



Chapter 2 Roads

Board Transportation Committee
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Department of Transportation

Chapter 2 Roads

Background

- ❑ Named for the County Code chapter describing procedures for managing County-owned property
 - ❑ County Code § 2-1-1: “dedicated to public use or title to which is in the name of the Board of Supervisors or the County”
- ❑ Typically are unimproved non-County maintained right-of-ways, that have not been accepted into the Virginia Department of Transportation (VDOT) Secondary System.
 - ❑ Over 100 Chapter 2 roads in the County that have escrows, potentially many more without escrows.

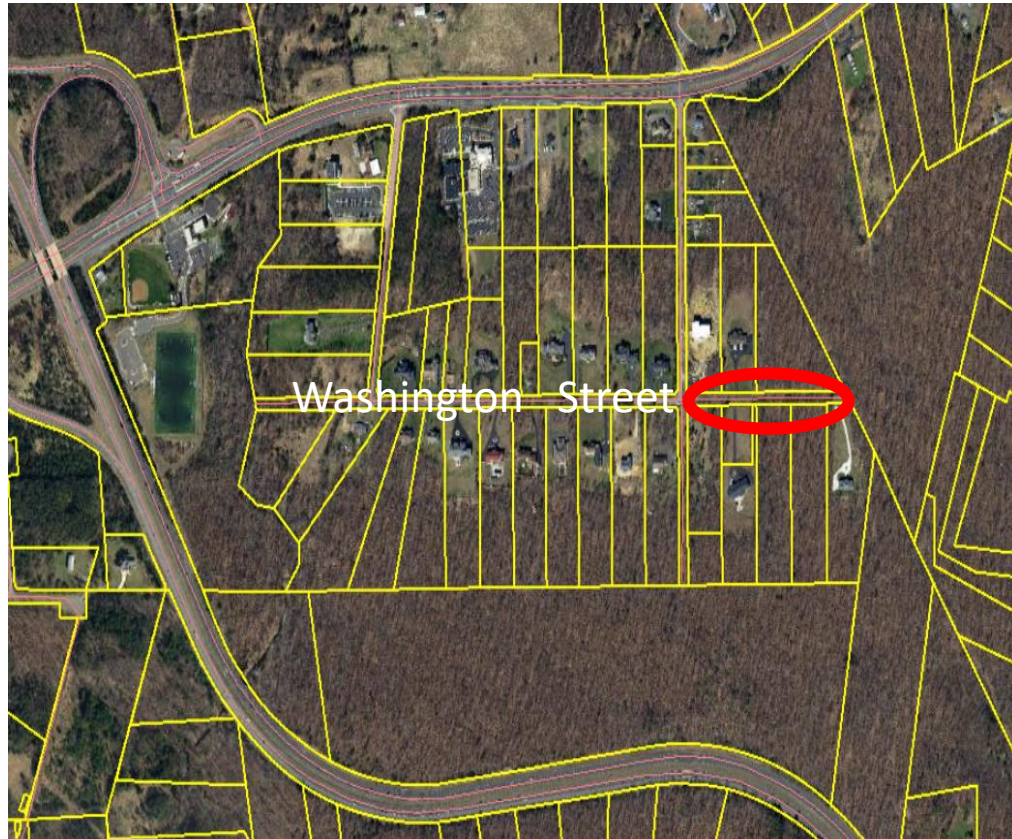
Chapter 2 Roads (Continued)

Background

- ❑ VDOT's current policy is to not accept new roads in the Secondary System unless they have at least three unique users.
- ❑ When fewer than four users front a right-of-way, current County Code for each new user requires them to pay an escrow for future construction of a public road.
 - ❑ The fourth user of the right-of-way is responsible for constructing part of the public street, using the collected escrows, and providing the difference.
- ❑ Escrows are managed by Land Development Services
 - ❑ LDS also handles requests to build on Chapter 2 Roads.

Case Studies

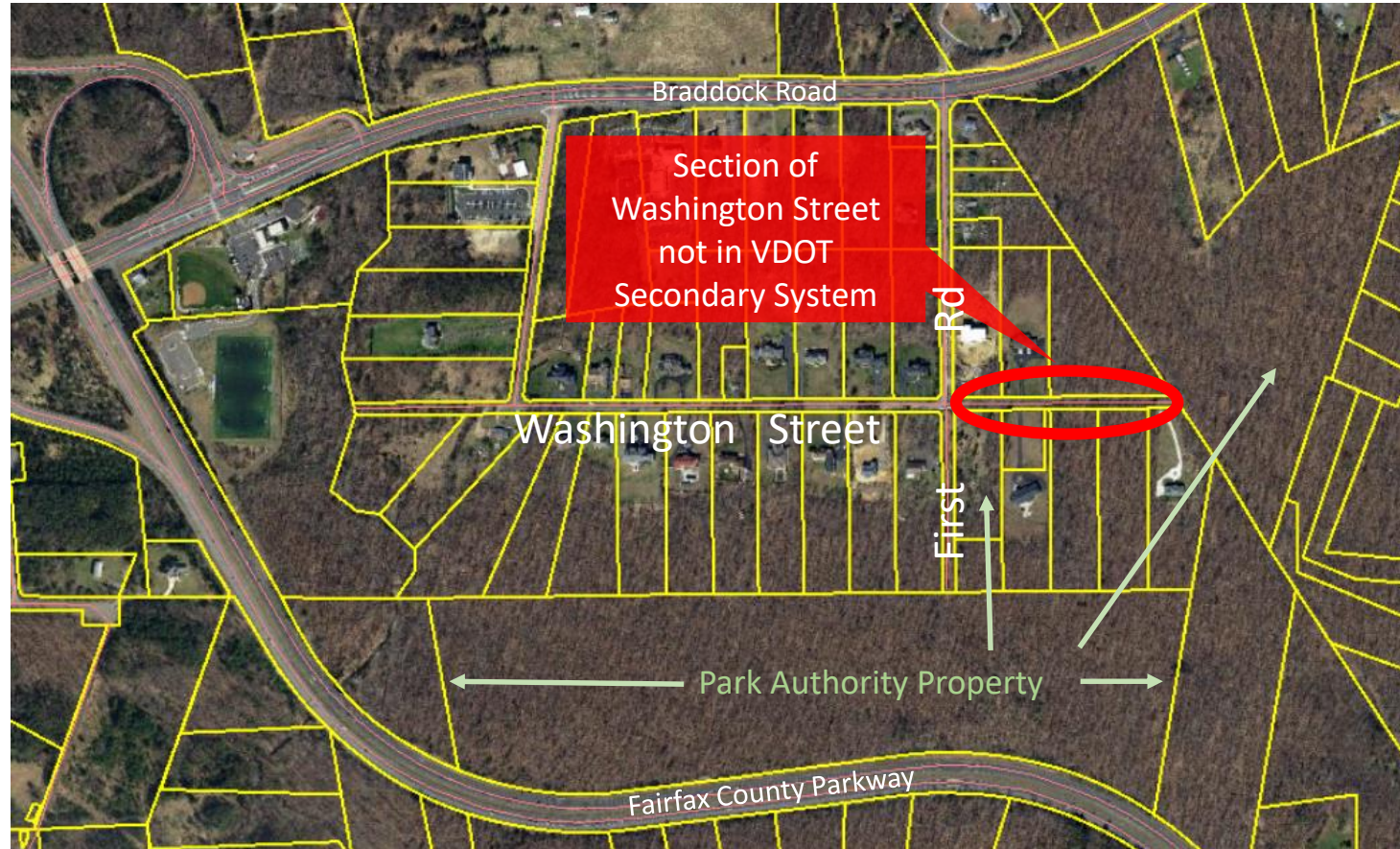
Case #1- Washington Street (Springfield District)



Case #2- Lyles Road (Lee District)



Case #1: Washington Street (Springfield District)



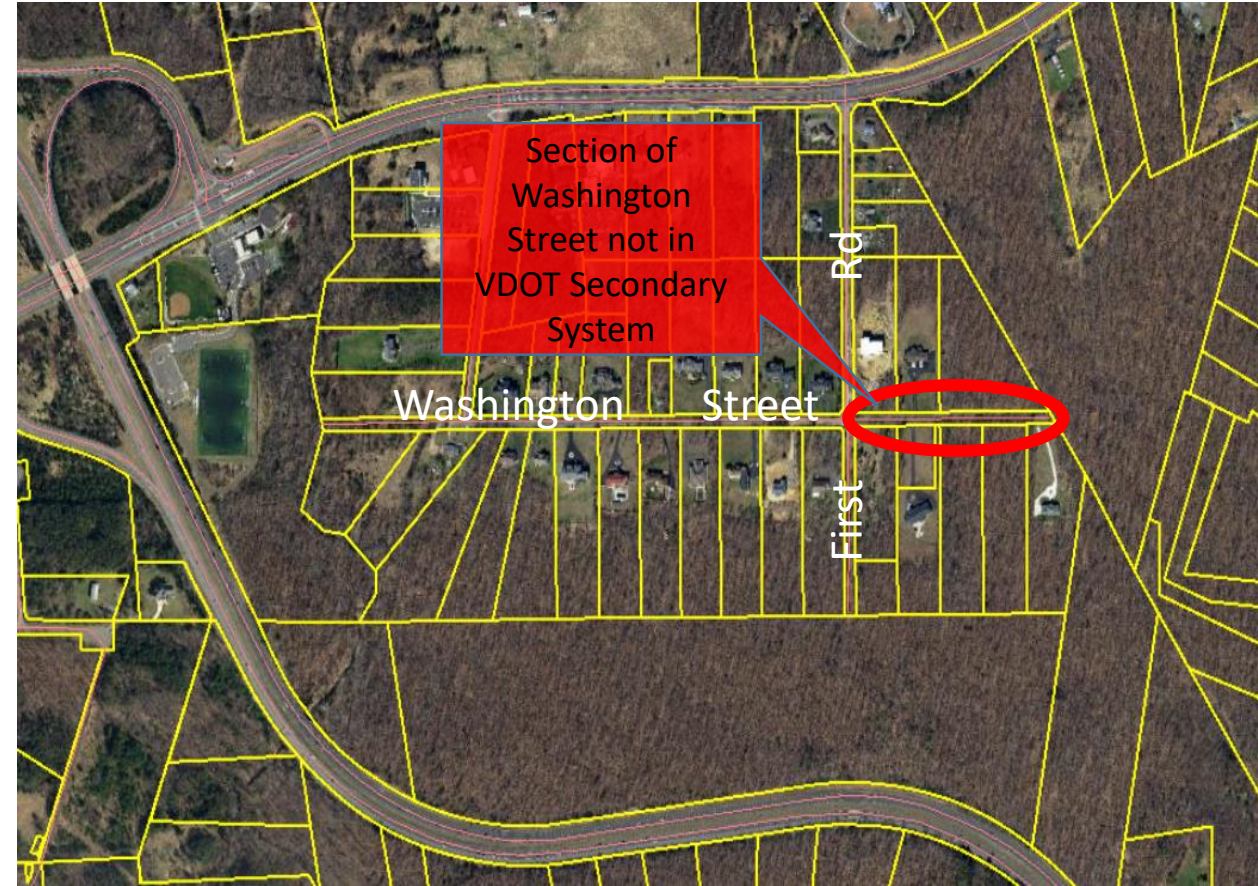
Washington Street was dedicated by a plat recorded on July 23, 1945

Case #1: Washington Street (Springfield District)



Nature of Inquiry

- No public road on this part of Washington Street.
- No formal agreement for maintenance of the common driveway .
- Escrows for building Washington Street total about \$70,000.
- Question: Is there a way to apply the escrows for maintenance of the existing driveway?



Options Considered

Initial Option

- Provide escrowed money to current residents for maintenance purposes

Additional Options Considered

- Vacation
- Construction of road to VDOT standards
- Interim construction of road

Escrowed Money Used for Maintenance

County Attorney's Review:

- County Code (§ 2-1-5) does not support this action as the current Code and escrow documents focus on providing for the “ultimate construction” of the road.
- If policy is created/changed, County could be subject to claims that policy would not be applied uniformly in all similar situations.
- Transfer of escrows for maintenance could go to those who never made the contributions and would be deemed an illegal gift.
 - Does not apply to Washington Street at this time.
- Future Construction Agreement only permits escrows to be used for construction for specified section of future public road.

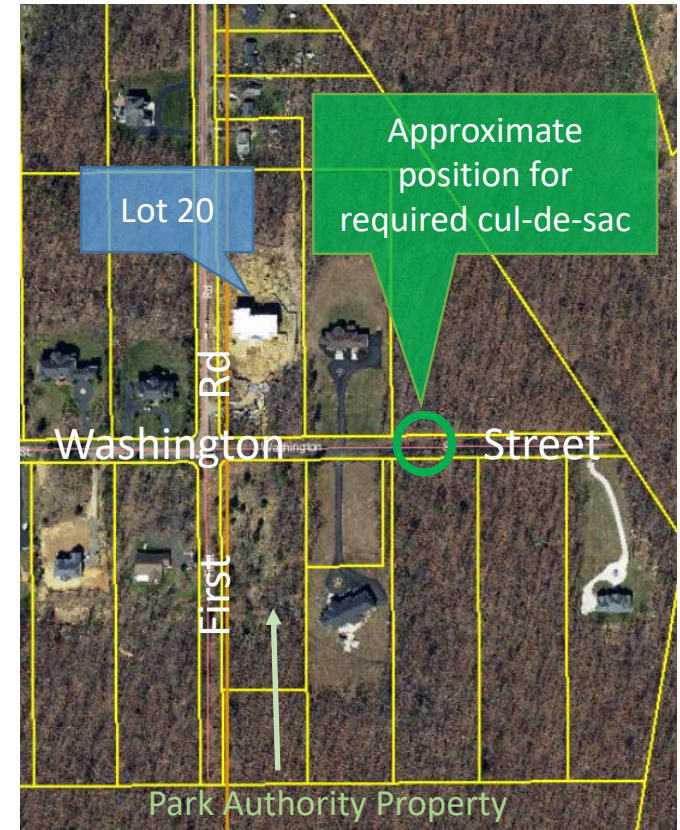
Additional Options

- Vacation of right-of-way to permit a private street
 - Vacation is the surrender of the County's interest in a right-of-way that was dedicated by a subdivision plat or site plan; or was dedicated to comply with a zoning proffer or condition

- Construction of VDOT standard street by the residents
 - Construction of a road compliant with the County's Public Facilities Manual and VDOT's Road Design Manual would relieve most residents of maintenance responsibilities
 - Requires County approval of a Public Improvement Plan

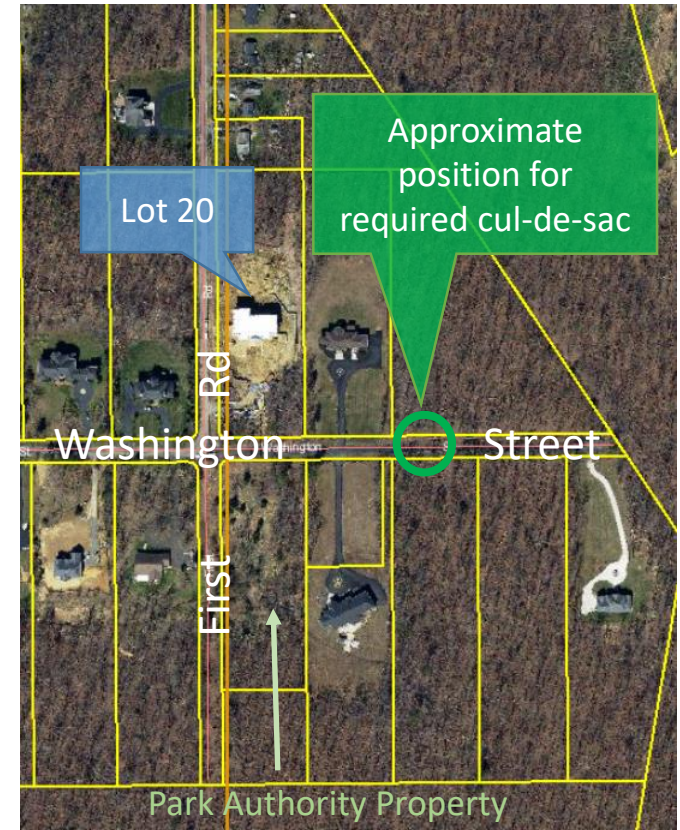
Vacation

- ❑ Option 1: Vacate entire right-of-way
 - ❑ Cooperation with all adjacent owners is required
 - ❑ Requires all lot owners to execute ingress-egress easement and easements for existing utilities.
- ❑ Option 2: Vacate part of right-of-way to avoid Lot 20 and Park Authority property
 - ❑ Creates new dead end, which in turn requires dedication (from private properties) for a cul-de-sac to allow future construction of a public road by others
 - ❑ Position of cul-de-sac is constrained by VDOT user requirements and County Code (§2-1-5)



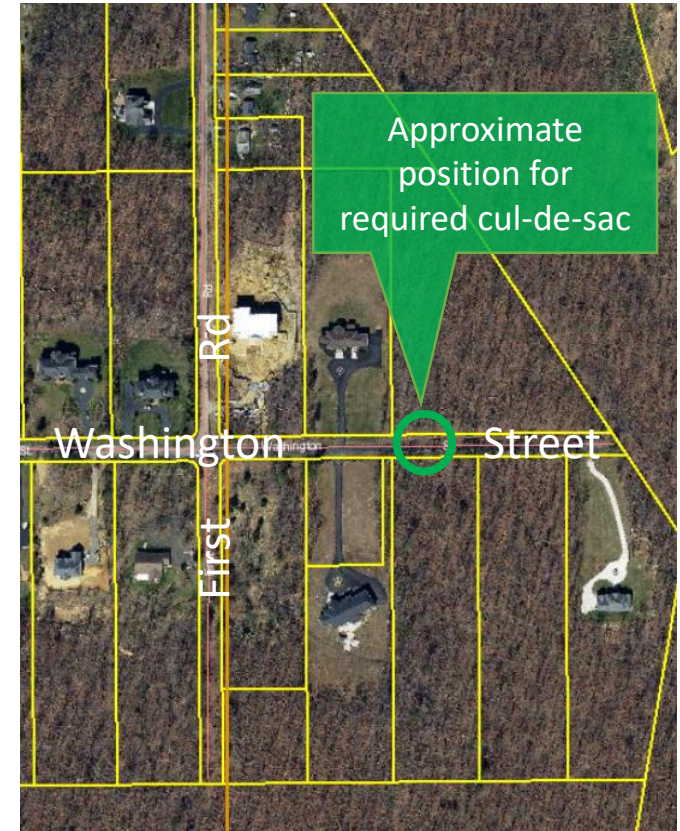
Vacation (Zoning Elements)

- ❑ Vacating the right-of-way may have implications with regard to meeting the R-C District lot size requirement and use of private streets.
- ❑ FCDOT is continuing to coordinate with DPZ and LDS to identify all options.



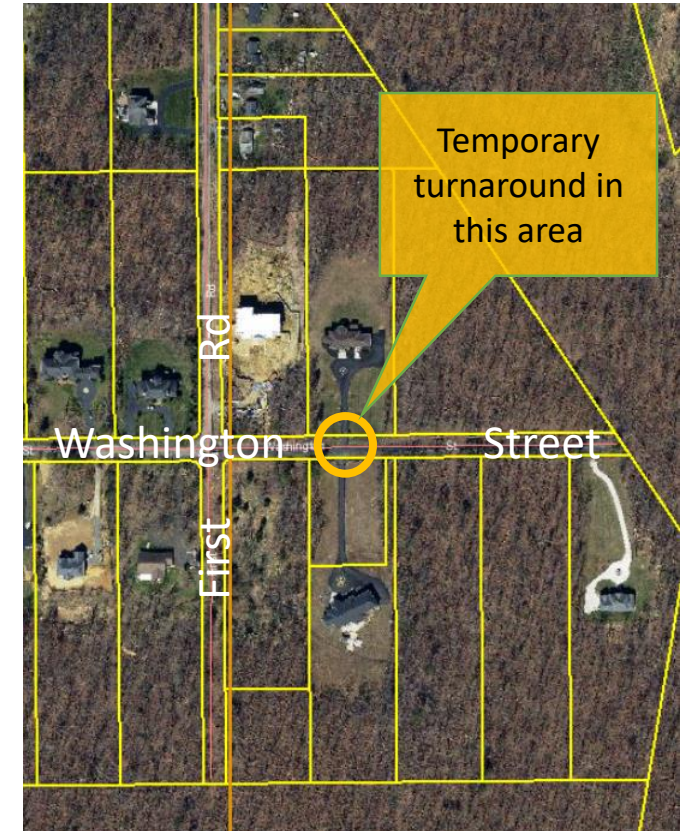
Construction (Ultimate)

- ❑ Construction to VDOT standards will require one or more residents to dedicate right-of-way for a cul-de-sac
 - ❑ Position of the cul-de-sac is determined by the Virginia Department of Transportation's minimum user requirement, so some lot owners will still have extended driveways
 - ❑ Cul-de-sac right-of-way standard diameter is 98 feet (for turnarounds), which may be required from lot owners not responsible for construction.
- ❑ Construction costs range from approx. \$400,000-\$500,000
 - ❑ Exact cost estimate will also include survey, environmental analysis, design, RW, utilities, and engineering.
 - ❑ Construction and acceptance are the responsibility of the lot owners.



Construction (Interim)

- ❑ Construction would extend only to the first two houses accessing Washington Street
 - ❑ The adjacent lot owners would still be required to grant temporary turnaround easements on their property
 - ❑ The turnaround must still meet the cul-de-sac standard right-of-way diameter of 98 feet
- ❑ Construction costs are lower than a full build-out
 - ❑ Cost estimates, engineering, construction, and acceptance are still the responsibility of the interested lot owners



Conclusions- Washington Street

- Current County Code does not support release of construction escrows for maintenance
- Vacation to permit private street is still under review and needs more vetting with DPZ and LDS.
 - Requires all lot owners to execute necessary access easements and easements for existing utilities.
- The construction options requires cooperation from existing property owners.
 - Land owners can work together to construct a road to VDOT standards under interim or ultimate conditions
 - \$70,000 escrow is available for this purpose

Case #2: Lyles Road (Lee District)



Case #2: Lyles Road (Lee District)

Lyles Road- Southern Section



Lyles Road- Northern Section



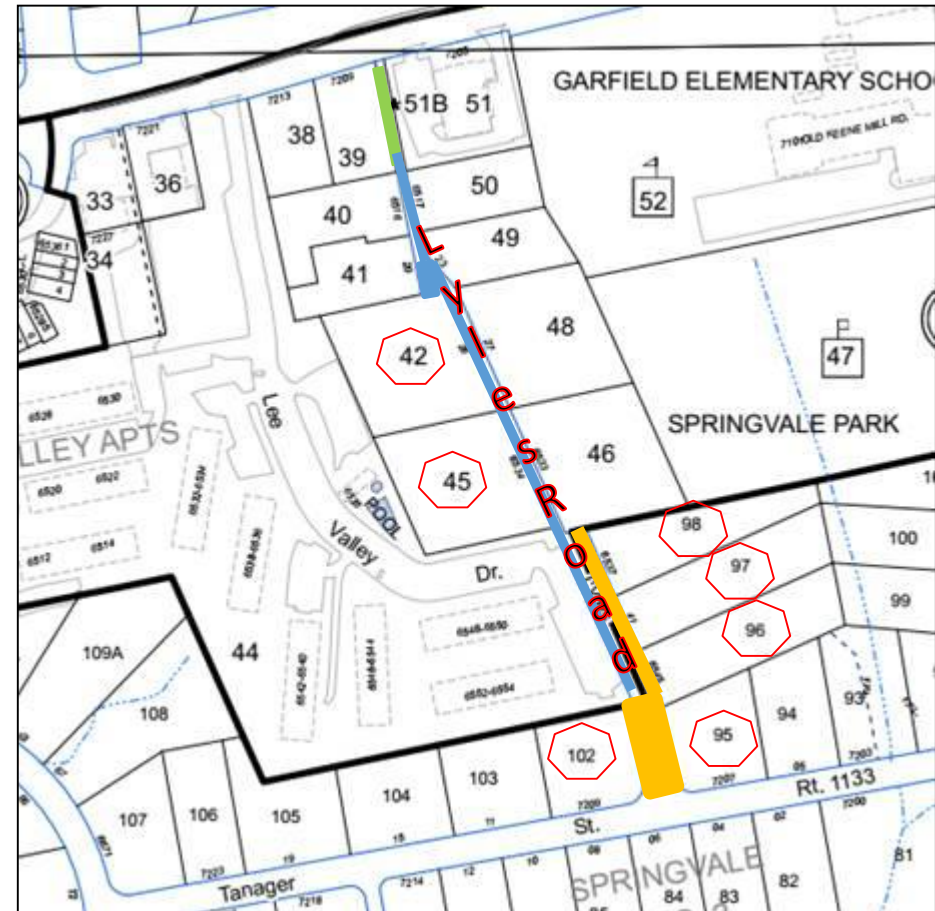
Nature of Inquiry

- No public road on this part of Lyles Road
 - Not accepted in the VDOT secondary system
- No formal agreement for maintenance of the common driveway
- No funding escrowed for future construction
- Question: Can the County maintain Lyles Road?





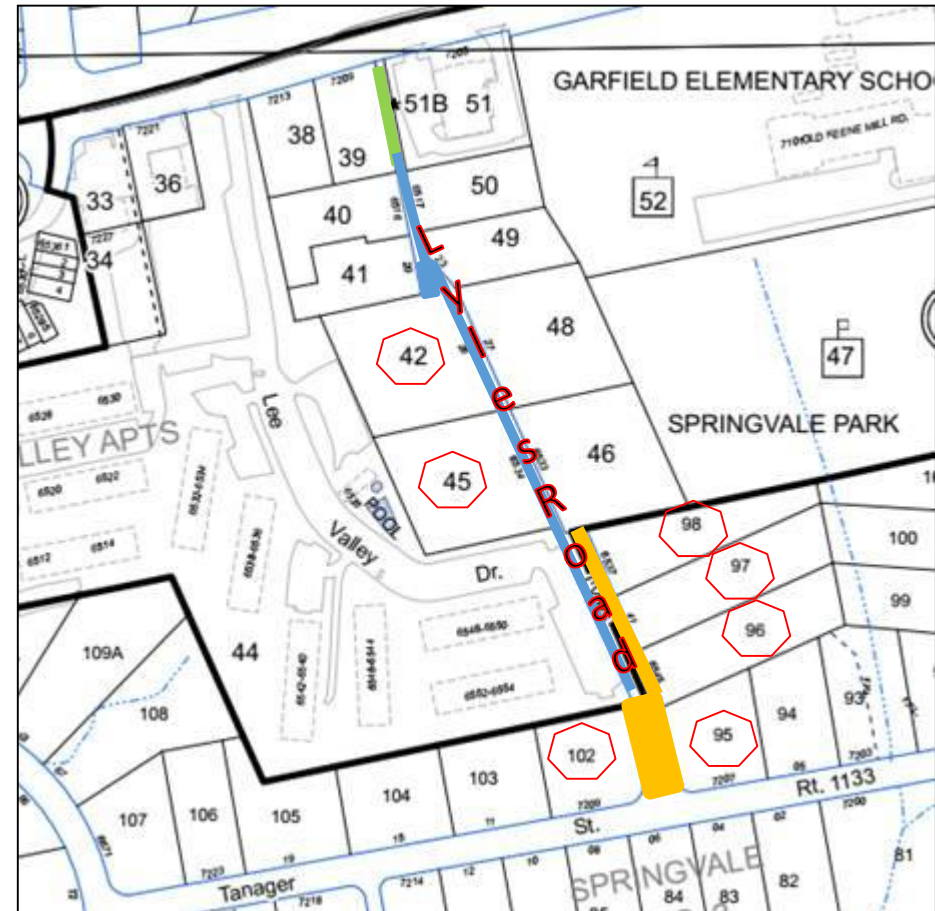
Case #2: Lyles Road (Lee District)

- ❑ Parcel 51B abandoned and conveyed in 2014. ■
- ❑ Lots 40 to 50-ROW was acquired in 1984. ■
- ❑ Lots 95-98 & 102-ROW was dedicated in 1948 by plat. ■



Case #2: Lyles Road (Lee District)

- Currently 2 existing structures on northern section 
 - Not enough users in this section to be accepted into VDOT secondary system
- 5 existing structures on southern section 
 - Will require dedication for a turnaround easement and construction to be accepted into VDOT secondary system
- Development along ROW predates zoning ordinance and Escrow Policy
 - No future construction Escrow for Lyles Road



Options Considered

- Additional Options Considered
 - Vacation/Abandonment
 - Interim construction of road to VDOT standards

Vacation/Abandonment

Abandonment of right-of-way to permit a private street or access easement (Northern Section)

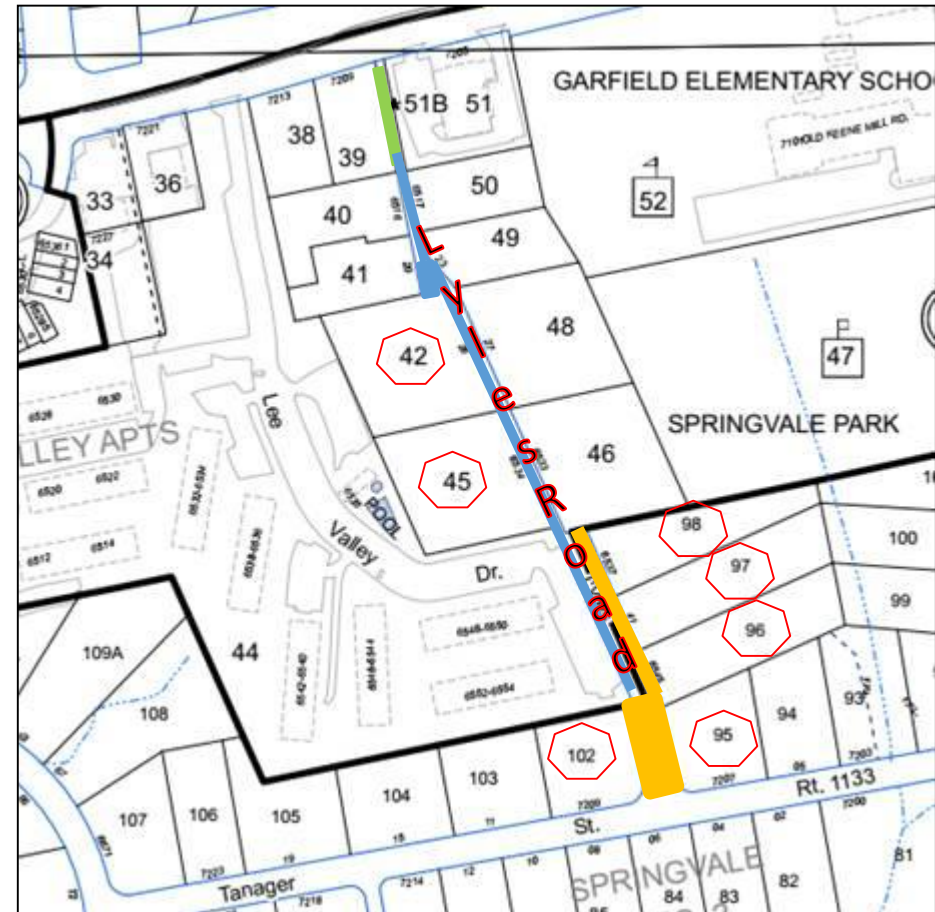
- Abandonment is the declaration that a property is no longer right-of-way, asserting the fee simple title
- The northern section was not acquired through dedication so the property must be abandoned and sold.

Vacation of right-of-way to permit a private street or access easements (Southern Section)

- Vacation is the surrender of the County's interest in a right-of-way that was dedicated by a subdivision plat or site plan; or was dedicated to comply with a zoning proffer or condition

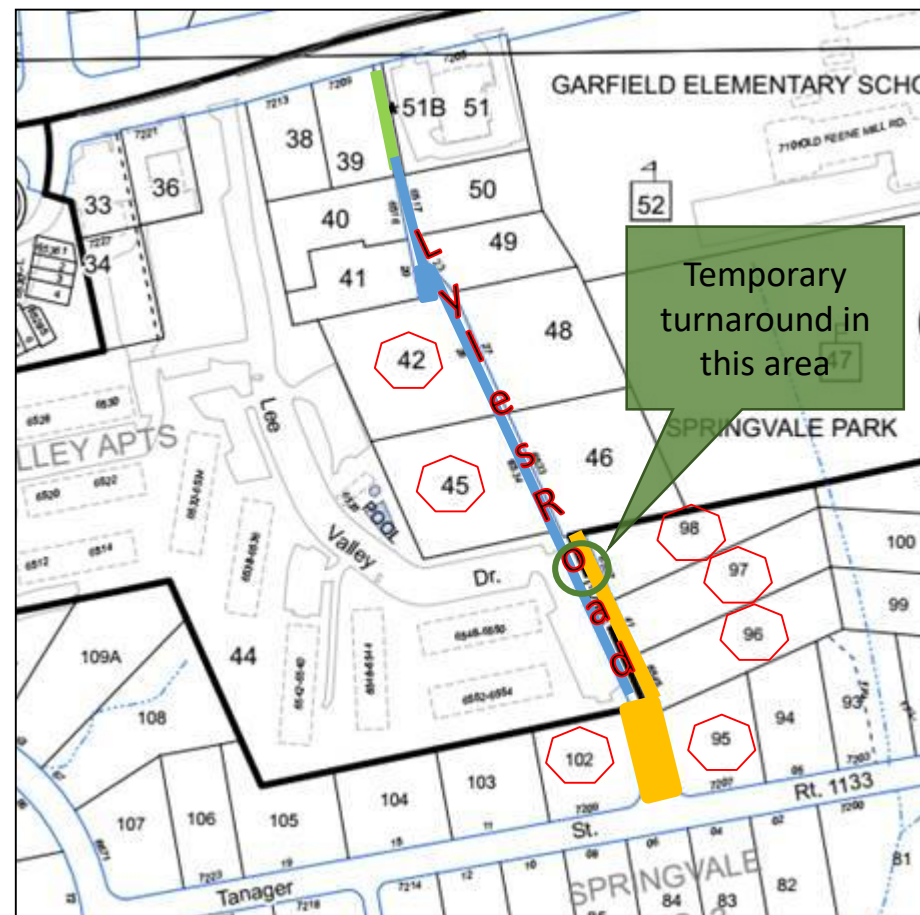
Vacation/Abandonment (Zoning Elements)

- ❑ Vacating the right-of-way may have implications with regard to meeting the R1/R-2 Districts' lot size requirement and use of private streets.
- ❑ FCDOT is continuing to coordinate with DPZ and LDS to identify all options.



Construction(Interim)

- ❑ Construction to VDOT standards would extend only to the southern section of Lyles Road
 - ❑ The adjacent lot owners would be required to grant temporary turnaround easements on their property
 - ❑ Temporary public roadway until the northern section of Lyles develops.
- ❑ Construction costs range from approx. \$300,000-\$400,000
 - ❑ Construction costs are lower than a full build-out
 - ❑ Cost estimates, engineering, construction, and acceptance are still the responsibility of the interested lot owners



Conclusions- Lyles Road

- No escrows for future construction of roadway
- At this time northern section lacks enough users to be accepted into VDOT secondary system
- Southern section will require residents to provide a temporary turnaround easement and construction of turnaround on property
 - Property owners would still be required to pay the cost of upgrading the road
- Vacation/Abandonment of Lyles Road may have implications with regard to meeting the R-1/R-2 Districts' lot size requirements and use of private streets.

Summary

- ❑ Implications of any proposed policy, County Code or Code of Virginia changes will require detailed analysis involving the County Attorney, the Zoning Administrator, and all affected agencies.
- ❑ Based on guidance provided by the Board, staff will conduct further investigation of the implications of the various options.
 - ❑ Any solution to these examples would need to consider other roads in similar situations.
- ❑ Land owners can work together to construct a road to VDOT standards under interim or ultimate conditions at their expense.

Discussion