

MOTION:

**May 4, 2021
Regular Meeting
Res. No. 21-**

SECOND:

RE: AUTHORIZE CONDEMNATION AND EXERCISE QUICK-TAKE POWERS, IN ACCORDANCE WITH CHAPTER 3 OF TITLE 25.1 OF THE VIRGINIA CODE, TO ACQUIRE STREET DEDICATION AND A TEMPORARY CONSTRUCTION EASEMENT ON PROPERTY LOCATED AT 202 MILL STREET IN CONNECTION WITH THE MILL STREET CROSSWALKS AND AMERICAN DISABILITY ACT RAMPS PROJECT – OCCOQUAN MAGISTERIAL DISTRICT

ACTION:

WHEREAS, the Mill Street Crosswalks and American Disability Act Ramps Project (Project) will construct a total of five (5) painted crosswalks and provide nine (9) Americans with Disabilities Act (ADA) compliant ramps with detectable warning provided by truncated domes along Mill Street at the intersections of Washington Street and Ellicott Street. The work will include removal and replacement of the curb, removal of existing pavers and base, installation of a 4-inch concrete base with stone, and installation of new ADA-compliant pavers at Mill Street's intersections with Washington Street and Ellicott Street and was approved by the Prince William Board of County Supervisors (Board) on November 27, 2018, via Resolution Number (Res. No.) 18-618; and

WHEREAS, the design for construction of the Project is such that the County needs to acquire 22 square feet of land for public street dedication and 75 square feet of land for a temporary construction easement, on property located at 202 Mill Street, owned by Sara C. Walker (Owner), as set forth on the plat attached hereto; and

WHEREAS, based on an independent Basic Acquisition Report (BAR), County staff offered \$1,500 to the Owner to acquire the necessary property interests on their property located at 202 Mill Street; and

WHEREAS, County staff has made a bona-fide but ineffectual effort to purchase the necessary property interests from the Owner, and in order to meet project deadlines and eliminate project delay costs, has recommended to the Board authorizing condemnation and exercising quick-take powers; and

WHEREAS, a public hearing has been duly advertised for this purpose and was conducted on May 4, 2021, pursuant to Section 15.2-1905(C) VA Code Ann. and all interested citizens were heard; and

WHEREAS, \$260,313 is currently available in the Project #19C17011 budget. The total fiscal impact is \$1,500. This amount is sufficient to authorize the expenditure and matches the BAR value of the property interests offered to the Owner;

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NOW, THEREFORE, BE IT RESOLVED that the Prince William Board of County Supervisors hereby finds that public necessity exists for the condemnation of the property and easements for construction of the Project and for the immediate exercise of its quick-take powers to enter upon and take possession prior to the condemnation proceedings to immediately acquire 22 square feet of land for public street dedication, and 75 square feet of land for a temporary construction easement on the Owner's property located at 202 Mill Street, all as set forth on the plat attached hereto;

BE IT FURTHER RESOLVED that the Prince William Board of County Supervisors hereby authorizes the County Attorney, after payment into the Prince William County Circuit Court of the fair market value of the property and easements and upon filing of the Certificate of Taking, to proceed with the condemnation of the required property interests for the Mill Street Crosswalks and American Disability Act Ramps Project by quick-take condemnation or otherwise as provided by law;

BE IT FURTHER RESOLVED that the Prince William Board of County Supervisors hereby authorizes 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 calculated value in the amount of \$1,500 for the property interests on the Owner's property located at 202 Mill Street, 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 Department of Transportation will maintain all supporting documents related to the acquisition of the property and easements to assure that approval does not exceed authority limits;

BE IT FURTHER RESOLVED that the Prince William Board of County Supervisors hereby authorizes the Director of Transportation, or his designee, to execute such documents that are necessary to affect the intent of the resolution and are approved as to form by the County Attorney's Office.

ATTACHMENT: Plat Showing Street Dedication and Temporary Construction Easement on the Property of Sara C. Walker, Deed Book 2673, Page 1754, Occoquan Magisterial District, Prince William County, Virginia, Prepared by Gordon, Dated October 16, 2020

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Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

For Information:

County Attorney

Director of Transportation

ATTEST: _____

Clerk to the Board

NOTES:

1. THE PROPERTY DELINEATED ON THIS PLAT IS SHOWN ON PRINCE WILLIAM COUNTY TAX MAP AS GPIN: #8393-64-9135 AND IS ZONED B-1 (GENERAL BUSINESS).
2. NO TITLE REPORT FURNISHED, THEREFORE ALL UNDERLYING EASEMENTS MAY NOT BE INDICATED ON THIS PLAT.
3. BOUNDARY INFORMATION TAKEN FROM THE EXISTING LAND RECORDS OF PRINCE WILLIAM COUNTY, VIRGINIA.
4. TEMPORARY CONSTRUCTION EASEMENT IS TO BE NULL AND VOID AT SUCH TIME AS THE MILL STREET CROSSWALKS AND ADA RAMPS PROJECT IS COMPLETE AND ACCEPTED BY VDOT.
5. THE PLAT OF THE PROPERTY SHOWN HEREON IS REFERENCED TO THE VIRGINIA COORDINATE SYSTEM OF 1983 (VCS83) AS COMPUTED FROM A FIELD RUN SURVEY WHICH TIES THIS PROPERTY BOUNDARY TO CONTROL STATIONS ESTABLISHED BY COLLECTING GPS OBSERVATIONS. THE GRID FACTOR (ELEVATION FACTOR X SCALE FACTOR) WHICH HAS BEEN APPLIED TO DERIVE THE BEARING COORDINATES IS 0.99995353. THE BEARINGS SHOWN ARE REFERENCED TO (VCS83) GRID NORTH. THE FOOT DEFINITION USED FOR CONVERSION OF THE MONUMENT COORDINATES IS THE U.S. SURVEY FOOT (1 FOOT=0.3048006096 METERS).

VETERANS OF
FOREIGN WARS
OF THE U.S.
POST 7916, INC.
GPIN: 8393-64-8541
D.B. 546, PG. 504

SARA C. WALKER
8,451 SQ. FT. OR 0.1940 AC.
D.B. 2673, PG. 1754
INST. # 202004140029233
GPIN: 8393-64-9135

S46°45'49"E 106.38'
98.20' (TIE)

TEMPORARY CONSTRUCTION EASEMENT
HEREBY GRANTED (75 SQ. FT. OR 0.0017)
(SEE NOTE #4)

N: 6934328.44
E: 11836951.18

MILL STREET
ROUTE 1208
(60' RIGHT-OF-WAY)

WASHINGTON STREET
ROUTE 1202
(60' RIGHT-OF-WAY)

N: 6934290.93
E: 11836915.75

N46°48'15"W 45.25'

O.C.C. PROPERTIES INC.
GPIN: 8393-64-9030
D.B. 1382, PG. 1461

S43°14'11"W 48.40'

POPLAR ALLEY
(20' RIGHT-OF-WAY)

N46°45'49"W 61.24'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S48°45'49"E	3.18'
L2	S43°22'26"W	6.92'
L3	N46°50'19"W	3.10'
L4	N42°43'59"E	6.93'
L5	S43°22'26"W	5.00'
L6	N46°50'19"W	8.05'
L7	N42°43'59"E	11.93'
L8	S48°45'49"E	5.00'



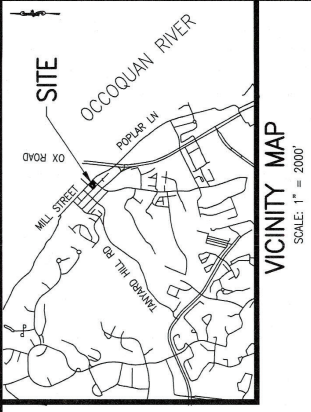
No.	Revision	Date



Gordon
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LANDSCAPE ARCHITECTURE
SURVEY AND MAPPING
SECURITY CONSULTING
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Chantilly, VA 20151
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STREET DEDICATION AND TEMPORARY CONSTRUCTION EASEMENT
ON
THE PROPERTY OF
SARA C. WALKER
DEED BOOK 2673, PAGE 1754
OCCOQUAN MAGISTERIAL DISTRICT
PRINCE WILLIAM COUNTY, VIRGINIA

SCALE: 1" = 10'
DATE: SEPTEMBER 25, 2020
PROJECT No: 3204-0701
PHASE: 3000-323A
DRAWN BY: CPR
CAD FILE: 3204-0701_RP01.DWG
SHEET 1 OF 1



OWNER'S CERTIFICATE

THE PLATTING OF DEDICATION OF THE LAND SHOWN HEREON, AND AS DESCRIBED IN THE SURVEYOR'S CERTIFICATE, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNER, PROPRIETORS, AND TRUSTEES, IF ANY. THE UNDERSIGNED HEREBY EXPRESSLY CONSENT(S) TO THE DEDICATION OF THE BOARD OF COUNTY SUPERVISORS IN FEE SIMPLE ABSOLUTE, OF ALL AREAS SHOWN ON THIS PLAT FOR ROADS, STREETS, ALLEYS, SIDEWALKS, CROSSWALKS, OR OTHER PUBLIC USES, AS MAY BE DEDICATED BY SPECIAL USE OF NAME OR BY THE GENERAL DESIGNATION 'FOR PUBLIC USE' AND FURTHER CONSENT(S) TO THE DEDICATION OF A TEMPORARY CONSTRUCTION EASEMENT.

SARA C. WALKER

DATE

NOTARY'S CERTIFICATE

STATE OF _____ COUNTY OF _____
THE FOREGOING STATEMENTS WERE ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2020.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

SITE AREA TABULATION:

EXISTING PARCEL = 8,451 SQ. FT. OR 0.1940 ACRES
STREET DEDICATION = 22 SQ. FT. OR 0.0005 ACRES
REMAINING AREA = 8,429 SQ. FT. OR 0.1935 ACRES
TEMPORARY CONSTRUCTION EASEMENT = 75 SQ. FT. OR 0.0017 ACRES

SURVEYOR'S CERTIFICATE:

I, NICOLAE SOARE, A LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT THE LAND EMBRACED IN THIS SITE IS NOW IN THE NAME OF SARA C. WALKER BY DEED DATED DECEMBER 10, 1998 AND RECORDED IN DEED BOOK 2673 AT PAGE 1754 AMONG THE LAND RECORDS OF PRINCE WILLIAM COUNTY, VIRGINIA.
I FURTHER CERTIFY THAT THE LAND EMBRACED IN THIS PLAT IS A COMPLETION OF EXISTING RECORDS; THAT THE MERIDIAN WHICH THE BEARINGS ARE REFERENCED IS TO VIRGINIA STATE GRID NORTH ZONE, AND THAT THIS PLAT REPRESENTS AN ACCURATE SURVEY WITH A CLOSURE GREATER THAN OR EQUAL TO 1:10000.



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STAFF REPORT

Board Meeting Date:	May 4, 2021
Agenda Title:	Authorize Condemnation and Exercise Quick-Take Powers, in Accordance with Chapter 3 of Title 25.1 of the Virginia Code, to Acquire Street Dedication and a Temporary Construction Easement on Property Located at 202 Mill Street in Connection with the Mill Street Crosswalks and American Disability Act Ramps Project
District Impact:	Occoquan Magisterial District
Requested Action:	Approve the resolution to authorize condemnation and exercise quick-take powers to acquire street dedication and a temporary construction easement in connection with the Mill Street Crosswalks and American Disability Act Ramps Project.
Department / Agency Lead:	Department of Transportation
Staff Lead:	Ricardo Canizales, Director

EXECUTIVE SUMMARY

The Mill Street Crosswalks and American Disability Act Ramps Project (Project) will construct a total of five (5) painted crosswalks and provide nine (9) Americans with Disabilities Act (ADA) compliant ramps with detectable warning provided by truncated domes along Mill Street at the intersections of Washington Street and Ellicott Street. The work will include removal and replacement of the curb, removal of existing pavers and base, installation of a 4-inch concrete base with stone, and installation of new ADA-compliant pavers at Mill Street's intersections with Washington Street and Ellicott Street.

The Project was determined to be consistent with the Transportation Chapter of the Comprehensive Plan. This chapter was recommended for approval by the Planning Commission on January 6, 2010, via Resolution Number (Res. No.) 10-008 and approved by the Prince William Board of County Supervisors (Board) on February 2, 2010, via Ordinance Number (Ord. No.) 10-04. The project was approved for County administration and appropriation of Federal funding by the Board on November 27, 2018, via Res. No. 18-618.

To accommodate the construction of the Project and avoid additional costs resulting from Project delays, acquisition of a street dedication and temporary construction easement are required as set forth in the background summary and in the attachment to the resolution.

It is the recommendation of County staff that the Board authorize condemnation and exercise quick-take powers, in accordance with Chapter 3 of Title 25.1 of the Virginia Code, to acquire street dedication and a temporary construction easement on property located at 202 Mill Street in connection with the Mill Street Crosswalks and American Disability Act Ramps Project in the Occoquan Magisterial District.

BACKGROUND

- A. Mill Street Crosswalks and American Disability Act Ramps Project – This Project will construct a total of five (5) painted crosswalks and provide nine (9) ADA compliant ramps with detectable warning provided by truncated domes along Mill Street at the intersections of Washington Street and Ellicott Street. The work will include removal and replacement of the curb, removal of existing pavers and base, installation of a 4-inch concrete base with stone, and installation of new ADA-compliant pavers at Mill Street's intersections with Washington Street and Ellicott Street.
- B. The Project – Determined to be consistent with the Transportation Chapter of the Comprehensive Plan. This chapter was recommended for approval by the Planning Commission on January 6, 2010, via Res. No. 10-008 and approved by the Board on February 2, 2010, via Ord. No. 10-04 and was approved by the Board for County administration and appropriation of Federal funding by the Board on November 27, 2018, via Res. No. 18-618.
- C. Negotiation Summaries – A summary of the negotiations with the owner and a parcel impact sketch for the parcel has been provided to the Director of Transportation and the Occoquan District Supervisor.
- D. Project Timeline Requirements – In order to maintain the Project timeline and scheduled early summer construction start date, acquisition of the below described property interests must be authorized by the Board in May 2021. Due to statutory owner thirty (30) day notice requirements, the May 2021 authorization will permit the lawful recording of the property acquisitions in the land records in June 2021, thus allowing for the project to be started and completed in the Summer of 2021. Delay of the June 2021 construction start date will increase the risk of increased cost to the Project.
- E. Project Property Interest Requirements – In order to meet the Project utility relocation and construction timelines, acquisition of the following property interests is required:
 - 1. Sara C. Walker (Owner) – 202 Mill Street – On March 3, 2021, an offer of \$1,500, the full amount of the Basic Acquisition Report (BAR) value for the below property interests were sent to the Owner, via certified mail. The offer for the property included a written statement explaining the factual basis for the County's offer, as well as the required title report, plat, plan sheets, and the BAR, all in accordance with Section 25.1-204 of the Va. Code Ann. Although the Owner and the County have agreed to the offer, it was determined that the lessee of the property, the United States Postal Service, would have to consent in writing to the agreement between the Owner and the County. The Owner has advised the County that obtaining written consent will be lengthy process that may extend well past the Project timeline described above. It is therefore necessary for the Project to move forward in order to insure avoiding any additional costs resulting from Project delays. This necessity has been discussed with and agreed to by the Owner.
 - a. Street Dedication – 22 square feet of land is needed for public street dedication.
 - b. Temporary Construction Easement – 75 square feet of land is needed for a temporary construction easement.

STAFF RECOMMENDATION

It is the recommendation of County staff that the Board authorize condemnation and exercise quick-take powers to acquire property and various easements on property located at located at 202 Mill Street in connection with the Mill Street Crosswalks and American Disability Act Ramps Project in the Occoquan Magisterial District.

Service Level / Policy Impact

Acquisition of the street dedication and temporary construction easement will support the County's Mobility Strategic Plan goal by providing "an accessible, comprehensive, multi-modal network of transportation infrastructure that supports local and regional mobility." Completion of the Project will promote the health, safety, and general welfare of the County and its residents.

Fiscal Impact

A total of \$260,313 is currently available in the Project #19C17011 budget. The total fiscal impact is \$1,500. This amount is sufficient to fund the expenditures required to file the Certificates of Taking for the right-of-way and easements. The Prince William County Department of Transportation will maintain all supporting documents related to the acquisition of the right-of-way and easements to assure that approval does not exceed authority limits.

Legal Impact

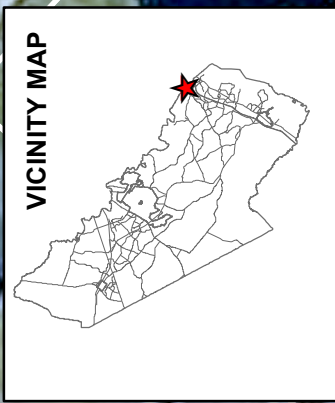
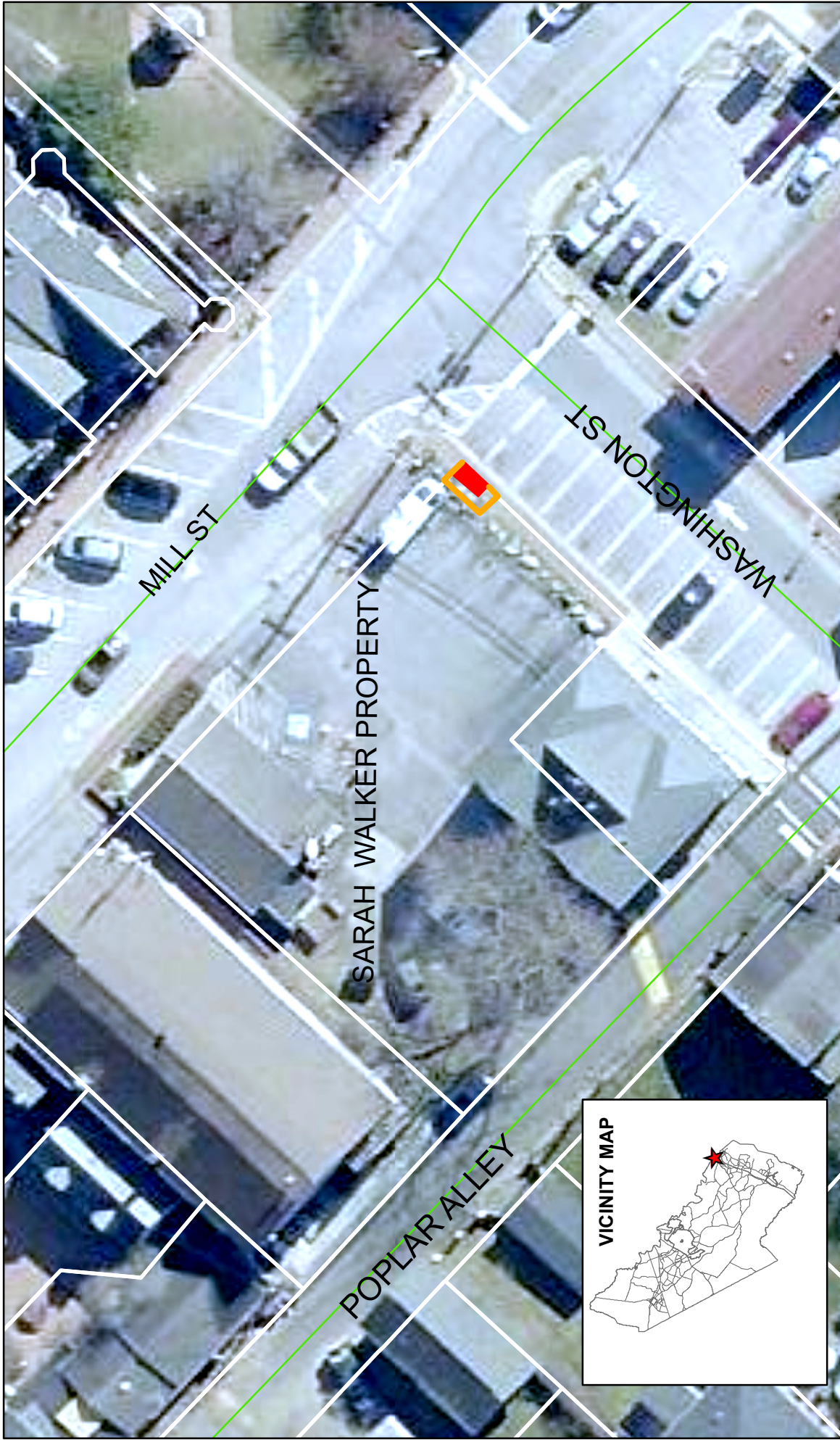
A public hearing is required by Section 15.2-1905(C) Va. Code Ann., prior to the Board's approval of condemnation and exercise of quick-take powers to acquire the right-of-way and easements, to give the property owner the opportunity to respond to the condemnation proceedings.

STAFF CONTACT INFORMATION

Tim Witter | (703) 792-5275
twitter@pwcgov.org

ATTACHMENTS

- Vicinity Map – Mill Street COT
- Parcel Impact Statement – Mill Street COT



STREET DEDICATION

TEMPORARY CONSTRUCTION EASMENT

MAY 4, 2021

