

ORC/VDot/TransUrban Sound Wall F2 Compensation Offer Resolution Worksheet

Date: September 18, 2019

Suggested Motion:

"I move to approve the ORC/VDot/TransUrban Sound Wall F2 Compensation Offer in the amount of \$138,000.00"

2nd:

Summary: Attached is the ORC/VDot/TransUrban Sound Wall F2 Compensation Offer.

Vote:

	In Favor	Opposed	Abstained	Absent
Scott Buchanan				
Dan Courtney				
Susan Cox				
James Konkel				
Rich Moha				
Kathy Schramek				
Nicholas Soto				
Maria Wildes				
Robin Woods				



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

2430 PINE FOREST DRIVE
COLONIAL HEIGHTS, VIRGINIA 23834

Stephen C. Brich, P.E.
Commissioner

August 15, 2019

Transportation Facility: Route: 0395
State Project: 0395-96A-206, R201
Federal Project: NHPP-3954(190)
City: Alexandria
UPC: 108361

RIGHT OF WAY - Property of Unit Owners of Parkfairfax Condominium Owners
Parcel 008

CERTIFIED - RETURN RECEIPT REQUESTED (or HAND DELIVER)

Unit Owners of Parkfairfax Condominium Owners
3360 East Gunston Road
Alexandria, Virginia 22302

Dear Mr. Miller:

As you have been advised, the Virginia Department of Transportation (VDOT) is in the process of acquiring rights of way for the construction, maintenance and/or operation of the above referenced public transportation facility, specifically, Route 395 in Alexandria, Virginia. A public hearing was held previously in the City of Alexandria. Advertisements announcing the public hearing schedule were run in the local newspapers in advance of the hearing. Citizens' comments received by VDOT during this hearing were considered in the development of the final plans. The final project plans show that your property is needed for this transportation facility, and VDOT hereby offers to acquire the property that is needed, as shown on the enclosed plan sheets.

The Virginia Department of Transportation seeks to acquire your property to use for the construction, maintenance and/or operation of the referenced public transportation facility including any components thereof such as, but not limited to, storm water management systems, drainage systems, traffic control equipment, curbs, gutters, sidewalks and bike trails. Where it is necessary to the construction, maintenance and/or operation of the referenced transportation facility, your property may be used for the relocation, installation, improvement or maintenance of a utility service provided by a public utility provider, or for the relocation, installation, improvement or maintenance of railroad facilities. Pursuant to Section 25.1-204(B) of the Code of Virginia, the undersigned hereby certifies that the acquisition of your property has been reviewed by the Commissioner of Highways for purposes of complying with Section 1-219.1 of the Code of Virginia.

VDOT hereby offers to acquire the property and/or property rights needed, as shown on the enclosed plan sheets, for the total sum of **\$138,000.00**. This offer is based solely upon the appraisal referenced below and in the attachment to this letter. This offer is made in an effort to settle any potential dispute between us over the value of this acquisition.

The appraiser assigned to determine the market value of that portion of your property needed for the referenced transportation facility has made a study of the real estate market in your area. After careful inspection and with full consideration of the impact of the proposed transportation facility on your

WE KEEP VIRGINIA MOVING

property, the appraiser has concluded the market value of the area needed to be established at **\$138,000.00**. A breakdown of this value is as follows:

Category	Units	Size	Value
Fee Acquisition	S.F.	1,666	107,000
Temporary Construction Easement	S.F.	4,821	31,000
Total Offer			\$ 138,000

Enclosed is a complete copy of the approved appraisal and a copy of the title examination of your property. Plan Sheets 28 ROW SEG 2 are enclosed showing specific features highlighted in the following colors: Outlined in RED and colored in GREEN the area required for Fee. Outlined and colored in ORANGE the area required for Temporary Construction Easement ("TCE"). Other documents enclosed include a Commonwealth of Virginia Substitute W-9 form (Form W-9) that asks for your Social Security Number or Taxpayer ID and Form N28, an authorization for your mortgage company allowing us to obtain mortgage lien information on your property. This information will be necessary to expedite closing and our payment to you of money owed.

Today my objective is to explain the appraisal, the title report and the plans. I want you to have an understanding of all proposed changes in profile, elevation and grade of the highway and entrances, including the elevations of proposed pavement and shoulders, both center and edges, with relation to the present pavement, and approximate grade of entrances to your property. I also want to give you the opportunity to ask whatever questions you may have about all of this information.

If you feel it is necessary, I would be happy to meet with you again to further discuss this project and answer any additional questions you may have that we did not address in today's meeting. You may contact me by postal mail, email or telephone. I have enclosed a business card with my contact information for your ready reference.

A description of the area(s) needed are as follows: Being as shown on Sheet 28RW of the plans for Interstate 395, State Highway Project 0395-96A-301, R501, and beginning on the East (right) side of the I-395 SBL Construction Baseline from a point in the lands of the Landowner opposite Station 1746+71.31, to a point in the lands of the Landowner opposite Station 1748+65.25, and containing 1,666 square feet, more or less, land; together with temporary construction easements to use the additional areas shown as being required for the proper construction of cut and/or fill slopes, together containing 4,821 square feet, more or less. Said temporary easements will terminate at such time as the construction of the aforesaid project is complete.

You may be entitled to a reimbursement or reduction of your real estate taxes, depending on the circumstances at the time the transfer is concluded. Should you have any questions pertaining to this, please contact your local treasurer for further details.

Thank you for your consideration of our offer to purchase the needed rights of way. Through your cooperation, Virginia's transportation system will remain among the nation's finest.

Sincerely,



Joanne K. Berry
Right of Way Agent III

Enclosures

Cc: Ms. Lori A. Snider, State Right of Way & Utilities Director

TAX MAP #013.02-0A-00
TAX PARCEL #06.03-05-01

RW-10
Revised 9/16

**PREPARED BY VDOT
UNDER SUPERVISION OF THE
OFFICE OF THE ATTORNEY GENERAL**

Exempted from recordation taxes
and fees under Sections 58.1-811(A)(3),
58.1-811(C)(5), 58.1-3315, 25.1-418,
42.1-70, 17.1-266, and 17.1-279(E)

UPC: 108361

Route: 0395

Project: 0395-96A-206, R201

City: Alexandria

From: Edsall Road

To: Washington D.C. Line

(This block for Department of Transportation use only.)

This Option, granted this 15th day of August, 2019, by UNIT OWNERS OF PARKFAIRFAX CONDOMINIUM, hereinafter referred to as "landowner", to the COMMONWEALTH OF VIRGINIA, Department of Transportation, hereinafter referred to as "Commonwealth".

WITNESSETH: That for and in consideration of One Dollar (\$1.00) cash in hand paid to the landowner by the Commonwealth, receipt of which is hereby acknowledged, the landowner does hereby grant the Commonwealth the option to purchase the land hereinafter described, and if such option be exercised as hereinafter provided, the landowner will convey all their rights and interests in such land unto the Commonwealth by deed of general warranty, properly executed, acknowledged, and delivered with usual covenants of title, free of all encumbrances.

The land subject to this option is described as follows:

Being as shown on Sheet 28RW of the plans for Interstate 395, State Highway Project 0395-96A-301, R501, and beginning on the East (right) side of the I-395 SBL Construction Baseline from a point in the lands of the Landowner opposite Station 1746+71.31, to a point in the lands of the Landowner opposite Station 1748+65.25, and containing 1,666 square feet, more or less, land; together with temporary construction easements to use the additional areas shown as being required for the proper construction of cut and/or fill slopes, together containing 4,821 square feet, more or less. Said temporary easements will terminate at such time as the construction of the aforesaid project is complete.

The total consideration for the conveyances provided for herein is as follows:

\$138,000.00 in full for land, temporary construction easements, and any and all damages.

The landowner by the execution of this instrument acknowledges that the plans for this project as they affect their property have been fully explained to them or their authorized representative.

It is understood and agreed that the risk of loss or damage by fire, wind storm or any other cause to the structure or structures, if any, hereunder optioned and situated in whole or in part upon the hereinabove described land will remain with the landowner until final settlement is made.

There have been no other promises, consideration or representations made which are not set forth in this instrument.

The consideration mentioned above represents the value of all estates or interests in such land, and the damages to the value of the remaining lands of the landowner which may result by reason of the use to which the Commonwealth will put the land to be conveyed. The landowner agrees to accept their legally proportionate share to such total consideration for their interest and rights in the land.

In the event the landowner is unable to convey marketable title to the Commonwealth as herein provided, and the Commonwealth should elect to institute condemnation proceedings for the purpose of acquiring title to such land, it is agreed by the landowner that this instrument may be introduced in such proceedings as evidence of the value of the land and said damages, if any, to the remaining property of the landowner.

This option may be exercised by the Commonwealth at any time within one year from the date hereof, or any further extensions as may be agreed upon in writing by the parties. The option shall be exercised by any one of the following methods:

(1) By the mailing of notice to the landowner, such notice to be by certified letter mailed to the last known place of abode of the landowner, and effective as of the time of posting of such letter;

(2) By demanding a deed from the landowner by a duly authorized agent of the Commissioner of Highways, such demand to be made either by the posting of a letter as provided in (1), or by oral demand, the latter method to be effective as of the time of actual receipt by the landowner;

(3) By the entry of the officers, agents, or employees of the Commissioner of Highways upon the lands to be conveyed, for the purpose of commencing construction or improvement of the highway or other project for which the land is to be utilized.

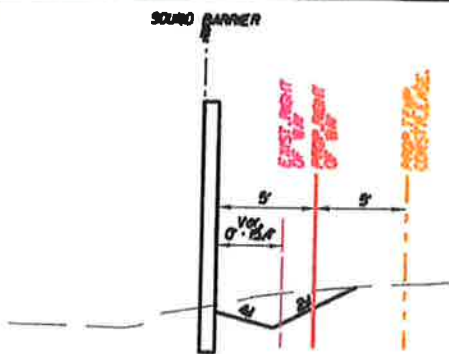
The landowner hereby covenants and agrees for itself, its heirs, successors and assigns that the consideration herein mentioned shall be in lieu of any and all claims to compensation and said damages by reason of the location, construction and maintenance of the transportation project by the Commonwealth, including such drainage facilities as may be necessary, and that the Commonwealth shall have the right to enter upon and take possession of the land prior to the execution and delivery of the deed which is to be executed in the event this option is exercised.

WITNESS the following signature and seal:

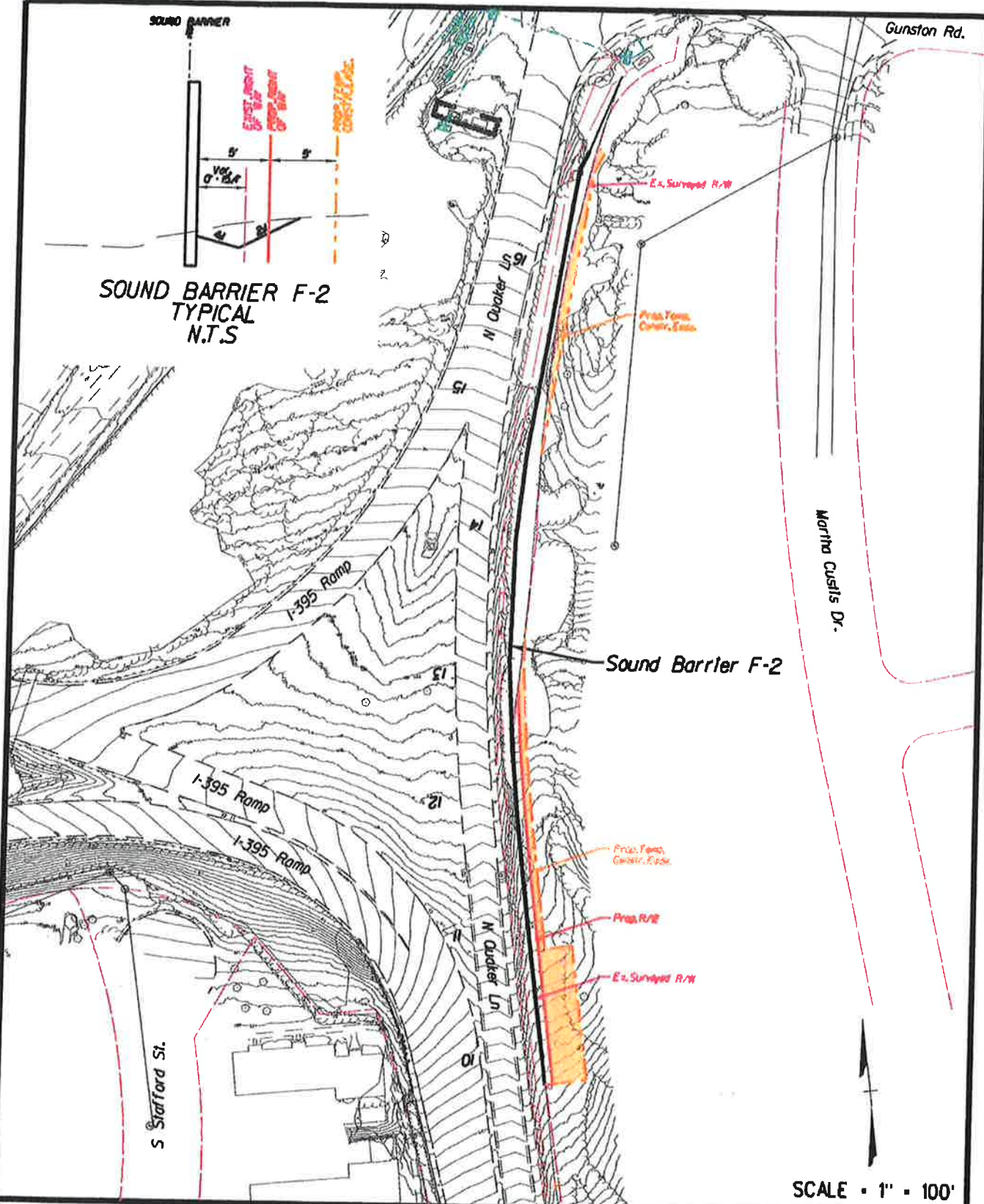
By _____ (SEAL)

Title _____

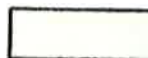
[Insert appropriate Notary here.]




**SOUND BARRIER F-2
TYPICAL
N.T.S**



SCALE • 1" = 100'

 R/W Required
(based on
Surveyed Ex.
R/W): 1666 S.F.

 Prop. Temp. Constr.
Easement Required (based
on Surveyed Existing
R/W): 4821 S.F.

**I-395 Express Lanes
BARRIER F-2
SOUNDWALL R/W AND
TEMPORARY EASEMENT
AREAS**

