



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

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Agenda item #4-E

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

March 15, 2007

MOTION

Made By: Mr. Dickens Seconded By: Ms. Carter Action: Motion Carried, Unanimously

Title: Land Conveyance, Route 199, Route 640, Interstate 64, York County

WHEREAS, in connection with Route 199 and Interstate 64, State Highway Projects 0199-099-101, RW-202 and 0064-099-105, RW-201, the Commonwealth acquired certain lands from Ellis S. Bingley, Jr., et al., by Instrument dated October 12, 1973, recorded in Deed Book 260, Page 668, and concluded by Final Order dated May 7, 1975, recorded in Deed Book 276, Page 402; and Edgar K. Wells, Jr., et al., by Instrument dated October 24, 1973, recorded in Deed Book 261, Page 35, and concluded by Final Order dated October 15, 1975, recorded in Deed Book 281, Page 338; and the Heirs at Law of William H. Webb, et al., by Instrument dated November 9, 1973, recorded in Deed Book 261, Page 435, and concluded by Final Order dated September 14, 1976, recorded in Deed Book 294, Page 445; and Freedom Land I Associates, et al., by Deed dated March 26, 1984, recorded in Deed Book 394, Page 481; and Delta Land Development Corporation, by Deed dated March 26, 1984, recorded in Deed Book 394, Page 478, all recorded in the Office of the Clerk of the Circuit Court of York County, Virginia; and

WHEREAS, in accordance with Section 33.1-151 of the *Code of Virginia* (1950), as amended, a section of old Route 640 was abandoned by the Board of Supervisors of York County (County) by resolution dated September 19, 2006, and the remaining section of said Route located on the east side of Route 199 was conditionally abandoned on December 5, 2006; and

WHEREAS, the Commonwealth Transportation Commissioner has certified in writing that the land containing 3.5 acres, more or less, and lying east of Route 199 and between the proposed right of way lines of Route 640 beginning from points 40 feet opposite Station 24+59.19 (Route 640 centerline) on the northerly said right of way line, and Station 24+37.19 (Route 640 centerline) on the southerly said right of way line to a point 60.09 feet opposite approximate Station 45+49.08 (Route 640 centerline) shall not constitute a section of the public

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road once the conditions of the abandonment are met 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, the adjacent landowner has requested that the surplus land be conveyed.

WHEREAS, Section 33.1-49 of the *Code of Virginia* (1950) grants the Commonwealth Transportation Board the authority and power relative to the Interstate System as is vested in it relative to highways in the primary system; and

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 once the said conditions of the County abandonment are met 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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