

**A RESOLUTION AUTHORIZING THE ACQUISITION FOR PUBLIC PURPOSES BY
PURCHASE OR CONDEMNATION OF REAL PROPERTY FOR THE BARRACKS
ROAD AND EMMET STREETSCAPE PROJECT AND THE EAST HIGH
STREETSCAPE PROJECT**

WHEREAS, the City of Charlottesville, Virginia (“City”), has obtained approval to construct the Barracks Road and Emmet Streetscape Project and the East High Streetscape Project within the City that will provide intersection improvements along with sidewalk improvements for its citizens (“Projects”); and

WHEREAS, the providing of safe roadways and pedestrian access is a public purpose for which the City is authorized to enter upon and take possession of property before the conclusion of condemnation proceedings, including the procedures in Chapter 3, § 25.1-300 *et seq.*, of Title 25.1 of the Code of Virginia, 1950, as amended (“Virginia Code”); and

WHEREAS, pursuant to Virginia Code §§ 15.2-1901, 15.2-1901.1, 15.2-1902, 15.2-1903, and 15.2-1904, the City is authorized to acquire by condemnation necessary land to permit the construction and maintenance of the proposed road improvement to provide safer roadways to City residents, and the City is vested with the power of eminent domain for the acquisition of land for the purposes of such public use; and

WHEREAS, the City Council of the City of Charlottesville, Virginia (“City Council”), finds that it is necessary to obtain certain properties, listed and attached hereto (“Properties”), which are in the City, to be used for the construction of the Projects; and

WHEREAS, the City has made a *bona fide* but ineffectual effort to purchase the Properties from the owner of the Properties (“Owners”) hereto attached, having previously established the just compensation therefor and having promptly offered in writing to pay the same to the Owners, which offer was rejected; and

WHEREAS, the City has made every reasonable effort to acquire the Properties by negotiation; and

WHEREAS, a Public Hearing on the subject matter of this Resolution was duly held on May 5, 2025, as required by Virginia Code §§ 15.2-1903 and -1905(C), at which City Council declared its intent to enter and take the Properties for the purposes of /to the citizens of the City, an inherently public use under Virginia Code § 15.2-1904(A); and

WHEREAS, the compensation offered to the Owners by the City for the Properties is in accordance with the City’s determination of just compensation.

NOW THEREFORE, BE IT OFFICIALLY RESOLVED, that, after due consideration, that City hereby approves and adopts the following resolutions; and

BE IT FURTHER RESOLVED, that the construction, operation and maintenance of the Projects are approved as a critical public use, necessary to ensure the health, safety, and welfare of the members of the public served by the City; and

BE IT FURTHER RESOLVED, that the acquisition of the Properties by purchase, condemnation, or other means, free and clear of any and all liens, judgments, deeds of trust, leases, or other conflicting encumbrances, is approved, such acquisition being necessary for the construction of the Projects; and

BE IT FURTHER RESOLVED, that the Properties will be used by the City for the Projects in furtherance of its public and governmental functions pursuant to the Virginia Code, and that the acquisition of the Properties are for road improvements, which is a public use pursuant to Virginia Code §§ 1-219.1(A)(i) and (D)(iii); that no more private property is being taken, than that which is necessary to achieve the public use intended by and for the road improvements; and that this Resolution otherwise complies with Virginia Code § 1-219.1; and

BE IT FURTHER RESOLVED, that the City previously has made *bona fide* efforts to acquire the Properties from the Owner(s), but, to date, those efforts have been ineffectual; and

BE IF FURTHER RESOLVED, that the City does hereby authorize its City Manager, Deputy City Manager, City Project Manager, City Staff, and the City Attorney, respectively, to take all actions for and on behalf of the City, which are or may be appropriate or necessary for the City to acquire the Properties through the exercise of its power of eminent domain, including, but not limited to, any actions or proceedings necessary to achieve the transfer of defeasible title by Certificate of Take, pursuant to the procedure established in Chapter 3, § 25.1-300 et seq., Title 25.1 of the Virginia Code; the filing of any papers or pleadings with the Circuit Court of City of Charlottesville, Virginia; and other actions related to the initiation of any legal proceedings necessary or appropriate to acquire the Properties by eminent domain, provided, however, that nothing in this Resolution shall be construed as preventing the continued negotiation by the City Manager, Deputy City Manager, City Project Manager, City Staff, and/or the City Attorney for the acquisition by purchase or other means of the Properties, before the initiation of any such eminent domain proceedings; and

BE IT FURTHER RESOLVED, that City Council authorizes the payment into the Court or to the Clerk thereof, for the Owner(s)' benefit, or the issuance of a Certificate of Deposit in lieu of payment pursuant to Virginia Code §§ 15.2-1904(D) and 25.1-305(A)(2), to be issued by the City Manager, or his designee, and countersigned by the City's Finance Director for availability of funds; and

BE IT FURTHER RESOLVED, that all the actions taken by the City Manager, City Finance Director, City Project Manager, City Staff, and the City Attorney in connection with this matter are hereby ratified and confirmed; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately; and

BE IF FINALLY RESOLVED, that a copy of this Resolution be filed with the papers of this Meeting.

ADOPTED this ____ day of May 2025.

Mayor, City of Charlottesville

Attest:

Clerk, City of Charlottesville

EMINENT DOMAIN FOR BARRACKS AND EMMET STREETSCAPE PROJECT,
PARCEL LIST

Parcel 002 identified as Barracks Row, LLC, Tax Parcel No. 400002100

- Acquisition area: 1,328 SF in permanent public street easement, and 214 SF in temporary easement need to be acquired.
- Offer amount: \$85,640.00

Parcel 011 identified as Matthew J. Gerber, Tax Parcel No. 020007000

- Acquisition area: 149.17 SF in fee right of way, 226.52 SF in prescriptive right of way, and 77 SF in temporary easement need to be acquired.
- Offer amount: \$3,667.00

EMINENT DOMAIN FOR THE EAST HIGH STREETSCAPE PROJECT

Parcel 007 identified as Fenwick, Trustee Valentine Land Trust, Tax Parcel No. 530261000

- Acquisition area: 58 SF in fee acquisition, and 1,167 SF in temporary and grading easement need to be acquired.
- Offer amount: \$16,255.00

Parcel 015 identified as Nine Ten Land company, LLC, Tax Parcel No. 530270000

- Acquisition area: 81 SF in fee acquisition, 441 SF in temporary and grading easement and 510 in permanent utility easement needing to be acquired.
- Offer amount: \$22,300.00

Parcel 016 identified as Nine Twelve Land Company, LLC, Tax Parcel No. 530271000

- Acquisition area: 506 SF in temporary and grading easement needing to be acquired.
- Offer amount: \$5,330.00