

Agenda Item VIII. B.

Meeting Date: January 17, 2017

Department: Planning/Zoning

Issue: **Request to Dispose of County Property**

Board Action: The Board is being asked to vacate an unused paper street.

Attachments:

- Letter and attachments from Acres of Virginia, Inc.
- Disposition of Surplus Real Property Guidelines
- Plat dated October 14, 2016
- Memorandum from Director of Planning and Zoning, dated January 9, 2017

Summary: A plat dated October 14, 2016 indicates that an unnamed paper street adjoins property owned by Anthony Belman and Howard and Judith Hammett. The street terminates at the end of the Belman property and does not provide access to other vacant parcels of land.

A "paper street" is one that was included on a plat for possible development one day. The road has never been built and, in this particular case, there are no plans to ever do so. Construction in the area has developed such that it is not needed.

On November 15, 2016 Acres of Virginia submitted a request to abandon 0.661 acres of land that had been dedicated to the County. The request splits the right-of-way between the two adjacent property owners. Mr. Belman requests to purchase 0.330 acres and Mr. and Mrs. Hammett are requesting to purchase 0.331 acres of the unnamed paper street. Staff will be recommending using tax assessment data to determine the value of the unnamed paper street.

On December 28, 2016, the County Attorney explained to staff that if the Board wishes to proceed with disposition, it will need to vote on a motion directing the County Attorney to prepare an ordinance providing for that disposition.

Recommendation: That the Board demonstrate interest pursuing this disposal by directing the County Attorney to prepare an ordinance.



ACRES OF VIRGINIA, INC.
SURVEYORS~ENGINEERS~PLANNERS
ENVIRONMENTAL~SOIL CONSULTANTS
GEOTECHNICAL

404 Clay Street Lynchburg, VA 24504
Office: (434) 528-4674 Fax: (434) 845-1048
e-mail: serca2@aol.com
website: www.acresofvirginia.com

November 15, 2016

Mr. Jeremy Bryant
Zoning Administrator
Amherst County
P. O. Box 390
Amherst, VA 24521

Re: Belman/Hammett street vacation

Dear Mr. Bryant:

Enclosed are (i) letter signed by Anthony Belman requesting a street vacation; (ii) a letter signed by Howard V. Hammett, Jr. and Judith Hammett requesting a street vacation; and (iii) a copy of the plat showing the area in the street to be vacated and the portion of that street that would be purchased by each party that Thomas C. Brooks, Jr. asked me to forward to you.

Please let us know what the next step in this process would be in order to accomplish the street vacation.

Sincerely,


Judith R. Lovelace, Administrative Assistant
Acres of Virginia, Inc.

Enclosures

Howard V. Hammett, Jr.
Judith Hammett
2307 S. Amherst Highway
Amherst, VA 24521

November 14, 2016

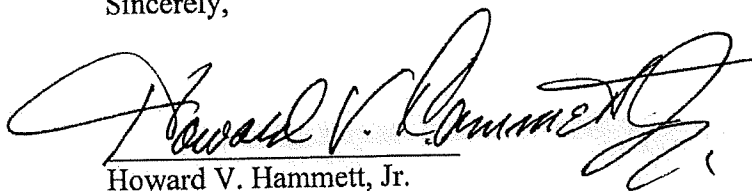
Mr. Jeremy Bryant
Zoning Administrator
Amherst County
P. O. Box 390
Amherst, VA 24521

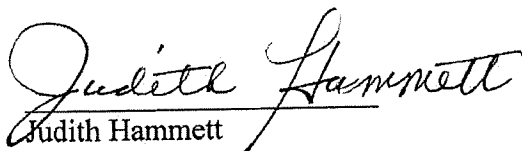
Re: Street vacation

Dear Mr. Bryant:

This letter is to request that the unnamed paper street adjoining my property which is Tax Map #124-6-4 having an address of 2307 S. Amherst Highway and property of Anthony Belman which is Tax Map #124-6-5 having an address of 2309 S. Amherst Highway be vacated. This is a public street which has been dedicated to the County of Amherst and contains 0.661 acres. It is our intention that Mr. Belman will purchase 0.330 acres and we will purchase the remaining 0.331 acres. A copy of the proposed division of the street has been previously submitted to the Amherst County Planning Office.

Sincerely,


Howard V. Hammett, Jr.


Judith Hammett

ANTHONY BELMAN
4304 Wakefield Chapel Road
Annadale, MD 22003

November 14, 2016

Mr. Jeremy Bryant
Zoning Administrator
Amherst County
P. O. Box 390
Amherst, VA 24521

Re: Street vacation

Dear Mr. Bryant:

This letter is to request that the unnamed paper street adjoining my property which is Tax Map #124-6-5 having an address of 2309 S. Amherst Highway and property of Howard V. Jr. and Judith Hammett which is Tax Map #124-6-4 having an address of 2307 S. Amherst Highway be vacated. This is a public street which has been dedicated to the County of Amherst and contains 0.661 acres. It is our intention that Mr. and Mrs. Hammett will purchase 0.331 acres and I will purchase the remaining 0.330 acres. A copy of the proposed division of the street has been previously submitted to the Amherst County Planning Office.

Sincerely,



Anthony Belman

AMHERST COUNTY BOARD OF SUPERVISORS
Disposition of Surplus Real Property Guidelines

Preamble: The Board of Supervisors ("Board") has adopted this set of guidelines to aid its decision-making when considering disposition of County property that is unusable, of no tangible value to the County, or may serve a higher purpose if not owned by the County such as but not limited to economic development or community redevelopment purposes.

The County owns various real property and may sell, transfer, donate, or trade such property as deemed appropriate by the Board. Property may be sold by sealed bid, auction, through a Board approved realtor, or upon an offer or negotiation.

It is understood that County owned real property varies by characteristics such as size, topography, location and/or value. Therefore, it is not always practical for property disposition to be completely consistent. The Board reserves the right to maintain flexibility to arrive at a logical decision on a case-by-case basis.

These guidelines shall apply in a manner compliant with federal, state, and local laws and regulations. The final decision rests solely with the Board.

Exemptions: The transfer of property to the Economic Development Authority of Amherst County (EDA), upon recommendation by the EDA for economic development or community redevelopment purposes, or to any other public body shall be exempt from these guidelines but shall be compliant with State law.

Guidelines:

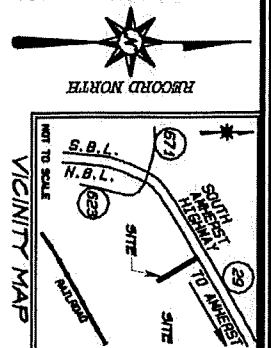
1. The Board may dispose of real property following a request or based on a recommendation from the County Administrator. If the Board preliminarily decides that it is genuinely interested in pursuing such disposal, the following steps shall be undertaken prior to such transfer.
2. An official appraisal, opinion of value by a competent person, and/or examination of the assessed value must be considered by the Board. Appraisal may not be practical for property that is of nominal value but is the preferred method to determine the fair market value of the property.
3. The County shall allocate the costs of property disposition to the purchaser including but not limited to deed preparation and completion, plats, title searches, and other required documentation, property appraisal, public hearing, and any other administrative or legal services as may be required to affect the transfer. The Board may support some or all such costs for good cause shown.
4. The purchaser's offer on County real property shall identify an estimate of the costs of disposition separate from the cost of the real property acquisition.
5. The Board may affix certain terms and conditions as it determines.
6. The Board shall conduct a Public Hearing pursuant to Virginia Code § 15.2-1800. The Public Hearing shall be held at the Board's evening meeting.
7. Such hearing shall be noticed once in a newspaper of general circulation in the County at least seven calendar days in advance of the hearing pursuant to Virginia Code § 15.2-1813.
8. The Board may discuss the request following the hearing, but the question of transfer shall be placed before the Board in the form of a resolution.
9. All property disposition documents prepared by the purchaser shall be submitted to the County Attorney at least 30 days prior to the date of proposed closing.

10. Property shall be transferred by quit claim deed rather than by special or general warranty deed.

AYE: Mr. R. Curd, Ms. C. Tucker, Mr. D. Kidd, Mr. D. Pugh and Mr. F. Campbell
NAY: NONE
ABSENT: NONE

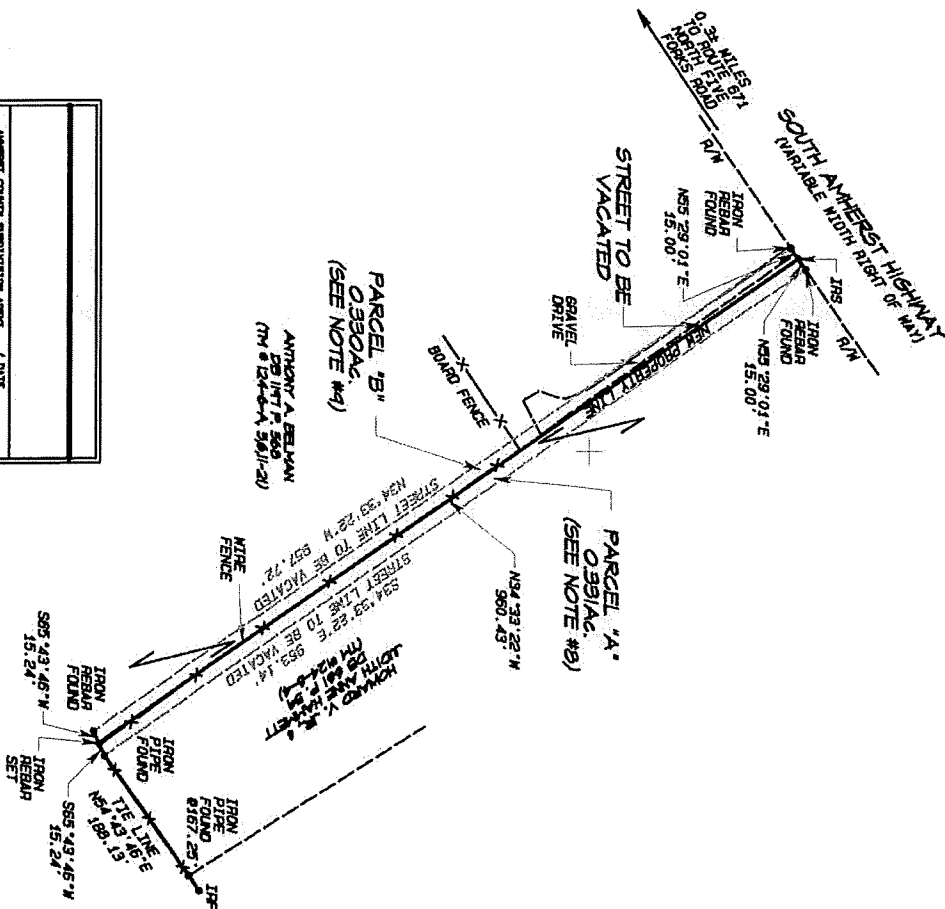
JOHN HANE HANETT _____
STATE OF _____
COUNTY OF _____
I, _____, _____
NOTARY PUBLIC,
DO HEREBY CERTIFY THAT _____
WAS
PRESENT AND
WAS
AT THE TIME OF THE
FORMATION OF THE
CORPORATION OF _____
ON _____
AT _____

PLAT BOOK "C" SLIDE 108



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

SOURCE OF TITLE:
THIS PROPERTY WAS CONVEYED TO ANTHONY A. BELMAN
BY DEED RECORDED IN DEED BOOK 1197 PAGE 568
IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF
AMHERST COUNTY, VIRGINIA.



GRAPHIC SCALE 1"=100'

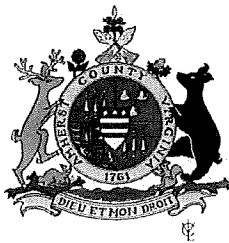


ANTHONY A. BELMAN

ACRES OF VIRGINIA, INC.
 3101 ROUTE 28, SUITE 200
 ERMINGHAM, VA 22043-2000
 TEL: 703/696-7111
 WWW.ACRESOFVIRGINIA.COM

 OFFICE (703) 696-7111
 LINDSEY, VA 22043 FAX (703) 696-7100

BIRMINGHAM
 ANDERSON COUNTY, VIRGINIA
 SCALE: 1"=100'
 COMM. NO. 18700/118700-SHOWING-NO. 00000018
 DATE: OCTOBER 14, 2014
 TAX MAP 124-B-A, B, C, 11-11/7/12 MAP 124-B-C
 COPYRIGHTED



Amherst County
Department of Planning and Zoning

TO: Board of Supervisors

FROM: Jeremy S. Bryant, Director of Planning and Zoning

DATE: January 9, 2017

SUBJECT: Belman/Hammett Street Vacation Request

Anthony Belman, Howard V. Hammet, Jr., and Judith Hammett have requested that the County sell to them certain property located in tax map 124 and otherwise identified as Street to be Vacated on a plat attached to this memorandum which was submitted with the request for street vacation. This same certain property is identified as 30' Street. There is no evidence of need for the County to own the property. The street does not provide required access to either parcel. The owners of the properties touching Street to be Vacated are as follows: Anthony Belman (124-6-A) and Howard V. Jr. & Judith Hammett (124-6-4).

The unnamed street is 0.66 acres in total size. According to the Commissioner of the Revenue data, an acre of unimproved land is valued at \$3,500/acre. Therefore, 0.661 acres of land at \$3,500/acre would be valued at \$2,313.50.