

RESOLUTION

RESOLUTION TO AUTHORIZE INITIATION OF CONDEMNATION PROCEEDINGS AND

USE OF "QUICK TAKE" PROCEDURES FOR ACQUISITION OF PROPERTY AND

INTERESTS IN PROPERTY FOR THE CLARA BYRD BAKER ELEMENTARY

SCHOOL SAFE ROUTES TO SCHOOL PROJECT

WHEREAS, on November 14, 2017, the Board of Supervisors of James City County, Virginia (the "Board") approved the plans, specifications, design elements, and estimated cost for the construction of a transportation alternatives program project to be administered by James City County (the "County") known as the Clara Byrd Baker Elementary School Safe Routes to School Infrastructure Project (the "Project") and granted authority for the County Administrator to execute project agreements for the Project; and

WHEREAS, on December 11, 2018, the Board appropriated \$361,949 for the Project; and

WHEREAS, in order to accomplish the Project it is necessary for the County to acquire interest in a permanent easement (the "Easement") shown and described on the survey entitled "RW Plans," sheet number 4RW, made by Timmons Group, last revised on October 6, 2020 and dated October 9, 2020; and

WHEREAS, the Project is for a public use as it provides for the improvement of the public streets and roads that will be constructed in the Right- of- way to be turned over to the Virginia Department of Transportation for maintenance in its secondary system of state highways (the "Public Use"); and

WHEREAS, there are approximately 1,501 square feet for a permanent easement for public street purposes on land belonging to Ms. Virginia Pressey Banks, Ms. Pearline Pressey Williams, and Mr. Jerry N. Pressey (collectively, the "Owners") located at 3109 Ironbound Road and further identified as James City County Real Estate Tax Map No. 4710100061 (the "Property"); and

WHEREAS, the specific portion of the Property required for the Project is depicted as "Prop. Perm. Sidewalk Easement" on the Owners' Property shown on the survey entitled "RW Plans," sheet number 4RW, made by Timmons Group, last revised on October 6, 2020 and dated October 9, 2020 (the "Plat"); and


WHEREAS, the specific portion of the Property required for the Project, as shown on the Plat, shall hereinafter be referred to as the Subject Property; and

WHEREAS, condemnation of the Subject Property is necessary pursuant to Virginia Code Section 15.2-1903.A because the County and the Owners cannot agree on the terms of the County's purchase of the Subject Property; and

WHEREAS, a public hearing was held pursuant to Virginia Code Section 15.2-1903(B) prior to adoption of this Resolution; and

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

1. The Board has determined that the construction of the Project serves a Public Use as defined in Virginia Code §1-219.1, specifically as it provides for the improvement of the public streets and roads, and the Public Use is hereby approved.
2. The Board has determined that a public necessity exists for the acquisition of the Subject Property, specifically the Subject Property is essential and necessary for the completion of the Project as shown on the approved Construction Plans.
3. The Board hereby declares the intention to enter upon the Subject Property and take the Subject Property, as shown on the Plats, for use on the Project.
4. The Board has offered compensation to Ms. Virginia Pressey Banks, Ms. Pearline Pressey Williams, and Mr. Jerry N. Pressey in the amount of \$1,000 each, plus an additional \$500 for Mr. Pressey to compensate for the loss of recently-planted trees, as the easement is necessary to construct the Project. The offer has been tentatively accepted by Virginia Pressey Banks and Jerry N. Pressey, but has been not been accepted by Pearline Pressey Williams.
5. The Board hereby declares pursuant to Virginia Code Section 15.2-1905 (c) that it is necessary to enter upon and take the Subject Property prior to or during the condemnation proceeding in order to keep construction of the Project on schedule and to avoid increased costs due to Project delays.
6. The County Attorney is hereby authorized and directed, on behalf of the Board, to initiate judicial proceedings (and take other steps necessary) to acquire Ms. Virginia Pressey Banks, Ms. Pearline Pressey Williams, and Mr. Jerry N. Pressey's interest in the Subject Property for the Public Use by condemnation, in accordance with Virginia Code §§15.2-1900, et seq., and §§25.1-200, et seq., including, if applicable, conducting the condemnation proceedings in accordance with the procedures set forth in Virginia Code §§25.1-300 et seq. County staff is hereby authorized to pay the compensation set forth in Paragraph 4 above in the form of a certificate of take to be filed with the circuit court in accordance with the requirements of Virginia Code §§25.1-300 et seq.
7. This Resolution shall take effect upon passage.


Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:


Teresa J. Fellows
Deputy Clerk to the Board

SADLER
ICENHOUR
LARSON
MCGLENNON
HIPPLE

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of October, 2021.

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