

**Caroline County
Board of Supervisors Agenda
Executive Summary**

Meeting Date: April 13, 2021

Title: Public Hearings – Acquisition of Real Property for Public Purpose by Purchase or Condemnation

(Check Mark)

<input type="checkbox"/> Consent	<input type="checkbox"/> Closed Meeting
<input type="checkbox"/> Action	<input checked="" type="checkbox"/> Public Hearing
<input type="checkbox"/> No Action (Information Only)	<input type="checkbox"/> Ordinance
<input type="checkbox"/> Resolution	<input type="checkbox"/> PowerPoint Presentation

Summary: At the direction of the Board of Supervisors, a public hearing to consider the adoption of a resolution authorizing the acquisition of a tract of land on Sparta Road (Route 630) by either purchase or condemnation has been advertised for the April 13 Board meeting. The land will be used for the construction of a new Sparta Volunteer Fire Station. The current fire station is located in a floodplain and has flooded several times over the years, including most recently in November 2020.

As indicated in the resolution, Caroline County attempted to work with the owners of record to purchase the property in question at the listed sale price of \$99,000. However, the offer was declined. Adoption of the resolution would authorize the County Administrator and the County Attorney to take all actions necessary to acquire the property through eminent domain (condemnation), including the filing of any papers or pleadings with the Caroline County Circuit Court. As County Attorney Ben Emerson has previously explained, the condemnation process involves a series of steps and legal proceedings. A property appraisal must be completed and an attempt to purchase the property following the completion of the appraisal must be made prior to initiating condemnation proceedings.

Action(s) Requested of the Board of Supervisors: Conduct public hearing and adopt attached resolution. Adoption of the proposed resolution does not preclude the continuation of negotiations to purchase the property in lieu of condemnation proceedings.

**A RESOLUTION AUTHORIZING THE ACQUISITION FOR PUBLIC PURPOSES
BY PURCHASE OR CONDEMNATION OF REAL PROPERTY OWNED BY
JENNIFER L. MCALLISTER AND MATTHEW LAKIN, OR THEIR SUCCESSORS
AND ASSIGNS, HAVING TAX MAP NO. 74-A-114**

WHEREAS, the County of Caroline (the "County"), has a need for a new fire station in the Sparta area of the County (the "Fire Station"); and

WHEREAS, the providing by the County of fire, rescue, and emergency services to the public are a public use and service of the County and are defined as such by §1-219.1, B of the *Code of Virginia*, 1950, as amended (the "Code"); and

WHEREAS, pursuant to §15.2-1901, §15.2-1901.1, §15.2-1902, and §15.2-1903 of the Code, the County is authorized to acquire by condemnation, necessary land to permit the construction and operation of the Fire Station in order to provide fire, rescue, and emergency medical services to the residents of the County, and the County is vested with the power of eminent domain for the acquisition of land for the purposes of such public use; and

WHEREAS, the Board of Supervisors finds that it is necessary to obtain certain property identified as Tax Map No. 74-A-114 located on Route 630, Sparta Road, Milford, VA 22514 in the County (the "Property"), owned by Jennifer L. Mcallister and Matthew Lakin, or their successors and assigns, to be used for the construction of the Fire Station; and

WHEREAS, the County has endeavored to work with the owners of record of the Property to purchase the Property, having previously offered to pay to such owners the purchase price of \$99,000.00 for which they had listed the Property for sale, which offer was declined by such owners; and

WHEREAS, a public hearing on the subject matter of this Resolution was duly held on April 13, 2021, as required by §15.2-1903 of the Code;

NOW THEREFORE, BE IT RESOLVED, that, after due consideration, the Caroline County Board of Supervisors hereby approves and adopts the following resolutions.

RESOLVED, that the construction, operation and maintenance of the Fire Station is approved as a critical public use, necessary to ensure fire protection, rescue, and emergency services for the health, safety and welfare of the members of the public served by the County; and be it

FURTHER RESOLVED, that the acquisition of the Property by purchase, condemnation or other means, free and clear of any and all liens, judgments, deeds of trust, leases or other conflicting encumbrances, is approved, such acquisition being necessary for the construction of the Fire Station; and be it

FURTHER RESOLVED, that the Property will be used by the County for the Fire Station in furtherance of its public and governmental functions pursuant to the Virginia Code, and that that the acquisition of the Property for that public use: (i) will serve only public interests which dominate any private gain; (ii) is sought for the primary purpose of serving public interests and not private financial gain, private benefit, an increase in tax revenues, or an increase in employment; and (iii) otherwise complies with §1-219.1 of the Code; and be it

FURTHER RESOLVED, that the County previously has made bona fide efforts to acquire the Property from the landowners, but, to date, those efforts have been ineffectual; and be it

FURTHER RESOLVED, that the County does hereby authorize its County Administrator, staff, and County Attorney, respectively, to take all actions for and on behalf of the County which are or may be appropriate or necessary for the County to acquire the Property through the exercise of its power of eminent domain, including but not limited to, the filing of any papers or pleadings with the Circuit Court of Caroline County, Virginia, and other actions related to the initiation of any legal proceedings necessary or appropriate to acquire the Property by eminent domain, *provided, however*, that nothing in this Resolution shall be construed as preventing the continued negotiation by the County Administrator, staff, and/or County Attorney for the acquisition by purchase or other means of the Property before the initiation of any such eminent domain proceedings; and be it

FURTHER RESOLVED, that all the actions taken by the County Administrator, staff, and County Attorney in connection with this matter are hereby ratified and confirmed; and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately; and be it

FINALLY RESOLVED, that a copy of this Resolution be filed with the papers of this meeting.

ADOPTED this 13th day of April, 2021.

Attest:

Chairman, Board of Supervisors of
Caroline County

Clerk, Board of Supervisors

Notice of Public Hearing Concerning the Adoption of a Resolution Authorizing the Acquisition of Real Property for Public Purposes by Purchase or Condemnation by Caroline County, Virginia

**on
April 13, 2021**

The Caroline County Board of Supervisors will hold a public hearing, as required by Section 15.2-1903(B) of the Code of Virginia, on **Tuesday, April 13, 2021**, at 7:30 p.m. in the Community Services Center auditorium located at 17202 Richmond Turnpike (adjacent to Bowling Green Primary School), Milford, Virginia, to consider adoption of the following resolution to authorize condemnation proceedings in the event an agreement is not reached with the owner of certain property identified therein to purchase real property necessary for county public purposes and use in connection with the provision of fire, rescue, and emergency medical services by the County and for the public health, safety and welfare of the citizens of the County, such property being a parcel of land or portion thereof identified by Caroline County Tax Map Number 74-A-114 located on Route 630, Sparta Road, Milford, VA 22514 in Caroline County, Virginia:

**A Resolution Authorizing the Acquisition For Public Purposes
by Purchase or Condemnation of Real Property Owned by Jennifer L. Mcallister and
Matthew Lakin, or Their Successors and Assigns, Having Tax Map No. 74-A-114**

The purpose of the hearing is to consider comments from the public on this proposed action and resolution. All interested persons are invited to present their views in the manner set forth below.

Due to the public health threat posed by the COVID-19 pandemic, the in-person gathering size in the meeting room is limited to 86 persons based on guidance and executive orders from the Governor of Virginia and the Virginia Department of Health on social distancing and public gatherings. Accordingly, public comment will also be accepted in writing prior to the meeting to be entered into the official minutes of the Caroline County Board of Supervisors and read by the Chair or designee at the Board meeting.

Those wishing to submit written comments may do so by emailing comments to Pam Hall (phall@co.caroline.va.us) at the County Administrator's Office or by placing written comments in the Treasurer's Office drop box outside the front door of the County Administrative Building at 212 N. Main Street, Bowling Green, VA 22427. Comments submitted via the Treasurer's Office drop box should be in a sealed envelope clearly marked "Comments for Public Hearing on Resolution for Acquisition of Property for Fire Station." Written comments may also be mailed to the attention of Pam Hall, County Administrator's Office, P. O. Box 447, Bowling Green, VA 22427. All comments must be received by close of business on FRIDAY, April 9, 2021 in order to be read into the public record at the hearing.

Submissions of written comments must include the citizen's name and voting district. Please draft your comments at such length so that they may be read into the record in no more than three (3) minutes at a typical oral reading pace. For comments provided in representation of a group or organization, the time limit is five (5) minutes. The reading of any comments that exceed these time limits will stop when the time limit is reached.

Citizens choosing to attend in person to address the Board of Supervisors at the public hearing will be required to maintain recommended social distancing at all times, wear masks and have their temperature taken before entering the building.

The meeting will be streamed live on the Internet via YouTube channel Caroline County Virginia Government at the following link:
<https://www.youtube.com/channel/UCPjBwPjQnTZdfcy5ySZcqAg>

A copy of the full text of the proposed resolution is on file in the office of the County Administrator at 212 North Main Street, Bowling Green, Virginia 22427 and on the County website at www.co.caroline.va.us.

Charles M. Culley, Jr.
County Administrator