



# COMMONWEALTH of VIRGINIA

## *Commonwealth Transportation Board*

Pierce R. Homer  
Chairman

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*Agenda item #9-B*

### RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

October 15, 2009

#### MOTION

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

#### **Title: Surplus Land Conveyance, Route 58, Lee County**

**WHEREAS**, in connection with Route 58, State Highway Projects 0058-052-E16, RW-201; 0058-052-E17, RW-201; 0058-052-E18, RW-201; and 0058-052-E19, RW-201, the Commonwealth acquired certain lands from CSX Transportation, Inc., by Deed dated December 2, 1988, recorded in Deed Book 373, Page 354, and shown on railroad valuation maps recorded with said Deed, all in the Office of the Clerk of the Circuit Court of Lee County, Virginia; and

**WHEREAS**, the Department of Conservation and Recreation (DCR) requested the lands be transferred for use as a hiking/biking trail being developed in connection with Wilderness Road State Park; and

**WHEREAS**, on November 3, 1998, the Commonwealth Transportation Commissioner certified in writing that the lands containing 249.57 acres, more or less, comprising the abandoned railroad bed of the former Louisville-Nashville Railroad, less and except those areas for present or future transportation purposes, from the Virginia-Tennessee State Line to Hagan, Virginia, a distance of approximately 22 miles, lying between approximate Station 2725+69 (railroad valuation map) and approximate Station 3692+06 (railroad valuation map), do not constitute a section of the public road and are no longer necessary for the uses of the State Highway System; and

**WHEREAS**, the Commonwealth Transportation Board (CTB) approved the conveyance of said lands as presented on November 19, 1998; and

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**WHEREAS**, the DCR was granted a permit to begin construction of the said trail from east of Route 732 near Gibson Station to west of Route 684 in Caylor, Virginia, and was to prepare a survey of all the lands to be conveyed, as the plans for the said State Highway Projects do not show the entire area; and

**WHEREAS**, the scope of the survey, as submitted by DCR, extends from east of Route 732 near Gibson Station, Virginia, to approximately 800 feet west of Route 684 in Caylor, Virginia reflecting the portion of the park constructed to date; and

**WHEREAS**, the former landowner, CSX Transportation, Inc., has requested to purchase a portion of the remaining land consisting of approximately 4.85 acres, more or less, lying between Rose Hill, Virginia, and Hagan, Virginia, for use as a track extension to accommodate coal trains; and

**WHEREAS**, DCR has concurred with the conveyance less the portion requested by the former landowner, CSX Transportation, Inc; and

**WHEREAS**, the Commonwealth Transportation Commissioner has re-certified in writing that the lands containing approximately 249.57 acres, more or less, comprising the abandoned railroad bed of the former Louisville-Nashville Railroad, less and except those areas for present or future right of way purposes incident to uses of the Department of Transportation, from the Virginia-Tennessee State Line to Hagan, Virginia, lying between approximate Station 2725+69 (railroad valuation map) and approximate Station 3692+06 (railroad valuation map), do not constitute a section of the public road and are no longer necessary for the uses of the State Highway System; and

**WHEREAS**, the conveyances of the said lands are 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

**NOW, THEREFORE, BE IT RESOLVED**, the resolution approved by the CTB for conveyance of said lands on November 19, 1998, is hereby rescinded, the prior actions of VDOT in granting DCR the aforesaid permit for construction of the said trail from east of Route 732 near Gibson Station to west of Route 684 in Caylor, Virginia to include the portion of the park constructed to date is hereby ratified and accepted, and 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 conveyances of the said lands, so certified, is approved, and the Commonwealth Transportation Commissioner is hereby authorized to execute, in the name of the Commonwealth, deeds conveying the lands for consideration satisfactory to the State

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Director, Right of Way and Utilities Division, subject to such restrictions as may be deemed appropriate.

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