



Date of Council Meeting: July 23, 2013

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: Declaring that a public necessity and use exist, authorizing an offer to acquire right of way dedications, and permanent and temporary easements for the Battlefield Parkway - Route 15 to Dulles Greenway project.

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

Recommendation: Recommend Council to authorize staff to acquire right of way dedications, and permanent and temporary easements necessary to construct the Battlefield Parkway - Route 15 to Dulles Greenway project.

Issue: Right of way dedications and permanent and temporary easements are needed to construct the Battlefield Parkway - Route 15 to Dulles Greenway project.

Fiscal Impacts: The project is funded by the Virginia Department of Transportation (VDOT) per agreement dated October 17, 2001. Land acquisition costs are included in the project budget.

Background: The Battlefield Parkway - Route 15 to Dulles Greenway project is a fully funded capital project for construction of a four lane divided street between Route 15 and Evergreen Mill Road and the addition of two additional lanes between Evergreen Mill Road and the Dulles Greenway. A multi-use trail will be constructed along the north side and concrete sidewalk along the south side of the roadway.

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)		
273-10-3227-000	273-10-5230-000	273-15-2033-000
273-10-8519-000	233-15-5236-000	233-26-2538-000
233-15-9240-000	233-16-1536-000	233-26-2651-000
233-15-6915-000	234-46-9444-000	233-26-2208-000
233-16-1877-000	233-16-2092-000	233-26-2322-000

Design for the Battlefield Parkway - Route 15 to Dulles Greenway is currently underway. Advertisement for construction of the project is planned for the spring of 2014.

Attachment: Parcel Map

PRESENTED July 23, 2013

RESOLUTION NO. 2013-

ADOPTED _____

A RESOLUTION: DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS,
AUTHORIZING AN OFFER TO ACQUIRE RIGHT OF WAY
DEDICATIONS AND PERMANENT AND TEMPORARY EASEMENTS
FOR THE BATTLEFIELD PARKWAY - ROUTE 15 TO DULLES
GREENWAY 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 the Town of Leesburg and 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 of Capital Projects, and their outside counsel to proceed with the acquisition of the right of way dedications, and permanent and temporary easements; and

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WHEREAS, the right of way dedications, and permanent and temporary easements are shown on the construction plans titled “Battlefield Parkway Phase III – South King Street (Route 15) to Dulles Greenway (Route 267)”, prepared by Rinker Design Associates, P.C., of Manassas, 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)	
273-10-3227-000	273-10-5230-000
273-10-8519-000	233-15-5236-000
233-15-9240-000	233-16-1536-000
233-15-6915-000	234-46-9444-000
233-16-1877-000	233-16-2092-000
233-26-2208-000	233-26-2322-000
233-26-2538-000	233-26-2651-000
273-15-2033-000	

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

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Battlefield Parkway - Route 15 to Dulles Greenway 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 assigns, in the location deemed appropriate by the Office 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 the right of way dedications, and 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 right of way dedications, and 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 right of way dedications, and permanent and temporary easements as required by

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this resolution.

PASSED the ____ day of July, 2013.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council