

**REPORT**  
**ON THE**  
**CITY OF FREDERICKSBURG – COUNTY OF SPOTSYLVANIA**  
**ANNEXATION AND IMMUNITY AGREEMENT**



**COMMISSION ON LOCAL GOVERNMENT**  
**COMMONWEALTH OF VIRGINIA**

**JUNE, 1982**

# TABLE OF CONTENTS

PROCEEDINGS OF THE COMMISSION . . . . .	1
SCOPE OF REVIEW . . . . .	5
GENERAL CHARACTERISTICS OF THE CITY, THE COUNTY, AND THE AREA PROPOSED FOR ANNEXATION . . . . .	7
City of Fredericksburg . . . . .	7
County of Spotsylvania . . . . .	10
Area Proposed for Annexation . . . . .	12
STANDARDS AND FACTORS FOR CONSIDERATION . . . . .	13
Interests of the People of the City . . . . .	14
Interests of the People in the Area Proposed for Annexation . . . . .	18
Interests of the People in the Remaining Portion of the County . . . . .	26
Interests of the State . . . . .	28
ANNEXATION PROVISIONS . . . . .	30
Basis for Annexation . . . . .	30
Recommendations . . . . .	37
IMMUNITY PROVISIONS . . . . .	53
Basis for Immunity . . . . .	53
Recommendations . . . . .	63
CONCLUDING COMMENT . . . . .	66
APPENDICES . . . . .	69
A. City of Fredericksburg--County of Spotsylvania Annexation--Immunity Agreement	
B. Statistical Profile of the City of Fredericksburg, County of Spotsyl- vania, and the Area Proposed for Annexation	
C. City of Fredericksburg--Spotsylvania County Annexation Agreement Boundary	
D. Annexation and Immunity Boundary	

REPORT  
OF THE  
COMMISSION ON LOCAL GOVERNMENT

City of Fredericksburg--County of Spotsylvania  
Annexation--Immunity Agreement

PROCEEDINGS OF THE COMMISSION

On September 24, 1981 the County of Spotsylvania filed notice with the Commission on Local Government, pursuant to the provisions of Section 15.1-945.7(A) of the Code of Virginia, of its intent to petition for the immunization of approximately 27 square miles of its territory from city-initiated annexation and from the incorporation of new cities.<sup>1</sup> Consistent with the Commission's Rules of Procedure, the County's notice was accompanied by data and materials supportive of the immunity action. Further, in accordance with statutory requirements, the County concurrently gave notice of its immunity action to 24 other local governments with which it was contiguous or with which it shared functions, revenues, or tax sources.<sup>2</sup> The County's notice to

---

<sup>1</sup>The County's action for immunity was initiated under authority granted by Chapter 21.2 of Title 15.1 of the Code of Virginia.

<sup>2</sup>Sec. 15.1-945.7(A), Code of Virginia.

the Commission included a request that this body assist in the negotiation of a settlement of the immunity action with the City of Fredericksburg, whose annexation authority would be affected by a grant of the proposed immunity.

On October 13, 1981 the Commission met with representatives of Spotsylvania County and the City of Fredericksburg for the purpose of exploring the possibility of assisting the parties negotiate a settlement of the immunity issue and for making preliminary arrangements for its formal review of the County's action. At that meeting the Commission designated Dr. Roger Richman as independent mediator to assist the parties in negotiating their interlocal concerns and established a tentative schedule for conducting its review of the immunity issue. On October 22, 1981, after several negotiating sessions, the parties jointly requested the Commission to defer its scheduled review of the immunity issue and agreed to extend the Commission's reporting deadline until April 26, 1982.<sup>3</sup> On November 10, 1981 the Commission approved the proposed changes in its review schedule and, accordingly, deferred its public hearings on the County's immunity action until January 1982.

Following further negotiations by representatives of the City and the County, aided by the Commission's designated mediator, the parties concluded an agreement which was approved by

---

<sup>3</sup>Pursuant to a subsequent request from the Commission, the parties agreed to extend the Commission's reporting deadline to June 8, 1982.

the local governing bodies on December 22, 1981. This agreement included provisions by which (a) the City would be granted an annexation of approximately 4.6 square miles of territory in Spotsylvania County, (b) the City agreed not to initiate nor accept an annexation of any other territory in Spotsylvania County for at least a 25-year period of time, and (c) the parties would collaborate in major water and sewerage activities.<sup>4</sup> In accordance with the terms of the agreement, and pursuant to the provisions of Section 15.1-945.7(A) of the Code of Virginia, the City of Fredericksburg gave notice to the Commission on December 31, 1981 of its intent to annex the same 4.6 square miles of territory in Spotsylvania County. This notice to the Commission, which was accompanied by data and materials supporting the proposed annexation, was also provided to 21 localities which qualified for such notice under Section 15.1-945.7(A) of the Code of Virginia.

Consenting to a request from the City and the County, the Commission agreed to consolidate the immunity and annexation actions for purposes of concurrent review. Accordingly, on January 9, 1982 the Commission toured the area proposed for annexation and viewed other areas and facilities in the

---

<sup>4</sup>Sec. 2.04 of the agreement states that if at the end of the 25-year period there is in effect "an agreement or agreements providing for the interjurisdictional provision of water or sewage services between the City and County," the annexation moratorium shall be extended for an additional 5-year period. See Appendix A for the complete terms of the City of Fredericksburg-County of Spotsylvania agreement.

County and the City relevant to the annexation and immunity issues. On January 11, 1982 the Commission received oral presentations in support of the immunity and annexation actions from the County and City respectively.

In addition to its receipt and consideration of materials and testimony from Spotsylvania County and the City of Fredericksburg, the Commission solicited comment from other potentially affected local governments and from the public. Each locality receiving notice of the immunity or the annexation action from either the County or the City under the provisions of Section 15.1-945.7(A) was invited by the Commission to submit testimony on these actions for its consideration. Further, the Commission held a public hearing, which was advertised in accordance with the requirements of Section 15.1-945.7(B) of the Code of Virginia, on March 5, 1982 at Courtland High School in Spotsylvania County.<sup>5</sup> This public hearing, which was attended by approximately 250 persons, produced testimony from 29 individuals. In order to permit the receipt of additional public comment, the Commission agreed to keep open its record for written submissions from the public through April 6, 1982.

---

<sup>5</sup>The public hearing was originally scheduled for January 13, 1982 but was postponed due to inclement weather. The public hearing was not rescheduled until March 5, 1982 to permit added time for citizen review of the City of Fredericksburg-County of Spotsylvania agreement.

## SCOPE OF REVIEW

The Commission on Local Government is directed by law to review proposed annexations, petitions for partial county immunity, and other local boundary change and transition issues prior to their being presented to the courts for ultimate disposition. Upon receipt of notice of such a proposed action, the Commission is directed "to hold hearings, make investigations, analyze local needs" and to submit a report containing findings of fact and recommendations to the affected local governments.<sup>6</sup> The Commission's report on each proposed action must be based upon "the criteria and standards established by law" for the determination of that issue.<sup>7</sup>

In this instance the Commission was presented initially by the County of Spotsylvania with an action for partial immunity and, subsequently, with an annexation and modified form of immunity comprising part of a comprehensive interlocal agreement produced through negotiation.<sup>8</sup> The Commission notes that annexations and petitions for partial county immunity

---

<sup>6</sup>Sec. 15.1-945.7(A), Code of Virginia.

<sup>7</sup>Sec. 15.1-945.7(B), Code of Virginia.

<sup>8</sup>Whereas the County of Spotsylvania initiated an action in September 1981 seeking permanent immunity for 27 square miles of its territory under the provisions of Chapter 21.2 of Title 15.1 of the Code of Virginia, the interlocal agreement presented to the Commission would, except for the 4.6 square miles proposed to be annexed by the City of Fredericksburg, immunize the entire County from further annexation by the City for at least a 25-year period of time.

initiated under the provisions of Chapter 21.2 of Title 15.1 of the Code of Virginia are to be reviewed on the basis of similar, but not identical, criteria and that generally a determination in favor of one action would require a determination against the other.<sup>9</sup> In this case, however, the Commission is asked, as ultimately the court may be, to endorse both actions concurrently. The governing bodies of Spotsylvania County and the City of Fredericksburg have determined that the interlocal agreement which includes, inter alia, the annexation and immunity provisions is in the best interest of their communities. The annexation and immunity provisions are seen as mutually supportive by the parties and as constituting indispensable and inextricable elements of the comprehensive agreement.

It is evident that the General Assembly encourages interlocal negotiation and settlement of boundary change issues. Indeed, one of the legislatively prescribed responsibilities of this Commission is the mediation of these interlocal issues and the promotion of their settlement.<sup>10</sup> Accordingly, the Commission concludes that its review of such interlocal settlements should be guided by a presumption of their compatibility with statutorily established standards and criteria.

---

<sup>9</sup>The Commission notes that the immunity granted the County by the agreement is qualitatively different from that authorized by Chapter 21.2 of Title 15.1, Code of Virginia.

<sup>10</sup> Secs. 15.1-945.3(G) and 15.1-945.7(A,E), Code of Virginia.



The Commission notes, however, that the General Assembly has elected not to exclude these interlocal settlements from its review and holds, therefore, that such presumption should not render the Commission inattentive to concerns expressed by other parties, nor render our review a pro forma endorsement of any action.

The analysis and recommendations which follow in this report are based upon our collective experience in local government administration and operations. We have endeavored to leave questions of law for resolution elsewhere. The Commission trusts that this report will be of assistance to the local governments and citizens of the area and to the Commonwealth generally.

GENERAL CHARACTERISTICS OF THE CITY, THE COUNTY,  
AND THE AREA PROPOSED FOR ANNEXATION

CITY OF FREDERICKSBURG

The City of Fredericksburg, which was originally incorporated in 1728, is one of the Commonwealth's most historic cities with roots antedating the nation's independence by half a century. The City is located in a rapidly growing urban corridor which extends southward from Washington, D.C. to Richmond, and then eastward to Virginia Beach. This corridor currently encompasses over half of the State's total population.

The City of Fredericksburg is situated within the most

rapidly growing segment of this urban corridor. Population data indicate that the RADCO Planning District, within which the City is located, experienced during the 1970's a growth more rapid than any other of the State's 22 planning districts.<sup>11</sup> While the RADCO Planning District experienced an overall growth of 53.3% during the 1970's, the population within the City of Fredericksburg increased by only 6.0% during the same span of years. The disparity in growth between the City of Fredericksburg and its general area is revealed by the fact that in 1960 the City's population constituted 21.2% of the total population of the area now comprising the RADCO Planning District, while in 1980 the City's population (15,322) represented only 12.9% of the total.<sup>12</sup> Further, it should be noted that the City's population has grown significantly older during the past decade, with the percentage of the City's population age 65 or over increasing from 11% to 13% and with the percentage of its residents under 20 years of age decreasing from 34% to 26%. Demographic data for 1980 reflect a marked age disparity in the populations of the City and Spotsylvania County. The data indicate that as of 1980 only 7% of the County's population was age 65 or over, while 38% of its population was under

---

<sup>11</sup>Julia H. Martin and Michael A. Spar, Growth in Virginia, 1970-1980 (Charlottesville: Tayloe Murphy Institute, University of Virginia, 1981), Table 1.

<sup>12</sup>City of Fredericksburg, Fredericksburg Virginia Comprehensive Plan, June 1981, pp. 11, 13.

20 years of age.<sup>13</sup>

The City of Fredericksburg presently has an area of approximately 6.07 square miles. Of that total area, 34.4% is devoted to public and semi-public usage, 22.8% is utilized for residential purposes, and 11.2% is committed to commercial and industrial enterprise.<sup>14</sup> While approximately 25.3% of Fredericksburg's present area is classified as vacant, the City has advised that more than half of that acreage is subject to environmental restrictions (e.g., steep slopes, flood plain, etc.) which impede development.<sup>15</sup> Thus, according to City data, less than 12% of the City's area, or approximately 449 acres, is vacant and unfettered by environmental constraints.

Economic data for the City of Fredericksburg reveal mixed patterns of development and prospects for the future. Data indicate that between 1970 and 1979 nonagricultural wage and salary employment in the City increased by 18.9%<sup>16</sup>

---

<sup>13</sup>U. S. Department of Commerce, Bureau of the Census, 1980 Census Population, Summary Tape File 1A, State of Virginia and County of Spotsylvania, Table 10. For the State as a whole, 9% of the population was age 65 or over and 32% was under 20 years of age in 1980.

<sup>14</sup>City of Fredericksburg, City of Fredericksburg Exhibits: Submitted to Commission on Local Government, Commonwealth of Virginia (hereinafter cited as Fredericksburg Exhibits), December 31, 1981, Exh. 10.

<sup>15</sup>Ibid., Exh. 11.

<sup>16</sup>Virginia Employment Commission, Population and Labor Force Data, 1970 and 1979.

Since 1979, however, the City has experienced a significant constriction in its retail trade, with five major stores terminating operations within the City and relocating in the new Spotsylvania Mall.<sup>17</sup> On the other hand, since the late 1970's six new industries have located within the City and two existing industries have expanded their operations.<sup>18</sup> Further, the City appears to be cultivating significantly its tourist trade with 171,000 persons having visited the City and its environs during 1981.<sup>19</sup> Thus, while the City's economic base is shifting, Fredericksburg appears to remain an economically viable community.

#### COUNTY OF SPOTSYLVANIA

During the previous decade Spotsylvania County was the most rapidly growing county in the State of Virginia. The 1970's saw the County's population grow from 16,424 to 34,435, an increase of 109.7%.<sup>20</sup> During the same period of years the number of residential housing units in the County increased from 5,196 to 11,805, or more than doubled to support its burgeoning population. While the City's populace significantly decreased as a percentage of the planning district's total

---

<sup>17</sup>Fredericksburg Virginia Comprehensive Plan, pp. 18-19.

<sup>18</sup>Division of Industrial Development, Manufacturing Developments in Virginia, 1977-1981. Data indicate that new and expanded industries added approximately 300 new jobs to the City's employment rolls during the period.

<sup>19</sup>Jo Love Willis, Director of Tourism, City of Fredericksburg, communication with staff of the Commission on Local Government, March 9, 1982.

<sup>20</sup>U. S. Department of Commerce, Bureau of the Census, 1980 Census of Population, Number of Inhabitants, Virginia, Number PC 80-1-A48, Table 4.

population between 1960 and 1980, the County's increased dramatically. During that two-decade period, Spotsylvania County's population increased from 21.5% of the planning district's total to 29.0%.<sup>21</sup>

In terms of area, the County has within its boundaries approximately 412 square miles, of which approximately 85% is devoted to agricultural or forest usage. Despite its phenomenal population growth over the past decade, less than 4% of County territory is utilized for residential purposes, and only 1% of the County's area is currently devoted to commercial and industrial enterprise.<sup>22</sup>

The extent of the County's economic development during the 1970's is revealed by the fact that between 1970 and 1979 nonagricultural wage and salary employment within its boundaries increased by over 62%.<sup>23</sup> While the County's nonagricultural wage and salary employment in 1979 still represented only 55% of the City's total, the County's growth in such employment during the decade was three times that experienced by the City. Development activity since the late 1970's indicates a continuation of this trend. Since 1978 nine industrial firms have established new plants or expanded existing operations in the County, and the new Spotsylvania Mall, which opened in 1980, has greatly contributed to the

---

<sup>21</sup>Growth in Virginia, 1970-1980, Table 1.

<sup>22</sup>Data provided by Berkley M. Mitchell, Assistant County Administrator, County of Spotsylvania, letter to staff, Commission on Local Government, March 18, 1982.

<sup>23</sup>Population and Labor Force Data, 1970 and 1979.

County's retail base.

Moreover, it should be noted that farming and forest interests in the County continue to contribute to the diversity and strength of Spotsylvania's economy. Data for 1978 indicated that the County then had 288 active farms occupying nearly 60,000 acres, while 1976 statistics disclosed that over 184,000 acres of County territory were forest lands then producing, or capable of producing, wood crops.<sup>24</sup>

#### AREA PROPOSED FOR ANNEXATION

The area proposed for annexation under the terms of the agreement approved by the City and the County in December 1981 contains 4.63 square miles, 2,443 persons, 489 students in Average Daily Membership (ADM), and \$56.8 million in property values subject to local taxation.<sup>25</sup> Thus, the area contains 7.1% of the County's population, 5.7% of its public school students in ADM, and 7.1% of its assessed property values.<sup>26</sup>

In terms of development, the area includes two major

---

<sup>24</sup>U. S. Department of Commerce, Bureau of the Census, 1978 Census of Agriculture--County Data for Spotsylvania County, Number AC78-A-46, May 1981, Table 1; and Virginia Division of Forestry, Forestry Resource Data, RADCO Planning District, 1977, Table 2.

<sup>25</sup>City of Fredericksburg, City of Fredericksburg vs. County of Spotsylvania, Annexation Suit, Submitted to Commission on Local Government, Commonwealth of Virginia, March 31, 1982, Exh. 2.

<sup>26</sup>See Appendix B for a compilation of major demographic, fiscal, economic, and land characteristics for the City, the County, and the area proposed for annexation. See Appendix C for a map of the area proposed for annexation.

residential subdivisions, two shopping centers and an office park located west of Fredericksburg, four apartment complexes located adjacent to Westwood Office Park and near Bragg Road (Virginia Route 639), five motels situated in close proximity to the Route 3 intersection with Interstate Highway 95, and four wholesale oil operations southeast of the City. The area proposed for annexation does not include any County-owned properties other than utility facilities.

The area has a population density of 528 persons per square mile, or more than six times the County's overall density of 83.6 persons per square mile. Despite this significant population density, 83% of the area is vacant or devoted to agricultural usage.<sup>27</sup> This vacant land with its proximity to major thoroughfares has significant potential for commercial and industrial development and should be a factor in the economic growth of the general community.

#### STANDARDS AND FACTORS FOR CONSIDERATION

In this report the Commission is confronted with concurrently reviewing annexation and immunity actions which constitute part of a comprehensive interlocal agreement approved by the governing bodies of the City of Fredericksburg and Spotsylvania County. These actions, if pursued in an adversarial manner, would require an intricate analysis and unprecedented

---

<sup>27</sup>Data provided by Keith Littlefield, Community Development Coordinator, City of Fredericksburg, letter to staff of the Commission on Local Government, March 17, 1982.

reconciliation of contending standards and factors. In this instance, however, we review a settlement of these actions, adopted pursuant to a statutorily established mediation process, by which the present leadership in the City and County have locally effected a reconciliation of their currently competing needs and interests. With these circumstances in mind, the Commission has not endeavored to analyze critically the relative merits of the settlement for each locality, but rather, it has sought to focus its review on the general compatibility of the proposed settlement with statutory requirements and on the ramifications of that settlement for other affected parties and jurisdictions.

#### INTERESTS OF THE PEOPLE OF THE CITY

##### Land for Development

Data indicate that as of 1980 the City had within its boundaries 984 acres of vacant land.<sup>28</sup> Of that total only 46%, or 535 acres, was judged to be free of environmental restrictions and unfettered for development. The proposed annexation would bring into the City approximately 1,712 acres of land presently classified by County tax maps as wooded and vacant.<sup>29</sup> Recognizing that a percentage of this land will be subject to environmental restrictions which will affect its development

---

<sup>28</sup>Fredericksburg Exhibits, Exh. 11. Two farms totaling 209 acres are not included in the computation of vacant land.

<sup>29</sup>Littlefield, letter to staff of Commission on Local Government, March 17, 1982.



potential, the addition of this property to the City will increase its fiscal base and contribute to the City's continued viability.<sup>30</sup>

Vacant land is not only significant for its commercial and industrial development potential, it is also a vital element for retaining in a community suitable residential options and a heterogenous population. It is significant to note that between 1970 and 1980 City of Fredericksburg records disclose that while building permits were issued for 1,057 units of multi-family housing, only 280 permits were issued for single-family residential units, with nearly three-quarters of the single-family permits (203 units) being located in subdivisions. Further, the City issued permits for only 12 new units of single-family residential housing during the period of 1978 to 1980.<sup>31</sup> The proposed annexation should provide land for increased opportunity for single-family residential living within the City, enabling it to retain more young families interested in that lifestyle. Data indicate that the percentage of the City's population under 20 years of age decreased during the 1970's from 34% to 26%, suggesting that the City is losing its younger families with school-age children.<sup>32</sup>

---

<sup>30</sup> Ibid. Data indicate that approximately 26% of the area, or 770 acres, has a slope of 15% or greater.

<sup>31</sup> Fredericksburg Virginia Comprehensive Plan, p. 27.

<sup>32</sup> Ibid., pp. 13-14. In 1980, 38% of the County's population was under 20 years of age; the comparable statistic for the State as a whole was 32%. (U. S. Department of Commerce, Bureau of the Census, 1980 Census of Population, Summary Tape File 1A, County of Spotsylvania, Table 10.)

This stratum of population is a vital element in a community's political, social, and economic life.

### Tax Resources

While the City of Fredericksburg remains an economically viable community, the data disclose that the City is not experiencing growth commensurate with that of its general area. In terms of real and public service corporation property values, which constitute the primary source of local tax revenue, State Department of Taxation reports reveal that the estimated true ("market") value of these properties rose in Fredericksburg between 1975 and 1980 from \$247.9 million to \$320.0 million, or by 29.1 %. The comparable values in Spotsylvania County rose during the same period from \$466.5 million to \$993.0 million, or by 112.8%.<sup>33</sup> Thus, during the last half of the previous decade the true value of these properties in Spotsylvania County increased almost four times as rapidly as did those within the City of Fredericksburg. By 1980 the per capita value of these properties in the City was \$20,884 while that in Spotsylvania County was \$28,836, or 38% greater than the per capital value in the City.<sup>34</sup>

---

<sup>33</sup>Virginia Department of Taxation, Virginia Assessment/Sales Ratio Study, 1975 and 1980. "True" values for real property in each Virginia locality are calculated by the Department of Taxation based upon the ratio of sales prices to assessed values of property sold within each jurisdiction.

<sup>34</sup>In 1970 the per capita value of these properties was \$8,127 and \$8,682 for the City and County respectively. [Virginia Department of Taxation, "Estimated True (Full) Value of Locally Taxed Property in the Several Counties and Cities of Virginia-1970," 1971.]

Declining revenue prospects for the City are also suggested by the relative change in taxable retail sales in Fredericksburg and Spotsylvania County since 1970. Between 1970 and 1980 the total value of taxable retail sales rose in Fredericksburg from \$63.8 million to \$130.9 million (105.1%), while those in the County increased from \$14.5 million to \$131.4 million (806.2%).<sup>35</sup> More alarming to the City and to this Commission; however, are data revealing that while taxable retail sales grew in the County in 1981 to \$178.9 million (an increase of 36% over 1980), those in the City fell to \$112.2 million (a decrease of 14.3% in one year).<sup>36</sup>

It appears significant to note that the general area around Fredericksburg benefits from sales tax revenues generated by tourism promoted by the City. In Fiscal Year 1980-81, the City expended \$176 thousand for the promotion of tourism, and it has been estimated that approximately 171,000 persons visited the area during the past calendar year.<sup>37</sup> Due to the paucity of hotel and motel accommodations within the City, it appears reasonable to conclude that surrounding jurisdictions derived significant benefit from the City's

---

<sup>35</sup>Virginia Department of Taxation, Taxable Sales, Annual Report, 1970, 1980. In 1980, however, the retail sales figures per capita were \$8,450 in the City and \$3,815 in the County.

<sup>36</sup>Taxable Sales, Annual Report, 1980, 1981.

<sup>37</sup>City of Fredericksburg, Fiscal Year 1981-82 Budget, Council Approved; and Willis, communication with staff of the Commission on Local Government, March 9, 1981.

promotional efforts.

From the perspective of this Commission, the proposed annexation would strengthen the City's tax base and its long-range economic viability. Further, the proposed annexation, and the agreement generally, involve the City in the collaborative development of the area and assure it an increased share of the community's overall growth.

#### INTERESTS OF THE PEOPLE IN THE AREA PROPOSED FOR ANNEXATION

##### Urban Services

The area proposed for annexation has a population density of 528 persons per square mile, or more than six times the density of the County overall. While containing a large amount of vacant land, the area includes pockets of high density residential and commercial development principally west of the City along Route 3. Given the Interstate Highway 95 interchange on Route 3, it is reasonable to expect continued commercial growth along that corridor and further urbanization of the area generally. As this development and urbanization continue, the area will experience a growing need for services which will vary in nature and intensity from that of the County generally.

The need for more intense services in the area is demonstrated by crime statistics for the County. While the area contains only 7.1% of the County's total population, records indicate that during a recent twelve-month period the area was responsible for 15.1% of the calls for service to the

County Sheriff's Department.<sup>38</sup> The City's Police Department is staffed to provide the more intense law enforcement service which urban areas require. With a current staff of 35 sworn law enforcement personnel, the City provides one officer for each 438 residents.<sup>39</sup> With a complement of 32 sworn personnel (exclusive of State Police officers serving in the County), the County provides one officer for each 1,076 of its residents.<sup>40</sup> Since population density and the concentration of commercial activity are generally recognized as factors affecting the incidence of crime, the data suggest that the area proposed for annexation will experience an increasing need for intensified law enforcement services.<sup>41</sup>

The area proposed for annexation should benefit from municipal fire protection service. The nature of the area and the fire fighting capabilities of the County have resulted in most residential properties in the area having an Insurance Services Office of Virginia (ISO) rating of "9," while

---

<sup>38</sup>Data provided by Berkley M. Mitchell, Assistant County Administrator, County of Spotsylvania, letter to staff of the Commission on Local Government, March 18, 1982.

<sup>39</sup>Memorandum from H. P. Fleming, Chief of Police, City of Fredericksburg to Peter R. Kolakowski, City Manager, City of Fredericksburg, January 12, 1982.

<sup>40</sup>County of Spotsylvania, Spotsylvania County, Virginia Tabular Exhibits (hereinafter cited as Spotsylvania Exhibits), December 1981, Exh. T-6.

<sup>41</sup>Virginia Department of State Police, Crime in Virginia, 1980, p. 3.

similar properties in the City are rated "6."<sup>42</sup> The lower numerical rating for the City enables residential property owners there to obtain fire insurance coverage at reduced premiums. While it is evident to this Commission that the City will be required to augment its facilities and staff to serve properly the area proposed for annexation, the City's municipally oriented fire suppression services and a greater reliance upon full-time paid firefighters are appropriate for that area.

The area proposed for annexation should also be benefited by local control, operation, and maintenance of its streets and thoroughfares. Under Virginia law all primary and secondary routes in Virginia counties, with the exception of those in Arlington and Henrico Counties, are constructed and maintained by the State. While road improvements in Virginia counties are planned in concert with county officials, the activity is a State function and accomplished by State direction. Fredericksburg, like all other Virginia cities, plans, schedules, and directs its own road improvement and maintenance work.<sup>43</sup> Further, the proposed annexation will facilitate the integration of the area's 25 lane-miles of roads into a unified road system serving the enlarged City.

---

<sup>42</sup>Data provided by Berkley M. Mitchell, Assistant County Administrator, County of Spotsylvania, letter to staff of the Commission on Local Government, February 18, 1982; and Larry McNeese, Insurance Services Office of Virginia, communication with staff of the Commission on Local Government, March 15, 1982.

<sup>43</sup>Major road construction projects in cities in which the State is to participate can be affected by the availability of State funds.

Development in the area proposed for annexation has resulted in significant drainage problems. According to City estimates, over 17 miles of open roadside drainage ditches are in need of improvement. Subsequent to annexation these drainage problems can be addressed by the City's Public Works Department, while currently the County is forced to rely primarily on the State or on private developers to attend to such problems. Again, the area should be beneficially served by local public responsibility for this concern.

The Commission also holds that the area would be appropriately served by City policies with respect to the installation and operation of street lights. The Commission recognizes that not all residential neighborhoods desire street lights, but it considers their presence in certain urbanized areas an important public service. Street lights can be a factor in the reduction of crime and traffic-related accidents and may generally enhance a community. The City's policy of installing and operating street lights at public expense facilitates their provision for security and general community benefit.

As the area proposed for annexation continues to urbanize, there will be an increasing need for recreational facilities and services required by the urban environment. The growing intensity of traffic, the danger of streets, the scarcity of vacant lots, and the distance from school grounds necessitate the provision of active public recreational opportunities accessible to residential neighborhoods. The

recreational needs of the area proposed for annexation should grow in similarity to those of the City and should be appropriately addressed by Fredericksburg.

The Commission notes that most of the residents in the area proposed for annexation are currently served by central water and sewerage, and, thus, the extension of these utility services is not a need to be met by the expansion of the City's boundaries. It is significant to an analysis of the interest of the people subject to annexation to note, however, that incorporation into the City will reduce the utility rates paid by the area's residents. The residents in the Westwood Subdivision, the Bragg Hill Townhouses, and the Frederick Place Apartments who are presently served by the City will have, if the proposed annexation is ultimately granted, their utility rates reduced by half, while other residents presently served by the County will realize a smaller reduction in water and sewer charges.

In sum, the area proposed for annexation is, in relation to the County as a whole, a relatively densely populated and urbanizing area which has a growing need for intensified urban services. The City of Fredericksburg, which in Fiscal Year 1979-80 devoted nearly 52% of its total operation and maintenance expenditures to non-educational functions, is structured to provide a full array of urban services.<sup>44</sup> Given the addi-

---

<sup>44</sup>Auditor of Public Accounts, Report of Auditor of Public Accounts of the Commonwealth of Virginia on Comparative Cost of City Government, Year Ended June 30, 1980, Exh A-4. During



tional resources which would be made available as a result of the proposed annexation, the City should be expected to meet appropriately the urban service needs of the area proposed for annexation.

#### Education

According to information submitted by the Spotsylvania County School Board, a total of 489 public school students presently live in the area proposed for annexation.<sup>45</sup> In an analysis of the proposed annexation, consideration must be given to the capacity of the City to meet the educational needs of these students. Since the City-County plan for effecting the transfer of these students to the City's system permits the high school students (116) to elect to finish their education in the County's system, the immediate impact of the annexation will be felt principally in grades K-8. The City has submitted data indicating that its system can accommodate, within existing facilities and with pupil-teacher ratios well within the State's prescribed Standards of Quality, all the

---

the same fiscal year, 31.4% of Spotsylvania County's total expenditures for operation and maintenance was devoted to non-educational activities. (Auditor of Public Accounts, Report of Auditor of Public Accounts of the Commonwealth of Virginia on Comparative Cost of County Government, Year Ended June 30, 1980, Exhs. A, A-5.

<sup>45</sup>Fredericksburg Exhibits, Exh. 45.

elementary and intermediate students to be transferred.<sup>46</sup>

In our judgment, the quality of an educational program is in large measure the product of the intellectual attainment, sensitivity, and character of individual teachers. These personal qualities are not amenable to quantification and comparative analysis. However, the statistical indices which are available support the contention that the City's school system can meet the educational needs of the students who would be affected by the proposed annexation. These indices reveal the following for school year 1980-81:<sup>47</sup>

---

<sup>46</sup>Letter from John J. Ward, Superintendent, Fredericksburg City Public Schools to Peter R. Kolakowski, City Manager, City of Fredericksburg, February 3, 1982, Enclosures 1 and 2. The Standards of Quality (SOQ) for the 1980-82 biennium (Chapter 553, Acts of the Assembly, 1981 Session) prescribe that the ratio of pupils in Average Daily Membership (ADM) to full-time equivalent teaching positions in grades K-6 shall not be greater than 21 to 1 (excluding special education teachers). The SOQ also prescribe that the maximum number of pupils in ADM for each certified instructional position in any K-3 class shall not exceed 30 students. The SOQ for the 1982-84 biennium (Chapter 578, Acts of the Assembly, 1982 Session) provide that the required ratio of pupils in ADM to full-time equivalent teaching positions in grades K-6 (excluding special education teachers, principals, assistant principals, counselors and librarians) will increase to 25 to 1.

<sup>47</sup>State Department of Education, Facing Up-16, Statistical Data on Virginia's Public Schools, March 1982. The data also disclose that as of school year 1979-80, 36% of the City's public school teachers held Post Graduate Professional Certificates while the comparable figure for Spotsylvania County was 17.4%. (Virginia Education Association, Virginia's Educational Disparities, July 1981, Table VIII.)

	<u>City of Fredericksburg</u>	<u>County of Spotsylvania</u>
Pupil-teacher ratio		
Elementary	16.3:1	17.5:1
Secondary	12.4:1	17.6:1
Instructional personnel per 1,000 students in ADM	70.3	58.6
Local expenditures per pupil for operations	\$1,716	\$535
National percentile equivalents for the "Short Test of Educational Ability" (STEA)		
Grade 4	53	53
Grade 8	43	46
Grade 11	53	47

While the addition of 489 students from Spotsylvania County will alter some of the statistics shown above, the City's plan to integrate these students into its school system does not reveal any likely diminution in the quality of its educational program. The City, for example, proposes to add two classroom teachers in its elementary school and one in its intermediate school, and it anticipates that these additional personnel will enable the school system to maintain pupil-teacher ratios of 20:1 and 14:1 at the two schools respectively following the transfer of all County students.<sup>48</sup>

While it is evident that the City's school system does

---

<sup>48</sup>Data provided by Peter R. Kolakowski, City Manager, City of Fredericksburg, letter to staff of the Commission on Local Government, February 8, 1982. The Commission also notes the transfer of these students to City schools should reduce the travel time for most.

not have at this time the modern facilities operated by the County, nor offer the ancillary services of free transportation and school books currently provided by the County, the Commission cannot conclude that the educational experience of students in the area proposed for annexation will be diminished by transfer to the City's system.<sup>49</sup> In our judgment the City recognizes the deficiencies in its school facilities and is prepared to address properly these concerns.

INTERESTS OF THE PEOPLE IN THE REMAINING PORTION OF THE COUNTY

The area proposed for annexation under the terms of the City of Fredericksburg-Spotsylvania County agreement includes approximately 7.1% of the County's total population, 1.1% of its land area, and 7.1% of its property values subject to local taxation.<sup>50</sup> The annexation, if granted, would leave the County with its major commercial areas (Spotsylvania Mall and Four Mile Fork) and enormous potential for further commercial and industrial development. Areas available for immediate industrial development include the Lee Hill Industrial Park, the

---

<sup>49</sup>Members of the Commission on Local Government and its staff toured each of the City's schools on May 12, 1982 and, based upon the on-site visits and interviews with school administrators, the Commission is satisfied that students from the annexed area can be accommodated without seriously overcrowding existing school facilities or terminating special instructional programs. The State Department of Education's Associate Superintendent for Planning and Evaluation has specifically expressed the judgment that data support the conclusion that the Hugh Mercer School can properly accommodate the enlarged membership of 1,121. (Letter to staff of the Commission on Local Government, May 5, 1982.)

<sup>50</sup>Fredericksburg Exhibits, Exh. 2.

FMC Plant site, and eight other locations within five miles of the City and ranging in size from 50 to 589 acres which are presently on file with the State's Division of Industrial Development.<sup>51</sup>

The area proposed for annexation does not contain, with the exception of utility facilities, any County-owned structures or other property. Thus, the proposed annexation should not result in any major dislocation of County functions or services through the transfer of facilities to the City. Moreover, the City-County agreement calls for major collaboration in the provision of water and sewerage services, and such collaboration should enable significant savings in capital costs and operating expenditures for both jurisdictions as well as ensure the adequacy of these basic services for the future economic development of the general area. Of immediate significance to the County is the fact that, as a result of the interlocal cooperation formalized by the agreement, the County will be permitted to discontinue operation of its largest and most expensive sewerage pump station.<sup>52</sup>

Of paramount significance to Spotsylvania County is the provision in the agreement by which the County is immunized from further annexation by the City of Fredericksburg for a

---

<sup>51</sup>Data provided by Becky W. Burruss, Industrial Development Representative Assistant, Division of Industrial Development.

<sup>52</sup>This County pump station is the new Hazel Run facility located within the City where U. S. Highway 1 Alternate crosses Hazel Run.

minimum of 25 years. While this provision, if sanctioned by the court, may preclude any further expansion of the City's boundary south of the Rappahannock River without the consent of the County, it assures Spotsylvania County of long-term, and perhaps permanent, territorial stability.<sup>53</sup> Whatever the benefit of annexation to municipalities and to the State generally, the proposed immunity will remove a source of potential conflict between the City and the County.

#### INTERESTS OF THE STATE

The State has established a framework for the interlocal negotiation of boundary change issues and has encouraged local governments to use the process for their resolution. The City of Fredericksburg-Spotsylvania County agreement, then, is consistent with the interest of the State in developing interlocal settlement of boundary change issues.

The Commission holds that, in addition to the individual interests of the City and the County which are promoted by the City-County settlement of December 22, 1981, there are provisions in that interlocal agreement which are of significance to the entire area and to the State generally. In our judgment, the provisions for interlocal collaboration included in the agreement and the potential for further City-County cooperation engendered thereby are of major significance to the

---

<sup>53</sup>Any County obtaining a population of 20,000 and a density of 300 persons per square mile, or a population of 50,000 and a density of 140 persons per square mile, is eligible for total and permanent immunity from any city-initiated annexation. (Sec. 15.1-977.21, Code of Virginia.)

Commonwealth. The Commission notes that under the terms of the agreement the City of Fredericksburg (a) has agreed to bear a portion of the cost of renovating the FMC sewage treatment facility and will receive for its use a pro rata share in the plant's treatment capacity, (b) has consented to receive through its lines for treatment all County sewage originating in the Hazel Run watershed, and (c) will obtain the use of holding ponds with a 3.4 million gallon capacity at the FMC site, which can serve the City's needs in times of heavy rains. It is anticipated that the renovation and reactivation of the FMC facility will add approximately 4.5 MGD to the area's overall sewage treatment capacity. This reactivated facility, in conjunction with other plants operated by the City and the County, should meet the area's sewage treatment needs well into the next century.

Of equal significance are provisions in the agreement by which the parties agree to supply each other water in emergency situations. Such provisions serve as protection against crises such as that experienced by the City of Fredericksburg in March 1980 when its raw water source was polluted by petroleum. Clearly, these emergency arrangements for the provision of essential services are vital not only to residents of the area but to the Commonwealth generally.

From the perspective of this Commission, the utility provisions included in the City-County agreement of December 22, 1981 are so significant and beneficial to the residents of the area, they should be separated or made severable from the

annexation and immunity elements. The Commission recommends that the agreement be amended to assure the preservation of the utility provisions regardless of the ultimate disposition of the annexation and immunity actions.

The Commission does note, however, that one significant aspect of the agreement does appear to run counter to the interests of the State. While State law governing partial immunity does not allow a grant of immunity to foreclose substantially annexation by cities of less than 100,000 persons, the agreement before us would totally foreclose annexation in Spotsylvania County by the City of Fredericksburg (with a population of less than 20,000) for 25 years, and perhaps forever.<sup>54</sup> Indeed, for the first 25 or 30 years following the effective date of the annexation authorized by the agreement, the County would be granted a veto over citizen-initiated annexations. Thus, with such authority, the County would be granted a degree of immunity not sanctioned by State law even for those counties qualifying for total immunity.<sup>55</sup>

## ANNEXATION PROVISIONS

### BASIS FOR ANNEXATION

#### Land and Tax Base

In previous sections of this report, the Commission cited

---

<sup>54</sup>Sec. 15.1-977.22:1, Code of Virginia.

<sup>55</sup>No judicial grant of county immunity, total or partial, precludes petition-initiated annexations. (Sec. 15.1-977.23, Code of Virginia.)



data which indicated that the City would be benefited by additional land and tax base. The data disclosed that during the three-year period of 1978-1980, the City issued permits for only twelve new single-family residences and, further, that during the decade of the 1970's, the City experienced a marked decline in the younger segment of its population. Thus, the evidence suggests that Fredericksburg is unable to attract young families interested in single-family residential living. The significant amount of vacant land which would be made available to the City by means of the proposed annexation should increase housing options within Fredericksburg.

Evidence previously cited also revealed that the City is not experiencing a growth in its tax base comparable to that in Spotsylvania County. The data indicated that between 1975 and 1980 true property values in the County grew nearly four times as rapidly as did those in the City, and by the latter date, the per capita true property values in the County exceeded those in the City by well over one-third. Of greater significance, however, are data relative to the total value of taxable retail sales in the City and County for 1981. During that year the total value of taxable retail sales in the County rose by nearly \$50 million, or by 36% over the total of the previous year. During 1981 the total value of those sales in the City decreased by over \$28 million, or by 14.3% from the level recorded in 1980. These figures can be cited to support the City's need for addi-

tional land and tax base..

### Provision of Services

On the basis of its review, the Commission has concluded that the City can, guided by the recommendations which follow, properly serve the area proposed for annexation. The City currently offers its residents a broad array of urban services and devotes over 50% of its operational expenditures to non-educational services. In addition to the provision of basic utility services, the City offers solid waste collection and disposal, participates in a regional library system with the principal library being located in downtown Fredericksburg, operates a parks and recreation system, supports a police department and a fire department with a core of full-time paid firefighters, and maintains a public works department which is responsible for the management and maintenance of City streets and thoroughfares. While the extension of these urban services to the area proposed for annexation will require additional personnel, equipment, and facilities, it is the Commission's judgment that the City can, pursuant to the recommendations offered in this report, meet the urban service needs of the area.

The Commission also holds that the City can provide appropriate educational services to students in the area proposed for annexation. The data indicate that the City is committed to a quality educational program. During school year 1979-80 the City of Fredericksburg expended for operational purposes \$1,438 of local funds for each student in

Average Daily Membership. This level of local support for educational operations was exceeded that year by only 5 of Virginia's 41 cities.<sup>56</sup>

It is also appropriate to note here that the City has within its boundaries approximately 567 units of publicly assisted housing.<sup>57</sup> While the City has not established a public housing authority to confront directly the housing needs of its residents, it does offer within its corporate limits significant housing opportunities for low and moderate income families. In the view of this Commission, housing constitutes a fundamental human need which must be recognized and appropriately addressed by all levels of government. The housing opportunities provided within the City help to address this basic human need.

#### Community of Interest

The data suggest that the City of Fredericksburg is an integral part of its general area and serves as a center for various aspects of the community's corporate life. The City is the seat of several State and federal offices, its historic sites are attractions which benefit the entire community, and its college and hospital facilities serve the general area. With respect to the latter point, a 1978 survey indicated that nearly 79% of the total number of hospital care-days provided to residents of Spotsylvania County was

---

<sup>56</sup>Fredericksburg Exhibits, Exh. 23.

<sup>57</sup>Ibid., Exh. 13.

provided by the Mary Washington Hospital.<sup>58</sup>

The City of Fredericksburg is also a major center of the area's commercial life. The City is the center of the area's wholesale trade, and its banking institutions make it the core of the area's financial community.<sup>59</sup> Further, 1979 data compiled by the Virginia Employment Commission indicate that the City is the site of employment for many persons who live beyond its boundaries. The 1979 data disclosed that while the City's resident labor force was 6,053, there were 11,144 nonagricultural wage and salary employment positions within the City of Fredericksburg.<sup>60</sup>

In addition to these bonds which tie Fredericksburg to its general community, there are yet additional factors which specifically affect the relationship between the City and the area proposed for annexation. The Commission notes that the City currently provides sewerage service to the rest stop on Interstate Highway 95, to the multi-family housing along Bragg Road (Virginia Route 639), to the area north of Route 3 (including the Westwood Subdivision, Office Park, and Shopping

---

<sup>58</sup>Data provided by T. R. Bernier, Executive Director, Northwest Virginia Health System Agency, letter to staff of the Commission on Local Government, March 23, 1982.

<sup>59</sup>Proceeds from local bank stock tax for Fiscal Year 1980-81 indicate the significance of Fredericksburg's banking industry. The City's receipts that fiscal year were three and one-half times greater than those of Spotsylvania County. (City of Fredericksburg, Financial Report, June 30, 1981, December 28, 1981, Schedule 1, p. 1; and County of Spotsylvania, Report on Examination, June 30, 1981, December 4, 1981, Schedule 1.)

<sup>60</sup>Population and Labor Force Data, 1979.

Center), and to an area southeast of the City. With the exception of the Westwood Office Park and Shopping Center, the City also provides water service to these areas.<sup>61</sup> Finally, the evidence indicates that the area proposed for annexation will increase in population and in commercial development, with the consequence that its service needs will grow in similarity to those of the City. In sum, there is a significant community of interest between the City and the area which can be cited to support the proposed annexation.

#### Capacity of City to Finance Annexation

The Commission recognizes that whatever the ultimate benefit of annexation to the City, the initial cost of effecting and implementing such can be formidable. Under current State law, a city is required to pay a county for the value of county-owned and financed public improvements which become property of the city, to assume a portion of the county's debt, and to reimburse the county for its loss of prospective net tax revenue for as much as a five-year period.<sup>62</sup> In addition, a city is expected to present a plan to the annexation court identifying the service needs of the area proposed for annexation and delineating the means by which those needs will be met.<sup>63</sup> The years immediately following an annexation award can be a period of fiscal difficulty for some municipalities.

---

<sup>61</sup>Spotsylvania Exhibits, Exhs. T-2, T-3.

<sup>62</sup>Sec. 15.1-1042, Code of Virginia.

<sup>63</sup>Secs. 15.1-1033(c) and 15.1-1042(f), Code of Virginia.

A review of various fiscal indices indicates that the City of Fredericksburg can bear the cost of the proposed annexation. The Commission notes that at the end of Fiscal Year 1980, the City had a per capita net debt of \$245.63, while the comparable figure for all Virginia cities considered collectively was \$623.50, or more than two and one-half times greater than that for the City of Fredericksburg.<sup>64</sup> Further, as of June 30, 1981 the City's gross long-term debt stood at only \$2.9 million, less than 10% of its debt limit imposed by State law.<sup>65</sup> For purposes of comparative analysis it should be noted that the City's net debt in 1979 constituted 1.4% of its 1979 estimated true real property values (as determined by the Virginia Department of Taxation), while the comparable statistic for all Virginia cities considered collectively was 3.4%.<sup>66</sup>

Statistics also indicate that the City's local tax burden compares favorably with that of other cities in the Commonwealth. While the City's 1980 nominal real property tax rate was \$1.15, or slightly above the mean for all Virginia cities (\$1.12), when real property tax receipts are considered

---

<sup>64</sup>Report of Auditor of Public Accounts of the Commonwealth of Virginia on Comparative Cost of City Government, Year Ended June 30, 1980, Exh. C.

<sup>65</sup>Fredericksburg Exhibits, Exh. 39.

<sup>66</sup>Derived from data presented in Report of Auditor of Public Accounts of the Commonwealth of Virginia on Comparative Cost of City Government, Year Ended June 30, 1979, Exh. C; and Virginia Assessment/Sales Ratio Study, 1979, Table 6.

in relation to total personal income, the City's local tax burden appears more modest.<sup>67</sup> Calculations disclose that the City of Fredericksburg's real property tax receipts for 1978 represented 1.7% of the City's total personal income for that same year, while the comparable statistics for all Virginia cities collectively was 2.2%, and that for the State as a whole was 2.3%.<sup>68</sup>

In our judgment, the City of Fredericksburg is fiscally able to finance the proposed annexation. The data reveal that the City bears a comparatively light debt burden and that its real property tax, measured by rate or as a percentage of total personal income, is relatively moderate.

## RECOMMENDATIONS

### Adjustment of Boundary Line

By oral testimony received at the public hearing on March 5 and by a number of written submissions, the Commission was urged to recommend the exclusion of certain parcels of land from the area proposed for annexation. Specifically, the Commission was asked to recommend the

---

<sup>67</sup> Fredericksburg Exhibits, Exh. 8. Real property tax rates for Virginia cities in 1980 ranged from \$.60 to \$2.40 per \$100 of assessed value.

<sup>68</sup> Derived from data presented in Virginia Department of Taxation, Annual Report 1978-1979, Tables 5.4, 5.7; and John L. Knapp and David C. Hodge, Personal Income Estimates for Virginia Counties and Cities, 1973 to 1978 (Charlottesville: Tayloe Murphy Institute, University of Virginia, 1980), Table 1.

exclusion of (a) certain lots south of River Road (Virginia Route 618) and just west of its intersection with Bragg Road (Virginia Route 639)<sup>69</sup> and (b) certain other lots in the Salem Heights Subdivision which are immediately east of the intersection of River and Bragg Roads and north of Short Street (Virginia Route 735).<sup>70</sup> The requests for the exclusion of the property south of Route 618 rest upon the contention that the individual tracts comprising the area range from approximately 5 acres in size to more than 18 acres (with the present owners having no desire to develop the property), that the area has no need of City services, and that the cost of extending City utilities into the area would be prohibitively high. The objections to the annexation of the property east of Bragg Road rest principally upon the contention that the area is properly served by the County and would derive no benefit from incorporation into the City. After extensive consideration of these objections, the Commission is unable to find any appropriate basis for proposing the exclusion of these properties from the area to be annexed. The Commission notes that the proposed annexation line generally adheres to property boundaries which constitute a rational basis for corporate lines. Further,

---

<sup>69</sup>The tracts of land are identified as parcels 73, 74, 74A, 74B, 74C, 74D, 74E, 74F, 74G, 74H, and 74J on Spotsylvania County Tax Map Number 13.

<sup>70</sup>The tracts of land are identified as parcels 45, 45A, 46, 47, 48, 49, 50, 51 on Spotsylvania County Tax Map Insert Number 13A.



in view of the improvements contemplated by the City to serve the general area north and west of Bragg Road, the extension of utilities to the specific properties in question will not constitute a separate and inordinate expense. Furthermore, the properties which would be brought into the City in this area by the proposed annexation have no unique features which would distinguish them from properties historically annexed by Virginia municipalities. In sum, the Commission finds no appropriate basis for recommending, without the joint agreement of the City and the County, any modification of the proposed annexation line.<sup>71</sup>

#### Protection of Historical and Agricultural Properties

The Commission is cognizant of the significant effort made by the City of Fredericksburg to protect and preserve its historical sites and of its policies which facilitate continued agricultural operations within its corporate limits. Consistent with such efforts and policies, the Commission recommends that, in its annexation proposals submitted to the court, the City of Fredericksburg expressly commit itself to protecting agricultural and historical properties, such as Fall Hill, in the area to be annexed. The annexation

---

<sup>71</sup>The Commission is cognizant of the fact that the City and the County have agreed to amend the annexation boundary to exclude parcels 73 and 74F on Spotsylvania County Tax Map Number 13. The inclusion of these properties within the City would create an anomalous situation where the only access to the parcels would be from a County secondary road. The Commission endorses the effort by the parties to correct this situation.

of such properties by municipalities should, in our view, generally be accompanied by measures which will reduce pressures for their development and conversion. The Commission notes that it is a declared policy of this State to preserve agricultural properties. Further, it is the Commission's collective experience that the preservation of agricultural and historic properties adds to the diversity and richness of a community and contributes to its general viability. It is recommended that the City agree to extend appropriate zoning and assessment procedures in the area proposed for annexation to protect to the fullest such properties. Further, certain properties in the area proposed for annexation may impose such a negligible demand for municipal services that the City might contemplate the selective exercise of its authority to offer reduced real property tax rates for a limited number of years.<sup>72</sup>

#### Provision of Services

The Commission holds that a fundamental purpose of the State's annexation process is to extend additional urban services to areas in need of such. From our perspective, it would be anomalous for the State's annexation process to be used to diminish generally the quality of services provided an area. The comments which follow rest, in part, upon this premise.

---

<sup>72</sup>Sec. 15.1-1047.1, Code of Virginia.

As preface to the comments and recommendations which follow, the Commission notes that the City of Fredericksburg has not presented for our review a well-integrated and comprehensive delineation of the services and facilities to be provided citizens in the area proposed for annexation. While the City has submitted a series of departmental memoranda with several tables of cursory summation, identifying the additional personnel and operating funds required to serve the area during the year immediately following annexation, the City has not presented any comprehensive analysis of the area's capital needs and a schedule for addressing them. In our view, any annexing municipality should be expected to develop, for presentation to the public and to the annexation court, a detailed and comprehensive plan for the area to be annexed, delineating both proposed operational and capital expenditures for the initial years subsequent to annexation. While a service plan for an area must allow sufficient flexibility for adaptation to changing conditions and circumstances, assumption by a municipality of governmental responsibility for an area should require, in our view, a carefully conceived and well-developed plan for addressing that area's public service needs. The Commission recommends that in developing such a comprehensive plan for services in the area it proposes to annex, the City address the issues cited below.

Education. Prior to the initiation of the annexation effort, the City had identified, in both its Comprehensive and Capital Improvement Plans, a number of needed improvements

in its educational facilities.<sup>73</sup> With the addition of approximately 500 students as a result of the proposed annexation, an increase of over 23% in total student enrollment, attention to the City's educational facilities grows in significance. It appears to the Commission that the City recognizes and is addressing its facility needs. While the Commission is satisfied that the City can properly accommodate the influx of students from the area proposed for annexation, it recommends that the City develop and review with the public, prior to presentation to the annexation court, a specific plan for the transition. Familiarity with the planning to accommodate the new students should reduce public anxiety and apprehension.

The Commission notes that all students in the area proposed for annexation have been provided free transportation to and from the County's public schools. In our view, if the proposed annexation is granted by the court, it should be conditioned upon the City's provision of free transportation to all students residing beyond a reasonable and safe walking distance from their schools. Free pupil transportation constitutes such a significant public service, in terms of convenience, safety, and improved attendance, that the Commission is unable to recommend, absent persuasive reasons to the contrary, a local boundary change which would have the effect of

---

<sup>73</sup>Fredericksburg Virginia Comprehensive Plan, pp. 55-56; and City of Fredericksburg, Capital Improvements Plan, 1980-1990, September 8, 1980, pp. A1-A4.

terminating that service for those who have previously enjoyed it.<sup>74</sup> In our judgment, municipalities should not pursue annexation contemplating generally the provision of a lower order of basic educational or other public services.

The Commission is also cognizant of the fact that all students in the area proposed for annexation presently receive free textbooks from the County and have available a late afternoon activities bus which enables them to remain at school for extracurricular events. We do not consider these services, however appealing they may be, as basic to a community's educational program. These services are of lesser importance to an overall educational program, and the failure to provide them does not constitute, in our judgment, a marked diminution of service levels.<sup>75</sup> Annexation by the City should not be conditioned upon the continued provision of these services.

Road Improvements and Traffic Engineering. The proposed annexation will add to the City's road network approximately 25 lane-miles of thoroughfares. The City, thus, will become responsible for the administration and maintenance of these roads. The Commission notes that the amount of vehicular

---

<sup>74</sup>The Commission on Local Government notes that the City's School Board is studying the issues of free transportation (Fredericksburg City Public Schools, "Projected Costs, City Transition Plan," February 18, 1982).

<sup>75</sup>Charge for textbooks promotes care by students, and the need of activity buses is dependent upon the schedule and nature of extracurricular events and should be locally determined.

traffic and accident rates on Route 3 and on Bragg Road (Virginia Route 639) reveal conditions that need to be addressed. Data published by the State Department of Highways and Transportation for calendar year 1980 indicate intense traffic with significant accident rates and property damage on these roads.<sup>76</sup> Continuing development in the area west of Fredericksburg and the proposed integration of a part of that area into the corporate life of the City increase the need to improve the road network serving the area, particularly where statistics reveal major safety concerns. While the City's Department of Public Works has cited a need to install traffic medians in the Route 3 corridor as a safety measure, it is unclear from material submitted by the City administration when the City proposes to schedule this work.<sup>77</sup> This project and other road improvements, particularly with respect to streets and sidewalks near schools and serving school-age children, need to be identified as part of the City's overall annexation plan, with costs and completion dates specified. The Commission recommends that a

---

<sup>76</sup>In 1980 a total of 37 traffic accidents occurred along the 1.05-mile segment of Virginia Route 3 from the Fredericksburg corporate limits to the Interstate Highway 95 interchange. During the same year, the 3.2-mile portion of Bragg Road (Virginia Route 639) from the Fredericksburg corporate limits to the intersection of Virginia Route 3 experienced 30 traffic accidents. (Virginia Department of Highways and Transportation, Summary of Accident Data, State Highway System, 1980.)

<sup>77</sup>Memorandum from Peter R. Kolakowski, City Manager, City of Fredericksburg to City Council, City of Fredericksburg, February 12, 1982 (hereinafter cited as Kolakowski Memorandum). page entitled "Proposed Departmental Requirements for Annexation, Summary of Anticipated Capital Expenditures." See also Fredericksburg Exhibits, Exh. 18.

survey of road needs and proposed improvements be presented to the annexation court.

Fire Protection and Suppression. The City's Fire Department presently has a personnel complement which includes 16 paid firefighters and approximately 40 volunteers.<sup>78</sup> This staff has available six major pieces of apparatus which operate from the City's one fire station located in downtown Fredericksburg. The City is proposing as part of its initial steps to serve the annexed area the construction of a new fire substation, the employment of four additional firefighters, and the acquisition of a brush truck.<sup>79</sup> Prior to the proposed annexation, the City's Comprehensive Plan recognized an emerging need for a new substation and additional personnel to serve the western section of the City.<sup>80</sup> With the proposed annexation, which will expand the City's area by more than 75%, increase its population by over 16%, assign it a major safety responsibility over a segment of Interstate Highway 95, and bring within the corporate boundaries significant development and large facilities for public accommodation,

---

<sup>78</sup>Fredericksburg Virginia Comprehensive Plan, p. 62; and County of Spotsylvania, Spotsylvania County, Virginia, Tabular Exhibits (hereinafter cited as Spotsylvania Exhibits), December 1981, Exh. T-7.

<sup>79</sup>Kolakowski Memorandum, page entitled "Fire Department Annexation Requirements."

<sup>80</sup>Fredericksburg Virginia Comprehensive Plan, pp. 62-63.

these previously recognized needs become more urgent.<sup>81</sup> The Commission is concerned, however, that the City's plan to serve the area proposed for annexation may not be adequate. We note that, according to nationally accepted standards, the City needs approximately 26 personnel to operate its currently owned equipment and to serve its present area.<sup>82</sup> With the contemplated expansion of its service responsibilities, the construction of a new substation, and the acquisition of additional needed apparatus, there may be a need for an increase beyond that which is proposed in the number of the City's full-time paid firefighters. While volunteers provide vital support to a community's firefighting effort, their vocations

---

<sup>81</sup>The area to be annexed east of Interstate Highway 95 includes a number of large motels and restaurants and is not readily accessible from the central fire station located in the City's central business district. Furthermore, the annexation of a segment of Interstate Highway 95 would require primary response of the City's fire department in the case of an accident involving hazardous materials. In 1977, it was estimated that 598 trucks per day transited that portion of Interstate Highway 95 between Route 3 and U. S. Highway 17 carrying hazardous materials. [J. W. Schmidt and D. L. Price, 1977 Survey of the Flow of Five Major Hazardous Materials Along Highways in Spotsylvania (Blacksburg: Industrial Engineering and Operations Research, Virginia Polytechnic Institute and State University, May 1979.)]

<sup>82</sup>David B. Gratz, Fire Department Management: Scope and Method, (New York: Macmillan Publishing Co., Inc., 1972), p. 178. The Virginia State Fire Services Commission has advised that, applying nationally accepted manning standards, the City of Fredericksburg would require the availability of 26 firefighters to service its presently owned 6 pieces of apparatus. (Joe F. Thomas, Jr., Deputy Director, Virginia State Fire Services Commission, letter to staff of Commission on Local Government, May 12, 1982.)



can preclude their availability during time of need. The City of Fredericksburg must be assured of the adequacy of its fire suppression force at all hours. The Commission recommends that the City present to the court, as part of its service plan for the area proposed for annexation, a commitment to the immediate construction of the fire substation, an identification of the additional apparatus to be acquired with date of acquisition, and an analysis of the need for additional firefighters with a proposed schedule for their employment.

Crime Prevention and Detection. According to data presented to the Commission, the City of Frederickburg is presently served by a Department of Police with a personnel complement of 45 authorized positions, 35 of which are held by sworn law enforcement officers.<sup>83</sup> To accommodate the needs of the area to be annexed, the City proposes to employ an additional eight patrol officers and one investigator and to acquire two additional patrol vehicles.<sup>84</sup> While the annexation, if granted, will increase the City's area by more than 75%, will add 9.6 miles of primary and secondary roads to its traffic management responsibilities, and will bring into the City areas which will require intensified law enforcement

---

<sup>83</sup>Peter R. Kolakowski, City Manager, City of Fredericksburg, communication with staff of the Commission on Local Government, May 22, 1982.

<sup>84</sup>Memorandum from H. P. Fleming, Chief of Police, City of Fredericksburg to Peter R. Kolakowski, City Manager, City of Fredericksburg, January 12, 1982.

activity, the evidence suggests that the City's proposed increase in staff and equipment may exceed what is required to serve the area to be annexed. The Commission recommends that a "calls-for-service" record be kept specifically for the annexed area during the year following annexation and that the law enforcement needs of that area be re-evaluated at that time.<sup>85</sup>

Parks and Recreation. Data submitted to the Commission disclose that the City proposes initially to add one employee and to purchase \$10,000 worth of equipment to provide recreational services to residents in the area proposed for annexation.<sup>86</sup> The City's service plan for the area to be annexed does not include proposals for the development of any parks or new recreational facilities. The Commission questions the adequacy of the City's recreational plans for the area to be annexed. Exhibits submitted to the Commission, as well as the City's Comprehensive Plan, indicate that the City has

---

<sup>85</sup>Data indicate that "calls-for-service" to the County Sheriff's Department from the proposed annexation area averaged about three per 24-hour period between January 1981 and February 1982. (Data provided by Berkley M. Mitchell, Assistant County Administrator, Spotsylvania County, letter to staff of the Commission on Local Government, March 18, 1982.) State resources are available through the Division of Justice and Crime Prevention to assist local governments in assessing law enforcement needs.

<sup>86</sup>Letter from Ralph H. Smith, Director, Department of Parks and Recreation, City of Fredericksburg to Peter R. Kolakowski, City Manager, City of Fredericksburg, January 6, 1982.

within its boundaries approximately 90 acres of park land,<sup>87</sup> well under the 153 acres which would be required to meet State recognized standards for its current population.<sup>88</sup> Further, the City's Comprehensive Plan notes that, exclusive of the tennis courts at the Kenmore Park and two softball and one basketball court at the recently developed Armstrong Field, active recreational facilities "are almost totally lacking from established parks within City boundaries."<sup>89</sup>

The annexation of an additional 2,443 persons increases the need for parks and recreational facilities within the City, particularly facilities for active recreational opportunities and easily accessible to residential neighborhoods. Prior to consideration of the impact of the proposed annexation, the City's Comprehensive Plan contended that "there is an increasing need [in the City] for smaller neighborhood-oriented parks."<sup>90</sup> It is significant to this Commission that, based upon standards endorsed by the State's Commission on

---

<sup>87</sup>Fredericksburg Exhibits, Exh. 17; and Fredericksburg Virginia Comprehensive Plan, pp. 57-61. The City's community center is stated to be of limited recreational value due to its age and physical condition.

<sup>88</sup>Virginia Commission of Outdoor Recreation, Outdoor Recreation Planning Standards for Virginia, 1980.

<sup>89</sup>Fredericksburg Virginia Comprehensive Plan, p. 58.

<sup>90</sup>Ibid., p. 61. The City's Capital Improvements Plan adopted in September 1980 does not presently call for capital investments in park and recreation facilities until Fiscal Year 1986.

Outdoor Recreation, following the proposed annexation the City of Fredericksburg will have a marked deficiency of facilities for active recreational opportunity within its corporate limits.<sup>91</sup> In view of the above, the Commission recommends that the City of Fredericksburg review its park and recreational proposals for the area to be annexed and, based thereon, present to the court a plan designating general sites for needed park and recreational facilities, the services to be provided through each, and their approximate cost and date of acquisition and development.

Water and Sewerage. Material submitted to the Commission indicates that most of the residents in the area proposed for annexation are currently served by central water and sewerage.<sup>92</sup> Further, the agreement of December 22, 1981 represents a major commitment by both the City and the County to meet the general area's utility needs for decades to come. There are, however, two recommendations which the Commission wishes to offer relative to water and sewerage issues. First, the Commission recommends that the City expressly confirm in its presentation to the court its

---

<sup>91</sup>Outdoor Recreation Planning Standards for Virginia. Applying the Commission's endorsed standards indicates a need within the City following annexation of approximately 30 basketball courts and 2 swimming facilities. The Commission notes the City's support of regional recreational facilities through membership in the Fredericksburg-Stafford Parks Authority and commends its efforts. There remains, however, a distinct need for active neighborhood facilities that is not supplanted by the regional facilities.

<sup>92</sup>Spotsylvania Exhibits, Exhs. T-2, T-3.

stated intention to permit the continued use of existing wells and septic tanks in the area proposed for annexation. As long as these facilities do not constitute a health hazard to the user or his neighbor and meet State standards, the City should sanction their continued use. Second, the Commission is cognizant of the fact that the City's original annexation plans called for the construction of a water tank and pump in the Embrey Hill area to provide added water pressure.<sup>93</sup> The City's present plans for the area propose no facilities to improve water pressure in any portion of the area proposed for annexation. The Commission recommends that the City review this issue and report to the court the existence of any potential water pressure problem in the area to be annexed and the means by which such problems will be addressed.

Drainage. The City has reported that the proposed annexation will bring within its corporate boundaries significant drainage problems, including more than 17 miles of roadside drainage ditches which require improvement.<sup>94</sup> The improvement of these drainage ditches, which is planned by the City, and the anticipated further development of the area proposed for annexation will, in all probability, exacerbate the current drainage problem within the City. A large part of the area

---

<sup>93</sup>City of Fredericksburg, Annexation Feasibility Study for the City of Fredericksburg, Virginia, September 1981, Exh. 32.

<sup>94</sup>Kolakowski Memorandum, page entitled "Drainage."

proposed for annexation is located in the Hazel Run drainage basin, which currently receives runoff from three-quarters of the City's land area.<sup>95</sup> Data indicate that in present circumstances Hazel Run's stream capacity is being exceeded during average two-year storm events. The City's 1981 Comprehensive Plan reported that "the amount and velocity of water flowing in Hazel Run is as much as twice the acceptable level."<sup>96</sup> Hence, further development in the area proposed for annexation and improved drainage from that area will, it appears from the evidence available to us, add to the City's current problems with Hazel Run. In view of these conditions, the Commission recommends that the City carefully review its current and prospective drainage problems and present to the annexation court specific proposals, cost estimates, and construction schedules to address the problems identified.

Street Lighting. The City has indicated its intention to extend street lighting into the area proposed for annexation on the basis of current policies applicable within its present corporate limits. City exhibits state that 109 street lights of varying intensity will be installed following annexation, but no indication has been given to indicate when these lights will be installed.<sup>97</sup> The Commission recommends that in its presentation to the annexation court the City give

---

<sup>95</sup>Fredericksburg Virginia Comprehensive Plan, p. 37.

<sup>96</sup>Ibid.

<sup>97</sup>Fredericksburg Exhibits, Exhs. 19, F-6.

approximate dates for the installation of these lights. Clarification regarding the approximate time for the installation of these lights in the various areas will reduce public uncertainty and remove a possible basis for citizen complaint.

## IMMUNITY PROVISIONS

### BASIS FOR IMMUNITY

In its notice to the Commission on Local Government in September 1981 the County sought the immunization of approximately 27 square miles of its territory from city-initiated annexation and from the incorporation of new cities under the provisions of Chapter 21.2 of Title 15.1 of the Code of Virginia. This action sought the immunization of an area extending westward from the City of Fredericksburg, generally following Route 3 (but encompassing the Sheraton Inn, its golf course, and neighboring environs) to the Chancellor Elementary School, and running south and east along Massaponax Creek to the Rappahannock River.<sup>98</sup> Had this immunity action been granted by the court as presented, the City of Fredericksburg would have been permanently foreclosed from annexing along approximately 63% of its boundary with Spotsylvania County. The area included within the County's immunity action contained 12,727 persons, 4,722 housing units, extensive commercial and industrial development, and had a popu-

---

<sup>98</sup> See Appendix D for a map of the area proposed for immunity in the County's action of September 24, 1981.

lation density of 471.4 persons per square mile.<sup>99</sup> As a result of its December 22, 1981 agreement with the City of Fredericksburg, the County elected not to pursue the claim of immunity set forth in its original action, but chose instead to accept the City's commitment not to annex any additional County territory, other than that authorized in the agreement, for a minimum of 25 years. Thus, the issue before the Commission, and that which is proposed for presentation to the court, is not the immunity authorized by Chapter 21.2 of Title 15.1, but immunity endorsed by the City as part of an annexation agreement. Whatever the legal basis for Spotsylvania County's pursuit of immunity, this Commission is cognizant of the County's significant efforts to serve the urban areas adjacent to the City and its strong commitment generally to quality public services and sound governmental administration.

#### Provision of Services

Since 1970 the County has built six new schools and has made major renovations and expanded the capacity of six others. Four of the new schools are located within the area for which the County originally sought immunity.<sup>100</sup> Despite the

---

<sup>99</sup> Spotsylvania Exhibits, Exh. T-1.

<sup>100</sup> County of Spotsylvania, Notice and Petition of Spotsylvania County, Claim of Partial Immunity from City-initiated Annexation and Incorporation of New Cities (hereinafter cited as Spotsylvania Notice), pp. 107ff. Average Daily Membership in the County schools increased from 4,835 in 1970 to 8,469 in 1981. (Virginia Department of Education, Facing Up-8, Statistical Data on Virginia's Public Schools, March 1973; and Facing Up-16, Statistical Data on Virginia's Public Schools, March 1982.)



phenomenal growth of the County during the past decade, the County's schools maintained as of the 1980-81 school year an overall pupil-teacher ratio of 17.5:1 (only slightly above the average for the State as a whole) and a total instructional ratio of 58.6 personnel per 1,000 students in Average Daily Membership (somewhat above the State's average of 54 personnel per 1,000 students in ADM).<sup>101</sup> The Commission also notes that the County provides a day-long kindergarten program, free textbooks to all children regardless of parental income, and free bus transportation, including a late afternoon activities bus which permits students to remain at school for extracurricular activities.<sup>102</sup> The County's commitment to a quality educational program is evident.

Since the early 1970's Spotsylvania County has made a considerable investment in its sewerage treatment facilities. Data submitted to the Commission reveal that (exclusive of the Westwood Subdivision, the Bragg Hill Townhouses, and the Frederick Place Apartments which are served by the City) the County has laid more than 103 miles of sewerage pipe and now serves more than two-thirds of the dwelling units within the original immunity area.<sup>103</sup> The County presently has in operation four sewerage treatment facilities with a combined design

---

<sup>101</sup>Spotsylvania Exhibits, Exh. T-13.

<sup>102</sup>Spotsylvania Notice, pp. 108-109.

<sup>103</sup>Spotsylvania Exhibits, Exh. T-2.

capacity of 3.285 MGD, while the average flow through these facilities during 1980-81 was approximately 1.3 MGD, or slightly in excess of 40% of capacity.<sup>104</sup> Further, the County recently purchased the FMC plant with the intention of converting its industrial wastewater treatment system to handle municipal sewerage. It is expected that after conversion this facility will add approximately 4.5 MGD to the total capacity of the County's sewerage treatment system.

Moreover, it is significant to this Commission that the County has been a member of the Rappahannock Service Authority (RSA) since its inception and has been an active participant in the area's wastewater planning and coordination efforts. The RSA, with Spotsylvania County's participation, completed regional plans for wastewater management and facilities development. The evidence supports the view that Spotsylvania County is fully committed to meeting the sewerage treatment needs of its residents and is prepared to participate in appropriate regional activities.

Since 1970 Spotsylvania County has also devoted considerable public resources toward the development of a comprehensive water system to serve its urbanizing areas. Data presented to the Commission indicate that within the area for which immunity was originally sought, the County has laid nearly 79 miles of water mains and presently serves 71.7% of the area's dwelling units (exclusive of the Westwood Subdi-

---

<sup>104</sup>Ibid.

vision, the Bragg Hill Townhouses, and the Frederick Place Apartments which are served by the City).<sup>105</sup> The County generally is served by the Ni River Reservoir with a billion gallon storage capacity and by the Ni River Filtration Facility which has a treatment capacity of 4.0 MGD.<sup>106</sup> As of 1981 the County's peak demand for treated water was slightly in excess of 2 MGD, or approximately 50% of the system's capacity. The County has also constructed six tanks with a combined capacity of 4.7 million gallons, for the purpose of storing treated water. It is significant to note that four of these tanks, with a storage capacity of over 4 million gallons, are located within the original immunity area.<sup>107</sup> Finally, in planning and developing its water distribution system, the County has been mindful of its fire suppression needs. County policies prohibit the laying of any water pipes of less than six inches in diameter and require developers to install fire hydrants no greater than 500 feet apart.<sup>108</sup> Again, the evidence indicates that the County is committed to meeting the water needs of its residents.

---

<sup>105</sup> Ibid., Exh. T-3.

<sup>106</sup> Spotsylvania Notice, pp. 46ff.

<sup>107</sup> Ibid., p. 48.

<sup>108</sup> Ibid., p. 49. The County's policy relative to pipe diameter is consistent with regulations issued by the State Board of Health which specify that water pipes used for fire suppression activity must be a minimum of six inches in diameter. (State Board of Health, Waterworks Regulations, February 1, 1982, Section 12.02.02.)

Exclusive of State and federal properties, Spotsylvania County has within its boundaries 290 acres of parkland, 230 acres of which are located in the area for which immunity was originally sought.<sup>109</sup> In addition, the County has developed for its residents five community centers, three of which are located within the originally proposed immunity area.<sup>110</sup> Including school facilities, the County presently has within the original immunity area nine tennis courts, fifteen ball-fields, and one public swimming pool. Since 1976 Spotsylvania County has expended over \$500 thousand of local funds in the development of park and recreational facilities, much of it in the immunity area.<sup>111</sup> The data does suggest, however, that as this area continues to urbanize, there will be a need for more neighborhood-oriented recreational facilities, particularly basketball courts and playground areas.

Spotsylvania County operates an active recreational program, which is conducted by a director and nine other full-time salaried employees. The County expended during Fiscal Year 1980-81 approximately \$156 thousand for the operation

---

<sup>109</sup> Spotsylvania Exhibits, Exh. T-8. The Commission notes that 200 acres, or 87% of the County's parkland in the original immunity area, is located in Loriella Park.

<sup>110</sup> Spotsylvania Notice, p. 88.

<sup>111</sup> Spotsylvania Exhibits, Exh. T-8; and Spotsylvania Notice, pp. 88ff.

of its recreation program.<sup>112</sup> The evidence indicates that the County recognizes and has endeavored to meet the recreational needs of its residents.

Spotsylvania County depends primarily upon its Sheriff's Department for its law enforcement needs. While there are ten officers of the Virginia State Police on duty within the boundaries of Spotsylvania County, these officers are primarily responsible for traffic regulation. Of the 1,202 serious crimes reported in Spotsylvania County during calendar year 1980, only 49, or approximately 4%, were handled by the State Police.<sup>113</sup>

The County Sheriff's Department has a staff of 32 full-time paid employees, including 18 road deputies.<sup>114</sup> Based on the number of 32 full-time law enforcement positions in the Sheriff's Department, the County has available one officer for every 1,076 of its residents. The Sheriff's Department does, however, intensify its law enforcement efforts in the high density and commercial areas adjacent to the City

---

<sup>112</sup>County of Spotsylvania, Report on Examination, June 30, 1981, December 4, 1981, Schedule 2-1. The County also expended approximately \$105,000 for the maintenance and operation of its parks during Fiscal Year 1981.

<sup>113</sup>Crime in Virginia, 1980, p. 49.

<sup>114</sup>Spotsylvania Notice, p. 70. The Sheriff's Department has 25 vehicles available to support its law enforcement activities.

of Fredericksburg.<sup>115</sup> It is significant to note that eight of the full-time deputies live within the area for which immunity was originally sought and are on call for assistance 24 hours a day. It is also significant that the County operates two Sheriff's Department substations in the immunity area, one in Spotsylvania Mall and the other on U. S. Route 1 (Business) south of the City.<sup>116</sup>

Although the County does not offer crime prevention and detection service, based upon population and area served, at the level provided by the City, it has indicated a sensitivity to the law enforcement needs of the community and a willingness to increase local expenditures to meet those needs. With the further growth and development of the areas adjacent to the City, there will be an increasing need for intensified law enforcement service in that area.

While the County employs only four full-time paid firefighters, it is served by six volunteer fire companies which are staffed by approximately 165 volunteers.<sup>117</sup> The County has available within its boundaries 21 pieces of firefighting

---

<sup>115</sup>To intensify law enforcement services in the proposed immunity area the County employs two road deputies entirely with local funds. Testimony of Steven T. Foster, County Administrator, County of Spotsylvania, Transcript of Hearing, In Re: Proposed Agreement on Immunity and Annexation, City of Fredericksburg and County of Spotsylvania, pp. 229-230.

<sup>116</sup>Spotsylvania Notice, pp. 70-71.

<sup>117</sup>Spotsylvania Exhibits, Exh. T-7; and Spotsylvania Notice, p. 76.

apparatus. Further, the County's fire suppression efforts are assisted by the availability of over 700 fire hydrants. It is important to note that three of the volunteer stations, nine pieces of apparatus, and 480 fire hydrants (over 67% of the County's total) are located in the area for which immunity was originally sought.<sup>118</sup> County data indicate that fire hydrants are presently found in the immunity area at a frequency of 5.5 per mile of thoroughfare.

Several additional facts might be cited as evidence of the County's concern and willingness to address the fire protection needs of its residents. First, and as mentioned previously, in an endeavor to assure an adequate flow of water for fire suppression, the County prohibits the installation of water mains of less than six inches in diameter. Second, in 1981 the County established the position of Fire Marshal to promote and coordinate fire prevention measures. Third, since 1975 the County has contributed over \$1 million toward the purchase of firefighting apparatus and equipment for the various volunteer companies.

While the evidence indicates that the County is attentive to the fire protection needs of its residents, there are concerns, it appears to us, which the County will have to address in the immediate future. The Commission fully recognizes and appreciates the role of the volunteer in this nation's firefighting efforts, but there is a growing need to increase the number of paid firefighters to assure the availability

---

<sup>118</sup>Spotsylvania Exhibits, Exh. T-7.

of personnel at all hours. The Commission is cognizant of the fact that the County's ISO rating of "9" denotes a fire suppression capacity which can be improved.

#### Community of Interest

It is evident to this Commission that there does exist a strong community of interest between most of the area for which immunity was originally sought and the County generally. We note that most of the County school attendance zones connect the proposed immunity area with outlying areas of the County. Further, the proposed immunity area contains many of the County's major recreational facilities (including three community centers and Loriella Park) which provide recreational opportunities not only to the area's residents, but to the populace of the County generally. Furthermore, the Commission concurs with the contention that the support given throughout the County generally in the referendum on the bond issue for the purchase of the FMC plant is indicative of a community of interest binding the proposed immunity area to the rest of Spotsylvania County.<sup>119</sup> In our judgment, there does exist a significant community of interest between portions of the proposed immunity area and the County generally.

#### Interlocal Cooperation

The Commission has noted the County's extensive support and

---

<sup>119</sup>The percentage of County voters voting to approve the July 1980 FMC bond referendum ranged from a low of 80% in the Traveler's Rest Precinct to a high of 95% in the Belmont Precinct. The County-wide average of voters casting affirmative votes in the bond referendum was 87%. (Spotsylvania Notice, p. 136.)



participation in regional projects and activities. Data submitted to the Commission indicate that Spotsylvania County has been a willing and active participant in regional efforts with respect to planning, wastewater management, criminal justice, library, and human service activities.<sup>120</sup> As a participant in these areas of public concern, the County has promoted the interests of its own residents and those of the region as well. Such regional collaboration permits economic savings and enables localities to undertake and deal effectively with vital public concerns which, in many instances, cannot be properly addressed by political subdivisions acting in isolation. Efforts toward regional cooperation reflect, in our view, sound administration and public policy. These qualities of leadership are fundamentally relevant to the issues before us.

#### RECOMMENDATIONS

A major concern presented to the Commission by members of the public during our review of the City-County agreement was the contention that the moratorium (i.e., immunity) granted the County was unreasonably long. The terms of the agreement call for the City neither to initiate nor accept any annexation (other than that granted by the agreement) for a minimum of 25 years. The assertion was made that various sections of the Code of Virginia, including Section 15.1-1047 which continues the life of an annexation court for only a

---

<sup>120</sup>Ibid., pp. 138-144.

10-year period, should be construed to preclude the City's commitment to a 25-year moratorium.<sup>121</sup> While this issue raises a question of law which must be addressed in another forum, we would observe that the 25-year moratorium may well permanently end the authority of the City to initiate annexation in Spotsylvania County. If the population growth experienced by the County during the previous decade continues, the County will be eligible for total immunity under the laws of the State well before the end of the proposed moratorium.<sup>122</sup>

Whatever the answer to the legal question raised above, the Commission is compelled to address the immunity issue in this report. The proposed 25-year moratorium, and the fact that it would, unlike the County's original immunity action, immunize the entire County from any further annexation by the City of Fredericksburg, will impose a rigidity on local boundaries in the area which may well be counter to the interests of the State. The Commission notes that a statutorily prescribed consideration in annexation proceedings, as well as in other interlocal issues, is the interest of the State in promoting and preserving strong and viable units of local government. The immunity provisions in this interlocal agreement may well, in actuality, grant the County

---

<sup>121</sup>Letter from Enos Richardson, Jr., to the Chairman, Commission on Local Government, March 10, 1982.

<sup>122</sup>Sec. 15.1-977.21, Code of Virginia.

complete and perpetual immunity, and totally foreclose the authority of the City to institute further annexation proceedings in Spotsylvania County. Such permanent and total foreclosure at this time cannot be found, in our judgment, consistent with the interests of the State. Without modification, the immunity provisions in the agreement impose upon the area a premature inflexibility of local boundary lines.

With these concerns in mind, the Commission recommends to the parties two alternatives for consideration. First, the agreement might be modified such that (a) the City would agree to a moratorium on further annexation actions south of Route 3 for a "reasonable" period of years, and (b) the County would agree not to seek the immunization of any territory north of Route 3 for an identical period of time. Such a modification of the agreement would not assure the City of any future annexation award in Spotsylvania County; it would, however, preserve the City's option of pursuing annexation, subsequent to the 10-year delay imposed by law, if it determined that it could prove the "necessity" and "expediency" of such.<sup>123</sup>

Alternatively, the Commission recommends that the agreement be modified such that the immunity granted the County would be founded upon the County's original and statutorily-based immunity action. Such modification might (a) grant the

---

<sup>123</sup>There are statutorily imposed periods of time between successive annexation efforts by a city against the same county. (Sec. 15.1-1055, Code of Virginia.)

City the annexation as currently proposed, and (b) grant the County statutorily-based immunity for that area south of Route 3 described in the County's original immunity petition (exclusive of those properties proposed for annexation).<sup>124</sup>

The Commission observes that, without benefit of further testimony, the County's claim for immunity is weakest in the area north of Route 3. The Commission notes that the County has made only limited investment in public resources north of Route 3 and that the area remains largely rural and without benefit of urban services. In our judgment, the interests of the general area and the State would be served by modification of the immunity provisions as recommended in this section.

#### CONCLUDING COMMENT

In this review the Commission has not sought to measure the annexation and immunity provisions of the agreement against an abstract standard of interlocal equity. By adoption of the agreement the elected leadership of both jurisdictions pronounced their judgment that those provisions, considered collectively, were equitable and in the interest of their communities. The Commission acknowledges such local determination. Further, the Commission wishes to state that, while preceding sections of this report present data which may be cited in support of the annexation and immunity actions, nothing in this document should

---

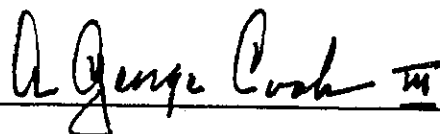
<sup>124</sup>Spotsylvania Notice, pp. 21-25.

be construed as endorsement of either an annexation or a grant of immunity independent of the other. We have considered these actions in concert and have not endeavored to analyze either as a distinct and separate issue.

With acceptance of the fact that the local governing bodies have found the agreement in the interest of their jurisdictions, the Commission has focused its concern on the interests of other affected parties--principally the residents of the area proposed for annexation and the State. In our judgment, acceptance of the recommendations made in this report will serve to protect the distinct interests of those parties.

\* \* \*

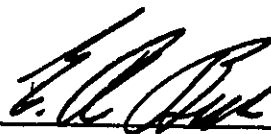
Respectfully submitted,



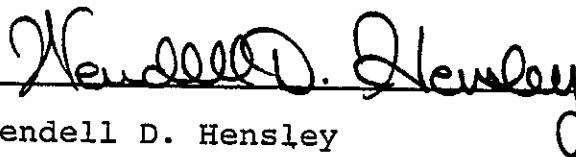
A. George Cook, III, Chairman



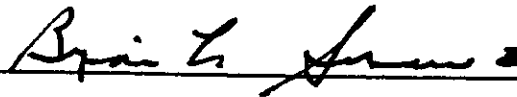
William S. Hubbard, Vice Chairman



E. A. Beck



Wendell D. Hensley



Benjamin L. Susman

APPENDICES

## APPENDIX A

THIS AGREEMENT made and entered this 22nd day of December, 1981, and executed in quintuplicate originals (each executed copy constituting an original) by and between the CITY OF FREDERICKSBURG, an incorporated city of the Commonwealth of Virginia (City) and the COUNTY OF SPOTSYLVANIA, a county of the Commonwealth of Virginia (County).

WHEREAS, the County has filed a Petition for Partial Immunity from city-initiated annexation pursuant to Title 15.1, Chapter 21.2 of the Virginia Code Annotated, and

WHEREAS, the City and the County have reached this agreement defining the City's annexation rights in the future, providing the County certain immunity from city-initiated annexation, and have settled upon a reasonably compact body of land for annexation to the City, and

WHEREAS, the parties as part of their settlement, have agreed to the joint provision of various public utility services as defined herein,

NOW, THEREFORE, in consideration of the mutual covenants and agreements therein contained, the parties agree with each other as follows:

### SECTION 1.00 DEFINITIONS:

The parties hereto agree that the following words, terms and abbreviations as used in this Agreement shall have the following





defined meanings, unless the context clearly provides otherwise:

1.01 "B. O. D." shall be the quantity of oxygen utilized in the biochemical oxidation of organic matter in wastewater under standard laboratory procedure in five days at 20° C., expressed in milligrams, per liter (mg/L).

1.02 "City" shall mean the City of Fredericksburg.

1.03 "City Sewage Treatment Facility" shall mean the City's existing sewage treatment facility.

1.04 "Code" shall mean the Code of Virginia of 1950 as amended. References to Code provision shall mean those particular Code provisions, or similar provisions if the Code is amended after execution of this Agreement.

1.05 "Commission" shall mean the Commission on Local Government.

1.06 "County" shall mean the County of Spotsylvania.

1.07 "Hazel Run Interceptor Line" shall mean that line extending from the County's existing Hazel Run Lift Station to the City's existing 24" gravity line in Hazel Run in the vicinity of its confluence with Smith Run (see Exhibit C).

1.08 "Interjurisdictional Contracts" - all water and sewage agreements herein shall be considered interjurisdictional contracts.

1.09 "FMC Plant" shall mean that portion of the property purchased in 1980 by the County from FMC and intended by the parties to be used as a municipal sewage treatment plant.

1.10 "FMC Sewage Treatment Facility" shall mean the resulting facility from the conversion of the FMC Plant, as defined in Subsection 1.09, from an industrial sewage treatment facility to a municipal sewage treatment facility.

1.11 "Section" or "Subsection" refers to parts of this Agreement unless the context provides that "section" refers to parts of the Virginia Code.

1.12 "Sewage" shall mean wastewater.

SECTION 2.00 BOUNDARY ADJUSTMENTS AND IMMUNITY:

2.01 The County agrees to the annexation by the City of the area detailed by general metes and bounds description and map set forth in Exhibit A, incorporated herein, on the terms and conditions provided in this Agreement. The effective date of annexation shall be January 1, 1983.

2.02 The City agrees that it will not initiate or institute any proceeding to annex all or any portion of the County not described in Exhibit A of this Agreement, for the term provided in Subsection 2.04, and the City agrees that it will not initiate, institute, or be a party to any proceedings to annex or otherwise to acquire all or any portion of County for such term, nor will the City accept any annexation of territory of the County pursuant to Section 15.1-1034 of the Va. Code, without the express consent of the County.

2.03 As a part and parcel of the consideration for this Agreement the City agrees to pay the County the following sums of money, in addition to the other terms of this Agreement:

2.03(1) The City shall assume a just proportion of the existing County debt, existing as of and commencing January 1, 1983, and pay said debt as provided by Section 15.1-1042(b) of the Va. Code. The City shall pay each January 1st, beginning January 1, 1983, and annually thereafter, the annual amount of the City's share of the County's debt for that year into an account designated by the City, but in the name of the County. The County shall draw upon the principal balance as payments of its debt become due. The City will retain the interest on said account, which will be refunded at the end of each respective year by the County, beginning December 31, 1983.

2.03(2) The City shall pay the County on January 1, 1983, a sum equal to the value of public improvements located in the annexed area described in Exhibit A as provided in Sections 15.1-1042(c) and 15.1-1043 of the Va. Code; except that the City shall not be required to pay the value of the FMC River Water Line referenced on Exhibit B; and the City will pay a pro-rata share of the value of lines detailed in Exhibit C, in the same proportion as the City will pay the costs set forth in Subsection 4.01(1); said exhibits incorporated herein for reference.

2.03(3) The City shall pay the County a sum equal to the County's prospective loss of net tax revenues (as defined in Section 15.1-1042(c) of the Va. Code) for the period of two (2) years commencing January 1, 1983 and ending December 31, 1984. Payment is to be made in eight (8) equal quarterly installments beginning January 1, 1983, with final payment being made on October 1, 1984.

2.03(4) The parties shall make every effort to agree upon the amount of payments under Subsection 2.03 (2.03(1), 2.03(2), and 2.03(3)), within ninety (90) days of the execution of this Agreement. In the event the parties are unable to agree within the ninety (90) day period, the amount of said payment will be determined pursuant to Title 15.1, Chapter 25, Article 1 of the Va. Code, by the Special Court appointed pursuant to Title 15.1, Chapter 26.2 of the Va. Code. The payments shall be effective and commence no later than January 1, 1983, unless otherwise designated by the Special Court.

2.04 The term for the immunity from annexation agreed upon in Subsection 2.02 shall begin with the execution of this Agreement and continue for twenty-five (25) years from the effective date of the Order of the Special Three-Judge Court, appointed pursuant to Title 15.1, Chapter 26.2 of the Va. Code, approving the annexation of the territory described in Exhibit A; to the City in accordance with the terms and conditions of this Agreement. If at the end of said twenty-five (25) year period there is in effect an agreement or agreements providing for the interjurisdictional provision of water or sewage services between the City and County, the immunity shall be extended for an additional five (5) year period. If there are no such agreement or agreements then in effect, the City may give written notice of termination within ninety (90) days of the end of the twenty-five (25) year period.

2.05(1) The parties shall take any and all action necessary to implement the terms of this Agreement. The City Council shall immediately initiate the steps necessary to pass an annexation ordinance, as provided by law, of the territory described in Exhibit A and consistent with the terms and conditions of this Agreement.

2.05(2) If a citizen petition for annexation is initiated pursuant to Section 15.1-1034 of the Va. Code during the term provided in Subsection 2.04, the City agrees to forthwith reject the petition as provided in Sections 15.1-1034 and 15.1-1044 of the Va. Code, unless the County expressly consents to such citizen petition.

2.05(3) The parties agree to oppose any changes in boundary lines recommended by the Commission or the Court, unless the parties mutually agree to the recommended changes. If the parties do not mutually agree to the recommended changes, then this Agreement shall immediately terminate.

2.05(4) The City agrees that if this Agreement is terminated and/or for any reason the County must proceed with its Petition for Partial Immunity, said Petition will be heard first; and will be heard separately from any petition for annexation of any of the County's territory that the City might file.

2.05(5) Prior to the date of the final approval of the annexation of the territory described in Exhibit A to the City, the County agrees promptly to notify the City of any requested or planned changes in land use, zoning, special use, etc. relating to said territory. The County Board of Supervisors and the County Planning Commission shall solicit, welcome, and carefully consider the views of the City in this regard.

SECTION 3.00 JOINT SERVICES - WATER

3.01 The City and County agree to provide up to one (1) million gallons per day of potable water, each for the other respectively upon request at existing interconnections or connections provided for herein, upon reasonable notice given by the requesting party to the supplying party. If either the City or the County desires more than one (1) million gallons per day, or desires other connections, the parties may negotiate the provision for such additional water or connections by separate agreements.

3.02 In addition to the water provided for in Subsection 3.01, the City and the County agree to supply emergency water to each other, upon request, in the event either party declares a water emergency. An example of a water emergency would be a contaminated raw water source or a water shortage. The party requesting additional potable water agrees to take the necessary governmental action to prevent excessive use and/or waste of water. The City and County agree to cooperate in the imposition of water conservation restrictions in the event of an emergency. In the event a water emergency extends for more than sixty (60) days, the provision of water under this Subsection shall be reviewed by the City and County governing bodies.

3.03 The City shall have an option to design and construct an interconnection between the City's and the County's water systems on State Route 639. The City shall pay the costs of any construction necessary for making this connection and may become a bulk water purchaser from the County upon completion of said connection.

3.04 The County shall have the option under Section 3.01 above to require the City to supply one (1) million gallons of water per day to the FMC Plant property.

3.05 The City and County agree to jointly entertain the concept of a Feasibility Study involving a connection between the Mott's Run Reservoir and the Ni River Reservoir.

3.06 The rate of charge for provision of water under Section 3.00 shall be determined as follows:

3.06(1) The current rate of \$0.60/100 cu. ft. or \$0.80/1,000 gallons shall be in effect until July 1, 1982.

3.06(2) After July 1, 1982, and for the remaining term of this Agreement, the rate shall be determined as follows: The City and County will each commission an in-house study to establish each party's respective bulk water rate based on a water rate equal to the cost of production, (including but not limited to operation and maintenance cost, capital cost, depreciation, and debt service), plus 10%, as determined by the in-house studies. The City and County each reserve the right to conduct its own audit of the rate in the event there is disagreement as to the rate fixed by the respective in-house study. The rates determined under this Subsection 3.06(2) shall be reviewed annually.

3.06(3) The City and County agree that any dispute as to the rate fixed in Subsection 3.06(2), if not settled between the parties, will be submitted to the Commission on Local Government for arbitration. The decision of the Commission shall be final and binding on the City and County. If the Commission declines or is unable to act as arbitrator, then the parties will select a mutually agreeable method to resolve the dispute.

SECTION 4.00 JOINT SERVICES - SEWAGE

4.01(1) Both the City and the County agree to revert to the use of the Hazel Run gravity flow system for the transportation of sewage originating in the Hazel Run Watershed, or north of Route #3 which can be sewered by this system. Immediately upon execution of this Agreement, the parties shall jointly take the necessary action to design and construct the necessary capital improvements to the Hazel Run Interceptor Line (as defined in Subsection 1.07) to provide the transportation of County and City sewage originating in the Hazel Run Watershed, or north of Route #3, to the City Sewage Treatment Facility , and/or FMC Sewage Treatment Facility. The costs of the necessary capital improvements to construct the Hazel Run Interceptor Line shall be borne between the County and the City on a pro-rata basis, based on a formula comparing the City's and the County's projected flow upon completion of the necessary capital improvements and the City's and County projected flow in the year 2000, as calculated by the engineering firm of Sullivan, Donahoe & Ingalls, P.C. The City flow shall be that sewage flow originating in the City (including the territory described in Exhibit A). The County flow shall be that flow originating in the County (less the territory described in Exhibit A). The City's and the County's share of the costs shall be their respective percentage of total flow. The formula shall give equal weight to flow projections. The parties agree to adjust the cost based on actual flow and projected flow for the year 2000. The immediate reversion of sewage to the Hazel Run gravity flow system will occur upon the completion of the necessary capital improvements to the Hazel Run Interceptor Line. If prior



to the reactivation of the FMC Sewage Treatment Facility, the City's Sewage Treatment Facility is unable to adequately treat the sewage flow, then the parties agree that the existing lines and lift station shall be activated to handle the sewage flow. The engineering firm of Sullivan, Donahoe & Ingalls, P.C. shall provide, at joint expense of the City and County, the design specifications and criteria under which the City and County sewage flowing through the Hazel Run Interceptor Line will be transferred to the Massaponax Sewage Treatment Facility. The standby and operational and maintenance costs of the lift station will be borne jointly by the parties on the pro-rata formula set out in this Subsection. Maintenance cost on the Hazel Run sewer lines east of the Interstate 95 line of annexation shall be borne exclusively by the City. The County shall retain ownership of and shall maintain the Hazel Run sewer lines west of the Interstate 95 line of annexation.

4.01(2) Prior to reactivation of the FMC Plant as a sewage treatment facility, the County shall pay the City the existing bulk sewage rate of \$0.60/1,000 gallons for sewage actually treated by the City Sewage Treatment Facility originating in the County (not including territory described in Exhibit A) until July 1, 1982. Beginning July 1, 1982, and prior to reactivation of the FMC Plant, the City may review and adjust said rate using the formula set forth in Subsection 3.06(2).

4.01(3) The City and County agree that neither will impose upon the other any moratorium on new water or sewer connections. All such service will be on a first-come, first-serve basis.

4.01(4) The engineering firm of Sullivan, Donahoe & Ingalls, P.C., at the joint expense of the parties, will formulate a method of apportioning the volume of inflow and infiltration into the Hazel Run gravity flow system from the City and the County.

4.01(5) The County will make available to the City, at actual cost, the County's television truck to be used on work on all joint use sewerage lines.

4.02 Concurrent with the commencement of operation of the FMC Sewage Treatment Facility, the City will guarantee delivery of a minimum of one (1) million gallons per day of sewage flow (which includes sewage from the County originating in the Hazel Run Watershed or north of Route #3) to the County for treatment at the FMC Sewage Treatment Facility.

4.03 The City agrees to make the improvements necessary to transmit sewage from its existing system to the FMC Sewage Treatment Facility, through one of the three (3) existing FMC river water lines (as determined by the engineering firm of Sullivan, Donahoe & Ingalls, P.C.). The point of delivery shall be the headworks of the FMC Sewage Treatment Facility which is at the FMC lift station. The City shall not have to purchase the line designated by Sullivan, Donahoe & Ingalls, P.C. from the County but shall be responsible for the cost of maintenance of this line.

4.04(1) The City and County agree to share the cost of improvements necessary to receive City/County sewage through the above line once it reaches the point of delivery of the FMC Sewage Treatment Facility on the FMC Plant property and the necessary capital improvements to reactivate the FMC Plant as a sewage treatment facility.

4.04(2) The City and County agree that the costs of the necessary capital improvements referred to in 4.04(1) will be shared on a pro-rata basis. The City's share will be that percentage of the costs of the necessary capital improvements based on the percentage of capacity allocated to the City in the FMC Sewage Treatment Facility calculated as follows:

Formula:

Capacity allocated to City - CAC  
Total FMC Sewage Treatment Facility Capacity - T/FMC/C  
Total cost of necessary capital improvements - TCCI

A. 
$$\frac{CAC}{T/FMC/C} \times 100 = \text{Percentage of CAC}$$

B. 
$$TCCI \times \text{Percentage of CAC} = \underline{\text{City's Share of Cost}}$$

The capacity allocated to the City at the FMC Sewage Treatment Facility shall be 1.5 million gallons per day (1.5 MGD). For the purpose of the formula stated in this Subsection, the figure T/FMC/C shall not be set at a figure greater than 4.4 MGD.

4.04(3) The County may reactivate the FMC Sewage Treatment Facility at such capacity as is determined to be most cost effective by the engineering firm conducting the FMC feasibility study provided in Subsection 4.05, provided the total capacity is not less than 4.0 million gallons per day (4.0 MGD).

4.05 The County and City agree to pay one-half (1/2) of the fees associated with an engineering feasibility study for the reactivation of the FMC Sewage Treatment Facility. The parties will jointly commission the engineering firm of Sullivan, Donahoe & Ingalls, P.C. to develop the scope of work and Request for Proposal (R.F.P.) for this study. The R.F.P.'s will be disseminated immediately upon approval of both governing bodies. The study shall include the study of the use of 3.4 million gallon capacity of the existing lagoons at the FMC Plant. Capacity shall be reserved in these lagoons for emergency storage of County/City sewage. The County agrees to receive and treat at the FMC Sewage Treatment Facility any sewage (above the City's allocated capacity) from these lagoons so long as unused capacity is available at the FMC Sewage Treatment Facility.

4.06 The City shall pay to the County the sum of \$500,000.00 as an advance payment to reserve capacity as a bulk customer at the FMC Sewage Treatment Facility. The \$500,000.00 shall be paid by the City to the County upon the County's acceptance of a contract for the construction to reactivate the FMC Plant as a sewage treatment facility, with said sum to be credited against total capital cost as used in the formula, defined in Subsection 4.07, to determine the rate paid by the City to the County for sewage treatment at the FMC Sewage Treatment Facility.

4.07 The City will become a bulk sewage customer of the County at the FMC Sewage Treatment Facility with the rate charged to the City (for treating sewage originating in the City) being fixed annually by the County. The rate shall be fixed based on the operation and maintenance costs, total capital costs (less the \$500,000.00 capacity advance payment and City's actual contribution to the capital improvements), depreciation, debt service, plus ten (10) percent. The rate set herein shall be subject to the provision of Subsection 3.06(3). In calculating total capital costs, the engineering firm doing the feasibility study provided for in Subsection 4.05 shall determine the amount of existing total capital cost and existing debt service that are allocable to the FMC Plant, in addition to the new capital costs incurred in converting to the municipal sewage treatment facility.

4.08(1) The parties agree to jointly take the steps necessary to amend the 208 Area Wide Wastewater Management Plan to include three treatment plants by name. These are: the FMC Sewage Treatment Facility, the Massaponax Sewage Treatment Facility, and the Fredericksburg Sewage Treatment Facility. The parties further agree to jointly take the steps necessary to obtain amendment and approval by RADCO and the State Water Control Board.

4.08(2) The parties agree to seek an equitable allocation of the "B.O.D." loading under federal and state law for the plants listed above.

SECTION 5.00 SUBSECTION "K" OF THE CITY CHARTER

5.01 The City agrees it will not take any action under Subsection "K" of Article 22 of its Charter in regard to hazardous wastes, if any, at the FMC Plant site.

5.02 The County will not seek or initiate or participate in any amendment of Subsection "K" of Article 22 of the City's Charter by the Virginia General Assembly.

SECTION 6.00 MISCELLANEOUS PROVISIONS

6.01 The County acting through its authorized officers, employees and representatives, together with similar representatives of the City, shall be accorded the privilege at all reasonable times of making inspections of the joint-use facilities herein.

6.02 This Agreement shall become effective upon execution and shall continue in effect for the term provided in Subsection 2.04 of this Agreement.

6.03 This Agreement shall be binding upon and inure to the benefit of the parties hereto, their assignees, and upon any successor of the City and/or County.

6.04 This Agreement may be amended, modified or supplemented, in whole or in part, by mutual consent of the City and County, by a written document of equal formality and dignity, duly executed by the authorized representatives of the City and County.

6.05 This Agreement shall be enforceable in any court of competent jurisdiction, by any of the parties hereto, by any appropriate action at law, or in equity to secure the performance of the covenants herein contained.

WITNESS the following signatures and seals:

CITY OF FREDERICKSBURG

ATTEST:

By:

Lawrence A. Davies  
Mayor

Christie S. Pugh  
City Clerk

COUNTY OF SPOTSYLVANIA

ATTEST:

By:

W. Mason  
Chairman of the Board

Stewart Poston  
Board Clerk

STATE OF VIRGINIA

County of Spotsylvania, to-wit:

The foregoing contract was acknowledged before me this the 22nd day of December, 1981 by LAWRENCE A. DAVIES, Mayor, and CHRISTIE PUGH, City Clerk for the City of Fredericksburg, Virginia.

My commission expires: February 26, 1984.

Kathi E. Montes  
Notary Public

STATE OF VIRGINIA

County OF Spotsylvania, to-wit:

The foregoing contract was acknowledged before me this the 22nd day of December, 1981 by HUGH C. COSNER, Chairman of the Board of Supervisors, and STEVEN T. FOSTER, Clerk of the Board of Supervisors of Spotsylvania County, Virginia.

My commission expires: February 26, 1984.

Kathi E. Monte  
Notary Public



THIS SUPPLEMENTAL AGREEMENT made and entered the 2nd day of April, 1982, and executed in quintuplicate originals (each executed copy constituting an original) by and between the CITY OF FREDERICKSBURG, an incorporated city of the Commonwealth of Virginia (City) and the COUNTY OF SPOTSYLVANIA, a county of the Commonwealth of Virginia (County).

WHEREAS, the City and the County have previously entered into an agreement dated December 22, 1981, (the "December 22, 1981, Agreement") and

WHEREAS, in section 2.03 of the December 22, 1981, Agreement, the City and the County contracted in part to agree upon the amount of compensation to be paid by the City to the County for a just proportion of the existing County indebtedness, for the value of public improvements located in the annexed area to be acquired by the City and for the County's loss of net tax revenue and

WHEREAS, the City and the County have agreed upon the amount of said compensation.

NOW, THEREFORE, in consideration of the mutual covenants and agreements therein contained, the parties agree with each other as follows:

1. Pursuant to Section 2.03 (subsections 2.03(1), 2.03(2), 2.03(3) and 2.03(4)), the City agrees to pay the County four million one-hundred thousand (\$4,100,000.00), (of which the sum of \$1,800,000.00 represents debt assumption) payable in eleven quarterly installments of \$341,666.66, the first installment being due January 1, 1983, and a like sum due April 1, 1983, July 1, 1983, October 1, 1983, January 1, 1984, April 1,

1984, July 1, 1984, October 1, 1984, January 1, 1985, April 1, 1985, July 1, 1985 and one final installment of \$341,666.74 being due October 1, 1985.

2. The quarterly installment payments shall be made by certified cashier's check, certified funds or other appropriate like method of payment (e.g., wire transfer of money) acceptable to the County, and shall be delivered to the County on or before the due date for each installment referred to in paragraph 2.

3. Upon the final installment being received on October 1, 1985, by the County, the City's obligations under Section 2.03 of the December 22, 1981, Agreement and Section 15.1-1042 of the Virginia Code shall be fulfilled.

4. The parties acknowledge that no part of the payment shall be construed to mean that the City is assuming any part or proportion of the existing indebtedness of the County relating to the FMC property purchased by the County in 1980 from FMC or any part of said property.

5. Nothing contained in this Supplemental Agreement shall be construed as amending or modifying any provision of the December 22, 1981, Agreement, except as expressly set forth herein. The December 22, 1981, Agreement between the City and the County stands complete according to its terms.

WITNESS the following signatures and seals:

CITY OF FREDERICKSBURG

By   
Mayor

ATTEST:

Deputy Phyllis C. Ellis  
City Clerk

COUNTY OF SPOTSYLVANIA

By Andrew H. Seay  
Chairman of the Board

ATTEST:

Steven T. Foster  
Board Clerk

STATE OF VIRGINIA  
CITY OF FREDERICKSBURG to wit:

The foregoing contract was acknowledged before me this the 13<sup>TH</sup>  
day of April, 1982, by Lawrence A. Davies, Mayor, and  
Phyllis C. Ellis, City Clerk for the City of Fredericksburg,  
Virginia.

My commission expires: November 29, 1985.

Bobby M. Mitchell  
Notary Public

STATE OF VIRGINIA  
COUNTY OF SPOTSYLVANIA, to-wit:

The foregoing contract was acknowledged before me this the 13<sup>TH</sup>  
day of April, 1982, by Andrew H. Seay, Chairman of the Board of  
Supervisors, and Steven T. Foster, Clerk of the Board of Supervisors of  
Spotsylvania County, Virginia.

My commission expires: November 29, 1985.

Bobby M. Mitchell  
Notary Public

## APPENDIX B

### Statistical Profile of the City of Fredericksburg, County of Spotsylvania, and the Area Proposed for Annexation

	<u>City of Fredericksburg</u>	<u>County of Spotsylvania</u>	<u>Area Proposed for Annexation</u>
Population (1980)	15,322	34,435	2,443
Land Area (sq. mi.)	6.07	411.00	4.63
School Age Population (1980)	2,280	11,040	553
School Average Daily Membership (1980-81)	2,191	8,469	489
Total Taxable Values (1981)	\$336,267,596	\$802,306,373	\$56,797,551
Real Estate Values (1981)	\$277,085,772	\$664,070,578	\$46,197,731
Public Service Corporation Values	\$27,533,801	\$44,770,328	991,000
Tangible Personal Property Values	\$25,295,778	\$44,923,590	\$3,565,372
Machinery and Tools Values	\$6,109,570	\$16,015,886	
Merchants Capital Values		\$27,052,825	\$6,042,068
Mobile Home Values	\$242,675	\$5,473,166	\$1,380
Existing Land Use (Acres) <sup>1</sup>			
Residential	887	10,455	210
Commercial	230	718	83
Industrial	206	1,699	70
Public and Semi-public	920	16,555	139
Rights-of-way	450	10,093	N/A
Vacant, Agricultural, and Wooded	1,193	223,520	2,462
Sales Tax Receipts (1981)	\$112,138,380	\$178,898,359	\$44,724,590

NOTE: 1--Land use estimated of the land uses for the City and area proposed for annexation were calculated in 1981. Estimates for the County were calculated in 1977.

N/A--Not Available

SOURCE: City of Fredericksburg, City of Fredericksburg vs. County of Spotsylvania, Annexation Suit, Submitted to Commission on Local Government, Commonwealth of Virginia, March 31, 1982, Exh. 2.

Fredericksburg Exhibits, Exh. 10.

Berkley M. Mitchell, Assistant County Administrator, County of Spotsylvania, letter to staff, Commission on Local Government, March 18, 1982.

Keith Littlefield, Community Development Coordinator, City of Fredericksburg, letter to staff, Commission on Local Government, March 17, 1982.



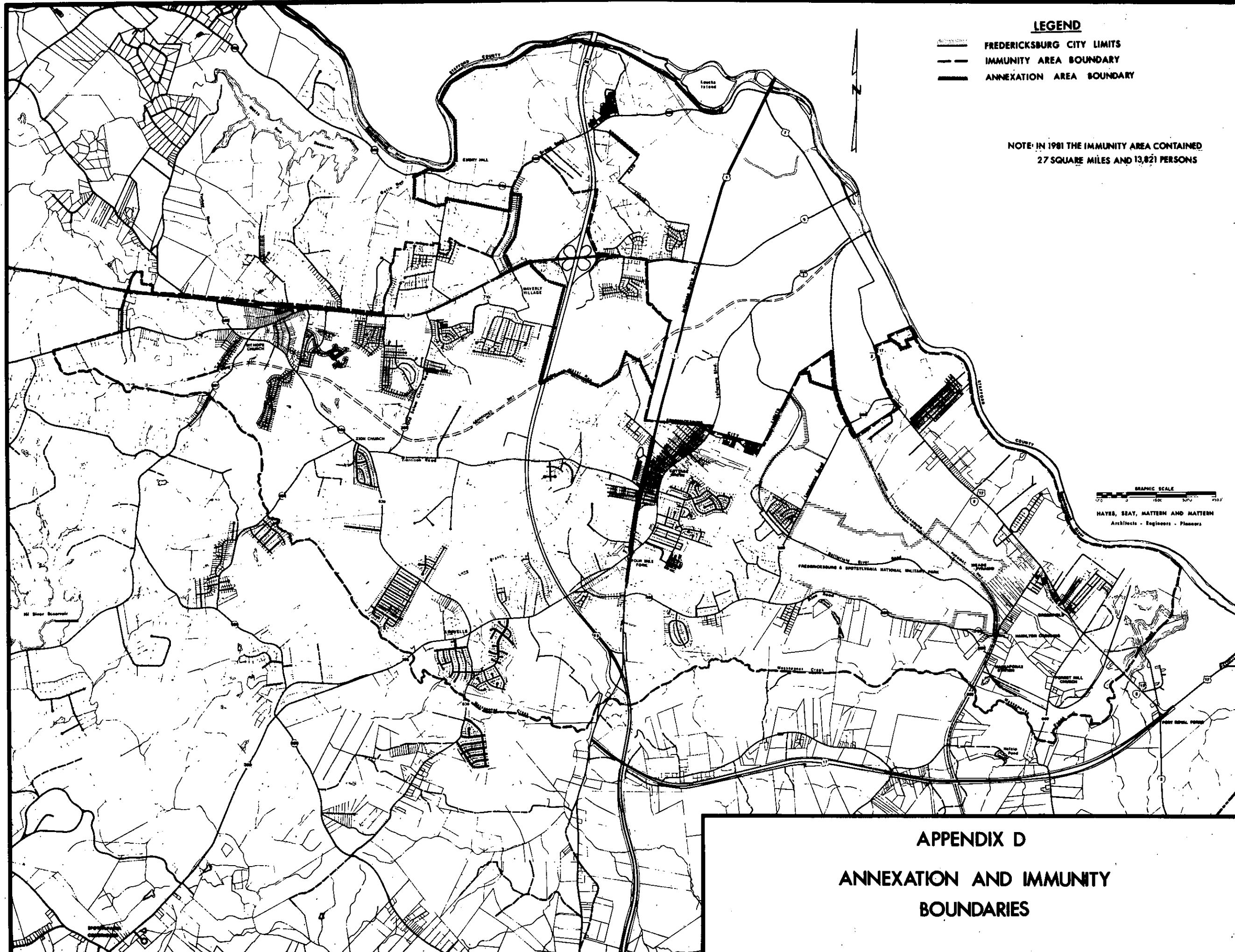
CITY OF FREDERICKSBURG  
AND VICINITY

CITY OF FREDERICKSBURG-SPOTSYLVANIA COUNTY  
ANNEXATION AGREEMENT ( 12-22-81 ) BOUNDARY

MAP PREPARED BY  
WILEY & WILSON  
ARCHITECTS - ENGINEERS - PLANNERS  
BASE DATA BY U.S.G.S.

DECEMBER 1981  
1" = 100' (30.48 M)  
SCALE IN FEET

APPENDIX C



**LEGEND**

- FREDERICKSBURG CITY LIMITS
- - - IMMUNITY AREA BOUNDARY
- ANNEXATION AREA BOUNDARY

NOTE: IN 1981 THE IMMUNITY AREA CONTAINED  
27 SQUARE MILES AND 13,821 PERSONS

GRAPHIC SCALE  
0 100 200 300 400  
HAYES, SEAY, MATERN AND MATERN  
Architects - Engineers - Planners

**APPENDIX D  
ANNEXATION AND IMMUNITY  
BOUNDARIES**