

**Town of Cape Charles  
Notice of Public Hearing**

The Cape Charles Town Council will hold a Public Hearing on Thursday, July 2, 2020, at 6:30 p.m. at the Cape Charles Civic Center, 500 Tazewell Ave., Cape Charles, VA 23310 to afford interested persons the opportunity to be heard or to present written comments concerning the following proposed ordinance:

- 1) Proposed Ordinance to Vacate that Plat Entitled, "Plat of Survey Showing Property Line Vacation & Relocation Between Lots 336, 336, & 338B, Map of the Town of Cape Charles Capeville District Northampton County, Virginia November 15, 2019" made by John H. Severs and Sarah T. Severs, dated November 15, 2019, which Plat is recorded in the Northampton County Clerk's Office as Instrument 200000012.

Copies of the proposed ordinance are available for review online at [www.capecharles.org](http://www.capecharles.org) under Agendas and Minutes or in the Town Clerk's office at 2 Plum Street, Cape Charles, VA 23310. For additional questions, you can also call 757-331-3259 x 15. Anyone interested in attending and needing special assistance please contact the Town at least 48 hours before the hearing.

Libby Hume, Town Clerk

**ORDINANCE 2020\_\_**

**TO VACATE THAT PLAT ENTITLED, “PLAT OF SURVEY SHOWING PROPERTY LINE VACATION & RELOCATION BETWEEN LOTS 336, 336, & 338B, MAP OF THE TOWN OF CAPE CHARLES CAPEVILLE DISTRICT NORTHAMPTON COUNTY, VIRGINIA NOVEMBER 15, 2019” MADE BY JOHN H. SEVERS AND SARAH T. SEVERS, DATED NOVEMBER 15, 2019, WHICH PLAT IS RECORDED IN THE NORTHAMPTON COUNTY CLERK’S OFFICE AS INSTRUMENT 200000012.**

**Recitals**

**WHEREAS**, John H. Severs and Sarah T. Severs presented a subdivision plat entitled: “PLAT OF SURVEY SHOWING PROPERTY LINE VACATION & RELOCATION BETWEEN LOTS 336, 337, & 338B, MAP OF THE TOWN OF CAPE CHARLES CAPEVILLE DISTRICT NORTHAMPTON COUNTY, VIRGINIA, NOVEMBER 15, 2019” signed and dated by John M. Severs and Sarah T. Severs on December 16, 2019 and December 17, 2019, respectively, to Town Planner/Zoning Administrator for the Town of Cape Charles, Zach Ponds; and

**WHEREAS**, said plat resulted in Lot 337 to be too small and a non-conforming lot in the R-1 district for purposes of zoning and Lot 336 blocking access to an alleyway and a non-conforming lot in the R-1 district for purposes of zoning; and

**WHEREAS**, said plat was mistakenly approved by the Town Planner/Zoning Administrator for the Town of Cape Charles, Zach Ponds on December 30, 2019 and subsequently recorded on January 3, 2020 in the Clerk’s Office of Northampton County Circuit Court as Instrument Number 200000012; and

**WHEREAS**, the subdivision plat entitled, “PLAT OF SURVEY SHOWING PROPERTY LINE VACATION & RELOCATION BETWEEN LOTS 336, 336, & 338B, MAP OF THE TOWN OF CAPE CHARLES CAPEVILLE DISTRICT NORTHAMPTON COUNTY, VIRGINIA, NOVEMBER 15, 2019” signed and dated on December 16, 2019 and December 17, 2019 by John M. Severs and Sarah T. Severs, respectively, and presented to Town Planner/Zoning Administrator for the Town of Cape Charles, Zach Ponds, was *void ab initio* for failure to meet the requirements of the Cape Charles Zoning Ordinance; and

**WHEREAS**, proper notice has been given as required by Section 15.2-2204 of the Code of Virginia, as amended; and

**WHEREAS**, said plat is therefore declared *void ab initio* by the Town Council of Town of Cape Charles; therefore,

**BE IT ORDAINED** by the Town Council of the Town of Cape Charles:

Section 1. This Ordinance is adopted pursuant to Section 15.2-2271 of the Code of Virginia, as amended.

Section 2. Proper notice has been given as required by Section 15.2-2204 of the Code of Virginia, as amended.

Section 3. The following plat entitled: "PLAT OF SURVEY SHOWING PROPERTY LINE VACATION & RELOCATION BETWEEN LOTS 336, 336, & 338B, MAP OF THE TOWN OF CAPE CHARLES CAPEVILLE DISTRICT NORTHAMPTON COUNTY, VIRGINIA, NOVEMBER 15, 2019" is vacated in its entirety, thereby causing the lots shown thereon to be eliminated and remain in their original dimensions prior to this Plat.

Section 4. This Ordinance is enacted pursuant to the request of Cape Charles Mayor William "Smitty" Dize.

Section 5. The Town Manager shall cause a certified copy of the Ordinance to be recorded in the aforesaid Clerk's Office following the expiration of appeals or the right to appeal this matter. Upon such filing, the Clerk shall cause this vacation to be so noted on the plat of survey affected.

Adopted by the Town Council of Cape Charles on July \_\_\_, 2020.

By: \_\_\_\_\_  
Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Town Clerk