



County Building Three
PHONE (804) 693-1224
FAX (804) 693-7037

Department of Planning

6582 Main Street
P. O. Box 329
Gloucester, Virginia 23061

M E M O R A N D U M

TO: Policy File

FROM: Anne Ducey-Ortiz, AICP, Planning Director

DATE: October 25, 2011

SUBJECT: Right-of-way Reservation for Width Deficiencies

Sections 15-19 and 15-41 of the Gloucester County Subdivision Ordinance refer, in part, to minimum rights-of-way widths. In upholding the intent of the Ordinance that all rights of access shall be a minimum of 50 feet, based on a Policy established by the Subdivision Agent on May 1, 2006 the County has consistently required the subdivider to reserve half of the right-of-way deficiency along the frontage of the subdivision where a subdivision abuts an existing public right-of-way that is less than 50 feet in width.

The subdivider has been required to show this reservation on associated plans and plats, and the reservation strip has been labeled in accordance with the following example: “(Width) Strip Reserved for Public Right-of-Way Purposes.” The Department revised this requirement recently to request the use of the word “reservation” rather than “dedication” based on concerns for potential title issues resulting from showing the reservation on a plat without an accompanying deed and the uncertainty if VDOT would actually use the reserved area for future widening of the road.

Section 15-41 also states “...*this provision is subject to the requirement that the county must have demonstrated a need for such additional land within a reasonable time through its adoption of the comprehensive plan, a utilities plan or plan formulated by the department of highways and transportation...*”

The previous Subdivision Agent interpreted the Ordinance’s requirement that all public roads be 50 feet in width as a demonstrated need for additional land requiring the right-of-way reservation area. Recently the authority for reservation requirement on plats was questioned; therefore, my staff and I have reexamined the policy as it relates to the ordinance. In doing so we sought guidance and cooperation from VDOT on how best to address the right-of-way deficiency issue. VDOT’s response indicates that if the right-of-way is not in the Secondary

Six Year Improvement Plan and the Secondary Six Year Plan, they cannot provide a demonstrated need for additional land within a reasonable time. Although dedication of land upfront saves time and money for future road construction, only those projects on the Six Year Plan can be assured construction within a reasonable time.

After carefully considering the above, I have decided to revise the reservation policy in favor of the following: The reservation area will be requested where a subdivision abuts an existing public right-of-way that has a width deficiency because it is less than 50 feet in width provided that the comprehensive plan, a utilities plan or a plan formulated by the Virginia Department of Transportation (such as VDOT's Secondary Six Year Improvement Plan, VDOT's Six Year Improvement Plan or other approved plans) demonstrates a need for such additional land within a reasonable time.