

**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 THE TOWN OF LEESBURG  
FOR THE PURPOSE OF CONSTRUCTION OF THE  
CHURCH STREET IMPROVEMENTS – PHASE I PROJECT**

**PERMANENT SIDEWALK EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT ON AND ACROSS REAL PROPERTY LOCATED AT 101 LOUDOUN STREET SE, PIN 231-38-6627-000, TAX MAP # /48/A16////1/**

**PERMANENT SIDEWALK EASEMENT, PERMANENT STORM DRAINAGE EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT ON AND ACROSS REAL PROPERTY LOCATED AT 104 CHURCH STREET SE, PIN 231-38-6619-000, TAX MAP # /48/A16////2/**

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 Church Street Improvements – Phase I 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 sidewalk easement and temporary construction easement on and across property located at 101 Loudoun Street SE, PIN 231-38-6627-000, Tax Map # /48/A16////1/; and
2. A permanent sidewalk easement, permanent storm drainage easement and temporary construction easement on and across property located at 104 Church Street SE, PIN 231-38-6619-000, Tax Map # /48/A16////2/.

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 MEETING**

**Subject:** Declaring that a Public Necessity and Use Exist, Authorizing an Offer to Acquire permanent and temporary easements from PIN 231-38-6627-000 and PIN 231-38-6319-000 for the Church Street Improvements – Phase I project, and authorizing condemnation if the Town’s bona fide effort to purchase the land rights from the owner(s) is ineffectual.

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

**Recommendation:** Recommend the Town Council authorize staff to acquire permanent and temporary easements necessary to construct the Church Street Improvements – Phase I project, and to authorize condemnation if the Town’s bona fide effort to purchase the land rights from the owner(s) is ineffectual.

**Issue:** Permanent and temporary easements are needed to construct the Church Street Improvements – Phase I project.

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

**Background:** The Church Street Improvements – Phase I project is a fully funded capital project for the construction of curb and gutters, and brick sidewalk along both sides Church Street on the block between Loudoun Street and Royal Street. These improvements will complete the section of Church Street between Loudoun and Royal Streets and connect with existing sidewalks to will improve pedestrian access to the Town’s new business incubator, Mason Enterprise Center Leesburg. The project is being coordinated with the planned sidewalk improvements to be constructed along Loudoun Street as part of the Downtown Improvements project.

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 and improvements necessary for the acquisition of the permanent sidewalk easements, permanent storm drainage easement, and temporary construction easements are as follows:

<b>Property Identification Number (PIN)</b>	<b>Land Rights Required</b>	<b>Offer</b>
231-38-6627-000	305 sq. ft. permanent sidewalk easement 198 sq. ft. temporary construction easement	\$ 12,755.00 <u>\$ 2,485.00</u> \$ 15,240.00
231-38-6319-000	328 sq. ft. permanent sidewalk easement 30 sq. ft. permanent storm drainage easement 90 sq. ft. temporary construction easement	\$ 7,730.00 \$ 720.00 <u>\$ 650.00</u> \$ 9,100.00

Design for the Church Street Improvements - Phase I project is complete. Advertisement for construction of the project is planned for the Winter of 2012/2013 with construction starting in the Spring of 2013.

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 231-38-6627-000 AND PIN 231-  
38-6319-000 FOR THE CHURCH STREET IMPROVEMENTS – PHASE I  
PROJECT AND TO AUTHORIZE CONDEMNATION

WHEREAS, the Council of the Town of Leesburg finds and determines that it is necessary for the construction of the Church Street Improvements – Phase I project 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 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 permanent and temporary easements; and

WHEREAS, the permanent and temporary easements are shown on the construction plans

A RESOLUTION: DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS, AUTHORIZING AN OFFER TO ACQUIRE PERMANENT AND TEMPORARY EASEMENTS FROM PIN 231-38-6627-000 AND PIN 231-38-6319-000 FOR THE CHURCH STREET IMPROVEMENTS – PHASE I PROJECT, AND TO AUTHORIZE CONDEMNATION

titled “ Church Street Improvements – Loudoun Street to Royal Street”, prepared by AECOM, of Arlington, 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>
231-38-6627-000	305 sq. ft. permanent sidewalk easement 198 sq. ft. temporary construction easement	\$ 12,755.00 <u>\$ 2,485.00</u> \$ 15,240.00
231-38-6319-000	328 sq. ft. permanent sidewalk easement 30 sq. ft. permanent storm drainage easement 90 sq. ft. temporary construction easement	\$ 7,730.00 \$ 720.00 <u>\$ 650.00</u> \$ 9,100.00

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 Church

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Street Improvements – Phase 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 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 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 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 V. That the Town Manager, Town Attorney, Director of Capital Projects, and

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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 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 permanent and temporary easements as required by this resolution.

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

\_\_\_\_\_  
Kristen C. Umstattd, Mayor  
Town of Leesburg

ATTEST:

\_\_\_\_\_  
Clerk of Council