

Reviewed by:

Dennis T. Johnson, Jr.
161 Chichester Avenue
Hampton, VA 23669

Portion of E. Mercury Boulevard

Consideration: \$350.00

After Recording, Return to:

Veronica E. Meade
City Attorney's Office
City of Hampton
22 Lincoln Street
Hampton, VA 23669

EXEMPTION FROM GRANTOR'S TAX UNDER VIRGINIA CODE § 58.1-811(C)(4)

**VACATION AGREEMENT
(Portion of E. Mercury Boulevard)**

THIS VACATION AGREEMENT (this "Agreement"), made this ____ day of February, 2016, among the CITY OF HAMPTON, VIRGINIA, a municipal corporation of the Commonwealth of Virginia located at 22 Lincoln Street, Hampton, Virginia 23669 (the "City") and **DENNIS T. JOHNSON, JR.** and **TAMMY J. JOHNSON** (the "Owners"), owners of property at 161 Chichester Avenue, Hampton, Virginia 23669 (LRSN 12000715) (the "Property") and **DAVID MICHAEL SMITH**, resident at 196 E. Mercury Boulevard, Hampton, Virginia 23669.

WHEREAS, the City owns the unimproved right of way along E. Mercury Boulevard adjacent to the Property, a portion of which comprises 704 square feet (0.0162 acre), more or less, located in the City of Hampton and more particularly described as:

All that certain lot, piece, or parcel of land containing 704 square feet (0.0162 acre), more or less, situate, lying, and being in the City of Hampton, Virginia, and being highlighted with hatch marks and described as "PROPERTY VACATED, 704 SQ. FT., 0.0162 ACRES" as shown with hatch marks on that certain plat entitled: "VACATION PLAT OF PROPERTY CONVEYED FROM THE CITY OF HAMPTON, VA. TO DENNIS TURE JOHNSON, JR. & TAMMY J. JOHNSON" said plat bearing a date of April 15, 2015, revised January 26, 2016, signed April 15, 2015 by Anthony D. Potts, Land Surveyor, A.D. Potts & Associates, Inc., 11524 Jefferson Avenue, Newport News, Virginia 23601, which is attached hereto as Exhibit "A" for reference and made a part of this legal description (the "Vacation Area");

WHEREAS, sometime in the past 60 years, Owners' grandparents planted and maintained shrubs, bushes, and flowers along Mercury Boulevard, mistakenly believing they owned the property upon which this vegetation was planted;

WHEREAS, Owners recently purchased the Property from their grandmother's estate and discovered the error after having the Property surveyed to install a privacy fence for their dogs' recreation;

WHEREAS, Owners, therefore, request that the City vacate the Vacation Area; and, if approved, they intend to install a 6-foot high wooden privacy fence constructed of salt treated pickets measuring 5.5" wide and attached to 2"x4"s and 4"x4" posts;

WHEREAS, pursuant to Section 2.05 of the Hampton City Charter, the only abutting property owner, David Michael Smith, is a party to this Agreement;

WHEREAS, approval of this request will generate a modest amount of real estate tax income for the City;

WHEREAS, pursuant to Section 34-120 of the City Code, the City values the Vacation Area at Three Hundred Fifty and 00/100 Dollars (\$350.00); and

WHEREAS, the City, acting by and through its City Council, is of the opinion that the Vacation Area is not now and will not be needed for public interest.

NOW, THEREFORE, in accordance with Section 2.05 of the Hampton City Charter, the City of Hampton, Virginia, acting by and through its City Council at its duly held meeting on the ____ day of February, 2016, does by these presents release, quit-claim, and vacate unto Owners the following described property interest for the purchase price of Three Hundred Fifty and 00/100 Dollars (\$350.00), to-wit:

All that certain lot, piece, or parcel of land containing 704 square feet (0.0162 acre), more or less, situate, lying, and being in the City of Hampton, Virginia, and being highlighted with hatch marks and described as "PROPERTY VACATED, 704 SQ. FT., 0.0162 ACRES" as shown with hatch marks on that certain plat entitled: "VACATION PLAT OF PROPERTY CONVEYED FROM THE CITY OF HAMPTON, VA. TO DENNIS TURE JOHNSON, JR. & TAMMY J. JOHNSON" said plat bearing a date of April 15, 2015, revised January 26, 2016, signed April 15, 2015 by Anthony D. Potts, Land Surveyor, A.D. Potts & Associates, Inc., 11524 Jefferson Avenue, Newport News, Virginia 23601, which is attached hereto as Exhibit "A" for reference and made a part of this legal description.

IN WITNESS WHEREOF, the City of Hampton, Virginia, a municipal corporation of the Commonwealth of Virginia, has caused its name to be signed to this Agreement by its

City Manager or her duly Authorized Designee, and its corporate seal to be affixed and attested by its Clerk, Katherine K. Glass, they having been duly authorized to do so. Owners likewise have caused their names to be signed to this Vacation Agreement.

THE CITY OF HAMPTON, VIRGINIA

By: _____
City Manager / Authorized Designee

COMMONWEALTH OF VIRGINIA
City of Hampton, to wit:

On this _____ day of February, 2016, I hereby certify that the foregoing Vacation Agreement was executed before me by _____, City Manager or Authorized Designee for the City of Hampton, Virginia. She/He is known to me personally.

Notary Public

My Commission Expires: _____
Registration No.: _____

ATTEST:

Clerk

COMMONWEALTH OF VIRGINIA,
City of Hampton, to wit:

On this _____ day of February, 2016, I hereby certify that the foregoing Vacation Agreement was executed before me by Katherine K. Glass, Clerk of Council for the City of Hampton, Virginia. She is known to me personally.

Notary Public

My Commission Expires: _____
Registration No.: _____

Approved as to form and legal sufficiency:

Deputy City Attorney

ACCEPTANCE:

By: _____
Dennis T. Johnson, Jr.

COMMONWEALTH OF VIRGINIA
City/County of _____, to-wit:

I hereby certify on this _____ day of _____, 2016 that the foregoing
Vacation Agreement was acknowledged before me by Dennis T. Johnson. He is known to
me personally or provided _____ as identification.

Notary Public

My Commission Expires: _____
Registration No. _____

* * * * *

By: _____
Tammy J. Johnson

COMMONWEALTH OF VIRGINIA
City/County of _____, to-wit:

I hereby certify on this _____ day of _____, 2016 that the foregoing
Vacation Agreement was acknowledged before me by Tammy J. Johnson. She is known to
me personally or provided _____ as identification.

Notary Public

My Commission Expires: _____
Registration No. _____

By: David Michael Smith
David Michael Smith

COMMONWEALTH OF VIRGINIA
City/County of Hampton, to-wit:

I hereby certify on this 4th day of February, 2016 that the foregoing Vacation Agreement was acknowledged before me by David Michael Smith. He is known to me personally or provided VA DL as identification.

Cynthia Vanessa Jackson
Notary Public

My Commission Expires: 11/30/2019
Registration No. 7637889

