



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

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Agenda item #2-F

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

April 19, 2007

MOTION

Made By: Mr. Witt Seconded By: Mr. Keen Action: Motion Carried, Unanimously

Title: Easement Conveyance, Route 165, City of Virginia Beach

WHEREAS, in connection with Route 165, State Highway Project 0165-134-104, RW-203, the Commonwealth acquired a certain easement from Anderson Jay Ward, et al., by Instrument dated April 30, 1991, recorded in Deed Book 2986, Page 1998, and later concluded by Order Confirming Commissioner's Report dated September 2, 1993, recorded in Deed Book 3265, Page 2061; and Russell D. Gallup, Jr., et al., by Instrument dated May 8, 1991, recorded in Deed Book 2988, Page 801A, and later concluded by Order dated October 17, 1991, recorded in Deed Book 3025, Page 2043, all recorded in the Office of the Clerk of the Circuit Court of the City of Virginia Beach; and

WHEREAS, the Commonwealth Transportation Commissioner has certified in writing that the easement containing 1.404 acres, more or less, and lying northeast of and adjacent to the northeast proposed right of way line of Route 165 and lying on both sides of and adjacent to the proposed ditch traverse centerline from a point at approximate Station 11+04 (traverse ditch centerline) to a point at approximate Station 27+27 (traverse ditch centerline) was acquired incidental to the construction, reconstruction, alteration, maintenance and repair of Route 165 and does not constitute a section of the public road and is deemed by him no longer necessary for the uses of the State Highway System; and

WHEREAS, this conveyance is to be made in accordance and compliance with the provisions and notice requirements of Sections 33.1-149 and 33.1-223.2:2 of the *Code of Virginia* (1950), as amended; and

WHEREAS, the adjacent landowner has requested that the surplus easement be conveyed.

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NOW, THEREFORE, BE IT RESOLVED, in accordance and compliance with the provisions and notice requirements of Sections 33.1-149 and 33.1-223.2:2 of the *Code of Virginia* (1950), as amended, the conveyance of the said easement, so certified, is approved and the Commonwealth Transportation Commissioner is hereby authorized to execute, in the name of the Commonwealth, a deed conveying the easement for a consideration satisfactory to the State Director, Right of Way and Utilities, subject to such restrictions as may be deemed appropriate.

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