

## RESOLUTION

### AUTHORIZATION FOR THE COUNTY OF JAMES CITY, VIRGINIA,

### TO ACQUIRE CERTAIN PIECES OR PARCELS OF REAL PROPERTY

### FOR THE PUBLIC PURPOSE OF CONSTRUCTING MONTICELLO AVENUE

WHEREAS, in the opinion of the Board of Supervisors of James City County, Virginia, a public necessity exists for the acquisition of certain real property, hereinafter more particularly described, in James City County, Virginia, for the construction of a new road, the Monticello Avenue Project, 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:

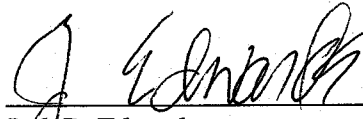
1. the acquisition of the hereinafter described property for the construction of a road, the Monticello Avenue Project, is declared to be a public necessity pursuant to §15.2-1903 of the Code of Virginia (1950), as amended, and to constitute an authorized public undertaking pursuant to §25-232.01, Code of Virginia (1950), as amended; and
2. pursuant to §15.2-1905 of the Code of Virginia (1950), as amended, the Board of Supervisors hereby declares its intent to enter and take the hereinafter described property, and further declares the necessity to enter and take the hereinafter described property prior to or during the condemnation proceedings, and further, that pursuant to the aforesaid section, the County is hereby vested with those powers granted the Commonwealth Transportation Commission pursuant to §§33.1-119 through 33.1-132; and
3. the County Attorney's office and/or the law firm of Randolph, Boyd, Cherry and Vaughn be and are hereby authorized and directed to acquire the hereinafter described property in the manner provided in Title 33.1, Chapter 1, Article 7, Code of Virginia (1950), as amended, and, to the extent applicable, Titles 15.2 and 25 of the Code of Virginia (1950), as amended; and
4. the name of the current owner, the acreage, the tax map and parcel number, a brief property description, and the just compensation based on an appraisal is listed for each piece or parcel of real property in the following chart:

Owner	Acreage	MMM Parcel No.*	Portion of JCC Real Estate Tax Map/Parcel No.	Compensation
Howard C. & Linda G. McDermitt	0.20	102	(44-1)(1-15)	\$ 2,000.00
Howard & Carolyn A. Topp	4.08	105	(45-1)(1-16)**	32,000.00
Torsion, Inc.	0.63	107	(44-2)(1-5)	2,480.00
Powhatan Enterprises	0.76	122	(38-3)(1-9)	3,502.00
Royal Court, Inc.	0.04	123	(38-3)(1-28)	1,100.00
James Oxford Limited Partnership	0.20	125	(38-3)(1-13)	5,930.00
Powhatan Enterprises	0.53	127	(38-3)(1-9)	2,582.00
Royal Court, Inc.	0.20	132	(38-3)(1-29)	6,850.00
Powhatan Enterprises	0.01	134	(37-4)(1-2)	12.50

\* As shown on the Construction Drawings for Monticello Avenue prepared by MMM Design Group, dated January 31, 1999, and more particularly shown on plats of right-of-way dedication prepared by AES Consulting Engineers.

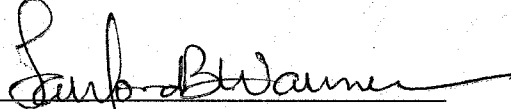
\*\*Constitutes entire parcel.

5. the owner of each parcel was offered the sum identified for each piece or parcel of real property and refused to convey the property; and
6. in the event any of the properties, or a portion thereof, described in Paragraph numbered 4 of this Resolution has been conveyed, the County Attorney's office and/or the law firm of Randolph, Boyd, Cherry and Vaughn are authorized and directed to institute proceedings against any successors in title; and
7. an emergency is declared to exist and this resolution shall be in effect from the date of its passage.



Jack D. Edwards  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NERVITT	NAY
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of May, 1999.

RightOfWay.res