

KING GEORGE COUNTY SERVICE AUTHORITY

RESOLUTION APPROVING PUBLIC USE AND AUTHORIZING ACQUISITION OF NECESSARY PROPERTY RIGHTS BY EMINENT DOMAIN

WHEREAS, the King George County Service Authority (the "Authority") is planning to upgrade wastewater pump stations including related facilities and appurtenances thereto as a component of the Purkins Corner WWTP Decommissioning Project, including the upgrading of the existing wastewater pump station within the Presidential Village Townhouse Subdivision, to include the demolition of the existing facilities, equipment installation, site work, electrical upgrades, and infrastructure improvements ("the Project");

WHEREAS, the aforementioned component of the Project is an important part of the Authority's larger effort to address aging infrastructure, improve efficiency, comply with Department of Environmental Quality (DEQ) requirements and rerouting wastewater to the Hopyard Farms Wastewater Treatment Plant.

WHEREAS, the Project will serve a vitally important public purpose to provide reliable wastewater and sewage disposal systems for King George County citizens, businesses and industries while maintaining environmental compliance;

WHEREAS, the Authority has the need to acquire certain property rights from privately owned land in King George County, identified as Tax Map Parcel Number 23C-1-C, a 1.96 acre, more or less, unimproved parcel of land in the Presidential Village Townhouse Subdivision, King George County, Virginia ("the Property") in order to construct the improvements for this important public Project;

WHEREAS, the Authority has determined that in order to construct the Project it must acquire the following permanent easements from the Property, as more particularly shown on the "Plat Showing the Location of Two Proposed Variable Width Permanent Utility Easements, a Proposed 15' Wide Permanent Utility Easement, and a Variable Width Access Easement to be Acquired Through the Property of Presidential Village Townhouse, Parcel Number 23C-1C," attached hereto and labeled Exhibit "A," and the Hopyard Farms WWTP Modifications Plan Sheet Numbers C1 – C4, attached hereto and labeled Exhibit "B":

1. A Permanent and Exclusive Pump Station Easement, consisting of 0.0573 acre or 2,500 sf, more or less, as shown on Exhibit A as "Future Pump Station Parcel 50' x 50.' This Exclusive Pump Station Easement shall be for the purpose of replacing the existing pump station facilities, including pumps, wet well, electrical rack and generator with new facilities, replacing floats with level transducer, installing fencing and a driveway for access, and regrading the site to improve drainage.
2. A Permanent and Variable Width Utility Easement, consisting of 0.023 acre or 1,005 sf, more or less, as shown on Exhibit A as "Variable Width Permanent Utility Easement." for the purpose of installing, constructing, maintaining, inspecting,

operating, repairing, rebuilding, altering, improving, replacing, substituting, relocating and removing one or more underground water or wastewater lines, and accessories and appurtenances relating thereto, within the Easement across the Property together with all rights and privileges hereinafter enumerated pertaining to said property.

3. A Permanent and Variable Width Utility Easement, consisting of 0.010 acre or 431 sf, more or less, as shown on Exhibit A as "Variable Width Permanent Utility Easement," for the purpose of installing, constructing, maintaining, inspecting, operating, repairing, rebuilding, altering, improving, replacing, substituting, relocating and removing one or more underground water or wastewater lines, and accessories and appurtenances relating thereto, within the Easement across the Property together with all rights and privileges hereinafter enumerated pertaining to said property.
4. A Permanent 15' Wide Utility Easement, consisting of 0.022 acre or 950 sf, more or less, as shown on Exhibit A as "15' Wide Permanent Utility Easement," for the purpose of installing, constructing, maintaining, inspecting, operating, repairing, rebuilding, altering, improving, replacing, substituting, relocating and removing one or more underground water or wastewater lines, and accessories and appurtenances relating thereto, within the Easement across the Property together with all rights and privileges hereinafter enumerated pertaining to said property.
5. A Permanent and Variable Width Access Easement, consisting of 0.025 acre or 1,074 sf, more or less, as shown on Exhibit A as "Variable Width Access Easement." This Access Easement shall be for the purpose of providing ingress to and egress over and across the aforesaid area to allow the Authority, its agents, permittees, successors and assigns reasonable access to construct, operate, maintain, inspect, rebuild, repair, improve, relocate, alter, replace and remove any and all facilities as part of the Project.

The aforementioned easements shall collectively be referred to as the "Property Rights."

WHEREAS, the Authority has reviewed the acquisition of the Property Rights for the purposes of complying with Virginia Code Section 1-219.1, and by adoption of this Resolution, certifies that the acquisition is for the possession, ownership, occupation and enjoyment of the Property Rights by the public, for the purposes of construction and maintenance of public facilities, including the extension of an existing public water system and other public improvements ancillary thereto;

WHEREAS, based upon an appraisal obtained from an independent and licensed real estate appraiser, the Authority has determined that just compensation due for the Property Rights needed is \$5,480.00.

WHEREAS, based upon said appraisal, the Authority has determined that there are no damages to the residue;

WHEREAS, the Authority has conducted a public hearing in accordance with Virginia Code §15.2-1903(B) to determine the necessity for condemnation and has carefully considered the recommendations of staff and public testimony, if any, at the public hearing; and

WHEREAS, if it becomes necessary to use the power of eminent domain, the Board finds it necessary and proper to use its statutory “quick-take” powers” pursuant to Virginia Code §15.2-5114 and §25.1-300 et seq. to enter on the affected properties in order to take and use the property needed to begin work on the Project.

NOW THEREFORE, BE IT RESOLVED, by the Board of Directors of King George County Service Authority (“Board”) as follows:

1. This Board hereby declares the public necessity to enter upon and take the Property Rights prior to or during the condemnation proceedings, such necessity arising from Authority’s need to immediately acquire the Property Rights and conduct all necessary activities in order to meet mandatory deadlines in connection with Authority’s use of the Property Rights for the public purposes stated herein, and the Board further declares the Authority’s intent to enter and take the Property Rights as necessary for the purpose of constructing public facilities, prior to the conclusion of a condemnation proceeding instituted in accordance with the procedures of Chapter 19 of Title 15.2 (Section 15.2-1900, et seq.), §15.2-5114, and Chapters 2 and 3 of Title 25.1 (Sections 25.1-200, et seq. and 25.1-300, et seq.) of the Code of Virginia (1950), as amended, and for all other purposes incidental thereto.
2. Acquisition of the Property Rights is declared to be necessary for a public use and to constitute an authorized public undertaking pursuant to Chapter 19 of Title 15.2 (Sections 15.2-1900, et seq.), §15.2-5114, and Chapters 2 and 3 of Title 25.1 (Sections 25.1-200, et seq. and 25.1-300, et seq.) of the Code of Virginia (1950), as amended.
3. That the acquisition of the Property is necessary for the construction of the Project and the Authority hereby certifies that it has reviewed such acquisitions for compliance with Virginia Code §1-219 and has determined that they are authorized thereunder as a public use for which the Authority may exercise its powers of eminent domain; and
4. That the current record owner of the Property, Presidential Village Townhouse Association, is defunct, dissolved or was never properly formed and registered with the Virginia State Corporation Commission and its former members, managers, shareholders or partners and/or the successors in title to this entity, are unknown after due diligence to identify and locate them and, therefore, no *bona fide* offer could be extended and condemnation is necessary for the Authority to acquire the necessary Property Rights.
5. That just compensation due for the Property Rights needed, as determined by the aforesaid appraisal, is \$5,480.00 with no damage to the residue.

6. As to the Property Rights needed, the Authority shall, upon the deposit of compensation in the amount of \$5,480.00 and the recordation of a Certificate of Take in the Clerk's Office of the Circuit Court of King George County, Virginia, enter the Property and take possession of said Property Rights.
7. The Board directs the County Attorney and/or his designee, and, to the extent necessary, the Chairman or Vice Chairman of the Board, to complete the procedures and prepare and execute any necessary documents in order to acquire the Property Rights, including the filing of a Certificate of Take in the Clerk's Office of King George County Circuit Court, and thereafter filing condemnation petitions to initiate the condemnation actions in the Authority's name, and any other necessary actions in accordance with the procedures of Chapter 19 of Title 15.2 (Sections 15.2-1900, et seq.), §15.2-5114, and Chapters 2 and 3 of Title 25.1 (Sections 25.1-200, et seq. and 25.1-300, et seq.) of the Code of Virginia (1950), as amended.
8. The Board approves the proposed public use of the Property Rights.
9. This Resolution shall be effective upon its adoption.

BE IT FURTHER RESOLVED that this Resolution, as approved by the King George County Service Authority upon due consideration and after a public hearing, shall take effect immediately, this 07 day of October, 2025.

This is a true copy of the Resolution.

Attest:

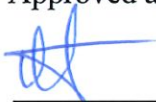


Cathy Binder, Chair
KGCSA Board of Directors



Dan Hamilton, P.E., General Manager
King George County Service Authority

Approved as to Form:



Richard Stuart Sr.
King George County Attorney