

**TOWN OF LEESBURG
NOTICE OF PUBLIC HEARING**

**ACQUISITION BY CONDEMNATION OF REAL PROPERTY
AND TO AUTHORIZE PAYMENT OF JUST COMPENSATION
FOR REAL PROPERTY 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 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, TAX MAP # /49/////////RA/**

The **LEESBURG TOWN COUNCIL** will hold a public hearing on **TUESDAY, November 13, 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 construction easement on and across real property 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 easement 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 owner:

1. Acquisition of fee simple right-of-way 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, Tax Map # /49/////////RA/; 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 703-731-2733.

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.

11/07/12

PRESENTED November 13, 2012

RESOLUTION NO. 2012-

ADOPTED _____

A RESOLUTION: DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS,
AUTHORIZING AN OFFER TO ACQUIRE FEE SIMPLE RIGHT OF
WAY AND EASEMENT FROM PIN 188-39-8114-000 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 fee simple right of way, and a temporary easement 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 fee simple right of way and easement 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 fee simple right of way, and easement 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 fee simple right

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of way, and temporary easement; and

WHEREAS, the fee simple right of way, and temporary easement 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 fee simple right of way and temporary easement, and fair market value such property interests as reflected in an approved appraisal are listed below:

Property Identification Number (PIN)	Land Rights Required	Offer
188-39-8114-000	7,734 sq. ft. fee simple right of way 2,069 sq. ft. temporary construction easement Landscaping	\$ 4,640.00 \$ 124.00 <u>\$ 2,400.00</u> \$ 7,164.00

The land rights to be acquired are more particularly shown on a plat by Rinker Design Associates, dated September 28, 2011, revised through February 23, 2012, and titled “Plat Showing Public Street Dedication and Temporary Construction Easement on Reservation Area for Future Street Dedication on the Land of Edwards Ferry – Beverly Road Associates Limited Partnership,” a

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copy of which is attached hereto and made a part of this Resolution. On said plat the land to be acquired for fee simple right of way is identified as “7734 sq. ft. (0.1775 acre) HEREBY DEDICATED FOR PUBLIC STREET PURPOSES.”

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

SECTION I. The Town Council of Leesburg, VA 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.

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 fee simple right of way and easement, and not less than the amount of the approved appraisal, 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,

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authorized and directed to file a Certificate of Take pursuant to the authority and procedures set forth in Chapter 3, Title 25.1, Code of Virginia (1950), as amended 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 fee simple right of way and temporary easement 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 fee simple right of way and temporary easement 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 may be necessary or convenient to accomplish the acquisition of the fee simple right of way, and temporary easement 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 fee simple right of way and temporary easement as required by this resolution.

PASSED the ____ day of November, 2012.

Kristen C. Umstattd, Mayor
Town of Leesburg

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ATTEST:

Clerk of Council