

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to authorize the Virginia Marine Resources Commission to grant easements and rights-of-way*
 3 *across and in the beds of the Elizabeth River, including a portion of the Baylor Survey, to the*
 4 *Department of Transportation, for the improvement of the Midtown Tunnel.*

5 [S 1479]

6 Approved

7 Whereas, the Department of Transportation currently operates and maintains the Route 58 Midtown
 8 Tunnel connecting the Cities of Norfolk and Portsmouth; and

9 Whereas, the population of the Hampton Roads region and traffic using the existing tunnel have
 10 grown considerably since the existing facility opened in 1962; and

11 Whereas, the current facility is now the most heavily traveled two-lane road in the Commonwealth;
 12 and

13 Whereas, the heavy use of the existing facility poses both safety and congestion problems; and

14 Whereas, the Department of Transportation, in cooperation with the Hampton Roads Metropolitan
 15 Planning Organization, has determined that construction of a parallel tunnel would improve these
 16 conditions; and

17 Whereas, a new facility will create new job and economic opportunities for the residents of Norfolk
 18 and Portsmouth; and

19 Whereas, the federal government approved the environmental impact statement for the project in July
 20 2007; and

21 Whereas, this location will cross the Baylor Survey Grounds Number 9, therefore necessitating an act
 22 of the General Assembly; now, therefore,

23 **Be it enacted by the General Assembly of Virginia:**

24 1. § 1. *That the Virginia Marine Resources Commission (VMRC) is hereby authorized to grant and*
 25 *convey to the Department of Transportation, its successors and assigns, upon such terms and conditions*
 26 *as VMRC, with the approval of the Governor and the Attorney General, shall deem proper, permanent*
 27 *easements and rights-of-way and a temporary right-of-way of a reasonable width as needed for the*
 28 *purpose of the construction of a second tunnel for the Route 58 Midtown Tunnel.*

29 *Situated along the Elizabeth River and being a part of the Baylor Ground designated "Public*
 30 *Ground No. 9, Norfolk County (City of Norfolk)" as shown on a map compiled by the VMRC and being*
 31 *a tract of property described as follows:*

32 *Beginning at the southeastern-most point of said "Public Ground No. 9" said point having a*
 33 *coordinate value of North 3,478,519.497, East 12,122,019.715. Coordinate values are based on Virginia*
 34 *State Plane Coordinate System, South Zone, NAD 1983/1994 HARN, and expressed in U.S. Survey feet.*
 35 *Thence, with the south line of "Public Ground No. 9," North 82° 21' 33" West, 275.71 feet to the TRUE*
 36 *POINT OF BEGINNING; Thence, continuing with the south line of "Public Ground No. 9," North 82°*
 37 *21' 33" West, 636.94 feet; Thence leaving the south line of "Public Ground No. 9," North 45° 25' 50"*
 38 *East, 1,387.72. feet to the eastern line of said "Public Ground No. 9"; Thence, following the eastern line*
 39 *of said "Public Ground No. 9," South 4° 23' 22" West, 766.60 feet; Thence, leaving the eastern line of*
 40 *said "Public Ground No. 9," South 45° 25' 50" West, 419.22 feet, to the TRUE POINT OF*
 41 *BEGINNING; and containing 10.440 acres, more or less.*

42 § 2. *That the public interest of this project outweighs the public interest in maintaining the sanctity*
 43 *of the Baylor Survey at this location, and this location only, because of its non-productivity for shellfish.*

44 § 3. *That none of the property described in § 1 that lies within the Baylor Survey shall be considered*
 45 *part of the natural oyster beds, rocks, and shoals in the waters of the Commonwealth.*

46 § 4. *That the instrument granting and conveying the easements and rights-of-way from the*
 47 *Commonwealth to the Department of Transportation shall be in a form approved by the Attorney*
 48 *General.*

49 § 5. *That the Department of Transportation is hereby authorized to permit uses of the easement and*
 50 *right-of-way to a private entity developing and/or operating the Midtown Tunnel pursuant to the*
 51 *Public-Private Transportation Act (§ 56-556 et seq.) of the Code of Virginia.*