

ORDINANCE NO. 2005-1

**SERVICE DISTRICT FOR CARTERVILLE HEIGHTS
AND PEACE HAVEN MOUNTAIN SUBDIVISIONS
OF
WYTHE COUNTY VIRGINIA**

A public hearing was held on December 14, 2004 at 7:00 p.m. in the Board Room of the Wythe County Office Building, 275 South Fourth Street, Wytheville, Virginia to consider enacting Ordinance Number 2005-1, entitled, "Service District for Carterville Heights and Peace Haven Mountain Subdivisions," as follows:

Section 1 – Created

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 Carterville Heights and Peace Haven Mountain Subdivisions, 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 Carterville Heights and Peace Haven Mountain Subdivisions shall be defined to include the following two areas:
1. **Area A** – Carterville Heights including Lots 1 through 90 as shown on a plat prepared by Harold Louthen and recorded in Plat Book 6 Page 22 in the Clerk's Office of the Wythe County Circuit Court.
 2. **Area B** - Peace Haven Mountain Subdivision, Section 1 and 2, including Lots 1 through 46 and Lots 116 through 123A inclusive as shown on a plat signed by the Wythe County Building Official on July 28, 1998 and recorded in Plat Book 9, Page 249 in the Clerk's Office of the Wythe County Circuit Court.
- B. Reference to plat books and lot numbers set out in Paragraph A of this section are based upon plats recorded in the Clerk's Office of the Wythe County, Virginia Circuit Court. The above described areas are fully shown on a map dated December 8, 2004, entitled, "Service District for Carterville Heights and Peace Haven Mountain Subdivision of Wythe County, Virginia", copies which are 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.
- C. The expected benefit of this ordinance is to upgrade and pave approximately 0.9 miles of Carterville Heights Road. 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 twenty-six cents (\$0.26) 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 \$83,114 is repaid.

There is hereby levied an initial tax of twenty cents (\$0.20) 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 January 12, 2005, with the initial tax period commencing for calendar year 2005.

Section 7 - Ordinance Approval

Supervisor Eaton 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 January 11, 2005 minutes of the Wythe County Board of Supervisors meeting.

R. Cellell Dalton, Clerk