



## Legislation Text

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File #: 17-0211, Version: 1

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Resolution authorizing the dissolution of the Road Viewers Roster originally appointed pursuant to §15.2-2006 of the Code of Virginia amended to consider vacations of rights-of-way

### **PURPOSE/BACKGROUND:**

In addition to other provisions in the Code of Virginia and the City Charter, Section 15.2-2006 of the Code of Virginia additionally allows the vacation or alteration of a right-of-way on motion of city council or on application of any person after notice of intent to do so is published at least twice, with at least 6 days elapsing between the first and second publication. The cost of the notice is paid by the applicant. At the conclusion of the public hearing the council may appoint 3 to 5 road viewers to view the right-of-way and report any inconvenience that would result from the vacation. The road viewers may be paid up to \$50.00 each the cost of which is to be paid by the applicant. The first time road viewers were appointed was 1952. Road viewers were appointed again in 2004. In 2013 three road viewers were appointed as a roster.

The Department of Public Works has not used road viewers since Chapter 34 of the City Code was amended in 2012. A process for vacation of rights-of-ways was established which has rendered the road viewer process obsolete. The Clerk of Council in her review of Board and Commissions questioned whether a roster had to be maintained. The City Attorney's Office has determined that it is not a requirement and the Director of Public Works does not foresee using this process in the future. He recommends the dissolution of the appointment of Road Viewers.

### **Recommendation:**

City staff recommends approval of the Resolution.

**WHEREAS**, in addition to other provisions in the Code of Virginia and the City Charter, §15.2-2006 of the Code of Virginia additionally allows the vacation or alteration of a right-of-way on motion of City Council or on application of any person after notice of intent to do so is published at least twice, with at least 6 days elapsing between the first and second publication with the cost of publication to be borne by the applicant;

**WHEREAS**, the Code of Virginia also provides that at the conclusion of the public hearing the City Council may appoint 3 to 5 road viewers to view the right-of-way and report any inconvenience that would result from the vacation with compensation of the road viewers to be paid by the applicant;

**WHEREAS**, the first time road viewers were appointed was 1952 and the last time road viewers were appointed as a roster was 2013;

**WHEREAS**, the Department of Public Works has not used road viewers since Chapter 34 of the City Code was amended in 2012 wherein a process for vacation of rights-of-ways was established

rendering the road viewers process obsolete;

**WHEREAS**, the Clerk of Council in her review of existing boards and commissions has questioned whether a roster has to be maintained; and

**WHEREAS**, the City Attorney's Office has determined that it is not a requirement to maintain a roster and the Director of Public Works does not foresee using this process in the future.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Hampton, Virginia as follows:

1. That it authorizes the dissolution of the current roster of three (3) road viewers; and
2. That the City Clerk shall notify the remaining road viewers appointed in 2013 that the roster has been dissolved and shall thank them for their service to the City of Hampton.