



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

1401 East Broad Street
Richmond, Virginia 23219

(804) 482-5818
Fax: (804) 786-2940

Agenda item # 7

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

April 19, 2022

MOTION

Made By: Mr. Merrill **Seconded By:** Ms. Hynes
Action: Motion carried, unanimously

Title: Locality Land Conveyances, Waddell Street,
City of Lexington

WHEREAS, Section 33.2-913 of the Code of Virginia (1950) allows the Commonwealth Transportation Board to transfer (convey) to the locality, upon petition of the said locality's governing body, real estate acquired incidental to the construction, reconstruction, alteration, maintenance or repair of the Secondary System of State Highways, which constitutes a section of public road, and upon such transfer, such section of road shall cease, if required, being a part of the Secondary System of State Highways; and

WHEREAS, the City of Lexington has requested by Resolution 2021-08 the transfer and conveyance of the real estate for a portion of the rights of way of Waddell Street, acquired and constructed for the purpose of access to and the development of the Virginia Department of Transportation's Lexington Residency lot; and

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of Section 33.2-913 of the Code of Virginia (1950), as amended, the conveyance of the said real estate is approved as set forth and upon conveyance, the roads shall no longer be a part of the Secondary System of Highways, and 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.

###

CTB Decision Brief
Locality Land Conveyance
Waddell Street
City of Lexington

Issue: Section 33.2-913 of the *Code of Virginia* allows the Commonwealth Transportation Board to transfer (convey) to the 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.

The City of Lexington has petitioned by Resolution 2021-08, for the transfer and conveyance to the City of Lexington the right of way for Waddell Street acquired and constructed for the purpose of access to and development of the Virginia Department of Transportation's Lexington Residency Lot and the requested conveyance requires approval by the CTB.

Facts: The City of Lexington is maintaining, as part of the City's urban street system, the portion of Waddell Street that is set forth in the attached *Survey for City of Lexington, Virginia Department of Transportation, Old Lexington Residency Lot* (Exhibit A) and is the subject of the requested transfer/conveyance.

This proposed conveyance has been reviewed and approved by the Director of Right of Way and Utilities.

Recommendations: VDOT recommends that the land be conveyed to the City of Lexington for public street purposes and continued inclusion and maintenance of this portion of Waddell Street by the City as part of the City's urban street system.

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

Result, if Approved: If said resolution is approved, the Commissioner of Highways will be authorized to execute a deed to convey the property.

Options: Approve, Deny, or Defer

Public Comments/Reactions: None

RESOLUTION OF THE CITY COUNCIL OF LEXINGTON, VIRGINIA

Petition to convey sections of public highway, being portions of the rights of way for Waddell Street, from the Virginia Department of Transportation to the City of Lexington, Virginia

WHEREAS, the Commonwealth of Virginia (the "Commonwealth") acquired land for the purposes of constructing the Virginia Department of Transportation's Lexington Residency Lot and roads providing access thereto; and

WHEREAS, the Commonwealth acquired lands from Nancy W. Scott by Deed dated April 24, 1950, recorded in Deed Book 207, Page 443; G.A. Jones by Final Decree dated July 20, 1950, recorded in Deed Book 208, Page 30; Town of Lexington by Deed dated June 9, 1950, recorded in Deed Book 207, Page 372; and Thomas F. Moore, by Deed dated April 24, 1950, recorded in Deed Book 207, Page 389; all being recorded among the land records of Rockbridge County; and

WHEREAS, the City of Lexington Code § 356-1, adopted as part of the City's transition from a Town in 1958, establishes the street system for the City; and

WHEREAS, Waddell Street is a part of the street system of the City; and

WHEREAS, under Virginia Code § 33.2-913 a local governing body may petition the Commonwealth Transportation Board to transfer real estate acquired incidental to the construction, reconstruction, alteration, maintenance or repair of the secondary state highway system that constitutes a section of public highway to the local governing body, and upon such transfer, such section of highway shall cease being a part of the secondary state highway system; and

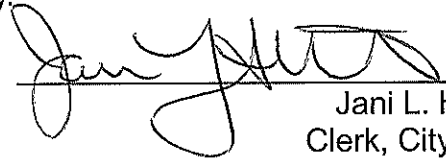
WHEREAS, the City currently maintains those sections of the public rights of way not owned by the Commonwealth; and

WHEREAS, the transfer of these sections of the Waddell Street rights of way owned and controlled by the Commonwealth to the City would assist the City in the maintenance and administration of those rights of way.

NOW, THEREFORE BE IT RESOLVED, that the City Council of Lexington, Virginia, pursuant to Virginia Code § 33.2-913, as amended, hereby petitions and requests that the Commonwealth Transportation Board:

- a) Authorize the transfer from the Secondary System of State Highways to the City's local road system, of the sections of public highway known as Waddell Street acquired through the deeds described above and shown on the attached Exhibit; and

- b) Approve conveyance by the Commonwealth of Virginia to the City of Lexington, Virginia of all fee simple, easement, and other real property interests and rights the Commonwealth has acquired and/or possesses in such portions of the public highway.



Jani L. Hostetter
Clerk, City Council

ROLL CALL

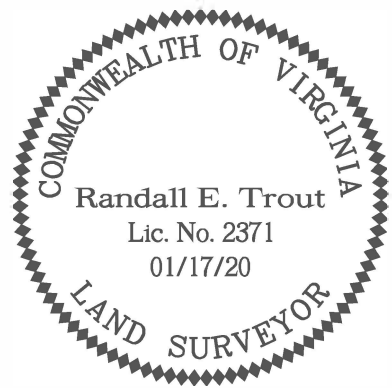
<u>Name</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Marylin E. Alexander	✓			
J. Charles Aligood	✓			
Dennis W. Ayers	✓			
David G. Sigler	✓			
Charles "Chuck" Smith	✓			
Leslie C. Straughan	✓			

NOTES

- 1) This plat was drawn from an actual field survey and is intended to represent that property conveyed to the Commonwealth Of Virginia of record in deed book 208 page 31 and deed book 207 pages 372, 389 and 443. Plat references, state highway plat book #1 pages 27, 28, 33 and 36.
- 2) This survey was performed without the benefit of a title report and may not indicate all encumbrances upon the property. Unwritten rights not addressed.
- 3) That deed to the Commonwealth Of Virginia of record in deed book 207 page 372 reserved as public streets those parcels designated on this plat as parcel #1 (0.938 acres) and parcel #2 (0.471 acres). The total combined area of parcels 1 and 2 is 1.409 acres.
- 4) The total combined acreage of tax parcel 35-1-12, shown on this plat as parcels 3 and 4, is 5.304 acres. Said acreage does not include parcels 1 and 2. Total area surveyed, parcels 1-4, is 6.713 acres.

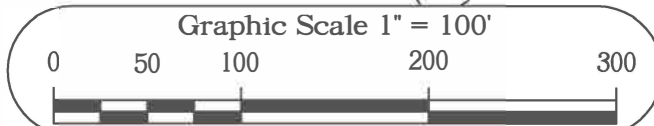
Legend:

- Overhead Utility Line
- Utility Pole
- Metal Fence



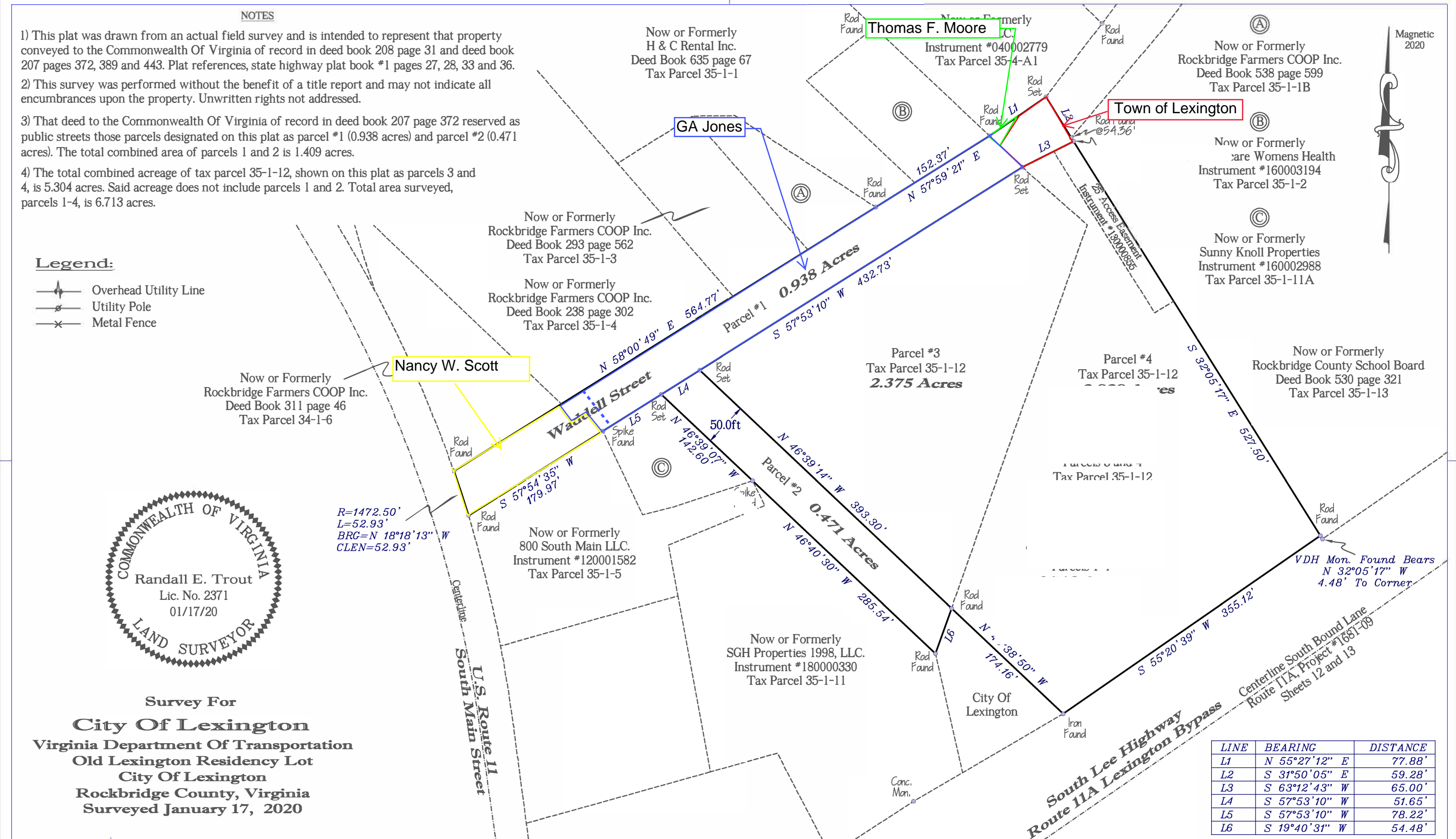
Survey For
City Of Lexington
 Virginia Department Of Transportation
 Old Lexington Residency Lot
 City Of Lexington
 Rockbridge County, Virginia
 Surveyed January 17, 2020

TROUT LAND SURVEYING
 1366 Forge Road
 Lexington, Va. 24450
 (540) 261-8995
 Randall E. Trout, L.S.



DWN. BY	REVISION:				PROJ. NO: 01476
	RET	NO.	DATE	REV. BY	
SIZE					SHEET
2					1 OF 1

Magnetic
2020



LINE	BEARING	DISTANCE
L1	N 55°27'12" E	77.88'
L2	S 31°50'05" E	59.28'
L3	S 63°12'43" W	65.00'
L4	S 57°53'10" W	51.65'
L5	S 57°53'10" W	78.22'
L6	S 19°40'31" W	54.48'

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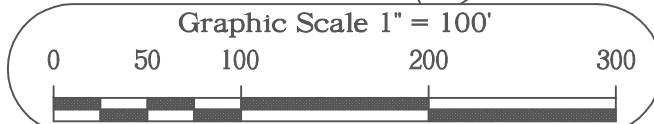
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DWN. BY		REVISION:				PROJ. NO.
RET	NO.	DATE	REV. BY	REVISION		01476
SIZE						SHEET
2						1 OF 1

Magnetic
2020



$R=1472.50'$
 $L=52.93'$
 $BRG=N 18^{\circ}18'13'' W$
 $CLEN=52.93'$

LINE	BEARING	DISTANCE
L1	N 55°27'12" E	77.88'
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L3	S 63°12'43" W	65.00'
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