

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: 1005036 & 1005011

**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 **GREGORY E. GORE AND FRANCES E. GORE**, husband and wife, (the "Gores") with an address of 144 Claremont Drive, Hampton Virginia; and 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"), collectively the "Parties."

### **RECITALS**

- A. By deed dated June 10, 2016 and recorded in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia as Instrument Number 160007445, the City acquired certain parcels of property collectively designated as 200 Claremont Avenue (LRSN 1005036) in Hampton, Virginia (the "Wythe School Property"), which contain the historic George Wythe Elementary School building.
- B. By deed dated November 1, 1985 and recorded in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia at Deed Book 743 at Page 199, the Gores acquired

certain parcels of property collectively designated as 144 Claremont Avenue (LRSN 1005011) in Hampton, Virginia (the "Gores' Property").

- C. The City, Hampton Redevelopment and Housing Authority, and Wythe Elementary School, LLC (the "Developer") have negotiated a development agreement which, if approved, would include the transfer of the Wythe School Property to the Developer for rehabilitation of the former school building into 41+/- residential units with associated parking and green areas in accordance with the Standards for Rehabilitation published by the Secretary of the U.S. Department of the Interior (the "Development Agreement").
- D. An 11,144+/- square foot portion of a 60' public right-of-way known as Hampton Drive is located between the Wythe School Property and the Gores' Property, as depicted on the attached plat entitled, "Right of Way Vacation Plat, Portion Hampton Drive, Between Block D & F Darnaby Place, Deed Book 32, Page 10-14, City of Hampton, Virginia" prepared by Michael Surveying & Mapping, P.C. and dated 9/20/18 (the "Hampton Drive Vacation Area") which is attached hereto as **EXHIBIT A**.
- E. The Wythe School Property includes a parcel known and designated as Lot 9 in Block F of a subdivision plat entitled, "Darnaby Place" which plat was recorded at Deed Book 35 Page 214 in the Circuit Court for the City of Hampton. Said Lot 9 in Block F Darnaby Place directly abuts the Hampton Drive Vacation Area shown on Exhibit A.
- F. The Gores' Property includes a parcel known and designated as Lot 1 in Block D of a subdivision plat entitled, "Darnaby Place," which plat was recorded at Deed Book 35 Page 214 in the Circuit Court for the City of Hampton, Virginia. Said Lot 1 in Block D Darnaby Place directly abuts the Hampton Drive Vacation Area shown on Exhibit A.

- G. The Hampton Drive Vacation Area has been used as public parking for the baseball fields located adjacent to the Wythe School Property for many years and has also been used by the Gores for secondary vehicular access to the Gores' Property.
- H. Transfer of the Hampton Drive Vacation Area to the Developer is necessary to facilitate the Development Agreement, and accordingly, the Parties desire to enter into this Agreement setting forth the terms upon which the Parties agree to vacate the Hampton Drive Vacation Area pursuant to Section 2.05 of the Hampton City Charter.
- I. The City, acting by and through its City Council, is of the opinion that the Hampton Drive 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 the Gores, hereby releases, quitclaims and approves the vacation of the following described public right-of-way unto the City, to-wit:

**HAMPTON DRIVE VACATION AREA:**

All that certain lot, piece, or parcel of land, lying, being, and situate in the City of Hampton, Virginia containing 11,144+/- square feet or 0.25+/- acres, more or less, which is designated "FORMERLY HAMPTON DR. 60' R/W TO BE VACATED" on that certain plat entitled, "Right of Way Vacation Plat, Portion Hampton Drive, Between Block D & F Darnaby Place, Deed Book 32, Page 10-14, City of Hampton, Virginia" prepared by Michael Surveying & Mapping, P.C. and dated 9/20/18, a copy of which plat is attached hereto.

The conveyance is made subject to all easements of record.

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

1. The Gores hereby release and transfer by quitclaim any and all interest they would otherwise have under law in and to the Hampton Drive Vacation Area, upon vacation of such area by the Hampton City Council, unto the City.
2. The City shall dedicate to the Gores, at no cost, an ingress/egress easement across a portion of the Hampton Drive Vacation Area (the "Ingress/Egress Easement"). The exact dimensions of the Ingress/Egress Easement shall be determined after submittal by the Developer of a site plan for review under Chapter 35.1 of the City Code, or such other plan or plat depicting the future parking area to be constructed across the Hampton Drive Vacation Area so that the Ingress/Egress Easement can align with such plan(s). The Ingress/Egress Easement shall be approximately 10' wide and not exceed those dimensions necessary to facilitate passenger vehicle travel from Claremont Avenue to the existing driveway on the Gores' Property.
3. The City shall prepare the deed and plat necessary to create the above-referenced easement and record same in the Clerk's Office for the Circuit Court of the City of Hampton.

**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 \_\_\_\_\_, \_\_\_\_\_, was  
acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the City  
Manager or her designee, \_\_\_\_\_ who is personally known to me.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
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 \_\_\_\_\_, \_\_\_\_\_, was  
acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, 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 \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_  
Registration No.: \_\_\_\_\_

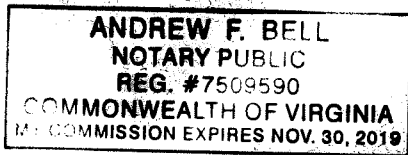
GREGORY E. GORE:

By: *Gregory E. Gore*

STATE OF VIRGINIA  
City of Hampton, to-wit:

The foregoing instrument dated the 2 day of November, 2018, was acknowledged before me this 2 day of November, 2018, by the City Manager or her designee, Gregory Gore who is personally known to me.

Given under my hand this 2 day of November, 2018.



*Andrew Bell*  
Notary Public  
My commission expires: 11-30-2019  
Registration No.: 7509590

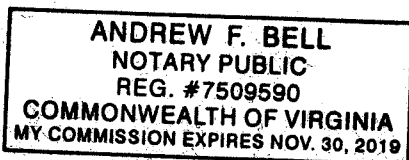
FRANCES E. GORE:

By: *Frances E. Gore*

STATE OF VIRGINIA  
City of Hampton, to-wit:

The foregoing instrument dated the 2 day of November, 2018, was acknowledged before me this 2 day of November, 2018, by the City Manager or her designee, Frances Gore who is personally known to me.

Given under my hand this 2 day of November, 2018.



*Andrew Bell*  
Notary Public  
My commission expires: 11-30-2019  
Registration No.: 7509590

**EXHIBIT A – RIGHT OF WAY VACATION PLAT**