



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairman

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Agenda item # 12

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

July 14, 2010

MOTION

Made By: Mr. Keen Seconded By: Mr. Layne

Action: Motion Carried, Unanimously

Title: Limited Access Control Change (LACC) and Surplus Land Conveyance Interstate 264 and Route 13 (Military Highway) Interchange, City of Norfolk

WHEREAS, the Interstate 264 and Route 13 (Military Highway) Interchange, in the City of Norfolk, was designated as a Limited Access Highway by the State Highway Commission, predecessor to the Commonwealth Transportation Board (CTB), on October 4, 1956; and,

WHEREAS, in connection with a section of Route 13 (Military Highway), State Highway Project 1284-A1, the Commonwealth acquired certain lands from the Norfolk Rolleston Company, by Deed dated March 24, 1942, recorded in Deed Book 211, Page 237, in the Office of the Clerk of the Circuit Court of Princess Anne County, now the City of Norfolk, Virginia; and,

WHEREAS, in connection with a section of Interstate 264, State Highway Project 0264-122-101, RW-204, the Commonwealth acquired certain lands and limited access easements from the WTAR Radio-TV Corporation, by Deed dated June 22, 1964, recorded in Deed Book 991, Page 597, in the Office of the Clerk of the Circuit Court of the City of Norfolk, Virginia; and,

WHEREAS, the owner of the land located south of Curlew Drive, adjacent to the southwest quadrant of the said Interchange, and adjoining the lands owned by the Commonwealth on the west side of Route 13 (Military Highway), has identified and requested the Route 13 (Military Highway) west existing right of way and limited access lines be shifted to the east in accordance with the Route 13 (Military Highway) west

revised existing right of way and limited access line (7/14/2010), as shown on the plat titled "Exhibit Plat Showing Property of Commonwealth of Virginia to be Transferred to Riverside Corporate Center Owners Association, Riverside PRA L.C., and Riverside Crossing L. C.", and dated May 12, 2010, revised June 30, 2010, and that the surplus land be conveyed; and,

WHEREAS, the said shift of existing right of way and limited access lines and surplus land conveyance is required to allow the said landowner to construct parking on the west side of Route 13 (Military Highway) to replace parking in their Curlew Drive parking lot, which the City will be acquiring for use in conjunction with the construction of the Hampton Roads Transit's (HRT) Light Rail Project; and,

WHEREAS, an Environmental Impact Statement (EIS) was developed by HRT and the Federal Transit Administration, and submitted in October of 2005, which included evaluations of the Preferred Alternative including capital and operating costs, potential effects of transportation service, ridership, traffic, accessibility, neighborhoods, economic factors, natural resources, air quality and financial viability, among other topics; and,

WHEREAS, VDOT was given the opportunity to review the EIS at submission and found no major faults; and,

WHEREAS, the City, by letter dated June 30, 2010, supports the request for the LACC and land conveyance; and,

WHEREAS, VDOT has determined that the said shift of the existing right of way and limited access lines is appropriate from a design standpoint, as there are no changes to the operation of or adverse impacts to the design of the affected roadway network; and,

WHEREAS, VDOT staff has determined that the said shift of the existing right of way and limited access lines is appropriate from a safety and traffic control standpoint, and a Global Traffic Analysis is not needed, as no new access breaks are being created, there shall be no changes to the operation of the affected roadway network, and the anticipated expansion of parking on the surplus property is a relocation of existing parking as supported by the traffic information contained within the approved EIS; and,

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

WHEREAS, VDOT has determined there will be no adverse environmental impacts as a result of the said shift of the existing right of way and limited access lines; and,

WHEREAS, the proposed shift of right of way and limited access control is to be made to the current Route 13 west right of way and limited access lines at the aforesaid location and will be reflected on the plans for State Highway Project 0013-122-105, RW-201; and,

WHEREAS, any and all costs for right of way, engineering and construction, including all necessary safety improvements, as a result of the said shift of the existing right of way and limited access lines will be borne by the aforesaid adjoining landowner; and,

WHEREAS, the aforesaid adjoining landowner shall pay just compensation to the Department in consideration of the proposed land conveyance and LACC, this amount to be determined by the State Director, Right of Way and Utilities Division; and,

WHEREAS, a public notice for the LACC was posted in the Virginia Pilot Newspaper on June 25, 2010, and closed July 9, 2010, with no comment received; and,

WHEREAS, VDOT has determined that as there are no impacts to the operation of the affected highway network, the proposed shift of the said existing right of way and limited access lines is in compliance with Title 24, Section 30, Chapter 401 of the Virginia Administrative Code; and,

WHEREAS, the Commonwealth Transportation Commissioner has certified in writing that the land containing 0.983 acre, more or less, and lying west of and adjacent to the west revised existing right of way and limited access line of Route 13 (Military Highway), as shown on the plat titled "Exhibit Plat Showing Property of Commonwealth of Virginia to be Transferred to Riverside Corporate Center Owners Association, Riverside PRA L.C., and Riverside Crossing L. C., and dated May 12, 2010, revised Jun 30, 2010, was acquired incidental to the construction, reconstruction, alteration, maintenance and repair of Route 13 (Military Highway) and Interstate 264, and does not constitute a section of the public road and is deemed by him no longer necessary for the uses of the Interstate or State Highway Systems; and,

WHEREAS, this conveyance is to be made in accordance and compliance with the provisions and notice requirements of Sections 33.1-149 and 33.1-223.2:2 of the *Code of Virginia* (1950), as amended; and,

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,

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WHEREAS, the proposed shift of the existing right of way and limited access control and land conveyance is contingent upon receipt of Federal Highway Administration (FHWA) approval pending at this time; and,

WHEREAS, upon completion and acceptance of the changes by VDOT, any and all work, construction, improvements and equipment within the revised existing right of way and limited access lines will become or remain the property of the Commonwealth.

NOW, THEREFORE, BE IT RESOLVED, in accordance and compliance with the provisions and notice requirements of Sections 33.1-58, 33.1-149 and 33.1-223.2:2 of the *Code of Virginia* (1950), as amended, the CTB hereby approves the said LACC and conveyance of the said land, so certified, as set forth, and subject to the above referred conditions, and the Commonwealth Transportation Commissioner is hereby authorized to execute, any and all documents needed to comply with this resolution, including a deed conveying the land in the name of the Commonwealth, for a consideration satisfactory to the State Director, Right of Way and Utilities Division, subject to such restrictions as may be deemed appropriate.

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