



Department of Community Development
777 Lynn Street
Herndon, Virginia 20170-4602

**PROCEDURES FOR FILING AN APPLICATION
TO VACATE STREET RIGHT-OF-WAY**

Submittal of this form with **original signatures is required**. *PLEASE PRINT OR TYPE (Unless otherwise indicated.)*

Name (Applicant):

Mailing Address:

E-Mail Address:

Phone:

Fax:

1. Submit a written petition addressed to the Town Council that includes the following information:

- (a) Location of the right-of-way to be vacated
- (b) Proposed use of the property after the vacation
- (c) Reason for vacation request
- (d) Indication of which adjacent property owners are applicants and the proposed resultant ownership of the area. This may necessitate the applicants' reaching an agreed upon price for the property in each case. At its option, the Town Council may determine to sell the property in the right-of-way at a price related to the assessed value of adjacent land, rather than convey it without charge. In general, the Town conveys right-of-way in single-family areas without charge.

2. Submit eight (8) copies of a certified plat of the right-of-way proposed for vacation, showing any existing utilities in the right-of-way, all abutting lots and property owners, total area of right-of-way, manner in which right-of-way is to be divided and consolidated with adjacent properties and proposed easements.

3. Submit eight (8) copies of a certified metes and bounds description which corresponds to the area to be vacated and which describes the areas that will be transferred to the different applicants; as well as any easements for utilities or walkways.

4. Submit a list showing all abutting property owners, their full names, addresses, Fairfax County Tax Map Reference numbers, and the area in square feet of all abutting properties.

5. Submit the \$150.00 filing fee for processing the vacation application which takes about four months to process.

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6. Assume responsibility for all publication fees, viewer fees, and any other fees paid by the Town.
7. Assume responsibility for notifying all abutting property owners at least 15 days prior to the public hearings held by the Planning Commission and Town Council on the proposed vacation (applicant will be notified of dates).
8. Deliver or mail items to the Director of Community Development, 777 Lynn Street, Herndon, Virginia 20170 (**street address**) or Director of Community Development, P. O. Box 427, Herndon, Virginia 20172-0427 (**mailing address**).
9. Assume responsibility for filing plats of easement and consolidation for all adjacent properties to which parts of the right-of-way are being granted. The Town shall record the ordinance of vacation and quit claim deed, as may be directed by the Town Council.

PLEASE NOTE: THE TITLE TO THE AREA OF A STREET VACATED BY THE TOWN IS NOT ASSURED BY THE TOWN. THE VACATION ACTION REMOVES ONLY THE TOWN'S PUBLIC STREET INTEREST IN THE LAND. OTHER PERSONS MAY HAVE RIGHTS IN THIS LAND. IN ADDITION, THE TOWN MAY RETAIN RIGHTS BY ESTABLISHING PUBLIC EASEMENTS IN THE VACATED AREA.

The undersigned hereby applies for a vacation of street right-of-way under the provisions of § 70-205 of the Herndon Town Code.

I hereby affirm and certify that:

- *The information provided on this form (and attachments) are true and correct to the best of my knowledge.*
- *The requirements associated with this application have been read and are understood.*
- *The use and occupancy of buildings and/or the use of land noted above is in conformance with all provisions of the Town of Herndon, Virginia Zoning Ordinance regulations to the best of my knowledge.*

Signature of the Applicant (Petitioner)

Date

Signature and Authorization of Zoning Administrator

Date

Comments:

For Office Use Only:

Application Received by:	Date:
Tax Map Reference:	Zoning District:
Fee Required:	Status of Taxes: <input type="checkbox"/> Paid <input type="checkbox"/> Delinquent