

4.5 Vacation of Plat

Any plat of record or part thereof may be vacated in accordance with the provisions of §15.2-2271 through §15.2-2278, Code of Virginia, 1950, (as amended). The fee for vacation of a record plat shall be in accordance with a fee schedule adopted by the Town Council.

(Amended 5/14/98)

4.6 Vacation and Adjustment of Boundary Lines

The vacation, relocation, alteration, or adjustment of the boundary lines of any lot or parcel of land may be approved by the administrator, so long as:

- A. The lot or parcel of land was established as part of an otherwise valid and properly recorded plat of subdivision or re-subdivision (i) approved as provided in this ordinance; or (ii) properly recorded prior to the applicability of a subdivision ordinance.
- B. Such action does not involve the relocation or alteration of streets, alleys, easements for public passage or utilities, or other public areas; and provided further, that no easements or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein.
- C. The plat or deed evidencing such vacation, relocation, alteration, or adjustment is signed and acknowledged by the property owners affected thereby as provided in § 15.2-2264, Code of Virginia, 1950 (as amended).
- D. The resulting lots conform to the requirements of the Middleburg or Loudoun County Zoning Ordinance, as applicable, or, in the case of existing nonconforming lots, do not increase the extent of the nonconformance.

(Amended 2/12/98; 1/21/99)

4.6.1 Boundary Line Adjustment Application and Review Procedures

The proposed plat and deed evidencing such relocation, alteration, and adjustment shall be submitted to the administrator with the appropriate application and fee for review. The administrator shall act to approve, conditionally approve, or disapprove the plat and deed within thirty (30) days of receipt of a complete application. In the event of disapproval of the plat and deed, the administrator shall state the reasons for disapproval in writing.

4.6.2 Boundary Line Adjustment Recordation

The applicant shall record the boundary line adjustment plat in the land records of Loudoun County within six months of approval and shall furnish the administrator with proof of recordation and three copies of the executed boundary line adjustment. Any plat not so recorded shall be deemed null and void.

4.7 Family Subdivisions

4.7.1 Family Subdivision - Where Permitted

A single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner is permitted, subject to the provisions of the Code of Virginia, 1950, as amended. Only one such division shall be permitted per family member and shall not be for the purpose of circumventing this ordinance or other town regulations. For the purpose of this section, a member of the immediate family shall be defined as any person who is a natural or legally defined offspring, spouse, or parent of the owner.

The administrator shall have all authority to approve a family subdivision, as evidenced by the administrator's signature on the plat, provided the following requirements are met:

- A. A complete family subdivision application and the required review fee are submitted to the administrator.
- B. All applicable requirements of the Zoning Ordinance shall be met.
- C. The proposed lots shall conform to all applicable town subdivision and design standards.
- D. The plat shall be drawn with all detail requirements of this and any other applicable town ordinances.

4.7.2 Family Subdivision - When Not Permitted

The administrator shall not process a subdivision application as a family subdivision if any of the following conditions are found to exist.

- A. The resulting lots will cause a conflict with the Middleburg Comprehensive Plan.
- B. The resulting lots require a bond for physical improvements requiring town council action.