TOWN OF Herndon VIRGINIA

Town Council Regular Meeting
Agenda Item 6.a.

Agenda Item: **Resolution 26-G-47 to authorize the Board of Supervisors of Fairfax County to acquire property rights for a public purpose on two privately owned parcels within the corporate limits of the Town of Herndon, which property is needed for construction of the Crestview Drive Walkway Project administered by Fairfax County, Virginia**

Meeting Date: August 25, 2026

Category: General

Prepared by: Lauri Sigler, Deputy Town Attorney

Description:
The proposed resolution would authorize the Board of Supervisors of Fairfax County (the "Board") to acquire property rights for a public purpose on two privately owned parcels located along Crestview Drive within the corporate limits of the Town of Herndon. The acquisition would support Fairfax County's Crestview Drive Walkway Project by allowing the County to construct curb and gutter, ADA-compliant ramps, and a crosswalk at the intersection of Ferris Road and Crestview Drive. These improvements would connect to the six-foot-wide walkway being constructed by Fairfax County and complete the pedestrian connection at the Town boundary.

Background/Timing Impact:
Fairfax County has proposed and is administering the Crestview Drive Sidewalk Project, which would construct a new six-foot-wide sidewalk along the west side of Crestview Drive between Ferris Avenue and Builders Road. The project also includes installation of curb and gutter and modifications to the existing storm drainage system. The project extends approximately 935 linear feet. Most of the work is located in Fairfax County; however, the southern terminus is within the Town of Herndon at the Ferris Avenue intersection.

There are currently no sidewalks on either side of Crestview Drive between Ferris Avenue and Builders Road, creating a gap in the pedestrian network. Staff supports the project because it will provide an ADA-compliant pedestrian connection between the existing sidewalks in the northwest corner of the Town and the sidewalk network extending north along Crestview Drive outside the Town. This connection will improve pedestrian safety, accessibility, and connectivity.

Fairfax County has submitted plans for Town staff review and comment at several stages of design. The plans are now at 90 percent completion, and the Board is ready

to begin the acquisition process. The acquisition process begins with a formal offer to affected property owners. The Board is required to pay just compensation for the property interests needed for the project.

By letter dated June 30, 2026, Dennis M. Cate, Director of Fairfax County's Land Acquisition Division, wrote to Mayor LeBlanc requesting that the Town Council approve the County's acquisition of property rights on two private parcels located within the Town as follows:

TAX MAP NO.	**ADDRESS**	**PROPERTY RIGHT**	
		Dedication for Public Streets	**Grading & Temp. Construction Esm't.**
0103-05-0021	1198 Dublin Place	12 SF	125 SF
0102-05-A1	N/A	166 SF	1,373 SF

Since the construction plans are currently at 90 percent, it is unlikely that the type and area of property rights needed for the project will change, but if any adjustments are necessary, no more private property may be taken by the County than that which is necessary to achieve the stated public use. If the Board makes a bona fide but ineffectual effort to acquire the necessary property interests by agreement, the Board is also requesting authority to initiate condemnation proceedings in accordance with applicable law.

Under Virginia Code § 15.2-1800(C), counties may acquire real property outside their boundaries when expressly authorized. Virginia Code § 15.2-1201 further provides that a county board may acquire property interests within an incorporated town only "by agreement with the town council."

Strategic Focus Area:
Secure and Interconnected Community

Fiscal Impact:
None

Legal Impact:
Pursuant to Virginia Code §§ 15.2-1800(C) and 15.2-1201, Fairfax County cannot acquire property within the town boundaries without agreement and authorization from the Town Council.

Staff Recommendation/Next Steps:
Staff recommend adoption of the resolution.

Attachments:

1. Resolution (Proposed) (revised 08.24.26)
2. Authorization Request Letter from Fairfax County 6.30.26
3. 10-3_((5))_21-PLAT
4. 10-3_((5))_A1-PLAT