



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

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Agenda item # 6

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

March 19, 2009

MOTION

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

Title: Easement Conveyance, Indian River Road, City of Virginia Beach

WHEREAS, in connection with Route 603, the Commonwealth acquired certain drainage easements from Charles F. Brodie, et al., by Agreement dated May 7, 1955, recorded in Deed Book 404, Page 191, in the Office of the Clerk of the Circuit Court of Princess Anne County; and

WHEREAS, Chapter 147 of the 1962 Virginia Acts of Assembly, effectuated the consolidation of Princess Anne County and the City of Virginia Beach; and

WHEREAS, the State Highway Commission, predecessor of the Commonwealth Transportation Board, at its meeting held March 19, 1981, transferred this and other sections of Indian River Road to the State Highway System as Route 407; and

WHEREAS, the Commonwealth Transportation Board, at its meeting held January 18, 2001, deleted this and other sections of Route 407 from the State Highway System; and

WHEREAS, the Commonwealth Transportation Commissioner has certified in writing that the easements containing 0.043 acre, more or less, as shown on the plat titled, "Sketch Showing Location and Details of Ditch" dated May 7, 1955, were acquired incidental to the construction, reconstruction, alteration, maintenance and repair of Indian River Road and do not constitute a section of the public road and are deemed by him no longer necessary for the uses of the State Highway System; and

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

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WHEREAS, the underlying fee landowner has requested that the easements be conveyed.

NOW, THEREFORE, BE IT RESOLVED, in accordance and compliance with the provisions and notice requirements of Sections 33.1-149 and 33.1-223.2:2 of the *Code of Virginia* (1950), as amended, the conveyance of the said easements, so certified, is approved and the Commonwealth Transportation Commissioner is hereby authorized to execute, in the name of the Commonwealth, a deed conveying the 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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