TOWN OF WASHINGTON, VIRGINIA

**AN ORDINANCE TO APPROVE THE VOLUNTARY SETTLEMENT AGREEMENT FOR THE BOUNDARY ADJUSTMENT INTO THE TOWN OF WASHINGTON OF APPROXIMATELY 3.94953 ACRES OF LAND BELONGING TO BLACK KETTLE, LLC, KNOWN AS RUSH RIVER COMMON II, AS RECOMMENDED BY THE VIRGINIA COMMISSION ON LOCAL GOVERNMENT**

**WHEREAS**, the Town of Washington, Virginia, (the “Town”), and the County of Rappahannock, Virginia, “the County”) filed a Notice with the Commission on Local Government of their intention to effect a Boundary Line Adjustment (“BLA”) by and between the Town and the County to incorporate into the Town approximately 3.9523 acres of the land presently subject only to County jurisdiction (the Adjusted Property”) belonging to Black Kettle, LLC, bounded by U.S. Route 211 (Business), also known as Warren Avenue, to the north, Leggett Lane to the west and south, and U.S. Routes 211 and 522 to the east, and

**WHEREAS**, the Town Council and the Rappahannock Board of Supervisors have mutually agreed upon terms and conditions for a boundary adjustment in a Voluntary Settlement Agreement (the “VSA”) as an alternative to a fully contested litigation to adjust jurisdictional boundaries, and submitted that VSA to the Virginia Commission on Local Government (the Commission) for review and recommendation; and

**WHEREAS**, the Commission has reviewed the VSA and has recommended its approval of the said BLA and Agreement in its report dated July 2024, a copy of which is incorporated herein by reference as **Exhibit A**; and

**WHEREAS**, the Town desires to approve and present the VSA to the Circuit Court for further action thereon;

**NOW THEREFORE, BE IT HEREBY ORDAINED** by the Town Council of the Town of Washington, Virginia, as follows:

1. The Town Council hereby consents to the adjustment of the Black Kettle property into the Town’s corporate limits.
2. The Town Council hereby agrees to the terms and conditions as set forth in the VSA, a copy of which is separately attached hereto and incorporated herein by reference as **Exhibit B**, and authorizes the execution thereof by the Mayor or his designee.
3. The Town Council hereby directs the Town Attorney, together with the Rappahannock County Attorney, and counsel for Black Kettle, LLC, to forward the VSA and any necessary exhibits thereto to the Circuit Court of Rappahannock County, and by a proper petition to that Court request it to have the Supreme Court of Virginia appoint a Special Court pursuant to the provisions of Va. Code Ann. § 15.2-3400(5), to hear and decide this matter in accordance with law.
4. The Mayor shall take such other and further steps as may be needed to effectuate the purposes of this Ordinance and the incorporation of the Adjusted Land into the Town’s boundaries .

**Adopted by the Town Council of the Town of Washington, Virginia this\_\_\_\_\_\_ of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2024**

**MOTION: DATE:**

**Town Council Meeting**

**SECOND:**

Votes**:**

# Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

## BY ORDER OF THE TOWN COUNCIL

Joseph Whited, Mayor

Attested:

Barbara Batson

Town Administrator/Clerk