

**AN ORDINANCE (UNCODIFIED) TO PERMIT THE VACATION
OF A PORTION OF EXISTING RIGHT-OF-WAY OF LAKEFORD DRIVE
WITHIN PHASE 1, THREE FLAGS SUBDIVISION IN ACCORDANCE
WITH SECTION 15.2-2272(2) OF THE VIRGINIA CODE.**

WHEREAS, on the 12th day of January, 2005, Three Flags/Culpeper LLC acquired the real property located at Tax Map Number 50-4 and 50-5 by deed recorded in the land records as Instrument #050000426;

WHEREAS, on the 1st day of June, 2005, Three Flags/Culpeper LLC after proper application and submission to the County and other reviewing agencies consistent with law subdivided the property and dedicated certain right of way, Lakeford Drive, to the County therein described in a deed of subdivision, dedication, and easement recorded in the land records as Instrument #050006735 and by the attendant plat;

WHEREAS, Three Flags/Culpeper LLC has requested and made application that a portion of Lakeford Drive, as previously dedicated in Instrument #050006735 and the attendant record plat titled "Record Plat, Phase I, Three Flags, Cedar Mountain Magisterial District, Culpeper County, Virginia", be vacated;

WHEREAS, Three Flags/Culpeper LLC is the owner of the properties immediately adjoining or contiguous to the area to be vacated by the County herein;

WHEREAS, it is the desire of Three Flags/Culpeper LLC that the entire vacated area be consolidated with Parcel E as set forth in the proposed plat of vacation titled "Plat Showing Vacation of a Portion of Lakeford Drive, Phase I, Three Flags, Instrument #050006735, Cedar Mountain Magisterial District, Culpeper County, Virginia";

WHEREAS, the proposed vacation has been shared with the Virginia Department of Transportation and the Town of Culpeper's Public Services Department, neither of whom made any objection, but respectively confirmed that the proposed vacation is satisfactory, or has no impact;

WHEREAS, the Board of Supervisors of Culpeper County has considered, with the aid of public comment on January 5, 2016, the request and application to permit the vacation of a portion of the right of way, namely a portion of Lakeford Drive, and specifically Three Flags/Culpeper LLC's request to adopt an uncodified ordinance that would authorize the vacation of a portion of Lakeford Drive by deed and plat. See the attached proposed deed of vacation;

WHEREAS, Va. Code § 15.2-2272(2) provides, in pertinent part, that, in cases where any lot has been sold, the plat or part thereof may be vacated according to an ordinance of the governing body of the locality in which the land shown on the plat or part thereof to be vacated lies on motion of one of its members or on application of any interested person; and

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors of Culpeper County, Virginia does hereby enact this uncodified Ordinance, which provides that the portion of the property at Lakeford Drive, Phase I, Three Flags, Tax Map 50W 1 E is hereby authorized to be vacated by deed and plat, as attached hereto and/or by substantially similar legal document(s).

BE IT ALSO ORDINAINED that the Chairman and the Zoning Administrator are hereby authorized to sign the necessary legal documents, as approved by the County Attorney, to effectuate the uncodified ordinance.

BE IT SO RESOLVED THIS 5th DAY OF JANUARY, 2016.

VOTING AYE: CHASE, DEAL, FRAZIER, FRITZ, HANSOHN, ROSENBERGER, WALKER

VOTING NAY: NONE

ABSTAINING: NONE

ABSENT: NONE

Witness this signature.



Alexa Fritz, Chairman
Board of Supervisors of Culpeper County, Virginia
DATE: JANUARY 5, 2016

ATTEST:


John C. Egertson, Clerk

The undersigned Clerk of the Board of Supervisors of the County of Culpeper, Virginia, hereby certifies that the foregoing constitutes a true and correct copy of a resolution adopted by the Board of Supervisors of the County of Culpeper, Virginia at a regular meeting held on the 5th day of January, 2016.


Clerk, Board of Supervisors of the
County of Culpeper, Virginia

EXHIBIT ONLY

DEED OF PARTIAL VACATION

THIS DEED OF PARTIAL VACATION is made this _____ day of _____, 2016, by and between **THREE FLAGS/CULPEPER LLC**, a Virginia limited liability company (hereinafter referred to as the "Owner"); and **THE BOARD OF SUPERVISORS OF CULPEPER COUNTY, VIRGINIA**, a body corporate and politic (the "County").

RECITALS

- R-1. The Owner is the owner of Parcel A and Parcel E, Three Flags, having acquired said properties by virtue of a deed recorded in Instrument #050000426 among the land records of Culpeper County, Virginia (the "Land Records").
- R-2. Pursuant to a Deed of Subdivision and Dedication and plat, recorded in Instrument #050006735, and Plat Cabinet 8, Slide 571 through 587, the Owner dedicated to the County certain property described therein as Lakeford Drive (the "Subdivision Deed and Plat").
- R-3. It is the desire of the County to vacate a portion of Lakeford Drive pursuant to a plat entitled "Plat Showing Vacation Of A Portion Of Lakeford Drive, Phase 1, Three Flags" prepared by Dewberry Consultants LLC, dated August 20, 2015 with seal August 21, 2015, a copy of which plat is attached hereto and made a part hereof (the "Plat"). The requirements of law, including but not limited to the Code of Virginia (1950), as amended, Section 15.2-2272(2), have been met, including proper publication, public hearing, and passage of an uncodified ordinance by the Board of County Supervisors at its January 5, 2016 regular meeting.
- R-4. The Owner is the owner of the properties immediately adjoining or contiguous to the area to be vacated by the County herein.
- R-5. It is the desire of the parties hereto that the entire vacated area be consolidated with Parcel E as set forth herein.

VACATION OF STREET AND CONVEYANCE

NOW THEREFORE WITNESSETH THAT for and in consideration of premises and the sum of One Dollar (\$1.00), cash in hand paid, receipt of which is hereby acknowledged, the Owner, as the owner of the properties immediately adjacent to the portion of Lakeford Drive being vacated, with the consent of the County as memorialized by an uncodified ordinance attached hereto, does hereby VACATE that portion of Lakeford Drive previously dedicated by

the recordation of the Subdivision Deed and Plat among the Land Records, as more particularly shown and depicted on the Plat attached hereto, said vacated area consisting of 12,158 square feet.

Pursuant to Virginia Code Section 15.2-2274, by operation of law, such vacation automatically vests fee simple title of the vacated portion of Lakeford Drive in the Owner. The Owner does hereby consolidate the vacated portion of Lakeford Drive shown on the Plat with Parcel E, creating a new Parcel E-1, consisting of 10.30372 acres.

MISCELLANEOUS

Headings used in this Deed are for convenience purposes only and are not intended to affect the express terms herein.

THIS DEED is made in accordance with the statutes made and provided for in such cases. Approval of the proper authorities of Culpeper County, Virginia, is shown by the signatures affixed to the Plat, and is in accordance with the free consent and desire of the Owner.

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SIGNATURES APPEAR ON THE FOLLOWING PAGES

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

THREE FLAGS/CULPEPER LLC, a Virginia
limited liability company

By: _____ (SEAL)
Name: _____
Title: _____

STATE OF _____ :
COUNTY/CITY OF _____ :

The foregoing instrument was acknowledged before me this _____ day of
_____, 2016 by _____, the _____ of THREE
FLAGS/CULPEPER LLC.

Notary Public

My commission expires: _____
Registration Number: _____

The Foregoing Partial Vacation of Street Right-of-Way is Hereby Approved Pursuant to Virginia Code §15.2-2272

THE BOARD OF SUPERVISORS OF
CULPEPER COUNTY, VIRGINIA

By: _____ (SEAL)
Name: _____
Title: _____

COMMONWEALTH OF VIRGINIA,
COUNTY OF _____, to wit:

I, the undersigned Notary Public, in and for the jurisdiction aforesaid, do hereby certify that _____ as _____, on behalf of the BOARD OF SUPERVISORS OF CULPEPER COUNTY, VIRGINIA, whose name is signed to the foregoing Deed, appeared before me and personally acknowledged the same in my jurisdiction aforesaid.

GIVEN under my hand and seal this _____ day of _____, 2016.

Notary Public

My Commission Expires: _____
Registration Number: _____

Approved as to form by the County Attorney
See Section 15.2-1237

Bobbi Jo Alexis, Esq.

3. CURRENT OWNER: THREE FLAGS / CULPEPER LLC
INSTRUMENT NUMBER 050000426

PLAT SHOWING
VACATION OF A PORTION
OF LAKEFORD DRIVE
PHASE 1

THREE FLAGS

INSTRUMENT NUMBER 050006735

CEDAR MOUNTAIN MAGISTERIAL DISTRICT
CULPEPER COUNTY, VIRGINIA

SCALE: 1" = 50' DATE: AUGUST 20, 2015



Dewberry®

Dewberry Consultants LLC

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