AN ORDINANCE TO VACATE THE PORTION OF RICH VALLEY AVENUE THAT ADJOINS PROPERTY OF C. FRANK KELLEY ON GATE CITY HIGHWAY IN THE TYLER MAGISTERIAL DISTRICT OF THE COUNTY OF WASHINGTON, VIRGINIA

WHEREAS, a publicly dedicated, privately maintained road located in the Tyler Magisterial District of the County of Washington, Virginia, is commonly known as Rich Valley Avenue; and

WHEREAS, the portion of Rich Valley Avenue that lies between and adjoining parcels of real property identified with tax parcel numbers 158A-1-2-1 and 158A-1-2-2A, and 158A-1-4-1 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, or accepted into the Virginia Department of Transportation system of secondary highways, and

WHEREAS, the owner of the parcels identified, above, has requested the Board of Supervisors of the County of Washington, Virginia (Board) to adopt this ordinance to vacate this portion of Rich Valley Avenue pursuant to section 15.2-2006 of the 1950 Code of Virginia, as amended (hereinafter, Va. Code) and to convey the property to him for consolidation with the adjoining parcels; and

WHEREAS notice of intention to vacate this portion of Rich Valley Avenue has been published at least twice, with at least six days elapsing between the first and second publication, in a newspaper having general circulation in the locality and said notice specified the time and place of a hearing at which persons affected may appear and be heard regarding the proposed abandonment; and

WHEREAS, the Board has held said public hearing, as required by Va. Code §§ 15.2-2006 and -1800, examined the request to abandon and the requested conveyance for purposes of consolidation, and concluded that the proposed action would not cause any damages to the interests in neighboring property nor to the public health, safety, and welfare;

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of the County of Washington, Virginia, on the basis of the foregoing and after notice and public hearing, as required by law:

1. This ordinance is hereby adopted pursuant to section 15.2-2006 of the 1950 Code of Virginia, as amended:

The portion, more specifically identified below, of the publicly dedicated, privately maintained means of ingress and egress commonly known as Rich Valley Avenue is hereby vacated from the public domain pursuant to section 15.2-2006 of the 1950 Code of Virginia, as amended, hereby extinguishing any public rights of passage thereon, more specifically described as follows:

A portion of the publicly dedicated, privately maintained road commonly known as "Rich Valley Avenue" in the Tyler Magisterial District of the County of Washington, Virginia, being the portion that adjoins and runs between Parcels identified with tax identification numbers: 158A-1-2-1, and 158A-1-2-2A, and 158A-1-4-1 on the north side of the Bristol-Gate City Highway which property is described in the records of the Clerk of Circuit Court of the County of Washington, Virginia, at Deed Book 955, Page 117 and Plat Book 4, Page 23;

And further, the boundary lines of the adjoining parcels (tax parcels, 158A-1-2-1,158A-1-2-2A, and 158A-1-4-1) shall be relocated to the centerline of the vacated right of way.

2. That should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not

affect the validity or constitutionality of any other section or provision of this ordinance or the Washington County Code.

3. That this ordinance shall become effective sixty (60) days from the date of its passage and adoption as set out herein unless an appeal is filed pursuant to Va. Code

§ 15.2-2006 and, in such case, this ordinance shall become effective as shall be decided by a court of competent jurisdiction.

4. The Clerk of the Circuit Court of Washington County, Virginia is requested to record a certified copy of this ordinance pursuant to Va. Code § 15.2-2006.

[Affecting Tax Parcel Identification Numbers:
158A-1-4-1, 158A-1-2-1, and 158A-1-2-2A]