AN ORDINANCE TO AMEND CHAPTER 143 (STREETS AND SIDEWALKS) OF THE CODE OF THE TOWN OF ELKTON TO ADD ARTICLE VI (CLOSURE OF STREETS OR ALLEYS).

WHEREAS, currently there is no clear procedure for the permanent or temporary closure of streets or alleys in the current code; and

WHEREAS, there have been numerous requests to close alleys and streets; and

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WHEREAS, there are alleys and streets shown on the town map that are nonexistent and need to be improved or abandoned;

BE IT ORDAINED, by the Town Council of Elkton, Virginia, that Chapter 143 (Streets and Sidewalks) of the Code of the Town of Elkton, is hereby amended by adding the following Article VI:

1. ARTICLE VI Closure of Public Streets or Alleys

§143-36 Temporary Closure

A public street or alley may be temporarily closed if the following procedures are met:

A. Request may be on motion from the Town Council or on written application of any person to the town manager, or his/her designated representative at least thirty (30) days prior to requested closure date.

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B. The closure is for a purpose that benefits the town population.

C. The closure does not create long term impact to the adjacent property owners.

D. There is a defined period of closure, not to exceed 30 Days.

E. Traffic is not diverted in a manner that would cause undue congestion in other areas as verified by the chief of police.

F. At the conclusion of the closure period the street or alley is returned to a status that is at least as good as the original condition by the party that requested the temporary closure.

G. After reviewing the application the town manager, or his/her designated representative, may issue a permit for temporary closure.

H. Closures can be renewed if deemed necessary by Town Council.

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§143-37 Permanent Closure

A public street or alley may be permanently closed if the following procedures are met:

A. Request may be on motion from the Town Council or on written application of any person to the town manager, or his/her designated representative. The request must provide information on why the street or alley should be closed, impact on neighboring property and the benefit of closure to the town.

B. A fee of one hundred ($100.00) shall be paid to the Town for the processing of an application for the vacation of any public street or alley. The application shall not be received unless such fee is paid at the time the application is filed.

C. The town manager, or his/her designated representative, must certify that the street/alley has no useful purpose to the town or its residents by nature of current use, zoning, cost of closing, or point of origin and/or destination.

D. Notice of the intention to vacate a public street or alley must be published at least twice, with at least six (6) days elapsing between first and second publication, in a newspaper having general circulation in the locality. The notice shall specify the time and place of a hearing at which persons affected may appear and be heard. The cost of publishing the notice shall be taxed to the applicant

E. Request will be reviewed by the Planning Commission, the Elkton Police Department and the Elkton Volunteer Fire Company for their comments and recommendations.

F. After the public hearing and review by the other departments the Planning Commission will forward their recommendation to the Town Council.

G. After receiving a recommendation from the Planning Commission the Town Council may discontinue the public street or alley.

H. Unless otherwise provided by the Town Council, as a condition of the vacation of any public street or alley, the abutting property owner or owners, shall purchase from the Town such abutting property owner's fractional portion of the public street or alley. The price shall be no greater than the property's fair market value or its contributory value to the abutting property, whichever is greater, or the amount agreed to by the parties. No such vacation shall be concluded until the agreed price has been paid. If any abutting property owner does not pay for such owner's fractional portion within one year, or other time period made a condition of the vacation, then the vacation shall be void as to any such property owner.

2. This ordinance shall be effective immediately upon its adoption.

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