COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
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***Agenda item #3-B***

**RESOLUTION**
**OF THE**
**COMMONWEALTH TRANSPORTATION BOARD**

**October 16, 2008**

**MOTION**

**Made By: Mr. Witt Seconded By: Mr. Keen Action: Motion Carried, Unanimously**

**Title: Recreational Access – Town of Poquoson, Project 9999-147-124, N501**
**South Lawson Park**

**WHEREAS**, Section 33.1-223 of the *Code of Virginia* sets forth that the General Assembly of Virginia has found and declared that it is "...in the public interest that access roads and bikeways for public recreational areas and historical sites be provided..." and sets aside highway funds for such purpose, and further provides that "The Commonwealth Transportation Board, with the concurrence of the Director of the Department of Conservation and Recreation, is hereby authorized to make regulations to carry out the provisions of this section."; and

**WHEREAS**, the Director of the Department of Conservation and Recreation (DCR) and the Commonwealth Transportation Board (CTB) have adopted a joint policy to govern the use of the Recreational Access Fund pursuant to Section 33.1-223 of the *Code of Virginia*; and

**WHEREAS**, the Poquoson Town Council has, by appropriate resolution, requested Recreational Access funds to construct an access road and bikeway to serve South Lawson Park, located off Poquoson Avenue, and said access road and bikeway are estimated to cost $210,000; and

**WHEREAS**, this request is under consideration by the Director of DCR for full compliance with the provisions of Section 33.1-223 of the *Code of Virginia*; and

**WHEREAS**, it is anticipated that the Director of DCR will recommend the construction of the aforementioned access road; and

**NOW**, **THEREFORE**, **BE IT RESOLVED,** that from the 2008-2009 Fiscal Year Recreational Access Fund, $210,000 be allocated to construct the access road and bikeway to South Lawson Park, Project 9999-147-124, N501, contingent upon:

1. The Director of DCR designating South Lawson Park as a public recreational area and recommending the use of the Recreational Access Fund for the construction of the access road and bikeway; and

2. All right of way, environmental assessments and remediation, and utility adjustments being provided at no cost to the Commonwealth; and

3. Execution of an appropriate contractual agreement between the Town of Poquoson (LOCALITY) and VDOT to provide for the:

    a. design, administration, construction and maintenance of this project; and

    b. payment of all ineligible project costs, and of any eligible project costs in excess of the $210,000 allocation for the access road and bikeway construction from sources other than those administered by VDOT; and

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