



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean T. Connaughton
Chairman

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Agenda item # 8

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

March 20, 2013
MOTION

Made By: Mr. Garczynski **Seconded By: Ms. Fisher**

Action: Motion Carried, Unanimously

Title: Limited Access Control Change
Interstate 66, Fairfax County

WHEREAS, Interstate 66 (I-66) 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, in connection with Interstate 66, State Highway Project 0066-029-103, RW-202, the Commonwealth acquired certain lands and limited access control from Norral Paxton Riggleman et al., by Deed dated August 7, 1963, recorded in Deed Book 2350, Page 179, designated as Parcel 701 on the project plans, and from Lewis B. Price, Jr. et al., by Deed dated September 6, 1963, recorded in Deed Book 2422, Page 703 designated as Parcel 702 on the project plans, both recorded in the Office of the Clerk of the Circuit Court of Fairfax County; and,

WHEREAS, the said property acquired as Parcels 701 and 702 are adjoining parcels on the project plans, lying on the northeast (left) side of the westbound lane centerline of the proposed I-66 and adjacent to the original existing north right of way line of State Route 1770 (Hallwood Avenue). All land acquired along the frontage of the above mentioned parcels was designated and recorded as limited access; and,

WHEREAS, all structures, dwellings and access on Parcel 701 were acquired with the said deed and were removed, resulting in a vacant, landlocked property residue for which the owner was compensated. The owner from which Parcel 701 was acquired elected to retain

ownership of the said landlocked residue after the Commonwealth offered to purchase the landlocked residue; and,

WHEREAS, the street frontage of Parcel 702 was acquired with the said deed, requiring the owner to park on Hallwood Avenue to access the dwelling that remained, by foot only and the owner was compensated accordingly for the loss of the private driveway and elected to retain ownership of the remaining property and house; and,

WHEREAS, subsequently a buyer purchased the remaining portion of Parcel 702 in December 1964 and the landlocked residue of Parcel 701 in May 1965; and,

WHEREAS, VDOT designed and constructed I-66, State Highway Project 0066-029-103, C-502 through the lands acquired by State Highway Project 0066-029-103, RW-202 with Hallwood Avenue being bisected by the I-66 highway construction and becoming a dead-end street at the I-66 limited access line. The limited access and right of way line through this area was not fenced as a sound barrier was constructed within the I-66 right of way and Hallwood Avenue was ended with a guardrail barricade within the I-66 right of way; and,

WHEREAS, the remaining portions of Parcels 701 and 702 were sold in 1987 and in 1988, a new house was constructed on the residue of Parcel 701, although it had no legal access, and a common driveway serving the new house and the existing house that remained on the remaining portion of Parcel 702 was constructed; and

WHEREAS, the said driveway construction was not permitted by VDOT and the construction was facilitated by utilizing the I-66 limited access right of way behind the sound barrier and its construction did not impact the safety or stability of the I-66 roadways; and,

WHEREAS, VDOT discovered the encroachment during a survey of the current proposed highway improvement project, State Highway Project 0066-96A-113, PE-101, which is under development and adjacent to the said limited access control; and,

WHEREAS, VDOT has determined that it is desirable at this time to pursue a solution which allows the driveway to continue to provide vehicle access to those properties while not impacting VDOT's ability to maintain or improve current highway assets; and,

WHEREAS, VDOT and the Federal Highway Administration (FHWA) have determined that a southwest shift in the existing limited access line, beginning from a point on the existing right of way and limited access line 77.98 feet opposite Station 824+82.11 (I-66 westbound construction baseline) to a point 65.07 feet opposite Station 824+89.02 (I-66 westbound construction baseline); thence, to a point 49.82 feet opposite Station 825+91.49 (I-66 westbound construction baseline); thence, to a point 49.64 feet opposite Station 826+68.74 (I-66 westbound construction baseline); thence, to a point on the existing right of way and limited access line,

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79.55 feet opposite Station 827+24.57(I-66 westbound construction baseline), as shown on the plans for the said proposed highway improvement project would be necessary to allow the said driveway access to continue; and,

WHEREAS, VDOT and FHWA have determined that as there will be no impact to the operation and maintenance of the Interstate 66 and Hallwood Avenue right of way, and that the said shift is acceptable from a safety and operation standpoint; and,

WHEREAS, VDOT and FHWA have determined there will be no adverse environmental impacts; and,

WHEREAS, VDOT has determined that compensation in an amount satisfactory to the State Director Right of Way and Utilities shall be required for the shift in limited access control and permitting the property owners to have vehicle access through the I-66 right of way; and,

WHEREAS, public notices were posted in the *Washington Post* newspaper on October 26, 2012 and November 01, 2012 and posted in the *El Tiempo Latino* newspaper on November 02, 2012 regarding this proposed shift in the Limited Access Control Line and were closed on November 08, 2012 without receiving any comment; and,

WHEREAS, the area bounded by the existing limited access and right of way line and the proposed limited access line will remain as right of way in order to provide for the perpetual control and maintenance of highway facilities associated with, and adjacent to, I-66 and for any potential future improvements.

NOW, THEREFORE, BE IT RESOLVED, in accordance with the provisions of Section 33.1-58 of the *Code of Virginia* (1950), as amended, the CTB hereby finds and concurs with the determinations set forth herein and approves the said LACC to facilitate the access to the said adjoining properties, and subject to the above-referenced to conditions; and,

BE IT FURTHER RESOLVED, the Commissioner of Highways is authorized to execute any and all documents necessary to implement such changes.

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