



Amherst County Board of Supervisors
County Ordinance No. 2017-0003

AN ORDINANCE, NO. 2017-0003

Vacating any interest held by Amherst County in a possible public right-of-way located in Tax Map Section 124, bordered by tax map parcels 124-6-A, and 124-6-4, all sited in Amherst, Virginia, 24521; such vacation being conditioned on the acceptance by Anthony Belman, and Howard V. Jr., and Judith Hammett, adjoining landowners, of the property interest being vacated.

Approved as to form and legality by the County Attorney

FIRST READING: February 7, 2017
PUBLIC HEARING: February 21, 2017

THE COUNTY OF AMHERST HEREBY ORDAINS:

§ 1. That Amherst County vacates any interest it may hold in a possible public right-of-way located in Tax Map Section 124, bordered by tax map parcels 124-6-A, and 124-6-4, in Amherst, Virginia, 24521; such vacation being conditioned, however, on the acceptance by Anthony Belman, and Howard V. Jr., and Judith Hammett, adjoining landowners, of the property interest being vacated, as follows:

WHEREAS, a plat entitled "Plat Showing Resurvey for Anthony A. Belman", dated March 16, 2016 (hereafter "Plat I"), was recorded on May 13, 2016, in Plat Cabinet 3, Slide 64, in the Clerk's Office for the Circuit Court of Amherst County, Virginia; and

WHEREAS, Plat I, attached hereto as Exhibit A, delineates in part a piece of property (hereafter, "Property") located in tax map section 124, and identified as a "30' Street" which is bordered by tax map parcels 124-6-4 and 124-6-A, 5, 6, 11-21; and

WHEREAS, Plat I plainly depicts the Property as a right-of-way; and

WHEREAS, Virginia Code § 15.2-2265 provides that "[T]he recordation of an approved plat shall operate to transfer, in fee simple, to the respective localities in which the land lies the portion of the premises platted as is on the plat set apart for streets, alleys or other public use and to transfer to the locality any easement indicated on the plat to create a public right of passage over the land."; and

WHEREAS, tax map parcel 124-6-A (2309 South Amherst Highway, Amherst, Virginia, 24521), located adjacent to the Property, is owned by Anthony Belman, and tax map parcel 124-6-4 (2307 South

Amherst Highway, Amherst, Virginia, 24521), also located adjacent to the Property, is owned by Howard V. Jr., and Judith Hammett; and

WHEREAS, by letters dated November 14, 2016, Howard V. Jr., and Judith Hammett, requested a portion (0.331 acres) of the unnamed paper street be vacated, and Anthony Belman, requested a portion (0.330 acres) of the unnamed paper street be vacated; and

WHEREAS, a plat entitled "Plat Showing 30' Street Vacation Surveyed for Anthony A. Belman", dated October 4, 2016 (hereafter "Plat II"), which specifically depicts the street to be vacated and is attached hereto as Exhibit B; and

WHEREAS, as the Property has not been developed for the purposes identified in the Plat and there is no indication that it is needed for the purposes identified in the Plat, it does not provide any beneficial use for the general public nor for adjacent property owners; and

WHEREAS, it is the desire of Amherst County, acting by and through its Board of Supervisors, to vacate any interest Amherst County may have in the Property by this Ordinance 2017-0003 in accordance with the provisions of Virginia Code § 15.2-2006 and § 15.2-2008; and

WHEREAS, Amherst County has given notice of its intention to vacate its interest in the Property in favor of Anthony Belman, and Howard V. Jr., and Judith Hammett, by twice publishing a notice of public hearing, with at least six days elapsing between the first and second publication, in the New Era Progress, a newspaper having general circulation in Amherst County, which notice specified the time and place of the public hearing at which persons, and the costs of which notice were taxed to the Anthony Belman, and Howard V. Jr., and Judith Hammett, all in accordance with the provisions of Virginia Code § 15.2-2006; and

WHEREAS, Amherst County has notified the land owners situated along the public right-of-way proposed to be vacated of the impending vacation by a letter mailed on February 3, 2017, in accordance with the provisions of Virginia Code § 15.2-2006; and

WHEREAS, Amherst County conditions its vacation of the Property on acceptance by Anthony Belman, and Howard V. Jr., and Judith Hammett, abutting property owners, of the property interest being vacated at a cost of \$2,313.50 as agreed to by the County in accordance with the provisions of Virginia Code § 15.2-2008; and

NOW, THEREFORE, BE IT ORDAINED, that in accordance with the provisions of Virginia Code § 15.2-2006 and § 15.2-2008, any interest held by Amherst County in the Property shall be, and the same hereby is, vacated in favor of Anthony Belman, and Howard V. Jr., and Judith Hammett, a public hearing thereon having been duly advertised and conducted in accordance with the provisions of Virginia Code § 15.2-2006.

BE IT FURTHER ORDAINED, that a certified copy of this Ordinance 2017-0003 shall be recorded in the Circuit Court for the County of Amherst, Virginia, after the expiration of 60 days from the date of adoption, unless adoption is appealed to said Court.

BE IT FURTHER ORDAINED, that within 60 days following the adoption of this Ordinance 2017-0003, Anthony Belman, and Howard V. Jr., and Judith Hammett shall pay to the County the costs of the property and the costs of publishing the advertisement of the conduct of the public hearing on this Ordinance.

BE IT FURTHER ORDAINED, that 60 days after adoption of this Ordinance 2017-0003, and upon payment to the County of the costs of publishing the advertisement, the Board of Supervisors authorizes its Chairman to execute a quit-claim deed transferring any interest the County may hold in the Property to Anthony Belman, and Howard V. Jr., and Judith Hammett.

BE IT FURTHER ORDAINED, that if payment of the costs are not made within 90 days of the adoption of this Ordinance, the Board may repeal the Ordinance and shall thereafter retain any property rights it may hold in the Property.

§ 2. That this Ordinance 2017-0003 shall not be codified in the Code of the County of Amherst.

§ 3. That this Ordinance 2017-0003 shall be in force and effect upon adoption.

Adopted this 21st day of February, 2017.



Claudia D. Tucker, Chair
Amherst County Board of Supervisors

ATTEST:



Dean C. Rodgers, Clerk
Amherst County Board of Supervisors

Ayes 5

Nays 0

Abstentions 0

ADOPTED

2 / 21 / 17

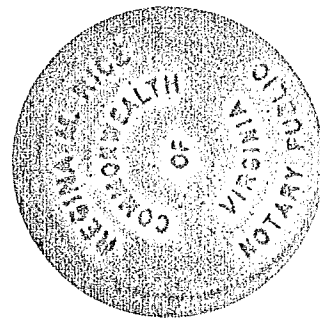
STATE OF VIRGINIA,
COUNTY OF AMHERST, to-wit:

I, Regina Rice, a notary public in and for the state and county as aforesaid, do hereby certify that
Claudia D. Tucker did sign her name to the foregoing Amherst County Ordinance No. 2017-0003 before
me this 21st day of February, 2017.

Regina M. Rice
Notary Public

Notary registration number: 205667

My commission expires: November 30, 2018



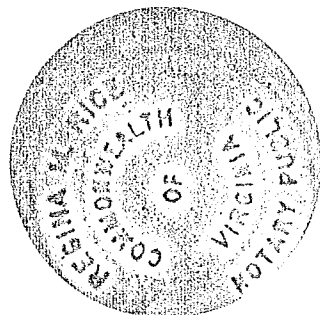
STATE OF VIRGINIA,
COUNTY OF AMHERST, to-wit:

I, Regina Rice, a notary public in and for the state and county as aforesaid, do hereby certify that
Dean C. Rodgers did sign his name to the foregoing Amherst County Ordinance No. 2017-0003 before
me this 21st day of February, 2017.

Regina M. Rice
Notary Public

Notary registration number: 205667

My commission expires: November 30, 2018



STATE OF VIRGINIA,
COUNTY OF AMHERST, to-wit:

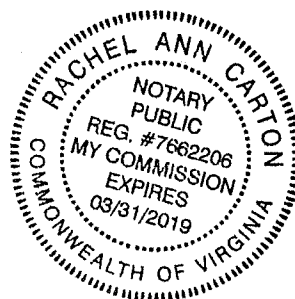
I certify the foregoing to be a complete, full, true and exact reproduction of the original ordinance 2017-0003, adopted by the Amherst County Board of Supervisors on February 21, 2017, except that the exhibit to the ordinance is not attached but may be found in the Clerk's Office for the Circuit Court of Amherst County, Plat Cabinet 3, Slide 64.

Certified this 21st day of February, 2017.

Rachel A. Carton
Rachel A. Carton, Notary Public

Notary registration number: 7662206

My commission expires: March 31, 2019

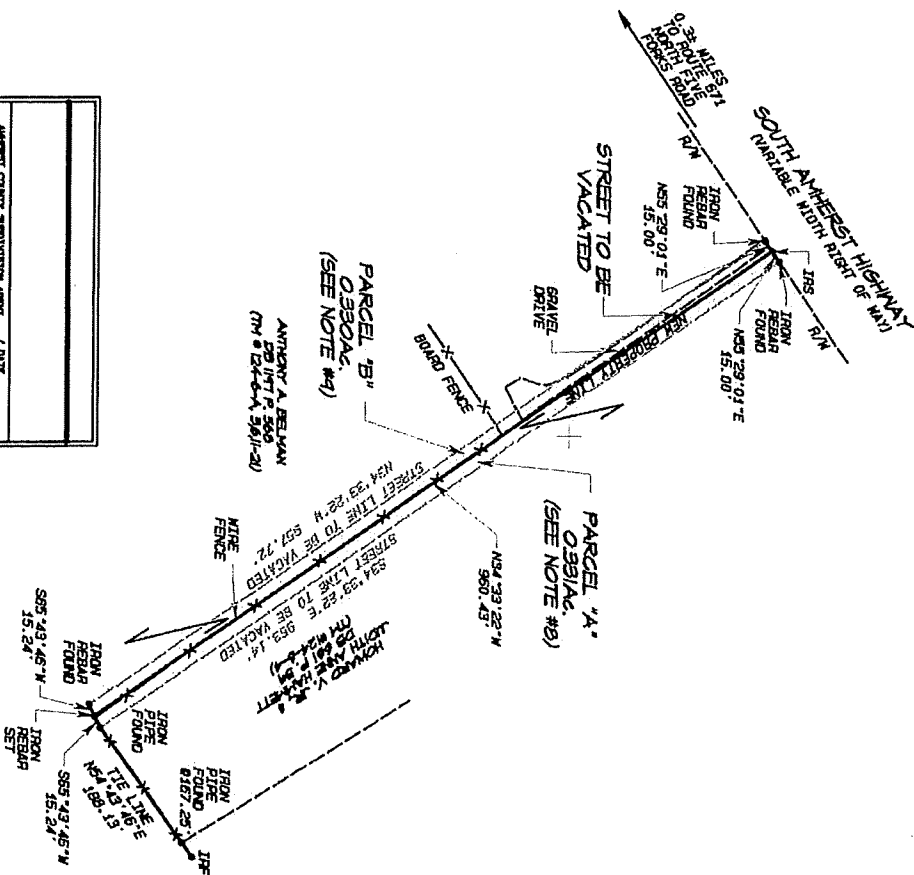


- SOURCE OF TITLE:
THIS PROPERTY WAS CONVEYED TO ANTHONY A. BELMANN
BY DEED RECORDED IN DEED BOOK 1197 PAGE 558
IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF
AMHERST COUNTY, VIRGINIA.

1-100-

0 100 200 300

ADJUTANT COUNTY SUPERVISOR AGENT / DATE

[illegible]

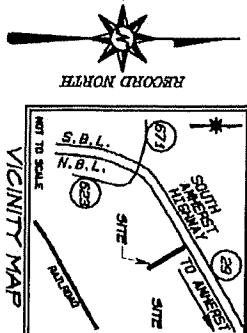
_____ JARVIN AND HANBERRY _____

_____ DATE OF _____
_____ RECEIPT OF _____
_____ ACKNOWLEDGEMENT HAS _____
_____ BEEN MADE BY THIS _____

_____ RECEIPTATION NO. _____
_____ OFFICE PUBLIC _____

_____ REGISTRATION NO. _____
_____ AT COMMISSION OFFICE _____

PLAT BOOK 'C' SLIDE 105



LEGEND:
DB = DEED BOOK
P. = PAGE
+ = TIC MARKS
IRF = IRON REBAR FOUND
R/N = RIGHT OF WAY
TW = TAX MAP
IRS = IRON REBAR SET
← = TO BE ONE LOT

ANTHONY A. BELMAN

**ELIZABETH
WEST COUNTY, VIRGINIA**

SCALE: 1"=100' DATE: OCTOBER 14, 2011

TAX MAP 124-B-A, B, C, 13-21/TAX MAP 124-B-4 COLUMBIA COUNTY, MO.