



# COMMONWEALTH of VIRGINIA

## *Commonwealth Transportation Board*

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Chairman

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*Agenda item # 7*

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

**December 7, 2011**

### **MOTION**

**Made By: Mr. Layne Seconded By: Mr. Miller**

**Action: Motion Carried, Unanimously**

**Title: Limited Access Control Changes**

**Route 10 (Smithfield By-Pass), Isle of Wight County, Town of Smithfield**

**WHEREAS**, Route 10 (Smithfield By-Pass), from approximately 4 miles north of the north corporate limits of the Town of Smithfield to approximately 2.5 miles south of the south corporate limits of the Town of Smithfield, including any necessary relocations, interchange areas, ramps, connections, etc., were designated as Limited Access Highway by the State Highway Commission, predecessor to the Commonwealth Transportation Board (CTB), on January 23, 1969; and,

**WHEREAS**, in connection with a section of Route 10 (Smithfield By-Pass), State Highway Project 7010-046-101, RW-201, which is located between the aforesaid locations, the Commonwealth acquired certain lands and limited access easements from various landowners, and established certain limited access control as a design feature of the said project; and,

**WHEREAS**, the Smithfield Volunteer Fire Department (SVFD) has been built on the land on the northeast side of the northeast proposed right of way and limited access line of the said Route 10 (Smithfield By-Pass), as shown on the plans for State Highway Project 0010-046-104, RW-201; and,

**WHEREAS**, the unimproved Moore Avenue right of way adjoining the SVFD property has been identified and requested by the County for use as overflow parking, to be utilized for emergency operations activities; and,

**WHEREAS**, VDOT has determined that the land requested by the County may temporarily be used under issuance of a permit, and identified the need for two temporary limited access control changes (LACC), each being a break of approximately 25 feet, more or less, along the north proposed right of way and limited access line of unimproved Moore Avenue/Route 10 interchange, as shown on the plans for State Highway Project 0010-046-104, RW-201, between 335' opposite approximate Station 338+75 (Route 10 [Smithfield By-Pass] existing construction centerline), and 75 feet opposite Station 1774+35 (Route 10 [Church Street] existing survey centerline) to accommodate ingress and egress to the unimproved Moore Avenue right of way; and,

**WHEREAS**, Isle of Wight County (County), by resolution adopted April 15, 2010, requested the said limited access and use of the said right of way for use by the SVFD, acknowledging that at such time as the property may be needed by VDOT all use shall stop and claim to such usage shall be relinquished; and,

**WHEREAS**, VDOT has determined that the two proposed LACC, each being a temporary break of approximately 25 feet, more or less, along the north proposed right of way and limited access line of unimproved Moore Avenue/Route 10 interchange, as shown on the plans for State Highway Project 0010-046-104, RW-201, between 335' opposite approximate Station 338+75 (Route 10 [Smithfield By-Pass] existing construction centerline), and 75 feet opposite Station 1774+35 (Route 10 [Church Street] existing survey centerline) to accommodate the said ingress and egress to the unimproved Moore Avenue right of way are appropriate from a design standpoint; and,

**WHEREAS**, the said breaks shall be gated and controlled by the SVFD; and,

**WHEREAS**, there shall be no access provided via the said breaks or parking area to the Route 10 (Smithfield By-Pass) or any other public street; and,

**WHEREAS**, the Hampton Roads District has determined that as there will be no impact to the right of way, and the said LACC are appropriate from a safety and traffic control standpoint, and waived the requirement for a Global Traffic Analysis; and,

**WHEREAS**, all right of way, engineering, construction, and necessary safety improvements shall meet all VDOT standards and requirements; and,

**WHEREAS**, VDOT staff has determined there will be no adverse environmental impacts; and,

**WHEREAS**, all costs of engineering and construction, including all necessary safety improvements, will be borne by the County; and,

**WHEREAS**, VDOT has determined no compensation shall be due in consideration of the proposed LACC for public service purposes; and,

**WHEREAS**, public notices were posted in *The Smithfield Times* newspaper of the Town of Smithfield, Virginia, on June 8, 2011, and July 13, 2011, and respectively closed on July 11, 2011, and July 22, 2011, with no comment received; and,

**WHEREAS**, the proposed LACC is in compliance with Title 24, Section 30, Chapter 401 of the Virginia Administrative Code; and,

**WHEREAS**, upon completion of the proposed changes by the County and acceptance by VDOT, all work and improvements within the Route 10 (Smithfield By-Pass) right of way and [limited access lines as shown on the said plans](#) will become the property of VDOT and will be available for use by the County and SVFD until the said associated land use permit is terminated.

**NOW, THEREFORE, BE IT RESOLVED**, in accordance with the provisions of Section 33.1-58 of the *Code of Virginia* (1950), as amended, the CTB hereby finds and concurs with the determinations set forth herein and approves the said LACC and Land Use Permit for temporary access purposes as set forth and subject to the above referred to conditions. The Commissioner of Highways is hereby authorized to execute any and all documents needed to comply with this resolution.

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