

RESOLUTION

ABANDONMENT OF A PORTION OF THE RIGHT-OF-WAY (ROW) FOR

JOLLY POND ROAD (STATE ROUTE 633)

- WHEREAS, State Route 633 exists in James City County, Virginia (the “County”), a portion of which lies southeast of the intersection of State Route 611 and southwest of the intersection with State Route 614 and is part of a road known as Jolly Pond Road; and
- WHEREAS, the Commonwealth Transportation Board, by resolution adopted on March 14, 2012, discontinued the following portion of Jolly Pond Road from the Secondary System of Highways: the portion of road located 0.80 miles southeast of the intersection of Route 611 to 1.20 miles southwest of the intersection of Route 614 for a total of 0.13 miles (the “Discontinued ROW”); and
- WHEREAS, William C. Kane, Jr. and Angelia K. Kane, as Co-Trustees of the William C. Kane, Jr. Revocable Trust Agreement, dated May 14, 2013 (the “Owner”) own property located at 2756 Jolly Pond Road, further identified as James City County Real Estate Tax Map ID 3520100007 (the “Property”), a portion of which is crossed by the Discontinued ROW and contains a dam (the “Jolly Pond Dam”); and
- WHEREAS, repairs needed to the Jolly Pond Dam have left the Discontinued ROW in a condition unsafe for the travelling public; and
- WHEREAS, the Owner has options for remediation, repair, alteration, or removal of the dam that are not available while public right-of-way exists across the Jolly Pond Dam; and
- WHEREAS upon discontinuance by the Commonwealth of Virginia, the County became responsible for the Discontinued ROW and has jurisdiction over its abandonment; and
- WHEREAS, the County posted Notice of Abandonment at the front door of the courthouse and in three places along and visible from the Discontinued ROW, and advertised Notice of Intent to Abandon the Discontinued ROW in two issues of a newspaper having general circulation in the County, all more than 30 days prior to the date of this resolution; and
- WHEREAS, all notices stated the time and place at which the governing body met to consider the abandonment of the Discontinued ROW; and
- WHEREAS, no petition for a public hearing was filed with the Board.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby finds that:
1. The portion of Jolly Pond Road located 0.80 miles southeast of the intersection of Route 611 to 1.20 miles southwest of the intersection of Route 614 for a total of 0.13 miles (the “Discontinued ROW”) is in a dangerous condition and is unsafe for general public use; and

2. Continued operation of the Discontinued ROW does not advance or support the public safety and welfare; and
3. An alternative route for public use is readily available after the Discontinued ROW is abandoned; and
4. Public Safety vehicles have not used the Discontinued ROW for and there will be no interruption of public service by abandonment of the Discontinued ROW; and
5. The Discontinued ROW does not have historic value; and
6. The Discontinued ROW is being abandoned only to the extent that it is inconsistent with the public health, safety, and welfare; and
7. No public necessity exists for the continuance of the Discontinued ROW as a public highway and that the safety and welfare of the public would be served best by abandoning the Discontinued ROW.

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County, Virginia, that, pursuant to Section 33.2-919 of the Code of Virginia, the following section of Jolly Pond Road be abandoned as a public right-of-way: the portion of road located 0.80 miles southeast of the intersection of Route 611 to 1.20 miles southwest of the intersection of Route 614 for a total of 0.13 miles; being the same portion of highway discontinued by the Commonwealth Transportation Board by resolution adopted on March 14, 2012.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Virginia Department of Transportation.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be recorded and indexed in the deed book in the name of the County as grantor in the office of the Clerk of Court.

James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of December, 2019.

AbanROW-JPRd-res