

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 22, 2014**

AGENDA ITEM NO.: 3

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Vacate a portion of right-of-way in front of 2134 and 2138 Langhorne Road.**

RECOMMENDATION: After a public hearing adopt an ordinance vacating the right-of-way.

SUMMARY: Beacon Credit Union, Inc. and Mr. Morris E. McCrary, III are petitioning to vacate a portion of right-of-way in front of 2134 and 2138 Langhorne Road. The area is approximately two hundred twenty-four thousandths (.224) of an acre and runs three hundred sixty-seven and twenty-six hundredths (367.26) feet along the frontage of Langhorne Road and Tate Springs Road. This section of right-of-way includes a grassed area and a driveway entrance which serves 2134 Langhorne Road.

The petitioner is requesting the vacation in order to accommodate a new sign, stormwater, and parking at 2134 Langhorne Road for a future bank (Beacon Credit Union). The adjacent property owner of 2138 Langhorne Road (Mr. McCrary) is also in agreement with the right-of-way vacation in order to provide more land for future growth of the office use on his property.

There is no planned expansion of this intersection and staff feels there would be minimal impact from the vacation of this portion of the right-of-way.

PRIOR ACTION(S):

March 17, 2014: The Technical Review Committee [TRC] reviewed the petition. The TRC comments have been incorporated into the proposed ordinance.

April 8, 2014: The Physical Development Committee (PDC) reviewed the petition and forwarded the item to City Council with a recommendation for approval.

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
- Application
- Map
- Copy of Survey

REVIEWED BY: lkp

UNCODIFIED ORDINANCE:

AN ORDINANCE VACATING A PORTION OF RIGHT-OF-WAY IN FRONT OF 2134 AND 2138 LANGHORNE ROAD.

WHEREAS, Beacon Credit Union, Inc. and Mr. Morris E. McCrary, III are petitioning to vacate a portion of right-of-way located in front of the properties 2134 and 2138 Langhorne Road, which is described as follows; and,

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

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 35-77 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, which point is located on the northerly right-of-way line of Tate Springs Road, and which point is located thirty- six and thirty-five hundredths (36.35) feet in an easterly direction from the southwestern corner of the property of Beacon Credit Union, Inc.;

Thence, with said line of Tate Springs Road, North 88 degrees 23 Minutes 31 Seconds East for a distance of one hundred sixty-three and sixty-five hundredths (163.65) feet to an iron pin found, which iron pins is a common corner between said Beacon and the property of Morris E. McCrary, III;

Thence, further along said line of Tate Springs Road with the line of said McCrary, North 88 Degrees 23 Minutes 31 Seconds East for a distance of one hundred (100) feet to a punch hole found in concrete;

Thence, further along said line of Tate Springs Road with the line of said McCrary, along a curve to the left having a radius of one thousand five hundred ninety-two and twenty-eight hundredths (1,592.28) feet and an arc length of twenty-five (25) feet, being subtended by a chord of North 87 Degrees 56 Minutes 31 Seconds East for a distance of twenty-five (25) feet to a point;

Thence, leaving said line of Tate Springs Road along a new right-of-way line, South 28 Degrees 48 Minutes 03 Seconds East for a distance of eight and two hundredths (8.02) feet to a point;

Thence, further along said new right-of-way line, along a curve to the left having a radius of ninety-nine and twenty-three hundredths (99.23) feet and an arc length of fifty-six and fifty-six hundredths (56.56) feet, being subtended by a chord of South 44 Degrees 52 Minutes 13 Seconds West for a distance of fifty-five and eight tenths (55.80) feet to a point;

Thence, further along said new right-of-way line, along a curve to the right having a radius of fifty (50) feet and an arc length of seventy-six and forty-eight hundredths (76.48) feet, being subtended by a chord of South 72 Degrees 21 Minutes 47 Seconds West for a distance of sixty-nine and twenty-four hundredths (69.24) feet to a point;

Thence, further along said new right-of-way line, North 63 Degrees 48 Minutes 54 Seconds West for a distance of forty-six and eighty-four hundredths (46.84) feet to a point;

Thence, further along said new right-of-way line, along a curve to the left having a radius of three hundred eighty-three and thirty-eight hundredths (383.38) feet and an arc length of one hundred fifty-one and three hundredths (151.03) feet, being subtended by a chord of North 75 Degrees 06 Minutes 03 Seconds West for a distance of one hundred fifty and six hundredths (150.06) feet to the point of beginning;

Together with and subject to covenants, easements, and restrictions of record.

Said property contains two hundred twenty-four (0.224) acres more or less;

Said vacation is contingent upon the following: 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 Utilities 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

056K

APPLICATION FOR THE VACATION OF A
PORTION OF TATE SPRINGS ROAD
LOCATED BETWEEN
Langhorne Road and Langhorne Square

The undersigned applicant, Beacon Credit Union, Inc., 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 parcel described as follows:

ALL THAT CERTAIN PARCEL OF LAND, BEING A PORTION OF THE RIGHT-OF-WAY OF TATE SPRINGS ROAD BETWEEN LANGHORNE ROAD AND LANGHORNE SQUARE IN THE CITY OF LYNCHBURG, VIRGINIA AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, WHICH POINT IS LOCATED ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID LANGHORNE ROAD AT ITS INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF TATE SPRINGS ROAD, AND WHICH POINT IS LOATED 36.35 FEET IN AN EASTERLY DIRECTION FROM THE SOUTHWESTERN CORNER OF THE PROPERTY OF BEACON CREDIT UNION, INC.;

THENCE, WITH SAID LINE OF TATE SPRINGS ROAD, NORTH 88 DEGREES 23 MINUTES 31 SECONDS EAST FOR A DISTANCE OF 163.65 FEET TO AN IRON PIN FOUND, WHICH IRON PIN IS A COMMON CORNER BETWEEN SAID BEACON AND THE PROPERTY OF MORRIS E. McCRARY, III;

THENCE, FUTHER ALONG SAID LINE OF TATE SPRINGS ROAD WITH THE LINE OF SAID McCRARY, NORTH 88 DEGREES 23 MINUTES 31 SECONDS EAST FOR A DISTANCE OF 100.00 FEET TO A PUNCH HOLE FOUND IN CONCRETE;

THENCE, FUTHER ALONG SAID LINE OF TATE SPRINGS ROAD WITH THE LINE OF SAID McCRARY, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1592.28 FEET AND AN ARC LENGTH OF 25.00 FEET, BEING SUBTENDED BY A CHORD OF NORTH 87 DEGREES 56 MINUTES 31 SECONDS EAST FOR A DISTANCE OF 25.00 FEET TO A POINT;

THENCE, LEAVING SAID LINE OF TATE SPRINGS ROAD ALONG A NEW RIGHT-OF-WAY LINE, SOUTH 28 DEGREES 48 MINUTES 03 SECONDS EAST FOR A DISTANCE OF 8.02 FEET TO A POINT;

THENCE, FURTHER ALONG SAID NEW RIGHT-OF-WAY LINE, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 99.23 FEET AND AN ARC LENGTH OF 56.56 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 44 DEGREES 52 MINUTES 13 SECONDS WEST FOR A DISTANCE OF 55.80 FEET TO A POINT;

THENCE, FURTHER ALONG SAID NEW RIGHT-OF-WAY LINE, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET AND AN ARC LENGTH OF 76.48 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 72 DEGREES 21 MINUTES 47 SECONDS WEST FOR A DISTANCE OF 69.24 FEET TO A POINT;

THENCE, FURTHER ALONG SAID NEW RIGHT-OF-WAY LINE, NORTH 63 DEGREES 48 MINUTES 54 SECONDS WEST FOR A DISTANCE OF 46.84 FEET TO A POINT;

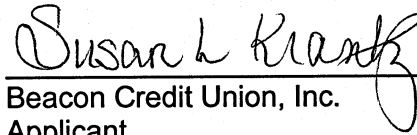
THENCE, FURTHER ALONG SAID NEW RIGHT-OF-WAY LINE, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 383.38 FEET AND AN ARC LENGTH OF 151.03 FEET, BEING SUBTENDED BY A CHORD OF NORTH 75 DEGREES 06 MINUTES 03 SECONDS WEST FOR A DISTANCE OF 150.06 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD.

SAID PROPERTY CONTAINS 0.224 ACRES 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 Chambers, City Hall, 900 Church Street, Lynchburg, Virginia, on April 22, 2014, 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 parcel.

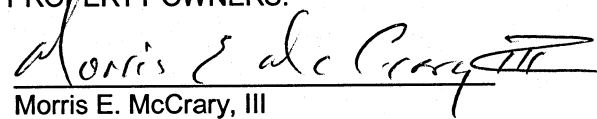
Given under my hand this 11 day of March, 2014.


Beacon Credit Union, Inc.
Applicant

6320 Logan Lane
Lynchburg, VA 24502-4292

Telephone Number: 1-434-237-1566, Ext 203

I, THE ADJOINING PROPERTY OWNER, AM IN AGREEMENT TO THE VACATION OF THE ABOVE DESCRIBED PROPERTY; AND, FURTHER, AM IN AGREEMENT WITH THE APPORTIONMENT OF THE VACATED PARCEL BETWEEN THE TWO AFFECTED PROPERTY OWNERS.


Morris E. McCrary, III
Adjoining Owner

2138 Langhorne Road
Lynchburg, VA 24501-1424

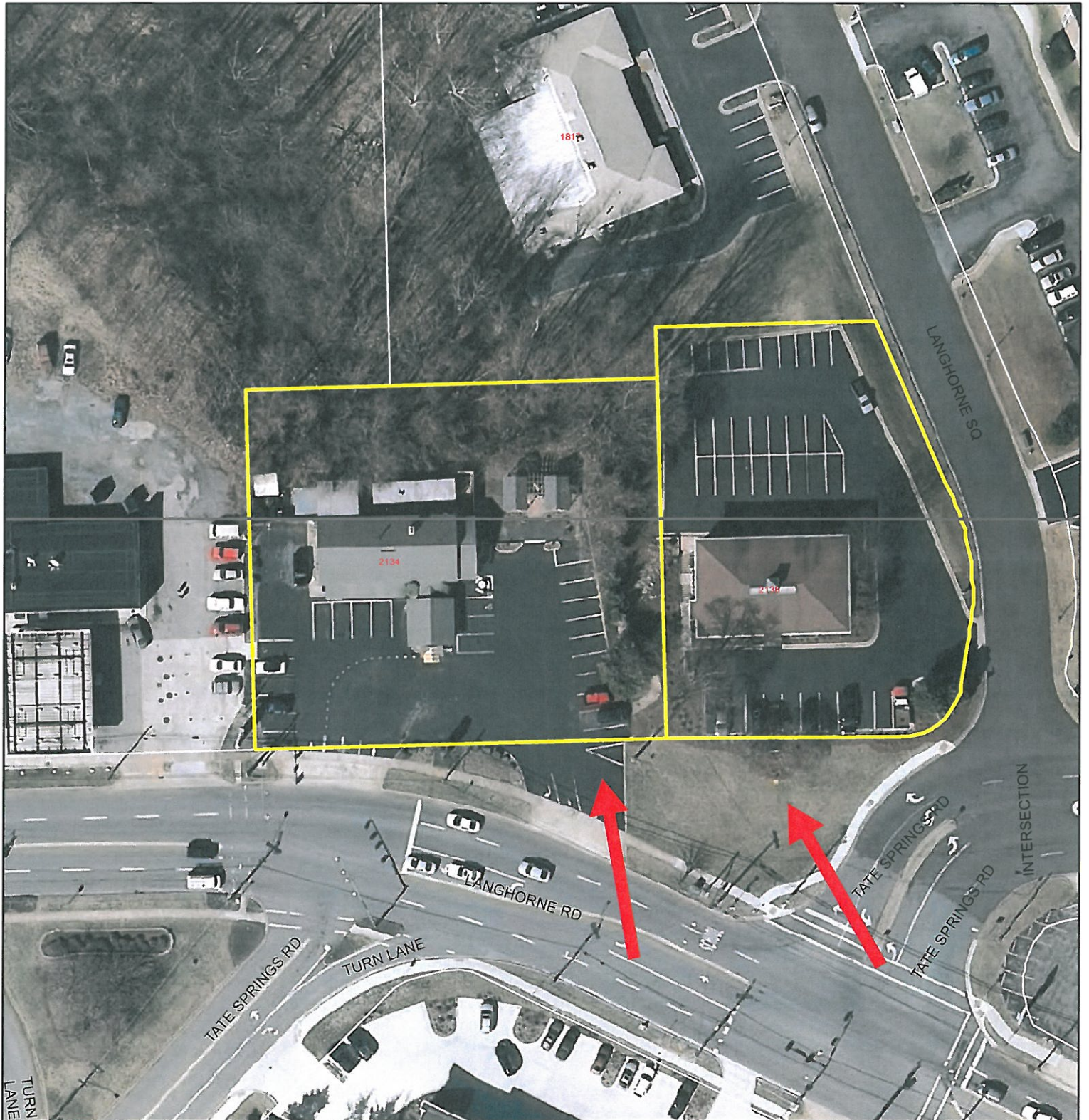
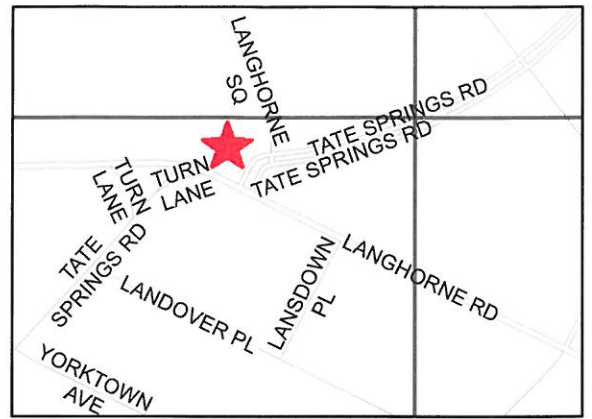
Telephone Number: 434-947-3920

2134 & 2138 Langhorne Road

Right-of-Way Vacation



Location



GRID NORTH
VA STATE PLANE (SOUTH ZONE)
NAD 83

CANDLER OIL COMPANY, INC.
D.B. 1140, PG. 129
INSTR #050002372
PIN: 00601018

BEACON CREDIT UNION, INC.
INSTR #120007911
PIN: 00125001
#2134 LANGHORNE ROAD
0.804 AC.

THOMAS E. DUNCAN &
REBECCA M. DUNCAN
D.B. 683, PG. 620
PIN: 00125004

MORRIS E. McCRARY, III
INSTR #010010781
PIN: 00125005
#2138 LANGHORNE ROAD
±0.61 AC. (PER RECORD)

CURVE DATA CHART					
CURVE	DELTA	RADIUS	LENGTH	CHORD	CHD BEARING
C1	000°53'59"	1592.28'	25.00'	25.00'	S87°56'31"W
C2	032°39'29"	99.23'	56.56'	55.80'	S44°52'13"W
C3	087°38'37"	50.00'	76.48'	69.24'	S72°21'47"W
C4	022°34'18"	383.38'	151.03'	150.06'	N75°06'03"W

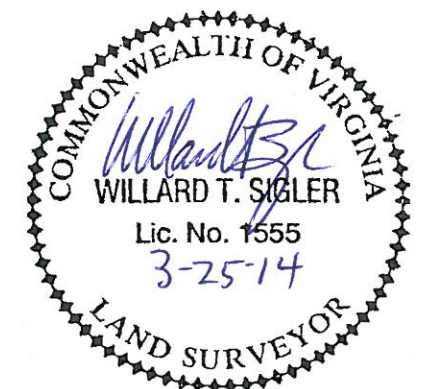
LEGEND	
	CORNER NEITHER SET NOR FOUND
	IRON PIN SET
	IRON PIN FOUND (IPF)
	R/W RIGHT-OF-WAY
	WM WATER METER
	TP TELEPHONE PEDESTAL
	UTILITY POLE
	OVERHEAD UTILITIES
	GUY WIRE
	WL APPROXIMATE LOCATION EXISTING WATER LINE
	CONCRETE
	C&G CURB & GUTTER

TATE SPRINGS ROAD
(VARIABLE WIDTH R/W)

RECEIVED

MAR 26 2014

COMMUNITY
DEVELOPMENT



NOTES:

1. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE TITLE.
2. BY GRAPHIC SCALING ONLY, THIS PROPERTY IS LOCATED IN ZONE "X" (NOT IN A SPECIAL FLOOD HAZARD AREA) ACCORDING TO THE F.E.M.A. FLOOD INSURANCE RATE MAP FOR THE CITY OF LYNCHBURG, VIRGINIA (#5100930041D) DATED JUNE 3, 2008. NO FIELD SURVEYING WAS PERFORMED TO MAKE THIS DETERMINATION.
3. THIS PLAT DOES NOT PURPORT TO ADDRESS THE EXISTENCE, DETECTION OR DELINEATION OF ANY ENVIRONMENTALLY SENSITIVE AREAS OR ANY ENVIRONMENTAL PROBLEMS LOCATED WITHIN THE PERIMETER OF THE PROPERTY SHOWN.
4. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY DONE AS PER DATE OF THIS PLAT ONLY OF PARCELS "A" & "B" AND THE BEACON CREDIT UNION PROPERTY. THE McCRARY PROPERTY HAS BEEN PLOTTED FROM RECORDS AND IS NOT THE RESULT OF A CURRENT FIELD SURVEY.

BERKLEY-HOWELL & ASSOC., P.C.

ENGINEERS - SURVEYORS - PLANNERS

306 ENTERPRISE DRIVE, SUITE C

FOREST, VIRGINIA 24551

PHONE: (434)385-7548 FAX: (434)385-6178

SCALE: 1" = 50'

DATE: MARCH 7, 2014

REV. 3-25-14

PLAT SHOWING

PORTION OF RIGHT-OF-WAY
OF TATES SPRINGS ROAD TO BE VACATED
AND APPORTIONED TO ADJOINING OWNERS

CITY OF LYNCHBURG, VIRGINIA

COMM. NO. 130135

F.B. REF.