

Prepared by/after recording return to:
Bonnie N. Brown (VSB #83690)
Hampton City Attorney's Office
22 Lincoln Street
Hampton, Virginia 23669
757-727-6127

Consideration: \$ 0.00
LRSNs: Abutting 2003823;
2003824; 2003821;
13004507 and
13004508

This Agreement Is Exempt from Clerk's Fees Pursuant To Sections 58.1-811(A)(3), 58.1-811(C)(4), 17.2-266 and 17.1-279(E) of the Code of Virginia

VACATION AGREEMENT

THIS VACATION AGREEMENT (the "Agreement") made this _____ day of _____, _____, by and between the **CITY OF HAMPTON**, Virginia, a municipal corporation of the Commonwealth of Virginia with an address of 22 Lincoln Street, Hampton Virginia 23669 (the "City" and "Grantor" for indexing purposes); and **HAMPTON YACHT CLUB, INCORPORATED**, a Virginia corporation, with a principal office address of 4707 Victoria Boulevard, Hampton, Virginia 23669 ("Hampton Yacht Club" and "Grantee" for indexing purposes); collectively the "Parties."

RECITALS

- A. Hampton Yacht Club is the owner of certain parcels of property located in the City of Hampton known as 4701, 4706, 4709, and 4710 Victoria Blvd. (LRSNs 2003824, 2003821, 13004507 and 13004508 respectively) (the "Hampton Yacht Club Properties").
- B. The City is the owner of a portion of Victoria Boulevard right-of-way abutting the Hampton Yacht Club Properties containing approximately 6,840+/- square feet and

0.157+/- acres, which is depicted on the attached plat entitled, “Right-of-Way Vacation – A Portion of Victoria Boulevard,” prepared by LandTech Resources, Inc., last revised and dated March 17, 2023 (the “Victoria Blvd. Vacation Area”) which is attached hereto as **EXHIBIT A**.

- C. Hampton Yacht Club has requested vacation of the Victoria Blvd. Vacation Area in order to make improvements to the vacation area and to incorporate it into the larger Hampton Yacht Club use.
- D. The Parties desire to enter into this Agreement setting forth the terms upon which the Parties agree to vacate the Victoria Blvd. Vacation Area pursuant to Section 2.05 of the Hampton City Charter.
- E. The City, acting by and through its City Council, is of the opinion that the Victoria Blvd. 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 Hampton City Charter, the City of Hampton, Virginia, acting by and through its City Council at its duly held meeting on the _____ day of _____, _____, in agreement with Hampton Yacht Club, hereby grants, releases, quitclaims and approves the vacation of the following described public right-of-way, including the improvements thereon owned by the City, unto Hampton Yacht Club, to-wit:

VICTORIA BLVD. VACATION AREA:

All that certain lot, piece, or parcel of land containing 6,840 square feet (0.157 acre), more or less, situate, lying, and being in the City of Hampton, Virginia, and being described as “PORTION OF VICTORIA BLVD. RIGHT-OF-WAY TO BE VACATED,” as shown on that certain plat entitled: “RIGHT-OF-WAY VACATION A PORTION OF VICTORIA BOULEVARD,” prepared by

LandTech Resources, Inc., last revised and dated March 17, 2023, which is attached hereto as **EXHIBIT A** and made a part of this legal description (the “Vacation Plat”)

The conveyance is made subject to all easements of record.

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

1. Recordation of this Agreement and the vacation of the Victoria Blvd. Vacation Area is expressly contingent upon Hampton Yacht Club first relocating the historic cannon, known as the “Braddock Cannon,” which is currently located in the Victoria Blvd. Vacation Area, in accordance with the following:

a. The Braddock Cannon shall be relocated to the area designated “Area to Dedicat[e] to City of Hampton, VA” containing 345+/- square feet and 0.008+/- acre, as shown on that certain plat entitled, “Plat of a R/W Dedication Located at 4701 Victoria Blvd., Hampton, VA to the City of Hampton, VA by Hampton Yacht Club Inc,” prepared by LandTech Resources, Inc., last revised and dated March 19, 2023, which is attached as **EXHIBIT B** (the “Dedication Area”). Such dedication shall be accomplished, as evidenced by recordation of the dedication plat and deed, prior to recordation of this Agreement.

b. Such relocation of the Braddock Cannon shall be performed at the sole cost of the Hampton Yacht Club and in compliance with all City Code requirements. If the concrete base or any other feature of the Braddock Cannon must be partially or totally reconstructed as part of the relocation, then the Hampton Yacht Club shall also fund such reconstruction of the monument. The design and materials for any reconstruction of the

monument shall be substantially similar to the existing design and materials, and shall be pre-approved by the City.

c. The Braddock Cannon shall be relocated in a manner that allows public access on all sides of the cannon, including by installation of hardscaping, such as pavers, around the base of the cannon in the Dedication Area, at the sole cost of the Hampton Yacht Club. The hardscaping and landscaping of the Dedication Area shall be approved by the City prior to installation of any materials or relocation of the Braddock Cannon. The Braddock Cannon shall be located outside of any fence bordering the Hampton Yacht Club property to preserve public access.

d. Upon completion of the relocation, the cannon shall be inspected by City of Hampton staff prior to recordation of the Agreement to ensure compliance with this Agreement.

2. By recordation of this Agreement, Hampton Yacht Club shall dedicate to the City, at no cost to the City, all easements shown on the Vacation Plat, including a 10' drainage easement and a variable width sanitary sewer easement. In addition, Hampton Yacht Club shall dedicate, at no cost to the City, any other necessary and similar easements within the Victoria Blvd. Vacation Area, as determined by the City, needed to address existing conditions.

3. Hampton Yacht Club 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.

4. No buildings or structures, with the exception of a fence not to exceed 6' in height and two pillars including identification signage, shall be constructed within the Victoria Blvd. Vacation Area to ensure preservation of views to the waterfront from pedestrian ground level.

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

[SIGNATURES APPEAR ON FOLLOWING PAGES]

CITY OF HAMPTON, VIRGINIA

By: _____
Mary B. Bunting or designee

STATE OF VIRGINIA
City of Hampton, to-wit:

The foregoing instrument dated the _____ day of _____, 2023, was acknowledged before me this _____ day of _____, 2023, by the City Manager or her designee, _____ who is personally known to me.

Given under my hand this _____ day of _____, 2023.

Notary Public
My commission expires: _____
Registration No.: _____

ATTEST:

Katherine K. Glass, Clerk of Council

STATE OF VIRGINIA
City of Hampton, to-wit:

The foregoing instrument dated the _____ day of _____, 2023, was acknowledged before me this _____ day of _____, 2023, by Katherine K. Glass, Clerk of Council for the City of Hampton, Virginia, who is personally known to me.

Given under my hand this _____ day of _____, 2023.

Notary Public
My commission expires: _____
Registration No.: _____

HAMPTON YACHT CLUB, INCORPORATED

By: _____
Its: _____

STATE OF VIRGINIA
City of Hampton, to-wit:

The foregoing instrument dated the _____ day of _____, 2023, was acknowledged before me this _____ day of _____, 2023, by _____, as the _____ of Hampton Yacht Club, Incorporated, who is personally known to me.

Given under my hand this _____ day of _____, 2023.

Notary Public
My commission expires: _____
Registration No.: _____

EXHIBIT A – RIGHT OF WAY VACATION PLAT

EXHIBIT B – DEDICATION PLAT