



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

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Agenda item #10

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

October 15, 2009

MOTION

Made By:Mr. Koelemay Seconded By:Mr. White Action: Motion Carried, Unanimously

**Title: Limited Access Control Changes and Land Conveyances
Interstates 495/95 and Telegraph Road Interchange
City of Alexandria**

WHEREAS, Interstate 413, subsequently renumbered to Interstate 495 and currently Interstate 95, and Telegraph Road Interchange located in the City of Alexandria 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, the Interstates 95/495 and Telegraph Road Interchange in the City of Alexandria was designated as a Limited Access Highway by the CTB on January 18, 2001; and

WHEREAS, in connection with Interstate 413, State Highway Project 8229-02, G-1, C-3, RW-1, subsequently renumbered to State Highway Project 0413-029-002, C-3, R/W-1, the Commonwealth acquired certain land and easements from Hubert N. Hoffman, et ux., by Deed dated April 26, 1960, recorded in Deed Book 513, Page 507, in the Office of the Clerk of the Circuit Court of the City of Alexandria; and

WHEREAS, in connection with Interstate 95, State Highway Project 0095-96A-105, RW-203, the Commonwealth acquired certain lands and easements from Land of Opportunity, LLC, by Instrument dated June 27, 2007, recorded as Instrument Number 0700015614; and Hoffman Family, L.L.C., a Virginia limited liability company, by Deed dated March 1, 2006, recorded as Instrument Number 060007849; and Virginia Electric and Power Company, a Virginia Corporation, by Deed dated September 3, 2004, recorded as Instrument Number 040043848, all recorded in the Office of the Clerk of the Circuit Court of the City of Alexandria; and

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WHEREAS, the Virginia Department of Transportation (VDOT) has identified and requested proposed limited access control changes (LACC) to segments of the Ramp G northeast revised limited access line (12/14/2006 and 7/16/2009) of the Interstates 95/495 and Telegraph Road Interchange, as shown on the plans of State Highway Projects 0095-96A-105, RW-201, RW-203, RW-204, RW-205, and RW-206, as a result of continued design development and refinement, which have occurred since the November 2000 Design Public Hearing, and changes to the existing limited access lines of said Interchange approved by the CTB on January 18, 2001, and LACC approved by the CTB for the proposed limited access line of Ramp G on December 14, 2006, and July 16, 2009; and

WHEREAS, the requested LACC consist of a westerly shift of the said Ramp G line beginning at 39.1 feet opposite Station 23+38.08 (Ramp G baseline), continuing to a point 16.2 feet opposite Station 24+65.23 (Ramp G baseline), and thence continuing northeasterly tying into the said line at 47.0 feet opposite Station 25+08.09; and consist of a southwesterly shift of the said Ramp G line beginning 30.9 feet opposite Station 17+37.56, and continuing to a point 27.6 feet opposite Station 18+13.42, and thence continuing to a point and tying into said line at 57.6 feet opposite Station 19+15.08; and

WHEREAS, upon determination made by VDOT that the proposed LACC shall be made within the existing parameters of the said Interchange, as presented at the November 2000 Design Public Hearing, and changes to the existing limited access lines of said Interchange approved by the CTB on January 18, 2001; and LACC approved by the CTB for the proposed limited access line of Ramp G on December 14, 2006, and July 16, 2009, VDOT has determined that support for the proposed LACC from the locality is not applicable; and

WHEREAS, VDOT has determined that the requirements for a Global Traffic Analysis, Air Quality Conformity Review and public notices separate from those made as part of the project development process for the said Projects, as set forth in Chapter 401 of 24 VAC 30 of the Virginia Administrative Code, are not applicable to this request as the said LACC does not impact the operation of the said Interstates, Interchange, Road or Ramp; and

WHEREAS, VDOT and the Federal Highway Administration (FHWA) have determined that the said LACC for said Ramp G are appropriate from a design standpoint; and

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

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WHEREAS, VDOT has determined that the said LACC for said Ramp G are appropriate from a safety and traffic control standpoint and that all right of way, engineering, construction, and necessary safety improvements shall meet all VDOT standards and requirements; and

WHEREAS, all costs of engineering and construction, including all necessary safety improvements, will be borne by VDOT; and

WHEREAS, VDOT has determined that just compensation in consideration of the proposed LACC are not applicable to this request as the said LACC is to accommodate a public road project; and

WHEREAS, upon completion and acceptance of the proposed LACC by VDOT, all work, roadway construction, improvements and equipment shall remain the property of the Commonwealth; and

WHEREAS, the proposed LACC are in compliance with Chapter 401 of 24 VAC 30 of the Virginia Administrative Code; and

WHEREAS, the Commonwealth Transportation Commissioner has certified in writing that, subject to existing aerial and pier easements for Eisenhower Avenue as applicable, the lands containing a total of 0.379 acre, more or less, and lying northeast of and adjacent to the northeast revised proposed right of way line (10/15/2009) and revised proposed limited access line (7/16/2009 and 10/15/2009) of Interstates 95/495 Ramp G, as shown on the plans for State Highway Projects 0095-96A-105, RW-203, RW-204, RW-205, and RW-206, as applicable, from a point 30.9 feet opposite Station 17+37.56 (Interstates 495/95 Ramp G baseline) to a point 47.0 feet opposite Station 25+08.09 (Interstates 495/95 Ramp G baseline) were acquired incidental to the construction, reconstruction, alteration, maintenance and repair of Interstates 95/495, and do not constitute a section of the public road and are deemed by him no longer necessary for the uses of the Interstate Highway System; and

WHEREAS, these conveyances are 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, VDOT has requested that the surplus lands be conveyed as part of negotiated settlement with the adjoining landowners; 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

NOW, THEREFORE, BE IT RESOLVED, the CTB finds and concurs with the determinations made by VDOT for locality support, public notice, Air Quality Conformity Review, Global Traffic Analysis and just compensation for the proposed LACC; and in accordance with the provisions of Section 33.1-58 of the *Code of Virginia* (1950), as amended, the CTB hereby approves the said LACC for public street purposes as set forth herein and subject to the above referred to conditions. The Commonwealth Transportation Commissioner is hereby authorized to execute any and all documents needed to comply with this resolution.

NOW, THEREFORE, BE IT FURTHER 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 lands, so certified, is approved and the Commonwealth Transportation Commissioner is hereby authorized to execute, in the name of the Commonwealth, deeds conveying the lands 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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