

Issue Analysis Form



Date: February 28, 2023

Item: Resolution – Authority to Advertise a Public Hearing for Eminent Domain for Utility Easement.

Lead Department(s): County Attorney/Engineering & Utilities

Contact Person(s): Dan Whitten/Frank Haltom

Description and Current Status

The Utilities Department is experiencing a breakdown in the negotiations with the owner of a parcel, identified as Tax Map 340(0A)00-007-G, for a necessary easement for the Southpoint Business Park Wastewater Pump Station force main realignment project. The easement is shown on the enclosed plat.

The Board must have a public hearing before the quick take procedure can begin. The County Attorney's office must send a 30-day notice to the property owner after the quick take is approved by the Board. Once the quick take procedure is approved by the Board after a public hearing, the County Attorney's office will file a certificate of quick take with the Circuit Court and also post a certificate of deposit for the value of the property. The County Attorney's office will then have 180 days to file the petition for condemnation with the Circuit Court to determine the just compensation. However, construction can immediately begin within the Easement after the certificate of quick take is filed with the Circuit Court.

A motion approving authority to advertise Eminent Domain for a Utility Easement for a public hearing on March 28, 2023, is requested.

Sample Motion: I move that the Board approve advertisement of Eminent Domain on March 28, 2023 for Utility Easements located on property known as Tax Map Number 340(0A)00-007-G.

Government Path

- | | | |
|--|---|--|
| Does this require IDA action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does this require BZA action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does This require Planning Commission Action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does this require Board of Supervisors action? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does this require a public hearing? | <input checked="" type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| If so, before what date? | | |

Fiscal Impact Statement

None

County Impact

None.

Notes

Board of Supervisors
County of Prince George, Virginia

Resolution

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia, this 28th day of February, 2023:

Present:

Vote:

Donald Hunter, Chairman
T. J. Webb, Vice Chairman
Floyd M. Brown, Jr.
Alan R. Carmichael
Marlene J. Waymack

A-4

On motion of _____, seconded by _____, which carried unanimously, the following Resolution was adopted:

RESOLUTION: AUTHORITY TO ADVERTISE A PUBLIC HEARING FOR EMINENT DOMAIN FOR UTILITY EASEMENT

WHEREAS, Brenden S. and Kayli N. Merritt are the owners of the real property known as Tax Map Number 340(0A)00-007-G (“Property”) in Prince George County referenced on a plat dated December 2, 2022, by Bowman Consulting entitled “16’ Sanitary Sewer Easement, Brenden S. and Kayli N. Merritt;” and

WHEREAS, Prince George County Utilities Department has requested a sanitary sewer easement for the purpose of the force main realignment project across the “Property”; and

WHEREAS, the owner of the “Property” and Prince George County Utilities Department have had a breakdown in the negotiations for the necessary easement and a quick take is proposed; and

WHEREAS, the Board must have a public hearing and the County Attorney must send a 30-day notice to the “Property” owner before the quick take procedure can begin.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of the County of Prince George this 28th day of February, 2023, does hereby authorize the advertisement of a public hearing on March 28, 2023 for Eminent Domain for a Utility Easement.

A Copy Teste:

Jeffrey D. Stoke
County Administrator



**BASIC ADMINISTRATIVE REPORT (BAR)
RIGHT OF WAY ACQUISITION**

Project, Parcel and Ownership Information			
Parcel No.	N/A		
Project No.	N/A	County: Prince George	
Federal Project No.	N/A		
UPC No.	N/A		
Parcel Address	4285 Courthouse Road		
Parcel City, State and Zip	Prince George, VA 23875		
Owner Name	Brendon S. and Kayli N. Merritt		
Owner Address	4285 Courthouse Road		
Owner City, State and Zip	Prince George, VA 23875		
Agent Name	Ronnie Van Cleve		
Zoning, Use and Assessment Information			
Tax Map #	340(0A)00-007-G	Assessed Land	\$ 79,300
Zoning	210R	Assessed Improv.	\$ 0
Current Use	Single Family Residential	Total Assessed Value	\$ 79,300
Parcel Size Before Acquisition	9.8 Acre	Parcel Size After Acquisition	9.8 Acre

ESTIMATE OF JUST COMPENSATION					
ITEM	UNIT	SIZE	UNIT VALUE	% OF VALUE APPLIED	ESTIMATED VALUE
Sanitary Sewer Easement	SF	16,867	\$ 0.22	50%	\$ 1,900.00
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
Value of Land and Easement					\$ 1,900.00
Value of of Improvements (List and Comment Below)					\$ 5,000.00
Cost to Cure Items (Explanation and Calculation Below)					\$ -
TOTAL ESTIMATED COMPENSATION					\$ 6,900.00



Comments, Explanations and Calculations (e.g. if any, area of residue acquired)

Land prices are based on a range of values derived from property transfers within the market neighborhood. The agent was able to find 3 land sales that ranged in value from \$55,000 per site up to \$100,000 per site. Based on this it is reasonable to conclude a price for the site of \$93,000 which when divided by the parcel's 9.8 acres equates to \$9,490/ 43,560 per square foot. This concludes a value of \$0.22 per square foot.

The subject property will have a Permanent 16' Sanitary Sewer Easement. This area will be compensated for at 50% of the fee value for the area since the easement bisects the property.

There are trees located within the acquisition area and will be given a contributory value of \$5,000.

Signatures and Date Approved for Acquisition

Agent Signature	<i>Ronald K. Van Cleave Jr.</i>
Date	12/2/2022
Manager Signature	
Date Approved for Acquisition	



PHOTOGRAPH

Prince George Force Main Alignment Project

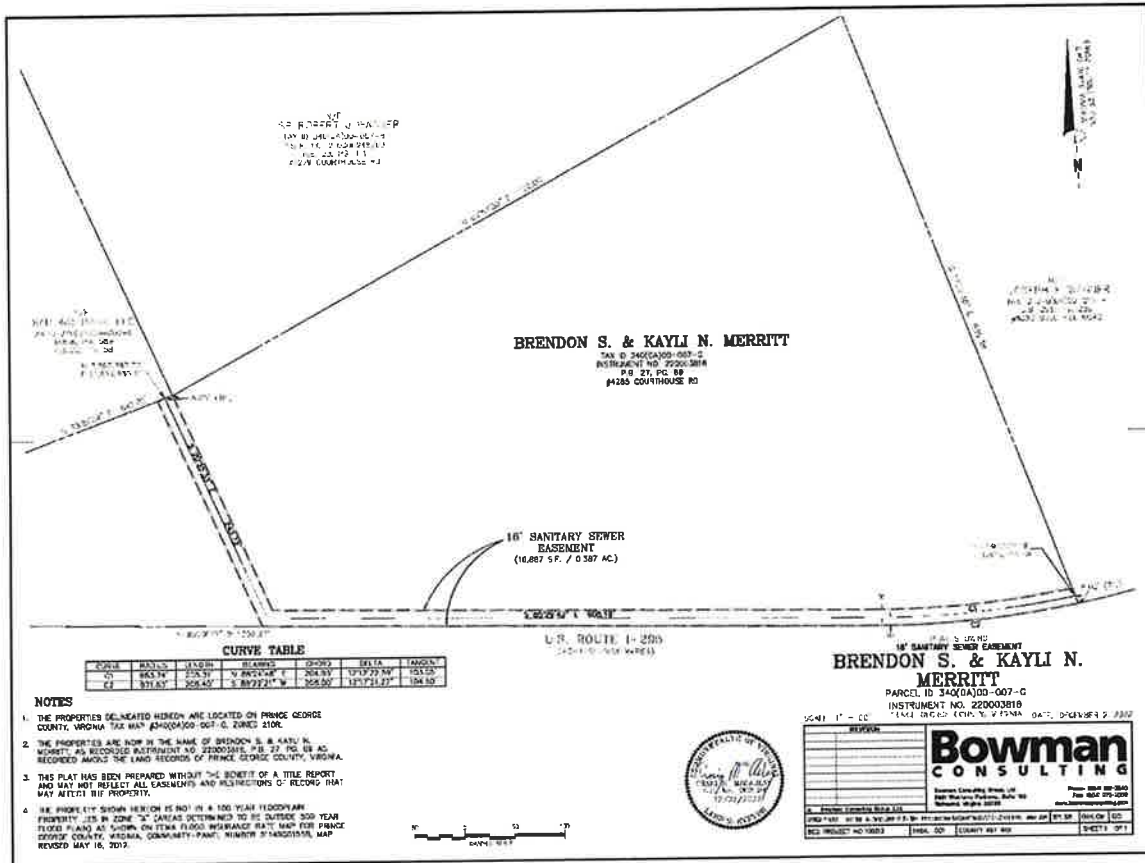
Date Photo Taken: 7/27/2022



Photo #1: Proposed acquisition area from the right-of-way.



Prince George Force Main Alignment Project Plat





Land Sales (Comparables)

Value Factors	Subject	Sale #1	Sale #2	Sale #3
Address	4285 Courthouse Road	9691 Cedar Lane	3200 Beechwood Avenue	9806 Merchants Hope
Tax Map #	340(0A)00-007-G	380(0A)00-056-A	796632770700000	1400A000300
Zoning	210R	200V	A/C2	200V
Sale Price		\$55,000	\$90,000	\$100,000
Size (Acres)	9.80	5.90	8.19	11.35
Sale Price Per / Site		\$55,000	\$90,000	\$100,000
Date of Sale		3/24/2022	1/12/2022	5/10/2022