

FILED  
IN CIRCUIT COURT  
CLERK'S OFFICE

VIRGINIA:

MAR 19 1973

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

W. FRANKLIN GOLDBERG  
CLERK, FAIRFAX COUNTY, VA.

WRIT TAX PAID. \$ \_\_\_\_\_  
DEPOSIT. . . . . \_\_\_\_\_

IN RE:

PETITION OF THE GOVERNING  
BODY OF LAKE BARCROFT WATER-  
SHED IMPROVEMENT DISTRICT FOR  
THE OPENING OF A POLL ON THE  
QUESTION OF RATIFICATION OF  
THE CREATION OF THE DISTRICT,  
THE LEVY OF A TAX, AND THE  
ISSUANCE OF BONDS

*Law 28787*

ORDER

This 15 day of March, 1973, came Randolph W. Church, Jr. attorney for the Lake Barcroft Watershed Improvement District in Fairfax County, Virginia, and called to the attention of this Court the fact that on the 15 day of March, 1973, there was filed with this Court the petition of the Directors of the Northern Virginia Soil and Water District as governing body of the Lake Barcroft Watershed Improvement District, together with a certified copy of a resolution of said Directors appended thereto as Exhibit A, requesting the Circuit Court of Fairfax County, Virginia, to order an election on the question of ratification of the creation of the Lake Barcroft Watershed Improvement District and the result of the referendum approving such creation, the question of levying a tax for the purposes of said Watershed Improvement District, and the question of the authorization of \$2,000,000 bonds of said Watershed Improvement District for the repair, restoration, and improvement of the Lake Barcroft Dam and the removal of silt from the bed of Lake Barcroft, and

UPON CONSIDERATION WHEREOF, it appearing to the Court



amended, it is, therefore,

ADJUDGED AND ORDERED as follows:

1. Said petition and resolution be spread upon the order book of this Court together with this Order.

2. The regular election officers of Fairfax County, Virginia shall on the 24th day of April, 1973 open a poll at an appropriate voting place in said County to take the sense of the qualified voters of and owners of land in the Lake Barcroft Watershed Improvement District in Fairfax County, Virginia, on the questions set forth in the ballot form set out in paragraph 4 of this Order.

3. In accordance with Chapter 17.1, Title 2.1, Code of Virginia, 1950, as amended, such bonds may be issued at such rate or rates not in excess of the rate or rates now permitted by law as may be determined by the Directors of said District.

4. The ballot for use at said election shall read as follows:

1.

.....  
. . . . . FOR ratification of the creation of the Lake Barcroft Watershed Improvement District comprised of the lands below described and lying in the County of Fairfax and the result of the referendum heretofore held approving such creation.

.....  
. . . . . AGAINST ratification of the creation of the Lake Barcroft Watershed Improvement District comprised of the lands below described and lying in the County of Fairfax and the result of the referendum heretofore held approving such creation.

2.

.....  
. . . . . FOR TAX If the creation of the Lake Barcroft Watershed Improvement District and the result of the referendum mentioned in question 1 above shall be ratified, shall said District have the authority to levy and collect a tax on real estate within  
. . . . . AGAINST TAX said District for the purposes of said District?  
.....



.....  
FOR BOND ISSUE  
.....

.....  
AGAINST BOND ISSUE  
.....

If the creation of the Lake Barcroft Watershed Improvement District and the result of the referendum mentioned in question 1 above shall be ratified, shall the governing body of said District be authorized to incur indebtedness and in evidence thereof issue not exceeding \$2,000,000 bonds of said District payable as to principal and interest from unlimited taxes to be levied annually on all real estate in said District for the purpose of repairing, restoring and improving the Lake Barcroft Dam and removing silt from the bed of Lake Barcroft, all for the purpose of checking erosion and stabilizing the runoff of surface water in said District?

The boundaries of the Lake Barcroft Watershed Improvement District include all that territory within the area referred to generally as the Lake Barcroft subdivision, containing approximately 550 acres as shown on the map posted at each voting booth.

5. The ballots shall be distributed, and the questions shall be submitted, to two classes of voters, namely, (a) qualified registered voters of, and (b) owners of land in, the Lake Barcroft Watershed Improvement District as provided by Article 9, Chapter 1, Title 21 of the Code of Virginia, 1950, as amended. Each qualified registered voter who is also an owner of land may cast one ballot as a qualified registered voter and one ballot as an owner of land. An owner of land owning more than one parcel of land shall be entitled to only one ballot as an owner of land. Any corporation, association or other organization owning land in the Lake Barcroft Watershed Improvement District may vote as a land owner through a duly authorized officer of said corporation or association.

6. The owners of land eligible to vote in said election shall be those shown by the tax records of Fairfax County as of the same date on which the registration books for said election shall close for said election, and the Fairfax County Supervisor of



owners of land in said District.

The election officers shall prepare from said records a ballot for each owner of land which ballot shall have typed or legibly written thereon the name of the owner.

Any officer of a corporation, association, or other organization offering to vote as the representative of his corporation, association, or other organization shall produce such proof of his authority to cast such ballot as shall be satisfactory to the election officers, and such proof shall be retained by the officers. In any case where there exists any doubt as to the authority of the representative, the election officers shall accept such ballot and refer the question of the authority of the representative to cast such ballot to the Court.

7. In their canvass of the returns the election officers shall determine as to each question the following:

- (1) the number of registered qualified voters voting
- (2) the number of votes of registered qualified voters voting "FOR"
- (3) the number of votes of registered qualified voters voting "AGAINST"
- (4) the number of owners of land voting
- (5) the aggregate land area of the District expressed in square feet
- (6) the number of votes of owners of land voting "FOR"
- (7) the number of votes of owners of land voting "AGAINST"
- (8) the aggregate land area, expressed in square feet, owned by the owners of land voting "FOR" on Questions 1 and 2
- (9) the aggregate land area, expressed in square feet, owned by the owners of land voting on Question 3

For the purposes of determining the aggregate area of land in subpara-



is more than one owner of a parcel of land, each such owner shall be deemed to own that fraction of the total area of the parcel, the numerator of which is one and the denominator of which is the total number of co-owners.

8. For the purposes of this election one polling place shall be opened at the Belvedere Elementary School, 6540 Columbia Pike, Falls Church, Virginia from 6:00 A.M. to 7:00 P.M. on April 24, 1973.

9. The provisions of Sec. 24.1-227 through 24.1-234 of the 1950 Code of Virginia, as amended, shall apply mutatis mutandis to the owners of land in the Lake Barcroft Watershed Improvement District whether or not such owners are also registered voters.

10. Question 1 shall only be found to have been approved if (a) at least two-thirds of the votes cast in the election, which two-thirds' vote shall also represent ownership of at least two-thirds of the land area in the District, shall have been cast in favor of the ratification of the creation of the District and (b) a majority of the qualified voters of the District voting in the election, including landowners who are qualified voters and qualified voters who are not landowners, shall have approved the ratification of the creation of the District.

11. Question 2 shall not be found to have been approved unless (a) two-thirds of the owners of land within the District voting in the election, which two-thirds' owners shall also represent ownership of at least two-thirds of the land area in the District, approve the levy of the tax and (b) a majority of the qualified voters of the District voting in the election, including landowners who are qualified voters and qualified voters who are not landowners, shall have approved the levy of the tax.



in the election, including landowners who are qualified voters and qualified voters who are not landowners, shall have approved the issuance of the bonds.

13. Notice of said election shall be given by publishing this Order under the caption "Notice of Election" once a week for three (3) consecutive weeks prior to said election date in the Northern Virginia Sun.

Dated: March 15, 1973

Enter

Bernard J. Jennings  
Judge

I ask for this:

McCANDLISH, LILLARD & MARSH  
4069 Chain Bridge Road  
Fairfax, Virginia 22030

By Randolph W. Church, Jr.  
Randolph W. Church, Jr.  
Counsel for Lake Barcroft  
Watershed Improvement District

E. P. ...  
Counsel for Barcroft  
Beech Tree

A COPY TESTE:  
JOHN T. FREY, CLERK  
Case M. ...  
Deputy Clerk  
Date: 4/8/08  
Original retained in the office of  
the Clerk of the Circuit Court of