



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairman

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Agenda item # 9-C

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

September 15, 2010

MOTION

Made By: Mr. McCarthy Seconded By: Dr. Davis Action: Motion Carried, Unanimously

Title: Surplus Land Conveyance, Interstate 95, Chesterfield County

WHEREAS, in connection with Interstate 95, State Highway Project 7095-020-F08, RW-201, the Commonwealth acquired certain land from Mark A. Landa, et al., by Instrument dated September 2, 1997, recorded in Deed Book 3124, Page 395, and concluded by Order dated November 29, 1998, recorded in Deed Book 3338, Page 524; and from Clinton F. Peterson, executor for the Estate of Mary Belle Baker, deceased, by Instrument dated August 27, 1986, recorded in Deed Book 1797, Page 581, and concluded by Order dated August 15, 1991, recorded in Deed Book 2172, Page 1183, all recorded in the Office of the Clerk of the Circuit Court of Chesterfield County; and

WHEREAS, the Commonwealth is the apparent owner of a portion of old Route 746; and

WHEREAS, the conveyance of this property was authorized at a meeting of the Commonwealth Transportation Board, held July 14, 2010, by a resolution duly adopted and recorded in the minutes of the meeting; and

WHEREAS, it has been determined that the source documents of the area of acquisition were misstated in the said resolution adopted on July 14, 2010; and

WHEREAS, a section of old Route 746 is no longer necessary as a public road since the new location of Route 746 serves the same citizens as the old location; and

WHEREAS, in accordance with Section 33.1-155 of the *Code of Virginia* (1950), as amended, a section of old Route 746 was abandoned by the Board of Supervisors of Chesterfield County by resolution dated August 17, 2003; and

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WHEREAS, the Commonwealth Transportation Commissioner has certified in writing that the land containing 0.270 acre, more or less, and lying south of the Route 746 (Relocated Ruffin Mill Road) and Ruffin Mill Road Connector intersection, and adjacent to the south revised existing right of way line (9/15/2010) of the Ruffin Mill Road Connector and southwest revised existing right of way line (9/15/2010) of Route 746 (Relocated Ruffin Mill Road) from a point 47.9 feet opposite Station 7+86.11 (Ruffin Mill Road Connector centerline) to a point approximately 70 feet opposite Station 27+41 (Route 746 EBL [Relocated Ruffin Mill Road] centerline) a portion of which was acquired incidental to the construction, reconstruction, alteration, maintenance and repair of Interstate 95, and all of which 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 or the Secondary System of State Highways; and

WHEREAS, this conveyance is to be made in accordance and compliance with the provisions and notice requirements of Sections 33.1-149, 33.1-154 and 33.1-223.2:2 of the *Code of Virginia* (1950), as amended; and

WHEREAS, the adjacent landowner has requested that the surplus land be conveyed.

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 33.1-149, 33.1-154 and 33.1-223.2:2 of the *Code of Virginia* (1950), as amended the resolution approved on July 14, 2010 is hereby rescinded, and the conveyance of the said land, so certified, and presented herein, 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 and Utilities Division, subject to such restrictions as may be deemed appropriate.

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