COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairman

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Agenda item # 6

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

October 16, 2008

MOTION

Made By: Mr. McCarthy Seconded By: Mr. Bowie Action: Motion Carried, Unanimously

Title: Limited Access Control Changes and Land Conveyance
Interstate 95 and Route 656 Interchange, Hanover County

WHEREAS, Interstate 95 and Route 656, in Hanover County, as shown on the plans for State Highway Project 0095-042-101-G1, were designated as Limited Access Highways by the State Highway Commission, predecessor of the Commonwealth Transportation Board (CTB), on October 4, 1956; and were designated as Limited Access Highways by the CTB, as shown on the plans of State Highway Project 0095-042-F10, RW-201, on February 19, 1998; and

WHEREAS, in connection with the said Interstate 95 and Route 656, State Highway Projects 0095-042-101-G1 and 0095-042-F10, RW-201, the Commonwealth acquired certain lands and easements from Charles Felix Cross, Jr., et al., by Instrument dated December 1, 1958, recorded in Deed Book 190, Page 471, and concluded by Order dated April 15, 1959, recorded in Deed Book 190, Page 474; and from Cross Family Properties, L. C., a Virginia Limited Liability Company, by Instrument dated June 21, 1999, recorded in Deed Book 1481, Page 198, and concluded by Order dated March 15, 2006, recorded as Instrument Number 060004940, in Deed Book 2676, Page 675, all recorded in the Office of the Clerk of the Circuit Court of Hanover County, Virginia; and

WHEREAS, the land lying northeast of and adjacent to the southwest existing and proposed right of way and limited access lines of the southwest quadrant of the Interstate 95 and Route 656 Interchange, as shown on the plans for State Highway Project 0095-042-F10, RW-201, has been identified as part of the future development of the adjoining lands by Hanover County (County) and the adjoining landowner; and

WHEREAS, the County and adjoining landowner have identified and requested that the said land, including the existing limited access control easements, as shown on the plans for State Highway Project 0095-042-F10, RW-201, lying northeast of and adjacent to the southwest existing and proposed right of way and limited access line of the southwest quadrant of the Interstate 95 and Route 656 Interchange from a point 20.41 feet opposite Station 19+52.0 (Route 656 office revised baseline) to a point 90 feet opposite Station 325+00 (Interstate 95 S.B.L. construction and survey baseline) be conveyed; and

WHEREAS, the said request, if granted, will require revisions and changes to the said Interstate 95 and Route 656 interchange southwest existing and proposed right of way and limited access line, as shown on the aforesaid plans from a point 20.41 feet opposite Station 19+52.0 (Route 656 office revised baseline) to a point 30 feet opposite Station 22+99.3 (Route 656 office revised baseline), and removal of the limited access control feature along the Route 656 southwest existing and revised existing right of way line west of the interchange, as acquired in connection with State Highway Project 0095-042-101-G1, from Charles Felix Cross, Jr., et al.; and

WHEREAS, the CTB approved the said conveyance and limited access control changes request on May 17, 2006; however, the adjoining landowner did not act on this portion of the approved request at that time, and has made minor changes to the area of the original request; and

WHEREAS, the Commonwealth Transportation Commissioner has certified in writing that the lands containing 0.9227 acre, more or less, as shown on the plans for State Highway Project 0095-042-F10, RW-201, and lying southwest of and adjacent to the southwest revised existing and proposed limited access and/or right of way lines of the southwest quadrant of the Interstate 95 and Route 656 Interchange from a point 20.41 feet opposite Station 19+52.0 (Route 656 office revised baseline) to a point 90 feet opposite Station 325+00 (Interstate 95 S.B.L. construction and survey baseline) were acquired incidental to the construction, reconstruction, alteration, maintenance and repair of the Interstate 95 and Route 656 Interchange and do not constitute a section of the public road and are deemed by him no longer necessary for the uses of the Interstate Highway System or the Secondary System of State Highways; and

WHEREAS, the County, by letters dated February 23, 2006, and September 4, 2008, support the request for the limited access control changes and land conveyance as a part of future economic development; and

WHEREAS, public notices were posted September 10, 2008, September 11, 2008, and September 25, 2008, and closed on September 25, 2008 and October 11, 2008, with no comment received; and

WHEREAS, the Virginia Department of Transportation (VDOT) and the Federal Highway Administration have determined that the said proposed changes to the said Interstate 95 and Route 656 interchange southwest existing and proposed right of way and limited access lines, as shown on the plans for State Highway Project 0095-042-F10, RW-201, from a point 20.41 feet opposite Station 19+52.0 (Route 656 office revised baseline) to a point 90 feet opposite Station 325+00 (Interstate 95 S.B.L. construction and survey baseline) and the removal of the limited access control feature along the Route 656 southwest existing and revised existing right of way line west of the interchange, as acquired in connection with State Highway Project 0095-042-101-G1, from Charles Felix Cross, Jr., et al., are appropriate from a design standpoint subject to further review and approval, provided the limited access control feature and easement along the southwest revised existing and proposed right of way and limited access line of Interstate 95, from a point 90 feet opposite Station 325+00 (Interstate 95 S.B.L. construction and survey baseline), to a point 170.21 feet opposite Station 330+20.3 (Interstate 95 S.B.L. construction and survey baseline) is established and reserved from the conveyance and a variable width permanent slope and drainage easement within the area to be conveyed, from a point 20.41 feet opposite Station 19+52.0 (Route 656 office revised baseline) to a point approximately 171.21 feet opposite Station 330+20.3 (Interstate 95 S.B.L. construction and survey baseline), is established and reserved from the conveyance; and

WHEREAS, VDOT has determined that the said limited access control changes are appropriate from a safety and traffic control standpoint subject to further review and approval as development plans for the adjoining property are reviewed and approved by the County; and

WHEREAS, VDOT and the adjoining landowner's engineering firm have determined there will be no adverse environmental impacts subject to further review and approval as the said development plans for the said properties are completed, reviewed and approved by the County; and

WHEREAS, all costs of future engineering and construction, including all necessary safety improvements, for said future development will be borne by the adjoining landowner; and

WHEREAS, all future right of way, engineering, construction, and necessary safety improvements for the development of said properties shall meet all VDOT standards and requirements; and

WHEREAS, upon completion of any right of way changes or construction resulting from the said future development and acceptance by VDOT, all work, roadway construction, safety improvements and equipment shall become the property of the Commonwealth; and

WHEREAS, the adjoining landowner shall pay just compensation to the Department in consideration of the proposed limited access control changes and land conveyance, this amount to be determined by VDOT; and

WHEREAS, Section 33.1-49 of the *Code of Virginia* (1950), as amended, 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

WHEREAS, this conveyance and the said limited access control changes, as set forth, are to be made in accordance and compliance with the provisions and notice requirements of Sections 33.1-58, 33.1-149, 33.1-154 and 33.1-223.2:2 of the *Code of Virginia* (1950), as amended subject to the above referred to conditions and requirements.

NOW, THEREFORE, BE IT RESOLVED, in accordance and compliance with the provisions of Section 33.1-58 of the *Code of Virginia* (1950), as amended, the CTB hereby approves the said limited access control changes as set forth, subject to the above referred to conditions.

AND, **BE IT FURTHER 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 lands and limited access control easements, so certified, is approved, subject to the above referred to conditions, and the Commonwealth Transportation Commissioner is hereby authorized to execute in the name of the Commonwealth any and all documents needed to comply with this resolution, to include a deed, conveying the said land and limited access control easements for a consideration satisfactory to the State Director, Right of Way Division, subject to such restrictions as may be deemed appropriate.

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