

**TOWN OF LEESBURG  
NOTICE OF PUBLIC HEARING**

**ACQUISITION BY CONDEMNATION OF REAL PROPERTY  
AND TO AUTHORIZE PAYMENT OF JUST COMPENSATION  
FOR REAL PROPERTIES LOCATED IN THE TOWN OF LEESBURG FOR THE  
PURPOSE OF CONSTRUCTION OF THE EDWARDS FERRY ROAD AT ROUTE 15  
BYPASS RIGHT TURN LANE IMPROVEMENTS PROJECT**

**ACQUISITION OF FEE SIMPLE RIGHT-OF-WAY DEDICATION FOR PUBLIC STREET PURPOSES AND TEMPORARY CONSTRUCTION EASEMENT ON AND ACROSS REAL PROPERTY LOCATED AT THE SOUTHWEST QUADRANT OF THE INTERSECTION OF EDWARDS FERRY ROAD AND ROUTE 15 BYPASS, PIN 188-39-8114-000**

**ACQUISITION OF A TEMPORARY CONSTRUCTION EASEMENT ON AND ACROSS REAL PROPERTY LOCATED AT 965 EDWARDS FERRY ROAD, NE, PIN 188-39-6616-000**

The **LEESBURG TOWN COUNCIL** will hold a public hearing on **TUESDAY, AUGUST 28, 2012, at 7:30 p.m.**, in the Council Chambers at Town Hall, 25 West Market Street, Leesburg, Virginia, 20176, on the following Resolution being proposed for adoption:

A Resolution to authorize the acquisition by condemnation of fee simple right of way and temporary easements on and across real properties for the public purpose of the construction of the Edwards ferry Road at Route 15 Bypass Right Turn Lane Improvements project, and for all other purposes incidental thereto; and to enter upon the area encompassed by the right of way and easements and to initiate and continue construction before the conclusion of condemnation proceedings pursuant to Virginia Code Sections 15.2-1901 through 15.2-1904 and Chapter 3 of Title 25.1 (Sections 25.1-300 et seq.) and to further authorize payment of just compensation to the following property owners:

1. Acquisition of a fee simple right-of-way dedication for public street purposes and temporary construction easement on and across property located at the Southwest quadrant of the intersection of Edwards Ferry Road and Route 15 Bypass, PIN 188-39-8114-000; and
2. Acquisition of a temporary construction easement on and across property located at 965 Edwards Ferry Road, NE, PIN 188-39-6616-000; and

A copy of the proposed Resolution is available from the Town Clerk, located in Town Hall. Additional information regarding these proposed amendments is available in the Executive Department, located on the first floor of the Leesburg Town Hall, 25 West Market Street,

Leesburg, Virginia, during normal business hours (Monday-Friday, 8:30 a.m. to 5:00 p.m.), or by calling Lee Ann Green, Clerk, at 703-771-2733.

At this hearing, all persons desiring to express their views concerning these matters will be heard. Persons requiring special accommodations should contact the Clerk of Council at 703-771-2733, three days in advance of the meeting. For TTY/TDD service, use the Virginia Relay Center by dialing 711.

8/15/12, 8/22/12



**Date of Council Meeting:** August 28, 2012

**TOWN OF LEESBURG  
TOWN COUNCIL PUBLIC HEARING**

**Subject:** Declaring that a public necessity and use exist, authorizing an offer to acquire right of way dedication and easements from PIN 188-39-8114-000 and PIN 188-39-6616-000 for the Edwards Ferry Road at Route 15 Bypass Right Turn Lane Improvement project, and authorizing condemnation if the offer is not promptly accepted.

**Staff Contact:** Keith Wilson, Land Acquisition Manager, Capital Projects  
Renée Lafollette, Director of Capital Projects  
Anne Geiger, Senior Engineer/Project Manager, Capital Projects

**Recommendation:** Recommend that Town Council authorize staff to acquire right of way dedication and easements necessary to construct the Edwards Ferry Road at Route 15 Bypass Right Turn Lane Improvement project, and authorize condemnation if offers are not accepted.

**Issue:** Right of way dedication and easements are needed to construct the Edwards Ferry Road at Route 15 Bypass Right Turn Lane Improvement project.

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

**Background:** The Edwards Ferry Road at Route 15 Bypass Right Turn Lane Improvement project is a fully funded capital project for the construction of improvements to the Edwards Ferry Road intersection with the Route 15 Bypass to help mitigate traffic congestion. The improvements will consist of developing dual right turn lanes for vehicles turning from eastbound Edwards Ferry Road onto southbound Route 15.

The property identification number, individual square footage of the necessary right of way dedication and easements, and estimated fair market value of the real properties necessary for the acquisition of right of way dedication and temporary easements are as follows:

<b>Property Identification Number (PIN)</b>	<b>Land Rights Required</b>	<b>Offer</b>
188-39-8114-000	33,551 sq. ft. fee simple right of way dedication	\$56,330.00
188-39-6616-000	884 sq. ft. temp. construction easement	\$2,200.00

PRESENTED August 28, 2012

RESOLUTION NO. 2012-

ADOPTED \_\_\_\_\_

A RESOLUTION: DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS, AUTHORIZING AN OFFER TO ACQUIRE RIGHT OF WAY DEDICATION AND EASEMENTS FROM PIN 188-39-8114-000 AND PIN 188-39-6616-000 FOR THE EDWARDS FERRY ROAD AT ROUTE 15 BYPASS RIGHT TURN LANE IMPROVEMENT PROJECT, AND AUTHORIZING CONDEMNATION IF THE OFFER IS NOT ACCEPTED

WHEREAS, the Council of the Town of Leesburg finds and determines that it is necessary for the construction of the Edwards Ferry Road at Route 15 Bypass Right Turn Lane project adjacent to and through real properties further set forth below, and for all other purposes incidental thereto, to acquire right of way dedication, 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 right of way dedication and 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 right of way dedication, and temporary easements over real property further set forth below located in the Town of Leesburg 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 right of way dedication, and temporary easements; and

A RESOLUTION: DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS, AUTHORIZING AN OFFER TO ACQUIRE RIGHT OF WAY DEDICATION AND EASEMENTS FROM PIN 188-39-8114-000 AND PIN 188-39-6616-000 FOR THE EDWARDS FERRY ROAD AT ROUTE 15 BYPASS RIGHT TURN LANE IMPROVEMENT PROJECT, AND AUTHORIZING CONDEMNATION IF THE OFFER IS NOT ACCEPTED

WHEREAS, the right of way dedications, and temporary easements are shown on the construction plans titled “Edwards Ferry Road (Route 773) Dual Right Turn Lanes”, prepared by Rinker Design Associates, of Manassas, Virginia; and

WHEREAS, a public hearing pursuant to advertisement of notice was held on this matter, as required by law; and

WHEREAS, the property identification number, individual square footage of the necessary right of way dedication and temporary easements, and fair market value of the right of way dedication, and temporary easements are listed below:

<b>Property Identification Number (PIN)</b>	<b>Land Rights Required</b>	<b>Offer</b>
188-39-8114-000	33,551 sq. ft. fee simple right of way dedication	\$56,330.00
188-39-6616-000	884 sq. ft. temp. construction easement	\$2,200.00

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 Edwards Ferry Road at Route 15 Bypass Right Turn Lane I project adjacent to and through real properties listed above.

A RESOLUTION: DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS, AUTHORIZING AN OFFER TO ACQUIRE RIGHT OF WAY DEDICATION AND EASEMENTS FROM PIN 188-39-8114-000 AND PIN 188-39-6616-000 FOR THE EDWARDS FERRY ROAD AT ROUTE 15 BYPASS RIGHT TURN LANE IMPROVEMENT PROJECT, AND AUTHORIZING CONDEMNATION IF THE OFFER IS NOT ACCEPTED

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 the Town deeds to acquire the necessary land rights, right of way dedication and 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 right of way dedication and 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 in the event the acquisition cannot be agreed upon, the Town Manager, Town Attorney, Director of Capital Projects, and their outside counsel be, and hereby are, authorized and directed to file a Certificate of Take for the acquisition of the necessary land rights and to institute appropriate condemnation proceedings in the Circuit Court of Loudoun County for the acquisition of the said right of way dedication, and temporary easements by eminent domain proceedings.

SECTION IV. That funding for the purchase price by agreement or condemnation and the expenditure of such funds for the said right of way dedication, and temporary easements and all other acquisition costs, including, if necessary litigation costs, be, and hereby is, authorized and approved.

SECTION V. 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

A RESOLUTION: DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS,  
AUTHORIZING AN OFFER TO ACQUIRE RIGHT OF WAY  
DEDICATION AND EASEMENTS FROM PIN 188-39-8114-000 AND PIN  
188-39-6616-000 FOR THE EDWARDS FERRY ROAD AT ROUTE 15  
BYPASS RIGHT TURN LANE IMPROVEMENT PROJECT, AND  
AUTHORIZING CONDEMNATION IF THE OFFER IS NOT ACCEPTED

may be necessary or convenient to accomplish the acquisition of the right of way dedication, and temporary easements as required by this resolution.

SECTION VI. 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 right of way dedications, and temporary easements as required by this resolution.

PASSED the \_\_\_\_ day of August, 2012.

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Kristen C. Umstattd, Mayor  
Town of Leesburg

ATTEST:

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Clerk of Council