

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III Chairman 1401 East Broad Street - Policy Division - CTB Section - #1106 Richmond, Virginia 23219

(804) 786-1830 Fax: (804) 225-4700

Agenda item # 14

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

December 4, 2024

MOTION

Made By: <u>Mr. Stant</u>, Seconded By: <u>Mr. Coleman</u> Action: <u>Motion Carried</u>, <u>Unanimously</u>

<u>Title: Locality Land Conveyance, Various Streets,</u> <u>City of Virginia Beach</u>

WHEREAS, sections 33.2-907 and 33.2-913 of the *Code of Virginia* allow the Commonwealth Transportation Board to transfer (convey) to the locality, upon petition of the locality's governing body, land and easements acquired incidental to the construction, reconstruction, alteration, maintenance or repair of the primary state highway system or the secondary state highway system, which constitutes a section of public road, and upon such transfer, such lands shall cease, if required, being a part of the primary state highway system or the secondary state highway system, respectively; and

WHEREAS, section 33.2-300 of the *Code of Virginia* further allows the Commonwealth Transportation Board to treat the Interstate System in the same manner in which it may treat the primary state highway system; and

WHEREAS, the City of Virginia Beach has requested, by resolution dated July 9, 2024, the conveyance of the land and easements for the portions of the rights of way of Greenwich Road, Clearfield Avenue, Cleveland Street, Witchduck Road, and Grayson Road, which roads are in the City's urban street system and portions of which were acquired as a part of Interstate 264, Project 0264-134-102, R201.

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of §§ 33.2-907 and 33.2-913 of the *Code of Virginia*, conveyance of the real estate requested and

Resolution of the Board Proposed Locality Land Conveyance, Various Streets City of Virginia Beach December 4, 2024 Page Two

shown on the VDOT Right of Way and Utilities Conveyance Report dated October 1, 2024 for UPC 17630, is approved as set forth and, upon conveyance, the lands shall no longer be a part of the primary state highway system or the secondary state highway system.

BE IT FURTHER RESOLVED, the Commissioner of Highways is hereby authorized to execute, in the name of the Commonwealth, a deed or deeds conveying the real estate subject to such restrictions as may be deemed appropriate and to take such other actions as necessary to implement such conveyance.

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CTB Decision Brief <u>Locality Land Conveyance</u> <u>Various Streets</u> <u>City of Virginia Beach</u>

Issue: Sections 33.2-907 and 33.2-913 of the *Code of Virginia* allow the Commonwealth Transportation Board (CTB) to transfer (convey) to the locality, upon petition of the said locality's governing body, land and easements acquired incidental to the construction, reconstruction, alteration, maintenance or repair of the systems of state highways, which constitutes a section of public road, and upon such transfer, such sections of land shall cease, if required, being a part of the systems of state highways,.

Further, Va. Code § 33.2-300 allows the CTB to treat the Interstate System in the same manner in which it may treat the primary state highway system.

Facts: The City Council of Virginia Beach has petitioned, by Resolution 04286 dated July 9, 2024, for the transfer and conveyance of the land and easements for the portions of the rights of way of Greenwich Road, Clearfield Avenue, Cleveland Street, Witchduck Road, and Grayson Road, which roads are in the City's urban street system and portions of which were acquired as a part of Interstate 264, Project 0264-134-102, R201.

Recommendations: VDOT recommends that the land and easements be conveyed to the City of Virginia Beach for public street purposes.

Action Required by CTB: The *Code of Virginia* requires a majority vote of the CTB authorizing the Commissioner to execute the deed or deeds conveying such real estate to the City of Virginia Beach. The CTB will be presented with a resolution for a formal vote.

Result, if Approved: If said resolution is approved, the Commissioner will be authorized to execute a deed to convey the real estate.

Options: Approve, Deny, or Defer

Public Comments/Reactions: None

RES-04286

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1 2	RESOLUTION PETITIONING THE COMMONWEALTH OF VIRGINIA TO CONVEY CERTAIN REAL
3	PROPERTY TO THE CITY OF VIRGINIA BEACH
4 5 6	WHEREAS, the Commonwealth of Virginia (the "Commonwealth") acquired parcels, rights-of-way, and easements located in the City of Virginia Beach (the "City")
7 8	incidental to and for the construction, reconstruction, alteration, maintenance and repair of Interstate 264 as part of VDOT Project Number 0264-134-102, RW-201, C-501 (the
9	"VDOT Project");
10	MUEDEAQ USE ((1)) (DOT Desired are convelate and soll of the
11	WHEREAS, all aspects of the VDOT Project are complete and portions of the
12	parcels, rights-of-way, and easements acquired are no longer needed by the
13	Commonwealth (collectively, the "Property"), as more particularly shown on VDOT Project Plan Sheet Nos. 3CRW, 4RW, 4ERW, 5RW, 5CRW, 5CRW(1), 7RW, 7CRW, 8RW(1),
14 15	8RW(2), 8CRW, 9RW, 10RW, 11RW, 11F RW(1), and 11F RW(2), attached hereto and
16	incorporated herein as Exhibit A;
17	
18	WHEREAS, the Property contains public infrastructure that the City maintains and
19	will continue to maintain;
20	
21	WHEREAS, portions of the Property are located adjacent to Kemps Lake and
22	would facilitate the construction of the Kemps Lake Water Quality Improvement Project
23	(CIP 100567) for the design and construction of water quality improvements to Kemps
24	Lake, which is scheduled to begin this fall;
25	MUEDEAC surgement to \$ 22.2,007 of the Code of Virginia (1050), so emanded
26	WHEREAS, pursuant to § 33.2-907 of the Code of Virginia (1950), as amended, the Commonwealth requires a formal petition from the locality for the transfer of the
27	Property; and
28 29	Property, and
30	WHEREAS, City staff and City Council believe it would be in the best interest of
31	the City for the Property to be conveyed to the City.
32	
33	NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
34	VIRGINIA BEACH, VIRGINIA:
35	
36	1. That the City hereby petitions the Commonwealth, pursuant to Section 33.2-
37	907 of the Code of Virginia, as amended, to take such actions as necessary to complete
38	the conveyance of the Property to the City and upon transfer, the Property shall cease
39	being a part of the State Highway System.
40	That the Othe Menomen on his sutherized designed is hereby with wissel (
41	2. That the City Manager, or his authorized designee, is hereby authorized to
42	execute any and all documents to complete the conveyance of title to the Property so long as said documents contain such terms, conditions and modifications as may be
43 44	acceptable to the City Manager and in a form deemed satisfactory by the City Attorney.
44 45	acceptable to the only manager and in a form deemed satisfactory by the only Attomety.
45	Adopted by the Council of the City of Virginia Beach, Virginia, on the <u>A</u> day
47	of <u>July</u> , 2024.

APPROVED AS TO CONTENT:

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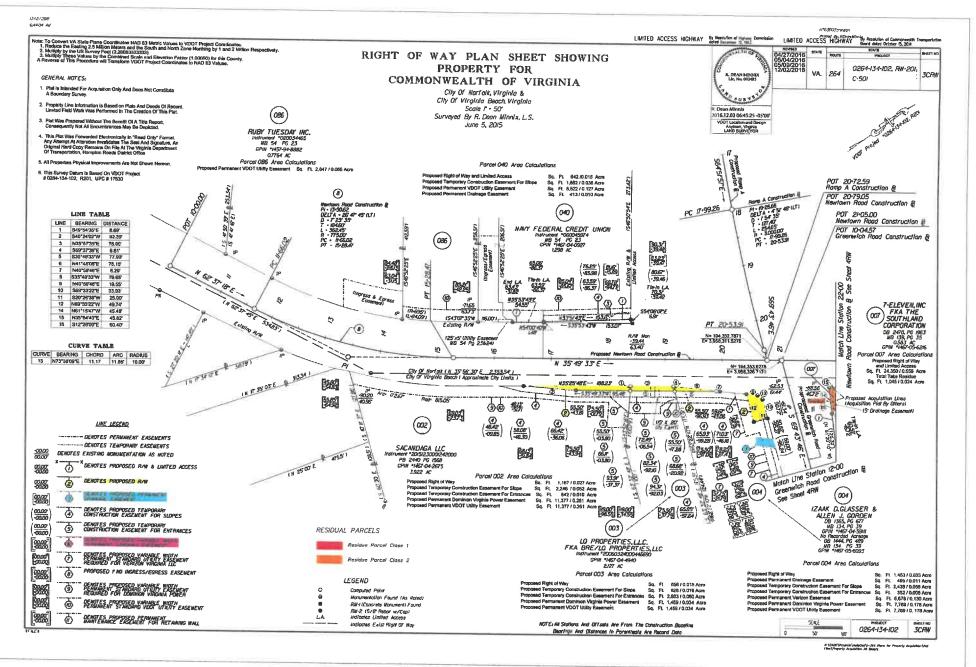
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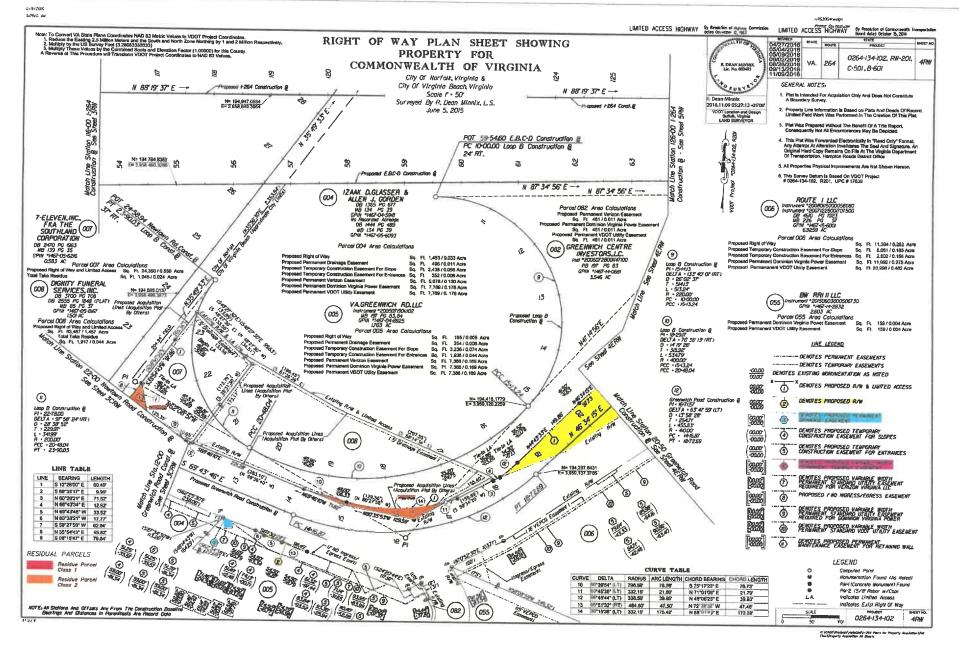
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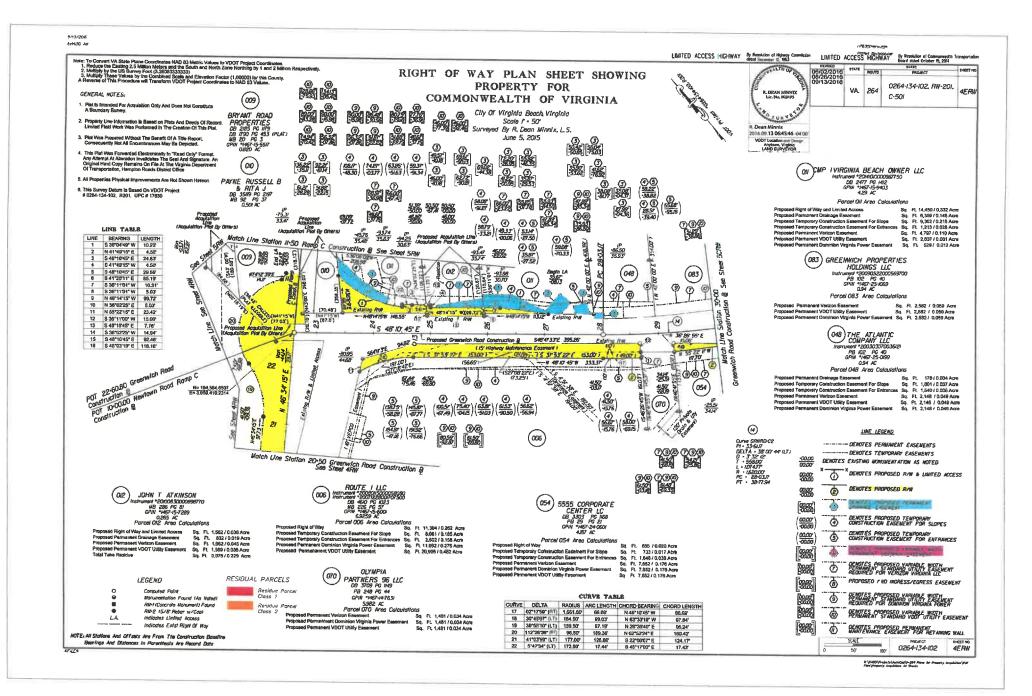
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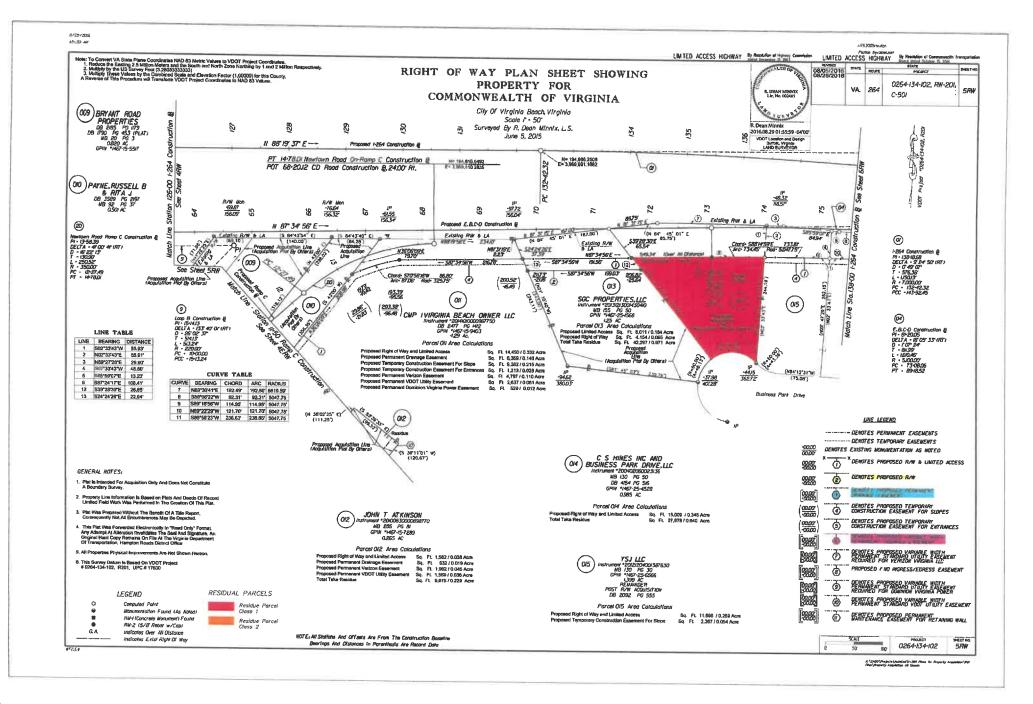
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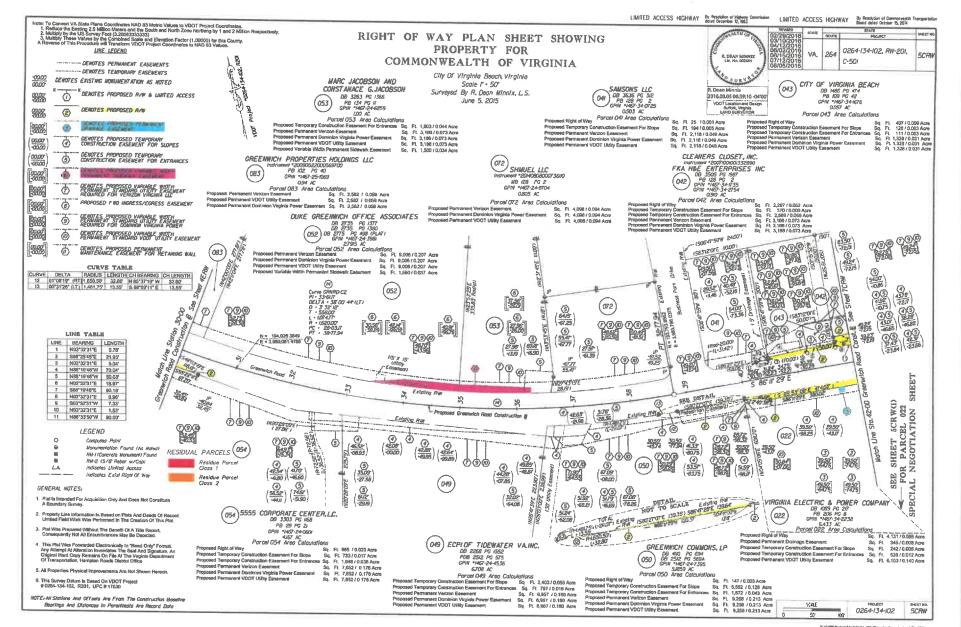
EXHIBIT A



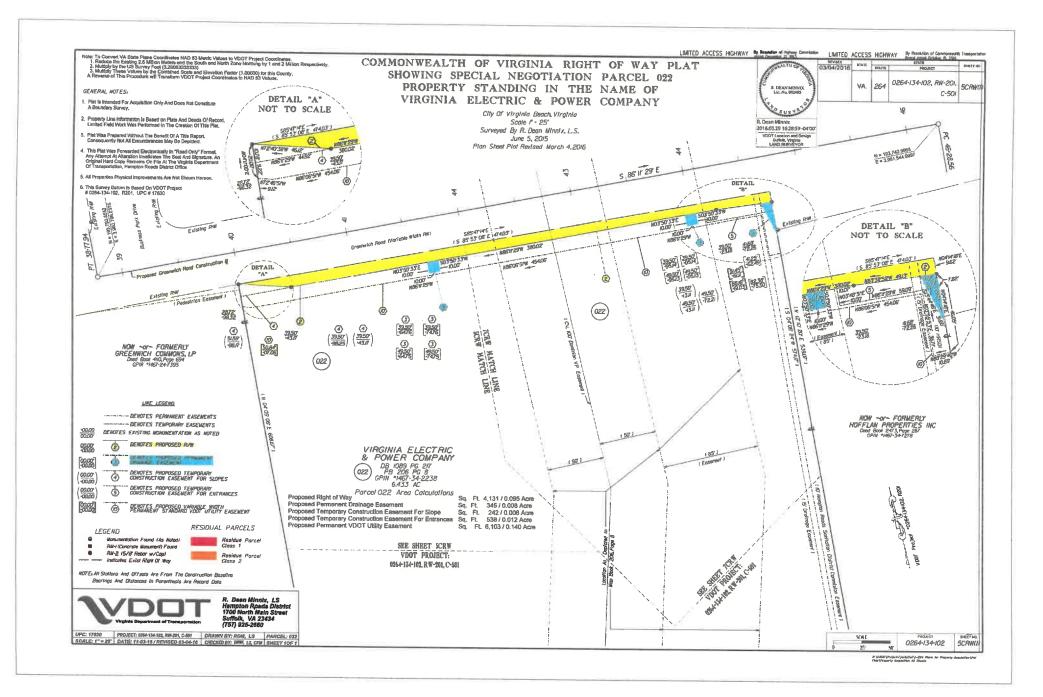


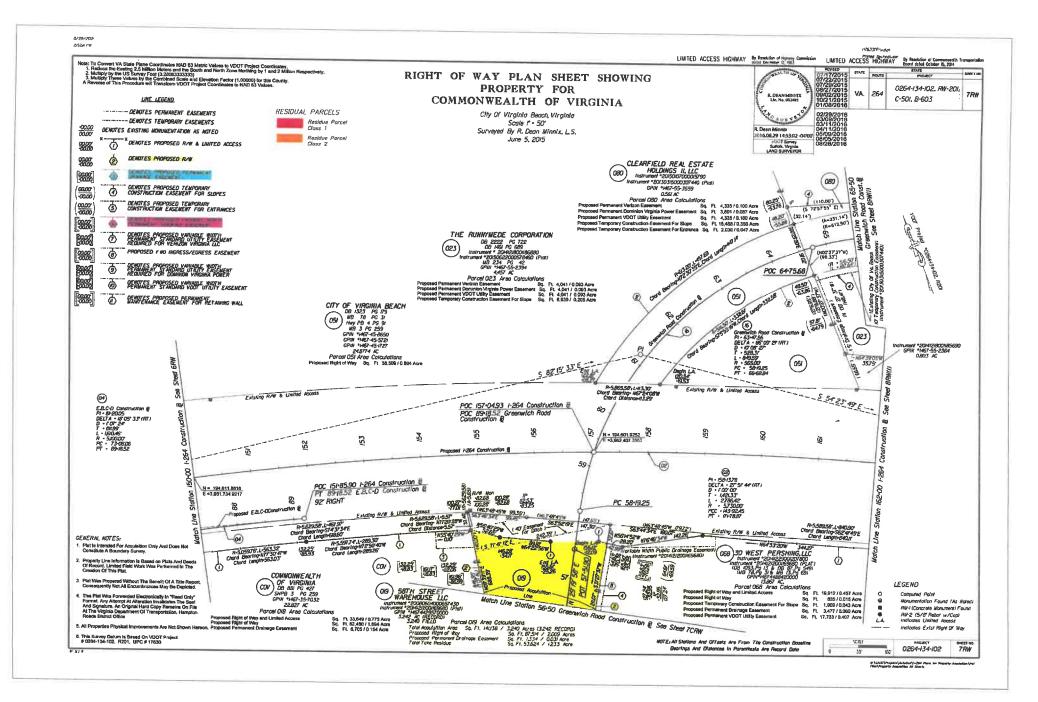


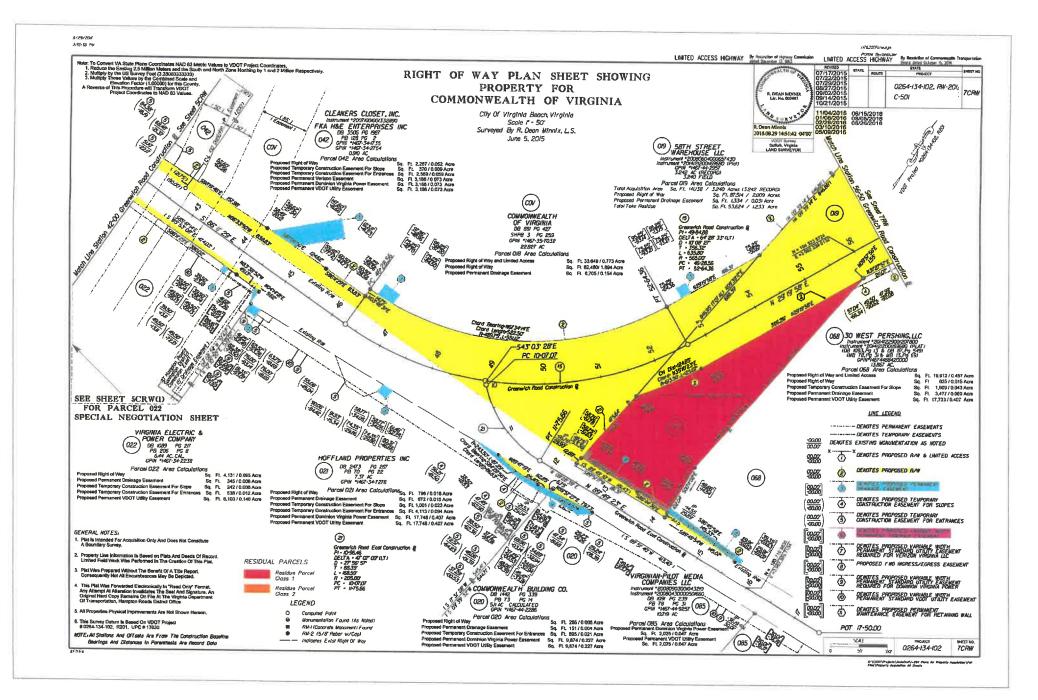


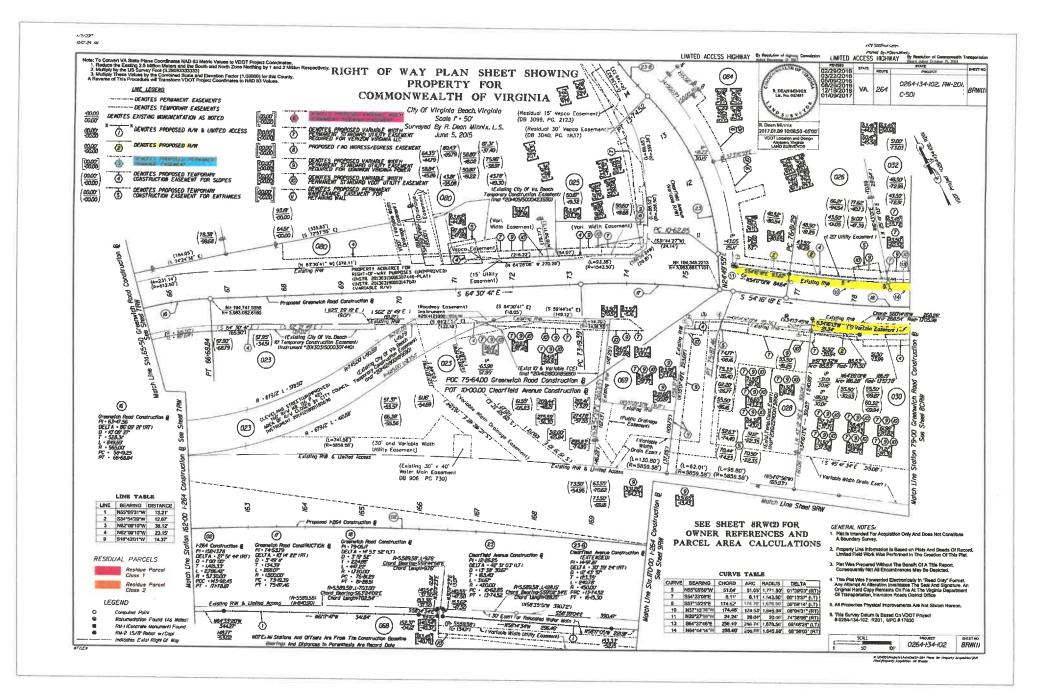


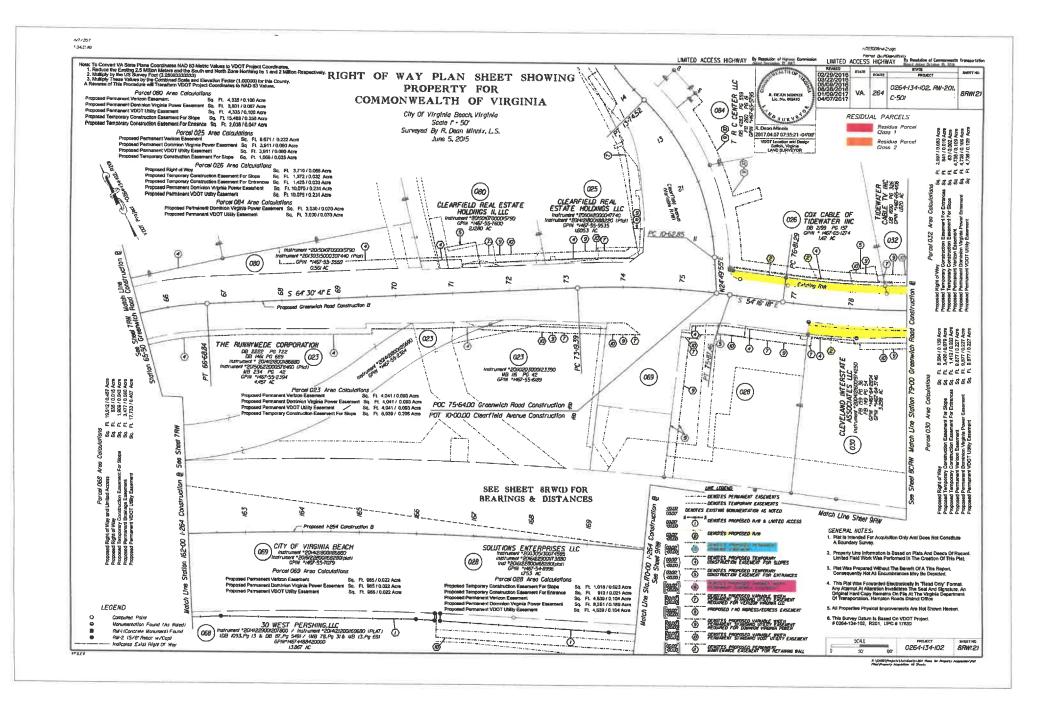
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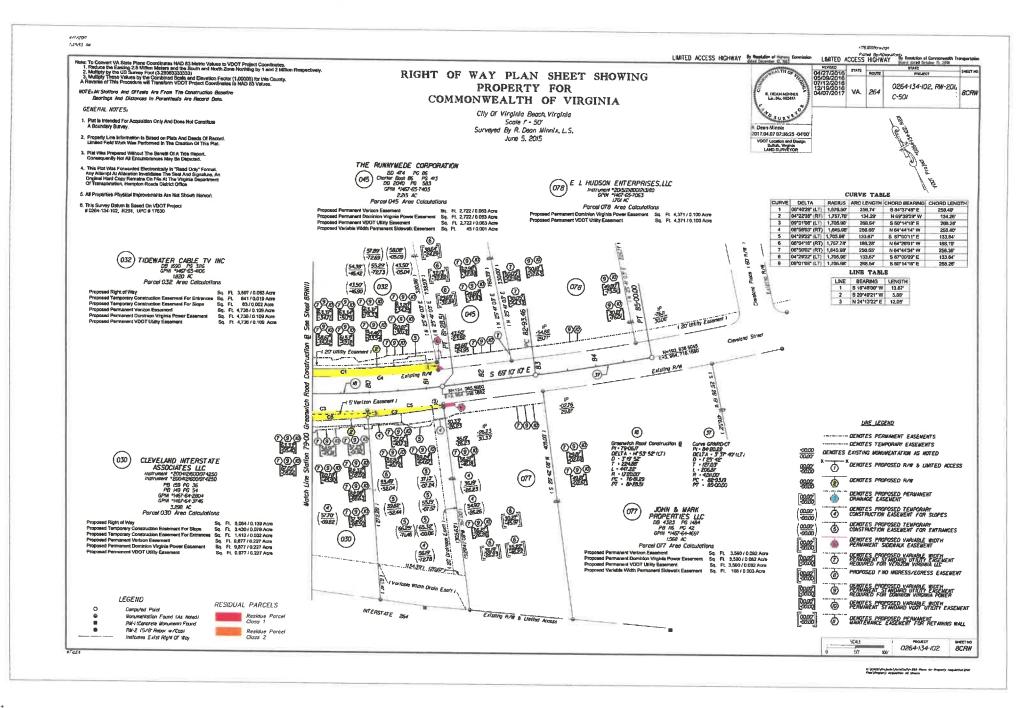




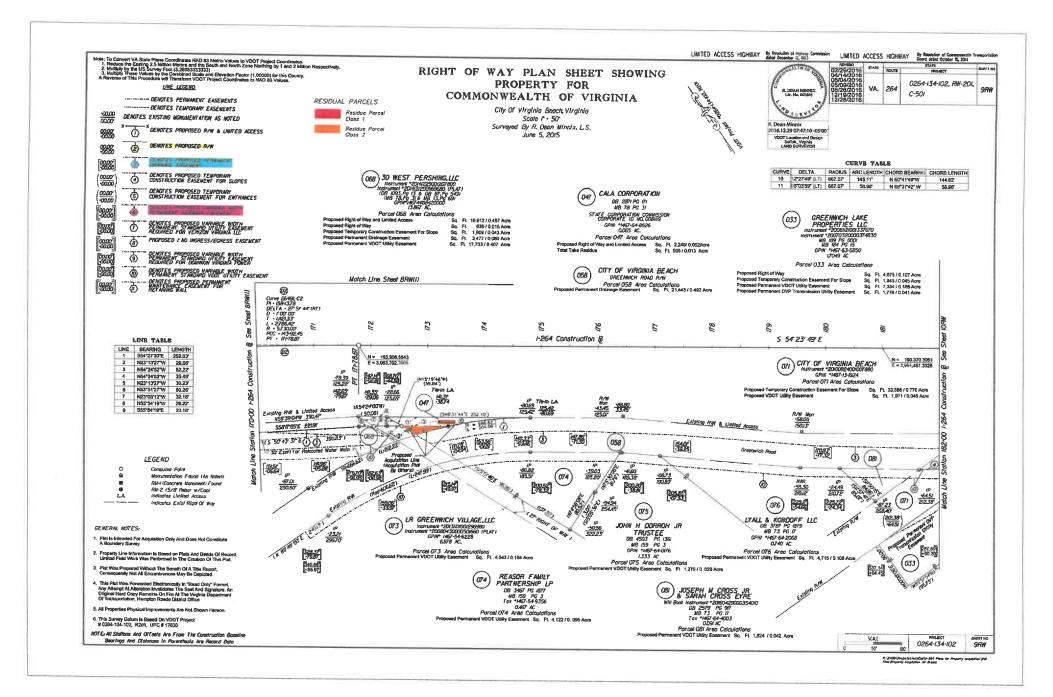


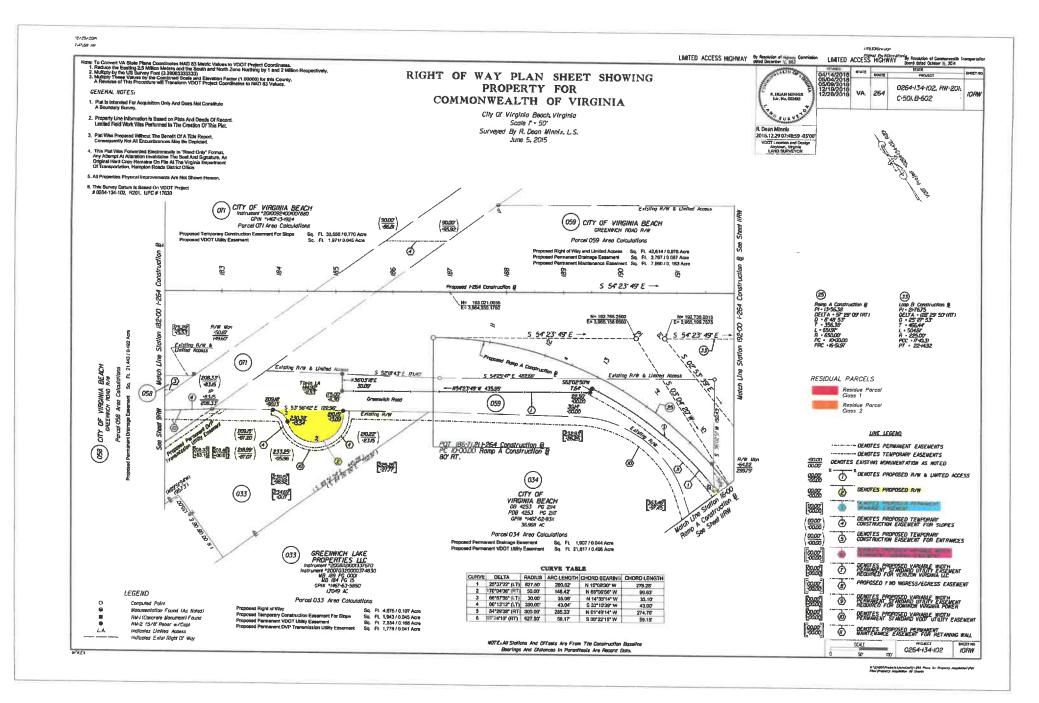


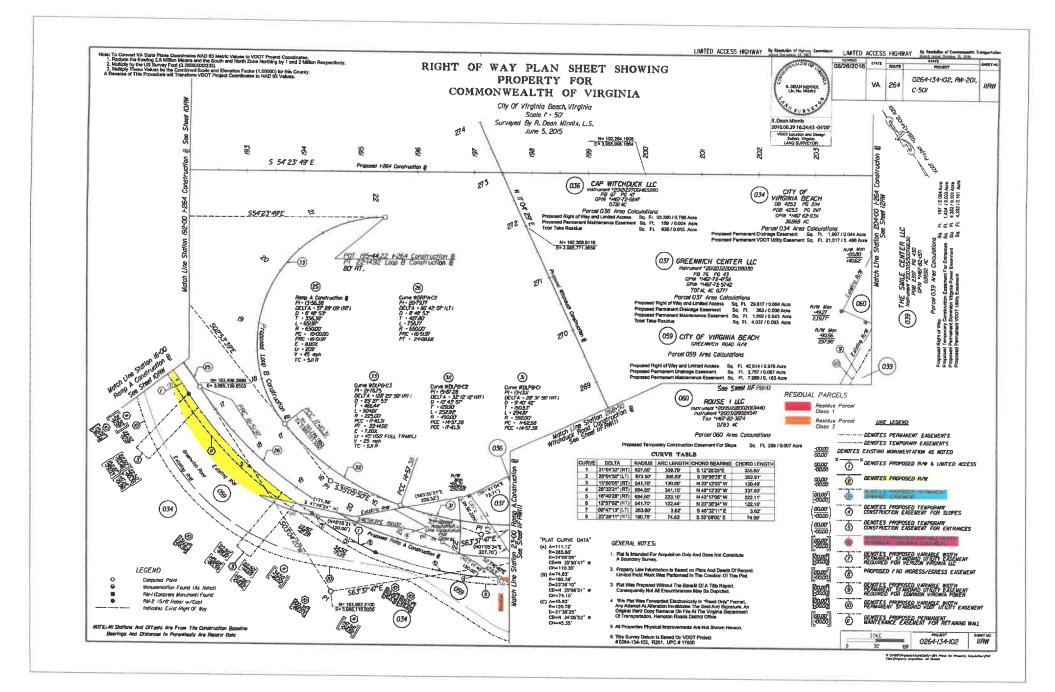




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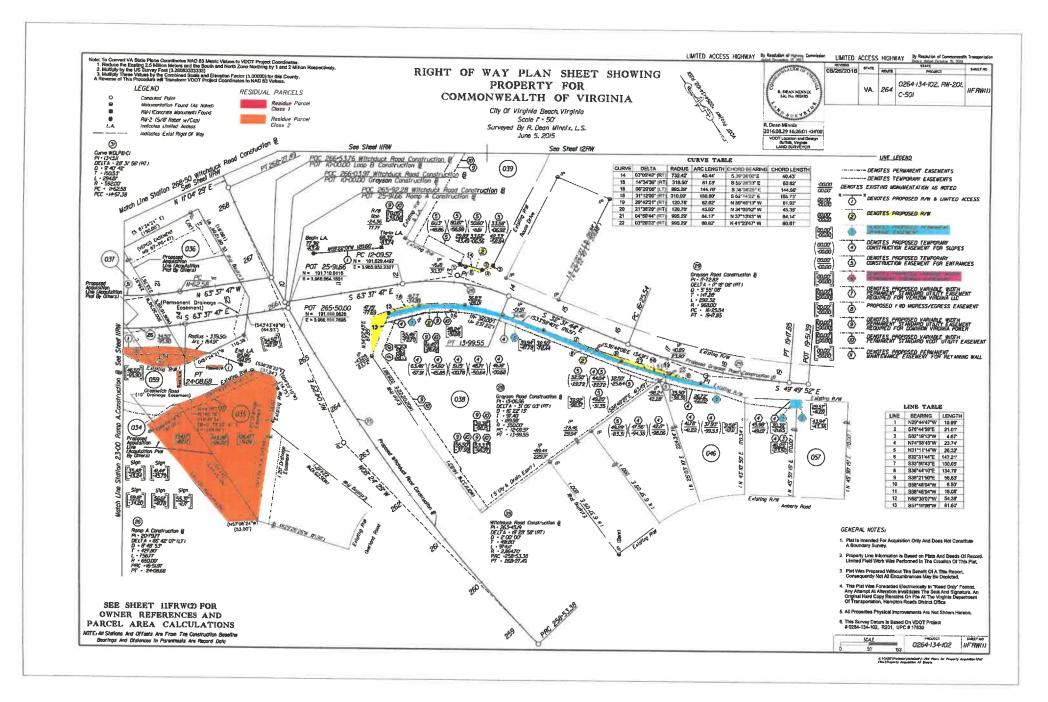


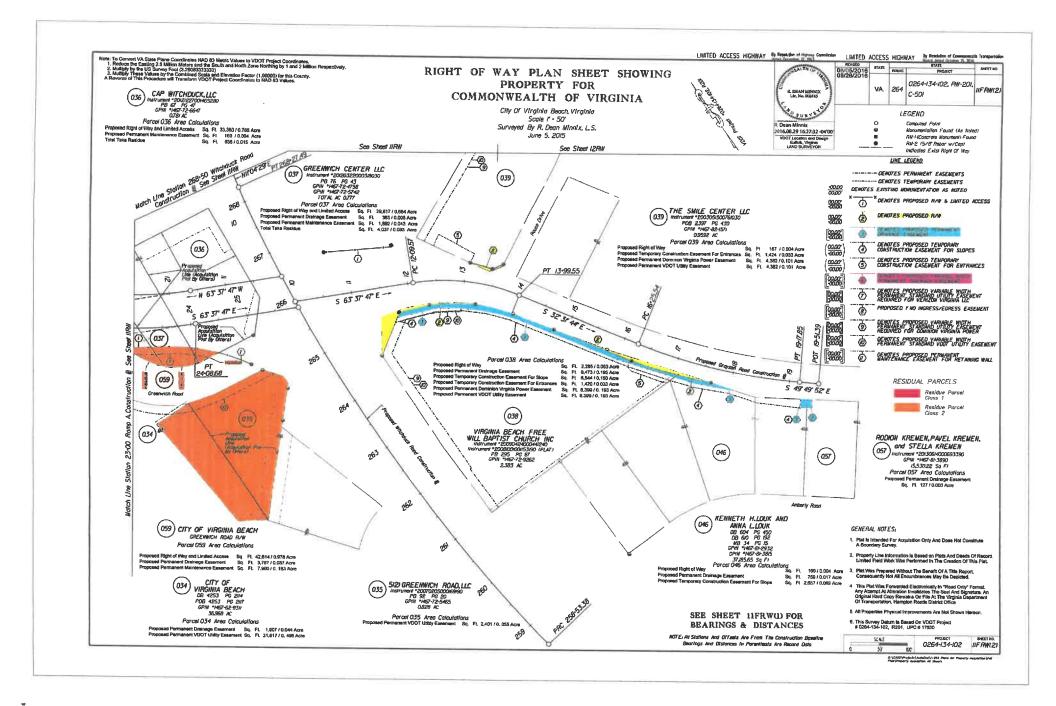




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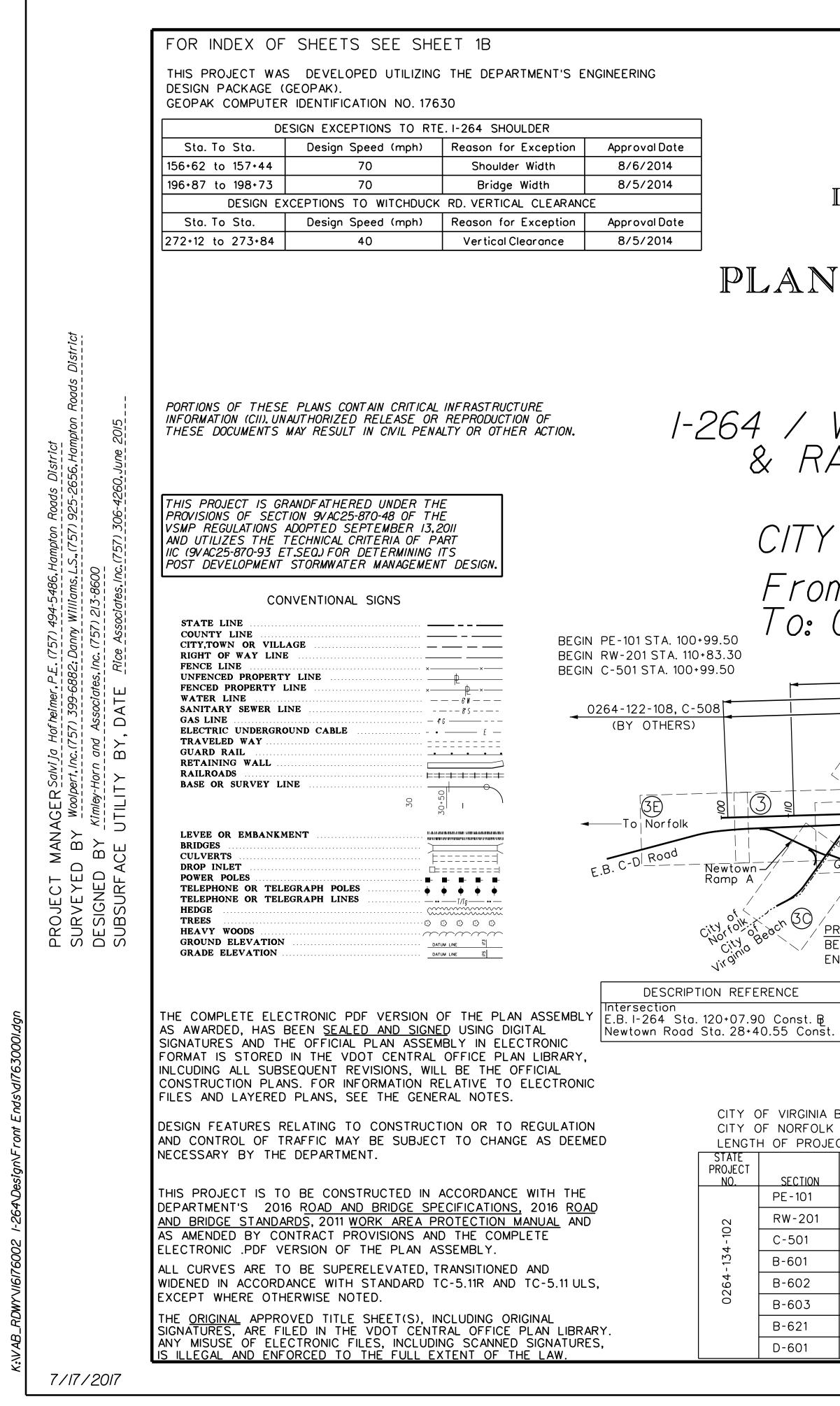
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By Resolution of Commonwealth Transportation Board dated October 15, 2014 LIMITED ACCESS HIGHWAY By Resolution of Highway Commission dated December 12, 1963 LIMITED ACCESS HIGHWAY



FHWA 534

COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION PLAN AND PROFILE OF PROPOSED STATE HIGHWAY I-264 / WITCHDUCK ROAD INTERCHANGE & RAMP EXTENSION (C-D ROAD) CITY OF NORFOLK AND <u>)36</u> 4/22 CITY OF VIRGINIA BEACH, VIRGINIA DA 4/22 From: 0.383 Mile East of WBL 1-64 4/23 To: 0.472 Mile East of Witchduck Rd DA 4/27 DA DESCRIPTION REFERENCE Intersection E.B. I-264 Sta. 197+48.06 Const. B 4/2 Witchduck Road Sta. 273+03.88 Const. B DA -0264-134 (4I) φ^ο <u>PRQJ. 0264-134-102, B-601</u> 0264-1-/BEG. PROJ. STA. 54+98.46 END PROJ. STA. 57+70.55 כיי `10², Newtown PE Løop B ₩<u>₽</u>E.B. T-264 10, Newtown Ramp t. -eenwich (4E) 80 reenwich /Roo ^{xo}ad END PE-101 STA. 22 60 Street END RW-201 STA. Former END C-501 STA. 212 Norfolk Southern PROJ. 0264-134-102,B-621 Railroad BEG. PROJ. STA. 48+70.00 END PROJ. STA. 51+90.00 PROJ. 0264-134-102,B-603 BEG. PROJ. STA. 57+51.44 END PROJ. STA. 64+75.44 PROJ. 0264-134-102,D-601 BEG. PROJ. STA. 170+73.11 Witchduck Loop B-END PROJ. STA. 171+33.04 PROJ. 0264-134-102,B-602 Witchduck So. Ramp A-BEG. PROJ. STA. 184+03.42 END PROJ. STA. 186+27.25 To Virginia Beach Wit CITY OF VIRGINIA BEACH POPULATION: 437,994 (2010 CENSUS) CITY OF NORFOLK POPULATION: 242,803 (2010 CENSUS) LENGTH OF PROJECT BASED ON I-264 CONSTRUCTION BASELINE LENGTH INCLUDING LENGTH EXCLUDING BRIDGE FEDERAL AID TYPE UPC BRIDGE(S) BRIDGE(S) PLAN TYPE <u>N0.</u> 17630 <u>108041</u> 17630 10804 SECTION CODF FFFT FFFT MILES PROJECT PROJECT NO MILES. STP-5403(650) 12,141.74 2.30 11,645.82 2.21 PRELIM. ENG. PE-101 9,884.34 9,388.42 RW-201 PHASE-EXEMP-T() 1.87 1.78 RIGHT-OF-WAY 1763 C-501 NHPP-264-6(106) 11,164.72 2.11 10,668.80 2.02 CONSTRUCTION 1000 B-601 X281 272.09 NHPP-264-6(106) 0.05 Bridge I-264 288-30 0804 B-602 NHPP-264-6(106) 223.83 0.04 182-03C 1-264 X171 Bridge

NHPP-264-6(106)

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Bridge

Bridge

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	STATE	FEDERAL AID	I STATE					
	STATE	PROJECT	ROUTE	PROJECT	NO.			
DATA 4A103	VA.	STP-5403(650) NHPP-264-6(106) see tabulation below for numbers	264	(FO) 0264-134-102 SEE TABULATION BELOW FOR SECTION NUMBERS	1			
FUN	CTION	IONAL CLASSIFICATION AND TRAFFIC DATA						
RI	e. I-264	1-264 Interstate – Divided – Flat 70 mph Min. Design Speed						
		0.383 Mile East of WB 0.472 Mile East of Wit		Rd				
AAWDT (2015)	113,0	113,000 (Between Newtown Road & Witchduck Road, EB Only)						
AAWDT (2039)	129,0	129,000 (Between Newtown Road & Witchduck Road, EB Only)						
DHV (2039)	10,32	20 (PM)						
D (%) (design hour								
T (%) (design hour) 3								
V (MPH)	*	*						

speed for C-D road, ramps, loops, and all other roads.

FOR ADDITIONAL FUNCTIONAL CLASSIFICATION AND TRAFFIC DATA SEE SHEET 1B(1)

RECOMMENDED FOR APP		-	ECOMMENDED FOR APPROVAL R RIGHT OF WAY ACQUISITION					
TOTAL TAKE FOR PAR			TOTAL TAKE FOR PARCELS:					
	015 016 035	019						
036 037 047								
4/22/15 Kim Pryor		6/26/15	Kim Pryor					
DATE INFRASTRUCTURE INVESTMENT	DIRECTOR	DATE	INFRASTRUCTURE INVESTMENT DIRECTOR					
4/22/15 B.A. Thrasher		6/29/15	B.A. Thrasher					
DATE STATE LOCATION AND DESIGN		DATE -	STATE LOCATION AND DESIGN ENGINEER					
4/23/15 John W. Lawson		6/29/15	John W. Lawson					
DATE CHIEF FINANCIAL OFFICER			CHIEF FINANCIAL OFFICER					
4/27/15 Mohammad Mirshahi — — — —		6/29/15	Mohammad Mirshahi — — — — — — — — — — — — — — —					
DATE FOR CHIEF ENGINEER		DATE	FOR CHIEF ENGINEER					
APPROVED FOR RIGHT O	F WAY	AP	PROVED FOR RIGHT OF WAY					
4/27/15 Richard L. Walton Jr.		6/30/15	Richard L. Walton Jr.					
DATE CHIEF OF POLICY		DATE						
			COMMENDED FOR APPROVAL R RIGHT OF WAY ACQUISITION (PARTIAL TAKES) Kim Pryor					
			INFRASTRUCTURE INVESTMENT DIRECTOR					
		10/26/15	B.A. Throsher 					
		DATE	STATE LOCATION AND DESIGN ENGINEER					
TA. 222+41.24		11/2/15	John W. Lawson					
STA. 209+67.64		DATE	CHIEF FINANCIAL OFFICER					
A. 212+64.22		11/2/15	Mohammad Mirshahi					
		DATE	FOR CHIEF ENGINEER					
		AP	PROVED FOR RIGHT OF WAY					
	ALE	11/2/15	Richard L. Walton Jr.					
0 1,0	00' 2,000'	DATE						
TIER 2	PROJECT	RECOMMEN	DED FOR APPROVAL FOR CONSTRUCTION					
		6/27/17	Kim Pryor					
		DATE	INFRASTRUCTURE INVESTMENT DIRECTOR					
		6/27/17	Susan H. Keen					
	REVISED	DATE	STATE LOCATION AND DESIGN ENGINEER					
	2/29/16 4/14/16	6/30/17	Kendal R. Walus					
	4/27/16		STATE STRUCTURE AND BRIDGE ENGINEER					
	5/9/16							
<u>DESCRIPTION</u> FR: 0.383 Mile East of WBL 1-64	6/2/16							
To: 0.472 Mile East of Witchduck Rd FR: 0.569 Mile East of WBL 1-64	6/15/16 7/12/16	DATE	CHIEF FINANCIAL OFFICER					
To: 0.231 Mile East of Witchduck Rd	8/5/16	Δ	PROVED FOR CONSTRUCTION					
FR: 0.383 Mile East of WBL 1-64 To: 0.287 Mile East of Witchduck Rd	8/26/16		1					
I-264 Bridge Over Newtown Road	9/13/16 11/9/16	7/10/17	Mohammad Mirshahi					
I-264 Bridge Over Former Norfolk Southern Railroad	12/2/16	DATE	FOR CHIEF ENGINEER					
•	12/19/16 12/28/16		APPROVED					
Greenwich Road Bridge Over I-264	1/7/17							
Greenwich Road Bridge Over Lake 2	1/30/17	DATE	DIVISION ADMINISTRATOR					
Quadruple 8'x 6'Box Culvert Extension	3/22/17 4/7/17	Convriot	U.S. DEPARTMENT OF TRANSPORTATION At 2017, Commonwealth of Virginia					
			PROJECT SHEET NO. 0264-134-102 /					



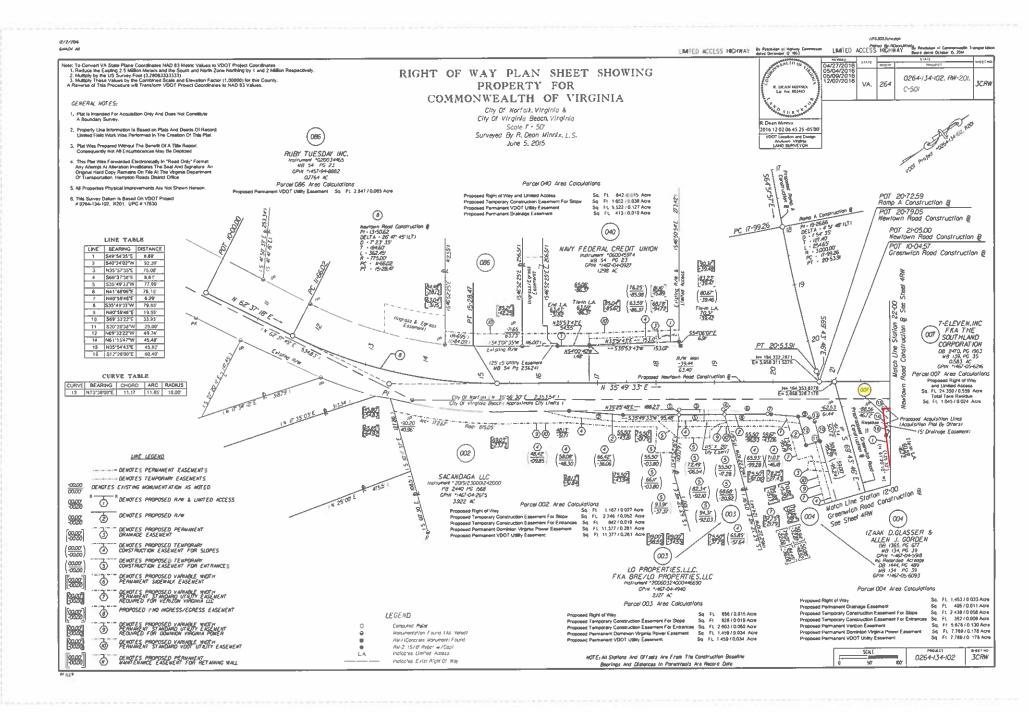
Report Date: 10/1/2024

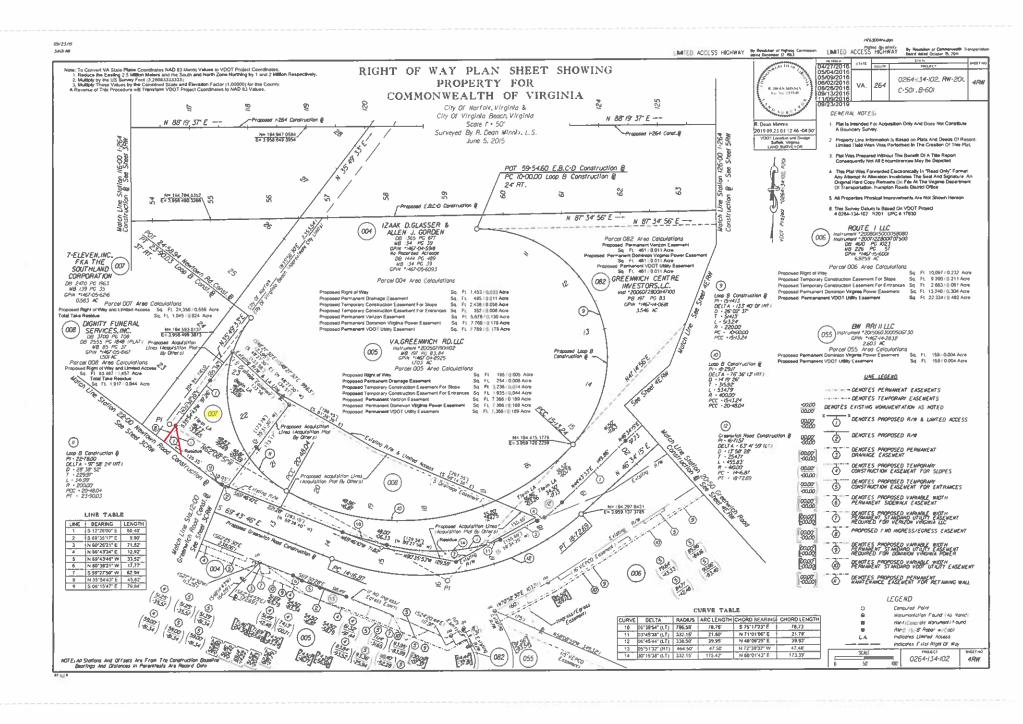
UPC: 17630

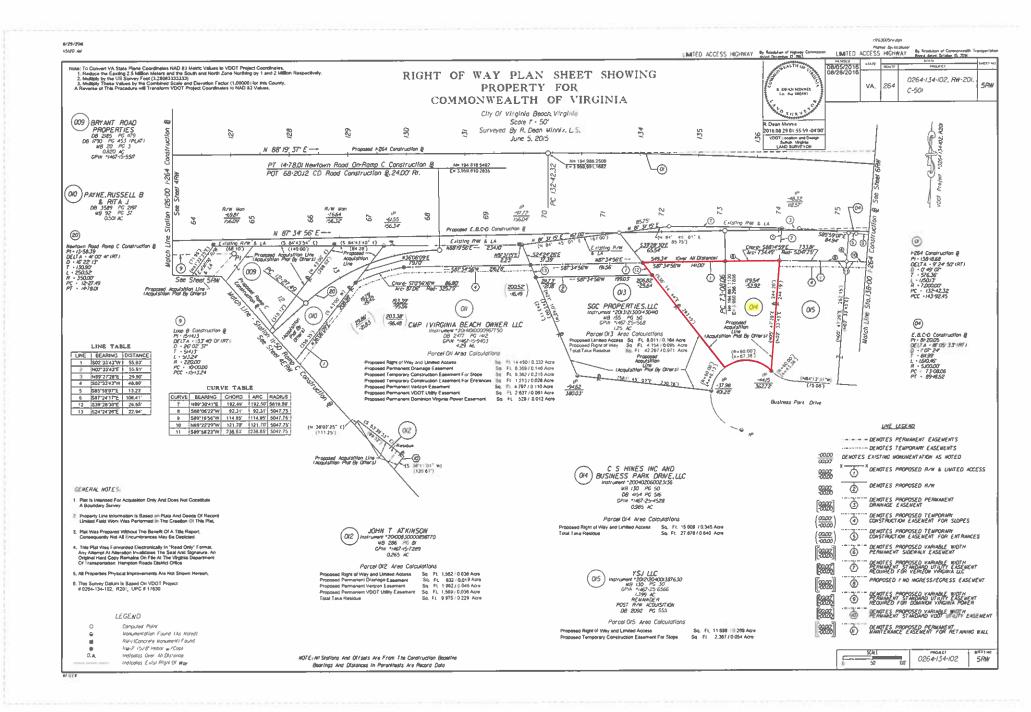
Project Number 0264-134-102, R201			UPC City / County			District			
			17630	Virginia Beach		Hampton Roads			
Parcel	Parcel Name	Plan Sheet	Instrument Type	Record Dt.	Recordation Reference	Plat Book	Plat Page	Notes	
002	Sacandaga LLC	3C, 3C RW	Deed	02/27/2017	Instrument #20170227000163470	19	75	All property to be conveyed.	
003	LQ Properties L.L.C.	3C, 3CRW	Deed	01/06/2017	Instrument #20170106000019590	19	55	All property to be conveyed.	
004	Gordon, Allen J., Glasser, Izaak D., Denny's, Inc.	3C, 3CRW, 4, 4RW	Certificate of Take - 516045	01/06/2017	Instrument #20170106000019720	19	58	All property to be conveyed.	
			Final Order	08/21/2018	Instrument #20180821000691240				
005	Va. Greenwich Rd. LLC	4, 4RW	Deed	05/09/2017	Instrument #20170509000386980	19	86	All property to be conveyed.	
006	Route 1 LLC	4, 4E, 4ERW, 4RW	Certificate of Take - 516053	01/06/2017	Instrument #20170106000020140	19	60	All property to be conveyed.	
			Amended Certificate of Take - 516053	01/23/2020	Instrument #20200123000077980	21	5		
			Final Order	03/04/2020	Instrument #20200304000215850				
007	7-Eleven, Inc.	3C, 4	Certificate of Take - 516020	05/16/2016	Instrument #20160516000406250	19	7	A portion of the property to be conveyed. Contains	
			Final Order	07/14/2021	Instrument #202103056867			residue property. As shown on Sheets 3CRW and 4RW, outlined in RED.	
014	Business Park Drive LLC, C. S. Hines, Inc.	5, 5RW	Certificate of Take - 516044	12/21/2016	Instrument #20161221001155700	19	53	A portion of the property to be conveyed. Contains residue property. As shown on Sheet 5RW, outlined	
			Final Order	10/17/2018	Instrument #20181017000851660			in RED.	
019	58th Street Warehouse, LLC	7, 7C, 7RW, 7CRW	Certificate of Take - 516002	03/15/2016	Instrument #20160315000211930	18	136	A portion of the property to be conveyed. Contains	
			Final Order	11/27/2017	Instrument #20171127001008780			residue property. As shown on Sheets 7RW and 7CRW, outlined in RED.	
020	Commonwealth Building Company, LLC	7C, 7CRW	Deed	07/07/2016	Instrument #20160707000580620	19	20	All property to be conveyed.	
021	Hoffland Properties Inc.	7C, 7CRW	Certificate of Take - 516027	09/23/2016	Instrument #20160923000853880	19	33	All property to be conveyed.	
			Final Order	09/20/2018	Instrument #20180920000774410				
022	Virginia Electric & Power Company	5CRW	Deed	07/07/2016	Instrument #20160707000580600	19	19	All property to be conveyed.	

026	Cox Cable of Tidewater Inc.	8, 8RW(1), 8RW(2)	Certificate of Take - 516050	01/12/2017	Instrument #20170112000031830	19	64	All property to be conveyed.
			Final Order	08/21/2018	Instrument #20180821000691090			
030	Cleveland Interstate Associates LLC	8, 8C, 8RW(1), 8RW(2), 8CRW	Certificate of Take - 516037	12/01/2016	Instrument #20161201001091410	19	39	All property to be conveyed.
			Final Order	07/18/2019	Instrument #20190718000592170			
032	Tidewater Cable TV, Inc.	8, 8C, 8CRW, 8RW(1), 8RW(2)	Certificate of Take - 516051	01/12/2017	Instrument #20170112000031330	19	61	All property to be conveyed.
			Amended Certificate of Take - 516051	05/16/2017	Instrument #20170516000408830			
			Amended Certificate of Take - 516051	07/06/2017	Instrument #20170706000565070	19	87	
			Final Order	08/21/2018	Instrument #20180821000691090			
033	Greenwich Lake Properties, LLC	9, 9RW, 10, 10RW	Certificate of Take - 516048	01/12/2017	Instrument #20170112000034140	19	66	All property to be conveyed.
			Final Order	10/31/2018	Instrument #20181031000894330			
035	5121 Greenwich Road, LLC	11F, 11FRW(1), 11FRW(2)	Certificate of Take - 516019	04/14/2016	Instrument #20160414000304530	19	2	All property to be conveyed. Contains residue property.
			Final Order	12/07/2017	Instrument #20171207001047700			
036	CAP Witchduck, LLC	11, 11F	Certificate of Take - 516031	10/12/2016	Instrument #20161012000922840	19	34	A portion of the property to be conveyed. As show
			Final Order	01/15/2020	Instrument #20200115000051230			on Sheet 11FRW, outlined in RED.
037	Greenwich Center LLC	11, 11RW, 11F, 11FRW(1), 11FRW(2)	Certificate of Take - 516018	04/15/2016	Instrument #20160415000308420	19	3	A portion of the property to be conveyed. As show on Sheet 11RW and 11FRW, outlined in RED.
			Final Order	11/09/2017	Instrument #20171109000969830			
038	Virginia Beach Free Will Baptist Church, Inc.	11F, 11FRW(1), 11FRW(2)	Deed	03/06/2017	Instrument #20170306000187360	19	77	All property to be conveyed.
039	The Smile Center LLC	11F, 11FRW(1), 11FRW(2)	Deed	02/06/2017	Instrument #20170206000104840	19	71	All property to be conveyed.
041	Samsons LLC	5C, 5CRW	Deed	06/14/2016	Instrument #20160614000505990	19	16	All property to be conveyed.
042	Cleaners Closet, Inc.	5C, 5CRW, 7C, 7CRW	Deed	08/16/2016	Instrument #20160816000722790	19	26	All property to be conveyed.
43	Virginia Beach, City of	5C	Deed of Easement	12/21/2016	Instrument #20161221001153930	19	42	All property to be conveyed.
045	The Runnymede Corporation	8C, 8CRW	Agreement	02/17/2017	Instrument #20170217000140820	19	74	All property to be conveyed.
046	Louk, Kenneth H., Louk, Anna L.	11F, 11FRW(1), 11FRW(2)	Deed	06/02/2016	Instrument #20160602000467060	19	12	All property to be conveyed.
047	CALA Corporation	9, 9RW	Deed	11/29/2016	Instrument #20161129001081650	19	38	A portion of the property to be conveyed. Contain residue property. As shown on Sheet 9RW outline in RED.
048	The Atlantic Company LLC	4E, 4ERW	Certificate of Take - 516040	12/01/2016	Instrument #20161201001091450	19	40	Final Order includes Agreement dated 01/31/2020 All property to be conveyed.

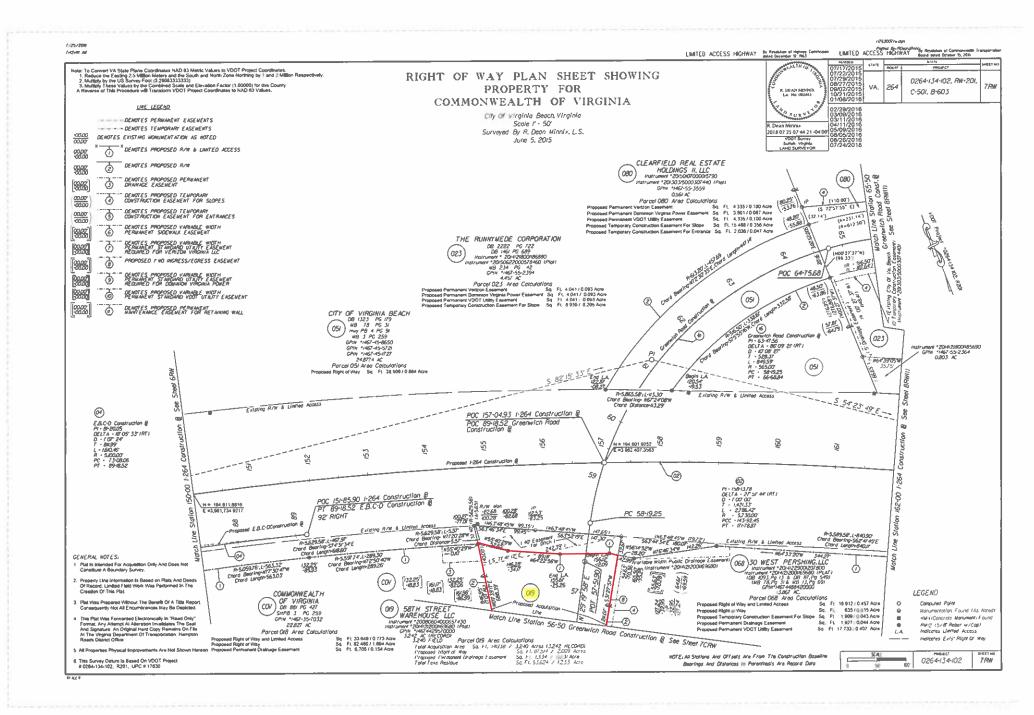
050	Greenwich Commons, LP	5C, 5CRW	Certificate of Take - 516036	10/27/2016	Instrument # 20161027000975060	19	37	All property to be conveyed.
			Final Order	12/03/2018	Instrument #20181203000987440			
052	Duke Greenwich Office Associates LP	5C, 5CR/W	Certificate of Take - 516041	12/21/2016	Instrument #20161221001155740	19	54	All property to be conveyed.
			Final Order	09/13/2019	Instrument #20190913000780040			
053	Jacobson, Marc , Jacobson, Constance G.	5C, 5CRW	Agreement	09/13/2016	Instrument #20160913000816000	19	30	All property to be conveyed.
			Deed of Easement	09/13/2016	Instrument #20160913000816010	19	31	
054	5555 Corporate Center, L.C.	4E, 4ERW, 5C, 5CRW	Certificate of Take - 516033	10/27/2016	Instrument #20161027000972060	19	36	All property to be conveyed.
			Final Order	09/11/2018	Instrument #20180911000753500			
057	Kremen, Rodion , Kremen, Pavel , Kremen, Stella	11F, 11FRW(1), 11FRW(2)	Agreement	07/15/2016	Instrument #20160715000607860	19	22	All property to be conveyed.
068	30 West Pershing, LLC	7, 7RW, 7C, 7CRW, 8, 8RW(1), 8RW(2), 9, 9RW	Certificate of Take - 516046	01/12/2017	Instrument #20170112000032080	19	65	A portion of the property to be conveyed. As sho on Sheet 9RW, outlined in RED.
			Amended Certificate of Take - 516046	11/29/2018	Instrument #20181129000976030	20	3	
			Final Order	07/15/2019	Instrument #20190715000575000			
	John & Mark Properties LLC	8C, 8CRW		03/14/2017	Instrument #20170314000210200	19	79	All property to be conveyed.



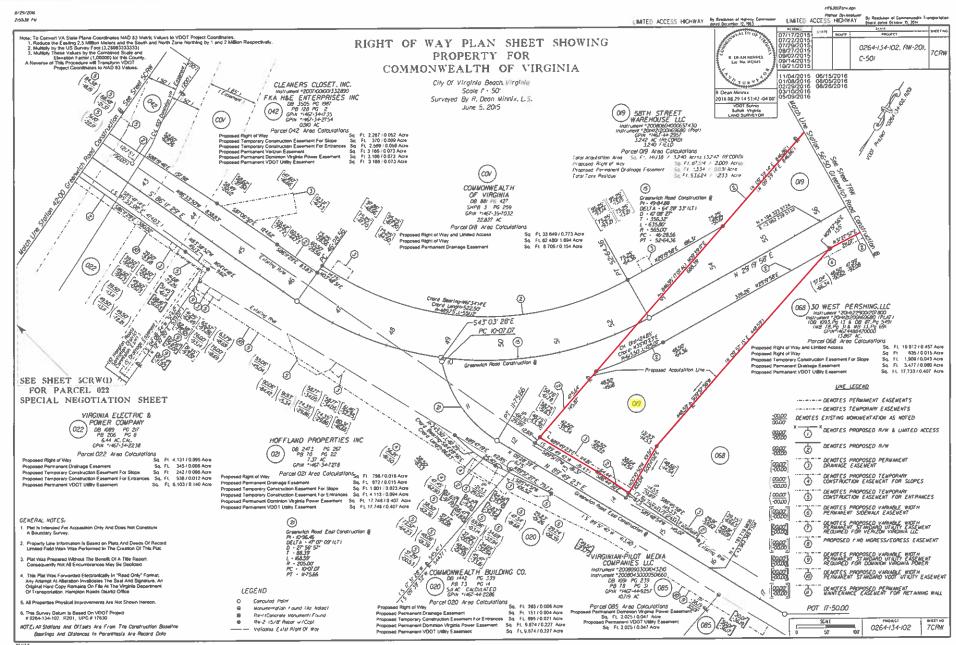




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