

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HARRISONBURG, VIRGINIA DELARING THE NECESSITY TO ENTER
UPON AND TAKE CERTAIN REAL PROPERTY INTERESTS,
INCLUDING WATERLINE UTILITY EASEMENTS AND TEMPORARY
CONSTRUCTION EASEMENTS FOR THE EASTERN SOURCE WATER
SUPPLY PROJECT OF THE CITY OF HARRISONBURG**

WHEREAS, the Department of Public Utilities for the City of Harrisonburg is in the process of planning and constructing improvements, including the construction of a waterline and associated facilities, of the City of Harrisonburg, Virginia water utility system; and

WHEREAS, the construction of the waterline and associated facilities will improve and secure City of Harrisonburg's water utility system and improve the health, welfare, and safety of the citizens of and visitors to the City of Harrisonburg; and

WHEREAS, the City of Harrisonburg needs to acquire various real property interests, including waterline utility easements along with temporary construction easements in order to make the improvements to the City of Harrisonburg's water utility system; and

WHEREAS, for various reasons, the City of Harrisonburg has not been able to obtain from the owners of certain properties clear title to the interests in real estate necessary, or no agreement has been reached as to the consideration to be paid for the said interests; and

WHEREAS, plats of the interests in real property to be acquired have been prepared by James Joseph Lewis, Jr., LS, of Wiley and Wilson, and assessments of such interests have been prepared and provided to the owners of such interests; and

WHEREAS, Section 15.2-1903(B) and Section 15.2-1904 of the Code of Virginia, as amended, authorize the City Council of the City of Harrisonburg to adopt a resolution following a public hearing on the matter approving the public use of the real property interests and easements for needed improvements to the City of Harrisonburg's water utility system and approving the acquisition of such interests and easements for the public use by condemnation and to enter and take specified properties, rights or way or easements for such improvements; and

WHEREAS, Section 15.2-1901(B) and Section 15.2-1907 of the Code of Virginia, as amended, authorize the City Council of the City of Harrisonburg to exercise such condemnation power outside its boundaries for the purpose of maintaining, protecting, or providing supplies of water for public use or for laying water pipes;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA this 9th day of November, 2021 that the Council finds that the Eastern Source Water Supply Project is a proper public use necessary for the protection and preservation of the public health, safety and welfare, and that it is necessary for the City, its officers, employees and agents to enter upon and take the interests in real property described below prior to the initiation of condemnation proceedings.

BE IT FURTHER RESOLVED that the interests to be taken, and the compensation and damage, if any, offered by the City of Harrisonburg for each are the following, which interests are more particularly described on the plats referred to below and incorporated herein by this reference:

Rockingham County Tax Map Parcel 140-A-L1A

A permanent waterline utility easement of 38,724 square feet, and a temporary construction easement of 26,334 square feet, all as shown on a plat entitled "TEMPORARY CONSTRUCTION EASEMENT AND PERMANENT UTILITY EASEMENT ACROSS TMP 140-A-L1A" dated November 9, 2018, by James Joseph Lewis, Jr., LS, of Wiley and Wilson. Value offered to Owner: \$20,300.

BE IT FURTHER RESOLVED that the City of Harrisonburg shall, upon the deposit of compensation in the amount of the City's valuation and in compliance with all statutory requirements, including the recordation of a certificate of take for each of the above properties with the Clerk of the Circuit Court of Rockingham County, Virginia, enter upon the land of the owners named above and take possession of the real property interests and easements described above before the conclusion of condemnation proceedings.

BE IT FURTHER RESOLVED that the City Manager, or his designee, shall mail a certified or attested copy of this resolution to the landowners on or after November 29, 2021, such copy to serve as statutory notice of entry.

BE IT FURTHER RESOLVED that the Harrisonburg City Manager, or his designee, and the City Attorney each are hereby authorized and directed, for and on behalf of the City of Harrisonburg, to deposit with the Clerk of the Circuit Court of Rockingham County, to the credit of the landowners named above, the applicable fair value of the property interests, as listed and described above and simultaneously record a certificate of take with the Clerk of the Circuit Court of Rockingham County, Virginia, and that the City Attorney, or his designee, is authorized and directed to institute and conduct condemnation proceedings to acquire the fee simple interests and easements described above from the landowners named above and against successors in title, if any, in the manner authorized and provided by Chapter 19 of Title 15.2 (Section 15.2-1900 *et seq.*),

and Chapters 2 and 3 of Title 25.1 (Section 25.1-200 *et seq.* and Section 25.1-300 *et seq.*) of the Code of Virginia (1950), as amended.

Approved: November 9, 2021

MAYOR

ATTEST:

CITY CLERK