SPECIAL
COUNCIL MEETING
December 11, 1975

A special meeting of the Elkton Town Council was held Thursday, December 11, 1975 at 9:00 P.M. in the Council Chambers with the Mayor, H. Ditman Flory presiding. The following council members were present: Mr. C. E. Dean, Mr. R. R. Dean, Mr. H. A. Leet, Mr. R. J. Lough, Mr. W. H. McGahey and Mr. W. P. Suiter. Mr. Gerald Monger, Superintendent, Mr. R. Bruce Wiles, Town Attorney and Mrs. Norma R. Leap, Clerk were also present.

Mr. C. E. Dean opened the meeting with prayer.

The council waived notice thereof for Mr. Gary Nickerson to give his report.

Mr. Nickerson reported that in order for the town to get their permit reinstated to put flouride into the town's water supply, the council would have to provide evidence that the citizens want flouride in the water. Mr. Nickerson will have the cost of reinstalling this project by the next meeting.

Mr. Nickerson reported that we probably will not receive the Step I Grant Money from EPA until February or March.

After some discussion regarding financing the New Wastewater Facilities it seems best to pursue an F.H.A. loan.

Mr. R. J. Lough moved, seconded by Mr. H. A. Leet to adopt a resolution to authorize Gary Nickerson to proceed with the F.H.A. for a loan of $250,000.00 for forty years. The vote was recorded as follows:

C. Dean	- yea	R. Lough	- yea
R. Dean	- yea	W. McGahey	- yea
H. Leet	- yea	W. Suiter	- yea

Mr. R. J. Lough moved, seconded by Mr. W. P. Suiter to approve the First Reading to employ Arthur Beard Engineers and enter into a contract with them for engineering services for Step II and III on the Wastewater Treatment Plant Expansion design as outlined in the contract for the sum of $114,000.00. The vote was recorded as follows:

C. Dean	- yea	R. Lough	- yea
R. Dean	- yea	W. McGahey	- yea
H. Leet	- yea	W. Suiter	- yea

Mr. Wiles was asked to check into the types of bonds.

Mr. Carl Lee Smith was present and presented his views regarding annexation.

Mr. W. H. McGahey moved, seconded by Mr. W. P. Suiter and carried unanimously to go into Executive Session for the purpose of discussing litigation on annexation.

Mr. W. P. Suiter moved, seconded by Mr. R. J. Lough and carried to go out of Executive Session back into Regular Session.

Mr. W. P. Suiter moved, seconded by Mr. W. H. McGahey for the Town of Elkton to supply electric to the area in question of annexation. The vote was recorded as follows:

C. Dean	- nay	R. Lough	- nay
R. Dean	- abstain	W. McGahey	- yea
H. Leet	- yea	W. Suiter	- yea

Mr. W. P. Suiter moved, seconded by Mr. H. A. Leet to adopt the following resolution drafted by our Town Attorney:

TOWN OF ELKTON, VIRGINIA

A RESOLUTION TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF ELKTON, VIRGINIA, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 25, TITLE 15.1 OF THE CODE OF VIRGINIA, 1950, AS AMENDED

WHEREAS, a petition signed by more than 51% of the qualified voters of 331.94 acres of the territory of Rockingham County, Virginia, lying adjacent to the existing northern corporate limits of the Town of Elkton, Virginia, stating that the annexation of said territory to the Town of Elkton is desirable, and praying that such annexation be accomplished, was filed in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, on the 17th day of November, 1975; and

WHEREAS, a notice by said petitioners that they will move said Court to grant said annexation on the 15th day of December, 1975, at 9:30 o'clock, a.m., or as soon thereafter as their motion may be heard, to which notice a copy of said petition was attached, has been served on the Mayor and on each member of this Council; and

WHEREAS, examination of said petition discloses that it was signed by 17 of the 26 qualified voters of said territory, or 65.4 % thereof; and

WHEREAS, this Council recognizes that a considerable portion of said 331.94 acres of the territory of Rockingham County, as described by metes and bounds in said first mentioned petition is comprised of a subdivision known as "Elkwood," which is planned for residential development and will provide much needed space for the future growth and development of the Town, is well adapted to municipal development, and that there is a contract between the Town and the Developer, British Woods Corporation, providing for the extension of municipal water and sewer service into this area; that said territory is a reasonably compact body of land adjoining the present corporate limits of the Town; that there exists a strong community of interest between the residents of said territory, present and future, and the residents of the Town; that a substantial majority of the qualified voters of said territory favor said annexation; and that if said territory is not immediately annexed to the Town of Elkton, the territory can be expected to experience rapid growth and development, which would occur to a large extent outside and beyond the jurisdiction of the Town to control;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Elkton, Virginia, in special meeting assembled this 11th day of December, 1975, as follows:

1) That the Town of Elkton hereby declares it is desirable that there be annexed to it, pursuant to the provisions of Article 1, Chapter 25, Title 15.1 of the Code of Virginia, 1950, as amended, and subject to the terms and conditions to be prescribed by the Circuit Court of Rockingham County, Virginia, 331.94 acres of the territory of Rockingham County, Virginia, situate and lying in Stonewall District of said County, adjacent to the existing northern corporate limits of Elkton, the annexation of which territory has been prayed for in the petition of Gerald K. Monger and others constituting 65.4 % of the qualified voters of said territory, in which petition said territory is described, according to a survey thereof made on October 24, 1975, by Cameron G. Copp, C.L.S. (James C. Wilkins & Associates, Inc.), a plat of which survey was filed in the Clerk's Office of said Court with said petition on November 17, 1975, by the following metes and bounds, to-wit:

BEGINNING at an iron pin set at a point on the southern line of North Avenue near the intersection of North Avenue and Route 340; thence with the old Town limits of Elkton N 88° 34' W 64.85 feet to an iron pin set on the eastern line of Route 340; thence along the eastern line of Route 340 N 00° 23' W 150.72 feet to an iron pin; thence N 00° 23' W 30.00 feet to an iron pin; thence N 02° 29' E 100.13 feet to an iron pin; thence N 00° 23' W 100.00 feet to an iron pin; thence N 03° 15' W 100.13 feet to an iron pin; thence N 00° 23' W 150.00 feet to an iron pin; thence N 02° 29' E 100.13 feet to an iron pin; thence N 00° 14' W 99.72 feet to an iron pin; thence N 03° 32' E 99.56 feet to an iron pin; thence N 04° 05' W 99.98 feet to an iron pin; thence N 03° 46' E 319.80 feet to an iron pin; thence N 05° 23' E 371.89 feet to an iron pin in the northern limits of said road at the southwestern corner of a tract of land now owned by Ivan Messick, et al.; thence with two lines of the said Messick tract S 85° 01' E 342.52 feet to an iron pipe found; thence N 12° 21' E 822.41 feet to an ailanthus tree in the southern line of E. O. Peed's land; thence with said line S 83° 23' E 105.53 feet to a white oak tree, the southeast corner of said Peed's land; thence with the eastern line of said Peed's land and the same course continued with Linwood R. Hensley's land N 22° 58' E 909.56 feet

to an iron pin in the said Hensley's line and a corner with Leroy Kite's land; thence with the said Leroy Kite's land N 88° 50' E 2,868.52 feet to an iron pipe set; thence with Jessie Dean's land S 00° 33' E 397.20 feet to an iron pin; thence S 72° 28' E 963.79 feet to a white oak; thence with said Jessie Dean and the same course continued with Nannie Nizer's land and with Martha Nizer's land S 14° 49' W 1,484.46 feet to an iron pipe set, a corner with Jennie Grymes' land; thence with Jennie Grymes, Rachel Banks and James L. Shifflett's land S 18° 24' W 1,105.85 feet to a black oak in Annie Walker's line, a corner of Elkwood Company's land; thence along the south side of the said land and passing the corners common to Annie Walker and Ralph Dean S 87° 32' W 1,283.35 feet to a fence corner, an apparent corner to the said Ralph Dean and H. C. and Robert L. Hisey, II; thence with the said Hiseys S 86° 49' W 183.91 feet to a pipe found; thence S 87° 26' W 779.84 feet to a point in the aforesaid Elkwood line near a pipe found in the said Hisey line; thence crossing the said Hisey land, Virginia Street and along the rear of Lots 1 through 6, Block "D" in Liberty Heights Subdivision and extending to the present corporate limits S 01° 59' E 1,531.92 feet to a point in said Corporate limits; thence with said Corporate limits N 52° 11' W 2,325.30 feet to the beginning and enclosing an area of 331.94 acres.

2) That the Town of Elkton hereby sets forth the necessity for and expediency of the annexation of said territory to its present corporate boundary, to-wit:

a) Owing to the lack of adequate housing and building sites, the Town of Elkton has experienced virtually no growth (0.33%) since 1960, while during the same period of time the fringe area around the Town has grown in population by approximately 10%, and Stonewall Magisterial District by approximately 24%. There continues to be little available space within the present corporate limits of the Town of Elkton suitable for future growth and development.

b) The area proposed by said petition for annexation constitutes a compact body of land contiguous to the Town. The entire undeveloped portion of said territory is almost ideally adapted to municipal development and control, and provides adequate room for the normal and orderly expansion of the Town. A sizeable portion of the said area is the site of a proposed residential subdivision, which is at present in the initial stages of development that promises to be rapid; a number of lots have already been sold, and the actual commencement of home construction appears imminent.

c) The present residents and property owners in the proposed annexation area, including Elkwood Subdivision, have an immediate and imminent need for municipal services, and the Town is in a better position to provide said territory with utilities, garbage and trash collection and disposal, police and fire protection, and other beneficial services, more efficiently and economically, than the County of Rockingham, or any other governmental agency, the furnishing of which services by the Town of Elkton is hereby declared to be financially expedient. The Town has entered into an agreement with British Woods Corporation, developer of Elkwood Subdivision, for the extension of the Town's water and sewer systems into said subdivision, and for the development of said subdivision according to a master plan, subject to all the regulations set forth in the "Subdivision Ordinance of Rockingham County," which agreement and Ordinance are incorporated into this resolution by reference.

d) The residents of the Town of Elkton and the present and future residents of the aforesaid territory proposed by said petition to be annexed thereto, share the same commercial, educational, religious, civic, cultural, and social advantages offered in the Elkton community, thereby creating a strong community of interest between them, and should be brought together as a single governmental unit, in which all of them would be eligible to participate, capable of being coordinated and adjusted to cope with existing and future needs and providing adequate municipal services calculated to serve best those needs and promote the health, safety, morale, order, convenience and general welfare of all of them.

e) The necessity for adequate provisions to assure the orderly growth and development of the area proposed to be annexed is manifest, and the Town of Elkton is the most appropriate governmental unit to plan its development, regulate its growth, and design necessary public works and facilities, effectively and expediently, in coordination with the present municipal area and its requirements.

3) The Town of Elkton hereby sets forth the following suggested terms and conditions to be imposed by the Circuit Court of Rockingham County, Virginia, upon its hearing and determination of the aforesaid petition, together with its plans for the future improvement of the territory sought by said petitioners to be annexed to the Town, including the provision of public utilities and services therein, to-wit:

a) The said 331.94 acres of the territory of Rockingham County, Virginia, when annexed to the Town of Elkton, shall be attached to and become a part of the Town, and the citizens thereof shall become citizens of the Town; it being hereby expressly provided that the territory so annexed and the inhabitants thereof shall be managed and treated in all respects as the existing territory and inhabitants of the Town of Elkton are managed and treated, and shall be accorded like rights and privileges, except as this resolution and Article 1, Chapter 25, Title 15.1 of the Code of Virginia, 1950, as amended, or the final order of the Court in the annexation proceeding in which this resolution is to be filed, may guarantee and accord said territory and its inhabitants special rights and privileges, or provide for special management and improvement:

b) The Town will, as of the effective date of such annexation, provide periodic garbage and trash collection and disposal services in the annexed territory;

c) The Town will extend water and sewer service to the Elkwood Subdivision, a tract of approximately 300 acres of land included within the territory proposed to be annexed to the Town, in accordance with the provisions of its agreement with the developer, British Woods Corporation, dated September 25, 1974, and subject to the conditions therein set forth. The Town will extend water and sewer service, subject to the provisions of all applicable Town ordinances, into the remainder of the 331.94 acre territory as follows: to presently developed properties that presently do not receive such services within one year of the effective date of such annexation, and to the undeveloped portion of the said remainder of the 331.94 acre territory as and when the future development thereof may reasonably require such extension and the financial expediency thereof is demonstrated.

d) The Town will, immediately following the effective date of such annexation, and continuing thereafter on a systematic basis, having regard to the advice and recommendations of the Elkton Volunteer Fire Department with respect to the priorities involved in the effective location thereof, proceed to install such number of fire plugs in the developed portion of the annexation area outside of the Elkwood Subdivision as may be necessary to provide adequate fire protection facilities to its citizens and the improved properties therein, installation of fire plugs in the Elkwood Subdivision area being the responsibility of the developer under the Rockingham County Subdivision Ordinance, applicable to said subdivision by agreement after the effective date of any annexation;

e) The Town will, with reasonable dispatch, bring to a reasonably acceptable standard of construction, repair and maintenance, the streets and alleys of its extended limits as a result of said annexation; construction of streets and alleys in the Elkwood Subdivision area of the proposed annexation territory is the responsibility of the developer under said agreement and the Rockingham County Subdivision Ordinance;

f) The Town will, immediately following the effective date of such annexation, provide police protection in the annexed area;

g) The Town will supply electric public utility service to residents in the annexed area immediately following the effective date of such annexation;

h) The Town will, as and when the need therefor exists and the feasibility thereof is demonstrated, provide such other facilities and improvements as may be necessary to bring the territory so annexed up to a standard equal to that of the territory presently within the corporate limits of the Town, and will likewise, as and when the same becomes feasible, expand its services, facilities and improvements in such manner and to such extent as to insure the orderly and systematic growth and development of the Town and the promotion of the public health, safety, morale, convenience and general welfare of all of its citizens.

4) That the Town Attorney be and he hereby is authorized and instructed, in the name and on behalf of the Town of Elkton, to file an answer to said petition in the Circuit Court of Rockingham County, Virginia, concurring in the prayer thereof that an order be entered by said Court adjudging the annexation of said territory of Rockingham County to the Town of Elkton; it being hereby further provided that

in concurring in said petition and motion for annexation, said answer shall be accompanied by a copy of this resolution and by a copy of the agreement between the Town of Elkton and British Woods Corporation dated September 25, 1974, with a prayer that said annexation be ordered on the terms and condition and with the provisions for public utilities and services set forth therein, and that the effective date of such annexation be fixed at midnight, December 31, 1975.

The vote was recorded as follows:

C. Dean	-	yea	R. Lough	-	yea
R. Dean	-	abstain	W. McGahey	-	yea
H. Leet	-	yea	W. Suiter	-	yea

As there was no further business Mr. W. P. Suiter moved, seconded by Mr. R. R. Dean and carried to adjourn.

MAYOR: H. Ditman Flory Mayor
H. Ditman Flory, Mayor

RECORDER: Norma R. Leap
Norma R. Leap, Clerk