

**DSC INFORMATION NOTICE #68**  
**December 23, 1998**

**TOPIC A: Final Subdivision Plats Involving Two or More Owners**

**BACKGROUND:**

*The subdivision of property or creation of new parcels or lots **can only be accomplished** through the legal recordation of a subdivision plat in the Office of the Clerk of Circuit Court. The actual transfer of record title to property is done by the execution and recordation of deeds. The deeds describe the parcels shown on subdivision plats and identify the owners. If the original parcels change shape or size as a result of a subdivision plat being recorded, new deeds must be prepared and recorded for the new parcels so that each parcel is in proper ownership. Over the years, several subdivision plats were recorded and new deeds for the new parcels were never prepared. In cases where there is a single owner of the property being subdivided, the lack of new deeds is not important until the time of sale or transfer of a parcel. The new deed must then be prepared and recorded.*

*The act of recording the deed and new property owner information in the Office of the Clerk of Circuit Court automatically notifies the Commissioner of Revenue of the existence of a new parcel and new ownership for taxation purposes. This allows the Commissioner of Revenue to properly add the new parcel(s) and owner(s) to the "land file" (tax record) which will result in proper tax billing of the properties to the new and previous owners.*

*If new deeds are never prepared, the original parcels may still remain taxed under the old ownerships and parcel configuration. Many people have **mistakenly** thought their signatures on the subdivision plat and the recordation of the plat transferred title of the property. In many cases, the owners are still paying taxes on property they thought they swapped or sold. The Commissioner of Revenue cannot vacate property lines or change parcel ownership in the tax records unless deeds are recorded to reflect the new parcels shown on a subdivision plat. Subdivision plats alone (without new deeds) do not change these records. This situation can also cause title problems in the future when one of the owners wishes to sell or refinance their property.*

*Some typical examples are:*

- 1. Neighbors wish to shift a common property line because of a building setback issue, access to a water feature, or obtain money from the sale of a portion of the property and*
- 2. Multiple owners wish to reconfigure existing parcels by swapping property or selling*

portions of parcels for a more efficient use of the total tract of land.

**ITEM:** *In order to avoid future title and taxation problems, all proposed subdivisions involving two or more separate property owners must be accompanied by new deeds for the newly created parcels. A draft copy of the new deeds **must** be submitted to the DSC staff for review prior to the approval and recordation of the subdivision plat. The newly executed deeds must be recorded with the subdivision plat. The staff will work closely with attorneys to schedule these simultaneous recordings at the convenience of the attorneys or property owners.*

**EFFECTIVE DATE:** **IMMEDIATELY**

**CONTACTS:**

James Pearce (jpearce@city.virginia-beach.va.us) ..... 427-8757  
Ray Odom (rodom@city.virginia-beach.va.us) ..... 427-4902  
Brenda Gray (bgray@city.virginia-beach.va.us) ..... 427-8621

**TOPIC B: Air Installation Compatible Use Zones (AICUZ) - Cross reference DSC Information Notice #66**

*There seems to be some confusion regarding the AICUZ notes required on site plans and final plats. The following are some of the common problem areas:*

- ***ALL** site development plans for “residential use group” uses **MUST** have the AICUZ note placed on them.*
- ***ALL** final plats (regardless of use) **must** have the AICUZ note placed on them.*
- *The new AICUZ note contains the word “potential” in the first line between the words “accident” and “zone.”*
- *If the site or subdivision is outside of an accident potential zone, “N/A” is an acceptable response for the blank. If the site or subdivision is within (whole or in part) an accident potential zone, “APZI,” “APZII” or “APZI and APZII” are acceptable responses for the blank.*
- *The entire noise zone name **must** be placed in the second blank in the AICUZ note. Since all of Virginia Beach is located in one of the noise zones, this blank **must always** be filled in.*

**EXAMPLES:**

*....noise zone(s) less than 65 dB Ldn and may.... (for site located in a single noise zone)*

*....noise zone(s) 65-70 dB Ldn and 70-75 dB Ldn and may... (for a site located in two noise zones)*

**EFFECTIVE DATE:** **IMMEDIATELY - OCTOBER 14, 1998**

**CONTACTS:**

Site Plans:

Faith Smith .....	427-8074
Christopher Langaster .....	427-8074

Subdivisions:

James Pearce (jpearce@city.virginia-beach.va.us) .....	427-8757
Ray Odom (rododom@city.virginia-beach.va.us) .....	427-4902
Brenda Gray (bgray@city.virginia-beach.va.us) .....	427-8621

**TOPIC C: Sidewalk Surety for Residential Subdivisions**

**BACKGROUND:**

*In residential subdivisions where sidewalks are required on the subdivision construction plan, the timing of the required installation of sidewalks has always been a topic of discussion and concern for developers, builders, residents and City staff. The installation of sidewalks before unit construction on the lot often resulted in damage to the sidewalk during unit construction. The sidewalk would then be replaced at an additional cost to the builder or developer and an additional inspection was performed. When the developer waited to complete the sidewalk after all of the on-site construction was complete and homeowners were in their new homes, the residents often objected to having their landscaping and sprinkler systems disturbed in order to have the sidewalks installed.*

*The current policy of requiring the builder to complete the sidewalk with the completion of the unit on his/her lot has worked well for approximately two years. The sidewalk along the frontage of the lots is being installed at the proper time, thereby avoiding damage to the sidewalk and providing the sidewalk improvements when they are needed. The new resident also sees the installed sidewalk and any future landscaping can be designed around sidewalk.*

**ITEM #1: Subdivision Surety and Engineer’s Cost Estimates**

*The cost estimates for sidewalks along side yards and rear yards fronting rights-of-way equal to or greater than 60 feet in width are still required on the subdivision engineer’s cost estimate. These sidewalks remain the responsibility of the developer/subdivider. They can be installed with other improvements with little fear of damage during construction since the primary access to the lot is the front yard. In some cases, the developer may work with the builder to install all of the sidewalks. Regardless of who performs the installation, the City expects the sidewalks in 60-foot or greater rights-of-way to be installed at or before the Certificate of Completion or within the first year of the defect period (a special one year performance surety is held for incomplete sidewalks during the first year of the defect period).*

**ITEM #2: On new Engineer’s Cost Estimates, the preparer must note what the sidewalk**

*estimate covers.*

**EFFECTIVE DATE:           IMMEDIATELY**

**CONTACTS:**

*Suzanne Beagle (sbeagle@city.virginia-beach.va.us) . . . . . 426-5660*  
*Jami Carroll (jcarroll@city.virginia-beach.va.us) . . . . . 427-4134*  
*Linda Smith (lcsmith@city.virginia-beach.va.us) . . . . . 427-8745*