sdm006

ORDINANCE NO. 7327-16

AN ORDINANCE AMENDING ORDINANCE NO. 7114-14, AUTHORIZING THE CITY MANAGER TO MAKE OFFERS TO ACQUIRE, BY PURCHASE OR CONDEMNATION, ADDITIONAL PARCELS OF REAL PROPERTY IN FEE SIMPLE AND FOR EASEMENTS HEREINAFTER MORE PARTICULARLY DESCRIBED, FOR THE WARWICK BOULEVARD OVER LAKE MAURY BRIDGE REPLACEMENT PROJECT, TO PROVIDE FUNDS FOR THIS PURPOSE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST ALL DOCUMENTS NECESSARY TO EFFECT THE PURCHASE AUTHORIZED HEREIN.

WHEREAS, in the opinion of the Council of the City of Newport News, a public necessity exists for the acquisition of certain real property interests, hereinafter more particularly described, for the purpose of replacing the Warwick Boulevard over Lake Maury Bridge, and for the preservation of the safety, health, peace, good order, comfort, convenience, morals and welfare of the City of Newport News; and

WHEREAS, City Council previously Approved Ordinance 7114-14 on November 12, 2014 authorizing Acquisition of fee simple and easement interests from The Mariners' Museum for the Warwick Boulevard Over Lake Maury Bridge Replacement Project; and

WHEREAS, the Department of Engineering has determined that additional property must to acquired to complete the project.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News, Virginia, after a properly noticed Public Hearing on November 22, 2016, pursuant to Virginia Code §15.2-1903:

Section 1. That the Council hereby authorizes the acquisition of unencumbered fee simple title and easements by general warranty deed or other interests in the properties identified in Section 6 of this ordinance.

Section 2. That the City Attorney be, and hereby is, authorized and directed to acquire in a manner provided by Title 15.2 and Title 25.1, Chapters 2 and 3, of the Code of Virginia, 1950, as amended, interests in those certain properties located in the City of Newport News, Virginia, together with all rights appurtenant thereto, if appropriate, to implement the replacement of the Warwick Boulevard Over Lake Maury Bridge Project, the said properties where the interests are to be acquired, and a preliminary indication of ownership being more particularly described in Section 6 of this ordinance.

Section 3. That the City Manager is hereby authorized and directed to act for and on behalf of the City of Newport News in agreeing and disagreeing with the owners of the properties upon the compensation to be paid therefor within the limits of the funds provided herein for this purpose as set out in Section 6 of this ordinance.

Section 4. That in order to provide funds for the acquisition of interests in the said properties and to defray the costs incident thereto, the sum of TWENTY-FOUR THOUSAND FIVE HUNDRED AND 00/100 DOLLARS ($24,500.00) or so much thereof as may be necessary, is hereby designated from funds appropriated for acquisition of the hereinafter described properties.

Section 5. That the authority to acquire interests in the property listed in Section 6 of this ordinance shall include all necessary authority to acquire clear title to those properties and shall, without intending to be a limitation, include the authority to institute proceedings against successors in title or to institute eminent domain proceedings in order to establish clear title.

Section 6. That the present owners of the properties to be acquired, or interests therein, and a description of said properties or their interests, and the funds necessary to compensate the owners of the properties are as follows (the interests to be acquired being fee simple ownership unless otherwise indicated on the plats attached hereto):

A. That Portion of parcels of real estate owned by The Mariners' Museum, Inc., for right-or-way drainage easements and temporary construction easements for the purpose of replacement of the Warwick Boulevard Bridge over Lake Maury Project and construction of approaches as shown on a plat entitled "Plat Showing Right-of-Way & Various Easements To Be Acquired From The Mariners' Museum By The City of Newport News for Warwick Boulevard Corridor Improvements, Newport News, Virginia", dated September 30, 2016, Sheet 2 of 3 and Sheet 3 of 3, completed by NXL Engineers, Surveyors and Property Managers (attached as Exhibit 1); and

B. Purposes and values attributed to acquired property is attached as Exhibit 2.

Section 7. That this ordinance shall be in effect on and after the date of its adoption, November 22, 2016.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON NOVEMBER 22, 2016

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor

A true copy, teste:

City Clerk

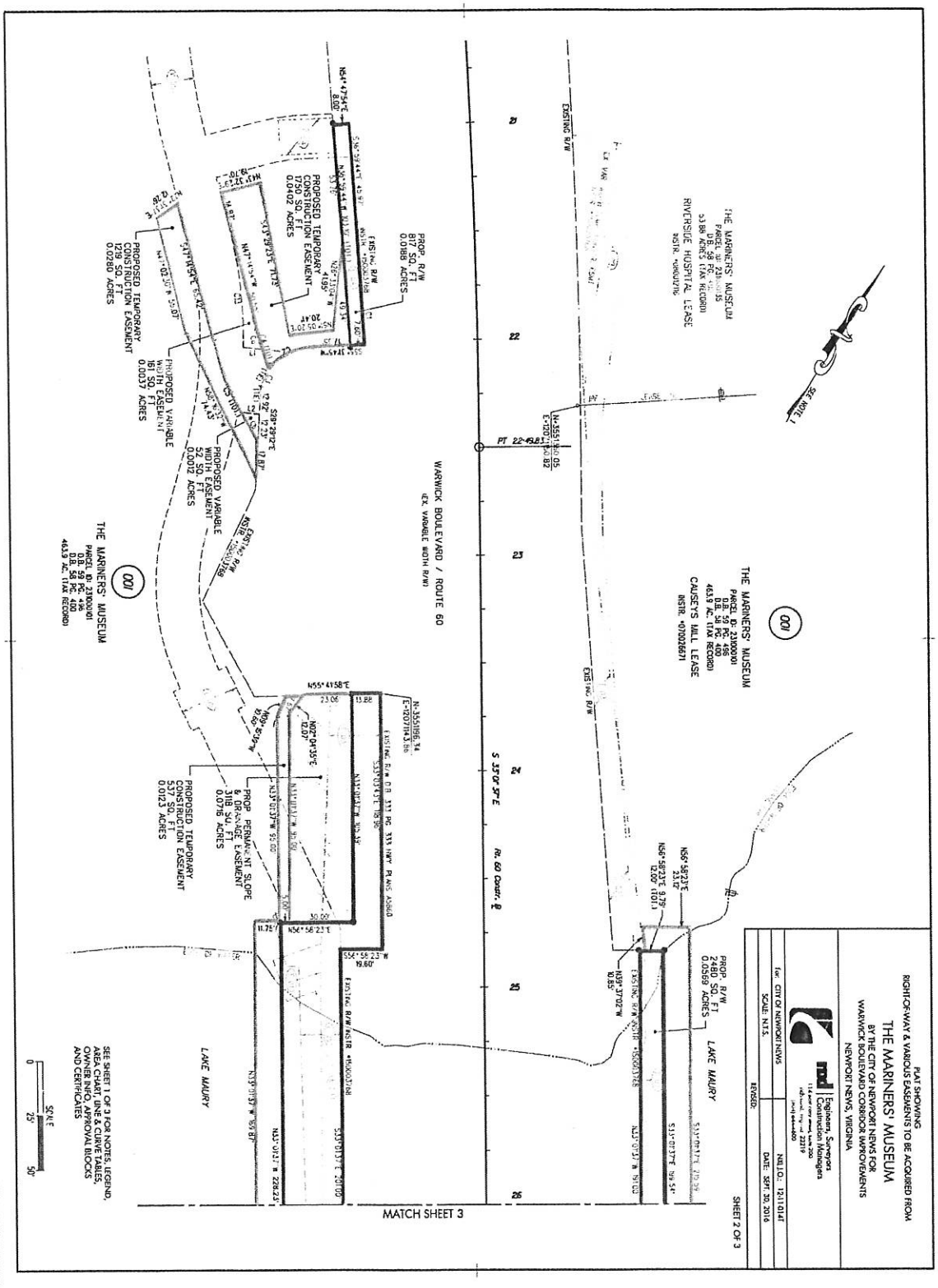
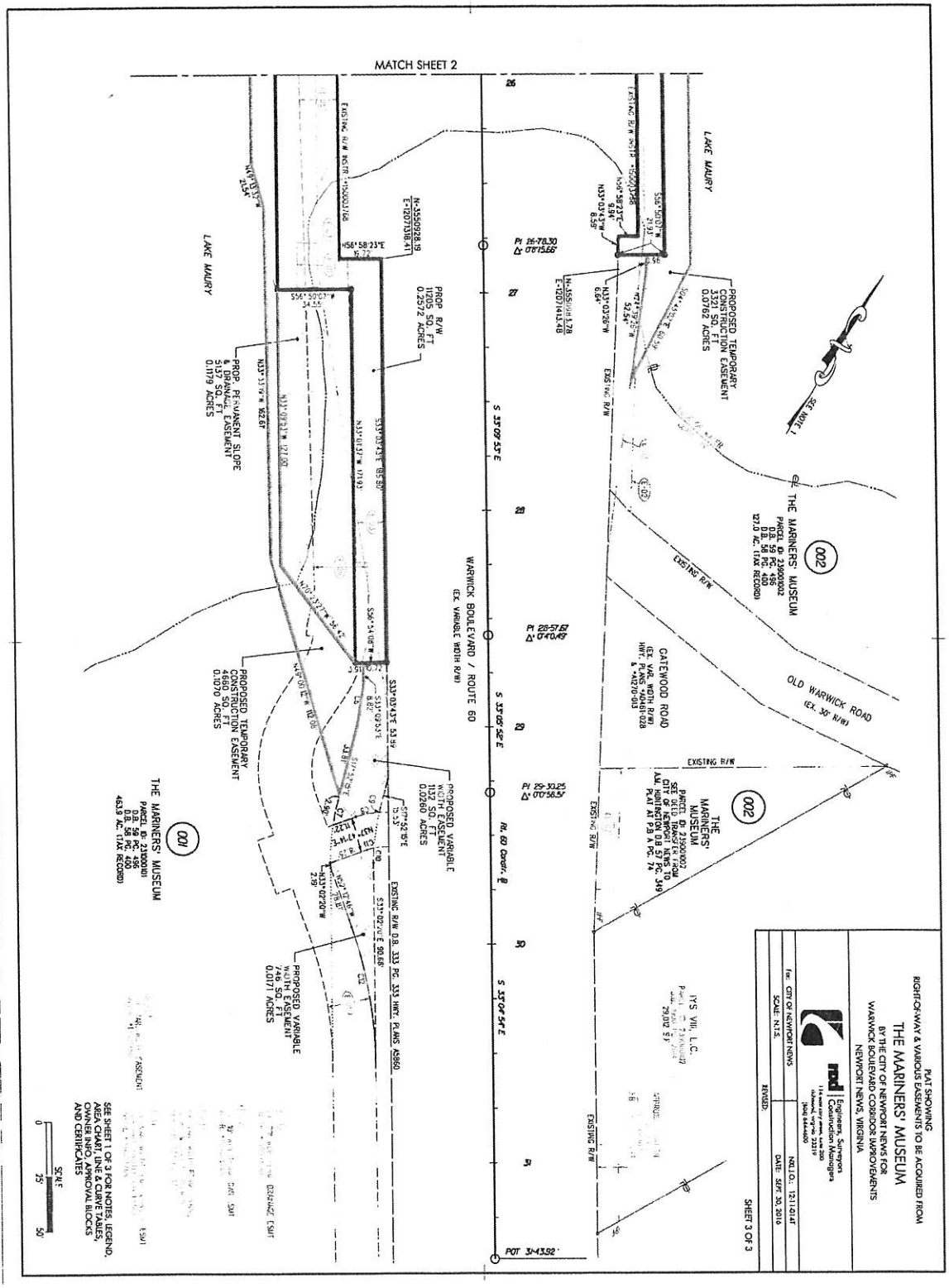

PLAT SHOWING
RIGHT-OF-WAY & VARIOUS EASEMENTS TO BE ACQUIRED FROM
THE MARINERS' MUSEUM
BY THE CITY OF NEWPORT NEWS FOR
WARWICK BOULEVARD CORRIDOR IMPROVEMENTS
NEWPORT NEWS, VIRGINIA
Engineers Surveyors Construction Managers
for: CITY OF NEWPORT NEWS
SCALE: N.T.S.
REVISED:
MBL.I.D.: 121.01-01-01
DATE: SEPT. 30, 2016
SHEET 2 OF 3
THE MARINERS' MUSEUM
PARCEL ID 23000001
D.B. 59 PG. 496
D.B. 58 PG. 400
46.39 AC. (TAX RECORD)
RIVERSIDE HOSPITAL LEASE
INSTR. 410002796
CAUSEY'S MILL LEASE
INSTR. 070020671
(100)
WARWICK BOULEVARD / ROUTE 60
(EX. VARIABLE WIDTH R/W)
EXISTING R/W
PROP. R/W
2480 SQ. FT.
0.0569 ACRES
PROP. R/W
817 SQ. FT.
0.0188 ACRES
PROPOSED TEMPORARY
CONSTRUCTION EASEMENT
1705 SQ. FT.
0.0402 ACRES
PROPOSED TEMPORARY
CONSTRUCTION EASEMENT
1219 SQ. FT.
0.0280 ACRES
PROPOSED VARIABLE
WIDTH EASEMENT
161 SQ. FT.
0.0037 ACRES
PROPOSED VARIABLE
WIDTH EASEMENT
52 SQ. FT.
0.0012 ACRES
PROPOSED TEMPORARY
CONSTRUCTION EASEMENT
0.0123 ACRES
PROP. PERMANENT SLOPE
& TEMPORARY
EASEMENT
3188 SQ. FT.
0.0716 ACRES
LAKE MAURY
S 35°0' 57" E
Rt. 60 Const. ℄
PT 22+65.81
N55°41'58"E
N56°58'23"E
N55°37'02"W
S54°56'23"W
N37°01'37"W 95.07'
N37°01'37"W 95.87'
N37°01'37"W 228.23'
S37°01'37"E 20.00'
N37°01'37"W 95.87'
N02°04'35"E
12.07'
19.60'
23.06'
13.88'
11.75'
30.00'
8.00'
20.48'
41.95'
SEE SHEET 1 OF 3 FOR NOTES, LEGEND,
AREA CHART, LINE & CURVE TABLES,
OWNER INFO, APPROVAL BLOCKS
AND CERTIFICATES
SCALE
0
25'
50'
MATCH SHEET 3

EXHIBIT
1


PLAT SHOWING
RIGHT-OF-WAY & VARIOUS EASEMENTS TO BE ACQUIRED FROM
THE MARINERS' MUSEUM
BY THE CITY OF NEWPORT NEWS FOR
WARWICK BOULEVARD CORRIDOR IMPROVEMENTS
NEWPORT NEWS, VIRGINIA
SHEET 3 OF 3
MATCH SHEET 2
LAKE MAURY
WARWICK BOULEVARD / ROUTE 60
(EX. VARIABLE WIDTH R/W)
THE MARINERS' MUSEUM
002
001
CATEWOOD ROAD
OLD WARWICK ROAD
(EX. 30' R/W)
EXISTING R/W
PROPOSED TEMPORARY CONSTRUCTION EASEMENT
PROP. R/W
PROP. PERMANENT SLOPE & DRAINAGE EASEMENT
PROPOSED VARIABLE WIDTH EASEMENT
SEE SHEET 1 OF 3 FOR NOTES, LEGEND, AREA CHART, LINE & CURVE TABLES, OWNER INFO, APPROVAL BLOCKS AND CERTIFICATES
SCALE
0
25'
50

Acquisition Value

Description of Acquisition

This is a partial acquisition and there will be a fee taking of the subject. The land included in the acquisition area is described in the following paragraphs. The acquisition areas that will be in the P-1 zoned land will be valued separately than the area in the potential rezoning to O-2 land. There are no buildings located within the acquisition areas.

Land Acquired in the P-1 Zoned Land (Area A)

The subject site is located along Warwick Boulevard. The plats below are shown facing the east/west direction, but when looking at an overhead map it would be in the north south direction. There are three separate acquisition areas along both the north and south sides of Warwick Boulevard. These areas are outlined in the color red. There are two acquisition areas on the south side of Warwick Boulevard and one on the north side of Warwick Boulevard. These areas have been highlighted in red in the plat below.

There are two plats, but we have combined them into one plat at the match line for ease of understanding. The acquisition areas to the south of Warwick Boulevard along the left side of the "edge of water" line (which is to the left of the vertical match line in the center of the plat) is located within the area that we believe could possibly be rezoned to O-2 and will be valued separately. The entire acquisition area along the north side of Warwick Boulevard and the acquisition area to the right side of the "edge of water" line to the left side of the match line are located within the P-1 zoned area.

The acquisition area on the north side of Warwick Boulevard is 2,480 square feet. The total acquisition area on the south side of Warwick Boulevard totals 12,022, but we have estimated that 2,483 square feet are located within the possible O-2 zoned area, leaving approximately 9,539 square feet within the P-1 zoned area; therefore, the total acquisition area within Zone A (P-1 zoned land) totals 12,019 square feet.

We have only highlighted the acquisition areas within Zone A below. Fully colored plats are located in the addenda of this report.

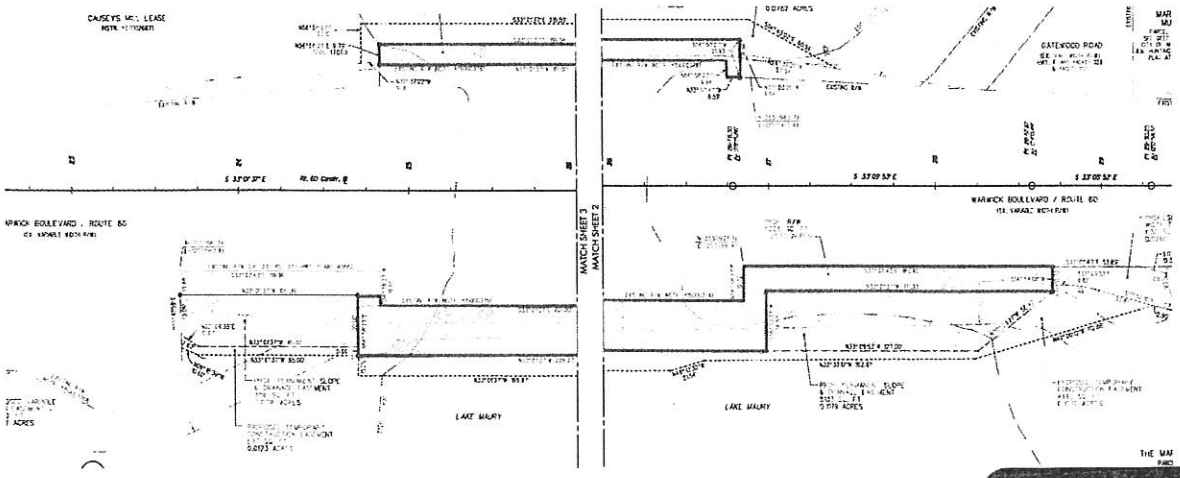


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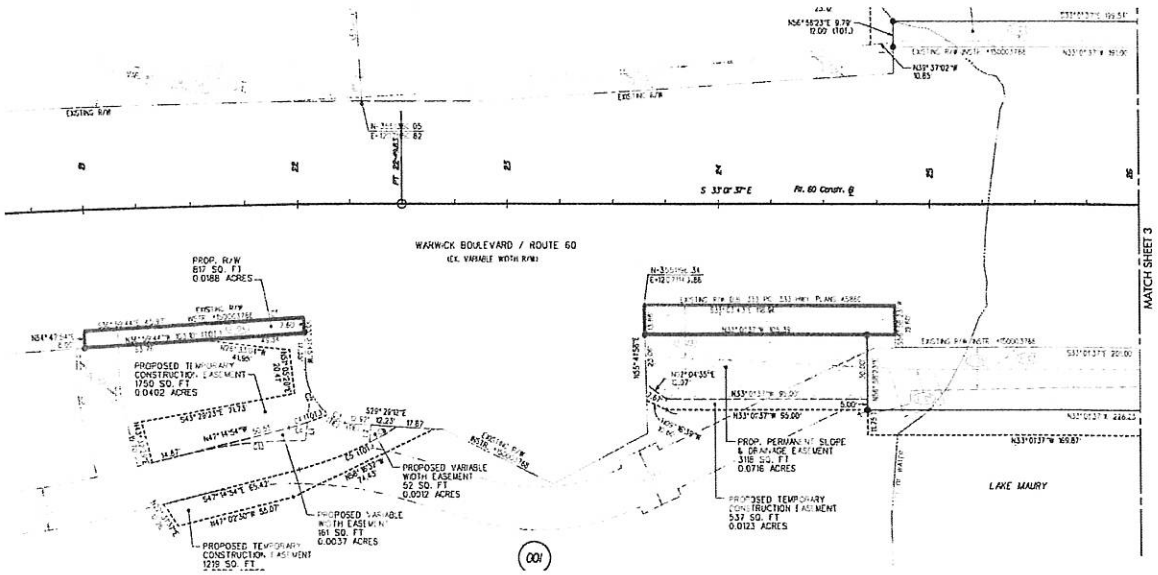
EXHIBIT
2

According to the plat provided, the total acquisition area within "Area A" has been estimated at 12,019± square feet. The Land Value "Before Acquisition" was estimated earlier at $0.02 per square foot; therefore, the land value of the 12,019± square feet acquired x $0.02 per square foot equals $241.

Market Value of the Acquisition Land in "Area A" = $241

Land Acquired in P-1 Zoned Land with Potential O-2 Rezoning (Area B)

The total acquisition area in this area has been estimated at 2,483 square feet. It is located in the area outlined in red on the plat shown below.



The Land Value "Before Acquisition" was estimated earlier as $5.05 per square foot; therefore, the land value of the 2,483± square feet acquired x $5.05 per square foot equals $12,540.

Market Value of the Acquisition Land (Area B) = $12,540

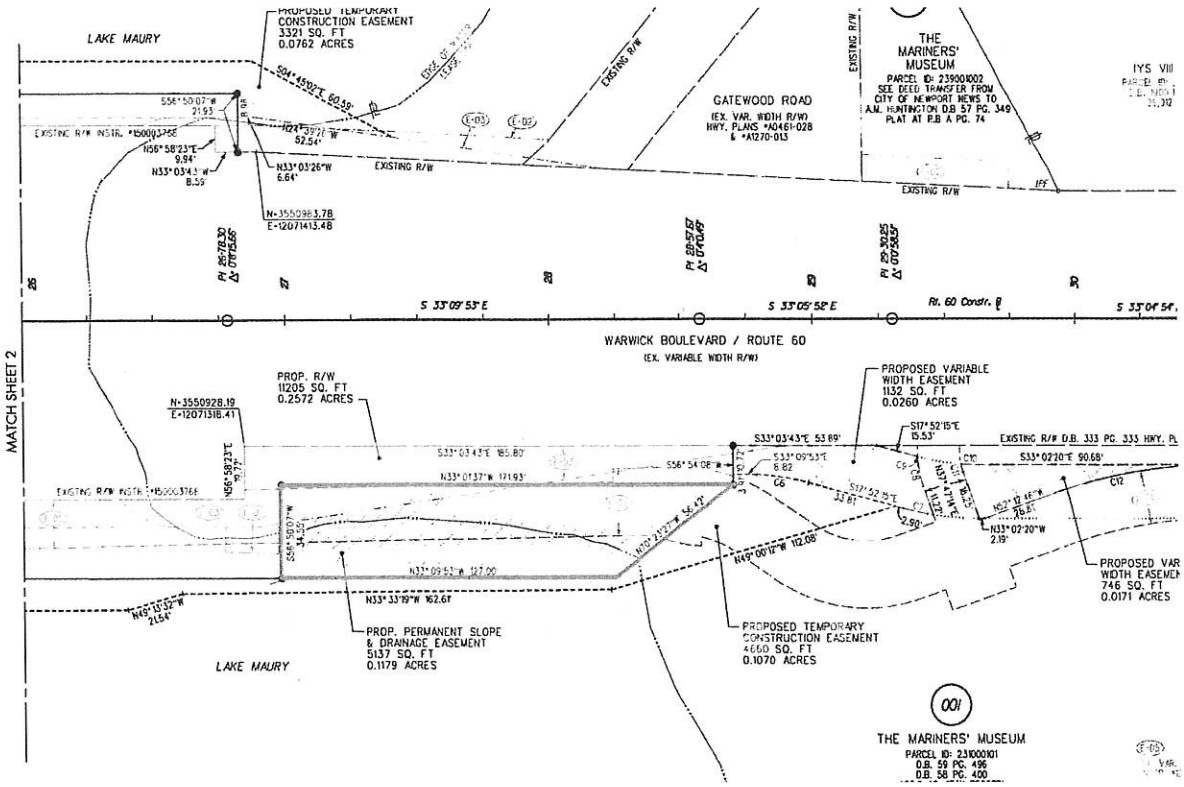
Easements Acquired

According to the plats provided by the client, there appears to be existing variable width easements encumbering the subject site on both the north and south sides of Warwick Boulevard. For the purposes of this report, we have valued the proposed easements according to the plats in their entirety, whether or not they overlap with existing easements on the subject site.

There are two different easements proposed for the site along the north and south sides of Warwick Boulevard; Permanent Drainage Easements and Temporary Construction Easements. These easements will be discussed and valued individually.

Permanent Drainage Easement – P-1 Zoned Land (Area A)

There is only one Permanent Utility Easement located in Area A. It is located along the south side of Warwick Boulevard. The total area of this easement is approximately 5,137 square feet. Based on the plat provided, there are no significant improvements/site improvements located within the easement areas with exception to landscaping. This easement is highlighted in green on the plat below:

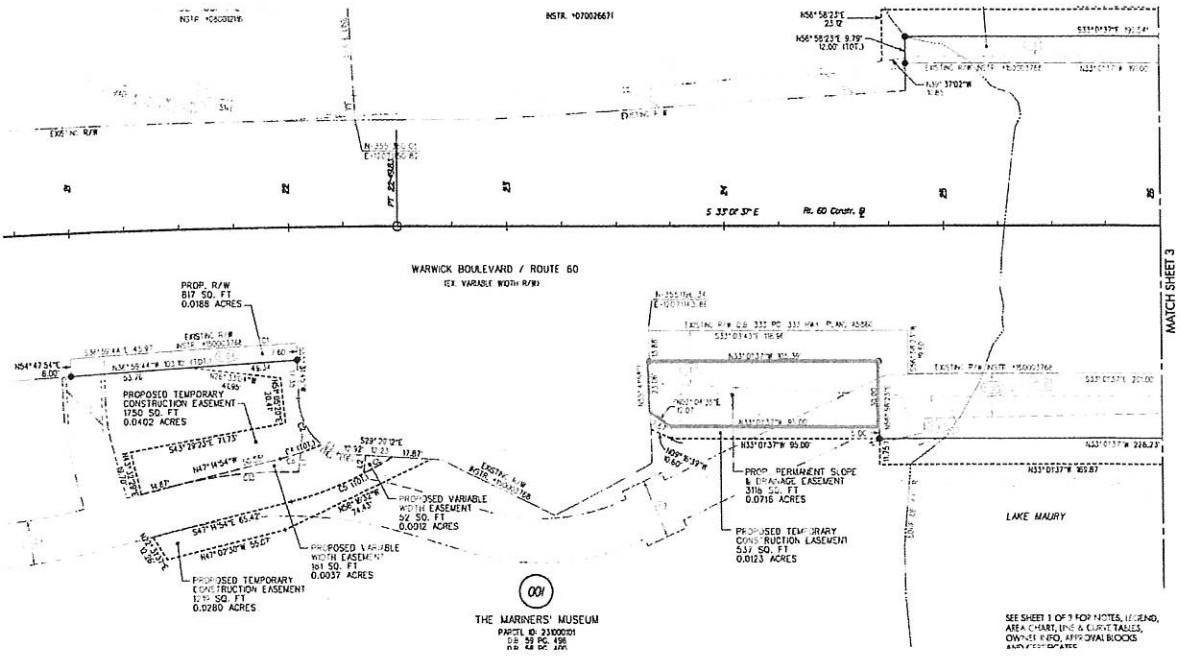


After examining the bundle of rights, the market value of the easement is estimated at 50% of the market value of the land. The Total Land Value "Before Acquisition" was estimated earlier at $0.02 per square foot. The market value of the Permanent Drainage Easement is $0.02 per square foot x 50% x 5,137 square feet for a total of $52.

Market Value of the Permanent Drainage Easement – Area A = $52

Permanent Drainage Easements– P-1 Zoned Land with Potential O-2 Rezoning (Area B)

There is only one Permanent Utility Easement located in Area B. It is located along the south side of Warwick Boulevard. The total area of this easement is approximately 3,118 square feet. Based on the plat provided, there are no significant improvements/site improvements located within the easement areas with exception to landscaping. This easement is highlighted in green on the plat below:



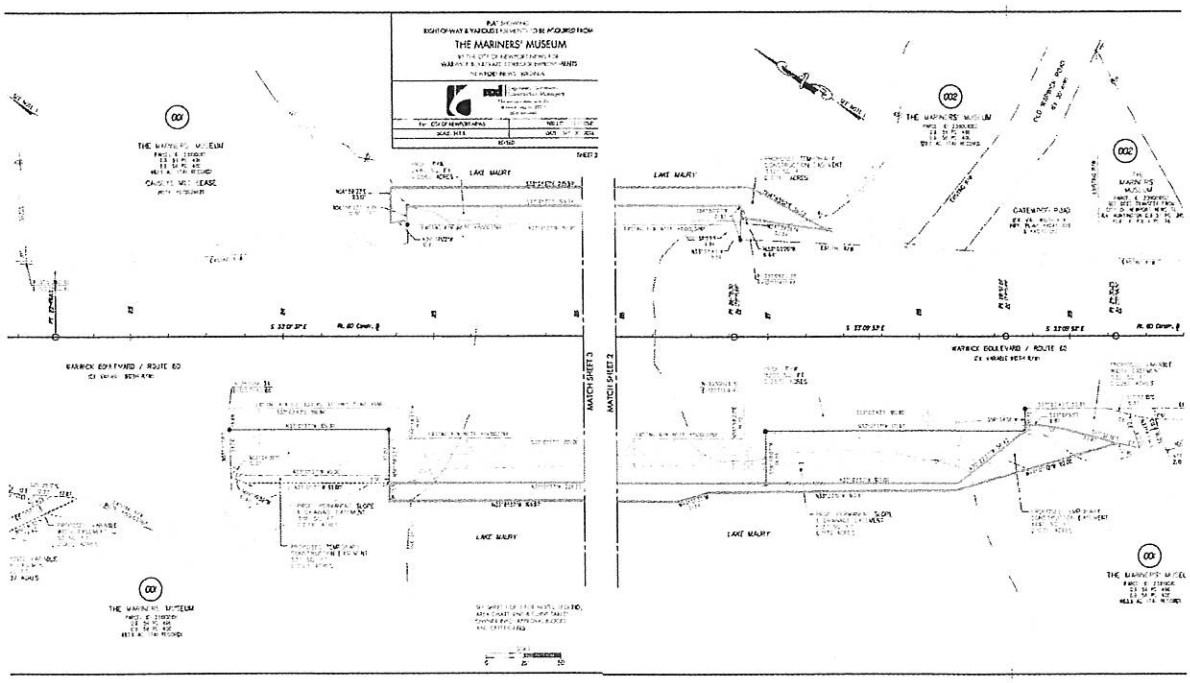
After examining the bundle of rights, the market value of the easement is estimated at 50% of the market value of the land. The Total Land Value "Before Acquisition" was estimated earlier at $5.05 per square foot. The market value of the Permanent Drainage Easement is $5.05 per square foot x 50% x 3,118 square feet for a total of $7,873.

Market Value of the Permanent Drainage Easement – Area B = $7,873

Temporary Construction Easements – P-1 Zoned Land (Area A)

According to the plat provided, there will be multiple Temporary Construction Easements. There is one Temporary Construction Easement located along the north side of Warwick Boulevard and three Temporary Construction Easements located along the south side of Warwick Boulevard, but only one of the areas along the south side of Warwick Boulevard is within "Area A". The total Temporary Construction Easement area located within "Area A" amounts to approximately 7,981 square feet.

The Temporary Construction Easements within "Area A" are highlighted in orange on the plats below:



The temporary construction easement gives the contractor the right to occupy the encumbered land for the duration of the construction period. The compensation of the temporary easement is estimated at 10% of the market value of the land per year. The estimated construction period is two years; therefore, the calculation is 20% (10% per year x 2 years).

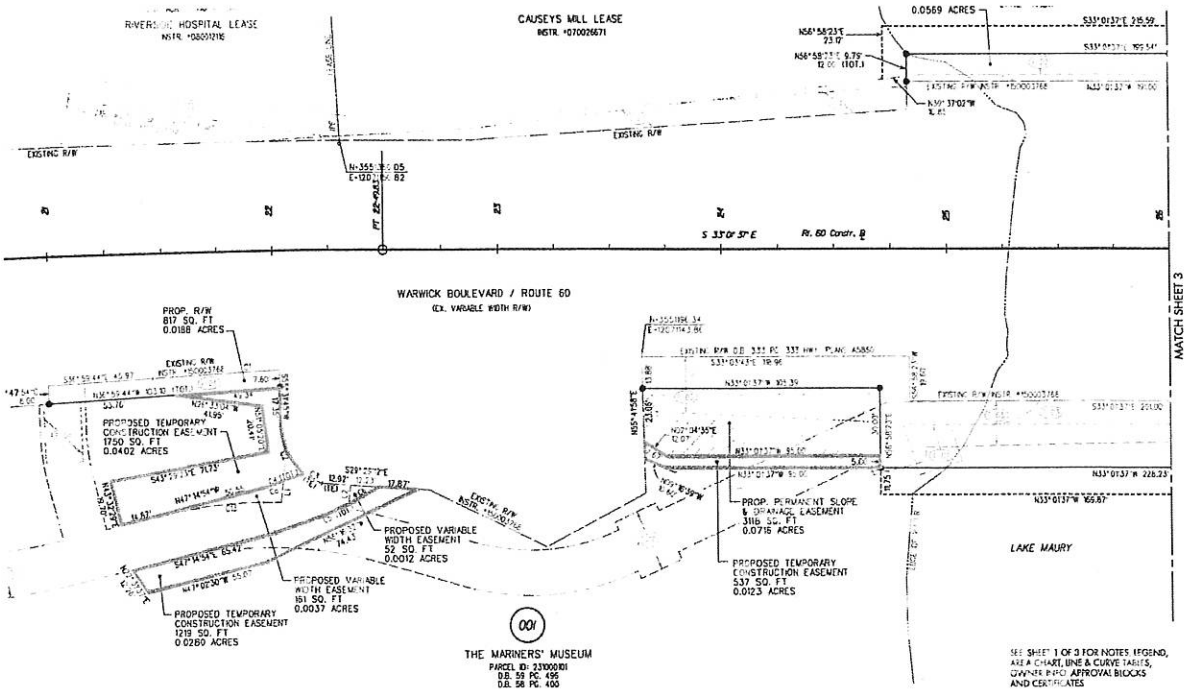
The market value of the Temporary Construction Easement of 7,981± square feet is $0.02 per square foot x 20% for a rounded total of $32.

Market Value of the Temporary Construction Easements – Area A = $32

Temporary Construction Easements – P-1 Zoning with Potential O-2 Rezoning (Area B)

According to the plat provided, there will be three Temporary Construction Easements located within "Area B". The total Temporary Construction Easement area located within "Area B" amounts to approximately 3,506 square feet.

The Temporary Construction Easements within "Area B" are highlighted in orange on the plat below:



The temporary construction easement gives the contractor the right to occupy the encumbered land for the duration of the construction period. The compensation of the temporary easement is estimated at 10% of the market value of the land per year. The estimated construction period is two years; therefore, the calculation is 20% (10% per year x 2 years).

The market value of the Temporary Construction Easement of 3,506± square feet is $5.05 per square foot x 20% for a rounded total of $3,542.

Market Value of the Temporary Construction Easements – Area B = $3,542

Buildings Disturbed

There are no buildings within the easement area that would be disturbed by the construction.

Other Improvements Disturbed

It is typical for the contractor to restore the asphalt parking, concrete sidewalks and landscaped areas located within an easement at completion of the construction project. This appraisal is based upon the extraordinary assumption that the horizontal improvements in the easement areas that are