

**C. STREET AND ALLEYWAY ABANDONMENTS
VILLAGE OF SEBRELL**

This public hearing is held pursuant to § 15.2-2272, Code of Virginia, 1950, as amended to receive public comment on an ordinance to abandon certain undeveloped streets and alleyways in the Sebrell area of Southampton County. The streets are identified as First Street, Second Street, Third Street, an alleyway, and a portion of Church Street. The right-of-way for these streets was reserved via recordation of a plat prepared by H.B. Watts dated December 1907 and later revised by James Clark via a plat dated February 12, 1913. The right-of-ways for the described segments have not been developed or improved since their recordation. The right-of ways are generally located between Plank Road (Rt. 35) and Farmers Grove Road (Rt. 713). The right-of-ways are located in the Capron Magisterial District and Capron Voting District.

The notice of this public hearing was published in the Tidewater News on March 8 and March 15, 2009 and all adjacent property owners were notified in writing by first class mail as required by law. Following its public hearing on February 12, 2009, the Southampton County Planning Commission voted unanimously to recommend approval.

After conclusion of this public hearing, the Board of Supervisors will consider the comments offered this evening and may act upon the application or defer action until such time as it deems appropriate.

Mr. Jay Randolph, Assistant County Administrator and Secretary to the Planning Commission will provide introductory remarks after which all interested parties are invited to come forward and express their views.

MOTION REQUIRED: If the Board is so inclined, a motion is required to accept the Planning Commission recommendation and adopt the ordinance of vacation and abandonment.



**BOARD OF SUPERVISORS
SOUTHAMPTON COUNTY, VIRGINIA**

ORDINANCE 0309-12C

At a meeting of the Board of Supervisors of Southampton County, Virginia, held in the Southampton County Office Center, Board of Supervisors' Meeting Room, 26022 Administration Center Drive, Courtland, Virginia on Monday, March 23, 2009 at 6:00 p.m.

PRESENT

The Honorable Dallas O. Jones, Chairman
The Honorable Walter L. Young, Jr., Vice Chairman
The Honorable Walter D. Brown, III
The Honorable Carl J. Faison
The Honorable Anita T. Felts
The Honorable Ronald M. West
The Honorable Moses Wyche

**IN RE: ORDER OF VACATION AND ABANDONMENT
PORTIONS OF CHURCH STREET, FIRST STREET, SECOND STREET,
THIRD STREET AND CERTAIN ALLEYWAYS IN THE VILLAGE OF SEBRELL**

Motion by Supervisor _____:

WHEREAS, a public hearing was conducted on March 23, 2009 by the Board of Supervisors of Southampton County, following public notice as prescribed by § 15.2-2204 of the 1950 Code of Virginia; and

WHEREAS, the requirements imposed by §15.2-2272 (2) of the 1950 Code of Virginia, as amended, as it relates to vacation of plats and abandonment of roads and alleyways have been fully complied with; and

WHEREAS, it is the considered opinion of the Southampton County Board of Supervisors that no public necessity exists for the continuance of such roads and alleyways as public rights-of-way and the welfare of the public will best be served by abandoning such roads and alleyways as public right-of-ways.

NOW, THEREFORE, BE IT ORDAINED this 23rd day of March, 2009, that the hereinafter described roads and alleyways in or near the Village of Sebrell, Southampton County, Virginia, described in accordance with that certain map entitled "MAP OF THE

SOUTHAMPTON COUNTY



26022 Administration Ctr. Dr.
P.O. Box 400
Courtland, Virginia 23837

757-653-3015
Fax: 757-653-0227

February 17, 2009

Bruce Phillips
17413 Carys Bridge Rd.
Courtland, VA 23837

RE: SAB 2009:01
Application requesting street right-of-way abandonment,
First St., Second St., Third St., Church St., (2) Alleyways,
Sebrell

Dear Mr. Phillips:

The Planning Commission held a public hearing and reviewed your application at their meeting on February 12, 2008. After receiving public comments and discussing the matter, a motion was adopted to recommend approval of the application to the Board of Supervisors.

A public hearing will now be scheduled for the Board of Supervisors meeting on **Monday, March 23, 2009. The meeting will begin at 6:00 p.m. with public hearings scheduled to start at 7:00 p.m.** The meeting will be held in the Board Room located at 26022 Administration Center Drive, Courtland, Virginia. Either yourself or a representative should attend and participate in this public hearing. The Board of Supervisors will consider the recommendation of the Planning Commission as well as any comments offered during the public hearing prior to making a decision on the application. An additional notice for this meeting will be forwarded to you prior to the meeting date.

Should you have any questions or need additional information, please feel free to contact me at 757-653-3015.

Sincerely,

James A. Randolph
Assistant County Administrator

PLANNING REPORT

DATE: February 12, 2009

SUBJECT: Request for street right-of-way
and alleyway abandonment- Sebrell

Attached you will find a petition from Mr. Bruce Phillips requesting the abandonment of four (4) street right-of-ways and two (2) alleyways in Sebrell.

Specifically, the petition for abandonment includes First Street, Second Street, Third Street, the alleyway between them, a portion of Church Street and the alleyway running east from Church Street.

As you may be aware, there are multiple alleyways and public streets in Sebrell that were platted when the village was established by Atlantic Coast Realty Company in coordination with development of the Virginian Railway line. Many of these alleys and streets were never improved and currently exist only on paper. As such, these unimproved sections were transferred in fee simple to Southampton County. Over the course of the last one hundred years, many things have changed. James Street, as shown on the plat, is now Plank Road (Route 35) and was partially relocated when the roadway was widened by the Virginia Department of Transportation. Main Street, as shown on the plat, is now Farmers Grove Road.

The Code of Virginia states that widening, narrowing, extension, enlargement, **vacation** or change of use of streets or public areas be first considered by the Planning Commission to determine if the request is in accordance with the adopted Comprehensive Plan. If so desired or if directed by the Board of Supervisors, the Planning Commission may hold a public hearing after proper public notice is given. The Board of Supervisors will then hold a public hearing and if inclined, subsequently adopt a resolution formally abandoning the aforementioned right-of-ways.

With relationship to our Comprehensive Plan, the petition does not appear to conflict with any portions of the adopted plan. Sebrell is designated in our plan for agricultural, forest, open space and rural residential development in

the future. The development of these right-of-ways and alleyways is not included in any our transportation plans for secondary roadways or primary highways.

Access to any of the parcels that adjoin these right-of-way segments will continue to be provided by the existing state roads, Plank Road, Farmers Grove Road, and Sebrell Avenue. Therefore, all parcel owners will continue to have direct access from a state maintained road. If the right-of-ways are officially abandoned, the areas reserved for them would be equally divided among each of the adjoining parcels. The alleyways are sixteen (16) feet wide and the streets are fifty (50) feet wide.

In conclusion, the abandonment of First Street, Second Street, Third Street, the alleyway between them, a portion of Church Street and the alleyway running east from Church Street does not conflict with the comprehensive plan or any transportation plans.

Staff Recommendation

Adopt a motion recommending abandonment of the right-of-ways and alleyways as described.

Attachments

- Petition letter requesting abandonment of certain right-of-ways in Sebrell
- Adjoining property owners notification
- February 12, 1913 plat by James Clarke
- Staff exhibit showing segments to be abandoned

PLANNING COMMISSION RECOMMENDATION

The Planning Commission held a public hearing and reviewed this application at their meeting on February 12, 2009. Attached are the draft minutes and corresponding recommendation for approval.

Chairman Edwards announced that the third and final public hearing was to consider the following:

SAB 2009:01 Application filed by Bruce Phillips, applicant, requesting abandonment of certain right-of-way of streets in the Sebrell area of Southampton County. The streets are identified as First Street, Second Street, Third Street, an alleyway, and a portion of Church Street. The right-of-way for these streets was reserved via recordation of a plat prepared by H.B. Watts dated December 1907 and later revised by James Clark via a plat dated February 12, 1913. The right-of-ways for the described segments have not been developed or improved since their recordation. The right-of-ways are generally located between Plank Road (Rt. 35) and Farmers Grove Road (Rt. 713). The right-of-ways are located in the Capron Magisterial District and Capron Voting District.

Chairman Edwards opened the public hearing.

Secretary Randolph advised that Bruce Phillips, applicant, was not here this evening. He was unaware as to why Mr. Phillips was not present.

Mr. Glenn Updike spoke. He advised that he supported the application 100 percent. However, in the past, they had postponed decisions when the applicant did not show up.

Commissioner Mann asked, if the streets were to be abandoned, would half go to one property owner and half to the other property owner? Secretary Randolph and Mr. Richard E. Railey, Jr., County Attorney, replied yes.

Commissioner Mann asked if the property owners would then have to start paying taxes on the property that was formerly a right-of-way street? Attorney Railey replied absolutely.

Commissioner Harrell asked if abandoning a right-of-way street was like a gift to the property owner from the County? Secretary Randolph replied yes, if you want to call it that. However, along with that gift often came drainage issues, etc.

Secretary Randolph advised that the subject right-of-way streets were mostly all wooded property.

Vice-Chairman Barham moved, seconded by Commissioner Tennessee, to recommend approval of the request to abandon the said right-of-way streets. All were in favor.

Southampton County Planning Commission
Courtland Va. 23837

I am requesting the Southampton County Planning Commission recommend the abandonment of streets and alleyways located in the Town of Sebrell as shown on a map made Feb 12, 1913 by James A. Clark for Atlantic Coast Realty of Greenville, N.C. This map is a copy of an earlier map made by H.B. Watts. The streets and alleyways have never been open or used for their intended purpose. It is also requested that ownership of the aforementioned streets and alleys revert to the adjacent landowners being equally divided between land owners on either side. The approval of this request will allow the owners of this property better use of the lots. Thank you for your consideration of this request.

Note: See attached map of property as well as description of streets and alleys.

Sincerely,

Bruce Phillips

W. B. Keith

Emerson Hitchcock

William L. Lippert

Ruth Ann E. Story

In block F: Block F is located between State Rt. 35 on the North and Sebrell Ave. on the South
The alley ends at Church St. which has never been open and shown as closed on map
First St.: between Blocks A and B
Second St.: between Blocks B and C
Third St.: between blocks C and D
All three of these streets run from Rt. 35 (James St.) on the South end, to Farmer's
Grove Rd. (Main St.) on the North. The alley extends from First street to Lot 6, Block D

AFFIDAVIT

I, Susan H. Wright, hereby certify that I have sent by first class mail one copy each of the attached notices of public hearings to all adjacent property owners listed hereinbelow pursuant to Section 15.2-2204, Code of Virginia, 1950 as amended.

STATE OF VIRGINIA

COUNTY OF SOUTHAMPTON, to-wit:

This day, Susan H. Wright appeared before me, Julia G. Williams, a Notary Public for the County of Southampton and being duly sworn, deposed and said that the above certification is true and correct.

Taken, subscribed and sworn to me this 10th day of March 2009.

My Commission Expires: November 30 20 10. Julia G. Williams
Notary Public

<u>Tax Map/Parcel #</u>	<u>Name/Address of Adjacent Property Owner</u>
<p>See attached</p>	



SOUTHAMPTON COUNTY
Board of Supervisors
Notice of Public Hearing

Notice is hereby given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended that the Southampton County Board of Supervisors will hold a public hearing on Monday, March 23, 2009 at 7:00 p.m. in the Board Room of the Southampton County Office Center at 26022 Administration Center Drive in Courtland, Virginia to consider the following:

- 1) REZ 2009:01 Application filed by Larry Whitley, applicant, on behalf of W. Group LLC, owner, requesting a change in zoning classification from R-1, Residential to A-2, Agricultural approximately 54.69 acres for the purpose of agricultural uses. The properties consist of two separate tax parcels, 47A1-1-60 and 47A1-1-66A. The first parcel (TP 47A1-1-60) is located on the east side of the intersection of Peachtree Road (Rt. 1006) and Rosemont Road (Rt. 646). The second parcel (TP 47A1-1-66A) is located south of the intersection of Maple Ave. (Rt. 642) and Rosemont Road (Rt. 646). The properties are located in the Jerusalem Magisterial District and Jerusalem Voting District.
- 2) REZ 2009:02 Application filed by Ronald L. Parsons, owner, requesting a change in zoning classification from B1, Local Business, to C-B2, Conditional General Business approximately 6 acres for the purpose of business uses, as conditioned. The property is located on the south side of Southampton Parkway (Rt. 58) approximately one half (1/2) mile east of the intersection of Jerusalem Road (Rt. 58 Business). The address of the property is 28028 Southampton Parkway. The property is further identified as Tax Parcel 76-17B and is located in the Franklin Magisterial District and Franklin Voting District.
- 3) SAB 2009:01 Application filed by Bruce Phillips, applicant, requesting abandonment of certain right-of-way of streets in the Sebrell area of Southampton County. The streets are identified as First Street, Second Street, Third Street, an alleyway, and a portion of Church Street. The right-of-way for these streets was reserved via recordation of a plat prepared by H.B. Watts dated December 1907 and later revised by James Clark via a plat dated February 12, 1913. The right-of-ways for the described segments have not been developed or improved since their recordation. The right-of ways are generally located between Plank Road (Rt. 35) and Farmers Grove Road (Rt. 713). The right-of-ways are located in the Capron Magisterial District and Capron Voting District.
- 4) Advance citizen comment regarding the Fiscal Year 2009-10 annual budget. This hearing is intended to provide interested citizens an opportunity to make their views known prior to preparation of the county administrator's draft budget. Interested citizens are invited to offer their comments and recommendations on any and all fiscal matters. A second public hearing will be scheduled for Monday, May 18, 2009 to provide all citizens an opportunity to comment on the final draft of the proposed budget.
- 5) An ordinance amending Article V, Chapter 7 of the Southampton County Code increasing service fees for emergency ambulance transport, beginning April 1, 2009. The fees for Basic Life Support (BLS) services are proposed to increase from \$300 to \$350, the fees for

Advanced Life Support (ALS-2) services are proposed to increase from \$500 to \$575, and the ground transport mileage (GTM) rate is proposed to increase from \$8.00 to \$10.50 per mile. All proposed increases are consistent with recent revisions to Medicare payment policies for emergency ambulance transportation services and are intended to assure the provision of adequate and continuing emergency services and to protect and promote the public health, safety, and general welfare.

- 6) A resolution authorizing the acquisition of certain specified rights-of-way or easements for water and sewer line construction, including authority for the institution of condemnation proceedings, if necessary, pursuant to § 15.2-1903 of the 1950 Code of Virginia, as amended, and a declaration regarding the necessity of entering upon and taking such property prior to the conclusion of condemnation proceedings as provided in §§ 15.2-1905, 25.1-200, *et. seq.*, and 25.1-300 *et. seq.* of said Code. Southampton County seeks to acquire all such easements voluntarily, and will initiate condemnation proceedings only after a bona-fide but ineffectual offer to purchase the right-of-way or easement has been rejected or ignored.

Copies of all documents referenced herein above are on file and available for public inspection in the County Administrator's office, 26022 Administration Center Drive, Courtland, Virginia during normal office hours of 8:30 a.m. to 5:00 p.m., Monday through Friday.

Any person desiring to be heard in favor of or in opposition to any of these matters may appear at the time and place referenced herein above and make his or her comments to the Board of Supervisors.

The hearing is held at a public facility designed to be accessible to persons with disabilities. Any persons with questions on the accessibility of the facility or need for reasonable accommodations should contact Michael W. Johnson, Clerk, at (757) 653-3015. Persons needing interpreter services for the deaf must notify Mr. Johnson at least seven (7) days in advance of the hearing.

Southampton County Board of Supervisors
Michael W. Johnson, Clerk

3) SAB 2009:01

Applicant:

Bruce Phillips
17413 Carys Bridge Rd.
Courtland, VA 23837

=====
William R. Tippit
824 Clinton St.
Virginia Beach, VA 23464

TP 44A-1-48C, 44A-1-53A

=====
R. Floyd & Tina L. Revelle
22326 Farmers Grove Rd.
Courtland, VA 23837

TP 44A-1-48

=====
Federal National Mortgage
3900 Wisconsin Ave., NW
Washington, DC 20016-2899

TP 44A-1-48A

=====
India W. Phillips
17409 Carys Bridge Rd.
Courtland, VA 23837

TP 44A-1-50, 44A-1-51, 44A-1-52, 44A-1-52A,
44A-1-55, 44A-1-56, 44A-1-65, 44A-1-49, 44A-1-70,
44A-1-71, 44A-1-68

=====
Rex & Devries B. Brown
216 Bank St., Apt. 1
Suffolk, VA 23434

TP 44A-1-72A

=====
Niketa W. Galloway
609 East Cheval Dr.
Fort Mill, SC 29708

TP 44A-1-72

Alexander J. Falcone
17337 Sebrell Ave.
Courtland, VA 23837

TP 44A-1-77A

Katina Cowans
307 Bogart St.
Franklin, VA 23851

TP 44A-1-74A

George A. Evans et als
1455 Mahone St.
Christiansburg, VA 24073

TP 44A-1-73, 44A-1-74

Barbara S. Daniels et als
P.O. Box 426
Courtland, VA 23837

TP 44A-1-75A

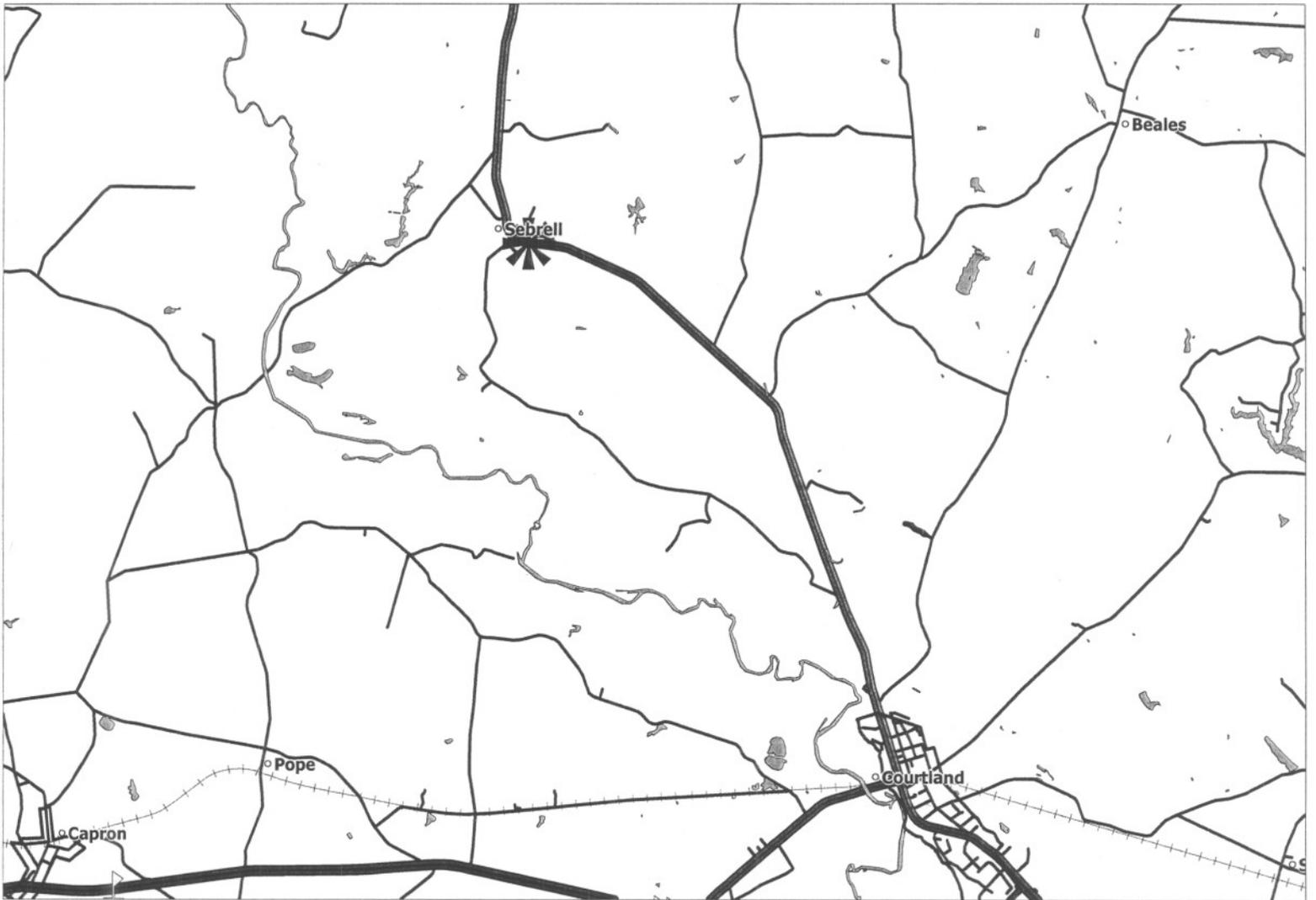
J. E. Pruden Est
108 Viking Rd.
Williamsburg, VA 23188

TP 44A-1-54

Emerson B. Kitchen Jr.
16486 Carys Bridge Rd.
Courtland, VA 23837

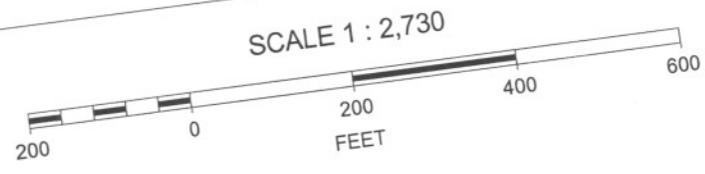
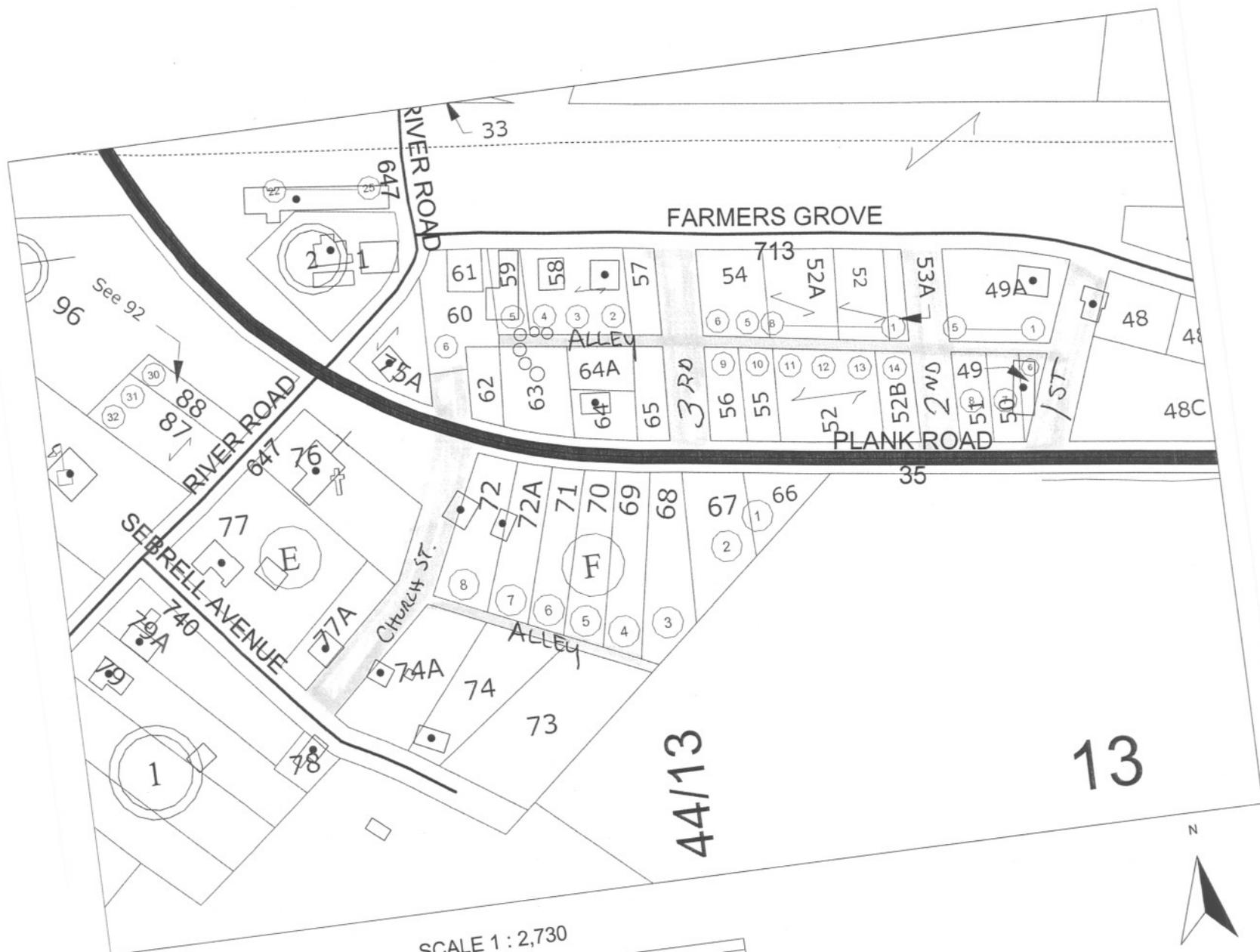
TP 44A-1-63, 44A-1-64, 44A-1-64A, 44A-1-57,
44A-1-58, 44A-1-59, 44A-1-60

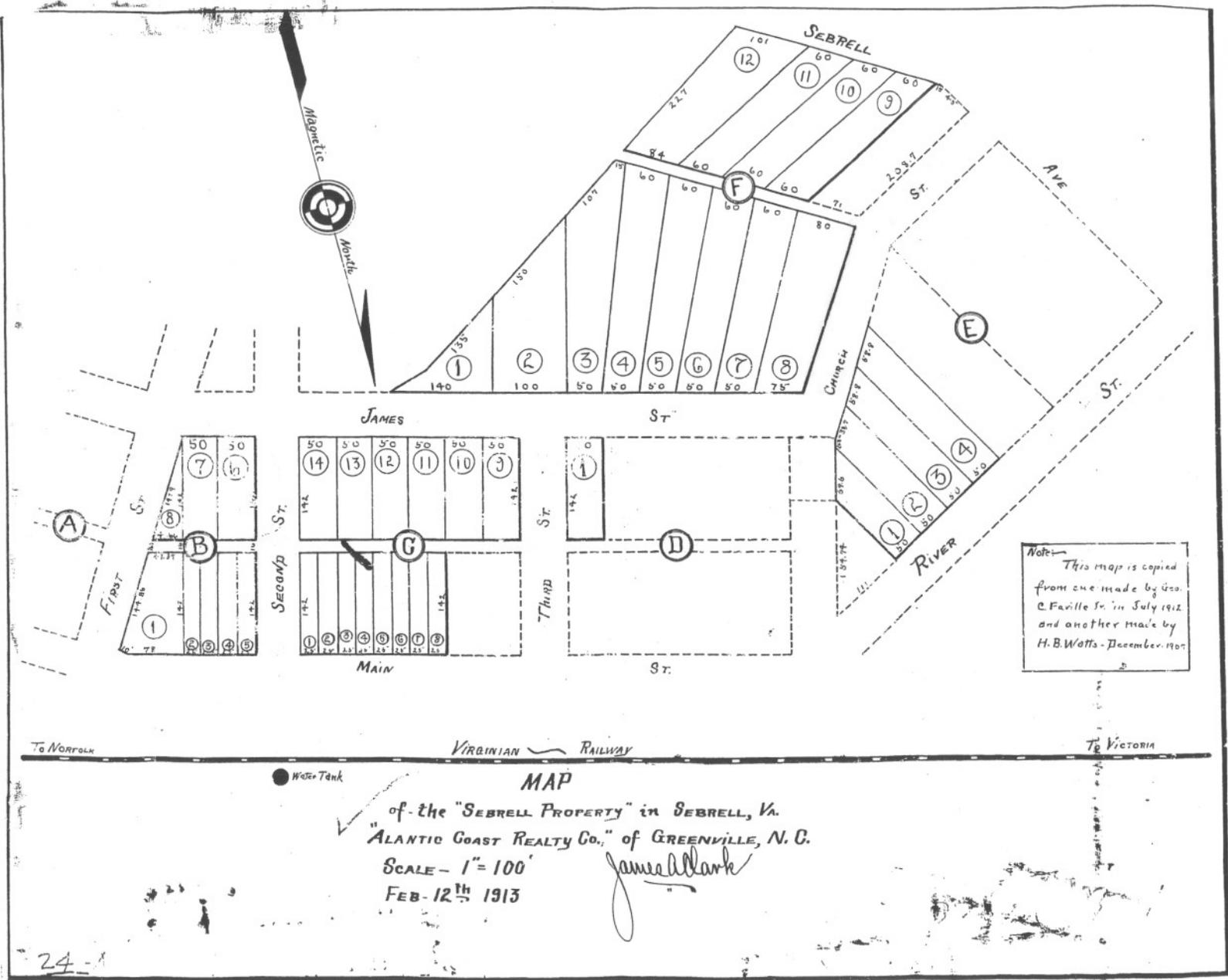
Sebrell



SCALE 1 : 86,141







Note - This map is copied from one made by Geo. C. Fawcett Sr. in July 1912 and another made by H. B. Watts - December 1905.

To NORFOLK

VIRGINIAN RAILWAY

To VICTORIA

Water Tank

MAP

of the "SEBRELL PROPERTY" in SEBRELL, Va.
 ATLANTIC COAST REALTY CO., of GREENVILLE, N. C.

SCALE - 1" = 100'
 FEB-12th 1913

James Clark