



# City of Hampton, Virginia

## Resolution

22 Lincoln Street  
Hampton, VA 23669  
www.hampton.gov

File Number: 13-0213

Enactment Number: -

**Resolution to Authorize the Acquisition, by Negotiation or Condemnation, of Partial Fee Takes and Temporary Construction Easements from a Portion of Five (5) Properties – 1514 E. Pembroke Avenue (LRSN 12003426), 1534 E. Pembroke Avenue (LRSN 12003214), Vacant Lot on Fox Hill Road (LRSN 8002742), 263 Clemwood Parkway (LRSN 8003553), and 343 Woodland Road (LRSN 12000248) -- for Safety Improvements at Three (3) Intersections: (i) E. Pembroke Avenue at Grimes Road/Shelton Road; (ii) Fox Hill Road at Clemwood Parkway; and (iii) Andrews Boulevard at Woodland Road**

## RESOLUTION

**WHEREAS**, the Virginia Department of Transportation (“VDOT”) developed a Highway Safety Improvement Program (“HSIP”) to identify problem safety areas, analyze problems and countermeasures, and prioritize and schedule improvement projects;

**WHEREAS**, VDOT approved HSIP funds in the FY08-13 Six Year Improvement Plan for eleven (11) new transportation related projects, including intersection safety improvements at (i) E. Pembroke Avenue at Grimes Road/Shelton Road (VDOT UPC 86480); (ii) Fox Hill Road at Clemwood Parkway (VDOT UPC 86488); and (iii) Andrews Boulevard at Woodland Road (VDOT UPC 86489) (the “Projects”);

**WHEREAS**, on December 19, 2007, Council adopted a resolution approving programming and local administration for eleven (11) new transportation plans, including the Projects, which subsequently was included in the adopted FY2009-2013 Capital Improvement Plan;

**WHEREAS**, the Projects include widening the roadway to create a turn lane and installation of protected left turn only phasing, which are proven countermeasures for intersections with high numbers of left turn crashes;

**WHEREAS**, the Projects require easements and partial fee acquisitions from the following five (5) parcels, which will not necessitate the displacement of any owners:

- **Portion of LRSN 12003426**  
Owner: Charles Tardy  
Property Description: 1514 E. Pembroke Avenue  
Proposed Acquisition: Easement = 268 sf

- **Portion of LRSN 12003214**  
Owner: McDonalds Corp.  
Property Description: 1534 E. Pembroke Avenue  
Proposed Acquisition: Easement = 748 sf
  
- **Portion of LRSN 8002742**  
Owners: Heirs of W.H. Thomas Estate  
Property Description: Vacant Lot on Fox Hill Road  
Proposed Acquisition: Fee = 1,836 sf; Easement = 732 sf
  
- **Portion of LRSN 8003553**  
Owner: Foxcroft One LP  
Property Description: 263 Clemwood Parkway  
Proposed Acquisition: Fee = 638 sf; Easement = 272 sf
  
- **Portion of LRSN 12000248**  
Owner: LeCuyer Family Trust  
Property Description: 343 Woodland Road  
Proposed Acquisition: Fee = 1,276 sf; Easement = 851 sf

**WHEREAS**, the Project is a federally funded Highway Safety Improvement Program VDOT project; and as such, it is critical that acquisition and construction deadlines are followed as closely as possible to ensure reimbursements to the City; and

**WHEREAS**, Council has determined fee acquisitions are necessary to implement the Projects; and it is in the best interest of the City that portions of the parcels identified on the attached plans be acquired, by negotiation or condemnation, for the successful implementation of the Projects to improve safety and efficiency at the following three (3) intersections: (i) E. Pembroke Avenue at Grimes Road/Shelton Road; (ii) Fox Hill Road at Clemwood Parkway; and (iii) Andrews Boulevard at Woodland Road for preservation and protection of the safety, health, peace, good order, comfort, convenience, and welfare of the people of the City of Hampton.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Hampton, Virginia, as follows:

1. That the Resolution seeking acquisition, by negotiation or condemnation, pursuant to the authority set forth in Sections 25.1-100 *et seq.* of the Code of Virginia of 1950, as amended, for right-of-way fee and easement acquisitions from five (5) parcels for implementation of the intersection safety improvements at (i) E. Pembroke Avenue at Grimes Road/Shelton Road (VDOT UPC 86480); (ii) Fox Hill Road at Clemwood Parkway (VDOT UPC 86488); and (iii) Andrews Boulevard at Woodland Road (VDOT UPC 86489) is approved;
  
2. That the City Attorney is authorized to institute proceedings to condemn a portion of LRSNs 12003426, 12003214, 8002742, 8003553, and 12000248; and
  
3. That a certified copy of this Resolution and plats shall be recorded in the Office of the Clerk of the Circuit Court for the City of Hampton in the manner as deeds are recorded and indexed in the name of the City of Hampton.

Adopted at the regular meeting of the City Council of the City of Hampton, Virginia held on June 12, 2013.

**Signed by** \_\_\_\_\_ **Date** \_\_\_\_\_  
Molly Joseph Ward, Mayor

**Attested by** \_\_\_\_\_ **Date** \_\_\_\_\_  
Katherine K. Glass, CMC  
Clerk of the Council