



Legislation Text

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Resolution Authorizing a Petition to the Commonwealth Transportation Board to Transfer Certain Real Property Acquired for the Construction of a Portion of N. Mallory Street to the City of Hampton Pursuant to Virginia Code §§ 33.2-1001 and 33.2-907

**PURPOSE/BACKGROUND:**

In or around 2012, staff became aware that title to a number of right-of-way projects administered by the Virginia Department of Transportation (“VDOT”) were not transferred to the City upon completion. Sporadic guidance has been received from VDOT over the years regarding its process; however, conclusive direction was not forthcoming until recently. This resolution is being presented for Council consideration to enable staff to engage in VDOT’s process to transfer certain real property from the Commonwealth to the City.

Construction of a portion of N. Mallory Street from north of County Street to Seaboard Avenue, VDOT Project No. 1048 M-6 1520-A, entitled “Elizabeth City County, From 0.086 MI.W. INT. RTE. 258 IN PHOEBUS TO 1.708 MI. E. OF E.C.L. PHOEBUS (AT BAY AVENUE IN BUCKROE)” (the “Project”), began with VDOT acquiring approximately 51 parcels from 1946 to 1949, including a net length of 10,343 feet (1.96 miles), more or less, resulting in the Project site as illustrated on the attached sketch (the “Property”). Staff recommends approval of the resolution to enable the City to assume its rights and responsibilities of ownership of the Property.

**Discussion:**

N/A

**Impact:**

N/A

**Recommendation:**

Approve Resolution

**WHEREAS**, in the normal course of right-of-way construction administered by the Virginia Department of Transportation (“VDOT”), the Commonwealth of Virginia (the “Commonwealth”) transfers real property of right-of-way projects to the localities upon completion of the projects;

**WHEREAS**, the Commonwealth acquired parcels of real estate for the construction, reconstruction, alteration, maintenance, or repair of a portion of N. Mallory Street, from north of County Street to Seaboard Avenue, entitled “Elizabeth City County, From 0.086 MI.W. INT. RTE. 258 IN PHOEBUS TO 1.708 MI. E. OF E.C.L. PHOEBUS (AT BAY AVENUE IN BUCKROE)” (the “Project”) located in the City of Hampton, Virginia (the “City”);

**WHEREAS**, particulars of the Project include:

Commonwealth Project No.: 1048 M-6 1520-A

Years Acquired: 1946-1949

Number of Parcels Acquired: 51

Net Length: 10,343 feet (1.96 miles), more or less;

**WHEREAS**, all aspects of the construction, reconstruction, alteration, maintenance, and/or repair of the Project are complete, and title to the real property encompassed by the Project remains vested in the Commonwealth;

**WHEREAS**, the Project constitutes a section of public roadway and related residual areas acquired, and the City maintains the right of way included in the Project;

**WHEREAS**, in or around 2012, staff became aware that title to a number of right-of-way projects administered by VDOT were not transferred to the City in the normal course, including the Project;

**WHEREAS**, the City Council, believing it is in the best interest of the City for title to the right of way acquired in connection with the Project be transferred to the City, petitions the Commonwealth to transfer the real property of the Project to the City pursuant to § 33.2-907 of the Code of Virginia, 1950, as amended.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HAMPTON, VIRGINIA:**

1. That the City Council of Hampton hereby petitions the Commonwealth Transportation Board, pursuant to §§ 33.2-1001 and 33.2-907 of the Code of Virginia, 1950, as amended, to transfer all real estate, property, and interests comprising the right-of-way acquired incidental to the construction, reconstruction, alteration, maintenance, or repair of the Project, to the City of Hampton, and to take such other action as necessary to complete the conveyance of title for the real property of the right of way to the City of Hampton, and upon transfer, such real property shall cease being a part of the State Highway System.

2. That the City Manager, or her authorized designee, is hereby authorized to execute any and all documents to complete the conveyance of title to the right of way of the Project from the Commonwealth to the City, so long as the documents contain such terms, conditions, and modification as may be acceptable to the City Manager and in a form deemed satisfactory the City Attorney.