

MOTION:

**January 19, 2021
Regular Meeting**

SECOND:

Res. No. 21-

RE:

AUTHORIZE THE APPROVAL OF THE LAKE JACKSON SANITARY DISTRICT / SERVICE DISTRICT ROAD MAINTENANCE AGREEMENT – COLES MAGISTERIAL DISTRICT

ACTION:

WHEREAS, The Lake Jackson Sanitary District was created by a May 30, 1991, Order of the Circuit Court, pursuant to a petition filed by the citizens of Lake Jackson Hills, for the purpose of maintaining the roads within the Lake Jackson Hills Subdivision as these roads do not meet minimum standards to be taken into the state-maintained road system; and

WHEREAS, on April 7, 1992, Board Resolution Number 92-369 created the Lake Jackson Sanitary District Advisory Committee (Advisory Committee) to work with the County identifying road concerns; and

WHEREAS, Service District property owners are assessed taxes that contribute to a fund for the exclusive purpose of maintaining roads within the Lake Jackson Hills Subdivision in a reasonably passable standard; and

WHEREAS, Public Works manages the fund and contracts for the Lake Jackson Service District to maintain and improve the roads, plow snow, and perform other road related tasks; and

WHEREAS, the need for an agreement between the County, The Advisory Committee and citizens residing or owning properties in the Lake Jackson Sanitary District is needed to clarify the roles of all parties; and

WHEREAS, staff collaborates with property owners that are appointed by the Board of County Supervisors to serve on a Road Committee to assist and collaborate with Public Works in identifying maintenance needs; and

WHEREAS, the agreement will formalize the road maintenance procedures, standards and inspections and it would also allow the County to move forward with road enhancements, such as upgrading gravel roads to tar and chip;

NOW, THEREFORE, BE IT RESOLVED that the Prince William Board of County Supervisors, acting as the governing body of the Lake Jackson Sanitary District and the Lake Jackson Service District, hereby approves the Lake Jackson Sanitary District/Service District Road Maintenance Agreement;

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BE IT FURTHER RESOLVED that the Prince William Board of County Supervisors hereby authorizes the Chair to sign the attached Lake Jackson Sanitary District Road Maintenance Agreement on behalf of the Board, acting as the governing body of the Lake Jackson Sanitary District and the Lake Jackson Service District.

ATTACHMENT: Lake Jackson Sanitary District / Service District Road Maintenance Agreement

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

For Information:

Public Works Director

Environmental Services Division Chief

Construction Services Branch Chief

ATTEST: _____
Clerk to the Board

**LAKE JACKSON SANITARY DISTRICT/SERVICE DISTRICT
ROAD MAINTENANCE AGREEMENT**

THIS AGREEMENT made this ___ day of _____, 2021, by and among the Lake Jackson Citizens Association, Inc. (hereinafter “Citizens Association”), and the Board of County Supervisors acting as the governing body of the Lake Jackson Sanitary District and the Lake Jackson Service District (hereafter collectively the “Service District”).

WITNESSETH:

WHEREAS, the majority of the roads in the Lake Jackson Hills subdivision were originally owned and maintained by the developer, Lake Jackson Hills, Inc., but do not meet the construction standards and are not a part of the Secondary Road System maintained by the Virginia Department of Transportation; and

WHEREAS, the Lake Jackson Sanitary District was duly created by an Order entered on May 30, 1991 by the Circuit Court of Prince William County pursuant to a petition filed by the citizens of the Lake Jackson Hills subdivision, with the concurrence of the Board of County Supervisors of Prince William County and the owners of Lake Jackson Hills, Inc., for the purpose of providing an entity that could levy a tax and issue bonds within the Lake Jackson Hills subdivision to provide funds to maintain the existing non-state maintained roads to a reasonably passable standard; and

WHEREAS, the Board of County Supervisors established the Lake Jackson Sanitary District Advisory Committee (the “LJSDAC”) pursuant to Res. No. 92-369 to gather input from the community and provide advice to the Board of County Supervisors regarding maintenance of roads within the Lake Jackson Hills subdivision;

WHEREAS, the Lake Jackson Service District was established pursuant to Va. Code §15.1-18.2, now § 15.2-2400 et seq., by ordinance duly adopted by the Board of County Supervisors of Prince William County on May 5, 1992 for the purpose of providing an additional entity that could levy a tax within the Lake Jackson Hills subdivision to provide funds to maintain the existing non-state maintained roads to a reasonably passable standard; and

WHEREAS, the boundaries of the Lake Jackson Sanitary District and the Lake Jackson Service District are identical and are essentially identical to those of the Lake Jackson Hills subdivision; and

WHEREAS, the Board of County Supervisors, acting as the governing body of the Service District as provided for in Va. Code § 15.2-2400 et seq., has levied Service District taxes within the Lake Jackson Hills subdivision and has used those funds to provide repairs, maintenance, and improvements to the existing non-state maintained

roads and has created an advisory committee of citizens residing in the Lake Jackson Hills subdivision to provide recommendations and advice with respect to the road maintenance; and

WHEREAS, Lake Jackson Hills, Inc., has conveyed title to the roads to the Citizens Association by quitclaim deed dated August 27, 2003, recorded on December 29, 2003 among the land records of Prince William County and the Citizens Association desires to establish procedures governing its relationship with the Service District with respect to the non-state maintained roads;

NOW THEREFORE, in consideration of the foregoing, and the mutual promises contained herein, the sufficiency of which is hereby acknowledged, the parties agree as follows:

Maintenance of Roads and Provision of Services

1. The Citizens Association understands, agrees and acknowledges that the roads in Lake Jackson Hills subdivision are privately owned and are not a part of the State Secondary Road System maintained by the Virginia Department of Transportation. The Citizens Association further understands, agrees and acknowledges that the roads in Lake Jackson Hills subdivision are not built to state standards with respect to construction, right-of-way, grade, sight distance, etc., and cannot reasonably be improved and brought into the State Secondary Road System. The Citizens Association, as the record owner of the subject roads which are not a part of the State Secondary Road System desires the Service District to continue to maintain those roads to a reasonably passable standard and acknowledges that the Service District has the right to do so to protect the health, safety and welfare of the public as provided by law.
2. To the extent permitted or required by law, the Citizens Association hereby assigns to the Service District the right to maintain all of the existing, non-state maintained roads in the Lake Jackson Hills subdivision. For purposes of this agreement, the existing roads that will be maintained by the Service District are those roads that are currently in active use as roads by the residents of the Lake Jackson Hills subdivision. and the traveling public. Roads that have been shown on a plat but are currently unbuilt, and roads, or portions of roads, that, though shown on a plat, are not currently maintained and serve only as a “driveway” to a single property owner shall not be maintained except as provided herein. The roads that are currently in existence and that will be maintained by the Service District are listed on Attachment A by length and type. Additional roads may be added to the roads that will be maintained by the Service District as hereafter provided.
3. Such maintenance shall be sufficient to maintain the roads in a reasonably passable condition that permits the roads to be open to vehicular traffic, taking

into consideration public safety, the limitations on the amount of the levy funds available for that purpose, and the desires of the community. The Service District shall have the ultimate responsibility for the allocation and use of the Service District tax levy funds available for road maintenance, but shall take into consideration the desires of the Citizens Association and the LJSDAC with respect to levels of service and priority of roads to be maintained. In the event the condition of any road becomes an imminent threat to public safety, the Service District may expend any and all funds available to it to improve that condition. In addition to the use of available Service District funds, the Service District may, but is not obligated to, use other County funds, or any other source available, to be repaid out of the next year's service district levy.

4. The parties agree that the Service District may, in its sole judgment, contract with the Department of Public Works of Prince William County, or third party contractors, or both to perform the road maintenance contemplated hereunder.
5. The Citizens Association agrees that, for the duration of this Agreement, the Service District shall be solely responsible for providing road maintenance as contemplated herein on the existing non-state maintained roads within the Service District. In order not to interfere with that responsibility, the Citizens Association shall not perform, or contract for the performance of road maintenance on any existing non-state maintained road within the Service District without the express, prior written approval of the Service District or its agent.
6. The obligation of the Service District to perform road maintenance on the non-state maintained roads in the Lake Jackson Hills subdivision shall be specifically limited by the funds that are made available to it from the special tax levied on real property within the Lake Jackson Hills subdivision. Neither the Service District, nor the Board of County Supervisors acting as the governing body of Prince William County shall have any obligation to expend other funds for the maintenance of the non-state maintained roads within the Lake Jackson Hills subdivision., Nothing in this agreement shall be construed to prohibit the use of Transportation and Roadway Improvement Program (TRIP) funds for road improvements within the Lake Jackson Hills subdivision.
7. Notwithstanding the limitations on the responsibility of the Service District to perform road maintenance on the non-state maintained roads within the Lake Jackson Hills subdivision contained herein, the Service District may, but shall not be obligated to, perform additional road maintenance at the request of the Citizens Association, the LJSDAC, or any individual property owner within the Service District provided the entire cost of such additional road maintenance, including any administrative expenses, is paid by the Citizens Association or the property owner.

8. None of the provisions of this agreement stated herein shall have any application to, or affect in any way, the access rights to waterbody known as Lake Jackson or the access rights of those who own docks, slips, ramps or other access points to Lake Jackson.
9. The Department of Public Works, or other appropriate County Agency, shall seek input from the LJS DAC in formulation of future year road maintenance budgets and the corresponding Service District tax levy, and shall provide the LJS DAC with actual and proposed road maintenance expenditures and seek committee advice on future maintenance as needed or at a minimum quarterly.

Term

The term of this Agreement shall be one year which shall begin on the date this agreement is signed by all parties. This Agreement shall be automatically extended for successive annual terms thereafter unless otherwise terminated as provided herein.

LJS DAC Role

1. The Board of County Supervisors, as the governing body of the Service District, will continue to appoint the members of the LJS DAC, whose role is to provide advice and recommendations with respect to the amount of the special tax levy to be imposed in the Service District, the level of road maintenance desired by the Lake Jackson Hills residents, the priority to be assigned to the various maintenance projects, and on such other matters as the Board of County Supervisors may desire. The Citizens Association shall, at such times as the Board of County Supervisors may request, nominate citizens residing within the Lake Jackson Hills subdivision for appointment to the LJS DAC. Such nominees shall reside in and be broadly representative of the various areas within the Lake Jackson Hills subdivision; such nominees may be, but are not required to, be members or officers of the Citizens Association.
2. The LJS DAC shall appoint from among its membership a chairman, and an individual to serve as the point of contact and county liaison. The LJS DAC shall adopt such rules of procedure as it deems appropriate. All meetings of the LJS DAC shall be open to the public and reasonable notice of such meetings shall be posted and included in any newsletter that may be published by the Citizens Association.
3. The LJS DAC shall seek information about the condition of the roads, the recommendations of the Citizens Association, the desires of the residents regarding road maintenance and levels of service, the costs of any proposed maintenance projects, the amount of funds generated by the Service District

levy, and any other information that it deems relevant with respect to the maintenance of the roads. The LJSDAC shall formulate recommendations for the maintenance of the roads for the following year which shall be submitted no later than August 30th to the Service District's point of contact in the Prince William County Department of Public Works and to the Citizens Association. Those recommendations, together with any additional comments and recommendations from the Department of Public Works and/or the Citizens Association shall be submitted to the Board of County Supervisors as a part of the County's annual budget process.

The Board of County Supervisors, acting as the governing body of the Service District, will consider all of the recommendations that it receives, together with any other information that it knows or could have known, in determining the maintenance to be performed in the coming year, whether the work should be performed by the Department of Public Works or some other entity, and the rate of the Service District levy to be imposed.

Lot Development and Maintenance of Platted but Unbuilt Roads

The parties hereto hereby enact and adopt the "Lake Jackson Service District Policies Relating to Lot Development and Road Maintenance", which policies are attached hereto as Attachment B, and are incorporated herein by reference. These policies apply to the construction of new residences on existing roads maintained by the Service District and to the construction of new residences on platted but unbuilt roads within the Service district. The policies provide for the bonding required, the road maintenance assessment and design standards for new road construction in the Service District.

Requests for Abandonment and/or Vacation of Platted but Unbuilt Roads

The parties hereto hereby enact and adopt the "Lake Jackson Service District Policies Relating to Abandonment and Vacation of platted but Unbuilt Roads", which policies are attached hereto as Exhibit C, and are incorporated herein by reference.

Modifications or Changes to this Agreement

All modifications and changes to this agreement shall be in writing and signed by all parties.

Termination for Non-Appropriation of Funds

If the Service District does not impose its annual tax levy upon the residents of the Service District or if it does not otherwise collect a tax from the residents for a particular fiscal year, the obligations of the parties under this agreement shall cease until such time as a levy is imposed.

Breach of Agreement

The Citizens Association hereby agrees to indemnify and hold harmless the Service District, Prince William County, Virginia, its officers, agents and all employees and volunteers, from any and all injuries, damages and losses however or by whomever sustained, including cost of investigation, all reasonable attorneys fees, and the cost of appeals arising out of negligent acts or negligent omissions of the Citizens Association in relation to its maintenance of the property of the Citizens Association.

Insurance

The Citizens Association will obtain, maintain, and provide proof of, an insurance policy with an A+ insurer, with a minimum \$1,000,000 (one million dollar) coverage, to insure against all claims against it arising from its ownership of the land upon which the roads identified on Attachment A, as it may be amended, reside. This policy shall list the Service District and the County as additional insured.

Third Party Beneficiary

This Agreement is not intended to and shall not be construed to give any Third Party any interest or rights (including, without limitation, any third party beneficiary rights) with respect to or in connection with any agreement or provision contained herein or contemplated hereby.

Designated Representatives

The parties hereby designate the following individuals to receive any notice or other communication permitted or required by this Agreement. Such designation may be changed by a party at any time by written notice to the other party.

If to the Service District:

Lake Jackson Service District
County Executive of Prince William County
1 County Complex Court
Prince William, VA 22192

With a copy to:

County Attorney
1 County Complex Court
Prince William, VA 22192

And

Director of Public Works
5 County Complex Suite 260
Prince William, VA 22192

If to the Citizens Association:

President, Lake Jackson Citizens Association
P.O. Box 10237
Manassas, VA 20108

With a copy to:

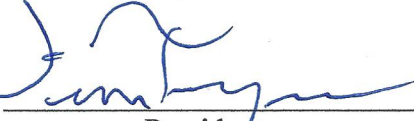
Michael J. Coughlin
4310 Prince William Parkway, Suite 300
Woodbridge, VA 22192
mcoughlin@thelandlawyers.com

Entire Agreement

This Agreement constitutes the whole agreement between the parties. There are no promises, terms, conditions or other obligations other than those contained herein, and this Agreement shall supercede all previous communications, representations or agreements, whether written or verbal, between the parties hereto.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed by officers duly authorized to so act, on the date and year first above written.

**LAKE JACKSON CITIZENS
ASSOCIATION, INC.**

By: 

President

**BOARD OF COUNTY SUPERVISORS,
Acting as the Governing Body of the
LAKE JACKSON SERVICE DISTRICT
And the
LAKE JACKSON SANITARY DISTRICT**

By: _____
Chairman

ATTACHMENT A

Lake Jackson Service District March 2019

Segn	Road name	Length-LF	Type	T&C-LF
1	Cobb Road - Short to end	1825	gravel	
2	Linda Place	320	gravel	
3	Short Street - Cobb to Waterside		tar&chip	800
4	Scenic View	265	gravel	
5	Waterside Drive		tar&chip	940
6	Jacqueline Ave. - Stanbaugh to end	640	gravel	
7	Stanbaugh Lane	415	gravel	
8	Lovers Lane	310	gravel	
9	Mastbrook Lane	1515	gravel	
10	Jacqueline - Cobb to Stanbaugh		tar&chip	1360
11	Cobb Road - Rt. 234 to Jacqueline Ave.		tar&chip	2150
12	Foneswood Lane	410	gravel	
13	Kid Place	350	gravel	
14	High Street	200	gravel	
15	Longtree Road	230	gravel	
16	Point View Drive	200	gravel	
17	Moffet Lane	600	gravel	
18	Pappas Drive	635	gravel	
19	Barron Street		tar&chip	754
20	Depot Place		tar&chip	800
21	Hogan Place	610	gravel	
22	Hickory Hill Drive	535	gravel	
23	Fox Street		tar&chip	1300
24	Temple Loop	775	gravel	
25	Temple Loop-Fox to Big Beach		tar&chip	365
26	Temple Loop pipestem	165	gravel	
27	Waterview Drive-230' paved		VDOT	
28	Haire Street	870	tar&chip	870
29	Piney Avenue	260	gravel	
30	Alpaugh Street	385	gravel	
31	Highview Street	210	gravel	
32	Damview Place	330	gravel	
33	Harton Street	1225	gravel	
34	Middle Avenue	450	gravel	
35	Kimberly Street	150	gravel	
36	Lenore Street	400	gravel	
37	Sals Place	275	gravel	
38	Thunder Drive	1125	gravel	
39	North Point Road.	2950	tar&chip	2950
40	Lake Shore Drive	985	gravel	
41	Hara Street	250	gravel	
42	Abbie Lane	400	gravel	
43	Sunderman Place	150	gravel	
44	Mullen Street	275	gravel	
45	Rebecca Street	740	gravel	
46	Robert Place	505	gravel	
47	Geller Circle	605	gravel	

Lake Jackson Service District March 2019

Segn	Road name	Length-LF	Type	T&C-LF	
48	Cecil Road	950	gravel		
49	Purse Drive	875	tar&chip	875	
50	Cecil off of Purse	295	gravel		
51	Luther Drive	675	gravel		
52	Jansen Street	1000	gravel		
53	Margarite Street		tar&chip	1250	
54	Brunger Street	700	gravel		
55	Pearl Street	235	gravel		
56	Elizabeth Street-675' by property owners		concrete		
57	Maya Lane	835	gravel		
58	Mandy Lane	315	gravel		
59	Kathy Street	425	gravel		
60	Happy Place	315	gravel		
61	Manning Road		tar&chip	1885	
62	Charles Wack Street	950	gravel		
63	Patricia Street	750	gravel		
64	Mandy Lane	1225	gravel		
65	Coleman Street north to Elaine		tar&chip	350	
66	Coleman Street south	560	gravel		
67	Elaine Avenue	715	gravel		
68	Mente Road		tar&chip	2075	
69	Lester Road - Hilltop to Mente		tar&chip	2495	
70	Lester Road connector from Mente to Hill	500	gravel		
71	Songer Lane	450	gravel		
72	McGrath Road (after Coleman)		tar&chip	1160	
73	Round Top Road	1040	gravel		
74	Hilltop Drive		tar&chip	1190	
75	Hunt Road - off of Hilltop	300	gravel		
76	Hilltop Drive - Lester to end	500	gravel		
77	Christine Place		tar&chip	700	
78	Shirley Avenue		tar&chip	800	
79	Helen Street		tar&chip	500	
80	Carol Avenue	970	gravel		
81	Lester Road from Mente Road	735	gravel		
82	Evelyn Road	890	gravel		
83	Potter Drive	550	gravel		
84	Mente South End at Boat Ramp		tar&chip	600	
		Gravel>	39295	Tar&chip>	26169

ATTACHMENT B

Lake Jackson Service District Policies Relating to Lot Development and Road Maintenance

Development of existing subdivided lots within the Service District results in adverse impacts to existing roads maintained with Service District revenue. Such development also may necessitate the construction of platted, unbuilt roads in the Service District, the maintenance of which roads is thereafter funded with Service District revenue. In order to mitigate the adverse impact of lot development on the existing roads, and to ensure that the new roads are built to a minimum standard before being accepted for maintenance, these regulations, unless specifically waived by the Director of Transportation, shall apply to all new home construction in the Lake Jackson Service District (the "Service District").

A. Design Standards for new road construction

As a condition of permit approval for new construction upon a lot which fronts on an unbuilt platted road within the Lake Jackson Service District, the developer agrees to build the portion of the platted road from the point where such platted road intersects with an existing Service District maintained road to the lot in accordance with the following design standards:

1. Design speed standards
The design speed shall be less than twenty-five (25) miles per hour.
2. Lane width
The lane width shall be nine (9) feet to the center line of the road. The total roadway width shall be eighteen (18) feet.
3. Shoulders
All shoulders shall be one (1) foot on each side where possible. Total width of gravel surface shall be twenty (20) feet.
4. Road Ditches
All shoulders of a ditch type shall consist of a 2:1 slope, and sized to handle normal drainage flow.
5. Grade or crown of street
The grade or crown for streets shall be 1/2":1' as graded from the center line.
6. Roadway intersection culverts
On all new roadways which intersect an existing roadway, an appropriately-sized culvert shall be installed for purposes of handling

water flowing in the open ditch, if deemed necessary by the Director of the Department of Public Works.

7. Driveways

Driveways shall not sheet water flow onto the roadway. Off-site drainage entering the right-of-way must be routed to roadside ditches. Provisions must be made to accommodate adequate flow in all drainage systems.

8. Roadway base material

Roadway base shall consist of eight (8) inches of "21a" material placed on a stable base.

9. Plan required

A plan depicting the proposed road construction in accordance with the Service District design standards shall be required as an attachment to the lot grading plan.

B. Subdivision

In the event land in the service district is subdivided, all parcels in the subdivision shall be subject to all provisions and design standards of these regulations.

ATTACHMENT C

Lake Jackson Service District Policies Relating to Requests for the Abandonment / Vacation of Platted but Unbuilt Roads

Any request for the abandonment/vacation of any portion of a platted but unbuilt road within the Lake Jackson Hills subdivision shall be made simultaneously to the Citizens Association and to the Director of Public Works of Prince William County. Such request shall state the reason therefore and shall be accompanied by a plat, map or sketch in sufficient detail as to clearly show the portion of the platted road that is proposed to be abandoned and its location with respect to other platted existing and/or unbuilt roads in the neighborhood; the name and address of each property owner that abuts the road that is proposed to be abandoned/vacated; and the name and address of any property owner that may be directly and adversely affected by the proposed abandonment/vacation.

The Citizens Association shall adopt such procedures as it deems appropriate to review the request and conduct such investigation as it deems necessary to determine whether the proposed abandonment/vacation of the platted but unbuilt road will have an adverse impact on any property owner or on the circulation of traffic within the Lake Jackson Hills subdivision. The Citizens Association shall provide a recommendation on the proposed abandonment/vacation to the Director of Public Works who shall include that recommendation in any staff report to the Board of County Supervisors regarding the proposed abandonment/vacation.

The Director of Public Works shall cause the request for abandonment/vacation to be reviewed in the same manner as requests for abandonment and/or vacation are reviewed in other locations in the County and shall consider the recommendation of the Citizens Association in formulating his recommendation to the Board of County Supervisors.

The Board of County Supervisors will hear the request for the abandonment/vacation of a platted but unbuilt road in the manner provided by law, and will consider the recommendations of its staff, the Citizens Association and any public testimony. Any individual aggrieved by the decision of the Board of County Supervisors may appeal to the Circuit Court of Prince William County as provided by law.



STAFF REPORT

Board Meeting Date:	January 19, 2021
Agenda Title:	Authorize the Approval of the Lake Jackson Sanitary District/Service District Road Maintenance Agreement
District Impact:	Coles Magisterial District
Requested Action:	Approve the resolution and approve the Lake Jackson Sanitary District/Service District Road Maintenance Agreement.
Department / Agency Lead:	Department of Public Works
Staff Lead:	Thomas J. Smith, Director

EXECUTIVE SUMMARY

The Lake Jackson Sanitary District was created by a May 30, 1991, Order of the Circuit Court pursuant to a petition filed by the citizens of Lake Jackson Hills, for the purpose of maintaining the roads within the Lake Jackson Hills Subdivision as these roads do not meet minimum standards to be taken into the state-maintained road system. On April 7, 1992, Board of County Supervisors (BOCS) Resolution Number (Res. No.) 92-369 created the Lake Jackson Sanitary District Advisory Committee (Advisory Committee) to work with the County identifying road concerns. The Board of County Supervisors established a service district on May 5, 1992, in order to assess taxes to provide funds to maintain roads within the Lake Jackson Hills subdivision in a reasonably passable standard.

Public Works manages the fund and contracts for the Lake Jackson Service District to maintain and improve the roads, plow snow, and perform other road related tasks. However, an agreement between the County, The Advisory Committee, and the Lake Jackson Citizens Association (the owner of the roads), is needed to clarify the roles of all parties. Per the Agreement, the responsibilities of the Sanitary/Service District, Road Committee, and County staff are clearly established. Staff collaborates with the Advisory Committee, property owners that are appointed by the Board of County Supervisors, in identifying road maintenance needs. The Agreement will also allow the County to move forward with road enhancements, such as upgrading gravel roads to tar and chip.

The Association at the current time is only able to obtain insurance in the amount of \$1,000,000 due to a recent claim. The insurance recommendation is a minimum of \$5,000,000 and will need to be reevaluated in the future when the Association can obtain higher limits.

The Agreement has been signed by the Lake Jackson Citizens Association. The Advisory Committee recommended by majority vote that the Agreement be signed.

It is the recommendation of staff that the BOCS authorize the approval and adoption of the Lake Jackson Sanitary District/Service District Road Maintenance Agreement.

BACKGROUND

The Lake Jackson Sanitary District was created by a May 30, 1991, Order of the Circuit Court pursuant to a petition filed by the citizens of Lake Jackson Hills, for the purpose of maintaining the roads within the Lake Jackson Hills Subdivision as these roads do not meet minimum standards to be taken into the state-maintained road system.

On April 7, 1992, pursuant to BOCS' Res. No. 92-369, an advisory committee of citizens residing or owning properties in the Lake Jackson Sanitary District was established to provide advice and recommendations to the BOCS on the operation of the Sanitary District and on the maintenance of roads in the Lake Jackson Sanitary District. The committee members are appointed by the BOCS, which is the governing body of the Lake Jackson Sanitary District.

On May 5, 1992, in accordance with BOCS' Res. No. 92-484 and pursuant to Section 15.1-18.3 VA Code Ann., the Lake Jackson Service District was created using the same boundaries as those of the Lake Jackson Sanitary District. Services to be provided within the Lake Jackson Service District include improvements and maintenance of its roads, which are not maintained by the Commonwealth of Virginia as a part of the State highway system.

A special levy was established in 1993, to support the maintenance of non-state-maintained roads within the Lake Jackson Service District. The levy is collected by the County's Finance Department and recorded in a separate special revenue fund that is managed by the Department of Public Works. Service District levy funds are dedicated to road maintenance, improvements, and snow removal.

The Department of Public Works, upon request from the Lake Jackson Sanitary District Advisory Committee, coordinates road maintenance, improvements, and snow removal services with a County contractor. It is also responsible for the management of levy funds to the Lake Jackson Service District.

In recent years questions have arisen concerning the lack of a written Agreement that allows the County to perform maintenance on the privately owned roads and outlining specific obligations each party is responsible for. The proposed Agreement outlines those specifications.

STAFF RECOMMENDATION

It is the recommendation of staff that the BOCS approve the Lake Jackson Sanitary/Service District Road Maintenance Agreement between the Lake Jackson Citizens Association and Board of County Supervisors acting as the Governing Body of the Lake Jackson Sanitary/Service District.

Service Level / Policy Impact

The approval of the Lake Jackson Sanitary/Service District Road Maintenance Agreement will allow the services provided by the County to resume without negative impacts on the regular annual maintenance schedule. In addition, maintenance of these roads, per the 1992 resolution, must be supported from the tax levy revenues of the Service District. However, the Agreement will outline obligations and specifications of both parties involved.

Fiscal Impact

The Lake Jackson Sanitary/Service District Road Maintenance Agreement has been offered at no cost to the County. This agreement will continue to fulfill the County's partnership with the Advisory Committee and the citizens residing or owning properties in the Lake Jackson Sanitary District that contribute to the special levy to support the maintenance of the non-state-maintained roads within the Lake Jackson Service District. The beginning Fiscal Year 2021 unaudited fund balance for Lake Jackson Service District is \$237,227.

Legal Impact

The proposed Lake Jackson Sanitary District/Service District Road Maintenance Agreement is intended to clarify and document the roles of the parties concerning road maintenance in Lake Jackson

STAFF CONTACT INFORMATION

Marc Aveni | (703) 792-7070
maveni@pwcgov.org



PRINCE WILLIAM
COUNTY

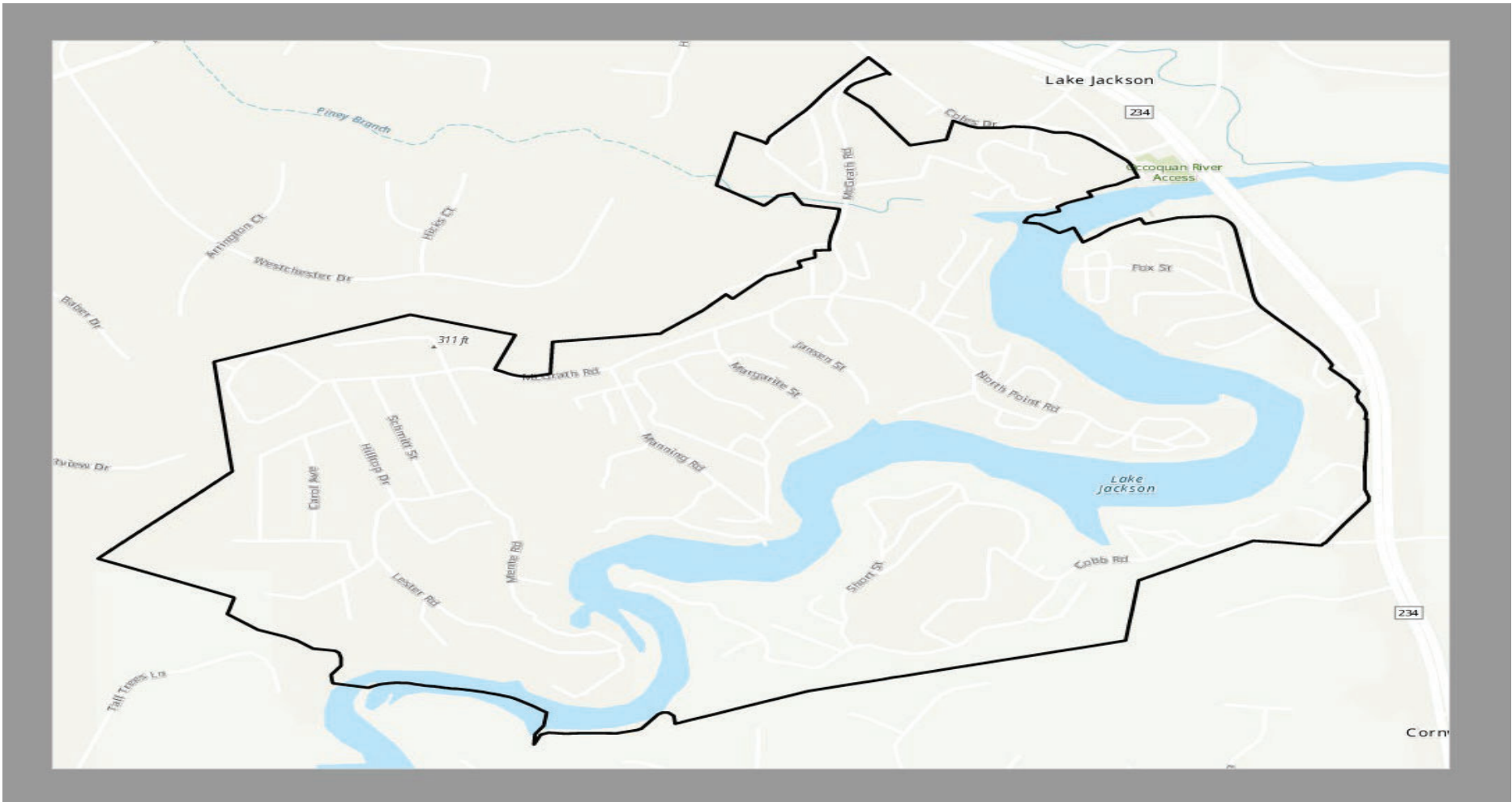
**Lake Jackson Sanitary
District/Service District
Road Maintenance Agreement
January 19, 2021**



Background

- The Lake Jackson Community has private roads (not State maintained) owned by the Community (not the County) that do not and never will meet State VDOT standards
- Community requested BOCS for County staff to maintain roads to a passable condition in 1990
- BOCS created Lake Jackson Service District in 1991 so property owners could contribute to a special levy fund for County road maintenance to include snow removal
- Managed by Public Works staff in Environmental Services since that time by a contractor in coordination with Lake Jackson Sanitary District Advisory Committee which is appointed by BOCS
- Staff is paid 5% of total invoices for the year.
- No current, BOCS approved agreement exists

Lake Jackson Sanitary/Service District Map



Present Situation

- Lake Jackson Service District Homes - 433
- Lake Jackson Service District Parcels - 2,792
- Funds generated by special levy rate (\$0.165/\$100 assessed value) based on value of homes and parcels and tax rate, rate has not changed 2014
- FY20 generated \$178,412
- Current fund balance is \$237,227 which includes some carryover funds

Real Estate Taxes – Current Year	\$187,536
Real Estate Tax Relief	- \$8,817
Real Estate Tax Exonerations	- \$306

Agreement Advantages



- No current, BOCS approved agreement exists
- Defines duties and responsibilities of County staff which helps protects staff
- Provides Service District members a way to request additional services from County staff with the costs better defined
- Allows for annual BOCS budget presentation to make budget impacts of additional services known

Recommendation



- Sign the agreement and authorize County staff to continue to oversee and provide maintenance work on these private roads
- Make Lake Jackson Road Maintenance part of annual BOCS budget presentation so if Community desires enhanced services staff can look at what that would cost and BOCS can approve
- Questions?