



Date of Council Meeting: July 22, 2014

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: Declaring that a Public Necessity and Use Exist, Authorization to Acquire Permanent and Temporary Easements for the Browns Meadow Drainage Improvements 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 Browns Meadow Drainage Improvements project.

Issue: Permanent and temporary easements are needed to construct the Browns Meadow Drainage Improvements project.

Fiscal Impacts: The project is a fully funded capital improvement project beginning with fiscal year 2015.

Background: The Browns Meadow Drainage Improvements project is a fully funded capital project for construction of a storm drainage system to extend and upgrade the storm drain lines serving the area. The purpose of the improvements is to reduce the overland flow of storm water from private properties that cross adjacent parcels of land and to eliminate ponding of water on and adjacent to the existing Town storm drainage easements and facilities.

Requests for dedications 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 permanent and temporary easements are listed below:

Property Identification Number (PIN)	
231-30-6692-000	231-40-5903-000
231-40-7108-000	231-40-8211-000
231-40-8101-000	231-30-7891-000
231-40-6722-000	231-40-7423-000

Design for the Browns Meadow Drainage Improvements project is currently underway. Construction of the project is planned for the spring of 2015.

Brown's Meadow Drainage Improvements Project

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



0 37.5 75 150 Feet

NORTH ST NE

BROWNS MEADOW CT NE

WOODBERRY RD NE

231406722000

231407423000

231408211000

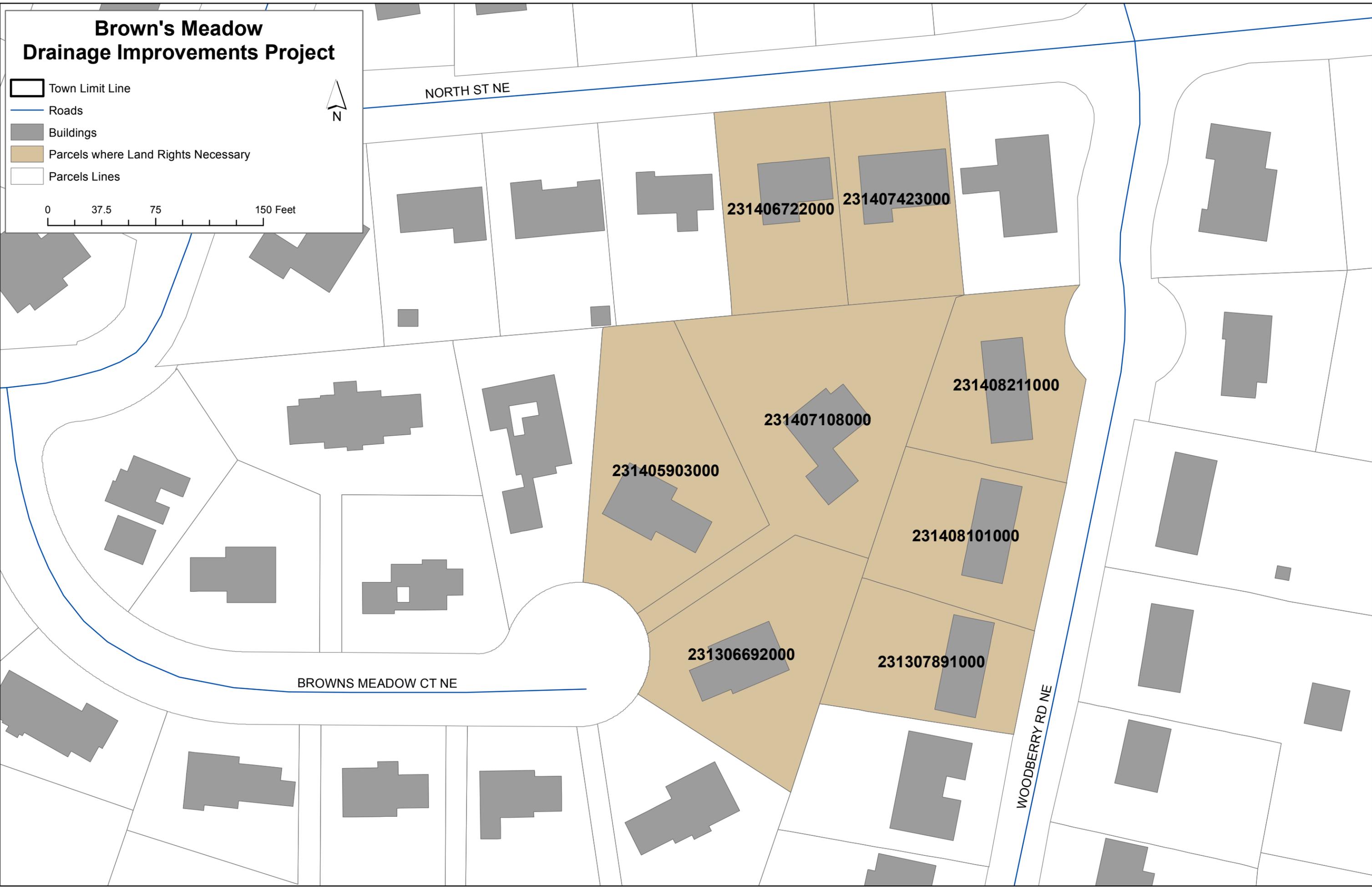
231407108000

231405903000

231408101000

231306692000

231307891000



PRESENTED July 22, 2014

RESOLUTION NO. 2014-

ADOPTED _____

A RESOLUTION: DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS,
 AUTHORIZING THE ACQUISITION OF PERMANENT AND
 TEMPORARY EASEMENTS FOR THE BROWNS MEADOW
 DRAINAGE IMPROVEMENTS PROJECT

WHEREAS, the Council of the Town of Leesburg finds and determines that it is necessary for the construction of a storm drainage 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, 15.2-1901 through 15.2-1907, and 33.1-96 to acquire private property for the purpose of carrying out its powers and duties; and

WHEREAS, the Town of Leesburg in Virginia desires to acquire by dedication, with payment of certain incidental costs, 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 preliminary design

A RESOLUTION: DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS, AUTHORIZING THE ACQUISITION OF PERMANENT AND TEMPORARY EASEMENTS FOR THE BROWNS MEADOW DRAINAGE IMPROVEMENTS PROJECT

plans titled “Browns Meadow Drainage Improvements”, prepared by Paciulli, Simmons & Associates, of Leesburg, 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)	
231-30-6692-000	231-40-5903-000
231-40-7108-000	231-40-8211-000
231-40-8101-000	231-30-7891-000
231-40-6722-000	231-40-7423-000

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 Browns Meadow Drainage Improvements 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 Office of Capital Projects, by dedication, with payment of certain incidental costs, the permanent and temporary easements, and on such terms and conditions as they deem advantageous

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to the Town, in a form approvable by the Town Attorney.

SECTION III. That funding for the dedication of the easements by agreement and the expenditure of such funds for certain incidental costs 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 July, 2014.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council