

10' Portion of Existing 30' Easement Located
On LRSN 5000213
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 SECTION 58.1-811(C)(4)
AND CLERK'S FEES UNDER SECTIONS
17.1-266 AND 17.1-279.E*

VACATION AGREEMENT
**(10' of an Existing 30' Permanent Shared Landscape, Utility and Drainage Easement
Adjacent to Saunders Road)**

THIS VACATION AGREEMENT (this "Agreement"), made this ____ day of _____, 2026, 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" for the purpose of indexing), and **S4K CONSTRUCTION LLC**, a Virginia limited liability company, located at 401 Industry Drive, Hampton, Virginia 23661 (the "Owner" and "Grantee" for the purpose of indexing); the City and the Owner being collectively the "Parties."

RECITALS

- A. The City owns an existing thirty-foot (30') permanent shared landscape, utility and drainage easement located within 120 Saunders Road, comprised of approximately 11,496 square feet (0.264 acre), more or less in the City of Hampton, Virginia.
- B. The Owner is the fee simple owner of certain lots or parcels of land located at 120 Saunders Road (LRSN 5000213);

- C. By application to the City, Owner requested that the City vacate ten feet (10') of the City's aforesaid existing thirty-foot (30') easement as described below (the "Vacation Area"):

All that certain portion of easement containing 3,863 square feet (0.089 acre), more or less, situate, lying, and being in the City of Hampton, Virginia, and being designated and described as "10' of Existing 30' Permanent Shared Landscape, Utility and Drainage Easement" on that certain plat entitled: "PLAT SHOWING 10' OF THE EXISTING 30' PERMANENT SHARED LANDSCAPE, UTILITY AND DRAINAGE EASEMENT HEREBY VACATED," said plat bearing a date of December 15, 2025, and made by Kellam Gerwitz, Engineering/Surveying/Planning, 500 Central Drive, Suite 113, Virginia Beach, Virginia 23454 (the "Plat"), which Plat is attached hereto as Exhibit "A" for reference and made a part of this legal description.

- D. Owner owns all parcels of land abutting the Vacation Area;
- E. 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
- F. 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 an easement, 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 consideration of the covenants, terms, and conditions contained herein, the Parties agree to the following:

1. The Parties agree that the recitals stated above are true and accurate and are hereby incorporated by reference.
2. 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 _____, 2026, does, by these presents, release and vacate the following described property interest, to-wit:

All that certain portion of easement containing 3,863 square feet (0.089 acre), more or less, situate, lying, and being in the City of Hampton, Virginia, and being designated and described as “10’ of Existing 30’ Permanent Shared Landscape, Utility and Drainage Easement” on that certain plat entitled: “PLAT SHOWING 10’ OF THE EXISTING 30’ PERMANENT SHARED LANDSCAPE, UTILITY AND DRAINAGE EASEMENT HEREBY VACATED,” said plat bearing a date of December 15, 2025, and made by Kellam Gerwitz, Engineering/Surveying/Planning, 500 Central Drive, Suite 113, Virginia Beach, Virginia 23454 (the “Plat”), which Plat is attached hereto as Exhibit “A” for reference and made a part of this legal description. As aforesaid, the property above described being further referred to as the “Vacation Area”;

3. **PROVIDED, HOWEVER,** that such release and vacation by the City shall be conditioned, without further need for action, upon the following:

a. Owner shall dedicate to Dominion Virginia Energy, Verizon, Newport News Waterworks, and/or other utility or similar companies, at no cost to the City or the companies, all such easements as are deemed necessary by the applicable entities to address existing above ground and underground facilities, including but not limited to utility poles, cables, and waterlines.

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 his/her/its name to be signed to this Agreement indicating his/her/its acceptance of same.

[SIGNATURES COMMENCE ON FOLLOWING PAGE]

CITY OF HAMPTON, VIRGINIA

By: _____
City Manager / Authorized Designee

COMMONWEALTH OF VIRGINIA,
City of Hampton, to wit:

On this _____ day of _____, 2026, 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 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]

ACCEPTANCE:

OWNER/GRANTEE:

S4K CONSTRUCTION, LLC

By: _____ (SEAL)

Name: Narangerel Munkhbaatar

Title: Owner

COMMONWEALTH/STATE OF Virginia

City/County of Hampton to-wit:

I hereby certify on this 2nd day of April, 2026 that the foregoing Vacation Agreement was acknowledged and accepted before me by Narangerel Munkhbaatar (name), Owner (title), on behalf of S4K Construction LLC. He/She is known to me personally or provided Driver's license as identification.

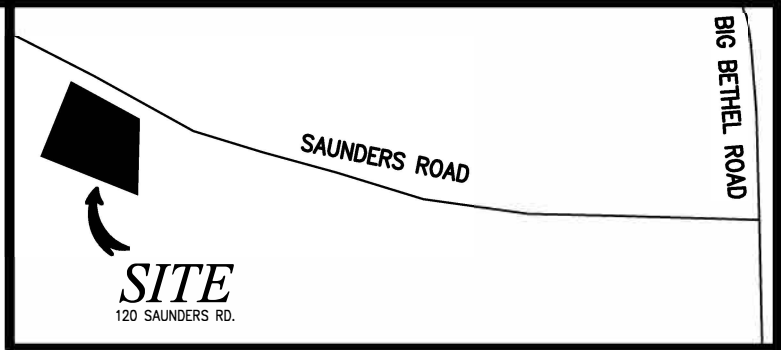
[Signature]
Notary Public

My Commission Expires: 01/31/2027

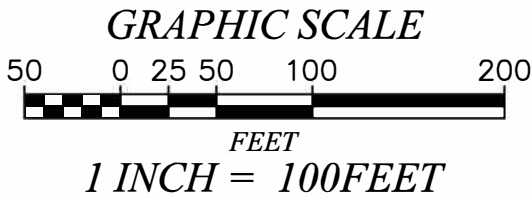
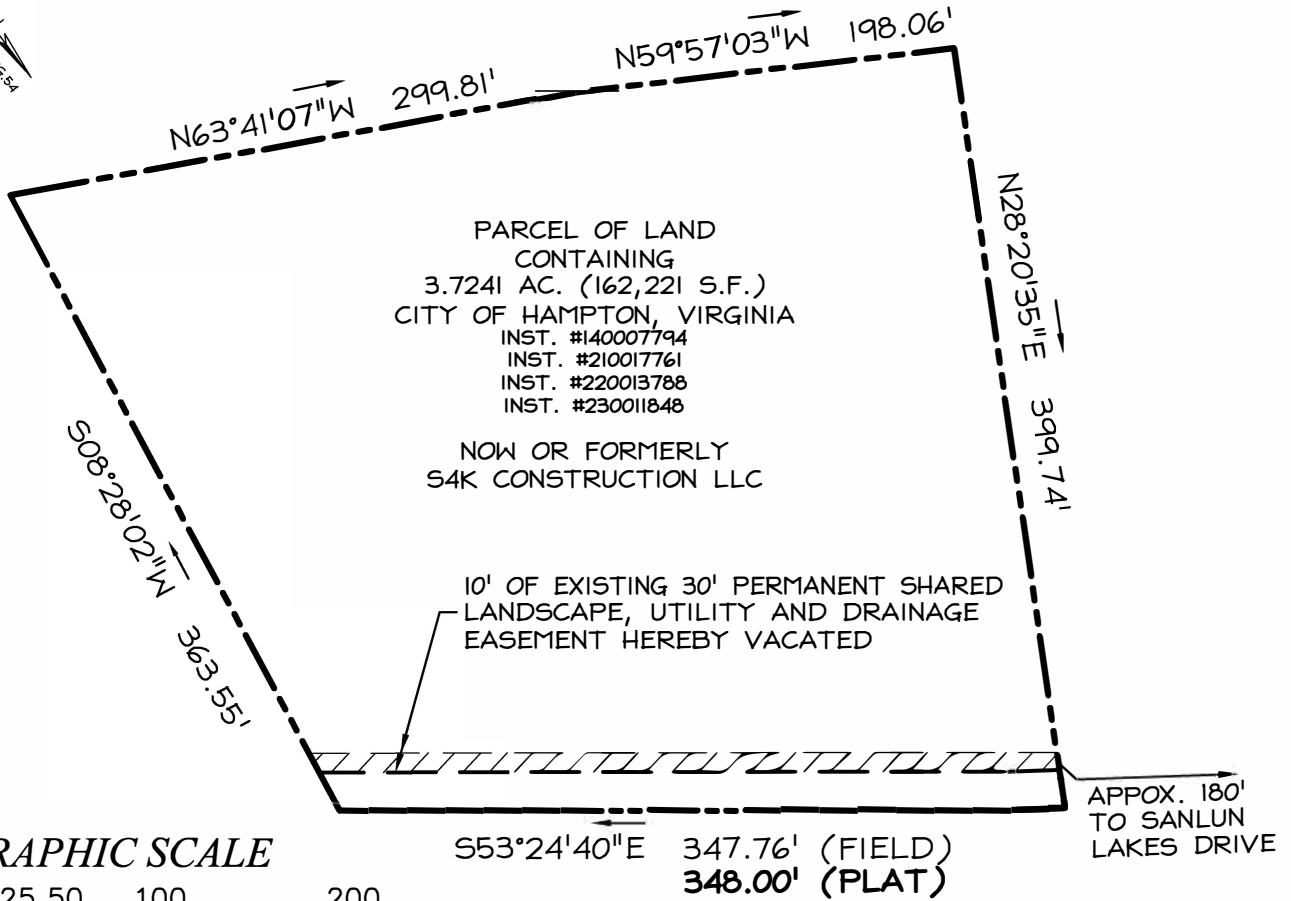
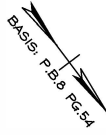
Registration No. 8080003



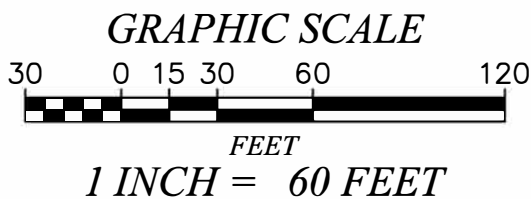
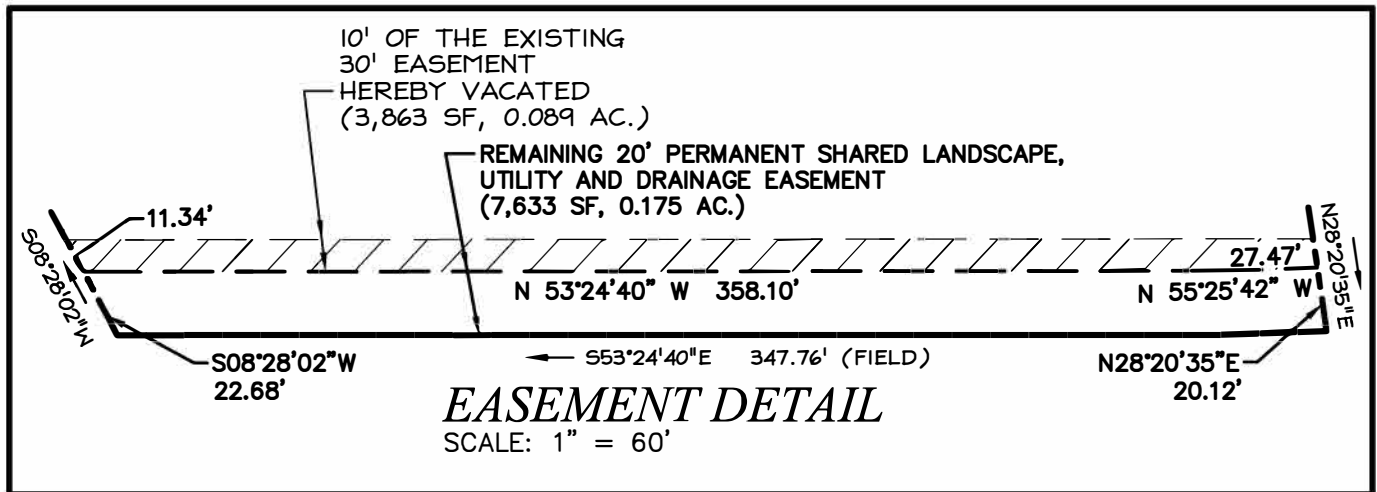
EXHIBIT A – VACATION PLAT



LOCATION MAP
SCALE: 1" = 800'



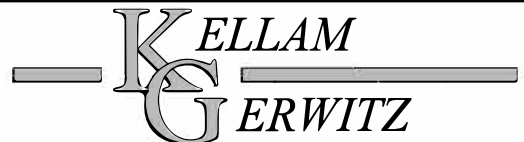
SAUNDERS ROAD
VARIABLE WIDTH R/W



NOTES:

1. THE LAND BOUNDARY SURVEY SHOWN HEREON IS BASED UPON CURRENT FIELD SURVEY. PROVIDED BY DAVIS & ASSOCIATES P.C., DATED 10/01/24 - DONALD W. DAVIS
2. A CURRENT TITLE REPORT WAS NOT FURNISHED FOR THIS SURVEY.
3. ALL EXISTING EASEMENTS MAY NOT BE SHOWN ON THIS PLAT.

**PLAT SHOWING 10' OF THE
EXISTING 30' PERMANENT SHARED
LANDSCAPE, UTILITY AND DRAINAGE
EASEMENT HEREBY VACATED**



ENGINEERING - SURVEYING - PLANNING

500 CENTRAL DRIVE - SUITE 113 - VIRGINIA BEACH, VA 23454
(757) 340-0828 - FAX (757) 340-1603