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## VDOT pays \$1.95 million to church over construction project

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First Baptist Church has three entrance-ways along Warwick Boulevard, pictured April 24, 2019, in Newport News.

The Virginia Department of Transportation has paid \$1.95 million to a Newport News church to settle years of litigation over the City Center Boulevard construction project.

Under the terms of the deal, VDOT made the payout last fall to First Baptist Church Newport News. That's a worship house at 12716 Warwick Blvd., between City Center Boulevard and the Peninsula Memorial Park cemetery.

The four-lane boulevard — which opened to traffic in April 2015 — is now a primary and well-used connector between Warwick Boulevard and the Oyster Point section of Jefferson Avenue.

In 2013, VDOT took control of just under an acre of First Baptist Church's land that the state agency said was needed for the new roadway. The agency used its power of eminent domain, which allows the government to take private property for public use.

VDOT initially set aside \$96,546 in the Newport News Circuit Court as "just compensation" to the church for taking its land, court documents say. That included about half an acre needed permanently for new underground communications utilities and drainage — plus about a third of an acre needed temporarily for the construction zones.

But First Baptist's Board of Trustees contended that \$96,546 was not enough to compensate the church for the changes and headaches the project wrought.

It couldn't be determined this week what the trustees thought the church was owed, but court documents said \$1.95 million is the "agreed upon value for the (land) acquisition and any and all damages."

The Virginia Beach attorney who represented VDOT in the litigation, Marshall A. Winslow Jr., referred a call on the settlement to the agency's public affairs office.

VDOT spokeswoman Brittany McBride Nichols said that after the agency's \$96,546 offer for the utility and construction easements, "The church later notified VDOT of additional costs due to the impact on the parking lot and future plans for the property, as well as the value of damage to the property."

"This additional information and counter offer led both parties to participate in mediation, resulting in the \$1.95 million settlement," she wrote.

Court records indicate that much of the back and forth between the sides in the case was over the expert witnesses who would testify at trial about the impact of the project on the church.



First Baptist often was subjected to orange cones lining its parking as the project was underway. According to court records, the church asserted that its previous main entrance — at the signaled intersection at Warwick Boulevard and Maxwell Lane — was “excellent.”

“Visitors to the site using the main entrance had full view of the canopy covered entrance at the sanctuary and were easily directed to the main entrance,” the church’s attorney wrote in court filings.

Moreover, an access drive there allowed for “safe and efficient” traffic movement. “Vehicles were not hindered by vehicles backing into the travel lane as they entered the site,” one filing said.

Under the new pattern, the new signaled entrance is now farther up Warwick — near the church’s administration building — with two other non-signaled entrances north and south of that. That’s more “cumbersome” than the previous set up, the church said.

Drivers coming in are “forced to make an immediate decision” to turn right or left, and traffic flow is hampered.

The settlement was approved by Circuit Court Judge Bryant L. Sugg in October, with the state cutting a check soon after that. Nichols said the \$1.95 million came from VDOT’s budget for the City Center Boulevard construction project.

First Baptist’s senior pastor, Randy Shepley, did not return a phone call Wednesday seeking comment on the settlement and how the church would use the money.

Mark A. Short, the Kaufman & Canoles attorney who represented First Baptist in the case, said the City Center Boulevard project impacted on a church master plan that had been in place for 15 years. “The settlement will help offset the costs and to remedy the issues created by the (land taking) and the project,” Short said.

Three members of First Baptist’s Board of Trustees signed the agreement with VDOT: Robert R. Brown, Warren F. Keeling and Nelson G. Hinson. Brown and Hinson did not return phone calls Wednesday, and Hinson couldn’t be reached.

First Baptist Church, a member of the Southern Baptist Convention, was established 136 years ago — in 1883 — in downtown Newport News, according to the church’s website. It later moved a few times, ending up at its current site.

The church buildings — the sanctuary as well as an administration building, educational building and fellowship hall — are 86,276 square feet in total, court documents say. They sit on about 11 acres of land, which also include a parking lot, ball field, small playground and courtyard.

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