



Date of Council Meeting: April 26, 2016

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: Tuscarora Creek Flood Mitigation and Stream Restoration Project

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

Council Action Requested: To authorize the acquisition of the land rights needed for construction of the Tuscarora Creek Flood Mitigation and Stream Restoration project.

Staff Recommendation: Staff recommends that Town Council authorize staff to acquire the permanent and temporary easements necessary to construct the Tuscarora Creek Flood Mitigation and Stream Restoration project.

Commission Recommendation: None.

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 Tuscarora Creek Flood Mitigation and Stream Restoration project.

Executive Summary: Permanent and temporary easements are needed to construct the Tuscarora Creek Flood Mitigation and Stream Restoration project.

Background: The Tuscarora Creek Flood Mitigation and Stream Restoration project is a fully funded capital project for channel improvements to Tuscarora Creek to help in reducing the flooding of the residential properties in the vicinity of Shenandoah Street. The project includes the installation of storm drainage features to handle the 100 year storm event including a two to four foot high wall along a portion of the residential properties on the south side of Tuscarora Creek east of Harrison Street. The project will also include stream restoration and realignment of the stream channel to reduce and/or eliminate erosion and to improve stream health. An additional part of the restoration will include planting wetlands and the planting of a riparian buffer along the stream channel.

Requests and/or offers will be made to all property owners from whom permanent and temporary easements are needed. Property identification numbers for the real properties necessary for the acquisition of the permanent and temporary easements are listed below:

Tuscarora Creek Flood Mitigation and Stream Restoration project land rights acquisition authorization.

April 26, 2016

Page 2

Property Identification Number (PIN)	
232-37-7166-000	232-48-4311-000
232-39-2783-000	232-48-9035-000
232-49-6723-000	232-49-5741-000
232-49-2041-000	232-49-3667-000
232-49-7075-000	232-49-9782-000
232-40-5759-000	232-40-1970-000
232-40-3897-000	232-40-4981-000
232-40-1493-000	232-49-9436-000
232-49-8020-000	232-49-7313-000

Design for the Tuscarora Creek Flood Mitigation and Stream Restoration project is currently underway.

Utility relocations are planned to begin in the spring/summer of 2016, with construction of the project planned for the summer/fall of 2016.

Attachments:

- (1) Resolution
- (2) Map showing project area with parcels highlighted where land rights are needed

PRESENTED April 26, 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 THE TUSCARORA CREEK FLOOD MITIGATION AND STREAM RESTORATION PROJECT

WHEREAS, the Council of the Town of Leesburg finds and determines that it is necessary for the construction of a storm drainage flood mitigation and stream restoration project on Tuscarora Creek near Shenandoah Street, SE, adjacent to and through real properties further set forth below, and for all other purposes incidental thereto, to acquire permanent and temporary easements from the below listed properties; and

WHEREAS, the Council further finds and determines that a public necessity and use exist to improve the 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, and 15.2-1901 through 15.2-1907 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 desires to acquire by dedication, purchase or eminent domain certain permanent and temporary easements over real property further set forth below located within the Town of Leesburg, and certifies that the acquisition has been reviewed for purposes of complying with Virginia Code Section 1-219-1; 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

A RESOLUTION: DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS, AUTHORIZING AN OFFER TO ACQUIRE PERMANENT AND TEMPORARY EASEMENTS FOR THE TUSCARORA CREEK FLOOD MITIGATION AND STREAM RESTORATION PROJECT

WHEREAS, the permanent and temporary easements are shown on the construction plans titled "Tuscarora Creek Flood Mitigation", prepared by Amec, Foster, Wheeler Environment & Infrastructure, of Chantilly, Virginia; and

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

Property Identification Number (PIN)	
232-37-7166-000	232-48-4311-000
232-39-2783-000	232-48-9035-000
232-49-6723-000	232-49-5741-000
232-49-2041-000	232-49-3667-000
232-49-7075-000	232-49-9782-000
232-40-5759-000	232-40-1970-000
232-40-3897-000	232-40-4981-000
232-40-1493-000	232-49-9436-000
232-49-8020-000	232-49-7313-000

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 exist to acquire the necessary land rights for the construction of the Tuscarora Creek Flood Mitigation and Stream Restoration project adjacent to and through the real properties listed above.

SECTION II. That the Town Manager, Town Attorney, Director of Public Works and

A RESOLUTION: DECLARING THAT A PUBLIC NECESSITY AND USE EXISTS,
AUTHORIZING AN OFFER TO ACQUIRE PERMANENT AND
TEMPORARY EASEMENTS FOR THE TUSCARORA CREEK FLOOD
MITIGATION AND STREAM RESTORATION PROJECT

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 permanent and temporary easements over the aforesaid land from the property owners, their successors and assigns, in the location deemed appropriate by the Department of Public Works and 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 funding for the purchase price by agreement, and the expenditure of such funds for the said the 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 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 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 April, 2016.

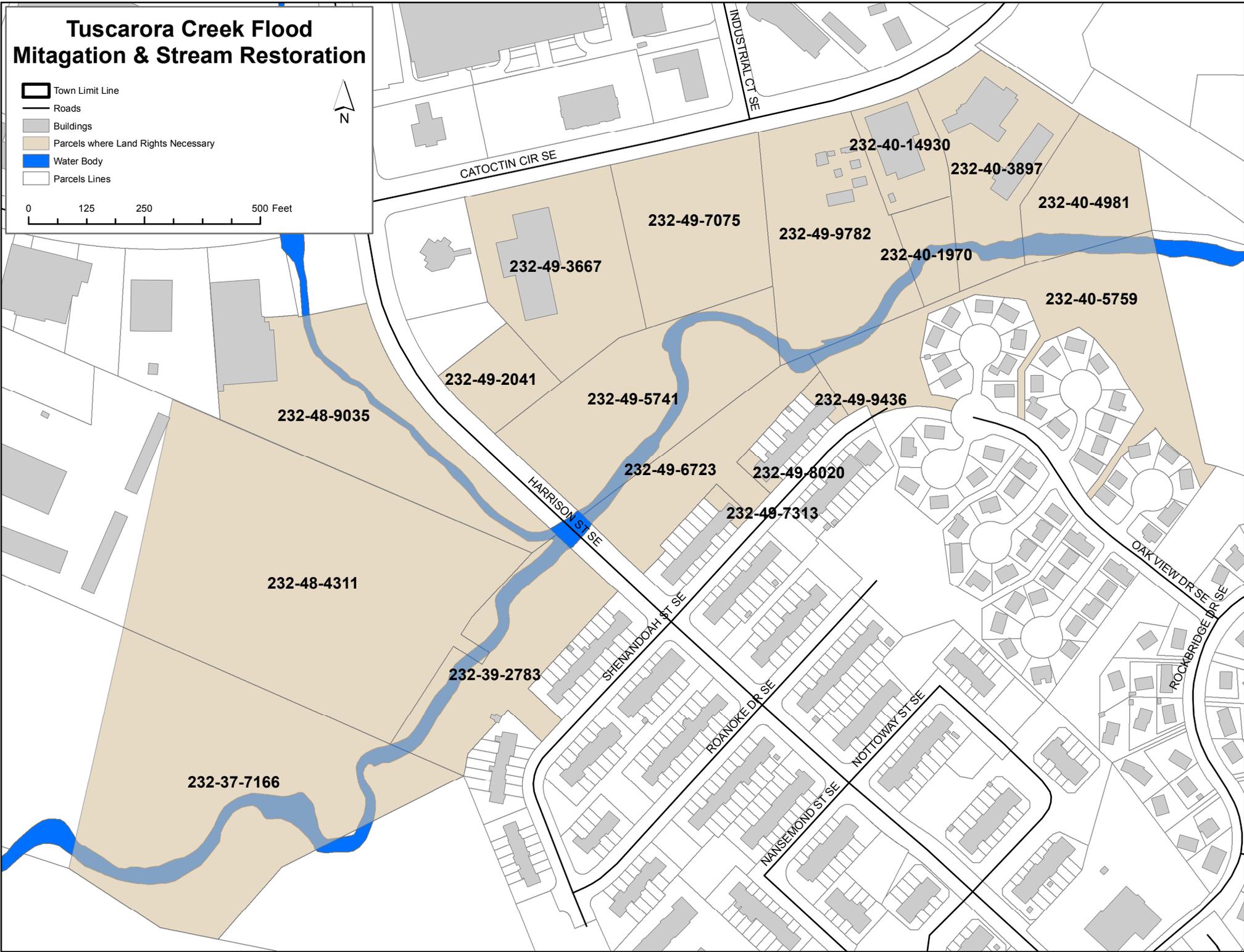
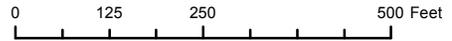
David S. Butler, Mayor
Town of Leesburg

ATTEST:

Clerk of Council

Tuscarora Creek Flood Mitigation & Stream Restoration

- Town Limit Line
- Roads
- Buildings
- Parcels where Land Rights Necessary
- Water Body
- Parcels Lines



232-48-9035

232-48-4311

232-37-7166

232-39-2783

232-49-3667

232-49-2041

232-49-5741

232-49-7075

232-49-6723

232-49-9782

232-40-1970

232-49-7313

232-49-9436

232-49-8020

232-40-14930

232-40-3897

232-40-4981

232-40-5759

CATOCTIN CIR SE

INDUSTRIAL CT SE

HARRISON ST SE

SHENANDOAH ST SE

ROANOKE DR SE

NAIASE MOND ST SE

NOTTOWAY ST SE

OAK VIEW DR SE

ROCKBRIDGE DR SE