



# COMMONWEALTH of VIRGINIA

## *Commonwealth Transportation Board*

Pierce R. Homer  
Chairman

1401 East Broad Street - Policy Division - CTB Section - #1106  
Richmond, Virginia 23219

(804) 786-1830  
Fax: (804) 225-4700

*Agenda item # 9-B*

### **RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD**

**February 20, 2008**

#### **MOTION**

**Made By: Dr. Davis Seconded By: Mr. Keen  
Action: Motion Carried, Unanimously**

**Title: Limited Access Control Change  
Route 11, Route 37, Interstate 81, Frederick County**

**WHEREAS**, Route 37 between 0.092 mile north of the southernmost intersection with Interstate 81 and 0.279 mile south of the intersection with Route 50, in Frederick County, was designated as a Limited Access Highway by the State Highway Commission, predecessor to the Commonwealth Transportation Board (CTB), on March 17, 1966; and

**WHEREAS**, in connection with a section of Route 11, State Highway Project 6037-034-101, RW-101, which is located between the aforesaid locations, the Commonwealth acquired certain lands and limited access easements from various landowners; and

**WHEREAS**, the land on the southeast side of the southeast proposed right of way and limited access line of said Route 11, as shown on the plans for said State Highway Project, has been identified for a commercial development, known as Kernstown Commons, by the Developer and Frederick County (County); and

**WHEREAS**, the CTB approved a Limited Access Control Change (LACC) for said land on March 15, 2007, which has expired; and

**WHEREAS**, the Developer has identified and requested re-approval of the LACC to accommodate an entrance to the property of approximately 200 feet, more

or less, on the southeast side of the Route 11 southeast proposed right of way and limited access line (100 feet, more or less, on either side of Station 745+45.08), being a fully signalized intersection with the combined Route 37 eastbound ramp approach at Route 11 and Route 37 southbound ramp; and

**WHEREAS**, the County, by resolution dated June 22, 2005, endorsed the said proposed LACC on Route 11, stating that the Developer has agreed to restrict development within the designated “limits of use” area, as shown on the site plan, said area containing approximately six acres, and further agreed to reserve said area for future use to accommodate improvements to the Interstate 81 and Route 37 interchange at Exit 310; and

**WHEREAS**, VDOT has determined that the LACC of approximately 200 feet, more or less, on the southeast side of the Route 11 southeast proposed right of way and limited access line (approximately 100 feet, more or less, on either side of approximate Station 745+45.08), being a fully signalized intersection that interconnects to and coordinates with the signal plan of the additional signals for the said commercial development, with additional lanes for thru and turning movements on the Route 37 eastbound ramp approach at Route 11, with median break improvements, including turn, and taper lanes, as required, on both northbound and southbound Route 11 approaching the said proposed intersection, including improvement to the paved shoulder of southbound Route 11 to the southbound Route 37 ramp are appropriate for said proposed intersection and safety improvements from a design standpoint subject to further review and approval; and

**WHEREAS**, VDOT has determined that the said LACC and proposed intersection are appropriate from a safety and traffic control standpoint, subject to further review and approval; and

**WHEREAS**, all right of way, engineering, construction, and necessary safety improvements shall meet all VDOT standards and requirements; and

**WHEREAS**, VDOT staff has determined there will be no adverse environmental impacts; and

**WHEREAS**, all costs of engineering and construction, including all necessary safety improvements, will be borne by the Developer; and

**WHEREAS**, the Developer shall donate to VDOT any lands necessary to accommodate the proposed LACC and intersection; and

**WHEREAS**, the Developer shall pay just compensation to the Department in consideration for the proposed LACC, as determined by VDOT; and

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**WHEREAS**, the Developer has offered the conveyance of 6 acres to VDOT as the just compensation for the limited access control change; and

**WHEREAS**, it is recommended that the said 6 acres be accepted, as it has been identified as necessary for future construction of the Interstate 81 and Route 37 Interchange.

**WHEREAS**, public notices were posted May 20, 2006, May 27, 2006, and June 3, 2006, and closed June 5, 2006, with no comment received; and

**WHEREAS**, the proposed LACC remains in compliance with CTB Policy; and

**WHEREAS**, upon completion of the proposed intersection and changes and acceptance by VDOT, all work, roadway construction, improvements and equipment will become the property of the Commonwealth.

**NOW, THEREFORE, BE IT RESOLVED**, in accordance with the provisions of Section 33.1-58 of the *Code of Virginia* (1950), as amended, the CTB hereby re-approves the said LACC for public street purposes, to expire on August 18, 2008, as set forth and subject to the above referred to conditions. The Commonwealth Transportation Commissioner is hereby authorized to execute any and all documents needed to comply with this resolution.

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