



Legislation Text

File #: 18-0061, **Version:** 1

Resolution to Authorize the Acquisition, by Negotiation or Condemnation, of 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 Five Parcels -- 1991 E. Pembroke Avenue (LRSN 12008626), 1985 E. Pembroke Avenue (LRSN 12004072), 1947 E. Pembroke Avenue (LRSN 12004070), 1968 E. Pembroke Avenue (LRSN 12004062), and a vacant lot on E. Pembroke Avenue (LRSN 12004097) -- for the Pembroke Streetscapes Phase III Improvement Project

PURPOSE/BACKGROUND:

The City of Hampton has received state and local funds to streetscape Pembroke Avenue from Old Buckroe Road to Skyland Avenue. Council adopted a resolution in October, 2011 to program the project in the VDOT Six-year Improvement Plan (UPC: 102953) (the "Project"). The Project design and specifications are complete, the Project has been advertised for construction, and acceptable bids, have been received from three contractors.

In order to construct this Project, easements acquisitions were required from six (6) property owners along E. Pembroke Avenue. Acquisitions began in mid-July 2017; however, the following parcels have yet to close, all including easements affecting only minor portions from five (5) parcels:

Part of LRSN: 12008626

Owner: John R. Pickin

Address: 1991 E. Pembroke Avenue

Proposed Acquisition: Right-of-Way: 409 S.F.

Utility and Sidewalk Easement: 505 S.F. ±

Temporary Construction Easement: 445 S.F. ±

Part of LRSN: 12004072

Owner: Ceteris-Paribus, Inc.

Address: 1985 E. Pembroke Avenue

Proposed Acquisition: Utility and Sidewalk Easement: 536 S.F. ±

Temporary Construction Easement: 661 S.F. ±

Part of LRSN: 12004070

Owner: Budlong Enterprises, Inc.

Address: 1947 E. Pembroke Avenue

Proposed Acquisition: Landscape Easement: 3,613 S.F. ±

Part of LRSN: 12004062

Owner: Gus Haboush

Address: 1968 E. Pembroke Avenue

Proposed Acquisition: Landscape Easement: 732 S.F. ±

Part of LRSN: 12004097

Owner: Budlong Enterprises, Inc.

Address: Vacant Lot, E. Pembroke Avenue

Proposed Acquisition: Landscape Easement: 846 S.F. ±

Construction for the Project is anticipated to begin in the spring of 2018 and completed around the fall of 2018. Time is of the essence. If these acquisitions are 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 \$750,000.00. 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 properties if acquisitions cannot be obtained through negotiation. Staff will continue negotiations with all owners even after Certificates of Take are filed.

Discussion:

N/A.

Impact:

N/A

Recommendation:

Approve Resolution

WHEREAS, the City of Hampton received state and local funds to streetscape Pembroke Avenue from Old Buckroe Road to Skyland Avenue;

WHEREAS, Council adopted a resolution in October, 2011 to program the project in the VDOT Six-year Improvement Plan (UPC: 102953) (the "Project");

WHEREAS, the Project design and specifications are complete, the Project has been advertised for construction, and acceptable bids have been received from three contractors;

WHEREAS, in order to construct this Project, easements acquisitions were required from six (6) property owners along E. Pembroke Avenue;

WHEREAS, acquisitions began in mid-July 2017; however, the following parcels have yet to close, all including easements affecting only minor portions from five (5) parcels:

Part of LRSN: 12008626

Owner: John R. Pickin

Address: 1991 E. Pembroke Avenue

Proposed Acquisition: Right-of-Way: 409 S.F.

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Part of LRSN: 12004097

Owner: Budlong Enterprises, Inc.

Address: Vacant Lot, E. Pembroke Avenue

Proposed Acquisition: Landscape Easement: 846 S.F. \pm

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

WHEREAS, time is of the essence; if these acquisitions are 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 \$750,000.00; and

WHEREAS, Council has determined that easement acquisitions are necessary to implement the Pembroke Streetscapes Phase III Improvement Project; and it is in the best interest of the City that portions of the five (5) parcels 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 partial easement acquisitions from five (5) parcels for implementation of the Pembroke Streetscapes Phase III Improvement Project is approved;
2. That the City Attorney is authorized to institute proceedings to condemn a portion of the foregoing five (5) parcels; 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.

