

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	May 5, 2025
Action Required:	Resolution approval
Presenter:	Michael Goddard, Deputy Director, Steven Hicks, Director of Public Works
Staff Contacts:	Lee Cooper
Title:	Resolution to Approve Exercise of Eminent Domain for the Acquisition of Right-of-Way and Easements in Service to the East High Streetscape Project and the Barracks Emmet Streetscape Project

Background

This item concerns the following land acquisitions in service of 2 Projects the City of Charlottesville, Virginia ("City"), is performing in collaboration with the Virginia Department of Transportation ("VDOT"):

The East High Streetscape Project includes ADA and pedestrian improvements, wider sidewalks, bike lanes, landscaping, along with upgrades to intersections for better accessibility. The East High Project will also improve stormwater management, traffic signals, and signage, as well as the undergrounding of overhead utilities.

The Barracks Emmet Streetscape Project will implement bike/pedestrian/vehicular improvements at the intersection of Barracks and Emmett Street. The Barracks Emmet Project will also install a 6' path extending up Barracks Road from the intersection to right past the Buckingham Road intersection.

The City's right-of-way acquisition consultant has been successful in acquiring right-of-way and easements from 19 of the 26 property owners impacted by the aforementioned Projects. The City's consultant has been unable to reach agreement with several landowners, and recommends eminent domain to allow utility relocation to take place in advance of the road improvement Projects.

The impacted properties are as follows:

- a. Parcel 002, identified as Barracks Row, LLC, Tax Parcel No. 400002100;
- b. Parcel 007, identified as Fenwick, Trustee Valentine Land Trust, Tax Parcel No. 530261000;
- c. Parcel 011, identified as Matthew J. Gerber, Tax Parcel No. 020007000;
- d. Parcel 016, identified as Nine Twelve Land Company, LLC, Tax Parcel No. 53027100; and
- e. Parcel 015, identified as Nine Ten Land company, LLC, Tax Parcel No. 530270000.

Discussion

If the City proceeds with eminent domain, a Certificate of Deposit ("COD") will be filed with the City's Circuit Court, which will allow the City to enter and use the right-of-way and easements, so the Projects can proceed without delay. The City will then be obligated to purchase the right-of-way and a temporary construction easement from the property owner.

Alignment with City Council's Vision and Strategic Plan

N/A

Community Engagement

N/A

Budgetary Impact

The anticipated condemnation costs are part of the overall Projects Budget, and will be paid for from the City's Capital Improvement Fund.

Recommendation

City Staff recommends that City Council adopt the attached Resolution authorizing the exercise of eminent domain, including the filing of a COD, for the acquisition of right-of-way and easements for the Projects.

Alternatives

Attachments

1. RES. ACQUISITION FOR PUBLIC PURPOSES - dw (1)
2. Barracks Emmet Streetscape Project
3. East High Streetscape Project