



Legislation Details (With Text)

File #: 18-0067 **Version:** 1 **Name:** Berkshire Terrace
Type: Resolution **Status:** Passed
File created: 2/1/2018 **In control:** City Council Legislative Session
On agenda: 2/14/2018 **Final action:** 2/14/2018
Title: Resolution to Authorize the Acquisition, by Negotiation or Condemnation, of an Easement Take, Pursuant to §§ 25.1-100, *Et Seq.* and 15.2-1901, *Et Seq.* of the Code of Virginia of 1950, as Amended, from a Portion of 37 Northampton Drive (LRSN 4000743) for the Northampton Area Drainage Improvements Project

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit 1, 2. Exhibit 2, 3. Presentation

Date	Ver.	Action By	Action	Result
2/14/2018	1	City Council Legislative Session	approved	Pass

Resolution to Authorize the Acquisition, by Negotiation or Condemnation, of an Easement Take, Pursuant to §§ 25.1-100, *Et Seq.* and 15.2-1901, *Et Seq.* of the Code of Virginia of 1950, as Amended, from a Portion of 37 Northampton Drive (LRSN 4000743) for the Northampton Area Drainage Improvements Project

PURPOSE/BACKGROUND:

The Mary Peake watershed study dated May 2009 revealed the need for improvements to reduce flooding in the Northampton area of the City. Staff concluded these improvements will include the installation of a new storm drain trunk line in Yorkshire Terrace, Berkshire Terrace, and within an easement adjacent to Northampton Drive (the "Project"). The Project area comprises approximately 82 acres and 250 properties.

The City began implementation of the Northampton Area Drainage Improvements Project (City Project No. 13-006) in October 2013. In order to construct this Project, easement acquisitions were required from eight (8) property owners along Northampton Drive and Todds Lane. Acquisitions began in November 2015. Six (6) acquisitions have been finalized, one (1) is nearing finalization, and following is the only acquisition that may not close in the foreseeable future:

Part of LRSN: 4000743

Owner: Robert L. Koch, Sr.

Address: 37 Northampton Drive

Proposed Acquisition: Permanent Drainage Easement: 740 S.F.+

The potential for property damage increases the longer the Project is delayed. If condemnation authority is approved, construction will start in approximately six months. If not approved, the Project will be abandoned, and Project funds will be used for other stormwater purposes.

Therefore, it is recommended that, pursuant to §§ 25.1-100, *et seq.* and 15.2-1901, *et seq.* of the Code of Virginia of 1950, as amended, the City exercise its eminent domain authority to commence condemnation proceedings upon the identified property if acquisition cannot be obtained through negotiation. Staff will continue to negotiate with this owner even after a Certificate of Take is filed.

Discussion:

N/A

Impact:

N/A

Recommendation:

Approve Resolution

WHEREAS, the Mary Peake watershed study dated May 2009 revealed the need for improvements to reduce flooding in the Northampton area of the City;

WHEREAS, staff concluded these improvements will include the installation of a new storm drain trunk line in Yorkshire Terrace, Berkshire Terrace, and within an easement adjacent to Northampton Drive (the “Project”);

WHEREAS, the Project area comprises approximately 82 acres and 250 properties;

WHEREAS, the City began implementation of the Northampton Area Drainage Improvements Project (City Project No. 13-006) in October 2013;

WHEREAS, in order to construct this Project, easement acquisitions were required from eight (8) property owners along Northampton Drive and Todds Lane;

WHEREAS, acquisitions began in November 2015;

WHEREAS, six (6) acquisitions have been finalized, one (1) is nearing finalization, and following is the only acquisition that may not close in the foreseeable future:

Part of LRSN: 4000743

Owner: Robert L. Koch, Sr.

Address: 37 Northampton Drive

Proposed Acquisition: Permanent Drainage Easement: 740 S.F.+

WHEREAS, the potential for property damage increases the longer the Project is delayed;

WHEREAS, if condemnation authority is approved, construction will start in approximately six months; if not approved, the Project will be abandoned, and Project funds will be used for other stormwater purposes; and

WHEREAS, Council has determined that this easement acquisition is necessary to implement the Northampton Area Drainage Improvements Project; and it is in the best interest of the City that a portion of the parcel identified herein be acquired, by negotiation or condemnation, pursuant to §§ 25.1-100, *et seq.* and 15.2-1901, *et seq.* of the Code of Virginia of 1950, as amended, for successful implementation of the Project.

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

1. That the Resolution seeking acquisition, by negotiation or condemnation, pursuant to the authority set forth in §§ 25.1-100, *et seq.* and 15.2-1901, *et seq.* of the Code of Virginia of 1950, as amended, for a partial easement acquisition from one (1) parcel for implementation of the Northampton Area Drainage Improvements Project is approved;
2. That the City Attorney is authorized to institute proceedings to condemn a portion of the foregoing parcel; and
3. That a certified copy of this Resolution and aerial photograph 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.