

RESOLUTION TO AUTHORIZE THE ACQUISITION BY CONDEMNATION OF PORTIONS OF A CERTAIN PARCEL OF LAND, PARCEL ID NUMBER 056A2-02-0A-00100, FOR THE PURPOSE OF CONSTRUCTING ROAD IMPROVEMENTS AND RELOCATING UTILITIES CONNECTING LIBRARY AVENUE AND HIGH STREET, AND TO ENTER UPON THE PROPERTY TO BE ACQUIRED AND INITIATE CONSTRUCTION BEFORE THE CONCLUSION OF THE CONDEMNATION PROCEEDING PURSUANT TO VIRGINIA CODE SECTIONS 15.2-1904 AND 15.2-1905(C) AND CHAPTER 3 OF TITLE 25.1 (SECTIONS 25.1-300 ET SEQ.).

WHEREAS, Albemarle County has proposed certain roadway improvements in the White Hall District as part of the Library Avenue Extension to Parkside Village Road Project in order to extend Library Avenue eastward through the Barnes Lumber property to connect to High Street and then to Hill Top Street in Parkside Village as well as connection to The Square;

WHEREAS, the Library Avenue Extension to connect High Street and the Parkside Village Road Project is necessary for the public health, safety, peace, good order, comfort, convenience, and welfare of the County;

WHEREAS, the project design for the Library Avenue Extension to connect High Street and the Parkside Village Road Project requires the acquisition of certain right-of-way and easement interests for the construction of road and safety improvements;

WHEREAS, the County has reviewed the acquisition for purposes of complying with Section 1-219.1 of the Code of Virginia and has certified that the acquisition is for the possession, ownership, occupation, and enjoyment of the property by the public, for the purpose of construction and maintenance of public facilities including public roads and other improvements;

WHEREAS, the County has made a bona fide but ineffectual effort to purchase the necessary right-of-way and easements for public road and other improvements at fair market value, and the County and landowner were able to reach an agreement on compensation, but the landowner was unable to convey clear and legal title of the property rights to the County; and

WHEREAS, it is now necessary to enter upon the property to install the facilities and improvements prior to the completion of condemnation proceedings;

NOW, THEREFORE, BE IT RESOLVED BY THE ALBEMARLE COUNTY BOARD OF SUPERVISORS:

1. That the property is to be acquired for construction and maintenance of public roadway improvements and other related improvements, including road and safety improvements, required as a result of the proposed improvements for the purpose of extending Library Avenue eastward through the Barnes Lumber Property to connect to High Street and then to Hill Top Street in Parkside Village as well as connection to The Square.
2. That the Board approves the proposed public use of the property.
3. That acquisition of the property, as shown in the following chart along with the referenced plat, is for the public roadway and related facilities and is declared to be necessary for a

public use and an authorized public undertaking pursuant to Chapter 19 of Title 15.2 (§ 15.2-1900, *et seq.*) of the Code of Virginia (1950), as amended.

| Landowner | Parcel ID Number | Referenced Plat Showing Property Interests to be Acquired |
|-----------------|-------------------|---|
| The Square, LLC | 056A2-02-0A-00100 | Approximately 337 square feet of fee simple, 436 square feet for a permanent utility easement, and 1,176 square feet for a temporary construction easement on Parcel 006 on “Right of Way Data Sheet” Number 1A and “Right of Way Plan Sheet” Number 2RW prepared by Timmons Group, dated December 10, 2020, and last revised February 16, 2024, attached hereto and labeled “Exhibit A.” |

4. That it is necessary to enter upon the property to begin construction of the roadway and other improvements prior to the completion of condemnation proceedings in order to adhere to the project schedule.
5. That Albemarle County may, upon the deposit of compensation in the amount of the County’s opinion of just compensation and in compliance with all statutory requirements, including the recordation of a Certificate of Take with the Clerk of the Circuit Court of Albemarle County, enter upon the property identified herein and take possession of the property prior to the conclusion of condemnation proceedings.
6. That, based upon an appraisal report obtained from an MAI licensed real estate appraiser, Albemarle County has determined that the just compensation due to the landowner for the property interests to be acquired for public purposes is as follows:

| Landowner | Parcel ID Number | Property Interests to be Acquired | Estimated Value |
|-----------------|-------------------|---|-----------------|
| The Square, LLC | 056A2-02-0A-00100 | Approximately 337 square feet of fee simple, 436 square feet for a permanent utility easement, and 1,176 square feet for a temporary construction easement on Parcel 006 on “Right of Way Data Sheet” Number 1A and “Right of Way Plan Sheet” Number 2RW prepared by Timmons Group, dated December 10, 2020, and last revised February 16, 2024, attached hereto and labeled “Exhibit A.” | \$11,466.00 |

7. That the ownership of the property interests to be acquired is as stated in paragraphs 3 and 6 herein.
8. That the County Executive or his designee will deposit with the Clerk of the Circuit Court of Albemarle County, to the credit of the landowner named above, the County’s opinion of just compensation for the property interests, as listed in paragraph 6 herein and simultaneously record a Certificate of Take with the Clerk of the Circuit Court of Albemarle County.

9. That the County Executive or his designee will mail a certified copy of this resolution to the landowners.
10. That the County Attorney or his designee is authorized and directed to acquire the property interests for public use by condemnation or other means, and to institute and conduct condemnation proceedings to acquire the property interests from the landowner named herein in the manner authorized and provided by Chapter 19 of Title 15.2 (Sections 15.2-1900 *et seq.*), and Chapters 2 and 3 of Title 25.1 (Sections 25.1-200 *et seq.* and 25.1-300 *et seq.*) of the Code of Virginia (1950), as amended.
11. That the County Executive or his designee may also continue to negotiate acquisition of the property interests, subject to approval by the Board of Supervisors.

* * *

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of a Resolution duly adopted by the Board of Supervisors of the County of Albemarle, Virginia, by a vote of _____ to _____, as recorded below, at a regular meeting held on January 21, 2026.

Clerk, Board of County Supervisors

| | <u>Aye</u> | <u>Nay</u> |
|---------------------|------------|------------|
| Ms. Duncan | _____ | _____ |
| Mr. Gallaway | _____ | _____ |
| Ms. LaPisto-Kirtley | _____ | _____ |
| Ms. Mallek | _____ | _____ |
| Mr. Missel | _____ | _____ |
| Mr. Pruitt | _____ | _____ |



RIGHT OF WAY DATA SHEET

TIMMONS GROUP

| | | |
|--------------|-------|---|
| 101 NO. 3 | 38593 | UPC #111385 - LIBRARY AVENUE ALBERMARLE COUNTY, VIRGINIA |
| | | RIGHT OF WAY DATA SHEET |
| SHEET NO. 1A | | |

Exhibit A

