

Town Council Meeting ~ Monday, April 04, 2011
15000 Washington Street~Haymarket, Virginia 20169
Mayor Pamela E. Stutz

Mayor calls the meeting to order at 7:00 p.m.

Pledge of Allegiance

Roll Call: Tobias, Leake, Cole, Stutz, Kenworthy, Weir
Scarborough absent

Public Hearing to initiate Quick Take Proceedings for the Washington Street Enhancement Project

The Mayor opens the public hearing up for public comment.

- Trustees of the Haymarket Baptist Church – 14800 Washington Street
GPIN: 7397-09-2145 for approximately **6568** square feet of permanent easement, **7567** square feet of utility easement, and **2203** square feet of temporary construction easement
No public comment
- Trustees of the Haymarket Baptist Church – 14770 Washington Street
GPIN: 7397-09-4158 for approximately **7614** square feet of permanent easement, **622** square feet of utility easement, and **271** square feet of temporary construction easement
No public comment

The following public hearing items are for amending the March Resolutions to initiate quick take proceedings, several of the parcels reflected incorrect square footage amounts:

- John R. & Marika Pardo Evans – 14891 Washington Street
GPIN: 7297-99-4363, Resolution 20110307-1 reflected approximately 1079 square feet of permanent easement, 229 square feet of utility easement, and 431 square feet of temporary construction easement. Tonight's amended resolution reflects the correct square footage of **784** square feet of permanent easement, **299** square feet of utility easement needed for the Washington Street Enhancement Project.
No public comment
- Haymarket 1, LC – 14900 Washington Street
GPIN: 7297-99-5081, Resolution 20110307-2 reflected approximately 1340 square feet of utility easement. Tonight's amended resolution reflects the correct square footage of **1738** square feet of utility easement needed for the Washington Street Enhancement Project.
No public comment
- Benjamin M. Smith, Jr. – 14881 Washington Street
GPIN: 7297-99-8182, Resolution 20110307-3 reflected approximately 852 square feet of permanent easement. Tonight's amended resolution reflects the correct square footage of **2519** square feet of permanent easement needed for the Washington Street Enhancement Project.
No public comment

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- William Earl Rafferty – 14845 Washington Street
GPIN: 7297-99-6849, Resolution 20110307-7 reflected 1950 square feet of permanent easement. Tonight's amended resolution reflects the correct square footage of **1019** square feet of permanent easement needed for the Washington Street Enhancement Project.
No public comment
- William Earl Rafferty – 14851 Washington Street
GPIN: 7297-99-7243, Resolution 20110307-9 reflected 306 square feet of permanent easement. Tonight's amended resolution reflects the correct square footage of **153** square feet of permanent easement needed for the Washington Street Enhancement Project.
No public comment
- Nicholas J. & Rebecca L. G. Verna – 14840 Washington Street
GPIN: 7397-09-0555 reflected 1837 square feet of permanent easement. Tonight's amended resolution reflects the correct square footage of **1209** square feet of permanent easement needed for the Washington Street Enhancement Project.
No public comment
- Acie Montague Watts – 14841 Washington Street
GPIN: 7297-99-8042 reflected 2876 square feet of permanent easement. Tonight's amended resolution reflects the correct square footage of **1438** square feet of permanent easement needed for the Washington Street Enhancement Project.
No public comment
- Charles J. & Dottie W. Leonard – 14801 Washington Street
GPIN: 7397-09-1220 reflected 1106 square feet of permanent easement and 6067 square feet of utility easement. Tonight's amended resolution reflects the correct square footage of **553** square feet of permanent easement and **810** square feet of utility easement needed for the Washington Street Enhancement Project.
No public comment

Public Hearing to Consider donation of publicly owned land for the Washington Street Enhancement Project

The Mayor opens the public hearing up for public comment.

- Town of Haymarket – 14744 Washington Street Parcel 16
GPIN: 7397-09-4250 requires donation of 19 square feet in fee; 119 square feet of utility easement; and 74 square feet of temporary construction easement
- Town of Haymarket – 14740 Washington Street Parcel 18
GPIN: 7397-09-5044 requires donation of 428 square feet in fee; 4,405 square feet of utility easement; and 2,137 square feet of temporary construction easement

No public comment

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Citizen's Time

Alice Riley – Representing Battlefield Robotic Team

They have 21 students along with some faculty to go to St. Louis to represent the team. This is the world championship of robotics. They are looking for donations to help the students get to St. Louis. They need to raise \$27,000. Mayor recommends that she get the information to us so that we can post. The Mayor offers \$250 from her discretionary funds.

Tobias motions to approve the minutes of March 7, 2011, with changes that were previously provided to the Clerk, Kenworthy seconds;

Ayes: 4

Abstain: Leake

Absent: Scarbrough

Tobias motions to approve the minutes of March 15, 2011, Kenworthy seconds;

Ayes: 5

Nays: 0

Absent: Scarbrough

Saint Paul's Church School Special Use Permit for a classroom trailer

Mayor Stutz leaves her seat and recuses herself from all discussions pertaining to the Special Use Permit for St. Paul's School; she is employed by the applicant

**Tobias motions that the Town Council amend Special Use Permit (SUP)
#SUP20080527, St. Paul's Church School, to permit the use of a classroom trailer at
6735 Fayette Street beyond the previous SUP expiration date of June 7, 2011;**

AND

Tobias further moves that the SUP shall remain in effect for a period of one year, to renew automatically for additional periods of one year, not to exceed three years from the date of approval, BUT EXPRESSLY CONDITIONED UPON THE FOLLOWING:

Council may require, upon a majority vote, after notice to the applicant, for the applicant (or present property owner) to submit a new application for an SUP, which shall be treated in all respects as a new and different application, subject to approval or disapproval, in accordance with general principles of law for a new application. If such notice is given to the applicant or present property owner, this SUP shall terminate automatically and without further notice or action by the Council 60 days from the giving of such notice.

Leake seconds;

Discussion:

Weir asks how long we are going to continue renewing this application? Have the parking figures changed? The applicant responds no, the parking figures have not changed

Tobias-Yes, Leake-Yes, Cole-Yes, Kenworthy-Yes, Scarbrough-Absent, Weir-No

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Alexandra's Keep

**Cole motions that the Town Council approve Special Use Permit #SUP20101201 to amend Exhibit A of Condition 2.1, Community Design, Alexandra's Keep Special Use Permit Development Conditions, Revised August 1, 2005; specifically, the substitution of a revised architectural design and building materials as shown on the Alexandra's Keep – Strip Elevation, prepared by D.R. Horton, dated February 7, 2011, and as described in the Applicant's correspondence to the Mayor and Town Council dated March 3, 2011, and attached hereto;
And that the applicant shall comply with the recommendation of the ARB that the end units that are brick or stone shall have a one (1) foot return on the side, Tobias seconds;**

Tobias-Yes, Leake-Yes, Cole-Yes, Kenworthy-Yes, Weir-Yes, Scarbrough-Absent

Shoppes at Haymarket Sign Ordinance Interpretation Request

Tobias motions to defer interpretation of the sign ordinance, with relation to the Shoppes at Haymarket, to the continuation meeting of April 14, 2011, Weir seconds;

Ayes: 5

Nays: 0

Absent: Scarbrough

Weir motions to defer to the Building Official's report to the continuation meeting of April 14, 2011, Tobias seconds;

Tobias would like to see a more detailed report

Ayes: 5

Nays: 0

Police Report

The Chief briefs the Council up to speed on the progress of the renovation work at the police department. He has a contractor who will come in, grind all stumps, and trim limbs at a cost not to exceed \$1,700. Street patrol: Chief has issued a memo to all officers that at least once a shift they will get out of the cruisers and walk through the neighborhoods within the Town.

Take home cruisers will cease on April 15 with the exception of the Chief and Deputy Chief.

Treasurer's Report

Appropriations for the 4th Quarter. Overall we ended the 3rd quarter within all expected parameters.

Tobias motions the following appropriations:

Capital Improvements and Repairs \$161,709.00; Museum \$3,019.75; Operating Expenses \$39,435.75; Public Safety \$17,177.50; Public Works \$27,725.00; and Town Owned Property \$50,022.00; all totaling \$299,089

Weir seconds;

Tobias-Yes, Leake-Yes, Cole-Yes, Kenworthy-Yes, Weir-Yes, Scarbrough-Absent

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Virginia Retirement System Resolution

Defer to April 14th

Caboose Grant Application

**Tobias motions to authorize the Town Clerk to proceed with a grant application for the purpose of obtaining funds that could be applied toward numerous historical projects from the National Historical Railway Association, Cole seconds;
Tobias-Yes, Leake-Yes, Cole-Yes, Kenworthy-Yes, Weir-Yes, Scarbrough-Absent**

Event Signs

ATTIVA Corporation dba....*Spend the Day in Haymarket* is requesting permission from Council to place signs on Town-owned property (2 signs). One is on the food bank property (14740 Washington Street) and one is the museum property (15025 Washington Street).

**Cole motions that the Town Council approve the placement of the two proposed event signs. The approval is conditioned upon that if ATTIVA Corporation cease to manage the Town events they will, at the Town's discretion either remove, modify and leave the sign in place, Leake seconds;
Tobias-Yes, Leake-Yes, Cole-Yes, Scarbrough-Absent, Kenworthy-Yes, Weir-Yes**

**Tobias motions to enter into closed session pursuant to 2.2-3711 A(3) acquisition of property for street-scape and street-scape acquisition in general; and A(1) named town officers and A(3) proposed boundary line adjustments or annexation
Weir asks what Town Official will be discussed, The Town Attorney responds an elected official;**

**Tobias amends his motion indicating only 2.2-3711 A(3) pertaining to property acquisition for the street-scape project and boundary line adjustments and/or annexation of property will be discussed in the closed session not a personnel matter pertaining to an elected official will be discussed in the closed session, Weir amends his second;
Tobias-Yes, Leake-No, Cole-Yes, Kenworthy-Yes, Weir-Yes**

**Cole motions that to the best of each member's knowledge only public business matters lawfully exempt from the open meeting requirements under §2.2-3711 Code of Virginia and that only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the meeting, Tobias seconds;
Tobias-Yes, Leake-Yes, Cole-Yes, Stutz-Yes, Kenworthy-Yes, Scarbrough-Absent, Weir-Yes**

**Tobias motions to authorize the filing the Certificates of Take by the Town's Legal counsel, Robert Dively on April 15, 2011. The Town Manager is authorized to continue to negotiate with the property owners, within the Washington Street Enhancement Project Phase 1A until April 11, 2011 at the close of business (4:30 p.m.), for any properties that have not accepted the Town's offer, Weir seconds;
Tobias-Yes, Leake-No, Cole-Yes, Kenworthy-Yes, Weir-Yes, Scarbrough-Absent**

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Tobias motions to allow the Town Manager to retain the services of Mr. Robert Dively, as legal counsel for the Town, on an on-going basis for a total sum not to exceed \$25,000 in legal fees; his services should be limited to matters pertaining to the acquisition of properties/easements/right-of-ways within the Washington Street Enhancement Project Phase 1A, Weir seconds;

Funds to be taken from the street-scape budget line item

Tobias-Yes, Leake-No, Cole-Yes, Kenworthy-Yes, Weir-Yes, Scarbrough-Absent

****Continuation Meeting set for April 14, 2011**

Utterback House

Mayor comments that the ARB has returned the application to the Town Council because it was incomplete. Tobias – he has appealed the ARB decision, he is concerned that this process continues to be a delay for improving the look of the property. If we are appealing a denial does council have the power to approve a modified application tonight?

The Town Attorney responds that there is no provision in the code for the Town Council to exercise this power. The minutes of the ARB have not yet been approved, so at this point it is not an appeal able action.

****Re-file the application and place it on the ARB's agenda on the 11th.**

Weir asks the Town Attorney, does the requirements of the ordinance apply to the Town, with respect to demolition? The Town Attorney responds yes, the town is acting as a private property owner.

Weir moves to defer Councilman Tobias' appeal of the ARB's action on the Certificate of Appropriateness until the continuation meeting.

Tobias is very concerned about the Town's inaction tonight. He is also concerned about the overall well being when we have the audacity to ask other property owners to cure. No matter what the ARB decides because of the way our ordinances are, while it is a respected decision is not binding to this council.

****Mayor would like the council to reapply to the ARB**

Leake moves to instruct the staff to submit an application certificate of appropriateness, as completely as the staff can, for the partial demolition of the Utterback House, Cole seconds;

Weir is opposed to deferring any action. Town Attorney comments that it has never been referred to the ARB for partial demolition.

Tobias asks about what happens to that application

Town Attorney states that it is before the ARB until the 20th. So if we send them a partial demolition

Town Attorney hopes that the ARB would take action on the original application on the 20th

Tobias asks if we should appoint a representative

Leake amends the motion to say the Town Manager is the representative for the Town for the April 11, 2011 meeting, Cole amends his second;

Tobias-Yes, Leake-Yes, Cole-Yes, Kenworthy-Yes, Weir-No, Scarbrough-Absent

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April 14 items

Utterback House
Sign Ordinance
Building Official's Report
VRS Resolution
Council member time

Tobias motions to direct the Town Engineer to draft a sketch site plan for the purposes of a walking path and multi-purpose court at the Harrover Properties 14710 & 14740 Washington Street, Cole seconds;

Tobias amends the motion to include instruction to the Clerk to advertise a public hearing for May 2 and the item will be considered for action on May 2 also.

Weir is concerned that we are going to put a walking trail in close proximity to Opeople's backyards. We should probably install a buffer of some kind. His other concern is the cost.

No Vote Taken

Weir

He has received an email from the Haymarket Women's Club; they are requesting a waiver of the rental fee for the use of the kitchen in Town Hall for the Earth Day fund raiser.

Weir moves to waive the fee for a food vendor for Earth Day 2011 for the Haymarket Woman's Club, Tobias seconds;

Tobias brings up the use of the town hall during an event should be the control of the town. If we maintain that the building is part of the event management then they get to do what they want to do.

Weir withdraws his motion

Tobias motions to retain control of the town owned buildings and properties specifically with respect to event days, Weir seconds;

Ayes: 4

Nays: 1

Absent: Scarbrough

Weir moves to waive the "use of town hall" fee for the Haymarket Woman's Club for the Earth Day breakfast on April 16, 2011, Tobias seconds;

Tobias-Yes, Cole-No, Kenworthy-Yes, Weir-Yes, Leake-No, Scarbrough-Absent

Tobias moves to direct the Town Attorney to modify the contract with Attiva Corporation (dba....Spend the Day in Haymarket) to reflect the town's new position with regard to town owned property during events, Weir seconds;

Ayes: 5

Nays: 0

Absent: Scarbrough

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Tobias moves to notify ATTIVA Corporation (dba....Spend the Day in Haymarket) that for the upcoming event, Earth Day, they may use and coordinate the use of all of the town owned property to exclude the town hall building 15000 Washington street and the Police Department Building 14710 Washington Street, Weir seconds (all town-owned buildings)

Ayes: 5

Nays: 0

Absent: Scarbrough

Weir Motions, Kenworthy seconds;

RESOLUTION NO. 20110404-1

Re: **AN AMENDED** RESOLUTION TO INITIATE "QUICK TAKE" EMINENT DOMAIN PROCEDURES AND CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY AND EASEMENTS ON THE PROPERTY OWNED BY JOHN R. EVANS AND MARIKA PARDO EVANS, i.e., 14891 WASHINGTON STREET, HAYMARKET, VA 20169 WITH GPIN: 7297-99-4363

WHEREAS, the Town of Haymarket, Virginia has authorized the Haymarket Streetscape Project improvements (VDOT Universal Project Code (UPC) No. EN96-233-128, P103, R201, C502), which includes the installation of brick sidewalks and curb and gutter on both sides of Washington Street (Route 55) from Madison Street east to the Town limits; and

WHEREAS, the Town has determined that there is a public need for the acquisition of approximately 316 square feet land in fee of the property owned by John R. Evans and Marika Pardo Evans, i.e., 14891 Washington Street, Haymarket, VA 20169 with GPIN: 7297-99-4363; and

WHEREAS, the Town has determined that there is a public need for the acquisition of a permanent easement of approximately 784 square feet, a utility easement of approximately 299 square feet, a temporary construction easement of approximately 431 square feet, and improvements on portions of said property; and

WHEREAS, due to the deadlines imposed in conjunction with the Haymarket Streetscape Project improvements and in order to proceed with the acquisition of said property and easements, the initiation of eminent domain procedures, utilizing "quick take" ("Certificate of Take") procedures, and condemnation proceedings are necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Haymarket, Virginia that acquisition utilizing "quick take" ("Certificate of Take") procedures and condemnation of (1) approximately 316 square feet land in fee of said property and (2) a permanent easement of approximately 784 square feet, a utility easement of approximately 299 square feet, a temporary construction easement of approximately 431 square feet, and improvements on portions of said property, are necessary for the Haymarket Streetscape Project improvements, and its staff and attorney are hereby authorized to initiate eminent domain procedures, including acquisition and possession prior to the institution of condemnation proceedings, and condemnation proceedings, in accordance with law.

Tobias-Yes, Leake-No, Cole-Yes, Kenworthy-Yes, Weir-Yes, Scarbrough-Absent

Weir Motions, Kenworthy seconds;

RESOLUTION NO. 20110404-2

Re: **AN AMENDED** RESOLUTION TO INITIATE "QUICK TAKE" EMINENT DOMAIN PROCEDURES AND CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY AND EASEMENTS ON THE PROPERTY OWNED BY HAYMARKET 1, L.C., A VIRGINIA LIMITED LIABILITY COMPANY, i.e., 14900 WASHINGTON STREET, HAYMARKET, VA 20169 WITH GPIN: 7297-99-5081

WHEREAS, the Town of Haymarket, Virginia has authorized the Haymarket Streetscape Project improvements (VDOT Universal Project Code (UPC) No. EN96-233-128, P103, R201, C502), which includes the installation of brick sidewalks and curb and gutter on both sides of Washington Street (Route 55) from Madison Street east to the Town limits; and

WHEREAS, the Town has determined that there is a public need for the acquisition of a permanent easement of approximately 349 square feet, a utility easement of approximately 1738 square feet, a temporary construction easement of approximately 538 square feet, and improvements on portions of the property owned by Haymarket 1, L.C., a Virginia limited liability company, i.e., 14900 Washington Street, Haymarket, VA 20169 with GPIN: 7297-99-5081; and

WHEREAS, due to the deadlines imposed in conjunction with the Haymarket Streetscape Project improvements and in order to proceed with the acquisition of said property and easements, the initiation of eminent domain procedures, utilizing "quick take" ("Certificate of Take") procedures, and condemnation proceedings are necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Haymarket, Virginia that acquisition utilizing "quick take" ("Certificate of Take") procedures and condemnation of a permanent easement of approximately 349 square feet, a utility easement of approximately 1738 square feet, a temporary construction easement of approximately 538 square feet, and improvements on portions of said property, are necessary for the Haymarket Streetscape Project improvements, and its staff and attorney are hereby authorized to initiate eminent domain procedures, including acquisition and possession prior to the institution of condemnation proceedings, and condemnation proceedings, in accordance with law.

Tobias-Yes, Leake-No, Cole-Yes, Kenworthy-Yes, Weir-Yes, Scarbrough-Absent

Weir Motions, Kenworthy seconds;

RESOLUTION NO. 20110404-3

Re: **AN AMENDED** RESOLUTION TO INITIATE "QUICK TAKE" EMINENT DOMAIN PROCEDURES AND CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY AND EASEMENTS ON THE PROPERTY OWNED BY BENJAMIN M. SMITH, JR., i.e., 14860 WASHINGTON STREET, HAYMARKET, VA 20169 WITH GPIN: 7297-99-8182

WHEREAS, the Town of Haymarket, Virginia has authorized the Haymarket Streetscape Project improvements (VDOT Universal Project Code (UPC) No. EN96-233-128, P103, R201, C502), which includes the installation of brick sidewalks and curb and gutter on both sides of Washington Street (Route 55) from Madison Street east to the Town limits; and

WHEREAS, the Town has determined that there is a public need for the acquisition of approximately 143 square feet land in fee of the property owned by Benjamin M. Smith, Jr., i.e., 14860 Washington Street, Haymarket, VA 20169 with GPIN: 7297-99-8182; and

WHEREAS, the Town has determined that there is a public need for the acquisition of a permanent easement of approximately 2519 square feet, a utility easement of approximately 7594 square feet, and a temporary construction easement of approximately 2204 square feet on portions of said property; and

WHEREAS, due to the deadlines imposed in conjunction with the Haymarket Streetscape Project improvements and in order to proceed with the acquisition of said property and easements, the initiation of eminent domain procedures, utilizing "quick take" ("Certificate of Take") procedures, and condemnation proceedings are necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Haymarket, Virginia that acquisition utilizing "quick take" ("Certificate of Take") procedures and condemnation of (1) approximately 143 square feet land in fee of said property and (2) a permanent easement of approximately 2519 square feet, a utility easement of approximately 7594 square feet, and a temporary construction easement of approximately 2204 square feet on portions of said property, are necessary for the Haymarket

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Streetscape Project improvements, and its staff and attorney are hereby authorized to initiate eminent domain procedures, including acquisition and possession prior to the institution of condemnation proceedings, and condemnation proceedings, in accordance with law.

Tobias-Yes, Leake-No, Cole-Yes, Kenworthy-Yes, Weir-Yes, Scarbrough-Absent

Weir Motions, Kenworthy seconds;

RESOLUTION NO. 20110404-4

Re: **AN AMENDED** RESOLUTION TO INITIATE "QUICK TAKE" EMINENT DOMAIN PROCEDURES AND CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY AND EASEMENTS ON THE PROPERTY OWNED BY WILLIAM E. RAFFERTY, i.e., 14845 WASHINGTON STREET, HAYMARKET, VA 20169 WITH GPIN: 7297-99-6849

WHEREAS, the Town of Haymarket, Virginia has authorized the Haymarket Streetscape Project improvements (VDOT Universal Project Code (UPC) No. EN96-233-128, P103, R201, C502), which includes the installation of brick sidewalks and curb and gutter on both sides of Washington Street (Route 55) from Madison Street east to the Town limits; and

WHEREAS, the Town has determined that there is a public need for the acquisition of approximately 225 square feet land in fee of the property owned by William E. Rafferty, i.e., 14845 Washington Street, Haymarket, VA 20169 with GPIN: 7297-99-6849; and

WHEREAS, the Town has determined that there is a public need for the acquisition of a permanent easement of approximately 1019 square feet, a utility easement of approximately 1999 square feet, a temporary construction easement of approximately 694 square feet, and improvements on portions of said property; and

WHEREAS, due to the deadlines imposed in conjunction with the Haymarket Streetscape Project improvements and in order to proceed with the acquisition of said property and easements, the initiation of eminent domain procedures, utilizing "quick take" ("Certificate of Take") procedures, and condemnation proceedings are necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Haymarket, Virginia that acquisition utilizing "quick take" ("Certificate of Take") procedures and condemnation of (1) approximately 225 square feet land in fee of said property and (2) a permanent easement of approximately 1019 square feet, a utility easement of approximately 1999 square feet, a temporary construction easement of approximately 694 square feet, and improvements on portions of said property, are necessary for the Haymarket Streetscape Project improvements, and its staff and attorney are hereby authorized to initiate eminent domain procedures, including acquisition and possession prior to the institution of condemnation proceedings, and condemnation proceedings, in accordance with law.

Tobias-Yes, Leake-No, Cole-Yes, Kenworthy-Yes, Weir-Yes, Scarbrough-Absent

Weir Motions, Kenworthy seconds;

RESOLUTION NO. 20110404-5

Re: **AN AMENDED** RESOLUTION TO INITIATE "QUICK TAKE" EMINENT DOMAIN PROCEDURES AND CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY AND EASEMENTS ON THE PROPERTY OWNED BY WILLIAM E. RAFFERTY, i.e., 14851 WASHINGTON STREET, HAYMARKET, VA 20169 WITH GPIN: 7297-99-7243

WHEREAS, the Town of Haymarket, Virginia has authorized the Haymarket Streetscape Project improvements (VDOT Universal Project Code (UPC) No. EN96-233-128, P103, R201, C502), which includes the installation of brick sidewalks and curb and gutter on both sides of Washington Street (Route 55) from Madison Street east to the Town limits; and

WHEREAS, the Town has determined that there is a public need for the acquisition of approximately 36 square feet land in fee of the property owned by William E. Rafferty, i.e., 14851 Washington Street, Haymarket, VA 20169 with GPIN: 7297-99-7243; and

WHEREAS, the Town has determined that there is a public need for the acquisition of a permanent easement of approximately 153 square feet, a utility easement of approximately 246 square feet, a temporary construction easement of approximately 93 square feet, and improvements on portions of said property; and

WHEREAS, due to the deadlines imposed in conjunction with the Haymarket Streetscape Project improvements and in order to proceed with the acquisition of said property and easements, the initiation of eminent domain procedures, utilizing "quick take" ("Certificate of Take") procedures, and condemnation proceedings are necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Haymarket, Virginia that acquisition utilizing "quick take" ("Certificate of Take") procedures and condemnation of (1) approximately 36 square feet land in fee of said property and (2) a permanent easement of approximately 153 square feet, a utility easement of approximately 246 square feet, a temporary construction easement of approximately 93 square feet, and improvements on portions of said property, are necessary for the Haymarket Streetscape Project improvements, and its staff and attorney are hereby authorized to initiate eminent domain procedures, including acquisition and possession prior to the institution of condemnation proceedings, and condemnation proceedings, in accordance with law.

Tobias-Yes, Leake-No, Cole-Yes, Kenworthy-Yes, Weir-Yes, Scarbrough-Absent

Weir Motions, Kenworthy seconds;

RESOLUTION NO. 20110404-6

Re: **AN AMENDED** RESOLUTION TO INITIATE "QUICK TAKE" EMINENT DOMAIN PROCEDURES AND CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY AND EASEMENTS ON THE PROPERTY OWNED BY NICHOLAS J. VERNA AND REBECCA L. G. VERNA, i.e., 14840 WASHINGTON STREET, HAYMARKET, VA 20169 WITH GPIN: 7397-09-0555 ACCORDING TO THE PRINCE WILLIAM COUNTY GOVERNMENT

WHEREAS, the Town of Haymarket, Virginia has authorized the Haymarket Streetscape Project improvements (VDOT Universal Project Code (UPC) No. EN96-233-128, P103, R201, C502), which includes the installation of brick sidewalks and curb and gutter on both sides of Washington Street (Route 55) from Madison Street east to the Town limits; and

WHEREAS, the Town has determined that there is a public need for the acquisition of approximately 269 square feet land in fee of the property owned by Nicholas J. Verna and Rebecca L. G. Verna, i.e., 14840 Washington Street, Haymarket, VA 20169 with GPIN: 7397-09-0555 according to the Prince William County Government; and

WHEREAS, the Town has determined that there is a public need for the acquisition of a permanent easement of approximately 1209 square feet, a utility easement of approximately 2934 square feet, a temporary construction easement of approximately 885 square feet, and improvements on portions of said property; and

WHEREAS, due to the deadlines imposed in conjunction with the Haymarket Streetscape Project improvements and in order to proceed with the acquisition of said property and easements, the initiation of eminent domain procedures, utilizing "quick take" ("Certificate of Take") procedures, and condemnation proceedings are necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Haymarket, Virginia that acquisition utilizing "quick take" ("Certificate of Take") procedures and condemnation of (1) approximately 269 square feet land in fee of said property and (2) a permanent easement of approximately 1209 square feet, a utility easement of approximately 2934 square feet, a temporary construction easement of approximately 885 square feet, and improvements on portions of said property, are necessary for the Haymarket Streetscape Project improvements, and its staff and attorney are hereby authorized to initiate eminent domain procedures, including acquisition and possession prior to the institution of condemnation proceedings, and condemnation proceedings, in accordance with law.

Tobias-Yes, Leake-No, Cole-Yes, Kenworthy-Yes, Weir-Yes, Scarbrough-Absent

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Weir Motions, Kenworthy seconds;

RESOLUTION NO. 20110404-7

Re: **AN AMENDED** RESOLUTION TO INITIATE "QUICK TAKE" EMINENT DOMAIN PROCEDURES AND CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY AND EASEMENTS ON THE PROPERTY OWNED BY ACIE MONTAGUE WATTS, i.e., 14841 WASHINGTON STREET, HAYMARKET, VA 20169 WITH GPIN: 7297-99-8042

WHEREAS, the Town of Haymarket, Virginia has authorized the Haymarket Streetscape Project improvements (VDOT Universal Project Code (UPC) No. EN96-233-128, P103, R201, C502), which includes the installation of brick sidewalks and curb and gutter on both sides of Washington Street (Route 55) from Madison Street east to the Town limits; and

WHEREAS, the Town has determined that there is a public need for the acquisition of approximately 459 square feet land in fee of the property owned by Acie Montague Watts, i.e., 14841 Washington Street, Haymarket, VA 20169 with GPIN: 7297-99-8042; and

WHEREAS, the Town has determined that there is a public need for the acquisition of a permanent easement of approximately 1438 square feet, a utility easement of approximately 2344 square feet, a temporary construction easement of approximately 906 square feet, and improvements on portions of said property; and

WHEREAS, due to the deadlines imposed in conjunction with the Haymarket Streetscape Project improvements and in order to proceed with the acquisition of said property and easements, the initiation of eminent domain procedures, utilizing "quick take" ("Certificate of Take") procedures, and condemnation proceedings are necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Haymarket, Virginia that acquisition utilizing "quick take" ("Certificate of Take") procedures and condemnation of (1) approximately 459 square feet land in fee of said property and (2) a permanent easement of approximately 1438 square feet, a utility easement of approximately 2344 square feet, a temporary construction easement of approximately 906 square feet, and improvements on portions of said property, are necessary for the Haymarket Streetscape Project improvements, and its staff and attorney are hereby authorized to initiate eminent domain procedures, including acquisition and possession prior to the institution of condemnation proceedings, and condemnation proceedings, in accordance with law.

Tobias-Yes, Leake-No, Cole-Yes, Kenworthy-Yes, Weir-Yes, Scarbrough-Absent

Weir Motions, Kenworthy seconds;

RESOLUTION NO. 20110404-8

Re: **AN AMENDED** RESOLUTION TO INITIATE "QUICK TAKE" EMINENT DOMAIN PROCEDURES AND CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY AND EASEMENTS ON THE PROPERTY OWNED BY CHARLES J. LEONARD AND DOTTIE W. LEONARD, i.e., 14801 WASHINGTON STREET, HAYMARKET, VA 20169 WITH GPIN: 7397-09-1220

WHEREAS, the Town of Haymarket, Virginia has authorized the Haymarket Streetscape Project improvements (VDOT Universal Project Code (UPC) No. EN96-233-128, P103, R201, C502), which includes the installation of brick sidewalks and curb and gutter on both sides of Washington Street (Route 55) from Madison Street east to the Town limits; and

WHEREAS, the Town has determined that there is a public need for the acquisition of a permanent easement of approximately 553 square feet, a utility easement of approximately 810 square feet, and improvements on portions of the property owned by Charles J. Leonard and Dottie W. Leonard, i.e., 14801 Washington Street, Haymarket, VA 20169 with GPIN: 7397-09-1220; and

WHEREAS, due to the deadlines imposed in conjunction with the Haymarket Streetscape Project improvements and in order to proceed with the acquisition of said property and easements, the initiation of eminent domain procedures, utilizing "quick take" ("Certificate of Take") procedures, and condemnation proceedings are necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Haymarket, Virginia that acquisition utilizing "quick take" ("Certificate of Take") procedures and condemnation of a permanent easement of approximately 553 square feet, a utility easement of approximately 810 square feet, and improvements on portions of said property, are necessary for the Haymarket Streetscape Project improvements, and its staff and attorney are hereby authorized to initiate eminent domain procedures, including acquisition and possession prior to the institution of condemnation proceedings, and condemnation proceedings, in accordance with law.

Tobias-Yes, Leake-No, Cole-Yes, Kenworthy-Yes, Weir-Yes, Scarbrough-Absent

Weir Motions, Tobias seconds;

RESOLUTION NO. 20110404-9

Re: A RESOLUTION TO INITIATE "QUICK TAKE" EMINENT DOMAIN PROCEDURES AND CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY AND EASEMENTS ON THE PROPERTY OWNED BY THE TRUSTEES OF THE HAYMARKET BAPTIST CHURCH, i.e., 14800 WASHINGTON STREET, HAYMARKET, VA 20169 WITH GPIN: 7397-09-2145

WHEREAS, the Town of Haymarket, Virginia has authorized the Haymarket Streetscape Project improvements (VDOT Universal Project Code (UPC) No. EN96-233-128, P103, R201, C502), which includes the installation of brick sidewalks and curb and gutter on both sides of Washington Street (Route 55) from Madison Street east to the Town limits; and

WHEREAS, the Town has determined that there is a public need for the acquisition of approximately 700 square feet land in fee of the property owned by the Trustees of the Haymarket Baptist Church, i.e., 14800 Washington Street, Haymarket, VA 20169 with GPIN: 7397-09-2145; and

WHEREAS, the Town has determined that there is a public need for the acquisition of a permanent easement of approximately 6568 square feet, a utility easement of approximately 7567 square feet, a temporary construction easement of approximately 2203 square feet, and improvements on portions of said property; and

WHEREAS, due to the deadlines imposed in conjunction with the Haymarket Streetscape Project improvements and in order to proceed with the acquisition of said property and easements, the initiation of eminent domain procedures, utilizing "quick take" ("Certificate of Take") procedures, and condemnation proceedings are necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Haymarket, Virginia that acquisition utilizing "quick take" ("Certificate of Take") procedures and condemnation of (1) approximately 700 square feet land in fee of said property and (2) a permanent easement of approximately 6568 square feet, a utility easement of approximately 7567 square feet, a temporary construction easement of approximately 2203 square feet, and improvements on portions of said property, are necessary for the Haymarket Streetscape Project improvements, and its staff and attorney are hereby authorized to initiate eminent domain procedures, including acquisition and possession prior to the institution of condemnation proceedings, and condemnation proceedings, in accordance with law.

Tobias-Yes, Leake-No, Cole-Yes, Kenworthy-Yes, Weir-Yes, Scarbrough-Absent

**Town Council Meeting ~ Monday, April 04, 2011
15000 Washington Street~Haymarket, Virginia 20169
Mayor Pamela E. Stutz**

Weir Motions, Tobias seconds;

RESOLUTION NO. 20110404-10

Re: A RESOLUTION TO INITIATE "QUICK TAKE" EMINENT DOMAIN PROCEDURES AND CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY AND EASEMENTS ON THE PROPERTY OWNED BY THE TRUSTEES OF THE HAYMARKET BAPTIST CHURCH, i.e., 14770 WASHINGTON STREET, HAYMARKET, VA 20169 WITH GPIN: 7397-09-4158

WHEREAS, the Town of Haymarket, Virginia has authorized the Haymarket Streetscape Project improvements (VDOT Universal Project Code (UPC) No. EN96-233-128, P103, R201, C502), which includes the installation of brick sidewalks and curb and gutter on both sides of Washington Street (Route 55) from Madison Street east to the Town limits; and

WHEREAS, the Town has determined that there is a public need for the acquisition of approximately 105 square feet land in fee of the property owned by the Trustees of the Haymarket Baptist Church, i.e., 14770 Washington Street, Haymarket, VA 20169 with GPIN: 7397-09-4158; and

WHEREAS, the Town has determined that there is a public need for the acquisition of a permanent easement of approximately 7614 square feet, a utility easement of approximately 622 square feet, and a temporary construction easement of approximately 271 square feet; and

WHEREAS, due to the deadlines imposed in conjunction with the Haymarket Streetscape Project improvements and in order to proceed with the acquisition of said property and easements, the initiation of eminent domain procedures, utilizing "quick take" ("Certificate of Take") procedures, and condemnation proceedings are necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Haymarket, Virginia that acquisition utilizing "quick take" ("Certificate of Take") procedures and condemnation of (1) approximately 105 square feet land in fee of said property and (2) a permanent easement of approximately 7614 square feet, a utility easement of approximately 622 square feet, and a temporary construction easement of approximately 271 square feet, are necessary for the Haymarket Streetscape Project improvements, and its staff and attorney are hereby authorized to initiate eminent domain procedures, including acquisition and possession prior to the institution of condemnation proceedings, and condemnation proceedings, in accordance with law.

Tobias-Yes, Leake-No, Cole-Yes, Kenworthy-Yes, Weir-Yes, Scarbrough-Absent

Tobias moves to approve the donation of publicly owned land, owned by the Town of Haymarket, for the purpose of the Washington Street Enhancement Project, specifically the parcels are identified as:

Parcel 016, 14744 Washington Street, GPIN: 7397-09-4250, the donation is for 19 square feet in fee; 119 square feet of utility easement; and 74 square feet of temporary construction easement,

And....

Parcel 018, 14740 Washington Street, GPIN: 7397-09-5044 is for 428 square feet in fee; 4,405 square feet of utility easement; and 2,137 square feet of temporary construction easement,

Kenworthy seconds;

Tobias-Yes, Leake-Yes, Cole-Yes, Kenworthy-Yes, Weir-Yes, Scarbrough-Absent

Weir moves to continue the regularly scheduled meeting of April 4, 2011 to April 14, 2011 @ 7:00 p.m., Leake seconds;

Ayes: 5

Nays: 0

Absent: 1

Submitted:

Approved:

Jennifer Preli, Town Clerk

Pamela E. Stutz, Mayor