



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 9

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

March 17, 2010

MOTION

Made By: Mr. Bowie Seconded By: Mr. Martin Action: Motion Carried, Unanimously

Title: Limited Access Control Change and Surplus Land Conveyance, Route 460 Bypass and University Boulevard, City of Lynchburg

WHEREAS, the Route 460 Bypass, in the City of Lynchburg, was designated as a Limited Access Highway in connection with State Highway Project 6297-015-104, RW-201, by the State Highway Commission, predecessor to the Commonwealth Transportation Board (CTB), on October 26, 1967; and

WHEREAS, in connection with Route 297, State Highway Project 6297-015-104, RW-201, the Commonwealth established certain limited access easements and acquired certain land from Montview Land Corporation, by Instrument dated November 21, 1977, recorded in Deed Book 540, Page 35, and concluded by Order Confirming Commissioners Report dated April 6, 1979, both recorded in the Office of the Clerk of the Circuit Court of City of Lynchburg; and

WHEREAS, Route 297 was subsequently renumbered to Route 460; and

WHEREAS, in connection with State Highway Project U000-118-112, RW-201, the City of Lynchburg (City) acquired certain land on behalf of and in the name of the Commonwealth from Ericsson GE Mobile Communications, Inc., by Deed dated October 14, 1992, recorded in Deed Book 837, Page 467, in the Office of the Clerk of the Circuit Court of the City of Lynchburg; and

WHEREAS, the CTB adjusted the limited access on Route 460 to include new access breaks as part of State Highway Project U000-118-112, C-501, on May 17, 1990; and

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WHEREAS, the land in the southeastern quadrant of the Route 460 Bypass, University Boulevard and Harvard Street Connector intersection, as shown on the plans for State Highway Project U000-118-112, RW-201, has been identified for future development by Liberty University; and

WHEREAS, Liberty University has identified and requested a southerly shift of the proposed right of way and limited access line along said intersection quadrant, as shown on the plans for State Highway Project U000-118-112, RW-201, beginning at a point 55.83 feet opposite Station 10+01.23 (Ramp B construction baseline) to a point 119.18 feet opposite Station 15+35.76 (Ramp B construction baseline) to facilitate the purchase of the surplus land owned by the Commonwealth at this location; and

WHEREAS, the City, by letter dated August 13, 2009, supports the request for the sale of the property to Liberty University, which includes changing the limited access control; and

WHEREAS, VDOT has determined that a global traffic analysis will not be required as the said proposed shift in right of way and limited access control, as requested, will not generate traffic onto the roadway at this location and the remaining intersection right of way meets all VDOT standards and requirements; and

WHEREAS, VDOT has determined that the aforesaid shift of the right of way and limited access control is appropriate for said intersection from a design standpoint subject to further review and approval; and

WHEREAS, VDOT has determined that the aforesaid shift of right of way and limited access control at the said intersection is appropriate from a safety and traffic control standpoint subject to further review and approval; and

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

WHEREAS, all costs relating to the shift of the right of way and limited access control will be borne by Liberty University; and

WHEREAS, Liberty University shall pay just compensation to the Department in consideration for the land and proposed shift of right of way and limited access control, this amount to be determined by the Department; and

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WHEREAS, a public notice was posted in the Lynchburg *News and Advance* publication for a period of 30 days, and closed on December 1, 2009 with no comment received; and

WHEREAS, the proposed limited access control change is in compliance with Title 24, Agency 30, Chapter 401 of the *Virginia Administrative Code*; and

WHEREAS, VDOT has determined that the proposed shift of the right of way and limited access control at the said intersection will not require roadway construction, additional improvements or equipment within the remaining intersection right of way as no changes will be made to the operation of the said intersection.

WHEREAS, the Acting Commonwealth Transportation Commissioner has certified in writing that the land containing 0.419 acre, more or less, and lying north of and adjacent to the revised proposed right of way and limited access line (3/17/2010) of the southeastern quadrant of the Route 460 Bypass, University Boulevard and Harvard Street Connector intersection, as shown on the plans for State Highway Project U000-118-112, RW-201, from a point 55.83 feet opposite Station 10+01.23 (Route 460 Bypass Ramp B construction baseline) to a point approximately 80 feet opposite approximate Station 20+20 (University Boulevard baseline) was acquired incidental to the construction, reconstruction, alteration, maintenance and repair of the Route 460 Bypass and University Boulevard and does not constitute a section of the public road and is deemed by him no longer necessary for the uses of the State Highway System; 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, the adjoining landowner has requested that the surplus land be conveyed.

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 finds and concurs with the determinations made by VDOT, and approves the said right of way and limited access change as set forth, subject to the above referred to conditions, and the conveyance of the said land, so certified, is approved, and the Acting Commonwealth Transportation Commissioner is hereby authorized to execute, in the name of the Commonwealth, any and all documents needed to comply with this resolution, including a deed conveying the land 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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