

A RESOLUTION TO AUTHORIZE THE ACQUISITION, BY

VOLUNTARY CONVEYANCE OR CONDEMNATION, OF CERTAIN

EASEMENTS ACROSS PROPERTY AT 1321 JAMESTOWN ROAD,

JAMES CITY COUNTY, VIRGINIA, OWNED BY SARAH H. ARMISTEAD,

TRUSTEE, AND LETITIA HANSON, FOR PUBLIC PURPOSES,

TO WIT: EASEMENTS RELATED TO A PUBLIC WATER SUPPLY SYSTEM

WHEREAS, the James City Service Authority is constructing a desalinization plant which will require a concentrate discharge line; and

WHEREAS, the concentrate discharge line needs to cross certain real property commonly known as 1321 Jamestown Road and designated as Parcel No. (1-24) on James City County Real Estate Tax Map No. (46-2) (the "Property"); and

WHEREAS, in the opinion of the Board of Supervisors of James City County, Virginia, a public necessity exists for the acquisition of easements across the Property for the installation, operation, maintenance and/or removal of an underground liquid transmission pipeline and utility services related to a public water supply system, for public purposes and for the preservation of the health, safety, peace, good order, comfort, convenience, morals, and welfare of James City County, Virginia.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that:

1. The acquisition of the hereinafter described property for water supply system purposes is declared to be a public necessity and to constitute an authorized public undertaking pursuant to §25-232.01, Code of Virginia (1950), as amended and it is further declared that the acquisition and use of such property by the County will constitute a public use as defined by § 15.2-1900, Code of Virginia (1950), as amended.
2. The County elects to use the procedures set forth in §§ 33.1-119 through 33.1-132, as authorized by §15.2-1904A, Code of Virginia (1950), as amended.
3. A public necessity exists that the County enter upon and take the hereinafter described property for the purposes described hereinabove prior to or during the condemnation proceedings and the County declares its intent to so enter and take the property under those powers granted the Commonwealth Transportation

Commissioner pursuant to §§ 33.1-119 through 33.1-132, Code of Virginia (1950), as amended.

4. The County Attorney and/or the law firm of Randolph, Boyd, Cherry and Vaughan be and they are hereby authorized and directed to acquire by voluntary acquisition or, if necessary, by condemnation in the manner provided by Title 25, Code of Virginia (1950), as amended, and by Article 7 (§ 33.1-89 *et seq.*), Code of Virginia (1950), as amended, the hereinafter described property.
5. The names of the present owners of the property to be acquired are:
Sarah H. Armistead, Trustee with the Power of Sale Under the Will of Robert T. Armistead and Letitia Hanson.
6. A substantial description of the property is:

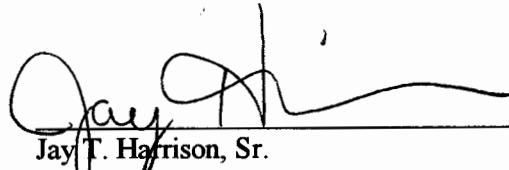
(1) a 20'-wide easement in perpetuity for the installation, operation, maintenance and/or removal of an underground liquid transmission pipeline and related utility services, and (2) two adjacent 10'-wide temporary construction easements to provide access to the permanent easement area during construction that will expire upon completion of construction, (3) two adjacent 40'-wide temporary construction easements to provide construction staging of equipment during construction that will expire upon completion of construction over, upon, across, and under the following described property, to-wit:

All those certain pieces or portions of land lying and situate in Berkeley Magisterial District, James City County, Virginia, shown and designated as "20' PERMANENT UTILITY EASEMENT FOR THE EXCLUSIVE USE OF J.C.S.A." and "10' TEMP. CONSTRUCTION EASEMENTS" and "40' TEMP. CONST. ESMTS." on that certain plat entitled "PLAT OF EASEMENT FOR CONVEYANCE TO JAMES CITY SERVICE AUTHORITY FROM THE ROSA ARMISTEAD ESTATE" dated January 9, 2003 and revised April 16, 2003, prepared by AES Consulting Engineers, of Williamsburg, Virginia; said plat being attached hereto, for a more complete description of the easements herein conveyed.

The Grantors shall retain the right to place one or more roads, constructed to meet or exceed applicable Virginia Department of Transportation standards, across the easements granted herein, provided that the top of any pipeline placed by the Grantee therein remains at least 36 inches below the surface of any such road and further provided that any such road shall cross the easement at an approximate right angle (90°).

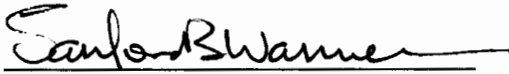
7. Just compensation is estimated to be \$6,700.00 based upon an appraisal.
8. No condemnation proceedings shall be commenced until the preconditions of § 15.2-1903(A), Code of Virginia (1950), as amended, have been met.

9. In the event any of the property described in Paragraph 6 of this resolution has been conveyed, the County Attorney and/or the law firm of Randolph, Boyd, Cherry and Vaughan are authorized and directed to institute proceedings against the successors in title.
10. That an emergency is declared to exist and this resolution shall be effect from the date of its passage.



Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
MCGLENNON	AYE
BROWN	AYE
GOODSON	AYE
KENNEDY	AYE
HARRISON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of April, 2003.

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