



1723 Falling Creek Road
Bedford, VA 24523-3137
(540) 586-7679 (phone)
(540) 586-5805 (fax)
www.brwa.com

RESOLUTION

2021-04.02

Route 122 Waterline Relocation – Eminent Domain

At a regular meeting of the Bedford Regional Water Authority (“Authority”) Board of Directors, held in the Board Meeting Room at the Authority’s Administrative Annex Building on the 20th of April 2021, beginning at 7:00pm

WHEREAS, the Bedford Regional Water Authority (the “Authority”), a public service authority formed and existing in accordance with the provisions of Chapter 51 of Title 15.2 of the Code of Virginia, 1950, as amended, the Virginia Water and Waste Authorities Act §§ 15.2-5100-15.2-5159 (the “Act”), needs to relocate an 18-inch water transmission main along Moneta Road between Ratliff Road and Placid Lane due to slope failures in the Virginia Department of Transportation (“VDOT”) right-of-way and direction from VDOT for relocation to be established outside of their right-of-way in this area of Bedford County, Virginia; and,

WHEREAS, the Director of Engineering has informed the Board of Directors of the Authority that the relocated water line is needed to provide adequate water supply to the Bedford Central and Forest service areas; and,

WHEREAS, the Director of Engineering has informed the Board of Directors of the Authority that the most suitable location for the relocated water line is through the adjacent private properties in Bedford County, Virginia between Placid Lane and Ratliff Road, at a distance away from the right-of-way so as not to interfere with VDOT slope repairs or future potential failures; and,

WHEREAS, the Director of Engineering has informed the Board of Directors of the Authority a) that negotiations have not progressed with the owners of the properties listed herein, b) that the easements are needed for the new relocated water line, c) the methodology used in valuing the easements, as attached to this resolution, for purposes of making a good faith offer; and,

WHEREAS, the Director of Engineering has informed the Board of Directors of the Authority that the amount of property to be taken is not more than is necessary to achieve the stated public use; and,

WHEREAS, the Director of Engineering has determined that the Authority will need to acquire permanent easements from the following persons who own property along the proposed route as described above in Bedford County, Virginia, but who do not seem at this time amenable to a voluntary conveyance of the needed easements. The easement areas and easement values also follow; and,

Tax Map Parcel 198 1 1:

Owners: Montgomery M. & Janice G. Stevens;

Easement Area: 10549.25 Square Feet Permanent Water Line Easement Area, 1636.14 Square Feet Permanent Water Line Easement Area to be vacated;

Easement Value: \$1,046.45



WHEREAS, in order to proceed with the new potable water line, the Director of Engineering has recommended that the Authority acquire such permanent water system easements either through negotiations with the property owners or through the exercise of eminent domain if negotiations with the property owners prove unsuccessful; and,

WHEREAS, the Authority has been unable to acquire the permanent water system easements with the property owners; and,

WHEREAS, the Authority properly advertised a public hearing for the purpose of informing the public of the need to exercise eminent domain to acquire the permanent water system easements, and such public hearing was held at the offices of the Authority at 7:00 p.m. on April 20, 2021 for the purpose of giving all citizens the opportunity to state their views; now,

THEREFORE, BE IT RESOLVED by the Board of Directors of the Bedford Regional Water Authority that acquisition of the permanent water system easements through the exercise of eminent domain is hereby approved and the Director of Engineering is hereby authorized and directed to initiate condemnation proceedings and to take all steps necessary to acquire the permanent water system easements through the exercise of eminent domain.

This resolution shall take effect immediately.

Member Gray made a motion to approve this Resolution.

Member Mele made a Second to approve.

Board member votes: 7 Aye; 0 Nay; 0 Abstain. The motion carried.

CERTIFICATION

The undersigned secretary of the Bedford Regional Water Authority does hereby certify that the foregoing is a true, complete, and correct Resolution adopted by a vote of a majority of the Directors of the Bedford Regional Water Authority, present at a regular meeting of the Board of Directors of the Bedford Regional Water Authority duly called and held April 20, 2021 at which a quorum was present and acting throughout, and that the same has not been amended or rescinded and is in full force and effect as of the date of the above mentioned meeting.



Brian M. Key, Secretary,
Bedford Regional Water Authority

(SEAL)