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May 12, 2026

Charlottesville City Council
605 East Main Street, Charlottesville, VA 22902

Re: Petitioner Response to Engineering Memorandum on Swift Lane Right-of-Way Closure

Dear Council Members and City Staff:

We submit this memorandum in response to the April 10, 2026 memorandum from City Engineer Brennen Duncan regarding our petition to vacate a portion of the unimproved Swift Lane right-of-way adjacent to our home at 1210 Smith Street. We are grateful for the Engineering Department's careful analysis, and we agree with most of it. We write to address the points where we respectfully disagree and to propose a path forward.

1. Summary of Position

This vacation aligns with the City's interests in three concrete ways. It enables a service-disabled veteran-and-spouse household to invest in the appearance and livability of a Locust Grove block by planting trees, extending a vegetable garden, and creating an outdoor patio space for friends, family, and neighbors to gather. It transfers the maintenance burden of an unused right-of-way from the City to a private owner. And it does so in a way that preserves all current and reasonably foreseeable public uses: the requested parcel is a grassy non-through area bounded by Smith Street, our residence, and the hedge along the Shifflett property line, while the remainder of the Swift Lane right-of-way (the corridor that currently provides access to the adjacent Shifflett property and any future alley-style use the City may identify) remains entirely unaffected by this petition.

For background: We purchased our home at 1210 Smith Street two years ago following an extremely challenging counter-terror deployment to central and western Africa. One of the ways I found peace and healing during my difficult transition out of the military was gardening and home improvement projects, as they helped me feel a sense of positive impact and connection to the new community we found ourselves in. At the same time, we became friends with our neighbors on the small dead-end of Smith Street, eventually hosting gatherings in the open grass area next to our home. These experiences led me to seek the closure and conveyance of the grassy, unimproved piece of land that is directly connected to our front yard. In doing so, we hope to provide beauty and care to the land while improving for future benefit of friends, family, neighbors and the Locust Grove community.

On the procedural posture: the application satisfies the rubric Council adopted in 2019. The cumulative weighted score of 1.5 falls below the 1.75 threshold for forward movement,[1] and on that objective measure the application qualifies for Council consideration. The 2019 Alley Closure Procedures expressly leave the question of purchase price to Council's discretion under Part Three, Section 1(c)(vi),[2] and the considerations relevant to that discretion are addressed below. We acknowledge the City's interest in receiving fair value for any conveyance and propose to pay the encumbered value of the parcel rather than seek a no-cost vacation.

2. The 2019 Procedures Leave the Purchase Question to Council's Discretion

The 2019 Procedures govern this application, and we have followed them. Part Three, Section 1(c)(vi) of the Procedures asks Council a discrete question: "If the street or alley is currently owned by the City, does City Council desire staff to negotiate a purchase price with the Applicant and other adjoining property owners?"[3] By the Procedures' own terms, this is a discretionary question, and Council may answer it either way.

Virginia law recognizes two distinct frameworks for street vacations. When a locality holds a right-of-way as a public easement created by subdivision plat, Va. Code Sections 15.2-2272 and 15.2-2274 provide for automatic reversion to abutting lot owners at no cost, subject to existing utility easements.[4] Where, as here, the locality holds title in fee, Va. Code Section 15.2-2008 governs and contemplates that Council may set the terms of any

conveyance, including price.[5] We acknowledge that Section 15.2-2008 is the governing statute for this petition and that Council is not required to convey at no consideration. We ask only that Council exercise its discretion under (vi) informed by the policy rationale that animates the paper-street default: this parcel cannot be put to any productive third-party use, it is bounded by features that prevent independent development, the petition is not associated with any business expansion or replatting, and the abutting petitioners are the only economically rational buyers.

Section 1(c)(v) of the Procedures further illuminates the analysis: that provision contemplates conditioning vacations on commencement of business expansion or development,[6] with the implication that vacations tied to development merit different treatment than those that are not. This petition is not associated with any business expansion, development, or replatting. The Procedures' structure recognizes that not all vacations present identical fiscal considerations, and the encumbered-value framework we propose in Section 6 honors both the City's fiscal stewardship obligations under Section 15.2-2008 and the practical reality that this parcel has no realistic buyer other than the abutting owners.

3. The Eight Rubric Criteria Support Closure

We accept the Engineer's scoring on all eight rubric items. The cumulative weighted score of 1.5 falls below the 1.75 threshold,[7] and the application qualifies for Council consideration. We add three points of context.

- **Future ADU access is preserved.** The petition does not touch the portion of Swift Lane that actually provides access to the rear of the block. The requested parcel is the grassy triangle at the Smith Street intersection, which is geometrically isolated from any potential alley function. As the Engineer's memorandum confirms, "20' access for a future alley connection"[8] is preserved, and the corridor currently used as access by the Shifflett property remains entirely intact.
- **Driveway concerns are addressable.** We have no plans for a new driveway off Smith Street and would accept a covenant prohibiting any new curb cut as a condition of the vacation.
- **Utility maintenance is protected.** We are prepared to grant any easements the City or adjacent owners reasonably require for maintenance of existing utilities, and we ask only that the form and scope of any such easements be defined before the conveyance is finalized.

4. The Engineer's Concern About Future Public Use

The Engineer's recommendation rests primarily on preserving the parcel for potential future City uses, citing examples including gas regulators, water control valves, stormwater facilities, vehicle and bike parking, EV charging, and bus stops. We understand and respect the Engineer's institutional obligation to preserve long-term flexibility for the City, and the rubric criteria appropriately ask Council to weigh that flexibility against the costs of retention. We engage that question directly.

The Locust Grove block where Swift Lane terminates is a low-traffic interior residential pocket of single-family homes built between the 1930s and the 2000s. The nearest transit stop, school, and commercial node are each several blocks away; in fact, the city removed a transit stop located one block away--at the corner of Smith Street and St. Clair Avenue--within the last 18 months. The specific infrastructure types listed by the Engineer are typically sited where they connect to active corridors or concentrated demand, neither of which is present at this dead-end stub. Bus stops require active road frontage, which Swift Lane does not have. EV charging and public vehicle or bike parking are generally sited along commercial frontage or at destination nodes, not at residential dead ends. For linear utilities such as gas regulators and water valves, the easements we have offered to grant are sufficient, and the parcel's small size, sub-minimum lot dimensions, and constrained geometry make it ill-suited for facility-scale infrastructure such as stormwater detention basins in any event. The petition leaves the entire remaining Swift Lane right-of-way intact and available for any future use the City may identify; we are requesting only the grassy non-through area at the Smith Street intersection.

5. Responsible Stewardship and the City's Housing Goals

The Engineer expresses concern that vacating the parcel without consideration would amount to a donation of land that could later be developed for considerable personal gain. We share the underlying concern about responsible stewardship of public assets, and we address it directly: we are not asking the City to donate the parcel to us. We are prepared to pay the encumbered value the parcel commands, as analyzed in Section 6 below, in addition to bearing the costs of plat preparation, recording, and any necessary easement work. Paying fair encumbered value addresses the stewardship concern without requiring restrictions on the parcel's future use that would conflict with the City's broader housing objectives.

We recognize that under Charlottesville's new Development Code, the City has set ambitious goals for expanding its housing supply, and that R-A parcels permit up to three dwelling units per lot by right and up to six with applicable bonuses,[9] regardless of lot size. The 2,036 square foot Swift Lane parcel cannot independently support any housing unit, and its conveyance to us therefore does not subtract from the City's housing capacity. Equally important, addressing the stewardship concern through a fair purchase price (rather than through a use-restricting covenant) preserves the full Code-allowed density on our combined parcel for future owners. This approach is consistent with Council's stated commitment to expanding housing supply and avoids creating a precedent in which conveyances of City property are conditioned on permanent reductions in housing potential.

We would also accept, as part of a final ordinance, a recorded covenant prohibiting subdivision of the conveyed parcel from 1210 Smith Street so that the parcel cannot later be split off and sold separately. That structural restriction addresses the speculative-sale variant of the gain concern without restricting any housing use of the combined parcel.

The conveyance also partially resolves a longstanding gap in the title record. Our sewer service line crosses directly through the requested parcel before connecting to the City main (exhibits attached). A private easement recorded in 1997 authorizes the line's run across the adjacent Shifflett parcel (Tax Map Parcel 49-139, Deed Book 708, Page 27), but the legal status of the City's interest in the segment of the line that passes through the Swift Lane right-of-way has never been formally documented, notwithstanding the line's continuous in-service use since at least 2004. Conveying the requested parcel to us brings the segment of the line within that parcel under our own property, simplifying the title picture for the segment most likely to be implicated in any future use of the area we propose to acquire. A short segment of the line will remain within the unimproved portion of Swift Lane that we are not requesting; we are prepared to grant any easement the City reasonably requires for that remaining segment as part of the final ordinance.

6. Valuation of the Encumbered Parcel

Section 6 of the City's 2020 Policy for the Sale of City-Owned Property presumes full fair market value,[10] but fair market value depends on the actual character of the property being conveyed. The City Assessor's 2025 land-only valuation of 1210 Smith Street is $131,600 on 0.144 acres,[11] implying a per-square-foot rate of approximately $21. Applied to the 2,036 square foot Swift Lane parcel without adjustment, that rate would suggest a hypothetical unencumbered value of roughly $42,700. That figure, however, assumes a buyer who can put the parcel to productive standalone use. No such buyer exists, and four features of this specific parcel materially reduce that figure when actual marketability is considered.

- **The parcel cannot be sold to any third party for productive standalone use, and the abutting petitioners are the only economically rational buyers.** The parcel is bounded on three sides by features that prevent independent productive use: Mr. Shifflett's gravel driveway, a >2 feet tall curb that limits direct access to Smith Street, and our existing residence. At approximately 2,036 square feet it falls well below the 6,000 square foot R-A district minimum lot size,[12] meaning it cannot be developed as an independent lot. It is too small, too constrained, and too geometrically isolated to be marketed to any buyer other than the adjoining property owners. Parcels of this character (sub-minimum in size, saleable only to abutters) are recognized in appraisal practice as "uneconomic remnants" and are valued at a substantial discount to their per-square-foot assessment rate. This is the dispositive marketability fact, and

it is truly independent of the encumbrances discussed below; the remaining factors reinforce this conclusion.

- **An existing sewer line crosses the parcel.** Our active sewer service line runs from 1210 Smith Street directly across the parcel to connect to the City sewer at the edge of Mr. Shifflett's gravel drive. The line's run across the adjacent Shifflett parcel is authorized by a private easement recorded in 1997 (Deed Book 708, Page 27), establishing the line's legal permanence as an instrument running with the land.[13] The line is not a defect for us; it serves our home as it has served previous owners since 2004. But for any other prospective buyer, the line is a material encumbrance that would require resolving the legal status of the in-service connection, obtaining or reconveying easement rights, and potentially paying to relocate the line at typical Virginia residential costs ranging from approximately $1,000 to $20,000.[14] The City does not need to absorb that cost through a reduced price; rather, the encumbrance simply confirms that no third-party buyer would pay full unencumbered value for a parcel that comes with an in-service line serving someone else's home.

- **The parcel sits directly across from an electrical substation.** Proximity to electrical infrastructure is a recognized depressant on residential land values in the appraisal literature, with peer-reviewed studies finding statistically significant discounts for properties in close proximity to substations and high-voltage lines, generally in the range of approximately two to nine percent and dissipating with distance.[15]

- **The terrain is uneven and slopes across the parcel.** The parcel slopes meaningfully across its narrow dimension. Any productive use requires grading and site preparation that, for a parcel this size, would consume a portion of the parcel's hypothetical value before any improvement could be placed on it. The site photographs included in the attached exhibits reflect the existing topographic condition, where the position of the photographer is approximately three to four feet below Smith Street.

Putting these factors together yields a transparent walk-down from the hypothetical unencumbered figure to a defensible conveyance range:

- **Starting point:** Approximately $42,700 (2,036 SF at the $21/SF rate implied by the 1210 Smith Street assessment), assuming an unencumbered, independently marketable parcel.

- **Adjustment for non-marketability to any third party (sub-minimum lot size, geometric isolation, sewer line encumbrance):** A 60 to 70 percent reduction. The uneconomic-remnant framework discussed above supports substantial discounts for parcels that cannot be developed independently and have no market beyond the abutting owner. Applied here, this brings the figure to approximately $12,800 to $17,100.

- **Adjustment for substation proximity:** An additional 3 to 5 percent reduction at the midpoint of the appraisal literature, bringing the figure to approximately $12,100 to $16,500.

- **Adjustment for terrain and site preparation:** An additional reduction of 10-15% to reflect grading and site preparation costs of $1,500 to $2,500 that would be required before any productive use, modestly applied given the parcel's small size.

Together, these adjustments support a defensible conveyance range of approximately **$10,000 to $15,000**. This range honors the stewardship presumption of the 2020 Policy and Va. Code Section 15.2-2008 by establishing meaningful consideration tied to a transparent walk-down, while reflecting the parcel's actual marketability. We would welcome the opportunity to engage with the City Assessor or an independent appraiser to refine this range, and we are prepared to bear the reasonable costs of plat preparation, recording, and any necessary easement work in addition to the conveyance price.

7. Requested Action

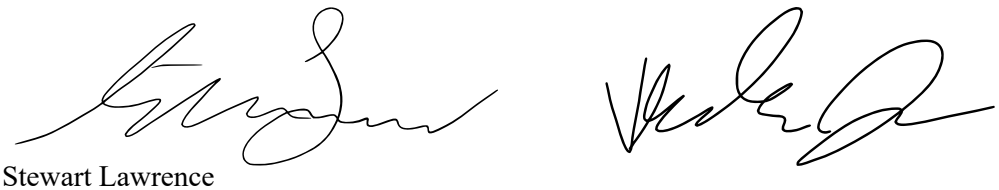
We respectfully request that Council approve the petition for vacation of the requested portion of Swift Lane on the following terms:

- Conveyance of the vacated parcel to the petitioners at a price reflecting the parcel's encumbered character, as analyzed in Section 6, with the petitioners participating in the valuation process alongside the City Assessor or an independent appraiser;
- Reservation of any utility easements reasonably required for maintenance of existing utilities;
- A recorded covenant prohibiting subdivision of the conveyed parcel from 1210 Smith Street, ensuring the parcel cannot be split off and sold separately for development; and
- Petitioners to bear the reasonable costs of plat preparation, recording, and any necessary easement work.

If Council approves the petition, the practical result within two years will be visible from Swift Lane and Smith Street: trees and a vegetable garden where the barren stub now stands, a maintained patio area for neighborhood gatherings, and clean title separating the abutting owners' properties from a City right-of-way that has served no public function for decades. The net cost to the City is zero; the City receives meaningful consideration and is relieved of maintenance responsibility for an unused stub. The benefit to the block, and to a veteran-and-spouse household investing in their community, is substantial.

We are grateful for the time the Engineering Department has spent on this matter and for Council's careful consideration. We have asked that the public hearing be scheduled in September or October to accommodate professional commitments out of state through the summer, and we appreciate the City's flexibility on timing.

Respectfully submitted,



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Endnotes

[1] Resolution Approving Updated Procedures for the Alteration of Streets, Alleys, Public Rights-of-Way and Public Easements (Charlottesville City Council, Sept. 16, 2019); see also City of Charlottesville Memorandum from Brennen Duncan, P.E., to Steven Hicks, Subject: Swift Lane RW Closure (Apr. 10, 2026), at 2 (calculating cumulative weighted score of 1.5).

[2] City Council Procedures for Consideration of Applications Seeking Alteration or Vacation of Public Easements, or of Certain Public or Private Streets/Alleys, or Public Rights of Way, Part Three, Section 1(c)(vi) (Charlottesville, revised Sept. 16, 2019).

[3] Id.

[4] Va. Code Ann. § 15.2-2274 ("The recordation of the instrument as provided under subdivision 1 of § 15.2-2272 or of the ordinance as provided under subdivision 2 of § 15.2-2272 shall operate to destroy the force and effect of the recording of the plat or part thereof so vacated, and to vest fee simple title to the centerline of any streets, alleys or easements for public passage so vacated in the owners of abutting lots free and clear of any rights of the public or other owners of lots shown on the plat, but subject to the rights of the owners of any public utility installations which have been previously erected therein."); Va. Code Ann. § 15.2-2272.

[5] Va. Code Ann. § 15.2-2008 (authorizing localities to convey, lease, or otherwise dispose of real property held in fee on such terms and conditions as the governing body may prescribe). For a discussion distinguishing the automatic reversion framework of § 15.2-2272 from the conditional conveyance framework of § 15.2-2008, see Examining Title to Streets - Part II, Virginia Land Title Association Examiner (Sept. 15, 2022).

[6] City Council Procedures, supra note 2, Part Three, Section 1(c)(v).

[7] Resolution Approving 2019 Procedures, supra note 1; see also City of Charlottesville Memorandum from Brennen Duncan, supra note 1, at 2 (calculating cumulative weighted score of 1.5).

[8] City of Charlottesville Memorandum from Brennen Duncan, supra note 1, at 1.

[9] Charlottesville Development Code § 2.2.2.A.2 (R-A density: maximum three dwellings per lot base; four with existing structure preservation bonus; six with affordable dwelling unit bonus).

[10] Policy for the Sale of City-Owned Property, Section 6 (Charlottesville, adopted Jan. 3, 2005, revised Sept. 8, 2020).

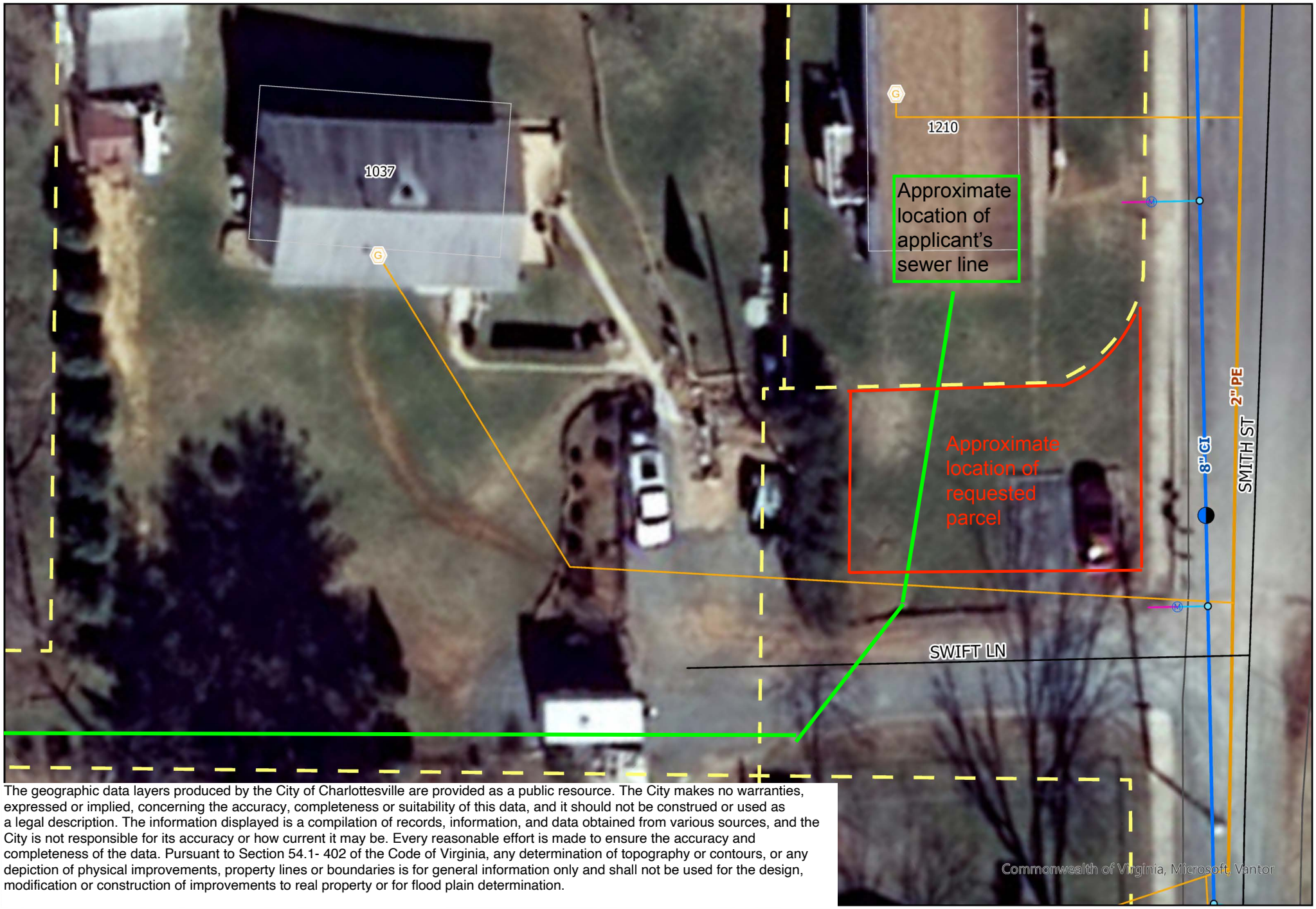
[11] City of Charlottesville, 2025 Real Estate Tax Assessment for 1210 Smith Street, Tax Map and Parcel 490139100 (Lot B, Locust Grove Extension; 0.144 acres; land assessment $131,600; improvements $258,000; total $389,600).

[12] Charlottesville Development Code § 2.2.2.A.1 (effective Feb. 19, 2024) (R-A district minimum lot area of 6,000 SF).

[13] See City of Charlottesville GIS Viewer, Swift Lane Utilities Map (depicting active sewer service line from 1210 Smith Street crossing the requested parcel and connecting at the edge of 1037 Swift Lane). The map is attached as an exhibit. For the recorded private easement authorizing the line's run across Tax Map Parcel 49-139, see Easement Agreement between Donald E. Shifflett (Grantor) and E. Grant Cosner (Grantee), dated Nov. 26, 1997, recorded Dec. 5, 1997, Charlottesville Circuit Court Deed Book 708, Page 27 (also an exhibit).

[14] For typical Virginia residential sewer line replacement costs, see Caffi Services, *How Much Does It Cost to Replace a Sewer Line?* (Feb. 26, 2026), https://www.caffiservices.com/blog/how-much-to-replace-sewer-line/ (reporting Virginia average of approximately $3,500 with a range of $1,000 to $20,000 depending on length, depth, and access conditions); Angi, *How Much Does Sewer Line Replacement Cost? [2026 Data]* (Mar. 17, 2026), https://www.angi.com/articles/how-much-does-sewer-line-replacement-or-repair-cost.htm.

[15] See Ted Tatos, Mark Glick & Troy A. Lunt, *Property Value Impacts from Transmission Lines, Subtransmission Lines, and Substations*, 84 Appraisal J. 205 (Summer 2016) (finding statistically significant value decreases for single-family homes within 50 meters of substations and certain transmission lines, with effects diminishing with distance); Thomas O. Jackson & Jennifer Pitts, *The Effects of Electric Transmission Lines on Property Values: A Literature Review*, 18 J. Real Est. Literature 239 (2010) (reviewing the literature and reporting that observed effects, where present, generally range from approximately two to nine percent and tend to dissipate with distance and time); Lita Furby et al., *Electric Power Transmission Lines, Property Values, and Compensation*, 27 J. Envtl. Mgmt. 69 (1988).



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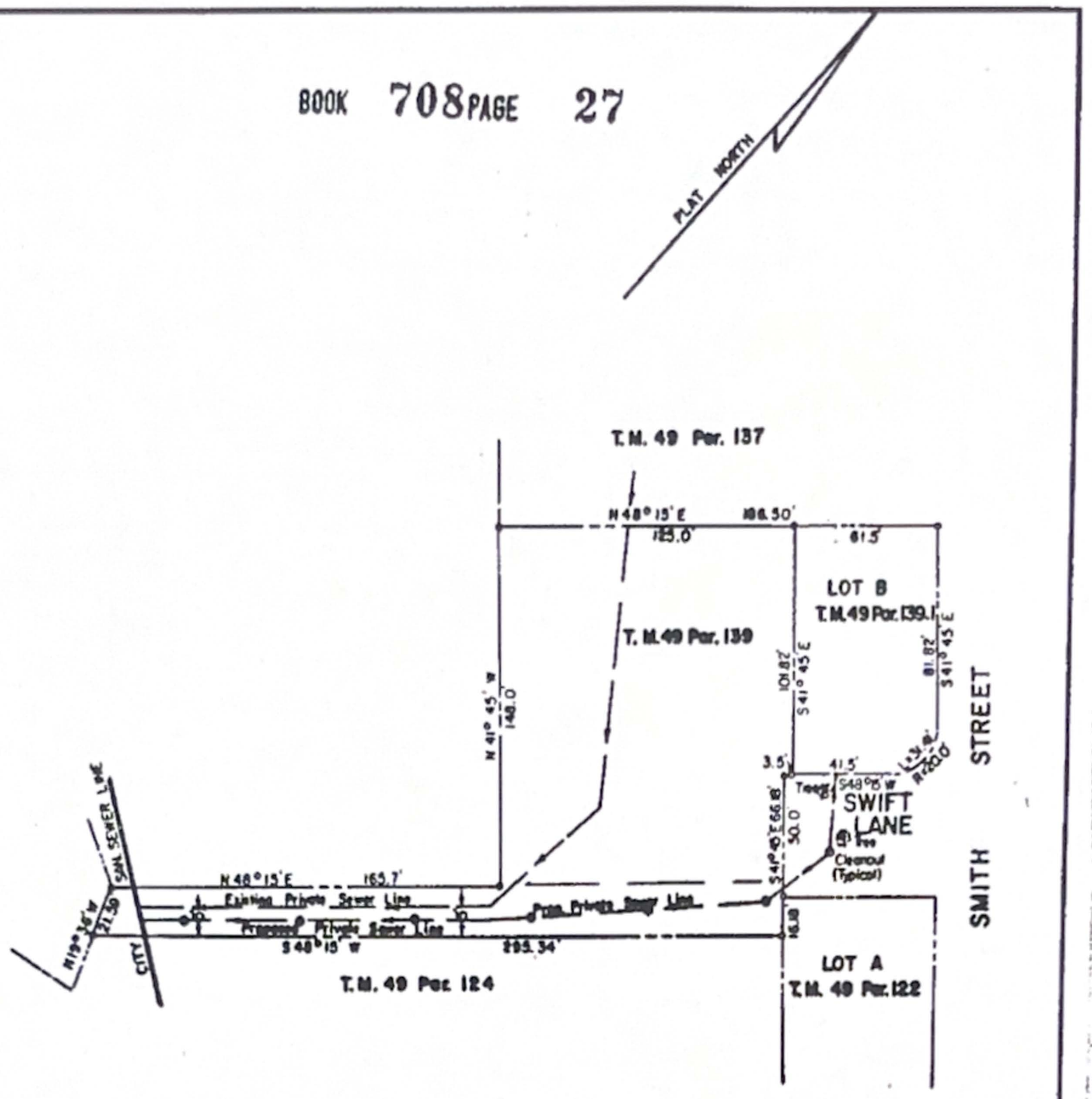
0 15 30 60 Feet

Swift Lane, Charlottesville, VA

N W E S


Approximate location of applicant's sewer line

BOOK 708 PAGE 27



PLAT SHOWING EASEMENT
FOR PRIVATE SANITARY SEWER LINE
ACROSS PARCEL 139 TAX MAP 49
LOCUST GROVE EXTENSION
CHARLOTTESVILLE, VIRGINIA

COMMONWEALTH OF VIRGINIA
David L. Collins
Lic. No. 1521
Oct. 30, 1997
LAND SURVEYOR

GRAPHIC SCALE
50 0 50 100 150

SCALE: _____ DATE: OCT. 30, 1997

ROUDABUSH, GALE & ASSOC., INC.
A Professional Corporation
CERTIFIED LAND SURVEYOR – ENGINEER
Charlottesville, Virginia

FILE NO. 2019