

**RESOLUTION AUTHORIZING EXECUTION BY THE CITY OF A MEMORANDUM  
OF UNDERSTANDING WITH SHERI LEGENDRE SMITH, TRUSTEE,  
OF THE SHERI LEGENDRE SMITH REVOCABLE TRUST**

**WHEREAS**, the City of Waynesboro, Virginia (the “City”) and Sheri Legendre Smith, Trustee, of the Sheri Legendre Smith Revocable Trust (“Smith”), entered into an Agreement dated October 12, 2000, which agreement is recorded in the Clerk’s Office of the Circuit Court of the City of Waynesboro, Virginia (the “Clerk’s Office”), as Instrument No. 000002377, as amended by Addendum dated October 16, 2000, which is recorded in the Clerk’s Office as Instrument No. 000002448 (collectively, the “Agreement”);

**WHEREAS**, pursuant to the terms of the Agreement, the City conveyed to the Trust all those parcels described in two Deeds, each dated April 25, 2000, which are recorded in the Clerk’s Office as Instrument Numbers 000002375 and 000002376, respectively;

**WHEREAS**, pursuant to the terms of the Agreement, Smith amended The Sheri Legendre Smith Revocable Trust Agreement dated December 20, 1988, as amended and restated (the “Trust Agreement”), to include a provision to convey all of her right, title and interest in and to the Property to the City at her death, to be used in perpetuity as open green space for public park purposes and to promote the environmental quality of life in Waynesboro through appropriate conservation and recreation uses, as stated in Paragraph D.(3) of ARTICLE I. of the Trust Agreement (the “Property Conveyance Provision”);

**WHEREAS**, the Parties now desire to terminate the Agreement and set forth additional intentions with regards to the future of the Property and the City’s desire to create an alternative conservation and recreational area in the City; and

**WHEREAS**, the City Council desires to enter into the MOU with Smith relating to the Agreement and Property.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WAYNESBORO, VIRGINIA AS FOLLOWS:**

1. The City Manager is hereby authorized to enter into a Memorandum of Understanding with Sheri Legendre Smith, Trustee, of the Sheri Legendre Smith Revocable Trust in substantially such form as attached hereto as Exhibit 1; and
2. The City Manager is hereby authorized to take any other actions that are reasonable and necessary to effectuate the terms of the Memorandum of Understanding.

Resolved this 24<sup>th</sup> day of April 2023.

**CERTIFICATE**

The undersigned Chairman and Clerk of the City Council of City of Waynesboro, Virginia hereby certify that the foregoing constitutes a true and correct copy of a resolution entitled Resolution Authorizing the Execution by the City of a Memorandum of Understanding with Sheri Legendre Smith, Trustee, of the Sheri Legendre Smith Revocable Trust, adopted by the City Council at a meeting held on April 24, 2023.

Date: April 24, 2023

[SEAL]

ATTEST: \_\_\_\_\_  
Clerk, City Council  
City of Waynesboro, Virginia

\_\_\_\_\_  
Mayor, City Council  
City of Waynesboro, Virginia