

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT is made this ____ day of August, 2019, by and between **CITY OF HARRISONBURG**, a Virginia municipal corporation, hereinafter referred to as “CITY”, and **EDDIE T. ABRAMS AND PAMELA R. ABRAMS**, hereinafter referred to as “LANDOWNERS”.

RECITALS:

1. On February 25, 2014, the City Council of the City of Harrisonburg, adopted a resolution for the acquisition of certain real property interests, necessary for the construction and improvement of road and street facilities, along with necessary easements, known as the Reservoir Street Improvement Project, located on land lying east of Interstate 81, in the City of Harrisonburg, Virginia.
2. Prior to the passing of such resolution, the City conveyed and offered to the Landowners, in a *bona fide* manner, compensation and damages for the portions or interests of lands owned by Landowners and needed by the City and necessary easements for the construction of the Reservoir Street Improvement Project.
3. On February 26, 2014, the City filed in the Clerk’s Office of the Circuit Court of Rockingham County a Certificate of Take for the portions or interests of lands of the Landowners, and necessary easements, and paid into Court the amount of \$3,400.00, with such Certificate of Take. The Certificate of Take is of record in the Clerk’s Office in Deed Book 4379, Page 565.
4. The Landowners, by counsel, filed a Petition Pursuant to Section 25.1-310 of the code of Virginia to draw down the funds paid into Court with the Certificate of Take and received those funds pursuant to an Order entered May 23, 2014.
5. The City and the Landowners have continued to negotiate in good faith a settlement as to the compensation to be paid by the City to the Landowners for the portions or interests of lands of the Landowners, and the necessary easements, and have now reached an amicable resolution of this eminent domain condemnation action as set forth herein.

NOW, THEREFORE, the City and Landowner agree as follows:

1. As additional consideration for this Settlement Agreement, the City agrees to sell, and the Landowners agree to purchase, all that certain lot with improvements located at 640 Merlins Way, Harrisonburg, Virginia and being the same property acquired by the City by deed dated November 7, 2013, of record in the Rockingham County Circuit Court in Deed Book 4335, page 589, less the right of way shown on the plat attached to such deed, which right of way shall be retained by the City, and subject to the permanent joint use utility easement also shown on the plat. The purchase price for the property is \$90,000 in

current funds. Each party will pay its own closing costs, including recording fees. The City will convey good and marketable title by General Warranty Deed. Closing will occur on August 30, 2019 at the office of the City Attorney or by mail. Closing is conditioned upon the formal approval of the transfer by the Harrisonburg City Council after a public hearing as required by Virginia law, and upon an inspection of the property reasonably satisfactory to the Landowners.

2. The City will bear the expense of preparing all papers to present to the Circuit Court for the dismissal of this case.
3. This Settlement Agreement supersedes any and all prior understandings and agreements between the parties relating to the property interest described in the Certificate of Take. This Settlement Agreement may not be amended, altered or modified except by an instrument in writing signed by the party sought to be charged therewith.
4. Subject to the provisions hereof, this Settlement Agreement shall bind and inure to the benefit of the parties hereto, their successors and assigns. No assignment of this Settlement Agreement shall be permitted except with written consent of the other party, which consent shall not be withheld unreasonably.
5. The parties expressly agree that all terms and provisions hereof shall be construed and enforced in accordance with the laws of the Commonwealth of Virginia.
6. This Settlement Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals:

CITY OF HARRISONBURG,
a Virginia municipal corporation

By: _____
Eric D. Campbell
Its: City Manager

Eddie T. Abrams

Pamela R. Abrams