

**REPORT ON THE
TOWN OF WYTHEVILLE - COUNTY OF WYTHE
SETTLEMENT AGREEMENT**



**COMMISSION ON LOCAL GOVERNMENT
COMMONWEALTH OF VIRGINIA**

SEPTEMBER 1989

**REPORT ON THE
TOWN OF WYTHEVILLE - COUNTY OF WYTHE
VOLUNTARY SETTLEMENT AGREEMENT**

TABLE OF CONTENTS

PROCEEDINGS OF COMMISSION 1

SCOPE OF REVIEW 2

**GENERAL CHARACTERISTICS OF THE TOWN, THE COUNTY,
AND THE AREA PROPOSED FOR ANNEXATION 3**

 Town of Wytheville 3

 County of Wythe 5

 Area Proposed for Annexation 8

STANDARD FOR REVIEW 9

 Interests of the Town of Wytheville 10

 Interests of the Area Proposed for Annexation 15

 Interests of the People of the County 29

FINDINGS AND RECOMMENDATIONS 31

CONCLUDING COMMENT 36

APPENDIX A Settlement Agreement Between the Town of Wytheville and
 County of Wythe

APPENDIX B Statistical Profile of the Town of Wytheville, County of
 Wythe and the Area Proposed for Annexation

APPENDIX C Map of the Town of Wytheville and the Area Proposed for
 Annexation

REPORT
OF THE
COMMISSION ON LOCAL GOVERNMENT

TOWN OF WYTHEVILLE--COUNTY OF WYTHE
VOLUNTARY SETTLEMENT AGREEMENT

PROCEEDINGS OF THE COMMISSION

On March 31, 1989 the Town of Wytheville and Wythe County formally submitted to the Commission on Local Government for review a proposed voluntary settlement agreement which had been negotiated under the authority of Section 15.1-1167.1 of the Code of Virginia. Consistent with the Commission's Rules of Procedure, the notice was accompanied by data and materials supporting the proposed agreement.¹ Further, in accordance with statutory requirements, the Town and County concurrently gave notice of the proposed agreement to 37 other localities with which they were contiguous or with which they shared functions, revenues, or tax sources.² The proposed agreement contains provisions which would (1) grant the Town an annexation of 6.17 square miles of territory in the County, (2) require the Town's adoption of use value assessment for qualifying agricultural and horticultural properties, (3) commit the Town to the construction of specified public improvements in the area proposed for annexation during a seven-year period following the effective date of the annexation, and (4) require the Town to reimburse Wythe County for the local portion of the cost of the construction of an industrial access road in the area proposed for annexation.³

Subsequent to its receipt of the proposed agreement and supporting materials, on May 23, 1989, the members of the Commission toured

¹Town of Wytheville, Town of Wytheville-County of Wythe Settlement Agreement (hereinafter cited as Town Submission), March 1989.

²Sec. 15.1-945.7 (A), Code of Va.

³See Appendix A for the full text of the proposed agreement as amended by the Town and County on June 14, 1989. (Carter Glass, IV, Special Counsel, Town of Wytheville, letter to staff of Commission on Local Government, June 16, 1989.)

relevant sites and facilities in the area proposed for annexation and the Town and received oral presentations from the parties in support of the proposed agreement.⁴ In addition to its receipt and consideration of materials from the parties, the Commission solicited comment from other potentially affected political subdivisions and the public. Each jurisdiction receiving notice of the proposed agreement from the parties was invited by this Commission to submit testimony on the agreement for consideration. Further, the Commission held a public hearing, advertised in accordance with requirements of Section 15.1-945.7 (B), Code of Virginia, on the evening of May 23, 1989 in the Town.⁵ The public hearing was attended by approximately 90 persons and produced testimony from 13 individuals. In order to receive additional public comment, the Commission agreed to keep open its record for the receipt of written submissions through June 23, 1989.

SCOPE OF REVIEW

The Commission on Local Government is directed by law to review proposed annexations, petitions for partial county immunity, other local boundary change and transition issues, and negotiated agreements settling such issues prior to their being presented to the courts for ultimate disposition. Upon receipt of notice of such proposed action or agreement, the Commission is directed "to hold hearings, make investigations, analyze local needs" and to submit a report containing findings of fact and recommendations regarding the issue to the affected

⁴In response to a request filed by Thomas M. Jackson on May 19, 1989, the Commission recognized six property owners in the Laurel View Road section of the area proposed for annexation as interested parties and accorded them an opportunity to participate in its proceedings. (Thomas M. Jackson, Counsel for Laurel Road Intervenors, letter to staff of the Commission on Local Government, May 19, 1989.)

⁵At the request of the Commission all materials which had been submitted to it by the parties relative to the proposed voluntary settlement agreement were made available for public review in the offices of the Town of Wytheville and the County Administrator of Wythe County.

local governments.⁶ With respect to a proposed agreement negotiated under the authority of Section 15.1-1167.1 of the Code of Virginia, the Commission is required to determine in its review "whether the proposed settlement is in the best interest of the Commonwealth."

As we have noted in other reports, it is evident that the General Assembly encourages local governments to attempt to negotiate settlement of their interlocal concerns. Indeed, one of the statutory responsibilities of this Commission is to assist local governments in such efforts. In view of this legislative intent, the Commission believes that proposed interlocal agreements, such as that negotiated by the Town of Wytheville and Wythe County, should be approached with respect and a presumption of their compatibility with applicable statutory standards.

The Commission notes, however, that the General Assembly has decreed that interlocal agreements negotiated under the authority of Section 15.1-1167.1 of the Code of Virginia be reviewed by this body prior to their final adoption by the local governing bodies. We are obliged to conclude, therefore, that while interlocal agreements are due respect and should be approached with a presumption of their consistency with statutory standards, such respect and presumption cannot be permitted to render our review a pro forma endorsement of any proposed settlement. Our responsibility to the Commonwealth and to the affected localities requires more.

**GENERAL CHARACTERISTICS OF THE TOWN,
THE COUNTY, AND THE AREA PROPOSED FOR ANNEXATION**

TOWN OF WYTHEVILLE

The Town of Wytheville was incorporated by the Virginia General Assembly in 1839, but it has been the seat of county government since

⁶Sec. 15.1-945.7 (A), Code of Va.

1789. Much of the Town's early history was influenced by its location at the junction of two historic western Virginia roads, the Ingles Ferry and Peppers Ferry Trails.⁷

Demographic data indicate that the Town of Wytheville experienced a significant population increase during the preceding decade, with its populace increasing between 1970 and 1980 from 6,069 to 7,135 persons or by 17.6%.⁸ Moreover, population estimates for 1986, the most recent available, placed the Town's populace at 7,280, an increase of slightly more than 2% since the preceding decennial census.⁹ Based on its land area of 8.26 square miles and the 1986 population estimate, the Town has a population density of 881 persons per square mile.¹⁰

With respect to the nature of its population, the evidence indicates that the Town's populace is significantly older and has a lower average income than that of the State overall. Data reveal that as of 1980 (the most recent year for which such data are available), the median age of Town residents was 35.9 years, a statistic markedly greater than that for the State generally (29.8 years).¹¹ Further, in 1980 the percentage of the Town's population age 65 and over was 15.9%, while the comparable figure for the State collectively was only 9.5%.¹² In terms of earnings, data reveal that, as of 1979, the median family

⁷Town of Wytheville, Comprehensive Plan, 1989, p. 2.

⁸Town Submission, p. 35. The Town's last boundary expansion occurred in 1978 when it annexed 1.96 square miles of territory in Wythe County containing approximately 500 persons. (Ibid., p. 30.) See Appendix B for a statistical profile of the Town, the County and the area proposed for annexation. See Appendix C for a map of the Town and the area proposed for annexation.

⁹Ibid., p. 32

¹⁰Ibid.

¹¹U. S. Department of Commerce, Bureau of the Census, 1980 Census of Population, General Population Characteristics, Virginia. Table 14.

¹²Ibid.

income in the Town of Wytheville was \$17,309, or only 86.5% of the comparable statistic for the Commonwealth as a whole (\$20,018).¹³

With respect to the Town's physical development, 1989 data indicate that 26.9% of Wytheville's total area is devoted to residential development, 8.1% to commercial enterprise, 3.0% to industrial activity, 17.8% to public and semi-public uses, with 44.2% (2,335 acres) remaining undeveloped.¹⁴ Of the 2,335 undeveloped acres, however, 336 acres are situated on slopes 20% or greater or are located in the floodplain. Further, 991 acres of the undeveloped acreage within the Town are actively used for agricultural purposes and, thus, may offer limited development potential in the immediate future.¹⁵ Exclusive of this land affected by environmental constraints and that engaged in agricultural activity, the Town retains approximately 1,008 acres, or 19.1% of its total land area vacant and suitable for development.¹⁶

COUNTY OF WYTHE

The County of Wythe was created in 1790 from territory formerly part of Grayson and Montgomery Counties.¹⁷ The County's population

¹³U. S. Department of Commerce, Bureau of the Census, 1980 Census of Population General Social and Economic Characteristics, Virginia. Tables 61, 168.

¹⁴Glass, letter to staff of Commission on Local Government, June 15, 1989.

¹⁵Town Submission, pp.138, 143. A majority of the agricultural land within the current Town boundaries has been actively farmed for over 100 years. In addition, 861.2 acres of farmland within Wytheville qualify for the County's use value assessment program for agricultural properties. (Glass, letter to staff of Commission on Local Government, June 15, 1989.)

¹⁶Glass, letter to staff of Commission on Local Government, June 15, 1989.

¹⁷J. Devereux Weeks, Dates of Origin of Virginia Counties and Municipalities (Charlottesville: Institute of Government, University of Virginia, 1967).

increased from 22,139 to 25,552 persons between 1970 and 1980, or by 15.4%.¹⁸ The official population estimate for 1986, however, placed the County's population at 25,600 persons, an increase of less than one percent since the preceding decennial census.¹⁹ On the basis of its 1986 population estimate and an area of 469.3 square miles, the County has an overall population density of 55 persons per square mile.²⁰

With respect to the nature of its population, various statistical indices disclose that the County's populace, like that of the Town, is older and less affluent than that of the State generally. Data indicate that, as of 1980 (the most recent year for which such statistics are available), the median age of the residents of Wythe County was 31.9 years, or slightly in excess of that of the State as a whole (29.8 years).²¹ Further, statistics reveal that as of 1980, approximately 12.7 percent of the County's population was age 65 or over, a statistic somewhat greater than that for the State generally (9.5%).²² In terms of earnings, the median family income for County residents in 1979 was \$15,004, or 75% of the comparable figure for the State overall (\$20,018).²³ Thus, these data, as those for the Town, reflect a

¹⁸1980 Census of Population, Number of Inhabitants, Virginia, Table 4. The only other incorporated town in Wythe County is Rural Retreat which had a 1986 estimated population of 1,110 persons. (Town Submission, p. 32.)

¹⁹Julia H. Martin, Estimates of the Population of Virginia Counties and Cities: 1986 and 1987. (Charlottesville: Center for Public Service, University of Virginia, Sep. 1988), Table 1.

²⁰Town Submission, p. 32.

²¹1980 Census of Population: General Population Characteristics, Virginia, Table 14. The data for Wythe County include that for the residents of the incorporated jurisdictions.

²²Ibid.

²³1980 Census of Population, General Social and Economic Characteristics, Virginia, Table 180. By 1986 the estimated median family income in the County was reported to be \$21,741, while the similar statistics for the State collectively was \$31,148. [John L. Knapp and Robert W. Cox, Projected 1986 Median Family and Median Household Income in Virginia's Counties, Cities, MSAs, and Planning

population older and less affluent than that of the Commonwealth generally.

With respect to the nature of its development, the data indicate that Wythe County has experienced steady growth in commercial and industrial activity during the preceding five-year period. Statistics reveal that between March 1982 and March 1987 the number of non-agricultural wage and salary positions in the County grew from 7,263 to 8,776, or 20.8%.²⁴ However, in March 1987 the County's total civilian labor force contained 13,737 persons, indicative of the fact that a significant component of the County's labor force either continued to be engaged in agricultural activity, was required to seek employment outside the County or was unemployed.²⁵ Indeed, the evidence suggests that agricultural and forestal activities remain significant components of the County's economic base. As of 1987, there were 746 farms in Wythe County occupying a total of 143,474 acres (approximately 224 square miles), with the market value of the County's agricultural products totaling approximately \$23.0 million.²⁶ Moreover, 1986 data disclosed that 145,345 acres (approximately 227 square miles) in Wythe

Districts (Charlottesville: Tayloe Murphy Institute, University of Virginia, June 1986).] The statistics for the County include data for persons residing in the County's two incorporated towns.

²⁴Virginia Employment Commission, Population and Labor Force Data, 1982; and Covered Employment and Wages in Virginia for Quarter Ending March 31, 1987.

²⁵Virginia Employment Commission, Labor Force Estimates for the United States, Virginia and Virginia's MSAs, LMAs, Cities and Counties. Mar. 1987.

²⁶U. S. Department of Commerce, Bureau of the Census, 1987 Census of Agriculture, Advance County Reports, Wythe County, Virginia, Mar. 1989. In 1987 more than 41.6% (310) of the farm operators in the County were employed for 200 days or more in non-farm related activities. (Ibid., Table 5.)

County were considered forest land.²⁷ These statistics suggest the predominantly rural nature of the County. In sum, while Wythe County has experienced population growth during the past two decades, and while it has witnessed growth in non-agricultural wage and salary employment, it remains largely rural and sparsely populated. <

AREA PROPOSED FOR ANNEXATION

The area proposed for annexation in the agreement between the Town of Wytheville and Wythe County contains 6.17 square miles of territory, 1,102 persons, and, based on 1988 assessment data, \$33.2 million in total assessed property values subject to local taxation.²⁸ Thus, the area contains approximately 1.3% of the County's total land area, 4.3% of its population, and 4.6% of its total 1988 assessed property values subject to local taxation.²⁹ Based on its area and the 1988 population estimate, the area proposed for annexation has a population density of 179 persons per square mile, or almost five times that of the unincorporated portion of Wythe County (37 persons/square mile).

In terms of current development, the area contains approximately eight major residential subdivisions, the Fairview Industrial Park, and 10 commercial establishments. According to the most recent land use data, 7.2% of the area proposed for annexation is devoted to residential development, 1.0% to commercial enterprise, 3.5% to industrial activity, 3.4% to public and semi-public uses, with 85.1% of the area (3,358

²⁷U. S. Department of Agriculture, Forest Service, Forest Statistics for the Southern Mountains of Virginia, 1986. The Forest Service defines "forest" land as property being at least 16.7% stocked by forest trees of any size, or formerly having had such tree cover and not currently developed for non-forest use. Such property may also be included in the Census Bureau's definition of "farm land."

²⁸Town Submission, pp.32, 34.

²⁹Ibid., pp. 32, 34, 148.

acres) remaining vacant or engaged in agricultural production.³⁰ Exclusive of land restricted in its development potential due to environmental constraints (located on slopes greater than 20% or in the floodplain), the area proposed for annexation contains 3,041 acres of land suitable and generally available for development.³¹ In sum, although the area proposed for annexation is predominantly vacant, it presently contains significant focal points development.

STANDARDS FOR REVIEW

As indicated previously, the Commission on Local Government is charged with reviewing proposed interlocal settlements negotiated under the authority of Section 15.1-1167.1 of the Code of Virginia for the purpose of determining whether such settlements are "in the best interest of the Commonwealth". In our judgment, the State's interest in this and other proposed interlocal agreements is fundamentally the preservation and promotion of the general viability of the affected localities. In this instance the Commission is required to review an interlocal agreement which provides for (1) an annexation by the Town of 6.17 square miles of territory in Wythe County, (2) the Town's adoption and application of use value assessment for qualifying agricultural and horticultural properties, (3) the Town's construction of specified public facilities in areas annexed during the seven-year period following the effective date of annexation, and (4) the Town's reimbursement of Wythe County for the local portion of the construction cost of an industrial access road in the area proposed for annexation.³²

³⁰Glass, letter to staff of Commission on Local Government, June 15, 1986. The area proposed for annexation contains approximately 1,760 acres that will be subject to the Town's proposed use value assessment ordinance. (Ibid.)

³¹Glass, communication with staff of Commission on Local Government, June 30, 1989.

³²In an agreement dated October 14, 1986 between Wythe County and the Virginia Department of Transportation (VDOT), the County was allocated \$250,000 from the Department's Industrial Access Road fund for the construction of a road into the Fairview Industrial Park. These

A proper analysis of the proposed Town of Wytheville - County of Wythe Settlement Agreement, as mandated by statute, requires consideration of the ramification of these provisions with respect to the future viability of the two jurisdictions.

INTERESTS OF THE TOWN OF WYTHEVILLE

Land for Development

As noted previously, based on 1989 data the Town of Wytheville contains approximately 2,335 acres of undeveloped property, constituting 44.2% of its total land area.³³ Excluding from this total, however, property situated on slopes greater than 20%, located in the floodplain, or actively used for agricultural purposes, the Town has 1,008 acres of vacant land (19.1% of its total land area) generally suited for various forms of development.³⁴ Town officials have advised, however, that much

roads constructed by VDOT must provide access to industrial operations containing investment in new manufacturing facilities and/or equipment equal to ten times the cost of the road. Under the terms of the contract with VDOT, Wythe County issued an irrevocable letter of credit in the amount of \$250,000 to reimburse the State in the event the facility served by the access road does not contain an investment exceeding \$2.5 million on or before January 1, 1989. Under the terms of the proposed agreement, the Town will deposit in a special account all real property taxes collected from the area encompassing the Fairview Industrial Park for a period up to two years following the effective date of annexation. If the County is required to reimburse VDOT for the access road, the Town will pay to the County all funds held in the special account, not to exceed \$250,000. (Allen K. Williams, Resident Engineer, Wytheville Residency, Virginia Department of Transportation, communication with staff of Commission on Local Government, July 14, 1989; Gerald E. Fisher, State Secondary Roads Engineer, Virginia Department of Transportation, communication with staff of Commission on Local Government, July 24, 1989; and Town Submission, pp. 11, 12.)

³³Glass, letter to staff of Commission on Local Government, June 15, 1989.

³⁴Ibid. While the Commission on Local Government acknowledges that agricultural use is not a barrier to development, the Commonwealth has, as a matter of policy, determined that the preservation of agricultural lands is in the public interest. (Sec. 15.1-507 Code of Va.)

of the remaining vacant land is unsuitable for industrial or commercial purposes due to parcel size, multiple ownership, access to major transportation thoroughfares, or other locational concerns.³⁵ While this Commission recognizes that such factors are not absolute barriers to development, they are considerations constituting significant impediments which render vacant sites within the Town less attractive to prospective industries and businesses.

Finally, with respect to the Town's need for land for development, the Commission considers it important to note that the general viability of all localities rests, in part, upon the capacity of a community to attract and retain a heterogenous population. Given the scarcity and nature of vacant land in the Town, it is unlikely that Wytheville will be able to offer sufficient housing opportunities to younger families. In support of this concern are data indicating that between 1970 and 1980 the number of married couple families with children under age 18 decreased in the Town by 4.4%, while the number of such families in the County overall increased by 27.6%.³⁶ In sum, the evidence suggests that the Town of Wytheville has a need for additional land for development.

The proposed annexation would bring within the Town approximately 3,041 acres of vacant land generally suited for development. The development potential of the area proposed for annexation is suggested by its proximity to the major interstate and primary highways serving Wytheville and to the growth currently occurring contiguous to the Town's present corporate limits.³⁷ The proposed annexation will, in our

³⁵Town Submission, pp. 138-139.

³⁶1970 Census of Population, Characteristics of the Population, Virginia, Tables 31, 38; and 1980 Census of Population, General Population Characteristics, Virginia, Tables 37, 49.

³⁷Town Submission, p. 56. The Commission notes that Interstate Highways 81 and 77 and U. S. Highways 11, 21, and 52 transit the area proposed for annexation. Further, the development occurring in areas adjacent to the Town includes the Fairview Industrial Park, which contains six industrial operations, ten commercial establishments and a number of residential subdivisions.

judgment, provide the Town with a significant amount of vacant land with considerable development potential.

Fiscal Assets and Public Service Liabilities

The Commission noted that the Town of Wytheville is the major service and employment center in Wythe County, and has experienced growth in its fiscal base in excess of that in the County generally in recent years. The data indicate that between 1984 and 1988 the total assessed value of real estate subject to local taxation within the Town increased by 19.3%, while such values in Wythe County as a whole increased by only 14.0%.³⁸ With respect to all forms of property, the same disparity in growth is evident. Between 1984 and 1988 the assessed value of all property subject to local taxation increased in the Town by 22.3%, while that in the County grew by 17.7%.³⁹ These data suggest that with respect to property assessables, Wytheville is growing more rapidly than the County generally.

In terms of total local revenue derived from property assessables between Fiscal Year 1983-84 and Fiscal Year 1987-88, the Town's receipts from its property tax base increased by 23.1%, while those for the County from the same classes of property grew by 37.5%.⁴⁰ It should be noted, however, that a significant portion of the growth in the County's local property tax revenues between 1984 and 1988 were a result of the increase in the property tax rate established by the County Board of

³⁸Ibid., p. 36; and County of Wythe, Virginia, Financial Report Year Ended June 30, 1988, Sch. 5 (hereinafter cited as Wythe County Financial Report.)

³⁹Town Submission, p. 36; and Wythe County Financial Report, Sch. 5. The County's assessed values for merchants' capital were not included in the comparison with the Town since Wytheville does not tax this classification of property. In 1988, merchants' capital assessed values comprised approximately 3% of the County's total assessed values. (Ibid.)

⁴⁰Auditor of Public Accounts, Commonwealth of Virginia, Comparative Cost of Local Government: Year Ended June 30, 1988, Exh. B.

Supervisors.⁴¹ Further, the data indicate that the Town does not depend as heavily on property taxes generally as Wythe County and most other Virginia localities. In Fiscal Year 1987-88, 19.4% of Wytheville's total local revenue was derived from property taxes, while such local taxes were the source of 58.7% of Wythe County's total local revenue for that year.⁴²

The proposed agreement will permit the Town to annex an area containing approximately \$33.2 million in assessed values subject to local taxation, which, based on 1988 assessment data, will increase the Town's total assessed property values by approximately 14.6%.⁴³ The area proposed for annexation is estimated to generate approximately \$262,000 in additional revenue annually for the Town. These additional receipts would represent 7.6% of the Town's 1988 general government revenues.⁴⁴

⁴¹Town Submission, p. 37. Between 1984 and 1988 the County increased its nominal tax rate on real estate by \$0.12 per \$100 of assessed value and more than doubled its tax rates on tangible personal property and machinery and tools. During the same period the Town decreased its nominal real estate tax rates by \$0.01 per \$100 of assessed value and did not change the rate for all other classes of property.

⁴²Comparative Cost of Local Government - Year Ended June 30, 1988, Exh. B.

⁴³Town Submission, p. 34.

⁴⁴Glass, letter to staff of Commission on Local Government, June 15, 1989; and Town of Wytheville, Audit Report, June 30, 1988, Exh. 2. The Commission observes, however, that following the effective date of annexation, customers in the annexed area will not be subject to the 50% surcharge the Town now imposes on customers outside the corporation for sewer and water connections, and the 75% surcharge for sewer and water services. Due to these reduced service charges, Town officials estimate that receipts into the Town's enterprise fund will be reduced by about \$120,000 annually for the first five years following the effective date of annexation. (Taylor S. Turner, Jr., Consultant, Town of Wytheville, communication with staff of Commission on Local Government, July 3, 1989.)

The annexation, however, will present the Town of Wytheville with certain public service responsibilities. The proposed agreement will require the Town to provide general public services to the citizens in areas annexed at the same level as currently provided within the present Town. In addition, the Town has identified specific capital improvements in the area to be annexed and has developed a seven-year plan to provide facilities to meet those needs.⁴⁵ In terms of extending services to the area proposed for annexation, the Town contemplates that it will be required to expend \$197,299 annually for operational purposes and an additional \$1,379,324 within a seven-year period for capital improvements in the area proposed for annexation.⁴⁶ In order to finance the capital expenditures needed in the area proposed for annexation, the Town proposes to issue bonds and utilize revenue from water and sewer service charges.⁴⁷

Based on the data cited previously, the Commission finds that the proposed annexation would bring within the Town's boundaries a reasonable balance of fiscal assets and public service liabilities.

⁴⁵Town Submission, pp. 10-11. The Agreement requires the construction of specified water and sewer facilities, the installation of street lights and specified road improvements.

⁴⁶Ibid., p. 158. Under the terms of the agreement the Town's seven-year capital improvements program for the area proposed for annexation will include the extension of 35,100 feet of water lines, 50,500 feet of sewer lines, 4,725 feet of road improvements and the installation of 195 street lights. (Ibid., pp. 154-156; and Glass, communication with staff of Commission on Local Government, June 27, 1989.)

⁴⁷Town Submission, p. 158. Since the Town had no outstanding general obligation debt as of June 30, 1988, it has available for use a legal debt limit of approximately \$17 million. (Ibid., p. 162.) In addition, the Town has approximately \$3.9 million in retained earnings in its water and sewer enterprise fund available for utility improvements in the area proposed for annexation. (Audit Report, Exh. 4.)

INTERESTS OF THE AREA PROPOSED FOR ANNEXATION

Community of Interest

One of the factors appropriate for consideration in the review of proposed settlement agreements is the strength of the community of interest which joins the area proposed for annexation to the adjacent municipality. In this case the evidence suggests that the area proposed for annexation has significant ties to the Town of Wytheville.

First, the data reveal that the Town of Wytheville is the source of certain public services to the area proposed for annexation. The Commission notes that the Town is presently providing water and sewer services to a substantial number of the annexation area's population and business establishments.⁴⁸ Further, the Town's fire department serves all the proposed annexation area.⁴⁹ In addition, Wytheville's recreational facilities and programs serve the residents of the general area.⁵⁰

Second, the Town is a focal point of economic activity in Wythe County. Employment statistics indicate that, as of 1980 (the most recent available), 5,104 persons from the unincorporated portion of

⁴⁸Town Submission, pp. 51, 56-57. Approximately 37% (168) of the total number of businesses and residences in the area proposed for annexation currently receive sewer service from the Town, and approximately 41% (186) of such facilities and residential units receive water service from the Town.

⁴⁹Ibid., p. 82.

⁵⁰Ibid., p.152. The recreational facilities are the Wytheville Community Center and the 3.5 acre Elizabeth Brown Memorial Park. In addition, the McWane Swimming Pool and adjoining paved basketball area, which had been leased to the Town by the Wythe County School Board, was deeded to the Town in March 1989. Although the pool was closed in 1987 due to deteriorating conditions, the Wytheville Town Council currently is reviewing proposals to renovate the pool and expects to have public swimming available to Town and County residents in 1990. (Ibid., pp. 95-97.)

Wythe County were employed within the Town.⁵¹ The evidence reveals that, as of 1982 (the latest year for which such data are available), the Town contained 66.0% of the County's retail businesses, 86.0% of its service establishments, and 78.6% of its wholesale firms.⁵²

Third, the presence of approximately 70 public and semi-public facilities in the Town and area proposed for annexation increases the relationship between the municipality and the area proposed for annexation. Those facilities include 21 government offices, 13 schools (public and private), 18 recreational facilities, and more than 20 churches. In addition, the Town is the center for more than 90 professional services, nonpublic community facilities, health care facilities, and community service organizations.⁵³ Finally, geographical considerations foster the community of interest between the Town and adjacent areas and diminish their relationships with outlying communities.⁵⁴

For the reasons cited above, the Commission finds that the area proposed for annexation has a strong and pervasive community of interest

⁵¹Ibid., p. 123.

⁵²U. S. Department of Commerce, Bureau of the Census, 1982 Census of Retail Trade, Virginia, Nov. 1984, Table 8; 1982 Census of Service Industries, Virginia, Nov. 1984, Table 8; and 1982 Census of Wholesale Trade, Virginia, Oct. 1984, Table 8. The Bureau of the Census defines "retail" trade as those establishments engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of those goods. "Service" industries are defined by the Bureau of the Census as those primarily engaged in rendering a wide variety of services to individuals and business establishments (e. g., hotel and motels and personal, business, legal and repair services). "Wholesale" establishments are defined as those which are primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional users; or to other wholesalers.

⁵³Ibid., pp. 126-133.

⁵⁴Ibid., p. 32. The nearest significant concentration of development to the Town of Wytheville is the Town of Rural Retreat. The size of the latter municipality (1,100 persons) and its distance from the area proposed for annexation suggest the interdependence of the Town of Wytheville and the area to be annexed.

with the Town. Such a community of interest supports the proposed annexation.

Need for Urban Services

The 6.17 square miles of territory proposed for annexation by the Town of Wytheville are estimated to contain a population of 1,102 persons, giving the area a population density of 179 persons per square mile. While approximately 85.0% of the area proposed for annexation is currently vacant or in agricultural use, the area does contain several residential concentrations, 10 commercial establishments, the Fairview Industrial Park, and many public and semi-public facilities. In addition, forecasts by the Town, with which we concur, predict continued development in the areas adjacent to the municipality, with commercial activity expected to occur in the vicinity of the interchanges for Interstate Routes 81 and 77, and along U. S. Routes 11, 21, and 52, all of which connect with the two interstate highways. Thus, the evidence indicates that the area proposed for annexation will experience future development and will increasingly need additional urban services.

Water Supply and Distribution. The Town of Wytheville is the only source of treated water available to the residents of the Town and the area proposed for annexation.⁵⁵ The Town's water treatment plant utilizes Reed Creek as its raw water source, and according to its rated capacity, can receive and treat 4.0 million gallons per day (MGD).⁵⁶ Since the Town's present water distribution system required approximately 2.86 MGD in 1988, the system currently retains an unused capacity of 1.14 MGD.⁵⁷ This reserve should be sufficient to meet the needs of the Town and the areas covered by the annexation agreement for

⁵⁵Ibid., p. 57.

⁵⁶Ibid., p. 52. The Town increased the capacity of the water treatment plant from 1.0 MGD to 2.0 MGD in 1965, and doubled the capacity of the plant to 4.0 MGD in 1986. (Ibid.)

⁵⁷Ibid., p. 52.

the foreseeable future.⁵⁸

The Town's water distribution system currently serves 3,006 connections, with 186 being located in the area proposed for annexation.⁵⁹ Water is distributed by the Wytheville system through 55.67 miles of transmission lines, of which 2.45 miles are located in the area proposed for annexation.⁶⁰ In terms of storage capacity, the Town has three storage tanks, which collectively hold 4.0 million gallons of treated water.⁶¹

With respect to the interests of the residents of the area proposed for annexation, the Commission notes that the settlement agreement between the Town and County requires Wytheville to install approximately 35,000 feet of water lines in the areas annexed within seven years following the effective date of annexation.⁶² Further, since Wytheville places a surcharge on its connection fees and water rates for non-resident customers, the proposed annexation will result in substantially reduced charges for water services for those residents and businesses incorporated into the Town.⁶³

⁵⁸Ibid., p. 56.

⁵⁹Ibid. Even though Wytheville does not have a mandatory connection policy, all but nine residences within the Town are connected to the system.

⁶⁰Ibid., p. 54.

⁶¹Ibid., p. 55. As part of the expansion of its water system in 1986, the town constructed two 1.75 MG ground storage tanks.

⁶²Ibid., p. 154. The proposed agreement requires Wytheville to install 22,600 feet of water lines at an estimated cost of \$260,000 within two years following the effective date of the annexation and an additional 12,500 feet of water line at an estimated cost of \$179,000 within seven years following the effective date of the annexation. (Turner, communication with staff of Commission on Local Government, June 26, 1989.)

⁶³Town Submission, p. 57. For non-residents, the connection fee is 50% greater and the water rates are 75% greater than for Town residents.

In sum, the proposed annexation will result in the extension of water service to additional connections in the annexed area and lower water rates for the areas's customers.

Sewage Treatment. The Town's sewage treatment plant, which was constructed in 1977, has a rated capacity of 2.0 million gallons per day (MGD). In 1988 the actual average daily flow to the Town's plant was 1.864 MGD, leaving a reserve capacity of only 0.136 MGD.⁶⁴ The Commission notes, however, that expansion of the existing facility to receive and treat 4.0 MGD is scheduled to begin in the spring of 1990, and, once completed, the Town will have sufficient capacity to meet the future sewage treatment needs of the general area.⁶⁵ In addition, in 1978 the Town implemented an on-going program to reduce the inflow of stormwater and the infiltration of groundwater into its sewer lines, and, to date, over 16,000 feet of gravity sewer lines have been replaced, repaired or relined.⁶⁶ This program has the effect of increasing the utility of the Town's sewage treatment facility.

The Town's present sewage collection system consists of approximately 284,700 linear-feet of gravity lines and force mains located within and beyond Wytheville's present boundaries.⁶⁷ The Town's collection system provides service to 2,734 connections,

⁶⁴Ibid., p. 48

⁶⁵C. Wayne Sutherland, Jr., Town Manager, Town of Wytheville, communication with staff of Commission on Local Government, Aug. 29, 1989. The Town must submit its plan for the expanded facility to the State Water Control Board by November 1, 1989. The cost of the expansion is estimated to be approximately \$4.5 million and will be financed using either local funds or bond proceeds, or funds from both sources. (Town Submission, p. 48.)

⁶⁶Town Submission, p. 46. Since 1978 the program has resulted in a 42% reduction of infiltration and inflow into the Town's sewerage lines.

⁶⁷Ibid., p. 45. Approximately 11,000 linear-feet of gravity lines and force mains are located in the area proposed for annexation. In addition, the annexation area contains two of the Town's sewage pump stations. (Ibid.)

including 168 in the area proposed for annexation.⁶⁸ Further, it should be noted that the Town of Wytheville is the only source of centralized sewage treatment presently available to serve the area proposed for annexation. Residents of that area not served by Wytheville are dependent on individual septic tanks or pit privies.⁶⁹

Under the utility commitments in the proposed agreement, the Town will construct within the annexation area various sewer facilities following the effective date of the annexation.⁷⁰ Further, since Wytheville places a surcharge on sewer connection fees and sewer service fees for non-resident customers, the cost of sewerage service will be reduced in the areas annexed by the Town.⁷¹

In sum, the area proposed for annexation should benefit from the extension of the Town's central sewage collection and treatment facilities, and the need for such facilities will increase with the further development of that area.

Solid Waste Collection and Disposal. The Town of Wytheville provides its residents, at no charge, with weekly curbside solid waste

⁶⁸Ibid., pp. 50, 51.

⁶⁹Ibid., p. 51. During the past 15 years approximately 50% of the septic tanks in the Granite Acres Subdivision have failed. The Commission notes, however, that State health officials have not designated any health hazard areas in the area proposed for annexation. (J. W. Nidiffer, Sanitarian, Wythe County Health Department, communication with staff of Commission on Local Government, June 27, 1989).

⁷⁰Ibid., p. 155. The initial sewerage projects will result in the extension of sewer lines to the Granite Acres, Cline, Dunford, and Havens Subdivisions during the first two years following the effective date of annexation. These initial improvements will entail the construction of 31,500 feet of lines at a cost of approximately \$512,000.

⁷¹Town Submission. For non-resident customers, the sewer connection fee is 50% greater and the sewer service fees are 75% greater than for customers in the Town.

collection services.⁷² The Town, however, does not provide refuse collection services to its commercial and industrial establishments.⁷³ Wytheville disposes of its refuse at a municipally-owned 17-acre landfill which is located adjacent to the Town on State Route 649.⁷⁴

Wythe County does not provide any door-to-door solid waste collection services to individual residences or business concerns. The County does offer, however, a bulk container service, with "green boxes" being situated throughout the unincorporated portion of the County for solid waste disposal. Located in the area proposed for annexation are two sites containing collectively 11 "green boxes" for the disposal of solid waste material.⁷⁵ The County of Wythe disposes of its refuse at a County-owned 90-acre landfill which is located about 1.5 miles southeast of the community of Speedwell.⁷⁶

Following the effective date of the annexation the Town will extend its solid waste collection and disposal services to the area annexed. In order to meet the demand for services in the annexed area, the Town has indicated it plans to employ two additional workers at an annual

⁷²Ibid., p. 64. In addition, the Town provides for the seasonal collection of leaves and yard debris during the spring and fall at no additional charge.

⁷³Ibid., p. 65. Private business firms may transport their own solid waste to the Town's landfill or may engage the services of a private contractor for refuse disposal services.

⁷⁴Ibid., p. 65. The landfill has a remaining life span of three to five years. All residents and businesses in the Town can use the landfill without charge. Commercial refuse collectors, however, must obtain a business license to use the landfill. (Ibid.)

⁷⁵Ibid., p. 66; and Glass, letter to staff of Commission on Local Government, June 8, 1989.

⁷⁶Billy R. Branson, County Administrator, County of Wythe, communication with staff of Commission on Local Government, July 3, 1989.

cost of \$18,000.⁷⁷ Residents of the area proposed for annexation should benefit from the Town's solid waste collection and disposal services.

Crime Detention and Detection. Since the law enforcement activities of Virginia towns augment those provided by county Sheriff's departments, the proposed annexation by the Town of Wytheville would have the effect of providing additional and more intensive law enforcement services to residents of the area annexed. The Town presently has 19 full-time sworn law enforcement personnel, of which 13 are assigned to patrol responsibility.⁷⁸ With a staffing level of 19 sworn law officers, the Town is able to provide one sworn officer for every 383 Town residents, to maintain on duty a minimum of three patrol officers per eight-hour shift, and to permit an average response time to emergency calls of less than three minutes.⁷⁹ The Town's criminal justice efforts also are assisted by Wythe County's provision of jail facilities and by the activities of the County Sheriff's Department with its total personnel complement of 30 positions, of whom 23 are available for patrol service.⁸⁰ It should be noted also that the Town maintains an organized crime prevention program, with two officers assigned to those programs on a part-time basis.⁸¹

⁷⁷Town Submission, pp. 151, 160.

⁷⁸Ibid., pp. 72, 79. In addition, the Town has one parking enforcement officer, five dispatchers and a part-time animal control officer. The five dispatchers also serve as firemen in the Town's volunteer fire department. During 1988 the department answered 3,709 calls for service, or 285 calls per patrol officer. Town police also responded to 24 calls for service in the area proposed for annexation. (Glass, letter to staff of Commission on Local Government, June 8, 1989.)

⁷⁹Ibid., pp. 73-74, 78.

⁸⁰Ibid., p. 80. The remaining seven deputies are used for court security and service of civil process.

⁸¹Ibid., pp. 77-78. Collectively, these officers have completed 56 hours of crime prevention training. The Town's crime prevention program includes seminars for bank employees, senior citizens and students and neighborhood watches within Wytheville.

In order to extend the Town's law enforcement services to the area proposed for annexation, the Town proposes to add three patrolmen to the police department and to purchase one additional police car.⁸² Although the Commission has not been informed of any major crime problems in the area proposed for annexation, the anticipated growth of the area can be expected to result in a need for intensified law enforcement services in the future. In our judgment, the Town of Wytheville can be expected to meet that need.

Public Works. The proposed annexation will result in the application of the Town's policies and procedures for the construction and maintenance of various public works in the areas annexed. The Town's policies and procedures are, in the Commission's judgment, properly designed to meet the needs of urbanizing areas and should be increasingly beneficial to the areas annexed.

First, the Town of Wytheville will assume responsibility for the construction and maintenance of roads in the annexed area. In our judgment, the ability of the Town to schedule and administer the maintenance of its public thoroughfares, as well as its apparent willingness to appropriate and expend local funds for that purpose, will benefit the annexed area. With respect to the latter point, the data indicate that between Fiscal Years 1982-83 and 1986-87, the Town of Wytheville expended approximately \$1.2 million of local funds to improve and maintain approximately 149 lane-miles of public roadway within its corporate boundaries.⁸³

⁸²Ibid., p. 151. The estimated additional operating expense to the Town to provide law enforcement services to areas annexed is \$80,000 annually. (Ibid., p. 160.)

⁸³Ibid., pp. 112, 114. Among these improvements were the reconstruction and paving of approximately 1.5 miles of unpaved road and the widening of approximately 8.0 miles of roadway.

The proposed annexation will add approximately 17.2 lane-miles of public thoroughfares to the Town's road network.⁸⁴ Data concerning the condition of thoroughfares in the area proposed for annexation, however, reveal that there are 3.6 lane-miles of roadway in that area which do not qualify for State maintenance payments.⁸⁵ In its plans to serve the area proposed for annexation, the Town has indicated that it is prepared to assume responsibility for the maintenance of all the public thoroughfares in the areas annexed.⁸⁶ Further, under the terms of the proposed agreement, Wytheville will make certain specified road improvements within the seven-year period following the effective date of the annexation.⁸⁷

Second, The Town of Wytheville will also assume responsibility for snow removal from public thoroughfares in the area proposed for annexation. According to Town officials, the municipality adheres to a policy that gives priority to snow removal from primary routes, and

⁸⁴Ibid., p. 114. The Town estimates it will receive an additional \$99,299 annually for street maintenance purposes from the State. (Glass, letter to staff of Commission on Local Government, June 15, 1989.)

⁸⁵Glass, letter to staff of Commission on Local Government, June 8, 1989.

⁸⁶Ibid. The Town has agreed to accept private roads into its public street system for maintenance purposes. If those private thoroughfares have (1) a minimum of five dwelling units located along the roadway, (2) a fifty-foot right-of-way which can be dedicated to the Town in order that the road might be accepted into the public street system; and (3) pavement existing on the entire width of the road at the time of incorporation into the Town. (Glass, letter to staff of Commission on Local Government, June 20, 1989.)

⁸⁷Town Submission, pp. 153, 156. During the first year of annexation, the Town estimates that it will be required to employ four additional workers, obtain a dump truck, and to expend an additional \$99,299 for the maintenance of the streets in the annexed area. The proposed agreement will require Wytheville to widen and pave 3,125 feet of roadway within two years following the effective date of annexation at a cost of \$75,000. Further, the agreement also requires Wytheville to pave State Route 647 (Lover's Lane) within seven years following the effective date of annexation at a cost of \$38,400. (Turner, communication with staff of Commission on Local Government, July 3, 1989.)

"collector" streets, with other thoroughfares receiving deferred treatment.⁸⁸ During the Fiscal Years 1982-83 through 1986-87, the Town expended \$102,206 for snow removal services and, upon annexation, is prepared to extend appropriate snow removal services to the area annexed.⁸⁹

Third, the Town of Wytheville adheres to a policy by which it will install, maintain, and operate streetlights at public expense.⁹⁰ As of May 1989, this policy had resulted in the Town's installation and operation of 586 publicly funded streetlights within its corporate limits.⁹¹ In order to extend appropriate service to the area proposed for annexation, the Town proposes to install, and operate, at public expense, approximately 195 streetlights at appropriate locations.⁹² In our judgment, the area proposed for annexation would benefit from the application of the Town's policy regarding the installation and operation of these facilities.

⁸⁸Glass, letter to staff of Commission on Local Government, June 8, 1989. The Town's priorities for snow removal are generally in accord with those followed by the Virginia Department of Transportation and therefore are appropriate for municipal service. (Williams, communication with staff of Commission on Local Government, July 31, 1989.)

⁸⁹Town Submission, p. 120. This sum averages approximately \$20,000 per year of Town funds expended for snow removal.

⁹⁰Ibid., p. 117. The Town's policy is to install streetlights at every intersection and along public street right-of-ways at intervals of 200 - 400 feet. The Town also considers requests from residents for the installation of new streetlights on an individual basis. (Ibid.)

⁹¹Ibid. It is estimated that the Town expended approximately \$44,000 for street lighting in FY1987-88. Wytheville contracts with the Appalachian Power Company to install and maintain the Town's street lights.

⁹²Glass, communication with staff of the Commission on Local Government, June 27, 1989. The Commission also notes that there are no public streetlights in the area proposed for annexation. (Town Submission, p. 118.)

Planning, Zoning and Subdivision Regulation. The Town of Wytheville established its first planning commission in 1964 and currently operates under a revised comprehensive plan which was adopted in April 1989.⁹³ Further, the Town has subdivision and zoning ordinances to assist in the management of its development.⁹⁴ The Town's zoning ordinance was originally adopted in 1950 and completely revised in 1969. Since 1969, amendments to the ordinance have been made on a regular basis in order to maintain the relevancy of the ordinance to changing land-use requirements and regulatory needs of the Town.⁹⁵ The subdivision ordinance, which was adopted in 1954, requires developers to meet the requirements of the Virginia Department of Transportation for the construction of new roads in subdivisions, but does not require the installations of sidewalks, curb and gutter.⁹⁶ Further, the Commission notes that the Town has adopted a five-year capital improvements program as part of its comprehensive planning process.⁹⁷ In our judgment, Wytheville has an effective set of instruments for planning and directing growth in the areas on its periphery. The Town's public planning, zoning and subdivision instruments, and other ordinances

⁹³Town Submission, p. 68.

⁹⁴Ibid., pp. 69-70. Wythe County also has a planning commission, a comprehensive plan that was prepared in 1976, and a subdivision ordinance. The County, however, does not have a zoning ordinance. (Ibid., p. 71.)

⁹⁵Town of Wytheville, Zoning Ordinance, Ordinance No. 640. In this regard, the Commission notes that the Town's zoning ordinance has separate articles pertaining to townhouses, planned unit developments, condominiums, outdoor advertising, and flood plains. (Ibid.) The addition of the flood plain amendment to the zoning ordinance in 1978 made Wytheville eligible to participate in the National Flood Insurance Program. (Town Submission, p. 70.)

⁹⁶Town of Wytheville, Subdivision Ordinance. Ordinance No. 652. It is the Town's policy, however, to bear the construction costs for all curb and gutter, and sidewalks when they are included in a scheduled street improvement project. Moreover, requests from property owners are reviewed by the Town's street committee which recommends projects based on need or the Town's annual street improvement program. (Town Submission, p. 112.)

⁹⁷Town Submission, p. 70.

should benefit the area proposed for annexation.

Other Service Considerations. The Commission notes that with respect to certain public services provided by the Town, residents of the area proposed for annexation will not experience any immediate change in service level as a result of their incorporation into the municipality. In terms of fire prevention and protection, recreational services, and housing, the proposed annexation will have little immediate impact on the area to be annexed.

In regard to fire services, all of the area proposed for annexation is currently served by the Town's Fire Department.⁹⁸ The Fire Department, which is staffed with 5 paid and 25 volunteer firemen, responded to 218 calls beyond the Town's corporate limits during the five-year period between 1984 and 1988, inclusive.⁹⁹

The Town's fire suppression capabilities are such that properties within the corporate limits of the municipality are rated "6" in terms of their exposure to fire loss by the Insurance Services Office (ISO) of Virginia, while properties situated in that portion of the area proposed for annexation not presently served by the Town's water system have an

⁹⁸Ibid., p. 82. The Wytheville Volunteer Fire Department serves the Town of Wytheville and an area beyond the Town limits of approximately 7.0 square miles. (Brad Corcoran, Assistant Town Manager, Town of Wytheville, communication with staff of Commission on Local Government, July 3, 1989.)

⁹⁹Ibid., p. 86. The five paid firemen are employees of the Town who also serve as dispatchers for the Police Department. (Ibid., p. 82.) The average response time for fire calls within the Town is three to four minutes, and between five and six minutes in the area proposed for annexation. (Ibid., p. 87.) Between Fiscal Years 1982-83 and 1986-87 the Town provided \$220,571 in financial support to the Wytheville Fire Department, including funding for all of the department's operating expenditures. The Town also receives \$12,000 annually from Wythe County for fire protection in the Town's designated fire district. (Ibid., p. 85.)

ISO rating of "9".¹⁰⁰ Water system improvements required by the proposed agreement, including the installation of approximately 34 fire hydrants in the area proposed for annexation, should result in an improved ISO classification for additional residents in the area annexed.¹⁰¹

In terms of public recreational services, Wytheville has a full-time Department of Recreation and Community Activities, established in 1973, which currently employs four full-time and four part-time recreational personnel. Additional part-time personnel are employed throughout the year as required for program purposes.¹⁰² Residents of the area proposed for annexation currently participate in the recreational programs sponsored by the Town on the same basis as municipal residents, and utilize the Town's park and recreational facilities.¹⁰³

¹⁰⁰Glass, letter to staff of the Commission on Local Government, June 8, 1989. The ISO rating is based on a scale of "1 to 10" for comparison with other municipal fire protection systems and represents an indication of a system's ability to defend against a major fire which may be expected in any given community. Where protection class "10" is assigned, there is usually no, or minimal protection. Protection Class "1" represents a fire protection system of extreme capability. The principal features used by ISO in grading a community's fire system are water supply, fire department, fire communications, and fire safety control. [John L. Bryan and Raymond C. Picard, Managing Fire Services (Washington, DC: International City Management Association, 1979), p. 102]. Residential properties located more than five road-miles from a fire station are automatically assigned a protection Class "10" by the ISO.

¹⁰¹Glass, letter to staff of Commission on Local Government, June 8, 1989; and Map Exhibit 6 (Revised), June 8, 1989. The only fire hydrants currently available in the area proposed for annexation are in communities served by Town water. (Town Submission, p. 88.) Residential properties in the area proposed for annexation may qualify for a reduced ISO classification following the extension of Town water lines, if such properties are located within 1,000 feet of a fire hydrant.

¹⁰²Ibid., p. 94.

¹⁰³Ibid., pp. 100,107. During 1988 approximately 42% of the youth participants and 60% of the adult participants in the Town's recreation programs resided outside the corporate limits of the Town.

With respect to housing concerns, the Wytheville Housing and Redevelopment Authority administers 220 units of public housing and rental assistance units which are available to all residents of Wythe County.¹⁰⁴ The Town currently has an application pending with the U. S. Department of Housing and Urban Development for 50 additional units of housing for the elderly and 30 additional units of family housing which will similarly be available to County residents generally.¹⁰⁵

While the proposed annexation will not immediately affect the level of fire suppression, recreation, and housing programs in the area annexed, the Town's commitment to such service will increasingly benefit that area and its residents.

Summary of Service Needs

In the preceding sections of this report the Commission has endeavored to analyze the existing and prospective urban service needs of the area proposed for annexation and the ability of the Town of Wytheville to meet those needs. On the basis of the data previously cited, the Commission finds that the area proposed for annexation by the Town under the terms of the intergovernmental agreement will benefit from the extension of the Town's services and policies. Further, the Town is capable, in our judgment, of meeting the future needs of that area as it develops.

INTERESTS OF THE PEOPLE OF THE COUNTY

The annexation proposed in the agreement negotiated by the Town of Wytheville and Wythe County would have minimal adverse impact on the County. While the proposed annexation would reduce initially some of the County's minor revenue sources, all properties annexed by the Town

¹⁰⁴Ibid., p. 110.

¹⁰⁵Glass, letter to staff of Commission on Local Government, June 8, 1989.

would remain subject to taxation by Wythe County.¹⁰⁶ Further, the Town of Wytheville will assume the responsibility for the provision of certain services in the area annexed, such as law enforcement, refuse collection, and planning and development controls, that are currently being provided by County staff and resources. In addition, the proposed annexation will permit the Town to benefit from an immediate infusion of fiscal resources, will assure it of land for future development, and will, accordingly, increase its ability to serve the general area. The increased viability of the Town can be a positive factor in the promotion of the area's economy, with economic benefits accruing to the citizens of Wythe County generally.

Aside from the proposed annexation, there are other elements of the settlement which affect the interests of Wythe County. First, the agreement contains a provision which commits the Town to assess and tax all qualifying agricultural and horticultural properties within its boundaries under the State's use value assessment program. This provision is intended to help to preserve active agricultural and horticultural operations brought within Wytheville as a result of the proposed annexation. Second, the agreement commits the Town to the construction of specified public improvements in the area proposed for annexation during a seven-year period following the effective date of annexation. Those commitments will enable the area proposed for annexation to receive the public services required for its proper development. Third, the agreement contains a provision by which the Town assumes responsibility from the County for the reimbursement to the Virginia Department of Transportation for up to \$250,000 for the construction of the industrial access road serving the Fairview Industrial Park. This provision relieves the County of a substantial financial liability. In sum, these various provisions in the proposed agreement, coupled with the general benefits of the proposed annexation, are features of the settlement which are, in our judgment, in the best

¹⁰⁶Town Submission, p. 148. The estimated loss of revenue to the County will be \$51,724 from reductions in its receipts of ABC profits distributed by the State as well as from reductions in sales, motor vehicle, and consumer utility tax receipts. (Ibid., pp. 148, 149.)

interests of Wythe County.

FINDINGS AND RECOMMENDATIONS

Based upon our consideration of the impact of the proposed agreement on the viability of the Town of Wytheville and Wythe County and on the residents of those jurisdictions, we find the proposed agreement to be "in the best interest of the Commonwealth." While this Commission finds the proposed agreement consistent with statutory requirements and recommends its approval by the court, there are several additional issues which should be addressed in this report.

USE VALUE ASSESSMENT PROVISION

The General Assembly of Virginia has declared that it is the policy of the Commonwealth to endeavor to preserve the State's agricultural properties.¹⁰⁷ Consistent with that policy, and under the terms of the proposed agreement, the Town of Wytheville has agreed to adopt an ordinance instituting use value assessment for all qualifying agricultural and horticultural properties within its expanded boundaries as soon as possible following the effective date of the agreement and to continue that assessment program for " . . . an indefinite period of time."¹⁰⁸

This Commission recognizes the State's strong concern for the preservation of agricultural properties and fully concurs with the intent of the provision in the proposed agreement to reduce fiscal

¹⁰⁷Sec. 15.1-507, Code of Va.

¹⁰⁸See Agreement, Sec. II. All qualifying agricultural and horticultural properties within the enlarged Town will remain subject to the County's use value assessment program following the effective date of the annexation. Under the terms of the agreement, however, the Town has the option of repealing use value assessment at any time after the County rescinds its ordinance.

pressures on qualifying agricultural and horticultural operations brought within Wytheville's boundaries. Indeed, the Commission has recommended the adoption of use value assessment by annexing municipalities in most of the boundary change issues previously reviewed by this body. With respect to the issue before us, however, the Commission recommends that consideration be given to amending the proposed provision such that the Town would be committed a use value assessment program for a specified number of years. If unforeseen future circumstances require the Town to make adjustments to increase its local fiscal resources, the proposed modification to the agreement could provide additional flexibility to meet those needs.¹⁰⁹

COMPLIANCE WITH PREVIOUS ANNEXATION DECREE

During the Commission's public hearing on May 23, 1989 several residents of the area proposed for annexation contended that the Town of Wytheville had not complied with the service requirements imposed by the special three-judge court as a condition to the Town's previous annexation in 1978.¹¹⁰ Specifically, the residents asserted that Wytheville had not installed some of the utility lines nor made certain road improvements required by that court order.

¹⁰⁹Sec. 15.1-1167.1 (2), (6), Code of Va. The Commission notes that with respect to annexation actions filed pursuant to Article 1, Chapt. 25 of Title 15.1, Code of Va., special three-judge courts have required that annexing municipalities institute a use value assessment program pursuant to the court's power to establish terms and conditions of an annexation under Sec. 15.1-1042, Code of Va. [See Rockingham v. Harrisonburg, 224 VA 62 (1982)] To our knowledge, however, no court order has required a municipality to adopt a use value assessment program for a period commensurate with that of the adjacent county.

¹¹⁰With respect to annexation petitions instituted pursuant to Article 1, Chapt. 25 of Title 15.1, Code of Va., annexation cannot be decreed unless the special three-judge court finds that the annexing municipality has "substantially complied" with the conditions of the preceding annexation order. [See Sec. 15.1-1041(e), Code of Va.] In accordance with statutory requirements applicable at that time, the court order effecting Wytheville's 1978 annexation required the Town to complete the capital improvements in the areas annexed within the five-year period commencing January 1, 1978.

In response to these concerns, the Commission reviewed the prior annexation decree as well as documentation provided by the Town describing the public improvements installed in the area annexed in 1978. With respect to the issue of utility lines, the annexation decree required Wytheville to install certain water and sewer lines in accordance with exhibits submitted by the Town to the court at the time of the annexation proceedings. Since the Town was not awarded all of the territory originally sought in its petition, Wytheville did not undertake the public improvements which were shown on the exhibits for areas not annexed.¹¹¹ Further, due to construction of Interstate Highways 77 and 81 in the area annexed, the Town was granted an extension by the special three-judge annexation court to delay the installation of certain utility lines which would be affected by the pending changes in the transportation network serving the eastern end of Wytheville.¹¹² The Commission notes, however, that the construction of those utility lines has been completed.¹¹³

¹¹¹The court order stated that the Town was to install facilities shown on the exhibits "as applicable to the annexed area." (See Order of Annexation, Town of Wytheville v. Wythe County, Sep. 30, 1977.)

¹¹²Order, Town of Wytheville v. County of Wythe, Dec. 29, 1982. The reconvened special three-judge court extended the deadline for the installation of the water line to serve an area along and south of the service road of Interstate Highway 81 in the territory annexed in 1978 until ". . . a reasonable time after the acquisition of land for and the final location of the service road . . .," but no later than December 31, 1988. In addition, the installation of the sewer line to serve that area was delayed pending the final location of the service road, but that issue was not presented to the reconvened special three-judge court. The installation of that sewer line has also now been completed. (Glass, letter to staff of Commission on Local Government, June 8, 1989.) The Commission notes that the Virginia Department of Transportation did not permit the Town to begin the installation of the water and sewer lines to serve the eastern portion of the area annexed in 1978 until the completion of the interstate highway construction in the summer of 1987. (Glass, communication with staff of Commission on Local Government, Aug. 31, 1989.)

¹¹³Glass, letter to staff of Commission on Local Government, June 8, 1989.

With respect to the issue of road improvements, the evidence indicates that the Town completed all but one of the court-decreed requirements within the prescribed time period. The improvements to State Route 647 (Lovers Lane) were delayed, however, by interstate highway construction in the eastern portion of the Town. The delay in the improvements to State Route 647 was unavoidable due to the fact that the road was relocated due to the highway construction work.¹¹⁴ Upon completion of the right-of-way acquisition for the interstate highway east of Wytheville, the Town did make the court-decreed improvements to State Route 647.¹¹⁵

In sum, with respect to the mandated installation or improvement of public facilities in the areas incorporated into Wytheville in 1978, the court-ordered modifications to the Town's service plans and the inclusion of prospective utility lines on Town exhibits may have contributed to citizen misunderstanding of the timing and extent of the requirements imposed upon the Town. Based on the evidence reviewed by this body, the Commission finds that the Town has substantially complied with the service provisions of the prior annexation decree.

INTERVENORS CONCERNS

During the Commission's review of the proposed agreement, an issue was raised by six property owners located in the Laurel View Road section of the area proposed for annexation concerning road maintenance services to be provided by Wytheville following the effective date of

¹¹⁴Glass, letters to the staff of Commission on Local Government, June 8, 1989; and Aug. 4, 1989. The construction of Interstate Highways 77 and 81 relocated State Route 647 approximately 1,500 to 2,000 feet west of its 1978 location and necessitated a delay in the court-ordered improvements to that road.

¹¹⁵According to Town records, the improvements to State Route 647 were completed in 1985. (Glass, communication with staff of Commission on Local Government, Aug. 31, 1989.) The annexation statutes permit the adaptation or waiver of requirements of the provisions in annexation orders in instances where "compliance therewith [is] impossible, or [where] sufficient time for compliance has not elapsed." [Sec. 15.1-1042(e), Code of Va.]

the annexation. Specifically, the property owners, who reside in a subdivision served by a private road presently not maintained by the Virginia Department of Transportation (VDOT), requested that the road be taken into the Town's road system and that Wytheville provide general road maintenance for the road, including snow removal, at public expense.

With respect to this request, Town officials initially expressed concern that the road in question had not been constructed by private owners to standards which would permit its qualification for State maintenance assistance and that, accordingly, acceptance of the road into the Town's system would create a municipal liability without offsetting State support.¹¹⁶ At the request of the property owners living adjacent to the Laurel View Road, the Wytheville Town Council adopted a policy with respect to the acceptance of private roads into the Town's system for maintenance purposes. Under this policy, property owners in the area proposed for annexation are permitted to request that private roads be included in the Town's public street system even in instances where they fail to qualify for State maintenance payments.¹¹⁷

¹¹⁶In order for municipalities to receive payments from VDOT for the maintenance of public thoroughfares, roads must have a right-of-way of 50 feet and a pavement width of 30 feet or have been part of the State's secondary road system prior to annexation. (See Sec. 33.1-41.1, Code of Va.) The road serving the Laurel View area is a private thoroughfare, and while it has a platted 50 foot right-of-way, the pavement width is approximately 20 feet. Wytheville officials have indicated that because of the steep slopes located in the right-of-way of Laurel View Road, it would not be economically feasible for the Town to widen the pavement width to 30 feet in order to qualify for State road maintenance funds. (Glass, letter to staff of Commission on Local Government, June 20, 1989.)

¹¹⁷In order to be accepted into the Town's street system, a private road must have (1) a minimum of five dwelling units located along the roadway, (2) a fifty-foot right-of-way which can be dedicated to the Town if the road is accepted into the public street system; and (3) at the time of annexation, the existing roadway must be paved to a width of two travel lanes. Once approved for inclusion in the Town's street system, Wytheville will assume responsibility for patching of potholes, periodic repaving of the roadway, and snow removal for the surface width of the road at the effective date of the annexation. (Ibid.; and

Subsequent to the adoption of this policy, the Town Council approved the request of the property owners living adjacent to Laurel View Road to include that road in the Town's public street system for maintenance purposes.¹¹⁸ The Commission notes that while the Town's policy has the effect of ameliorating the immediate concerns of the Laurel View Road intervenors, it may also benefit other property owners located along private roads in the area proposed for annexation.¹¹⁹

CONCLUDING COMMENT

As this Commission has noted previously, the interest of the State in this and similar interlocal issues is, from our perspective, the development of a resolution which protects and promotes the viability of the jurisdictions involved and equitably addresses the interests of the affected residents. In our judgment, the proposed agreement meets those criteria.

Sutherland, communication with staff of Commission on Local Government, August 29, 1989.)

¹¹⁸Glass, letter to staff of Commission on Local Government, June 20, 1989.

¹¹⁹The Town estimates that based on the guidelines set forth in its private road policy, there may be several other roads in the area proposed for annexation that would qualify for acceptance into Wytheville's public street system. (Ibid.)

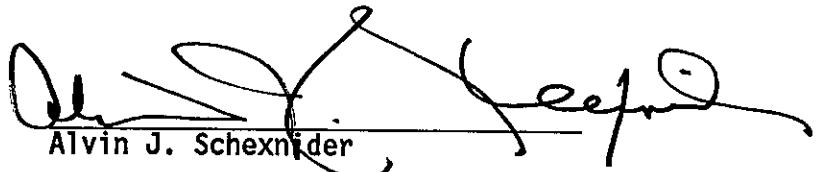
Respectfully submitted,


Frank Rafle, Chairman


Harold S. Atkinson, Vice Chairman


Mary Sherwood Holt


William S. Hubbard


Alvin J. Schexnider

APPENDIX A

SETTLEMENT AGREEMENT BETWEEN THE TOWN OF WYTHEVILLE
AND THE COUNTY OF WYTHE

This Agreement is made and entered into this 14th day of March, 1989, by and between the TOWN OF WYTHEVILLE, a political subdivision of the Commonwealth of Virginia, and the COUNTY OF WYTHE, a county of the Commonwealth of Virginia.

WHEREAS, the Town of Wytheville (the "Town") has determined that it is necessary and expedient to expand its current boundaries to include additional territory located within Wythe County (the "County") for the purpose of obtaining additional tax resources and vacant land suitable for development and for the orderly planning of the urbanizing territory surrounding the Town; and

WHEREAS, the Town Council and the County Board of Supervisors have determined that such a change of boundaries, subject to certain other terms and conditions, will benefit the citizens of the Town and the County; and

WHEREAS, the Town and the County, pursuant to Chapter 26.1:1 of Title 15.1 of the Code of Virginia (1950), as amended, have reached a voluntary settlement which provides for the annexation of certain territory, for the adoption of land use assessment in valuing real estate, and for the construction by the Town of certain capital improvements within the area to be annexed;

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the Town and the County agree as follows:

ARTICLE I

Voluntary Boundary Line Adjustment

Section 1.1. The corporate boundaries of the Town shall be modified and adjusted by the annexation to the Town of certain County territory (the "annexation area") which is described by metes and bounds on Exhibit A attached hereto and which is depicted on the map attached hereto as Exhibit B. The annexation area contains approximately 6.17 square miles.

Section 1.2. The annexation of said area shall be effective at midnight on June 30, 1989. If a special court, pursuant to § 15.1-1167.1 of the Code of Virginia (1950), as amended, has not entered an order prior to June 30, 1989 approving and affirming this Agreement, then the annexation shall be effective at midnight on the 31st day of December or at midnight on the 30th day of June following the date of entry of such order, whichever date is earlier.

Section 1.3. The Town shall cause the modified and adjusted boundaries of the Town to be surveyed and to be appropriately monumented. A copy of the survey description of the new Town boundaries and a map reflecting the same shall be submitted to the special court reviewing this Agreement and shall be incorporated in the final order approving and implementing this Agreement.

ARTICLE II

Town Adoption of Land Use Assessment

Section 2.1. Following the approval and affirmation of this Agreement by a special court, the Town agrees promptly to institute a land use assessment program by adopting an ordinance providing for the assessment and taxation of real estate within its boundaries pursuant to Article 4 of Chapter 32 of Title 58.1 of the Code of Virginia (1950), as amended. Such ordinance shall be applicable to real estate devoted to agricultural and horticultural uses, as defined in § 58.1-3230 of the Code of Virginia (1950), as amended, and at the Town's option, may also be applied to real estate devoted to forest and open-space uses. The land use assessment program shall become effective as soon as possible after the effective date of the boundary change occurring pursuant to Article I of this Agreement.

Section 2.2. Recognizing that the preservation of agricultural and horticultural land is in the public interest, the Town intends to maintain such a program of land use assessment for an indefinite period of time. However, the Town shall retain the right to repeal the land use assessment program at any time after the County repeals its land use assessment ordinance to the extent it is applicable to real estate within the County devoted to agricultural and horticultural uses.

ARTICLE III

Capital Improvements And Services Within Annexation Area

Section 3.1. Following the effective date of the boundary change occurring pursuant to Article I of this Agreement, the Town agrees that it will construct the water and sewer facilities depicted on the maps attached hereto as Exhibits C and D respectively, which facilities are designed to serve those portions of the annexation area having a need for such utility services presently or within the reasonably near future. Exhibits C and D show the approximate location for such utility improvements and the priority for their construction. The facilities within each phase of construction, as shown on Exhibits C and D, shall be completed within the following number of years after the effective date of the boundary change: Phase I - 2 years; Phase II - 4 years; Phase III - 7 years.

Section 3.2. The Town further agrees that it will install or cause to be installed street lights within those portions of the annexation area requiring such lighting, as depicted on a map attached hereto as Exhibit E, in accordance with the Town's current standards and policies. The installation of such street lighting shall be completed by the end of the third year following the effective date of such boundary change.

Section 3.3. Following the effective date of the boundary change, the Town further agrees to make such improvements to Tremone Drive, Lovers Lane (State Route 647), and Havens Subdivision as may be necessary to bring those roads up to

Town standards; provided, however, that the improvements to those roads shall be conditioned upon the donation of all required rights-of-way to the Town by the adjoining property owners. The improvements to Tremone Drive and Havens Subdivision shall be completed by the end of the second year following the effective date of the boundary change and the improvements to Lovers Lane shall be completed by the end of the seventh year following the effective date of the boundary change. Those portions of each road to be improved by the Town are shown on the map attached hereto as Exhibit F.

Section 3.4. Following the effective date of the boundary change, the Town shall extend its municipal services to the annexation area on the same basis as such services are now or hereafter provided to the area presently within its corporate limits.

ARTICLE IV

Fairview Industrial Park

Section 4.1. By agreement dated October 14, 1986 between the County and the Virginia Department of Highways and Transportation (the "Highway Department"), the County was allocated \$250,000 from the Industrial Access Fund to provide road access into the Fairview Industrial Park located off State Route 21/52 within the annexation area. Pursuant to that agreement (the "1986 Agreement"), the County agreed to reimburse the Industrial Access Fund for the total project expense or \$250,000, whichever was greater, less 10% of the eligible

industrial capital outlay of the eligible industry or industries served by the project. In consideration of the boundary change occurring pursuant to Article I of this Agreement, the Town is willing to assist the County, as provided in § 4.2, in the payment of such amounts as the County may be required to pay the Highway Department pursuant to the 1986 Agreement.

Section 4.2. Following the effective date of the boundary change, the Town agrees that it will deposit in a special account all real property taxes collected from the area encompassing the Fairview Industrial Park, as depicted on a map attached hereto as Exhibit G. Upon the County reimbursing the Highway Department pursuant to the 1986 Agreement, the Town shall pay to the County all funds held in the special account as of the date the County is required to make such payment to the Highway Department; provided, however, the Town shall not be required to pay the County from the special account any amount higher than the sum the County is actually required to pay the Highway Department, or \$250,000, whichever is less. In addition, the Town shall not be obligated to deposit in the special account or to pay to the County any real property taxes collected by the Town from the Fairview Industrial Park at any time after the date on which the County is required to make any such payment to the Highway Department or after two years from the effective date of the boundary change, whichever event should first occur. Upon payment by the Town of any sum required to be paid as described above, or upon a determination by the Highway Department that the County is not obligated to reimburse the Industrial Access Fund,

the Town shall be entitled to withdraw for its use any funds remaining in such special account.

ARTICLE V

Miscellaneous Provisions

Section 5.1. The Town and the County agree to initiate promptly the steps required by Chapter 26.1:1 of Title 15.1 of the Code of Virginia (1950), as amended, to obtain affirmation of this Agreement by the Commission on Local Government and a special court, and they shall cooperate in undertaking all necessary steps to complete such procedures.

Section 5.2. In the event the special court does not affirm and approve this Agreement without modification, it shall be null and void and of no further force and effect.


Section 5.3. This Agreement may hereafter be amended, modified, or supplemented, in whole or in part, by mutual consent of the Town and the County by a written document duly executed by authorized representatives of the Town and the County.

Section 5.4. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto, their assigns and any successors of the Town or the County.

Section 5.5. This Agreement shall be enforceable in a duly designated special court. In the event such a special court determines that it lacks jurisdiction to hear any such action, then any other court of competent jurisdiction may enforce the terms and conditions of this Agreement.

IN WITNESS WHEREOF, the governing bodies of the Town and the County have each by resolution caused this Agreement to be duly executed in several counterparts, each of which shall constitute an original, by their mayor or chairman, and attested by their clerks.

TOWN OF WYTHEVILLE, VIRGINIA

By 
Mayor

ATTEST:


Clerk of Council

COUNTY OF WYTHE, VIRGINIA

By 
Chairman, Board of Supervisors

ATTEST:


Board Clerk

METES AND BOUNDS DESCRIPTION OF THE AREA
PROPOSED FOR ANNEXATION

PARCEL A

Beginning at a point on the present Corporate Limit where it intersects with the western right-of-way of State Route 656, thence along the western right-of-way of State Route 656 in a northerly direction to its intersection with the southern right-of-way of Interstate 81, thence in a straight line across Interstate 81, to a point being the intersection of the northern right-of-way of Interstate 81 and the western right-of-way of Route 656, thence in a northerly direction along the western right-of-way of Route 656 to its intersection with the southern right-of-way of Route 21 and 52, then following the southern right-of-way of Route 21 and 52 westward to a point being the intersection of the southern right-of-way of Route 21 and 52 and a southerly extension of the western right-of-way of Route 656, thence from said point northward following the southern extension of the western right-of-way of Route 656 to its intersection with a point where the western right-of-way of Route 656 intersects with the northern right-of-way of Route 21 and 52, thence northward along the western right-of-way of Route 656 to its intersection with a westerly extension of the northern property line of parcel 24A-1-1, said line being an extension of the boundary line of the R. H. Crowgey Estate, thence following the western extension of said boundary line eastward to the northern line of parcel 24A-1-1 and continuing around the

REVISED 6/14/89

boundary of R. H. Crowgey Estate along the boundary of parcels 24A-1-24, 25, 26 and 27 to its intersection with the property line between parcels 25-19 and 25-17, thence eastward along said line approximately 250 feet to the centerline of a creek, thence northward along the centerline of the creek to its intersection with the line between parcel 25-14 and 25-17 thence eastward along the property line between 25-14 and 25-17 to the intersection with the southern right-of-way of Route 661 and following the southern right-of-way of Route 661 to its intersection with the western right-of-way of Route 660, thence eastward across Route 660 to a point being the intersection of the eastern right-of-way of Route 660, and the property line between parcels 25-48 and 25-44A, thence eastward along the property line between parcels 25-48 and 25-44A to a common corner between parcels 25-48, 25-44A, and 25-46, thence northeastward along the property line between parcels 25-48 and 25-46 to a point which is a common corner between parcels 25-48, 25-49, 25-47A, 25-46 thence from said corner along the line between parcels 25-46 and 25-47A and extended to its intersection with the line between parcels 25-47A and 25-44B, thence along said line in an easterly direction approximately 200 feet to the centerline of a creek, which is a tributary of Cove Creek, thence eastward along the centerline of the creek to a point being the intersection with the southern right-of-way of Route 659, thence in an easterly direction along the southern right-of-way of Route 659 to a point at the intersection with the western right-of-way of Route 603, thence from said point in a direction perpendicular to the western

REVISED 6/14/89

right-of-way of Route 603 to a point on the eastern right-of-way of Route 603, thence along the eastern right-of-way of Route 603 to its intersection with the centerline of a creek, said creek being a tributary of Cove Creek, thence eastward along the centerline of said creek to its intersection with the eastern right-of-way of Interstate 77, thence southward along the eastern right-of-way of Interstate 77 to its intersection with the property line between parcels 26-18A and 26-42, thence following said property line eastward to the southeast corner of parcel 26 - 18A, thence eastward approximately 1400 feet to the western corner of parcel 26-43, thence southeasterly along the line between parcels 26-43 and 26-42 to the north right-of-way of Route 610, thence extending said line across Route 610 to a point on the south right-of-way of Route 610 then from said point along the southern right-of-way to the northeast corner of parcel 26C-4-7, thence in a southeasterly direction following the back property line of parcels 26C-4-1,2,3,4,5,6,7 and 26C-1-11 to the southeast corner of parcel 26C-1-11, said corner being approximately on a fence line crossing parcel 26-40 in a southeasterly direction and terminating at a power transmission line. Thence along the southern boundary of parcel 26C-1-11 or an extension thereof to a point on the fence line or extension thereof, then in a southeasterly direction along the fence row or extension of said fence row to its intersection with the eastern right-of-way of a power transmission easement, said point being approximately 3,000 feet south of Route 610 measured along the power transmission easement, then from said

REVISED 6/14/89

point southwesterly to a point approximately 1,400 feet along the transmission easement, thence from said point in an easterly direction to the northern most corner of parcel 41-61, thence southeasterly along the line between parcels 41-61 and 26-39 to a point on the western right-of-way of Route 647, thence southwesterly along the western right-of-way of Route 647, to the center of a creek, thence southeasterly along the center of the creek to its intersection with the property line between parcels 27-40 and 27-1A to its intersection with the Corporate Limit of the Town of Wytheville, thence westward following the Corporate limit of the Town to the point of beginning.

PARCEL B

Beginning at a corner of the Corporate Circuit of the Town of Wytheville at the intersection of the east right-of-way of Route 21 and the center of Reed Creek, thence northward along the Corporate line, which follows the eastern right-of-way of Route 21 approximately 2757 feet, and eastward to the intersection with the center of Reed Creek, thence along the center of Reed Creek in a westerly direction to the point of beginning.

APPENDIX B

STATISTICAL PROFILE OF THE TOWN OF WYTHEVILLE, COUNTY OF WYTHE AND THE AREA PROPOSED FOR ANNEXATION

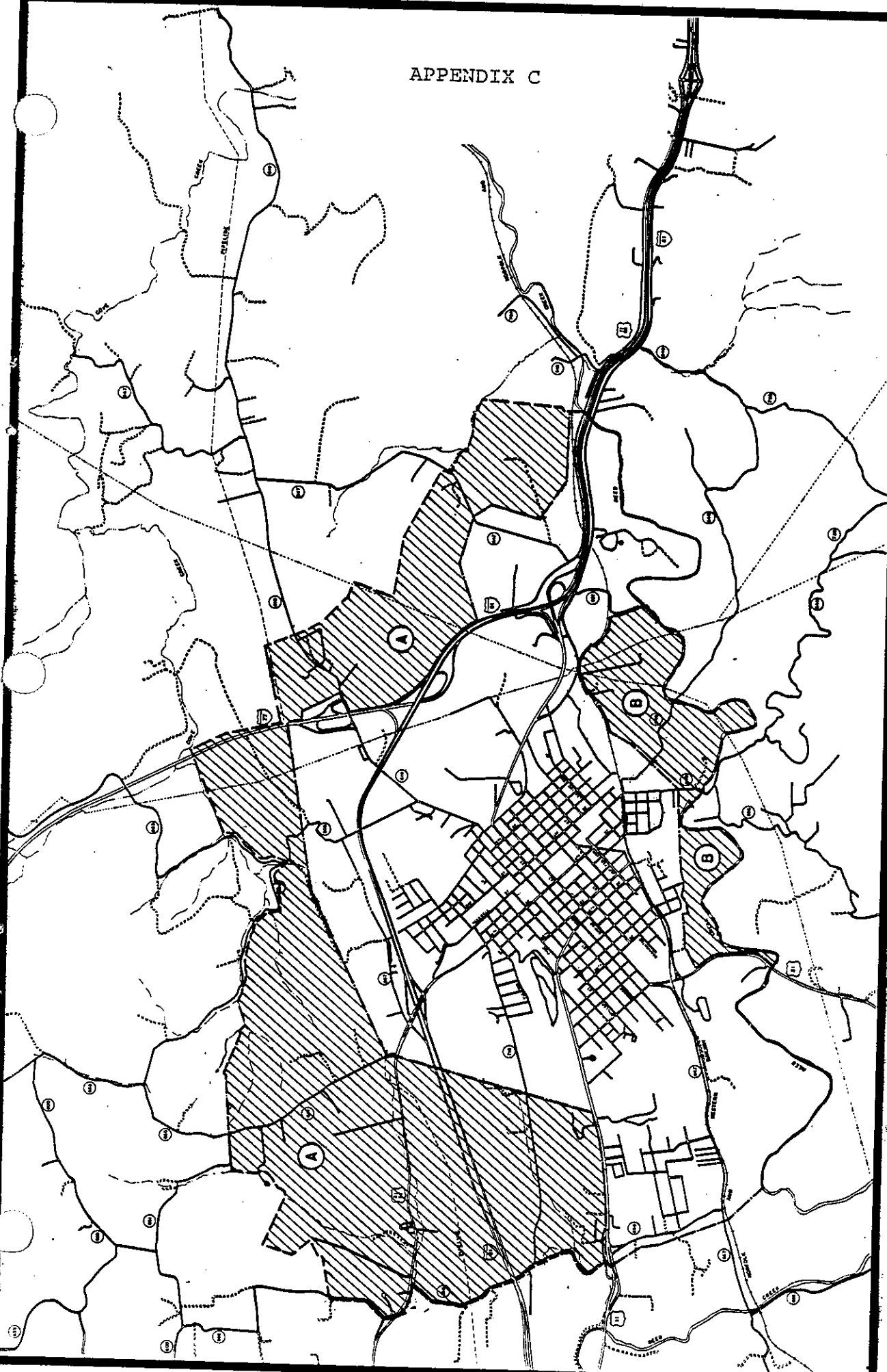
	<u>Town of Wytheville</u>	<u>County of Wythe</u>	<u>Area Proposed for Annexation</u>
Population (1986)	7,280	25,600	1,102
Land Area (Square Miles)	8.26	469.30	6.17
Total Taxable Values (1988)	\$226,993,342	\$727,414,411	\$33,175,683
Real Estate Values (1988)	\$175,056,242	\$539,596,245	\$29,110,000
Public Service Corporation Values (1988)	\$14,017,541	\$57,992,781	\$256,755
Personal Property Values (1988)	\$31,386,875	\$80,120,047	\$3,231,071
Merchants Capital Values (1988)	N/A	\$22,380,676	N/A
Machinery and Tools Values (1988)	\$5,526,901	\$18,468,130	\$267,857
Mobile Homes (1988)	\$860,187	\$8,856,532	\$310,000
Existing Land Use (Square Miles)			
Residential	1,423	N/A	285
Commercial	427	N/A	35
Industrial	158	N/A	137
Public and Semi-Public	943	N/A	133
Agricultural, Wooded or Vacant	2,335	N/A	3,358

NOTES: N/A = Not Available

SOURCES: Town of Wytheville, Town of Wytheville - County of Wythe Settlement Agreement, Mar. 1989.

Carter Glass, IV, Special Counsel, Town of Wytheville, letter to staff of Commission on Local Government, June 15, 1989

APPENDIX C



PROPOSED ANNEXATION AREAS

LEGEND:

▨ AREAS TO BE ANNEXED

MAP OF THE
TOWN OF WYTHEVILLE, VA.
AND ENVIRONS

PREPARED BY
R. STUART ROYER & ASSOCIATES, INC.
RICHMOND, VIRGINIA

MAP COMPILED FROM U.S.G.S. QUADRAANGLE SHEETS
JUNE 1989

GENERAL LEGEND:
TOWN OF WYTHEVILLE EXISTING
CORPORATE LIMITS
ANNEXATION AREA
BOUNDARIES

