

REPORT
ON THE
TOWN OF BRIDGEWATER -
COUNTY OF ROCKINGHAM
AGREEMENT DEFINING ANNEXATION RIGHTS



COMMISSION ON LOCAL GOVERNMENT
COMMONWEALTH OF VIRGINIA

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REPORT ON THE TOWN OF BRIDGEWATER - COUNTY OF ROCKINGHAM
AGREEMENT DEFINING ANNEXATION RIGHTS

PROCEEDINGS OF THE COMMISSION

On May 3, 1984 the Town of Bridgewater and Rockingham County formally submitted to the Commission for review a proposed agreement, negotiated under the authority of Article 1.1, Chapter 25 of Title 15.1 of the Code of Virginia, defining the Town's future annexation rights.¹ Consistent with the Commission's Rules of Procedure, the Town also submitted additional material to assist this body in its review of the proposed agreement.²

Subsequent to its receipt of the proposed agreement, the Commission met in Bridgewater on August 27, 1984 to tour the Town and relevant sections of Rockingham County, to receive oral testimony from local officials regarding the agreement, and to conduct a public hearing for the purpose of receiving citizen comment. The public hearing, which was advertised in accordance with Section 15.1-1058:2 of the Code of Virginia, was attended by approximately 35 persons but provided testimony from only 2 individuals. In order to allow additional opportunity for public comment, the Commission agreed to keep open its record of the proceedings for receipt of written testimony through September 27, 1984. Further, the Commission also solicited comment on the proposed agreement from other potentially affected local governments in the area.

SCOPE OF REVIEW

The Town of Bridgewater and Rockingham County have submitted their proposed agreement to the Commission for review pursuant to the provi-

¹Michael L. Hern, Attorney for the Town of Bridgewater, letter of formal filing of Proposed Agreement Defining Annexation Rights with Commission on Local Government, May 3, 1984. This letter included as attachments resolutions adopted by the Board of Supervisors, Rockingham County and by the Council, Town of Bridgewater on May 3, 1984 and April 10, 1984 respectively, authorizing the submission of the proposed agreement to the Commission for review.

²Town of Bridgewater, The Town of Bridgewater's Report to the

sions of Article 1.1, Chapter 25 of Title 15.1 of the Code of Virginia. Under the authority of that article towns may negotiate agreements with their counties which permit them to annex, in accordance with conditions specified in such agreements, merely by the adoption of a municipal ordinance. Thus, for annexations pursued under these agreements, the State's general annexation process by which annexation issues are decided by the courts subsequent to Commission review is supplanted by the simple and expedient process of annexation by town ordinance. In return for such authority, the town is required to renounce in perpetuity its legal right to seek city status.³

While town-county annexation agreements are to be developed locally and fashioned to meet the particular needs and circumstances of each community, there are certain statutorily prescribed conditions which must be met in their development. The Code of Virginia specifies that these agreements must provide for the regular and orderly growth of the town in a manner which assures that municipality of an equitable sharing of the area's resources and liabilities.⁴ Consistent with this statutory requirement, the Commission is directed to determine in its review whether the proposed agreement (1) provides for the orderly and regular growth of the town and county together, (2) permits an equitable sharing of the area's resources and liabilities, and (3) is in furtherance of the best interest of the community at large.⁵

Whatever the findings and recommendations of this Commission, the

Commission on Local Government in Support of Agreement Defining Annexation Rights Between the Town and Rockingham County (hereinafter cited as Town Report), May 7, 1984.

³Sec. 15.1-1058.3, Code of Va.

⁴Sec. 15.1-1058.1, Code of Va.

⁵Sec. 15.1-1058.2, Code of Va.

local governing bodies are free to adopt or reject the proposed agreement as they see fit following their receipt of the Commission's report. If, however, the Commission's review of the agreement is "unfavorable," the local governing bodies may not adopt the agreement until after they have jointly held an advertised public hearing on the issue.⁶

EVALUATION OF THE AGREEMENT

In brief, the principal provisions of the proposed agreement submitted by the Town of Bridgewater and Rockingham County would:

1. require the Town to renounce permanently its authority to seek city status;
2. authorize the Town to annex by ordinance certain areas in the County, identified as Phase 1A and Phase 1B areas, immediately upon adoption of the agreement;
3. authorize the Town to annex by ordinance within an additional specified area of the County (identified as Future Phases area) any time after the adoption of the agreement;
4. require the Town to take measures to protect agricultural properties which might be annexed under the agreement;
5. require the Town, simultaneously with the first annexation under the agreement, to equalize water and sewer rates charged customers located within the Future Phases area of the County with those rates charged customers within the Town's corporate boundaries; and
6. commit the Town not to seek to annex any other areas of the County until the entire Future Phases area is annexed.⁷

⁶Sec. 15.1-1058.3, Code of Va. It should be noted that State statutes authorize a town to proceed unilaterally to obtain an order defining its annexation rights in instances where it is unable to conclude an agreement with its county on the issue. (See Sec. 15.1-1058.4, Code of Va.)

⁷See Appendix A for the complete text of the proposed agreement.

As indicated previously, the Commission is required by law to evaluate the proposed Town of Bridgewater - Rockingham County agreement on the basis of three general criteria. The Commission is directed to determine whether the agreement (1) provides for the orderly and regular growth of the Town and County together, (2) permits an equitable sharing of the area's resources and liabilities, and (3) is in the best interest of the community at large. In the following sections of this report the Commission endeavors to analyze the proposed agreement on the basis of these criteria.

ORDERLY AND REGULAR GROWTH OF TOWN AND COUNTY

Demographic data indicate that during the decade of the 1970's population growth in the Town of Bridgewater closely paralleled that in Rockingham County generally. Between 1970 and 1980 the population of the County increased from 47,890 to 57,054 persons, or by 19.1%. During the same period the population of Bridgewater increased from 2,828 to 3,289 persons, or by 16.3%.⁸ Recent population estimates reveal, however, that since 1980 the County has experienced an increase in its population, while there has been a decline in the number of persons residing in the Town. According to these estimates, between 1980 and 1982 the County's population increased by 1.1%, while Bridgewater's populace declined by 3.0%.⁹

In terms of fiscal resources, the data indicate that between 1970 and 1982 the true value of locally assessed real property in Rockingham County increased from \$290.1 million to \$1,518.1 million,

⁸U. S. Department of Commerce, Bureau of the Census, 1980 Census of Population, Number of Inhabitants, Virginia, Table 4. In 1980 there were 952 persons, or 28.9% of the Town's total population, residing in college dormitories or institutions. (U. S. Department of Commerce, Bureau of the Census, 1980 Census of Population, General Population Characteristics, Virginia, Table 39.) See Appendix B for a statistical profile of the Town of Bridgewater, Rockingham County and the areas proposed for annexation.

⁹Hern, letter to staff of Commission on Local Government, June 7, 1984; and Julia H. Martin and Michael A. Spar, Estimates of the

or by 423.3%. During the same span of years such values within the corporate limits of the Town of Bridgewater grew from \$14.4 million to \$56.1 million, or by 289.6%.¹⁰ Thus, these real property values, the principal source of revenue for both jurisdictions, grew far more substantially in the County generally than they did within the Town of Bridgewater during that 12-year period.

The prospects for future development within the current boundaries of the Town of Bridgewater appear to be quite limited. While 296 acres in the Town are presently classified as vacant (approximately 38% of the Town's total land area), data indicate that 110 acres of that property are situated within the 100-year floodplain. Thus, only 186 acres, or 23.6% of the Town's total area, are located on vacant land environmentally suited for development.¹¹ Moreover, it should be noted that approximately 33 acres of this vacant developable land are already undergoing conversion to single-family residential uses, while an additional 23 acres are owned by Bridgewater College and, thus, may not be available for general development.¹²

Population of Virginia Counties and Cities: July 1, 1981 (Final) and July 1, 1982 (Provisional) (Charlottesville: Tayloe Murphy Institute, University of Virginia, Dec. 1983), Table 2. Due to the annexation by the City of Harrisonburg on December 31, 1982, the County's population was reduced by 4,702 persons.

¹⁰Data for Rockingham County are found in Virginia Department of Taxation, "Estimated True (Full) Value of Locally Taxed Property in the Several Counties and Cities of Virginia - 1970," Virginia Assessment/Sales Ratio Study 1980, and Virginia Assessment/Sales Ratio Study 1982. Data for Bridgewater have been calculated from the assessed property values for the Town found in Virginia Department of Taxation, "1970 Land Books; Rockingham," Vol. 35; and Town Report, Item 4. The assessed values in the County subsequent to 1982 would be reduced by the City of Harrisonburg annexation effective December 31, 1982.

¹¹Town of Bridgewater, Annexation Report for Town of Bridgewater, Dec. 1981, p. 16.

¹²Town Report, Item 6.

The continued fiscal health of Bridgewater is, of course, important not only to the residents of that municipality, but to Rockingham County generally. The data disclose that, as of the first quarter of 1983, there were approximately 1,100 positions in manufacturing employment within the Town, or nearly 15% of the County's total of such employment (approximately 7,600).¹³ In addition, Bridgewater is the site of considerable retail activity, with U. S. Bureau of the Census data for 1982 indicating that retail sales in the Town accounted for nearly 8% of the total values of such sales in the County generally.¹⁴ Further, the evidence also reveal that, as of 1982, Bridgewater contained three wholesale trade operations which contributed to the economic viability of the County.¹⁵

Under the terms of the proposed agreement the Town would be permitted to annex immediately areas (Phases 1A and 1B) comprising 291 acres (0.5 square miles) and containing 181 persons and, as of 1983, \$2.3 million in estimated real estate assessed values.¹⁶ The addition of this area to the Town will increase Bridgewater's population by 5.7% and its assessed real property values by 4.3%. Further, the annexation of the Phase 1B area will also provide the Town with significant land suitable for future development.¹⁷ Furthermore, the

¹³Virginia Employment Commission, Special Area by Industry Listing for Quarter 1-83, Rockingham County.

¹⁴U. S. Department of Commerce, Bureau of the Census, 1982 Census of Retail Trade: Virginia, Tables 9, 10. The total value of retail sales given in this publication do not conform to the totals presented in Virginia Department of Taxation reports due to definitional variances.

¹⁵U. S. Department of Commerce, Bureau of the Census, 1982 Census of Wholesale Trade: Virginia, Table 8.

¹⁶Presentation of Donald D. Litten, Attorney for the Town of Bridgewater, Transcript of Hearings Held before the Commission on Local Government (hereinafter cited as Transcript), Aug. 27, 1984, pp. 23-25; and Town Report, Item 25. Data concerning real property values reflect use value assessment.

¹⁷Inspection of the Phase 1B area by the Commission and staff

agreement also authorizes Bridgewater to annex additional areas (identified as "Future Phases") any time after the adoption of the agreement. This "Future Phases" area contains approximately 496 acres (0.8 square miles), and, as of 1984, 194 persons. The Future Phases area offers Bridgewater substantial amounts of vacant land suitable for development.

It is the Commission's judgment that the proposed agreement does facilitate the orderly and regular growth of the Town and County together. The agreement will permit the Town to benefit from an immediate increase in population and fiscal resources, and it will provide Bridgewater land for future development which will help ensure its continued viability. Moreover, the viability of the Town and its expanded fiscal resources will facilitate the continued economic development of the general area which will redound to the benefit of all citizens of Rockingham County. Finally, the proposed agreement includes a provision permitting the Town and County to modify the annexation accord by joint consent, if such is subsequently deemed appropriate.¹⁸ This provision constitutes recognition by both jurisdictions that the agreement may require future adaptation to meet circumstances and needs which cannot now be foreseen.

EQUITABLE SHARING OF RESOURCES AND LIABILITIES

Within the context of town-county agreements defining annexation rights, an equitable sharing of resources and liabilities requires an opportunity for both the town and county to benefit from the growth in

on the tour on August 27, 1984 revealed the area to be predominantly vacant. Further, the majority property owner in the Phase 1B area requested that the Town include his property in the areas to be annexed because of his desire to develop his property for commercial and residential uses. The Phase 1B area is presently served by a 12-inch water line. (Presentation of Litten, Transcript, p. 22.)

¹⁸Proposed Agreement Defining Annexation Rights, Sec. 12.

the area sufficient to meet the needs of their residents and commensurate with the contribution each makes to the viability of the general area. The following paragraphs consider these issues.

Resources

Statistics reviewed earlier in this report indicate that, unlike other Virginia municipalities, the Town of Bridgewater did not experience a decline in its population nor a stagnating local tax base during the decade of the 1970's. However, there is evidence to suggest, that while Bridgewater is an important commercial and manufacturing center in Rockingham County, and while it supports with its utility services development outside its present boundaries, the depletion of the Town's inventory of vacant land suitable for development will constrict Bridgewater's ability to continue to support growth in the area. The reported recent decline in the Town's population and the relatively modest growth in its assessed real property values over the past several years support this concern.

Consistent with the terms of the proposed agreement, Bridgewater has indicated its intention to annex immediately the Phases 1A and 1B areas, which contain 291 acres, 181 persons, and substantial amounts of vacant land. With respect to fiscal resources, the annexation of these areas will initially provide the Town approximately \$3,000 in real property tax revenues annually, based on their 1983 assessed values and Bridgewater's 1983 tax rate. Additionally, the two areas will initially provide approximately \$6,000 annually in miscellaneous revenues (e. g., consumer utility taxes, vehicle license fees, sales taxes, and State and federal intergovernmental transfers).¹⁹ These various fiscal resources will increase with the future growth and development of the areas annexed. Further, the proposed agreement will permit Bridgewater to annex additional territory, designated as

¹⁹Town Report, Item 27.

the Future Phases area, at any time subsequent to the adoption of the agreement when the Town determines such to be appropriate.

It is important to note here that town annexations in Virginia, unlike those initiated by cities, do not remove property from a county's tax rolls. Thus, the major tax sources of Rockingham County will be unaffected by annexations by the Town of Bridgewater. Town annexations do constrict, however, some of a county's more modest revenue sources (e. g., automobile license taxes, consumer utility taxes, and sales taxes). Such revenue losses should be more than offset by future development in the area facilitated by the extension of Bridgewater's services to annexed areas. Such development will accrue to the benefit of both the County as well as the Town. On the basis of these considerations, the Commission concludes that the proposed agreement should provide the Town of Bridgewater and Rockingham County with an equitable share of the area's resources.

Liabilities for Services

The Town of Bridgewater plays an important role in southern Rockingham County in the provision of public services. The Town not only offers its residents a significant array of public services, it also extends a number of them to residents beyond its boundaries. Any annexation by the Town under the terms of the proposed agreement will, however, increase Bridgewater's public service responsibilities. While such expanded responsibility for public services in the areas annexed constitutes a liability to be assumed by the Town, the extension of such services represents, at the same time, a consequence of the agreement which is in the general interest of the community at large. The following sections of this report address these public service concerns.

Water. The Town of Bridgewater, in addition to providing water service to its residents and recently committing itself to sell bulk treated water to Rockingham County, serves directly most of the area

covered by the proposed agreement.²⁰ The Town's water treatment plant, according to its rated capacity, can receive and treat 1.0 million gallons per day (MGD) from the North River. Since the Town's present water distribution system requires approximately 0.45 MGD, the system currently retains an unused reserve of 0.55 MGD.²¹ This reserve should be sufficient to meet the needs of the Town and the areas covered by the agreement for the foreseeable future. In terms of storage capacity, the Town has three storage tanks which collectively hold 0.59 million gallons of treated water, or slightly in excess of a day's demand.²²

With respect to its distribution system, it should be noted that since 1976 the Town has installed or enlarged approximately 21,000 linear feet of water mains in an effort to improve and extend service.²³ The Town's current distribution system serves a total of 1,128 connections, with 64 being located in the Phase 1A and Phase 1B areas, and with an additional 57 in the other territory covered by the proposed agreement.²⁴ It is important to observe that at the present

²⁰In 1982 the Town of Bridgewater signed an agreement with Rockingham County and the Town of Dayton which calls for the sale by Bridgewater of up to 100,000 gallons of water per day to the County. The agreement also allows Bridgewater to purchase water from the County in times of emergency. The County installed and donated to the Town the 12-inch water line which traverses a portion of the Phase 1B area. Due to delays in the completion of a pump station, Bridgewater does not expect to begin selling water to the County until February 1985. (Robert F. Holton, Superintendent, Town of Bridgewater, communication with staff of Commission on Local Government, Dec. 19, 1985.)

²¹Presentation of Litten, Transcript, p. 9.

²²Town Report, Item 16.

²³Ibid.

²⁴Town of Bridgewater, Miscellaneous Data for the Town of Bridgewater (hereinafter cited as Miscellaneous Data), Item 21.

time the Town is the only source of treated water available to serve residents and businesses in the Bridgewater area. Since Bridgewater places a 50% surcharge on its connection fees and water rates for nonresident customers, the annexation of the Phase 1A and 1B areas will result in substantially reduced charges for water service for residents and businesses annexed.²⁵

In sum, the evidence reveals that the Town of Bridgewater is presently providing treated water to a significant number of connections beyond its boundaries. Further, as development occurs in the areas annexed under the terms of the proposed agreement, the Town is capable, in the Commission's judgment, of meeting their prospective need for treated water.

Sewage Treatment. The Town of Bridgewater operates a sewage collection system which presently serves 1,039 connections, with 40 connections being located in the Phase 1A area and an additional 25 connections in the Future Phases area.²⁶ The sewage collected by the Town's system is treated by the Harrisonburg - Rockingham Regional Sewer Authority (HRRSA) treatment plant located in Mount Crawford. The Town, which is a member of the HRRSA, shares treatment allocation at the plant with the City of Harrisonburg and the Town of Dayton.²⁷ Bridgewater currently discharges an average of 0.5 MGD of effluent to

²⁵Ibid., Item 26. In addition, the proposed agreement calls for the Town simultaneously with its first annexation to reduce water rates for its customers located within the Future Phases area so that the rates are the same as those charged to the residents of Bridgewater. (See Proposed Agreement Defining Annexation Rights, Sec. 5.) The Town proposes to expend \$21,400 to improve water service and fire flow to the Phase 1A area. (Town Report, Item 16.)

²⁶Miscellaneous Data, Item 25. At the present time, there are no connections to the Town's sewage collection lines in the Phase 1B area.

²⁷Holton, communication with staff of Commission on Local Government, Oct. 30, 1984. The rated capacity of the HRRSA treatment plant is 8.0 MGD, and the total average daily flow treated at the plant is 6.7 MGD. (Miscellaneous Data, Item 24.) Rockingham County, which is a member of the HRRSA, is entitled to receive 26% of the plant's

the HRRSA plant for treatment.²⁸ Due to the age of the Town's collection lines, a portion of the effluent pumped to the HRRSA treatment plant is the result of the infiltration of groundwater and inflow of storm water, but the Town has replaced or rehabilitated a number of lines in recent years in order to reduce the problem.

As in the case of water service, the Town places a 50% surcharge on sewerage connection fees and user charges for customers located beyond its present boundaries. Thus, annexation will substantially reduce the cost of sewerage service to all nonresident users who are brought within the Town's boundaries, as well as to others subsequently connected to the system in annexed areas.²⁹

In the Commission's judgment, the areas to be annexed by Bridgewater under the terms of the proposed agreement will benefit from the future extension of Town collection lines and from the reduction in the cost of sewerage services. The Town has both the capability and the willingness to meet the prospective sewerage needs in the areas annexed.

Solid Waste. The Town of Bridgewater provides solid waste collection services to its residents and some business establishments on a twice-weekly basis by contract with a private collector.³⁰ The cost

treatment capacity. The remaining 74% of the plant's treatment capacity is unallocated and is available for use by the Towns of Bridgewater and Dayton and the City of Harrisonburg. (James H. Roadcap, Jr., Executive Director, Harrisonburg - Rockingham Regional Sewer Authority, communication with staff of Commission on Local Government, Jan. 9, 1985.)

²⁸Miscellaneous Data, Item 24.

²⁹Ibid., Item 26. The proposed agreement requires Bridgewater, upon initiation of its first annexation, to reduce sewer rates for its customer located within the Future Phases area so that the rates are the same as those charged to the residents of Bridgewater. (See Proposed Agreement Defining Annexation Rights, Sec. 5.) In addition, the Town contemplates the expenditure of \$7,600 for the extension of a sewer line to a portion of the Phase 1A area. (Town Report, Item 17.)

³⁰Town Report, Item 10. Large items, such as tires or old appliances, are picked up once a month. (Presentation of Litten, Transcript, pp. 8-9.) The Town only collects office waste from busi-

of this service is borne by general tax receipts and not supported by user charges. At the present time the Town, through the services of the private contractor, provides solid waste collection service to 550 residential customers within its corporate limits.³¹ Bridgewater does not provide any solid waste collection service to its industrial firms, but these businesses may contract directly with private contractors for such services. In terms of disposal of its refuse, the Town is permitted to use the County's landfill without charge.³²

Rockingham County, like many of the Commonwealth's counties, does not provide any residential solid waste collection services. County residents can contract, however, directly with private collectors for refuse collection services, at a cost reported to be \$6.00 per month for once-a-week service.³³

From the Commission's perspective, the developing areas adjacent to Bridgewater will benefit from the solid waste collection services provided by the Town. The extension of the Town's services to the areas annexed can be expected to result, not only in the elimination of user charges for solid waste collection, but also in increased residential utilization of this collection service.³⁴ Further, as the areas adjacent to Bridgewater grow in population and commercial activity, the need for public solid waste collection services will increase accordingly. The Town can and should bear responsibility for the provision of this public service in the areas covered by the

nesses. (Holton, communication with staff of Commission on Local Government, Oct. 30, 1984.)

³¹Miscellaneous Data, Item 16.

³²Holton, communication with staff of Commission on Local Government, Oct. 30, 1984.

³³Holton, communication with staff of Commission on Local Government, Dec. 19, 1984.

³⁴The Town expects to add 57 residences in the Phase 1A area and 5 residences in the Phase 1B area to its solid waste collection contract after the annexation. (Miscellaneous Data, Item 17.)

agreement.

Law Enforcement. Law enforcement services in the Town of Bridgewater are provided the Town's police department which is staffed by four full-time officers.³⁵ Each of these officers is assigned patrol responsibility, and the duty shifts of the police department are structured so that the Town is regularly patrolled during most of the day.³⁶ The Town's police department has available two vehicles to assist in its law enforcement responsibilities.³⁷ All dispatching services for the Town's law enforcement activities are provided by the Rockingham County Sheriff's Department.³⁸

It is significant to the Commission that the Bridgewater police department has established an organized crime prevention program and has assigned its police chief, on a part-time basis, to direct its activities. These crime prevention activities include such elements as neighborhood and vacation watch programs and instructional classes focusing on home and business security, child safety, and concerns of senior citizens.³⁹ As stated in previous reports, the Commission considers crime prevention to be an important component of a community's law enforcement services.

The size of Bridgewater's police department is sufficient to provide that municipality with one sworn officer for each 822 Town residents. The Commission notes that, based on the ratio of sworn officers to population, as of 1983 Bridgewater had an intensity of law

³⁵Town Report, Item 9.

³⁶Miscellaneous Data, Items 11, 12. With the exception of the period from 5:00 a. m. to 6:00 a. m., Monday through Saturday, Bridgewater is patrolled by Town police officers.

³⁷Town Report, Item 9.

³⁸Presentation by Litten, Transcript, pp. 45-46.

³⁹Town Report, Exh. A.

enforcement service considerably lower than that in every other Virginia town having a population in excess of 2,000 persons.⁴⁰ Moreover, according to State Police tabulations for 1983, the Town's police department was confronted with a rate of major crime nearly three times that experienced by the County's Sheriff's Department.⁴¹ Further, the data indicate that of the 119 major crimes reported to the Town's police department during 1982 and 1983, only five were "cleared" by subsequent law enforcement activity.⁴² The 1983 clearance rate of these major crimes by the Town's police department (3.17%) was lower than that recorded by all but six local law enforcement agencies in the State for that year.⁴³ These data give us concern regarding the current adequacy of the Town's law enforcement services.

While the Commission has no knowledge of any extraordinary law enforcement problem in the areas to be annexed under the terms of the proposed agreement, the addition of these areas to the Town will add to the responsibilities placed upon Bridgewater's police department. It is not clear to us that, given its present size and lack of

⁴⁰Virginia Department of State Police, Crime in Virginia, 1983, Table IV. Calculations are based on 1980 population figures. The exclusion of the Virginia Polytechnic Institute and State University (VPI&SU) police department staff (27 sworn officers) would give Blacksburg an intensity of service lower than that available in Bridgewater. The inclusion of the VPI&SU law enforcement personnel gives Blacksburg a ratio of one sworn officer for each 494 residents.

⁴¹Ibid., Table III. The category of "major crime" consists of murder and non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny, and motor vehicle theft.

⁴²Crime in Virginia, 1982, 1983, Table III. A crime is "cleared when a known occurrence of a major crime is followed by an arrest or other decision which indicates a solved crime at the police level of reporting." (U. S. Department of Justice, Bureau of Justice Statistics, Dictionary of Criminal Justice Data Terminology, 1981.)

⁴³Town officials are aware of Bridgewater's law enforcement problems and are currently investigating alternative means of improving police services. (Holton, communication with staff of Commission on

investigative success, the Town's police department is currently prepared to assume additional duties. The Town, however, will be required to assume responsibility for law enforcement services in areas annexed under the agreement and, accordingly, must take appropriate steps in preparation for this additional responsibility.

Street Maintenance. Although Bridgewater receives a significant financial contribution from the Virginia Department of Highways and Transportation (VDHT) for the improvement and maintenance of the roads within its corporate limits, the Town has shown a willingness to invest additional local funds to address its thoroughfare needs. The data reveal that during FY1981-82 and FY1982-83, Bridgewater contributed nearly \$123,000 each year in local funds to improve and maintain the roads within its present boundaries.⁴⁴ This policy of augmenting State expenditures for street and road maintenance will benefit, in terms of addressing both immediate and prospective needs, the areas annexed by the Town.⁴⁵

Street Lighting. Another urban service provided by the Town of Bridgewater is the installation, operation, and maintenance of street lights. Within the Town's present borders there are currently 261

Local Government, Jan. 8, 1985.) The Town has indicated that it does not plan to increase its police department as a result of the annexation of Phase 1A or Phase 1B areas. (Town Report, Item 9.)

⁴⁴Town Report, Item 14(a). Certain towns under 3,500 in population, such as Bridgewater, receive from the State maintenance funds calculated on a per lane-mile basis. The amount paid these towns is adjusted each year to reflect the actual maintenance expenditure experience of the VDHT for the previous year within its respective highway districts. (See Sec. 33.1-8, Code of Va.) During the Fiscal Year 1982-83 Bridgewater received \$16,125 from the State for the maintenance of 8.6 linear miles of streets within the Town. There are 3.0 linear miles of streets within Bridgewater which do not qualify for State maintenance payments. [Town Report, Item 14(a).]

⁴⁵Within the first two years after the annexation of the Phase 1A area, Bridgewater proposes to expend \$60,000 to improve approximately 1.4 linear miles of roadway in that area. The Phase 1B area does not contain any streets or roads at the present time. [Town Report, Item 14(b).]

publicly funded street light.⁴⁶ The Town accepts requests for additional street lights from its citizens, and if such is deemed appropriate, the lights are installed and operated at public expense.

Although Rockingham County does fund the operation of street lights at public schools and some other public facilities, there is no policy for the provision of street lights in the County generally. Within the areas sought for annexation under the terms of the proposed agreement there are only privately operated street lights.⁴⁷ The extension of the Town's policies regarding street lights to areas annexed will benefit the residents of such areas, and such benefit will increase with the future development of those areas.⁴⁸

Summary

The Town of Bridgewater will initially receive a modest infusion of additional revenue as a result of the annexation of the Phase 1A and Phase 1B areas. Of greater significance, however, is the fact that the territory annexed by the Town under the agreement will provide Bridgewater with substantially increased opportunity for future development. The annexation of these areas, as well as the opportunity for subsequent expansions of the Town's boundaries in the Future Phases area, will allow Bridgewater to share appropriately in the growth in its environs and will provide the Town with the necessary resources to extend its services to areas of need. From the Commission's perspective, the proposed agreement does allow an equitable sharing of both the area's resources and liabilities.

⁴⁶Town Report, Item 15.

⁴⁷Holton, communication with staff of Commission on Local Government, Oct. 30, 1984. Phase 1A area contains 4 street lights, 2 privately owned and 1 each owned by the City of Harrisonburg and the HRRSA. There are no street lights in the Phase 1B area.

⁴⁸The Town proposes initially the installation of seven street lights within the Phase 1A area and none within the Phase 1B area. (Town Report, Item 15.)

BEST INTEREST OF THE COMMUNITY AT LARGE

In reviewing a proposed agreement defining a town's annexation rights, the Commission is directed by the Code of Virginia to consider whether such an agreement is in "the best interest of the community at large."⁴⁹ As indicated in the previous sections of this report, the Commission considers the proposed Town of Bridgewater - Rockingham County agreement as providing for the orderly and regular growth of the Town and County together and facilitating an equitable sharing of the area's public resources and liabilities. These attributes of the proposed agreement are clearly promotive of the best interest of the community at large. There are, however, additional aspects of the agreement which are relevant to this criterion and which merit comment in this report.

Relinquishment of Authority to Seek City Status

A major element of the proposed agreement is the provision which calls for the Town of Bridgewater to relinquish in perpetuity its authority to seek city status. At present the Town does not have the requisite population (5,000) to be eligible to seek city status, nor will any annexation under the terms of the proposed agreement result in Bridgewater's immediately reaching such a population level, but future growth and development in and around the Town could result in Bridgewater attaining that required population threshold. If the Town of Bridgewater were to exercise its present statutory prerogative to seek city status at some future date, it would remove totally its population and tax resources from County authority, with the consequences that the remaining residents of Rockingham County could be confronted with a larger local tax burden. With the adoption of this proposed agreement, the Town of Bridgewater commits itself to remaining permanently an integral part of Rockingham County and supporting

⁴⁹Sec. 15.1-1058.2, Code of Va.

with its resources the needs of the County generally. Unless a variance in political values and service needs create insurmountable differences, the best interest of the community at large is, in our judgment, served by the Town of Bridgewater remaining a part of Rockingham County.

Simplification of Annexation Process

The proposed agreement would permit the growth of the Town by a simple process which would avoid protracted and expensive adversarial annexation proceedings. Although the State's traditional annexation proceedings has many commendable features, experience has shown that such proceedings can be costly in terms of legal fees, consultants' charges, administrative time, and other expenses incidental to litigation. In addition to such tangible costs, annexation litigation often results in strained interlocal relations which can inhibit cooperative effort, collaboration on mutual problems, and long-range planning. The proposed agreement will permit the growth of Bridgewater in a nonadversarial manner with a minimum of attendant costs. This aspect of the proposed agreement is in the general interest of the total community.

Economic Development of the Bridgewater Area

The proposed agreement facilitates the growth of the Town of Bridgewater and provides that municipality with additional local resources which can be used to meet the public service needs of its general area. The Town's increased capacity for the provision of public services can be an important factor in the attraction of additional development. Any such development which does occur will benefit both the Town and Rockingham County. This ramification of the proposed agreement is clearly in the best interest of the community at large.

Protection of Agricultural Properties

The proposed agreement contains several provisions designed to

protect agricultural properties.⁵⁰ First, the agreement states:

The Town has no desire to annex acreage which is principally and actively devoted to agricultural production unless such acreage is largely embraced by property appropriate for annexation and cannot, in the judgment of the Town, be reasonably excluded therefrom.

While this provision would allow the incidental annexation of agricultural properties which might be encompassed by developed areas, it is intended to prevent any large and indiscriminate annexation of such properties by the Town. Further, the proposed agreement commits the Town to protecting existing farmlands in areas annexed "through the use of zoning and land use procedures."⁵¹ The Commission recognizes the State's strong concern for the preservation of agricultural properties and the significance of Rockingham County as an agricultural resource to the Commonwealth. The Commission considers the provisions of the agreement concerning the protection of agricultural lands to be fully consistent with the best interest of the community at large.

FINDINGS AND RECOMMENDATIONS

The Commission finds that the proposed agreement defining annexation rights provides concurrently for the orderly and regular growth of the Town of Bridgewater and Rockingham County, facilitates an equitable sharing of the area's public resources and liabilities, and is in the best interest of the community at large. While the Commission has reviewed the proposed agreement and reports it "favorably," it offers the following recommendation set forth below.

Annexations under Authority of Section 15.1-1034.

The Commission recommends that the Town and County consider an amendment to the agreement specifically addressing the annexation process authorized by Section 15.1-1034 of the Code of Virginia. An

⁵⁰See Proposed Agreement Defining Annexation Rights, Sec. 7.

⁵¹The Town of Bridgewater's zoning ordinance contains provisions for two agricultural zones which are designed to permit farming

amendment addressing the future application of this statute, which permits the initiation of annexation proceedings by citizens or by the County, could remove possible ambiguity and grounds for future controversy.⁵²

Filing of Agreement and Maps

The Commission recommends that the agreement be amended to state expressly that the original or certified copy of the agreement as finally adopted by the governing bodies, with maps delineating all areas referenced by the agreement, be filed with the circuit court.

Adoption and Filing of Annexation Ordinances

Section 3 of the proposed agreement addresses the issue of annexation ordinances affecting property in the Future Phases area. The Commission recommends that the agreement be amended to require expressly the adoption of an annexation ordinance for purposes of incorporating the property in the Phase 1A and B areas. Further, while Section 6 of the proposed agreement discusses generally the policies which will govern the extension of services to annexed areas, we believe that there is a need for greater specificity in each annexation ordinance. The Commission recommends that the agreement be amended to establish the format of ordinances to be adopted for purposes of annexation. We recommend that the agreement specifically call for elements in each annexation ordinances which parallel, to the extent appropriate, the elements prescribed for inclusion in traditional annexation ordinances by Section 15.1-1033 of the Code of Virginia. Accordingly, the Commission proposes that the agreement be amended to specify that any annexation ordinance adopted by the Town shall include:

and other related activities. Neither zone allows residential subdivisions as permitted uses. Such accommodations to agricultural uses are unique for a town the size of Bridgewater.

⁵²The Commission recognizes that the continued application of Section 15.1-1034 might be inferred from Section 9 of the proposed

- (a) a metes and bounds description of the area sought for annexation;
- (b) information, which can be recorded on a map attached to the ordinance, indicating the location of subdivisions, major industrial and commercial sites and vacant areas in relation to the proposed new boundary line.
- (c) a statement of the terms and conditions upon which the annexation will be effected, including a detailed listing of provisions for the extension of utilities and for meeting the annexed area's other service needs.

These proposed amendments to the agreement will require the Town to delineate the service improvements and extensions which will be made with each annexation and will establish time frames within which such improvements and extensions will be completed.

Law Enforcement Services

The data previously reviewed in this report suggest a need for the Town to strengthen its law enforcement services. The Commission recommends that Bridgewater obtain immediately the assistance of the State's Department of Criminal Justice Services (DCJS) for purposes of critically reviewing the adequacy of its police department's staffing level and investigative processes. Further, the Town should be prepared to implement expeditiously the DCJS recommendations. The improvement of the Town's law enforcement services should be initiated before Bridgewater assumes governmental responsibility for additional population and properties.

CONCLUDING COMMENT

As we have stated in other reports, the Commission recognizes that agreements defining annexation rights are significant documents containing major grants and concessions of legal authority by the two jurisdictions

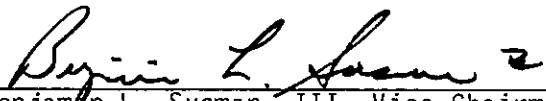
agreement. However, an explicit statement addressing the issue would appear desirable.

which are parties to them. Therefore, the Commission has endeavored to give careful consideration to the current and prospective ramifications of the proposed agreement. While the Commission has determined that the agreement meets the statutory standards required for a "favorable" review, it does encourage consideration of the amendments proposed herein.

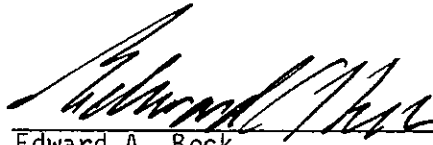
Respectfully submitted,



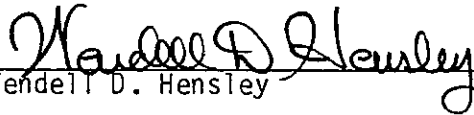
Harold S. Atkinson, Chairman



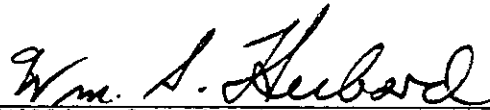
Benjamin L. Susman, III, Vice Chairman



Edward A. Beck



Wendell D. Hensley



William S. Hubbard

APPENDIX A

AGREEMENT DEFINING ANNEXATION RIGHTS

THIS AGREEMENT is made this _____ day of _____, 1984, between the Town of Bridgewater, a municipal corporation of the Commonwealth of Virginia (the "Town"), and the County of Rockingham, Virginia (the "County"):

PREAMBLE:

A. The Town and the County desire to enter into an Agreement defining the Town's future annexation rights;

B. The Town has completed several feasibility studies concerning annexation and has reviewed the Comprehensive Land Use Plan of Rockingham County which promotes growth in and around the incorporated towns of the County;

C. The Town desires first to annex two tracts, one containing approximately 138.533 acres and the other containing approximately 152.534 acres, being described on the attached exhibits marked "Phase I(A)" and "Phase I(B)", respectively, and the Town desires to have the right to annex at any time in the future all or any portion of the lands described on the attached exhibit marked "Future Phases";

D. The Town is willing to renounce permanently its right to become a city and to enter into an Agreement with County providing for the regular and orderly growth of the Town and County in order to effectuate and carry out the goals and

purposes stated in the Town's and County's Comprehensive Land Use Plans.

THEREFORE, IT IS AGREED:

1. Renunciation of City Status. -- The Town permanently renounces its right to become a city, as provided by § 15.1-1058.1 of the Code of Virginia, 1950, as amended, such renunciation to become effective simultaneously with the effective date of the annexation of "Phase I(A)" and "Phase I(B)".
2. Annexation of Phases I(A) and I(B). -- The Parties agree that the Town shall annex first all of "Phase I(A)" and all of "Phase I(B)", and such annexation shall become effective after review and recommendations by the Commission on Local Government and compliance with all the provisions of Virginia laws pertaining to annexation, including the adoption by the Town of an ordinance of annexation.
3. Right to Annex Future Phases. -- The Town shall have the right to annex all or any portion of the lands described on the plat entitled "Future Phases" by enacting an ordinance at any time after the execution and final approval of this Agreement. Any such annexation ordinance adopted pertaining to future phases shall meet all requirements of law, and whether required by law or not the Town commits itself to first hold a public hearing and advertise such hearing for two consecutive weeks in a newspaper of general circulation in the Town. The Town further commits itself prior to adopting any such ordinance to give formal notice of such hearing to the County. Any annexation ordinances adopted

shall provide that the effective date shall be December 31 of the year of final adoption. Certified copies of any and all annexation ordinances shall be filed where required by law including the Clerk of the Circuit Court of Rockingham County, Virginia, the Secretary of the Commonwealth of Virginia, and all other appropriate state and federal agencies that require notice of such annexation, but the failure to file with any such state and federal agency shall not of itself affect the validity of any such ordinance. Prior to the effective date of any annexation, the Town shall, at its expense, cause an accurate survey and a census of the proposed annexed area to be made.

4. No Reimbursement of Revenues. -- Each party shall be entitled to keep whatever revenues flow to it by reason of any annexations, without any reimbursement of revenues by the Town to the County. This provision is subject to the terms of the joint water agreement among the County, the Town, and the Town of Dayton, dated April 11, 1983.

5. Equalization of Utility Charges. The Town agrees that simultaneously with its first annexation it will equalize the rates it charges for water and sewer customers outside of its boundaries but within the area marked "Future Phases" so that the rates are the same as those charged within its corporate boundaries.

6. Water, Sewer and Other Municipal Services in Annexed Areas. The Town commits itself to extend water and sewer services into any annexed area to the property lines of all property owners, including residential, commercial and

industrial, in accordance with existing policies of the Town, such extension of utility services to be concluded within five (5) years from the date of annexation if the same are needed or if they are requested by property owners. Other municipal services, exclusive of water and sewer, will be extended by the Town into annexed areas on the effective date of each annexation. All such services will be at the same level and quality as is available generally within the entire Town.

7. Protection for Agricultural Land. -- The Town has no desire to annex acreage which is principally and actively devoted to agricultural production unless such acreage is largely embraced by property appropriate for annexation and cannot, in the judgment of the Town, be reasonably excluded therefrom. The Town commits that it will, as soon as reasonably possible, establish means by which to protect existing farmlands within any annexed area through the use of zoning and land use procedures. The Town states its intention to allow the continued use of any farmland which it annexes for agricultural purposes and the Town further states it does not propose to implement any procedures which will place undue restrictions or hardships on agricultural land.

8. Commitments to Serve Needs of "Future Phases" Land. -- Although the Town does not absolutely commit itself to annex any of the lands within the so-called "Future Phases", it does intend to consider seriously requests for annexation and the needs therefor and the feasibility thereof within such areas from time to time. The goal of both the Town and County is to provide for

orderly development of such land and to serve the needs of the area as and when they arise. County pledges that as to any unannexed lands within the area designated as "Future Phases" that it will consult with Town before approving subdivisions and rezoning. The County's obligation to consult shall be complied with if Town is given 20 days to comment on any final subdivision plat. As to zoning, County shall give the written notice of the public hearing date and Town must give its written comments to County within 30 days of such public hearing. The right to make such changes prior to annexation is reserved by County, but Town shall be consulted in each instance by County.

9. No Annexation Outside Agreed Area. Town agrees that until the entire "Future Phases" area is annexed it will not voluntarily seek to annex any other areas.

10. Sections of Agreement are Severable. -- In the event any section of this Agreement is found to be illegal or unenforceable by a court of competent jurisdiction, such finding shall apply only to that section or sections and all other provisions shall remain in full force and effect, except that if the Town's renunciation of city status is held illegal or unenforceable County shall have the right to withdraw its consent to annexation in the "Future Phases" area and Town shall have the right to rescind its agreement under paragraph 5 to equalize utility charges.

11. Costs and Attorney's Fees. -- Each party to this Agreement shall pay its own attorney's fees; all other costs of annexation proceedings shall be paid by Town.

12. Right to Modify or Amend. -- Town and County reserve the right to modify this Agreement by joint consent whenever it is felt the needs of the Town and County and of the citizens of each require such modification or amendment.

WITNESS the following signatures and seals.

TOWN OF BRIDGEWATER

By _____
Mayor

ATTEST:

Clerk

COUNTY OF ROCKINGHAM

By _____
Chairman, Board of Supervisors

ATTEST:

County Administrator

APPENDIX B
 STATISTICAL PROFILE OF THE TOWN OF BRIDGEWATER,
 COUNTY OF ROCKINGHAM, AND THE AREAS COVERED UNDER THE
 AGREEMENT DEFINING ANNEXATION RIGHTS

	<u>Town of Bridgewater</u>	<u>County of Rockingham</u>	<u>Phase 1A Area¹</u>	<u>Phase 1B Area¹</u>	<u>Future Annexation Phases</u>
Population (1980)	3,289	57,038	163	18	194
Land Area (Square Miles)	1.2	868	0.2	0.2	0.8
Total Assessed Values ^{2,3} (1982)	\$54,963,407	\$1,343,648,286	N/A	N/A	N/A
Real Estate Values (1982) ³	\$52,400,923	\$1,269,204,958	\$1,915,590	\$390,480	N/A
Public Service Corporation Values (1982)	\$1,966,984	\$56,899,208	N/A	N/A	N/A
Machinery and Tools Values (1982)	\$595,500	\$17,544,120	N/A	N/A	N/A
Land Use (Acres) ⁴					
Residential	268	N/A	N/A	N/A	N/A
Commercial	18	N/A	N/A	N/A	N/A
Industrial	34	N/A	N/A	N/A	N/A
Public and Semi-Public	171	N/A	N/A	N/A	N/A
Rights-of-Way	88	N/A	N/A	N/A	N/A
Vacant, Wooded or Agricultural	208	N/A	N/A	N/A	N/A

NOTES:

N/A - Not Available

1 - As estimated by the Town of Bridgewater

2 - Does not include assessed values for personal property, mobile homes or merchants capital.

3 - Reflects use value assessment

4 - Land use data computed in 1977.

SOURCES:

Town of Bridgewater, The Town of Bridgewater's Report to the Commission on Local Government in Support of Agreement Defining Annexation Rights Between the Town and Rockingham County, May 7, 1984; and Annexation Report for Town of Bridgewater, Dec. 1981.

