STAFFORD Virginia

#22

BOARD OF SUPERVISORS

Agenda Item

Meeting Date:	June 16, 2015
Title:	Consider the Condemnation and Exercise of Quick-Take Powers in Connection with the Brooke 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:	See Background Report
Time Sensitivity:	See Background Report

ATTACHMENTS:

1.	Background Report	3.	Proposed Resolution R15-157 (TMP No. 47-56B)
2.	Location Map	4.	Proposed Resolution R15-158 (TMP No. 47E-E)
		5.	Proposed Resolution R15-159 (TMP No. 47-39F)
		6.	Proposed Resolution R15-160 (TMP Nos. 47-39K & 47-39G)
		7.	Proposed Resolution R15-196 (TMP No. 47-23)
		8.	Proposed Resolution R15-197 (TMP No. 47-56)
		9.	Proposed Resolution R15-198 (TMP No. 47-25)
		10.	Proposed Resolution R15-200 (TMP Nos. 47G-1-4 & 47G-1-5)
		11.	Proposed Resolution R15-201 (TMP No. 47G-1-3)

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

REVIEW:

X	County Administrator	Cathy Baroody
X	County Attorney	Charles L. Thumas

DISTRICTS:	Aquia, Falmouth, and George Washington

Attachment 1
R15-157, 158, 159, 160,
196, 197, 198, 200, 201

BACKGROUND REPORT

The Board identified the completion of road improvements on Brooke Road (SR-608) south of Eskimo Hill Road (SR-628), as a critical part of the County's road improvement plan. These improvements were identified in the 2008 Transportation Bond Referendum, and approved by the Board in 2011 as the Brooke Road Improvement Project (Project) to address the safety concerns raised by the Youth Driver Task Force.

The County is currently in the process of acquiring the land and easements necessary for the construction of the Project. To date the County has been able to come to an agreement with several of the property owners. Negotiations have reached an impasse with nine additional property owners, several of whom own multiple parcels. The County must acquire the right-of-way, and temporary and permanent easements, on these properties in order to proceed with the Project. Attachment 2 is a location map of Brooke Road showing the nine affected properties.

The County must proceed with property acquisition if it is to stay on schedule with the established July, 2016 advertising date to start construction. Following property acquisition, utility relocation will have to occur prior to procurement of a road contractor.

Listed below are the nine properties that are currently being considered for condemnation and exercise of the County's quick-take powers. The properties were valued by a certified professional using 2014 assessed values. Specific information on the properties and the status of negotiations is provided below.

TAX MAP PARCEL NO. 47-56B OWNED BY ALEXANDRA ROMERO	
Existing Property Size	126,037 Square Feet
Post-Acquisition Property Size	124,069 Square Feet
Fee Simple Right-of-Way	1,968 Square Feet
Permanent Slope Easement	482 Square Feet
Permanent Easement Culvert	470 Square Feet
Verizon Easement	3,992 Square Feet
Temporary Construction Easement	3,040 Square Feet

On September 9, 2014, an initial offer of $2,100 was presented to Alexandra Romero (Property Owner). On numerous occasions, the Property Owner said she would counteroffer but to date, no counteroffer has been received. The County, on February 2, 2015, increased its offer to $2,600 in an effort to spur negotiations. The County met with Ms. Romero's real estate agent, Mr. Fry, on May 13, 2015 to discuss the project and the acquisition process, but no counteroffer has been received on this parcel except their request to do a total take, and the Property Owner has been non-responsive. Proposed Resolution R15-157 pertains to this property.

TAX MAP PARCEL NO. 47E-E OWNED BY JOHN MCCALLISTER AND JOSEPH REED	
Existing Property Size	4,814,508 Square Feet
Post-Acquisition Property Size	4,809,661 Square Feet
Permanent Sight Distance Easement	2,888 Square Feet
Permanent Easement Culvert	1,702 Square Feet
Temporary Construction Easement	5,673 Square Feet

On November 13, 2014, an initial offer of $600 was presented to John McCallister and Joseph Reed (Property Owners). On December 16, 2014, the negotiator called to discuss the property acquisition with Mr. McCallister. The negotiator was told that Mr. McCallister would discuss the acquisition with Mr. Reed at a later date. Mr. Reed has countered at $3,000 and the County will agree if the Property Owners can sign before the Board acts. The cooperation of both Property Owners is needed to conduct negotiations. Proposed Resolution R15-158 pertains to this Property.

TAX MAP PARCEL NO. 47-39F OWNED BY JAMES AND PAMELA HILLER	
Existing Property Size	130,756 Square Feet
Post-Acquisition Property Size	126,887 Square Feet
Fee Simple Right-of-Way	3,869 Square Feet
Permanent Slope Easement	4,463 Square Feet
Temporary Construction Easement	3,339 Square Feet

On August 17, 2014, an initial offer of $3,700 was presented to James and Pamela Hiller (Property Owners). On August 22, 2014, the negotiator received a letter stating that James Magner, Esq. would be representing the Property Owners. On November 7, 2014, the County received a letter from Mr. Magner raising issues about the property assessment, timbering and the Property Owners' well. Mr. Magner countered the County's offer at $28,752. On December 29, 2014, the County increased its offer to $5,000 and offered well monitoring and protection during construction activities. The well was surveyed and found to be a safe distance from the construction activities. On March 2, 2015, Mr. Magner counteroffered with $18,000. The negotiations have not led to a settlement. Proposed Resolution R15-159 pertains to this Property.

TAX MAP PARCEL NOS. 47-39K AND 47-39G OWNED BY DANIEL HUGHES	
Existing Property Size of 47-39K	43,957 Square Feet
Post-Acquisition Property Size of 47-39K	42,664 Square Feet
Existing Property Size of 47-39G	41,553 Square Feet
Post-Acquisition Property Size of 47-39G	40,346 Square Feet
Fee Simple Right-of-Way	2,500 Square Feet
Permanent Slope Easement	1,005 Square Feet
Temporary Construction Easement	2,150 Square Feet

On September 15, 2014, an initial offer of $6,311 was presented to Daniel Hughes (Property Owner). On October 1, 2014, the negotiator received a phone call stating that James Magner, Esq. would be representing the Property Owner. On December 15, 2014, the County received a letter from Mr. Magner raising issues about the property assessment, fencing, and the Property Owner's trees. Mr. Magner countered the County offer at $18,363.12. On January 9, 2015, the County increased its offer to $7,350 and offered to replace the fencing. On March 9, 2015, Mr. Magner counteroffered with $15,000. The County has counteroffered with $10,000 and hope that this leads to a settlement. The negotiations have not led to a settlement. Proposed Resolution R15-160 pertains to this acquisition.

TAX MAP PARCEL NO. 47-23 OWNED BY GERTRUDE S. AND GERALD L. YOUNG, TRUSTEES	
Existing Property Size	7,156,472 Square Feet
Post-Acquisition Property Size	7,039,171 Square Feet
Fee Simple Right-of-Way	117,301 Square Feet
Permanent Slope Easement	40,282 Square Feet
Permanent Culvert Easement	1,924 Square Feet
Permanent Pipe Easement	375 Square Feet
Permanent Drainage Easement	1,317 Square Feet
Permanent Dominion Virginia Power Easement	28,870 Square Feet
Temporary Construction Easement	39,171 Square Feet

On November 4, 2014, an initial offer of $29,806 was presented to the Young family through Gertrude S. and Gerald L. Young (Trustees). On January 28, 2015, the negotiator met with the Trustees to discuss the Project and the acquisition. The Trustees asked for the impacts to the property to be staked. On February 18, 2015, the negotiator emailed the Trustees stating that the Property had been staked. In January 2015, the County was notified that Mrs. Gertrude S. Young passed away and a family dispute existed over ownership of the property. On March 2015, Gertrude Young's daughter, Phyllis Young, notified the County that they had contacted an attorney.

On May 1, 2015, the County was made aware of another heir who has separate legal representation. The County sent offer letters to both attorneys. No counteroffer has been received on this Property. The County intends to further reach out to counsel for all parties involved. Due to the delay that has already occurred and the ownership dispute that is unlikely to be timely resolved, staff recommends moving forward with consideration of condemnation. Proposed Resolution R15-196 pertains to this property.

TAX MAP PARCEL NO. 47-56 OWNED BY ALICE SINGH STEWART	
Existing Property Size	1,052,026 Square Feet
Post-Acquisition Property Size	1,039,910 Square Feet
Fee Simple Right-of-Way	12,116 Square Feet
Permanent Slope Easement	298 Square Feet
Permanent Culvert Easement	297 Square Feet
Permanent Verizon Easement	6,928 Square Feet
Temporary Construction Easement	9,602 Square Feet

On September 16, 2014, an initial offer of $9,562 was presented to Alice Singh Stewart (Property Owner). On November 12, 2014, the Property Owner submitted an estimate for relocation of her livestock fence, and also noted that she had an invisible fence and a sign that she wanted relocated as well. On November 14, 2014, the County agreed to relocate the livestock fence, the invisible fence, and the sign at no cost to the Property Owner, using the County's contractor. The Property Owner insisted on using her own contractor, and the County tentatively agreed pending a cost-estimate to be submitted by the Property Owner. On February 23, 2015, the County met with the Property Owner but did not receive a cost estimate. In March 2015, the Property Owner asked for additional fence replacement, but to date has not submitted a complete cost-estimate for the County to incorporate into the purchase agreement. Proposed Resolution R15-197 pertains to this property.

TAX MAP PARCEL NO. 47-25 OWNED BY GREAT OAKS CENTER, INC.	
Existing Property Size	8,450,640 Square Feet
Post-Acquisition Property Size	8,393,140 Square Feet
Fee Simple Right-of-Way	57,716 Square Feet
Permanent Slope Easement	38,495 Square Feet
Permanent Culvert Easement	1,166 Square Feet
Permanent Pipe Easement	634 Square Feet
Permanent Easement Ditch	3,384 Square Feet
Temporary Construction Easement	32,669 Square Feet

On September 22, 2014, an initial offer of $14,600 was presented to Ms. Phelps on behalf of the Great Oaks Center, Inc. (Property Owner). In January, 2015, the Property Owner informed the negotiator that she had an engineer review the plans and they evaluated the Project impacts at an additional $7,400. On February 2, 2015, the County offered an additional $5,400 making the total offer $20,000. In February 2015, Ms. Phelps verbally agreed to the offer but has not returned the settlement documents, despite repeated effort by County staff to obtain them. Proposed Resolution R15-198 pertains to this property.

TAX MAP PARCEL NOS.47G-1-4 AND 47G-1-5 OWNED BY RICHARD AND ROBYN SWAN	
Existing Property Size of 47G-1-4	130,680 Square Feet
Post-Acquisition Property Size of 47G-1-4	130,680 Square Feet
Existing Property Size of 47G-1-5	130,680 Square Feet
Post-Acquisition Property Size of 47G-1-5	130,680 Square Feet
Permanent Slope Easement	6,877 Square Feet
Temporary Construction Easement	2,171 Square Feet

On August 17, 2014, an initial offer of $1,600 was presented to Richard and Robyn Swan (Property Owners). On August 19, 2014, the Property Owners asked for a stake out of their property as they were concerned about their drainfield. The stakeout was completed and staff met with the Property Owners in January, 2015. The drainfield was found to be in the proposed cut slope. The design engineer relocated the easements, and associated construction, away from the drainfield. In addition, the County offered drainfield inspection prior to (and throughout) construction. On March 2, 2015, the County received a letter from James Magner, Esq., stating that he represented the Property Owners. The Property Owners and their attorney stated that the Project would adversely impact the drainfield and their property. However, the Project design has been modified to keep construction activity ten feet away from the drainfield and a protective fence will be installed as a barrier. Drainfield monitoring throughout the Project, at the County's expense, has been offered. The negotiations have not led to a settlement. Proposed Resolution R15-200 pertains to this property.

TAX MAP PARCEL NO. 47G-1-3 OWNED BY MARK AND MARY BANNING	
Existing Property Size of 47G-1-3	130,680 Square Feet
Post-Acquisition Property Size of 47G-1-3	130,680 Square Feet
Permanent Slope Easement	463 Square Feet
Permanent Dominion Virginia Power Easement	203 Square Feet
Temporary Construction Easement	1,746 Square Feet

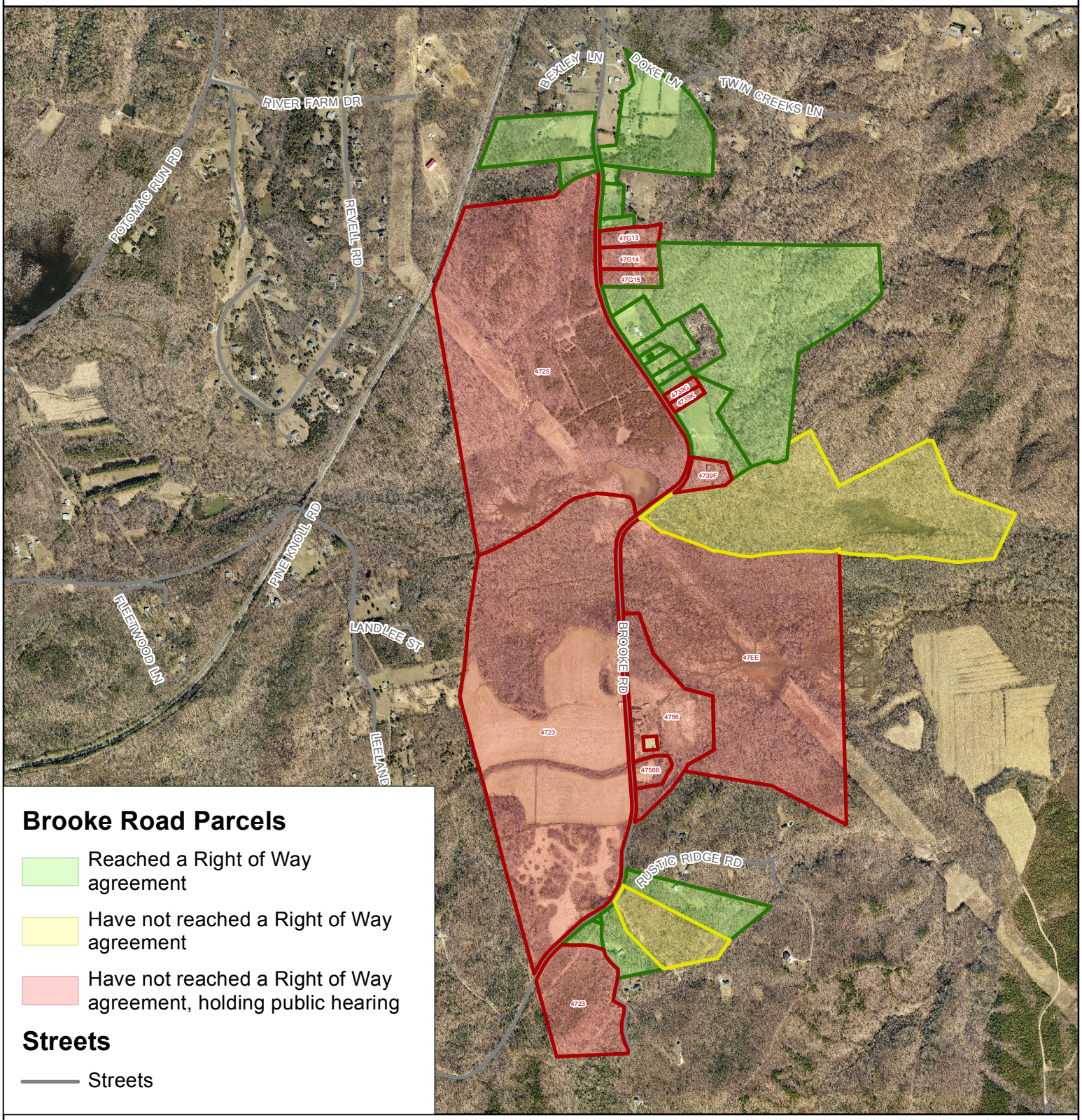
On August 13, 2014, an initial offer of $500 was presented to Mark and Mary Banning (Property Owners). On October 13, 2014, the negotiator met with the Property Owners and discussed the Project and the acquisition process. The Property Owners appeared to be okay with the offer but had concerns about the sight-distance leaving their property, and asked that a mirror be placed across from their driveway to assist with viewing oncoming vehicles. The negotiator explained to them that VDOT would not allow the Project to install a mirror, and that the Project was designed to address sight-distance concerns. On April 7, 2015, the County increased its offer to $1,500 to try and arrive at a settlement. On May 27, 2015 the Banning's countered with $3,000. The County has accepted this offer. The Purchase Agreement hasn't been signed and to date the negotiations have not led to a settlement. Proposed Resolution R15-201 pertains to this property.

Staff recommends approval of proposed Resolutions R15-157, R15-158, R15-159, R15-160, R15-196, R15-197, R15-198, R15-200, and R15-201, which authorizes condemnation and exercise of the County's quick-take powers on the above-referenced properties in connection with the Brooke Road Improvement Project.

Brooke Road Project Parcels
Exhibit 2

Produced by the Stafford County GIS Office

540-658-4033 | www.StaffordCountyGIS.org



Coordinate System: NAD 1983 HARN StatePlane Virginia North FIPS 4501 Feet
Produced: 6/5/2015
MXD Path: \\srv16\gisdata\users\gis\Brad\MiscProjects\Public Works\Brooke Rd Parcels\BrookeRdParcels.mxd

Data layers are compiled from various sources and are not to be construed or used as a "legal description." Data layers are believed to be accurate, but accuracy is not guaranteed.

0 750 1,500 3,000 Feet

N

R15-157

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 16th day of June, 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 FEE SIMPLE RIGHT-OF-WAY, PERMANENT SLOPE EASEMENT, PERMANENT EASEMENT FOR CULVERT, UTILITY EASEMENT TO BE CONVEYED TO VERIZON, AND TEMPORARY CONSTRUCTION EASEMENT ON TAX MAP PARCEL NO. 47-56B, OWNED BY ALEXANDRA ROMERO, IN CONNECTION WITH THE BROOKE ROAD IMPROVEMENT PROJECT, IN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, the Board identified the completion of road improvements on Brooke Road south of Eskimo Hill Road (Project), as a critical part of Stafford 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, Tax Map Parcel No. 47-56B (Property) consists of approximately 2.89 acres of land owned by Alexandra Romero (Property Owner), located within the George Washington Election District; and

WHEREAS, the Board must acquire fee simple right-of-way, and permanent and temporary easements, because the design of the Project requires 1,968 square feet of fee simple right-of-way, 482 square feet of permanent slope easement, 470 square feet of permanent easement for culvert, 3,992 square feet of utility easement to be conveyed to Verizon, and 3,040 square feet of temporary construction easement; and

WHEREAS, fair market value for the required areas of the Property, together with damages, if any, to the remainder of the Property is Two Thousand One Hundred Dollars ($2,100), based upon 2014 assessed values; and

WHEREAS, the Board, through its consulting negotiator, has made a bona fide, but ineffectual effort to purchase the affected areas of the Property by offering said fair market value on behalf of the County to the Property Owner; and

WHEREAS, the terms of purchase cannot be agreed upon, and the County's consulting negotiator was unsuccessful in negotiating a final settlement with the Property Owner, but will continue to work with the Property Owner to attempt to reach an acceptable settlement; and

WHEREAS, the Board conducted a public hearing in accordance with Virginia Code §§ 15.2-1903(B) and 15.2-1905(C) to determine the necessity for condemnation and the use of the County's quick-take powers, and has 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 condemnation and quick-take powers to enter and take the above-referenced 1,968 square feet of fee simple right-of-way, 482 square feet of permanent slope easement, 470 square feet of permanent easement for culvert, 3,992 square feet of utility easement to be conveyed to Verizon, and 3,040 square feet of temporary construction easement, on the Property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of June, 2015 that the Board be and it hereby does find that public necessity exists for the Board's ownership of fee simple right-of-way, permanent slope easement, permanent easement for culvert, utility easement to be conveyed to Verizon, and temporary construction easement on Tax Map Parcel No. 47-56B (Property) to complete the Brooke Road Improvement Project; and

BE IT FURTHER RESOLVED that the Board declares its intent to condemn and exercise the County's quick-take powers to enter upon and immediately acquire 1,968 square feet of fee simple right-of-way, 482 square feet of permanent slope easement, 470 square feet of permanent easement for culvert, 3,992 square feet of utility easement to be conveyed to Verizon, and 3,040 square feet of temporary construction easement, on the Property for the construction and operation of the Brooke Road Improvement Project, under the provisions of Virginia Code §§ 15.2-1903(B) and 15.2-1905(C); 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 the Chief Financial Officer, or their designees, to sign the Certificate and to deposit Two Thousand One Hundred Dollars ($2,100), with the Clerk of the Stafford County Circuit Court, for Alexandra Romero's benefit, before entering and taking possession of the fee simple right-of-way, permanent slope easement, and permanent easement for culvert, utility easement to be conveyed to Verizon and temporary construction easement, 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

R15-158

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 16th day of June, 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 PERMANENT SIGHT DISTANCE EASEMENT, PERMANENT EASEMENT FOR CULVERT, AND TEMPORARY CONSTRUCTION EASEMENT ON TAX MAP PARCEL NO. 47E-E, OWNED BY JOHN MCCALLISTER AND JOSEPH REED, IN CONNECTION WITH THE BROOKE ROAD IMPROVEMENT PROJECT, IN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, the Board identified the completion of road improvements on Brooke Road south of Eskimo Hill Road (Project), as a critical part of Stafford 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, Tax Map Parcel No. 47E-E (Property) consists of approximately 110.53 acres of land owned by Joseph Reed and John McCallister (Property Owners), located within the George Washington Election District; and

WHEREAS, the Board must acquire permanent and temporary easements, because the design of the Project requires 2,888 square feet of permanent sight distance easement, 1,702 square feet of permanent easement for culvert, and 5,673 square feet of temporary construction easement; and

WHEREAS, fair market value for the required areas of the Property, together with damages, if any, to the remainder of the Property is Six Hundred Dollars ($600), based upon 2014 assessed values; and

WHEREAS, the Board, through its consulting negotiator, has made a bona fide, but ineffectual effort to purchase the affected areas of the Property by offering said fair market value on behalf of the County to the Property Owners; and

WHEREAS, the terms of purchase cannot be agreed upon, and the County's consulting negotiator was unsuccessful in negotiating a final settlement with the Property Owners, but will continue to work with the Property Owners to attempt to reach an acceptable settlement; and

WHEREAS, the Board conducted a public hearing in accordance with Virginia Code §§ 15.2-1903(B) and 15.2-1905(C) to determine the necessity for condemnation and use of the County's quick-take powers, and has 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 condemnation and quick-take powers to enter and take the above-referenced 2,888 square feet of permanent sight distance easement, 1,702 square feet of permanent easement for culvert, and 5,673 square feet of temporary construction easement, on the Property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of June, 2015 that the Board be and it hereby does find that public necessity exists for the Board's ownership of permanent sight distance easement, permanent easement for culvert, and temporary construction easement on Tax Map Parcel No. 47E-E (Property) to complete the Brooke Road Improvement Project; and

BE IT FURTHER RESOLVED that the Board declares its intent to condemn and exercise the County's quick-take powers to enter upon and immediately acquire 2,888 square feet of permanent sight distance easement, 1,702 square feet of permanent easement for culvert, and 5,673 square feet of temporary construction easement, on the Property for the construction and operation of the Brooke Road Improvement Project, under the provisions of Virginia Code §§ 15.2-1903(B) and 15.2-1905(C); 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 the Chief Financial Officer, or their designees, to sign the Certificate and to deposit Six Hundred Dollars ($600), with the Clerk of the Stafford County Circuit Court, for Joseph Reed and John McCallister's benefit, before entering and taking possession of the permanent sight distance easement, permanent easement for culvert, and temporary construction easement, 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

R15-159

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 16th day of June, 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 FEE SIMPLE RIGHT-OF-WAY, PERMANENT SLOPE EASEMENT, AND TEMPORARY CONSTRUCTION EASEMENT ON TAX MAP PARCEL NO. 47-39F, OWNED BY JAMES AND PAMELA HILLER, IN CONNECTION WITH THE BROOKE ROAD IMPROVEMENT PROJECT, IN THE AQUIA ELECTION DISTRICT

WHEREAS, the Board identified the completion of road improvements on Brooke Road south of Eskimo Hill Road (Project), as a critical part of Stafford 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, Tax Map Parcel No. 47-39F (Property) consists of approximately 3.00 acres of land owned by James and Pamela Hiller (Property Owners), located within the Aquia Election District; and

WHEREAS, the Board must acquire fee simple right-of-way, and permanent and temporary easements, because the design of the Project requires 3,869 square feet of fee simple right-of-way, 4,463 square feet of permanent slope easement, and 3,339 square feet of temporary construction easement; and

WHEREAS, fair market value for the required areas of the Property, together with damages, if any, to the remainder of the Property is Three Thousand Seven Hundred Dollars ($3,700), based upon 2014 assessed values; and

WHEREAS, the Board, through its consulting negotiator, has made a bona fide, but ineffectual effort to purchase the affected areas of the Property by offering said fair market value on behalf of the County to the Property Owners; and

WHEREAS, the terms of purchase cannot be agreed upon, and the County's consulting negotiator was unsuccessful in negotiating a final settlement with the Property Owners, but will continue to work with the Property Owners to attempt to reach an acceptable settlement; and

WHEREAS, the Board conducted a public hearing in accordance with Virginia Code §§ 15.2-1903(B) and 15.2-1905(C) to determine the necessity for condemnation and the use of the County's quick-take powers, and has 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 condemnation and quick-take powers to enter and take the above-referenced 3,869 square feet of fee simple right-of-way, 4,463 square feet of permanent slope easement, and 3,339 square feet of temporary construction easement, on the Property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of June, 2015 that the Board be and it hereby does find that public necessity exists for the Board's ownership of fee simple right-of-way, permanent slope easement, and temporary construction easement on Tax Map Parcel No. 47-39F (Property) to complete the Brooke Road Improvement Project; and

BE IT FURTHER RESOLVED that the Board declares its intent to condemn and exercise the County's quick-take powers to enter upon and immediately acquire 3,869 square feet of fee simple right-of-way, 4,463 square feet of permanent slope easement, and 3,339 square feet of temporary construction easement, on the Property for the construction and operation of the Brooke Road Improvement Project, under the provisions of Virginia Code §§ 15.2-1903(B) and 15.2-1905(C); 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 the Chief Financial Officer, or their designees, to sign the Certificate and to deposit Three Thousand Seven Hundred Dollars ($3,700), with the Clerk of the Stafford County Circuit Court, for James and Pamela Hiller's benefit, before entering and taking possession of the fee simple right-of-way, permanent slope easement and temporary construction easement, 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

R15-160

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 16th day of June, 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 FEE SIMPLE RIGHT-OF-WAY, PERMANENT SLOPE EASEMENT, AND TEMPORARY CONSTRUCTION EASEMENT ON TAX MAP PARCEL NOS. 47-39K AND 47-39G, OWNED BY DANIEL HUGHES, IN CONNECTION WITH THE BROOKE ROAD IMPROVEMENT PROJECT, IN THE AQUIA ELECTION DISTRICT

WHEREAS, the Board identified the completion of road improvements on Brooke Road south of Eskimo Hill Road (Project), as a critical part of Stafford 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, Tax Map Parcel No. 47-39K (Property 1) consists of approximately 1.01 acres of land owned by Daniel Hughes (Property Owner), located within the Aquia Election District; and

WHEREAS, the Board must acquire fee simple right-of-way, permanent slope easement, and temporary construction easement, because the design of the Project requires 1,293 square feet of permanent right-of-way, 564 square feet of permanent slope easement, and 1,054 square feet of temporary construction easement; and

WHEREAS, Tax Map Parcel No. 47-39G (Property 2) consists of approximately 0.95 acres of land owned by Daniel Hughes (Property Owner), located within the Aquia Election District; and

WHEREAS, the Board must acquire fee simple right-of-way, permanent slope easement, and temporary construction easement, because the design of the Project requires 1,207 square feet of permanent right-of-way, 441 square feet of permanent slope easement, and 1,096 square feet of temporary construction easement; and

WHEREAS, fair market value for the combined required areas of Property 1 and Property 2 (collectively Property), together with damages, if any, to the remainder of the Property is Six Thousand Three Hundred Eleven Dollars ($6,311), based upon 2014 assessed values; and

WHEREAS, the Board, through its consulting negotiator, has made a bona fide, but ineffectual effort to purchase the affected areas of the Property by offering said fair market value on behalf of the County to the Property Owner; and

WHEREAS, the terms of purchase cannot be agreed upon, and the County's consulting negotiator was unsuccessful in negotiating a final settlement with the Property Owner, but will continue to work with the Property Owner to attempt to reach an acceptable settlement; and

WHEREAS, the Board conducted a public hearing in accordance with Virginia Code §§ 15.2-1903(B) and 15.2-1905(C) to determine the necessity for condemnation and the use of the County's quick-take powers, and has 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 condemnation and quick-take powers to enter and take the above-referenced 2,500 square feet of fee simple right-of-way, 1,005 square feet of permanent slope easement, and 2,150 square feet of temporary construction easement, on the Property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of June, 2015 that the Board be and it hereby does find that public necessity exists for the Board's ownership of fee simple right-of-way, permanent slope easement, and temporary construction easement on Tax Map Parcel Nos. 47-39K and 47-39G (Property) to complete the Brooke Road Improvement Project; and

BE IT FURTHER RESOLVED that the Board declares its intent to condemn and exercise the County's quick-take powers to enter upon and immediately acquire 2,500 square feet of fee simple right-of-way, 1,005 square feet of permanent slope easement, and 2,105 square feet of temporary construction easement, on the Property for the construction and operation of the Brooke Road Improvement Project, under the provisions of Virginia Code §§ 15.2-1903(B) and 15.2-1905(C); 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 the Chief Financial Officer, or their designees, to sign the Certificate and to deposit Six Thousand Three Hundred Eleven Dollars ($6,311), with the Clerk of the Stafford County Circuit Court, for Daniel Hughes' benefit, before entering and taking possession of the fee simple right-of-way, permanent slope easement, and temporary construction easement, 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

R15-196

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 16th day of June, 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 FEE SIMPLE RIGHT-OF-WAY, PERMANENT SLOPE EASEMENT, PERMANENT EASEMENT FOR CULVERT, PERMANENT EASEMENT FOR PIPES, PERMANENT DRAINAGE EASEMENT, UTILITY EASEMENT TO BE CONVEYED TO DOMINION VIRGINIA POWER, AND TEMPORARY CONSTRUCTION EASEMENT ON TAX MAP PARCEL NO. 47-23, OWNED BY GERTRUDE S. AND GERALD L. YOUNG, TRUSTEES, IN CONNECTION WITH THE BROOKE ROAD IMPROVEMENT PROJECT, IN THE FALMOUTH ELECTION DISTRICT

WHEREAS, the Board identified the completion of road improvements on Brooke Road south of Eskimo Hill Road (Project), as a critical part of Stafford 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, Tax Map Parcel No. 47-23 (Property) consists of approximately 164.29 acres of land owned by Gertrude S. and Gerald L. Young, Trustees (Property Owners), located within the Falmouth Election District; and

WHEREAS, there is currently an unsettled ownership dispute with regards to the Property, after the death of one of the former owners; and

WHEREAS the County has contacted the attorneys for the potential heirs, but ownership has not been resolved; and

WHEREAS, the Board must acquire fee simple right-of-way, and permanent and temporary easements, because the design of the Project requires 117,301 square feet of fee simple right-of-way, 40,282 square feet of permanent slope easement, 1,924 square feet of permanent easement for culvert, 375 square feet of permanent easement for pipes, 1,317 square feet of permanent drainage easement, 28,870 square feet of utility easement to be conveyed to Dominion Virginia Power, and 39,171 square feet of temporary construction easement; and

WHEREAS, fair market value for the required areas of the Property, together with damages, if any, to the remainder of the Property is Twenty-nine Thousand Eight Hundred Six Dollars ($29,806), based upon 2014 appraised values; and

WHEREAS, the Board, through its consulting negotiator, has made a bona fide, but ineffectual effort to purchase the affected areas of the Property by offering said fair market value on behalf of the County to the Property Owners; and

WHEREAS, the terms of purchase cannot be agreed upon, and the County's consulting negotiator was unsuccessful in negotiating a final settlement with the Property Owners, but will continue to work with the Property Owners to attempt to reach an acceptable settlement; and

WHEREAS, the Board conducted a public hearing in accordance with Virginia Code §§ 15.2-1903(B) and 15.2-1905(C) to determine the necessity for condemnation and the use of the County's quick-take powers, and has 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 condemnation and quick-take powers to enter and take the above-referenced 117,301 square feet of fee simple right-of-way, 40,282 square feet of permanent slope easement, 1,924 square feet of permanent easement for culvert, 375 square feet of permanent easement for pipes, 1,317 square feet of permanent drainage easement, 28,870 square feet of utility easement to be conveyed to Dominion Virginia Power, and 39,171 square feet of temporary construction easement, on the Property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of June, 2015 that the Board be and it hereby does find that public necessity exists for the Board's ownership of fee simple right-of-way, permanent slope easement, permanent easement for culvert, permanent easement for pipes, permanent drainage easement, easement to be conveyed to Dominion Virginia Power, and temporary construction easement on Tax Map Parcel No. 47-23 (Property) to complete the Brooke Road Improvement Project; and

BE IT FURTHER RESOLVED that the Board declares its intent to condemn and exercise the County's quick-take powers to enter upon and immediately acquire 117,301 square feet of fee simple right-of-way, 40,282 square feet of permanent slope easement, 1,924 square feet of permanent easement for culvert, 375 square feet of permanent easement for pipes, 1,317 square feet of permanent drainage easement, 28,870 square feet of utility easement to be conveyed to Dominion Virginia Power, and 39,171 square feet of temporary construction easement, on the Property for the construction and operation of the Brooke Road Improvement Project, under the provisions of Virginia Code §§ 15.2-1903(B) and 15.2-1905(C); 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 the Chief Financial Officer, or their designees, to sign the Certificate and to deposit Twenty-nine Thousand Eight Hundred Six Dollars ($29,806), with the Clerk of the Stafford County Circuit Court, for the Property Owners' benefit, before entering and taking possession of the fee simple right-of-way, permanent slope easement, permanent easement for culvert, permanent easement for pipes, permanent drainage easement, utility easement to be conveyed to Dominion Virginia Power, and temporary construction easement, 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

R15-197

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 16th day of June, 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 FEE SIMPLE RIGHT-OF-WAY, PERMANENT SLOPE EASEMENT, PERMANENT EASEMENT FOR CULVERT, UTILITY EASEMENT TO BE CONVEYED TO VERIZON, AND TEMPORARY CONSTRUCTION EASEMENT ON TAX MAP PARCEL NO. 47-56, OWNED BY ALICE SINGH STEWART, IN CONNECTION WITH THE BROOKE ROAD IMPROVEMENT PROJECT, IN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, the Board identified the completion of road improvements on Brooke Road south of Eskimo Hill Road (Project), as a critical part of Stafford 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, Tax Map Parcel No. 47-56 (Property) consists of approximately 24.15 acres of land owned by Alice Singh Stewart (Property Owner), located within the George Washington Election District; and

WHEREAS, the Board must acquire fee simple right-of-way, and permanent and temporary easements, because the design of the Project requires 12,116 square feet of fee simple right-of-way, 298 square feet of permanent slope easement, 297 square feet of permanent easement for culvert, 6,928 square feet of utility easement to be conveyed to Verizon, and 9,602 square feet of temporary construction easement; and

WHEREAS, fair market value for the required areas of the Property, together with damages, if any, to the remainder of the Property is Nine Thousand Five Hundred Sixty-two Dollars ($9,562), based upon 2014 assessed values; and

WHEREAS, the Board, through its consulting negotiator, has made a bona fide, but ineffectual effort to purchase the affected areas of the Property by offering said fair market value on behalf of the County to the Property Owner; and

WHEREAS, the terms of purchase cannot be agreed upon, and the County's consulting negotiator was unsuccessful in negotiating a final settlement with the Property Owner, but will continue to work with the Property Owner to attempt to reach an acceptable settlement; and

WHEREAS, the Board conducted a public hearing in accordance with Virginia Code §§ 15.2-1903(B) and 15.2-1905(C) 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 condemnation and quick-take powers to enter and take the above-referenced 12,116 square feet of fee simple right-of-way, 298 square feet of permanent slope easement, 297 square feet of permanent easement for culvert, 6,928 square feet of utility easement to be conveyed to Verizon, and 9,602 square feet of temporary construction easement, on the Property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of June, 2015 that the Board be and it hereby does find that public necessity exists for the Board's ownership of fee simple right-of-way, permanent slope easement, permanent easement for culvert, utility easement to be conveyed to Verizon, and temporary construction easement on Tax Map Parcel No. 47-56 (Property) to complete the Brooke Road Improvement Project; and

BE IT FURTHER RESOLVED that the Board declares its intent to condemn and exercise the County's quick-take powers to enter upon and immediately acquire 12,116 square feet of fee simple right-of-way, 298 square feet permanent slope easement, 297 square feet of permanent easement for culvert, 6,928 square feet of utility easement to be conveyed to Verizon, and 9,602 square feet of temporary construction easement, on the Property for the construction and operation of the Brooke Road Improvement Project, under the provisions of Virginia Code §§ 15.2-1903(B) and 15.2-1905(C); 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 the Chief Financial Officer, or their designees, to sign the Certificate and to deposit Nine Thousand Five Hundred Sixty-two Dollars ($9,562), with the Clerk of the Stafford County Circuit Court, for Alice Singh Stewart's benefit, before entering and taking possession of the fee simple right-of-way, permanent slope easement, and permanent easement for culvert, utility easement to be conveyed to Verizon, and temporary construction easement, 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

R15-198

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 16th day of June, 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 FEE SIMPLE RIGHT-OF-WAY, PERMANENT SLOPE EASEMENT, PERMANENT EASEMENT FOR CULVERT, PERMANENT EASEMENT FOR PIPES, PERMANENT EASEMENT FOR DITCH, AND TEMPORARY CONSTRUCTION EASEMENT ON TAX MAP PARCEL NO. 47-25, OWNED BY GREAT OAKS CENTER, INC., IN CONNECTION WITH THE BROOKE ROAD IMPROVEMENT PROJECT, IN THE AQUIA ELECTION DISTRICT

WHEREAS, the Board identified the completion of road improvements on Brooke Road south of Eskimo Hill Road (Project), as a critical part of Stafford 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, Tax Map Parcel No. 47-25 (Property) consists of approximately 194.00 acres of land owned by Great Oaks Center, Inc. (Property Owner), located within the Aquia Election District; and

WHEREAS, the Board must acquire fee simple right-of-way, and permanent and temporary easements, because the design of the Project requires 57,116 square feet of fee simple right-of-way, 38,495 square feet of permanent slope easement, 1,166 square feet of permanent easement for culvert, 634 square feet of permanent easement for pipes, 32,669 square feet of permanent easement for ditch, and 32,669 square feet of temporary construction easement; and

WHEREAS, fair market value for the required areas of the Property, together with damages, if any, to the remainder of the Property is Fourteen Thousand Six Hundred Dollars ($14,600), based upon 2014 assessed values; and

WHEREAS, the Board, through its consulting negotiator, has made a bona fide, but ineffectual effort to purchase the affected areas of the Property by offering said fair market value on behalf of the County to the Property Owner; and

WHEREAS, the terms of purchase cannot be agreed upon, and the County's consulting negotiator was unsuccessful in negotiating a final settlement with the Property Owner, but will continue to work with the Property Owner to attempt to reach an acceptable settlement; and

WHEREAS, the Board conducted a public hearing in accordance with Virginia Code §§ 15.2-1903(B) and 15.2-1905(C) to determine the necessity for condemnation and the use of the County's quick-take powers, and has 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 condemnation and quick-take powers to enter and take the above-referenced 57,716 square feet of fee simple right-of-way, 38,495 square feet of permanent slope easement, 1,166 square feet of permanent easement for culvert, 634 square feet of permanent easement for pipes, 3,384 square feet of permanent easement for ditch, and 32,669 square feet of temporary construction easement, on the Property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of June, 2015 that the Board be and it hereby does find that public necessity exists for the Board's ownership of fee simple right-of-way, permanent slope easement, permanent easement for culvert, permanent easement for pipes, permanent easement for ditch, and temporary construction easement on Tax Map Parcel No. 47-25 (Property) to complete the Brooke Road Improvement Project; and

BE IT FURTHER RESOLVED that the Board declares its intent to condemn and exercise the County's quick-take powers to enter upon and immediately acquire 57716 square feet of fee simple right-of-way, 38,495 square feet of permanent slope easement, 1,166 square feet of permanent easement for culvert, 634 square feet of permanent easement for pipes, 3,384 square feet of permanent easement for ditch, and 32,669 square feet of temporary construction easement, on the Property for the construction and operation of the Brooke Road Improvement Project, under the provisions of Virginia Code §§ 15.2-1903(B) and 15.2-1905(C); 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 the Chief Financial Officer, or their designees, to sign the Certificate and to deposit Fourteen Thousand Six Hundred Dollars ($14,600), with the Clerk of the Stafford County Circuit Court, for Great Oak Center, Inc.'s benefit, before entering and taking possession of the fee simple right-of-way, permanent slope easement, permanent easement for culvert, permanent easement for pipes, permanent easement for ditch, and temporary construction easement, 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

R15-200

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 16th day of June, 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 PERMANENT SLOPE EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT ON TAX MAP PARCEL NOS. 47G-1-4 AND 47G-1-5, OWNED BY RICHARD AND ROBYN SWAN, IN CONNECTION WITH THE BROOKE ROAD IMPROVEMENT PROJECT, IN THE AQUIA ELECTION DISTRICT

WHEREAS, the Board identified the completion of road improvements on Brooke Road south of Eskimo Hill Road (Project), as a critical part of Stafford 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, Tax Map Parcel No. 47G-1-4 (Property 1) consists of approximately 3.00 acres of land owned by Richard and Robyn Swan (Property Owners), located within the Aquia Election District; and

WHEREAS, the Board must acquire permanent and temporary easements, because the design of the Project requires 2,989 square feet of permanent slope easement, and 1,086 square feet of temporary construction easement; and

WHEREAS, Tax Map Parcel No. 47G-1-5 (Property 2) consists of approximately 3.00 acres of land owned by Richard and Robyn Swan (Property Owners), located within the Aquia Election District; and

WHEREAS, the Board must acquire permanent and temporary easements, because the design of the Project requires 3,888 square feet of permanent slope easement, and 1,085 square feet of temporary construction easement; and

WHEREAS, fair market value for the combined required areas of Property 1 and Property 2 (collectively Property), together with damages, if any, to the remainder of the Property is One Thousand Six Hundred Dollars ($1,600), based upon 2014 assessed values; and

WHEREAS, the Board, through its consulting negotiator, has made a bona fide, but ineffectual effort to purchase the affected areas of the Property by offering said fair market value on behalf of the County to the Property Owners; and

WHEREAS, the terms of purchase cannot be agreed upon, and the County's consulting negotiator was unsuccessful in negotiating a final settlement with the Property Owners, but will continue to work with the Property Owners to attempt to reach an acceptable settlement; and

WHEREAS, the Board conducted a public hearing in accordance with Virginia Code §§ 15.2-1903(B) and 15.2-1905(C) to determine the necessity for condemnation and the use of the County's quick-take powers, and has 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 condemnation and quick-take powers to enter and take the above-referenced 6,877 square feet of permanent slope easement and 2,171 square feet of temporary construction easement, on the Property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of June, 2015 that the Board be and it hereby does find that public necessity exists for the Board's ownership of permanent slope easement, and temporary construction easement on Tax Map Parcel Nos. 47G-1-4 and 47G-1-5 to complete the Brooke Road Improvement Project; and

BE IT FURTHER RESOLVED that the Board declares its intent to condemn and exercise the County's quick-take powers to enter upon and immediately acquire 6,877 square feet of permanent slope easement and 2,171 square feet of temporary construction easement, on the Property, for the construction and operation of the Brooke Road Improvement Project, under the provisions of Virginia Code §§ 15.2-1903(B) and 15.2-1905(C); 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 the Chief Financial Officer, or their designees, to sign the Certificate and to deposit One Thousand Six Hundred Dollars ($1,600), with the Clerk of the Stafford County Circuit Court, for Richard and Robyn Swan's benefit, before entering and taking possession of the fee permanent slope easement, and temporary construction easement, 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

R15-201

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 16th day of June, 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 PERMANENT SLOPE EASEMENT, PERMANENT UTILITY EASEMENT TO BE CONVEYED TO DOMINION VIRGINIA POWER, AND TEMPORARY CONSTRUCTION EASEMENT ON TAX MAP PARCEL NO. 47G-1-3, OWNED BY MARK AND MARY BANNING, IN CONNECTION WITH THE BROOKE ROAD IMPROVEMENT PROJECT, IN THE AQUIA ELECTION DISTRICT

WHEREAS, the Board identified the completion of road improvements on Brooke Road south of Eskimo Hill Road (Project), as a critical part of Stafford 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, Tax Map Parcel No. 47G-1-3 (Property) consists of approximately 3.00 acres of land owned by Mark and Mary Banning (Property Owners), located within the Aquia Election District; and

WHEREAS, the Board must acquire permanent and temporary easements, because the design of the Project requires 463 square feet of permanent slope easement, 203 square feet of permanent utility easement to be conveyed to Dominion Virginia Power, and 1,746 square feet of temporary construction easement; and

WHEREAS, fair market value for the required areas of the Property, together with damages, if any, to the remainder of the Property is Five Hundred Dollars ($500), based upon 2014 assessed values; and

WHEREAS, the Board, through its consulting negotiator, has made a bona fide, but ineffectual effort to purchase the affected areas of the Property by offering said fair market value on behalf of the County to the Property Owners; and

WHEREAS, the terms of purchase cannot be agreed upon, and the County's consulting negotiator was unsuccessful in negotiating a final settlement with the Property Owners, but will continue to work with the Property Owners to attempt to reach an acceptable settlement; and

WHEREAS, the Board conducted a public hearing in accordance with Virginia Code §§ 15.2-1903(B) and 15.2-1905(C) to determine the necessity for condemnation and the use of the County's quick-take powers, and has 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 condemnation and quick-take powers to enter and take the above 463 square feet of permanent slope easement, 203 square feet of permanent utility easement to be conveyed to Dominion Virginia Power, and 1,746 square feet of temporary construction easement, on the Property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of June, 2015 that the Board be and it hereby does find that public necessity exists for the Board's ownership of permanent slope easement, permanent utility easement to be conveyed to Dominion Virginia Power, and temporary construction easement on Tax Map Parcel No. 47G-1-3 (Property) to complete the Brooke Road Improvement Project; and

BE IT FURTHER RESOLVED that the Board declares its intent to condemn and exercise the County's quick-take powers to enter upon and immediately acquire 463 square feet of permanent slope easement, 203 square feet of permanent utility easement to be conveyed to Dominion Virginia Power, and 1,746 square feet of temporary construction easement, on the Property for the construction and operation of the Brooke Road Improvement Project, under the provisions of Virginia Code §§ 15.2-1903(B) and 15.2-1905(C); 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 the Chief Financial Officer, or their designees, to sign the Certificate and to deposit Five Hundred Dollars ($500), with the Clerk of the Stafford County Circuit Court, for Mark and Mary Banning's benefit, before entering and taking possession of the fee permanent slope easement, permanent utility easement to be conveyed to Dominion Virginia Power, and temporary construction easement, 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