

**BOUNDARY LINE ADJUSTMENT AGREEMENT BETWEEN
THE COUNTY OF ISLE OF WIGHT AND THE TOWN OF SMITHFIELD**

This Agreement (the “Agreement”) is made and entered into this ____ day of _____, 2018, by and between the County of Isle of Wight (the “County”), a political subdivision of the Commonwealth of Virginia, and the Town of Smithfield (the “Town”), a municipal corporation of the Commonwealth of Virginia (together, the “Parties”).

WHEREAS, the Parties hereto have entered into negotiations regarding a voluntary change of the boundaries of the Town that would incorporate into the Town certain territory lying within the unincorporated portions of the County and located generally to the east of the Town’s existing corporate limits;

WHEREAS, the territory to be incorporated into the Town consists of a tract of land (the “Boundary Adjustment Area” or the “Area”) containing 184.052 acres adjoining State Route 704, which is also known as Battery Park Road;

WHEREAS, the Boundary Adjustment Area consists of three parcels of land that presently contain no development but are proposed for a low density residential subdivision, which would be consistent with, and a logical extension of, the residential development planned for the adjoining areas within the Town;

WHEREAS, the residential subdivision proposed for the Boundary Adjustment Area must have access to public water and sewer, given the prevailing soil conditions, but the County has no such facilities that can readily serve the Area;

WHEREAS, the Town has existing water and sewer facilities that can be extended to serve the homes to be constructed in the Boundary Adjustment Area, and the

Town can provide other urban services that will be beneficial to the residents of such development;

WHEREAS, the current owners of the parcels of land within the Boundary Adjustment Area and the developer of the proposed residential subdivision have requested that the Parties institute proceedings for the incorporation of the Area into the Town;

WHEREAS, the incorporation of the Boundary Adjustment Area will not adversely affect the ability of the County to meet the service needs of the other portions of the County; and

WHEREAS, the County and the Town intend to proceed pursuant to Chapter 31, Article 2 (§ 15.2-3106 *et seq.*) of Title 15.2 of the Code of Virginia (1950), as amended, to have the Circuit Court of Isle of Wight County approve the requested boundary adjustment.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, the Parties agree as follows:

1. The Town's boundary line shall be modified by incorporating within the Town the territory lying within the Boundary Adjustment Area. A survey plat by Gordon L. Jones, a Land Surveyor with Bay Design Group, dated December 17, 2012, and attached hereto as Exhibit 1, depicts the Boundary Adjustment Area and the relocated boundary line of the Town near the Area. In addition, a metes and bounds description of the Boundary Adjustment Area is attached hereto as Exhibit 2.

2. Pursuant to Section 15.2-3108 of the Code of Virginia (1950), as amended, the County and the Town promptly shall petition the Circuit Court of Isle of Wight County to have the Town's boundary line changed as provided herein. Each party agrees to

perform any additional steps required by that Code section as may be necessary to accomplish the relocation of the Town's boundary line.

3. The Parties agree that the County and the Town shall each bear its own costs of publication of the notices required by Section 15.2-3107 of the Code of Virginia (1950), as amended.

4. The new boundary line shall become effective at midnight on May 1, 2018. In the event the Circuit Court of Isle of Wight County has not entered a final order by that date, the new boundary line shall become effective at midnight on the last day of the month during which a final court order has been entered.

COUNTY OF ISLE OF WIGHT

By _____
Rudolph Jefferson
Chairman, Board of Supervisors

ATTEST:

Carey Mills Storm, Clerk

TOWN OF SMITHFIELD

By _____
T. Carter Williams, Mayor

ATTEST:

Lesley J. King, Town Clerk

Exhibit 1 to Boundary Line Adjustment Agreement

[Insert survey plat by Bay Design Group, dated December 22, 2012, of Boundary Adjustment Area]

Exhibit 2 to Boundary Line Adjustment Agreement

[Insert metes and bounds description of Boundary Adjustment Area]

Exhibit 3 to Boundary Line Adjustment Agreement

[Insert metes and bounds description of Boundary Adjustment Area]