

ORDINANCE NO. 2005-3

Service District for Blackberry Drive and Edenwood Lane Areas of WYTHE COUNTY VIRGINIA

A public hearing was held on February 22, 2005 at 9:05 a.m. in the Board Room of the Wythe County Office Building, 275 South Fourth Street, Wytheville, Virginia to consider enacting Ordinance Number 2005-3, entitled, "Service District for Blackberry Drive and Edenwood Lane Areas," as follows:

Section 1 – Created

The citizens of Blackberry Drive and Edenwood Lane areas petitioned the Wythe County Board of Supervisors to upgrade Blackberry Drive at a cost of \$393,128 utilizing VDOT Revenue Sharing Funds. Pursuant to the provisions of Sections 15.2-2401 through 15.2-2403, Code of Virginia (1950) as amended, a service district is hereby designated and created for Blackberry Drive and Edenwood Lane areas and the purpose of the district is set forth in Section 3 of this ordinance.

Section 2 - Boundaries Defined

- A. The boundaries of the service district for Blackberry Drive and Edenwood Lane Areas shall be defined to include the following two areas:
1. **Area A** – All lots that front on Blackberry Drive including Tax Parcels 41-1-9, 41-2-16 through 41-2-23 inclusive, 41-3-1 through 41-3-25 inclusive as found in the tax records in the Commissioner of Revenues office and the same lots shown on a plat recorded in Plat Book 6 Page 18 in the Clerk's Office of the Wythe County Circuit Court and more specifically as shown on the attached Blackberry Drive and Edenwood Lane Service District Map.
 2. **Area B** - Edenwood Lane Area, including Tax Parcels 41-2-1 through 41-2-7 inclusive, Tax Parcels 41-2-14 through 41-2-15B inclusive and shown on a plat recorded in Plat Book 5, Page 47 in the Clerk's Office of the Wythe County Circuit Court and more specifically shown on the attached Blackberry Drive and Edenwood Lane Service District Map.
- B. Reference to Tax Parcels, plat books and lot numbers set out in Paragraph A and B of this section are based information obtained from tax maps kept in the Commissioner of Revenue's office and original plats recorded in the Clerk's Office of the Wythe County, Virginia Circuit Court. Subsequent resubdivision of the original parcels may or may not be shown

on the service district map. The above described areas are shown on a map dated January 28, 2005, entitled, "Blackberry Drive and Edenwood Lane Service District Map", which is part of this ordinance and is available for inspection in the Office of the County Administrator, 345 South Fourth Street, Wytheville, Virginia.

- C. Public utility facilities in or above the public right-of-way, such as poles, lights, wire, cable, conduit and piping shall not be included within this service district or subject to the tax imposed by this ordinance.

Section 3 - Purpose of Tax

- A. Taxes collected pursuant to this division shall be levied for and used to provide additional governmental services not being offered uniformly throughout the county, including, but not limited to, for transportation improvements within this service district and those public purposes enumerated in Section 15.2-2403, Code of Virginia (1950), as amended. Costs of collecting, accounting, interest incurred and administering the tax provided for by this ordinance shall be a charge against revenues derived from such tax.
- B. Taxes collected pursuant to this division shall be segregated so as to enable the same to be expended only in the above described service district that raised the funds. The Wythe County Treasurer shall provide to the County Administrator a report on December 31st of each year showing the amounts collected. The County Administrator shall prepare a report detailing the annual expenditures and revenue received for distribution to the Wythe County Board of Supervisors.
- C. The expected benefit of this ordinance is to upgrade and pave approximately 0.9 miles of Blackberry Drive. The plan to accomplish this expected benefit is to use the funds generated by this ordinance along with the VDOT Revenue Sharing Program to pave the road and place the road into the VDOT road system, thus eliminating the requirement of maintenance and snow removal by the residents.

Section 4 - Additional Tax Imposed

To provide for additional governmental services not being offered uniformly throughout the county, there is hereby levied an initial tax of ONE DOLLAR AND TWENTY CENTS (\$1.20) for every one hundred dollars (\$100.00) of assessed value of real property and improvements located in "Area A" of this service district, and this tax will exist for a period of seven (7) years or until the actual cost as allowed in Section 3A and the construction cost of \$196,564 is repaid.

There is hereby levied an initial tax of SIXTY CENTS (\$0.60) for every one hundred dollars (\$100.00) of assessed value of real property and improvements located in “**Area B**” of this service district and this tax will exist for a period of seven (7) years or until the actual construction cost and administrative fees are repaid to the county. Valuation and assessment of real property, timing with respect to valuation, assessment and payment, penalties and interest on delinquencies, abatement in the event a building is razed, destroyed or damaged or in the case of a natural disaster, assessment of new construction and all other procedures for and details of administration and collection of the tax imposed by this ordinance shall be the same as provided for by the Code of Virginia and the ordinances of Wythe County for real estate taxes generally. The tax levy shall be adjusted based on the reassessment values for calendar year 2007.

Section 5 - Other Powers and Duties

The county shall have all those powers and duties with respect to a service district set forth in Section 15.2-2403, Code of Virginia (1950), as amended, including the power to contract with any person, firm, corporation, or state agency to provide additional governmental services in this district.

Section 6 - Effective Date

This ordinance shall be effective on and after February 22, 2005, with the initial tax period commencing for calendar year 2005.

Section 7 - Ordinance Approval

Supervisor Crigger made a motion to approve this ordinance. The motion was seconded by Supervisor Hagee and the roll call vote is as follows:

<u>Name</u>	<u>For</u>	<u>Against</u>	<u>Absent</u>
Susan R. Crigger	X		
Anne B. Crockett-Stark	X		
Charles S. Dix	X		
Lisa R. Eaton	X		
James E. Hagee	X		
Danny C. McDaniel	X		
Wythe B. Sharitz	X		

I certify that this is a true and correct copy taken from the February 22, 2005 minutes of the Wythe County Board of Supervisors meeting.

R. Cellell Dalton, Clerk