



Date of Council Meeting: September 11, 2012

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: Declaring that a public necessity and use exist and authorizing an offer to acquire right of way dedications and permanent and temporary easements for the Route 15 (South King Street) Widening Phase II project.

Staff Contact: Keith Wilson, Land Acquisition Manager, Capital Projects
Renée LaFollette, Director of Capital Projects
Tom Brandon, Deputy Director of Capital Projects

Recommendation: Recommend Council authorize staff to acquire right of way dedications and permanent and temporary easements necessary to construct the Route 15 (South King Street) Widening Phase II project.

Issue: Right of way dedications and permanent and temporary easements are needed to construct the Route 15 (South King Street) Widening Phase II project.

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

Background: The Route 15 (South King Street) Widening Phase II project is a fully funded capital project for the widening of the roadway to a four lane divided street, with multi-use trail along the west side of the road. The improved roadway will include a wide landscaped median to provide an attractive entrance into the Town.

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

Property Identification Number (PIN)	
273-18-3376-000	273-18-3985-000
273-18-4497-000	273-17-5133-000
273-28-5489-000	273-38-6627-000
273-39-1389-000	273-49-2205-000
274-47-3967-000	273-18-0838-000

Design for the Route 15 (South King Street) Widening Phase II project is currently underway. Advertisement for construction of the project is planned for the end of 2013 with construction starting in the spring of 2014.

PRESENTED September 11, 2012

RESOLUTION NO. 2012-

ADOPTED _____

A RESOLUTION: DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS AND
AUTHORIZING AN OFFER TO ACQUIRE RIGHT OF WAY
DEDICATIONS AND EASEMENTS FOR THE ROUTE 15 (SOUTH KING
STREET) WIDENING PHASE II PROJECT

WHEREAS, the Council of the Town of Leesburg finds and determines that it is necessary for the construction of a street improvement project adjacent to and through real properties further set forth below, and for all other purposes incidental thereto, to acquire right of way dedications and 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 right of way dedications and 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 right of way dedications and permanent and temporary easements over real property further set forth below located in 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 dedications, and permanent and temporary easements; and

WHEREAS, these easements are shown on the construction plans titled "South King Street

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Phase 2 Street Widening”, prepared by Paciulli, Simmons & Associates, of Leesburg, Virginia; and

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

Property Identification Number (PIN)	
273-18-3376-000	273-18-3985-000
273-18-4497-000	273-17-5133-000
273-28-5489-000	273-38-6627-000
273-39-1389-000	273-49-2205-000
274-47-3967-000	273-18-0838-000

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 Route 15 (South King Street) Widening Phase II 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 the Town deeds to acquire the necessary right of way dedications, and permanent and temporary easements over the land aforesaid from the property owners, their successors and

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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 dedications, and 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 the ____ day of September, 2012.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council