



## City of Harrisonburg Stormwater Advisory Committee

### *Agenda*

February 3, 2016 5:00 – 7:00 p.m.

<b>1. Review and Adopt Minutes</b>
<b>2. Public Comment</b> (limited to 3 minutes per speaker)
<b>3. Review Appeals Received</b> a. 779 E Market St (See Attachment A) – <i>Kelley Junco</i>
<b>4. Update on Stormwater Improvement Plan Scoping Project</b> – <i>Thanh Dang &amp; Timmons Group</i>
<b>5. Backyard Chickens Ordinance Recommendation (See Attachment B)</b> – <i>Thanh Dang</i>
<b>6. Staff Updates</b> – <i>Kelley Junco</i> a. US EPA Inspection of MS4 Program b. Chesapeake Bay TMDL Action Plan c. Stormwater Pollution Prevention Plan (SWPPP) for Public Works Facility d. Stormwater Utility Fee Billing e. East Market Street Regenerative Stormwater Conveyance Project
<b>7. Next Steps / Assignments</b>
<b>Next Meeting – Weds. May 4, 2016 @ 5pm</b>

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**Staff Report – Petition for Adjustment**

**779 East Market Street – TM 28 K 5-8, 28 K 19, 28 K 20, 28 K 21, 28 K 22 - Staff denial of Impervious Area Adjustment; Staff recommendation of alternative adjustment** Stormwater Advisory Committee Meeting February 3, 2016

**BACKGROUND ON CALCULATING AND DEFINING IMPERVIOUS AREA**

Impervious area means surface area composed of material that significantly impedes or prevents natural infiltration of water into soil. On March 10, 2015, Harrisonburg City Council adopted the Stormwater Utility Fee Ordinance whereby a stormwater utility fee is assigned to every parcel of land in the city based on the amount of impervious area on the property. The fee is based on the amount of impervious area on each individual property. This area is measured from recent aerial photos with the actual measurement done via computer imaging.

The City is following a nationally accepted standard in classifying what areas are defined as impervious. The definition of impervious is supported in the Virginia Department of Environmental Quality Stormwater Management Handbook. The City's stormwater utility program establishes a billing unit of five hundred (500) square feet (SF) of impervious area and a billing rate per billing unit of \$10.50 per year.

**STAFF REPORT**

On 10/30/15 and 11/3/15 Mr. Jeff Bradfield, owner of 779 East Market Street, called Public Works and spoke with Kelley Junco, Stormwater Program Coordinator. Mr. Bradfield expressed concern about the process the city used to assess the impervious area on his property. He referenced the overall parcel area noted in his Contract to Purchase Real Estate and his own personal measurements of the impervious area at 779 East Market Street. Based upon those numbers, he thought it was incorrect that the City had assessed approximately 98% of his total property as impervious.

City's original assessment of 779 East Market Street:

<b>Tax Map ID</b>	<b>Original Assessed Fee (Based on Aerial Imagery)</b>
28 K 5	\$136.50
28 K 6	\$126.00
28 K 7	\$84.00
28 K 8	\$42.00
28 K 19	\$325.50
28 K 20	\$273.00
28 K 21	\$273.00
28 K 22	\$199.50
Total:	<b>\$1459.50</b> (139 Billing Units) (69,156.62 sf)

Mr. Bradfield submitted an unsigned and unrecorded Contract to Purchase Real Estate as part of his Petition for Adjustment packet – the same document he referenced in his original phone call. In this

Petition for Adjustment – 779 East Market Street – Impervious Area

document, it states that the combined parcels are “1.625 acres, more or less, the exact acreage to be determined by a current survey to be obtained by Purchaser...” He also submitted aerial maps with his own measurements and parcel line drawings as well as a written narrative outlining his concerns. (See Attachment A)

When the application packet was submitted on November 16, 2015 Thanh Dang pulled the two recorded deeds with the County Clerk and reviewed property information ;. The aforementioned number of 1.625 acres was not present in the recorded deeds. (See Attachment C) Upon assessment of the packet submitted by Mr. Bradfield and the documents gathered internally, Mr. Bradfield’s impervious area was re-assessed at 68,784 square feet, or 138 billing units – but his overall petition was denied.

Mr. Bradfield requested a meeting to discuss the discrepancy in person. This meeting was held Thursday, December 17<sup>th</sup>. It was established that Mr. Bradfield did not feel the parcel lines on the webGIS were accurate to his actual property lines and therefore he did not trust the impervious area assessment to be accurate either. The City understood and agreed that parcel lines have been slightly off throughout the City. The 500 square foot for 1 billing unit was built into the utility fee program in hopes that any minor inconsistencies in the parcel lines would not affect the overall impervious area fee. Additionally, City staff has made adjustments for other property owners regarding property lines and impervious area as appropriate. Upon adjusting the parcel lines to Mr. Bradfield’s drawings, the impervious area assessed only slightly changed.

The City feels that using aerial imagery to assess impervious area is a good method to assess the stormwater utility fee and that Mr. Bradfield’s property was assessed appropriately with minor adjustments. After the meeting, Thanh found a survey from East Market Street Sidewalks – Phase IV project which outlined the property lines along East Market Street and Hawkins Street more accurately than prior resources. Upon review, the City re-measured 779 East Market Street at 1.62 acres and adjusted Mr. Bradfield’s impervious to 67, 876 square feet or 136 billing units. (See Attachment E.) This proposed adjustment was sent to Mr. Bradfield but he chose to move forward with the SWAC appeal. See Attachment D of his request dated 1/4/2015.

Summary of Proposed Adjustments:

**Original Assessment:** 139 Billing Units (\$1,459.50 per year)

**City Proposed Adjustment Nov 25, 2015** - 138 Billing Units (\$1,449.00 per year)

**City Proposed Adjustment – Jan 2016:** 136 Billing Units (\$1,428 per year)

**Applicant’s Proposed Adjustment:** 128 BU (\$1,344.00 per year)

City staff recommends denying the Petition for Adjustment and applying the Final City Proposed Adjustment of 136 billing units.

Petition for Adjustment – 779 East Market Street – Impervious Area

The Stormwater Advisory Committee is asked to weigh in on this matter and provide a recommendation to the Director of Public Works who will make the final determination. Staff encourages SWAC members to closely compare the shown and revised property boundaries, and compare measured pervious and impervious areas in Attachment D and Attachment E.

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Date Received: 11/16/15

Credit Application ID: \_\_\_\_\_



City of Harrisonburg, Virginia

Department of Public Works

320 East Mosby Road

Harrisonburg, VA 22801

540-434-5928

stormwater@harrisonburgva.gov

Please outline on the attached maps + explain your issue w/ the mapping of impervious on the parcels/lines as they have been mapped + explain/outline how they should be mapped in your opinion.

— Kelley Junco

## Stormwater Utility Fee Petition for Adjustment Form

### General Information:

#### Parcel Information

Tax Map Parcel Number: 28 K 22; 28 K 21; 28 K 20; 28 K 19; 28 K 5-8

Parcel Street Address: 779 East Market Street

#### Owner Information

Owner Name (Last, First, M.I. or Business): RHAM Exchange

Owner Mailing Address: 779 E. Market St

City: Harrisonburg State: VA Zip Code: 22801

If Business, Contact Name (Last, First, M.I.): Jeffrey L Bradford

Phone Number(w/Area Code): (540) 476-2666 Email: \_\_\_\_\_

### Type of Property

☐ Residential

☒ Non-Residential

### Reason for Petition (Check Applicable)

- ☒ A. Error made regarding square footage of the impervious area of the property
- ☐ B. Property is eligible to be "fee waived" under provisions of City Code Section 6-5-4(g)
- ☒ C. Mathematical error in calculating the stormwater utility fee
- ☐ D. The party invoiced is not the owner of the property
- ☐ E. An approved credit was incorrectly applied
- ☐ F. Stormwater Utility Fee Credit Application that was denied by City staff



## Application Checklist

- ☐ For Item A. Provide a plot, plan, or map showing dimensions of all impervious areas and identifying areas believed to be incorrect. If the areas are shown on city maps as impervious and the applicant believes these areas do not meet the impervious area definition, photo-documentation shall be provided. (Deed)
- ☐ For Item F. If appropriate, applicants are encouraged to provide photo documentation, and plot, plan or map showing the dimensions of the practice you believe should be considered for credits.

Use attached maps if you'd like -

**Appeal Description and Statement** (For items A-E: Provide detailed information as to why you believe your Stormwater Utility Fee is in error. Include requested value, in the applicant's opinion, for the correct Stormwater Utility Fee associated with the property. For item F: Provide detailed information as to why you believe a practice on your property should be considered for credits, and if appropriate, provide suggestions for modifying the City's Stormwater Utility Fee Credit Manuals for Residential and Non-Residential. Attach additional sheets if necessary.)

IF your property lines are to be correct, then my property line goes thru my New Neighbors Building by 75% + and 50% of his parking. My west neighbors property goes thru my building and my south neighbors property goes 25% thru his southern neighbors Building. Your Plot is off and needs to be shifted! I own 1.625 Acres (70,785 sq ft) I have a 10 ft Easement on west side of my property for which was not credited at all. Assuming, my building is right on line 10 ft x approx 350 ft Front to back of property is 3500 sq ft. Ad Hawkins St. 795 sq ft Green area and Rear Green Area 1400 sq ft. And I have more green area than credited for. Additional 198.56 sq ft in back corner and 64 sq ft under sign - Total 5957. 1.625 Acres = 70,785 Subtract 5,957 Approx. = 64,828 I am charged with 69,157.

Back Corner Green Area  $22 \times 9 = 198$

Back Length DF Property  $200 \times (7-10 \text{ ft}) = 1400 \text{ sq ft.}$

Front Area Under Signs  $16 \times 4 = 64 \text{ sq ft}$

Hawkins St Area  $9 \times 15 = 135$

" " Long Area  $7 \frac{1}{2} \times 88 = 660$

Easement on West  $10 \text{ ft} \times 350 = 3500$

All were tape

Measured on 11/17/15

Page 2 of 3

Total 59578



**Signature of Agreement**

I hereby certify the above information to be true and correct to the best of my knowledge.

Jeffrey L Broadbent  
Owner Printed Name

Jeffrey L Broadbent  
Owner Signature

11/16/15  
Date

**FOR CITY USE ONLY**

Application administratively complete ☒ Yes ☐ No

Reviewed by: Kelley Jureo Date: 11/30/2015

Petition for Adjustment Determination ☐ Granted ☒ Denied

Reviewed by: Kelley Jureo Date: 11/30/2015

+ Thank  
Dang

Property Owner Contacted ☒ Yes

Contacted by: J Fisher Date: 11-30-15

If approved, adjustment applied? ☐ Yes ☐ No N/A

Entered By: \_\_\_\_\_ Date: \_\_\_\_\_

There is a difference of 4,329 sq. ft  
which you overcharged for.

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Disas Campbell st H.E.C. HEC Electric Pole on Me and paid for by me for years  
 can verify our pole - currently turned off.

Line cuts my Bulding  
 22x9 Cased Area in Corner



Other Neighbors Buldy Neighbors Buldy  
 Line cuts both Buildings

200 x (7-10)  
 Ft of  
 Absolutly Land  
 1400 Sq Ft.

cuts my lot and  
 Doesn't allow for  
 10 Ft + Easement  
 which I own





Line cuts into my building

Neighbors Building  
live this is to be covered the my land then  
Goes

How Can I have a 10 ft Easement on West Side of Property, Use a Road For None



**CONTRACT TO PURCHASE REAL ESTATE**

**THIS AGREEMENT**, made and entered into this \_\_\_\_ day of June, 2008, by and between KREIDER PROPERTIES, LLC, a Virginia corporation, hereinafter called "Seller," and JEFFREY L. BRADFIELD, hereinafter called "Purchaser,"

**WITNESSETH:**

Seller agrees to sell to Purchaser and Purchaser agrees to purchase of Seller all that certain lot or parcel of land, together with any improvements thereon, containing 1.625 acres, more or less, the exact acreage to be determined by a current survey to be obtained by Purchaser, if Purchaser desires, located at 779 East Market Street, Harrisonburg, Virginia, which property is described on Exhibit A attached hereto (hereinafter referred to as the "Property") and all rights, privileges, appurtenances, easements, and rights-of-way, thereunto belonging or in anywise appertaining.

1. **PURCHASE PRICE.** The terms and conditions of the Contract are as follows: The purchase price will be One Million Five Hundred Thousand Dollars (\$1,500,000.00). The purchase price shall be payable in cash, certified, or cashier's check, or wire transfer to Seller's account at closing.

2. **DEPOSIT.** Purchaser, upon execution of this Agreement, has made a non-refundable deposit to Seller in the amount of Seventy-Five Thousand Dollars (\$75,000.00). The deposit is non-refundable unless failure to close is due to Seller's default or defects of title that make the title to the real property to be conveyed unmarketable. The Deposit shall be applied to the purchase price at closing.

## EXHIBIT A

### PARCEL ONE:

All those certain lots or parcels of land, situate, lying and being in the City of Harrisonburg, Virginia, and containing 1.15 acres according to a plat entitled "Plat of a 1.15 Acre Lot Harrisonburg, Virginia" dated November 30, 1972, by James C. Wilkins, C.L.S., and more particularly described according to said plat as follows:

Beginning at a point in the western right of way of U.S. Route 33 (East Market St.) and also being a corner with Lonnie W. Brooks; thence with the right of way of Route 33 (East Market St.) along an irregular curve with a chord of S 05° 54' W 201.49 feet to a point located in the western right of way of U.S. Route 33 (East Market St.) and the northern line of Hawkins Street; thence with the line of Hawkins Street S 79° 59' W 184.79 feet to a point, a corner with Lot No. 22; thence with the line of said Lot No. 22 N 19° 06' W 212.93 feet to a point, a corner with Lot Nos. 22, 12 and 11; thence with the line of Lot Nos. 11, 10 and 9 N 70° 54' E 180.00 feet to a point, a corner with Lonnie W. Brooks; thence with the line of Lonnie W. Brooks S 19° 06' E 59.50 feet to a point, N 70° 54' E 87.62 feet to the point of beginning.

The above described real property consists of parts of Lots Number 6, 7 and 8 and all of Lots Number 19, 20 and 21 in Block 3 as shown on a plat of the J.T. Houck Addition to the City of Harrisonburg dated August, 1946, by A. R. Myers, S.R.C., of record in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 204, page 573.

The property described above is conveyed subject to the easements and restrictions of record and more particularly to an easement ten (10) feet in width along the western boundary of Lot 21, Block 3, as set forth in the aforesaid deed of record in the aforesaid Clerk's Office in Deed Book 414, page 571.

**PARCEL TWO:**

All that certain tract or parcel of land, together with improvements thereon, situate and fronting on the southwestern side of East Market Street in the City of Harrisonburg, Virginia, and being the greater portion of Lot No. Five (5), in Block No. Three (3) of the J.T. Houck Addition to the City, a plat of that Addition being recorded in the Clerk's Office of Rockingham County, Virginia, in Deed Book 204, at page 573, which lot is more particularly described by metes and bounds according to a survey made by Donn L. Devier, C.L.S., dated July, 1970, as follows:

"Beginning at an iron pin in the western line of East Market Street, the southeastern corner of Lot No. 4 owned by Brooks; thence along the line of said street S 6° 7' E 64.52 feet to an iron pin, an offset in the line of East Market Street; thence along the northern line of said offset and along the northern line of Lot No. 6, owned by Lehman, S 78° 58' W 102.00 feet to a cross on a rock ledge in the eastern line of Lot No. 19 owned by Lehman; thence along the line of Lot No. 19, N 13° 30' W 59.50 feet to the southwestern corner of Lot No. 4; thence along the southern line of Lot No. 4, owned by Brooks, N 76° 30' E, 110.25 feet, to the beginning.

**PARCEL THREE:**

All that certain lot or parcel of land, situate, lying and being in the City of Harrisonburg, Virginia, on Hawkins Street and being designated Lot No. 22, in Block 3 as shown on a plat entitled "Plat of the J.T. Houck Addition to the City of Harrisonburg, Virginia..." dated August 1946 made by A.R. Myers, S.R.C., a copy of which is recorded in the aforesaid Clerk's Office in Deed Book 204, page 573.



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# City of Harrisonburg, Virginia

OFFICE OF THE PUBLIC WORKS DEPARTMENT  
320 EAST MOSBY ROAD  
HARRISONBURG, VIRGINIA 22801  
(540) 434-5928

STREET MAINTENANCE  
TRAFFIC ENGINEERING  
TRANSPORTATION PLANNING  
REFUSE/ RECYCLING  
CENTRAL STORES

November 25, 2015

Mr. Jeffrey L. Bradfield,

Thank you for submitting a Petition for Adjustment form to the City of Harrisonburg Public Works Department for the property located at 779 East Market Street. City staff has reviewed the documents provided and has recalculated the impervious area associated with tax map parcel numbers: 28 K 22; 28 K 21; 28 K 20; 28 K 19; and 28 K 5-8. The newly calculated impervious area does not include landscaped areas or green space and does not include the impervious area that belongs to 624 Hawkins Street. Please see the attached image which outlines in blue the calculated area. The revised total impervious area is 68,784 square feet. That number divided by 500 square feet = 137.5 billing units. This billing unit rounds up to 138 billing units. Your total annual stormwater utility fee for the aforementioned tax map numbers therefore does not change and will remain at \$1,449.00.

It is necessary to note that the Deed of Trust you submitted states that your parcels equal 1.625 acres "more or less, the exact acreage to be determined by a current survey to be obtained by Purchase, if Purchase desires..." and therefore should not be relied upon as exact acreage. In regards to your statement regarding the property easement, the stormwater utility fee is based upon parcel boundaries and property owners do not receive credit for setback requirements or easements unless it is part of a deeded easement to the city for sidewalks, etc. No record of easement was found for your property. You also stated that green space should be credited. Green space is not charged a fee and therefore cannot be additionally credited.

If you wish to appeal this decision further, please provide a formal written request to the Public Works Department by January 4<sup>th</sup>, 2016. We can then include your appeal on the Stormwater Advisory Committee agenda. At that time, you may also submit any new or additional information for to include in the agenda packet. Rules and procedures for appeals can be found online at <http://www.harrisonburgva.gov/swac>. Please refer to the Stormwater Utility Fee website at <http://www.harrisonburgva.gov/stormwater-utility> for more information and call (540) 434-5928 or email [stormwater@harrisonburgva.gov](mailto:stormwater@harrisonburgva.gov) for further questions or concerns.

Thank you,

Kelley Junco  
MS4 Program Coordinator  
City of Harrisonburg – Public Works

*The City With The Planned Future*



CALCULATED FEE MEASURED NOV 25, 2015  
68,784 SF IMPERVIOUS.  
138 BU  
\$1449.00 /YEAR

ROCKINGHAM COUNTY  
Chaz W. Evans-Haywood  
CLERK OF COURT  
Harrisonburg, VA 22801



60 2008 00027061

Instrument Number: 2008- 00027061

As

Recorded On: September 10, 2008

Deed of Bargain & Sale

Parties: KREIDER PROPERTIES LLC

To

RHAM EXCHANGE LLC

Recorded By: WELBY C SHOWALTER LAW OFFICE

Num Of Pages: 7

Comment: PARCEL HBURG

**\*\* Examined and Charged as Follows: \*\***

Deed of Bargain & Sale	6.50	10 or Fewer Pages	14.50	Deed Processing Fee	10.00
Transfer Fee City	1.00				
Recording Charge:	32.00				
		Consideration Amount	RS#/CS#		
Transfer Tax Grantee	5,000.00	1,500,000.00		State Grantor Tax	0.00
				State Grantee Tax	3,750.00
				213 Grantee County Tax	0.00
				214 Grantee City Tax	1,250.00
				220 Grantor County	0.00
				223 Grantor City	0.00
Transfer Tax Grantor	1,500.00	1,500,000.00		State Grantor Tax	750.00
				State Grantee Tax	0.00
				213 Grantee County Tax	0.00
				214 Grantee City Tax	0.00
				220 Grantor County	0.00
				223 Grantor City	750.00
Tax Charge:	6,500.00				

**\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\***

I hereby certify that the within and foregoing was recorded in the Clerk's Office For: ROCKINGHAM COUNTY, VA

**File Information:**

**Record and Return To:**

Document Number: 2008- 00027061

Receipt Number: 113829

Recorded Date/Time: September 10, 2008 12:56:15P

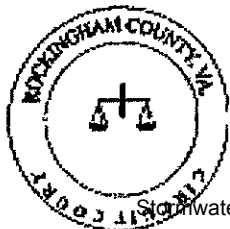
Book-Vol/Pg: Bk-OR VI-3385 Pg-214

Cashier / Station: A Pittman / Cash Station 3

WELBY C SHOWALTER LAW OFFICE

66 WEST WATER ST

HARRISONBURG VA 22801



THE STATE OF VIRGINIA  
COUNTY OF ROCKINGHAM

I certify that the document to which this authentication is affixed is a true copy of a record in the Rockingham County Circuit Court Clerk's Office and that I am the custodian of that record

*[Signature]*  
Chaz W. Evans-Haywood, Clerk of Court

CLERK OF COURT

February 3, 2010 Meeting

Shower Advisory Committee

VE&amp;Z

Doc 8k Vol Pa tof Pgs  
 00027061 OR 3385 214 7  
 Sep 10, 2008

**THIS DEED**, made this 3rd day of September, 2008, by and between **KREIDER PROPERTIES, LLC**, a Virginia limited liability company, and **THE MENNONITE FOUNDATION, INC.**, a not-for-profit Indiana corporation, GRANTORS, and **RHAM EXCHANGE, LLC**, a Virginia limited liability company, GRANTEE.

### WITNESSETH:

That for and in consideration of the sum of TEN (\$10.00) DOLLARS, cash in hand paid by the Grantee to the Grantors and other good and valuable consideration given between the parties hereto and before the execution and delivery hereof, the receipt of all of which is hereby acknowledged, the Grantors do hereby grant and convey with General Warranty and English Covenants of title, unto **RHAM EXCHANGE, LLC**, a Virginia limited liability company, Grantee herein, all those three (3) certain lots or parcels of land, together with any improvements thereon, and all rights, privileges, appurtenances, easements and rights-of-way thereunto belonging or in anywise appertaining, situate in the City of Harrisonburg, Virginia, and described as follows:

Tax Map \_\_\_\_\_  
 MSW:cmt  
 Drafted by:

CLARK & BRADSHAW, P.C.  
 ATTORNEYS AT LAW  
 92 NORTH LIBERTY STREET  
 P O BOX 71  
 HARRISONBURG, VIRGINIA  
 9/5/08 22803  
 #07-616

Stormwater Advisory Committee

*There is no Title Insurance Underwriter insuring this instrument.*

February 3, 2016 Meeting

20



### PARCEL ONE:

All those certain lots or parcels of land containing 1.15 acres, more or less, "Plat of a 1.15 Acre Lot Harrisonburg, Virginia" made by James C. Wilkins, C.L.S., dated November 30, 1972, and more particularly described by the following metes and bounds description:

Beginning at a point in the western right of way of U.S. Route 33 (East Market St.) and also being a corner with Lonnie W. Brooks; thence with the right of way of Route 33 (East Market St.) along an irregular curve with a chord of S 05° 54' W 201.49 feet to a point located in the western right of way of U. S. Route 33 (East Market St.) and the northern line of Hawkins Street; thence with the line of Hawkins Street S 79° 59' W 184.79 feet to a point, a corner with Lot No. 22; thence with the line of said Lot No. 22 N 19° 06' W 212.93 feet to a point, a corner with Lot Nos. 22, 12 and 11; thence with the line of Lot Nos. 11, 10 and 9 N 70° 54' E 180.00 feet to a point, a corner with Lonnie W. Brooks; thence with the line of Lonnie W. Brooks S 19° 06' E 59.50 feet to a point; N. 70° 54' E 87.62 feet to the point of beginning.

The above described real property consists of **parts of Lots Number 6, 7 and 8 and all of Lots Number 19, 20 and 21 in Block 3** as shown on a plat of the **J. T. Houck Addition** to the City of Harrisonburg dated August, 1946, by A. R. Myers, S.R.C., recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 204, page 573.

### PARCEL TWO:

All that certain tract or parcel of land, situate and fronting on the southwestern side of East Market Street in the City of Harrisonburg, Virginia, and being the **greater portion of Lot No. Five (5), in Block No. Three (3) of the J. T. Houck Addition** to the City, a plat being recorded in the aforesaid Clerk's Office in Deed Book 204, Page 573, which lot is

more particularly described by metes and bounds according to a survey made by Donn L. Devier, C.L.S., dated July, 1970, and described by the following metes and bounds description:

"Beginning at an iron pin in the western line of East Market Street, the southeastern corner of Lot No. 4 owned by Brooks; thence along the line of said street S 6° 7' E 64.52 feet to an iron pin, an offset in the line of East Market Street; thence along the northern line of said offset and along the northern line of Lot No. 6, owned by Lehman, S. 78° 58' W 102.00 feet to a cross on a rock ledge in the eastern line of Lot No. 19 owned by Lehman; thence along the line of Lot No. 19, N 13° 30' W 59.50 feet to the southwestern corner of Lot No. 4; thence along the southern line of Lot No. 4, owned by Brooks, N. 76° 30' E. 110.25 feet, to the beginning."

**PARCEL THREE:**

All that certain lot or parcel of land situate on Hawkins Street in the City of Harrisonburg, Virginia, and being designated as **LOT NO. 22** in **BLOCK 3** as shown on a plat entitled "Plat of the **J. T. HOUCK ADDITION** to the City of Harrisonburg, Virginia...", dated August 1946, made by A. R. Myers, S.R.C., recorded in the aforesaid Clerk's Office in Deed Book 204, Page 573.

The real estate herein conveyed is the identical interest in the properties acquired by the Grantors herein by the following:

(a.) 2/5th interest from The Mennonite Foundation, Inc., one of the Grantors herein by deed of gift dated July 18, 2008, from Norman H. Kreider and Dorothy L. Kreider, husband and wife, recorded in the aforesaid Clerk's Office in Deed Book 3367, page 634; and



(b.) Remaining interest from Kreider Properties, LLC, one of the Grantors herein, by deed dated December 21, 1999, from Norman H. Kreider and Dorothy L. Kreider, husband and wife, recorded in the aforesaid Clerk's Office in Deed Book 1767, page 264.

This deed is made expressly subject to easements, conditions, restrictions, and reservations contained in duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title to the property herein conveyed, which have not expired by limitation of time contained therein, or otherwise become ineffective.

The remainder of the page intentionally left blank.

IN WITNESS WHEREOF, Kreider Properties, LLC and The Mennonite Foundation, Inc., have caused this deed to be signed in their names and behalf as thereunto duly authorized.

THE MENNONITE FOUNDATION, INC, a not-for-profit Indiana corporation

By: Delmar King (Seal)

Title: Delmar King, Assistant Treasurer

By: Jamie Alvarez  
 Jamie Alvarez, Secretary

STATE OF INDIANA,  
 CITY/COUNTY OF ELKHART, to-wit:

The foregoing instrument was acknowledged before me in the jurisdiction aforesaid this 9th day of September, 2008, by Delmar King, Assistant Treasurer and Jamie Alvarez, Secretary, of The Mennonite Foundation, Inc., a not-for-profit Indiana corporation, on behalf of the corporation.

My Commission Expires: \_\_\_\_\_

Dorothea Troyer  
 Notary Public



DOROTHEA TROYER  
 Notary Public, State of Indiana  
 Resident of Elkhart County  
 My Commission Expires Nov. 1, 2008

KREIDER PROPERTIES, LLC, a Virginia limited liability company

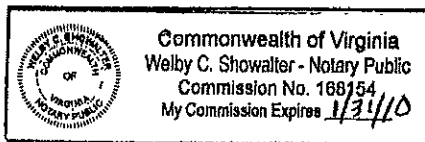
By: Norman H. Kreider mgr. (Seal)  
NORMAN H. KREIDER, Manager

By: Dorothy L. Kreider (Seal)  
DOROTHY L. KREIDER, Manager

COMMONWEALTH OF VIRGINIA,  
CITY OF HARRISONBURG, to-wit:

The foregoing instrument was acknowledged before me in the jurisdiction aforesaid this 10th day of September, 2008, by NORMAN H. KREIDER and DOROTHY L. KREIDER, Managers of Kreider Properties, LLC, a Virginia limited liability company on behalf of the company.

My Commission Expires: 1/31/10



Welby C. Showalter  
Notary Public

After Recordation Return to  
Grantee's Address:

779 E. Market St.  
Harrisonburg, VA 22801

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ROCKINGHAM COUNTY  
Chaz W. Evans-Haywood  
CLERK OF COURT  
Harrisonburg, VA 22801



60 2008 00027062

Instrument Number: 2008- 00027062

As  
Deed of Trust

Recorded On: September 10, 2008

Parties: RHAM EXCHANGE LLC

To

SHOWALTER WELBY C TR

Recorded By: WELBY C SHOWALTER LAW OFFICE

Num Of Pages: 5

Comment: PARCEL HBURG

**\*\* Examined and Charged as Follows: \*\***

Deed of Trust	6.50	10 or Fewer Pages	14.50	Deed Processing Fee	10.00
Recording Charge:	31.00				
		Consideration Amount	RS#/CS#		
Transfer Tax Grantee Deed C	4,750.00	1,425,000.00			
			State Grantor Tax	0.00	214 Grantee City Tax
			State Grantee Tax	3,562.50	220 Grantor County
			213 Grantee County Tax	0.00	223 Grantor City
Tax Charge:	4,750.00				

**\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\***

I hereby certify that the within and foregoing was recorded in the Clerk's Office For: ROCKINGHAM COUNTY, VA

**File Information:**

**Record and Return To:**

Document Number: 2008- 00027062

WELBY C SHOWALTER LAW OFFICE

Receipt Number: 113829

66 WEST WATER ST

Recorded Date/Time: September 10, 2008 12:56:15P HARRISONBURG VA 22801

Book-Vol/Pg: Bk-OR VI-3385 Pg-221

Cashier / Station: A Pittman / Cash Station 3

THE STATE OF VIRGINIA  
COUNTY OF ROCKINGHAM

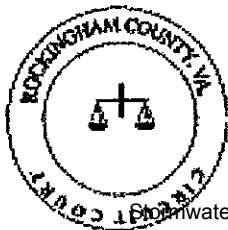
I certify that the document to which the authentication is affixed is a true copy of a record in the Rockingham County Circuit Court Clerk's Office and that I am the custodian of that record

Chaz W. Evans-Haywood, Clerk of Court

CLERK OF COURT  
ROCKINGHAM COUNTY, VIRGINIA

February 3, 2010 Meeting

27



Boardwater Advisory Committee

VE&Z

Doc Bk Vol Pg # of Pgs  
00027062 OF 3385 221 5  
Sep 10, 2008

THIS DEED OF TRUST made this 10<sup>th</sup> day of September, 2008, by and between RHAM EXCHANGE, LLC, a Virginia limited liability company, party of the first part, grantor, and WELBY C. SHOWALTER, TRUSTEE, of Rockingham County, Virginia, whose business address is 66 West Water Street, Harrisonburg, Virginia, 22801, party of the second part, and CHESTER L. BRADFIELD and NANCY B. BRADFIELD, husband and wife, beneficiaries,

WITNESSETH:

Tax Map No.:

28-K-6-8, 19-21,

28-K-5 &

28-K-22

That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid by the party of the second part to the party of the first part, receipt whereof is hereby acknowledged, and upon the trust hereinafter declared, said party of the first part does hereby grant and convey with General Warranty and English Covenants of Title, unto said WELBY C. SHOWALTER, TRUSTEE, party of the second part, all those three (3) certain lots or parcels of land, together with improvements thereon, whether heretofore or hereafter constructed, and all rights, privileges, appurtenances, easements and rights of way thereunto belonging or in anywise appertaining, situate in the City of Harrisonburg, Virginia, and described as follows:

**PARCEL ONE:**

All those certain lots or parcels of land containing 1.15 acres, more or less, "Plat of a 1.15 Acre Lot Harrisonburg, Virginia" made by James C. Wilkins, C.L.S., dated November 30, 1972, and more particularly described by a metes and bounds description consisting of parts of Lots Number 6, 7 and 8 and all of Lots Number 19, 20 and 21 in Block 3 as shown on a plat of the J. T. Houck Addition to the City of Harrisonburg dated August, 1946, by A. R. Myers, S.R.C., recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 204, page 573.

**WELBY C. SHOWALTER**  
ATTORNEY AND  
COUNSELOR AT LAW  
66 W. Water St  
Harrisonburg,  
Virginia

File No. 11757

**PARCEL TWO:**

All that certain tract or parcel of land, situate and fronting on the southwestern side of East Market Street in the City of Harrisonburg, Virginia, and being the greater portion of Lot No. Five (5), in Block No. Three (3) of the J. T. Houck Addition to the City, a plat being recorded in the aforesaid Clerk's Office in Deed Book 204, page 573, which lot is more particularly described by a metes and bounds description according to a survey made by Donn L. Devier, C.L.S., dated July, 1970.

**PARCEL THREE:**

All that certain lot or parcel of land situate on Hawkins Street in the City of Harrisonburg, Virginia, and being designated as Lot No. 22 in Block 3 as shown on a plat entitled "Plat of the J. T. Houck Addition to the City of Harrisonburg, Virginia...", dated August 1946, made by A. R. Myers, S.R.C., recorded in the aforesaid Clerk's Office in Deed Book 204, page 573.

The real estate herein conveyed is the identical property acquired by the party of the first part herein by deed dated September 3, 2008, from Kreider Properties, LLC, a Virginia limited liability company, and The Mennonite Foundation, Inc., a not-for-profit Indiana corporation, which is intended to be recorded in the aforesaid Clerk's Office immediately prior hereto.

IN TRUST, NEVERTHELESS: To secure the payment of the principal sum of ONE MILLION, FOUR HUNDRED TWENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$1,425,000.00) and all interest accruing thereon, evidenced by note of even date herewith in said principal sum executed by RHAM Exchange, LLC, payable to Chester L. Bradfield and Nancy B. Bradfield, of 9219 Centerville Road, Bridgewater, Virginia 22812, bearing interest thereon at the rate of FIVE PERCENT (5%) per annum from the date hereof on the unpaid balance until paid; said note, both

WELBY C. SHOWALTER  
ATTORNEY AND  
COUNSELOR AT LAW  
66 W. Water St  
Harrisonburg,  
Virginia



principal and interest, if not sooner paid, shall be due and payable on the 10<sup>th</sup> day of September, 2014. Each installment is to be applied first to the payment of interest and the balance is to be applied to the principal of this obligation.

AND FURTHER IN TRUST, to secure the payment of such additional sums, with interest thereon, advanced by the holder of the above described note to the parties of the first part or successors in title, for any purpose, at any time before the release of this deed of trust, but only to the extent that the amount advanced at any one time when added to the balance due on the original indebtedness and any prior advance, shall not exceed the amount originally secured by this deed of trust, provided that nothing contained herein shall be considered as limiting any amount that shall be secured hereby when advanced to protect the security or in accordance with covenants in the deed of trust.

NOTICE - THE DEBT SECURED HEREBY IS SUBJECT TO CALL IN FULL OR THE TERMS THEREOF BEING MODIFIED IN THE EVENT OF SALE OR CONVEYANCE OF THE PROPERTY SECURED HEREBY.

It is expressly understood and agreed by and between the parties hereto that exemptions are waived; that the indebtedness secured herein is subject to call upon default; that renewal or extension is permitted; that this is a purchase money deed of trust; that right of anticipation is reserved; substitution of trustee is permitted; that insurance is required on the improvements on the property hereby conveyed in the sum of at least the balance of the indebtedness secured hereunder; and that this deed of trust is governed by and is in accordance with Sections 55-58 to 55-66, both inclusive, of the Code of Virginia, 1950, and any amendments and additions to said Sections. In the event of foreclosure sale, the Trustee is entitled to a commission of 5% of the gross

WELBY C. SHOWALTER  
ATTORNEY AND  
COUNSELOR AT LAW  
66 W. Water St.  
Harrisonburg,  
Virginia

proceeds of the sale if sale is made, or 2-1/2% of the balance due on the principal sum and accrued interest if advertised but settlement is made before sale.

WITNESS the following signature and seal:

RHAM Exchange, LLC

By  (SEAL)  
Dean M. Nichols, Manager

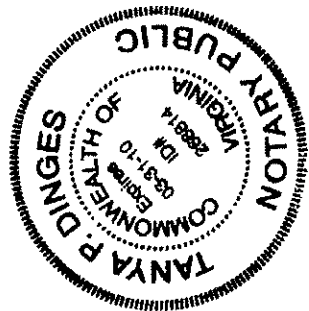
STATE OF VIRGINIA, at large

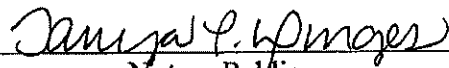
CITY/COUNTY OF Harrisonburg, to-wit:

The foregoing instrument was acknowledged before me this 9 day of September, 2008 by Dean M. Nichols, Manager of RHAM Exchange, a Virginia limited liability company, on behalf of said company.

My commission expires 3/31/2010.

Notary Public registration number 266814.



  
Notary Public

WELBY C. SHOWALTER  
ATTORNEY AND  
COUNSELOR AT LAW  
66 W. Water St  
Harrisonburg,  
Virginia

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Heltzel by Lura E. Heltzel and husband, by deed dated March 12, 1940, recorded in the Clerk's Office of Rockingham County, in Deed Book 179, at page 236. As covenants running with the land hereby conveyed, it is mutually understood and agreed by and between the parties hereto as follows: (a) That no structure shall be constructed or maintained on either of the lots hereby conveyed within twenty (20) feet of the south line of Charles Avenue, or the east line of Albert Street, porches and bay windows excepted. (b) That the land hereby conveyed shall be used for residential purposes only and that no dwelling house shall be erected thereon costing less than Four Thousand Dollars (\$4,000.00). (c) That no part of the real estate hereby conveyed shall at any time be leased or sold to a colored person or colored persons as defined by the Statutes of Virginia. Witness the following signatures and seals.

A. Biedler Heltzel (SEAL).

\$ .55 Stamps.

Ruth M. Heltzel (SEAL).

STATE OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit,

I, Ward Swank, Commissioner in Chancery of the Circuit Court of Rockingham County, Virginia, do hereby certify that A. Biedler Heltzel, his wife, whose names are signed to the foregoing deed, bearing date on the 2nd day of October, 1946, have personally appeared before me in my said County and acknowledged the same. Given under my hand this 4th day of October, 1946.

Ward Swank, Commissioner in Chancery

VIRGINIA: In the Clerk's Office of the Circuit Court of Rockingham County. The foregoing deed of Bargain and Sale was this day presented in the office aforesaid and is together with the certificate of acknowledgment annexed, admitted to record this 22nd day of October, 1946, 12:50 P. M.

Teste: *Robert Swank* Clerk

The annexed, or foregoing subdivision of a tract of land owned by Frances H. Stallard, Janet E. Houck and Joseph W. Houck (acquired by them by inheritance from their father, Joseph T. Houck, deceased), situate in the City of Harrisonburg, Virginia, at or near a southeastern corporate limit of said City, fronting on East Market Street, of said City, and, platted in accordance with a survey thereof made by A. R. Myers, S. R. C., in August, 1946, and as such subdivision appears upon plat thereof, designated "Plat of the J. T. Houck Addition to the City of Harrisonburg, Virginia" (to which reference is made for more particular description of the land subdivided) is, with the free consent and in accordance with the desire of the undersigned owners and proprietors; and, is acknowledged, and, to be recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, to effect a statutory dedication to public use of the streets, shown upon said plat, and, as appearing thereon. J. W. Stallard, the husband of Frances H. Stallard, and Katherine K. Houck, the wife of Joseph W. Houck, unite in this dedication, and thereby release any interest in or claim against such portion of the premises platted as is on said plat set apart for streets and other public use, as they may have or become entitled to as the husband of Frances H. Stallard and as the wife of Joseph W. Houck, respectively. Given under our hands and seals this 14th day of August, 1946.

Joseph W. Houck (SEAL).

Katherine K. Houck (SEAL).

Janet E. Houck (SEAL)

EXAMINED

OCT 24 1946

Delivered to Hon. J. B. S. 11/1/46. W. B. Boyer, R.C.

As to release of action, on part of father from Mrs. A. Biedler, R. C. issued Dec 27, 1946, in D. B. 114, page 1. W. B. Boyer, R.C.





CITY OF LYNCHBURG,  
STATE OF VIRGINIA, to-wit:

I, Virginia B. Jones, a Notary Public in and for the City aforesaid, in the State of Virginia, do certify that Joseph W. Houck and Katherine K. Houck, his wife, whose names are signed to the above writing, bearing date the 14th day of August, 1946, have acknowledged the same before me in City aforesaid. My term of office expires Jan., 18, 1950. Given under my hand this 18th day of August, 1946.

NOTARIAL  
SEAL

Virginia B. Jones, N. P.

COUNTY OF WILSON

STATE OF NORTH CAROLINA, to-wit:

I, Lucy D. Corbett, a Notary Public in and for the County aforesaid, in the State of North Carolina, do certify that Frances H. Stallard and J. W. Stallard, her husband, and Janet E. Houck, whose names are signed to the above writing, bearing date the 14th day of August, 1946, have acknowledged the same before me in my County and State aforesaid. My term of office expires 10-6-47. Given under my hand this 27th day of August, 1946.

NOTARIAL  
SEAL

Lucy D. Corbett, N. P.

VIRGINIA: In the Clerk's Office of the Circuit Court of Rockingham County. The foregoing Dedication of Flat was this day presented in the office aforesaid and is together with the certificate of acknowledgment annexed, admitted to record this 22nd day of October, 1946, 2:10 P.M.

Teste: *[Signature]*, Clerk

EXAMINED

OCT 24 1946

*Watch to Luther  
A. Raynes R-1  
Gentle, W.  
Myrtle Emawiler*

THIS DEED made this third day of January, 1946, by and between James F. Bruce and Dorothy Lee Bruce, husband and wife, parties of the first part, and Luther D. Raynes and Daisy Raynes, husband and wife, parties of the second part  
W I T N E S S E T H: That for and in consideration of the sum of THIRTEEN HUNDRED DOLLARS (\$1300.00) cash in hand paid by the parties of the second part to the parties of the first part, receipt whereof is hereby acknowledged, they, the said parties of the first part, do hereby grant and convey with general warranty of title unto the said parties of the second part, in equal interests, all that certain tract or parcel of land together with all improvements thereon and appurtenances thereunto belonging, containing eight acres and 28 poles, more or less, lying in Stonewall District, Rockingham County, Virginia on the Brown's Gap Road, near Port Republic, and in the deed to this grantor, James F. Bruce, made by E. A. Thacker and wife dated March 7, 1904, of record in the Clerk's Office of Rockingham County, Virginia in Deed Book 74, page 34, is bounded and described as follows: "Beginning at a stake in Cochran's line, N 56° 11' E 66.7 poles, a stake in Brown's Gap Road thence N 76° 25' W 36.08 poles, rock in said road, thence S 46° .08' W 42.8 poles a stake corner to Deering, and with his line S 34° E 19.08 poles to the beginning." Taxes on said property for the year 1946, to be paid by the grantees herein. Witness the following signatures and seals.

Witness to mark P. R. Cosby  
\$1.65 Stamps.

James F. Bruce <sup>his</sup> X (SEAL).  
Dorothy Lee Bruce <sup>mark</sup> (SEAL).

STATE OF VIRGINIA,  
COUNTY OF ROCKINGHAM, to-wit

I, Phillip R. Cosby, a notary public in and for the county aforesaid, in the State of Virginia, whose commission expires on the 4th day of March, 1946 do certify that James F. Bruce and Dorothy Lee Bruce, husband and wife, whose names are signed to the foregoing deed bearing date January 3, 1946, have personally appeared before me in my said county and acknowledged the same. Given under my hand this 3d day of January, 1946.

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To Whom it may concern:

This is to challenge the impervious land total on the property owned by Rham Exchange LLC. The total land owned is 1.625 acres (70,785 sq ft.) Areas not subject to tax are:

660	sq. ft.	Hawkins St.
135	sq ft	Hawkins St
135	sq ft	Hawkins St.
64	sq ft	Front Middle New East Market St.
1400+	sq ft	Back Property line
4440	sq ft	Western side of Property
<u>6,834</u>		

Total Taxable area is 63,951 sq ft.  
 Areas Taxed was 69,157. The difference is 5,206 sq ft. which was overcharged. This is the amount I am requesting be removed from my bill.  
 Thank you for your attention to this matter.

Sincerely

*[Signature]*





HARRISONBURG  
BOX 1007  
HARRISONBURG, VA 22803-1007

Address Service Requested

**2015/2016 REAL ESTATE TAX BILL AND  
STORMWATER UTILITY FEE BILL**  
**City of Harrisonburg**  
**Jeffrey L. Shafer, Treasurer**  
**1st Half Bill - Due 12/5/15**

001844/3--S 8--B 1

RHAM EXCHANGE LLC  
779 E MARKET ST  
HARRISONBURG VA 22801-4234

**PAID**  
**DEC - 4 2015**  
#7  
JEFFREY SHAFER  
TREASURER

**PROPERTY DESCRIPTION**

**MAP # 28 K 6-8 19-21**  
**00779 MARKET ST**

**BILL # 004752**

**TAX YEAR: 2015**

**REAL ESTATE TAX - CURRENT TAX RATE IS \$.72/\$100.00**

LAND VALUE	IMPROVEMENTS	TOTAL VALUE	TAX RELIEF	TOTAL TAXES FOR YEAR	TAX DUE BY 12/5/15
427,700	800,200	1,227,900		8,840.88	\$4,420.44

**QUESTIONS ABOUT THE NEW STORMWATER FEE?**  
**PLEASE CALL PUBLIC WORKS AT 434-5928**

**DELINQUENT TAXES → \$0.00**

**TOTAL REAL ESTATE TAX DUE → \$4,420.44**

**\*NEW\* STORMWATER FEE - CURRENT FEE RATE IS \$10.50/500 SF IMPERVIOUS AREA**

IMPERVIOUS LAND	BILLING UNITS	CREDITS APPLIED	TOTAL FEE FOR YEAR	DUE BY 12/5/15
53365 SQ FEET	107		1,123.50	\$561.75

**DELINQUENT FEES → \$0.00**

**TOTAL STORMWATER FEES → \$561.75**

**DUE DATE 12/5/15**

**10% PENALTY ADDED ON 12/8/15**  
**10% per annum interest begins 1/1/16**  
**6% per annum interest on Storm Water**  
**Fee begins 1/4/16**

**TOTAL DUE BY 12/5/15 → \$4,982.19**

**PLEASE LOOK AT BACK PAGE  
FOR MORE IMPORTANT INFORMATION**

PLEASE RETAIN TOP PORTION FOR YOUR RECORDS



CITY OF HARRISONBURG  
P.O. BOX 1007  
HARRISONBURG, VA 22803-1007

Address Service Requested

**2015/2016 REAL ESTATE TAX BILL AND  
STORMWATER UTILITY FEE BILL**  
City of Harrisonburg  
Jeffrey L. Shafer, Treasurer  
1st Half Bill - Due 12/5/15

\*001844/3--S 8--B 1

RHAM EXCHANGE LLC  
779 E MARKET ST  
HARRISONBURG VA 22801-4234

**PAID**

DEC - 4 2015

#7  
JEFFREY SHAFER  
TREASURER

**PROPERTY DESCRIPTION**

MAP # 28 K 22  
HAWKINS ST

**BILL # 004753**

**TAX YEAR: 2015**

**REAL ESTATE TAX** - CURRENT TAX RATE IS \$.72/\$100.00

LAND VALUE	IMPROVEMENTS	TOTAL VALUE	TAX RELIEF	TOTAL TAXES FOR YEAR	TAX DUE BY 12/5/15
95,900	10,000	105,900		762.48	\$381.24

**QUESTIONS ABOUT THE NEW STORMWATER FEE?  
PLEASE CALL PUBLIC WORKS AT 434-5928**

**DELINQUENT TAXES → \$0.00**

**TOTAL REAL ESTATE TAX DUE → \$381.24**

**\*NEW\* STORMWATER FEE** - CURRENT FEE RATE IS \$10.50/500 SF IMPERVIOUS AREA

IMPERVIOUS LAND	BILLING UNITS	CREDITS APPLIED	TOTAL FEE FOR YEAR	DUE BY 12/5/15
9491 SQ FEET	19		199.50	\$99.75

**DELINQUENT FEES → \$0.00**

**TOTAL STORMWATER FEES → \$99.75**

**DUE DATE 12/5/15**

**10% PENALTY ADDED ON 12/8/15**

**10% per annum interest begins 1/1/16**

**6% per annum interest on Storm Water  
Fee begins 1/4/16**

**TOTAL DUE BY 12/5/15 → \$480.99**

**PLEASE LOOK AT BACK PAGE  
FOR MORE IMPORTANT INFORMATION**

PLEASE RETAIN TOP PORTION FOR YOUR RECORDS



CITY OF HARRISONBURG  
P.O. BOX 1007  
HARRISONBURG, VA 22803-1007

Address Service Requested

2015/2016 REAL ESTATE TAX BILL AND  
STORMWATER UTILITY FEE BILL  
City of Harrisonburg  
Jeffrey L. Shafer, Treasurer  
1st Half Bill - Due 12/5/15

001844/3--S 8--B 1

RHAM EXCHANGE LLC  
779 E MARKET ST  
HARRISONBURG VA 22801-4234

PAID

DEC - 4 2015

#7  
JEFFREY SHAFER  
TREASURER

PROPERTY DESCRIPTION

MAP # 28 K 5  
E MARKET ST

BILL # 004751

TAX YEAR: 2015

**REAL ESTATE TAX** - CURRENT TAX RATE IS \$.72/\$100.00

LAND VALUE	IMPROVEMENTS	TOTAL VALUE	TAX RELIEF	TOTAL TAXES FOR YEAR	TAX DUE BY 12/5/15
79,200	0	79,200		570.24	\$285.12

QUESTIONS ABOUT THE NEW STORMWATER FEE?  
PLEASE CALL PUBLIC WORKS AT 434-5928

DELINQUENT TAXES → \$0.00

TOTAL REAL ESTATE TAX DUE → \$285.12

**\*NEW\* STORMWATER FEE** - CURRENT FEE RATE IS \$10.50/500 SF IMPERVIOUS AREA

IMPERVIOUS LAND	BILLING UNITS	CREDITS APPLIED	TOTAL FEE FOR YEAR	DUE BY 12/5/15
6301 SQ FEET	13		136.50	\$68.25

DELINQUENT FEES → \$0.00

TOTAL STORMWATER FEES → \$68.25

**DUE DATE 12/5/15**

10% PENALTY ADDED ON 12/8/15  
10% per annum interest begins 1/1/16  
6% per annum interest on Storm Water  
Fee begins 1/4/16

**TOTAL DUE BY 12/5/15 → \$353.37**

PLEASE LOOK AT BACK PAGE  
FOR MORE IMPORTANT INFORMATION

PLEASE RETAIN TOP PORTION FOR YOUR RECORDS



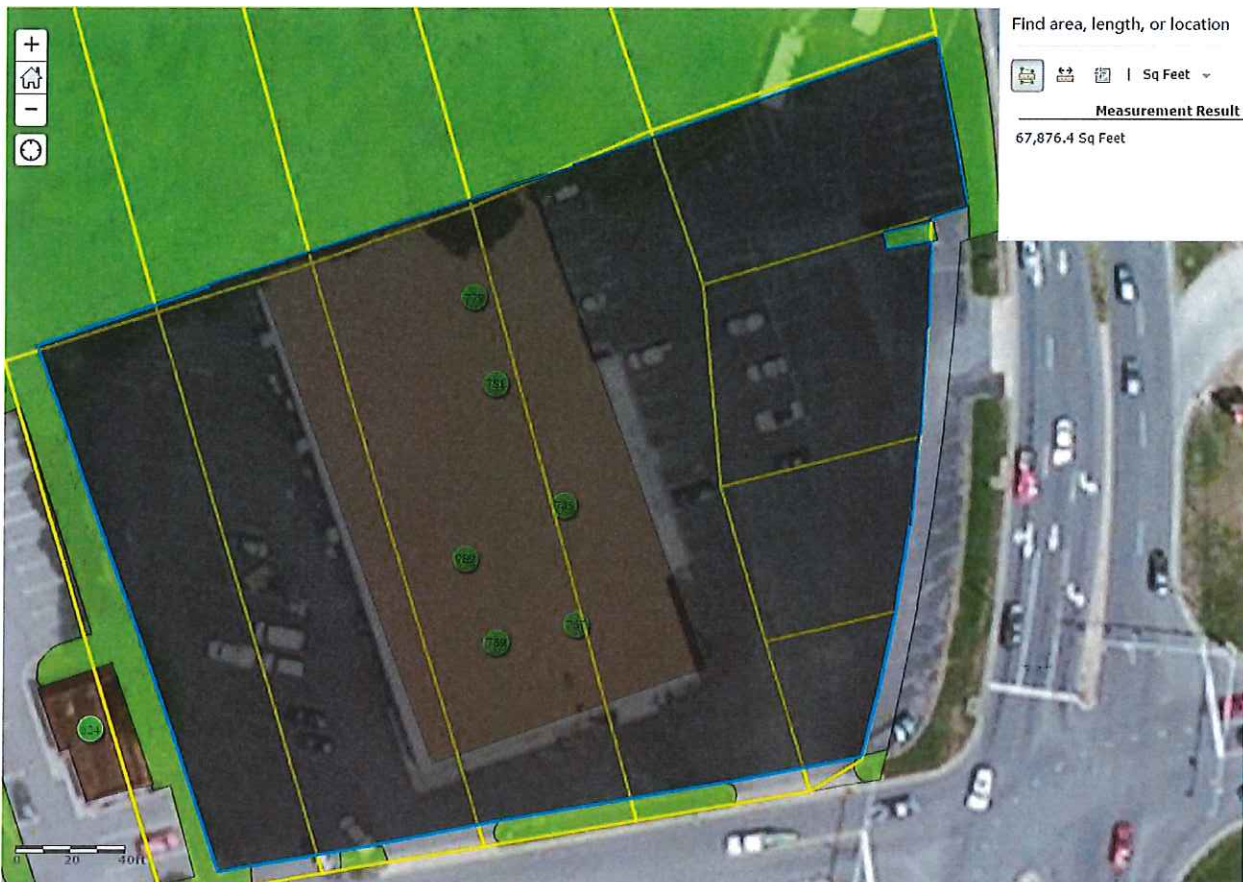




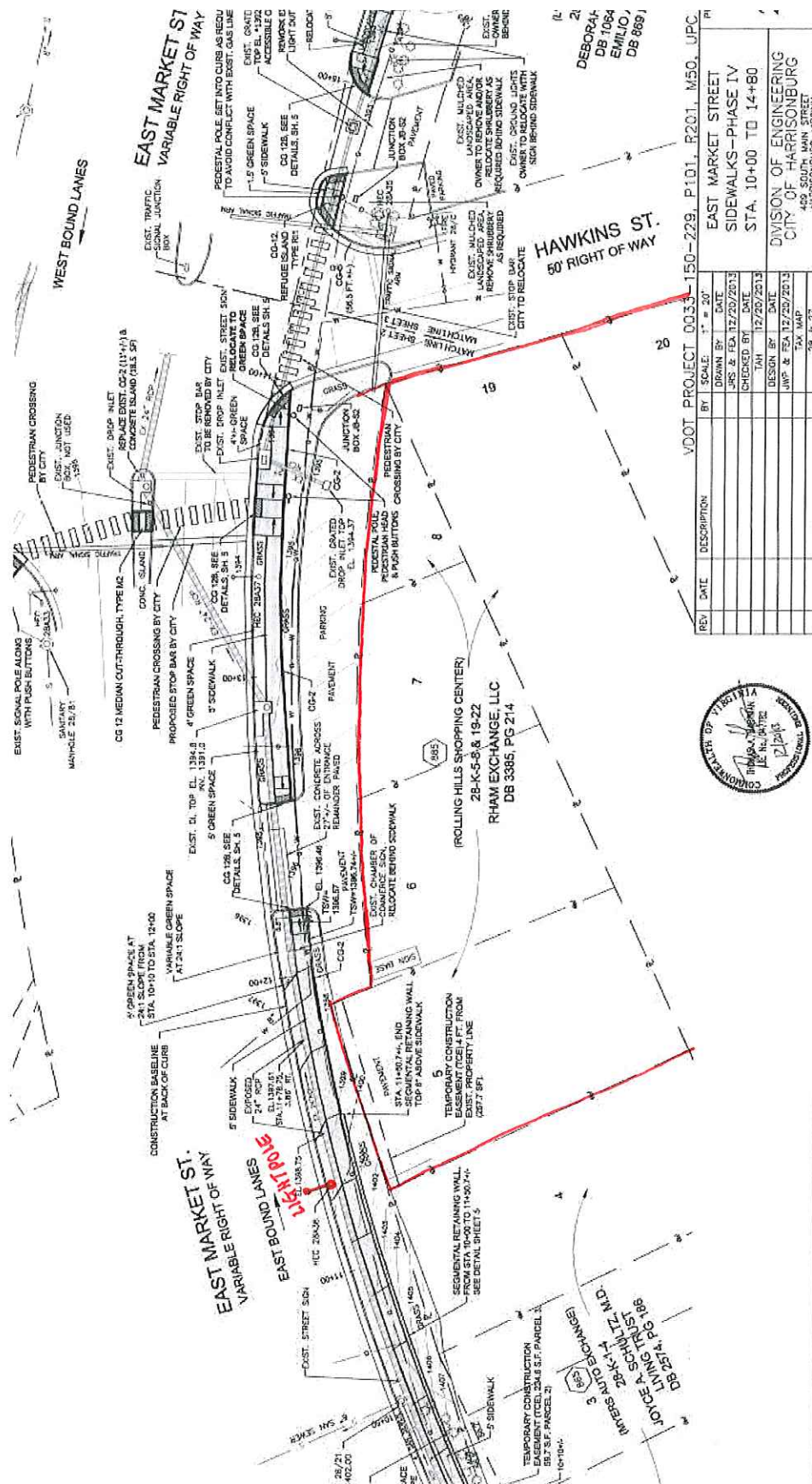
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ABOVE. MAPPING LOT SIZE 1.62 ACRES SHOWN.



ABOVE. MAPPING IMPERVIOUS AREA WITHIN ASSUMED LOT SIZE.  
 APPROX /  
 = 67,876 SF = 13680 = \$1428.00





### **Review of Harrisonburg “Chicken Ordinance”**

On January 13, 2016, the City Planning Commission had a discussion regarding revisions to Section 12-5-24 Fowl, Chickens and other Domestic Birds (commonly referred to as the Chicken Ordinance). They also received a presentation on “Avian Flu” by Dr. Don Hospson, Regional State Veterinary Supervisor, Virginia Department of Agriculture and Consumer Services. Draft minutes from that meeting will be available on/ around Friday February 5 at <http://www.harrisonburgva.gov/planning-commission>.

Additionally, the City has also invited the public to comment on the chicken ordinance on [www.BeHeardHarrisonburg.org](http://www.BeHeardHarrisonburg.org). Please see press release on next page for more details.

The Public Works Department has received a suggestion to consider adding an additional fee to the Stormwater Utility Fee program for property owners who have backyard chickens. The stormwater utility fee is based on square footage of impervious area within a property. It was not established and is not equipped to charge different fees to different land uses (ex. properties with chickens, properties that have industrial uses, forested land, etc.), and therefore, Public Works staff does not recommend modifications to the stormwater utility ordinance.

However, Planning Commission’s review of the chicken ordinance provides a good opportunity to review the chicken ordinance and consider modifications to protect water quality. In the following pages, Public Works staff has provided recommendations to *Section 15-2-24. – Fowl, chickens and other domestic birds*, related to locating chicken pens and litter storage/ composting away from streams, tributaries, ditches, stormwater management facilities, and storm drain facilities.

The Stormwater Advisory Committee is asked to review the recommendations, provide feedback, and additional comments, if any. Recommendations will be sent to Planning Commission for their consideration.





For Immediate Release  
January 25, 2016

Contact: Mary-Hope Vass, Public Information Officer  
540.432.8931  
[MaryHope.Vass@HarrisonburgVA.gov](mailto:MaryHope.Vass@HarrisonburgVA.gov)

## City Invites Public to Comment on Chicken Ordinance

Harrisonburg, Va. – The city has posted a discussion to *Be Heard Harrisonburg* and is asking members of the community for feedback on the ordinance regulating chickens and other domestic birds.

In 2009, an ordinance ([Section 15-2-24](#)) was created to set parameters for those residents who met the requirements to have backyard chickens and other domestic birds.

Most recently, City Council revisited the requirements of this specific code section and is further exploring the following in regards to the ordinance:

- Whether the lot size threshold of two acres should be reduced;
- If there should be a neighbor approval process;
- Whether a certain number of permits should be issued within an implemented trial period, and;
- Any other issues or concerns.

To help move the process forward, Planning Commission is collecting input from the public.

A discussion has been created on [www.BeHeardHarrisonburg.org](http://www.BeHeardHarrisonburg.org) to get feedback from the community and start a conversation on this ordinance. This discussion will be open until Friday, February 5.

To access this discussion, visit [www.BeHeardHarrisonburg.org](http://www.BeHeardHarrisonburg.org) and click on the discussion titled, "Chicken Ordinance." This will be open to all community members and registration to *Be Heard Harrisonburg* is not necessarily required but is recommended for future engagement opportunities through this site.

In addition to this online discussion, Harrisonburg Planning Commission anticipates opening up their meeting on Wednesday, February 10 to receive public input on this matter. The meeting will be held at 7:00 p.m. in City Council chambers.

*Who will notify you if an emergency-related event is happening in Harrisonburg or Rockingham County? Sign up to receive free alerts through the **Harrisonburg and Rockingham County Emergency Alert System** by visiting [www.HREmergencyAlert.com](http://www.HREmergencyAlert.com).*



###

Public Works staff's suggested amendments

**Sec. 15-2-24. - Fowl, chickens and other domestic birds.**

(a)

*Definitions.* *Fowl* is defined as any of various domestic birds by way of example but not limited to: Chickens, roosters, ducks, geese, turkeys, guinea fowl, emus, rheas, ostriches and pigeons.

(b)

It shall be unlawful for any person to keep, permit or allow any domesticated fowl within the corporate limits of the city, or to allow any domesticated fowl to run at large within the corporate limits of the city, except as specifically permitted below.

(c)

It shall only be lawful for a person to keep, permit or allow chickens within the corporate limits of the city on residential property only, under the following terms and conditions:

(1)

No more than four (4) chicken hens shall be allowed for each single-family dwelling. No chickens shall be allowed on townhouse, duplex, apartment or manufactured housing park properties. Chickens allowed under this section shall only be raised for domestic purposes and no commercial use such as selling eggs or selling chickens for meat shall be allowed.

(2)

Each single-family dwelling shall contain at a minimum two (2) acres of land.

(3)

No roosters shall be allowed.

(4)

There shall be no outside slaughtering of birds.

(5)

All chicken hens must be kept at all times in an enclosed secure movable or stationary pen that contains at a minimum four (4) square feet per bird.

(6)

All enclosed pens ~~and storage or composting of litter~~ must be situated at least twenty-five (25) feet from adjoining property lines and shall not be located ~~at least twenty (20) feet from in-storm drainage areas, streams, tributaries, ditches, swales, stormwater management facilities, or other storm drainage areas~~ that would allow fecal matter to enter any ~~city~~ storm drainage system or stream.

(7)

All enclosed pens must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors. Once a permit is obtained pursuant to this section, the permittee agrees to semi-annual inspections by the Virginia Department of Agriculture and Consumer Services veterinarians.

(8)

All feed for the chickens shall be kept in a secure container or location to prevent the attraction of rodents and other animals.

(9)

**Comment [t1]:** References: City of Staunton, City of Norfolk

Deletion of word "city" as we don't want fecal matter to enter any storm drain system regardless of whether it's the city's or private.

Chicken litter and waste shall not be deposited in any trash container that is collected by any public or private waste collector and shall be disposed of by composting either on site or at the county landfill in accordance with the applicable permit. Also any dead bird shall not be deposited in any trash container that is collected by any public or private waste collector but shall be taken to the county landfill to be composted in accordance with the applicable permit.

(10)

Persons wishing to keep chicken hens pursuant to this subsection must file an application with the city's department of community development, which application shall include a sketch showing the area where the chickens will be housed and the types and size of enclosures in which the chickens shall be housed along with a twenty-five dollar (\$25.00) fee. The sketch must show all dimensions and setbacks. As part of the application process all persons must complete the Virginia Livestock Premises Registration with the Virginia State Veterinarian's Office prior to the issuance of a permit. Once the site and enclosures have been inspected and approved by the city's animal control officer, the city's animal control officer shall issue a permit, which permit shall be valid for one (1) year. Each existing permit must be renewed annually by filing a renewal application with the city's department of community development along with the payment of the twenty-five dollar (\$25.00) annual fee and by having the city's animal control officer make another inspection of the site.

(d)

The above subsection (c) shall not apply to indoor birds, such as, but not limited to, parrots or parakeets, or to the lawful transportation of fowl through the corporate limits of the city. Neither shall it apply to fowl kept in areas of the city as a legal nonconforming use.

(e)

Fowl currently existing in the city shall not be "grandfathered" or permitted to remain after the effective date of this section; however, owners of the fowl will have ninety (90) days from the effective date to come into compliance with this section.

(f)

Any person found guilty of violating this section shall be guilty of a Class 3 misdemeanor and subsequent violations of this section by the same person shall constitute a Class 2 misdemeanor.

(Ord. of 8-11-09)

**Editor's note—** Ord. of 8-11-09, set out provisions intended for use as § 15-2-25. For purposes of classification, and at the editor's discretion, these provisions have been included as § 15-2-24.

**Comment [t2]:** We continue to support not allowing litter/waste in trash. We suggest that as/if more people raise backyard chickens that the City make information on backyard composting, specifically to chicken manure, available to the public.

Couldn't find good examples from other VA localities on backyard chicken manure composting information. The best information found is from Fairfax Co, <http://www.fairfaxcounty.gov/nvswcd/newsletter/backyard-chickens.htm>.

There are many other online resources from various state extension offices.

- <http://articles.extension.org/pages/67609/small-and-backyard-poultry-flocks>
- <http://www.cals.uidaho.edu/edcomm/pdf/cis/cis1194.pdf>
- <http://county.wsu.edu/king/gardening/mg/factsheets/Fact%20Sheets/Using%20Manure%20as%20Compost.pdf>
- <http://msucare.com/pubs/infosheets/is1975.pdf>
- <http://www.extension.umn.edu/food/small-farms/livestock/poultry/backyard-chicken-basics/>