

A RESOLUTION OF THE BOARD OF SUPERVISORS OF ROCKINGHAM
COUNTY, VIRGINIA, TO CREATE
THE
LAKE SHENANDOAH STORMWATER CONTROL AUTHORITY

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM
COUNTY, VIRGINIA, THAT:

Section One: The Board of Supervisors of Rockingham County, Virginia, hereby creates an Authority, a public body politic and corporate and a political subdivision of the Commonwealth of Virginia, under the provisions of the Virginia Water and Waste Authorities Act, as amended (Title 15.2, Chapter 51, Article 1 through Article 5, both inclusive, of the Code of Virginia, 1950, as amended) (the “Act”) for the purpose of providing for the acquisition, construction, operation and maintenance of a stormwater control system for the collection and transport of stormwater as authorized by the Act, and for the purpose of exercising all of the powers conferred by the Act, and any subsequent amendments to the Act, in relation to the foregoing, including, but not limited to, the issuance of debt and the establishment and charging of rates and fees.

Section Two: The following Articles of Incorporation for the Authority are hereby adopted:

ARTICLES OF INCORPORATION
OF THE
LAKE SHENANDOAH STORMWATER CONTROL AUTHORITY

In compliance with the Virginia Water and Waste Authorities Act, as amended, (Title 15.2, Chapter 51, Articles 1 through 5, both inclusive, of the Code of Virginia, 1950, as amended) the Board of Supervisors of Rockingham County, pursuant to a resolution duly adopted signifying its intention to form this Authority, and does hereby certify:

- I. The name of the Authority shall be the **LAKE SHENANDOAH STORMWATER CONTROL AUTHORITY**, and the address of its principal office shall be 20 East Gay Street, Harrisonburg, Virginia, 22802.
- II. The name of the incorporating locality is Rockingham County, Virginia, and the members of the Authority Board shall be composed of the then current members of the Board of Supervisors of Rockingham County, Virginia, and the names and addresses of the first members of the Authority Board are as follows:

NAME OF MEMBER	ADDRESS:	ELECTION DISTRICT
Pablo Cuevas	543 Elm Street Broadway, VA 22815	District # 1

Sallie Wolfe-Garrison	1393 Cooks Creek Road Rockingham, VA 22802	District # 2
Rick L. Chandler	Post Office Box 174 Port Republic, VA 24471	District # 3
William B. Kyger, Jr.	6710 Vista Heights Rd Bridgewater, VA 22812	District # 4
Michael A. Breeden	1716 Breeden Circle Elkton, VA 22827	District # 5

All Board Members shall serve during the term of their membership on the Board of Supervisors of Rockingham County, which Members shall be deemed elected to the Authority Board upon their election to the Board of Supervisors. All Members of the Authority Board shall hold office until their successors have been duly elected and qualified and may succeed themselves. The terms of office of the first Members of the Authority Board shall begin on the date of the Certificate of Incorporation issued by the State Corporation Commission.

- III. The purposes for which the Authority is created are: the acquisition, construction, operation and maintenance of a stormwater control system for the collection and transport of stormwater within the area designated by the map titled “Lake Shenandoah Stormwater Control System”, a copy of which map may be inspected on the County’s website and at the office of the County Administrator of Rockingham County, Virginia, at 20 East Gay Street, Harrisonburg, Virginia, and for the purpose of exercising all of the powers conferred by the Virginia Water and Waste Authorities Act, as amended, in relation to the foregoing, including, but not limited to, the issuance of debt and the establishment and charging of rates and fees.

The area included within the Lake Shenandoah Stormwater Control Authority is further described in the following narrative:

The Lake Shenandoah Stormwater Control Authority will encompass all areas within the watershed of Lake Shenandoah. The northern boundary is set by the City of Harrisonburg/County of Rockingham line, with approximately 0.73 miles of boundary on the southwest side of Spotswood Trail (Route 33), and approximately 0.34 miles of boundary on the northeast side of Spotswood Trail. Generally, all areas to the southwest of Boyers Road to Lake Shenandoah, all areas east of Port Republic Road to Lake Shenandoah, and all properties accessed from Massanetta Springs Road. Additionally, some portions of Stone Spring Road (approximately from Spotswood Trail to Banner Way), Shen Lake Drive (approximately from Port Republic Road to Lakeview Drive), Osceola Springs Road (approximately from Port Republic Road to 2444 Osceola Springs Road), Spaders Church Road (approximately from Port Republic Road to 2847 Spaders

Church Road), and some portions of Wynn Wood Lane, Titus Drive, and Steeplechase Drive.

The area encompasses entirely or in part the following areas:

Barrington Subdivision, Briarcrest Subdivision, Bridlewood Subdivision, Chestnut Ridge Subdivision, Congers Creek Subdivision, Crescent Ridge Subdivision, Cullison Creek Subdivision, Hamlet Hill Estates, Highland Park Subdivision, Kentshire Subdivision, Lake Pointe Subdivision, Lake Pointe Village Subdivision, Lake View Golf Course, Lakewood Subdivision, Massanetta Springs Conference Center, Massanetta Springs Cottage Community, Preston Lake Subdivision, Quarles Business Park, Spring Oaks Subdivision, Sunnyside Retirement Community, Taylor Grove Developments I and II, Taylor Spring Subdivision, Town and Country Landing and Wellstone Subdivision.

This list is not comprehensive, but provides the general and approximate boundaries of the authority.

Additionally, a list of all tax parcels included in the Lake Shenandoah Stormwater Control Authority may be reviewed on the County's website and at the office of the County Administrator of Rockingham County, Virginia, at 20 East Gay Street, Harrisonburg, Virginia.

- IV. In compliance with Section 15.2-5103 of the Code of Virginia, 1950, as amended, the preliminary estimate of capital costs, so far as practicable, is hereby stated to be Three Million One Hundred Sixty-nine Thousand Two Hundred and no/100 Dollars (\$3,169,200.00). It is emphasized that this a rough estimate. The amount of the final capital investment will depend on many factors yet to be determined by the Board of the Authority after consultation with engineers. The Board of Supervisors hereby makes the finding that it is not practicable to estimate the costs of operation and maintenance at this time. Many factors are yet to be determined by the Board of the Authority after consultation with engineers.

IN WITNESS WHEREOF, the Board of Supervisors of Rockingham County, Virginia, have caused these Articles of Incorporation to be executed in its name by Michael A. Breeden, its Chairman, as thereunto duly authorized.

This 17th day of July, 2019.

BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA

By: _____
Michael A. Breeden, Chairman

ATTEST:

County Administrator

Section Three: The Articles of Incorporation shall be executed on behalf of the Board of Supervisors of Rockingham County, Virginia, by the Chairman of the Board of Supervisors, and attested by the County Administrator, and the Chairman and county staff are hereby authorized, empowered and directed to do all things necessary and appropriate to cause the Authority to be created under the provisions of the Act.

Section Four: As required by Section 15.2-5104 of the Code of Virginia, 1950, as amended, a Public Hearing was held at 6:00 p.m., on the 17th day of July, 2019, at the Board of Supervisors' Meeting Room at the County Administrative Offices, 20 East Gay Street, Harrisonburg, Virginia.

Section Five: A copy of this resolution was published, as required by Section 15.2-5104 of the Code of Virginia, 1950, as amended, one time at least thirty (30) days prior to the date of the aforesaid public hearing in the Daily News Record, a newspaper of general circulation in Rockingham County, Virginia, together with the notice of publication, in substantially the above form.

Section Six: Following the aforesaid public hearing, or any adjournment thereof, and adoption of this Resolution by the Board of Supervisors, no referendum having been called as provided by State Law, the county staff shall cause to be filed with the State Corporation Commission the Articles of Incorporation of the Lake Shenandoah Stormwater Control Authority, together with the proof of publication of this resolution. Also, immediately following such public hearing, or any adjournment thereof, the Clerk of the Board of Supervisors shall furnish the State Corporation Commission with a record of the proceedings in such hearing and the adoption of this Resolution and the State Corporation Commission shall be formally requested to act upon the issuance of a Certificate of Incorporation for the Lake Shenandoah Stormwater Control Authority.