MONTGOMERY COUNTY DEPARTMENT OF
PLANNING & GIS SERVICES

755 ROANOKE STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

MEMORANDUM

TO: Board of Supervisors
FROM: Planning Staff
DATE: September 3, 2014
RE: Vacation of 15' Public Utility Easement

The County has received a request from David & Edith Anne Duncan (Agent: Neil Martin, Anderson & Associates) to vacate a fifteen (15) foot public utility easement measuring approximately 181 feet in length located on property identified as Tax Parcels 55-10-411 and 55-10-412. (See plat). A certification statement from Mr. Neil Martin, Land Surveyor indicates there are no known utilities within the existing easement (see attached). The public utility easement was dedicated by plat recorded in plat book 5 page 19, slide 130 in the Montgomery County Circuit Court Clerk's Office.

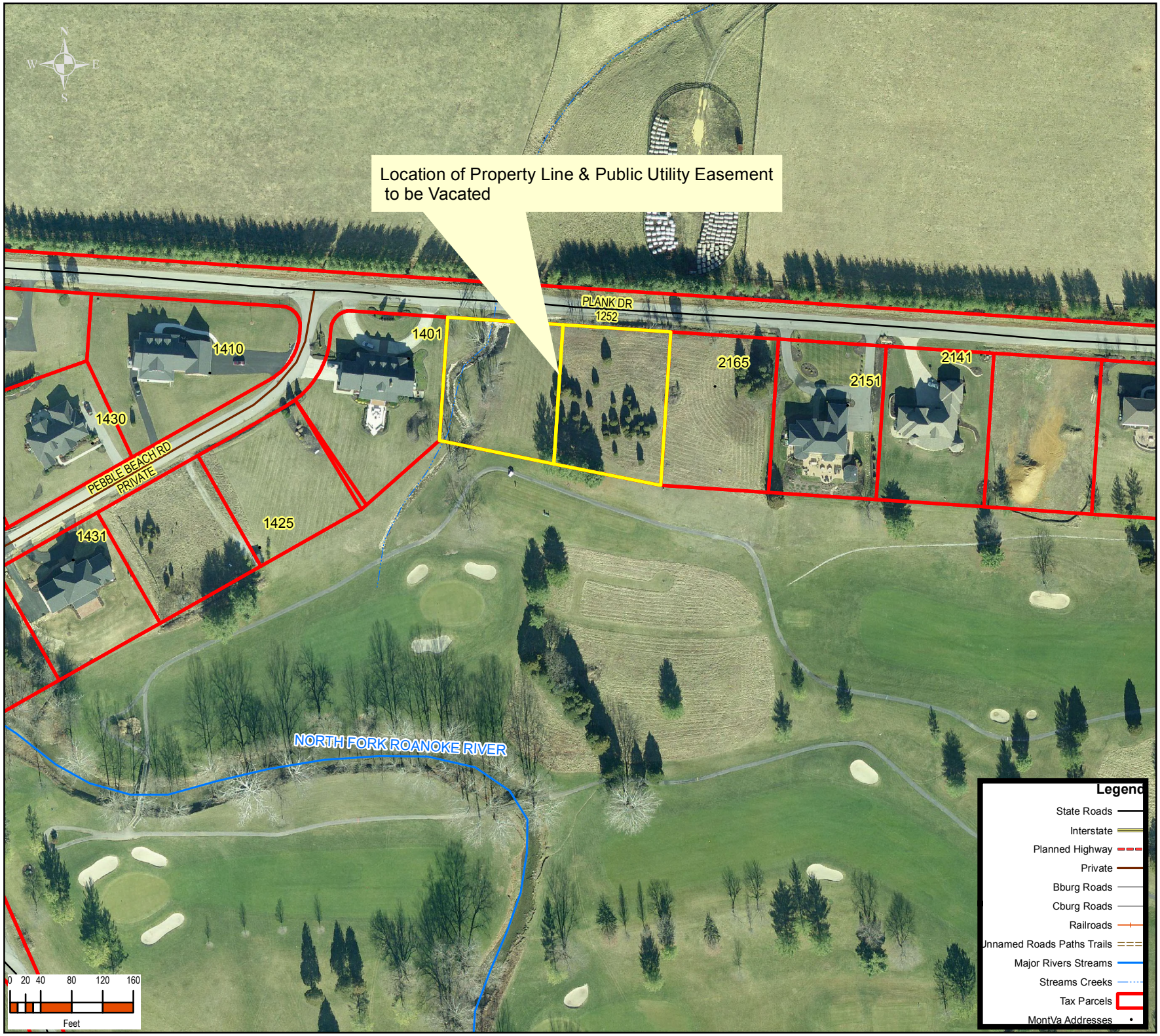
Section 15.2-2272 of the Code of Virginia, as amended, authorizes the Board of Supervisors to vacate a lot line and a public utility easement by Ordinance.

Pursuant to the provisions of Section 15.2-2204 & 15.2-2272(2) of the Code of Virginia of 1950, as amended, notice was given of a public hearing to be held on September 8, 2014 at 7:30 p.m. in order to hear citizen comments on the Board of Supervisors intent to act on the aforementioned ordinance.

Attachments:
- Aerial Map
- Preliminary plat, prepared by Anderson & Associates, dated July 22,2014
- Certification Letter prepared by Neil Martin, dated July 22, 2014

David P. & Edith Anne Duncan

Property Line & Public Utility Easement Vacation



Montgomery County, Virginia
DISCLAIMER

INFORMATION SHOWN ARE TO BE USED FOR REFERENCE PURPOSES ONLY. THE MONTGOMERY COUNTY BOARD OF SUPERVISORS NOR PLANNING AND GIS SERVICES ARE NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN. NO RESPONSIBILITY IS ASSUMED FOR DAMAGES OR OTHER LIABILITIES.

THE INFORMATION SHOWN HEREON IS TO BE USED FOR REFERENCE PURPOSES ONLY AND IS NOT TO BE CONSTRUED OR USED AS A LEGAL OR OFFICIAL DETERMINATION OF OFFICIAL COUNTY, STATE, AND FEDERAL RECORDS. DATA IS BELIEVED TO BE ACCURATE, BUT IS NOT GUARANTEED.

IN NO EVENT SHALL MONTGOMERY CO. BE LIABLE FOR ANY DAMAGES THAT MIGHT ARISE FROM THE USE OR ANY INFORMATION SHOWN.

EXACT LOCATION OF ANY FLOOD ZONE TO BE CERTIFIED BY LICENSED LAND SURVEYOR, ENGINEER, OR ARCHITECT.

CONTOURS SHOWN ARE FOR VISUAL REFERENCE. TO AVOID THE RISK OF MISINTERPRETATION, INVALID RESULTS, AND ERRONEOUS CONCLUSIONS, ORIGINAL LIDAR GENERATED CONTOUR DATA SHOULD BE USED FOR LAND DEVELOPMENT, SURVEY AND ENGINEERING PURPOSES.

Prepared by Montgomery County, Va Planning & GIS Services,9/3/2014

RECORD
N
P.B. 17, PG. 32

AREA TABLE		
PARCEL	BEFORE VACATION	AFTER VACATION
TAX MAP 55(10)411	0.587 ACRES	1.199 ACRES
TAX MAP 55(10)412	0.612 ACRES	--

30 15 0 30 60 90
SCALE IN FEET

OWNER'S CONSENT

THIS IS TO CERTIFY THAT THE REAL ESTATE EMBRACED WITHIN THIS PLAT OF BOUNDARY LINE VACATION IS OWNED BY US AND THAT THE BOUNDARY CHANGE AS SHOWN HEREON IS WITH OUR FREE CONSENT AND IN ACCORDANCE WITH OUR DESIRES.

DAVID P. DUNCAN DATE

EDITH ANNE P. DUNCAN DATE

NOTARY'S CERTIFICATE

STATE OF _____

COUNTY OF_____TO WIT:

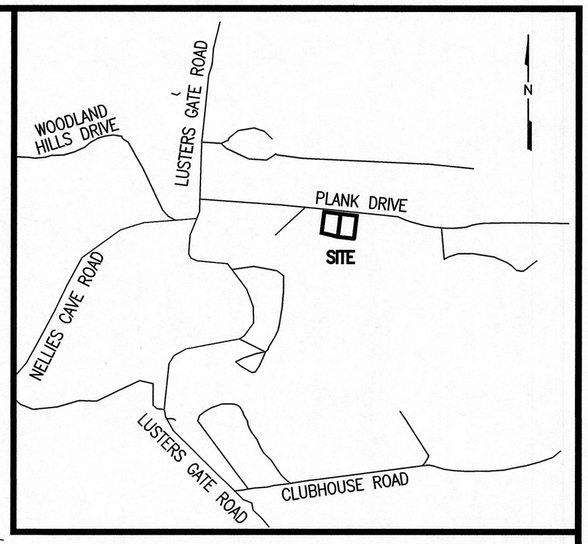
I,_____, A NOTARY PUBLIC IN AND FOR THE STATE AND COUNTY AFORESAID DO HEREBY CERTIFY THAT DAVID P. DUNCAN AND EDITH ANNE P. DUNCAN WHOSE NAMES ARE SIGNED TO THE FOREGOING WRITING

BEARING DATE OF_____
HAVE PERSONALLY APPEARED BEFORE ME AND ACKNOWLEDGED THE SAME. GIVEN UNDER MY HAND AND SEAL ON

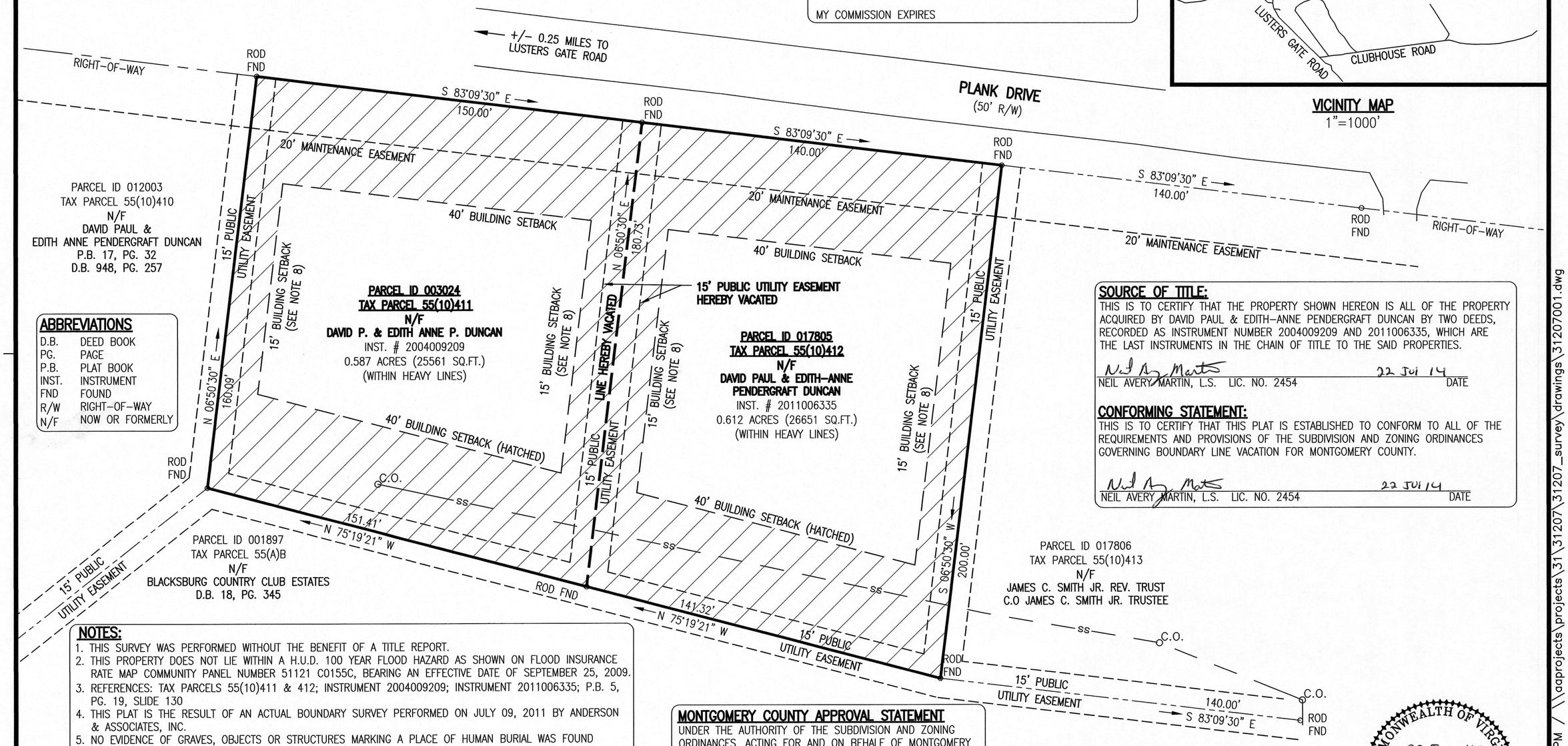
THIS_____DAY OF_____

NOTARY PUBLIC

MY COMMISSION EXPIRES



VICINITY MAP
1"=1000'



ABBREVIATIONS

D.B.	DEED BOOK
PG.	PAGE
P.B.	PLAT BOOK
INST.	INSTRUMENT
FND	FOUND
R/W	RIGHT-OF-WAY
N/F	NOW OR FORMERLY

SOURCE OF TITLE:

THIS IS TO CERTIFY THAT THE PROPERTY SHOWN HEREON IS ALL OF THE PROPERTY ACQUIRED BY DAVID PAUL & EDITH-ANNE PENDERGRAFT DUNCAN BY TWO DEEDS, RECORDED AS INSTRUMENT NUMBER 2004009209 AND 2011006335, WHICH ARE THE LAST INSTRUMENTS IN THE CHAIN OF TITLE TO THE SAID PROPERTIES.

NEIL AVERY MARTIN, L.S. LIC. NO. 2454 22 JUL 14 DATE

CONFORMING STATEMENT:

THIS IS TO CERTIFY THAT THIS PLAT IS ESTABLISHED TO CONFORM TO ALL OF THE REQUIREMENTS AND PROVISIONS OF THE SUBDIVISION AND ZONING ORDINANCES GOVERNING BOUNDARY LINE VACATION FOR MONTGOMERY COUNTY.

NEIL AVERY MARTIN, L.S. LIC. NO. 2454 22 JUL 14 DATE

NOTES:

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT.
2. THIS PROPERTY DOES NOT LIE WITHIN A H.U.D. 100 YEAR FLOOD HAZARD AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 51121 C0155C, BEARING AN EFFECTIVE DATE OF SEPTEMBER 25, 2009.
3. REFERENCES: TAX PARCELS 55(10)411 & 412; INSTRUMENT 2004009209; INSTRUMENT 2011006335; P.B. 5, PG. 19, SLIDE 130
4. THIS PLAT IS THE RESULT OF AN ACTUAL BOUNDARY SURVEY PERFORMED ON JULY 09, 2011 BY ANDERSON & ASSOCIATES, INC.
5. NO EVIDENCE OF GRAVES, OBJECTS OR STRUCTURES MARKING A PLACE OF HUMAN BURIAL WAS FOUND DURING TIME OF SURVEY.
6. 5/8" IRON RODS SET AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.
8. ZONED AS MONTGOMERY COUNTY, R-1 (RESIDENTIAL) – SETBACKS SHOWN HEREON. ADDITIONALLY, BLACKSBURG COUNTRY CLUB, INC. RESTRICTIONS FOR RESIDENTIAL DEVELOPMENT, AS RECORDED IN D.B. 292, PG. 202, ITEM NUMBER 5 STATES SETBACK REQUIREMENTS OF: 35' FRONT, 25' SIDE, 25' REAR.
9. OWNER ADDRESS: 1401 PEBBLE BEACH ROAD
   BLACKSBURG, VA 24060
10. MISS UTILITY WAS CALLED TO MARK THE PROPERTY. THERE WERE NO UTILITIES IN THE AREA OF THE PROPOSED EASEMENT VACATION.

MONTGOMERY COUNTY APPROVAL STATEMENT

UNDER THE AUTHORITY OF THE SUBDIVISION AND ZONING ORDINANCES, ACTING FOR AND ON BEHALF OF MONTGOMERY COUNTY, VIRGINIA THIS BOUNDARY LINE VACATION IS HEREBY APPROVED FOR RECORDATION AS A BOUNDARY LINE VACATION.

MONTGOMERY COUNTY SUBDIVISION AGENT DATE

CHAIR, BOARD OF SUPERVISORS DATE

BOUNDARY LINE VACATION
FOR
TAX PARCELS
55(10)411 & 412
LOCATED IN

COMMONWEALTH OF VIRGINIA
22 JUL 14
NEIL AVERY MARTIN
Lic. No. 2454
LAND SURVEYOR

ANDERSON & ASSOCIATES, INC.
Professional Design Services
www.andassoc.com
100 Ardmore St.
Blacksburg, Va. 24060
540-552-5592

DATE : 22 JUL 14
DESIGNED: —
DRAWN : JRC
CHECKED :
QA / QC : NAM

REVISIONS:

MOUNT TABOR MAGISTERIAL DISTRICT
MONTGOMERY COUNTY, VIRGINIA

DOCUMENT NO. 31207001
SHEET 1 OF 1

Lewis, Justin / 7/22/2014 2:48 PM / \\aaprojects\projects\31\31207\31207_survey\drawings\31207001.dwg

Anderson & Associates, Inc.

Professional Design

July 22, 2014

On behalf of Anderson & Associates, Inc., I Neil A. Martin, a Licensed Land Surveyor in the State of Virginia, do herby certify that an inspection of the fifteen foot public utility easement that runs along the common boundary line between lots 411 & 412 of "Blacksburg Country Club Estates, Section II" subdivision, was performed by myself and that in my professional opinion, there is no visible evidence of any utilities along the public utility easement that is proposed to be vacated.

"Blacksburg Country Club Estates, Section II" subdivision plat showing these two lots is recorded in Plat Book 5 at page 19 in the clerk's office of the Circuit Court of Montgomery County, Virginia. A plat prepared by Anderson & Associates entitled "BOUNDARY LINE VACATION FOR TAX PARCELS 55(10)411 & 412" dated 22 July 2013 shows the vacation of the of the existing boundary line between lots 411 and 412 and the accompanying fifteen foot public utility easement to be vacated. This plat is to be recorded upon approval of the county subdivision agent and by a resolution by the Board of Supervisors of Montgomery County, Virginia approving vacation of the property line and the accompanying fifteen foot public utility easement.

COMMONWEALTH OF VIRGINIA
22 JULY 14
NEIL AVERY MARTIN
Lic. No. 2454
LAND SURVEYOR

Sincerely,
ANDERSON & ASSOCIATES, INC.

Neil Avery Martin, LS
Vice President of Survey
License No. 2454

An Employee-Owned Company
100 Ardmore Street, Blacksburg, VA 24060 (540) 552-5592 (540) 552-5729 fax www.andassoc.com
Blacksburg, Virginia • Greensboro, North Carolina

ORD-FY-15-
AN ORDINANCE VACATING A LOT LINE AND PUBLIC UTILITY EASEMENT BETWEEN LOTS 411 AND 412 LOCATED IN THE BLACKSBURG COUNTRY CLUB ESTATES, SECTION II, SUBDIVISION RECORDED IN PLAT BOOK 5, PAGE 19 IN THE MONTGOMERY COUNTY CIRCUIT COURT CLERK'S OFFICE DAVID P. AND EDITH ANNE P. DUNCAN

WHEREAS, David P. and Edith A. Duncan have requested the Montgomery County Board of Supervisors to vacate a lot line and a public utility easement between lots 411 and 412 located in Section II of the Blacksburg Country Club Estates subdivision recorded in plat book 5, page 19 in the Montgomery County Circuit Court Clerk's office, as shown more particularly on the Plat entitled "Boundary Line Vacation for Tax Parcels 55(10)411 & 412 located in Mount Tabor Magisterial District Montgomery County, Virginia", dated 22 July 2014; and

WHEREAS, Section 15.2-2272 of the Code of Virginia, as amended, provides that the Board of Supervisors may vacate a portion of a plat after sale of a lot by Ordinance.

NOW THEREFORE, BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors in accordance with Section 15.2-2272 of the Code of Virginia, as amended, hereby authorizes the vacation of a lot line and a public utility easement between lots 411 and 412 located in Section II of the Blacksburg Country Club Estates subdivision recorded in plat book 5, page 19 in the Montgomery County Circuit Court Clerk's office, as shown more particularly on the Plat entitled "Boundary Line Vacation for Tax Parcels 55(10)411 & 412 located in Mount Tabor Magisterial District Montgomery County, Virginia", dated 22 July 2014.

BE IT FURTHER ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby authorizes the Chair to sign the respective plat for recordation.

This Ordinance shall take effect upon adoption.