



# COMMONWEALTH of VIRGINIA

## *Commonwealth Transportation Board*

Sean T. Connaughton  
Chairman

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*Agenda item # 8*

### **RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD**

**January 16, 2013**

#### **MOTION**

**Made By:Mr. Layne    Seconded By:Mr. Miller**

**Action: Motion Carried, Unanimously**

**Title: Land and Improvement Disposition, Old Warrenton Residency,  
Fauquier County**

**WHEREAS**, in connection with Route 15, State Highway Project 1073-CM, the Commonwealth acquired certain land from Edith H. Nesbit, widow by Deed dated May 5, 1936 and recorded in Deed Book 143, Page 45, in the Office of the Clerk of the Circuit Court of Fauquier County (the "Nesbit Parcel"); and,

**WHEREAS**, subsequent to the acquisition of the Nesbit Parcel, the Virginia Department of Transportation ("the Department") constructed improvements on a portion of the parcel for use as the Department's Warrenton Residency; and,

**WHEREAS**, the Department has vacated a portion of the land and its associated improvements described as Parcel A, Part Of Tax Parcel 6983-68-0549; 27,017 Sq. Ft. or 0.6202 acre, shown on that plat entitled, "Commonwealth of Virginia Department of Transportation, Division Plat, Warrenton Residency Parcel", prepared by ATCS, P.L.C. and dated August 16, 2011 (collectively, the "Old Warrenton Residency Property"); and,

**WHEREAS**, the Department entered into a temporary transfer agreement with the Virginia State Police, for the Old Warrenton Residency Property; and,

**WHEREAS**, the Department has received a request from the Virginia State Police to permanently transfer the Old Warrenton Residency Property; and,

**WHEREAS**, it is the desire and recommendation of the Department to dispose of the Old Warrenton Residency Property, including the land, and improvements, as surplus property; and,

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**WHEREAS**, section 2.2-1153 of the Code of Virginia provides that the cognizant board or the governing body of a department or agency that possesses surplus property “shall approve, in writing, the designation of the property as surplus”; and,

**WHEREAS**, section 4-509(b) of Chapter 3 of the 2012 Acts of Assembly (Special Session I) provides that the cognizant board or governing body of an agency shall approve the proposed conveyance of surplus real property; and,

**WHEREAS**, those improvements placed on the land associated with the Old Warrenton Residency Property subsequent to the acquisition of the Nesbit Parcel are subject to the requirements of section 2.2-1153 for purposes of being designated as surplus property and the requirements of section 4-509 (b) of Chapter 3 of the 2012 Acts of Assembly (Special Session I) for purposes of conveyance as surplus real property; and,

**WHEREAS**, conveyance of the land associated with the Old Warrenton Residency Property is subject to the provisions and notice requirements of Sections 33.1-149 and 33.1-223.2:2 of the *Code of Virginia* (1950), as amended, under which the Commissioner of Highways is authorized, upon making a determination that real estate acquired incidental to the construction, reconstruction, alteration, maintenance and repair of the State Highway System, which does not constitute a section of the public road, is no longer necessary for the uses of the State Highway System, to execute, in the name of the Commonwealth, a deed or deeds conveying such real estate, interest therein, or any portion thereof; and,

**NOW THEREFORE, BE IT RESOLVED**, in accordance with the provisions of Section 4-5.09(b) of Chapter 3 of the 2012 Acts of Assembly (Special Session I), the Board does hereby declare the improvements placed on the land associated with the Old Warrenton Residency Property (described herein) to be surplus to the needs of the Department and hereby approves the designation of such property as “surplus” and approves the proposed conveyance of the property to the Virginia State Police; and

**BE IT FURTHER RESOLVED**, the Board, to the extent its authorization is required, hereby authorizes the Commissioner to take all measures necessary under the law and to execute any and all documents needed to dispose of the Old Warranton Residency Property by conveyance to the Virginia State Police.

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