



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
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Agenda item # 7

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

April 18, 2018

MOTION

Made By: Mr. Whitworth, Seconded By: Ms. DeTuncq
Action: Motion Carried, Unanimously

Title: Recreational Access to Sunset Park
Project RECR-136-352, City of Waynesboro

WHEREAS, § 33.2-1510 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 to public recreational areas and historical sites be provided..." and sets aside highway funds for such purpose, "... [w]hen the Director of the Department of Conservation and Recreation has designated a public recreational area as such ... and recommends to the [Commonwealth Transportation] Board that an access road or bikeway be provided or maintained to that area"; 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 § 33.2-1510 of the *Code of Virginia*; and

WHEREAS, the Waynesboro City Council has, by appropriate resolution, requested Recreational Access funds to provide road access to adequately serve recreational facilities located off of North Winchester Avenue within the City of Waynesboro and said road access is estimated to cost \$485,400; and

WHEREAS, this request is under consideration by the Director of DCR for full compliance with the provisions of § 33.2-1510 of the *Code of Virginia*; and

WHEREAS, it is anticipated that the Director of DCR will recommend the construction of the aforementioned access.

NOW THEREFORE, BE IT RESOLVED, that from the Recreational Access Fund \$350,000 (\$250,000 unmatched and \$100,000 matched) be allocated for road construction to provide adequate access to existing and proposed facilities within the City of Waynesboro's Sunset Park off of North Winchester Avenue, Project RECR-136-352, contingent upon:

1. The Director of DCR designating Sunset Park as a public recreational area and recommending the use of the Recreational Access Fund for the construction of the access roadway to the proposed new facilities within Sunset Park; 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 Waynesboro (LOCALITY) and the Virginia Department of Transportation (VDOT) to provide for the:
 - a. design, administration, construction and maintenance of this project; and
 - b. provision of up to \$100,000 in matching funds, as necessary, by 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 respective allocation amount for the roadway access project from sources other than those administered by the LOCALITY.

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CTB Decision Brief

Recreational Access – City of Waynesboro Sunset Park

Issue: Pursuant to § 33.2-1510 of the *Code of Virginia*, the Waynesboro City Council has requested funds from the Recreational Access Program to provide adequate road access to existing and proposed new facilities within the City's Sunset Park.

Facts: Section 33.2-1510 of the *Code of Virginia* provides that the Commonwealth Transportation Board (CTB) shall expend from funds set aside for the construction of access roads and bikeways to public recreational areas and historical sites under this section of the *Code of Virginia*. Further, this section of the *Code of Virginia* grants the CTB the authority to construct access roads and bikeways to public recreational areas and historical sites when the governing body of the county in which the access road is to be provided passes a resolution requesting the road and when the Director of the Department of Conservation and Recreation (DCR) has designated the public recreational area as such and recommends to the CTB that an access road be provided to that area.

The City of Waynesboro owns and operates Sunset Park and plans to develop new facilities within a 17.3-acre recreational area to be accessed off of North Winchester Avenue. The proposed facilities include passive recreational uses and developing a trail system for walking and mountain biking. The road access project planned as adequate to serve existing and proposed facilities within Sunset Park involves construction of a 24-foot wide roadway with appropriate shoulders and ditches, within 50 feet of right of way, from North Winchester Avenue and continuing south/southeast, approximately 0.54 mile, to the parking lot. Staunton District staff has concurred in the plans for the project and has determined that the project costs for eligible items and quantities in the City's estimated cost of \$485,400 for the road access project exceed the maximum Recreational Access Program project allocation. The Locality will administer the design and construction of the proposed road project.

Local Assistance Division has coordinated with DCR staff to confirm support for the project. It is anticipated that the Director of DCR will designate Sunset Park as a public recreational area and will recommend utilization of Recreational Access funds to provide adequate access to the park.

Recommendations: VDOT recommends Recreational Access Program funding in the maximum allocation amount of \$350,000 (\$250,000 unmatched and \$100,000 matched) for the construction of road access, subject to certain contingencies as set forth in the accompanying resolution.

Action Required by the CTB: Prior to expending funds set aside for access roads to public recreational areas and historical sites, the *Code of Virginia* specifies that the CTB shall declare by resolution that the access road project be provided. A resolution is provided for formal vote.

Result, if Approved: VDOT and the City of Waynesboro will proceed with the recreational access road project.

Options: Approve, Deny, or Defer.

Public Comments/Reaction: None

CITY COUNCIL OF WAYNESBORO, VIRGINIA



RESOLUTION (R18-01)

RECREATIONAL ACCESS ROAD FUNDING

WHEREAS, Sunset Park is owned and is to be developed by the City of Waynesboro, Virginia, recreational facility serving the residents of Waynesboro, Virginia and adjoining localities; and

WHEREAS, the existing public road network does not provide for adequate access to this facility and it is deemed necessary that improvements be made to North Winchester Avenue

WHEREAS, the procedure governing the allocation of recreational access funds as set forth in section 33.2-1510 of the Code of Virginia requires action by the Director of the Department of Conservation and Recreation and the Commonwealth Transportation Board; and

WHEREAS, a statement of policy agreed upon between the said Director and Board approves the use of such funds for the construction of access roads to publicly-owned recreational or historic areas; and

WHEREAS, the City Council for the City of Waynesboro, Virginia has duly adopted a zoning ordinance pursuant to Article 7 (Section 15.2-2280 et seq), Chapter 22, Title 15.2 of the Code of Virginia; and

WHEREAS, it appears to the City Council that all requirements of the law have been met to permit the Director of the Department of Conservation and Recreation to designate Sunset Park as a public recreational facility and further permit the Commonwealth Transportation Board to provide funds for appropriate access to this public recreational area in accordance with section 33.2-1510 of the Code of Virginia; and

WHEREAS, the City Council for the City of Waynesboro, Virginia agrees, in keeping with the intent of section 33.2-406 of the Code of Virginia to use its good offices to reasonably protect the aesthetic or cultural value of this access leading to or within areas of historical, natural or recreational significance; and

WHEREAS, the City Council of the City of Waynesboro, Virginia acknowledges that no land disturbance activities may occur within the limits of the proposed access project without the consent of the Department of Transportation as a condition of the use of the Recreational Access Fund.

WHEREAS, the City Council for the City of Waynesboro hereby guarantees that the necessary environmental analysis, mitigation, and fee simple right of way for this improvement, and utility relocations or adjustments, if necessary, will be provided at no cost to the Virginia Department of Transportation; and

WHEREAS, the City Council for the City of Waynesboro, Virginia hereby acknowledges that the Virginia Department of Transportation's Recreational Access Program may provide up to a maximum of \$250,000 (unmatched) and \$100,000 (matched) for a project and, if necessary, requires matching funding,

up to \$100,000, from the City of Waynesboro, for an estimated eligible project costs over \$250,000, up to \$450,000; and

WHEREAS, the City Council for the City of Waynesboro, Virginia hereby guarantees that financing of all ineligible project costs, project costs exceeding the project allocation under the Recreational Access Program, any Program-required locality matching funds, if applicable, and all costs exceeding this Program allocation will be provided by the City of Waynesboro.

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Waynesboro, Virginia, hereby requests the Director of the Department of Conservation and Recreation to designate Sunset Park as a public recreational area and to recommend to the Commonwealth Transportation Board that recreational access funds be allocated for an adequate access road to serve said recreational area; and

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board is hereby requested to allocate the necessary recreational access funds to provide a suitable access road as hereinbefore described.

BE IT FURTHER RESOLVED, that the City Manager and/or his designee(s) be authorized to act on behalf of the City Council to execute any and all documents necessary to secure the maximum amount of funding eligible under the Recreational Access Program.

BE IT FURTHER RESOLVED, that the City Council for the City of Waynesboro, Virginia hereby agrees that the new roadway so constructed will be added to and become a part of the City of Waynesboro road system.

This resolution shall take effect immediately upon its passage.

Adopted February 26, 2018

Signed: Bruce Allen Mayor,
Waynesboro City Council

Attest: Julia Bortle Clerk,
Waynesboro City Council

CERTIFICATE

The above signed Mayor and Clerk of the City Council of the City of Waynesboro, Virginia, hereby certify that the foregoing constitutes a true and correct copy of a resolution entitled Recreational Access Road Funding, adopted by the City Council at a meeting held on February 26, 2018.

