

The Town of  
**Leesburg,**  
**Virginia**

**PRESENTED:** June 24, 2025

**RESOLUTION NO.** 2025-100

**ADOPTED:** June 24, 2025

**A RESOLUTION:** AUTHORIZING THE ACQUISITION BY CONDEMNATION AND FILING OF A CERTIFICATE OF TAKE FOR A TEMPORARY CONSTRUCTION EASEMENT FOR THE PUBLIC PURPOSE OF CONSTRUCTING STREET IMPROVEMENTS FOR THE VETERANS PARK AT BALLS BLUFF CAPITAL IMPROVEMENT PROJECT

WHEREAS, by Resolution No. 2024-029, titled, "Authorizing an Offer to Acquire Right-of-Way Dedications and Easements for the Veterans Park at Balls Bluff Project," approved on February 27, 2024, the Town Council of the Town of Leesburg, Virginia, ("Town") found that a public necessity and use exist to acquire, for just compensation, the necessary land rights for the construction of the Veterans Park at Balls Bluff capital improvement project ("Town Project") from the properties listed in that Resolution; and

WHEREAS, in Resolution No. 2024-029, Council further found and certified that the acquisition of such land rights had been reviewed for purposes of complying with Virginia Code § 1-219.1; and

WHEREAS, as more fully set forth in Resolution No. 2024-029, Council authorized and directed Town staff to make bona fide offers for the fair market value of any and all land rights necessary to construct the Town Project and negotiate with and execute on behalf of the Town deeds from the property owners to acquire the necessary right of way dedications and easements over those properties; and

WHEREAS, the Town Project includes reconfiguration of a section of Balls Bluff Road providing access to Veterans Park; and

WHEREAS, the Town is empowered by Virginia Code § 1-219.1, Title 25.1 (§§ 25.1-100 *et seq.*, and §§15.2-1901 through 15.2-1907, to acquire by purchase or eminent domain (also

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known as “condemnation”) private property for “public use” as defined in the Virginia Constitution and Virginia Code; and

WHEREAS, the Town is empowered by Virginia Code §§ 25.1-300 *et seq.* to acquire defeasible title by certificate and enter such property for the construction of the street improvements related to the Town Project; and

WHEREAS, the Town desires to obtain certain temporary easement rights over real property set forth below, which property is located in the Town, Loudoun County, Virginia; and

WHEREAS, the Town Council hereby reaffirms its finding and determination that acquisition of such land rights is necessary for the construction of street improvements to create a new access road for the Town Project, and reaffirms its certification that the acquisition has been reviewed for purposes of complying with Virginia Code § 1-219.1 and is to be acquired for a “public use;” specifically, Virginia Code §1-219.1(B)(xiii) “transportation facilities including highways, roads, streets, and bridges, traffic signals, related easements and rights-of-way, mass transit, ports, and any components of federal, state, or local transportation facilities”; and

WHEREAS, the property identification number for the real property owned by the Property Owner, the land rights to be acquired, and the individual square footage and fair market value of the temporary construction easement are listed below; and

Property Owner	Property Identification Number (PIN)	Land Rights Required	Offer
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Potomac Crossing Association, Inc.	186-10-4443-000 (Association Common Area "Parcel A")	±1,044 sq. ft. temporary construction easement ("Easement")	\$1,400.00
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WHEREAS, the temporary construction easement ("Easement") to be acquired by the Town is shown on the Plat entitled, "Plat Showing Temporary Construction Easement on Parcel 'A' Section 1-E Potomac Crossing," dated March 31, 2025 revised April 23, 2025; and

WHEREAS, the Property Owner is a Virginia nonstock corporation and property owners' association ("Association"), and is governed by a board of directors charged with certain duties and vested with certain powers pursuant to the Code of Virginia and the Declaration of Covenants, Conditions and Restrictions recorded among the Loudoun County Land Records in Deed Book 973, Page 381 (the "Declaration"); and

WHEREAS, the Association's board of directors has expressed no objection to the proposed compensation to be paid for acquisition of the Easement, but has advised Town staff that it would be impracticable to obtain the lot owner consent required by the Declaration to authorize voluntary conveyance of the necessary land rights; and

WHEREAS, the Town duly advertised and held a public hearing on June 24, 2025, pursuant to § 15.2-1903(B) of the Code of Virginia of 1950, as amended.

THEREFORE, RESOLVED, by the Council of the Town of Leesburg in Virginia as follows:

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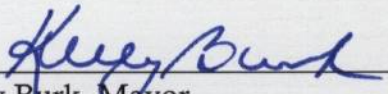
1. The Town has determined that construction of the Town Project, and specifically construction of the street improvements necessary to reconfigure the access road to Veterans Park at Balls Bluff, serves a "public use" as defined in Virginia Code §1-219.1.
2. The Town has determined that a public use and necessity exists for the acquisition of a temporary construction easement over the parcel identified as PIN 186-10-4443-000, as such land rights are essential and necessary for the construction of the street improvements associated with the Town Project.
3. The Town has made a bona fide but ineffectual effort to purchase the temporary construction easement rights set forth above by written offer representing just compensation to the Property Owner in the amount set forth above, as required by Virginia Code § 25.1-204, but the Property Owner has not accepted the written bona fide offer, stating that the Association's board of directors is not authorized to voluntarily convey such land rights.
4. The Town Manager, Town Attorney, Director of Public Works and Capital Projects, and their outside counsel are authorized and directed on behalf of the Town to acquire the above-referenced Easement for public use by judicial proceedings (and take other necessary steps), in accordance with Virginia Code §§ 15.2-1900 *et seq.*, §§ 25.1-200 *et seq.*, and §§ 25.1-300 *et seq.*, and Town staff is hereby authorized to pay compensation in the form of a Certificate of Take to be filed with the Loudoun

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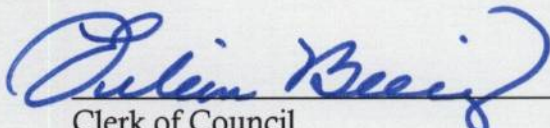
County Circuit Court in accordance with the requirements of §§ 25.1-300 *et seq.*, in the following amount:

PIN Number	Amount
186-10-4443-000	\$1,400.00

PASSED this 24<sup>th</sup> day of June 2025.

  
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Kelly Burk, Mayor  
Town of Leesburg

ATTEST:

  
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Clerk of Council