

RESOLUTION (R22-)



Condemnation of Real Property for Stormwater Management Facility

Whereas, the City of Waynesboro, Virginia (the “City”), is subject to mandatory Total Maximum Daily Load (“TMDL”) requirements which will become effective on July 1, 2023; and

Whereas, the City has determined that the TMDL requirements can be met, in part, by constructing a new permanent stormwater management facility (the “Project”) on a vacant, unimproved parcel of property (the “Property”) identified as Tax Map No. 24-1-17A and located at 0 White Bridge Road in Waynesboro, Virginia; and

Whereas, the Project is a public necessity that will allow the City to more effectively manage municipal stormwater and comply with the forthcoming TMDL regulations; and

Whereas, the Project requires the City to acquire the Property from its current owner, Hopeman Land Company, LC; and

Whereas, the City obtained two appraisals of the fair market value of the Property that yielded valuations of \$30,000 and \$41,500; and

Whereas, the City subsequently submitted a written offer to purchase the Property for \$52,000, which reflected the tax-assessed value of the Property; and

Whereas, Hopeman Land Company rejected the City’s offer to purchase the Property; and

Whereas, the City must obtain the Property through one method or another, including, condemnation proceedings pursuant to Virginia Code § 15.2-1901, *et seq.*; and

Whereas, a public hearing concerning this Resolution was advertised for two successive weeks and subsequently held on August 8, 2022.

Now, Therefore, Be It Resolved, by the City Council of the City of Waynesboro, Virginia, that:

1. The Project and Property described above are necessary public uses.
2. The City Manager is authorized and directed to acquire the Property for \$52,000, unless the price is changed by a Court of competent jurisdiction.

3. The City Manager is authorized to commence condemnation proceedings to acquire the Property.
4. The City Manager is authorized to take all such actions and execute all such documents as he may deem reasonably necessary to acquire the Property. Without limiting the foregoing, the City Manager is authorized to take possession of – and defeasible title to – the Property prior to filing condemnation proceedings, and to execute and file any Certificate described in Virginia Code §§ 15.2-1904 and 25.1-300.
5. The facts and conclusions stated above in the preamble reflect findings of City Council.
6. This Resolution shall take effect immediately upon adoption by the City Council.

Adopted:

CERTIFICATE

The undersigned Mayor and Clerk of the City Council of City of Waynesboro, Virginia hereby certify that the foregoing constitutes a true and correct copy of a resolution entitled Condemnation of Real Property for Permanent Stormwater Management Facility, adopted by the City Council at a meeting held on _____ .

[SEAL]

ATTEST: _____
Clerk, City Council
City of Waynesboro, Virginia

Mayor, City Council