

ACCOMACK COUNTY, VIRGINIA

POLICY RELATING TO ROAD ABANDONMENT

I. Introduction

1. Virginia Code § 33.1-151 sets forth procedures for the abandonment of roads, landings, or crossings, or portions thereof.
2. In order for the County to uniformly and fairly consider all requests for such abandonments this policy is adopted effective October 6, 2009.
3. The Code establishes requirements that the County must adhere to when reviewing and approving abandonments. In addition, the Code specifies the criteria that must be used to determine whether a road, landing, or crossing may be abandoned.
4. Therefore, in accordance with Board directive, the County Attorney will follow this policy to abandoned roads, landings, crossings, and the procedures to be followed. The procedures and regulations provided in this policy may be amended only by an act of the Board.

II. General Provisions

A. Request for abandonment.

1. A written request for abandonment shall be delivered to the County Attorney.
2. As the Code allows, private citizens of Accomack County, Virginia, or department heads of Accomack County may request abandonments.
3. Requests shall be dated, in writing, and prepared simply and include a concise description of the right-of-way section requested to be abandoned, including route numbers and names, addresses and tax map numbers of all lands abutting such section, and including, if necessary, any survey or engineering diagram showing the property to be abandoned. All requests shall clearly set forth the requestor's name, 911 address, mailing address, and telephone number.
4. The requestor shall submit one original and four (4) copies of the request. The original shall be retained by the Clerk to the Board of Supervisors. The copies shall be distributed for review to (1) the local VDOT office, (2) the Director of Community Development, (3) the Director of Planning, and (4) the Assessor.

5. Review of the request for abandonment shall be coordinated by the County Attorney's Office. If there is concurrence among the reviewers that the request is sufficient for consideration by the Board of Supervisors, the County Attorney shall prepare an advertisement for a public hearing for the Board of Supervisors to receive public comment on the request. Prior to submittal of the advertisement for publication, the requestor shall pay the full cost of such advertisement. Advertisement costs shall be paid out of department funds if the requestor is a department head.

6. Once the Board has approved advertisement, the County Attorney will prepare a Notice to be posted and published in accordance with Virginia Code §33.1-151, setting forth the date and time for the public hearing.

(f) Applicability of Other Laws

Nothing in this policy shall affect the duty of the County to comply with all other applicable laws.

III. Other

1. Nothing in said request shall affect the duty of the County to comply with all other applicable laws, including posting of such notice three days before the first day of a regular term of the circuit court, at the front door of the courthouse of the county in which the section of the road, landing, or crossing sought to be abandoned or by posting notice in at least three places on and along the road, landing or crossing sought to be abandoned for at least thirty (30) days, and, in either case, by publication in two (2) or more issues of the local newspaper in the county, and including the County giving notice of its intention to abandon to the Commonwealth Transportation Board or the Commissioner (which locally is done by the local VDOT office).

2. If such abandonment is a landing, a 5th copy of the request shall be provided by the requestor for review by the Department of Game and Inland Fisheries.

3. If after a public hearing the Board is satisfied that no public necessity exists for the continuance of the section of the secondary road as a public road, crossing or landing, or that the safety and welfare of the public would be best served, it shall enter, within four (4) months next after the thirty (30) days during which notice was posted, or within four (4) months next after the public hearing, an Order on its minutes abandoning the section of road, crossing, or landing, as the case may be, and thereupon the section of road, crossing, or landing, as the case may be, shall cease.

4. If the Board is not so satisfied, it shall dismiss the application within the specified four (4) months.