 - City Match \$163,470 – Total Phase 1 - \$817,349	
Lynchburg Center for Industry – Phase 2	\$1,037,585
TOTAL	\$1,037,585
<i>Total CITY Match needed (80/20 match)</i>	<i>\$259,396</i>
Total Appropriation - Grant and City combined	\$1,296,981
(Total Project - \$2,114,330)	







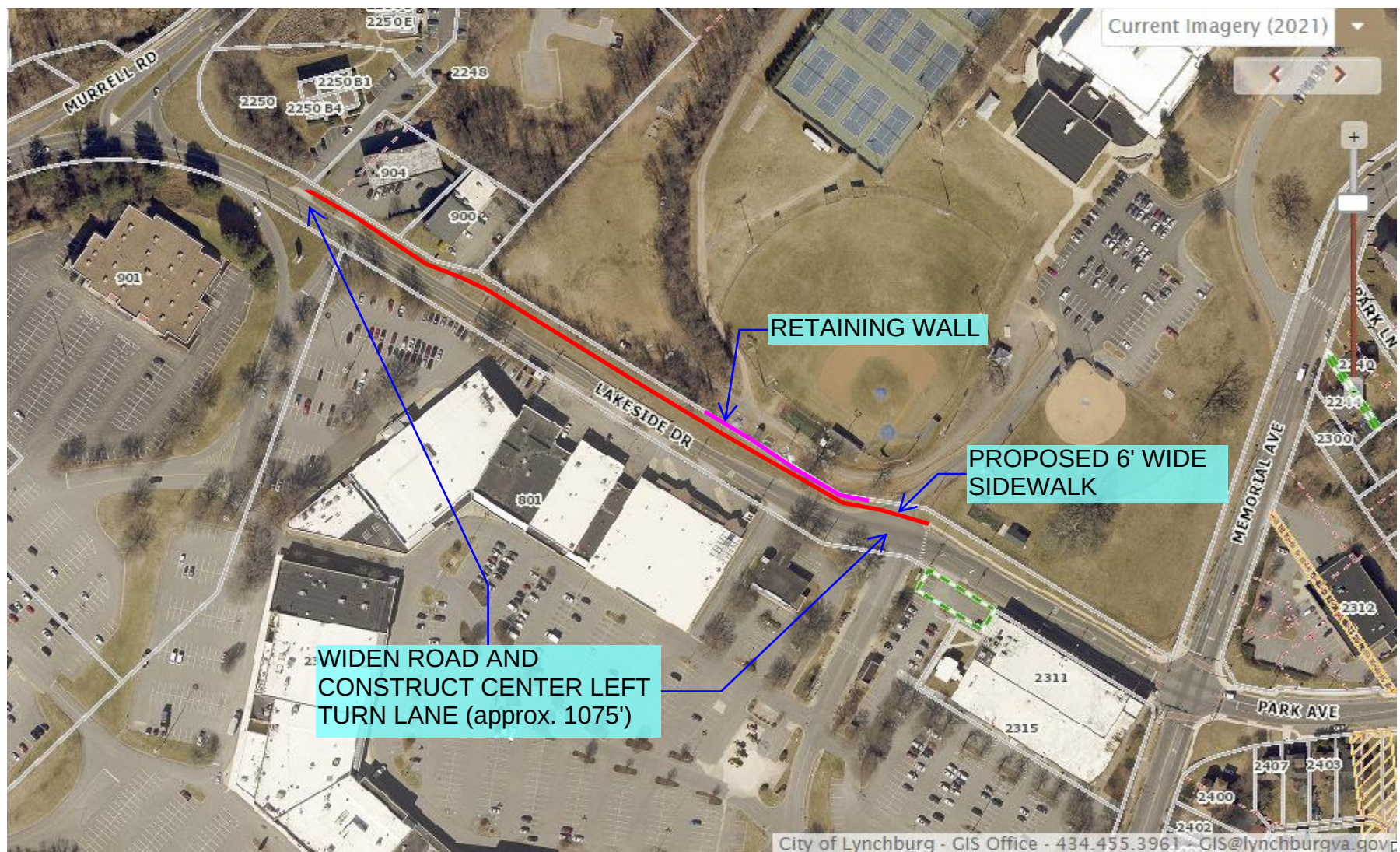
**BREEZEWOOD DRIVE
IMPROVEMENTS**
9/7/2022
1" = 250'

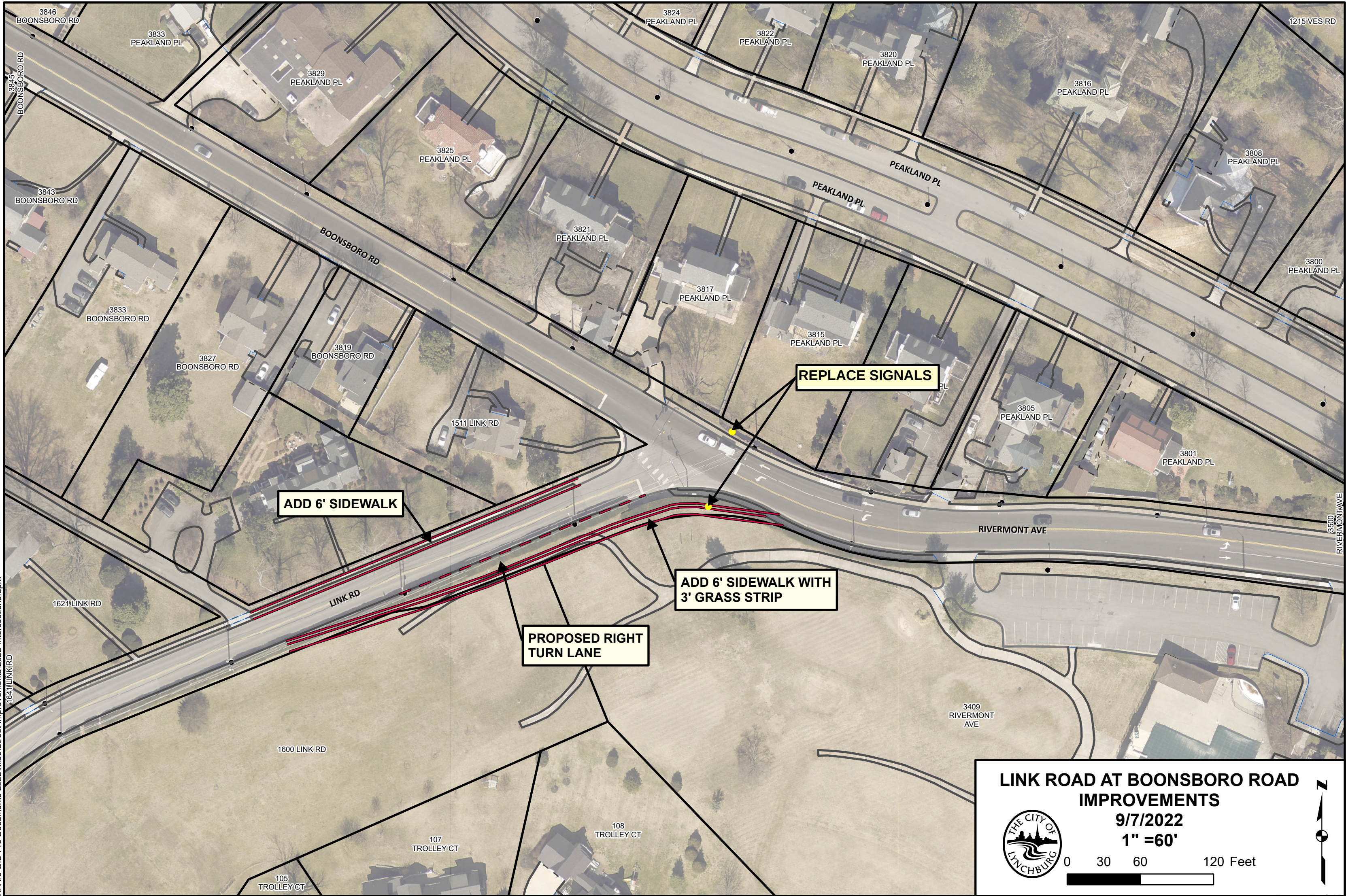
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LAKE SIDE DRIVE RECONSTRUCTION



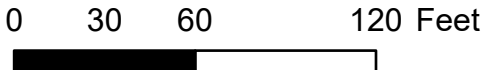


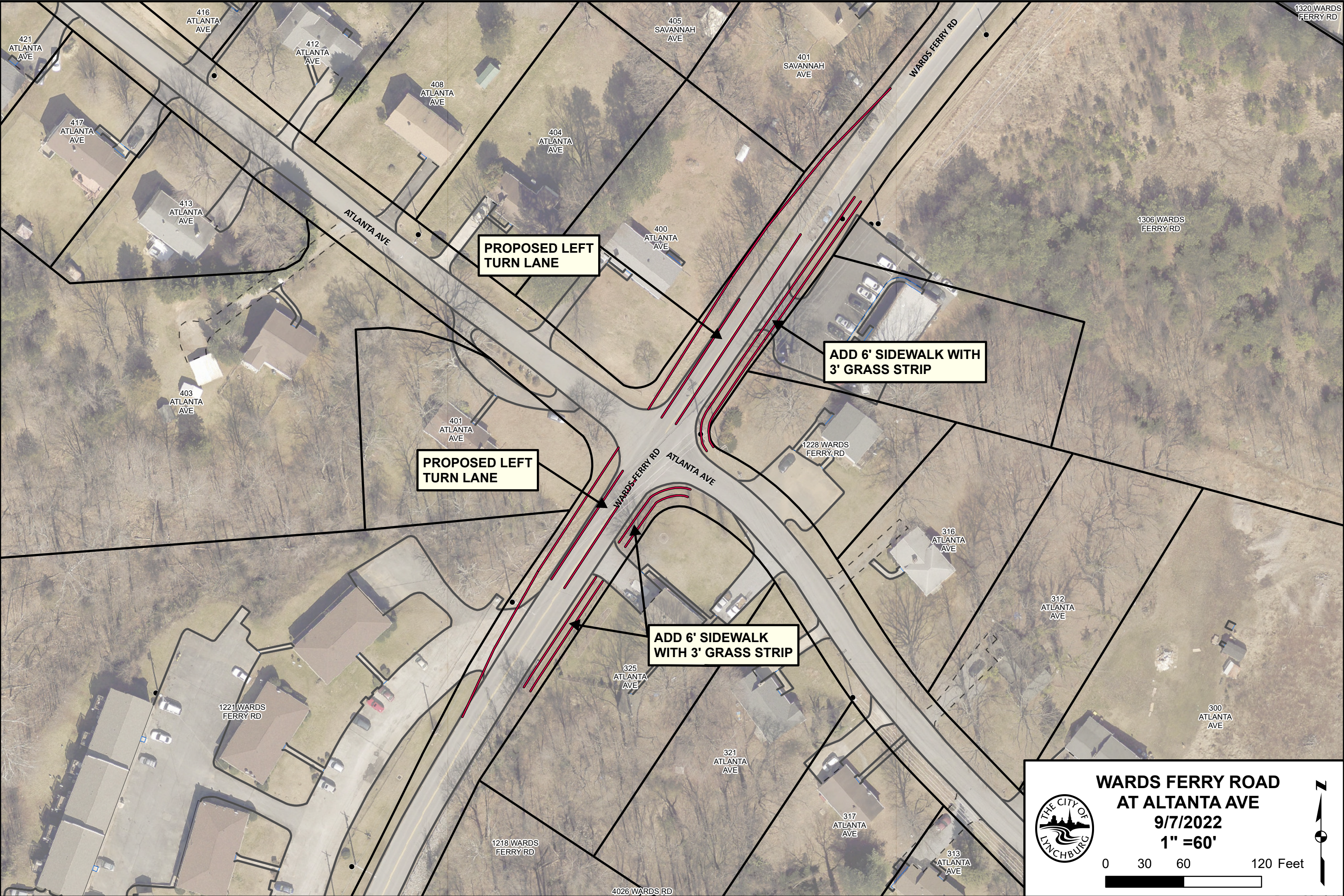
**LINK ROAD AT BOONSBORO ROAD
IMPROVEMENTS**



9/7/2022

1" = 60'







**WARDS FERRY ROAD
AT ALTANTA AVE**
9/7/2022
1" = 60'

0

30

60

120 Feet





Hollins Mill Bridge Replacement Concept Sketch



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.

0 50 100 ft
1 inch = 50 feet 1:600

PRINTED ON
October 4, 2021
Page 39 of 40



Mill Race Phase 2



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.

