

Revised 7/04

Office Use Only

Ordinance #: _____
Date Received _____

REQUEST FOR VACATION OF AN ALLEY OR UN-BUILT RIGHT OF WAY
TOWN OF BLACKSBURG, VIRGINIA

This application and accompanying information must be submitted in full before the vacation request can be referred to the Planning Commission and Town Council for consideration. Please contact the Planning and Engineering Department at 540-961-1126 for application deadline.

STURBRIDGE SQUARE, LLC

Name of Applicant(s)

101 University City Blvd Blacksburg, VA 24060

Address

650-270-7067

Phone

Fax

Please list any additional parties included in this application:

NONE

Location of right of way to be vacated: (survey of property or legal description of boundary)

West side of University City Boulevard just south of the intersection of UCB and Broce Drive. See attached exhibit.

Tax Parcel Number(s) of Property:

225 - A 36

Square Footage of area to be vacated: +/- 3,447 s.f.

If there is more than one applicant, how is property to be divided?

N/A

What is the intended use of the vacated property?

This portion of right of way will be incorporated into Tax parcel 225-A 36 and used in the redevelopment of the Sturbridge property. It's intended use will be similar to it's current use - sidewalk, covered bus shelter, and landscaping. This vacation will also allow for a more consistent right of way for building placement and setbacks.

I, We, the owner(s), agent, or contract purchaser(s) described on this application do hereby apply for the vacation of the above described alley or un-built right of way and certify the following:

1. I, We, own property abutting the above described alley or un-built right of way.
2. I, We, will provide proof of notification of all property owners abutting the alley or un-built right of way in order to give them the opportunity to join in or file separate applications for the vacation.
3. I, We, agree that the value of the alley or un-built right of way is \$ _____.
4. I, We, agree that if a formal appraisal is required, as established by the Comprehensive Plan vacation process, the cost of the appraisal will be paid to the Town of Blacksburg before acceptance of the application.
5. I, We, agree to pay to the Town of Blacksburg the above stated price if the alley or un-built right of way is vacated.
6. I, We, agree to accept a quit-claim deed to the property and accept responsibility for ascertaining what interest the Town of Blacksburg may have in the area if vacated.
7. I, We, understand that the Town of Blacksburg makes no warranties of title of property.

Please include an application fee of **\$500.00** to be applied to the cost of advertising, the cost of first class and certified mail postage to all adjacent properties and expense incidental to reviewing, publishing, and processing this application. Please make your check or money order payable to the **Town of Blacksburg**.

Signature of Applicant(s)

Date

OFFICE USE ONLY

_____ Comprehensive Plan Review

_____ Transit Review

_____ Utility Review

_____ Rear Property Access

_____ Recreation Review

_____ Appraisal

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Signature of Applicant(s)

Nov 1, 2016

Date

OFFICE USE ONLY

- | | |
|---------------------------------|----------------------------|
| _____ Comprehensive Plan Review | _____ Transit Review |
| _____ Utility Review | _____ Rear Property Access |
| _____ Recreation Review | _____ Appraisal |

AUTHORIZED SIGNATURES FOR LAND USE APPLICATIONS

1. Introduction

This guide identifies those persons authorized to sign land use applications and proffers on behalf of corporations, partnerships, religious organizations, trusts, and other unincorporated bodies, societies, benevolent associations and organizations. It focuses on the most common entities and relationships town departments will encounter. Contact the town attorney if you are faced with an entity that is not addressed here.

This guide also indentifies the supporting documentation an applicant should submit to demonstrate the authority of the person signing an application or proffer.

2. Stock corporations

Authorized signatories: The authorized signatories are (1) the board of directors; (2) any person in the corporation expressly authorized by the board of directors to complete prescribed acts on behalf of the corporation (Virginia Code § 13.1-673); (3) a committee of the board of directors (Virginia Code § 13.1-689); or (4) a corporate officer as provided in the by-laws or in a resolution of the board of directors (Virginia Code § 13.1-694).

Supporting documentation: The supporting documentation is (1) for a board of directors, the articles of incorporation or a shareholders' agreement may limit the board's statutory authority Virginia Code § 13.1-673); (2) for a person expressly authorized by the board of directors, written evidence of that authorization, such as a board resolution or board minutes; (3) for a committee, an action of the board of directors authorizing the committee to act; the articles of incorporation or the by-laws may limit the statutory authority (Virginia Code § 13.1-689); (4) for a corporate officer, the by-laws or the delegating resolution of the board of directors Virginia Code § 13.1-694).

3. Nonstock corporations

Authorized signatories: The authorized signatories are (1) the board of directors; (2) any person in the corporation expressly authorized by the board of directors to complete prescribed acts on behalf of the corporation (Virginia Code § 13.1-853); (3) a committee of the board of directors (Virginia Code § 13.1-869); or (4) a corporate officer as provided in the by-laws or in a resolution of the board of directors (Virginia Code § 13.1-872).

Supporting documentation: The supporting documentation is (1) for a board of directors, the articles of incorporation and the by-laws, the latter of which may include a member or director agreement, may limit the board's statutory authority (Virginia Code §§ 13.1-852.1, 13.1-853); (2) for a person expressly authorized by the board of directors, written evidence of that authorization such as a board resolution or board minutes; (3) for a committee, an action of the

board of directors authorizing the committee to act; the articles of incorporation or the by-laws may limit the statutory authority (Virginia Code § 13.1-869); (4) for a corporate officer, the by-laws or the delegating resolution of the board of directors (Virginia Code § 13.1-872).

4. Limited liability companies (“LLCs”)

Authorized signatories: The authorized signatories are (1) if the LLC is not a manager-managed LLC, any member; (2) if the LLC is a manager-managed LLC, the manager or any member unless the articles of organization limit the members’ authority (Virginia Code § 13.1-1021.1 (A)); or (3) unless otherwise provided in the articles of organization or an operating agreement, the members have the power and authority to delegate to one or more other persons, including agents, officers and employes of a member or manager of the LLC, members’ rights and powers to manage and control the business affairs of the LLC, and to delegate by a management agreement or other agreement with, or otherwise to, other persons (Virginia Code § 13.1-1022 (D)).

Supporting documentation: The articles of organization (Virginia Code § 13.1-1021.1 (A) and when the power is delegated to someone other than a manager or a member, also the operating agreement and, if applicable, any other agreement (Virginia Code § 13.1-1022 (D)).

5. Partnerships

Authorized signatories: The authorized signatories are (1) if the land is held in the name of the partnership, by any partner; (2) if the land is held in the name of a partner, but the instrument transferring to the partner indicates the partner’s capacity as a partner or the existence of a partnership, but without identifying the partnership, by the partner in whose name the property is held; (3) if the land is held in the name of a person, who is a partner, but the instrument transferring to the person does not indicate the person’s capacity as a partner or the existence of a partnership, by the person in whose name the property is held (Virginia Code § 50-73.29).

Supporting documentation: The statement of partnership authority, which may limit the authority of one or more partners (Virginia Code § 50-73.93).

6. Limited partnerships

Authorized signatories: The authorized signatories are any general partner (Virginia Code § 50-73.29).

Supporting documentation: The partnership agreement, or amendments thereto, which may limit the authority of one or more general partners (Virginia Code § 50-73.29).

7. Unincorporated churches and other religious bodies

Authorized signatories: The authorized signatories are (1) all trustee who hold title to the property (Virginia Code §§ 57-8 and 5-15 (A)); (2) for the corporation holding title, the

appropriate corporate documents (see, e.g., section 3 above) or : (3) for a bishop, minister or ecclesiastical officer, the laws, rules or ecclesiastical polity of the entity that authorizes the person to hold, improve, mortgage, sell and convey the property (Virginia Code § 57-16).

8. Incorporated churches and other religious bodies

Authorized signatories: See section 7, paragraph 1, above.

Supporting documentation: See section 7, paragraph 2, above. In 2005, Virginia Code § 57-15 was amended to allow religious organization to incorporate. Virginia Code § 57-15 (B)(i) authorizes trustees, as an alternative to holding, administering and managing property in the name of the trustees, to incorporate the church or religious body and to transfer the title of real and person property held by them to the incorporated church or religious body.

9. Land trusts

Authorized signatories: The authorized signatories are all trustees who hold title to the property (Virginia Code § 55-17.1); provided (1) if a co-trustee is unavailable to perform duties because of absence, illness, disqualification under other law, or other temporary incapacity, and prompt action is necessary to achieve the purposes of the trust or to avoid injury to the trust property, the remaining co-trustees may act for the trust (Virginia Code § 55-547.03 (D)); and (2) a trustee may delegate to a co-trustee the performance of any function other than a function that the terms of the trust expressly require to be performed by the trustees jointly (Virginia Code § 55-547.03 (E)).

Supporting documentation: The deed of conveyance to the trustees and the trust instrument (Virginia Code § 55-17.1).

10. Land held under the Virginia Uniform Transfers to Minors Act

Authorized signatory: The authorized signatory is the custodian (Virginia Code § 31-49).

Supporting documentation: The instrument evidencing the transfer to the custodian under the Virginia Uniform Transfers to Minors Act (Virginia Code § 31-46).

11. Unincorporated bodies or societies who acquire land for charitable purposes

Authorized signatories: The authorized signatories are all trustees who hold title to the property (Virginia Code § 57-18, which incorporated Virginia Code §§ 57-8 and 57-15 by reference).

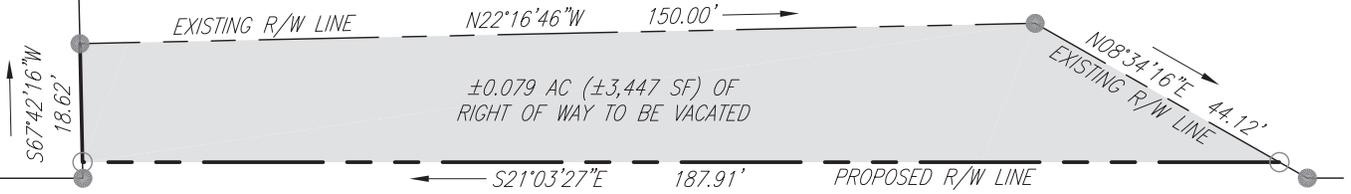
Supporting documentation: The authorizing court order (Virginia Code § 57-18).

12. Benevolent association (such as armed forces veterans associations, Freemasons, Odd Fellows and other fraternal organizations)

Authorized signatories: The authorized signatories are all trustees who hold title to the property (Virginia Code § 57-19, which incorporates Virginia Code §§ 57-8 and 57-15 by reference).

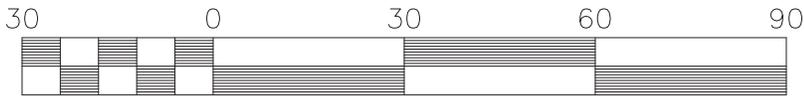
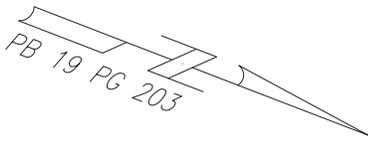
Supporting documentation: The authorizing court order (Virginia Code § 57-19).

STURBRIDGE SQUARE, LLC



UNIVERSITY CITY BLVD
50' PUBLIC R/W

BROCK DRIVE
50' PUBLIC R/W



SCALE: 1" = 30'

PROPOSED RIGHT OF WAY VACATION
FOR

STURBRIDGE SQUARE, LLC

PRICES FORK MAGISTERIAL DISTRICT

TOWN OF BLACKSBURG

JOB 24150090.00

DATE: NOVEMBER 1, 2016

TEL: 540-381-4290 FAX: 540-381-4291

PLANNERS ARCHITECTS ENGINEERS SURVEYORS

Balzer & Associates, Inc. 448 Peppers Ferry Road, NW Christiansburg Va. 24073



- PLANNERS
- ARCHITECTS
- ENGINEERS
- SURVEYORS

DRN: GLM
CHK: SMS

Sturbridge Square, LLC
Proposed Right of Way Vacation
November 1, 2016

Legal Description

Beginning at a point in the western right of way line of University City Boulevard, said point being the southeastern corner of lands deeded to Sturbridge Square, LLC, thence along existing right of way line the following two (2) courses and distances:

1. N22°16'26" W a distance of 150.00';
2. N08°34'16" E a distance of 44.12' to the proposed right if way line;

Thence along proposed right of way line S21°03'27" E a distance of 187.91';

Thence along the property line between lands deeded to Sturbridge Square, LLC and lands deeded to the United States Postal Service S67°42'16" W a distance of 18.62' to the Point of Beginning.

The right of way area proposed to be vacated contains approximately 0.079 acres.