



Date of Council Meeting: August 28, 2012

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: Declaring that a public necessity and use exist, authorizing an offer to acquire permanent and temporary easements for the Lower Sycolin Creek Sewage Conveyance System, Phase II – Sycolin Branch Sewer project.

Staff Contact: Amy Wyks, Director of Utilities
Renée LaFollette, Director of Capital Projects
Keith Wilson, Land Acquisition Manager, Capital Projects

Recommendation: Recommend the Council authorize staff to acquire permanent and temporary easements necessary to construct the Lower Sycolin Creek Sewage Conveyance System, Phase II – Sycolin Branch Sewer project.

Issue: Permanent and temporary easements are needed to construct the Lower Sycolin Creek Sewage Conveyance System, Phase II – Sycolin Sewer System project.

Fiscal Impacts: Land acquisition costs are included in the project budget.

Background: The Lower Sycolin Creek Sewage Conveyance System, Phase II – Sycolin Branch Sewer project is a capital project for the construction of a gravity flow sanitary sewer line. The project will serve areas south of the Town’s incorporated boundary between the Dulles Greenway and the W&OD Trail that are within the Urban Growth Area (UGA) / Joint Land Management Area (JLMA). This portion of the project will be constructed as Phase II when the need arises. Phase I of this project is currently under construction which consists of constructing a pumping station (half of the ultimate size), Airport Branch Sewer line, and force main line.

Due to the uncertain outcome of the voter referendum that is to be on the ballot in November, it was decided to begin the land acquisition for the Phase II portion of the project under the current state code.

Offers will be made to all property owners from whom easements are needed. Property identification numbers for the real properties necessary for the acquisition of permanent and temporary easements are listed below:

Property Identification Number (PIN)	
193-46-1044-000	193-46-3445-000
193-46-7168-000	193-46-2814-000

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193-27-9018-000	191-16-9866-000
193-48-5687-000	193-47-8662-000
193-48-6164-000	193-49-0957-000
193-49-2459-000	152-36-1675-000
151-16-0598-000	151-36-5081-000
151-37-7403-000	151-36-2959-000
151-36-6971-000	151-46-8133-000

Design for the Lower Sycolin Creek Sewage Conveyance System, Phase II – Sycolin Branch Sewer project is in the final stages.

Attachment: Proposed Alignment Map

PRESENTED August 28, 2012

RESOLUTION NO. 2012-

ADOPTED _____

A RESOLUTION: DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS,
AUTHORIZING AN OFFER TO ACQUIRE PERMANENT AND
TEMPORARY EASEMENTS FOR THE LOWER SYCOLIN CREEK
SEWAGE CONVEYANCE SYSTEM, PHASE II – SYCOLIN BRANCH
SEWER PROJECT

WHEREAS, the Council of the Town of Leesburg finds and determines that it is necessary for the construction of a sanitary sewer line adjacent to and through real properties further set forth below, and for all other purposes incidental thereto, to acquire permanent and temporary easements from the below listed properties; and

WHEREAS, the Council further finds and determines that a public necessity and use exist to improve safety, health and welfare of the public for the acquisition of the permanent and temporary easements for such aforesaid public uses and purposes; and

WHEREAS, the Town of Leesburg is empowered by Virginia Code Sections 15.2-1800 through 15.2-1814, 15.2-1900 through 15.2-1907, and 33.1-96 to acquire by purchase or eminent domain private property for the purpose of carrying out its powers and duties; and

WHEREAS, the Town of Leesburg in Virginia desires to acquire by purchase or eminent domain certain permanent and temporary easements over real property further set forth below located in Loudoun County and certifies that the acquisition has been reviewed for purposes of complying with Section 1-219-1, Code of Virginia, as amended; and

WHEREAS, the Council wishes to authorize the Town Manager, Town Attorney, Director of Capital Projects, and their outside counsel to proceed with the acquisition of the permanent and temporary easements; and

WHEREAS, these easements are shown on the construction plans titled “Lower Sycolin

A RESOLUTION: DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS, AUTHORIZING AN OFFER TO ACQUIRE PERMANENT AND TEMPORARY EASEMENTS FOR THE LOWER SYCOLIN CREEK SEWAGE CONVEYANCE SYSTEM, PHASE II – SYCOLIN BRANCH SEWER PROJECT

Sewage Conveyance System, Sycolin Branch Sewer”, prepared by Dewberry & Davis, LLC, of Fairfax, Virginia; and

WHEREAS, the property identification number for the real properties necessary for the acquisition of the permanent and temporary easements are listed below:

Property Identification Number (PIN)	
193-46-1044-000	193-46-3445-000
193-46-7168-000	193-46-2814-000
193-27-9018-000	191-16-9866-000
193-48-5687-000	193-47-8662-000
193-48-6164-000	193-49-0957-000
193-49-2459-000	152-36-1675-000
151-16-0598-000	151-36-5081-000
151-37-7403-000	151-36-2959-000
151-36-6971-000	151-46-8133-000

THEREFORE, RESOLVED, by the Council of the Town of Leesburg in Virginia as follows:

SECTION I. The Town Council of Leesburg, Virginia hereby finds and determines that a public necessity and use exists to acquire the necessary land rights for the construction of the Lower Sycolin Creek Sewage Conveyance System, Phase II – Sycolin Branch Sewer project adjacent to and through real properties listed above.

SECTION II. That the Town Manager, Town Attorney, Director of Capital Projects, and their outside counsel be, and hereby are, authorized and directed to negotiate with and execute on behalf of

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SEWER PROJECT

the Town deeds to acquire the necessary permanent and temporary easements over the land aforesaid from the property owners, their successors and assigns, in the location deemed appropriate by the Department of Capital Projects, at a price reasonably related in their judgment to the fair market value of the permanent and temporary easements, and on such terms and conditions as they deem advantageous to the Town, in a form approvable by the Town Attorney.

SECTION III. That funding for the purchase price by agreement and the expenditure of such funds for the said permanent and temporary easements and all other acquisition costs, be, and hereby is, authorized and approved.

SECTION IV. That the Town Manager, Town Attorney, Director of Capital Projects, and their outside counsel be, and hereby are, authorized and directed to take such additional actions as may be necessary or convenient to accomplish the acquisition of the permanent and temporary easements as required by this resolution.

SECTION V. That the Clerk of Council be, and hereby is, authorized and directed to affix the seal of the Town to such documents as may be necessary or convenient to accomplish the acquisition of the permanent and temporary easements as required by this resolution.

PASSED this ____ day of August, 2012.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council