

BOUNDARY LINE ADJUSTMENT AGREEMENT

This Agreement, dated this ____ day of _____, 2018 by and between **Botetourt County, Virginia**, a political subdivision of the Commonwealth of Virginia, hereinafter referred to as the “County”, and the **Town of Fincastle, Virginia**, a Virginia municipal corporation, hereinafter referred to as the “Town”.

RECITALS

A. Pursuant to Va. Code Ann. § 15.2-3106, et seq., two or more localities may by agreement relocate the boundary line between them.

B. The agreed new boundary line is set out on Exhibit A to this Agreement (the “Boundary Line Adjustment”) which is incorporated by reference herein. Exhibit A consists of a written description and a map depicting the agreed new boundary line.

C. The Boundary Line Adjustment will more closely conform the Town’s boundary line with the service area for the Town’s water and sewer systems.

D. Pursuant to Va. Code Ann. § 15.2-3107, the governing body of the County and the Town each advertised their intention to approve this Agreement at least once a week for two consecutive weeks in a newspaper with general circulation in the County and the Town. The notices included a descriptive summary (including a description of the new boundary), of the proposed Agreement. The publications included a statement that a copy of the Agreement is on file in the offices of the Clerks of the governing body of the County and the Town. The County and the Town each paid for the publication of the notice for their locality. The County and the Town served notice of this Agreement upon the property owners of the area affected by the Agreement, and affidavits from representatives of the Town and County confirm such service by first class mail. The Town

and County affidavits are attached as Exhibit B. After providing the required notice, the County and the Town each held at least one public hearing on the proposed Agreement prior to its adoption.

NOW, THEREFORE, FOR AND IN CONSIDERATION of the mutual covenants, agreements, obligations and undertakings herein contained, the County and the Town hereby covenant and agree as follows:

1. The County and the Town agree to adjust the boundary line between the Town and the County as set out on Exhibit A. This agreement was approved by affirmative vote of the Town Council on January 11, 2018, and by the Botetourt County Board of Supervisors on January 23, 2018.

2. Pursuant to Va. Code Ann. § 15.2-3108, the County and the Town shall each promptly petition the Circuit Court for the County of Botetourt to approve this Agreement and the Boundary Line Adjustment set out on Exhibit A. The petition may be filed as a joint petition of the County and Town, with the cost of filing the petition to be shared equally by the County and Town. The petition shall set forth the facts pertaining to the desire to relocate or change the boundary line between the County and the Town, and the petition shall include or have attached to it a plat depicting the change in the boundaries of the County and Town as agreed, or a metes and bounds description of the new boundary line as agreed by the County and Town.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their authorized representatives on the day and year first above written.

Attest

BOTETOURT COUNTY, VIRGINIA

By: _____
Chairman, Board of Supervisors

Attest:

TOWN OF FINCASTLE

By: _____
Mayor