AN ORDINANCE TO VACATE A PORTION OF CHAPEL DRIVE, 50' RIGHT-OF-WAY, AS SHOWN ON THE PLAT TITLED "THE C. RICHARD CAMPBELL LANDS LOCATED ADJACENT TO THE EAST CORP. LIMITS OF BRISTOL, VA." (PLAT BOOK 38, PAGE 21) WHICH INTERSECTS WITH U.S. ROUTE 11 IN THE TYLER MAGISTERIAL DISTRICT OF WASHINGTON COUNTY, VIRGINIA

WHEREAS, a subdivision of land in the Tyler Magisterial District (F-11 Election District) of the County of Washington, Virginia, was made by recordation of a plat titled, "**THE C. RICHARD CAMPBELL LANDS LOCATED ADJACENT TO THE EAST CORP. LIMITS OF BRISTOL, VA.**" recorded September 7, 2000 in the land records of the Clerk of Court of Washington County, Virginia (Land Records), in Plat Book 38, Page 21 (the Plat);

WHEREAS, by operation of Virginia Code § 15.2-2265, upon recordation of the Plat, the portion shown on the Plat as "Chapel Drive, 50' Right-of-Way" (Right-of-Way) conveyed to the County of Washington, Virginia (County) for use as a street or road;

WHEREAS, the Board of Supervisors of the County of Washington, Virginia (Board) finds that the Right-of-Way is not presently, nor has ever been a common means of ingress and egress for the general public, nor has it ever been paved, improved, accepted into the Commonwealth of Virginia Department of Transportation (Department) system of secondary highways, or regularly used for purposes of vehicular travel, and that vacation of a portion of Right of Way would not cause damages to the interests in neighboring properties;

WHEREAS, the Department by correspondence to County dated September 19, 2013, notified the County of its interest in acquisition of a portion of Right-of-Way to use for the construction, maintenance and/or operation of a public transportation facility, specifically for widening of a portion of U.S. Route 11 (State Project 0011-095-989, R202);

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 a portion of Right of Way from the Plat for purpose to allow the Department to complete the project of widening of U.S. Route 11, 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) and § 15.2-2006:

1. Vacation of a portion of a plat titled, "THE C. RICHARD CAMPBELL LANDS LOCATED ADJACENT TO the EAST CORP. LIMITS OF BRISTOL, VA." recorded September 7, 2000 in the land records of the Clerk of Court of Washington County, Virginia (Land Records), in Plat Book 38, Page 21 (the Plat), as follows:

   A portion of the right of way called "Chapel Drive" as shown on a plat titled, "THE C. RICHARD CAMPBELL LANDS LOCATED ADJACENT TO THE EAST CORP. LIMITS OF BRISTOL, VA." recorded September 7, 2000 in the land records of the Clerk of Court of Washington County, Virginia (Land Records), in Plat Book 38, Page 21 (the Plat), being the portion that extends from the intersection of Chapel Drive and U.S. Route 11 northeasterly approximately 158 feet is hereby vacated from said subdivision plat pursuant to Virginia Code 15.2-2272(2) for the purpose to allow boundary adjustment of right of way and conveyance of a portion of it to the Virginia Department of Transportation for widening of a portion of U.S. Route 11 (State Project 0011-095-989, R202).

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 on the plat that is identified above and recorded **in** Plat Book 38, Page 21, the portion of Right of Way described herein as "vacated" and to record a certified copy of this ordinance in

the Land Records, indexed to Plat Book 38, Page 21, 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.
5. Notwithstanding the foregoing vacation of a portion of right of way, pursuant to Virginia Code section 15.2-2008, as a condition prerequisite to vacation of a portion of the right-of-way as herein described, the County requires an agreement with the Virginia Department of Transportation for purchase of such portion so vacated. No such vacation or abandonment shall be concluded until the agreed price has been paid. If such acquisition is not concluded within one year of the effective date of this ordinance, then the vacation enacted by this ordinance shall be void and of no effect.