

## Board Agenda Summary

**Meeting Date:** February 5, 2013

**Item No:** V (d) 1

**Department:** Planning/Zoning

**Issue:** **Elon Forest – Phase I – Consideration of Street Acceptance into the State Highway System**

**Summary:** On January 16, 2013 Jeff Kessler, Area Land Use Engineer with the Virginia Department of Transportation Land Use office (Lynchburg Area), submitted confirmation to move forward with the acceptance of Oak Springs Lane into the secondary roads system. The request includes a letter dated December 10, 2012 and a sample resolution with an attached report.

If the Board of Supervisors approves the resolution a copy will be sent to the Virginia Department of Transportation Land Use office to continue processing the request for ultimate acceptance of Oak Springs Lane / Elon Forest Subdivision Phase I, for maintenance of the secondary street system.

**Attachment:** Resolution 2013-0005-R

**Recommendation:** Per Board of Supervisors Discretion



Amherst County Board of Supervisors  
County Resolution No. 2013-0005-R

**For consideration on February 5, 2013**

A resolution, requesting the Virginia Department of Transportation to add a street to the secondary system of state highways, pursuant to Virginia Code §33.1-229, and the Department's Subdivision Street Requirements.

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Approved as to form by the County Attorney

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**BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF AMHERST, VIRGINIA:**

**I. That the Board of Supervisors of Amherst County hereby requests that the Virginia Department of Transportation ("Department") take a certain subdivision street into the secondary system of state highways, as follows:**

**WHEREAS**, § 33.1-229 of the Code of Virginia provides authority for the Department to add new streets to the secondary system of state highways from time to time as public safety or convenience may require; and

**WHEREAS**, the governing body of a County must approve the Department's actions in this regard; and

**WHEREAS**, the street described on Additions Form AM-4.3 (hereafter, "Street"), which form is attached hereto and fully incorporated herein as Exhibit A to this Resolution, is shown on a plat entitled "Elon Forest – Phase I" (hereafter "Plat"), which Plat was approved by the County Planning Director on October 1, 2007; and

**WHEREAS**, that Plat, a copy of which is attached hereto and fully incorporated herein as Exhibit B to this Resolution, was recorded on November 14, 2007, and can be found in Plat Cabinet 1, slide 1-189 on file at the Circuit Court for the County of Amherst, and at Deed Book 1096, pages 862-872; and

**WHEREAS**, fee simple title to the Street vested in the County upon recordation of the plat pursuant to Virginia Code § 15.2-2265; and

**WHEREAS**, the Area Land Use Engineer for the Department has advised the Board of Supervisors that the Street meets the requirements established by the Department's Subdivision Street Requirements; and

**WHEREAS**, the Board of Supervisors, as the governing body of Amherst County, wishes to request the addition of the Street to the secondary system of state highways.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF AMHERST, VIRGINIA:**

That the Board of Supervisors requests that the Department add the street described on the attached Additions Form AM-4.3 to the secondary system of state highways, pursuant to Virginia Code §33.1-229 and the Department's Subdivision Street Requirements.

**BE IT FURTHER RESOLVED:**

That the Clerk is instructed to send a certified copy of this resolution to the Department's Area Land Use Engineer.

**II. That this resolution shall be in force and effect upon adoption.**

Adopted this 5th day of February, 2013.

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Robert M. Curd, Chairman  
Amherst County Board of Supervisors

**ATTEST:**

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Clarence C. Monday, Clerk  
Amherst County Board of Supervisors

Ayes       

Nays       

Abstentions

**Resolution No. 2013-0005-R**  
**Exhibit A**  
**(one page)**

**In the County of Amherst**  
By resolution of the governing body adopted January 8, 2013

*The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.*

*A Copy Testee Signed (County Official):* \_\_\_\_\_

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**Report of Changes in the Secondary System of State Highways**

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**Project/Subdivision Elon Forest - Phase 1**

**Type Change to the Secondary System of State Highways:** **Addition**  
The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: §33.1-229

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**Street Name and/or Route Number**

◆ **Oak Spring Lane, State Route Number 1235**

Old Route Number: 0

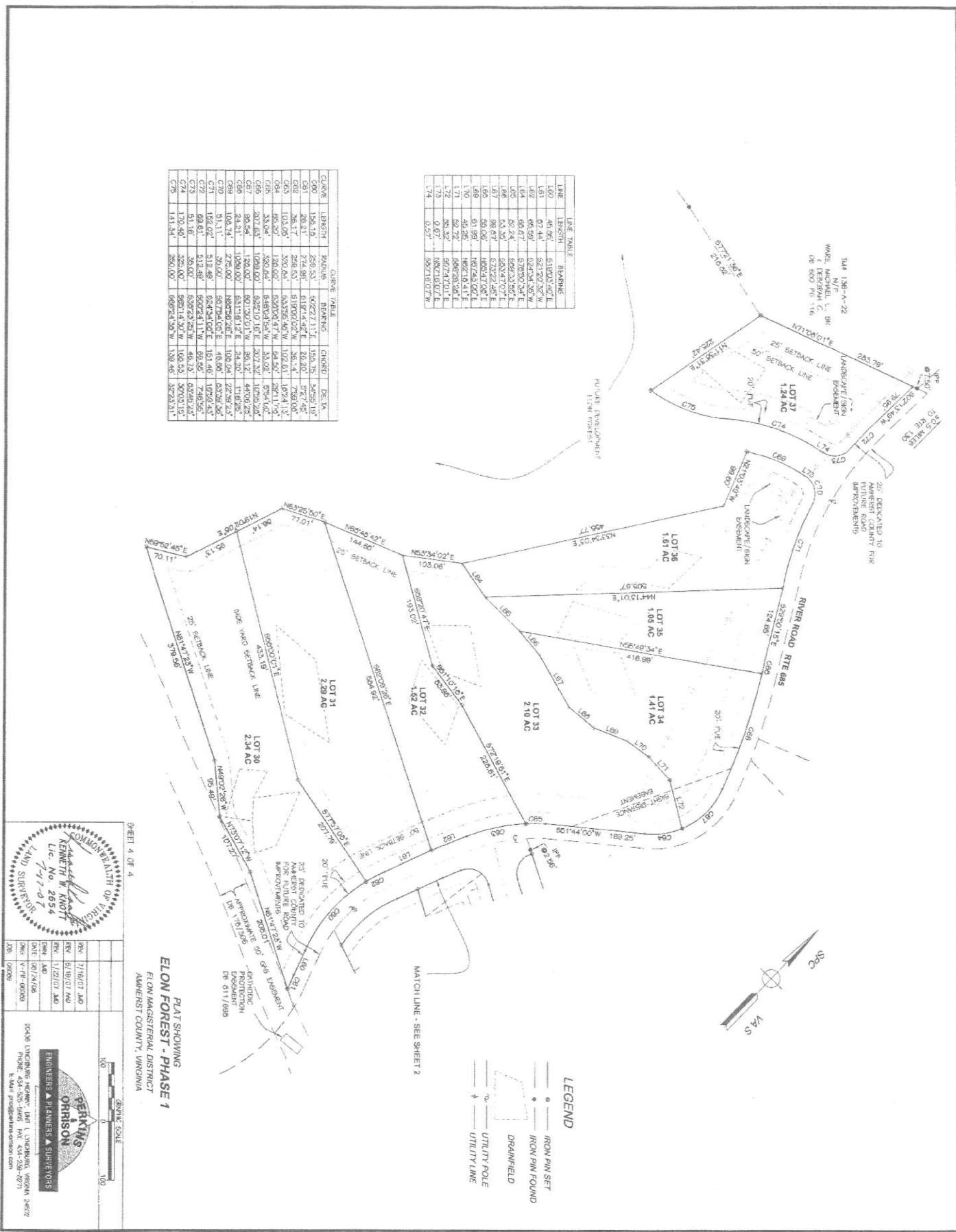
● From: Int. Rte 685

To: 0.42 Miles East to End State Maintenance., a distance of: 0.42 miles.

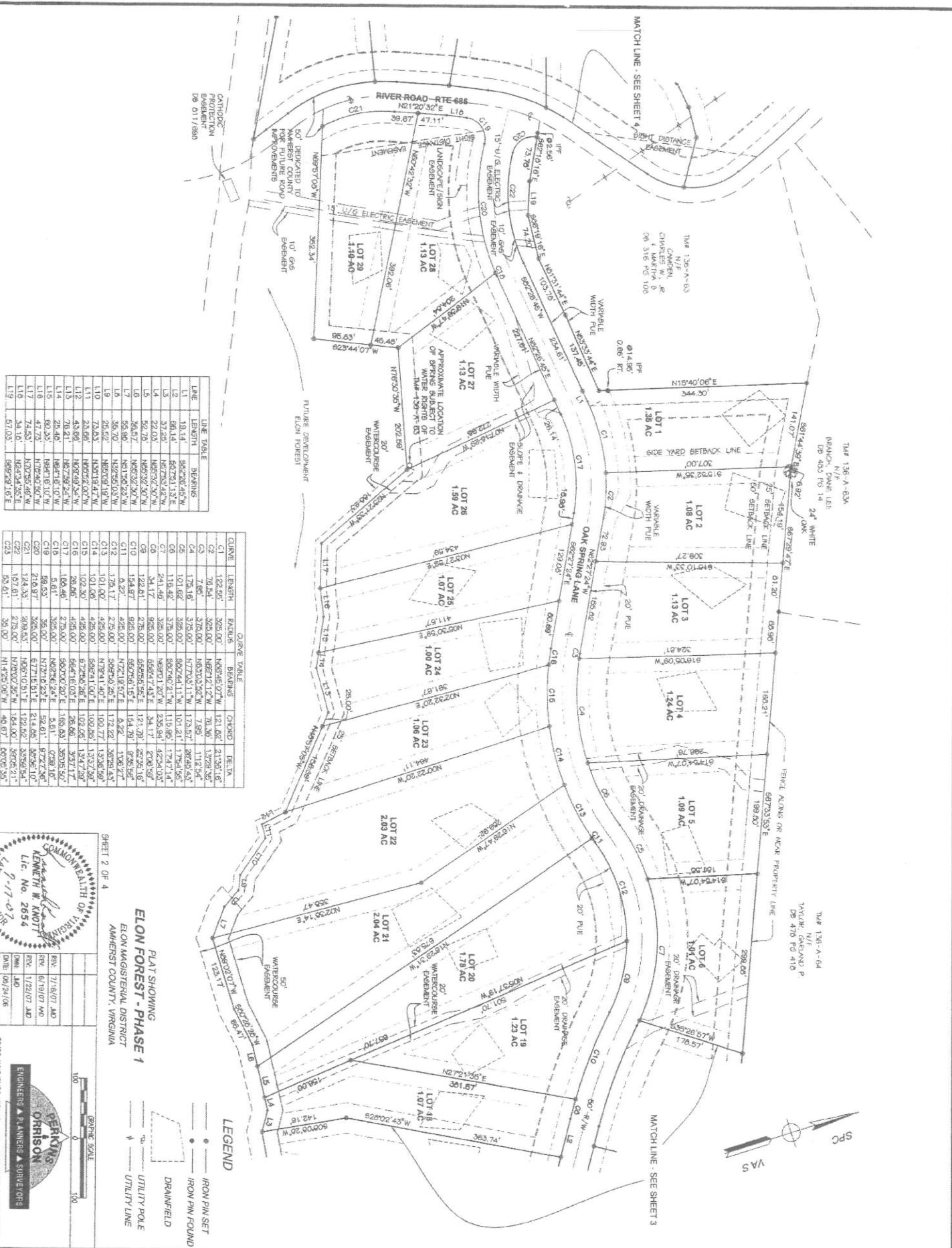
Recordation Reference: BK 1096, PG 862 - 872; Plat Cabinet 1, Slide 1-189 (Plat);  
Supplemental Deed of Dedication Creating Sight Distance Easement: BK 1221, PG  
86-88.

Right of Way width (feet) = 50 feet

Resolution No.2013-0005-R  
Exhibit B  
(four pages)







NOTICE  
THE PLAT HAS BEEN PREPARED FROM A CURRENT FIELD SURVEY  
DONE TO PER THE DATE OF THIS PLAT.  
2. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE  
REPORT AND MAY NOT INDICATE ALL ENCUMBRANCES UPON THE  
PROPERTY.

- A PORTION OF THIS PROPERTY IS LOCATED IN ZONE "X" (NEA  
WITHIN THE 100 YEAR FLOOD ZONE). THE REMAINDER OF THE PROPERTY  
IS LOCATED IN ZONE "X" (OUTSIDE THE 100 YEAR  
FLOOD ZONE). DETERMINED BY FEMA AND SHOWN ON  
COMMUNITY PANEL #5100101020, DATED JULY 17, 1976.
- THIS PROPERTY IS ZONED A-1 AGRICULTURAL.
- THE CENTER OF HABITAT CENTER IS THE PROPERTY LINE FROM PRIOR  
"X" - "B" NETS AND ROUNDS ARE FOR ADJACENCE CALCULATIONS ONLY.
- SEPTIC TANK/DRAINFIELD SYSTEMS SHALL BE MAINTAINED IN  
A MANNER TO MAXIMIZE THEIR LIFE EXPECTANCY.  
IT IS RECOMMENDED THAT SEPTIC TANKS BE PLUMBED A  
MINIMUM OF ONCE EVERY FIVE YEARS.
- THIS DEVELOPMENT IS SERVED WITH PUBLIC WATER BY THE AMHERST  
COUNTY SERVICE AUTHORITY.

SETBACKS

FRONT: 50'  
SIDE: 25' OR SO (DOORWAY GREATER THAN 10 ACRES)

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND  
BELIEF, THAT THE OWNERSHIP OF THE PROPERTY LOCATED  
IN THE COUNTY HAVE BEEN MET; THAT THIS PROPERTY WAS  
COMPLETED TO OWNERSHIP LAND COMPANY, LLC IN DEED BOOK  
YEAR 2006, PAGE 150, AND IS RECORDED IN THE CLERK'S OFFICE OF  
THIS GROUP, OR IN THE RECORDS OF THE RECORDING OFFICE, WHICH  
THIS WILL BE DETERMINED BY ALL PROPERTY OWNERS.

KENNETH W. KNOTT, L.S. #2854  
DATE  
7/17/07

COMMONWEALTH OF VIRGINIA  
COUNTRY OF Amherst  
CHARTERED AND MAINTAINED BY THE POWER OF THE  
UNIVERSITY OF VIRGINIA  
I, Monroe W. Perkins, A NOTARY  
PUBLIC AND CLERK OF THE AMHERST COUNTY COURT,  
HEREBY CERTIFY THAT THE OWNERS WHOSE NAMES ARE  
SIGNED ABOVE HAVE ACKNOWLEDGED THE  
SAME BEFORE ME  
ON COMMISSION EXPIRES 9-26-08

NOTARY PUBLIC  
# 290261  
DATE  
7/17/07

SOURCE OF TITLE:

COUNTRY SIDE LAND COMPANY, LLC

DB 1042 PG 158  
Title 156-A-21



MAP KEY

NTS

THE SURVEYOR KNOWN AS "ELON FOREST - PHASE 1", AS  
SHOWN HEREIN, IS APPROVED BY THE UNDERSIGNED IN  
ACCORDANCE WITH THE SUBDIVISION REGULATIONS AND  
MAY BE ADDED TO THE RECORD.

APPROVED:

AMHERST COUNTY ADMINISTRATOR

DATE  
10/1/07

AMHERST COUNTY SURVEYOR/AGENT

DATE  
9/18/07

HEALTH OFFICIAL

DATE  
9/18/07

AMHERST COUNTY SERVICE AUTHORITY

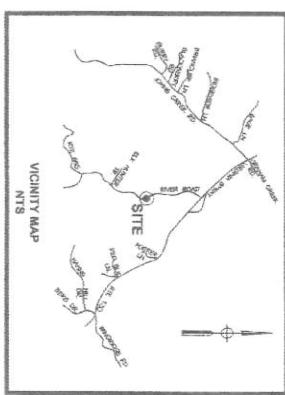
DATE  
9/18/07

COMMONWEALTH ENGINEER

DATE  
9/18/07

Scott Penn

DATE  
9/18/07



PLAT SHOWING  
ELON FOREST - PHASE 1

ELON MAGISTERIAL DISTRICT  
AMHERST COUNTY, VIRGINIA

SHEET 1 OF 4

156-A-21

NOTARY PUBLIC

# 290261

DATE

7/17/07



2006, LINCORP INC., 101 L. MURKIN, ALEXANDRIA, VA 22314  
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E-mail: [info@perkinsgarrison.com](mailto:info@perkinsgarrison.com)