

**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
AND LOUDOUN COUNTY FOR THE PURPOSE OF CONSTRUCTION OF THE
BATTLEFIELD PARKWAY, ROUTE 15 TO DULLES GREENWAY PROJECT**

FEE SIMPLE RIGHT OF WAY DEDICATION, TEMPORARY CONSTRUCTION EASEMENT, PERMANENT VIRGINIA ELECTRIC AND POWER COMPANY UTILITY EASEMENT AND PERMANENT VERIZON VIRGINIA UTILITY EASEMENT ON AND ACROSS REAL PROPERTY, PIN 233-16-1536-000, TAX MAP # /48I1/2/////2A

FEE SIMPLE RIGHT OF WAY DEDICATION, TEMPORARY CONSTRUCTION EASEMENT AND PERMANENT VIRGINIA ELECTRIC AND POWER COMPANY UTILITY EASEMENT AND PERMANENT VERIZON VIRGINIA UTILITY EASEMENT ON AND ACROSS REAL PROPERTY, PIN 233-15-9240-000, TAX MAP # /48I1/2/////4A

FEE SIMPLE RIGHT OF WAY DEDICATION, PERMANENT STORM DRAINAGE EASEMENT, TEMPORARY CONSTRUCTION EASEMENT, PERMANENT VIRGINIA ELECTRIC AND POWER COMPANY UTILITY EASEMENT AND PERMANENT VERIZON VIRGINIA UTILITY EASEMENT ON AND ACROSS REAL PROPERTY, PIN 233-15-5236-000, TAX MAP # /48I1/2/////5/

PERMANENT STORM DRAINAGE EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT ON AND ACROSS REAL PROPERTY, PIN 233-15-6915-000, TAX MAP # /48I1/2/////1/

The **LEESBURG TOWN COUNCIL** will hold a public hearing on **TUESDAY, October 27, 2015, 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 fee simple right of way, and permanent and temporary easements on and across real property for the public purpose of the construction of the Battlefield Parkway, Route 15 to Dulles Greenway Project, and for all other purposes incidental thereto; and to enter upon the area encompassed by the fee simple right of way, and 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. Fee simple right of way dedication, temporary construction easement, permanent Virginia Electric Power Company Utility Easement and Verizon Virginia utility easement on and across real property, PIN 233-16-1536-000, tax map # /48I1/2/////2A; and
2. Fee simple right of way dedication, temporary construction easement, permanent Virginia Electric Power Company Utility Easement and Verizon Virginia utility easement on and across real property, PIN 233-15-9240-000, tax map # /48I1/2/////4A; and
3. Fee simple right of way dedication, permanent storm drainage easement, temporary construction easement, permanent Virginia Electric Power Company Utility Easement and Verizon Virginia utility easement on and across real property, PIN 233-15-5236-000, tax map # /48I1/2/////5/; and
4. Permanent storm drainage easement and temporary construction easement on and across real property, PIN 233-15-6915-000, tax map # /48I1/2/////1/.

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.

10/14/2015 and 10/21/2015



Date of Council Meeting: October 27, 2015

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: Battlefield Parkway - Route 15 to Dulles Greenway Project - Right of Way Dedications and Easements

Staff Contact: Keith Wilson, Land Acquisition Manager, Public Works and Capital Projects
Renée LaFollette, Director, Public Works and Capital Projects
Tom Brandon, Capital Projects Manager, Public Works and Capital Projects

Council Action Requested: A decision by Council authorizing acquisition of the remaining land rights needed for construction of the Battlefield Parkway – Route 15 to Dulles Greenway project and authorizing condemnation if the offer is not promptly accepted.

Staff Recommendation: The Town Council should authorize staff to acquire the right of way dedications, and permanent and temporary easements necessary to construct the Battlefield Parkway - Route 15 to Dulles Greenway project, and to authorize condemnation if the offer is not promptly accepted.

Commission Recommendation: Not applicable.

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

Work Plan Impact: None. These services are part of the current work plan for the Battlefield Parkway - Route 15 to Dulles Greenway project.

Executive Summary: Right of way dedications, and permanent and temporary easements are needed to construct the Battlefield Parkway - Route 15 to Dulles Greenway project.

Background: The Battlefield Parkway - Route 15 to Dulles Greenway project is a fully funded capital project for the construction of a four-lane divided roadway between Route 15 (South King Street) and Evergreen Mills Road, and adding two additional lanes between Evergreen Mills Road and the Dulles Greenway. A multi-use trail will be constructed along the north side and concrete sidewalk along the south side of Battlefield Parkway.

The property identification number, individual square footage of the necessary right of way dedications, permanent and temporary easements, and the estimated fair market value of the real properties and improvements necessary for the acquisition of right of way dedication, and permanent and temporary easements are as follows:

Property Identification Number (PIN)	Land Rights Required	Offer
233-16-1536-000	1,506 sq. ft. right of way public street dedication 9,022 sq. ft. temporary construction easement 5,326 sq. ft. perm. Dominion & Verizon utility esmt. Landscaping and other improvements	\$ 4,300.00 \$ 5,200.00 \$ 4,600.00 <u>\$ 10,250.00</u> \$ 24,350.00
233-15-9240-000	61 sq. ft. right of way public street dedication 10,619 sq. ft. temporary construction easement 7,320 sq. ft. Dominion & Verizon utility easement Landscaping and other improvements	\$ 200.00 \$ 6,000.00 \$ 6,200.00 <u>\$ 30,000.00</u> \$ 42,200.00
233-15-6915-000	9,572 sq. ft. permanent storm drainage easement 3,908 sq. ft. temporary construction easement	\$ 11,000.00 <u>\$ 1,100.00</u> \$ 12,100.00

Design for the Battlefield Parkway - Route 15 to Dulles Greenway project is complete. Advertisement for construction of the project is planned for early winter of 2015, with construction starting in the Spring of 2016.

Attachments: (1) Map showing project area with parcels highlighted where land rights are needed

**Evergreen Mill
Elementary School**

**JL Simpson
Middle School**

Freedom Park

**Heritage
High School**

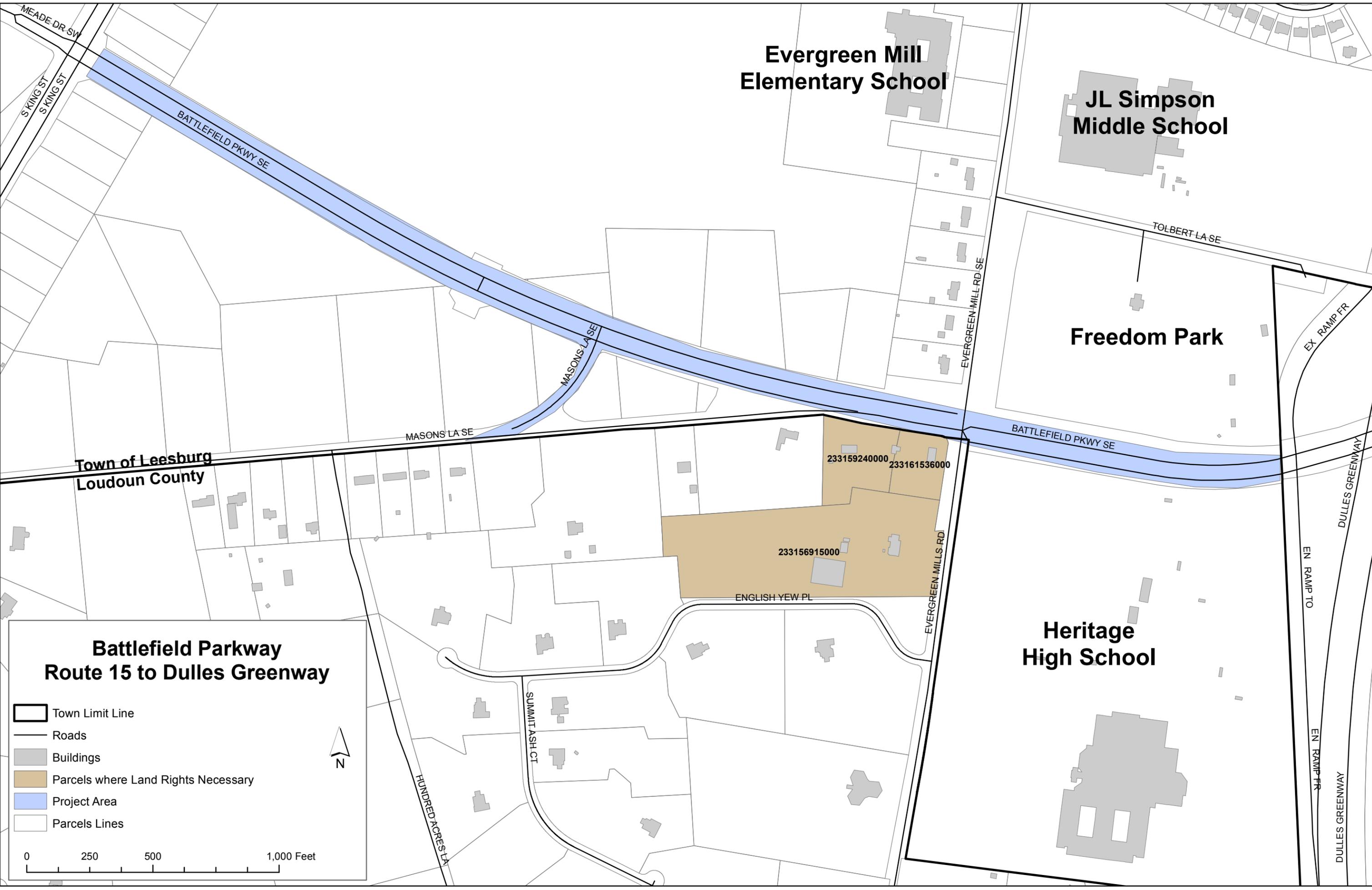
**Town of Leesburg
Loudoun County**

**Battlefield Parkway
Route 15 to Dulles Greenway**

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



0 250 500 1,000 Feet



PRESENTED October 27, 2015

RESOLUTION NO. 2015-

ADOPTED _____

A RESOLUTION: DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS AND
AUTHORIZING AN OFFER TO ACQUIRE RIGHT OF WAY
DEDICATIONS AND EASEMENTS FROM PIN 233-16-1536-000, PIN
233-15-9240-000 AND PIN 233-15-6915-000 FOR THE BATTLEFIELD
PARKWAY - ROUTE 15 TO DULLES GREENWAY 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 Battlefield Parkway - Route 15 to Dulles Greenway project adjacent to and through real property 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 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 right of way dedications and easements for such aforesaid public uses and purposes; and

WHEREAS, the Town of Leesburg is empowered by Sections 15.2-1800 through 15.2-1814, 15.2-1901 through 15.2-1907, and 33.1-96, of the 1950 Code of Virginia, as amended, 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 permanent and temporary easements over real property set forth below located in Loudoun County and certifies that the acquisition has been reviewed for purposes of complying with Section 1-219.1, of the 1950 Code of Virginia, as amended; and

A RESOLUTION: DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS AND AUTHORIZING AN OFFER TO ACQUIRE RIGHT OF WAY DEDICATIONS AND EASEMENTS FROM PIN 233-16-1536-000, PIN 233-15-9240-000 AND PIN 233-15-6915-000 FOR THE BATTLEFIELD PARKWAY - ROUTE 15 TO DULLES GREENWAY PROJECT AND TO AUTHORIZE CONDEMNATION

WHEREAS, the Council wishes to authorize the Town Manager, Town Attorney, Director of Public Works and Capital Projects, and their outside counsel to proceed with the acquisition of the right of way dedications, and permanent and temporary easements; and

WHEREAS, the right of way dedications, and permanent and temporary easements are shown on the construction plans titled “Battlefield Parkway Phase III, South King Street to Dulles Greenway”, prepared by Rinker Design Associates, P.C., of Manassas, 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 right of way dedications, and permanent and temporary easements, and fair market value of the right of way dedications, and permanent and temporary easements are listed below:

Property Identification Number (PIN)	Land Rights Required	Offer
233-16-1536-000	1,506 sq. ft. right of way public street dedication 9,022 sq. ft. temporary construction easement 5,326 sq. ft. perm. Dominion & Verizon utility esmt. Landscaping and other improvements	\$ 4,300.00 \$ 5,200.00 \$ 4,600.00 <u>\$ 10,250.00</u> \$ 24,350.00
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A RESOLUTION: DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS AND AUTHORIZING AN OFFER TO ACQUIRE RIGHT OF WAY DEDICATIONS AND EASEMENTS FROM PIN 233-16-1536-000, PIN 233-15-9240-000 AND PIN 233-15-6915-000 FOR THE BATTLEFIELD PARKWAY - ROUTE 15 TO DULLES GREENWAY PROJECT AND TO AUTHORIZE CONDEMNATION

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 Battlefield Parkway - Route 15 to Dulles Greenway project adjacent to and through the real property listed above.

SECTION II. That the Town Manager, Town Attorney, Director of Public Works and Capital Projects, and 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 right of way dedications, and permanent and temporary easements over the land aforesaid from the property owners and their successors and assigns, in the location deemed appropriate by the Department of Public Works and Capital Projects, at a price, in their judgment, reasonably related to the fair market value of the right of way dedications and 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 ineffective, the Town Manager, Town Attorney, Director of Public Works and 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, of the 1950 Code of Virginia, as amended for the acquisition of the necessary land rights and to institute appropriate condemnation proceedings in the Circuit Court of Loudoun County

A RESOLUTION: DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS AND AUTHORIZING AN OFFER TO ACQUIRE RIGHT OF WAY DEDICATIONS AND EASEMENTS FROM PIN 233-16-1536-000, PIN 233-15-9240-000 AND PIN 233-15-6915-000 FOR THE BATTLEFIELD PARKWAY - ROUTE 15 TO DULLES GREENWAY PROJECT AND TO AUTHORIZE CONDEMNATION

for the acquisition of the said right of way dedications and 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 right of way dedications and permanent and temporary easements, and all other acquisition costs, including litigation costs, if necessary, be and hereby is, authorized and approved.

SECTION V. That the Town Manager, Town Attorney, Director of Public Works and 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 permanent and temporary easements as required by this resolution.

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 October, 2015.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council