

2004 SESSION

INTRODUCED

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SENATE BILL NO. 653

Offered January 23, 2004

A *BILL to amend and reenact § 23-4.01 of the Code of Virginia, relating to certain easements by the College of William and Mary.*

Patron—Norment

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 23-4.01 of the Code of Virginia is amended and reenacted as follows:

§ 23-4.01. Approval for transfer of property.

A. The property known as College Woods that includes Lake Matoaka and is possessed and controlled by a college founded in 1693, regardless of whether such property has been declared surplus property pursuant to § 2.2-1153, shall not be transferred or disposed of without the approval of the board of visitors of such college by a two-thirds vote of all board members at a regularly scheduled board meeting. The General Assembly shall also approve such disposal or transfer.

B. The provisions of subsection A shall not operate to prevent the transfer *or dedication* to the Virginia Department of Transportation of a portion of the property described in subsection A, *together with a temporary construction easement and a permanent easement for drainage*, sufficient to permit the reconstruction of the intersection of Virginia Route 615 (Ironbound Road) and Virginia Route 321 (Monticello Avenue).

C. In order for any transfer *or dedication set forth in subsection B* to the Department to occur:

1. The Department shall remain within the boundaries *or dedication area* identified as a right-of-way addition of approximately 4.531.63 acres and *easement areas* as detailed on Exhibit #4, ~~labeled Preliminary Plan of Ironbound Road/Monticello Avenue Intersection A, labeled Proposed Right-of-Way and Easement Dedication by The College of William and Mary for Widening of the Intersection of Monticello Avenue and Ironbound Road~~ and dated January 4, 2001, 2004, drawn by AES Consulting Engineers of Williamsburg, Virginia, in completion of any reconstruction of such intersection;

2. The Department shall employ and construct all required best management practices and erosion and sediment control measures to minimize and mitigate any impacts to College Woods and Lake Matoaka; and

3. The Department shall vacate, *subject to a reserved drainage easement*, approximately 3.22 acres of right-of-way and re-designate such to the College so that the College has confirmed encumbrances. This vacation shall create not less than a seventy-eight foot right-of-way *and shall not create or provide for any easements except for such reserved drainage easement* from approximately 1,000 feet east of Virginia Route 615 (Ironbound Road) to approximately 4,000 feet east of Virginia Route 615 (Ironbound Road) along Virginia Route 321 (Monticello Avenue) identified on Exhibit #4, ~~labeled Preliminary Plan of Ironbound Road/Monticello Avenue Intersection A, labeled Proposed Right-of-Way and Easement Dedication by The College of William and Mary for Widening of the Intersection of Monticello Avenue and Ironbound Road~~ and dated January 49, 2001, 2004, drawn by AES Consulting Engineers of Williamsburg, Virginia, as right-of-way abandonment. This vacation to create a right-of-way width shall not allow for a road widening to add additional travel lanes for the remainder of Virginia Route 321 (Monticello Avenue).

D. The provisions of subsections B and C shall not become effective until a reconstruction of the intersection has been designed and fully funded as required by the Department.

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