



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

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Agenda item # 8

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

October 17, 2019

MOTION

Made By: Mr. Brown, Seconded By: Ms. Hynes
Action: Motion Carried, Unanimously

Title: Statewide Abandonment and Transfer – Primary System of State Highways

WHEREAS, pursuant to §33.2-902 *Code of Virginia*, the Commissioner of Highways was provided with intent petition to abandon from the Primary System of State Highways the southern portion of Route 386 in Mecklenburg County. This road segment exists solely to serve one property owner. The road segment's total distance of 0.06 mile is

- (a) no longer necessary as a public road, and
- (b) no longer provides a public convenience that warrants maintenance at public expense;
and

WHEREAS, the Mecklenburg County Board of Supervisors supports the Commissioner of Highways' action to abandon from the Primary System of State Highways that portion of Route 386 serving the one property owner, pursuant to §33.2-902, and has approved a resolution, attached hereto as Exhibit A, expressing its support for the abandonment of such segment of Route 386, as seen in the map attached hereto as Exhibit B; and

WHEREAS, the Virginia Department of Transportation (VDOT) posted notice, attached hereto as Exhibit C, of the intent to abandon such segment on behalf of the Commonwealth

Transportation Board (Board), and such posting was done in accordance with § 33.2-902, and VDOT received no requests for public hearing on the matter; and

WHEREAS, a primary highway that is no longer providing sufficient public convenience to warrant maintenance at public expense may be abandoned by the Board, pursuant to §33.2-902, *Code of Virginia* 1950, as amended; and

WHEREAS, the Mecklenburg County Board of Supervisors has requested that the Board transfer the remaining 0.93 mile segment of Route 386 from the state Primary system to the Secondary system, pursuant to §33.2-315, and which is expressed by resolution, attached hereto as Exhibit A.

Primary System of State Highways

NOW THEREFORE, BE IT RESOLVED, that the roadway segment identified below is hereby ordered abandoned as part of Primary system of state highways, pursuant to § 33.2-902 and the remaining roadway segment identified below is hereby transferred from the Primary system to the Secondary system pursuant to § 33.2-315, *Code of Virginia*, 1950, as amended.

Abandonment

Richmond District

Mecklenburg County

- Route 386 – Segment B – C 0.06 Mi.

Total Mileage Abandoned from the Primary System: 0.06 Mi.

Transfer

Richmond District

Mecklenburg County

- Route 386 – Segment A – B 0.93 Mi.

Total Mileage Transferred from the Primary System: 0.93 Mi.

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CTB Decision Brief

Abandonment and Transfer of Route 386 Located in Mecklenburg County

Issue: An interested landowner has requested the Commonwealth Transportation Board abandon 0.06 mile of Route 386 in Mecklenburg County. The Mecklenburg County Board of Supervisors relatedly requests the transfer of the remaining 0.93 mile segment of Route 386 from the state's Primary system to the Secondary system.

Facts: Route 386 formerly served a Department of Corrections (DOC) facility. The DOC has closed the facility and disposed of the property. The portion of Route 386 that solely serves the owner of that disposed DOC property, and which is a total distance of 0.06 miles, is no longer necessary as a public road. The remainder of this current state Institutional road serves a DOC training facility and a private sector facility.

The Mecklenburg County Board of Supervisors approved a resolution on August 26, 2019 (Exhibit A, attached), supporting the abandonment of a 0.06 mile portion of Route 386 (segment shown in "Blue" on Exhibit B, attached).

In the same resolution, the Mecklenburg County Board of Supervisors requested the transfer of a 0.93 mile portion of Route 386 (segment shown in "Orange" on Exhibit B, attached) from the Primary system to the Secondary system.

Upon review of the area, VDOT staff determined the 0.06 mile portion 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.

Upon review of the area, VDOT staff determined the 0.93 mile portion should be transferred from the Primary System of State Highways to the Secondary System of State Highways, pursuant to § 33.2-315 of the *Code of Virginia*.

Pursuant to and in accordance with § 33.2-902 of the *Code of Virginia*, VDOT published a "Notice of Intent to Abandon" in *The Free Lance Star* publication (Exhibit C, attached) on August 26, 2019. 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 0.06 mile portion of Route 386 and the transfer of the 0.93 mile segment from the Primary system to the Secondary system referenced above.

Action Required by CTB: The *Code of Virginia* requires a majority of the Board's members to approve the changes proposed in this brief within four months of the end of the 30-day period after publication of the notice of intent to abandon. A resolution describing the proposed segments to be abandoned and transferred is provided for the Board's consideration.

Result if Approved: If approved, VDOT will suspend all its maintenance activity on the abandoned roadway segment and transfer the 0.93 mile segment to the Secondary system.

Options: Approve or Deny

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

Exhibit A
Mecklenburg County Board of Supervisors August 26, 2019 Resolution



H. Wayne Carter III
County Administrator
Emergency Services Director

Mecklenburg County Board of Supervisors

Post Office Box 307 • Doynton, Virginia 23917

BOARD OF SUPERVISORS

Glenn Barbour
Chairman
Gregg Gordon
Vice-Chairman
David Brinkley
Andy Hargrove
Jim Jennings
Claudia H. Lundy
Gentry M. Spain, Jr
Dan Tanner
Sterling Wilkinson

The following resolution was adopted by the Mecklenburg County Board of Supervisors at their meeting on August 26, 2019.

WHEREAS, pursuant to §33.2-902 of the *Code of Virginia*, the Commissioner of Highways, on behalf of the Virginia Department of Transportation, has provided this Board with notice of intent to abandon from the Primary System of State Highways a portion of Route 386, a total distance of 0.06 miles as shown on the attached sketch; and

WHEREAS, pursuant to §33.2-315 of the *Code of Virginia*, this Board requests the Virginia Department of Transportation to transfer the remaining 0.93 miles of Rte. 386, as shown on attached sketch, to the Secondary System due to public necessity and access.

NOW, THEREFORE, BE IT RESOLVED, this Board supports the Virginia Department of Transportation's action to abandon from the Primary System of State Highways a portion of Route #386 pursuant to §33.2-902 of the *Code of Virginia*, as this Board agrees that no public necessity exists for the continuance of the section of highway as a public highway; and

BE IT FINALLY RESOLVED that a certified copy of this resolution be forwarded to the Residency Engineer of the Virginia Department of Transportation South Hill Residency.

Recorded Vote

Moved By: Gregg Gordon

Yeas: 5

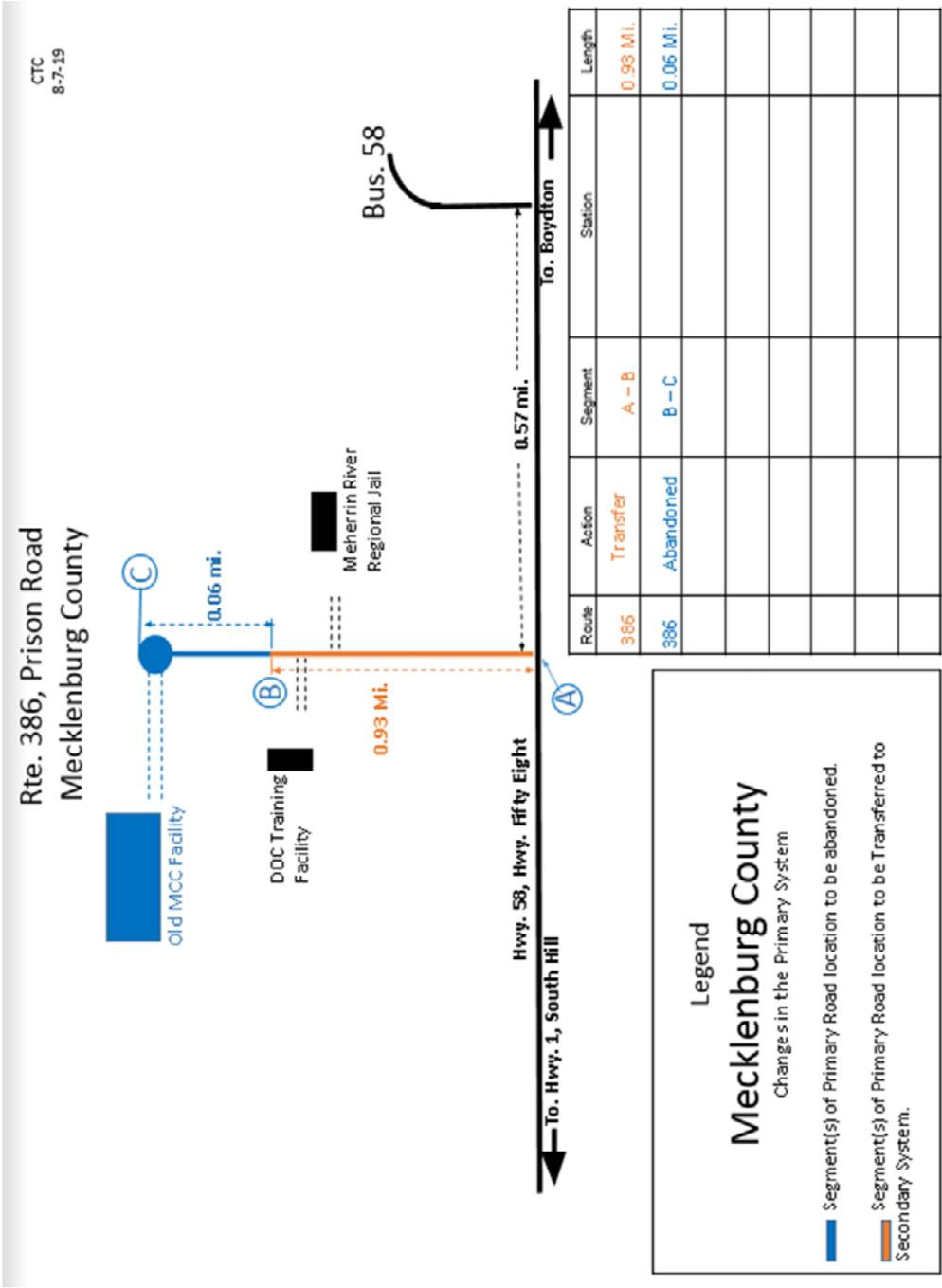
Nays: 0

A Copy Teste:

A handwritten signature in blue ink, appearing to read "H. Wayne Carter III", written over a horizontal line.

H. Wayne Carter III., County Administrator

Exhibit B
Sketch of Proposed Segment to be Abandoned and Transferred



CTC
8-7-19

Exhibit C
“Notice of Intent to Abandon”
Published in *The Free Lance Star*



PUBLIC HEARING NOTICE

NOTICE OF PROPOSED ROAD TRANSFER & ABANDONMENT
PRIMARY INSTITUTIONAL ROUTE 386: MECKLENBURG COUNTY

Location of Hearing:

August 26, 2019

7:00 PM

Mecklenburg County BOS Meeting Room

350 Washington St.

Boydton, VA

Pursuant to §33.2-902 Code of Virginia, the Virginia Department of Transportation intends to abandon section of Institutional Route 386 at a point 0.93 miles from Hwy 58 EBL to the cul-de-sac of Rte. 386, for a distance of 0.06 miles, which previously served the old Mecklenburg Correctional Center. The Mecklenburg Correctional Center has been closed and demolished; therefore, no public necessity exists for the continuance of this section of primary road as a public road.

In addition, Pursuant to §33.2-315 Code of Virginia, the Department of Transportation intends to transfer the remaining 0.93 miles of Rte. 386 to the Secondary System due to public necessity and access.

Citizens interested in giving written or oral comments may do so at the public hearing. VDOT staff will be available to discuss information regarding the proposed abandonment.

Prior to the hearing, please contact Todd Cage at the VDOT South Hill Residency with any questions, 434-774-2310.

Virginia Department of Transportation
South Hill Residency
P.O. 249
1013 W. Atlantic Street
South Hill, VA 23970