



THE COMMON COUNCIL

Rouss City Hall
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Winchester, VA 22601
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I, Kerri A. Mellott, Deputy Clerk of the Common Council, hereby certify on this 15 day of March 2023 that the following Ordinance is a true and exact copy of one and the same adopted by the Common Council of the City of Winchester, assembled in regular session on the 14 day of March 2023.

AN ORDINANCE TO VACATE AND CONVEY A 0.28 ACRE PORTION OF AN UNNAMED RIGHT-OF-WAY ADJACENT TO 140, 144 AND 222 WEEMS LANE AND A 0.22 ACRE PORTION OF WILSON BOULEVARD ADJACENT TO 128 WEEMS LANE

ROW-22-952

WHEREAS, the Common Council has received a request from Two Rivers Realty Partners, LLC, to vacate and convey to it or its assigns a 0.28-acre portion of the unnamed roadway situated adjacent to unimproved property known as 140 and 144 Weems Lane, and a portion of Wilson Boulevard adjacent to 128 Weems Lane, all as depicted on Exhibit 1 hereto attached in association with the purchase of the surrounding property for the construction of a Planned Unit Development; and,

WHEREAS, the City is empowered to vacate rights of way in the City and convey them to certain adjoining property owners as a condition of vacation pursuant to and in conformance with the provisions of Virginia Code Section §15.2-2006 and §15.2-2008 et. seq., respectively, as amended; and,

WHEREAS, the Planning Commission of the City of Winchester has reviewed the aforesaid request and, at its meeting of January 17, 2023, forwarded the request recommending approval; and,

WHEREAS, a synopsis of this Ordinance has been duly advertised and a Public Hearing has been conducted by the Common Council of the City of Winchester, Virginia, and viewers were appointed to report on the inconvenience, if any, of said vacation, all as required by and provided for under the Code of Virginia, 1950, as amended; and,

WHEREAS, the viewers have prepared a report in writing, said report concluding that an inconvenience would not result from vacating the portions of public right-of-way, provided that necessary easements to the City are established; and,

WHEREAS, the purchaser of 128 or its assigns, which adjoins a portion of Wilson Boulevard requested to be vacated, and 140, 144 and 222 Weems Lane, which adjoin portions of the unnamed roadway requested to be vacated, would assemble the acreage into a consolidated parcel; and,

WHEREAS, the purchaser is negotiating a Memorandum of Understanding with Headless Horseman Properties, LLC, the owner of 136 Weems Lane which abuts the west side of the Wilson Boulevard proposed vacation who might otherwise be interested in acquiring a portion of that vacated right of way to ensure access over the vacated right of way for connection to Weems Lane; and,

WHEREAS, there are no other adjoining property owners for consideration of the vacated unnamed right of way or Wilson Boulevard right of way; and,

WHEREAS, the Common Council has agreed to convey the vacated portions of the unnamed roadway and Wilson Boulevard to Two Rivers Realty Partners, LLC or its assigns for the sum of Five Dollars and Forty Seven Cents per square foot (\$5.47/sq.ft.) for ROW Vacation Area #1 and Three Dollars and Seventy Five Cents per square foot (\$3.75/sq.ft.) for ROW Vacation Area #2

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Winchester, Virginia, that

1.The portion of unnamed roadway depicted on the plat attached hereto and incorporated herein on Exhibit 1 as ROW Vacation Area #1 and the portion of Wilson Boulevard depicted on the plat attached hereto and incorporated herein on Exhibit 1 as ROW Vacation Area #2 shall be vacated and conveyed to Two Rivers Realty Partners, LLC, or its assigns (the purchaser of 128, 140, 144 and 222 Weems Lane), for the sum of Five Dollars and Forty Seven Cents per square foot (\$5.47/sq.ft.) for ROW Vacation Area #1 and Three Dollars and Seventy Five Cents per square foot (\$3.75/sq.ft.) for ROW Vacation Area #2 upon the completion of the below requirements and conditions.

2.This ordinance shall not take effect until such time as Two Rivers Realty Partners, LLC or its assigns has fully executed a Memorandum of Understanding with Headless Horseman Properties, LLC, the owner of 136 Weems Lane that ensures access over the vacated right of way for connection to Weems Lane.

3.This ordinance shall not take effect until such time as Two Rivers Realty Partners, LLC or its assigns has paid the purchase price to the City and secured City approval of an approved Minor Subdivision plat depicting the necessary easements and the required assemblage of the vacated areas in with certain adjoining real estate.

4.The City Manager and City Attorney are authorized and hereby directed to take all actions reasonable and necessary, including, without limitation, the execution of documents, to effectuate the purpose of this Ordinance.

Ordinance No. O-2022-45

ADOPTED by the Common Council of the City of Winchester on this 14 day of March 2023.

Witness my hand and the seal of the City of Winchester, Virginia.



A handwritten signature in black ink that reads "Kerri A. Mellott".

Kerri A. Mellott
Deputy Clerk of the Common Council