



# COMMONWEALTH of VIRGINIA

## *Commonwealth Transportation Board*

Aubrey L. Layne, Jr.  
Chairman

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Richmond, Virginia 23219

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*Agenda item # 13*

### RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

December 7, 2016

#### MOTION

**Made By: Mr. Whitworth, Seconded By: Ms. DeTuncq**  
**Action: Motion Carried, Unanimously**

**Title: Recreational Access to Sherando Park**  
**Project RECR-034-890, N501, Frederick County**

**WHEREAS**, § 33.2-1510 of the *Code of Virginia* sets forth that the General Assembly of Virginia has found and declared that it is "... in the public interest that access roads and bikeways to public recreational areas and historical sites be provided..." and sets aside highway funds for such purpose, "... [w]hen the Director of the Department of Conservation and Recreation has designated a public recreational area as such ... and recommends to the [Commonwealth Transportation] Board that an access road or bikeway be provided or maintained to that area"; and

**WHEREAS**, the Director of the Department of Conservation and Recreation (DCR) and the Commonwealth Transportation Board (CTB) have adopted a joint policy to govern the use of the Recreational Access Fund pursuant to § 33.2-1510 of the *Code of Virginia*; and

**WHEREAS**, the Frederick County Board of Supervisors has, by appropriate resolution, requested Recreational Access funds to provide road and bikeway access to adequately serve new facilities proposed to be located off of Warrior Drive (Route 719) within Sherando Park in Frederick County and said road and bikeway access is estimated to cost \$396,000; and

**WHEREAS**, this request is under consideration by the Director of DCR for full compliance with the provisions of § 33.2-1510 of the *Code of Virginia*; and

**WHEREAS**, the Director of DCR has previously designated Sherando Park as a public recreational area and it is anticipated that the Director of DCR will recommend the construction of the aforementioned access project.

**NOW, THEREFORE, BE IT RESOLVED**, that from the Recreational Access Fund \$306,000 (\$250,000 unmatched and \$56,000 matched) for road construction and \$34,000 (unmatched) for bikeway construction be allocated to provide adequate access to proposed new facilities within Sherando Park to be located off of Warrior Drive in Frederick County, Project RECR-034-890, N501, contingent upon:

1. The Director of DCR recommending the use of the Recreational Access Fund for the construction of the access roadway and bikeway to the proposed new facilities within Sherando Park; and
2. All right of way, environmental assessments and remediation, and utility adjustments being provided at no cost to the Commonwealth; and
3. Execution of an appropriate contractual agreement between the County of Frederick (LOCALITY) and the Virginia Department of Transportation (VDOT) to provide for the:
  - a. design, administration, construction and maintenance of this project; and
  - b. provision of up to \$56,000 in matching funds, as necessary, by the LOCALITY for construction of the access road; and
  - c. payment of all ineligible project costs, and of any eligible project costs in excess of the respective allocation amounts for the roadway access project from sources other than those administered by VDOT.

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## CTB Decision Brief

### Recreational Access – Frederick County Sherando Park

**Issue:** Pursuant to § 33.2-1510 of the *Code of Virginia*, the Frederick County Board of Supervisors has requested funds from the Recreational Access Program to provide adequate road and bikeway access to proposed new facilities within Sherando Park.

**Facts:** Section 33.2-1510 of the *Code of Virginia* provides that the Commonwealth Transportation Board (CTB) shall expend from funds set aside for the construction of access roads and bikeways to public recreational areas and historical sites under this section of the *Code of Virginia*. Further, this section of the *Code of Virginia* grants the CTB the authority to construct access roads and bikeways to public recreational areas and historical sites when the governing body of the county in which the access road is to be provided passes a resolution requesting the road and when the Director of the Department of Conservation and Recreation (DCR) has designated the public recreational area as such and recommends to the CTB that an access road be provided to that area.

Frederick County owns and operates Sherando Park and plans to develop new facilities within the park off of Warrior Drive (Route 719). Proposed facilities proposed to be access by the requested project include adult fitness facilities, a bicycle pump track, a picnic shelter, restroom, and parking and overflow parking areas. Existing park facilities are currently accessed off of Route 277; however, the proposed new facilities at the northwest end of the park can more conveniently be accessed from Warrior Drive with the proposed project. Frederick County will administer the design and construction of the proposed road and bikeway access project.

Local Assistance Division has coordinated with DCR staff to confirm support for the project. Sherando Park has previously been designated as a public recreational area by the Director of DCR and it is anticipated that the Director will recommend utilization of Recreational Access funds to provide adequate access to the park.

**Recommendations:** The road and bikeway access project recommended by staff as adequate to serve proposed facilities within Sherando Park involves construction of a 20-foot wide asphalt roadway with 4-foot wide paved shoulders for bikeway access, within 40 feet of right of way, from Warrior Drive and continuing east, approximately 0.06 mile, to the proposed parking lot. Staunton District staff has estimated the cost of the road access project to be \$396,000 and the cost of the bikeway access project to be \$34,000. Frederick County will be responsible for financial arrangements to fully fund the estimated project costs exceeding the Recreational Access Program allocation from sources other than those administered by VDOT. VDOT recommends that Recreational Access Program funding in the maximum amount of \$306,000 (\$250,000 unmatched and \$56,000 matched) for the construction of road access and \$34,000 for bikeway access be approved, subject to certain contingencies.

**Action Required by the CTB:** Prior to expending funds set aside for access roads to public recreational areas and historical sites, the *Code of Virginia* specifies that the CTB shall declare by resolution that the access road project be provided. A resolution is provided for formal vote.

**Result, if Approved:** VDOT and Frederick County will proceed with the recreational access road project.

**Options:** Approve, Deny, or Defer.

**Public Comments/Reaction:** None

**BOARD OF SUPERVISORS  
FREDERICK COUNTY, VIRGINIA**

May,25,2016

At a regularly scheduled meeting of the Frederick County Board of Supervisors held on May 25, 2016, on a motion by Supervisor Judith McCann-Slaughter, seconded by Supervisor Robert Wells, the following resolution was adopted by a vote of 1to Q.

**WHEREAS**, the Sherando Park is owned and is to be developed by Frederick County as a recreational facility serving the residents of Frederick County and adjoining localities; and

**WHEREAS**, the property on which this facility is located has no access to a public street or roadway and will require the construction of a new roadway which will connect to Warrior Drive; and

**WHEREAS**, the procedure governing the allocation of recreational access funds as set forth in Section 33.2- 1510 of the *Code of Virginia* requires joint action by the Director of the Department of Conservation and Recreation and the Commonwealth Transportation Board; and

**WHEREAS**, a statement of policy agreed upon between the said Director and Board approves the use of such funds for the construction of access roads to publicly-owned recreational or historic areas; and

**WHEREAS**, the Board has duly adopted a zoning ordinance pursuant to Article 7 (Section 15.2-2280 et seq), Chapter 22, Title 15.2 of the *Code Virginia*; and

**WHEREAS**, it appears to this Board that all requirements of the law have been met to permit the Director of the Department of Conservation and Recreation to designate Sherando Park as a public recreational facility and further permit the Commonwealth Transportation Board to provide funds for access to this public recreation area in accordance with Section 33.2-1510 of the *Code of Virginia*; and

**WHEREAS**, the Board agrees, in keeping with the intent of Section 33.2-405 of the Code of Virginia, to use its good offices to reasonably protect the aesthetic or cultural value of this road leading to or within areas of historical, natural or recreational significance; and

**WHEREAS**, the County of Frederick hereby guarantees that the necessary environmental analysis, mitigation, and fee simple right of way for this improvement, and utility relocations or adjustments, if necessary, will be provided at no cost to the Virginia Department of Transportation; and

**NOW, THEREFORE BE IT RESOLVED**, the Board of Supervisors of Frederick County hereby requests the Director of the Department of Conservation and Recreation to designate Sherando Park as a public recreational area and to recommend to the Commonwealth Transportation Board that recreational access funds be allocated for an adequate access road to serve said Sherando park area; and

**BE IT FURTHER RESOLVED**, the Commonwealth Transportation Board is hereby requested to allocate the necessary recreational access funds to provide a suitable access road as hereinbefore described.

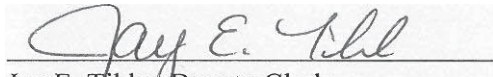
**BE IT FURTHER RESOLVED**, that the County Administrator and/or his designee(s) be authorized to act on behalf of the Board of Supervisors to execute any and all documents necessary to secure the funding sought through the Recreation Access Program up to, but not exceeding, \$322,500 state funds

**BE IT FURTHER RESOLVED THAT:** The Frederick County Board of Supervisors hereby agrees that the new roadway so constructed will be added to and become a part of the secondary system of highways.

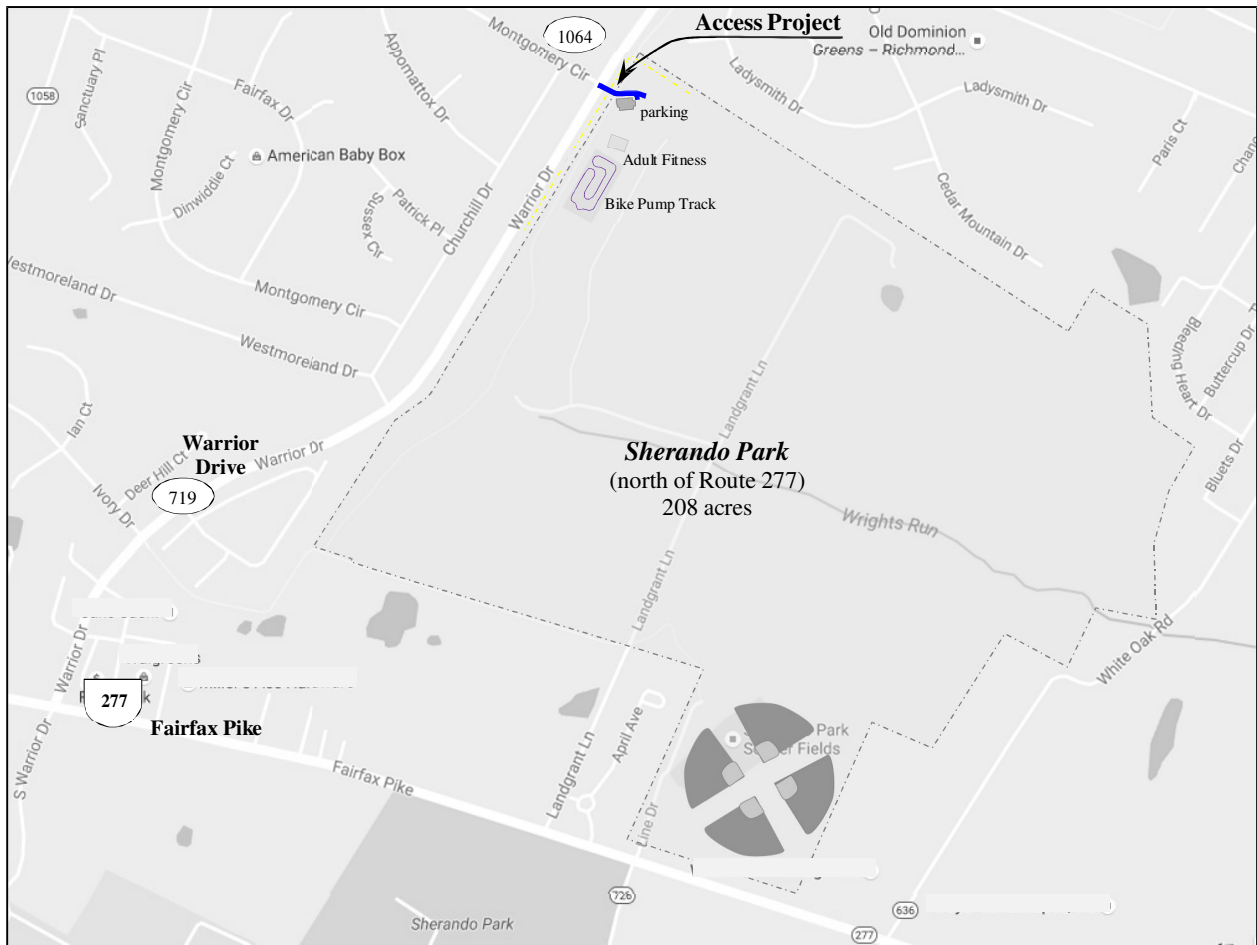


Frederick County Board of Supervisors

**ATTEST:**



Jay E. Tibbs, Deputy Clerk  
Frederick County Board of Supervisors



**PROPOSED RECREATIONAL ACCESS PROJECT**  
**Sherando Park**  
**Project RECR-034-890, N501**  
**Frederick County**

Recreational Facility

Proposed facilities in northwestern area of park to include adult fitness area, bicycle ‘pump’ track, picnic shelter, restroom, and parking and overflow parking areas

Access Facility

Length: 0.06 mile  
 Roadway Width: 20 feet  
 Bikeway Width: 4-foot paved shoulders  
 R/W Width: 40 Feet  
 Estimated Cost (bikeway): \$34,000  
 Estimated Cost (roadway): \$362,000  
 Proposed Allocation (bikeway): \$34,000  
 Proposed Allocation (roadway): \$306,000  
 (\$250,000 unmatched, \$56,000 matched)  
 Total Allocation: \$340,000



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Project RECR-034-xxx, x501

Frederick County

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