



Application for

Rezoning

Community Development Department
Planning Division

22 Lincoln Street, 5th Floor | Hampton, Virginia 23669
Phone 757-727-6140 | Fax 757-728-2449 | www.hampton.gov/planning



Application for
Rezoning

Complete this application in its entirety and submit pages 4 and 5 along with the required materials (including any required supplements) as listed on page 2 to the address below:

City of Hampton
Community Development Department, Planning Division
22 Lincoln Street, 5th Floor
Hampton, Virginia 23669

OFFICE USE ONLY
Date Received:

RECEIVED

JUL 21 2016

PLANNING DEPT.

Case Number: RZ ___ ___ **16-00009** ___

1. PROPERTY INFORMATION

Address or Location Coliseum Drive (no number, only an LRSN)

LRSN 13002049 Current Zoning District C-2, O-CC, Proposed Zoning District C-2
O-FZ (X, X500, AE8)

Current Land Use Hampton Coliseum parking lot

Proposed Land Use Amend existing proffers to expand development potential.

The proposed use will be in: an existing building a new addition a new building

2. PROPERTY OWNER INFORMATION (an individual or a legal entity may be listed as owner)

Owner's Name City of Hampton

Address 22 Lincoln Street, 8th Floor City Hampton State VA Zip 23669

Phone 757-727-6392 Email _____

3. APPLICANT INFORMATION (if different from owner)

Applicant's Name City of Hampton

Address 22 Lincoln Street, 8th Floor City Hampton State VA Zip 23669

Phone 757-727-6392 Email _____

4. APPLICANT AGENT INFORMATION (if different from applicant)

Agent's Name _____

Address _____ City _____ State _____ Zip _____

Phone _____ Email _____

5. CERTIFICATION FOR LEGAL ENTITY PROPERTY OWNERS

Complete this section only if the property owner is **not** an individual but rather a legal entity such as a corporation, trust, LLC, partnership, diocese, etc. as specified in Step 2 above.

"I hereby submit that I am legally authorized to execute this application on behalf of the fee-simple owner of this property. I have read this application and it is submitted with my full knowledge and consent. I authorize city staff and representatives to have access to this property for inspection. The information contained in this application is accurate and correct to the best of my knowledge."

Name(s), title(s), signature(s), and date(s) of authorized representative(s) of the legal entity (attach additional page if necessary):

Name of Legal Entity City of Hampton, Virginia

Signed by: Name (printed) Mary Bunting, City Manager / DESIGNEE, Its (title) Assistant City Mgr

Signature [Handwritten Signature] Date 7/21/2016

Name (printed) _____, Its (title) _____

Signature _____ Date _____

Name (printed) _____, Its (title) _____

Signature _____ Date _____

6. CERTIFICATION FOR INDIVIDUAL PROPERTY OWNERS

Complete this section only if the property owner is an individual or individuals.

"I hereby submit that I am the fee-simple owner of this property. I have read this application and it is submitted with my full knowledge and consent. I authorize city staff and representatives to have access to this property for inspection. The information contained in this application is accurate and correct to the best of my knowledge."

Name(s), signature(s), and date(s) of owner(s) (attach additional page if necessary):

Name (printed) _____

Signature _____ Date _____

Name (printed) _____

Signature _____ Date _____

<i>OFFICE USE ONLY</i>		
<input type="checkbox"/> Application Form	<input type="checkbox"/> Narrative Statement	<input type="checkbox"/> Proffer Statement
<input type="checkbox"/> Application Fee	<input type="checkbox"/> Survey Plat	<input type="checkbox"/> Additional materials (if required)

OWNER'S CERTIFICATION

THE PLATTING OF THE LAND SHOWN HEREON, PARCEL B, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNER(S) AND PROPRIETOR(S).

SIGNED: James J. W. [Signature] DATE: 7/20/07
City Engineer

STATE OF Virginia
CITY OF Hampton

I, Cheryl Ann Carnevale, A NOTARY PUBLIC, IN AND FOR THE CITY AND STATE AFORESAID, DO HEREBY CERTIFY THAT James F. Whitley WHOSE NAME IS SIGNED TO THE FOREGOING WRITING BEARING DATE THE 17 DAY OF July, 2007, HAS ACKNOWLEDGED THE SAME BEFORE ME IN MY CITY AND STATE AFORESAID.

GIVEN UNDER MY HAND THIS 20th DAY OF July, 2007.

MY COMMISSION EXPIRES: July 31, 2011
Reg. No. 202639

Cheryl Ann Carnevale
NOTARY PUBLIC

SURVEYOR'S CERTIFICATION

I, ERIC S. PATTERSON, A LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT WAS MADE BY ME, THE UNDERSIGNED, AT THE DIRECTION OF THE OWNER, AND THAT THIS SUBDIVISION IS ENTIRELY WITHIN THE BOUNDARIES OF LAND COVERED BY DEED(S) DESCRIBED BELOW, AND THAT CONCRETED STEEL PINS AS SPECIFIED BY THE SUBDIVISION REGULATIONS OF THE CITY OF HAMPTON, VIRGINIA, ARE ACTUALLY IN PLACE AT POINTS MARKED THUS, "o" AND THEIR LOCATIONS ARE CORRECTLY SHOWN.

Eric S. Patterson DATE: 07-19-07
ERIC S. PATTERSON, L.S. NO. 002412

NOTES

1. THE PROPERTY SHOWN HEREON APPEARS TO LIE WITHIN FLOOD ZONE A5 (EL. 8.5) (AREAS OF 100-YEAR FLOOD; BASE FLOOD ELEVATION DETERMINED), ZONE B (AREA BETWEEN LIMITS OF THE 100-YEAR AND 500-YEAR FLOOD) AND ZONE C (AREAS OF MINIMAL FLOODING) ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP (FIRM) FOR THE CITY OF HAMPTON, VIRGINIA, COMMUNITY PANEL NUMBER 515527 0012D, DATED JULY 16, 1987. NOTE: LANDMARK DESIGN GROUP IS NOT A PARTY IN DETERMINING THE REQUIREMENTS FOR FLOOD INSURANCE ON THE PROPERTY SHOWN HEREON. THE APPROXIMATE LOCATION OF THE FLOOD ZONE LIMITS AS LISTED HEREON HAVE BEEN DETERMINED BY SCALING THE LOCATION DEPICTED ON THE AFOREMENTIONED FEMA-NFIP MAP. DUE TO IMPERFECTIONS IN BOTH THE FEMA MAPPING AND LOCATION METHODOLOGY, THESE LIMITS MAY CONTAIN SIGNIFICANT INACCURACIES. THIS SURVEY DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE SUBJECT TO FLOODING. FOR FURTHER INFORMATION, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL.
2. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND MAY NOT SHOW ALL EASEMENTS AND/OR ENCUMBRANCES THAT MAY AFFECT THE PROPERTY SHOWN.
3. THE MERIDIAN SOURCE OF THIS PLAT IS BASED ON MISC. PLAT BOOK 2 AT PAGE 107, WHICH REFERENCES THE CITY OF HAMPTON 1995 GEODETIC CONTROL NETWORK (NAD 83)(1995).

SOURCE OF TITLE

THE PROPERTY SHOWN HEREON WAS CONVEYED TO THE CITY OF HAMPTON BY:

DEED FROM HAMPTON REDEVELOPMENT AND HOUSING AUTHORITY BY INSTRUMENT 030009795, DATED MAY 2, 2003.

DEED FROM RAY L. & RITA W. HYATT BY INSTRUMENT 040004018, DATED JANUARY 19, 2004.

DEED FROM LUCILLE DONE, JAMES C. CONE, JR., HELEN S. CONE AND SHIRLEY CONE AYLROR BY DEED BOOK 380 AT PAGE 266, DATED JUNE 1, 1966.

DEED FROM W.R. WOOD, ET AL, BY DEED BOOK 365 AT PAGE 672, DATED JULY 1, 1965.

DEED FROM J.C. WARREN, ET UX, BY DEED BOOK 263 AT PAGE 229, DATED NOVEMBER 1, 1953.

DEED FROM ADA B. SINCLAIR, ET AL, BY DEED BOOK 219 AT PAGE 391, DATED MAY 1, 1963.

AREA TABLE

DESCRIPTION	SQUARE FEET	ACRES
(ORIGINAL) PARCEL B	2,185,298	50.168
PARCEL B-1	892,655	20.493
PUMP STATION	15,452	0.355
(RESIDUAL) PARCEL B-2	1,277,191	29.320



SPLIT OF
OF
PARCEL B
STANDING IN THE NAME OF
CITY OF HAMPTON
MPB 2 PG 107
HAMPTON, VIRGINIA
JULY 17, 2007 SCALE: 1"=100'

COMMONWEALTH OF VIRGINIA
CITY OF HAMPTON

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE CITY OF HAMPTON, THIS MAP WAS PRESENTED AND ADMITTED AS THE LAW DIRECTS THIS 20 DAY OF July, 2007 IN DEED BOOK 2 PAGE 174.

TESTE: [Signature]
CLERK

SHEET 1 OF 2

DRAWN BY :	LRL
CHECKED BY :	ESP
PROJECT NO. :	2007011-000.01
DRAWING NO. :	32024A
CAD FILE :	PLAT.DWG

LANDMARK DESIGN GROUP
Engineers • Planners • Surveyors
Landscape Architects • Environmental Consultants

5544 Greenwich Road - Suite 200
Virginia Beach, VA 23462
Tel. (757) 473-2000
Fax (757) 497-7933
Email: lmdg@landmarkdg.com

4029 Ironbound Road - Suite 100
Williamsburg, VA 23188
Tel. (757) 253-2975
Fax (757) 229-0049
Email: lmdg@landmarkdg.com

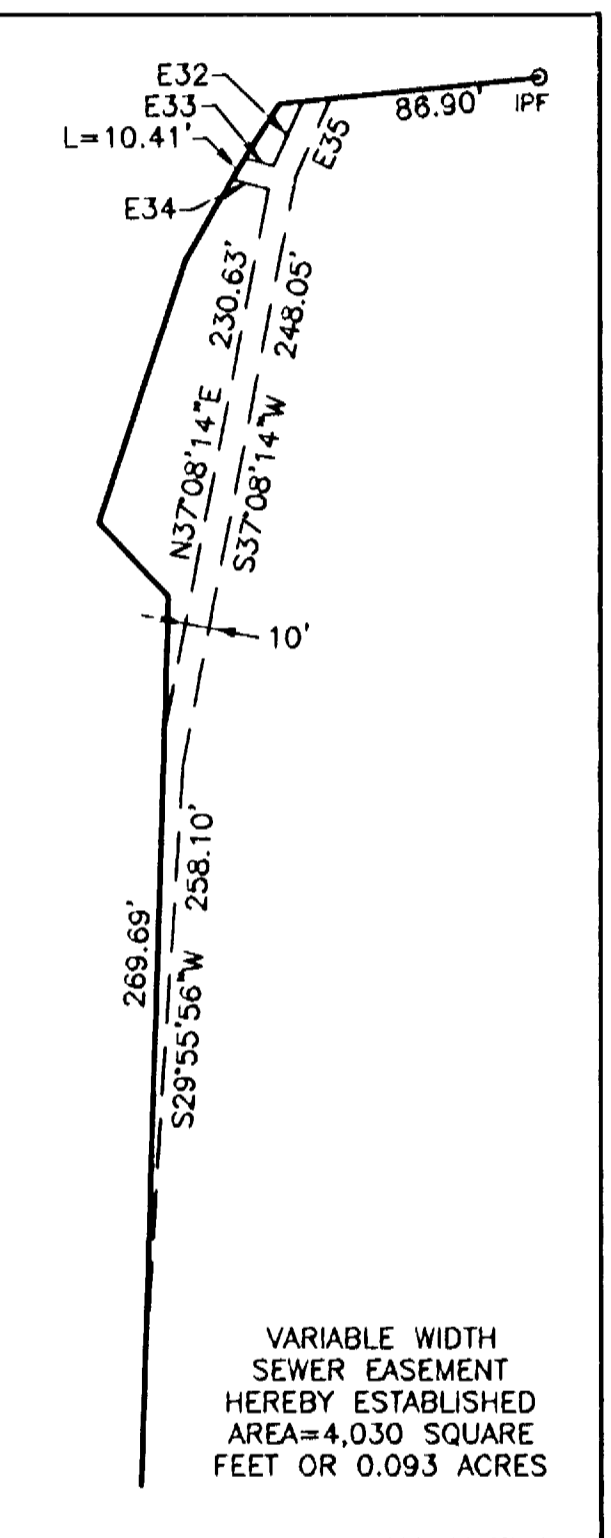
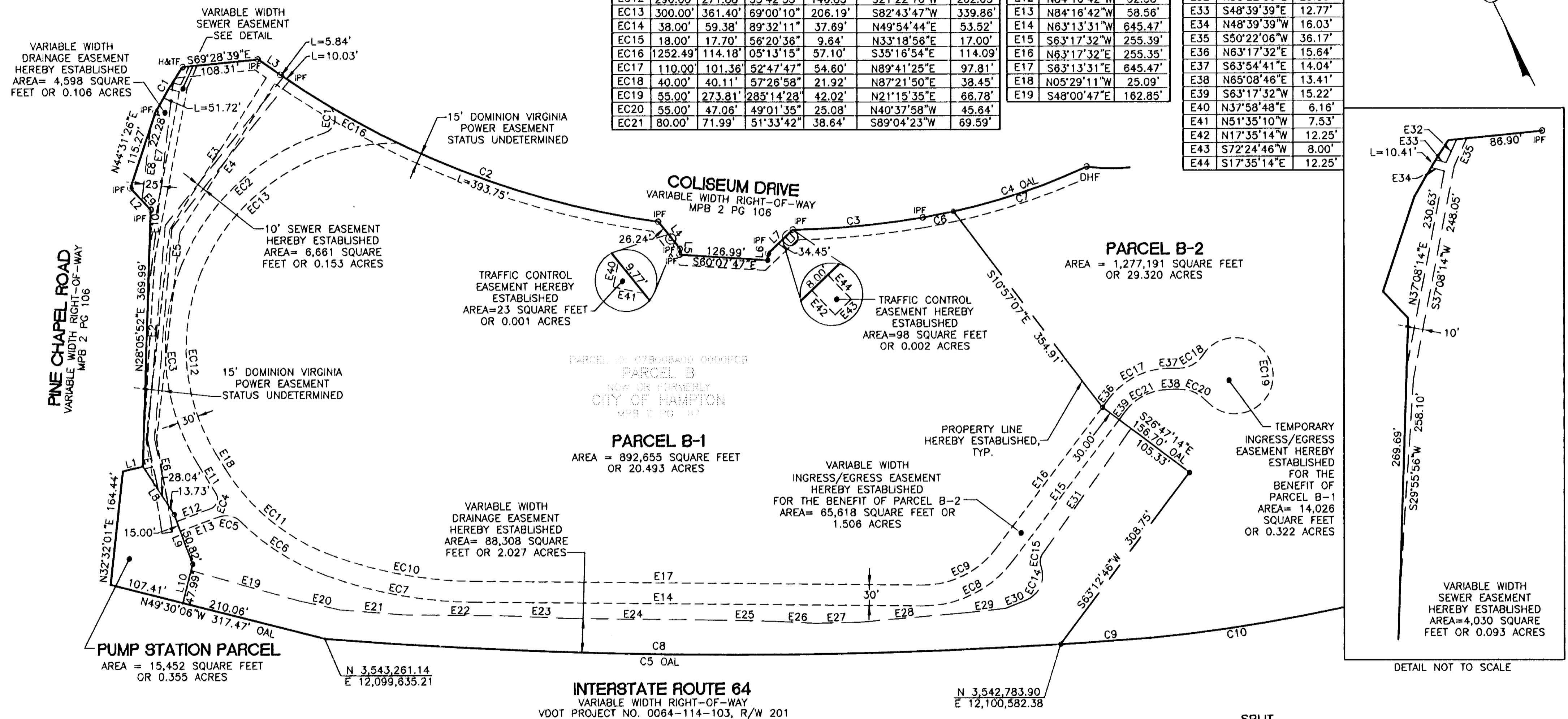
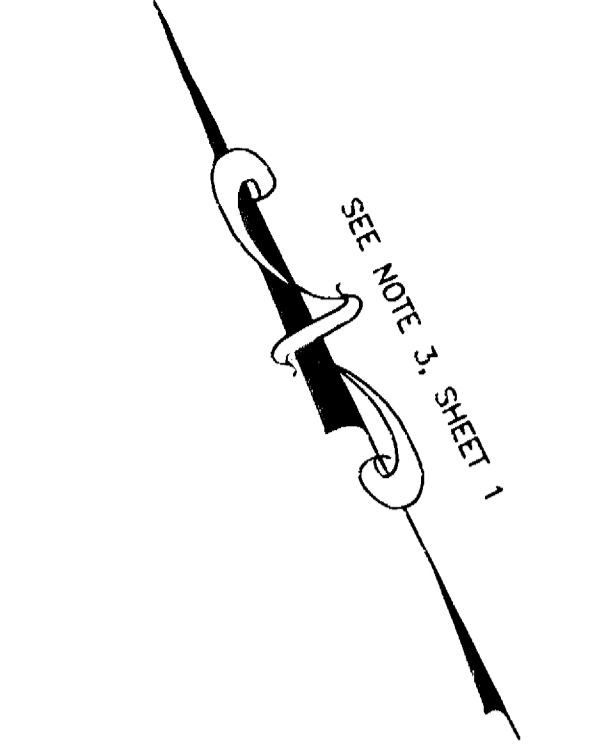
CURVE TABLE						
CURVE	RADIUS	LENGTH	DELTA	TANGENT	CHORD BEARING	CHORD
C1	848.50'	76.24'	05°08'52"	38.14'	N57°14'58"E	76.21'
C2	1252.49'	589.32'	26°57'31"	300.22'	S42°25'31"E	583.90'
C3	1252.49'	188.18'	8°36'30"	94.27'	S69°05'41"E	188.00'
C4	952.50'	248.24'	14°55'56"	124.83'	S80°51'54"E	247.54'
C5	7519.44'	1190.47'	09°04'16"	596.48'	N63°44'58"W	1189.23'
C6	952.50'	44.88'	02°41'58"	22.44'	S74°44'55"E	44.87'
C7	952.50'	203.36'	12°13'58"	102.07'	S82°12'53"E	202.98'
C8	7519.44'	1061.49'	08°05'18"	531.63'	N63°15'29"W	1060.61'
C9	7519.44'	128.98'	00°58'58"	64.49'	N67°47'37"W	128.97'
C10	2236.83'	492.86'	12°37'28"	247.43'	N75°22'49"W	491.87'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S76°53'17"E	29.73'
L2	N16°53'16"W	42.43'
L3	S28°56'47"E	39.25'
L4	S12°28'02"E	50.04'
L5	S30°48'32"W	8.32'
L6	N29°36'58"E	9.51'
L7	N72°24'46"E	49.60'
L8	S06°37'00"E	82.55'
L9	S05°58'37"W	76.44'
L10	S40°29'54"W	57.38'

EASEMENT CURVE TABLE						
CURVE	RADIUS	LENGTH	DELTA	TANGENT	CHORD BEARING	CHORD
EC1	22.00'	50.42'	131°18'27"	48.62'	N32°58'57"E	40.09'
EC2	330.00'	290.33'	50°24'28"	155.31'	N73°25'57"E	281.06'
EC3	320.00'	300.00'	53°42'53"	162.05'	N21°22'16"E	289.13'
EC4	15.00'	26.50'	101°12'29"	18.26'	N45°07'04"E	23.18'
EC5	30.00'	34.39'	65°40'19"	19.36'	N51°26'32"W	32.53'
EC6	330.00'	145.30'	25°13'40"	73.85'	N31°13'13"W	144.13'
EC7	650.00'	219.98'	19°23'27"	111.05'	N53°31'47"W	218.93'
EC8	160.00'	149.35'	53°28'58"	80.62'	N89°57'59"W	143.99'
EC9	130.00'	121.35'	53°28'58"	65.50'	S89°57'59"E	116.99'
EC10	620.00'	209.83'	19°23'27"	105.93'	S53°31'47"E	208.83'
EC11	300.00'	200.79'	38°20'52"	104.32'	S24°39'37"E	197.06'
EC12	290.00'	271.88'	53°42'53"	146.85'	S21°22'16"W	262.03'
EC13	300.00'	361.40'	69°00'10"	206.19'	S82°43'47"W	339.86'
EC14	38.00'	59.38'	89°32'11"	37.69'	N49°54'44"E	53.52'
EC15	18.00'	17.70'	56°20'36"	9.64'	N33°18'56"E	17.00'
EC16	1252.49'	114.18'	05°13'15"	57.10'	S35°16'54"E	114.09'
EC17	110.00'	101.36'	52°47'47"	54.60'	N89°41'25"E	97.81'
EC18	40.00'	40.11'	57°26'58"	21.92'	N87°21'50"E	38.45'
EC19	55.00'	273.81'	285°14'28"	42.02'	N21°15'35"E	66.78'
EC20	55.00'	47.06'	49°01'35"	25.08'	N40°37'58"W	45.64'
EC21	80.00'	71.99'	51°33'42"	38.64'	S89°04'23"W	69.59'

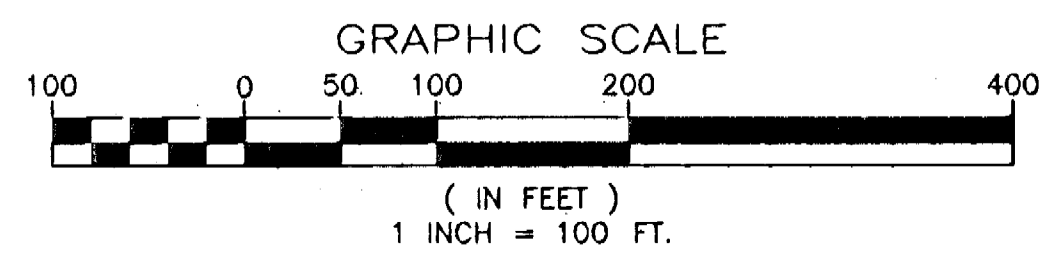
EASEMENT LINE TABLE		
LINE	BEARING	LENGTH
E1	N14°16'29"E	74.59'
E2	N31°06'05"E	309.38'
E3	N64°48'36"E	273.20'
E4	S64°48'36"W	270.92'
E5	S31°06'05"W	304.88'
E6	S14°16'29"W	99.31'
E7	S33°00'19"W	317.20'
E8	N33°00'19"E	106.76'
E9	N16°53'16"W	18.15'
E10	S28°05'52"W	129.94'
E11	N05°29'11"W	46.75'
E12	N84°16'42"W	52.38'
E13	N84°16'42"W	58.56'
E14	N63°13'31"W	645.47'
E15	S63°17'32"W	255.39'
E16	N63°17'32"E	255.35'
E17	S63°13'31"E	645.47'
E18	N05°29'11"W	25.09'
E19	S48°00'47"E	162.85'

EASEMENT LINE TABLE		
E20	S51°33'21"E	57.85'
E21	S59°00'52"E	91.09'
E22	S63°03'25"E	154.97'
E23	S61°04'31"E	82.27'
E24	S63°03'50"E	205.33'
E25	S62°36'55"E	99.34'
E26	S60°39'44"E	53.37'
E27	S65°10'48"E	61.76'
E28	S68°41'03"E	149.18'
E29	S69°57'41"E	64.56'
E30	S85°19'10"E	30.88'
E31	N61°29'14"W	221.65'
E32	N50°22'06"E	29.86'
E33	S48°39'39"E	12.77'
E34	N48°39'39"W	16.03'
E35	S50°22'06"W	36.17'
E36	N63°17'32"E	15.64'
E37	S63°54'41"E	14.04'
E38	N65°08'46"E	13.41'
E39	S63°17'32"W	15.22'
E40	N37°58'48"E	6.16'
E41	N51°35'10"W	7.53'
E42	N17°35'14"W	12.25'
E43	S72°24'46"W	8.00'
E44	S17°35'14"E	12.25'



ABBREVIATIONS

H&TF HUB & TACK FOUND
 IPF IRON PIN FOUND
 DHF DRILL HOLE FOUND
 MPB MISCELLANEOUS PLAT BOOK



COMMONWEALTH OF VIRGINIA
Eric S. Patterson
 ERIC S. PATTERSON
 Lic. No. 002412
 07-19-07
 LAND SURVEYOR

SHEET 2 OF 2

DRAWN BY :	LRL
CHECKED BY :	ESP
PROJECT NO. :	2007011-000.01
DRAWING NO. :	32024B
CAD FILE :	PLAT.DWG

SPLIT OF PARCEL B
 STANDING IN THE NAME OF
CITY OF HAMPTON
 MPB 2 PG 107
 HAMPTON, VIRGINIA
 JULY 17, 2007 SCALE: 1"=100'

LANDMARK DESIGN GROUP
 Engineers • Planners • Surveyors
 Landscape Architects • Environmental Consultants

5544 Greenwich Road - Suite 200
 Virginia Beach, VA 23462
 Tel. (757) 473-2000
 Fax (757) 497-7933
 Email: lndg@landmarkdkg.com

4029 Ironbound Road - Suite 100
 Williamsburg, VA 23188
 Tel. (757) 253-2975
 Fax (757) 229-0049
 Email: lndg@landmarkdkg.com

Rezoning Application 16-00009 Narrative Statement

The subject property (LRSN 13002049) is located on the southwest corner of Coliseum Drive and Pine Chapel Road. This 20 +/- acre site is owned by the City of Hampton and has long been considered a regionally significant redevelopment opportunity due to its visibility from Interstate 64 and its proximity to the Hampton Roads Convention Center and the Hampton Coliseum. The site is located in the "Coliseum Crossroads" initiative area identified in the Coliseum Central Master Plan (2015, as amended). The current master plan recommends sports tourism and hospitality uses and park space. The 2004 master plan recommended destination/specialty retail and restaurant uses as well as hospitality and entertainment uses.

The site is currently zoned C-2 (Limited Commercial). The site is also in the O-CC District (Coliseum Central Overlay) and the O-FZ District (Flood Zone Overlay). Proffered conditions were placed on the property with Rezoning 1260 in 2007 in connection with a mixed-use development proposed by the XL Development Group known as "Hampton Place". The Hampton Place project included a mix of retail, entertainment, office, residential and hospitality uses served by a combination of structured and surface parking. The zoning conditions placed on the site are specific to the project proposed at that time. These conditions include a mix of uses, a conceptual site plan and building materials. Personnel changes within the XL Development Group and deteriorating real estate market conditions prevented the Hampton Place project from being developed. The site returned to City ownership in 2009.

In response to renewed market interest and the limitations of the existing proffered conditions, the City is proposing Rezoning 16-00009 to remove the project specific conditions placed on the site in 2007. The amended proffers will increase the redevelopment options available for the property and allow the City to more effectively market the site to future prospects.

Prepared by/after recording return to:

Bonnie N. Brown
Senior Assistant City Attorney
VSB No. 83690
Hampton City Attorney's Office
22 Lincoln Street
Hampton, Virginia 23669
757-727-6157

LRSN: 13002049

PROFFER AGREEMENT

THIS PROFFER AGREEMENT ("Agreement") is made this 21ST day of July, 2016, by THE CITY OF HAMPTON, Virginia, a municipal corporation of the Commonwealth of Virginia ("Grantor" and "Grantee"), with an address of 22 Lincoln Street, Hampton City Hall, Hampton, Virginia, 23669.

RECITALS

- A. Grantor is the owner of a certain parcel of property located in the City of Hampton on Coliseum Drive designated as LRSN 13002049 and more fully described on Exhibit A attached hereto ("the Property").
- B. In 2007, the Property was rezoned by the City Council for the City of Hampton via Rezoning Application No. 1260, which attached eight (8) proffered conditions concerning use and development of the property.
- C. Grantor has initiated a conditional amendment to the zoning map of the City of Hampton, Virginia, so as to change the zoning classification of the Property from Limited Commercial (C-2) District with eight (8) proffered conditions attached by Rezoning No. 1260 in 2007 to Limited Commercial (C-2) District with amended proffered conditions as set forth herein.

- D. Grantor has requested approval of this Agreement.
- E. Grantee's policy is to provide for the orderly development of land for various purposes, including commercial purposes, through zoning and other land development legislation.
- F. Grantor desires to offer the City of Hampton certain conditions for the enhancement of the community and to provide for the highest quality and orderly development of the Property.
- G. The conditions outlined in this Agreement have been proffered by Grantor and allowed and accepted by Grantee as a part of the amendment of the City Zoning Ordinance and the Zoning Map. These conditions shall continue in full force and effect until a subsequent amendment changes the zoning of the Property; provided, however, that such conditions shall continue if the subsequent amendment is part of the comprehensive implementation of a new or substantially revised zoning ordinance of Grantee.

NOW, THEREFORE, for and in consideration of the approval and acceptance by the City of Hampton, (the "City") of this Agreement, Grantor agrees that it will meet and comply with all of the following conditions in developing the Property. In the event the requested change of zoning classification is not granted by the City, these Proffers shall thereupon become null and void. Grantor, its heirs, successors, assigns, grantees and other successors in title or interest to the Property, voluntarily and without any requirement by or exaction from Grantee or its governing body and without any element or compulsion or quid pro quo for zoning, rezoning, site plan, building permit or subdivision approval, makes the foregoing

declaration of conditions and restrictions governing the use and physical development and operation of the Property, and covenants and agrees that this declaration and the further terms of this Agreement shall constitute covenants running with the Property, which shall be binding upon the Property, and upon all persons and entities claiming under or through the Grantor, its heirs successors and assigns, grantees and other successors in interest or title to the Property; namely:

CONDITIONS

1. The following uses of the Property shall be prohibited:
 - 1) Nursing home
 - 2) Gas station
 - 3) Day Spa
 - 4) Motorcycle sales
 - 5) Motorcycle service
 - 6) Second-hand store
 - 7) Sign painting shop
 - 8) Tire sales
 - 9) Tire repair
 - 10) Vehicle repair, light
 - 11) Vehicle sales, new
 - 12) Commercial day care 1 and 2
 - 13) Vehicle storage
 - 14) Religious facility
 - 15) Club/lodge, private or fraternal

- 16) Shooting range, trap or skeet
- 17) Pier/dock/boathouse/ramp
- 18) Marina, including boat sales
- 19) Boat sales
- 20) Car wash, hand/auto detailing
- 21) Car wash, self-service or automated
- 22) Dry cleaning, closed type using nonflammable liquid
- 23) Laundromat Office, taxicab
- 24) Upholstery shop
- 25) Bed & breakfast
- 26) Hotel, extended stay
- 27) College/university, public
- 28) Library, public
- 29) Office, medical
- 30) Post office
- 31) School, business
- 32) School, dance
- 33) College/university, private
- 34) Hospital
- 35) Library, private
- 36) School, public or private
- 37) Billiard hall
- 38) Bowling alley

- 39) Skating rink, ice or roller
- 40) Community garden
- 41) Silviculture/plant nursery, including retail sales
- 42) Veterinarian office/hospital
- 43) Non-commercial communication tower <75'
- 44) Non-commercial communication tower >75'
- 45) Commercial communication tower

2. It is understood that all phases of any proposed project shall comply with all ordinances of the City of Hampton.

3. Further lawful conditions or restrictions against the Property may be required by the City of Hampton during any detailed Site Plan review and administration of applicable codes and regulations of Grantee by all appropriate agencies and departments of Grantee, which shall be observed or performed by Grantor. Grantor acknowledges that additional further lawful conditions or restrictions may be imposed by Grantee as a condition of approvals, including but not limited to final site plan approval.

4. All references hereinabove to zoning districts and to regulations applicable thereto, refer to the City Zoning Ordinance of the City of Hampton, in force as of the date the conditional rezoning amendment is approved by the Grantee.

5. The Grantor covenants and agrees that (1) the Zoning Administrator of the City of Hampton, Virginia, shall be vested with all necessary authority on behalf of the governing body of the City of Hampton, Virginia, to administer and enforce the foregoing conditions and restrictions specified in this Agreement, including (i) the ordering in writing of the remedying of any noncompliance with such conditions, and (ii) the bringing of legal action or suit to ensure

compliance with such conditions, including mandatory or prohibitory injunction, abatement, damages or other appropriate action, suit or proceedings; (2) the failure to meet all conditions shall constitute cause to deny the issuance of any of the required building or occupancy permits as may be appropriate; and (3) the Zoning Map shall show by an appropriate symbol on the Map the existence of conditions attaching to the zoning of the subject Property on the Map and that the ordinance and conditions may be made readily available and accessible for public inspection in the office of the Zoning Administrator and in the Department of Community Development and that this Agreement shall be recorded in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia and indexed in the name of the Grantor and Grantee.

WITNESS the following signatures:

[SIGNATURES ON FOLLOWING PAGE]

**CITY OF HAMPTON
OFFICE OF THE CITY ATTORNEY**
Approved as to form and legal sufficiency
Date: 7/21/16
Thomas Brown
City Attorney

Grantor:

The City of Hampton, Virginia, a municipal corporation of the Commonwealth of Virginia

James A. Peterson
City Manager/designee

STATE OF VIRGINIA
City of Hampton, to-wit:

I, Donna L. Hodges, the undersigned, a Notary Public in and for the City and State aforesaid, do hereby certify that James A. Peterson, whose name is signed to the foregoing instrument as (title) Assistant City Mgr of Hampton, a Virginia (type of entity) municipal government, has sworn to, subscribed, and acknowledged the same before me in the City and State aforesaid, this 21st day of July, 2016 on behalf of said city of Hampton. He/she is personally known to me or has produced _____ as identification.

Donna L. Hodges
Notary Public

My commission expires: July 31, 2019
Registration No. 7123061

DONNA L. HODGES
NOTARY PUBLIC
REGISTRATION # 7123061
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
JULY 31, 2019

CITY OF HAMPTON, VIRGINIA
TITLE CERTIFICATION AND LIEN DISCLOSURE

The undersigned, attorney for the owner of the property identified as Coliseum Drive - LRSN 13002049 (the "Property") to be rezoned, hereby certifies, as required by § 14-24(5) of the Zoning Ordinance of the City of Hampton, Virginia, as follows:

1. Current title to the property is in the name of the City of Hampton, Virginia, a municipal corporation of the Commonwealth of Virginia.

2. The property is the same property acquired by the City of Hampton, Virginia (the "City") by deed from XL Development Group, L.L.P., dated June 26, 2009 and recorded July 1, 2009 in the Clerk's Office of the Circuit Court for the City of Hampton, Virginia as Instrument Number 090010756, at page 0279.

3. The legal description of the property is as follows:

All that certain lot, piece or parcel of land, lying and being situate in the City of Hampton, Virginia, and being known and designated as "Parcel B-1" containing an area of 20.493 acres, as shown on that certain plat entitled, "Split of Parcel B Standing in the Name of City of Hampton, MPB 2, pg 107, Hampton, Virginia", said plat prepared by LandMark Design Group, Engineers, Planners, Surveyors, Landscape Architects and Environmental Consultants, dated July 17, 2007 and recorded in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia as Misc. Plat Book 2, at page 174.

4. I further certify that, as of the date of this certification, the following is a list of the deed restrictions or covenants of record, title defects, deeds of trust, liens or encumbrances affecting, or potentially affecting, any portion of the Property proposed to be rezoned:

a. Easements granted to the Commonwealth of Virginia, as contained in instruments dated October 8, 1956, recorded in Deed Book 257, page 406; deed dated April 7, 1953, recorded in Deed Book 206, page 155; dated March 25, 1952, recorded in Deed Book 197, page 339; dated February 25, 1942, recorded in Deed Book 114, page 384; dated January 7, 1942, recorded in Deed Book 116, page 79; recorded in Deed Book 116, page 81; dated October 8, 1956, recorded in Deed Book 264, page 155; and dated November 2, 1956, recorded in Deed Book 261, page 314.

b. Easement granted Virginia Electric and Power Company by instrument dated July 31, 2007, recorded as Instrument No. 070019128.

c. Easement granted Virginia Electric and Power Company by instrument dated April 12, 1949, recorded in Deed Book 164, Page 375.

d. Easement granted Virginia Electric and Power Company by instrument dated February 23, 1955, recorded in Deed Book 229, Page 75.

e. Easement granted Virginia Electric and Power Company by instrument dated September 26, 1952, recorded in Deed Book 201, Page 122.

f. Easement granted Virginia Electric and Power Company by instrument dated October 22, 1952, recorded in Deed Book 201, Page 154.

g. Easement granted Virginia Electric and Power Company by instrument dated October 22, 1952, recorded in Deed Book 201, Page 151.

h. Easement granted Virginia Electric and Power Company by instrument dated September 8, 1971, recorded in Deed Book 447, Page 87.

i. Easement granted Virginia Public Service Company by instrument dated April 17, 1935, recorded in Deed Book, 92, Page 268.

j. Sanitary Sewer Right-of-Way Easement Agreement granted County of Elizabeth City, Virginia, by instrument dated September 19, 1949, recorded in Deed Book 167, Page 259.

k. Sanitary Sewer Right-of-Way Easement Agreement granted County of Elizabeth City, Virginia by instrument dated September 1, 1949, recorded in Deed Book 167, Page 100.

l. Matters shown or noted on plat entitled "SPLIT OF PARCEL B STANDING IN THE NAME OF CITY OF HAMPTON MPB 2 PG 107 HAMPTON, VIRGINIA", made by Landmark Design Group, dated July 17, 2007, including, but not limited to:

- (1) 10' sewer easement
- (2) 15' Dominion Virginia Power easements
- (3) Variable width drainage easements
- (4) Variable width ingress/egress easement
- (5) Temporary ingress/egress easement
- (6) Traffic control easements
- (7) Variable width sewer easement

Dated: July 1, 2016

CITY OF HAMPTON, VIRGINIA

BY:



Bonnie N. Brown

Senior Assistant City Attorney