

Board of Supervisors Work Session February 14, 2023

RESUME

APPLICANT: Ethel R. Krenicky, property owner, and Paul E. Vlk

PROPERTY OWNER: Ethel R. Krenicky

REQUEST/SUMMARY: The applicants have requested to have the recorded plat for parcel #510(OA)00-070-0 having 73.436 acres vacated. This plat was a consolidation plat of 5 smaller parcels in order to create one contiguous 70+ acre parcel for a proposed solar energy facility. The solar energy facility proposal was found not in compliance with the County's Comprehensive Plan by the Planning Commission, and was not forwarded to the BOS.

The applicants wish to return the property to the original 5 smaller parcels by vacating the plat.

Included in the packet for the work session review of this request and the process for consideration and approval, are copies of both State and Local regulations governing plat vacations, the applicants' request, and a copy of the recorded plat.

January 9, 2023

S23-01
EnerGov VAC-23-01
Inv. 3441

From
Paul E. Vlk, on behalf of Ethel Krenicky
14110 S. Crater Road
Prince George, VA 23805

To
Prince George County
Board of Supervisors
6602 Courts Drive
Prince George, VA 23875

To whom it may concern,

INSTRUMENT # 2200001939

It is our request to have the Plat #510(OA)00-070-0 having 73.436 acres vacated.

This plat was consolidated in June 2022 from the original 5 smaller parcels in order to request permission to construct a solar farm. Having been denied permission to construct said solar farm, we are requesting permission to vacate this plat in order to return to the previous plat showing the 5 original parcels, in order to pursue future plans of residential development. See 5 original parcels below

#510(OA) 00-070-0
#510(OA) 00-070-A
#510(OA) 00-070-B
#510(OA) 00-070-C
#510(OA) 00-070-D

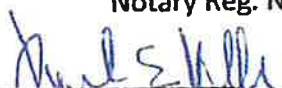
Signed in truth,

This signature was acknowledged before me
By Ethel R Krenicky on this day June 9th, 2023

My commission expires 5/31/2025

Notary Reg. No. 7933761


Ethel R. Krenicky


Paul E. Vlk


Notary Public

KIMBERLY DARNELL CURRY
NOTARY PUBLIC
REG. # 7933761
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES 05/31/2025

§ 15.2-2271. Vacation of plat before sale of lot therein; ordinance of vacation

Where no lot has been sold, the recorded plat, or part thereof, may be vacated according to either of the following methods:

1. With the consent of the governing body, or its authorized agent, of the locality where the land lies, by the owners, proprietors and trustees, if any, who signed the statement required by § 15.2-2264 at any time before the sale of any lot therein, by a written instrument, declaring the plat to be vacated, duly executed, acknowledged or proved and recorded in the same clerk's office wherein the plat to be vacated is recorded and the execution and recordation of such writing shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in, and to reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, easements for public passage and other public areas laid out or described in the plat; or
2. By ordinance of the governing body of the locality in which the property shown on the plat or part thereof to be vacated lies, provided that no facilities for which bonding is required pursuant to §§ 15.2-2241 through 15.2-2245 have been constructed on the property and no facilities have been constructed on any related section of the property located in the subdivision within five years of the date on which the plat was first recorded.

The ordinance shall not be adopted until after notice has been given 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. An appeal from the adoption of the ordinance may be filed within thirty days of the adoption of the ordinance with the circuit court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon appeal the court may nullify the ordinance if it finds that the owner of the property shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the plat is recorded.

The execution and recordation of the ordinance of vacation shall operate to destroy the force and effect of the recording of the plat, or any portion thereof, so vacated, and to divest all public rights in and to the property and reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, and easements for public passage and other public areas laid out or described in the plat.

Code 1950, §§ 15-793, 15-967.16; 1950, p. 722; 1962, c. 407, § 15.1-481; 1964, c. 564; 1987, c. 404; 1997, c. 587.

The chapters of the acts of assembly referenced in the historical citation at the end of this

section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

County Code Sections related to Vacating a Plat:

Sec. 70-802. - Vacation of plat before sale of lot therein; by the owners.

(a) The owners, proprietors and trustees, if any, who signed the statement of consent to subdivide on the final recorded subdivision plat of any subdivision, may apply in writing for the vacation of the recorded plat or part thereof. The agent shall refer the application to the commission, which shall review the application for its consistency with the comprehensive plan. The commission shall forward the application, with its recommendation, to the board for action.

(b) With the consent of the board, the owners, proprietors and trustees shall duly execute, acknowledge and record in the Prince George County Circuit Court Clerk's office a written instrument declaring the plat or part thereof to be vacated. The board's consent shall appear on the face of the instrument, by the signature of the chairman of the board or agent. The effect of recording this instrument shall be to divest all public rights in, and to reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, easements for public passage and other public areas laid out or described in the plat.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-804. - Vacation of plat before sale of lot therein; ordinance of vacation.

(a) The board may adopt an ordinance vacating a recorded plat, or part thereof, where no lot has been sold. The board may refer the ordinance to the commission for a review and recommendation in light of the county's comprehensive plan.

(b) The ordinance shall not be adopted until after notice has been given as required by Code of Virginia, § 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 board 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) An appeal from the adoption of the ordinance may be filed with the Prince George County Circuit Court within 30 days of the adoption of the ordinance. Upon appeal, the court may nullify the ordinance if it finds that the owner of the property shown on the plat will be irreparably damaged.

(d) If no appeal from the adoption of the ordinance is filed within the time above provided, or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the Prince George County Circuit Court Clerk's office.

(e) The execution and recordation of the ordinance of vacation shall operate to destroy the force and effect of the recording of the plat, or any portion thereof, so vacated, and to divest all public rights in and to the property and reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, and easements for public passage and other public areas laid out or described in the plat.

(Ord. No. O-09-02, 1-27-2009)