

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 21st day of November, 2017:

<u>MEMBERS:</u>	<u>VOTE:</u>
Paul V. Milde, III, Chairman	Yes
Meg Bohmke, Vice Chairman	Yes
Jack R. Cavalier	Yes
Wendy E. Maurer	Yes
Laura A. Sellers	Yes
Gary F. Snellings	Yes
Robert "Bob" Thomas, Jr.	Yes

On motion of Mr. Thomas, seconded by Mrs. Maurer, which carried by a vote of 7 to 0, the following was adopted:

AN ORDINANCE TO ESTABLISH THE LAKE CARROLL SERVICE DISTRICT LOCATED WITHIN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, the Board desires to establish the Lake Carroll Service District (LCSD) to provide more complete and timely services of the government to the properties surrounding (Affected Properties) and containing Lake Carroll and the Kennedy Dam located within the George Washington Election District, than is desired or necessary in Stafford County as a whole; and

WHEREAS, Lake Carroll (Lake) and the Kennedy Dam (Dam), is classified as high hazard, has fallen into a state of disrepair, and is out of compliance with the Virginia Department of Conservation and Recreation regulations; and

WHEREAS, inaction is not an option and the Dam must either be repaired or the Lake drained in order to protect the health, safety, general welfare, and property of the residents of the Affected Properties and neighboring area; and

WHEREAS, the Lake Carroll, LTD., the owner of the Lake and Dam, has voiced support for saving the Dam and provided petitions in support of setting up a service district from the owners of 17 of the 19 Affected Properties to be served by the LCSD; and

WHEREAS, the County has performed preliminary work, and estimates that the cost to repair, construct, and reconstruct the Dam is approximately \$515,000; and

WHEREAS, notice of the Board's intent to conduct a hearing to consider establishing the LCSD was published once a week for three consecutive weeks in a newspaper having general circulation within Stafford County, and such hearing was held no sooner than ten days after the second notice was published, all in accordance with Virginia Code § 15.2-2400; and

WHEREAS, the Board has received and considered public testimony, if any, given at the public hearing; and

WHEREAS, the Board has determined that the establishment of the LCSD is in the best interest of the County, the Lake and Dam owner, the residents of the Affected Properties, and the neighboring areas;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 21st day of November, 2017, that it be and hereby does create and establish the Lake Carroll Service District as follows:

1. The name of the service district shall be the Lake Carroll Service District (LCSD).

2. The boundaries of the LCSD shall be as displayed in the attached **Exhibit A** entitled "Lake Carroll Service District Boundaries" (Boundaries), and shall include the following Tax Map Parcel Numbers: 58A-4-82A, 58A-4-82, 58A-4-83, 58A-4-84, 58A-4-86, 58A-4-87, 58A-4-88, 58A-4-89, 58A-4-90, 58A-4-91, 58A-4-232, 58A-4-233, 58A-5-229, 58A-5-228, 58A-5-227, 58A-5-224, 58A-5-214, 58A-6-213, and 58A-6-212; and shall exclude Tax Map Parcel Number 58-24B.

3. The purpose of the LCSD is to repair, construct, reconstruct, and maintain the Kennedy Dam which impounds Lake Carroll (Purpose).

4. The services to be provided within the LCSD support the Purpose by providing funding, services, repair, equipment, continuing maintenance, and support for desired and necessary water quality improvements and protections for the Dam (Services).

5. The plan for providing the Services within the LCSD is based on a special tax assessment, as further described below. Additionally, from time to time, as the Board of Supervisors sees fit, and in line with all federal, state, and local laws, ordinances, and requirements, the Board may provide advanced funding or other resources to the LCSD for the Services. Any such advanced funding or other reimbursable funds provided shall be repaid by funds collected from the LCSD.

6. The properties within the LCSD boundaries will benefit from the Services by enhancing the public's and the resident's safety, convenience, and wellbeing; and by allowing the continued enjoyment of the Kennedy Dam and Lake Carroll. Additionally,


providing the Services will allow Lake Carroll to continue as a public safety benefit by being a source of water for fire protection, and will allow a critical roadway located above the Dam to continue to be used. The road improves general vehicular traffic flow and transportation safety; provides faster access by fire, rescue, and emergency medical services; and provides an enhanced ability to maintain the quality of life for the residents of the Argyle Heights subdivision.

7. A special tax assessment for the properties within the LCSD, shall be assessed at a rate to be set annually by the Board of Supervisors. The special tax assessment shall be levied and collected within the LCSD at the same time as Stafford County's general real property tax is levied and collected. All rules and regulations of the County regarding the levy and collection of taxes shall apply to such special tax for the LCSD.

8. The Board hereby creates the Lake Carroll Service District Fund (Fund). The Treasurer of Stafford County, Virginia, is hereby requested to collect and deposit the special taxes collected into the Fund, and to segregate the proceeds on the books and records of the County through appropriate accounting.

9. The LCSD shall be governed by the Stafford County Board of Supervisors and shall have all those powers, as provided in Virginia Code § 15.2-2403, as such powers pertain to the Purpose and Services authorized in this Ordinance for the LCSD.

A Copy, teste:


Thomas C. Foley
County Administrator

TCF/mts

