COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

1401 East Broad Street - Policy Division - CTB Section - #1106
Richmond, Virginia 23219

(804) 786-1830
Fax: (804) 225-4700

Agenda item # 7

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

May 15, 2008

MOTION

Made By: Mr. Koelemay Seconded By: Dr. Davis Action: Motion Carried, Unanimously

Title: Surplus and Locality Land Conveyances, Interstate 95/395, Route 1, Clark Street Extension, Old Jefferson Davis Highway, County of Arlington

WHEREAS, in connection with the Henry G. Shirley Memorial Highway, as shown on the plans for Interstate 95, United States Department of Commerce, Bureau of Public Roads Project 0095-000-103, RW-201, the Commonwealth acquired certain land from the United States of America by Deed dated January 31, 1967, recorded in Deed Book 1641, Page 366, in the Office of the Clerk of the Circuit Court of Arlington County; and

WHEREAS, in connection with Interstate 95, State Highway Project 0095-000-101, RW-201, the Commonwealth acquired certain land from Richmond, Fredericksburg and Potomac Railroad Company, by Deed dated May 30, 1972, recorded in Deed Book 1785, Page 560, in the Office of the Clerk of the Circuit Court of Arlington County; and

WHEREAS, a portion of Interstate 95 was subsequently renumbered to Interstate 395; and

WHEREAS, the County of Arlington has requested by resolution dated October 22, 2007, conveyance of land lying southeast of and adjacent to the southeast proposed right of way and limited access line of Route 1 and northwest of the operating right of way necessary for the Clark Street Extension/Old Jefferson Davis Highway right of way for use in the County's planned development of public recreational facilities on adjacent land; and

WHEREAS, the County of Arlington has also requested by said resolution the conveyance of the real estate for portions of Clark Street Extension and Old Jefferson Davis Highway, which is in the County's street system; and

WHEREAS, the Commonwealth Transportation Commissioner has certified in writing that the land lying southeast of and adjacent to the southeast revised proposed right of way and/or limited access line of Route 1, and located between said line and the northwest limits of the operating right of way of the Clark Street Extension/Old Jefferson Davis Highway from a point approximately 35 feet opposite approximate Station 99+40 (Clark Street Extension centerline), as partially shown on the plans for State Highway Project 0095-000-101, RW-201, and partially shown on a plat of boundary and topographic survey, by Patton Harris Rust and Associates, PC, titled "Shirley Highway Tract, Being A Part Of Tract 9, Pentagon Roadway Network, And Part Of The Property Of The Commonwealth Of Virginia", being of varying width and continuing along the southeast Route 1 northbound lane proposed limited access line beyond the South Clark Street connection to the Clark Street Extension for an additional 600 feet, more or less, was acquired incidental to the construction, reconstruction, alteration, maintenance and repair of Interstate 395 and does not constitute a section of the public road and is deemed by him no longer necessary for the uses of the State Highway System or the Secondary System of State Highways, less and except the areas depicted as hand-marked crosshatched areas as shown on said plat to be retained; and

WHEREAS, Sections 33.1-149 and 33.1-154 of the *Code of Virginia* (1950), as amended allow the Commonwealth Transportation Board to transfer (convey) to the locality, upon petition of the said locality's governing body, real estate acquired incidental to the construction, reconstruction, alteration, maintenance or repair of the State Highway System or Secondary System of State Highways, which constitutes a section of public road, and upon such transfer, such section of road shall cease, if required, being a part of the State Highway System or Secondary System of State Highways; and

WHEREAS, this conveyance is to be made in accordance and compliance with the provisions and notice requirements of Sections 33.1- 149, 33.1-154 and 33.1-223.2:2 of the *Code of Virginia* (1950), as amended; and

WHEREAS, Section 33.1-49 of the *Code of Virginia* (1950) grants the Commonwealth Transportation Board the authority and power relative to the Interstate System as is vested in it relative to highways in the primary system; and

NOW, THEREFORE, BE IT RESOLVED, in accordance and compliance with the provisions and notice requirements of Sections 33.1-149, 33.1-154 and 33.1-223.2:2 of the *Code of Virginia* (1950), as amended, the conveyance of the said land, so certified, is approved, and said conveyance of the said real estate is approved as set forth and upon conveyance, the roads shall no longer be a part of the State Highway System or the Secondary System of Highways, and the Commonwealth Transportation Commissioner is hereby authorized to execute, in the

name of the Commonwealth, a deed conveying the land for a consideration satisfactory to the Acting State Director, Right of Way and Utilities, and said real estate, all subject to such restrictions as may be deemed appropriate.

####