



## Legislation Text

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**File #:** 17-0023, **Version:** 1

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Resolution to Authorize the Acquisition, by Negotiation or Condemnation, of 1,350 Square Feet (0.031 Acre), More or Less, for a Temporary Construction Easement from a Portion of the Common Area of the Property Located at 100 Bridge Street (LRSN 13000211) Owned by Bridge Street Condominium Association, Inc. for the Replacement of Bridge Street Bridge Project, City Project No. 07-010

**PURPOSE/BACKGROUND:**

The Bridge Street bridge, which spans Salters Creek, was built in 1934 and since October 2001 had been classified as structurally deficient per the Virginia Department of Transportation (“VDOT”) standards. The bridge underwent a major rehabilitation in 1995, which included posting a maximum weight limit of 6 tons, in an effort to extend its life until the bridge could be replaced. The Replacement of Bridge Street Bridge Project (the “Project”) was approved in the City’s fiscal year 2007 capital improvement plan. Council adopted a resolution in May 2008 requesting the designation of the Project as a VDOT project. The project administration agreement was executed in December 2010.

The Project initially required two temporary construction easements, which acquisitions began in July, 2014. Construction of the Project began in July, 2016. Upon construction, it was discovered that an additional temporary construction easement (totaling 1,350 square feet) from a portion of the common area of 100 Bridge Street (LRSN 13000211), owned by Bridge Street Condominium Association, Inc., is required. The owner has concerns which fall outside of the designated temporary construction easement area; therefore, staff is unable to reach an agreement at this time but will continue to work toward a resolution.

If this acquisition is not obtained in a timely manner, construction will be delayed or stopped; and the City risks losing reimbursement from VDOT, which may total up to \$1,190,000.00 or having to reimburse monies already received, which total approximately \$300,000.00. It is recommended that, pursuant to § 25.1-100, et seq. of the Code of Virginia of 1950, as amended, the City exercise its eminent domain authority to commence condemnation proceedings to obtain a temporary construction easement upon a portion of the common area of the property located at 100 Bridge Street as highlighted on the attached plat if acquisition cannot be obtained through negotiation.

**Discussion:**

N/A

**Impact:**

N/A

**Recommendation:**

Approve Resolution

**WHEREAS**, the Bridge Street bridge, which spans Salters Creek, was built in 1934 and since October 2001 had been classified as structurally deficient per the Virginia Department of Transportation (“VDOT”) standards;

**WHEREAS**, the bridge underwent a major rehabilitation in 1995, which included posting a maximum weight limit of 6 tons, in an effort to extend its life until the bridge could be replaced;

**WHEREAS**, the Replacement of Bridge Street Bridge Project (the “Project”) was approved in the City’s fiscal year 2007 capital improvement plan; and Council adopted a resolution in May 2008 requesting the designation of the Project as a VDOT project;

**WHEREAS**, the project administration agreement was executed in December 2010;

**WHEREAS**, the Project initially required two temporary construction easements, which acquisitions began in July, 2014;

**WHEREAS**, construction of the Project began in July, 2016;

**WHEREAS**, upon construction, it was discovered that an additional temporary construction easement (totaling 1,350 square feet) from a portion of the common area of 100 Bridge Street (LRSN 13000211), owned by Bridge Street Condominium Association, Inc., is required;

**WHEREAS**, the owner has concerns which fall outside of the designated temporary construction easement area; therefore, staff is unable to reach an agreement at this time but will continue to work toward a resolution;

**WHEREAS**, if this acquisition is not obtained in a timely manner, construction will be delayed or stopped; and the City risks losing reimbursement from VDOT, which may total up to \$1,190,000.00 or having to reimburse monies already received, which total approximately \$300,000.00; and

**WHEREAS**, Council has determined this temporary construction easement acquisition is necessary to implement the Project; and it is in the best interest of the City that a 1,350 square foot (0.031 acre) portion of the common area of the parcel located at 100 Bridge Street, as highlighted on the attached plat, be acquired by negotiation or condemnation for the successful implementation of the Project to replace the Bridge Street bridge for the protection of the safety, health, 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 a temporary construction easement acquisition is necessary to implement the Replacement Bridge Street Bridge Project, City Project No. 07-010, as highlighted on the attached plat; and it is in the best interest of the City that acquisition from a portion of the common area of the parcel located at 100

Bridge Street (LRSN 13000211) for implementation of the Project is approved;

2. That the City Attorney is authorized to institute proceedings to condemn a portion of LRSN 13000211; and

3. That a certified copy of this Resolution and attached plat 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.