

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to convey certain previously filled subaqueous lands to Thornton Hall of Norfolk, L.L.C., and Thornton Hall, Inc.

[H 1317]

Approved

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Marine Resources Commission is hereby authorized to sell and convey on behalf of the Commonwealth to Thornton Hall of Norfolk, L.L.C., and its successors and assigns, upon such terms and conditions as are deemed proper by the Commission pursuant to § 28.2-1200.1 of the Code of Virginia, with the approval of the Governor and in a form approved by the Attorney General, such rights, title, and interest as the Commonwealth may have in a piece or parcel of previously filled subaqueous land in the City of Norfolk, Virginia, as shown on the plan entitled "Exhibit Plan Showing Outline of Areas 1 and 2, 827 Norview Avenue, Norfolk, Virginia" and is more particularly described in a certain plat by Draper Aden Associates, dated January 28, 2008, as follows:

From a rod found at the intersection of the south right-of-way line of Norview Avenue with the western line of Norfolk and Western railroad, thence South 11 degrees 22 minutes 00 seconds East, a distance of 6.8 feet +/- to the intersection of the western line of Norfolk and Western Railroad and approximate location of the old bluff as shown on the subdivision plat recorded in M.B. 11, pp. 20 and 21, said point being the point of beginning of Area 1, and thence South 11 degrees 22 minutes 00 seconds East, a distance of 427.2 feet +/- to a rod set being a point on line, thence continuing South 11 degrees 22 minutes 00 seconds East, a distance of 37 feet +/- to the intersection of the mean low water line of Wayne Creek, a tributary of the Lafayette River, and the western right-of-way line of the Norfolk and Western Railroad; thence, along the meanders of the mean low water line of Wayne Creek in a westerly direction, a distance of 609 feet +/- to the intersection of the western property line; thence North 31 degrees 14 minutes 30 seconds East, a distance of 120.2 feet +/- to a rod set on the western property line, thence continuing along the western property line North 31 degrees 14 minutes 30 seconds East, a distance of 250.8 feet +/- to a point at the approximate location of the old bluff referenced above, thence with the meanders of the old bluff in an easterly direction approximately 34.5 feet +/-, connected with a tie line having a bearing of North 82 degrees 02 minutes 12 seconds East, a distance of 34.38 feet, to a point on the southern property line of Parcel B and being the point of beginning of Area 2, thence South 58 degrees 45 minutes 30 seconds East, a distance of 79.0 feet +/- to a rod found at the southeast corner of Parcel B, thence North 31 degrees 14 minutes 30 seconds East, a distance of 46.0 feet +/- to a point at the intersection of the old bluff with eastern line of Parcel B, thence running with the meanders of the old bluff in an easterly direction generally along the following courses: South 67 degrees 40 minutes 03 seconds East, a distance of 27.02 feet, thence South 78 degrees 52 minutes 25 seconds East, a distance of 50.25 feet, thence South 81 degrees 37 minutes 42 seconds East, a distance of 38.78 feet to the point of beginning of Area 1, containing 187,984 square feet or 4.316 acres more or less.

§ 2. That the Marine Resources Commission is hereby authorized to sell and convey on behalf of the Commonwealth to Thornton Hall, Inc. and its successors and assigns, upon such terms and conditions as are deemed proper by the Commission pursuant to § 28.2-1200.1 of the Code of Virginia, with the approval of the Governor and in a form approved by the Attorney General, such rights, title, and interest as the Commonwealth may have in a piece or parcel of previously filled subaqueous land in the City of Norfolk, Virginia, as shown on the plan entitled "Exhibit Plan Showing Outline of Areas 1 and 2, 827 Norview Avenue, Norfolk, Virginia" and is more particularly described in a certain plat by Draper Aden Associates, dated January 28, 2008, as follows:

From a rod found at the intersection of the south right-of-way line of Norview Avenue with the western line of Norfolk and Western Railroad, thence South 11 degrees 22 minutes 00 seconds East, a distance of 6.8 feet +/- to the intersection of the western line of Norfolk and Western Railroad and approximate location of the old bluff as shown on the subdivision plat recorded in M.B. 11, pp. 20 and 21, thence North 81 degrees 37 minutes 42 seconds West, a distance of 38.78 feet to a point, thence North 78 degrees, 52 minutes 25 seconds West, a distance of 50.25 feet to a point, thence North 67 degrees 40 minutes 03 seconds West, a distance of 27.02 feet to a point, thence South 31 degrees 14 minutes 30 seconds West, a distance of 46.0 +/- feet to a rod found, thence North 58 degrees 45 minutes 30 seconds West a distance of 79.0 +/- feet to a rod found, marking the point of beginning of Area 2, from the point of beginning of Area 2; thence, departing the south line of Parcel B, and running

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58 with the meanders of the old bluff in an easterly direction generally along the following courses: North
59 72 degrees 38 minutes 00 seconds East, a distance of 18.37 feet; thence North 88 degrees 34 minutes
60 22 seconds East, a distance of 25.18 feet; thence South 80 degrees 55 minutes 53 seconds East, a
61 distance of 49.25 feet to a point on the eastern line of Parcel B, thence South 31 degrees 14 minutes 30
62 seconds West, a distance of 46.0 feet +/- to a rod found at the southeast corner of Parcel B; thence,
63 running with the south line of Parcel B, North 58 degrees 45 minutes 30 seconds West, a distance of
64 79.0 feet +/- to the point of beginning of Area 2, containing 2,212 square feet or 0.051 acres more or
65 less.

66 § 3. Prior to any conveyance pursuant to § 1 or § 2, the prospective grantees may request a written
67 determination by the Marine Resources Commission whether any of the property authorized to be
68 conveyed is subject to § 28.2-1200 of the Code of Virginia by virtue of being, having been, or being
69 situated over, state-owned subaqueous land. Any factual determination that the property is not
70 previously filled state-owned subaqueous land shall be conclusive as between the parties. Any
71 determination by the Marine Resources Commission pursuant to this section shall not be subject to
72 judicial review.