

LD4954739

SENATE BILL NO. 449

Offered January 25, 1994

A BILL to amend and reenact Chapter 931 of the Acts of Assembly of 1993, relating to conveyance of certain property of the Commonwealth to the City of Virginia Beach and conveyance of certain property of the City of Virginia Beach to the Commonwealth.

Patrons—Stolle, Earley and Holland, C.A.; Delegates: Croshaw, McDonnell, Purkey, Tata, Wagner and Wardrup

Referred to the Committee for Courts of Justice

Whereas, certain property owned by the Commonwealth, and known as Camp Pendleton, is used, in part, by the Virginia National Guard for training purposes; and

Whereas, at the time of its creation, the territory contiguous to Camp Pendleton was relatively sparsely populated; and

Whereas, since the creation of Camp Pendleton, surrounding communities have grown and developed at an unexpectedly rapid pace; and

Whereas, continuing urbanization and increasing population density in the Hampton Roads area have often confronted local communities with the need to find new areas of land which can be put to use for public purposes; and

Whereas, certain portions of the Camp Pendleton property are currently (i) leased to the City of Virginia Beach for public purposes or (ii) undeveloped and unused, and should therefore be considered surplus property; and

Whereas, it is in the best interest of the Commonwealth to dispose of surplus property for fair market value; and

Whereas, the City of Virginia Beach has been negotiating for a number of years to purchase the surplus properties of Camp Pendleton and, when compared to professional appraisals, has offered to pay the Commonwealth at least fair market value for the properties; ~~now, therefore, and~~

Whereas, continued erosion at Sandbridge Beach, in the City of Virginia Beach, constitutes a great and imminent threat to property; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. That Chapter 931 of the Acts of Assembly of 1993 is amended and reenacted as follows:

§ 1. The Governor shall convey in the name of the Commonwealth, in a form approved by the Attorney General, to the City of Virginia Beach, the Commonwealth's interest in the following properties located at Camp Pendleton:

Tract 1, containing 288 acres, more or less, and commonly referred to as "Red Wing Golf Course";

Tract 2, containing 132 acres, more or less, and commonly referred to as the "Forest Tract";

Tract 3, containing seventy acres, more or less, and commonly referred to as the "Fire Training/Elementary School Tract"; and

Tract 4, containing fifty-nine acres, more or less, and commonly referred to as the "Municipal Tract-Owls Creek."

The City of Virginia Beach shall pay to the Commonwealth the fair market value amount as determined by an appraisal at terms to be agreed upon. The appraisal shall be performed by a qualified appraiser as agreed upon by the Commonwealth and the City of Virginia Beach. If an appraiser cannot be agreed upon, then each party shall select an appraiser and the two appraisers shall agree upon a third appraiser. The appraisal amount shall be the average of the three appraisals. *If such appraisal process is not concluded by July 1, 1994, the City shall pay to the Commonwealth the sum of \$4.7 million. Payment shall be made, without interest, as follows: \$1.5 million by July 1, 1994; \$1.5 million by July 1, 1995; and thereafter \$500,000 or such lesser amount as is outstanding on the first of July of each succeeding year until fully paid.*

The City's lease of Tract 1 shall continue under the current terms until June 30, 1994, or until the conveyance of Tract 1 to the City is completed, whichever shall occur first.

§ 2. Tracts 1 and 2 shall be used only for municipal recreational purposes and shall be subject to reclamation by the Commonwealth, in whole or in part, upon demand by the Governor, in the event of a national emergency declared by the President or by Congress. The property shall be returned to the City upon the expiration of the emergency.

§ 3. Tracts 3 and 4 shall be used only for municipal purposes.

§ 4. *The Commonwealth hereby accepts the conveyance by the City of Virginia Beach to the Commonwealth of that certain property set forth in Exhibit "A" of City of Virginia Beach Ordinance No.*

INTRODUCED

SB449

60 93-2249 Y, adopted by the Virginia Beach City Council, according to the terms of said Ordinance.

61 § 5. The Commonwealth hereby agrees to serve as local sponsor for a cost-shared federal beach
62 nourishment or hurricane protection project for the Sandbridge area.

63 § 6. Funds received by the Commonwealth for the sale of the aforesaid property shall be segregated
64 into a dedicated special fund and shall be applied solely to the Commonwealth's share of the cost of the
65 project described in § 5 of this Act. In the event such funds are insufficient to pay in full the
66 Commonwealth's cost share of the said project, the remainder shall be paid out of funds derived from
67 the Sandbridge area.