

**County of Prince Edward
Board of Supervisors
Agenda Summary**

Meeting Date: June 8, 2016
Item No.: 1
Department: County Administration/County Attorneys
Staff Contact: James R. Ennis/Brian T. Butler
Issue: JOINT PUBLIC HEARING - Boundary Adjustment

Summary:

At its May meeting, the Board of Supervisors authorized a joint public hearing with the Farmville Town Council for Wednesday, June 8, 2016 at 6:00 p.m.

As the Board will recall, Section 15.2-3106 et. seq. of the *Code of Virginia* allows a county and town to relocate and change the boundary lines between them. At present, there are three County property owners with parcels contiguous to the existing corporate limits of the Town of Farmville, who have requested in writing (copies attached) a boundary adjustment whereby their property would be within the town limits. They are:

1. Blue Sky Development, LLC – 231 acres +/- (adjacent to Crestview Subdivision/Germantown Road)
2. Barry Dowdy -- 2 acres +/- (adjacent to Germantown Road)
3. Cedar Level, LLC, -- 48.52 acres +/- (located on Milnwood Road)

A Voluntary Boundary Agreement (copy attached) between the Town and County has been prepared by the Town Attorney. Also attached is a copy of the public hearing notice for the joint public hearing to receive citizen input prior to approval of the agreement by the Board of Supervisors. Once approved, a joint petition will be filed with the Prince Edward County Circuit Court to obtain an order approving the boundary change.

Attachments: Joint Notice of Public Hearing
 Letters Requesting Boundary Adjustment from Property Owners
 Maps of Proposed Properties
 Draft Boundary Adjustment Agreement

Recommendation: Hold the Joint Public Hearing with the Farmville Town Council.

Motion _____	Cooper-Jones _____	Pride _____	Townsend _____
Second _____	Gray _____	Simpson _____	Wilck _____
	Jones _____	Timmons _____	

**TO THE CITIZENS OF
PRINCE EDWARD COUNTY
AND THE TOWN OF FARMVILLE**

NOTICE OF INTENTION TO APPROVE A BOUNDARY LINE

PLEASE TAKE NOTICE that on the 8th day of June, 2016, at the hour of 6:00 p.m. in the Council Chamber of the Town Hall located at 116 North Main Street, Farmville, Virginia, the Prince Edward County Board of Supervisors and Farmville Town Council will have proposed to them for approval and will conduct a joint public hearing on a Boundary Line Adjustment Agreement (the "Agreement") between the Town of Farmville and the County of Prince Edward, Virginia pursuant to Virginia Code Section 15.2-3107. The proposed Agreement provides that the areas shown on surveys of W.E. Nash, Licensed Surveyor, consisting of tracts owned by Blue Sky Development, LLC and Barry Dowdy, having a combined total acreage of 233 acres +/-, and of a tract owned by Cedar Level, LLC, containing 48.52 acres +/-, all located in the County of Prince Edward, Virginia, and all lying contiguous to the County's existing boundary with the Town of Farmville shall be included within the boundaries of the Town of Farmville, and that the Boundary Line Adjustment Area set out in the Exhibits attached to the Agreement shall constitute a new boundary line between the County and the Town. Furthermore, under the proposed Agreement, the Board of Supervisors of Prince Edward County and the Town Council of the Town of Farmville agree to petition the Circuit Court for the County of Prince Edward, Virginia to approve the Boundary Line Adjustment Agreement and the Boundary Line Adjustment, and those public bodies agree that the said Boundary Line Adjustment Agreement shall become effective on the date designated by the Circuit Court for the County of Prince Edward, Virginia.

The proposed Boundary Line Adjustment Agreement between the Town of Farmville and the County of Prince Edward, Virginia, including the Exhibits containing a description of the Boundary Line Adjustment Area and a metes and bounds description of the proposed territory to be included within the boundaries of the Town of Farmville is on file in the Prince Edward County Administrator's Office as the Office of the Clerk of the Prince Edward County Board of Supervisors, Third Floor, Prince Edward County Courthouse, Main Street, Farmville, Virginia, Tel: 434-392-8837; and in the Farmville Town Manager's Office as the Office of the Clerk of the Town of Farmville, First Floor, Town Hall, Main Street, Farmville, Virginia, Tel: 434-392-5686; and can be examined there between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday.

The public is invited to attend and make known their views at the joint public hearing of the Prince Edward County Board of Supervisors and the Farmville Town Council on June 8, 2016 at 6:00 p.m.

It is the Town of Farmville's intent to comply with the requirements of the Americans with Disabilities Act. Should you need special accommodations, please contact the Town Manager's Office at 434-392-5686, prior to June 8, 2016.

May 21, 2014

Mr. Gerald J. Spates
Town Manager
Town of Farmville
PO Drawer 368
Farmville, VA 23901

RE: Blue Sky Development and Acquisition Co., LLC – Farmville Annexation

Dear Gerry,

On behalf of Blue Sky Development and Acquisition Co., LLC please accept this letter as my request for the Town of Farmville to include the following properties into the Town limits.

TM 37-A-20 and TM 37-A-17A&17B

If you have any questions, please feel free to contact me.

Sincerely,



Russell Harper
Manager

April 19, 2016

To Whom It May Concern,

Please accept this letter as my request that the property I own at 1425 Germantown Road, Farmville, VA, located adjacent to the Smith Farm be included in the voluntary boundary adjustment.

Sincerely,

A handwritten signature in black ink, appearing to read "Barry Dowdy". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Barry Dowdy

December 2, 2013

(14)

Comment

Town of Farmville
% Mr. Gerald J. Spates
Town Manager
P.O. Drawer 368
Farmville, Virginia 23901

Dear Gerry,

As I discussed briefly with you this morning, I am interested in achieving a voluntary boundary adjustment for 48.9 acres (information included describing the real estate) moving it from Prince Edward County to the Town of Farmville. I own an adjoining portion of 5.36 acres (information included) located in the Town of Farmville and would like for both to be in the same jurisdiction. I am assuming that zoning will remain the same as the 5.36 acres parcel should the 48.9 acres be moved to the Town of Farmville.

Thank you for consideration of this matter and feel free to telephone me (804/784-1979) if you have questions or comments.

Sincerely,

Robert J. Martin, III

Robert J. Martin, III
Cedar Level, LLC
Manager

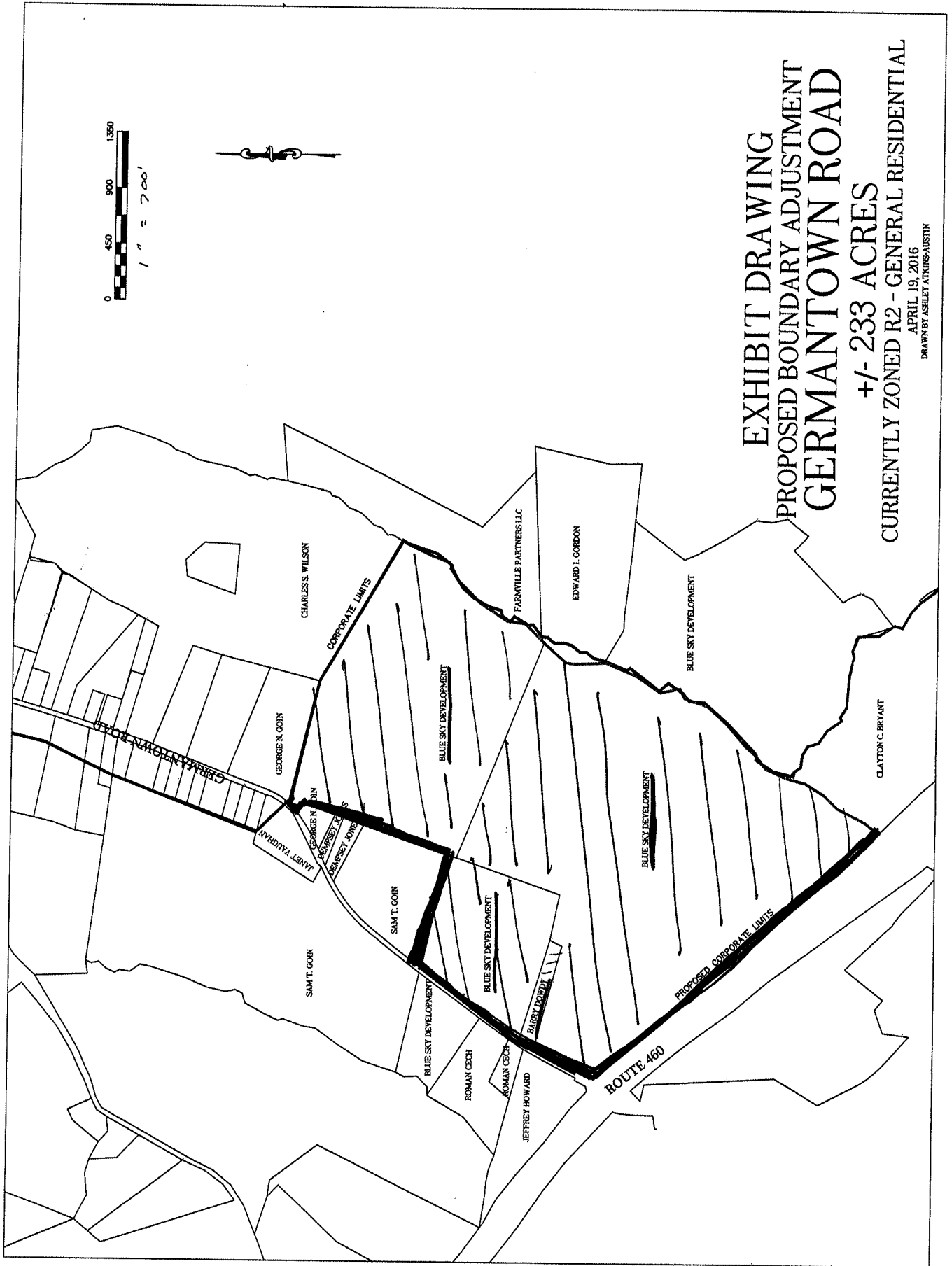


EXHIBIT DRAWING
PROPOSED BOUNDARY ADJUSTMENT
GERMANTOWN ROAD
+/- 233 ACRES
CURRENTLY ZONED R2 - GENERAL RESIDENTIAL

APRIL 19, 2016
 DRAWN BY ASHLEY ATKINS-AUSTIN

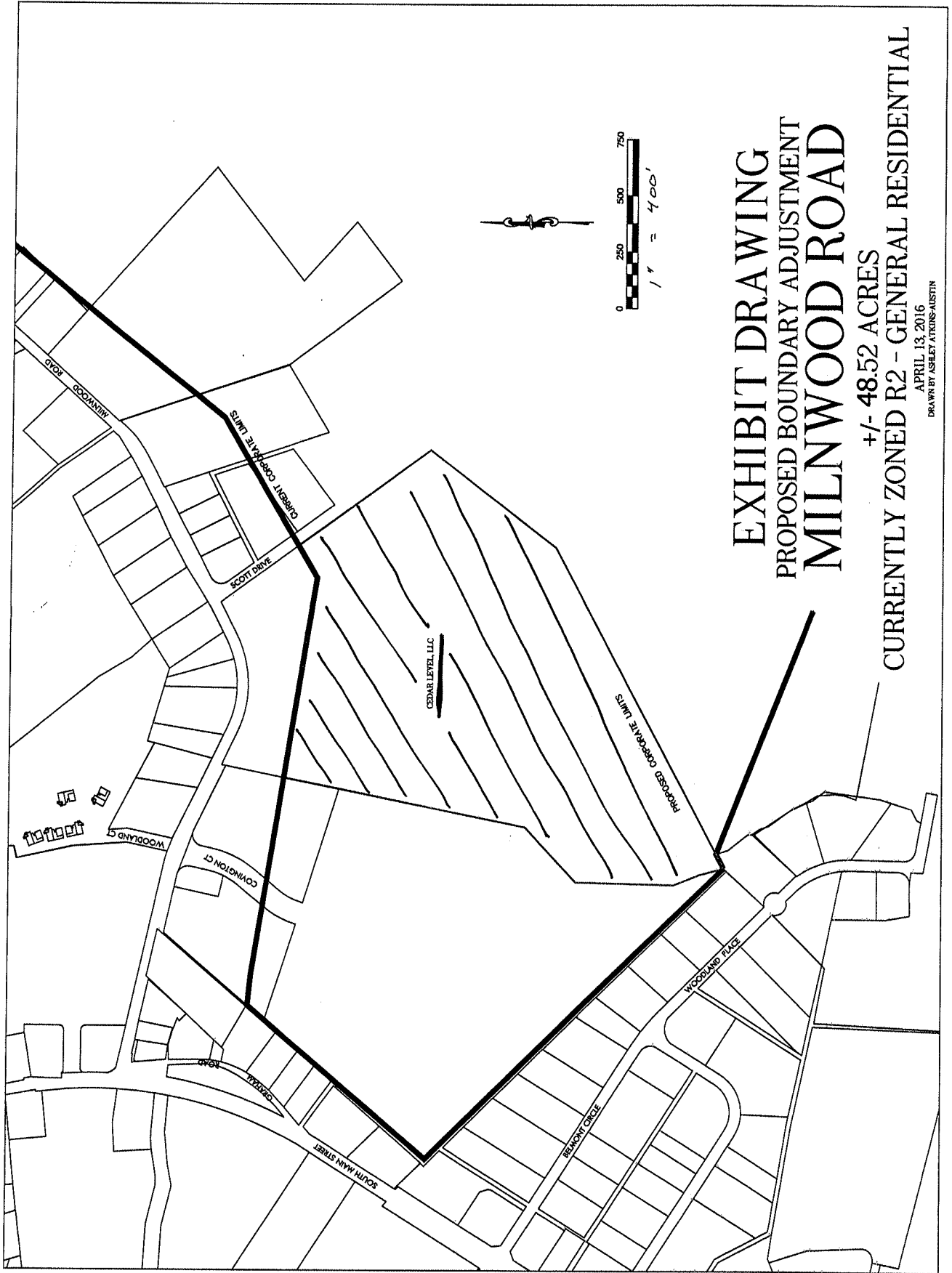


EXHIBIT DRAWING
PROPOSED BOUNDARY ADJUSTMENT
MILNWOOD ROAD
 +/- 48.52 ACRES
 CURRENTLY ZONED R2 - GENERAL RESIDENTIAL

APRIL 13, 2016
 DRAWN BY ASHLEY ATKINS/AUSTIN

VOLUNTARY BOUNDARY AGREEMENT

THIS AGREEMENT, made this 1st day of May, 2016, by and between the **COUNTY OF PRINCE EDWARD, VIRGINIA** (hereinafter referred to as the “County”) and the **TOWN OF FARMVILLE, VIRGINIA** (hereinafter referred to as the “Town), and collectively referred to as the “Parties”;

WITNESSETH:

WHEREAS, Blue Sky Development, LLC, Barry Dowdy, and Cedar Level, LLC are property owners in the County; and

WHEREAS, the aforesaid property owners have requested by letter that the Town annex certain properties owned by them as evidenced by Exhibit “A”, which is attached hereto and incorporated herein by this specific reference; and

WHEREAS, the County and the Town wish to relocate and change the boundary line between them by agreement pursuant to Virginia Code Section 15.2-3106, et. seq.;

NOW THEREFORE, the Parties hereto agree as follows:

1. The Parties will file a joint Petition requesting the relocation and change of the boundary line between the Town and County pursuant to Virginia Code Section 15.2-3108.
2. The metes and bounds of the lands encompassed in the new boundary as established by this voluntary change are shown on two composite plats of W.E. Nash, Land Surveyor, dated April 13, 2016, and April 19, 2016, both of which are attached hereto collectively as Exhibit “B”. Said land is further described as follows:

TRACT ONE: “THE BARRY DOWDY TRACT”

ALL THAT CERTAIN tract or parcel of land, together with all improvements thereon and appurtenances thereto attached and appertaining, lying and being on the Eastern side of the Germantown Road in Farmville Magisterial District, Prince Edward County, Virginia,

containing 2 acres, and described as follows: BEGINNING at a point on the Germantown Road where the line of O. W. Thompson intersects said road at a stake and rocks; thence S. 74 Deg. 35 Min. S. along a line fence to a point; thence S. 76 Deg. 35 Min. E. 230' to a cedar stake; thence S. 29 Deg. W. 107' to a cedar stake; thence N. 74 Deg. 45 Min. W. to a stake on the Germantown Road; thence along said road, N. 29 Deg. E. 100' to the point of beginning and being shown on a plat of R.C. Dodl, C.E., dated September 25, 1934. It being the same property conveyed unto Ryland Barry Dowdy and Dana Thomas Dowdy, husband and wife, by deed of Edward M. Giles, Jr. and Gracie F. Giles dated August 18, 1973 and recorded in the Circuit Clerk's Office of the County of Prince Edward in Deed Book 186 at Page 673.

TRACT TWO: "THE BLUE SKY DEVELOPMENT, LLC TRACT"

PARCEL NO. 1: All that certain tract or parcel of land, lying and being in the Farmville Magisterial District, Prince Edward County, Virginia, containing 70.00 acres and being designated as Parcel A on plat made by Maxey-Hines & Associates, P.C., dated March 25, 2005, of record in the Clerk's Office of the Circuit Court of Prince Edward County, Virginia in Plat Cabinet A, Slide 317 #1, also known as Instrument No. 200501028.

PARCEL NO. 2: All that certain tract or parcel of land, lying and being in Farmville Magisterial District, Prince Edward County, Virginia, containing 137.17 acres and being designated as Parcel B on a plat made by Maxey-Hines Associates, P.C. dated March 25, 2005, of record in the Clerk's Office of the Circuit Court of Prince Edward County, Virginia, in Plat Cabinet A, Slide 317 #1, also known as Instrument No. 200501028.

Parcels 1 and 2 being the same property conveyed unto Blue Sky Development, LLC by deed of Paul M. Black as substitute trustee dated December 26, 1012 and recorded in the Clerk's Office of the Circuit Court of Prince Edward County as Instrument No. 201300006.

PARCEL NO. 3: All that certain tract of land lying or being in the Farmville Magisterial District of Prince Edward County, Virginia containing 23.59 located on the East side of Germantown Road, and described more accurately as Parcel Two on a survey of Helms Surveys dated April, 1973 and recorded in the Clerk's Office of the Circuit Court of Prince Edward County, Virginia in Plat Book 3 at Page 51. It being the same property conveyed unto Blue Sky Development, LLC by deed of James L. Whitlock dated November 1, 2013 and recorded in the aforesaid Clerk's Office as Instrument No. 201302057.

TRACT THREE: "THE CEDAR LEVEL, LLC TRACT"

ALL OF THAT CERTAIN tract or parcel of land situated in the Farmville Magisterial District, Prince Edward County, Virginia, containing 48.52 Acres as shown on a Plat of W. E. Nash dated April 13, 2016. The subject acreage being a portion of that 54.26 acre tract conveyed unto Cedar Level, LLC by deed of Bank of America, N.A., Successor by Merger to Sovran Bank, N.A., Co-Executor under the Will of Mary Sager Martin dated October 26, 2011 and recorded as Instrument 201101788 in the Circuit Clerk's Office of the County of Prince Edward. The said property being located at the northwest corner of the intersection of Milnwood Road, also known as State Route 638 and Scott Drive; it being more particularly described on a plat of R.C. Dodl, C.S., dated August 5, 1941, recorded in Deed Book 97 at Page 54.

3. This agreement shall not otherwise affect, change, alter, or modify the limitations on the Town's annexation powers and ability to seek city status as set forth in an agreement between the parties which is dated September 1, 1992, and which shall remain in full force and effect hereafter.
4. Prior to the adoption of this agreement, the parties have advertised their respective intentions to approve it as required by Virginia Code Section 15.2-3107 and have had the required public meetings.
5. The Town shall bear the expense and costs of advertising, filing fees, recordation, publication, other expenses and will further, at its own cost provide and pay for its legal counsel to prepare all legal documents including, but not limited to, advertising, this Agreement, the Petition and the Final Order and to provide representation at any court hearings which may be required.
6. The County agrees to join in a Petition requesting the establishment, relocation, and change of a boundary agreed upon herein. Further, the County will request the same in a court proceeding, will act to foster and encourage the same in court and among members

of the public, and will endorse any Court Order that establishes, relocates and changes the boundary as requested or to any lesser extent which may be agreeable to the Town.

7. The parties may execute multiple copies of this Agreement with each executed copy having the full force and effect as the original. The original will be filed with the Petition pursuant to Virginia Code Section 15.2-3108.

This Agreement is made in accordance with the Statutes of the Commonwealth of Virginia and has been authorized by the Council of the Town in accordance with Town ordinances, and by the County in accordance with the statutes of the Commonwealth of Virginia.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

PRINCE EDWARD COUNTY, VIRGINIA

By: _____

Name: _____

Title: _____

STATE OF VIRGINIA

COUNTY OF PRINCE EDWARD

Acknowledged before me this ____ day of _____, 2016, by _____, as Chairman of The Board of Supervisors of Prince Edward County, Virginia, on behalf of the County.

My Commission expires: _____

Notary Public

ID # _____

TOWN OF FARMVILLE, VIRGINIA

By: _____

Name: _____

Title: _____

STATE OF VIRGINIA

COUNTY OF PRINCE EDWARD

Acknowledged before me this ____ day of _____, 2016, by

_____, as Mayor of the Town of Farmville, Virginia, on

behalf of the Town.

My Commission expires: _____

Notary Public

ID # _____