



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

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Agenda item # 2

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

October 20, 2020

MOTION

Made By: Dr. Smoot, Seconded By: Mr. Dodson

Action: Motion Carried, Unanimously

Title: Abandonment – Primary System of State Highways: Route F1013 in the Town of Appomattox

WHEREAS, pursuant to §33.2-902 of the Code of Virginia , the Commissioner of Highways was provided with a petition to abandon Route F1013, a road in the Primary System of State Highways, located in the Town of Appomattox. This matter is being considered at the request of an adjacent property owner for the purpose of the development of the property. The road's total distance of 0.02 mile is

- (a) no longer necessary as a public road, and
- (b) no longer provides a public convenience that warrants maintenance at public expense;
and

WHEREAS, the Town Council of the Town of Appomattox supports the proposed action to abandon as a public road, Route F1013 and has provided a resolution, attached hereto as Exhibit A, requesting the abandonment of Route F1013 depicted on the map attached hereto as Exhibit B; and

WHEREAS, the Virginia Department of Transportation (VDOT) posted notice, attached hereto as Exhibit C, of the intent to abandon such road on behalf of the Commonwealth Transportation Board (Board), and such posting was done in accordance with § 33.2-902; VDOT received no requests for public hearing on the matter; and

WHEREAS, a primary highway may be abandoned by the Board, pursuant to §33.2-902, provided no public necessity exists for the continuance of the section of highway as a public highway.

NOW THEREFORE, BE IT RESOLVED, that the roadway identified below, comprising a road in the Primary System of State Highways, is hereby ordered abandoned pursuant to § 33.2-902 of the Code of Virginia.

Primary System of State Highways

Abandonment

Lynchburg District

Town of Appomattox

- Route F1013 0.02 Mi.

Total Mileage Abandoned from the Primary System: 0.02 Mi.

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CTB Decision Brief

Abandonment – Primary System of State Highways: Route F1013 in the Town of Appomattox

Issue: The adjacent landowner has requested the abandonment of Route F1013, a route in the Primary System of State Highways, located in the Town of Appomattox. The Town Council of Appomattox supports the abandonment and approval by the Commonwealth Transportation Board (Board) is sought pursuant to § 33.2-902 of the *Code of Virginia*.

Facts: Route F1013 in the Town of Appomattox, a distance of 0.02 mile, is no longer necessary as a public road, as it only serves to access a single owner's property. This matter is being considered at the request of the adjacent property owner for the purpose of the development of the land. The Town Council of Appomattox approved a resolution dated September 29, 2020 (Exhibit A, attached), indicating the Town Council's support of the abandonment of the 0.02 mile length of Route F1013 (identified in "Red" on Exhibit B, attached).

Upon review of the area, VDOT staff determined the 0.02 mile length of Route F1013 should be abandoned as a part of the Primary System of State Highways, pursuant to § 33.2-902 of the *Code of Virginia*, since no public necessity exists for the continuance of the segment as a public road.

Pursuant to and in accordance with § 33.2-902 of the *Code of Virginia*, VDOT published a "Notice of Intent to Abandon" in *The News and Advance* publication on July 20, 2020 and July 28, 2020 (Exhibit C, attached). No requests for public hearing were submitted during the requisite 30-day timeframe.

Recommendations: VDOT recommends the Commonwealth Transportation Board approve the abandonment of Route F1013 referenced above.

Action Required by CTB: The *Code of Virginia* requires a majority of the Board's members to approve the proposed abandonment within four months of the end of the 30-day period after publication of the notice of intent to abandon. The resolution describing the proposed road to be abandoned is provided for the Board's consideration.

Result if Approved: If approved, the road, Route F1013, will be abandoned and will no longer serve as a public road.

Options: Approve or Deny

Public Comments/Reactions: A public hearing was not requested during the requisite timeframe.

Exhibit A
Town Council of the Town of Appomattox Resolution dated September 29, 2020

September 29, 2020 approved resolution to be inserted on September 30th. GALA has given us permission to have them complete this early review process.

The Town Council of the Town of Appomattox, in its regular meeting on the **Twenty Ninth day of September, 2020**, adopted the following:

RESOLUTION

A RESOLUTION REQUESTING THE ROUTE F1013 BE ABANDONED FROM THE STATE SYSTEM OF
PRIMARY ROADS

Whereas, PURSUANT TO Section 33.2-902 Code of Virginia, the Commissioner of the Virginia Department of Transportation has provided this Board with its notice to abandon from the primary System of State Highways a 0.02 mile section of Route F1013 located in the Courthouse voting district, as described on the attached form, fully incorporated by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Appomattox County, and

WHEREAS, the Resident Administrator for the Virginia Department of Transportation has advised the Council that the abandonment of F1013 only serves one property owner, and is a portion of Right -Of-Way in the State System of Primary Roads and

WHEREAS, the Council opened up at least Thirty (30) day period of review on **July 22, 2020** for the public to determine if a public necessity exists, and

NOW, THEREFORE, BE IT RESOLVED, this Council supports Virginia Department of Transportation proving no public necessity exists to abandon F-1013, and

NOW, THEREFORE, BE IT RESOLVED, that this Council supports Virginia Department of Transportation's action to abandon from the Primary System of the State Highways F-1013 pursuant to section 33.2-902 of the Code of Virginia, and

BE IT FURTHER RESOLVED that a certified copied of the resolution be forwarded to the Resident Administration for the Virginia Department of Transportation.]

Exhibit B
Sketch of Proposed Abandonment



Town of Appomattox

**Proposed Abandonment of
Frontage Road Fr-1013 0.02 Miles**

Exhibit C
“Notice of Intent to Abandon”

Published in *The News and Advance* on July 20, 2020 and July 28, 2020

Legal Notice

 Virginia Department of Transportation

Route F-1013 (Frontage Road)
Town of Appomattox
Willingness to Hold Public Hearing
Notice of Intent to Abandon Public Road Segment

Pursuant to §33.2-902 of the Code of Virginia, the Virginia Department of Transportation (VDOT) will consider abandonment of Route F-1013 (Frontage Road) in the Town of Appomattox from 0.11 miles north of Route 1011 (Loop Road) to the connection with Route 131 (Old Courthouse Road) to 0.02 miles north of Route 131, a length of 0.02 miles.

VDOT is willing to hold a public hearing prior to considering the abandonment of Route F-1013 if one or more landowners whose property is impacted by the abandonment makes a request. A public hearing may be requested in writing to Ms. Kimberly McMahan, PE, Staff Engineer, VDOT Appomattox Residency, 331 Ferguson Street, Appomattox, VA 24522 on or prior to **September 3, 2020**.

Additional information about the proposed abandonment is available at VDOT's Appomattox Residency Office at the address above. **Please call ahead at 434-352-7135, 1-800-367-7623 or TDD/TYY 711 to ensure availability of staff to assist.**

VDOT ensures nondiscrimination and equal employment in all programs and activities in accordance with Title VI and Title VII of the Civil Rights Act of 1964. If you need special assistance for persons with disabilities or limited English proficiency, contact the project manager above or TDD/TTY 711.