STAFFORD Virginia

#23

BOARD OF SUPERVISORS

Agenda Item

Meeting Date:	May 5, 2015
Title:	Consider the Condemnation and Exercise of Quick-Take Powers on Tax Map Parcel No. 35-92-6 in Connection with the Poplar Road Improvement Project
Department:	Public Works
Staff Contact:	Christopher K. Rapp, P.E., Director
Board Committee/ Other BACC:	N/A
Staff Recommendation:	Approval
Budget Impact:	N/A
Time Sensitivity:	See Background Report

ATTACHMENTS:

1.	Background Report	3.	Proposed Resolution R15-120
2.	Location Map		

	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

Attachment 1
R15-120

BACKGROUND REPORT

The Board identified the extension of road improvements along Poplar Road (SR-616) between Truslow Road and Cedar Crest Lane, as a critical part of Stafford County's road improvement plan. These improvements were approved by the Board in 2011 as the Poplar Road Phase II Project (Project), to address resident safety concerns north of the Poplar Road Phase I Project. Road design is complete and the Board authorized a contract to complete the Project. Construction will begin the first week of May.

Property acquisition for the Project began in June, 2013, and the County successfully negotiated acquisition agreements with property owners along the Project route. However, for Tax Map No. 35-92-6, the County successfully completed an acquisition agreement, but the final closing and recordation of the acquisition was not finalized due to bankruptcy proceedings. The bankruptcy proceedings will take a considerable amount of time to be resolved, and the County must establish ownership of the right-of-way and easements prior to construction activities on the property.

The property is owned by Jeffrey L. and Joann M. Boutchyard (Property Owners) and consists of 1.212 acres. The County requires a total of 0.0235 acres of right-of-way, 0.0074 acres of temporary slope easement, and 0.0056 acres for a temporary entrance easement.

The property was valued by certified professionals using 2014 County assessment values. On July 7, 2014, the County and the Property Owners agreed to a settlement of $4,435 for fair market value for the acquisition of the right-of-way and temporary easements, together with damages, if any, to the remainder of the property. Sufficient funds for these acquisitions have been budgeted and appropriated in the FY2015 Transportation Fund.

Staff recommends approval of proposed Resolution R15-120, which authorizes condemnation and the exercise of the County's quick-take powers for right-of-way, and temporary easement acquisition on Tax Map Parcel No. 35-92-6.

Poplar Road Improvement Project Proposed Condemnation

Attachment 2

R15-120

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, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 5th day of May, 2015:

MEMBERS:	VOTE:
Gary F. Snellings, Chairman	
Laura A. Sellers, Vice Chairman	
Meg Bohmke	
Jack R. Cavalier	
Paul V. Milde, III	
Cord A. Sterling	
Robert "Bob" Thomas, Jr.	

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

A RESOLUTION AUTHORIZING THE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE RIGHT-OF-WAY AND TEMPORARY EASEMENTS ON TAX MAP PARCEL NO. 35-92-6, OWNED BY JEFFREY L. AND JOANN M. BOUTCHYARD, IN CONNECTION WITH THE POPLAR ROAD PHASE II SAFETY IMPROVEMENT PROJECT, IN THE HARTWOOD ELECTION DISTRICT

WHEREAS, the Board identified the completion of road improvements on Poplar Road between Truslow Road and Cedar Crest Lane (Project), as a critical part of the County's Road Improvement Plan; and

WHEREAS, the Board approved the acquisition of the land necessary for the completion of the Project and County staff is in the process of acquiring the necessary land for right-of-way, and permanent and temporary easements; and

WHEREAS, staff is unable to obtain right-of-way and temporary construction easements on Tax Map Parcel No. 35-92-6 (the Property), which are necessary for the completion of the Project; and

WHEREAS, the Property, located within the Hartwood Election District, consists of approximately 1.212 acres and is owned by Jeffrey L. and Joann M. Boutchyard (Property Owners); and

WHEREAS, the Board must acquire 0.0235 acres of right-of-way, 0.0074 acres of temporary slope easement, and 0.0056 acres of temporary entrance easement for the Project; and

WHEREAS, the fair market value for the required portions of the Property, together with damages, if any, to the remainder of the property is Four Thousand Four Hundred Thirty-five Dollars ($4,435), based upon the 2014 assessed value; and

WHEREAS, the Board, through its consulting negotiator, reached an agreement with the Property Owners, and proceeded to closing whereupon the agreement could not be finalized due to bankruptcy proceedings; and

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

WHEREAS, the Board declares its intent to use its quick-take powers to enter and take the above-referenced 0.0235 acres of right-of-way, 0.0074 acres of temporary slope easement, and 0.0056 acres of temporary entrance easement on the Property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of May, 2015, that the Board be and it hereby does find that public necessity exists for the Board's ownership of the right-of-way and temporary slope and entrance easements on Tax Map Parcel No. 35-92-6, to complete construction and begin operation of the Poplar Road Phase II Safety Improvement Project between Truslow Road and Cedar Crest Lane; and

BE IT FURTHER RESOLVED that the Board determines, notwithstanding the Board's bona fide offer of Four Thousand Four Hundred Thirty-five Dollars ($4,435) as just compensation for the right-of-way and temporary slope and entrance easements on Tax Map Parcel No. 35-92-6, that the Board and the Property Owners cannot conclude the negotiated settlement agreement; and

BE IT FURTHER RESOLVED pursuant to Virginia Code §§ 15.2-1903(B) and 15.2-1905(C), the Board determined that it is necessary and declares its intent to exercise the County's quick-take powers to enter upon and immediately acquire 0.0235 acres of right-of-way, 0.0074 acres of temporary slope easement, and 0.0056 acres of temporary entrance easement on Tax Map Parcel No. 35-92-6, for the construction of the Poplar Road Phase II Safety Improvement Project between Truslow Road and Cedar Crest Lane; and

BE IT STILL FURTHER RESOLVED that the Board authorizes the County Attorney to file a Certificate of Take among the land records of Stafford County, and authorizes the County Administrator and Chief Financial Officer, or their designees, to sign the Certificate and to deposit Four Thousand Four Hundred Thirty-five Dollars ($4,435) with the Clerk of the Stafford County Circuit Court, for Jeffrey L. and Joann M. Boutchyard's benefit, before entering and taking possession of the right-of-way and temporary slope and entrance easements in connection with the quick-take condemnation process on behalf of the Stafford County Board of Supervisors in accordance with the law.

AJR:ckr:elk:tbm