

(VIRGINIA: IN THE SPECIAL ANNEXATION COURT FOR NORTHAMPTON COUNTY
TOWN OF CAPE CHARLES, a municipal
corporation of the Commonwealth of Virginia,

Petitioner,

v.

LAW NO. 27

NORTHAMPTON COUNTY, a political
subdivision of the Commonwealth
of Virginia,

Respondent.

ANNEXATION ORDER

This cause came on the Petition of the Town of Cape Charles for the annexation of certain property now located in Northampton County, Northampton County's Response thereto, and the Intervening Petitions of Bayshore Concrete Products Corporation and Vernon and Betty Martin, and was argued by counsel.

And it appearing to the Court that a proper ordinance has been enacted by the Town of Cape Charles, setting forth the necessity and expediency of Annexation, and containing essential information required by Section 15.1-1033 of the Virginia Code;

And it further appearing to the Court that the Town of Cape Charles has given proper notice and that all requirements of Section 15.1-1035 have been fulfilled and that this matter is properly docketed and has matured;

And it further appearing to the Court that all proper parties are before the Court and that the Court's Order of 29th day of July, 1991, was properly published, pursuant to Section 15.1-1036 of the Virginia Code.

(And it further appearing to the Court from the stipulated evidence and exhibits filed herein, the agreements of the parties

(to this proceeding and from the report "On The Town of Cape Charles-County of Northampton Annexation Action" dated February, 1991, submitted by the Virginia Commission on Local Government:

a) That there is a necessity for and expediency of annexation, considering the best interests of the people of the County and the Town, that the area proposed for annexation in the Annexation Petition of the Town and the property of Bayshore Concrete Products Corporation, and Vernon and Betty Martin be annexed;

b) That the interest of the Commonwealth in promoting strong and viable units of government will be best achieved by permitting the annexation of the area proposed;

c) That the Town of Cape Charles is best suited to provide urban services in the area proposed for annexation;

(d) That the Town has made substantial efforts to comply with applicable State policies with respect to environmental protection, public planning, education, public transportation, housing, and other state service polices promulgated by the General Assembly;

e) That there exists a sufficient community of interest between the Town of Cape Charles and the property sought to be annexed and its future citizens;

f) That there is a need for the Town of Cape Charles to expand its tax resources, including its real estate and personal property tax base;

g) That there is a need for the Town of Cape Charles to seek to annex to obtain land for commercial use;

(h) That there will be no adverse effect on the County with respect to the annexation;

(i) That development of the property proposed for annexation in the Town's Petition is imminent; and

j) That the Town of Cape Charles has substantially complied with the conditions of the last preceding annexation occurring in 1965.

It is, therefore, ADJUDGED, ORDERED and DECREED that the Motion and the Annexation Petition of the Town of Cape Charles, and the intervening Petition of Vernon and Betty Martin be and hereby are granted, and noted that Bayshore Concrete has withdrawn its objection to the annexation of its property; therefore the area described in the Motion and Petition of the Town of Cape Charles and the property of Bayshore Concrete Products Corporation and Vernon and Betty Martin described in the respective petitions to intervene be and hereby is ORDERED annexed to the Town of Cape Charles.

It is further ADJUDGED, ORDERED and DECREED that such areas henceforth are a part of the Town of Cape Charles and are within the corporate limits of the Town of Cape Charles. The metes and bounds description of the entire annexed area is to be provided by the Town of Cape Charles and filed with the papers in this cause prior to the effective date of annexation.

The Motion and Petition of the Town of Cape Charles is granted upon the following terms and conditions:

1) The Annexation Agreement entered into between the Town of Cape Charles and Northampton County dated November 25, 1991, (the "Annexation Agreement") filed with the papers in this cause and incorporated herein by reference.

2) The Agreement entered into between the Town of Cape Charles and Bayshore Concrete dated November 25, 1991, (the "Bayshore Agreement"), filed with the papers in this cause and incorporated herein by reference.

3) The Town shall hire a full-time professional planner for the purpose of reviewing the Town's zoning and subdivision ordinances in preparation for the pending development of the property within the annexed area.

4) The Town shall amend its agreement with Brown & Root dated March 13, 1990, incorporated herein by reference and filed with the other papers herein, (hereinafter Town Agreement), to accommodate all other recommendations specified in the utilities portion of the proposed "Terms and Conditions of Annexation" in the Commission on Local Government's report, which section of the report is specifically incorporated herein by reference.

5) The Town shall amend its said agreement of March 13, 1990, to provide that Brown & Root, based upon traffic needs generated from within the area proposed for annexation, shall construct or have constructed a new two-lane access road from Route 184 into its development to accommodate traffic from Accawmacke Plantation, provided the necessary land and easements are acquired and providing all necessary permits are obtained;

6) The Town shall amend the Town Agreement of March 13, 1990, to provide the following:

In its development of Accawmacke Plantation, Brown & Root shall consider proposals and bids submitted by bondable, local materialpersons and contractors and shall give good faith consideration to proposals and bids of local materialpersons and

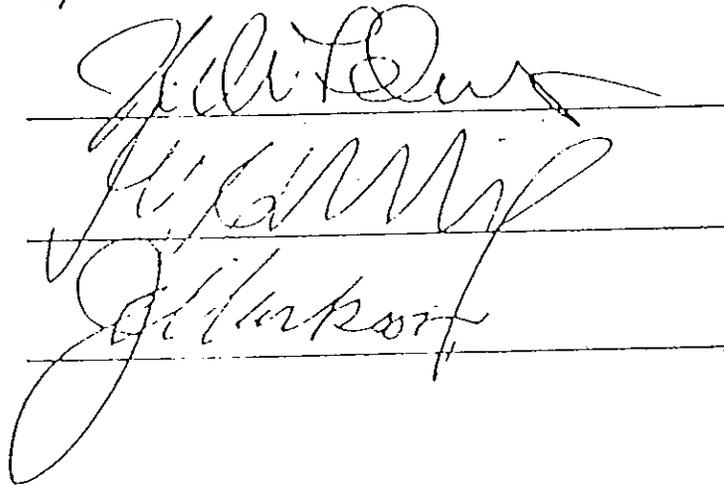
contractors, but subject to its sole right to select the best qualified bidders. "Local contractors" and "local material persons" shall mean contractors and material persons whose principal residence is in Northampton or Accomack Counties or its principal places of business is located in one of said counties or who employs persons at least fifty percent (50%) of whom are residents in said counties.

7) The Town shall extend public services to the annexed area in an orderly fashion, as specified in the Annexation Agreement, the Bayshore Agreement, the Ordinance, the Town's Notice to the Commission filed March 26, 1990, the provisions of which are incorporated herein by reference, and according to the needs of the property owners within the annexed areas. ✓

This annexation shall be effective as of December 31, 1991.

The Clerk of the Court is ORDERED to submit a certified copy of this Order to the Secretary of the Commonwealth of the State of Virginia. The Clerk is further ORDERED to record a copy of this Order in the general indices of the records of Northampton County.

ENTERED this 26th day of November, 1991.


The block contains three handwritten signatures, each written over a horizontal line. The signatures are cursive and appear to be: 1. A signature that looks like 'William L. ...' 2. A signature that looks like 'John M. ...' 3. A signature that looks like 'John ...'.

We ask for this:

By: *[Signature]*
Town of Cape Charles

By: *[Signature]*
Northampton County

By: *[Signature]*
for Vernon M. Martin

By: *[Signature]*
for Betty Jean Martin

Seen: *[Signature]*
Bayshore Concrete Products, Inc.

A TRUE COPY - TESTE: KENNETH F. ARNOLD, CLERK
BY: *[Signature]* DEP. CLERK