



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 6

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

April 18, 2018

MOTION

Made By: Mr. Stinson, Seconded By: Mr. Rosen
Action: Motion Carried, Unanimously

Title: Statewide Abandonment – Primary System of State Highways

WHEREAS, upon the alteration and reconstruction of Route 61 in Tazewell County in the 1960's, the State Highway Commission, predecessor to the Commonwealth Transportation Board, determined that sections of the Old Route 61 that ran parallel to the newly constructed primary highway be identified as no longer necessary for the purposes of the State Highway System; and

WHEREAS, the State Highway Commission passed a resolution on December 12, 1963 (attached hereto as Exhibit A) discontinuing a 0.5 mile segment of Old Route 61 (the "discontinued segment"); and

WHEREAS, the Virginia Department of Transportation (VDOT) has requested, and the Tazewell County Board of Supervisors has approved a Letter of Support (attached hereto as Exhibit B), supporting a Commonwealth Transportation Board action to abandon a 0.07 mile portion of the discontinued segment of Old Route 61, extending from Route 61 to Route 735, as seen in the map attached hereto as Exhibit C; and

WHEREAS, a primary highway section for which no public necessity exists may be abandoned by the Board, pursuant to § 33.2-902, *Code of Virginia* 1950, as amended; and

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WHEREAS, VDOT posted notice of the intent to abandon such segment, attached hereto as Exhibit D, and such posting was done in accordance with § 33.2-902, and VDOT received no requests for public hearing on the matter.

NOW THEREFORE, BE IT RESOLVED, that the roadway segment identified below, by Construction District, is hereby ordered abandoned as part of primary system of state highways, pursuant to § 33.2-902, *Code of Virginia*, 1950, as amended:

Bristol District

Tazewell County

Project: 0061-092-101, C501

- Route 61 – Segment A – B 0.07 Mi.

Total Mileage Abandoned from the Primary System: 0.07 Mi.

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CTB Decision Brief

Abandonment of a Portion of a Previously Discontinued Segment of Old Route 61 Located in Tazewell County

Issue: The Commissioner of Highways requests that the Commonwealth Transportation Board abandon a 0.07 mile portion of a previously discontinued segment of Old Route 61 in Tazewell County.

Facts: The State Highway Commission, predecessor to the Commonwealth Transportation Board, passed a resolution on December 12, 1963 (Exhibit A, attached), discontinuing a 0.5 mile segment of Old Route 61 (the “discontinued segment”), upon the construction of Route 61 nearby.

The Tazewell County Board of Supervisors approved a letter of support on March 6, 2018 (Exhibit B, attached), supporting the abandonment of a 0.07 mile portion of the discontinued segment, extending from Route 61 to Route 735 (segment identified as “A – B” noted in “Blue” on Exhibit C, attached). If abandoned, the property may be by the Commissioner of Highways, in exchange for appropriate consideration in accordance with § 33.2-907 of the *Code of Virginia*.

Upon review of the area, VDOT staff determined the 0.07 mile portion of the discontinued segment should be abandoned as a part of the Primary System of State Highways, pursuant to § 33.2-902 of the *Code of Virginia*, since no public necessity exists for the continuance of the segment as a public road.

Pursuant to and in accordance with § 33.2-902 of the *Code of Virginia*, VDOT published a “Notice of Intent to Abandon” in the *Bluefield Daily Telegraph* publication on December 11 and 18, 2017 (Exhibit D, attached). No requests for public hearing were submitted during the requisite 30-day timeframe.

Recommendations: VDOT recommends the Commonwealth Transportation Board approve the abandonment of the 0.07 mile portion of the discontinued segment of Old Route 61 referenced above.

Action Required by CTB: The *Code of Virginia* requires a majority of the Board’s members to approve the change proposed in this brief. A resolution describing the proposed segment to be abandoned is provided for the Board’s consideration.

Result if Approved: If approved, the public’s right to use that portion of the discontinued segment will be extinguished, and the Commissioner of Highways may convey the property in accordance with § 33.2-907 of the *Code of Virginia*.

Options: Approve, Deny or Defer

Public Comments/Reactions: A public hearing was not requested during the requisite timeframe.