



VACATION OF STREETS AND ALLEYS and OTHER TOWN RIGHTS-OF-WAYS APPLICATION

APPLICANT INFORMATION

(please print)

Name _____

Mailing Address _____

Phone # _____ E-mail _____

VACATION INFORMATION

Description (please select all that apply)

☐ Street/Portion of Street

☐ Alley/Portion of Alley

☐ Other (please specify) _____

Location _____

Reason for request _____

☐ Current Plat Attached Showing Property to be Vacated

Applicant's Signature _____ Date _____

Completed application shall be returned by mail or delivery to:

Planning and Zoning Office, Town Hall, 102 E. Main Street, P.O. Box 1560, Front Royal, VA 22630

Additional Information: Planning and Zoning (540)635-8007, Monday-Friday, 8:00am – 4:30m

TOWN OF FRONT ROYAL POLICY

VACATION OF PUBLIC RIGHTS-OF-WAYS

The Town's public rights-of-way are subject to local control and the jurisdiction of Council pursuant to §15.2-2000 Code of Virginia. Pursuant to §15.2-2001 Code of Virginia, Council's power and authority over the Town's public rights-of-way and other public places shall be the same, regardless of whether the public right-of-way has been expressly or impliedly dedicated to public use, has been conveyed to the Town by deed, or has been acquired by any other means.

All real property owned in whole or in part by the Town of Front Royal ("Town") shall be under the general control and supervision of the Town Council ("Council"). Council may sell, lease, hold, manage, and control such property as its interests may require pursuant to Town Charter Chapter §1.1, §15.2-1800 Code of Virginia and Town Code 4-34.

PROCEDURE FOR ALTERATION OR VACATION OF RIGHTS-OF-WAY

The Town's public rights-of-ways may be altered or vacated on motion of Town Council, or on application of any person through an application process outlined below:

1. Application. The applicant completes an application accompanied by a current plat of the proposed vacation to the Planning Director or designee. Applications are available on the Town's website or in the Planning/Zoning Office located in Town Hall, 102 E. Main Street.
2. Research. Upon receipt of the completed application, the Planning Department will research the request to determine how the Town acquired the right-of-way. The research shall not take longer than thirty (30) calendar days unless a title exam is needed as determined by the Planning Director, in which case a reasonable additional time will be allowed. Any required examination of title is at the applicant's expense.
3. Staff Comments/Concerns. While the research is being conducted the Planning Director or designee shall notify the departments of Public Works and Energy Services of the proposed requested vacation. The departments, including the Planning Director or designee shall prepare written comments and/or concerns regarding the requested alteration or vacation.
4. Vacation of interests granted to the Town as a condition of site plan approval, pursuant to Virginia Code §15.2-2270.
 - A. Vacation of interests granted to the Town as a condition of site plan approval may be vacated, prior to the sale of any lot, according to either of the following methods:
 - i. By an executed and acknowledge written instrument of the owner of the land which has been or is to be developed in accordance with the site plan, declaring the interest to be vacated, provided the Town consents to the vacation.
 - ii. By ordinance of Council in which the subject of approved site plan lies, provided that no interest shall be vacated in an area in which facilities have been constructed pursuant to §15.2-2270 Code of Virginia.
 - B. Vacation of Plat after Sale of Lot. In cases where any lot has been sold, the plat or part thereof may be vacated according to either of the following methods:

- i. By instrument in writing agreeing to the vacation signed by all the owners of lots shown on the plat and signed on behalf of the Town in which the land shown on the plat or part thereof to be vacated lies for the purpose of showing the approval of the vacation.
 - ii. By ordinance of the Council in which the land shown on the plat or part thereof to be vacated lies on motion of one of its members or on application of any interested person. The ordinance shall not be adopted until after notice has been give as required by §15.2-2204. The notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the governing body at which the adoption of the ordinance will be voted upon. Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance.
 - C. Effect of Vacation. The recordation of the instrument shall operate to destroy the force and effect of the recording of the plat or part thereof so vacated, and to vest fee simple title to the to the centerline of any streets, alleys or easement for public passage so vacated in the owners of abutting lots free and clear of any rights of the public or other owners of lots shown on the plat, but subject to the rights of the owners of any public utility installations which have been previously erected therein. If any street, alley or easement for public passage is located on the periphery of the plat, the title for the entire width thereof shall vest in the abutting lot owners. The fee simple title to any portion of the plat so vacated as was set apart for other public use shall be revested in the owners, if any, who signed the statement required by Virginia Code §15.2-2264 free and clear of any rights of public use in the same.
5. Vacation of interests acquired by the Town other than as a condition of site plan approval, pursuant to Virginia Code §15.2-2006
- A. Application is forwarded to the Town Manager's Office for continuation of the vacation of rights-of-way process outlined below.
 - i. Work Session. Town Manager places the application on the next Town Council Work Session for staff to provide Council with an overview of the application.
 - ii. 1st Public Hearing. The Clerk of Council or designee shall advertise a notice of public hearing and shall notify the abutting property owner(s) of the public hearing. The applicant shall reimburse the Town for the costs of the public hearing advertisements and certified letters pursuant to §15.2-2006 Code of Virginia. Following the public hearing, Council may deny the application, may postpone action and appoint three (3) to five (5) viewers to view the public way and report any inconvenience that would result from granting application, or may approve the application and pursue the sale of the property pursuant to §15.2-2008 Code of Virginia. Council may, as a condition to a vacation or abandonment, require the fractional portion of its public rights-of-way and easements to be purchased by any abutting property owner(s). If an applicant requests a vacation to accommodate the expansion or development of an existing or proposed business, the Council may condition the vacation upon the commencement of the expansion or development within a specified period of time. Failing to commence within such time may render the vacation, at the option of Council, void, pursuant to §15.2-2006 Code of Virginia.

- iii. 2nd Public Hearing. If Council conditions the vacation of rights-of-way on the sale of fractional portions of the property to abutting property owners pursuant to §15.2-2008 and §15.2-1800, Council shall hold a second public hearing before approving the vacation and the sale of the property to abutting property owner(s) at a previously negotiated price. Council may hold a closed meeting pursuant to §2.2-3711(A)(3) Code of Virginia to consider the negotiated sale price(s) prior to the 2nd Public Hearing. Pursuant to Virginia Code §15.2-2008, the sale price shall be no greater than the property's fair market value or its contributory value to the abutting property, whichever is greater, or the amount agreed to by the parties. The fair market value shall be determined by the average price per square foot for all abutting properties at their current tax assessed value provided by Commissioner of the Revenue's Office, and the sale price will then be calculated by the total area of land to be purchased. No such vacation shall be concluded until the agreed price has been paid. If any abutting property owner does not pay for such owner's fractional portion within one year, or other time period made a condition of the vacation, then the conditional vacation shall be void.
- iv. Execution/Recording. Upon final approval by Council of a sale of factional portions of the property to abutting property owner(s) pursuant to a conditional vacation ordinance under 5, above, the Town Attorney shall cause a certified copy of the ordinance of vacation to be recorded as deeds are recorded. A conditional vacation shall not be recorded until all of the conditions of the vacation ordinance have been met pursuant to §15.2-2006 Code of Virginia.

This Policy shall be approved by the Town Council initially and amendments made administratively and approved by the Town Manager as state code and internal procedures change.

Council Approval – June 12, 2000

Council Approval – September 28, 2020

Council Approval – October 24, 2022

Town Manager Approved – January 9, 2023

Council Approval – December 8, 2025