

ITEM(S) TO BE CONSIDERED UNDER:

Consent Item       Old Business       New Business       Other

|                            |                |
|----------------------------|----------------|
| FOR COUNCIL MEETING DATED: | March 10, 2010 |
|----------------------------|----------------|

|                           |   |
|---------------------------|---|
| STAFF MAKING REQUEST:     | C. James Ervin, Town Manager  |
| BRIEF SUMMARY OF REQUEST: | Attached is a draft "Forest Hills Water System Transfer Agreement" and a map reflecting the agreed to service area. Council has previously directed staff to develop such an agreement, and it is now submitted for Council's review.<br><br>Staff recommends approval of the draft agreement as presented. |
| ACTION NEEDED:            | To either approve / deny the draft "Forest Hills Water System Transfer Agreement" as presented.   |

Attachment(s): Yes

|  |   |
|--|---|
| <b>FOLLOW-UP ACTION:</b><br>(To be completed by Town Clerk)                                      | <b>GIVEN TO (DEPT. HEAD)</b><br>(To be completed by Town Clerk)     |
| <b>COMPLETED ACTION: (To be filled in by Town Clerk)</b><br>(To be completed by Department Head) | <b>GIVEN TO TOWN CLERK:</b><br>(To be completed by Department Head) |
| <b>DATE COMPLETED AND ACTION TAKEN:</b>  | <b>DATE GIVEN TO TOWN CLERK:</b>                                    |



Old Bus  
COPY

January 11, 2010

Mr. James Ervin  
Town of Rocky Mount  
345 Donald Avenue  
Rocky Mount, VA 24151

RE: Forrest Hills water system transfer agreement

Dear James:

Please find enclosed a drafted Forrest Hills water transfer agreement and a map reflecting the agreed to service area. As requested by Rocky Mount Town council, the Franklin County Board of Supervisors have approved an area bounded by South Main Street, Doe Run Road, Power Dam Road and East Court Street to the Town limits.

Please review the agreement as prepared and if satisfactory, please execute the same and have approved as to form by Town legal counsel. Please return to our attention to be executed and recorded by the County. Fully executed copies of the recorded documents will be provided for your records.

It has been a pleasure to work on this project and we look forward to being of service.

Sincerely,

Richard E. Huff, II  
County Administrator

Enclosures

RICHARD E. HUFF II  
COUNTY ADMINISTRATOR  
40 EAST COURT STREET  
ROCKY MOUNT, VIRGINIA 24151  
(540) 483-3030  
[www.franklincountyva.org](http://www.franklincountyva.org)



# DRAFT

## WATER SYSTEM AGREEMENT and SERVICE AREA AGREEMENT

THIS WATER SYSTEM AGREEMENT and SERVICE AREA AGREEMENT is made and entered into on this the \_\_\_\_\_ day of January, 2010, by and between the BOARD OF SUPERVISORS OF FRANKLIN COUNTY, VIRGINIA, hereinafter referred to as County, and the TOWN OF ROCKY MOUNT, VIRGINIA, hereinafter referred to as Town.

WHEREAS, the County and Town with assistance from the United States Government, acting through the Farmers Home Administration, established and constructed within and about the hereinafter described service area, a public water system; and

WHEREAS, the water for the system is supplied by the Town through a cooperative agreement with the County; and

WHEREAS, the County is desirous of transferring any ownership interest in the system that it may own to the Town; and

WHEREAS, the County is desirous of giving and providing the Town a service area within the County as hereinafter described; and

WHEREAS, following the execution of this agreement, the Town will be able to add water connections within the service area without any additional approval from the County.

NOW, THEREFORE,

WITNESSETH:

THAT FOR AND IN CONSIDERATION of the mutual benefits accruing to the parties hereto, which both the County and Town deem adequate consideration for this agreement, the County and Town agree as follows:

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1. The County hereby gives and grants to the Town and establishes for the benefit of the Town a water service area as hereinafter described:

FIRST: That area of Franklin County land lying inside and bounded by South Main Street, Doe Run Road, Power Dam Road, and East Court Street, to the Town limits.

SECOND: Any parcels or any portion of parcels of land located in Franklin County, Virginia, lying immediately and directly across any of the streets or roads that make up the boundary of the first service area and which parcels join said streets or roads and to which parcels the Town is supplying water as of the date of this agreement.

2. Subsequent to the execution of this agreement, the Town will be able to connect additional users within the approved service areas without the necessity of further approval by County.

3. The Town herein and hereby provides the County the ability to purchase water from the Town and to extend water service from the "T" and valve located at the most easterly point at the intersection of Doe Run Road and Power Dam Road.

4. A. The County will retain as its property all previously collected connection and availability fees to offset the County's contribution to the system installed within the above service areas.

B. Connection and availability fees, which are owed and being paid on a regularly scheduled basis by Mary Lou Hall and Jeff Hussey and Michelle Hussey will be collected and retained by the County without the need to quantify same. Following the execution of this agreement, other than the connection and availability fees above referenced, the County releases any interest in the water system in the above described service areas to the Town.

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5. This agreement shall be construed under and governed by the laws of the Commonwealth of Virginia and any suits in any way interpreting or seeking performance of same shall be brought in a court located in Franklin County, Virginia.

6. Any notices sent hereunder shall be addressed as follows:

To the County: Attention: County Administrator  
County of Franklin  
40 East Court Street  
Rocky Mount, VA 24151

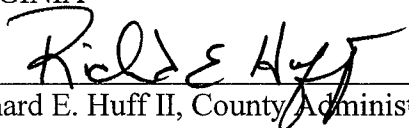
To the Town: Attention: Town Manager  
Town of Rocky Mount  
345 Donald Avenue  
Rocky Mount, VA 24151

Any such notices shall be in written form and delivered by hand or courier service or sent by registered or certified mail, return receipt requested, bearing adequate postage and properly addressed as above provided, and each such notice given as above shall be deemed to have been given and received when actually received by the party intended to receive same or when such party refuses acceptance of such notice.

WITNESS the following signatures and seals.

BOARD OF SUPERVISORS OF FRANKLIN COUNTY,  
VIRGINIA

BY: \_\_\_\_\_

  
Richard E. Huff II, County Administrator

TOWN OF ROCKY MOUNT, VIRGINIA

BY: \_\_\_\_\_

James Ervin, Town Manager

**DRAFT**

APPROVED AS TO FORM:

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B. JAMES JEFFERSON, County Attorney

APPROVED AS TO FORM:

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JOHN T. BOITNOTT, Town Attorney