

**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
ROUTE 15 (SOUTH KING STREET) WIDENING PHASE II PROJECT**

**PERMANENT STORM DRAINAGE EASEMENT AND TEMPORARY
CONSTRUCTION EASEMENT ON AND ACROSS REAL PROPERTY, PIN 273-17-
5133-000, TAX MAP # /47////////21/**

The **LEESBURG TOWN COUNCIL** will hold a public hearing on **MONDAY, November 10, 2014, 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 a permanent and temporary easement on and across real property for the public purpose of the construction of the Route 15 (South King Street) widening Phase II Project, and for all other purposes incidental thereto; and to enter upon the area encompassed by the 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. A permanent storm drainage easement and temporary construction easement on and across real property, PIN 273-17-5133-000, tax map # /48////////21.

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.



Date of Council Meeting: November 10, 2014

**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 from PIN 273-17-5133-000 for the Route 15 (South King Street) Widening Phase II project, and to authorize condemnation.

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

Council Action Requested: A decision by Council is needed to authorize acquisition of the remaining land rights needed for construction of the project and authorizing condemnation if the offer is not promptly accepted.

Staff Recommendation: Staff recommends that Town Council authorize staff to acquire permanent and temporary easements necessary to construct the Route 15 (South King Street) Widening Phase II project, and to authorize condemnation if the bona fide offer is not accepted.

Commission Recommendation: Not applicable.

Fiscal Impacts: Land acquisition costs are included in the project budget. All land acquisition costs for the project are eligible for reimbursement from VDOT.

Executive Summary: Permanent and temporary easements are needed to construct the Route 15 (South King Street) Widening Phase II project.

Background: The Route 15 (South King Street) Widening Phase II (Greenway Drive to Masons Lane) project is a fully funded capital project for the widening of the roadway to a four lane divided street, with multi-use trail along the west side of the road. The improved roadway will include a wide landscaped median to provide an attractive entrance into the Town.

The property identification number, individual square footage of the necessary permanent storm drainage easement and temporary construction and grading easement, and the estimated fair market value of the real properties and improvements necessary for the acquisition of the permanent storm drainage easement and temporary construction and grading easement are as follows:

Property Identification Number (PIN)	Land Rights Required	Offer
273-17-5133-000	4,907 sq. ft. permanent storm drainage easement	\$ 4,465.50
	1,685 sq. ft. temp. construction and grading easement	\$ 876.50
	Landscaping and other improvements	<u>\$ 6,875.00</u>
		\$ 12,217.00

Design for the Route 15 (South King Street) Widening Phase II project is complete. Utility relocations began in the spring of 2014. Advertisement for construction of the project is planned for early winter of 2014/2015, with construction starting in the Spring of 2015.

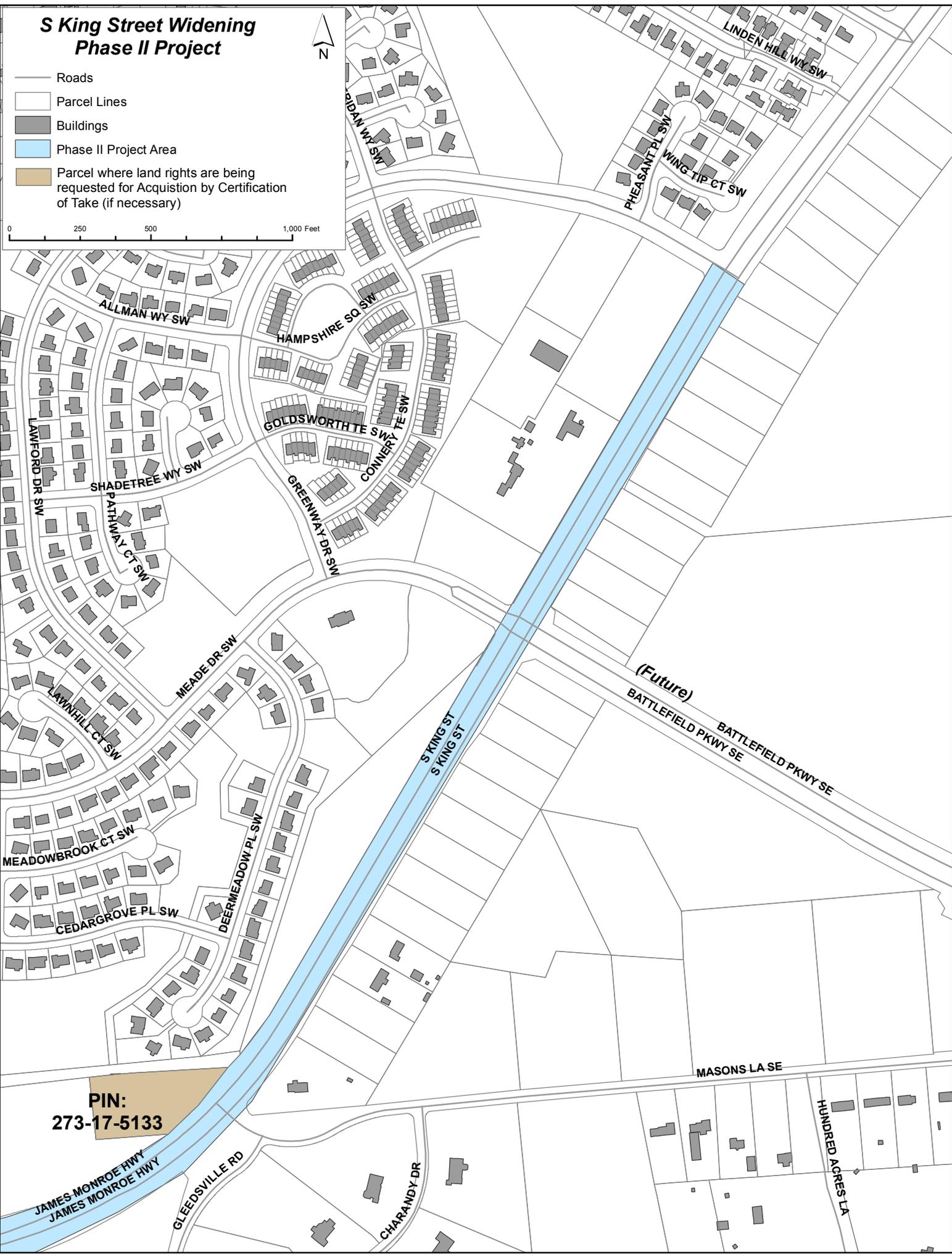
Attachments: (1) Resolution

(2) Map showing project area with parcel highlighted where land rights are needed

S King Street Widening Phase II Project



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



PIN:
273-17-5133

(Future)
BATTLEFIELD PKWY SE

JAMES MONROE HWY
JAMES MONROE HWY

GLEEDSVILLE RD

CHARANDY DR

MASONS LA SE

HUNDRED ACRES LA

IRIDAN WY SW

PLEASANT PL SW

LINDEN HILL WY SW

WING TIP CT SW

ALLMAN WY SW

HAMPSHIRE SO SW

GOLDSWORTH TE SW

CONNERY TE SW

SHADETREE WY SW

GREENWAY DR SW

LAWFORD DR SW

PATHWAY CT SW

MEADE DR SW

LAWN HILL CT SW

MEADOWBROOK CT SW

CEDARGROVE PL SW

DEERMEADOW PL SW

S KING ST
S KING ST

MASONS LA SE

HUNDRED ACRES LA

PRESENTED November 10, 2014

RESOLUTION NO. 2014-

ADOPTED _____

A RESOLUTION: DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS, AND
AUTHORIZING AN OFFER TO ACQUIRE PERMANENT AND
TEMPORARY EASEMENTS FROM PIN 273-17-5133-000 FOR THE
ROUTE 15 (SOUTH KING STREET) WIDENING PHASE II 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 Route 15 (South King Street) Widening Phase II project
adjacent to and through real property further set forth below, and for all other purposes incidental
thereto, to acquire 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 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 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

A RESOLUTION: DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS, AND AUTHORIZING AN OFFER TO ACQUIRE PERMANENT AND TEMPORARY EASEMENTS FROM PIN 273-17-5133-000 FOR THE ROUTE 15 (SOUTH KING STREET) WIDENING PHASE II PROJECT AND TO AUTHORIZE CONDEMNATION

WHEREAS, the permanent and temporary easements are shown on the construction plans titled “ South King Street Phase II Street Widening”, prepared by Paciulli Simmons & Associates, of Leesburg, 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 permanent and temporary easements, and fair market value of the permanent and temporary easements are listed below:

Property Identification Number (PIN)	Land Rights Required	Offer
273-17-5133-000	4,907 sq. ft. permanent storm drainage easement	\$ 4,465.50
	1,685 sq. ft. temp. construction and grading easement	\$ 876.50
	Landscaping and other improvements	<u>\$ 6,875.00</u>
		\$ 12,217.00

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 Route 15 (South King Street) Widening Phase II project adjacent to and through the real property 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 a deed 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 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 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 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 may be necessary or convenient to accomplish the acquisition of the permanent and temporary easements as required by this resolution.

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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 permanent and temporary easements as required by this resolution.

PASSED the ____ day of November, 2014.

Kristen C. Umstatt, Mayor
Town of Leesburg

ATTEST:

Clerk of Council