

ORDINANCE - EXHIBIT A

Reviewed by (Owner /Counsel):

A Portion of Water Street adjacent
to 15 S. Willard Avenue
(LRSN 12001139)
Consideration: \$0.00

PREPARED BY AND RETURN TO:
HAMPTON CITY ATTORNEY’S OFFICE
TIMOTHY W. DREWRY (VSB #39558)
22 LINCOLN STREEET
HAMPTON, VIRGINIA 23669

*EXEMPTED FROM RECORDATION
TAXES UNDER SECTIONS 58.1-
811(A)(3) & 58.1-811(C)(4) AND
CLERK’S FEES UNDER SECTIONS 17.1-
266 & 17.1-279(E)*

VACATION AGREEMENT
(Portion of Water Street)

THIS VACATION AGREEMENT (this “Agreement”), made this ____ day of _____, 2023, 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 “Grantor” for the purpose of indexing), and THE MOST REVEREND BARRY C. KNESTOUT, BISHOP OF THE CATHOLIC DIOCESE OF RICHMOND, VIRGINIA, owner of the property located at 15 S. Willard Avenue, Hampton, Virginia 23663 (LRSN 12001139) (the “Catholic Diocese of Richmond, Virginia” or “Owner,” and “Grantee” for the purpose of indexing); collectively the “Parties.”

RECITALS

- A. The City owns the street, road, or right-of-way known as Water Street, located in the City of Hampton;

- B. Owner is a fee simple owner of a lot or parcel of land located at 15 S. Willard Avenue, Hampton, Virginia 23663 (LRSN 12001139) being adjacent to or abutting Water Street;
- C. Owner requests the vacation of a portion of Water Street, comprising of 16,032 square feet (0.3680 acres), more or less, the "Vacation Area", situate, lying, and being in the City of Hampton, Virginia, and being described as "R/W HEREBY VACATED" as shown on that certain plat entitled: "RIGHT-OF-WAY VACATION OF WATER STREET - PLAT OF THE CITY OF HAMPTON WATER STREET RIGHT-OF-WAY HEREBY VACATED 0.3680 ACRES HAMPTON, VIRGINIA," said plat/sketch, being three (3) sheets, bearing a date of January 21, 2022, with the last revised date of 3/7/23, which is attached hereto as Exhibit "A" for reference and made a part hereof;
- D. The Parties desire to enter into this Agreement setting forth the terms upon which the Parties agree to vacate the Vacation Area pursuant to Section 2.05 of the Hampton City Charter; and
- E. 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 right-of-way, and all property interests affected by this Agreement are consistent with the best interests of the citizens of the City of Hampton.

NOW, THEREFORE, in accordance with Section 2.05 of the City Charter for the City of Hampton, Virginia, the City of Hampton, Virginia, acting by and through its City Council at its duly held meeting on the 27th day of September, 2023, does, by these presents, release and vacate the following described property interest, to-wit:

VACATION AREA:

All that certain lot, piece, or parcel of land containing 16,032 square feet (0.3680 acres), more or less, situate, lying, and being in the City of Hampton, Virginia, and being described as "R/W HEREBY VACATED" as shown on that certain plat or sketch entitled: "RIGHT-OF-WAY VACATION OF WATER STREET - PLAT OF THE CITY OF HAMPTON WATER STREET RIGHT-OF-WAY

HEREBY VACATED 0.3680 ACRES HAMPTON, VIRGINIA,” said plat, being three (3) sheets, bearing a date of January 21, 2022, with the last revised date of 3/7/23, which is attached hereto as Exhibit “A” for reference and made a part of this legal description (the “Vacation Plat”).

This conveyance is made subject to all easements of record. This conveyance is made further subject to all easements and dedications shown on the aforesaid plat attached hereto as Exhibit “A.”

PROVIDED, however, that such release and vacation shall be conditioned, without further need for action, upon the following:

1. By recordation of this Agreement, Catholic Diocese of Richmond, Virginia, Grantee, shall dedicate to the City, at no cost to the City, all easements shown on the Vacation Plat, including the following:

- (a) a 306 sq. ft. (0.0070 acres) variable width ingress/egress and public sidewalk easement;
- (b) a 326 sq. ft. (0.0075 acres) variable width ingress/egress and public sidewalk easement;
- (c) a 3,961 sq. ft. (0.0909 acres) drainage easement; and
- (d) a 1,510 sq. ft (0.0347 acres) drainage & utility easement.

In addition, Grantee shall dedicate, at no cost to the City, any other necessary and similar easements within the Vacation Area, as determined by the City, needed to address existing conditions.

2. Catholic Diocese of Richmond, Virginia, Grantee, shall dedicate to Dominion Virginia Energy, Verizon, and Newport News Waterworks all such easements as are deemed necessary by the applicable entity to address existing above ground and underground facilities, including but not limited to utility poles, cables, and waterlines.

3. Grantee shall install and maintain, at its sole cost, an eighteen-foot (18 ft.) access gate to provide access to the City to the vacated Water Street area, including but not limited to providing access to the City’s fire division.

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/Grantee likewise has caused its name to be signed to this Agreement indicating its acceptance of same.

CITY OF HAMPTON, VIRGINIA

By: _____
City Manager / Authorized Designee

COMMONWEALTH OF VIRGINIA,
City of Hampton, to wit:

On this ____ day of _____, 2023, 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:

Katherine K. Glass, Clerk or designee

Approved as to Form:

By: _____
City Attorney's Office

Approved as to Content:

By: _____
Department of Public Works

[SIGNATURES CONCLUDE ON FOLLOWING PAGE]

[Signature] (SEAL)

THE MOST REVEREND
BARRY C. KNESTOUT,
BISHOP OF THE CATHOLIC DIOCESE
OF RICHMOND, VIRGINIA

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

I hereby certify on this 25th day of AUGUST, 2023 that the foregoing Vacation Agreement was acknowledged and accepted before me by The Most Reverend Barry C. Knestout, Bishop of the Catholic Diocese of Richmond, Virginia. He is known to me personally or provided _____ as identification.

[Signature: Anne C. Edwards]
Notary Public

My Commission Expires: 9-30-2025
Registration No. 223189

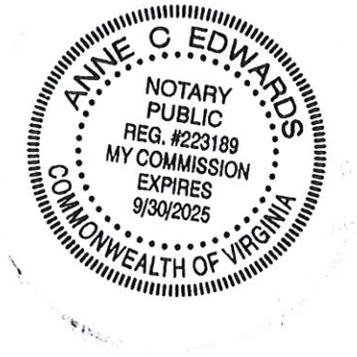


EXHIBIT A – VACATION PLAT

NOTES:
NO IMPROVEMENTS SHOWN

THIS PROPERTY IS LOCATED IN FIRM ZONES
X, (UNSHADED)(AREA OUTSIDE 0.2% ANNUAL CHANCE FLOOD),
X, (SHADED)(AREA OF 0.2% ANNUAL CHANCE FLOOD),
AE, (EL 7 & 8)(AREA OF 1% ANNUAL CHANCE FLOOD) &
VE, (EL 10)(AREA OF 1% ANNUAL CHANCE FLOOD w/
VELOCITY) & AREA LIMIT OF MODERATE WAVE ACTION
AS SHOWN ON COMMUNITY PANEL NO. 515527 0026 H
DATED MAY 16, 2016 (INDEX DATE MAY 16, 2016)

REF: DB 427 PG 337, DB 255 PG 182, DB 69 PG 209,
DB 146 PG 62, DB 135 PG 371, INSTR. #190017011
DB 652 PG 663, INSTR. #040027144, INSTR. #030020801,
DB 297 PG 565, INSTR. #210023653, INSTR. #220000703

CITY COUNCIL MEETING DATED FEBRUARY 10, 1960
VACATING COUNTY STREET R/W TO ST. MARY'S SCHOOL
WHILE RETAINING THE CITY'S RIGHTS TO USE THIS
LAND FOR STREET PURPOSES

NO TITLE REPORT PROVIDED

ALL EASEMENTS MAY NOT BE SHOWN

THE LAND BOUNDARY SURVEY HEREON
SHOWN IS BASED ON A CURRENT FIELD

THE CITY OF HAMPTON'S CHESAPEAKE BAY OVERLAY
(O-CBP) DISTRICT OVERLAYS ALL OR A PORTION OF
THE LAND EMBRACED WITHIN THE BOUNDARIES OF
THIS PLAT; THEREFORE, USE AND DEVELOPMENT OF
THIS LAND IS REGULATED PURSUANT TO THE CITY'S
CHESAPEAKE BAY OVERLAY DISTRICT (O-CBP)
ORDINANCE (CH. 9 ARTICLE II OF ZONING ORDINANCE).
CITY CONFIRMATION OF A SITE-SPECIFIC O-CBP
DISTRICT BOUNDARY DELINEATION IS REQUIRED PRIOR
TO CITY ISSUANCE OF LAND USE OR DEVELOPMENT
PERMITS.

PART OF THIS PROPERTY IS SUBJECTED TO RZ18-00009,
APPROVED BY COUNCIL ON 1/9/2019.
PART OF THIS PROPERTY IS SUBJECTED TO R1212
APPROVED 12/14/2005 WITH 7 CONDITIONS.



REV. 3/7/23
REV. 11/18/22
REV. 8/17/22

WATER STREET SHEET 1 OF 3

RIGHT-OF-WAY VACATION OF

WATER STREET

PLAT OF THE CITY OF HAMPTON
WATER STREET RIGHT-OF-WAY
HEREBY VACATED
0.3680 ACRES
HAMPTON, VIRGINIA



ADPA A.D. POTTS & ASSOCIATES, INC.
11524 JEFFERSON AVENUE
NEWPORT NEWS, VIRGINIA 23601
PHONE: (757) 695-4610
SCALE: 1"=100' DATE: 1/21/22

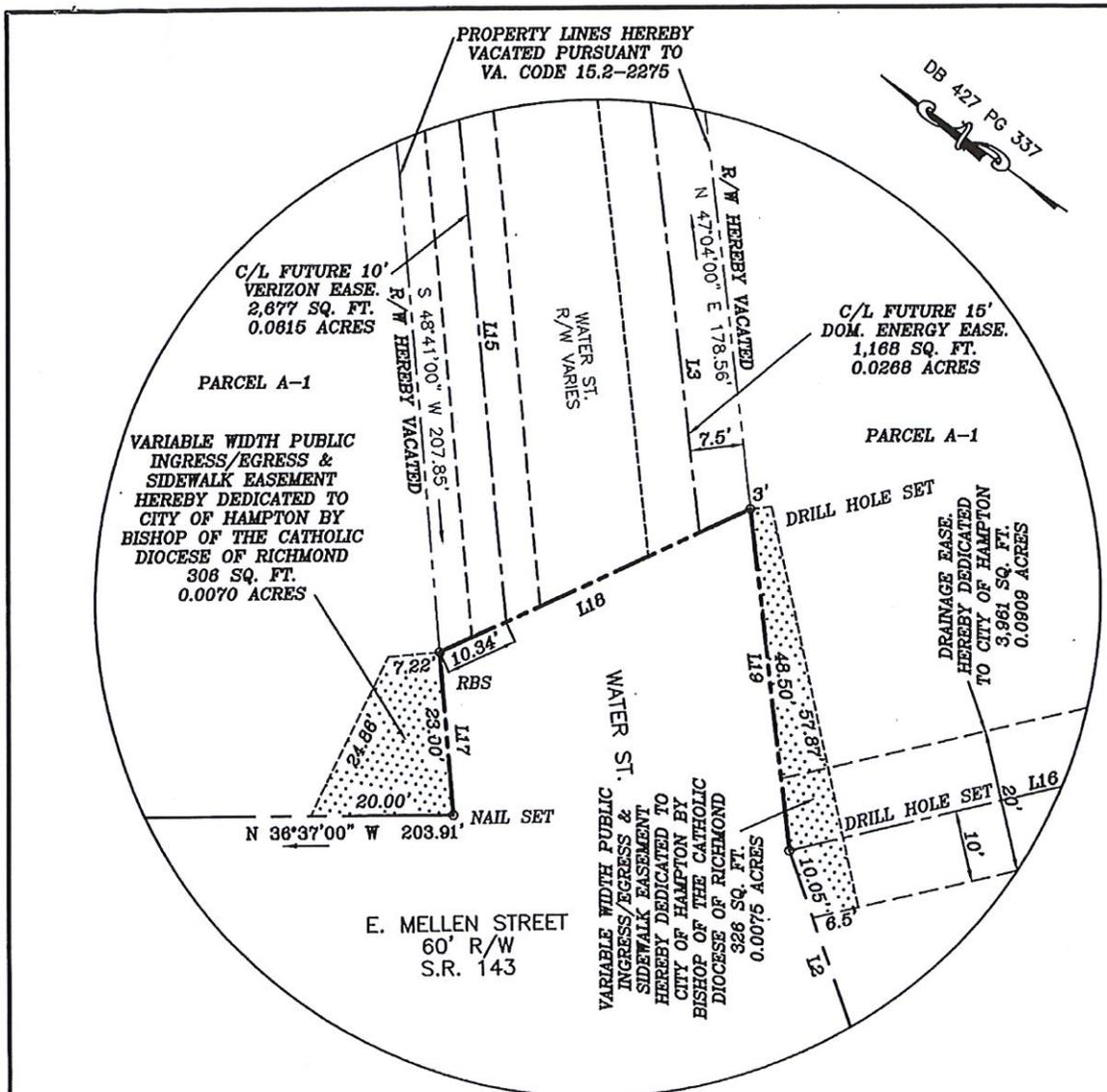
THIS IS TO CERTIFY THAT ON JANUARY 21, 2022 I
PERFORMED A CURRENT FIELD SURVEY OF THE PROPERTY
SHOWN ON THIS PLAT, AND THAT THE TITLE LINES AND THE
WALLS OF THE BUILDINGS ARE AS SHOWN ON THIS PLAT.
THE BUILDINGS STAND STRICTLY WITHIN THE TITLE LINES
AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS
ON THE PROPERTY EXCEPT AS SHOWN.

Anthony D. Potts

ANTHONY D. POTTS, L.S.

F.B. 987 PG. 59
RIDDLE/ADP

WATER-ST-VACATE.DWG
JOB NO.21-045



THIS IS TO CERTIFY THAT ON JANUARY 21, 2022 I PERFORMED A CURRENT FIELD SURVEY OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS ARE AS SHOWN ON THIS PLAT. THE BUILDINGS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS ON THE PROPERTY, EXCEPT AS SHOWN.

Anthony D. Potts
 ANTHONY D. POTTS, L.S.

F.B. 987 PG. 59
 RIDDLE/ADP

WATER-ST-VACATE.DWG
 JOB NO. 21-045

REV. 3/7/23
 REV. 11/18/22
 REV. 8/17/22

WATER STREET	
RIGHT-OF-WAY VACATION OF	
WATER STREET	
PLAT OF THE CITY OF HAMPTON	
WATER STREET RIGHT-OF-WAY	
HEREBY VACATED	
0.3680 ACRES	
HAMPTON, VIRGINIA	
ADPA	A.D. POTTS & ASSOCIATES, INC.
⊕	11524 JEFFERSON AVENUE
⊕	NEWPORT NEWS, VIRGINIA 23601
⊕	PHONE: (757) 595-4610
⊕	SCALE: 1"=20' DATE: 1/21/22