

Kent Avenue Right of Way Amendment

January 23, 2018



Background

- A portion of Kent Avenue in Argyle Heights has been dedicated as public right of way, but unimproved and not in the state system for maintenance
- The Board authorized execution of a Right of Way Agreement to the owners of Parcels 58A-1-51 and 58A-1-53 in 2006
- The owners were responsible for constructing and maintaining a driveway access along the public right of way
- Provisions in the Agreement allowed the County to terminate the Agreement in the event the access road wasn't maintained adequately
- The owners are requesting relief from the termination provision as it is hampering their ability to secure financing
- Upon review, County staff recommends additional language specifying the general public's continued access to the ROW

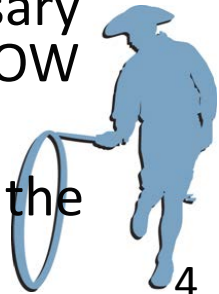


Location Map



Amended Agreement Provisions

- Staff has drafted an amended Agreement to address the concerns
 - The language allowing either party to rescind the Agreement is removed, unless the ROW is abandoned
 - Added language to clearly specify the rights of the general public to access the ROW
- A public hearing would be required pursuant to Virginia Code § 15.2-1800 (B) prior to authorizing this amendment
- Execution of the Agreement will allow the owners of the adjacent property to obtain a loan
- If approved, the Resolution also deems the right of way as no longer necessary for public use
- Staff will post a notice for 30 days, and seek public comment
- If the abandonment is contested, a public hearing may be necessary prior to the Board's decision on the ultimate disposition of the ROW
- Staff recommends approval of R18-11, authorizing the County Administrator to execute the amended Agreement and deeming the ROW as no longer necessary for public use



Questions?

