

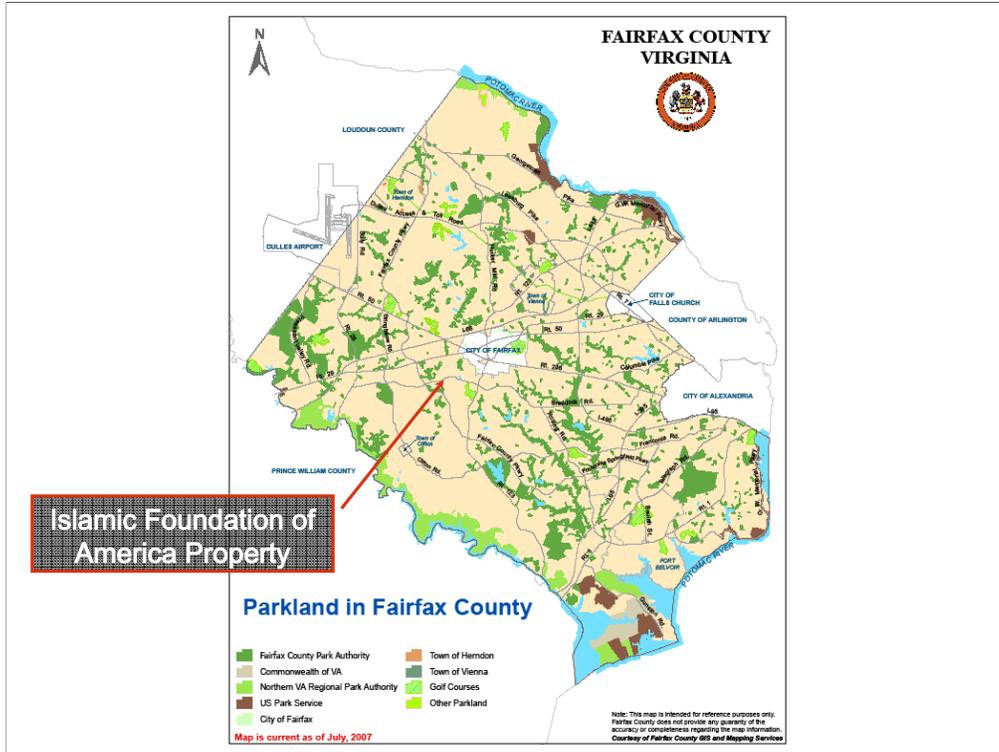


# **Public Hearing**

## **Acquisition of the Islamic Foundation of America Property**

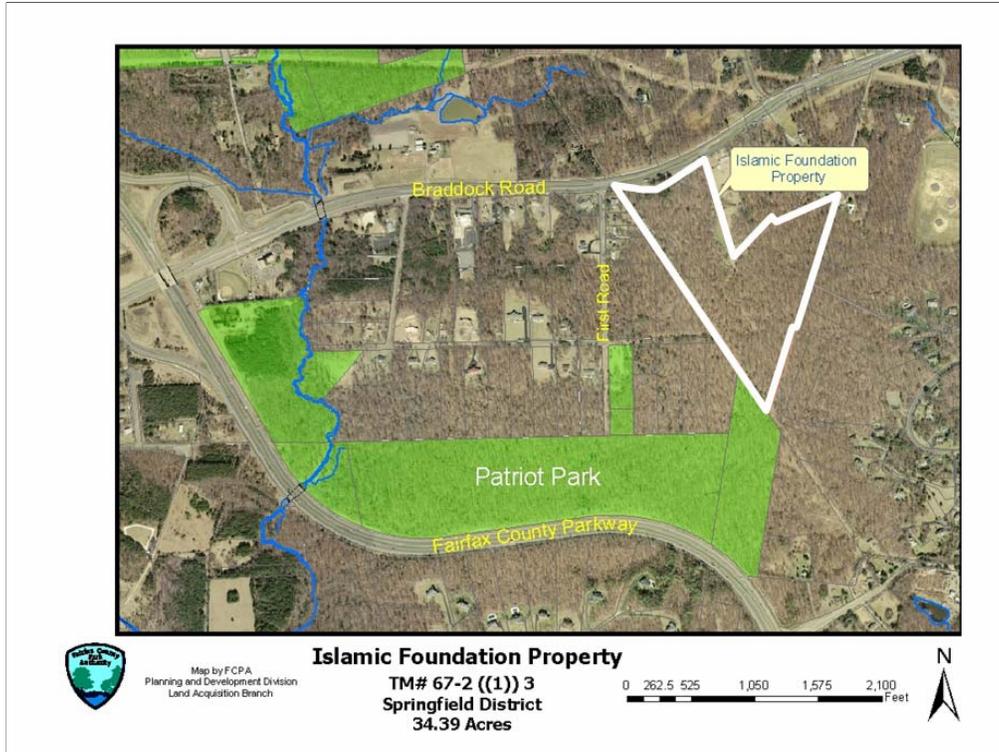
**November 12, 2008**

Fairfax County Park Authority



The Islamic Foundation of America property lies near the heart of Fairfax County.

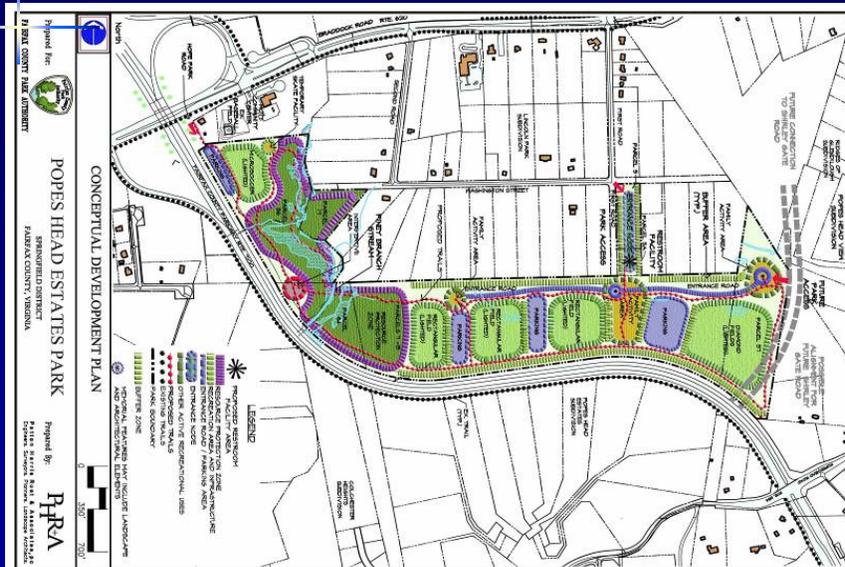
The property is located west of the Braddock Road-Shirley Gate Road intersection on the southside of Braddock Road, and is adjacent to our Patriot Park.



The Islamic Foundation of America property is shown here outlined in white. Acquisition of the Islamic Foundation of America property would provide a direct link between Braddock Road and the eastern portion of Patriot Park.

Patriot Park currently contains one oversized synthetic turf field and associated parking and trails, located on the western section of the park. Access to this portion of the park is provided via an easement through the Mott Community Center, which is owned by the Board of Supervisors and operated by the Fairfax County Redevelopment and Housing Authority.

# Patriot Park Master Plan



The master plan for Patriot Park, formerly Popes Head Estates Park, was approved in 2003. The master plan contains the designation of five recreation zones, where a maximum of seven new athletic fields could be built, providing significant relief to the shortage of athletic fields in the county. Field size, location and type remains fluid until actual site planning and engineering is completed. Park entrance nodes are shown near the Mott Center for access to the western portion of the park, and First Road for access to the eastern portion of the park. An entrance node is also planned for a potential future entrance from Shirley Gate Road.

Other amenities planned for the park include a playground and tot lot area, pavilion areas for picnicking, restrooms and concessions, parking areas and trails that connect to the Countywide Trails System.

Approximately 30 percent of the property is protected from development of active recreation facilities in a Resource Protection Zone. This area will help to protect the Piney Branch watershed and wetlands and wildlife habitat. The plan calls for buffer zones along the periphery of the park and wherever possible, the preservation and retention of trees and forested areas throughout the property.

The acquisition of the Islamic Foundation of America property will provide an addition to Patriot Park, preserving a large open space which possesses both natural as well as cultural resources. While the actual use of the property would be determined during the Park Authority's public master planning process, this acquisition may provide an additional access point to the eastern portion of Patriot Park.

## Islamic Foundation of America Property Information

- Tax Map No. 67-2 ((1)) Parcel 3
- 34.39 acres, zoned RC
- Preserves open space
- Protects natural and cultural resources on the property
- May provide greater flexibility in providing access to Patriot Park

The Islamic Foundation of America property consists of 34.39 acres, zoned RC. The property contains a variety of large trees. Historical attributes include two old road traces related to Civil War activity along Braddock Road. There is also a moderate to high potential for Native American sites.

The Park Authority has been trying to acquire this property for several years and has been unable to locate the owners or a representative of the owners with whom to negotiate. With the design for the second phase of Patriot Park identified as one of the projects in the 2008 Bond program, the acquisition of this property is becoming time-sensitive.

If the Park Authority decides to authorize the use of its power of eminent domain, such authority would be used only if other efforts to acquire the property have failed.

## Acquisition by Eminent Domain

- Eminent domain powers authorized by Va. Code Ann. Section 15.2-5704(6)
- Power of eminent domain allows Park Authority to acquire property for a public use
- 2006 Amendment to Va. Code Ann. Section 15.2-1903 requires a public hearing be held before condemnation is pursued
- Park Authority Board decision on whether to adopt a resolution to authorize eminent domain will be made after end of public comment period

The Park Authority's eminent domain powers are authorized by the Code of Virginia. Eminent domain refers to the power possessed by the government over property within its jurisdiction, specifically its power to acquire property for a public use and purpose. In the case of the Park Authority, acquisition of land for park and recreation areas are examples of uses of property that serve a public purpose. In the United States under the Fifth Amendment to the Constitution, the owner of any land subject to eminent domain is entitled to just compensation, generally defined as the fair market value of the property. The Park Authority hires an independent appraiser, typically an MAI (Member of the Appraisal Institute) to establish the fair market value of a property being considered for acquisition. Proceedings to take land under eminent domain are typically referred to as "condemnation" proceedings.

A 2006 amendment to the Virginia State Code now requires a public hearing be held before the Park Authority may adopt a resolution authorizing the acquisition of the Islamic Foundation of America property by means of eminent domain. All testimony this evening is included in the public record, along with all written comments received prior to the public hearing, for consideration by the Park Authority Board.

## Public Hearing Process

- Authorization to advertise public hearing – October 8, 2008
- 30-day public comment period
- Public hearing held tonight
- Park Authority Board decision on whether to adopt a resolution authorizing eminent domain scheduled for after the public hearing



The Park Authority Board authorized the advertisement of this public hearing on October 8, 2008. Notices were run for two weeks in the Springfield Connection, in addition to being sent to over 100 property owners in the area; a website was also created to provide information on the acquisition. Written comments received during the 30-day comment period have numbered well over 100 with nearly all in positive support of the acquisition; these comments have been shared with the Park Authority Board. The written comments received, along with the testimony this evening, will all be made part of the public record. The Board is scheduled to consider adopting a resolution authorizing the acquisition of the Islamic Foundation of America property by eminent domain tonight.

# Public Comment

