

ORDINANCE NO. 7870-23

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, ANY AND ALL DOCUMENTS, INCLUDING DEEDS, NECESSARY TO EFFECTUATE THE CONVEYANCE OF CERTAIN CITY-OWNED PROPERTY TO ENGEL FARMS, INC.

WHEREAS, the City Manager has recommended that certain City-owned property located in Caroline County, Virginia, comprising Tax Map Nos. 100-A-1A1, 100-A-1A2, and 100-A-1B, be sold and conveyed to Engel Farms, Inc.; and

WHEREAS, the City Council concurs with this recommendation, finding that it is in the public interest to make such conveyance.

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

1. That it desires to, and hereby does, authorize and direct the City Manager to execute and the City Clerk to attest on behalf of the City of Newport News, Virginia, any and all documents, including a real estate contract and deed, necessary to effectuate the conveyance, by special warranty deed, of the City-owned property listed below to Engel Farms, Inc.:

The following three (3) described lots, pieces, or parcels of land located in the Reedy Church District, Caroline County, Virginia:

PARCEL 1:

All that certain lot, piece or parcel of land with all improvements thereon and all appurtenances thereunto belonging, lying and being in Reedy Church District, Caroline County, Virginia and designated as Parcel "A-1" on the plat by William M. Webb, Jr. dated February 19, 1998 (the "Webb Plat"), containing 135.351 acres and being more particularly described as follows:

To find the point and place of beginning, start at the intersection of the centerline of the North Anna River and the northern line of State Route No. 30; thence following the centerline of the North Anna River N. 18 degrees 50' 18" W. 403.17 feet to a point; thence N. 35 degrees 11' 43" E. 503.13 feet to a point; thence N. 05 degrees 00' 35" E. 717.37 feet to a point; thence N. 32 degrees 58' 13" W. 567.48 feet to a point; thence N. 08 degrees 06' 21" W. 290.10 feet to a point labeled "0" on the plat, which point is the POINT AND PLACE OF BEGINNING; thence continuing along the centerline of the North Anna River the following courses and distances; (1) N. 08 degrees 06' 21" W. 58.34 feet to a point; (2)

N. 16 degrees 37' 25" E. 788.38 feet to a point; (3) N. 37 degrees 06' 37" E. 876.47 feet to a point; (4) N. 21 degrees 19' 29" E. 363.70 feet to a point; (5) N. 55 degrees 45' 51" E. 132.46 feet to a point; (6) S. 78 degrees 45' 18" E. 201.41 feet to a point; (7) S. 22 degrees 12' 26" E. 535.91 feet to a point; (8) S. 49 degrees 11' 24" E. 683.65 feet to a point; (9) S. 86 degrees 64' 52" E. 577.44 feet to a point; (10) N. 54 degrees 11' 59" E. 202.67 feet to a point; (11) N. 18 degrees 25' 49" E. 207.96 feet to a point; (12) N. 05 degrees 33' 09" W. 243.55 feet to a point; thence leaving the centerline of the North Anna River in an easterly direction N. 80 degrees 08' 28" E. 60.00 feet to a point; thence N. 80 degrees 08' 28" E. 300.78 feet to a point; thence S. 86 degrees 05' 01" E. 373.94 feet to a point; thence S. 39 degrees 33' 24" W. 998.26 feet to a point; thence S. 06 degrees 35' 51" E. 620.99 feet to a point; thence S. 11 degrees 48' 49" E. 1,017.05 feet to a point; thence S. 25 degrees 18' 50" E. 291.26 feet to a point; thence S. 76 degrees 06' 01" E. 211.15 feet to an iron rod set (such rod being referred to below as the "Reference Rod"); thence S. 75 degrees 42' 32" W. 152.06 feet to a point; thence S. 82 degrees 21' 51" W. 414.03 feet to a pole; thence S. 72 degrees 36' 13" W. 270.77 feet to a point; thence S. 65 degrees 49' 06" W. 115.68 feet to a point; thence S. 85 degrees 38' 03" W. 173.19 feet to a point; thence S. 07 degrees 51' 07" E. 26.74 feet to a point; thence N. 89 degrees 00' 58" W. 207.97 feet to a point; thence N. 09 degrees 08' 12" W. 81.17 feet to a point; thence S. 77 degrees 58' 12" W. 154.29 feet to a point; thence S. 66 degrees 33' 53" W. 174.13 feet to a point; thence N. 78 degrees 22' 14" W. 81.72 feet to a point; thence N. 17 degrees 05' 30" W. 79.48 feet to a point; thence N. 53 degrees 29' 58" W. 205.44 feet to a point; thence N. 65 degrees 23' 53" W. 50.25 feet to a point; thence N. 44 degrees 58' 28" W. 120.15 feet to a point; thence N. 59 degrees 32' 41" W. 118.13 feet to a point; thence N. 28 degrees 50' 47" W. 216.73 feet to a point; thence N. 24 degrees 38' 13" W. 530.40 feet to a point lying on the eastern line of an air strip; thence along the eastern line of the air strip N. 04 degrees 38' 13" W. 316.97 feet to a point; thence leaving the eastern line of the air strip N. 26 degrees 02' 17" E. 181.57 feet to a point; thence N. 04 degrees 21' 59" E. 199.16 feet to a point; thence N. 52 degrees 59' 40" W. 165.47 feet to a point lying on the eastern line of an air strip; thence along the eastern, northern and western lines of the air strip the following courses and distances: (1) N. 15 degrees 51' 27" W. 74.76 feet to a point; (2) N. 87 degrees 59' 54" W. 73.08 feet to a point; (3) S. 04 degrees 40' 03" E. 99.83 feet to a point; thence leaving the western line of the air strip N. 87 degrees 24' 20" W. 40.05 feet to a point labeled "M" on the plat; thence N. 87 degrees 24' 20" W. 381.58 feet to a point; thence S. 42 degrees 13' 01" W. 255.48 feet to a point; thence S. 42 degrees 13' 01" W. 210.49 feet to a point in the centerline of the North Anna River which point is the place of beginning.

LESS AND EXCEPT the following parcel of land:

All that certain lot, piece or parcel of land, located in Caroline County, Virginia, and containing 0.250 acres, more or less, as shown on that certain plat by Timmons Group dated January 16, 2009, revised January 21, 2009, entitled "Boundary Survey of a 0.250 Acre Parcel, Being a Portion of Tax Parcel 100-A-1A1, standing in the name of Bear Island Mergerco, LLC (SIC)," and being more particularly described in accordance with said plat as follows:

To find the point and place of beginning commence at a point on the northern line of State Route No. 30 being the southeast corner of land conveyed to Atlantic Rural Exposition, Inc. by Deed recorded in the Clerk's Office, Circuit Court, Caroline County, Virginia (the "Clerk's Office") in Deed Book 638, Page 255, and being Tract III (9.754 acres) described therein; thence leaving the northern line of State Route 30 and with the eastern line of such tract of land, N. 1° 30' 26" W. 676.71 feet to a point at the northwest corner of said tract; thence leaving said tract and along a survey tie line through land conveyed to Atlantic Rural Exposition, Inc. by Deed in the Clerk's Office at Deed Book 638, Page 258, and being Tract I (102.53 acres) ("ARE Tract I") described in such deed, to the POINT AND PLACE OF BEGINNING, which point is on the northern line of ARE Tract I; thence, with a western line of ARE Tract I, N. 7° 51' 07" W. 26.74 feet to a point; thence leaving ARE Tract I, N. 00° 16' 11" W. 26.32 feet to a point; thence N. 89° 00' 58" W 209.70 feet to a point on an eastern line of ARE Tract I; thence, with ARE Tract I, the following two courses and distances:

- (1) S. 9° 08' 12" E. 53.57 feet to a point;
- (2) S. 89° 00' 58" E. 204.97 feet to the point and place of beginning.

PARCEL 2:

All that certain lot, piece or parcel of land with all improvements thereon and appurtenances thereunto belonging, lying and being in Reedy Church District, Caroline County, Virginia, containing 0.744 acres and being designated as "Parcel "A-2" on the Webb Plat, and being more particularly bounded and described in accordance with the Webb Plat as follows:

To find the point of beginning, start at the Reference Rod, located as described in the description of Parcel 1 above; thence, along the boundary line between the land designated as "Remainder of Parcel 'A'" (the "Parcel A Remainder") on the Webb Plat and the land described as Parcel 3 below, the following four (4) courses

and distances: (1) N. 85 degrees 17' 11" E., 81.73 feet to a point; (2) N. 31 degrees 45' 14" E., 30.64 feet to a point; (3) N. 19 degrees 16' 22" W., 95.16 feet to a point, (4) S. 83 degrees, 22' 18" E., 208.82 feet to the POINT AND PLACE OF BEGINNING; thence, with Parcel 3, S. 83 degrees 22' 18" E. 286.66 feet to an iron post found; thence S. 48 degrees 42' 20" E. 367.05 feet to an iron rod found; thence, leaving Parcel 3 and with the Parcel A Remainder, N. 67 degrees 14' 28" W. 344.34 feet to a point; thence N. 48 degrees 01' 30" W. 137.60 feet to a point; thence N. 70 degrees 24' 26" W. 149.35 feet to the point and place of beginning.

PARCEL 3:

All that certain lot, piece or parcel of land with all improvements thereon and appurtenances thereunto belonging, containing 213.166 acres, more or less, lying and being in the Reedy Church District, Caroline County, Virginia and designated as Parcel "H" on a Plat of Survey prepared by R. Wayne Farmer, CLS, entitled, "Surveyed for The Meadow Limited Partnership, 'Parcel H,' 213.166 Ac." (such plat having been referred to in previous instruments as the "Farmer Plat" or "Farmer Plats"), and being more particularly bounded and described in accordance with said plat as follows:

BEGINNING at an iron rod set on the western side of Route 652, 420 feet, more or less, south of its intersection with Route 602, thence, continuing in a southerly direction along the western side of Route 652 the following courses and distances: (1) S. 19 degrees 17' 38" W. 98.23 feet to a point; (2) along a curve following the curve of Route 652 with a radius of 979.93 feet, an arc distance of 90.54 feet to a point; (3) S. 14 degrees 50' 43" W. 102.95 feet to a point; (4) along a curve to the left with a radius of 984.93 feet, an arc distance of 510.56 feet to a point; (5) S. 20 degrees 38' 27" E. 340.32 feet to a point; (6) S. 13 degrees 04' 29" E. 157.86 feet to a point; (7) along a curve to the right with a radius of 783.51 feet, an arc distance of 397.34 feet to an iron post found; thence leaving the western side of Route 652 in a southwardly and westerly direction along the line of land N/F owned by Olive Britt, and along the northerly line of Route 30 the following courses and distances; (1) S. 28 degrees 06' 10" W. 209.22 feet to an iron post found; (2) S. 45 degrees 28' 14" W. 253.19 feet to an iron post found; (3) S. 62 degrees 51' 10" W. 334.43 feet to a point; (4) S. 34 degrees 41' 38" W. 125.43 feet to a point; (5) N. 44 degrees 00' 32" W. 12.58 feet to a VDH&T monument; (6) S. 34 degrees 59' 13" W. 208.93 feet to a VDH & T monument; (7) S. 55 degrees 45' 46" W. 185.06 feet to a VDH& T Monument; (8) N. 70 degrees 25' 43" W. 105.23 feet to a VDH& T monument; (9) N. 32 degrees 11' 56" W. 94.25 feet to a VDH & T monument; (10) N. 61 degrees 56' 00" W. 148.94 feet to a VDH & T monument; (11) N. 79

degrees 53' 50" W. 144.83 feet to VDH & T monument; (12) N. 78 degrees 03'17" W. 273.88 feet to a VDH& T monument; (13) N.86 degrees 36'30" W. 157.18 feet to a VDH & T monument; (14) along a curve to the left with a radius of 1,527.39 feet, an arc distance of 241.08 feet to a point located on the northern side of Route 30; thence leaving the northern side of Route 30 proceeding in a northwesterly direction along the Parcel A Remainder, as defined in the description of Parcel 2 above, N. 53 degrees 23' 21" W. 523.85 feet to an iron rod set at the eastern corner of Parcel 2; thence, along Parcel 2, N. 48 degrees 42' 20" W. 367.05 feet to an iron rod set; thence, along Parcel 2 and the Parcel A Remainder, N. 83 degrees 22' 18" W. 495.49 feet to an iron rod set by a 30' gum tree; thence, along the Parcel A Remainder the following three (3) courses and distances: (1) S. 19 degrees 16' 22" E. 95.16 feet to a point; (2) S. 31 degrees 45' 14" W. 30.64 feet to an iron rod set; (3) S. 85 degrees 17' 11"W 81.73 feet to an iron rod referred to in the description of Parcel 1 above as the "Reference Rod"; thence, with Parcel 1 the following five (5) courses and distances: (1) N. 76 degrees 06' 01" W. 211.15 feet to an iron rod set; (2) N. 25 degrees 18' 50" W. 291.26 feet to an iron rod set; (3) N. 11 degrees 38' 49" W. 1,017.05 feet to an iron rod set; (4) N. 06 degrees 35' 51" W. 620.99 feet to an iron rod set; (5) N. 39 degrees 33' 24" E. 998.26 feet to an iron rod set; thence, leaving Parcel 1, S. 73 degrees 27' 06" E. 3,297.01 feet to an iron rod set which is the point and place and beginning.

BEING as to all three parcels a portion of the real estate conveyed to Bear Island Paper Company, L.P., a Virginia limited partnership by Deed from Eric M. Freedlander dated March 31, 1988, recorded March 31, 1988, in the Clerk's Office, Circuit Court, County of Caroline, Virginia, in Deed Book 322, page 138. By Certificate of Merger Bear Island Paper Company, L.P., a Virginia limited partnership converted to Bear Island Mergerco, LLC and Bear Island Mergerco, LLC subsequently merged into Bear Island Paper Company, L.L.C., with Bear Island Paper Company, L.L.C. the surviving entity.

THE FOREGOING DESCRIBED PROPERTY IS ALSO SHOWN on that certain plat by Draper Aden Associates dated January 28, 2009, entitled "Boundary Survey of Tax Parcels 100-A-1A1, 100-A-1A2, and 100-A-1B," a copy of which plat is recorded in Plat Cabinet C, page 299D.

BEING the same property conveyed to the City of Newport News, Virginia by Deed from Bear Island Paper Company, L.L.C., dated January 30, 2009, recorded February 17, 2009, in the Clerk's Office, Circuit Court, County of Caroline, Virginia, in Deed Book 986, page 344.

2. That the sale price of the property to be conveyed shall be ONE MILLION ONE HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$1,150,000.00).

3. That the documents necessary to implement the property conveyance authorized herein shall either be prepared by or reviewed by the City Attorney before their execution.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON JANUARY 24, 2023

Mabel Washington Jenkins, MMC
City Clerk

Phillip D. Jones
Mayor

A true copy, teste:

City Clerk