



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairman

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Agenda item # 11

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

October 20, 2010

MOTION

Made By: Mr. Layne Seconded By: Mr. Miller
Action: Motion Carried, Unanimously

Title: Surplus Land Conveyance and Right of Way and Limited Access Control Changes Interstate 264 , City of Portsmouth

WHEREAS, Interstate 264, State Highway Project 0264-124-105, RW-201 (Elizabeth River Tunnel Project), between Des Moines Avenue and the Elizabeth River, in the City of Portsmouth, was designated a Limited Access Highway by the State Highway Commission of Virginia, predecessor to the Commonwealth Transportation Board (CTB), on October 4, 1956; and,

WHEREAS, portions of the Crawford Street Connector and Ramps shown on the plans of State Highway Project U000-124-101, RW-201, between Interstate 264 and Columbia Street, in the City of Portsmouth, were designated a Limited Access Highway, as a design feature of the project, by the State Highway Commission, predecessor to the Commonwealth Transportation Board (CTB), on July 24, 1969; and,

WHEREAS, in connection with the said State Highway Project U000-124-101, RW-201, the Commonwealth acquired certain land from the City of Portsmouth, Virginia, a Municipality, by Deed dated January 11, 1972, recorded in Deed Book 608, Page 326; and from the Portsmouth Housing and Redevelopment Authority, by Deed dated January 10, 1973, recorded in Deed Book 611, Page 390, both recorded in the Clerk's Office of the Court of Hastings for the City of Portsmouth; and,

WHEREAS, in connection with Interstate 264, State Highway Project 0264-124-105, RW-201, the Commonwealth acquired certain land from the Elizabeth River Tunnel District and

Resolution of the Board
Surplus Land Conveyance and Right of Way and Limited Access Control Changes
Interstate 264
City of Portsmouth
October 20, 2010
Page Two

the Elizabeth River Tunnel Commission, by Acts of the Assembly of Virginia, Chapter 203, Section 774, dated March 12, 1973, effective June 1, 1973; and,

WHEREAS, subsequent to the aforesaid State Highway Projects, the City of Portsmouth (City) designed and built the Crawford Street Traffic Circle Project, which relocated and/or obscured portions of Connector N and Ramps NN, S and NS between Court Street and Crawford Street, as shown on the aforesaid State Highway Project plans; and,

WHEREAS, the City has identified and requested a shift of the right of way and limited access control along the west quadrants of the Relocated Crawford and Bart Streets intersection with the said traffic circle to coincide with the said City project as built, and shown on the revised plans for State Highway Project 0264-124-105, RW-201, being a southeast shift of the north existing right of way and limited access lines of former Connector N, along the northwest quadrant of said intersection, beginning along Relocated Bart Street at a point 39 feet left opposite Station 22+62.74 (Connector N), to a point 30.36 feet right opposite Station 25+12.18 (Connector N), thence along the limits of the said traffic circle with a 100 foot left radius curve for a distance of 157.32 feet along Crawford Street to a point 26.11 feet right opposite Station 26+43.28 (Connector N), thence to a point tying into the south existing right of way line of Columbia Street at the intersection with Crawford Street 49.37 feet left of Station 28+45.45 (Connector N); and, being a south shift of the existing limited access control for former Connector S and Ramp NS and beginning along Relocated Bart Street at a point 78 feet right opposite Station 23+ 91.66 (Connector N), for a distance of 134.13 feet, thence along the limits of the southwest quadrant of the said traffic circle with a 100 foot right radius curve for a distance of 68.42 feet, and thence with a 100 foot left radius curve for a distance of 81.77 feet to a point 247.29 feet right of Station 25+48.43 (Connector N) tying into the west existing limited access line for former Ramp NS; and,

WHEREAS, the City, by letter dated July 23, 2010, supports the request for the right of way and limited access changes; and,

WHEREAS, VDOT has determined that the said shifts of said right of way and limited access control are appropriate for the said City Project right of way from a design, maintenance, safety, traffic control and operational standpoint; and,

WHEREAS, VDOT has determined that all right of way, engineering, construction, and safety improvements meet all VDOT standards and requirements; and,

Resolution of the Board
Surplus Land Conveyance and Right of Way and Limited Access Control Changes
Interstate 264
City of Portsmouth
October 20, 2010
Page Three

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

WHEREAS, all costs for just compensation or damages, engineering and construction, work, demolition, or removal, including all necessary safety improvements, for the aforesaid changes will be borne by the City, and VDOT is expressly relieved and exempt of any cost of any kind, claim or nature; and,

WHEREAS, the City shall pay just compensation to the Department in consideration of the proposed limited access control changes, this amount to be determined by the Department;
and,

WHEREAS, public notice was posted on August 8, 2010, in the Virginia Pilot Newspaper, and closed August 20, 2010, with no comment received; and,

WHEREAS, VDOT has determined that the proposed limited access control change is in compliance with Title 24, Section 30, Chapter 401 of the Virginia Administrative Code; and,

WHEREAS, the City project has been completed, and all work, roadway construction, improvements and equipment within the aforesaid shift of the right of way and limited access control will remain the property of the City or as currently titled; and,

WHEREAS, abandonment of the aforesaid sections of interstate ramps is not required;
and,

WHEREAS, the Commonwealth Transportation Commissioner has certified in writing that the land containing 0.479 acre, more or less, as shown on the revised plans for State Highway Project 0264-124-105, RW-201, and lying northwest of and adjacent to the northwest revised right of way and limited access lines (10/20/10) of Crawford Street from a point 39 feet left opposite Station 22+62.74 (Connector N) to a point approximately 49.37 feet left of Station 28+45.45 (Connector N) was acquired incidental to the construction, reconstruction, alteration, maintenance and repair of the Crawford Street Connector and Ramps, and does not constitute a section of the public road and is deemed by him no longer necessary for the uses of the Interstate Highway System; and,

WHEREAS, the City, being the adjacent landowner, has requested conveyance of the resulting surplus lands within the northwest quadrant of the traffic circle for future development,

Resolution of the Board
Surplus Land Conveyance and Right of Way and Limited Access Control Changes
Interstate 264
City of Portsmouth
October 20, 2010
Page Four

and 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,

NOW, THEREFORE, BE IT RESOLVED, in accordance and compliance with the provisions and notice requirements of Sections 33.1-49, 33.1-58, 33.1-149, and 33.1-223.2:2 of the *Code of Virginia* (1950), as amended, the CTB hereby approves said shift of right of way and limited access control changes for public street purposes as set forth and subject to the above conditions, and the conveyance of the said land, is so certified and approved. The Commonwealth Transportation Commissioner is hereby authorized to execute, in the name of the Commonwealth, a deed conveying the land for consideration satisfactory to the State Director, Right of Way and Utilities Division, subject to such restrictions as may be deemed appropriate, and any and all other documents needed to comply with this resolution..

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