

**Resolution to Authorize Initiation of Condemnation Proceedings and Use of “Quick Take” Procedures for Acquisition of Property and Interests in Property for the Zion Crossroads Water and Sewer System Project**

WHEREAS, the Board of Supervisors of Fluvanna County, Virginia (the “Board”), on November 1, 2017, approved the plans, specifications, design elements, and estimated cost for the construction of a proposed water supply and sewage disposal system, including pipes and lines, in the Zion Crossroads area (the “Zion Crossroads Water and Sewer System Project”) and directed staff and the County Attorney to begin the process of coordinating the acquisition of all necessary property interests, easements, and rights of way, and develop and issue invitations for bids, for the construction thereof;

WHEREAS, in order to accomplish the Zion Crossroads Water and Sewer System Project it is necessary for Fluvanna County to acquire the property and interests in property (the “Property and Easements”) shown and described on the following surveys (the “Project Surveys”):

- (a) Survey entitled “Plat Showing Proposed Utility Easements & Temporary Construction Easements Palmyra Magisterial District Fluvanna County, Virginia and Green Springs Magisterial District Louisa County, Virginia”, made by Bowman Consulting Group, Ltd., dated October 1, 2018;
- (b) Survey entitled “Plat Showing Proposed Utility Easements & Temporary Construction Easements on the Property of Commonwealth of Virginia, Department of Corrections P.I.D. 4-A-97 D.B. 295 PG. 420 Palmyra Magisterial District Fluvanna County, Virginia”, made by Bowman Consulting Group, Ltd., dated August 16, 2018;
- (c) Survey entitled “Plat Showing Utility Lot 1 on the Property of Macon Properties LLC Deed Book 951 at Page 293 Palmyra District Fluvanna County, Virginia”, made by Bowman Consulting Group, Ltd., dated July 23, 2018;
- (d) Survey entitled “Plat Showing Utility Lot 2 & Easements on the Property of Margie Irene Glass and Rita Sue Glass, Trustees of the R.S. Glass Marital Trust PID: 5-A-52 & PID: 5-A-48 Palmyra District Fluvanna County, Virginia”, made by Bowman Consulting Group, Ltd., dated August 16, 2018;
- (e) Survey entitled “Plat Showing Utility Lot 2 on the Property of B Properties II LLC PID: 5-7-9 Deed Book 718 at Page 897 Palmyra District Fluvanna County, Virginia”, made by Bowman Consulting Group, Ltd., dated August 16, 2018;

WHEREAS, water supply and sewage disposal systems, including pipes and lines, when undertaken by a locality are inherently public uses as provided in Virginia Code § 15.2-1902 and, in accordance with Virginia Code §§ 15.2-1901 and 15.2-1901.1, Fluvanna County is authorized to acquire real property and interests in real property for public use by exercise of the power of eminent domain;

WHEREAS, in accordance with Virginia Code §§ 25.1-303, 25.1-204, and 25.1-417 title examinations of the Property and Easements have been conducted to identify the owners and the

nature and extent of their interests; the amount of just compensation to be offered for the Property and Easements has been established by appraisal, or by basic administrative report where appraisal is not required and less than the entire parcel is to be acquired; and the appraisals and basic administrative reports have been approved by the County Administrator, who is the Fluvanna County official responsible for the acquisition;

WHEREAS, in accordance with Virginia Code §§ 25.1-303, 25.1-204, and 25.1-417(A)(1), Fluvanna County has made a bona fide but as yet ineffectual effort to purchase, or consent cannot be obtained, from the owners of the Property and Easements listed on EXHIBIT A attached hereto and incorporated herein by reference (the “Outstanding Interests”);

WHEREAS, in order to move forward with the Zion Crossroads Water and Sewer System Project as expeditiously as possible, it is necessary for Fluvanna County to enter upon the Property and Easements as soon as practicable;

WHEREAS, on November 20, 2018, following proper notice published according to law, the Board has held a public hearing pursuant to Va. Code §§ 15.2-1903(B), 15.2-1904(A), and 15.2-1905(C);

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board that:

- (1) All recitals set forth herein above are hereby incorporated as a part of this Resolution;
- (2) The Board declares that the Zion Crossroads Water and Sewer System Project will provide necessary public water and sewer service in the Zion Crossroads area and the construction, maintenance, and operation of the Zion Crossroads Water and Sewer System Project are public uses under Va. Code §§ 1-219.1 and 15.2-1902;
- (3) The Board hereby approves and re-approves the Zion Crossroads Water and Sewer System Project;
- (4) The Board hereby directs the acquisition of the Property and Easements for the Zion Crossroads Water and Sewer System Project by condemnation or other means, with the exception of the following, which the Board hereby directs to be acquired, if possible, by negotiation only, and not by condemnation: (i) any portion of the Property and Easements owned by the Commonwealth of Virginia, Department of Corrections; and (ii) any portion of the Property and Easements located in Louisa County, Virginia (being those portions of the Property and Easements owned by R.S. Glass Commercial Center, LC and Crescent Inn, LC);
- (5) The Board hereby declares and states that:
  - (i) it intends to enter and take the Outstanding Interests for the purposes of the Zion Crossroads Water and Sewer System Project;
  - (ii) the compensation and damages, if any, for the Outstanding Interests offered each property owner are set forth on EXHIBIT A attached hereto and incorporated herein by reference;

(iii) it is necessary to enter upon and take the Outstanding Interests prior to or during the condemnation proceedings for the purposes of the Zion Crossroads Water and Sewer System Project;

(6) The Board hereby ratifies and approves the written offers of just compensation for purchase of the Property and Easements by Fluvanna County previously delivered, or attempted to be delivered, to owner(s), including the factual basis for such offers and all exhibits thereto, and confirms that the acquisition of the Property and Easements complies with Virginia Code § 1-219.1;

(7) Steven M. Nichols, County Administrator of Fluvanna County, Virginia, and Frederick W. Payne, Fluvanna County Attorney, are hereby authorized and directed to take and authorize the taking of such actions, and to execute such documents, on behalf of Fluvanna County and/or the Board as may be necessary or appropriate to accomplish the acquisition of the Property and Easements and carry out the provisions of this resolution in accordance with applicable law, which may include but shall not be limited to instituting and conducting condemnation proceedings in the name of the Board in accordance with the “quick take” procedure set forth in Virginia Code § 25.1-300 et seq. and filing appropriate certificates of take in, and making appropriate payments into, the Circuit Court of Fluvanna County, Virginia.