



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

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Agenda item #2-B

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

April 19, 2007

MOTION

**Made By: Mr. McCarthy Seconded By: Mrs. Carter Action: Motion Carried,
Unanimously**

Title: Land Conveyance, Routes 10 and 641, Chesterfield County

WHEREAS, in connection with Route 10, State Highway Project 0010-020-110, RW-201, the Commonwealth acquired certain land from Franklin S. Wood, Jr., et al., by Deed dated July 5, 1974, recorded in Deed Book 1125, Page 784, in the Office of the Clerk of the Circuit Court of Chesterfield County; and

WHEREAS, the Commonwealth is also the apparent owner of right of way for Route 641 in Chesterfield County; and

WHEREAS, in accordance with Section 33-27, predecessor of Section 33.1-35, of the *Code of Virginia* (1950), as amended, the State Highway Commission, predecessor of the Commonwealth Transportation Board, at its meeting held December 8, 1960, transferred sections of old Route 10 from the Primary System to the Secondary System of State Highways; and

WHEREAS, a section of old Route 641, being a portion of old Route 10 transferred from the Primary System to the Secondary System of State Highways, is no longer necessary as a public road since the new location of Route 641 serves the same citizens as the old location; and

WHEREAS, in accordance with Section 33.1-155 of the *Code of Virginia* (1950), as amended, a section of old Route 641 was abandoned by the Board of Supervisors of Chesterfield County by resolution dated September 13, 1995; and

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WHEREAS, the Commonwealth Transportation Commissioner has certified in writing that the land containing 0.623 acre, more or less, as shown on the plans for State Highway Project 0010-020-110, RW-203, and lying east of and adjacent to the revised existing right of way line of Route 10 from a point approximately 83 feet opposite approximate Station 385+49 (Route 10 northbound lane survey centerline) to a point approximately 83 feet opposite approximate Station 387+64 (Route 10 northbound lane survey centerline) does not constitute a section of the public road and is deemed by him no longer necessary for the uses of the Secondary System of State Highways; and

WHEREAS, this conveyance is to be made in accordance and compliance with the provisions and notice requirements of Sections 33.1-154 and 33.1-223.2:2 of the *Code of Virginia* (1950), as amended; and

WHEREAS, Section 33.1-90, of the *Code of Virginia* (1950), as amended, affords the former landowner from whom the land was originally acquired certain first refusal rights to purchase the land; and

WHEREAS, in as much as the land is suitable for independent development, it is proposed that the property be offered, subject to satisfying the original former landowner's rights, to a state agency, municipality or be advertised for public sale, reserving the right to reject any and all bids; and if the high bid received is not satisfactory to the Department, a sale will be negotiated with any person or persons willing to pay a satisfactory amount

NOW, THEREFORE, BE IT RESOLVED, in accordance and compliance with the provisions and notice requirements of Sections 33.1-154 and 33.1-223.2:2 of the *Code of Virginia* (1950), as amended, the conveyance of the said land, so certified, is approved and the Commonwealth Transportation Commissioner is hereby authorized to execute, in the name of the Commonwealth, a deed conveying the land for a consideration satisfactory to the State Director, Right of Way and Utilities, subject to such restrictions as may be deemed appropriate.

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