



Date of Council Meeting: January 12, 2016

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: Authorization to acquire land rights for construction of a trail along Harrison Street.

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

Council Action Requested: Authorization by Town Council is needed to acquire the land rights needed for construction of a trail along a portion of Harrison Street as part of the Crescent Place development.

Staff Recommendation: Staff recommends that Council authorize staff to acquire the permanent and temporary easements necessary to complete construction of the trail along the west side of Harrison Street as part of the Crescent Place development.

Commission Recommendation: None.

Fiscal Impact: The developer of Crescent Place, as part of the proffer conditions for the rezoning, agreed to construct the Crescent Place Harrison Street roadway improvements and to acquire the offsite easements as needed. If the developer is unable to acquire the offsite easements and the Town elects to acquire these easements, the developer will be responsible for the Town's costs in acquiring these permanent and temporary easements.

Work Plan Impact: No additional staffing and/or resources are needed.

Executive Summary: Permanent and temporary easements are needed to complete the construction of the trail along the west side of Harrison Street as part of the Crescent Place development project.

Background: The developer, as part of the Crescent Place 1, 2 & 3 Development project, agreed to construct certain roadway improvements along Harrison Street as shown on the Crescent Place Harrison Street Roadway Improvements project plans. These roadway improvement plans required the acquisition of offsite easements for construction of a portion of the six (6') foot asphalt trail along the west side of Harrison Street. The developer has not been able to complete the acquisition of these permanent and temporary easements as needed and has requested the Town to acquire these land rights as outlined in the Crescent Place Proffer Statement. Permanent and temporary easements are needed from the property identified below by its property identification number.

| Property Identification Number (PIN) |
|--------------------------------------|
| 231-18-5606-000 |

Attachment: Plat showing trail area highlighted in yellow and permanent and temporary easements needed as part of the Crescent Place Harrison Street Roadway Improvements project.

PRESENTED January 12, 2016

RESOLUTION NO. 2016-

ADOPTED _____

A RESOLUTION: DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS AND
AUTHORIZING AN OFFER TO ACQUIRE PERMANENT AND
TEMPORARY EASEMENTS FOR CRESCENT PLACE HARRISON
STREET ROADWAY IMPROVEMENTS

WHEREAS, the Council of the Town of Leesburg finds and determines that it is necessary for the construction of street improvements 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 33.2-1014 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 Public Works and 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 construction plans

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and profiles titled “Crescent Place Harrison Street Roadway Improvements”, prepared by Bowman Consulting, of Leesburg, Virginia; and

WHEREAS, the property identification number for the real property necessary for the acquisition of the permanent and temporary easements are listed below:

| Property Identification Number (PIN) |
|---|
| 231-18-5606-000 |

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 Crescent Place Harrison Street Roadway Improvements as part of the Crescent Place 1, 2 & 3 project adjacent to and through 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 deed(s) 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 Plan Review, 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 funding for the dedication and/or purchase by agreement and the

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expenditure of such funds 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 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 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 January, 2016.

Kelly Burk, Vice Mayor
Town of Leesburg

ATTEST:

Clerk of Council