

BOARD OF SUPERVISORS
Agenda Item


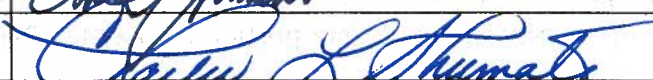
Meeting Date:	May 1, 2012
Title:	Authorize Condemnation and Exercise of Quick-Take Powers to Acquire an Easement on Property Located at Tax Map Parcel 43-31 in Connection with the Rappahannock River Intake Project
Department:	Utilities
Staff Contact:	Harry L. Critzer
Board Committee/ Other BACC:	Utilities Commission
Staff Recommendation:	Approval
Budget Impact:	See background report
Time Sensitivity:	N/A

ATTACHMENTS:

1.	Background Report	4.	Aerial Exhibit
2.	Location Map	5.	Right-of-Way Easement
3.	Location Map	6.	Proposed Resolution R12-104

	Consent Agenda		Other Business		Unfinished Business
	Discussion		Presentation		Work Session
	New Business	X	Public Hearing		Add-On

REVIEW:

X	County Administrator	
X	County Attorney	

DISTRICT:	Hartwood
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BACKGROUND REPORT

For the construction of the Rappahannock River Intake project (RRI), Dominion Virginia Power advised staff that three-phase electrical underground service would have to be provided to the RRI Facility. An area requiring an easement was identified on Tax Map Parcel 43-31, generally parallel to the rear lot line of the facility.

Staff initiated an offer of \$450 for the 3,000 square foot easement needed. This amount was based on the 2011 tax assessed land value of the property. The property owners would not accept this offer.

During an initial conversation, the property owners made it very clear that they did not necessarily have a problem with the offer of \$450. The compensation sought by the property owners was to have the property exempt from any impacts of a potential Reservoir Overlay District. They believe that the impact of any such future Overlay District would prevent them from using the property as they desire. After conversations with Planning Department staff, it was determined that creating an exemption for the property from any future Overlay District was unlikely.

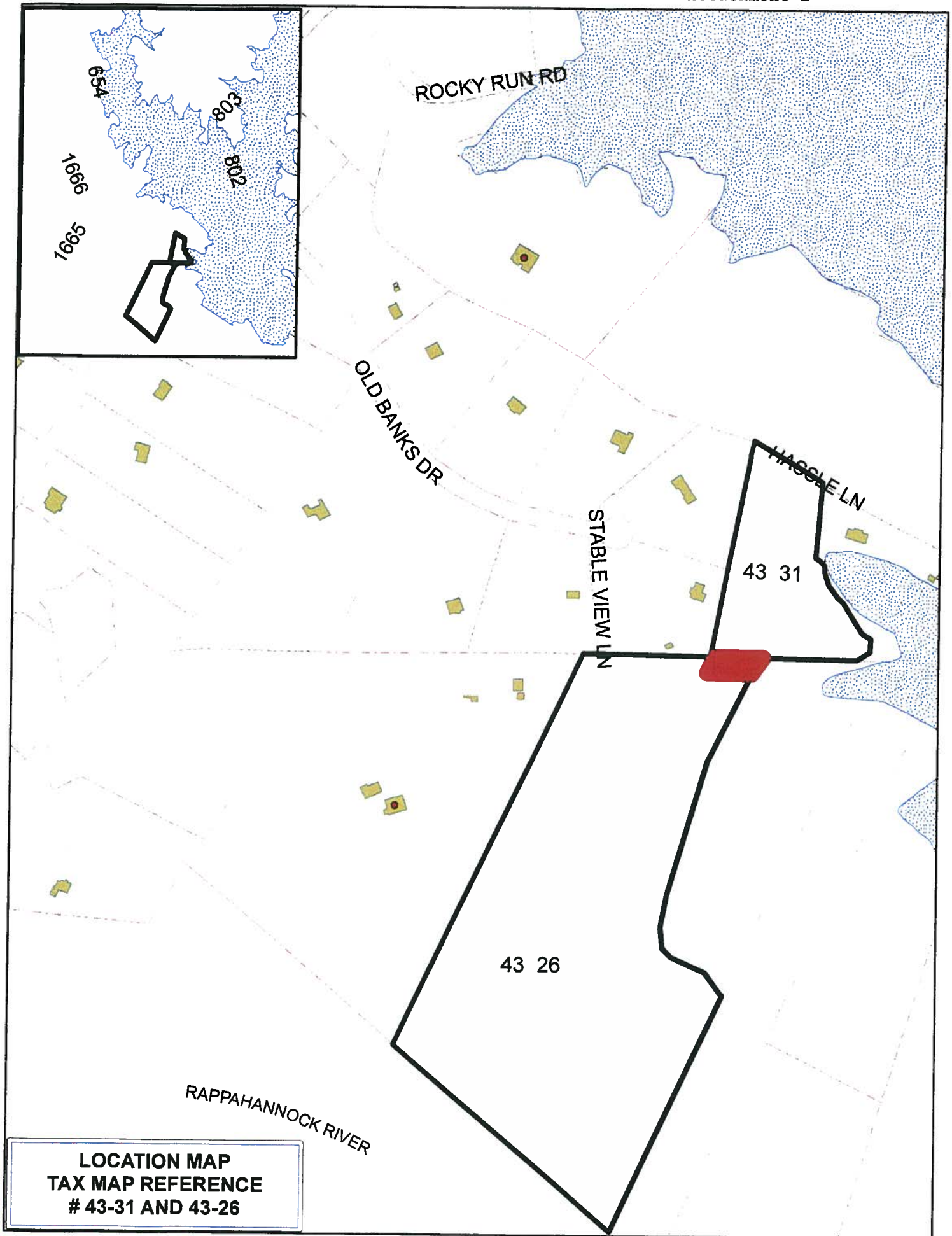
A final agreement was not reached with the property owners, and staff believes that significant progress in negotiations is unlikely. Therefore, giving consideration to the imperative nature of this construction for the RRI, staff requests Board authorization to pursue a quick-take condemnation to obtain a 30-foot wide electrical easement on TM Parcel 43-31. While the condemnation process proceeds, all avenues of negotiation with the property owners will remain open for as long as necessary to reach settlement, if possible.

Staff sought an alternative easement placement on adjoining Tax Map Parcel 43-26. However, the alternative placement would have a greater negative impact on the property. The property owners would be required to relocate the service and easement in the event they desire to improve the property's access with a road.

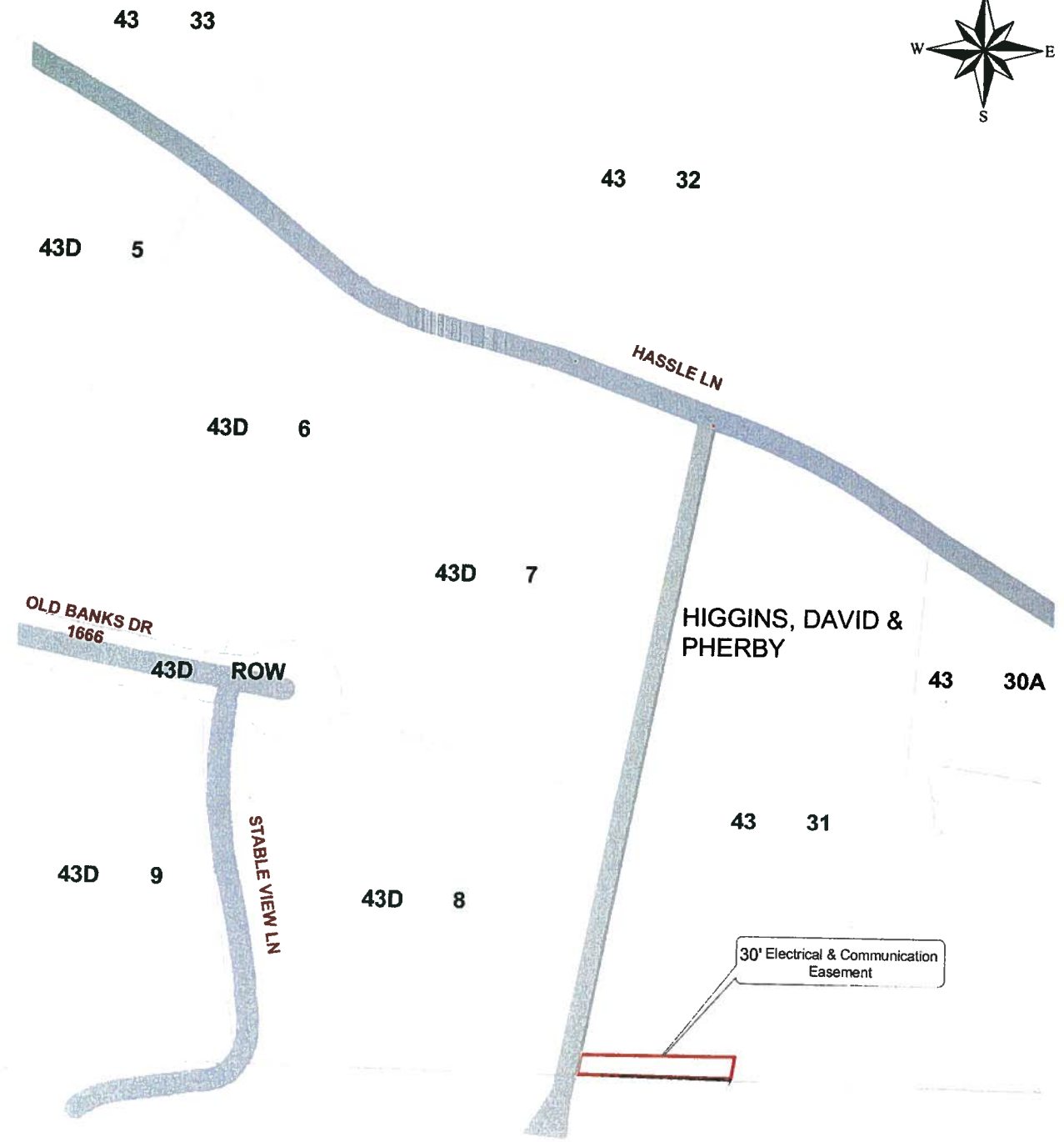
The easement on Tax Map Parcel 43-31, when acquired by condemnation, will be owned by the County and must be transferred to Dominion Virginia Power prior to installation of their electric service. This action will require another public hearing once the easement is recorded.

Sufficient funds are budgeted in the current fiscal year for the easement acquisition. The Utilities Commission considered this matter at its March 13, 2012 meeting and voted 5-0 (Mrs. Arndt and Mr. Kim were absent) to recommend approval. The Board authorized a public hearing to consider this matter at the April 4, 2012 meeting.

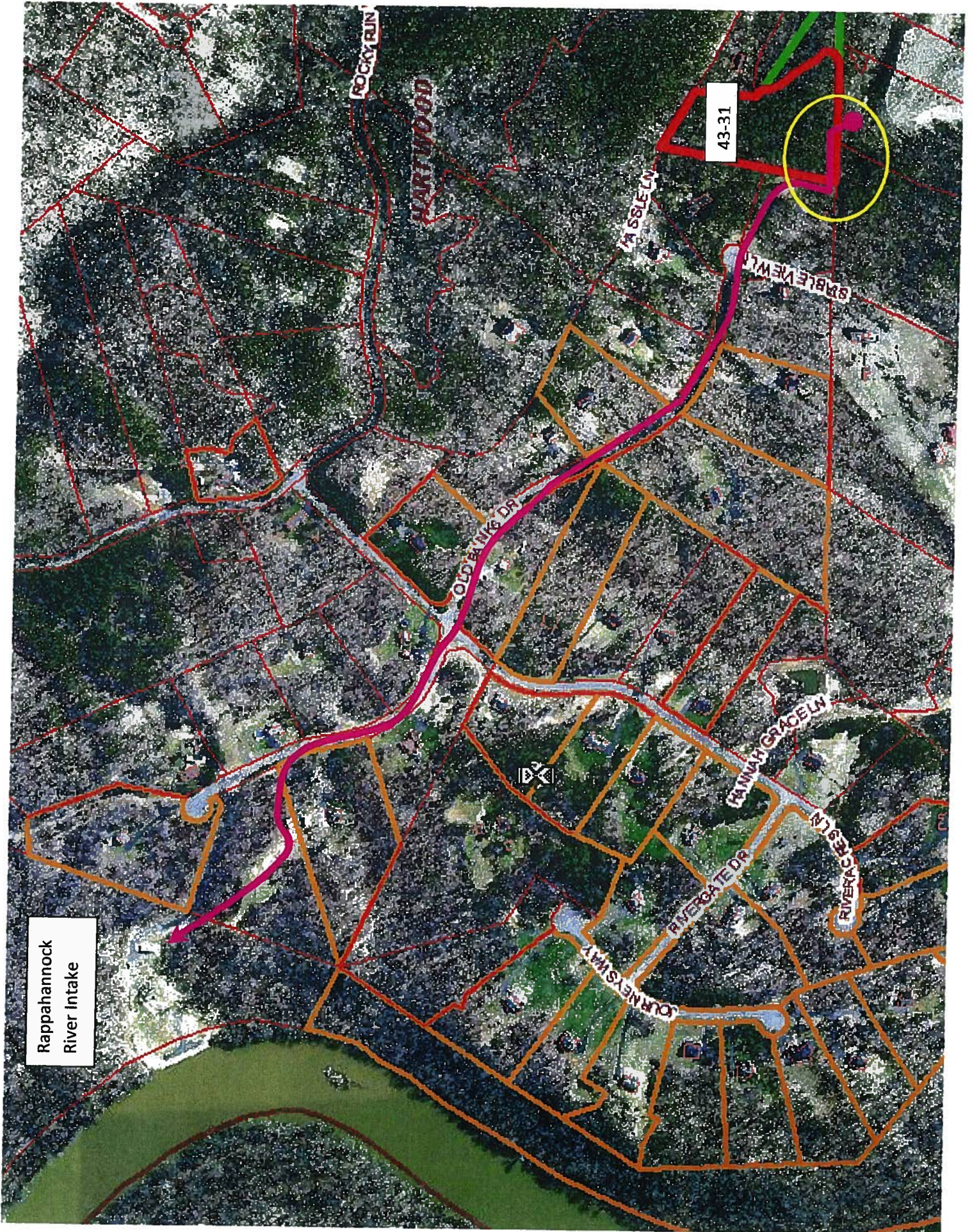
Staff recommends approval of proposed Resolution R12-104, which authorizes condemnation and exercise of quick-take powers to acquire an easement on a 0.07 acre portion of Tax Map Parcel 43-31 in connection with the Rappahannock River Intake project.



LOCATION MAP
TAX MAP REFERENCE
43-31 AND 43-26



**BROOKS DARRYL EMD
CLARENCE E III & ZSARA E BROOKS HAMLIN**



Rappahannock
River Intake

43-31

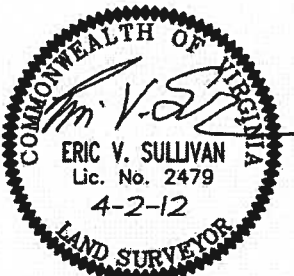
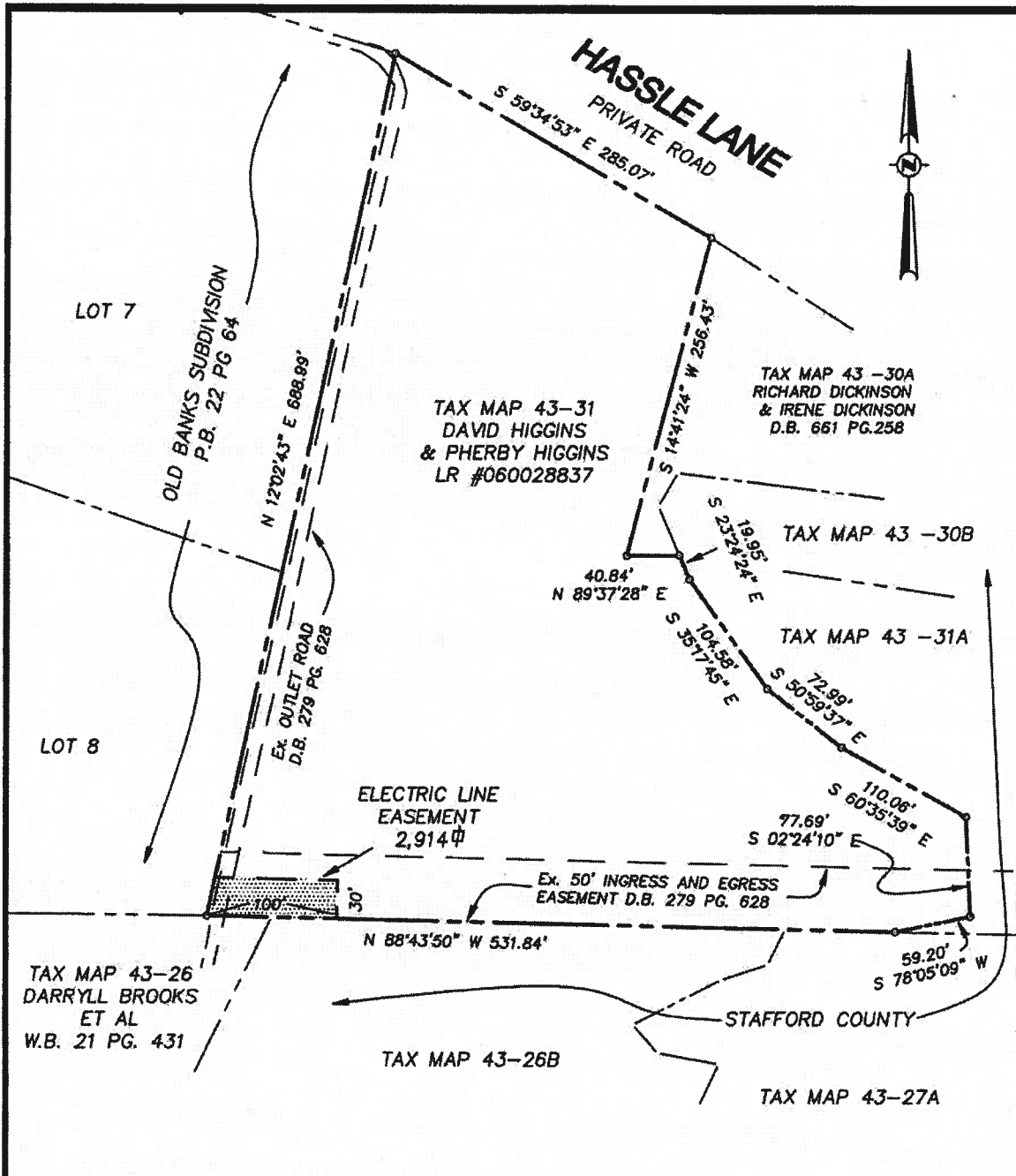


EXHIBIT
SHOWING AN ELECTRIC
LINE EASEMENT
ON LAND KNOWN AS
TAX MAP 43 - 31

LOCATED IN FALMOUTH-HARTWOOD
 MAGISTERIAL DISTRICT
STAFFORD COUNTY, VIRGINIA

DATE : APRIL 2, 2012. SCALE : 1" = 100'

SULLIVAN, DONAHOE AND INGALLS
 ENGINEERS, LAND PLANNERS & SURVEYORS
 P.O. BOX 614 FREDERICKSBURG, VIRGINIA 22404
 PHONE 540-898-5878 FAX 540-898-3390

- NOTES :
1. NO TITLE REPORT FURNISHED.
 2. THIS PLAT IS SUBJECT TO ANY EASEMENTS AND RESTRICTIONS OF RECORD.
 3. BOUNDARY AND MERIDIAN PER PLAT BY GREENHORNE & O'MARA, INC. DATED OCTOBER 21, 1995 AND RECORDED P.B. 29 PG. 178.

PROPOSED

**BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA**

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 1st day of May, 2012:

MEMBERS:

Susan B. Stimpson, Chairman
Cord A. Sterling, Vice Chairman
Jack R. Cavalier
Paul V. Milde III
Ty A. Schieber
Gary F. Snellings
Robert "Bob" Thomas, Jr.

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION TO AUTHORIZE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE A 0.07 ACRE (3,000 SQUARE FOOT) EASEMENT ON A PORTION OF THE PROPERTY OWNED BY DAVID HIGGINS AND PHERBY HIGGINS, TAX MAP PARCEL 43-31, IN CONNECTION WITH THE RAPPAHANNOCK RIVER INTAKE PROJECT

WHEREAS, the Board approved the Rappahannock River Intake project, which is under construction; and

WHEREAS, Tax Map Parcel 43-31 consists of approximately 5.037 acres of land and is owned by David Higgins and Pherby Higgins (the "Property Owners"); and

WHEREAS, because the design for the project requires installation of a 3-phase electrical service for the Rappahannock River Intake facility, the Board must acquire a 0.07 acre (3,000 square foot) easement on Tax Map Parcel 43-31; and

WHEREAS, the fair market value for the easement area of Tax Map Parcel 43-31, together with damages, if any, to the remainder of the property is Four Hundred Fifty Dollars (\$450), based upon the 2011 tax assessed value; and

WHEREAS, the Board through County staff, has made bona fide but ineffectual efforts to purchase the easement area of Tax Map Parcel 43-31 by offering said determination of value on behalf of the County to the Property Owners; and

WHEREAS, the terms of purchase cannot be agreed upon, and County staff has been unsuccessful in negotiating a final settlement, but will continue to work with the Property Owners to attempt to reach an acceptable settlement; and

WHEREAS, the Board has conducted a public hearing in accordance with Virginia Code Sections 15.2-1903(B) and 15.2-1905(C), to determine the necessity for condemnation and the exercise of the County's quick-take powers and has carefully considered the recommendations of staff and the testimony, if any, at the public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 1st day of May, 2012, that the Board be and it hereby does find that public necessity exists for the Board's easement ownership of the Property to complete construction of the Rappahannock River Intake project; and

BE IT FURTHER RESOLVED that the Board determines, notwithstanding the Board's bona fide offer of Four Hundred Fifty Dollars (\$450) as just compensation for the Property, including damages, if any, to the remainder of the Property, that the Board and the Property Owners cannot agree on compensation to be paid or on other terms of purchase and settlement; and

BE IT FURTHER RESOLVED that the Board determines it is necessary to do so and hereby declares its intent to exercise the County's quick-take powers to enter upon and immediately acquire the Property for construction of the Rappahannock River Intake project, under the provisions of Virginia Code Sections 15.2-1903(B) and 15.2-1905(C); and

BE IT STILL FURTHER RESOLVED that the Board does hereby authorize the County Attorney to file a Certificate of Take among the land records of Stafford County, and authorizes the County Administrator and Director of Finance and Budget, or their designees, to sign the Certificate and to deposit Four Hundred Fifty Dollars (\$450), with the Clerk of the Stafford County Circuit Court, for the Property Owners' benefit, before entering and taking possession of the Property in connection with the quick-take condemnation process on behalf of the Stafford County Board of Supervisors in accordance with Virginia law.

AJR:HLC:cdg