

**POLICIES AND PROCEDURES OF THE TOWN OF WYTHEVILLE  
FOR THE REQUEST OF ABANDONMENT/VACATION OF  
PUBLIC RIGHTS OF WAY**

The Town Council of the Town of Wytheville has established the following policies and procedures which shall be followed when considering the alteration and vacation of public rights of way.

Public rights of way in the Town of Wytheville may be altered or vacated either by a motion of the Town Council or upon any person making application and fulfilling the terms as hereinafter set forth. Notice of the intention to do so must be published at least twice, with at least six days elapsing between the first and second publication, in the Southwest Virginia Enterprise or other newspaper having general circulation in the town. This notice shall specify the time and place of the public hearing at which persons affected may appear and be heard by the Town Council. The costs of publishing the notice shall be taxed to the applicant, and the applicant shall also pay a fee to the Town of Wytheville of \$100 for processing the application.

After the Town Council has established a date, time, and place for a public hearing to be held, the Town Council may appoint three to five people to view such public right of way and report in writing any inconvenience that would result from discontinuing the right of way. The Town Council may allow the viewers up to \$50 each for their services. The sum allowed shall be paid by the person making the application to alter or vacate the public right of way. The Town Council may, however, at its own discretion, appoint the Public Works Committee of the Council to act as the viewers and to issue a written report concerning any inconvenience that would result from discontinuing the right of way. If the Council chooses to appoint the Public Works Committee as the viewers, there shall be no fees assessed to the applicant for their services as viewers. In addition, the Town Council may forward to the Planning Commission all information pertaining to the proposed alteration or vacation of a public right of way and solicit their comments. The Planning Commission, at its discretion, may endorse the proposed alteration or vacation, oppose the proposed alteration or vacation, suggest modifications to the proposed alteration or vacation, or take no position on the proposal to alter or vacate the said portion of right of way.

The Town Council shall consider the information contained in the written report and other evidence, if any, and after the landowners affected thereby along the public right of way proposed to be altered or vacated have been notified, the Town Council may discontinue the public right of way. A certified copy of the ordinance of vacation shall be recorded as deeds are recorded and indexed in the name of the Town of Wytheville. Any appeal shall be filed within sixty days of the adoption of the ordinance with the Circuit Court of Wythe County.

Persons who are making application for the alteration or vacation of public rights of way should note that as a condition to a vacation or abandonment, the Town Council shall

require the fractional portion of its public right of way and easements to be purchased by any abutting property owner. 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 value of consideration agreed to by the parties. No such vacation or abandonment shall be concluded until the price agreed 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 as a condition of the vacation or abandonment, the Town Council action to vacate or abandon shall be void as to all such property owners. In cases where there are multiple property owners abutting the proposed right of way to be abandoned or vacated, the Town will hold all monies deposited by abutting property owners into an escrow account until all money is received or until the established time period has elapsed. In the event that any or all abutting property owners fail to remit the agreed upon amount to the Town, each property owner, if any, who has remitted funds to the Town shall receive a full refund less any extraordinary legal expenses that may result from their actions.

When an applicant requests a vacation to accommodate expansion or development of an existing or proposed business, the Town Council may condition the vacation upon commencement of the expansion or development within a specified period of time. Failing to commence within such time may render the vacation, at the option of the Town Council, void. The conditional vacation shall not be recorded until the condition has been met.