



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

1401 East Broad Street
Richmond, Virginia 23219

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Agenda item # 1

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

December 4, 2024

MOTION

Made By: Mr. Stant, **Seconded By:** Mr. Coleman

Action: Motion Carried, Unanimously

Title: Abandonment – Primary System of State Highways Portion of Route 322 Located in James City County

WHEREAS, pursuant to §33.2-902, *Code of Virginia 1950*, as amended, the Commissioner of Highways was provided with a request to abandon from the Primary System a portion of State Highway Route 322, an institutional road on the grounds of Eastern State Hospital, as seen in the map attached hereto as Exhibit B, in James City County. This matter is being considered at the request of the Virginia Department of Behavioral Health and Developmental Services. That agency's request is attached hereto as Exhibit A. The portion of Route 322 proposed for abandonment is 0.27 of a mile and 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 Virginia Department of Transportation (VDOT) posted notice, attached hereto as Exhibit C, of the intent to abandon such segment on behalf of the Commonwealth Transportation Board (Board) and such posting was completed in accordance with § 33.2-902; 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.

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.

Primary System of State Highways

Abandonment

Hampton Roads District
James City County
• Route 322

0.27 Mi.

Total Mileage Abandoned from the Primary System: 0.27 Mi.

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CTB Decision Brief

Abandonment of Portion of Route 322 Located in James City County

Issue: The Virginia Department of Behavioral Health and Developmental Services has requested the abandonment of a portion of Route 322, an Institutional road in James City County, and requests the approval of the Commonwealth Transportation Board (Board).

Facts: The portion of Route 322 in James City County, a distance of 0.27 mile, serves and is on the grounds of the Eastern State Hospital and is no longer necessary as a public road. This matter is being considered at the request of the Virginia Department of Behavioral Health and Developmental Services, attached as Exhibit A.

The Virginia Department of Behavioral Health and Developmental Services has submitted a letter of request requesting the 0.27 mile abandonment of a portion of Route 322 (segment identified in “Red” on Exhibit B, attached).

Upon review of the area, VDOT staff determined the 0.27 mile segment 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 *Daily Press* publication on October 31 and November 2, 2024 (Exhibit C, attached). No request was received to hold the public hearing.

Recommendations: VDOT recommends the Commonwealth Transportation Board approve the abandonment of the portion of Route 322 referenced above.

Action Required by CTB: The *Code of Virginia* requires a majority of the Board’s members to approve the proposed abandonment. A resolution describing the proposed segment to be abandoned is provided for the Board’s consideration.

Result if Approved: If approved, the segment of highway will no longer be available for use by the public.

Options: Approve, Deny, or Defer

Public Comments/Reactions: A public hearing was not requested to be held.

Exhibit A
Virginia Department of Behavioral Health and Developmental Services
Letter of Request dated October 16, 2024



COMMONWEALTH of VIRGINIA

NELSON SMITH
COMMISSIONER

DEPARTMENT OF
BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Post Office Box 1797
Richmond, Virginia 23218-1797

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October 16, 2024

Mr. Glenn Brooks, P.E.
Williamsburg Area Land Use Engineer
VDOT Williamsburg Residency
4451 Ironbound Road
Williamsburg, Virginia 23188

RE: Eastern State Hospital – Partial Abandonment of Route 322 – Schmidt Road

Dear Mr. Brooks:

In my capacity as Commissioner of the of the Department of Behavioral Health & Developmental Services, and on the behalf of Eastern State Hospital, the agency requests the abandonment of a portion of Route 322 specifically Schmidt Road beginning at Ironbound Road and terminating at Galt Road being a section of road being approximately 0.27 miles in length and located on the campus of Eastern State Hospital (ESH) in James City County and the related highway system changes associated with this action. ESH will continue to access the remainder portion of Schmidt Road by means of Galt Lane. These proposed changes are shown in the yellow highlighted area on the enclosed plat.

This abandonment is being requested pursuant to §33.2-902 and for the purpose of subdividing a portion of the Eastern State Hospital site for the conveyance of property to James City County on behalf of Colonial Behavioral Health pursuant to the 2024 General Assembly, Special Session I, Item 295 Q.

If you have any questions related to this proposed highway change, do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Nelson Smith", written over a horizontal line.

Nelson Smith, Commissioner
Virginia Department of Behavioral Health and Developmental Services

cc Angela Harvell, Deputy Commissioner, DBHDS
Robert Johnston, Director Office of Environment of Care, DBHDS
Hugh Hubinger, Division of Real Estate Services, DGS

Attachment: Survey titled, "Subdivision of the Property of Commonwealth of Virginia DBHDS, Jamestown District, James City County, Virginia" prepared by Timmons Group dated April 25, 2024 and revised May 23, 2024

Exhibit B

Sketch of Proposed Road Segment to be Abandoned James City County – 0.27 of Mile Segment of Route 322



Exhibit C
“Notice of Intent to Abandon”

Published in the *Daily Press*
October 31 and November 2, 2024



Institutional Route 322
(Schmidt Road)
James City County

Willingness to Hold Public Hearing
Notice of Intent to Abandon Public Road

Pursuant to §33.2-902 Code of Virginia, the Virginia Department of Transportation (VDOT) will consider the abandonment of a portion of Route 322 (Schmidt Road), beginning at Ironbound Road and terminating at Galt Lane, for a distance of 0.27 miles on the campus of Eastern State Hospital in James City County. This proposed abandonment is being requested for the purpose of subdividing a portion of the Eastern State Hospital site for the conveyance of property to James City County on behalf of Colonial Behavioral Health pursuant to the 2024 General Assembly, Special Session I, Item 295 Q.

VDOT is willing to hold a public hearing prior to considering the abandonment of Route 322 if one or more property owners makes a request. A public hearing may be requested in writing to Mr. Glenn Brooks, Land Use Engineer, 4451 Ironbound Road, Williamsburg, VA 23188 by close of business on **November 30, 2024**.

Additional information about the proposed abandonment is available at VDOT's Williamsburg Residency Office located at 4451 Ironbound Road, Williamsburg, VA. **Please call ahead at 757-253-5138, 1-800-367-7623 or TTY/TDD 711 to ensure the availability of appropriate personnel to share more information and 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 VDOT's Civil Rights Division at 757-956-3000, TTY/TDD 711.