



Date of Council Meeting: February 26, 2013

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: Declaring that a public necessity and use exist and authorizing an offer to acquire right of way dedications and easements for the Lowenbach Street Improvements Phase IV and V (Washington and Queen Streets) project.

Staff Contact: Keith Wilson, Land Acquisition Manager, Capital Projects
Renée LaFollette, Director of Capital Projects
Anne Geiger, Senior Engineer/Project Manager, Capital Projects

Recommendation: Recommend that Town Council authorize staff to acquire right of way dedications and easements necessary to construct the Lowenbach Street Improvements Phase IV and V (Washington and Queen Streets) project.

Issue: Right of way dedications and easements are needed to construct the Lowenbach Street Improvements Phase IV and V (Washington and Queen Streets) project.

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

Background: The Lowenbach Street Improvements Phase IV and V (Washington and Queen Streets) project is a fully funded capital project to improve Washington and Queen Streets between Edwards Ferry Road and North Street, and Blue Ridge Avenue between Catoctin Circle and Washington Street. The roadway, pedestrian, and drainage improvements are to include curb and gutter along the streets, a brick sidewalk on one side of each street, traffic calming, and storm drainage improvements.

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

Property Identification Number (PIN)	
188-36-1231-000	188-36-0640-000
188-36-0545-000	188-36-0551-000
188-36-0458-000	188-36-0868-000
188-36-0168-000	188-35-8970-000
188-35-8384-000	188-35-8884-000
188-35-9384-000	188-35-9884-000
188-36-0184-000	188-36-0484-000

Property Identification Number (PIN)	
188-36-0985-000	188-36-0397-000
188-46-0204-000	188-46-0309-000
188-46-0215-000	188-46-0422-000
188-46-2326-000	188-46-2320-000
188-46-2315-000	188-46-2311-000
188-46-2308-000	188-46-2305-000
188-36-2399-000	188-36-2495-000
188-36-2189-000	188-36-2281-000
188-46-1736-000	188-46-0635-000
188-36-2469-000	188-36-2562-000
188-36-2553-000	188-36-2550-000
188-36-2544-000	188-36-2338-000
188-36-2131-000	188-36-4632-000
188-36-4141-000	188-36-4147-000
188-36-4051-000	188-36-4056-000
188-36-4061-000	188-36-4466-000
188-36-4471-000	188-36-3671-000
188-36-2985-000	188-36-3485-000
188-36-4085-000	188-36-4485-000
188-36-3895-000	188-36-3899-000
188-36-6299-000	188-36-6296-000
188-36-7276-001 through 089	188-36-6852-000
188-36-6548-000	188-36-6544-000
188-36-6241-000	188-36-6032-000
188-36-8397-000	188-36-9053-000
188-36-9049-000	188-36-9044-000
188-36-9040-000	188-36-9435-000
188-37-0635-000	188-36-6733-000

Design for the Lowenbach Street Improvements IV and V (Washington and Queen Streets) project is current underway. Advertisement for construction of the drainage outfall portion of the project is planned for late spring 2013 and advertisement for construction of the Washington and Queen Streets portion of the project is scheduled for fall 2013.

PRESENTED February 26, 2013

RESOLUTION NO. 2013-

ADOPTED _____

A RESOLUTION: DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS AND
 AUTHORIZING AN OFFER TO ACQUIRE RIGHT OF WAY
 DEDICATIONS AND EASEMENTS FOR LOWENBACH STREET
 IMPROVEMENTS PHASE IV AND V (WASHINGTON AND QUEEN
 STREETS) 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 right of way dedications, and permanent and temporary easements from the below listed properties; and

WHEREAS, the Council further finds and determines that a public necessity and use exists to improve safety, health and welfare of the public for the acquisition of the right of way dedications and 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 right of way dedications and 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 right of way dedications and easements; and

A RESOLUTION: DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS AND AUTHORIZING AN OFFER TO ACQUIRE RIGHT OF WAY DEDICATIONS AND EASEMENTS FOR LOWENBACH STREET IMPROVEMENTS PHASE IV AND V (WASHINGTON AND QUEEN STREETS) PROJECT

WHEREAS, the right of way dedications and easements are shown on the construction plans titled “Lowenbach Phase IV & V Roadway Improvements”, prepared by Bowman Consulting, of Leesburg, Virginia; and

WHEREAS, the property identification numbers for the real properties necessary for the acquisition of the right of way dedications, and permanent and temporary easements are listed below:

Property Identification Number (PIN)	
188-36-1231-000	188-36-0640-000
188-36-0545-000	188-36-0551-000
188-36-0458-000	188-36-0868-000
188-36-0168-000	188-35-8970-000
188-35-8384-000	188-35-8884-000
188-35-9384-000	188-35-9884-000
188-36-0184-000	188-36-0484-000
188-36-0985-000	188-36-0397-000
188-46-0204-000	188-46-0309-000
188-46-0215-000	188-46-0422-000
188-46-2326-000	188-46-2320-000
188-46-2315-000	188-46-2311-000
188-46-2308-000	188-46-2305-000
188-36-2399-000	188-36-2495-000

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Property Identification Number (PIN)	
188-36-2189-000	188-36-2281-000
188-46-1736-000	188-46-0635-000
188-36-2469-000	188-36-2562-000
188-36-2553-000	188-36-2550-000
188-36-2544-000	188-36-2338-000
188-36-2131-000	188-36-4632-000
188-36-4141-000	188-36-4147-000
188-36-4051-000	188-36-4056-000
188-36-4061-000	188-36-4466-000
188-36-4471-000	188-36-3671-000
188-36-2985-000	188-36-3485-000
188-36-4085-000	188-36-4485-000
188-36-3895-000	188-36-3899-000
188-36-6299-000	188-36-6296-000
188-36-7276-001 through 089	188-36-6852-000
188-36-6548-000	188-36-6544-000
188-36-6241-000	188-36-6032-000
188-36-8397-000	188-36-9053-000
188-36-9049-000	188-36-9044-000
188-36-9040-000	188-36-9435-000
188-37-0635-000	188-36-6733-000

A RESOLUTION: DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS AND AUTHORIZING AN OFFER TO ACQUIRE RIGHT OF WAY DEDICATIONS AND EASEMENTS FOR LOWENBACH STREET IMPROVEMENTS PHASE IV AND V (WASHINGTON AND QUEEN STREETS) PROJECT

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 Lowenbach Street Improvements Phase IV and V 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 right of way dedications and 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 right of way dedications and 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 right of way dedications and 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 right of way dedications and easements as required by this resolution.

SECTION V. That the Clerk of Council be, and hereby is, authorized and directed to affix

A RESOLUTION: DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS AND AUTHORIZING AN OFFER TO ACQUIRE RIGHT OF WAY DEDICATIONS AND EASEMENTS FOR LOWENBACH STREET IMPROVEMENTS PHASE IV AND V (WASHINGTON AND QUEEN STREETS) PROJECT

the seal of the Town to such documents as may be necessary or convenient to accomplish the acquisition of the right of way dedications and easements as required by this resolution.

PASSED the ____ day of February, 2013.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council