

Prepared by:  
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912 East High Street  
Charlottesville, VA 22902

Albemarle County Parcel ID Nos.: 09100-00-00-01000, 09100-00-00-01500 and 09100-00-00-00900

This instrument is exempt from taxation under Virginia Code §§ 58.1-811(A)(3) and/or 58.1-811(C)(4) and from Clerk's fees under Virginia Code § 17.1-266.

### **RIGHT-OF-WAY MODIFICATION AGREEMENT**

**THIS RIGHT-OF-WAY MODIFICATION AGREEMENT** (this "Agreement"), dated this \_\_\_\_ day of \_\_\_\_\_, 2020, is by and among the **COUNTY OF ALBEMARLE, VIRGINIA** (the "County"), to be indexed as the Grantor, and **DAVID S. WITMER** and **ANNA MARIE WITMER**, husband and wife (the "Witmers"), and **JASPER L. HAYNES** and **MALLIE P. HAYNES**, husband and wife (the "Hayneses" and together with the Witmers, the "Grantees").

### **WITNESS:**

**WHEREAS**, the County is the owner of that certain real property (the "County Property") located in Albemarle County, Virginia shown as "T.M. 91-10, County of Albemarle, Virginia" on that certain exhibit prepared by Shimp Engineering, P.C., dated May 13, 2020, last revised September 9, 2020, entitled "Galaxie Farm Lane ROW Vacation Plat," which such exhibit is attached hereto and incorporated herein as Exhibit A (the "Exhibit"); and

**WHEREAS**, David S. Witmer and Anna Marie Witmer are the owners of that certain real property located in Albemarle County, Virginia shown as "T.M. 91-9, 5.09 Acres, David S. Witmer & Anna Marie Witmer" (the "Witmer Property") on the Exhibit; and

**WHEREAS**, Jasper L. Haynes and Mallie P. Haynes are the owners of that certain real property located in Albemarle County, Virginia shown as "T.M. 91-15, 8.27 Acres, Jasper L. Haynes & Mallie P. Haynes" (the "Haynes Property") on the Exhibit; and

**WHEREAS**, that certain variable width right-of-way named Galaxie Farm Lane, shown and designated as “Ex. Galaxie Farm Lane ROW Unchanged” and “ROW to be Vacated” on the Exhibit (together, the “Existing ROW”), currently provides access to the County Property, the Witmer Property, and the Haynes Property to/from State Route 20 (Scottsville Road); and

**WHEREAS**, the Grantees desire to redevelop the Witmer Property and Haynes Property, which necessitates the minor relocation of the Existing ROW.

**NOW, THEREFORE**, the parties do hereby AGREE and CONSENT as follows:

1. The Existing ROW is hereby relocated to that certain area shown and designated as “Relocation of Galaxie Farm Lane ROW Per SUB202000098” and “Ex. Galaxie Farm Lane ROW Unchanged” on the Exhibit (together, the “Revised ROW”).

2. That certain area shown and designated as “ROW To Be Vacated” is hereby vacated.

3. The Grantees, their successors and/or assigns, shall provide continuous access from the properties of the County to State Route 20 (Scottsville Road) during the construction of the Revised ROW.

4. The Grantees, their successors and/or assigns, shall maintain the improved portions of the Revised ROW at their expense until such improved portions of the Revised ROW are accepted by the Virginia Department of Transportation (VDOT) and/or Albemarle County, Virginia for public access and maintenance.

The County, acting by and through its County Executive, duly authorized by resolution adopted by the Board of Supervisors of the County of Albemarle, Virginia, accepts this conveyance pursuant to Virginia Code § 15.2-1803, as evidenced by the County Executive’s signature hereto and the recordation of this instrument.

WITNESS the following duly authorized signatures and seals:

**COUNTY OF ALBEMARLE, VIRGINIA**, a  
political subdivision of the Commonwealth of  
Virginia

By: \_\_\_\_\_  
Jeffrey B. Richardson, County Executive

COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF \_\_\_\_\_, to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_ by Jeffrey B. Richardson, County Executive of the County of Albemarle, Virginia, a  
political subdivision of the Commonwealth, on its behalf.

My commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Notary Registration No.: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Albemarle County Attorney

**GRANTEE**

\_\_\_\_\_  
David S. Witmer

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF \_\_\_\_\_, to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_ by David S. Witmer.

My commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Notary Registration No.: \_\_\_\_\_

**GRANTEE**

\_\_\_\_\_  
Anna Marie Witmer

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF \_\_\_\_\_, to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_ by Anna Marie Witmer.

My commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Notary Registration No.: \_\_\_\_\_

**GRANTEE**

\_\_\_\_\_  
Jasper L. Haynes

COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF \_\_\_\_\_, to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_ by Jasper L. Haynes.

My commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Notary Registration No.: \_\_\_\_\_

**GRANTEE**

\_\_\_\_\_  
Mallie P. Haynes

COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF \_\_\_\_\_, to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_ by Mallie P. Haynes.

My commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Notary Registration No.: \_\_\_\_\_

**Exhibit A**

the Exhibit

Road Plan for Galaxie Farm Subdivision