

8-B

MOTION:

**June 23, 2015
Regular Meeting
Res. No. 15-**

SECOND:

**RE: AUTHORIZE CONDEMNATION AND EXERCISE QUICK-TAKE
 POWERS TO ACQUIRE TEMPORARY AND PERMANENT
 EASEMENTS ON 2908 MOUNTAIN ROAD, OWNED BY JAMES
 EDMUND GEORGE, IN CONJUNCTION WITH THE LOGMILL ROAD
 (MEANDER CREEK LANE TO PARNELL COURT) IMPROVEMENT
 PROJECT – GAINESVILLE MAGISTERIAL DISTRICT**

ACTION:

WHEREAS, the Logmill Road Improvement Project is a safety improvement project beginning at approximately 1,232 feet west of Parnell Court and ending at approximately 86 feet east of Meander Creek Lane. The purpose of the project is to bring this segment of Logmill Road into compliance with Virginia Department of Transportation and American Association of State Highway and Transportation Officials safety standards by increasing the existing sight distances through improvement of the current vertical geometry of the roadway; and

WHEREAS, the Logmill Road Improvement Project was authorized on May 17, 2011 via Resolution Number 11-421 by the Prince William Board of County Supervisors; and

WHEREAS, based on an independent appraisal of the required property interests, County staff offered \$43,579 to acquire the necessary temporary and permanent easements on 2908 Mountain Road; and

WHEREAS, County staff have been unsuccessful in negotiating a final settlement to acquire the necessary temporary and permanent easements of interest; and

WHEREAS, a public hearing has been duly advertised for this purpose and was conducted on June 23, 2015, pursuant to Section 15.2-1905(C) VA Code Ann., and all interested citizens were heard; and

WHEREAS, \$117,409 is currently available in the Logmill Road Improvement Project OCA #415861, OL3 – 5826 - Right-of-Way budget which is sufficient to cover the fair market value offered to the property owner in the amount of \$43,579;

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BE IT FURTHER RESOLVED that the Prince William Board of County Supervisors does hereby authorize the Prince William County Attorney, after payment into the Prince William County Circuit Court of the appraised value of the said property; and upon filing of the Certificate of Taking, to proceed with the condemnation of the aforesaid property interests for the Logmill Road Improvement Project by quick-take condemnation or otherwise as provided by law;

BE IT FURTHER RESOLVED that the Prince William Board of County Supervisors does hereby authorize the County Executive and the Director of Finance, or their designees, to sign the Certificate of Taking necessary for filing in Court and to disburse the appraised value in the amount of \$43,579 for the property and easements on 2908 Mountain Road, owned by James Edmund George and upon filing of the Certificate of Taking, deposit said amounts at the Court in connection with the quick-take condemnation process on behalf of the Prince William Board of County Supervisors in accordance with the law;

BE IT FURTHER RESOLVED that the Prince William Board of County Supervisors does hereby authorize the Chairman of the Board and the Clerk to the Board to execute such documents necessary to affect the intent of the Resolution and approved as to form by the County Attorney.

ATTACHMENT: Plat Showing Various Easements on the Property of James Edmund George, Gainesville Magisterial District, dated October 18, 2013, prepared by Dewberry Consultants, LLC

Votes:

Ayes:

Nays:

Absent from Vote:

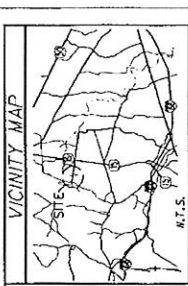
Absent from Meeting:

For Information:

County Attorney

Transportation Director

ATTEST: _____
Clerk to the Board



VICINITY MAP
N.T.S.

OWNER'S CONSENT AND DEDICATION

THE PLATING AND DEDICATION OF THE FOLLOWING DESCRIBED LAND-PLAT SHOWING VARIOUS EASEMENTS ON A PORTION OWNED BY JAMES EDWARD GEORGE, AND IS WITH THE DESIRE OF THE UNDERSIGNED OWNER, PROPRIETORS AND TRUSTEES, IF ANY, THE UNDERSIGNED HEREBY EXPRESSLY CONSENTS TO THE DEDICATION BY FEE SIMPLE ABSOLUTE OF ALL AREAS SHOWN ON THIS PLAT FOR OTHER PUBLIC USES AS MAY BE IDENTIFIED BY SPECIFIC USE OF NAME OR BY GENERAL DESIGNATION FOR PUBLIC USE, AND FURTHER CONSENTS TO THE DEDICATION TO THE SAID OBJECT OF ANY PERMANENT, UTILITY AND TEMPORARY EASEMENTS INDICATED HEREON.

JAMES EDWARD GEORGE

SIGNATURE _____ DATE: _____
 NAME _____ TITLE _____
 (PLEASE PRINT NAME AND TITLE UNDER SIGNATURE)

NOTES:

1. THE GEOGRAPHICAL PARCEL IDENTIFICATION NUMBERS (G.P.I.N.) FOR THE PROPERTY SHOWN HEREON IS 7209-20-8986 AND IS ZONED R4.
2. NO TITLE REPORT FURNISHED. ALL UNDERLYING EASEMENTS MAY NOT BE INDICATED ON THIS PLAT.
3. TEMPORARY CONSTRUCTION EASEMENT TO BE WELLD AND VOID AT SUCH TIME AS CONSTRUCTION HAS BEEN COMPLETED AND ACCEPTED BY PRINCE WILLIAM COUNTY AND THE VIRGINIA DEPARTMENT OF TRANSPORTATION.
4. NO PRIVATE SIGNS, BUILDINGS, FENCES OR SIMILAR STRUCTURES WILL BE CONSTRUCTED WITHIN A STORM DRAINAGE EASEMENTS UNLESS AN ENCROACHMENT AGREEMENT HAS BEEN EXECUTED BETWEEN THE OWNER AND VOID.
5. VOID SHALL MAINTAIN STORM DRAINAGE SYSTEMS WITHIN DESIGNATED STORM DRAINAGE EASEMENTS TO ENSURE THAT THEY FUNCTION PROPERLY. THE COUNTY SHALL NOT BE RESPONSIBLE FOR PAVING OR RESURFACING PAVED AREAS OR MAINTAINING LANDSCAPING WITHIN EASEMENTS. THE FEE TITLE OWNER SHALL BE RESPONSIBLE FOR GRASS MOWING WITH REASONABLE FREQUENCY, IF APPLICABLE, AND FOR THE REMOVAL OF DEBRIS AND OTHER MATTER THAT HAS IMPEDED OR THREATENS TO IMPEDE THE FREE FLOW OF STORM WATER.
6. THE FEE TITLE OWNER SHALL NOTIFY VOID OF ANY DEFECTS WITH THE STRUCTURES AND PIPES, MANHOLES OR OTHER UTILITIES WHICH IS BEYOND THE LIABILITY OF THE OWNER TO REPAIR, AND OF ANY EXCESSIVE FLOODING, SELEMENTATION OR SOIL EROSION WITHIN THE AREA OF EASEMENT.
7. NO USE SHALL BE MADE OF NOR SHALL ANY IMPROVEMENTS BE MADE IN THE FLOOD HAZARD AREA, WITHOUT SPECIFIC AUTHORIZATION FROM THE DEPARTMENT OF PUBLIC WORKS.

NOTARY'S CERTIFICATE

CITY/COUNTY OF _____
 COMMONWEALTH OF VIRGINIA

I, THE UNDERSIGNED NOTARY PUBLIC DO HEREBY CERTIFY THAT
 WHOSE NAME IS SIGNED TO THE FOREGOING OWNER'S CONSENT APPEARED
 AND ACKNOWLEDGED THE SAME BEFORE ME THIS _____ DAY OF _____, 20____.

BY COMMISSION EXPIRES: _____
 NOTARY PUBLIC _____
 REGISTRATION # _____
 PLEASE INCLUDE NOTARY STAMP.

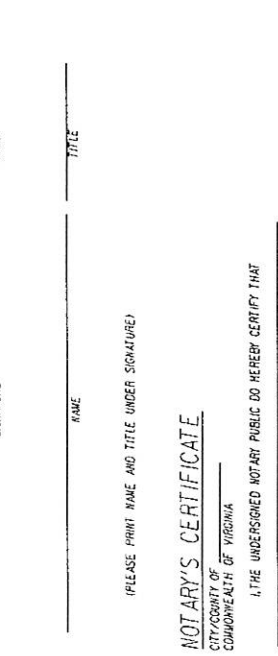
AREA TABULATION FOR EASEMENTS

G.P.I.N. 7209-20-8986	1812 sq./ft. / 0.1798 ACRES
TEMPORARY CONSTRUCTION EASEMENT (TOTAL)	595 sq./ft. / 0.340 ACRES
PERMANENT DRAINAGE EASEMENT (TOTAL)	1020 sq./ft. / 0.2344 ACRES
PERMANENT VOID UTILITY EASEMENT FOR POWER & COMMUNICATION (TOTAL)	141 sq./ft. / 0.0262 ACRES

SURVEYOR'S CERTIFICATE

I, RICHARD J. CONLIN, A ONLY LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT THE PROPERTY SHOWN HEREON IS IN THE NAME OF JAMES EDWARD GEORGE AS RECORDED IN WILL BOOK TO PAGE 859 ALL RECORDED AMONG THE LAND RECORDS OF PRINCE WILLIAM COUNTY, VIRGINIA.

I FURTHER CERTIFY THAT THE LAND SHOWN HEREON LIES ENTIRELY WITHIN THE BOUNDS OF THE ORIGINAL TRACT THAT THIS PLAT REPRESENTS AN ACCURATE SURVEY OF THE SAME AND SHOULD BY SERVICES BE RETURNED FOR THE PURPOSES OF SETTING HIGH PIPES, SHAW PIPES WILL BE SET IN ACCORDANCE WITH THE PRINCE WILLIAM COUNTY DESIGN AND CONSTRUCTION STANDARDS MANUAL, SECTION 72000 AND THE SUBDIVISION ORDINANCE.



Richard J Conlin IV
 2014.09.16.06:13:06 -04'00'
 Dewberry Consultants LLC
 Charlottesville, Virginia
 LAND SURVEYOR

FOR SHOWING
 VARIOUS EASEMENTS
 ON THE PROPERTY OF
JAMES EDWARD GEORGE

CHARLOTTESVILLE, VIRGINIA, OFFICE
 13575 HEATHCOTE BOULEVARD, SUITE 130
 CHARLOTTESVILLE, VIRGINIA, 20155
 PHONE: 703-468-2711
 FAX: 703-468-2712



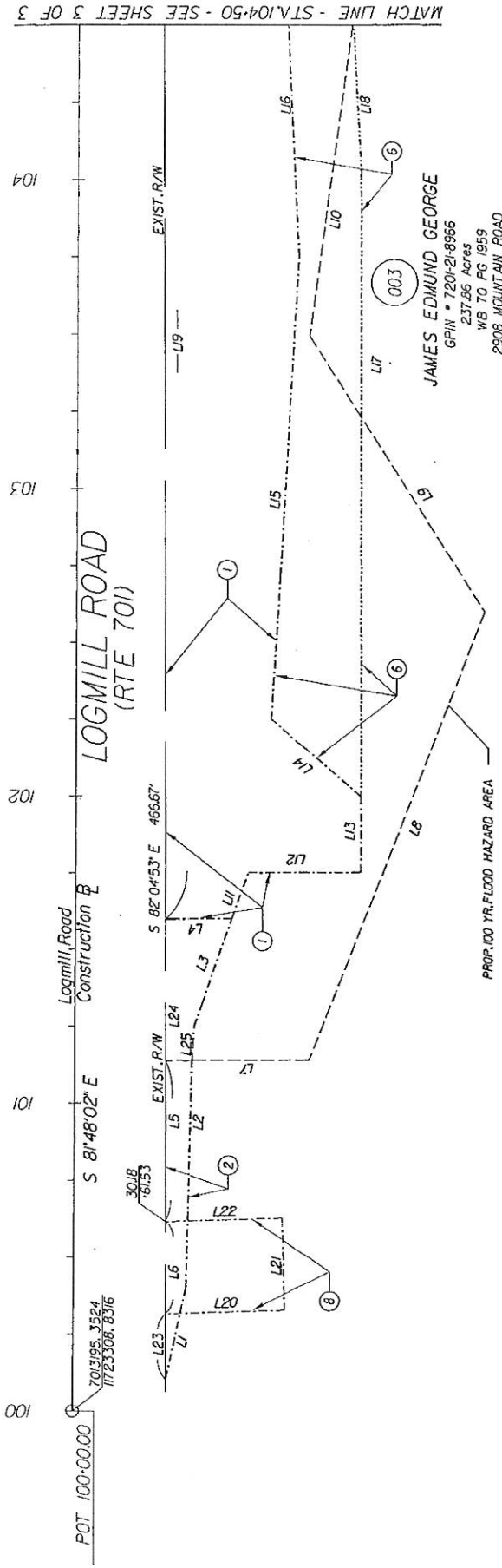
SCALE: 1" = 25' DATE: 06/06/2014

NOTES:

1. Richard J Cronin IV Certify That This Plat Meets The Minimum Plat Standards Of The VA DPOR APELSCIDLA Regulations.
2. This Compiled Plat Was Prepared To Show The Proposed Easement Acquisition Parcels And Does Not Constitute A Boundary Survey Of The Property Herein.
3. All Of The Property's Physical Improvements Are Not Shown Herein.
4. This Compiled Plat Was Performed Without The Benefit Of A Title Report And May Not Show All Easements Which May Affect The Property Shown Herein.
5. The Datum On This Compiled Plat Is Based On VDOT Project INFO:0701-076-565 UPC: *89403, Plan Sheet *3 & *4, Parcel *003, Virginia State Grid North NAD83
6. Bearings And Distances In Parentheses Are Deed Calls.
7. Existing Right Of Way Monumentation Is Based On The Construction Baseline.

VDOT Project (INFO) 0701-076-565

LINE TABLE										
LINE	BEARING	LENGTH	LINE	BEARING	LENGTH	LINE	BEARING	LENGTH	LINE	
L1	S 89°43'58"E	30.68'	L9	N 65°39'23"E	106.06'	L17	S 81°50'33"E	201.87'	L25	N 78°20'49"W
L2	S 80°33'23"E	73.96'	L10	S 74°2'40"E	209.24'	L18	S 84°53'0"E	123.42'		
L3	S 62°52'23"E	37.18'	L11	S 62°10'47"E	15.92'	L19	N 82°4'53"W	312.87'		
L4	N 7°55'7"E	21.47'	L12	S 81°5'W	36.05'	L20	N 6°28'1"E	38.42'		
L5	N 82°4'53"W	52.36'	L13	S 81°48'2"E	24.78'	L21	N 83°31'59"W	30.00'		
L6	N 82°4'53"W	30.01'	L14	N 49°15'44"E	38.24'	L22	N 6°28'1"E	37.66'		
L7	S 7°55'7"W	46.16'	L15	S 78°24'31"E	150.26'	L23	N 82°4'53"W	215.3'		
L8	S 60°33'17"E	156.41'	L16	S 84°38'54"E	150.19'	L24	N 82°4'53"W	45.99'		



PLAT SHOWS
VARIOUS EASEMENTS
ON THE PROPERTY

JAMES EDMUND GEORGE
GAINESVILLE MASTER PLANNING DISTRICT
PRINCE WILLIAM COUNTY, VIRGINIA
SCALE: 1" = 25' DATE: OCTOBER 18, 2015

Dewberry
Dewberry Consultants LLC
13515 HEARNOTE BOULEVARD, SUITE 130
GAINESVILLE, VIRGINIA 70125
PHONE: 703-688-2211
FAX: 703-688-7171

COMMONWEALTH OF VIRGINIA
Richard J. Cronin IV
L.C. No. 001792
LAND SURVEYOR

Richard J Cronin IV
2014.09.16 06:13:32 -04'00'
Dewberry Consultants LLC
Gainesville, Virginia
LAND SURVEYOR

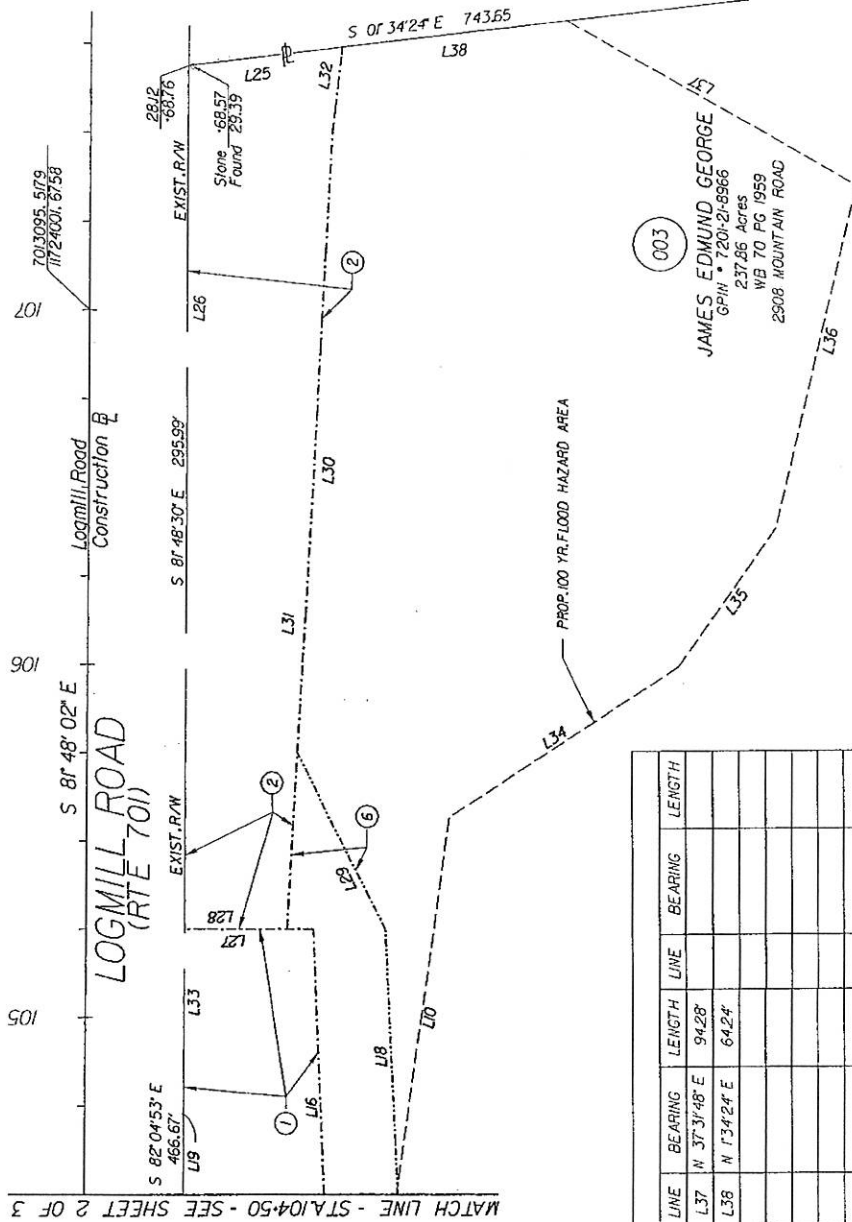


- EASEMENT LEGEND
- 1 - Proposed Permanent Drainage Easement
 - 2 - Proposed Permanent Drainage and Slope Easement
 - 3 - Proposed Permanent Slope Easement
 - 4 - Proposed Permanent Perpetual Street Easement
 - 5 - Proposed Permanent Public Access Easement
 - 6 - Proposed Temporary Construction Easement
 - 7 - Proposed Temporary Construction Easement for Entrances
 - 8 - Proposed Permanent VDOT Utility Easement for Communication and Power

NOTES:

1. Richard J. Cronin IV, Certify That This Plat Meets The Minimum Plat Standards Of The VA DPOR APELSCDCLA Regulations.
2. This Compiled Plat Was Prepared To Show The Proposed Easement Acquisition Parcels And Does Not Constitute A Boundary Survey Of The Property Hereon.
3. All Of The Property's Physical Improvements Are Not Shown Hereon.
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5. The Datum On This Compiled Plat Is Based On VDOT Project (INFO) 07-01-076-565 UIC *99403, Plan Sheet *3 & *4, Parcel *003, Virginia State Grid North NAD83.
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7. Existing Right Of Way Monumentation Is Based On The Construction Baseline.

VDOT Project (INFO) 07-01-076-565



LINE TABLE

LINE	BEARING	LENGTH	LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L10	S 74°2'40\" E	209.24'	L29	N 71°13'35\" E	56.00'	L37	N 37°31'48\" E	94.28'
L16	S 84°38'54\" E	150.05'	L30	N 78°42'19\" W	175.26'	L38	N 134°24\" E	64.24'
L18	S 84°53'07\" E	123.42'	L31	N 78°42'19\" W	225.33'			
L19	N 82°4'53\" W	312.88'	L32	N 75°28'49\" W	24.05'			
L25	N 134°24\" E	44.62'	L33	N 81°48'30\" W	52.23'			
L26	N 81°48'30\" W	243.76'	L34	S 25°28'46\" E	77.07'			
L27	N 81°15'48\" E	37.01'	L35	S 46°51'08\" E	47.98'			
L28	N 81°15'48\" E	29.47'	L36	S 68°27'16\" E	99.11'			

EASEMENT LEGEND

- ① - Proposed Permanent Drainage Easement
- ② - Proposed Permanent Drainage and Slope Easement
- ③ - Proposed Permanent Slope Easement
- ④ - Proposed Permanent Perpetual Street Easement
- ⑤ - Proposed Permanent Public Access Easement
- ⑥ - Proposed Temporary Construction Easement
- ⑦ - Proposed Temporary Construction Easement For Entrances
- ⑧ - Proposed Permanent VDOT Utility Easement For Communication and Power

COMMONWEALTH OF VIRGINIA
Richard J. Cronin IV
Lic. No. 001792
LAND SURVEYOR

Richard J. Cronin IV
Dewberry Consultants LLC
Gainesville, Virginia
LAND SURVEYOR

2014.09.16 06:13:57 -04'00'

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Dewberry Consultants LLC
13975 HEARHCOTE BOULEVARD, SUITE 130
DANESVILLE, VIRGINIA 20155
PHONE: 703.862.2211
FAX: 703.862.1272

JAMES EDMUND GEORGE
VARIOUS EASEMENTS
ON THE PROPERTY OF
JAMES EDMUND GEORGE





Melissa S. Peacor
County Executive

COUNTY OF PRINCE WILLIAM

OFFICE OF EXECUTIVE MANAGEMENT


1 County Complex Court, Prince William, Virginia 22192-9201
(703) 792-6600 Metro 631-1703 FAX: (703) 792-7484

BOARD OF COUNTY SUPERVISORS

Corey A. Stewart, Chairman
Maureen S. Caddigan, Vice Chairman
Pete Candland
John D. Jenkins
Jeanine M. Lawson
Michael C. May
Martin E. Nohe
Frank J. Principi

June 1, 2015

TO: Board of County Supervisors

FROM: Thomas Blaser 
Director of Transportation

THRU: Melissa S. Peacor
County Executive

RE: Authorize Condemnation and Exercise Quick-Take Powers to Acquire Various Temporary and Permanent Easements on 2908 Mountain Road Owned by James Edmund George in Conjunction with the Logmill Road (Meander Creek Lane to Parnell Court) Improvement Project – **Gainesville Magisterial District**

I. Background on the subject in chronological order is:

- A. The Logmill Road (Meander Creek Lane to Parnell Court) Improvement Project – The Logmill Road Improvement Project is a safety improvement project beginning approximately 1,232 feet west of Parnell Court and ending approximately 86 feet east of Meander Creek Lane. The purpose of the project is to bring this segment of Logmill Road into compliance with Virginia Department of Transportation (VDOT) and American Association of State Highway and Transportation Officials (AASHTO) safety standards by increasing the existing sight distances through improvement of the current vertical geometry of the roadway.
- B. Project Authorization – The Logmill Road Improvement Project was authorized on May 17, 2011 via Resolution No. 11-421 by the Prince William Board of County Supervisors.

C. Property Requirements – In order to accommodate the construction of the Logmill Road Improvement Project, various temporary and permanent easements are needed for acquisition from the following property:

1. James Edmund George – 2908 Mountain Road – On April 23, 2015, an offer of \$43,579, which is the full amount of the appraisal for the required property interests, was mailed by County staff via Certified Mail to the property owner. This written offer to the owner included a written statement explaining the factual basis for the County’s offer, as well as the required title report, plat and appraisal, all in accordance with Section 25.1-204 VA Code Ann. The property owner and his engineer have been working with County staff to verify costs for a replacement entrance and easement valuations affecting the property. However, it was determined due to the complexity of these valuations; condemnation of the required property interests is required to keep the project on schedule. Final settlement and agreement on total compensation will continue to be negotiated with the owner after the Certificate of Take has been filed with the Court.

a. Storm Drainage Easement – 15,115 square feet of land is necessary for a storm drainage easement.

b. VDOT Utility Easement – 1,141 square feet of land is necessary for a VDOT utility easement.

c. Temporary Construction Easement – 7,832 square feet of land is necessary for a temporary construction easement.

d. Storm Drainage and Slope Easement – 10,210 square feet of land is necessary for a storm drainage and slope easement.

II. Current Situation is as follows:

A. County’s Offer – To acquire the property and easements from the property owner for the Logmill Road Improvement Project, the County offered the preceding property owner compensation as shown above in Section I. C. “Property Requirements.”

- B. Unsettled Offer – Although the County and the subject property owner have not yet been able to reach an agreement on the amount of compensation for the required property interests; the staff will continue to negotiate after the approval of the proposed resolution and the recordation of any certificate of taking so that the owner and the County can reach an agreement on the compensation for the property taken; and damages, if any, caused by such taking.
- C. Public Hearing Notice – Notice of a Public Hearing was advertised in a newspaper of general circulation on June 10, 2015 and June 17, 2015.
- D. Board Action Requested – Authorize condemnation and exercise quick-take powers to acquire various temporary and permanent easements on 2908 Mountain Road in conjunction with the Logmill Road (Meander Creek Lane to Parnell Court) Improvement Project in the Gainesville Magisterial District.

III. Issues in order of importance are:

- A. Timing – What impact will condemnation have on the project’s schedule?
- B. Service Level/Policy Issue – How does the Logmill Road Improvement Project support the County’s Transportation Strategic Goal?
- C. Fiscal Impact – What is the impact on County funds to acquire the property? Are sufficient funds available?
- D. Legal – Will legal requirements as required by Section 15.2-1905(C) VA Code Ann., for the County to acquire property by “quick-take” be fulfilled by the Board’s approval of condemnation?

IV. Alternatives in order of feasibility are:

- A. Authorize condemnation and exercise quick-take powers to acquire various temporary and permanent easements on 2908 Mountain Road in conjunction with the Logmill Road (Meander Creek Lane to Parnell Court) Improvement Project in the Gainesville Magisterial District.
 - 1. Timing – The Logmill Road Improvement Project is a Public-Private Transportation Act project, which allows construction to begin as soon as a property is acquired. The properties shown above in Section I. C. “Property Requirements” are crucial for the construction schedule to be maintained and prevent project delays.

This project has a projected completion date of December 31, 2015.

2. Service Level/Policy Issue – The Logmill Road Improvement Project supports the Transportation Strategic Goal, to “provide a multi-modal transportation network that supports County and regional connectivity.”
3. Fiscal Impact – A total of \$117,409 is currently available in the Logmill Road Improvement Project OCA #415861, OL3 - 5826 - Right-of-Way budget. The total fiscal impact is \$43,579. This amount is sufficient to file the Certificates of Taking for each property in the amounts shown by each property under Section I. C. “Property Requirements.”
4. Legal – A public hearing is required by Section 15.2-1905(C) VA Code Ann., prior to the Prince William Board of County Supervisors’ approval of condemnation and exercise of quick-take powers to acquire property and easements. A public hearing will give the property owners the opportunity to respond to the condemnation proceedings.

B. Take No Action.

1. Timing – The Logmill Road Improvement Project will be delayed until the properties under Section I. C. have been acquired.
2. Service Level/Policy Issue – Pursuit of the Transportation Strategic Goal will be delayed as it relates to the Logmill Road Improvement Project.
3. Fiscal Impact – Property value may increase over time thereby causing potential budget and cost overruns. Construction crews will have to stop working causing increases in construction costs.
4. Legal – Legal requirements for acquiring the property by “quick-take” will not be met and the County will have to seek other means of acquiring this property.

V. **Recommendation** is that the Board of County Supervisors concur with Alternative A and approve the attached Resolution.

Staff Contact: Thomas Blaser, 792-6825