

Resolution Number 24/25-9

A RESOLUTION OF THE SCHOOL BOARD FOR THE CITY OF SUFFOLK, VIRGINIA AUTHORIZING THE GRANTING OF AN EASEMENT TO THE CITY OF NORFOLK, VIRGINIA FOR THE RELOCATION OF WATER MAINS ON PROPERTY OF NANSEMOND PARKWAY ELEMENTARY SCHOOL

WHEREAS, the School Board for the City of Suffolk, Virginia (“School Board”) is the owner of certain property located at 3012 Nansemond Parkway, Tax Map and Parcel No. 19*92A, Tax Account No. 304222000, known as Nansemond Parkway Elementary School (“School”); and

WHEREAS, Virginia Code § 22.1-129.B grants to the local school board the authority to grant easements on its real property; and

WHEREAS, the City of Norfolk, Virginia (“City”) has requested that the School Board convey to the City a Deed of Easement measuring 1.184 acres or 51,590 square feet more or less as shown on certain plat dated April 28, 2022 and Revised December 9, 2022 entitled: “Exhibit Showing Property to be Acquired from School Board of the City of Suffolk, Virginia by City of Norfolk for Commonwealth Railroad Norfolk/Portsmouth Waterline” by Gregory V. O’Bryant (the “Property”); and

WHEREAS, the granting of such an easement will not impair the efficient operations of the School; and

WHEREAS, the Chair of the School Board should be authorized to execute a Deed of Easement and Agreement between the School Board for the City of Suffolk, Virginia (Grantor) and the City of Norfolk, Virginia (Grantee).

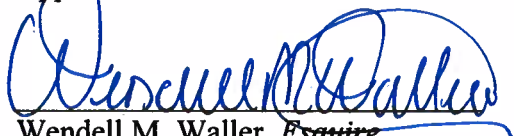
BE IT THEREFORE RESOLVED, that the School Board for the City of Suffolk, Virginia hereby authorizes the granting of an easement to the City of Norfolk, Virginia for the relocation of water mains; and

BE IT FURTHER RESOLVED, that the Chair of the School Board is authorized to execute a Deed of Easement and Agreement to the City of Norfolk, Virginia for this purpose.

READ AND ADOPTED: _____

TESTE: _____

Approved as to both form and content:



Wendell M. Waller, *Esquire*
School Board Attorney

Document prepared by and when recorded return to:

Wendell M. Waller, Esquire
School Board Attorney
100 N. Main Street
P.O. Box 1549
Suffolk, Virginia 23439-1549

DEED OF EASEMENT AND AGREEMENT

THIS DEED OF EASEMENT AND AGREEMENT, made and entered into this ____ day of _____, 2024, by and between THE SCHOOL BOARD FOR THE CITY OF SUFFOLK, VIRGINIA, a body corporate pursuant to Virginia Code Section 22.1-71, party of the first part, also called "Owner"; and THE CITY OF NORFOLK, VIRGINIA, a municipal corporation, part of second part, called "City."

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid and other good and valuable consideration, the receipt of which is hereby acknowledged, the Owner does grant and convey unto the City, its successors and assigns, easement and right-of-way for the purpose of installing, constructing, operating, maintaining, adding to or altering and replacing present or future water mains for the transmission and distribution of water, through, upon and across the property of the Owner identified as Nansemond Parkway Elementary School, located at 3012 Nansemond Parkway, Suffolk, Virginia 23434, which is shown and described on the plat entitled "Exhibit Showing Property to be Acquired from School Board of the City of Suffolk, Virginia by City of Norfolk for Commonwealth Railroad Norfolk/Portsmouth Waterline Cypress Borough-City of Suffolk, Virginia" dated April 28, 2022 and revised December 9, 2022 by Gregory V. O'Bryant (the "Plat"), said property and easement being more particularly bounded and described as follows and on the Plat which is attached hereto and made a part hereof:

An irregular-shape lot, piece or parcel of land situate, being a portion of the property currently owned by School Board of the City of Suffolk, Virginia as described in Deed Book 56, Page 37 and Plat Book 4, Page 83, duly recorded in the Clerk's Office of the Circuit Court of the City of Suffolk, Virginia, and being further described as follows: COMMENCING at the northeastern corner of aforesaid property owned by School Board of the City of Suffolk, said point also being on the northwesterly line of property now or formerly owned by CEPCO, Inc. as described in Deed Book 393, Page 524 and Plat Book 15, Page 9, duly recorded in the Clerk's Office of the Circuit Court of the City of Suffolk, Virginia; thence along the easterly line of said School Board of the City of Suffolk, Virginia property S38°22'17"E a distance of 902.25' to the POINT OF BEGINNING; thence cornering into aforesaid School Board of the City of Suffolk, Virginia property S54°15'58"W a distance of 565.70' to a point, said point also being on the easterly line of property now or formerly owned by Henry Jerome Council as described in Instrument #20080515000070540, duly recorded in the Clerk's Office of the Circuit Court of the City of Suffolk, Virginia; thence along said easterly line S26°51'44"E a distance of 91.09' to a point, said

point being the southwestern corner of School Board of the City of Suffolk, Virginia property and also being the southeastern corner of property now or formerly owned by Edwin E. Byrd & Peggy P. Byrd as described in Deed Book 245, Page 295, duly recorded in the Clerk's Office of the Circuit Court of the City of Suffolk, Virginia; thence cornering and along the southern line of School Board of the City of Suffolk, Virginia property N54°15'58"E a distance of 580.75' to a point, said point also being the southeastern corner of the aforesaid School Board of City of Suffolk, Virginia property; thence along easterly line of said School Board of City of Suffolk, Virginia property N36°22'17"W a distance of 90.0' to the POINT OF BEGINNING. All as shown on an exhibit entitled, "006, Exhibit Showing Property to be Acquired from School Board of the City of Suffolk, Virginia by City of Norfolk for Commonwealth Railroad Norfolk/Portsmouth Waterline Cypress Borough- City of Suffolk, Virginia." Prepared by Gregory V. O'Bryant, Professional Land Surveyor, Lic #2647, of Rouse-Sirine Associates, LTD., signed December 09, 2022. The above-described parcel contains 51,590 Sq. ft., More or less.

This Deed of Easement is subject to the following conditions.

1. All water mains and appurtenant facilities which are installed in the easement and right-of-way shall be and remain the property of the City, its successors and assigns.
2. The City and its agents shall have full and free use of the said easement and right-of-way for the purpose named, and shall have all rights and privileges reasonably necessary to the exercise of the easement and right-of-way including the right of access to and from the right-of-way and the right of use of abutting land adjoining the easement when necessary, provided, however, that this right to use abutting land shall be exercised only during periods of actual construction or maintenance, and further, this right shall not be constructed to allow the City to erect any building or structure of a permanent nature on such abutting land.
3. The City shall have the right to trim, cut and remove trees, shrubbery, fences, structures or other facilities in or abutting the easement being conveyed, deemed by it to interfere with the proper and efficient construction, operation and maintenance of said water mains and appurtenant facilities; provided, however, that the City at its own expense shall restore, as nearly as possible, to their original condition all land or premises included within or abutting the said easement which are disturbed in any manner by the construction, operation and maintenance of said water mains and appurtenant facilities. Such restoration shall include the backfilling of trenches, the replacement of fences, paving and curbing, the reseeded or re-sodding of lawns or pasture areas, the replacement of shrubbery, and the replacement of structures and other facilities located without the easement, but shall not include the replacement of trees or the replacement of structures and other facilities located within the easement.
4. The Owner reserves the right to construct and maintain and to make any use of the easement herein granted which will not be inconsistent with the rights herein conveyed, or interfere in any way with the use of said easement by the City for the purposes names; provided, however, that the Owner shall not erect any building or other structures, or change existing ground elevation, on the easement without obtaining the prior written approval of the City.
5. The Owner and City hereby acknowledge and agree that the Easement granted

herein, or any portion thereof, may be assigned by City to the City of Portsmouth, subject to all herein noted terms and conditions.

6. The Owner covenants that the execution and delivery of this Deed of Easement and Agreement has been duly authorized by those lawfully empowered to do so, and the Owner shall furnish, at no cost to the City, such further instruments and assurances and shall do all such further things as may be necessary to perfect the title of the City in and to the easement and the right granted and conveyed hereby.

IN WITNESS WHEREOF, the Owner has caused this Deed of Easement and Agreement to be executed as of the dated first above written.

[SIGNATURES APPEAR ON THE FOLLOWING PAGES]

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OWNER:

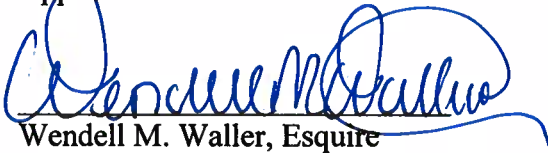
SUFFOLK CITY SCHOOL BOARD
(Nansemond Parkway Elementary School)

By: _____ (SEAL)
Name: Karen L. Jenkins
Title: Chair

ATTEST:

Clerk

Approved as to Form:


Wendell M. Waller, Esquire
School Board Attorney

COMMONWEALTH OF VIRIGNIA
City of Suffolk, to-wit:

I, the undersigned Notary Public of and for the jurisdiction aforesaid, do hereby certify that KAREN L. JENKINS, as CHAIR OF THE SCHOOL BOARD FOR THE CITY OF SUFFOLK, VIRGINIA and TARSHIA L. GARDNER whose name are signed to the forgoing Deed of Easement and Agreement, have this date appeared before me, and acknowledged the same.

Given under my hand this _____ day of _____, 2024.

Notary Public

My Commission Expires: _____

Notary Number: _____

ACCEPTED

CITY OF NORFOLK, VIRGINIA

By: _____ (SEAL)
Name: Patrick Roberts
Title: City Manager

COMMONWEALTH OF VIRGINIA
City of Norfolk, to-wit:

I, the undersigned Notary Public of and for the jurisdiction aforesaid, do hereby certify that PATRICK ROBERTS, as CITY MANAGER FOR THE CITY OF NORFOLK, VIRGINIA whose name is signed to the forgoing Deed, has this date appeared before me, and acknowledged the same.

Given under my hand this ____ day of _____, 2024.

Notary Public

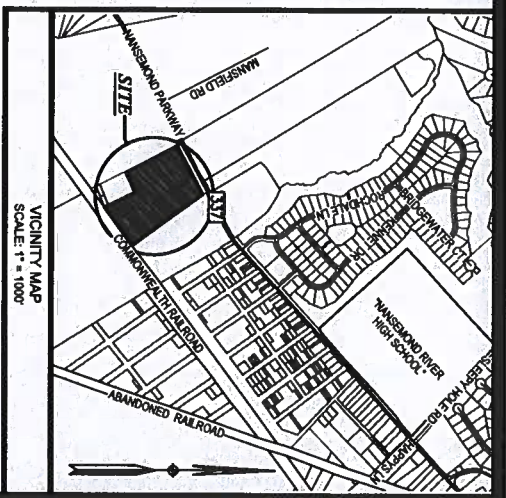
My Commission Expires: _____

Notary Number: _____

AREA SUMMARY					
MICHAEL BAKER INTL. INC.	ERM	PARCEL	TOTAL AREA SQ. FT.	AREA TO BE ACQUIRED ACRES	RESIDUAL AREA SQ. FT.
F	006	TAX MAP: 19-92A	637,618	14.638	51,590
				1.184	568,028
					13,454

**NANSEMOND PARKWAY
STATE ROUTE 337**

- NOTES:
1. THE MERIDIAN SOURCE OF THIS PLAT IS BASED ON THE VIRGINIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, N.A.D. 1883/1983 (PA83N). COORDINATE VALUES ARE EXPRESSED IN U.S. SURVEY FEET.
 2. THE CITY OF SUFFOLK GEODETIC CONTROL REFERENCE POINTS USED TO ESTABLISH THE COORDINATE VALUES SHOWN HEREON WAS 123 & 125.
 3. THIS PLAT IS INTENDED FOR ACQUISITION PURPOSES ONLY AND DOES NOT CONSTITUTE A SUBDIVISION OF LAND.
 4. PROPERTY LINE AND RIGHT-OF-WAY INFORMATION IS BASED ON VARIOUS PLATS, DEEDS OF RECORD AND A CURRENT FIELD SURVEY PERFORMED ON APRIL 23 THROUGH JUNE 24, 2021.
 5. THIS PLAT WAS PREPARED WITH THE BENEFIT OF A TITLE REPORT PREPARED BY STEWART TITLE & SETTLEMENT SERVICES, INC., COMMITMENT NO. 15971966, DATED JANUARY 13, 2022 AT 8:00 AM.
 6. PROPERTY TO BE ACQUIRED BY DEED.



OWNER INFORMATION

TAX MAP: 19-92A
 OWNERSHIP: SCHOOL BOARD OF THE CITY OF SUFFOLK, VIRGINIA
 SOURCE OF TITLE: DEED BOOK 56, PAGE 37

LEGEND

- PROPERTY TO BE ACQUIRED BY CITY OF NORFOLK AREA = 51,590 S.F. / 1.184 ACRE
- PINP) - PIN PLACED
- PINP) - PIN FOUND

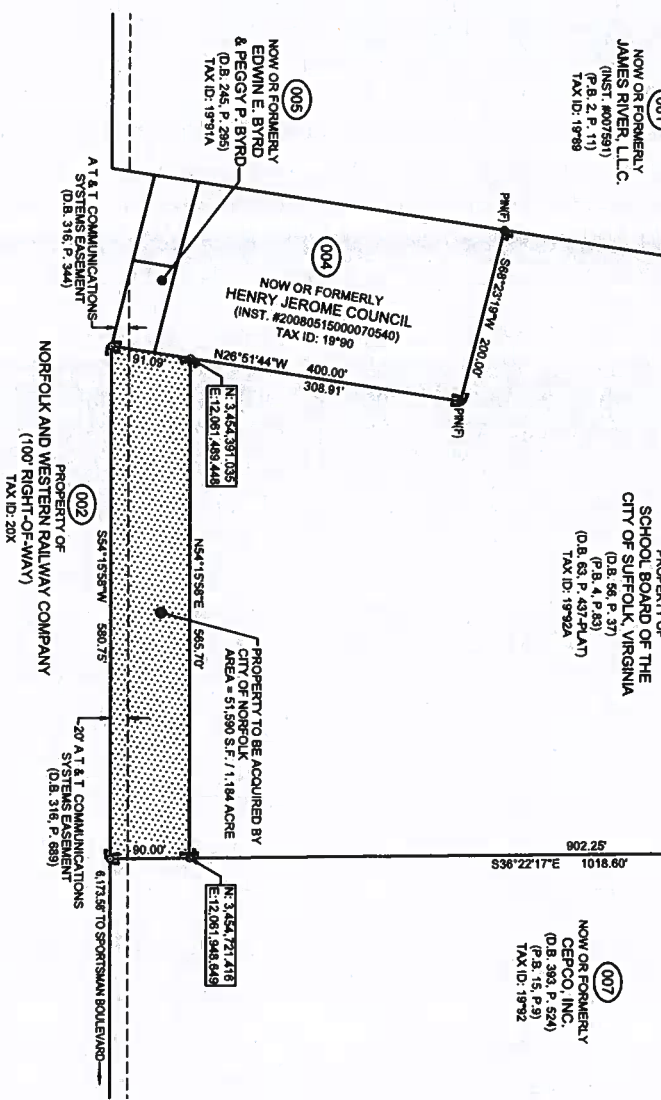


EXHIBIT SHOWING PROPERTY TO BE ACQUIRED FROM SCHOOL BOARD OF THE CITY OF SUFFOLK, VIRGINIA BY CITY OF NORFOLK FOR COMMONWEALTH RAILROAD NORFOLK / PORTSMOUTH WATERLINE CYPRESS BOROUGH - CITY OF SUFFOLK, VIRGINIA

DATE: APRIL 28, 2022 (JMG)
 REVISION: DECEMBER 9, 2022 (SHE)

ROUSE-SHRINE ASSOCIATES, L.P.
 LAND SURVEYORS, MAPPING CONSULTANTS & SITE QUALITY LEVELS "B-0"
 WWW.ROUSE-SHRINE.COM
 333 OFFICE SQUARE LANE
 VIRGINIA BEACH, VIRGINIA 23462
 TEL: (757) 490-2300
 FAX: (757) 499-9156

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