AN ORDINANCE TO VACATE TRACT NUMBER TEN (TAX PARCEL NO. 158B-1-10) FROM THE PLAT KNOWN AS THE "PROPERTY OF FRANK DAVENPORT WASHINGTON COUNTY, VA" (PLAT BOOK 10, PAGE 94) ON PEYTON DRIVE IN THE TYLER MAGISTERIAL DISTRICT OF WASHINGTON COUNTY, VIRGINIA

WHEREAS, a subdivision of land in the Tyler Magisterial District (F-01 Election District) of the County of Washington, Virginia, was made by recordation of a plat titled, "PROPERTY OF FRANK DAVENPORT WASHINGTON COUNTY, VA" recorded March 15, 1965 in the land records of the Clerk of Court of Washington County, Virginia (Land Records), in Plat Book 10, Page 94 (the Plat);

WHEREAS, by deed made and entered into on the 18th day of May, 1964, recorded in the Land Records in Deed Book 389, Page 374 (the Deed), Robert L. Denton and Eula F. Denton acquired Lot 10, which is identified as Parcel No. 158B-1-10 in the County tax records;

WHEREAS, Eula F. Denton has applied for approval to vacate Lot 10 from the Plat so that she may convey a portion of it to her son;

WHEREAS, Lot 10 is approximately 1.76 acres, has access to public water, and has more than 160 feet of road frontage; and

WHEREAS, the zoning designation for Lot 10 is Residential, General (R-2), which requires a minimum lot area of 30,000 square feet where public water is available and no less than eighty (80) feet of road frontage;

WHEREAS, the Board of Supervisors of Washington County, Virginia, after public notice and public hearing, pursuant to Virginia Code § 15.2-2272(2) (1950, as amended), does hereby find that vacation of Lot 10 from the Plat for purpose to allow its division, as described herein, would not harm the public interest or public safety.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of Washington County, Virginia, that the Board does hereby adopt the following ordinance pursuant to Virginia Code § 15.2-2272(2):

1. Lot 10 (TAX PARCEL NO. 158B-1-10) of the "PROPERTY OF FRANK DAVENPORT WASHINGTON COUNTY, VA" Plat, which was recorded March 15, 1965 in the land records of the Clerk of the Circuit Court of Washington County, Virginia (Land Records), in Plat Book 10, Page 94 (the Plat) is hereby vacated from said subdivision plat pursuant to Virginia Code § 15.2-2272(2); and
2. Pursuant to Virginia Code § 15.2-2276, after the effective date of this ordinance, the Clerk of the Circuit Court of Washington County, Virginia is directed to mark Lot 10 as "Vacated" on the above-referenced Plat and to record a certified copy of this ordinance in the Land Records, indexed to Plat Book 10, Page 94, pursuant to Virginia Code § 15.2-2272(2); and
3. That should any section or provision of this ordinance be decided by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or of the Washington County Code; and
4. That this ordinance shall become effective thirty (30) days after its adoption unless an appeal pursuant to Virginia Code § 15.2-2272(2) is filed within that time period, in which case, this ordinance shall become effective as directed by a court of competent jurisdiction.