

Reviewed by:

Thomas S. Cantone, Associate System Counsel
Virginia Community College System
300 Arboretum Place, Suite 200
Richmond, VA 23236

Portion of Right-of-Way Adjacent to and South of
Thomas Nelson Drive

Consideration: \$0.00

After Recording, Return to:

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

EXEMPT FROM RECORDATION TAXES UNDER VA. CODE
§§ 58.1-811(A)(3), 58.1-811(C)(4) & 58.1-811(C)(4) AND FROM
CLERK'S FEES UNDER VA. CODE §§ 17.1-266 & 17.1-279(E)

VACATION AGREEMENT

(Portion of Right-of-Way Adjacent to and South of Thomas Nelson Drive)

THIS VACATION AGREEMENT (this "Agreement"), made this 14th day of December, 2016, by and between the CITY OF HAMPTON, VIRGINIA, a municipal corporation of the Commonwealth of Virginia located at 22 Lincoln Street, Hampton, Virginia 23669 (the "City" and "Grantor"), and the STATE BOARD FOR COMMUNITY COLLEGES, an educational institution of the Commonwealth of Virginia (also index as COMMONWEALTH OF VIRGINIA, STATE BOARD FOR COMMUNITY COLLEGES (the "Owner" and "Grantee").

WHEREAS, the City owns the right-of-way adjacent to and south of Thomas Nelson Drive, a portion of which comprises 163,941 square feet (3.7636 acres), more or less, located in the City of Hampton and more particularly described as:

VACATED PUBLIC RIGHT-OF-WAY:

All that certain lot, piece, or parcel of land containing 163,941 square feet (3.7636 acres), more or less, situate, lying, and being in the City of Hampton, Virginia, and being highlighted with hatch marks and described as "VACATED PUBLIC RIGHT-OF-WAY AND CONVEYANCE OF FEE INTEREST AREA = 163,941 S.F. ±; 3.7636 AC±" as shown with hatch marks on that certain plat entitled: "PLAT SHOWING VACATION OF PUBLIC RIGHT-OF-WAY AND CONVEYANCE OF FEE INTEREST TO STATE BOARD FOR COMMUNITY COLLEGES FROM THE CITY OF HAMPTON, VA AND DRAINAGE EASEMENTS AND PUBLIC RIGHT-OF-WAY EASEMENTS RETAINED BY THE CITY OF HAMPTON, VA[,] LOCATED AT 99 THOMAS NELSON DRIVE, HAMPTON, VA," said plat bearing a date of June 19, 2015, and

signed June 20, 2015, by City Surveyor W. B. Crockett, L.S., City of Hampton, - P.W. Engineering, 22 Lincoln Street, Hampton, VA 23669 (the "Plat"), which is attached hereto as Exhibit "A" for reference and made a part of this legal description (the "Vacation Area");

WHEREAS, Thomas Nelson Community College, a constituent institution of the Owner, is located at 99 Thomas Nelson Drive, Hampton, Virginia 23670 (LRSN 4004508);

WHEREAS, Owner wishes to replace its existing sign and requests the vacation of the Vacation Area to comply with Virginia Code § 33.2-1217(B), which requires that no sign may be erected that is visible from the main traveled way within 660' of the nearest edge of right-of-way except, among other uses, signs that advertise activities being conducted upon the real property where the signs are located;

WHEREAS, the sign was erected in 1971 and is visible to vehicles on Interstate 64 and Thomas Nelson Drive;

WHEREAS, Owner has maintained the areas around the sign from the time of its installation, in the manner in which an owner would do so;

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 with the exception of certain easements to be retained;

WHEREAS, Owner desires to obtain title to the Vacation Area, and the City agrees to vacate its right-of-way to allow for the same; and

WHEREAS, the City agrees to waive the purchase price of this vacation pursuant to § 34-120 of the City Code given that Owner is an agency of the Commonwealth.

NOW, THEREFORE, in accordance with Section 2.05 of the City Charter, the City of Hampton, Virginia, acting by and through its City Council at its duly held meeting on the December 14, 2016, by these presents releases, quit-claims, and vacates unto Owner, for mutual benefit, the following described property, to-wit:

VACATED PUBLIC RIGHT-OF-WAY:

All that certain lot, piece, or parcel of land containing 163,941 square feet (3.7636 acres), more or less, situate, lying, and being in the City of Hampton, Virginia, and being highlighted with hatch marks and described as "VACATED PUBLIC RIGHT-OF-WAY AND CONVEYANCE OF FEE INTEREST AREA = 163,941 S.F. ±; 3.7636 AC±" as shown with hatch marks on the Plat.

The foregoing vacation is subject to the City retaining the following easement interests.

DRAINAGE EASEMENT "A":

All that certain lot, piece, or parcel of land containing 12,517 square feet (0.2874 acre), more or less, described as "DRAINAGE EASEMENT "A" HEREBY RETAINED BY THE CITY OF HAMPTON, VA[,] AREA = 12,517 S.F. ±; 0.2874 AC±" as shown with hatch marks on the Plat.

DRAINAGE EASEMENT "B":

All that certain lot, piece, or parcel of land containing 4,144 square feet (0.0951 acre), more or less, described as "DRAINAGE EASEMENT "B" HEREBY RETAINED BY THE CITY OF HAMPTON, VA[,] AREA = 4,144 S.F. ±; 0.0951 AC±" as shown with hatch marks on the Plat.

DRAINAGE EASEMENT "C":

All that certain lot, piece, or parcel of land containing 484 square feet (0.0111 acre), more or less, described as "DRAINAGE EASEMENT "C" HEREBY RETAINED BY THE CITY OF HAMPTON, VA[,] AREA = 484 S.F. ±; 0.0111 AC±" as shown with hatch marks on the Plat.

PUBLIC RIGHT OF WAY EASEMENT:

All that certain lot, piece, or parcel of land containing 485 square feet (0.0111 acre), more or less, described as "PUBLIC RIGHT-OF-WAY EASEMENT HEREBY RETAINED BY THE CITY OF HAMPTON, VA[,] AREA = 485 S.F. ±; 0.0111 AC±" as shown with hatch marks on the Plat.

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. Owner likewise has caused its name to be signed to this Agreement.

[SIGNATURES APPEAR ON FOLLOWING PAGES]

CITY OF HAMPTON, VIRGINIA

By: _____
City Manager / Authorized Designee

COMMONWEALTH OF VIRGINIA,
City of Hampton, to wit:

On this _____ day of December, 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 December, 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:

**COMMONWEALTH OF VIRGINIA
STATE BOARD FOR COMMUNITY COLLEGES**

By: _____
Glenn DuBois, Secretary of the
State Board for Community Colleges and
Chancellor of the Virginia Community
College System

COMMONWEALTH OF VIRGINIA
CITY OF RICHMOND, to-wit:

On this _____ day of December, 2016, I hereby certify that the foregoing Vacation Agreement was executed before me by Glenn DuBois, Secretary, State Board for Community Colleges, and Chancellor, Virginia Community College System. He is known to me personally.

Notary Public

My Commission Expires: _____
Registration No. _____

Approved as to form and legal sufficiency:

OFFICE OF THE ATTORNEY GENERAL

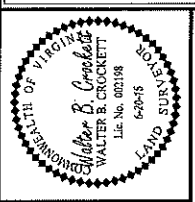
By: _____
Thomas S. Cantone, Assistant Attorney General

Plat Showing
 Vacation of Public Right-of-Way and Conveyance of Fee Interest
 to State Board for Community Colleges
 from the City of Hampton, VA
 and
 Drainage Easements and Public Right-of-Way Easement
 Retained by the City of Hampton, VA
 Located at 99 Thomas Nelson Drive, Hampton, VA

CITY SURVEYOR - W.B. CROCKETT, L.S.
 CITY OF HAMPTON - P.W. ENGINEERING
 22 LINCOLN ST., HAMPTON, VA 23669

SURVEY BY: W.B. Crockett, L.S.
 CALC BY: W. B. Crockett, L.S.
 DRAWN BY: T. W. Crispell
 CHECKED BY: W. B. Crockett, L.S.

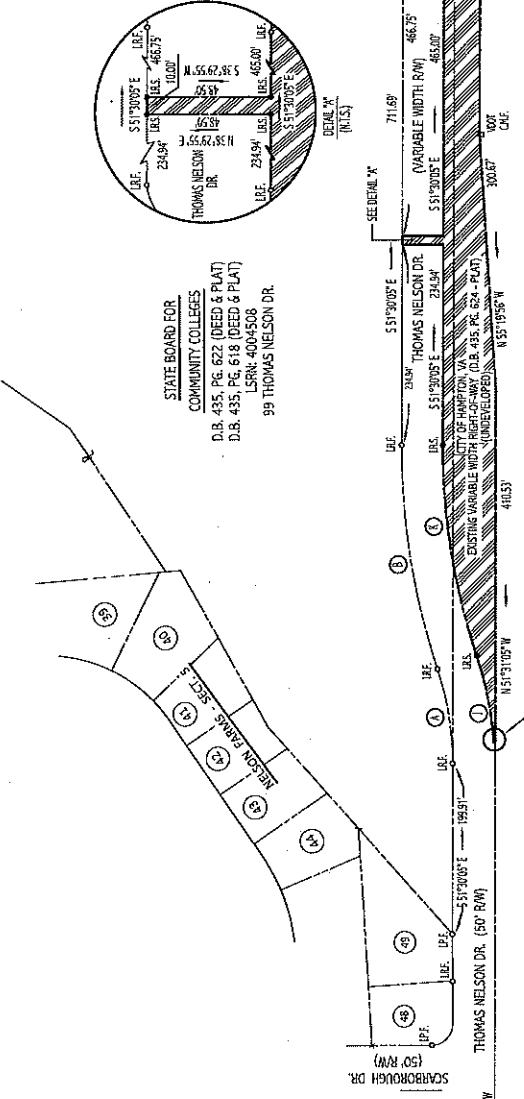
DATE: 19 June, 2015
 SCALE: 1" = 100'
 Sheet 1 of 4



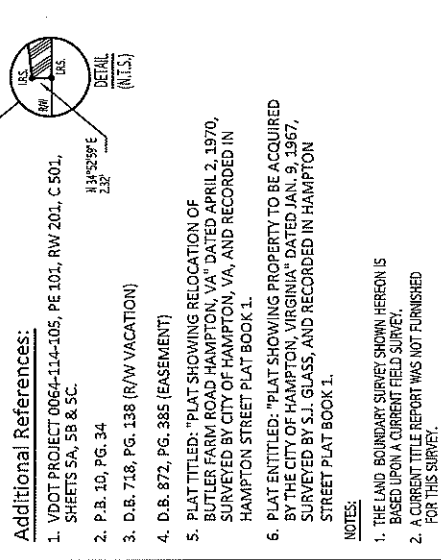
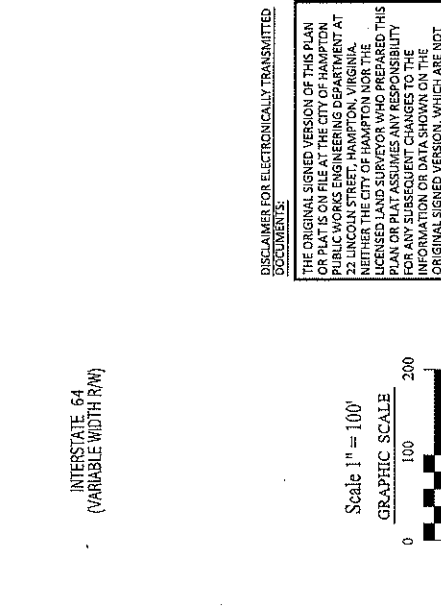
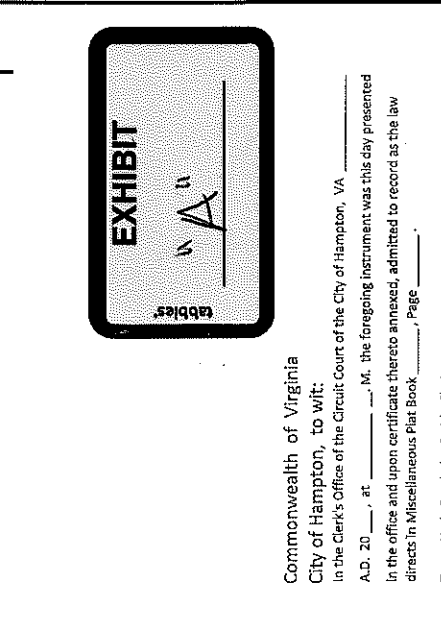
Curve Data Table

No.	Delta	Rad.	Atc	Tan	Ch. Brg
A	18°35'04"	346.50'	112.39'	56.69'	111.90' S 60°47'37" E
B	18°35'05"	821.62'	266.50'	134.43'	265.34' S 60°47'38" E
C	28°50'25"	2400.00'	1208.06'	617.11'	1195.35' S 79°23'27" E
D	26°05'07"	674.87'	306.86'	156.13'	304.22' N 74°23'16" W
E	02°46'13"	2400.00'	116.04'	58.03'	116.03' S 87°32'24" W
F	17°59'41"	674.87'	214.95'	106.86'	211.08' S 73°45'15" W
G	09°16'00"	662.20'	107.10'	53.67'	106.98' S 69°21'11" W
H	23°58'31"	651.20'	272.49'	138.27'	270.51' N 78°02'32" W
J	14°58'08"	395.00'	103.20'	51.89'	102.90' S 62°36'10" E
K	18°35'05"	773.12'	250.77'	126.50'	249.67' S 60°47'37" E
L	08°12'41"	2400.00'	343.95'	172.27'	343.66' S 69°04'35" E
M	02°23'57"	2400.00'	100.50'	50.26'	100.49' S 87°32'24" E
N	06°54'34"	2400.00'	288.42'	144.89'	289.25' S 79°02'10" E
P	10°51'45"	2400.00'	36.13'	-18.06'	36.12' S 82°55'19" E
Q	10°27'29"	2400.00'	438.06'	219.64'	437.45' S 88°34'56" E
R	02°23'23"	2400.00'	100.10'	50.06'	100.09' N 84°59'39" E

Vicinity Map (Scale: 1" = 500')



Legend:
 DENOTES VACATED PUBLIC RIGHT-OF-WAY AND CONVEYANCE OF FEE INTEREST
 AREA = 163.9413 S.F. ± 3.7636 AC



Additional References:

- VDOT PROJECT 0064-114-105, PE 101, RW 201, C 501, SHEETS 5A, 5B & 5C.
- P.B. 10, PG. 34
- D.B. 718, PG. 138 (RAW VACATION)
- D.B. 872, PG. 385 (EASEMENT)
- PLAT TITLED: "PLAT SHOWING RELOCATION OF BUTLER FARM ROAD, HAMPTON, VA" DATED APRIL 2, 1970, SURVEYED BY CITY OF HAMPTON, VA, AND RECORDED IN HAMPTON STREET PLAT BOOK 1.
- PLAT ENTITLED: "PLAT SHOWING PROPERTY TO BE ACQUIRED BY THE CITY OF HAMPTON, VIRGINIA" DATED JAN. 9, 1967, SURVEYED BY S.J. GLASS, AND RECORDED IN HAMPTON STREET PLAT BOOK 1.

NOTES:

- THE LAND BOUNDARY SURVEY SHOWN HEREON IS BASED UPON A CURRENT FIELD SURVEY.
- A CURRENT TITLE REPORT WAS NOT FURNISHED FOR THIS SURVEY.
- ALL EXISTING EASEMENTS MAY NOT BE SHOWN ON THIS PLAT.
- PROPERTY IS SUBJECT TO RIGHTS OF WAY, EASEMENTS, COVENANTS AND ALL MATTERS OF PUBLIC RECORD.

Disclaimer for Electronically Transmitted Documents:
 THE ORIGINAL SIGNED VERSION OF THIS PLAN OR PLAT IS ON FILE AT THE CITY OF HAMPTON PUBLIC WORKS ENGINEERING DEPARTMENT AT 22 LINCOLN STREET, HAMPTON, VIRGINIA. NEITHER THE CITY OF HAMPTON NOR THE LICENSED LAND SURVEYOR WHO PREPARED THIS PLAN OR PLAT ASSUMES ANY RESPONSIBILITY FOR ANY SUBSEQUENT CHANGES TO THE INFORMATION OR DATA SHOWN ON THE ORIGINAL SIGNED VERSION. CITY AND STATE OF VIRGINIA, BY THE SIGNATURE OF THOSE WORKING UNDER HIS DIRECT CONTROL AND PERSONAL SUPERVISION.

Commonwealth of Virginia
 City of Hampton, to wit:
 In the Clerk's Office of the Circuit Court of the City of Hampton, VA
 A.D. 20____ at _____ M. the foregoing instrument was this day presented in the office and upon certificate thereto annexed, admitted to record as the law directs in Miscellaneous Plat Book _____, Page _____
 Tester: Undia Batchelor Smith, Clerk
 By: _____ Clerk / Deputy Clerk



EXHIBIT A

Plat Showing

Vacation of Public Right-of-Way and Conveyance of Fee Interest to State Board for Community Colleges from the City of Hampton, VA

and
 Drainage Easements and Public Right-of-Way Easement Retained by the City of Hampton, VA
 Located at 99 Thomas Nelson Drive, Hampton, VA

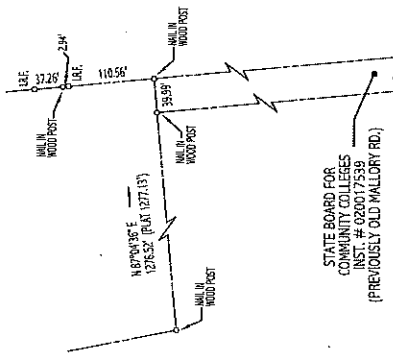
CITY SURVEYOR - W.B. CROCKETT, L.S.
 CITY OF HAMPTON - P.W. ENGINEERING
 22 LINCOLN ST., HAMPTON, VA 23669

SURVEY BY: W.B. Crockett, L.S. DATE: 19 June, 2015
 CALC BY: W. B. Crockett, L.S. SCALE: 1" = 100'
 DRAWN BY: T. W. Criswell
 CHECK BY: W. B. Crockett, L.S. Sheet 2 of 4

Legend:



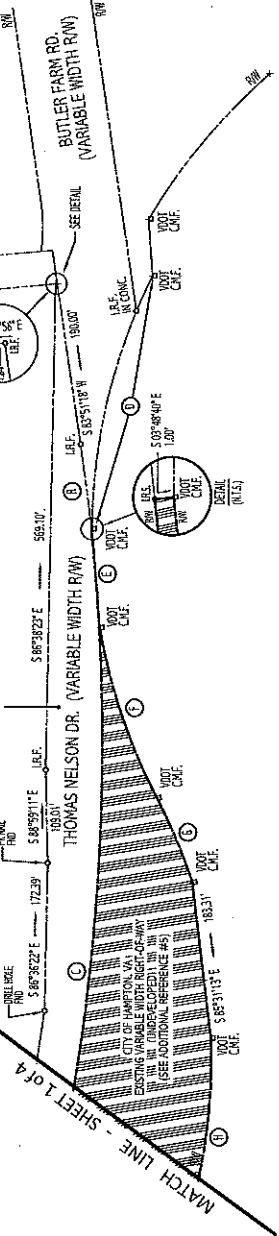
DENOTES VACATED PUBLIC RIGHT-OF-WAY AND CONVEYANCE OF FEE INTEREST
 AREA = 162,941 S.F. ± 3,7636 AC



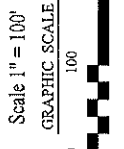
ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF HAMPTON, VA
 INST. # 130012554
 D.B. 1331, PG. 79
 LSRN: 7001872
 600 BUTLER FARM RD.

STATE BOARD FOR COMMUNITY COLLEGES
 D.B. 435, PG. 622 (DEED & PLAT)
 D.B. 435, PG. 618 (DEED & PLAT)
 LSRN: 4004508
 99 THOMAS NELSON DR.

CITY OF HAMPTON, VA
 INST. # 6000321
 PG. 61, PG. 116



HAMPTON ROADS CENTER PKWY.
 (VARIABLE WIDTH R/W)



MATCH LINE - SHEET 1 OF 4

Plat Showing

Vacation of Public Right-of-Way and Conveyance of Fee Interest to State Board for Community Colleges from the City of Hampton, VA

and
 Drainage Easements and Public Right-of-Way Easement Retained by the City of Hampton, VA
 Located at 99 Thomas Nelson Drive, Hampton, VA

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 DRAWN BY: T. W. Crispell
 CHECKED BY: W. B. Crockett, L.S.
 DATE: 19 June, 2015
 SCALE: 1" = 100'
 Sheet 3 of 4



Legend:

- DENOTES DRAINAGE EASEMENT "A" HEREBY RETAINED BY THE CITY OF HAMPTON, VA AREA = 12,517 S.F. ±, 0.2874 AC±
- DENOTES DRAINAGE EASEMENT "B" HEREBY RETAINED BY THE CITY OF HAMPTON, VA AREA = 4,144 S.F. ±, 0.0951 AC±
- DENOTES DRAINAGE EASEMENT "C" HEREBY RETAINED BY THE CITY OF HAMPTON, VA AREA = 494 S.F. ±, 0.0111 AC±
- DENOTES PUBLIC RIGHT-OF-WAY EASEMENT HEREBY RETAINED BY THE CITY OF HAMPTON, VA AREA = 485 S.F. ±, 0.0111 AC±

