



RESOLUTION

2022-03.04

Ivy Creek Interceptor Divisions 5 and 6 – Acquisition of Easements

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 15th of March 2022, 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 install a 30-inch and 36-inch gravity sanitary sewer main along Ivy Creek in the Forest area of Bedford County and into the western portion of the City of Lynchburg; and,

WHEREAS, the Director of Engineering has informed the Board of Directors of the Authority that the existing sewer system is at capacity and requires upgrading; and,

WHEREAS, the Director of Engineering has informed the Board of Directors of the Authority that the most suitable location for the installation of the sewer interceptor is through the adjacent private properties in Bedford County, Virginia and the City of Lynchburg, Virginia between Chapel Lane and the existing Lake Vista Pump Station on Cottontown Road; 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 sanitary sewer 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, and in the City of Lynchburg, 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,

Parcel ID: 22301003,
Owners: Michael Nuckles
Easement Area, Permanent: 15,168.28 square feet
Easement Area, Temporary: 15,175.01 square feet
Total Easement Value: \$983.91

Parcel ID: 8302900
Owners: Michael Nuckles



Easement Area, Permanent: 2,484.63 square feet
Easement Area, Temporary: 2,484.63 square feet
Total Easement Value: \$1,187.50

Parcel ID: 8206000
Owners: Delbert & Diane Green
Easement Area, Permanent: 52,283.06 square feet
Easement Area, Temporary: 35,488.15 square feet
Total Easement Value: \$13,000.00

WHEREAS, in the event that the Authority is unable to acquire the necessary easements through negotiation with the property owners, the Director of Engineering has presented a proposed schedule for public advertisement and a public hearing for the purpose of informing the public of the need to exercise eminent domain to acquire the permanent easement; and,

WHEREAS, such public hearing, if necessary, will be scheduled to take place at the offices of the Authority at 7:00 p.m. on April 19th, 2022 for the purpose of giving all citizens the opportunity to state their views on the exercising of eminent domain over the subject property for the purpose of acquiring the necessary sewer system easements; now,

THEREFORE, BE IT RESOLVED by the Board of Directors of the Bedford Regional Water Authority that (1) acquisition of the necessary sewer system easements as recommended are for the public use of a sewer interceptor and that no more private property is being taken than that which is necessary to achieve the stated public use, (2) that the calculation of the fair value of the easements is reasonable, (3) that such acquisition is hereby approved, and (4) that the Director of Engineering is hereby authorized and directed to negotiate the specific terms of easement agreements and to execute and deliver the same in consideration of the fair values as computed, or to prepare and send a good faith offer letter and, if no agreement can be reached after negotiating with the owners of the subject properties, to acquire the sewer system easements through the exercise of eminent domain; and,

BE IT FURTHER RESOLVED, that if the Authority is unable to negotiate successfully with the owners of the subject properties to acquire the necessary sewer system easements, the Board authorizes and directs the Director of Engineering to advertise the acquisition of the necessary easements through the exercise of eminent domain and to make appropriate arrangements, including advertising of a public notice, for the public hearing on April 19th, 2022; and,

BE IT FURTHER RESOLVED, that the Director of Engineering is authorized to obtain a title report, appraisal, and any other documentation needed to ascertain the values of the permanent easements; and,

BE IT FURTHER RESOLVED, that the Director of Engineering is authorized and directed to take such further action as shall seem to be necessary or convenient to obtain the necessary sewer easements.

This resolution shall take effect immediately.



Member Gray made a motion to approve this Resolution, as modified with the removal of three properties.


Member Moldenhauer made a Second to approve.

Board Member Votes: 5 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 **March 15, 2022** 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.

(SEAL)



Brian M. Key, Secretary,
Bedford Regional Water Authority