

RESOLUTION

CONDEMNATION FOR DRAINAGE EASEMENT ACQUISITION AT

5501 CENTERVILLE ROAD

WHEREAS, the County of James City, Virginia (the “County”) is locally administering the Virginia Department of Transportation (the “VDOT”) intersection improvement project at the intersection of Longhill and Centerville Roads in the County; and

WHEREAS, the intersection improvements require drainage improvements along the westerly side of Centerville Road, including the parcel known as 5501 Centerville Road and further identified as James City County Real Estate Tax Parcel No. 3130100010 (the “Property”); and

WHEREAS, after holding a public hearing, in the opinion of the Board of Supervisors of James City County, Virginia, a public necessity exists for the acquisition of an easement on the Property for the construction of drainage facilities for public purposes and for the preservation of the health, safety, peace, good order, comfort, convenience, morals, and welfare of James City County, Virginia.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that:

1. The acquisition of the hereinafter described property for drainage facilities is declared to be a public necessity and to constitute an authorized public undertaking pursuant to Section 15.2-1901.1 of the Code of Virginia, 1950, as amended (the “Virginia Code”); and it is further declared that the acquisition and use of such property by the County will constitute a public use as defined by Section 15.2-1900 of the Virginia Code.
2. The County elects to use the procedures set forth in Sections 25.1-300 et seq. of Virginia Code, as authorized by Section 15.2-1904(A) of the Virginia Code.
3. A public necessity exists that the County enter on and take the hereinafter described property for the purposes described herein above before the conclusion of condemnation proceedings, and the County declares its intent to so enter and take the property under those powers granted pursuant to Sections 15.2-1902, 15.2-1904, and 15.2-1905 of the Virginia Code.
4. The County Attorney is hereby authorized and directed to acquire by voluntary acquisition or, if necessary, by condemnation in the manner provided by Title 25 of the Virginia Code and by Title 15 of the Virginia Code, the hereinafter described property.
5. The name of the present owners of the property to be acquired is E.L. Griffin Investments, Incorporated.
6. A substantial description of the property is: All that certain lot, piece or parcel of land, situate, lying and being in Powhatan Magisterial District, James City County, State of Virginia, and is bounded and described as follows: Beginning at a point on the Centerville-Lightfoot Road where the northeast corner of the lot hereby

conveyed, the property now or formerly belonging to Mable Pierce (Irene Pierce Brown Estate, c/o Charlette M. Brown), at vir, and the westerly side of the above said road coverage; thence south the distance of 100 feet to a point on said westerly side of said road; thence from the point of beginning and the aforesaid point, the property runs back between parallel lines in a westerly direction the distance of 100 feet to a point. Said property is bounded on the north by the property now or formerly belonging to Mable Peirce (Irene Pierce Brown Estate, c/o Charlette M. Brown), at vir, on the west end south by the property of the Grantor and on the east by the Centerville-Lightfoot Road and fronting thereon 100 feet.

AND BEING THE SAME property conveyed to Helen Wall by deed from Eleanor Godwin, widow, dated March 21, 1974 and recorded March 29, 1974 in Deed Book 151 at page 209 among the land records of James City County, Virginia. The said Helen Wall having duly departed this life on July 29, 1999, and her interest in said property having passed to Keith C. Wall as evidence of the Last Will and Testament of Helen Wall recorded in Deed Book 0214, page 2631 in the aforementioned Clerk's Office.

More commonly known as 5501 Centerville, Williamsburg, Virginia.

7. Just compensation is estimated to be \$49.95 based upon an assessed valuation pursuant to Section 25.1-417(A)(2) of the Virginia Code.
8. No condemnation proceedings shall be commenced until the preconditions of Section 15.2-1903(A) of the Virginia Code are met.
9. In the event the property described in paragraph 6 of this resolution has been conveyed, the County Attorney is authorized and directed to institute proceedings against the successors in title.
10. If an emergency is declared to exist, this resolution shall be in effect from the date of its passage.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of May, 2009.

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