

1994 SESSION

SENATE SUBSTITUTE

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SENATE BILL NO. 449

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice

on February 9, 1994)

(Patron Prior to Substitute—Senator Stolle)

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.

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,

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. Each appraisal performed on the above-referenced Pendleton property shall appraise said property without improvements. Additionally, each appraisal shall separately appraise the value of the golf course improvements located on track 1 of the Pendleton property.

The appraisal amount shall be the average of the three appraisals of the unimproved property. After the appraisal process is completed, the City of Virginia Beach and the Commonwealth of Virginia shall negotiate the inclusion or exclusion of the value, or the inclusion of any part of the value, of the golf course improvements in the purchase price.

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 the City has agreed to serve as local sponsor for a cost-shared federal beach nourishment or hurricane project, \$2.8 million of the purchase price paid by the City shall be returned to the City for its use solely in that project

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.

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