

DIVISION 4. - POWHITE PARKWAY-CHARTER COLONY PARKWAY INTERCHANGE SERVICE DISTRICT

Sec. 9-40. - Definitions.

The following words shall have the following meaning within this division:

Director of transportation: The Director of Transportation of Chesterfield County, or his designee.

District: The Powhite Parkway-Charter Colony Parkway Interchange Service District.

Map of the district: The map entitled "Powhite Parkway-Charter Colony Parkway Interchange Service District," dated July 19, 2005, revised November 21, 2005, and prepared by the county department of transportation, which map is on file with the director of transportation, and which map shows the boundaries of the district, all parcels located in the district, and all specific parcels and areas within the district that are to be excluded from the district.

Plan of the district: The plan entitled "Plan for Powhite Parkway-Charter Colony Parkway Interchange Service District Improvements," dated July 21, 2005 and prepared by the county department of transportation, and as may be subsequently amended, which map is on file with the director of transportation, and generally shows the facilities to be constructed within the district.

Project: The design, right of way acquisition and construction of the facilities described in section 9-43 of this division.

Zoning conditions: The zoning conditions of Chesterfield County zoning cases 86S117, 88SN0059 and 88S015 which require the landowners of property in the district to obtain approval of a phasing plan for construction of the facilities described in section 9-43 prior to developing their property.

Sec. 9-41. - Establishment of Powhite Parkway-Charter Colony Parkway Interchange Service District.

Pursuant to Code of Virginia, §§ 15.2-2400 et. seq., and to sections 2.1 and 2.4 of the Charter of the County of Chesterfield, there is hereby created in the county the Powhite Parkway-Charter Colony Parkway Interchange Service District.

Sec. 9-42. - Boundaries of the district and areas within the district to be excluded from the district.

- (a) The boundaries of the district shall be defined by the perimeter boundary created by the inclusion of the following county tax map parcels within the boundaries of the district: Tax Map Parcels Nos. 7276987803; 7266974349; 7246945390; 7266950706; 7266948763; 7266940343; 7246936630; 7266938112; 7306917359; 7326940332; 7336951700; 7316962505; 7286958731; 7286952429; 7296960058; 7266953178; 7286972424; 7266957906; 725697001600002. Except as provided elsewhere in this section, all real estate contained within the boundaries of the parcels described in this section as of November 15,

2005 shall be contained within the district and subject to the tax imposed pursuant to subsection 9-44(a)(1). The boundaries of the district are also graphically depicted on the map of the district.

- (b) The following parcels otherwise contained within the district shall be excluded from the district: Tax Map Parcels Nos. 725697001600001; 7256937338; 7276958516, 7276958845, 7286950263, 7286950764, 7286975402.
- (c) If the owner of any parcel of land excluded from the district pursuant to subsection (b) above conveys the parcel to another owner, then the appropriateness of continuing the exclusion shall be considered by the board of supervisors at a public meeting of the board promptly after the conveyance occurs.
- (d) Notwithstanding the inclusion of the property described in subsection 9-42(a) in the district, the supplemental real estate tax imposed pursuant to subsection 9-44(a)(1) shall not be imposed against (i) any improvement to real estate within the district for which a total or partial tax assessment is made by the real estate assessor effective January 1, 2006; or (ii) any real estate upon which is located parking, landscaping, sidewalks or other facilities or structures, appurtenant to the improvements described in subsection (i) of this paragraph.

Sec. 9-43. - The purpose of the district and the facilities and services proposed within the district.

- (a) The purpose of the district is to improve the availability of transportation service available within the district by constructing a single point, urban interchange. The County of Chesterfield shall cause to be constructed in the district:
 - (1) A single point, urban interchange for traffic entering and exiting the Powhite Parkway (State Route 76) and entering and exiting the Charter Colony Parkway (State Route 754); and
 - (2) A widening of Powhite Parkway from two lanes to four lanes from a point approximately 3,000 feet east of the single point, urban interchange to a point approximately 3,000 feet west of the single point, urban interchange.
- (b) The facilities to be constructed are generally depicted on the plan of the district, with the final design of the facilities to be approved by the director of transportation prior to construction. Construction of all facilities shall meet the requirements of the Virginia Department of Transportation.
- (c) In addition to the construction of the facilities, the county shall provide maintenance service for the transportation facilities constructed to serve the district, until such time as the maintenance of such facilities becomes the responsibility of the Virginia Department of Transportation.

Sec. 9-44. Plan for providing the facilities and services within the district.

- (a) The design and construction of the facilities described in section 9-43 shall be financed by revenue received from the following sources:
 - (1) In addition to the real estate tax imposed on real estate and mobile homes in the county pursuant to the county's annual tax levy, there shall be a supplemental real estate tax of \$0.05 per \$100.00 of assessed value placed on all real estate located within the boundaries of the district, except for the real estate excluded from the district. Such supplemental real estate tax shall be recorded in the land books and real estate assessment records of the county in the same manner as other real estate taxes, and the exemptions set forth in Division 3 of Article II of Chapter 9 of this Code, as amended, shall apply to such supplemental real estate tax in the same manner as they apply to other real estate taxes in the county; and
 - (2) The incremental increase in real estate tax revenue generated from real estate located within the district as a result of any increase in the assessed value of real estate located in the district after the effective date of this division.
- (b) The county shall deposit all of the revenue received as a result of the supplemental real estate tax described in subsection 9-44(a)(1) into an interest-bearing account and shall segregate the revenue from other revenue maintained by the county. Additionally, the county shall deposit in the same segregated, interest bearing account, revenue from the incremental increase in the assessed value of real estate, as described in subsection 9-44(a)(2), as follows: 50 percent of the revenue generated by increases in assessed value from the date of the District's creation through December 31, 2018; and 100 percent of the revenue generated by such increases which occur on or after January 1, 2019. The revenue received from the sources described in this section shall be used exclusively for the design, right of way acquisition and construction of the facilities described in section 9-43.

Sec. 9-45. - Benefits which can be expected from the provision of the facilities and services to the district.

- (a) Each of the tax map parcels contained within the district consists entirely, or nearly entirely, of property which is obligated to construct the facilities described in section 9-43 of this division as a result of the zoning condition. The creation of the district will benefit all owners of property within the district by eliminating the requirement that each landowner obtain approval of a phasing plan for construction of the facilities prior to development and by instead placing the responsibility for constructing the facilities on the county.
- (b) The construction of facilities will also make the real estate in the district more accessible to motor vehicles traveling in and through the county by providing for the free flow of traffic without substantial motor vehicle congestion. Such increased accessibility will improve the value of the real estate in the district and facilitate the development of the real estate within the district for its highest and best use in accordance with the zoning for the property.

- (c) Prior to actual construction of the facilities, all property within the district will benefit from the transference of the responsibility for constructing the facilities from the landowners to the county because the zoning conditions require the landowners to obtain approval of the phasing plan for construction of the facilities prior to development. The transference of the responsibility for constructing the facilities to the county pursuant to the zoning conditions will allow landowners to develop their property without having to obtain such phasing approvals. Adoption of this division shall constitute approval by the director of transportation of the phasing plan required by the zoning conditions, insofar as it relates to the facilities to be constructed pursuant to this division. However, nothing contained in this division shall be construed to affect in any way any requirement which pre-dated the adoption of this division for any property to be dedicated to the county for the construction of any of the facilities described in section 9-43.

Sec. 9-46. - Review of status of service district.

After the completion of the construction of phase three of the project, as described in subsection 9-44(c), consideration of this division shall be placed on the agenda of the board of supervisors for the next meeting following the completion, so that the board may consider whether any additional facilities and services are to be provided to the real estate within the district, or what other action, if any, should be taken with regard to the district.

Sec. 9-47. - Recordation.

An abstract of this division shall be recorded among the land records of the Clerk of the Circuit Court of Chesterfield County so as to place subsequent purchasers of any property located in the district on notice of the supplemental real estate tax imposed pursuant hereto.