



**BALZER**  
**& ASSOCIATES**  
PLANNERS / ARCHITECTS  
ENGINEERS / SURVEYORS

80 College Street  
Suite H  
Christiansburg VA 24073  
540.381.4290  
www.balzer.cc

Roanoke  
Richmond  
New River Valley  
Shenandoah Valley

June 2, 2023

Lawrence Spencer  
Town of Blacksburg  
300 South Main Street  
Blacksburg, VA 24073

RE: Habitat for Humanity – Right of Way Vacation Request

Dear Larry,

Included with this letter is the right of way vacation application, right of way vacation exhibit and background reference plats for your review regarding two unbuilt portions of Town right of way located off Airport Road. As you are aware, Habitat for Humanity of the New River Valley is working with the existing property owner, The Blacksburg Fire Safety Foundation, to acquire the properties listed as Tax Parcel #'s 317-2 31,32,34A and 317-2 32A,33,34 and then develop 11 townhomes as part of a new Habitat project. This property will require a rezoning which is planned to be submitted to the Town on July 3, 2023. We were asked to provide this right of way vacation request to your office prior to that submittal so you could start your review as the ability to include this square footage into our site area will make for a significantly better project.

Thank you for reviewing this information and if you have any additional questions or comments, please feel free to contact me.

Sincerely,  
**BALZER AND ASSOCIATES, INC.**

Steven M. Semones  
Executive Vice President

Revised 7/04

Office Use Only

Ordinance #: \_\_\_\_\_  
Date Received \_\_\_\_\_

**REQUEST FOR VACATION OF AN ALLEY OR UN-BUILT RIGHT OF WAY**  
**TOWN OF BLACKSBURG, VIRGINIA**

This application and accompanying information must be submitted in full before the vacation request can be referred to the Planning Commission and Town Council for consideration. Please contact the Planning and Engineering Department at 540-961-1126 for application deadline.

Habitat for Humanity of the New River Valley

Name of Applicant(s)

1675 N Franklin Street  
Christiansburg, VA 24073

Address

(540) 381-1155

Phone

Fax

Please list any additional parties included in this application:

None - adjacent property owners are the Town of Blacksburg and Virginia Tech (airport property). Neither have expressed any interest in purchasing half of the right-of-way where it abuts their parcel. The Blacksburg Fire Safety Foundation are the current property owners that will receive this vacated property and consent to this application by Habitat for Humanity of the New River Valley.

Location of right of way to be vacated: (survey of property or legal description of boundary)

A portion of two paper streets that extend from Airport Road west to the western boundary line of tax parcels 317-2 34 and 317-2 34A (see attached Right of Way exhibit)

Tax Parcel Number(s) of Property: N A

Square Footage of area to be vacated: Total of 9,410 sf (5,665sf of platted Airport Dr & 3,745sf of platted Virginia Street)

If there is more than one applicant, how is property to be divided?

N A

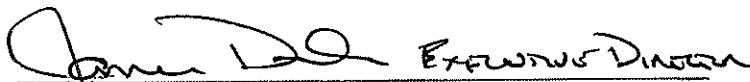
What is the intended use of the vacated property?

The vacated property will be absorbed into tax parcels 317-2 31,32,34A and 317-2 32A,33,34 and used as part of the proposed redevelopment of these parcels for an affordable housing project for Habitat for Humanity of the New River Valley.

I, We, the owner(s), agent, or contract purchaser(s) described on this application do hereby apply for the vacation of the above described alley or un-built right of way and certify the following:

1. I, We, own property abutting the above described alley or un-built right of way.
2. I, We, will provide proof of notification of all property owners abutting the alley or un-built right of way in order to give them the opportunity to join in or file separate applications for the vacation.
3. I, We, agree that the value of the alley or un-built right of way is \$ TBD.
4. I, We, agree that if a formal appraisal is required, as established by the Comprehensive Plan vacation process, the cost of the appraisal will be paid to the Town of Blacksburg before acceptance of the application.
5. I, We, agree to pay to the Town of Blacksburg the above stated price if the alley or un-built right of way is vacated.
6. I, We, agree to accept a quit-claim deed to the property and accept responsibility for ascertaining what interest the Town of Blacksburg may have in the area if vacated.
7. I, We, understand that the Town of Blacksburg makes no warranties of title of property.

Please include an application fee of \$500.00 to be applied to the cost of advertising, the cost of first class and certified mail postage to all adjacent properties and expense incidental to reviewing, publishing, and processing this application. Please make your check or money order payable to the Town of Blacksburg.

  
Signature of Applicant(s)

6/2/2023  
Date

OFFICE USE ONLY

..... Comprehensive Plan Review

..... Transit Review

..... Utility Review

..... Rear Property Access

..... Recreation Review

..... Appraisal

## AUTHORIZED SIGNATURES FOR LAND USE APPLICATIONS

### 1. Introduction

This guide identifies those persons authorized to sign land use applications and proffers on behalf of corporations, partnerships, religious organizations, trusts, and other unincorporated bodies, societies, benevolent associations and organizations. It focuses on the most common entities and relationships town departments will encounter. Contact the town attorney if you are faced with an entity that is not addressed here.

This guide also indentifies the supporting documentation an applicant should submit to demonstrate the authority of the person signing an application or proffer.

### 2. Stock corporations

*Authorized signatories:* The authorized signatories are (1) the board of directors; (2) any person in the corporation expressly authorized by the board of directors to complete prescribed acts on behalf of the corporation (Virginia Code § 13.1-673); (3) a committee of the board of directors (Virginia Code § 13.1-689); or (4) a corporate officer as provided in the by-laws or in a resolution of the board of directors (Virginia Code § 13.1-694).

*Supporting documentation:* The supporting documentation is (1) for a board of directors, the articles of incorporation or a shareholders' agreement may limit the board's statutory authority Virginia Code § 13.1-673); (2) for a person expressly authorized by the board of directors, written evidence of that authorization, such as a board resolution or board minutes; (3) for a committee, an action of the board of directors authorizing the committee to act; the articles of incorporation or the by-laws may limit the statutory authority (Virginia Code § 13.1-689); (4) for a corporate officer, the by-laws or the delegating resolution of the board of directors Virginia Code § 13.1-694).

### 3. Nonstock corporations

*Authorized signatories:* The authorized signatories are (1) the board of directors; (2) any person in the corporation expressly authorized by the board of directors to complete prescribed acts on behalf of the corporation (Virginia Code § 13.1-853); (3) a committee of the board of directors (Virginia Code § 13.1-869); or (4) a corporate officer as provided in the by-laws or in a resolution of the board of directors (Virginia Code § 13.1-872).

*Supporting documentation:* The supporting documentation is (1) for a board of directors, the articles of incorporation and the by-laws, the latter of which may include a member or director agreement, may limit the board's statutory authority (Virginia Code §§ 13.1-852.1, 13.1-853); (2) for a person expressly authorized by the board of directors, written evidence of that authorization such as a board resolution or board minutes; (3) for a committee, an action of the

board of directors authorizing the committee to act; the articles of incorporation or the by-laws may limit the statutory authority (Virginia Code § 13.1-869); (4) for a corporate officer, the by-laws or the delegating resolution of the board of directors (Virginia Code § 13.1-872).

#### **4. Limited liability companies (“LLCs”)**

*Authorized signatories:* The authorized signatories are (1) if the LLC is not a manager-managed LLC, any member; (2) if the LLC is a manager-managed LLC, the manager or any member unless the articles of organization limit the members’ authority (Virginia Code § 13.1-1021.1 (A)); or (3) unless otherwise provided in the articles of organization or an operating agreement, the members have the power and authority to delegate to one or more other persons, including agents, officers and employes of a member or manager of the LLC, members’ rights and powers to manage and control the business affairs of the LLC, and to delegate by a management agreement or other agreement with, or otherwise to, other persons (Virginia Code § 13.1-1022 (D)).

*Supporting documentation:* The articles of organization (Virginia Code § 13.1-1021.1 (A) and when the power is delegated to someone other than a manager or a member, also the operating agreement and, if applicable, any other agreement (Virginia Code § 13.1-1022 (D)).

#### **5. Partnerships**

*Authorized signatories:* The authorized signatories are (1) if the land is held in the name of the partnership, by any partner; (2) if the land is held in the name of a partner, but the instrument transferring to the partner indicates the partner’s capacity as a partner or the existence of a partnership, but without identifying the partnership, by the partner in whose name the property is held; (3) if the land is held in the name of a person, who is a partner, but the instrument transferring to the person does not indicate the person’s capacity as a partner or the existence of a partnership, by the person in whose name the property is held (Virginia Code § 50-73.29).

*Supporting documentation:* The statement of partnership authority, which may limit the authority of one or more partners (Virginia Code § 50-73.93).

#### **6. Limited partnerships**

*Authorized signatories:* The authorized signatories are any general partner (Virginia Code § 50-73.29).

*Supporting documentation:* The partnership agreement, or amendments thereto, which may limit the authority of one or more general partners (Virginia Code § 50-73.29).

#### **7. Unincorporated churches and other religious bodies**

*Authorized signatories:* The authorized signatories are (1) all trustee who hold title to the property (Virginia Code §§ 57-8 and 5-15 (A)); (2) for the corporation holding title, the

appropriate corporate documents (see, e.g., section 3 above) or : (3) for a bishop, minister or ecclesiastical officer, the laws, rules or ecclesiastical polity of the entity that authorizes the person to hold, improve, mortgage, sell and convey the property (Virginia Code § 57-16).

#### **8. Incorporated churches and other religious bodies**

*Authorized signatories:* See section 7, paragraph 1, above.

*Supporting documentation:* See section 7, paragraph 2, above. In 2005, Virginia Code § 57-15 was amended to allow religious organization to incorporate. Virginia Code § 57-15 (B)(i) authorizes trustees, as an alternative to holding, administering and managing property in the name of the trustees, to incorporate the church or religious body and to transfer the title of real and person property held by them to the incorporated church or religious body.

#### **9. Land trusts**

*Authorized signatories:* The authorized signatories are all trustees who hold title to the property (Virginia Code § 55-17.1); provided (1) if a co-trustee is unavailable to perform duties because of absence, illness, disqualification under other law, or other temporary incapacity, and prompt action is necessary to achieve the purposes of the trust or to avoid injury to the trust property, the remaining co-trustees may act for the trust (Virginia Code § 55-547.03 (D)); and (2) a trustee may delegate to a co-trustee the performance of any function other than a function that the terms of the trust expressly require to be performed by the trustees jointly (Virginia Code § 55-547.03 (E)).

*Supporting documentation:* The deed of conveyance to the trustees and the trust instrument (Virginia Code § 55-17.1).

#### **10. Land held under the Virginia Uniform Transfers to Minors Act**

*Authorized signatory:* The authorized signatory is the custodian (Virginia Code § 31-49).

*Supporting documentation:* The instrument evidencing the transfer to the custodian under the Virginia Uniform Transfers to Minors Act (Virginia Code § 31-46).

#### **11. Unincorporated bodies or societies who acquire land for charitable purposes**

*Authorized signatories:* The authorized signatories are all trustees who hold title to the property (Virginia Code § 57-18, which incorporated Virginia Code §§ 57-8 and 57-15 by reference).

*Supporting documentation:* The authorizing court order (Virginia Code § 57-18).

**12. Benevolent association (such as armed forces veterans associations, Freemasons, Odd Fellows and other fraternal organizations)**

*Authorized signatories:* The authorized signatories are all trustees who hold title to the property (Virginia Code § 57-19, which incorporates Virginia Code §§ 57-8 and 57-15 by reference).

*Supporting documentation:* The authorizing court order (Virginia Code § 57-19).

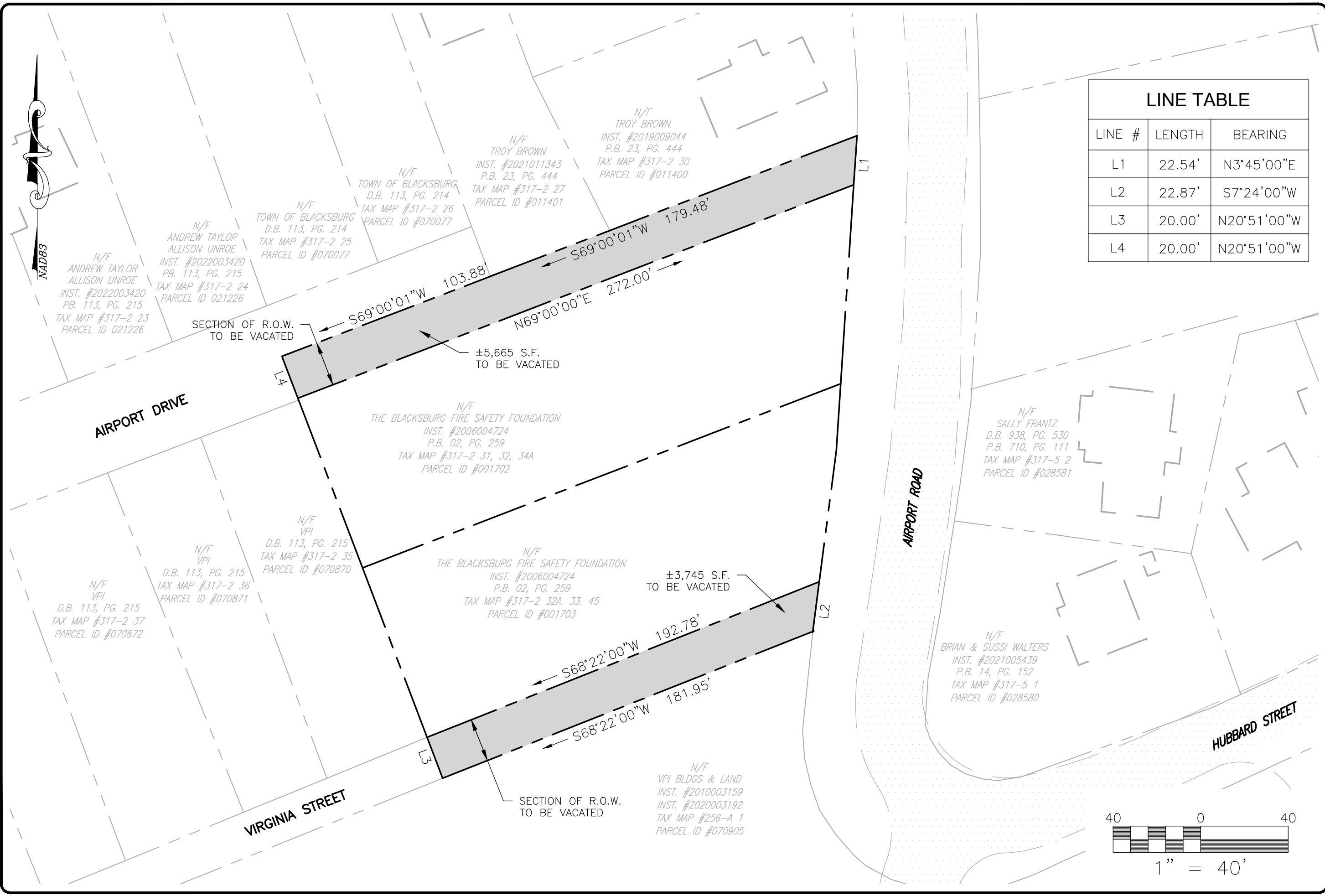


**BALZER & ASSOCIATES**  
 PLANNERS / ARCHITECTS  
 ENGINEERS / SURVEYORS

Roanoke / Richmond  
 New River Valley  
 Shenandoah Valley

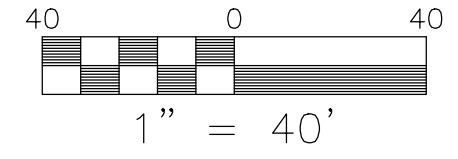
**www.balzer.cc**  
 80 College Street  
 Suite H  
 Christiansburg, VA 24073  
 540.381.4290

LINE TABLE		
LINE #	LENGTH	BEARING
L1	22.54'	N3°45'00"E
L2	22.87'	S7°24'00"W
L3	20.00'	N20°51'00"W
L4	20.00'	N20°51'00"W



**HABITAT FOR HUMANITY**  
**PROPOSED RIGHT-OF-WAY VACATION**  
 PRICES FORK MAGISTERIAL DISTRICT  
 BLACKSBURG, VIRGINIA

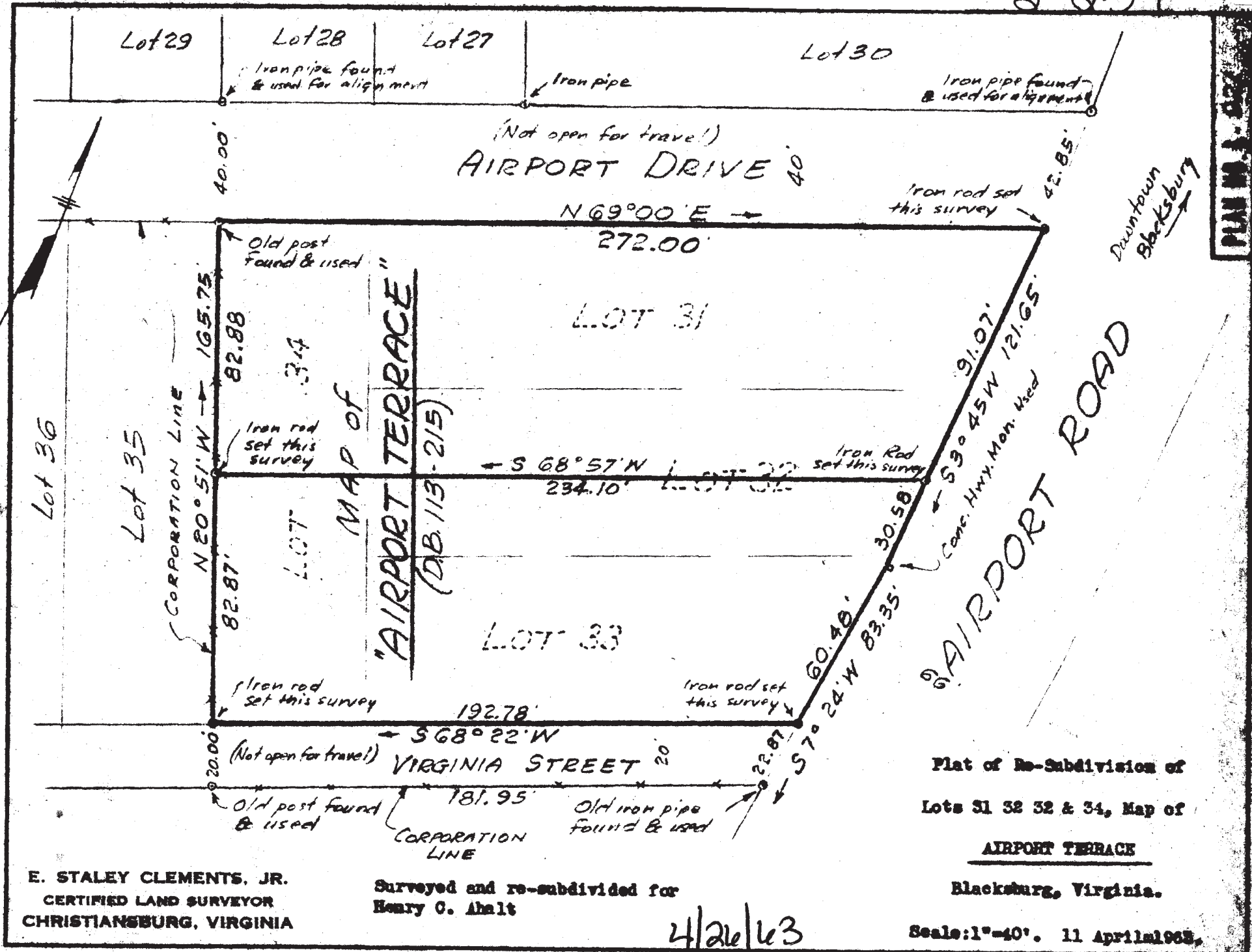
DATE 6/2/2023  
 SCALE 1" = 40'  
 REVISIONS



**EX1**  
 PROJECT NO 24230054.00



2-259



Plat of Re-Subdivision of  
 Lots 31 32 33 & 34, Map of  
AIRPORT TERRACE

Blacksburg, Virginia.

E. STALEY CLEMENTS, JR.  
 CERTIFIED LAND SURVEYOR  
 CHRISTIANBURG, VIRGINIA

Surveyed and re-subdivided for  
 Henry G. Ahalt

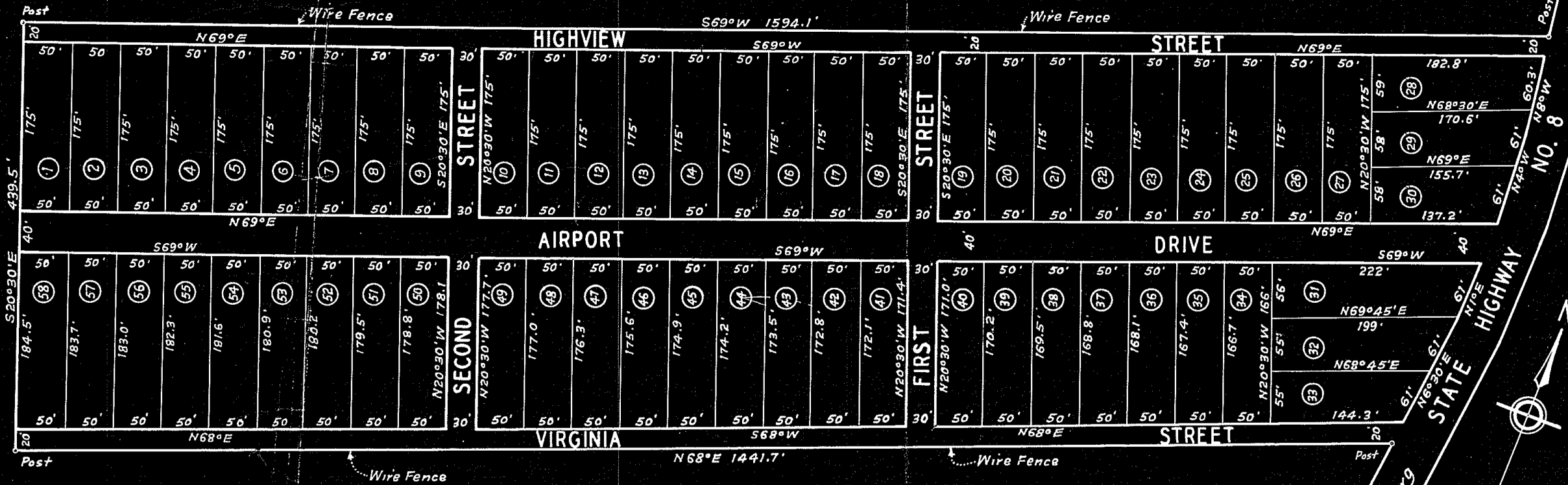
4/26/63

Scale: 1"=40'. 11 April 1963.

Deed Book 241, Page 228

T-28

AIRPORT FIELD



W. L. Crumpacker

**AIRPORT TERRACE**  
 SOUTH OF BLACKSBURG,  
 MONTGOMERY COUNTY, VA.

Scale 1"=100' May 19, 1939.

Rakes Bros., Owners-Developers

Childress Hall,  
 State Cert. Sur.

**Owner's Consent And Dedication:**

This Is To Certify That This "Plot Of Boundary Line Adjustment And Right-Of-Way Vacation", As Shown, Has Been Prepared With The Free Consent And In Strict Accordance With The Wishes And Desires Of The Undersigned Owners. The Said Owner Does Hereby Dedicate And Grant To The Town Of Blacksburg The Public Utility Easements As Shown Hereon.

Alta E. Loop, Et. Al.  
*Judy L. Smith, executrix 2/19/03*  
 Judy L. Smith, Executrix  
*Doris Elizabeth Loop Denton 2/20/03*  
 Doris Elizabeth Loop Denton, Heir  
*Donald Carlos Loop 2/20/03*  
 Donald Carlos Loop, Heir

**Conforming Statement:**

This Is To Certify That The Undersigned Owners Propose To Establish This "Plot Of Boundary Line Adjustment And Right Of Way Vacation", To Conform To All The Requirements And Provisions Of The Subdivision And Zoning Ordinances Of The Town Of Blacksburg, Virginia.

Alta E. Loop, Et. Al.  
*Judy L. Smith, executrix 2/19/03*  
 Judy L. Smith, Executrix  
*Doris Elizabeth Loop Denton 2/20/03*  
 Doris Elizabeth Loop Denton, Heir  
*Donald Carlos Loop 2/20/03*  
 Donald Carlos Loop, Heir

**Notary's Certificate:**

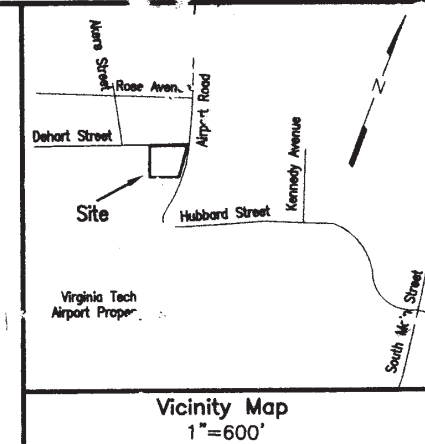
State Of Virginia  
 City/County Of Montgomery, To Wit:  
 I, Kimberly F. Davis, A Notary Public In And For The State And City/County Aforesaid, Do Hereby Certify That Judy L. Smith, Executrix, Whose Name Is Signed To The Foregoing Writing, Bearing The Date Of February 19, 2003 Has Personally Appeared Before Me In My City/County Aforesaid, And Acknowledged The Same.  
 Given Under My Hand This 19 Day Of February, 2003  
 My Commission Expires September 30, 2004  
Kimberly F. Davis  
 Notary Public

**Notary's Certificate:**

State Of Florida  
 City/County Of Highlands, To Wit:  
 I, Mary Lynn Maine, A Notary Public In And For The State And City/County Aforesaid, Do Hereby Certify That Doris Elizabeth Loop Denton, Heir, Whose Name Is Signed To The Foregoing Writing, Bearing The Date Of February 20, 2003 Has Personally Appeared Before Me In My City/County Aforesaid, And Acknowledged The Same.  
 Given Under My Hand This 20 Day Of February, 2003  
 My Commission Expires January 1, 2005  
Mary Lynn Maine  
 Notary Public

**Notary's Certificate:**

State Of Florida  
 City/County Of Highlands, To Wit:  
 I, Mary Lynn Maine, A Notary Public In And For The State And City/County Aforesaid, Do Hereby Certify That Donald Carlos Loop, Heir, Whose Name Is Signed To The Foregoing Writing, Bearing The Date Of February 20, 2003 Has Personally Appeared Before Me In My City/County Aforesaid, And Acknowledged The Same.  
 Given Under My Hand This 20 Day Of February, 2003  
 My Commission Expires January 1, 2005  
Mary Lynn Maine  
 Notary Public



**Lowest Sewerable Elevation:**

Lot 27 2110.51'

Lot Coverage	
New Parcel 28A	14%
New Parcel 30	12%
New Parcel 27	0%
<b>Total All 3 Lots</b>	<b>10%</b>

**Area Tabulation:**

Tax Map 317(2)27	0.201 Acres (Before Adjustment)
Tax Map 317(2)28	0.236 Acres (Before Adjustment)
Tax Map 317(2)29	0.218 Acres (Before Adjustment)
Tax Map 317(2)30	0.195 Acres (Before Adjustment)
Right Of Way To Be Vacated	0.084 Acres (Before Adjustment)
<b>New Parcel 27</b>	<b>0.231 Acres (After Adjustment)</b>
<b>New Parcel 28A</b>	<b>0.455 Acres (After Adjustment)</b>
<b>New Parcel 30</b>	<b>0.248 Acres (After Adjustment)</b>
<b>Total Acreage</b>	<b>0.934 Acres (After Adjustment)</b>

**Zoning Table:**

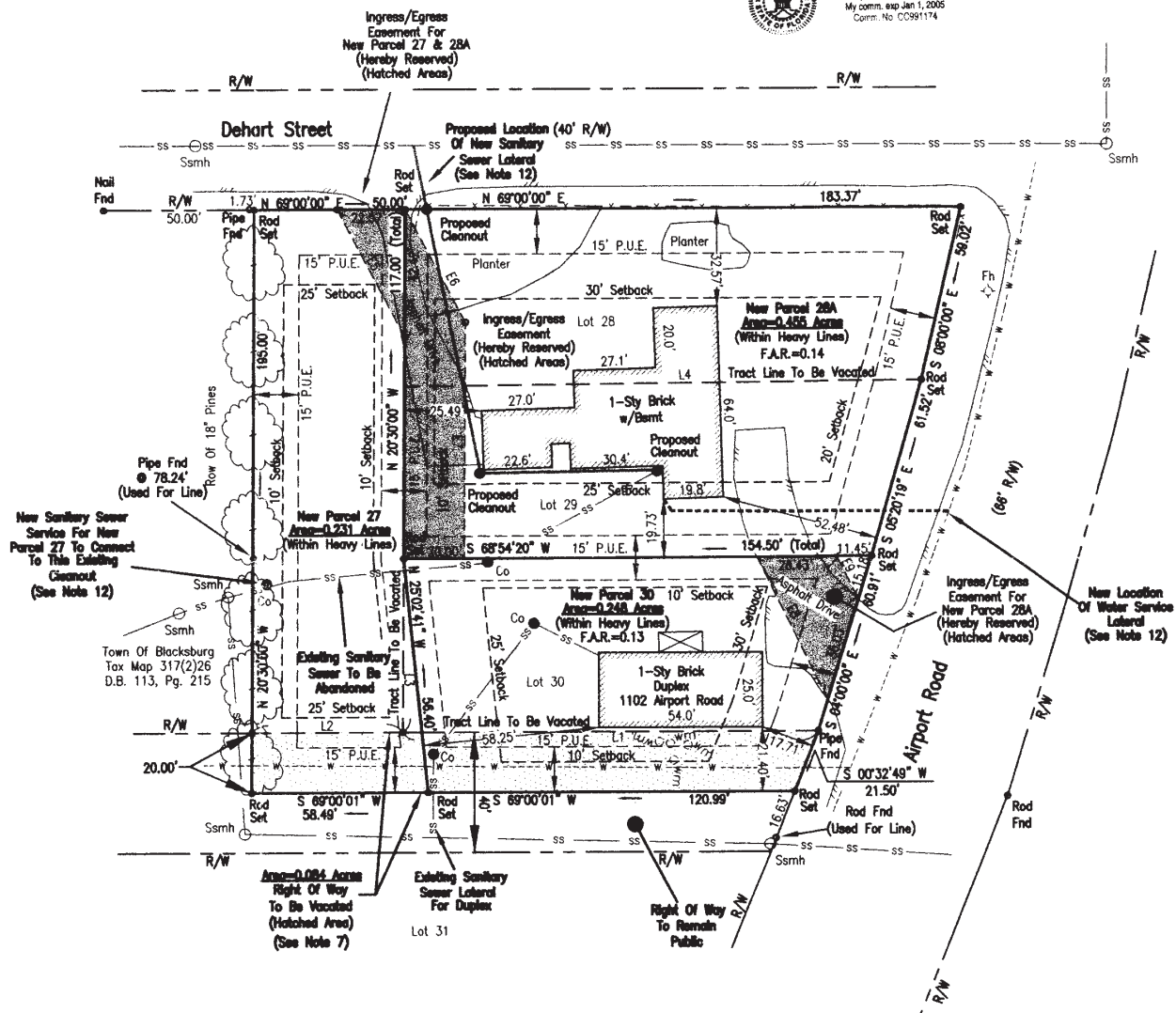
R-4 Low Density Residential District  
 Minimum Lot Size - 10,000 sq. ft.  
 Minimum Lot Frontage - 40'  
 Setbacks: Front Yard - 30', Except 25' For Rear Yard Parking  
 Side Yard - 10', Rear Yard - 25'  
 Side Yard Adjacent Public Street - 20'  
 Maximum Structure Height - 30'  
 Maximum Lot Coverage - 45%  
 Maximum Floor Area Ratio - 0.25 FAR

**Notes:**

- This Plot Was Produced Without The Benefit Of A Title Report.
- 5/8" Iron Rods Set At All Corners Unless Otherwise Specified.
- References: Town Of Blacksburg Tax Map 317(2)27-30, W.B. 24, Pg. 75, D.B. 113, Pg. 215 (Plot).
- This Plot Is The Result Of An Actual Field Survey Performed By Anderson & Associates, Inc. November, 2002.
- No Evidence Or Remains Of Human Burial Were Found At Time Of Survey.
- 15' Public Utility Easements Are Hereby Created Interior To Exterior Boundary Lines And Centered On Interior Boundary Lines.
- Right Of Way Vacation Was Approved By Action Of The Blacksburg Town Council By Ordinance 1322, Dated January 14, 2003.
- Owner Address: Alta E. Loop, 1102 Airport Rd., Blacksburg, VA 24060
- All Lots To Be Served By Public Sewer And Water.
- All New Utilities Are To Be Placed Underground.
- Lowest Floor Elevation On New Parcel 27 Will Be Served By Gravity Sewer.
- Existing Sanitary Sewer Service For New Parcel 28A Will Be Abandoned And Replaced As Shown. New Parcel 27 Will Be Served By Existing Sanitary Sewer Lateral As Shown. Existing Water Service Lateral For New Parcel 28A Will Be Abandoned And Replaced As Shown.

**Approval Statement:**

The Hereon Shown "Plot Of Boundary Line Adjustment And Right Of Way Vacation", Dated January 17, 2003, Has Been Submitted And Approved For Recordation By The Town Of Blacksburg, Virginia.  
*John R. Christian* 3/07/03  
 Town Planner  
*Randy Parrish* 3/17/03  
 Town Engineer



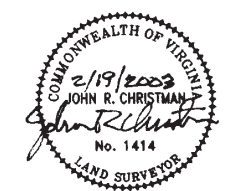
Tract Lines To Be Vacated Table		
Line	Length	Bearing
L1	137.20'	S 69°00'00" W
L2	50.00'	S 69°00'00" W
L3	58.62'	S 20°30'00" E
L4	170.81'	S 68°30'00" W

Easement Line Table		
Line	Bearing	Length
E5	S48°37'46"E	47.88'
E6	N48°37'46"W	42.42'
E7	N20°30'00"W	79.38'
E8	S48°48'48"E	53.27'
E9	S48°48'48"E	16.11'

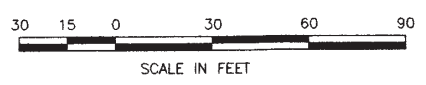
**Source Of Title:**

This Is To Certify That The Properties As Shown On This "Plot Of Boundary Line Adjustment And Right Of Way Vacation", Is All Of The Land Acquired By Judy Ann Loop Smith, Doris Elizabeth Loop Denton, And Donald Carlos Loop By A Will Dated July 25, 1996, From Alta E. Loop, And Recorded At Instrument Number 200200385, In The Clerk's Office Of The Of The Circuit Court Of Montgomery County, Virginia Which Will Is The Last Instrument In The Chain Of Title To The Said Properties.

*John R. Christian*  
 John R. Christian, L.S. #1414



Plot Of  
 Boundary Line Adjustment  
 And  
 Right Of Way Vacation  
 For  
 Alta E. Loop, Et. Al.  
 Of  
 Lots 27-30  
 Airport Terrace  
 Subdivision  
 Located In



**ANDERSON & ASSOCIATES, INC.**  
 Professional Design Services  
 www.andassoc.com  
 Virginia - North Carolina - Tennessee  
 100 Ardmore St.  
 Blacksburg, Va. 24060  
 540-552-5592

DATE :	19 Feb 03	REVISIONS:	
DESIGNED:	---		
DRAWN:	EGG		
CHECKED:	NAM		
QA/QC:	JRC		

Town Of Blacksburg  
 Mount Tabor Magisterial District  
 Montgomery County, Virginia

DOCUMENT NO.	21255-001
SHEET	1 OF 1