

ORDINANCE NO. 7264-16

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, THAT CERTAIN DEED OF EASEMENT AND AGREEMENT BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA AND DEER RUN 3, LLC DATED THE 10TH DAY OF MAY, 2016.

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, that certain Deed of Easement and Agreement by and between the City of Newport News, Virginia and Deer Run 3, LLC dated the 10th day of May, 2016.
2. That a copy of the said Deed of Easement and Agreement is attached hereto and made a part hereof.
3. That this ordinance shall be in effect on and after the date of its adoption, May 10, 2016.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON MAY 10, 2016

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor

A true copy, teste:

City Clerk

Easement Across Portion of Tax Map No. 054.0004-05

Consideration: \$0

Prepared By:
City Attorney's Office
2400 Washington Avenue, 9th Fl.
Newport News, VA 23607
Tel: (757) 926-8416
Fax: (757) 926-8549

Exemption Claimed Under Section
58.1-811.C.5. 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 EASEMENT AND AGREEMENT made this 10th day of May, 2016,
by and between the **CITY OF NEWPORT NEWS**, a Municipal Corporation in the
Commonwealth of Virginia, Grantor, and **DEER RUN 3, LLC**, a Virginia limited liability
company, Grantee.

WITNESSETH

That for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and
valuable consideration to it in hand paid, at and before the sealing and delivery of these presents,
the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell and
convey unto Grantee, for a period of four years from the date of this document, a non-exclusive
easement, situated in the City of Newport News, and more particularly described as follows:

All that certain lot, piece or parcel of land, situate, lying and being in the City of
Newport News, Virginia, designated as "PROPERTY OF CITY OF NEWPORT
NEWS, VIRGINIA" on that certain easement plat entitled "EASEMENT PLAT,
PROPERTY OF CITY OF NEWPORT NEWS, 1.5818 AC., NEWPORT NEWS,
VIRGINIA," dated December 8, 1998, and prepared by Coenen & Associates, Inc.,
which plat is attached hereto and made a part hereof, and to which reference is
made for a more particular description.

Grantee agrees to maintain landscaped berm over and upon the said easement area in
accordance with a plan submitted to, and approved by, the Newport News City Manager, subject
to Grantee's right to have ingress and egress through and over the easement area to its lands which
abut the easement area. Grantor shall not deliver this instrument until the plan has been submitted
and approved. In the event that Grantee fails to maintain the berm and install or maintain the

landscaping features which are approved by the City Manager, within one hundred twenty (120) days of delivery of this instrument, then all rights and privileges hereby granted to Grantee shall forever cease and revert to the Grantor.

Grantee agrees to maintain the approved landscaping features during the term of the grant of easement and may install and operate an irrigation system within the easement area in order to accomplish such maintenance.

Any extensions desired by the Grantee shall be requested in writing at least sixty (60) days prior to the end of the term. Grantor, at its sole option, may extend the term of the grant for additional periods of four years. Any such extensions must first be approved by motion of the Newport News City Council and may be thereafter documented by action of the Newport News City Manager upon advice and recommendation of the Newport News City Attorney.

Grantee understands that the easement area is a part of property which may be needed for future public roadway construction. Grantee's easement rights shall terminate upon Grantor's giving of six months written notice.

Grantee may place signs on the easement area as provided in this paragraph. The easement area shall be deemed a part of the adjacent property for purposes of applying the city's Sign Regulations. Grantee shall be responsible for removing such signs once its easement rights have terminated.

The Grantor covenants that it is seized of and has the right to convey the said easement, that Grantee shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement, and that the Grantor shall execute such further assurances thereof as may be required.

TO HAVE AND TO HOLD the said easement unto the Grantee for the purposes and under the conditions set out herein.

WITNESS the following signatures and seals:

CITY OF NEWPORT NEWS, VIRGINIA

By: _____
James M. Bourey
City Manager

ATTEST:

Mabel Washington Jenkins, MMC
City Clerk

COMMONWEALTH OF VIRGINIA

City of Newport News, to-wit:

I, _____, a Notary Public in and for the City and Commonwealth aforesaid, whose commission expires on the ___ day of _____, _____, do hereby certify that the CITY OF NEWPORT NEWS, by its City Manager, and attested by its City Clerk, whose names are signed to the foregoing writing, hereto annexed, have each acknowledged to the same before me in my City and Commonwealth aforesaid.

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

Notary Public

Registration No. _____

DEER RUN 3, LLC

By: _____
Name: _____
Its: _____

COMMONWEALTH OF VIRGINIA

City of Newport News, to-wit:

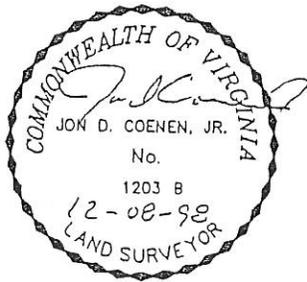
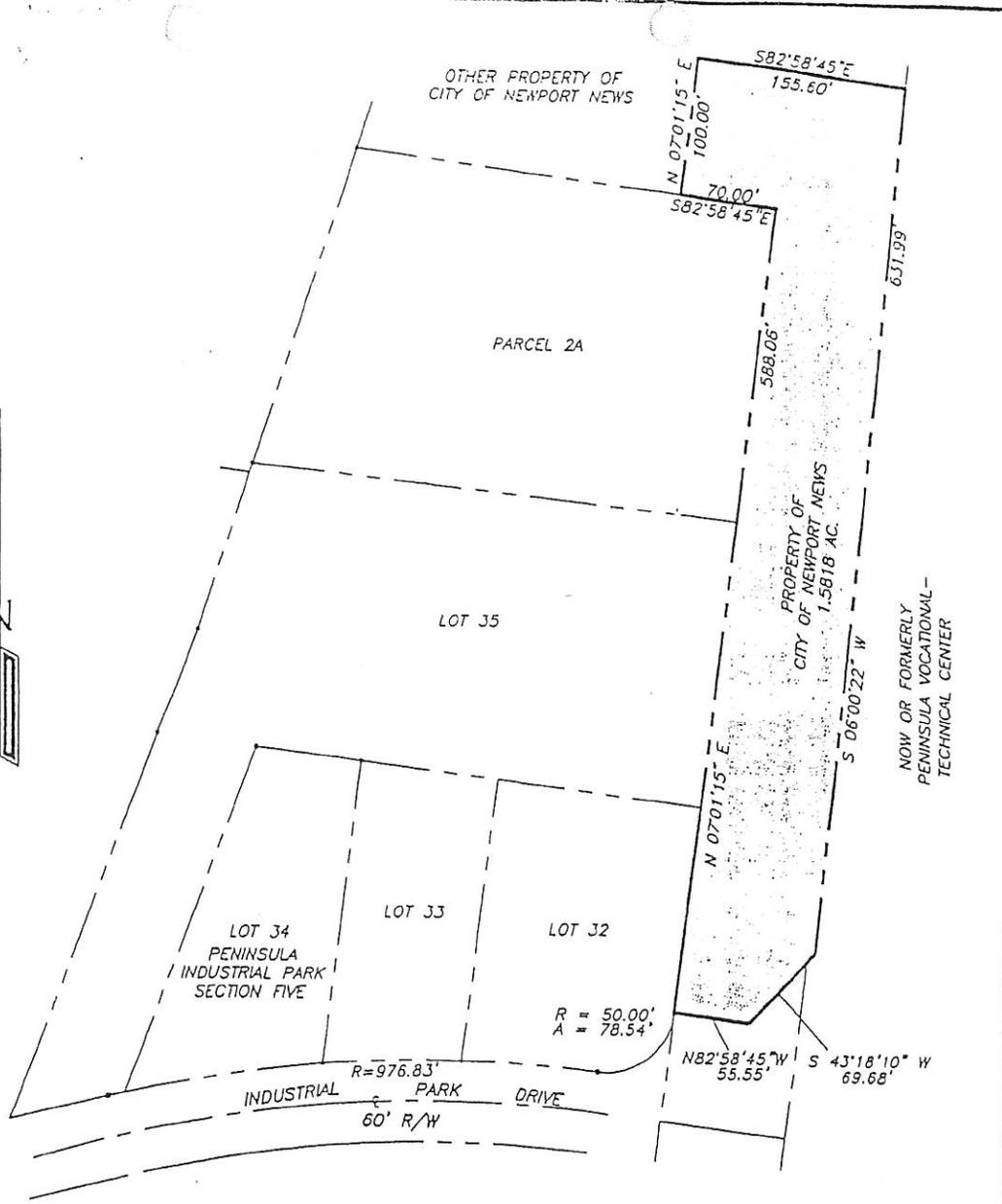
I, _____, a Notary Public in and for the City and Commonwealth aforesaid, whose commission expires on the ___ day of _____, _____, do hereby certify that _____, as _____ of Deer Run 3, LLC, whose name is signed to the foregoing writing, hereto annexed, has acknowledged to the same before me in my City and Commonwealth aforesaid.

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

Notary Public

Registration No. _____

sdm14278



SCALE: 1"=100' DATE: 12/08/98

EASEMENT PLAT
 PROPERTY OF
 CITY OF NEWPORT NEWS
 1.4211 AC.
 NEWPORT NEWS, VIRGINIA



COENEN & ASSOCIATES, INC.
 ENGINEERS - PLANNERS - SURVEYORS
 695 J. CLAY MORRIS BLVD - NEWPORT NEWS, VA 23601 - (757) 396-9681