



# CHESTERFIELD COUNTY ADMINISTRATIVE POLICIES AND PROCEDURES

Department: Utilities—Right of Way  
Subject: Acquisition of Private Property for Public Use

Policy Number: 15-1  
Supersedes: 04/28/03  
Date Issued: 04/16/04

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## I. INTRODUCTION

### A. SCOPE

1. This procedure will govern the acquisition or lease of real estate in the name of the County.
2. (Road Rights of Way are exempted from this procedure)

### B. PURPOSE

1. To ensure that the best sites are selected for County capital projects to insure that sites are in conformance with the County's "Public Facilities/Comprehensive Plans"; and to ensure that the negotiations for those sites are performed in a professional manner consistent throughout the County.

## II. PROCEDURE

### A. SITE SELECTION AND REVIEW

1. Prior to the acquisition of property for County use, a site selection team under the direction of the County's Planning Director or his designee shall select a number of sites and make recommendations on those sites based on information provided by team members. Alternatively, when a specific site has been proposed or offer under PPEA (Public-Private Education Facilities and Infrastructure Act) or proffered condition, the team will evaluate the site using the same criteria and report the findings to the County Administrator and user department.

The site selection team members and areas of responsibility are as follows:

MEMBER	AREA OF RESPONSIBILITY
Requesting Department	Needs assessment, study area selection, assemble study area maps, location requirements, discuss project with team and site selection. (Study area selection and location requirements shall be based on the County's adopted Public Facilities/Comprehensive Plans.)

Capital Projects Management Suitability of site for construction.

Environmental Management	Liaison with User Department, Capital Projects Management, Risk Management and Right of Way for Environmental Site Assessment (ASTM E-1527) (See Section II, Part C, Item 4 of this Policy).
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Risk Management	Review safety suitability of site after receiving ESA and Environmental screening reports.
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Environmental Engineering	Preliminary hydric soils assessment, Chesapeake Bay Preservation Act, drainage, erosion and sediment control, general development requirements.
Utilities (Planning Section)	Existing/planned water/sewer service, required improvements, planning cost estimate for required improvements, general utility requirements.
Transportation	Thoroughfare Plan, six year construction program, area road needs and transportation requirements, general cost estimate for road improvements, as needed.
Planning (Advance Development Review and Planning and Research, Zoning and Special Projects)	Study area selection, review of Related CIP projects (including school projects), proximity to other County or proffered land, approved/anticipated area developments, ordinance requirements, site plan process, conformance with the County's Public Facilities/Comprehensive Plans, substantial accord, etc.
Utilities (R/W Section)	Land availability, property ownership, anticipated acquisition costs, acquisition issues.
Assessor's Office	Estimated land values.
Budget	Financial Implications, availability of funds, relationship to proffered conditions (cash/land dedication).

2. Preliminary Site Reviews by the team shall include general site by site analysis based on the information provided by the members.
3. Detail Site Review shall include compiling a short list of study sites, and refining general comments with more specific information, ranking sites and submitting recommendations to the requesting department.
4. If the recommended site does not match the Team's recommendation, the Team and the requesting Department shall make a presentation to the County Administrator for general government sites and Superintendent of Schools for school sites for final site selection.

**B. SITE NEGOTIATIONS**

1. Once a site is selected, the Utilities Right of Way Section shall negotiate a contract to purchase within the parameters of the price range established by the Assessor's office. The contract will be approved by the County Attorney's office prior to execution.
2. In addition to the requirements of the standard contract, special provisions may be required. (For purchase of improved property, the contract will be subject to inspection and approval of HVAC and other systems within buildings.) In all cases, the contract shall be subject to approval of the purchase by the Board of Supervisors, zoning and substantial accord approval, and engineering and geological studies to determine the conformation with the Chesapeake Bay Act, environmental condition and suitability for the intended purpose.

3. If the Phase I ESA or Environmental screenings completed for the site identifies any recognized environmental concerns (RECs) that require investigation or remediation, the County shall negotiate a contract which addresses these items. The County shall require the RECs be investigated and remediated (by the owner of the property) prior to closing, or the County shall negotiate a reduction in price of the contract to address the RECs.
4. If a contract cannot be negotiated for a reasonable consideration, alternate sites shall be considered, if available. If alternate sites are not available, the Utilities Right of Way Section shall obtain an opinion from the County Attorney to determine if eminent domain can be exercised.

**C. CLOSING**

1. The Utilities Right of Way Section shall prepare an agenda item to approve the contract for purchase, or to obtain authorization to proceed with condemnation.
2. Upon execution of a contract, or authorization to proceed with condemnation, the Utilities Right of Way Section shall forward the contract and necessary information to the County Attorney for contract approval and preparation of the title report and closing, or condemnation.
3. The requesting department, in cooperation with capital projects management and planning, shall obtain the necessary zoning, conditional use and substantial accord approval as well as a wetlands and stream studies.
4. Concurrent with C.3. above, the requesting department shall obtain a Phase I Environmental Site Assessment performed in accordance with the American Society for Testing and Materials (ASTM) protocol E-1527, "Standard Practices for Environmental Site Assessments – Phase I Environmental Site Assessment Process". Phase I reports shall be provided by a County approved contractor. Copies of the report shall be provided to Environmental Management, Risk Management and Right of Way. Applicable environmental screening reports shall be required for all improved sites. (Leases of buildings or office space are exempted from these requirements.)
5. The Utilities Right of Way Section shall provide a deed, plats and preliminary title information to the County Attorney for review and approval and preparation of a title report, or obtaining a binder for title insurance. Prior to closing.

