

CITY OF CHESAPEAKE, VIRGINIA

NUMBER: 5.05

ADMINISTRATIVE REGULATION

EFFECTIVE DATE: 2/19/2016

**SUBJECT: PLANNING DEPARTMENT
MANAGEMENT AND DISPOSITION OF
PROPERTY ACQUIRED THROUGH OPEN
SPACE AND MILITARY ENCROACHMENT
PROGRAMS**

SUPERCEDES: N/A

I. PURPOSE

This regulation sets out the process and priority for disposing of property acquired through open space and military encroachment programs. The regulation identifies the responsible department for processing the property for its final use and for its subsequent maintenance.

II. PROCEDURES

A. Immediate Actions (Short-term Maximum 2 years):

Provide notice to Public Works that the City is purchasing property when the purchase agreement is signed. Public Works includes property maintenance and any demolitions in their maintenance/demo schedules. Property is posted with "No Trespassing" and "No Hunting" signs by Public Works. Contact the Navy to determine their interest for the purchase of restrictive use easements under REPI for fee simple acquisitions under the Fentress Encroachment Plan. If the Navy is interested, proceed under the parameters of the Multi-Year Agreement.

If the property is currently under a farm lease, determine if the farmer is interested in continuing his lease. If so, take steps to continue the lease, to include possible open bid process and City Council approval of the lease.

B. Potential Communications Towers Use for All Properties:

Contact the Director of Information Technology to determine if a portion of the property could be used for a communication tower lease. If so, seek a determination from the Navy that a tower on the property would not be detrimental to military operations. If a tower is compatible, advise City Council. Marketing of the site and any lease arrangements to follow standard procedures, including public hearings for the lease of the property for a communications tower. For towers located near air installations, the tower operator is responsible for filing an Obstruction Evaluation with the Federal Aviation Administration well in advance of construction.

C. Disposition of Properties in the Suburban Overlay District in Ranked Order:

1. Determination from Parks, Recreation and Tourism as to suitability of the property for active or passive recreation. Type of recreational use to be determined based on demand in the area and parks and recreation priorities. Public-only or public/private partnership for recreational use to be analyzed. Contact the Navy to determine if recreation use is compatible per AICUZ or REPI restrictive use easement. If determined to be a candidate, advise City Council. Hold a public meeting for citizen input and acceptability. Parks, Recreation and Tourism assumes maintenance of the site. Sign is posted on the property by Parks, Recreation and Tourism indicating the future recreation use for the site.
2. Determination from Public Works and Public Utilities as to the suitability of the property for public utilities or drainage. If property can be used, advise City Council. Public Works assumes maintenance if site is used for drainage and Public Utilities assumes maintenance of the site if used for public utilities. Sign is posted on the property by the user Department, indicating utility or drainage use for the site.
3. Determination from Public Works as to the suitability of the property for conversion to forested area for storm water credits. Reforest the property at the appropriate time to receive such credits. Public Works assumes maintenance of the property. Sign is posted by Public Works on the property indicating conservation use for the site.
4. Solicit offers to purchase or lease the property for uses deemed compatible by the City Manager, Planning Director and U.S. Navy. Send a recommendation to City Council. Hold public hearings for sale or lease.

D. Disposition of Properties in the Rural Overlay District in Ranked Order:

1. Determination from Parks, Recreation and Tourism as to suitability of the property for passive recreation based on parks and recreation priorities. Public-only or public/private partnership for recreational use to be analyzed. Contact the Navy to determine if recreation use is compatible per AICUZ or REPI restrictive use easement. If determined to be a candidate, advise City Council. Hold a public meeting for citizen input and acceptability. Parks, Recreation and Tourism assumes maintenance of the site. Sign is posted by Parks, Recreation and Tourism on the property indicating the future recreation use for the site.
2. Determination from Public Works as to the suitability of the property for drainage. If property can be used, advise City Council. Public Works assumes maintenance of the site. Sign is posted by Public Works on the property indicating drainage use for the site.
3. Determination from Public Works as to the suitability of the property for a City-owned wetlands bank or wetlands mitigation site. Seek approval from the Army

Corps of Engineers per program guidelines. Any revenues are deposited in the OSAP account. Sign is posted on the property by Public Works indicating wetlands bank use for the site.

4. Determination from Public Works as to the suitability of the property for conversion to forested area for storm water credit. Reforest the property at the appropriate time to receive such credits. Public Works assumes maintenance of the property. Sign is posted on the property by Public Works indicating conservation use for the site.
5. Solicit offers to lease the property for agricultural or passive recreational use. Contact the Navy to determine if recreation use is compatible per AICUZ or REPI restrictive use easement. Send a recommendation to City Council. Hold public hearings for lease. Revenues from the lease are deposited in OSAP account.
6. Place a conservation easement on the property and let convert to its natural state. Sign is posted by Public Works on the property indicating conservation use for the site.

APPROVED AS TO FORM AND CONTENT:

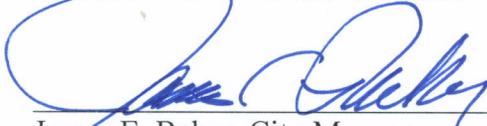


Andrew R. Fox, Deputy City Attorney

2/9/16

Date

APPROVED AND ADOPTED:



James E. Baker, City Manager

2/19/16

Date