



TOWN COUNCIL
Public Hearing, Special Meeting
& Executive Session
July 2, 2020
Cape Charles Civic Center
6:30 PM

1. Call to Order
 - A. Roll Call
 - B. Establish quorum
2. Moment of Silence and Pledge of Allegiance
3. Public Hearing:
 - A. Proposed Ordinance to Vacate that Plat Entitled, "Plat of Survey Showing Property Line Vacation & Relocation Between Lots 336, 336, & 338B, Map of the Town of Cape Charles Capeville District Northampton County, Virginia November 15, 2019" made by John H. Severs and Sarah T. Severs, dated November 15, 2019, which Plat is recorded in the Northampton County Clerk's Office as Instrument 200000012
4. Close Public Hearing
5. Public Comments re: Agenda Items Only (accepted via email to clerk@capecharles.org during the meeting)
6. *Consent Agenda
 - A. Approval of Agenda Format
7. Special Meeting Order of Business:
 - *A. Election of Vice Mayor
 - *B. Vacation of Plat of Survey for Lots 336, 337 and 338B
 - *C. Rail to Trail Bicycle and Pedestrian Project Resolution
 - D. Town Manager Updates (to include)
 - i. Commonwealth and Town Phase 3 Operations
 - ii. Central Park
8. Recess to Closed Session

Code of Virginia § 2.2-3711-A, Paragraph 3: Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Code of Virginia § 2.2-3711-A, Paragraph 29: 9. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

Specifically: Discussion and negotiation of a Harbor Management Agreement with the Cape Charles Yacht Center, to include scope items such as operations, minor maintenance, and marketing; the potential leasing of Town harbor infrastructure; and compensation scenarios involving the use of public funds.

9. Return to Open Session

Certification to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Roll call vote.

10. Adjournment

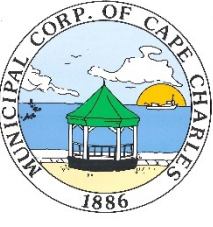
**Town of Cape Charles
Notice of Public Hearing**

The Cape Charles Town Council will hold a Public Hearing on Thursday, July 2, 2020, at 6:30 p.m. at the Cape Charles Civic Center, 500 Tazewell Ave., Cape Charles, VA 23310 to afford interested persons the opportunity to be heard or to present written comments concerning the following proposed ordinance:

- 1) Proposed Ordinance to Vacate that Plat Entitled, "Plat of Survey Showing Property Line Vacation & Relocation Between Lots 336, 336, & 338B, Map of the Town of Cape Charles Capeville District Northampton County, Virginia November 15, 2019" made by John H. Severs and Sarah T. Severs, dated November 15, 2019, which Plat is recorded in the Northampton County Clerk's Office as Instrument 200000012.

Copies of the proposed ordinance are available for review online at www.capecharles.org under Agendas and Minutes or in the Town Clerk's office at 2 Plum Street, Cape Charles, VA 23310. For additional questions, you can also call 757-331-3259 x 15. Anyone interested in attending and needing special assistance please contact the Town at least 48 hours before the hearing.

Libby Hume, Town Clerk

 TOWN OF CAPE CHARLES	AGENDA TITLE: Election of Vice Mayor		AGENDA DATE: July 2, 2020
	SUBJECT/PROPOSAL/REQUEST: Election of Vice-Mayor		ITEM NUMBER: 7A
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

Section 3.6 of the Town Charter states that:

“The Town Council shall elect from its members, by a majority of the members present, a vice mayor. During the absence or inability of the mayor to act, the vice mayor shall possess the powers and discharge the duties of the mayor. While serving in the place of the mayor, the vice mayor may vote as a member of the town council.”

DISCUSSION:

Each election year, a new vice mayor has been elected at the first regular or special meeting with the new Council.

In July 2018, Councilman Bennett was elected vice mayor for a two-year term.

RECOMMENDATION:

Staff recommends discussion and election of a vice mayor to serve from July 2020 through June 2022.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Ordinance to Revert Property Lines for Lots 336, 337 and 338B		AGENDA DATE: July 2, 2020
	SUBJECT/PROPOSAL/REQUEST: Ordinance to Revert Property Lines for Lots 336, 337 and 338B		ITEM NUMBER: 7B
	ATTACHMENTS: Northampton County survey map for location of properties, Plat of Survey showing Property Line Vacation (November 15, 2019), Ordinance 20200702		FOR COUNCIL: Action (x) Information ()
	STAFF CONTACT (s): Paul Grossman	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

The Town had approved boundary line vacation incorrectly and now must withdraw that approval via an ordinance that will be recorded in the Northampton County Clerk's Office.

ITEM SPECIFICS:

On December 17, 2019, applicants presented to the Town Planner a plat that proposed vacating and re-establishing certain property lines involving Lots 336, 337 and 338B. Two property lines were vacated: 1. Property line between Lots 336 and 337 and 2. Property line between Lots 337 and 338B. Two new property lines were established around Lot 337. This was approved by the Town Planner on December 30, 2019 and recorded in the county clerk's office on January 3, 2020 (see attached).

As a result of the above, nonconforming conditions resulted in the R-1 district. Lot 337 is too small and becomes a non-conforming lot. Lot 336 now blocks access to an alleyway and becomes a non-conforming lot. Therefore, the approved Plat needs to be vacated in its entirety, thereby causing the lots to remain in their original dimensions prior to this Plat.

FYI: Note that second reference to Lot 336 in the plat title should be 337 but cannot be changed since it is now recorded as such in the county clerk's office.

A public hearing was held earlier this evening.

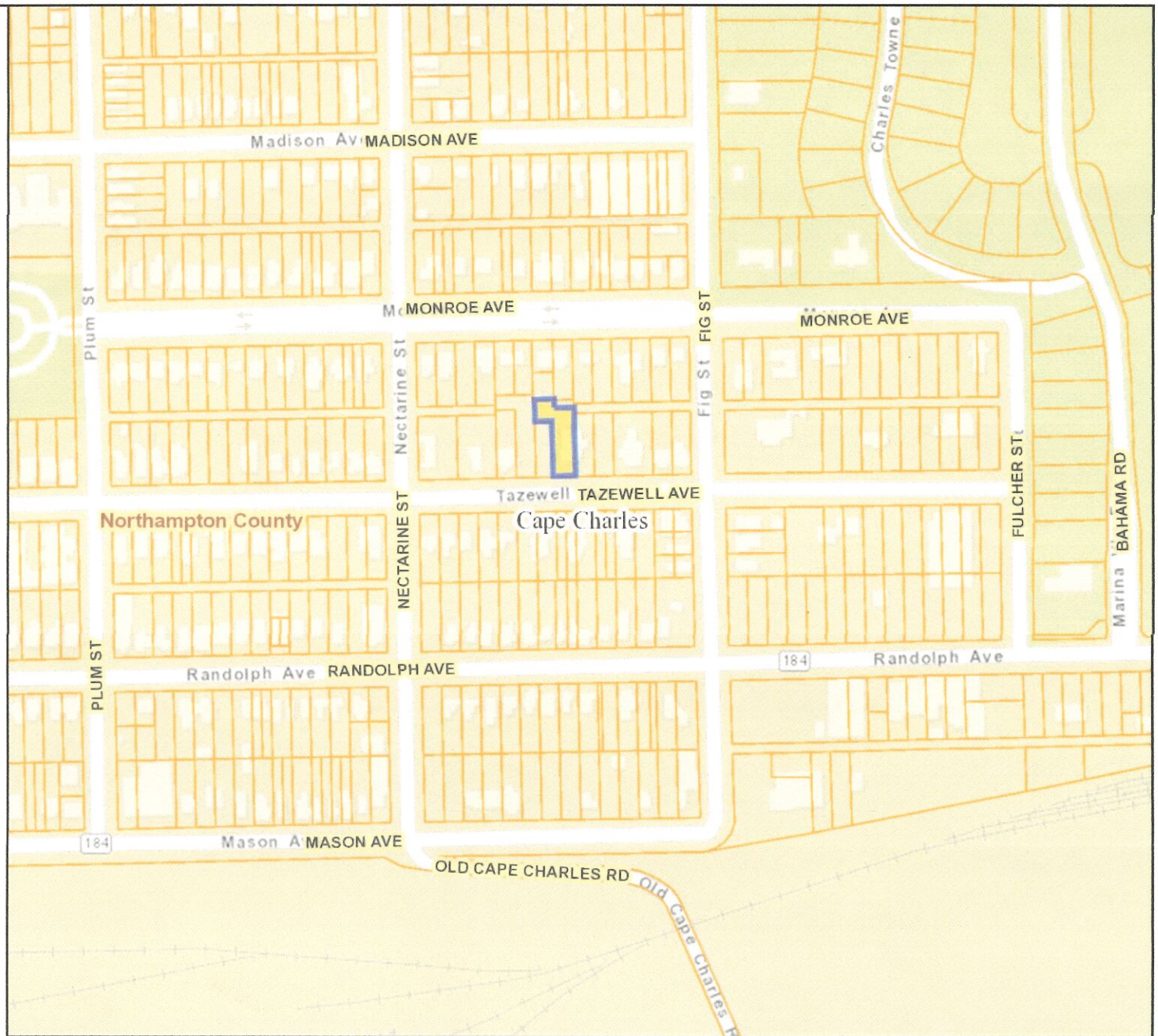
RECOMMENDATION:

It is the Town Manager's recommendation to adopt Ordinance 20200702 to Vacate the Plat of Survey Showing Property Line Vacation and Relocation Between Lots 336, 336, and 338B, Map of the Town of Cape Charles Capeville District Northampton County, Virginia November 15, 2019 which is recorded in the Northampton County Clerk's Office as Instrument 200000012.

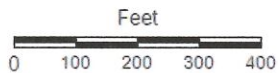
Northampton County, Virginia

Legend

- County Boundaries
- Town Names
- Route Numbers
- Road Labels
- Parcels



Map Printed from Northampton
<http://northampton.mapsdirect.net/>



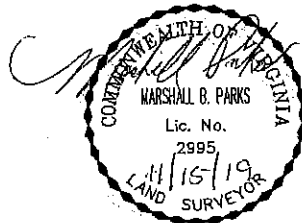
Title:

Date: 4/23/2020

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Northampton County is not responsible for its accuracy or how current it may be.

SURVEYORS CERTIFICATION

I, MARSHALL B. PARKS, A LICENSED LAND SURVEYOR, HEREBY CERTIFY THAT THIS PLAT WAS MADE BY ME AT THE REQUEST OF THE OWNERS AND THAT THIS SURVEY IS ENTIRELY WITHIN THE BOUNDARIES OF LAND COVERED BY THE DEED DESCRIBED HEREON AND THAT MONUMENTATION IS ACTUALLY IN PLACE OR WILL BE SET AT POINTS MARKED AS SHOWN HEREON AND THAT THEIR LOCATIONS ARE CORRECTLY SHOWN. THIS SURVEY IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS, AND LANDSCAPE ARCHITECTS. THIS PLAT IS BASED ON A CURRENT FIELD SURVEY.



OWNERS CONSENT AND DEDICATION.

THE PROPERTY LINE VACATION & RELOCATION AS SHOWN HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS. ALL STATEMENTS AFFIXED TO THIS PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

JOHN M. SEVERS

COUNTY OF Augusta STATE OF Virginia TO WIT: John M. Severs
I, Kristen May, A NOTARY PUBLIC IN, AND FOR
THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT
JOHN M. SEVERS WHOSE NAME IS SIGNED TO THE FOREGOING WRITING,
BEARING DATE ON THE 16 DAY OF December, 2019,
HAS ACKNOWLEDGED THE SAME BEFORE ME IN MY COUNTY
AND STATE AFORESAID, GIVEN UNDER MY HAND THIS 16
DAY OF December, 2019.

NOTARY PUBLIC

MY COMMISSION EXPIRES: 10/31/21

KRISTEN ELAINE MAY
NOTARY PUBLIC
REGISTRATION # 7728220
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES OCTOBER 31, 2021

SARAH T. SEVERS

COUNTY OF Waynesboro STATE OF Virginia TO WIT:
I, Eleanor A. Wood, A NOTARY PUBLIC IN, AND FOR
THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT
SARAH T. SEVERS WHOSE NAME IS SIGNED TO THE FOREGOING WRITING,
BEARING DATE ON THE 17 DAY OF December, 2019,
HAS ACKNOWLEDGED THE SAME BEFORE ME IN MY COUNTY
AND STATE AFORESAID, GIVEN UNDER MY HAND THIS 17
DAY OF December, 2019.

NOTARY PUBLIC

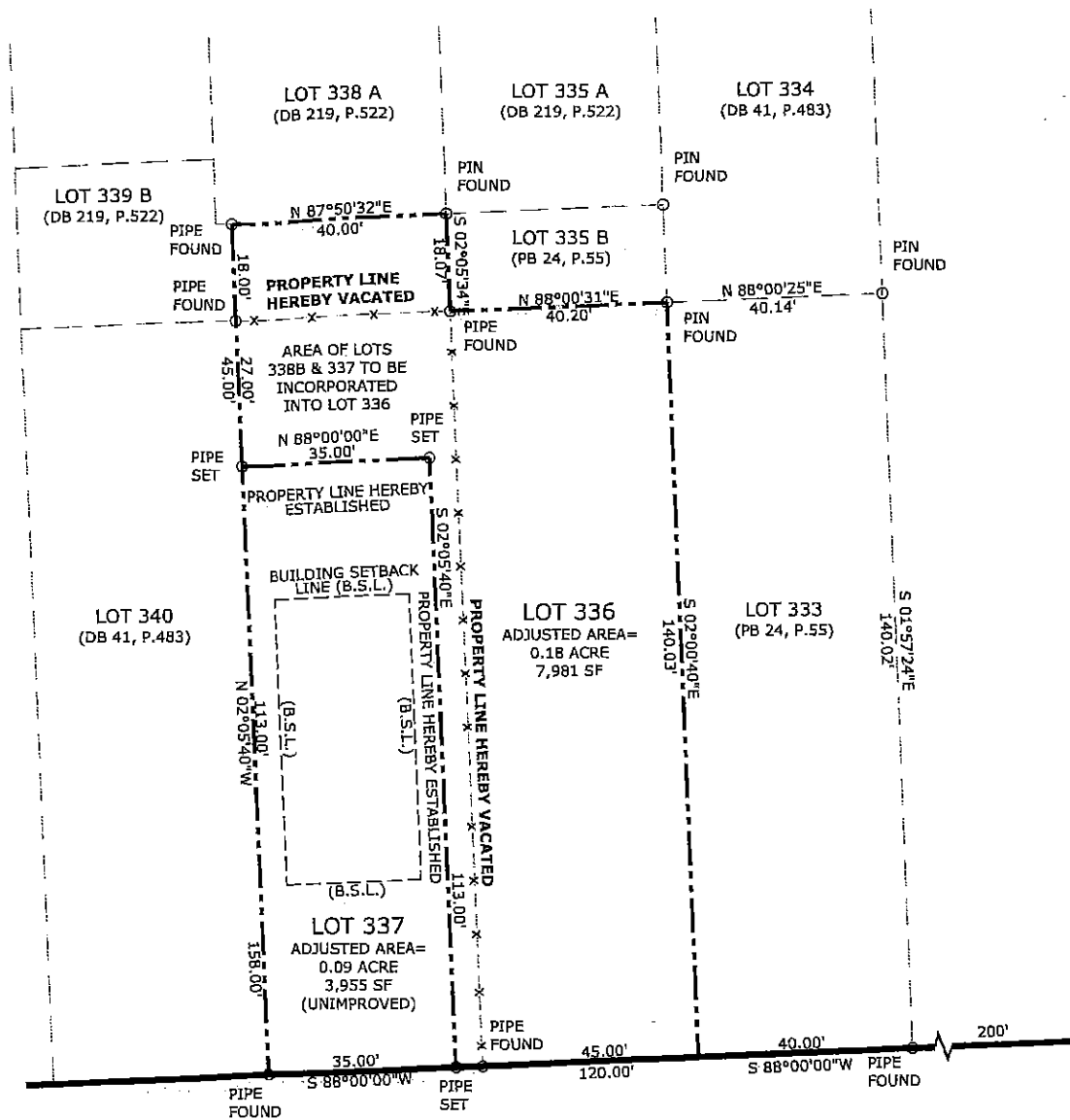
MY COMMISSION EXPIRES: 12/2/23

APPROVALS

TOWN OF CAPE CHARLES

DATE: 12/30/19

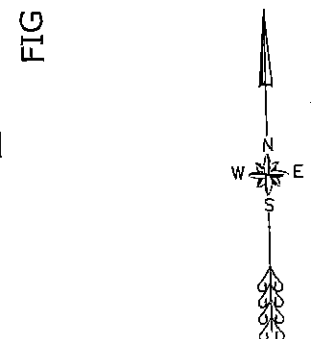
ELEANORE WOOD
NOTARY PUBLIC
REGISTRATION # 7835481
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
12/31/23



TAZEWELL AVENUE (70' R/W)

INSTRUMENT 200000012
RECORDED IN THE CLERK'S OFFICE OF
NORTHAMPTON COUNTY CIRCUIT COURT ON
JANUARY 3, 2020 AT 12:00 PM
TRACI L. JOHNSON, CLERK

FIG STREET



20 0 20 40 60
GRAPHIC SCALE - FEET

**ACCOMACK-NORTHAMPTON
SURVEYING & MAPPING PLLC**
36308 Lankford Highway, Belle Haven, Virginia 23306
Mail Address: 11403 Heron Drive, Machipongo, Virginia 23405
Phone: (757) 709-4192

DRAWN BY: 2995	SCALE: 1" = 20'
CHK'D BY: JBL	BACK TRAV. BY: MBP
FIELD BOOK:	JOB NUMBER: 989

GENERAL NOTES:

- OWNERS: JOHN M. SEVERS & SARAH T. SEVERS
- TAX PARCEL: 83A3-1-336, 83A3-1-337, & 83A3-1-338B
- SOURCE OF TITLE: INST #160000374
- A SURVEY WAS PERFORMED ON THIS PROPERTY IN NOVEMBER 2019 WITH A BOUNDARY CLOSURE WHOSE PRECISION EXCEEDS 1:10,000.
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND MAY NOT SHOW ANY/ALL EASEMENTS OR RESTRICTIONS THAT MAY AFFECT SAID PROPERTY AS SHOWN OR WETLANDS, ENVIRONMENTAL HAZARDS, CEMETERIES AND UNDERGROUND STRUCTURES NOT OBSERVED DURING THE COURSE OF THE SURVEY.
- ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 51131C0295F, DATED 03-02-15, THE PROPERTY SHOWN HEREON LIES IN FLOOD ZONE X. FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAP AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE. FLOOD ZONE INFORMATION SHOWN HEREON IS NOT GUARANTEED AND WAS APPROXIMATELY SCALED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAPS. FOR FURTHER INFORMATION AND TO CONFIRM THE FLOOD ZONE FOR THIS PROPERTY, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL.
- PLAT REFERENCES:
D.B. 41, P. 484 (PLAT)
PLAT BOOK 24, PAGE 55
DEED BOOK 219, PAGE 522
DEED BOOK 184, PAGE 174
- TOWN OF CAPE CHARLES ZONING
ZONED: R-1 SINGLE FAMILY RESIDENTIAL
BUILDING SETBACKS:
SIDE - 5'
REAR - 25'
FRONT - 35' OR PREVAILING
MINIMUM BUILDING ENVELOPE - 960 SF

ORDINANCE 20200702

TO VACATE THAT PLAT ENTITLED, “PLAT OF SURVEY SHOWING PROPERTY LINE VACATION & RELOCATION BETWEEN LOTS 336, 336, & 338B, MAP OF THE TOWN OF CAPE CHARLES CAPEVILLE DISTRICT NORTHAMPTON COUNTY, VIRGINIA NOVEMBER 15, 2019” MADE BY JOHN H. SEVERS AND SARAH T. SEVERS, DATED NOVEMBER 15, 2019, WHICH PLAT IS RECORDED IN THE NORTHAMPTON COUNTY CLERK’S OFFICE AS INSTRUMENT 200000012.

Recitals

WHEREAS, John H. Severs and Sarah T. Severs presented a subdivision plat entitled: “PLAT OF SURVEY SHOWING PROPERTY LINE VACATION & RELOCATION BETWEEN LOTS 336, 336, & 338B, MAP OF THE TOWN OF CAPE CHARLES CAPEVILLE DISTRICT NORTHAMPTON COUNTY, VIRGINIA, NOVEMBER 15, 2019” signed and dated by John M. Severs and Sarah T. Severs on December 16, 2019 and December 17, 2019, respectively, to Town Planner/Zoning Administrator for the Town of Cape Charles, Zach Ponds; and

WHEREAS, said plat erroneously listed Lot 336 twice instead of also referring to Lot 337; and

WHEREAS, said plat resulted in Lot 337 to be too small and a non-conforming lot in the R-1 district for purposes of zoning and Lot 336 blocking access to an alleyway and a non-conforming lot in the R-1 district for purposes of zoning; and

WHEREAS, said plat was mistakenly approved by the Town Planner/Zoning Administrator for the Town of Cape Charles, Zach Ponds on December 30, 2019 and subsequently recorded on January 3, 2020 in the Clerk’s Office of Northampton County Circuit Court as Instrument Number 200000012; and

WHEREAS, the subdivision plat entitled, “PLAT OF SURVEY SHOWING PROPERTY LINE VACATION & RELOCATION BETWEEN LOTS 336, 336, & 338B, MAP OF THE TOWN OF CAPE CHARLES CAPEVILLE DISTRICT NORTHAMPTON COUNTY, VIRGINIA, NOVEMBER 15, 2019” signed and dated on December 16, 2019 and December 17, 2019 by John M. Severs and Sarah T. Severs, respectively, and presented to Town Planner/Zoning Administrator for the Town of Cape Charles, Zach Ponds, was *void ab initio* for failure to meet the requirements of the Cape Charles Zoning Ordinance; and

WHEREAS, proper notice has been given as required by Section 15.2-2204 of the Code of Virginia, as amended; and

WHEREAS, said plat is therefore declared *void ab initio* by the Town Council of Town of Cape Charles; therefore,

BE IT ORDAINED by the Town Council of the Town of Cape Charles:

Section 1. This Ordinance is adopted pursuant to Section 15.2-2271 of the Code of Virginia, as amended.

Section 2. Proper notice has been given as required by Section 15.2-2204 of the Code of Virginia, as amended.

Section 3. The following plat entitled: "PLAT OF SURVEY SHOWING PROPERTY LINE VACATION & RELOCATION BETWEEN LOTS 336, 336, & 338B, MAP OF THE TOWN OF CAPE CHARLES CAPEVILLE DISTRICT NORTHAMPTON COUNTY, VIRGINIA, NOVEMBER 15, 2019" is vacated in its entirety, thereby causing the lots shown thereon to be eliminated and remain in their original dimensions prior to this Plat.

Section 4. This Ordinance is enacted pursuant to the request of Cape Charles Town Manager John Hozey.

Section 5. The Town Manager shall cause a certified copy of the Ordinance to be recorded in the aforesaid Clerk's Office following the expiration of appeals or the right to appeal this matter. Upon such filing, the Clerk shall cause this vacation to be so noted on the plat of survey affected.

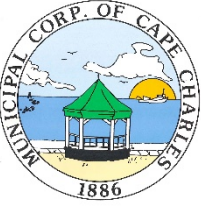
Adopted by the Town Council of Cape Charles on July 2, 2020.

By: _____
Mayor

(SEAL)

ATTEST:

Town Clerk

 TOWN OF CAPE CHARLES	AGENDA TITLE: Southern Tip Bike & Hike Trail, Phase IV		AGENDA DATE July 2, 2020
	SUBJECT/PROPOSAL/REQUEST: Consider Resolution supporting ANPDC funding application.		ITEM NUMBER: 7C
	ATTACHMENTS: 1. Memorandum of Agreement (MoA) 2. Proposed trail alignment. 3. Proposed Resolution.		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Bob Panek, Project Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

In October 2018, Council approved participation with the Accomack-Northampton Planning District Commission (ANPDC) and Northampton County in applying for funding to construct Phase IV of the Southern Tip Bike & Hike Trail. Phases I & II are completed and run about five miles from the Eastern Shore of Virginia National Wildlife Refuge Visitors Center to Capeville Drive. Phase III is under design and will terminate near the US 13/SR 184 intersection. Phase IV would bring the trail into Town along the railroad right-of-way on the south side of SR 184, for a total of about 12.5 miles. It would connect to a planned future phase of the Cape Charles Community Trail. A MoA was executed (attachment 1), and ANPDC applied for funding under the VDOT Highway Safety Improvement Program (HSIP).

DISCUSSION:

The planned HSIP funding was not obtained as the program was put on hold by VDOT. There is now an opportunity to apply for VDOT funding under the Smart Scale program. If approved, there would be no local funding match required. The application deadline is August 3, 2020. ANPDC requires a Resolution by the Town Council expressing support for the funding application. The planned alignment of the trail is at attachment 2 for information. The proposed Resolution is at attachment 3 for consideration.

RECOMMENDATION:

Staff recommends approval of the Resolution.

MEMORANDUM OF AGREEMENT
FOR APPLICATION FOR FUNDING, OWNERSHIP, AND MAINTENANCE OF PHASE IV OF
THE SOUTHERN TIP HIKE & BIKE TRAIL

This Memorandum of Agreement (this "MOA" or this "Agreement") is made and entered into on this 24 day of OCTOBER, 2018 by and between the Town of Cape Charles, Canonie Atlantic Co., and the Northampton County Board of Supervisors.

The parties hereby bind themselves to undertake a Memorandum of Agreement under the following terms and conditions:

1. PURPOSE & SCOPE.

The purpose of this Memorandum of Agreement is to set forth the terms and conditions, scope of work, and responsibilities of the parties associated with their collaboration on the application for Virginia Department of Transportation ("VDOT") Highway Safety Improvement Program ("HSIP") funding and subsequent implementation of preliminary engineering, final engineering, environmental review, and construction of Phase IV of the Southern Tip Bike & Hike Trail, a linear pedestrian and bicycle path in the vicinity of the Town of Cape Charles, hereafter referred to as "the trail."

Specifically, all parties agree to cooperate to support development of the trail.

2. BACKGROUND.

The trail is a stand-alone route providing a safer alternative to current options connecting the Town of Cape Charles, also referred to as "the Town," with nearby amenities. Specifically, the trail is a 10-foot-wide, paved path of approximately 3.6-miles in length that is separated from vehicular traffic and connects the residential, recreational and business district of the Town of Cape Charles with the Town's primary shopping center, which includes its nearest grocery store. Currently, bicyclists and pedestrians must travel on Stone Road's narrow shoulders and cross an intersection that presents a safety hazard due to a lack of pedestrian signal to access the shopping center on the proposed trail route.

Two pedestrian fatalities have occurred on this route since 2014. To maximize the safety benefits offered by the trail, the proposed route extends approximately 0.6 miles from the path studied and recommended during Preliminary Engineering analysis of Phase IV of the Southern Tip Bike & Hike Trail. This allows the trail to cross Route 13, connecting the Town of Cape Charles to its primary shopping center and enhancing connectivity to the Town of Cheriton. VDOT traffic engineers identified the Stone Road-Route intersection as a focal point for initial safety improvement projects in a 2016 Route 13 corridor study.

The need for such a trail from the Town of Cape Charles to the Town of Cheriton is cited in the Eastern Shore Bike Plan Update (2014). The Town of Cape Charles noted the need for a shared-use trail from its historic district along Stone Road and across Route 13 to the Town of Cheriton in its 2007 Community Trail Master Plan.

The Town of Cape Charles has unique expertise and experience in the following areas:

The Town of Cape Charles, in its 2007 Community Trail Master Plan, prioritized creation of multi-modal transportation facilities connecting areas of the Town including the Historic District, harbor area and Bay Creek development. Phase 1 (Central Park) and Phase 2 (north Peach Street and Washington Avenue) of the Community Trail have been completed, providing the Town with demonstrated experience overseeing trail planning and construction projects and maintaining a multi-modal trail. As Phase IV of the Southern Tip Bike & Hike Trail falls primarily within the Town Limits of the Town of Cape Charles, and as it will benefit citizens of the Town through enhancing connectivity to surrounding amenities and improving safety for bicyclists and pedestrians, it is in the Town's best interest to maintain the trail to a high standard.

Canonie Atlantic Co. has unique expertise and experience in the following areas:

Canonie Atlantic Co. is uniquely qualified to advise on issues pertaining to the railroad, including, but not limited to, trail crossings of the railroad, easements within the rail corridor, and changes in activity along the currently inactive rail line. In addition, Canonie Atlantic Co. has provided legal advice regarding safe distance from the railroad tracks and buffer recommendations for a multi-use trail within the rail corridor.

The Northampton County Board of Supervisors has unique expertise and experience in the following areas:

As the trail extends beyond the Town of Cape Charles Town Limits, the Northampton County Board of Supervisors is positioned to offer input during the transportation planning process for the unincorporated segment of the trail, which falls within Northampton County. This includes addressing safety issues along Route 13, such as pedestrian and bicycle crossing of the Stone Road-Route 13 intersection.

3. TOWN OF CAPE CHARLES RESPONSIBILITIES.

The Town of Cape Charles shall undertake the following activities under this MOA:

- a. The Town of Cape Charles, through the Accomack-Northampton Planning District Commission ("A-NPDC"), agrees to submit an application for VDOT HSIP funding through the Bicycle and Pedestrian Safety Program.

- b. The Town of Cape Charles agrees to reimburse the A-NPDC for employee time, plus fringe benefits, required for completion of the application for VDOT HSIP funding, in an amount agreed upon in advance of submission of the application by the A-NPDC and the Town of Cape Charles.
- c. The Town of Cape Charles agrees to own and maintain the trail for the duration of its lifespan, including provisions for employee time and requisite funding to maintain the integrity of the trail's paved route, shoulders, road crossings, and railroad crossings and buffers, so long as the Town remains owner of the trail.
- d. The Town of Cape Charles agrees to, through use of VDOT HSIP funding awarded, reimburse Canonie Atlantic Co. the assessed value of easements granted on Canonie Atlantic Co. property, which are necessary for construction of the trail.
- e. The Town of Cape Charles agrees to appoint at least one representative to sit on a Bike Trail working group throughout the application and implementation phases of the trail, which include preliminary engineering, final engineering, environmental review, and construction.
- f. The Town of Cape Charles agrees to assume responsibility for its unique legal costs accrued in the course of planning and constructing the trail.

4. CANONIE ATLANTIC CO. RESPONSIBILITIES.

Canonie Atlantic Co. shall undertake the following activities under this MOA:

- a. Canonie Atlantic Co. agrees to support the Town of Cape Charles in its application for VDOT HSIP funding for preliminary engineering, final engineering, environmental review, and construction of the trail
- b. Canonie Atlantic Co. agrees to support the Town of Cape Charles in owning and maintaining the trail.
- c. Canonie Atlantic Co. agrees to cooperate with the Town of Cape Charles in identifying and granting easements on Canonie Atlantic Co. property, which are necessary for construction of the trail.
- d. Canonie Atlantic Co. agrees to appoint one representative to sit on a Bike Trail working group throughout the application and implementation phases of the trail, which include preliminary engineering, final engineering, environmental review, and construction.

- g. Canonie Atlantic Co. agrees to assume responsibility for its unique legal costs accrued in the course of planning and constructing the trail.
- h. Canonie Atlantic Co. agrees to notify the Town of Cape Charles and the Northampton County Board of Supervisors in a prompt and timely manner of any changes in status regarding activity on the railroad.

5. NORTHAMPTON COUNTY BOARD OF SUPERVISORS RESPONSIBILITIES.

The Northampton County Board of Supervisors shall undertake the following activities under this MOA:

- a. The Northampton County Board of Supervisors agrees to support the Town of Cape Charles in its application for VDOT HSIP funding for preliminary engineering, final engineering, environmental review, and construction of the trail.
- b. The Northampton County Board of Supervisors agrees to appoint one representative to sit on a Bike Trail working group throughout the application and implementation phases of the trail, including preliminary engineering, final engineering, environmental review, and construction.
- c. The Northampton County Board of Supervisors agrees to assume responsibility for its unique legal costs accrued in the course of planning and constructing the trail.

6. TERMS AND CONDITIONS.

It is mutually understood and agreed by and between the parties that:

- 1. This MOA may be amended by mutual agreement of the parties in a written modification signed by all parties.
- 2. This MOA may be terminated by mutual agreement of the parties, and shall automatically terminate upon completion of all responsibilities as stated herein, unless otherwise amended.
- 3. Any of the parties may terminate its performance of related obligations under this Agreement with thirty (30) days prior notice to every other party.

7. FUNDING; COSTS.

The parties shall each be solely responsible for any and all costs associated with their responsibilities under this MOA.

8. GOVERNING LAW.

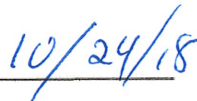
This Memorandum of Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia.

9. EFFECTIVE DATE AND SIGNATURE.

This Memorandum of Agreement shall be effective upon the date of the last party to sign this MOA below. The parties indicate agreement with this Memorandum of Agreement by their signatures below.

TOWN OF CAPE CHARLES

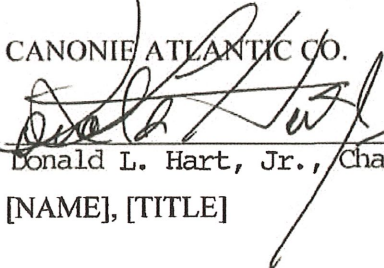


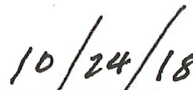


[NAME], [TITLE]

DATE

CANONIE ATLANTIC CO.





Donald L. Hart, Jr., Chairman

[NAME], [TITLE]

DATE

NORTHAMPTON COUNTY BOARD OF SUPERVISORS

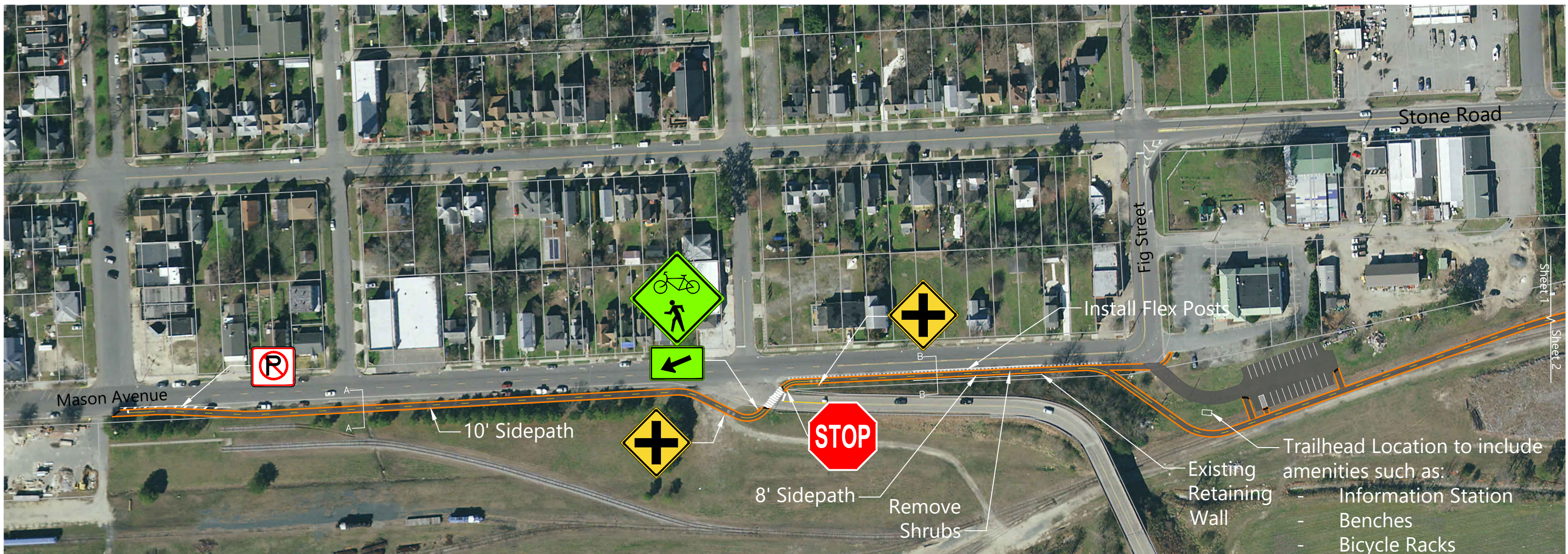




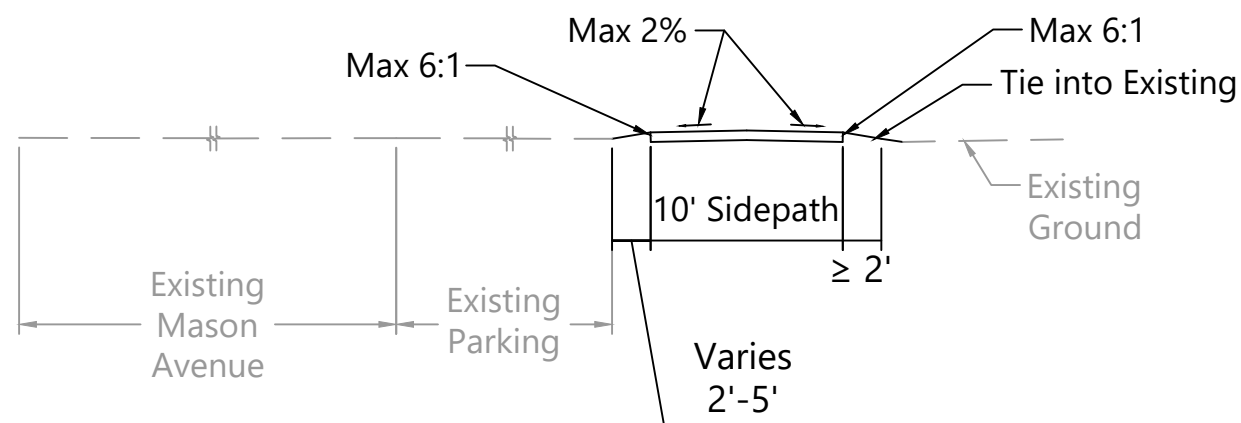
John R. Coker, Vice Chairman

[NAME], [TITLE]

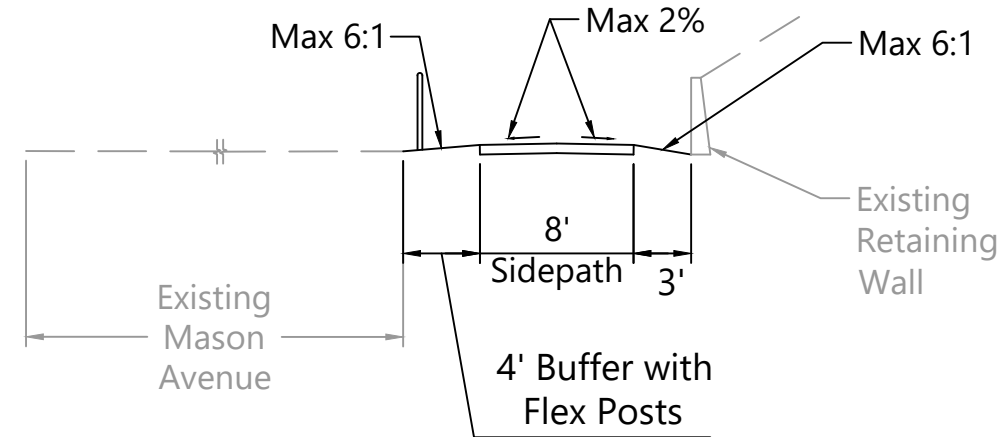
DATE



Typical Section A-A (Scale 1"=10')



Typical Section B-B (Scale 1"=10')



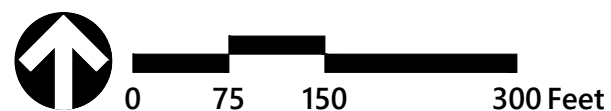
Eastern Shore Rail to Trail Study Cape Charles Segment

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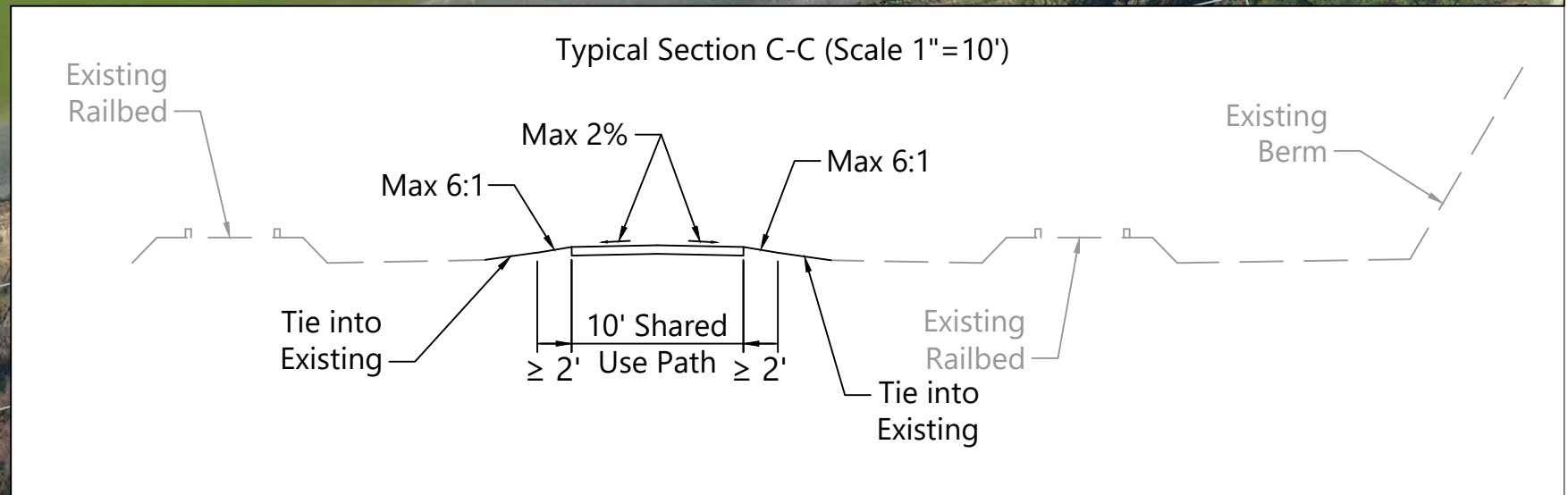
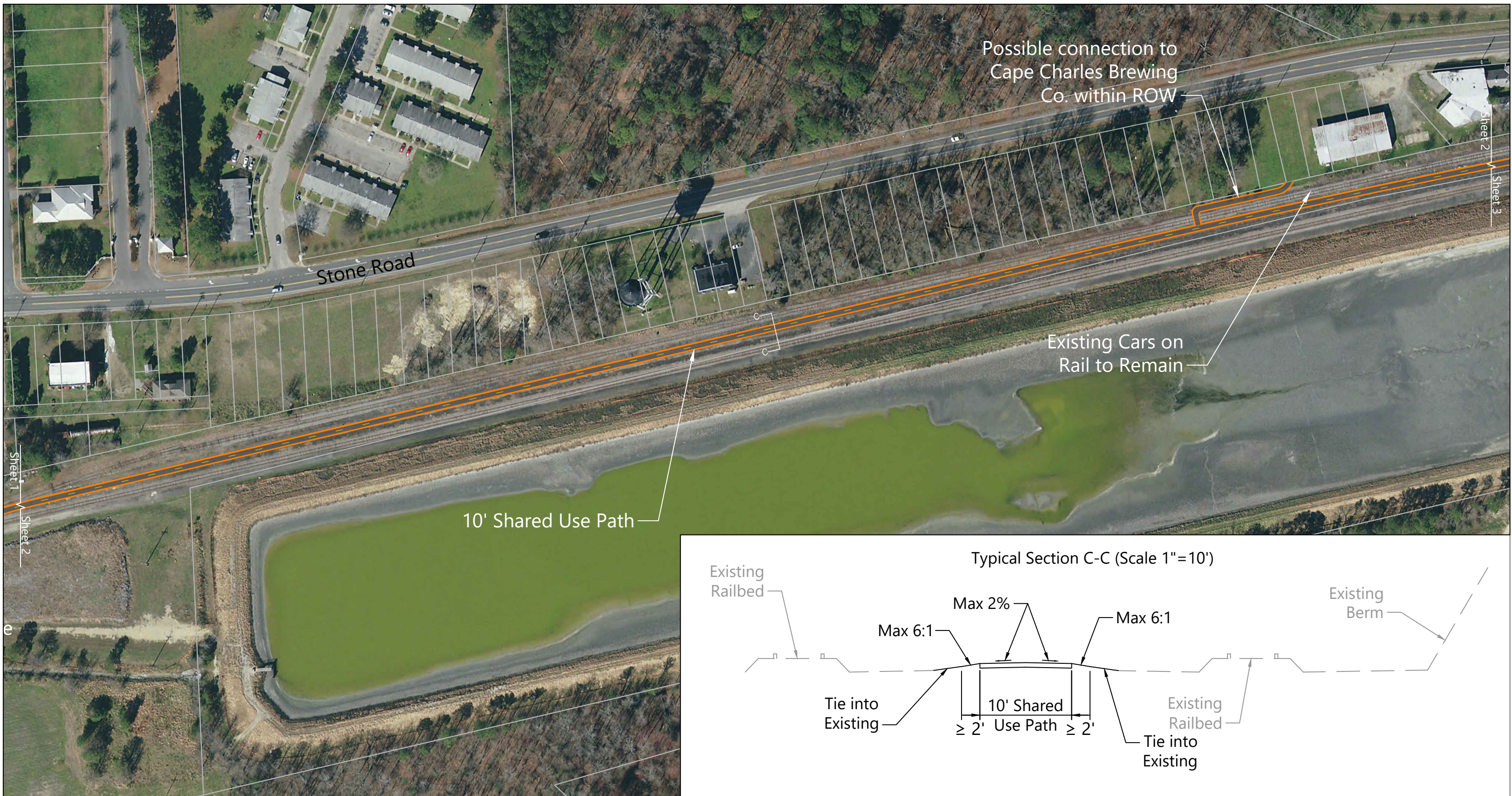
LEGEND

- Shared Use Path
- Parcel Boundary



NOTES

- Trailhead design to be determined during Preliminary Engineering Phase.
- Signs are for demonstration only. Actual signing and markings will be determined during the Preliminary Engineering Phase.
- ROW based on Northampton County GIS parcel information.
- Parking to be removed adjacent to the retaining wall.
- Parking at the west end of the sidepath to be removed to tie into existing sidewalk network.



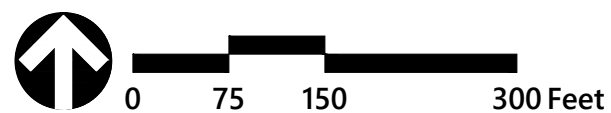
Eastern Shore Rail to Trail Study Cape Charles Segment

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LEGEND

- Shared Use Path
- Parcel Boundary



NOTES

- ROW based on Northampton County GIS parcel information.



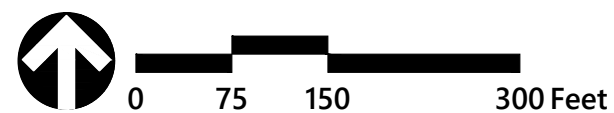
Eastern Shore Rail to Trail Study Cape Charles Segment

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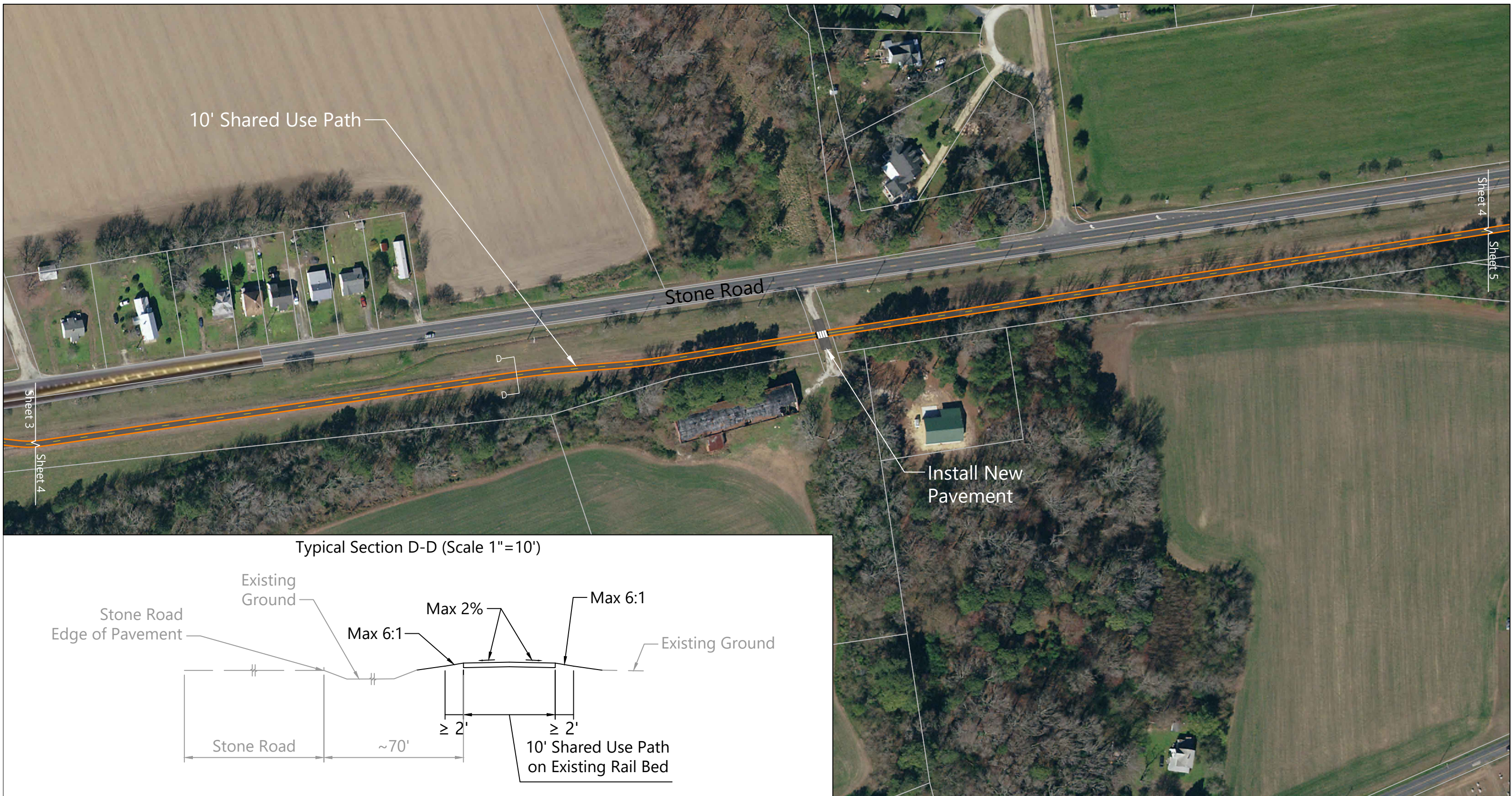
LEGEND

- Shared Use Path
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NOTES

- Signs are for demonstration only. Actual signing and markings will be determined during the Preliminary Engineering Phase.
- ROW based on Northampton County GIS parcel information.
- Existing markings associated with the rail crossing to be eradicated.
- Retention or Removal of existing railroad crossing equipment to be determined.



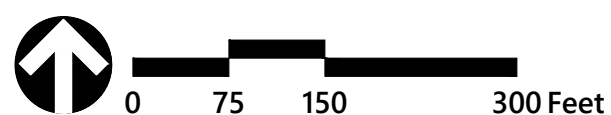
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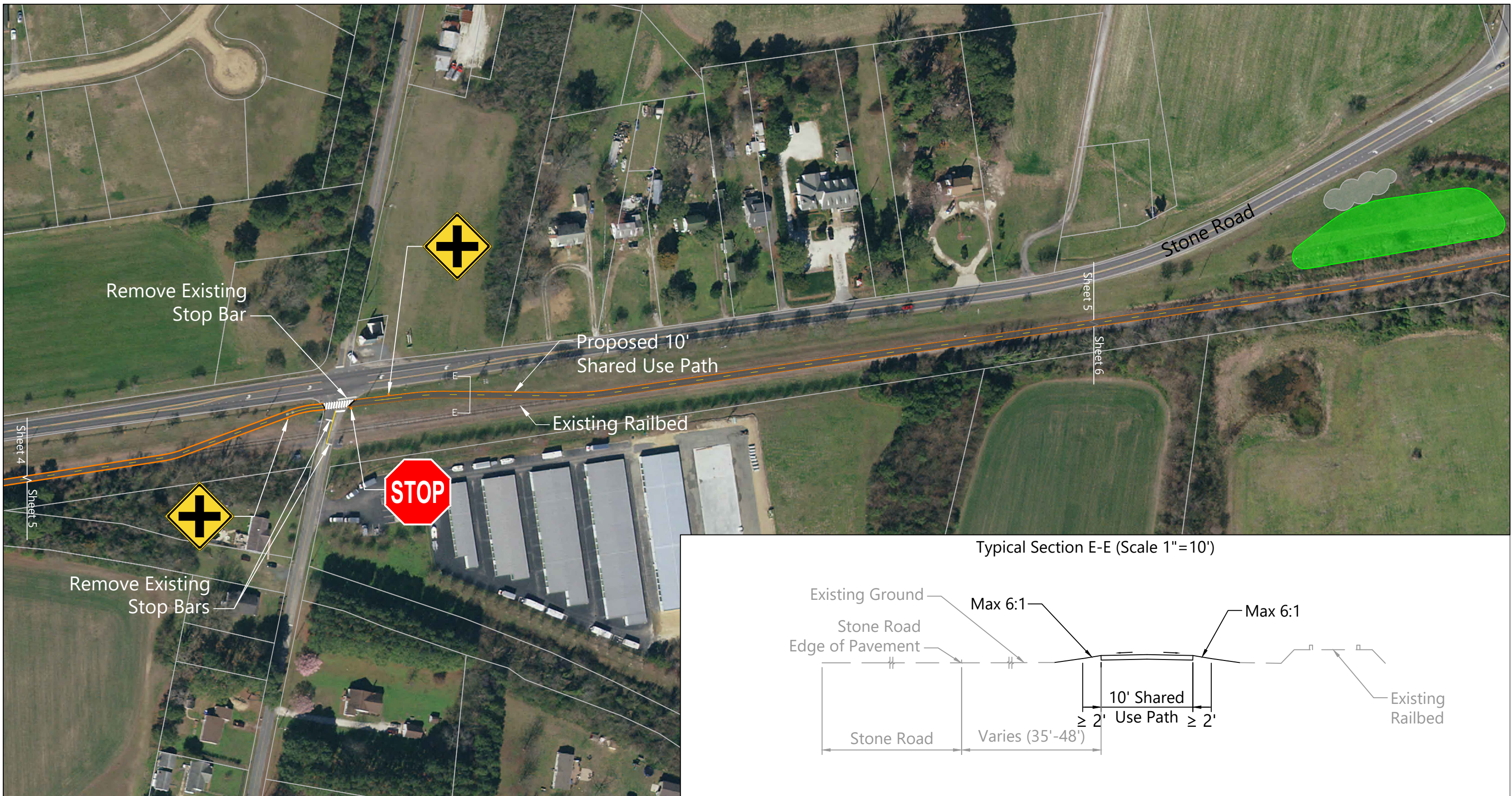
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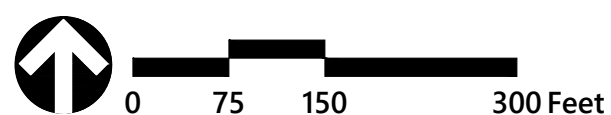
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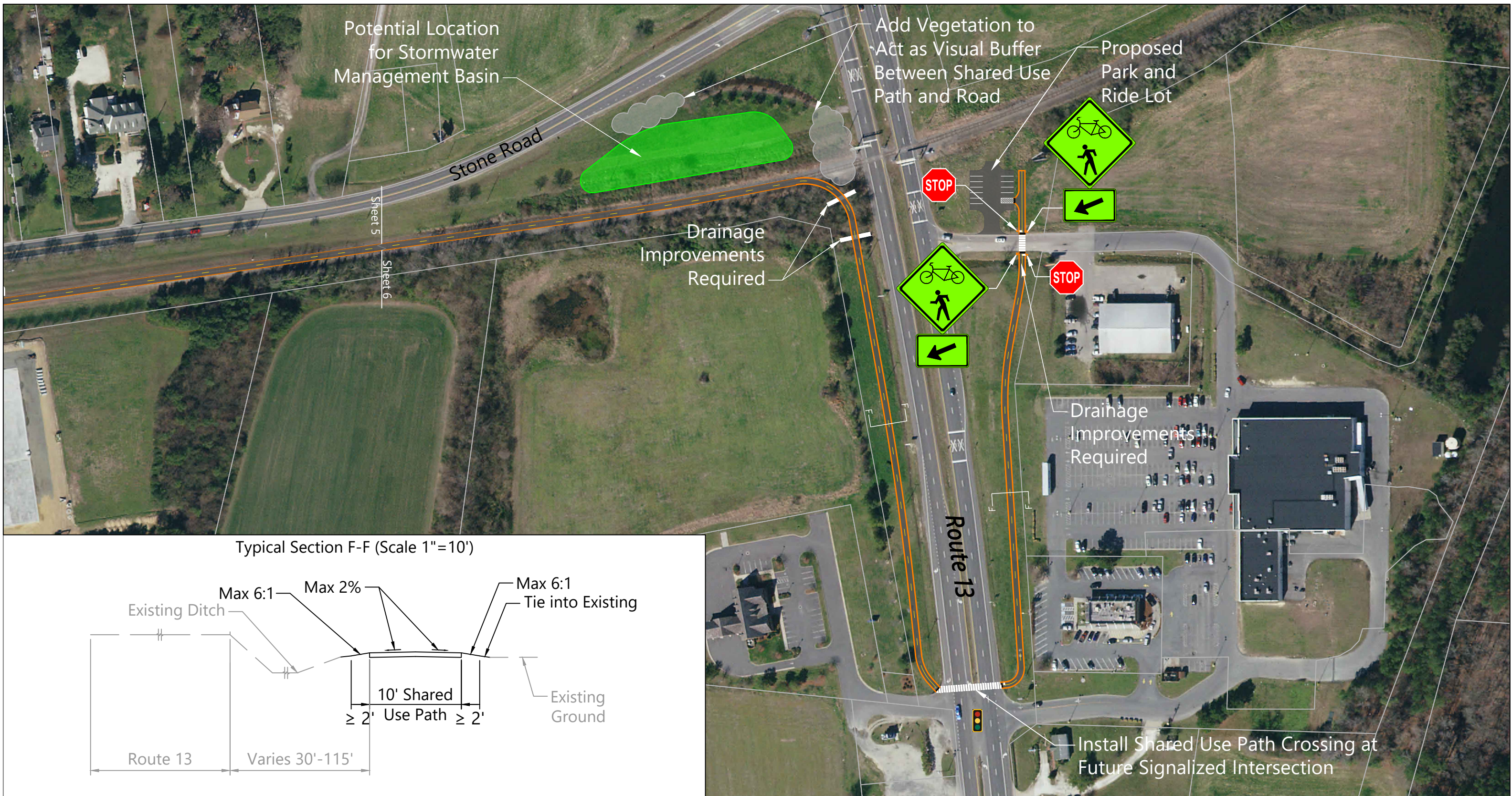
LEGEND

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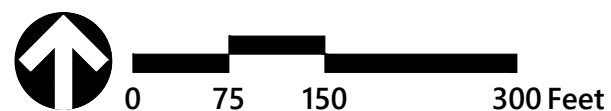
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RESOLUTION 20200702

Cape Charles Town Council Rail-to-Trail Multi-Use Path

WHEREAS, the Town of Cape Charles considers bicycle and pedestrian infrastructure to be important to the region by providing recreation and transportation opportunities, as well as the possibility of economic and community development; and

WHEREAS, implementation of the rail-to-trail bicycle and pedestrian project in and around the Town of Cape Charles will contribute to safer transportation and positive economic impact in the Town and surrounding areas; and

WHEREAS, businesses in and surrounding the Town of Cape Charles may benefit from the construction of a bicycle and pedestrian path.

NOW, THEREFORE, BE IT RESOLVED that the Cape Charles Town Council hereby requests assistance from the Accomack-Northampton Planning District Commission in preparation and submission of a project application to the Virginia Department of Transportation through its SMART SCALE 2020 Application Process for construction of a multi-use trail between Mason Avenue and U.S. Route 13, largely falling within the railroad Right of Way, within and surrounding the incorporated Town of Cape Charles.

ADOPTED this the 2nd day of July 2020.

By: _____
Mayor

ATTEST:

Town Clerk