

RESOLUTION

ABANDONMENT OF A PORTION OF THE RIGHT-OF-WAY FOR

OLD IRONBOUND ROAD (ROUTE 615)

WHEREAS, G-Square, Inc. (the “Owner”) owns property located at 4007 Ironbound Road, further identified as James City County (JCC) Real Estate Tax Map ID 3840100002A (the “Property”); and

WHEREAS, the Property abuts a portion of public right-of-way within the Virginia Department of Transportation (“VDOT”) secondary state highways system consisting of a cul-de-sac between the Property and 4002 Ironbound Road (JCC Real Estate Tax Map ID 3840100021), further identified as the area shown in RED on Sheet 8D of the plans for Route 199, State Highway Project 0199-047-F03, RW-205 attached hereto as Exhibit 1 (the “ROW”); and

WHEREAS, the Owner has contracted with VDOT to purchase the ROW upon a finding by the Commissioner of Highways that it is surplus property; and

WHEREAS, the Owner has petitioned the Board of Supervisors (the “Board”) to abandon the ROW as being no longer necessary for the uses of the secondary state highway system; and

WHEREAS, the County posted notice of abandonment in three places along the ROW, advertised notice of intent to abandon the ROW in two issues of the *Daily Press*, a newspaper having general circulation in the County, and sent notice to the Commissioner of Highways of its intention to consider abandonment of ROW, all more than 30 days prior to March 12, 2019; and

WHEREAS, no petition for a public hearing was filed with the Board; and

WHEREAS, upon abandonment, the public will still be served by a turn-around within the VDOT secondary state highways system, and the other abutting landowner has disclaimed its interest in the ROW.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby finds that:

1. Continued operation of a public road on the right-of-way for the cul-de-sac at the terminus of Ironbound Road does not advance or support the public safety and welfare; and
2. An alternative route for public use is readily available after the right-of-way for the Ironbound Road cul-de-sac is abandoned; and
3. The right-of-way for the Ironbound Road cul-de-sac does not have historic value; and

4. The proposed Ironbound Road turn-around serves the same citizens as the right-of-way for the Ironbound Road cul-de-sac; and
5. The right-of-way for the Ironbound Road cul-de-sac is being abandoned only to the extent that it no longer serves a public need; and
6. No public necessity exists for the continuance of the Ironbound Road cul-de-sac as a public highway and that the safety and welfare of the public would be served best by abandoning the cul-de-sac.

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County, Virginia, that, pursuant to Section 33.2-909 of the Code of Virginia, the following section of the secondary state highway system be abandoned as a public highway: the cul-de-sac between 4007 Ironbound Road (JCC Tax Map ID 384010002A) and 4002 Ironbound Road (JCC Tax Map ID 3840100021), further identified as the area shown in RED on Sheet 8D of the plans for Route 199, State Highway Project 0199-047-F03, RW-205 attached hereto as Exhibit 1.

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County, Virginia, that the Board also supports the Commissioner of Highways utilizing the alternative procedure for abandonment to the extent of alteration pursuant to Section 33.2-912 of the Code of Virginia.

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

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 12th day of March, 2019.

G-SqOldIrnbdRd-res