

ORDINANCE NO. 7242-16

AN ORDINANCE AUTHORIZING AND DIRECTING CITY MANAGER TO EXECUTE AND 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 IREIT NEWPORT NEWS TECH CENTER, L.L.C., AND AUTHORIZING THE CITY MANAGER TO TAKE SUCH FURTHER ACTION AS SHALL BE NECESSARY TO COMPLETE THE TRANSACTION.

WHEREAS, City Manager recommends that the City Council authorize the conveyance of certain interest in real property located at 12080 Jefferson Avenue, Newport News, Virginia, by quitclaim deed to IREIT Newport News Tech Center, L.L.C.; and

WHEREAS, the property to be conveyed consists of an unneeded portion of a ten foot (10') wide waterline easement over said property; and

WHEREAS, the City Council wishes to provide the 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 IREIT Newport News Tech Center, L.L.C..

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, January 26, 2016.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON JANUARY 26, 2016

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor

A true copy, teste:

City Clerk

Tax ID#: 162.0002-02

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 26th day of January, 2016, by and between the **CITY OF NEWPORT NEWS, VIRGINIA**, a municipal corporation, Grantor, and **IREIT NEWPORT NEWS TECH CENTER, L.L.C.**, a Delaware limited liability company, Grantee, whose mailing address is 2901 Butterfield Road, Oak Brook, Illinois 60523.

RECITALS

WHEREAS, by Deed dated October 31, 2014, and recorded in the Clerk's Office of the Circuit Court for the City of Newport News, Virginia, as Instrument No. 140015444, certain water pipeline easements were conveyed to Grantor; and

WHEREAS, a portion of a waterline easement thereby dedicated is not being utilized by Grantor, and Grantee has requested that Grantor vacate said portion of the waterline easement; 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 January 26, 2016, authorized the vacation and quitclaim conveyance of that portion of the waterline easement 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 "10' WATERLINE EASEMENT TO BE VACATED" on that plat entitled "VACATION PLAT OF A WATER MAIN EASEMENT PROJECTING ACROSS LANDS OF IREIT NEWPORT NEWS TECH CENTER, LLC TO BE VACATED BY CITY OF NEWPORT NEWS, VIRGINIA LOCATED IN THE CITY OF NEWPORT NEWS, VIRGINIA" made by Timmons Group, dated December 22, 2015, revised January 15, 2016, consisting of three sheets, 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

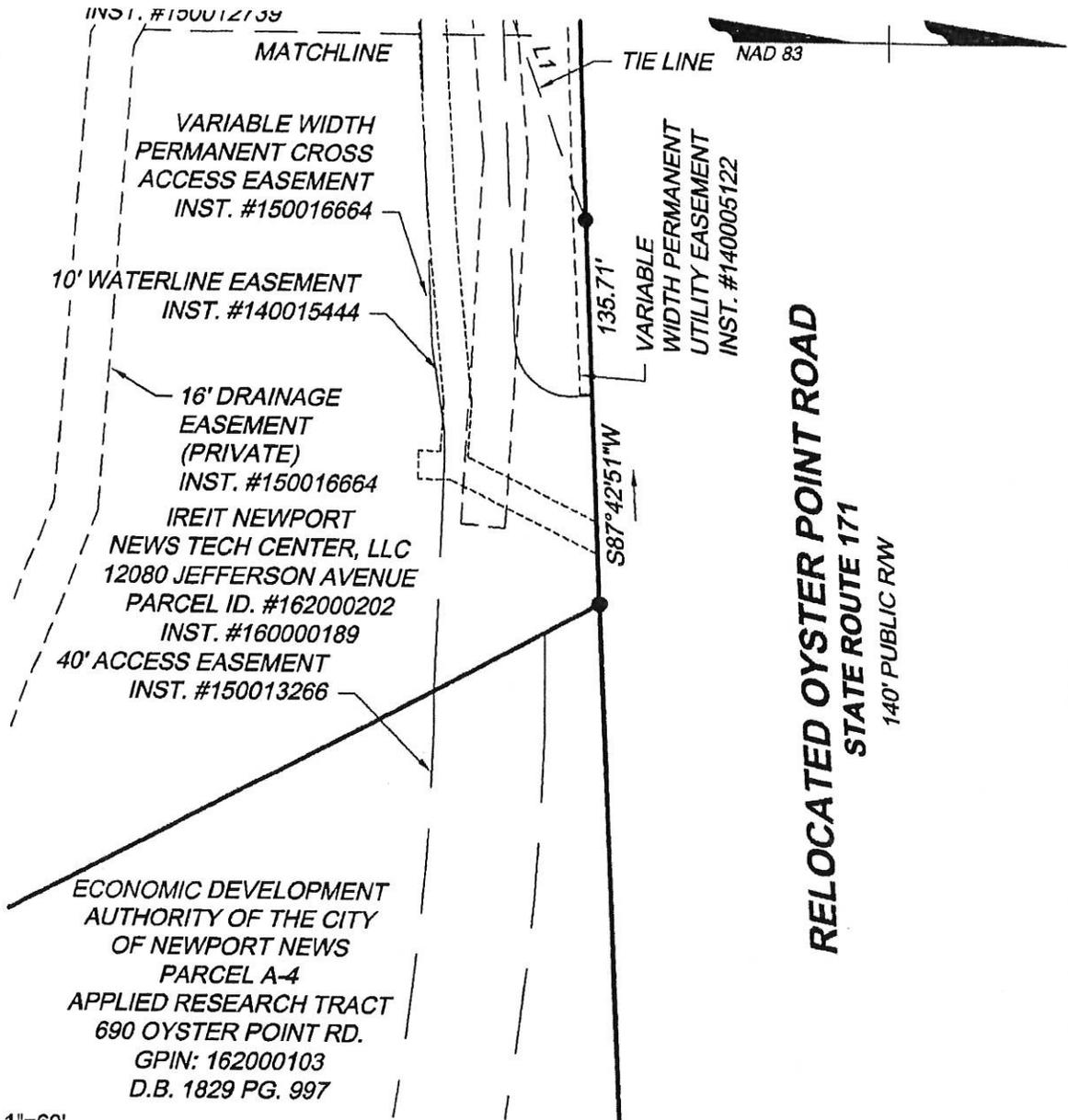
COMMONWEALTH OF VIRGINIA
City of Newport News, to wit:

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.: _____



IREIT NEWPORT NEWS TECH CENTER, LLC
 12080 JEFFERSON AVENUE
 PARCEL ID. #162000202
 INST. #160000189

ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF NEWPORT NEWS
 PARCEL A-4
 APPLIED RESEARCH TRACT
 690 OYSTER POINT RD.
 GPIN: 162000103
 D.B. 1829 PG. 997

SCALE 1"=60'



Note:

1. Title to this parcel of land was obtained through Instrument Number 160000189.
2. See GPIN Number 162000202
3. Plat of Meridian Reference: NAD83



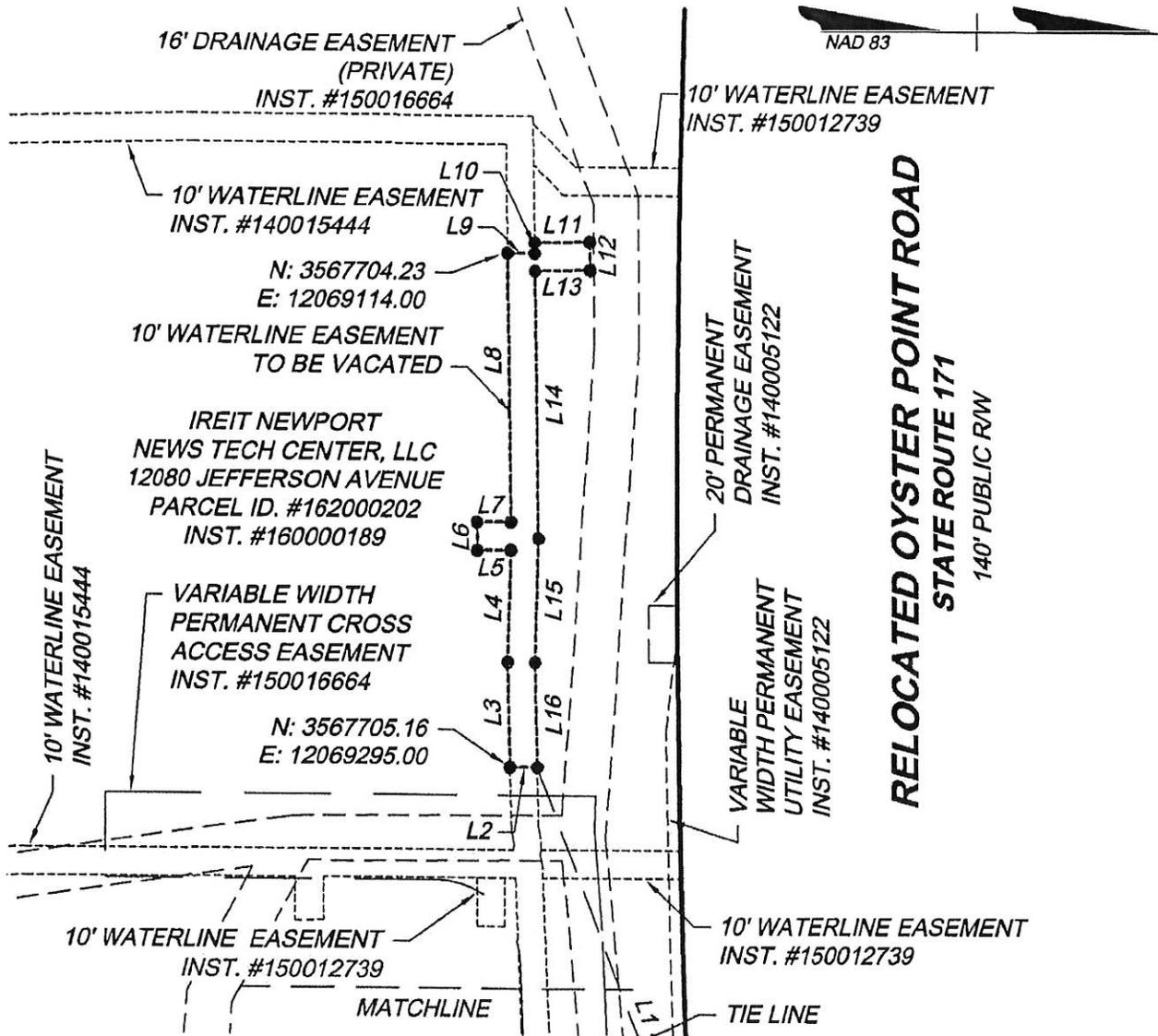
TIMMONS GROUP

TRI-CITIES OFFICE
 4701 OWENS WAY, SUITE 900
 PRINCE GEORGE, VIRGINIA 23875

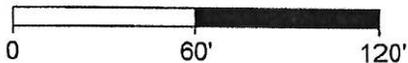
VACATION PLAT OF A WATER MAIN EASEMENT

PROJECTING ACROSS LANDS OF
 IREIT NEWPORT NEWS TECH CENTER, LLC
 TO BE VACATED BY
CITY OF NEWPORT NEWS, VIRGINIA
 LOCATED IN THE CITY OF NEWPORT NEWS, VIRGINIA

Date: Dec. 22, 2015	Drawn By: J. Livingston	Scale: 1"=60'
Rev: Jan. 15, 2016	Checked By: W.M. Naulty	Sheet 1 of 3
	Job No. 33671-903	
Print File No.	Extension No.	



SCALE 1"=60'



Note:

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2. See GPIN Number 162000202
3. Plat of Meridian Reference: NAD83



TIMMONS GROUP

TRI-CITIES OFFICE
4701 OWENS WAY, SUITE 900
PRINCE GEORGE, VIRGINIA 23875

VACATION PLAT OF A WATER MAIN EASEMENT

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IREIT NEWPORT NEWS TECH CENTER, LLC

TO BE VACATED BY

CITY OF NEWPORT NEWS, VIRGINIA
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Date: Dec. 22, 2015	Drawn By: J. Livingston	Scale: 1"=60'
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	Job No. 33671-903	
Print File No.	Extension No.	

LINE TABLE		
LINE	BEARING	LENGTH
L1	S69°16'10"W	153.32'
L2	S0°01'54"E	10.00'
L3	S88°41'47"W	37.29'
L4	N88°14'53"W	39.24'
L5	S0°48'42"E	12.14'
L6	S89°11'18"W	10.00'
L7	N0°48'42"W	12.33'
L8	S89°11'18"W	94.50'

LINE TABLE		
LINE	BEARING	LENGTH
L9	N0°01'54"W	9.95'
L10	S89°58'06"W	3.78'
L11	N0°48'42"W	19.75'
L12	N89°11'18"E	10.00'
L13	S0°48'42"E	19.75'
L14	N89°11'18"E	94.07'
L15	S88°14'53"E	43.50'
L16	N88°41'47"E	37.25'

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