



Date of Council Meeting: December 10, 2013

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: Declaring that a public necessity and use exist and authorizing an offer to acquire permanent and temporary easements for the Downtown Improvements Phase II - Loudoun Street 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 permanent and temporary easements necessary to construct the Downtown Improvements Phase II - Loudoun Street project.

Issue: Permanent and temporary easements are needed to construct the Downtown Improvements Phase II - Loudoun Street project.

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

Background: The Downtown Improvements Phase II - Loudoun Street project is a fully funded capital project for replacing the existing concrete sidewalk with a wider brick sidewalk along the south side of Loudoun Street from Church Street to East Market Street, replacement of the handrail across the concrete-lined drainage ditch across from the Loudoun County parking garage, and completion of the curb and gutter, and sidewalk along the north side of Loudoun Street between Harrison Street and the east end triangle.

Offers will be made to all property owners from whom permanent and temporary easements are needed. Property identification numbers for the real properties necessary for the acquisition of the permanent and temporary easements are listed below.

Property Identification Number (PIN)	
231-38-6627-000	231-38-7020-000
231-38-7514-000	231-28-7688-000
231-39-1805-000	231-39-2204-000
231-39-2703-000	231-39-3402-000
231-29-3699-000	231-29-3692-000
231-29-4293-000	231-29-4896-000
231-29-5086-000	231-29-5685-000
231-29-6667-000	231-39-4709-000
231-99-3519-000	231-39-3612-000
231-39-2914-000	231-39-2023-000

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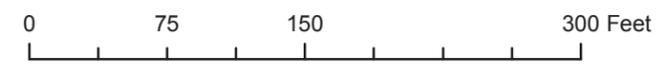
Design for the Downtown Improvements Phase II - Loudoun Street project is currently underway. Advertisement for construction of portions of the project is planned for the spring of 2014.

Attachment: Parcel Map



Downtown Improvement Phase II Loudoun Street

-  Town Limit Line
-  Roads
-  Buildings
-  Parcels where Land Rights Necessary
-  Parcels Lines



PRESENTED December 10, 2013

RESOLUTION NO. 2013-

ADOPTED _____

A RESOLUTION: DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS AND AUTHORIZING AN OFFER TO ACQUIRE PERMANENT AND TEMPORARY EASEMENTS FOR THE DOWNTOWN IMPROVEMENTS PHASE II - LOUDOUN STREET 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 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 permanent and temporary easements; and

WHEREAS, the permanent and temporary easements are shown on the construction plans titled "Downtown Improvements, Phase IIB: Church Street to East Market Street", prepared by

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AECOM, of Alexandria, Virginia; and

WHEREAS, the property identification number for the real properties necessary for the acquisition of the permanent and temporary easements are listed below:

Property Identification Number (PIN)	
231-38-6627-000	231-38-7020-000
231-38-7514-000	231-28-7688-000
231-39-1805-000	231-39-2204-000
231-39-2703-000	231-39-3402-000
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231-29-5086-000	231-29-5685-000
231-29-6667-000	231-39-4709-000
231-99-3519-000	231-39-3612-000
231-39-2914-000	231-39-2023-000

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 Downtown Improvements Phase II - Loudoun Street project adjacent to and through real properties listed above.

SECTION II. 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 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 Office 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 funding for the purchase price by agreement and the expenditure of such funds for the said 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 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 permanent and temporary easements as required by this resolution.

PASSED the ____ day of December, 2013.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council

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