

JOINT REPORT TO THE GENERAL ASSEMBLY  
ON ALL EASEMENTS AND LEASES  
EXECUTED IN 2008

**Report Submitted By:**

STEVEN G. BOWMAN  
Commissioner  
Virginia Marine Resources Commission

ROBERT F. McDONNELL  
Attorney General

**Legislative Requirement:**

Pursuant to the Provisions of  
§28.2-1208.D. of the Code of Virginia

**Background:**

Chapter 50, Acts of Assembly 2007, authorized the Marine Resources Commission to grant and convey to Virginia Natural Gas, Inc., its successors, and assigns, upon such terms and conditions as the Commission, with the approval of the Governor and the Attorney General, shall deem proper, two permanent easements and rights-of-way and a temporary right-of-way of a reasonable width as needed for the purpose of installing, constructing, maintaining, repairing, and operating a submarine natural gas transmission line system in and across the bed of the James River/Hampton Roads Harbor and the Elizabeth River Reach, including a portion of the Baylor Survey.

**Approval of the Virginia Marine Resources Commission:**

At its meeting on April 22, 2008, the Marine Resources Commission unanimously approved the following Resolution for the Non-Baylor Survey Easement portions of the aforementioned submarine crossings:

WHEREAS, pursuant to Virginia Code §28.2-1208, the Commission is authorized, with the approval of the Attorney General and the Governor to grant easements over or under the beds of the waters of the Commonwealth outside of the Baylor Survey; and

WHEREAS, all easements granted pursuant to Virginia Code §28.2-1208 shall be executed for, and in the name and on behalf of, the Commonwealth by the Attorney General and countersigned by the Governor; and

WHEREAS, in order to undertake and complete the construction of the submarine natural gas transmission line system in and across the beds of the James River/Hampton Roads Harbor and the Elizabeth river reach VNG has requested the Commission to grant and convey unto it three additional forty (40) year easements and rights-of-way pursuant to Virginia Code §28.2-1208; and

WHEREAS, an attached agreement has been prepared to grant to VNG the three (40) year easements and rights-of-way and temporary rights-of-way requested by VNG and authorized by the aforesaid Code section; and

WHEREAS, the metes and bounds of the three easements and rights-of-way to be granted are described in the attached agreement pursuant to §28.2-1208 and read as follows:

Easement One: Segment 1, Elizabeth River Crossing (Non-Baylor)

Commencing at a point being the northeast corner of property of United States of America, Craney Island Fuel Depot in the City of Portsmouth, Virginia and being a point in the western side of the Elizabeth River, said point having a coordinate value of N3,491,837.66, E 12,114,800.394 (coordinate values are based on Virginia Coordinate System, South Zone, NAD83 (1993) HARN and are expressed in U.S. Survey Feet); thence from said commencement point, S01°17'48"E, 214.32 feet to a point, the Point of Beginning; thence from said Point of Beginning turning and running into the Elizabeth River, S69°09'11"E, 1,014.23 feet to a point in the western boundary of Baylor Ground – Public Ground No. 3 as referenced on map provided by Virginia Marine Resources Commission; thence turning and running along the aforesaid western boundary of Baylor Ground S06°26'52"E, 112.53 feet to a point; thence turning and running, leaving the western boundary of the Baylor Ground N69°09'11"W, 1,025.13 feet to appoint in the eastern boundary line of property of United States of America, Craney Island Fuel Depot; thence turning and running along the aforesaid boundary line N01°17'48"W, 107.96 feet to a point; the Point of Beginning.

The above described 100-foot wide "Easement One: Segment 1" contains 2.340 acres.

Easement Two: Segment 3, Elizabeth River Crossing (Non-Baylor)

Commencing at a point being the northeast corner of property of United States of America, Craney Island Fuel Depot in the City of Portsmouth and being a point in the western side of the Elizabeth river, said point having a coordinate value of N3,491,837.366, E12,114,800.394 (coordinate values are based on Virginia Coordinate System, South Zone, NAD83 (1993) HARN and are expressed in U.S. Survey Feet); thence from said commencement point, S01°17'48"E, 214.32 feet to a point; thence turning and running into the Elizabeth river, S69°09'11"E, 1,014.23 feet to a point in the western boundary of Baylor Ground – Public Ground No. 3 as referenced on map provide by Virginia Marine Resources Commission; thence turning and running along the aforesaid boundary line S06°26'52"E, 2.53 feet to a point; thence turning and running

along the northern easement line of Baylor Ground Easement Segment 2, S69°05'52"E, 3,943.73 feet through Baylor Ground – Public Ground No. 3 to a point in the eastern boundary of Baylor Ground – Public Ground No. 3 in the City of Norfolk; thence turning and running along the eastern boundary of Baylor Ground N20°08'21"E, 6.07 feet to a point, the Point of Beginning; thence from said point of Beginning, turning and running, leaving the eastern boundary of Baylor Ground S69°09'11"E, 1,853.36 feet to a point in the approximate mean low water line of the Elizabeth River and boundary of property owned by The Visitors of Old Dominion University; thence turning and running along the aforesaid approximate mean low water line and boundary line the following five courses and distances: S29°43'27"W, 4.05 feet to a point; thence turning and running S42°33'03"W, 27.00 feet to a point, thence turning and running S24°54'58"W, 36.00 feet to a point; thence turning and running S30°47'03"W, 26.70 feet to a point; thence turning and running S39°14'57"W, 9.17 feet to a point; thence turning and running leaving the aforesaid approximate mean low water line and boundary line N69°09'11"W, 1,831.46 feet to a point in the eastern boundary of Baylor Ground – Public Ground No. 3; thence turning and running along the eastern boundary of Baylor Ground N20°08'21"E, 100.01 feet to a point; the Point of Beginning.

The above described 100-foot wide "Easement Two: Segment 3" contains 4.227 acres.

Easement Three: Segment 1, Hampton Roads Crossing (Non-Baylor)

Commencing at a point in the northern boundary of property of United States of America, U.S. Army Disposal Area – Craney Island, City of Portsmouth and being a point in the southern side of the Hampton Roads Harbor, said point having a coordinate value of N3,504,038.571, E12,100,845.956 (coordinate values are based on Virginia Coordinate System, South Zone NAD83 (1993) HARN and are expressed in U.S. Survey Feet); thence from said commencement point leaving the northern boundary of property of United States of America, U.S. Army Disposal Area – Craney Island, turning and running through Baylor Ground – Public Ground No.1 as reference on map provided by Virginia Marine Resources Commission, along the western side of Baylor Ground Easement Segment 2, N04°37'18"W, 577.81 feet to a point in the northern boundary of Baylor Ground- Public Ground no.1; thence turning and running along the northern boundary of Baylor Ground – Public Ground No. 1, S76°00'38"W, 10.51 feet to a point, the Point of Beginning; thence from said Point of Beginning turning and running, leaving the northern boundary of Baylor Ground – Public Ground No. 1, N04°39'29"W, 4,931.14 feet to a point; thence turning and running N13°31'12"W, 11,584.95 feet to a point; thence turning and running N14°25'35"W, 2,770.12 feet to a point in the approximate mean low water line of Hampton Roads Harbor and the southern boundary of property of City of Newport News (Anderson Park); thence turning along the aforesaid approximate mean low water line of Hampton Roads Harbor and the southern boundary of property of City of Newport News (Anderson Park) the following five courses and distances: N55°40'55"E, 25.50 feet to a point; thence turning and running N52°29'38"E, 24.00 feet to a point; thence turning and running N48°04'55"E, 21.35 feet to a point; thence turning and running N55°04'53"E, 26.59 feet to a point; thence turning and running N65°39'24"E, 10.25 feet to a point; thence turning and running, leaving the approximate

mean low water line of Hampton Roads Harbor and the southern boundary of property of City of Newport News (Anderson Park) X14°25'35"E, 2,809.92 feet to a point; thence turning and running S13°31'12"E, 11,593.49 feet to a point; thence turning and running S04°39'29"E, 4,922.46 feet to a point in the northern boundary of Baylor Ground – Public Ground No.1; thence turning and running along the northern boundary of Baylor Ground – Public Ground No. 1, S76°00'38"W, 101.34 feet to a point; the Point of Beginning.

The above described 100-foot wide "Easement Three: Segment 1" contains 44.323 acres.

WHEREAS, the easement locations pursuant to the foregoing metes and bounds descriptions, are depicted on plats entitled "Virginia Natural Gas – Hampton Roads Crossing – Plat to Accompany Right-of-Way Agreement With The Commonwealth of Virginia – Newport News/Portsmouth, Sheet 1 of 2 and Sheet 2 of 2" and "Virginia Natural Gas – Hampton Roads Crossing – Plat to Accompany Right-Of-Way Agreement With The Commonwealth of Virginia – Norfolk/Portsmouth" by Rouse-Sirine Associates, Ltd., dates March 27, 2008; and

WHEREAS, the Commission deems the terms and conditions set forth in the attached agreement to be proper.

NOW, THEREFORE, BE IT RESOLVED;

1. That the Commission hereby authorizes the Chairman of the Virginia Marine Resources Commission, with the approval of the Governor and the Attorney General, to execute the attached agreement granting the above-described "Baylor Survey Easement, James River/Hampton Roads and Elizabeth River Reach" and rights-of-way and temporary right-of-way on the terms and conditions as set forth in the attached agreement pursuant to 2007 Acts of Assembly, Chapter 50; and
2. That the Commission agrees to grant to VNG, pursuant to Virginia Code §28.2-1208, subject to the approval of the Attorney General and the governor, the three additional forty (40) year easements and rights-of-way and temporary rights-of-way described as "non-Baylor Survey Easements, James River/Hampton Roads and Elizabeth River Reach" above, on the terms and conditions as set forth in the attached agreement pursuant to Virginia code §28.2-1208; and
3. That, consistent with the requirements of Virginia Code §28.2-1208, and subject to their approval of the attached agreement pursuant to Virginia Code §28.2-1208, the Commission respectfully request the Attorney General to execute the said attached agreement pursuant to Virginia Code §28.2-1208 and respectfully request the Governor to countersign the said attached agreement pursuant to Virginia Code §28.2-1208.

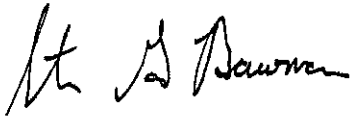
In keeping with the provisions of §28.2-1208.A. the cost of the forty (40) year easements granted to Virginia Natural Gas were set at \$300.00.

**Execution and Delivery:**

Attorney General Robert F. McDonnell, on behalf of the Commonwealth, approved and executed the agreement granting the above-described three easements to be granted to Virginia Natural Gas pursuant to Code § 28.2-1208 on May 1, 2008 and Governor Timothy M. Kaine countersigned the agreement on May 5, 2008.

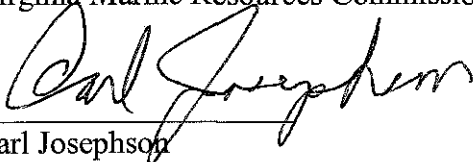
The agreement was delivered to, and executed on behalf of, Virginia Natural Gas on May 13, 2008.

Respectfully Submitted:



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Steven G. Bowman  
Commissioner  
Virginia Marine Resources Commission



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Carl Josephson  
Senior Assistant Attorney General  
on behalf of  
Robert F. McDonnell  
Attorney General  
Commonwealth of Virginia