

ADOPTED

MAR 11 2025

**Board of Supervisors
James City County, VA**

ORDINANCE NO. 244

AN ORDINANCE TO VACATE A PORTION OF THAT CERTAIN SUBDIVISION PLAT ENTITLED "KINGSPPOINT SECTION 5, KINGSPPOINT CORPORATION, OWNER AND SUBDIVIDER LOCATED IN JAMESTOWN MAGISTERIAL DISTRICT, JAMES CITY COUNTY, VIRGINIA" PREPARED BY R.M. MACKINTOSH, CERTIFIED LAND SURVEYOR, DATED FEBRUARY 9, 1968, AND RECORDED ON FEBRUARY 7, 1969, IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE CITY OF WILLIAMSBURG AND COUNTY OF JAMES CITY IN PLAT BOOK 26, PAGE 27

- WHEREAS, a 50-foot right-of-way adjacent to State Route No. 1213, also known as Overlook Drive, (the "ROW") was dedicated by a plat entitled "KINGSPPOINT SECTION 5, KINGSPPOINT CORPORATION, OWNER AND SUBDIVIDER LOCATED IN JAMESTOWN MAGISTERIAL DISTRICT, JAMES CITY COUNTY, VIRGINIA" recorded in the Clerk's Office for the Circuit Court of the County of James City on February 7, 1969, in Plat Book 26, Page 27 (the "Plat"), with said ROW more particularly depicted as "UNNAMED (50' R/W) 13,519 S.F. 0.310 AC." on the attached Exhibit A titled "RIGHT OF WAY EXHIBIT BETWEEN LOT 27 AND LOT 26 SECTION 5 KINGSPPOINT" prepared by Landtech Resources, Inc. and dated 11/20/24 (the "Exhibit"); and
- WHEREAS, the ROW was never brought into the Virginia Department of Transportation's system of maintenance and was never improved; and
- WHEREAS, the ROW depicted on the Plat is incomplete because it has no terminus and is incorrect because it is not 50 feet wide as shown on the Plat; and
- WHEREAS, the County of James City (the "County") has no surety to improve the ROW, has no intention of improving the ROW, and the ROW is unlikely to ever be accepted for maintenance by the Virginia Department of Transportation because it is not 50 feet wide; and
- WHEREAS, notice that the Board of Supervisors of the County of James City, Virginia, would consider this vacation has been given pursuant to Section 15.2-2272 of the *Code of Virginia*, 1950, as amended (the "Virginia Code"); and
- WHEREAS, pursuant to Section 15.2-2274 of the Virginia Code, the County's interest in the right-of-way is not extinguished unless and until an Ordinance of Vacation is recorded in the Clerk's Office for the Circuit Court of the County of James City (the "Clerk's Office"); and
- WHEREAS, pursuant to Section 15.2-2274 of the Virginia Code, upon recordation of the Ordinance of Vacation fee simple title of the ROW is vested in the owners of abutting lots; and

WHEREAS, notwithstanding the operation of Section 15.2-2274, the Board of Supervisors of James City County, Virginia (the "Board") desired to ensure perpetual access over and across the ROW by granting the adjacent property owners a perpetual easement across the to-be-vacated ROW; and


WHEREAS, at its meeting on March 11, 2025, pursuant to Section 15.2-1800 and following a duly-advertised public hearing, the Board approved granting a perpetual ingress/egress easement for all adjacent property owners and their heirs, successors, assigns, and invitees to use the entirety of the ROW, which easement shall be recorded in the Clerk's Office prior to recordation of the Ordinance of Vacation; and

WHEREAS, pursuant to Section 15.2-2274 of the Virginia Code, the Board of Supervisors held a public hearing and considered the vacation of the ROW and the Board of Supervisors was of the opinion that the vacation would not result in any inconvenience, would not cause any irreparable damage to any owner of a lot shown on the Plat, and is in the interest of public health, safety, and welfare.


NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Board of Supervisors has considered the statements contained in the preceding "WHEREAS" clauses and hereby finds and adopts each as a part of its determination to vacate the right-of-way.
2. The right-of-way depicted as 50-feet-wide and adjacent to State Route No. 1213 shown on the plat entitled "KINGSPPOINT SECTION 5, KINGSPPOINT CORPORATION, OWNER AND SUBDIVIDER LOCATED IN JAMESTOWN MAGISTERIAL DISTRICT, JAMES CITY COUNTY, VIRGINIA" recorded in the Clerk's Office for the Circuit Court of the County of James City on February 7, 1969, in Plat Book 26, Page 27 (the "Plat") and specifically shown as the "UNNAMED (50' R/W) 13,519 S.F. 0.310 AC." on the attached Exhibit A titled "RIGHT OF WAY EXHIBIT BETWEEN LOT 27 AND LOT 26 SECTION 5 KINGSPPOINT" prepared by Landtech Resources, Inc. and dated 11/20/24 (the "Exhibit") is hereby VACATED.
3. That the County Attorney is directed to record this Ordinance among the records in the Clerk's Office for the Circuit Court of the County of James City pursuant to the direction given in Virginia Code Section 15.2-2272, with the following individuals and entities or their successors in interest to be listed as Grantees in the real estate records of the Clerk of the Circuit Court for the County of James City, Virginia:
 - a. FREEMAN KINGSPPOINT, L.L.C., James City County Real Estate Tax Map Parcel No. 4910100006
 - b. Jim GRAVAARD and Kimberly LAVACH, James City County Real Estate Tax Map Parcel No. 4910250026
 - c. Adam C. LEGG and Kirsten M. HUNEYCUTT, James City County Real Estate Tax Map Parcel No. 4910250027

This Ordinance shall be in full force and effect from the date of its adoption.


James O. Icenhour, Jr.
Chair, Board of Supervisors

ATTEST:


Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
HIPPLE	—	—	—	—
NULL	✓	—	—	—
LARSON	✓	—	—	—
MCGLENNON	✓	—	—	—
ICENHOUR	✓	—	—	—

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of
March, 2025.

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