

**TOWN OF LEESBURG  
NOTICE OF PUBLIC HEARING**

**TO CONSIDER ACQUISITION BY CONDEMNATION  
OF REAL PROPERTY AND TO AUTHORIZE  
PAYMENT OF JUST COMPENSATION  
FOR REAL PROPERTY LOCATED IN LOUDOUN COUNTY  
FOR THE PURPOSE OF CONSTRUCTION OF THE  
LOWER SYCOLIN CREEK SEWAGE CONVEYANCE SYSTEM – SYCOLIN  
BRANCH SEWER PROJECT**

**PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY  
CONSTRUCTION EASEMENT ON AND ACROSS REAL PROPERTY LOCATED AT  
41087 COCHRAN MILL ROAD, PIN 193-46-2814-000, TAX MAP # /60////////51/**

**PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY  
CONSTRUCTION EASEMENT ON AND ACROSS REAL PROPERTY LOCATED AT  
20100 SYCOLIN ROAD, PIN 193-46-1044-000, TAX MAP # /60////////30/**

**PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY  
CONSTRUCTION EASEMENT ON AND ACROSS REAL PROPERTY, PIN 193-46-  
3445-000, TAX MAP # /60////////31/**

**PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY  
CONSTRUCTION EASEMENT ON AND ACROSS REAL PROPERTY, PIN 193-46-  
7168-000, TAX MAP # /60////////32/**

**PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY  
CONSTRUCTION EASEMENT ON AND ACROSS REAL PROPERTY, PIN 193-27-  
9018-000, TAX MAP # /60////////41/**

**PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY  
CONSTRUCTION EASEMENT ON AND ACROSS REAL PROPERTY LOCATED AT  
41314 COCHRAN MILL ROAD, PIN 193-48-5687-000, TAX MAP # /60////////35A/**

**PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY  
CONSTRUCTION EASEMENT ON AND ACROSS REAL PROPERTY, PIN 151-16-  
0598-000, TAX MAP # /61////////8/**

**PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY  
CONSTRUCTION EASEMENT ON AND ACROSS REAL PROPERTY, PIN 152-36-  
1675-000, TAX MAP # /61////////10/**

**PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT ON AND ACROSS REAL PROPERTY, PIN 151-37-7403-000, TAX MAP # /61/////////6/**

**PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT ON AND ACROSS REAL PROPERTY, PIN 151-36-2959-000, TAX MAP # /61/////////6D/**

**PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT ON AND ACROSS REAL PROPERTY LOCATED AT 41877 COCHRAN MILL ROAD, PIN 151-36-5081-000, TAX MAP # /61/////////7A/**

**PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT ON AND ACROSS REAL PROPERTY, PIN 151-36-6971-000, TAX MAP # /61/////////7B/**

The **LEESBURG TOWN COUNCIL** will hold a public hearing on **TUESDAY, December 11, 2012, at 7:30 p.m.**, in the Council Chambers at Town Hall, 25 West Market Street, Leesburg, Virginia, 20176, to consider the following Resolution:

A Resolution to authorize acquisition by condemnation of permanent and temporary easements on and across real property for the public purpose of the construction of the Lower Sycolin Creek Sewage Conveyance System – Sycolin Branch Sewer Project, and for all other purposes incidental thereto; and to enter upon the area encompassed by the permanent and temporary 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. A permanent sanitary sewer easement and temporary construction easement on and across property located at 41087 Cochran Mill Road, PIN 193-46-2814-000, Tax Map # /60/////////51/; and
2. A permanent sanitary sewer easement and temporary construction easement on and across property located at 20100 Sycolin Road, PIN 193-46-1044-000, Tax Map # /60/////////30/; and
3. A permanent sanitary sewer easement and temporary construction easement on and across property, PIN 193-46-3445-000, Tax Map # /60/////////31/; and
4. A permanent sanitary sewer easement and temporary construction easement on and across property, PIN 193-46-7168-000, Tax Map # /60/////////32/; and
5. A permanent sanitary sewer easement and temporary construction easement on and across property, PIN 193-27-9018-000, Tax Map # /60/////////41/; and

6. A permanent sanitary sewer easement and temporary construction easement on and across property located at 41314 Cochran Mill Road, PIN 193-48-5687-000, Tax Map # /60////////35A/; and
7. A permanent sanitary sewer easement and temporary construction easement on and across property, PIN 151-16-0598-000, Tax Map # /61////////8/; and
8. A permanent sanitary sewer easement and temporary construction easement on and across property, PIN 152-36-1675-000, Tax Map # /61////////10/; and
9. A permanent sanitary sewer easement and temporary construction easement on and across property, PIN 151-37-7403-000, Tax Map # /61////////6/; and
10. A permanent sanitary sewer easement and temporary construction easement on and across property, PIN 151-36-2959-000, Tax Map # /61////////6D/; and
11. A permanent sanitary sewer easement and temporary construction easement on and across property located at 41877 Cochran Mill Road, PIN 151-36-5081-000, Tax Map # /61////////7A/; and
12. A permanent sanitary sewer easement and temporary construction easement on and across property, PIN 151-36-6971-000, Tax Map # /61////////7B/; and

A copy of the proposed Resolution and additional information is available from the Town Clerk, 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.

12/05/12



**Date of Council Meeting:** December 11, 2012

**TOWN OF LEESBURG  
TOWN COUNCIL PUBLIC HEARING**

**Subject:** Declaring that a public necessity and use exist, authorizing an offer to acquire permanent and temporary easements from PIN 193-46-2814-000, PIN 193-46-1044-000, PIN 193-46-3445-000, PIN 193-46-7618-000, PIN 193-27-9018-000, PIN 193-48-5687-000, PIN 151-16-0598-000, PIN 152-36-1675-000, PIN 151-37-7403-000, PIN 151-36-2959-000, PIN 151-36-5081-000, and PIN 151-36-6971-000 for the Lower Sycolin Creek Sewage Conveyance System – Sycolin Branch Sewer project, and authorizing condemnation if the Town’s bona fide effort to acquire the land rights from the owner(s) is ineffectual.

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

**Recommendation:** Recommend that Town Council authorize staff to acquire permanent and temporary easements necessary to construct the Lower Sycolin Creek Sewage Conveyance System – Sycolin Branch Sewer project, and authorize condemnation if the Town’s bona fide effort to acquire the land rights from the owner(s) is ineffectual.

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

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

**Background:** The Lower Sycolin Creek Sewage Conveyance System – Sycolin Branch Sewer 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). The Sycolin Branch Sewer phase of the project will be constructed as the need for services arise. The Airport Branch Sewer or first phase of the project is currently under construction which project consists of construction of a pumping station (half of the ultimate size), Airport Branch Sewer line, and force main line to Kincaid Boulevard.

The property identification number, individual square footage of the necessary permanent sanitary sewer easement and temporary construction easement, and estimated fair market value of the real properties and improvements necessary for the acquisition of permanent sanitary sewer and temporary construction easements are as follows:

<b>Property Identification Number (PIN)</b>	<b>Land Rights Required</b>	<b>Offer</b>
193-46-2814-000	7,446 sq. ft. permanent sanitary sewer easement 3,002 sq. ft. temporary construction easement	\$ 510.00 <u>\$ 245.00</u> \$ 755.00
193-46-1044-000	1,897 sq. ft. permanent sanitary sewer easement 523 sq. ft. temporary construction easement	\$ 400.00 <u>\$ 135.00</u> \$ 535.00
193-46-3445-000 193-46-7168-000	20,444 sq. ft. permanent sanitary sewer easement 6,067 sq. ft. temporary construction easement	\$ 800.00 <u>\$ 285.00</u> \$ 1,085.00
193-27-9018-000	9,878 sq. ft. permanent sanitary sewer easement 3,630 sq. ft. temporary construction easement	\$ 280.00 <u>\$ 125.00</u> \$ 405.00
193-48-5687-000	1,820 sq. ft. permanent sanitary sewer easement 2,792 sq. ft. temporary construction easement	\$ 405.00 <u>\$ 375.00</u> \$ 780.00
151-16-0598-000 152-36-1675-000 151-37-7403-000 151-36-2959-000	219,869 sq. ft. permanent sanitary sewer easement 54,879 sq. ft. temporary construction easement	\$ 18,250.00 <u>\$ 2,780.00</u> \$ 21,030.00
151-36-5081-000 151-36-6971-000	26,389 sq. ft. permanent sanitary sewer easement 6,690 sq. ft. temporary construction easement	\$ 8,105.00 <u>\$ 1,030.00</u> \$ 9,135.00

Engineering design for the Lower Sycolin Creek Sewage Conveyance System – Sycolin Branch Sewer project is in the final stages.

Attachment: Proposed Sanitary Sewer Alignment Map

PRESENTED December 11, 2012

RESOLUTION NO. 2012-

ADOPTED \_\_\_\_\_

A RESOLUTION: DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS, AUTHORIZING AN OFFER TO ACQUIRE PERMANENT AND TEMPORARY EASEMENTS FROM PIN 193-46-2814-000, PIN 193-46-1044-000, PIN 193-46-3445-000, PIN 193-46-7168-000, PIN 193-27-9018-000, PIN 193-48-5687-000, PIN 151-16-0598-000, PIN 152-36-1675-000, PIN 151-37-7403-000, PIN 151-36-2959-000, PIN 151-36-5081-000, AND PIN 151-36-6971-000 FOR THE LOWER SYCOLIN CREEK SEWAGE CONVEYANCE SYSTEM – SYCOLIN BRANCH SEWER PROJECT AND AUTHORIZING CONDEMNATION

WHEREAS, the Council of the Town of Leesburg finds and determines that it is necessary for the construction of a sanitary sewer and reclaimed water lines 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

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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 Sewage Conveyance System, Sycolin Branch Sewer”, prepared by Dewberry & Davis, LLC, of Fairfax, 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 permanent and temporary easements, and fair market value of the permanent and temporary easements are listed below:

<b>Property Identification Number (PIN)</b>	<b>Land Rights Required</b>	<b>Offer</b>
193-46-2814-000	7,446 sq. ft. permanent sanitary sewer easement 3,002 sq. ft. temporary construction easement	\$ 510.00 <u>\$ 245.00</u> \$ 755.00
193-46-1044-000	1,897 sq. ft. permanent sanitary sewer easement 523 sq. ft. temporary construction easement	\$ 400.00 <u>\$ 135.00</u> \$ 535.00
193-46-3445-000 193-46-7168-000	20,444 sq. ft. permanent sanitary sewer easement 6,067 sq. ft. temporary construction easement	\$ 800.00 <u>\$ 285.00</u> \$ 1,085.00

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151-36-5081-000 151-36-6971-000	26,389 sq. ft. permanent sanitary sewer easement 6,690 sq. ft. temporary construction easement	\$ 8,105.00 <u>\$ 1,030.00</u> \$ 9,135.00

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 Lower Sycolin Creek Sewage Conveyance System – 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

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behalf of 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 in the event the Town’s bona fide effort to acquire the necessary land rights from the owner is ineffectual, 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 permanent 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 permanent and temporary easements and all other acquisition costs, including, if necessary litigation 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

A RESOLUTION:       DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS,  
AUTHORIZING AN OFFER TO ACQUIRE PERMANENT AND TEMPORARY  
EASEMENTS FROM PIN 193-46-2814-000, PIN 193-46-1044-000, PIN 193-46-  
3445-000, PIN 193-46-7168-000, PIN 193-27-9018-000, PIN 193-48-5687-000,  
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SYCOLIN CREEK SEWAGE CONVEYANCE SYSTEM – SYCOLIN BRANCH  
SEWER PROJECT AND AUTHORIZING CONDEMNATION

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 December, 2012.

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Kristen C. Umstattd, Mayor  
Town of Leesburg

ATTEST:

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Clerk of Council