



Date of Council Meeting: June 10, 2014

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: Declaring that a Public Necessity and Use Exist, Authorizing an Offer to Acquire Permanent and Temporary Easements for the Reclaimed Water Line (Purple Line) serving Green Energy Partners.

Staff Contact: Jeanette Irby, Town Attorney
Amy Wyks, Director of Utilities
Keith Wilson, Land Acquisition Manager, Capital Projects

Recommendation: Recommend the Council authorize staff to acquire permanent and temporary easements, if necessary, and to accept upon construction, final inspection and acceptance the reclaimed water line (Purple Line) serving Green Energy Partners.

Issue: Permanent and temporary easements are needed for construction of the reclaimed water line (Purple Line) to serve Green Energy Partners. The permanent easements are to be acquired in the name of the Town of Leesburg and the temporary construction easements in the name of the Town and Green Energy Partners / Stonewall, LLC for Green Energy Partners' construction of the reclaimed water line.

Fiscal Impacts: All costs associated with the acquisition of the easements for the reclaimed water line (Purple Line) are to be borne by Green Energy Partners.

Background: Green Energy Partners / Stonewall LLC and the Town of Leesburg entered into an Agreement for the Delivery and Use of Reclaimed Water on October 23, 2103, after adoption of Resolution 2013-126 on October 22, 2013. The agreement between the Town and Green Energy Partners was for the Town to provide and Green Energy Partners to purchase reclaimed water being discharged from the Town's wastewater treatment plant. The treated effluent / reclaimed water is currently being discharged into the Potomac River. With the agreement Green Energy Partners is to purchase the reclaimed water for use in their proposed power generator facilities.

Green Energy Partners is to design and construct the reclaimed water line (Purple Line), and to acquire the necessary easements for the line, co-locating the line where possible within proposed and existing Town of Leesburg utility easements where possible. The permanent easements are to be acquired in the name of the Town of Leesburg and the temporary construction easements in the name of the Town and Green Energy Partners / Stonewall, LLC for Green Energy Partners' construction of the reclaimed water line. Upon construction and final inspection and acceptance of the reclaimed water line, the Town will own, operate and maintain the reclaimed water line (Purple Line).

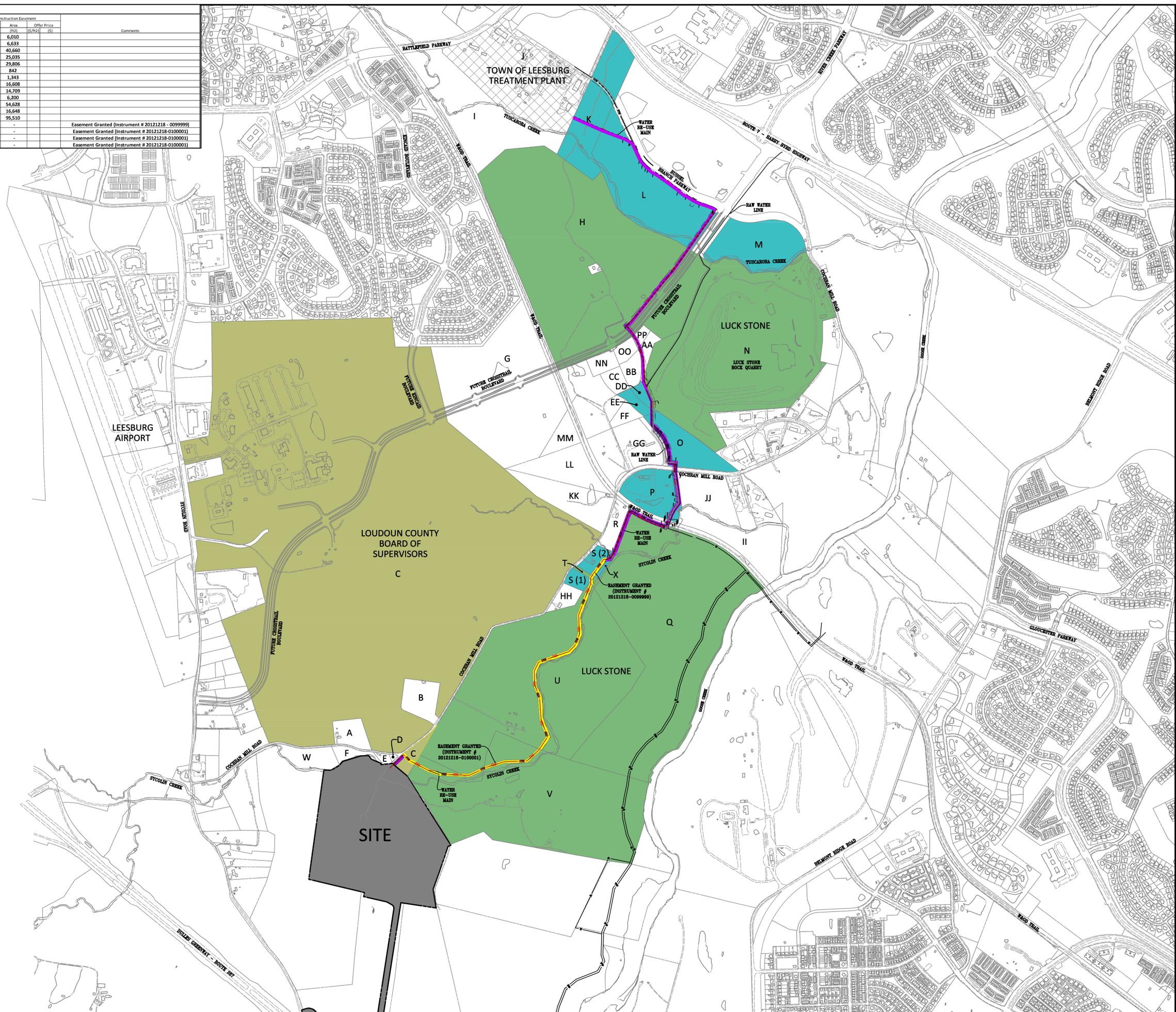
Green Energy Partners, its contractors or agents will be made offers to all property owners from whom easements are needed. Property identification numbers for the real properties necessary for the acquisition of permanent and temporary easements are listed below. Engineering design for the construction of the reclaimed water line (Purple Line) is currently underway with construction of the line scheduled for 2015. The generation facilities are planned to be online in 2016.

| Property Identification Number (PIN) | |
|---|-----------------------|
| 191-16-9866-000 | 152-36-1675-000 |
| 151-16-0598-000 | 151-36-2959-000 |
| 151-37-7403-000 | 151-36-5081-000 |
| 151-36-6971-000 | 151-47-3887-000 |
| 151-17-7049-000 | 150-27-1504-000 |
| 150-27-2717-000 | 150-29-4390-000 & 001 |
| 150-27-0553-000 | 150-37-3770-000 |
| 150-36-9787-000 | 150-37-2312-000 |
| 150-46-5420-000 | 149-17-6547-001 & 002 |
| 149-36-6547-000 | |

PROPERTY IDENTIFICATION

| ID | Property Name | Permanent Easement | | | | Temporary Construction Easement | | | | Comments |
|-------|--------------------------------------|--------------------|--------------------------------|-------|--------|---------------------------------|-------|--------|------------------------|--|
| | | Plot | Centerline Length (Approx. LF) | Width | Area | Centerline Length (Approx. LF) | Width | Area | Offer Price (\$/Sq Ft) | |
| C | Loudoun County Board of Supervisors | 100 | 202 | 15 | 3,026 | 200 | 30 | 6,010 | | |
| S (2) | Woodpecker LLC | 101 | 182 | 15 | 2,727 | 228 | 30 | 6,833 | | |
| Q | Luck Stone Corporation | 102 | 1,350 | 15 | 20,245 | 1,354 | 30 | 40,660 | | |
| P | Sycolin Creek LLC | 103 | 841 | 15 | 12,610 | 835 | 30 | 25,035 | | |
| D | Oak Mill GP & William A Hazel Tee | 104 | 1,035 | 15 | 15,510 | 994 | 30 | 29,806 | | |
| EE | Leesburg Propane Bulk Plant LLC | 105 | 51 | 15 | 760 | 28 | 30 | 842 | | |
| DD | Augustine, Paul A. Tee | 106 | 79 | 15 | 1,172 | 46 | 30 | 1,343 | | |
| N | Luck Stone Corp. & Goose Creek Prop. | 107 | 466 | 15 | 6,996 | 550 | 30 | 16,608 | | |
| AA | Fricols LC | 107b | 506 | 15 | 7,580 | 495 | 30 | 14,709 | | |
| PP | Milburn | 107c | 215 | 15 | 3,225 | 207 | 30 | 6,200 | | |
| H | Hunter Lee LLC | 108 | 1,828 | 15 | 27,420 | 1,821 | 30 | 54,628 | | |
| K | Hunter Lee Center LLC | 110 | 552 | 15 | 8,275 | 555 | 30 | 16,648 | | |
| L | Villages at Leesburg, Arcadia | 111 | 3,294 | 15 | 49,252 | 3,182 | 30 | 95,510 | | |
| S (1) | Woodpecker LLC | - | - | - | - | - | - | - | | Easement Granted (Instrument # 20121218-0099999) |
| V | Luck Stone Corp | - | - | - | - | - | - | - | | Easement Granted (Instrument # 20121218-0100001) |
| U | Luck Stone Corp | - | - | - | - | - | - | - | | Easement Granted (Instrument # 20121218-0100001) |
| T | Luck Stone Corp | - | - | - | - | - | - | - | | Easement Granted (Instrument # 20121218-0100001) |

- EASEMENT GRANTED TO TOWN OF LEESBURG
- EASEMENT NEEDED
- EASEMENT GRANTED TO GREEN ENERGY PARTNERS/STONEWALL



PRESENTED June 10, 2014

RESOLUTION NO. 2014-

ADOPTED _____

A RESOLUTION: DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS,
AUTHORIZING AN OFFER TO ACQUIRE PERMANENT AND
TEMPORARY EASEMENTS FOR THE RECLAIMED WATER LINE
(PURPLE LINE) SERVING GREEN ENERGY PARTNERS

WHEREAS, the Council of the Town of Leesburg finds and determines that it is necessary for the construction of a reclaimed water line 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, 15.2-1901 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 Loudoun County, Virginia 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

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WHEREAS, these easements are shown on the Overall Easement Exhibit Plat – Green
Energy Partners / Stonewall dated January 8, 2014, prepared by Gordon - Engineers / Landscape
Architects / Planners / Surveys / Security Professionals of Chantilly, 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) | |
|---|-----------------------|
| 191-16-9866-000 | 152-36-1675-000 |
| 151-16-0598-000 | 151-36-2959-000 |
| 151-37-7403-000 | 151-36-5081-000 |
| 151-36-6971-000 | 151-47-3887-000 |
| 151-17-7049-000 | 150-27-1504-000 |
| 150-27-2717-000 | 150-29-4390-000 & 001 |
| 150-27-0553-000 | 150-37-3770-000 |
| 150-36-9787-000 | 150-37-2312-000 |
| 150-46-5420-000 | 149-17-6547-001 & 002 |
| 149-36-6547-000 | |

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 and operation of the

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reclaimed water line serving Green Energy Partners 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 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.

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PASSED the ____ day of June, 2014.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council