

COUNTY OF YORK

MEMORANDUM

DATE: July 23, 2019
TO: York County Board of Supervisors
FROM: Neil A. Morgan, County Administrator
SUBJECT: Inquiry from Mr. Miles Burcher



Attached is a memorandum from the County Attorney in which he reviewed material submitted by Mr. Burcher at a recent Board meeting. You will recall that Mr. Burcher asserted that the area beyond Patrick's Creek Road should be considered a publically maintained road based on some documents and photography.

As you can see Mr. Barnett concludes that this property is a private road. It is my understanding that Mr. Burcher is contemplating some residential development in this area and we are working with him on a waterline extension. However, he will need to consider the County's private street or VDOT's public street requirements in his planning process. I have copied Mr. Burcher on this communication.

NAM:hls

Attachment

Copy to: Miles Burcher

COUNTY OF YORK

MEMORANDUM

DATE: July 23, 2019

TO: Neil A. Morgan, County Administrator

FROM: James E. Barnett, County Attorney

SUBJECT: Status of Patrick's Creek Road



At a recent Board meeting, Mr. Miles Burcher spoke during citizens comment period, raising questions about the status of the portion of Patrick's Creek Road beyond its current terminus of state maintenance (which I will call Patrick's Creek Road Extended). I have examined the documentation he presented at the meeting, and have spoken with Brian Woodward in Public Works, and I see nothing to suggest that the portion of the road he is concerned with is a public road, or that the County or VDOT have any obligation to maintain it. If Mr. Burcher wishes to have the road taken into the state system, he will have to make application to VDOT, and supply the necessary right of way, as the existing private road may not have sufficient width for VDOT standards, and have the road improved to VDOT's acceptance standards.

Mr. Burcher stated at the meeting that there were examples of either the County or VDOT performing maintenance on that portion of the roadway. My office does not have a file on Patrick's Creek Road, and Public Works advises me that they have no records indicating that the County has ever spent money to maintain any portion of Patrick's Creek Road Extended. Had there been, at any time, public maintenance of the road, that might provide some basis for declaring that there had been an acceptance of some kind of dedication of the road to the public, but I have been unable to find any evidence of such. A 1954 plat, a copy of which was provided by Mr. Burcher (not recorded until 1989, from what Mr. Burcher provided) designating the road as "dedicated for road" does not indicate whether it was dedicated to the County or to the Commonwealth. In any event, merely recording a plat showing that a roadway is "dedicated" is insufficient to make the road public – there has to be some form of acceptance of the dedication by the government, and I am not aware of any such action being taken. The plat shows no indication of being approved by the County.

The other documents and records provided by Mr. Burcher likewise fail to show that the extended roadway was ever formally conveyed to either the County or to VDOT. I will not summarize my analysis of all of them, individually, here. Some of them show that the portion currently state-maintained is indeed part of the state system, but none have any clear indication that the extended portion with which Mr. Burcher is concerned was ever made public. It continues to exist as a private road, in my opinion.

swh