

**ANNEXATION WAIVER 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, Virginia (the “County”), a political subdivision of the Commonwealth of Virginia, and the Town of Smithfield, Virginia (the “Town”), a municipal corporation of the Commonwealth of Virginia (jointly, the “Parties”).

WHEREAS, the Parties hereto have entered into negotiations (i) 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 and southwest of the Town’s existing corporate limits and (ii) regarding future proceedings by which the Town may seek to annex other land within the County;

WHEREAS, the Parties hereto have entered into a separate agreement (the “Boundary Line Adjustment Agreement”), pursuant to Chapter 31, Article 2 (§§ 15.2-3106 *et seq.*) of Title 15.2 of the Code of Virginia (1950), as amended, and dated _____, 2018, by which the County and the Town have agreed that the boundary line of the Town should be modified by incorporating within the Town certain territory lying within the unincorporated portions of the County and located generally to the east and southwest of the Town’s existing corporate limits;

WHEREAS, the territory to be incorporated into the Town pursuant to the Boundary Line Adjustment Agreement consists of a tract of land containing 184.052 acres adjoining Battery Park Road; and

WHEREAS, the County and the Town desire to resolve additional matters in this Agreement involving certain limitations on future annexation proceedings;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained and in the Boundary Line Adjustment Agreement, the parties agree with each other as follows:

1. During the ten-year period following the date on which the Boundary Line Adjustment Agreement is approved by the Town and the County, the Town agrees that it will not file any annexation notice with the Commission on Local Government or institute any court action for annexation against the County, pursuant to Title 15.2, Chapter 32, Article 1 of the Code of Virginia (1950), as amended, or any successor provisions. This waiver of annexation rights shall not bar the Town from annexing any area of the County with the County's consent.

2. This Agreement shall not be effective unless and until the Town and the County adopt the Boundary Line Adjustment Agreement, in accordance with the procedures required by Chapter 31, Article 2 (§§ 15.2-3106 *et seq.*) of Title 15.2 of the Code of Virginia (1950), as amended, and unless and until the Circuit Court of Isle of Wight County has entered a final order approving the Boundary Line Adjustment Agreement, and that order no longer is subject to an appeal.

COUNTY OF ISLE OF WIGHT

By _____
Rudolph Jefferson
Chairman, Board of Supervisors

ATTEST:

Carey Mills Storm, Clerk

APPROVED AS TO FORM:

Mark C. Popovich, County Attorney

TOWN OF SMITHFIELD

By _____
T. Carter Williams, Mayor

ATTEST:

Lesley J. King, Town Clerk

APPROVED AS TO FORM:

William H. Riddick, Town Attorney

