

ORDINANCE NO. 7323-16

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, A DEED OF VACATION OF AN INTEREST IN REAL PROPERTY AS DESCRIBED HEREIN TO COLISEUM INVESTMENT CO. 2, LLC, AND AUTHORIZING THE CITY MANAGER TO TAKE SUCH FURTHER ACTIONS AS SHALL BE NECESSARY TO COMPLETE THE TRANSACTION.

WHEREAS, the City Manager recommends that the City Council authorize the conveyance of a certain interest in real property located at 2115 Executive Drive, Hampton, Virginia, by quitclaim deed to Coliseum Investment Co. 2, LLC; and

WHEREAS, the property to be conveyed consists of an unneeded portion of waterline easements at Marcella at Town Center, Phase II; and

WHEREAS, the City Council wishes to provide City Manager general authority to cause the real estate transaction to be completed.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News, Virginia:

1. That it hereby authorizes and directs the City Manager to execute and the City Clerk to attest, on behalf of the City of Newport News, Virginia, a deed of vacation, vacating and quitclaiming the portion of the easement described in the deed attached hereto and made a part hereof to Coliseum Investment Co. 2, LLC.
2. That the City Manager is hereby authorized and directed to take such further actions as shall be necessary to complete the transaction.
3. That all deeds and other documents shall be subject to the review and approval of the City Attorney.
4. That this ordinance shall be in effect on and after the date of its adoption, November 22, 2016.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON NOVEMBER 22, 2016

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor

A true copy, teste:

City Clerk

LRSN: 7001340

Consideration: \$0

Prepared By:
City Attorney's Office
2400 Washington Avenue
Newport News, VA 23607
Tel: (757) 926-8416
Fax: (757) 926-8549

Exemption Claimed Under Section
58.1-811.C.4. For Taxes Imposed by
Section 58.1-802 on a Conveyance by
a Virginia City.

Title Insurance Underwriter: Unknown
Deed prepared without benefit of title examination

THIS DEED OF VACATION, made this 22nd day of November, 2016, by and between the **CITY OF NEWPORT NEWS, VIRGINIA**, a municipal corporation, Grantor, and **COLISEUM INVESTMENT CO. 2, LLC**, a Virginia limited liability company, Grantee, whose mailing address is 544 Newtown Road, Suite 128, Virginia Beach, Virginia 23462

RECITALS

WHEREAS, by Deeds recorded in the Clerk's Office of the Circuit Court for the City of Hampton, Virginia, in Deed Book 626, page 316, Deed Book 1030, page 1917, and Deed Book 1123, page 1924, certain water pipeline easements across property now owned by Grantee were conveyed to Grantor; and

WHEREAS, a portion of the waterline easements thereby dedicated is not being utilized by Grantor, and Grantee has requested that Grantor vacate said portion of the waterline easements; and

WHEREAS, Grantor agrees to the vacation of said portion of its easement, and the Council of the City of Newport News, by Ordinance No. _____, adopted on November 22, 2016, authorized the vacation and quitclaim conveyance of that portion of the waterline easements that is no longer needed.

NOW, THEREFORE, WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby vacate, remise, release, grant,

convey and forever quitclaim to Grantee, any and all right, title and interest of the Grantor, either at law or in equity, to that certain portion of its waterline easement, described as follows:

All of that area shown and identified as “UNUSED PORTION OF EXISTING NNWW EASEMENT TO BE VACATED” on that plat entitled “EXHIBIT FOR PARTIAL VACATION OF WATERLINE EASEMENT AT MARCELLA AT TOWN CENTER PHASE 2 BY THE CITY OF NEWPORT NEWS” made by Mark Houston Ricketts, Land Surveyor, dated August 24, 2016, a copy of which is attached hereto for a more complete and accurate description of the easement hereby vacated.

TO HAVE AND TO HOLD whatever interest the Grantor may possess in said vacated easement unto the Grantee, its successors and assigns, forever.

WITNESS the following signatures and seals:

[Signature Page Follows]

CITY OF NEWPORT NEWS, VIRGINIA

By: _____
City Manager

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

COMMONWEALTH OF VIRGINIA
City of Newport News, to wit:

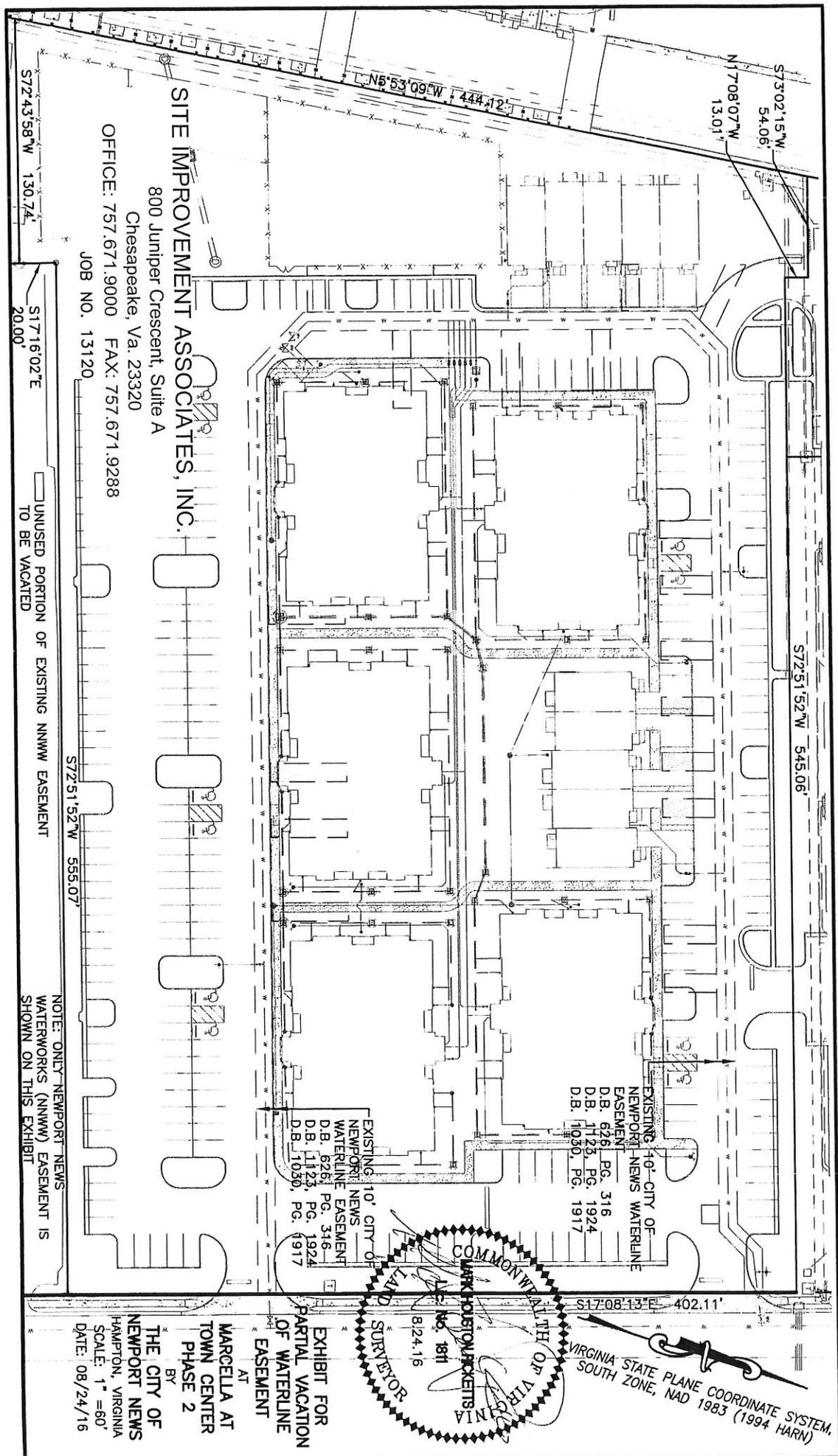
I, _____, a Notary Public in and for the City and Commonwealth aforesaid, do hereby certify that the CITY OF NEWPORT NEWS, VIRGINIA by James M. Bourey, its City Manager, and attested by Mabel Washington Jenkins, MMC, its City Clerk, whose names are signed to the foregoing writing, hereto annexed, have each acknowledged the same before me in my City and Commonwealth aforesaid.

GIVEN under my hand this ____ day of _____, 2016.

Notary Public

My commission expires: _____

Registration No.: _____



SITE IMPROVEMENT ASSOCIATES, INC.

800 Juniper Crescent, Suite A
 Chesapeake, Va. 23320
 OFFICE: 757.671.9000 FAX: 757.671.9288
 JOB NO. 13120

S17 16.02' E 20.00'
 UNUSED PORTION OF EXISTING NNW EASEMENT
 TO BE VACATED

NOTE: ONLY NEWPORT NEWS
 WATERWORKS (NNW) EASEMENT IS
 SHOWN ON THIS EXHIBIT

EXISTING 10' CITY OF
 NEWPORT NEWS
 WATERLINE EASEMENT
 D.B. 6261 PG. 316
 D.B. 1125 PG. 1924
 D.B. 1030 PG. 1917



VIRGINIA STATE PLANE COORDINATE SYSTEM,
 SOUTH ZONE, NAD 1983 (1994 HARN)

EXHIBIT FOR
 PARTIAL VACATION
 OF WATERLINE
 EASEMENT
 AT
 MARCELLA AT
 TOWN CENTER
 PHASE 2
 BY
 THE CITY OF
 NEWPORT NEWS
 HAMPTON, VIRGINIA
 SCALE: 1" = 60'
 DATE: 08/24/16