RESOLUTION — Condemnation – Right-of-Way and Easements – Richmond Henrico Turnpike Improvements Project – Realty Income Corporation – Fairfield District

This Board paper authorizes condemnation proceedings for property owned by Realty Income Corporation that is needed for the construction of the Richmond Henrico Turnpike Improvements Project.

The County needs to acquire 2,207 square feet of land in fee simple (the "Right-of-Way"); a permanent Dominion Energy Virginia utility easement containing 182 square feet; a permanent joint-use utility easement containing 182 square feet; and a temporary construction easement containing 5,544 square feet (the "Easements"), across the property located at 5101 Richmond Henrico Turnpike, identified as Tax Map Parcel 794-744-7852, and owned by Realty Income Corporation. Based on an independent appraisal, the County made an offer of $12,600 for the required property interests. The offer was not accepted.

This Board paper authorizes the County Attorney to institute and conduct condemnation proceedings in accordance with the Code of Virginia. This Board paper further authorizes and directs the County Manager to continue to seek a voluntary acquisition of the Right-of-Way and Easements, to take all steps necessary to acquire the Right-of-Way and Easements, and to enter on and take possession of the required Right-of-Way and Easements in accordance with the Code.

The Deputy County Manager for Community Operations and Director of Public Works recommend approval of the Board paper; the County Manager concurs.

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No.

Agenda Title: RESOLUTION — Condemnation – Right-of-Way and Easements – Richmond Henrico Turnpike Improvements Project – Realty Income Corporation – Fairfield District

For Clerk's Use Only:	BOARD OF SUPERVISORS ACTION	YES	NO	OTHER
Date: _____	Moved by (1) _____ Seconded by (1) _____			
( ) Approved	(2) _____ (2) _____			
( ) Denied	REMARKS: _____			
( ) Amended	_____			
( ) Deferred to:	_____			
_____				
		Branin, T.	___	___	___
		Nelson, T.	___	___	___
		O'Bannon, P.	___	___	___
		Schmitt, D.	___	___	___
		Thornton, F.	___	___	___

WHEREAS, it is necessary for construction of the Richmond Henrico Turnpike Improvements Project (the "Project") that the County acquire 2,207 square feet of land in fee simple (the "Right-of-Way"); a permanent Dominion Energy Virginia utility easement containing 182 square feet; a permanent joint-use utility easement containing 182 square feet; and a temporary construction easement containing 5,544 square feet (the "Easements"), across the property located at 5101 Richmond Henrico Turnpike, identified as Tax Map Parcel 794-744-7852, and owned by Realty Income Corporation (the "Owner"); and,

WHEREAS, the County has offered the Owner $12,600 as compensation for the Right-of-Way and Easements and affected landscaping, but the parties cannot reach an agreement on the acquisition of the Right-of-Way and Easements; 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, to enter upon and to take possession of the Right-of-Way and Easements, and to construct the Project prior to or during the condemnation proceedings; and,

WHEREAS, after advertisement in the *Richmond Times-Dispatch*, 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 Right-of-Way and 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 Right-of-Way and Easements over, under, upon, across, and through the property of the Owner, as

By Agency Head _____ By County Manager _____

Copy to: _____

Certified:
A Copy Teste: _____
Clerk, Board of Supervisors

Date: _____

shown on the plat made by H&B Surveying & Mapping, Inc. dated January 20, 2021, revised April 14, 2021, a reduced size copy of which is attached and marked as Exhibit "A" and "A-1;" a plat made by Dominion Virginia Energy revised February 19, 2021, a reduced size copy of which is attached and marked as "A-2," and as further described on Sheet No. CR204, dated April 30, 2021, of the plans for KHA Project 116832005, a reduced size copy of which is attached and marked Exhibit "B"; and,

(2) The Board deems it necessary to enter upon the property and take possession of the Right-of-Way and 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 Right-of-Way and 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 Right-of-Way and Easements; and,

(4) The Board authorizes the County Attorney to institute and conduct condemnation proceedings to acquire the Right-of-Way and 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 Right-of-Way and Easements, to take all steps necessary to acquire the Right-of-Way and Easements, and to enter on and take possession of the required Right-of-Way and Easements in accordance with the Code.

Comments: The Real Property Department has been unsuccessful in negotiating an agreement for the acquisition of the Right-of-Way and Easements. Therefore, the Deputy County Manager for Community Operations and Director of Public Works recommend approval of the Board paper; the County Manager concurs.

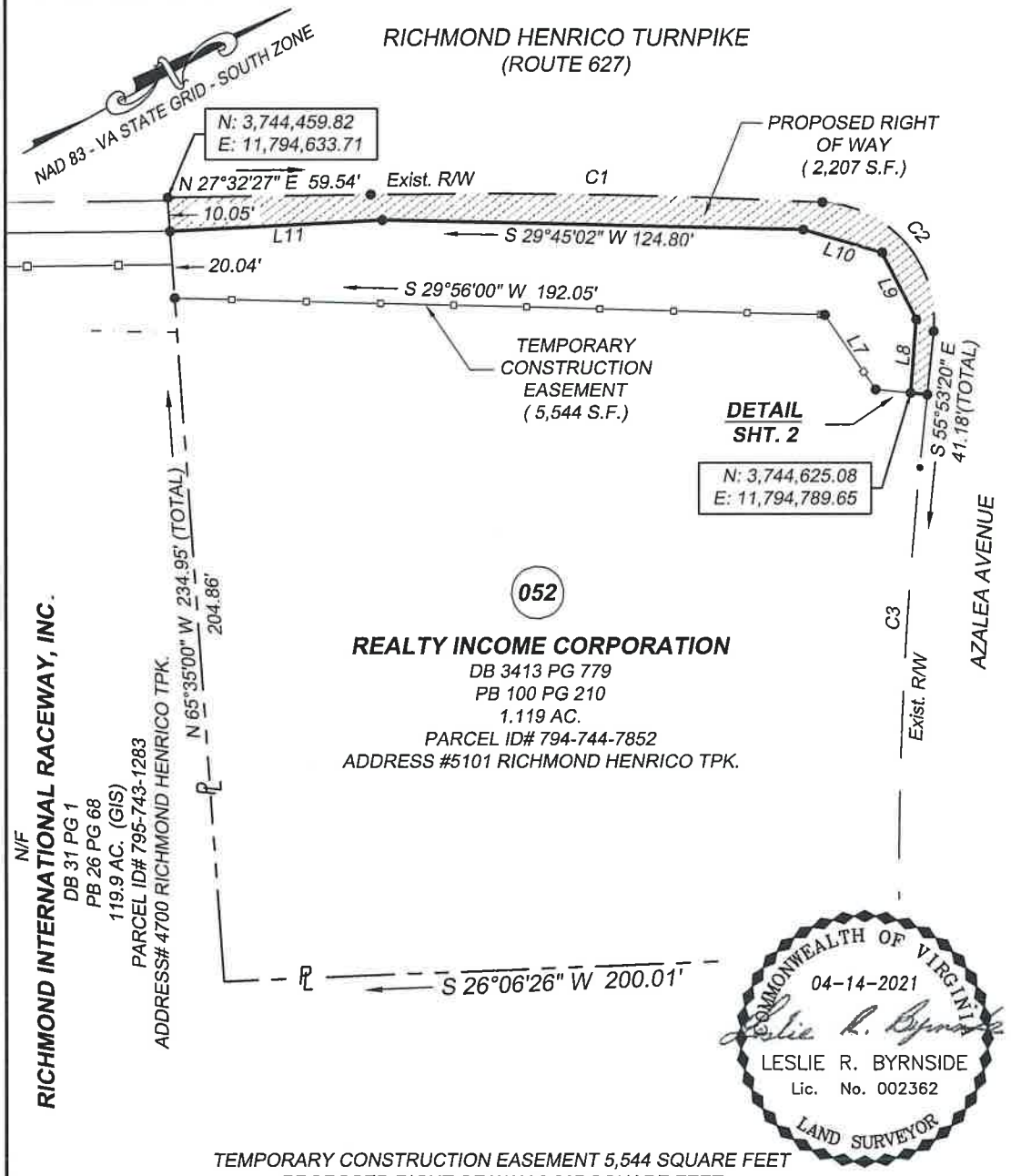
EXHIBIT

tabbies

A

OWNERSHIP: **REALTY INCOME CORPORATION**
DEED BOOK: 3413 PAGE: 779
PARCEL NO: 794-744-7852

ALL NOTES & TABLES ARE LOCATED ON SHEET 2 OF 2



COMMONWEALTH OF VIRGINIA
04-14-2021
Leslie R. Byrnside
LESLIE R. BYRNSIDE
Lic. No. 002362
LAND SURVEYOR

TEMPORARY CONSTRUCTION EASEMENT 5,544 SQUARE FEET
PROPOSED RIGHT OF WAY 2,207 SQUARE FEET

PLAT SHOWING THE LOCATION OF A TEMPORARY CONSTRUCTION EASEMENT
AND PROPOSED RIGHT OF WAY
TO BE ACQUIRED THROUGH THE PROPERTY OF
REALTY INCOME CORPORATION
IN THE FAIRFIELD MAGISTERIAL DISTRICT, COUNTY OF HENRICO, VIRGINIA

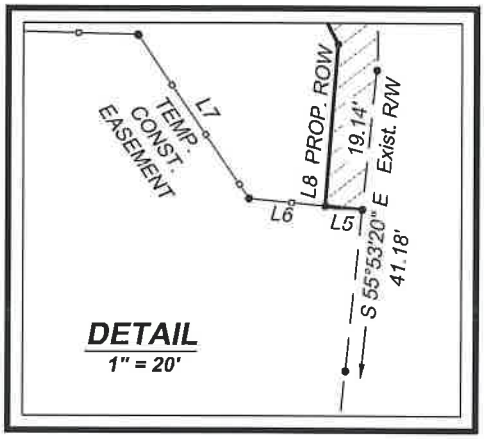
SCALE: 1"=40'
DATE: 01-20-2021
REV: 04-14-2021

H&B SURVEYING & MAPPING, INC.
LESLIE R. BYRNSIDE, LS * VA SURVEYOR'S LIC. NO.: 2362
614 MOOREFIELD PARK DRIVE, RICHMOND, VA 23236
OFFICE: (804)330-3781 * FAX: (804)859-5330

PLAT NUMBER: _____
SHEET 1 OF 2
RECORDED _____ P.B. _____ PG. _____

EXHIBIT
A-1

OWNERSHIP: **REALTY INCOME CORPORATION**
DEED BOOK: 3413 PAGE: 779
PARCEL NO: 794-744-7852



CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	3°49'55"	2002.49'	133.93'	66.99'	N 29°27'25" E	133.91'
C2	92°44'17"	35.00'	56.65'	36.71'	N 77°44'31" E	50.67'
C3	6°34'25"	1269.06'	145.60'	72.88'	S 59°10'33" E	145.52'

LINE	BEARING	DISTANCE
L1	OMITTED	
L2	OMITTED	
L3	OMITTED	
L4	OMITTED	
L5	S 34°01'10" W	5.00'
L6	S 34°01'10" W	10.41'
L7	S 84°22'46" W	27.01'
L8	N 57°10'19" W	22.16'
L9	N 88°36'20" W	22.31'
L10	S 44°50'03" W	24.42'
L11	S 25°23'00" W	62.33'
L12	OMITTED	

COMMONWEALTH OF VIRGINIA
04-14-2021
Leslie R. Byrnside
LESLIE R. BYRNSIDE
Lic. No. 002362
LAND SURVEYOR

NOTES:

1. THIS PLAT IS FOR THE SOLE PURPOSE OF SHOWING A TEMPORARY CONSTRUCTION EASEMENT, AND PROPOSED RIGHT OF WAY. THE BOUNDARY LINES SHOWN HEREON DO NOT REPRESENT A CURRENT BOUNDARY SURVEY. BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON THE SURVEY USED FOR THE DESIGN OF THE PROPOSED EASEMENTS.
2. HORIZONTAL (NAD'83) DATUM ESTABLISHED THROUGH REAL TIME KINEMATIC (RTK) GPS OBSERVATIONS ON 10-31-2018. DIFFERENTIAL CORRECTIONS WERE DERIVED FROM NATIONAL GEODETIC SURVEY (NGS) CONTINUALLY OPERATING REFERENCE STATION (CORS) "VAAD".
3. THE PROPERTY SHOWN HEREON FALLS IN THE FOLLOWING FLOOD HAZARD ZONE: "X"(UNSHADED)-AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOOD PLAIN, AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP, MAP NUMBER 51087C0135C, EFFECTIVE DATE: DECEMBER 18, 2007.
4. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE TITLE.

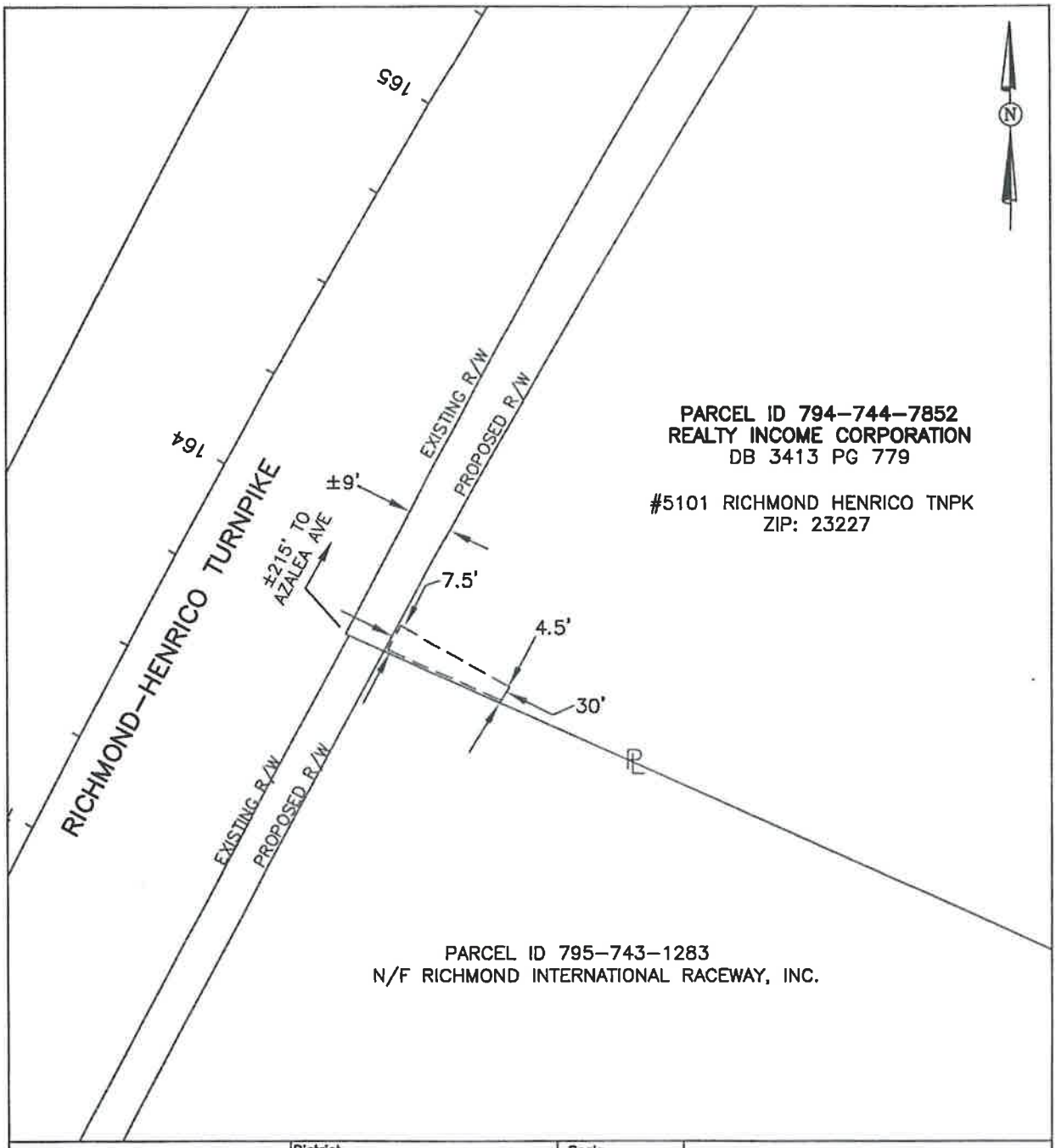
TEMPORARY CONSTRUCTION EASEMENT 5,544 SQUARE FEET
PROPOSED RIGHT OF WAY 2,207 SQUARE FEET

PLAT SHOWING THE LOCATION OF A TEMPORARY CONSTRUCTION EASEMENT AND PROPOSED RIGHT OF WAY TO BE ACQUIRED THROUGH THE PROPERTY OF **REALTY INCOME CORPORATION** IN THE FAIRFIELD MAGISTERIAL DISTRICT, COUNTY OF HENRICO, VIRGINIA

SCALE: 1"=40'
DATE: 01-20-2021
REV: 04-14-2021

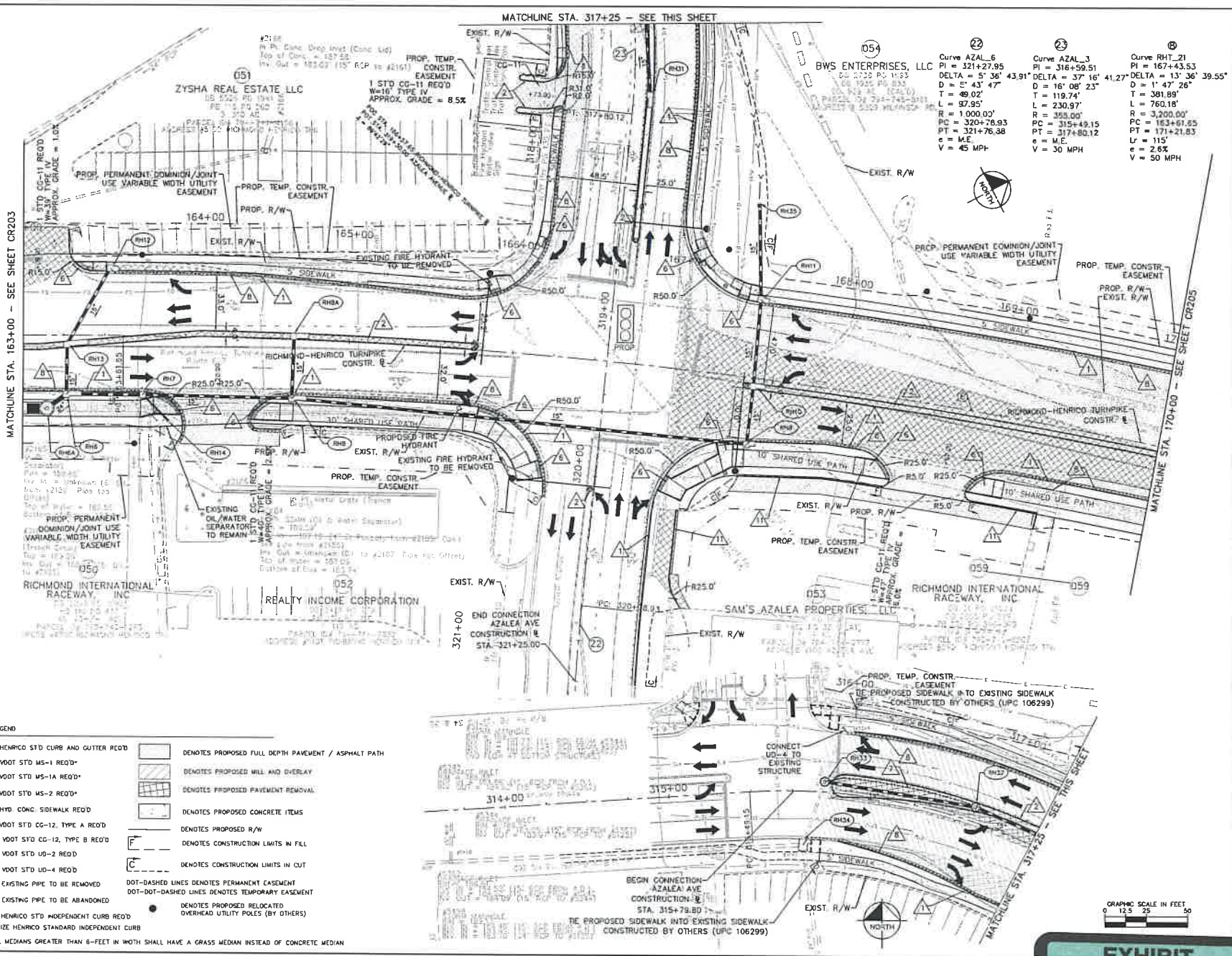
H&B SURVEYING & MAPPING, INC.
LESLIE R. BYRNSIDE, LS * VA SURVEYOR'S LIC. NO.: 2362
614 MOOREFIELD PARK DRIVE, RICHMOND, VA 23236
OFFICE: (804)330-3781 * FAX: (804)859-5330

PLAT NUMBER: _____
SHEET 2 OF 2
RECORDED _____ P.B. _____ PG. _____



LEGEND – – – Location of Boundary Lines of Right-of-Way VARIABLE in Width. =℄= Indicates Property Line is Right-of-Way Boundary	District: RICHMOND	Scale: NOT TO SCALE	PLAT TO ACCOMPANY RIGHT-OF-WAY AGREEMENT OH/UG VIRGINIA ELECTRIC AND POWER COMPANY doing business as Dominion Energy Virginia Page 5 of 5
	District-Township-Borough: FAIRFIELD	County-City: HENRICO	State: VA
	Office: CENTRAL	Plat Number: 00-20-0391	
	Estimate Number: 10334400	Grid Number: H0104	
DATE 11/19/2020 (REVISED 2/19/2021)	BY LCH		OWNER INITIALS _____

EXHIBIT
A-2



Curve AZAL_6
PI = 321+27.95
DELTA = 5° 36' 43.91"
D = 5° 43' 47"
T = 49.02'
L = 97.95'
R = 1,000.00'
PC = 320+78.93
PT = 321+76.88
e = M.E.
V = 45 MPH

Curve AZAL_3
PI = 316+59.51
DELTA = 37° 16' 41.27"
D = 16° 08' 23"
T = 119.74'
L = 230.97'
R = 355.00'
PC = 315+49.15
PT = 317+80.12
e = M.E.
V = 30 MPH

Curve RHT_21
PI = 167+43.53
DELTA = 13° 36' 39.55"
D = 1° 47' 26"
T = 381.89'
L = 760.18'
R = 3,200.00'
PC = 163+61.65
PT = 171+21.83
Lr = 115'
e = 2.6%
V = 50 MPH

LEGEND

1. HENRICO ST'D CURB AND GUTTER REQ'D
2. VDOT ST'D MS-1 REQ'D*
2a. VDOT ST'D MS-1A REQ'D*
3. VDOT ST'D MS-2 REQ'D*
4. HYD. CONC. SIDEWALK REQ'D
5. VDOT ST'D CG-12, TYPE A REQ'D
6. VDOT ST'D CG-12, TYPE B REQ'D
7. VDOT ST'D UD-2 REQ'D
8. VDOT ST'D UD-4 REQ'D
9. EXISTING PIPE TO BE REMOVED
10. EXISTING PIPE TO BE ABANDONED
11. HENRICO ST'D INDEPENDENT CURB REQ'D

* UTILIZE HENRICO STANDARD INDEPENDENT CURB

** ALL MEDIANS GREATER THAN 6-FEET IN WIDTH SHALL HAVE A GRASS MEDIAN INSTEAD OF CONCRETE MEDIAN

DENOTES PROPOSED FULL DEPTH PAVEMENT / ASPHALT PATH
DENOTES PROPOSED MILL AND OVERLAY
DENOTES PROPOSED PAVEMENT REMOVAL
DENOTES PROPOSED CONCRETE ITEMS
DENOTES PROPOSED R/W
F — DENOTES CONSTRUCTION LIMITS IN FILL
C — DENOTES CONSTRUCTION LIMITS IN CUT
DOT-DASHED LINES DENOTES PERMANENT EASEMENT
DOT-DOT-DASHED LINES DENOTES TEMPORARY EASEMENT
● DENOTES PROPOSED RELOCATED OVERHEAD UTILITY POLES (BY OTHERS)

Kimley»Horn
© 2021 KIMLEY-HORN AND ASSOCIATES, INC.
4525 MAIN STREET, SUITE 1000, VIRGINIA BEACH, VA 23462
PHONE: 757-213-8600 FAX: 757-213-8601
WWW.KIMLEY-HORN.COM

COMMONWEALTH OF VIRGINIA
MATTHEW T. HARRELL
PROFESSIONAL ENGINEER

KHA PROJECT 116832005
DATE 04/30/2021
SCALE AS SHOWN
DESIGNED BY DFL
DRAWN BY DFL
CHECKED BY MTH

ROADWAY PLAN

RICHMOND-HENRICO TURNPIKE IMPROVEMENTS
PREPARED FOR HILLWOOD
HENRICO COUNTY VIRGINIA

SHEET NUMBER CR204

No.	REVISIONS	DATE	BY

POD2021-00059 POD2021-00019

EXHIBIT
B