



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

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Agenda item # 2

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

April 21, 2021

MOTION

Made By: Ms. Hynes

Seconded By: Mr. Merrill

Action: Motion Carried, Unanimously

Title: Discontinuance – Secondary System of State Highways Route 749 in Frederick County

WHEREAS, a segment of Route 749, located in Frederick County, measuring approximately 0.05 of a mile, is no longer necessary for the uses of the Secondary state highway system, and therefore no longer provides a public convenience that warrants maintenance at public expense, rendering it eligible for discontinuance; and

WHEREAS, the Frederick County Board of Supervisors has approved a resolution, attached hereto as Exhibit A, supporting the discontinuance described as Route 749, the 0.05 mile segment to the south of Route 672, as seen in the map attached hereto as Exhibit B; and

WHEREAS, pursuant to § 33.2-908 of the *Code of Virginia*, a section of highway may be discontinued from the Secondary state highway system by the Commissioner of Highways, with the approval of the Commonwealth Transportation Board, if the highway is deemed to be no longer necessary for the uses of the Secondary state highway system when a part of the highway no longer provides a public convenience that warrants maintenance at public expense; and

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NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board approves the discontinuance of the roadway segment identified below and as depicted on Exhibit B attached hereto, as part of the Secondary system of state highways, pursuant to §33.2-908, *Code of Virginia*, as the roadway is no longer necessary for the uses of the Secondary state highway system and is no longer providing sufficient public convenience to warrant maintenance at public expense.

Secondary System of State Highways

Discontinuance

Staunton District

Frederick County

- Route 749

0.05 Mi.

Total Mileage Discontinued from the Secondary System:

0.05 Mi.

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CTB Decision Brief

Discontinuance - Secondary System of State Highways: Route 749 in Frederick County

Issue: The Frederick County Board of Supervisors approved a resolution which supports the discontinuance of a portion of Route 749 in Frederick County, that is 0.05 of a mile in length. Pursuant to §33.2-908 of the *Code of Virginia*, said discontinuance must be approved by the Commonwealth Transportation Board (Board).

Facts: Upon review of the area, VDOT staff determined that the 0.05 mile portion of Route 749 should be discontinued as a part of the Secondary System of State Highways, pursuant to § 33.2-908 of the *Code of Virginia*, as it no longer provides a public convenience that warrants maintenance at public expense.

The Frederick County Board of Supervisors supported, by resolution on April 12, 2006 (Exhibit A, attached), the discontinuance of the 0.05 mile portion of Route 749 (road noted in “Orange” on Exhibit B, attached).

In accordance with §33.2-908, notice of the discontinuance was published in The Winchester Star newspaper on March 6 and 13, 2006 (Exhibit C, attached). Frederick County Board of Supervisors and property owners with land abutting the section of roadway considered for discontinuance received notice via certified mail.

Recommendation: VDOT recommends the Board approve the discontinuance of the portion of Route 749 referenced above.

Action Required by CTB: The *Code of Virginia* requires a majority of the Board’s members to approve the proposed discontinuance. A resolution describing the proposed road to be discontinued is provided for the Board’s consideration.

Result if Approved: If approved, VDOT will suspend all of its maintenance activity on the roadway segment.

Options: Approve, Deny or Defer

Public Comments/Reaction: There were no public comments made at the Frederick County Board of Supervisors meeting regarding this proposed discontinuance, and there were no requests for a public hearing.

Exhibit A

Board of Supervisors' Resolution



BOARD OF SUPERVISORS

The Board of Supervisors of Frederick County, in regular meeting on the 12th day of April, 2006, adopted the following:

**FREDERICK COUNTY BOARD OF SUPERVISORS
RESOLUTION TO ABANDON
SECTION OF SECONDARY ROUTE 749 (QUARRY LANE)**

WHEREAS, a public notice was posted as prescribed under §33.1-151, Code of Virginia, announcing a public hearing to receive comments concerning abandoning the section of road described below from the secondary system of state highways; and

WHEREAS, the Commissioner of the Virginia Department of Transportation was provided the prescribed notice of this Board's intent to abandon the subject section of road; and

WHEREAS, after considering all evidence available, this Board is satisfied that no public necessity exists for the continuance of the section of Secondary Route 749 (Quarry Lane) from 0.05 mile south of Route 672 to 0.15 miles south of Route 672, a distance of 0.10 miles, and hereby deems that section of road is no longer necessary as a part of the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED, this Board abandons the above described section of road and removes it from the secondary system of state highways, pursuant to §33.1-151, Code of Virginia.

BE IT FURTHER RESOLVED, the Virginia Department of Transportation is hereby requested to take the necessary action to discontinue aforesaid portion of Route 749, from the intersection of Route 672 to 0.05 miles south of Route 672, a distance of 0.05 miles, as a part of the Secondary System of State Highways, pursuant to § 33.1-150, Code of Virginia, 1950, as amended.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

ADOPTED this 12th day of April, 2006.

VOTE:

Richard C. Shickle	<u>Aye</u>	Gene E. Fisher	<u>Aye</u>
Bill M. Ewing	<u>Aye</u>	Philip A. Lemieux	<u>Absent</u>
Charles S. DeHaven, Jr.	<u>Aye</u>	Barbara E. Van Osten	<u>Aye</u>
Gary W. Dove	<u>Aye</u>		

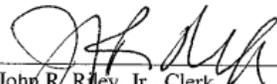

John R. Riley, Jr., Clerk
Frederick County Board of Supervisors

Exhibit B

Sketch of Proposed Road to be Discontinued

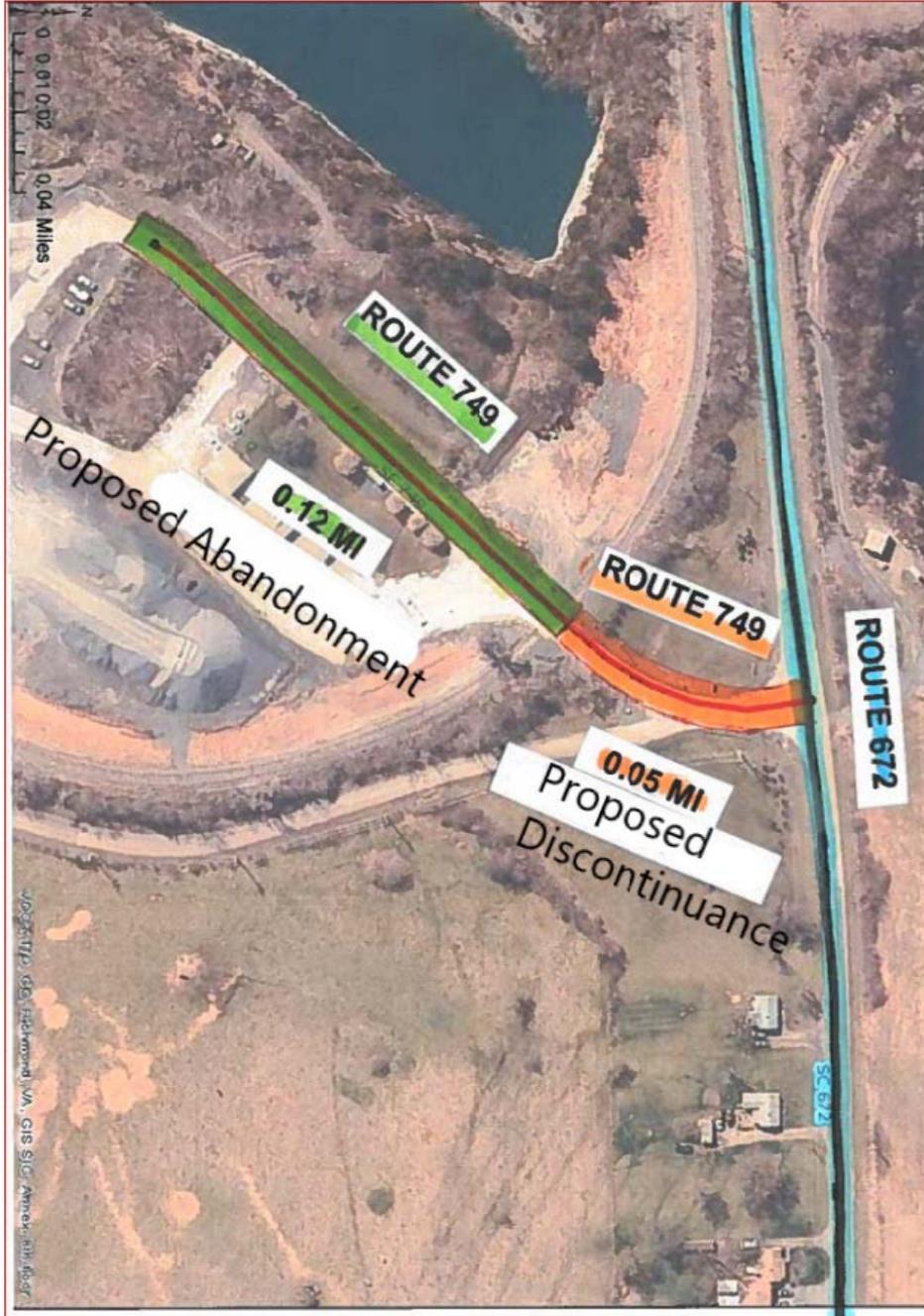


Exhibit C

Public Notice of Discontinuance
Published in The Winchester Star on March 6 and 13, 2006

 **NOTICE OF PUBLIC HEARING**

The Frederick County Board of Supervisors will hold a Public Hearing on Wednesday, April 12, 2006, at 7:15 P.M., in the Board of Supervisors' Meeting Room, County Administration Building, 107 North Kent Street, Winchester, Virginia, to Consider the Following.

DISCONTINUANCE AND ABANDONMENT - QUARRY LANE (ROUTE 749) - The Board of Supervisors of the County of Frederick will hold a public hearing to consider a proposal to discontinue Quarry Lane (Route 749), from the intersection of Route 672 to 0.05 miles south of Route 672, a distance of 0.05 miles, per §33.1-150, *Code of Virginia, 1950, as amended*, and abandon Quarry Lane (Route 749) from 0.05 miles south of Route 672 to 0.15 miles south of Route 672, a distance of 0.10 miles per §33.1-151, *Code of Virginia, 1950, as amended*.

ABANDONMENT - SIR JOHN'S ROAD (ROUTE 667) - The Board of Supervisors of the County of Frederick will hold a public hearing to consider a proposal to abandon Sir John's Road (Route 667), from 1.13 miles Northeast of Route 668 East to 1.51 miles Northeast of Route 668, a distance of 0.38 miles, per §33.1-151, *Code of Virginia, 1950, as amended*.

Interested citizens may appear before the Board to speak on the above items.

Inquiries concerning the above may be addressed to the Office of the County Administrator, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, 107 North Kent Street, Winchester, Virginia 22601, (540)665-5666.


John R. Riley, Jr.
County Administrator
www.co.frederick.va.us