



July 14, 2020 draft
Regular Meeting
Ordinance No. 20-__

MOTION:

SECOND:

RE: Authorizing the Vacation and Quit-Claim of 1.52 Acres of Right-of-Way to JFH-Fredericksburg II, LLC, for the Cowan Station Development

ACTION: APPROVED; Ayes: 0; Nays: 0

FIRST READ: _____ **SECOND READ:** _____

IT IS HEREBY ORDAINED by the Fredericksburg City Council:

SEC. I. Background and introduction.

The City has received an application from JFH-Fredericksburg II, LLC to vacate 1.52 acres of built and unbuilt right of way, constituting portions of Spotsylvania Avenue and Dandridge Street, for the development of the Cowan Station professional office park. The purpose of the request is to convert the right of way to buildable land, as shown on the exhibit entitled "Rezoning Exhibit," by Fairbanks & Franklin, dated August 12, 2019 and last revised on June 18, 2020, sheet 3 of 5 of the General Development Plan for Cowan Station. JFH-Fredericksburg II, LLC proposes to dedicate new right of way of 0.67 acres for the relocation of Spotsylvania Avenue through the Cowan Station development, to connect with U.S. Route 1, as shown on the Rezoning Exhibit.

The Planning Commission reviewed this vacation for consistency with the Comprehensive Plan pursuant to Virginia Code § 15.2-2232, and adopted a resolution finding the vacation to be consistent with the 2015 Comprehensive Plan on June 17, 2020. Pursuant to City Code § 66-42, the City held a public hearing on July 14, 2020 to consider the applicants' request for this right of way vacation.

When an applicant requests a vacation of right of way to accommodate expansion or development of an existing or proposed business, Code of Virginia §15.2-2006 and City Code §66-42 permit City Council to condition the vacation of right of way upon commencement of the expansion or development within a specified period of time. Code of Virginia §15.2-2008 and City Code §66-42 permit the vacation to be conditioned upon payment of an agreed price for the value of the vacated right of way.

The vacation of a portion of the built and unbuilt right of way, with the conditions described in this ordinance, is in the public interest.

SEC. II. Vacation of Right of Way.

Council hereby authorizes the Development Administrator to approve a plat of resubdivision, vacating 1.52 acres of built and unbuilt right of way and dedicating approximately 0.67 acres of right of way for a relocated Spotsylvania Avenue, substantially as shown on the Rezoning Exhibit, subject to modification for final engineering and design.

SEC. III. Conditions.

The following conditions shall be met as conditions to approval of the plat of resubdivision or execution of deeds vacating the right of way:

1. JFH-Fredericksburg II, LLC shall pay \$228,287.92 to the City as the price for the value of the net vacated right of way.
2. The plat of resubdivision shall be recorded within 2 months of the completion of the re-alignment of the Spotsylvania Avenue, with a certified copy of this ordinance.

SEC. IV. Authorization to execute documents.

The City Manager is hereby authorized and directed to execute a quit claim deed conveying and releasing to JFH-Fredericksburg II, LLC the right, title and interest that the City may possess in and to the 1.52 acres of right of way shown on the Rezoning Exhibit, in connection with the approval of the plat of resubdivision, subject to the conditions identified in this ordinance, and review and approval as to form by the City Attorney.

SEC. V. Effective date; expiration of authority.

This ordinance is effective immediately. The authority granted in this ordinance shall expire on _____.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Approved as to form:

Kathleen Dooley, City Attorney

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 20- duly adopted at a meeting of the City Council meeting held Date, 2020 at which a quorum was present and voted.

Tonya B. Lacey, MMC
Clerk of Council