

**❧ RESOLUTION – Railway Easements to Norfolk Southern ❧**

WHEREAS, the Town Council of the Town of Front Royal has, quite recently, granted quitclaim title to the Norfolk Southern Railway for various parcels in the area of Depot Avenue within the said Town, receiving, in exchange for such title, the sum of \$160,000.00 consideration; and,

WHEREAS, as a part of said transaction, the said Council and the Railway were also supposed to trade easements to each other in roughly the same area, the Railroad to use the Town's Easement for ingress and egress onto certain Town-owned property, while the Town's Easement across the Railroad land was to provide for accurate location of water and/or sewer lines, which had been relocated at the Railroad's expense in order to make way for certain expansions and improvements to their tracks; and,

WHEREAS, the surveying and engineering necessary to accurately locate each of the aforesaid two easements, especially the easement which would benefit the Town, could not be completed in time to be included in the original transaction previously approved by Council, but had to be delayed until the said engineering and surveying was entirely completed; and,

WHEREAS, both of the aforesaid Easements are now depicted on a single plat of survey prepared by Daniel B. Clark, Land Surveyor, dated October 15, 2009, and Revised February 16, 2010, entitled "Ingress Egress Easement Plat Norfolk Southern Railway Company and Town of Front Royal", a copy of which is attached to this Resolution; and,

WHEREAS, Town Code Section 1-22 imposes special requirements on the sale of Town real property, to include the passage of this Resolution setting forth the terms of this exchange of easements.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Town Council of the Town of Front Royal, Virginia, in accordance with Section 1-22 of the Code of the Town of Front Royal, as follows:

(1) A Public Hearing will be held on Monday, May 10, 2010, at 7:00 P.M. before the said Council on the question of whether or not the Easements herein described should be exchanged, after the date, time, and place of said Hearing have been advertised for two (2) successive publications in a newspaper having general circulation in the Town.

(2) Should the Council be so advised, it may enact a "routine" Ordinance, as Described in Section 4-4 (E) of the Town Code, at the conclusion of said Hearing authorizing the aforesaid exchange upon the terms herein described.

(3) Because of the unique circumstances posed by this exchange of parcels, the requirements imposed by Section 1-22 (A)(3) and (4) of the said Code will be dispensed with, as Council finds that the exchange of the previous described parcels is an exchange of parcels of approximately equal value.

*Approved April 12, 2010*