



Date of Council Meeting: April 28, 2015

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: A Resolution authorizing the Mayor to execute a deed dedicating a portion of PIN: 233-16-9972 and all of PIN: 233-16-1562 for public street purposes (Battlefield Parkway Phase III and future Evergreen Mill Road Widening).

Staff Contact: Keith Wilson, Land Acquisition Manager, Capital Projects
Barbara Notar, Town Attorney

Council Action Requested: Authorization for the Mayor to execute deeds for public street purposes.

Staff Recommendation: Approval of a resolution authorizing the Mayor to execute a Deed dedicating a portion of PIN: 233-16-9972 and all of PIN: 233-16-1562 for public street purposes.

Commission Recommendation: Not Applicable.

Fiscal Impacts: Conversion of a portion of the Freedom Park site and the entire Town-owned parcel at the northwest corner of the Evergreen Mill Road intersection with Masons Lane will be accomplished at no cost to the Town except for minor recordation fees with Loudoun County. The conversion could potentially eliminate or reduce the Town's costs for relocation of utilities associated with future roadway improvements. For utilities located within public right of ways, it is the responsibility of the utility company to bear the cost of any relocations required due to conflicts with roadway improvements. However, if the utilities are not within right-of-way, the cost of acquiring easements and relocating conflicting lines is the responsibility of the Town.

This conversion will make the Town fully compliant with the Code of Virginia requirements for receipt of roadway maintenance payments from VDOT.

Executive Summary: The Town of Leesburg currently owns two parcels at the intersection of Evergreen Mill Road and Masons Lane. A portion of one of the parcels (PIN 233-16-9972, Freedom Park at the northeast corner of the intersection) and the entire other parcel (PIN 233-16-1562 at the northwest corner of the intersection) will be used for Battlefield Parkway and for future improvements to Evergreen Mill Road. The Town's fee simple interest in the portions of these parcels to be used for roadway purposes should be converted to right-of-way.

This conversion to right of way has several advantages:

- (1) It will bring Battlefield Parkway into full compliance with VDOT's requirements for receipt of street maintenance payments which requires at least 80' of right of way for this type of roadway;
- (2) It will eliminate the need to provide utility easements across the parcels for power and communications. If utilities require relocation due to improvements to the roadway, the

cost of those relocations are borne by the utility companies if the lines are within right of way. If the utilities are within easements, the cost is borne by the Town.

Background: The Town of Leesburg acquired a parcel of land located south of Tolbert Lane between Evergreen Mill Road and the Dulles Greenway on April 7, 1999, as authorized by Resolution 98-260, dated November 10, 1998 (copy attached). The parcel was acquired for the development of a new high school as required by an amended annexation agreement between the Town and Loudoun County. The intent of the purchase was to also provide land for a Town park and extension of Battlefield Parkway. The parcel was subsequently subdivided into two tracts. Lot 1 was deeded to Loudoun County and was later developed by the Loudoun County School Board as Heritage High School. Lot 2 was retained by the Town as PIN 233-16-9972 and was developed as Freedom Park. Two lanes of Battlefield Parkway were constructed across the southern edge of Lot 2 as part of the Dulles Greenway interchange construction. Freedom Park was planned and constructed to accommodate the full 4-lane divided Battlefield Parkway and widening of Evergreen Mill Road. However, the portion of the parcel planned for these roadway improvements was never converted to right-of-way.

The Town acquired PIN 233-16-1562, located at the northwest corner of Evergreen Mill Road and Masons Lane on June 30, 2006, as authorized by Resolution 2006-28, dated February 14, 2006 (copy attached). The purpose of this acquisition was for the future construction of Battlefield Parkway.

Construction of this portion of Battlefield Parkway is scheduled to begin later this year, with utility relocations scheduled to begin this summer. Portions of PIN 233-16-9972 (Freedom Park site) and all of PIN 233-16-1562 are required for the construction and widening of Battlefield Parkway and for the future widening of Evergreen Mill Road. The improvements to these roads will have no impact on the operation of the park.

Funding for the Battlefield Parkway construction is entirely from VDOT. Evergreen Mill Road Widening is included in the current CIP, with funding from VDOT and NVTA. Construction of Evergreen Mill Road Widening is scheduled to begin in FY 2020.

Attachment: Aerial map showing area to be Dedicated for Public Transportation Purposes

Battlefield Parkway – Route 15 (South King Street) to Dulles Greenway Improvement project



- Area to be Dedicated for Public Transportation Purposes, PINs: 233-16-9972 and 233-16-1562



PRESENTED April 28, 2015

RESOLUTION NO. 2015-

ADOPTED _____

A RESOLUTION: AUTHORIZING THE MAYOR TO EXECUTE A DEED DEDICATING A PORTION OF LOT 2, SUBDIVISION WAIVER PLAT ON THE LAND OF THE TOWN OF LEESBURG, VIRGINIA, PIN: 233-16-9972, AND ALL OF LOT 1, BLOCK 1, MEADOW BROOK FARM ESTATES, PIN: 233-16-1562, FOR PUBLIC STREET PURPOSES.

WHEREAS, the Town of Leesburg, Virginia is the fee simple owner of Lot 2, of plat titled “Subdivision Waiver Plat on the lands of the Town of Leesburg” and being assigned Loudoun County Property Identification Number (PIN) 233-16-9972. The Town having acquired the property as a part of the tract or parcel of land acquired by Deed dated April 7, 1999, as recorded in Deed Book 1668, Page 1637 in the land records of Loudoun County; and

WHEREAS, the Town of Leesburg, Virginia is the fee simple owner of Lot 1, in Block 1, of Meadow Brook Farm Estates” and being assigned Loudoun County Property Identification Number (PIN) 233-16-1562. The Town having acquired the property by Deed dated June 30, 2006, as recorded in Instrument No. 20060710-0059289 in the land records of Loudoun County; and

WHEREAS, the Battlefield Parkway, Route 15 to Dulles Greenway, and Evergreen Mill Road Widening Capital Improvements projects will be located upon, over and across a portion and or all of the parcels or tracts of land; and

WHEREAS, the Battlefield Parkway, Route 15 to Dulles Greenway, and Evergreen Mill Road Widening Capital Improvements projects are for the construction and improvement of the roadways facilities in the area.

THEREFORE, RESOLVED, by the Council of the Town of Leesburg in Virginia that the Mayor is authorized to execute a Deed in a form approvable by the Town Attorney dedicating a portion of Lot 2, Subdivision Waiver Plat on the lands of the Town of Leesburg, Virginia, PIN: 223-

A RESOLUTION: AUTHORIZING THE MAYOR TO EXECUTE A DEED DEDICATING A PORTION OF LOT 2, SUBDIVISION WAIVER PLAT ON THE LAND OF THE TOWN OF LEESBURG, VIRGINIA, PIN: 233-16-9972, AND ALL OF LOT 1, BLOCK 1, MEADOW BROOK FARM ESTATES, PIN: 233-16-1562, FOR PUBLIC STREET PURPOSES.

16-9972 and all of Lot 1, Block 1, Meadow Brook Farm Estates, PIN: 233-16-1562 for public street purposes to be used in the construction and widening of Battlefield Parkway and Evergreen Mill Road.

PASSED the ____ day of April, 2015.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council