

BOUNDARY LINE ADJUSTMENT AGREEMENT

THIS BOUNDARY LINE AGREEMENT (the Agreement) is made as of the ___ day of July, 2021, by and between the City of Harrisonburg, Virginia (the City), acting by and through the City Council for the City of Harrisonburg (the Council) and the County of Rockingham, Virginia (the County), acting by and through the Board of Supervisors of Rockingham County, Virginia (the Board), (together, the Parties), pursuant to Title 15.2, Chapter 31, Article 2 (§15.2-3106 *et seq.*) of the Code of Virginia (1950), as amended (the Code).

R E C I T A L S:

A. There is an existing business, known as “Mulligan’s Golf Center” that fronts on Carpenter Lane in the City and is located on tax parcels partly in the City and partly in the County. The parcels are: City tax parcels 107-C-7 and 107-C-7A, and; County tax parcel 123-(A)-L98B1.

B. Structures on the City tax parcels require work that cannot be performed under the City Zoning Ordinance because the use is a pre-existing, non-conforming use. The necessary work can be performed under the County Zoning Ordinance.

C The City owns four tax parcels in the County that are used for park and recreation purposes. They are County tax parcels 110-(A)-L50A1, 110-(A)-L50A2, 110-(4)-L2A, and 110-(4)-L2B.

D. The City and the County intend to adjust the boundary line between the two jurisdictions so that County tax parcels 110-(A)-L50A1, 110-(A)-L50A2, 110-(4)-L2A, and 110-(4)-L2B, or portions thereof, are in the City, and City tax parcels 107-C-7 and 107-C-7A are in the County.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which the Parties hereby acknowledge, the Parties agree as follows:

1. The City and County agree to cooperate to add County tax parcels 110-(A)-L50A1, 110-(A)-L50A2, 110-(4)-L2A, and 110-(4)-L2B, or portions thereof, to the City of Harrisonburg through boundary line adjustment as authorized by §15.2-3106 *et seq.* of the Code of Virginia, 1950 as amended. The exact boundary adjustment is in the process of being surveyed and is yet to be determined. One issue that has arisen is the possible, yet impermissible, formation of an island of county land remaining in the City if all of all four City owned parcels are moved from the County to the City. Other issues may arise as the boundary line adjustment is studied.

2. The City and County agree to add City tax parcels 107-C-7 and 107-C-7A to the County of Rockingham through boundary line adjustment as authorized by §15.2-3106 *et seq.* of the Code of Virginia, 1950 as amended.

3. The parcels transferred are more particularly described in EXHIBIT A, attached to and included in this Agreement. Exhibit A has attached to it a Plat of a survey which provides more particular descriptions of the real estate to be transferred into the County.

4. This Agreement shall be binding upon, and shall inure to the benefit of the Parties, and each of their future governing bodies, and any successors thereto upon its approval by the Circuit Court of Rockingham County.

THIS SPACE INTENTIONALLY LEFT BLANK.

5. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original. This Agreement constitutes the entire understanding between the Parties.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by the following duly authorized representatives.

CITY OF HARRISONBURG, VIRGINIA

By: _____
Mayor

Attest: _____
Clerk

Date: _____

ROCKINGHAM COUNTY, VIRGINIA

By: _____
Chair, Board of Supervisors

Attest: _____
Clerk

Date: _____