COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
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Agenda item # 4

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

November 20, 2008

MOTION

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

Title: Recreational Access – City of Lynchburg, Project 9999-118-199, M501
Ivy Creek Natural Area

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 Lynchburg City Council has, by appropriate resolution, requested Recreational Access funds to construct an access road to serve Ivy Creek Natural Area, located off Jefferson Ridge Parkway in the western portion of Lynchburg, and said access road is estimated to cost $530,000; 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, $350,000 ($250,000 unmatched, $100,000 matched) be allocated to construct the access road to Ivy Creek Natural Area, Project 9999-118-199, M501, contingent upon:

1. The Director of DCR designating Ivy Creek Natural Area as a public recreational area and recommending the use of the Recreational Access Fund for the construction of the access road; 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 City of Lynchburg (LOCALITY) and VDOT to provide for the:

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

    b. provision of the required $100,000 matching funds from the general fund of the LOCALITY for construction of the access road; and

    c. payment of all ineligible project costs, and of any eligible project costs in excess of the $350,000 allocation for the access road construction from sources other than those administered by VDOT.

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