

**WINCHESTER COMMON COUNCIL SPECIAL MEETING
TUESDAY, OCTOBER 1, 2013
AGENDA
6:30 p.m.**

1.0 CALL TO ORDER AND ROLL CALL

2.0 AGENDA

2.1 O-2013-32: First Reading: AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF PROPERTIES NECESSARY FOR THE MONTICELLO STREET EXTENSION PROJECT BY MEANS INCLUDING BUT NOT LIMITED TO CONDEMNATION AND ACCEPTANCE BY THE CITY OF SAID PROPERTIES (*Acquisition of properties for the construction of a bridge over the railroad and extension of Monticello Street*)(pages 2-30)

2.2 Motion to correct a scrivener's error pertaining to R-2013-43 regarding the application for the SAFER Grant approved on September 10, 2013 (pages 31-33)

3.0 EXECUTIVE SESSION

3.1 MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND STATUS UPDATE FROM THE CITY ATTORNEY AND LEGAL CONSULTATION REGARDING THE SUBJECT OF SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY THE CITY ATTORNEY ON MATTERS OF ACTUAL OR PROBABLE LITIGATION

4.0 ADJOURNMENT

0-2013-32

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: September 24, 2013 CUT OFF DATE: ___

RESOLUTION ___ ORDINANCE X PUBLIC HEARING ___

ITEM TITLE: An ordinance to authorize the acquisition of properties necessary for the Monticello Street Extension Project by means including but not limited to condemnation and acceptance by the City of said properties

STAFF RECOMMENDATION: Approval

PUBLIC NOTICE AND HEARING: N/A

ADVISORY BOARD RECOMMENDATION: N/A

FUNDING DATA: Approximately \$5,000,000 from the Virginia Department of Transportation's Transportation Partnership Opportunity Fund grant.

INSURANCE: N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Finance	<u>BS</u>		<u>9-11-13</u>
2. Public Utilities	<u>PE</u>		<u>9/11/13</u>
3. _____			
4. City Attorney	<u>aw</u>		<u>9/11/2013</u>
5. City Manager	<u>[Signature]</u>		<u>9-11-13</u>
6. Clerk of Council			

Initiating Department Director's Signature: [Signature] Date 9/11/13

Economic Development Director

APPROVED AS TO FORM:



[Signature] 9/11/2013
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Jim Deskins, Economic Redevelopment Director
Date: 9/24/2013
Re: Monticello Street Extension Project

THE ISSUE: An ordinance to authorize the acquisition of properties necessary for the Monticello Street Extension Project by means including but not limited to condemnation and acceptance by the City of said properties

RELATIONSHIP TO STRATEGIC PLAN: Goal 4: Create a More Livable City for All

BACKGROUND: The City of Winchester's FY14 Capital Improvement Plan is a five-year plan that proposes various capital improvement projects to be completed over the duration of the plan. The projects are funded annually through various sources. Common Council previously approved Resolution R-2012-12 authorizing the Manager to proceed with obtaining funding from the Virginia Department of Transportation through its Transportation Partnership Opportunity Fund grant in the amount of \$4,984,500.00 for the construction of a bridge over the railroad and extension of Monticello Street to Bataile Drive in order to facilitate the efficiency and effectiveness of traffic flow, and to enhance traffic safety

BUDGET IMPACT: Approximately \$5,000,000 entirely from the Virginia Department of Transportation's Transportation Partnership Opportunity Fund grant.

OPTIONS: Council may approve or disapprove commencement of the project.

RECOMMENDATIONS: City Staff recommends that we begin the project.

**AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF PROPERTIES
NECESSARY FOR THE MONTICELLO STREET EXTENSION PROJECT BY
MEANS INCLUDING BUT NOT LIMITED TO CONDEMNATION AND
ACCEPTANCE BY THE CITY OF SAID PROPERTIES**

WHEREAS, the City of Winchester is divided by the CSX railroad running through the City from north to south, which greatly impedes east-west traffic movement; and

WHEREAS, this difficulty in moving traffic in an east-west direction creates undue delays impacting the efficient movement of public safety vehicles, the general traveling public, and commercial traffic; and

WHEREAS, it is believed that the development of a new public connecting road, which includes a bridge over the railroad, and which will be one of only two bridges over the railroad in the city, will increase the safety and efficiency of traffic flow; and

WHEREAS, Common Council previously approved Resolution R-2012-12 authorizing the Manager to proceed with obtaining funding from the Virginia Department of Transportation through its Transportation Partnership Opportunity Fund grant in the amount of \$4,984,500.00 for the construction of a bridge over the railroad and extension of Monticello Street to Bataile Drive in order to facilitate the efficiency and effectiveness of traffic flow, and to enhance traffic safety; and

WHEREAS, this project is hereinafter referred to as the Monticello Street Extension Project or the "project"; and

WHEREAS, the funds from the Transportation Partnership Opportunity Fund grant have previously been budgeted and appropriated in furtherance of this project; and

WHEREAS, the properties or designated portions thereof necessary for completion of this project are identified as follows:

*181 Battaile Drive, Winchester, VA
TM -330-03-K
Instrument No.: 120000482 – Land Records of City of Winchester, Va.
Owned by: Sir Properties Trust*

*3124 Valley Avenue, Winchester, VA
TM -330-01-11
Deed Book 270, Page 1557 – Land Records of City of Winchester, Va.
Owned by: Rubbermaid Commercial Products, Inc.*

*160 Battaile Drive, Winchester, VA
TM -331-02-A
Deed Book 325, Page 91 – Land Records of City of Winchester, Va.*

Owned by: Henkel-Harris Company, Inc.

400 Armour Dale, Winchester, VA

TM-330-01-13

Instrument No.: 020000992 – Land Records of City of Winchester, VA

Owned by: Ashworth, Winchester, Inc.

501 Monticello Street, Winchester, VA

TM-330-01-12

Instrument No.: 020000992 – Land Records of City of Winchester, VA

Owned by: Ashworth, Winchester, Inc.

501 Armour Dale, Winchester, VA

TM-330-02-37

Instrument No.: 02000992 – Land Records of City of Winchester, Va.

Owned by: Ashworth, Winchester, Inc.

;and

WHEREAS, the City has obtained a proper Title Examination from Appalachian Title, for each of the foregoing properties identifying the ownership of the respective properties as listed *supra*; and

WHEREAS, the attached plats (Exhibit A), identify the properties or portions thereof which must be acquired in order to complete the project; and

WHEREAS, the City has obtained appraisals from McPherson & Associates, Inc., for each of the properties identified *supra*., and

WHEREAS, the City has provided all of the foregoing information to each of the respective owners, their designated employees, agents, or assigns in a bona fide offer to purchase letter in accordance with §§25.1-204; 25.1-417; and 25.1-303 of the code of Virginia; and

WHEREAS, such bona fide offers to purchase were certified as having been reviewed by the City for the purposes of compliance with §1-219.1 of the Code of Virginia and it was determined that the proposed acquisitions are in compliance therewith; and

WHEREAS, it is believed that some of the owners of the foregoing properties may not accept the offers or allow voluntary acquisition of said properties; and

WHEREAS, the acquisition of all properties identified in this Ordinance are necessary for the completion of the Monticello Extension project; and

WHEREAS, this Ordinance has been presented for adoption by Common Council in compliance with the provisions of §15.2-1903 of the Code of Virginia; and

WHEREAS, it is the wish of Common Council for the City of Winchester that the City proceed with completion of the Monticello Extension project as it is believed to be in the best interests of the City.

NOW THEREFORE BE IT ORDAINED, that Common Council hereby APPROVES the public use described in this Ordinance and DIRECTS the City Manager and City Attorney to take all necessary steps to acquire the properties identified in this Ordinance in furtherance of the Monticello Extension Project for the public use described herein, by condemnation or other means, and that all properties acquired in furtherance of this project are hereby accepted by the City.

BE IT FURTHER ORDAINED that the bona fide offers to purchase (Exhibit B) previously issued by the Manger are hereby ratified and approved and that the City Attorney and City Manager are hereby authorized to negotiate on behalf of the City in furtherance of completion of this project and that non-substantial adjustments or amendments to the areas depicted on the attached plats which may become necessary in proceeding on these matters, and which are approved as such by the City Attorney and City Manager are hereby authorized and accepted without the need for further action by Common Council.

Five-Year Capital Improvement Plan

FIVE-YEAR CAPITAL IMPROVEMENT PLAN FISCAL YEARS 2014 - 2018

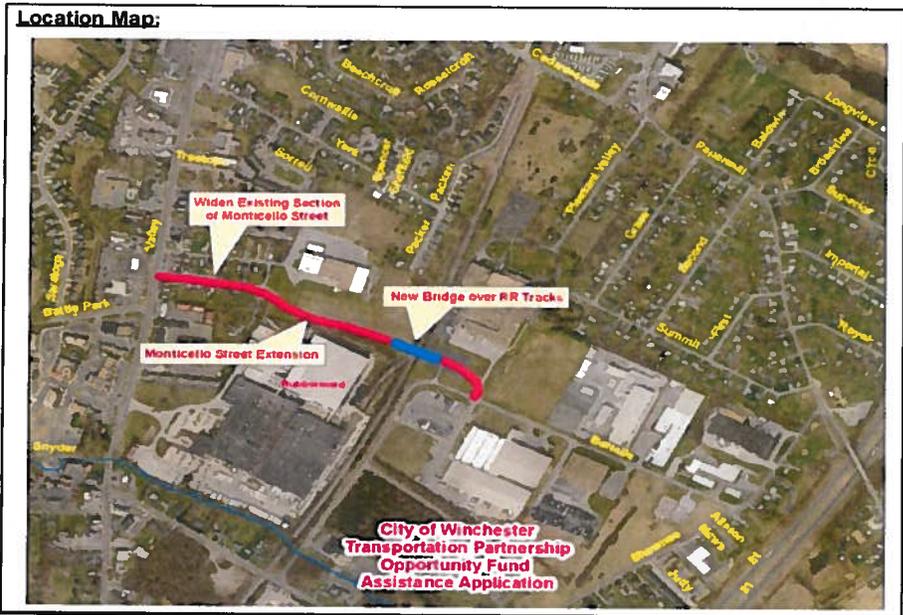
Fund & Department: General Fund - Public Services

Project Title: Monticello Street Extension

Project No.:

Budget Code:

SOURCE OF FUNDS	Prior Years	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	Future Years	Project Total
OPERATING								\$ -
BONDS								\$ -
STATE	\$ 100,000	\$ 4,900,000						\$ 5,000,000
FEDERAL								\$ -
RESERVES								\$ -
OTHER								\$ -
TOTAL	\$ 100,000	\$ 4,900,000	\$ -	\$ 5,000,000				



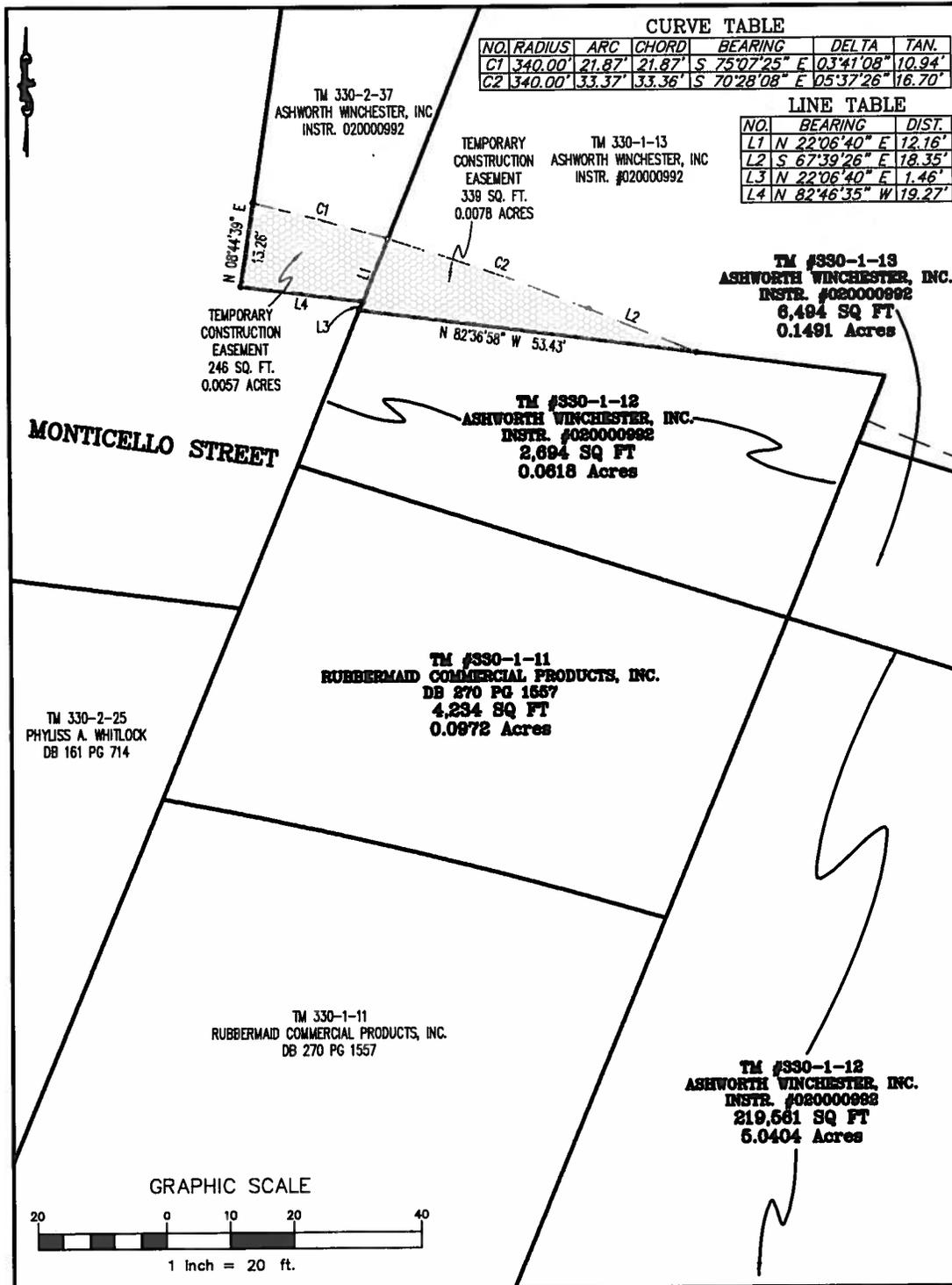
PROJECTED ANNUAL OPERATING COSTS (\$)	
FY 2014	
FY 2015	
FY 2016	
FY 2017	
FY 2018	
TOTAL	\$ -

Project Description: Project consists of extending Monticello Street from its current terminus to Battaille Drive in the Winchester Industrial Park. The project will include a new bridge over the CSX railroad tracks and also improvements to the existing section of Monticello. Funding for this project is entirely from grant funds from the state.

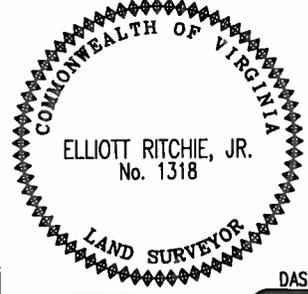
Project Objectives/Justification: This project will provide for an additional ingress/egress for Rubbermaid and was part of the reason they are currently expanding their facility here in Winchester.

Project Status:





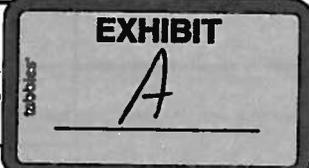
ASHWORTH WINCHESTER, INC.
PROPERTY TO BE CONVEYED TO
THE CITY OF WINCHESTER
FOR THE IMPROVEMENTS TO
MONTICELLO STREET
CITY OF WINCHESTER, VIRGINIA
DATE: MAY 8, 2013 SCALE: 1"=20'



1203032-AREAS



PAINTER-LEWIS, P.L.C.
817 Cedar Creek Grade, Suite 120 Telephone (540) 662-579
Winchester, Virginia 22601 Facsimile (540) 662-579
Email: office@painterlewis.com

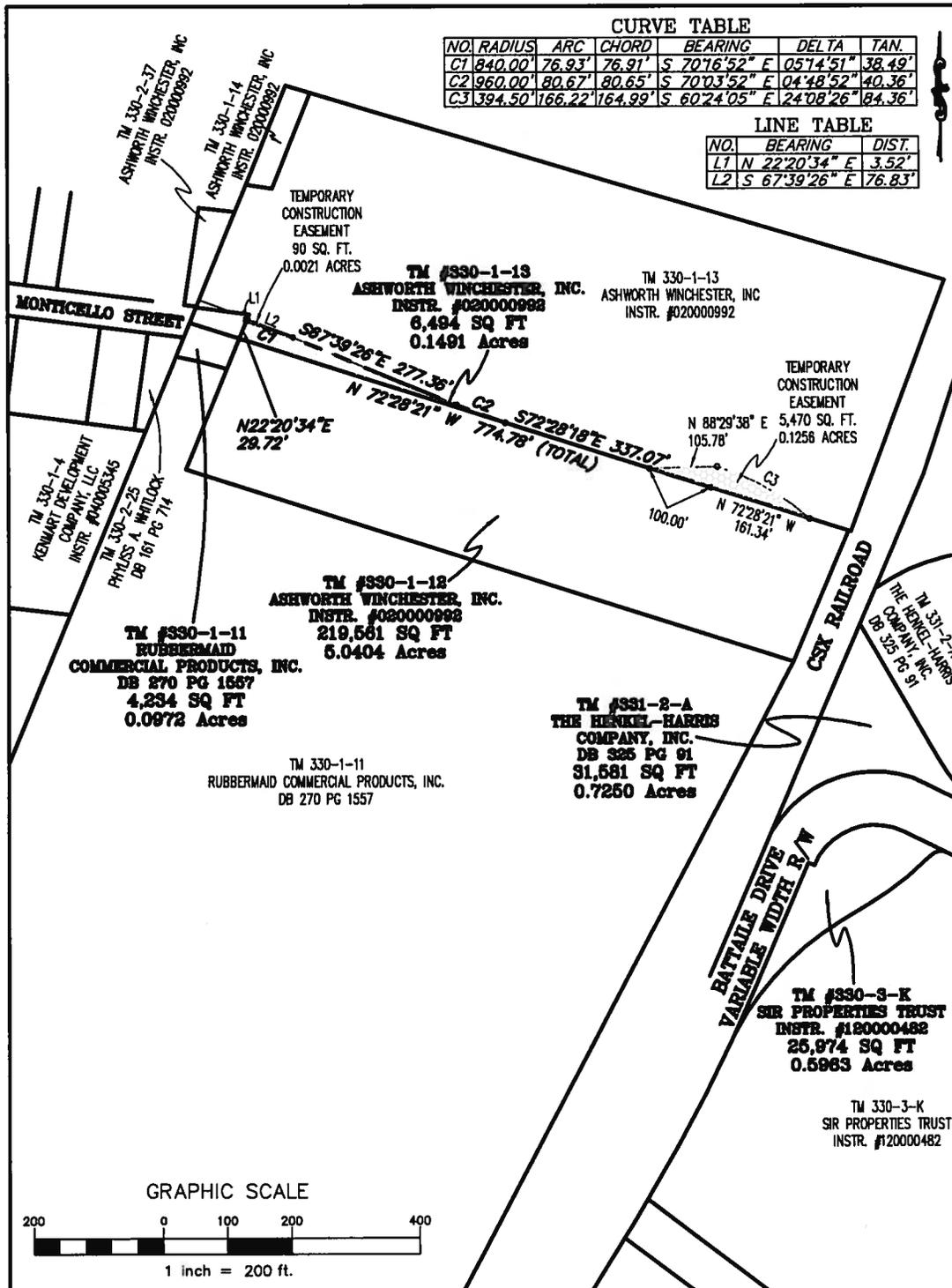


CURVE TABLE

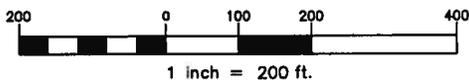
NO.	RADIUS	ARC	CHORD	BEARING	DELTA	TAN.
C1	840.00'	76.93'	76.91'	S 70°16'52" E	05°14'51"	38.49'
C2	960.00'	80.67'	80.65'	S 70°03'52" E	04°48'52"	40.36'
C3	394.50'	166.22'	164.99'	S 60°24'05" E	24°08'26"	84.36'

LINE TABLE

NO.	BEARING	DIST.
L1	N 22°20'34" E	3.52'
L2	S 67°39'26" E	76.83'

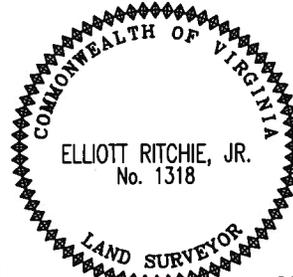


GRAPHIC SCALE



ASHWORTH WINCHESTER, INC.

PROPERTY TO BE CONVEYED TO
THE CITY OF WINCHESTER
 FOR THE IMPROVEMENTS TO
MONTICELLO STREET
 CITY OF WINCHESTER, VIRGINIA
 DATE: MAY 8, 2013 SCALE: 1"=200'



1203032-AREAS



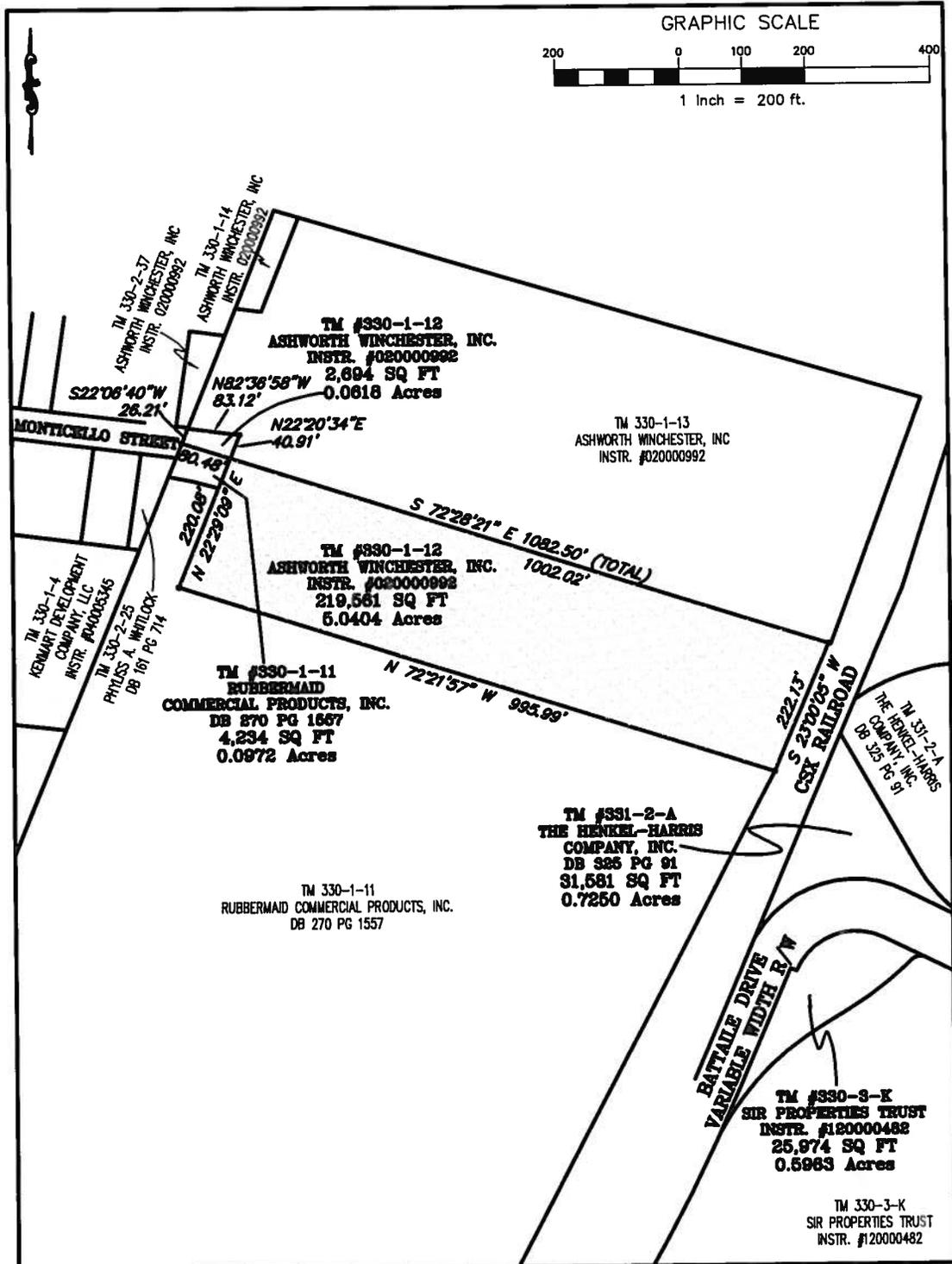
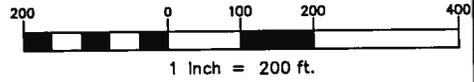
PAINTER-LEWIS, P.L.C.

817 Cedar Creek Grade, Suite 120
 Winchester, Virginia 22601

Telephone (540) 662-5792
 Facsimile (540) 662-5793

Email: office@painterlewis.com

GRAPHIC SCALE



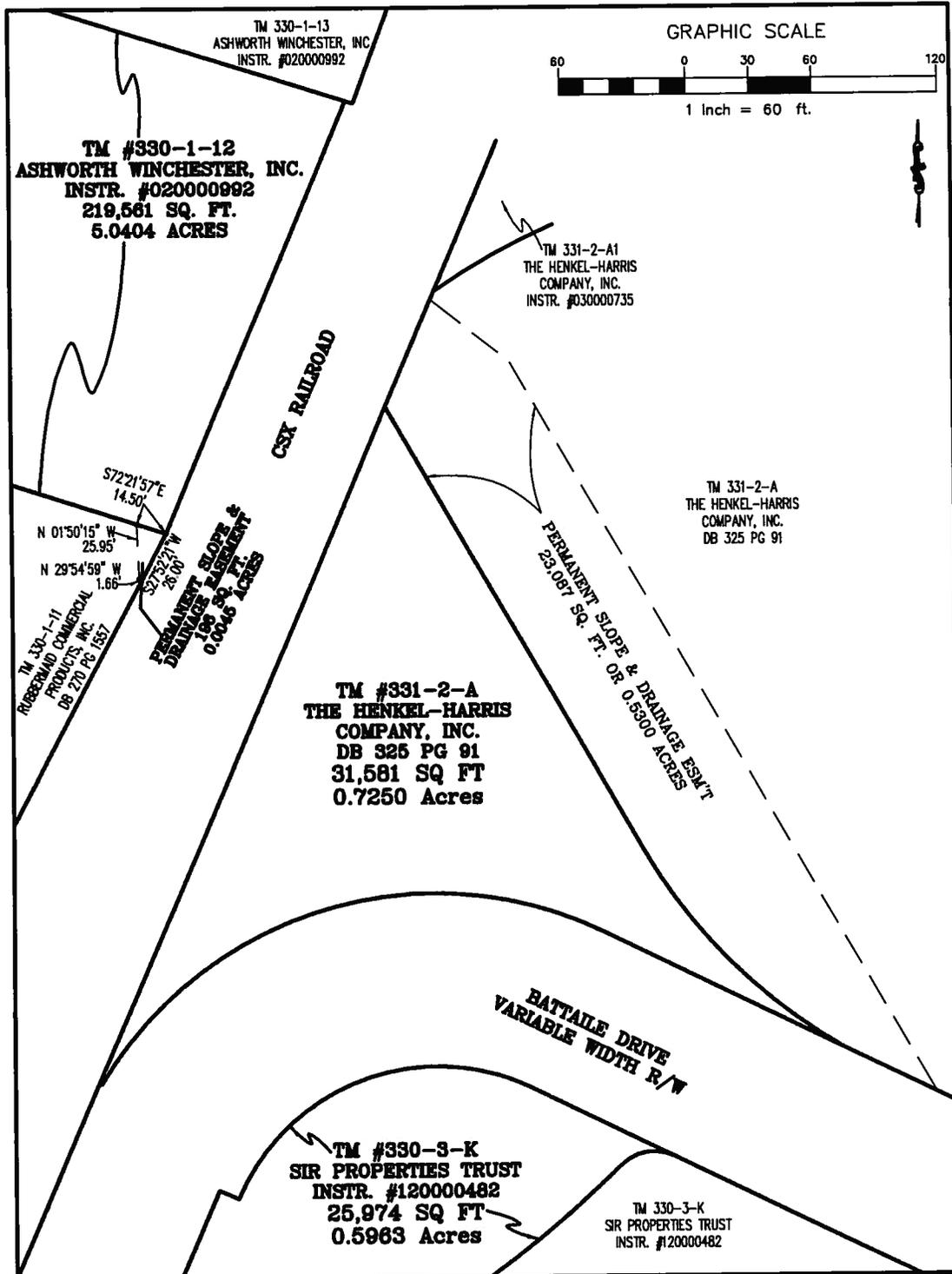
ASHWORTH WINCHESTER, INC.
 PROPERTY TO BE CONVEYED TO
THE CITY OF WINCHESTER
 FOR THE IMPROVEMENTS TO
MONTICELLO STREET
 CITY OF WINCHESTER, VIRGINIA
 DATE: MAY 8, 2013 SCALE: 1"=200'



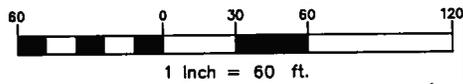
1203032-AREAS



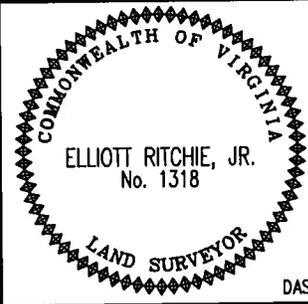
PAINTER-LEWIS, P.L.C.
 817 Cedar Creek Grade, Suite 120 Telephone (540) 662-5792
 Winchester, Virginia 22601 Facsimile (540) 662-5793
 Email: office@painterlewis.com



GRAPHIC SCALE



RUBBERMAID COMMERCIAL PRODUCTS, INC.
PROPERTY TO BE CONVEYED TO
THE CITY OF WINCHESTER
FOR THE IMPROVEMENTS TO
MONTICELLO STREET
CITY OF WINCHESTER, VIRGINIA
DATE: MAY 8, 2013 SCALE: 1"=50'



1203032-AREAS



PAINTER-LEWIS, P.L.C.
817 Cedar Creek Grade, Suite 120 Telephone (540) 662-5792
Winchester, Virginia 22601 Facsimile (540) 662-5793
Email: office@painterlewis.com

CURVE TABLE

NO.	RADIUS	ARC	CHORD	BEARING	DELTA	TAN.
C7	760.00'	81.20'	81.17'	N 76°31'46" W	06°07'19"	40.64'

TM 330-2-37
ASHWORTH WINCHESTER, INC
INSTR. 020000992

TM 330-1-13
ASHWORTH WINCHESTER, INC
INSTR. #020000992

TM #330-1-13
ASHWORTH WINCHESTER, INC.
INSTR. #020000992
8,494 SQ FT
0.1491 Acres

MONTICELLO STREET

TM #330-1-12
ASHWORTH WINCHESTER, INC.
INSTR. #020000992
2,894 SQ FT
0.0618 Acres

TM #330-1-11
RUBBERMAID COMMERCIAL PRODUCTS, INC.
DB 270 PG 1557
4,294 SQ FT
0.0972 Acres

TM 330-2-25
PHYLUSS A. WHITLOCK
DB 161 PG 714

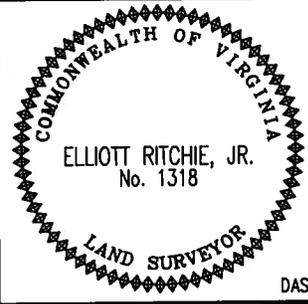
TM 330-1-11
RUBBERMAID COMMERCIAL PRODUCTS, INC.
DB 270 PG 1557

TM #330-1-12
ASHWORTH WINCHESTER, INC.
INSTR. #020000992
219,561 SQ FT
5.0404 Acres

GRAPHIC SCALE



RUBBERMAID COMMERCIAL PRODUCTS, INC.
PROPERTY TO BE CONVEYED TO
THE CITY OF WINCHESTER
FOR THE IMPROVEMENTS TO
MONTICELLO STREET
CITY OF WINCHESTER, VIRGINIA
DATE: MAY 8, 2013 SCALE: 1"=20'



1203032-AREAS

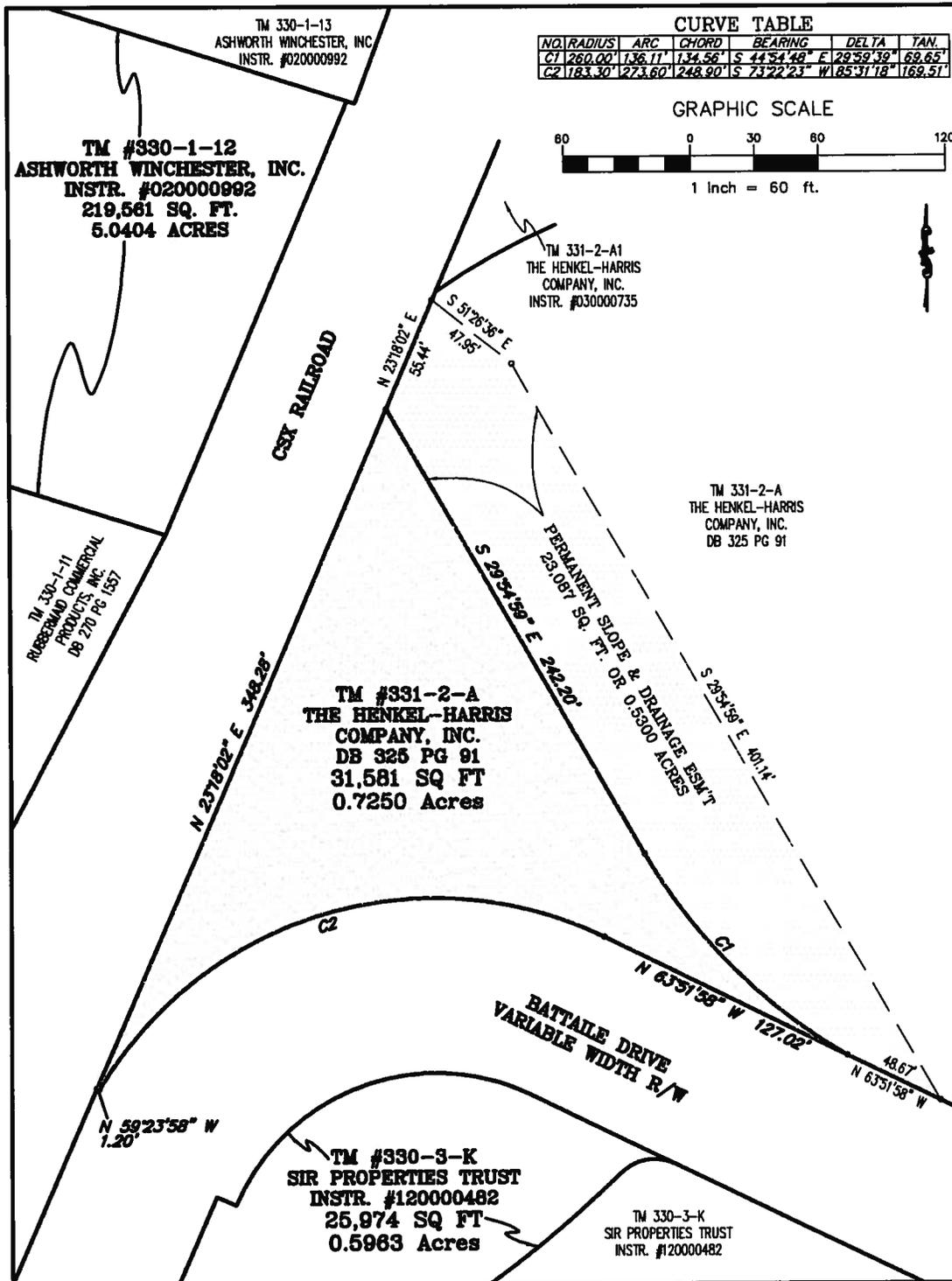


PAINTER-LEWIS, P.L.C.

817 Cedar Creek Grade, Suite 120
Winchester, Virginia 22601

Telephone (540) 662-5792
Facsimile (540) 662-5793

Email: office@painterlewis.com



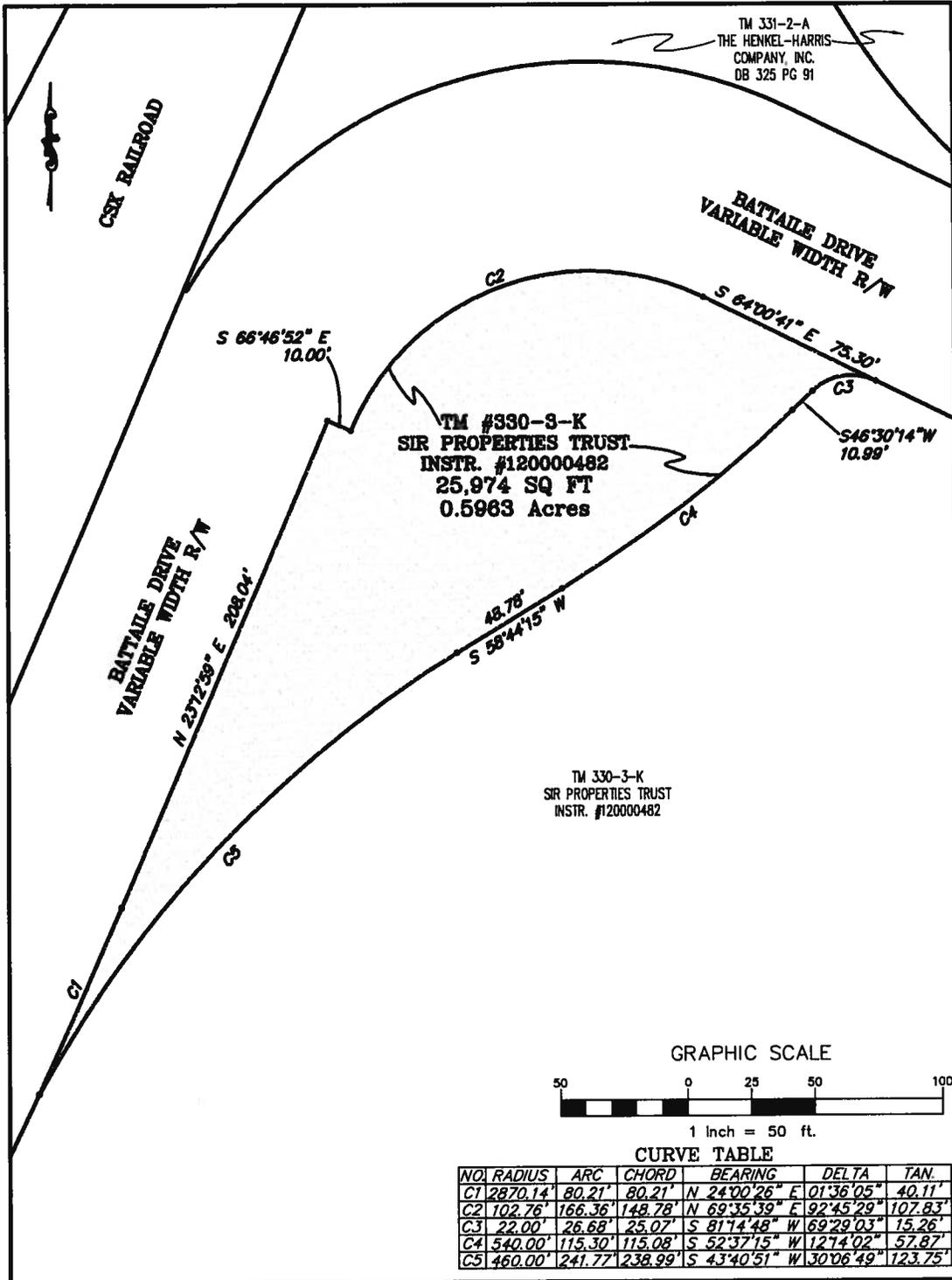
THE HENKEL-HARRIS COMPANY, INC.
 PROPERTY TO BE CONVEYED TO
THE CITY OF WINCHESTER
 FOR THE IMPROVEMENTS TO
MONTICELLO STREET
 CITY OF WINCHESTER, VIRGINIA
 DATE: MAY 8, 2013 SCALE: 1"=60'



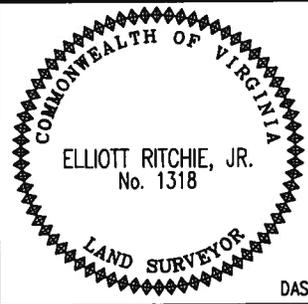
1203032-AREAS



PAINTER-LEWIS, P.L.C.
 817 Cedar Creek Grade, Suite 120 Telephone (540) 662-5792
 Winchester, Virginia 22601 Facsimile (540) 662-5793
 Email: office@painterlewis.com



SIR PROPERTIES TRUST
PROPERTY TO BE CONVEYED TO
THE CITY OF WINCHESTER
FOR THE IMPROVEMENTS TO
MONTICELLO STREET
CITY OF WINCHESTER, VIRGINIA
DATE: MAY 8, 2013 SCALE: 1"=50'



1203032-AREAS

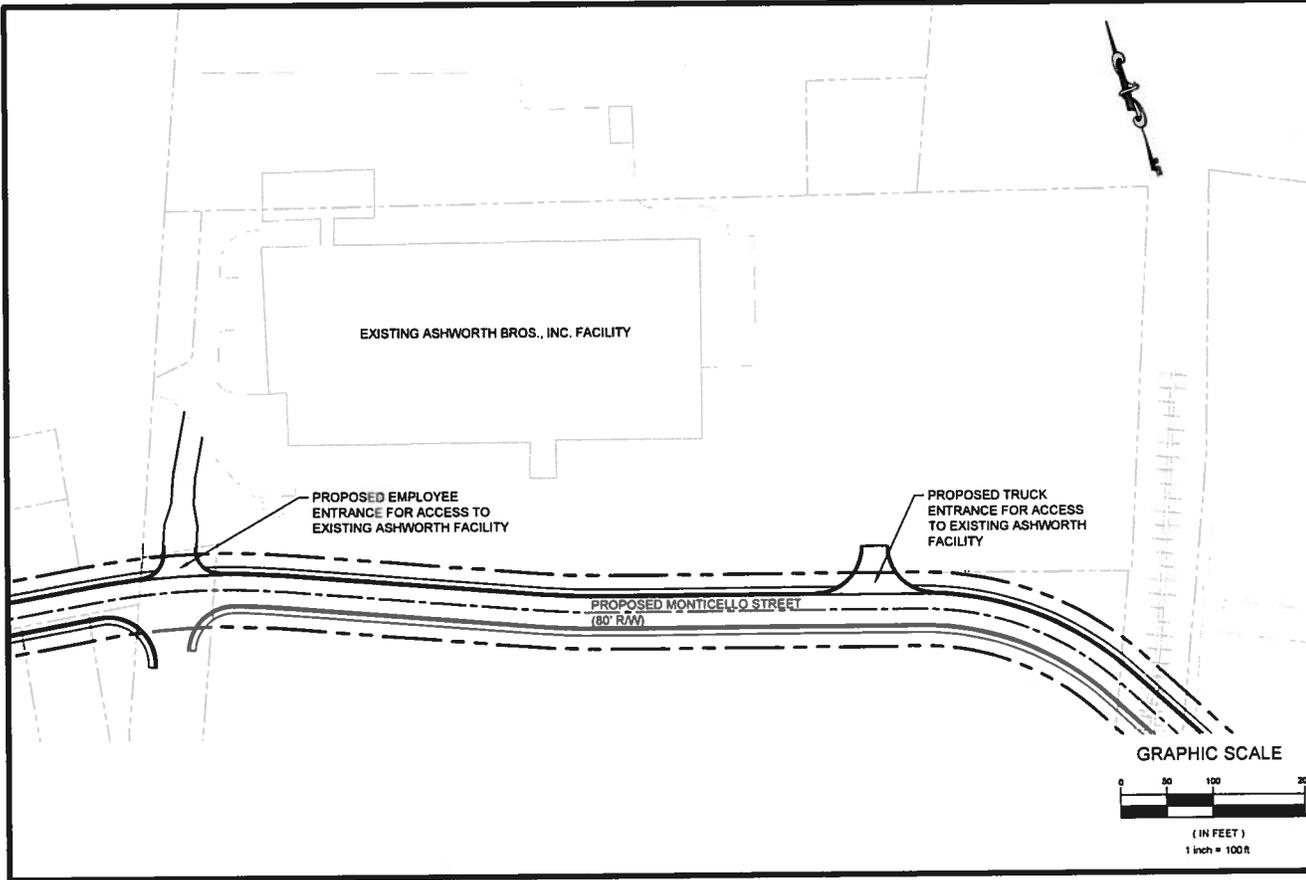


PAINTER-LEWIS, P.L.C.

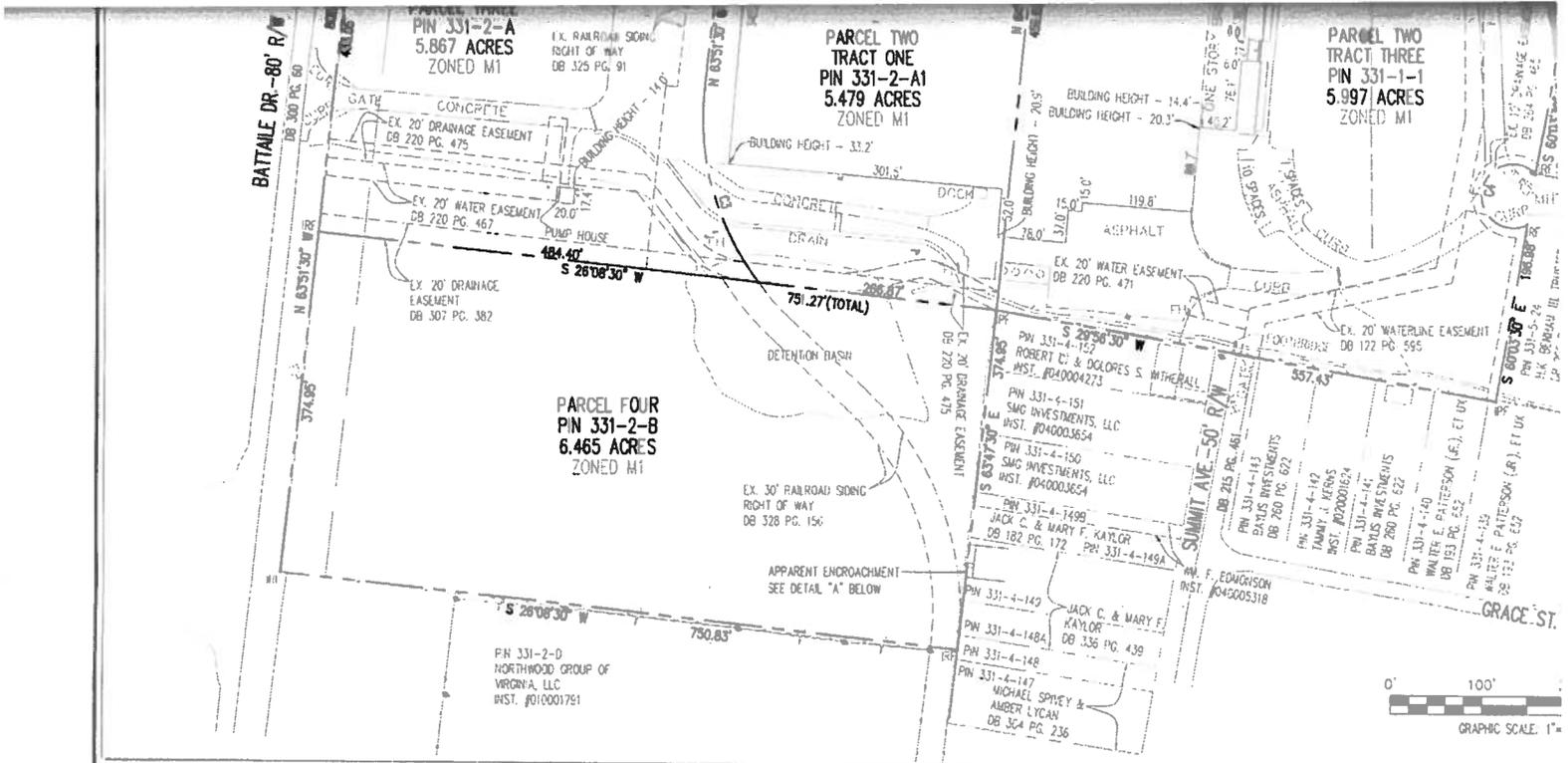
817 Cedar Creek Grade, Suite 120
Winchester, Virginia 22601

Telephone (540) 662-5792
Facsimile (540) 662-5793

Email: office@painterlewis.com



ASHWORTH BROS., INC. WINCHESTER, VA		TRIAD ENGINEERING, INC. 200 AVIATION DRIVE WINCHESTER, VA 22602 PH: 540.867.9300 FAX: 540.867.2260 OFFICE LOCATIONS: MARYLAND PENNSYLVANIA VIRGINIA WEST VIRGINIA OHIO	
PROJECT FILE EXHIBIT-2.DWG	DATE 07-12-0235	DRAWN BY TRUD	CHECKED BY DED
CONCEPT PLAN		DATE 02-15-2013	SCALE 1" = 100'
TRIAD TRIAD ENGINEERING, INC. www.triadeng.com		SHEET NUMBER EXHIBIT-2 JOB NO. 07-12-0235	



NOTES:

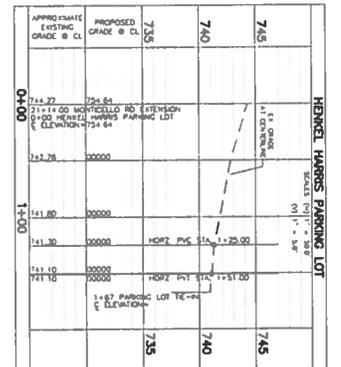
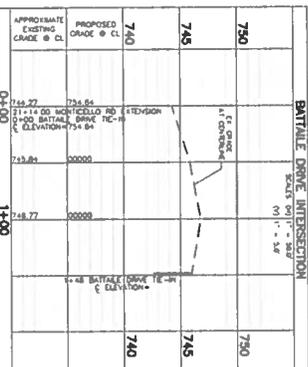
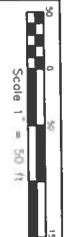
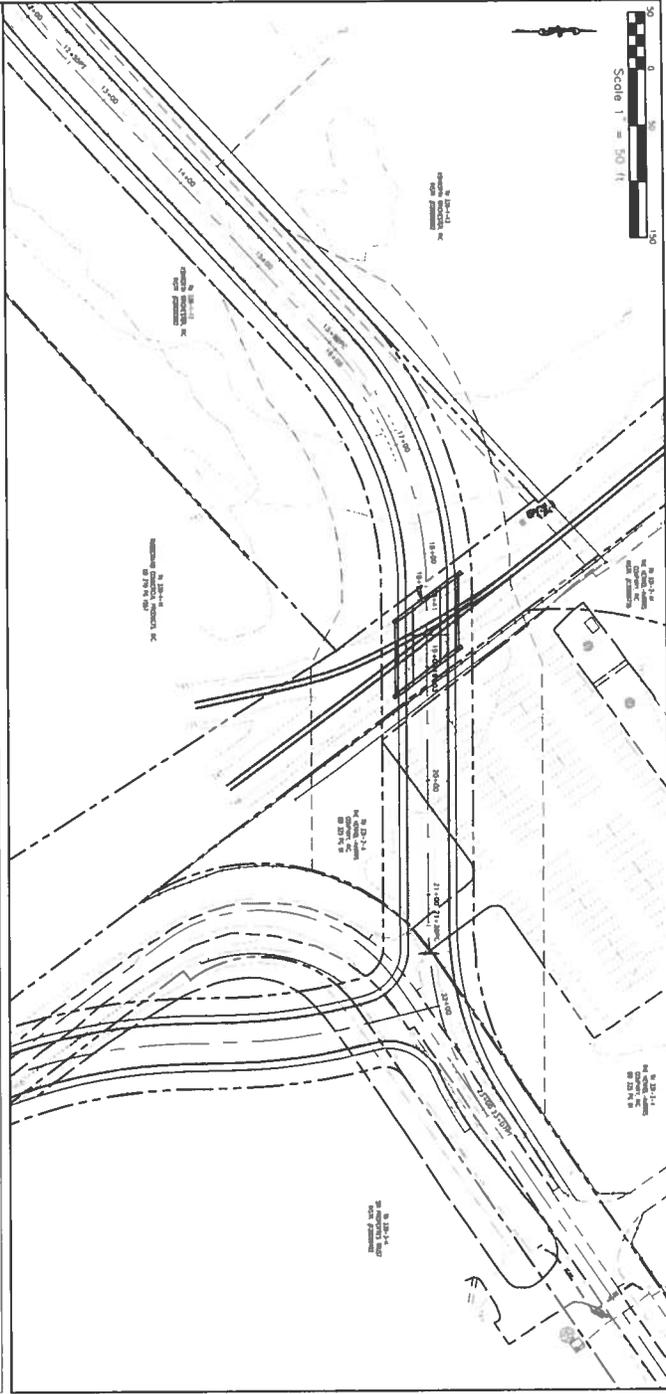
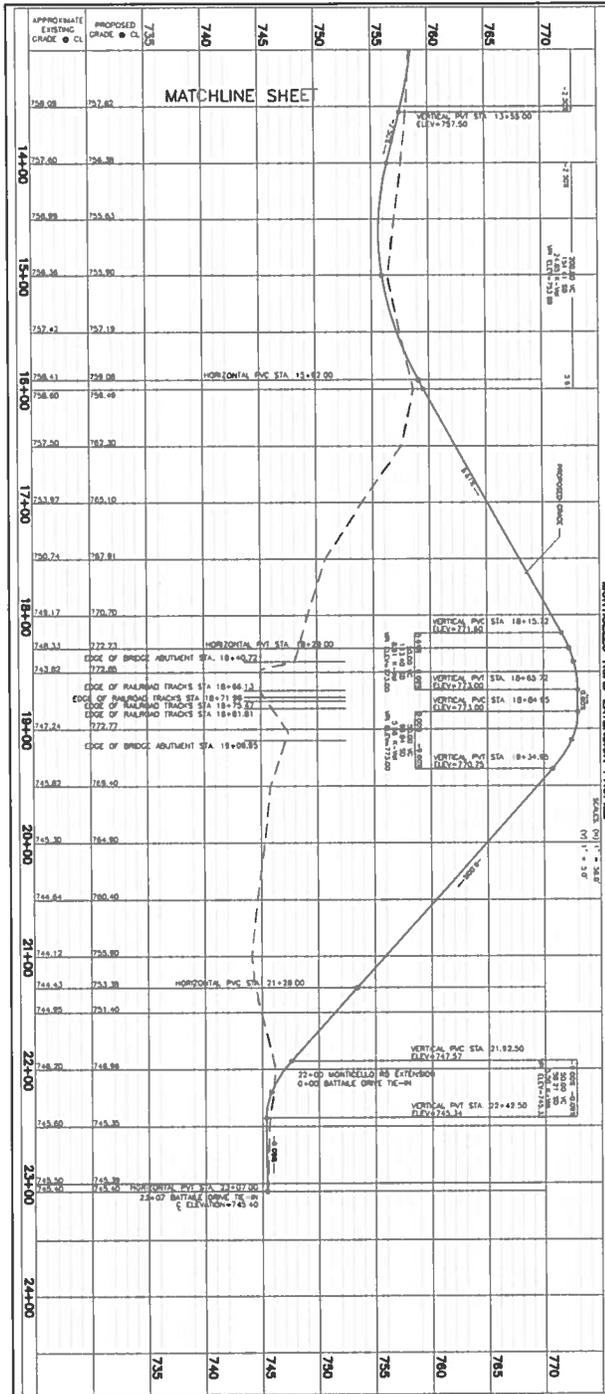
- 1. SPECIAL EXCEPTIONS OUTLINED IN SCHEDULE B OF THE TITLE COMMITMENT O. 200500715SH DATED APRIL 4, 2005 AT 8:00 A.M. FURNISHED BY INVESTORS TITLE INSURANCE COMPANY ARE ADDRESSED AS FOLLOWS:
- A. LOCATION OF RIGHTS OF WAY AND EASEMENTS GRANTED TO NORTHERN VIRGINIA POWER COMPANY AS RECORDED IN DEED BOOK 201 AT PAGE 89 AND DEED BOOK 278 AT PAGE 343 ARE AMBIGUOUS AND THEREFORE CANNOT BE SHOWN.
- B. EASEMENTS GRANTED TO THE CITY OF WINCHESTER, VIRGINIA, AS RECORDED IN DEED BOOK 262 AT PAGE 229, DEED BOOK 122 AT PAGE 595 ARE SHOWN ON THE PLAT.
- C. TEMPORARY GRADING & CONSTRUCTION EASEMENT GRANTED TO THE CITY OF WINCHESTER, VIRGINIA, AS RECORDED IN DEED BOOK 244 AT PAGE 1753 DOES NOT AFFECT THE SUBJECT PROPERTY.
- D. 30' RIGHT OF WAY AND 20' DRAINAGE EASEMENT GRANTED TO THE WINCHESTER-FREDERICK COUNTY INDUSTRIAL DEVELOPMENT CORPORATION AND CARROLL H. HENKEL AND MARY MCKENZIE HENKEL AS RECORDED IN DEED BOOK 307 AT PAGE 382 ARE SHOWN ON PLAT.
- E. RIGHT OF WAY AND EASEMENTS TO THE CITY OF WINCHESTER, VIRGINIA, AS RECORDED IN DEED BOOK 262 AT PAGE 217, DEED BOOK 262 AT PAGE 208 AND DEED BOOK 307 AT PAGE 57 ARE SHOWN ON THE PLAT.
- F. RIGHT OF WAY AND EASEMENTS GRANTED TO THE COMMONWEALTH OF VIRGINIA AS RECORDED IN DEED BOOK 268 AT PAGE 149 AND DEED BOOK 275 AT PAGE 607 DO NOT AFFECT THE SUBJECT PROPERTY. THE 80' RIGHT OF WAY GRANTED TO THE COMMONWEALTH OF VIRGINIA AS RECORDED IN DEED BOOK 300 AT PAGE 60 IS SHOWN ON THE PLAT.

SETBACKS IN DEEDS OF RECORD

AS TO PARCEL TWO (TRACT ONE), PARCEL THREE AND PARCEL FOUR ONLY:
 40' SETBACK FROM THE RIGHT OF WAY LINE OF THE MAIN ACCESS ROAD, OR THE ROAD ON WHICH THE BUILDING FRONTS.
 20' SETBACK FROM SIDE AND REAR PROPERTY LINES

AS TO PARCEL ONE, PARCEL TWO (TRACTS TWO, THREE AND FOUR) ONLY:
 NO SETBACKS RECORDED

SETBACKS AS STATED IN THE CITY OF WINCHESTER MINIMUM ZONING STANDARDS FOR PARCELS ZONED M1:



DATE	BY	CHK	APP
10/10			

PAINTER-LEWIS, P.L.C.
 116 NORTH BRADDOCK STREET
 WINCHESTER, VIRGINIA 22601
 Telephone (540) 867-3782
 Facsimile (540) 862-3793
 Email: office@painterlewis.com

PROJECT
**MONTICELLO ROAD EXTENSION
 CITY OF WINCHESTER, VIRGINIA**

TITLE
**MONTICELLO ROAD EXTENSION
 CENTERLINE PLAN & PROFILE**

REVISIONS	
NO	DATE



Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

Telephone: (540) 667-1815
FAX: (540) 722-3618
TDD: (540) 722-0782
Website: www.winchesterva.gov

VIA CERTIFIED AND FIRST CLASS MAIL

July 8, 2013

SIR Properties Trust
c/o: John C. Popeo, Treasurer
Adam D. Portonoy, Officer
Barry M. Portonoy, Officer
Two Newton Place
255 Washington Street, Suite 300
Newton, Massachusetts 02458

Sir Properties Trust
c/o: Corporation Service Company, Registered Agent
1111 East Main Street
Richmond, VA 23219

*Re: Monticello Street Extension Project
Bona fide Offer of Purchase for:
181 Battaile Drive, Winchester, VA
TM -330-03-K
Instrument No.: 120000482 – Land Records of City of Winchester, Va.*

Dear Sir:

I am writing you on behalf of the City of Winchester to express our interest in acquiring certain property owned by SIR Properties Trust.

The attached title examination conducted by Pratt's Title & Abstract, Inc., (**Exhibit A**) indicates that SIR Properties Trust is the lawful owner of this property. The fair market value of the property that the City wishes to acquire has been determined to be **ONE HUNDRED FIFTY-TWO THOUSAND ONE HUNDRED and 00/100 dollars (\$152,100.00)** based upon an independent appraisal conducted by McPherson & Associates, Inc., herein attached for your reference (**Exhibit B**).

The City's interest in acquiring this property is in furtherance of the Monticello Street Extension Project which includes the construction of an extension of Monticello Street and a bridge over the CSX railroad. The completion of this project will facilitate the efficiency and effectiveness of traffic flow, and to enhance traffic safety. The City of Winchester is divided by the CSX railroad running through the City from north to south, which greatly impedes east-west traffic movement. This difficulty in moving traffic in an east-west direction creates undue delays impacting the efficient movement of public safety vehicles, the general traveling public, and commercial traffic. The development of this new connecting road includes a bridge over the



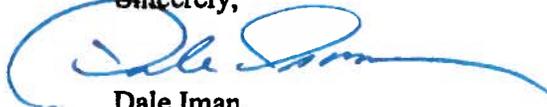
"To provide a safe, vibrant, sustainable community while striving to constantly improve the quality of life for our citizens and economic partners."

railroad, which will be one of only two bridges over the railroad in the city, further increasing the safety and efficiency of traffic flow.

As you can see from the attached plat (**Exhibit C**), the City wishes to acquire a fee simple interest in a triangular shaped area containing .5983 acres or 25,974 square feet from the northwest corner of the subject lot. This area contains 125 Leyland Cypress trees and approximately 23,500 square feet of an asphalt parking lot. The value of these site improvements were previously estimated at \$102,700.00.

I hereby offer you the stated fair market value of **\$ ONE HUNDRED FIFTY-TWO THOUSAND ONE HUNDRED and 00/100 dollars (\$152,100.00)** for the purchase of the property as identified in this letter. This letter shall be construed as a “bona fide effort to purchase” this property in accordance with §§25.1-204, 25.1-417, 25.1-303 of the Code of Virginia, upon the terms stated herein. By signing below I hereby certify that the acquisition has been reviewed by the City for the purposes of complying with §1-219.1 of the Code of Virginia and that the proposed acquisition is in compliance therewith.

Sincerely,



**Dale Iman,
City Manager**

Cc: Honorable Members of Common Council
Anthony C. Williams, City Attorney
HUB Properties Trust (see attached)



Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

Telephone: (540) 667-1815
FAX: (540) 722-3618
TDD: (540) 722-0782
Website: www.winchesterva.gov

July 17, 2013

VIA CERTIFIED AND FIRST CLASS MAIL

Rubbermaid Commercial Products, Inc.
Joseph M. Ramos, President
1147 Akron Rd.
Wooster, OH 44691

Rubbermaid Commercial Products, Inc.
c/o: Edward R. Parker, Registered Agent
5511 Staples Mill Road
Richmond, VA 23228

Re: *Monticello Street Extension Project*
Bona fide Offer of Purchase for:
3124 Valley Avenue, Winchester, VA
TM -330-01-11
Deed Book 270, Page 1557 – Land Records of City of Winchester, Va.

Dear Sir:

I am writing you on behalf of the City of Winchester to express our interest in acquiring certain property owned by Rubbermaid Commercial Products, Inc.

The attached title examination conducted by Pratt's Title & Abstract, Inc., (**Exhibit A**) indicates that your company is the lawful owner of this property. The fair market value of the portion of the property that the City wishes to acquire has been determined to be **SEVEN THOUSAND SIX HUNDRED TWENTY FIVE and 00/100 dollars (\$7,625.00)** based upon an independent appraisal conducted by McPherson & Associates, Inc., herein attached for your reference (**Exhibit B**).

The City's interest in acquiring this property is in furtherance of the Monticello Street Extension Project which includes the construction of an extension of Monticello Street and a bridge over the CSX railroad. The completion of this project will facilitate the efficiency and effectiveness of traffic flow, and to enhance traffic safety. The City of Winchester is divided by the CSX railroad running through the City from north to south, which greatly impedes east-west traffic movement. This difficulty in moving traffic in an east-west direction creates undue delays impacting the efficient movement of public safety vehicles, the general traveling public, and commercial traffic. The development of this new connecting road includes a bridge over the railroad, which will be one of only two bridges over the railroad in the city, further increasing the safety and efficiency of traffic flow.

As you can see from the attached plat (**Exhibit C**), the City wishes to acquire a fee simple interest in a rectangular shaped area containing 4,234 square feet at terminus of Monticello Street and consisting of a portion of an emergency fire access road. A concrete curb cut from extended Monticello Street will align with the emergency access road. This area contains a grassy area and a portion of a gravel drive, two metal bollards and several sign posts with small signs are in the area of take. These site improvements have been assigned a nominal value of \$1,000.00. A permanent slope and drainage easement encumbers the northwest corner of the site.

"To provide a safe, vibrant, sustainable community while striving to constantly improve the quality of life for our citizens and economic partners."

I hereby offer you the stated fair market value of \$ **SEVEN THOUSAND SIX HUNDRED TWENTY FIVE and 00/100 dollars (\$7,625.00)** for the purchase of the property as identified in this letter. This letter shall be construed as a "bona fide effort to purchase" this property in accordance with §§25.1-204, 25.1-417, 25.1-303 of the Code of Virginia, upon the terms stated herein. By signing below I hereby certify that the acquisition has been reviewed by the City for the purposes of complying with §1-219.1 of the Code of Virginia and that the proposed acquisition is in compliance therewith.

Sincerely,



Dale Iman,
City Manager

Cc: Honorable Members of Common Council
Anthony C. Williams, City Attorney



Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

Telephone: (540) 667-1815
FAX: (540) 722-3618
TDD: (540) 722-0782
Website: www.winchesterva.gov

VIA CERTIFIED AND FIRST CLASS MAIL

July 8, 2013

Henkel-Harris Company, Inc.
c/o: William M. Henkel, President
Cole Whitt, Chief Operating Officer
Mary Henkel, Chief Executive Officer
William F. Edmonson, Vice President
2983 South Pleasant Valley Road
Winchester, VA 22601

Henkel-Harris Company, Inc.
c/o: William M. Henkel, Registered Agent
210 Front royal Pike
P.O. Box 2170
Winchester, VA 22604

Re: *Monticello Street Extension Project*
Bona fide Offer of Purchase for:
160 Battaile Drive, Winchester, VA
TM -331-02-A
Deed Book 325, Page 91 – Land Records of City of Winchester, Va.

Dear Sir:

I am writing you on behalf of the City of Winchester to express our interest in acquiring certain property owned by Henkel-Harris Company, Inc.

The attached title examination conducted by Pratt's Title & Abstract, Inc., (**Exhibit A**) indicates that your company is the lawful owner of this property. The fair market value of the portion of the property that the City wishes to acquire has been determined to be **TWO HUNDRED FORTY FOUR THOUSAND ONE HUNDRED-FIFTY and 00/100 dollars (\$244,150.00)** based upon an independent appraisal conducted by McPherson & Associates, Inc., herein attached for your reference (**Exhibit B**).

The City's interest in acquiring this property is in furtherance of the Monticello Street Extension Project which includes the construction of an extension of Monticello Street and a bridge over the CSX railroad. The completion of this project will facilitate the efficiency and effectiveness of traffic flow, and to enhance traffic safety. The City of Winchester is divided by the CSX railroad running through the City from north to south, which greatly impedes east-west traffic movement. This difficulty in moving traffic in an east-west direction creates undue delays impacting the efficient movement of public safety vehicles, the general traveling public, and commercial traffic. The development of this new connecting road includes a bridge over the

"To provide a safe, vibrant, sustainable community while striving to constantly improve the quality of life for our citizens and economic partners."

railroad, which will be one of only two bridges over the railroad in the city, further increasing the safety and efficiency of traffic flow.

As you can see from the attached plat (**Exhibit C**), the City wishes to acquire a fee simple interest in a triangular shaped area containing .7250 acres or 31,581 square feet from the southwest corner of the subject lot. This area contains 275 feet of chain link fencing, a chain link gate, 20 pre-cast concrete bumpers, two pole mounted parking lot lights and approximately 28,000 square feet of an asphalt parking lot. In addition to easements that encumbered the property before the take, the property will also be encumbered by a permanent slope and drainage easement comprising approximately 23,087 square feet in a rectangular shape that widens from a point in the southwest corner of the site to approximately 65 feet and narrowing to 55 feet at the western boundary. This easement is northeast of the fee take along the southwest corner of the site. This area will be acquired for lopes and drainage associated with the construction of the extension of Monticello Street and the bridge over the CSX rail line.

I hereby offer you the stated fair market value of \$ **TWO HUNDRED FORTY FOUR THOUSAND ONE HUNDRED-FIFTY and 00/100 dollars (\$244,150.00)** for the purchase of the property as identified in this letter. This letter shall be construed as a “bona fide effort to purchase” this property in accordance with §§25.1-204, 25.1-417, 25.1-303 of the Code of Virginia, upon the terms stated herein. By signing below I hereby certify that the acquisition has been reviewed by the City for the purposes of complying with §1-219.1 of the Code of Virginia and that the proposed acquisition is in compliance therewith.

Sincerely,



Dale Iman,
City Manager

Cc: Honorable Members of Common Council
Anthony C. Williams, City Attorney
First Bank



Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

Telephone: (540) 667-1815
FAX: (540) 722-3618
TDD: (540) 722-0782
Website: www.winchesterva.gov

July 8, 2013

VIA CERTIFIED AND REGULAR MAIL

Ashworth Winchester, Inc.
c/o: Joe Lackner, Vice President
Paul Steinhoff, Director of Operations
Vincent Moretti, Treasurer
Paul Nunes, Chief Financial Officer
450 Armour Dale
Winchester, VA 22601

Ashworth Winchester, Inc.
c/o: The Corporation Trust Co.,
Registered Agent, (DE)
Corporation Trust Center 1209 Orange St.
Wilmington, DE 19801

Re: *Monticello Street Extension Project*
Bona fide Offer of Purchase for:
400 Armour Dale, Winchester, VA
TM-330-01-13
Instrument No.: 020000992 – Land Records of City of Winchester, VA

Dear Sir:

I am writing you on behalf of the City of Winchester to express our interest in acquiring certain properties owned by Ashworth Winchester, Inc.

The attached title examination conducted by Pratt's Title & Abstract, Inc., (**Exhibit A**) indicates that your company is the lawful owner of this property. The fair market value of the property has been determined to be **SIXTEEN THOUSAND FIFTY and 00/100 dollars (\$16,050.00)** based upon an independent appraisal conducted by McPherson & Associates, Inc., herein attached for your reference (**Exhibit B**).

The City's interest in acquiring this property is in furtherance of the Monticello Street Extension Project which includes the construction of an extension of Monticello Street and a bridge over the CSX railroad. The completion of this project will facilitate the efficiency and effectiveness of traffic flow, and to enhance traffic safety. The City of Winchester is divided by the CSX railroad running through the City from north to south, which greatly impedes east-west traffic movement. This difficulty in moving traffic in an east-west direction creates undue delays impacting the efficient movement of public safety vehicles, the general traveling public, and commercial traffic. The development of this new connecting road includes a bridge over the

"To provide a safe, vibrant, sustainable community while striving to constantly improve the quality of life for our citizens and economic partners."

railroad, which will be one of only two bridges over the railroad in the city, further increasing the safety and efficiency of traffic flow.

As you can see from the attached plat (**Exhibit C**), the City wishes to acquire a fee simple interest in an area comprising a total of approximately 6,494 square feet that is 29.72 feet wide at the base along the southwest corner of the property for use as part of this roadway project. This grassy area contains no site improvements.

I hereby offer you the stated fair market value of **SIXTEEN THOUSAND FIFTY and 00/100 dollars (\$16,050.00)** for the fee simple purchase of the property identified in this letter. This letter shall be construed as a "bona fide effort to purchase" this property in accordance with §§25.1-204, 25.1-417, 25.1-303 of the Code of Virginia, upon the terms stated herein. By signing below I hereby certify that the acquisition has been reviewed by the City for the purposes of complying with §1-219.1 of the Code of Virginia and that the proposed acquisition is in compliance therewith.

Sincerely,



Dale Iman,
City Manager

Cc: Honorable Members of Common Council
Anthony C. Williams, City Attorney



Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

Telephone: (540) 667-1815
FAX: (540) 722-3618
TDD: (540) 722-0782
Website: www.winchesterva.gov

July 8, 2013

VIA CERTIFIED AND REGULAR MAIL

Ashworth Winchester, Inc.
c/o: Joe Lackner, Vice President
Paul Steinhoff, Director of Operations
Vincent Moretti, Treasurer
Paul Nunes, Chief Financial Officer
450 Armor Dale
Winchester, VA 22601

Ashworth Winchester, Inc.
c/o: The Corporation Trust Co.,
Registered Agent, (DE)
Corporation Trust Center 1209 Orange St.
Wilmington, DE 19801

*Re: Monticello Street Extension Project
Bona fide Offer of Purchase for:
501 Monticello Street, Winchester, VA
TM-330-01-12
Instrument No.: 020000992 – Land Records of City of Winchester, VA*

Dear Sir:

I am writing you on behalf of the City of Winchester to express our interest in acquiring certain properties owned by Ashworth Winchester, Inc.

The attached title examination conducted by Pratt's Title & Abstract, Inc., (**Exhibit A**) indicates that your company is the lawful owner of this property. The fair market value of the property has been determined to be **FOUR HUNDRED –SEVENTY THOUSAND and 00/100 dollars (\$470,000.00)** based upon an independent appraisal conducted by McPherson & Associates, Inc., herein attached for your reference (**Exhibit B**).

The City's interest in acquiring this property is in furtherance of the Monticello Street Extension Project which includes the construction of an extension of Monticello Street and a bridge over the CSX railroad. The completion of this project will facilitate the efficiency and effectiveness of traffic flow, and to enhance traffic safety. The City of Winchester is divided by the CSX railroad running through the City from north to south, which greatly impedes east-west traffic movement. This difficulty in moving traffic in an east-west direction creates undue delays impacting the efficient movement of public safety vehicles, the general traveling public, and

"To provide a safe, vibrant, sustainable community while striving to constantly improve the quality of life for our citizens and economic partners "

commercial traffic. The development of this new connecting road includes a bridge over the railroad, which will be one of only two bridges over the railroad in the city, further increasing the safety and efficiency of traffic flow.

As you can see from the attached plat (**Exhibit C**), the property that the City wishes to acquire comprises a total of approximately 222,255 square feet (5.1017 acres) for use as part of this roadway project.

I hereby offer you the stated fair market value of **FOUR HUNDRED –SEVENTY THOUSAND and 00/100 dollars (\$470,000.00)** for the fee simple purchase of the property identified in this letter. This letter shall be construed as a “bona fide effort to purchase” this property in accordance with §§25.1-204, 25.1-417, 25.1-303 of the Code of Virginia, upon the terms stated herein. By signing below I hereby certify that the acquisition has been reviewed by the City for the purposes of complying with §1-219.1 of the Code of Virginia and that the proposed acquisition is in compliance therewith.

Sincerely,



Dale Iman,
City Manager

Cc: Honorable Members of Common Council
Anthony C. Williams, City Attorney



Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

Telephone: (540) 667-1815
FAX: (540) 722-3618
TDD: (540) 722-0782
Website: www.winchesterva.gov

July 8, 2013

VIA CERTIFIED AND FIRST CLASS MAIL

Ashworth Winchester, Inc.
c/o: Joe Lackner, Vice President
Paul Steinhoff, Director of Operations
Vincent Moretti, Treasurer
Paul Nunes, Chief Financial Officer
450 Armor Dale
Winchester, VA 22601

Ashworth Winchester, Inc.
c/o: The Corporation Trust Co.,
Registered Agent, (DE)
Corporation Trust Center 1209 Orange St.
Wilmington, DE 19801

Re: *Monticello Street Extension Project*
Bona fide Offer of Purchase for:
501 Armour Dale, Winchester, VA
TM -330-02-37
Instrument No.: 02000992 - Land Records of City of Winchester, Va.

Dear Sir:

I am writing you on behalf of the City of Winchester to express our interest in acquiring certain property owned by Ashworth Winchester, Inc.

The attached title examination conducted by Pratt's Title & Abstract, Inc., (**Exhibit A**) indicates that your company is the lawful owner of this property. The fair market value of the portion of the property that the City wishes to acquire has been determined to be **FIVE THOUSAND – FIVE HUNDRED and 00/100 dollars (\$5,500.00)** based upon an independent appraisal conducted by McPherson & Associates, Inc., herein attached for your reference (**Exhibit B**).

The City's interest in acquiring this property is in furtherance of the Monticello Street Extension Project which includes the construction of an extension of Monticello Street and a bridge over the CSX railroad. The completion of this project will facilitate the efficiency and effectiveness of traffic flow, and to enhance traffic safety. The City of Winchester is divided by the CSX railroad running through the City from north to south, which greatly impedes east-west traffic movement. This difficulty in moving traffic in an east-west direction creates undue delays impacting the efficient movement of public safety vehicles, the general traveling public, and commercial traffic. The development of this new connecting road includes a bridge over the

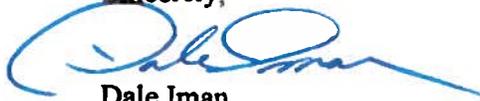
"To provide a safe, vibrant, sustainable community while striving to constantly improve the quality of life for our citizens and economic partners."

railroad, which will be one of only two bridges over the railroad in the city, further increasing the safety and efficiency of traffic flow.

As you can see from the attached plats (**Exhibit C**), the portion we are interested in is approximately 246 square feet (.0057 acres) along the southern boundary of the property for use as a temporary construction easement. This area would be acquired and used only during the period of construction. All rights acquired by the City will terminate and revert to the owner at the termination of construction which is estimated to be eighteen (18) months.

I hereby offer you the stated fair market value of \$ **FIVE THOUSAND – FIVE HUNDRED and 00/100 dollars (\$5,500.00)** for the purchase of the property as identified in this letter. This letter shall be construed as a “bona fide effort to purchase” this property in accordance with §§25.1-204, 25.1-417, 25.1-303 of the Code of Virginia, upon the terms stated herein. By signing below I hereby certify that the acquisition has been reviewed by the City for the purposes of complying with §1-219.1 of the Code of Virginia and that the proposed acquisition is in compliance therewith.

Sincerely,



Dale Iman,
City Manager

Cc Honorable Members of Common Council
Anthony C. Williams, City Attorney

City of Winchester, Virginia

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: August 22, 2013 CUT OFF DATE: _____

RESOLUTION X ORDINANCE _____ PUBLIC HEARING _____

ITEM TITLE:

FY 2013 Staffing for Adequate Fire and Emergency Response Grant (SAFER)

STAFF RECOMMENDATION: It is the recommendation of City staff that Council approves our request to apply for the 2013 SAFER grant. If funding is not received through this grant effort, we will include this request during the normal course of the budget process.

PUBLIC NOTICE AND HEARING:

ADVISORY BOARD RECOMMENDATION:

FUNDING DATA: The only general fund request would be for some associated pre-employment hiring costs. Grantees must maintain operational staffing are the level that existed at the time of award as well as the SAFER-funded Staffing for the two-year SAFER Grant Period of Performance.

INSURANCE:

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda. The Director's initials for approval or disapproval address only the readiness of the issue for Council consideration. This does not address the Director's recommendation for approval or denial of the issue.

DEPARTMENT	INITIALS FOR APPROVAL	INITIALS FOR DISAPPROVAL	DATE
1. Finance	<i>B</i>		8/22/13
2. _____			
3. _____			
4. _____			
5. City Attorney	<i>[Signature]</i>		8/22/2013
6. City Manager	<i>[Signature]</i>		8-22-13
7. Clerk of Council			

Initiating Department Director's Signature: *[Signature]* Date: 8/22/13



APPROVED AS TO FORM: *[Signature]* 8/22/2013
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Allen Baldwin, Fire Chief
Date: August 22, 2013
Re: Staffing for Adequate Fire and Emergency Response Grant (SAFER)

THE ISSUE: The deadline for the 2013 Staffing for Adequate Fire and Emergency Response Grant (SAFER) is August 30, 2013. Winchester Fire and Rescue Department, under the direction of the City Manager has prepared an application for this grant. We are currently seeking approval from council to receive funding if grant is awarded to the City of Winchester Fire and Rescue Department for four firefighters.

RELATIONSHIP TO STRATEGIC PLAN: Goal 2 – Develop a High Performing City Organization
Objectives 1, 4, 5 and 6

BACKGROUND: The Federal SAFER grant is funding to assist with staffing. Additional staffing will allow increased staffing for fire and emergency responses. Funding from this grant would allow for reduced city funding for the next two years, while we continue to implement the council endorsed multi-year staffing plan. The guidelines are as follows:

1. Application deadline August 30, 2013.
2. Salary and benefit cost for hiring new firefighters would be covered at 100% during the two year grant performance period. (No City funds needed for salary and benefits) This is a change from previous years when city funds were needed each year at an increased %.
3. City must maintain positions for one year after the grant performance period ends.
4. City is responsible for all pre-employment hiring cost (testing, physical, etc...)
5. The cost of uniforms and personal protective equipment (PPE) and the initial physicals are also covered by grant. This is a change from previous years; these items are considered as benefits.
6. Efforts should be made to hire new firefighters within 90 days of being awarded the grant.
7. City would have to request reimbursement for the salaries and benefits from DHS on a quarterly basis.

BUDGET IMPACT: No general fund request for the grant performance period (2 years). Funding would be used for four new firefighter positions at approximately \$400,000 for salary and benefits. The only general fund request would be for some associated pre-employment hiring costs. Grantees must maintain operational staffing at the level that existed at the time of award as well as the SAFER-funded Staffing for the two-year SAFER Grant Period of Performance.

OPTIONS:

RECOMMENDATIONS: It is the recommendation of City staff that Council approves our request to apply for the 2013 SAFER grant. If funding is not received through this grant effort, we will include this request during the normal course of the budget process.



THE COMMON COUNCIL

Rouss City Hall
15 North Cameron Street
Winchester, VA 22601
540-667-1815
TDD 540-722-0782
www.winchesterva.gov

I, Kari J. Van Diest, Deputy Clerk of the Common Council, hereby certify on this 13th day of September 2013 that the following Resolution is a true and exact copy of one and the same adopted by the Common Council of the City of Winchester, assembled in regular session on the 10th day of September 2013.

Virginia Fire Incident Reporting System FY14 Hardware Grant 2013 Staffing for Adequate Fire and Emergency Response Grant

Winchester Fire and Rescue would like to place application with the ~~Virginia Department of Fire Programs~~ for the ~~2014 Virginia Fire Incident Reporting System 2014 Hardware Grant~~ **Federal 2013 Staffing for Adequate Fire and Emergency Response (SAFER) Grant** to assist with the funding for the Fire and Rescue ~~electronic record management software~~ **four new firefighters positions.**

WHEREAS, the Common Council recognizes the importance of public safety and the importance of critically need to maintain records and protect the privacy of the public; and

WHEREAS, the Winchester Fire and Rescue Department is committed to providing a variety of emergency services to prevent the loss of life and property and maintaining the required records and documentation; and

WHEREAS, the Winchester Fire and Rescue Department is seeking approval and support to apply for the ~~FY 2014 VFIRS Hardware Grant~~ **2013 SAFER Grant**. If the grant is awarded the funds received would be used to ~~purchase hardware to support our current record management system software~~ **employ four firefighters.**

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Winchester, Virginia does hereby support the application for the ~~VFIRS Hardware~~ **SAFER Grant** to be submitted by the Winchester Fire and Rescue Department and authorizes the receipt of funding if the grant is selected, and authorizes the City Manager to sign all necessary documents to execute this grant application.

Resolution No. 2013-43.

ADOPTED by the Common Council of the City of Winchester on the 13th day of August 2013.

Witness my hand and the seal of the City of Winchester, Virginia.

*Kari J. Van Diest
Deputy Clerk of the Common Council*