



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. _____

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**Agenda Title: RESOLUTION — Condemnation — Easements — Fall Line Trail Lakeside
Community Trail Phase 2 Project — 1900 Cliffbrook Lane — Fairfield District**

| For Clerk's Use Only: Date: _____ () Approved () Denied () Amended () Deferred to: _____ _____ | BOARD OF SUPERVISORS ACTION Moved by (1) _____ Seconded by (1) _____ (2) _____ (2) _____ REMARKS: _____ _____ _____ | <table style="width: 100%; border-collapse: collapse;"><tr><th style="width: 30%;"></th><th style="width: 10%;">YES</th><th style="width: 10%;">NO</th><th style="width: 10%;">OTHER</th></tr><tr><td>Cooper, R.</td><td>_____</td><td>_____</td><td>_____</td></tr><tr><td>Nelson, T.</td><td>_____</td><td>_____</td><td>_____</td></tr><tr><td>Rogish, J.</td><td>_____</td><td>_____</td><td>_____</td></tr><tr><td>Roundtree, M.</td><td>_____</td><td>_____</td><td>_____</td></tr><tr><td>Schmitt, D.</td><td>_____</td><td>_____</td><td>_____</td></tr></table> | | YES | NO | OTHER | Cooper, R. | _____ | _____ | _____ | Nelson, T. | _____ | _____ | _____ | Rogish, J. | _____ | _____ | _____ | Roundtree, M. | _____ | _____ | _____ | Schmitt, D. | _____ | _____ | _____ |
|---|---|--|-------|-----|----|-------|------------|-------|-------|-------|------------|-------|-------|-------|------------|-------|-------|-------|---------------|-------|-------|-------|-------------|-------|-------|-------|
| | YES | NO | OTHER | | | | | | | | | | | | | | | | | | | | | | | |
| Cooper, R. | _____ | _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | |
| Nelson, T. | _____ | _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | |
| Rogish, J. | _____ | _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | |
| Roundtree, M. | _____ | _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | |
| Schmitt, D. | _____ | _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | |

WHEREAS, it is necessary for construction of the Fall Line Trail Lakeside Community Trail Phase 2 Project (the "Project") that the County acquire 51,968 square feet of permanent trail easements and 33,165 square feet of temporary construction easements (the "Easements") across the property located at 1900 Cliffbrook Lane, identified as Tax Map Parcel 784-745-0846, and owned by PC VA Brook Run II, LLC (the "Owner"); and,

WHEREAS, the County has offered the Owner \$167,390 as compensation for the Easements, the affected improvements, costs to cure, and damages to the remainder, if any, but the parties cannot reach an agreement; and,

WHEREAS, the Board of Supervisors of Henrico County, Virginia, desires to exercise the authority granted by the Code of Virginia (the "Code") to acquire title, enter upon, and take possession of the Easements, and construct the Project prior to or during the condemnation proceedings; and,

WHEREAS, after advertisement in accordance with law, the Board held a public hearing pursuant to §§ 15.2-1903 and 15.2-1905 of the Code, at which time the Board declared its intent to enter and take the Easements for the Project across portions of the Owner's property.

NOW, THEREFORE, BE IT RESOLVED that:

- (1) The Board directs the County Manager to take the necessary steps to acquire the Easements over, under, upon, across, and through the property of the Owner, as shown on plats made by H&B Surveying and Mapping, LLC dated July 6, 2023, reduced sized copies of which are attached and marked as Exhibits "A," "A-1," and "A-2;" and on Sheet Nos. 3, 4, and 5 of Fall Line Trail Lakeside Community Trail Phase 2 Project dated December 17, 2024, reduced sized copies of which are attached and marked as Exhibits "B," "C," and "D;" and,

By Agency Head _____

By County Manager _____

Certified: _____

A Copy Teste: _____

Clerk, Board of Supervisors

Copy to: _____

Date: _____

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- (2) The Board deems it necessary to enter upon the property and take possession of the Easements to construct the Project prior to or during condemnation proceedings in accordance with the Code; and,
- (3) The Board finds a necessity exists to institute condemnation proceedings pursuant to the Code to acquire the Easements for the public use of constructing, operating, and maintaining the Project and to determine the amount of compensation and damages, if any, caused by the taking, possession, and acquisition of the Easements; and,
- (4) The Board authorizes the County Attorney to institute and conduct condemnation proceedings to acquire the Easements in accordance with the Code; and,
- (5) The Board authorizes and directs the County Manager to continue to seek a voluntary acquisition of the Easements, to take all steps necessary to acquire the Easements, and to enter on and take possession of the required Easements in accordance with the Code.

Comments: The Real Property Division has been unsuccessful in negotiating an agreement for the acquisition of the Easements. Therefore, the Directors of Public Works and Real Property recommend approval of this Board paper; the County Manager concurs.