



# COMMONWEALTH of VIRGINIA

## *Commonwealth Transportation Board*

Shannon Valentine  
Chairperson

1401 East Broad Street  
Richmond, Virginia 23219

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

*Agenda item # 1*

### RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

February 21, 2018

#### MOTION

**Made By: Mr. Malbon, Seconded By: Mr. Johnsen**  
**Action: Motion Carried, Unanimously**

**Title: Locality Land Conveyance, Atlantic Avenue,**  
**City of Virginia Beach**

**WHEREAS**, Section 33.2-907 of the Code of Virginia (1950) allows the Commonwealth Transportation Board to transfer (convey) to a locality, upon petition of the said locality's governing body, real estate acquired incidental to the construction, reconstruction, alteration, maintenance or repair of the State Highway System, which constitutes a section of public road, and upon such transfer, such section of road shall cease being a part of the State Highway System; and

**WHEREAS**, the City of Virginia Beach has requested by resolution dated March 7, 2017 the conveyance of the real estate for a portion of Atlantic Avenue and remnant properties from previous re-alignments of Atlantic Avenue; and

**WHEREAS**, this right of way was acquired as Route 60 in Princess Anne County which is now the City of Virginia Beach and part of the urban road system as Atlantic Avenue. The real estate in question is located between 39<sup>th</sup> Street and Pacific Avenue, all as shown on the exhibit entitled, "Plat Showing Property To Be Acquired From Commonwealth Of Virginia By The City Of Virginia Beach" dated September 20, 2017; and

**WHEREAS**, the conveyance is in connection with a road project by the City in conjunction with an economic development project that will result in the reconfiguration of the northern terminus of Atlantic Avenue and will improve stacking and congestion on Atlantic Avenue as a result of the new development. All of the property to be conveyed will be utilized in the road project; and

**WHEREAS**, this proposed conveyance has been reviewed and approved by the State Right of Way and Utilities Director..

Resolution of the Board  
Proposed Locality Land Conveyance  
Atlantic Avenue  
City of Virginia Beach  
February 21, 2018  
Page Two

**NOW, THEREFORE, BE IT RESOLVED**, that in accordance with the provisions of Sections 33.2-907 of the Code of Virginia (1950), as amended, conveyance of the real estate shown on the exhibit is approved as set forth and upon conveyance, the roads shall no longer be a part of the State Highway System.

**BE IT FURTHER RESOLVED**, 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 and to take such other actions and execute any and all other documents necessary to implement such conveyance.

####

## CTB Decision Brief

### Locality Land Conveyance

Atlantic Avenue  
City of Virginia Beach

**Issue:** Section 33.2-907 of the Code of Virginia (1950), as amended, allows the Commonwealth Transportation Board to transfer (convey) to a locality, upon petition of the locality's governing body, real estate acquired incidental to the construction, reconstruction, alteration, maintenance or repair of the State Highway System, which constitutes a section of public road, and upon such transfer, such section of road shall cease being a part of the State Highway System.

#### **Facts:**

- The City of Virginia Beach has requested by resolution dated March 7, 2017 the conveyance of the real estate for a portion of Atlantic Avenue and remnant properties from previous re-alignments of Atlantic Avenue.
- This right of way was acquired as Route 60 in Princess Anne County which is now the City of Virginia Beach and part of the urban road system as Atlantic Avenue.
- The real estate in question is located between 39<sup>th</sup> Street and Pacific Avenue, all as shown on the exhibit entitled, "Plat Showing Property To Be Acquired From Commonwealth Of Virginia By The City Of Virginia Beach" dated September 20, 2017.
- The conveyance is in connection with a road project by the City in conjunction with an economic development project that will result in the reconfiguration of the northern terminus of Atlantic Avenue and will improve stacking and congestion on Atlantic Avenue as a result of the new development.
- All of the property to be conveyed will be utilized in the road project;
- This proposed conveyance has been reviewed and approved by the State Right of Way and Utilities Director.

**Recommendations:** VDOT recommends that the lands be conveyed to the City of Virginia Beach for public street purposes.

**Action Required by CTB:** The *Code of Virginia* requires a majority vote of the Commonwealth Transportation Board (CTB) authorizing the Commissioner of Highways to execute the deed. The CTB will be presented with a resolution for a formal vote.

**Result, if Approved:** The Commissioner of Highways will be authorized to execute a deed to convey the property and to take such other actions and execute any and all other documents necessary to implement such conveyance.

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

**Public Comments/Reactions:** None

# RES - 03836

1 RESOLUTION AUTHORIZING THE CITY MANAGER 1)  
2 TO APPLY FOR A TRANSPORTATION PARTNERSHIP  
3 OPPORTUNITY FUND GRANT TO FUND THE  
4 PARTIAL REALIGNMENT OF ATLANTIC AVENUE AND  
5 2) TO PETITION THE COMMONWEALTH OF VIRGINIA  
6 TRANSPORTATION BOARD TO TRANSFER CERTAIN  
7 REAL PROPERTY TO THE CITY OF VIRGINIA BEACH  
8

9 WHEREAS, Cavalier Associates, LLC (the "Developer") is redeveloping the  
10 Cavalier Hotel complex (the "Redevelopment") located at the north end of oceanfront  
11 resort in the City of Virginia Beach (the "City"). As a part of the Redevelopment, the  
12 Developer has requested that the City reconfigure the northern terminus of Atlantic  
13 Avenue to a layout as shown on Exhibit A, attached hereto (the "Road Project");  
14

15 WHEREAS, the Road Project would cul-de-sac at Atlantic Avenue south of the  
16 existing intersection with Pacific Avenue. Through-traffic currently accessing Pacific  
17 Avenue from Atlantic Avenue would now do so from 40<sup>th</sup> Street. This would allow the  
18 Developer to construct access to the oceanfront elements of the Redevelopment, which  
19 would more efficiently bring traffic into the Redevelopment and reduce stacking and  
20 congestion on Atlantic Avenue;  
21

22 WHEREAS, the City intends to apply to the Commonwealth for a grant from the  
23 Transportation Partnership Opportunity Fund ("TPOF") to fund the Road Project. Such  
24 funds are available for transportation projects that support certain economic  
25 development projects;  
26

27 WHEREAS, a portion of the area of the Road Project is currently owned by the  
28 Commonwealth, specifically the Atlantic Avenue right-of-way and remnant pieces from  
29 previous realignments of Atlantic Avenue (the "Commonwealth Property"), as shown on  
30 Exhibit A, attached hereto. The Commonwealth of Virginia Transportation Board (the  
31 "CTB") will not begin the process of transferring title to a locality until that locality  
32 formally petitions the CTB pursuant to §33.2-907 of the Code of Virginia (1950), as  
33 amended;  
34

35 WHEREAS, the remainder of the area of the Road Project is either owned by the  
36 City or the Developer. The Developer has agreed to dedicate any necessary property  
37 to the City for the Road Project;  
38

39 WHEREAS, the Developer has represented to the City that the Road Project will  
40 allow the Developer to add more meeting and conference space to the Redevelopment;  
41

42 WHEREAS, if the Road Project is not undertaken, the City will not benefit from  
43 added tourism and convention business attributable to the larger meeting and  
44 conference space, and the traffic impacts on the general public from the  
45 Redevelopment will be greater; and

46 WHEREAS, the Road Project provides the opportunity to re-create the  
47 appearance of the historical "Grand Lawn" connection between the Cavalier on the Hill  
48 and the oceanfront beach club.  
49

50 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF  
51 VIRGINIA BEACH, VIRGINIA:  
52

53 1. That the City Manager is hereby authorized to apply for a grant from the  
54 Transportation Partnership Opportunity Fund in the amount of \$2,497,000 for the  
55 construction of the Road Project as shown on Exhibit A, attached hereto and made a  
56 part hereof.  
57

58 2. That the City Manager is further authorized to petition the Commonwealth  
59 of Virginia Transportation Board pursuant to §33.2-907 of the Code of Virginia, as  
60 amended, to transfer title of the real estate identified as the "Commonwealth Property"  
61 on Exhibit A, attached hereto and made a part hereof, to the City of Virginia Beach, and  
62 to take such other action as necessary to complete the conveyance of title of the  
63 Commonwealth Property to the City of Virginia Beach.  
64


65 3. That the City Manager, or his authorized designee, is hereby authorized to  
66 execute any and all documents on behalf of the City to complete the actions  
67 contemplated herein, containing such terms, conditions and modifications as may be  
68 acceptable to the City Manager and in a form deemed satisfactory by the City Attorney.  
69

70 Adopted by the City Council of the City of Virginia Beach, Virginia, this 7<sup>th</sup>  
71 day of March, 2017.

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
SGA Office

APPROVED AS TO LEGAL  
SUFFICIENCY:

  
\_\_\_\_\_  
City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Department of Public Works

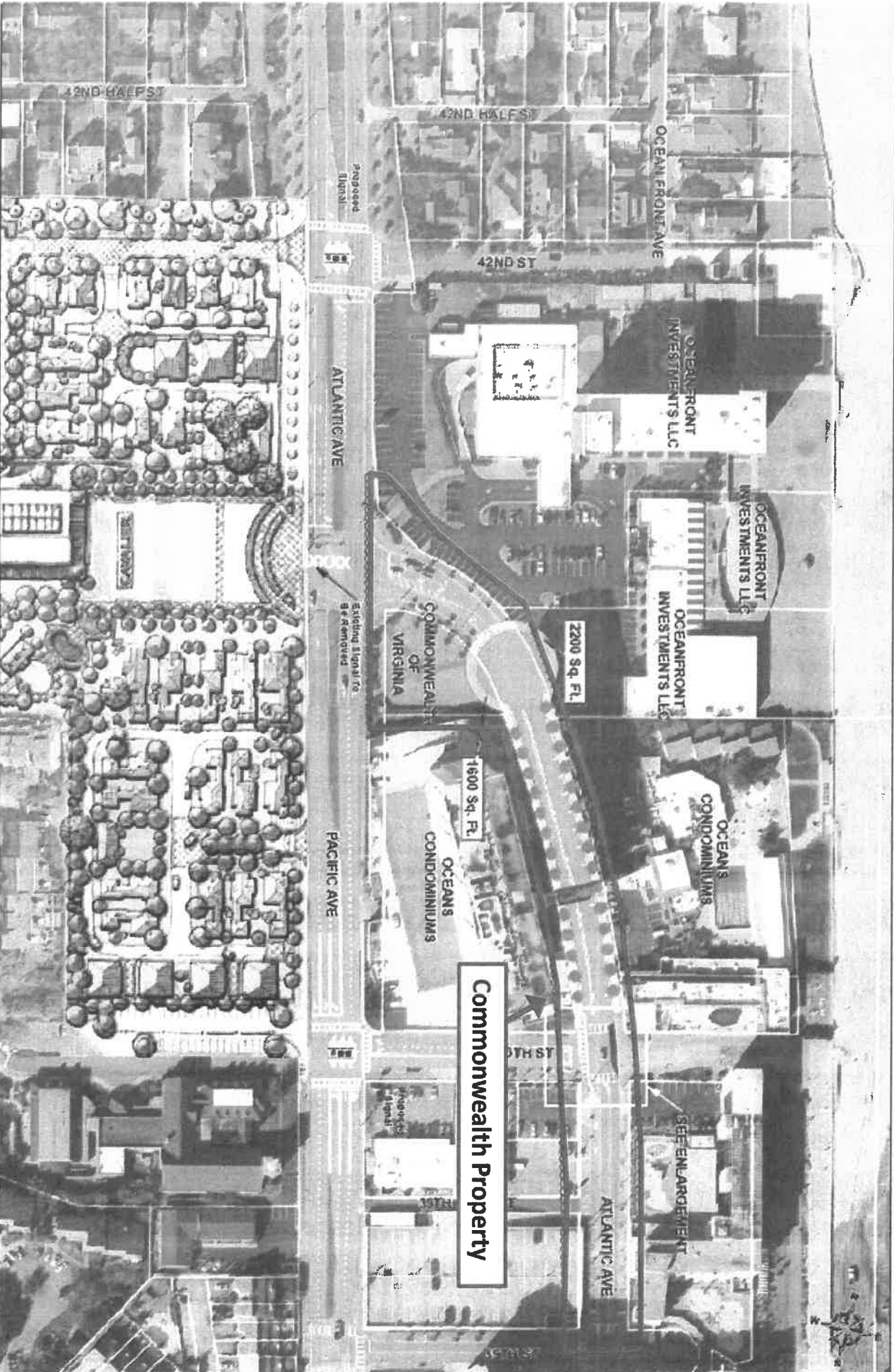
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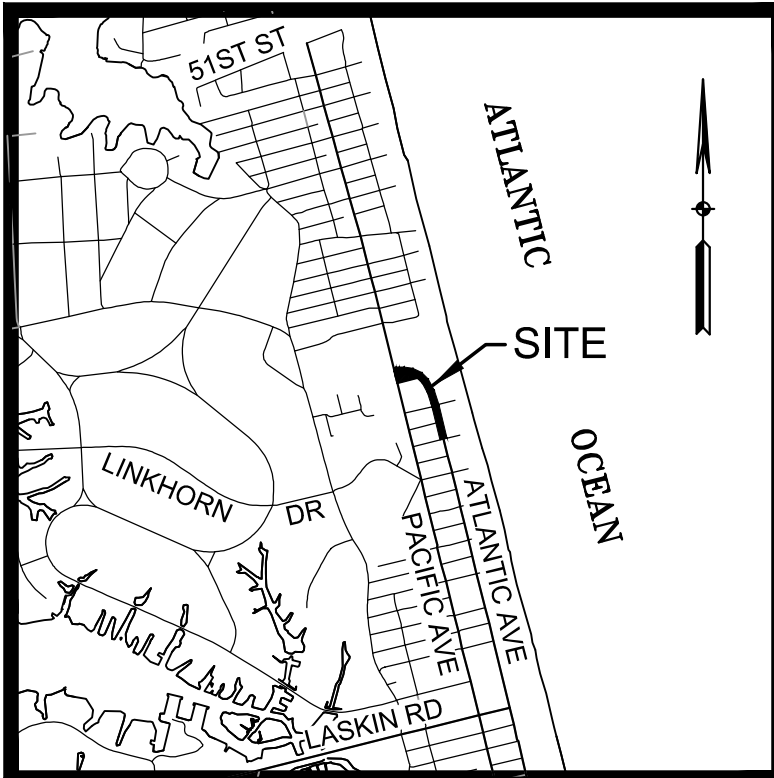
February 28, 2017

# EXHIBIT A – LOCATION MAP



# OVERALL PLAN

1. Contingent upon the removal of the existing signal at the intersection of Atlantic Ave and Pacific Ave. The signal is to be removed and replaced with a roundabout. See the overall plan for details.



VICINITY MAP  
SCALE: 1" = 2000'

NOTES:

1. THE MERIDIAN SOURCE OF THIS PLAT IS BASED ON THE VIRGINIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, N.A.D.1983/1993 (HARN). COORDINATE VALUES ARE EXPRESSED IN U.S. SURVEY FEET.
2. THE CITY OF VIRGINIA BEACH CONTROL REFERENCE POINTS USED TO ESTABLISH THE COORDINATE VALUES SHOWN HEREON WERE TJJ-7 AND AC-42.
3. THIS PLAT IS INTENDED FOR ACQUISITION PURPOSES ONLY AND DOES NOT CONSTITUTE A SUBDIVISION OF LAND.
4. PROPERTY LINE AND RIGHT-OF-WAY INFORMATION IS BASED ON VARIOUS PLATS, DEEDS OF RECORD AND A CURRENT FIELD SURVEY PERFORMED ON SEPTEMBER 20, 2017.
5. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT SHOW PHYSICAL IMPROVEMENTS. ALL EASEMENTS AND RESTRICTIONS THAT MAY AFFECT THE PROPERTY MAY NOT BE SHOWN.
6. PROPERTY TO BE ACQUIRED BY DEED.

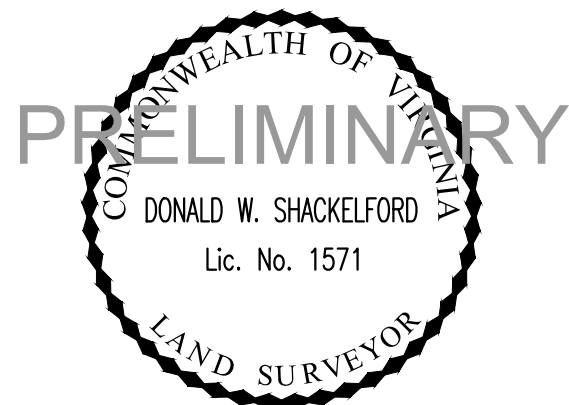
SOURCE OF TITLE & OWNER INFORMATION

GPIN: 2418-95-5753 & A PORTION OF ATLANTIC AVENUE  
 OWNERSHIP: COMMONWEALTH OF VIRGINIA  
 SOURCE OF TITLE: D.B. 224A, P. 393 INST. #200507210112275  
 M.B. 5, P. 151 INST. #200507210112273(PLAT)  
 VA. STATE HWY PROJECT 584 M-2

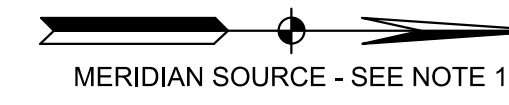
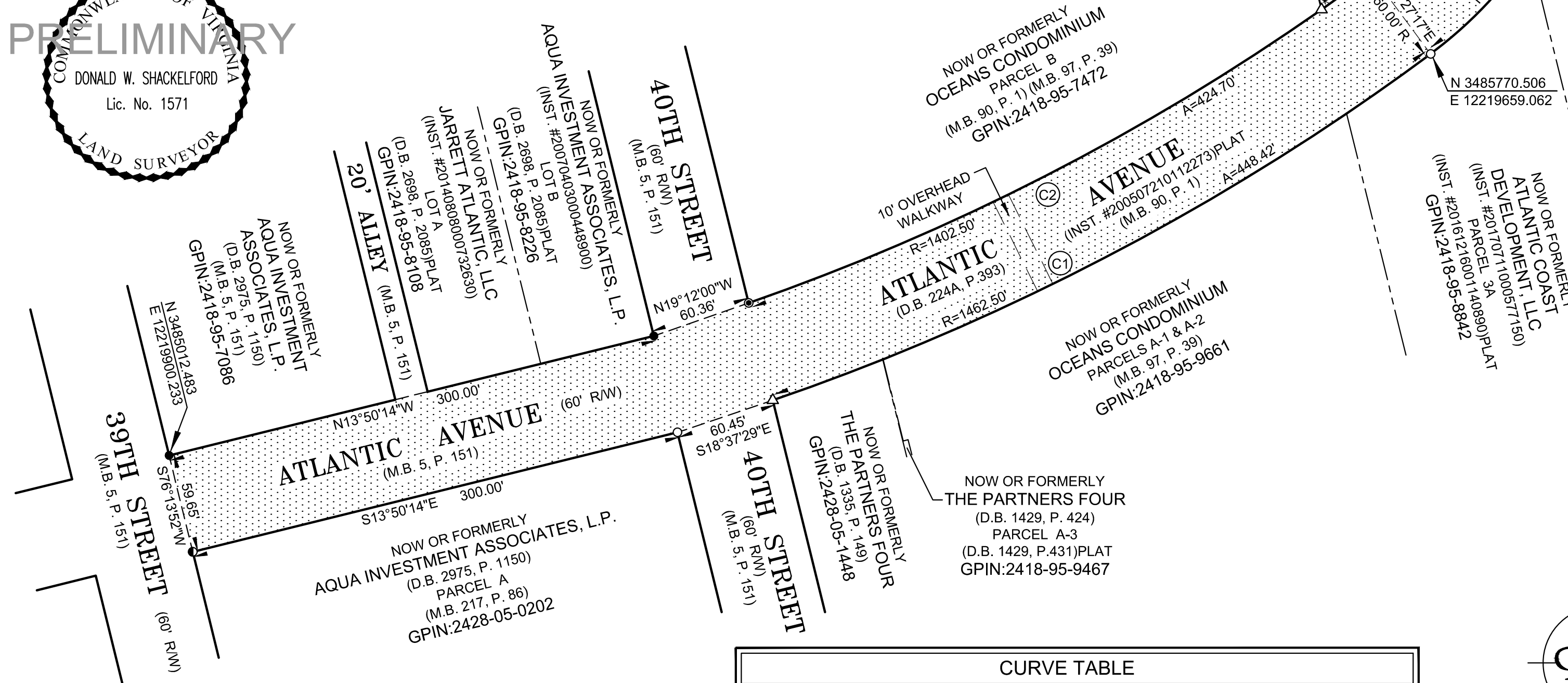
PARCEL	TOTAL AREA		AREA TO BE ACQUIRED		RESIDUAL AREA	
	SQ. FT.	ACRES	SQ. FT.	ACRES	SQ. FT.	ACRES
GPIN: 2418-95-5753	13,246	0.3041	13,246	0.3041	0	0
ATLANTIC AVENUE	62,818	1.4421	62,818	1.4421	0	0
TOTAL AREA	76,064	1.7462	76,064	1.7462	—	—

LEGEND

- PIN IN CONCRETE (SET) (UNLESS OTHERWISE NOTED)
- PIN & 2" ALUMINUM CAP (FOUND)
- P.K. NAIL (FOUND)
- 2" BRONZE DISK (FOUND)
- ⊗ DRILL HOLE (FOUND)
- ⊗ DRILL HOLE (SET)
- NAIL (SET)
- ▨ DENOTES PROPERTY TO BE ACQUIRED BY THE CITY OF VIRGINIA BEACH
- ▤ DENOTES RIGHT-OF-WAY TO BE ACQUIRED BY THE CITY OF VIRGINIA BEACH



PRELIMINARY



NOW OR FORMERLY  
 OCEANFRONT INVESTMENTS, LLC  
 (INST. #20140325000254750)  
 PARCEL 1A  
 (INST. #20161216001140890)PLAT  
 GPIN:2418-96-6049

PROPERTY OF  
 COMMONWEALTH OF VIRGINIA  
 PARCEL A-1  
 (INST. #200507210112275)  
 (INST. #200507210112273)PLAT  
 GPIN:2418-95-5753

NOW OR FORMERLY  
 OCEANS CONDOMINIUM  
 PARCEL B  
 (M.B. 90, P. 1) (M.B. 97, P. 39)  
 GPIN:2418-95-7472

NOW OR FORMERLY  
 OCEANS CONDOMINIUM  
 PARCELS A-1 & A-2  
 (M.B. 97, P. 39)  
 GPIN:2418-95-9661

NOW OR FORMERLY  
 THE PARTNERS FOUR  
 (D.B. 1429, P. 424)  
 PARCEL A-3  
 (D.B. 1429, P.431)PLAT  
 GPIN:2418-95-9467

NOW OR FORMERLY  
 ATLANTIC COAST  
 DEVELOPMENT, LLC  
 PARCEL 3A  
 (INST. #20170711000577150)  
 (INST. #20161216001140890)PLAT  
 GPIN:2418-95-9842

PLAT SHOWING  
 PROPERTY TO BE ACQUIRED  
 FROM  
**COMMONWEALTH OF VIRGINIA**  
 BY  
**THE CITY OF VIRGINIA BEACH**  
 SCALE: 1"=60' DATE: SEPTEMBER 20, 2017  
 VIRGINIA BEACH, VIRGINIA

**ROUSE-SIRINE ASSOCIATES, LTD.**  
 LAND SURVEYORS, MAPPING CONSULTANTS & S.U.E. QUALITY LEVELS "A-D"  
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 TEL.(757)490-2300 TEL.(757)903-4695  
 FAX:(757)499-9136 FAX:(757)903-4469

CURVE TABLE						
NO.	RADIUS	DELTA	ARC	TANGENT	CHORD	CH. BEARING
C1	1462.50'	17°34'03"	448.42'	225.98'	446.66'	S 27°45'41" E
C2	1402.50'	17°21'00"	424.70'	213.99'	423.08'	N 27°52'13" W
C3	1402.50'	01°30'01"	36.72'	18.36'	36.72'	S 35°47'43" E
C4	153.50'	55°40'14"	149.15'	81.05'	143.35'	S 64°22'50" E
C5	255.00'	45°22'40"	201.96'	106.61'	196.72'	S 59°14'03" E



BY APPROVAL, THE UNDERSIGNED DOES NOT CERTIFY AS TO THE CORRECTNESS OF BOUNDARY, STREETS, OR OTHER LINES SHOWN ON THIS PLAT.  
 APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_  
 DIRECTOR OF PUBLIC WORKS, CITY OF VIRGINIA BEACH, VIRGINIA