

AGREEMENT
between
CITY OF ROANOKE
and
COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION
for
ADJUSTMENT OF WATER FACILITIES

THIS AGREEMENT, made and entered into as of the 21 day of Sept., 1999
by and between the CITY OF ROANOKE (hereinafter called MUNICIPALITY), and the
COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION, (hereinafter
called the STATE), acting by its Commissioner:

W I T N E S S E T H

WHEREAS, the STATE is proposing to construct a section of highway designated as
Route 115, Project 0115-080-103, C501, which will necessitate changes in the
MUNICIPALITY'S water facilities; and,

WHEREAS, the STATE and MUNICIPALITY wish to agree upon the terms and
conditions under which the necessary changes will be made as hereinafter set forth:

NOW THEREFORE, for and in consideration of the premises and of the mutual
covenants herein contained, the parties hereto agree as follows:

SECTION I

(a) It will be to the best interest of the STATE and the MUNICIPALITY to have
the adjustment of these water facilities included in the highway contract to be adjusted
by the highway contractor.

(b) The STATE through its highway contractor, will relocate and adjust the
MUNICIPALITY'S water facilities in accordance with attached plans and the STATE'S
Road and Bridge Specifications; said plans being identified as twenty (20) one-half size
plan sheets numbered 6(1), 6(1A), 6(1B), 6(2) through 6(17) of the STATE'S construction
plans for Project 0115-080-103, C501.

SECTION II

It has been determined that the project is responsible for bearing 100% of the cost
of the water adjustments indicated in SECTION I (b).

SECTION III

(a) The MUNICIPALITY agrees that it will relinquish its existing rights of way
which are within the limits of the proposed STATE right of way for this project. The
STATE will upon application by the MUNICIPALITY, issue and continue in effect a
permit to the MUNICIPALITY for the construction, maintenance and operation of the
water facilities indicated in SECTION I (b).