

February 7, 2012

At a special meeting of the Board of Supervisors of Prince Edward County, held at the Court House, thereof, on Tuesday, the 7th day of February 2012; at 7:00 p.m., there were present:

Howard M. Campbell

Pattie Cooper-Jones

William G. Fore, Jr.

Robert M. Jones

Howard F. Simpson

Charles W. McKay

Jim R. Wilck

Absent: Don C. Gantt, Jr.

Also present: Wade Bartlett, County Administrator; and Sarah Elam Puckett, Assistant County Administrator.

Chairman Fore called the meeting to order, stating the purpose of the meeting is for a public hearing on the Initiation of Condemnation Proceedings by Prince Edward County, Virginia, to Acquire Certain Property Interests Necessary for County Purposes.

In Re: Public Hearing – Initiation of Condemnation Proceedings

Chairman Fore announced that this was the date and time scheduled for a public hearing on the Initiation of Condemnation Proceedings by Prince Edward County, Virginia, to Acquire Certain Property Interests Necessary for County Purposes. Notice of this hearing was advertised according to law in the Friday, January 27, 2012 and Friday, February 3, 2012 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Bartlett, County Administrator, stated that at the November 17, 2011 meeting of the Board of Supervisors, the Board approved the acquisition of all property required to proceed with the construction of the Route 628/786/15 project. Since that time the County has attempted to negotiate the acquisition of property fronting State Route 15 owned by Davis Real Properties, LLC, Tax Map #051-9-A. This property

is a 173.395 acre tract which includes an approximate 150.795 acre tract fronting on the west site of State Route 15. This project requires the acquisition of 0.919 acres in fee simple and 0.447 acres will be encumbered with a permanent utility easement. The County had the property appraised and on Friday, January 13, 2012 via certified mail, a packet of information was sent to Davis Real Properties, LLC. That packet contained the appraisal and the County's final offer. The letter informed Davis Real Properties, LLC that it must accept the offer or reach a negotiated settlement no later than January 23, 2012 or the County would be forced to acquire the property by eminent domain. Davis Real Properties, LLC has not responded to the letter. Mr. Bartlett stated he spoke to Mrs. Davis on January 23, 2012 and she stated her position has not changed and as such, the County's offer has been rejected.

Mr. Bartlett stated per Section 15.2-1903 of the *Code of Virginia*, "Prior to initiating condemnation proceedings, the governing body shall, after a public hearing adopt a resolution or ordinance approving the proposed public use and directing the acquisition of property for the public use by condemnation or other means."

Chairman Fore opened the Public Hearing.

Jack Houghton, Farmville District, urged the Board to cease the practice of holding special meetings regarding the expenditure of large sums of money; these should be discussed at regular board meetings. He then expressed his concern about the cost of the acquisition of property for the Alternate 628 Project, and that it now is approaching \$1,000,000 just for the Right of Way. He added he supports economic development but it is important to have a plan of costs and sequence of events.

There being no one further wishing to speak, Chairman Fore closed the Public Hearing.

Supervisor Wilck inquired about the status of the developer's funding sources and if they are secured. Mr. Bartlett stated he has no firm answer from the developer.

Supervisor Simpson made a motion to adopt the Resolution Authorizing the Acquisition of Interests in Real Estate For Road Construction Purposes on Land Owned by Davis Real Properties, LLC, Tax Map #051-9-A for public use, the construction of Route 786 (Alt 628) and directing the acquisition of the property needed for the construction and the acquisition of the property needed for the utility easements.

Supervisor Wilck stated that he is opposed due to the developer having no firm word on his funding.

Supervisor Campbell stated this should have been included in one public hearing; Mr. Bartlett stated another Supervisor had requested further negotiations be attempted with Davis Real Properties LLC, and had held considerable meetings with the family in order to come to an agreement.

Supervisor Cooper-Jones asked about the ramification if the decision would be delayed until the regular board meeting; Mr. Bartlett stated the construction company that won the bid to build the road will not hold the price any longer. He added the majority of the Board of Supervisors voted to build the road due to traffic congestion with Route 628 and Route 15 and safety concerns for the school campus, not because of economic development.

Chairman Fore then restated Supervisor Simpson's motion to adopt the Resolution Authorizing the Acquisition of Interests in Real Estate For Road Construction Purposes on Land Owned by Davis Real Properties, LLC, Tax Map #051-9-A for public use, the construction of Route 786 (Alt 628) and directing the acquisition of the property needed for the construction and the acquisition of the property needed for the utility easements; the motion carried:

Aye: William G. Fore, Jr.
Robert M. Jones
Charles W. McKay
Howard F. Simpson

Nay: Howard M. Campbell
Pattie Cooper-Jones
Jim R. Wilck

Absent: Don C. Gantt, Jr.

**A Resolution Authorizing the Acquisition of Interests in Real Estate
For Road Construction Purposes on land Owned by
Davis Real properties, LLC, Tax Map #051-9-A**

WHEREAS, Prince Edward County, Virginia (the "County") and the Commonwealth of Virginia have undertaken to construct an alternate to State Route 628 (to be named State Route 786) to relieve congestion through the Prince Edward County School Complex and to enhance safety in the area; and

WHEREAS, the County has determined that there is a need for a 0.919 acre right of way along with a 0.433 acre utility easement across and through a portion of a certain property identified by Tax Map Number 051-9-A, located on the east side of U.S. Highway 15, just south of Dominion Drive; and

WHEREAS, due to the deadlines imposed in conjunction with the construction of the highway utilizing “quick take” procedures as authorized by Section 15.2-1905(C) of the *Code of Virginia, 1950*, as amended, is necessary; and

WHEREAS, the value of the right of way and the easement is \$56,691.00;

NOW, THEREFORE, BE IT RESOLVED, by the County, that condemnation utilizing “quick take” procedures of a 0.919 acre right of way and 0.433 acre utility easement that must be relocated to accommodate construction across and through portions of the property identified as Tax Map Number 051-9-A, located on the east side of U.S. Highway 15, just south of Dominion Drive is necessary for the reasons set forth in this Resolution, and staff is hereby authorized to initiate condemnation proceedings, including possession prior to the institution of the condemnation proceedings in accordance with law.

On motion of Supervisor McKay and adopted by the following vote:

Aye:	Howard M. Campbell	Nay: None
	Pattie Cooper-Jones	
	William G. Fore, Jr.	
	Robert M. Jones	
	Charles W. McKay	
	Howard F. Simpson	
	Jim R. Wilck	

Absent: Don C. Gantt, Jr.

the meeting was adjourned at 7:18 p.m.