

**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  
SYCOLIN ROAD WIDENING PHASE III PROJECT**

**FEE SIMPLE RIGHT OF WAY DEDICATION, PERMANENT STORM DRAINAGE EASEMENT, TEMPORARY CONSTRUCTION EASEMENT AND PERMANENT NOVEC UTILITY EASEMENT ON AND ACROSS REAL PROPERTY, PIN 190-45-4810-000, TAX MAP # /48//29////B8/**

**FEE SIMPLE RIGHT OF WAY DEDICATION, PERMANENT STORM DRAINAGE EASEMENT, TEMPORARY CONSTRUCTION EASEMENT, PERMANENT NOVEC UTILITY EASEMENT AND PERMANENT VIRGINIA ELECTRIC AND POWER COMPANY UTILITY EASEMENT ON AND ACROSS REAL PROPERTY, PIN 190-45-4942-000, TAX MAP # /48//28////B8/**

**PERMANENT STORM DRAINAGE EASEMENT, TEMPORARY CONSTRUCTION EASEMENT, AND PERMANENT NOVEC UTILITY EASEMENT ON AND ACROSS REAL PROPERTY, PIN 190-45-3867-000, TAX MAP # /48//28////B1/**

**PERMANENT STORM DRAINAGE EASEMENT ON AND ACROSS REAL PROPERTY, PIN 189-15-6349, TAX MAP # /48//33////C/**

**RIGHT OF WAY DEDICATION, PERMANENT STORM DRAINAGE EASEMENT, TEMPORARY CONSTRUCTION EASEMENT AND PERMANENT NOVEC UTILITY EASEMENT ON AND ACROSS REAL PROPERTY, PIN 189-16-0666-000, TAX MAP # /48/////////77/**

The **LEESBURG TOWN COUNCIL** will hold a public hearing on **TUESDAY, September 24, 2013, 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 fee simple right of way, and permanent and temporary easements on and across real property for the public purpose of the construction of the Sycolin Road Widening Phase III Project, and for all other purposes incidental thereto; and to enter upon the area encompassed by the fee simple right of way, and 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. Fee simple right of way dedication, permanent storm drainage easement, temporary construction easement and permanent NOVEC utility easement on and across real property, PIN 190-45-4810-000, tax map # /48//29////B8/; and
2. Fee simple right of way dedication, permanent storm drainage easement, temporary construction easement, permanent NOVEC utility easement and permanent Virginia Electric and Power Company utility easement on and across real property, PIN 190-45-4942-000, tax map # /48//28////B8/; and
3. A permanent storm drainage easement, temporary construction easement and permanent NOVEC utility easement on and across real property, PIN 190-45-3867-000, tax map # /48//28////B1/; and
4. A permanent storm drainage easement on and across real property, PIN 189-15-6349-000, tax map # /48//33////C/; and
5. Fee simple right of way dedication, permanent storm drainage easement, temporary construction easement and permanent NOVEC utility easement on and across real property, PIN 189-16-0666-000, tax map # /48/////////77/; 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.

09/18/2013



**Date of Council Meeting:** September 24, 2013

**TOWN OF LEESBURG  
TOWN COUNCIL MEETING**

**Subject:** Declaring that a public necessity and use exists, authorizing an offer to acquire fee simple right of way, and permanent and temporary easements from pin 189-16-0666-000 for the Sycolin Road Widening Phase III project and to authorize condemnation.

**Staff Contact:** Renée LaFollette, Director of Capital Projects  
Anne Geiger, Senior Engineer/Project Manager, Capital Projects  
Keith Wilson, Land Acquisition Manager, Town Attorney's Office  
Lisa Haley, Management/Budget Analyst, Finance Department

**Recommendation:** Recommend Town Council to authorize staff to acquire right of way dedication and easements necessary to construct the Sycolin Road Widening Phase III project, and to authorize condemnation if the offer is not promptly accepted.

**Issue:** Right of way dedication and easements are needed to construct the Sycolin Road Widening Phase III project.

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

**Background:** The Sycolin Road Widening Phase III project is a fully funded capital project to improve Sycolin Road from two lanes to four lanes. The project will extend from just north of Battlefield Parkway, through the Hope Parkway Intersection, and tie into VDOT's Sycolin Road Overpass of the Route 7/15 Bypass project. Construction of a concrete sidewalk on the west side and shared use path on the east side of the roadway is planned as part of the 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 property and improvements necessary for the acquisition of the fee simple right of way dedication, permanent storm drainage easement, temporary construction easement, and NOVEC utility easement are as follows:

<b>Property Identification Number (PIN)</b>	<b>Land Rights Required</b>	<b>Offer</b>
189-16-0666-000	8,595 sq. ft. fee simple right of way dedication	\$ 5,820.00
	4,365 sq. ft. permanent storm drainage easement	\$ 709.00
	36,280 sq. ft. temporary construction easement	\$ 2,358.00
	3,160 sq. ft. NOVEC utility easement	\$ 308.00
		<u>\$ 9,195.00</u>

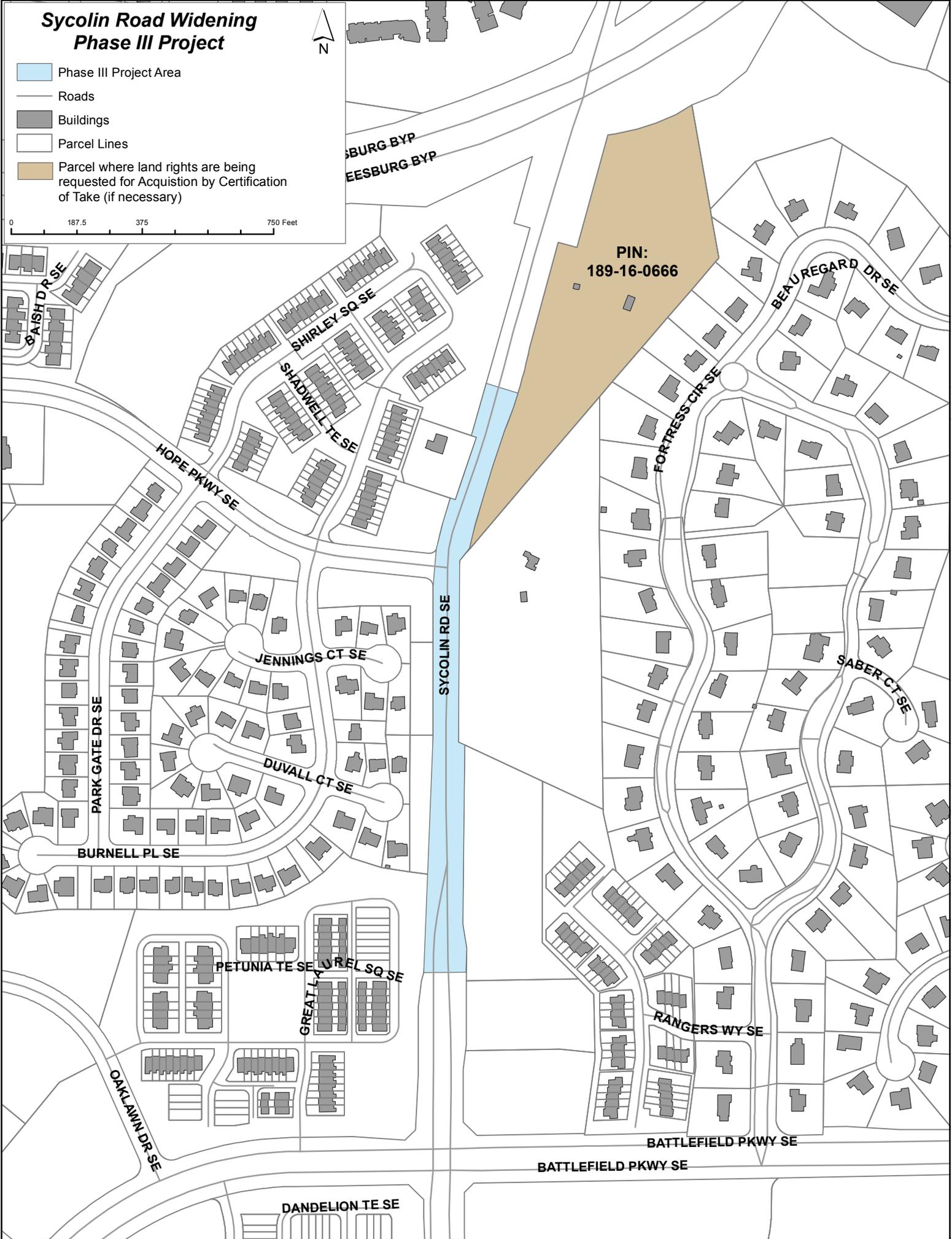
Design for the Sycolin Road Widening Phase III project is complete. Utility relocations are to begin in the fall of 2013, with advertisement for construction of the project planned for early winter of 2013/2014 and construction starting in late winter of 2014.

# Sycolin Road Widening Phase III Project



-  Phase III Project Area
-  Roads
-  Buildings
-  Parcel Lines
-  Parcel where land rights are being requested for Acquisition by Certification of Take (if necessary)

0 187.5 375 750 Feet



PRESENTED September 24, 2013

RESOLUTION NO. 2013-

ADOPTED \_\_\_\_\_

A RESOLUTION:     DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS,  
AUTHORIZING AN OFFER TO ACQUIRE FEE SIMPLE RIGHT OF  
WAY, AND PERMANENT AND TEMPORARY EASEMENTS FROM  
PIN 189-16-0666-000 FOR THE SYCOLIN ROAD WIDENING PHASE III  
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 Sycolin Road Widening Phase III project adjacent to and through real property further set forth below, and for all other purposes incidental thereto, to acquire fee simple right of way, and permanent and temporary easements from the below listed property; 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 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 fee simple right of way, and 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 fee simple right of way, and permanent and temporary easements; and

A RESOLUTION: DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS, AUTHORIZING AN OFFER TO ACQUIRE FEE SIMPLE RIGHT OF WAY, AND PERMANENT AND TEMPORARY EASEMENTS FROM PIN 189-16-0666-000 FOR THE SYCOLIN ROAD WIDENING PHASE III PROJECT AND TO AUTHORIZE CONDEMNATION

WHEREAS, the fee simple right of way, and permanent and temporary easements are shown on the construction plans titled “ Sycolin Road Widening Project Phase III”, 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 fee simple right of way, and permanent and temporary easements, and fair market value of the fee simple right of way, and permanent and temporary easements are listed below:

<b>Property Identification Number (PIN)</b>	<b>Land Rights Required</b>	<b>Offer</b>
189-16-0666-000	8,595 sq. ft. fee simple right of way dedication	\$ 5,820.00
	4,365 sq. ft. permanent storm drainage easement	\$ 709.00
	36,280 sq. ft. temporary construction easement	\$ 2,358.00
	3,160 sq. ft. NOVEC utility easement	<u>\$ 308.00</u>
		\$ 9,195.00

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 Sycolin Road Widening Phase III project adjacent to and through the real property listed above.

SECTION II. That the Town Manager, Town Attorney, Director of Capital Projects and

A RESOLUTION:     DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS,  
AUTHORIZING AN OFFER TO ACQUIRE FEE SIMPLE RIGHT OF  
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PIN 189-16-0666-000 FOR THE SYCOLIN ROAD WIDENING PHASE III  
PROJECT AND TO AUTHORIZE CONDEMNATION

their outside counsel be, and hereby are, authorized and directed to negotiate with and execute on behalf of the Town a deed to acquire the necessary fee simple right of way, and 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 fee simple right of way, 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 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 fee simple right of way, and 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 fee simple right of way, and 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 their outside counsel be, and hereby are, authorized and directed to take such additional actions as

A RESOLUTION: DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS, AUTHORIZING AN OFFER TO ACQUIRE FEE SIMPLE RIGHT OF WAY, AND PERMANENT AND TEMPORARY EASEMENTS FROM PIN 189-16-0666-000 FOR THE SYCOLIN ROAD WIDENING PHASE III PROJECT AND TO AUTHORIZE CONDEMNATION

may be necessary or convenient to accomplish the acquisition of the fee simple right of way, and 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 fee simple right of way, and permanent and temporary easements as required by this resolution.

PASSED the \_\_\_\_ day of September, 2013.

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

ATTEST:

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