CHAPTER 218

An Act authorizing the Marine Resources Commission to convey a permanent easement to certain subaqueous land in the James River to the United States Forest Service.

[H 2590]

Approved March 17, 1999

Whereas, the James River is a navigable waterway and the land under the waters of the James River is held by the Commonwealth under § 28.2-1200; and

Whereas, the Appalachian Trail Conference of Harpers Ferry, West Virginia, holds title to five abandoned stone bridge piers within the limits of the James River, said piers being an abandoned railway bridge at Snowden, Virginia, in the Counties of Amherst and Bedford; and

Whereas, the current crossing of the Appalachian National Scenic Trail at that location is on a heavily used highway bridge, providing an unsafe route for pedestrians; and

Whereas, the Appalachian Trail Conference proposed to transfer its interests in these bridge piers, and a footbridge to be constructed upon them, to the United States for administration by the U.S. Department of Agriculture Forest Service; and

Whereas, the U.S. Forest Service wants to administer the real and personal property interest involving the former bridge structure that is located over and under the James River for the purpose of providing and maintaining a new, permanent, safe and protected pedestrian bridge for use as a part of the Appalachian National Scenic Trail; and

Whereas, before accepting these bridge piers, the United States must assure that acceptable title interests are conveyed to protect the investment of federal funds in long-term maintenance and construction of the piers and the new bridge; and

Whereas, in order to expend funds for this purpose, the United States, by statute, must have the right to use the land for the estimated life of or need for the structure; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Marine Resources Commission is hereby authorized to convey to the United States Forest Service and its successors and assigns, upon such terms and conditions as the Commission, with the approval of the Governor and the Attorney General, shall deem proper, a permanent easement and right-of-way in and to subaqueous lands in the James River in the Counties of Amherst and Bedford for purposes of construction, maintenance, and use of a bridge. The easement and right-of-way shall be for a fifty-foot strip along the piers totaling approximately 0.76 acres, more or less, as generally depicted for Tract z-697 on a plat dated June 4, 1998, survey by Ralph M. Bowmaster, U.S. Department of Agriculture Forest Service.*

§ 2. The deed of easement shall be conditioned upon requirements that the grantee and its successors in interest continue to provide and maintain a safe and protected pedestrian bridge. If the easement ceases to be used as provided for under this act, the easement shall revert to the Commonwealth.

§ 3. The deed conveying the easement shall be in a form approved by the Attorney General.

§ 4. A copy of this act, together with the referenced plat, shall be recorded by the authorized representative of the Secretary of Agriculture in the land records of the Counties of Amherst and Bedford.