

VACATION AGREEMENT

THIS VACATION AGREEMENT made this 18th day of July, 2007, by and between the CITY OF HAMPTON, VIRGINIA, a municipal corporation, party of the first part, and TOWN PARK DEVELOPMENT, LLC, a Virginia limited liability company, party of the second part.

WHEREAS, the party of the second part is the fee simple owner of property described on Exhibit A attached hereto, and they constitute all the owners of land that abuts that certain street, alley or right-of-way to be vacated, more particular described as:

Thomas Street and Wright Street, as shown and described on that certain map, an Exhibit to a deed dated June 20, 1940, between D. Henry Wright, et als, Grantors, and Thomas Jefferson Wright, Grantee, recorded in the Office of the Clerk of the Circuit Court of the City of Hampton, Virginia in Deed Book 104, at page 107, to Which reference is here made for a more particular description thereof; and

WHEREAS, it is the desire of the parties of the second part that the heretofore described easement be abandoned; and

WHEREAS, the City of Hampton, Virginia, acting by and through its City Council is of the opinion that the heretofore described easement is not now and will not be needed for public interest.

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 _____ day of _____, 2007, does by these presents release, quit-claim and vacate unto the party of the second part the following described property, to-wit:

Thomas Street and Wright Street, as shown and described on that certain map, an Exhibit to a deed dated June 20, 1940, between D. Henry Wright, et als, Grantors, and Thomas Jefferson Wright, Grantee, recorded in the Office of the Clerk of the Circuit Court of the City of Hampton, Virginia in Deed Book 104, at page 107.

DRAFTED BY: HENRY C. FRENCK, ATTORNEY AT LAW
440 Viking Drive, Suite 250, Virginia Beach, VA 23452

TITLE INSURANCE UNDERWRITER: UNKNOWN

RPC NO. 3005073

IN WITNESS WHEREOF, the City of Hampton, Virginia, a municipal corporation, has caused its name to be signed hereto by its Mayor, Ross A. Kearney, II and its corporate seal to be affixed and attested by its Clerk, Katherine Glass, they having been duly authorized to do so.

THE CITY OF HAMPTON, VIRGINIA

By _____
Mayor

ATTEST:

Clerk of Council

STATE OF VIRGINIA
CITY OF HAMPTON, to-wit:

The foregoing instrument bearing date on the 18th day of July, 2007, was acknowledged before me this ____ day of _____, 2007, by Ross A. Kearney, II and Katherine Glass, Mayor and Clerk, respectively, of the City of Hampton, Virginia. They are both personally know to me.

Given under my hand this ____ day of _____, 2007.

Notary Public

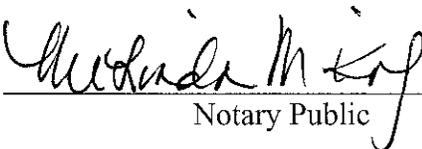
My Commission Expires:

TOWN PARK DEVELOPMENT, LLC

By  (SEAL)
Richard H. Duncan, Manager

STATE OF VIRGINIA
CITY OF VIRGINIA BEACH, to-wit:

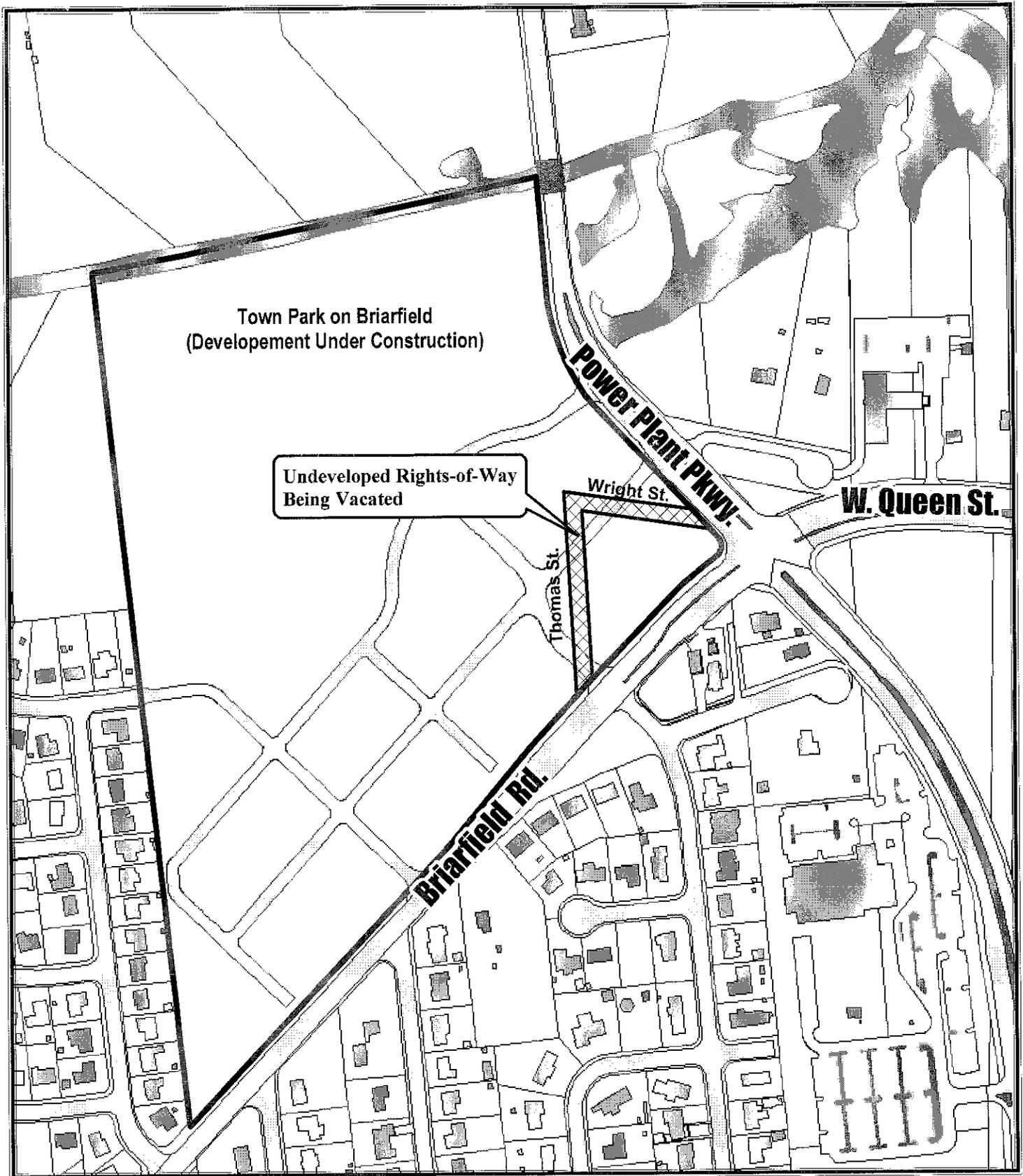
The foregoing instrument bearing date on the ~~18~~¹⁸th day of July, 2007, was acknowledged before me this 26 day of July, 2007, by Richard H. Duncan, Manager, on behalf of Town Park Development, LLC, a Virginia limited liability company, and who is personally known to me.


Notary Public

My Commission Expires: 12/31/2010

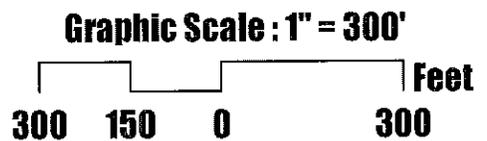


Melinda M. King
NOTARY PUBLIC
Commonwealth of Virginia
ID# 194197
My Commission Expires
December 31, 2010



**Sketch Showing: Thomas St. and Wright St
Undeveloped Rights-of-Way Being Vacated**

Prepared by:
City of Hampton - Engineering Services



Date: 31 July, 2007



EXHIBIT A

PARCEL ONE 03U016 00 00000: All that certain lot, piece or parcel of land containing one and three-fourths (1 3/4) acres, more or less, being all of the land owned by NEVILLE a. Marshall and Hazel K. Marshall, lying south of New Channel being the land between the old channel bed and the new channel and being bounded on the east by Sawyer's Swamp Road; on the West by the land of Hogg; on the South by the land of Wright; and on the North by the land of Marshall.

PARCEL TWO 03U017 00 00000: All that certain parcel of land, together with improvements thereon, containing 15 acres, more or less, fronting on the Northerly side of Briarfield Road and being bounded and described as follows: On the North by the property of Robert A. Wright; on the East by West Queen Street and the property of Salvatore Salomone, et ux; on the South by Briarfield Road; and on the West by Gorin F. Hatchett, et als.

PARCEL THREE 03U017B00 00000: All that certain lot, piece or parcel of land situate, lying and being in the City of Hampton, Virginia, known, designated and described as "PARCEL A," as shown on a certain plat entitled, "PLAT OF THE PROPERTY OF ANGIE T. WRIGHT," dated August 22, 1983, made by Becouvarakis and Assoc., Civil Engineering and Surveying, a copy of which is attached to Deed from Angie T Wright to Robert A. Wright dated September 10, 1983 and recorded in the Clerk's Office of the Circuit Court for the City of Hampton, Virginia in Deed Book 56 at Page 123.

PARCEL FOUR 03U018 00 00000PCA: All that certain lot, piece or parcel of land situate, lying and being in the City of Hampton, Virginia, known, designated and described as "Parcel A" as shown on a certain plat entitled, "Plat of the Property of Angie T. Wright dated August 31, 1977, made by Andrew Becouvarakis, Surveyor and Planner, a copy of which said plat is recorded in the Clerk's Office of the Circuit court for the City of Hampton, Virginia in Deed Book 525, Page 501.

As well as that certain easement of fifteen feet as shown on that certain plat entitled, "Plat Showing 15' easement for sanitary sewer to be conveyed from Angie T. Wright to Robert a. Wright, et ux, in the City of Hampton, Virginia" made by Andrew Becouvarakis, Surveyor and Planner, dated August 31, 18977, and recorded in Deed Book 525 at Page 502.

PARCEL FIVE 03U019 00 B 0001: All those certain lots, pieces or parcels of land situate, lying and being in the City of Hampton, Virginia (formerly Wythe Magisterial District), known and designated as Lots ONE (1), TWO (2), EIGHT (8) and NINE (9), Block B, as shown on that certain plat entitled, "Lots 1, 2, 8, 9 Block B, D.H. Wright's Subdivision," said plat is dated June 14, 1940, made by Girard Chambers & Son, Civil Engineers and Surveyors of Hampton, Virginia, which said plat is attached to a Deed of Bargain and Sale dated June 20, 1940, and recorded June 21, 1940 found in Deed Book 104, at Page 107 in the Clerk's Office of the Circuit Court for the City of Hampton, Virginia.

LESS AND EXCEPT, however, that portion of the property that was conveyed to the State Highway and Transportation Commission of Virginia by Deed duly recorded in the aforesaid Clerk's Office on May 28, 1981 in Deed Book 597, Page 631.

Parcel 03U020 00 00000: All that certain lot, piece or parcel of land situate, lying and being in the City of Hampton, Virginia, being labeled Parcel "A" as shown on that certain plat entitled "Plat Property of Robert A. and Elinor S. Wright" dated May 21, 1959 and prepared by Girard Chambers, Jr., Land Surveyor and fronting on Queen Street formerly Old Sawyer Swamp Road a distance of 76.05 feet all as more properly shown on said plat, which plat is incorporated herein as a part of this description and the angles, courses and distances shown thereon shall prevail, said plat being attached to the hereinafter mentioned Deed recorded in Deed Book 297, Page 534.