



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Aubrey L. Layne, Jr.
Chairman

1401 East Broad Street
Richmond, Virginia 23219

(804) 786-2701
Fax: (804) 786-2940

Agenda item # 3

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

March 18, 2015

MOTION

Made By: Mr. Garczynski, Seconded By: Mr. Kasprovicz

Action: Motion Carried, Unanimously

**Title: Locality Discontinuance and Conveyance of Limited Access, Various Streets,
City of Alexandria**

WHEREAS, Section 33.2-1001 of the *Code of Virginia* authorizes the Commissioner of Highways, to acquire rights of way for the construction, reconstruction, alteration, maintenance and repair of public highways within municipalities on projects which are constructed with State or Federal participation and subsequently convey such rights of way to the requesting municipality; and

WHEREAS, Section 33.2-1001 of the *Code of Virginia* further provides that the Commissioner of Highways may exercise such authority only upon receipt of official request from the City involved; and

WHEREAS, the City Council of the City of Alexandria declared Project 0001-100-102, PE-101 as Limited Access within the limits of Henry Street, Monroe Avenue, Powhatan Street, Slaters Lane and Jefferson Davis Highway by resolution passed on August 11, 1970; and

WHEREAS, the Commissioner of Highways exercised his power and authorized VDOT to acquire right of way for Limited Access Project 0001-100-102, PE-101, RW-201 from various landowners, at the request of the City of Alexandria; and

WHEREAS, an injunction was entered February 26, 1973, in the litigation styled Live in a Favorable Environment, Inc. v. John Volpe, et al. U.S. District Court (E.D. Va.) which prevented Project 0001-100-102, PE-101, RW-201 from being constructed as originally proposed; and

Resolution of the Board
Locality Discontinuance and Conveyance of Limited Access - Various Streets
City of Alexandria
March 18, 2015
Page Two

WHEREAS, the project was re-designed as Project 0001-100-102, RW-203 which eliminated the need for Limited Access rights previously acquired; and

WHEREAS, the Commonwealth of Virginia did convey to the City of Alexandria, all of its rights, title and interest to lands and permanent easements, lying on both sides of the centerline of Route 1 for State Highway Project 0001-100-102, RW-201 but reserved any limited access rights; and

WHEREAS, Section 33.2-401 of the *Code of Virginia* allows the Commonwealth Transportation Board to approve the discontinuance, by the governing body of the City of Town, of limited access features acquired for any highway, street, or portion thereof, subsequently incorporated into the street system of a city or town; and

WHEREAS, the City of Alexandria has requested by resolution dated December 9, 2014, the approval to discontinue and the conveyance of all limited access rights lying on both sides of the centerline of Route 1 for State Highway Project 0001-100-102, RW-201, which is in the City's street system; and

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of Sections 33.2-401, and 33.2-1001 of the *Code of Virginia*, said discontinuance by the City of Alexandria and conveyance of the said real estate is approved as set forth, and the Commissioner of Highways is hereby authorized to execute, in the name of the Commonwealth, a deed or deeds conveying the real estate subject to such restrictions as may be deemed appropriate.

#####