



PLANNING DIVISION

December 12, 2018

DEC 17 2018

Paul Holt, Director
Community Development/Planning
James City County
PO Box 8784
Williamsburg, VA 23185

RECEIVED

Subject: Notice of proposed acquisition of land within Agricultural and Forestal District (AFD) 1-02-1-2018 in James City County, Ordinance No, 197A-5, Parcel No. 5820100002

Dear Mr. Holt:

This letter report is provided in accordance with Virginia Code §25.1-106 and §15.2-4313 as notice of the intent of Hampton Roads Sanitation District (HRSD) to acquire real property by condemnation for public utility purposes located within the Agricultural and Forestal District 1-02-1-2018 (AFD). The following information is provided pursuant to the requirements of Code of Virginia:

1. HRSD requires additional land adjacent to its Williamsburg Treatment Plant in James City County to add advanced treatment facilities to support alternative disposal of treated wastewater. The HRSD Williamsburg Treatment Plant (WTP) was constructed on property acquired from the Colonial Williamsburg Foundation in James City County. The parcel created at that time was carved out of a larger parcel that completely surrounds the HRSD property. There is insufficient property on the current parcel to support HRSD requirements for construction of advanced treatment facilities and the associated aquifer recharge wells that will minimize surface water discharge. This work has been proposed by HRSD in response to a federal enforcement action taken by the United States Environmental Protection Agency and the Department of Justice against HRSD. The proposed schedule requires construction of these facilities to be complete by 2023. To meet that completion schedule, site investigation and surveying must begin no later than April 1, 2019.
2. HRSD is a political subdivision of the Commonwealth of Virginia created in 1940 to protect the waters of Hampton Roads from pollution, "in all respects for the benefits of the inhabitants of the Commonwealth and for the promotion of their safety, health, welfare, convenience and prosperity." (Acts of the Assembly 1960, c. 66). Adding advanced water treatment facilities and recharge wells will allow HRSD to divert over 90 percent of the treated wastewater that is currently discharged to the James River and ultimately the Chesapeake Bay from the Williamsburg Treatment Plant to a beneficial reuse as a sustainable groundwater supply. The demand for groundwater to support Virginians in Eastern Virginia is outpacing the natural recharge rate and this beneficial

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reuse will ensure adequate supply for future generations. The diversion from the surface water discharge will improve the health of the James River and help Virginia meet its federally mandated nutrient reductions more cost effectively and faster than otherwise possible.

3. HRSD intends to take by condemnation the entire parcel 5820100002 shown on the attached map. In June 2017 HRSD conducted a public hearing concerning its need to acquire this parcel. As part of that process, HRSD provided notice to Carter's Grove Associates, LLC, the landowner of record, and a representative of Carter's Grove appeared and spoke at the public hearing. In July 2017, the HRSD Commission formally adopted a resolution approving the acquisition of the property through condemnation or other means. Since that time, HRSD has been in negotiations with the owner to reach an agreement to purchase parcel 5820100002 but negotiations have stalled. Given the current stalled status of negotiations after more than a year of effort, the pressing schedule to begin on-site survey, soil borings and related investigations, and the authorization by the HRSD Commission to acquire parcel 5820100002 by condemnation, HRSD intends to proceed with condemnation upon receiving the required AFD impact approvals from James City County.
4. It is possible that HRSD could avoid impact to the 6.10 acres within parcel 5820100002 that are listed in the ordinance as being within the AFD but that cannot be determined without a detailed survey showing the specific limits of the AFD within parcel 5820100002. Assuming HRSD cannot avoid impacting the acreage within the AFD, the short term impacts include clearing and land disturbing activities associated with construction of the new HRSD facilities. It is anticipated that approximately 7 acres will need to be cleared to support the new facilities. Clearing will be kept to the absolute minimum. No impact to agricultural operations is anticipated as there are none immediately adjacent to the existing HRSD facilities. Long term impacts will be the loss of approximately 7 acres of forestal land. Impact will be minimized through designing and locating facilities in as compact a footprint as possible and utilizing detailed tree surveys to avoid impact and preserve the most valuable specimens. The undisturbed portion of parcel 5820100002 will be preserved and protected in accordance with the requirements of the AFD. HRSD would be willing to discuss the establishment of a permanent conservation easement over the remaining portion of parcel 5820100002 once the specific limits of our required impact has been identified.
5. Due to the location of the current WTP facility, totally surrounded by parcel 5820100002 some or all of which is located in the AFD, there are no feasible alternatives that will not require action within this AFD. The current plant cannot be relocated and the proposed new facilities must be immediately adjacent to the existing facility to be viable.
6. The proposed facilities have the potential to resolve groundwater shortages for the residents of Eastern Virginia, including the residents of James City County.

Mr. Paul Holt
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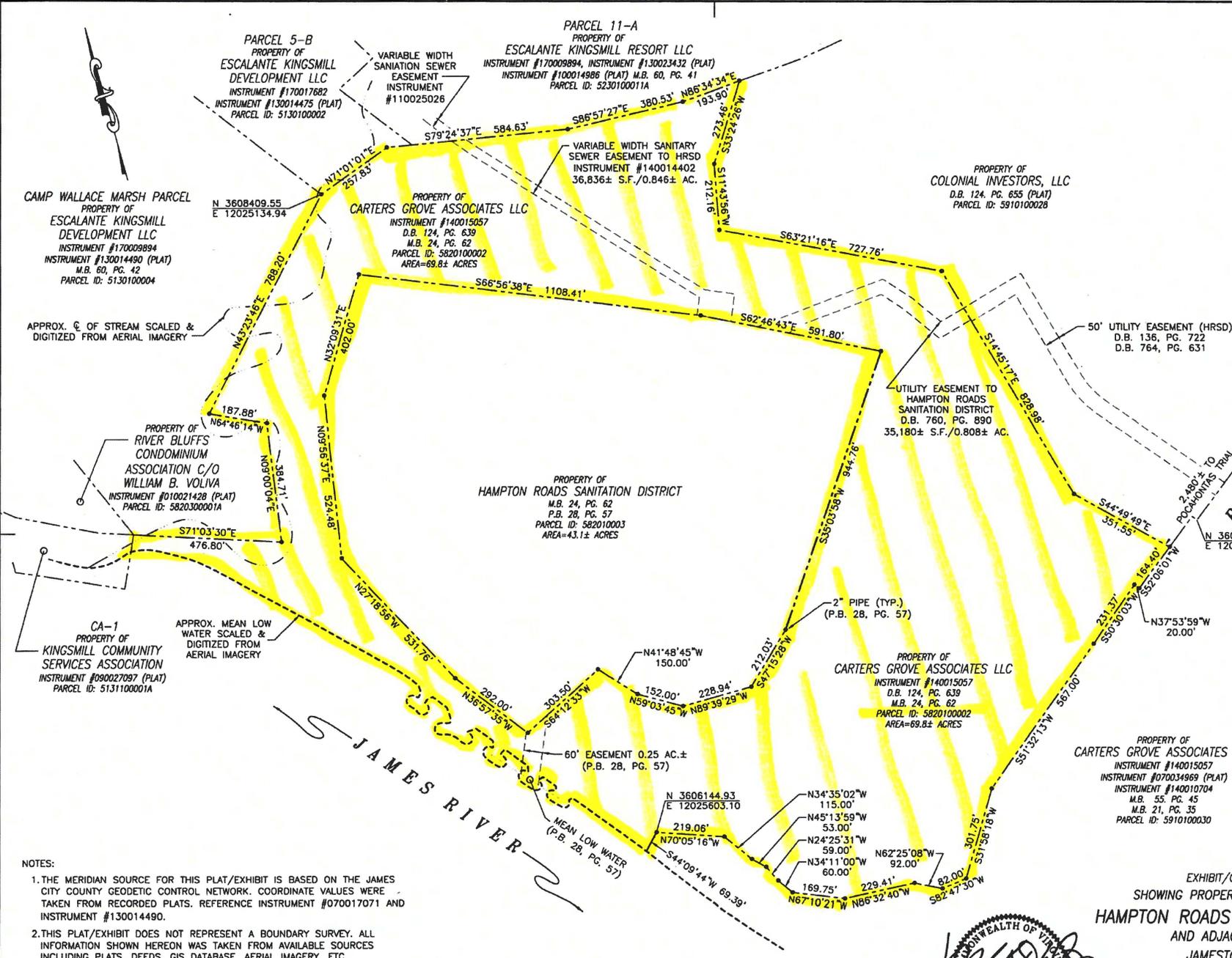
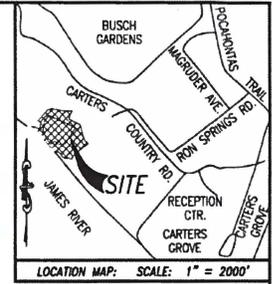
Time is of the essence and we would appreciate action by the County as quickly as possible within the requirements of the Code of Virginia and local ordinance. We are providing notice to Carter's Grove Associates, LLC, the landowner of our filing of this proposed action with your office as required by §15.2-4313. Please let me know if you need additional information.

Sincerely

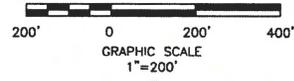
A handwritten signature in black ink, appearing to read "Ted Henifin". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Ted Henifin, P.E.
General Manager

c. Doug Powell, General Manager JCSA



- NOTES:
1. THE MERIDIAN SOURCE FOR THIS PLAT/EXHIBIT IS BASED ON THE JAMES CITY COUNTY GEODETIC CONTROL NETWORK. COORDINATE VALUES WERE TAKEN FROM RECORDED PLATS. REFERENCE INSTRUMENT #070017071 AND INSTRUMENT #130014490.
 2. THIS PLAT/EXHIBIT DOES NOT REPRESENT A BOUNDARY SURVEY. ALL INFORMATION SHOWN HEREON WAS TAKEN FROM AVAILABLE SOURCES INCLUDING PLATS, DEEDS, GIS DATABASE, AERIAL IMAGERY, ETC.
 3. THIS PLAT/EXHIBIT WAS PREPARED WITHOUT FIELD LOCATION OF SURVEY MONUMENTS OR PROPERTY CORNERS.
 4. THE PLAT/EXHIBIT WAS PREPARED WITHOUT THE USE OF A CURRENT TITLE REPORT AND MAY NOT SHOW ALL MATTERS AFFECTING THE PROPERTY.
 5. AREAS SHOWN HEREON ARE APPROXIMATE AND ARE BASED ON AVAILABLE RECORDED INFORMATION. SEE NOTE 2.



EXHIBIT/COMPOSITE PLAT
 SHOWING PROPERTY AND EASEMENTS OF
HAMPTON ROADS SANITATION DISTRICT
 AND ADJACENT PROPERTIES
 JAMESTOWN DISTRICT
 JAMES CITY COUNTY, VIRGINIA
 SCALE: 1" = 200' - NOVEMBER 3, 2017
 SHEET 1 OF 1

