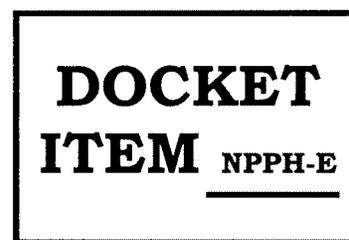


Non-Planning Public Hearing Item E

September 15, 2009



- (E) RESOLUTION AUTHORIZING THE ACQUISITION OF TEMPORARY AND PERMANENT EASEMENTS TO CONSTRUCT AND MAINTAIN TWO WATERLINE PROJECTS, AND, IF NECESSARY, TO ACQUIRE PROPERTY IN FEE SIMPLE FOR RIGHT-OF-WAY AND LEASEHOLD INTERESTS, ON CENTERVILLE TURNPIKE, AND ON MURRAY DRIVE AND WHITTAMORE ROAD IN THE BUTTS ROAD AND PLEASANT GROVE BOROUGHES OF THE CITY OF CHESAPEAKE, VIRGINIA, EITHER BY AGREEMENT OR CONDEMNATION

As the attached memorandum indicates, the project to extend City water to the residents in the vicinity of the Battlefield Golf Club has advanced to a point where staff is initiating the process of acquiring easements for the construction.

On September 23, 2008, City Council appropriated, as an emergency, \$6 million to be provided by Dominion Power for the extension of water to the neighborhoods in vicinity of the Battlefield Golf Club. The City expedited procurement of engineering services for a total duration of 23 days. The project was advertised for design services on August 17, 2008 stating "time is of the essence". Interested firms were directed to go to City's web page to obtain details. The Selection Committee was named by City Manager the next day on August 18, 2008. Ten days later, eight firms submitted proposals by the advertised due date of August 28, 2008. The firms were then evaluated and short-listed with interviews on September 9, 2008, from which URS was selected.

The project is separated into two construction project phases: the Centerville Turnpike area to be constructed first, then the Murray Drive and Whittamore Road area. The Centerville

Turnpike project area is currently being advertised for construction bids. The Murray & Whittamore plans are 65% complete.

Easement acquisitions for the Centerville Turnpike phase of the project have commenced. In order to ensure water installation on an expedited basis, staff recommends City Council consideration of the attached resolution authorizing the acquisition of easements by purchase or, if necessary, by condemnation. At this time staff believes all right-of-way will be in the form of easements; however, language has been added to the resolution to authorize staff to acquire property in fee simple for right-of-way and leasehold interests. Occasionally, easement acquisition may encounter delays due to a variety of reasons such as unclear title, inability to locate heirs, or inability to agree on price.

Adoption of the attached resolution is recommended in order to continue expediting water installation.

Staff: J. K. Walski, Director of Public Utilities

MEMORANDUM

TO: William E. Harrell
City Manager

VIA: Amar Dwarkanath, P.E. *A*
Deputy City Manager

FROM: J. K. Walski, P.E. *JK*
Director of Public Utilities

DATE: August 28, 2009

SUBJECT: Battlefield Golf Club Vicinity Water Improvements

In conjunction with the City's commitment to extend City water to the residents in the vicinity of the Battlefield Golf Club, the project has advanced to a point where staff is initiating the process of acquiring easements for the construction. By way of background, on September 23, 2008, City Council appropriated, as an emergency, \$6 million to be provided by Dominion Power for the extension of water to the neighborhoods in vicinity of the Battlefield Golf Club. To date the City has invoiced Dominion Power \$654,274.72 and they have paid that amount. The City CIB number is 40-13.

The project is separated into two construction project phases: the Centerville Turnpike area to be constructed first, then the Murray Drive & Whittamore Road area. The Centerville Turnpike project area is currently being advertised for bids. The Murray & Whittamore plans are 65% complete.

In order to ensure water installation on an expedited basis, City staff is recommending City Council consideration of authorization to acquire the easements by purchase or, if necessary, by condemnation. Occasionally, easement acquisition may encounter delays due to a variety of reasons such as unclear title, inability to locate heirs, or inability to agree on price.

Easement acquisitions for the Centerville Turnpike phase of the project have commenced. The Department of Public Utilities' engineering consultant, URS is providing easement acquisition services for the estimated 26 parcels total for both Centerville and Murray & Whittamore.

If you need additional information, please contact me at 6401.

¹⁰²
kas

cc: S. Dean Perry, P.E.

RESOLUTION AUTHORIZING THE ACQUISITION OF TEMPORARY AND PERMANENT EASEMENTS TO CONSTRUCT AND MAINTAIN TWO WATERLINE PROJECTS, AND, IF NECESSARY, TO ACQUIRE PROPERTY IN FEE SIMPLE FOR RIGHT-OF-WAY AND LEASEHOLD INTERESTS, ON CENTERVILLE TURNPIKE, AND ON MURRAY DRIVE AND WHITTAMORE ROAD IN THE BUTTS ROAD AND PLEASANT GROVE BOROUGHES OF THE CITY OF CHESAPEAKE, VIRGINIA, EITHER BY AGREEMENT OR CONDEMNATION.

WHEREAS, in the opinion of the Council of the City of Chesapeake, Virginia, a public necessity exists for the construction and maintenance of waterlines to provide water service to the owners of property shown on the preliminary plans entitled "BATTLEFIELD GOLF CLUB WATER PROJECT, CENTERVILLE TURNPIKE, FOR CITY OF CHESAPEAKE, VIRGINIA, DEPARTMENT OF PUBLIC UTILITIES, PROJECT NO. 1401300800," DATED August 2, 2009, made by URS Corporation, and "BATTLEFIELD GOLF CLUB WATER PROJECT, MURRAY DRIVE & WHITTAMORE ROAD, FOR CITY OF CHESAPEAKE, VIRGINIA, DEPARTMENT OF PUBLIC UTILITIES, PROJECT NO. 1401300800," dated July 21, 2009, made by URS Corporation, which plans are on file in the Chesapeake Department of Public Utilities and may be viewed by the public; and

WHEREAS, it is the opinion of the Council that these projects are necessary for public purposes for the preservation of the safety, health, peace, good order, comfort, convenience, and for the general welfare of the City of Chesapeake, Virginia, and for its inhabitants; and

WHEREAS, in conjunction with the City's commitment to extend City water to the property owners in the vicinity of the Battlefield Golf Club, City Council appropriated \$6

Million on September 23, 2008, to be provided by Virginia Dominion Power for the extension of water to the said neighborhoods; and

WHEREAS, all known persons and parties involved have been encouraged and afforded the full opportunity to participate in the proposed Projects;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Chesapeake, Virginia, as follows:

Section 1. That the major design features of the aforesaid Projects as presented are hereby approved.

Section 2. That the City Council authorizes the acquisition by purchase or condemnation, pursuant to Section 2.02 of the Chesapeake City Charter, and Sections 15.2-1900 et seq., Sections 33.1-89 et seq., and Sections 25.1-200 et seq., of the Code of Virginia, 1950, as amended, of all necessary temporary and permanent easements as shown on the aforesaid plans for the Projects, and, if necessary, to acquire property in fee simple for right-of-way and leasehold interests.

Section 3. That the City Manager or his designee is hereby authorized to make or cause to be made on behalf of the City of Chesapeake, to the extent that funds are available, a reasonable offer to the owners or persons having an interest in said land. If refused, the City Attorney is hereby authorized to institute proceedings to condemn said property.

Section 4. That the Director of Public Utilities for the City is hereby authorized to execute on behalf of the City, all necessary utility agreements required in conjunction with acquiring said property.

ADOPTED by the Council of the City of Chesapeake, Virginia, this _____

day of _____, 2009.

APPROVED:

Mayor

ATTEST:

Clerk of the Council