

BK0411PG0601

BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA

O-05-04

At the regular meetings of the Board of Supervisors of the County of New Kent in the Board Room of the County Office Building in New Kent, Virginia, on the 13th of April, 2004 and on the 12th day of July, 2004:

Present	Vote
D. M. Sparks	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
James H. Burrell	Aye

Motion was made by Mr. Sparks, which carried 5:0 to adopt the following ordinance:

[This Ordinance was re-adopted at the July 12, 2004 meeting of the New Kent County Board of Supervisors, on the motion of Mr. Hill, with a vote of 5:0.]

**AN ORDINANCE TO CREATE THE
BOTTOMS BRIDGE SERVICE DISTRICT**

WHEREAS, the Board of Supervisors of New Kent County, Virginia has received requests from certain landowners in the Bottoms Bridge area for the provision of water and sewer service to their property; and

WHEREAS, meetings have been held with such property owners and various options have been explored for providing public water and sewer services to such area; and

WHEREAS, under the authority granted pursuant to the Service Districts Act § 15.2-2400 et. seq. of the Code of Virginia (hereinafter the "Act"), the Board of Supervisors may create a service district to provide such service and the related public improvements necessary therefor; and

WHEREAS, under the Act a county may impose taxes and charge fees for such service and related public improvements.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF
NEW KENT COUNTY, VIRGINIA:**

1. Creation of Bottoms Bridge Service District. The Bottoms Bridge Service District of New Kent County, Virginia is hereby created in accordance with the applicable provisions of § 15.2-2400 et. seq. of the Code of Virginia, as amended.
2. Boundaries of the Bottoms Bridge Service District. The boundaries of the Bottoms Bridge Service District are found in the attached map (Attachment A). The area is identified on the comprehensive plan as a village area and is generally described as the area along State Route 60 from the Chickahominy River to the Star Motel, and along State Route 249 from its intersection with State Route 60 to just past Dispatch Road, and including the parcels of real estate listed in the attached chart by their tax parcel identification numbers (Attachment B). Within these boundaries there are no land parcels that are being excluded.
3. Powers of Board of Supervisors; Governance. The powers of the Bottoms Bridge Service District shall be exercised by the New Kent County Board of Supervisors. The Board of Supervisors shall exercise the specific powers set forth in §§ 15.2-2403(1), (3), (4), and (6) of the Code of Virginia of 1950, as amended, that may be necessary or convenient for the purposes of providing sewer, water, and communications networking to property owners within the Bottoms Bridge Service District and to enhance the public use and enjoyment of and the public safety, public convenience, and public well being within the Bottoms Bridge Service District. The Board of Supervisors shall be vested additionally with the general powers set forth in § 15.2-2403 of the Code.
4. Levy and Collection of Special Taxes and Assessments. Annually, the Board of Supervisors may set the rate for any ad valorem tax to be levied on property within the Bottoms Bridge Service District in conformance with the procedures for setting other County property taxes. The Treasurer shall collect any ad valorem taxes levied imposed upon the Bottoms Bridge Service District in the same manner as other County property taxes are collected. Such taxes may include funds necessary to pay debt service for borrowings or loans made on behalf of the Bottoms Bridge Service District and for the legal, financial, engineering or other costs incurred by the County that are directly attributable to the formation of the Bottoms Bridge Service District and to the construction of the sewer trunk line and improvements to the County's utility facilities. The amounts collected from taxes and connection fees shall be segregated from other County funds and used solely for the purposes expressed in this Ordinance.
5. Administrative Fee. An administrative fee in an amount of up to fifteen percent (15%) of the funds advanced to the Bottoms Bridge Service District may be added to the amount to be repaid through the tax levy. The fee is to provide reimbursement to the County for the costs directly attributable to the Bottoms Bridge Service District incurred by the County for setting up the appropriate accounts and collecting the funds through the levy and connection fees.

6. Mandatory Connection to Services.

(a) All structures on lots or parcels of land in the Bottoms Bridge Service District existing at time of adoption of this Ordinance must connect to public water and/or sewer if such public utilities are within 200 feet of such structure.

(b) Structures constructed on lots or parcels of land in the Bottoms Bridge Service District after adoption of this Ordinance must connect to public utilities at the time the building permit is issued.

(c) Mandatory connection is not required for any structure for which a building permit is not required.

7. Proposed Bottoms Bridge Service District Facilities and Services. The purpose for the creation of the Bottoms Bridge Service District is to provide public water and sewer services and to facilitate the installation of fiber optic communication cable and broadband services (the "Improvements") to properties within its boundaries as more specifically stated below:

a. Water. One or more water towers, water lines, wells, and pumping stations whether located in or outside of the County will be constructed which will provide or connect water service to each parcel of land within the Bottoms Bridge Service District. Such system will be constructed in compliance with all federal, state, and local laws and regulations.

b. Sewer. The Bottoms Bridge Service District will be provided sewer service through sanitary sewer trunk collector lines and wastewater pump stations and associated facilities. Facilities shall also include any treatment plants inside or outside of the County and/or modifications or improvements to any such facilities.

c. Fiber Optic Cable. The Bottoms Bridge Service District capital improvements will serve as a catalyst for providing fiber optic cable lines and broadband to enhance telecommunications transmissions within the Bottoms Bridge Service District and facilities related thereto may be acquired, contracted, installed, equipped, maintained and operated therefor.

8. Construction and Financing of Bottoms Bridge Service District Facilities. The Bottoms Bridge Service District facilities are intended to be constructed by or under the management of the New Kent County Public Works Department.

a. The costs of construction and other charges that New Kent County may impose for the use of such facilities or services are to be paid by the property owners in the Bottoms Bridge Service District and may be financed by a loan through any State or Federal agency or by any other method of financing authorized by the Board of Supervisors in accordance with State law by revenue bonds or notes to be issued by the County.

b. The ad valorem rate charged to property owners within the Bottoms Bridge Service District for the utility improvements will be not less than eight cents (\$.08) per \$100 assessed value for the first ten years nor greater than ten cents (\$.10) per \$100 assessed value

for any year that the tax shall be imposed. This tax is based on the Bottoms Bridge Service District paying the entire costs of the infrastructure within the District for such utilities and paying not more than fifty percent (50%) of the debt service for the County trunk line connecting to the Chickahominy Wastewater Treatment Plant and, if constructed, connecting to the Parham Landing Wastewater Treatment Plant and any improvements to such facilities. The amount collected from taxes, fees and other similar charges shall only be used to pay costs directly attributable to the Bottoms Bridge Service District as set forth in this Ordinance.

c. The County will provide a financial accounting on an annual basis of the taxes and fees paid by the property owners in the Bottoms Bridge Service District and the payments for debt service, administrative costs, and consultant costs paid by the County on behalf of the Bottoms Bridge Service District.

9. Joining Service District After Its Formation. Property not included in the Bottoms Bridge Service District at its creation may be included within the District at a later time by action of the Board of Supervisors on the petition of the property owner. Such subsequently included property will be charged the following, whichever amount is higher: (1) the amount that the property owner would have incurred had the property been included in the District at its inception, plus 2% over the prevailing prime interest rate or 20%, whichever is higher, to be applied each year from the beginning of the District or (2) the Tap Fee established for those not within a service district for connecting to the trunk line or the treatment facilities; such Tap Fee would be in addition to any connection fees that may be charged by the County to all utility users.

10. Rezoning or Subdividing Land in the Bottoms Bridge Service District. Except as provided below, whenever a land parcel in the Bottoms Bridge Service District is rezoned or subdivided to a more intense density or use, the applicant/landowner will be required to pay at the time of approval of the rezoning application or the final subdivision plan, a fee for the additional capacity that will be needed. Such fee shall be the greater of (1) the Tap Fee established by the County or (2) the amount of the ad valorem taxes that would have been paid had the property been rezoned or subdivided in the same manner as of the date of the adoption of this Ordinance, less the amount of ad valorem taxes paid to the date of the approval of the rezoning or final subdivision plan. The Tap Fee in this Section shall be the amount which would reimburse the County for the additional costs incurred to connect the land to the utility system and to provide the increased service to this land, including but not limited to any costs associated with increased capacity that may be required by that change in use. This charge shall be in addition to the connection fee charged by the County. The payment of the fee under this paragraph will not be required if the rezoning or the subdividing of the property does not increase the sewer and/or water usage from that property by more than four thousand (4,000) gallons per day or if the applicant/owner by agreement with the County makes other provisions to provide utility service.

11. Benefits. The Bottoms Bridge area has been identified in the comprehensive plan as a village area as well as an economic opportunity area but because of poor perking of the soils in the area economic development has not occurred as anticipated. In order for this area to reach the economic potential envisioned in the comprehensive plan and to improve the health, safety

and welfare of the residents in the area, the provision of public water and sewer service is essential. The Bottoms Bridge Service District facilities and services are intended to benefit all property owners within the district as a spur to business, commercial and industrial growth and economic development.

12. Recordation in the land records. A copy of this Ordinance shall be recorded in the land records of the Circuit Court of New Kent County for each tax map parcel in the Bottoms Bridge Service District.

13. Severability. In the event that any provision of this Ordinance is held invalid, illegal, or unenforceable, the remaining provisions shall be enforced to the maximum extent permitted by applicable law.

14 Effective Date. This Ordinance shall take effect immediately.

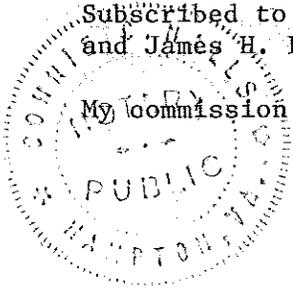
Gary F. Christie
Gary F. Christie
County Administrator

James H. Burrell
James H. Burrell
Chairman

STATE OF VIRGINIA
County of New Kent, #6-wit:

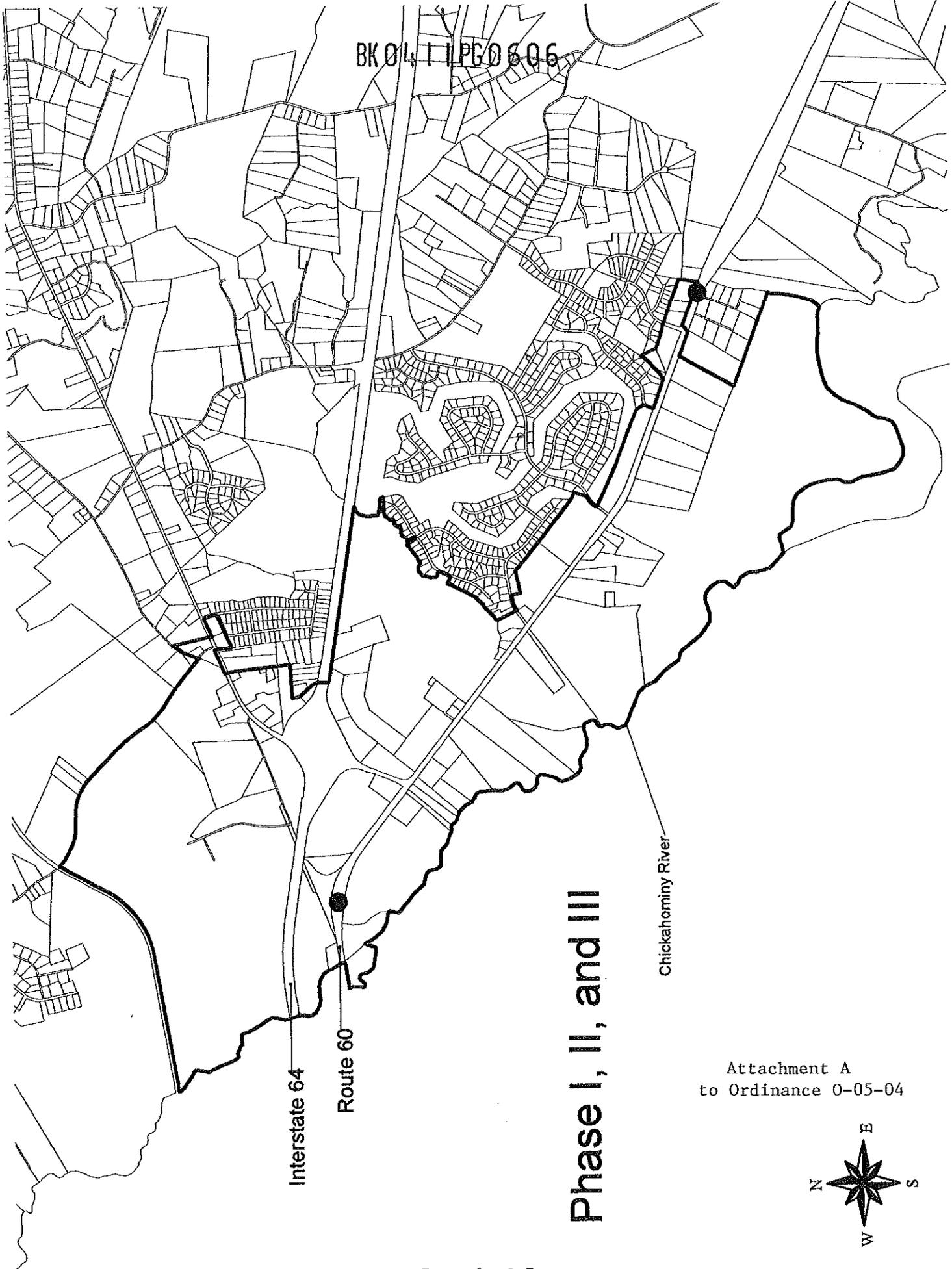
Subscribed to before me, the undersigned Notary Public, by Gary F. Christie and James H. Burrell, on the 19th day of July, 2004.

My commission expires May 31, 2008.



Connie C. Nalls
Notary Public

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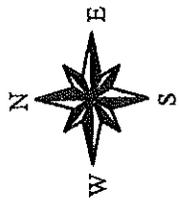
Interstate 64

Route 60

Chickahominy River

Phase I, II, and III

Attachment A
to Ordinance 0-05-04



ATTACHMENT B to ORDINANCE O-05-04
TAX PARCELS

19-1-1	19-38B	19-46C	29-1
19-1-2	19-39	19-46D	29-1A-A
19-1-3	19-40	19-46F	29-1A-B
19-1-4	19-41	19-61C	29-1A-C
19-1-5	19-42	19-62	29-2
19-1-6	19-42A	19-62A	29-2A
19-2-1	19-42B	19-63	29-2B
19-2-2	19-43	19-63A	29-2C
19-2-3	19-43A & B	19-65A	30-1A
19-2-4	19-43D	19-65B	30-1B
19-2-5A	19-43E	19-65C	30-1C
19-3-A	19-43F	19-66	30-1D
19-3-B	19-44	19-66A	30-1G
19-3-G	19-44A	19-66B	30-5
19-37	19-44B	19-66C	30-6-1
19-37A	19-44C	19-66D	30-6-2
19-37B	19-44D	19-67	30-6-3
19-37C	19-44E	19-73	30-6-4
19-37D	19-45	19-9-1	30-6-5
19-38	19-46	19-9-2	30-6-6
19-38A	19-46A	19-9-3	
	19-46B	19B3-4	

INSTRUMENT #040003488
RECORDED IN THE CLERK'S OFFICE OF
NEW KENT COUNTY ON
AUGUST 2, 2004 AT 03:58PM
KAREN A. BUTLER, CLERK

BY: Andrea D. Metz (DC)