



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

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Richmond, Virginia 23219

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Agenda item # 13

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

June 23, 2021

MOTION

Made By: Mr. Malbon, **Seconded By:** Mr. Johnsen

Action: Motion carried, unanimously

Title: Limited Access Control Changes (LACCs)
Route 199 (Marquis Center Parkway)
York County

WHEREAS, Route 199 (Marquis Center Parkway), State Highway Project 0199-099-101, RW-202, York County was designated as a “Limited Access Highway” by the State Highway Commission, predecessor to the Commonwealth Transportation Board (CTB), on May 21, 1970; and

WHEREAS, in connection with State Highway Projects 0199-099-101, RW-202 and 0064-099-105, RW-201, the Commonwealth acquired certain limited access control easements from Ellis S. Bingley, Jr., et al., by Instrument dated October 12, 1973, recorded in Deed Book 260, Page 668, and concluded by Order dated May 7, 1975, both recorded in the Office of the Clerk of Circuit Court of the County of York; and

WHEREAS, EAH, LLC has requested two breaks in limited access control along Route 199 (Marquis Center Parkway) to construct two commercial entrances to serve as direct access to and from their planned commercial development, Marquis Crossing, onto the existing limited access right of way of Route 199 (Marquis Center Parkway), with the first access break being approximately 350 feet north of Water Country Parkway (Route 640) and directly across from Marquis Parkway (private road) and the second driveway access to Route 199 being located approximately 1,170 feet south of Penniman Road (Route 641) and directly across from the entrance to Water Country USA; and

WHEREAS, the requested breaks are from a point opposite 442+74.5 (proposed westbound lanecenterline) to a point opposite Station 444+99.5 (proposed westbound lane centerline), and from a point opposite 452+04 (proposed westbound lane centerline) to a point opposite Station 454+04 (proposed westbound lane centerline) for two separate connections to the westbound lane of Route 199, as shown on the attached Exhibit; and

WHEREAS, the County of York, by resolution, R19-138, adopted November 19, 2019, endorses the LACCs; and

WHEREAS, the Virginia Department of Transportation's (VDOT's) Chief Engineer has determined that the proposed breaks in the limited access control of Route 199 will have minimal impact on the operation of the Route 199 right of way and that the proposed LACCs are appropriate from a safety and traffic control standpoint based upon a global traffic analysis, dated November 2020, prepared by RK&K; and

WHEREAS, VDOT's Hampton Roads District has determined that the location of the proposed LACCs are not within an air quality maintenance or non-attainment area. In addition, the environmental impact analysis was reviewed and approved by the Hampton Roads District and there will be no adverse environmental impacts; and

WHEREAS, public notices of willingness to receive public comment were posted in the *Daily Press* newspaper on March 24, 2021, and April 1, 2021, and in the *New Journal & Guide* on March 25, 2021, and April 1, 2021, with no comments received; and

WHEREAS, the Federal Highway Administration has provided the requisite approval for the proposed LACCs; and

WHEREAS, compensation shall be paid by the requestor in consideration of the LACCs and the related easements to be conveyed, as determined by the Commissioner of Highways or his designee; and

WHEREAS, the requestor has borne all the appropriate costs in accordance with 24 VAC 30-401-20; and

WHEREAS, all right of way, engineering, construction, and necessary safety improvements shall meet all VDOT standards and requirements; and

WHEREAS, all costs of engineering and construction, including all necessary safety improvements, will be borne by the requestor; and

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WHEREAS, the requestor will be required to obtain a land use permit from VDOT prior to any activity within the Route 199 limited access right of way.

NOW, THEREFORE, BE IT RESOLVED, in accordance with § 33.2-401 of the *Code of Virginia* and 24 VAC 30-401-10, the CTB hereby finds and concurs with the determinations of VDOT, and approves said LACCs, as set forth herein, subject to the above referenced conditions.

BE IT FURTHER RESOLVED, the Commissioner of Highways is authorized to take all actions and execute any and all documents necessary to implement such changes.

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CTB Decision Brief
Route 199 (Marquis Center Parkway)
County of York
Limited Access Control Changes (LACCs)

Issues: EAH, LLC has requested two breaks in limited access control along Route 199 (Marquis Center Parkway) to construct two separate commercial entrances which will serve as direct access to and from their planned commercial development, Marquis Crossing, onto the existing limited access right of way of Route 199 (Marquis Center Parkway), with the first access break being approximately 350 feet north of Water Country parkway (Route 640) and directly across from Marquis Parkway (private road) and the second driveway access to Route 199 being located approximately 1,170 feet south of Penniman Road (Route 641) and directly across from the entrance to Water Country USA. These limited access control changes requires approval of the Commonwealth Transportation Board (CTB) pursuant to § 33.2-401 of the *Code of Virginia* and 24 VAC 30-401-20 of the *Virginia Administrative Code*.

Facts:

- Route 199 (Marquis Center Parkway), State Highway Project 0199-099-101, RW-202, York County was designated as a limited access highway by State Highway Commission predecessor to the CTB, on May 21, 1970.
- In connection with State Highway Projects 0199-099-101, RW-202, and 0064-099-105, RW-201, the Commonwealth acquired certain limited access control easements from Ellis S. Bingley, Jr., et al., by Instrument dated October 12, 1973, recorded in Deed Book 260, Page 668, and concluded by Order dated May 7, 1975, both recorded in the Office of the Clerk of Circuit Court of the County of York.
- The proposed breaks are from a point opposite 442+74.5 (proposed westbound lane centerline) to a point opposite Station 444+99.5 (proposed westbound lane centerline), and from a point opposite 452+04 (proposed westbound lane centerline) to a point opposite Station 454+04 (proposed westbound lane centerline); for two separate connections to the westbound lane of Route 199, as shown on the attached Exhibit.
- The written determination of the Chief Engineer regarding this proposed project is attached for your consideration.
- The County of York, by resolution, R19-138, adopted November 19, 2019, endorses the LACC.
- VDOT's Chief Engineer has determined that the proposed breaks in the limited access control of Route 199 will have minimal impact on the operation of the Route 199 right of way and that the proposed LACCs are appropriate from a safety and traffic control standpoint based upon a global traffic analysis, dated November 2020, prepared by RK&K
- VDOT's Hampton Roads District has determined that the location of the proposed LACCs are not within an air quality maintenance or non-attainment area. In addition, the environmental impact analysis was reviewed and approved by the Hampton Roads District and there will be no adverse environmental impacts.
- Public notices of willingness to receive public comment were posted in the *Daily Press* newspaper on March 24, 2021, and April 1, 2021, and in the *New Journal & Guide* on March 25, 2021, and April 1, 2021, with no comments received.
- The Federal Highway Administration has provided the requisite approval for the proposed LACCs.
- Compensation shall be paid by the requestor in consideration of the LACCs and the related easements to be conveyed, as determined by the Commissioner of Highways or his designee.
- The requestor has borne all appropriate costs in accordance with 24VAC 30-401-20.

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- All right of way, engineering, construction, and necessary safety improvements shall meet all VDOT standards and requirements.
- All costs of any engineering, construction or safety improvements will be borne by the requestor.
- The requestor will be required to obtain a land Use permit from VDOT prior to any activity within the Route 199 limited access right of way.

Recommendation: VDOT recommends the approval of the proposed LACCs subject to the referenced conditions and facts. VDOT further recommends that the Commissioner be authorized to take all actions and execute all documentation necessary to implement the LACCs.

Action Required by CTB: Section 33.2-401 of the *Code of Virginia* requires a majority vote of the CTB for approval. The CTB will be presented with a resolution for a formal vote.

Result, if Approved: The project will move forward as proposed and the Commissioner of Highways will be authorized to take all actions necessary to comply with this resolution.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: None

**MINUTES
OF
MEETING OF STATE HIGHWAY COMMISSION
RICHMOND, VIRGINIA
May 21, 1970**

The monthly meeting of the State Highway Commission was held at the Central Highway Office in Richmond on May 21, 1970 at 10 a. m. Mr. Douglas B. Fugate, Chairman, presided.

Present: Messrs. Fugate, Baughan, Chilton, Duckworth, Glass, Hairston, Landrith, and Weaver. Absent: Mr. Fitzpatrick.

On motion of Mr. Landrith, seconded by Mr. Hairston, minutes of the meeting of April 23, 1970 were approved.

Motion was made by Mr. Landrith, seconded by Mr. Hairston, that permits issued from April 23, 1970 to May 20, 1970, inclusive, as shown by records of the Department, be approved. Motion carried.

On motion of Mr. Landrith, seconded by Mr. Hairston, cancellation of permits from April 23, 1970 to May 20, 1970, inclusive, as shown by records of the Department, was approved.

Mr. Blair Wakefield, Executive Director of the Virginia State Ports Authority, accompanied by Mr. John Anderson, appeared before the Commission relative to the granting of overweight permits by the Highway Commission for haulers involved in the movement of containerized cargoes. Mr. Fugate told Mr. Wakefield this matter would be referred to the Commission committee on permits and he would try to give a reply after the June meeting of the Commission.

5-21-70

Moved by Mr. Duckworth, seconded by Mr. Hairston,
that

WHEREAS, in accordance with the provisions of Section 128 of Title 23 - Highways, United States Code, and Policy and Procedure Memorandum 20-8, a location public hearing was held in the Auditorium of the Berkely Jr. High School, in James City County, Virginia, on April 18, 1969, at 10 a. m., for the purpose of considering the proposed location of Route 199 from the intersection of Route 5 (Southwest of Williamsburg) to the intersection of Route 64 (Southeast of Williamsburg), referred to as the Williamsburg Artery, in the City of Williamsburg and James City and York Counties, State Projects 0199-137-101, 0199-047-101 and 0199-099-101, and

WHEREAS, proper notice was given in advance and all those present were given a full opportunity to express their opinions and recommendations for or against the proposed improvement as planned and their statements being duly recorded, and

WHEREAS, the economic, social and environmental effects of the proposed improvement have been examined and given proper consideration, and this evidence, along with all other, has been carefully reviewed, now, therefore,

BE IT RESOLVED, that the location of this project be approved in accordance with the general plan as proposed and presented at said location public hearing by the Department engineers. This proposed location of Route 199 (Williamsburg Artery) passes to the south of the City of Williamsburg.

BE IT FURTHER RESOLVED, that this project, here referred to as the Williamsburg Artery, be designated as a Limited Access Highway in accordance with Article 3, Chapter 1, Title 33 of the 1950 Code of Virginia, as amended, and in accordance with the Highway Commission Policy for by-passes of cities and towns.

BE IT FURTHER RESOLVED, that pursuant to Section 33-26 of the 1950 Code of Virginia, as amended, the proposed new location herein approved and referred to as the Williamsburg Artery, generally by-passing the City of Williamsburg, in James City and York Counties, approximately 5.6 miles, be added to the Primary System of Highways and designated Virginia Route 199.

MOTION CARRIED.

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall,
Yorktown, Virginia, on the 19th day of November, 2019:

<u>Present</u>	<u>Vote</u>
Thomas G. Shepperd, Jr., Chairman	Yea
W. Chad Green, Vice Chairman	Yea
Walter C. Zaremba	Yea
Sheila S. Noll	Yea
Jeffrey D. Wassmer	Yea

On motion of Mrs. Noll, which carried 5:0, the following resolution was adopted:

A RESOLUTION TO SUPPORT THE REQUEST OF EAH, LLC TO OBTAIN APPROVAL FROM THE COMMONWEALTH TRANSPORTATION BOARD FOR A BREAK IN THE LIMITED ACCESS RESTRICTION ON THE WESTBOUND LANES OF ROUTE 199 (MARQUIS CENTER PARKWAY) BETWEEN WATER COUNTRY PARKWAY AND PENNIMAN ROAD

WHEREAS, EAH, LLC has approached the York County Board of Supervisors to seek the Board's support of a request to the Commonwealth Transportation Board for authorization of a break in the limited access status of Route 199 (Marquis Center Parkway); and

WHEREAS, EAH, LLC desires to develop the 32-acre parcel for which access is requested, located at 200 Water Country Parkway and further identified as Assessor's Parcel No. 11-16-4, for commercial use in accordance with its existing Economic Opportunity zoning and Comprehensive Plan designation; and

WHEREAS, EAH, LLC has provided a conceptual plan of development for the property depicting a driveway access to Route 199 located approximately 350 feet north of Water Country Parkway (Route 640) and directly across from Marquis Parkway (private road) and a second driveway access to Route 199 located approximately 1,170 feet south of Penniman Road (Route 641) and directly across from the entrance to Water Country USA; and

WHEREAS, the only other access options available to the property would be from Penniman Road and/or Water Country Parkway, both of which are significantly less attractive for commercial development in terms of their traffic volumes, visibility, and general configuration; and

WHEREAS, detailed analysis of this segment of Route 199 has demonstrated that the proposed access can be accommodated on Route 199 with no significant deterioration of the carrying capacity or safety of this road segment; and

WHEREAS, the Board of Supervisors has carefully considered the developer's proposal and determined that it is a request worthy of support;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of November, 2019, that it does hereby endorse the request of EAH, LLC to obtain authorization from the Commonwealth Transportation Board for a limited access break that would allow the installation of a driveway to Route 199 located approximately 350 feet east of Water Country Parkway (Route 640) and directly across from Marquis Parkway (private road) and a second driveway to Route 199 located approximately 1,170 feet south of Penniman Road (Route 641) and directly across from the entrance to Water Country USA as depicted on the site concept plan titled "MARQUIS CROSSING CONCEPTUAL LAYOUT – OPTION A" prepared by AES Consulting Engineers and dated July 25, 2019.

BE IT FURTHER RESOLVED that the Board's endorsement of this request is made with the understanding that any and all necessary improvements within the Route 199 right-of-way will be undertaken solely at the expense of EAH, LLC and in accordance with all requirements and standards prescribed and established by the Commonwealth Transportation Board and the Virginia Department of Transportation.

A Copy Teste:


Mary E. Simmons
Deputy Clerk

OFFER TO PURCHASE AND ADJACENT LANDOWNER'S AFFIDAVIT

Route: 199, Project: 0199-099-101, RW-202 and 0064-099-105, RW-201, County: York
Former Property of Ellis S. Bingley, Jr., et al.
PMI #: 8942
Date: May 5, 2021

Brief legal description of Virginia Department of Transportation Easements:

Being as shown in RED on Sheets 10 and 11 of the plans for Route 199, State Highway Project 0199-099-101, RW-202 and 0064-099-105, RW-201 and lying along the west proposed right of way and limited access line of Route 199 from a point opposite Station 442+74.5 (Proposed WBL centerline) to a point opposite Station 444+99.5 (Proposed WBL centerline); and from a point opposite Station 452+04 (Proposed WBL centerline) to a point opposite Station 454+04 (Proposed WBL centerline); and being a part of the same easements acquired from Ellis S. Bingley, Jr., et al., by Instrument dated October 12, 1973, recorded in Deed Book 260, Page 668, and concluded by Order dated May 7, 1975, both recorded in the Office of the Clerk of the Circuit Court of York County, Virginia. ("Easements")

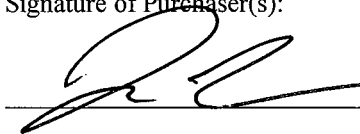
I/We do AGREE to purchase the Easement described above for \$209,000.00 and do SWEAR and AFFIRM that EAH LLC ("Purchaser(s)") is the Owner(s) of record of the land immediately adjacent to the described Easement.

This Offer is conditionally accepted by the Virginia Department of Transportation subject to Notice of Offer Acceptance, to be provided in writing, by the State Director of Right of Way and Utilities or his/her designee and approval of the Limited Access Control Changes (Breaks) by the Commonwealth Transportation Board.

Purchaser(s) understand the Easements are sold "as is", and will be conveyed by quitclaim deed. Purchaser(s) understand that a formal closing will take place within 60 days of receipt of executed Offer To Purchase And Adjacent Landowner's Affidavit at which time Purchaser(s) will be required to pay for recording of the deed and any tax or fee associated with the recordation of the property transfer.

The deed for the Easements being conveyed is to be titled in the exact manner the adjoining land is titled in the local courthouse records (Purchaser's deed is attached.)

Signature of Purchaser(s):



Managing Member

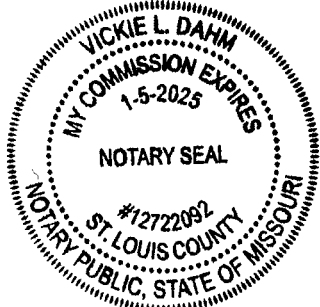
State of MO

County/City/Town of St. Louis

The foregoing instrument was acknowledged before me this 17 day of May, 2021, by Vickie L Dahm.

Affix Stamp for Notary ID and Commission Expiration Date: 1/5/2025


Notary Public





COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, VIRGINIA 23219-2000

Stephen C. Brich, P.E.
COMMISSIONER

June 1, 2021

The Honorable Shannon Valentine
The Honorable Stephen C. Brich, P. E.
The Honorable Jennifer Mitchell
The Honorable Jerry L. Stinson
The Honorable Mary H. Hynes
The Honorable Alison DeTuncq
The Honorable Bert Dodson, Jr.
The Honorable W. Sheppard Miller III
The Honorable Carlos M. Brown
The Honorable Cedric Bernard Rucker
The Honorable Stephen A. Johnsen
The Honorable Mark H. Merrill
The Honorable E. Scott Kasprovicz
The Honorable Raymond D. Smoot Jr.
The Honorable Marty Williams
The Honorable John Malbon
The Honorable Greg Yates

Subject: Approval of Limited Access Control Changes (LACCs) for Route 199 (Marquis Center Parkway)

Dear Commonwealth Transportation Board Members:

The Department has received a request for your consideration from EAH, LLC for two breaks in the limited access control along Route 199 to construct two commercial entrances to serve as direct access to and from their planned commercial development, Marquis Crossing, onto the existing limited access right of way of Route 199. The Department's staff has determined there will be minimal impact on the operation to Route 199 and that the proposed LACCs are appropriate from a design, safety and traffic control standpoint.

The request meets the engineering criteria and guidelines set forth in Title 24, Agency 30, Chapter 401 of the Virginia Administrative Code. I have reviewed the Staff's recommendations, and determined that approving the limited access control changes will not adversely affect the safety or operation of the affected highway network. I have determined that this request should be considered by the Board.

Sincerely,

DocuSigned by:

Bart Thrasher

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Barton A. Thrasher, P.E.
Chief Engineer

LIMITED ACCESS BREAK EXHIBIT

NOTES

1. THE LOCATION OF THE EXISTING AND PROPOSED LIMITED ACCESS LINES ALONG MARQUIS CENTER PARKWAY ROUTE 199 ARE TIED BY STATION TO THE EXISTING WESTBOUND CENTERLINE ALIGNMENT PER STATE HIGHWAY PROJECT 0199-099-101, RW-202.
2. THIS EXHIBIT SHOWS THE LOCATION OF THE EXISTING LIMITED ACCESS LINE AS DELINEATED ON SHEETS 10 AND 11 OF THE STATE HIGHWAY PROJECT 0199-099-101, RW-202.

