



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 # 8-C

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

July 16, 2009

MOTION

**Made By: Mr. Koelemay, Seconded By: Mr. Davies,
Motion Carried, Unanimously**

Title: Land Conveyance, Interstate 495 (I-495 HOT Lanes - Section 5), Fairfax County

WHEREAS, in connection with Route 413, State Highway Projects 0413-029-007, C-508, RW-1, and 0413-029-007, C-508, the Commonwealth respectively acquired certain land from Mary L. McCandlish, et al., by Instrument dated March 14, 1961, recorded in Deed Book 1984, Page 251, and concluded by Decree dated July 12, 1962, recorded in Deed Book 2162, Page 330; and the Heirs at Law of John S. Barbour, Thomas R. Keith, and F. S. McCandlish, deceased, by Instrument dated February 18, 1963, recorded in Deed Book 2254, Page 138, all recorded in the Office of the Clerk of the Circuit Court of Fairfax County, Virginia; and

WHEREAS, this section of Route 413 was subsequently renumbered to Interstate 495; and

WHEREAS, the Commonwealth Transportation Commissioner has certified in writing that the land containing 0.44091 acre, more or less, and lying west of and adjacent to the west proposed right of way and limited access line of Interstate 495, as shown on the plans for State Highway Project 0495-029-138, R201, from a point 35.59 feet opposite Station 8+39.43 (Interstate 66 ramp NW centerline) to a point 36.30 feet opposite Station 9+01.77 (Interstate 66 ramp NW centerline) was acquired incidental to the construction, reconstruction, alteration, maintenance and repair of Interstate 495 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

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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

WHEREAS, all potential environmental impacts from the construction of the I-495 HOT Lanes Project, including the conversion of 6(f) properties, were evaluated as a part of the Environmental Impact Statement prepared for the aforesaid Project, and approved by the Record of Decision dated June 29, 2006, and the Environmental Re-evaluations prepared and approved in 2007 and 2008; and

WHEREAS, the said property has been identified as a 6(f) conversion property for conveyance to the adjacent landowner, the Northern Virginia Regional Park Authority; and

NOW, THEREFORE, BE IT RESOLVED, 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, the conveyance of the said land, so certified, is approved and the Commonwealth Transportation Commissioner is hereby authorized to execute, in the name of the Commonwealth, a deed conveying the land for a consideration satisfactory to the State Director, Right of Way Division, subject to such restrictions as may be deemed appropriate.

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