

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

O-17-07

At the regular meeting of the Board of Supervisors of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 11th day of October, 2007:

<u>Present:</u>	<u>Vote:</u>
James Burrell	Aye
W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
D. M. Sparks	Aye
Stran L. Trout	Aye

Motion was made by Mr. Hill which carried 5:0, to adopt the following ordinance:

**AN ORDINANCE AMENDING SECTIONS 91-31, 91-61,
AND 91-126 OF THE NEW KENT COUNTY SUBDIVISION
ORDINANCE TO PROVIDE CLARIFICATION TO THE
SUBDIVISION REQUIREMENTS AND PROCESS**

WHEREAS, the purpose of this subdivision ordinance amendment is to provide clarification to the subdivision requirements and process by amending section 91-31, Record plat; section 91-61, Submission requirements for record plats; and section 91-126, Special provisions for family subdivisions; and

WHEREAS, the New Kent County Board of Supervisors (herein after referred to as "the Board") forwarded an initiating resolution to the Planning Commission (herein after referred to as "the Commission") to consider the proposed subdivision ordinance amendment; and

WHEREAS, the Commission scheduled and conducted a formal and duly advertised public hearing on 17 September 2007, and carefully considered the public comment received; and

WHEREAS, the Commission voted 8:0:1 to forward a favorable recommendation to the New Kent County Board of Supervisors to adopt the proposed subdivision ordinance amendment; and

WHEREAS, the adoption of the proposed amendment supports the public necessity, convenience, general welfare and good land development practices in the County of New Kent; and

NOW THEREFORE BE IT ORDAINED this, the 11th day of October 2007, by the New Kent County Board of Supervisors that chapter 91 of the New Kent County Code be amended as follows:

Sec. 91-31. Record plat.

The record plat shall be prepared and submitted to the agent no less than ten (10) working days prior to the anticipated date of recordation, ~~together with all required deed and plat recordation fees. All pertinent documents including deed restrictions, subdivision covenants, property owners association documents, and any other document intended or required for recordation contemporaneously with the plat shall be submitted with the appropriate recordation fees at the same time as the record plat is submitted.~~

- (a) Submittal. The subdivider shall provide ~~three (3)~~ four (4) reproducible copies of each plat sheet, clearly drawn in permanent black ink. One copy shall be on .004 millimeter or thicker polyester drafting film with a matte finish on both sides, with the signatures of all owners and certification by a licensed land surveyor affixed to the plat(s) in permanent black or dark blue ink. The plat(s) shall meet the current Standards for Recorded Instruments and Standards for Plats of the Virginia State Library Board (17VAC15, Chapters 60 & 70). In addition, digital line work including courses and distances and tied to at least two points located with Global Positioning System coordinates and in a format compatible with the County Geographic Information System shall be submitted on optical storage media.
- (b) Review by agent. Upon the submission of a record plat ~~together with the appropriate recordation fee(s),~~ the agent shall, within five (5)

working days, review the plat to ensure full conformance with the approved final plat. Where the agent determines that any deviation exists from the approved final plat, the plats shall be returned to the subdivider with a written notice stating the specific reasons, referencing specific ordinances, regulations or policies, and generally identifying such modifications or corrections as will permit approval of the plat.

- (d) Approval by agent. Where the agent, after review of the record plat, finds said plat(s) in complete conformance with the approved final plat and that the provisions of subsection (c) above have been met, the agent shall, within ten (10) working days, sign each of the reproducible copies in permanent black ink and shall, ~~together with any necessary deeds or other pertinent documents, cause such plat(s) to be recorded by the clerk of the circuit court. After ensuring that all necessary reference information is properly written on each copy of the plat(s), the agent shall return one (1)~~ three (3) reproducible copyies to the subdivider.

Sec. 91-61. Submission requirements for record plats.

- ~~(a) (3) Recordation fees in an amount sufficient to cover the recordation costs of the plat and other instruments shall be submitted.~~

Sec. 91-126. Special provisions for family subdivisions.

- (a)(18) The plat shall include the following owner's certificate and certificate of approval:

OWNER'S CERTIFICATE

THIS FAMILY SUBDIVISION AND PLAT ARE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE WISHES OF THE UNDERSIGNED OWNER(S). THE UNDERSIGNED OWNER(S) CERTIFYIES THAT THIS SUBDIVISION IS A BONA FIDE DIVISION UNDER THE PROVISIONS OF SECTION 91-126 OF THE NEW KENT COUNTY CODE AND IS NOT SUBMITTED FOR THE PURPOSE OF CIRCUMVENTING THE SUBDIVISION ORDINANCE OF NEW KENT COUNTY.

ALL LOTS CREATED BY THIS SUBDIVISION MUST BE HELD BY AN ELIGIBLE GRANTEE FOR A PERIOD OF TWO (2) YEARS FROM DATE OF PLAT RECORDING.

THE FOLLOWING INDIVIDUALS ARE THE GRANTEES OF THE LOTS CREATED BY THIS DIVISION:

NAME _____ RELATIONSHIP TO OWNER _____

NAME _____ RELATIONSHIP TO OWNER _____

NAME _____ RELATIONSHIP TO OWNER _____

Given under oath this _____ day of _____, 20____.

_____ (SEAL)

The signature of every owner of the property illustrated must be individually notarized below.

Notary's seal _____ seal _____ seal _____

City/County of _____
Commonwealth/State of _____:

Acknowledged before me this _____ day of _____, 20____, by _____.

Notary Public

My commission expires _____.

CERTIFICATE OF APPROVAL

~~THIS DIVISION IS APPROVED AS A FAMILY SUBDIVISION THAT IS PARTIALLY EXEMPT FROM THE SUBDIVISION ORDINANCE OF NEW KENT COUNTY AND MAY BE RECORDED. THE PRIVATE STREET RIGHTS-OF-WAY SHOWN HEREON MUST MEET THE PRIVATE STREET STANDARDS OF~~

