



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
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Agenda item # 7

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

October 30, 2018

MOTION

Made By: Mr. Yates, Seconded By: Ms. Hynes
Action: Motion Carried, Unanimously

Title: Recreational Access to East McIntire Park
Project RECR-104-354, City of Charlottesville

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 Charlottesville City Council has, by appropriate resolution, requested Recreational Access funds to provide bikeway access to adequately serve recreational facilities located off of Melbourne Road and said bikeway access is estimated to cost \$225,000; 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, it is anticipated that the Director of DCR will recommend the construction of the aforementioned access; and

NOW, THEREFORE, BE IT RESOLVED, that from the Recreational Access Fund \$75,000 (\$60,000 unmatched and \$15,000 matched) for bikeway construction be allocated to provide adequate access to existing and proposed facilities within East McIntire Park off of Melbourne Road in the City of Charlottesville, Project RECR-104-354, contingent upon:

1. The Director of DCR recommending the use of the Recreational Access Fund for the construction of the access roadway to the proposed new facilities within McIntire 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 City of Charlottesville (LOCALITY) and the Virginia Department of Transportation (VDOT) to provide for the:
 - a. design, administration, construction and maintenance of this project; and
 - b. payment of all ineligible project costs, and of any eligible project costs in excess of the respective allocation amount for the roadway access project from sources other than those administered by VDOT, and
 - c. provision of the required matching funds, up to \$15,000, by the LOCALITY for appropriately documented eligible project costs.

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CTB Decision Brief

Recreational Access – City of Charlottesville East McIntire Park

Issue: Pursuant to § 33.2-1510 of the *Code of Virginia*, the City of Charlottesville’s City Council has requested funds from the Recreational Access Program to provide adequate bikeway access to proposed new facilities within the City of Charlottesville’s East McIntire Park.

Facts: § 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.

The City of Charlottesville owns and operates East McIntire Park and plans to develop new facilities within the 75-acre recreational area off of Melbourne Road. The proposed facilities include a new skate park, network of trails, botanical garden and conversion of a golf course to a passive use recreation area. The locality will administer the design and construction of the proposed bikeway project.

Local Assistance Division has coordinated with DCR staff to confirm support for the project. It is anticipated that the Director of DCR will designate East McIntire Park as a public recreational area and will recommend utilization of Recreational Access funds to provide adequate access to new facilities within the recreational area.

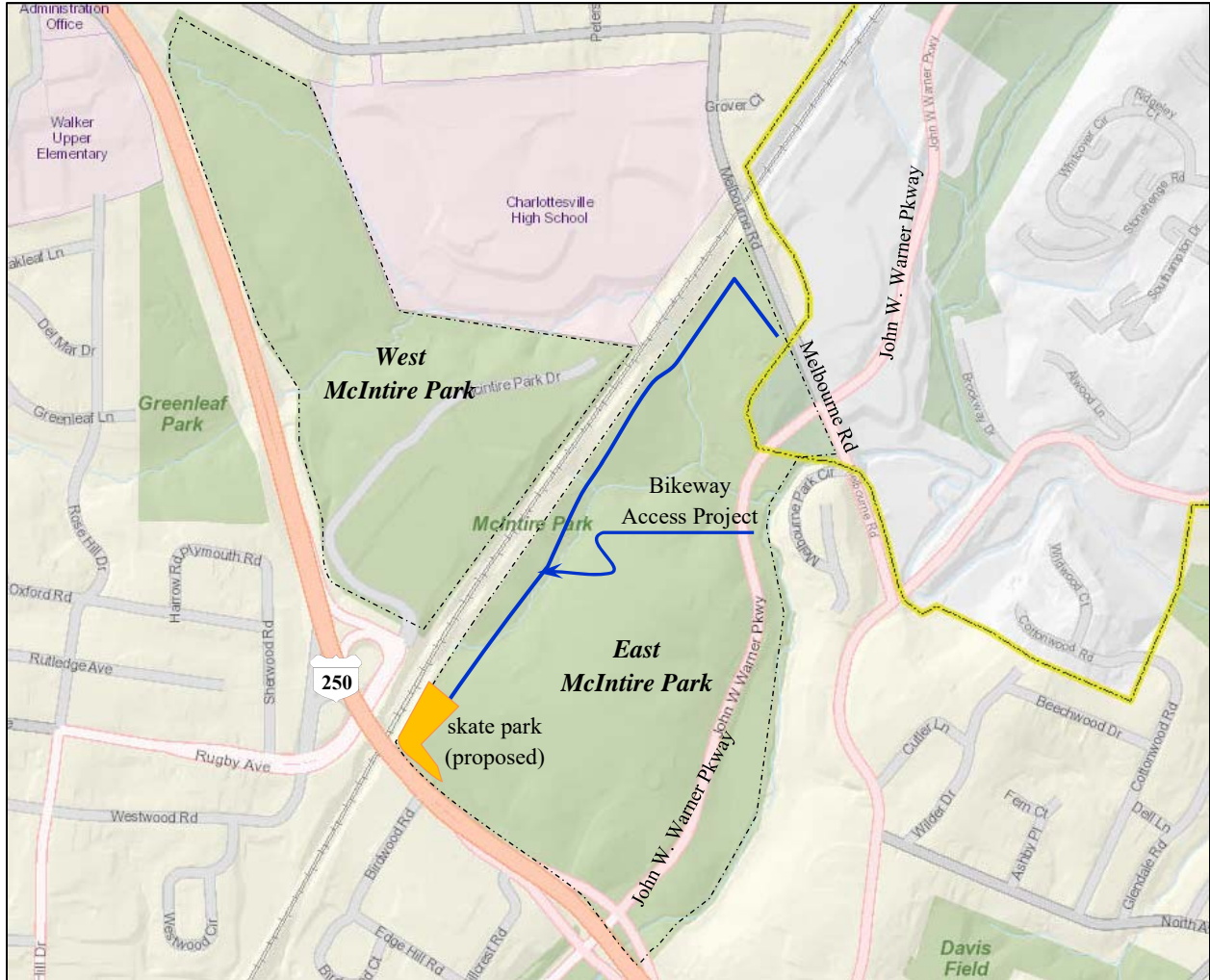
Recommendations: The bikeway access project recommended by staff as adequate to serve existing and proposed facilities within East McIntire Park involves construction of a 10-foot wide asphalt bikeway from Melbourne Road and continuing south, approximately 0.5 mile to the proposed skate park area. Culpeper District staff has estimated the cost of the bikeway access project to be \$225,000. The City of Charlottesville will be responsible for financial arrangements to provide for the required Recreational Access Program matching funds, as appropriate, and all project costs exceeding the state Recreational Access Program allocation to fully fund the project. VDOT recommends that Recreational Access Program funding in the maximum amount of \$75,000 (\$60,000 unmatched and \$15,000 matched) for the construction of 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 the City of Charlottesville will proceed with the recreational access bikeway project.

Options: Approve, Deny, or Defer.

Public Comments/Reaction: None



PROPOSED RECREATIONAL ACCESS PROJECT
East McIntire Park
Project RECR-104-354
City of Charlottesville

Recreational Facility/Site

Proposed facilities within the approximate 75-acre recreational area include a skate park, trail network, botanical garden and conversion of golf course to a passive use recreation area.

Estimated Traffic: 30 (bicycle) trips per day

Access Facility

Bikeway Length: 0.5 mile

Pavement Width: 10 feet

Estimated Cost: \$225,000

Proposed Allocation: \$75,000

(\$60,000 unmatched, \$15,000 matched)

City of Charlottesville
RESOLUTION
VDOT Recreational Access Project Endorsement

At a regularly scheduled meeting of the Charlottesville City Council held on June 4, 2018, on a motion by Ms. Hill seconded by Mr. Bellamy the following resolution was adopted by a vote of 5 to 0.

Whereas, East McIntire Park is owned and is to be developed by the City of Charlottesville as a recreational facility serving the residents of Charlottesville and adjoining localities; and

Whereas, the facility is in need of adequate bicycle access; 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 facilities to publicly-owned recreational or historical areas; and

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

Whereas, it appears to this Council that all requirements of the law have been met to permit the Director of the Department of Conservation and Recreation to designate McIntire Park as a public recreation area 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 right of way of the proposed bicycle access is provided by the City of Charlottesville at no cost to the Virginia Department of Transportation; and

Whereas, the City of Charlottesville hereby guarantees that the necessary environmental analysis, mitigation, and fee simple right of way for this bikeway access project, and utility relocations or adjustments, if necessary, will be provided at no costs to the Virginia Department of Transportation, and

Whereas, this Council acknowledges that, pursuant to the provisions of Section 33.2-1510 of the *Code of Virginia*, this bikeway, once constructed, shall be regulated and maintained by the City of Charlottesville Department of Parks and Recreation; and

Whereas, the City of Charlottesville acknowledges that no land disturbance activities may occur within the limits of the proposed access project without the consent of the Department of Transportation as a condition of the use of the Recreational Access Fund.

Whereas, the City of Charlottesville hereby guarantees that financing of all ineligible project costs, project costs exceeding the Recreational Access Program project allocation, Recreational Access Program required locality matching funds, if applicable, and all costs exceeding the Recreational

Access Program allocation will be provided from sources other than those administered by the Virginia Department of Transportation.

Whereas, the City of Charlottesville hereby acknowledges that the Virginia Department of Transportation's Recreational Access Program may provide up to a maximum of \$60,000 for a bikeway access project and requires matching funding up to \$15,000 provided by the City of Charlottesville for estimated eligible project costs over \$75,000.

Now, Therefore, Be It Resolved, that the City Council of Charlottesville hereby requests the Director of the Department of Conservation and Recreation to designate McIntire Park as a public recreational area and to recommend to the Commonwealth Transportation Board that recreational access funds be allocated for a bikeway to serve said recreational area; and

Be It Further Resolved, that the Commonwealth Transportation Board is hereby requested to allocate the necessary Recreational Access Program funds to provide a suitable bikeway as hereinbefore described.

Be It Further Resolved, that the City Manager and/or his designee(s) be authorized to act on behalf of the City Council to execute any and all documents necessary to secure the maximum amount of funding eligible under the Recreational Access Program.

Adopted this 4th day of June, 2018
Charlottesville, Virginia

Approved by Council
June 4, 2018



Clerk of Council