

EXAMINED
DEC 8 1978

*W. B. F. B.
Lambert*

BOOK 333 PAGE 679

WHEREAS, a plat of certain real estate situate in the northwest section of the City of Harrisonburg, Virginia, bounded by Wolfe Street, Gay Street, and Summit Avenue, was recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, attached to a certain deed from H. H. Armentrout to C. E. Earman and D. W. Earman, dated July 11, 1935, which said deed and plat are of record in the Clerk's Office aforesaid in Deed Book 162, at page 318, and

WHEREAS, a subsequent plat of the said property labeled the "Klingstein Addition to Harrisonburg, Virginia", dated November 22, 1952, was recorded and attached to a certain deed from E. L. Klingstein and Beulah L. Klingstein, husband and wife, to Reginald C. King and Helen R. King, husband and wife, dated May 14, 1947, which deed and plat are of record in the Clerk's Office aforesaid in Deed Book 207, at page 572; and

WHEREAS, the said plats recorded in Deed Book 162, at page 318, and Deed Book 207, at page 572, respectively, encompass the same real estate as will more particularly appear by a comparison of said plats; and

WHEREAS, by deed dated October 26, 1976, Fred H. Koontz, Executor under the last will and testament of E. L. Klingstein, deceased, conveyed to Nick J. Forkovitch and Betty A. Forkovitch, husband and wife, a portion of the property encompassed in the plats hereinabove referred to, bounded by Rock Street, Gay Street, and Summit Avenue, said property being described therein as Lots 2 through 5, Block "L", Lots 1 through 4, Block "X", Lots 1 through 6, Block "W", and Lots 13 through 16, Block "O", as shown and designated on Sheet 33 of the Official Land Map of the City of Harrisonburg, for the year 1976, said deed being duly of record in the

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Clerk's Office aforesaid in Deed Book 484, at page 366; and

WHEREAS, by deed dated September 15, 1977, the said Nick J. Forkovitch and Betty A. Forkovitch, husband and wife, conveyed a certain lot or parcel of land to Richard L. Allman and Linda W. Allman, husband and wife, said lot or parcel of land being therein described as Lot 13, Block "O", as shown on a plat recorded therewith dated July 20, 1977, and labeled "Final Plat of a Portion of the Klingstein Addition to the City of Harrisonburg" (which said plat encompassed the property acquired by the said Nick J. Forkovitch and Betty A. Forkovitch, husband and wife, from Fred H. Koontz, Executor under the will of E. L. Klingstein, deceased, as set forth above) said deed and plat being duly of record in the Clerk's Office aforesaid in Deed Book 505, at page 485, and Deed Book 505, at page 487, respectively. The said plat dated July 20, 1977, was intended to correct certain surveying inaccuracies in the said plats previously recorded in Deed Book 162, at page 318, and Deed Book 207, at page 572; and

WHEREAS, by deed dated September 16, 1977, the said Nick J. Forkovitch and Betty A. Forkovitch, husband and wife, conveyed a certain lot in said subdivision to James H. Simmons and Elva A. Simmons, husband and wife, said lot being therein described as Lot 5, Block "W", as shown on said plat recorded in Deed Book 505, at page 487, said deed being duly of record in the Clerk's Office aforesaid in Deed Book 505, at page 726; and

WHEREAS, by deed dated March 22, 1978, the said Nick J. Forkovitch and Betty A. Forkovitch, husband and wife, conveyed a certain lot or parcel of land in said subdivision to Allan L. Lambert and Brenda N. Lambert, husband and wife, said lot being therein described as Lot 4, Block "W", as shown on said plat in Deed Book 505, at page 487, said deed being duly of record in the Clerk's

Office aforesaid in Deed Book 517, at page 609; and

WHEREAS, by deed dated March 30, 1978, the said Nick J. Forkovitch and Betty A. Forkovitch, husband and wife, conveyed a certain lot or parcel of land in said subdivision to Charles W. Kephart and Myrtle B. Kephart, husband and wife, in said subdivision, said lot being therein described as Lot 6, Block "W", as shown on said plat in Deed Book 505, at page 487, said deed being duly of record in the Clerk's Office aforesaid in Deed Book 518, at page 266; and

WHEREAS, by deed dated May 31, 1978, the said Nick J. Forkovitch and Betty A. Forkovitch, husband and wife, conveyed a certain lot or parcel of land in said subdivision to Walter W. Alldredge and Hilda B. Alldredge, husband and wife, said lot being therein described as Lot 2, Block "W", as shown on said plat in Deed Book 505, at page 487, said deed being duly of record in the Clerk's Office aforesaid in Deed Book 527, at page 670; and

WHEREAS, by deed dated May 31, 1978, the said Nick J. Forkovitch and Betty A. Forkovitch, husband and wife, conveyed a certain lot or parcel of land in said subdivision to Otis S. Snyder and Alma H. Snyder, husband and wife, said lot being therein described as Lot 3, Block "W", as shown on said plat of record in Deed Book 505, at page 487, said deed being duly of record in the Clerk's Office aforesaid in Deed Book 529, at page 322; and

WHEREAS, questions have arisen regarding the description and boundary of the property acquired by the said Nick J. Forkovitch and Betty A. Forkovitch and their subsequent grantees, as set forth above, and the parties hereto, in order to resolve said questions, desire to vacate the plats aforesaid, namely: the plat recorded in Deed Book 162, at page 318, the plat recorded in Deed Book 207, at page 572, and the plat recorded in Deed Book 505, at page 487, insofar as said plats pertain to the property acquired by the said

Nick J. Forkovitch and Betty A. Forkovitch, and to re-dedicate a plat thereof, but do not desire to vacate the boundary of any existing streets of said subdivision, namely: Summit Avenue, Gay Street, and Rock Street, in the City of Harrisonburg; and

WHEREAS, the United States of America acting through the Farmers Home Administration, United States Department of Agriculture (hereinafter referred to as Farmers Home Administration), has made certain loans to finance the purchase of certain of the said lots in said subdivision for subsequent grantees of the said Nick J. Forkovitch and Betty A. Forkovitch, husband and wife, as set forth above, which loans were secured by purchase money deeds of trust upon said property as follows:

(A) Deed of trust dated September 15, 1977, from Richard L. Allman and Linda W. Allman, husband and wife, to Marion V. Baker, Trustee, to secure the Farmers Home Administration, in the principal amount of \$28,850.00, and of record in the Clerk's Office aforesaid in Deed Book 505, at page 488.

(B) Deed of trust dated September 21, 1977, from James H. Simmons and Elva A. Simmons, husband and wife, to Marion V. Baker, Trustee, securing the Farmers Home Administration, in the principal amount of \$28,850.00, of record in the Clerk's Office aforesaid in Deed Book 505, at page 728; and

(C) Deed of trust dated March 23, 1978, from Allan L. Lambert and Brenda N. Lambert, husband and wife, to Marion V. Baker, Trustee, securing the Farmers Home Administration, in the principal amount of \$32,350.00, of record in the Clerk's Office aforesaid in Deed Book 517, at page 612.

(D) Deed of trust dated March 30, 1978, from Charles W. Kephart and Myrtle B. Kephart, husband and wife, to Marion V. Baker, Trustee, securing the Farmers Home Administration, in the principal

amount of \$28,850.00, of record in the Clerk's Office aforesaid in Deed Book 518, at page 268.

(E) Deed of trust dated July 24, 1978, from Walter W. Alldredge and Hilda B. Alldredge, husband and wife, to Marion V. Baker, Trustee, securing the Farmers Home Administration, in the principal amount of \$33,850.00, of record in the Clerk's Office aforesaid in Deed Book 527, at page 673.

(F) Deed of trust dated August 10, 1978, from Otis S. Snyder and Alma H. Snyder, husband and wife, to Marion V. Baker, Trustee, securing the Farmers Home Administration, in the principal amount of \$33,500.00, of record in the Clerk's Office aforesaid in Deed Book 529, at page 324.

The said United States of America acting through the Farmers Home Administration by Lacy K. Rea, Sr., County Supervisor, and the said Marion V. Baker, Trustee, desire to join herein for the sole purpose of indicating their consent and approval to the said vacation of the said plats and re-dedication thereof; and

WHEREAS, all of the owners of the said real estate acquired by the said Nick J. Forkovitch and Betty A. Forkovitch, husband and wife, and subsequently conveyed and mortgaged as set forth above, have consented to the vacation of said plats and re-dedication thereof as evidenced by their signatures herein in accordance with Virginia Code Section 15.1-482(a); and

WHEREAS, Warren A. Hall acquired Lot 13 as shown on said plat of record in Deed Book 207, at page 572, by deed dated December 22, 1966, from Granville Jordan Armentrout and Amelia T. Armentrout, husband and wife, said deed being duly of record in Deed Book 346, at page 394, and the said Warren A. Hall and Reba C. Hall, his wife, do hereby consent to the vacation of said plats and the re-dedication thereof as indicated by their signatures herein pertaining to the property acquired by the said Nick J. Forkovitch and Betty A.

Forkovitch, husband and wife, for the purpose of correcting certain surveying inaccuracies and firmly fixing the boundaries of their lot with said property; and

WHEREAS, Fred H. Koontz, Executor of the last will and testament of E. L. Klingstein, deceased, does hereby consent to the said vacation of said plats and re-dedication thereof as evidenced by his signature herein; and

WHEREAS, the said vacation of said plats and re-dedication thereof has been approved by the City of Harrisonburg, Virginia, as evidenced by the signature herein of Roy Erickson, the Mayor of said City,

NOW, THEREFORE, NICK J. FORKOVITCH and BETTY A. FORKOVITCH, husband and wife, hereinafter referred to as parties of the first part, and RICHARD L. ALLMAN and LINDA W. ALLMAN, husband and wife, JAMES H. SIMMONS and ELVA A. SIMMONS, husband and wife, ALLAN L. LAMBERT and BRENDA N. LAMBERT, husband and wife, CHARLES W. KEPHART and MYRTLE B. KEPHART, husband and wife, WALTER W. ALLDREDGE and HILDA B. ALLDREDGE, husband and wife, and OTIS S. SNYDER and ALMA H. SNYDER, husband and wife, hereinafter referred to collectively as parties of the second part, and THE UNITED STATES OF AMERICA acting through the FARMERS HOME ADMINISTRATION, UNITED STATES DEPARTMENT OF AGRICULTURE by LACY K. REA, JR., COUNTY SUPERVISOR, hereinafter referred to as party of the third part, and MARION V. BAKER, TRUSTEE, hereinafter referred to as party of the fourth part, and WARREN A. HALL and REBA C. HALL, his wife, hereinafter referred to as parties of the fifth part, and FRED H. KOONTZ, Executor under the last will and testament of E. L. Klingstein, deceased, hereinafter referred to as party of the sixth part, and THE CITY OF HARRISONBURG, VIRGINIA, by ROY ERICKSON, Mayor of said City, hereinafter referred to as party of the seventh part,

W I T N E S S E T H:

THAT the parties of the first, second, third, fourth, fifth, sixth and seventh parts, as evidenced by their signatures herein, do hereby consent to the vacation, and do hereby vacate the plat aforesaid recorded in the Clerk's Office aforesaid in Deed Book 505, at page 487 in its entirety, and do also vacate a portion of the plat recorded in the Clerk's Office aforesaid in Deed Book 207, at page 572, pertaining to Lots 8, 10, 12, and 14 through 30 as shown thereon, and do further vacate a portion of the plat recorded in Deed Book 162, at page 318, pertaining to Lots 15 through 35 as shown thereon but do not vacate any of the streets in said subdivision, namely: Summit Avenue, Rock Street and Gay Street.

And the parties of the first, second, third, fourth, fifth, sixth and seventh parts do hereby re-dedicate said property as shown upon a plat entitled "Revised Plat of Klingstein Addition to the City of Harrisonburg, Virginia" revised August 21, 1978, situate in the City of Harrisonburg, Virginia, and same is with the free consent and in accordance with the desire of the undersigned parties that all streets on said plat are hereby dedicated to public use as shown on said plat attached hereto and incorporated herein.

It is the express intention of the parties hereto that this vacation and re-dedication of plats shall not affect the description, boundaries, status, or form of ownership of either the said conveyance of said property by the said Fred H. Koontz, Executor of the last will and testament of E. L. Klingstein to the said Nick J. Forkovitch and Betty A. Forkovitch, husband and wife, or the said parties of the second part, or the said deeds of trust executed by the said parties of the second part in favor of the parties of the fourth and fifth part, respectively.

Marion V. Baker, Trustee, party of the fourth part, as Trustee to secure the Farmers Home Administration, in certain deeds of trust from the said parties of the second part, as stated aforesaid, joins herein with the consent and at the direction and request of the beneficiary of said deeds of trust, namely, the United States of America acting through the Farmers Home Administration, United States Department of Agriculture, as evidenced by Lacy K. Rea, Sr.,

County Supervisor joining herein as party of the fifth part, for the purpose of consenting to said vacation of said plats and re-dedication of same. This consent is given on the express condition that it shall in no way affect the lien of the aforementioned deeds of trust stated aforesaid in the said properties described therein, and shall not be construed as a release from the lien of any such deed of trust as to any such property described above. It is expressly stipulated and agreed that the deeds of trust are and shall be in full force, virtue and effect as against all of said property described therein.

Warren A. Hall and Reba C. Hall, his wife, parties of the fifth part, and Fred H. Koontz, Executor of the last will and testament of E. L. Klingstein, deceased, party of the sixth part, join herein to evidence their consent to the vacation of said plats and re-dedication of same, and to further fix and determine the boundaries of the lots shown on said revised plat dated August 21, 1978, and in particular, the boundary and description of Lot 13, in Block "O".

The City of Harrisonburg, Virginia, acting by and through Roy Erickson, Mayor of the City Council, joins herein to indicate the consent of said City to the vacation of said plats and re-dedication of same as stated aforesaid.

And the said Nick J. Forkovitch and Betty A. Forkovitch

do further grant unto the City of Harrisonburg a temporary construction easement for the purpose of constructing a cul-de-sac across Lots 2 through 4, Block "L", and Lots 1 and 2, Block "X", as shown on said plat attached hereto, which said easement shall terminate as at such time as Summit Avenue is extended, and upon such extension, the boundary lines of said lots shall revert to the original right of way line of Summit Avenue as shown on said plat.

WITNESS the following signatures and seals, this 22nd day of August, 1978.

Nick J. Forkovitch (SEAL)
Nick J. Forkovitch

Betty A. Forkovitch (SEAL)
Betty A. Forkovitch

Richard L. Allman (SEAL)
Richard L. Allman

Linda W. Allman (SEAL)
Linda W. Allman

James H. Simmons (SEAL)
James H. Simmons

Elva A. Simmons (SEAL)
Elva A. Simmons

Allan L. Lambert (SEAL)
Allan L. Lambert

Brenda N. Lambert (SEAL)
Brenda N. Lambert

Charles W. Kephart (SEAL)
Charles W. Kephart

Myrtle B. Kephart (SEAL)
Myrtle B. Kephart

Walter W. Alldredge (SEAL)
Walter W. Alldredge

JULIAS, BLATT
& BLATT
ATTORNEYS-AT-LAW
HARRISONBURG, VA.

Hilda B. Alldredge (SEAL)
Hilda B. Alldredge

Otis S. Snyder (SEAL)
Otis S. Snyder

Alma H. Snyder (SEAL)
Alma H. Snyder

THE UNITED STATES OF AMERICA, acting through the
FARMERS HOME ADMINISTRATION, UNITED STATES
DEPARTMENT OF AGRICULTURE

By: Lacy K. Kiehl, Sr. (SEAL)
County Supervisor

Marion V. Baker (SEAL)
Marion V. Baker, Trustee

Warren A. Hall (SEAL)
Warren A. Hall

Reba C. Hall (SEAL)
Reba C. Hall

Fred H. Koontz (SEAL)
Fred H. Koontz,
Executor under the last will and testament
of E. L. Klingstein, deceased

THE CITY OF HARRISONBURG, VIRGINIA

By: Ray Eriksen (SEAL)
Mayor

STATE OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

The foregoing instrument was acknowledged before me this
22nd day of August, 1978, by NICK J. FORKOVITCH and
BETTY A. FORKOVITCH, husband and wife.

My commission expires: May 29, 1979.

Margaret C. Seaver
Notary Public

STATE OF VIRGINIA,
COUNTY OF ROCKINGHAM, to-wit:

The foregoing instrument was acknowledged before me this 22nd day of August, 1978, by RICHARD L. ALLMAN and LINDA W. ALLMAN, husband and wife.

My commission expires: May 29, 1979.

Margaret C. Seaman
Notary Public

STATE OF VIRGINIA,
COUNTY OF ROCKINGHAM, to-wit:

The foregoing instrument was acknowledged before me this 22nd day of August, 1978, by JAMES H. SIMMONS and ELVA A. SIMMONS, husband and wife.

My commission expires: May 29, 1979.

Margaret C. Seaman
Notary Public

STATE OF VIRGINIA,
COUNTY OF ROCKINGHAM, to-wit:

The foregoing instrument was acknowledged before me this 29th day of August, 1978, by ALLAN L. LAMBERT and BRENDA N. LAMBERT, husband and wife.

My commission expires: May 29, 1979.

Margaret C. Seaman
Notary Public

STATE OF VIRGINIA,
COUNTY OF ROCKINGHAM, to-wit:

The foregoing instrument was acknowledged before me this 22nd day of August, 1978, by CHARLES W. KEPHART and MYRTLE B. KEPHART, husband and wife.

My commission expires: May 29, 1979.

Margaret C. Seaman
Notary Public

JULIAS, BLATT
& BLATT
ATTORNEYS-AT-LAW
HARRISONBURG, VA.

STATE OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

The foregoing instrument was acknowledged before me this 29th day of August, 1978, by WALTER W. ALLDREDGE and HILDA B. ALLDREDGE, husband and wife.

My commission expires: May 29, 1979

Margaret C. Landon
Notary Public

STATE OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

The foregoing instrument was acknowledged before me this 22nd day of August, 1978, by OTIS S. SNYDER and ALMA H. SNYDER, husband and wife.

My commission expires: May 29, 1979

Margaret C. Landon
Notary Public

STATE OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

The foregoing instrument was acknowledged before me this 14th day of September, 1978, by THE UNITED STATES OF AMERICA, acting through the FARMERS HOME ADMINISTRATION, UNITED STATES DEPARTMENT OF AGRICULTURE, by LACY K. REA, SR., its COUNTY SUPERVISOR.

My commission expires: 9/30/78

Alfred B. Mitt
Notary Public

STATE OF VIRGINIA,

COUNTY OF CHESTERFIELD, to-wit:

The foregoing instrument was acknowledged before me this 12th day of September, 1978, by MARION V. BAKER, TRUSTEE.

JULIAS, BLATT
& BLATT
ATTORNEYS-AT-LAW
HARRISBURG, VA.

My commission expires: May 18, 1980.

Delores L. Lewis
Notary Public

STATE OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

The foregoing instrument was acknowledged before me this 3rd day of August, 1978, by WARREN A. HALL and REBA C. HALL, husband and wife.

My commission expires: May 29, 1979.

Margaret L. Lewis
Notary Public

STATE OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

The foregoing instrument was acknowledged before me this 22nd day of August, 1978, by FRED H. KOONTZ, Executor under the last will and testament of E. L. Klingstein, deceased.

My commission expires: May 29, 1979.

Margaret L. Lewis
Notary Public

STATE OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

The foregoing instrument was acknowledged before me this 26th day of September, 1978, by ROY ERICKSON, MAYOR OF THE CITY OF HARRISONBURG, VIRGINIA.

My commission expires: 8/5/81.

Harrell A. Lamb
Notary Public

EXAMINED

DEC 8 1978

VIRGINIA: In the Clerk's Office of the Circuit Court of Rockingham County, the foregoing instrument was this day presented in the office aforesaid, and is, together with the certificate of acknowledgment annexed, admitted to record this 21 day of Dec 1978 at 2:45 P.M. I certify that taxes were paid when applicable:

Sec. 58-54 - State _____ County _____ City _____
Sec. 58-54.1 - State _____ County _____ City _____ Transfer _____
Recording 21.00 TESTE: GEORGE W. KEMPER, CLERK.

BOOK 533 PAGE 698

*Del to
H. H. P.
L. Liskey*

Deed Book No. 533 Page 679

AGREEMENT BETWEEN
IVAN J. ROHRER AND ANNA S. ROHRER
AND ROCKINGHAM COUNTY
FOR WASTEWATER TRANSPORTATION AND TREATMENT

WHEREAS, Rockingham County has agreed to facilitate the extension of public wastewater treatment to Rockingham Motel on U. S. Route 11;

WHEREAS, Ivan J. Rohrer and Anna S. Rohrer and Rockingham County have now agreed on the terms and conditions of the extension of such service;

THIS AGREEMENT, entered into this 22nd day of JUNE, 1977, between IVAN J. ROHRER and ANNA S. ROHRER, hereinafter called ROHRERS, and ROCKINGHAM COUNTY, hereinafter called COUNTY, and DAVID H. LISKEY, SR. and EVANGELINE T. LISKEY, hereinafter called LISKEYS, provides as follows:

1. ROHRERS hereby assign and transfer to COUNTY, all their right, title and interest in and to an easement, 20 feet in width, over, under and across certain real estate owned by David H. Liskey, Sr. and Evangeline J. Liskey, located between U. S. Route 11 and Interstate 81, several miles south of Harrisonburg, Virginia, which easement is described in a deed of easement, with plat attached, dated October 30, 1973, recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book No. 428, at page 297; ROHRERS further grant and transfer to COUNTY the sewer pipeline and appurtenances installed within a portion of such easement and under U. S. Route 11 and along the northwesterly side of U. S. Route 11 under State Highway No. 701 to the southeasterly corner of the Rockingham Motel property, thence northwesterly along State Highway No. 701 to the manhole at which Rockingham Motel wastewater line connects.

2. COUNTY will install a sewer pipeline and appurtenances