



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

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Agenda item # 1

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

July 17, 2019

MOTION

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

Title: Statewide Abandonment – Primary System of State Highways

WHEREAS, pursuant to §33.2-902 *Code of Virginia*, the Commissioner of Highways was provided with intent petition to abandon from the Primary System of State Highways the southern portion of Route F163 in Spotsylvania County. This road segment exists solely to serve one property owner. The road segment's total distance of 0.30 mile is

- (a) no longer necessary as a public road, and
- (b) no longer provides a public convenience that warrants maintenance at public expense;
and

WHEREAS, the Spotsylvania County Board of Supervisors supports the Commissioner of Highways' action to abandon from the Primary System of State Highways that portion of Route F163 serving the one property owner, pursuant to §33.2-902, and has approved a resolution, attached hereto as Exhibit A, requesting the abandonment of such segment of Route F163, as seen in the map attached hereto as Exhibit B; and

WHEREAS, the Virginia Department of Transportation (VDOT) posted notice, attached hereto as Exhibit C, of the intent to abandon such segment on behalf of the Commonwealth

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Statewide Abandonment - Primary System of State Highways
Route F163 in Spotsylvania County
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Transportation Board (Board), and such posting was done in accordance with § 33.2-902, and VDOT received no requests for public hearing on the matter; and

WHEREAS, a primary highway that is no longer providing sufficient public convenience to warrant maintenance at public expense may be abandoned by the Board, pursuant to §33.2-902, *Code of Virginia* 1950, as amended.

Primary System of State Highways

NOW THEREFORE, BE IT RESOLVED, that the roadway segment identified below is hereby ordered abandoned as part of Primary system of state highways, pursuant to § 33.2-902, *Code of Virginia*, 1950, as amended.

Abandonment

Fredericksburg District

Spotsylvania County

- Route F163 – Segment A – B 0.30 Mi.

Total Mileage Abandoned from the Primary System: 0.30 Mi.

####

CTB Decision Brief

Abandonment of Route F163 Located in Spotsylvania County

Issue: An adjacent landowner has requested the Commonwealth Transportation Board abandon 0.30 mile of Route F163 in Spotsylvania County.

Facts: A portion of Route F163 in Spotsylvania County, which solely serves one property owner, a total distance of 0.30 miles, is no longer necessary as a public road.

The Spotsylvania County Board of Supervisors approved a resolution on October 9, 2018 (Exhibit A, attached), supporting the abandonment of a 0.30 mile portion of Route F163 (segment shown in “Red” on Exhibit B, attached).

Upon review of the area, VDOT staff determined the 0.30 mile portion should be abandoned as a part of the Primary System of State Highways, pursuant to § 33.2-902 of the *Code of Virginia*, since no public necessity exists for the continuance of the segment as a public road.

Pursuant to and in accordance with § 33.2-902 of the *Code of Virginia*, VDOT published a “Notice of Intent to Abandon” in *The Free Lance Star* publication in April and May, 2019 (Exhibit C, attached). No requests for public hearing were submitted during the requisite 30-day timeframe.

Recommendations: VDOT recommends the Commonwealth Transportation Board approve the abandonment of the 0.30 mile portion of Route F163 referenced above.

Action Required by CTB: The *Code of Virginia* requires a majority of the Board’s members to approve the change proposed in this brief within four months of the end of the 30-day period after publication of the notice of intent to abandon. A resolution describing the proposed segments to be abandoned is provided for the Board’s consideration.

Result if Approved: If approved, VDOT will suspend all its maintenance activity on the roadway segment.

Options: Approve or Deny

Public Comments/Reactions: A public hearing was not requested during the requisite timeframe.

Exhibit A
Spotsylvania County Board of Supervisors October 9, 2018 Resolution

County of Spotsylvania
Founded 1721

Board of Supervisors
GREG BENTON
KEVIN W. MARSHALL
TIMOTHY J. McLAUGHLIN
DAVID ROSS
GARY F. SKINNER
PAUL D. TRAMPE
CHRIS YAKABOUSKI



Service, Integrity, Pride

County Administrator
MARK B. TAYLOR
Deputy County Administrators
MARK L. COLE
ED PETROVITCH
P.O. BOX 99, SPOTSYLVANIA, VA 22553
Voice: (540) 507-7010
Fax: (540) 507-7019

At a meeting of the Spotsylvania County Board of Supervisors held on October 9, 2018, on a motion by Mr. Ross and passed unanimously, the Board adopted the following resolution:

RESOLUTION NO. 2018-133

**A RESOLUTION REQUESTING THE SOUTHERN PORTION OF MALLARD ROAD
Route F163 BE ABANDONED FROM THE STATE SYSTEM OF SECONDARY
ROADS**

WHEREAS, pursuant to §33.2-902 Code of Virginia, the Commissioner of the Virginia Department of Transportation has provided this Board with its notice of intent to abandon from the Primary System of State Highways a 0.3 mile end section of Route F163, Mallard Road located within the Berkeley voting district, as described on the attached form, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Spotsylvania County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board that abandonment of the portion of Route F163, Mallard Road, only serves one property owner, and is a portion of Right-Of-Way in the State System of Secondary Road, and

WHEREAS, the applicant made application to Spotsylvania County to abandon the southern portion of Route F163, Mallard Road, and improve a new cul-de-sac at the new terminus of the proposed Right-Of-Way, and

WHEREAS, the Spotsylvania County Board of Supervisors opened up at least Thirty (30) day period of review on August 14, 2018 for the public to determine if a public necessity exists, and

NOW, THEREFORE. BE IT RESOLVED, this Board supports Virginia Department of Transportation and the applicant, proving no public necessity exists to abandon the end portion of Route F163, Mallard Road, and

NOW, THEREFORE. BE IT RESOLVED, that this Board supports the Virginia Department of Transportation's action to abandon from the Primary System of State Highways

the section of Mallard Road, Route F163, 0.3 mile end section, pursuant to §33.2-904 Code of Virginia, and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation, and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Commonwealth Transportation Board for review and approval.

(SEAL)

A COPY TESTE:



Aimee R. Mann
Deputy Clerk to the Board of Supervisors

Exhibit B
Sketch of Proposed Segment to be Abandoned

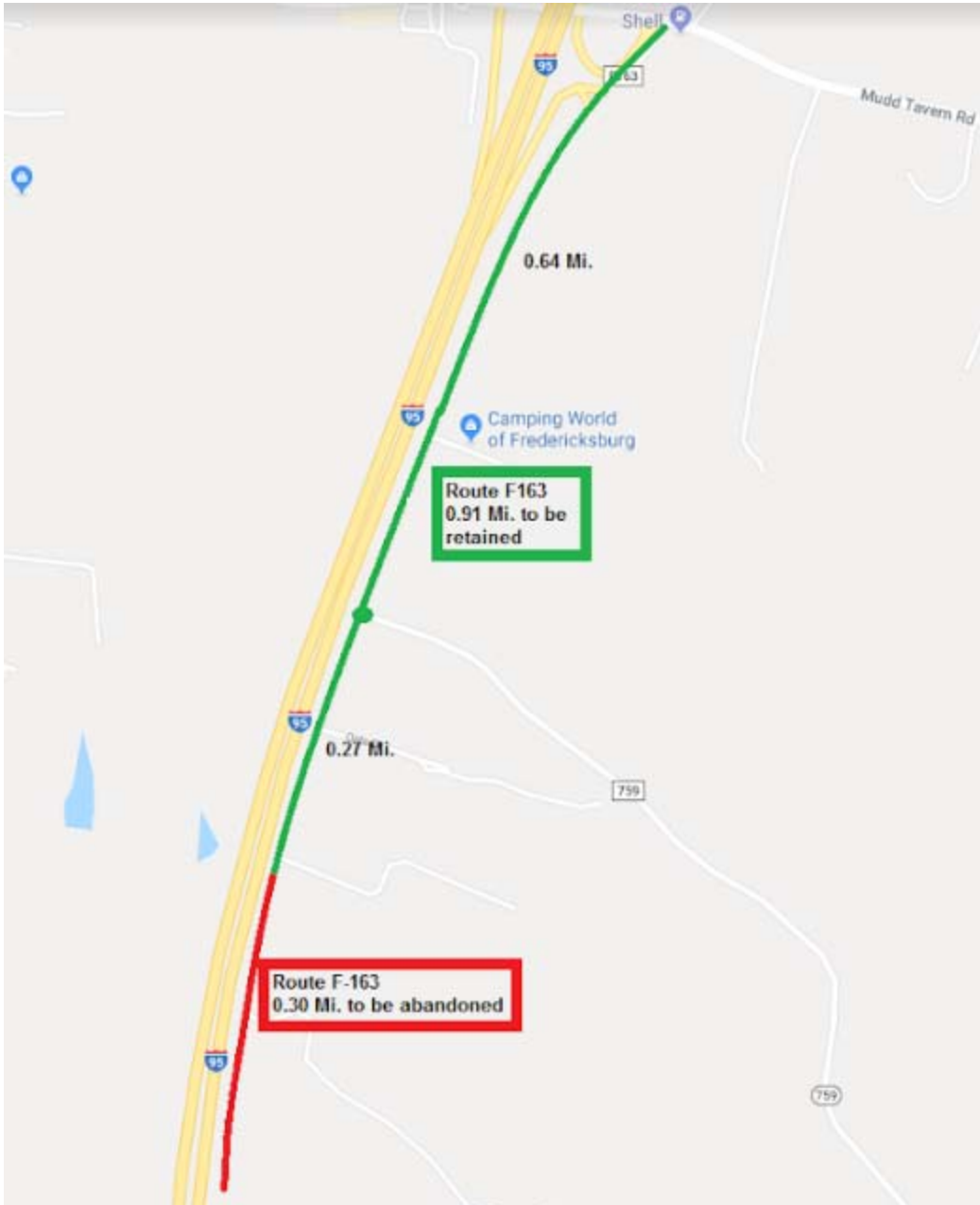


Exhibit C
“Notice of Intent to Abandon”
Published in *The Free Lance Star*
April and May, 2019



Route F163 (Mallard Road)
Abandonment of the Southern 0.3 Mile
Segment
Public Notice

The Virginia Department of Transportation (VDOT) hereby gives formal notice of its intent to consider the abandonment of a section of Route F163 (Mallard Road) in Spotsylvania County. The total length and location of the abandonment is a 0.3 mile segment located near the southern end of Route F163 (Mallard Road). The proposed abandonment is pursuant to §33.2-902 of the Code of Virginia.

VDOT shall hold a public hearing prior to considering the abandonment if one or more landowners, whose property is impacted by the southern 0.3 mile portion of Route F163 (Mallard Road), files a petition with VDOT. Written petitions should be submitted to Mr. David Beale, Project Manager, VDOT Fredericksburg Residency, 86 Deacon Road, Fredericksburg, VA 22405 on or prior to Thursday, May 16, 2019.

Additional information about the proposed abandonment is available at VDOT's Fredericksburg Residency office located at 86 Deacon Road, Fredericksburg, VA 22405. Please call ahead at 540-899-4288 or TDD/TTY 711 to ensure availability of the appropriate personnel to answer your questions.

VDOT ensures nondiscrimination and equal employment in all programs and activities in accordance with Title VI and Title VII of the Civil Rights Act of 1964. If you need more information or special assistance for persons with disabilities or limited English proficiency contact the project manager listed above.