

**BERRYVILLE TOWN COUNCIL STREETS AND UTILITIES COMMITTEE  
MEETING AGENDA  
Berryville-Clarke County Government Center  
101 Chalmers Court, Second Floor  
A/B Meeting Room**

**Called Meeting  
August 11, 2015  
6:45 p.m.**

<u>Item</u>		<u>Attachment</u>
1. Call To Order		
2. Discussion	"Wheeler Lane"	1
3. Closed Session	No Closed Session Scheduled	
4. Adjourn		

↑ Denotes an item on where a motion for action is included in the packet

All presentations by applicants/concerned citizens will be limited to 8 minutes in length

### **11 August 2015 Report**

At its 24 June meeting the Committee directed staff to discuss this matter with legal counsel and to report back to the committee.

Legal counsel agreed with staff's statement to Mr. Maples regarding the 1947 dedication not transferring ownership or maintenance responsibility for "Wheeler Lane" to the Town. He also agreed with staff's position not to take a position as to whether the 1947 dedication created a public right of access. In his opinion, the controversy regarding the establishment of a public access is a land title issue and that the Town has no role in that matter.

### **24 June 2015 Report**

In September 2014, Mr. Carl Maples of 207 Swan Drive contacted the Town regarding the status of "Wheeler Lane". According to Mr. Maples, this closing attorney had informed him that "Wheeler Lane" was a public street but there seemed to be some dispute about the matter.

Please find attached a parcel boundary map from Maps Online that should assist in orienting you as this matter is discussed. On the parcel boundary map you will see a large parcel labeled as 211. That parcel is owned by Norma Slattery (transferred to Slattery in 2004 by Anne Wheeler). You will also see a parcel labeled as 207. That parcel is owned by Carl and Patricia Maples (transferred to Maples in 2013 by William and Heather Bowen). The pipe stem from 211 extending along the west side of 207 is the area of land that is the subject of this discussion.

Mr. Maples provided the Town with a dedication dated 9 July 1947 and recorded at Deed Book 35 Page 393 in the Office of the Clerk of the Circuit Court of Clarke County. The instrument in question dedicates "Wheeler Lane" to the Town of Berryville as a public street (intended to serve several lots). The Town of Berryville was not a party to the dedication. The dedication is attached.

Mr. Maples asked whether the Town of Berryville considered "Wheeler Lane" a public street. Staff reviewed the matter with legal counsel then wrote to Mr. Maples. In a letter dated 30 September 2014, Keith Dalton, Town Manager, informed Mr. Maples that the Town of Berryville does not consider "Wheeler Lane" a public street. Mr. Dalton stated that while Mr. & Mrs. Wheeler dedicated the street to the Town, there was no evidence of acceptance by the Town and that in the absence of acceptance the transfer was incomplete. Mr. Dalton also referenced:

- A deed and plat dated 13 August 2004 and recorded at Deed Book 413 Page 168 in the Office of the Clerk of the Circuit Court of Clarke County. The instrument in question transfers property from Anne M. Wheeler to Norma Slattery. The survey attached to the deed clearly shows what is considered "Wheeler Lane" as a portion of the Wheeler (now Slattery) parcel.
- A deed and plat dated 25 July 2013 and recorded at Deed Book 567 Page 200 in the Office of the Clerk of the Circuit Court of Clarke County. The instrument in question transfers property from William and Heather Bowen to Carl and Patricia Maples. The survey attached to the deed clearly shows what is considered "Wheeler Lane" as a portion of the Slattery parcel (but does reference the 1947 dedication).

Both the letter and the deeds referenced are attached.

Mr. Maples reviewed Mr. Dalton's letter of 30 September 2014 with his attorney. In the opinion of his attorney, the Town did not have to accept the dedication in 1947 and that by virtue of that dedication 207 Swan Drive (as well as other parcels), has the benefit of an easement of ingress and egress and right of way across the entirety of "Wheeler Lane" in common with the general public. Mr. Maples was concerned about the position taken in the 30 September 2014 letter and asked Mr. Dalton to review the matter in light of his attorney's opinion. Mr. Dalton agreed to review the matter again.

In a letter dated 9 June 2015, Keith Dalton, Town Manager, informed Mr. Maples that he remained of the opinion that "Wheeler Lane" is not a public street and that the Town has no maintenance responsibilities for "Wheeler Lane". Mr. Dalton further stated that the Town offered no opinion as to whether 207 Swan Drive or any other property has the benefit of an easement of ingress and egress and right of way across the entirety of "Wheeler Lane" in common with the general public. A copy of the letter is attached.

It is important to note that Ms. Slattery also contacted the Town regarding this matter. She was provided a courtesy copy of the 9 June 2015 letter.

Mr. Maples contacted Town after he received the 9 June 2015 letter. Mr. Maples remains concerned by the Town's position concerning acceptance of the 1947 dedication of "Wheeler Lane".

Ms. Slattery contacted the Town after she received the 9 June 2015 letter. Ms. Slattery has concerns about her property rights and any responsibilities/liabilities she may have if "Wheeler Lane" is in fact a public street.

Mr. Maples would like to speak with the Streets and Utilities Committee about his concerns.



com with  
is Wheeler pub Street? | Carl Maples

~~CONFIDENTIAL~~

of the third part shall become a lien upon said real estate.

WITNESS the following signature and seal this the day and year first above written.

Walter D. Loper (SEAL)

State of Virginia,  
County of Clarke ss:

I, Roy E. Potts, a Notary Public in and for the County of Clarke, State aforesaid, do hereby certify that Walter D. Loper, unmarried, whose name is signed to the foregoing instrument in writing bearing date July 15, 1947, has personally appeared before me in my said County and acknowledged the same as and for his act and deed.

My commission expires June 11, 1951.  
Given under my hand this 15 day of July, 1947.

Roy E. Potts, Notary Public.

Virginia,  
Clarke County, ss:

On the 15th day of July, 1947, the foregoing deed of trust, dated 15th day of July, 1947, was received in the clerk's office of the Circuit Court of said County, certified for record and with the certificate admitted to record, at 1 o'clock, P. M.

Teste: Lonny Wheeler Clerk.

Paul L. Wheeler and Alma Bruce Wheeler

To ( Dedication  
Town of Berryville

THIS DEDICATION made this 9th day of July, 1947 by Paul L. Wheeler and Alma Bruce Wheeler, his wife,

WITNESSETH, we the undersigned owners of the land abutting on Wheeler Lane as shown on the attached plats of lots # 1, # 2, and # 3, of Paul L. Wheeler, do hereby grant, convey and dedicate so much of said land as is shown on the said plats as a public street to be known as Wheeler Lane, in compliance with Sections 5217, 5218, and 5219 of the Michie Code of Virginia of 1942 and Acts Amendatory thereto.

This dedication and conveyance is made with the free consent of the undersigned owners; it being their intention, purpose and desire to create a public easement or public right of passage over so much of said land as is designated as Wheeler Lane on the attached plats #1, # 2, and # 3 made by Richard U. Goode, Certified Surveyor.

WITNESS THE following signatures and seals this the day and year first above written.

Paul L. Wheeler (SEAL)

Alma Bruce Wheeler (SEAL)

State of Virginia  
County of Clarke, to-wit:

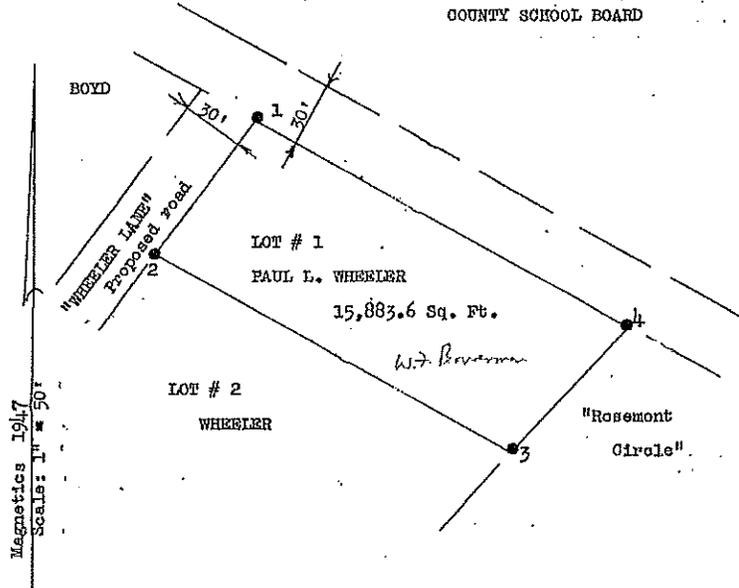
I, Roy E. Potts, a Notary Public of and for the County aforesaid, in the State of Virginia, do certify that Paul L. Wheeler and Alma Bruce Wheeler, his wife, whose names are signed to the writing above, bearing date on the 9th day of July, 1947, have this day acknowledged the same before me in my County aforesaid.

My term of office expires June 11, 1951.  
Given under my hand this 15th day of July, 1947.

Roy E. Potts, Notary Public.

No Tax  
Fee \$ 4.75  
Paid .....

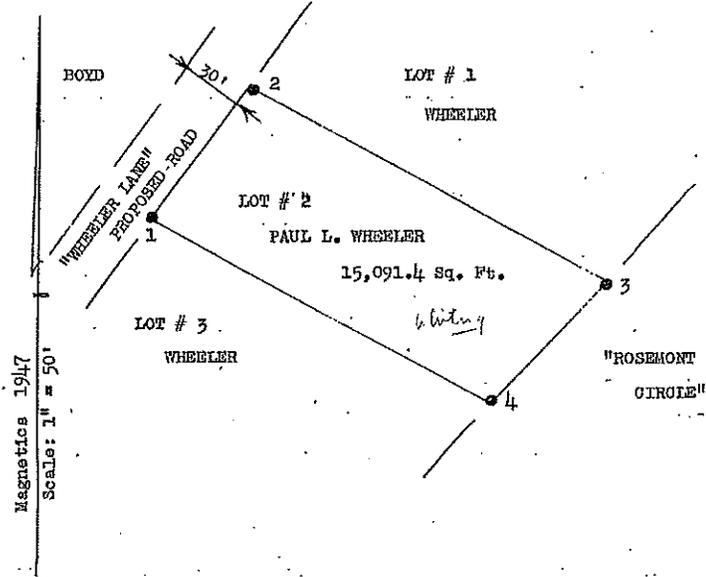
EXAMINED ...  
7/18/47 and  
mailed to  
Town of  
Berryville, Va



On June 28, 1947, I surveyed the above lot, located at Berryville, Virginia, and being a portion of a 2.544-acre tract of Paul L. Wheeler, said tract of land lying West of and adjacent to the Moore and Dorsey subdivision known as "Rosemont Circle", bounded on the West by the land of Henry W. Boyd, on the South by the land of Harry F. Byrd, and on the North by a roadway which separates said tract from the land of County School Board of Clarke County. The above lot is bounded as follows:

Beginning at (1) a stake at the intersection of the South side of a road, which runs along the South side of the County School Board property, with the East side of a proposed 30 ft. road leading to Wheeler's other land; thence with said proposed road S 36 deg. 08 Min. W. 80.0 feet to (2) a stake in the East side of said road and Northwest corner of Lot # 2; thence leaving road and with the North boundary of Lot # 2 S 62 Deg. E. 195.5 feet to (3) a stake in the West boundary of "Rosemont Circle"; thence with "Rosemont Circle" N 42 deg. 52 min. E. 82.0 feet to (4) a post at Northwest corner of "Rosemont Circle" and on the South side of a road which runs along the South side of the County School Board property; thence with the South side of said road N 62 deg. W 205.5 feet to the point of beginning, containing 15,883.6 square feet more or less.

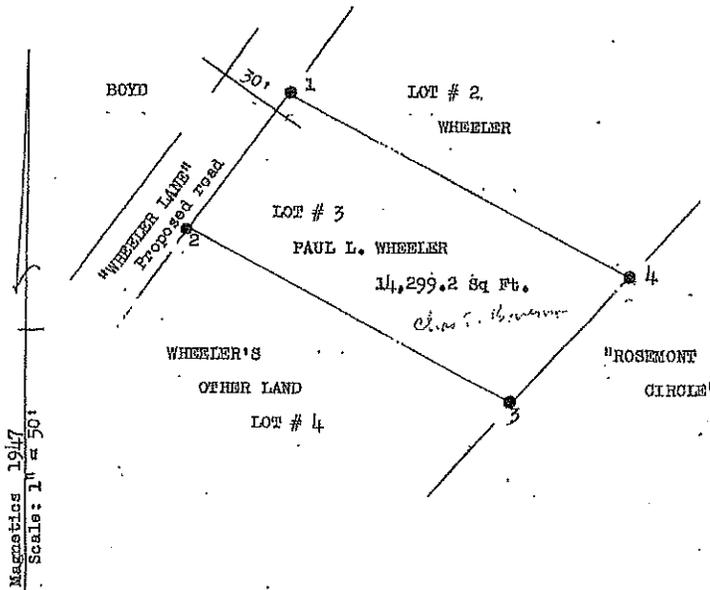
Richard U. Goode,  
Certified Surveyor.



On June 28, 1947, I surveyed the above lot, located at Berryville, Virginia, and being a portion of a 2.544-acre tract of Paul L. Wheeler, said tract of land lying West of and adjacent to the Moore and Dorsey sub-division known as "Rosemont Circle", bounded on the West by the Land of Henry W. Boyd, on the South by the land of Harry F. Byrd, on the North by a roadway which separates said tract from the land of the County School Board of Clarke County. The above lot is bounded as follows:

Beginning at (1) a stake in the East side of a proposed 30' road leading to Wheeler's other land and Northwest corner of Lot # 3, said point being 160 feet Southwest from the South side of a road which runs along the South side of the County School Board property; thence with the proposed 30' road N 36 deg. 08 min. E. 80.0 feet to (2) a stake in the East side of said road and Southwest corner of Lot # 1; thence leaving road and with the South boundary of Lot # 1 S 62 deg. E. 175.5 feet to (3) a stake in the West boundary of "Rosemont Circle"; thence with "Rosemont Circle" S 42 deg. 52 min. W. 82.0 feet to (4) a stake in the line of "Rosemont Circle" and Northeast corner to Lot # 3; thence with the North boundary of Lot # 3 N 62 deg. W. 185.5 feet to the point of beginning, containing 15,091.4 square feet more or less.

Richard U. Goode,  
Certified Surveyor.



On June 28, 1947, I surveyed the above lot, located at Berryville, Virginia, and being a portion of a 2.544-acre tract of Paul L. Wheeler, said tract of land lying West of and adjacent to the Moore and Dorsey sub-division known as "Rosemont Circle", bounded on the West by the land of Henry W. Boyd, on the South by the land of Harry F. Byrd, on the North by a roadway which separates this tract from the land of the County School Board of Clarke County. The above lot is bounded as follows:

Beginning at (1) a stake in the East side of a proposed 30' road leading to Wheeler's other land and Southwest corner of Lot # 2, said point being 160 feet Southwest from the South side of a road which runs along the South side of the County School Board's property; thence with the East side of the proposed 30' road S 36 deg. 08 min. W. 80.0 feet to (2) a stake in the East side of said road and Northwest corner of Wheeler's other land; thence with the North boundary of said other land S 62 deg. E 175.5 feet to (3) a stake in the West boundary of "Rosemont Circle"; thence with "Rosemont Circle" N 42 deg. 52 min. E. 82.0 feet to (4) a stake in the line of "Rosemont Circle" and Southeast corner to Lot # 2; thence with the South boundary of Lot # 2 N 62 deg. W 185.5 feet to the point of beginning, containing 14,299.2 square feet more or less.

Richard U. Goode  
Certified Surveyor.

Virginia,  
Clarke County, set:

On the 15th day of July, 1947, the foregoing deed of Dedication, & Plat, dated 9th day of July, 1947, was received in the clerk's office of the Circuit Court of said County, certified for record and with the certificate admitted to record, at 2 o'clock, P. M.

Waste: James M. ... Clerk.

Town of Berryville  
Berryville-Clarke County  
Government Center  
101 Chalmers Court Suite A  
Berryville, VA 22611



[T] 540/955-1099  
[F] 540/955-4524  
[E] info@berryvilleva.gov

www.berryvilleva.gov

30 September 2014

Mr. Carl H.E. Maples  
207 Swan Drive  
Berryville, VA 22611 (by email: cmaplespaf@aol.com)

Dear Mr. Maples:

It was a pleasure to speak with you last week. I hope to meet you in person soon.

When we spoke you voiced your concerns about "Wheeler Lane". Specifically, you stated that you had been told by your closing attorney that the lane was a public street and in fact there was a dedication of "Wheeler Lane" to the Town of Berryville. You kindly provided us with several documents, including a copy of a Dedication dated 9 July 1947 and recorded at Deed Book 35 at Page 93 in the Office of the Clerk of the Circuit Court of Clarke County.

As promised, we have reviewed the matter and remain confident in our position that the lane in question is not a public street. While there is a dedication of "Wheeler Lane" to the Town of Berryville, we find no evidence of the Town of Berryville accepting the dedication. We are of the opinion that the Town of Berryville would have had to accept the dedication to complete the transfer. Further, to the best of my knowledge the Town of Berryville has neither improved nor maintained the lane. It is important to note that the last survey of the parent tract (was Wheeler / now Slattery), which is recorded Deed Book 413 at Page 170 in the Office of the Clerk of the Circuit Court of Clarke County, shows the 30' wide sliver of land that would have been the right-of-way of "Wheeler Lane" as a pipe stem and as such a part of the property. The pipe stem is also seemingly confirmed in the survey of your parcel (Bowen 567/201). Lastly, the Tax Map maintained by the County of Clarke shows the same sliver of land as a part of the Slattery (formally Wheeler) parcel.

Wilson Kirby  
Mayor

Harry Lee Arnold, Jr.  
Recorder

*Council Members*

Douglas A. Shaffer  
Ward 1

H. Allen Kitzelman, III  
Ward 2

Mary L.C. Daniel  
Ward 3

David L. Tollett  
Ward 4

Keith R. Dalton  
Town Manager

Maples  
30 September 2014  
Page 2

With regard to the right to access the west side of your property across the Slattery property, I suggest that you try to work that out with Mrs. Slattery. If disputes about encroachments, easements, or the like, can't be resolved by the property owners, then you may seek remedy through civil proceedings.

Thank you for contacting me about this matter. Please feel free to contact me again if you have any other questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to be 'Keith R. Dalton', with a stylized flourish extending to the right.

Keith R. Dalton  
Town Manager

Cc: Town Council  
Christy Dunkle, Assistant Town Manager  
Rick Boor, Director of Public Works

## Keith Dalton

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**From:** Keith Dalton  
**Sent:** Tuesday, September 30, 2014 3:55 PM  
**To:** cmaplespaf@aol.com  
**Cc:** Christy Dunkle; Rick Boor  
**Subject:** Wheeler Lane  
**Attachments:** 20140930154948381.pdf

Mr. Maples

We have completed our research. Please find attached the Town's determination in this matter.

Take care and let me know if you need additional information.

Keith

Keith R. Dalton, Town Manager  
Town of Berryville, Virginia  
101 Chalmers Court, Suite A  
Berryville, VA 22611

V 540.955.1099  
F 540.955.4524

04-3027

Consideration: \$345,000.00  
Tax Map #: 14-A-4-A-27 & 14-A-4-A-30  
Grantee Address:  
2 Wheeler Lane  
Berryville, VA 22611  
File #V0408001

BOOK 413 PAGE 168

Prepared by:  
Hunzeker, Lyon & Leggett, P.C.  
6862 Elm Street  
Suite 220  
McLean, VA 22101

Return to:  
MBH Settlement Group, L.C.  
Central Title  
3050 Chain Bridge Road  
Suite 200  
Fairfax, VA 22030

D E E D

THIS DEED is made this 13th day of August, 2004, by and between Anne M. WHEELER, devisee under the Last Will and Testament of Paul L. Wheeler, Grantor, and Norma SLATTERY, unmarried, Grantee.

WITNESSETH:

That for and in consideration of the sum of TEN DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor does hereby grant, bargain, sell and convey, in fee simple and with General Warranty and English Covenants of Title, unto the Grantee, the following described property, situate, lying and being in the County of Clarke, Virginia, to wit:

Beginning at an iron pin in the southerly right-of-way line of Swan Avenue, said pin also marking the northeasterly corner of the property of Beverley Bigelow Byrd; thence with the said southerly right-of-way line of Swan Avenue, South 61 degrees 09'43" East 30.05 feet to a point marking the northwesterly corner of the property of William R. and Heather A. Bowen; thence departing Swan Avenue and running with the westerly line of the said property of Bowen, South 36 degrees 30'17" West 239.65 feet to a point; thence with the southerly line of Bowen and continuing with the southerly line of the property of Olivia R. Lee, South 61 degrees 49'43" East 180.00 feet (passing through an iron pin at 100.00 feet) to an iron pin in the northwesterly line of Lot 28A, Moore & Dorsey Subdivision; thence with the northwesterly line of Lot 27A, Moore & Dorsey Subdivision, South 42 degrees 22'17" West 287.96 feet (passing through an iron pin at 97.78 feet) to a point in the northeasterly line of Lot 6, Phase 1, Hermitage; thence with northeasterly line of said Lot 6, Phase 1, Hermitage, North 58 degrees 29'19" West 1.79 feet to an iron pin marking the most easterly corner of Lot 7, Phase 1, Hermitage; thence with the line common to said Lot 7, Phase 1, Hermitage, and the property herein described the following courses and distances; North 58 degrees 53'32" West 61.87 feet to an iron pin, South 31 degrees 06'28" West 8.00 feet to an iron pin and North 58 degrees 53'32" West 51.25 feet to an iron pin in the southeasterly line of Lot 8, Phase 1, Hermitage; thence with the southeasterly line of said Lot 8, Phase 1, Hermitage, North 31 degrees 06'28" East 8.00 feet to a point; thence with the northeasterly line of said Lot 8, Phase 1, Hermitage, North 58 degrees 53'32" West 90.78 feet to an iron pin and North 58 degrees 28'25" West 33.47 feet to an iron pin marking a corner common to Lot 9, Phase 1, Hermitage, and the aforementioned property of Beverley Bigelow Byrd; thence with the line common to the said property of Byrd and the property herein described the following courses and distances; North 36 degrees 28'00" East 269.56 feet to an iron pin, South 61 degrees 49'43" East 60.50 feet to an iron pin and North 36 degrees 30'17" East 239.92 feet to the point of beginning, containing 1.7777 acres, more or less, of land, as described on the attach survey marked Exhibit A.

RETURNED TO APPLE COUNTRY 8/17/04

HUNZEKER, LYON & LEGGETT, P.C.  
2 ELM STREET, SUITE 220  
MCLEAN, VIRGINIA 22101  
(703) 734-0068

AND BEING the same property conveyed to Paul L. Wheeler, (no marital status stated), by virtue of Deeds recorded in Deed Book 35, Page 124, Deed Book 39, Page 387, and Deed Book 53, Page 5, among the Land Records of Clarke County, Virginia. NOTE: Paul L. Wheeler departed this life on July 8, 2001, leaving Anne M. Wheeler as his sole devisee (See Last Will and Testament of Paul L. Wheeler recorded in Will Book 69, Page 429).

This conveyance is made subject to the covenants, easements, conditions, restrictions, and rights of way of record.

WITNESS the following signature and seal:

Anne M. Wheeler (SEAL)  
Anne M. WHEELER

State of Virginia

County of Loudoun, to wit:

I, the undersigned, a Notary Public for the State and County aforesaid, do hereby certify that on this 13th day of August, 2004, Anne M. WHEELER, whose name is signed to the foregoing Deed dated August 13, 2004, acknowledged the same before me in my State and County aforesaid.



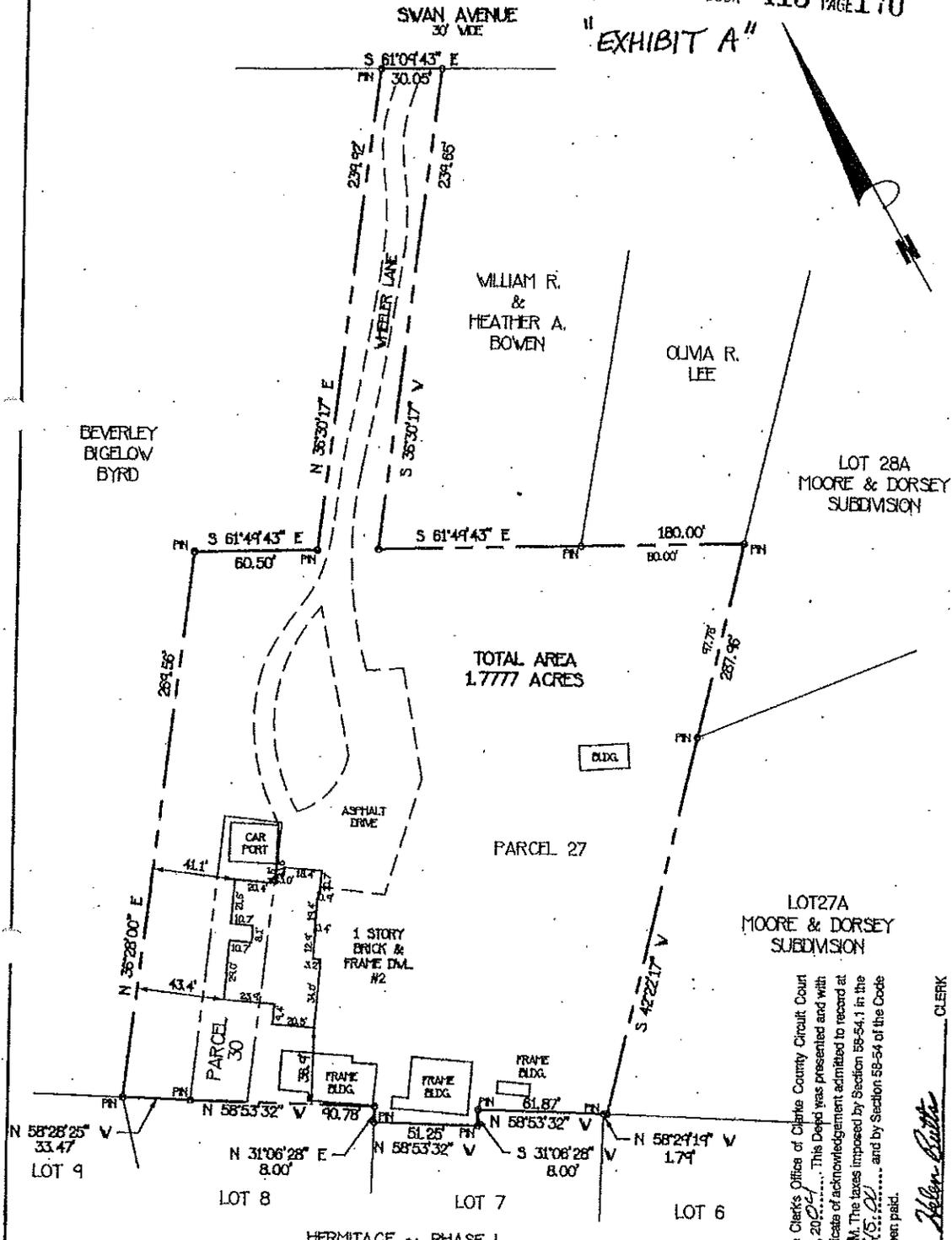
[Signature]  
Notary Public  
My commission expires 10/31/08

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE MAY NOT NECESSARILY SHOW ALL ENCUMBRANCES ON THE PROPERTY.

ACCORDING TO COMMUNITY-PANEL NO. 810037 B OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR THE TOWN OF BERRYVILLE, VIRGINIA, DATED APRIL 8, 1977, THE PROPERTY SHOWN HEREON APPEARS TO BE WITHIN ZONE "A".

BOOK 413 PAGE 170

# "EXHIBIT A"



TOTAL AREA  
1.7777 ACRES

PARCEL 27

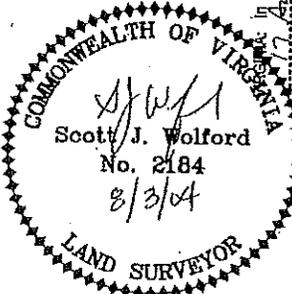
PARCEL 30

LOT 27A  
MOORE & DORSEY  
SUBDIVISION

LOT 28A  
MOORE & DORSEY  
SUBDIVISION

HERMITAGE ~ PHASE I

HOUSE LOCATION  
 PROPERTIES TO BE CONVEYED TO  
**NORMA SLATTERY**  
 (TAX MAP 14A-A, PARCELS 27 & 30)  
 TOWN OF BERRYVILLE  
 CLARKE COUNTY, VIRGINIA  
 SCALE: 1" = 60' DATE: AUGUST 3, 2004  
 WOLFORD LAND SURVEYING  
 106 MONROE'S CIRCLE, WINCHESTER, VA. 22602  
 (540) 542-1677 FAX (540) 542-1678



In the Clerk's Office of Clarke County Circuit Court  
 this Deed was presented and with  
 the annexed certificate of acknowledgment admitted to record at  
 the amount of \$ 245,000 and by Section 58-54.1 of the Code  
 of Virginia have been paid.

TESTE: *Heather Bowen* CLERK

PREPARED FOR: MEH SETTLEMENT GROUP, L.C.

RE: SLATTERY

13-1641

THIS DEED, made this 25<sup>th</sup> day of July, 2013, by and between WILLIAM R. BOWEN and HEATHER A. BOWEN, husband and wife, parties of the first part, Grantors; and CARL H. E. MAPLES and PATRICIA K. MAPLES, husband and wife, parties of the second part, Grantees.

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, receipt of which is hereby acknowledged, the parties of the first part do hereby grant, bargain, sell and convey unto the parties of the second part as Tenants by the Entirety with the common law right of survivorship, with General Warranty and English Covenants of Title, the following described real estate, to-wit:

All that certain lot or parcel of land, together with the improvements thereon and appurtenances thereunto belonging, located on the southwest side of Swan Avenue and the southeast side of Wheeler Lane in the Town of Berryville, Clarke County, Virginia, containing 24,559 square feet according to plat and survey thereof prepared by Lee A. Ebert, C.L.S., dated June 22, 1956 and recorded in Deed Book 49 at Page 261 in the Office of the Clerk of the Circuit Court of Clarke County, Virginia; and being more particularly described by plat of house location survey thereof prepared by W. Stuart Dunn, Land Surveyor, dated July 19, 2013, wherein the property is shown as containing 24,562 square feet, which plat is attached hereto and incorporated herein by this reference; the said lot being designated for street purposes as 207 Swan Avenue, Berryville, Virginia.

AND BEING the same property conveyed to William R. Bowen and Heather A. Bowen, husband and wife, by Deed from H. K. Benham, III, Executor of the Estate of Patricia K. Nalls, dated February 28, 2003 and recorded February 28, 2003 in Deed Book 370 at Page 215 in the aforesaid Clerk's Office.

This conveyance is made subject to conditions, valid restrictions and rights of way of record.

WITNESS the following signatures and seals:

  
\_\_\_\_\_  
WILLIAM R. BOWEN (SEAL)

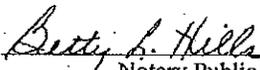
  
\_\_\_\_\_  
HEATHER A. BOWEN (SEAL)

STATE OF VIRGINIA

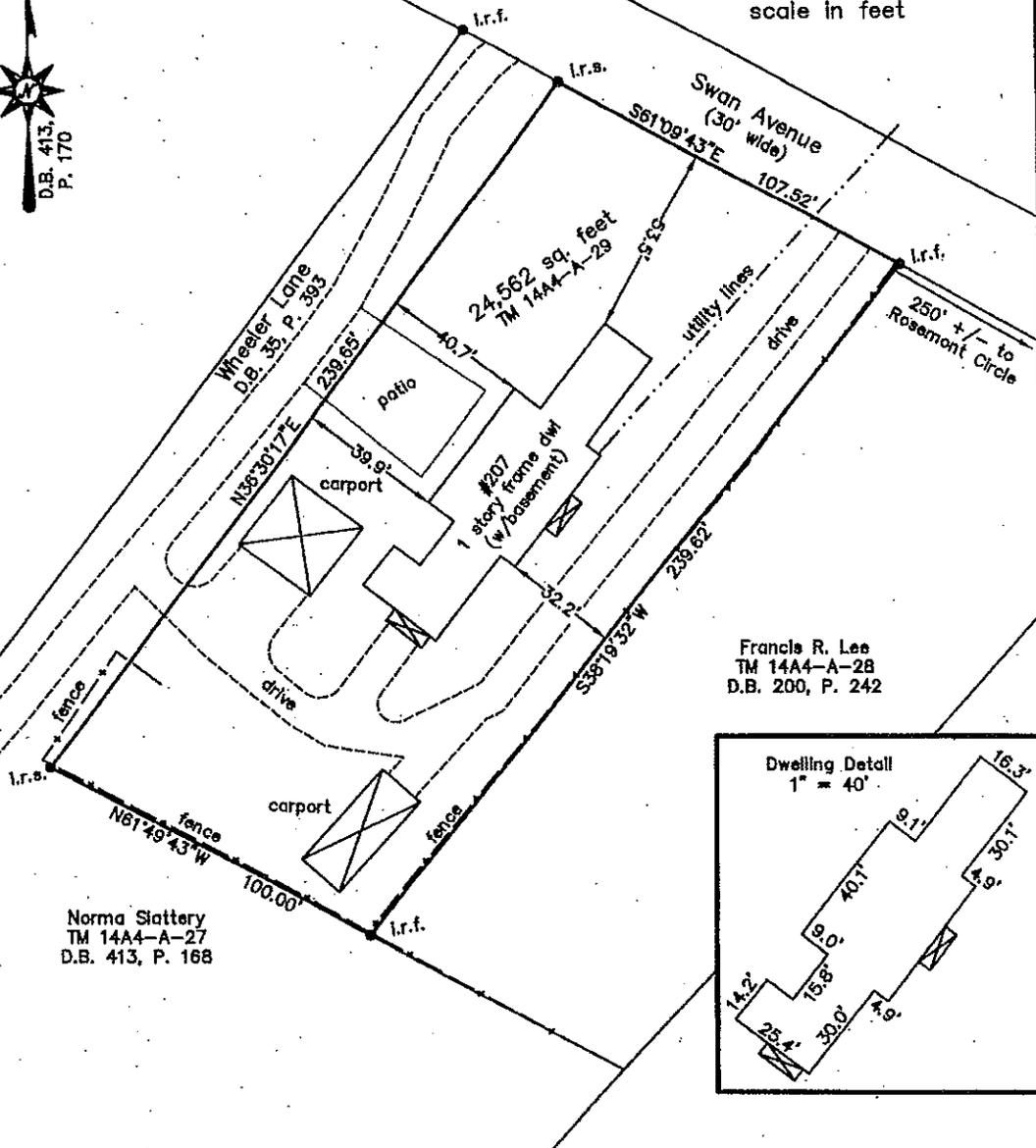
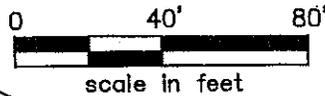
COUNTY OF CLARKE, to-wit:

The foregoing DEED was acknowledged before me this 25<sup>th</sup> day of July, 2013, by WILLIAM R. BOWEN and HEATHER A. BOWEN, husband and wife.

BETTY L. HILLS  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. #288206  
My Commission Expires Aug. 31, 2015

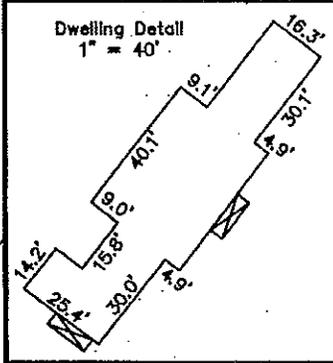
  
\_\_\_\_\_  
Notary Public

Grantees' Address: 2826 Berryland Drive  
Oakton, Virginia 22124  
\$455,000.00  
Prepared by 7-25-13 John R. Friant, Jr., VSB #18277  
Tax Map No. : #14A4-A-29 7-25-13



Francis R. Lee  
TM 14A4-A-28  
D.B. 200, P. 242

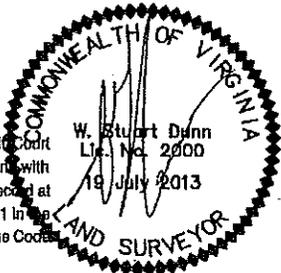
Norma Slattery  
TM 14A4-A-27  
D.B. 413, P. 168



House Location Survey of the Land of  
**William R. Bowen and Heather A. Bowen**  
Deed Book 370, Page 215 Tax Map 14A4-A-29  
Town of Berryville, Clarke County, Virginia

Notes:

- (1) Title inspection furnished by the Law Office of John R. Friant, Jr.
- (2) dwl = dwelling; l.r.f. = iron rod found; l.r.s. = iron rod set; TM = tax map identification
- (3) Deed of Dedication for Wheeler Lane recorded in Deed Book 35, Page 393.
- (4) This parcel is in Flood Zone X, established from FIRM Community Panel no. 51043C0063D, effective September 28, 2007.



Dunn Land Surveys, Inc.  
106 North Church Street  
Berryville, Virginia 22611  
Tel: 540-955-3388  
July 19, 2013

CLERK: Helen Butts  
TESTE: Helen Butts

**Town of Berryville**  
Berryville-Clarke County  
Government Center  
101 Chalmers Court Suite A  
Berryville, VA 22611



[T] 540/955-1099  
[F] 540/955-4524  
[E] info@berryvilleva.gov

9 June 2015

www.berryvilleva.gov

Mr. Carl H.E. Maples  
207 Swan Drive  
Berryville, VA 22611

(by email: cmaplespaf@aol.com)

Dear Mr. Maples:

This letter is written to follow-up on our last conversation about "Wheeler Lane".

In my letter of 30 September 2015, I stated that it is the Town's position that "Wheeler Lane" is not a public street. When we last met, you asked that I re-examine this matter as it relates to the right of public access. I agreed to review the matter and respond in writing.

I remain confident in the statement that the Town of Berryville does not consider "Wheeler Lane" a public street. As such, the Town of Berryville will not maintain "Wheeler Lane".

The Town offers no opinion as to whether your property, or any other property in the area, has the benefit of an easement of ingress and egress and right of way across the entirety of "Wheeler Lane" in common with the general public.

If disputes regarding easements and the like arise that can't be resolved by the property owners involved, then you or other property owners may seek remedy through civil proceedings.

I hope that this letter better clarifies the Town's position regarding "Wheeler Lane".

Sincerely,

Keith R. Dalton  
Town Manager

Wilson Kirby  
Mayor

Harry Lee Arnold, Jr.  
Recorder

Cc: Ms. Norma Slattery

Council Members

Douglas A. Shaffer  
Ward 1

H. Allen Kitselman, III  
Ward 2

Mary L.C. Daniel  
Ward 3

David L. Tollett  
Ward 4

Keith R. Dalton  
Town Manager

## Keith Dalton

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**From:** Keith Dalton  
**Sent:** Tuesday, June 09, 2015 2:44 PM  
**To:** 'cmaplespaf@aol.com'  
**Subject:** "Wheeler Lane"  
**Attachments:** 20150609143131067.pdf

Mr. Maples:

Please find attached a letter regarding "Wheeler Lane". I hope this clears up any concerns that you have about the Town's position on this matter.

A hard copy of this letter is being mailed to you. Per your request, attached to that letter is the packet you provided me when we met. As agreed, I did not make a copy of the opinion but I did keep a copy of the rest of the information (I hope that is ok... let me know if it is not).

You will also note that a Cc: of the letter has been sent to Ms. Slattery. She contacted me a while back about this matter and I told her I would copy her on my correspondence in the matter.

Take care,

Keith

Keith R. Dalton, Town Manager  
Town of Berryville, Virginia  
101 Chalmers Court, Suite A  
Berryville, VA 22611

V 540.955.1099  
F 540.955.4524

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**From:** Keith Dalton  
**Sent:** Tuesday, June 02, 2015 1:30 PM  
**To:** 'cmaplespaf@aol.com'  
**Subject:** I have not forgotten you

Mr. Maples:

I just wanted to let you know that I have not forgotten you. I apologize for not getting you something on the "Wheeler Lane" matter.

I will be in touch soon.

Thanks

Keith

Keith R. Dalton, Town Manager