



AGENDA
CLOSED SESSION AND REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, SEPTEMBER 28, 2016
6:00 P.M., 7:00 P.M.
BOARD ROOM, COUNTY ADMINISTRATION BUILDING
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

6:00 P.M. - Closed Session:

There will be a Closed Session in Accordance with the Code of Virginia, 1950, as Amended, Section 2.2-3711, Subsection A, (5), for Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

There will be a Closed Session in Accordance with the Code of Virginia, 1950, as Amended, Section 2.2-3711, Subsection A, (3), for Discussion or Consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

7:00 P.M. – Regular Meeting - Call To Order

Invocation

Pledge of Allegiance

Adoption of Agenda:

Pursuant to established procedures, the Board should adopt the Agenda for the meeting.

Consent Agenda:

(Tentative Agenda Items for Consent are Tabs: A and I)

Citizen Comments (Agenda Items Only, That Are Not Subject to Public Hearing.)

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Board of Supervisors Comments

Minutes: (See Attached) ----- A

1. Joint Work Session with Planning Commission, August 17, 2016.
2. Work Session with Financial Consultant, September 14, 2016.

County Officials:

1. Committee Appointments. **(See Attached) ----- B**
2. Request from Commissioner of the Revenue for Refunds.
(See Attached) ----- C

Committee Reports:

1. Finance Committee. **(See Attached) ----- D**

Planning Commission Business:

Public Hearing:

1. Conditional Use Permit #09-16 for Connie Ann Moss, for a Dog Kennel.
The Property is Located at 4527 Valley Pike, Stephens City, Virginia and
is Identified with Property Identification Number 75-A-28 in the Back Creek
Magisterial District. **(See Attached) ----- E**
2. Rezoning #09-16 for Commonwealth Business Center Lot 5, Submitted by
Greenway Engineering, Inc., to Rezone 1.21 Acres from the B3 (Industrial
Transition) District to the B2 (General Business) District, with Proffers. The
Property is Located on the North Side of Commonwealth Court
(Route 1167) Approximately 500' East of the Intersection with Valley Pike
(US Route 11 South) and is Identified with Property Identification Number
75-A-91E in the Back Creek Magisterial District. **(See Attached) ----- F**

Other Planning Items:

1. Discussion – 2016 Comprehensive Policy Plan Amendments (CPPA):

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- a. 01-16 Leonard Property
- b. 02-16 Russell & Smith Properties
- c. 03-16 Wood Mill Rd (JRW/Semples/Orndorff Properties)
- d. 04-16 Fruit Hill Orchard (Solenberger-Rest Church)

(See Attached)----- **G**

2. Memorandum Re: Development Impact Model – Senate Bill 549; the New Proffer Legislation. **(See Attached)**----- **H**

3. Road Resolutions: (See Attached)----- **I**

- a. Security Drive
- b. Santa Maria Estates, Mystical Rose Lane

Board Liaison Reports (If Any)

Citizen Comments

Board of Supervisors Comments

Adjourn

CONSENT AGENDA

A

MINUTES
JOINT WORK SESSION
FREDERICK COUNTY BOARD OF SUPERVISORS
AND
FREDERICK COUNTY PLANNING COMMISSION
AUGUST 17, 2016

A joint work session of the Frederick County Board of Supervisors and Planning Commission was held on Wednesday, August 17, 2016 at 12:00 p.m. in the Board of Supervisors Meeting Room of the Frederick County Administration Building, 107 North Kent Street, Winchester, Virginia.

PRESENT: Charles S. DeHaven, Jr., Chairman; Gene E. Fisher, Vice-Chairman; Blaine P. Dunn; Robert A. Hess; Gary A. Lofton; Judith McCann-Slaughter; and Robert W. Wells.

OTHERS PRESENT: Planning Commissioners June M. Wilmot; Gary R. Oates; H. Paige Manuel; Greg L. Unger; J. Rhodes Marston; Charles F. Dunlap; Kevin Kenney; Charles E. Triplett; Christopher M. Mohn; and Robert S. Molden; Brenda G. Garton, County Administrator; Kris C. Tierney, Assistant County Administrator; Roderick B. Williams, County Attorney; Michael T. Ruddy, Planning Director; Candice E. Perkins, Assistant Planning Director; John A. Bishop, Assistant Planning Director Transportation; Mark A. Cheran, Zoning and Subdivision Administrator; Shannon L. Conner, Administrative Assistant.

CALL TO ORDER

Chairman DeHaven called the work session to order.

Planning Director Michael Ruddy reviewed the agenda.

- Review of the 2035 Draft Comprehensive Plan
 - Appendix I, II, Kernstown Area Plan
- 2016 CPPA Submissions
- Other Discussions
 - Proffers, Indoor Recreation in the M1
 - Other

REVIEW OF THE 2035 DRAFT COMPREHENSIVE PLAN

Assistant Planning Director Candice E. Perkins reported the three-phase approach and schedule for the 5-year review and update of the 2030 Comprehensive Plan was initiated in the summer of 2015.

- Phase I (Completed September 2015) – CPPC review and update of Appendix II; Background Analyses and Supporting Studies.
- Phase II (Completed March 2016) – CPPC and the Blue Ribbon Group reviewed and updated key section of the Plan.
- Phase III (April/May/June 2016) – Planning Commission Review of 2035 Update (PC Retreat April 20, 2016), followed by Board of Supervisors direction to move forward with additional public outreach. (Four public outreach and community meetings held throughout the summer 2016).

Assistant Director Perkins noted during Phase III, staff conducted four community meetings and coordinated a web-based approach using the resources of the Public Information Officer. These meetings solicited input from the public on the plan in general, key sections of the plan, any significant issues and

adjustments that have been identified to date by the blue ribbon panels, and comments from the Board of Supervisors.

Assistant Director Perkins presented a summary of the changes made during this 5-year update:

- Update of all maps, facts and figures (population, demographic, land use analysis) (Appendix II) to reflect current conditions
- Minor editorial changes to ensure consistency of language used and terminology across all Chapters
- Inclusion of additional trends, Focus for the Future, and policies/implementation for each chapter
- Addition of specific information regarding future planning for the Frederick County Sanitation Authority (FCSA) as it pertains to the Sewer and Water Service Area (SWSA) and Urban Development Area (UDA), and the Frederick County Public School facilities
- Expanded text on future business/economic development opportunities
- Transportation updates to the text and the interstate, primary, and secondary roadway plans and policies
- Minor changes to the Kernstown Area Plan (Appendix I)

Assistant Director Perkins then provided an overview of what had transpired with the Kernstown Area Plan:

- Discussed by the Board of Supervisors on September 2015. It was not sent to public hearing as it was expressed that additional work was needed.
- Revised the text to address comments received by the Board of Supervisors.
- Staff is seeking to move this update forward with the 2035 Comprehensive Plan update.

Director Ruddy noted the original was attached to everyone's paperwork and the options were to leave as is or to make changes.

Assistant Director Perkins reported staff was seeking input and direction on the following:

- Draft 2035 Comprehensive Plan update;
- Draft Kernstown Area Plan (modified to address concerns expressed by the Board of Supervisors) to include incorporation of the Kernstown Area Plan in the 2035 Comprehensive Plan update; and
- Authorization to take these updates to the Planning Commission and Board of Supervisors for discussion and public hearing over the next several months.

Chairman DeHaven commented folks have worked very hard on this and he would ask everyone to pause and re-review the documents and comment back to staff within the next 30 days.

Supervisor Hess added he did not feel the plan exactly fit one individual, and that was acceptable. He stated he felt this was a guideline and items could be changed. He echoed that a lot of hard work had been put forth and overall a terrific product.

Chairman DeHaven highlighted this was a very important document from which decisions were reassured.

2016 CPPA SUBMISSIONS

CPPA #01-16, Leonard Property: Staff reported this was a request to expand the boundary of the Sewer and Water Service Area (SWSA) to include 43.77 acres of land. The properties are located on the eastern side of White Oak Road (Route 636) in the Shawnee Magisterial District and are currently zoned RA (Rural Areas) District. The Southern Frederick Land Use Plan designates these parcels for future mixed use commercial/office and industrial uses. Staff presented an aerial location map of the properties and shared comments provided by the Frederick County Sanitation Authority (FCSA). FCSA currently has residential service to the west of the site and industrial service to the east. The property owner will need to study the existing sewer conveyance facilities from the site to Parkins Mill WWTP (Waste Water Treatment Plant) to ascertain if capacity exists to serve the proposed project. It is anticipated the property owner will need to upgrade sewer pump stations and upsize lines to accommodate additional development and FCSA supported further study of the site.

CPPA #02-16, Russell and Smith Properties: Staff reported this was a request to expand the boundaries of the UDA (Urban Development Area) and the SWSA (Sewer and Water Service Area) to include eight parcels that total 207.7 acres. The properties are adjacent to Justus Drive, Rosa Lane, and Laurelwood Drive in the immediate proximity to Front Royal Pike (Route 522 South) in the Shawnee Magisterial District. The properties are currently zoned RA (Rural Areas) District. The Senseny/Eastern Frederick Urban Area Plan designates these parcels with future Urban Center and Residential uses. Staff presented an aerial location map of the properties as well as a land use map overlay and shared comments provided by FCSA. It was noted the sewer serving the area has limited capacity today and therefore insufficient capacity to serve the additional development from the Russell and Smith properties. FCSA is working to remedy the existing sewer limitations by implementing a sewer force main/gravity relocation improvement project, which ultimately will redirect effluent from the Opequon Water Reclamation Facility (OWRF) to the Parkins Mill WWTP. It would be appropriate for the improvement program to account for the additional flows associated with any potential development of the Russell and Smith properties, and for the properties to participate in funding the sewer improvement project. Staff shared if the SWSA is adjusted, FCSA would support expansion of the SWSA boundary to coincide with the planned Route 37 right-of-way. This right-of-way boundary would create a drainage basin that could maximize the benefit of gravity sewer. Staff concluded by saying, without sewer capacity being captured in the improvement project, the Russell and Smith properties might find that there is no sewer capacity available for their use and FCSA supports further study of the site.

CPPA #03-16, Woods Mill Road Properties: Staff reported this was a request to modify the Northeast Frederick Land Use Plan from Historic/DSA to low density residential and to expand the UDA and SWSA around the 316.78 acre site. The properties are located along Woods Mill Road (Route 661) and are adjacent to the UDA and SWSA boundaries that surround the Red Bud Run Subdivision located along Berryville Pike (Route 7) in the Stonewall Magisterial District. The properties are currently zoned RA (Rural Areas) District. Staff presented a location map with overlay of the Northeast Land Use Plan. Staff share the comments provide by FCSA. The Authority currently does not have facilities readily available to service the development; however, they have an easement and sewer force main along the eastern property line of some of the properties. This is the interceptor force main linking the Stephenson Regional Pump Station to the Opequon Water Reclamation Facility (OWFR). It was noted this sewer interceptor is not available for use by the subject properties. Staff explained existing water and sewer in the Red Bud Run subdivision south of the properties was not designed nor sized appropriately for extension into the subject properties. Staff noted these properties would incur significant investment in both water and sewer infrastructure to achieve adequate water pressures and sewer flow capacities. FCSA does not support further study of the site without consideration of a much larger study area that could collectively contribute to infrastructure improvements to convey the study area sewage directly to the OWRF.

CPPA #04-16, Fruit Hill Orchard (Interstate Orchard): Staff reported this was a request to expand the boundary of the Sewer and Water Service Area (SWSA) to include 304.7 acres; currently 106.8 acres of the site is within the SWSA. The properties are located north and south of Rest Church Road (Route 669) in the Stonewall Magisterial District. The Northeast Frederick Land Use Plan designates these parcels for mixed use industrial/office and commercial land uses. Staff shared the comments provided by FCSA. FCSA has facilities in the vicinity, but water supply and sewer capacity in the area are limited. Staff explained the existing Route 11 North sewer system has available capacity reserved by property owners who funded the sewer infrastructure extension to the Rest Church Road area over a decade ago, but the system does not currently have excess capacity available for additional land areas such as the subject properties. Preliminary analysis suggests a new wastewater treatment plant or force main to the OWRF would be needed prior to additional development opportunities being accommodated. Staff concluded by saying FCSA does not support further study of the site without consideration of a much larger study area that could collectively contribute to infrastructure improvements to convey the study area sewage directly to the OWRF or to a new wastewater treatment plant.

Comments and Discussion on Comprehensive Policy Plan Amendment's:

Commissioner Unger inquired how much water and sewer would be used if the Leonard Property were to be built out as planned.

Mr. Tim Stowe representing the Leonard Property noted they have not computed any flows at this time.

Supervisor McCann-Slaughter requested to view the FCSA comments for each CPPA again.

Director Ruddy reported the Comprehensive Plans and Programs Committee suggested further study of the Leonard Property request. He noted any questions that arise could certainly be brought forward to the Board of Supervisors.

Chairman Wilmot noted a couple of the CPPA requests being presented met the Comprehensive Plan.

Commissioner Mohn reported, from a committee perspective, most of the CPPAs are proposing boundary adjustments in places that are already designated with some type of planned land use so the Comprehensive Plans and Programs Committee felt they should spend some time looking at the proposals to ensure there were no red flags from an infrastructure perspective. He noted that was the point of reaching out to FCSA prior to the work session to gather their feedback.

Supervisor Dunn inquired about the impact on water for all four properties presented.

Commissioner Oates responded that all four properties would have a significant impact. He continued by saying FCSA looked to see if there were adequate facilities in the area to service the properties. Two of the properties have access to service facilities and two do not. He went on to say the two that did not have facilities would require massive upgrades to the system. Commissioner Oates elaborated that anytime a SWSA extension is looked at they have to be cognizant of FCSA's work and planning efforts.

Commissioner Mohn noted to some degree the idea moving forward would be to dig deeper into these applications, still recognizing there is the Comprehensive Plan effort. He commented there would be some generality to what the numbers are up to this point.

Supervisor Dunn inquired if this becomes part of the Comprehensive Plan, at that point is there a water requirement for what occurs there.

Commissioner Oates responded the land owner would have to go through the rezoning process and it would be subject to availability. If FCSA cannot serve the area then the land owner needs to figure out if revisions could be made to the property and/or look for additional water sources.

Director Ruddy noted the rezoning process would assist in determining the water requirement.

Supervisor McCann-Slaughter inquired with regard to the current proffer legislation particularly what obligation does the developer have to provide the infrastructure to accommodate the water and sewer and would the County be able to ask the developer for that or would the County be compromised by the new legislation in what we can ask of a developer?

Commissioner Oates noted FCSA is a separate entity from the County and they are a utility. If a property is being rezoned for residential use and the infrastructure does not have capacity in that area, then it cannot be served by FCSA. The developer would need to build the needed infrastructure to accommodate their project.

Supervisor Dunn asked if the developer would be responsible for the total cost.

Commissioner Oates responded it would depend on whether the improvements would benefit the region or if they were specific to that property.

In regards to the Woods Mill Road properties Supervisor Dunn asked what historical items would be affected and how much would be disturbed.

Director Ruddy reported the designation of a developmentally sensitive area in the Northeast land Use Plan covers the area north of Route 7 in the Red Bud Run vicinity. The sensitive area has a variety of elements to consider and would be determined with future study.

Supervisor Dunn inquired if any future use would be addressed on an individual basis.

Director Ruddy noted that was correct.

Supervisor Hess asked if a developer could pay the cost of a line serving just one property upfront and then recover the cost if other properties are developed and hook to the line.

FCSA Executive Director Eric Lawrence stated that was correct. He went on to say that in the past FCSA has entered into agreements with developers so everyone benefits.

Commissioner Oates commented that he felt it would be beneficial to have Assistant Planning Director Transportation - John Bishop provide a transportation overview of each of the CPPAs.

Supervisor Fisher stated he felt the timing on the Leonard Property might be okay with further study; however he has no interest in the other three and felt they were inappropriate timing wise.

NEW PROFFER LEGISLATION

Director Ruddy provided a brief overview of the new proffer legislation. He noted the following:

- Variety of things to consider with the new legislation and it is quite detailed.

- The approach that has been taken by staff and County counsel is to pay close attention to how the legislation was being addressed then start the discussion of what would be appropriate for Frederick County.
- Senate Bill 549 only applies to residential rezonings and residential components of mixed use projects. This new legislation does not apply to commercial and industrial projects.
- Applies to rezoning applications that were submitted after July 1, 2016.
- Prohibits the County from requesting or accepting any “unreasonable” proffer and also prohibits localities from denying any rezoning request where denial is based in whole or in part on an applicant’s failure to submit an unreasonable proffer.
- Need to put in place tools to fairly evaluate and model rezoning requests and the impacts to the County.
- There is a legal side to the new legislation.
- This legislation very specifically says that “an impact should be specifically attributable to the proposed use”; however, specifically attributable is not clearly defined.
- Many avenues for an applicant to challenge a denied residential rezoning.
- New legislation is very specific in regards to public uses such as fire and rescue and parks and recreation.
- Foresee the need to meet with Rod Williams, County Attorney to review and address questions and make some adjustments to how we use the County’s DIM (Development Impact Model).
- Recognition that discussions held with applicants for rezoning requests should be thoroughly thought out.
- The code is very specific on what we can accept proffers for and on the other hand it is very vague when defining what is an unreasonable proffer.
- Caution is to be used.
- Goal is to find a solution enabling good projects that implement our Comprehensive Plan.
- Provide additional guidance to Planning Commission and the Board of Supervisors as this process continues.

County Attorney Rod Williams provided additional highlights of the new proffer legislation:

- Reiterated this only applies to residential and residential/mixed use rezonings.
- Proffers must continue to be voluntary.
- Proffers only apply to: schools, parks, public safety, and transportation facilities, each which presents some challenges.
- Water and sewer not among the limitations of this new legislation.
- Becomes an issue for FCSA – note: the SWSA is an authorization not a mandate.
- Development Impact Model – in the long term will have to be changed.
- There was a big rush to get applications in by July 1, 2016, however not so in Frederick County.
- Need to find ways to comply with new legislation so we have small tweaks down the road.
- Communications and how to discuss affected rezonings:
 - Treat as a listening session.
 - Be non-committal.
 - Proceed with some risk.
 - Take any suggestions that are given to Planning Staff rather than responding.
 - Caution in how you respond, do so with great care.

- Encourage applicants to show us what they have that is specifically attributable rather than us having to dig for it.

Director Ruddy felt that everyone needed to have an understanding from the beginning. This item will be brought back to the Planning Commission and Board of Supervisors with further action needed.

Commissioner Oates stated his initial reaction was the General Assembly passed something without knowing what the consequences would be. He was concerned that bad projects would show up and the County's hands would be all but tied.

Supervisor Fisher noted he would like more information on the bill such as who sponsored it, where it came from, and who lobbied for it.

Supervisor Dunn shared his concerns: legislators who passed this need to re-work it and maybe change items or possibly postpone.

Commissioner Oates noted this could not be postponed as it is already in effect.

Supervisor Dunn that commented the new legislative session begins in January and they should start collecting amendments this fall.

Assistant County Administrator Kris Tierney suggested possible action to consider sooner than later would be to update the DIM (Development Impact Model) or have the Board of Supervisors temporarily shelve the model.

Chairman DeHaven commented that he was interested to see what other localities were doing with their DIMs.

Director Ruddy noted he had observed a locality and attended a summer conference a model was used to address now and future.

Chairman DeHaven concluded by saying we need to put some thought into what we can do to protect the County.

EVALUATE RECREATIONAL USES IN M1

Director Ruddy presented an overview on the request to evaluate recreational uses in the M1 District. He explained in 2009 this was brought to the Board of Supervisors but it was not moved forward at that time. From the Planning Department aspect there are a couple cases that have been long standing cases, that deal with this very same issue, which have gone through the BZA (Board of Zoning Appeals), and it has been very clear that one cannot do commercial indoor recreational uses in the industrial district.

Supervisor Dunn asked if he was talking specifically about a commercial gym.

Assistant Director Perkins replied there were a number of items that fell under commercial indoor recreation such as gymnastics, practice facilities, and a wide variety of uses.

Commissioner Oates replied back in 2008/2009 the economy had turned and there were a lot of empty warehouses. A lot of those owners were trying to figure out how to make money and moved types of uses into the warehouses. The big challenge in the M1 District was parking for an indoor recreational use. He noted there was a very big cost associated with that type of use.

Commissioner Mohn inquired if we were to allow indoor recreation in the M1 it would be subject to all the other requirements and ordinances for that use.

Director Ruddy noted that was correct.

Commissioner Mohn commented if they can meet all the requirements he does not see a big issue with that particular use. It comes down to upgrading the facility and if the use can complement the surrounding area that would be okay.

Supervisor Fisher explained, in 2009, the intent was not to lose industrial sites for other types of uses but if there was some way to make this an accessory or a CUP where it could be kept relatively rational in size. He would like to find a way to control it so we do not lose big blocks of industrial land.

Supervisor McCann-Slaughter commented there did not appear to be anything preventing an employer from having a gym in their facility and there seemed to be a great deal of emphasis put on recreation within the residential areas.

Chairman DeHaven agreed that some blending of these two zones could help and taking a look at this issue might be insightful.

Commissioner Kenney agreed. He has had numerous requests for this and there was a need to take a look at it in depth. He went on to say it would require a delicate balance.

Commissioner Oates noted if this moves forward he would prefer it go through the CUP process.

Commissioner Mohn concluded by saying the County needed to dig into what the appropriate uses would be and evaluate the impacts. He felt it was definitely worth a look.

Other Comments and Discussion:

Supervisor Fisher stated he had received some requests to look at extended stay lodging/hotels and he suggested the County take another look at this.

Supervisor Hess supported Supervisor Fisher's suggestion.

Director Ruddy mentioned Airbnb legislation that would be reviewed also.

Chairman DeHaven noted the need to protect existing neighborhoods.

Supervisor Dunn referred back to the proffer discussion. He was concerned where the balance is in funds allocated and if money was going to parks.

Commissioner Oates commented he would rather see funds used for transportation than parks.

Supervisor Dunn asked how these types of issues were determined.

Commissioner Oates noted it was in the Comprehensive Plan. He went on to say a large acreage would have to be a donation or County purchase.

County Attorney Williams commented that the County could not make an outright demand and it was a balancing act.

Director Ruddy concluded by saying the Comprehensive Plan and Area Plans address this.

Director Ruddy thanked everyone for their participation.

There being no further business, the work session was adjourned at 1:35 p.m.

**FREDERICK COUNTY BOARD OF
SUPERVISORS' MINUTES**

**WORK SESSION
WITH
FINANCIAL CONSULTANT**

September 14, 2016

A Work Session of the Frederick County Board of Supervisors was held on Wednesday, ~~September 14, 2016 at 3:00 P.M., in the Board of Supervisors' Meeting Room, 107 North Kent Street, Winchester, VA.~~

PRESENT

Chairman Charles S. DeHaven, Jr.; Vice-Chairman Gene E. Fisher; Blaine P. Dunn; Robert A. Hess; Gary A. Lofton; Judith McCann-Slaughter; and Robert W. Wells

OTHERS PRESENT

Finance Committee members Bill M. Ewing and Angela Rudolph; County Administrator Brenda G. Garton, Assistant County Administrator Kris C. Tierney, Deputy County Administrator Jay E. Tibbs, Commissioner of the Revenue Ellen Murphy, Treasurer C. William Orndoff, Jr., Finance Director Cheryl B. Shiffler, Assistant Finance Director Sharon Kibler, Budget Analyst Jennifer Place, County Attorney Rod Williams, HR Director Becky Merriner, Parks & Recreation Director Jason Robertson, Superintendent of Schools Dr. David Sovine, School Board Members Dr. John Lamanna, Mike Lake, Peggy Clark, and Jay Foreman, Assistant Superintendent for Instruction Jim Angelo, and Assistant Director of Finance for Frederick County Public Schools Patty Camery.

CALL TO ORDER

Chairman DeHaven called the work session to order.

Administrator Garton advised the County had engaged Davenport & Company to do a financial analysis and this afternoon that analysis was being presented to the Board. She noted that some of the numbers identified in the analysis of capital projects were based upon general assumptions and the numbers were put into the presentation as a place holder. She then introduced Mr. Ted Cole and Mr. R.T. Taylor with Davenport.

Mr. Taylor began by giving a brief overview of the presentation, which would cover the following areas:

1. Peer Comparatives and Credit Rating Overview
2. General Fund Balance Overview
3. Existing Tax Supported Debt Profile
4. Analysis of Selected Capital Projects

He noted the County has a rating from Moody's of Aa2 and Fund Balance levels have been healthy. The County's debt service is well managed and shows a step down in annual debt service over the next several years. The County compares well to its rated peers. Mr. Cole advised that the development of a long-range capital financing model or plan would be critical to understanding future debt affordability. Mr. Cole recommended the adoption, amendment and/or enhancement of a number of financial policy guidelines to cover areas such as:

- Capital Improvement Budget Policies;
- Debt Policies;
- Reserve Policies; and
- Budget Development Policies.

The proposed policies could:

- Contribute to the County's ability to insulate itself from fiscal crisis;
- Enhance short-term and long-term financial performance by helping to achieve the highest credit and bond ratings possible;
- Promote long-term financial stability by establishing clear and consistent guidelines;
- Direct attention to the total financial picture of the County rather than single issue areas;

- Promote the view of linking long-term financial planning with day-to-day operations;
and
- Provide staff, the Board, and citizens a framework for measuring fiscal impact of government services against established fiscal parameters and guidelines.

At the conclusion of the presentation, Administrator Garton asked if there was general interest in the County working with Davenport to establish some policies for the Board's consideration.

Supervisor Hess thought that was a worthwhile expenditure of time.

Chairman DeHaven agreed and suggested more indepth discussions be held in the Finance Committee.

Supervisor Slaughter agreed, but would like more time to digest and think about the information presented. She stated the key component was affordability.

There being no further discussion, the work session was adjourned at 5:00 p.m.

B



Jay E. Tibbs
Deputy County Administrator for Human Services

540/665-6382
Fax: 540/667-0370
E-mail: jtibbs@fcva.us

MEMORANDUM

TO: Board of Supervisors
FROM: Jay E. Tibbs, Deputy County Administrator for Human Services *JET*
DATE: September 22, 2016
RE: Committee Appointments

Listed below are the vacancies/appointments due through October, 2016. As a reminder, in order for everyone to have ample time to review applications, and so they can be included in the agenda, please remember to submit applications prior to Friday agenda preparation. Your assistance is greatly appreciated.

VACANCIES/OTHER

Northwestern Community Services Board

Tom Brubaker – County Representative
3407 Cedar Creek Grade
Winchester, VA 22602
Home: (540)539-0002
Term Expires: 12/31/18
Three year term

*(Staff has been advised that Mr. Brubaker has resigned. **There is a possible candidate that is being considered. Recommendation to the Board of Supervisors may be forthcoming at a future meeting.**)*

APRIL 2016

Historic Resources Advisory Board

Lauren Krempa Murphy – Member-At-Large
106 Dollie Mae Lane
Stephens City, VA 22655
Phone: (540)338-2304
Term Expires: 04/09/16
Four year term

(The Historic Resources Advisory Board is comprised of nine members, one member from each magisterial district and three members at large.)

AUGUST 2016

Shawneeland Sanitary District Advisory Committee

Jeff Stevens
114 Rappahannock Trail
Winchester, VA 22602
Home: (540)327-3112
Term Expires: 08/13/16
Two year term

(The ShawneeLand Sanitary District Advisory Committee is comprised of five members made up of resident property owners and serve a two year term.)

SEPTEMBER 2016

Conservation Easement Authority (CEA)

John R. Marker – County Representative
3335 Cedar Creek Grade
Winchester, VA 22602
Home: (540)662-4013
Term Expires: 09/26/16
Three year term

*(The Conservation Easement Authority was established in August, 2005. The Authority consists of seven citizen members, one member from the Board of Supervisors and one member from the Planning Commission. **Members shall be knowledgeable in one or more of the following fields: conservation, biology, real estate and/or rural land appraisal, accounting, farming, or forestry.** Members serve a three year term and are eligible for reappointment.)*

Parks and Recreation Commission

Patrick Anderson – Shawnee District Representative
102 Trent Court
Winchester, VA 22602
Home: (540)722-3676
Term Expires: 09/12/16
Four year term

(See Attached Application of Mr. Guss Morrison.)

OCTOBER 2016

Shawneeland Sanitary District Advisory Committee

Michelle Landon
226 Graywolfe Trail
Winchester, VA 22602
Home: (540)877-1838
Term Expires: 10/08/16
Two year term

(The ShawneeLand Sanitary District Advisory Committee is comprised of five members made up of resident property owners and serve a two year term.)

BGG/tjp

Attachment

**INFORMATIONAL DATA SHEET
FOR
FREDERICK COUNTY BOARD OF SUPERVISORS
COMMITTEE APPOINTMENTS**

_____ District Supervisor, would like to
nominate you to serve on the PARKS AND RECREATION COMMISSION
As a brief personal introduction to the other Board members, please fill out the information requested below for
their review prior to filling the appointment. **(Please Print Clearly. Thank You.)**

Name: GUSS L MORRISON Home Phone: 540-450-8916
Address: 138 Cahille DR Office Phone: _____
Winchester, VA Cell/Mobile: 540-514-7870
22602 Fax: _____
Employer: Retail Email: GMORR2@COMCAST.NET

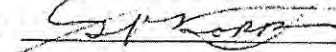
Occupation: _____

Civic/Community Activities: Winchester Rotary, Coalition
for Racial Unity, NAACP, Shen. Valley Tennis Assoc.,
Big Brothers-Big Sisters (BBBS).

Will You Be Able To Attend This Committee's Regularly Scheduled Meeting On:
Yes: No: _____

Do You Foresee Any Possible Conflicts Of Interest Which Might Arise By Your Serving On
This Committee? Yes: _____ No: Explain: _____

Additional Information Or Comments You Would Like To Provide (If you need more space, please
use the reverse side or include additional sheets):
(1) TENNIS INSTRUCTOR FOR WINCHESTER PTR AND FREDERICK
COUNTY PTR; (2) TENNIS OFFICIAL - USTA MID-ATLANTIC; SKIING
INSTRUCTOR FOR BRECKENRIDGE, CO; FORMER AEROBIC INSTRUCTOR -
BIKER, AVID PRO-FOOTBALL FAN AND TRACT + FIELD.

Applicant's Signature:  Date: 8-2-14

Nominating Supervisor's Comments: _____

Please submit form to:
Frederick County Administrator's Office
107 North Kent Street
Winchester, VA 22601
or email to: tprice@fcva.us or jtibbs@fcva.us

C



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

540/722-8383
Fax 540/667-0370
E-mail rwillia@fcva.us

MEMORANDUM

TO: Frederick County Board of Supervisors
CC: Brenda G. Garton, County Administrator
FROM: Roderick B. Williams, County Attorney
DATE: September 20, 2016
RE: Commissioner of Revenue Refund Requests

Attached, for the Board's review, are requests to authorize the Treasurer to credit the following entities:

1. Plaza Pet Clinic – \$3,909.61
2. Lake Holiday Country Club Inc. – \$5,925.00

A handwritten signature in black ink, appearing to be "R. Williams", is written over a horizontal line.

Roderick B. Williams
County Attorney

Attachments



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

540/722-8383
Fax 540/667-0370
E-mail rwillia@fcva.us

MEMORANDUM

TO: Ellen E. Murphy, Commissioner of the Revenue
Frederick County Board of Supervisors

CC: Brenda G. Garton, County Administrator

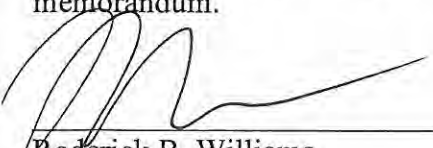
FROM: Roderick B. Williams, County Attorney

DATE: September 20, 2016

RE: Refund – Plaza Pet Clinic

I am in receipt of the Commissioner's request, dated September 15, 2016, to authorize the Treasurer to refund Plaza Pet Clinic the amount of \$3,909.61, for business license taxes for the first half of 2016. This refund results from the closing of this business and reopening under new ownership and reflects proration of gross receipts for the period unused. The new business will be responsible for taxes incurred subsequent to the closing of the old business.

The Commissioner verified that documentation and details for this refund meet all requirements. Pursuant to the provisions of Section 58.1-3981(A) of the Code of Virginia (1950, as amended), I hereby note my consent to the proposed action. The Board of Supervisors will also need to act on the request for approval of a supplemental appropriation, as indicated in the Commissioner's memorandum.



Roderick B. Williams
County Attorney

Attachment



Frederick County, Virginia
Ellen E. Murphy
Commissioner of the Revenue
107 North Kent Street
Winchester, VA 22601
Phone 540-665-5681 Fax 540-667-6487
email: emurphy@co.frederick.va.us



September 15, 2016

TO: Rod Williams, County Attorney
Cheryl Shiffler, Finance Director
Frederick County Board of Supervisors
Jay Tibbs, Secretary to the Board
Brenda Garton, County Administrator

FROM: Ellen E. Murphy, Commissioner of the Revenue

RE: Exoneration – Plaza Pet Clinic

A handwritten signature in cursive script, reading "E. Murphy", written in black ink.

Please approve a refund of \$3,909.61 for business license taxes for part of 2016 in the name of Plaza Pet Clinic. This business has closed and another opened in this location. Refund reflects proration of gross receipts for the period unused.

To comply with requirements for the Treasurer to apply this refund board action is required.

The Commissioner's staff has verified all required data and the paperwork is in the care of the Commissioner of the Revenue.

Please also approve a supplemental appropriation for the Finance Director on this request.

Exoneration is \$3,909.61.

Date: 9/07/16

Cash Register: COUNTY OF FREDERICK

Time: 16:10:40

Customer Name: PLAZA PET CLINIC

Total Transactions: 803
Customer Transactions: 3

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
-	BL2016	1	00012870002	\$558.50-	\$.00	\$558.50-
-	BL2016	2	00012870003	\$1,675.55-	\$.00	\$1,675.55-
-	BL2016	3	00012870004	\$1,675.56-	\$.00	\$1,675.56-

F3=Exit F14=Show Map# Total Paid : \$3,909.61
 F15=Show Balance F18=Sort-Entered F21=CmdLine
 F20=Attach

Needs Board Approval



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

540/722-8383
Fax 540/667-0370
E-mail rwillia@fcva.us

MEMORANDUM

TO: Ellen E. Murphy, Commissioner of the Revenue
Frederick County Board of Supervisors

CC: Brenda G. Garton, County Administrator

FROM: Roderick B. Williams, County Attorney

DATE: September 20, 2016

RE: Refund – Lake Holiday Country Club Inc.

I am in receipt of the Commissioner's request, dated September 19, 2016, to authorize the Treasurer to refund Lake Holiday Country Club Inc. the amount of \$5,925.00, for real estate taxes and sanitary district fees in 2016. This refund results from lots absorbed by the homeowners association not identified in any other exoneration request.

The Commissioner verified that documentation and details for this refund meet all requirements. Pursuant to the provisions of Section 58.1-3981(A) of the Code of Virginia (1950, as amended), I hereby note my consent to the proposed action. The Board of Supervisors will also need to act on the request for approval of a supplemental appropriation, as indicated in the Commissioner's memorandum.

A handwritten signature in black ink, appearing to be "Roderick B. Williams", is written over a horizontal line.

Roderick B. Williams
County Attorney

Attachment



Frederick County, Virginia
Ellen E. Murphy
Commissioner of the Revenue
107 North Kent Street
Winchester, VA 22601
Phone 540-665-5681 Fax 540-667-6487
email: emurphy@co.frederick.va.us



September 19, 2016

TO: Rod Williams, County Attorney
Cheryl Shiffler, Finance Director
Frederick County Board of Supervisors
Jay Tibbs, Secretary to the Board
Brenda Garton, County Administrator

FROM: Ellen E. Murphy, Commissioner of the Revenue

RE: Exoneration – Lake Holiday Country Club Inc

A handwritten signature in cursive script, reading "E. Murphy".

Please approve a refund of \$5,925.00 for Lake Holiday Country Club Inc real estate taxes and sanitary district fees on lots absorbed by the homeowners association and not previously identified in any other exoneration request. This exoneration is for 2016 only.

To comply with requirements for the Treasurer to apply this refund board action is required.

The Commissioner's staff has verified all required data and the paperwork is in the care of the Commissioner of the Revenue.

Please also approve a supplemental appropriation for the Finance Director on this request.

Exoneration is \$5,925.00.

Customer Name: LAKE HOLIDAY COUNTRY CLUB INC Total Transactions: 811
Customer Transactions: 33

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
-	RE2016	1	00210940001	\$18.00-	\$.00	\$18.00-
-	RE2016	2	00210950001	\$46.20-	\$.00	\$46.20-
-	RE2016	3	00210960001	\$406.80-	\$.00	\$406.80-
-	RE2016	4	00210970001	\$868.50-	\$.00	\$868.50-
-	RE2016	5	00210980001	\$58.20-	\$.00	\$58.20-
-	RE2016	6	00210990001	\$1,510.20-	\$.00	\$1,510.20-
-	RE2016	7	00211000001	\$307.20-	\$.00	\$307.20-
-	RE2016	8	00211010001	\$47.70-	\$.00	\$47.70-
-	RE2016	9	00211020001	\$26.10-	\$.00	\$26.10-
-	RE2016	10	00211030001	\$199.50-	\$.00	\$199.50-
-	RE2016	11	00211040001	\$9.30-	\$.00	\$9.30-
-	RE2016	12	00211050001	\$61.80-	\$.00	\$61.80-

Customer Name: LAKE HOLIDAY COUNTRY CLUB INC Customer Transactions: 33

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
-	RE2016	13	00211060001	\$9.30-	\$.00	\$9.30-
-	RE2016	14	00211070001	\$9.30-	\$.00	\$9.30-
-	RE2016	15	00211080001	\$9.30-	\$.00	\$9.30-
-	RE2016	16	00211090001	\$9.30-	\$.00	\$9.30-
-	RE2016	17	00211100001	\$9.30-	\$.00	\$9.30-
-	SH2016	18	00000630001	\$132.00-	\$.00	\$132.00-
-	SH2016	19	00005340001	\$132.00-	\$.00	\$132.00-
-	SH2016	20	00005850001	\$132.00-	\$.00	\$132.00-
-	SH2016	21	00005880001	\$132.00-	\$.00	\$132.00-
-	SH2016	22	00005890001	\$132.00-	\$.00	\$132.00-
-	SH2016	23	00005900001	\$132.00-	\$.00	\$132.00-
-	SH2016	24	00005910001	\$132.00-	\$.00	\$132.00-

Customer Name: LAKE HOLIDAY COUNTRY CLUB INC Customer Transactions: 33

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
-	SH2016	25	00005920001	\$132.00-	\$.00	\$132.00-
-	SH2016	26	00005930001	\$132.00-	\$.00	\$132.00-
-	SH2016	27	00005940001	\$132.00-	\$.00	\$132.00-
-	SH2016	28	00005950001	\$132.00-	\$.00	\$132.00-
-	SH2016	29	00005970001	\$132.00-	\$.00	\$132.00-
-	SH2016	30	00005980001	\$132.00-	\$.00	\$132.00-
-	SH2016	31	00005990001	\$132.00-	\$.00	\$132.00-
-	SH2016	32	00006000001	\$132.00-	\$.00	\$132.00-
-	SH2016	33	00014970001	\$339.00-	\$.00	\$339.00-

Needs Board Approval

D



Finance Department
Cheryl B. Shiffler
Director

540/665-5610
Fax: 540/667-0370
E-mail: cshiffle@fcva.us

TO: Board of Supervisors
FROM: Finance Committee
DATE: September 21, 2016
SUBJECT: Finance Committee Report and Recommendations

A Finance Committee meeting was held in the First Floor Conference Room at 107 North Kent Street on Wednesday, September 21, 2016 at 8:00 a.m. Non-voting liaison Ellen Murphy was absent. (p) Items 6, 8, 9, and 10 were approved under consent agenda. (x) No action required.)

1. (x) The FCPS Finance Director provides FY 2016 Year End financial information and is available for discussion. See attachment, p. 4 - 30. No action required.
2. The FCPS Assistant Director of Finance requests School Operating Fund and General Fund supplemental appropriations in the amount of \$211,634.10. This amount represents funds received during FY16 for designated projects. See attached memo, p. 31. The committee recommends approval.
3. The FCPS Assistant Director of Finance requests School Operating Fund and General Fund supplemental appropriations in the amount of \$458,984.80. This amount represents unspent FY16 funds to be spent on high priority items in the transportation and facilities services departments. See attached memo, p. 31. The committee recommends approval.
4. (x) The Finance Director presents FY 2016 Year End financial information. See attached, p. 32 - 48. No action required.

5. (b) The Solid Waste Manager requests a General Fund supplemental appropriation in the amount of \$750. This amount represents a Keep Virginia Beautiful grant for the Walk Your Human initiative. No additional local funds are required as remaining program costs are available in the current budget. See attached memo and original grant application, p. 49 - 52.
6. The Deputy Public Works Director requests a Landfill Fund supplemental appropriation in the amount of \$200,000. This amount represents a carry forward of unspent FY16 funds for an ongoing project: the Partial Closure of Area1, Phase 1, CDD Landfill. See attached memo, p. 53. The committee recommends approval.
7. (b) The Sheriff requests a General Fund supplemental appropriation in the amount of \$300. This amount represents donations to the K-9 Program. No local funds required. See attached memo, p. 54 - 55.
8. (b) The Sheriff requests a General Fund supplemental appropriation in the amount of \$50. This amount represents a donation to DARE. No local funds required. See attached memo, p. 56 - 57.
9. (b) The Fire & Rescue Chief requests a General Fund supplemental appropriation in the amount of \$4,845.85. This amount represents an insurance reimbursement for an auto claim. No local funds required. See attached memo, p. 58.
10. The Deputy County Administrator requests a General Fund supplemental appropriation in the amount of \$31,202.77. This amount represents a carry forward of unspent FY16 funds for carpet replacement, which was started in FY16 but has been delayed. See attached memo, p. 59. The committee recommends approval.
11. The EDA Executive Director requests an EDA Fund supplemental appropriation in the amount of \$100,000. This amount represents the third installment under the performance agreement with Carmeuse Lime and Stone. See attached memo, p. 60. The committee recommends approval.

12. The EDA Executive Director requests an EDA Fund supplemental appropriation in the amount of \$100,000. This amount represents the final installment under the performance agreement with HP Hood. See attached memo, p. 61. The committee recommends approval.
13. The Finance/Audit Committee charter adopted by the Board of Supervisors requires an annual review and reassessment. See attached charter, p. 62 - 64. The committee recommends no changes.

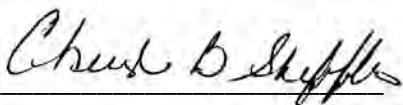
INFORMATION ONLY

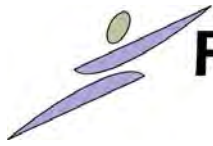
1. The Finance Director provides a Fund 10 Transfer Report for August 2017. See attached, p. 65.
2. The Finance Director provides financial statements for the month ending August 31, 2016. See attached, p. 66 - 76.
3. The Finance Director provides an FY 2017 Fund Balance Report ending September 15, 2016. See attached, p. 77.
4. The FY16 year-end open purchase orders have been provided by the County and the Schools. See attachments, p. 78 - 92.
5. The County Administrator's recommendation on County committee/commission pay will be provided in October.

Respectfully submitted,

FINANCE COMMITTEE

Judith McCann-Slaughter, Chairman
Charles DeHaven
Gary Lofton
Bill Ewing
Angela Rudolph

By 
Cheryl B. Shiffler, Finance Director



Frederick County Public Schools

... to ensure all students an excellent education

Executive Director of Finance

fryel@fcpsk12.net

DATE: August 31, 2016

TO: School Board Finance Committee Members
David T. Sovine, Ed.D., Superintendent of Schools

FROM: Lisa K. Frye, Executive Director of Finance *Lisa K. Frye*

SUBJECT: **Financial Reports for Fiscal Year 2015-16**

Attached are the year-end financial reports for fiscal year 2015-16. As of the date of this report, the financials are unaudited. Included are the statements of operations for all funds managed by the school system. This report summarizes the key activities within each fund.

Table of Contents

<u>Fund</u>	<u>Report</u>
School Operating Fund	Page 3
School Nutrition Fund	Page 8
School Textbook Fund	Page 10
School Capital Projects Fund	Page 12
School Construction Fund	Page 14
School Debt Service Fund	Page 16
School Health Insurance Reserve Fund	Page 18
Northwestern Regional Educational Programs Funds	Page 20
Consolidated Services Fund	Page 22
Special Grants Fund	Page 24
Private Purpose Funds	Page 26

Please refer to the respective financial statement as you proceed through the text.

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School Operating Fund

The unobligated surplus for the fiscal year 2016 school operating fund is \$458,985, which is 0.31% of the \$148,733,931 total school operating fund budget.

The operational highlights of the fiscal (and school year) 2015-2016

- Implementation of instructional coaching model to collaborate with teachers through targeted professional development and instructional strategies that directly benefit students
- Implementation of Summer School Academy, an in-between years instructional program for academically at-risk elementary and middle school students
- Fall 2015 enrollment was 13,066 compared to an expected 13,166
- Expansion of 1:1 technology initiative for all middle and some elementary and high school students

Summary budget statistics

1. The original (beginning) budget for the school operating fund for FY 2016 was \$148,028,927.
2. Budget adjustments of \$705,004 resulted in the current budget balance of \$148,733,931 and included the following:
 - a. encumbrance or undelivered commitments of \$581,267
 - b. carry-forward restricted grant receipts of \$123,737 from FY 2015

Summary financial statistics

1. Actual FY 2016 revenues in the school operating fund were \$147,310,865.
2. Actual FY 2016 expenses and encumbrances totaled \$146,640,246.
3. Obligations for restricted programs in the amount of \$211,634 are a part of the year-end surplus and are reserved for appropriation to FY 2017.
4. An unobligated amount of \$458,985 remained at year-end. [Line E]

Key factors contributing to the school operating fund surplus are shown in the chart below.

	Budget	Actual	Variance
State sales tax	\$14,266,303	\$14,338,077	\$ 71,774
Budgetary expense surplus – schools and departments	\$19,429,829	\$19,050,004	\$ 379,825 <i>\$45,573 schools \$334,252 depts.</i>
All other variances			\$ 7,386
Unobligated Surplus for FY 2016			\$ 458,985

The remaining portion of this section explains the financial activity and resulting variances.

School Operating Fund – Continued

Understanding the Operating Fund Variances

The financial statement for the School Operating Fund is presented in a format reflecting two components of financial activity: unrestricted and restricted programs. The majority of the school division's programs and operations are funded by state and local funds in the unrestricted component. While the school division must maintain minimum standards of quality with a mandated local match in most cases, the local school board allocates those funds with discretion aligned to planning goals. Therefore, the expenditures in this component are referred to as unrestricted.

The restricted program section shows the activity of grant funds received for specific use on designated programs. The budget and related financial activity align with the grant award amounts and spending period, creating budget to actual variances which tend to be misunderstood as local surpluses or deficits. For this reason, the format shown is designed to assist the reader with the distinction between the two.

Summary of Revenues and Expenditures

Unrestricted revenues exceeded expenditures by \$795,035 [line 11]. The variance for each revenue source and expenditure category is described in the following text. This amount is offset by \$124,416 in restricted program variances [line 14] resulting in the total operating fund surplus of \$670,619 [line 15], which is then reduced by \$211,634 in carryforward obligations. The final result is \$458,985 in un-obligated surplus for FY 2016.

Unrestricted Revenues: \$141,844,316 [line 6]

Local Sources [line 1]

- \$902,888 in miscellaneous local revenue was received, including fees and charges to students and the public, as well as billings to other agencies, gifts and donations, rebates and refunds, and rental charges for the use of school division facilities. Funds received from these sources were less than projected by \$31,205 and eRate reimbursing funds.

Commonwealth [line 2]

- \$68,152,369 in state revenues were received including Standards of Quality (SOQ) funding, sales tax receipts, incentive funding, categorical funding, lottery funds, and some miscellaneous funds were less than budgeted by \$279,148.
- SOQ funding was less than budgeted by \$344,063 due to lower than projected enrollment.
- Sales tax funding was more than budgeted by \$71,774 due to greater sales tax collections received by the Commonwealth than was planned by the Virginia Department of Taxation.
- Medicaid revenues were greater than budgeted by \$119,961.
- All other state funding received was less than budgeted by \$126,820 – again primarily due to less than expected enrollment.

Federal Government [line 3]

- \$7,987 in unrestricted, federal program revenues were received. A small amount of funding is provided each year based on the amount of federal land in the county. There is no notable variance in this section.

Local Government and Transfers [lines 4-5]

- \$72,781,072 were received from the County's General Fund – local government dollars. This total includes the prior year encumbrance and grant obligations, as well as the current year funding support from the local governing body.

School Operating Fund – Continued

Unrestricted Expenditures: \$141,049,281 [line 10]

Instruction [line 7]

- \$105,846,588 were expended for instructional purposes and includes costs incurred for classroom instruction, student support services, library and media services, instructional support services, and school administrative offices in the areas of regular education, special education, vocational education, gifted education, and the other categories of instruction. Seventy-five percent of all expenditures are in this category. The positive variance of \$53,305 is attributable to expenditure savings throughout the schools and instructional departments.

Instructional and Administrative Technology [line 8]

- \$7,377,806 were expended for costs associated with division technology - instructional, administrative, and operational categories. Savings in vehicle fuel and employee compensation due to personnel turnover provided some funding to expand the school division's 1:1 student technology device initiative to additional grade levels.

Support Services [line 9]

- \$27,824,887 were expended for costs associated with supporting the operations of the school division, including administration, services related to students' attendance and health, transporting students, and maintaining facilities. The \$584,160 positive variance is the net of personnel and operational expenditures. The majority of this positive variance is due to residual fuel and utility savings.

Restricted program revenues and expenditures [lines 12 - 14]

Restricted Programs provide funding for specific initiatives. The majority of these revenues are based upon certain student populations or capabilities. Restricted program funding is associated with spending criteria as well as reporting criteria. The vast majority of restricted revenues come from the federal government, but a few are from state or miscellaneous sources. Restricted program revenues totaled \$5,466,549 for FY 2016, and program expenditures totaled \$5,590,965. The resulting negative balance of \$124,416 represents an amount of additional local funding toward those specific program budgets.

FY 2016 Un-obligated Surplus (Revenues in Excess of Expenditures) \$458,985 [lines 15-17]

The total surplus for FY 2016 of \$670,619 is reduced by the amount of revenue received for a special purpose, but has not yet been encumbered. These funds are considered obligations against the surplus funds, total \$211,634, and include: 1) \$128,763 for SOL Algebra Readiness, 2) \$49,228 for the Apple Federal Credit Union mentor teacher program, 3) \$31,156 for property repairs, and 4) \$2,487 for the VA Star program and website advertising. A separate appropriation request will be submitted for these amounts to be approved by the Board of Supervisors. The unobligated surplus for FY 2016 is \$458,985.

Frederick County Public Schools

School Operating Fund

Year Ended June 30, 2016

	[a] 2014-15 Actual*	[b] 2015-16 Original Budget	[c] 2015-16 Adjusted Budget	[d] 2015-16 Actual*	[e] Variance from Adj. Budget
SUMMARY					
Revenue from Local/Other Sources	\$ 1,197,652	\$ 1,056,305	\$ 1,087,324	\$ 988,752	\$ (98,573)
Revenue from the Commonwealth	\$ 68,475,796	\$ 70,040,965	\$ 69,825,620	\$ 69,264,017	\$ (561,603)
Revenue from the Federal Government	\$ 4,520,254	\$ 4,855,589	\$ 5,039,915	\$ 4,277,024	\$ (762,891)
Revenue from Local Governing Body	67,132,443	72,076,068	72,781,072	72,781,072	0
[A] TOTAL REVENUES	\$ 141,326,145	\$ 148,028,927	\$ 148,733,931	\$ 147,310,865	\$ (1,423,066)
Instruction	\$ 100,814,363	\$ 106,692,797	\$ 105,899,893	\$ 105,846,588	\$ 53,305
Instruction - Restricted Programs	5,741,021	7,072,373	7,014,141	5,590,965	1,423,175
Technology - Instructional & Administrative	7,052,237	5,871,207	7,410,851	7,377,806	33,045
Support Services	27,280,040	28,392,550	28,409,047	27,824,887	584,160
[B] TOTAL EXPENDITURES	\$ 140,887,661	\$ 148,028,927	\$ 148,733,931	\$ 146,640,246	\$ 2,093,685
* Actual fiscal year expenditures includes encumbrances					
[C] REVENUE OVER EXPENDITURES	\$ 438,484	\$ -	\$ -	\$ 670,619	
[D] Obligated Funds-Special Programs	\$ 123,737			\$ 211,634	
[E] LOCAL FUNDS UNOBLIGATED AT JUNE 30	\$ 314,747			\$ 458,985	
[F] Percentage Surplus of Total Budget	0.22%			0.31%	

Unrestricted Revenues

[1] Revenue from Local Sources	\$ 1,043,468	\$ 937,493	\$ 934,093	\$ 902,888	\$ (31,205)
[2] Revenue from Commonwealth	\$ 67,454,879	\$ 68,355,993	\$ 68,431,517	\$ 68,152,369	\$ (279,148)
a Standards of Quality (SOQ)	49,264,059	49,307,236	49,307,236	48,963,173	(344,063)
b Sales Tax	13,944,103	14,266,303	14,266,303	14,338,077	71,774
c Incentive Accounts	518,000	1,132,574	1,132,574	1,128,556	(4,018)
d Categorical	79,725	81,320	81,320	101,927	20,607
Homebound	79,725	81,320	81,320	101,927	20,607
e Lottery-Funded Programs	3,410,221	3,476,060	3,504,417	3,361,009	(143,409)
f Miscellaneous State	238,770	92,500	139,666	259,627	119,961
[3] Revenue from Federal Government	\$ 5,458	\$ 5,000	\$ 9,334	\$ 7,987	\$ (1,347)
a Miscellaneous	5,458	5,000	9,334	7,987	(1,347)
[4] Transfers/ CarryOver/ Prior Year Encumbrances	\$ 1,784,703	\$ -	\$ 705,004	\$ 705,004	\$ -
[5] Local Funds -Board of Supervisors	\$ 65,347,740	\$ 72,076,068	\$ 72,076,068	\$ 72,076,068	\$ -
[6] Total Unrestricted Revenues	\$ 135,636,248	\$ 141,374,554	\$ 142,156,016	\$ 141,844,316	\$ (311,700)

Unrestricted Expenditures

[7] Instruction	\$ 100,814,363	\$ 106,692,797	\$ 105,899,893	\$ 105,846,588	\$ 53,305
a Regular education	75,767,962	80,593,759	79,927,857	79,906,077	21,780
b Special education	15,891,719	16,604,460	16,460,271	16,449,211	11,059
c Vocational education	6,953,883	7,245,825	7,285,755	7,284,751	1,005
d Gifted education	811,686	845,081	846,505	840,579	5,926
e Other education	1,349,064	1,362,157	1,337,991	1,328,522	9,469
f Summer School	23,135	23,750	23,750	20,534	3,216
g Adult education	16,914	17,764	17,764	16,914	850
[8] Instructional & Administrative Technology	\$ 7,052,237	\$ 5,871,207	\$ 7,410,851	\$ 7,377,806	\$ 33,045
a Instructional technology	2,308,228	1,015,978	1,793,254	1,791,348	1,906
b Instructional support technology	2,802,456	3,096,787	3,208,650	3,201,994	6,656
c Administrative support technology	1,941,553	1,758,441	2,408,946	2,384,464	24,482
[9] Support Services	\$ 27,280,040	\$ 28,392,550	\$ 28,409,047	\$ 27,824,887	\$ 584,160
a Administration, Attendance & Health	5,886,193	6,387,423	6,386,250	6,316,279	69,971
b Pupil Transportation Services	8,061,763	8,638,755	8,249,665	8,122,430	127,236
c Operation and Maintenance	12,684,115	12,692,221	13,094,499	12,722,190	372,309
d Facilities	157,101	204,412	203,021	188,376	14,645
e Fund Transfers	490,869	469,739	475,612	475,612	-
[10] Unrestricted Expenditures	\$ 135,146,640	\$ 140,956,554	\$ 141,719,791	\$ 141,049,281	\$ 670,510
[11] Unrestricted Revenue Over/(Under) Expense	\$ 489,607			\$ 795,035	

	[a] 2014-15 Actual*	[b] 2015-16 Original Budget	[c] 2015-16 Adjusted Budget	[d] 2015-16 Actual*	[e] Variance from Adj. Budget
Restricted Programs					
Revenue from Local/Other Sources					
a	\$ 154,184	\$ 118,812	\$ 153,231	\$ 85,864	\$ (67,368)
a	eRate Program	90,768	93,812	26,911	(65,480)
b	Emergency Planning Grant - Generator	7,661	-	-	-
c	Bridges to Success-Apple Federal CU	30,000	25,000	30,000	-
d	NOAA Grant	25,756	-	30,841	(1,888)
Revenue from Commonwealth					
a	\$ 1,020,917	\$ 1,684,972	\$ 1,394,103	\$ 1,111,649	\$ (282,455)
a	Remedial Summer School	-	106,484	62,848	(50)
b	Regional Juvenile Detention Center	512,374	545,671	545,671	(2,743)
c	Special Education - In-Jail	84,020	90,000	90,000	(2,347)
d	Early Reading Intervention	242,843	242,843	242,843	(6,122)
e	SOL Algebra Readiness	117,263	117,263	119,200	-
f	Other Special State Programs	64,417	32,711	67,036	(4,687)
g	Excess Appropriation	-	550,000	266,505	(266,505)
Revenue from Federal Government					
a	\$ 4,514,796	\$ 4,850,589	\$ 5,030,581	\$ 4,269,037	\$ (761,544)
a	Title I, Part A	1,470,700	1,703,071	1,716,189	(403,103)
b	Title I, Part D	68,478	65,467	82,852	(1,590)
c	Title II, Part A Improve Teacher Quality	331,187	267,006	342,137	(116,133)
d	Title III, Part A LEP	68,118	64,274	74,719	(3,903)
e	Title VI-B IDEA Regular	2,356,903	2,454,793	2,566,749	(179,213)
f	Title VI-B IDEA Preschool	41,184	41,184	41,184	42
g	Perkins Vocational	158,727	154,794	148,846	262
h	Other Miscellaneous Grants	19,500	-	-	-
i	Excess Appropriation	-	100,000	57,906	(57,906)
[12] Total Restricted Revenues	\$ 5,689,897	\$ 6,654,373	\$ 6,577,915	\$ 5,466,549	\$ (1,111,367)
Restricted Program Expenditures					
a	85,826	93,812	97,332	27,015	70,317
a	eRate Program	93,812	97,332	27,015	70,317
b	Bridges to Success - Apple Federal CU	15,813	25,000	30,000	19,228
c	Title II, Part B NOAA Grant	23,010	-	30,841	1,235
d	Emergency Generator Grant	965	-	-	-
e	Remedial Summer School	-	228,168	160,712	(130)
f	Regional Juvenile Detention Center	506,244	545,671	545,671	9,275
g	Special Education - In-Jail	84,020	90,000	90,000	2,347
h	Early Reading Intervention	271,220	287,807	246,807	5,289
i	SOL Algebra Readiness	169,552	186,695	278,574	128,763
j	Other Special State Programs	96,297	65,696	99,231	9,780
k	Title I, Part A	1,470,700	1,703,071	1,716,189	403,103
l	Title I, Part D	106,781	105,586	115,340	1,997
m	Title II, Part A Improve Teacher Quality	331,187	267,006	342,137	116,133
n	Title III LEP	68,118	64,274	74,719	3,903
o	Title VI-B	2,356,903	2,454,793	2,566,749	179,213
p	Perkins Vocational	154,386	154,794	148,846	1,727
q	Excess Appropriation	-	800,000	470,993	470,993
[13] Total Restricted Expenditures	\$ 5,741,021	\$ 7,072,373	\$ 7,014,141	\$ 5,590,965	\$ 1,423,175
[14] Restricted Revenue Over/(Under) Expense	\$ (51,124)			\$ (124,416)	
[15] All Revenue Over/(Under) Expense	\$ 438,484			\$ 670,619	
[16] Obligated Funds-Special Programs	123,737			211,634	
[17] LOCAL FUNDS UNRESTRICTED AND UNOBLIGATED AT JUNE 30	\$ 314,747			\$ 458,985	

School Nutrition Fund

The food service operation completed the FY 2016 with revenues in excess of expenditures of \$383,335, which increases the fund balance to \$1,942,843. Of this fund balance, \$272,504 is the value of inventory at year-end and is categorized as non-spendable. The School Nutrition Services Program served meals over 178 days, two days less than the budget due to inclement weather.

Even though the fund continues to realize a profit, revenue was less than expected due to a decline in the number of students buying meals and two less serving days. On average, 50 percent of the student membership participated in the food service program. Expenditures were significantly less than expected for the associated number of meals served. Equipment expenses were also less than planned.

1,166,682 lunches and 298,771 breakfasts were served throughout the 2015-2016 school year, which were 85,032 less meals than budgeted. The lunch prices for a full meal were \$2.50 for elementary, \$2.75 for middle, and \$2.75 regular lunch/\$2.85 pizza lunch for high school students. Other items were sold on an à la carte basis. The division food service operation produced an average of 14.29 meals per labor hour – 8,460 equivalent meals daily. As of June 2016, 34.6% of students were eligible for free or reduced-priced meals.

Revenue Variances:

Compared to budget, revenues were \$234,907 less than expected. The variance is the result of two main components: lunch sales and federal meal reimbursement through the National School Lunch Program.

- Lunch sales for full-priced meals were \$190,280 lower than expected. This variance is attributed to two fewer serving days and less than expected number of students participating who pay full price for meals.
- Federal subsidies were \$45,797 less than planned. This decrease in revenue reflects fewer serving days and changes in student meal participation patterns.

Expenditure Variances:

Compared to budget, expenditures were less than expected. \$1,502,573 of the total expenditure variance represents appropriation of prior year fund balance. The excess appropriation is carried forward to be used if needed. The other operational variances are the result of the following:

- Labor cost was \$259,937 less than planned. Productivity gains were realized and overtime and substitute costs were less than anticipated.
- Food and supply costs were \$200,160 less than planned. The average food cost per meal was \$1.23 for FY 2016, which was six cents less than budgeted.
- Contracted services, utilities, travel, and other miscellaneous expenses ended the year with a positive variance of \$8,439.
- Capital outlay represents the purchase of new or replacement equipment which realized a positive variance of \$149,706.

Frederick County Public Schools
School Nutrition Fund
Year Ended June 30, 2016

	[a] <u>Actual 2013-2014</u>	[b] <u>Actual 2014-2015</u>	[c] <u>Adjusted Budget 2015-16</u>	[d] <u>Actual 2015-2016</u>	[e] <u>Variance from Adj Budget</u>
[1] Beginning Balance July 1	\$ 1,202,601	\$ 1,368,808	\$ 1,502,573	\$ 1,559,508	\$ 56,935
Revenues:					
[2] Interest on Bank Deposits	\$ 2,484	\$ 2,902	\$ 2,484	\$ 4,085	\$ 1,601
[3] Type A Lunches	1,485,516	1,507,227	1,725,880	1,535,600	(190,280)
[4] Breakfast Program	89,964	102,006	116,201	120,476	4,275
[5] All Other Sales and Adults	572,743	588,632	611,835	586,691	(25,144)
[6] Other Receipts	92,356	69,146	59,396	78,444	19,048
[7] State School Food Payments	91,725	86,549	89,184	89,227	43
[8] Federal Meals Reimbursement	2,275,371	2,328,330	2,514,855	2,469,058	(45,797)
[9] Transfers From School Operating	-	24,064	4,526	5,873	1,347
[10] Total Revenues	\$ 4,610,158	\$ 4,708,855	\$ 5,124,361	\$ 4,889,454	\$ (234,907)
Total Revenues and Beginning Balance	5,812,759	6,077,663	6,626,934	6,448,962	
Expenditures:					
[11] Salaries	\$ 1,742,933	\$ 1,745,169	\$ 1,937,283	\$ 1,759,359	\$ 177,924
[12] Fringe Benefits	607,530	644,130	691,778	609,765	82,013
[13] Contractual Services	47,626	62,199	67,957	61,946	6,011
[14] Utilities, Travel and Misc	47,286	52,010	54,033	51,605	2,428
[15] Food and Supplies	1,965,778	1,945,885	2,194,962	1,994,802	200,160
[16] Capital Outlay	32,797	68,763	178,348	28,642	149,706
[17] Appropriation Fund Bal. - Prior Year	-	-	1,502,573	-	1,502,573
[18] Total Expenditures	\$ 4,443,951	\$ 4,518,155	\$ 6,626,934	\$ 4,506,119	\$ 2,120,815
[19] Revenue Over / (Under) Expenditures	\$ 166,207	\$ 190,700	\$ -	\$ 383,335	
[20] Balance June 30	<u>\$ 1,368,808</u>	<u>\$ 1,559,508</u>	<u>\$ -</u>	<u>\$ 1,942,843</u>	
[21] Balance Nonspendable - Inventory	\$ 210,365	\$ 238,947		\$ 272,504	
[22] Committed - reserve for encumbrance	\$ 25,481	\$ -		\$ -	
[23] Assigned fund balance	\$ 1,132,962	\$ 1,320,561		\$ 1,670,339	

School Textbook Fund

The textbook fund finished the year with an increase of \$637,333 resulting in a fund balance to \$1,714,833. The primary source of revenue for this fund comes from the Standards of Quality funding provided by the Commonwealth. The state funds require a local match equal to the composite index percentage.

Beginning fund balance for the School Textbook Fund was \$1,077,501. Revenues plus the beginning fund balance provide for the total available funds of \$2,340,825. For FY 2016, state funds of \$788,171 plus \$469,739 in local matching funds, and miscellaneous receipts for interest and fees totaled \$1,263,324 in revenue.

Textbook purchases were made for replacements of worn textbooks, new music textbooks for grades kindergarten through 5, new math textbooks for high school grades, and new science textbooks for high school grades. Total expenditures on textbooks and related activities equaled \$625,991 for the year – less than planned due to savings on music and science textbooks, shipping costs, consumables and stable enrollment. A small portion of the expense total is for a clerical position attributable to maintaining the textbook inventory.

The textbook fund balance increases and decreases over time as it supports the year-to-year disbursements driven by the timing of required textbook adoptions. Textbook fund balance is assigned to the next fiscal year to support required textbook adoptions.

Frederick County Public Schools
School Textbook Fund
Year Ended June 30, 2016

	[a] 2013-14 Actual	[b] 2014-15 Actual	[c] 2015-16 Budget	[d] 2015-16 Actual	[e] Variance
[1] Balance July 1	\$ 1,155,102	\$ 1,421,028	\$ 625,965	\$ 1,077,501	\$ 451,536
Revenues:					
[2] Interest on Bank Deposits	\$ 2,803	\$ 2,620	\$ 5,000	\$ 3,882	\$ (1,118)
[3] Sale of Textbooks/ Lost Fees	2,588	2,144	5,000	1,115	(3,885)
[4] Sale of Used Books		359	1,500	417	(1,083)
[5] State Reimbursements	745,103	787,033	793,340	788,171	(5,169)
[6] Transfers From Other Funds	421,529	476,198	469,739	469,739	0
[7] Total Revenues	\$ 1,172,023	\$ 1,268,354	\$ 1,274,579	\$ 1,263,324	\$ (11,255)
Expenditures:					
[8] Salaries	\$ 17,813	\$ 16,076	\$ 30,775	\$ 17,088	\$ 13,686
[9] Fringe Benefits	6,534	4,017	4,258	4,204	54
[10] Contractual Services	-	2,195	-	-	-
[11] Payments to Publishers	881,749	1,589,593	1,099,050	604,699	494,351
[12] Planned Carryforward to Next Year	-	-	766,461	-	766,461
[13] Total Expenditures	\$ 906,097	\$ 1,611,881	\$ 1,900,544	\$ 625,991	\$ 1,274,553
[14] Revenues Over / (Under) Expenditures	\$ 265,926	\$ (343,527)	\$ (625,965)	\$ 637,333	\$ 1,263,298
[15] Balance June 30	<u>\$ 1,421,028</u>	<u>\$ 1,077,501</u>	<u>\$ -</u>	<u>\$ 1,714,833</u>	
[16] Committed - reserve for encumbrance	\$ 5,557	\$ -		\$ -	
[17] Assigned fund balance	\$ 1,415,471	\$ 1,077,501		\$ 1,714,833	

School Capital Projects Fund

The school capital projects fund is a separate fund intended for the purchase of capital items that are not provided for in the annual school operating fund. This fund typically receives revenue from the local governing body through direct appropriation or through the transfer of funds from prior year remaining balances in the school operating fund.

The beginning fund balance of \$647,957 was used to complete maintenance projects after July 1, 2015. New funding of \$4,314,747 was provided by the county for the following capital needs: fire alarm replacement at James Wood High School, division-wide building automation management systems upgrade, roof replacement at Sherando High School, HVAC upgrade at school board administration building, fire pump upgrade at Bass-Hoover Elementary School, chiller replacement at Armel Elementary School, and eight school bus replacements.

As of June 30, 2016, these projects were in various stages of planning, completion, or payment. The balance will be carried forward into FY 2017.

Some of the items listed above should be supported by a sufficient funding level in the operating fund because they are part of the larger scope of the annual operating responsibilities of the school division. Restoration of such funding in the operating budget will allow for this fund to return to the practice of using it for special projects outside the norm of the operating fund, yet also not large enough for the construction fund.

Frederick County Public Schools
School Capital Projects Fund
Year Ended June 30, 2016

	[a]	[b]	[c]	[d]	[e]
	<u>2013-14 Actual</u>	<u>2014-15 Actual</u>	<u>2015-16 Budget</u>	<u>2015-16 Actual</u>	<u>Variance from Adjusted Budget</u>
[1] Balance July 1	\$ 148,628	\$ 858,814	\$ 500,000	\$ 647,957	\$ 147,957
Revenues:					
[2] Other Receipts					
[3] Local Funds - Frederick County	\$ 800,883	\$ 542,594	\$ 4,314,747	\$ 4,314,747	\$ -
[4] Transfers from Other Funds	1,045,748	-	-	-	-
[5] Transfers- Encumbrances from prior year	-	-	166,292	-	(166,292)
Total Revenues	<u>\$ 1,846,631</u>	<u>\$ 542,594</u>	<u>\$ 4,481,039</u>	<u>\$ 4,314,747</u>	<u>\$ (166,292)</u>
Expenditures:					
[6] Capital Outlay	<u>\$ 1,136,445</u>	<u>\$ 753,451</u>	<u>\$ 4,981,039</u>	<u>\$ 863,222</u>	<u>\$ 4,117,816</u>
[7] Total Expenditures	<u>\$ 1,136,445</u>	<u>\$ 753,451</u>	<u>\$ 4,981,039</u>	<u>\$ 863,222</u>	<u>\$ 4,117,816</u>
[8] Fund Balance June 30	<u>\$ 858,814</u>	<u>\$ 647,957</u>	<u>\$ -</u>	<u>\$ 4,099,481</u>	
[9] Committed - reserve for encumbrance	\$ 79,205	\$ 166,292		\$ 1,332,857	
[10] Assigned fund balance	\$ 779,609	\$ 481,665		\$ 2,766,624	

Construction Fund

The active construction projects for FY 2016 were:

- construction of replacement for FCMS;
- continued design of the fourth high school;
- and design of the twelfth elementary school and Armel addition.

A project-to-date summary is shown below and is provided in a different format on the financial statement. The amounts shown in bold represent active project balances at year-end, which will be automatically re-appropriated in the next fiscal year to provide for the seamless continuation of the project.

Replacement FCMS:

Beginning project amount	\$ 49,500,000.00
Expenditures through June 30, 2016	\$(42,914,261.58)
O/S Encumbrances @ June 30, 2016	<u>\$(5,363,352.78)</u>
Remaining project balance	<u>\$ 1,222,385.64</u>

Cash received – bond proceeds	\$ 46,840,723.67
Cash received – premium proceeds	\$ 4,598,400.95
Cash received – interest earnings	\$ 80,620.92
Cash received – easement proceeds	\$ 120,000.00
Cash transferred to other projects	\$(2,108,015.62)
Cash disbursed for project	\$(38,958,795.69)
Accounts Payable @ June 30, 2016	<u>\$(3,955,465.89)</u>
Cash/A/P balance @June 30, 2016	<u>\$ 6,617,468.34</u>

Fourth High School:

Beginning project amount	\$ 6,000,000.00
Expenditures through June 30, 2016	\$(5,286,590.98)
O/S Encumbrances @ June 30, 2016	<u>\$(271,195.47)</u>
Remaining project balance	<u>\$ 442,213.55</u>

Cash received – bond proceeds	\$ 2,734,850.00
Cash received – premium proceeds	\$ 209,216.97
Cash received – interest earnings	\$ 4,733.58
Cash transferred-undesignated fund	\$ 2,500,000.00
Cash received from other projects	\$ 230,199.17
Cash disbursed for project	\$(5,220,935.98)
Accounts Payable @ June 30, 2016	<u>\$(65,655.00)</u>
Cash/A/P balance @June 30, 2016	<u>\$ 392,408.74</u>

12th Elementary School:

Beginning project amount	\$ 1,500,000.00
Expenditures through June 30, 2016	\$(242,094.50)
O/S Encumbrances @ June 30, 2016	<u>\$(1,113,818.30)</u>
Remaining project balance	<u>\$ 144,087.20</u>

Cash received – bond proceeds	\$.00
Cash received – premium proceeds	\$.00
Cash received – interest earnings	\$.00
Cash received – other sources	\$ 1,500,000.00
Cash disbursed for project	\$(180,663.00)
Accounts Payable @ June 30, 2016	<u>\$(61,431.50)</u>
Cash/A/P balance @June 30, 2016	<u>\$ 1,257,905.50</u>

Armel Additions:

Beginning project amount	\$ 500,000.00
Expenditures through June 30, 2016	\$(147,053.00)
O/S Encumbrances @ June 30, 2016	<u>\$(327,220.00)</u>
Remaining project balance	<u>\$ 25,727.00</u>

Cash received – bond proceeds	\$.00
Cash received – premium proceeds	\$.00
Cash received – interest earnings	\$.00
Cash received from other projects	\$ 500,000.00
Cash disbursed for project	\$(75,500.00)
Accounts Payable @ June 30, 2016	<u>\$(71,553.00)</u>
Cash/ A/P balance as of June 30, 2016	<u>\$ 352,947.00</u>

Frederick County Public Schools
Construction Funds
Year Ended June 30, 2016

	[a] <u>Project Budget</u>	[b] <u>Prior Years' Receipts</u>	[c] <u>2015-2016 Actual Receipts</u>	[d] <u>Cummulative Project Receipts</u>		
[1] Balance July 1			\$ 8,777,475			
Revenues:						
[2] Interest Income	\$ -	\$ 46,103	\$ 39,093	\$ 85,196		
[3] Proceeds from Bond Sale	54,300,000	22,940,574	26,635,000	49,575,574		
[4] Other Receipts	3,200,000	2,033,619	5,516,183	7,549,801		
[5] Miscellaneous	-	-	-	-		
[6] Total Revenues	\$ 57,500,000	\$ 25,020,296	\$ 32,190,276	\$ 57,210,571		
	[a]	[b]	[c]	[d]	[e]	[f]
	<u>Project Budget</u>	<u>Prior Years' Expenditures</u>	<u>2015-2016 Actual</u>	<u>Cummulative Project Expenditures</u>	<u>Outstanding Encumbrances</u>	<u>Remaining Project Balance</u>
Expenditures:						
[7] Replacement FCMS	\$ 49,500,000	\$ 12,264,430	\$ 30,649,832	\$ 42,914,262	\$ 5,363,353	\$ 1,222,386
[8] Armel Elementary Additions	500,000	-	147,053	147,053.00	327,220	25,727
[9] Twelfth Elementary School	1,500,000	-	242,095	242,095	1,113,818	144,087
[10] Fourth High School - land & design	6,000,000	3,978,391	1,308,200	5,286,591	271,195	442,214
[11] Total Expenditures	\$ 57,500,000	\$ 16,242,821	\$ 32,347,179	\$ 48,590,000	\$ 7,075,587	\$ 1,834,414
[12] Balance June 30				<u>\$ 8,620,572</u>		

Debt Service Fund

The year-end balance in the debt service fund is \$113,879. The fund balance is carried forward to offset the local share of debt service in the next fiscal year.

During the fiscal year, FCPS received \$76,264 in refinancing credits from VPSA and \$277,270 from the federal government as an interest rebate subsidy for the Qualified School Construction Bonds (QSCB) program. Additionally, \$14,626,151 was received from the county. These revenues plus the beginning fund balance was used for the principal, interest, and administrative expenses for the 35 active debt issues.

The FY 2016 principal, interest, and debt management fee payments totaled \$15,153,330. The end of year fund balance is \$113,879 and will be used toward the FY 2017 debt obligations.

A summary of the outstanding indebtedness is shown below.

Outstanding debt at June 30, 2015	\$ 108,075,406
New debt incurred during FY 2016	\$ 26,635,000 *
Principal payments on existing debt during FY 2016	<u>(\$ 10,119,992)</u>
Outstanding debt at June 30, 2016	<u>\$ 124,590,414</u>

** During FY 2016, FCPS participated in the fall 2015 and spring 2016 Virginia Public School Authority (VPSA) bond sales for \$18,535,000 and \$8,100,000 respectively. These borrowings were used to fund the construction of the replacement Frederick County Middle School.*

Frederick County Public Schools
Debt Service Fund
Year Ended June 30, 2016

	[a]	[b]	[c]	[d]	[e]
	<u>2013-14 Actual</u>	<u>2014-15 Actual</u>	<u>2015-16 Adjusted Budget</u>	<u>2015-16 Actual</u>	<u>Variance from Adjusted Budget</u>
[1] Balance July 1	\$ 20,158	\$ 922,736	\$ 273,291	\$ 287,524	\$ 14,233
Revenues:					
[2] State VPSA Credits	\$ -	\$ -	\$ 61,261	\$ 76,264	\$ 15,003
[3] Federal - QSCB	276,080	275,783	275,782	277,270	1,488
[4] Local Funds - Frederick County	14,626,151	14,626,151	14,626,151	14,626,151	-
[5] Transfers from Other Funds					
[6] Total Revenues	\$ 14,902,231	\$ 14,901,934	\$ 14,963,194	\$ 14,979,685	\$ 16,491
Expenditures:					
[7] Principal Payments	\$ 8,978,905	\$ 9,236,871	\$ 10,119,992	\$ 10,119,992	\$ -
[8] Interest Payments	3,961,150	4,718,909	5,017,439	5,017,438	0
[9] Miscellaneous	13,850	15,050	99,054	15,900	83,154
[10] Total Expenditures	\$ 12,953,905	\$ 13,970,830	\$ 15,236,485	\$ 15,153,330	\$ 83,155
[11] Transfers to Other Funds	\$ 1,045,748	\$ 1,566,316	\$ -	\$ -	
[12] Balance June 30	<u>\$ 922,736</u>	<u>\$ 287,524</u>	<u>\$ -</u>	<u>\$ 113,879</u>	
[13] Committed - reserve for encumbrance	\$ -	\$ -		\$ -	
[14] Assigned fund balance	\$ 922,736	\$ 287,524		\$ 113,879	

Insurance Reserve Fund

The insurance reserve fund accounts for the premiums received and health claims paid for participating employees. The fund balance is generated from medical and dental premiums paid by the school system and employees exceeding insurance carrier payments for those claims. Likewise, the fund balance could decrease for claims exceeding premiums paid. A range for projected claims expense and health care utilization is prepared by the insurance carrier. Premiums are set within the projected range.

The health insurance program provided coverage for about 1,780 FCPS employees and retirees plus their dependents. The program includes three medical plan options, one vision, and one dental plan—all provided by Anthem. The three medical plan options are known as KeyCare 300, KeyCare 30, and the Health Savings Account (HSA) plan.

Column [e] shows the current year activity compared to expected and maximum levels shown in columns [c] and [d]. Medical and dental claims, affordable care act and other expenses for FY 2016 were \$18,123,265, significantly above the expected level of \$16,753,405. The insurance reserve fund year-end balance decreased by \$1,760,920 to an ending balance of \$1,878,863. The fund balance equates to just under one and a half months of claims activity. The fund balance is assigned to support future health claims.

Columns [f] and [g] provide a range of activity projected for FY 2017. Due to claims activity significantly exceeding the expected level in the FY 2016, the coverage plans offered were adjusted. A choice between two plans known as KeyCare 25 and health savings account (HSA) plan will be available to employees. Overall, the fund needs to support about \$18.9 million in expected claims for the FY 2017. It is important to maintain a fund balance sufficient to support claims which exceed the expected level.

Frederick County Public Schools
Insurance Reserve Fund
Year Ended June 30, 2016

	[a]	[b]	[c]	[d]	[e]	[f]	[g]	
	<u>Actual</u>	<u>Actual</u>	<u>Expected</u>	<u>Maximum</u>	<u>Actual</u>	<u>Expected</u>	<u>Maximum</u>	
	<u>2013-2014</u>	<u>2014-15</u>	<u>Activity</u>	<u>Claim</u>	<u>2015-16</u>	<u>Activity</u>	<u>Claim</u>	
			<u>2015-16</u>	<u>Liability</u>		<u>2016-17</u>	<u>Liability</u>	
				<u>2015-16</u>			<u>2016-17</u>	
[1] Balance July 1	\$ 2,312,491	\$ 3,622,668	\$ 3,639,783	\$ 3,639,783	\$ 3,639,783	\$ 1,878,863	\$ 1,878,863	[1]
Revenues:								
[2] Interest on Bank Deposits	\$ 11,775	\$ 12,026	\$ 11,500	\$ 11,500	\$ 15,395	\$ 11,500	\$ 11,500	[2]
[3] Health Insurance Premiums	15,616,995	16,094,732	16,290,766	16,290,766	16,345,445	18,844,116	18,884,116	[3]
[4] Donations/Grants/Other	9,254	2,865			1,505			[4]
[5] Total Revenues	\$ 15,638,024	\$ 16,109,623	\$ 16,302,266	\$ 16,302,266	\$ 16,362,345	\$ 18,855,616	\$ 18,895,616	[5]
Expenditures:								
[6] Contracted Activities	\$ 6,456	\$ 294,921	\$ 100,000	\$ 100,000	\$ 251,263	\$ 174,000	\$ 174,000	[6]
[7] Taxes & Fees		3,061			6,194			[7]
[8] Supplies	5,218	3,327			4,471			[8]
[9] Health Care Claims	13,430,301	14,788,283	15,653,405	18,001,416	16,763,280	17,681,616	20,333,858	[9]
[10] Dental Claims	885,873	1,002,916	1,000,000	1,000,000	1,098,057	1,000,000	1,000,000	[10]
[11] Total Expenditures	\$ 14,327,847	\$ 16,092,508	\$ 16,753,405	\$ 19,101,416	\$ 18,123,265	\$ 18,855,616	\$ 21,507,858	[11]
[12] Revenues Over (Under) Expenditures	\$ 1,310,177	\$ 17,115	\$ (451,139)	\$ (2,799,150)	\$ (1,760,920)	\$ -	\$ (2,612,242)	[12]
[13] Balance June 30	\$ 3,622,668	\$ 3,639,783	\$ 3,188,644	\$ 840,633	\$ 1,878,863	\$ 1,878,863	\$ (733,379)	[13]

Northwestern Regional Educational Programs (NREP) Funds

Frederick County Public Schools is the fiscal agent for the NREP program. The school divisions of Winchester City and Frederick and Clarke Counties fund the program along with some federal and state dollars. The NREP program provides intense services to multiple disabled students, emotionally disabled students, autistic students, hearing impaired students, deaf/blind students, and preschoolers with various disabilities. The program also provides outreach services to daycares and homes, as well as occupational, physical, and speech therapy services. About 250 students are served by this program.

Total revenues were \$4,709,785 and were \$221,941 less than budgeted. This amount represents a reduction in the localities' contributions due to the distribution of the FY 2015 surplus of \$218,442, as well as negative variances in interest earnings, tuition payments, and state grant funds of \$3,499. Expenditure savings of \$623,254 were realized throughout the year. The residual surplus is \$292,243, which will be credited back to the localities in FY 2017. The residual surplus was generated from vacancy and turnover savings in personnel and reduced contracted costs for autism specialization services.

The NREP textbook fund concluded the year with a fund balance of \$62,689. The fund balance is accumulated over time and is assigned to future disbursements driven by textbook adoption requirements.

Frederick County Public Schools
Northwestern Regional Educational Programs (NREP) Funds
 Year Ended June 30, 2016

	[a]	[b]	[c]	[d]	[e]
	2013-14 Actual	2014-15 Actual	2015-16 Adjusted Budget	2015-16 Actual	Variance from Adj. Budget
OPERATING FUND					
Balance at July 1	\$ 54,495	\$ 220,262	\$ 327,512	\$ 218,442	\$ (109,070)
REVENUES:					
[1] Interest	\$ 1,494	\$ 1,196	\$ -	\$ 1,615	\$ 1,615
[2] Tuition	7,560	7,403	7,400	4,646	(2,754)
[3] Revenue from Commonwealth	26,000	40,078	39,818	37,458	(2,360)
[4] Revenue from Federal Government	-	-	-	-	-
[5] Local Funds -- Frederick County, Winchester City, and Clarke County	-	-	-	-	-
	<u>4,421,400</u>	<u>4,456,778</u>	<u>4,884,508</u>	<u>4,666,066</u>	<u>(218,442)</u>
[6] TOTAL REVENUES	\$ 4,456,455	\$ 4,505,455	\$ 4,931,726	\$ 4,709,785	\$ (221,941)
EXPENDITURES:					
[7] Instruction	\$ 3,493,474	\$ 3,662,691	\$ 4,047,066	\$ 3,791,549	\$ 255,518
[8] Administration, Attendance & Health	177,625	183,113	187,040	186,934	106
[9] Pupil Transportation Services	-	-	-	-	-
[10] Operations and Maintenance	544,694	584,921	620,657	580,897	39,760
[11] Food Services	-	-	-	-	-
[12] Fund Transfers/Contingency	25,000	25,000	352,512	25,000	327,512
[13] Technology	49,895	51,550	51,963	51,604	359
[14] TOTAL EXPENDITURES	\$ 4,290,687	\$ 4,507,275	\$ 5,259,238	\$ 4,635,984	\$ 623,254
[15] Balance at June 30	<u>\$ 220,262</u>	<u>\$ 218,442</u>	<u>\$ -</u>	<u>\$ 292,243</u>	
[16] Committed - reserve for encumbrance	\$ -	\$ -		\$ -	
[17] Assigned fund balance	\$ 220,262	\$ 218,442		\$ 292,243	
TEXTBOOK FUND					
Balance at July 1	\$ 25	\$ 13,409	\$ 15,000	\$ 38,493	\$ 23,493
REVENUES:					
[1] Interest	\$ 48	\$ 85	\$ -	\$ 163	\$ 163
[2] Transfers from NREP Operating Fund	25,000	25,000	25,000	25,000	-
[3] TOTAL REVENUES	<u>\$ 25,048</u>	<u>\$ 25,085</u>	<u>\$ 25,000</u>	<u>\$ 25,163</u>	<u>\$ 163</u>
EXPENDITURES:					
[4] Payments for textbooks	\$ 11,664	\$ -	\$ 40,000	\$ 967	\$ 39,033
[5] TOTAL EXPENDITURES	<u>\$ 11,664</u>	<u>\$ -</u>	<u>\$ 40,000</u>	<u>\$ 967</u>	<u>\$ 39,033</u>
Balance at June 30	<u>\$ 13,409</u>	<u>\$ 38,493</u>	<u>\$ -</u>	<u>\$ 62,689</u>	
[6] Committed - reserve for encumbrance	\$ -	\$ -		\$ -	
[7] Assigned fund balance	\$ 13,409	\$ 38,493		\$ 62,689	

Consolidated Services Fund

The consolidated services fund accounts for the transaction activity associated with building services provided to county buildings and the Handley Regional Library, as well as vehicle services provided to the school division and outside agencies.

The transportation facility is located on Route 522 south and is equipped for fleet maintenance and fueling services to support the school division. Services are also provided to some county offices and departments, and volunteer fire and rescue stations. The facility operations include vehicle repairs, tire changing, washing and fueling, and inspections. The facility is staffed by heavy-duty and light-duty mechanics. Most of the service mechanics hold Automotive Service Excellence (ASE) certifications in their respective fields. Fleet services are billed to user agencies on a cost recovery basis. The charges are comprised of full recovery of all direct and indirect expenses associated with the service provided.

FY 2016 revenues totaled \$2,553,758 and expenses totaled \$2,549,416. The excess of revenues over expenditures is \$4,342 and contributes to the fund balance. The surplus was primarily due to savings realized in utilities.

Frederick County Public Schools
Consolidated Services Fund
Year Ended June 30, 2016

	[a] <u>2013-2014 Actual</u>	[b] <u>2014-15 Actual</u>	[c] <u>2015-16 Adjusted Budget</u>	[d] <u>2015-16 Actual</u>	[e] <u>Variance from Adj. Budget</u>
Balance July 1	\$ 232,220	\$ -	\$ -	\$ 359,970	
[1] Revenue:					
[2] Building Services					
Billings to Regional Library Board	\$ 5,435	\$ 7,294	\$ 4,900	\$ 5,109	\$ 209
Billings to County Government	<u>3,053</u>	<u>4,988</u>	<u>10,100</u>	<u>2,789</u>	<u>(7,311)</u>
Sub-total Building Services	\$ 8,488	\$ 12,282	\$ 15,000	\$ 7,898	\$ (7,102)
[3] Vehicle Services					
Billings to FCPS	\$ 2,714,744	\$ 2,391,844	\$2,643,872	\$ 2,148,181	\$ (495,691)
Billings to Outside Agencies	243,544	481,239	941,128	397,678	(543,450)
Other Receipts	<u>-</u>	<u>7,570</u>	<u>-</u>	<u>-</u>	<u>0</u>
Sub-total Vehicle Services	\$ 2,958,288	\$ 2,880,653	\$3,585,000	\$ 2,545,859	\$(1,039,141)
[4] Transfers from School Operating Fund	\$ 4,289	\$ -	\$ -	\$ -	\$ -
[5] Prior Year Encumbrances	\$ -	\$ -	\$ -	\$ -	\$ -
[6] Total Receipts	\$ 2,971,065	\$ 2,892,935	\$3,600,000	\$ 2,553,758	\$(1,046,243)
[7] Expenditures:					
[8] Building Services					
County Administration Building	\$ 1,152	\$ 2,685	\$ 5,000	\$ 2,060	\$ 2,940
Bowman Regional Library	5,435	7,294	7,500	5,109	2,391
Other Agencies	<u>2,084</u>	<u>2,303</u>	<u>2,500</u>	<u>729</u>	<u>1,771</u>
Sub-total Building Services	\$ 8,671	\$ 12,282	\$ 15,000	\$ 7,898	\$ 7,102
[9] Vehicle Services					
Salaries	\$ 638,096	\$ 657,723	\$ 718,349	\$ 698,968	\$ 19,381
Fringe Benefits	229,546	224,703	239,538	221,380	18,158
Purchased Services	46,044	15,049	322,686	21,866	300,820
Other Charges	104,054	63,549	123,050	52,343	70,707
Materials and Supplies	1,870,615	1,864,810	2,181,377	1,546,960	634,417
Capital Outlay	<u>1,107</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Sub-total Vehicle Services	\$ 2,889,462	\$ 2,825,834	\$3,585,000	\$ 2,541,517	\$ 1,043,483
[10] Total Expenditures	\$ 2,898,133	\$ 2,838,116	\$3,600,000	\$ 2,549,415	\$ 1,050,585
[11] Revenues Over/ (Under) Expenditures	<u>\$ 72,932</u>	<u>\$ 54,819</u>		<u>\$ 4,342</u>	
[12] Balance June 30	<u>\$ 305,151</u>	<u>\$ 54,819</u>		<u>\$ 364,312</u>	
[13] Balance Nonspendable - Inventory	\$ 305,151	\$ 256,860		\$ 278,961	
[14] Unreserved fund balance	\$ -	\$ 103,110		\$ 85,351	

Special Grants Fund

The special grants fund is a fiduciary fund which accounts for the transaction activity associated with the special grants or programs for which Frederick County Public Schools is the fiscal agent. These grants may be multi-year or multi-jurisdictional grants and fall outside of the typical K-12 programs for FCPS.

FY 2016 active grants and programs include the Chain of Checks and a miscellaneous donation for the benefit of low-income students.

Frederick County Public Schools
Special Grants Fund
Year Ended June 30, 2016

	[a]	[d]	[c]	[d]
	2013-14 Actual	2014-15 Actual	2015-16 Adjusted Budget	2015-16 Actual
Balance July 1	\$ 31,113	\$ 12,471	\$ 3,403	\$ 3,403
REVENUES:				
[1] Donations and Grants	\$ 510	\$ -	\$ -	\$ -
Fees from Business & Industry	\$ -	\$ -	\$ -	\$ -
Tuition Payments from Localities	-	-	-	-
Revenue from the Commonwealth	-	-	-	-
Revenue from the Federal Government	-	-	-	-
[2] Sub-total Regional Adult Ed. Revenues	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
[3] Federal Grant - Teaching American History	<u>\$ 34,040</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
[4] TOTAL REVENUES	\$ 34,550	\$ -	\$ -	\$ -
EXPENDITURES:				
[5] Chain of Checks	\$ 7,813	\$ 8,994	\$ 12,307	\$ 3,313
[6] At Risk/Low Income	346	75	164	89
[7] Teacher of the Year	4,072			
[8] Regional Adult Education	6,290	-	-	-
[9] Teaching American History	34,671	-	-	-
[10] TOTAL EXPENDITURES	<u>\$ 53,192</u>	<u>\$ 9,069</u>	<u>\$ 12,471</u>	<u>\$ 3,403</u>
[11] Balance June 30	<u><u>\$ 12,471</u></u>	<u><u>\$ 3,403</u></u>	<u><u>\$ (9,069)</u></u>	<u><u>\$ -</u></u>

Private Purpose Funds

The school division maintains a private-purpose endowment fund and a private-purpose income fund. The endowment fund activity includes contributions and management expenses associated with the principal or corpus. The income fund activity includes miscellaneous restricted donations, interest postings, disbursements, and fund transfers. Fund balances are brought forward each year into the next fiscal period.

The fund balance at June 30, 2016, is comprised of the following:

	Private-Purpose Endowment Balance	Private-Purpose Income Fund Balance
Armstrong Foundation Scholarship	\$224,861	\$ 788
Della Stine Scholarship	\$ 13,464	\$ 92
Axalta Scholarship	N/A	\$ 0
Clyde & Alfretta M. Logan Scholarship	N/A	\$ 22,500
Bright Futures Program	N/A	\$ 10,199
Teacher of the Year	N/A	\$ 2,954
Total	\$ 238,325	\$ 36,533

Private-Purpose Endowment Funds

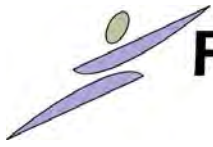
- Armstrong Foundation Scholarship Fund—This fund accounts for funds provided by the Armstrong Foundation. Earnings are used to provide scholarships to deserving students of the Frederick County, Virginia schools.
- Della Stine Scholarship—This fund accounts for funds provided by a private donor. Earnings on fund assets may be used to provide a scholarship to a deserving student who attended Dowell J. Howard Learning Center.

Private-Purpose Income Fund

- The Armstrong Foundation, Della Stine, Axalta, and Clyde and Alfretta M. Logan Scholarship Funds are used for the restricted purpose of providing scholarships to students at the three Frederick County high schools. The two endowed funds are used to support the respective annual scholarship when interest income is insufficient.
- Bright Futures is a non-profit organization that helps schools connect student needs with resources that already exist in the community. Resources can be in the form of donations of money, supplies, or time.
- The Teacher of the Year award is presented each year during convocation. The recipient receives a plaque, a ring featuring the school division's logo, a Chromebook, and a spending account to be used for instructional materials, supplies, or travel.

Frederick County Public Schools
Private Purpose Funds
Year Ended June 30, 2016

	[a]	[b]	[c]	[d]
	<u>FY14-15 Private-Purpose Endowment</u>	<u>FY14-15 Private-Purpose Income</u>	<u>FY15-16 Private-Purpose Endowment</u>	<u>FY15-16 Private-Purpose Income</u>
[1] Balance July 1	\$ 263,240	\$ 13,524	\$ 241,326	\$ 9,848
REVENUES:				
[2] Interest on Bank Accounts	\$ -	\$ 613	\$ -	\$ 755
[3] Interest on Investments	-	-	-	-
[4] Donations and Grants	-	16,117	-	57,259
[5] Transfers from Other Funds	-	-	-	3,000
[6] Investment Earnings	-	-	-	-
[7] TOTAL REVENUES	\$ -	\$ 16,730	\$ -	\$ 61,014
EXPENDITURES:				
[8] Scholarship Payments	\$ -	\$ 14,000	\$ -	\$ 9,500
[9] Other Expenses	12,533	-	-	3,556
[10] Other Operating Supplies	-	1,521	-	16,274
[11] Instructional Supplies	-	2,747	-	4,999
[12] Technology Hardware	-	2,128	-	-
[13] Transfers to Other Funds	9,381	12	3,000	-
[14] TOTAL EXPENDITURES	\$ 21,914	\$ 20,407	\$ 3,000	\$ 34,329
[15] Balance June 30	<u>\$ 241,326</u>	<u>\$ 9,848</u>	<u>\$ 238,326</u>	<u>\$ 36,533</u>



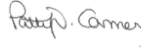
Frederick County Public Schools

... to ensure all students an excellent education

Assistant Director of Finance

cameryp@fcpsk12.net

TO: Cheryl Shiffler, Frederick County Finance Director

FROM: Patty Camery, FCPS Assistant Director of Finance 

DATE: September 8, 2016

SUBJECT: FY 2017 Budget Items for Consideration by the Board of Supervisors

At their meeting on September 6, 2016, the School Board approved the following budget adjustments, which are subject to consideration and approval by the Board of Supervisors. Please include the following requests for FY 2017 budget adjustments on the agenda for the County Finance Committee meeting scheduled for September 21, 2016.

Budget Adjustments for the School Operating Fund

- I. A FY 2017 budget adjustment to the school operating fund is requested for \$211,634.10, which represents funds received during FY 2016 and are to be used for their specific purposes including mentor teacher programs, algebra readiness program, and other miscellaneous purposes.
- II. The school board is requesting a FY 2017 budget adjustment to the school operating fund for \$458,984.80, which represents the total of the unobligated surplus in the school operating fund. Approval of this request will provide appropriation for funds to be spent on high priority items in the transportation and facilities services departments.

cc: David T. Sovine, Ed.D., Superintendent
Brenda G. Garton, County Administrator

County of Frederick

Year Ended June 30, 2016



In Summary, what are the County's year-end General Fund numbers?

- Actual Revenues 157,226,707
- Actual Expenditures 160,140,023

Revenue and Expenditure detail on following slides

Budgeted Revenue

	FY15 ACTUAL	FY16 BUDGETED	FY16 ACTUAL	FY15 VARIANCE
*Property Taxes	98,079,207	100,608,073	104,029,379	3,421,306
Other Local Taxes	32,314,793	31,899,849	33,733,043	1,833,194
Permits / Fees	1,856,413	1,663,682	2,264,101	600,419
Fines / Forfeitures	409,179	355,000	285,390	(69,610)
Rev. from Use of Prop.	189,871	160,420	199,252	38,832
Charges for Services	2,356,455	2,478,226	2,694,962	216,736
Miscellaneous	231,321	249,390	215,760	(33,630)
Recovered Costs	3,112,342	1,323,724	3,566,501	2,242,777
State / Fed	9,878,567	9,247,938	10,238,319	990,381
TOTALS	148,428,148	147,986,302	157,226,707	9,240,405

*Includes reimbursement for PPTRA.

Property Taxes

	FY 15 ACTUAL	FY 16 BUDGETED	FY 16 ACTUAL	FY 16 VARIANCE
Real Estate	46,468,445	48,700,823	49,292,594	591,771
Public Service	2,206,405	2,000,000	2,665,879	665,879
Personal Property	41,327,007	42,887,250	43,584,060	696,810
Machinery and Tools	6,464,875	5,500,000	6,664,254	1,164,254
Short Term Rental Tax	0	0	231,059	231,059
Penalties / Interest	1,324,331	1,200,000	1,367,624	167,624
Admin Fees - Treasurer	288,144	320,000	223,909	(96,091)
TOTALS	98,079,207	100,608,073	104,029,379	3,421,306

*Includes state reimbursement for PPTRA.

Other Local Taxes

	FY15 ACTUAL	FY16 BUDGETED	FY16 ACTUAL	FY16 VARIANCE
Sales Tax	12,190,553	13,067,339	12,941,842	(125,497)
Communications Tax	1,346,402	1,300,000	1,306,717	6,717
Utility Taxes	3,184,821	2,950,000	3,307,711	357,711
Business License	6,426,613	5,950,000	6,571,015	621,015
Motor Vehicle Decals	2,419,215	2,260,000	2,417,274	157,274
Bank Stock & Franchise	482,124	400,000	466,803	66,803
Taxes on Wills & Recordation	1,216,676	1,112,000	1,450,726	338,726
Meals & Room Taxes	5,006,479	4,817,310	5,230,863	413,553
Street Lights/Star Fort Fees	41,910	43,200	40,092	(3,108)
TOTALS	32,314,793	31,899,849	33,733,043	1,833,194

Permits / Fees

	FY15 ACTUAL	FY16 BUDGETED	FY16 ACTUAL	FY16 VARIANCE
Dog License	43,031	42,000	41,629	(371)
Land Use Application Fees	7,400	3,400	9,850	6,450
Development Review Fees	454,778	444,392	511,531	67,139
Building Permits	991,370	729,595	1,285,028	555,433
Transfer fees	2,752	2,500	3,083	583
Electrical Permits	116,657	76,185	103,505	27,320
Plumbing Permits	24,374	16,930	22,235	5,305
Mechanical Permits	79,268	50,790	116,099	65,309
Sign Permits	2,870	3,500	6,727	3,227
Fire Permits and Inspections	2,050	201,690	1,990	(199,700)
Land Disturbance Permits	119,090	92,700	153,889	61,189
2% State Fees	11,073	0	6,485	6,485
Transfer Develop. Rights	900	0	1,750	1,750
Septic Hauler/Sewage Install.	800	0	300	300
TOTALS	1,856,413	1,663,682	2,264,101	600,419

Unspent Budgeted Expenditures by category

	FY16 AMENDED			
	FY 15 ACTUAL	BUDGET	FY 16 ACTUAL	FY16 VARIANCE
Administration	9,266,031	11,283,868	10,797,524	486,344
Judicial	2,152,812	2,460,695	2,283,308	177,387
Public Safety	29,066,554	33,728,503	31,056,396	2,672,107
Public Works	3,866,484	5,223,188	4,318,992	904,196
Health / Welfare	7,405,602	8,422,956	8,005,073	417,883
Community College	56,000	56,000	56,000	0
Parks, Rec. & Cultural	5,425,379	6,548,678	6,085,794	462,884
Community Development	2,895,335	2,297,261	2,168,019	129,242
Transfers	82,661,104	99,574,959	95,368,917	4,206,042
TOTAL	142,795,301	169,596,108	160,140,023	9,456,085

Detail presented on following pages.

Budgeted Expenditures by department

ADMINISTRATION	FY16 AMENDED			
	FY15 ACTUAL	BUDGET	FY16 ACTUAL	FY16 VARIANCE
Board of Supervisors	423,668	270,930	241,179	29,751
County Administrator	691,054	784,115	775,948	8,167
County Attorney	257,516	278,915	274,657	4,258
Human Resources	325,673	406,282	382,063	24,219
Independent Auditor	63,500	66,000	63,500	2,500
Comm. of Revenue	1,217,976	1,293,950	1,267,615	26,335
Reassessment	170,510	315,422	236,908	78,514
Treasurer	1,167,360	1,352,205	1,232,118	120,087
Finance	755,044	821,166	792,559	28,607
IT /GIS	1,156,352	1,304,071	1,118,380	185,691
MIS	521,277	558,071	525,003	33,068
Other	2,271,591	3,481,697	3,592,368	(110,671)
Electoral Board	94,438	177,817	135,925	41,892
Registrar	150,072	173,227	159,301	13,926
SUBTOTAL	9,266,031	39 11,283,868	10,797,524	486,344

Budgeted Expenditures by department

JUDICIAL	FY16 AMENDED			
	FY15 ACTUAL	BUDGET	FY16 ACTUAL	FY16 VARIANCE
Circuit Court	63,431	61,300	64,766	(3,466)
Gen. District Court	15,325	28,885	19,276	9,609
J&D Court	15,400	23,950	15,332	8,618
Clerk	649,014	801,791	712,308	89,483
Law Library	10,287	12,000	11,025	975
Comm. Attorney	1,293,040	1,389,473	1,325,951	63,522
Victim Witness	106,315	143,296	134,650	8,646
SUBTOTAL	2,152,812	2,460,695	2,283,308	177,387

Budgeted Expenditures by department

PUBLIC SAFETY	FY16 AMENDED			
	FY15 ACTUAL	BUDGET	FY16 ACTUAL	FY16 VARIANCE
Sheriff	11,610,856	13,298,943	12,337,160	961,783
Vol. Fire Depts.	987,581	1,393,465	1,190,868	202,597
Ambul. / Rescue	395,029	401,859	401,859	0
Jail / Juv. Detention	5,302,907	5,513,558	5,507,633	5,925
Juvenile Court	149,980	147,976	113,988	33,988
Inspections	1,122,691	1,250,288	1,183,065	67,223
Fire & Rescue	8,262,274	10,285,566	9,090,314	1,195,252
Public Comm.	1,235,236	1,436,848	1,231,509	205,339
SUBTOTAL	29,066,554	33,728,503	31,056,396	2,672,107

Budgeted Expenditures by department

PUBLIC WORKS	FY16 AMENDED			
	FY15 ACTUAL	BUDGET	FY16 ACTUAL	FY16 VARIANCE
Road Admn.	19,987	28,500	6,444	22,056
Street Lights/Star Ft	38,120	43,200	45,517	(2,317)
Engineering	352,289	414,237	409,373	4,864
Refuse Collection	1,182,547	1,262,626	1,197,578	65,048
Refuse Disposal	330,982	423,360	399,709	23,651
Litter Control Grant	25,705	25,821	23,127	2,694
Maintenance Admn.	540,251	632,035	557,221	74,814
County Ofc. Bldg.	846,493	1,701,571	1,082,086	619,485
Animal Shelter	530,110	691,838	597,937	93,901
SUBTOTAL	3,866,484	5,223,188	4,318,992	904,196

Budgeted Expenditures by department

HEALTH/WELFARE	FY16 AMENDED			
	FY15 ACTUAL	BUDGET	FY16 ACTUAL	FY16 VARIANCE
Local Health Dept.	301,000	301,000	301,000	0
Ch. 10 Board	318,000	318,000	318,000	0
Social Services	6,225,349	7,223,956	6,796,466	427,490
Area on Aging	60,000	60,000	60,000	0
Prop. Tax Relief	501,253	520,000	529,607	(9,607)
SUBTOTAL	7,405,602	8,422,956	8,005,073	417,883

Budgeted Expenditures by department

COMMUNITY COLLEGE	FY16 AMENDED			
	FY15 ACTUAL	BUDGET	FY16 ACTUAL	FY16 VARIANCE
Community College	56,000	56,000	56,000	0
SUBTOTAL	56,000	56,000	56,000	0

PARKS, REC & CUL	FY16 AMENDED			
	FY15 ACTUAL	BUDGET	FY16 ACTUAL	FY16 VARIANCE
Parks/Rec. Admn.	607,026	1,112,054	1,026,236	85,818
Parks Maintenance	1,570,784	1,378,174	1,222,420	155,754
RecCtr/Playgrnds	1,562,262	2,136,764	2,025,414	111,350
Clearbrook Park	387,820	582,926	558,352	24,574
Sherando Park	434,822	476,095	390,707	85,388
Regional Library	862,665	862,665	862,665	0
SUBTOTAL	5,425,379	6,548,678	6,085,794	462,884

Budgeted Expenditures by department

COMMUNITY DEV	FY16 AMENDED			
	FY15 ACTUAL	BUDGET	FY16 ACTUAL	FY16 VARIANCE
Planning	1,053,978	1,125,286	1,022,402	102,884
EDC	1,569,223	875,489	872,948	2,541
Zoning Board	1,406	6,368	4,840	1,528
Building Appeals	103	550	0	550
NSV Reg. Comm.	44,085	45,301	45,301	-
Soil & Water	7,000	7,000	7,000	-
Agriculture	219,540	237,267	215,528	21,739
SUBTOTAL	2,895,335	2,297,261	2,168,019	129,242

Budgeted Expenditures by department

TRANSFERS	FY16 AMENDED			
	FY15 ACTUAL	BUDGET	FY16 ACTUAL	FY16 VARIANCE
Transfers /	82,661,104	99,574,959	95,368,917	4,206,042
SUBTOTAL	82,661,104	99,574,959	95,368,917	4,206,042
GRAND TOTAL	142,795,301	169,596,108	160,140,023	9,456,085

General Fund Unreserved Fund Balance

\$40.5 million

(Includes a reduction of \$3.6 million used to balance FY 2017 budget and YTD FY 2017 budget amendments.)

(Policy minimum \$26.1 million)





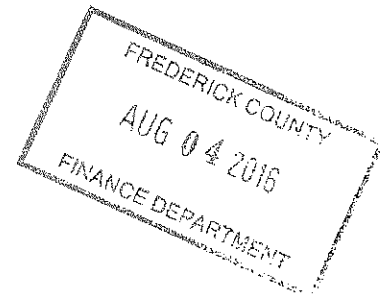
MEMORANDUM

TO: Cheryl Shiffler
Director of Finance

FROM: Gloria M. Puffinburger
Solid Waste Manager *GMP*

SUBJECT: KVB Grant; FY 16/17

DATE: July 22, 2016



Please find attached a check in the amount of \$750 which represents grant proceeds from Keep Virginia Beautiful. The grant is intended to support a new litter initiative, Walk Your Human.

I am requesting that funds be appropriated to the Litter Control (4204) budget for expenditure during the 2016/2017 fiscal year. When you determine an appropriate line item, please let me know.

If you have any questions, please contact me at Extension 8219.

/gmp

cc: file

Funds deposited to treasurer's code 1087.

C.S. 7/25/16

3-010-019040-0015



Check Battery 1-800-277-8204 www.checkbattery.com

Keep Virginia Beautiful
Po Box 73508
Richmond, VA 23235

68-54-514
Check Battery
Member of Sun Life

1308

Date 6/23/16

Pay to the Order of County of Fredericks, VA

\$ 750.00

Seven hundred fifty and 00/100

Dollars

Security Features
Check in Back

WELLSFARGO.COM

Notes 30 in \$0 winner

[Redacted area]

MP

STARBUCKS DESIGNS, INC.

KEEP VIRGINIA BEAUTIFUL'S 30 GRANTS IN 30 DAYS

Litter Prevention - Grants will be awarded to parks, communities, government or non-profit entities that implement programs in Virginia to reduce litter. Funding will support educational outreach materials, and clean-up events. The purpose of these grants is to support sustainable prevention and a measurable reduction of litter within Virginia's communities.

DUE: NO LATER THAN APRIL 29, 2016.

REQUEST: \$850

Please give a brief overview of your project and how it relates to the intent of the grant.

"Walk Your Human" is proposed as a new approach to raising awareness about an old, unappealing problem – the plight of litter in our community. Not only will it increase awareness, but those who accept the challenge to collect litter while walking their pet will be provided with a litter grabber, pet waste bags and even a pedometer to measure the health benefits of their walks. Walkers will also be asked to take selfies with the litter they collect using an on-line application, Litterati. Through GPS, Litterati will provide global tracking of results on its website and Face Book pages as well as Instagram. Social media influences will spark greater interest and encourage volunteerism. It is believed that the element of "Litter Selfies" will appeal to a wide audience, particularly young people, who are always looking for a new way to use their smartphones.

Please discuss your goals, implementation plan, probable results, and any partners.

"Walk Your Human" is a new approach to a long-standing problem. How do you turn complaints about litter into positive action? "Green Starts Here" is more than a slogan. It is a call to personal responsibility. How do you make sure that there's buy-in? By making the program upbeat and coupling it with the quality time spent with one's furry companion, not to mention the health benefits of walking, enjoying the outdoors, and the responsible management of pet waste to protect our waterways, the tech element adds a completely new twist that is fun while providing accountability.

Information about the program will be included on the county website, Face Book, and in the form of a brochure. Those interested in participating will receive a brochure, litter grabber, pet waste bags and pedometer, along with details about Litterati. Outreach will primarily be through local dog clubs, canine competitions, and events sponsored by the county's animal shelter, our partner.

Since "Walk Your Human" will be an innovative idea for this area, I expect it to generate media attention and create a buzz about the importance of a clean and green community. My goal is to show the community that there is much more they can do than simply complain about litter. They can be a part of the solution.

Please provide a budget for your project.

250 litter grabbers, custom -- \$300

Pet waste bags/dispenser -- \$550

300 Color Brochures -- \$250 – funded by county

250 pedometers -- \$1,000 – donated by Valley Health Systems

Staff time estimated @ \$1,475

In-kind contribution by volunteers \$324

TOTAL PROJECT BUDGET: \$3,899

You will be required to provide measurable results (i.e. number of volunteers, cigarette litter count before and after, pounds of litter removed, number of reusable bags handed out, number of plants/trees planted, etc.) in your final report. Please discuss what you will be measuring and what results you expect.

Measurements of success will be determined through number of participants who pledge to participate, on-line registration through the county's website, media exposure, and social media posts through Litterati.

Since this is a new program, I expect it to elicit enthusiasm within the community, encouraging residents to start in their own backyard, with their pet furry friend in tow, making the community greener. This program is the perfect opportunity for the county to bring its litter program, Clean Sweep, into focus and encourage greater volunteer participation locally and through the state's Adopt-a-Highway program.



MEMORANDUM

TO: Cheryl Shiffler, Director of Finance

FROM: Joe C. Wilder, Deputy Director of Public Works *JCW*

SUBJECT: Carry Forward Request Fiscal Year Budget 2015/2016 to Fiscal Year Budget 2016/2017 – Partial Closure of Area 1, Phase 1, CDD Landfill

DATE: September 6, 2016

The Public Works Department would like to add the above carry forward request to the next Finance Committee meeting scheduled for Wednesday, September 21, 2016. Currently, we have not completed the Partial Closure of Area 1, Phase 1, CDD Landfill. This is an ongoing construction project.

It is anticipated that the project will be completed by December 2016. Consequently, we are requesting that all unencumbered funds for this project be carried forward and placed in the Fiscal Year 2016/2017 budget line item 12-4204-8900-01 – Site Development. Currently, an unencumbered amount of \$200,000.00 remains. Please carry this amount forward for completion of the subject project.

JCW

cc: Kris Tierney, Deputy County Administrator of Community Development
Steve Frye, Landfill Manager
File

6/30/16 bal: \$200,000

FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540/662-6168
FAX 540/504-6400

TO : Angela Whitacre, Treasurer's Office
FROM : Sheriff Lenny Millholland
SUBJECT : Donations to K-9 Program
DATE : August 23, 2016

Attached please find two checks totaling \$300.00. These checks represent donations to our K-9 division. We are requesting these amounts be posted to 10CR 3-010-018990-0006.

A copy of this memo will be forwarded to Finance for appropriation.

Thank you,

LWM/asw


Cc: Finance: appropriate to 3102-5402-000-001

C.S. 8/26/16

SHAWQUON RURITAN CLUB
 BS. 540-539-5873
 722 MINEBANK RD
 MIDDLETOWN, VA 22645-2141

1296
68-426/514

Date 4-21-16

Pay to the Order of Frederick County Sheriff's Office \$ 100.00
One hundred ~~75~~ Dollars  Security Features Details on Back


For K-9 Donation [Redacted Signature]
[Redacted Address] 1296

Harland Clarke GREEN SHEPHERD™

ROBERT S WILSON 04-16
PHYLLIS J WILSON
 141 OLD MILL LN 540-303-2497
 CROSS JUNCTION, VA 22625

1008
68-251/514
08

Date Aug 11-2016

Pay to the Order of Fred. Co. Sheriff Dept. \$ 200.00
two-hundred 00/100 Dollars  Photo Safe Deposit™ Details on Back

For Donation - K9 [Redacted Signature]
[Redacted Address]

FREDERICK COUNTY SHERIFF'S OFFICE

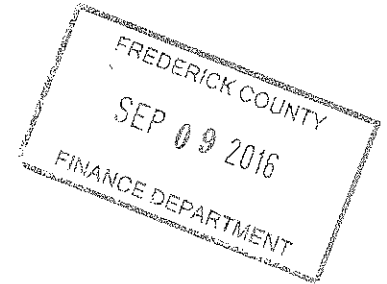


Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540/662-6168
FAX 540/504-6400



TO : Angela Whitacre, Treasurer's Office
FROM : Sheriff Lenny Millholland
SUBJECT : Donation to DARE
DATE : September 9, 2016

Attached please find a check and letter from Barbara Shockey in reference to a donation to the department. We would ask this amount be posted to revenue line for DARE of 3010-018990-0015 (100) for the continuing education against drugs.

A copy of this memo will be sent to Finance for appropriation into our operating budget line for DARE.

Thank you.

LWM/asw

Cc: Finance - 3102-5413-000-001

C.S. 9/12/16

BARBARA A SHOCKEY
814 WINDER COURT
WINCHESTER, VA 22601

1241

69-222/522
11

9-6-16

DATE

PAY TO THE
ORDER OF

Fredrick County Sheriff's Dept.
Fifty and

\$50.00

100
DOLLARS

Security
Features
Details on
Back.

FOR

Donation for Taylor Lee Belford

[Redacted signature area]

Harland Clarke

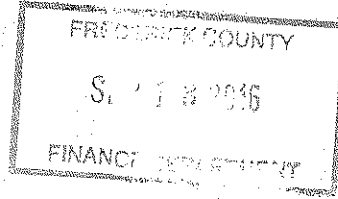


Dennis D. Linaburg
Fire Chief

COUNTY OF FREDERICK, VIRGINIA

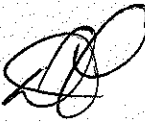
FIRE AND RESCUE DEPARTMENT

1080 Coverstone Drive
Winchester, VA 22602



MEMORANDUM

TO: Cheryl Shiffler, Director
Finance Department

FROM: Dennis D. Linaburg, Chief
Fire and Rescue Department 

SUBJECT: Request for Supplemental Appropriation

DATE: September 9, 2016

Attached please find a copy of Check No. 219630 received in the amount of \$4,845.85 for the auto claim dated June 27, 2016 involving Captain Smith. This amount represents the appraiser's estimate minus the \$500 deductible. The actual invoice for repairs will be paid through our line item 3505-3004-002 Repair and Maintenance – Vehicles.

At this time, I am requesting a supplemental appropriation in the amount of \$4,845.85 to our Repair and Maintenance – Vehicles line item for the repairs to the department's 2015 Chevy Tahoe.

If you have any questions or need additional information, please do not hesitate to contact me.

/attachments

DDL:mhn

C.S. 7/28/16
3-010-018190-0001



COUNTY of FREDERICK

Jay E. Tibbs

Deputy County Administrator
for Human Services

540/665-5666
Fax 540/667-0370

E-mail:
jtibbs@fcva.us

TO: Finance Committee
FROM: Jay E. Tibbs., Deputy County Administrator for Human Services *JET*
DATE: September 7, 2016
RE: Carry Forward for Carpet Replacement Project

This is a request for a General Fund supplemental appropriation in the amount of \$31,202.77. This amount represents a carry forward request for the replacement of carpet on the third floor of the south building (i.e. County Administration, Finance, and County Attorney). The Maintenance Department utilized standing purchase order #17700 for this project. Unfortunately, a standing purchase order does not encumber the funds for the project.

Due to a variety of circumstances this project remains incomplete. The original shipment of carpet was short approximately 100 yards of carpeting. When this shortage was discovered the contractor ordered additional material; however, there was a six week lead time in order to receive the additional carpet. The carpeting has been received and installed and we are now working with the contractor to clear up defects, etc. in the installation.

We respectfully request that these funds be carried forward so we can complete the project and pay the contractor once the punch list of items is completed.

Should you have any questions, please do not hesitate to contact me..

*4304-3004-003
FY16 bal #44,117.71*

DATE September 12, 2016

TO: Cheryl Shiffler
Finance Director

FROM: Patrick Barker, CEcD
Executive Director

CC: Brenda Garton
County Administrator

RE: Supplemental Appropriation Request for 31-8102-5600-001

The Economic Development Authority (EDA) is requesting an appropriation increase to 31-8102-5600-001 for FY16-17 in the amount of \$100,000. The appropriation increase will allow us to provide the third installment for ON MINERALS (CHEMSTONE) COMPANY D/B/A CARMEUSE LIME AND STONE by Frederick County under the Performance Agreement dated July 25, 2012.

As a refresher, ON MINERALS (CHEMSTONE) COMPANY D/B/A CARMEUSE LIME AND STONE committed to expanding its manufacturing operation in Frederick County. This expansion included a \$49.2 million investment through a building expansion and new machinery and adding 25 new jobs.

The performance date for this project was June 1, 2016. The performance audit demonstrated compliance. As of May 2016, ON MINERALS (CHEMSTONE) COMPANY D/B/A CARMEUSE LIME AND STONE had invested \$61 million in new capital investment, created and maintained 36 new full time positions at an average age of \$59,838 while maintaining the 22 jobs as of June 5, 2012. In summary, they exceeded all of their performance goals.

All data on performance goals is first collected by the company, then cross checked two ways. The Frederick County Commissioner of Revenue's office is contacted to verify the status of capital investment values. Proprietary employment data is purchased by the EDA from the Virginia Employment Commission to verify status of employment goals. If necessary, on-site visits are also conducted to verify.

Thanks for your help. Please advise if additional information is required.

DATE September 12, 2016

TO: Cheryl Shiffler
Finance Director

FROM: Patrick Barker, CEcD
Executive Director

CC: Brenda Garton
County Administrator

RE: Supplemental Appropriation Request for 31-8102-5600-001

The Economic Development Authority (EDA) is requesting an appropriation increase to 31-8102-5600-001 for FY16-17 in the amount of \$100,000. The appropriation increase will allow us to provide the final installment out of four for HP HOOD LLC by Frederick County under the Performance Agreement dated January 8, 2104.

As a refresher, HP HOOD LLC committed to expanding its manufacturing operation in Frederick County. This expansion included an \$84.6 million investment through a building expansion and new machinery and adding 75 new jobs with average annual salary of \$44,080. The expansion will increase the company's ultra-high temperature production capacity.

The performance date for this project was July 31, 2016. The performance audit demonstrated compliance. As of May 2016, HP HOOD LLC had invested \$102 million in new capital investment, and created and maintained 99 new full time positions at an average wage of \$44,189. In summary, they exceeded all of their performance goals.

All data on performance goals is first collected by the company then cross checked two ways. The Frederick County Commissioner of Revenue's office is contacted to verify the status of capital investment values. Proprietary employment data is purchased by the EDA from the Virginia Employment Commission to verify status of employment goals. If necessary, on-site visits are also conducted to verify.

Thanks for your help. Please advise if additional information is required.

Frederick County Board of Supervisor's

Finance/Audit Committee Charter

I. Organization

There shall be a committee of the Board of Supervisors ("Board") of Frederick County, Virginia ("County") known as the Finance Committee ("Committee"). The Committee shall be comprised of three (3) members of the Board of Supervisors who will be appointed by the Chairman of the Board, with one appointed as Chair, three (3) citizen members as appointed by the Chairman of the Board, and two (2) non-voting liaisons: the County Treasurer and the County Commissioner of the Revenue. The Finance Director will serve as secretary of the Committee with the duties including preparing agendas and reports to the Board. This Charter shall govern the Committee with regard to its duties and responsibilities. The goal of the Committee shall be to provide oversight for all financial policies, procurement policy, financial planning, risk management, debt issuance, budget development and other fiscal related issues.

II. Purpose

The primary function of the Committee is to review matters of a financial nature including proposed changes to fiscal/procurement policies and the review and recommendation for matters of a financial nature coming forward to the Board including, but not limited to, supplemental appropriations, transfers and contracts. The Committee's primary duties and responsibilities are as follows:

- To provide to the Board means for determining the manner in which policies, programs, and resources authorized by the Board are being deployed by management consistent with the intent of the Board and in compliance with all appropriate statutes, ordinances, and directives.
- Develop and submit reports, draft policies and/or recommendations regarding audits and the finances of the County to the full Board for its consideration.
- To serve as the Audit Committee to assist the Board in carrying out its oversight responsibilities by reviewing financial information provided in the County's annual financial report.

The Committee will primarily fulfill these responsibilities by carrying out the activities enumerated in Section IV of this Charter.

III. Meetings and Quorum

The Committee shall meet monthly or more or less frequently as circumstances dictate. The Chairman of the Board, the Chair of the Committee, or a majority of the Committee members may call or cancel meetings of the Committee. The Chair of the Committee shall prepare or approve an agenda in advance of each meeting. The County Administrator and the Director(s) with the responsibilities for finance shall be invited to all meetings. Other management officials and counsel to the Board may be invited as necessary. With the exception of Directors, the Chair may excuse any non-Committee members from attendance at any meeting or portion of any meeting. A majority of the total Committee composition shall constitute a quorum for the purposes of conducting the business of the Committee.

IV. Responsibilities

The Committee shall have the following duties and responsibilities:

A. Finance

1. Review and advise the Board and senior management of the County with respect to finance initiatives, policies and procedures, including activities relating to procurement.
2. Provide direction during the preparation of the annual budget. Review the County Administrator's final budget proposal and provide recommendations to the Board with respect to those proposals including tax rates and fees.
3. Review and advise the Board on supplemental appropriation requests, transfers and change orders as dictated by policy.
4. Review the budgetary and financial implications of management's tactical and strategic plans.
5. Review periodic or interim budget and/or financial statements to ensure the County is operating within approved financial and budgetary allocations and that the County is appropriately safeguarding its financial resources.

B. Audit

1. Perform independent review and execute oversight of the financial reporting process, internal controls and independent auditors.
2. Provide a forum separate from management in which auditors and other interested parties can discuss the annual audit.
3. Meet with the external auditors during the entrance and exit conferences and at other times as needed or upon request of the external auditors. Review and approve the annual external audit engagement letter.
4. Manage the County's internal audit function including review and approval of the internal annual audit work plan, reports and recommendations. The internal auditor shall report functionally to the Chair of the committee or designee. The Committee chair, along with the County Administrator and Finance Director, shall conduct annual evaluations of the auditor's performance. The Committee Chairman shall participate in decisions regarding the appointment of the internal auditor and the acceptance of the internal audit plan.

C. Other Duties Related to Review, Reports and Improvement Procedures

1. Review and reassess annually the adequacy of this Charter, and conduct an annual self-assessment of this Committee's performance.
2. Report all meetings of the Committee to the Board on the matters discussed at each Committee meeting, as appropriate.

3. Perform any other activities consistent with this Charter, the County's goals, objectives and governing law, as the Committee or the Board deems necessary or appropriate.

Original: Adopted by Board of Supervisors 1/25/2012

Revisions:

9/9/2013: reduced Board of Supervisor representatives from four (4) to three (3)

9/29/2014: no changes

10/21/2015: no changes

DATE	DEPARTMENT/GENERAL FUND	REASON FOR TRANSFER	FROM	TO	ACCT	CODE	AMOUNT
8/1/2016	SHERIFF	COVER 911 EMPLOYEE MERIT	3102	1002	000	054	3,400.24
	PUBLIC SAFETY COMMUNICATIONS		3506	1001	000	003	(3,400.24)
8/1/2016	SHERIFF	PROMOTIONS	3102	1001	000	036	4,450.00
			3102	1002	000	088	(4,450.00)
			3102	1001	000	026	2,243.39
			3102	1002	000	026	(2,243.39)
			3102	1002	000	002	2,572.71
			3102	1002	000	026	(2,572.71)
8/15/2016	HUMAN RESOURCES	TO COVER MILAGE FOR A. HICKS	1203	3002	000	000	(93.00)
			1203	5506	000	000	93.00
8/16/2016	REFUSE COLLECTION	RECLASS CODE FOR RECYCLING CAN	4203	3004	000	003	(1,850.00)
			4203	5413	000	000	1,850.00
8/16/2016	HUMAN RESOURCES	PC REFRESH 2017	1203	5401	000	000	859.02
	COMMISSIONER OF THE REVENUE		1209	5401	000	000	7,731.18
	TREASURER		1213	5401	000	000	2,219.72
	FINANCE		1214	5401	000	000	5,005.45
	INFORMATION TECHNOLOGY		1220	5401	000	000	1,150.45
	INFORMATION TECHNOLOGY		1220	5401	000	002	1,360.70
	INFORMATION TECHNOLOGY		1220	5401	000	004	(54,486.00)
	MANAGEMENT INFORMATION SYSTEMS		1222	5401	000	000	2,721.40
	REGISTRAR		1302	5401	000	000	2,577.06
	COMMONWEALTH'S ATTORNEY		2201	5401	000	000	4,586.53
	SHERIFF		3102	5401	000	000	10,809.92
	INSPECTIONS		3401	5401	000	000	859.02
	FIRE AND RESCUE		3505	5401	000	000	2,577.06
	PUBLIC SAFETY COMMUNICATIONS		3506	5401	000	000	5,154.12
	GENERAL ENGINEERING/ADMINISTRATION		4201	5401	000	000	1,150.45
	PARKS AND RECREATION ADMINISTRATION		7101	5401	000	000	1,150.45
	PLANNING		8101	5401	000	000	3,436.08
	TRANSFERS/CONTINGENCY		9301	5890	000	000	1,137.39
8/26/2016	PARKS MAINTENANCE	ELECTRIC FOR SNOWDEN BRIDGE	7103	5101	000	000	180.00
	SHERANDO PARK		7110	5101	000	000	(180.00)
8/26/2016	PARKS MAINTENANCE	TO COMPLETE ROSE HILL PARK	7103	8900	000	000	21,200.00
	RECREATION CENTERS AND PLAYGROUNDS		7104	5412	000	000	(21,200.00)
9/6/2016	SHERIFF	PURCHASE A USED VEHICLE	3102	3004	000	002	(18,700.00)
	SHERIFF		3102	8005	000	000	18,700.00

County of Frederick
 General Fund
 August 31, 2016

ASSETS	FY17 <u>8/31/16</u>	FY16 <u>8/31/15</u>	Increase <u>(Decrease)</u>
Cash and Cash Equivalents	53,929,243.22	56,063,901.57	(2,134,658.35) *A
Petty Cash	1,555.00	1,555.00	0.00
Receivables:			
Taxes, Commonwealth, Reimb.P/P	46,391,636.49	42,399,629.43	3,992,007.06
Streetlights	16,873.86	16,476.70	397.16
Miscellaneous Charges	40,866.84	46,059.63	(5,192.79)
Due from Fred. Co. San. Auth.	734,939.23	734,939.23	0.00
Prepaid Postage	4,143.03	2,740.20	1,402.83
GL controls (est.rev / est. exp)	<u>(7,077,772.23)</u>	<u>(8,476,900.86)</u>	<u>1,399,128.63</u> (1) Attached
TOTAL ASSETS	<u>94,041,485.44</u>	<u>90,788,400.90</u>	<u>3,253,084.54</u>
LIABILITIES			
Performance Bonds Payable	2,909,852.67	446,656.75	2,463,195.92
Taxes Collected in Advance	104,069.86	196,174.53	(92,104.67) *B
Deferred Revenue	<u>46,442,031.26</u>	<u>42,456,861.23</u>	<u>3,985,170.03</u> *C
TOTAL LIABILITIES	49,455,953.79	43,099,692.51	6,356,261.28
EQUITY			
Fund Balance			
Reserved:			
Encumbrance School	0.00	(581,267.27)	581,267.27 *D
Encumbrance General Fund	880,736.75	723,446.20	157,290.55 (2) Attached
Conservation Easement	4,779.85	4,779.85	0.00
Peg Grant	205,675.38	137,071.75	68,603.63
Prepaid Items	949.63	949.63	0.00
Advances	734,939.23	734,939.23	0.00
Employee Benefits	93,120.82	93,120.82	0.00
Courthouse Fees	312,512.63	269,039.57	43,473.06
Historical Markers	17,368.96	17,322.25	46.71
Animal Shelter	335,530.02	335,530.02	0.00
Proffers	3,610,003.96	5,042,419.80	(1,432,415.84) (3) Attached
Parks Reserve	9,810.01	0.00	9,810.01
E-Summons Funds	103,763.75	38,816.25	64,947.50
VDOT Revenue Sharing	436,270.00	436,270.00	0.00
Undesignated Adjusted Fund Balance	<u>37,840,070.66</u>	<u>40,436,270.29</u>	<u>(2,596,199.63)</u> (4) Attached
TOTAL EQUITY	<u>44,585,531.65</u>	<u>47,688,708.39</u>	<u>(3,103,176.74)</u>
TOTAL LIAB. & EQUITY	<u>94,041,485.44</u>	<u>90,788,400.90</u>	<u>3,253,084.54</u>

NOTES:

*A Cash decrease can mainly be attributed to a decrease in fund balance.

*B Prepayment of taxes.

*C Deferred revenue includes taxes receivable, street lights, misc.charges,dog tags, and motor vehicle registration fees.

*D The FY17 School encumbrance entry from FY16 has been transferred.

BALANCE SHEET

(1) GL Controls	FY17	FY16	Inc/(Decrease)
Est.Revenue	159,808,756	147,542,644	12,266,112
Appropriations	(69,849,005)	(63,720,264)	(6,128,741)
Est.Tr.to Other fds	(97,918,260)	(93,022,727)	(4,895,533)
Encumbrances	880,737	723,446	157,291
	(7,077,772)	(8,476,901)	1,399,129

(2) General Fund Purchase Orders @8/31/16

DEPARTMENT	Amount	
Animal Shelter	41,726.00	(12) Double Stack Cat Condos W/Bases
Clerk	5,590.00	Conservation&Preservation of (3) Books
Commonwealth's Attorney	7,195.00	Konica Minolta Copier & Scanner
County Office Buildings	9,749.10	Access Controls
	33,768.00	Tracer System HVAC Controls
	41,080.00	Parking Lot Repair/Cty.Adm.Bldg.&Bowman Library
	124,849.00	(2)Roof Top Units /Heat Pump Replacements
	25,655.07	Security Camera
Fire & Rescue	9,336.00	(1) Washer/Extractor
	7,209.00	Training Equipment & Supplies
	2,545.00	Hazmat Shower(FEMA)
	5,478.25	Badges, Emblems,Patches, etc.
	64,827.60	Uniforms
	4,497.00	(60)Stream Lights(LED)
	7,807.00	Portable Gear Dryer
	4,850.00	(2) 40' Cargo Containers
	2,969.67	(33) Window 10 Tablets
	8,309.30	Textbooks for Training
General District Court	2,732.80	(14) Mesh Back Chairs
	5,139.00	(3)Video Docket PC's w/Monitors
General Fund Departments	40,685.58	PC Refresh 2017
	14,202.20	(56) Microsoft Licenses
IT	2,524.00	Unified Licensing
Parks	49,792.00	Sierra Restroom Building
	9,640.00	Rose Hill Electrical Project
	54,200.00	Kubota Tractor
	15,047.00	Laminated Wood Shelter Rose Hill Park
	6,655.00	Bri-Mar Dump Trailer
	4,565.49	Lumber/Clearbrook Park Roof
Refuse Collection	9,225.00	30 Yard Recycling Can
Public Safety	4,877.40	HVAC Unit
Registrar	7,131.31	Optical Scan Voting Machine
Sheriff	6,164.50	Ammunition
	5,649.98	Body Armor
	78,837.00	(3) 2016 Police Interceptor
	109,880.50	(3)Chevy Tahoe's
	4,032.00	Uniforms
	22,947.50	(5)Genrac Laptop's W/Docking Stations &Adaptors
	16,000.00	2016 Chevy Malibu
Treasurer	3,367.50	Envelopes
Total	880,736.75	

(3)Proffer Information	SCHOOLS	PARKS	FIRE & RESCUE	Designated Other Projects	TOTAL
Balance @8/31/16	953,404.62	535,958.54	470,228.70	1,650,412.10	3,610,003.96

Designated Other Projects Detail

Administration	256,929.10	
Bridges	2,500.00	
Historic Preservation	126,000.00	12/11/14 Board Action designated \$50,000 for final debt payment
Library	134,968.00	on the Huntsberry property.
Rt.50 Trans.Imp.	10,000.00	
Rt. 50 Rezoning	25,000.00	
Rt. 656 & 657 Imp.	25,000.00	
RT.277	162,375.00	
Sheriff	57,950.00	
Solid Waste	12,000.00	
Stop Lights	52,445.00	
BPG Properties/Rt.11 Corridor	330,000.00	
Blackburn Rezoning	452,745.00	
Clearbrook Bus.Ctr.Rezoning	2,500.00	
Total	1,650,412.10	

Other Proffers@8/31/16

(4) Fund Balance Adjusted	
Ending Balance 8/31/16	40,797,284.49
Revenue 8/16	10,384,257.07
Expenditures 8/16	(11,946,501.51)
Transfers 8/16	(1,394,969.39)
8/16 Fund Balance Adjusted	37,840,070.66

County of Frederick
 Comparative Statement of Revenues, Expenditures
 and Changes in Fund Balance
 August 31, 2016

REVENUES:	<u>Appropriated</u>	FY17 8/31/16 <u>Actual</u>	FY16 8/31/15 <u>Actual</u>	YTD Actual <u>Variance</u>
General Property Taxes	109,067,433.00	4,024,945.26	3,594,867.68	430,077.58 (1)
Other local taxes	34,831,980.00	1,178,647.23	1,038,981.42	139,665.81 (2)
Permits & Privilege fees	1,283,923.00	386,661.32	412,828.95	(26,167.63) (3)
Revenue from use of money and property	159,359.00	70,818.70	47,995.21	22,823.49 (4)
Charges for Services	2,710,296.00	484,180.71	407,038.66	77,142.05
Miscellaneous	490,082.00	108,644.68	10,943.94	97,700.74
Recovered Costs	1,567,516.00	162,701.66	111,891.77	50,809.89 (5)
Proffers		370,228.64	382,279.09	(12,050.45) (5)
Intergovernmental:				
Commonwealth	9,662,167.00	3,590,953.87	3,611,595.20	(20,641.33) (6)
Federal	36,000.00	6,475.00	10,612.69	(4,137.69) (7)
Transfers	.	0.00	0.00	0.00
TOTAL REVENUES	159,808,756.00	10,384,257.07	9,629,034.61	755,222.46
 EXPENDITURES:				
General Administration	10,636,956.18	2,844,967.67	1,423,567.31	1,421,400.36
Judicial Administration	2,622,683.47	383,134.34	350,954.13	32,180.21
Public Safety	33,354,052.91	5,434,475.93	5,079,408.64	355,067.29
Public Works	5,194,482.90	472,810.64	494,654.11	(21,843.47)
Health and Welfare	8,700,921.00	1,370,563.40	1,297,438.29	73,125.11
Education	78,819.00	19,704.75	14,000.00	5,704.75
Parks, Recreation, Culture	6,408,086.15	1,211,428.94	1,110,231.06	101,197.88
Community Development	1,965,491.14	209,415.84	201,942.74	7,473.10
TOTAL EXPENDITURES	68,961,492.75	11,946,501.51	9,972,196.28	1,974,305.23 (8)
 OTHER FINANCING SOURCES (USES):				
Operating transfers from / to	98,805,772.23	1,394,969.39	1,030,165.96	364,803.43 (9)
Excess (deficiency)of revenues & other sources over expenditures & other uses	(7,958,508.98)	(2,957,213.83)	(1,373,327.63)	1,583,886.20
Fund Balance per General Ledger		40,797,284.49	41,809,597.92	(1,012,313.43)
Fund Balance Adjusted to reflect Income Statement 8/31/16		37,840,070.66	40,436,270.29	(2,596,199.63)

(1)General Property Taxes	FY17	FY16	Increase/Decrease
Real Estate Taxes	1,360,234	1,306,260	53,974
Personal Property	2,545,243	2,169,171	376,072
Penalties and Interest	66,918	53,592	13,326
Credit Card Chgs./Delinq.Advertising	(24,725)	(20,134)	(4,591)
Adm.Fees For Liens&Distress	77,275	85,979	(8,704)
	4,024,945	3,594,868	430,077

(2) Other Local Taxes

Communications Sales Tax	-	174.10	(174.10)
Utility Taxes	193,977.81	252,404.84	(58,427.03)
Business Licenses	179,174.68	132,174.80	46,999.88
Auto Rental Tax	19,409.23	9,342.88	10,066.35
Motor Vehicle Licenses Fees	44,517.15	30,223.30	14,293.85
Recordation Taxes	315,235.86	267,823.46	47,412.40
Meals Tax	373,563.88	310,525.88	63,038.00
Lodging Tax	51,811.12	35,620.94	16,190.18
Street Lights	897.50	390.36	507.14
Star Fort Fees	60.00	300.86	(240.86)
Total	1,178,647.23	1,038,981.42	139,665.81

(3)Permits&Privileges

Dog Licenses	12,291.00	1,850.00	10,441.00
Transfer Fees	648.00	588.60	59.40
Development Review Fees	49,657.00	85,088.54	(35,431.54)
Building Permits	253,219.40	218,481.40	34,738.00
2% State Fees	5,705.92	9,345.41	(3,639.49)
Electrical Permits	16,827.00	28,674.00	(11,847.00)
Plumbing Permits	7,529.00	5,319.00	2,210.00
Mechanical Permits	9,546.00	36,659.00	(27,113.00)
Sign Permits	975.00	900.00	75.00
Blasting Permits	60.00	60.00	-
Land Disturbance Permits	30,003.00	25,863.00	4,140.00
Transfer Development Rights	200.00	-	200.00
Total	386,661.32	412,828.95	(26,167.63)

(4) Revenue from use of

Money	69,657.50	36,003.52	33,653.98
Property	1,161.20	11,991.69	(10,830.49)
Total	70,818.70	47,995.21	22,823.49

(5) Recovered Costs	FY17	FY16	Increase/Decrease
	8/31/2016	8/31/2015	
Worker's Comp	200.00	250.00	(50.00)
Recovered Costs-IT/GIS	-	313.98	(313.98)
Recovered Cost Fire Companies	27,209.00	-	27,209.00
Reimbursement Circuit Court	1,766.29	2,482.27	(715.98)
Reimb.Public Works/Planning Clean Up	-	570.00	(570.00)
Clarke County Container Fees	20,959.95	18,466.27	2,493.68
City of Winchester Container Fees	13,789.61	13,469.60	320.01
Refuse Disposal Fees	26,186.72	19,333.91	6,852.81
Recycling Revenue	18,474.58	7,836.60	10,637.98
Fire & Rescue Merchandise(Resale)	-	1,050.00	(1,050.00)
Container Fees Bowman Library	291.76	437.64	(145.88)
Litter-Thon/Keep VA Beautiful Grant	750.00	500.00	250.00
Restitution Victim Witness	3,799.50	3,171.00	628.50
Reimb.of Expenses Gen.District Court	5,749.62	3,469.99	2,279.63
Reimb.Task Force	7,679.95	11,161.44	(3,481.49)
Sign Deposits Planning	-	(50.00)	50.00
Comcast PEG Grant	20,434.00	17,879.40	2,554.60
Fire School Programs	14,035.00	8,120.00	5,915.00
Clerks Reimbursement to County	1,375.68	2,418.09	(1,042.41)
Sheriff Reimbursement	-	1,011.58	(1,011.58)
Subtotal Recovered Costs	162,701.66	111,891.77	50,809.89
Proffer-Other	-	157,500.46	(157,500.46) *1
Lynnhaven	13,513.24	-	13,513.24
Proffer Redbud Run	32,270.00	19,362.00	12,908.00
Proffer Canter Estates	20,439.85	12,263.91	8,175.94
Proffer Village at Harvest Ridge	4,617.00	3,078.00	1,539.00
Proffer Southern Hills	29,460.00	-	29,460.00
Proffer Snowden Bridge	103,895.55	108,498.72	(4,603.17)
Proffer Meadows Edge Racey Tract	161,152.00	80,576.00	80,576.00
Cedar Meadows	4,881.00	-	4,881.00
Proffer Westbury Commons	-	1,000.00	(1,000.00)
Subtotal Proffers	370,228.64	382,279.09	(12,050.45)
Grand Total	532,930.30	494,170.86	38,759.44

*1 Transportation Costs for Blackburn Commerce Ctr.& Clearbrook Business Ctr.

(6) Commonwealth Revenue	8/31/16	8/31/15	
	FY17	FY16	Increase/Decrease
Motor Vehicle Carriers Tax	18,955.14	37,180.73	(18,225.59)
Mobile Home Titling Tax	30,435.00	29,477.94	957.06
Recordation Taxes	102,748.29	81,547.51	21,200.78
P/P State Reimbursement	2,610,611.27	2,610,611.35	(0.08)
Shared Expenses Comm.Atty.	37,661.30	36,708.00	953.30
Shared Expenses Sheriff	124,265.63	166,142.91	(41,877.28)
Shared Expenses Comm.of Rev.	15,846.33	16,641.68	(795.35)
Shared Expenses Treasurer	10,537.44	11,477.17	(939.73)
Shared Expenses Clerk	32,920.22	28,272.36	4,647.86
Public Assistance Grants	531,951.16	494,996.41	36,954.75
DMV Grant Funding	5,098.06	5,462.99	(364.93)
JJC Grant Juvenile Justice	32,090.00	32,090.00	-
Rent/Lease Payments	31,569.74	49,283.74	(17,714.00)
Wireless 911 Grant	5,506.81	5,410.75	96.06
State Forfeited Asset Funds	757.48	6,291.66	(5,534.18)
Total	3,590,953.87	3,611,595.20	(20,641.33)

County of Frederick

General Fund

August 31, 2016

(7) Federal Revenue	FY17	FY16	Increase/Decrease
Federal Forfeited Assets	6,475.00	10,612.69	(4,137.69)
Total	6,475.00	10,612.69	(4,137.69)

(8) Expenditures

Expenditures increased \$1,974,305.23. **General Administration** increased \$1,421,400.36 and includes the timing of the Comprehensive Services Fund transfer for \$1,263,458 due to projected increase of expenses. Funds were not transferred until January in the previous year. **Public Safety** increased \$355,067.29 and reflects an increase of \$69,803 for contributions to fire companies to assist with purchase of a ladder truck, response unit and squad truck supplements through proffer contributions and designated fire company capital. Additionally, the local contribution to the Jail increased \$49,153.50, overtime for the Sheriff's office increased \$23,706.74 and overtime for Fire and Rescue increased \$44,048.73. The Transfers increased \$364,803.43. See chart below:

(9) Transfers Increased \$364,803.43	FY17	FY16	Increase/Decrease
Transfer to School Operating	903,813.48	581,267.27	322,546.21 *1
Transfer to Debt Service County	155,182.51	151,387.95	3,794.56
Operational Transfers	335,973.40	297,510.74	38,462.66 *2
Total	1,394,969.39	1,030,165.96	364,803.43

*1 Increase in FY17 School Operating Fund Transfer

*2 Timing of Insurance Charge Outs

County of Frederick
 FUND 11 NORTHWESTERN REGIONAL ADULT DETENTION CENTER
 August 31, 2016

ASSETS	FY2017 <u>8/31/16</u>	FY2016 <u>8/31/15</u>	Increase <u>(Decrease)</u>
Cash	6,846,245.71	5,940,834.89	905,410.82 *1
GL controls(est.rev/est.exp)	<u>(731,328.31)</u>	<u>(645,911.60)</u>	<u>(85,416.71)</u>
TOTAL ASSETS	<u>6,114,917.40</u>	<u>5,294,923.29</u>	<u>819,994.11</u>
LIABILITIES			
Accrued Operating Reserve Costs	<u>2,395,005.00</u>	<u>2,258,904.00</u>	<u>136,101.00</u>
TOTAL LIABILITIES	<u>2,395,005.00</u>	<u>2,258,904.00</u>	<u>136,101.00</u>
EQUITY			
Fund Balance Reserved			
Encumbrances Undesignated	44,800.69	132,240.74	(87,440.05)
Fund Balance	<u>3,675,111.71</u>	<u>2,903,778.55</u>	<u>771,333.16</u> *2
TOTAL EQUITY	<u>3,719,912.40</u>	<u>3,036,019.29</u>	<u>683,893.11</u>
TOTAL LIABILITY & EQUITY	<u>6,114,917.40</u>	<u>5,294,923.29</u>	<u>819,994.11</u>

NOTES:

*1 Cash increased \$905,410.82. Refer to the following page for comparative statement of revenues and expenditures and changes in fund balance.

*2 Fund balance increased \$771,333.16. The beginning balance was \$3,860,407.45 and includes adjusting entries, budget controls for FY17(\$746,029.00), and the year to date revenue less the expenditures of \$560,733.26.

Current Unrecorded Accounts Receivable-	<u>FY2017</u>
Prisoner Billing:	31,049.49
Compensation Board Reimbursement 8/16	<u>458,631.69</u>
Total	489,681.18

County of Frederick
 Comparative Statement of Revenues, Expenditures
 and Changes in Fund Balance
 8/31/16

FUND 11 NORTHWESTERN REGIONAL ADULT DETENTION CENTER

REVENUES:	<u>Appropriated</u>	FY2017 8/31/16 <u>Actual</u>	FY2016 8/31/2015 <u>Actual</u>	YTD Actual <u>Variance</u>
Credit Card Probation	-	36.14	20.77	15.37
Supervision Fees	38,896.00	5,311.63	5,310.50	1.13
Drug Testing Fees	1,000.00	-	-	-
Work Release Fees	414,868.00	30,917.35	25,449.49	5,467.86
Federal Bureau Of Prisons	0.00	396.00	0.00	396.00
Local Contributions	6,988,314.00	1,747,078.50	1,623,776.50	123,302.00
Miscellaneous	6,500.00	13,882.91	626.77	13,256.14
Phone Commissions	420,000.00	0.00	0.00	0.00
Food & Staff Reimbursement	112,000.00	4,249.72	0.00	4,249.72
Elec.Monitoring Part.Fees	85,000.00	9,165.37	6,062.77	3,102.60
Share of Jail Cost Commonwealth	1,250,000.00	0.00	0.00	0.00
Medical & Health Reimb.	75,000.00	5,500.67	7,604.47	(2,103.80)
Shared Expenses CFW Jail	5,200,000.00	361,135.75	391,202.33	(30,066.58)
State Grants	276,233.00	0.00	0.00	0.00
Local Offender Probation	247,636.00	0.00	0.00	0.00
Bond Proceeds	0.00	2,196.76	0.00	2,196.76
Transfer From General Fund	5,299,912.00	1,324,978.00	1,275,824.50	49,153.50
TOTAL REVENUES	20,415,359.00	3,504,848.80	3,335,878.10	168,970.70
EXPENDITURES:	21,191,488.00	2,944,115.54	2,916,524.09	27,591.45
Excess(Deficiency)of revenues over expenditures		560,733.26	419,354.01	141,379.25
FUND BALANCE PER GENERAL LEDGER		3,114,378.45	2,484,424.54	629,953.91
Fund Balance Adjusted To Reflect Income Statement 8/31/16		3,675,111.71	2,903,778.55	771,333.16

County of Frederick
Fund 12 Landfill
August 31,2016

ASSETS	FY2017 <u>8/31/16</u>	FY2016 <u>8/31/15</u>	Increase <u>(Decrease)</u>
Cash	33,920,460.33	32,130,780.72	1,789,679.61
Receivables:			
Accounts Receivable			
Fees	744,247.55	662,914.47	81,333.08 *1
Accounts Receivable Other	0.00	(566.13)	566.13
Allow.Uncollectible Fees	(84,000.00)	(84,000.00)	0.00
Fixed Assets	44,899,611.07	43,682,208.64	1,217,402.43
Accumulated Depreciation	(26,818,616.30)	(25,115,864.21)	(1,702,752.09)
GL controls(est.rev/est.exp)	<u>(412,188.15)</u>	<u>(647,034.70)</u>	<u>234,846.55</u>
TOTAL ASSETS	<u>52,249,514.50</u>	<u>50,628,438.79</u>	<u>1,621,075.71</u>
LIABILITIES			
Accounts Payable	-	-	
Accrued VAC.Pay and Comp TimePay	191,362.47	191,362.47	0.00
Accrued Remediation Costs	12,516,507.64	12,233,415.93	283,091.71 *2
Retainage Payable	0.00	9,244.62	(9,244.62)
Deferred Revenue Misc.Charges	<u>0.00</u>	<u>(566.13)</u>	<u>566.13</u>
TOTAL LIABILITIES	<u>12,707,870.11</u>	<u>12,433,456.89</u>	<u>274,413.22</u>
EQUITY			
Fund Balance			
Reserved:			
Encumbrances	1,863,016.25	84,435.30	1,778,580.95 *3
Land Acquisition	1,048,000.00	1,048,000.00	0.00
New Development Costs	3,812,000.00	3,812,000.00	0.00
Environmental Project Costs	1,948,442.00	1,948,442.00	0.00
Equipment	3,050,000.00	3,050,000.00	0.00
Undesignated			
Fund Balance	<u>27,820,186.14</u>	<u>28,252,104.60</u>	<u>(431,918.46) *4</u>
TOTAL EQUITY	<u>39,541,644.39</u>	<u>38,194,981.90</u>	<u>1,346,662.49</u>
TOTAL LIABILITY AND EQUITY	<u>52,249,514.50</u>	<u>50,628,438.79</u>	<u>1,621,075.71</u>

NOTES:

*1 Landfill receivables increased \$81,333.08. Landfill fees at 8/16 were \$589,436.39 compared to \$493,931.11 at 8/15 for an increase of \$95,505.28. Delinquent fees at 8/16 were \$150,471.49 compared to \$166,126.00 at 8/15 for a decrease of \$15,654.51.

*2 Remediation increased \$283,090.71 and includes \$252,368.00 for post closure and \$30,723.71 interest.

*3 The encumbrance balance increased \$1,778,580.95 and includes \$1,184,483.80 for CDD Landfill partial closure of Area 1, Phase 1, \$651,874.00 for a 2016 Cat 826 K compactor, and a 2017 Ford F150 for \$26,658.45.

*4 Fund balance decreased \$431,918.46. The beginning balance was \$28,103,613.68 and includes adjusting entries, budget controls for FY17(\$645,965.00), and year to date revenue less expenditures of \$362,537.46.

Note that FY16 budget controls (\$75,138.00) compared to FY17(\$645,965) for a difference of \$570,827.00 reduction in fund balance.

County of Frederick
 Comparative Statement of Revenue, Expenditures
 and Changes in Fund Balance
 August 31, 2016

FUND 12 LANDFILL REVENUES	<u>Appropriated</u>	<u>FY17 8/31/16 Actual</u>	<u>FY16 8/31/15 Actual</u>	<u>YTD Actual Variance</u>
Credit Card Charges	0.00	440.78	381.04	59.74
Interest on Bank Deposits	60,000.00	2,564.84	2,470.14	94.70
Salvage and Surplus	0.00	22,062.00	20,597.80	1,464.20
Sanitary Landfill Fees	5,516,450.00	959,721.65	916,360.83	43,360.82
Charges to County	0.00	84,767.58	71,622.32	13,145.26
Charges to Winchester	0.00	20,877.08	22,527.60	(1,650.52)
Tire Recycling	120,000.00	15,165.16	17,689.93	(2,524.77)
Reg. Recycling Electronics	66,000.00	10,882.00	8,836.00	2,046.00
Greenhouse Gas Credit Sales	10,000.00	0.00	0.00	0.00
Miscellaneous	60,000.00	0.00	0.00	0.00
Wheel Recycling	70,000.00	0.00	0.00	0.00
Charges for RTOP	0.00	0.00	0.00	0.00
Renewable Energy Credits	116,262.00	41,293.36	22,451.80	18,841.56
Landfill Gas To Electricity	370,758.00	66,461.94	69,904.65	(3,442.71)
Waste Oil Recycling		0.00	1,169.82	(1,169.82)
State Reimbursement Tire Operation	0.00	0.00	0.00	0.00
TOTAL REVENUES	6,389,470.00	1,224,236.39	1,154,011.93	70,224.46
Operating Expenditures	5,520,435.02	416,943.33	377,027.34	39,915.99
Capital Expenditures	3,144,239.38	444,755.60	656,618.75	(211,863.15)
TOTAL Expenditures	8,664,674.40	861,698.93	1,033,646.09	(171,947.16)
Excess(deficiency)of revenue over expenditures		362,537.46	120,365.84	242,171.62
Fund Balance Per General Ledger		27,457,648.68	28,131,738.76	(674,090.08)
FUND BALANCE ADJUSTED		27,820,186.14	28,252,104.60	(431,918.46)

County of Frederick, VA
Report on Unreserved Fund Balance
September 15, 2016

Unreserved Fund Balance, Beginning of Year, July 1, 2016 **44,322,798**

Prior Year Funding & Carryforward Amounts

C/F Clearbrook Convenience Site	(35,000)	
C/F capital contingency	(2,366,365)	
School encumbrances	(903,813)	
C/F Fire Company Capital	(218,002)	
Adjust PEG grant reserves	3,523	
C/F Rose Hill project	(13,163)	
C/F Sherando Park master plan	(4,112)	
C/F Data center refresh lease	(108,032)	
C/F Abbott grant	(514)	
		(3,645,478)

Other Funding / Adjustments

Victim Witness	7,241	
COR refund - General Motors	(6,308)	
COR refund - Walmart	(3,812)	
COR refund - Andres Godinez Jr.	(2,978)	
COR refund - Interstate Resuce	(9,267)	
COR refund - Toyota Lease	(3,477)	
Airport Capital budget	(157,333)	
		(175,935)

Fund Balance, September 15, 2016 **40,501,385**

PO#	VEND#	NAME	FUND-DEPT-LOC-ACCT	DATE	\$ AMOUNT \$	\$ TOTAL \$	APPRVD BY	PO Description
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21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	8/07/2014	6,199,898.00			CONSTRUCTION OF NEW ROUND HILL
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	10/07/2014	369,930.23-			
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	11/07/2014	385,912.79-			
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	11/17/2014	4,683.71			RELOCATION OF EXISTING SVBC
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	11/17/2014	53,329.23			INSTALL MULTIPLE UTILITY
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	12/10/2014	357,379.82-			
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	1/27/2015	519,121.62-			
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	1/28/2015	2,364.74			ADD'L WORK REQUIRED
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	2/20/2015	492,502.50-			
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	3/20/2015	180,871.07-			
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	4/22/2015	296,802.59-			
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	5/18/2015	3,539.00			REMOVAL OF EXIST PHONE LINE
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	5/22/2015	263,958.95-			
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	5/26/2015	9,547.14			UPGRADE SPINNING WHEEL LN
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	5/27/2015	14,560.81			CHG DR HREWRE, ADD'L WIRING
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	5/27/2015	.00			EXTEND CONTRACT DATE
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	6/16/2015	28,689.47			ELEC SERV ENTRANCE CHG
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	6/16/2015	5,077.49			AID ELEC HOIST & TROLLEY BEAM
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	6/16/2015	346.40			REL DOUBLE DRS & NEW FRAME
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	6/24/2015	685,140.52-			
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	7/24/2015	213,229.07-			
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	8/17/2015	4,901.50			RADIO MAST AND WEATHERHEAD
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	8/17/2015	.00			GAS APPLIANCE & ANSUL VALVE
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	8/17/2015	4,709.68			HOSE RACK AT HOSE TOWER
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	8/17/2015	470.92-			HOSE TOWER LADDER AT CATWALK
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	8/17/2015	.00			CONCRETE DECK SUPPORT
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	8/25/2015	427,725.82-			
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	9/11/2015	.00			EXTEND SUBSTANTIAL COMPL. DATE
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	10/08/2015	572,506.67-			
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	10/21/2015	10,586.54			REV CONDUIT RUN-TOWER
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	10/21/2015	7,533.56			IT MEETING REV
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	10/21/2015	14,654.83			MECH/PLMB PERMIT MCD
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	10/21/2015	2,189.30			KITCHEN EQUIP REV
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	10/22/2015	324,114.59-			
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	12/23/2015	400,025.57-			
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	1/27/2016	127,558.30-			
21688	009711	CALDWELL & SANIMYER INC	4026-012260-8800-000-003-	2/08/2016	254,012.14-	495,348.23		

						495,348.23 *		
21691	005006	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	8/19/2014	425,000.00			CONSTRUCTION PHASE SOUTH APRON
21691	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	10/07/2014	33,839.72-			
21691	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	11/07/2014	16,110.31-			
21691	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	11/21/2014	44,806.56-			
21691	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	12/11/2014	39,132.31-			
21691	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	1/27/2015	34,557.33-			
21691	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	2/20/2015	8,057.82-			
21691	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	3/20/2015	6,074.43-			
21691	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	4/22/2015	2,426.96-			
21691	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	5/22/2015	3,614.70-			
21691	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	6/24/2015	18,014.21-			
21691	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	7/24/2015	42,820.66-			
21691	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	8/25/2015	54,510.51-			
21691	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	9/24/2015	21,292.64-			
21691	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	10/22/2015	20,175.19-			
21691	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	11/24/2015	5,932.55-			

PO#	VEND#	NAME	FUND-DEPT-LOC-ACCT	DATE	\$ AMOUNT \$	\$ TOTAL \$	APPRVD BY	PO Description
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21691	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	12/23/2015	12,160.23-			
21691	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	1/27/2016	12,669.46-			
21691	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	5/09/2016	13,057.50-			
21691	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	6/27/2016	18,944.35-			
21691	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-073-	6/27/2016	16,802.56-	.00		

						.00 *		
21711	005006	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-041-	9/19/2014	181,206.00			ENVIRONMENTAL ASSESSMENT
21711	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-041-	11/07/2014	6,850.47-			
21711	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-041-	11/21/2014	5,894.64-			
21711	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-041-	12/11/2014	6,055.13-			
21711	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-041-	1/27/2015	4,212.65-			
21711	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-041-	2/20/2015	6,395.47-			
21711	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-041-	3/20/2015	5,046.00-			
21711	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-041-	4/22/2015	5,062.03-			
21711	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-041-	5/22/2015	5,046.00-			
21711	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-041-	6/24/2015	5,046.00-			
21711	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-041-	7/24/2015	4,205.00-			
21711	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-041-	8/25/2015	15,742.99-			
21711	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-041-	9/24/2015	15,155.35-			
21711	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-041-	10/22/2015	9,464.50-			
21711	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-041-	11/24/2015	4,212.09-			
21711	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-041-	3/24/2016	6,005.96-			
21711	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-041-	5/20/2016	2,957.50-	73,854.22		

						73,854.22 *		
21781	009067	ELECTRONIC SYSTEMS INC	4026-012260-8800-000-003-	5/12/2015	37,975.95			CISCO SYSTEM & ASSOC SERVICES
21781	009067	ELECTRONIC SYSTEMS INC	4026-012260-8800-000-003-	7/22/2015	28,202.95-			
21781	009067	ELECTRONIC SYSTEMS INC	4026-012260-8800-000-003-	4/20/2016	8,200.00-	1,573.00		

						1,573.00 *		
21810	005039	TOWN POLICE SUPPLY	4010-031020-5410-000-001-	6/19/2015	18,600.00			TACTICAL BALLISTIC VESTS
21810	005039	TOWN POLICE SUPPLY	4010-031020-5410-000-001-	6/19/2015	11,495.52			ARMOR PLATE
21810	005039	TOWN POLICE SUPPLY	4010-031020-5410-000-001-	6/21/2016	30,095.52-	.00		

						.00 *		
21824	008568	ATLANTIC TACTICAL INC	4011-033010-5409-000-000-	7/29/2015	12,035.00			40 CALIBER FMJ AMMUNITION
21824	008568	ATLANTIC TACTICAL INC	4011-033010-5409-000-000-	7/29/2015	229.06			12 GAUGE 00 BUCKSHOT
21824	008568	ATLANTIC TACTICAL INC	4011-033010-5409-000-000-	7/29/2015	250.38			12 GAUGE RIFLED SLUGS
21824	008568	ATLANTIC TACTICAL INC	4011-033010-5409-000-000-	11/20/2015	12,285.38-			
21824	008568	ATLANTIC TACTICAL INC	4011-033010-5409-000-000-	6/21/2016	229.06-	.00		

						.00 *		
21847	003799	SIGNET SCREEN PRINTING &	4010-071040-5410-000-000-	9/11/2015	3,797.50			ZOMBIE 5K T-SHIRT
21847	003799	SIGNET SCREEN PRINTING &	4010-071040-5410-000-000-	9/11/2015	6,360.00			THANKSGIVING 5K SHIRT
21847	003799	SIGNET SCREEN PRINTING &	4010-071040-5410-000-000-	9/11/2015	13,275.00			VOLLEYBALL/BASKETBALL T-SHIRT
21847	003799	SIGNET SCREEN PRINTING &	4010-071040-5410-000-000-	9/11/2015	1,904.00			YOUTH TRIATHON T-SHIRT

PO#	VEND#	NAME	FUND-DEPT-LOC-ACCT	DATE	\$ AMOUNT \$	\$ TOTAL \$	APPRVD BY	PO Description
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21847	003799	SIGNET SCREEN PRINTING &	4010-071040-5410-000-000-	11/20/2015	5,414.20-			
21847	003799	SIGNET SCREEN PRINTING &	4010-071040-5410-000-000-	1/21/2016	4,354.65-			
21847	003799	SIGNET SCREEN PRINTING &	4010-071040-5410-000-000-	3/23/2016	7,832.55-	7,735.10		

						7,735.10 *		
21854	005006	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-069-	10/15/2015	263,200.00			CONSTRUCT NORTHSIDE CONNECTOR
21854	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-069-	11/09/2015	63,796.08-			
21854	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-069-	2/23/2016	42,240.13-			
21854	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-069-	3/24/2016	49,536.00-			
21854	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-069-	4/20/2016	50,111.79-			
21854	003802	DELTA AIRPORT CONSULTANTS	4085-081030-8801-000-069-	6/27/2016	25,901.20-	31,614.80		

						31,614.80 *		
21866	006771	GANCE ENTERPRISES INC	4010-035060-3004-000-001-	11/30/2015	5,719.04			REPAIR BROWN LANE SITE
21866	006771	GANCE ENTERPRISES INC	4010-035060-3004-000-001-	11/30/2015	4,554.04			REPAIR TASKER RD SITE
21866	006771	GANCE ENTERPRISES INC	4010-035060-3004-000-001-	6/21/2016	5,719.04-			
21866	006771	GANCE ENTERPRISES INC	4010-035060-3004-000-001-	6/21/2016	4,554.04-	.00		

						.00 *		
21871	005205	GALLS LLC	4010-031020-5410-000-000-	12/18/2015	8,475.00			BODY ARMOR
21871	005205	GALLS LLC	4010-031020-5410-000-000-	3/23/2016	3,014.00-			
21871	005205	GALLS LLC	4010-031020-5410-000-000-	6/21/2016	5,650.00-			
21871	005205	GALLS LLC	4010-031020-5410-000-000-	6/21/2016	189.00	.00		

						.00 *		
21879	009764	ALL A BOARD INC	4026-012260-8800-000-003-	2/02/2016	6,633.00			BUNKROOM FURNITURE
21879	009764	ALL A BOARD INC	4026-012260-8800-000-003-	2/02/2016	1,084.00	7,717.00		SHIPPING & HANDLING

						7,717.00 *		
21880	000247	PIPER OFFICE SUPPLY INC	4026-012260-8800-000-003-	2/02/2016	21,561.50			OFFICE FURNITURE
21880	000247	PIPER OFFICE SUPPLY INC	4026-012260-8800-000-003-	2/02/2016	.00	21,561.50		DELIVERY & INSTALLATION

						21,561.50 *		
21882	003868	PERRY ENGINEERING CO INC	4027-012270-5413-000-009-	2/05/2016	7,099,000.00			IEB #2015-06C
21882	003868	PERRY ENGINEERING CO INC	4027-012270-5413-000-009-	4/20/2016	817,339.28-			Snowden Bridge
21882	003868	PERRY ENGINEERING CO INC	4027-012270-5413-000-009-	5/20/2016	559,303.87-			
21882	003868	PERRY ENGINEERING CO INC	4027-012270-5413-000-009-	6/27/2016	694,991.07-	5,027,365.78		

						5,027,365.78 *		
21883	007667	TELETRONIC INC	4026-012260-8800-000-003-	2/05/2016	31,243.84	31,243.84		FIRE STATION ALERTING SYSTEM

						31,243.84 *		

PO#	VEND#	NAME	FUND-DEPT-LOC-ACCT	DATE	\$ AMOUNT \$	\$ TOTAL \$	APPRVD BY	PO Description
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21884	009791	SMITH-MIDLAND CORPORATION	4010-071030-8900-000-000-	2/05/2016	49,792.00	49,792.00		SIERRA RESTROOM BUILDING

						49,792.00 *		
21886	005969	EK CONNECTED SOLUTIONS	4026-012260-8800-000-003-	2/12/2016	9,988.99			ACCESS CONTROL SYSTEM
21886	005969	EK CONNECTED SOLUTIONS	4026-012260-8800-000-003-	2/12/2016	7,572.62			ACCESS CONTROL
21886	005969	EK CONNECTED SOLUTIONS	4026-012260-8800-000-003-	4/20/2016	3,496.14-			
21886	005969	EK CONNECTED SOLUTIONS	4026-012260-8800-000-003-	4/20/2016	2,650.41-	11,415.06		

						11,415.06 *		
21888	009801	KEITH BARBER CONSTRUCTION	4010-071030-8900-000-000-	2/25/2016	159,475.00			ROSE HILL PARK REC & ACCESS
21888	009801	KEITH BARBER CONSTRUCTION	4010-071030-8900-000-000-	5/03/2016	4,868.15			ADD PIPE & GRADE DITCH
21888	009801	KEITH BARBER CONSTRUCTION	4010-071030-8900-000-000-	6/01/2016	11,000.00	175,343.15		1719 LF TPR & CHIP SEAL

						175,343.15 *		
21890	007019	COMMERCIAL LAUNDRY EQUIP	4026-012260-8800-000-003-	3/02/2016	8,227.00			MODEL RM3040 EXTRACTOR
21890	007019	COMMERCIAL LAUNDRY EQUIP	4026-012260-8800-000-003-	3/02/2016	.00	8,227.00		PRICE INCLUDES DELIVERY

						8,227.00 *		
21892	007032	ENVIRO WORLD CORPORATION	4010-042030-5413-000-000-	3/14/2016	4,600.00			RAIN BARRELS
21892	007032	ENVIRO WORLD CORPORATION	4010-042030-5413-000-000-	3/14/2016	1,050.00			COMPOST BIN
21892	007032	ENVIRO WORLD CORPORATION	4010-042030-5413-000-000-	3/14/2016	60.00			COMPOST THERMOMETER
21892	007032	ENVIRO WORLD CORPORATION	4010-042030-5413-000-000-	3/14/2016	50.00			COMPOST TURNER
21892	007032	ENVIRO WORLD CORPORATION	4010-042030-5413-000-000-	3/14/2016	520.00			SHIPPING
21892	007032	ENVIRO WORLD CORPORATION	4010-042030-5413-000-000-	6/08/2016	6,116.00-			
21892	007032	ENVIRO WORLD CORPORATION	4010-042030-5413-000-000-	6/08/2016	164.00-	.00		

						.00 *		
21893	008568	ATLANTIC TACTICAL INC	4010-031020-5409-000-000-	3/14/2016	6,164.50			RA222M (200 RDS EA) OF 69 GR .
21893	008568	ATLANTIC TACTICAL INC	4010-031020-5409-000-000-	3/14/2016	2,442.40			RA40TA (500 RDS EA) 165 GR .40
21893	008568	ATLANTIC TACTICAL INC	4010-031020-5409-000-000-	3/14/2016	16,849.00			USA40SN (500 RDS) 165 GR .40
21893	008568	ATLANTIC TACTICAL INC	4010-031020-5409-000-000-	5/20/2016	19,291.40-	6,164.50		

						6,164.50 *		
21902	003900	LANDSCAPE SUPPLY INC	4010-071030-5403-000-000-	3/25/2016	520.00			DUPLEX
21902	003900	LANDSCAPE SUPPLY INC	4010-071030-5403-000-000-	3/25/2016	127.50			6 IRON
21902	003900	LANDSCAPE SUPPLY INC	4010-071030-5403-000-000-	3/25/2016	710.00			SPEEDZONE
21902	003900	LANDSCAPE SUPPLY INC	4010-071030-5403-000-000-	3/25/2016	396.00			QUINCLORAC DF
21902	003900	LANDSCAPE SUPPLY INC	4010-071030-5403-000-000-	3/25/2016	4,896.00			ARENA 30 LB.
21902	003900	LANDSCAPE SUPPLY INC	4010-071030-5403-000-000-	3/25/2016	1,412.60			LEBANON 50 LB. 16-0-8 43% MESA
21902	003900	LANDSCAPE SUPPLY INC	4010-071030-5403-000-000-	3/25/2016	1,355.25			FERTILIZE 24-0-12 W/SULFATE
21902	003900	LANDSCAPE SUPPLY INC	4010-071030-5403-000-000-	6/21/2016	9,417.35-	.00		

						.00 *		

PO#	VEND#	NAME	FUND-DEPT-LOC-ACCT	DATE	\$ AMOUNT \$	\$ TOTAL \$	APPRVD BY	PO Description
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21904	002411	SHEEHY FORD	4010-031020-5409-000-000-	3/25/2016	18,970.00			weapon racks
21904	002411	SHEEHY FORD	4010-031020-5409-000-000-	3/25/2016	1,260.00			PART NUMBER SC-917-B
21904	002411	SHEEHY FORD	4010-031020-5409-000-000-	3/25/2016	675.00			INSTALLATION/LABOR
21904	002411	SHEEHY FORD	4010-031020-5409-000-000-	3/25/2016	160.00			SHIPPING
21904	005802	SHEEHY FORD OF RICHMOND	4010-031020-5409-000-000-	4/22/2016	19,645.00-			MISCELLANEOUS SUPPLIES
21904	002411	SHEEHY FORD	4010-031020-5409-000-000-	6/21/2016	1,420.00-	.00		

						.00 *		
21908	007019	COMMERCIAL LAUNDRY EQUIP	4010-035050-8009-000-000-	3/30/2016	28,008.00	28,008.00		CONTINENTAL WASHER EXTRACTOR

						28,008.00 *		
21911	009825	BASIC RENT A CAR CO INC	4010-031020-8005-000-000-	4/04/2016	41,320.00			2015 CHRYSLER VAN
21911	009825	BASIC RENT A CAR CO INC	4010-031020-8005-000-000-	5/16/2016	41,320.00-			2015 CHRYSLER VAN
21911	009825	BASIC RENT A CAR CO INC	4010-031020-8005-000-000-	5/16/2016	17,700.00			2015 FORD TRANSIT CONNECT XLIT
21911	009825	BASIC RENT A CAR CO INC	4010-031020-8005-000-000-	5/16/2016	23,620.00			2016 CHRYSLER TOWN & COUNTRY
21911	009825	BASIC RENT A CAR CO INC	4010-031020-8005-000-000-	6/08/2016	41,320.00-	.00		

						.00 *		
21912	005205	GALLS LLC	4010-031020-5410-000-000-	4/06/2016	14,125.00			BP747V BLK CIM 00
21912	005205	GALLS LLC	4010-031020-5410-000-000-	4/06/2016	409.60			TAILORED ARMOR CARRIER
21912	005205	GALLS LLC	4010-031020-5410-000-000-	4/06/2016	204.80			TAILORED ARMOR CARRIER
21912	005205	GALLS LLC	4010-031020-5410-000-000-	4/06/2016	249.48			R20D CARRIER
21912	005205	GALLS LLC	4010-031020-5410-000-000-	4/06/2016	525.00	15,513.88		CUSTOM MADE HONOR GUARD BLOUSE

						15,513.88 *		
21913	000023	B-K OFFICE SUPPLY INC	4010-081010-5401-000-000-	4/06/2016	3,030.50			OFFICE FURNITURE
21913	000023	B-K OFFICE SUPPLY INC	4010-081010-5401-000-000-	6/21/2016	252.00-			
21913	000023	B-K OFFICE SUPPLY INC	4010-081010-5401-000-000-	6/21/2016	917.00-			
21913	000023	B-K OFFICE SUPPLY INC	4010-081010-5401-000-000-	6/21/2016	1,861.50-	.00		
21913	000023	B-K OFFICE SUPPLY INC	4010-081010-5401-000-001-	4/06/2016	730.00			DRAFTING TABLE AND BASE
21913	000023	B-K OFFICE SUPPLY INC	4010-081010-5401-000-001-	6/21/2016	730.00-	.00		

						.00 *		
21914	008709	TRISTAR METALS INC	4010-043050-5413-000-000-	4/08/2016	8,968.00			DOUBLE STACK SS CAT CONDO
21914	008709	TRISTAR METALS INC	4010-043050-5413-000-000-	4/08/2016	600.00			STAINLESS STEEL CUSTOM BACK
21914	008709	TRISTAR METALS INC	4010-043050-5413-000-000-	4/08/2016	3,400.00			STAINLESS STEEL CABINET BASES
21914	008709	TRISTAR METALS INC	4010-043050-5413-000-000-	4/08/2016	648.00-			DISCOUNT
21914	008709	TRISTAR METALS INC	4010-043050-5413-000-000-	4/08/2016	1,695.00	14,015.00		SHIPPING AND HANDLING

						14,015.00 *		
21915	005259	NEOPOST USA INC	4010-012130-8001-000-000-	4/08/2016	40,357.00	40,357.00		HASLER DS-16 HP INSERIER

						40,357.00 *		

PO#	VEND#	NAME	FUND-DEPT-LOC-ACCT	DATE	\$ AMOUNT \$	\$ TOTAL \$	APPRVD BY	PO Description
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21916	003540	VALLEY DRILLING CORP	4010-071030-8900-000-000-	4/12/2016	5,423.00			WELL INSTALLATION
21916	003540	VALLEY DRILLING CORP	4010-071030-8900-000-000-	6/21/2016	3,422.00-			
21916	003540	VALLEY DRILLING CORP	4010-071030-8900-000-000-	6/21/2016	2,001.00-	.00		

						.00 *		
21918	004429	ISCO INDUSTRIES LLC	4012-042040-8006-000-000-	4/20/2016	7,623.86			FUSION MACHINE W/ATTACHMENTS
21918	004429	ISCO INDUSTRIES LLC	4012-042040-8006-000-000-	6/21/2016	7,623.86-	.00		

						.00 *		
21919	006899	KOFILE PRESERVATION INC	4010-021060-3006-000-000-	4/25/2016	5,590.00	5,590.00		CONSERVATION & PRESERVATION

						5,590.00 *		
21920	005768	ELECTION SYSTEMS &	4010-013010-8001-000-000-	4/25/2016	7,131.31	7,131.31		OPTICAL SCAN VOTING MACHINE

						7,131.31 *		
21921	009906	CAPITOL OFFICE SOLUTIONS	4010-012200-8007-000-002-	4/26/2016	8,950.00	8,950.00		HP DESIGNJET T930 MFP

						8,950.00 *		
21922	005802	SHEEHY FORD OF RICHMOND	4010-031020-8005-000-000-	4/26/2016	78,837.00	78,837.00		2016 POLICE INTERCEPTOR (3)

						78,837.00 *		
21923	002668	R K CHEVROLET INC	4010-031020-8005-000-000-	5/03/2016	73,218.00			2016 4WD CHEVY TAHOE
21923	002668	R K CHEVROLET INC	4010-031020-8005-000-000-	5/03/2016	36,662.50	109,880.50		2016 4WD CHEVY TAHOE

						109,880.50 *		
21924	005824	VAISALA INC	4085-081030-8801-000-043-	5/03/2016	1,472.00			HMP155 KIT FOR AWOS V-D
21924	005824	VAISALA INC	4085-081030-8801-000-043-	5/03/2016	4,730.00			VHF RADIO UPGRADE AWOS V-D
21924	005824	VAISALA INC	4085-081030-8801-000-043-	5/03/2016	100.00	6,302.00		FREIGHT CHARGES

						6,302.00 *		
21925	000390	MOTOROLA SOLUTIONS INC	4010-031020-5409-000-000-	5/03/2016	18,678.54	18,678.54		APX6500 VHF/ACCESSORIES

						18,678.54 *		
21926	005267	HETZER INC C WILLIAM	4012-042040-8900-000-001-	5/06/2016	2,125,770.00			CLD LANDFILL
21926	005267	HETZER INC C WILLIAM	4012-042040-8900-000-001-	6/27/2016	263,768.82-	1,862,001.18		

						1,862,001.18 *		

PO#	VEND#	NAME	FUND-DEPT-LOC-ACCT	DATE	\$ AMOUNT \$	\$ TOTAL \$	APPRVD BY	PO Description
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21927	009851	EQUIPMENT MANAGEMENT	4010-035050-5605-000-002-	5/06/2016	1,975.00			hazmat showers
21927	009851	EQUIPMENT MANAGEMENT	4010-035050-5605-000-002-	5/06/2016	140.00			EMC.FEMA 112A
21927	009851	EQUIPMENT MANAGEMENT	4010-035050-5605-000-002-	5/06/2016	305.00			EMC.FEMA PK
21927	009851	EQUIPMENT MANAGEMENT	4010-035050-5605-000-002-	5/06/2016	125.00			EMC.ESC.103
21927	009851	EQUIPMENT MANAGEMENT	4010-035050-5605-000-002-	5/06/2016	.00	2,545.00		FREIGHT
						-----		PER QUOTE SUBMITTED
						2,545.00 *		
21928	008709	TRISTAR METALS INC	4010-043050-5413-000-000-	5/16/2016	26,904.00			DOUBLE STACK SS CAT CONDO
21928	008709	TRISTAR METALS INC	4010-043050-5413-000-000-	5/16/2016	1,176.00			PVC VENTILATION PIPE
21928	008709	TRISTAR METALS INC	4010-043050-5413-000-000-	5/16/2016	1,800.00			STAINLESS STEEL BACK
21928	008709	TRISTAR METALS INC	4010-043050-5413-000-000-	5/16/2016	10,200.00			BASE CABINET UNIT
21928	008709	TRISTAR METALS INC	4010-043050-5413-000-000-	5/16/2016	2,004.00			SALES DISCOUNT
21928	008709	TRISTAR METALS INC	4010-043050-5413-000-000-	5/16/2016	3,200.00			SHIPPING AND HANDLING
21928	008709	TRISTAR METALS INC	4010-043050-5413-000-000-	5/16/2016	450.00	41,726.00		LIFT GATE

						41,726.00 *		
21929	000625	CONSOLIDATED ELECTRIC	4010-071030-8900-000-000-	5/16/2016	9,640.00	9,640.00		ROSE HILL ELECTRICAL PROJECT

						9,640.00 *		
21930	007374	EMERSON NETWORK POWER	4010-012220-8007-000-000-	5/16/2016	8,317.43	8,317.43		TAC# 1376520 40XEMERSYS HX300
						-----		battery backup
						8,317.43 *		
21931	006275	CONFEDERATE CONTRACTOR	4010-022010-5413-000-007-	5/16/2016	5,300.00			BUILD WALL TO CREATE OFFICE
21931	006275	CONFEDERATE CONTRACTOR	4010-022010-5413-000-007-	6/07/2016	2,650.00	2,650.00		

						2,650.00 *		
21932	009924	DEHAVENS BACKHOE SERVICE	4010-071030-8900-000-000-	5/16/2016	13,750.00			ROSE HILL SEPTIC SYS/FOUNDATIO
21932	009924	DEHAVENS BACKHOE SERVICE	4010-071030-8900-000-000-	6/27/2016	800.00			COMPLETE TRAIL TO RESTROOM
21932	009924	DEHAVENS BACKHOE SERVICE	4010-071030-8900-000-000-	6/27/2016	11,475.00	3,075.00		

						3,075.00 *		
21933	005769	MUNICIPAL EMERGENCY SERVI	4010-035050-5605-000-002-	5/19/2016	864.00			AV 3000 HT KEVLAR HEADNET
21933	005769	MUNICIPAL EMERGENCY SERVI	4010-035050-5605-000-002-	5/19/2016	3,168.00			AV 3000 HT KEVLAR HEADNET
21933	005769	MUNICIPAL EMERGENCY SERVI	4010-035050-5605-000-002-	5/19/2016	864.00			AV 3000 HT KEVLAR HEADNET
21933	005769	MUNICIPAL EMERGENCY SERVI	4010-035050-5605-000-002-	5/19/2016	50.00	4,946.00		SHIPPING & HANDLING

						4,946.00 *		
21934	009197	HENRY SCHEIN INC	4010-035050-5404-000-000-	5/20/2016	2,188.00			PEDIATRIC INTUBATION TRAINER
21934	009197	HENRY SCHEIN INC	4010-035050-5404-000-000-	5/20/2016	1,138.00			INFANT AIRWAY MANAGEMENT
21934	009197	HENRY SCHEIN INC	4010-035050-5404-000-000-	5/20/2016	923.96			NEONATAL INTUBATION TRAINER
21934	009197	HENRY SCHEIN INC	4010-035050-5404-000-000-	5/20/2016	.00	4,249.96		EVA001_QQ213679_RESP_1

						4,249.96 *		

PO#	VEND#	NAME	FUND-DEPT-LOC-ACCT	DATE	\$ AMOUNT \$	\$ TOTAL \$	APPRVD BY	PO Description
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21935	009934	POCKET NURSE	4010-035050-5404-000-000-	5/20/2016	2,138.00			NG TUBE AND TRACH CARE
21935	009934	POCKET NURSE	4010-035050-5404-000-000-	5/20/2016	399.96			HUMERUS INTRACASSEOUS
21935	009934	POCKET NURSE	4010-035050-5404-000-000-	5/20/2016	.00	2,537.96		PRICE PER EVA

						2,537.96 *		
21936	002497	TURF EQUIPMENT & SUPPLY	4010-071090-8001-000-000-	5/20/2016	61,416.80			TORO GROUNDSMASTER 4100D MOWER
21936	002497	TURF EQUIPMENT & SUPPLY	4010-071090-8001-000-000-	6/23/2016	61,416.80-	.00		

						.00 *		
21937	000625	CONSOLIDATED ELECTRIC	4010-071100-3004-000-003-	5/20/2016	6,712.00	6,712.00		REPLACE 60' LIGHT POLE

						6,712.00 *		
21938	009906	CAPITOL OFFICE SOLUTIONS	4010-012200-8007-000-002-	5/26/2016	17,614.00	17,614.00		T3500 MULTIFUNCTIONAL &ADD CNS

						17,614.00 *		
21939	003799	SIGNET SCREEN PRINTING &	4010-031020-5413-000-001-	5/27/2016	3,171.38			DARE SHIRTS
21939	003799	SIGNET SCREEN PRINTING &	4010-031020-5413-000-001-	5/27/2016	64.60	3,235.98		DARE SHIRTS

						3,235.98 *		
21940	009944	KING TRAINING INNOVATIONS	4010-035050-5413-000-000-	5/27/2016	4,900.00			KING CEILING PROP
21940	009944	KING TRAINING INNOVATIONS	4010-035050-5413-000-000-	5/27/2016	695.00			REBAR CUTTING ATTACHMENT
21940	009944	KING TRAINING INNOVATIONS	4010-035050-5413-000-000-	5/27/2016	375.96	5,970.96		SHIPPING GROUND TRUCK

						5,970.96 *		
21941	005603	PERFORMANCE TRAINING	4010-035050-5411-000-000-	5/27/2016	4,881.00	4,881.00		TEST BANK UPDATES

						4,881.00 *		
21942	009948	RENNERS AUTO SALES LLC	4010-035050-5408-000-000-	5/27/2016	3,230.00	3,230.00		7X12 UTILITY TRAILER

						3,230.00 *		
21943	009334	ATLANTIC EMERGENCY	4010-035050-5413-000-000-	6/01/2016	720.00			AXE
21943	009334	ATLANTIC EMERGENCY	4010-035050-5413-000-000-	6/01/2016	680.00			QUIC-BAR
21943	009334	ATLANTIC EMERGENCY	4010-035050-5413-000-000-	6/01/2016	800.00			JACK
21943	009334	ATLANTIC EMERGENCY	4010-035050-5413-000-000-	6/01/2016	1,800.00			PICKET
21943	009334	ATLANTIC EMERGENCY	4010-035050-5413-000-000-	6/01/2016	144.00			GRAB & HOOK
21943	009334	ATLANTIC EMERGENCY	4010-035050-5413-000-000-	6/01/2016	180.00			HOOKS
21943	009334	ATLANTIC EMERGENCY	4010-035050-5413-000-000-	6/01/2016	1,320.00			CORD REEL
21943	009334	ATLANTIC EMERGENCY	4010-035050-5413-000-000-	6/01/2016	1,156.00			JUNCTION BOX
21943	009334	ATLANTIC EMERGENCY	4010-035050-5413-000-000-	6/01/2016	409.00	7,209.00		SHIPPING AND HANDLING

						7,209.00 *		

PO#	VEND#	NAME	FUND-DEPT-LOC-ACCT	DATE	\$ AMOUNT \$	\$ TOTAL \$	APPRVD BY	PO Description
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21944	006801	LAWMEN S & SHOOTERS	4010-035050-5410-000-000-	6/01/2016	1,612.50			FIREFIGHTER BADGE
21944	006801	LAWMEN S & SHOOTERS	4010-035050-5410-000-000-	6/01/2016	1,344.00			COLLAR PINS
21944	006801	LAWMEN S & SHOOTERS	4010-035050-5410-000-000-	6/01/2016	774.00			TECHNICIAN BADGE
21944	006801	LAWMEN S & SHOOTERS	4010-035050-5410-000-000-	6/01/2016	360.20			LIEUTENANT BADGE
21944	006801	LAWMEN S & SHOOTERS	4010-035050-5410-000-000-	6/01/2016	209.80			LIEUTENANT COLLAR PINS
21944	006801	LAWMEN S & SHOOTERS	4010-035050-5410-000-000-	6/01/2016	252.14			CAPTAIN BADGE
21944	006801	LAWMEN S & SHOOTERS	4010-035050-5410-000-000-	6/01/2016	209.80			CAPTAIN COLLAR PINS
21944	006801	LAWMEN S & SHOOTERS	4010-035050-5410-000-000-	6/01/2016	517.40			NAME BAR RHODIUM
21944	006801	LAWMEN S & SHOOTERS	4010-035050-5410-000-000-	6/01/2016	41.96			NAME BAR - GOLD
21944	006801	LAWMEN S & SHOOTERS	4010-035050-5410-000-000-	6/01/2016	96.75			FIRE MARSHAL BADGE
21944	006801	LAWMEN S & SHOOTERS	4010-035050-5410-000-000-	6/01/2016	59.70			FIRE MARSHAL COLLAR PINS
21944	006801	LAWMEN S & SHOOTERS	4010-035050-5410-000-000-	6/01/2016	.00			SHIPPING AND HANDLING
21944	006801	LAWMEN S & SHOOTERS	4010-035050-5410-000-000-	6/01/2016	.00	5,478.25		SPECS:

						5,478.25 *		
21945	006966	WITMER PUBLIC SAFETY	4010-035050-5410-000-000-	6/01/2016	8,728.50			MORNING BRIDE
21945	006966	WITMER PUBLIC SAFETY	4010-035050-5410-000-000-	6/01/2016	793.50	9,522.00		MORNING BRIDE
						-----		helmets (36)
						9,522.00 *		
21946	009541	MILLER AUTO SALES INC	4010-012100-8005-000-000-	6/01/2016	20,696.94	20,696.94		2015 FORD ESCAPE

						20,696.94 *		
21947	006014	FORMDOCS LLC	4011-033010-5401-000-000-	6/01/2016	7,699.95	7,699.95		FORM DOCS

						7,699.95 *		
21948	000247	PIFER OFFICE SUPPLY INC	4010-021020-5401-000-000-	6/01/2016	2,732.80	2,732.80		MESH BACK CHAIR W/BLACK FABRIC

						2,732.80 *		
21949	005769	MINICIPAL EMERGENCY SERVI	4010-035050-5410-000-000-	6/01/2016	4,620.00			boots
21949	005769	MINICIPAL EMERGENCY SERVI	4010-035050-5410-000-000-	6/01/2016	2,454.13			GLOBE MES
21949	005769	MINICIPAL EMERGENCY SERVI	4010-035050-5410-000-000-	6/01/2016	150.00			PRO - WARRINGTON
21949	005769	MINICIPAL EMERGENCY SERVI	4010-035050-5410-000-000-	6/01/2016	.00	7,224.13		SHIPPING & HANDLING
						-----		SIZING:
						7,224.13 *		
21950	000271	PAYNE PUMP AND WELL CO	4010-071030-8900-000-000-	6/01/2016	3,828.75	3,828.75		ROSE HILL WATER SYSTEM

						3,828.75 *		
21951	009949	BUCKS FABRICATING	4010-042030-8006-000-000-	6/01/2016	9,225.00	9,225.00		30 YD RECYCLING CAN; TO SPECS

						9,225.00 *		
21952	003954	DELL MARKETING LP	4010-022020-5401-000-000-	6/01/2016	579.98			DELL FLAT PANEL MONITOR TOUCH

PO#	VEND#	NAME	FUND-DEPT-LOC-ACCT	DATE	\$ AMOUNT \$	\$ TOTAL \$	APPRVD BY	PO Description
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21952	003954	DELL MARKETING LP	4010-022020-5401-000-000-	6/01/2016	2,033.57			XPS 15
21952	003954	DELL MARKETING LP	4010-022020-5401-000-000-	6/01/2016	3,749.46	6,363.01		PRECISION WORKSTATION T3620

						6,363.01 *		
21953	005769	MUNICIPAL EMERGENCY SERVI	4010-035050-5407-000-000-	6/02/2016	576.00			face pieces
21953	005769	MUNICIPAL EMERGENCY SERVI	4010-035050-5407-000-000-	6/02/2016	1,728.00			AV 3000 HT
21953	005769	MUNICIPAL EMERGENCY SERVI	4010-035050-5407-000-000-	6/02/2016	576.00			AV 3000 HT
21953	005769	MUNICIPAL EMERGENCY SERVI	4010-035050-5407-000-000-	6/02/2016	35.00	2,915.00		SHIPPING & HANDLING

						2,915.00 *		
21954	005969	EK CONNECTED SOLUTIONS	4010-043040-8007-000-000-	6/02/2016	9,749.10	9,749.10		ACCESS CONTROLS

						9,749.10 *		
21955	005283	SUNGARD PUBLIC SECTOR INC	4010-031020-5401-000-000-	6/06/2016	8,500.00	8,500.00		ONESOLUTION MCT USER LICENSE

						8,500.00 *		
21956	005899	DOCUMENT SOLUTIONS INC	4010-012200-8007-000-000-	6/13/2016	8,720.00	8,720.00		KONICA MINOLTA C454E, ADD-ONS

						8,720.00 *		
21957	007400	MIS EQUIPMENT	4011-033010-8001-000-000-	6/13/2016	30,100.00	30,100.00		CHAMPION DISHWASHER

						30,100.00 *		
21958	009499	WOODSTOCK EQUIPMENT CO	4010-071100-8001-000-000-	6/14/2016	54,200.00	54,200.00		KUBOTA M62TLB TRACTOR

						54,200.00 *		
21959	009959	RCP SHELTERS INC	4010-071030-8900-000-000-	6/14/2016	15,047.00	15,047.00		SHELTER 24'X36' LAMINATED WOOD

						15,047.00 *		
21960	005769	MUNICIPAL EMERGENCY SERVI	4010-035050-5410-000-000-	6/15/2016	25,926.98			GLOBE #D1253-G JACKET PER
21960	005769	MUNICIPAL EMERGENCY SERVI	4010-035050-5410-000-000-	6/15/2016	21,550.98			GLOBE #E1253-G TROUSERS PER
21960	005769	MUNICIPAL EMERGENCY SERVI	4010-035050-5410-000-000-	6/15/2016	193.05			GLOBE #D1253-G LETTERING SEE
21960	005769	MUNICIPAL EMERGENCY SERVI	4010-035050-5410-000-000-	6/15/2016	.00			SHIPPING INCLUDED PER CONTRACT
21960	005769	MUNICIPAL EMERGENCY SERVI	4010-035050-5410-000-000-	6/15/2016	.00	47,671.01		REQUEST TO HAVE GEAR IMPORTED

						47,671.01 *		
21961	003922	KUSTOM SIGNALS INC	4010-031020-5409-000-000-	6/16/2016	4,329.00	4,329.00		RAPTOR RP-1, DUAL K-BAND

						4,329.00 *		

PO#	VEND#	NAME	FUND-DEPT-LOC-ACCT	DATE	\$ AMOUNT \$	\$ TOTAL \$	APPRVD BY	PO Description
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21962	004102	DEHAVEN S AUTO & CAMEER	4010-071100-8001-000-000-	6/16/2016	6,655.00	6,655.00		2016 BRI-MAR DUMP TRAILER

						6,655.00 *		
21963	006224	BOLAND	4010-043040-8001-000-000-	6/21/2016	33,768.00	33,768.00		TRACER SYSTEM HVAC CONTROLS CH

						33,768.00 *		
21964	005472	WILSON ASPHALT	4010-043040-8900-000-000-	6/21/2016	12,260.00	12,260.00		PARKING LOT REPAIRS AT CAB
21964	005472	WILSON ASPHALT	4010-043040-8900-000-006-	6/21/2016	28,820.00	28,820.00		PARKING LOT REPAIRS AT BOWMAN

						41,080.00 *		
21965	005035	TRANE U.S. INC	4010-043040-8001-000-000-	6/21/2016	90,449.00	90,449.00		ROOF TOP UNIT/HEAT PUMP

						90,449.00 *		
21966	005969	EK CONNECTED SOLUTIONS	4010-043040-8007-000-000-	6/21/2016	25,655.07	25,655.07		NEW SECURITY CAMERAS

						25,655.07 *		
21967	006224	BOLAND	4010-043040-8001-000-000-	6/21/2016	34,400.00	34,400.00		ROOF TOP UNIT/HEAT PUMP

						34,400.00 *		
21968	009961	VISUAL SOUND INC	4010-012200-5413-000-000-	6/21/2016	4,430.00	4,430.00		INTERACTIVE DISPLAY

						4,430.00 *		
21969	005205	GALLS LLC	4010-031020-5410-000-001-	6/27/2016	1,288.00			TROUSERS
21969	005205	GALLS LLC	4010-031020-5410-000-001-	6/27/2016	1,456.00			SHIRTS
21969	005205	GALLS LLC	4010-031020-5410-000-001-	6/27/2016	1,288.00	4,032.00		COATS

						4,032.00 *		
21970	004004	RAY ALLEN MANUFACTURING	4010-031020-5402-000-001-	6/27/2016	979.99			F3 K-9 DEPLOYMENT & HEAT ALERT
21970	004004	RAY ALLEN MANUFACTURING	4010-031020-5402-000-001-	6/27/2016	1,159.96			FEMCK-COY: KIT-5.11 SLINGBACK
21970	004004	RAY ALLEN MANUFACTURING	4010-031020-5402-000-001-	6/27/2016	129.98			MD10-F; FAN, F SERIES
21970	004004	RAY ALLEN MANUFACTURING	4010-031020-5402-000-001-	6/27/2016	2,099.99			EZLIN:CRUIZE EZE
21970	004004	RAY ALLEN MANUFACTURING	4010-031020-5402-000-001-	6/27/2016	213.50	4,583.42		SHIPPING

						4,583.42 *		
21971	005769	MINICIPAL EMERGENCY SERVI	4010-035050-5410-000-000-	6/27/2016	7,449.29			5.11 RESPONDER HIGH-VISIBILITY
21971	005769	MINICIPAL EMERGENCY SERVI	4010-035050-5410-000-000-	6/27/2016	150.00	7,599.29		SHIPPING & HANDLING

						7,599.29 *		

PO#	VEND#	NAME	FUND-DEPT-LOC-ACCT	DATE	\$ AMOUNT \$	\$ TOTAL \$	APPRVD BY	PO Description
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21972	005184	F & F AND A JACOBS AND	4010-035050-5410-000-000-	6/27/2016	874.00			WHITE, ALBOM BELL CROWN CAP
21972	005184	F & F AND A JACOBS AND	4010-035050-5410-000-000-	6/27/2016	3,827.00			NAVY, ALBOM BELL CROWN CAP
21972	005184	F & F AND A JACOBS AND	4010-035050-5410-000-000-	6/27/2016	.00	4,701.00		SHIPPING & HANDLING

						4,701.00 *		
21973	006966	WITMER PUBLIC SAFETY	4010-035050-5410-000-000-	6/27/2016	4,497.00			STREAMLIGHT SURVIVOR LED,
21973	006966	WITMER PUBLIC SAFETY	4010-035050-5410-000-000-	6/27/2016	.00	4,497.00		SHIPPING & HANDLING

						4,497.00 *		
21974	002497	TURF EQUIPMENT & SUPPLY	4010-071090-8001-000-000-	6/28/2016	11,483.20	11,483.20		TORO MEX-D UTILITY CART

						11,483.20 *		
21975	009982	WILLIAMS DIRECT DRYERS	4010-035050-3004-000-001-	6/28/2016	6,995.00			PORTABLE, 4 STATION, TURNOUT
21975	009982	WILLIAMS DIRECT DRYERS	4010-035050-3004-000-001-	6/28/2016	500.00			10 YEAR WARRANTY
21975	009982	WILLIAMS DIRECT DRYERS	4010-035050-3004-000-001-	6/28/2016	312.00	7,807.00		SHIPPING

						7,807.00 *		
21976	001947	SUPREME COURT OF VIRGINIA	4010-021020-5401-000-000-	6/28/2016	2,895.00			46" NEC MONITOR LCD SCREEN
21976	001947	SUPREME COURT OF VIRGINIA	4010-021020-5401-000-000-	6/28/2016	2,244.00	5,139.00		VIDEO DOCKET PC TINY FORM M900

						5,139.00 *		
21977	008205	PCN STRATEGIES	4010-031020-5401-000-000-	6/29/2016	15,701.80			GETAC V110 LAPTOP
21977	008205	PCN STRATEGIES	4010-031020-5401-000-000-	6/29/2016	3,225.00			GETAC V110 DOCKING STATION
21977	008205	PCN STRATEGIES	4010-031020-5401-000-000-	6/29/2016	735.75			ANTENAE PLUS CELL+WIFI+GPS
21977	008205	PCN STRATEGIES	4010-031020-5401-000-000-	6/29/2016	659.95			GETAC VEHICLE POWER ADAPTER
21977	008205	PCN STRATEGIES	4010-031020-5401-000-000-	6/29/2016	2,625.00	22,947.50		GETAC EXTEND WARRANTY YR 4 & 5

						22,947.50 *		

						8,835,988.30 **		

Frederick County Public Schools: FY2016 Year-End Encumbrances

PO NUMBER	VENDOR NAME	DESCRIPTION	ENCUMBRANCE
50002 PO 50.1100.1.1.000.006014.03.00	RTW CONSTRUCTION	EKX15 SPEAKERS AND MOUNTS OTHER OPERATING SUPPLIES	1,365.00 1,365.00
49713 PO 50.1100.2.1.000.006067.00.18	ACT, INC.	WORKKEYS BUSINESS WRITING ASSESSMENT TESTING MATERIALS	543.25 543.25
50094 PO 50.1100.3.1.000.008101.01.00	MILLER'S SUPPLIES AT WORK	MOTIVATE FIXED HEIGHT TABLE WITH CASTER FURNITURE & EQUIP--REPL	10,810.80 10,810.80
50094 PO 50.1210.3.1.000.008101.01.00	MILLER'S SUPPLIES AT WORK	GUIDANCE FURNITURE FURNITURE & EQUIP--REPL	4,649.92 4,649.92
49954 PO 50.1310.2.1.000.003191.00.00	CURRICULUM ASSOCIATES, INC.	PROFESSIONAL DEVELOPMENT SERVICES CONTR SERV--STAFF DEVELOPMENT	21,000.00 21,000.00
49121 PO 50.1310.3.2.000.005401.00.00	RICOH USA, INC.	RICOH 6002 SPECIAL SERVICE LEASE/RENT OF EQUIPMENT	455.02 455.02
49967 PO 50.1320.3.1.000.006040.20.00	PROQUEST - CSA LLC	LIBRARY DATABASE SOFTWARE/ONLINE CONTENT	1,841.00 1,841.00
49476 PO 50.1410.1.1.000.005401.05.00	PITNEY BOWES GLOBAL	POSTAGE MACHINE LEASE LEASE/RENT OF EQUIPMENT	100.00 100.00
49135 PO 50.1410.2.1.000.005401.07.00	RICOH USA, INC.	RICOH COPIERS LEASE/RENT OF EQUIPMENT	890.68 890.68
49123 PO 49599 PO 50.1410.3.1.000.005401.20.00	RICOH USA, INC. PITNEY BOWES GLOBAL	COPIERS FOR ENTIRE BUILDING POSTAGE MACHINE LEASE/RENT OF EQUIPMENT	999.84 200.00 1,199.84
49756 PO 50.2150.9.0.000.003140.40.00	K-12 INSIGHT, LLC	ENGAGEMENT SURVEY CENSUS, SURVEYS AND RPTS	19,332.00 19,332.00
50181 PO 50.4200.9.0.000.003310.07.00	BLAUCH BROTHERS, INC.	COMPRESSOR REPLACEMENT REPAIRS AND MAINTENANCE	2,300.00 2,300.00
48230 PO 50044 PO 50.4200.9.0.000.003310.16.00	OWPR STANLEY CONVERGENT SECURITY	FIRE PUMP, BACK FLOW PREVENTORS Q-00736819 VIRTUAL SERVER REPAIRS AND MAINTENANCE	18,640.00 5,773.00 24,413.00
50127 PO 50.4200.9.0.000.003310.50.00	GARLAND/DBS, INC.	Roof Repairs REPAIRS AND MAINTENANCE	11,373.00 11,373.00
48870 PO 50.4200.9.0.000.008151.20.00	ANDERSON ROOFING & SHEET MET	SKYLIGHT REPLACEMENT REPLACEMENT EQUIPMENT	372,488.00 372,488.00
49828 PO 50.4200.9.0.000.008151.50.00	OWPR	HVAC & WINDOWS REPLACEMENT EQUIPMENT	25,250.00 25,250.00
50159 PO 50.4300.9.0.000.003310.21.00	PAT FELTNER'S EXCAVATING, IN	SEWAR LINE REPAIR REPAIRS AND MAINTENANCE	3,200.00 3,200.00

Frederick County Public Schools: FY2016 Year-End Encumbrances

PO NUMBER	VENDOR NAME	DESCRIPTION	ENCUMBRANCE
50142 PO 50.4400.9.0.000.008251.16.00	WINCHESTER EQUIPMENT COMPANY	JLG 2632 ES SCISSOR LIFT NEW EQUIPMENT	18,075.00 18,075.00
49950 PO 49953 PO 50.6300.9.0.000.003100.00.00	OWPR OWPR	ROAD IMPROVEMENTS FCMS AND GAINESBORO FEE FOR TRAFFIC STUDY CONTRACTED SERVICES	6,990.00 15,500.00 22,490.00
48401 PO 50.6300.9.0.000.003194.00.00	OWPR	MS4 PROGRAM PLAN PURCHASED SERVICES	2,588.24 2,588.24
49851 PO 50.6300.9.0.000.003194.00.56	OWPR	ROBERT E. AYLOR ADDITION PURCHASED SERVICES	28,000.00 28,000.00
50154 PO 50.8100.9.0.000.003312.00.00	NATIONAL DESIGN GROUP, INC.	FIBER CABLE INSTALATION REPAIRS AND MNT--COMPUTER	4,245.00 4,245.00
50088 PO 50.8100.9.0.000.006040.00.00	UNITY BUSINESS SYSTEMS, INC	UPGRADE TO CURRENT LASERFICHE LICENSE SOFTWARE/ONLINE CONTENT	29,630.02 29,630.02
49788 PO 49991 PO 50.8200.9.0.000.006040.00.00	TYLER TECHNOLOGIES, INC. SHI	TYLER SIS FY16 SOFTWARE & IMPLEMENTATION SERVICES SUPPORT PREMIUM 5 INCIDENT PACK SOFTWARE/ONLINE CONTENT	96,183.61 1,928.75 98,112.36
50160 PO 50.8300.9.0.000.006001.00.00	OFFICE DEPOT	FILE FOLDERS OFFICE SUPPLIES	16.59 16.59
49789 PO 50.8300.9.0.000.006040.00.00	TYLER TECHNOLOGIES, INC.	TYLER MUNIS FY16 SOFTWARE IMPLEMENTATION SOFTWARE/ONLINE CONTENT	195,468.74 195,468.74
50160 PO 50.8300.9.0.000.006088.00.00	OFFICE DEPOT	INK AND TONER PRINTER SUPPLIES	3,976.02 3,976.02
49964 PO 59.3500.9.0.000.008154.00.00	CARTER MACHINERY COMPANY, INC	C. 77 PASS BLUE BIRD BUS REPLACEMENT BUSES	426,950.00 426,950.00
49966 PO 49966 PO 59.3500.9.0.000.008254.00.00	CARTER MACHINERY COMPANY, INC CARTER MACHINERY COMPANY, INC	C. 48 PASS SPED BLUE BIRD BUS C. 65 PASS BLUE BIRD BUS NEW BUSES	200,436.00 249,045.00 449,481.00
49904 PO 59.4200.9.0.000.008151.01.00	OWPR	DESIGN, CONTRACT ADMINISTRATION SERVICES REPLACEMENT EQUIPMENT	7,750.00 7,750.00
49834 PO 49835 PO 49902 PO 49902 PO 59.4200.9.0.000.008151.16.00	SIEMENS INDUSTRY, INC PRITCHETT CONTROLS, INC SCHOOLDUDE.COM SCHOOLDUDE.COM	BUILDING MANAGEMENT SYSTEM UPGRADE BUILDING MANAGEMENT SYSTEM UPGRADE FS AUTOMATION QUICK START DUDE AUTOMATION APPLIANCE REPLACEMENT EQUIPMENT	149,220.00 288,435.00 3,295.00 7,726.00 448,676.00
47668 PO 60.6200.9.0.000.003000.02.00	PAYNE WELL DRILLING, INC.	WELL DRILLING & GEOTHERMAL BORING PURCHASED SERVICES	38,510.33 38,510.33
46437 PO 48708 PO 48922 PO 60.6300.9.0.000.003000.02.00	STANTEC ARCHITECTURE INC. VIOLA ENGINEERING, PC TRIAD ENGINEERING, INC.	A & E SERVICES FOR FCMS THIRD PARTY TESTING CONSTRUCTION SITE PURCHASED SERVICES	84,662.10 2,191.20 1,055.20 87,908.50
49808 PO 60.6300.9.0.000.003000.04.00	OWPR	A&E SERVICES FOR ARMEL PURCHASED SERVICES	327,220.00 327,220.00
49800 PO 60.6300.9.0.000.003000.23.00	GRIMM AND PARKER ARCHITECTS	A&E SERVICES FOR THE 12TH ELEMENTARY PURCHASED SERVICES	1,113,818.30 1,113,818.30

Frederick County Public Schools: FY2016 Year-End Encumbrances

PO NUMBER	VENDOR NAME	DESCRIPTION	ENCUMBRANCE
46469 PO 60.6300.9.0.000.003000.29.00	OWPR	A & E SERVICES FOR 4TH HIGH SCHOOL PURCHASED SERVICES	271,195.47 271,195.47
48681 PO 48790 PO 60.6500.9.0.000.003000.02.00	BRANCH & ASSOCIATES, INC. SEBESTA, INC.	CONSTRUCTION NEW FCMS FEE FOR COMMISSIONING SERVICES PURCHASED SERVICES	3,521,594.60 39,826.88 5,022,723.01
49775 PO 49825 PO 49887 PO 49936 PO 49949 PO 50129 PO 60.6500.9.0.000.008201.02.00	VS AMERICA, INC. COMMONWEALTH SCHOOL EQUIPMENT LAUNDRY EQUIPMENT SERVICES FITNESS RESOURCE REATIL LLC VS AMERICA, INC. LOWE'S COMPANIES, INC.	FURNITURE FOR REPLACEMENT FCMS CORILAM MODEL 139-P460DBLC 42"W X 60"L COMMERICAL WASHER FCMS FITNESS EQUIPMENT FCMS FURNITURE FOR AG AND TECH ED FCMS APPLIANCES FOR FCMS FURNITURE & EQUIP--NEW	1,311,220.46 8,496.00 11,443.84 67,841.10 30,144.61 15,877.62 1,445,023.63
49787 MAN 49817 MAN 49877 PO 50167 PO 60.6500.9.0.000.008210.02.00	ENCORE TECHNOLOGY GROUP, LLC ENCORE TECHNOLOGY GROUP, LLC LEE HARTMAN & SONS, INC. LEE HARTMAN & SONS, INC.	CABLING PROJECT AT FCMS NON SHIELDED AUDIO/VIDEO PROJECT FOR FCMS PROJECTOR AND IT INSTALLATION INSTALLATION IT EQUIPMENT TECHNOLOGY HARDWARE - NEW	10,555.48 100,419.45 117,808.91 1,705.00 230,488.84
		FUND 000050 TOTAL - SCHOOL OPERATING FUND FUND 000059 TOTAL - CAPITAL FUND FUND 000060 TOTAL - CONSTRUCTION FUND	903,813.48 1,332,857.00 7,075,586.55
		ENCUMBRANCE GRAND TOTAL	9,312,257.03

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CONDITIONAL USE PERMITS #09-16
CONNIE ANN MOSS
Staff Report for the Board of Supervisors
Prepared: September 19, 2016
Staff Contact: Mark Cheran, Zoning Administrator

This report is prepared by the Frederick County Planning Staff to provide information to the Planning Commission and the Board of Supervisors to assist them in making a decision on this request. It may also be useful to others interested in this zoning matter.

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	09/07/16	Public Hearing Held; Recommended Approval
Board of Supervisors:	09/28/16	Pending

EXECUTIVE SUMMARY & CONCLUSION FOR THE 09/28/16 BOARD OF SUPERVISORS MEETING:

This is a request for a Conditional Use Permit (CUP) for Connie Ann Moss for a Dog Kennel. Should the Board of Supervisors find this application for a dog kennel to be appropriate, staff recommends that the following conditions be attached to the CUP?

1. All review agency comments shall be complied with at all times.
2. This CUP is solely to enable the boarding and training of dogs on this property.
3. No more than three (3) employees with this CUP.
4. All dogs must be confined indoors by 9:00 p.m. Dogs to be allowed outside and supervised on a leash after 9:00 p.m. as needed.
5. Any proposed business sign shall conform to Cottage Occupation sign requirements and shall not exceed four (4) square feet in size and five (5) feet in height.
6. Hours of operation shall be 8:00 a.m. to 9:00 p.m. Monday through Sunday.
7. Any expansion or modification of this use will require the approval of a new CUP.

Following this public hearing, a decision regarding this Conditional Use Permit application by the Board of Supervisors would be appropriate. The Applicant should be prepared to adequately address all concerns raised by the Board of Supervisors.

LOCATION: This property is located at 4527 Valley Pike, Stephens City, Virginia.

MAGISTERIAL DISTRICT: Back Creek

PROPERTY ID NUMBER: 75-A-28

PROPERTY ZONING & PRESENT USE:

Zoned: RA (Rural Areas)
Land Use: Residential

ADJOINING PROPERTY ZONING & PRESENT USE:

North: RA (Rural Areas)	Use: Vacant
South: RA (Rural Areas)	Use: Retail
East: RA (Rural Areas)	Use: Vacant
West: RA (Rural Areas)	Use: Outdoor Recreation

PROPOSED USE: This application is for a Dog Kennel.

REVIEW EVALUATIONS:

Virginia Department of Transportation: The application for a Conditional Use Permit for this property appears to have little measurable impact on Route 11, the VDOT facility which would provide access to the property. Existing entrance is adequate for proposed use. However, should use ever expand in the future, the entrance may have to be upgraded to VDOT commercial standards.

Frederick County Fire and Rescue: Plan approved provided that a 1 – 5 lb. multi-purpose ABC fire extinguisher be hung and readily available with 75’ of all building(s) that apply to this permit. At least 1 smoke detector is installed in all building(s) that apply to this permit.

Frederick County Inspections: Conditional Use request for use of residential storage building under construct as dog training/kennel. The area utilized shall comply with The Virginia Uniform Statewide Building Code.

Permit is required for change of use residential storage building. Please submit floor plan with a building permit application. Restroom shall meet ANSI A117.1-90 for public use. Mechanical air change shall be provided as required per International Mechanical Code.

Electrical permit. Accessible parking shall be provided per ANSI A117.1-09. Accessible route from parking area/unloading to kennel entrance shall be provided. Unloading area shall meet ANSI A117.1-09 for material surface.

Max slope of parking/unloading area is 2% or 1":48".
Ramps shall not exceed a 1":12" slope. There shall be a landing at the top and bottom of the ramp.

Final inspection/approval with certificate of occupancy shall be issued prior to new use of the facility.

Winchester-Frederick County Health Department: The Frederick County Health Department has no objections as long as no animal feces is introduced to the sewage disposal system and is disposed of by other means. An engineered sewage disposal system would be required due to non-human nutrient levels if animal waste is disposed of in the system.

Frederick County Sanitation Authority: No Comments.

City of Winchester: No Comments.

Planning and Zoning: Kennels are a permitted use in the RA (Rural Areas) Zoning District with an approved Conditional Use Permit (CUP). This proposed use will take place on a 4.09+/- acre parcel; surrounded by properties that are zoned RA. The 2030 Comprehensive Policy Plan of Frederick County provides guidance when considering any land use actions. This property is located within the Route 11 South corridor, and as noted on the Eastern Frederick County Long Range Land Use Plan, this area of the County is identified for commercial uses. It appears that this CUP meets the intent of the goals of the 2030 Comprehensive Policy Plan of Frederick County.

The Zoning Ordinance defines a Kennel: "**As a place prepared to house, board, breed, handle or otherwise keep or care for dogs for sale or in return for compensation.**" The Zoning Ordinance requires that kennels be subject to additional performance standards in order to mitigate negative impacts to adjoining residential properties to include, **all dogs to be confined within a secure structure and a Category C Buffer.** The properties immediately adjacent to this proposed CUP are currently zoned RA Zoning District, with the nearest residential dwelling being approximately 500 feet from this proposed dog kennel. Therefore, the intent of the Category C Buffer can be met, as 400 feet is required for a no screen Category C Buffer.

This proposed dog kennel will have five (5) kennels for boarding of dogs, with two (2) dogs per kennel for total of ten (10) dogs. All dogs must be confined indoors with the exception of when they are walked or exercised, and will not to be let outdoors prior to 8:00 a.m. Dogs must be confined indoors by 9:00 p.m. There will be no breeding of dogs with this use.

There will be a total of three (3) employees with this use. This property also will be used for indoor/outdoor public dog training. The indoor training will be conducted within a 2,400 sq. ft. building and the outdoor training will be conducted within a large fenced yard area. The training sessions will be conducted via appointment with no more than six (6) customers. Hours of operation for this use will be 8:00 a.m. to 9:00 p.m. Monday –Sunday.

STAFF CONCLUSIONS FOR THE 09/07/16 PLANNING COMMISSION MEETING:

If the Planning Commission feels the dog kennel to be appropriate, staff recommends the following conditions be attached to the CUP:

1. All review agency comments shall be complied with at all times.
2. This CUP is solely to enable the boarding and training of dogs on this property.
3. No more than three (3) employees with this CUP.
4. All dogs must be confined indoors by 9:00 p.m.
5. Any proposed business sign shall conform to Cottage Occupation sign requirements and shall not exceed four (4) square feet in size and five (5) feet in height.
6. Hours of operation shall be 8:00 a.m. to 9:00 p.m. Monday through Sunday.
7. Any expansion or modification of this use will require the approval of a new CUP.

PLANNING COMMISSION SUMMARY AND ACTION OF THE 09/07/16 MEETING:

Staff reported this property is located at 4527 Valley Pike and is zoned RA (Rural Areas) District, and the current land use is residential. Staff continued the surrounding properties are all zoned RA and the land uses are vacant, retail, and outdoor recreation. Staff presented a location map of the property. Staff explained the 2030 Comprehensive Policy Plan provides guidance and the property is located within the Route 11 South Corridor and is planned for future commercial uses. Staff noted this CUP does meet the goals of the land use plan. Staff reported kennels are a permitted use in the RA Zoning District with an approved CUP (Conditional Use Permit). It was explained this proposed use will take place on a 4.09+/- acre parcel and it was reiterated the parcel is surrounded by RA properties. Staff continued kennels are defined as a place that is prepared to house, board, breed, handle or otherwise keep and care for dogs for sale or in return for compensation. Mr. Cheran noted this proposed kennel will have five (5) kennels for boarding of dogs with two (2) dogs per kennel for a total of ten (10) dogs.

Staff reported all dogs must be confined indoors with the exception of when they are walked or exercised, and will not be let outdoors prior to 8:00 a.m. He noted dogs must be confined indoors by 9:00 p.m. and there will be no breeding of dogs with this use. Staff continued the property will also be used for indoor/outdoor public dog training; the indoor training will be conducted within a 2,400 sq. ft. building and the outdoor training will be conducted within a large fenced yard area. Staff noted the training sessions will be conducted by appointment with no more than six (6) customers at a time. Staff presented a hand drawing of the facility provided by the Applicant. Mr. Cheran explained it is typically required that a Category C buffer be provided to mitigate any issues from noise, etc.... Staff continued the location of this kennel is approximately 500 feet from the closest property and there are trees and wooded areas in abundance therefore the Applicant has met the intent of the Category C buffer. Staff recommended the following conditions for this CUP:

1. All review agency comments shall be complied with at all times.
2. This CUP is solely to enable the boarding and training of dogs on this property.
3. No more than three (3) employees with this CUP.
4. All dogs must be confined indoors by 9:00 p.m.
5. Any proposed business sign shall conform to Cottage Occupation sign requirements and shall not exceed four (4) square feet in size and five (5) feet in height.
6. Hours of operation shall be 8:00 a.m. to 9:00 p.m. Monday through Sunday.
7. Any expansion or modification of this use will require the approval of a new CUP.

A Commission Member referenced condition #4 “all dogs must be confined indoors by 9:00 p.m.”; to clarify, the dogs can be taken outside after 9:00 p.m. but must be accompanied or on a leash. Staff confirmed that is correct; and that can be added as part of condition #4.

The Applicant came forward and presented an overview of her business. She explained she is interested in operating a small dog training and dog boarding facility. The Applicant clarified the two (2) dogs per kennel request is only two (2) dogs per kennel that are from the same household. She continued they would like to offer professional dog training and she herself is a professional dog trainer. The Applicant noted her intention is to make their facility the best representation of a dog training/kennel facility.

The Public Hearing was opened and three (3) citizens came forward to speak. Each citizen shared their support for this kennel. The citizens highlighted the high quality and the need for such a kennel/dog training facility in the community. The Public Hearing was closed.

A Commission Member asked if the suggestion regarding the change or the definition of letting dogs outside supervised on a leash during the night should have a time of 9:00 p.m. – 7:00 a.m.

Staff noted that can be added as an amended condition if needed. A Commission Member noted he feels this is a good idea and the need for the facility exists.

A Commission Member noted he visited the site and the Applicant. He stated he feels they will be very accommodating to the community and this facility will be top notch. He concluded the area is confined and therefore will not be of any disturbance.

A motion was made, seconded, and unanimously passed to recommend approval of CUP #09-16 for Connie Ann Moss with changes to Condition #4 allowing dogs to be outside supervised on a leash after 9:00 p.m. as needed.

Absent: Thomas, Molden, Mohn

CONCLUSION FOR THE 09/28/16 BOARD OF SUPERVISORS MEETING:

This is a request for a Conditional Use Permit (CUP) for Connie Ann Moss for a Dog Kennel. Should the Board of Supervisors find this application for a dog kennel to be appropriate, staff recommends that the following conditions be attached to the CUP?













1. All review agency comments shall be complied with at all times.
2. This CUP is solely to enable the boarding and training of dogs on this property.
3. No more than three (3) employees with this CUP.
4. All dogs must be confined indoors by 9:00 p.m. Dogs to be allowed outside and supervised on a leash after 9:00 p.m. as needed.
5. Any proposed business sign shall conform to Cottage Occupation sign requirements and shall not exceed four (4) square feet in size and five (5) feet in height.
6. Hours of operation shall be 8:00 a.m. to 9:00 p.m. Monday through Sunday.
7. Any expansion or modification of this use will require the approval of a new CUP.

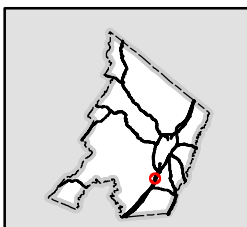
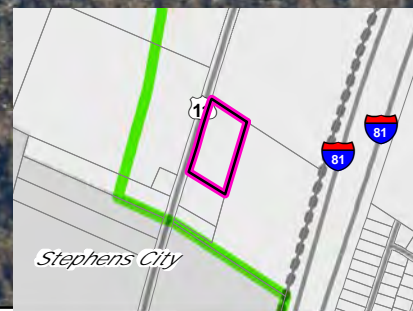
Following this public hearing, a decision regarding this Conditional Use Permit application by the Board of Supervisors would be appropriate. The Applicant should be prepared to adequately address all concerns raised by the Board of Supervisors.

CUP # 09 - 16 Connie Ann Moss

PIN:
75 - A - 28
Cottage Occupation - Dog Kennel



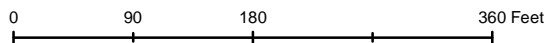
-  Applications
-  Parcels
-  Sewer and Water Service Area
-  Building Footprints
-  B1 (Business, Neighborhood District)
-  B2 (Business, General District)
-  B3 (Business, Industrial Transition District)
-  EM (Extractive Manufacturing District)
-  HE (Higher Education District)
-  M1 (Industrial, Light District)
-  M2 (Industrial, General District)
-  MH1 (Mobile Home Community District)
-  MS (Medical Support District)
-  OM (Office - Manufacturing Park)
- R4 (Residential Planned Community District)
- R5 (Residential Recreational Community District)
- RA (Rural Area District)
- RP (Residential Performance District)



CUP # 09 - 16 Connie Ann Moss

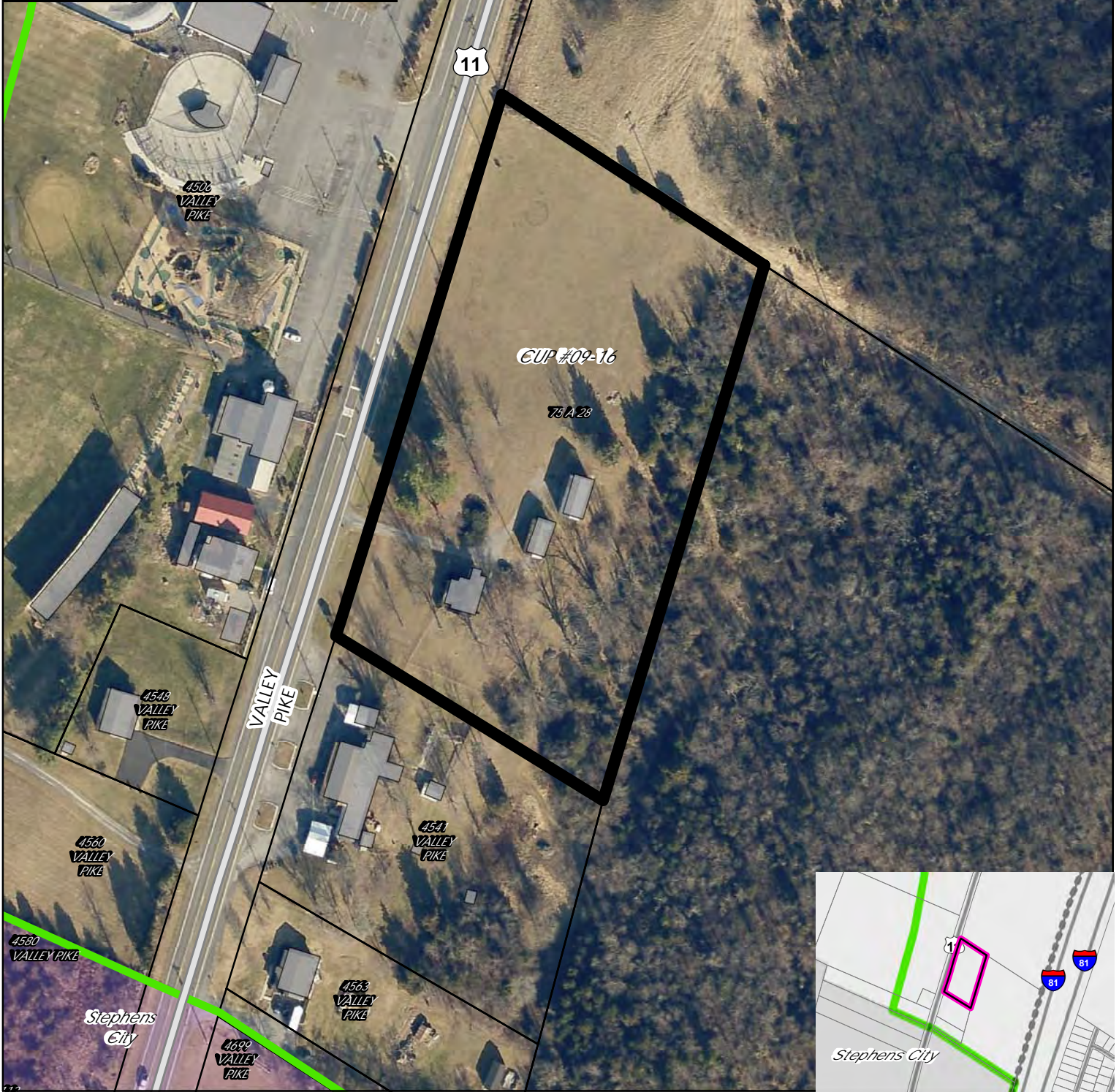
PIN:
75 - A - 28
Cottage Occupation - Dog Kennel

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: July 28, 2016
Staff: mcheran

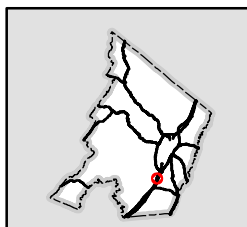


CUP # 09 - 16 Connie Ann Moss

PIN:
75 - A - 28
Cottage Occupation - Dog Kennel



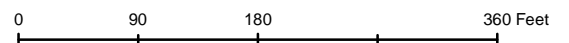
- Applications
- Parcels
- Sewer and Water Service Area
- Building Footprints



CUP # 09 - 16 Connie Ann Moss

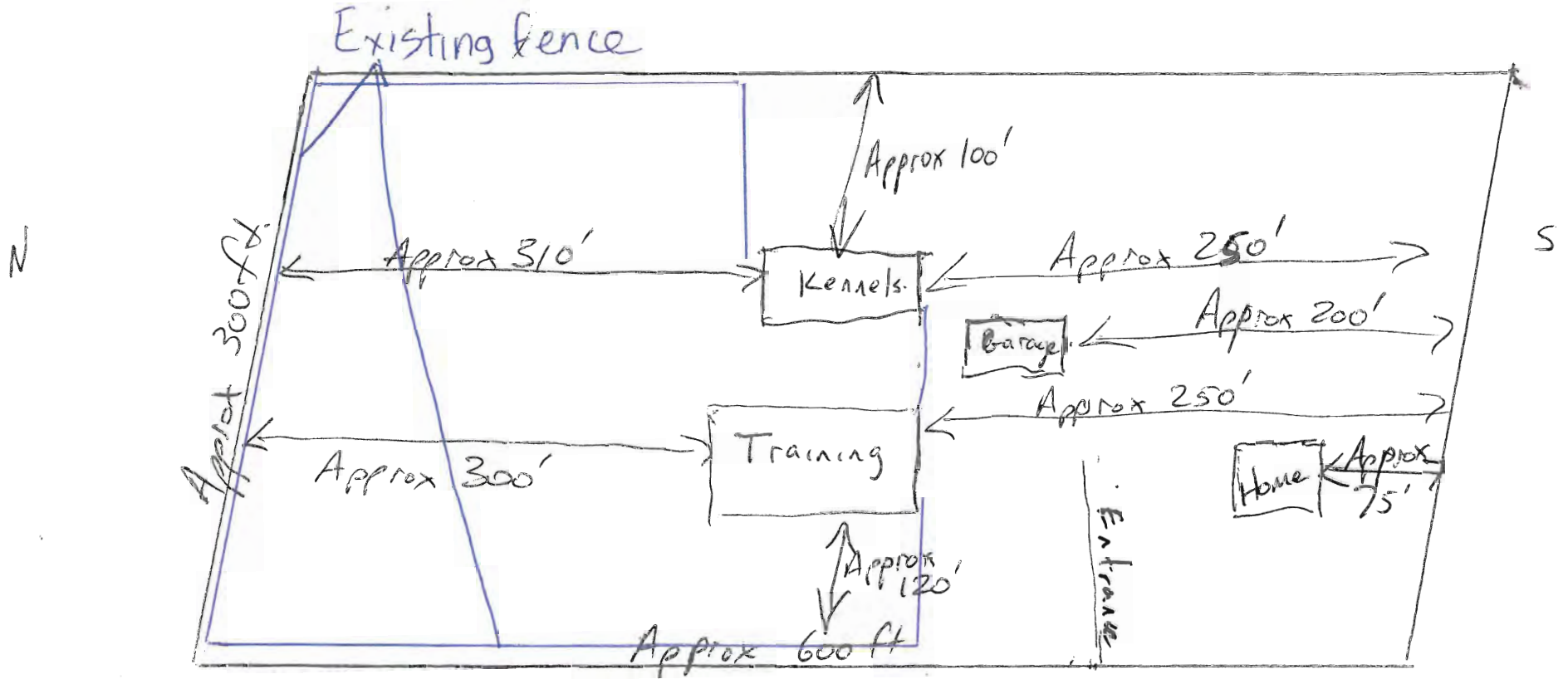
PIN:
75 - A - 28
Cottage Occupation - Dog Kennel

Note:
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107 N Kent St
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540 - 665 - 5651
Map Created: July 28, 2016
Staff: mcheran



Lance + Connie Moss
4527 Valley Pike
Stephens City, VA 22655

E



Valley Pike

W



Submittal Deadline	8-12-16
P/C Meeting	9-7-16
BOS Meeting	9-28-16

**APPLICATION FOR CONDITIONAL USE PERMIT
FREDERICK COUNTY, VIRGINIA**

1. Applicant (check one): Property Owner Other

NAME: Connie Ann Moss

ADDRESS: 4527 Valley Pike, Stephens City, VA 22655

TELEPHONE: 540 327 5376

2. Please list all owners, occupants, or parties in interest of the property:
Connie A Moss
Lance V Moss

3. The property is located at: (please give exact directions and include the route number of your road or street)
4527 Valley Pike, Stephens City, VA, 22655
Between Stephens City + Kerastown
Wild Bills, Western Things adjoins south
Appleland Sports Center directly across street (Rt. 11).

4. The property has a road frontage of 600' feet and a depth of 300' feet and consists of 4.09 acres. (Please be exact)

5. The property is owned by Connie + Lance Moss as evidenced by deed from William + Sharon Woodruff (previous owner) recorded in deed book no. _____ on page _____, as recorded in the records of the Clerk of the Circuit Court, County of Frederick. Inst # 140010645

6. Property Identification Number (P.I.N.) 75 A 28
Magisterial District Back Creek
Current Zoning RA

7. Adjoining Property:

	USE	ZONING
North	Vacant	RA
East	Vacant	RA
South	Business (Wild Bills)	RA
West	Golf Course	RA

8. The type of use proposed is (consult with the Planning Dept. before completing):

Indoor/Outdoor Public Dog Training Service
 & 5 Boarding Kennels for public use. Each Kennel can hold 2 dogs maximum.

9. It is proposed that the following buildings will be constructed:

no new buildings.

10. The following are all of the individuals, firms, or corporations owning property adjacent to both sides and rear and in front of (across street from) the property where the requested use will be conducted. (Continue on back if necessary.)
 These people will be notified by mail of this application:

Name and Property Identification Number	Address
Name William & Sharon Woodward Property # 75 A 29	4541 Valley Pike Stephens City, Va 22655
Name Gregory, Ralph S Trustee Property # 75 A 27	4506 Valley Pike Stephens City, VA 22655
Name Hack W. Alfred W Etals Property # 75 A 78	Mailing PO Box 367 Woodstock, VA 22664
Name Berry Buhl Ventures Ltd Ptns. Property # 75 A 28A	Mailing 2531 Chain Bridge Rd Vienna, VA 22181
Name APPLE VALLEY FAMILY PARK Property #	
Name	
Property #	
Name	
Property #	

MTK
 APD *
 7-26-16

Mme

12. Additional comments, if any: _____

- number of employees 3
- 2 residing on premise, 1 independent contractor.
- hours 8 AM - 8 PM ~~SUN~~ - Seven days a week. Customers dropping off dogs.
- Requesting small sign.

I (we), the undersigned, do hereby respectfully make application and petition the governing body of Frederick County, Virginia to allow the use described in this application. I understand that the sign issued to me when this application is submitted must be placed at the front property line at least seven (7) days prior to the first public hearing and maintained so as to be visible until after the Board of Supervisors' public hearing. Your application for a Conditional Use Permit authorizes any member of the Frederick County Planning Commission, Board of Supervisors or Planning and Development Department to inspect your property where the proposed use will be conducted.

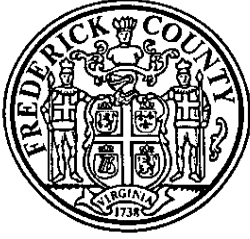
Signature of Applicant Connie Mors

Signature of Owner Connie Mors

Owners' Mailing Address 4527 VALLEY PIKE, Stephens City, VA 22655

Owners' Telephone No. 540 327 5376

TO BE COMPLETED BY THE ZONING ADMINISTRATOR:
USE CODE: _____
RENEWAL DATE: _____



RESOLUTION

Action:

PLANNING COMMISSION: September 7, 2016 Recommended Approval

BOARD OF SUPERVISORS: September 28, 2016 APPROVED DENIED

RESOLUTION

CONDITIONAL USE PERMIT #09-16 CONNIE ANN MOSS

WHEREAS, Conditional Use Permit #09-16 for Connie Ann Moss, submitted by Connie Ann Moss for a Dog Kennel was considered. The Property is located at 4527 Valley Pike, Stephens City, Virginia and is further identified with Property Identification Number 75-A-28, in the Back Creek District; and,

WHEREAS, the Frederick County Planning Commission held a public hearing on the Conditional Use Permit on September 7, 2016, and recommended approval of the Conditional Use Permit with conditions; and,

WHEREAS, the Frederick County Board of Supervisors held a public hearing on this Conditional Use Permit during their regular meeting on September 28, 2016; and,

WHEREAS, the Frederick County Board of Supervisors finds the approval of this Conditional Use Permit to be in the best interest of the public health, safety, welfare, and in conformance with the Comprehensive Policy Plan;

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the zoning map to reflect that Conditional Use Permit Application #09-16 for a Dog Kennel on the parcel identified by Property Identification Number 75-A-28 with the following conditions:

1. All review agency comments shall be complied with at all times.

2. This CUP is solely to enable the boarding and training of dogs on this property.
3. No More than three (3) employees with this CUP.
4. All dogs must be confined indoors by 9:00 p.m. Dogs to be allowed outside and supervised on a leash after 9:00 p.m. as needed.
5. Any proposed business sign shall conform to Cottage Occupation sign requirements and shall not exceed four (4) square feet in size and five (5) feet in height.
6. Hours of operation shall be 8:00 a.m. to 9:00 p.m. Monday through Sunday.
7. Any expansion or modification of this use will require the approval of a new CUP.

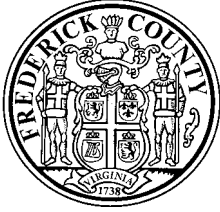
Passed this 28th day of September, 2016 by the following recorded vote:

Charles S. DeHaven, Jr., Chairman	_____	Gary A. Lofton	_____
Robert A. Hess	_____	Judith McCann-Slaughter	_____
Gene E. Fisher	_____	Blaine P. Dunn	_____
Robert W. Wells	_____		

A COPY ATTEST

Brenda G. Garton
 Frederick County Administrator

F



**REZONING APPLICATION #09-16
COMMONWEALTH BUSINESS CENTER LOT 5
Staff Report for the Board of Supervisors**

Prepared: September 16, 2016

Staff Contact: Candice E. Perkins, AICP, CZA, Assistant Director

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	09/07/16	Public Hearing Held; Recommended Approval
Board of Supervisors:	09/28/16	Pending

PROPOSAL: Rezoning #09-16 for Commonwealth Business Center Lot 5 submitted by Greenway Engineering, Inc., to rezone 1.21 acres from the B3 (Industrial Transition) District to the B2 (General Business) District, with proffers.

LOCATION: The property is located on the north side of Commonwealth Court (Route 1167) approximately 500' east of the intersection with Valley Pike (US Route 11 South).

EXECUTIVE SUMMARY & STAFF CONCLUSIONS FOR THE 09/28/16 BOARD OF SUPERVISORS MEETING:

This is an application to rezone a total of 1.21 acres from the B3 (Industrial Transition) District to the B2 (General Business) District, with proffers, to accommodate commercial uses. Specifically the Applicant is proposing to operate a church from the property, although the proffers do not limit the site to that use.

The property is located within the County's Sewer and Water Service Area (SWSA). The Sewer and Water Service Area define the general area in which more intensive forms of planned commercial and industrial development will occur. In addition, the Eastern Frederick County Long Range Land Use Plan identifies this area with a Business/Commercial land use designation. The B2 (General Business) District zoning requested by the Applicant continues to be consistent with the land use identified in the 2030 Comprehensive Plan. No additional impacts to Frederick County or the surrounding property owners are anticipated. **The Planning Commission did not identify any concerns with the request and recommended approval of the application at their September 7, 2016 meeting.**

Following the required public hearing, a decision regarding this rezoning application by the Board of Supervisors would be appropriate. The Applicant should be prepared to adequately address all concerns raised by the Board of Supervisors.

This report is prepared by the Frederick County Planning Staff to provide information to the Planning Commission and the Board of Supervisors to assist them in making a decision on this application. It may also be useful to others interested in this zoning matter. Unresolved issues concerning this application are noted by staff where relevant throughout this staff report.

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	09/07/16	Public Hearing Held; Recommended Approval
Board of Supervisors:	09/28/16	Pending

PROPOSAL: Rezoning #09-16 for Commonwealth Business Center Lot 5 submitted by Greenway Engineering, Inc., to rezone 1.21 acres from the B3 (Industrial Transition) District to the B2 (General Business) District, with proffers.

LOCATION: The property is located on the north side of Commonwealth Court (Route 1167) approximately 500' east of the intersection with Valley Pike (US Route 11 South).

MAGISTERIAL DISTRICT: Back Creek

PROPERTY ID NUMBER: 75-A-91E

PROPERTY ZONING: B3 Industrial Transition District

PRESENT USE: Office

ADJOINING PROPERTY ZONING & PRESENT USE:

North:	B2 (General Business) M2 (Industrial General)	Use: Vacant Use: HP Hood (Industrial)
South:	B3 (Industrial Transition) B2 (General Business)	Use: Automotive Parts Sales Use: RV Sales/Service
East:	B3 (Industrial Transition)	Use: Commercial (Auto Sales/Service)
West:	B3 (Industrial Transition)	Use: Vacant

REVIEW EVALUATIONS:

Virginia Dept. of Transportation: A VDOT review has been conducted for the Mosaic Bible Church Rezoning, with date of June 24, 2016. Based off of the review of the submittal, we are satisfied with the proposed transportation comments. The current entrances are adequate for the proposed uses.

Frederick County Sanitation Authority: I am in receipt of the Mosaic Bible Church rezoning application for property located at 161 Commonwealth Court. This property currently has ¾ inch water and sewer service. Capacities are available should the Applicant in the future request upgraded services to meet their requirements. FSCA is supportive of the rezoning.

Public Works Department: We have no objection to the proposed rezoning from B3 to B2 to accommodate the change in use. However, we request that you clarify the reference to the stormwater management facility in paragraph “site drainage”.

Frederick County Fire Marshall: Plans approved

Winchester Regional Airport: Proposed rezoning is compatible with airport operations

Frederick County Attorney: *Please see the attached letter from Roderick B. Williams dated August 10, 2016.*

Planning & Zoning:

1) **Site History:**

The Frederick County Planning Department administratively approved the Commonwealth Business Center Master Development Plan on July 19, 1999. Previously, the Board of Supervisors approved the plan on July 14, 1999. The Commonwealth Business Center Master Development Plan called for the industrial/commercial development of a 37 acre site.

2) **Comprehensive Policy Plan:**

The 2030 Comprehensive Plan is the guide for the future growth of Frederick County.

The 2030 Comprehensive Plan is an official public document that serves as the Community's guide for making decisions regarding development, preservation, public facilities and other key components of community life. The primary goal of this plan is to protect and improve the living environment within Frederick County. It is in essence a composition of policies used to plan for the future physical development of Frederick County.

The Area Plans, Appendix I of the 2030 Comprehensive Plan, are the primary implementation tool and will be instrumental to the future planning efforts of the County.

Land Use

The parcel for which this rezoning is being requested is located within the County's Sewer and Water Service Area (SWSA). The Sewer and Water Service Area define the general area in

which more intensive forms of planned commercial and industrial development will occur. In addition, the Eastern Frederick County Long Range Land Use Plan identifies this area with a Business/Commercial land use designation. Therefore the requested B2 Zoning District is consistent with the Comprehensive Plan.

Site Access

The site is currently and will continue to be accessed off of Commonwealth Court (Route 1167).

3) Proffer Statement, Dated June 24, 2016, revised August 10, 2016:

A. Land Use Restrictions:

1. The owner has prohibited:
 - General Merchandise Stores
 - Commercial Daycare Facilities
 - Adult Retail
2. The owner has also proffered to prohibit daycare facilities operated by the church or private schools.

B. Site Development: The owners will prepare a conceptual sketch plan to show the use of the facility (*additions or expansions would require submission of a revised site plan per the Frederick County Zoning Ordinance*).

C. Monetary Contribution: The Applicant has proffered to contribute \$500 for Fire and Rescue Services.

PLANNING COMMISSION SUMMARY AND ACTION FROM THE 09/07/16 MEETING:

Staff reported this is an application to rezone a total of 1.21 acres from the B3 (Industrial Transition) District to the B2 (General Business) District, with proffers to accommodate commercial uses. Staff presented a locations map of the property. Staff continued the Eastern Frederick County Long Range Land Use Plan identifies this area with a Business/Commercial land use designation and the B2 (General Business) District zoning requested by the Applicant continues to be consistent with the land use identified in the 2030 Comprehensive Plan. It was noted the property is located within the County's Sewer and Water Service Area (SWSA).

Staff reported with this rezoning request the Applicant has proffered to restrict: General Merchandise Stores, Daycare Facilities, and Adult Retail. It was noted the Applicant has proffered to contribute \$500 to Fire and Rescue Services. Staff noted this is a minor rezoning.

Evan Wyatt representing the Applicant came forward and presented an overview of the proposed rezoning. Mr. Wyatt explained this is intended to be an adaptive reuse project. Mr. Wyatt continued the purpose of the rezoning is to move from the B3 District to the B2 District because the B3 District does not permit churches. Mr. Wyatt explained when they met with Staff the only concern that was raised pertained to transportation due to the possibility of high trip generating uses not previously

permissible under the B3 District now be permitted in the B2 District. Mr. Wyatt reported they worked with Staff and compared uses that would be permissible in either zoning district and then what remaining uses were available; therefore the restricted uses that are stated in the proffers are the result of input received from Staff.

A Commission Member requested clarification as to whether this will remain dual use or solely a church. Mr. Wyatt noted it would be solely for a church. A Commission Member commented from B2 District to B3 District a drive thru restaurant or gas station is going to generate more traffic than the uses being proffered. Mr. Wyatt explained the restaurant use is permissible in both districts; as far as the convenience store aspect, they did not feel this site was going to be redeveloped in that fashion because of the location. Mr. Wyatt continued because of peak hour traffic, Staff had felt a daycare would not be acceptable. He concluded the church is not going to offer daycare services or schooling.

The Public Hearing was opened and no one came forward to speak therefore the Public Hearing was closed. A Commission Member commented if a recommendation was made that the Applicant not proffer the restrictions he would agree. A Commission Member stated it should be left as is.

A motion was made, seconded, and unanimously passed to recommend approval of Rezoning #09-16 for Commonwealth Business Center Lot 5 as presented.

Absent: Thomas, Molden, Mohn

EXECUTIVE SUMMARY & STAFF CONCLUSION FOR THE 09/28/16 BOARD OF SUPERVISORS MEETING:

This is an application to rezone a total of 1.21 acres from the B3 (Industrial Transition) District to the B2 (General Business) District, with proffers, to accommodate commercial uses. Specifically the Applicant is proposing to operate a church from the property, although the proffers do not limit the site to that use.

The property is located within the County's Sewer and Water Service Area (SWSA). The Sewer and Water Service Area define the general area in which more intensive forms of planned commercial and industrial development will occur. In addition, the Eastern Frederick County Long Range Land Use Plan identifies this area with a Business/Commercial land use designation. The B2 (General Business) District zoning requested by the Applicant continues to be consistent with the land use identified in the 2030 Comprehensive Plan. No additional impacts to Frederick County or the surrounding property owners are anticipated. **The Planning Commission did not identify any concerns with the request and recommended approval of the application at their September 7, 2016 meeting.**

Following the required public hearing, a recommendation regarding this rezoning application to the Board of Supervisors would be appropriate. The Applicant should be prepared to adequately address all concerns raised by the Planning Commission.

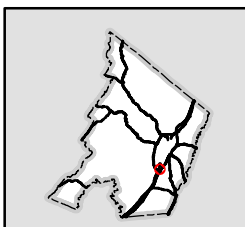
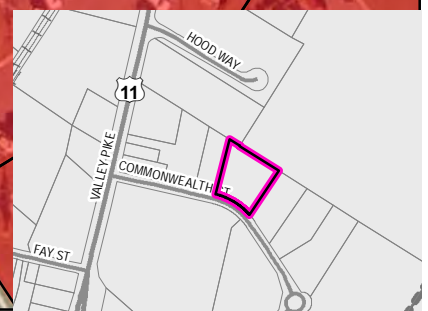
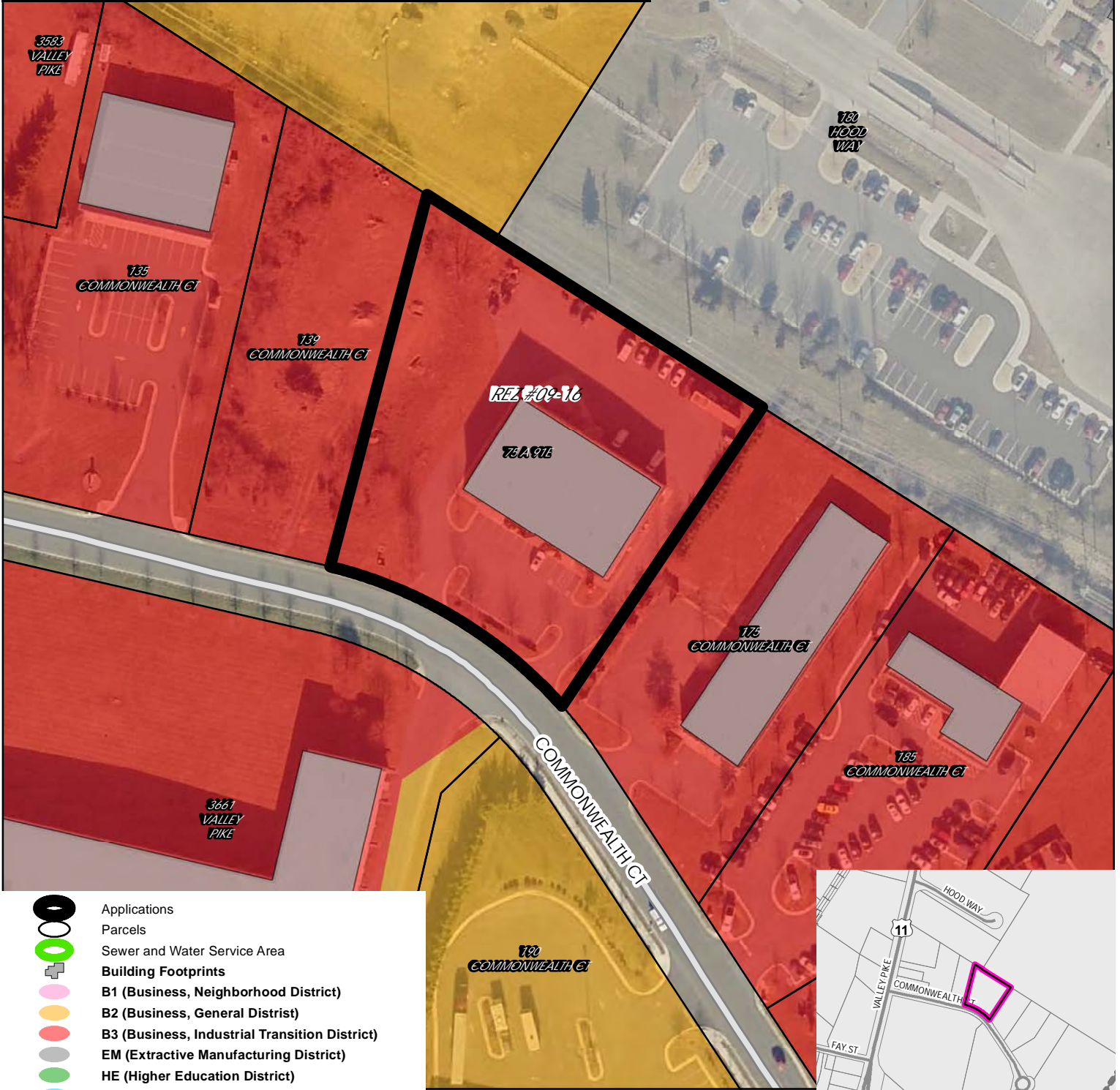
REZ # 09 - 16

Commonwealth Business Center Lot 5

PIN:

75 - A - 91E

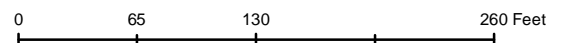
Rezoning from B3 to B2



REZ # 09 - 16 Commonwealth Business Center Lot 5

PIN:
75 - A - 91E
Rezoning from B3 to B2

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: August 15, 2016
Staff: cperkins



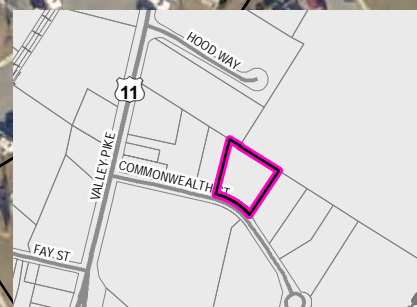
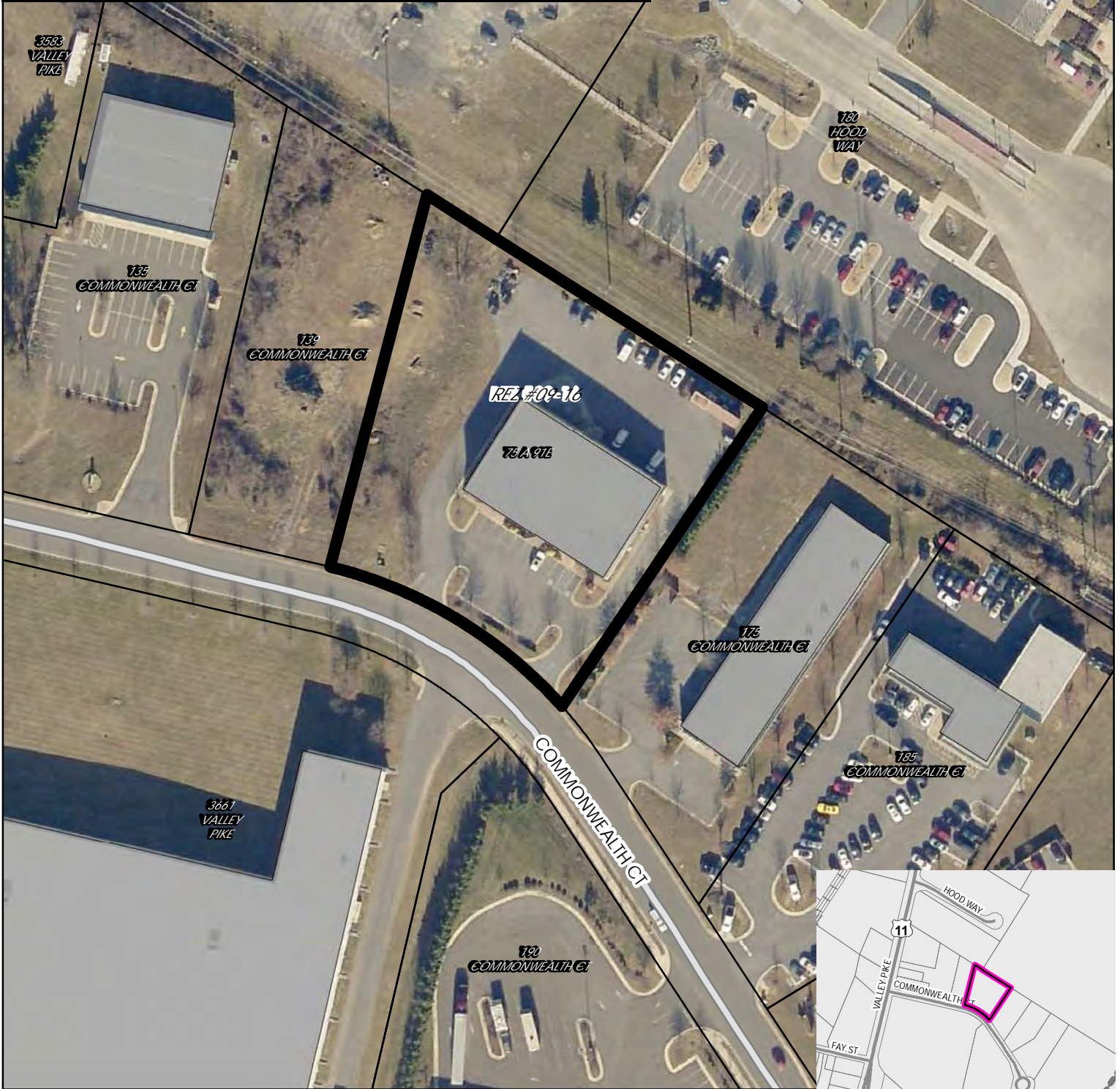
REZ # 09 - 16





Commonwealth Business Center Lot 5

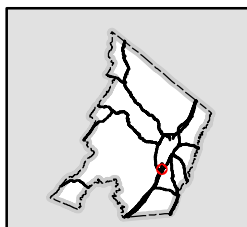
PIN:

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Rezoning from B3 to B2

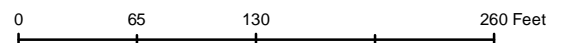


-  Applications
-  Parcels
-  Sewer and Water Service Area
-  Building Footprints



REZ # 09 - 16
Commonwealth
Business Center Lot 5
PIN:
75 - A - 91E
Rezoning from B3 to B2

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: August 15, 2016
Staff: cperkins



REZ # 09 - 16

Commonwealth Business Center Lot 5

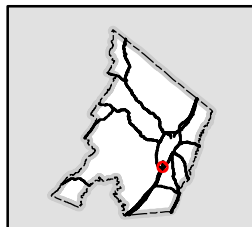
PIN:

75 - A - 91E

Rezoning from B3 to B2

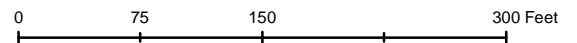


- Applications
- Parcels
- Sewer and Water Service Area
- Building Footprints
- Long Range Land Use**
- Residential
- Neighborhood Village
- Urban Center
- Mobile Home Community
- Business
- Highway Commercial
- Mixed-Use
- Mixed Use Commercial/Office
- Mixed Use Industrial/Office
- Industrial
- Warehouse
- Heavy Industrial
- Extractive Mining
- Commercial Rec
- Rural Community Center
- Fire & Rescue
- Historic
- Institutional
- Planned Unit Development
- Park
- Recreation
- School
- Employment
- Airport Support Area
- B2 / B3
- Residential, 4 u/a
- High-Density Residential, 6 u/a
- High-Density Residential, 12-16 u/a
- Rural Area
- Interstate Buffer
- Landfill Support Area
- Natural Resources & Recreation
- Environmental & Recreational Resources



REZ # 09 - 16
 Commonwealth
 Business Center Lot 5
 PIN:
 75 - A - 91E
 Rezoning from B3 to B2

Note:
 Frederick County Dept of
 Planning & Development
 107 N Kent St
 Suite 202
 Winchester, VA 22601
 540 - 665 - 5651
 Map Created: August 15, 2016
 Staff: cperkins



PROFFER STATEMENT

**COMMONWEALTH BUSINESS
CENTER – LOT 5**



June 24, 2016
Revised August 10, 2016

Tax Map Parcel 75-A-91E
Frederick County, Virginia
Back Creek Magisterial District

Current Owner: Executive Protection Systems, LLC

Contact Person: Evan Wyatt, Director of Land Planning
Greenway Engineering, Inc.
151 Windy Hill Lane Winchester, VA 22602
(540) 662-4185 ewyatt@greenwayeng.com

**COMMONWELATH BUSINESS CENTER – LOT 5
PROFFER STATEMENT**

REZONING: RZ # _____
B-3, Industrial Transition District to B-2 Business General District
with proffers

PROPERTY: 1.21± acres
Tax Map Parcel 75-A-91E (here-in after the “Property”)

RECORD OWNER: Executive Protection Systems, LLC (here-in after the “Owner”)

APPLICANT: Greenway Engineering, Inc. (here-in after the “Applicant”)

PROJECT NAME: Mosaic Bible Church Rezoning

ORIGINAL DATE
OF PROFFERS: June 24, 2016

REVISION DATE: August 10, 2016

Preliminary Matters

Pursuant to Section 15.2-2296 Et. Seq. of the Code of Virginia, 1950, as amended, and the provisions of the Frederick County Zoning Ordinance with respect to conditional zoning, the undersigned Owner hereby proffers that in the event the Board of Supervisors of Frederick County, Virginia, shall approve Rezoning Application #_____ for the rezoning of a 1.21±-acre parcel from the B-3, Industrial Transition District to establish 1.21±-acres of B-2, Business General District with proffers, development of the 1.21±-acre subject property shall be done in conformity with the terms and conditions set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the Owner and such be approved by the Frederick County Board of Supervisors in accordance with the said Code and Zoning Ordinance. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and have no effect whatsoever. These proffers shall be binding upon this Owner and their legal successors, heirs, or assigns.

The Property, more particularly described as the land owned by Executive Protection Systems, LLC, being all of Tax Map Parcel 75-A-91E, as evident by Special Warranty Deed recorded as Instrument #120008859/0339, and further described by Boundary Line Adjustment Survey Plat prepared by Marsh & Legge, Land Surveyors, P.L.C. dated September 29, 1999 (see attached Survey Plat).

A.) Land Use Restrictions

1. The Owner hereby proffers to prohibit the following land uses on the Property:

General Merchandise Stores	SIC 53
Commercial Daycare Facilities	No SIC Indicated
Adult Retail	No SIC Indicated

2. The Owner hereby proffers to restrict church facilities from providing daycare service and private school service on the Property.

B.) Site Development

1. The Owner hereby proffers prepare a conceptual sketch plan and associated information for the adaptive reuse of the property as a church facility without daycare or private school service to the Planning Department.

C.) Monetary Contribution to Offset Impact of Development

The Applicant hereby proffers to provide a monetary contribution of \$500.00 for County Fire and Rescue services. The monetary contribution shall be made payable to Frederick County at the time of issuance of the Certificate of Occupancy Permit for the Property.

OWNER SIGNATURE ON FOLLOWING PAGE

Owner Signature

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns and successors in the interest of the Owner. In the event the Frederick County Board of Supervisors grants this rezoning and accepts the conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Frederick County Code.

Respectfully Submitted:

Executive Protection Systems, LLC

By: Matthew Jesinsky
Authorized Agent

8/15/16
Date

Commonwealth of Virginia,

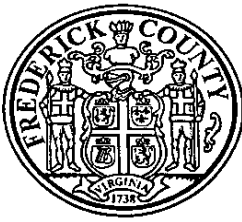
City/County of Fairfax To Wit:

The foregoing instrument was acknowledged before me this 15th day of August 2016 by Matthew Jesinsky, President (EPS)

Brenda Frank
Notary Public

My Commission Expires Oct 31, 2019





AMENDMENT

Action:

PLANNING COMMISSION: September 7, 2016 - Recommended Approval

BOARD OF SUPERVISORS: September 28, 2016 - APPROVED DENIED

AN ORDINANCE AMENDING

THE ZONING DISTRICT MAP

REZONING #09-16 COMMONWEALTH BUSINESS CENTER LOT 5

WHEREAS, Rezoning #09-16 of Commonwealth Business Center Lot 5, submitted by Greenway Engineering, Inc., to rezone 1.21 acres from B3 (Industrial Transition) District to the B2 (General Business) District with proffers, final revision date of August 10, 2016 was considered. The Property is located on the north side of Commonwealth Court (Route 1167) approximately 500' east of the intersection with Valley Pike (US Route 11 South). The Property is further identified with PIN 75-A-91E in the Back Creek District; and

WHEREAS, the Planning Commission held a public hearing on this rezoning on September 7, 2016 and recommended approval; and

WHEREAS, the Board of Supervisors held a public hearing on this rezoning on September 28, 2016; and

WHEREAS, the Frederick County Board of Supervisors finds the approval of this rezoning to be in the best interest of the public health, safety, welfare, and in conformance with the Comprehensive Policy Plan;

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the Zoning District Map to rezone 1.21 acres from B3 (Industrial Transition) District to the B2 (General Business) District with proffers, final revision date of August 10, 2016. The conditions voluntarily proffered in writing by the Applicant and the Property Owner are attached.

This ordinance shall be in effect on the date of adoption.

Passed this 28th day of September, 2016 by the following recorded vote:

Charles S. DeHaven, Jr., Chairman	_____	Gary A. Lofton	_____
Robert A. Hess	_____	Robert W. Wells	_____
Gene E. Fisher	_____	Judith McCann-Slaughter	_____
Blaine P. Dunn	_____		

A COPY ATTEST

Brenda G. Garton
Frederick County Administrator



COUNTY of FREDERICK

Roderick B. Williams
County Attorney

540/722-8383

Fax 540/667-0370

E-mail:

rwillia@co.frederick.va.us

August 10, 2016

VIA E-MAIL AND REGULAR MAIL

Mr. Evan Wyatt
Greenway Engineering
151 Windy Hill Lane
Winchester VA 22602

Re: Rezoning Application – Mosaic Bible Church – Rezoning
Proffer Statement dated June 24, 2016

Dear Evan:

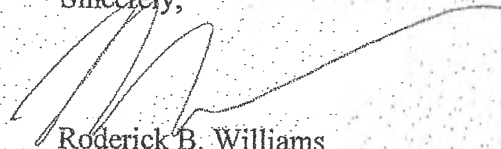
You have submitted to Frederick County for review the above-referenced proffer statement (the "Proffer Statement") for the proposed rezoning of Tax Parcel Number 75-A-91E (the "Property"), 1.21± acres, more or less, in the Back Creek Magisterial District, from the B3 Industrial Transition District to the B2 General Business District, with proffers. I have now reviewed the Proffer Statement and it is my opinion that the Proffer Statement would be in a form to meet the requirements of the Frederick County Zoning Ordinance and the Code of Virginia, and would be legally sufficient as a proffer statement, subject to the following comment:

- Proffer B1 – With respect to the conceptual site plan and associated information for the adaptive reuse of the property, the proffer is meaningless without the particular plan and information being included as part of the Proffer Statement. In addition, regarding the referenced site plan, the Zoning Ordinance might otherwise require a site plan in any event, with the proposed change of use. Therefore, the proffer would not be meaningful if it is only restating an ordinance requirement. To the extent the proffer does make a commitment beyond an ordinance requirement, the proffer might best specify when, following direction by the Planning Department, the indicated site plan would be provided.

Mr. Evan Wyatt
August 10, 2016
Page 2

I have not reviewed the substance of the proffers as to whether the proffers are suitable and appropriate for this specific development, as my understanding is that review will be done by staff and the Planning Commission.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roderick B. Williams', with a long horizontal flourish extending to the right.

Roderick B. Williams
County Attorney

cc: Candice Perkins, Assistant Director of Planning & Development (via e-mail)

IMPACT ANALYSIS STATEMENT

MOSAIC BIBLE CHURCH COMMONWEALTH BUSINESS CENTER – LOT 5

**Back Creek Magisterial District
Frederick County, Virginia
TM 75-A-91E**



June 24, 2016

Current Owner: Executive Protection Systems, LLC

Contact Person: Evan Wyatt, Director of Land Planning
Greenway Engineering, Inc.
151 Windy Hill Lane
Winchester, VA 22602
540-662-4185

MOSAIC BIBLE CHURCH IMPACT ANALYSIS STATEMENT

INTRODUCTION

This report has been prepared for the purpose of assessing the impact on Fredrick County by the proffered rezoning of a 1.21±-acre subject property currently owned by Executive Protective Systems, LLC, and identified as Tax Map Parcel 75-A-91E. The subject property is located in the Commonwealth Business Center (Lot 5) on the north side of Commonwealth Court (Rt. 1167). Tax Map Parcel 75-A-91E is currently zoned B-3, Industrial Transition District and is developed as an office facility with showroom and construction contractor storage area. Mosaic Bible Church (the Applicant) proposes to rezone the 1.21±-acre subject property to B-2, Business General District with proffers to utilize the existing facility as a church without daycare or school accessory use.

Basic information

Location:	Fronting on the north side of Commonwealth Court (Rt. 1167), approximately 500' east of Valley Pike (US Route 11 South).
Magisterial District:	Back Creek District
Property ID Numbers:	75-A-91E
Current Zoning:	B-3, Industrial Transition District
Current Use:	Office and Construction Contractor Storage Facility
Proposed Zoning:	B-2, Business General District with Proffers
Proposed Use:	Church without Daycare or School Accessory Use
Total Rezoning Area:	1.21±-acres with Proffers for the Subject Property

COMPREHENSIVE POLICY PLAN

Urban Development Area

The Urban Development Area (UDA) defines the general area in which residential, commercial, industrial and institutional land use development is encouraged in the County. The 1.21±-acre subject property is currently located within the UDA; therefore, expansion of the UDA boundary to accommodate the proposed development of the church facility without daycare and school accessory use is not required for this rezoning application.

Sewer and Water Service Area

The Sewer and Water Service Area (SWSA) is generally consistent with the UDA, but also extends outside of the UDA to accommodate areas of the County in which commercial and industrial land use development is only desired. The 1.21±-acre subject property is currently located within the SWSA; therefore, expansion of the SWSA boundary to accommodate the proposed development of the church facility without daycare and school accessory use is not required for this rezoning application.

Comprehensive Plan Conformity

The 1.21±-acre subject property is located in the UDA and the SWSA and is within the study area boundary of the Southern Frederick Land Use Plan, which was adopted by the Board of Supervisors on July 14, 2011. The Southern Frederick Land Use Plan is a large-area plan that identifies land uses, transportation networks, and other matters that are recommended for consideration for future land use and development within this geographic area of the County. The 1.21±-acre subject property is identified for business land use; therefore, the proposed B-2, Business General District rezoning is in conformance with the Comprehensive Policy Plan.

SUITABILITY OF THE SITE

Access

The 1.21±-acre subject property is located on the north side of Commonwealth Court (Rt. 1167), approximately 500 feet east of Valley Pike (U.S. Route 11 South). Access to the subject property is accommodated from existing commercial entrances along Commonwealth Court. Therefore, the proposed development of the church facility without daycare and school accessory use will not require new entrances to be constructed for access to the subject property.

Flood Plains

The 1.21±-acre subject property does not contain areas of floodplain as demonstrated on FEMA NFIP Map #51069C0214D, Effective Date September 2, 2009; as well as information from the Frederick County GIS Database.

Wetlands

The 1.21±-acre subject property does not contain wetland areas as demonstrated on the National Wetlands Inventory (NWI) Map information from the Frederick County GIS Database.

Soil Types

The 1.21±-acre subject property contains one soil type as demonstrated by the Soil Survey of Frederick County, Virginia and the Frederick County GIS Database. The following soil type is present on site:

6C Carbo-Oaklet Silt Loams, Very Rocky 2-15% slope

The Carbo-Oaklet Silt Loam is not identified as a prime agricultural soil and has high shrink/swell properties. The subject property is currently developed as an office facility with construction contractor storage area and will not require expansion to accommodate the church facility without daycare and school accessory use.

Other Environmental Features

The 1.21±-acre subject property does not contain areas of steep slope, lakes or ponds or natural stormwater retention areas as defined by the Frederick County Zoning Ordinance. The subject property is located in the geographic portion of the County that is underlain by karst geology. However, the subject property is currently developed as an office facility with construction contractor storage area and will not require expansion to accommodate the church facility without daycare and school accessory use.

SURROUNDING PROPERTIES

Adjoining property zoning and present use:

North: M-2, Industrial General District
B-2, Business General District

Use: H.P. Hood

South: B-2, Business General District
B-3, Industrial Transition District

Use: Camping World
Car Quest Distribution

East: B-3, Industrial Transition District Use: Ultimate Automotive Group
West: B-3, Industrial Transition District Use: Unimproved

TRANSPORTATION

The 1.21±-acre subject property is currently improved as an office, showroom and storage facility with existing commercial entrance access from Commonwealth Court (Rt. 1167). The rezoning of the subject property from the B-3, Industrial Transition District to the B-2, Business General District, is intended to allow for the existing facility to be utilized as a church facility without daycare and school accessory use.

The Applicant (Mosaic Bible Church) will utilize the property for church services on Sundays between 9:00 AM – 1:00 PM and anticipates that there will be minor use of the facility office with limited church membership during the week. The Applicant has advised that the traffic volume for their membership is approximately 50 vehicle trips on Sundays and that this volume is not anticipated to significantly increase as a result of acquiring the 1.21± acre subject property. The ITE Trip Generation Manual, 9th Edition identifies an average vehicle rate of 0.61 vehicle trips per seat during Sunday Peak Hour Generation. Therefore, assuming a congregation of 100 members would create a range of 50-61 vehicle trips during the Sunday Peak Hour based on the information provided by the Applicant and by the ITE Trip Generation Manual.

Greenway Engineering met with the County Transportation Planning Director to discuss the intended use of the property; as well as other potential land uses that could occur within the B-2, Business General District that are not already permitted by the current zoning of the subject property. Based on this discussion, the proposed Proffer Statement restricts church facilities from providing daycare service and private school service on the subject property, and restricts general daycare facilities and general merchandise stores (SIC 53) as land uses within the B-2, Business General District as a condition of rezoning approval. Greenway Engineering has conducted a comparative analysis of land uses within the B-2 District that are otherwise not permitted in the B-3 District and does not believe that these land uses would impact the existing transportation network. Commonwealth Court (Rt. 1167) is a state maintained road with separated right and left turn lanes at a signalized intersection with Valley Pike (US Route 11). The existing transportation network provides adequate storage capacity at the intersection and allows for protected left turn movements for traffic on Valley Pike and Commonwealth Court.

The proposed rezoning application will result in a significant reduction of traffic generation from the subject property that is projected at 235 VPD Weekday Peak Hour Generation volume based on the ITE Trip Generation Manual. The proposed church facility is projected at 50-61 VPD Peak Hour Generation volume based on information from the ITE Trip Generation Manual; therefore, the proposed rezoning application results in a reduction of 174 VPD and will not impact the transportation network during the Weekday and Saturday Peak

Hours. The proffered land use restrictions mitigate potential impacts to the transportation network in the future should the subject property be utilized as a different land use; therefore, the proposed rezoning application does not negatively impact the transportation network.

SEWAGE CONVEYANCE AND TREATMENT

The 1.21±-acre subject property is located within the Sewer and Water Service Area (SWSA); therefore, the property is entitled to be served by public sewer based on County Policy. The Frederick County Sanitation Authority (FCSA) is the provider of public sewer service within this area of the County and serves the existing facility with public sewer. The subject property has been improved with an 8-inch gravity sewer line that directs sewer effluent to the Hoge Run sewer interceptor main, which transmits sewer effluent to the Parkins Mill Treatment Facility.

Based on comparable discharge patterns, the Frederick County Sanitation Authority (FCSA) has determined that 75 gallons/day per 1,000 square feet of commercial development is an appropriate calculation for estimating the sewer demand for commercial land uses.

$$\begin{aligned} Q &= 75 \text{ gallons/day/acre per } 1,000 \text{ square feet commercial} \\ Q &= 75 \text{ GPD} \times 15.875 \text{ (15,875 sq.ft./1,000 sq.ft.)} \\ Q &= 1,190 \text{ GPD} \end{aligned}$$

$$\text{TOTAL: } Q = 1,190 \text{ GPD projected sewer demand}$$

The proposed church facility without daycare and school accessory use is anticipated to require less sewer demand than the existing facility based on the limited use of the existing facility that will occur primarily on Sundays between 9:00 AM – 1:00 PM and limited office use by church representatives during the week. Therefore, the rezoning request will not create a negative impact for sewer demand associated with the subject property.

WATER SUPPLY

The 1.21±-acre subject property is located within the Sewer and Water Service Area (SWSA); therefore, the property is entitled to be served by public water based on County Policy. The Frederick County Sanitation Authority (FCSA) is the provider of public water service within this area of the County and serves the existing facility with public water. The subject property has been improved with a 12-inch water line that is looped to connect with a 20-inch water line near the northern boundary of the subject property.

Based on comparable discharge patterns, the Frederick County Sanitation Authority (FCSA) has determined that 75 gallons/day per 1,000 square feet of commercial development is an appropriate calculation for estimating the water demand for commercial land uses.

$$Q = 75 \text{ gallons/day/acre per } 1,000 \text{ square feet commercial}$$

$$Q = 75 \text{ GPD} \times 15.875 (15,875 \text{ sq.ft./}1,000 \text{ sq.ft.)}$$

$$Q = 1,190 \text{ GPD}$$

TOTAL: $Q = 1,190 \text{ GPD}$ projected water demand

The proposed church facility without daycare and school accessory use is anticipated to require less water demand than the existing facility based on the limited use of the existing facility that will occur primarily on Sundays between 9:00 AM – 1:00 PM and limited office use by church representatives during the week. The existing water infrastructure provides adequate supply and pressure to the existing facility; therefore, the rezoning request will not create a negative impact for water demand associated with the subject property.

SITE DRAINAGE

The topographic relief on the 1.21±-acre subject property generally follows a south to north pattern, which directs drainage from the front of the rear. The approved site development plan for the subject site was designed to direct stormwater to the west and then drain to a facility in the northwest corner of the subject property. The subject property is currently developed as an office facility with showroom and construction contractor storage area and will not require expansion of the stormwater management facility to accommodate the church facility without daycare and school accessory use. Therefore, site drainage and stormwater management impacts to adjoining properties and the community have been mitigated.

SOLID WASTE DISPOSAL

The impact on solid waste disposal facilities associated with the 1.21± subject site can be projected from an average annual commercial consumption of 5.4 cubic yards per 1,000 square feet of structural area (Civil Engineering Reference Manual, 4th edition). The subject property is currently developed as an office facility with construction contractor storage area that is 15,875 square feet in gross floor area. Therefore, solid waste disposal impacts are based on the following figures that provide the increase in average annual solid waste volume based on the existing land use:

$$AAV = 5.4 \text{ cu. yd. per } 1,000 \text{ sq. ft. commercial}$$

$$AAV = 5.4 \text{ cu. yd.} \times 15.875 (1,000 \text{ sq. ft.)}$$

$$AAV = 85.7 \text{ cu. yd., or } 60.0 \text{ tons/yr.}$$

The Municipal Solid Waste area of the Regional Landfill has a current remaining capacity of 13,100,000 cubic yards of air space. The existing land use has the potential to generate approximately 60 tons of solid waste annually on average. This represents a 0.03% increase

in the annual solid waste received by the Municipal Solid Waste area of the Regional Landfill, which currently averages 200,000 tons per year. The proposed church facility without daycare and school accessory use will result in a significantly lower volume of solid waste generation than the projected volume due to the frequency of use of the subject property. The Regional Landfill has adequate capacity to accommodate the solid waste impacts associated with this rezoning proposal.

HISTORICAL SITES AND STRUCTURES

The Frederick County Rural Landmarks Survey does not identify structures deemed to be historically significant on the 1.21±-acre subject property, nor does the survey identify properties within proximity of this site that are deemed potentially significant. The National Park Service Study of Civil War Sites in the Shenandoah Valley identifies the 1.21±-acre subject property as being located within the proximity of the Second Kernstown study area boundary; however, the subject property is located outside of the defined core battlefield area and is also defined as having lost integrity due to existing development patterns. Therefore, the proposed church facility without daycare and school accessory use will not create negative impacts associated with historic resources.

OTHER POTENTIAL IMPACTS

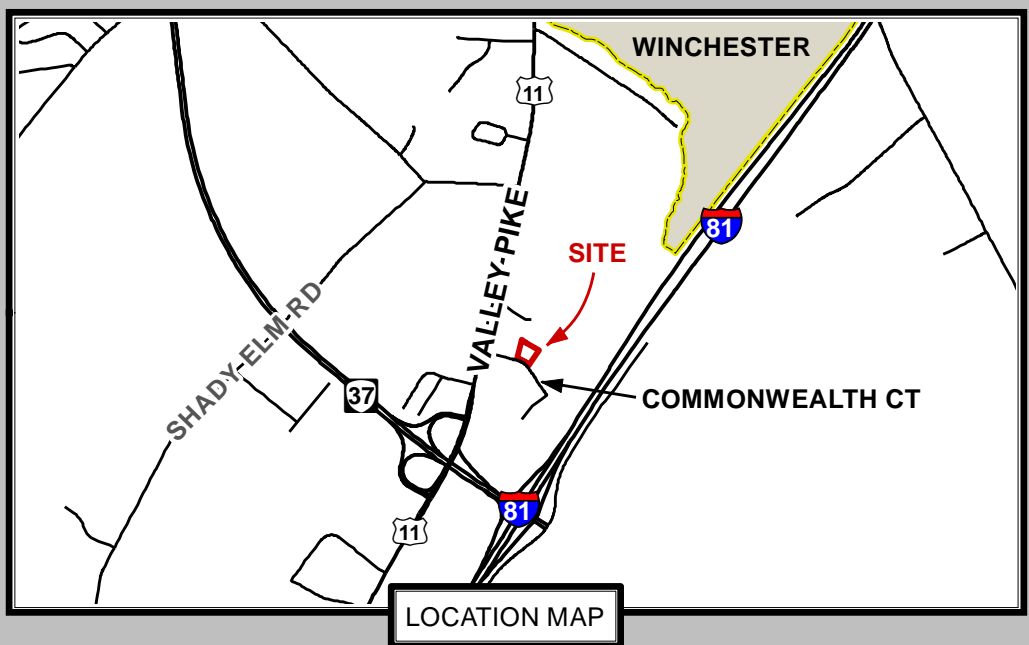
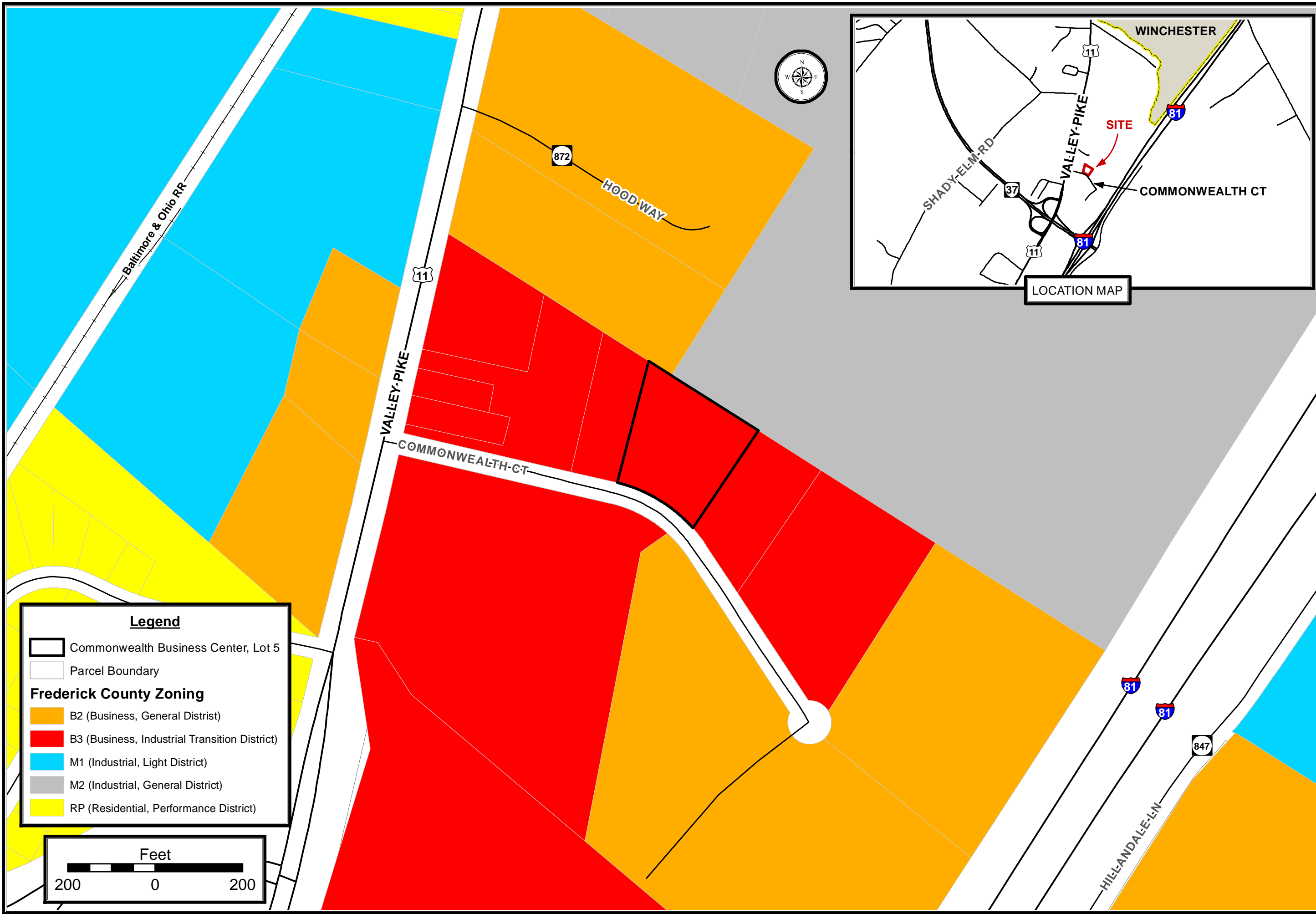
The redevelopment of the 1.21±-acre subject property for the proposed church facility without daycare and school accessory use will result in less impacts to the County than the existing office facility with showroom and construction contractor storage area. In recognition of fire and rescue services, the Proffer Statement provides a \$500.00 monetary contribution for the existing facility. There are no other potential impacts associated with the 1.21±-acre subject property above those discussed in this Impact Analysis Statement.



MOSAIC BIBLE CHURCH REZONING
COMMONWEALTH BUSINESS CENTER
LOT 5
AERIAL OVERVIEW

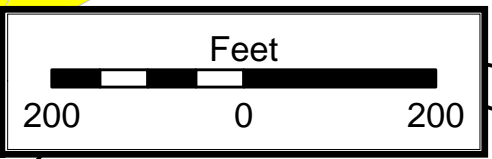
MOSAIC BIBLE CHURCH REZONING
COMMONWEALTH BUSINESS CENTER, LOT 5
AERIAL OVERVIEW
BACK CREEK MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA
DATE: 2016-05-16 PROJECT ID: 2530M DESIGNED BY: DWE
SCALE: 1 Inch = 100 Feet

Virginia Geographic Information Network (VGIN)



Legend

- Commonwealth Business Center, Lot 5
- Parcel Boundary
- Frederick County Zoning**
- B2 (Business, General District)
- B3 (Business, Industrial Transition District)
- M1 (Industrial, Light District)
- M2 (Industrial, General District)
- RP (Residential, Performance District)



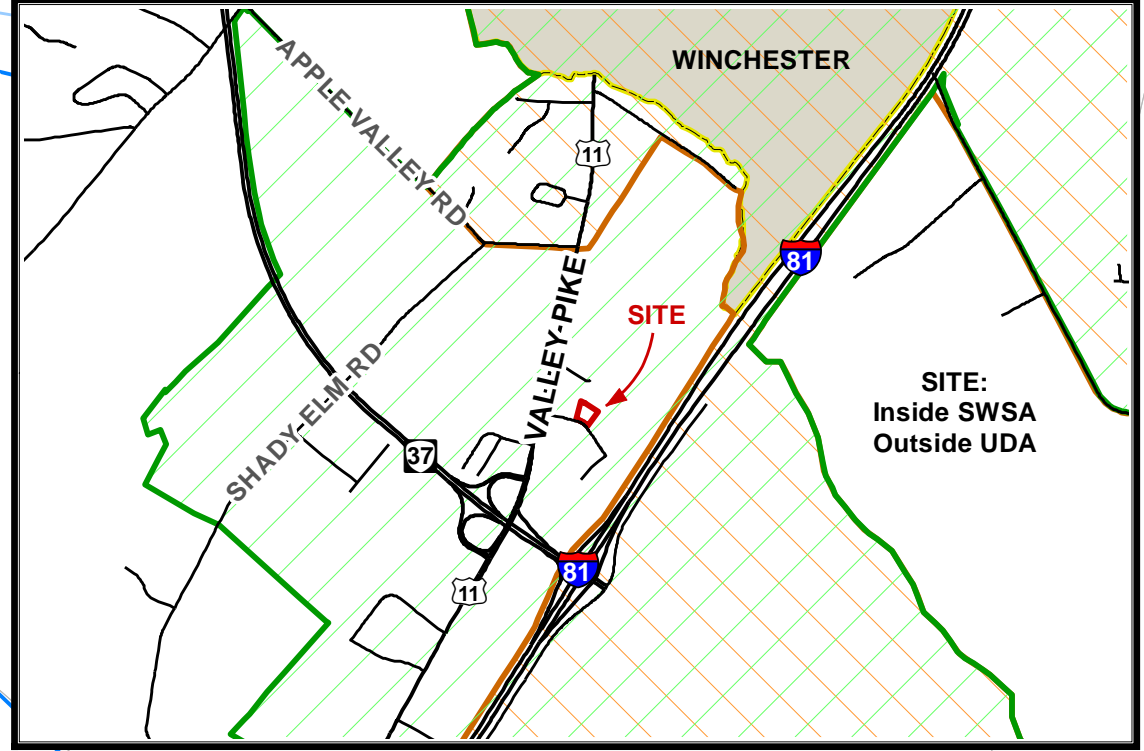
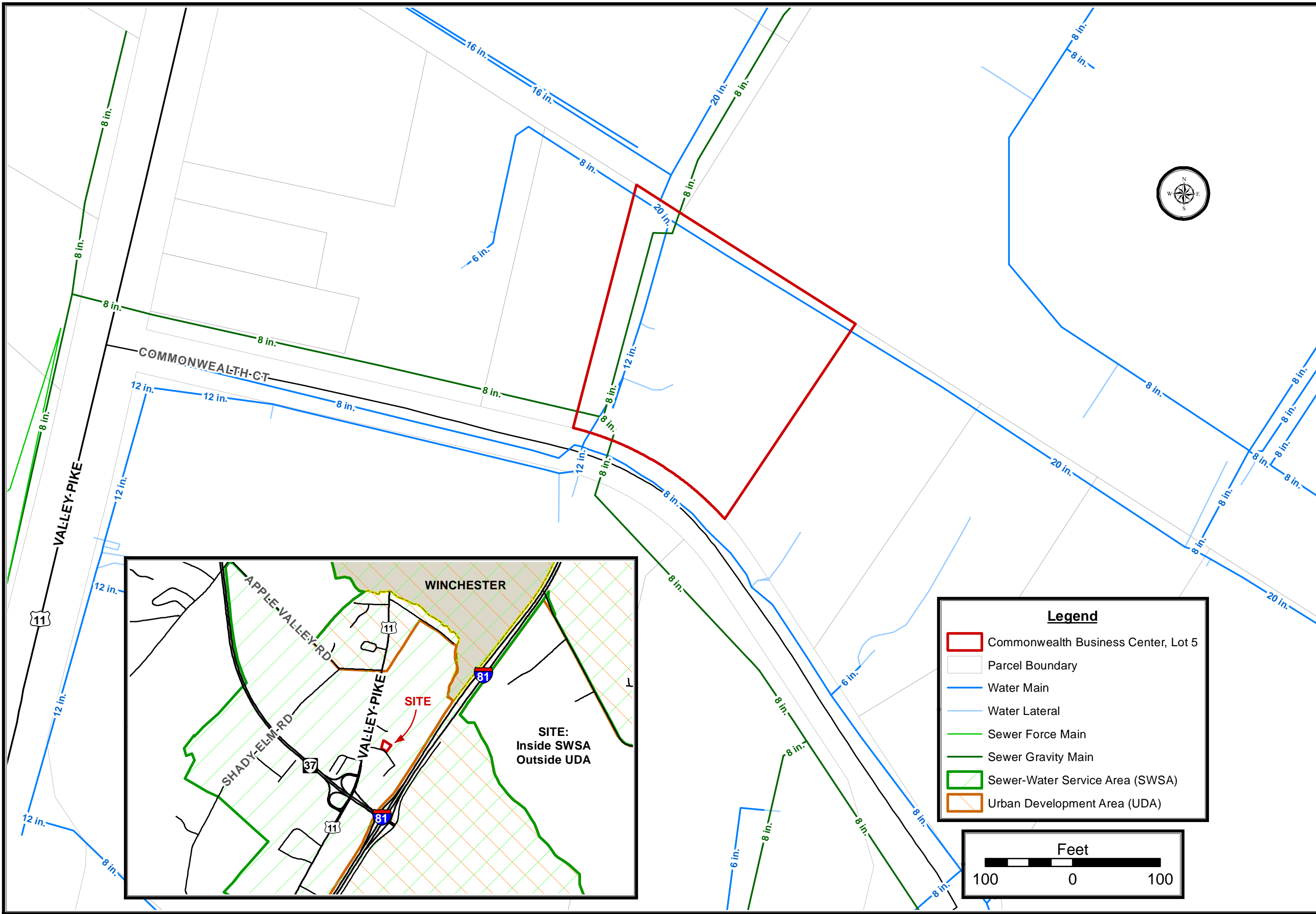
MOSAIC BIBLE CHURCH REZONING
 COMMONWEALTH BUSINESS CENTER, LOT 5
 LOCATION AND ZONING MAP
 BACK CREEK MAGISTERIAL DISTRICT
 FREDERICK COUNTY, VIRGINIA

MOSAIC BIBLE CHURCH REZONING
 COMMONWEALTH BUSINESS CENTER, LOT 5
 LOCATION AND ZONING MAP
 BACK CREEK MAGISTERIAL DISTRICT
 FREDERICK COUNTY, VIRGINIA
 DATE: 2016-05-16 PROJECT ID: 2530M DESIGNED BY: DWE
 SCALE: 1 Inch = 200 Feet



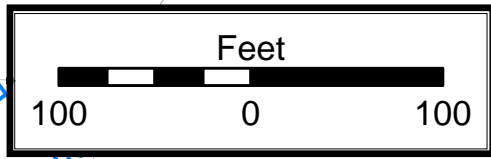
MOSAIC BIBLE CHURCH REZONING
COMMONWEALTH BUSINESS CENTER
LOT 5
WATER-SEWER & SWSA-UDA MAP

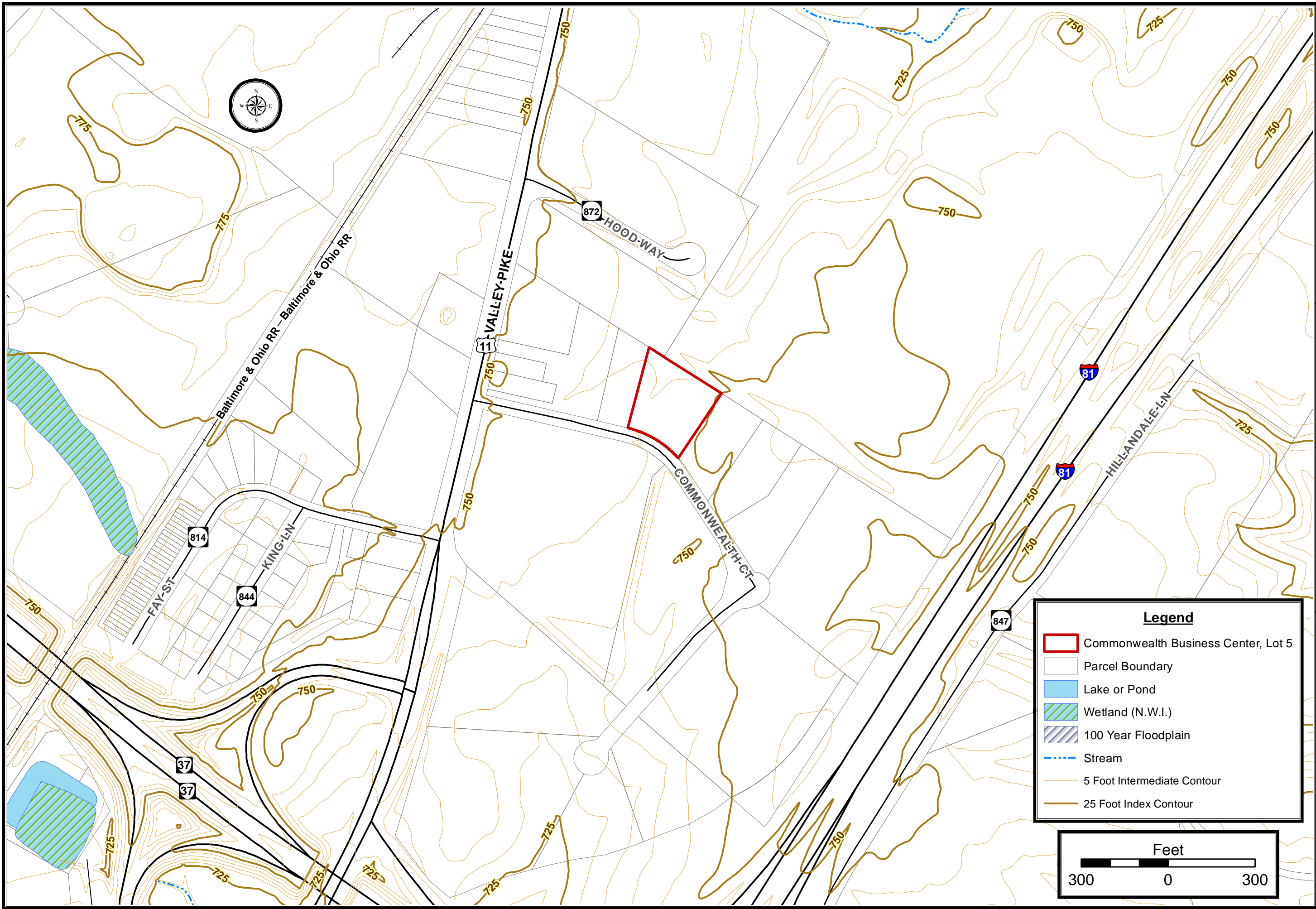
MOSAIC BIBLE CHURCH REZONING
 COMMONWEALTH BUSINESS CENTER, LOT 5
 WATER-SEWER & SWSA-UDA MAP
 BACK CREEK MAGISTERIAL DISTRICT
 FREDERICK COUNTY, VIRGINIA
 DATE: 2016-05-16 PROJECT ID: 2530M DESIGNED BY: DWE
 SCALE: 1 Inch = 100 Feet



Legend

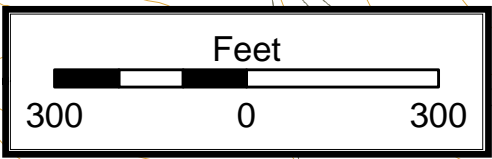
- Commonwealth Business Center, Lot 5
- Parcel Boundary
- Water Main
- Water Lateral
- Sewer Force Main
- Sewer Gravity Main
- Sewer-Water Service Area (SWSA)
- Urban Development Area (UDA)





Legend

- Commonwealth Business Center, Lot 5
- Parcel Boundary
- Lake or Pond
- Wetland (N.W.I.)
- 100 Year Floodplain
- Stream
- 5 Foot Intermediate Contour
- 25 Foot Index Contour





GREENWAY
ENGINEERING

MOSAIC BIBLE CHURCH REZONING

COMMONWEALTH BUSINESS CENTER

ENVIRONMENTAL FEATURES MAP

LOT 5

ENVIRONMENTAL FEATURES MAP

MOSAIC BIBLE CHURCH REZONING

COMMONWEALTH BUSINESS CENTER, LOT 5

ENVIRONMENTAL FEATURES MAP

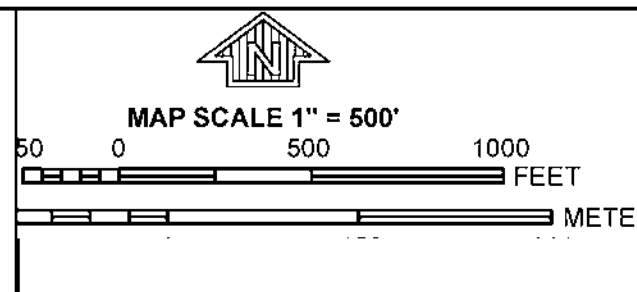
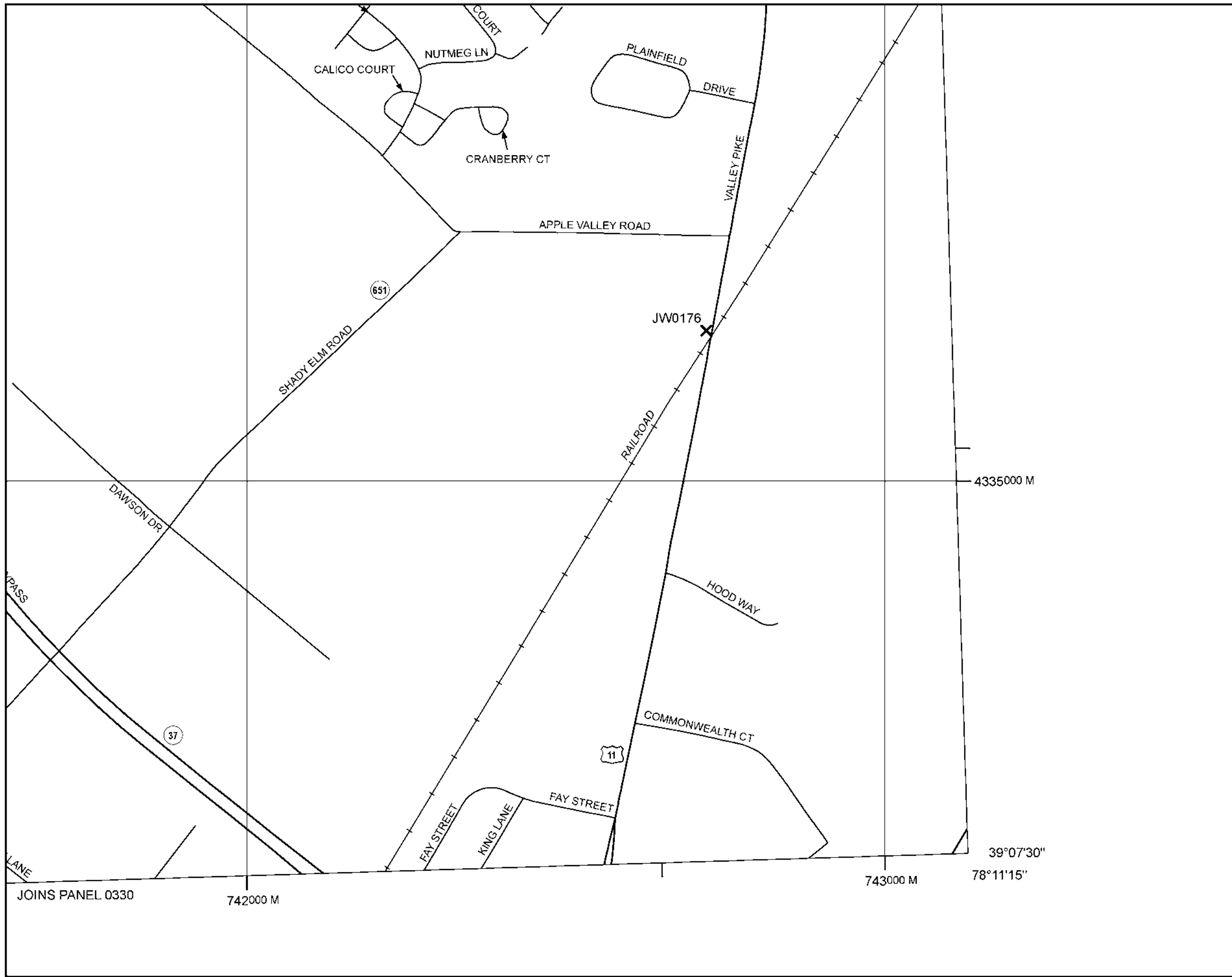
BACK CREEK MAGISTERIAL DISTRICT

FREDERICK COUNTY, VIRGINIA

DATE: 2016-05-16 PROJECT ID: 2530M DESIGNED BY: DWE

SCALE: 1 Inch = 300 Feet

Map Data Source: Frederick County, Va. GIS Department, 2016 Data; Wetlands N.W.I. - U.S. Fish & Wildlife Service (<http://www.fws.gov/wetlands/Data/Data-Download.html>)



PANEL 0214D


FIRM
FLOOD INSURANCE RATE MAP
FREDERICK COUNTY,
VIRGINIA
AND INCORPORATED AREAS

PANEL 214 OF 375
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
FREDERICK COUNTY	510083	0214	D
WINCHESTER, CITY OF	510173	0214	D

Notice to User: The Map Number shown below should be used when placing map orders. The Community Number shown above should be used on insurance applications for the subject community.



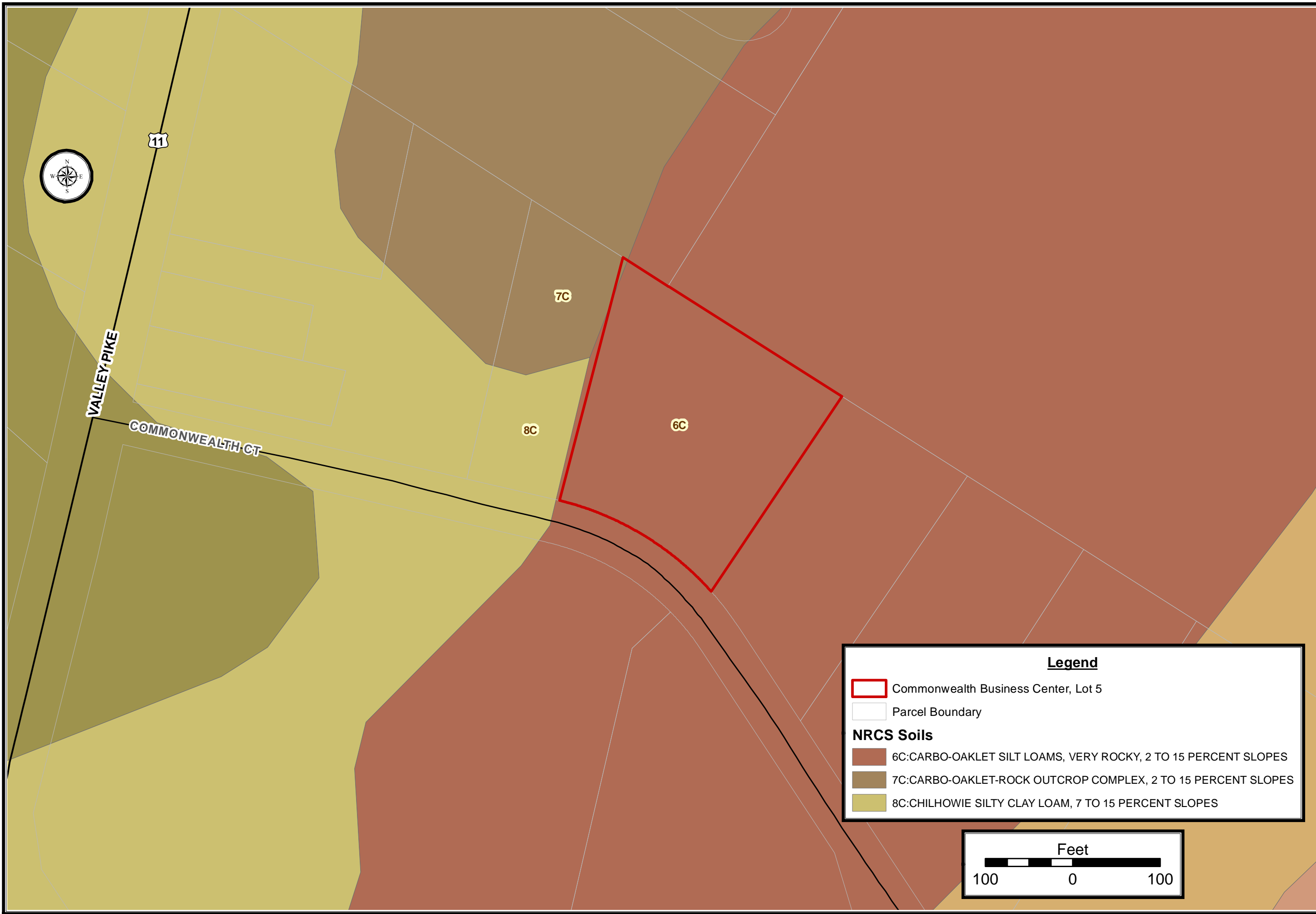
MAP NUMBER
51069C0214D

EFFECTIVE DATE
SEPTEMBER 2, 2009

Federal Emergency Management Agency

NATIONAL FLOOD INSURANCE PROGRAM

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



11

VALLEY PIKE


COMMONWEALTH CT


7C

8C


6C


Legend


 Commonwealth Business Center, Lot 5

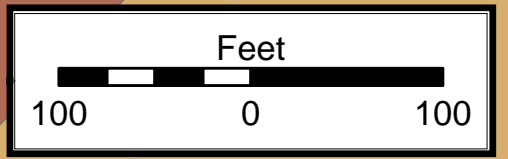
 Parcel Boundary

NRCS Soils

 6C: CARBO-OAKLET SILT LOAMS, VERY ROCKY, 2 TO 15 PERCENT SLOPES

 7C: CARBO-OAKLET-ROCK OUTCROP COMPLEX, 2 TO 15 PERCENT SLOPES

 8C: CHILHOWIE SILTY CLAY LOAM, 7 TO 15 PERCENT SLOPES



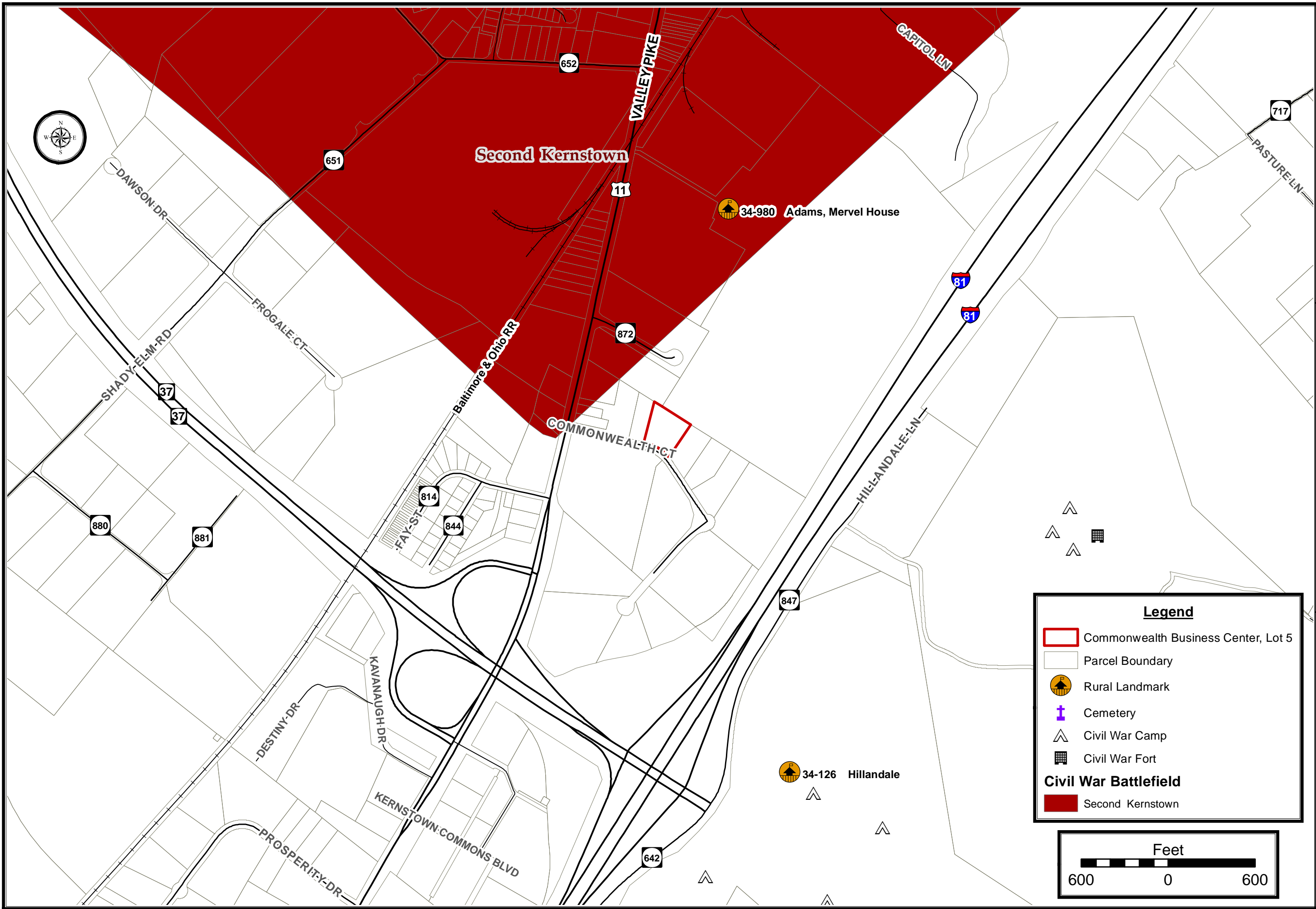
MOSAIC BIBLE CHURCH REZONING
COMMONWEALTH BUSINESS CENTER, LOT 5
SOILS MAP

COMMONWEALTH BUSINESS CENTER
LOT 5
SOILS MAP

MOSAIC BIBLE CHURCH REZONING
COMMONWEALTH BUSINESS CENTER, LOT 5
SOILS MAP

BACK CREEK MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA

DATE: 2016-05-16 PROJECT ID: 2530M DESIGNED BY: DWE
SCALE: 1 Inch = 100 Feet



MOSAIC BIBLE CHURCH REZONING
COMMONWEALTH BUSINESS CENTER
LOT 5
HISTORIC FEATURES MAP

MOSAIC BIBLE CHURCH REZONING	PROJECT ID: 2530M	DESIGNED BY: DWE
COMMONWEALTH BUSINESS CENTER, LOT 5	DATE: 2016-05-16	
HISTORIC FEATURES MAP		
BACK CREEK MAGISTERIAL DISTRICT		
FREDERICK COUNTY, VIRGINIA		
SCALE: 1 Inch = 600 Feet		

Map Data Source: Frederick County, Va. GIS Department, 2016 Data

**REZONING APPLICATION FORM
FREDERICK COUNTY, VIRGINIA**

To be completed by Planning Staff:

Zoning Amendment Number <u>09-16</u>	Fee Amount Paid \$ <u>5121.⁰⁰</u>
PC Hearing Date <u>9/7/16</u>	Date Received <u>8/12/16</u>
	BOS Hearing Date <u>9/28/16</u>

The following information shall be provided by the applicant:

All parcel identification numbers, deed book and page numbers may be obtained from the **Office of the Commissioner of Revenue, Real Estate Division, 107 North Kent Street, Winchester.**

1. Applicant:

Name: Greenway Engineering, Inc. Telephone: (540) 662-4185
Address: 151 Windy Hill Lane
Winchester, VA 22602

2. Property Owner (if different than above):

Name: Executive Protection Systems, Inc. Telephone: (540) 662-4392
Address: 161 Commonwealth Court
Winchester, VA 22602

3. Contact person if other than above:

Name: Evan Wyatt Telephone: (540) 662-4185

4. Property Information:

- a. Property Identification Number(s): 75-A-91E
- b. Total acreage to be rezoned: 1.21+/- Acres
- c. Total acreage of the parcel(s) to be rezoned (if the entirety of the parcel(s) is not being rezoned): 1.21+/- Acres
- d. Current zoning designation(s) and acreage(s) in each designation: B-3, Industrial Transition District 1.21+/- Acres
- e. Proposed zoning designation(s) and acreage(s) in each designation: B-2, Business General District 1.21+/- Acres
- f. Magisterial District(s): Back Creek District

5. Checklist: Check the following items that have been included with this application.

Location map _____	<input checked="" type="checkbox"/>	Agency _____	Comments _____	<input checked="" type="checkbox"/>
Plat _____	<input checked="" type="checkbox"/>	Fees _____		<input checked="" type="checkbox"/>
Deed to property _____	<input checked="" type="checkbox"/>	Impact Analysis Statement _____		<input checked="" type="checkbox"/>
Verification of taxes paid _____	<input checked="" type="checkbox"/>	Proffer Statement _____		<input checked="" type="checkbox"/>
Plat depicting exact meets and bounds for the proposed zoning district	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Digital copies (pdf's) of all submitted documents, maps and exhibits	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>

6. The Code of Virginia allows us to request full disclosure of ownership in relation to rezoning applications.

Please list below all owners or parties in interest of the land to be rezoned:

Executive Protection Systems, LLC

7. Adjoining Property:

<u>PARCEL ID NUMBER</u>	<u>USE</u>	<u>ZONING</u>
See Attached Adjoining	_____	_____
Property Owner Map Exhibit &	_____	_____
Adjoining Property Owner	_____	_____
Land Use & Zoning Table	_____	_____
_____	_____	_____
_____	_____	_____

8. Location: The property is located at (give exact location based on nearest road and distance from nearest intersection, using road names and route numbers):

Commonwealth Business Center - Lot 5 is located at 161 Commonwealth Court. Lot 5 is located on the north side of

Commonwealth Court (Route 1167); approximately 500' east of the intersection with Valley Pike (US Route 11 South).

9. The following information should be provided according to the type of rezoning proposed:

Number of Units Proposed

Single Family homes: N/A Townhome: N/A Multi-Family: N/A
Non-Residential Lots: 1 Mobile Home: N/A Hotel Rooms: _____

Square Footage of Proposed Uses

Office: _____ Service Station: _____
Retail: _____ Manufacturing: _____
Restaurant: _____ Warehouse: _____
Commercial: _____ Other: _____ Church: _____

10. Signature:

I (we), the undersigned, do hereby respectfully make application and petition the Frederick County Board of Supervisors to amend the zoning ordinance and to change the zoning map of Frederick County, Virginia. I (we) authorize Frederick County officials to enter the property for site inspection purposes.

I (we) understand that the sign issued when this application is submitted must be placed at the front property line at least seven days prior to the Planning Commission public hearing and the Board of Supervisors public hearing and maintained so as to be visible from the road right-of-way until the hearing.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Applicant(s): Evay A. Wyatt Date: 6/24/16

Date: _____

Owner(s): Mark [Signature] Date: 7/1/16

Date: _____

Tax Map Number	Owner	Mailing Address	City & State	ZIP	Acres
63 A 85	CQ LANDLORD MULTI LLC, C/O LESLIE SHANAHAN SR PR TAX ACCT	PARTS DISTRIBUTION LLC, 2635 E MILLBROOK RD	RALEIGH, NC	27604	9.27
63 A 86A	H P HOOD INC	6 KIMBALL LN STE 400	LYNNFIELD, MA	1940	74.09
63 A 86B	H P HOOD INC	6 KIMBALL LN STE 400	LYNNFIELD, MA	1940	3.41
75 A 91E	EXECUTIVE PROTECTION SYSTEMS LLC	161 COMMONWEALTH CT	WINCHESTER, VA	22602	1.209
75 A 91G	UAG PROPERTIES LLC	16 W PALL MALL ST	WINCHESTER, VA	22601	1
75 A 91H	BEAN PROPERTIES LLC	PO BOX 3625	WINCHESTER, VA	22604	1
75 A 91J	MEGANET REALTY LLC	506 MIDDLESEX AVE	COLONIA, NJ	7067	4.13



11

VALLEY PIKE

COMMONWEALTH CT

63 A 86B

63 A 86A

75 A 91H




75 A 91E

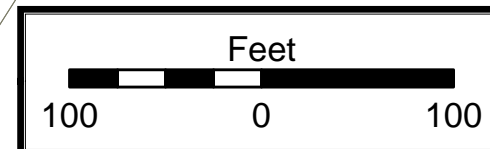
75 A 91G

63 A 85

75 A 91J

Legend

-  Commonwealth Business Center, Lot 5
-  Adjoining Property
-  Parcel Boundary



GREENWAY
ENGINEERING

MOSAIC BIBLE CHURCH REZONING
 COMMONWEALTH BUSINESS CENTER
 ADJOINING PROPERTIES MAP
 BACK CREEK MAGISTERIAL DISTRICT
 FREDERICK COUNTY, VIRGINIA
 LOT 5
 ADJOINING PROPERTIES MAP

MOSAIC BIBLE CHURCH REZONING
 COMMONWEALTH BUSINESS CENTER, LOT 5
 ADJOINING PROPERTIES MAP
 BACK CREEK MAGISTERIAL DISTRICT
 FREDERICK COUNTY, VIRGINIA
 DATE: 2016-05-16 PROJECT ID: 2530M DESIGNED BY: DWE
 SCALE: 1 Inch = 100 Feet



Special Limited Power of Attorney
County of Frederick, Virginia
 Frederick Planning Website: www.co.frederick.va.us

Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Winchester, Virginia 22601
Phone (540) 665-5651 Facsimile (540) 665-6395

Know All Men By These Presents: That I (We)

(Name) Executive Protection Systems, Inc. (Phone) (540) 662-4392

(Address) 161 Commonwealth Court Winchester, VA 22602

the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Frederick, Virginia, by

Instrument No. 120008859 on Page 0339, and is described as

Parcel: 75 Lot: A Block: 91E Section: _____ Subdivision: _____

do hereby make, constitute and appoint:

(Name) Greenway Engineering, Inc. (Phone) (540) 662-4185

(Address) 151 Windy Hill Lane Winchester, VA 22602

To act as my true and lawful attorney -in-fact for and in my (our) name, place and stead with full power and authority I (we) would have if acting personally to file planning applications for my (our) above described Property, including:

- Rezoning (including proffers)**
- Conditional Use Permit**
- Master Development Plan (Preliminary and Final)**
- Subdivision**
- Site Plan**
- Variance or Appeal**

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.

In witness thereof, I (we) have hereto set my (our) hand and seal this 1st day of July, 2016.

Signature(s) *Michelle L. Stone*

State of Virginia, City/County of Frederick, To-wit:

I, Michelle L. Stone, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 1st day of July, 2016.

Michelle L. Stone My Commission Expires: 8/31/20
 Notary Public

G



MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: Candice E. Perkins, AICP, CZA, Assistant Director

RE: **2016 Comprehensive Policy Plan Amendments (CPPA) Applications**

DATE: September 19, 2016

The Planning Department received four Comprehensive Policy Plan Amendments (CPPA) requests by this year's June 1, 2016 deadline. The Comprehensive Plans and Programs Committee (CPPC) met on June 13, 2016 to discuss the four applications. Following the CPPA meeting, the amendments were sent to the Frederick County Sanitation Authority (FCSA). Please find below a brief summary of each application along with the recommendation from the CPPC and the FCSA (see attached memo for the FCSA recommendation):

CPPA #01-16, Leonard Property Sewer and Water Service Area (SWSA) Inclusion Request; Parcels 75-A-112 and a portion of 75-A-113. This is a request to expand the boundary of the Sewer and Water Service Area (SWSA) to include 43.77 acres of land. The properties are currently zoned RA (Rural Areas); however the Southern Frederick Land Use Plan designates these parcels for future mixed use commercial/office and industrial uses. The properties are located on the eastern side of White Oak Road (Route 636) in the Shawnee Magisterial District.

CPPC Recommendation: Consideration for further study

CPPA #02-16, Russell & Smith Properties, Urban Development Area (UDA) and Sewer and Water Service Area (SWSA) Inclusion Request; Parcels 64-A-37, 64-A-37A, 64-A-37B, 64-5-B, 76-A-5, 76-A-5B, 76-A-5C, and 76-A-5D. This is a request to expand the boundaries of the Urban Development Area (UDA) and the Sewer and Water Service Area (SWSA) to include eight parcels that total 207.7 acres. These parcels are currently zoned RA (Rural Areas) District; however the Senseny/Eastern Frederick Urban Area Plan designates these parcels with future Urban Center and Residential uses. The subject properties are adjacent to Justes Drive, Rosa Lane and Laurelwood Drive and are in the immediate proximity to Front Royal Pike (Route 522 South) in the Shawnee Magisterial District.

CPPC Recommendation: Consideration for further study

CPPA #03-16, Woods Mill Road Properties, Northeast Frederick Land Use Plan Modification, Urban Development Area (UDA) and Sewer and Water Service Area (SWSA) Inclusion Request; Parcels 55-A-127, 55-A-136, 55-A-137, 55-A-138, and 55-A-139. This is a request to modify the Northeast Frederick Land Use Plan to change the shown land use designation for the parcels from Historic/DSA to low density residential and to expand the UDA and SWSA around the 316.78 acre site. The subject properties are located along Woods Mill Road (Route 661) and are adjacent to the UDA and SWSA boundaries that surround the Red Bud Run Subdivision located along Berryville Pike (Route 7) in the Stonewall Magisterial District.

CPPC Recommendation: Consideration for further study as part of a larger study area

CPPA #04-16, for Fruit Hill Orchard (The Interstate Orchard, Inc.) –Rest Church Road Properties Sewer and Water Service Area (SWSA) Inclusion Request; Parcels 33-A-89, 33-A-90, 23-A-17, 23-A-18 and one unnamed parcel (partially in WV). This is a request to expand the boundary of the Sewer and Water Service Area (SWSA) to include 304.7 acres of land; currently 106.8 acres of the site is within the SWSA. The properties are currently zoned RA (Rural Areas); however the Northeast Frederick Land Use Plan designates these parcels for mixed use industrial/office and commercial land uses. The properties are located north and south of Rest Church Road (Route 669) in the Stonewall Magisterial District.

CPPC Recommendation: Consideration for further study

Comments from the August 17, 2016 Joint Work Session:

A preliminary discussion for the four CPPA applications was held at the joint work session on August 17, 2016. Many of the comments received during the discussion focused on water and sewer availability. It was stated that all four properties would have a significant impact; the FCSA looked to see if there were facilities in the area to service the properties; two of the properties have facilities to service and two do not. The two that did not have facilities to serve would require massive upgrades to the system. It was commented that a couple of the CPPA requests being presented meet our Comprehensive Plan, and from a committee prospective, most of the CPPA's are proposing boundary adjustments in places that are already designated with some type of planned land use so the CPPC felt they should take a look ensure there were no red flags from an infrastructure perspective.

In regards to the Woods Mill Road properties it was questioned what historical items would be affected and how much will be disturbed. It was clarified that the developmentally sensitive designation in the Northeast Land Use Plan which covers that area includes a variety of elements such as battlefield, agricultural/rural and environmental that would need to be studied and addressed on an individual basis.

At the conclusion of the discussion, it was requested that staff provide a transportation overview of each CPPA application. One Supervisor stated that they felt the timing on the Leonard Property might be ok for further study; however, there was no interest on sending the other three forward at this time. Additional attendees agreed with this comment.

Please find attached a memo from the FCSA with their comments for each of the requested comprehensive plan amendment applications. An overview of the transportation networks and concerns for each CPPA has also been included.

Attached you will also find a map showing the location of the proposals, a map showing the location of the proposals and how it relates to the Eastern Frederick County Long Range Land Use Plan, and a copy of the application.

Staff is ultimately seeking the Board's direction as to whether these CPPA's warrant further study and consideration.

CPPA #01-16 Leonard Property Sewer and Water Service Inclusion Request

Parcels: 75-A-112 and a portion of 75-A-113

Transportation Comment – John A. Bishop, AICP Assistant Director-Transportation

As noted in the application, the Comprehensive Plan calls for this area to be developed with a mixture of commercial and industrial uses. In addition, the Eastern Road Plan component of the Comprehensive Plan calls for significant transportation improvements to support the traffic that would be generated by these uses. While some improvement has been made to the north of the property and right-of-ways have been proffered for additional expansion, White Oak Road to the south remains a winding and narrow roadway which may be difficult and costly to improve.

The application also notes that a mixture of B2 and B3 zonings would be sought. While uses can vary widely under B2/B3 zoning, based upon the acreage (43.77), significant traffic generation can be expected which would require the completion of a Traffic Impact Analysis (TIA). It is expected that the Traffic Impact Analysis would indicate a number of significant improvements required. Special attention would need to be paid to entrance scenarios and treatments as well as consideration to make sure that the adjacent retirement village residents are not negatively impacted in their ability to enter and leave their neighborhood.

CPPA #02-16 Russell & Smith Properties, Urban Development Area (UDA) and Sewer and Water Service Area (SWSA) Inclusion Request

Parcels: 64-A-37, 64-A-37A, 64-A-37B, 76-A-5, 76-A-5B, 76-A-5C, and 76-A-5D

Transportation Comment – John A. Bishop, AICP Assistant Director-Transportation

As noted in the application, the Comprehensive Plan calls for this area to be developed with a mixture of commercial and residential uses. The Eastern Road Plan component of the Comprehensive Plan shows a portion of the road connection between existing Justes Drive and Airport Road traversing a portion of this property as well. This roadway section is a planned urban four (4) lane divided (U4D) and would need to be considered. Transportation connections would need to be made via Rosa Lane as well as Laurelwood Drive.

With the rezoning that would need to take place to accommodate the comprehensive planned uses on the property a Traffic Impact Analysis (TIA) would need to be completed. With a land area of 207.70 acres, this would result in a very significant level of traffic generation and impact upon the roadways that would be expected to be used to access the property. This would lead to significant improvements that would be needed to offset the impacts of the development. In addition, coordination with the neighboring school property would be very important, not only to make sure that automobile traffic is properly managed during key school access times, but also to provide pedestrian and bicycle access to the school property.

CPPA #03-16 Woods Mill Road Properties, Northeast Frederick Land Use Plan Modification, Urban Development Area (UDA) and Sewer and Water Service Area (SWSA) Inclusion Request

Parcels: 55-A-127, 55-A-136, 55-A-137, 55-A-137, 55-A-138, and 55-A-139

Transportation Comment – John A. Bishop, AICP Assistant Director-Transportation

As noted in the application, the subject property is currently designated as Developmentally Sensitive Area (DSA) and the Applicant envisions the property for an RP rezoned use. The Eastern Road Plan component of the Comprehensive Plan identifies Route 37 crossing this property with an impact, according to the application, of approximately 19 acres. Key access to the property would come via Woods Mill Road, which is identified by VDOT as a rural collector road with a connection to Route 7, a Virginia Primary Road.

With a total parcel size of 316.78 acres, even with a potential reservation of Route 37 right-of-way there would be a significant impact imposed by residential development of this property. That impact is somewhat exacerbated by the available surrounding transportation structure. Both nearby local roadways before Route 7 (Woods Mill Road and Redbud Road) are rural in nature and would be significantly impacted by a sizable residential development. While a Traffic Impact Analysis (TIA) will help identify the extent of impacts and potential offsetting improvements, Staff would recommend a measure of caution regarding the 4,500 trips identified in the application. It is expected that, even at that trip generation rate, significant improvements may be needed to accommodate that level of additional traffic.

In addition, due to the fact that this area has not been previously planned for development, a comprehensive study of the existing and proposed road network would be warranted to assess the impact on the immediate area, as well as the surrounding area. The impact on the rural character of the nearby transportation system would also need careful consideration.

CPPA #04-16 Fruit Hill Orchard (The Interstate Orchard, Inc.) – Rest Church Road Properties Sewer and Water Service Area (SWSA) Inclusion Request

Parcels: 33-A-89, 33-A-90, 23-A-17, 23-A-18 and one unnamed parcel (partially in WV)

Transportation Comment – John A. Bishop, AICP Assistant Director – Transportation

As noted in the application, the current property is currently designated as mixed use commercial and office. The Eastern Road Plan Component of the Comprehensive Plan calls for a four (4) lane divided (U4D) major collector roadway throughout the property. Key access to the property would be provided via Rest Church Road with eventual tie in to the south, as well as a connector roadway to Zachary Ann Lane.

With a total area of approximately 300 acres there would be a significant transportation impact, particularly on Rest Church Road and its interchange with I-81. This impact could be expected to be eased somewhat as future connections come into place to the south. A Traffic Impact Analysis will be very important in determining the full scope of transportation impacts and what will be needed to offset the impact of the new development.



FREDERICK COUNTY SANITATION AUTHORITY

Post Office Box 1877
Winchester Virginia 22604-8377

PH (540) 868-1061
Fax (540) 868-1429
www.fcso-water.com

Eric R. Lawrence
Executive Director

MEMORANDUM

TO: Candice Perkins, Assistant Director, Frederick County Planning Department

FROM: Eric R. Lawrence, Executive Director *EL*

SUBJECT: 2016 Comprehensive Policy Plan Amendments

DATE: July 14, 2016

Thank you for the opportunity to provide preliminary comments on the four Comprehensive Policy Plan Amendment applications received for the 2016 application period. We understand that the Frederick County Sanitation Authority's (FCSA) preliminary comments will be shared with the Board of Supervisors and Planning Commission during their CPPA review joint work session in August. We welcome the opportunity to participate in more a thorough review of the applications once the Board decides which applications warrant further evaluation.

FCSA Preliminary Comments, July 11, 2016

The FCSA's Planning Committee reviewed the four Comprehensive Policy Plan Amendment (CPPA) applications on July 11, 2016, and offers the following preliminary comments:

- **CPPA #01-16, Leonard Property Sewer and Water Service Area (SWSA) Inclusion Request.**
The property is located along the east side of White Oak Road, in the Stephens City area. FCSA currently has residential service to the west of the site, and industrial service to the east of the site. The property owner will need to study the existing sewer conveyance facilities from the site to Parkins Mill WWTP to ascertain if capacities exist to serve the proposed project. It is anticipated the property owner will need to upgrade sewer pump stations and upsize lines to accommodate additional development. ***FCSA supports further study of the site.***

- **CPPA #02-16, Russell and Smith Properties UDA (Urban Development Area) and SWSA Inclusion Request.** The properties are located in the Justus Drive, Evendale Elementary School, Admiral Byrd Middle School, and the 4th high school area. FCSA currently has service available in the vicinity. The sewer serving the area has limited capacities today, and therefore insufficient capacities to serve the additional development from the Russell and Smith properties. FCSA is working to remedy the existing sewer limitations by implementing a sewer force main/gravity relocation improvement project, which ultimately will redirect effluent from the Opeqoun Water Reclamation Facility (OWRF) to the Parkins Mill Wastewater Treatment Plant. It would be appropriate for the improvement program to account for the additional flows associated with any potential development of the Russell and Smith properties, and for the properties to participate in funding of the sewer improvement project. If the SWSA is adjusted, FCSA would support expansion of the SWSA boundary to coincide with the planned Route 37 right-of-way; this right-of-way boundary would create a drainage basin that could maximize the benefit of gravity sewer. Without sewer capacities being captured in the improvement project, the Russell and Smith properties may find that there are no sewer capacities available for their use. ***FCSA supports further study of the site.***

- **CPPA #03-16, Woods Mill Road Properties, Northeast Frederick Land Use Plan (NELUP) Modification, UDA and SWSA Inclusion Request.** The properties are located north of Redbud Run, and generally east of Woods Mill Road. FCSA currently does not have facilities readily available to serve the development. FCSA does have a purchased easement and sewer force main along the eastern property line of some of the properties; this is the interceptor force main linking the Stephenson Regional Pump Station to the OWRF. This sewer interceptor is not available for use by the subject properties. Existing water and sewer in the Red Bud Run subdivision south of the properties was not designed nor sized appropriately for extension into the subject properties. *The subject properties would incur significant investment in both water and sewer infrastructure to achieve adequate water pressures and sewer flow capacities.* ***FCSA does not support further study of the site without consideration of a much larger study area that could collectively contribute to infrastructure improvements to convey the study area sewage directly to the OWRF.***

- **CPPA #04-2016, Fruit Hill Orchard Rest Church Road properties, SWSA Inclusion Request.**

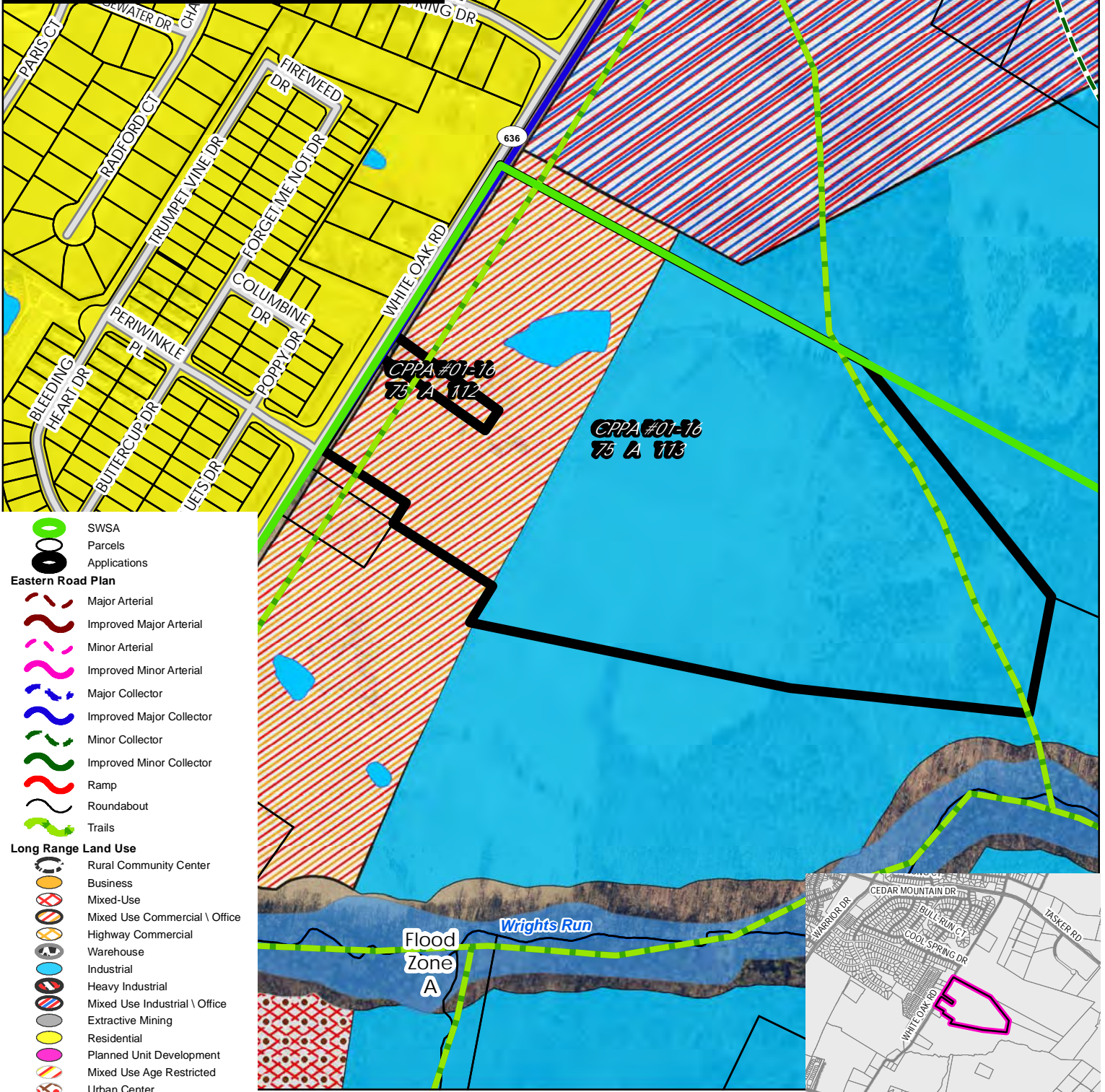
The properties are located west of I-81, Exit 323, in the vicinity of Flying J. FCSA has facilities in the vicinity, but water supply and sewer capacities in the area are limited. The existing Route 11 North sewer system has available capacities reserved by property owners who funded the sewer infrastructure extension to Rest Church Road area over a decade ago, but the system does not currently have excess capacity available for additional land areas such as the subject properties. Preliminary analysis suggest a new WWTP or force main to the OWRF would be needed prior to additional development opportunities being accommodated. ***FCSA does not support further study of the site without consideration of a much larger study area that could collectively contribute to infrastructure improvements to convey the study area sewage directly to the OWRF or to a new WWTP.***

CPPA #01-16

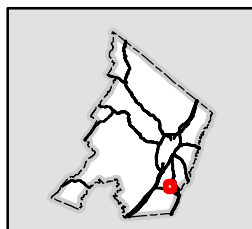
**Leonard
Property**

CPPA #01-16 Leonard Property Draft SWSA Amendment

PINs: 75 - A - 112, portion of 75 - A - 113

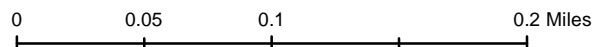


- SWSA
- Parcels
- Applications
- Eastern Road Plan**
- Major Arterial
- Improved Major Arterial
- Minor Arterial
- Improved Minor Arterial
- Major Collector
- Improved Major Collector
- Minor Collector
- Improved Minor Collector
- Ramp
- Roundabout
- Trails
- Long Range Land Use**
- Rural Community Center
- Business
- Mixed-Use
- Mixed Use Commercial \ Office
- Highway Commercial
- Warehouse
- Industrial
- Heavy Industrial
- Mixed Use Industrial \ Office
- Extractive Mining
- Residential
- Planned Unit Development
- Mixed Use Age Restricted
- Urban Center
- Neighborhood Village
- Recreation
- Commercial Recreation
- Open Space
- Natural Resources & Recreation
- Park
- Historic \ DSA
- Fire & Rescue
- Institutional
- School



CPPA #01-16
Leonard Property
PINs: 75 - A - 112, portion of 75 - A - 113
Draft SWSA Amendment

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: June 2, 2016
Staff: cperkins

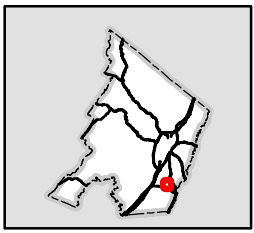
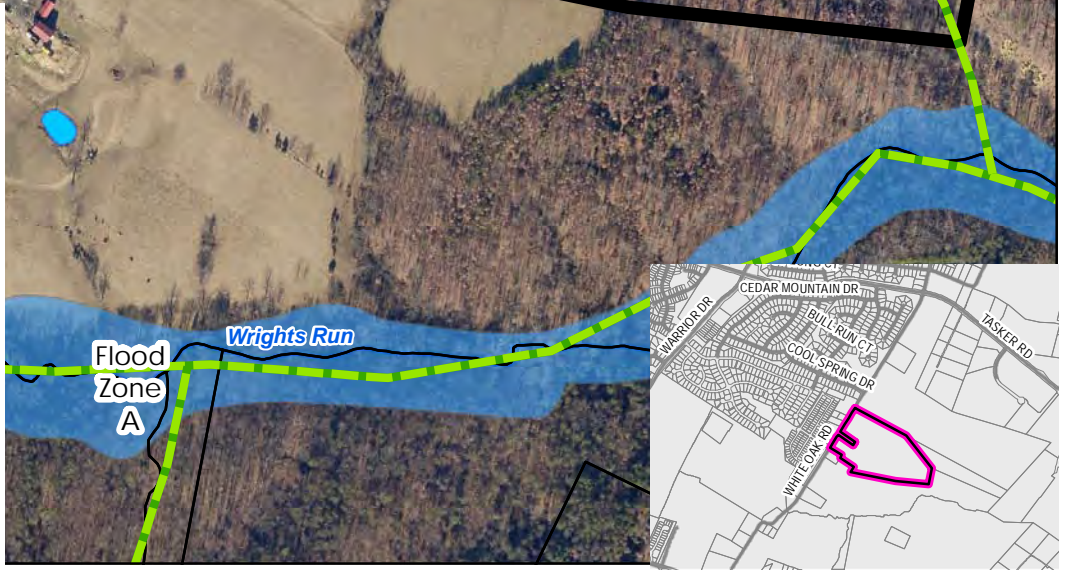


CPPA #01-16 Leonard Property Draft SWSA Amendment

PINs: 75 - A - 112, portion of 75 - A - 113

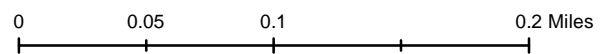


- SWSA
 - Parcels
 - Applications
- Eastern Road Plan**
- Major Arterial
 - Improved Major Arterial
 - Minor Arterial
 - Improved Minor Arterial
 - Major Collector
 - Improved Major Collector
 - Minor Collector
 - Improved Minor Collector
 - Ramp
 - Roundabout
 - Trails
- Zoning**
- B1 (Business, Neighborhood District)
 - B2 (Business, General District)
 - B3 (Business, Industrial Transition District)
 - EM (Extractive Manufacturing District)
 - HE (Higher Education District)
 - M1 (Industrial, Light District)
 - M2 (Industrial, General District)
 - MH1 (Mobile Home Community District)
 - MS (Medical Support District)
 - OM (Office - Manufacturing Park)
 - R4 (Residential Planned Community District)
 - R5 (Residential Recreational Community District)
 - RA (Rural Area District)
 - RP (Residential Performance District)



CPPA #01-16
Leonard Property
PINs: 75 - A - 112, portion of 75 - A - 113
Draft SWSA Amendment

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: June 2, 2016
Staff: cperkins



Comprehensive Policy Plan Amendment Leonard Property

White Oak Road
Frederick County, VA

Prepared by

Stowe Engineering, PLC

103 Heath Court
Winchester, VA 22602

COMPREHENSIVE POLICY PLAN AMENDMENT
INITIATION REQUEST FORM

(Please type all information. The application will not be deemed complete unless all items listed below have been submitted.)

A. Owner(s) Information:

1. Name: Wendy L. Leonard, Trustee of the R. D. Leonard Revocable Trust, et als
Robert D. Leonard Trustee
2. Project Name: Leonard Property
3. Mailing Address: 471 White Oak Road
White Post, VA 22663
4. Telephone Number: (540) 974-1211

Authorized Agent Information:

1. Name: Stowe Engineering, PLC
2. Project Name: Leonard Property
3. Mailing Address: 103 Heath Court
Winchester, VA 22602
4. Telephone Number: (540) 686-7373

B. Legal interest in the property affected or reason for the request:

The owners would like to include their property within the SWSA. Property is Comprehensively planned for commercial and industrial land uses.

C. Proposed Comprehensive Policy Plan amendment - please provide the following information.

1. FOR A MAP AMENDMENT

- a. PIN(s): 75-(A)-112 and portion of 75-(A)-113
Magisterial District: Shawnee
- b. Parcel size (approximate acres): 43.77 acres

- c. Plat of area proposed for CPPA amendment, including metes and bounds description.
- d. Existing Comprehensive Plan land use classification(s):
Mixed Commerical and Industrial

- e. Proposed Comprehensive Plan land use classification(s):
Requesting the SWSA be extended to utilize the currently planned land uses.

- f. Existing zoning and land use of the subject parcel:
RA with a residence and the remaining land is agricultural

- g. What use/zoning will be requested if amendment is approved?
B-2 and B-3 (industrial Transition)

- h. Describe, using text and maps as necessary, the existing zoning, Comprehensive Policy Plan designations, and/or approved uses and densities along with other characteristics of properties that are within:
- 1/4 mile from the parcel(s) perimeter if the parcel is less than 20 acres in size;
 - 1/2 mile if 21 - 100 acres in size; or
 - 1 mile if more than 100 acres in size.
- Note: Colored maps cannot be duplicated in the Planning Department.*
- i. The name, mailing address, and parcel number of all property owners within 200 ft. of the subject parcel(s), with Adjacent Property Owners Affidavit (page 8).

2. FOR A TEXT AMENDMENT

- a. Purpose and intent of amendment.
The intent is the extension of the SWSA around the subject land allow the property to be rezoned to B-2 & B-3.

- b. Cite Plan chapter, goal, policy and/or action strategy text that is proposed to be amended.

Appendix 1 - Route 277 Triangle and Urban Center Plan. We wish to implement the land use planned on the property by adjusting the SWSA to include the property.

- c. Proposed new or revised text.
New text is not required for the SWSA expansion.

Note: Please attach and specify text changes with additions underlined and deletions crossed through.

- d. Demonstrate how the proposal furthers the goals, policies/objectives, and action strategies set forth in the Comprehensive Policy Plan chapter(s) relative to the amendment request and why proposed revisions to said goals, policies, and action strategies are appropriate.

The SWSA expansion will provide area for the commercial and industrial opportunity that is fully supportive of the County Economic Development Commission's targeted goals and strategies. The intent of mixed use designation is to further enhance the County's future regional employment centers" per the 2030 Comprehensive Plan.

- e. Demonstrate how the proposal is internally consistent with other Comprehensive Policy Plan components that are not the subject of the amendment.

See above. This amendment wholly fits in with the intent and direction of the 2030 Comprehensive Plan's 277 Triangle Study recommendations.

- f. What level of service impacts, if any, are associated with the request?

The level of service impact associated with commercial and industrial development is transportation. This is a key item that will need to be addressed in any rezoning.

3. FOR ALL AMENDMENTS

- a. Justification of proposed Comprehensive Policy Plan amendment (provide attachments if necessary). Describe why the change to the Comprehensive Policy Plan is being proposed.

The amendment is being proposed because the current owners wish to implement the land uses of the Comprehensive Plan. It is their desire to see this area develop into a

positive economic generator for the County as they are no longer able or have the desire to farm. The development of Cedar Meadows has brought water and sewer nearby, thereby allowing this site to develop. The owners will have to work with VDOT and the Frederick Co Sanitation Authority in order to proceed with a rezoning request.

b. How would the resultant changes impact or benefit Frederick County. Consider, for example, transportation, economic development and public facilities.

The first positive impact for the County is the owner's desire to provide land for a fire and rescue station as a proffered condition of their rezoning. It is sorely needed in this area where it will be adjacent to the age-restricted development of Cedar Meadows.

The second positive impact is the increase in revenue the county will recognize from the businesses, without offsetting negative impacts such as school population increases.

The negative impact will be increased traffic on White Oak Road. White Oak Road has been reconstructed north of the site to to a modern 2-lane roadway, but not to the south where is a narrow winding road. Improvements will need to be addressed during the rezoning possibly with a cash proffer that can be used for a regional solution.

Other information may be required by the Director of Planning, the Planning Commission, or Board of County Supervisors during the review of the initiation request. The applicant will be notified, in writing, if additional information is required.

All applications must also contain the following items:

1. Special Limited Power of Attorney Affidavit (see page 9 if parcels of land are involved).
2. Non-Refundable Application Review Fee of \$3,000 (payable to the *Frederick County Treasurer*).

Applicants should consult the Comprehensive Policy Plan to identify goals, policies or action strategies which are applicable to individual Comprehensive Policy Plan amendment requests.

Signatures:

I (we), the undersigned, do hereby respectfully make application to and petition the Frederick County Board of Supervisors to amend the Comprehensive Plan. I (we) authorize Frederick County officials to enter the property for site inspection purposes.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Applicant(s): WENDY L. LEONARD Date: 5-19-16

Robert D. Leonard 5-19-16

Owner(s): Wendy L. Leonard Date: 5-19-16

Robert D. Leonard 5-19-16



(TO BE COMPLETED BY APPLICANT)

SUBJECT PROPERTY OWNERS AFFIDAVIT

County of Frederick, Virginia
Frederick Planning Web Site: www.fcva.us

Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Suite 202 Winchester, Virginia 22601
Phone 540-665-5651 Facsimile 540-665-6395

STATE OF VIRGINIA
COUNTY OF FREDERICK

This 19th day of May, 2016
(Day) (Month) (Year)

I, Wendy L Leonard, Trustee and Robert D. Leonard, Trustee
Wendy L Leonard, Trustee and Robert D. Leonard, Trustee
(Owner/Contract Purchaser/Authorized Agent)

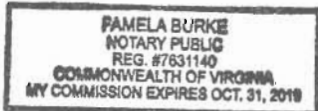
hereby make oath that the list of property owners of the subject site, as submitted with the application, is a true and accurate list based on the information provided by the Frederick County Commissioner of the Revenue Office as taken from the current real estate assessment records.

[Signature]
(Owner/Contract Purchaser/Authorized Agent)
(circle one)

COMMONWEALTH OF VIRGINIA:

County of Frederick, VA

Subscribed and sworn to before me this 19th day of May, 2016 in my County and State aforesaid, by the forenamed Principal.



Pamela Burke
NOTARY PUBLIC

My Commission expires: 10-31-19



**Special Limited Power of Attorney
County of Frederick, Virginia
Frederick Planning Web Site: www.fcva.us**

**Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Suite 202 Winchester, Virginia 22601
Phone 540-665-5651 Facsimile 540-665-6395**

Know All Men By Those Present: That I (We)

(Name) Wendy L. Leonard, Trustee, and Robert D. Leonard, Trustee (Phone) (540) 974-1211

(Address) 471 White Oak Road, White Post, Va 22663

the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Frederick, Virginia, by

Instrument No. 090004848 on Page _____, and is described as

Parcel: 75 Lot: _____ Block: _____ Section: A Subdivision: 112 and 113

do hereby make, constitute and appoint:

(Name) Tim Stowe - Stowe Engineering, PLC (Phone) (540) 686-7373

(Address) 103 Heath Court, Winchester, Virginia 22602

To act as my true and lawful attorney-in-fact for and in my (our) name, place, and stead with full power and authority I (we) would have if acting personally to file planning applications for my (our) above described Property, including:

- Rezoning (including proffers)**
- Conditional Use Permit**
- Master Development Plan (Preliminary and Final)**
- Subdivision**
- Site Plan**
- Comprehensive Policy Plan Amendment**
- Appeal or Variance**

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.

In witness thereof, I (we) have hereto set my (our) hand and seal this _____ day of _____, 20____.

Signature(s) Wendy L. Leonard, trustee
Robert D. Leonard, Trustee

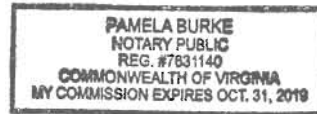
State of Virginia, City/County of Frederick, VA, To-wit:

I, Pamela Burke, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 19th day of May, 2016.

Pamela Burke

My Commission Expires: 10-31-19

Notary Public



**75-(A)-109
Tracy O. Lemley
396 White Oak Road
White Post, Virginia 22663**

**75-(A)-110
Lynwood Buracker
432 White Oak Road
White Post, Virginia 22663**

**75-(A)-111
Jason Lee Ritter
444 White Oak Road
White Post, Virginia 22663**

**75-(A)-113A
Madeline K. Abrell
PO Box 142
White Post, Virginia 22663**

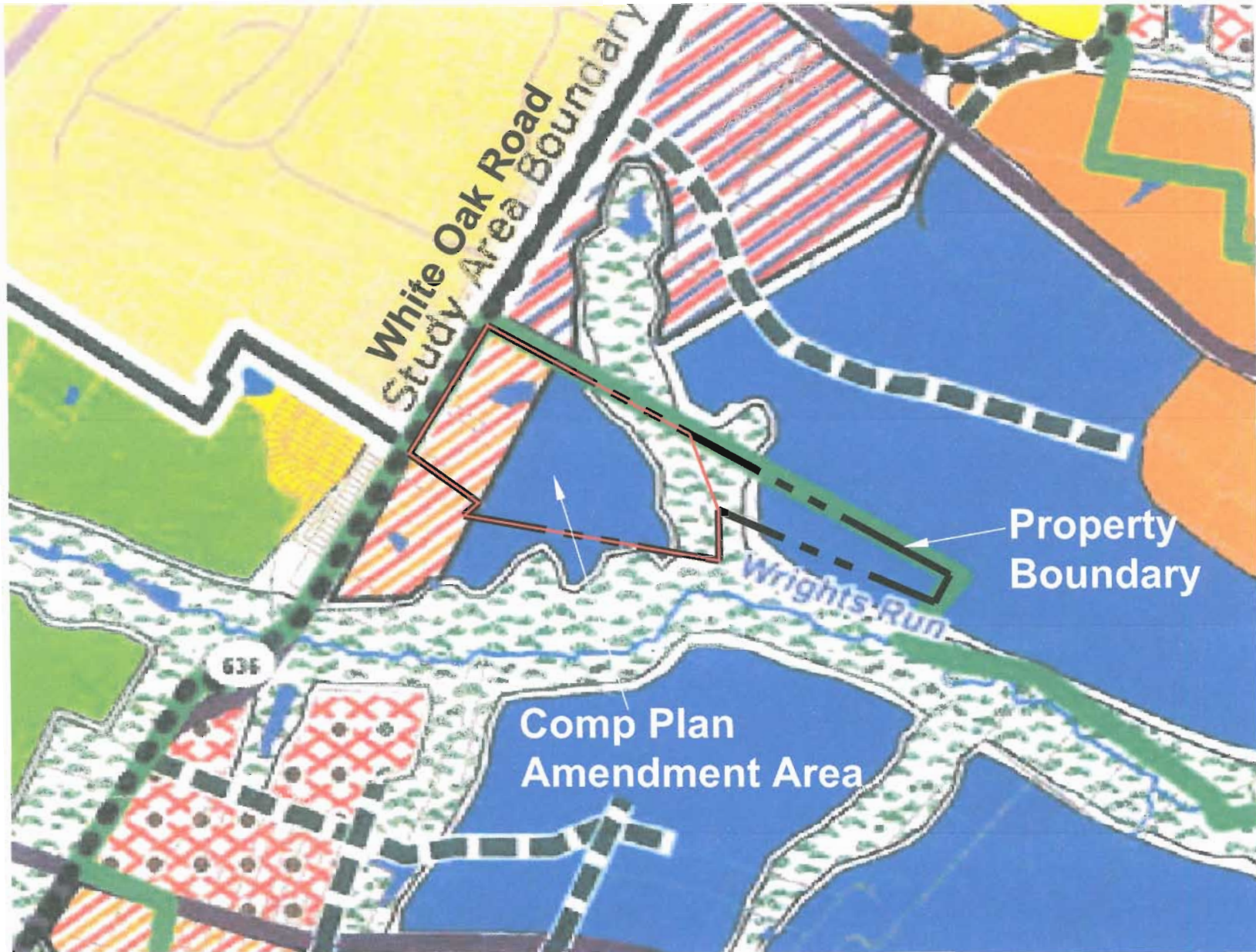
**75-(A)-115
Cedar Meadows
Development, LLC
PO Box 480
Stephens City, Virginia 22655**

**76-(A)-42
Sargent Properties, LLC
13282 Lera Drive
Montpelier, Virginia 23192**

**76-(A)-53P
Wrights Run, LP
2971 Valley Avenue
Winchester, Virginia 22601**

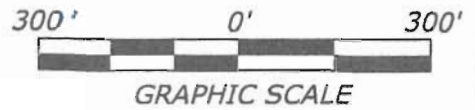
**86-(A)-154
Madeline P. Fleming
394 Ritter Road
Winchester, Virginia 22602**

**86-(A)-155
Juanita Fertig
557 White Oak Road
White Post, Virginia 22663**



Comprehensive Plan Land Use
Property Location Map

scale: 1" = 1000'



86-(A)-155
JUANITA FERTIG
WB 109, PG 1825
ZONED: RA
USE: AGRICULTURE
±60 ACRES

AREA OF SWSA
EXPANSION
43.77 ACRES

75-(A)-113
LEONARD
ZONED: RA
USE: AGRICULTURE
±57.30 ACRES

76-(A)-155
SARGENT
PROPERTIES, LLC
#060007481
ZONED: RA
USE: AGRICULTURE
±115 ACRES

75-(A)-112
LEONARD
ZONED: RA
USE: AGRICULTURE
±.38 ACRES

N 31°02'32" E
123.50'

75-(A)-113A
MADELINE K. ABRELL
DB 464, PG 732
ZONED: RA
USE: VACANT
±0.04 ACRES

POND

86-(A)-154
MADELINE P. FLEMING
WB 71, PG 434
ZONED: RA
USE: AGRICULTURE
±1 ACRES

CEDAR MEADOWS SUBDIVISION

METES AND BOUNDS SKETCH PLAN
SHOWING

LEONARD SWSA EXPANSION

471 WHITE OAK ROAD, WINCHESTER, VIRGINIA 22602
SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

DATE: MAY 6, 2016

SCALE: 1" = 300'

FILE NO: 0483

S 61°57'06" E - 1201.52'

PR. SWSA LINE
S 38°30'03" E - 863.83'

STREAM

S 12°20'30" W
391.69'

N 78°49'44" W - 1637.17'

2700' TO
TASKER ROAD

THE CAMP AT
MOSBY STATION

N 32°05'54" E - 1025.13'

RT 636 - WHITE OAK ROAD
40' R/W - POSTED 45 MPH

3600' TO RT 277

N 32°54'54" E
6.53'

N 57°40'31" W
277.57'

N 57°59'38" W
336.21'

*Del to
Mrs. Madeline
Abrell
Nov. 26, 1976*

#3237
ROBERT D. LEONARD, ET UX
TO: :: :: DEED
MADELINE K. ABRELL, ET AL

BOOK 464 PAGE 732

THIS DEED, made this 5th day of October, 1976,

between Robert D. Leonard and Wendy L. Leonard, his wife, of the first part, hereinafter called the Grantors; Madeline K. Abrell (formerly Madeline K. Fleming), of the second part, hereinafter called the Grantee; and Katherine Ann Fleming and James Richard Fleming, of the third part, hereinafter called the Additional Grantees.

WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid and other valuable consideration, receipt whereof is hereby acknowledged, the Grantors do grant and convey, with General Warranty and with English Covenants of Title, unto the Grantee for her life, and then upon her death to the Additional Grantees, in fee simple, together with all rights, rights of way, privileges and appurtenances thereto belonging, all of that certain strip of land containing 1,920 square feet, more or less, fronting on the East side of Road No. 636, about 5 1/2 miles South of Winchester and located in Opequon Magisterial District of Frederick County, Virginia, more particularly described by plat and survey of Richard U. Goode, C.L.S., dated August 9, 1976, attached hereto and by this reference made a part hereof, and being a portion of the property conveyed to the male Grantor herein by two deeds dated December 17, 1974 and of record in the Clerk's Office of the Circuit Court of Frederick County, Virginia in Deed Book 439, at Pages 304 and at 307.

This conveyance is made subject to all legally enforceable restrictive covenants and easements of record affecting the aforesaid realty.

BOOK 464 PAGE 783

WITNESS the following signatures and seals:

Robert D. Leonard (SEAL)
Robert D. Leonard

Wendy L. Leonard (SEAL)
Wendy L. Leonard

STATE OF VIRGINIA,

County OF Fredricks, To-wit:

I, Rebecca R. Greene, a Notary Public of and for the State and County aforesaid, do certify that Robert D. Leonard and Wendy L. Leonard, his wife, whose names are signed to the foregoing writing, bearing date on the 5th day of October, 1976, have acknowledged the same before me in my State and County aforesaid.

Given under my hand this 5th day of October, 1976.

My commission expires August 20, 1980.

Rebecca R. Greene
Notary Public

HARRISON & JOHNSON
ATTORNEYS AT LAW
WINCHESTER, VIRGINIA

[Faint, illegible text and signatures at the bottom of the page, possibly including a notary seal or additional signatures.]

BOOK 464 PAGE 734

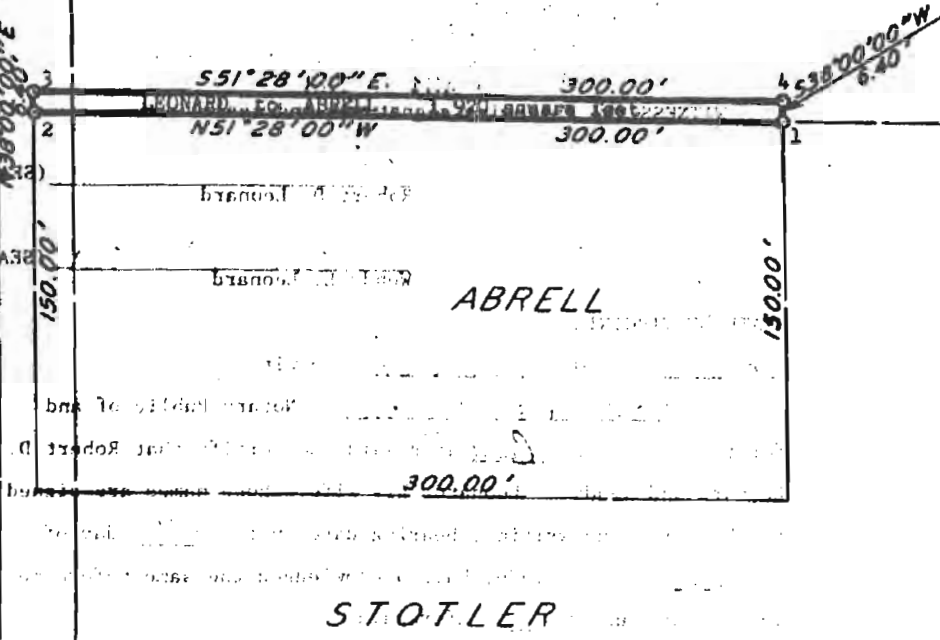
50' 25' 0" 50'



MAGNETICS 1959

OTHER LAND OF DENNY LEONARD

ROAD NO. 636



The above tract of land, located on the East side of Road No. 636, about 5 1/2 miles South of Winchester and situate in Opequon Magisterial District, Frederick County, Virginia, is bounded as follows:

Beginning at (1) an iron peg in Leonard's Line a corner between Stotler and Abrell; thence with Abrell N 51 deg. 28 min. 00 sec. W 300.00 feet to (2) a point in the center of Road No. 636; thence with the center of Road No. 636 N 38 deg. 00 min. 00 sec. E 6.40 feet to (3) a point in the center of Road No. 636 opposite an iron peg on the Southeast side of the Road; thence with two new division lines through the land of Denny Leonard S 51 deg. 28 min. 00 sec. E 300.00 feet to (4) an iron peg; thence S 38 deg. 00 min. 00 sec. W 6.40 feet to the point of beginning, containing 1,920 square feet, more or less.

VARIANCE APPROVED August 19, 1976.
1920 square foot parcel to be tied to and become a part of the Abrell tract.

H. Ronald Berg
H. Ronald Berg
Deputy Subdivision Administrator
COUNTY OF FREDERICK, VIRGINIA



Richard U. Goode
RICHARD U. GOODE
CERTIFIED LAND SURVEYOR
AUGUST 9, 1976

#3013-A

VIRGINIA FREDERICK COUNTY, SCF.

This instrument of writing was produced to me on the
6 day of October, 1976 at 9:47 AM
and with certificate of acknowledgment therein annexed was
admitted to record. Tax imposed by Sec. 38-4.1 of
Code of Virginia and 5-34 have been paid, if any.

George B. Whitacre Clerk.

THIS DEED IN LIEU OF FORECLOSURE made and dated this 8TH day of MAY, 2009, by and between LEONARD PROPERTY, L.L.C., a Virginia limited liability company, party of the first part, hereinafter called the "Grantor," and ROBERT D. LEONARD, Trustee of the Robert D. Leonard Revocable Trust dated May 14, 2003, as amended January 3, 2007, and WENDY L. LEONARD, Trustee of the Wendy L. Leonard Revocable Trust dated May 14, 2003, as amended January 3, 2007, party of the second part, hereinafter called the "Grantee;";

RECITALS:

WHEREAS, by Deed of Trust dated July 14, 2004, of record in the Clerk's Office of the Circuit Court of Frederick County, Virginia, as Instrument No. 04-0013538, the Grantor executed a certain Deed of Trust to secure a Note therein in the original amount of Five Hundred Thirty-Four Thousand Seven Hundred Fifty Dollars (\$534,750.00) made by Leonard Property, LLC and payable to the Robert D. Leonard Revocable Trust and Wendy L. Leonard Revocable Trust; and,

WHEREAS, Leonard Property has defaulted on the payment of the Second Deed of Trust Note which has an unpaid principal balance of Five Hundred Twenty-Four Thousand Seven Hundred Fifty Dollars (\$524,750.00), and the Grantee, as the Noteholder, has agreed to accept a Deed in Lieu of Foreclosure as its sole remedy under the Second Deed of Trust Note and Second Deed of Trust; and,

WHEREAS, Grantor entered into a First Deed of Trust dated July 14, 2004 to secure Mercantile Mortgage Corporation a certain Note in the amount of Three Hundred Fifty Thousand Dollars (\$350,000.00) and which is of record in the aforesaid Clerk's Office as Instrument No. 04-0013537 (the "First Deed of Trust"), and which was assigned by PNC Bank, National Association, successor in interest to Mercantile Mortgage Corporation, as assignor, to Leonard Finance, LLC, as assignee, which Assignment is dated January 14, 2009 and is of record in the aforesaid Clerk's Office as Instrument No. 09-0001247; and,

WHEREAS, this Deed in Lieu of Foreclosure is made **SUBJECT** to the aforesaid First Deed of Trust.

WITNESSETH:

NOW, THEREFORE, in consideration of the benefits to accrue thereby, the Grantor does hereby grant and convey unto the Grantee with Special Warranty of Title all of that certain

ASSESSED VALUE: \$556,100.00
GRANTEE ADDRESS: 471 White Oak Road
White Post, VA 22663
Tax Map Nos. 75-A-113 & 75-A-112

PREPARED BY: BENJAMIN M. BUTLER, ESQUIRE
MCKEE & BUTLER, P.L.C.
Post Office Drawer 2097
Winchester, Virginia 22604

tract or parcel of land, lying and being situate in Opequon Magisterial District, Frederick County, Virginia, and more particularly described on Schedule A attached hereto and by this reference made a part hereof as if set out in full.

This conveyance is made subject to that certain First Deed of Trust dated July 14, 2004, of record in the Clerk's Office of the Circuit Court of Frederick County, Virginia, as Instrument No. 04-0013537 to secure a certain obligation in the amount of Three Hundred Fifty Thousand Dollars (\$350,000.00) and which is to be assigned contemporaneously with this Deed in Lieu of Foreclosure.

WITNESS the following signature and seal:

LEONARD PROPERTY, L.L.C.

By: Security Development Corporation, its Manager

By: [Signature] (SEAL)
JAMES R. SCHULTE, President

STATE OF MARYLAND,
COUNTY OF BALTIMORE, to-wit:

The foregoing instrument was acknowledged before me this 8th day of May, 2009, by JAMES R. SCHULTE, President of Security Development Corporation, Manager of Leonard Property, L.L.C.

My commission expires July 7, 2012.

Registration No. _____

[Signature]
Notary Public



SCHEDULE A

PARCEL 1: All of that certain tract or parcel of land with improvements thereon and appurtenances thereunto belonging or in anywise appertaining, lying and being situate in the Opequon Magisterial District, Frederick County, Virginia, containing approximately fifty-seven (57) acres as shown on plat of record in the Clerk's Office of the Circuit Court of Frederick County, Virginia, in Deed Book 90 at Page 76. Excluded from this conveyance is a parcel conveyed to Richard D. Trenary by Benjamin F. Trenary and Mary Etta Trenary, which is of record in the aforesaid Clerk's Office in Deed Book 330 at Page 300; AND BEING the same property described as Parcel 1 conveyed to Leonard Property, L.L.C., by Deed dated July 14, 2004, of record in the aforesaid Clerk's Office as Instrument No. 04-0013536; and further described by metes and bounds description as containing 57.28 acres, more or less. The property is further described by plat of survey drawn by Richard U. Goode, L.S., dated January 11, 1993, together with a metes and bounds description prepared by Richard U. Goode, L.S., dated January 11, 1993 attached to Instrument No. 04-0013536.

TAX MAP NO. 75-A-113

PARCEL 2: All that certain tract or parcel of land with improvements thereon and appurtenances thereunto belonging or in anywise appertaining, lying and being situate in the Opequon Magisterial District of the County of Frederick, Virginia, fronting on Route 636 approximately three hundred thirty six (366) feet with a rear frontage of approximately fifty (50) feet; AND BEING the same property described as Parcel 2 conveyed to Leonard Property, L.L.C., by Deed dated July 14, 2004, of record in the aforesaid Clerk's Office as Instrument No. 04-0013536. The property is further described by plat of survey drawn by Richard U. Goode, L.S., dated January 11, 1993, together with a metes and bounds description prepared by Richard U. Goode, L.S., dated January 11, 1993 attached to Instrument No. 04-0013536.

TAX MAP NO. 75-A-112

VIRGINIA: FREDERICK COUNTY.SCT.

This instrument of writing was produced to me on

5-8-09 at 9:43 AM
and with certificate acknowledgement thereto annexed
was admitted to record. Tax imposed by Sec. 58.1-802 of

\$556.50, and 58.1-801 have been paid, if assessable.

Rebecca P. Hogan, Clerk

CPPA #02-16

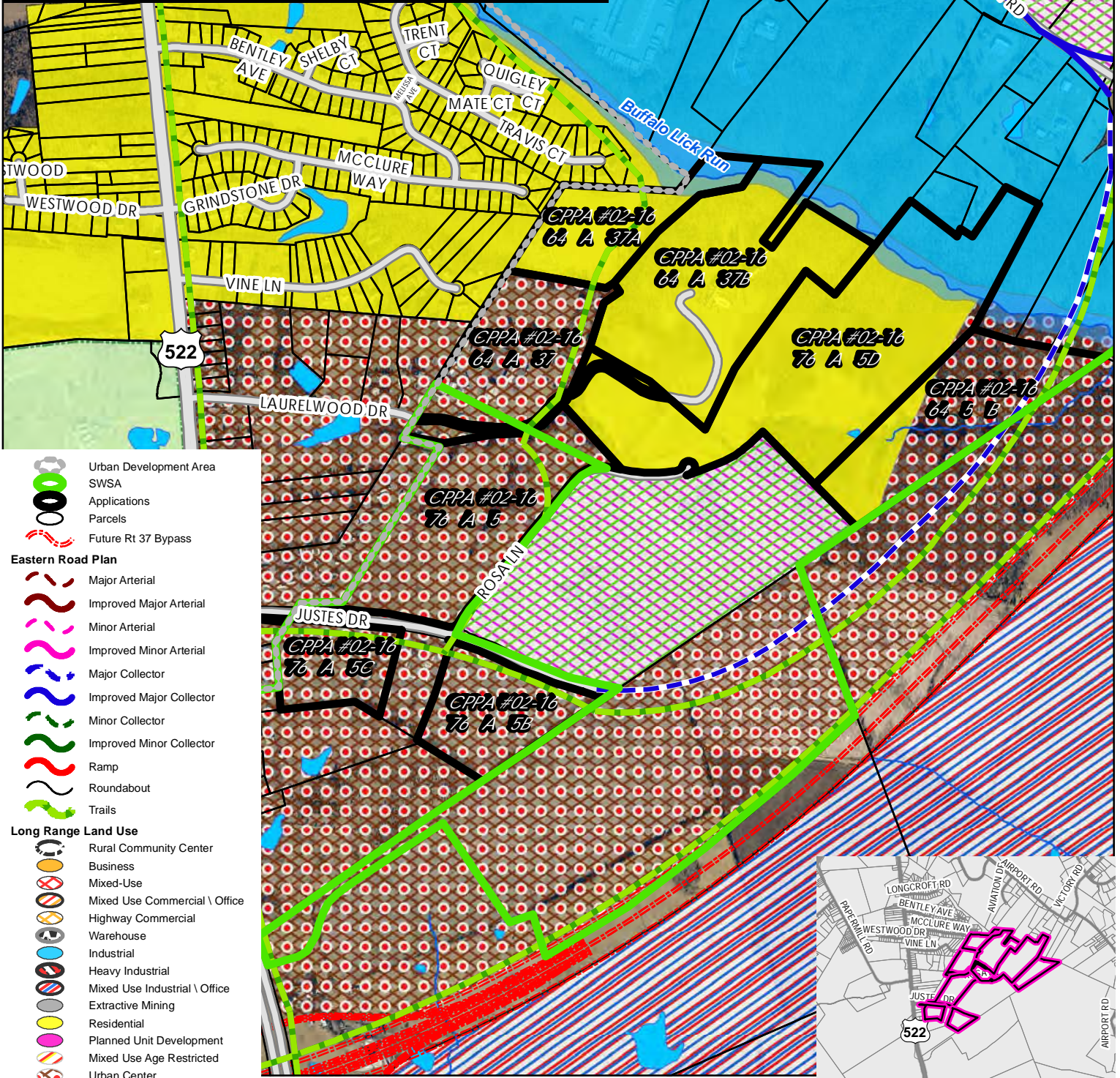
Russell &

Smith

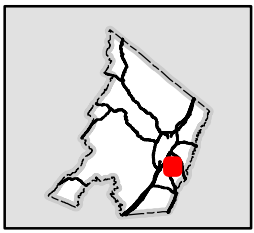
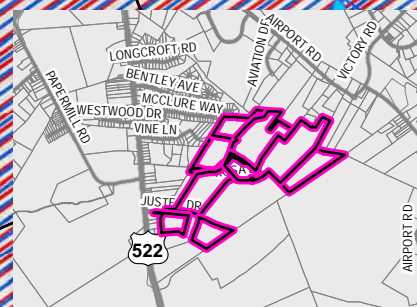
Property

CPPA #02-16 Russell and Smith Properties Draft SWSA and UDA Amendments

PINs: 64 - A - 37, 64 - A - 37A, 64 - A - 37B,
64 - 5 - B, 76 - A - 5, 76 - A - 5B, 76 - A - 5C, 76 - A - 5D

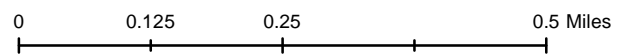


- Urban Development Area SWSA Applications Parcels
- Future Rt 37 Bypass
- Eastern Road Plan**
- Major Arterial
- Improved Major Arterial
- Minor Arterial
- Improved Minor Arterial
- Major Collector
- Improved Major Collector
- Minor Collector
- Improved Minor Collector
- Ramp
- Roundabout
- Trails
- Long Range Land Use**
- Rural Community Center
- Business
- Mixed-Use
- Mixed Use Commercial \ Office
- Highway Commercial
- Warehouse
- Industrial
- Heavy Industrial
- Mixed Use Industrial \ Office
- Extractive Mining
- Residential
- Planned Unit Development
- Mixed Use Age Restricted
- Urban Center
- Neighborhood Village
- Recreation
- Commercial Recreation
- Open Space
- Natural Resources & Recreation
- Park
- Historic \ DSA
- Fire & Rescue
- Institutional
- School



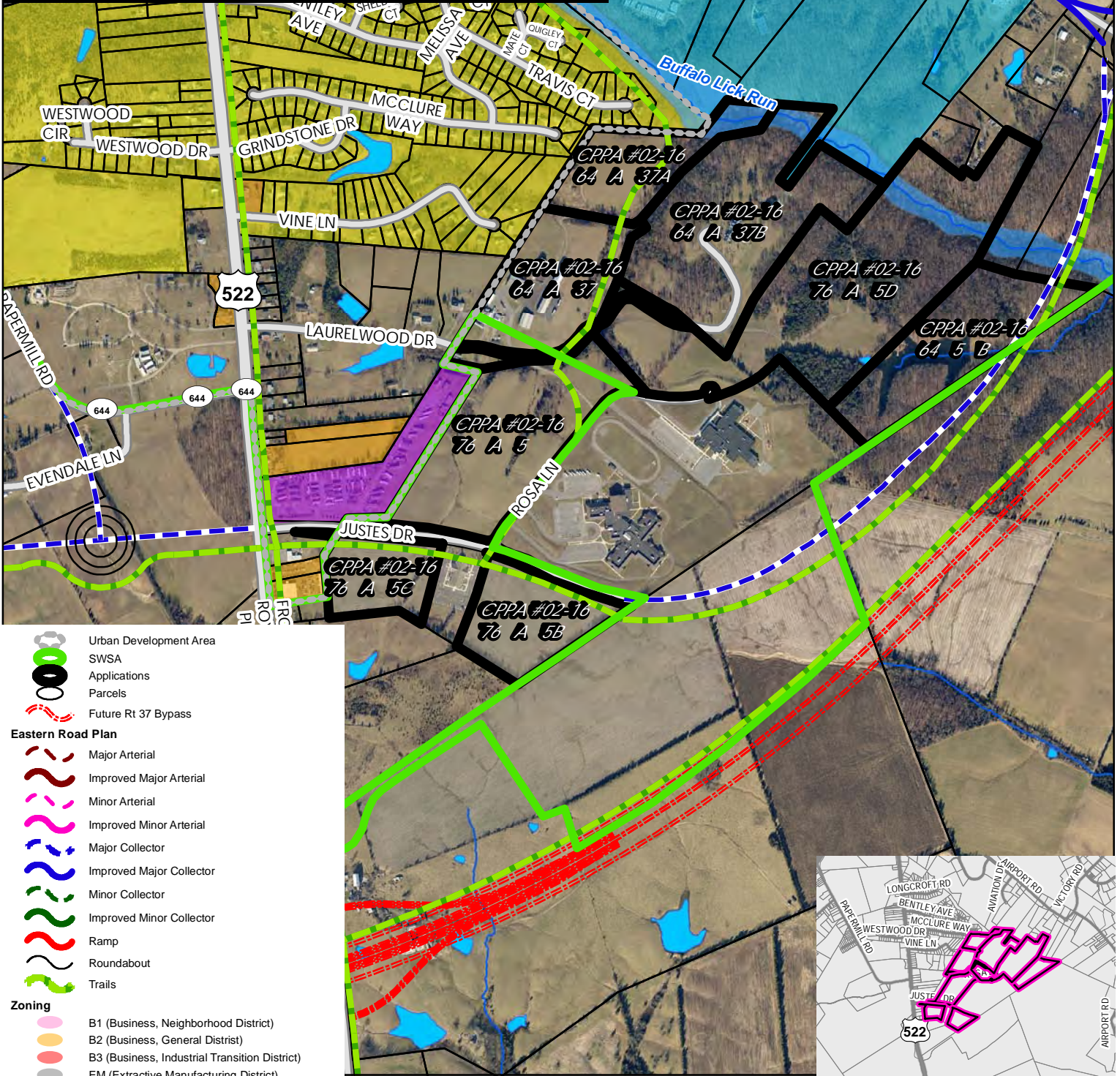
CPPA #02-16
Russell and Smith Properties
PINs: 64 - A - 37, 64 - A - 37A, 64 - A - 37B,
64 - 5 - B, 76 - A - 5, 76 - A - 5B,
76 - A - 5C, 76 - A - 5D
Draft SWSA and UDA Amendments

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: June 2, 2016
Staff: cperkins



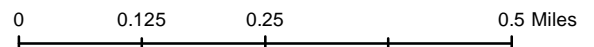
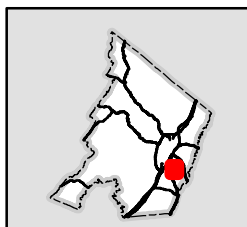
CPPA #02-16 Russell and Smith Properties Draft SWSA and UDA Amendments

PINs: 64 - A - 37, 64 - A - 37A, 64 - A - 37B,
64 - 5 - B, 76 - A - 5, 76 - A - 5B, 76 - A - 5C, 76 - A - 5D



CPPA #02-16
Russell and Smith Properties
PINs: 64 - A - 37, 64 - A - 37A, 64 - A - 37B,
64 - 5 - B, 76 - A - 5, 76 - A - 5B,
76 - A - 5C, 76 - A - 5D
Draft SWSA and UDA Amendments

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: June 2, 2016
Staff: cperkins



RUSSELL & SMITH PROPERTIES UDA & SWSA EXPANSION 2016 CPPA APPLICATION

**Shawnee Magisterial District
Frederick County, Virginia
TM #64-A-37, 64-A-37A, 64-A-37B, 64-5-B,
76-A-5, 76-A-5B, 76-A-5C & 76-A-5D**



June 1, 2016

**Current Owner: Christopher B. Russell and Daryl R. Russell
Arlene D. Smith and Mark D. Smith**

**Contact Person: Evan Wyatt, Director of Land Planning
Greenway Engineering, Inc.
151 Windy Hill Lane
Winchester, VA 22602**

COMPREHENSIVE POLICY PLAN AMENDMENT 2016 INITIATION REQUEST FORM

Owner(s) Information:

Name: Russell & Smith Properties UDA & SWSA Expansion

Project Name: Senseny/Eastern Frederick Urban Area Study - UDA & SWSA Expansion Request

Mailing Address: 151 Windy Hill Lane Winchester, VA 22602

Telephone Number: (540) 662-4185

Authorized Agent Information:

Name: Greenway Engineering, Inc. – Attn. Evan Wyatt

Project Name: Senseny/Eastern Frederick Urban Area Study - UDA & SWSA Expansion Request

Mailing Address: 151 Windy Hill Lane Winchester, VA 22602

Telephone Number: (540) 662-4185

Legal Interest in the Property Affected or Reason for the Request:

- Christopher B. Russell & Daryl R. Russell
- Arlene D. Smith & Mark D. Smith

The purpose of the Comprehensive Policy Plan Amendment Request is to revise the Senseny/Eastern Frederick Urban Area Study to expand the Urban Development Area (UDA) and the Sewer and Water Service Area (SWSA) Boundaries that adjoin the subject properties that were previously designated as Urban Center and Residential Land Use by the Frederick County Board of Supervisors on June 13, 2012.

SECTION 1 – FOR A MAP AMENDMENT

Proposed Comprehensive Policy Plan Amendment Information:

PIN(s): 64-A-37, 64-A-37A, 64-A-37B, 64-5-B, 76-A-5, 76-A-5B, 76-A-5C and 76-A-5D

Magisterial District: Shawnee District

Parcel Size (approximate acres): The eight (8) parcels associated with the Senseny/Eastern Frederick Urban Area Study - UDA & SWSA Expansion Request total approximately 207.70± acres in total size.

Plat of area proposed for CPPA amendment, including metes and bounds description: Please refer to Property Deeds and Plats – Instrument No. 010012789/0322 (TM# 64-A-37 & 64-A-37A); Instrument No. 020011080/0285 (TM# 64-A-37B); Instrument No. 070017080/0396 (TM# 76-A-5, 76-A-5B & 76-A-5C); Instrument No. 080013446/0372 (TM# 64-5-B); and Instrument No. 110011251/0250 (TM# 76-A-5D) for information pertaining to the eight (8) parcels.

Existing Comprehensive Plan Land Use Classification(s): Urban Center and Residential

Proposed Comprehensive Plan Land Use Classification(s): Urban Center and Residential

Existing Zoning and Land Use of the Subject Parcel: The eight (8) parcels are zoned RA, Rural Areas District. The majority of the subject properties are utilized as agricultural land use and unimproved land use. Two parcels are improved with residences and agricultural buildings.

What Use/Zoning will be requested if Amendment is approved? The eight (8) parcels would be requested for Urban Center and Residential Land Use within the RP, Residential Performance District and the B-2, Business General District.

Describe, using Text and Maps as Necessary, the Existing Zoning, Comprehensive Policy Plan Designations, and/or Approved Uses and Densities Along with Other Characteristics of Properties that are Within 1 Mile if More Than 100 Acres in Size:

Please refer to the attached Zoning Map 1-Mile Radius Exhibit that identifies the various properties that meet this distance criteria. The following information describes existing and future land use characteristics within this radius boundary:

- Properties north of the future Route 37 alignment are zoned R4, Residential Planned Community District, RP, Residential Performance District, MH-1, Mobile Home Community District, B-2, Business General District, M-1, Light Industrial District and RA, Rural Areas District.
- Properties south of the future Route 37 alignment are zoned RP, Residential Performance District, B-1, Neighborhood Business District and RA, Rural Areas District.
- The majority of the properties zoned R4, Residential Planned Community District, RP, Residential Performance District, MH-1, Mobile Home Community District, B-2, Business General District, M-1, Light Industrial District and RA, Rural Areas District north of the future Route 37 alignment are located within the Urban Development Area (UDA) and the Sewer and Water Service Area (SWSA).
- The majority of the properties zoned RA, Rural Areas District south of the future Route 37 alignment are located outside of the Urban Development Area (UDA) and the Sewer and Water Service Area (SWSA).
- The RP, Residential Performance District, MH-1, Mobile Home Community District, B-2, Business General District, and M-1, Light Industrial District properties are developed, or are being developed as residential, commercial and industrial land uses.
- The R4, Residential Planned Community District properties are planned for residential and commercial development but have not begun construction.
- The RA, Rural Areas District properties are planned for future economic development as commercial and industrial land use; as well as a future regional park area.
- The Senseny/Eastern Frederick Urban Area Study identifies the majority of the properties within close proximity of the eight (8) subject properties as Urban Center, Residential, Commercial, Industrial and Economic Development Land Use.
- Admiral Bryd Middle School, Evendale Elementary School and the new 4th High School are located immediately adjacent to the eight (8) subject properties.

The Name, Mailing Address, and Parcel Number of all Property Owners Within 200' of the Subject Parcel(s), with Adjacent Property Owners Affidavit: Please refer to the attached Adjoining Property Owner Map Exhibit and Adjoining Property Owner Table Exhibit that provides the location and applicable contact information for all properties with 200' of the eight (8) subject parcels associated with the Senseny/Eastern Frederick Urban Area Study - UDA & SWSA Expansion Request.

SECTION 2 – FOR A TEXT AMENDMENT

The Senseny/Eastern Frederick Urban Area Study - UDA & SWSA Expansion Request does not propose to incorporate a Text Amendment for consideration by the County.

SECTION 3 – FOR ALL AMENDMENTS

Justification of Proposed Comprehensive Policy Plan Amendment (Provide Attachments if Necessary). Describe why the Change to the Comprehensive Policy Plan is Being Proposed:

The eight (8) parcels that comprise the Senseny/Eastern Frederick Urban Area Study - UDA & SWSA Expansion Request are contiguous properties that are adjacent to the existing UDA and SWSA Boundaries. The Senseny/Eastern Frederick Urban Area Study identifies the subject properties as Urban Center and Residential Land Use.

The subject properties have access to public water infrastructure. A 12-inch water line exists along Justes Drive immediately adjacent to the subject properties, and several 8-inch water lines exist within close proximity to the subject properties. Future development of the subject properties will be able to provide a looping system of water lines to ensure adequate pressures for development and fire flow requirements.

The subject properties have access to public sewer infrastructure. Several 8-inch sewer lines exist on the subject properties, which direct sewer effluent to a sewer pump station located in the Airport Business Center. The Frederick County Sanitation Authority (FCSA) is developing a regional sewer study within the geographic area of the County that is planned to redirect sewer effluent from the Opequon Wastewater Treatment Facility (OWTF) located on Berryville Pike (U.S. Route 7) to the Parkins Mill Wastewater Treatment Facility (PMWTF) located at the intersection of Front Royal Pike (Route 522 South) and Parkins Mill Road (Route 644). Greenway Engineering has analyzed existing and proposed land uses in this area and has determined that a regional pump station can be developed on the subject properties that will allow FCSA to redirect sewer effluent from existing and future development projects north of these properties with gravity sewer lines. The regional pump station is projected to be designed as a 1-MGD facility and will allow for FCSA to eliminate several smaller pump stations north of these properties that are at capacity.

The subject properties are adjacent to Justes Drive, Rosa Lane and Laurelwood Drive and are in immediate proximity to Front Royal Pike (Route 522 South), which is improved as a signalized intersection with Justes Drive. The location of the subject properties allows for traffic to access Interstate 81 to the north, Millwood Pike (Route 50 East) to the east, and the City of Winchester from Papermill Road (Route 644) to the west. The Senseny/Eastern Frederick Urban Area Study identifies an extension of Justes Drive that will connect to the existing Airport Road Roundabout. Justes Drive is being extended as part of the 4th High School construction project and a portion of the right-of-way traverses the subject properties along the eastern boundary. This alignment will allow for right-of-way dedication from the subject properties and for connectivity to extended Justes Drive when the subject properties develop. Additionally, Frederick County has approved the future Route 37 East alignment, which is proposed to have an interchange on Front Royal Pike approximately ½- mile south of the subject properties.

The subject properties are immediately adjacent to Admiral Byrd Middle School, Evendale Elementary School and the new 4th High School. The location of the subject properties allows for

Frederick County Public Schools (FCPS) to create walking zones for residential development on the subject properties, which will eliminate busing and associated busing costs for FCPS.

The Senseny/Eastern Frederick Urban Area Study - UDA & SWSA Expansion Request is the first step required to implement the Comprehensive Policy Plan. Inclusion of the eight (8) properties within the UDA and SWSA Boundaries represents good planning practice and is consistent with the future land use recommendations of the Comprehensive Policy Plan. Approval of the Senseny/Eastern Frederick Urban Area Study - UDA & SWSA Expansion Request will require the property owners to petition Frederick County for a future rezoning of the subject properties, which will require mitigation of impacts associated with the development proposal. Additionally, inclusion of the eight (8) properties within the UDA and SWSA Boundaries will allow for the implementation of the FCSA regional sewer infrastructure plan; will provide for the dedication of right-of-way for the Justes Drive extension project; and will allow FCPS to create walking zones for the immediately adjacent public school facilities.

How would the Resultant Changes Impact or Benefit Frederick County? Consider, for example, Transportation, Economic Development and Public Facilities:

The Senseny/Eastern Frederick Urban Area Study - UDA & SWSA Expansion Request will require the future rezoning of the eight (8) subject properties to the RP, Residential Performance District and the B-2, Business General District. The required rezoning application will be analyzed by Frederick County, FCSA and VDOT to determine potential impacts to County services, water and sewer infrastructure, and the transportation network system in this geographic area of the community. The future development of the subject properties will be dependent upon the property owners' ability to adequately mitigate these impacts.

Implementation of the Urban Center and Residential Land Uses recommended by the Senseny/Eastern Frederick Urban Area Study is anticipated to result in water and sewer demands of approximately 300,000 GPD; projected student generation yields of 140 HS students, 120 MS students and 210 ES students; and traffic generation of approximately 15,000 VPD for the buildout of residential and commercial land use on the subject properties.

The Senseny/Eastern Frederick Urban Area Study recommends Urban Center and Residential Land Uses for the subject properties. Frederick County Public Schools have identified this location as appropriate for siting an elementary school, a middle school and a new high school. Additionally, there is an existing church immediately adjacent to the subject properties. The existing public and institutional facilities create the community fabric that is desired to implement a complete community land plan. The ability to develop residential and commercial land uses on the subject properties provide for the completion of this community plan that is recommended by the Comprehensive Policy Plan. Inclusion of the subject properties within the UDA and SWSA Boundaries will demonstrate the County's willingness to consider development applications to implement the recommended land uses and infrastructure identified by the Senseny/Eastern Frederick Urban Area Study.

Signatures:

I (we), the undersigned, do hereby respectfully make application to and petition the Frederick County Board of Supervisors to amend the Comprehensive Plan. I (we) authorize Frederick County officials to enter the property for site inspection purposes.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Applicant(s): *Erin L. West* Date: 5/19/16

Owner(s): *Daryl R Russell* Date: 5/19/16

 DARYL R Russell _____

Signatures:

I (we), the undersigned, do hereby respectfully make application to and petition the Frederick County Board of Supervisors to amend the Comprehensive Plan. I (we) authorize Frederick County officials to enter the property for site inspection purposes.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Applicant(s): Erin A. Wyatt Date: 5/19/16

Owner(s): Christy B Russell Date: 5/19/16

Christopher B Russell

Signatures:

I (we), the undersigned, do hereby respectfully make application to and petition the Frederick County Board of Supervisors to amend the Comprehensive Plan. I (we) authorize Frederick County officials to enter the property for site inspection purposes.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Applicant(s): Erin A. Wight Date: 5/19/16

Owner(s): Arlene D Smith Date: 5-19-16

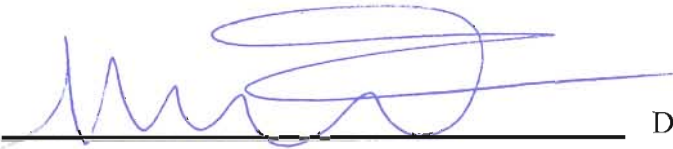
Arlene D Smith 5-19-16

Signatures:

I (we), the undersigned, do hereby respectfully make application to and petition the Frederick County Board of Supervisors to amend the Comprehensive Plan. I (we) authorize Frederick County officials to enter the property for site inspection purposes.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Applicant(s): Erin A. Wyatt Date: 5/19/16

Owner(s):  Date: 5.19.16
MARK D. SMITH



(TO BE COMPLETED BY APPLICANT)

SUBJECT PROPERTY OWNERS AFFIDAVIT

County of Frederick, Virginia

Frederick Planning Web Site: www.fcva.us

Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Suite 202 Winchester, Virginia 22601
Phone 540-665-5651 Facsimile 540-665-6395

STATE OF VIRGINIA
COUNTY OF FREDERICK

This 19TH day of May, 2016,
(Day) (Month) (Year)

I, DARYL R. RUSSELL
(Owner/Contract Purchaser/Authorized Agent)

hereby make oath that the list of property owners of the subject site, as submitted with the application, is a true and accurate list based on the information provided by the Frederick County Commissioner of the Revenue Office as taken from the current real estate assessment records.

DEANNA D PAINTER
NOTARY PUBLIC
REG. #7135427
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES SEPTEMBER 30, 2020

Daryl R Russell
(Owner/Contract Purchaser/Authorized Agent)
(circle one)

COMMONWEALTH OF VIRGINIA:

County of Frederick

Subscribed and sworn to before me this 19 day of May, 2016 in my County and State aforesaid, by the forenamed Principal.

Deanna D. Painter
NOTARY PUBLIC

My Commission expires: Sept 30, 2020



(TO BE COMPLETED BY APPLICANT)

SUBJECT PROPERTY OWNERS AFFIDAVIT

County of Frederick, Virginia

Frederick Planning Web Site: www.fcva.us

Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Suite 202 Winchester, Virginia 22601
Phone 540-665-5651 Facsimile 540-665-6395

STATE OF VIRGINIA
COUNTY OF FREDERICK

This 19th day of May, 2016,
(Day) (Month) (Year)

I, CHRISTOPHER B. RUSSELL
(Owner/Contract Purchaser/Authorized Agent)

hereby make oath that the list of property owners of the subject site, as submitted with the application, is a true and accurate list based on the information provided by the Frederick County Commissioner of the Revenue Office as taken from the current real estate assessment records.

DEANNA D PAINTER
NOTARY PUBLIC
REG. #7135427
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES SEPTEMBER 30, 2020

Christopher B. Russell
(Owner/Contract Purchaser/Authorized Agent)
(circle one)

COMMONWEALTH OF VIRGINIA:

County of Frederick

Subscribed and sworn to before me this 19 day of May, 2016 in my County and State aforesaid, by the forenamed Principal.

Deanna D. Painter
NOTARY PUBLIC

My Commission expires: Sept. 30, 2020



(TO BE COMPLETED BY APPLICANT)

SUBJECT PROPERTY OWNERS AFFIDAVIT

County of Frederick, Virginia
Frederick Planning Web Site: www.fcva.us

Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Suite 202 Winchester, Virginia 22601
Phone 540-665-5651 Facsimile 540-665-6395

STATE OF VIRGINIA
COUNTY OF FREDERICK

This 19TH day of May, 2016,
(Day) (Month) (Year)

I, ARLENE D. SMITH
(Owner/Contract Purchaser/Authorized Agent)

hereby make oath that the list of property owners of the subject site, as submitted with the application, is a true and accurate list based on the information provided by the Frederick County Commissioner of the Revenue Office as taken from the current real estate assessment records.

DEANNA D PAINTER
NOTARY PUBLIC
REG. #7135427
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES SEPTEMBER 30, 2020

Arlene D. Smith
(Owner/Contract Purchaser/Authorized Agent)
(circle one)

COMMONWEALTH OF VIRGINIA:

County of Frederick

Subscribed and sworn to before me this 19 day of May, 2016 in my County and State aforesaid, by the forenamed Principal.

Deanna D. Painter
NOTARY PUBLIC

My Commission expires: Sept 30, 2020



(TO BE COMPLETED BY APPLICANT)

SUBJECT PROPERTY OWNERS AFFIDAVIT

County of Frederick, Virginia

Frederick Planning Web Site: www.fcva.us

Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Suite 202 Winchester, Virginia 22601
Phone 540-665-5651 Facsimile 540-665-6395

STATE OF VIRGINIA
COUNTY OF FREDERICK

This 19TH day of May, 2016,
(Day) (Month) (Year)

I, MARK D. SMITH
(Owner/Contract Purchaser/Authorized Agent)

hereby make oath that the list of property owners of the subject site, as submitted with the application, is a true and accurate list based on the information provided by the Frederick County Commissioner of the Revenue Office as taken from the current real estate assessment records.

DEANNA D PAINTER
NOTARY PUBLIC
REG. #7135427
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES SEPTEMBER 30, 2020

[Signature]
(Owner/Contract Purchaser/Authorized Agent)
(circle one)

COMMONWEALTH OF VIRGINIA:

County of Frederick

Subscribed and sworn to before me this 19 day of May, 2016 in my County and State aforesaid, by the forenamed Principal.

Deanna D. Painter
NOTARY PUBLIC

My Commission expires: Sept 30, 2020



**Special Limited Power of Attorney
County of Frederick, Virginia
Frederick Planning Web Site: www.fcva.us**

**Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Suite 202 Winchester, Virginia 22601
Phone 540-665-5651 Facsimile 540-665-6395**

Know All Men By Those Present: That I (We)

(Name) DARYL R. RUSSELL (Phone) (540) 664-1529

(Address) 281 LAURELWOOD DRIVE WINCHESTER, VA 22602

the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Frederick, Virginia, by

① 010012787/0322 ② 010012789/0322 ③ 070017080/0396 ④ 070017080/0396 ⑤ 070017080/0396

Instrument No. _____ on Page _____, and is described as

① 64-A-37 ② 64-A-37A ③ 76-A-5 ④ 76-A-5B ⑤ 76-A-5C

Parcel: _____ Lot: _____ Block: _____ Section: _____ Subdivision: _____

do hereby make, constitute and appoint:

(Name) GREENWAY ENGINEERING (Phone) (540) 662-4185

(Address) 151 WINDY HILL LAKE WINCHESTER VA 22602

To act as my true and lawful attorney-in-fact for and in my (our) name, place, and stead with full power and authority I (we) would have if acting personally to file planning applications for my (our) above described Property, including:

- Rezoning (including proffers)
- Conditional Use Permit
- Master Development Plan (Preliminary and Final)
- Subdivision
- Site Plan
- Comprehensive Policy Plan Amendment
- Appeal or Variance

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

_____ This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.

In witness thereof, I (we) have hereto set my (our) hand and seal this 19 day of May, 2016,

Signature(s) Daryl R. Russell

State of Virginia, City/County of Frederick, To-wit:

I, Deanna D. Painter, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 19 day of May, 2016.

Deanna D. Painter My Commission Expires: Sept 30, 2020
Notary Public

DEANNA D PAINTER
NOTARY PUBLIC
REG. #7135427
COMMONWEALTH OF VIRGINIA
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Frederick Planning Web Site: www.fcva.us

Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Suite 202 Winchester, Virginia 22601
Phone 540-665-5651 Facsimile 540-665-6395

Know All Men By Those Present: That I (We)

(Name) CHRISTOPHER B. RUSSELL (Phone) (540) 664-9461

(Address) 281 LAURELWOOD DRIVE WINCHESTER, VA 22602

the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Frederick, Virginia, by

Instrument No. 1 010012789/0322 2 010012789/0322 3 070017080/0396 4 070017080/0396 5 070017080/0396 on Page

Parcel: 1 64-A-37 2 64-A-37A 3 76-A-5 4 76-A-5B 5 76-A-5C Lot: Block: Section: Subdivision:

do hereby make, constitute and appoint:

(Name) GREENWAY ENGINEERING (Phone) (540) 662-4185

(Address) 151 WINDY HILL LANE WINCHESTER, VA 22602

To act as my true and lawful attorney-in-fact for and in my (our) name, place, and stead with full power and authority I (we) would have if acting personally to file planning applications for my (our) above described Property, including:

- Rezoning (including proffers)
Conditional Use Permit
Master Development Plan (Preliminary and Final)
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This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.

In witness thereof, I (we) have hereto set my (our) hand and seal this 19 day of May, 2016.

Signature(s) Christopher B Russell

State of Virginia, City/County of Frederick, To-wit:

I, Deanna D. Painter, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 19 day of May, 2016.

Deanna D. Painter My Commission Expires: Sept 30, 2020
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DEANNA D PAINTER
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REG #7135427
COMMONWEALTH OF VIRGINIA
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Phone 540-665-5651 Facsimile 540-665-6395

Know All Men By Those Present: That I (We)

(Name) ARLENE D. SMITH (Phone) (540) 662-4185

(Address) 151 WINDY HILL LANE WINCHESTER, VA 22602
the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in
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1 020011080/0265 2 070017080/0396 3 070017080/0396 4 080013446/0372 5 110011251/0250

Instrument No. on Page, and is described as

1 64-A-37B 2 76-A-5 3 76-A-5C 4 64-5-B 5 76-A-5D

Parcel: Lot: Block: Section: Subdivision:

do hereby make, constitute and appoint:

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(Address) 151 WINDY HILL LANE WINCHESTER, VA 22602

To act as my true and lawful attorney-in-fact for and in my (our) name, place, and stead with full power
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Conditional Use Permit
Master Development Plan (Preliminary and Final)
Subdivision
Site Plan
Comprehensive Policy Plan Amendment
Appeal or Variance

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to
previously approved proffered conditions except as follows:

This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or
modified.

In witness thereof, I (we) have hereto set my (our) hand and seal this 19 day of May, 2016,

Signature(s) Arlene D. Smith

State of Virginia, City/County of Frederick, To-wit:

I, Deanna D. Painter, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 19 day of May, 2016.

Deanna D. Painter My Commission Expires: Sept 30, 2020
Notary Public

DEANNA D PAINTER
NOTARY PUBLIC
REG. #7135427
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES SEPTEMBER 30, 2020



**Special Limited Power of Attorney
County of Frederick, Virginia
Frederick Planning Web Site: www.fcva.us**

**Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Suite 202 Winchester, Virginia 22601
Phone 540-665-5651 Facsimile 540-665-6395**

Know All Men By Those Present: That I (We)

(Name) MARK D. SMITH (Phone) (540) 662-4185

(Address) 151 WINDY HILL LANE WINCHESTER VA 22602

the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Frederick, Virginia, by

① 020011080/0285 ② 070017080/0396 ③ 070017080/0396 ④ 080013446/0372 ⑤ 110011251/0250

Instrument No. _____ on Page _____, and is described as

① 64-A-37B ② 76-A-5 ③ 76-A-5C ④ 64-5-B ⑤ 76-A-5D

Parcel: _____ Lot: _____ Block: _____ Section: _____ Subdivision: _____

do hereby make, constitute and appoint:

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(Address) 151 WINDY HILL LANE WINCHESTER VA 22602

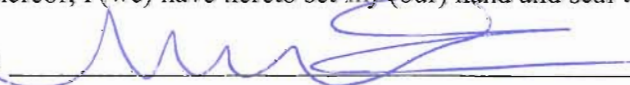
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In witness thereof, I (we) have hereto set my (our)-hand and seal this 19 day of May, 2016,

Signature(s)  MARK D. SMITH

State of Virginia, City/County of Frederick, To-wit:

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Deanna D. Painter My Commission Expires: Sept 30, 2020
Notary Public

DEANNA D PAINTER
NOTARY PUBLIC
REG. #7135427
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES SEPTEMBER 30, 2020

Russell - Smith Properties

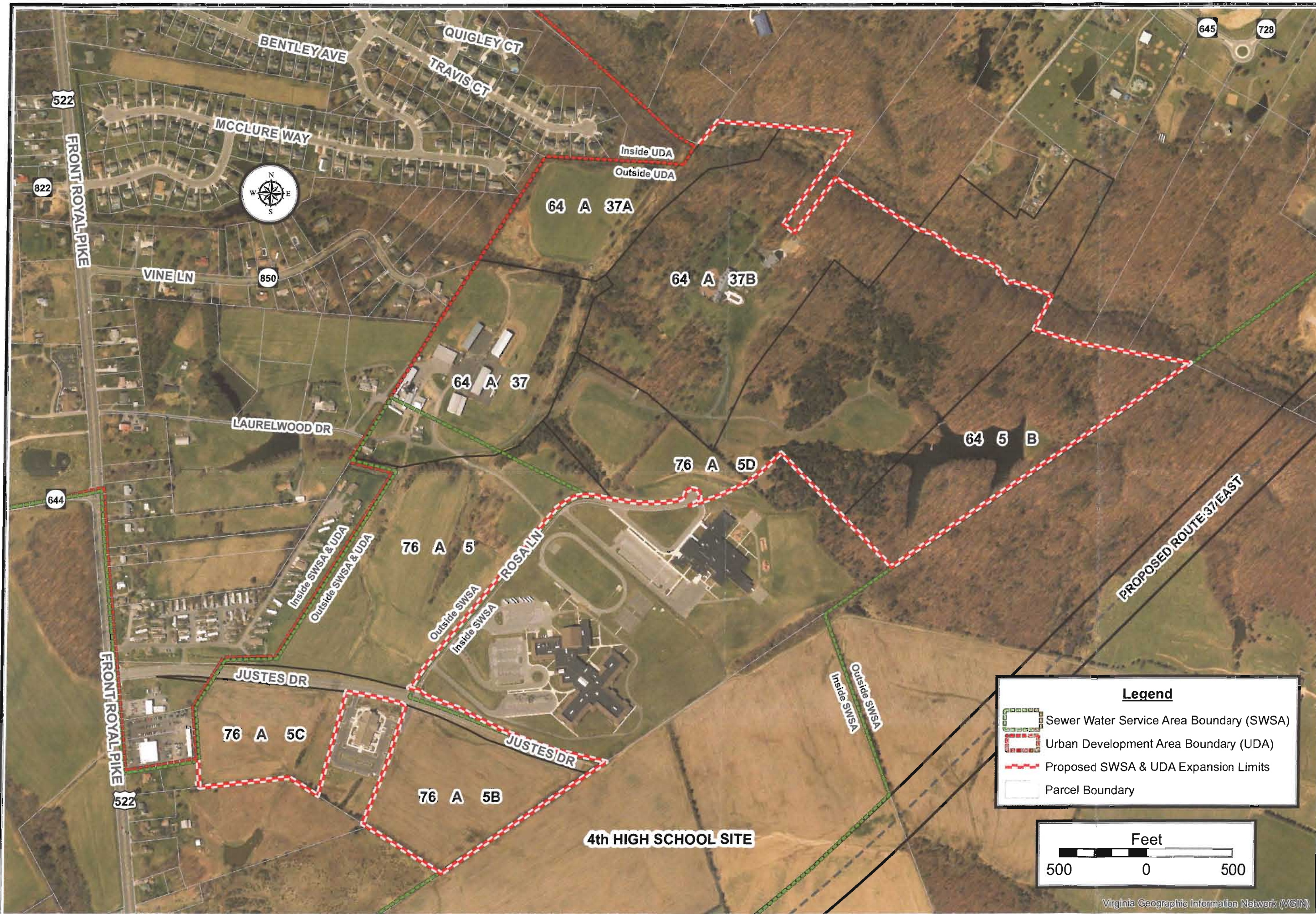
Properties Within 200 Feet, Including Subject Properties

Label	Tax Map Number	Owner	Mailing Address	City & State	ZIP
A	64 5 1	LAND QUEST INC	6911 PORTOBELLO RD	MCLEAN, VA	22101
B	64 5 3	KOTLOWSKI ANDREW M	784 AIRPORT RD	WINCHESTER, VA	22602
C	64 5 5A	SCHWIETZ THOMAS, COLE STEVEN ALAN	615 AIRPORT RD, SUITE 109	WINCHESTER, VA	22602
D	64 5 6A	NEFF ERNEST ALLEN, NEFF MARY L	918 AIRPORT RD	WINCHESTER, VA	22602
E	64 5 7	GUNTER GREGORY C	PO BOX 657	BERRYVILLE, VA	22611
F	64 5 B	SMITH MARK D, SMITH ARLENE D	151 WINDY HILL LN	WINCHESTER, VA	22602
G	64 5 D2	ANDERSON CARROLL LEE, ANDERSON CHARLENE	820 AIRPORT RD	WINCHESTER, VA	22602
H	64 5 D3	ROBINSON DEBORAH A, ROBINSON WAYNE G	818 AIRPORT RD	WINCHESTER, VA	22602
I	64 5 D5	ANDERSON MABEL E	846 AIRPORT RD	WINCHESTER, VA	22602
J	64 A 33	BURGHOLZER JAMES P	154 LAURELWOOD DR	WINCHESTER, VA	22602
K	64 A 36A	RUSSELL DARYL R TRUSTEE, RUSSELL HEIDI L TRUSTEE	281 LAURELWOOD DR	WINCHESTER, VA	22602
L	64 A 36B	RUSSELL CHRISTOPHER B TRUSTEE	211 LAURELWOOD DR	WINCHESTER, VA	22602
M	64 A 37	PINE HILL FARM LLC	281 LAURELWOOD DR	WINCHESTER, VA	22602
N	64 A 37A	RUSSELL DARYL R ETALS, RUSSELL CHRISTOPHER B	281 LAURELWOOD DR	WINCHESTER, VA	22602
O	64 A 37B	SMITH MARK D, SMITH ARLENE D	151 WINDY HILL LN	WINCHESTER, VA	22602
P	64 A 37C	FREDERICK COUNTY SCHOOL BOARD, OF VIRGINIA	1415 AMHERST ST	WINCHESTER, VA	22601
Q	64 A 163	GUNTER GREGORY	100 BEE LINE LN	BERRYVILLE, VA	22611
R	64D 62 18	WHITLOCK FRED L JR	294 VINE LN	WINCHESTER, VA	22602
S	64D 62 19	HARRIS JOHN M, HARRIS BARBARA F	302 VINE LN	WINCHESTER, VA	22602
T	64D 62 20	BURGE JONATHAN W, BURGE CHRISTINA M	310 VINE LN	WINCHESTER, VA	22602
U	64D 62 21	FLETCHER DOUGLAS RAYLEE, & WANDA OWENS FLETCHER	301 VINE LN	WINCHESTER, VA	22602
V	64D 62 22	HOPKINS DONALD	325 WESTERNVIEW DR	MIDDLETOWN, VA	22645
W	64D 81 27	DYKE GREGORY A, DYKE ERIN S	154 MCCLURE WAY	WINCHESTER, VA	22602
X	64D 81 28	WALES ROBIN A, WALES KATHY L	156 MCCLURE WAY	WINCHESTER, VA	22602
Y	64D 81 29	PITTA RANDALL K, PITTA SHELLEY	158 MCCLURE WAY	WINCHESTER, VA	22602
Z	64D 81 29A	RED FOX HOMEOWNERS ASSOCIATION	134 MCCLURE WAY	WINCHESTER, VA	22602
AA	64D 81 30	BREMER JOHN, BREMER VANESSA	159 MCCLURE WAY	WINCHESTER, VA	22602
BB	64D 82 44	KIER EDWARD, KIER APRILD	147 TRAVIS CT	WINCHESTER, VA	22602
CC	64D 82 45	PORTER KUM N	149 TRAVIS CT	WINCHESTER, VA	22602
DD	64D 82 46	CABANISS MICHAEL B	151 TRAVIS CT	WINCHESTER, VA	22602
EE	64D 82 48	REICH TORREY DALE, REICH GWEN SADLER	155 TRAVIS CT	WINCHESTER, VA	22602
FF	64D 82 49	NAKAGAWA DANIEL A, NAKAGAWA CHERYL A	154 TRAVIS CT	WINCHESTER, VA	22602
GG	64D 82 50	KINSEY RICK C	152 TRAVIS CT	WINCHESTER, VA	22602
HH	64D 82 51	LOUDERMILK CHARLES V, LOUDERMILK MICHELE A	150 TRAVIS CT	WINCHESTER, VA	22602
II	64D 82 52	HARDY ROBERT D, NICOGOSSIAN ELIZABETH	148 TRAVIS CT	WINCHESTER, VA	22602
JJ	64D 82 53	BOUSQUET CHONG MI	146 TRAVIS CT	WINCHESTER, VA	22602
KK	64D 82 54	BARKER DAVID R, BARKER TERRY L	144 TRAVIS CT	WINCHESTER, VA	22602
LL	64D 82 66A	RED FOX HOMEOWNERS ASSOC INC	134 MCCLURE WAY	WINCHESTER, VA	22602
MM	64F 1 5	GSE HOLDING COMPANY LLC, C/O GOLDEN SEAL ENTERPRISES	230 AVIATION DR	WINCHESTER, VA	22602
NN	64F 1 6	AFLP-ABC LLC	303 S LOUDOUN ST	WINCHESTER, VA	22601
OO	76 1 C	KERN DOUGLAS E J TRUSTEE, KERN DONNA A TRUSTEE	1505 FRONT ROYAL PIKE	WINCHESTER, VA	22602
PP	76 1 A1	PARKER EARL H, PARKER CHARLENE B	1495 FRONT ROYAL PIKE	WINCHESTER, VA	22602
QQ	76 A 1	SHENANDOAH MOBILE COURT INC	159 WINDY HILL LN	WINCHESTER, VA	22602
RR	76 A 2	TRUSTEES OF JUBILEE CHRISTIAN CTR	1437 FRONT ROYAL PIKE	WINCHESTER, VA	22602
SS	76 A 3A	1467 LLC	1787 CEDAR HILL RD	CLEAR BROOK, VA	22624
TT	76 A 4	1467 LLC	1787 CEDAR HILL RD	CLEAR BROOK, VA	22624
UU	76 A 5	RUSSELL DARYL R ETALS CO-TRUSTEES, RUSSELL CHRISTOPHER B	281 LAURELWOOD DR	WINCHESTER, VA	22602
VV	76 A 5A	CHURCH OF JESUS CHRIST LATTER D S, CHURCH TAX ADMIN RE:FILE# 593-9817	50 E NORTH TEMPLE FL 22	SALT LAKE CITY, UT	84150
WW	76 A 5B	RUSSELL DARYL R & HEIDI L TRUSTEES, RUSSELL CHRISTOPHER B TRUSTEE	281 LAURELWOOD DR	WINCHESTER, VA	22602
XX	76 A 5C	SMITH MARK D, SMITH ARLENE D ETALS	151 WINDY HILL LN	WINCHESTER, VA	22602
YY	76 A 5D	SMITH MARK D, SMITH ARLENE D	151 WINDY HILL LN	WINCHESTER, VA	22602
ZZ	76 A 6	WHITE ROBIN DERRY, DERRY WALLACE MARSHALL III	3461 MILLWOOD PIKE	WINCHESTER, VA	22602
AAA	76 A 11	SHOCKLEY LINDA B	1569 FRONT ROYAL PIKE	WINCHESTER, VA	22602
BBB	76 A 96E	FREDERICK COUNTY SCHOOL BOARD, OF VIRGINIA	1415 AMHERST ST	WINCHESTER, VA	22601
CCC	76 A 138	VAN METER LAURA S	1544 AIRPORT RD	WINCHESTER, VA	22602
DDD	64D 82 47	GOSS MICHAEL L, GOSS CHRISTINE M	153 TRAVIS CT	WINCHESTER, VA	22602



RUSSELL-SMITH PROPERTIES
PROPERTY OWNERS EXHIBIT
 WITHIN 200 FEET
 OF SUBJECT PROPERTIES

RUSSELL-SMITH PROPERTIES PROPERTY OWNERS EXHIBIT
SHAWNEE MAGISTERIAL DISTRICT FREDERICK COUNTY, VIRGINIA
DATE: 2016-05-19 PROJECT ID: 2804RSP DESIGNED BY: DWE
SCALE: 1 inch = 600 Feet

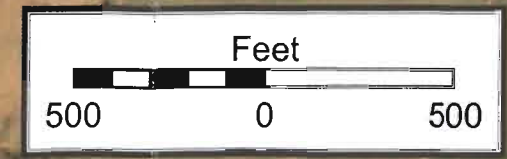


SMITH-RUSSELL PARTNERSHIP
 AERIAL OVERVIEW and
 PARCEL IDENTIFICATION MAP

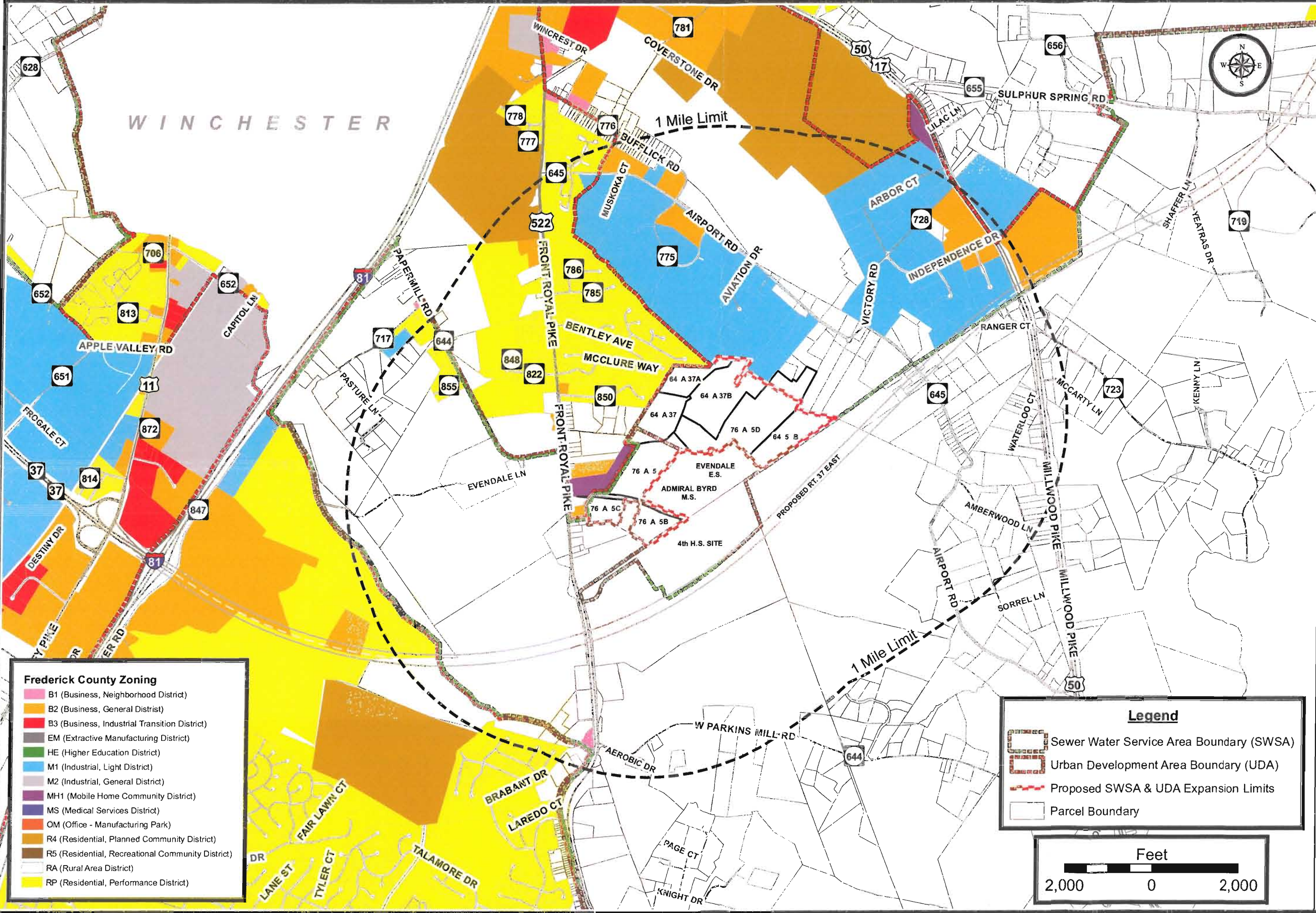
SHAWNEE MAGISTERIAL DISTRICT
 FREDERICK COUNTY, VIRGINIA

DATE: 2016-05-19 PROJECT ID: 2804RSP DESIGNED BY: DWE
 SCALE: 1 inch = 500 Feet

SMITH - RUSSELL PARTNERSHIP
 AERIAL OVERVIEW and
 PARCEL IDENTIFICATION MAP







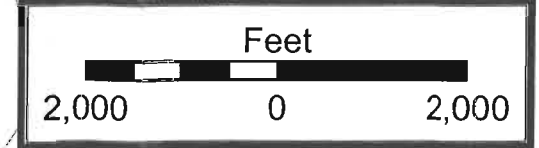
Virginia Geographic Information Network (VGIN)



- Frederick County Zoning**
- B1 (Business, Neighborhood District)
 - B2 (Business, General District)
 - B3 (Business, Industrial Transition District)
 - EM (Extractive Manufacturing District)
 - HE (Higher Education District)
 - M1 (Industrial, Light District)
 - M2 (Industrial, General District)
 - MH1 (Mobile Home Community District)
 - MS (Medical Services District)
 - OM (Office - Manufacturing Park)
 - R4 (Residential, Planned Community District)
 - R5 (Residential, Recreational Community District)
 - RA (Rural Area District)
 - RP (Residential, Performance District)

Legend

-  Sewer Water Service Area Boundary (SWSA)
-  Urban Development Area Boundary (UDA)
-  Proposed SWSA & UDA Expansion Limits
-  Parcel Boundary



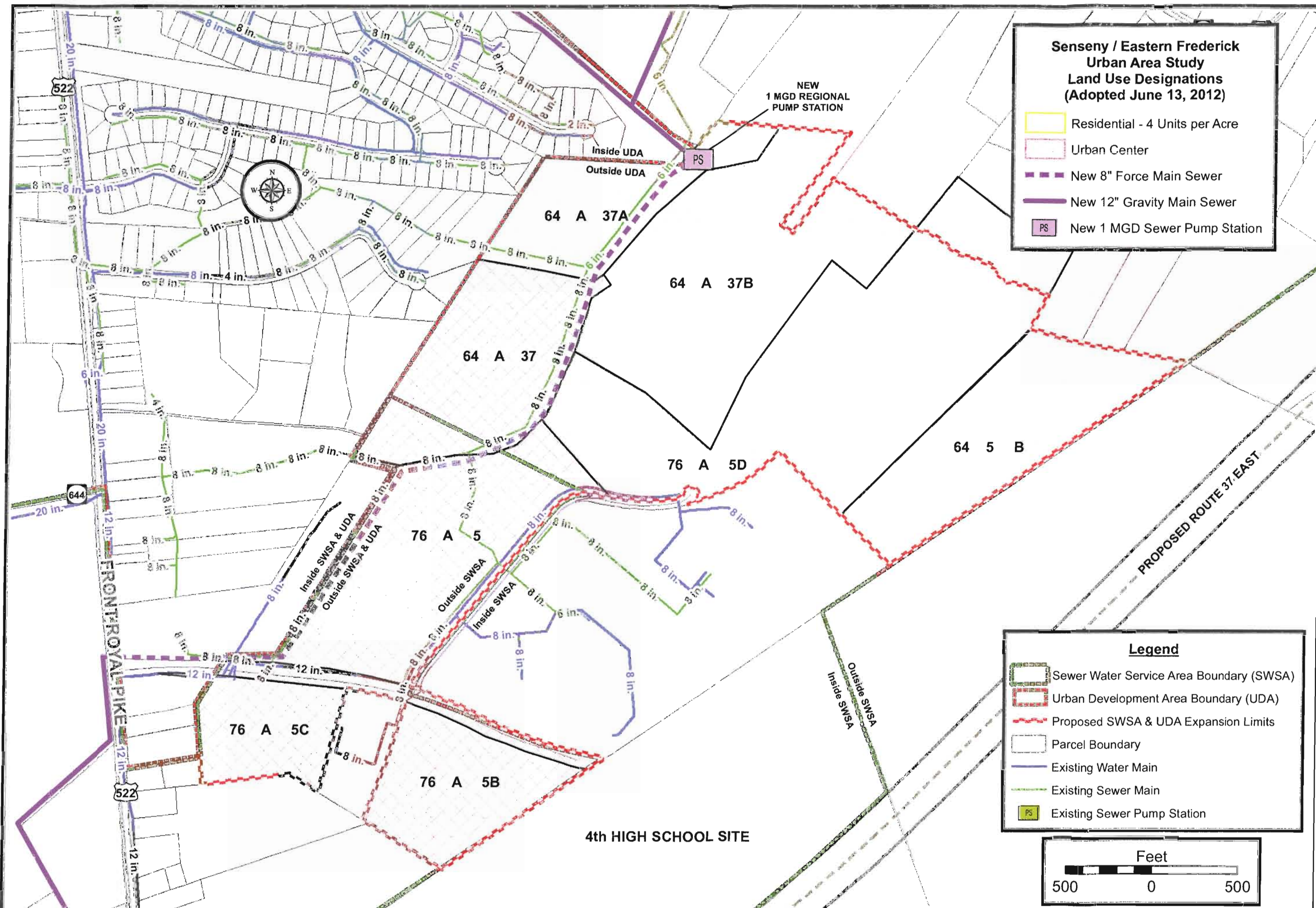
RUSSELL-SMITH PROPERTIES
ZONING MAP EXHIBIT-1 MILE RADIUS

RUSSELL-SMITH PROPERTIES
ZONING MAP EXHIBIT
1 MILE RADIUS FROM SUBJECT PROPERTIES

RUSSELL-SMITH PROPERTIES
ZONING MAP EXHIBIT-1 MILE RADIUS

SHAWNEE MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA

DATE: 2016-05-19 PROJECT ID: 2804RSP DESIGNED BY: DWE
SCALE: 1 inch = 2,000 Feet

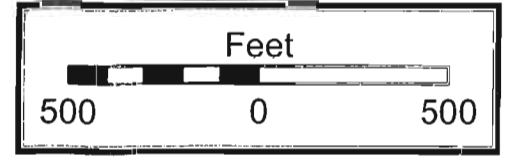


**Senseny / Eastern Frederick Urban Area Study
Land Use Designations
(Adopted June 13, 2012)**

- Residential - 4 Units per Acre
- Urban Center
- New 8" Force Main Sewer
- New 12" Gravity Main Sewer
- PS New 1 MGD Sewer Pump Station

Legend

- Sewer Water Service Area Boundary (SWSA)
- Urban Development Area Boundary (UDA)
- Proposed SWSA & UDA Expansion Limits
- Parcel Boundary
- Existing Water Main
- Existing Sewer Main
- PS Existing Sewer Pump Station



RUSSELL-SMITH PROPERTIES
SWSA & UDA EXPANSION EXHIBIT
COMPREHENSIVE POLICY PLAN
LAND USE DESIGNATIONS

RUSSELL-SMITH PROPERTIES
SWSA & UDA EXPANSION EXHIBIT
SHAWNEE MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA
DATE: 2016-05-19 PROJECT ID: 2804RSP DESIGNED BY: DWE
SCALE: 1 Inch = 500 Feet

010012789

THIS BOUNDARY LINE ADJUSTMENT DEED AND DEED OF PARTITION, made and dated this 14th day of September, 2001, by and between **MARK D. SMITH AND ARLENE D. SMITH**, husband and wife, parties of the first part, hereinafter referred to as "Smith", and **DARYL R. RUSSELL and CHRISTOPHER B. RUSSELL**, parties of the second part, hereinafter referred to as the "Russells". *(For indexing purposes, for the 35 acre tract Smith shall be the Grantees and the Russells the Grantors; for the 22.4102 acre tract and the 12.5898 tract, Smith shall be the Grantors and the Russells the Grantees.)*

RECITALS

WHEREAS, Mark D. Smith and Arlene D. Smith, husband and wife, are the owners of a one-third (1/3) undivided interest in a tract of land containing 261.4151 acres, more or less, lying and being situate in the Shawnee Magisterial District, and being the same one-third (1/3) undivided interest which was acquired by Smith from J. Mark Russell by deed dated November 21, 2000, of record in the Clerk's Office of the Circuit Court of Frederick County, as Land Record No. 00-12271;

WHEREAS, Daryl R. Russell and Christopher B. Russell are the owners of a two-thirds (2/3) undivided interest in the aforesaid 261.4151 acre tract of land, and being the same land which the 2/3 undivided interest was devised to Daryl R. Russell and Christopher B. Russell, from their mother, Rosa L. Russell, and their father, Justes J. Russell (being one and the same as Justes J. Russell, Jr.);

BENJAMIN M. BUTLER, ESQ.
 MCKEE & BUTLER, P.L.C.
 P. O. Drawer 2097
 Winchester, VA 22604

*Smith
 151 Windy Hill Ln.
 Winc. Va. 22602
 Russell
 211 Laurelwood Dr.
 Winc. Va. 22602*

C-50
 Deed of Partition—Code of VA §58.1-806
 Tax Map Nos. 64-(A)-37B, 64-(A)-37,
 64-(A)-37A

WHEREAS, the aforesaid Justes J. Russell, Jr. died testate on February 18, 1990, and by his Last Will and Testament, probated in the aforesaid Clerk's Office, on February 26, 1990, of record in Will Book 99, at page 268, devised the aforesaid tracts of land to his wife, Rosa L. Russell, under Articles IV and VI. Further, the said Rosa L. Russell died testate on February 18, 1990, and by her Last Will and Testament probated February 26, 1990, of record in the aforesaid Clerk's office in Will Book 99, at page 286, under Article V (Residuary Clause), devised a one-third (1/3) interest to each of her sons, J. Mark Russell, Daryl R. Russell and Christopher B. Russell; and

WHEREAS, the Property is described by boundary survey drawn by Elliott Ritchie, Land Surveyor, dated May 11, 2001, of record in the aforesaid Clerk's Office in Land Record 01-11098.

WHEREAS, the co-tenants, Smith and Russell, desire to partition a portion of the said 261.4151 acres, more or less, and further desire to effect a boundary line adjustment with reference to a portion of the said land.

NOW THEREFORE, in consideration of the mutual benefits to be derived therefrom, this Deed of Partition:

FIRST (Tax Map Parcel: 64-((A))-37B): Daryl R. Russell and Christopher B. Russell, parties of the second part, as **Grantors**, do hereby grant and convey, with General Warranty of Title, unto **Mark D. Smith and Arlene D. Smith**, parties of the first part, as **Grantees**, in fee simple absolute, as tenants by the entirety, with common law rights of survivorship, a two-thirds (2/3) undivided interest in all of that certain tract or parcel of land containing 35.000 acres, more particularly shown on the plat of survey drawn by Darren S. Foltz, dated August 28, 2001, attached hereto and which tract is designated 64-((A))-37B

thereon, together with a fifty foot (50') exclusive ingress/egress easement, and which plat and easement are more particularly described on the plat of survey by this reference made a part hereof as if set out in full. Derivation of the title is described in the Recitals above. Further, the Russells grant unto Smith an ingress/egress easement over Tract 64-((5))-B for the benefit of tract 64-((A))-37B, which easement is triangular in shape and is shown on the Sheet 6 of the attached survey drawn by Darren S. Foltz, dated August 28, 2001.

SECOND (Tax Map Parcels 64-((A))-37, 64-((A))-37A): That for and in consideration of the aforesaid conveyance by Russell to Smith, hereinabove, **Mark D. Smith and Arlene D. Smith**, husband and wife, parties of the first part, as **Grantors**, do hereby grant and convey, with General Warranty of title, unto **Daryl R. Russell and Christopher B. Russell**, parties of the second part, as **Grantees**, in fee simple absolute, as tenants in common, a one-third (1/3) undivided interest in all of the following described tracts or parcels of land:

All those two certain tracts or parcels of land containing 22.4102 acres and 12.5898 acres, more particularly described on the plat of survey drawn by Darren S. Foltz, dated August 28, 2001, attached hereto and by this reference made a part hereof as if set out in full, and which properties are designated 64-((A))-37 and 64-((A))-37A, respectively, and being a portion of the same land, a one-third (1/3) undivided interest was conveyed to Mark D. Smith and Arlene D. Smith by deed dated November 21, 2000, from J. Mark Russell, of record in the aforesaid Clerk's office in Land Recrd No. 00-12271, and by this reference made a part hereof as if set out in full.

Notwithstanding anything herein to the contrary, the balance of the 261.4151 acres, more or less, except as conveyed herein above to each of the respective parties, shall remain

as a tenancy in common in which Smith shall hold a one-third (1/3) undivided interest and the Russells shall hold a two-thirds (2/3) interest.

It is further agreed by the parties hereto that the easements set forth in the Notes to survey, items 5-10, inclusive, on the survey drawn by Darren S. Foltz, dated August 28, 2001, attached hereto, and by this reference made a part hereof as if set out in full, are incorporated herewith and shall benefit the parcels designated thereby, and for their part, the Russells do hereby grant, convey and quitclaim all of their right, title and interest in and to that certain fifty foot (50') exclusive ingress/egress easement to Smith, for the benefit of Parcel 64-((A))-37B. It is further acknowledged by Smith and the Russells that there is dedicated a certain non-exclusive ingress/egress easement for the benefit of parcel 64-((A))-37B (Smith's tract, herein referenced as "First") also shown on the survey drawn by Darren S. Foltz, dated August 28, 2001, attached hereto, and by this reference made a part hereof as if set out in full (Notes to survey, item 9).

Smith and Russell agree to execute such further documents as shall be necessary to carry out the intent of this Deed of Partition and Boundary Line Adjustment and the easements shown on the aforesaid plat of survey dated August 28, 2001, attached hereto.

This conveyance is made subject to all rights of way and restrictions of record affecting the subject property.

The parties further agree as follows:

(1)(i) The fifty foot (50') wide easements (Notes of Survey, item 5) shall be a non-exclusive easement across the tract designated as 64-((A))-37 but shall be exclusively for the use of tract 64-((A))-37B over that portion of tract 75-((A))-5 [see L8, L9, L10 and L11 for identifying distances and courses].

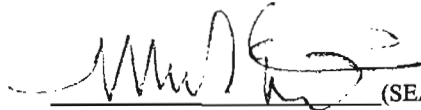
(1)(ii) Costs of maintenance by any particular residence for the fifty foot (50') non-exclusive easement shall be shared according to a fraction, the

numeration shall be one and the denominator being the total number of residences using said easement.

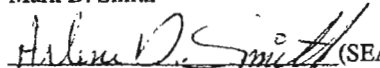
(2) A utility and drainage easement is dedicated by Russell and Smith along the southeastern boundary of tract 64-((A))-37 as shown on the aforesaid plat (Notes to survey, item 6).

(3) Russell grants to Smith a non-exclusive easement for access to Buffalo Lick Run as shown on the attached plat (Notes to survey, item 9).

WITNESS the following signatures and seals.

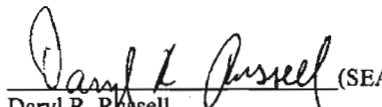


Mark D. Smith (SEAL)

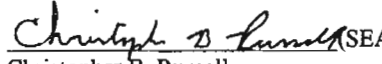


Arlene D. Smith (SEAL)

PARTIES OF THE FIRST PART



Daryl R. Russell (SEAL)



Christopher B. Russell (SEAL)

PARTIES OF THE SECOND PART

STATE OF VIRGINIA,

County OF Frederick, TO-WIT:

I, Donna L. Stephens, a Notary Public in and for the State and jurisdiction aforesaid, do hereby certify that Mark D. Smith and Arlene D. Smith, husband and wife, whose names are signed to the foregoing Boundary Line Adjustment Deed and Deed of Partition, dated September 14, 2001, have personally appeared before me and acknowledged the same in my State and jurisdiction aforesaid.

Given under my hand this 19th day of September, 2001.

My Commission expires February 29, 2004.

Donna L. Stephens
NOTARY PUBLIC

STATE OF VIRGINIA,

County OF Frederick, TO-WIT:

I, Donna L. Stephens, a Notary Public in and for the State and jurisdiction aforesaid, do hereby certify that Daryl R. Russell and Christopher B. Russell, whose names are signed to the foregoing Boundary Line Adjustment Deed and Deed of Partition, dated September 14, 2001, have personally appeared before me and acknowledged the same in my State and jurisdiction aforesaid.

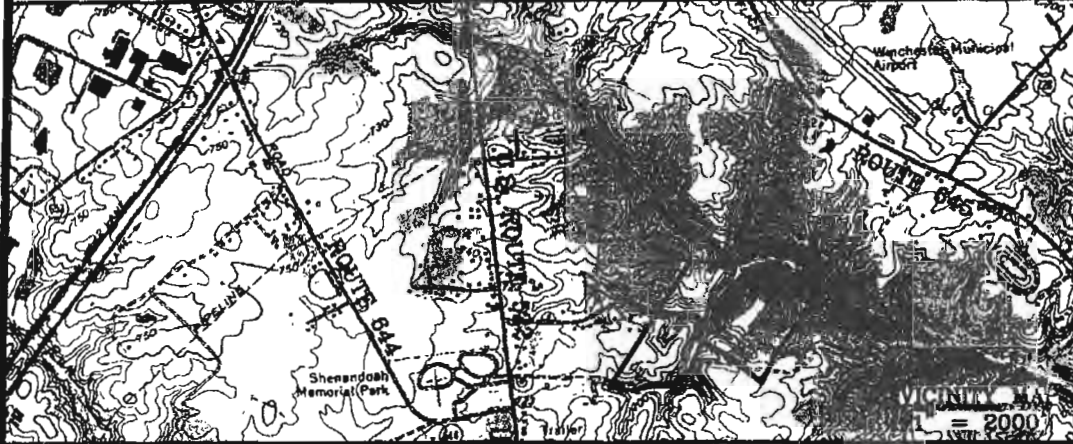
Given under my hand this 24th day of September, 2001.

My Commission expires February 29, 2004.

Donna L. Stephens
NOTARY PUBLIC

0328

BOUNDARY LINE ADJUSTMENT PLAT
OF THE LAND OF THE
JUSTES J. & ROSA L. RUSSELL ESTATE
SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA
AUGUST 28, 2001



OWNER'S CERTIFICATE

THE ABOVE AND FOREGOING BOUNDARY LINE ADJUSTMENT OF THE LANDS OF THE JUSTES J. RUSSELL AND ROSA L. RUSSELL ESTATE, AS APPEARS ON THE ACCOMPANYING PLATS, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS AND TRUSTEES, IF ANY.

Arlene D. Smith

Daryl R. Russell
Christopher B. Russell

COMMONWEALTH OF VIRGINIA
CITY / COUNTY OF Frederick, TO WIT:

THE FOREGOING OWNER'S CERTIFICATE WAS ACKNOWLEDGED BEFORE ME THIS 30th DAY OF August, 2001 BY Daryl R. Russell + Christopher B. Russell

MY COMMISSION EXPIRES February 29, 2004

Dorise L. Stephens
NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE LAND CONTAINED IN THIS BOUNDARY LINE ADJUSTMENT IS ALL OF THE LAND CONVEYED TO JAY MARK RUSSELL, DARYL R. RUSSELL AND CHRISTOPHER B. RUSSELL BY THE WILL OF ROSA A. RUSSELL RECORDED IN THE OFFICE OF THE CLERK OF THE FREDERICK COUNTY CIRCUIT COURT IN WILL BOOK 88 AT PAGE 296. AND THAT ONE-THIRD (1/3) UNDIVIDED INTEREST CONVEYED TO MARK D. SMITH AND ARLENE D. SMITH FROM JAY MARK RUSSELL BY DEED DATED NOVEMBER 21, 2000 AND RECORDED IN SAID CLERK'S OFFICE AS INSTRUMENT # 000012271.

Darren S. Foltz
DARREN S. FOLTZ, L.S.

APPROVALS:

Patrick T. Davenport
FREDERICK COUNTY SUBDIVISION ADMINISTRATOR

08/31/01
DATE

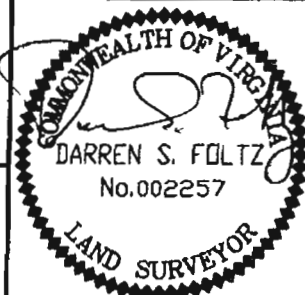


Engineers
Surveyors

GREENWAY ENGINEERING

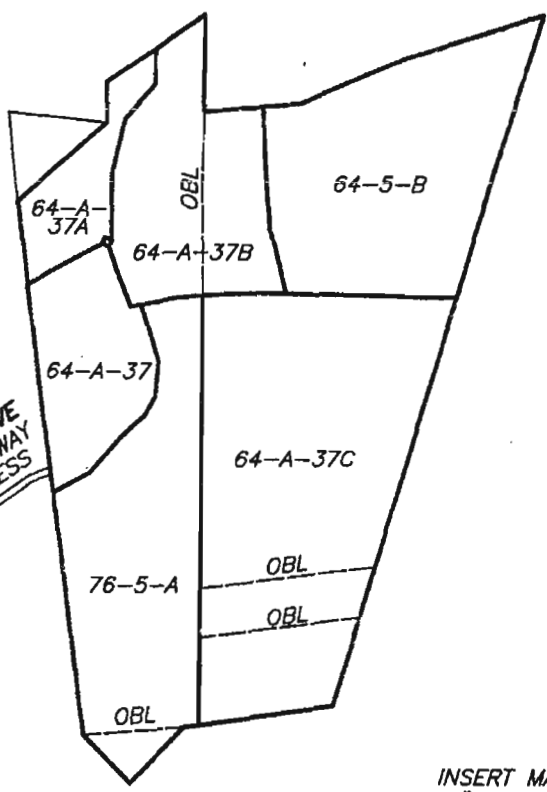
151 Windy Hill Lane
Winchester, Virginia 22602
Telephone: (540) 662-4185
FAX: (540) 722-9528
www.greenwayeng.com

Founded in 1971



PLAT NORTH BASED
ON INSTR#010011098

LAURELWOOD DRIVE
50' RIGHT-OF-WAY
INGRESS/EGRESS
U.S. ROUTE 522
FRONT ROYAL PIKE



INSERT MAP
1" = 1000'

PARENT TRACT INFORMATION

PARCEL #	ZONE	USE:
64-((A))-37	RA	AGRICULTURE
64-((A))-37A	RA	AGRICULTURE
64-((A))-37B	RA	AGRICULTURE
64-((A))-37C	RA	AGRICULTURE
64-((5))-B	RA	AGRICULTURE
76-((A))-5	RA	AGRICULTURE

AREA TABULATION

ORIGINAL AREA	ADJUSTED AREA
64-((A))-37 = 104.6096 AC.	64-((A))-37 = 22.4102 AC.
64-((A))-37A = 63.8762 AC.	64-((A))-37A = 12.5898 AC.
64-((A))-37B = 8.6933 AC.	64-((A))-37B = 35.0000 AC.
64-((A))-37C = 13.3720 AC.	64-((A))-37C = 86.1123 AC.
64-((5))-B = 68.1832 AC.	64-((5))-B = 54.8579 AC.
76-((A))-5 = 2.6808 AC.	76-((A))-5 = 50.4449 AC.
TOTAL AREA = 261.4151 AC.	TOTAL AREA = 261.4151 AC.

BOUNDARY LINE ADJUSTMENT PLAT
OF THE LAND OF THE
JUSTES J. RUSSELL & ROSA L. RUSSELL ESTATE
SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

SCALE: 1" = 1000' DATE: AUGUST 28, 2001

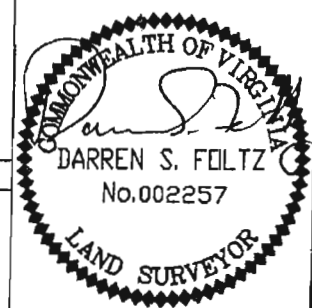


Engineers
Surveyors

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Telephone: (540) 662-4185
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www.greenwayeng.com

Founded in 1971



LEGEND

- OBL = ORIGINAL BOUNDARY LINES HEREBY VACATED
- OHE = OVERHEAD UTILITIES
- IRF = IRON REBAR FOUND
- IRS = IRON REBAR SET
- BRL = BUILDING RESTRICTION LINE

NOTES:

1. NO TITLE REPORT FURNISHED. EASEMENTS OTHER THAN SHOWN MAY EXIST.
2. THE BOUNDARY INFORMATION SHOWN HEREON IS BASED ON SURVEY OF RECORD, SEE INST. # 010011098
3. A PORTION OF THIS PROPERTY LIES WITHIN THE 100 YEAR FLOOD ZONE (MARKED AS ZONE "A") AS SHOWN ON F.I.R.M. PANEL #510063-0115-B AND #510063-0200-B, DATED JULY 17, 1978.
4. THE PROPOSED PRIVATE DRIVEWAY/ ROAD IS NOT BUILT ACCORDING TO STREET SPECIFICATIONS OF, AND WILL NOT BE MAINTAINED BY, THE VIRGINIA DEPARTMENT OF TRANSPORTATION OR FREDERICK COUNTY. THE IMPROVEMENT AND MAINTENANCE OF SAID DRIVEWAY/ ROAD SHALL BE THE SOLE RESPONSIBILITY OF THE OWNERS OF SAID LOTS WHICH ARE PROVIDED WITH ACCESS VIA THE DRIVEWAY/ ROAD. SAID DRIVEWAY/ ROAD WILL NOT BE CONSIDERED FOR INCLUSION INTO THE STATE SECONDARY SYSTEM UNTIL THEY MEET THE APPLICABLE CONSTRUCTION STANDARDS OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION. THE COST OF BRINGING SAID DRIVEWAY/ ROAD TO ACCEPTABLE STANDARDS SHALL NOT BE BORNE BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION NOR BY FREDERICK COUNTY.
5. 50' INGRESS/ EGRESS AND UTILITY EASEMENT OVER PARCEL 64-((A))-37 OVERLAYS THE EXISTING F.C.S.A. ACCESS EASEMENT AND HAS NO CHANGE ON SAID F.C.S.A. EASEMENT OR RIGHTS.
6. UTILITY AND DRAINAGE EASEMENT RESERVED FOR THE BENEFIT OF PARCELS 76-((A))-5 AND 64-((A))-37C
7. EXCLUSIVE 50' INGRESS/ EGRESS EASEMENT FOR THE BENEFIT OF PARCEL 64-((A))-37B.
8. EXCLUSIVE 50' INGRESS/ EGRESS EASEMENT FOR THE BENEFIT OF PARCEL 64-((A))-37C.
9. VARIABLE WIDTH EASEMENT FOR THE BENEFIT OF PARCEL 64-((A))-37B. THE EASEMENT MAY BE USED FOR ACCESS AND RECREATION.
10. 30' GENERAL UTILITY EASEMENT FOR THE BENEFIT OF PARCELS 64-((A))-37, 64-((A))-37A, 64-((A))-37B, 64-((A))37C, 64-((5))-B AND 76-((A))-5

BOUNDARY LINE ADJUSTMENT PLAT
OF THE LAND OF THE
JUSTES J. RUSSELL & ROSA L. RUSSELL ESTATE
SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

SCALE: N/A

DATE: AUGUST 28, 2001

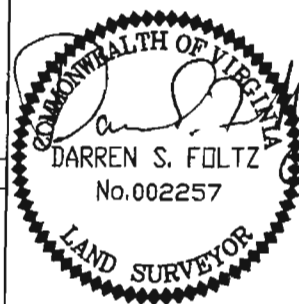


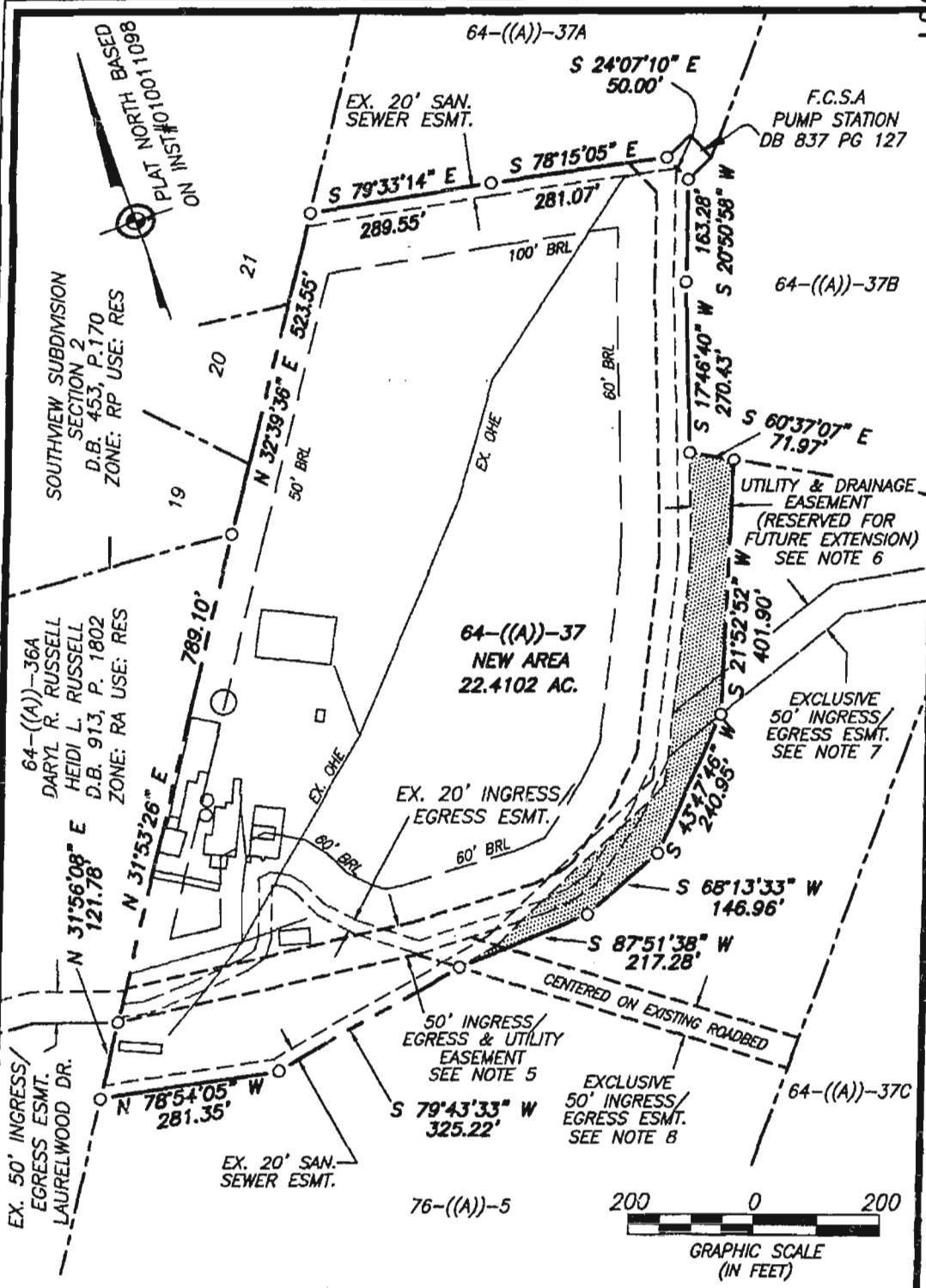
Engineers
Surveyors

GREENWAY ENGINEERING

151 Windy Hill Lane
Winchester, Virginia 22602
Telephone: (540) 662-4185
FAX: (540) 722-9528
www.greenwayeng.com

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BOUNDARY LINE ADJUSTMENT PLAT
 OF THE LAND OF THE
JUSTES J. RUSSELL & ROSA L. RUSSELL ESTATE
 SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

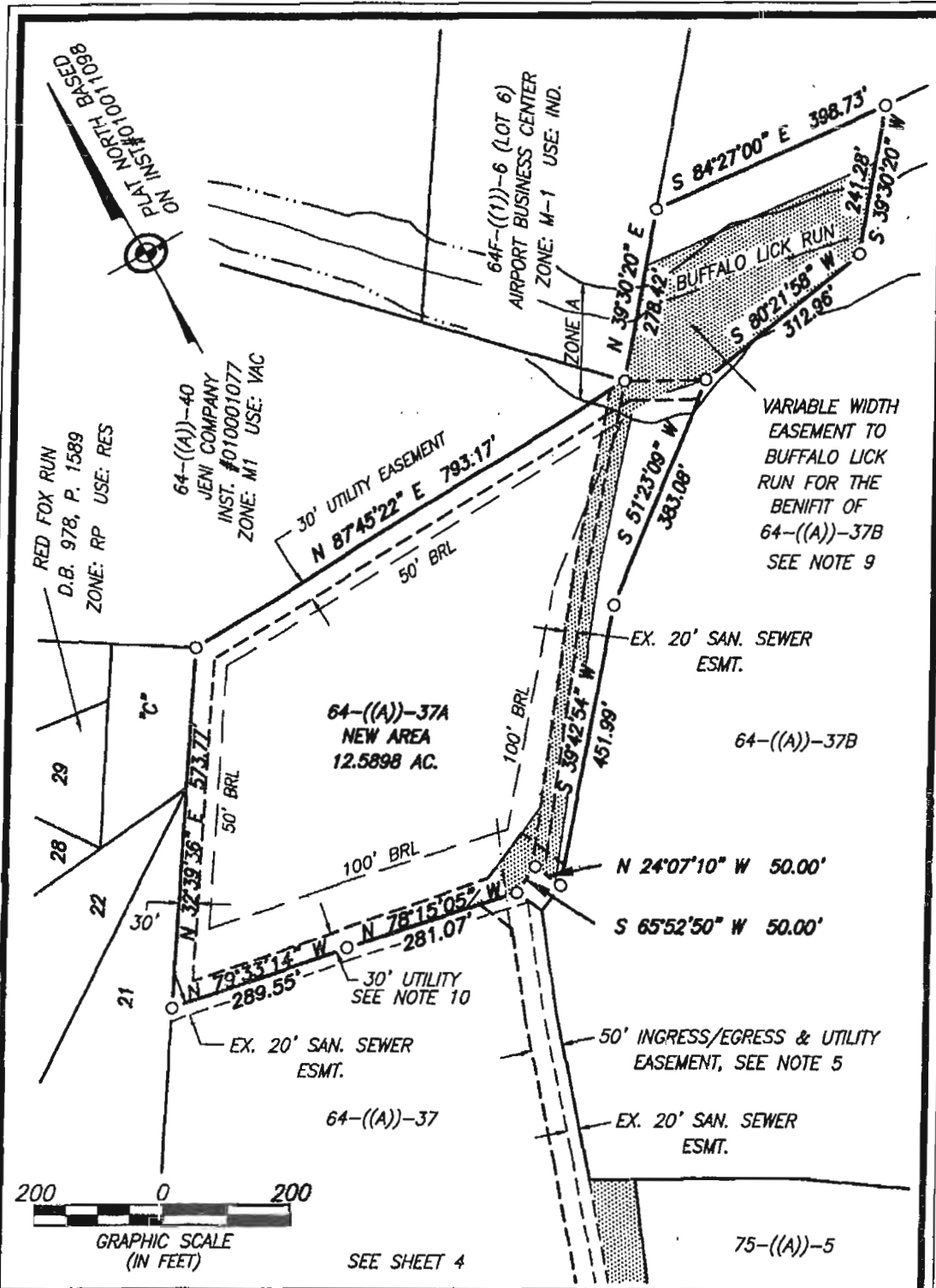
SCALE: 1" = 200' DATE: AUGUST 28, 2001



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 151 Windy Hill Lane
 Winchester, Virginia 22602
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 FAX: (540) 722-9528
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SEE SHEET 4

BOUNDARY LINE ADJUSTMENT PLAT
OF THE LAND OF THE
JUSTES J. RUSSELL & ROSA L. RUSSELL ESTATE
SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

SCALE: 1" = 200' DATE: AUGUST 28, 2001

**Engineers
Surveyors**

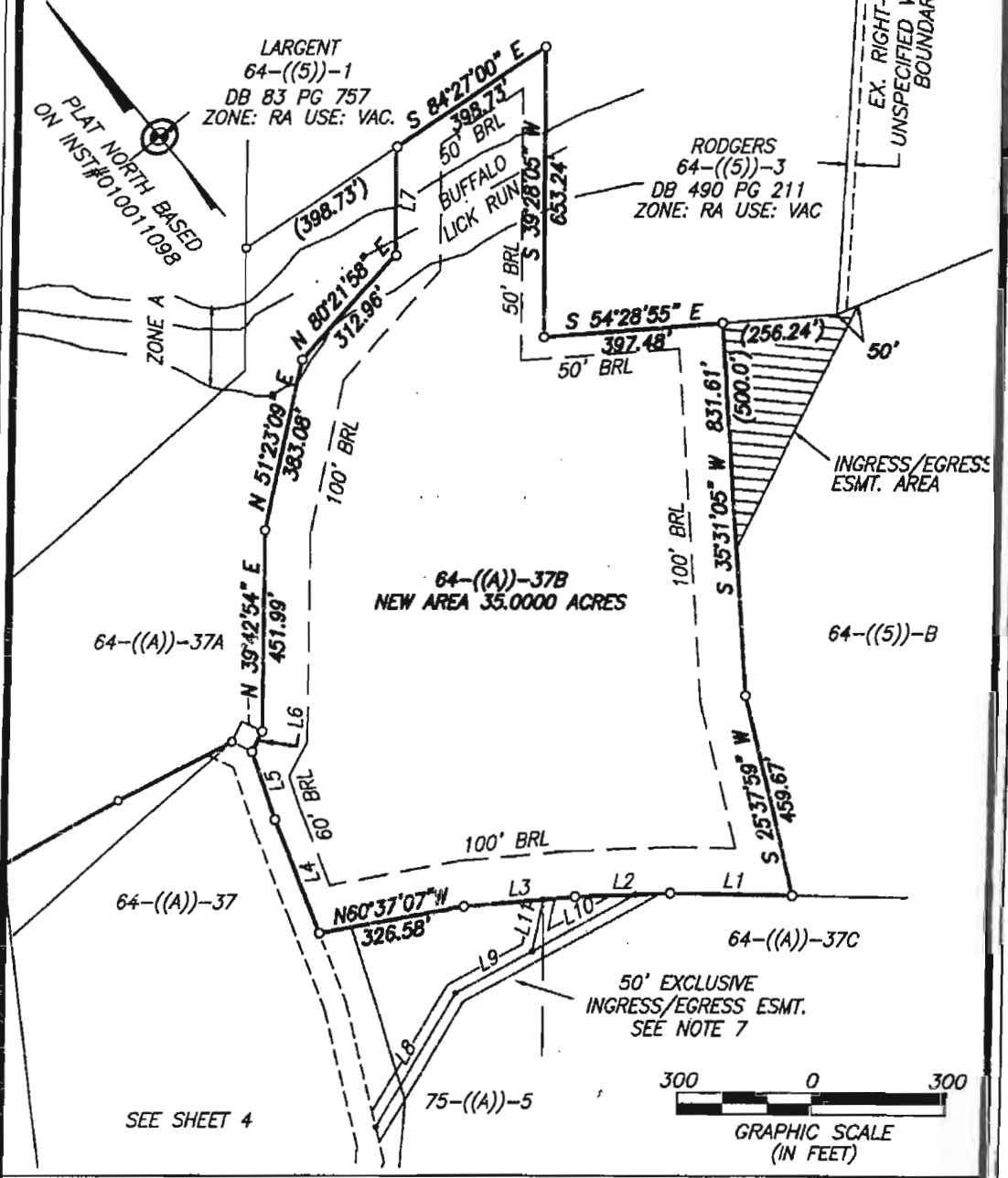
Founded in 1971

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Winchester, Virginia 22602
Telephone: (540) 662-4185
FAX: (540) 722-9528
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DARREN S. FOLTZ
No. 002257
LAND SURVEYOR

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N 49°08'48" W	271.90'	L7	N 39°30'20" E	241.28'
L2	N 52°14'19" W	211.80'	L8	N 70°15'57" E	339.39'
L3	N 54°59'27" W	246.59'	L9	S 79°16'06" E	193.69'
L4	N 17°46'40" E	270.43'	L10	S 79°16'06" E	259.38'
L5	N 20°50'58" E	163.28'	L11	N 50°47'28" E	117.51'
L6	N 65°52'50" E	50.00'			

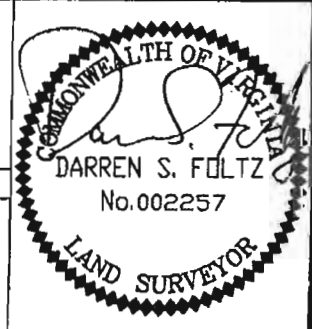


BOUNDARY LINE ADJUSTMENT PLAT
OF THE LAND OF THE
JUSTES J. RUSSELL & ROSA L. RUSSELL ESTATE
SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

SCALE: 1" = 300' DATE: AUGUST 28, 2001



GREENWAY ENGINEERING
151 Windy Hill Lane
Winchester, Virginia 22602
Telephone: (540) 662-4185
FAX: (540) 722-9528
www.greenwayeng.com



Founded in 1971

VIRGINIA: FREDERICK COUNTY, SCT.

This instrument of writing was produced to me on

9-25-01 at 2:56 p.m

and with certificate of acknowledgement thereto annexed
was admitted to record. Tax imposed by Sec. 58.1-802 of

§ N/A, and 58.1-801 have been paid, if assessable

Rebecca P. Hogan, Clerk

020011080

THIS DEED OF BOUNDARY LINE ADJUSTMENT, made and dated this 27th

day of June, 2002, by and between DOVE FAMILY COMPANY, L.L.C., a Virginia limited liability company, party of the first part, hereinafter called the Grantor and MARK D. SMITH and ARLENE D. SMITH, his wife, parties of the second part, hereinafter called the Grantees.

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid and other good and valuable consideration receipt of which is hereby acknowledged, the Grantor does hereby grant and convey, with General Warranty of Title unto the Grantees in fee simple absolute, as tenants by the entirety with common law right of survivorship, all that certain tract or parcel of land containing 5.0062 acres and more particularly shown on the plat of survey drawn by Darren S. Foltz, Land Surveyor, dated May 14, 2002, attached hereto and by this reference made a part hereof as if set out in full; and being a portion of the same land conveyed to Dove Family Company, L.L.C., by Deed dated November 29, 2001, from Keith D. Rodgers, et ux, of record in the Clerk's Office of the Circuit Court of Frederick County as Land Record 01-16475, and by this reference made a part hereof as if set out in full.

The land herein conveyed will be joined with the other land of the Grantee containing 35.000 acres to form a tract containing 40.0062 acres and the Grantees join in the execution of this deed to evidence such fact.

The Grantor does hereby grant unto the Grantees a nonexclusive appurtenant recreation and conservation easement as shown on the aforesaid attached plat drawn by Darren S. Foltz dated May 14, 2002, and as further described in Note 6 of the aforesaid plat and by this reference made a part hereof as if set out in full.

This conveyance is made subject to all rights of way and restrictions of record affecting

Q = 17,500
125 Green Hill Ridge Ct.
Mount Royal VA 22630
TAC MAY # 64-(1A))-37B

BENJAMIN M. BUTLER, ESQUIRE
KUYKENDALL, JOHNSTON,
MCKEE & BUTLER, P.L.C.
112 South Cameron Street
Winchester, VA 22601

02001

TM 64-A-37B

COMMONWEALTH OF VIRGINIA, AT-LARGE:
CITY OF WINCHESTER, TO-WIT:

I, the undersigned, a Notary Public in and for the State and Jurisdiction aforesaid, do hereby certify that Mark D. Smith and Arlene D. Smith, whose names are signed to the foregoing deed dated the 27th day of June, 2002, have personally appeared before me and acknowledged the same in my State and Jurisdiction aforesaid.

GIVEN under my hand this 27th day of June, 2002.

Dean B. Malone (SEAL)
Notary Public

11411Snot&A:Deed of BLA

0286

the subject property.

The Grantor hereby covenants that it has the right to convey to the Grantees; that the Grantees shall have quiet and peaceable possession of the said property, free from all liens and encumbrances; and it will grant such further assurances of title as may be requisite.

WITNESS the following signatures and seals:

DOVE FAMILY COMPANY


By: _____ (SEAL)
EDWARD DOVE, Managing Member



MARK D. SMITH (SEAL)



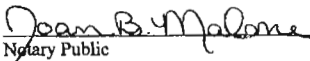
ARLENE E. SMITH (SEAL)

COMMONWEALTH OF VIRGINIA, AT-LARGE:

CITY OF WINCHESTER, TO-WIT:

I, the undersigned, a Notary Public in and for the State and Jurisdiction aforesaid, do hereby certify that Edward Dove, Managing Member of the Dove Family Company, whose name is signed to the foregoing deed dated the 27th day of June, 2002, has personally appeared before me and acknowledged the same in my State and Jurisdiction aforesaid.

GIVEN under my hand this 27th day of June, 2002.

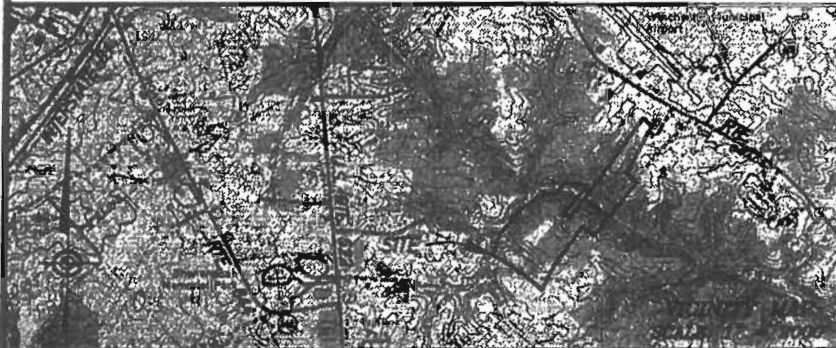


Notary Public (SEAL)

My Commission Expires: March 31, 2004

0287

**FINAL PLAT FOR BOUNDARY LINE ADJUSTMENT
AND RECREATION & CONSERVATION EASEMENT
BETWEEN THE LANDS OF
MARK D. SMITH & ARLENE D. SMITH
AND DOVE FAMILY COMPANY, L.L.C.
SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA
MAY 14, 2002**



6281

OWNER'S CERTIFICATE

THE ABOVE AND FOREGOING BOUNDARY LINE ADJUSTMENT BETWEEN THE LANDS OF THE MARK D. SMITH & ARLENE D. SMITH AND DOVE FAMILY COMPANY, L.L.C., AS APPEARS ON THE ACCOMPANYING PLATS, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES, IF ANY.

Managing Member

Arlene D. Smith

COMMONWEALTH OF VIRGINIA
CITY / COUNTY OF Frederick, TO WIT:

THE FOREGOING OWNER'S CERTIFICATE WAS ACKNOWLEDGED BEFORE ME THIS 16th DAY OF May, 2002 BY Edward W. Dove, managing member Dove Family Company, LLC + Mark D. Smith and Arlene D. Smith.

NOTARY PUBLIC

MY COMMISSION EXPIRES February 29, 2004

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE LAND CONTAINED IN THIS BOUNDARY LINE ADJUSTMENT SURVEY IS A PORTION OF THE LAND CONVEYED TO DOVE FAMILY COMPANY, L.L.C. BY DEED DATED NOVEMBER 29, 2001 AND RECORDED IN THE OFFICE OF THE CLERK OF THE FREDERICK COUNTY CIRCUIT COURT AT INST. # 010016475, WHICH IS TO BE ADDED TO AND MADE PART OF THE LAND CONVEYED TO MARK D. SMITH & ARLENE D. SMITH BY DEED DATED SEPTEMBER 14, 2001, RECORDED IN SAID COURT HOUSE AT INST. # 010012789.

DARREN S. FOLTZ, L.S.

NOTES:

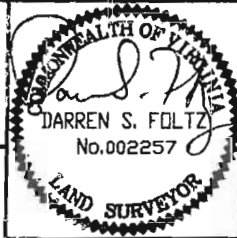
PARENT TAX PARCEL IDENTIFICATION

MARK D. SMITH & ARLENE D. SMITH T.M. 64--(A)--37B 35.0000 ACRES ZONE: RA USE: RESIDENTIAL
DOVE FAMILY COMPANY, L.L.C. T.M. 64--(S)--3 20.9903 ACRES ZONE: M1 USE: VACANT

APPROVALS:

FREDERICK COUNTY SUBDIVISION ADMINISTRATOR

05/21/02
DATE



Engineers
Surveyors

GREENWAY ENGINEERING

161 WINDY HILL LANE
WINCHESTER, VA 22602
TELEPHONE: (540) 662-4185
FAX: (540) 722-9628
www.greenwayeng.com

Founded in 1871

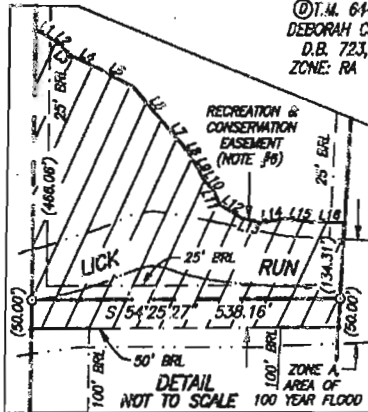
2804S SHEET 1 OF 3

AREA TABULATION:

ORIGINAL AREA	ADJUSTED AREA
T.M. 64--((A))--37B 35.0000 ACRES	T.M. 64--((A))--37B 40.0062 ACRES
T.M. 64--((5))--3 20.9903 ACRES	T.M. 64--((5))--3 15.9841 ACRES
TOTAL AREA 55.9903 ACRES	TOTAL AREA 55.9903 ACRES

ADJOINING PROPERTY LEGEND:

- Ⓐ T.M. 64--((5))--1 & 2
LEON W. LARGENT
VIRGINIA R. LARGENT
D.B. 508 PG. 280
ZONE: RA USE: AGR.
- Ⓑ T.M. 64--((5))--4
ANDREW M. KOTLOWSKI &
LISA A. KOTLOWSKI
D.B. 934, PG. 859
ZONE: M1 USE: RESI.
- Ⓒ T.M. 64--((5))--D
ANDREW W. ANDERSON
MABEL E. ANDERSON
D.B. 260, FG. 111
ZONE: RA USE: AGR.
- Ⓓ T.M. 64--((5))--D2
CARRILL LEE ANDERSON
& CHARLENE ANDERSON
D.B. 883, PG. 1072
ZONE: RA USE: RESI.
- Ⓔ T.M. 64--((i))--37C
2/3 RUSSELL - WB. 99 PG. 296
1/3 SMITH - INST. F000012271
ZONE: RA USE: AGR.



LINE TABLE FOR RECREATION AREA

LINE	BEARING	DISTANCE
L1	N 29°04'19" W	30.42'
L2	S 14°06'44" E	27.98'
L3	N 16°40'01" W	22.16'
L4	N 30°01'09" W	40.93'
L5	N 26°22'23" W	75.60'
L6	N 05°27'23" W	91.06'
L7	S 07°22'34" E	39.54'
L8	S 00°54'17" W	39.38'
L9	N 05°55'32" E	31.40'
L10	N 04°20'21" W	28.00'
L11	N 11°11'49" E	25.14'
L12	N 21°55'00" W	47.58'
L13	N 42°51'43" W	35.82'
L14	N 63°39'29" W	40.19'
L15	N 47°16'10" W	52.28'
L16	N 54°08'45" W	52.73'

LEGEND:

- O.B.L. = ORIGINAL BOUNDARY LINE HEREBY VACATED
- IRF = IRON REBAR FOUND
- IPF = IRON PIPE FOUND
- BRL = BUILDING RESTRICTION LINE

NOTES:

- PER SUBDIVISION ADMINISTRATOR: THE ADJUSTMENT OF BOUNDARY LINES SHOWN HEREON IS SUBMITTED UNDER THE REGULATIONS GOVERNING SUCH BOUNDARY LINE ADJUSTMENT CONTAINED WITHIN THE FREDERICK COUNTY SUBDIVISION ORDINANCE. THE TWO EXISTING PARCELS ARE CURRENTLY OWNED BY MARK D. SMITH & ARLENE D. SMITH, AND DOVE FAMILY COMPANY, L.L.C., AND ARE BEING RECONFIGURED INTO TWO ADJUSTED PARCELS AND NO NEW OR ADDITIONAL PARCELS ARE BEING CREATED.
- NO TITLE REPORT FURNISHED. EASEMENTS OTHER THAN SHOWN MAY EXIST.
- THE BOUNDARY INFORMATION SHOWN HEREON IS BASED ON A CURRENT SURVEY BY THIS FIRM.
- A PORTION OF THIS PROPERTY LIES WITHIN ZONE A, AREA OF 100-YEAR FLOOD AS SHOWN ON FEMA F.I.R.M. COMMUNITY-PANEL # 510063 0115 B AND # 510063 0200 B, DATED JULY 17, 1978.
- ALL CORNERS ARE 1/2" IRON REBAR SET UNLESS OTHERWISE NOTED.
- RECREATION & CONSERVATION EASEMENT FOR THE BENEFIT OF PARCEL TM 64--((A))--37B AND THE COUNTY OF FREDERICK, VIRGINIA. THE EASEMENT MAY BE USED FOR ACCESS AND RECREATION.

FINAL PLAT FOR BOUNDARY LINE ADJUSTMENT AND RECREATION & CONSERVATION EASEMENT

BETWEEN THE LANDS OF
MARK D. SMITH & ARLENE D. SMITH
AND DOVE FAMILY COMPANY, L.L.C.
 SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

SCALE: N/A

DATE: MAY 14, 2002

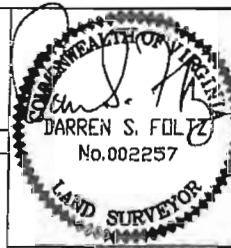
GREENWAY ENGINEERING

161 FINDY HILL LANE
 WINCHESTER, VA. 22602
 TELEPHONE: (540) 882-4185
 FAX: (540) 782-7028
 www.greenwayeng.com



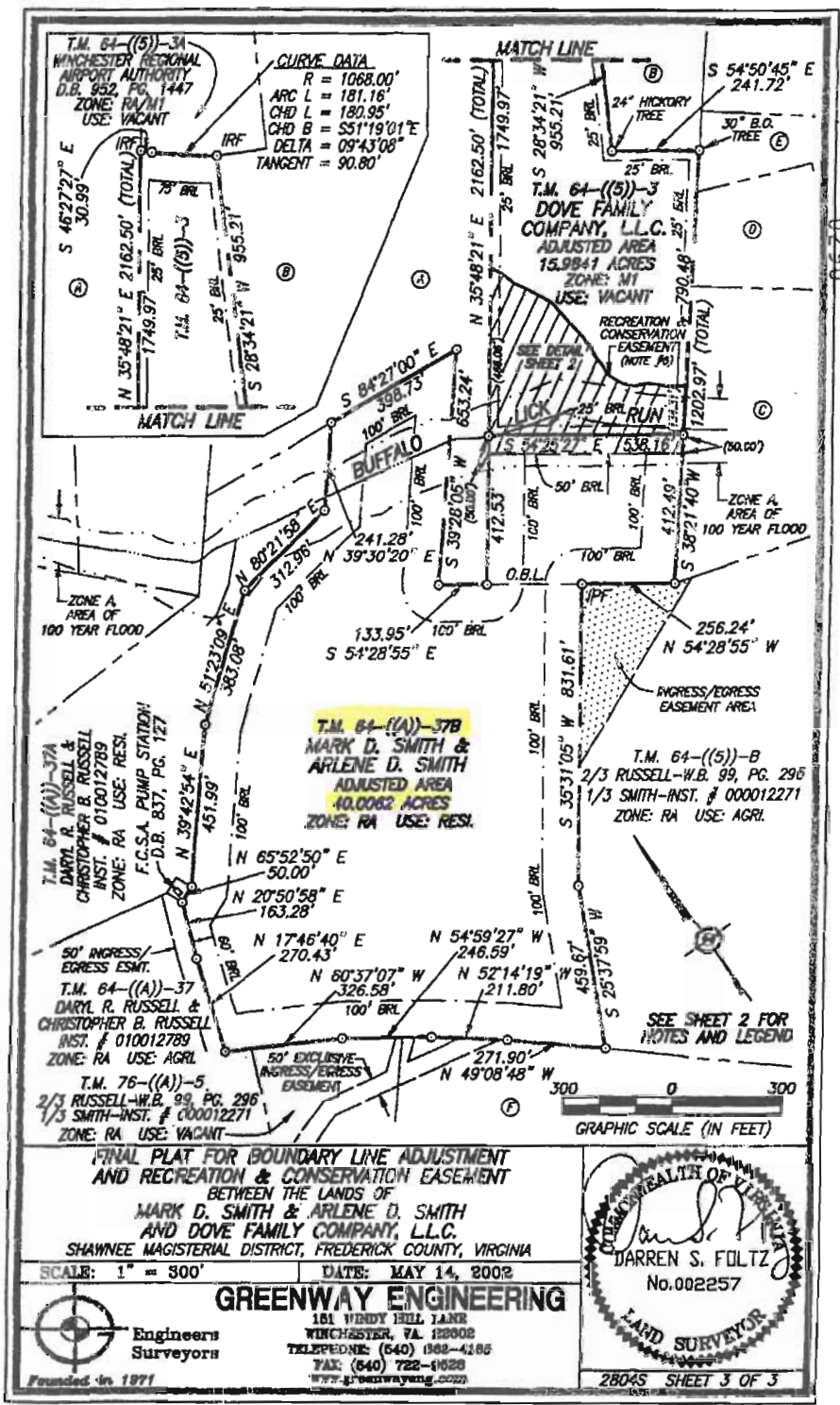
Engineers
 Surveyors

Founded in 1971



2804S SHEET 2 OF 3

0239



VIRGINIA: FREDERICK COUNTY, SCT.

This instrument of writing was produced to me on

7/3/02 at 12:11 P.M.

and with certificate of acknowledgement thereto annexed
was admitted to record. Tax imposed by Sec. 58.1-802 of

\$17.50, and 58.1-801 have been paid, if assessable

Rebecca P. Hogan, Clerk

THIS DEED OF DEDICATION made and dated this October 11, 2007 by and between MARK D. SMITH and ARLENE D. SMITH, his wife, ("Smith"); DARYL R. RUSSELL and HEIDI L. RUSSELL, Initial Co-Trustees of the Daryl and Heidi Russell Living Trust, dated December 13, 2002, ("Russell"); and CHRISTOPHER B. RUSSELL and JENNIFER S. RUSSELL, Initial Co-Trustees of the Christopher and Jennifer Russell Living Trust, dated December 13, 2002, ("Russell"); SHENANDOAH MOBILE COURTS, INC., a Virginia corporation, ("Shenandoah Mobile"), parties of the first part, hereinafter called the Grantor/Declarant, (even though more than one) (Grantor for indexing purposes); and FREDERICK COUNTY, VIRGINIA, party of the second part, (Grantee for indexing purposes) and The County School Board of Frederick County, Virginia, party of the third part (Grantor for indexing purposes).

*Tax Map# 76-A-5
76-A-1*

WHEREAS, Mark D. Smith and Arlene D. Smith, Daryl R. Russell and Heidi L. Russell, Initial Co-Trustees of the Daryl and Heidi Russell Living Trust dated December 13, 2002, and Christopher B. Russell and Jennifer S. Russell, Initial Co-Trustees of the Christopher and Jennifer Russell Living Trust dated December 13, 2002 (the "Russell Trusts") are the owners of a certain tract of land, containing 73.4005 acres in the aggregate and designated as Frederick County Tax Map No. 76-A-5 and is a portion of the land in which a one-third (1/3) undivided interest was conveyed to Mark D. Smith and Arlene D. Smith by Deed dated November 21, 2000 of record in the Clerk's Office of the Circuit Court of Frederick County, Virginia, as Instrument No. 00-0012271, a one-third (1/3) undivided interest was conveyed to Christopher B. Russell and Jennifer S. Russell, Initial Co-Trustees of the Christopher and Jennifer Russell Living Trust by Deed dated December 13, 2002 of record in the aforesaid Clerk's Office as Instrument No. 02-0022182 and the remaining one-third (1/3) undivided interest which was conveyed to Daryl R. Russell and Heidi L. Russell, Initial Co-Trustees of the Daryl and Heidi Russell Living Trust by Deed dated December 13, 2002 of record in the aforesaid Clerk's Office as Instrument No. 02-0022179 (as corrected by Deed of Correction also dated December 13, 2002 of record in the aforesaid Clerk's Office as Instrument No. 02-0023110); and,

*Return to:
Benjamin M. Butler Esq
PO Box 2097
Winchester VA 22604*

WHEREAS, Shenandoah Mobile Courts, Inc. is the owner of a certain adjacent tract of land, containing 14.2065 acres, and being a portion of the land conveyed to Shenandoah

Mobile Courts, Inc. by Deed dated November 7, 2003 of record in the aforesaid Clerk's Office as Instrument No. 03-0027537 (Frederick County Tax Map No. 76-A-1); and,

WHEREAS, the Declarant desires to dedicate to Frederick County those certain public roadways known as Justes Drive and Rosa Lane as shown on the plat of survey drawn by Mark D. Smith, L.S., dated September 13, 2007, attached hereto and by this reference made a part hereof as if set out in full, and further to dedicate a certain temporary cul-de-sac easement on the south side of Justes Drive near its terminus as shown on the plat of survey by Mark D. Smith, L.S., (Sheet 7 of 11), and further the Declarant and Smith/Russell desire to subdivide the tract of land as hereafter set forth.

NOW, THEREFORE, THIS DEED OF DEDICATION WITNESSETH: That for and in consideration of the premises and the benefits which will accrue by reason of this dedication, the Declarant does hereby subdivide all those certain tracts or parcels of land, lying and being situate in Shawnee Magisterial District, Frederick County, Virginia, and being designated New Tax Map No. 75-A-5B, New Tax Map No. 75-A-5C and New Tax Map No. 75-A-5D on the plat of survey drawn by Mark D. Smith, L.S., dated September 13, 2007 attached hereto and by this reference made a part hereof as if set out in full.

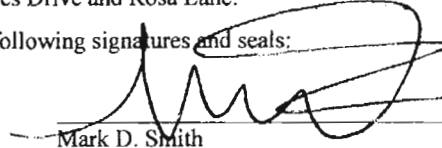
FURTHER WITNESSETH: The Declarant, Smith, Russell and Shenandoah Mobile, hereby further dedicate those certain public streets designated Justes Drive and Rosa Lane, as shown on the plat of survey drawn by Mark. D. Smith, L.S., dated September 13, 2007, attached hereto and by this reference made a part hereof as if set out in full, and which dedication is for public use, and which streets are dedicated into the public domaine for all purposes.

Further, Smith and Russell hereby dedicate that certain temporary cul-de-sac easement, containing 0.0633 acre as shown on the plat of survey drawn by Mark. D. Smith, L.S., dated September 13, 2007, (Sheet 7 of 11) and which easement shall automatically terminate upon the extension of Justes Drive beyond the limits of the subject parcel upon which it is situate.

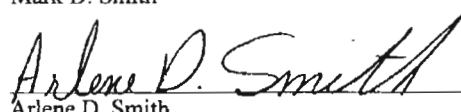
The party of the third part, The County School Board of Frederick County, Virginia, hereby joins in the execution of this Deed of Dedication to release, convey and quit claim unto the County of Frederick, all of its right, title and interests in and to the easements existing in the roadways of Justes Drive and Rosa Lane as set forth in the Deed dated May 13, 2003 of record in the aforesaid Clerk's Office as Instrument No. 03-0010291 and in Deed dated April 15, 2004

of record in the aforesaid Clerk's Office as Instrument No. 04-0006564 to the end that the rights-of-way granted to The County School Board of Frederick County, Virginia, are hereby agreed extinguished in the aforesaid Deeds the same having been replaced by the public roadways known as Justes Drive and Rosa Lane.

WITNESS the following signatures and seals:



Mark D. Smith (SEAL)



Arlene D. Smith (SEAL)

STATE OF VIRGINIA
CITY OF WINCHESTER, TO-WIT:

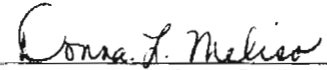
I, Donna L. Meliso, a Notary Public in and for the State and jurisdiction aforesaid, do hereby certify that Mark D. Smith and Arlene D. Smith, his wife, whose names are signed to the foregoing Deed of Dedication, dated the 11th day of October, 2007, have appeared before me and acknowledged the same in my State and jurisdiction aforesaid.

Given under my hand this 19th day of October, 2007.

My Commission expires Feb. 29, 2008.

Registration No. 296106





Notary Public

0395

WITNESS the following signatures and seals:

DARYL AND HEIDI RUSSELL LIVING TRUST

By: Daryl R. Russell Trust (SEAL)
 Daryl R. Russell, Initial Co-Trustee

By: Heidi L. Russell Co-trustee (SEAL)
 Heidi L. Russell, Initial Co-Trustee

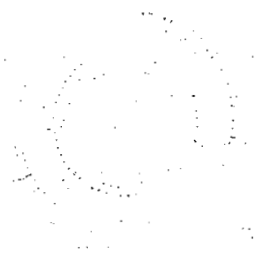
STATE OF VIRGINIA
 CITY OF WINCHESTER, TO-WIT:

I, Donna L. Meliso, a Notary Public in and for the State and jurisdiction aforesaid, do hereby certify that Daryl R. Russell and Heidi L. Russell, Initial Co-Trustees of the Daryl and Heidi Russell Living Trust, whose names are signed to the foregoing Deed of Dedication, dated the 11th day of October, 2007, have appeared before me and acknowledged the same in my State and jurisdiction aforesaid.

Given under my hand this 19th day of October, 2007.

My Commission expires Feb. 29, 2008.

Registration No. 296106



Donna L. Meliso
 Notary Public

0040

WITNESS the following signatures and seals:

CHRISTOPHER AND JENNIFER RUSSELL LIVING TRUST

By: Christopher B Russell Co-Trustee (SEAL)
Christopher B. Russell, Initial Co-Trustee

By: Jennifer S Russell Co-Trustee (SEAL)
Jennifer S. Russell, Initial Co-Trustee

STATE OF VIRGINIA
CITY OF WINCHESTER, TO-WIT:

I, Allison K. Smith, a Notary Public in and for the State and jurisdiction aforesaid, do hereby certify that Christopher B. Russell and Jennifer S. Russell, Initial Co-Trustees of the Christopher and Jennifer Russell Living Trust, whose names are signed to the foregoing Deed of Dedication, dated the 11th day of October, 2007, have appeared before me and acknowledged the same in my State and jurisdiction aforesaid.

Given under my hand this 19th day of October 2007.

My Commission expires August 31, 2010

Registration No. 7029123

Allison K. Smith ID# 7029123
Notary Public

WITNESS the following signatures and seals:

1040

SHENANDOAH MOBILE COURTS, INC.

By: [Signature] (SEAL)
Mark D. Smith, President

STATE OF VIRGINIA
CITY OF WINCHESTER, TO-WIT:

I, Donna L. Meliso, a Notary Public in and for the State and jurisdiction aforesaid, do hereby certify that Mark D. Smith, as President of Shenandoah Mobile Courts, Inc., whose name is signed to the foregoing Deed of Dedication, dated the 11th day of October, 2007, has appeared before me and acknowledged the same in my State and jurisdiction aforesaid.

Given under my hand this 14th day of October, 2007.

My Commission expires Feb. 29, 2008.

Registration No. 296106



Donna L. Meliso
Notary Public

WITNESS the following signatures and seals:

0402

THE COUNTY SCHOOL BOARD OF FREDERICK COUNTY, VIRGINIA

By: Patricia Taylor (SEAL)

STATE OF VIRGINIA
CITY OF WINCHESTER, TO-WIT:

I, Sharon S. Nellis, a Notary Public in and for the State and jurisdiction aforesaid, do hereby certify that Patricia Taylor, as ~~Superintendent~~ of The County School Board of Frederick County, Virginia, whose name is signed to the foregoing Deed of Dedication, dated the 11th day of October, 2007, has appeared before me and acknowledged the same in my State and jurisdiction aforesaid.

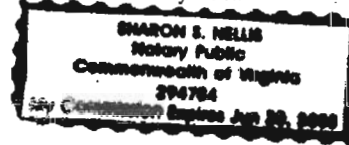
Given under my hand this 31st day of October 2007.

My Commission expires June 30, 2008

Registration No. 294784

Sharon S. Nellis

Notary Public



**FINAL PLAT FOR MINOR RURAL SUBDIVISION,
RIGHT OF WAY DEDICATION, AND BOUNDARY LINE ADJUSTMENT
BETWEEN LANDS OF
MARK D. SMITH, ET UX, AND THE CHRISTOPHER AND JENNIFER RUSSELL LIVING TRUST,
AND THE DARYL AND HEIDI RUSSELL LIVING TRUST AND SHENANDOAH MOBILE COURTS, INC.
SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA
SEPTEMBER 13, 2007**



NOTE:

PARENT TAX PARCEL IDENTIFICATION

(i) T.M. 76-A-5	73.4005 ACRES	ZONE: RA	USE: AGRI.
(ii) T.M. 76-A-1	14.2065 ACRES	ZONE: MH1	USE: MOBILE HOME PARK

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE LAND CONTAINED IN THIS MINOR RURAL SUBDIVISION, RIGHT OF WAY DEDICATION AND BOUNDARY LINE ADJUSTMENT (i) IS A PORTION OF THE LAND IN WHICH A ONE-THIRD UNDIVIDED INTEREST WAS CONVEYED TO MARK D. SMITH AND ARLENE D. SMITH BY DEED DATED NOVEMBER 21, 2000 OF RECORD IN THE FREDERICK COUNTY CIRCUIT COURT CLERK'S OFFICE AS INSTRUMENT No. 000012271, A ONE-THIRD UNDIVIDED INTEREST IN WHICH WAS CONVEYED TO CHRISTOPHER B. RUSSELL AND JENNIFER S. RUSSELL, INITIAL CO-TRUSTEES OF THE CHRISTOPHER AND JENNIFER RUSSELL LIVING TRUST BY DEED DATED DECEMBER 13, 2002 OF RECORD IN SAID CLERK'S OFFICE AS INSTRUMENT No. 020022182, AND THE REMAINING ONE-THIRD UNDIVIDED INTEREST IN WHICH WAS CONVEYED TO DARYL R. RUSSELL AND HEDI B. RUSSELL, INITIAL CO-TRUSTEES OF THE DARYL AND HEIDI RUSSELL LIVING TRUST BY DEED DATED DECEMBER 13, 2002 OF RECORD IN SAID CLERK'S OFFICE AS INSTRUMENT No. 020022179 (AS CORRECTED BY DEED OF CORRECTION ALSO DATED DECEMBER 13, 2002 OF RECORD IN SAID CLERK'S OFFICE AS INSTRUMENT No. 060023110) AND (ii) A PORTION OF THE LAND CONVEYED TO SHENANDOAH MOBILE COURTS, INC. BY DEED DATED NOVEMBER 7, 2003 OF RECORD IN SAID CLERK'S OFFICE AS INSTRUMENT No. 030027537.

MARK D. SMITH, L.S.

APPROVALS:

VIRGINIA DEPARTMENT OF TRANSPORTATION

FREDERICK COUNTY SANITATION AUTHORITY

FREDERICK COUNTY SUBDIVISION ADMINISTRATOR

10/10/07
DATE
24 SEP 07
DATE
11 OCT 07
DATE



GREENWAY ENGINEERING, INC.
151 Windy Hill Lane
Winchester, Virginia 22602
Telephone: (540) 662-4185
FAX: (540) 722-9528
www.greenwayeng.com

Founded in 1971

0403

OWNER'S CERTIFICATE

THE ABOVE AND FOREGOING MINOR RURAL SUBDIVISION, RIGHT OF WAY DEDICATION AND BOUNDARY LINE ADJUSTMENT OF THE LAND OF MARK D. SMITH, ARLENE D. SMITH, THE CHRISTOPHER AND JENNIFER RUSSELL LIVING TRUST, THE DARYL AND HEIDI RUSSELL LIVING TRUST AND SHENANDOAH MOBILE COURTS, INC., AS APPEARS ON THE ACCOMPANYING PLATS, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES, IF ANY.

[Signature]
MARK D. SMITH, INDIVIDUALLY

[Signature]
ARLENE D. SMITH, INDIVIDUALLY

THE CHRISTOPHER AND JENNIFER RUSSELL LIVING TRUST

BY: [Signature]
CHRISTOPHER B. RUSSELL, TRUSTEE

[Signature]
JENNIFER S. RUSSELL, TRUSTEE

THE DARYL AND HEIDI RUSSELL LIVING TRUST

BY: [Signature]
DARYL R. RUSSELL, TRUSTEE

[Signature]
HEIDI B. RUSSELL, TRUSTEE

SHENANDOAH MOBILE COURTS, INC.

BY: [Signature]
MARK D. SMITH, PRESIDENT

COMMONWEALTH OF VIRGINIA

CITY / COUNTY OF Frederick, TO WIT:

THE FOREGOING OWNER'S CERTIFICATE WAS ACKNOWLEDGED BEFORE ME THIS 10th DAY OF October, 2007 BY MARK D. SMITH AND ARLENE D. SMITH.

MY COMMISSION EXPIRES Feb. 29, 2008
Registration # 296106

[Signature]
NOTARY PUBLIC

COMMONWEALTH OF VIRGINIA

CITY / COUNTY OF Frederick, TO WIT:

THE FOREGOING OWNER'S CERTIFICATE WAS ACKNOWLEDGED BEFORE ME THIS 10th DAY OF October, 2007 BY CHRISTOPHER B. RUSSELL AND JENNIFER S. RUSSELL, TRUSTEES OF THE CHRISTOPHER AND JENNIFER RUSSELL LIVING TRUST.

MY COMMISSION EXPIRES Feb. 29, 2008
Registration # 296106

[Signature]
NOTARY PUBLIC

COMMONWEALTH OF VIRGINIA

CITY / COUNTY OF Frederick, TO WIT:

THE FOREGOING OWNER'S CERTIFICATE WAS ACKNOWLEDGED BEFORE ME THIS 10th DAY OF October, 2007 BY DARYL R. RUSSELL AND HEIDI B. RUSSELL, TRUSTEES OF THE DARYL AND HEIDI RUSSELL LIVING TRUST.

MY COMMISSION EXPIRES Feb. 29, 2008
Registration # 296106

[Signature]
NOTARY PUBLIC

FINAL PLAT FOR MINOR RURAL SUBDIVISION
RIGHT OF WAY DEDICATION AND BOUNDARY LINE ADJUSTMENT
BETWEEN LANDS OF
MARK D. SMITH, ET UX, THE CHRISTOPHER AND JENNIFER RUSSELL LIVING TRUST,
AND THE DARYL AND HEIDI RUSSELL LIVING TRUST, AND
SHENANDOAH MOBILE COURTS, INC.
SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

SCALE: N/A

DATE: SEPT. 13, 2007



Engineers
Surveyors

GREENWAY ENGINEERING, Inc.

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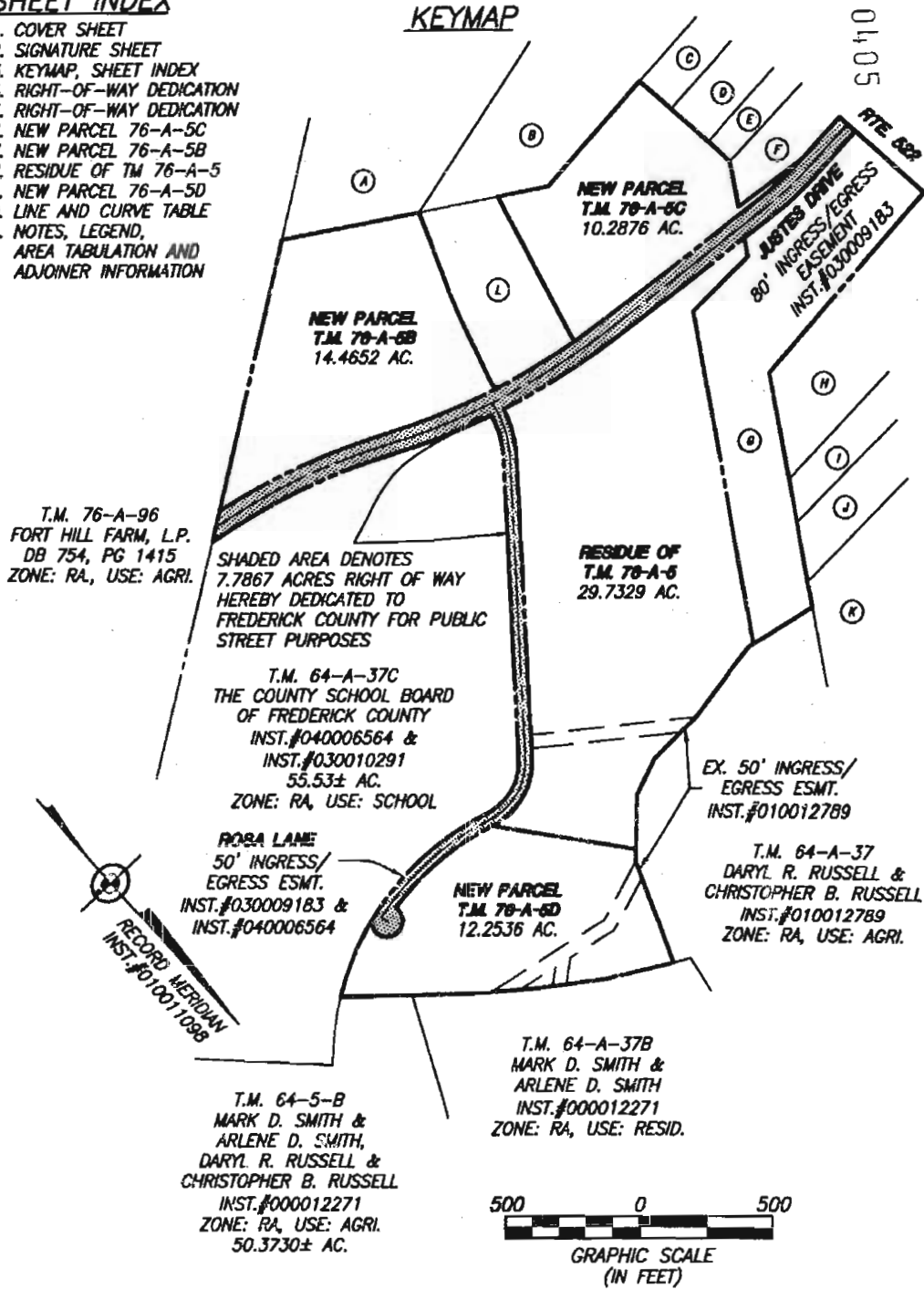


0104

SHEET INDEX

1. COVER SHEET
2. SIGNATURE SHEET
3. KEYMAP, SHEET INDEX
4. RIGHT-OF-WAY DEDICATION
5. RIGHT-OF-WAY DEDICATION
6. NEW PARCEL 76-A-5C
7. NEW PARCEL 76-A-5B
8. RESIDUE OF TM 76-A-5
9. NEW PARCEL 76-A-5D
10. LINE AND CURVE TABLE
11. NOTES, LEGEND, AREA TABULATION AND ADJOINER INFORMATION

KEYMAP



NOTE: SEE SHEET 11 FOR ADJOINER INFORMATION

**FINAL PLAT FOR MINOR RURAL SUBDIVISION
RIGHT OF WAY DEDICATION AND BOUNDARY LINE ADJUSTMENT
BETWEEN LANDS OF
MARK D. SMITH, ET UX, THE CHRISTOPHER AND JENNIFER RUSSELL LIVING TRUST,
AND THE DARYL AND HEIDI RUSSELL LIVING TRUST, AND
SHENANDOAH MOBILE COURTS, INC.
SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA**

SCALE: 1" = 500'

DATE: SEPT. 13, 2007

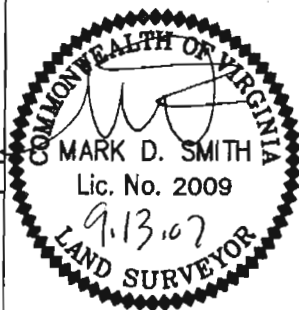


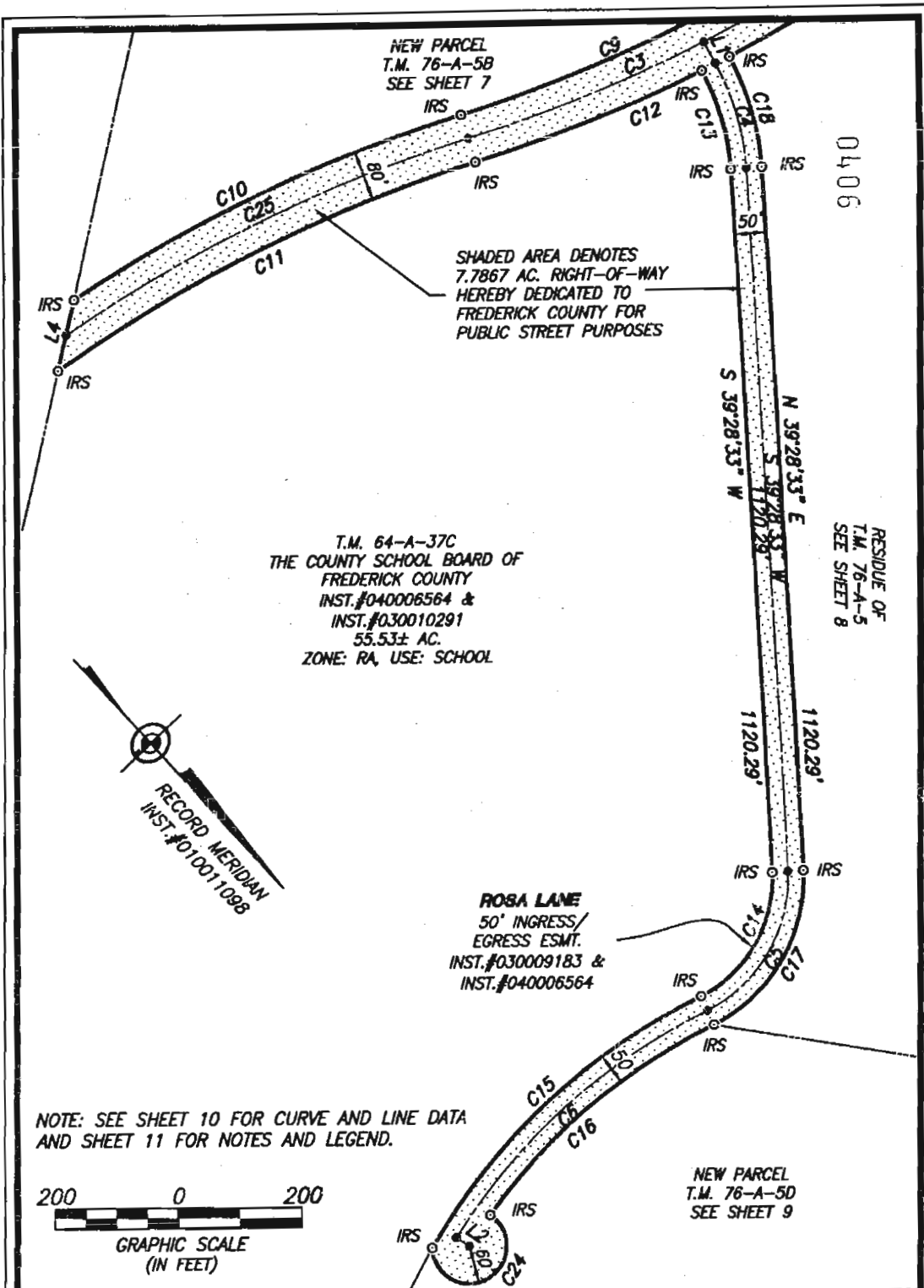
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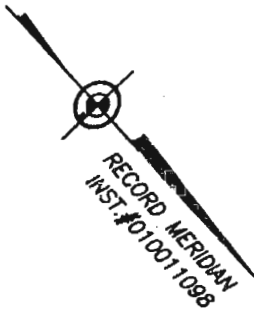




NEW PARCEL
T.M. 76-A-5B
SEE SHEET 7

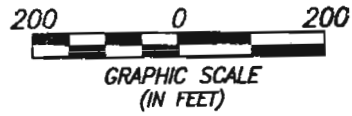
SHADED AREA DENOTES
7.7867 AC. RIGHT-OF-WAY
HEREBY DEDICATED TO
FREDERICK COUNTY FOR
PUBLIC STREET PURPOSES

T.M. 64-A-37C
THE COUNTY SCHOOL BOARD OF
FREDERICK COUNTY
INST.#040006564 &
INST.#030010291
55.53± AC.
ZONE: RA, USE: SCHOOL



ROSA LANE
50' INGRESS/
EGRESS ESMT.
INST.#030009183 &
INST.#040006564

NOTE: SEE SHEET 10 FOR CURVE AND LINE DATA
AND SHEET 11 FOR NOTES AND LEGEND.



NEW PARCEL
T.M. 76-A-5D
SEE SHEET 9

**FINAL PLAT FOR MINOR RURAL SUBDIVISION
RIGHT OF WAY DEDICATION AND BOUNDARY LINE ADJUSTMENT
BETWEEN LANDS OF**
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AND THE DARYL AND HEIDI RUSSELL LIVING TRUST, AND
SHENANDOAH MOBILE COURTS, INC.
SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

SCALE: 1" = 200'

DATE: SEPT. 13, 2007



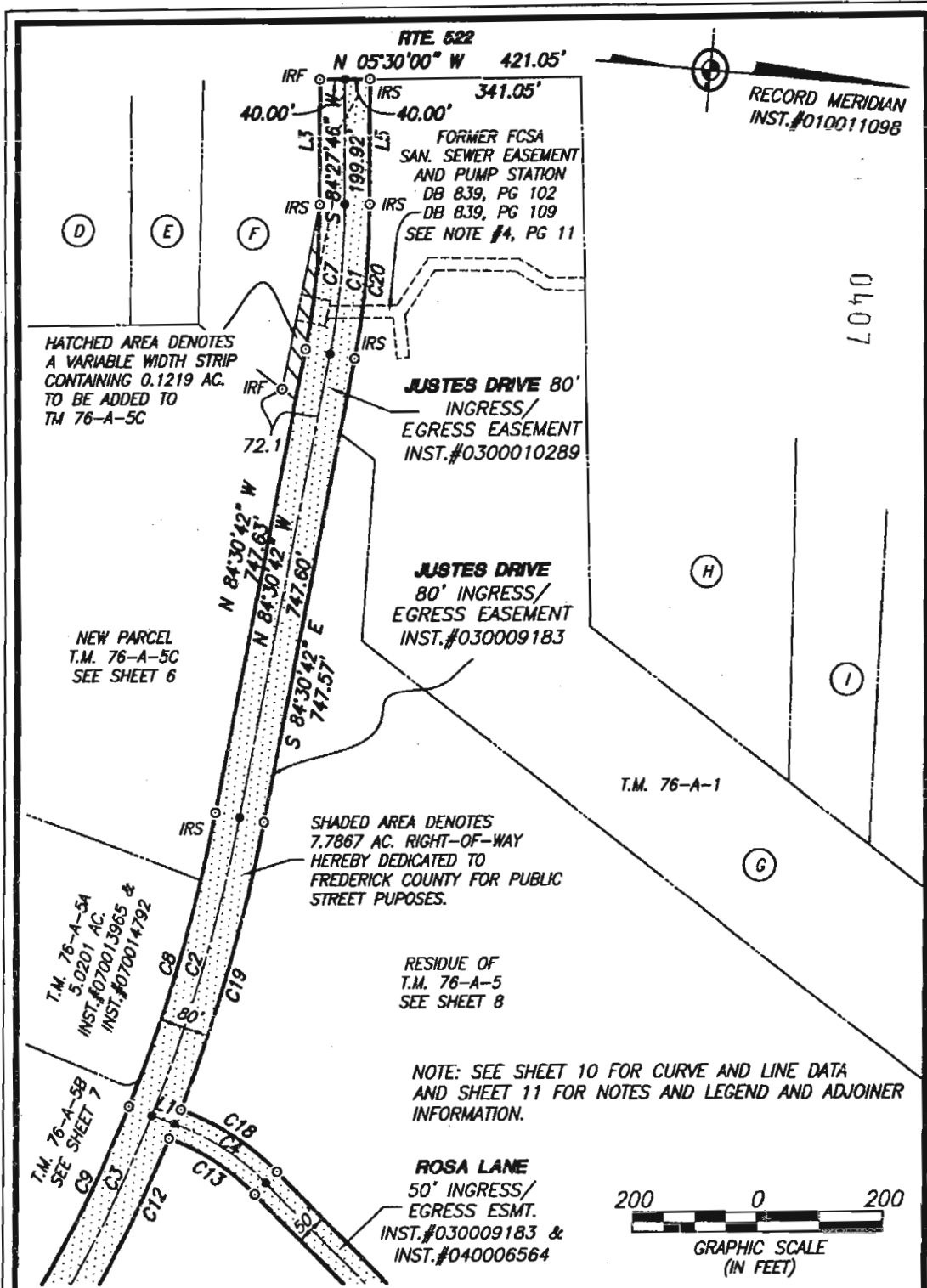
Engineers
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SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

SCALE: 1" = 200'

DATE: SEPT 13, 2007

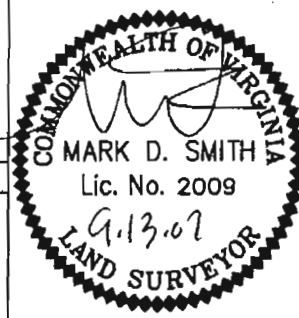


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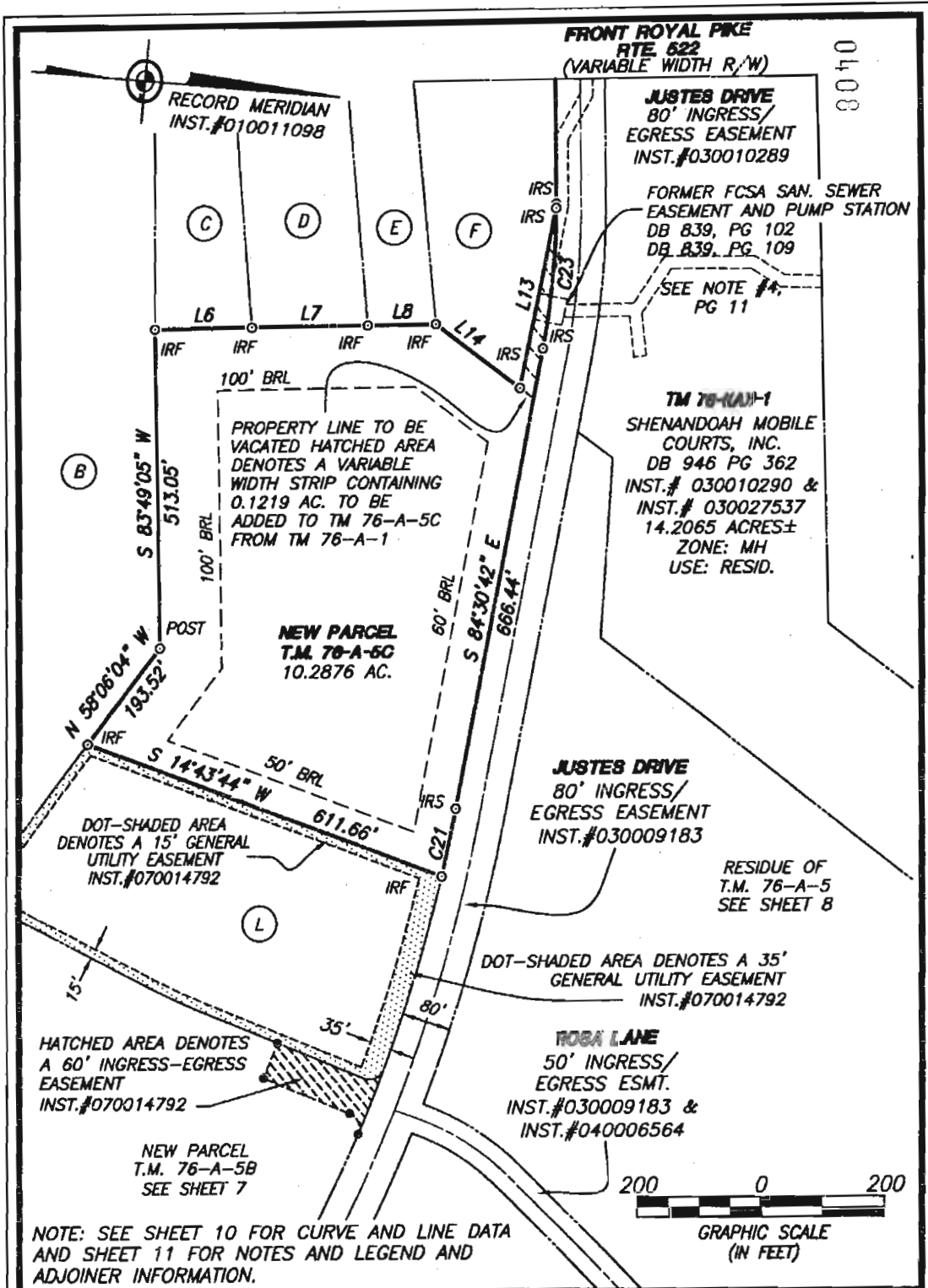
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2804 SHEET 5 OF 11

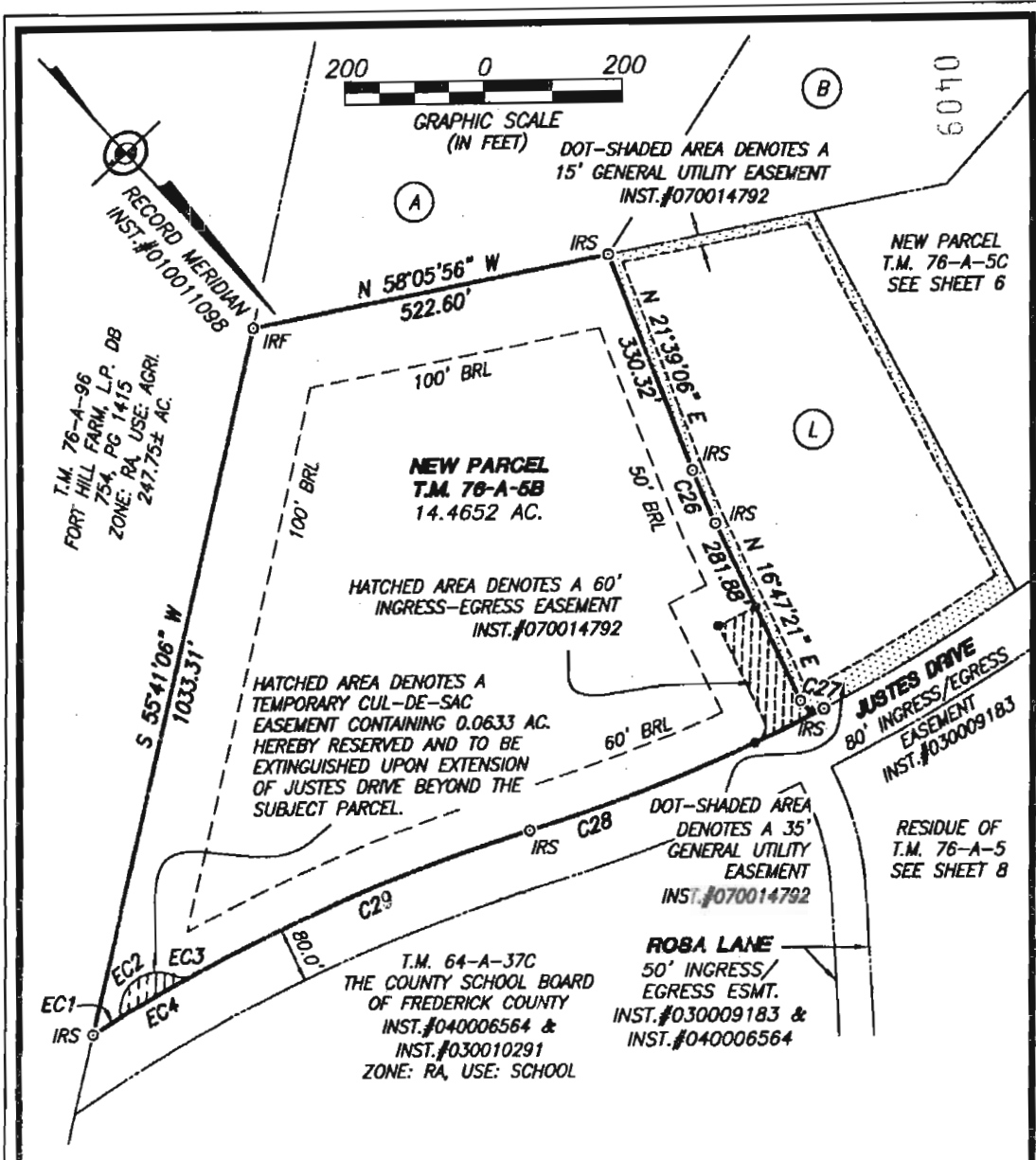


NOTE: SEE SHEET 10 FOR CURVE AND LINE DATA AND SHEET 11 FOR NOTES AND LEGEND AND ADJOINER INFORMATION.

**FINAL PLAT FOR MINOR RURAL SUBDIVISION
RIGHT OF WAY DEDICATION AND BOUNDARY LINE ADJUSTMENT
BETWEEN LANDS OF**
 MARK D. SMITH, ET UX, THE CHRISTOPHER AND JENNIFER RUSSELL LIVING TRUST,
 AND THE DARYL AND HEIDI RUSSELL LIVING TRUST, AND
 SHENANDOAH MOBILE COURTS, INC.
 SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA
 SCALE: 1" = 200' DATE: SEPT. 13, 2007



GREENWAY ENGINEERING, Inc.
 Engineers Surveyors
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NOTE: SEE THIS SHEET FOR CURVE AND EASEMENT DATA AND SHEET 11 FOR NOTES, LEGEND AND ADJOINER INFORMATION.

EASEMENT CURVE TABLE

Curve	Chord	Offset	Chord	Bearing	Angle
EC1	2540.00'	47.32'	47.32'	N 79°00'15" W	01°04'03"
EC2	55.00'	118.95'	97.09'	N 85°29'13" W	123°55'01"
EC3	35.00'	31.97'	30.87'	N 49°41'51" W	52°20'16"
EC4	2540.00'	123.47'	123.46'	S 77°04'41" E	02°47'06"

FINAL PLAT FOR MINOR RURAL SUBDIVISION
 RIGHT OF WAY DEDICATION AND BOUNDARY LINE ADJUSTMENT
 BETWEEN LANDS OF
 MARK D. SMITH, ET UX, THE CHRISTOPHER AND JENNIFER RUSSELL LIVING TRUST,
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 SHENANDOAH MOBILE COURTS, INC.
 SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

SCALE: 1" = 200'

DATE: SEPT. 13, 2007

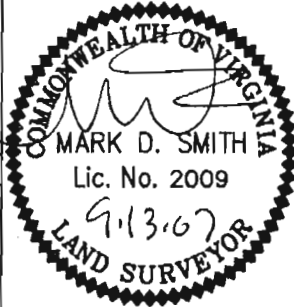


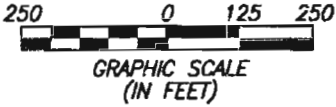
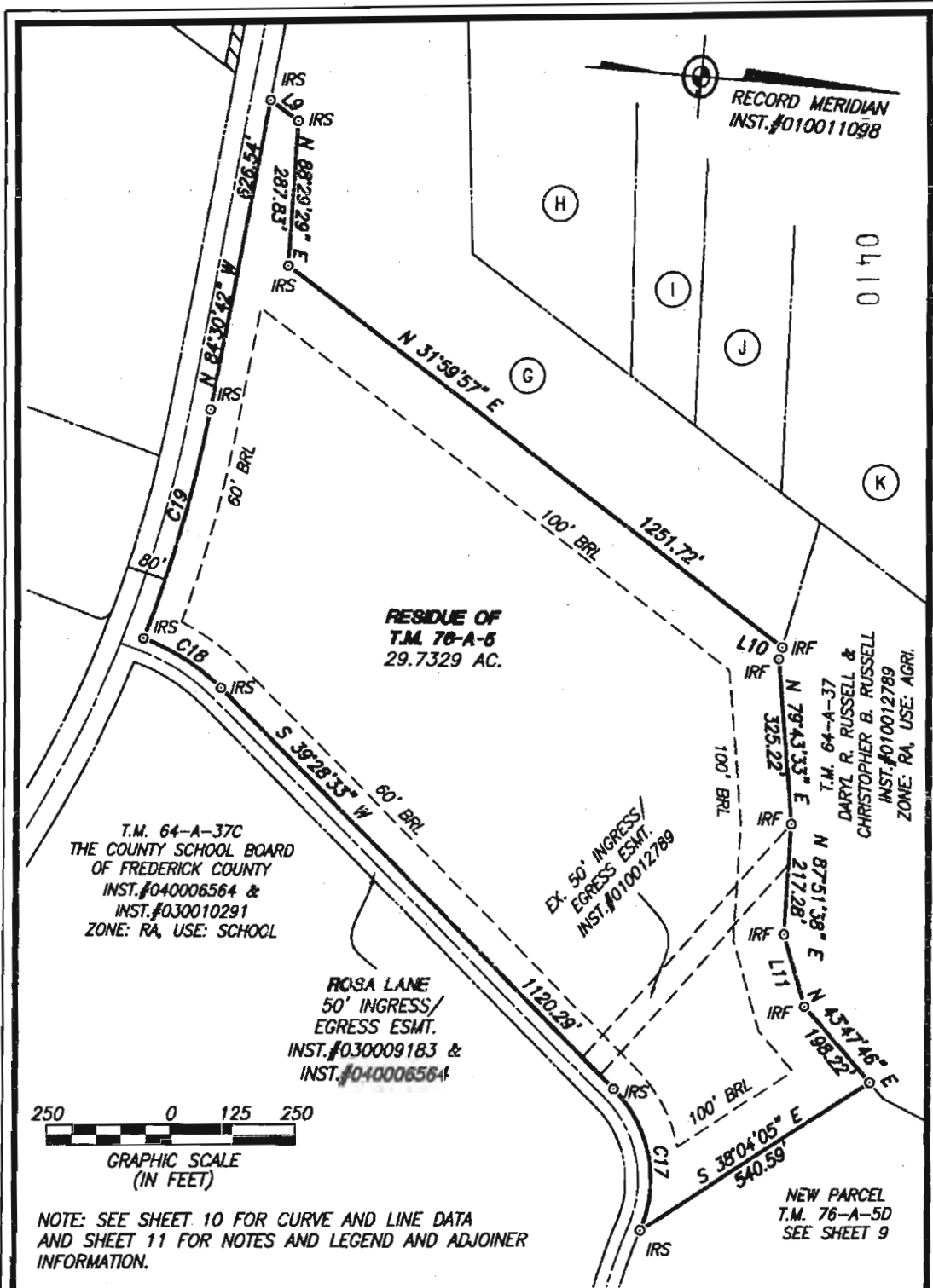
Engineers
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NOTE: SEE SHEET 10 FOR CURVE AND LINE DATA AND SHEET 11 FOR NOTES AND LEGEND AND ADJOINER INFORMATION.

**FINAL PLAT FOR MINOR RURAL SUBDIVISION
RIGHT OF WAY DEDICATION AND BOUNDARY LINE ADJUSTMENT
BETWEEN LANDS OF**
 MARK D. SMITH, ET UX, THE CHRISTOPHER AND JENNIFER RUSSELL LIVING TRUST,
 AND THE DARYL AND HEIDI RUSSELL LIVING TRUST, AND
 SHENANDOAH MOBILE COURTS, INC.
 SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

SCALE: 1" = 250'

DATE: SEPT. 13, 2007

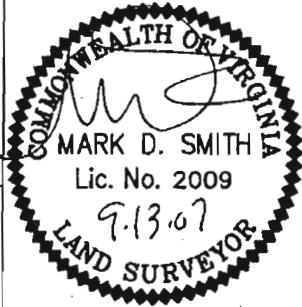


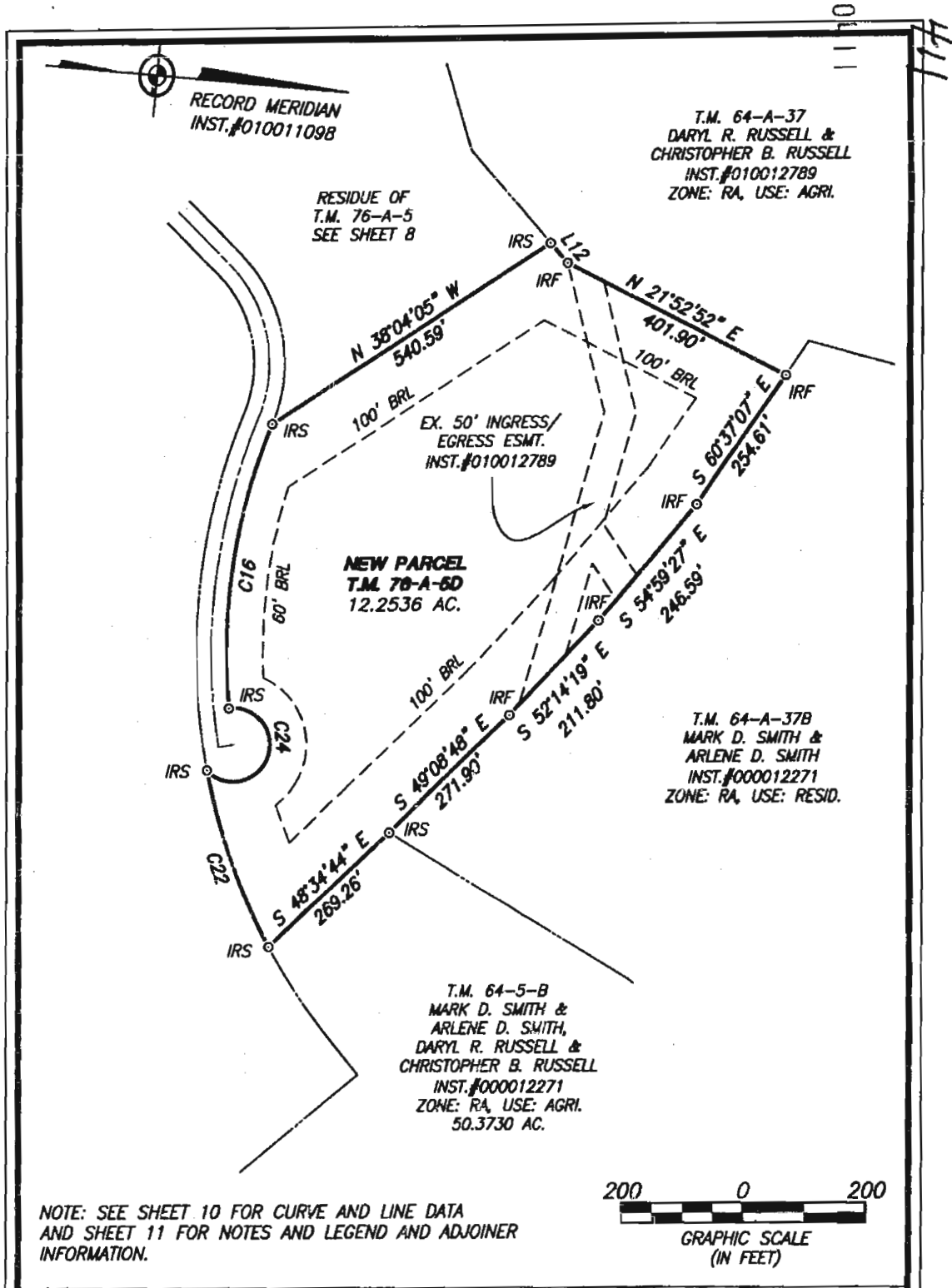
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**FINAL PLAT FOR MINOR RURAL SUBDIVISION
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BETWEEN LANDS OF**
MARK D. SMITH, ET UX, THE CHRISTOPHER AND JENNIFER RUSSELL LIVING TRUST,
AND THE DARYL AND HEIDI RUSSELL LIVING TRUST, AND
SHENANDOAH MOBILE COURTS, INC.
SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

SCALE: 1" = 200' DATE: SEPT. 13, 2007

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COMMONWEALTH OF VIRGINIA

MARK D. SMITH
Lic. No. 2009

9.13.07

LAND SURVEYOR

2804 SHEET 9 OF 11

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 14°04'13" W	38.77'
L2	S 14°45'10" E	25.00'
L3	S 84°27'46" W	199.92'
L4	S 55°41'06" W	115.52'
L5	N 84°27'46" E	199.92'
L6	N 05°55'38" W	157.50'
L7	N 05°51'38" W	186.50'
L8	N 05°45'39" W	110.99'
L9	N 31°59'57" E	70.21'
L10	S 78°54'05" E	24.12'
L11	N 68°13'33" E	146.96'
L12	N 43°47'46" E	42.72'
L13	N 83°44'53" W	293.72'
L14	N 31°59'57" E	170.89'

0412

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1249.70'	240.47'	240.10'	N 89°58'27" W	11°01'30"
C2	2500.00'	491.14'	490.35'	N 78°53'01" W	11°15'22"
C3	2500.00'	246.42'	246.32'	N 70°25'55" W	05°38'51"
C4	400.00'	177.36'	175.91'	S 26°46'23" W	25°24'17"
C5	230.00'	273.00'	257.25'	S 73°28'41" W	68°00'23"
C6	975.00'	548.51'	541.31'	N 88°38'10" W	32°14'00"
C7	1209.52'	232.74'	232.38'	N 89°58'24" W	11°01'30"
C8	2460.00'	483.28'	482.50'	N 78°53'01" W	11°15'22"
C9	2460.00'	403.18'	402.72'	N 68°33'37" W	09°23'25"
C10	2540.00'	694.78'	692.62'	N 71°42'06" W	15°40'21"
C11	2460.00'	754.92'	751.96'	S 72°39'24" E	17°34'58"
C12	2540.00'	393.12'	392.73'	S 68°17'57" E	08°52'04"
C13	375.00'	166.27'	164.92'	S 26°46'23" W	25°24'17"
C14	205.00'	243.32'	229.29'	S 73°28'41" W	68°00'23"
C15	1000.00'	596.61'	587.80'	N 89°36'40" W	34°10'59"
C16	950.00'	474.44'	469.53'	S 86°49'35" E	28°36'51"
C17	255.00'	302.67'	285.21'	N 73°28'41" E	68°00'23"
C18	425.00'	186.15'	184.66'	N 26°55'41" E	25°05'42"
C19	2540.00'	472.11'	471.44'	S 79°11'13" E	10°38'59"
C20	1289.88'	248.20'	247.82'	S 89°58'30" E	11°01'30"
C21	2460.00'	108.46'	108.45'	S 83°14'55" E	02°31'34"
C22	1000.00'	302.27'	301.12'	S 64°38'17" W	17°19'07"
C23	1209.52'	226.16'	225.83'	S 89°49'03" E	10°42'49"
C24	60.00'	244.67'	107.09'	S 76°07'13" E	233°38'44"
C25	2500.00'	724.49'	721.96'	N 72°10'03" W	16°36'15"
C26	970.00'	82.32'	82.30'	N 19°13'14" E	04°51'46"
C27	25.00'	39.84'	35.75'	N 28°51'29" W	91°17'39"
C28	2460.00'	456.82'	456.16'	S 69°11'07" E	10°38'23"
C29	2540.00'	694.78'	692.62'	S 71°42'06" E	15°40'21"

**FINAL PLAT FOR MINOR RURAL SUBDIVISION
RIGHT OF WAY DEDICATION AND BOUNDARY LINE ADJUSTMENT
BETWEEN LANDS OF**
 MARK D. SMITH, ET UX, THE CHRISTOPHER AND JENNIFER RUSSELL LIVING TRUST,
 AND THE DARYL AND HEIDI RUSSELL LIVING TRUST, AND
 SHENANDOAH MOBILE COURTS, INC.
 SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

SCALE: N/A

DATE: SEPT. 13, 2007



Engineers
Surveyors

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ADJOINER INFORMATION

- (A) T.M. 76-A-11
LINDA B. SHOCKLEY
23.32 AC.
DB 662, PG 241
ZONE: RA, USE: AGRI.
- (B) T.M. 76-1-C
DOUGLAS E.J. KERN &
DONNA A. KERN
10.02 AC.
DB 650, PG 548
ZONE: RA, USE: RESID.
- (C) T.M. 76-A-6
WALLACE DERRY, JR. &
ANNA R. DERRY
0.84 AC.
DB 297, PG 216
ZONE: RA, USE: AGRI.
- (D) T.M. 76-A-4
1467 REALTY ASSOC., LLC
1.62 AC.
INST.#020009916
ZONE: B2, USE: COMMERCIAL
- (E) T.M. 76-A-3A
1467 REALTY ASSOC., LLC
0.99 AC.
INST.#020009916
ZONE: B2, USE: COMMERCIAL
- (F) T.M. 76-A-2
TRUSTEES OF THE JUBILEE
CHRISTIAN CENTER
2.00 AC.
DB 804, PG 1458
ZONE: RA, USE: RELIGIOUS
- (G) T.M. 76-A-1
SHENANDOAH MOBILE
COURTS, INC. 14.21 AC.
DB 946, PG 362
INST.# 030010290
INST.# 030027537
ZONE: MH-1, USE: RESID.
- (H) T.M. 64-A-29
WAKELAND MANOR LAND TRUST
5.00 AC.
DB 776 PG 685
ZONE: B2, USE: RESID.
- (I) T.M. 64-A-30
WAKELAND MANOR LAND TRUST
2.26 AC.
DB 776 PG 685
ZONE: B2, USE: RESID.
- (J) T.M. 64-A-32
MARGARET C. WILLIS ET ALS
4.00 AC.
INST.#010003945
ZONE: RA, USE: RESID.
- (K) T.M. 64-A-33
JAMES P. BURGHOLZER
10.60 AC.
DB 600 PG 25
ZONE: RA, USE: RESID.
- (L) T.M. 76-A-5A
MARK D. SMITH, ET UX
5.0201 AC.
INST.#070013965&
INST.#070014792
ZONE: RA

413

AREA TABULATION

TM 76-((A))-5 = 73.4005 ACRES
 LESS PORTION ADDED
 RIGHT OF WAY DEDICATION = 6.7831 ACRES
 LESS PORTION ADDED
 TO NEW TM 75-((A))-5B = 14.4652 ACRES
 LESS PORTION ADDED
 TO NEW TM 75-((A))-5C = 10.1657 ACRES
 LESS PORTION ADDED
 TO NEW TM 75-((A))-5D = 12.2536 ACRES
 ADJUSTED TM 76-((A))-5 = 29.7329± ACRES

TM 76-((A))-1 = 14.2065 ACRES
 LESS PORTION ADDED
 RIGHT OF WAY DEDICATION = 1.0036 ACRES
 LESS PORTION ADDED
 TO NEW TM 75-((A))-5C = 0.1219 ACRES
 ADJUSTED TM 76-((A))-1 = 13.0810±
 ACRES BY SUBTRACTION

LEGEND

BRL = BUILDING RESTRICTION LINE
 IRS = 1/2" IRON REBAR SET
 IRF = IRON REBAR FOUND

NOTES

1. THE BOUNDARY INFORMATION SHOWN HEREON IS BASED ON AVAILABLE RECORDS AND IS NOT PURPORTED TO BE A BOUNDARY SURVEY OF THE PARCEL OR ANY PORTION OF THE BOUNDARY LINES.
2. NO TITLE REPORT FURNISHED. EASEMENTS OTHER THAN SHOWN MAY EXIST.
3. THE PROPERTY SHOWN HEREON LIES ENTIRELY WITHIN ZONE C, AREAS OF MINIMAL FLOODING, PER N.F.I.P. FLOOD INSURANCE RATE MAP No. 510063 0200 B, DATED JULY 17, 1978.
4. THE AREA SHOWN IS THE FORMER FREDERICK COUNTY SANITATION AUTHORITY EASEMENT AND PUMP STATION ACROSS THE LAND OF SHENANDOAH MOBILE COURT, INC., WHICH HAS REVERTED BACK TO SHEANDOAH MOBILE COURTS, INC., AS STATED BY THE PROVISIONS IN DEED BOOK 839, PAGE 102 AND DEED BOOK 839, PAGE 109.

**FINAL PLAT FOR MINOR RURAL SUBDIVISION
 RIGHT OF WAY DEDICATION AND BOUNDARY LINE ADJUSTMENT
 BETWEEN LANDS OF
 MARK D. SMITH, ET UX, THE CHRISTOPHER AND JENNIFER RUSSELL LIVING TRUST,
 AND THE DARYL AND HEIDI RUSSELL LIVING TRUST, AND
 SHENANDOAH MOBILE COURTS, INC.
 SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA**

SCALE: N/A

DATE: SEPT. 13, 2007

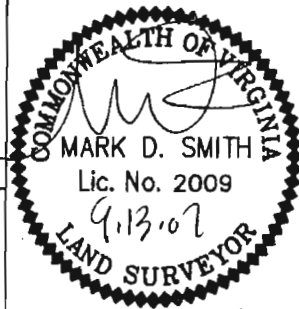


Engineers
 Surveyors

GREENWAY ENGINEERING, Inc.

151 Windy Hill Lane
 Winchester, Virginia 22602
 Telephone: (540) 662-4185
 FAX: (540) 722-9528
 www.greenwayeng.com

Founded in 1971



4140

VIRGINIA: FREDERICK COUNTY.SCT.

This instrument of writing was produced to me on

11-2-07 at 3:45 PM

and with certificate acknowledgement thereto ~~annexed~~
was admitted to record. Tax imposed by Sec. 58.1-802 of

\$ NA, and 58.1-801 have been paid, if ~~assessable~~.

Rebecca P. Hogan, Clerk

080013446

372

THIS DEED OF EXCHANGE is made and dated this 24th day of November 2008, by and between **DARYL R. RUSSELL** and **HEIDI L. RUSSELL**, Initial Co-Trustees of The Daryl and Heidi Russell Living Trust dated December 13, 2002 ("Daryl and Heidi Russell") (indexed as Grantors); and **CHRISTOPHER B. RUSSELL**, Divorced, ("Christopher B. Russell") (indexed as Grantor), parties of the first part, hereinafter called collectively the Grantors; and **MARK D. SMITH** and **ARLENE D. SMITH**, his wife, ("Smith") parties of the second part, hereinafter called the Grantees (indexed as Grantee);

RECITALS:

WHEREAS, by Deed of Dedication dated October 11, 2007 of record in the Clerk's Office of the Circuit Court of Frederick County, Virginia, as Instrument No. 07-0017080, Mark D. Smith and Arlene D. Smith, his wife, ("Smith") and Daryl R. Russell and Heidi L. Russell, Initial Co-Trustees of The Daryl and Heidi Russell Living Trust dated December 13, 2002 ("Daryl and Heidi Russell") and Christopher B. Russell and Jennifer S. Russell, Initial Co-Trustees of the Christopher and Jennifer Russell Living Trust dated December 13, 2002 ("Christopher B. Russell and Jennifer Russell") subdivided a certain tract of land containing 73.4005 acres on a plat and survey drawn by Mark D. Smith, L.S., dated September 13, 2007 attached to the Deed of Dedication dated October 11, 2007 of record in the aforesaid Clerk's Office as Instrument No. 07-0017080 resulting in one of the subdivided parcels being identified as "New Parcel T.M. 76-A-5B 14.4652 acres" (Sheet 7 of 11) and by this reference made a part hereof as if set out in full; and,

WHEREAS, Christopher B. Russell subsequently acquired the interest of Christopher B. Russell and Jennifer S. Russell in that certain Deed in Dissolution of Trust dated December 28, 2007 of record in the aforesaid Clerk's Office as Instrument No. 08-0000526; and,

WHEREAS, Smith desires to convey their one-third (1/3) undivided interest in the 14.4652 acre tract to Daryl R. Russell and Heidi L. Russell and Christopher B. Russell, in exchange for the Russells conveying their two-thirds (2/3) undivided interest in a tract of land containing 24.00 acres as shown on the plat of survey drawn by Mark D. Smith, L.S., dated January 22, 2008 attached to this Deed of Exchange and by this reference made a part hereof as if set out in full.

WITNESSETH:

NOW, THEREFORE, in consideration of the benefits to accrue thereby, the Grantors, Daryl R. Russell and Heidi L. Russell, Initial Co-Trustees of The Daryl and Heidi Russell Living Trust dated December 13, 2002, and Christopher B. Russell, Divorced, do hereby grant and convey with Special Warranty of title unto the Grantees, Mark D. Smith and Arlene D. Smith, his wife, as tenants by the entirety with common law right of survivorship, a sixty-six and two-thirds (66-2/3) undivided interest (being all the interests of Daryl and Heidi Russell Living Trust and Christopher B. Russell) in that certain tract of land described as follows:

All that certain tract or parcel of land, lying and being situate in Shawnee Magisterial District, Frederick County, Virginia, containing 24.00 acres and

ASSESSED VALUE: \$ 111,100
GRANTEE ADDRESS: 151 Windy Hill Lane
Winchester, VA 22602
Tax Map No. 401010000

PREPARED BY: BENJAMIN M. BUTLER, ESQUIRE
McKEE & BUTLER, P.L.C.
Post Office Drawer 2097
Winchester, Virginia 22604

TM 76-A-5D
2 OF 2
E 104-5-B

more particularly described on the plat of survey drawn by Mark D. Smith, L.S., dated January 22, 2008 and identified thereon as "New Parcel T.M. 76-A-5D" and by this reference made a part hereof as if set out in full; AND BEING a portion of the same land of which a one-third (1/3) undivided interest was conveyed to Mark D. Smith and Arlene D. Smith by Deed dated November 21, 2000 of record in the Clerk's Office of the Circuit Court of Frederick County, Virginia, as Instrument No. 00-0012271, a one-third (1/3) undivided interest which was conveyed to Christopher B. Russell by Deed dated December 28, 2007 of record in the aforesaid Clerk's Office as Instrument No. 08-0000526 and the remaining one-third (1/3) undivided interest which was conveyed to Daryl R. Russell and Heidi L. Russell, Initial Co-Trustees of The Daryl and Heidi Russell Living Trust by Deed dated December 13, 2002 of record in the aforesaid Clerk's Office as Instrument No. 02-0022179 (as corrected by Deed of Correction also dated December 11, 2006 of record in the aforesaid Clerk's Office as Instrument No. 06-0023110) and portion of the land conveyed by Deed dated October 11, 2007 of record in the aforesaid Clerk's Office as Instrument No. 07-0017080.

This conveyance is made subject to all easements, rights of way and restrictions of record affecting the subject property.

Mark D. Smith and Arlene D. Smith join in the execution of this Deed to agree to join the 24.00 acre tract with the 17.50 acre tract to form a tract of land containing 41.5000 acres and identified as Tax Map 76-(A)-5D on the plat drawn by Mark D. Smith, L.S., dated January 22, 2008 attached hereto and by this reference made a part hereof as if set out in full

(This space is intentionally left blank.)

0374

WITNESS the following signatures and seals:

THE DARYL AND HEIDI RUSSELL LIVING TRUST

By: Daryl R. Russell Co. Trustee (SEAL)
Daryl R. Russell, Initial Co-Trustee

By: Heidi L. Russell Co. Trustee (SEAL)
Heidi L. Russell, Initial Co-Trustee

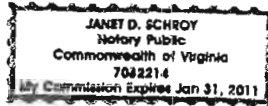
COMMONWEALTH OF VIRGINIA,
CITY OF WINCHESTER, to-wit:

The foregoing instrument was acknowledged before me this 26th day of November, 2008, by Daryl R. Russell and Heidi L. Russell, Initial Co-Trustees of The Daryl and Heidi Russell Living Trust, dated December 13, 2002.

My commission expires 01-31-11.

Registration No. 708 2214.

Janet D. Schroy
Notary Public



0375

WITNESS the following signature and seal:

Christopher B. Russell (SEAL)
Christopher B. Russell

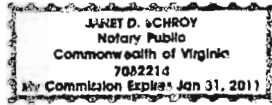
COMMONWEALTH OF VIRGINIA,
CITY OF WINCHESTER, to-wit:

The foregoing instrument was acknowledged before me this 26th day of November, 2008 by Christopher B. Russell.

My commission expires 01-31-11.

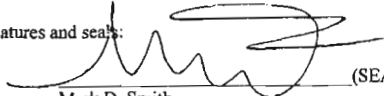
Registration No. 7082214.

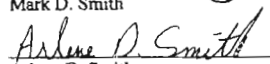
Janet D. Schroy
Notary Public



1376

WITNESS the following signatures and seals:


Mark D. Smith (SEAL)

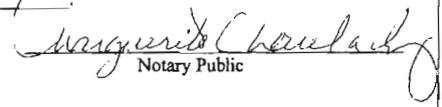

Arlene D. Smith (SEAL)

COMMONWEALTH OF VIRGINIA,
CITY OF WINCHESTER, to-wit:

The foregoing instrument was acknowledged before me this 24th day of November, 2008 by Mark D. Smith and Arlene D. Smith.

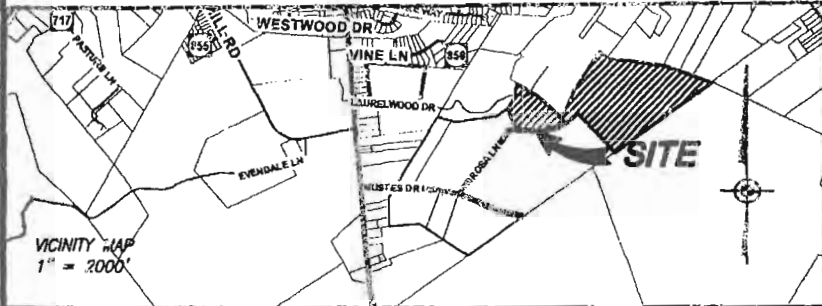
My commission expires 1-31-2010.

Registration No. 7010794.


Notary Public



FINAL PLAT FOR
BOUNDARY LINE ADJUSTMENT
BETWEEN LANDS OF
MARK D. SMITH, ET UX, AND CHRISTOPHER RUSSELL,
AND THE DARYL AND HEIDI RUSSELL LIVING TRUST
SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA
JANUARY 22, 2008



NOTE:

PARENT TAX PARCEL IDENTIFICATION

- | | | | |
|------------------|---------------|----------|------------|
| (i) T.M. 76-A-5D | 17.5000 ACRES | ZONE: RA | USE: AGRI. |
| (ii) T.M. 64-5-B | 45.1266 ACRES | ZONE: RA | USE: AGRI. |

SURVEYOR'S CERTIFICATE

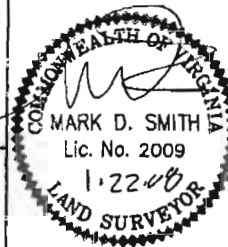
I HEREBY CERTIFY THAT THE LAND CONTAINED IN THIS BOUNDARY LINE ADJUSTMENT IS A PORTION OF THE LAND IN WHICH A ONE-THIRD UNDIVIDED INTEREST WAS CONVEYED TO MARK D. SMITH AND ARLENE D. SMITH BY DEED DATED NOVEMBER 21, 2000 OF RECORD IN THE FREDERICK COUNTY CIRCUIT COURT CLERK'S OFFICE AS INSTRUMENT No. 000012271, A ONE-THIRD UNDIVIDED INTEREST IN WHICH WAS CONVEYED TO CHRISTOPHER B. RUSSELL BY DEED DATED DECEMBER 28, 2007 OF RECORD IN SAID CLERK'S OFFICE AS INSTRUMENT No. 080000526, AND THE REMAINING ONE-THIRD UNDIVIDED INTEREST IN WHICH WAS CONVEYED TO DARYL R. RUSSELL AND HEDI L. RUSSELL, INITIAL CO-TRUSTEES OF THE DARYL AND HEDI RUSSELL LIVING TRUST BY DEED DATED DECEMBER 13, 2002 OF RECORD IN SAID CLERK'S OFFICE AS INSTRUMENT No. 020022179 (AS CORRECTED BY DEED OF CORRECTION ALSO DATED DECEMBER 11, 2006 OF RECORD IN SAID CLERK'S OFFICE AS INSTRUMENT No. 060023110) AND A PORTION OF THE LAND CONVEYED BY DEED DATED OCTOBER 11, 2007 OF RECORD IN SAID CLERK'S OFFICE AS INSTRUMENT No. 070017080.

MARK D. SMITH, L.S.

APPROVALS:

FREDERICK COUNTY SUBDIVISION ADMINISTRATOR

6 new DB
DATE



GREENWAY ENGINEERING, INC.

Engineers
Surveyors

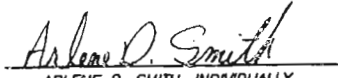
151 Windy Hill Lane
Winchester, Virginia 22602
Telephone: (540) 662-4185
FAX: (540) 722-9528
www.greenwayeng.com

Founded in 1971

OWNER'S CERTIFICATE

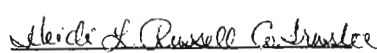
THE ABOVE AND FOREGOING BOUNDARY LINE ADJUSTMENT OF THE LAND OF MARK D. SMITH, ARLENE D. SMITH, CHRISTOPHER RUSSELL, THE DARYL AND HEIDI RUSSELL LIVING TRUST, AS APPEARS ON THE ACCOMPANYING PLATS, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES, IF ANY.


MARK D. SMITH, INDIVIDUALLY

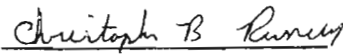

ARLENE D. SMITH, INDIVIDUALLY

THE DARYL AND HEIDI RUSSELL LIVING TRUST

BY: 
DARYL R. RUSSELL, TRUSTEE


HEIDI L. RUSSELL, TRUSTEE

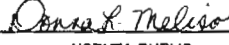
CHRISTOPHER RUSSELL

BY: 
CHRISTOPHER B. RUSSELL

COMMONWEALTH OF VIRGINIA

CITY / COUNTY OF Frederick, TO WIT:

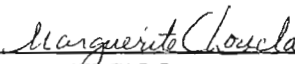
THE FOREGOING OWNER'S CERTIFICATE WAS ACKNOWLEDGED BEFORE ME THIS 23rd DAY OF January, 2008 BY MARK D. SMITH AND ARLENE D. SMITH.

MY COMMISSION EXPIRES February 29, 2008 
NOTARY PUBLIC
Registration # 296106

COMMONWEALTH OF VIRGINIA

CITY / COUNTY OF Winchester, TO WIT:

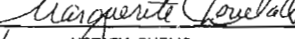
THE FOREGOING OWNER'S CERTIFICATE WAS ACKNOWLEDGED BEFORE ME THIS 20th DAY OF February, 2008 BY CHRISTOPHER B. RUSSELL.

MY COMMISSION EXPIRES 1-31, 2010 
NOTARY PUBLIC
Reg # 7010794

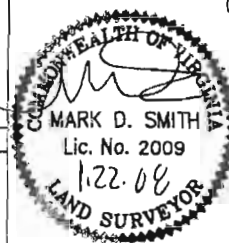
COMMONWEALTH OF VIRGINIA

CITY / COUNTY OF Winchester, TO WIT:

THE FOREGOING OWNER'S CERTIFICATE WAS ACKNOWLEDGED BEFORE ME THIS 20th DAY OF February, 2008 BY DARYL R. RUSSELL AND HEIDI L. RUSSELL, TRUSTEES OF THE DARYL AND HEIDI RUSSELL LIVING TRUST.

MY COMMISSION EXPIRES 1-31, 2010 
Reg # 7010794
NOTARY PUBLIC

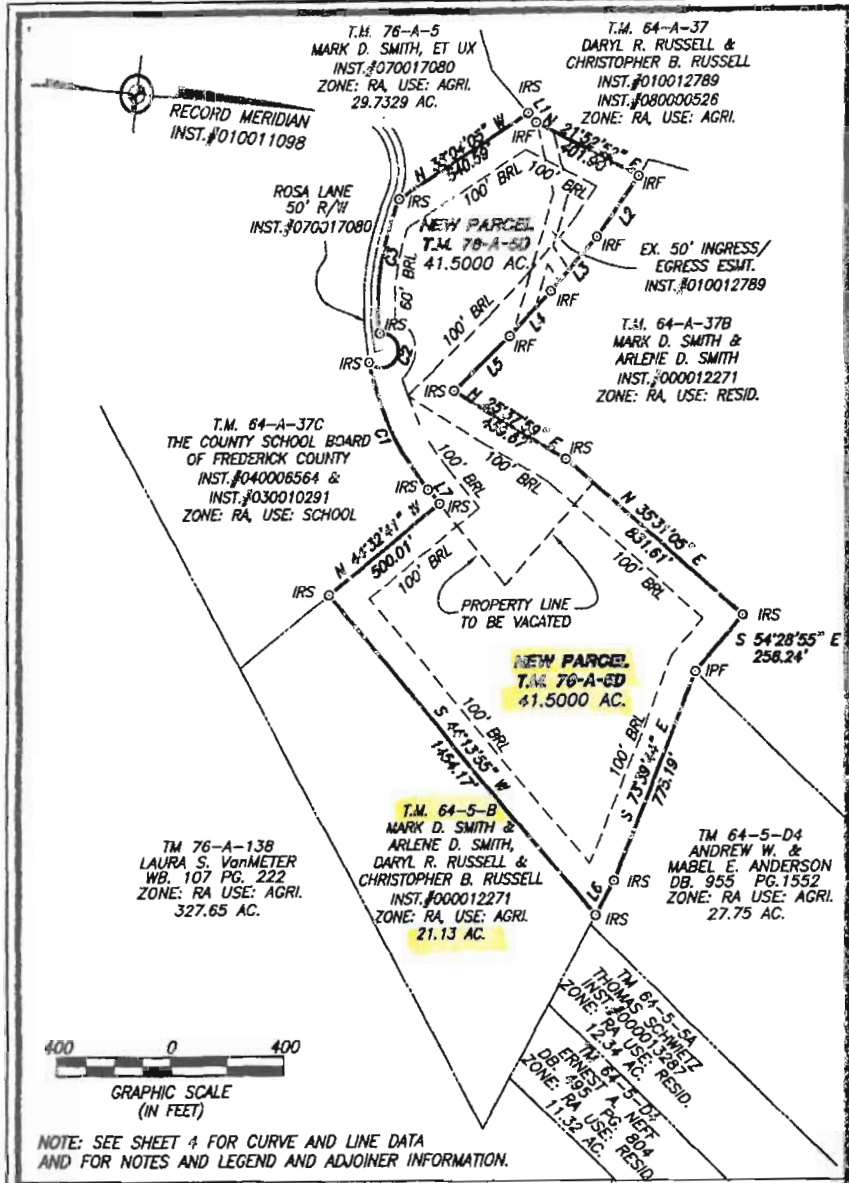
FINAL PLAT FOR
BOUNDARY LINE ADJUSTMENT
BETWEEN LANDS OF
MARK D. SMITH, ET UX, CHRISTOPHER RUSSELL
AND THE DARYL AND HEIDI RUSSELL LIVING TRUST
SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA
SCALE: N/A DATE: JANUARY 22, 2008



GREENWAY ENGINEERING, Inc.
151 Windy Hill Lane
Winchester, Virginia 22602
Telephone: (540) 662-4185
FAX: (540) 722-9528
www.greenwayeng.com

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0379



FINAL PLAT FOR BOUNDARY LINE ADJUSTMENT BETWEEN LANDS OF MARK D. SMITH, ET UX, CHRISTOPHER RUSSELL, AND THE DARYL AND HEIDI RUSSELL LIVING TRUST SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

SCALE: 1" = 200' DATE: JANUARY 22, 2008



GREENWAY ENGINEERING, Inc.
Engineers
Surveyors

151 Windy Hill Lane
Winchester, Virginia 22602
Telephone: (540) 662-4185
FAX: (540) 722-9528
www.greenwayeng.com

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2804 SHEET 3 OF 4

AREA TABULATION

TM 64-((5))-B = 45.1266 ACRES
 LESS PORTION ADDED
 TO NEW TM 75-((A))-5D = 24.0000 ACRES
 ADJUSTED TM 64-((5))-B = 21.1266±
 ACRES BY SUBTRACTION

TM 76-((A))-5D = 17.5000 ACRES
 PLUS PORTION ADDED
 FROM TM 64-((5))-B = 24.0000 ACRES
 ADJUSTED TM 76-((A))-5D = 41.5000±
 ACRES BY ADDITION

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 43°47'46" E	42.72'
L2	S 60°37'07" E	254.61'
L3	S 54°59'27" E	246.59'
L4	S 52°14'19" E	211.80'
L5	S 49°08'48" E	271.90'
L6	S 67°18'07" E	134.09'
L7	S 45°01'12" W	61.86'

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1000.00'	493.53'	488.53'	S 59°09'32" W	28°16'37"
C2	60.00'	244.67'	107.09'	N 76°07'13" W	233°38'44"
C3	950.00'	474.44'	469.53'	N 86°49'35" W	28°36'51"

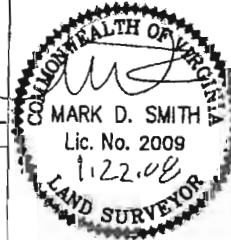
LEGEND

BRL = BUILDING RESTRICTION LINE
 IRS = 1/2" IRON REBAR SET
 IRF = IRON REBAR FOUND

NOTES

1. THE BOUNDARY INFORMATION SHOWN HEREON IS BASED ON AVAILABLE RECORDS AND IS NOT PURPORTED TO BE A BOUNDARY SURVEY OF THE PARCEL OR ANY PORTION OF THE BOUNDARY LINES.
2. NO TITLE REPORT FURNISHED. EASEMENTS OTHER THAN SHOWN MAY EXIST.
3. THE PROPERTY SHOWN HEREON LIES ENTIRELY WITHIN ZONE C, AREAS OF MINIMAL FLOODING, PER N.F.I.P. FLOOD INSURANCE RATE MAP No. 510063 0200 B, DATED JULY 17, 1978.

FINAL PLAT FOR
 BOUNDARY LINE ADJUSTMENT
 BETWEEN LANDS OF
 MARK D. SMITH, ET UX, CHRISTOPHER RUSSELL,
 AND THE DARYL AND HEIDI RUSSELL LIVING TRUST
 SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA
 SCALE: N/A DATE: JANUARY 22, 2008



GREENWAY ENGINEERING, Inc.
 Engineers
 Surveyors
 151 Windy Hill Lane
 Winchester, Virginia 22602
 Telephone: (540) 662-4185
 FAX: (540) 722-9528
 www.greenwayeng.com

Founded in 1971

VIRGINIA: FREDERICK COUNTY, SCT.

This instrument of writing was produced to me on

11-26-08 at 11:59 AM

and with certificate acknowledgement thereto annexed
was admitted to record. Tax imposed by Sec. 58.1-802 of

§ 480e, and 58.1-801 have been paid, if assessable.

Rebecca P. Hagan, Clerk

0250

110011251

THIS DEED made and dated this 20th day of December, 2011, by and between MABEL E. ANDERSON, Widow, party of the first part, hereinafter called the Grantor, and MARK D. SMITH and ARLENE D. SMITH, his wife, parties of the second part, hereinafter called the Grantees.

WITNESSETH: That for and in consideration of the sum of Ten (\$10.00) Dollars, cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby grant and convey with general warranty and English Covenants of title unto the Grantees, in fee simple absolute, as tenants by the entirety with common law right of survivorship, all of the following described tract or parcel of land:

All of that certain tract or parcel of land, lying and being situate in Shawnee Magisterial District, Frederick County, Virginia, containing 15.5932 acres as shown on the plat of survey drawn by Mark D. Smith, L.S., dated November 28, 2011, attached hereto and by this reference made a part hereof as if set out in full; AND BEING a portion of the same land conveyed to Andrew W. Anderson, Sr. and Mabel E. Anderson, his wife, as joint tenants with right of survivorship, by Deed dated October 10, 1959, of record in the Clerk's Office of the Circuit Court of Frederick County, Virginia, in Deed Book 260 at Page 111; the said Andrew W. Anderson, Sr. died on the 27th day of April, 2008, survived by his widow, Mabel E. Anderson, thereby vesting title in the said Mabel E. Anderson.

There is also included in the above conveyance and the conveyance is made subject to a certain right of way 20 feet in width for ingress and egress to Virginia Route 645, which right of way is to be used in common with others having the right to use the same and which right of way is shown on aforesaid attached plat of survey and is by this reference made a part hereof as if set out in full. Reference is further made to said right of way as shown on plat drawn by Richard U. Goode, L.S., dated July 1, 1949, of record in the aforesaid Clerk's Office in Deed Book 211 at Page 384.

The land herein conveyed shall be joined with and become a part of the Grantees' other land known as Tax Map No. 76-A-5D forming a tract of land containing 57.0932 acres (by addition).

PREPARED BY: BENJAMIN M. BUTLER, ESQUIRE
MCKEE & BUTLER, P.L.L.C.
Post Office Drawer 2097
Winchester, Virginia 22604

ASSESSED VALUE: \$ N/A
\$ = \$110,000.00
151 Windy Hill Lane
Winchester, VA 22602
Tax Map Nos. 64-S-DS and 76-A-5D

TM 76-A-5D

1 of 2

0251

This conveyance is made subject to all easements, rights of way and restrictions of record affecting the subject property.

WITNESS the following signature and seal.

Mabel E. Anderson (SEAL)
MABEL E. ANDERSON

COMMONWEALTH OF VIRGINIA,
CITY OF WINCHESTER, to-wit:

The foregoing instrument was acknowledged before me this 20th day of December, 2011, by MABEL E. ANDERSON, Widow.

My commission expires 1-31-14.

Registration No. 7010794.

Marguerite Chouelady
Notary Public



Page 2 of 2

252

**FINAL PLAT FOR BOUNDARY LINE ADJUSTMENT
BETWEEN THE LANDS OF
MABEL E. ANDERSON AND MARK D. SMITH, ET UX**
SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA
NOVEMBER 28, 2011



OWNER'S CERTIFICATE

THE ABOVE AND FOREGOING BOUNDARY LINE ADJUSTMENT BETWEEN THE LANDS OF MABEL E. ANDERSON AND MARK D. SMITH & ARLENE D. SMITH, HIS WIFE, AS APPEARS ON THE ACCOMPANYING PLATS, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES, IF ANY.

Mark D. Smith *Mabel E. Anderson*

COMMONWEALTH OF VIRGINIA
CITY / COUNTY OF Frederick, TO WIT:
THE FOREGOING OWNER'S CERTIFICATE WAS ACKNOWLEDGED BEFORE ME THIS 5th DAY OF December, 2011 BY Arlene D. Smith and Mark D. Smith
Donna K. Melissa
NOTARY PUBLIC
MY COMMISSION EXPIRES Feb. 29, 2012.
REGISTRATION No. 296106

COMMONWEALTH OF VIRGINIA
CITY / COUNTY OF Frederick, TO WIT:
THE FOREGOING OWNER'S CERTIFICATE WAS ACKNOWLEDGED BEFORE ME THIS 5th DAY OF December, 2011 BY Mabel E. Anderson
Donna K. Melissa
NOTARY PUBLIC
MY COMMISSION EXPIRES Feb. 29, 2012.
REGISTRATION No. 296106

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE LAND CONTAINED IN THIS BOUNDARY LINE ADJUSTMENT IS (i) A PORTION OF THE LAND CONVEYED TO ANDREW W. ANDERSON (SR.) AND MABEL E. ANDERSON, HIS WIFE, BY DEED DATED OCTOBER 10, 1959 OF RECORD IN THE FREDERICK COUNTY CIRCUIT COURT CLERK'S OFFICE IN DEED BOOK 260 AT PAGE 111. THE SAID ANDREW W. ANDERSON, SR. IS NOW DECEASED, AS EVIDENCED BY HIS WILL ADMITTED TO PROBATE OCTOBER 15, 2008 OF RECORD IN SAID CLERK'S OFFICE AS WILL FILE No. 080000212, AND HIS INTEREST IN SAID LAND IS NOW VESTED IN MABEL E. ANDERSON BY VIRTUE OF THE SURVIVORSHIP PROVISIONS INCLUDED IN THE REFERENCED DEED. A PORTION OF THE SAID LAND IS HEREIN ADDED TO AND MADE A PART OF (ii) A CONTIGUOUS TRACT AS ESTABLISHED BY BOUNDARY LINE ADJUSTMENT PLAT DATED JANUARY 22, 2008 ATTACHED TO DEED OF EXCHANGE OF RECORD IN SAID CLERK'S OFFICE AS INSTRUMENT No. 080013446, BEING THE SAME LAND CONVEYED TO MARK D. SMITH AND ARLENE D. SMITH BY THE FOLLOWING DEEDS OF RECORD IN SAID CLERK'S OFFICE: A DEED DATED NOVEMBER 24, 2008 OF RECORD AS INSTRUMENT No. 080013446, A DEED DATED OCTOBER 17, 2007 OF RECORD AS INSTRUMENT No. 080002149, AS CONFIRMED BY A DEED DATED JANUARY 11, 2008 OF RECORD AS INSTRUMENT No. 080002150, AND A DEED DATED NOV. 21, 2000 OF RECORD AS INST. No. 000012271.

Mark D. Smith
MARK D. SMITH, L.S.

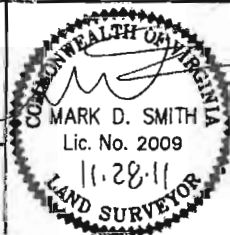
NOTE: PARENT TAX PARCEL IDENTIFICATION

(i) T.M. 64-5-D5	MABEL E. ANDERSON	21.5337 ACRES±	ZONE: RA	USE: VACANT
(ii) T.M. 76-A-50	MARK D. SMITH, ET UX	41.5000 ACRES±	ZONE: RA	USE: VACANT

APPROVAL:

[Signature]
FREDERICK COUNTY SUBDIVISION ADMINISTRATOR

9/28/11
DATE



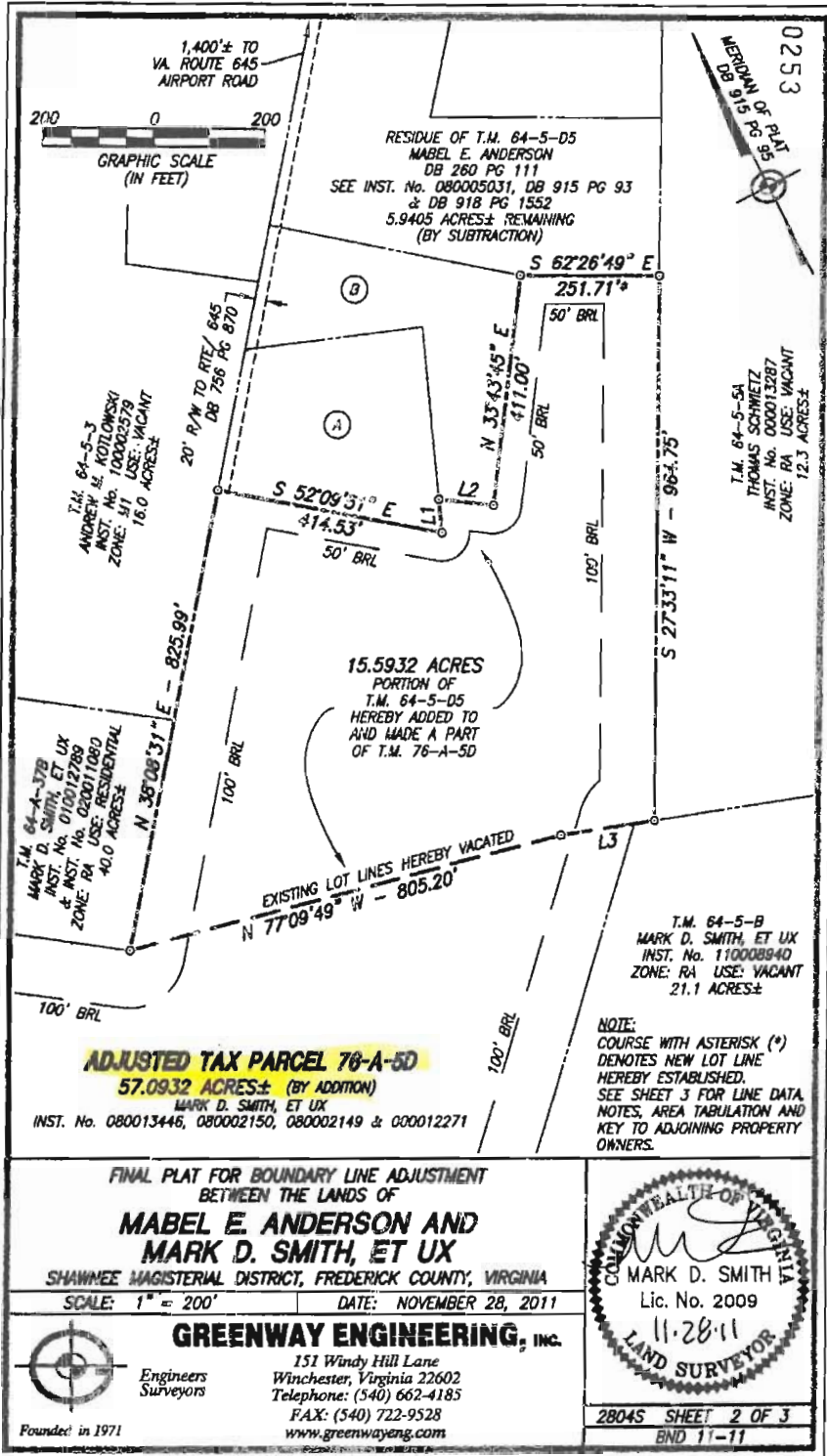
GREENWAY ENGINEERING, INC.

Engineers
Surveyors

151 Windy Hill Lane
Winchester, Virginia 22602
Telephone: (540) 652-4185
FAX: (540) 722-9528
www.greenwayeng.com

Founded in 1971

2804S SHEET 1 OF 3
BND 11-11



ADJUSTED TAX PARCEL 76-A-5D

57.0932 ACRES± (BY ADDITION)

MARK D. SMITH, ET UX
INST. No. 080013446, 080002150, 080002149 & 000012271

NOTE:
COURSE WITH ASTERISK (*)
DENOTES NEW LOT LINE
HEREBY ESTABLISHED.
SEE SHEET 3 FOR LINE DATA,
NOTES, AREA TABULATION AND
KEY TO ADJOINING PROPERTY
OWNERS.

FINAL PLAT FOR BOUNDARY LINE ADJUSTMENT
BETWEEN THE LANDS OF
**MABEL E. ANDERSON AND
MARK D. SMITH, ET UX**
SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

SCALE: 1" = 200'

DATE: NOVEMBER 28, 2011

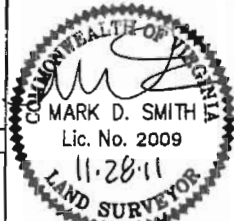
GREENWAY ENGINEERING, INC.



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Winchester, Virginia 22602
Telephone: (540) 662-4185
FAX: (540) 722-9528
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Founded in 1971



2804S SHEET 2 OF 3
BND 11-11

0254

LINE DATA

LINE	BEARING	DISTANCE
L1	N 21°28'25" E	59.32'
L2	S 56°30'24" E	99.25'
L3	N 71°09'49" W	171.22'

KEY TO ADJOINING PROPERTY OWNERS

(A) T.M. 64-5-D3
 DEBORAH A. ROBINSON
 (FORMERLY DEBORAH A. FOLTZ)
 INST. No. 020021057
 ZONE: RA USE: RESIDENTIAL
 2.6 ACRES±

(B) T.M. 64-5-D2
 CARROLL L. ANDERSON, ET UX
 DB 883 PG 1072
 ZONE: RA USE: RESIDENTIAL
 2.6 ACRES±

AREA TABULATION

T.M. 76-A-5D (SMITH, ET UX)

EXISTING AREA OF T.M. 76-A-5D (PER RECORD PLAT) = 11.5000 ACRES±
 PLUS PORTION OF T.M. 64-5-D5 ADDED = + 15.5932 ACRES
 ADJUSTED AREA (BY ADDITION) = 57.0932 ACRES±

T.M. 64-5-D5 (ANDERSON)

EXISTING AREA OF T.M. 64-5-D5 (PER RECORD PLAT) = 21.5337 ACRES±
 LESS PORTION ADDED TO T.M. 76-A-5D = - 15.5932 ACRES
 ADJUSTED AREA (BY SUBTRACTION) = 5.9405 ACRES±

NOTES

1. THE BOUNDARY INFORMATION SHOWN ON THIS PLAT HAS BEEN PREPARED FROM AVAILABLE RECORDS AND IS NOT PURPORTED TO BE A BOUNDARY SURVEY OF THE PARCELS OR ANY PORTION OF THE BOUNDARY LINES. NO FIELD SURVEY HAS BEEN PERFORMED, NOR IS IMPLIED.
2. NO TITLE REPORT FURNISHED. EASEMENTS MAY EXIST WHICH ARE NOT SHOWN.

FINAL PLAT FOR BOUNDARY LINE ADJUSTMENT
 BETWEEN THE LANDS OF
**MABEL E. ANDERSON AND
 MARK D. SMITH, ET UX**
 SHAMNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

SCALE: N/A

DATE: NOVEMBER 28, 2011

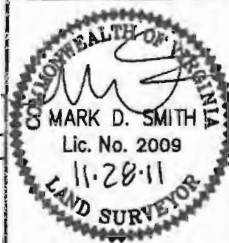


GREENWAY ENGINEERING, INC.

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 Winchester, Virginia 22602
 Telephone: (540) 662-4185
 FAX: (540) 722-9528
 www.greenwayeng.com

Founded in 1971



2804S SHEET 3 OF 3
BND 11.11

VIRGINIA: FREDERICK COUNTY, SCT.

This instrument of writing was produced to me on

12-20-2011 at 4:38 PM

and with certificate acknowledgement thereto annexed

was admitted to record. Tax imposed by Sec. 58.1-802 of

110.00, and 58.1-801 have been paid, if assessable.

Rebecca P. Hagan, Clerk

CPPA #03-16

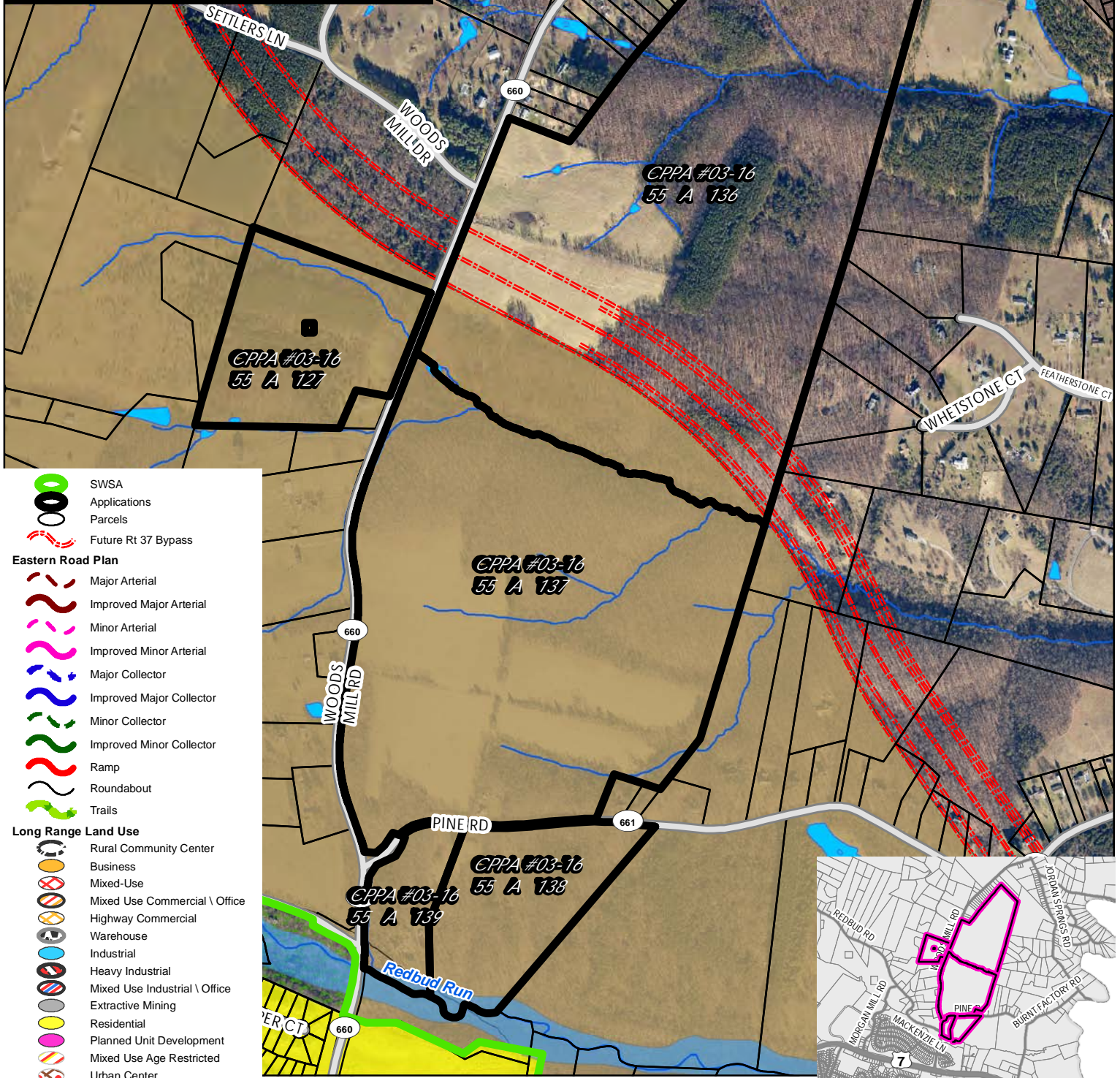
Woods Mill

Road

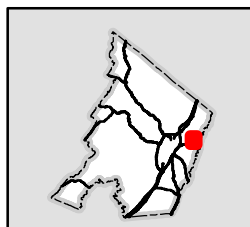
Properties

CPPA #03-16 Woods Mill Road Draft NELUP Amendment

PINs: 55 - A - 127, 55 - A - 136
55 - A - 137, 55 - A - 138, 55 - A - 139

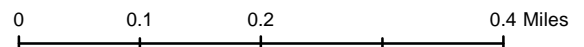


- SWSA
- Applications
- Parcels
- Future Rt 37 Bypass
- Eastern Road Plan**
- Major Arterial
- Improved Major Arterial
- Minor Arterial
- Improved Minor Arterial
- Major Collector
- Improved Major Collector
- Minor Collector
- Improved Minor Collector
- Ramp
- Roundabout
- Trails
- Long Range Land Use**
- Rural Community Center
- Business
- Mixed-Use
- Mixed Use Commercial \ Office
- Highway Commercial
- Warehouse
- Industrial
- Heavy Industrial
- Mixed Use Industrial \ Office
- Extractive Mining
- Residential
- Planned Unit Development
- Mixed Use Age Restricted
- Urban Center
- Neighborhood Village
- Recreation
- Commercial Recreation
- Open Space
- Natural Resources & Recreation
- Park
- Historic \ DSA
- Fire & Rescue
- Institutional
- School



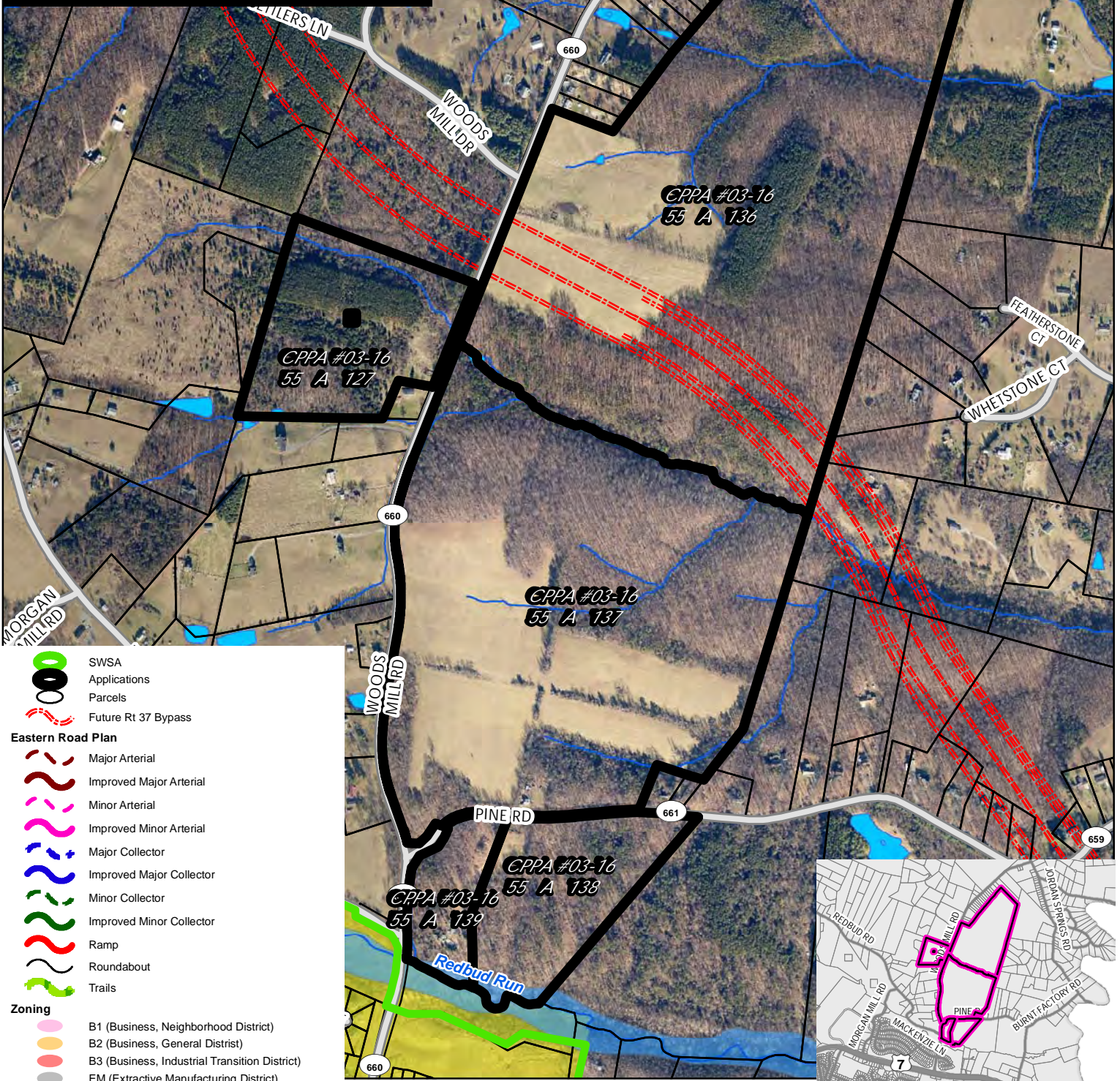
CPPA #03-16
Woods Mill Road
PINs: 55 - A - 127, 55 - A - 136
55 - A - 137, 55 - A - 138, 55 - A - 139
Draft NELUP Amendment

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: June 2, 2016
Staff: cperkins

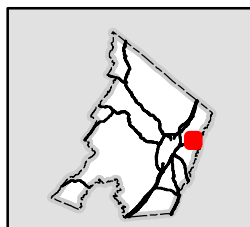


CPPA #03-16 Woods Mill Road Draft NELUP Amendment

PINs: 55 - A - 127, 55 - A - 136
55 - A - 137, 55 - A - 138, 55 - A - 139

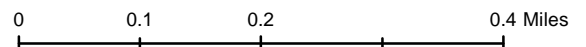


- SWSA Applications
- Parcels
- Future Rt 37 Bypass
- Eastern Road Plan**
- Major Arterial
- Improved Major Arterial
- Minor Arterial
- Improved Minor Arterial
- Major Collector
- Improved Major Collector
- Minor Collector
- Improved Minor Collector
- Ramp
- Roundabout
- Trails
- Zoning**
- B1 (Business, Neighborhood District)
- B2 (Business, General District)
- B3 (Business, Industrial Transition District)
- EM (Extractive Manufacturing District)
- HE (Higher Education District)
- M1 (Industrial, Light District)
- M2 (Industrial, General District)
- MH1 (Mobile Home Community District)
- MS (Medical Support District)
- OM (Office - Manufacturing Park)
- R4 (Residential Planned Community District)
- R5 (Residential Recreational Community District)
- RA (Rural Area District)
- RP (Residential Performance District)



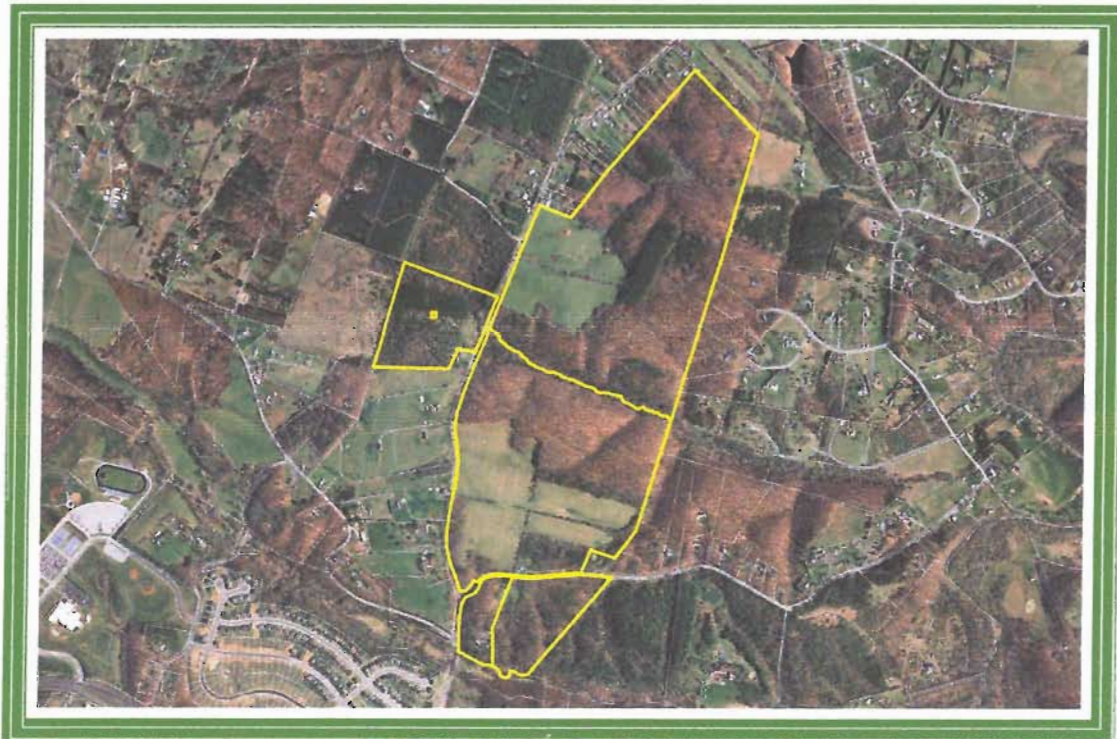
**CPPA #03-16
Woods Mill Road**
PINs: 55 - A - 127, 55 - A - 136
55 - A - 137, 55 - A - 138, 55 - A - 139
Draft NELUP Amendment

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: June 2, 2016
Staff: cperkins



WOODS MILL ROAD 2016 COMPREHENSIVE POLICY PLAN AMENDMENT

**Stonewall Magisterial District
Frederick County, Virginia
TM #55-A-127, 55-A-136, 55-A-137, 55-A-138 & 55-A-139**



June 1, 2016

**Current Owner: JRW Properties & Rentals, Inc.
Sempeles/Orndorff Properties**

**Contact Person: Evan Wyatt, Director of Land Planning
Greenway Engineering, Inc.
151 Windy Hill Lane
Winchester, VA 22602**

COMPREHENSIVE POLICY PLAN AMENDMENT 2016 INITIATION REQUEST FORM

Owner(s) Information:

Name: JRW Properties & Sempeles/Orndorff Properties

Project Name: Woods Mill Road Comprehensive Policy Plan Amendment

Mailing Address: 13 South Loudoun Street Winchester, VA 22601

Telephone Number: (540) 662-7215

Authorized Agent Information:

Name: Greenway Engineering, Inc. – Attn. Evan Wyatt

Project Name: Woods Mill Road Comprehensive Policy Plan Amendment

Mailing Address: 151 Windy Hill Lane Winchester, VA 22602

Telephone Number: (540) 662-4185

Legal Interest in the Property Affected or Reason for the Request:

- JRW Properties & Rentals, Inc. – James R. Wilkins, II and James R. “Richie” Wilkins III
- Stephanie M. Sempeles & Michael L. Orndorff

The purpose of the Comprehensive Policy Plan Amendment request is revise the Northeast Frederick Land Use Plan future land use designation of the subject properties from DSA to Low Density Residential and to expand the Urban Development Area (UDA) Boundary.

SECTION 1 – FOR A MAP AMENDMENT

Proposed Comprehensive Policy Plan Amendment Information:

PIN(s): 55-A-127, 55-A-136, 55-A-137, 55-A-138 and 55-A-139

Magisterial District: Stonewall District

Parcel Size (approximate acres): The five (5) parcels associated with the Woods Mill Road Comprehensive Policy Plan Amendment total approximately 316.78± acres in total size.

Plat of area proposed for CPPA amendment, including metes and bounds description: Please refer to JRW Properties & Rentals, Inc. and Sempeles/Orndorff Properties CPPA Amendment Plat Exhibit dated 5-26-2016; as well as Property Deeds – DB 591 PG 630, DB 596 PG 330 and DB 745 PG 965 for information pertaining to the five (5) parcels.

Existing Comprehensive Plan Land Use Classification(s): DSA – Historic Resources & Recreation

Proposed Comprehensive Plan Land Use Classification(s): Low Density Residential

Existing Zoning and Land Use of the Subject Parcel: The five (5) parcels are zoned RA, Rural Areas District. All properties are agricultural and unimproved except for Tax Map Parcel 55-A-139, which has a residence.

What Use/Zoning will be requested if Amendment is approved? The five (5) parcels would be requested for Low Density Residential Land Use within the RP, Residential Performance District.

Describe, using Text and Maps as Necessary, the Existing Zoning, Comprehensive Policy Plan Designations, and/or Approved Uses and Densities Along with Other Characteristics of Properties that are Within 1 Mile if More Than 100 Acres in Size:

Please refer to the attached Zoning Map 1-Mile Radius Exhibit that identifies the various properties that meet this distance criteria. The following information describes existing and future land use characteristics within this radius boundary:

- Properties north of the future Route 37 alignment are zoned R4, Residential Planned Community District, RP, Residential Performance District, B-2, Business General District, and RA, Rural Areas District.
- Properties south of the future Route 37 alignment are zoned RP, Residential Performance District, MH-1, Mobile Home Community District and RA, Rural Areas District.
- The majority of the properties zoned R4, Residential Planned Community District, RP, Residential Performance District, and B-2, Business General District north and south of the future Route 37 alignment are located outside of the Urban Development Area (UDA) and the Sewer and Water Service Area (SWSA).
- The majority of the properties zoned RA, Rural Areas District north and south of the future Route 37 alignment are located within the Urban Development Area (UDA) and the Sewer and Water Service Area (SWSA).

- The R4, Residential Planned Community District and the RP, Residential Performance District properties are developed, or are being developed as Low Density Residential Land Use.
- The RA, Rural Areas District properties are developed as large lot residential land use and as active agricultural land use. The majority of the properties that are located south of the future Route 37 alignment that are to the west of the five (5) subject parcels are within an Agricultural and Forestal District.
- The Northeast Frederick Land Use Plan identifies the majority of the properties north of the future Route 37 alignment as Planned Unit Development and Rural Area.
- The Northeast Frederick Land Use Plan identifies the majority of the properties south of the future Route 37 alignment as DSA – Historic Resources & Recreation.
- Millbrook High School and Redbud Run Elementary School are located within the western portion of the 1-mile radius boundary area.

The Name, Mailing Address, and Parcel Number of all Property Owners Within 200’ of the Subject Parcel(s), with Adjacent Property Owners Affidavit: Please refer to the attached Adjoining Property Owner Map Exhibit and Adjoining Property Owner Table Exhibit that provides the location and applicable contact information for all properties with 200’ of the five (5) subject parcels for the CPPA Amendment Application.

SECTION 2 – FOR A TEXT AMENDMENT

The Woods Mill Road Comprehensive Policy Plan Amendment does not propose to incorporate a Text Amendment for consideration by the County.

SECTION 3 – FOR ALL AMENDMENTS

Justification of Proposed Comprehensive Policy Plan Amendment (Provide Attachments if Necessary). Describe why the Change to the Comprehensive Policy Plan is Being Proposed:

The five (5) parcels that comprise the Woods Mill Road Comprehensive Policy Plan Amendment are contiguous properties that are adjacent to the existing UDA and SWSA Boundaries and are adjacent to the Red Bud Run Subdivision located along Berryville Pike (U.S. Route 7) and Woods Mile Road (Route 661).

The subject properties have access to public water and sewer infrastructure. A 12-inch water line exists along Woods Mill Road immediately to the south that was developed for the Red Bud Run Subdivision, and an existing 14-inch sewer force main is located along the eastern portion of the subject properties.

The subject properties are accessible along Woods Mill Road (Route 661) and are in close proximity to Berryville Pike (U.S. Route 7), which is a major commuting route for residents that

work to the east. The Berryville Pike/Woods Mill Road intersection has been improved with traffic signalization and ramps to facilitate safe traffic movement. Additionally, Frederick County has approved the future Route 37 alignment, which requires approximately 19 acres of land from the subject properties.

The subject properties are not located within the Third Winchester Core Battlefield Area defined by the National Park Service. The subject properties are not identified as qualifying to be in a future historic district, nor do the properties contain potentially significant historic structures as defined by the Frederick County Rural Landmarks Survey.

The Low Density Residential Land Use designation and expansion of the UDA for the subject properties is consistent with residential development patterns east of Interstate 81 and along the Berryville Pike corridor; as well as along the planned future alignment of Route 37. The subject properties are not conducive for agricultural production and are not historic; therefore, the current DSA land use designation is inappropriate for the five (5) subject parcels.

The Woods Mill Road Comprehensive Policy Plan Amendment request for the expansion of the UDA and designation of Low Density Residential Land Use represents good planning practice and is consistent with land development patterns in the eastern portion of Frederick County. Approval of the Woods Mill Road Comprehensive Policy Plan Amendment request will require the property owners to petition Frederick County for a future rezoning of the subject properties, which will require mitigation of impacts and will allow for the dedication of right-of-way for the Route 37 alignment to assist VDOT and Frederick County with land acquisition for this limited access highway corridor.

How would the Resultant Changes Impact or Benefit Frederick County? Consider, for example, Transportation, Economic Development and Public Facilities:

The Woods Mill Road Comprehensive Policy Plan Amendment request for the expansion of the UDA and designation of Low Density Residential Land Use will require the future rezoning of the five (5) subject properties to the RP, Residential Performance District. The required rezoning application will be analyzed by Frederick County, FCSA and VDOT to determine potential impacts to County services, water and sewer infrastructure, and the transportation network system in this geographic area of the community. The future development of the subject properties will be dependent upon the property owners' ability to adequately mitigate these impacts.

Low Density Residential Land Use will most likely result in the future development of single-family attached and single-family detached residential units on the subject properties. The five (5) subject properties have both topographic and environmental constraints that will reduce overall density yields, and the RP, Residential Performance District will require 30% of the gross land area to be in common open space. Additionally, the 19-acre portion of the subject properties that is planned for the future Route 37 alignment is located on some of the best areas of the subject property for development. Based on these factors, it is anticipated that a reasonable low density residential yield will result in water and sewer demands of approximately 150,000 GPD; projected

student generation yields of 70 HS students, 60 MS students and 105 ES students; and traffic generation of approximately 4,500 VPD for the buildout of the subject properties.

Residential land use is appropriate in this geographic area of the community based on existing infrastructure, existing public facilities, and future transportation plans for the Route 37 corridor. The Berryville Pike corridor and surrounding areas typically generates a higher residential unit price point than other residential areas within the UDA due to the desire of the out-commuting residents to live in this area. Therefore, Frederick County can anticipate higher real estate taxes and personal property taxes from residential development in this area in addition to the monetary proffers that would be provided through the rezoning approval process. Additionally, Frederick County can anticipate the right-of-way dedication of the 19-acre area required for the future Route 37 corridor throughout the limits of the subject properties during the rezoning approval process. These benefits, coupled with the requirement to mitigate residential service and transportation impacts through the rezoning application process, justify the applicants' request to amend the Comprehensive Policy Plan to allow for the inclusion of the five (5) subject properties into the UDA and to revise the future land use designation from DSA – Historic & Recreation to Low Density Residential Land Use.

Signatures:

I (we), the undersigned, do hereby respectfully make application to and petition the Frederick County Board of Supervisors to amend the Comprehensive Plan. I (we) authorize Frederick County officials to enter the property for site inspection purposes.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Applicant(s): Evan A. Wyatt Date: 5/20/16

Owner(s): James Parillo Date: 5/24/16

Signatures:

I (we), the undersigned, do hereby respectfully make application to and petition the Frederick County Board of Supervisors to amend the Comprehensive Plan. I (we) authorize Frederick County officials to enter the property for site inspection purposes.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Applicant(s): Erin A. Wynn Date: 5/20/16

Owner(s): SSJ Date: 5/26/16

M. O. O'Neill 5/26/16



(TO BE COMPLETED BY APPLICANT)

SUBJECT PROPERTY OWNERS AFFIDAVIT

County of Frederick, Virginia

Frederick Planning Web Site: www.fcva.us

Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Suite 202 Winchester, Virginia 22601
Phone 540-665-5651 Facsimile 540-665-6395

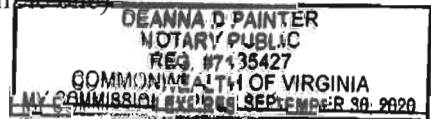
STATE OF VIRGINIA
COUNTY OF FREDERICK

This 31st day of May, 2016
(Day) (Month) (Year)

I, EVAN A. WYATT
(Owner/Contract Purchaser/Authorized Agent)

hereby make oath that the list of property owners of the subject site, as submitted with the application, is a true and accurate list based on the information provided by the Frederick County Commissioner of the Revenue Office as taken from the current real estate assessment records.

Evan A. Wyatt
(Owner/Contract Purchaser/Authorized Agent)
(circle one)



COMMONWEALTH OF VIRGINIA:

County of Frederick

Subscribed and sworn to before me this 31 day of May, 2016 in my County and State aforesaid, by the forenamed Principal.

Deanna D. Painter
NOTARY PUBLIC

My Commission expires: Sept. 30, 2020



Attachment 2

**Special Limited Power of Attorney
County of Frederick, Virginia
Frederick Planning Web Site: www.fcva.us**

**Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Suite 202 Winchester, Virginia 22601
Phone 540-665-5651 Facsimile 540-665-6395**

Know All Men By Those Present: That I (We)

(Name) JRW PROPERTIES & RENTALS, INC. (Phone) (540) 662-7215

(Address) 13 SOUTH LODDOWAN STREET WINCHESTER, VA 22601
the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Frederick, Virginia, by

DEED BOOK ① 591 on Page 630
Instrument No. ② 745, and is described as
① 55-A-136, ② 55-A-137 & ③ 55-A-127

Parcel: ___ Lot: ___ Block: ___ Section: ___ Subdivision: N/A
do hereby make, constitute and appoint:

(Name) GREENWAY ENGINEERING, INC. (Phone) (540) 662-4185

(Address) 151 WINDY HILL LANE WINCHESTER, VA 22602
To act as my true and lawful attorney-in-fact for and in my (our) name, place, and stead with full power and authority I (we) would have if acting personally to file planning applications for my (our) above described Property, including:

- Rezoning (including proffers)
- Conditional Use Permit
- Master Development Plan (Preliminary and Final)
- Subdivision
- Site Plan
- Comprehensive Policy Plan Amendment
- Appeal or Variance

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.

In witness thereof, I (we) have hereto set my (our) hand and seal this 24th day of May, 2016.

Signature(s) Jerry R. Will president JRW Properties + Rentals, Inc.

State of Virginia, City/County of Winchester, To-wit:

I, Cindy Grove, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 24~~th~~ day of May, 2016.

Cindy Grove
Notary Public My Commission Expires: Nov. 30, 2018

CINDY GROVE
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #184054



Attachment 2

**Special Limited Power of Attorney
County of Frederick, Virginia
Frederick Planning Web Site: www.fcva.us**

**Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Suite 202 Winchester, Virginia 22601
Phone 540-665-5651 Facsimile 540-665-6395**

Know All Men By Those Present: That I (We)

(Name) STEPHANIE M. SEMPLES ; MICHAEL L. ORNDORFF (Phone) (540) 662-3463

(Address) 180 PINE ROAD STEPHENSON VA 22656
the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Frederick, Virginia, by

Deed Book
Instrument No. 596 on Page 330, and is described as

55-A-138 & 55-A-139
Parcel: _____ Lot: _____ Block: _____ Section: _____ Subdivision: N/A

do hereby make, constitute and appoint:

(Name) GREENWAY ENGINEERING, INC. (Phone) (540) 662-4185

(Address) 151 WINDY HILL LANE WINCHESTER, VA 22602
To act as my true and lawful attorney-in-fact for and in my (our) name, place, and stead with full power and authority I (we) would have if acting personally to file planning applications for my (our) above described Property, including:

- Rezoning (including proffers)
- Conditional Use Permit
- Master Development Plan (Preliminary and Final)
- Subdivision
- Site Plan
- Comprehensive Policy Plan Amendment
- Appeal or Variance

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.

In witness thereof, I (we) have hereto set my (our) hand and seal this 26th day of May, 20 16.

Signature(s) [Handwritten Signatures]

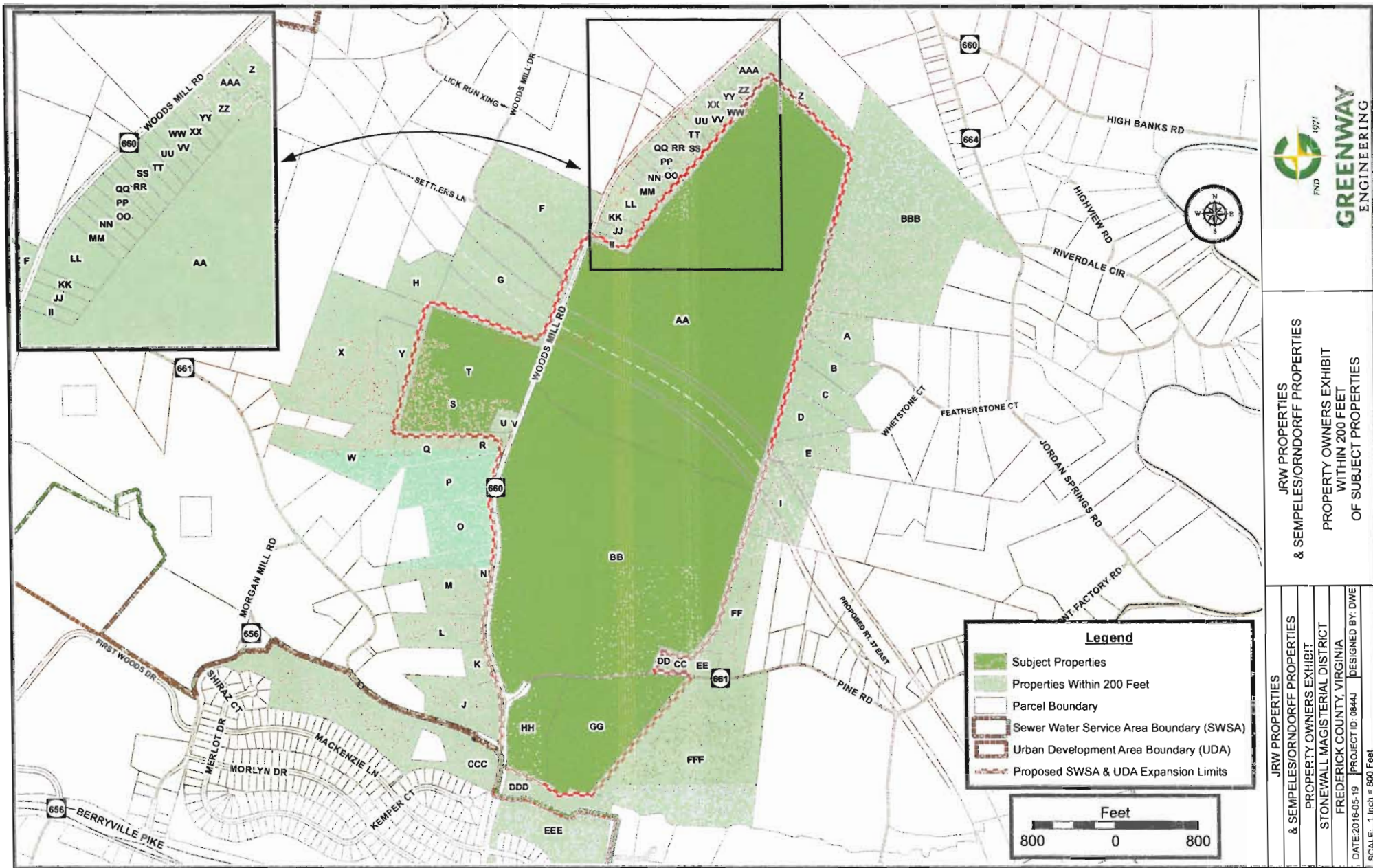
State of Virginia, City/County of Winchester, To-wit:

I, Cindy Grove, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 20th day of May, 2016.

Cindy Grove My Commission Expires: Nov. 30, 2018
Notary Public

CINDY GROVE
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #184054

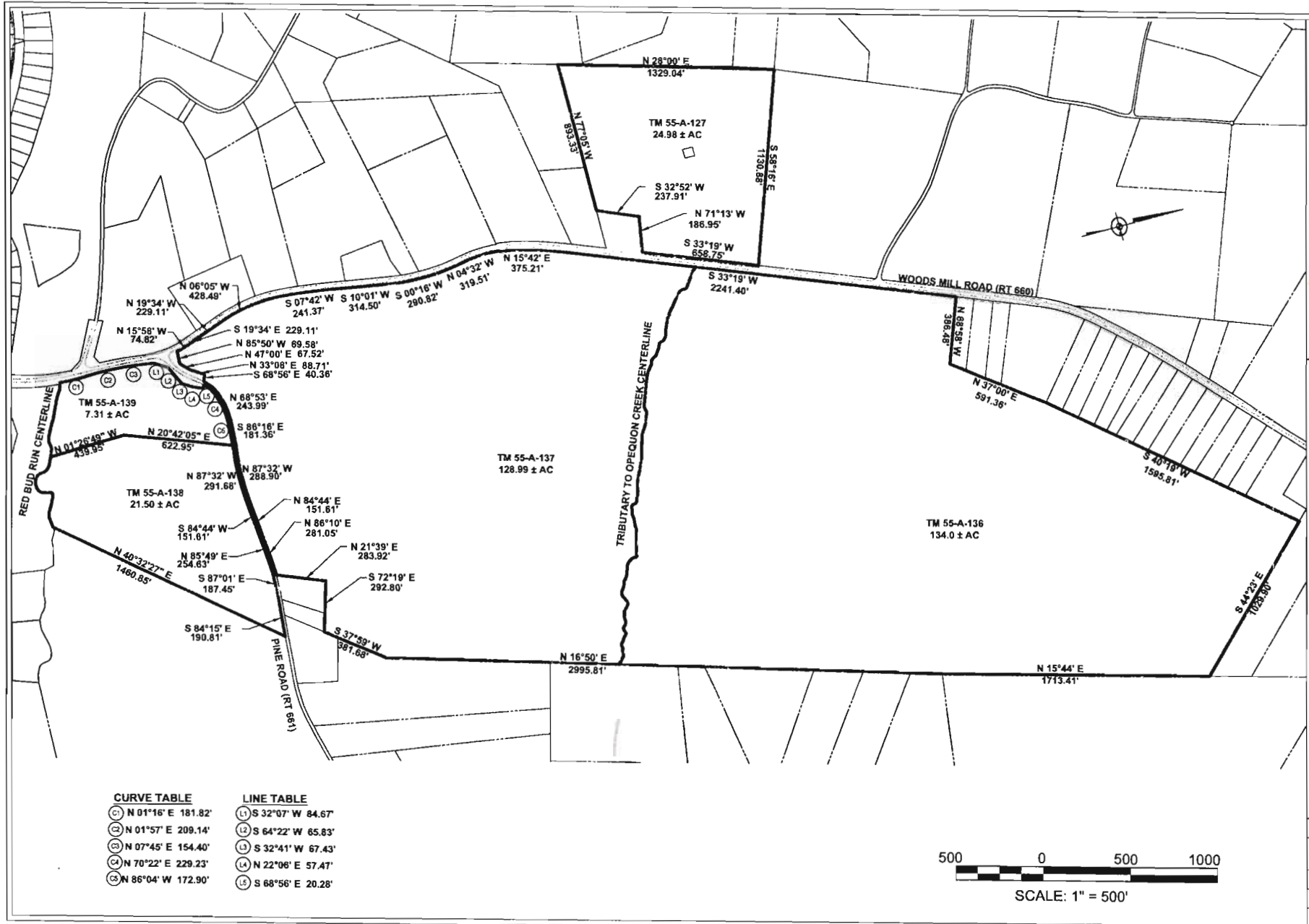
Label	Tax Map Number	Owner	Mailing Address	City & State	ZIP
A	55 5 5	DARSIE DAVID P TRUSTEE OF THE, DAVID P DARSIE REVOCABLE TRUST	240 FEATHERSTONE CT	STEPHENSON, VA	22656
B	55 5 6	FRAWLEY EDWARD J	243 FEATHERSTONE CT	STEPHENSON, VA	22656
C	55 5 8	HARTMAN ERIN M, HARTMAN BRIAN R	172 WHETSTONE CT	STEPHENSON, VA	22656
D	55 5 9	PULLEN LARRY R, PULLEN ELIZABETH M TRUSTEES	182 WHETSTONE CT	STEPHENSON, VA	22656
E	55 5 10	BROWN DONALD C, BROWN BETTY	181 WHETSTONE CT	STEPHENSON, VA	22656
F	55 7 3	COMER RONALD L	743 WOODS MILL RD	STEPHENSON, VA	22656
G	55 7 4	JOHNS M LESLIE JR	250 DEVILS BACKBONE OVERLOOK	STEPHENSON, VA	22656
H	55 7 5C	MEIER WILLIAM G III, MEIER BARBARA E	270 LICK RUN KING	STEPHENSON, VA	22656
I	55 B 1	WILLIS CHRISTOPHER D	141 RIDING CHAPEL RD	STEPHENS CITY, VA	22655
J	55 A 109A	JENKINS BRYAN SCOTT	1605 HANDLEY AVE	WINCHESTER, VA	22601
K	55 A 110	JENKINS BETTE P	349 WOODS MILL RD	STEPHENSON, VA	22656
L	55 A 111	BOYD CHARLES E, BOYD ESTHER L	359 WOODS MILL RD	STEPHENSON, VA	22656
M	55 A 112	JENKINS GARLAND W, JENKINS BARBARA D	393 WOODS MILL RD	STEPHENSON, VA	22656
N	55 A 112A	WHITMER GREGORY L, WALLINGER ANN H	417 WOODS MILL RD	STEPHENSON, VA	22656
O	55 A 124	MENDEL THOMAS C, MENDEL RACHAEL E	PO BOX 242	STEPHENSON, VA	22656
P	55 A 125	LOY CHARLES R C/O CAPON VALLEY BANK, LOY LYNETTE MAE ATTN LOAN DEPT	PO BOX 119	WARDENSVILLE, WV	26851
Q	55 A 126	REEDY RICHARD E, REEDY MARTHA A	549 WOODS MILL RD	STEPHENSON, VA	22656
R	55 A 126A	SPEVAK IDA M, SPEVAK SAMUEL I	PO BOX 3750	WINCHESTER, VA	22604
S	55 A 127	J R W PROPERTIES & RENTALS INC	13 S LOUDOUN ST	WINCHESTER, VA	22601
T	55 A 127A	CEMETERY, C/O ROBERT A. FOSTER	261 THWAITE LN	WINCHESTER, VA	22603
U	55 A 127B	DUNLAP EDITH M	PO BOX 73	STEPHENSON, VA	22656
V	55 A 127C	FREDERICK COUNTY VIRGINIA	107 N KENT ST	WINCHESTER, VA	22601
W	55 A 128	ORNDORFF JOHN D	1295 REDBUD RD	WINCHESTER, VA	22603
X	55 A 128C	KECKLEY LINDA FAY	111 SARVIS CT	STEPHENS CITY, VA	22655
Y	55 A 128D	KECKLEY LINDA FAY	111 SARVIS CT	STEPHENS CITY, VA	22655
Z	55 A 135	LEE RONALD A, LEE MARY C	1947 MARTINSBURG PIKE	WINCHESTER, VA	22603
AA	55 A 136	JRW PROPERTIES & RENTALS INC	13 S LOUDOUN ST	WINCHESTER, VA	22601
BB	55 A 137	JRW PROPERTIES & RENTALS INC	13 S LOUDOUN ST	WINCHESTER, VA	22601
CC	55 A 137A	TRUSTEES OF EMMANUEL UNITED, METHODIST CHURCH	2732 MARTINSBURG PIKE	STEPHENSON, VA	22656
DD	55 A 137C	BENNETT GEORGE P, BENNETT JUDITH A	263 PINE RD	STEPHENSON, VA	22656
EE	55 A 137D	MCGUIRE MICHAEL A, MCGUIRE NORMA J	295 PINE RD	STEPHENSON, VA	22656
FF	55 A 137E	ADAMKIEWICZ SUSAN LYNN	319 PINE RD	STEPHENSON, VA	22656
GG	55 A 138	SEMPELES STEPHANIE M	180 PINE RD	STEPHENSON, VA	22656
HH	55 A 139	SEMPELES STEPHANIE M	180 PINE RD	STEPHENSON, VA	22656
II	55A 1 1	WOHL HEIDI	1182 GREENWOOD RD	WINCHESTER, VA	22602
JJ	55A 1 2	UNDERWOOD DENNIS M	758 WOODS MILL RD	STEPHENSON, VA	22656
KK	55A 1 3	ATKINSON JANET	768 WOODS MILL RD	STEPHENSON, VA	22656
LL	55A 1 4	POSEY RICHARD A, POSEY MARY ANN	776 WOODS MILL RD	STEPHENSON, VA	22656
MM	55A 1 8	LAMMA BOBBY F, LAMMA GLENNA M	830 WOODS MILL RD	STEPHENSON, VA	22656
NN	55A 1 9	LAMMA BOBBY F, LAMMA GLENNA M	830 WOODS MILL RD	STEPHENSON, VA	22656
OO	55A 1 10	DORSEY ELMER R, DORSEY NETTIE E	840 WOODS MILL RD	STEPHENSON, VA	22656
PP	55A 1 11	DORSEY ELMER R, DORSEY NETTIE E	840 WOODS MILL RD	STEPHENSON, VA	22656
QQ	55A 1 12	DORSEY ELMER R, DORSEY NETTIE E	840 WOODS MILL RD	STEPHENSON, VA	22656
RR	55A 1 13	RUSSELL THERESSA A	870 WOODS MILL RD	STEPHENSON, VA	22656
SS	55A 1 14	RUSSELL SHARON G	PO BOX 115	WHITE POST, VA	22663
TT	55A 1 15	FRICKE JOHN C JR, FRICKE CLARA M	886 WOODS MILL RD	STEPHENSON, VA	22656
UU	55A 1 16	BORROR CARMEN M	896 WOODS MILL RD	STEPHENSON, VA	22656
VV	55A 1 17	NEWLIN TINA	906 WOODS MILL RD	STEPHENSON, VA	22656
WW	55A 1 18	JRW PROPERTIES & RENTALS INC	13 S LOUDOUN ST	WINCHESTER, VA	22601
XX	55A 1 19	JRW PROPERTIES & RENTALS INC	13 S LOUDOUN ST	WINCHESTER, VA	22601
YY	55A 1 20	JRW PROPERTIES & RENTALS INC	13 S LOUDOUN ST	WINCHESTER, VA	22601
ZZ	55A 1 21	WILLIAMS ROBERT L	946 WOODS MILL RD	STEPHENSON, VA	22656
AAA	55A 1 22A	LEE RONALD ALLEN, LEE MARY CATHERINE	1947 MARTINSBURG PIKE	WINCHESTER, VA	22603
BBB	56 A 3	HALLAM BENJAMIN P, HALLAM JEAN JOHNSON	1586 JORDAN SPRINGS RD	STEPHENSON, VA	22656
CCC	55 A 107	COMMONWEALTH-OF VIRGINIA BOARD OF, GAME AND INLAND FISHERIES	4010 W BROAD ST	RICHMOND, VA	23230
DDD	55 A 106A	COMMONWEALTH-OF VIRGINIA BOARD OF, GAME AND INLAND FISHERIES	4010 W BROAD ST	RICHMOND, VA	23230
EEE	55 A 106	DAVE HOLLIDAY CONSTRUCTION INC	420 W JUBAL EARLY DR STE 103	WINCHESTER, VA	22601
FFF	55 A 140	LAMSON NORMAN H	405 8TH ST NE	CHARLOTTESVILLE, VA	22902



Map Data Source: Frederick County, Va. GIS Department, 2016 Data; Greenway Engineering

JRW PROPERTIES
 & SEMPELES/ONDORFF PROPERTIES
 PROPERTY OWNERS EXHIBIT
 WITHIN 200 FEET
 OF SUBJECT PROPERTIES

JRW PROPERTIES
 & SEMPELES/ONDORFF PROPERTIES
 PROPERTY OWNERS EXHIBIT
 STONEWALL MAGISTERIAL DISTRICT
 FREDERICK COUNTY, VIRGINIA
 DATE: 2016-05-19 PROJECT ID: 0844U DESIGNED BY: DWE
 SCALE: 1 inch = 800 Feet



CURVE TABLE

- ⓐ N 01°16' E 181.82'
- ⓑ N 01°57' E 209.14'
- ⓒ N 07°45' E 154.40'
- ⓓ N 70°22' E 229.23'
- ⓔ N 86°04' W 172.90'

LINE TABLE

- ⓕ S 32°07' W 84.67'
- ⓖ S 64°22' W 65.83'
- ⓗ S 32°41' W 67.43'
- ⓓ N 22°06' E 57.47'
- ⓔ S 68°56' E 20.28'



SCALE: 1" = 500'

151 Windy Hill Lane
Winchester, Virginia 22602
Telephone: (540) 662-4185
Fax: (540) 722-9528
www.greenwayeng.com



**JRW PROPERTIES & RENTALS, INC. AND
SEMPELES - ORNDORFF PROPERTIES
CPPA AMENDMENT PLAT EXHIBIT**
STONEWALL MAGISTERIAL DISTRICT
FREDERICK COUNTY, VA

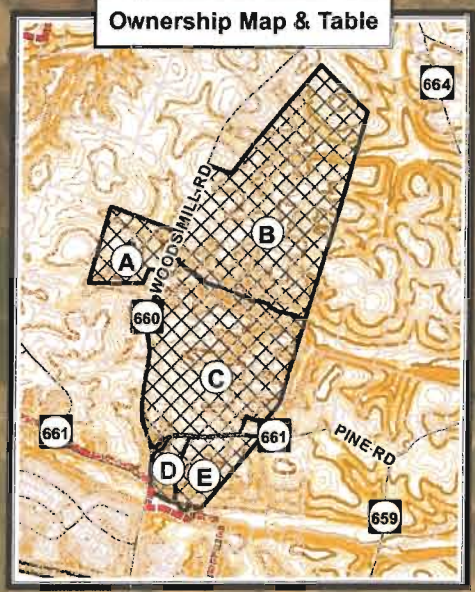
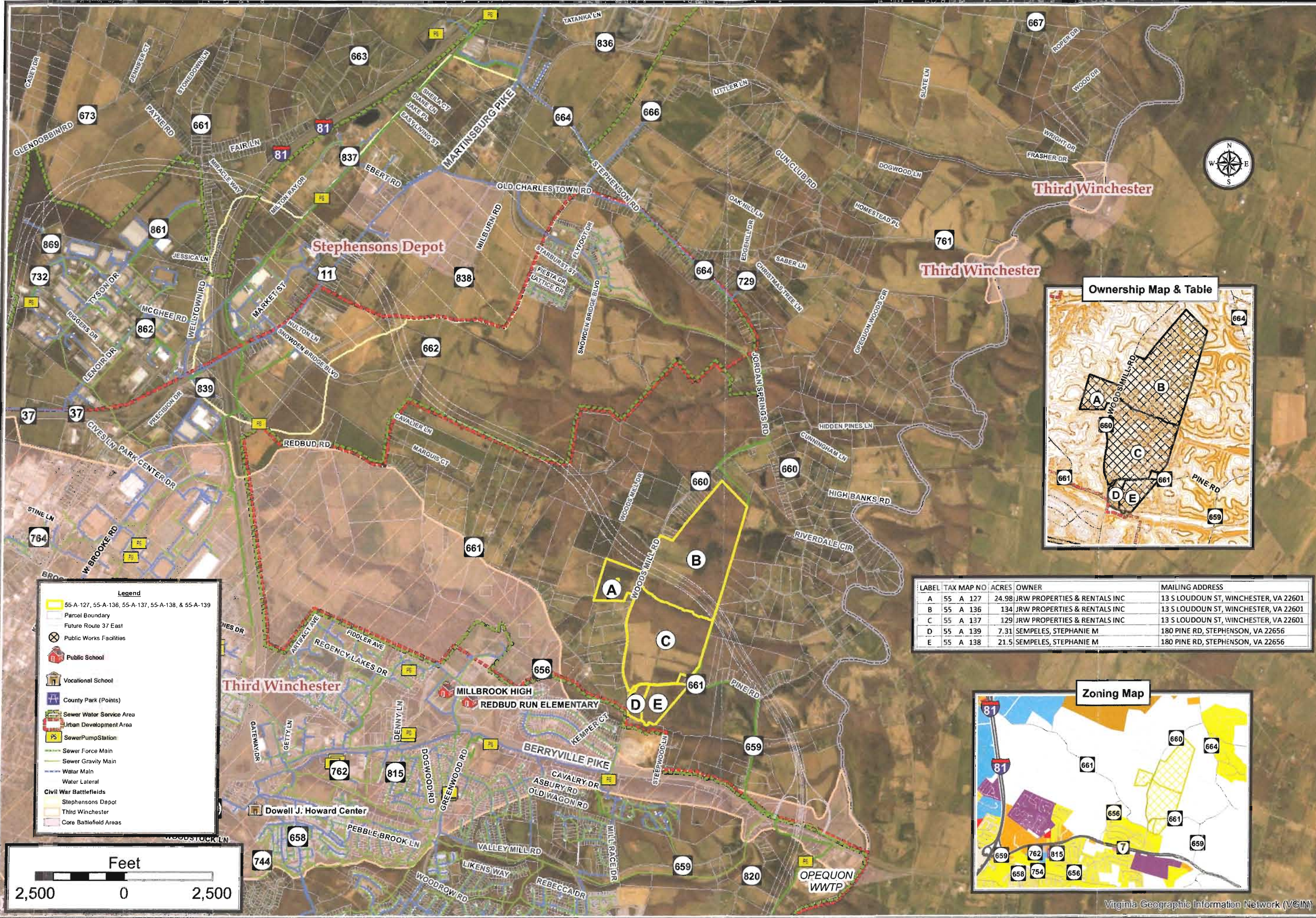
DATE: 06/26/2016

SCALE: 1"=500'

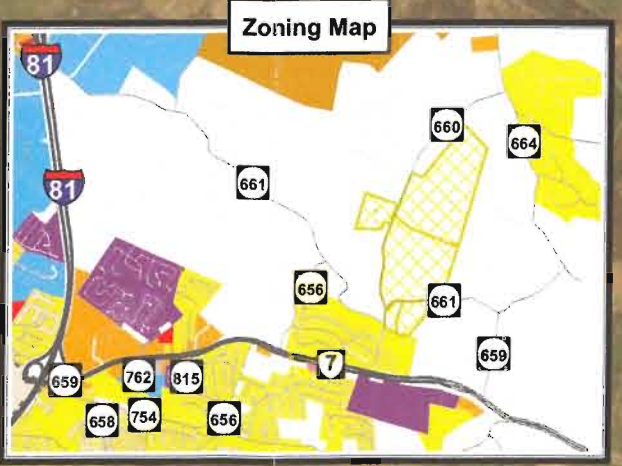
DESIGNED BY: EW/JM

JOB NO. 08441

SHEET 1 OF 1



LABEL	TAX MAP NO	ACRES	OWNER	MAILING ADDRESS
A	55 A 127	24.98	JRW PROPERTIES & RENTALS INC	13 S LOUDOUN ST, WINCHESTER, VA 22601
B	55 A 136	134	JRW PROPERTIES & RENTALS INC	13 S LOUDOUN ST, WINCHESTER, VA 22601
C	55 A 137	129	JRW PROPERTIES & RENTALS INC	13 S LOUDOUN ST, WINCHESTER, VA 22601
D	55 A 139	7.31	SEMPELES, STEPHANIE M	180 PINE RD, STEPHENSON, VA 22656
E	55 A 138	21.5	SEMPELES, STEPHANIE M	180 PINE RD, STEPHENSON, VA 22656

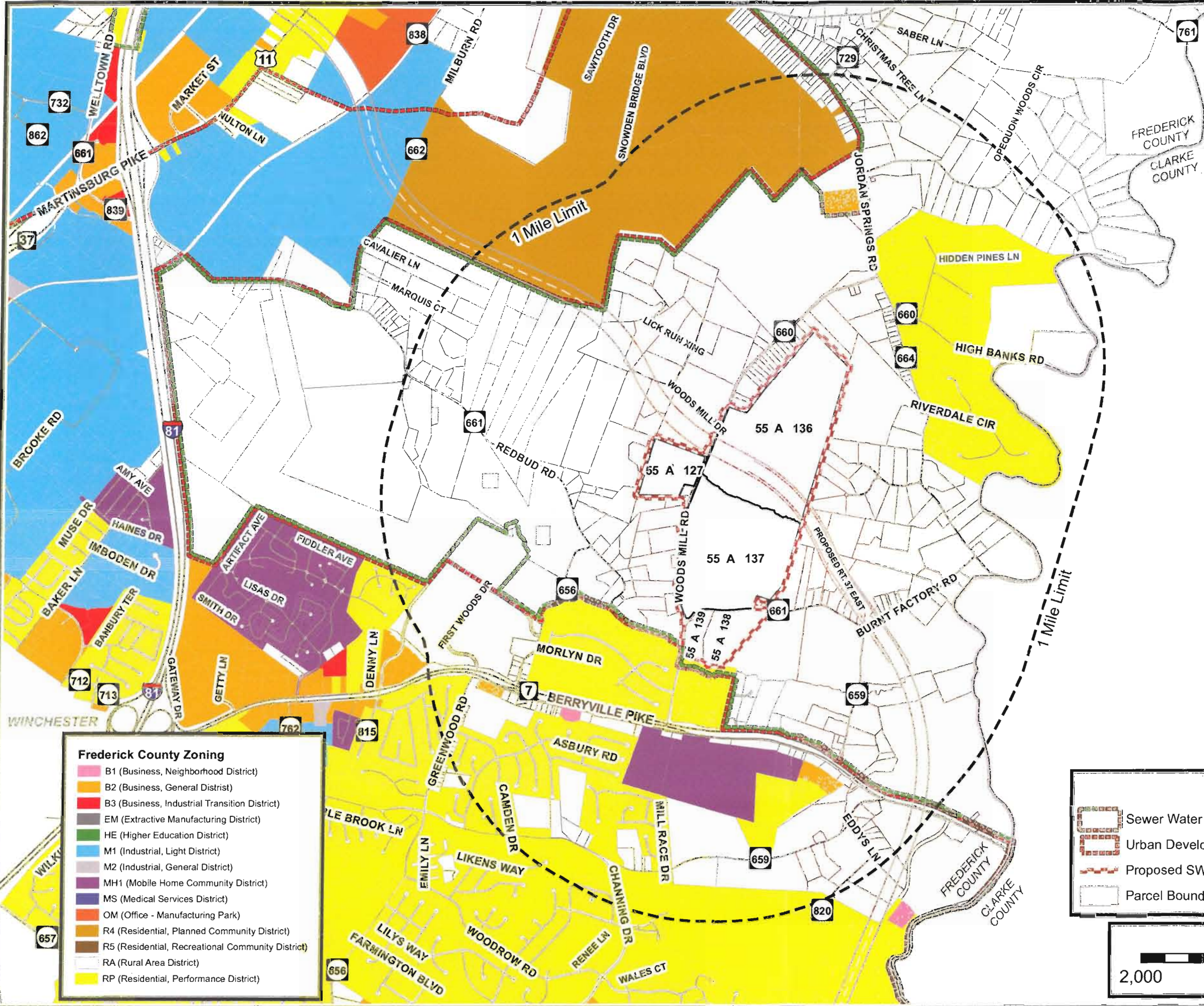


- Legend**
- 55-A-127, 55-A-136, 55-A-137, 55-A-138, & 55-A-139
 - Parcel Boundary
 - Future Route 37 East
 - Public Works Facilities
 - Public School
 - Vocational School
 - County Park (Points)
 - Sewer Water Service Area
 - Urban Development Area
 - Sewer Pump Station
 - Sewer Force Main
 - Sewer Gravity Main
 - Water Main
 - Water Lateral
 - Civil War Battlefields
 - Stephenson's Depot
 - Third Winchester
 - Core Battlefield Areas



JRW PROPERTIES
& SEMPELES/ORNDORFF PROPERTIES
AERIAL OVERVIEW EXHIBIT

JRW PROPERTIES
& SEMPELES/ORNDORFF PROPERTIES
AERIAL OVERVIEW EXHIBIT
STONEWALL MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA
DATE: 2016-05-19 PROJECT ID: 0844J DESIGNED BY: DWE
SCALE: 1 inch = 2,500 Feet



- Frederick County Zoning**
- B1 (Business, Neighborhood District)
 - B2 (Business, General District)
 - B3 (Business, Industrial Transition District)
 - EM (Extractive Manufacturing District)
 - HE (Higher Education District)
 - M1 (Industrial, Light District)
 - M2 (Industrial, General District)
 - MH1 (Mobile Home Community District)
 - MS (Medical Services District)
 - OM (Office - Manufacturing Park)
 - R4 (Residential, Planned Community District)
 - R5 (Residential, Recreational Community District)
 - RA (Rural Area District)
 - RP (Residential, Performance District)

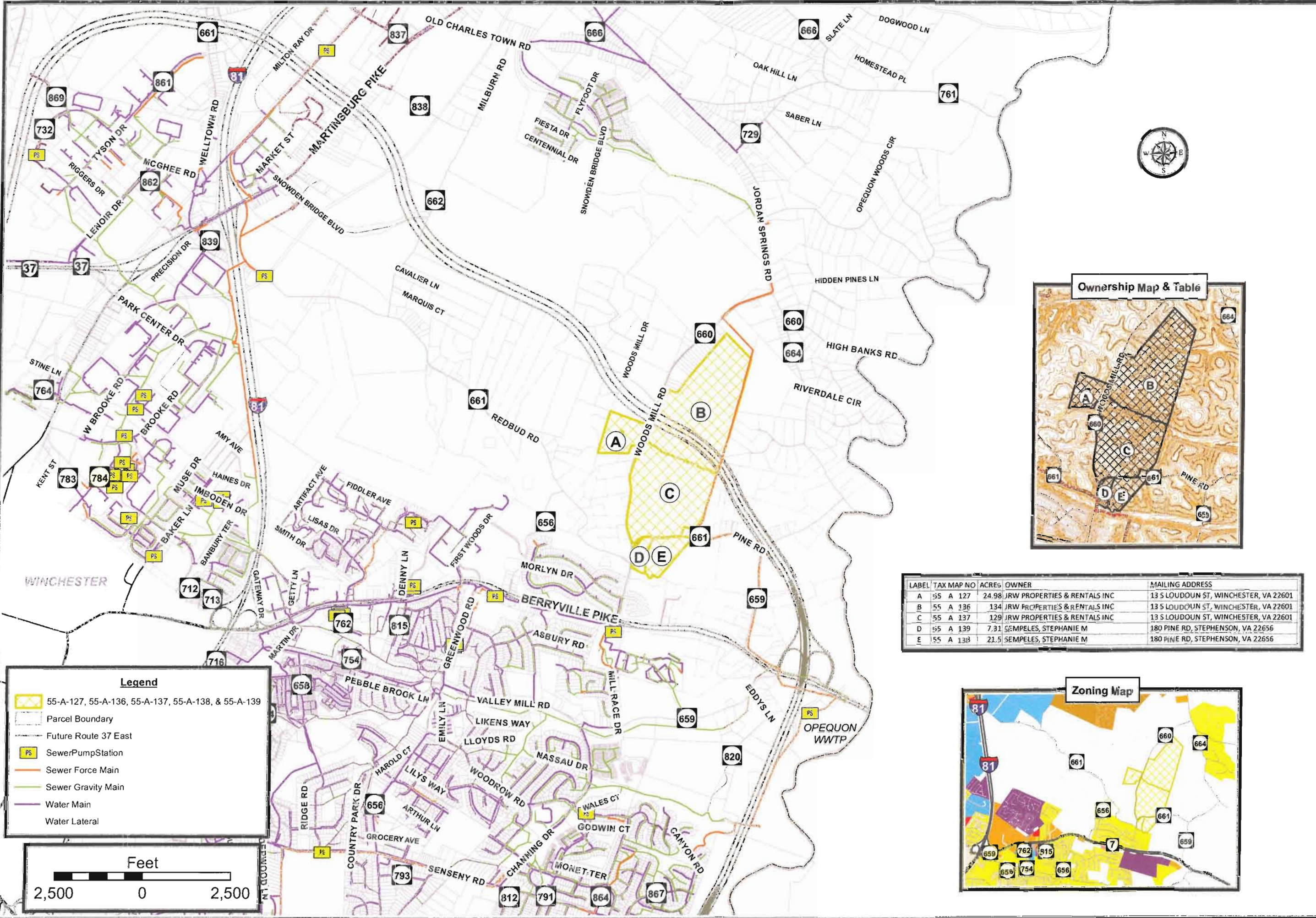
Legend

- Sewer Water Service Area Boundary (SWSA)
- Urban Development Area Boundary (UDA)
- Proposed SWSA & UDA Expansion Limits
- Parcel Boundary

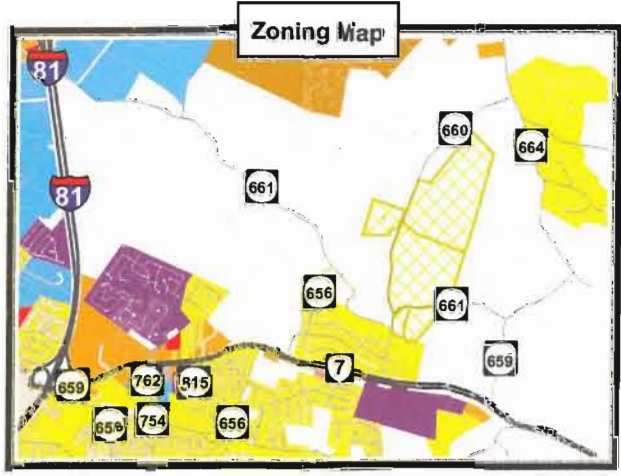


**JRW PROPERTIES
 & SEMPELES/ORNDORFF PROPERTIES**
 ZONING MAP EXHIBIT
 1 MILE RADIUS FROM SUBJECT PROPERTIES

JRW PROPERTIES	PROJECT ID: 0844J	DESIGNED BY: DWE
& SEMPELES/ORNDORFF PROPERTIES	FREDERICK COUNTY, VIRGINIA	
ZONING MAP EXHIBIT-1 MILE RADIUS	DATE: 2016-05-19	
STONEWALL MAGISTERIAL DISTRICT	SCALE: 1 inch = 2,000 Feet	

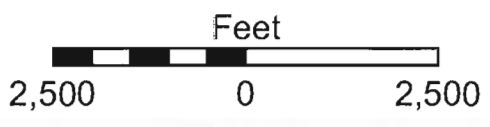


LABEL	TAX MAP NO	ACRES	OWNER	MAILING ADDRESS
A	55 A 127	24.98	JRW PROPERTIES & RENTALS INC	13 S LOUDOUN ST, WINCHESTER, VA 22601
B	55 A 136	134	JRW PROPERTIES & RENTALS INC	13 S LOUDOUN ST, WINCHESTER, VA 22601
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D	55 A 139	7.31	SEMPELES, STEPHANIE M	180 PINE RD, STEPHENSON, VA 22656
E	55 A 138	21.5	SEMPELES, STEPHANIE M	180 PINE RD, STEPHENSON, VA 22656



Legend

- 55-A-127, 55-A-136, 55-A-137, 55-A-138, & 55-A-139
- Parcel Boundary
- Future Route 37 East
- Sewer Pump Station
- Sewer Force Main
- Sewer Gravity Main
- Water Main
- Water Lateral



JRW PROPERTIES
& SEMPELES/ORNDORFF PROPERTIES
EXISTING WATER & SEWER AND
FUTURE ROUTE 37 EAST ALIGNMENT

JRW PROPERTIES
& SEMPELES/ORNDORFF PROPERTIES
EXISTING WATER-SEWER & FUTURE RT 37 EAST
STONEWALL MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA
DATE: 2016-05-19 PROJECT ID: 0844J DESIGNED BY: DWE
SCALE: 1 inch = 2,500 Feet

 #1275 *
 SOUTHERN BUILDERS *
 TO: :: DEED *
 JRW PROPERTIES & RENTALS, INC. *

BK 191 PG 523

BK 591 PG 630

1275
 # 483

THIS DEED, made this 1st day of April, 1985, by and between Southern Builders, a Virginia partnership, hereinafter referred to as the Grantor, and JRW Properties & Rentals, Inc., a Virginia Corporation, hereinafter referred to as the Grantee.

Whereas, the Grantor desires to transfer all its property to the Grantee, in return for issuance of all the stock of the Grantee to the general partners of the Grantor; and

Whereas, the said general partners will be the persons in control of the Grantee corporation; and

Whereas, the purpose of the transfer is to qualify the transfer of said property for non-recognition of gain or loss pursuant to §351 of the Internal Revenue Code of 1954;

Now therefore, in consideration of the issuance of stock by the Grantee to the general partners of the Grantor, the Grantor does grant and convey unto the Grantee, with General Warranty with English Covenants of Title, in fee simple, the following described property:

(1) That certain lot or parcel of land located in the City of Winchester, Virginia described as 11, 13 and 15 South Loudoun Street and being the same property conveyed to the Grantor herein by deed dated January 31, 1975 of record in the Clerk's Office of the Circuit Court of the City of Winchester in deed book 138, at page 125.

(2) That certain lot located in the City of Winchester, Virginia described as 325 Weems Lane, being the same property conveyed to the Grantor herein by deed dated March 31, 1981 of record in the aforesaid Clerk's Office in deed book 168, at page 378.

(3) Those certain lots or parcels of land located in the City of Winchester, Virginia more particularly described as Lots 4, 8, and 18 on the plat of the re-subdivision of Madison Terrace, which plat is of record in the aforesaid Clerk's Office in deed book 117, at page 22, and being a portion of the same property conveyed to the Grantor by deed dated October 26, 1970 of record in said Clerk's Office in deed book 119, at page 738.

BK 191 PG 524

BK 591 PG 631

(4) That certain lot located in the City of Winchester, Virginia designated as Lot 16 on the aforesaid plat of the re-subdivision of Madison Terrace, being the same property conveyed to the Grantor herein by deed dated June 17, 1971 of record in the aforesaid Clerk's Office in deed book 122, at page 711.

(5) That certain lot located in the City of Winchester, Virginia designated as Lot 26 on the aforesaid plat of the re-subdivision of Madison Terrace, being the same property conveyed to the Grantor herein by deed dated April 11, 1973 which is of record in the aforesaid Clerk's Office in deed book 128, at page 191.

(6) That certain lot located in the City of Winchester, Virginia described as Nos. 17-21 West Boscawen Street, being the same property that was conveyed to James R. Wilkins and James R. Wilkins, Jr. t/a James R. Wilkins and Son by deed dated February 9, 1968 of record in the aforesaid Clerk's Office in deed book 114, at page 274.

(7) That certain lot located in the City of Winchester, Virginia described as 25 South Braddock Street, which was conveyed to the Grantor herein by deed dated September 11, 1969 of record in the aforesaid Clerk's Office in deed book 117, at page 282.

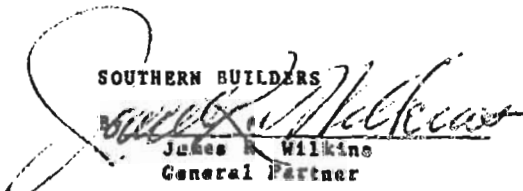
(8) That certain lot located in Winchester, Virginia designated as 1002-1058 Woodstock Lane, being the same property conveyed to the Grantor herein by deeds of record in the aforesaid Clerk's Office in deed book 137, at page 118 and deed book 185, at page 816.

(9) Those certain parcels of property located in Frederick County, Virginia containing 130 acres, more or less, and 134 acres, more or less, which parcels were conveyed to the Grantor herein by deed dated December 21, 1973 of record in the Clerk's Office of the Circuit Court of Frederick County in deed book 425, at page 375.

By their execution of the deed herein, as general partners in Southern Builders, James R. Wilkins and James R. Wilkins, Jr. do grant, convey and quit-claim unto the Grantees any right, title and interest they may have in the aforesaid 17-21 West Boscawen Street, either individually, or as partners c/a James R. Wilkins and Son.

WITNESS the following signatures:

SOUTHERN BUILDERS


James R. Wilkins
General Partner

SHARRICK & JENNINGS
ATTORNEYS AT LAW
WINCHESTER, VIRGINIA

BK 191 PG525

BK591PG632

By James R. Wilkins, Jr.
James R. Wilkins, Jr.
General Partner

By Donna Wilkins Downing
Donna Wilkins Downing
General Partner

STATE OF VIRGINIA At Lawson
City of Winchester, To-wit:

31st The foregoing instrument was acknowledged before me this day of March, 1985, by James R. Wilkins, General Partner of Southern Builders.

My commission expires 10 May 1988

Bruce E. Downing
Notary Public

STATE OF VIRGINIA At Lawson
City of Winchester, To-wit:

31st The foregoing instrument was acknowledged before me this day of March, 1985, by James R. Wilkins, Jr., General Partner of Southern Builders.

My commission expires 10 May 1988

Bruce E. Downing
Notary Public

STATE OF VIRGINIA At Lawson
City of Winchester, To-wit:

31st The foregoing instrument was acknowledged before me this day of March, 1985, by Donna Wilkins Downing, General Partner of Southern Builders.

My commission expires 10 May 1988

Bruce E. Downing
Notary Public

VIRGINIA CITY OF WINCHESTER, SCT.
This instrument of writing was produced in me on this 2nd day of April, 1985 at 10:30 AM and with certificate of acknowledgment thereto annexed was admitted to record. Tax imposed by Sec. 58-54.1 of \$ None and 58-54 have been paid, if assessable. Bette Winward Clerk

VIRGINIA FREDERICK COUNTY, SCT.
This instrument of writing was produced in me on the 2nd day of April, 1985 at 3:35 pm and with certificate of acknowledgment thereto annexed was admitted to record.

George B. Whitcomb
-3-

HARRISON & DIXON
ATTORNEYS AT LAW
WINCHESTER, VIRGINIA

 #2723
 RUTH MCCANN MILHOLLEN
 TO: DEED
 STEPHANIE M. SEMPELES, ET AL

2723

DK596P8330

THIS DEED, made and dated this 26th day of June, 1989, by and between RUTH MCCANN MILHOLLEN, widow, hereinafter called the Grantor, and STEPHANIE M. SEMPELES, single, and MICHAEL L. ORNDORFF, single, hereinafter called the Grantees.

WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby grant and convey with general warranty of title unto the Grantees, in fee simple, jointly, with right of survivorship, it being intended that the part of the one dying should then belong to the other, his or her heirs or assigns, all of those two parcels of real estate contiguous to one another, together with all rights, improvements and appurtenances thereunto belonging, lying in Stonewall District, Frederick County, Virginia, and described as follows:

Rt. 1, Box 205, Stephenson, VA 22656

PARCEL NO. 1: That certain lot of land containing 5 acres, 3 roods and 20 square poles, bounded on the North and West by the Secondary Highway leading from Berryville turnpike to Jordan Springs, on the South by Red Bud Run and on the East by Parcel 2 herein;

PARCEL NO. 2: That certain lot of land containing 21 acres, 2 roods and 1 square pole, bounded on the North by the Secondary Highway leading from Jordan Springs to Burnt Factory, on the East by the property formerly of Kackley, on the South by Red Bud Run and on the West by Parcel 1 hereinabove;

LESS AND EXCEPT that certain parcel of land conveyed to the Commonwealth of Virginia by Deed dated September 13, 1957 for the widening of Rt. 660, of record in the Clerk's Office of the Circuit Court of Frederick County, Virginia in Deed Book 251, at Page 162.

This is the same property conveyed unto William K. Milhollen and Ruth McCann Milhollen, his wife, as tenants in common, by Deed dated August 9, 1957 from Meriel C. Fosbirk, et al, of record in the aforesaid Clerk's Office in Deed Book 248, at Page 277. William K. Milhollen died intestate February 15, 1980, leaving as his sole heir-at-law his widow, Ruth McCann Milhollen, as will appear from an Affidavit filed of record in the aforesaid Clerk's Office pursuant to Section 64.1-135, immediately prior hereto.

This conveyance is made subject to all easements, rights of way and restrictive covenants of record, including the easement of the City of Winchester to take one million gallons of water per day from Fay's Spring, one of the sources of Red Bud Run, as set forth by orders appearing in Deed Book 186, at Page 320, dated December 30, 1942, and in Deed Book 186, at Page 605, dated January 1, 1943.

BK59676331

The Grantor covenants that she has the right to convey the said property to the Grantee; that the Grantee shall have quiet and peaceable possession to said property, free from all liens and encumbrances, except as hereinabove mentioned; and the Grantor will execute such further assurances of title as may be requisite.

WITNESS the following signature and seal:

Ruth McCann Milhollen
RUTH McCANN MILHOLLEN

STATE OF VIRGINIA,
CITY OF WINCHESTER, to-wit:

I, BRENDA HIGH, a Notary Public in and for the State and City aforesaid, do hereby certify that RUTH McCANN MILHOLLEN, widow, whose name is signed to the foregoing Deed, bearing date on the 28th day of June, 1985, has personally appeared before me and acknowledged the same in my city and state aforesaid.

Given under my hand this 28th day of June, 1985.
My Commission expires: September 20, 1987.

Brenda High
NOTARY PUBLIC

VIRGINIA, FREDERICK COUNTY, SCT.

This instrument of writing was produced to me on the 28th day of June, 1985, at 2:08 p m. and with certificate of acknowledgment thereto annexed, admitted to record. Tax imposed by Sec. 58-51.1 of 186.00, and 58-54 have been paid, if any.

George E. Whitmore
Clerk

3846

BK 745PG0965

I, H. Bruce Edens, on this the 29th day of May, 1990, do hereby certify that the plat and description attached hereto is a true copy of a survey made by me on April 4, 1990 of land conveyed to J.R.W. Properties and Rentals, Inc. by Deed dated November 15, 1989, recorded in Deed Book 731, Page 680. The said land lies in Stonewall District, Frederick County, Virginia.

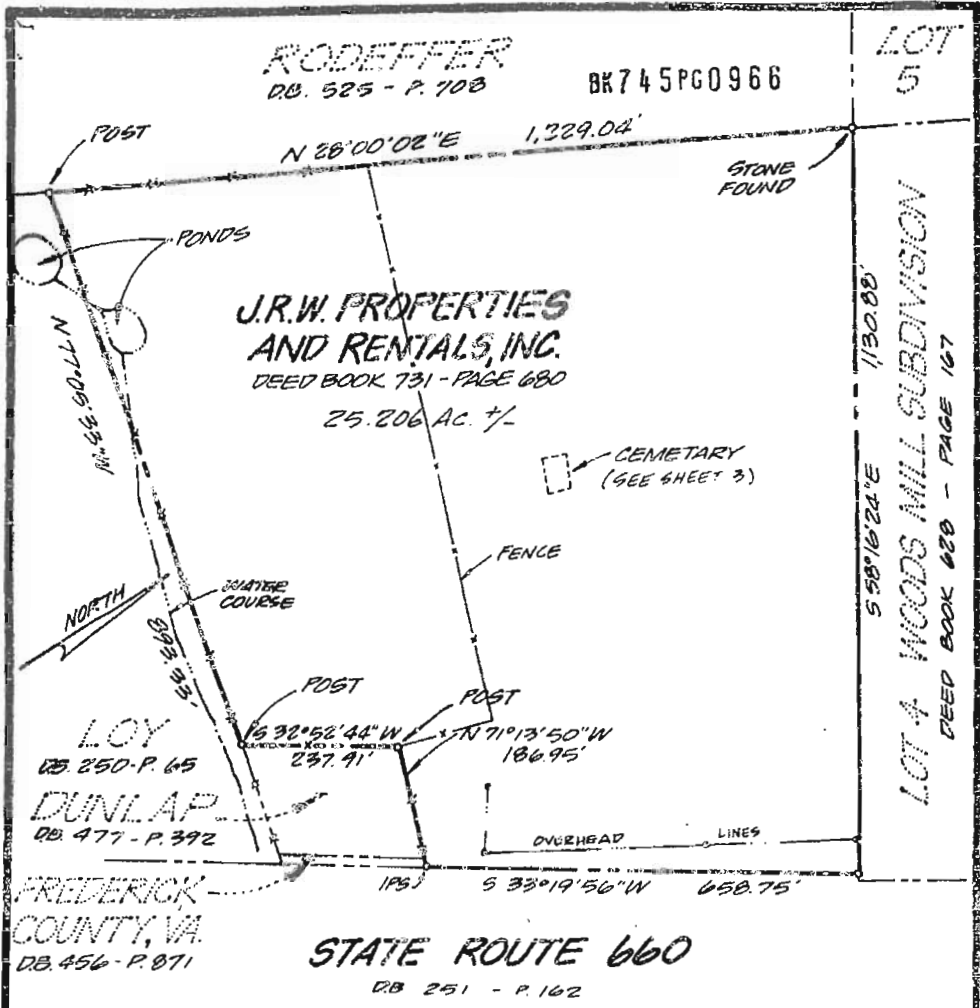
H. Bruce Edens (SEAL)
Surveyor

STATE OF VIRGINIA
COUNTY OF Frederick, To-wit:

I, Joan B. Malone, a Notary Public in and for the State of Virginia and County of Frederick, do hereby certify that this day personally appeared before me H. Bruce Edens, whose name is signed to the foregoing instrument dated 29th day of May, 1990 aforesaid.

Given under my hand this 29th day of May, 1990.
My Commission expires Sept 11, 1992.

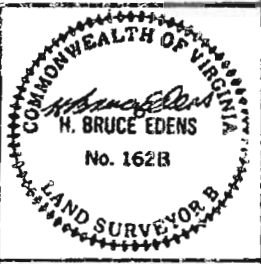
Joan B. Malone
Notary Public



TM# 55-A-27

NOTES:
 IPS = IRON PIN SET
 --- UTILITY POLE WITH OVERHEAD LINES
 SEE ADDITIONAL NOTES ON PAGES 2 AND 3

BOUNDARY SURVEY
 OF THE LAND OF
J.R.W. PROPERTIES AND RENTALS, INC.
 STONEWALL DISTRICT, FREDERICK COUNTY, VIRGINIA



SCALE: 1" = 200' DATE: APRIL 4, 1990

Greenway Engineering & Surveying Co., Inc.
 1104 Baker Lane • Winchester, Virginia • 22601 • 703-662-4185
 H. Bruce Edens • President

SHEET 1 of 3

BK745PG0967

METES AND BOUNDS DESCRIPTION
OF THE LAND OF
J.R.W. PROPERTIES AND RENTALS, INC.
(DEED BOOK 731, PAGE 680)
LOCATED WEST SIDE OF VA. SECONDARY ROUTE 660
1.3 MILES NORTH OF VA. ROUTE 7
STONEWALL DISTRICT
FREDERICK COUNTY, VIRGINIA

Beginning at an iron rod now set on the northwesterly right-of-way line of Virginia secondary Route 660, said point being on the southwesterly line of Lot 4, Woods Mill Subdivision (D. B. 628, Pg. 167) and N58°16'24"W a distance of 5.00 feet from the southerly most corner of said Lot 4; thence from said point of beginning, S33°19'56"W along the right-of-way line of said Route 660 (D. B. 251, Pg. 162) a distance of 658.75' to an iron rod now set at the northeastern corner of the lands of Frederick County, Virginia (D.B. 456, Pg. 871); thence N71°13'50"W along the north line of said Frederick County parcel and continuing the same course along the northerly line of land of Daniel B. Dunlap, Sr. (D.B. 477, Pg. 392) a distance of 186.95 feet to a post; thence S32°52'44"W, still along Dunlap, a distance of 237.91 feet to a post in the northerly line of the lands of Charles R. Loy (D.B. 250, Pg. 65); thence N77°05'33"W along said Loy, a distance of 893.33 feet to a post in the line of the lands of Bonnie K. Rodeffer (D. B. 525, Pg. 708); thence N28°00'02"E along said Rodeffer, a distance of 1229.04 feet to a stone found at the westerly most corner of the above described Lot 4, Woods Mill; thence S58°16'24"E along said Lot 4, a distance of 1130.88 feet to the point of beginning.

Containing. 25.206 Acres, More or Less

Surveyed. March 27, 1990

SURVEYOR'S NOTES:

1. The written construction of deeds of easement to Northern Virginia Power Co. (D. B. 203, Pg. 569 and D.B. 291,

Pg. 679) and Potomac Edison ^{AK715260968} company of Virginia (D.B. 328, Pg. 112) is such that exact location and extent is not surveyable beyond the lines and poles shown hereon.

2. The cemetery shown hereon is by visual inspection only. There are no known burial records.

3. Three dwellings and numerous outbuildings have not been included.

VIRGINIA: FREDERICK COUNTY, SCT.
This instrument of writing was produced
to me on the 29th day of May,
1990 at 3:48 PM and with certificate
of acknowledgment thereto annexed was
admitted to record.

George B. Whitacre
CLERK

CPPA #04-16

Fruit Hill Orchard

**(The Interstate
Orchard, Inc.)**

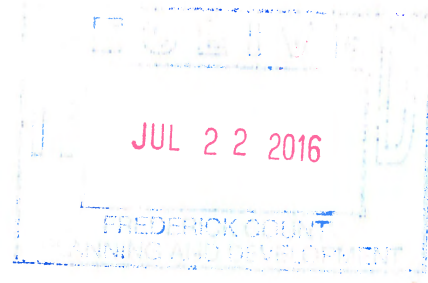
Rest Church Road

Properties



PENNONI ASSOCIATES INC.
CONSULTING ENGINEERS

July 22, 2016



Mrs. Candice Perkins, AICP
Deputy Director
Frederick County Planning and Development
107 N Kent Street, Suite 202
Winchester, VA 22601

RE: CPPA Application; Solenberger – Rest Church SWSA Expansion

Dear Candice,

We understand that the Frederick County Sanitation Authority (FCSA) recently provided comments for the proposed Comprehensive Policy Plan Amendment (CPPA) applications submitted for Frederick County's 2016 application cycle. The FCSA has expressed concerns regarding the cost of sewer infrastructure necessary to serve the 304.7 acre Sewer and Water Service Area (SWSA) expansion proposed as part of the Solenberger – Rest Church CPPA application and the ability of the development of the subject acreage to fund those infrastructure improvements.

We represent the Solenberger – Rest Church application and believe that the ultimate sewer infrastructure needed to serve the northern reaches of the sewer and water service area is one of the primary reasons that the subject application merits additional study. From a planning perspective, it would make more sense to complete infrastructure planning for the entirety of the subject site's 411.5 acres, all of which are already planned for commercial and industrial/office uses by the County's Northeast Land use Plan. Of those 411.5 acres, 106.8 acres are already within the SWSA. Ultimately, a larger project area would be better able to fund the substantial sewer infrastructure improvements which will be needed to serve the economic development uses planned for along the I-81 corridor.

In closing, we would also stress that we understand that inclusion of the Property within the SWSA would not guarantee access to or sufficient capacity for the water and sewer needs to serve the Property. It is simply the next step necessary prior to completing infrastructure planning and submitting a rezoning application in order to implement the long range land use plan for the County.

If you have any questions or if you would like to discuss further, please feel free to contact me at (540) 667-2139.

Sincerely,
PENNONI ASSOCIATES INC.

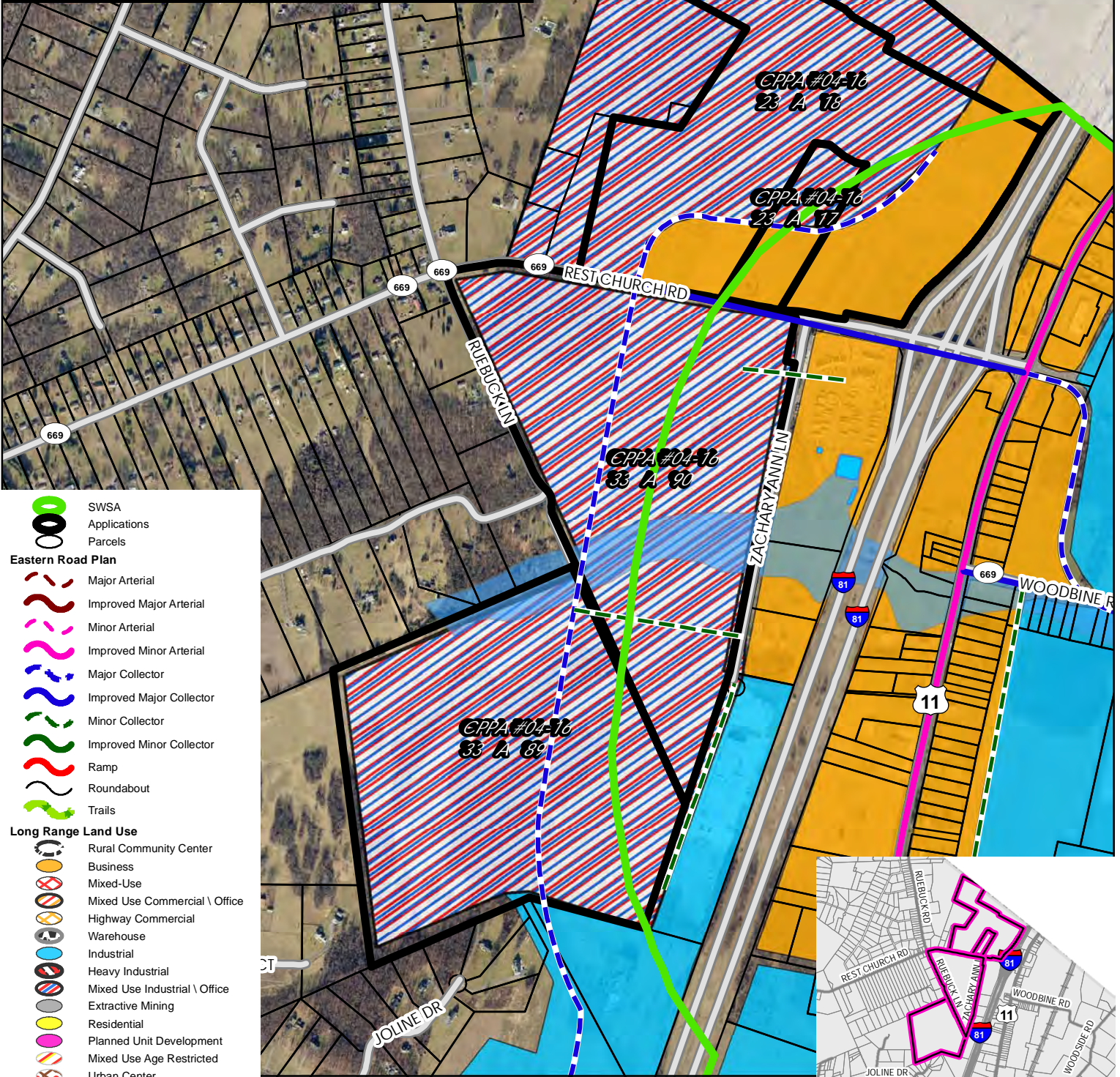
Ronald A. Mislowsky, PE
Associate Vice President

cc: Eric Lawrence, FCSA
Robert Solenberger

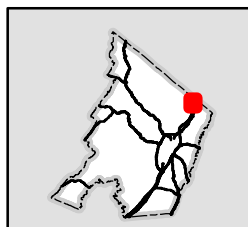
CPPA #04-16 Fruit Hill Orchard - Rest Church Draft SWSA Amendment

PINs: 23 - A - 17, 23 - A - 18,
33 - A - 89, 33 - A - 90, one unnamed parcel

BERKELEY
COUNTY
WEST VIRGINIA

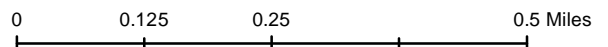


- SWSA Applications
- Parcels
- Eastern Road Plan**
- Major Arterial
- Improved Major Arterial
- Minor Arterial
- Improved Minor Arterial
- Major Collector
- Improved Major Collector
- Minor Collector
- Improved Minor Collector
- Ramp
- Roundabout
- Trails
- Long Range Land Use**
- Rural Community Center
- Business
- Mixed-Use
- Mixed Use Commercial \ Office
- Highway Commercial
- Warehouse
- Industrial
- Heavy Industrial
- Mixed Use Industrial \ Office
- Extractive Mining
- Residential
- Planned Unit Development
- Mixed Use Age Restricted
- Urban Center
- Neighborhood Village
- Recreation
- Commercial Recreation
- Open Space
- Natural Resources & Recreation
- Park
- Historic \ DSA
- Fire & Rescue
- Institutional
- School



CPPA #04-16
Fruit Hill Orchard -
Rest Church
PINs: 23 - A - 17, 23 - A - 18,
33 - A - 89, 33 - A - 90,
one unnamed parcel
Draft SWSA Amendment

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: June 2, 2016
Staff: cperkins

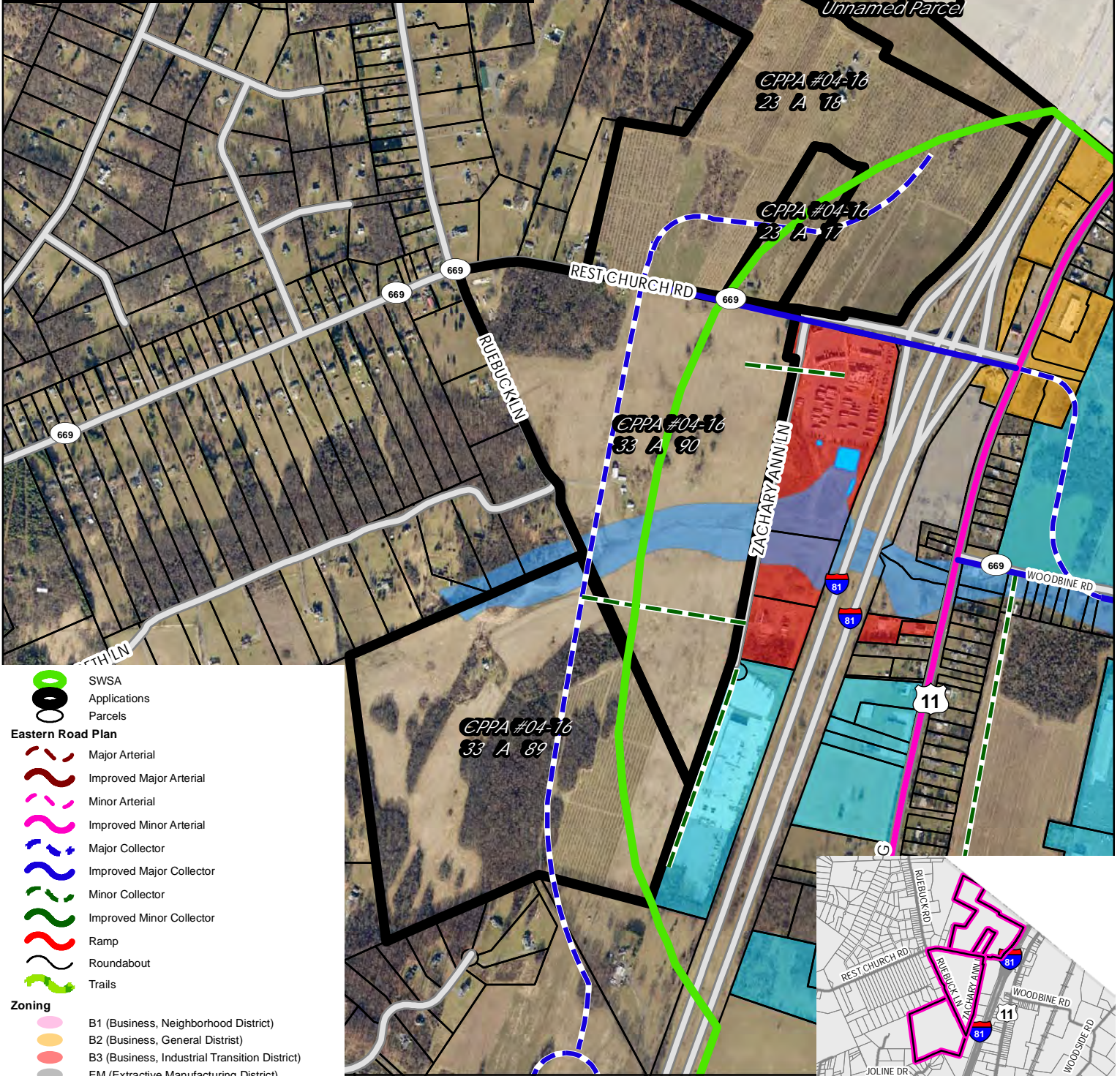


CPPA #04-16

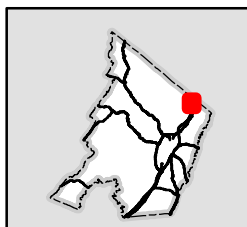
Fruit Hill Orchard - Rest Church Draft SWSA Amendment

PINs: 23 - A - 17, 23 - A - 18,
33 - A - 89, 33 - A - 90, one unnamed parcel

BERKELEY
COUNTY
WEST VIRGINIA

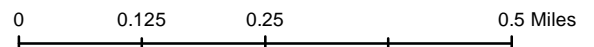


- SWSA Applications
- Parcels
- Eastern Road Plan**
- Major Arterial
- Improved Major Arterial
- Minor Arterial
- Improved Minor Arterial
- Major Collector
- Improved Major Collector
- Minor Collector
- Improved Minor Collector
- Ramp
- Roundabout
- Trails
- Zoning**
- B1 (Business, Neighborhood District)
- B2 (Business, General District)
- B3 (Business, Industrial Transition District)
- EM (Extractive Manufacturing District)
- HE (Higher Education District)
- M1 (Industrial, Light District)
- M2 (Industrial, General District)
- MH1 (Mobile Home Community District)
- MS (Medical Support District)
- OM (Office - Manufacturing Park)
- R4 (Residential Planned Community District)
- R5 (Residential Recreational Community District)
- RA (Rural Area District)
- RP (Residential Performance District)



CPPA #04-16
Fruit Hill Orchard - Rest Church
PINs: 23 - A - 17, 23 - A - 18,
33 - A - 89, 33 - A - 90,
one unnamed parcel
Draft SWSA Amendment

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: June 2, 2016
Staff: cperkins





June 1, 2016



Mrs. Candice Perkins, AICP
Deputy Director
Frederick County Planning and Development
107 N Kent Street, Suite 202
Winchester, VA 22601

RE: CPPA Application; Solenberger – Rest Church SWSA Expansion

Dear Candice,

Please find attached the CPPA application materials as well as the required application fee for a proposed SWSA expansion for the Solenberger – Rest Church Property. The application proposes an approximate 300 acre expansion of the SWSA west of Exit 323 on Interstate 81 to allow for the future development of commercial and industrial uses as already envisioned by the Comprehensive Plan for the subject site.

If you have any questions or comments, please feel free to contact me at (540) 667-2139.

Sincerely,

PENNONI ASSOCIATES INC.

Patrick Sowers
Senior Project Engineer

Attachments

Frederick County, Virginia

**COMPREHENSIVE POLICY PLAN AMENDMENT
APPLICATION MATERIALS**

FOR REVIEW OF

SOLENBERGER – REST CHURCH

SWSA EXPANSION

Stonewall Magisterial District

June 2016

Prepared by:
Pennoni Associates Inc.
117 E. Piccadilly Street
Suite 200
Winchester, Virginia 22601

Phone: 540-667-2139 Fax: 540-665-0493



**COMPREHENSIVE POLICY PLAN AMENDMENT
INITIATION REQUEST FORM**

A. OWNER(S) INFORMATION

- 1. Name: Fruit Hill Orchard, Inc./The Interstate Orchard, Inc.
- 2. Project Name: Solenberger – Rest Church
- 3. Mailing Address: P.O. Box 2368
Winchester, VA 22604
- 4. Telephone: (540) 667-3390

AUTHORIZED AGENT INFORMATION

- 1. Name: Pennoni Associates
- 2. Project Name: Solenberger – Rest Church
- 3. Mailing Address: 117 E Piccadilly St.
Winchester, VA 22601
- 4. Telephone: (540) 667-2139

B. LEGAL INTEREST IN THE PROPERTY OR REASON FOR THE REQUEST:

106.8 acres of the subject property is currently located within the SWSA boundary. This request would bring the remaining 304.7 acres of the site into the SWSA boundary to enable a future rezoning request for commercial/industrial uses.

C. PROPOSED COMPREHENSIVE POLICY PLAN AMENDMENT

1. INFORMATION FOR MAP AMENDMENTS

- a. PIN(s): 33-A-89, 33-A-90, 23-A-17, 23-A-18 & one unnamed parcel

Magisterial District: Stonewall
- b. Parcel Size: 411.5 Acres (total
304.7 Acres (proposed SWSA expansion)
106.8 Acres (currently within SWSA)
**See Figure 1 and Figure 2*
- c. Plat of Area proposed for CPPA Amendment, including metes and bounds description: See Attached
- d. Existing Comprehensive Plan Land Use Classification(s):
Areas within existing SWSA – Business & Mixed Use Industrial/Office
Areas outside existing SWSA – Mixed Use Industrial/Office

- e. Proposed Comprehensive Plan Land Use Classification(s):
Same as current
-
- f. Existing Zoning and Land Use of the subject parcel:
RA (Rural Areas) – Vacant/Agricultural
- g. What use/zoning will be requested if amendment is approved?
M-1 (Light Industrial) and B-2 (General Business) or other C&I zoning
- h. Describe, using text and maps as necessary, the existing zoning, Comprehensive Policy Plan designations, and/or approved uses and densities along with other characteristics of the properties that are within 1 mile of subject property:

Figure 3 includes an aerial photograph depicting existing uses found within the vicinity of the subject property. The Property is bounded to the South and West by other RA parcels, to the North by the County/State boundary, and to the East by Commercial/Industrial properties including the Flying J truck stop and Alban CAT. Figure 4 depicts the existing zoning found near the site, including commercial and industrial uses to the East along Interstate 81 while Figure 5 depicts the planned land uses for the area currently included within the Comprehensive Plan.
- i. Adjoining Property Owners:
See Attached

2. INFORMATION FOR TEXT AMENDMENTS – NOT APPLICABLE

3. INFORMATION FOR ALL AMENDMENTS

- a. Justification of proposed Comprehensive Policy Plan Amendment (provide attachments if necessary). Describe why the change to the Comprehensive Policy Plan is being proposed.

Currently, the Property is partially located within the Sewer and Water Service Area (SWSA). Locating the SWSA along the boundaries of the site would enable an orderly development of non residential uses for the entire property consistent with the land uses already planned for the site by the Comprehensive Plan. Areas near and adjacent to the subject property are presently zoned and used for commercial and industrial uses, ensuring compatible land uses for the proposed SWSA expansion.

- b. How would the resultant changes impact or benefit Frederick County. Consider, for example, economic development and public facilities.

1. Community Design: Amending the SWSA to include the subject area would allow for the submission of a rezoning application for commercial and industrial uses for the Property, thereby implementing the long range land use already planned for the site by the *Comprehensive Plan*. A single rezoning for the entire property would allow for a more holistic planning approach wherein design aspects such as transportation are considered for the entire property as opposed to only a small portion at a time.

2. Economic Development: Additional jobs and an increased tax base would result from any future rezoning of the subject acreage allowed by the proposed SWSA expansion. The development of the site for industrial and supporting business uses would bring a varied source of economic development to the county and promote the goals expressed by the County's *Comprehensive Plan*.

3. Environment: There does not appear to be any streams, lakes or ponds that traverse the parcels in question. Any environmental impacts would be minimal and would be appropriately mitigated during the engineering of any future development at the Property.

4. Fire and Rescue: Tax revenues as a result of development of the site would serve to help fund local fire and rescue services.

5. Housing: No new housing would result as a part of this SWSA expansion request.

6. Land Use: The subject acreage is presently used for agricultural purposes. The site's adjacency to existing land zoned and used for industrial and business uses, the existing interchange at I-81, the availability of public water and sewer, and its designation by the comprehensive plan for future development would indicate that inclusion of the subject parcels, in their entirety, within the SWSA would be in keeping with good planning. Additionally, there is currently a relative shortage of large industrial zoned properties in Frederick County. Inclusion of the Solenberger – Rest Church Property within the SWSA to permit a future industrial/commercial rezoning request would aid the County's ability to meet area demands for business development purposes.

7. Potable Water: The property would be served by the Frederick County Sanitation Authority (FCSA) by way of additions to the existing infrastructure serving the adjacent parcels. The existing water storage, distribution and supply is adequate to service development of the entirety

of the subject parcels. Any improvements that may be needed could be addressed during the rezoning and subsequent engineering phases.

8. Schools: The proposed inclusion of the entire parcels and any future rezoning of these parcels for industrial and supporting business uses would have no negative impacts on school system. Development of the parcels for industrial and supporting business uses would be beneficial to the school system by improving the Frederick County tax base.

9. Sewer: The site would be serviced by connection to the water and sewer lines already present in the area. Remaining sewer capacity in the area is limited, but could be addressed, if necessary, during the rezoning phase of the project. Upgrades to the existing system servicing the area would depend upon the particular use sought by the Applicant during the rezoning process.

10. Transportation: Inclusion of the Property within the SWSA would have limited impacts upon the transportation system. Improvements to the road system servicing the area in recent years would enable safe and efficient access to Interstate 81 for any use that may locate at the site in the future. Additionally, any rezoning of the site would include a proffer program that would effectively mitigate any impacts to the transportation system and would also be in accordance with the expectations of the Northeast Land Use Plan, which includes a new north/south collector road running parallel to I-81, in order to mitigate any impacts associated with future development of the site.

Signatures:

I (we), the undersigned, do hereby respectfully make application and petition the Frederick County Board of Supervisors to amend the Comprehensive Plan. I (we) authorize Frederick County officials to enter the property for site inspection purposes.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Applicant(s): 

Date: 6/1/16

Owner(s): Cham Brown

Date: 6/1/16



(TO BE COMPLETED BY APPLICANT)

SUBJECT PROPERTY OWNERS AFFIDAVIT

County of Frederick, Virginia

Frederick Planning Web Site: www.fcva.us


**Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Suite 202 Winchester, Virginia 22601
Phone 540-665-5651 Facsimile 540-665-6395**

STATE OF VIRGINIA
COUNTY OF FREDERICK

This 1st day of June, 2016,
(Day) (Month) (Year)

I, Patrick R. Sowers
(Owner/Contract Purchaser/Authorized Agent)

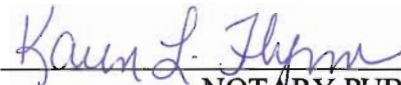
hereby make oath that the list of property owners of the subject site, as submitted with the application, is a true and accurate list based on the information provided by the Frederick County Commissioner of the Revenue Office as taken from the current real estate assessment records.


(Owner/Contract Purchaser/Authorized Agent)
(circle one)

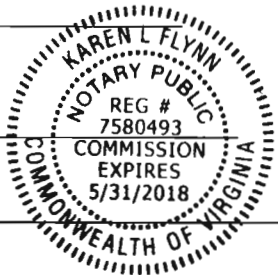
COMMONWEALTH OF VIRGINIA:

County of FREDERICK

Subscribed and sworn to before me this 1st day of JUNE, 2016 in my County and State aforesaid, by the forenamed Principal.


NOTARY PUBLIC

My Commission expires: MAY 31, 2018





Special Limited Power of Attorney
County of Frederick, Virginia
Frederick Planning Web Site: www.co.frederick.va.us

Department of Planning & Development, County of Frederick, Virginia,
107 North Kent Street, Winchester, Virginia 22601
Phone 540-665-5651 Facsimile 540-665-6395

Know All Men By Those Present: That I (We)

(Name) Fruit Hill Orchard, Inc./The Interstate Orchard, Inc. (Phone) 540-667-3390

(Address) P.O. Box 2368, Winchester, VA 22604

the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Frederick, Virginia, by

DB 365/PG 242, DB 373/PG 496, DB 202/82 and is described as

Tax Map Parcel 23-A-17, 23-A-18, 33-A-90, 33-A-89 Subdivision: _____
do hereby make, constitute and appoint:

(Name) Pennoni Associates (Phone) 540-667-2139

(Address) 117 E. Piccadilly Street, Suite 200, Winchester, Virginia 22601

To act as my true and lawful attorney-in-fact for and in my (our) name, place, and stead with full power and authority I (we) would have if acting personally to file planning applications for my (our) above described Property, including

- Rezoning (including proffers)
- Conditional Use Permits
- Master Development Plan (Preliminary and Final)
- Subdivision
- Site Plan
- Comprehensive Policy Plan Amendment

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

_____ This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.

In witness thereof, I (we) have hereto set my (our) hand and seal this 1st day of JUNE, 2016,

Signature(s) *Dawn Stans*

State of Virginia, City/County of FREDERICK, To-wit: _____

I, KAREN L. FLYNN, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 31ST day of MAY, 2016.

Karen L Flynn My Commission Expires: 5/31/18
Notary Public

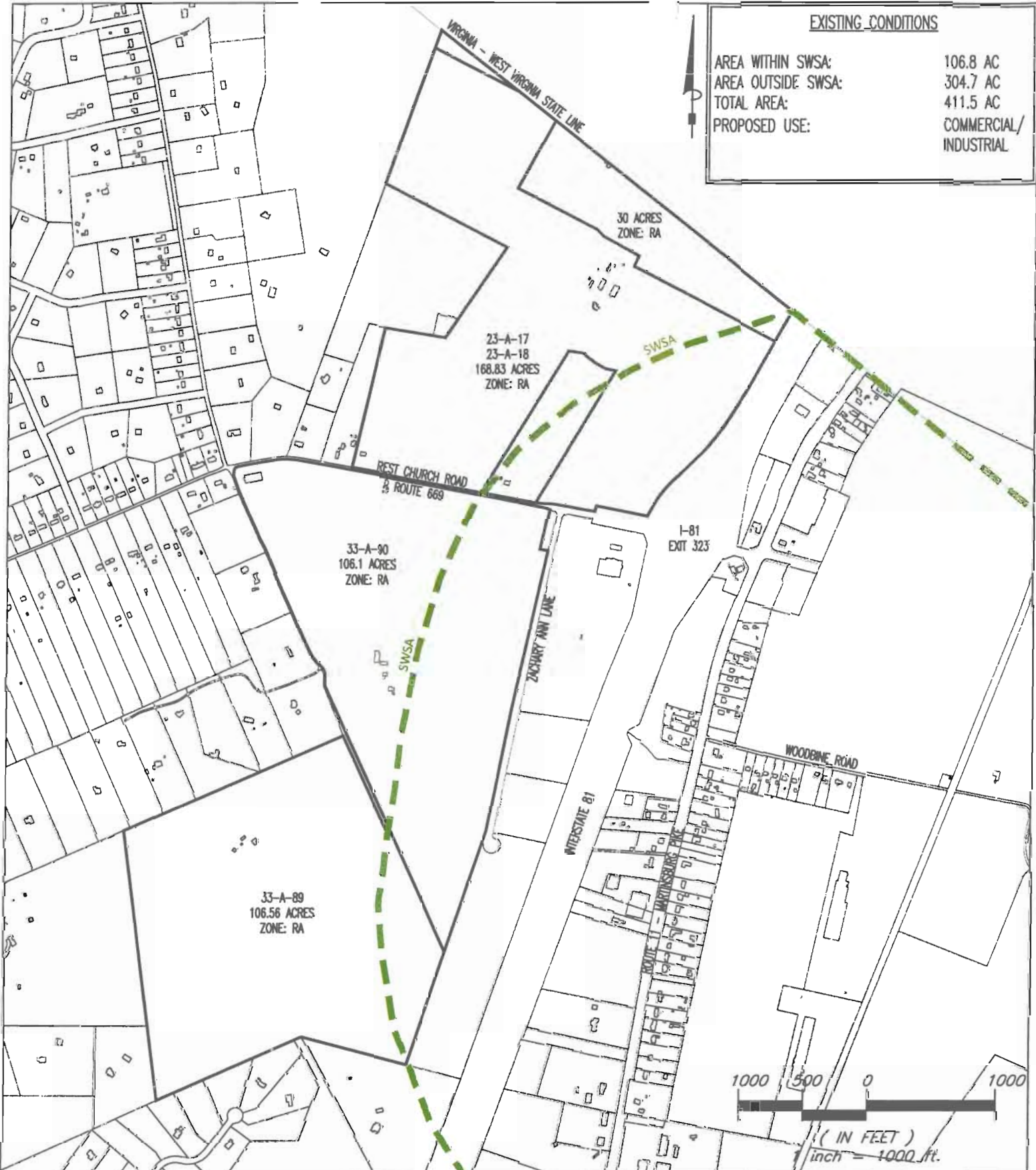


Solenberger - Rest Church

ADJOINING OWNERS

TAX ID NO.	NAME	ADDRESS	ZONING	USE
33 9 1	CFJ Properties c/o Pilot Travel Centers #752	PO Box 54470 Lexington, KY 40555	B-3	Commercial
33 9 4	AB White Hall, LLC	8531 Pulaski Hwy. Baltimore, MD 21237	B-3	Commercial
33 9 5	Professional Mobile Home Brokers, Inc.	P.O. Box 4091 Winchester, VA 22604	B-3	Commercial
33 9 6	JCA IV White Hall, LLC	8531 Pulaski Hwy Baltimore, MD 21237	M1	Commercial
33 A 88	David K. Brenda S. Gray	332 Thistle Lane Clearbrook, VA 22624	RA	Residential
33 12 24	Fairfield Farm of Frederick Co, LLC	1767 Cedar Hill Road Clearbrook, VA 22624	RA	Agricultural
33 12 14	Daniel L. & Joy Dickerson	381 Joline Drive Clearbrook, VA 22624	RA	Residential
33 12 15	Joshua A. Lane & Lisa M. Lane, Trustee	PSC 50 Box 1157 APO, AE 09494	RA	Residential
33 12 16	Russell E. & Katherine L. Kerns	367 Joline Drive Clearbrook, VA 22624	RA	Residential
33 12 17	Douglas A. Jr. & Leanna U. Madagan	PO Box 311 Stephenson, VA 22656	RA	Residential
33A 18G	Michael T. & Betty J. McNerney	209 Hauptman Ct. Clearbrook, VA 22624	RA	Residential
33 A 18A	Joseph W & Donna M. Poe	529 Timberlakes Lane Clearbrook, VA 22624	RA	Agricultural
33 5 30	Brian K. & Gabriella C. Shallenberger	291 MacBeth Lane Clearbrook, VA 2264	RA	Residential
33 5 29	Denver C. & Emily C. Nail	266 MacBeth Lane Clearbrook, VA 22624	RA	Residential
33 5 28	Diana L Hackney	253 Macbeth Lane Clearbrook, VA 22624s	RA	Residential
33 5 27	Valerie L. Babcock	209 MacBeth Lane Clearbrook, VA 22624	RA	Residential
33 5 26	Michael J. & Lisa J. Corrick	191 MacBeth Lane Clearbrook, VA 22624	RA	Residential

33 5 25	David O. Russell	160 MacBeth Lane Clearbrook, VA 22624	RA	Residential
33 5 24	Gregory S. Grove	280 Ruebuck Road Clearbrook, VA 22644	RA	Residential
33 5 23	Roy A. Cooper	224 Ruebuck Lane Clearbrook, VA 22624	RA	Residential
33 5 22	Adam C. & Patsy L. Kibler	172 Ruebuck Road Clearbrook, VA 22624	RA	Residential
33 5 21	Robin L. V. & Joan F. Kibler	250 Chenoweth Dr Bunker Hill, WV 25413	RA	Residential
23 A 11	Jared A. Shirley & Jenna H. Lake	1226 Rest Church Road Clearbrook, VA 22624	RA	Residential
23 8 15	Tammy F. Enns, Trustee	114 Ruebuck Road Clearbrook, VA	RA	Residential
23 8 14	Luis Antonio Becerril & Adriana Nahir Lopez	1287 Rest Church Road Clearbrook, VA 22624	RA	Residential
23 A 13	Ryan J. Butler & William J. Butler	1299 Rest Church Road Clearbrook, VA 22624	RA	Residential
23 A 14	Edward L. Jr. & Nancy Lee Butler	1333 Rest Church Road Clearbrook, VA 22624	RA	Residential
23 A 15	Edward L. Jr. & Nancy Lee Butler	1333 Rest Church Road Clearbrook, VA 22624	RA	Vacant
23 A 16	Carter's Cemetery	107 N. Kent Street Winchester, VA 22601	RA	Cemetery
23 8 13	Christopher S. & Tonya L. Jennings	PO Box 3830 Winchester, VA 22604	RA	Agricultural
23 A 8B	Lindsey Barry Dodd & Kimberly Schanabel Dodd	474 Ruebuck Road Clearbrook, VA 22624	RA	Agricultural



EXISTING CONDITIONS	
AREA WITHIN SWSA:	106.8 AC
AREA OUTSIDE SWSA:	304.7 AC
TOTAL AREA:	411.5 AC
PROPOSED USE:	COMMERCIAL/ INDUSTRIAL

1" = 1000'
6/1/16
Revised

SOLEMBERGER - REST CHURCH

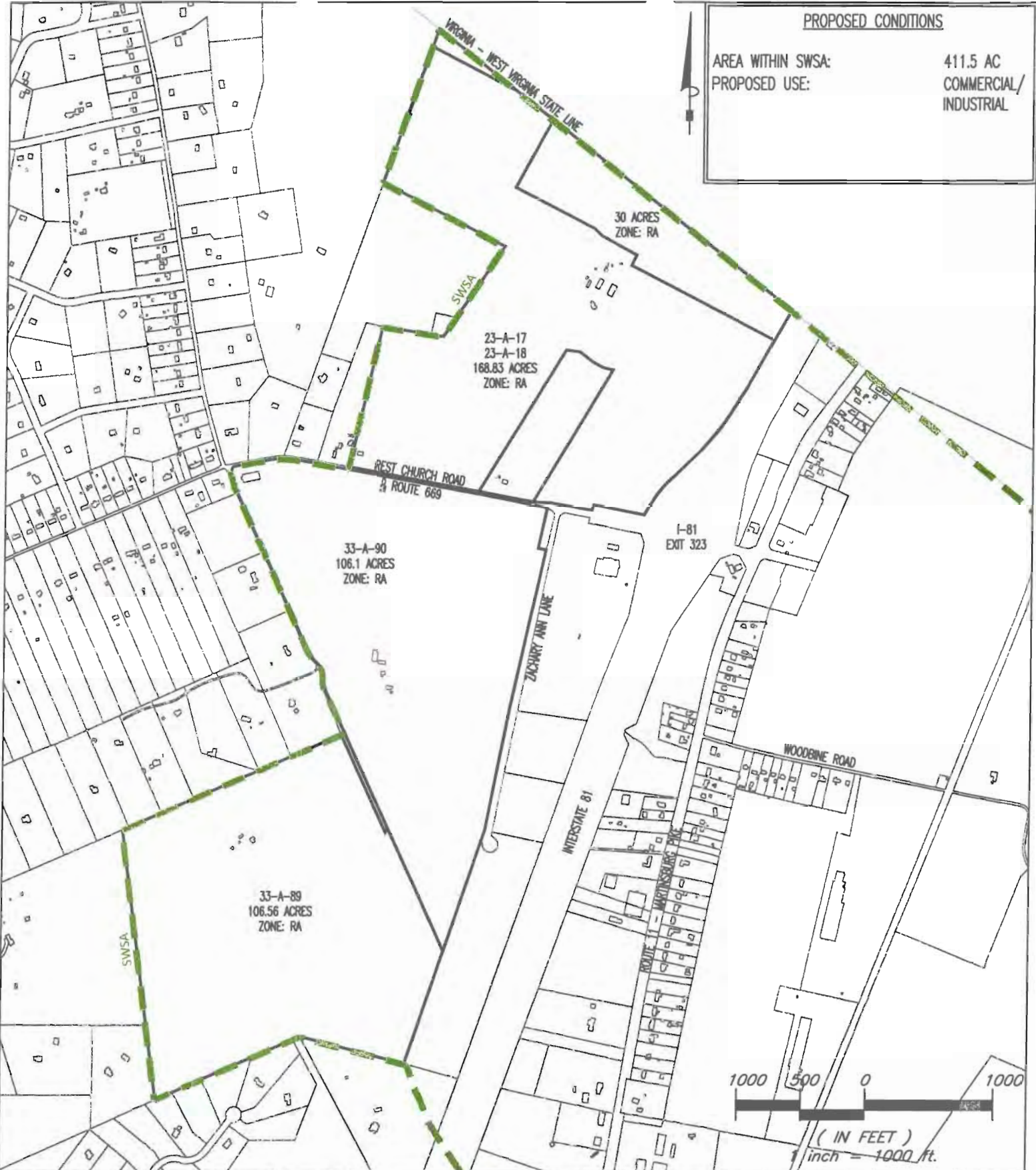
2016 CPPA
EXISTING SWSA

FREDERICK COUNTY, VIRGINIA

PENNONI ASSOCIATES INC.

117 E. Picadilly St. Winchester, Virginia 22601
VOICE: (540) 667-2139 FAX: (540) 665-0493

FIGURE 1

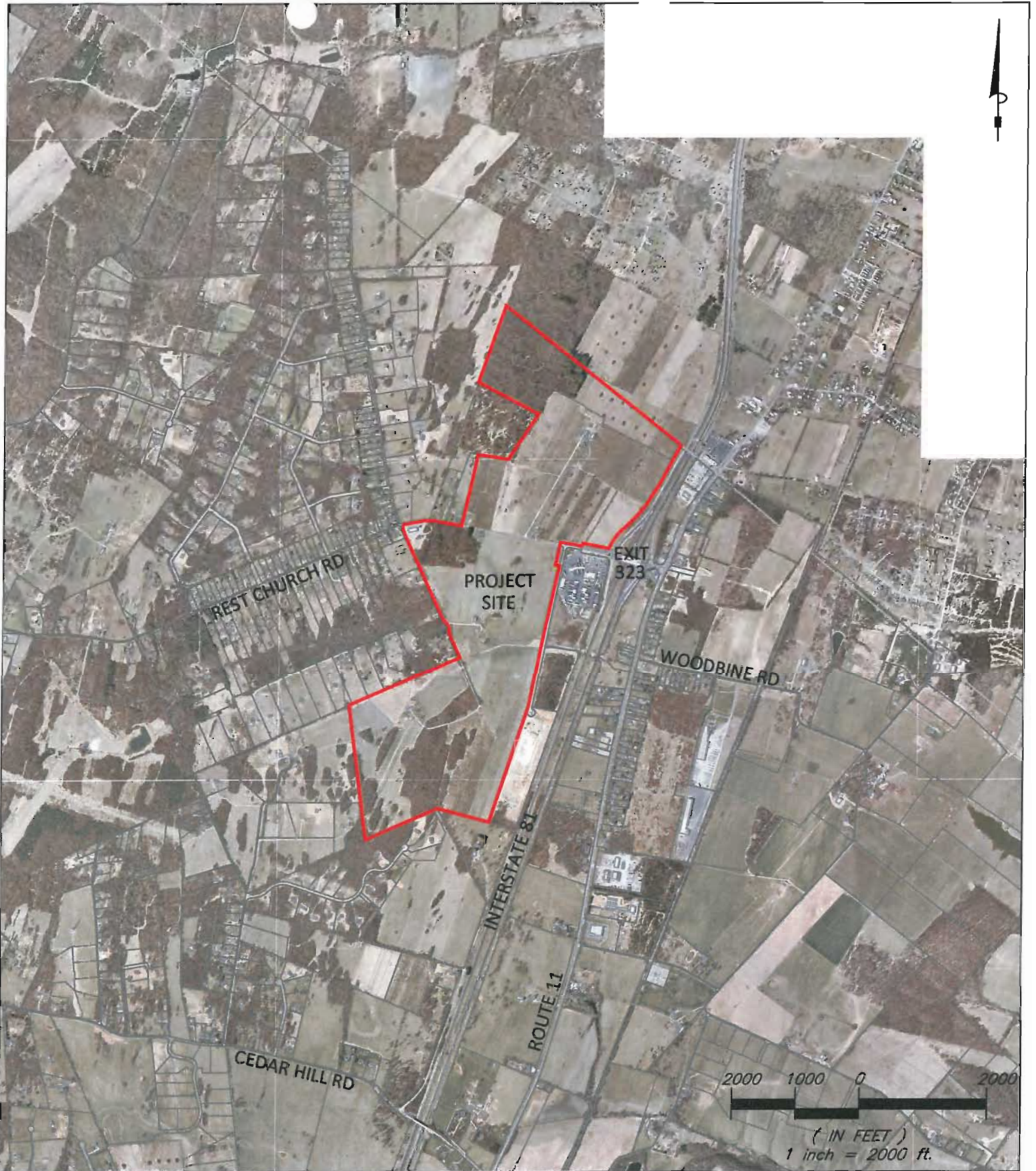


SOLENBERGER — REST CHURCH
 2016 CPPA
 PROPOSED SWSA
 FREDERICK COUNTY, VIRGINIA

PENNONI ASSOCIATES INC.
 117 E. Picadilly St. Winchester, Virginia 22601
 VOICE: (540) 667-2139 FAX: (540) 665-0493

6/1/16
 Revised
 1" = 1000'

FIGURE 2

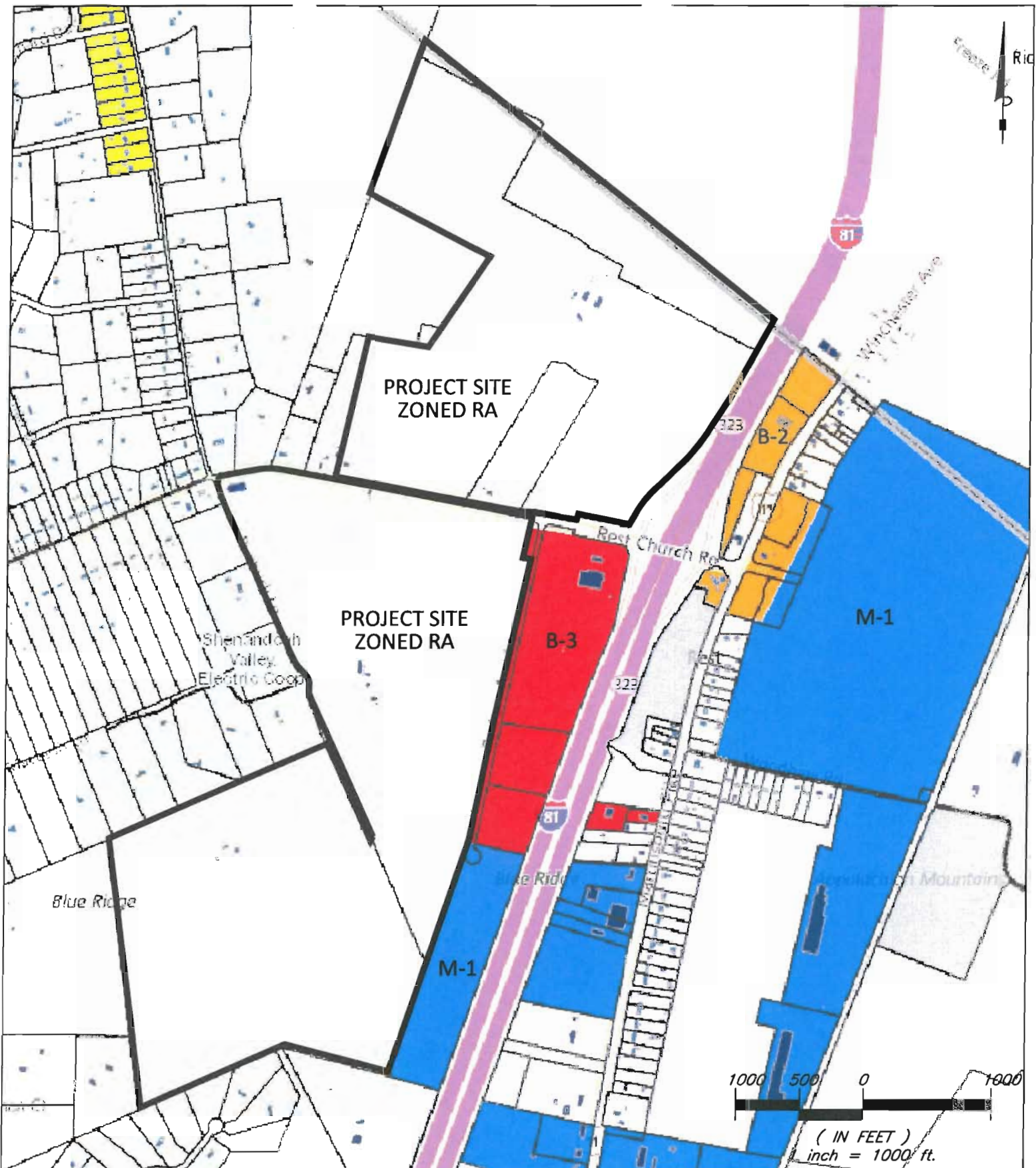


1"=2000'
6/1/16
Revised

SOLEMBERGER – REST CHURCH
2016 CPPA
LOCATION MAP
FREDERICK COUNTY, VIRGINIA

PENNONI ASSOCIATES INC.
117 E. Picadilly St. Winchester, Virginia 22601
VOICE: (540) 667-2139 FAX: (540) 665-0493

FIGURE 3

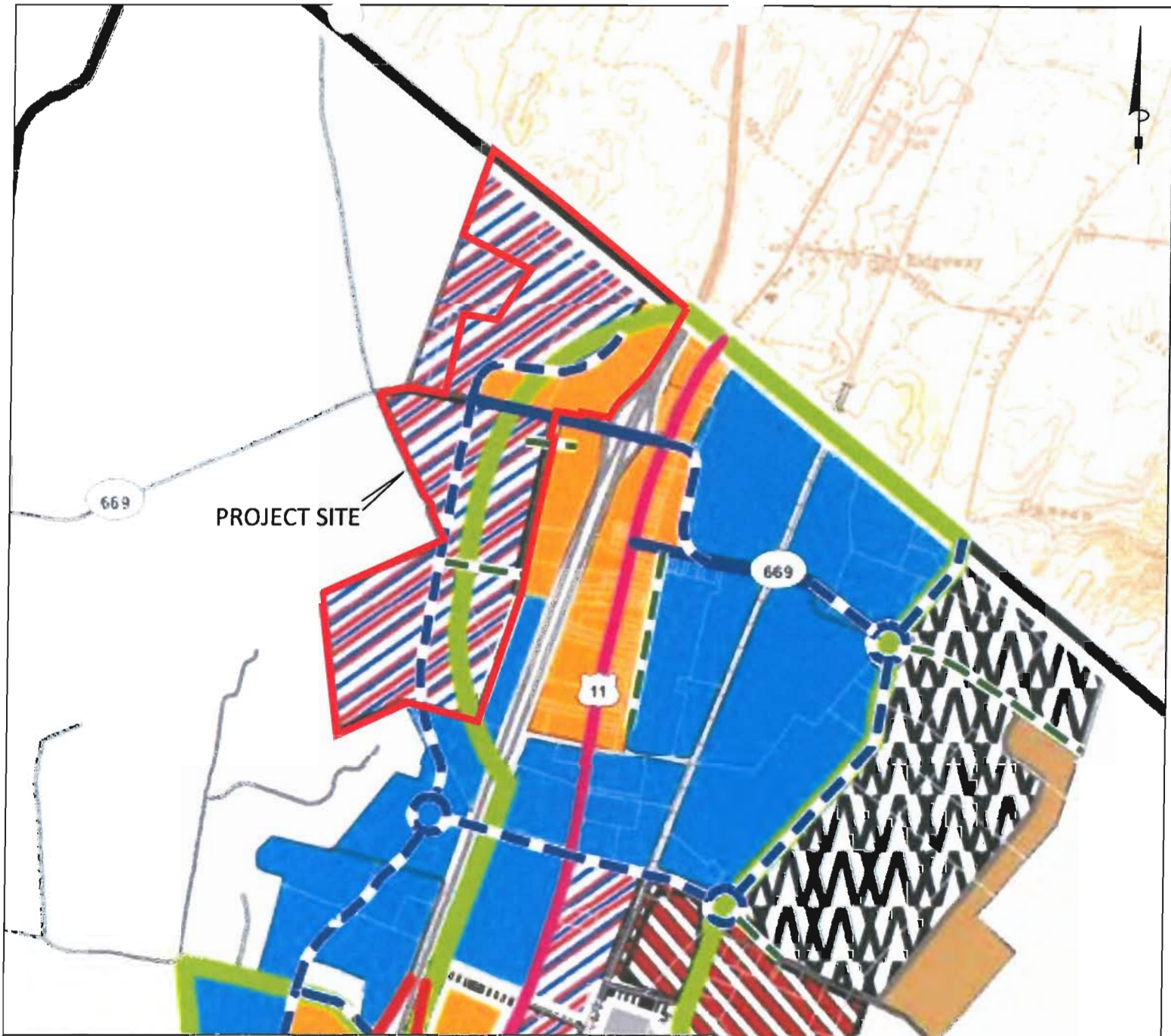


1" = 1000'
6/1/16
Revised

SOLEMBERGER - REST CHURCH
2016 CPPA
EXISTING ZONING
FREDERICK COUNTY, VIRGINIA

PENNONI ASSOCIATES INC.
117 E. Picadilly St. Winchester, Virginia 22601
VOICE: (540) 667-2139 FAX: (540) 665-0493

FIGURE 4



Land Use Legend

- | | |
|-------------------------------|-------------------------------|
| Business | Heavy Industrial |
| Mixed-Use | Mixed Use Industrial \ Office |
| Mixed Use Commercial \ Office | Extractive Mining |
| Highway Commercial | Residential |
| Industrial | Planned Unit Development |
| Warehouse | |

NTS
6/1/16
Revised

SOLEMBERGER – REST CHURCH
2016 CPPA
LONG RANGE LAND USE PLAN
FREDERICK COUNTY, VIRGINIA

PENNONI ASSOCIATES INC.
117 E. Picadilly St. Winchester, Virginia 22601
VOICE: (540) 667-2139 FAX: (540) 665-0493

FIGURE 5

DELIVERED TO: Robert S. ...
DATE 7-10-70

#1166
THOMAS D. CATHER
TO: :: :: DEED
FRUIT HILL ORCHARD, INC.

BOOK 365 PAGE 242

THIS DEED made and dated this 19th day of June,
1970, by and between THOMAS D. CATHER, widower, party of the first part
and FRUIT HILL ORCHARD, INC., a Virginia Corporation, party of the
second part.

WITNESSETH: That for and in consideration of the sum of Ten
Dollars (\$10.00) and other good and valuable consideration, the receipt of all
of which is hereby acknowledged, the party of the first part does hereby
grant, bargain, sell and convey with general warranty of title, unto the
party of the second part, Fruit Hill Orchard, Inc., the following described
property and appurtenances thereunto belonging:

All that certain tract or parcel of land with
the buildings and improvements thereon and the
appurtenances thereunto belonging, situated in
Stonewall District, Frederick County, Virginia
about two miles north from Clearbrook and one
and one-half miles southwest from Ridgeway,
West Virginia, along the public road leading from
the Winchester and Martinsburg turnpike to White
Hall, adjoining the lands of George J. Pitzer,
Doctor M. G. Huffman and others, containing One
Hundred Eight (108) acres, more or less, and
being the same tract of land which was conveyed
by M. M. Lynch, Trustee, to Thomas D. Cather
by Deed dated November 3, 1923 and recorded in
the aforesaid Clerk's Office on November 10,
1923 in Deed Book 151 at Page 89, LESS AND
EXCEPT that certain lot or parcel of land with a
frontage of 60 feet on the south side of White Hall
Road and a depth of 250 feet, situate in Stonewall
Magisterial District, Frederick County, Virginia
which was conveyed from Thomas D. Cather and
Ottie N. Cather, his wife, to Luther H. Combs
and Patricia A. Combs, his wife, by Deed dated
May 29, 1963 and recorded in the aforesaid Clerk's
Office on June 2, 1963 in Deed Book 311 at Page
208.

Reference is here made to the aforesaid instruments and the attach-
ments and references therein contained for a further and more particular
description of the property hereby conveyed.

BOOK 365 PAGE 243

This conveyance is made subject to all duly recorded and enforceable restrictions, easements and rights of way.

The party of the first part covenants that he has a right to convey said property; that the same is free from liens and encumbrances and that he will forever warrant and defend the title thereto.

It is expressly understood by the parties hereto that possession of said property is to be delivered to the Grantee on November 1, 1970 and that the Grantor shall insure the buildings located thereon against fire and other calamity to the extent of their fair market value through November 1, 1970.

WITNESS the following signature and seal this 19th day of

June, 1970.

Thomas D. Cather (SEAL)
Thomas D. Cather

STATE OF VIRGINIA

City of Winchester, To-wit:

I, Sheryl L. Foley, a Notary Public in and for the State and City aforesaid, hereby certify that Thomas D. Cather, whose name is signed to the foregoing Deed bearing date the 19th day of June, 1970, has this day personally appeared before me and acknowledged the same.

Given under my hand this 19th day of June, 1970.

My Commission expires June 16, 1972.

Sheryl L. Foley
Notary Public

VIRGINIA FREDERICK COUNTY, SCT.

This instrument of writing was produced to me on the 24th day of June 1970, at 3:00 P.M. and with certificate of acknowledgment thereto annexed was admitted to record. And additional tax paid.

George B. Whitacre Clerk

INDEX TO
DATE 1/1/71

RMB:dj
2-23-71
2201

HOWARD P. LEWIS, ET UX *
TO: :: :: DEED *
FRUIT HILL ORCHARD, INC. *

BOOK 373 PAGE 496

THIS DEED made and dated this 23 day of February, 1971, by and between HOWARD P. LEWIS and JOAN L. LEWIS, his wife, parties of the first part, hereinafter called the Grantors, and FRUIT HILL ORCHARD, INC., a Virginia Corporation, party of the second part, hereinafter called the Grantee.

WITNESSETH: That for and in consideration of the sum of Ten (\$10.00) Dollars, cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantors do hereby grant and convey with general warranty of title unto the Grantee, in fee simple, absolute, all of that certain tract or parcel of land containing 110 Acres, more or less, together with all rights, privileges, improvements and appurtenances thereto belonging, lying and being situate about two miles North of Clearbrook, in Stonewall Magisterial District, Frederick County, Virginia, and being the same property conveyed to Howard P. Lewis by deed dated March 25, 1970, from George W. O'Rear and Isabelle R. O'Rear, his wife, of record in the Office of the Clerk of the Circuit Court of Frederick County, Virginia in Deed Book 362 at Page 262. Reference is made to the aforesaid deed for a more particular description of the property herein conveyed.

This conveyance is made and accepted subject to the indebtedness secured by a deed of trust on the aforesaid property, dated April 1, 1970, executed by Howard P. Lewis to Benjamin M. Butler, Trustee, and recorded in the aforesaid Clerk's Office in Deed Book 362 at Page 264, given to secure the payment of a certain bond payable to George W. O'Rear and Isabelle R. O'Rear, his wife, or order, and on which there is an unpaid principal balance of \$25,000.00, with interest at the rate of Eight per cent (8%) per annum, and which said deed of trust the Grantee hereby assumes and agrees to pay as a part of the purchase price of the above described property, and the Grantee

McKEE & BUTLER
ATTORNEYS AT LAW
WINCHESTER, VIRGINIA
22091

act 373 IM 497

hereby executes and acknowledges this instrument for the purpose of complying with the provisions of said deed of trust.

This conveyance is also made subject to all easements, rights of way and restrictions of record affecting said realty.

Except as noted above, the Grantors covenant that they have the right to convey to the Grantee; that the Grantee shall have quiet and peaceable possession of the said property, free from all liens and encumbrances; and they will grant such further assurances of title as may be requisite.

WITNESS the following signatures and seals:

Howard P. Lewis (SEAL)
HOWARD P. LEWIS

Joan L. Lewis (SEAL)
JOAN L. LEWIS

FRUIT HILL ORCHARD, INC.

By *Hugh S. Solenberg* (SEAL)
HUGH S. SOLENBERGER, PRESIDENT

Bessie S. Solenberg
BESSIE S. SOLENBERGER, SECRETARY

STATE OF VIRGINIA,

COUNTY OF FREDERICK, TO-WIT:

I, DOROTHY H. JONES, a Notary Public in and for the State and County aforesaid, do hereby certify that HOWARD P. LEWIS and JOAN L. LEWIS, his wife, whose names are signed to the foregoing Deed, bearing date of February 23, 1971, have personally appeared before me and acknowledged the same in my State and County aforesaid.

Given under my hand this 23rd day of February, 1971.

My Commission expires June 11, 1973.

Dorothy H. Jones
NOTARY PUBLIC

BOOK 373 PAGE 498

STATE OF VIRGINIA,

COUNTY OF FREDERICK, TO-WIT:

I, DOROTHY H. JONES, a Notary Public in and for the State and County aforesaid, do hereby certify that HUGH S. SOLENBERGER and BESSIE S. SOLENBERGER, President and Secretary, respectively, of FRUIT HILL ORCHARD, INC., whose names are signed to the foregoing Deed bearing date of February 23, 1971, have personally appeared before me and acknowledged the same in my State and County aforesaid.

Given under my hand this 23rd day of February, 1971.

My Commission expires June 11, 1973.

Dorothy H. Jones
NOTARY PUBLIC

VIRGINIA FREDERICK COUNTY, SCOT

This instrument of realty was produced to me on the 23rd day of February, 1971, at 1:30 p.m. and with certain fees of law and costs thereunto annexed was admitted to record. The amount of \$ 9.00 and \$-00 have been paid, if also-sable.

George B. Whitacre Clerk.

MCKEE & BUTLER
ATTORNEYS AT LAW
WINCHESTER, VIRGINIA
23301

202/83

parties of the first part do hereby convey with general warranty of title to the party of the second part, the hereinafter described property:

All that certain tract or parcel of land lying in the Stonewall Magisterial District of Frederick County, Virginia, lying on the West side of U. S. Route 11, bounded on the North by the Virginia-West Virginia State Line and on the East by the aforesaid U. S. Route 11, containing 201 acres, 1 rood, and 30 poles more or less and being that same tract or parcel of land conveyed to the grantors herein by Max G. Hoffman et ux by Deed dated April 1, 1946, which deed is of record in the Clerk's Office of the Circuit Court of Frederick County, Virginia, in Deed Book 196 at page 123, reference to which deed is hereby made for a more particular description of the land herein conveyed. The aforesaid land being subject to certain deed of trust from the grantors herein to Thomas G. Scully, Trustee, to secure the payment to Max G. Hoffman of a certain bond in the amount of \$30,000.00 which deed of trust is recorded in the Office of the Clerk of the Court of the Circuit Court of Frederick County in Deed Book 196 at page 125.

THE GRANTORS COVENANT with the grantee, its successors and assigns that except as noted above: (1) They are seized in fee simple of the property hereby conveyed; that (2) They have the right to convey the said property to them; that (3) They shall have quiet possession of the said property, free from all encumbrances; that (4) They will execute such further assurances of the said property as maybe requisite; and that (5) They have done no act to encumber the said property.

WITNESS the following signatures and seals this day and year first above written.

REVENUE STAMPS *
\$22.55 *
CANCELLED *

F. AMOS SHRYOCK (SEAL)

ELIZABETH H. SHRYOCK (SEAL)

JOHN BABEAGE (SEAL)

BEULAH D. BABEAGE (SEAL)

HUNTER S. BROWN (SEAL)

BUENA McFARLAND BROWN (SEAL)

STATE OF VIRGINIA
COUNTY OF FREDERICK to-wit:

I, Olive Smith Cook, a Notary Public in and for the State and County aforesaid, do hereby certify that F. Amos Shryock, Elizabeth H. Shryock, John Babbage, Beulah F. Babbage, Hunter S. Brown and Buena McFarland Brown, whose names are signed to the foregoing writing, bearing date of the 11 of Aug., 1947, have this day personally appeared before me in my said County and acknowledged the same.

My commission expires June 8, 1950.

Given under my hand this the 11 day of Aug., 1947.

OLIVE SMITH COOK
Notary Public

202/84

VIRGINIA

FREDERICK COUNTY, (SCT.

This instrument of writing was produced to me on the 8th day of Sept., 1947, at 11:10 A.M. and with certificate of acknowledgment thereto annexed was admitted to record.

L. N. Whitaker CLERK

#1248 *
LEWIS E. PERRY ET UX *
TO : : : DEED *
LEONARD W. WHITE ET UX *

delivered
and w

This Deed made and dated this 8th day of September, 1947, between Lewis E. Perry and Mary L. Perry, being parties of the first part, and Leonard W. White and Arbutus G. White, his wife, being parties of the second part.

Witnesseth: That the said parties of the first part, for and in consideration of the sum of Five (\$5.00) Dollars, cash in hand paid, a receipt whereof is herewith acknowledged, and other considerations deemed valuable in law, do hereby grant and convey, with general warranty of title, unto the said Leonard W. White and Arbutus G. White, his wife, jointly for life, with remainder to the survivor in fee simple, all that certain unimproved lot or parcel of land, together with all appurtenances, rights and rights of way thereto belonging, lying and being situate in Frederick County, Virginia, on the East side of public Road No. 636, about three miles East of Stephens City, bounded on the South and East by other lands of the said parties of the first part, on the North by Perry Lane and on the West by Road No. 636, containing two (2) acres, more or less, according to a late survey made by Richard U. Goode, Surveyor, on September 4, 1947, which survey, together with a plat of said realty, is attached to and made a part of this deed, being part of a larger tract of land which was conveyed to the said parties of the first part by deed bearing date August 26, 1938, from the Farmers and Merchants National Bank and Trust Company, which deed is of record in the County Clerk's Office of Frederick County, Virginia, in D. B. 176, page 546, to which deed a reference is herewith given for a more particular description of the realty hereinabove described and conveyed.

Said parties of the first part covenant that they have a right to convey said realty to said grantees; that said grantees shall have quiet possession of the same; that they have done no act to encumber said realty; and that they will execute such further assurances of said realty as may be requisite.

Witness the following signatures and seals.

Prepared by: CFJ Properties
50 West 990 South
Brigham City, UT 84302

8826

DEED FOR PUBLIC RIGHT-OF-WAY

BK 889PG0514

Exempted from recordation taxes and fees
under Sections 58.1-811 (A) (3), 58.1-811 (C) (4),
58.1-3315, 25-249, and 14.1-125.2 (D)

THIS DEED, Made this 30th day of September, 1997, by and between **INTER-STATE ORCHARDS, INC.**, a Virginia corporation hereinafter designated as Grantor, and the **COMMONWEALTH OF VIRGINIA**, Grantee;

WITNESSETH: In consideration of the benefits accruing or to accrue to the said Grantor, by reason of the location and construction, or other improvement of part of Route No.669, along, through, or over the lands of the Grantor, and for further consideration paid to the Grantor, receipt of which is hereby acknowledged, the said Grantor hereby grants and conveys unto the said Grantee in fee simple, with general warranty, each as to the land owned by Grantor hereby conveyed, a strip or parcel of land needed for the location and construction or other improvement of said road together with the temporary right and easement to use such additional areas as located and staked on the ground for cut and/or fill slopes as being required for the proper execution of the work. Said temporary easement will terminate at such time as the construction or improvement of the aforesaid route is completed. Said locations and stakes have been shown to and approved by the Grantor at or before the execution and delivery of these presents. All the said strip or parcel of land is in Stonewall magisterial District of Frederick County, Virginia as described on Exhibit A and B attached hereto and incorporated herein by this reference.

Together with the right and easement to construct, improve and maintain any drain ditches or other drainage facilities that may be needed for the proper and adequate drainage of said Route.

AND FURTHER WITNESSETH: That the said Grantor, for the considerations stated above, also covenants and agrees, upon demand of any public utility company having its facilities in, over or across the lands herein conveyed, that it, the said Grantor will give, grant and convey unto such public utility company an easement in, over and across the lands of the Grantor lying adjacent to the lands herein covered for the relocation, construction, operation and maintenance of said facilities.

The Grantor by the execution of this instrument acknowledges that the plans for the aforesaid route as they affect its respective properties have been fully explained to Grantor or its authorized representatives.

The said Grantor covenants that it has the right to convey the said land to the Grantee; that it has done no act to encumber the said land; that the Grantee shall have quiet possession of the land, free from all encumbrances, and that it will execute such further assurances of the said land as may be requisite.

BK 889PG0515

The said Grantor covenants and agrees for itself, its heirs, and assigns and successors, that it has been made aware of its right to receive just compensation for the land herein conveyed, and that the considerations hereinabove mentioned and paid to Grantor shall be in lieu of any and all claims to compensation and damages by reason of the location, construction and maintenance of said road; including such drainage facilities as may be necessary.

Dated this 30th day of September, 1997.

INTER-STATE ORCHARDS, INC.

By: [Signature]
Harry F. Byrd, III, President

STATE OF VIRGINIA)
)ss
COUNTY OF FREDERICK)

The foregoing instrument was acknowledged before me this 30th day of September, 1997, by Harry F. Byrd, III, President of INTER-STATE ORCHARDS, INC.

My Commission expires 9/30/97


Carole B. [Signature]
Notary Public


EXHIBIT "A"



Bowers & Associates PC BK 889 PG 0515

Consulting Engineers, Land Surveyors and Landscape Architects

**METES AND BOUNDS DESCRIPTION
PROPERTY TO BE CONVEYED
FOR PUBLIC RIGHT-OF-WAY
TO THE COMMONWEALTH OF VIRGINIA
FOR REST CHURCH ROAD, STATE ROUTE 669
PART OF THE PROPERTY OF
THE INTER-STATE ORCHARDS, INC.
DEED BOOK 202, PAGE 82
PARCEL IDENTIFICATION NUMBER 23--(A)--17&18
STONEWALL MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA
SEPTEMBER 24, 1997**

BEING part of the property conveyed to the Inter-State Orchard's, Inc. in Deed Book (D.B.) 202, Page (PG.) 82 among the land records of Frederick County, Virginia; also being all of that certain property to be conveyed to the Commonwealth of Virginia for public street purposes for Rest Church Road, State Route 669.

BEGINNING at a point in the centerline of pavement of said Rest Church Road, State Route 669; said point being a corner to existing Virginia Department of Transportation (VDOT) right-of-way for Rest Church Road, State Route 669 (Plat Book 3, PG. 1, et al.) and a corner to said property of the Inter-State Orchards, Inc., and also being in the line of Lot 1, White Hall Flying J (D.B. 873, PG. 1800), property of CFJ Properties (D.B. 867, PG. 670 and D.B. 867, PG. 674):

Thence departing said existing VDOT right-of-way and running with said centerline of pavement of Rest Church Road, State Route 669, and with said Lot 1, White Hall Flying J and with the outline of the property of the Inter-State Orchards, Inc. and with the herein described property to be conveyed to the Commonwealth of Virginia;

N 79°08'27" W, 825.84' to a point, departing along the way Lot 1, White Hall Flying J, property of CFJ Properties and running thereafter with the property of the Rainbow Group (D.B. 867, PG. 521 and D.B. 858, PG. 196), and the property of Fruit Hill Orchard, Inc. (D.B. 365, PG. 242), departing along the way said property of the Rainbow Group;

Thence departing the aforesaid centerline of pavement of Rest Church Road, State Route 669 and said property of Fruit Hill Orchard, Inc. and the aforementioned outline of the property of the Inter-State Orchards, Inc. and running through the property of the Inter-State Orchards, Inc.;

PO Box 955 Leesburg VA 20178 104-1 Church Street SE Leesburg VA 20175
703.777.0063 Local 703.478.8576 Metro 703.777.2480 Fax

EXHIBIT "A" CONTINUED

BK889PG0517

N 10°49'36" E, 18.06' to a point,

S 85°05'39" E, 372.98' to a point,

S 79°14'47" E, 752.14' to a point in the line of the aforementioned existing VDOT right-of-way and again in the outline of the property of the Inter-State Orchards, Inc.,

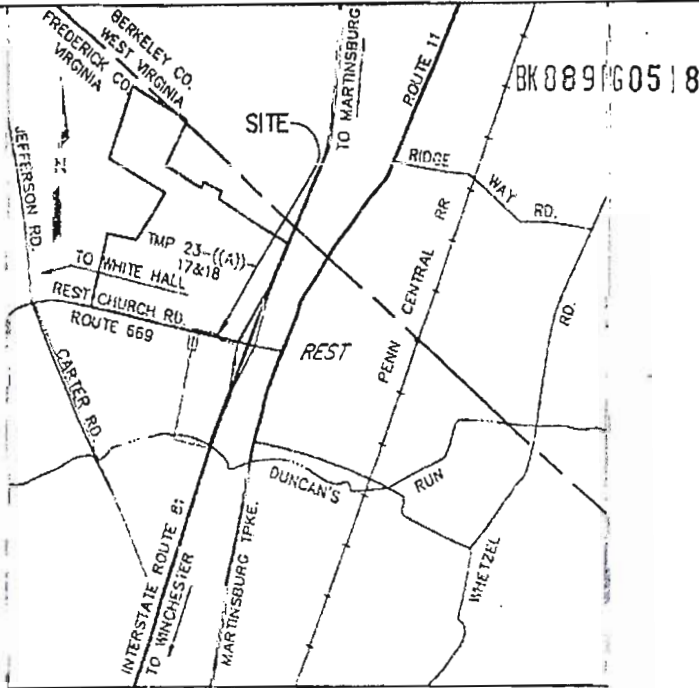
Thence no longer running through the property of the Inter-State Orchards, Inc. but running again with the outline of same and with the existing VDOT right-of-way;

S 30°31'24" W, 19.04' to a VDOT monument found,

N 79°25'30" W, 290.85' to a VDOT monument found,

S 10°51'36" W, 38.77' to the POINT OF BEGINNING, containing 45,280 square feet or 1.0395 acre(s) of land more or less. All in accordance with a Plat Showing The Property To Be Conveyed dated Sept. 19, 1997 (revised 9/24/97) prepared by Bowers & Associates, P.C. (B&A File No. A-171).

EXHIBIT B



VICINITY MAP
SCALE: 1" = 2000'

NOTES:

1. BOUNDARY INFORMATION SHOWN HEREON IS BASED ON INSTRUMENTS OF RECORD AS HEREIN REFERENCED AND A FIELD RUN SURVEY PERFORMED BY BOWERS & ASSOCIATES, P.C. OCTOBER, 1995 ASSOCIATED WITH THE PREPARATION OF A BOUNDARY SURVEY ON THE ADJOINING PROPERTY OF CFJ PROPERTIES. THIS PLAT DOES NOT PURPORT TO HAVE COMPLETED A FIELD SURVEY OF THE ENTIRE SUBJECT PROPERTY BUT DOES ESTABLISH THE BOUNDARY LINES SHOWN HEREON BASED ON MATTERS OF RECORD AND FIELD MONUMENTATION AS INDICATED.
2. MERIDIAN SHOWN HEREON IS BASED ON RE-DIVISION PLAT OF WHITE HALL BUSINESS PARK, RECORDED IN DEED BOOK 750, AT PAGE 1810 AMONG THE LAND RECORDS OF FREDERICK COUNTY, VIRGINIA.
3. THIS PLAT OF PROPERTY TO BE CONVEYED HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE REPORT AND DOES NOT PURPORT TO REFLECT ALL EASEMENTS, ENCUMBRANCES OR OTHER CIRCUMSTANCES AFFECTING THE TITLE TO THIS PROPERTY.
4. PROPOSED RIGHT-OF-WAY DELINEATED HEREON HAS BEEN COMPUTED PURSUANT TO "FLYING-J TRAVEL PLAZA" PLANS PREPARED BY HARRIS, SMARIGA & ASSOCIATES, INC., PROJECT #6552-0-FLYJ, SHEETS C-6, C-13 & C-14, DATED APRIL 1996, REVISED AUGUST 8, 1997.

LEGEND:

IPF	IRON PIPE FOUND	ESMT.	EASEMENT
IRF	IRON ROD FOUND	R/W	RIGHT OF WAY
DB	DEED BOOK	S.F.	SQUARE FEET
PG	PAGE	AC.	ACRES
CL	CENTERLINE	TMP	TAX MAP PARCEL
EX.	EXISTING	MON.	MONUMENT
		VDOT.	VIRGINIA DEPARTMENT OF TRANSPORTATION



PLAT SHOWING
PROPERTY TO BE CONVEYED
FOR PUBLIC RIGHT-OF-WAY
AND GRANTING OF ASSOCIATED EASEMENT(S)
TO THE COMMONWEALTH OF VIRGINIA
FOR REST CHURCH ROAD
STATE ROUTE 669
ON THE PROPERTY OF:
THE INTER-STATE ORCHARDS, INC.
DEED BOOK 202, PAGE 82
TMP 23--((A))--17 & 18
STONEWALL MAGISTERIAL DISTRICT FREDERICK COUNTY, VIRGINIA

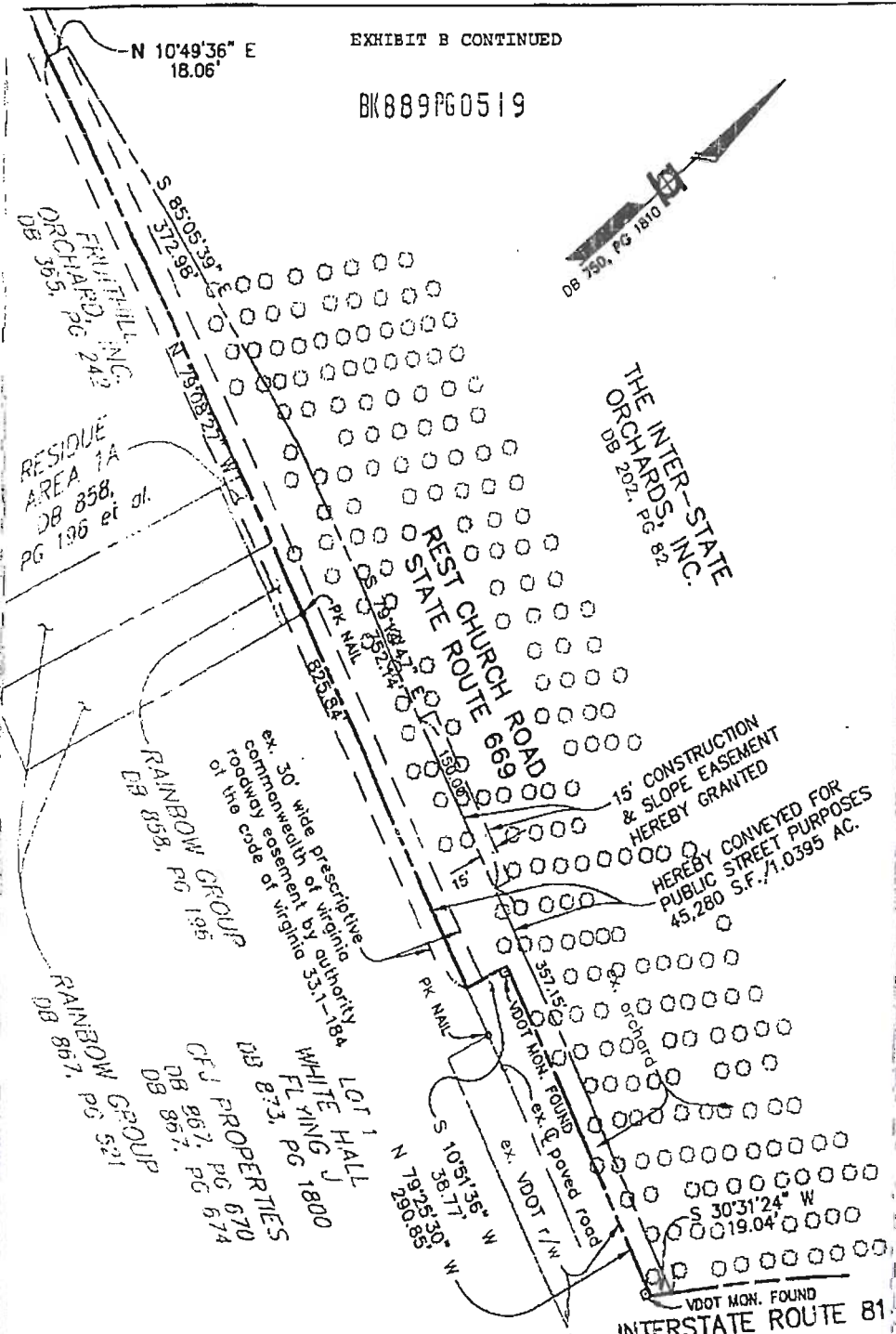
Date: Sept. 19, 1997
Scale: AS NOTED
Proj No: 950907.04
Tech: CMH Drawn: LAA
Flt: DG Chkd: CMH
Sheet 1 of 2
Dwg No. A-171

Bowers & Associates, P.C.
Consulting Engineers Surveyors
Landscape Architects
104-1 Church St., S.E., Leesburg, Va. 20175
(703) 777-0083

Revisions:
VDOT COMMENTS 9/24/97

EXHIBIT B CONTINUED

BK 889 PG 0519



THE INTER-STATE ORCHARDS, INC.
DB 202, PG 82

RESIDUE AREA 1A
DB 858, PG 196 et al.

RAINBOW GROUP
DB 858, PG 196

RAINBOW GROUP
DB 867, PG 674

WHITE HALL
FL YING J
DB 873, PG 1800

VDOT MON. FOUND
INTERSTATE ROUTE 81



PLAT SHOWING
PROPERTY TO BE CONVEYED
FOR PUBLIC RIGHT-OF-WAY
AND GRANTING OF ASSOCIATED EASEMENT(S)
TO THE COMMONWEALTH OF VIRGINIA
FOR REST CHURCH ROAD
STATE ROUTE 669
ON THE PROPERTY OF:
THE INTER-STATE ORCHARDS, INC.
DEED BOOK 202, PAGE 82
TMP 23--((A))--17 & 18
STONEWALL MAGISTERIAL DISTRICT FREDERICK COUNTY, VIRGINIA

Date: Sept. 19, 1997
Scale: 1" = 100'
Proj. No: 950907.04
Tech: CMH Drawn: LAA
Fid: DG Chkd: CMH
Sheet 2 of 2
Dwg. No. A-171

Bowers & Associates, P.C.
Consulting Engineers Surveyors
Landscape Architects
104-1 Church St., S.E., Leesburg, Va. 20175
(703) 777 - 0063 (metro) 478 - 6578

Revisions:
VDOT COMMENTS 9/24/97

BK B89PG0520

LIMIT OF WORK
MATCH EX. PAVING
& DITCH LINE
STA. 20+91.45

24" RCP PIPE
SLOPE, 5' BURIED
TO TOP OF ROAD &
SLOPE AT 1% NORTH
TO DITCH

TWP 23 ((A))- 17 & 18
N/F THE INTER-STATE ORCHARDS, INC.
DB 202, PG 82
USE: VACANT/ AGRICULTURAL(EX. ORCHARD)
ZONED: RA

EX. UTILITY POLE
TO BE RELOCATED
AS NECESSARY
PER UTILITY
COMPANY

STA. 17+31.45
PROVIDE NOSE
DOWN CURB/END LANE/
BEGIN LANE TAPER
FLOW = 0.6 cfs

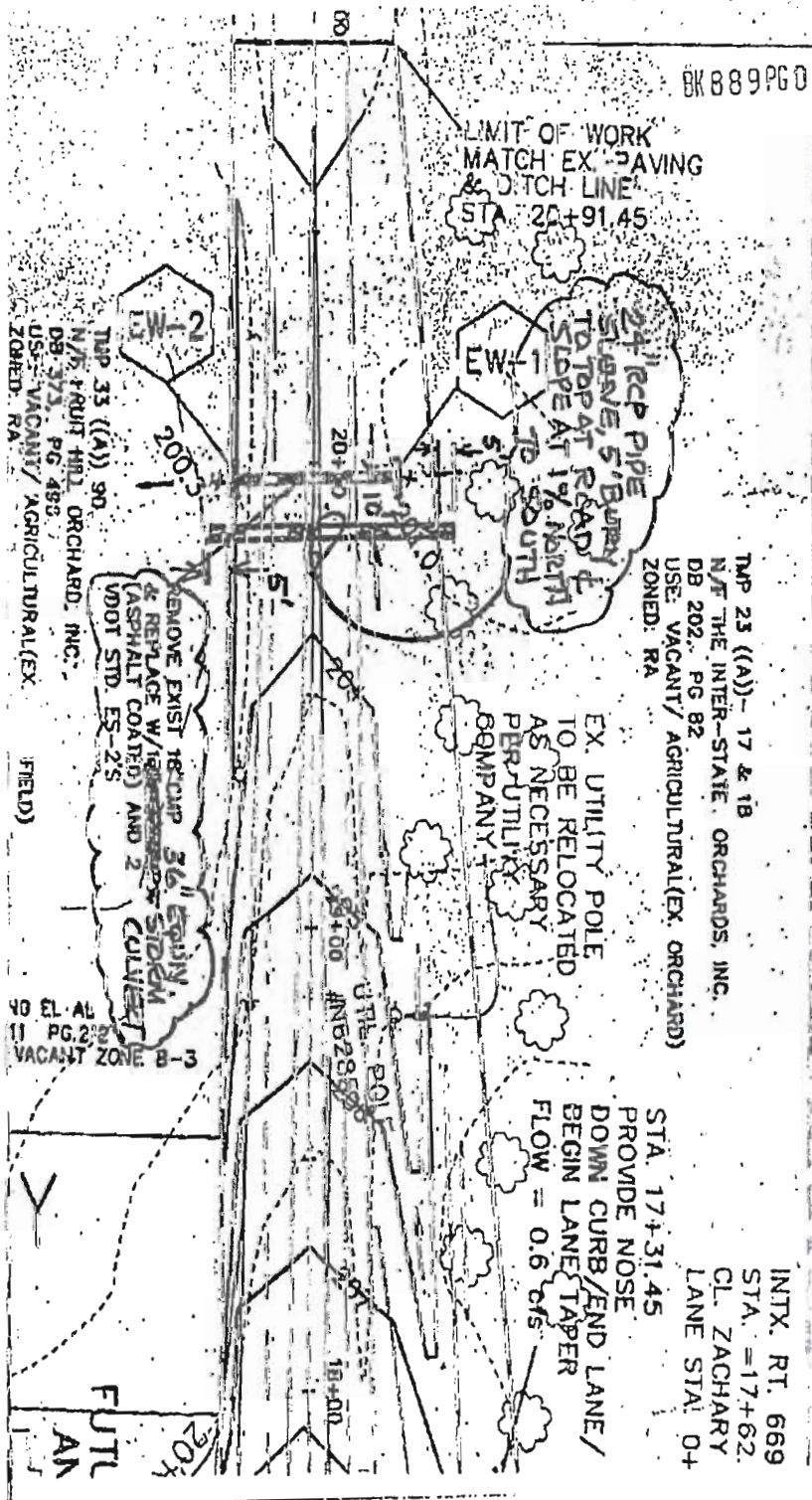
INTX. RT. 669
STA. = 17+62
CL. ZACHARY
LANE STA. 0+

360'

TWP 33 ((A)) 30
N/W 1/4 FRUIT HILL ORCHARD, INC.
DB 373, PG 488
USE: VACANT/ AGRICULTURAL(EX. ORCHARD, RA

REMOVE EXIST 18" RCP 36" EQUIV. SIDING
& REPLACE W/ 18" RCP (ASPHALT COATED) AND 2
WOOD STD. ES-25

60 FT. AL
11 PG 2
VACANT ZONE B-3



3K88960521

gilbert w. clifford & associates, inc

INCORPORATED 1972

Engineers ~ Surveyors ~ Land Planners ~ Water Quality

memorandum

To: C. R. Solenberger
 H. Byrd, III
 Gary Carstensen, Flying J, Inc

From: C. E. Maddox, Jr., P.E. *CEM*

Re: Flying J, Inc.

Date: October 8, 1997

This memorandum shall document and understanding reached this date between the above parties regarding certain improvements necessary prior to dedication of road right-of-way pursuant to construction drawings prepared by Flying J, Inc. and approved by VDOT. Specifically, we reference the plans modified in accordance with the January 31, 1996 comment letter from VDOT (copy attached).

The conditions agreed to are:

- 1) That a full 60' travelway will be created as a part of this construction. This travelway will be centered on the existing secondary road centerline and measure 64' from curb to curb. It is understood that all five 12' travel lanes created by this roadway can be used by Mr Solenberger, Mr. Byrd or their assigns in the future.
- 2) The culvert located at station 20+00 shall be installed as a 36" equivalent storm culvert, meeting all VDOT requirements.
- 3) A 24" pipe sleeve shall be buried 10' east of the proposed culvert (station 19+90) and extending 5' into the property on either side. This pipe shall be plugged securely at each end and shall be used in the future for utility crossings as may be required by Mr. Solenberger and/or Mr. Byrd.

We the undersigned are in agreement to the above:

C. R. Solenberger

 Mr. C. R. Solenberger

H. Byrd, III

 Mr. H. Byrd, III

Gary Carstensen

 Mr. Gary Carstensen

VERMILION: FREDERICK COUNTY, VA
 This instrument of writing was produced to me on the
 9 day of October, 1997 at 9:10:30 a.m.
 and with certificate of acknowledgment thereto annexed
 was admitted to record. Tax imposed by Sec. §0.1-602 of
 § 2.1A, and §§.1-801 have been paid, if assessable.

attachments: road plans & VDOT Letter

Rebecca P. Hagan, Clerk

020010107

TAX MAP #23-A-17 & 23-A-18

SF-1 (LA)
Revised 09/01

**PREPARED BY VDOT
UNDER SUPERVISION OF THE
OFFICE OF THE ATTORNEY GENERAL**

Exempted from recordation taxes
and fees under Sections 58.1-811(A)(3),
58.1-811(C)(4), 58.1-3315, 25-249,
42.1-70 and 17.1-279.D.

U
1
0
7

THIS DEED, made this 19th, day of April, 2002, by and between **THE INTER-STATE ORCHARDS, INCORPORATED**, hereinafter designated as Grantor (even though more than one), and the **COMMONWEALTH OF VIRGINIA**, Grantee:

WITNESSETH: THAT WHEREAS, the Commonwealth of Virginia proposes to construct or otherwise improve a part of State Highway Route 669, Project 0081-034-124, RW-201, between 0.38 Mi. W. RTE. 11 and Rte. 11 in the County of Frederick, Virginia, in accordance with plans and specifications thereof on file in the office of the Department of Transportation, Richmond; and

WHEREAS, sections of the route and project have been designated as a Limited Access Highway in accordance with the provisions of Article 4, Chapter 1, Title 33.1 of the 1950 Code of Virginia, as amended, by the Commonwealth Transportation Board;

NOW, THEREFORE, for and in consideration of \$122.00 in hand paid to the Grantor, receipt of which is hereby acknowledged, the Grantor doth hereby grant and convey unto the Grantee with general warranty any and all easements of access, light or air, incident to those certain lands of the Grantor located in Stonewall Magisterial District, in the aforesaid county and abutting upon or adjacent to the Limited Access Highway, the line along which the easements hereunder conveyed lie being described as follows:

PARCEL 005:

Being as shown on Sheet 4 of the plans for Route 669, State Highway Project 0081-034-124, RW-201, and running from a point on the northeast (left) existing right of way and proposed limited access line opposite Route 669 construction centerline Station 27+00, the lands of the Grantor; thence, along the said northeast existing right of way and proposed limited access line to a point opposite Route 669 construction centerline Station 29+92.55, the lands of the Grantee, as shown in DARK BLUE on photocopy of said Sheet No. 4, which photocopy is hereto attached as a part of this conveyance and recorded simultaneously herewith in the State Highway Plat Book 10, Page 243.

0136

It is covenanted and agreed that this conveyance is made pursuant to the provisions of Article 4, Chapter 1, Title 33.1 of the 1950 Code of Virginia, as amended, which shall be a covenant running with the abutting land of the Grantor, which abuts upon the Limited Access Highway, along the line hereinabove described, as if the Article, as amended, were herein fully recited.

The Grantor covenants that he has the right to convey the easements to the Grantee; that he has done no act to encumber the same; that the Grantee shall have quiet possession of the same, free from all encumbrances, and that he will execute such further assurance of the same as may be requisite.

The Grantor covenants and agrees for himself, his heirs, successors and assigns that the consideration hereinabove mentioned and paid to him shall be in lieu of any and all claims to compensation and damages, if any, by reason of the location, construction and maintenance of the highway, including such drainage facilities as may be necessary.

WITNESS the following signature and seal:

THE INTER-STATE ORCHARDS, INCORPORATED

By *Harry F. Byrd, III* (SEAL)

Title *President*

STATE OF VIRGINIA

COUNTY OF Frederick

The foregoing instrument was acknowledged before me this 19th day of April, 2002, by Harry F. Byrd, III, President of The Inter-State Orchards, Incorporated, a Virginia corporation, on behalf of the corporation.

My Commission expires 31 December 2002.

James E. Wright, Jr.
Notary Public

VIRGINIA: FREDERICK COUNTY, SCT.

This instrument of writing was produced to me on

June-19-02 at 2:32 P.M.

and with certificate of acknowledgement thereto annexed was admitted to record. Tax imposed by Sec. 58.1-802 of

Exempt, and 58.1-801 have been paid, if assessable


Rebecca P. Hogan, Clerk

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MEMORANDUM

TO: Board of Supervisors

FROM: Michael T. Ruddy, AICP, Director 

RE: **Development Impact Model – Senate Bill 549; the new proffer legislation.**

DATE: September 21, 2016

Senate Bill 549 became effective on July 1, 2016 and was codified as Virginia Code § 15.2-2303.4. This memorandum identifies a key issue facing the County and the development community as a result of this new law, the ongoing use of the County's Development Impact Model as a resource for the evaluation of rezoning applications that include residential uses.

County Staff identified an action that should be taken in order to better protect the County as we adjust to the new law. This is to discontinue the use of the County's Development Impact Model with immediate effect. In general, it is safe to say that the way the current Development Impact Model is constructed and evaluates the impacts of development is general in nature and at a minimum would not meet the "specifically attributable" test that the new legislation calls for, but does not define.

This is a follow up to earlier discussion of the proffer item at the recent Planning Commission and Board work session, attached you will find a full text copy of the legislation. In addition, the current Development Impact Model information has been included.

It is recommended that Frederick County continues to work on issues associated with the implementation of Senate Bill 549 over the next several months. County Staff will continue to provide updates to the Board on this matter.

As the Board is also aware, the following item was included as part of the Board's upcoming legislative agenda.

Memo: Development Impact Model – Senate Bill 549; the new proffer legislation.
September 21, 2016
Page 2.

Reconsideration of SB 549 – Frederick County encourages the General Assembly to reconsider the provisions of SB 549, which enacted § 15.2-2303.4 as an amendment to the Code of Virginia, so that localities might have the flexibility to better work with the development community in order to address the increased demand for public facilities and services (e.g. schools, roads, parks, and public safety services) caused by increased residential growth.

By way of background, the following legislative history on this topic was previously provided to the Board.

The 2016 General Assembly Session had two companion bills, SB 549, which was enacted as Chapter 322 of the 2016 Acts of Assembly and codified as Va. Code Sec. 15.2-2303.4 (set out below), and HB 770, which was stricken by the Senate Local Government Committee, after passage by the House, in favor of the identical or nearly identical SB 549. The patron of SB 549 was Senator Obenshain. The patron of HB 770 was Delegate Todd Gilbert. All members of the local delegation voted in favor of the final versions of both bills, with the exception of Delegate Minchew, who abstained.

Please contact myself or Rod Williams, County Attorney, if you have any questions.

MTR/dlw

Development Impact Model

On October 12, 2005, the Frederick County Board of Supervisors directed staff to use the Development Impact Model (DIM) to project the capital fiscal impacts that would be associated with any rezoning petitions containing residential development, replacing the existing Capital Facilities Fiscal Impact Model. The DIM was created by an economic consultant who evaluated and analyzed development within the County in an effort to assist the County in planning for future capital facility requirements. Critical inputs to the DIM are to be reviewed and updated annually to assure that the fiscal projections accurately reflect County capital expenditures. The Board of Supervisors authorized use of the annual model update on June 10, 2015.

The DIM projects that, on average, residential development has a negative fiscal impact on the County's capital expenditures. As such, all rezoning petitions with a residential component submitted after July 1, 2015 will be expected to demonstrate how the proposal will mitigate the following projected capital facility impacts:

Single Family Dwelling Unit	= \$ 19,681
Town Home Dwelling Unit	= \$ 13,681
Apartment Dwelling Unit	= \$ 13,880

The following is a breakdown of the projected impacts per dwelling unit for each capital facility.

Capital facility	Single Family	Town home	Apartment
Fire And Rescue	\$ 547	\$ 406	\$ 412
General Government	\$ 1,373	\$ 1,050	\$ 1,050
Public Safety	\$ 0	\$ 0	\$ 0
Library	\$ 442	\$ 338	\$ 338
Parks and Recreation	\$ 1,819	\$ 1,391	\$ 1,391
School Construction	\$ 15,499	\$ 10,495	\$ 10,689
Total	\$ 19,681	\$ 13,681	\$ 13,880

The projected capital expenditures depicted above do not include a credit for future real estate taxes. A "read-only" copy of the Development Impact Model is available on the public workstation within the Planning and Development's office. A user manual is also available.

06/10/2015

CONSENT AGENDA

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Memorandum

To: Frederick County Board of Supervisors

From: Mark R. Cheran, Zoning and Subdivision Administrator *MRC*

Date: September 20, 2016

RE: Security Drive

The following addition to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Security Drive, State Route Number 1605 0.16 miles

Staff is available to answer any questions.

MRC/dlw



**RESOLUTION
BY THE
FREDERICK COUNTY BOARD OF
SUPERVISORS**

The Board of Supervisors of Frederick County, in regular meeting on the 28th day of September, 2016, adopted the following:

WHEREAS, the streets described on the attached Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk’s Office of the Circuit Court of Frederick County; and

WHEREAS, the Resident Engineer of the Virginia Department of Transportation has advised this Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation have entered into an agreement on June 9, 1993, for comprehensive stormwater detention which applies to this request for addition; and

WHEREAS, this Board assumes total responsibility for all cost and expense incurred to correct faulty workmanship or materials identified by VDOT and associated with the construction of one or more of the roads and/or related drainage facilities described on the attached AM-4.3 form for a period of one calendar year after the date of the legal acceptance of the referenced roads into the secondary system of state highways; and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the streets described in the attached Form AM-4.3 to the secondary system of state highways, pursuant to 33.2-705, Code of Virginia, and the Department’s Subdivision Street Requirements; and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Charles S. DeHaven, Jr., Chairman _____

Gary A. Lofton _____

Robert A. Hess _____

Robert W. Wells _____

Blaine P. Dunn _____

Gene E. Fisher _____

Judith McCann-Slaughter _____

A COPY ATTEST

Brenda G. Garton
Frederick County Administrator

In the County of Frederick

By resolution of the governing body adopted September 28, 2016

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee

Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Project/Subdivision Security Drive

Type Change to the Secondary System of State Highways:

Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: §33.2-705

Street Name and/or Route Number

◆ Security Drive, State Route Number 1462

Old Route Number: 0

-
- From: Independence Drive, Route 1092

To: 0.16 mile south to cul-de-sac, a distance of: 0.16 miles.

Recordation Reference: 010007927,030023422,140006990

Right of Way width (feet) = 50'



Memorandum

To: Frederick County Board of Supervisors

From: Mark R. Cheran, Zoning and Subdivision Administrator *MRC*

Date: September 20, 2016

RE: Santa Maria Estates – Mystical Rose Lane

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Mystical Rose Lane, State Route Number 1607 0.18 miles

Staff is available to answer any questions.

MRC/dlw



**RESOLUTION
BY THE
FREDERICK COUNTY BOARD OF
SUPERVISORS**

The Board of Supervisors of Frederick County, in regular meeting on the 28th day of September, 2016, adopted the following:

WHEREAS, the streets described on the attached Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk’s Office of the Circuit Court of Frederick County; and

WHEREAS, the Resident Engineer of the Virginia Department of Transportation has advised this Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation have entered into an agreement on June 9, 1993, for comprehensive stormwater detention which applies to this request for addition; and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the streets described in the attached Form AM-4.3 to the secondary system of state highways, pursuant to 33.2-705, Code of Virginia, and the Department’s Subdivision Street Requirements; and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Charles S. DeHaven, Jr., Chairman	_____	Gary A. Lofton	_____
Robert A. Hess	_____	Robert W. Wells	_____
Blaine P. Dunn	_____	Gene E. Fisher	_____
Judith McCann-Slaughter	_____		

A COPY ATTEST

Brenda G. Garton
Frederick County Administrator

In the County of Frederick

By resolution of the governing body adopted September 28, 2016

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee

Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Project/Subdivision Santa Maria Estates, Mystical Rose Lane

Type Change to the Secondary System of State Highways: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: §33.2-705

Street Name and/or Route Number

◆ **Mystical Rose Lane, State Route Number 1607**

Old Route Number: 0

- From: Inter. 1640, Christo Rey Dr. & Rte. 1641, Santa Maria Dr.

To: 0.18 mile southeast to cul-de-sac, a distance of: 0.18 miles.

Recordation Reference: Instr. 070003116, Page 0570

Right of Way width (feet) = 50'