

**ORDINANCE  
CLOSING, VACATING AND DISCONTINUING  
CERTAIN UTILITY EASEMENTS  
WITHIN THE LOCHLYN HILL SUBDIVISION**

**WHEREAS**, the developers of the Lochlyn Hill subdivision (“Developers”) have recorded one or more subdivision plat(s) within the land records of the Charlottesville Circuit Court for the Lochlyn Hill Subdivision (“Subdivision”); and

**WHEREAS**, within the various plat(s) the Developers have created certain public rights of way and easements for public utilities, and have dedicated the areas of land within those easements for public use (“Subject Rights-of-Way”), but the Developers have also attempted to vacate certain of those easements by recordation, or re-recordation, of the plat(s); and

**WHEREAS**, once the Developers began selling lots within the Subdivision, the City of Charlottesville’s right, title and interest in and to utility easements created by recordation of subdivision plat(s), and the boundary(ies) of those easements, may be extinguished or altered only in accordance with the provisions of Virginia Code §15.2-2265 and §15.2-2272; and

**WHEREAS**, the Developers have made application to the City Council, requesting Council to vacate or relocate certain easements the Subdivision and to vacate a portion of right-of-way previously dedicated to the City for Lochlyn Hill Drive; and,

**WHEREAS**, landowners who own property adjacent to the Subject Rights-of-Way have been duly notified of the Petition, in accordance with Virginia Code §15.2-2272, and within each of the subdivision plats recorded by the Developers, the Developers, by notes on such plats, reserved the right to vacate or revise any easement depicted on the plats, and by such notes the lot owners purchasing from the Developers have also been put on notice that the easements may be vacated or revised; and,

**WHEREAS**, following notice to the public given in accordance with Virginia Code §15.2-2272 and 15.2-2204, and a public hearing by the City Council was held on July 20, 2020; and,

**WHEREAS**, this Council finds and determines that the Developer’s application should be conditionally granted;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia as follows:

- (1) Within the Subdivision Plat titled “SUBDIVISION PLAT LOCHLYN HILL, PHASE II AND FUTURE PHASE III, BEING A BOUNDARY LINE ADJUSTMENT OF TMP48A-39 AND 48A-40 AND VACATING A PORTION OF AN EXISTING CITY 20’ SANITARY EASEMENT AND A STORMWATER MAINTENANCE AND ACCESS EASEMENT AS SHOWN HEREON CITY OF CHARLOTTESVILLE, VIRGINIA DECEMBER 20, 2015, MARCH 16, 2016 (REVISED) JULY 6, 2016 (REVISED) AUGUST 31, 2016 (REVISED)”, recorded within the land records of the Charlottesville**

**Circuit Court as Instrument Number 2016-00003811, City Council hereby vacates the following easements:**

**Sheet 3 of 22:** “Portion of Ex. Stormwater Maintenance and Access Easement Instrument #201400921 (City) (HEREBY VACATED)” **and** “Portion of Ex. City 20’ Sanitary Sewer Easement D.B. 773, Pg. 503, 509 (PLAT)(HEREBY VACATED)”;

**Sheet 4 of 22:** “Portion of Ex. Stormwater Maintenance and Access Easement Instrument #201400921 (CITY) (HEREBY VACATED)”;

- (2) **And within the Subdivision Plat titled “PLAT SHOWING REVISED 20’ SANITARY SEWER EASEMENTS AND NEW 20’ STORM DRAINAGE EASEMENTS AND EXISTING STORM DRAINAGE EASEMENTS TO BE VACATED ACROSS LOCHLYN HILL, PHASE II, CITY OF CHARLOTTESVILLE, VIRGINIA, FEBRUARY 1, 2019, JUNE 21, 2019 (REVISED), NOVEMBER 6, 2019 (REVISED)” recorded within the land records of the Charlottesville Circuit Court as Instrument Number 2019-00004144, City Council hereby vacates the following easements:**

**Sheet 3 of 13:** Drainage Easements (or portions thereof) labeled as “A” on Sheet 3 of 13 on the above-referenced Plat, such easements having been dedicated to the public on the 2016 subdivision plat recorded as Instrument 2016-00003811; **and** Drainage Easements (or portions thereof) labeled as “D” on Sheet 3 of 13 on the above-referenced Plat, such easements having been dedicated to the public on the 2016 subdivision plat recorded as Instrument 2016-00003811;

- (3) **And within the Subdivision Plat titled “LOCHLYN HILL, PHASE III, CITY OF CHARLOTTESVILLE, VIRGINIA JANUARY 11, 2019, APRIL 19, 2019 (REVISED), JUNE 3, 2019 (REVISED)” recorded within the land records of the Charlottesville Circuit Court as Instrument Number 2019-00002201, City Council hereby vacates the following easements:**

**Sheet 4 of 14:** Drainage Easements (or portions thereof) labeled as “A, B, C, and D” on Sheet 4 of 13 on the above-referenced Plat; **and** a Waterline Easement (or portion thereof) labeled as “G” on Sheet 4 of 13 of the above-referenced Plat; **and** a Sanitary Sewer Easement (or portion thereof) labeled as “H” on the above-referenced Plat, such easements having been dedicated to the public on the 2016 subdivision plat recorded as Instrument 2016-00003811;

- (4) **And within a plat titled “Survey Showing Lots 61-A and 61-B being a division of Lot 61 and Lots 90-A, 90-B, 90-C, being a division of Lot 90 (Revised) and Lots 91 (Revised) through Lot 99 (Revised) being a boundary line adjustment of Lots 91 through 99 and New Access Easement across Lot 61-A Lochlyn Hill, Phase III,” prepared by Kirk Hughes and Associates and dated February 10, 2020, recorded within the land records of the Charlottesville Circuit Court as Exhibit A to Instrument Number 2020-00001078, City Council hereby vacates the following easement:**

**Sheet 4 of 6 (titled “Plat Showing Lochlyn Hill, Phase III, Public Drainage Easement to be Vacated”:** the existing drainage easement (or portions thereof) depicted as a cross-hatched

area and labeled “Portion of Ex. D/E to be Vacated”

- (5) **And with respect to a PROPOSED plat titled “Boundary line adjustment, Lots 101-107 and Lochlyn Hill Drive, Lochlyn Hill, Phase III, as shown hereon” prepared by Kirk Hughes and Associates and dated February 10, 2020 (not yet recorded within the land records of the Charlottesville Circuit Court, but attached to Council’s agenda materials for July 20, 2020), City Council hereby agrees to and approves a vacation of the following portions of the public right-of-way for Lochlyn Hill Drive and City Council further authorizes the City’s Subdivision Agent to execute a final boundary line adjustment plat having the same details and information as set forth within the aforementioned PROPOSED plat:**

**Sheet 2 of 3:** portions of the variable width right-of-way for Lochlyn Hill Drive adjacent to Lots 101-107, more specifically, those portions labeled (A), (B), (C), (D), (E), (F) and (G) on said plat, each labeled portion having the area stated within the tables provided on Sheet 3 of 3 of said boundary line adjustment plat.

**PROVIDED, HOWEVER,** that this Ordinance shall not be or become effective until (i) a period of 30 calendar days from July 20, 2020 has expired, and no appeal has been taken by any person from Council’s adoption of this Ordinance pursuant to Virginia Code §15.2-2272(2), and (ii) a certified copy of this Ordinance is recorded in the land records of the Circuit Court for the City of Charlottesville, along with a Deed of Vacation approved as to form by the City Attorney. In the event that this Ordinance and the related Deed of Vacation have not been recorded in the City’s land records within one (1) year after the date of approval of this Ordinance by City Council, then this Ordinance shall be void.

**AND BE IT FURTHER ORDAINED BY CITY COUNCIL THAT** the requirement within City Code Section 2-97 (for a two readings of an ordinance) is hereby **WAIVED** by a four-fifths vote and this Ordinance shall be effective upon its adoption by Council without any requirement for a second reading.