Fund 700
Route 28 Tax District

Focus

Fairfax County, in partnership with Loudoun County, formed the Route 28 Highway Transportation Improvement District (District) on December 21, 1987. Under Virginia law such a district may be formed only upon the joint petition of owners of at least 51 percent of the land area in each county which is within the boundaries of the proposed district and which has been zoned or is used for commercial or industrial purposes. The District was formed to provide improvements to State Route 28 which connects State Route 7 in eastern Loudoun County to U.S. Route 50 and Interstate 66 in western Fairfax County, running approximately parallel to the County's western border. State Route 28 provides access to Dulles International Airport, along with the Dulles Access Road, which connects the Capital Beltway to Dulles International Airport. This District was formed upon landowner petition to accelerate planned highway improvements proposed by the state which relied primarily on slower pay-as-you-go financing from the Northern Virginia region's share of the State Primary Road Fund allocation. Under the terms of the agreement with the state, the District will fund 75 percent of defined Phase I and Phase II improvements and the state will fund 25 percent.

The District, administered by a Commission appointed by the Board of Supervisors of both counties, may subject the owners of industrial and commercial property within the District to a maximum additional tax assessment of 20 cents per $100 of assessed value. These funds, in addition to funds received through the State Primary Road Fund allocation formula, are to be used for the road improvements and debt service on bonds issued by the state. Improvements completed for Phase I of the Route 28 project included widening the existing road from two to six lanes and upgrading three major intersections. Legislation authorizing the issuance of Commonwealth Transportation Board (CTB) revenue bonds up to $160.7 million plus issuance expenses to finance the Phase I improvements to Route 28 was enacted during the 1988 Virginia General Assembly and became effective July 1, 1988. This legislation stipulates that the additional tax assessment in the District and funds allocated to the highway construction district, in which Route 28 lies, would reimburse the state for its debt service payments on its bonds. The Commonwealth issued $138.5 million in revenue bonds for the District in September 1988.

Fairfax County and Loudoun County have entered into a contract with the District and agreed to levy an additional tax assessment, as requested by the District, collect the tax, and pay all tax revenues to a Fiscal Agent for distribution. The contract specifies that the counties shall pay all revenues collected on behalf of the District to Trustees jointly designated by the CTB and the counties, and the District in turn shall notify the County of the required payment and request a rate sufficient to collect that amount, up to a maximum of 20 cents per $100 of assessed value. The rate is set at 20 cents per $100 dollars of assessed value and to date; the District Commission has not proposed a rate reduction in anticipation of expenditure requirements for the next and final phase of planned improvements.

In FY 2009, an amount of $13,351,114 has been included for Fairfax County collections based on estimated tax collections and an allowance for potential property buy-outs, late payments and penalties.

In August 2002 Fairfax County, Loudoun County, the Commonwealth Transportation Board and the Fairfax County Economic Development Authority (EDA) entered into contractual agreements to provide for construction of a portion of additional improvements on Route 28 (Phase II improvements). Specifically, six separated grade interchanges to be constructed to ease traffic congestion. Funding totaling $201.7 million was made available from a joint financing plan providing $75.4 million from CTB funds allocated from the state six-year primary and secondary road plan, approximately $36.4 million of remaining CTB Route 28 bond authorization, and approximately $90.0 million of bond funds issued by the EDA in 2003 and 2004 and supported by the two counties. Construction of the first six interchanges is nearly complete.

In October 2006, the CTB, the counties and the Fairfax County EDA approved the financing plan for the construction of the final four interchanges at Willard Road, Frying Pan Park Road, CIT/Innovation Drive and Nokes Boulevard. The plan includes acceptance of a $5.0 million grant and a $20.0 million loan from the State Transportation Partnership Opportunity Fund (TPOF); and issuance of Route 28 District revenue bonds; and use of surplus District tax revenues to fund the $111.1 million project estimate. Fairfax County EDA Revenue bonds are planned to be issued in two series. A total of $41.505 million was issued on February 27,

2007 and an issue of approximately $45.0 million is anticipated in July 2008. It should be noted that on July 24, 2007, the CTB notified the District Commission that an additional $23,936,772 was approved in the CTB's FY 2008-2013 Six Year Improvement Plan as payment toward the State Obligation under the District Contract. Therefore, this additional funding fully replaced the $20,000,000 originally planned for the TPOF loan.

All bond issues will be fully supported by District tax revenue. In order to maximize revenues available for new debt service, the CTB refunded its outstanding 1992 bonds in October 2002. At the same time the CTB issued $36.4 million of new bonds for construction, representing the balance of bond authorization remaining from the 1988 acts of the General Assembly. The Fairfax County EDA issued Transportation Contract Revenue bonds in the amount of $33.375 million in October 2003 and issued $57.4 million in August 2004. In the event that District revenues are not sufficient to make debt service payments, the state bonds are backed by the appropriated state allocations to the Northern Virginia Transportation District. The EDA bonds will be supported by a Revenue Stabilization Fund (RSF) equal to maximum annual EDA debt service created from surplus revenue collections. As a further credit enhancement for the proposed EDA bonds, both Fairfax and Loudoun Counties have pledged a joint moral obligation in the event that tax revenues and the RSF are not sufficient to support EDA debt service. Also, the Series 2004 Bonds are guaranteed under a separate insurance policy by MBIA Insurance Corporation. The following chart depicts the financing structure as of December 2007:

Current Bonds

Bond Year (April 1)	District Revenues[1]	Series 2002 CTB Annual Debt Service[2]	Series 2003 & 2004 EDA Annual Debt Service[3]	Series 2007A Annual Debt Service[4]	Total Annual Debt Service	Excess Revenues	Cumulative Excess Revenues[5]
Balance Fwd							$6,408,259
2003	$5,836,398	$4,656,294	$0		$4,656,294	$1,180,104	7,588,363
2004	12,679,429	7,523,176	3,127,943		10,651,119	2,028,310	9,616,673
2005	13,367,270	7,531,145	3,676,138		11,207,283	2,159,987	11,776,660
2006	14,486,968	7,528,145	4,169,446		11,697,591	2,789,377	13,066,037[6]
2007	20,912,782	7,529,845	4,169,445		11,699,290	9,213,492	22,279,529
2008	24,521,214	7,524,883	4,169,445	1,865,227	13,559,555	10,961,659	33,241,188
2009	23,984,601	7,530,712	4,169,445	1,781,119	13,481,276	10,503,325	43,744,513
2010		7,528,150	4,529,445	1,781,119	13,838714		
2011		7,528,835	5,148,565	1,781,119	14,458,519		
2012		7,529,625	5,601,700	1,781,119	14,912,444		
2013		7,530,300	5,837,713	1,781,119	15,149,132		
2014		7,528,050	5,630,263	1,781,119	14,939,432		
2015		7,531,800	5,672,350	1,781,119	15,028,479		
2016		7,530,550	5,716,810	1,781,119	15,028,479		
2017		7,528,800	5,888,810	1,781,119	15,198,729		
2018		7,525,800	6,270,000	1,781,119	15,576,919		
2019		8,100,000	6,406,763	1,781,119	16,287,882		
2020		8,100,000	7,122,200	1,781,119	17,003,319		
2021		8,105,000	7,117,375	1,781,119	17,003,494		
2022		8,105,000	7,119,325	1,781,119	17,005,444		
2023		8,105,000	7,120,975	1,781,119	17,007,094		
2024		8,105,000	7,121,000	1,781,119	17,007,119		
2025		8,105,000	7,117,250	1,781,119	17,003,369		
2026		8,105,000	7,122,750	1,781,119	17,008,869		

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Bond Year (April 1)	District Revenues[1]	Series 2002 CTB Annual Debt Service[2]	Series 2003 & 2004 EDA Annual Debt Service[3]	Series 2007A Annual Debt Service[4]	Total Annual Debt Service	Excess Revenues	Cumulative Excess Revenues[5]
2027		8,105,000	7,116,500	1,781,119	17,002,619		
2028		8,105,000	7,118,500	1,781,119	17,004,619		
2029		8,105,000	7,117,750	1,781,119	17,003,869		
2030		8,105,000	7,119,500	1,781,119	17,005,619		
2031		8,105,000	7,117,250	1,781,119	17,003,369		
2032		8,105,000	7,120,500	1,781,119	17,006,619		
2033			7,118,250	3,821,119	10,939,369		
2034				10,944,319	10,944,319		
2035				10,940,981	10,940,981		
2036				10,944,013	10,944,013		
2037				10,941,038	10,941,038		
Total	**N/A**	**$231,046,110**	**$179,853,406**	**$92,203,553**	**$503,103,069**	**N/A**	**N/A**

[1] FY 2003 represents partial year tax revenue and interest collections from October 1, 2002 to April 1, 2003. Tax district revenues for FY 2004 and FY 2005 represent all revenue collected from April 2, 2003 through April 1, 2004 and April 2, 2004 through April 1, 2005, April 1, 2006 respectively. FY 2007 is an estimate pending audited figures, FY 2008 and FY 2009 are estimates of combined Fairfax and Loudoun collections plus estimated interest earnings on revenue, debt service reserve and revenue stabilization fund accounts. Actual revenues may also include district buy-out proceeds.

[2] CTB Revenue Refunding and Revenue Bond Debt Service issue of September 26, 2002.

[3] Based on completion of EDA bond issues in 2003 and 2004 for an aggregate amount of $90,785,000. Sale of the Series 2003 bonds in the amount of $33,375,000 was completed on October 29, 2003. Sale of the Series 2004 bonds in the amount of $57,410,000 was completed on August 19, 2004.

[4] Fairfax County EDA Transportation Contract Revenue Bonds (Route 28 Project) 2007 A in the amount of $41,505,000 was completed on February 27, 2007.

[5] Balance Forward represents funds on account with CTB and transferred to the Fiscal Agent upon refunding the 1992 bonds and new money bonds issued October 2002. An amount of $10.9 million is reserved to fund the Revenue Stabilization Fund (RSF). Excess revenues available after achieving full RSF funding are held with the Fiscal Agent and may be used to fund deficiencies in the Debt Service Fund, additional Phase II improvements or reduce the tax rate in accordance with the District Contract. The tax rate may not be reduced until the District has recorded at least two successive years of excess revenues.

[6] An amount of $1.5 million was transferred to VDOT in September 2005 for 10 percent design of the last four interchanges.

FY 2009 Funding Adjustments

The following funding adjustments from the FY 2008 Revised Budget Plan are necessary to support the FY 2009 program:

- **Fiscal Agent Payments** **$2,140,881**
  An increase of $2,140,881 in estimated payments to the fiscal agent which includes taxes due of $12,351,114 based on the anticipated January 1, 2008 assessment and an allowance for one time buyouts and late payments of $1,000,000.

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Board of Supervisors' Adjustments

The following funding adjustments reflect all changes to the FY 2009 Advertised Budget Plan, as approved by the Board of Supervisors on April 28, 2008:

- The Board of Supervisors made no adjustments to this fund.

Changes to FY 2008 Adopted Budget Plan

The following funding adjustments reflect all approved changes in the FY 2008 Revised Budget Plan since passage of the FY 2008 Adopted Budget Plan. Included are all adjustments made as part of the FY 2007 Carryover Review and all other approved changes through December 31, 2007:

- **Expenditure Increase** **$781**
  FY 2008 expenditures increased $707 or .006 percent over the *FY 2008 Adopted Budget Plan* total of $11,209,526 based on a higher than anticipated ending balance. All taxes collected, as well as tax district buy out funds, are remitted to the fiscal agent on a monthly basis as collected. In addition, there was an increase of $74 in beginning balance related to an FY 2007 audit adjustment which increased expenditures available for remittance to the fiscal agent in FY 2008.

The following funding adjustments reflect all approved changes to the FY 2008 Revised Budget Plan from January 1, 2008 through April 21, 2008. Included are all adjustments made as part of the FY 2008 Third Quarter Review:

- **Expenditure Increase** **$1,335,517**
  FY 2008 expenditures increased $1,335,517 or 11.9 percent over the *FY 2008 Revised Budget Plan* total of $11,210,233. This is primarily due to actual real estate assessments being higher than originally forecasted for budgetary purposes. All taxes collected, as well as tax district buy out funds, are remitted to the fiscal agent on a monthly basis as collected.

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FUND STATEMENT

Fund Type G70, Agency Funds **Fund 700, Route 28 Tax District**

	FY 2007 Actual	FY 2008 Adopted Budget Plan	FY 2008 Revised Budget Plan	FY 2009 Advertised Budget Plan	FY 2009 Adopted Budget Plan
Beginning Balance	**$1,872**	**$1,872**	**$2,653**	**$0**	**$0**
Revenue:					
Real Estate Taxes-Current[1]	$10,369,719	$10,207,654	$11,543,097	$12,351,114	$12,351,114
Revenue from Buy Outs	0	1,000,000	1,000,000	1,000,000	1,000,000
Interest on Investments	31,212	0	0	0	0
Total Revenue	$10,400,931	$11,207,654	$12,543,097	$13,351,114	$13,351,114
Total Available	**$10,402,803**	**$11,209,526**	**$12,545,750**	**$13,351,114**	**$13,351,114**
Expenditures:					
Payments to the State	$10,400,150	$11,209,526	$12,545,750	$13,351,114	$13,351,114
Total Expenditures	$10,400,150	$11,209,526	$12,545,750	$13,351,114	$13,351,114
Total Disbursements	**$10,400,150**	**$11,209,526**	**$12,545,750**	**$13,351,114**	**$13,351,114**
Ending Balance[2]	**$2,653**	**$0**	**$0**	**$0**	**$0**
Tax rate/per $100 Assessed Value	$0.20	$0.20	$0.20	$0.20	$0.20

[1] Estimate to provide for sufficient appropriation includes projected tax collections based on assessments, and allowances for late payments, penalties and permitted property buy-outs. All monies collected are required to be remitted to the Fiscal Agent monthly as collected.

[2] As all monies collected are required to be remitted to the Fiscal Agent monthly as collected the ending balance should be zero unless as of the closing period there were pending remittances to the Fiscal Agent.