



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

January 15, 2020

MOTION

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

Title: Discontinuance – Secondary System of State Highways
Route 681 in Russell County

WHEREAS, Route 681, located in Russell County, measuring approximately 0.10 of a mile, no longer provides a public convenience that warrants maintenance at public expense; and

WHEREAS, the Russell County Board of Supervisors has approved a resolution, attached hereto as Exhibit A, requesting the discontinuance of a portion of the original roadway, described as Route 681 and measuring approximately 0.10 mi., as seen in the map attached hereto as Exhibit B; and

WHEREAS, pursuant to § 33.2-908 of the *Code of Virginia*, notice of the proposed discontinuance was published in the Lebanon News on October 9, 2019; and

WHEREAS, pursuant to § 33.2-908 of the *Code of Virginia*, a section of the highway may be discontinued from the secondary state highway system by the Commonwealth Transportation Board if the highway is deemed to be not required for public convenience; and

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board approves the discontinuance of the roadway segment identified below as part of the secondary system of state highways, pursuant to §33.2-908, *Code of Virginia*, 1950, as the roadway is no longer necessary for the uses of the secondary state highway system and is no longer providing sufficient public convenience to warrant maintenance at public expense.

Secondary System of State Highways

Resolution of the Commonwealth Transportation Board
Discontinuance – Secondary System of State Highways – Route 681 in Russell County
January 15, 2020
Page Two

Discontinuance

Bristol District

Russell County

- Route 681

0.10 Mi.

Total Mileage Discontinued from the Secondary System:

0.10 Mi.

####

CTB Decision Brief

Discontinuance of Existing Route 681 Located in Russell County

Issue: Russell County Board of Supervisors has requested the Virginia Department of Transportation (VDOT) discontinue Route 681 in Russell County, which is 0.10 of a mile in length. Pursuant to §33.2-908 of the *Code of Virginia*, said discontinuance must be approved by the Commonwealth Transportation Board (Board).

Facts: The Russell County Board of Supervisors has requested the discontinuance of Route 681, from Route 608 (Straight Hollow Road) to Dead End.

The Russell County Board of Supervisors requested, by resolution on December 2, 2019 (Exhibit A, attached), the discontinuance of Route 681 (road noted in “Yellow” on Exhibit B, attached).

Upon review of the area, VDOT staff determined Route 681 should be discontinued as a part of the Secondary System of State Highways, pursuant to § 33.2-908 of the *Code of Virginia*, as it no longer provides a public convenience that warrants maintenance at public expense.

In accordance with §33.2-908, notice of the discontinuance was published in The Lebanon News newspaper on October 9, 2019. Three property owners with land abutting the section of roadway considered for discontinuance received notice via certified mail.

Recommendation: VDOT recommends the Board approve the discontinuance of Route 681 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. A resolution describing the proposed road to be discontinued 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, Deny or Defer

Public Comments/Reaction: There were no public comments made at the Russell County Board of Supervisors meeting regarding this proposed discontinuance.

Exhibit A

Board of Supervisors' Resolution

Russell County Virginia
"The Heart of Southwest Virginia"

Harry Ferguson
At-Large

Tim Lovelace
District 1

Lou Ann Wallace
District 2

Rebecca Dye, Chairperson
District 6

Steve Breeding, Vice-Chairman
District 5

Carl Rhea
District 3

David Eaton
District 4

Lonzo Lester
County Administrator

The Board of Supervisors of Russell County, in regular meeting on the 2nd day of December 2019, adopted the following:

RESOLUTION SUPPORTING DISCONTINUANCE OF STATE ROUTE 681

WHEREAS, Secondary Route 681 extends from Route 608 to 0.10 mile NW of Route 608, appears to no longer serve public convenience warranting its maintenance at public expense and should be discontinued as a part of the Secondary System of State Highways, and;

NOW, THEREFORE, BE IT RESOLVED, The Russell County Board of Supervisors concurs with and supports the action of the Virginia Department of Transportation to discontinue aforesaid portion(s) of Route 681 as a part of the Secondary System of State Highways, pursuant to §33.2-908.B, Code of Virginia, as amended.

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

Recorded Vote

Moved By: Lou Ann Wallace

Seconded By: Steve Breeding

Yeas: 7

Nays: 0

A Copy Teste:

LONZO LESTER

Lonzo Lester, County Administrator
County of Russell Virginia

Exhibit B Sketch of Proposed Road to be Discontinued



**BRISTOL DISTRICT
LEBANON RESIDENCY**

**RUSSELL COUNTY (083)
ROUTE 681 DISCONTINUANCE
Section 33.2-908.B Discontinuance**

Exhibit C Public Notice of Discontinuance

Legal Notice

Public Notice
Application for Bond
Reduction
Under Chapter 19,
Title 45.1
Code of Virginia'

PUBLICATION
NUMBER: 16RBA14

APPLICATION
NUMBER: 1010728

Paramont Contura, LLC is applying for Phase I bond reduction on increments 1, 2, 3, 4, 5 & 6 for Permit No. 1102181 located in Dickerson County 4.0 miles northeast of Transit on Fryhogan Creek. This permit consists of 417.66 acres bonded under Cost Estimate. As provided by 4VAC25-130-800.40 of the Virginia Coal Surface Mining Reclamation Regulations, the Applicant is requesting that the current total bond amount of \$1,254,000 in the form of Virginia Coal Surface Mining Reclamation Fund (Pool Bond) posted for this permit be reduced by \$598,100. This bond reduction request is based on the following Phase I reclamation: The increments have been reclaimed and seeded as per the approved plans as of February 2019. The permit has been well vegetated as per the plans. The post mining land use of

unmanaged forest is approved for 387.04 acres, 29.99 acres for Industrial Gas Well(s)/Pipeline(s) and 0.03 acres for Fish and Wildlife Habitat.

Any person with a valid legal interest which might be adversely affected by this proposal, or an officer or head of any federal, state or local government agency or authority, may within 30 days of (October 9, 2019) submit written comments or objections concerning this bond reduction, and may also request, in writing, that the Division of Mined Land Reclamation hold an informal conference concerning this application. A copy of the application materials is available electronically at <https://dmrma.virginia.gov/DmLRPermits>

All correspondence concerning this application should be submitted to the Division of Mined Land Reclamation (Attention: Permit Section), P. O. Drawer 900, Big Stone Gap, Virginia 24219. Telephone (276) 523-8180. Written comments and a request for informal conference may be e-mailed to the Division at DmLRPublicNotice@dmrma.virginia.gov. 9-18-41

Notice of Intent And Public Meeting

**R. White
Piano
Tuning**



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NOTICE OF PROPOSED ROAD DISCONTINUANCE ROUTE 681

Pursuant to §33.2-908.B of the Code of Virginia, the Virginia Department of Transportation will consider discontinuance of Route 681 (unnamed route) from Route 608 (Straight Hollow Rd) to Dead End, a distance of 0.10 mile. Anyone wishing a public hearing be held by VDOT prior to its consideration of this proposed discontinuance should contact the VDOT Lebanon Residency on or before 9 November 2019 to request a public hearing.

Virginia Department of Transportation
Lebanon Residency
1087 Fincastle Rd.
Lebanon, VA 24266
(276) 869-7801

10-19-11

Legal Notice

VIRGINIA:
IN THE CIRCUIT COURT
OF RUSSELL COUNTY

JULIE MAE
PEARL OSBORNE
ROBERTS

PLAINTIFF

VS.

Case No.:
CL-19-749

ANTHONY
RONALD
ROBERTS

DEFENDANT

ORDER OF PUBLICATION

The object of this suit is to obtain a divorce from the bond of matrimony from the defendant on the grounds of living separate and apart in excess of one year. It appearing from an affidavit that due diligence has been used by or on behalf of Plaintiff to ascertain the whereabouts of defendant, Anthony Ronald Roberts, without effect.

WHEREFORE, it is ORDERED that the Clerk of this Court submit a true copy of this Order of Publication to The Lebanon News, a newspaper of general circulation, for the Defendant to appear before this Court on or before the 25th day of November, 2019, and do what is necessary to protect his interest herein.

ENTERED this 30th day of September, 2019.
Michael L. Moore
JUDGE

MICHAEL L.

Legal Notice

VIRGINIA: IN THE
CIRCUIT COURT
OF THE COUNTY
OF RUSSELL

COUNTY OF
RUSSELL,
VIRGINIA,
a Plaintiff,
Subdivision of
the Commonwealth
of Virginia,

Complainant,

NELLIE KATE DYE,
Respondent(s).

Case No. CL-19-822

ORDER OF PUBLICATION

The object of this suit is to enforce the lien of the Complainant, County of Russell, Virginia, for delinquent real estate taxes against certain real property located in the County of Russell, Virginia, described as follows: Tax Map No. 33L-2830A Account No. 14186 TRACT NO 2: Parcel (1) All the tract or parcel of land mentioned and described in the deed of conveyance from Richard Hess and wife, bearing date on the 23rd day of October, 1942, and of record in the clerk's office of Russell County, Virginia, in Deed Book 105, page 491.

Parcel (2) All the tract or parcel of land mentioned and described in the deed of conveyance from S. F. Baldwin and others bearing date on the 15th day of September, 1941, and of record in the clerk's office of Russell County,

set out in full herein. TRACT NO. 3: All that certain lot or parcel of land situated about one-half mile north of Dry Post office, on the east side of Lewis Creek and between Lewis Creek and the public road, up same, in the New Garden Magisterial District of Russell County, Virginia, and more particularly described as follows: Beginning at a stake in the public road up Lewis Creek, said stake being N. 6-30 W. 120 feet from a white oak in the east side of the public road, and a corner to the lands of the Buckhorn Coal Company and the Hensler Lumber Company; thence up said road N. 22-30 E. 136.6 feet to a stake in the road; N. 32-27 W. 80.9 feet to a stake in the said road; thence leaving said public road, N. 82-30 W. 123.3 feet to a stake about 15 feet east of Lewis Creek; S. 7-30 W. 216.2 feet to a stake about 15 feet east of Lewis Creek and opposite a concrete pipe culvert under N. & W. Railroad; thence N. 88-30 E. 141.4 feet to the point of BEGINNING, containing 0.72 acres.

LESS AND EXCEPT for the miner rights conveyed out by Deed of Gift dated April 25, 2012 to Bobby Lee Ruzsniak, Donna Jean Whitl, Harold David Dye and Deborah Cook Cardock, which was recorded mon April 25, 2012 among the land records of the Clerk's Office of the Circuit Court

Page 745, Deed Book 661 at Page 974, Deed Book 585 at Page 328, Deed Book 585 at Page 448, Deed Book 585 at Page 452, Deed Book 629 at Page 883, Deed Book 733 at Page 560, Deed Book 745 at Page 300 and Deed Book 747 at Page 265. IT APPEARING that an Affidavit has been made and filed stating that due diligence has been used, without effect, to ascertain the identity and location of certain parties to be served, that the last known addresses for the Respondents herein are as follows: Nellie Kate Dye, whose last known address is 51 Rabbit Hollow Road, Swords Creek, Virginia 24849; and that any officers, heirs, devisees, and successors in title of the Respondent named herein are made parties Respondent to this action individually and/or by the general description of Parties Unknown. It is hereby ORDERED that the parties herein and all Parties Unknown and/or whose location cannot be ascertained appear on or before November 4, 2019 in the Clerk's Office of the County of Russell, Virginia, and do what may be necessary to protect their interests in this cause.

Entered on the 22 day of September, 2019.

Kathy Huff
D. Clerk