

301 Special Tax District

Adopted: June 2, 2011

AN ORDINANCE TO ESTABLISH A SERVICE DISTRICT FOR THE ROUTE 301 NORTH CORRIDOR

ORDINANCE NO. 4-11

ORDINANCE NO. 4-11 ESTABLISHES THE ROUTE 301 NORTH CORRIDOR UTILITY SERVICE DISTRICT (SERVICE DISTRICT) WHICH IS LOCATED IN THE ROUTE 301 CORRIDOR AS SHOWN ON EXHIBIT C. THE PURPOSE OF THE SERVICE DISTRICT IS TO PROVIDE UTILITY IMPROVEMENTS (WATER & SEWER SERVICE) PURSUANT TO VA. CODE SECTION 15.2-2400, 15.2-2402, AND 15.2-2403. TWENTY SIX PERCENT OF THE DEBT SERVICE ON THE BOND FUNDING THE UTILITY IMPROVEMENTS WILL BE FUNDED BY SPECIAL TAX ASSESSMENT AND THE REMAINING PORTION OF THE DEBT SERVICE WILL BE FUNDED BY THE TOWN. ALL REAL PROPERTY IN THE SERVICE DISTRICT SHALL BE SUBJECT TO TAXATION AT A RATE TO BE SET ANNUALLY BY THE TOWN COUNCIL AS PART OF THE ANNUAL BUDGET. THE PROPOSED RATE FOR FY 2011-2012 IS \$ 1.70 PER \$ 100 OF ASSESSED VALUE OF REAL ESTATE AND IMPROVEMENTS.

WHEREAS, the Town Council desires to create a service district in the Route 301 North corridor to provide utility improvements pursuant to Sections 15.2-2400, 15.2-2402 and 15.2-2403 of the Code of Virginia, 1950, as amended; and

WHEREAS, the Route 301 North corridor currently lacks any water and sewer service; and

WHEREAS, the Town Council acknowledges that expansion of water and sewer improvements in the Route 301 North corridor has been discussed since the endorsement of the County of Caroline-Town of Bowling Green Annexation Agreement; and

WHEREAS, expansion of water and sewer improvements along Route 301 North will enhance the economic development opportunities in that area; and



WHEREAS, on October 3, 2008 the Town adopted "Procedures Adopted Implementing the Public-Private Education Facilities and Infrastructure Act of 2002 (Va. Code § 56-575.1, *et seq.*)," establishing procedures for the development of public facilities through public-private partnerships, which procedures satisfy the requirements of the PPEA to create public-private partnerships for the development of a wide range of projects for public use if the Town has determined that there is a need for the project and that private involvement may provide the project to the public in a timely, more efficient and cost-effective manner; and

WHEREAS, on February 27, 2009, the Town received an unsolicited proposal from Design-Builder pursuant to The Public-Private Education Facilities and Infrastructure Act of 2002 (Title 56, Chapter 22.1 of the Code of Virginia of 1950, as amended, to design and construct various water distribution and wastewater collection improvements known as "the Project;" and

WHEREAS, on or about December 3, 2009, the Town Manager issued a written determination finding that it would be advantageous for the Town to proceed with the Project using procedures for competitive negotiation, rather than sealed, competitive bids, given the probable scope, complexity and urgency of the Project; and

WHEREAS, the Town Council has determined that it is in the public interest to secure funding for the utility improvements that will serve the Route 301 North corridor; and

WHEREAS, the Town Council recognizes that the properties of Bowling Green Christian Fellowship and the Veterans of Foreign Wars ("VFW") Virginia Post 10295 are exempt from property taxes under Virginia law; and

WHEREAS, the Town Council has conducted a public hearing and received public comments on the establishment of a service district in the Route 301 North corridor; and

WHEREAS, the Town Council has determined that the creation of a service district is in the best interests of the Town, as well as the businesses in the Route 301 North corridor:

NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of Bowling Green, Virginia on this 2 day of June, 2011 that the Route 301 North Corridor Utility Service District (the "Service District") be and hereby is created as follows:

1. BOUNDARY: ASSESSOR'S PARCELS INCLUDED IN AND EXCLUDED FROM THE SERVICE DISTRICT

The boundary of the Service District is as follows:

The Service District shall include the Assessor's Parcels listed in Exhibit A, attached hereto.

The Service District shall exclude the Assessor's Parcels listed in Exhibit B, attached hereto.

Attached as Exhibit C are four maps illustrating the Service District.



2. PURPOSE

Taxes collected pursuant to this ordinance shall be levied for and used to provide additional governmental services not being offered uniformly throughout the entire Town, including, but not limited to, water and sewer improvements and other utility enhancements, economic and business development, and those public purposes enumerated in Virginia Code § 15.2-2403. Specifically, the utility improvements in the Service District will include, but will not be limited to, a pump station, water and sewer lines and all other appurtenances necessary to extend full water and sewer service to the Service District.

3. PLAN FOR IMPROVEMENTS

The cost of utility improvements within the Service District is to be financed through a bond issued by the Virginia Local Government Finance Corporation as program administrator for Virginia Municipal League and Virginia Association of County (VML/VACo) Finance.

Twenty-six percent (26%) of the debt service on the bond will be funded by special tax assessment imposed pursuant to this Ordinance and Virginia Code § 15.2-2403, while the remaining portion of the debt service will be funded by the Town.

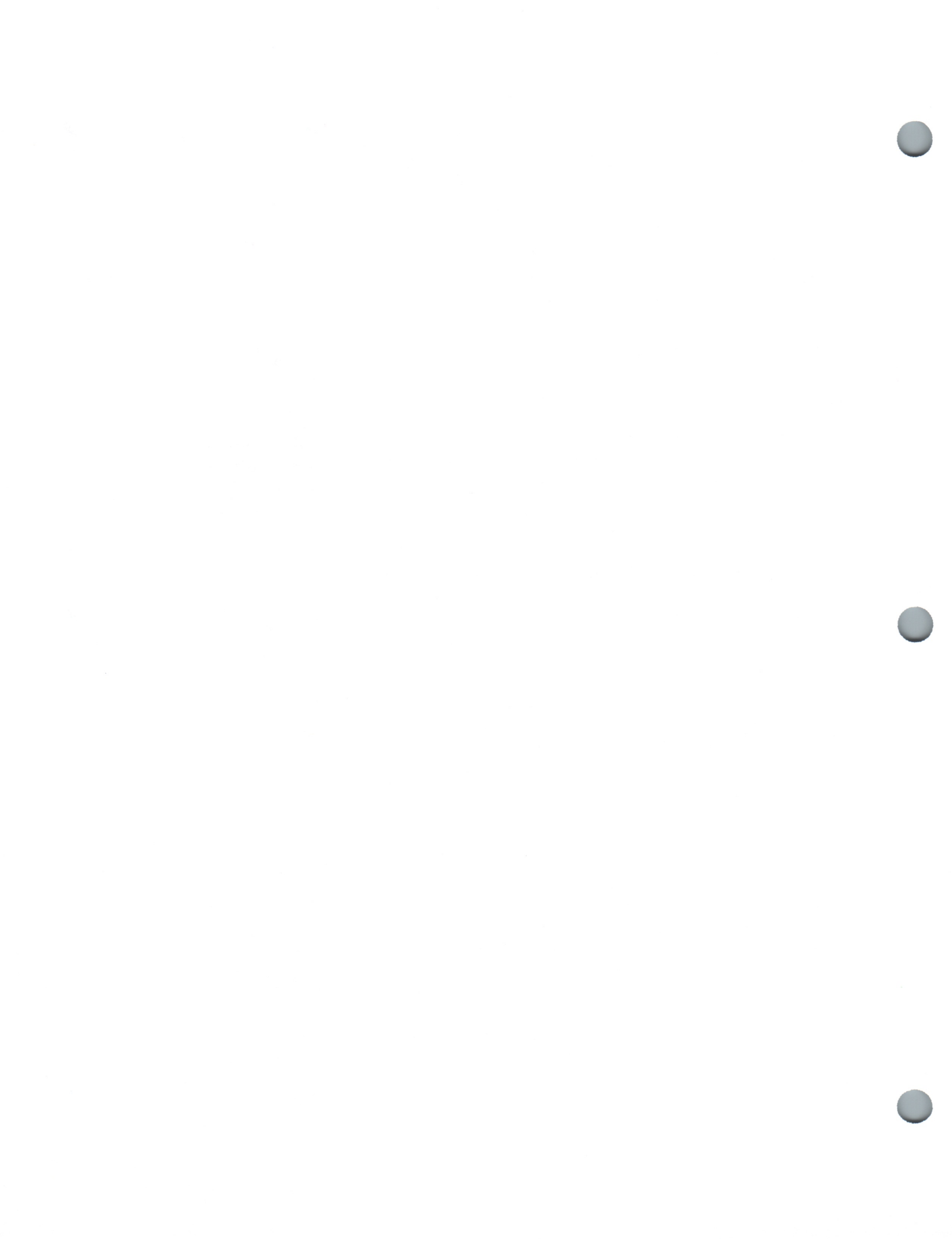
4. BENEFITS

The area within the Service District currently lacks any public water and sewer service. The utility improvements in the Service District will extend full water and sewer service to the Service District. The water and sewer utility improvements within the Service District are expected to generally improve business development opportunities as well as residential utility service.

5. SPECIAL TAX ASSESSMENT

To provide for additional governmental services not being offered uniformly throughout the Town, as described herein, all real property in the Service District shall be subject to taxation, at a rate to be set annually by the Town Council. The special tax shall be levied after public hearing duly advertised. The special tax shall be collected within the Service District at the same time as the Town's general real property tax is collected. All rules and regulations of the Town regarding the collection of taxes shall apply to such special tax.

The special tax shall not be assessed against properties that are exempt from taxation under Virginia law, including Bowling Green Christian Fellowship and VFW Virginia Post 10295.



All proceeds from special assessments collected pursuant to this article shall be segregated and shall be expended in the Service District in which raised and used only for the purposes for which collected.

6. OTHER POWERS AND DUTIES

The Town shall have all those powers and duties with respect to the Service District set forth in Virginia Code § 15.2-2403, including the power to contract with any person, firm or corporation to provide additional governmental services in such Service District.

7. EXPANSION AND DISSOLUTION OF THE SERVICE DISTRICT

The Town may expand the boundaries of the Service District upon giving notice as required by the Code of Virginia. The Service District may be dissolved by action of the Town Council upon giving the same notice required for the establishment of the Service District.

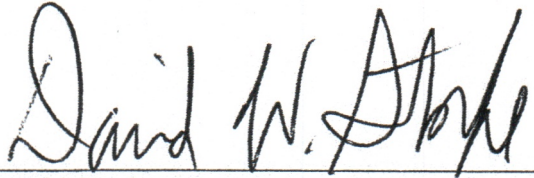
8. GOVERNING BODY

The Town Council of the Town of Bowling Green, Virginia shall govern all aspects of the Service District.

9. EFFECTIVE DATE

This Ordinance shall take effect on July 1, 2011.

A Copy, teste:



David Storke, Mayor

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Exhibit A

Parcels Included in Route 301 North Corridor Utility Service
District

Tax Map 43

Double Circle A

Lots 45, 46, 49, 50, 51, 52, 53, and 54 (not taxed)

Lots 34, 35, 42, 42B, and 42C

Double Circle 18

Block 1, Lots 1 and 2 (neither taxed)

Tax Map 43E

Double Circle 1

Lots 1, 2, 4, 5, 6, 7, and 8

Double Circle 2

Lot 1

Tax Map 44

Double Circle A

Lots 1A, 1B, 1B1, 2, 3, 4A and 7

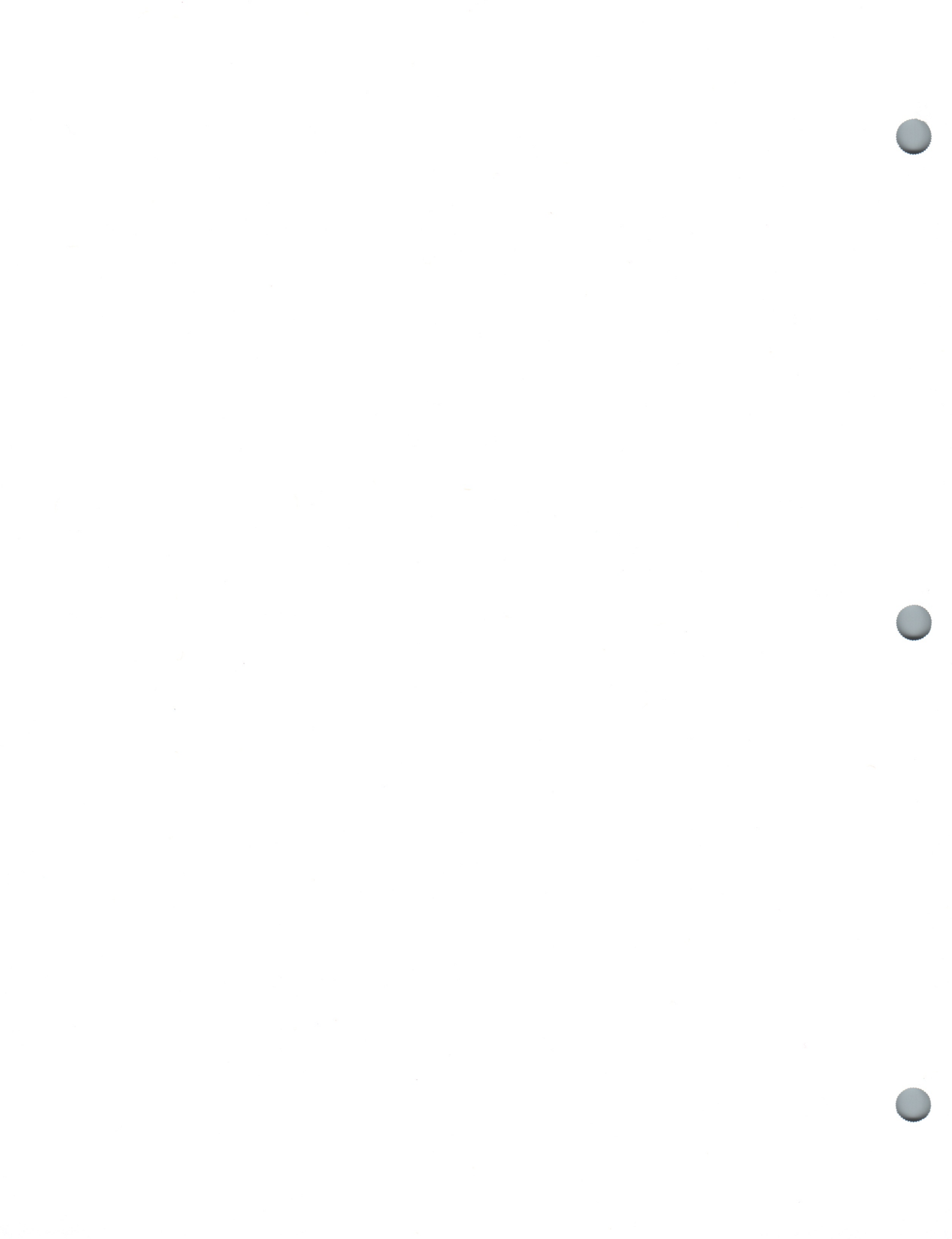


Exhibit B

Parcels NOT Included in Route 301 North Corridor Utility Service
District

Tax Map 43

Double Circle A

Lot 42A and Lot 48

Tax Map 43E

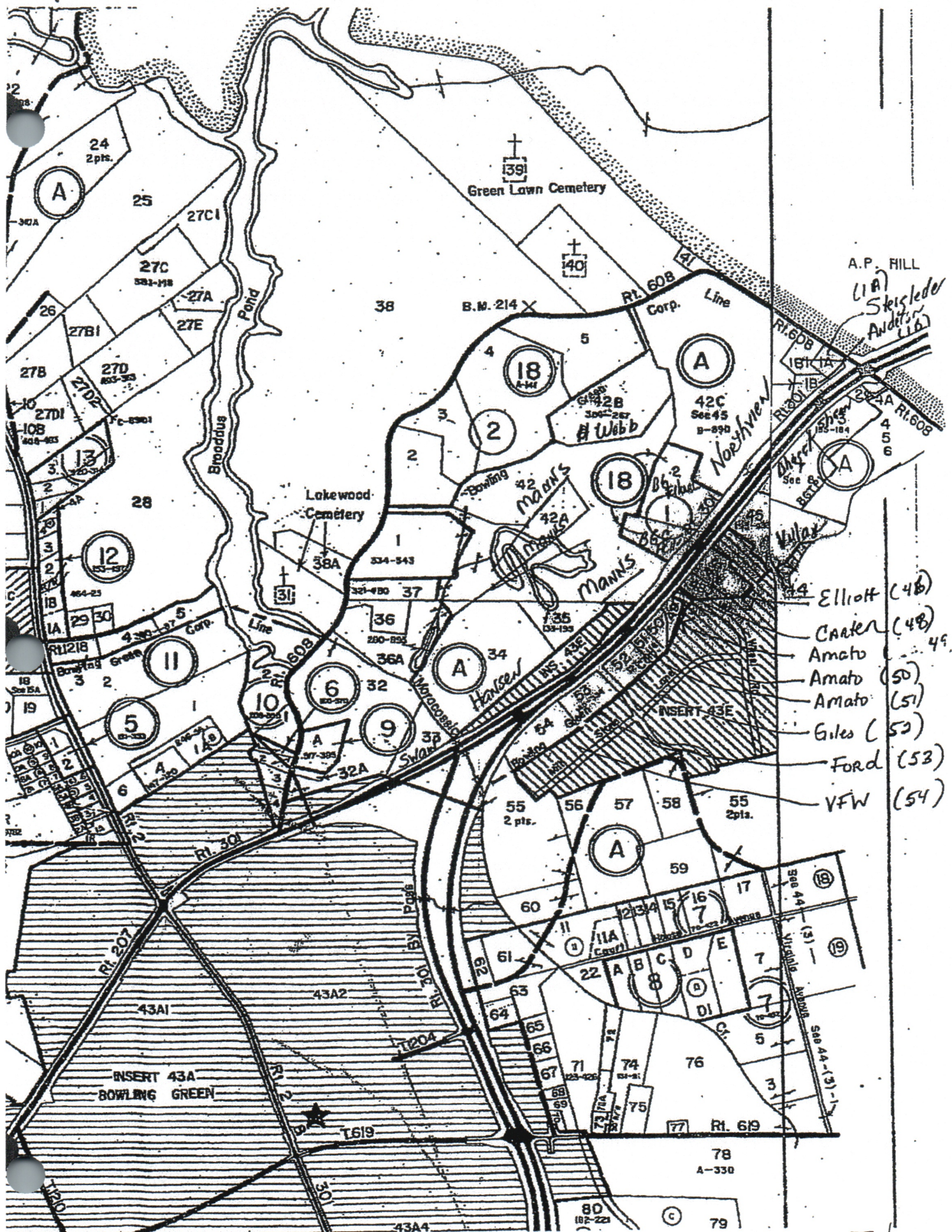
Double Circle A

Lot 1

Double Circle 2

Lots 2, 3, and 4





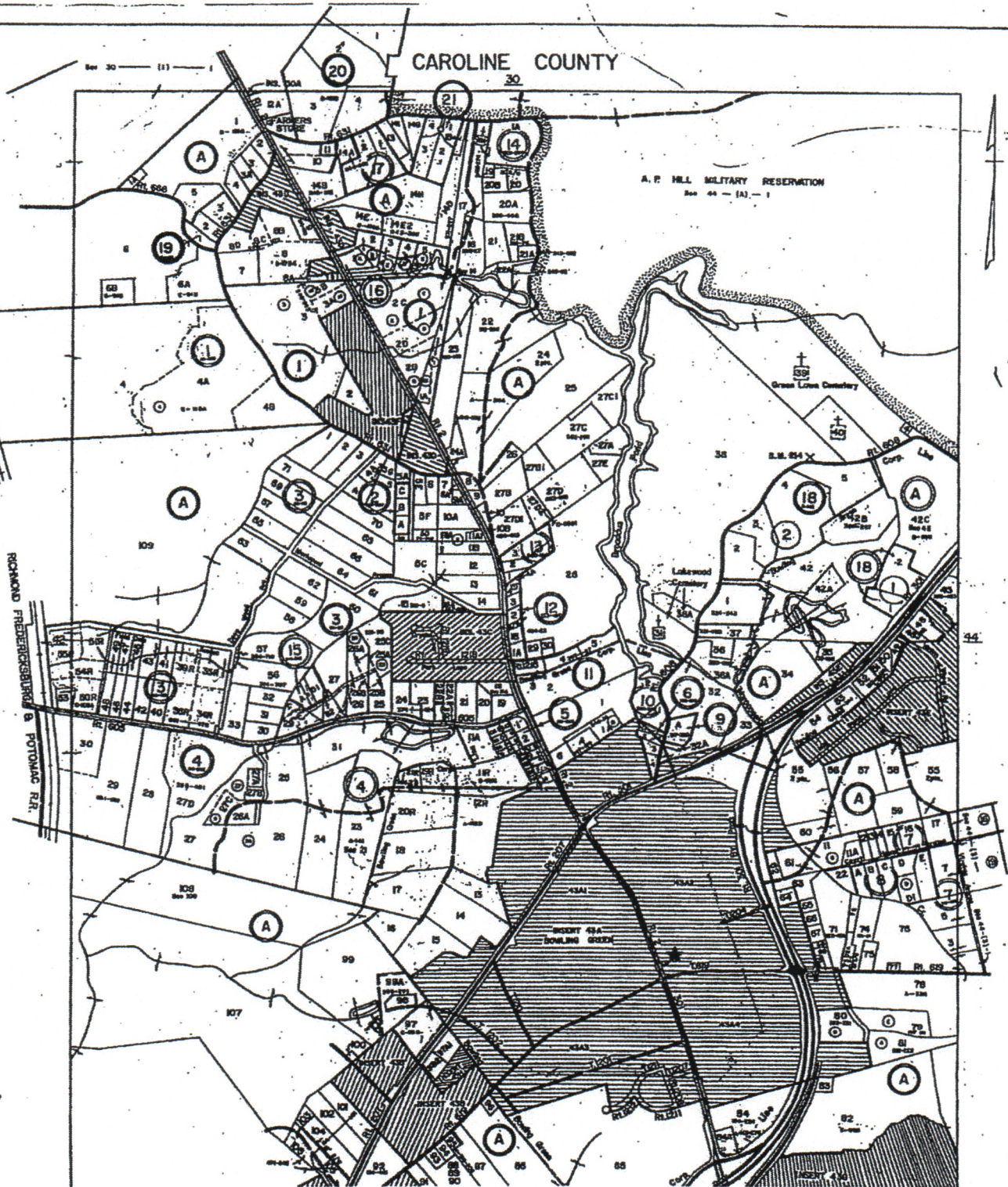
- A.P. HILL
- (1A) Steisleder
- Audette (11b)
- 45 6
- 44 Elliott (48)
- Carter (48)
- Amato (49)
- Amato (50)
- Amato (51)
- Giles (52)
- Ford (53)
- VFW (54)

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CAROLINE COUNTY

A. P. HILL MILITARY RESERVATION
See 44 - (A) - 1

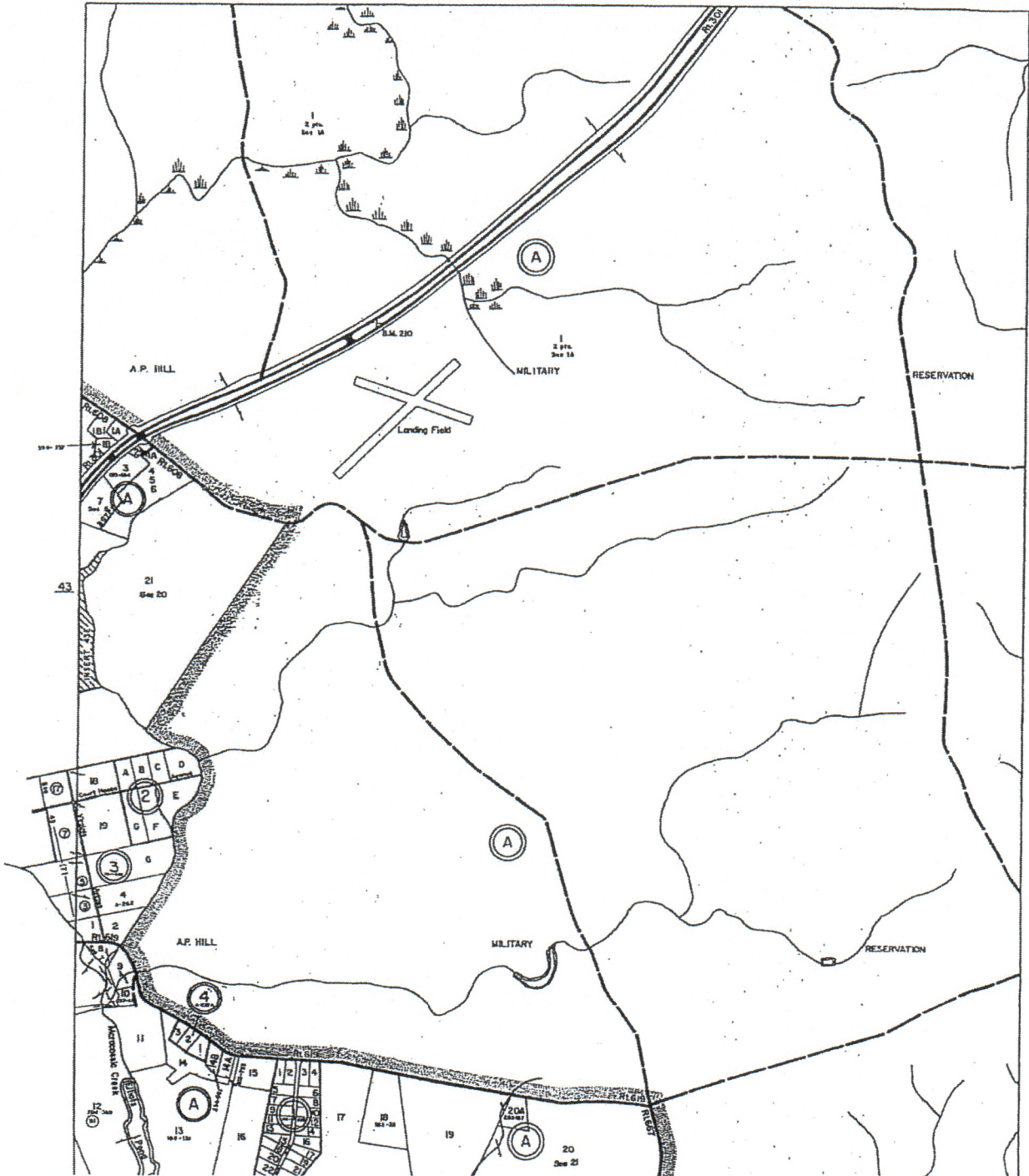


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CAROLINE COUNTY

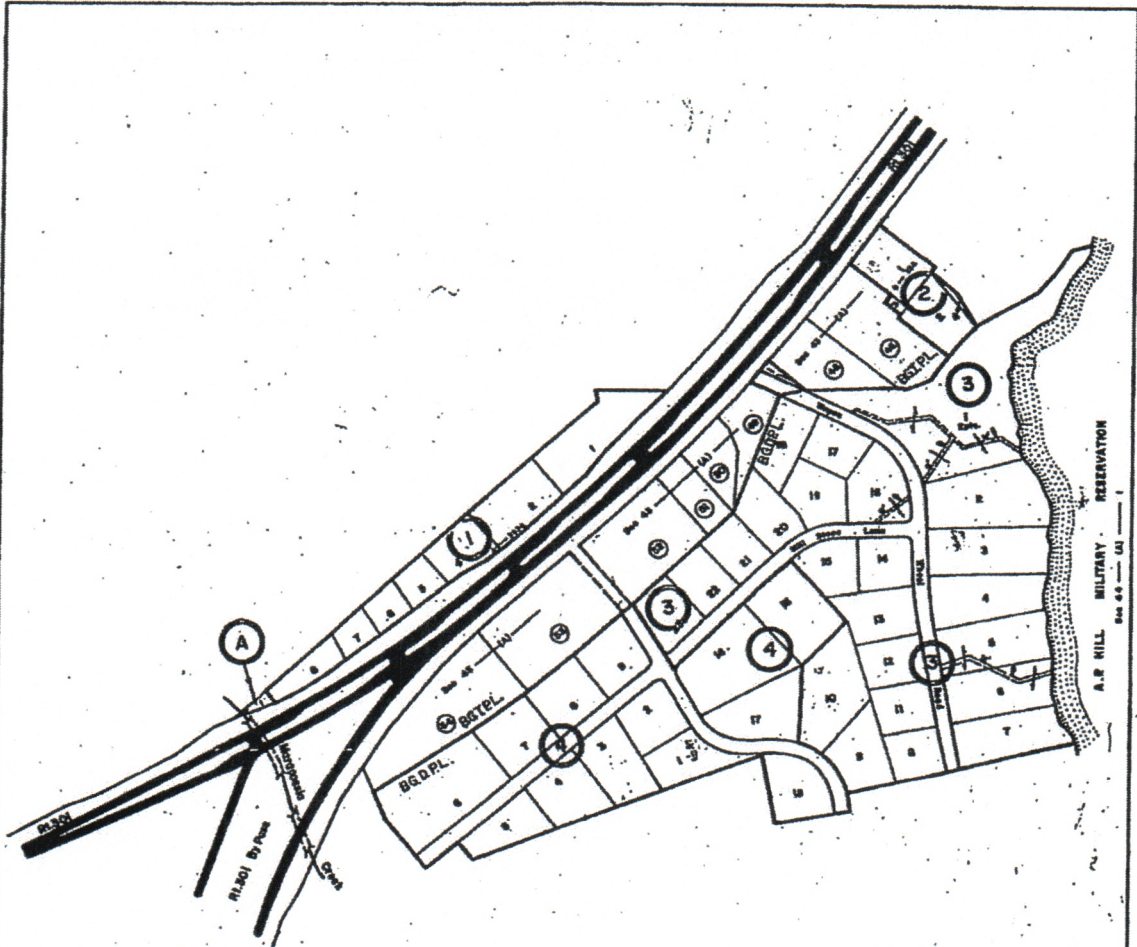
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CAROLINE COUNTY



- ① ACREAGE PARCELS
- ① EUGENE AYERS PLAT — D.B. 127, Pg. 443
- ② H.P. DUNNINGTON PLAT — D.B. 169, Pg. 460
- ③ BROADHURST ACRES — SECTION 4 — D.B. 215, Pg. 13, 14
- ④ BROADHURST ACRES — SECTION 3 — D.B. 162, Pg. 308

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