

RESOLUTION TO AUTHORIZE THE ACQUISITION BY CONDEMNATION OF A CERTAIN PARCEL OF LAND IN FEE SIMPLE, PARCEL ID NUMBER 056A2-04-00-000A3, FOR THE PURPOSE OF CONSTRUCTING ROAD AND SAFETY IMPROVEMENTS, IN ACCORDANCE WITH THE LIBRARY AVENUE EXTENSION TO PARKSIDE VILLAGE ROAD 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 White Hall District as part of the Library Avenue Extension to Parkside Village Road Project in order to extend Library Avenue eastward through the Barnes Lumber property to connect to High Street and then to Hill Top Street in Parkside Village as well as connection to The Square;

WHEREAS, the Library Avenue Extension to Parkside Village Road Project is necessary for the public health, safety, peace, good order, comfort, convenience, and welfare of the County;

WHEREAS, the project design for the Library Avenue Extension to Parkside Village Road 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 owner of record of the subject property, Hauser Homes, Inc., is a defunct Virginia corporation and title to the property has transferred by law to the Unknown Trustees in Liquidation of said company;

WHEREAS, title to the subject property is further clouded by a subsequent deed by which Weather Hill Homes Ltd. purported to convey said property to Parkside Village Homeowners Association, Inc., though Weather Hill Homes Ltd. did not own the property at the time of the conveyance;

WHEREAS, the County is unable to make a bona fide but ineffectual effort to purchase the necessary right-of-way for public road and other improvements at fair market value as determined by a licensed appraiser, and the County and the landowner have been unable to reach an agreement because the landowner is unknown and unable to convey legal title to the County; 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 extending Library Avenue eastward through the Barnes Lumber property to connect to High Street and then to Hill Top Street in Parkside Village as well as connection to The Square.
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.

Landowner	Parcel ID Number	Referenced Plat Showing Property Interests to be Acquired
Unknown Trustees in Liquidation of Hauser Homes, Inc., a defunct Virginia corporation and Parkside Village Homeowners Association, Inc., as its interest may appear	056A2-04-00-000A3	Parcel 008 on “Right of Way Plan Sheet” Number 3RW prepared by Timmons Group, dated December 10, 2020, last revised February 16, 2024, attached hereto and labeled “Exhibit A.” And as shown as Parcel W on “Plat Showing Lots 48 Thru 71, Phase 2, Parkside Village” prepared by B. Aubrey Huffman & Associates, LLC, dated May 2, 2005 and recorded in the Albemarle Circuit Court Clerk’s Office in Deed Book 2932, Pages 621-626.

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:

Landowner	Parcel ID Number	Property Interests to be Acquired	Appraised Value
Unknown Trustees in Liquidation of	056A2-04-00-000A3	Fee Simple Right-of-Way;	\$900.00

Hauser Homes, Inc., a defunct Virginia corporation and Parkside Village Homeowners Association, Inc., as its interest may appear		Parcel 008 on "Right of Way Plan Sheet" Number 3RW prepared by Timmons Group, dated December 10, 2020, last revised February 16, 2024, attached hereto and labeled "Exhibit A." And as shown as Parcel W on "Plat Showing Lots 48 Thru 71, Phase 2, Parkside Village" prepared by B. Aubrey Huffman & Associates, LLC, dated May 2, 2005 and recorded in the Albemarle Circuit Court Clerk's Office in Deed Book 2932, Pages 621-626, attached hereto and labeled "Exhibit B."	
--	--	---	--

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 landowners, if known.
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 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, if the landowner is identified and can convey clear title.

* * *

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	_____	_____

Instrument Control Number

Exhibit B

003561

**Commonwealth of Virginia
Land Record Instruments
Cover Sheet - Form A**

[ILS VLR Cover Sheet Agent 1.0.66]

Doc ID: 000962910006 Type: DEE
Recorded: 03/04/2005 at 02:54:09 PM
Fee Amt: \$67.00 Page 1 of 9
Albemarle County, VA
Shelby Marshall Clerk Circuit Court
File# 2005-00003561

BK 2932 PG 621-626

AX
EX
EM
PT

Date of Instrument: [3/4/2005]
Instrument Type: [PM]

Number of Parcels [1]
Number of Pages [3]

City ☐ County ☒ [Albemarle County] (Box for Deed Stamp Only)

First and Second Grantors

Last Name	First Name	Middle Name or Initial	Suffix
/]]]
[]]]

First and Second Grantees

Last Name	First Name	Middle Name or Initial	Suffix
[HAUSER HOMES INC]]]
[]]]

Grantee Address (Name) [HAUSER HOMES]
(Address 1) [1425 Sachem Place, Unit 201]
(Address 2) []
(City, State, Zip) [CHARLOTTESVILLE] [VA] [22901]
Consideration [0.00] Existing Debt [0.00] Assumption Balance [0.00]

Prior Instr. Recorded at: City ☐ County ☒ [Albemarle County] Percent. In this Juris. [100]
Book [2803] Page [529] Instr. No []
Parcel Identification No (PIN) [56A2-04-24A]
Tax Map Num. (If different than PIN) [56A2-04-24A]
Short Property Description [PARKSIDE VILLAGE SUBDIVISION]
Current Property Address (Address 1) []
(Address 2) []
(City, State, Zip) [] [] []

Instrument Prepared by [PARKER MCELWAIN & JACOBS PC]
Recording Paid for by [PARKER MCELWAIN & JACOBS PC]
Return Recording to (Name) [PARKER MCELWAIN & JACOBS PC]
(Address 1) [2340 COMMONWEALTH DRIVE]
(Address 2) []
(City, State, Zip) [CHARLOTTESVILLE] [VA] [22901]
Customer Case ID [] [] []

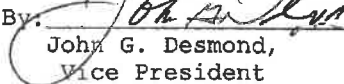
008561

CERTIFICATE OF PLAT

The attached subdivision plat prepared by B. Aubrey Huffman & Associates, Ltd., dated January 18, 2005, revised February 24, 2005, and March 1, 2005, captioned, "Plat Showing Lots 48 Thru 71 Phase 2 Parkside Village, Albemarle County, Virginia," of the lands of Hauser Homes, Inc., a Virginia corporation, situated Albemarle County, Virginia, being a portion of the property conveyed to it by Deed recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, in Deed Book 2803, page 529, is hereby confirmed and submitted for record.

Witness the following signature and seal:


Hauser Homes, Inc.

By:  SEAL
John G. Desmond,
Vice President

Commonwealth of Virginia,
County of Albemarle:

The foregoing Certificate of Plat was signed and acknowledged before the undersigned Notary Public for the Commonwealth of Virginia, at large, by John G. Desmond, Vice President of Hauser Homes, Inc. on the 4th day of March, 2005.

My commission expires: 9-30-06


Notary Public

2432 0 603

LOTS 48 THRU 71 PHASE 2
PARKSIDE VILLAGE

JANUARY 18, 2005

SHEET 1

CIVIL ENGINEERING - LAND SURVEYING - LAND PLANNING
CHARLOTTESVILLE, VIRGINIA



REVISED:
FEBRUARY 24, 2005
MARCH 1, 2005

COUNTY OF ALBEMARLE

PLANNING COMMISSION

William A. Elbert

CHAIRMAN

DATE: 3/3/05

COUNTY OF ALBEMARLE

BOARD OF SUPERVISORS

V. Wayne Calhoun

DESIGNATED AGENT

DATE: 3/3/05

CERTIFICATION

THIS IS A CORRECT AND
ACCURATE PLAT.

Arthur F. Edwards

ARTHUR F. EDWARDS
LAND SURVEYOR

COUNTY OF ALBEMARLE
STATE OF VIRGINIA.

TO WIT:
THE FOREGOING INSTRUMENT WAS
ACKNOWLEDGED BEFORE ME THIS

2nd DAY OF March 2005.

BY John G. Desmond

AS

OWNERS, PROPRIETORS AND/OR
TRUSTEES.

NOTARY PUBLIC
MY COMMISSION EXPIRES

10/31/05

OWNERS APPROVAL:

THE DIVISION OF THE LAND DESCRIBED HEREIN IS WITH THE
FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE
UNDERSIGNED OWNERS, PROPRIETORS AND/OR TRUSTEES. ANY
REFERENCE TO FUTURE POTENTIAL DEVELOPMENT IS DEEMED AS
THEORETICAL ONLY. ALL STATEMENTS AFFIXED TO THIS PLAT
ARE TRUE TO THE BEST OF MY KNOWLEDGE.

HAUSER HOMES, INC.,

By John A. Smith, V.A.

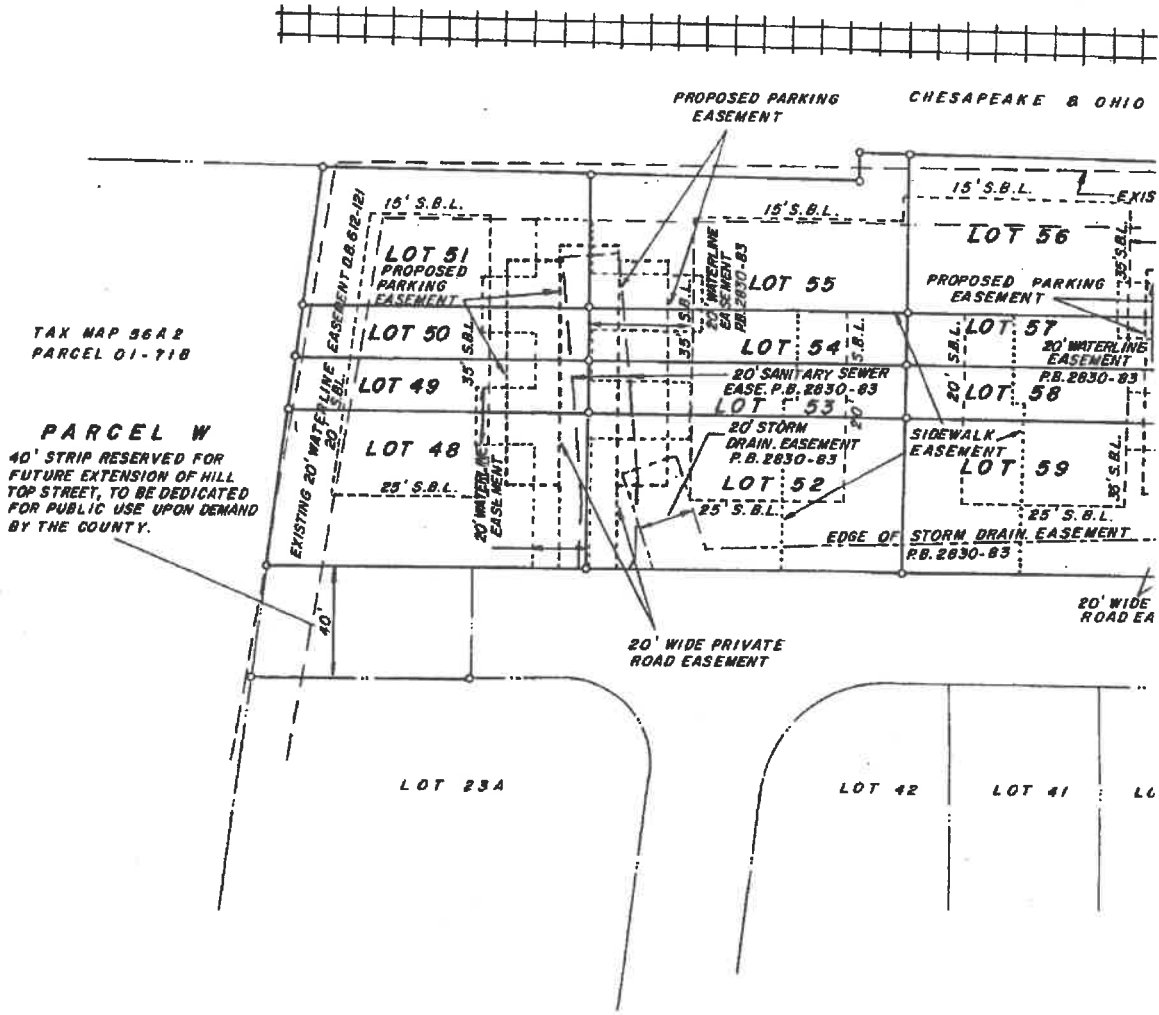
PROPERTY STANDING IN THE NAME OF HAUSER HOMES INC. D.B. 2803 - 529 & P.B. 2830 - 83
IRON PINS TO BE SET AT ALL NEW CORNERS BY JULY 4, 2005
TOTAL AREA DIVIDED - 2.200 ACRES TM 56A2 PARCEL 04-24A WHITE HALL DISTRICT
PROPERTY ZONED R6 UTILIZING THE CLUSTER DEVELOPMENT OPTION.

THE PROPERTY SHOWN HEREON IS LOCATED IN THE SOUTH FORK RIVANNA WATRESHED.
ALL LOTS SHOWN HEREON HAVE ADEQUATE BUILDING SITES AS REQUIRED
BY SECTION 4.2.2 OF THE ZONING ORDINANCE.

THE DEVELOPER RESERVES A UTILITY AND OR DRAINAGE EASEMENT
OVER THE ENTIRE AREA OF EACH LOT, EXCEPT THAT PORTION OF
THE LOT THAT IS OCCUPIED BY A DWELLING AND ITS RELATED

NOTE: THE LAND USE REGULATIONS LISTED HEREIN ARE IMPOSED
PERSUANT TO THE ALBEMARLE COUNTY ZONING ORDINANCE IN EFFECT
ON THIS DATE AND ARE SHOWN FOR INFORMATION PURPOSES ONLY.
THEY ARE NOT RESTRICTIVE COVENANTS RUNNING WITH THE LAND
AND THEIR APPEARANCE ON THIS PLAT IS NOT INTENDED TO
IMPOSE THEM AS SUCH.

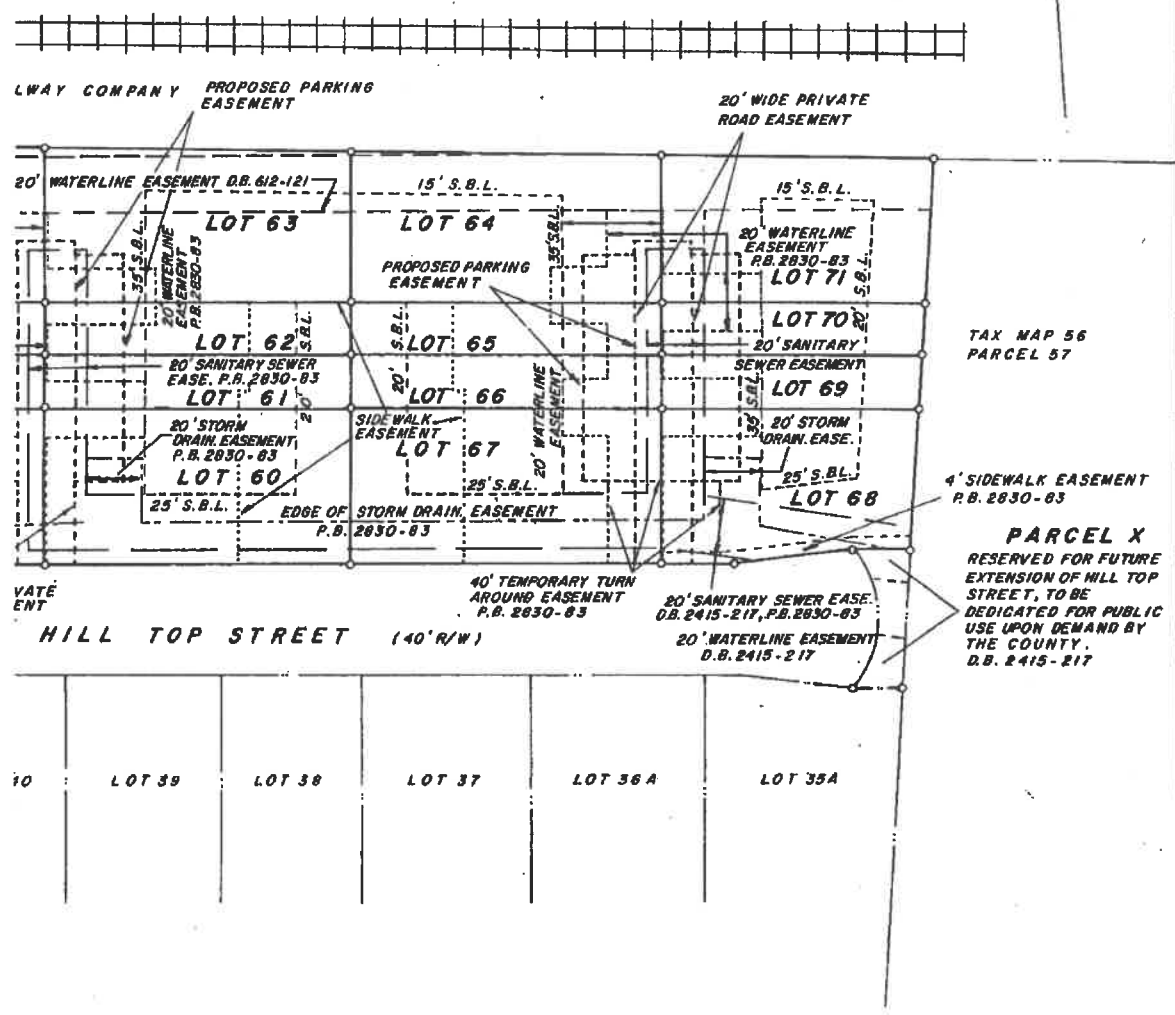
2932 p 628



B. AUBREY HUFFMAN & ASSOCIATES, LLC.
CIVIL ENGINEERING - LAND SURVEYING - LAND PLANNING
CHARLOTTESVILLE, VIRGINIA



2932 p. 126



TAX MAP 56
PARCEL 57

4' SIDEWALK EASEMENT
P.B. 2830-83

PARCEL X
RESERVED FOR FUTURE
EXTENSION OF HILL TOP
STREET, TO BE
DEDICATED FOR PUBLIC
USE UPON DEMAND BY
THE COUNTY.
D.B. 2415-217

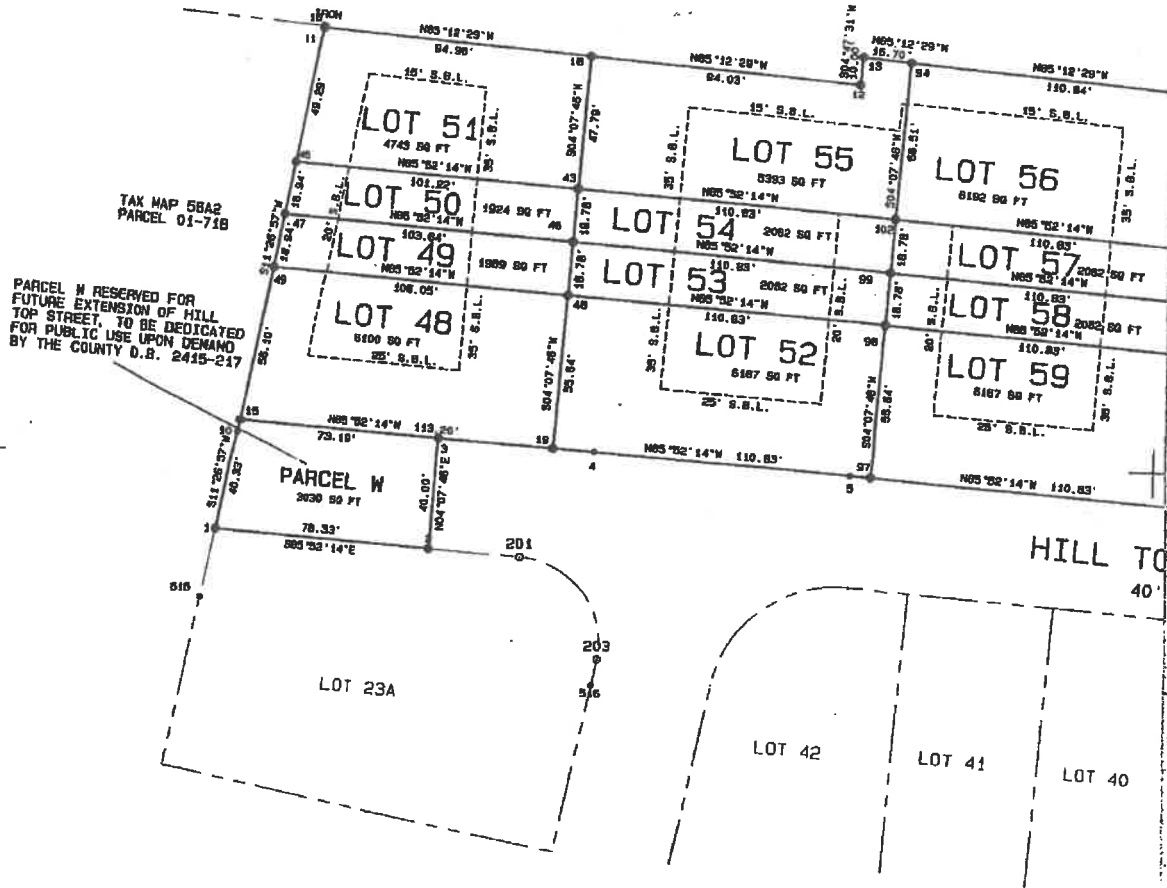
REVISIONS:
2- 24- 05
3- 1- 05

PLAT SHOWING
PROPOSED AND EXISTING EASEMENTS
LOTS 48 - 71 , PHASE 2
PARKSIDE VILLAGE
SCALE: 1" = 40' ALBEMARLE COUNTY, VIRGINIA JANUARY 18, 2005

WDF
3/15/05

2432 p6260-A

CHESAPEAKE & OHIO RAILWAY COMPANY



B. AUBREY HUFFMAN & ASSOCIATES. LLC.

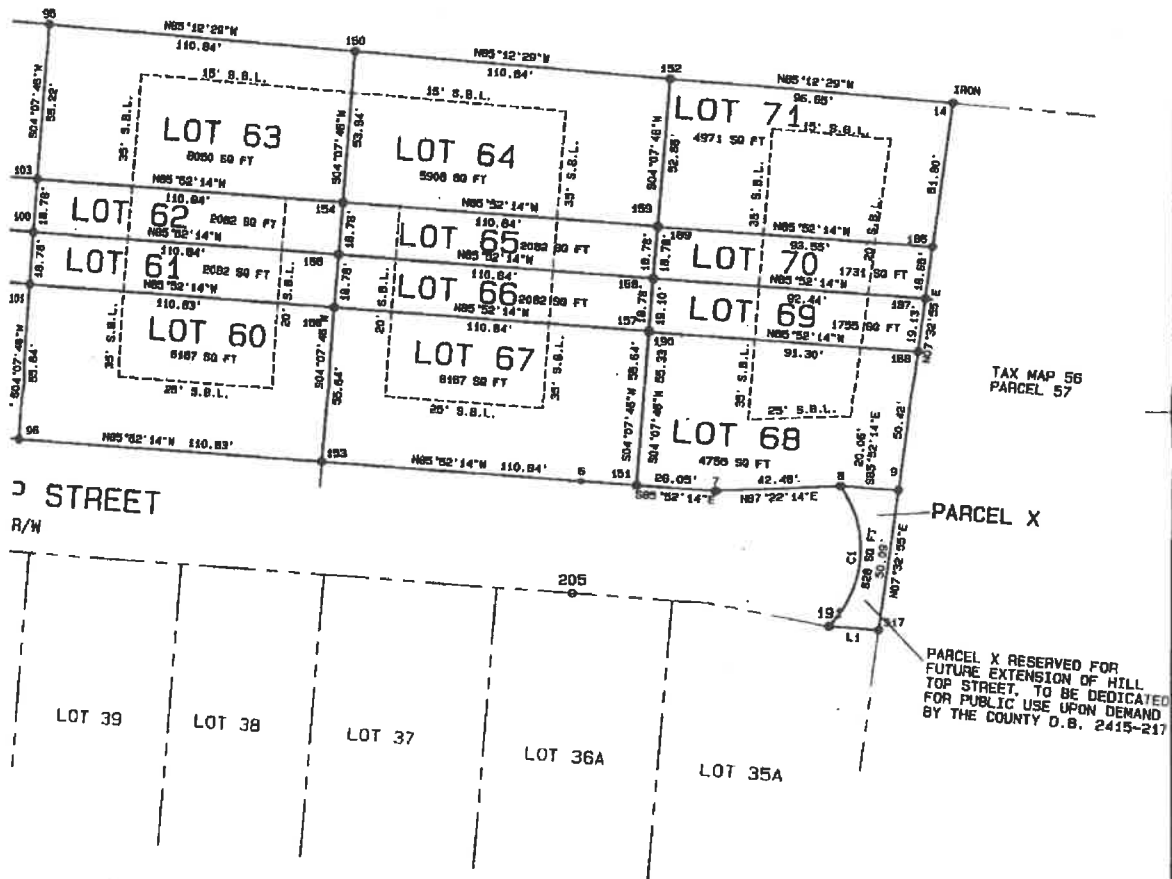
CIVIL ENGINEERING - LAND SURVEYING - LAND PLANNING
CHARLOTTESVILLE, VIRGINIA



2932 D 1620-B



C	DELTA	RADIUS	TANGENT	ARC	CHORD BEARING	CHORD
C1	77°21'57"	40.00'	32.03'	54.01'	N04°06'58"E	50.00'
L	BEARING	DISTANCE				
L1	S85°52'14"E	17.06'				



REVISIONS :
2-24-05
3-1-05

PLAT SHOWING
LOTS 48 THRU 71 PHASE 2
PARKSIDE VILLAGE

SCALE: 1" = 40' ALBEMARLE COUNTY, VIRGINIA JANUARY 18, 2005

W.P. 3/16/05

RECORDED IN CLERKS OFFICE OF
ALBEMARLE ON
March 04, 2005 AT 2:54:09 PM
\$0.00 GRANTOR TAX PD
AS REQUIRED BY VA CODE §58.1-802
STATE: \$0.00 LOCAL: \$0.00
ALBEMARLE COUNTY, VA
SHELBY MARSHALL CLERK CIRCUIT COURT
Karen P. Dufflett DC