



MEMORANDUM

To: Board of Directors
From: Peter C. Gorham, P.E., Director of Engineering
Date: August 12, 2010
Re: North Fork Regional Pump Station- Spirit SPE Portfolio 2007-2, LLC;
Woodbriar Associates & Chiro, LLC Condemnations
cc: James M. Bowling, IV

The subconsultant Land Acquisition Services, Inc. (LAS) was retained by our consultant, Whitman, Requardt and Associates, LLC (WRA) to negotiate easements on behalf of the ACSA for the North Fork Regional Pump Station (NFRPS) Project. Attached you will find a copy of the easement plat for Tax Map 32A, Section 2, Parcel 1C, owned by Spirit SPE Portfolio 2007-2, LLC (Spirit). Also attached is the correspondence from LAS to the landowner demonstrating the attempts to acquire the easement. In addition there is a summary of the Contact Record by LAS and Tom Garrison.

It is the ACSA staff's opinion that sufficient time has been allowed for the landowner to have considered the offer of compensation for obtaining the easement. Pursuant to the resolution passed by the Board of Directors on October 15, 2009, the Board authorized the Executive Director to obtain the necessary easements and to proceed with condemnation of the easements if an agreement could not be reached with the landowner. Spirit was notified by Federal Express of the ACSA staff's intent to recommend to the Board of Directors to authorize filing a Certificate of Condemnation and they were invited to attend the Board meeting.

Some of the easements required for the NFRPS Project have been negotiated with property owners by ACSA staff. Attached you will find copies of the easement plats for Tax Map 32G, Parcel C, owned by Woodbriar Associates, and Tax Map 32, Parcel 5E, owned by Chiro, LLC. Also attached is the correspondence from ACSA to the landowners demonstrating the attempts to acquire the easements. In addition there are summaries of the Contact Record by Tom

Garrison. The documents are grouped by parcel with the plat being the lead page in each group.

It is the ACSA staff's opinion that sufficient time has been allowed for Woodbriar Associates to have considered the offer of compensation for obtaining the easement. Pursuant to the resolution passed by the Board of Directors on October 15, 2009, the Board authorized the Executive Director to obtain the necessary easements and to proceed with condemnation of the easements, if an agreement could not be reached with the landowner. Mr. Wood was notified by Federal Express of the ACSA staff's intent to recommend to the Board of Directors to authorize filing a Certificate of Condemnation and he was invited to attend the Board meeting. Staff wishes to clarify a typo in the final offer letter to Woodbriar Associates, dated July 22, 2010. The actual amount of the final offer is \$30,850 and not \$26,940, as stated in the letter.

The ACSA staff are still in negotiations with Chiro, LLC and they are hopeful that an agreement can be reached. In order to allow the Advertisement for Bids to move forward on August 22, 2010, we agreed that ACSA staff would ask the Board of Directors to authorize the filing of a Certificate of Condemnation while we continue our negotiations. Pursuant to the resolution passed by the Board of Directors on May 6, 2010, the Board authorized the Executive Director to obtain the necessary easements and to proceed with condemnation of the easements, if an agreement could not be reached with the landowner. The Valentines were notified by Federal Express of the ACSA staff's intent to recommend to the Board of Directors to authorize filing a Certificate of Condemnation and they were invited to attend the Board meeting.

Board Action

We are requesting that the Board of Directors authorize the ACSA attorney to file Certificates of Condemnation of the permanent and temporary easements on Tax Map 32A, Section 2, Parcel 1C, owned by Spirit SPE Portfolio 2007-2, LLC; Tax Map 32G, Parcel C, owned by Woodbriar Associates; and Tax Map 32, Parcel 5E, owned by Chiro, LLC.

PCG/dmg

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