



Legislation Details (With Text)

File #:	18-0165	Version:	1	Name:	Commerce Drive
Type:	Resolution	Status:	Passed		
File created:	5/8/2018	In control:	City Council Legislative Session		
On agenda:	5/23/2018	Final action:	5/23/2018		
Title:	Resolution to Authorize the Acquisition, by Negotiation or Condemnation, of Fee and Easement Takes, Pursuant to §§ 25.1-100, Et Seq. and 15.2-1901, Et Seq. of the Code of Virginia of 1950, as Amended, from Portions of the Parcel Identified as 1809 W. Mercury Boulevard (LRSN 7001258) for the Commerce Drive Extension and Convention Drive Improvements Project				

Sponsors:

Indexes:

Code sections:

Attachments: 1. Presentation

Date	Ver.	Action By	Action	Result
5/23/2018	1	City Council Legislative Session	approved	Pass

Resolution to Authorize the Acquisition, by Negotiation or Condemnation, of Fee and Easement Takes, Pursuant to §§ 25.1-100, Et Seq. and 15.2-1901, Et Seq. of the Code of Virginia of 1950, as Amended, from Portions of the Parcel Identified as 1809 W. Mercury Boulevard (LRSN 7001258) for the Commerce Drive Extension and Convention Drive Improvements Project

PURPOSE/BACKGROUND:

The City of Hampton (the "City") has received state and local funds to extend Commerce Drive from Convention Drive to Mercury Boulevard. Council adopted a resolution in October, 2013 to program the project in the Virginia Department of Transportation ("VDOT") Six-year Improvement Plan (UPC: 105779; City Project No. 14-008) (the "Project"). The Project design and specifications are complete; the Project has been advertised for construction; and the City has received an acceptable bid from one contractor.

In order to construct this Project, right-of-way and easement acquisitions were required from three (3) property owners along Commerce Drive extended. Acquisitions began on August 18, 2016. Closing will occur on two (2) parcels in the very near future, but the following one remains unresolved:

Part of LRSN: 7001258

Owner: Mercury Hospitality LLC

Address: 1809 W. Mercury Boulevard

Proposed Acquisition: Right-of-way: 13,177 S.F.

Permanent Lighting Easement 145 S.F. ±

Temporary Construction Easement 11,442 S.F. ±

Construction for the Project is anticipated to begin in the summer of 2018 and completed around the end of 2018. Time is of the essence. 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 \$1,175,000. Therefore, staff recommends 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 negotiations with this owner even after the Certificate of Take is filed.

Discussion:

N/A

Impact:

N/A

Recommendation:

Approve Resolution

WHEREAS, the City of Hampton (the “City”) has received state and local funds to extend Commerce Drive from Convention Drive to Mercury Boulevard;

WHEREAS, Council adopted a resolution in October, 2013 to program the project in the Virginia Department of Transportation (“VDOT”) Six-year Improvement Plan (UPC: 105779; City Project No. 14-008) (the “Project”);

WHEREAS, the Project design and specifications are complete; the Project has been advertised for construction; and the City has received an acceptable bid from one contractor;

WHEREAS, in order to construct this Project, right-of-way and easement acquisitions were required from three (3) property owners along Commerce Drive extended;

WHEREAS, acquisitions began on August 18, 2016;

WHEREAS, closing will occur on two (2) parcels in the very near future, but the acquisition of 13,177 square feet of right-of-way, 145 S.F. ± of a permanent easement, and 11,442 S.F. ± of a temporary construction easement located on part of LRSN: 7001258 owned by Mercury Hospitality LLC at 1809 Mercury Boulevard has not been resolved;

WHEREAS, construction for the Project is anticipated to begin in the summer of 2018 and completed around the end of 2018;

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 \$1,175,000; and

WHEREAS, Council has determined that the right-of-way and easements are necessary to implement the Project; and it is in the best interest of the City that portions 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, as follows:

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 acquisitions of right-of-way and easements from one (1) parcel for implementation of the Commerce Drive Extension and Convention Drive 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.