

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

IN RE:

ELECTION IN THE LAKE BARCROFT  
WATERSHED IMPROVEMENT DISTRICT  
IN FAIRFAX COUNTY, VIRGINIA, ON  
THE QUESTION OF THE RATIFICATION  
OF THE CREATION OF THE DISTRICT,  
AND THE QUESTION OF THE LEVY OF  
THE TAX, AND ON THE QUESTION OF  
THE ISSUANCE OF BONDS

20-28787

FINAL ORDER

THERE having been presented in proper form to this Court an affidavit of publication, with original newspaper clipping attached, showing publication of the "Notice of Election" on (1) the question of ratification of the creation of the Lake Barcroft Watershed Improvement District, (2) the question of the levy and collection of a tax for the purposes of said District, and (3) the issuance of not exceeding \$2,000,000 bonds of 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 stabilizing the runoff of surface water in said District in the Northern Virginia Sun, a newspaper having a general circulation in said District, at least ten (10) days before the election held on the 24th day of April, 1973, and

THERE having been presented in proper form to this Court by the Electoral Board the canvass of the votes cast at said election, which canvass discloses the following:

a. Question 1 was approved by (a) at least two-thirds of the votes cast in the election (1610 Votes For and 10 Votes Against), which two-thirds vote also represented ownership of at least two-thirds of the land area in said District (525.3 acres of the total District acreage of 597.4), and (b) a majority of the qualified voters of said District voting in the election, including landowners who were qualified voters and qualified voters who were not landowners, approved the ratification of the creation of said District (1420 Votes For and 11 Votes Against).

b. Question 2 was approved by (a) two-thirds of the owners of land within said District (1608 owners voting For Tax and 18 owners voting Against Tax), which two-thirds' owners also represented ownership of at least two-thirds of the land area in said District (522.7 acres of the total District acreage of 597.4), and (b) a majority of the qualified voters of said District voting in the election, including landowners who were qualified voters and qualified voters who were not landowners, approved the levy of the tax (1468 votes For Tax and 22 votes Against Tax).

c. Question 3 was approved (a) by virtue of the owners of at least two-thirds of the land area in said District having voted in the election (1626 votes representing ownership of 523.9 acres of the total District acreage of 597.4),



(b) by at least two-thirds of the landowners voting in the election (1611 votes For Bond Issue and 15 votes Against Bond Issue), and (c) by a majority of the qualified voters of said District voting in the election, including landowners who were qualified voters and qualified voters who were not landowners (1474 votes For Bond Issue and 17 votes Against Bond Issue).

it is, therefore,

ADJUDGED AND ORDERED as follows:

1. The affidavit of publication and the canvass of the votes cast at said election be spread upon the order book of this Court together with this Final Order.

2. Question 1 relating to the ratification of the creation of the Lake Barcroft Watershed Improvement District was approved by (a) at least two-thirds of the votes cast in the election (1619 Votes For and 10 Votes Against), which two-thirds' vote also represented ownership of at least two-thirds of the land area in said District (525.3 acres of the total District acreage of 597.4), and (b) a majority of the qualified voters of said District voting in the election, including landowners who were qualified voters and qualified voters who were not landowners, approved the ratification of the creation of said District (1480 Votes For and 11 Votes Against).

3. Question 2 relating to the levy of a tax for the purposes of said District was approved by (a) two-thirds of the owners of land within said District (1608 owners voting For Tax and 18 owners voting Against Tax), which two-thirds' owners also represented ownership of at least two-thirds of the land area in said District (522.7 acres of the total District acreage of 597.4), and (b) a majority of the qualified voters of said District voting in the election, including landowners who were qualified voters and qualified voters who were not landowners, approved the levy of the tax (1468 votes For Tax and 22 votes Against Tax).

4. Question 3 relating to the issuance of bonds of said District was approved (a) by virtue of the owners of at least two-thirds of the land area in said District having voted in the election (1626 votes representing ownership of 523.9 acres of the total District acreage of 597.4), (b) by at least two-thirds of the landowners voting in the election (1611 votes For Bond Issue and 15 votes Against Bond Issue), and (c) by a majority of the qualified voters of said District voting in the election, including landowners who were qualified voters and qualified voters who were not landowners (1474 votes For Bond Issue and 17 votes Against Bond Issue).

5. Each of the three questions presented at said election was approved in accordance with the Order and the requirements of the Constitution and laws of the Commonwealth of Virginia, and, therefore,

(a) the Lake Barcroft Watershed Improvement District has been duly organized and created and exists as and constitutes a governmental subdivision of the Commonwealth of Virginia and a public body corporate and politic,

(b) Said District has been duly authorized to levy and collect a tax, as provided by law, to be used for the purposes for which said District was created, and



c. Said District has been duly authorized, and by this Final Order said District is hereby 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.

OK 6. The Clerk of this Court shall cause a copy of this Final Order, certified by him under the seal of this Court, to be transmitted to the Board of Directors of the Northern Virginia Soil and Water Conservation District as the governing body of the Lake Barcroft Watershed Improvement District.

Enter this 27<sup>th</sup> day of April, 1973.

*Robert P. Jennings*, Judge

I ask for this:

Randolph W. Church, Jr.,  
attorney for the Lake Barcroft  
Watershed Improvement District

A Copy, Teste:

\_\_\_\_\_, Clerk

(Seal)

A COPY TESTE:

W. FRANKLIN GOODING, CLERK

By: *Jessie M. Clarke*  
Deputy Clerk