

BOARD OF SUPERVISORS

Agenda Item

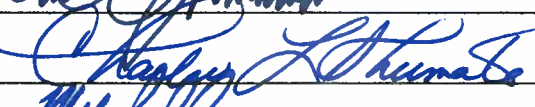
Meeting Date:	October 15, 2013
Title:	Authorize a Partial Vacation of a Plat to Eliminate an Emergency Access Easement within the Meadowbrook Estates Subdivision
Department:	Planning and Zoning
Staff Contact:	Jeffrey A. Harvey
Board Committee/ Other BACC:	N/A
Staff Recommendation:	Approval
Budget Impact:	N/A
Time Sensitivity:	N/A

ATTACHMENTS:

1.	Background Report	5.	Easement Plat
2.	Location Map	6.	Resolution R13-323
3.	Application	7.	Proposed Ordinance 013-55
4.	Recorded Plat		

Consent Agenda		Other Business		Unfinished Business
Discussion		Presentation		Work Session
New Business	X	Public Hearing		Add-On

REVIEW:

X	County Administrator	
X	County Attorney	
X	Fire and Rescue	

DISTRICT:	Aquia
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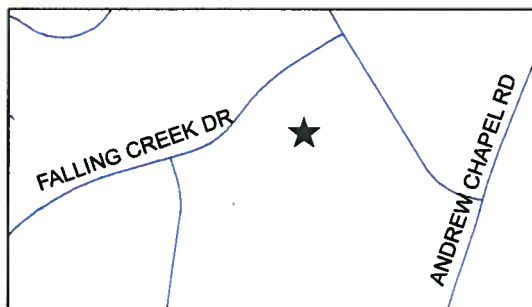
BACKGROUND REPORT

The subdivision plat for Meadowbrook Estates, Section 2, was recorded on June 15, 2004. The plat was recorded in the County Land Records as Instrument 040022576, Plat Map 040000133 (Attachment 4), consisting of 21 lots. All lots have frontage on State-maintained roads. The Board is asked to vacate a portion of the plat, eliminating a 30-foot wide emergency access easement known as Hearst Lane. All lot lines and other easements would remain. The Board may pursue this action in accordance with Virginia Code §§ 15.2-2272 and 15.2-2278, which allow for the vacation of a plat, or a portion thereof, after a public hearing has been conducted and following the Board's adoption of proposed Ordinance 013-55.

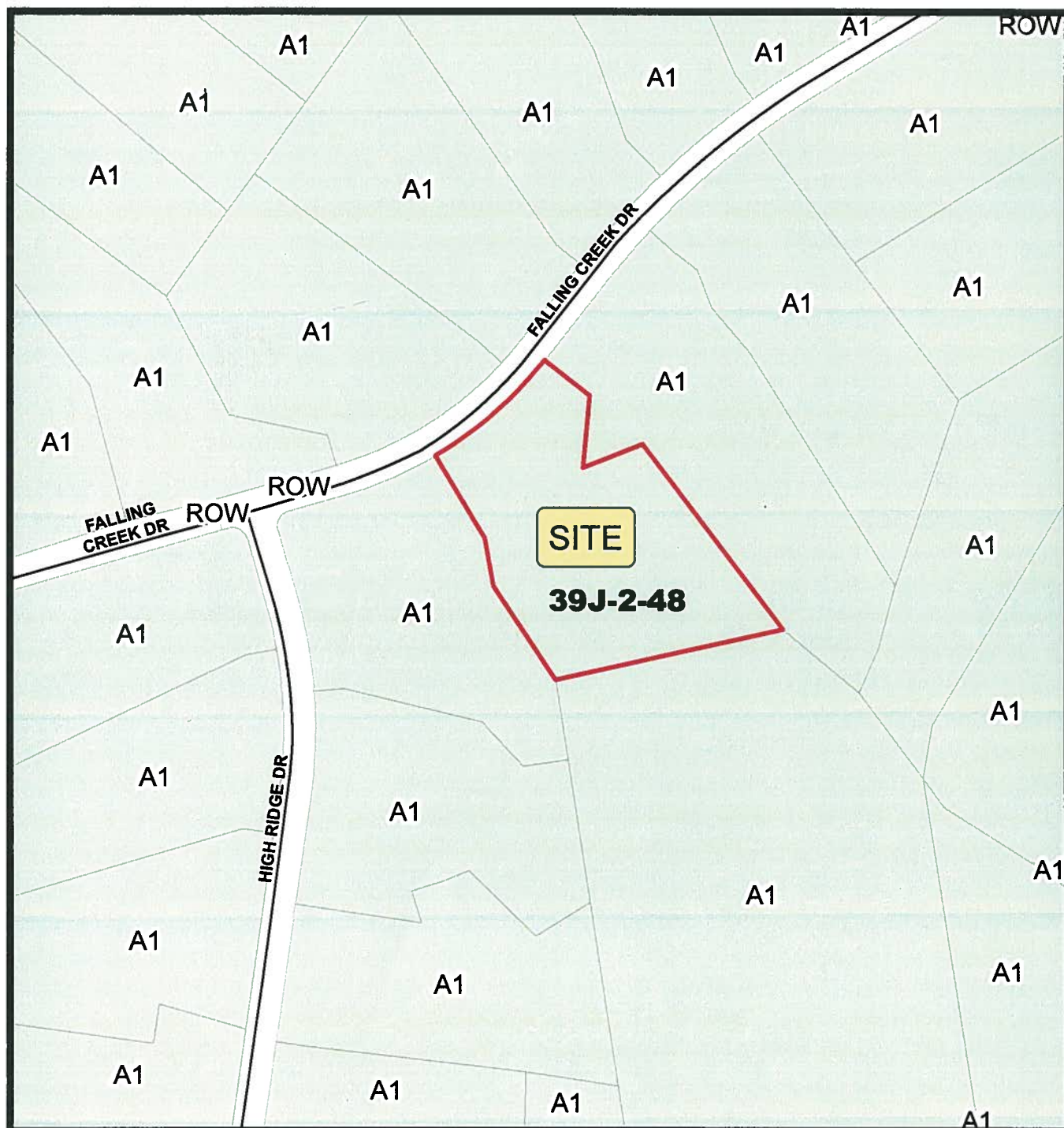
In 2002, County Code § 22-190, Street Access, required a second point of access for subdivisions over 50 lots and up to 100 lots. The County Code required that two access points be shown on the preliminary plan to adjoining properties to promote orderly development of the County. At the time, the Planning Commission desired that the second point of access be a hard surface leading directly to a public right-of-way. The Planning Commission requested that this Code requirement be shown as an ingress-egress easement, be gated and locked, and identified as a 30-foot wide emergency access easement. This emergency access easement was only to be used by emergency services or in case of any road closure within the subdivision. The plat depicts it being located on lot 48 within the subdivision (Assessor's Parcel 39J-2-48). The 30-foot emergency access easement was to be maintained by the homeowners association as recorded on the plat. This emergency access easement was never constructed by the developer as indicated on the approved construction plans. The current owner of Assessor's Parcel 39J-2-48, Sharon Kelley, indicated that there is no longer a homeowners association, and the developer is no longer on bond for this subdivision to complete construction of the emergency access road.

Since the recordation of the plat, County Code § 22-190 has been amended. The 30-foot emergency access easement is not necessary in order to meet County Code requirements. On October 1, 2013, the Board authorized a public hearing to consider vacation of the emergency access easement, pursuant to Resolution R13-323 (Attachment 6). Staff recommends adoption of proposed Ordinance 013-55 to vacate the 30-foot emergency access easement from the plat.

Property & Location



SUB1300379
EASEMENT VACATION
MEADOWBROOK SEC 2



10-1-13

Project Information & Primary Contacts

Major SP ☐	Cluster Concept Plan ☐	Minor Plat ☐	Final Subd. Plat ☐
Infrastructure Plan ☐	Preliminary Plan ☐	BLADE/VACA ☒	Fam y Subd. Plat ☐
Minor SP ☐	Construction Plan ☐		
Grading Plan ☐	Technical Change ☐		

<u>PROJECT INFORMATION</u>		<u>PROJECT #</u> 1300379
PROJECT NAME Meadowbrook Est Sec 2		SECTION
ADDRESS (IF AVAILABLE) 57 Falling Creek Ln		TOTAL SITE ACREAGE
TAX MAP /PARCEL(S) 390 2.48		ZONING DISTRICT
LOCATION OF PROJECT High Ridge Dr Falling Creek Dr		

<u>APPLICANT/AGENT</u>		Primary Contact Person ☐	
NAME Sharon M. Mack Kelley		COMPANY	
ADDRESS 600 Lupine Dr		CITY Stafford	STATE VA
546 446 3138 (cell)		ZIP 22556	EMAIL ADDRESS sharon.kelley01@gmail.com
PHONE NUMBER	FAX NUMBER	EMAIL ADDRESS	

<u>OWNER (Provide attachments if multiple owners)</u>		Primary Contact Person ☐	
NAME S. M. Kelley		COMPANY	
ADDRESS		CITY	STATE
PHONE NUMBER		FAX NUMBER	EMAIL ADDRESS

<u>PROFESSIONAL (Engineer, Surveyor, etc.)</u>		Primary Contact Person ☐	
NAME		COMPANY	
ADDRESS		CITY	STATE
PHONE NUMBER		FAX NUMBER	EMAIL ADDRESS

OWNER/DEVELOPER
CLASSIC HOMES, LC
12620 DARBY BROOKE COURT
WOODBRIDGE, VIRGINIA 22192

KEY MAP

The key map shows two adjacent lots, LOT 1 and LOT 2, separated by a road. LOT 1 is on the left and LOT 2 is on the right. A north arrow is located in the upper left corner of the map area.

NOTARY STATEMENT

COMMONWEALTH OF VIRGINIA:
COUNTY OF Loudoun.

I, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE STATE AND
COUNTY AFORESAID, WHOSE COMMISSION EXPIRES ON the 28th DAY
of January 2011, DO HEREBY CERTIFY THAT JOSEPH A. L...
WHOSE NAME IS SIGNED TO THE FOREGOING OWNERS DEDICATION,
WAS PRESENT BEFORE ME AND PERSONALLY ACKNOWLEDGED THE SAME IN
MY JURISDICTION AFORESAID.

WITNESSED UNDER MY HAND THIS 27th DAY OF APRIL 2004.

~~James A. Vignola~~
NOTARY PUBLIC

SUPERVISOR CERTIFICATE

L. LORRY D. STURGEON, A FULLY LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, HAS BEEN ADVISED THAT THE PROPERTY SHOWN ON THIS PLAT IS LOCATED IN HENRY COUNTY. THAT THE PROPERTY SHOWN ON THIS PLAT IS CURRENTLY OWNED BY CLASSIC HOMES, L.C. AS RECORDED IN INSTRUMENT # 12002004048, AND CONSOLIDATED IN INSTRUMENT # 12002004048 & 12002004049, AND CONSOLIDATED IN INSTRUMENT # 120020015887 AMONG THE LAND RECORDS OF STAFFORD COUNTY VIRGINIA.

THE BOUNDARY INFORMATION SHOWN IS BASED ON RECORD INFORMATION AND IS NOT THE RESULT OF A SURVEY BY THIS FIRM. THIS PLAT HAS BEEN PREPARED IN ACCORDANCE WITH STAFFORD COUNTY ORDINANCES AS THEY APPLY TO SUBDIVISION PLAT PREPARATION.

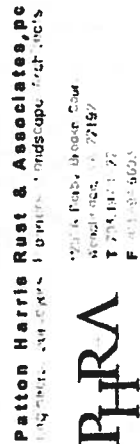
GIVEN UNDER MY HAND THIS 23RD DAY OF JANUARY 2004

[illegible]

1. THE PROPERTY SHOWN ON THIS PLAT IS LOCATED ON TAX MAP NUMBER 33, PARCEL 101 AND IS ZONED A-1.
2. NO TITLE REPORT FURNISHED, PLAT SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
3. THE PLAT IS REFERENCED TO THE VIRGINIA COORDINATE SYSTEM (VCS) WHICH IS COMPUTED FROM A FIELD SURVEY OF THE VIRGINIA DEPARTMENT OF HIGHWAYS DOCUMENT 680-0134 (689-0133).
4. THE MEAN GRID FACTOR (ELEVATION FACTOR X SCALE FACTOR) WHICH HAS BEEN APPLIED TO THE FIELD DISTANCES TO DETERMINE THE REFERENCED COORDINATES IS 0.999979.
5. THE HORIZONTAL DISTANCES MEASURED AT THE MEAN ELEVATION OF THIS SUBDIVISION.
6. THE BEARINGS SHOWN ARE REFERENCED TO VCS GRID NORTH. THE FOOT DEFINITION USED FOR CONVERSION OF THE HORIZONTAL COORDINATES IS THE "U.S. SURVEY FOOT" (1 FOOT = 12/31874 METERS).
7. THE LIMITS OF THE OPA WERE TAKEN FROM THE CHESAPEAKE BAY PRESERVATION AREA DISTRICT OVERLAY MAPS OF STAFFORD COUNTY.
8. THE TEMPORARY TURN AROUND EASEMENT WILL BE WALK AND BICYCLE USE. THE EXTENSION OF FALLING CREEK DRIVE AND HIGH RIDGE DRIVE.
9. FLOOD PLAIN AREAS TAKEN FROM "DRAFT PRELIMINARY" FIRM COMMUNITY PANEL NO. 510154 0144E WITH A DRAFT DATE OF MARCH 22, 2002. THE ORIGINAL PANEL NO. BEING DATE 510154 0143E OF THE FEMA FLOOD INSURANCE RATE MAP (1980).
10. ALL EASEMENTS PROVIDED FOR ROADWAY PURPOSES ARE TO BE MAINTAINED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION ONLY AT THE EXTENT NECESSARY TO SERVE ROADWAY PURPOSES.
11. THE TURN AROUND EASEMENT IS HEREBY TO BE OWNED AND MAINTAINED BY THE ROADSHOWS ASSOCIATION.
12. ALL STORM DRAINAGE EASEMENTS LOCATED WITHIN CONSERVATION EASEMENTS SHALL REMAIN AS NATURAL DRAINAGE WAYS AND IN THEIR NATURAL STATE THEY SHALL NOT BE DISTURBED.
13. THE CONSERVATION EASEMENTS SHALL NOT BE DISTURBED AND SHALL REMAIN IN THEIR NATURAL STATE (IE NO CLEARING, GRUBBING, OR CUTTING OF TREES). NO STRUCTURES, OR FENCES SHALL BE PERMITTED.

PLAY
SHOWING
SUBDIVISION & EASEMENTS
MEADOWBROOK ESTATES
SECTION 2
AQUA DISTRICT
STAFF ORD COUNTY, VIRGINIA
JANUARY 13, 2004 SCALE 1" = 100'

PHRA
Patton Harris Rust & Associates, P.C.
Interior Architects
4250 Dorr Avenue Court
Northridge, CA 91329
T 818 481-1422
F 818 481-1423







LINE TABLE		
LINE	LENGTH	BEARING
L1	81.62	S88.13.51°W
L2	30.00	S31.46.07°E
L3	53.94	S88.13.51°W
L4	101.28	S01.28.00°W
L5	52.51	S47.28.54°W
L6	32.86	S78.52.54°W
L7	174.79	S73.28.36°W
L8	9.72	N73.28.36°E
L9	47.71	S01.15.44°E
L10	17.10	S44.94.38°W
L11	9.24	S24.95.26°W
L12	127.43	N24.95.26°E
L13	15.00	S85.18.35°W
L14	23.30	S47.28.54°W
L15	50.00	N42.01.20°E
L16	55.05	N87.03.56°E
L17	11.03	S01.17.00°W
L18	52.49	S01.17.00°W
L19	153.78	S94.10.08°W
L20	106.60	S107.05.53°W
L21	34.18	N15.07.05°W
L22	88.18	N15.07.05°W
L23	37.47	N77.22.10°W
L24	56.78	S56.10.08°W
L25	123.01	N62.05.36°W
L26	78.85	N84.21.50°W
L27	24.45	S01.56.20°W
L28	86.33	N73.27.41°W
L29	30.01	S73.27.41°W
L30	89.25	S73.27.41°W
L31	20.49	N01.36.20°E
L32	23.81	S01.36.20°E
L33	24.44	S32.23.45°E
L34	53.90	N81.14.59°E
L35	78.71	N19.11.27°E
L36	96.75	N07.25.11°E
L37	75.48	S53.17.02°E
L38	134.14	S47.39.16°E
L39	80.37	S12.37.20°E
L40	163.45	N69.38.22°E
L41	23.38	N01.36.20°E
L42	30.88	S01.36.20°E
L43	29.68	S24.41.32°W
L44	23.46	N15.07.05°W
L45	63.74	S42.14.38°W
L46	19.38	S87.17.45°W
L47	49.11	N80.10.63°W
L48	125.37	N19.28.02°W
L49	45.84	S46.09.25°E

CHESAPEAKE BAY REGULATIONS

Under the Stafford County Chesapeake Bay Reservation Area District Ordinance, the lots shown herein are subject to having sewage disposal systems pumped out every five years. The primary and the 100% reserve sewage disposal sites cannot be altered by construction or reconstruction.

LINE TABLE		
LINE	LENGTH	BEARING
L47	36.81	N46.59.33°W
L48	82.28	S87.17.45°W
L49	53.94	N81.23.03°W
L50	119.56	S01.24.34°W
L51	114.69	S52.47.16°W
L52	72.96	S87.27.05°W
L53	53.88	N88.05.17°W
L54	72.44	N48.08.18°W
L55	120.18	N08.05.14°W
L56	105.18	N08.05.14°W
L57	110.05	S49.18.18°W
L58	86.90	S49.18.18°W
L59	226.48	S12.44.10°E
L60	171.06	S38.32.58°E
L61	79.38	S38.32.58°E
L62	7.70	S55.48.50°E
L63	54.71	N25.16.28°E
L64	28.43	N81.23.03°W
L65	237.27	S47.29.72°W
L66	91.84	S07.57.16°W
L67	60.01	N07.57.16°E
L68	174.94	N47.27.27°E
L69	35.77	N41.05.42°E
L70	68.97	N16.53.37°E
L71	48.17	N42.32.33°E
L72	75.56	S81.05.03°E
L73	17.78	N81.05.03°E
L74	29.19	S85.56.27°W
L75	41.34	N89.28.28°W
L76	163.89	N05.47.00°E
L77	68.05	N47.29.44°E
L78	46.84	S08.07.36°W
L79	60.40	S48.25.07°E
L80	157.72	N12.38.35°E
L81	49.55	S08.48.28°E
L82	48.55	S08.48.28°E
L83	52.12	N51.32.11°E
L84	24.59	S72.59.51°E
L85	70.55	S16.53.17°W
L86	28.85	S89.15.01°W
L87	28.13	N82.20.42°W
L88	32.37	N82.20.42°W
L89	50.00	N85.14.57°E

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEG	CHORD TANGENT
C1	54.98	35.00	90.00.00	57.548.07°E	49.30
C2	452.28	1275.00	2019.28	N48.14.08°E	433.81
C3	461.35	1350.00	2019.28	S48.04.08°W	436.73
C4	470.02	1350.00	2019.28	S48.04.08°W	436.73
C5	114.00	1275.00	507.22	N53.40.12°E	113.86
C6	234.28	1275.00	1031.37	N47.30.42°E	233.83
C7	104.03	1275.00	450.29	N47.30.42°E	104.00
C8	185.50	1325.00	801.17	S41.35.03°W	185.35
C9	192.73	1325.00	820.02	S50.05.42°W	192.58
C10	81.78	1325.00	358.09	S58.14.48°W	81.77
C11	392.82	625.00	3830.14	N55.35.01°E	388.48
C12	377.81	600.00	3830.14	N55.35.01°E	371.03
C13	361.49	575.00	3830.14	N55.35.01°E	355.57
C14	45.10	575.00	479.38	S40.09.11°W	45.09
C15	186.42	1375.00	871.08	S45.54.53°W	186.28
C16	32.83	1375.00	122.04	N57.11.28°E	32.83
C17	43.53	555.00	470.38	N48.25.35°W	43.52
C18	53.31	135.00	22.37.51	N48.25.35°W	52.87
C19	316.39	575.00	3131.38	N48.25.35°W	312.41
C20	233.32	575.00	2123.21	N48.25.35°W	231.87
C21	158.69	575.00	1437.53	N48.25.35°W	156.17
C22	39.05	25.00	68.78.40	N48.25.35°W	35.20
C23	38.49	25.00	68.78.40	N48.25.35°W	35.20
C24	286.36	725.00	980.30.20	S69.49.12°E	284.30
C25	306.56	750.00	2325.15	S69.49.12°E	304.45
C26	318.80	775.00	2325.15	S69.49.12°E	304.45
C27	165.88	775.00	1216.16	N61.43.05°E	163.67
C28	150.81	775.00	1108.56	N61.43.05°E	150.58
C29	211.45	575.00	2102.98	N62.40.15°W	210.08
C30	220.43	600.00	2102.98	N62.40.15°W	218.19
C31	228.62	625.00	2102.98	N62.40.15°W	228.33
C32	78.87	120.00	37.38.20	S83.38.27°E	77.46
C33	133.91	120.00	63.56.15	S70.31.05°E	127.07
C34	68.11	136.84	28.31.08	S24.17.25°E	67.41
C35	67.50	150.00	25.47.00	S22.56.20°E	66.63
C36	42.67	624.00	354.43	N52.13.48°E	42.66
C37	226.63	725.00	7745.33	S01.08.33°E	225.90
C38	69.53	725.00	629.42	S07.49.11°E	69.51
C39	151.80	825.00	531.33	N71.09.59°E	151.85
C40	17.32	825.00	135.15	S73.08.01°W	17.32

ASBE STATEMENT

This subdivision is approved for individual onsite sewage systems in accordance with the provisions of the Code of Virginia, and the average handling and disposal regulations (12 VAC 5-60-10.1 F.2C). The applicant has obtained the local health department to accept private subdivisions for compliance with local ordinances.

This subdivision was submitted to the health department for review pursuant to 32.1-153.5 of the code of Virginia which requires the health department to accept private subdivisions and designs from an authorized state engineer (ASE) or a professional engineer (PE) in civil engineering (ASE) or a professional engineer (PE) in civil engineering. The department is not required to perform a field check of such subdivisions. This subdivision was certified as being in compliance with the code of Virginia regulations by Robert Fields. This subdivision approval is based in reliance upon that certification.

Pursuant to 360 OF the regulations this approval is not an assurance that sewage disposal SYSTEMS construction permits will be issued for any lot in the subdivision unless that lot is specifically identified as having an approved site for onsite sewage disposal system, and unless the construction of such systems is in accordance with the approved plans for such systems.

This subdivision approval is based in reliance upon certification that approved lots are suitable for "traditional systems" however actual system designs may be different at the time construction plans are issued.

5/5/04
DATE
ROBERT FIELDS

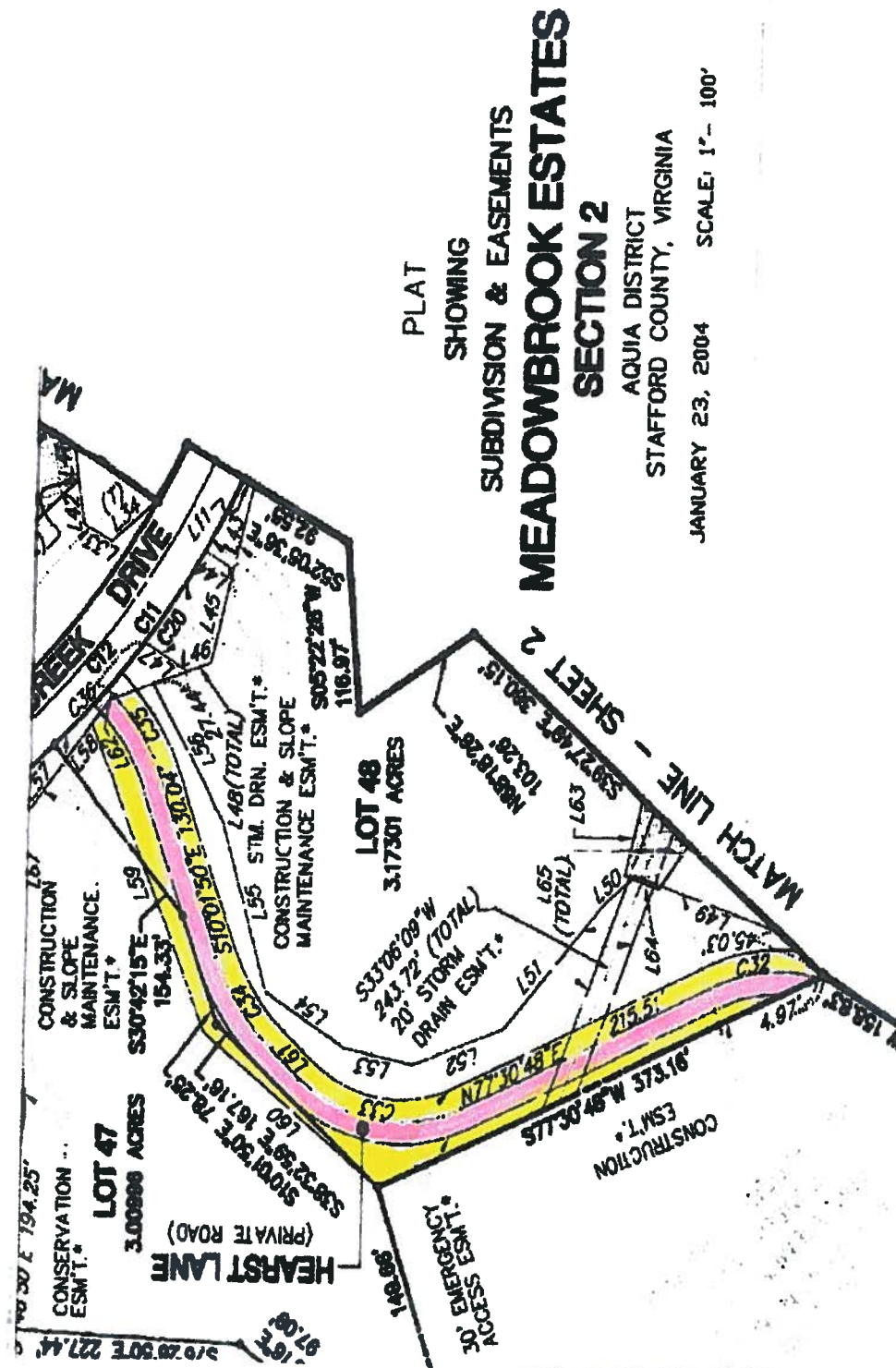
PLAT
SHOWING
SUBDIVISION & EASEMENTS
MEADOWBROOK ESTATES
SECTION 2
AQUA DISTRICT
STAFFORD COUNTY, VIRGINIA
JANUARY 23, 2004 SCALE 1"= 100'

Patton Harris Rust & Associates, PC
Engineers, Surveyors, Landscapers, Architects
2596 Herp, Union Court
Accordbridge, VA 22112
T 703.494.22
F 703.494.6693

PHRA

SHEET 5 OF 5





R13-323

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 1st day of October, 2013:

MEMBERS:

Susan B. Stimpson, Chairman
Robert "Bob" Thomas, Jr., Vice Chairman
Jack R. Cavalier
Paul V. Milde, III
Ty A. Schieber
Gary F. Snellings
Cord A. Sterling

VOTE:

Yes
Yes
Yes
Yes
Yes
Yes
Yes

On motion of Mr. Milde, seconded by Mr. Thomas, which carried by a vote of 7 to 0, the following was adopted:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING TO CONSIDER VACATING A
PORTION OF A SUBDIVISION PLAT TO ELIMINATE A 30-FOOT WIDE
EMERGENCY ACCESS EASEMENT IN MEADOWBROOK ESTATES
SUBDIVISION, SECTION 2, IN THE AQUIA ELECTION DISTRICT

WHEREAS, the owner of Assessor's Parcel 39J-2-48 requested a partial vacation of a Subdivision Plat in Meadowbrook Estates, Section 2, to eliminate the 30-foot Emergency Access Easement, known as Hearst Lane, recorded in 2004 in the Land Records of Stafford County as Instrument Number 040022576 and Plat Map PM040000133, in the Aquia Election District; and

WHEREAS, Virginia Code § 15.2-2272(2), requires that a public hearing be held prior to vacating such an easement;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of October, 2013, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider vacating a portion of a plat, specifically a 30-foot Emergency Access Easement known as Hearst Lane, in Meadowbrook Estates Subdivision, Section 2, recorded in 2004 in the Land Records of Stafford County at Instrument Number 040022576 and Plat Map PM040000133, in the Aquia Election District.

A Copy, teste:



Anthony J. Romanello, ICMA-CM
County Administrator

AJR:JAH:mle

PROPOSED

**BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA**

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 15th day of October, 2013:

MEMBERS:

Susan B. Stimpson, Chairman
Robert "Bob" Thomas, Jr., Vice Chairman
Jack R. Cavalier
Paul V. Milde, III
Ty A. Schieber
Gary F. Snellings
Cord A. Sterling

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

**AN ORDINANCE TO VACATE A PORTION OF A SUBDIVISION PLAT
KNOWN AS MEADOWBROOK ESTATES, SECTION 2, WITHIN THE
AQUIA ELECTION DISTRICT**

WHEREAS, the subdivision plat known as Meadowbrook Estates, Section 2, was recorded on Plat Map PM04000133, Instrument Number 040022576, among the Stafford County Land Records on July 15, 2004 (the Plat), in the Aquia Election District; and

WHEREAS, Sharon Kelley, the owner of Assessor's Parcel 39J-2-48, requested a partial vacation of the Plat to eliminate the 30-foot emergency access easement, known as Hearst Lane; and

WHEREAS, Virginia Code § 15.2-2272(2) requires that a public hearing be held prior to vacating such an easement; and

WHEREAS, the Board desires to vacate a portion of the Plat, eliminating the 30-foot wide emergency access easement, known as Hearst Lane, pursuant to Virginia Code § 15.2-2272(2); and

WHEREAS, the Board carefully considered the recommendations of staff and the public testimony, if any, at the public hearing;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 15th day of October, 2013, that a portion of the subdivision plat of Meadowbrook Estates, Section 2, recorded at Instrument Number 040022576 and Plat Map PM040000133 in the Office of the Clerk of the Stafford County Circuit Court on July 15, 2004, specifically a 30-foot emergency access easement, known as Hearst Lane, be and it hereby is vacated.

AJR:JAH:mle