



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

1401 East Broad Street
Richmond, Virginia 23219

(804) 786-2701
Fax: (804) 786-2940

Agenda item # 10

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

September 18, 2019

MOTION

Made By: Mr. Miller, Seconded By: Mr. Rucker
Action: Motion Carried, Unanimously

Title: Locality Land Conveyance, N. Mallory Street,
City of Hampton

WHEREAS, Section 33.2-907 of the *Code of Virginia* allows the Commonwealth Transportation Board to transfer (convey) to the locality, upon petition of the said locality's governing body, real estate acquired incidental to the construction, reconstruction, alteration, maintenance or repair of the State Highway System, which constitutes a section of public road, and upon such transfer, such section of road shall cease being a part of the State Highway System; and

WHEREAS, the City of Hampton has requested by resolution dated October 10, 2018 the conveyance of the real estate for a portion of N. Mallory Street, which is in the City's street system and was acquired as a part of Route 169, Projects 1048 M-6 and 1520A, and is depicted on the attached *Plan and Profile of Proposed State Highway* for the Projects (Exhibit A).

WHEREAS, the proposed conveyance has been reviewed and approved by the Director of Right of Way and Utilities.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of Section 33.2-907 of the *Code of Virginia*, as amended, conveyance of the real estate requested and shown on Exhibit A is approved as set forth and upon conveyance, the roads shall no longer be a part of the State Highway System.

BE IT FURTHER RESOLVED, the Commissioner of Highways is hereby authorized to execute, in the name of the Commonwealth, a deed or deeds conveying the real estate subject

Resolution of the Board
Proposed Locality Land Conveyance
Atlantic Avenue
City of Virginia Beach
February 21, 2018
Page Two

to such restrictions as may be deemed appropriate and to take such other actions as necessary to implement such conveyance.

CTB Decision Brief
Locality Land Conveyance
Route 169 (North Mallory Street)
Projects 1048 M-6 and 1520A
City of Hampton

Issue: Section 33.2-907 of the *Code of Virginia* allows the Commonwealth Transportation Board to transfer (convey) to the locality, upon petition of the said locality's governing body, real estate acquired incidental to the construction, reconstruction, alteration, maintenance or repair of the State Highway System, which constitutes a section of public road, and upon such transfer, such section of road shall cease being a part of the State Highway System.

The City of Hampton has petitioned by Resolution dated October 10, 2018, for the transfer and conveyance to the City of the right of way for Route 169 (North Mallory Street) acquired and constructed as a part of Route 169, Projects 1048 M-6 and 1520A and the requested conveyance requires approval by the CTB.

Facts: The City of Hampton is maintaining, as part of the City's urban street system, the portion of Route 169 that is set forth in the attached *Plan and Profile of Proposed State Highway* for projects 1048 M-6 and 1520 A (Exhibit A) and is the subject of the requested transfer/conveyance.

This proposed conveyance has been reviewed and approved by the Director of Right of Way and Utilities.

Recommendations: VDOT recommends that the land be conveyed to the City of Hampton for public street purposes and continued inclusion and maintenance of this portion of Route 169 by the City as part of the City's urban street system.

Action Required by CTB: The *Code of Virginia* requires a majority vote of the Commonwealth Transportation Board (CTB) approving the conveyance and authorizing the Commissioner of Highways to execute the deed. The CTB will be presented with a resolution for a formal vote.

Result, if Approved: If said resolution is approved, the Commissioner of Highways will be authorized to execute a deed to convey the property.

Options: Approve, Deny, or Defer

Public Comments/Reactions: None



City of Hampton

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

Official Record

Resolution: 18-0334

File Number: 18-0334

Resolution Authorizing a Petition to the Commonwealth Transportation Board to Transfer Certain Real Property Acquired for the Construction of a Portion of N. Mallory Street to the City of Hampton Pursuant to Virginia Code §§ 33.2-1001 and 33.2-907

WHEREAS, in the normal course of right-of-way construction administered by the Virginia Department of Transportation ("VDOT"), the Commonwealth of Virginia (the "Commonwealth") transfers real property of right-of-way projects to the localities upon completion of the projects;

WHEREAS, the Commonwealth acquired parcels of real estate for the construction, reconstruction, alteration, maintenance, or repair of a portion of N. Mallory Street, from north of County Street to Seaboard Avenue, entitled "Elizabeth City County, From 0.086 MI.W. INT. RTE. 258 IN PHOEBUS TO 1.708 MI. E. OF E.C.L. PHOEBUS (AT BAY AVENUE IN BUCKROE)" (the "Project") located in the City of Hampton, Virginia (the "City");

WHEREAS, particulars of the Project include:

Commonwealth Project No.: 1048 M-6 1520-A
Years Acquired: 1946-1949
Number of Parcels Acquired: 51
Net Length: 10,343 feet (1.96 miles), more or less;

WHEREAS, all aspects of the construction, reconstruction, alteration, maintenance, and/or repair of the Project are complete, and title to the real property encompassed by the Project remains vested in the Commonwealth;

WHEREAS, the Project constitutes a section of public roadway and related residual areas acquired, and the City maintains the right of way included in the Project;

WHEREAS, in or around 2012, staff became aware that title to a number of right-of-way projects administered by VDOT were not transferred to the City in the normal course, including the Project;

WHEREAS, the City Council, believing it is in the best interest of the City for title to the right of way acquired in connection with the Project be transferred to the City, petitions the Commonwealth to transfer the real property of the Project to the City pursuant to § 33.2-907 of the Code of Virginia, 1950, as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF

HAMPTON, VIRGINIA:

1. That the City Council of Hampton hereby petitions the Commonwealth Transportation Board, pursuant to §§ 33.2-1001 and 33.2-907 of the Code of Virginia, 1950, as amended, to transfer all real estate, property, and interests comprising the right-of-way acquired incidental to the construction, reconstruction, alteration, maintenance, or repair of the Project, to the City of Hampton, and to take such other action as necessary to complete the conveyance of title for the real property of the right of way to the City of Hampton, and upon transfer, such real property shall cease being a part of the State Highway System.

2. That the City Manager, or her authorized designee, is hereby authorized to execute any and all documents to complete the conveyance of title to the right of way of the Project from the Commonwealth to the City, so long as the documents contain such terms, conditions, and modification as may be acceptable to the City Manager and in a form deemed satisfactory the City Attorney.

approved by the Hampton City Council on 10/10/2018.

Aye: 7 Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs, Councilmember Snead and Mayor Tuck

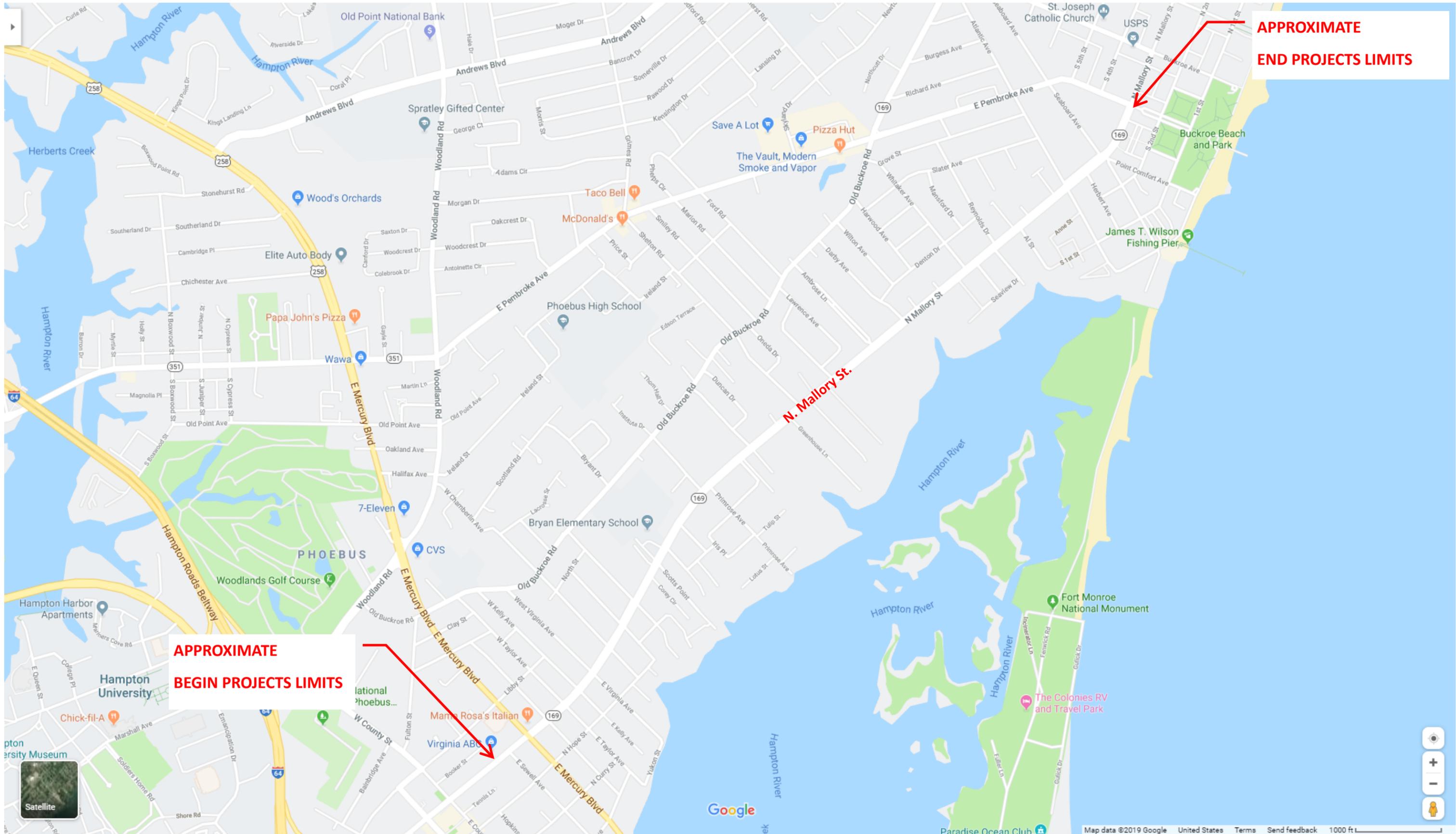
Signed by: 
Donnie R. Tuck

Date OCT 10 2018

Attested by: 
Katherine K. Glass

Date OCT 10 2018

Route 169 North Mallory Street Location Map
Projects 1048 M-6 and 1520A
City of Hampton



**APPROXIMATE
BEGIN PROJECTS LIMITS**

**APPROXIMATE
END PROJECTS LIMITS**

N. Mallory St.



Google

INDEX OF SHEETS

Sheet No.	Title Sheet
2, 2A, 2B, 2C, 2D, 2E	Summary Sheets
3	Plan & Profile Sta. 0+62 to Sta 3+00
4	" " " " 3+00 " " 11+00
5	" " " " 11+00 " " 19+00
6	" " " " 19+00 " " 27+00
7	" " " " 27+00 " " 35+00
8	" " " " 35+00 " " 43+00
9	" " " " 43+00 " " 51+00
10	" " " " 51+00 " " 59+00
11	" " " " 59+00 " " 67+00
12	" " " " 67+00 " " 75+00
13	" " " " 75+00 " " 83+00
14	" " " " 83+00 " " 91+00
15	" " " " 91+00 " " 99+00
16	" " " " 99+00 " " 107+00
17	" " " " 107+00 " " 107+95.5
18	Chamberlain Ave. Sewer Line
19	Drain Ditch Details
46	Sheets Cross Sections



COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HIGHWAYS

PLAN AND PROFILE OF PROPOSED
STATE HIGHWAY

ELIZABETH CITY COUNTY

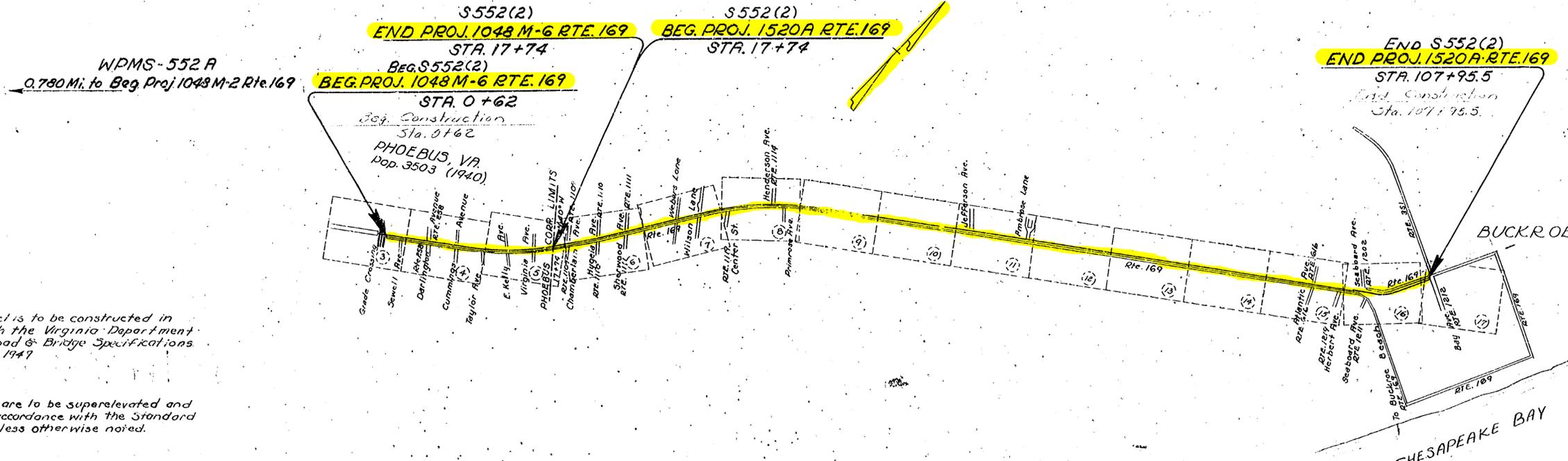
FROM 0.086 MI. W. INT. RTE. 258 IN PHOEBUS TO 1.708 MI. E. OF E.C. L. PHOEBUS (AT BAY AVENUE IN BUCKROE)

FED. ROAD DIST. NO.	STATE	FEDERAL AID		STATE		SHEET NO.	TOTAL SHEETS
		ROUTE	PROJECT	ROUTE	PROJECT		
14	VA.		S.552(2)	169	1048 M-6 1520 A	1	24

PROJ. 1048 M-6
FROM 0.086 MI. W. INT. RTE. 258 IN PHOEBUS
TO E.C.L. OF PHOEBUS

PROJ. 1520 A
FROM E.C.L. OF PHOEBUS TO
1.708 MI. E. OF E.C.L. PHOEBUS
AT BAY AVENUE IN BUCKROE

SCALES (PLAN, 1 IN. = 25 FT.,
PROFILE, HOR. 1 IN. = 25 FT., VERT., 1 IN. = 10 FT.,
LAYOUT, 1 IN. = 600 FT.)



NOTE: This project is to be constructed in accordance with the Virginia Department of Highways Road & Bridge Specifications dated January 1, 1947

All curves are to be super-elevated and transitioned in accordance with the Standard T.C. method unless otherwise noted.

CONVENTIONAL SIGNS

STATE LINE	LEVEE OR EMBANKMENT
COUNTY LINE	BRIDGES
CITY, TOWN OR VILLAGE	CULVERTS
RIGHT OF WAY LINE	DROP INLET
FENCE LINE	TROLLEY POLES
UNFENCED PROPERTY LINE	POWER POLES
FENCED PROPERTY LINE	TELEPHONE OR TELEGRAPH POLES
TRAVELED WAY	MARSH
GUARD RAIL	HEDGE
RETAINING WALL	WOODS
RAILROADS	GROUND ELEVATION
BASE OR SURVEY LINE	GRADE ELEVATION
	POLES WITHIN CONSTRUCTION LIMITS

Equalities = None
Total Net Length = 10,733.50 Ft. = 2.032 Mi.

PROJ. 1048 M-6
Equalities = None
Net Length = 1712.00 Ft. = 0.324 Mi.

PROJ. 1520 A
Equalities = None
Net Length = 9021.50 Ft. = 1.708 Mi.

Note: Computed length of this project is based on Survey Center Line.

SHEETS 2, 2A, 2B
REVISED 2-21 1948
APPROVED 1948
CHIEF ENGINEER

SHEETS 18
REVISED 2-20 1948
APPROVED 1948
CHIEF ENGINEER

APPROVED July 9 1947
G. S. Muller
CHIEF ENGINEER
DEPARTMENT OF HIGHWAYS

RECOMMENDED FOR APPROVAL
DISTRICT ENGINEER
PUBLIC ROADS ADMINISTRATION
FEDERAL WORKS AGENCY

APPROVED
DIVISION ENGINEER
PUBLIC ROADS ADMINISTRATION
FEDERAL WORKS AGENCY

II-D-F

2060-1

1089
66-70

A 2060-1