

Reviewed by:

Richard B. Blackwell
Suite A
2210 Executive Drive
Hampton, VA 23666

Alley Intersecting LRSN 12007117

Consideration: \$500.00

After Recording, Return to:

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

EXEMPTION FROM CLERK'S FEE UNDER
VIRGINIA CODE SECTION 17.1-266

**VACATION AGREEMENT
(ALLEY INTERSECTING 512 NORTH FIRST STREET)**

THIS VACATION AGREEMENT made this _____ day of October, 2015, by and 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 **MICHAEL L. SMITH** and **LISA L. SMITH**, owners of property located at 512 North First Street, Hampton, Virginia 23664 (the "Owners").

WHEREAS, the City owns a 15' alley that intersects 512 North First Street, comprising 779 square feet (0.01789 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 779 square feet (0.01789 acre), more or less, situate, lying, and being in the City of Hampton, Virginia, and being that highlighted portion described as "15' ALLEY SEGMENT (AREA = 779 S.F. OR 0.01789 ACRES) HEREBY VACATED AND MERGED W/LOT 38, BLOCK 7 TO BECOME LOT 38-A (TOTAL AREA = 11,562 S.F. OR 0.2654 ACRES)" as shown on that certain plat entitled: "PLAT OF THE PROPERTY OF MICHAEL L. & LISA L. SMITH, LOT 38, BLOCK 7 AND LOT 38, BLOCK 6 OF RICHMOND PARK ALLEY VACATION, PROPERTY LINE VACATION AND EASEMENT DEDICATION BETWEEN MICHAEL L. AND LISA L. SMITH AND THE CITY OF HAMPTON," said plat bearing a date of March 18, 2015 and prepared by Thomas J. Savage, Jr., Surveyor and Land Planner, 1796 Carriage Drive, Hampton, Virginia, which is attached hereto as Exhibit "A" for reference and made a part of this legal description (the "Vacation Area");

WHEREAS, Owners request the vacation of the Vacation Area because (i) the Owners own both sides of the Vacation Area, and no other property owners will be affected by the area vacated; (ii) historically, various portions of the alley have been vacated to owners whose parcels are bisected by this alley, and there is no through access; and (iii) a 10' sanitary sewer easement, comprising 520 square feet (0.0119 acre) will be reserved in the area depicted with hatch marks in the Vacation Area as depicted on Exhibit "A" attached to this Vacation Agreement, including the perpetual right and privilege for construction, installation, repair, maintenance, use of, and access to underground wastewater and/or water reuse force mains and/or gravity mains, together with above and/or below ground equipment, accessories, and appurtenances thereto, sewer facilities, systems, and equipment in, under, upon, over, along, and across the Owners' land, including the right of ingress and egress to the same;

WHEREAS, the Vacation Area is valued at \$500.00; and

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

NOW, THEREFORE, in accordance with Chapter 34, Article V of the Hampton City Code, the City of Hampton, Virginia, acting by and through its City Council at its duly held meeting on the 14th day of October, 2015, does by these presents release, quit-claim, and vacate unto the Owners for the purchase price of \$500.00 the following described property interest, to-wit:

All that certain lot, piece, or parcel of land containing 779 square feet (0.01789 acre), more or less, situate, lying, and being in the City of Hampton, Virginia, and being that highlighted portion described as "15' ALLEY SEGMENT (AREA = 779 S.F. OR 0.01789 ACRES) HEREBY VACATED AND MERGED W/LOT 38, BLOCK 7 TO BECOME LOT 38-A (TOTAL AREA = 11,562 S.F. OR 0.2654 ACRES)" as shown on that certain plat entitled: "PLAT OF THE PROPERTY OF MICHAEL L. & LISA L. SMITH, LOT 38, BLOCK 7 AND LOT 38, BLOCK 6 OF RICHMOND PARK ALLEY VACATION, PROPERTY LINE VACATION AND EASEMENT DEDICATION BETWEEN MICHAEL L. AND LISA L. SMITH AND THE CITY OF HAMPTON," said plat bearing a date of March 18, 2015 and prepared by Thomas J. Savage, Jr., Surveyor and Land Planner, 1796 Carriage Drive, Hampton, Virginia, 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 hereto 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. Owner likewise has caused its name to be signed hereto.

THE CITY OF HAMPTON, VIRGINIA

By: _____
City Manager / Authorized Designee

COMMONWEALTH OF VIRGINIA,
City of Hampton, to wit:

On this _____ day of October, 2015, 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 October, 2015, 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:

Michael L. Smith
Michael L. Smith

COMMONWEALTH OF VIRGINIA
City of Hampton, to-wit:

I hereby certify on this 1st day of September, 2015 that the foregoing Vacation Agreement was acknowledged before me by Michael L. Smith. He is known to me personally or provided _____ as identification.

Harriet M. Janasess
Notary Public

My Commission Expires: 8/31/16
Registration No. 000355

By:

Lisa L. Smith
Lisa L. Smith

COMMONWEALTH OF VIRGINIA
City of Hampton, to-wit:

I hereby certify on this 1st day of September, 2015 that the foregoing Vacation Agreement was acknowledged before me by Lisa L. Smith. She is known to me personally or provided _____ as identification.

Harriet M. Janasess
Notary Public

My Commission Expires: 8/31/16
Registration No. 000355

