RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

January 15, 2020

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

Title: Locality Land Conveyance,
Aberdeen Road (Formerly Newport News Connector) and Pine Avenue,
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 November 13, 2019 the conveyance of the real estate for a portion of Aberdeen Road (Formerly Newport News Connector) and Pine Avenue, which is in the City’s street system and was acquired as a part of State Highway Project 0064-114-000, N-1 (Hampton Roads Project), and is depicted on the attached Hampton Roads Project Newport News Connector Contract N-1 (Exhibit A); and

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 Sections 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.
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Aberdeen Road and Pine Avenue
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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 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
Aberdeen Road (Formerly Newport News Connector) and Pine Avenue
State Highway Project 0064-114-000, N-1 (Hampton Roads Project)
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 November 13, 2019, for the transfer and conveyance to the City of the right of way for Aberdeen Road (Formerly Newport News Connector) and Pine Avenue acquired and constructed as a part of State Highway Project 0064-114-000, N-1 (Hampton Roads Project) 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 Aberdeen Road (Formerly Newport News Connector) and Pine Avenue that is set forth in the attached Hampton Roads Project Newport News Connector Contract N-1 (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 Aberdeen Road (Formerly Newport News Connector) and Pine Avenue 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
HAMPTON ROADS PROJECT
NEWPORT NEWS CONNECTOR
CONTRACT N1

Aberdeen Road (Formerly Newport News Connector) and Pine Avenue
Approximate Right of Way Conveyance Limits
Resolution Authorizing a Petition to the Commonwealth Transportation Board to Transfer Certain Real Property Acquired for the Construction of a Portion of Aberdeen Road and Pine Avenue 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 acquisition for road 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 Aberdeen Road (aka Newport News Connector) and Pine Avenue between W. Pembroke Avenue and the Newport News city line as shown on VDOT plans entitled "Hampton Roads Project Newport News Connector, Contract N-1" (the "Project") located in the City of Hampton, Virginia (the "City");

WHEREAS, particulars of the Project include:

- Commonwealth Project No.: 0064-114-000, N-1
- Years Acquired: 1957-1958
- Number of Parcels Acquired: 5
- Net Length: 1500 feet, 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 parcels acquired for projects administered by VDOT were not transferred to the City in the normal course, including the Project; and

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 11/13/2019.

Aye: 6 Councilmember Weston Brown, Councilmember Brown, Councilmember Curtis, Vice Mayor Gray, Councilmember Hobbs and Councilmember Snead

Signed by: Donnie R. Tuck

Date: NOV 13 2019

Attested by: Katherine K. Glass

Date: NOV 13 2019
Exhibit Depicting Parcels 025, 026, 027, 028 & 029 Comprising a Portion of Aberdeen Road and Pine Avenue Property of Virginia Department of Transportation To Be Conveyed to The City of Hampton, VA

Prepared by: CITY of HAMPTON Dept. of Public Works - Engineering Services

Scale: 1" = 125' Map printed: October, 2019