

# ORDINANCE - EXHIBIT A

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

Unnamed Public Right-of-Way between  
4030 W. Mercury Blvd  
(LRSN 13005232)  
& 308 Martha Lee Drive  
(LRSN 3001843)  
Consideration: \$0.00

*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

**(Unnamed Public Right-of-Way between 4030 W. Mercury Blvd & 308 Martha Lee Drive)**

**THIS VACATION AGREEMENT** (this "Agreement"), made this \_\_\_\_ day of \_\_\_\_\_, 2025, 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 **WEST MERCURY LLC**, a Maryland limited liability company authorized to transact business in Virginia, located at 1700 Reisterstown Rd. Ste. 210, Pikesville, Maryland, 21208 (the "Owner" and "Grantee" for the purpose of indexing); the City and the Owner being collectively the "Parties."

### RECITALS

- A. The City owns that certain unnamed street, road, or public right-of-way located off of Martha Lee Drive, comprised of 12,268 square feet (0.282 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 12,268 square feet (0.282 acre), more or less, situate, lying, and being in the City of Hampton, Virginia, and being designated as "S2" and described as "CITY OF HAMPTON (DB 679, PG 736) UNNAMED PUBLIC RIGHT OF WAY, DESIGNATED AS PARCEL-B (DB 679, PG 736)" on that certain plat containing 3 sheets entitled: "PLAT SHOWING VACATION OF AN UNNAMED PUBLIC RIGHT OF WAY OFF OF MARTHA LEE DRIVE HAMPTON, VIRGINIA BY THE CITY OF HAMPTON,

VIRGINIA,” said plat bearing a date of March 4, 2025 (the “Plat”), which Plat is attached hereto as Exhibit “A” for reference and made a part of this legal description. The property above described being further referred to herein as the “Vacation Area”;

- B. The Owner is the fee simple owner of certain lots or parcels of land located at 4006 W. Mercury Blvd. (LRSN 3001979 and designated as “S1” on the Plat); 4030 W. Mercury Blvd. (LRSN 13005232 and designated as “A1” on the Plat); 308 Martha Lee Dr. (LRSN 3001843 and designated as “S3” on the Plat);
- C. By application to the City, Owner requested that the City vacate the herein described Vacation Area abutting Owner’s parcels;
- 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 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 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 24<sup>th</sup> day of September, 2025, does, by these presents, release and vacate the following described property interest, to-wit:

All that certain lot, piece, or parcel of land containing 12,268 square feet (0.282 acre), more or less, situate, lying, and being in the City of Hampton, Virginia, and being designated as “S2” and described as “CITY OF HAMPTON (DB 679, PG 736) UNNAMED PUBLIC RIGHT OF WAY, DESIGNATED AS PARCEL-B (DB 679, PG 736)” on that certain plat containing 3 sheets entitled: “PLAT SHOWING VACATION OF AN UNNAMED PUBLIC RIGHT OF WAY OFF OF MARTHA LEE DRIVE HAMPTON, VIRGINIA BY THE CITY OF HAMPTON, VIRGINIA,” said plat bearing a date of March 4, 2025 (the “Plat”), which Plat is attached hereto as Exhibit “A” for reference and made a part of this legal description. The property above described being further referred to herein 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, at no cost to the City, any necessary easements within the Vacation Area, as determined by the City, needed to address existing conditions, including but not limited to for City utilities and drainage.

b. 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 \_\_\_\_\_, 2025, 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:

WEST MERCURY LLC

By: [Signature] (SEAL)

Name: Justin Rosemore

Title: Authorized Signatory

COMMONWEALTH (STATE) OF Maryland

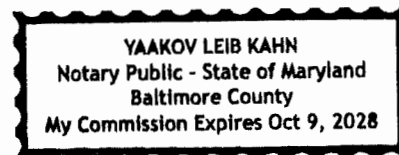
City/County of Baltimore, to-wit:

I hereby certify on this 4<sup>th</sup> day of September, 2025 that the foregoing Vacation Agreement was acknowledged and accepted before me by Justin Rosemore (name), Authorized Signatory (title), on behalf of West Mercury LLC. He/She is known to me personally or provided Driver's License as identification.

[Signature]  
Notary Public

My Commission Expires: 10/9/28

Registration No. —



## EXHIBIT A – VACATION PLAT

1. THIS EXHIBIT WAS CREATED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND THEREFORE MAY NOT SHOW ANY/ALL EASEMENTS OR RESTRICTIONS THAT MAY AFFECT SAID PROPERTY AS SHOWN.
2. THIS PROPERTY APPEARS TO FALL IN FLOOD ZONE X AND AE (EL 16) AS SHOWN ON PANEL 0023H & PANEL 0016H OF THE FLOOD INSURANCE RATE MAPS FOR THE CITY OF HAMPTON, VIRGINIA, COMMUNITY NO.:515527, DATED MAY 16, 2016. FLOOD ZONE INFORMATION SHOWN HEREON IS NOT GUARANTEED AND WAS APPROXIMATELY SCALED FROM THE FLOOD INSURANCE RATE MAPS FOR THE CITY/COUNTY INDICATED. MSA, P.C. IS NOT A PARTY IN DETERMINING THE REQUIREMENTS FOR FLOOD INSURANCE ON THE PROPERTY SHOWN. FOR FURTHER INFORMATION AND TO CONFIRM THE FLOOD ZONE FOR THIS PROPERTY, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL. FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAPS AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE.
3. THIS EXHIBIT DOES NOT CONSTITUTE A BOUNDARY SURVEY OR SUBDIVISION OF LAND. PROPERTY LINES WERE ESTABLISHED FROM RECORDED PLATS AND DEEDS.
4. THE PURPOSE OF THIS EXHIBIT IS TO ILLUSTRATE THE VACATION OF AN UNNAMED PUBLIC RIGHT-OF-WAY OFF MARTHA LEE DRIVE, THE COMBINATION OF THE VACATED RIGHT-OF-WAY WITH ADJACENT PARCELS OWNED BY WEST MERCURY LLC, AND THE ESTABLISHMENT OF A VERIZON EASEMENT.
5. NORTH MERIDIAN SHOWN HEREON IS BASED ON VIRGINIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE NAD83/93 HARN.
6. LOCATION OF UNDERGROUND NON-GRAVITY UTILITIES SHOWN ON THIS SURVEY ARE BASED ON SURFACE INDICATIONS OF SUBTERRANEAN USE AND PAINT MARKINGS FIELD LOCATED BY MSA, PC, AS PAINTED BY CLARION, THIS SURVEY DOES NOT GUARANTEE THE EXISTENCE OR NONEXISTENCE OF UNDERGROUND UTILITIES.
7. A FIELD SURVEY LOCATING THE EXISTING FEATURES SHOWN HEREON WAS CONDUCTED ON JULY 27, 2021.
8. IF ADDITIONAL UTILITIES ARE DISCOVERED WITHIN THE AREA TO BE VACATED, WEST MERCURY LLC WILL CONVEY EASEMENTS FOR THOSE UTILITIES.

#### SUBJECT PROPERTY KEYNOTES

- S1** WEST MERCURY LLC  
(INST. NO. 220002911)  
PARCEL B-1B  
(MPB 7, PG 45)  
4006 W. MERCURY BOULEVARD  
LRSN:3001979  
AREA (BEFORE R/W VACATION)  
= 714,670 SF OR 16.407 AC  
AREA (AFTER R/W VACATION)  
= 731,804 SF OR 16.800 AC
- S2** CITY OF HAMPTON  
(DB 679, PG 736)  
UNNAMED PUBLIC RIGHT OF WAY,  
DESIGNATED AS PARCEL-B  
(DB 679, PG 736)  
AREA = 12,268 SF OR 0.282 AC
- S3** WEST MERCURY LLC,  
A MARYLAND LIMITED LIABILITY  
COMPANY  
(INST. NO. 220002911)  
PARCEL-A  
(DB 679, PG 736)  
LRSN:3001843  
#308 MARTHA LEE DRIVE  
AREA = 4,866 SF OR 0.112 AC

#### ADJOINING PROPERTY KEYNOTES

- A1** N/F  
WEST MERCURY LLC  
(INST. NO. 220002911)  
PARCEL C1  
(MPB 6, PG 96)  
LRSN:13005232
- A2** N/F  
DALLAS R. WILLIAMS LIFE ESTATE  
& JODIE MALONE WILLIAMS SR  
(INST. NO. 120005060)  
LOT 2 & 2A  
(PB 3, PG 227)(PB 4, PG 81)  
LRSN:3001844  
#310 MARTHA LEE DRIVE

#### EASEMENT KEYNOTES

- E1** APPROXIMATE LOCATION  
OF VEPCO EASEMENT  
(DB 287, PG 241)
- E2** APPROXIMATE E OF  
VEPCO EASEMENT  
(DB 575, PG 252)
- E4** APPROXIMATE E OF  
CHESAPEAKE &  
POTOMAC TELEPHONE  
COMPANY EASEMENT  
(DB 295, PG 159)  
AND VEPCO EASEMENT  
(DB 296, PG 320)
- E9** 15' EASEMENT  
(PB 3, PG 227)

#### UTILITY NOTES:

1. DATA PERTAINING TO SANITARY SEWER LINES, CLEANOUTS, AND MANHOLES, NOTED AS "SEE UTILITY NOTE 1, SHEET 1", WERE TAKEN FROM CITY OF HAMPTON GIS WEB SITE AND WERE UNABLE TO BE FIELD LOCATED DUE TO FIELD CONDITIONS AT THE TIME OF SURVEY. THIS SURVEY DOES NOT GUARANTEE THE EXISTENCE OR NONEXISTENCE OF UNDERGROUND UTILITIES.

#### LINE TABLE

LINE #	DIRECTION	LENGTH
L4	N 59°24'03" E	3.17'



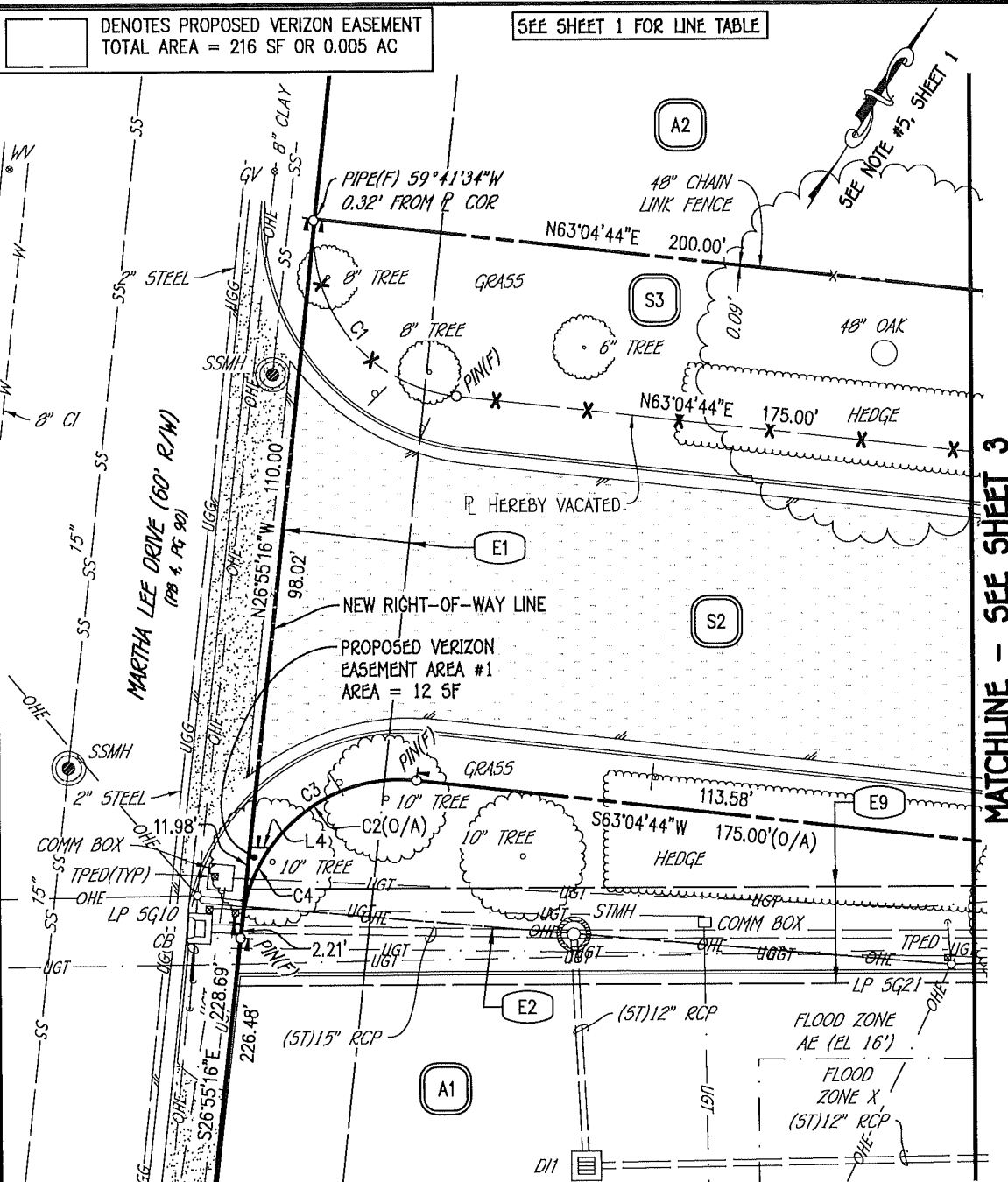
PLAT SHOWING VACATION OF AN UNNAMED PUBLIC  
RIGHT OF WAY LOCATED OFF MARTHA LEE DRIVE  
HAMPTON, VIRGINIA BY THE CITY OF HAMPTON, VIRGINIA



ENGINEERS | SCIENTISTS | SURVEYORS  
5032 ROUSE DRIVE, SUITE 200 | VIRGINIA BEACH, VA 23462  
757.490.9264 | MSAONLINE.COM

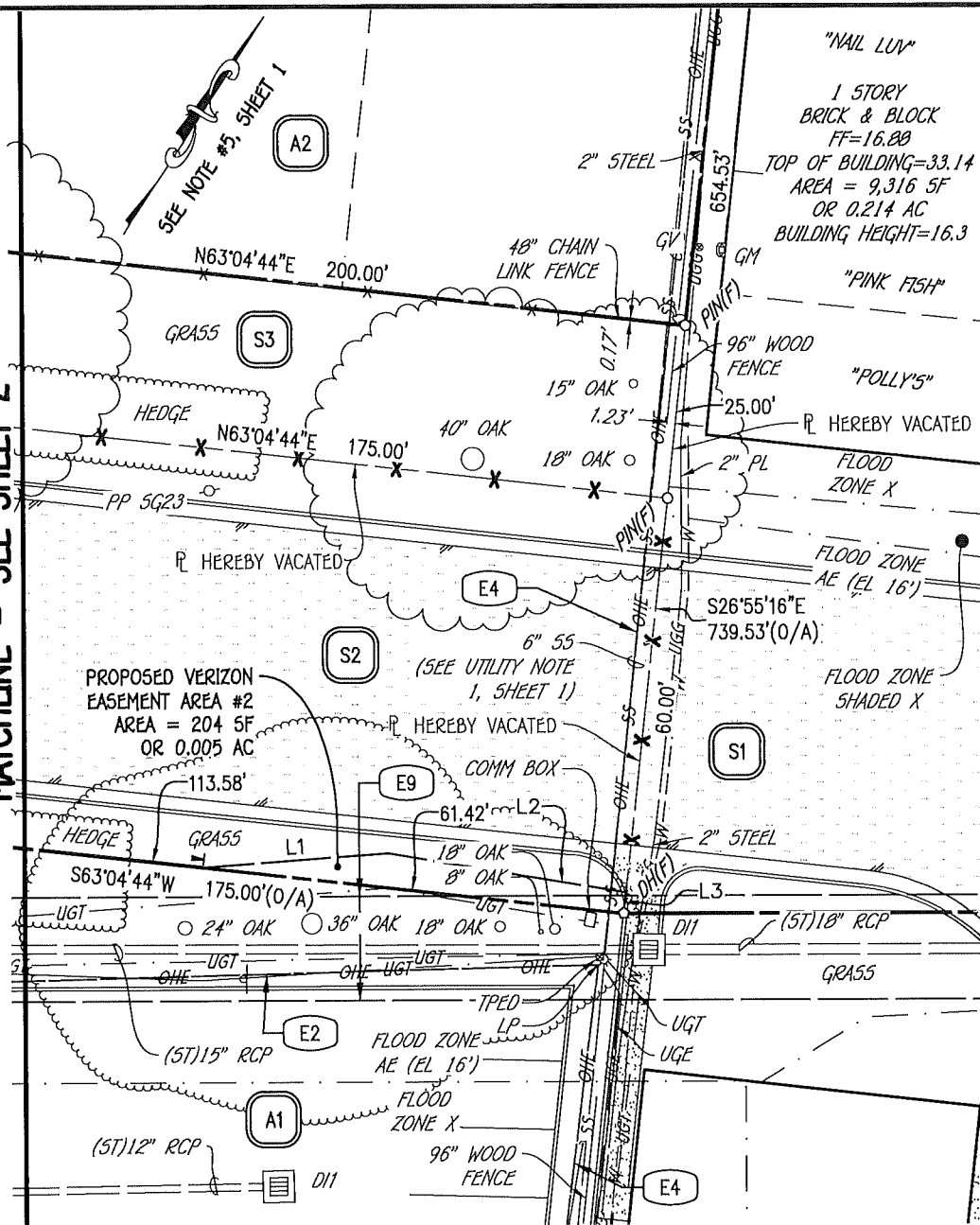
HAMPTON, VIRGINIA  
3-4-2025

REV: N/A  
DWN BY: WGS  
FB: CS 611, PG 68-72  
JOB# 21163A  
SCALE: 1" = 20'  
SHEET 1 OF 3

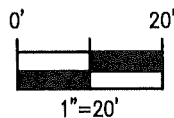




MATCHLINE - SEE SHEET 2



LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N 52°37'35\"	27.14'
L2	N 66°12'44\"	34.78'
L3	S 26°55'16\"	3.02'



SEE SHEET 1 FOR SUBJECT  
PROPERTY, ADJOINING PROPERTY,  
AND EASEMENT KEYNOTES.

DENOTES PROPOSED VERIZON EASEMENT  
TOTAL AREA = 216 SF OR 0.005 AC



PLAT SHOWING VACATION OF AN UNNAMED PUBLIC  
RIGHT OF WAY LOCATED OFF MARTHA LEE DRIVE  
HAMPTON, VIRGINIA BY THE CITY OF HAMPTON, VIRGINIA



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HAMPTON, VIRGINIA  
3-4-2025

REV: N/A  
DWN BY: WGS  
FB: CS 611, PG 68-72  
JOB# 21163A  
SCALE: 1\"/>