To the Honorable Council  
City of Norfolk, Virginia

From: Richard Broad, Director  
Department of Public Works

August 28, 2018

Subject: Acquisition of temporary construction easements to support the Newtown Road/Virginia Beach Boulevard Intersection Improvement Project – A VDOT Smart Scale Project

Ward/Superward: 4/7

Item Number: R-02

I. Recommendation: Adopt Ordinance

II. Applicant: City of Norfolk

III. Description:  
This agenda item is an ordinance to authorize the acquisition and acceptance of required, temporary construction easements for the Newtown Road/Virginia Beach Boulevard Intersection Improvement Project.

IV. Analysis  
• Temporary construction easements are necessary for the contractor to reconstruct private commercial entrances and to tie in the grades to the roadway construction. The City of Norfolk (the “City”) will not permanently acquire any property, nor will any City maintained facilities be constructed on private property.  
• The temporary construction easements will support a major construction project that will produce capacity improvements along an important commercial corridor in the region as well as an important connecting route for traffic to and from economic centers located in Hampton Roads.  
• The City desires entry and use of a small portion of property adjacent to its project limits for purposes of installation of new curbs and gutters as well as to tie in the grades to the roadway construction.

V. Financial Impact:  
• The temporary construction easements have zero-dollar value. No funding is required.  
• The City is self-insured; therefore, all insurance responsibility will be borne by the City.
• The construction of this project will improve the City’s infrastructure and improve safety and quality of life, with the potential for encouraging economic development within the City.

VI. **Environmental:**
N/A

VII. **Community Outreach/Notification:**
Public notification for this agenda item was conducted through the City’s agenda notification process.

VIII. **Board/Commission Action:**
N/A

IX. **Coordination/Outreach:**
This letter and ordinance have been coordinated with the City Attorney’s office and the Virginia Department of Transportation.

Supporting Material from the Department of Public Works:
• Ordinance
• Exhibit A: Temporary Construction Easements
ORDINANCE No.

AN ORDINANCE AUTHORIZING THE ACQUISITION OF NECESSARY TEMPORARY CONSTRUCTION EASEMENTS FROM PROPERTY OWNERS OF LAND ADJOINING THE PUBLIC RIGHT-OF-WAY FOR THE PLANNED NEWTOWN ROAD AND VIRGINIA BEACH BOULEVARD INTERSECTION ENHANCEMENT PROJECT AND AUTHORIZING THE CITY MANAGER TO ACCEPT THE DEEDS OF EASEMENT ON BEHALF OF THE CITY.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the City’s acquisition of any necessary temporary construction easements over the property described on Exhibit A attached hereto from property owners of land adjoining the public right-of-way is hereby authorized and approved.

Section 2:- That the City Manager is authorized to accept Deeds of Easement, in a form approved by the City Attorney, and to do all things necessary and proper to effect the conveyance of the temporary construction easements to the City of Norfolk.

Section 3:- That this ordinance shall be in effect from and after its adoption.
EXHIBIT A TO ORDINANCE

Temporary Access and Construction Easement
Parcel 02 – US 58 (Virginia Beach Boulevard) Improvements at Newtown Road
6502 East Virginia Beach Boulevard, Norfolk, Virginia

All that certain lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, and being further described as follows: BEGINNING at a point that is 57.00 feet, more or less, north of Construction Baseline Station 111+01.55 as shown on sheet 3B of Virginia State Highway Project 0058-122-361 (UPC 109312), said point of beginning being on the northern right-of-way line of Virginia Beach Boulevard and being 5.02 feet more or less from the southwestern corner of Lot B as shown on that certain plat entitled, “Subdivision of Part of Lots 1 through 6 Block 3, Section “B” Hollywood”, being dated October 24, 1978 and being duly recorded in the Clerk’s Office of the Circuit Court of Norfolk, Virginia in Map Book 32, Page 128; thence N 01°23’45” E, 12.69 feet to a point; thence S 88°36’15” E 41.58 feet to a point; thence S 01°23’45” W 12.69 feet to a point, said point being on the northern right-of-way line of Virginia Beach Boulevard and said point being 57.00 feet, more or less, north of Construction Baseline Station 111+43.12; thence along the northern right-of-way of Virginia Beach Boulevard N 88°36’15” W 41.58 feet to the point and place of beginning.

The above-described parcel contains 0.012 acre of land, more or less.

May 10, 2018
Temporary Access and Construction Easement
Parcel 05 – US 58 (Virginia Beach Boulevard) Improvements at Newtown Road
6542 East Virginia Beach Boulevard, Norfolk, Virginia

All that certain lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, and being further described as follows: BEGINNING at a point that is 57.00 feet, more or less, north of Construction Baseline Station 114+99.52 as shown on sheet 3B and 4B of Virginia State Highway Project 0058-122-361 (UPC 109312), said point of beginning being on the northern right-of-way line of Virginia Beach Boulevard and being the southwestern corner of Lot 21 Block 3 as shown on that certain plat entitled, “Section “B” Hollywood on Norfolk-Virginia Beach Boulevard”, being dated October 31, 1924 and being duly recorded in the Clerk’s Office of the Circuit Court of Virginia Beach, Virginia in Map Book 7, Page 55 and as described in Deed Instrument 020012477 being duly recorded in the Clerk’s Office of the Circuit Court of Norfolk, Virginia; thence N 01°23’45” E, 5.00 feet to a point; thence S 88°36’15” E 100.00 feet to a point; thence S 01°23’45” W 5.00 feet to a point, said point being on the northern right-of-way line of Virginia Beach Boulevard and said point being 57.00 feet, more or less, north of Construction Baseline Station 115+99.52; thence along the northern right-of-way of Virginia Beach Boulevard N 88°36’15” W 100.00 feet to the point and place of beginning.

The above-described parcel contains 0.011 acre of land, more or less.

May 10, 2018
Temporary Access and Construction Easement
Parcel 06 — US 58 (Virginia Beach Boulevard) Improvements at Newtown Road
6600 East Virginia Beach Boulevard, Norfolk, Virginia

All that certain lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, and being further described as follows: BEGINNING at a point that is 53.49 feet, more or less, north of Construction Baseline Station 118+27.08 as shown on sheet 4B of Virginia State Highway Project 0058-122-361 (UPC 109312), said point of beginning being on the northern right-of-way line of Virginia Beach Boulevard and being 176.33’ from the southwestern corner of Lot 1 Block 4 as shown on that certain plat entitled, “Section “B” Hollywood on Norfolk-Virginia Beach Boulevard”, being dated October 31, 1924 and being duly recorded in the Clerk’s Office of the Circuit Court of Virginia Beach, Virginia in Map Book 7, Page 55 and as described in Deed Instrument 130002612 being duly recorded in the Clerk’s Office of the Circuit Court of Norfolk, Virginia; thence N 01°23’45” E, 12.03 feet to a point; thence S 88°36’15” E 50.02 feet to a point; thence S 01°23’45” W 12.03 feet to a point, said point being on the northern right-of-way line of Virginia Beach Boulevard and said point being 52.38 feet, more or less, north of Construction Baseline Station 118+77.09; thence along the northern right-of-way of Virginia Beach Boulevard N 88°36’15” W 50.02 feet to the point and place of beginning.

The above-described parcel contains 0.014 acre of land, more or less.

May 10, 2018
Temporary Access and Construction Easement
Parcel 07 – US 58 (Virginia Beach Boulevard) Improvements at Newtown Road
6626 East Virginia Beach Boulevard, Norfolk, Virginia

All that certain lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, and being further described as follows: BEGINNING at a point that is 51.86 feet, more or less, north of Construction Baseline Station 119+00.73 as shown on sheet 4B of Virginia State Highway Project 0058-122-361 (UPC 109312), said point of beginning being on the northern right-of-way line of Virginia Beach Boulevard and being the southwestern corner of Lot 11 Block 4 as shown on that certain plat entitled, “Section “B” Hollywood on Norfolk-Virginia Beach Boulevard”, being dated October 31, 1924 and being duly recorded in the Clerk’s Office of the Circuit Court of Virginia Beach, Virginia in Map Book 7, Page 55 and as described in Deed Instrument 000008213 being duly recorded in the Clerk’s Office of the Circuit Court of Norfolk, Virginia; thence N 01°23'45" E, 5.00 feet to a point; thence S 88°36'15" E 9.20 feet to a point; thence N 01°23'45" E, 8.66 feet to a point; thence S 88°09'15" E 40.62 feet to a point; thence S 01°23'45" W, 8.35 feet to a point; thence S 88°36'15" E 48.80 feet to a point; thence N 01°23'45" E, 6.82 feet to a point; thence S 88°36'15” E 41.39 feet to a point; thence S 01°23'45” W 6.82 feet to a point; thence S 88°36'15” E 9.99 feet to a point; thence S 01°23'45” W 5.00 feet to a point, said point being on the northern right-of-way line of Virginia Beach Boulevard and said point being 48.53 feet, more or less, north of Construction Baseline Station 120+50.70; thence along the northern right-of-way of Virginia Beach Boulevard N 88°36’15” W 150.00 feet to the point and place of beginning.

The above-described parcel contains 0.032 acre of land, more or less.

May 10, 2018
Temporary Access and Construction Easement
Parcel 08 – US 58 (Virginia Beach Boulevard) Improvements at Newtown Road
6636 East Virginia Beach Boulevard, Norfolk, Virginia

All that certain lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, and being further described as follows: BEGINNING at a point that is 48.53 feet, more or less, north of Construction Baseline Station 120+50.70 as shown on sheet 4B of Virginia State Highway Project 0058-122-361 (UPC 109312), said point of beginning being on the northern right-of-way line of Virginia Beach Boulevard and being the southwestern corner of Lot 17 Block 4 as shown on that certain plat entitled, "Section "B" Hollywood on Norfolk-Virginia Beach Boulevard", being dated October 31, 1924 and being duly recorded in the Clerk’s Office of the Circuit Court of Virginia Beach, Virginia in Map Book 7, Page 55 and as described in Deed Instrument 170003235 being duly recorded in the Clerk’s Office of the Circuit Court of Norfolk, Virginia; thence N 01°23'45" E, 5.00 feet to a point; thence S 88°36'15" E 27.07 feet to a point; thence N 01°23'45" E, 13.34 feet to a point; thence S 89°03'08" E 51.05 feet to a point; thence S 01°23'45" W, 13.74 feet to a point; thence S 88°36'15" E 21.88 feet to a point; thence S 01°23'45" W 5.00 feet to a point, said point being on the northern right-of-way line of Virginia Beach Boulevard and said point being 46.30 feet, more or less, north of Construction Baseline Station 121+50.67; thence along the northern right-of-way of Virginia Beach Boulevard N 88°36'15" W 100.00 feet to the point and place of beginning.

The above-described parcel contains 0.027 acre of land, more or less.

May 10, 2018
Temporary Access and Construction Easement
Parcel 09 – US 58 (Virginia Beach Boulevard) Improvements at Newtown Road
6644 East Virginia Beach Boulevard, Norfolk, Virginia

All that certain lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, and being further described as follows: BEGINNING at a point that is 46.30 feet, more or less, north of Construction Baseline Station 121+50.67 as shown on sheet 4B of Virginia State Highway Project 0058-122-361 (UPC 109312), said point of beginning being on the northern right-of-way line of Virginia Beach Boulevard and being the southwestern corner of Lot 21 Block 4 as shown on that certain plat entitled, “Section “B” Hollywood on Norfolk-Virginia Beach Boulevard”, being dated October 31, 1924 and being duly recorded in the Clerk’s Office of the Circuit Court of Virginia Beach, Virginia in Map Book 7, Page 55 and as described in Deed Instrument 090015581 being duly recorded in the Clerk’s Office of the Circuit Court of Norfolk, Virginia; thence N 01°23’45” E, 5.00 feet to a point; thence S 88°36’15” E 50.00 feet to a point; thence N 01°23’45” E, 5.00 feet to a point, said point being on the northern right-of-way line of Virginia Beach Boulevard and said point being 45.19 feet, more or less, north of Construction Baseline Station 122+00.66; thence along the northern right-of-way of Virginia Beach Boulevard N 88°36’15” W 50.00 feet to the point and place of beginning.

The above-described parcel contains 0.006 acre of land, more or less.

May 10, 2018
Temporary Access and Construction Easement
Parcel 10 – US 58 (Virginia Beach Boulevard) Improvements at Newtown Road
6646 East Virginia Beach Boulevard, Norfolk, Virginia

All that certain lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, and being further described as follows: BEGINNING at a point that is 45.19 feet, more or less, north of Construction Baseline Station 122+00.66 as shown on sheet 4B of Virginia State Highway Project 0058-122-361 (UPC 109312), said point of beginning being on the northern right-of-way line of Virginia Beach Boulevard and being the southwestern corner of Lot 23 Block 4 as shown on that certain plat entitled, “Section “B” Hollywood on Norfolk-Virginia Beach Boulevard”, being dated October 31, 1924 and being duly recorded in the Clerk’s Office of the Circuit Court of Virginia Beach, Virginia in Map Book 7, Page 55 and as described in Deed Instrument 000009933 being duly recorded in the Clerk’s Office of the Circuit Court of Norfolk, Virginia; thence N 01°23’45” E, 37.53 feet to a point; thence S 88°30’20” E 50.00 feet to a point; thence N 01°23’45” E, 37.44 feet to a point, said point being on the northern right-of-way line of Virginia Beach Boulevard and said point being 45.23 feet, more or less, north of Construction Baseline Station 122+48.86; thence along the northern right-of-way of Virginia Beach Boulevard N 88°36’15” W 50.00 feet to the point and place of beginning.

The above-described parcel contains 0.043 acre of land, more or less.

May 10, 2018
Temporary Access and Construction Easement
Parcel 11 – US 58 (Virginia Beach Boulevard) Improvements at Newtown Road
6656 East Virginia Beach Boulevard, Norfolk, Virginia

All that certain lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, and being further described as follows: BEGINNING at a point that is 50.47 feet, more or less, north of Construction Baseline Station 123+03.16 as shown on sheets 4B & 5B of Virginia State Highway Project 0058-122-361 (UPC 109312), said point of beginning being on the northern right-of-way line of Virginia Beach Boulevard and being in the southwestern line of Lot 1 Block 5 as shown on that certain plat entitled, “Section “B” Hollywood on Norfolk-Virginia Beach Boulevard”, being dated October 31, 1924 and being duly recorded in the Clerk’s Office of the Circuit Court of Virginia Beach, Virginia in Map Book 7, Page 55 and as described in Deed Instrument 010024904 being duly recorded in the Clerk’s Office of the Circuit Court of Norfolk, Virginia; thence along a curve to the right having a radius of 1620.85 feet, length of 37.13 feet and chord of S 87°09′13″ E, 37.13 feet to a point; thence S 03°29′57″ E 5.00 feet to a point, said point being on the northern right-of-way line of Virginia Beach Boulevard and said point being 47.04 feet, more or less, north of Construction Baseline Station 123+39.20; thence along the northern right-of-way of Virginia Beach Boulevard along a curve to the left having a radius of 1615.85 feet, length of 31.80 feet and chord of N 87°03′40″ W, 31.80 feet to a point; thence N 43°58′05″ W 7.23 feet to the point and place of beginning.

The above-described parcel contains 0.004 acre of land, more or less.

May 10, 2018
Western Portion of Easement

All that certain lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, and being further described as follows: BEGINNING at a point that is 47.60 feet, more or less, north of Construction Baseline Station 123+51.70 as shown on sheet 5B of Virginia State Highway Project 0058-122-361 (UPC 109312), said point of beginning being on the northern right-of-way line of Virginia Beach Boulevard and being 5.69 feet from the southwestern corner of Parcel A1 as shown on that certain plat entitled, “Property Line Vacation of Lots 3-7, Block 5, Section B Hollywood (M.B. 7 PG. 55-Virgnia Beach), Part of Parcel A (MB 18 PG. 95) and Consolidation”, being dated May 17, 2011 and being duly recorded in the Clerk’s Office of the Circuit Court of Norfolk, Virginia in Map Book 69, Page 39-40; thence N 03°57'26" E 8.80 feet to a point; thence N 04°22’12” E 17.31 feet to a point; thence S 75°21'27" E 53.85 feet to a point; thence S 05°28'17” W 11.99 feet to a point; thence along a curve to the right having a radius of 1620.85, length of 71.94 feet and chord of S 82°54’14” E 71.54 feet to a point; thence along a curve to the right having a radius of 686.34 feet, length of 26.31 feet and chord of S 80°32’03” E 26.31 feet to a point; thence S 10°33’38” W 4.92 feet to a point, said point being on the northern right-of-way line of Virginia Beach Boulevard and said point being 54.49 feet, more or less, north of Construction Baseline Station 124+96.84; thence along the northern right-of-way of Virginia Beach Boulevard along a curve to the left having a radius of 681.34 feet, length of 26.12 feet and chord of N 80°32’04” W 26.11 feet to a point; thence along a curve to the left having a radius of 1615.85 feet, length of 124.29 feet and chord of N 83°50’09” W 124.26 feet to the point and place of beginning.

The above-described parcel contains 0.037 acre of land, more or less.

Eastern Portion of Easement

All that certain lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, and being further described as follows: BEGINNING at a point that is 57.83 feet, more or less, north of Construction Baseline Station 126+01.20 as shown on sheet 5B of Virginia State Highway Project 0058-122-361 (UPC 109312), said point of beginning being on the northern right-of-way line of
Virginia Beach Boulevard and being on the southeastern line of Parcel A1 as shown on that certain plat entitled, “Property Line Vacation of Lots 3-7, Block 5, Section B Hollywood (M.B. 7 PG.55-Virginia Beach), Part of Parcel A (MB 18 PG. 95) and Consolidation”, being dated May 17, 2011 and being duly recorded in the Clerk’s Office of the Circuit Court of Norfolk, Virginia in Map Book 69, Page 39-40; thence along the northern right-of-way line of Virginia Beach Boulevard S 53°21’33” W 6.02 feet a point, said point being the southeasternmost corner of aforementioned Parcel A1; thence continuing along the northern right-of-way line of Virginia Beach Boulevard along a curve to the left having a radius of 681.34 feet, length of 84.90 feet and chord of N 74°12’08” W 84.85 feet to a point, said point being 54.84 feet, more or less, north of Construction Baseline Station 125+15.90; thence N 12°13’29” E 5.00 feet to a point; thence along a curve to the right having a radius of 686.34 feet, length of 88.89 feet and chord of S 74°03’43” E 88.83 feet to the point and place of beginning.

The above-described parcel contains 0.010 acre of land, more or less.

May 10, 2018