



# City of Norfolk

Office of the City Manager

cc: Dir. Planning & Codes Admin.

September 22, 1998

To the Honorable Council  
City of Norfolk, Virginia

Re: Ballentine Place  
Conservation Plan

Lady and Gentlemen:

The Norfolk Redevelopment & Housing Authority is proposing to amend the Ballentine Place Conservation Plan to acquire property in the area. A plan amendment is needed to designate a portion of the existing Cromwell Road right-of-way between Peterson Street and Hanbury Street as "land to be acquired." This property, located on the eastern side of Cromwell Road between the sidewalk and the right-of-way line, is not needed for right-of-way purposes.

It has been determined that this area of Cromwell Road may be closed and the land made available for private reuse by adjacent property owners. It has also been determined that if the surplus right-of-way is closed and vacated by the City, the fee simple ownership of the land cannot be established. Therefore, NRHA proposes to close the right-of-way section in question and then proceed to acquire the land through eminent domain. Following acquisition, NRHA will dispose of the property through purchase by the abutting property owner.

The City Council held a joint public hearing with the Norfolk Redevelopment and Housing Authority Commissioners and the City Planning Commission on June 30, 1998. Subsequent to this hearing, the NRHA Board of Commissioners and City Planning Commission have recommended approval of the amendment.

Recommendation: Adopt Resolution.

Respectfully submitted,

James B. Oliver  
City Manager

8/5/98 LL

Form and Correctness Approved:

By Daniel G. Hagemaster  
Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved:

By R. Brian Townson  
DEPT. City Planning & Code  
Administration**Resolution 963**

R-11

A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE  
CONSERVATION PLAN FOR THE BALLENTINE PLACE  
CONSERVATION PROJECT.

- - -

WHEREAS, the Norfolk Redevelopment and Housing Authority  
(hereinafter "the Authority") has found it necessary to amend the  
Ballentine Place Conservation Plan as approved by City Council on  
December 22, 1987 to designate for acquisition an irregularly  
shaped parcel of land for economic development; and

WHEREAS, the Authority has adopted a resolution approving  
the amendment; and

WHEREAS, the amendment has been presented to this Council  
for appropriate action; and

WHEREAS, the Council has considered the proposed  
amendment as adopted by the Authority; and

WHEREAS, the Council finds the amendment and the  
resolution to be appropriate and proper in all respects; now,  
therefore,

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

Section 1: That Amendment No. 1 for the Ballentine  
Place Conservation Plan be, and the same hereby is,  
approved.

Section 2: That Amendment No. 1 includes land designated for acquisition as described as follows:

The eastern most 45 feet of the existing right-of-way of Cromwell Road a distance of 260 feet from the southern right-of-way of Hanbury Street to a point approximately 390 feet north of the northern right of way line of Peterson Street.

Section 3: That this Council joins in and the concurs with Resolution No. 8319, adopted by the Board of Commissioners of the Authority on July 20, 1998.

Section 4: That the appropriate City officers are hereby authorized to do all things necessary to implement and carry out the approved amendment, acting in concert where necessary with representatives of the Authority.

Section 5: That this resolution shall be in effect from and after the date of its adoption.

## CITY OF NORFOLK, VIRGINIA

**RESOLUTION No. 963**

**Motion:** Requirement prescribed by Section 14 of the Norfolk City Charter that the ordinance shall be read at two regular meetings of the Council not less than one week apart be dispensed with.

RECORD OF COUNCIL VOTE									
Council Member	AYE	NAY	N.V.	A.B.	Council Member	AYE	NAY	N.V.	A.B.
DR. ANDREWS	X				DR. ANDREWS	X			
MR. COLLINS	X				MR. COLLINS	X			
MRS. HESTER	X				MRS. HESTER	X			
MR. PHILLIPS	X				MR. PHILLIPS	X			
MR. RIDDICK				X	MR. RIDDICK				X
MR. WRIGHT	X				MR. WRIGHT	X			
MR. FRAIM	X				MR. FRAIM	X			
<b>TOTAL VOTE</b>	<b>6</b>			<b>1</b>	<b>TOTAL VOTE</b>	<b>6</b>			<b>1</b>
MOTION ADOPTED SEPTEMBER 22, 1998					RESOLUTION ADOPTED SEPTEMBER 22, 1998				
FIRST READING					ADOPTED ON SECOND READING				
X - INDICATES VOTE					N.V. - ABSTAINED		A.B. - ABSENT		

FINAL VOTE:        6   AYES             NAYS             ABSTAINED

ADOPTED BY COUNCIL OF THE CITY OF NORFOLK, VIRGINIA, ON SEPTEMBER 22, 1998, EFFECTIVE SEPTEMBER 22, 1998.

Teste:

\_\_\_\_\_  
PAUL D. FRAIM, PRESIDENT

\_\_\_\_\_  
R. BRECKENRIDGE DAUGHTREY, CITY CLERK



# City of Norfolk

## Inter Department Correspondence Sheet

City Manager

TO: .....

FROM: ..... Executive Secretary, City Planning Commission

COPIES TO: .....

SUBJECT: ..... Ballentine Conservation Plan Amendment .....

August 14, 1998

On June 30, 1998 and August 14, 1998, the City Planning Commission reviewed the proposed amendment to the Ballentine Conservation Plan which was prepared by the Norfolk Redevelopment and Housing Authority.

By action taken on August 14, 1998, the City Planning Commission recommended that the plan amendment be approved.

*R. Brian Townsend*  
for Ernie Freeman

## Commissioners' Resolution

Commissioners' Meeting Date: July 20, 1998

Title:

RESOLUTION ADOPTING AMENDMENT NO. 1 TO THE  
CONSERVATION PLAN FOR THE BALLENTINE PLACE CONSERVATION PROJECT

Resolution:

WHEREAS, it has become necessary to amend the Conservation Plan for the Ballentine Place Conservation Project adopted by the Authority on November 9, 1987 and approved by the City Council on December 22, 1987 in order to designate for acquisition an irregularly shaped parcel of land which may be generally described as the eastern most 45 feet of the existing right of way of Cromwell Road a distance of 260 feet from the southern right of way of Hanbury Street to a point approximately 390 feet north of the northern right of way line of Peterson Street, in order to make the land to be acquired available for commercial development purposes; and

WHEREAS, Amendment No. 1 to the Conservation Plan for the Ballentine Place Conservation Project, dated July 1998, which has been presented at this meeting, accomplishes the foregoing;

NOW, THEREFORE, BE IT RESOLVED that Amendment No. 1 to the Ballentine Place Conservation Plan for the Ballentine Place Conservation Project, dated July 1998 and consisting of two typewritten pages and one exhibit is hereby adopted, and the Secretary of this Authority is directed to forward a copy of the same to the Council of the City of Norfolk requesting that the same be approved as provided by law.

Commissioners' Action:

Moved by:

Seconded by:

☒ Approved  
☐ Disapproved

Certified by:

*[Signature]* B. B. Bu

"Over For Instructions"

# NRHA

Norfolk Redevelopment &  
Housing Authority

P.O. Box 968  
Norfolk, VA 23501

July 27, 1998

Mr. James B. Oliver, Jr.  
City Manager  
City of Norfolk  
Room 1101, City Hall Building  
Norfolk, VA 23510

Dear Mr. Oliver:

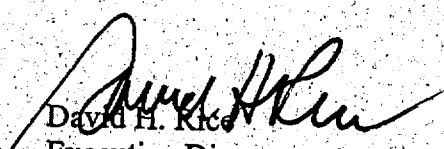
On Monday, July 20, 1998 the Norfolk Redevelopment and Housing Authority approved the enclosed Resolution adopting Amendment No. 1 to the Conservation Plan for the Ballentine Place Conservation Project.

The proposed Plan Amendment was the subject of a joint public hearing conducted by City Council and our Commissioners, which was held on June 30, 1998.

The objective of Plan Amendment No. 1 is to identify for acquisition an irregular shaped parcel of land located on the east side of Cromwell Road south of Hanbury Street.

I have enclosed a copy of Plan Amendment No. 1 to the Conservation Plan for the Ballentine Place Conservation Project and I would ask that you bring Plan Amendment No. 1 before City Council for their review and approval.

Sincerely,

  
David H. Rice  
Executive Director

Attachment

(757) 623-1111 Fax (757) 626-1607 TDD (800) 545-1833

Commissioners • Doyle E. Hull, Chairman • George W. C. Brown, Jr., Vice-Chair • Bruce T. Bishop  
G. Wayne Brown • Shirley A. Freeman • Arnold B. McKinnon • Joshua C. Palge • Executive Director, David H. Rice

SLM  
RF

AMENDMENT NO. 1 TO THE CONSERVATION  
PLAN FOR THE BALLENTINE PLACE  
CONSERVATION PROJECT

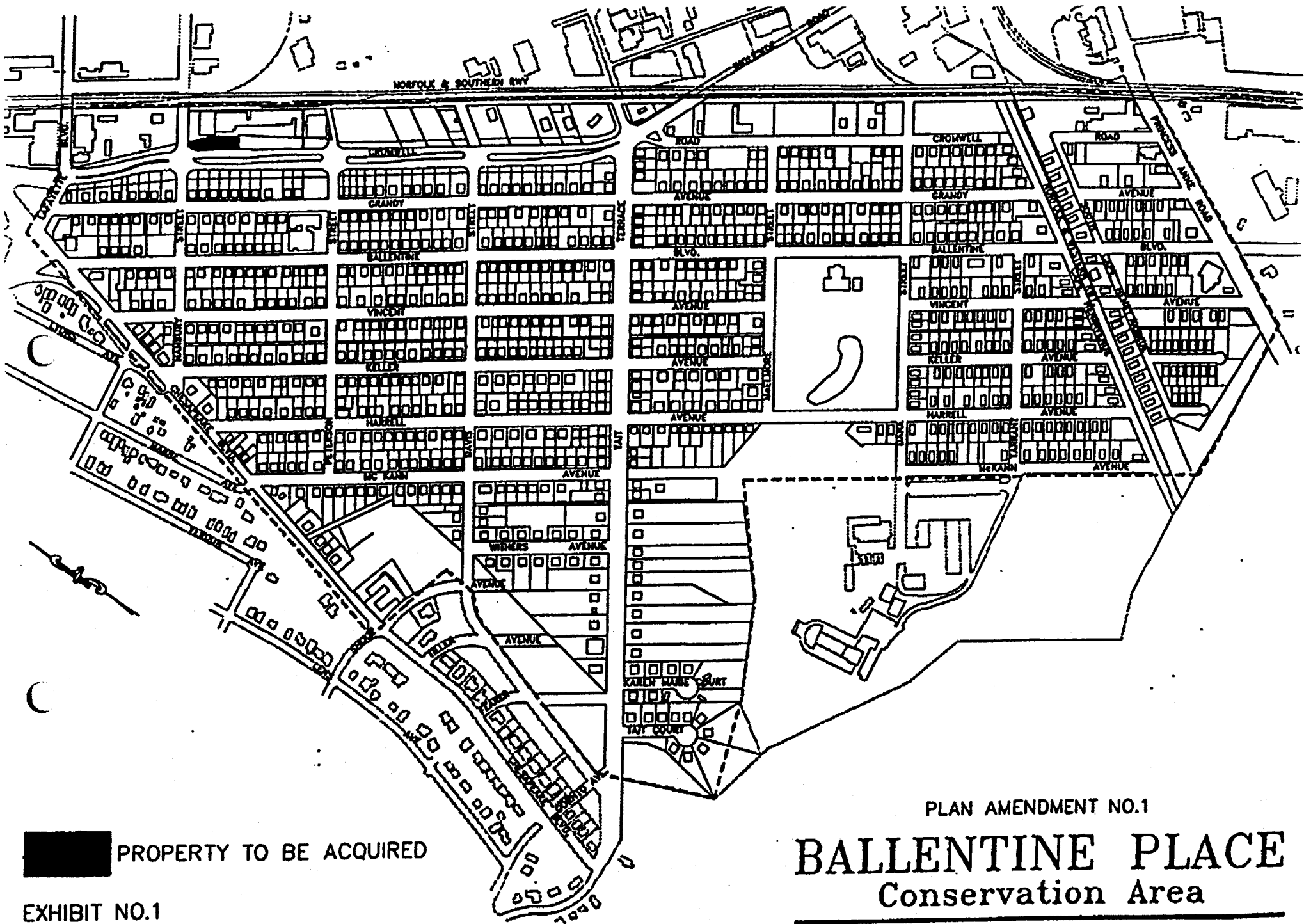
The Conservation Plan for the Ballentine Place Conservation Project (the Original Plan) is hereby amended to authorize the acquisition by eminent domain of a parcel of vacant land. The title to the parcel is unmarketable, hindering its proper development. Acquisition by NRHA will enable this parcel to be developed in a manner which is consistent with the purposes of the Plan. In order to carry out the purposes of the original Plan, the original Plan is hereby amended as follows:

1. Under paragraph A.2 "Description of Existing Conditions", after the second full paragraph on page 6, add the following paragraph: "A parcel of vacant land exists within the Project Area, the title to which is unmarketable. The parcel is encumbered by the unused right-of-way for Cromwell Avenue and the parcel is not on the City's tax rolls. Because of title problems and lack of access, the property may not be properly developed. Consequently; acquisition of this property is necessary to accomplish the redevelopment of the Project Area in accordance with the Original Plan."

2. Under paragraph B.2 "Property Acquisition", add the following paragraph: "The Authority will acquire by eminent domain a parcel of land containing approximately 11,400 sq. ft. situate in the City of Norfolk. The parcel is identified on Exhibit I to this Amendment and may be generally described as the eastern most 45 feet of the existing right of way of Cromwell Road a distance of 260 feet from the southern right of way of Hanbury Street to a



point approximately 390 feet north of the northern right of way line of Peterson Street. Title to this parcel is unmarketable, therefore, acquisition of this property is necessary to accomplish the redevelopment of the Project Area, in accordance with the Original Plan."



 PROPERTY TO BE ACQUIRED

EXHIBIT NO.1

Project Boundary - - - - -

PLAN AMENDMENT NO.1

# BALLENTINE PLACE

## Conservation Area



July 1998



# City of Norfolk

Office of the City Manager

cc: Dir., City Planning & Codes Admin.

June 30, 1998

To the Honorable Council  
City of Norfolk, Virginia

Re: Ballentine Place  
Conservation Plan

Lady and Gentlemen:

There is scheduled on this date a City Council public hearing to be held jointly with the City Planning Commission and the NRHA Board of Commissioners on a proposed amendment to the Ballentine Place Conservation Plan to acquire property in the area. A plan amendment is needed to designate a portion of the existing Cromwell Road right-of-way between Peterson Street and Hanbury Street as "land to be acquired." This property, located on the eastern side of Cromwell Road between the sidewalk and the right-of-way line, is not needed for right-of-way purposes.

It has been determined that this area of Cromwell Road may be closed and the land made available for private reuse by adjacent property owners. It has also been determined that if the surplus right-of-way is closed and vacated by the City, the fee simple ownership of the land cannot be established. Therefore, NRHA proposes to close the right-of-way section in question and then proceed to acquire the land through eminent domain. Following acquisition, NRHA will dispose of the property through purchase by the abutting property owner. A copy of the amendment to the Ballentine Place Conservation Plan and a project area map which identifies the property to be acquired is attached.

Following this joint public hearing, the Norfolk Redevelopment and Housing Authority Commissioners, at a subsequent meeting, will review the public hearing comments, and take action on the proposed plan. The plan will then be forwarded to the City Planning Commission for its review and recommendation; and subsequently returned to City Council for formal consideration.

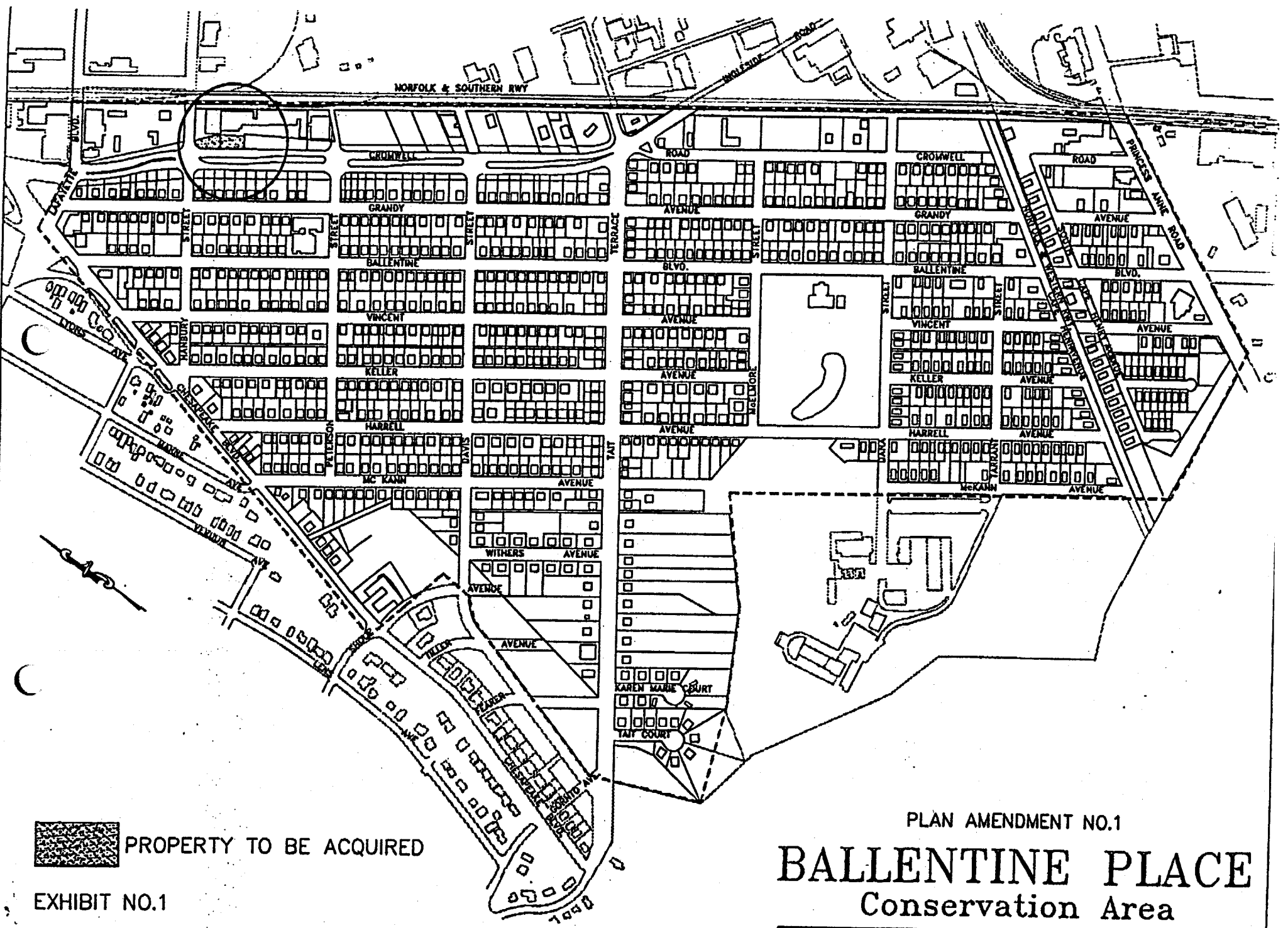
AMENDMENT NO. 1 TO THE CONSERVATION  
PLAN FOR THE BALLENTINE PLACE  
CONSERVATION PROJECT

The Conservation Plan for the Ballentine Place Conservation Project (the Original Plan) is hereby amended to authorize the acquisition by eminent domain of a parcel of vacant land. The title to the parcel is unmarketable, hindering its proper development. Acquisition by NRHA will enable this parcel to be developed in a manner which is consistent with the purposes of the Plan. In order to carry out the purposes of the original Plan, the original Plan is hereby amended as follows:

1. Under paragraph A.2 "Description of Existing Conditions", after the second full paragraph on page 6, add the following paragraph: "A parcel of vacant land exists within the Project Area, the title to which is unmarketable. The parcel is encumbered by the unused right-of-way for Cromwell Avenue and the parcel is not on the City's tax rolls. Because of title problems and lack of access, the property may not be properly developed. Consequently, acquisition of this property is necessary to accomplish the redevelopment of the Project Area in accordance with the Original Plan."

2. Under paragraph B.2 "Property Acquisition", add the following paragraph: "The Authority will acquire by eminent domain a parcel of land containing approximately 11,400 sq. ft. situate in the City of Norfolk. The parcel is described more fully in Exhibit I to this Amendment. Title to this parcel is unmarketable,

therefore, acquisition of this property is necessary to accomplish the redevelopment of the Project Area, in accordance with the Original Plan."



PROPERTY TO BE ACQUIRED

EXHIBIT NO.1

Project Boundary -----

PLAN AMENDMENT NO.1

# BALLENTINE PLACE

## Conservation Area



March 30 1998