

**RESOLUTION TO AUTHORIZE THE ACQUISITION BY CONDEMNATION OF PORTIONS OF CERTAIN PARCELS OF LAND, PARCEL ID NUMBERS 061M0-00-02-00100 AND 061M0-00-01-00600, FOR THE PURPOSE OF CONSTRUCTING ROAD AND SAFETY IMPROVEMENTS, IN ACCORDANCE WITH THE COMMONWEALTH DRIVE/DOMINION DRIVE SIDEWALK IMPROVEMENTS PROJECT, AND TO ENTER UPON THE PROPERTY TO BE ACQUIRED AND INITIATE CONSTRUCTION BEFORE THE CONCLUSION OF THE CONDEMNATION PROCEEDING PURSUANT TO VIRGINIA CODE SECTIONS 15.2-1904 AND 15.2-1905(C) AND CHAPTER 3 OF TITLE 25.1 (SECTIONS 25.1-300 ET SEQ.)**

**WHEREAS**, Albemarle County has proposed certain roadway improvements in the Rio and Jack Jouett Districts as part of the Commonwealth Drive/Dominion Drive Sidewalk Improvements Project in order to construct sidewalks and related improvements along Commonwealth and Dominion Drives;

**WHEREAS**, the Commonwealth Drive/Dominion Drive Sidewalk Improvements Project is necessary for the public health, safety, peace, good order, comfort, convenience, and welfare of the County;

**WHEREAS**, the project design for the Commonwealth Drive/Dominion Drive Sidewalk Improvements Project requires the acquisition of certain right-of-way and easement interests for the construction of road and safety improvements;

**WHEREAS**, the County has reviewed the acquisition for purposes of complying with Section 1-219.1 of the Code of Virginia and has certified that the acquisition is for the possession, ownership, occupation, and enjoyment of the property by the public, for the purpose of construction and maintenance of public facilities including public roads and other improvements;

**WHEREAS**, the County has made a bona fide but ineffectual effort to purchase the necessary right-of-way and easements for public road and other improvements at fair market value, and the County and landowner have been unable to reach an agreement because the County and landowner cannot agree on the compensation to be paid; and

**WHEREAS**, it is now necessary to enter upon the property to install the facilities and improvements prior to the completion of condemnation proceedings;

**NOW, THEREFORE, BE IT RESOLVED BY THE ALBEMARLE COUNTY BOARD OF SUPERVISORS:**

1. That the property is to be acquired for construction and maintenance of public roadway improvements and other related improvements, including road and safety improvements, required as a result of the proposed improvements for the purpose of constructing sidewalks and related improvements along Commonwealth and Dominion Drives.
2. That the Board approves the proposed public use of the property.
3. That acquisition of the property, as shown in the following chart along with the referenced plat, is for the public roadway and related facilities and is declared to be necessary for a public use and an authorized public undertaking pursuant to Chapter 19 of Title 15.2 (§ 15.2-1900, *et seq.*) of the Code of Virginia (1950), as amended.

<b>Landowner</b>	<b>Parcel ID Number</b>	<b>Referenced Plat Showing Property Interests to be Acquired</b>
Sue Ann Albrecht	061M0-00-02-00100	Approximately 363 square feet of right-of-way in fee simple and 1,165 square feet of temporary construction easement on Parcel 023 on "Right of Way Plan Sheet" Number 8RW prepared by H&B Surveying and Mapping, dated September 6, 2024, attached hereto and labeled "Exhibit A."
Sue A. Albrecht	061M0-00-01-00600	Approximately 533 square feet of temporary construction easement on Parcel 027 on "Right of Way Plan Sheet" Number 9RW prepared by H&B Surveying and Mapping, dated September 6, 2024, attached hereto and labeled "Exhibit B."

4. That it is necessary to enter upon the property to begin construction of the roadway and other improvements prior to the completion of condemnation proceedings in order to adhere to the project schedule.
5. That Albemarle County may, upon the deposit of compensation in the amount of the County's opinion of just compensation and in compliance with all statutory requirements, including the recordation of a Certificate of Take with the Clerk of the Circuit Court of Albemarle County, enter upon the property identified herein and take possession of the property prior to the conclusion of condemnation proceedings.
6. That, based upon the assessment records or other objective evidence, Albemarle County has determined that the just compensation due to the landowner for the property interests to be acquired for public purposes is as follows:

<b>Landowner</b>	<b>Parcel ID Number</b>	<b>Property Interests to be Acquired</b>	<b>Estimated Value</b>
Sue Ann Albrecht	061M0-00-02-00100	Approximately 363 square feet of right-of-way in fee simple and 1,165 square feet of temporary construction easement on Parcel 023 on "Right of Way Plan Sheet" Number 8RW prepared by H&B Surveying and Mapping, dated September 6, 2024, attached hereto and labeled "Exhibit A."	\$3,160
Sue A. Albrecht	061M0-00-01-00600	Approximately 533 square feet of temporary construction easement on Parcel 027 on "Right of Way Plan Sheet" Number 9RW prepared by H&B Surveying and Mapping, dated September 6, 2024, attached hereto and labeled "Exhibit B."	\$200

7. That the ownership of the property interests to be acquired is as stated in paragraphs 3 and 6 herein.
8. That the County Executive or his designee will deposit with the Clerk of the Circuit Court of Albemarle County, to the credit of the landowner named above, the County's opinion of just compensation for the property interests, as listed in paragraph 6 herein and

simultaneously record a Certificate of Take with the Clerk of the Circuit Court of Albemarle County.

9. That the County Executive or his designee will mail a certified copy of this resolution to the landowner(s).
10. That the County Attorney or his designee is authorized and directed to acquire the property interests for public use by condemnation or other means, and to institute and conduct condemnation proceedings to acquire the property interests from the landowner(s) named herein in the manner authorized and provided by Chapter 19 of Title 15.2 (Sections 15.2-1900 *et seq.*), and Chapters 2 and 3 of Title 25.1 (Sections 25.1-200 *et seq.* and 25.1-300 *et seq.*) of the Code of Virginia (1950), as amended.
11. That the County Executive or his designee may also continue to negotiate acquisition of the property interests, subject to approval by the Board of Supervisors.

\* \* \*

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of a Resolution duly adopted by the Board of Supervisors of the County of Albemarle, Virginia, by a vote of \_\_\_\_\_ to \_\_\_\_\_, as recorded below, at a regular meeting held on \_\_\_\_\_.

\_\_\_\_\_  
Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Andrews	_____	_____
Mr. Gallaway	_____	_____
Ms. LaPisto-Kirtley	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Mr. Pruitt	_____	_____