

# CITY OF WINCHESTER, VIRGINIA

## CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: September 22, 2015

RESOLUTION \_\_\_ ORDINANCE  DESCRIPTION/PRESENTATION \_\_\_

**ITEM TITLE:** An Ordinance to Vacate a Portion of West Commercial Street Right of Way and Convey it to the Owner(S) of 143 West Commercial Street and 206 West Wyck Street Sv-15-448

**PUBLIC HEARING DATE:** October 27, 2015 at 6:00 PM

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda. The completion of review only addresses the readiness of the issue for Council consideration. This does not address the recommendation for approval or denial of the issue.

**Review:**

Josh Crump	Completed	09/16/2015 12:00 PM
Anthony Williams	Completed	09/17/2015 1:55 PM
Eden Freeman	Completed	09/17/2015 4:35 PM

**Josh Crump**

Josh Crump, Planner

9/16/2015



**APPROVED AS TO FORM:**

  
CITY ATTORNEY

  
Eden Freeman, City Manager

9/17/2015

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council  
**From:** Josh Crump, Planner  
**Date:** September 22, 2015  
**Re:** An Ordinance to Vacate a Portion of West Commercial Street Right of Way and Convey it to the Owner(S) of 143 West Commercial Street and 206 West Wyck Street Sv-15-448

---

**THE ISSUE:**

The request from Green Chemical Company, Inc is to vacate and convey a short segment of public right-of-way off West Commercial Street.

**RELATIONSHIP TO STRATEGIC PLAN:**

Goal #2- Promote and accelerate revitalization of catalyst and other areas throughout the city

**BACKGROUND:**

See attached staff report

**BUDGET IMPACT:**

Nominal revenue from sale of vacated right of way.

**OPTIONS:**

1. Approve as recommended by Planning Commission
2. Approve with modifications
3. Deny

**RECOMMENDATIONS:**

Recommend Option 1

**AN ORDINANCE TO VACATE A PORTION OF WEST COMMERCIAL STREET  
RIGHT OF WAY AND CONVEY IT TO THE OWNER(S) OF 143 WEST  
COMMERCIAL STREET AND 206 WEST WYCK STREET SV-15-448**

WHEREAS, the Common Council has received a request of Mr. Benjamin M. Butler on behalf of Green Chemical Company, Inc., for the City of Winchester, owners of certain public right-of-way along West Commercial Street, to vacate and convey a portion of public right-of-way along West Commercial Street to Green Chemical Company, Inc. depicted on the July 2, 2015 exhibit entitled "Exhibit Showing Proposed Boundary Line Adjustment of Green Chemical Company, Inc."; and,

WHEREAS, the City is empowered to vacate rights of way in the City and convey them to certain individuals as a condition of vacation pursuant to and in conformance with the provisions of Virginia Code Section §15.2-2006 and §15.2-2008 *et. seq.*, respectively, as amended; and,

WHEREAS, the Planning Commission of the City of Winchester has reviewed the aforesaid request and, at its meeting of September 15, 2015, recommended approval of this action; and,

WHEREAS, a synopsis of this Ordinance has been duly advertised and a Public Hearing has been conducted by the Common Council of the City of Winchester, Virginia, and viewers were appointed to report on the inconvenience, if any, of said vacation, all as required by and provided for under the Code of Virginia, 1950, as amended; and,

WHEREAS, the viewers have prepared a report in writing, said report concluding that an inconvenience would not result from discontinuing the right of way so long as the necessary easements are established; and,

WHEREAS, the applicant is the property owner of 143 West Commercial Street and 206 West Wyck Street immediately adjacent to the north side of the public right of way proposed to be vacated and conveyed; and,

WHEREAS, the City of Winchester, owner of the public right-of-way along West Commercial Street proposed to be vacated and conveyed has no objection to the vacation and conveyance to the owner at 143 West Commercial Street and 206 West Wyck Street; and,

WHEREAS, the Common Council has agreed to convey the vacated alley right of way to the applicant for **Two Dollars and Fifty Cents (\$2.50)** per square foot subject to the applicant establishing necessary easements to the City of Winchester to be depicted upon a survey plat and subject to landscape improvements being undertaken along the Commercial Street frontages of 143 W. Commercial Street and 206 W. Wyck Street by the grantee.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Winchester, Virginia, that the public alley right of way depicted on the July 2, 2015 exhibit entitled "Exhibit Showing Proposed Boundary Line Adjustment of Green Chemical Company, Inc." be vacated and conveyed to Green Chemical Company, Inc. subject to the applicant establishing necessary easements to the City of Winchester and subject to landscape improvements being undertaken along the Commercial Street frontages of 143 W. Commercial Street and 206 W. Wyck Street by the grantee.

**BE IT FURTHER ORDAINED** that this ordinance shall not take effect until such time as the purchaser has secured City approval of an approved Minor Subdivision plat

depicting the easements and the required assemblage of the vacated area in with that certain adjoining parcel of real estate owned by the applicant at 143 West Commercial Street and 206 West Wyck Street , with the sale price for the vacated area being **Two Dollars and Fifty Cents (\$2.50)** per square foot. The City Attorney is directed to prepare a deed for this conveyance and the City Manager is directed and authorized to execute all documents and take all actions necessary to carry out this Ordinance.

**SV-15-448 AN ORDINANCE TO VACATE A PORTION OF COMMERCIAL STREET RIGHT OF WAY AND CONVEY IT TO THE OWNER(S) OF 143 WEST COMMERCIAL STREET AND 206 WEST WYCK STREET.**

---

**REQUEST DESCRIPTION**

The request from Green Chemical Company, Inc is to vacate and convey a short segment of public right-of-way off West Commercial Street.

**AREA DESCRIPTION**

The subject vacation and property to the south of W. Commercial Street is zoned Limited Industrial (M-1) District. The adjoining properties to the north of W. Commercial Street is zoned Commercial Industrial (CM-District and use a commercial brewery.



**STAFF COMMENTS**

Mr. Ben Butler, applicant for the property owner, has provided a letter dated August 4, 2015 addressed to the Planning Director, Tim Youmans, outlining the request for the right-of-way vacation. Since there is no significant public safety issues, staff is agreeable to the proposed vacation and conveyance and find it would be acceptable for City Council to consider vacating the small portion of public right-of-way and conveying it to the owners of the subject property.

City Council would need to appoint viewers to determine what, if any, inconvenience would result to affected property owners. The Comprehensive Plan does not call for any changes in the area that would necessitate eliminating or retaining the excess right-of-way.

Council would need to determine what compensation should be received from the grantee of this City property. In the past, land conveyances in commercial district have typically been associated with alternative land being dedicated as public right of way (e.g. Spring Street) or have been offered for sale in the range of two dollars and fifty cents (\$2.50) up to about ten dollars (\$10.00) per square foot of land conveyed. The recently approved Roberts Street conveyance to Mr. Pifer was at \$2.50. That conveyance was associated with a commercial development project that was pending site plan approval at the time of the request and has since been approved. The Green Chemical Company adjoining the proposed vacation area is currently assessed at \$5.00 per square foot. No development proposal is pending for the Green Chemical or Doyle's site to staff's knowledge. Staff suggests that the Council consider a conveyance at an amount less than assessed value in return for the grantees (i.e. the property owners at Doyle's and Green Chemical undertake nominal frontage improvements. A Minor Subdivision would also be required to assemble the vacated area into the adjoining property.

**RECOMMENDATION**

Based upon the input from relevant City officials, the Planning Commission forwarded **SV-15-448** to City Council recommending approval of vacation and conveyance of the subject right-of-way to the owner of 143 West Commercial Street and 206 West Wyck Street to be assembled into that property because the request does not conflict with the comprehensive plan.

AN ORDINANCE TO VACATE A PORTION OF COMMERCIAL STREET RIGHT OF WAY  
AND CONVEY IT TO THE OWNER(S) OF 143 WEST COMMERCIAL STREET  
AND 206 WEST WYCK STREET.

**SV-15-448**

WHEREAS, the Common Council has received a request of Mr. Benjamin M. Butler on behalf of Green Chemical Company, Inc., for the City of Winchester, owners of certain public right-of-way along West Commercial Street, to vacate and convey a portion of public right-of-way along West Commercial Street to Green Chemical Company, Inc. depicted on the July 2, 2015 exhibit entitled "Exhibit Showing Proposed Boundary Line Adjustment of Green Chemical Company, Inc."; and,

WHEREAS, the City is empowered to vacate rights of way in the City and convey them to certain individuals as a condition of vacation pursuant to and in conformance with the provisions of Virginia Code Section §15.2-2006 and §15.2-2008 *et. seq.*, respectively, as amended; and,

WHEREAS, the Planning Commission of the City of Winchester has reviewed the aforesaid request and, at its meeting of September 15, 2015, recommended approval of this action; and,

WHEREAS, a synopsis of this Ordinance has been duly advertised and a Public Hearing has been conducted by the Common Council of the City of Winchester, Virginia, and viewers were appointed to report on the inconvenience, if any, of said vacation, all as required by and provided for under the Code of Virginia, 1950, as amended; and,

WHEREAS, the viewers have prepared a report in writing, said report concluding that an inconvenience would not result from discontinuing the right of way so long as the necessary easements are established; and,

WHEREAS, the applicant is the property owner of 143 West Commercial Street and 206 West Wyck Street immediately adjacent to the north side of the public right of way proposed to be vacated and conveyed; and,

WHEREAS, the City of Winchester, owner of the public right-of-way along West Commercial Street proposed to be vacated and conveyed has no objection to the vacation and conveyance to the owner at 143 West Commercial Street and 206 West Wyck Street; and,

WHEREAS, the Common Council has agreed to convey the vacated alley right of way to the applicant for ~~Two Dollars and Fifty Cents (\$2.50)~~ per square foot subject to the applicant establishing necessary easements to the City of Winchester to be depicted upon a survey plat and subject to landscape improvements being undertaken along the Commercial Street frontages of 143 W. Commercial Street and 206 W. Wyck Street by the grantee.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Winchester, Virginia, that the public alley right of way depicted on the July 2, 2015 exhibit entitled "Exhibit Showing Proposed Boundary Line Adjustment of Green Chemical Company, Inc." be vacated and conveyed to Green Chemical Company, Inc. subject to the applicant establishing necessary easements to the City of Winchester and subject to landscape improvements being undertaken along the Commercial Street frontages of 143 W. Commercial Street and 206 W. Wyck Street by the grantee.

**BE IT FURTHER ORDAINED** that this ordinance shall not take effect until such time as the purchaser has secured City approval of an approved Minor Subdivision plat depicting the easements and the required assemblage of the vacated area in with that certain adjoining parcel of real estate owned by the applicant at 143 West Commercial Street and 206 West Wyck Street, with the sale price for the vacated area being ~~Two Dollars and Fifty Cents (\$2.50)~~ per square foot. The City Attorney is directed to prepare a deed for this conveyance and the City Manager is directed and authorized to execute all documents and take all actions necessary to carry out this Ordinance.

## **Benjamin M. Butler, P.L.C.**

112 South Cameron Street  
P. O. Drawer 830  
Winchester, Virginia 22604-1297  
(540) 662-3486  
Facsimile (540) 722-3787  
E-Mail: [bmblaw1@comcast.net](mailto:bmblaw1@comcast.net)  
[bmblaw2@comcast.net](mailto:bmblaw2@comcast.net)

**Peter K. McKee (1934-1967)**  
**Benjamin M. Butler**

August 4, 2015

Attn: Timothy Youmans, City Planner  
City of Winchester Planning Department  
Rouss City Hall  
15 North Cameron Street  
Winchester, VA 22601

IN RE: Green Inc.  
MY FILE NO. 2014-0017

Dear Mr. Youmans:

This letter is written in support of the right-of-way vacation application made by Green Inc. for other property along the south side of West Commercial Street near its intersection with Fairmont Avenue in the City of Winchester, Virginia.

It has been determined by surveyor, Marsh & Legge Land Surveyors, PLC, that Tax Parcel 153-01-1-4 does not front on West Commercial Street but rather there is a strip of land, six feet in width, not needed by the City of Winchester for Commercial Street, which is generally 50 feet wide at all locations until it fronts on Tax Parcel 153-01-1-6 and Tax Parcel 153-01-1-4.

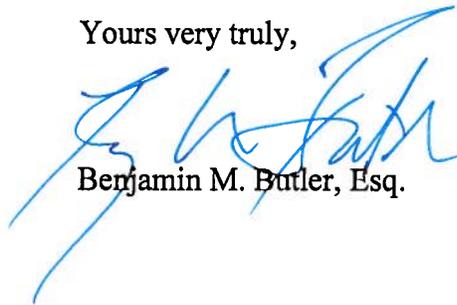
It is therefore proposed that the City of Winchester vacate and transfer to Green Inc. the land containing 0.0216 acres along and contiguous with the northern boundary of Tax Parcel 153-01-I-4, as well as the 0.0090 acres contiguous along the northern boundary of Green Inc., Tax Parcel 153-01-I-6, and a third piece, which is 0.0006 acres along northwest Tax Parcel 153-01-I-3. All of the above tax parcels are owned by Green Inc. and will assist it in becoming less non-conforming with reference to its property known as Tax Parcels 13-01-I-3 and 153-01-I-6.

Attached hereto is the plat drawn by Marsh & Legge dated July 2, 2015, which shows in red the line of the property to be determined to be excess lands for the City of Winchester and the blue line which indicates the line to be created. If the City of Winchester agrees to convey these three small strips of land totaling 0.0212 acres, Green Inc. will then be in a position to boundary adjust tax parcels 153-01-I-3 and 153-01-I-6 to allow Green Inc. to sell the property at 143 and 151 West Commercial Street to the Whittington's who operate the Doyle's Equipment Company.

Mr. Timothy Youmans  
August 4, 2015  
Page 2

Attached hereto as Exhibit #2 is the letter from the surveyors, Marsh & Legge Land Surveyors, P.L.C., dated May 21, 2015 which made the determination that the land is owned by the City of Winchester. Also attached as Exhibit #3 are the Deeds upon which the surveyor relies to make the determination of title in the City of Winchester.

Yours very truly,



Benjamin M. Butler, Esq.

BMB/hp  
Enclosures  
cc: Green Inc. c/o Liz White via email

(Remove from ROW)  
Add to 153-01-1-4  
0.0216 Acres

West Commercial Street  
56' ROW  
to be reduced to 50' ROW  
(West of Penn. Ave.)

(Remove from ROW)  
Add to 153-01-1-6  
0.0090 Acres

TAX PARCEL	ORIGINAL	ADDED	REMOVED	FINAL ADJUSTED AREA
153-01-1-3	0.4219 Ac.	0.0294 Ac.	-----	0.4423 Ac.
153-01-1-4	0.3924 Ac.	0.0216 Ac.	-----	0.4140 Ac.
153-01-1-6	1.3036 Ac.	0.0090 Ac.	0.0288 Ac.	1.2838 Ac.

(Remove from ROW)  
Add to 153-01-1-3  
0.0006 Acres

Property Line(s) to Be Created  
Property Line(s) to be Vacated

West Commercial Street  
50' ROW  
(East of Penn. Ave.)

153-01-1-4  
0.3924 Acres (Original)  
0.4140 Acres (Adjusted)

153-01-1-3  
0.4219 Acres (Original)  
0.4423 Acres (Adjusted)

All Features Shown Hereon Are Existing

**Property Line Legend**

- Property Line(s) to be Vacated ---
- Property Line(s) to Be Created ---
- Property Line(s) to Remain ---

Note: Proposed Boundary Line Adjustment shown is for the purposes of remedying the building encroachment onto Parcel 153-01-1-6 of existing structures situated on Parcel 153-01-1-3 and reduction of the 56' ROW of West Commercial Street (West of Pennsylvania Ave.) to 50' ROW minimum as requested by the City of Winchester.

**EXHIBIT SHOWING PROPOSED BOUNDARY LINE ADJUSTMENT OF PROPERTIES OWNED BY GREEN CHEMICAL COMPANY, INC.**

**Marsh & Legge Land Surveyors, P.L.C.**

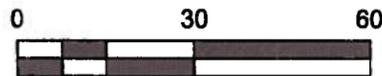
560 NORTH LOUDOUN STREET - WINCHESTER, VIRGINIA 22601

PHONE (540) 667-0468 - FAX (540) 667-0469

www.marshandlegge.com

JULY 2, 2015

ML ID9873



153-01-1-6  
1.3036 Acres (Original)  
1.2838 Acres (Adjusted)

Add to 153-01-1-3  
0.0288 Acres  
(Remove from 153-01-1-6)

Property Line(s) to be Vacated

Property Line(s) to Be Created

5.0'

9.6'

4.1'

9.5'

ASHPALT

EX. BUILDING

ASHPALT

EX. BUILDING

ASHPALT

GRAVEL

CONCRETE

CONCRETE

ASHPALT

CURB & GUTTER

EX. BUILDING

145

FENCE

EX. BUILDING

ASHPALT

EX. BUILDING

ASHPALT

GRAVEL

CONCRETE

CONCRETE

ASHPALT

CURB & GUTTER

EX. BUILDING

145

FENCE

EX. BUILDING

ASHPALT

EX. BUILDING

ASHPALT

GRAVEL

CONCRETE

CONCRETE

ASHPALT

CURB & GUTTER

EX. BUILDING

145

FENCE

EX. BUILDING

ASHPALT

EX. BUILDING

ASHPALT

GRAVEL

CONCRETE

CONCRETE

ASHPALT

CURB & GUTTER

EX. BUILDING

145

FENCE

EX. BUILDING

ASHPALT

EX. BUILDING

ASHPALT

GRAVEL

CONCRETE

CONCRETE

ASHPALT

CURB & GUTTER

EX. BUILDING

145

FENCE

EX. BUILDING

ASHPALT

EX. BUILDING

ASHPALT

GRAVEL

CONCRETE

CONCRETE

ASHPALT

CURB & GUTTER

EX. BUILDING

145

FENCE

EX. BUILDING

ASHPALT

EX. BUILDING

ASHPALT

GRAVEL

CONCRETE

CONCRETE

ASHPALT

CURB & GUTTER

EX. BUILDING

145

FENCE

EX. BUILDING

ASHPALT

EX. BUILDING

ASHPALT

GRAVEL

CONCRETE

CONCRETE

ASHPALT

CURB & GUTTER

EX. BUILDING

145

FENCE

EX. BUILDING

ASHPALT

EX. BUILDING

ASHPALT

GRAVEL

CONCRETE

CONCRETE

ASHPALT

CURB & GUTTER

EX. BUILDING

145

FENCE

EX. BUILDING

ASHPALT

EX. BUILDING

ASHPALT

GRAVEL

CONCRETE

CONCRETE

ASHPALT

CURB & GUTTER

EX. BUILDING

145

FENCE

EX. BUILDING

ASHPALT

EX. BUILDING

ASHPALT

GRAVEL

CONCRETE

CONCRETE

ASHPALT

CURB & GUTTER

EX. BUILDING

145

FENCE

EX. BUILDING

ASHPALT

EX. BUILDING

ASHPALT

GRAVEL

CONCRETE

CONCRETE

ASHPALT

CURB & GUTTER

EX. BUILDING

145

FENCE

EX. BUILDING

ASHPALT

EX. BUILDING

ASHPALT

GRAVEL

CONCRETE

CONCRETE

ASHPALT

CURB & GUTTER

EX. BUILDING

145

FENCE

EX. BUILDING

ASHPALT

EX. BUILDING

ASHPALT

GRAVEL

CONCRETE

CONCRETE

ASHPALT

CURB & GUTTER

EX. BUILDING

145

FENCE

EX. BUILDING

ASHPALT

EX. BUILDING

ASHPALT

GRAVEL

CONCRETE

CONCRETE

ASHPALT

CURB & GUTTER

EX. BUILDING

145

FENCE

EX. BUILDING

ASHPALT

EX. BUILDING

ASHPALT

GRAVEL

CONCRETE

CONCRETE

ASHPALT

CURB & GUTTER

EX. BUILDING

145

FENCE

EX. BUILDING

ASHPALT

EX. BUILDING

ASHPALT

GRAVEL

CONCRETE

CONCRETE

ASHPALT

CURB & GUTTER

EX. BUILDING

145

FENCE

EX. BUILDING

ASHPALT

EX. BUILDING

ASHPALT

GRAVEL

CONCRETE

CONCRETE

ASHPALT

CURB & GUTTER

EX. BUILDING

145

FENCE

EX. BUILDING

ASHPALT

EX. BUILDING

ASHPALT

GRAVEL

CONCRETE

CONCRETE

ASHPALT

CURB & GUTTER

EX. BUILDING

145

FENCE

EX. BUILDING

ASHPALT

EX. BUILDING

ASHPALT

GRAVEL

CONCRETE

CONCRETE

ASHPALT

CURB & GUTTER

EX. BUILDING

145

FENCE

EX. BUILDING

ASHPALT

EX. BUILDING

ASHPALT

GRAVEL

CONCRETE

CONCRETE

ASHPALT

CURB & GUTTER

EX. BUILDING

145

FENCE

EX. BUILDING

ASHPALT

EX. BUILDING

ASHPALT

**MARSH & LEGGE LAND SURVEYORS, P.L.C.**

560 North Loudoun Street, Winchester, VA 22601 ■ 540-667-0468 ■ Fax: 540-667-0469 ■ E-mail: office@marshandlegge.com

May 21, 2015

Benjamin M. Butler, Esquire  
Attorney at Law  
112 South Cameron Street  
Winchester, Virginia 22601

Re: Green Chemical – Doyle's Equipment  
City of Winchester, Virginia  
M & L Project No. 9873

Dear Mr. Butler:

Enclosed with this letter you will find one copy of our exhibit plat showing the Green Chemical Company properties that are being conveyed to the Whittington's known as Doyle's Equipment Company.

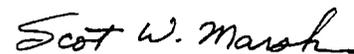
Based on our meeting with Tim Youmans of the City of Winchester and Ron Mislowsky, P.E., we have completed additional deed research and survey for the Commercial Street right of way line and for the property line adjustment along the rear of the Doyle's Equipment property. We have adjusted the property line of the Doyle's Equipment Company lot to provide for a minimum of a four-foot offset from the building. This adjusted boundary line provides for adequate spacing as required by the building inspector for the fire code. The exhibit also presents the distance from the existing Green Chemical Company building to the new adjusted property line which is, at its closest distance, 9.5 feet.

The second item that was discussed with Tim Youmans was the unusual right of way line along West Commercial Street that fronts the property designated as 151 West Commercial Street and the parcel that will be retained by Green Chemical Company. Our deed research revealed that the right of way for Commercial Street is dedicated to the City of Winchester by two separate deeds (see attached deeds and plats). The first deed created Pennsylvania Avenue, which was created prior to Commercial Street (Deed Book 82 – Page 504). The second deed is that portion of Commercial Street from Pennsylvania Avenue west to the railroad and is 56 feet wide (Deed Book 91 – Page 73). Based on this information, we understand that the City would require only a 50-foot wide right of way and, therefore, we have shown a proposed right of way adjustment along the subject parcels that would allow for a 50-foot wide right of way of Commercial Street.

Your review of this information would be helpful. We understand that Ron Mislowsky will be coordinating with you to provide the application for this variance and adjustment of the property line. After the variance has been approved, we will proceed with completing the actual boundary line adjustment plat for the subject parcels.

Should you have any questions, please do not hesitate to call.

Sincerely,



Scot W. Marsh, L.S.

SWM/clh  
Enclosures

Copy to: Ronald A. Mislowsky, P.E. (via e-mail)

Fred L. Glaize, Jr., et al

TO: DEED

No. 303

City of Winchester, Va.

No Tax

BOOK 91 PAGE 73

THIS DEED made and dated this 12<sup>th</sup> day of May, 1955, between Fred L. Glaize, Jr. and Elizabeth P. Glaize, his wife; and Philip B. Glaize and Dorothy H. Glaize, his wife, of the one part, hereinafter called the Grantors, and the City of Winchester, Virginia, of the other part, hereinafter called the Grantee.

WITNESSETH: That for and in consideration of the cash sum of Ten (\$10.00) Dollars, and other valuable consideration, receipt whereof is hereby acknowledged, the Grantors do hereby grant and convey with general warranty of title, unto the Grantee, in fee simple, all of that certain strip or parcel of land lying and being situate in the City of Winchester, Virginia, known as Commercial Street, Extended, and more particularly described by plat and survey herewith attached and made a part hereof as if fully incorporated herein, as follows:

"Beginning at a stake at the southwest corner of Pennsylvania Avenue as dedicated by C.A. Pugh; thence with the West property line of Pennsylvania Avenue reversed, N. 22° 36' E. 56 feet to a corner to said Glaize's other land in the West property line of said Avenue; thence with said Glaize's other land N. 68° 02' W. 175.32 feet to a point in the East right of way line of the Pennsylvania Railroad; thence with the East right of way line of said Railroad, S 2° 33' E. 46.42 feet; thence S. 7° 52' E. 16.2 feet to a corner to the warehouse lot; thence with the North line of said lot, S 68° 02' E. 117.3 feet to the beginning," and being a portion of a larger tract of land conveyed to Fred L. Glaize, Jr. and Philip B. Glaize, by Clayton Pugh, et ux, by Deed dated March 4, 1955, recorded in the Clerk's office of the Corporation Court of the City of Winchester, Virginia, in Deed Book 82, page 511, to which reference is made.

Said Grantors covenant that they have a right to convey said property to the Grantee; that said Grantee shall have quiet possession of said land free from all encumbrances and that they will execute such further assurances of said land as may be requisite.

J. RANDOLPH LARRICK

Witness the following signatures and seals this date above written:

Handwritten signatures and seals for Fred L. Glaize, Jr., Elizabeth P. Glaize, Philip B. Glaize, and Dorothy H. Glaize.

STATE OF VIRGINIA,  
COUNTY OF Winchester

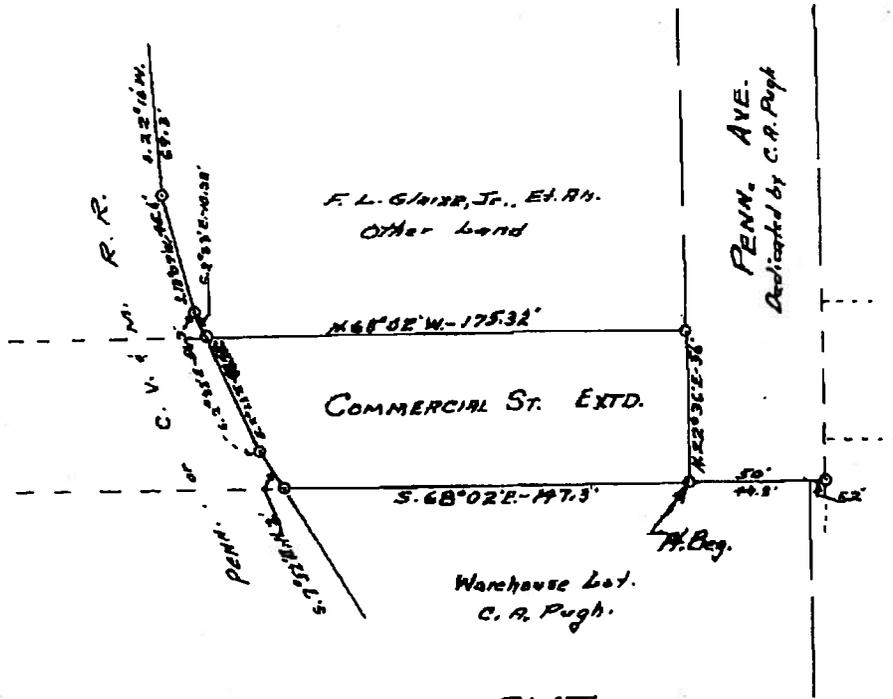
BOOK 91 PAGE 74

I, Ernest M. Turner, a Notary Public in and for the State and County aforesaid, do hereby certify that Fred L. Glaize, Jr. and Elizabeth P. Glaize, his wife, Philip S. Glaize and Dorothy H. Glaize, his wife, whose names are signed to the foregoing writing, bearing date May 12<sup>th</sup>, 1955, have personally appeared before me and acknowledged the same in my County and State aforesaid.

My commission expires July 12, 1955

Given under my hand this 12<sup>th</sup> day of May, 1955.

Ernest M. Turner  
Notary Public



PLAT  
OF  
COMMERCIAL ST. EXTD.  
MARCH, 1956 - SCALE - 1" = 50'

The following is a description of the above piece or parcel of land now owned by Fred L. Glaize, Jr. et als, and being a part of said land purchased by said Glaize from C. A. Pugh. Said strip of land is for the purpose of extending Commercial Street from Pennsylvania Avenue west to the Pennsylvania Railroad right of way.

"Beginning at a stake at the southwest corner of Pennsylvania Avenue as dedicated by C. A. Pugh, thence with the west property line of Pennsylvania Avenue reversed, N. 22° 36' E. 56 feet to a corner to said Glaize's other land in the west property line of said Avenue; thence with said Glaize's other land N. 68° 02' W. 175.32 feet to a point in the east right of way line of the Pennsylvania Railroad; thence with the east right of way line of said Railroad, S. 2° 33' E. 46.42 feet; thence S. 7° 52' E. 16.2 feet to a corner to the warehouse lot; thence with the north line of said lot, S. 68° 02' E. 147.3 feet to the beginning."

VIRGINIA,  
CITY OF WINCHESTER.

This instrument of writing was produced to me on the 23rd day of July, 1958  
at 11:30 A.M. and with certificate of acknowledgment thereto annexed was admitted  
to record.

J. M. Menzies Clerk

Witness the following signatures and seals this day and year first above written.

Approved by Common Council, City of Winchester, Va. March 8, 1955 S. L. Grant, City Manager	Thomas G. Scully (SEAL) Bentley T. Scully (SEAL) James R. Wilkins (SEAL) Mary O'B. Wilkins (SEAL)
---	--

State of Virginia,  
County of Frederick, to-wit:

I, Wanda M. Riley, a Notary Public for the County aforesaid in the state of Virginia, do certify that Thomas G. Scully, Bentley T. Scully, James R. Wilkins and Mary O'B. Wilkins whose names are signed to the writing above bearing date on the 19th day of February, 1955, have acknowledged the same before me in my County aforesaid.

Given under my hand this 19th day of February, 1955.

Wanda M. Riley, Notary Public

My commission expires May 5, 1958.

Virginia, City of Winchester, Set:

This instrument of writing bearing date on the 19th day of February, 1955 was produced to me on the 9th day of March, 1955 at 10 A.M. and with certificate of acknowledgement thereto annexed was admitted to record.

*DB 82 p. 504* *Wanda M. Riley* Deputy Clerk.

Clayton A. Pugh, et al	"	
To Deed	"	<i>Spanner</i>
	"	NO. 174
City of Winchester	"	
No Tax	<i>Delivered to City of Winchester</i>	<i>3/11/55</i>

THIS DEED made and dated this 4th day of March, 1955, by and between Clayton A. Pugh and Violet D. Pugh, his wife, parties of the first part; and the City of Winchester, a municipal corporation, created and existing under and by virtue of the laws of the Commonwealth of Virginia, party of the second part.

WITNESSETH: THAT for and in consideration of One Dollar (\$1), and other valuable consideration, paid by the party of the second part to the parties of the first part on or before the delivery of this deed, the receipt of which is hereby acknowledged, the parties of the first part do hereby grant, sell and convey unto the party of the second part, and its successors in title, a certain parcel of land, situate west of Loudoun Street, in the northern section of the City of Winchester, Virginia, containing 0.65 Acres, designated as Parcel "B", and more particularly described by metes and bounds as follows, to-wit:

"Beginning at a point in the southern curb line of Oates Avenue, the said point being located by measuring 20 ft. eastwardly along the said line from the center line of Pennsylvania Avenue, running with the said line N 66° W. 33 ft; thence N. 24° E. 2.2 ft; thence N. 66° W. 12 ft. to a stake corner to Parcel "A" thence with the two following lines of the said Parcel S. 24° W. 132.8 ft thence S. 22° 36' W. 455.7 ft. to a stake in the Northern line of the warehouse lot; thence with the said line S 68° 02' E. 45.8 ft. to a stake corner to the said lot, and continuing with a line of the remaining portion of the said Fairgrounds Tract S 68° 02' E-50 ft IN ALL, to a Stake; thence with another line of the said Other Lot N 22° 36' E-454.55 ft. to a stake in the Southern line of Lot -1 fronting Oates Avenue; thence with the said line N 66° W-5 ft to a stake corner to the said lot; thence with the western line of the said Lot N. 24° E. 120 ft. to a stake corner in the southern Property line of Oates Avenue, and continuing N 24° E-130 ft., IN ALL, TO THE BEGINNING".

The Plat and Survey, dated February 21, 1955, referred to in the above description,

DBBZ - P6505

was prepared by Lee A. Ebert, Certified Land Surveyor, and is attached to and made a part of this deed.

This is a part of the real property known as the Old Fair Grounds, land, and a part of the land conveyed to Clayton A. Pugh by deed of The Commercial and Savings Bank, of Winchester, Virginia, Administrator, c.t.a. of the estate of Arthur C. Oates, deceased, bearing date January 12, 1954, and of record in the Office of the Clerk of the Corporation Court for the City of Winchester, Virginia, in Deed Book 80, at page 176. Reference is here made to the plat and survey above mentioned, the aforesaid deed, and the references therein contained, for a further and more particular description of the property herein conveyed.

WHEREAS, Clayton A. Pugh and wife executed a deed of trust, bearing date January 14, 1954, of record in the aforesaid Corporation Clerk's Office in Deed Book 80, at page 180, conveying seven parcels of realty (the land herein conveyed being a portion of Parcel 6) to J. Sloan Kuykendall and Henry H. Whiting, Trustees, in trust to secure the payment, principal and interest, of one bond, of even date with the deed of trust, in the principal sum of \$47,000.00, payable to The Handley Board of Trustees, Winchester, Virginia.

IN CONSIDERATION of the payment of One Dollar (\$1) to The Handley Board of Trustees, Winchester, Virginia, and J. Sloan Kuykendall and Henry H. Whiting, Trustees, the receipt of which they do hereby acknowledge, The Handley Board of Trustees, and J. Sloan Kuykendall and Henry H. Whiting, Trustees, at the request and direction of the Handley Board of Trustees, join in the execution of this deed for the purpose of releasing the property hereby conveyed from the lien of said deed of trust, expressly retaining the lien of said deed of trust on the other property therein described.

Witness the signatures and seals of Clayton A. Pugh and Violet D. Pugh; witness the signatures and seals of J. Sloan Kuykendall, Trustee, and Henry H. Whiting, Trustee, and Witness the signature of The Handley Board of Trustees, Winchester, Virginia, by its President, Charles H. Harper, and the Seal of said Board, duly affixed and attested by its Secretary, C. Vernon Eddy.

Clayton A. Pugh (SEAL)

Violet D. Pugh (SEAL)

J. Sloan Kuykendall, Trustee (SEAL)

Henry H. Whiting, Trustee (SEAL)

Corporate seal.

Attest: C. Vernon Eddy, Secretary

The Handley Board of Trustees,  
Winchester, Virginia

By Charles H. Harper, President

Approved by Common Council, City of Winchester, Va. March 8, 1955.

S. L. Grant, City Manager.

State of Virginia,

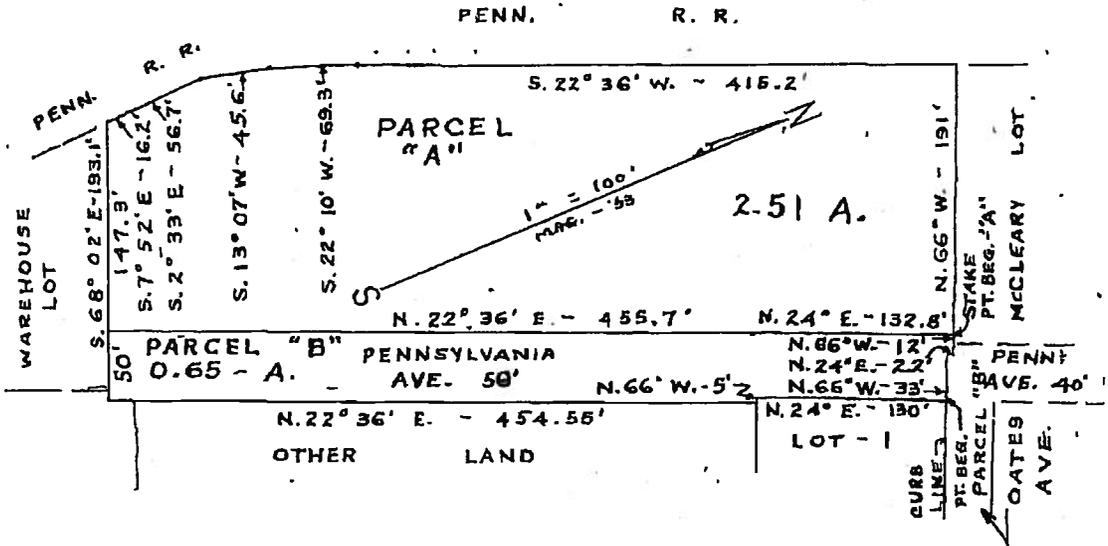
County of Frederick, to-wit:

I, Irene H. Clark, a Notary Public in and for the County of Frederick, State of Virginia, hereby certify that Clayton A. Pugh, Violet D. Pugh, his wife, J. Sloan Kuykendall, Trustee, Henry H. Whiting, Trustee, and Charles H. Harper, and C. Vernon Eddy, President and Secretary, respectively, of The Handley Board of Trustees, Winchester, Virginia, whose names are signed to the foregoing and annexed writing bearing date on the 4th day of March, 1955, each has this day personally appeared before me and acknowledged the same in my County and State aforesaid.

My commission as Notary Public expires August 18, 1957.

Given under my hand this 4th day of March, 1955.

Irene H. Clark, Notary Public.



The above plat is a survey of Two Parcels of the Old Fairgrounds land.

The said land lies in the northern section of the city of Winchester, Virginia;

PARCEL "A"-2.51 Acres: Beginning at a stake in the southern line of the McCleary Lot fronting Pennsylvania Avenue, the said stake being located by measuring 25 ft. westwardly along the said line from the center line of Pennsylvania Avenue, running with the said line N 66° W-191 ft. to a stake in the eastern right-of-way line of the Pennsylvania Railroad; thence with the five following Right-of-Way lines S 22° 36' W- 415.2 ft; thence S. 22° 10' W-69.3 ft; thence S. 13° 07' W-45.6 ft; thence S. 2° 33' E-56.7 ft; thence S. 7° 52' E -16.2 ft to a stake corner to the Warehouse Lot; thence with a line of the said Lot S. 68° 02' E- 147.3 ft. to a stake corner to Parcel "B"; thence with the two following lines of the said Parcel N 22° 36' E-455.7 ft; thence N. 24° E -132.8 ft to the beginning.

PARCEL "B"-0.65 Acres: Beginning at a point in the southern curb line of Oates Avenue, the said point being located by measuring 20 ft. eastwardly along the said line from the center line of Pennsylvania Avenue, running with the said line N 66° W- 33 ft; thence N. 24° E-2.2 Ft; thence N 66° W: 12 ft to a stake corner to Parcel "A"; thence with the two following lines of the said Parcel S 24° W- 132.8 ft; thence S 22° 36' W -455.7 ft to a stake in the northern line of the Warehouse Lot; thence with the said line S 68° 02' E-45.8 ft to a stake corner to the said Lot, and continuing with a line of the remaining Portion of the said Fairgrounds Tract, S 68° 02' E- 50 ft. IN ALL, to a stake; thence with another line of the said other land N 22° 36' E. 454.55 ft, to a stake in the southern line of Lot -1 fronting Oates Avenue; thence with the said line N 66° W. 5 ft to a stake corner to the said Lot; thence with the Western line of the said Lot N 24° E. 120 ft. to a stake corner in the southern property line of Oates Avenue, and continuing N 24° E- 130 ft., IN ALL, to the beginning.

Surveyed---February 21, 1955

Lee A. Ebert

Certified Land Surveyor

Comm. of Virginia #484.

Virginia, City of Winchester, Set;

This instrument of writing bearing date on the 4th day of March, 1955 was produced to me on the 9th day of March, 1955 at 10 A.M. and with certificate of acknowledgement thereto annexed was admitted to record.

*James Earl Ray*  
Deputy Clerk.

(Remove from ROW)  
Add to 153-01-1-4  
0.0216 Acres

West Commercial Street  
56' ROW (DB 91 PG 73)  
to be reduced to 50' ROW  
(West of Penn. Ave.)

(Remove from ROW)  
Add to 153-01-1-6  
0.0090 Acres

TAX PARCEL	ORIGINAL	ADDED	REMOVED	FINAL ADJUSTED AREA
153-01-1-3	0.4219 Ac.	0.0294 Ac.	-----	0.4501 Ac.
153-01-1-4	0.3924 Ac.	0.0216 Ac.	-----	0.4140 Ac.
153-01-1-6	1.3036 Ac.	0.0090 Ac.	0.0276 Ac.	1.2850 Ac.

(Remove from ROW)  
Add to 153-01-1-3  
0.0006 Acres

Property Line(s) to Be Created  
Property Line(s) to be Vacated

25'x6' Water Meter Easement Hereby Created  
Ex. 25'x30' Water Meter Easement DB 251 PG 254

153-01-1-4  
0.3924 Acres (Original)  
0.4140 Acres (Adjusted)

153-01-1-3  
0.4219 Acres (Original)  
0.4501 Acres (Adjusted)

West Commercial Street  
50' ROW  
(East of Penn. Ave.)

All Features Shown Hereon Are Existing

Property Line Legend

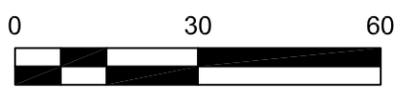
- Property Line(s) to be Vacated -----
- Property Line(s) to Be Created -----
- Property Line(s) to Remain -----

Note: Proposed Boundary Line Adjustment shown is for the purposes of remedying the building encroachment onto Parcel 153-01-1-6 of existing structures situated on Parcel 153-01-1-3 and reduction of the 56' ROW of West Commercial Street (West of Pennsylvania Ave.) to 50' ROW minimum as requested by the City of Winchester.

EXHIBIT SHOWING PROPOSED BOUNDARY LINE ADJUSTMENT OF PROPERTIES OWNED BY GREEN CHEMICAL COMPANY, INC.

**Marsh & Legge Land Surveyors, P.L.C.**  
560 NORTH LOUDOUN STREET ~ WINCHESTER, VIRGINIA 22601  
PHONE (540) 667-0468 ~ FAX (540) 667-0469  
www.marshandlegge.com

LEGEND  
IPF - PIPE FOUND  
IRF - ROD FOUND



153-01-1-6  
1.3036 Acres (Original)  
1.2850 Acres (Adjusted)

Add to 153-01-1-3  
0.0276 Acres  
(Remove from 153-01-1-6)

