

DEED OF GIFT OF EASEMENT

6125

THIS DEED OF GIFT OF EASEMENT made this 9th day of March, 1979, by and between G. Archibald Douglas and Margareta C. H. Douglas, his wife, herein called Grantors, and the Virginia Outdoors Foundation, herein called the Grantee.

WITNESSETH:

WHEREAS, the Open Space Land Act of 1966 declared that the preservation of open-space land serves a public purpose for the health and welfare of the citizens of the State by curbing urban sprawl and encouraging more desirable and economic development of natural resources, and authorized the use of easements in gross to maintain the character of open-space land, and

WHEREAS, G. Archibald Douglas and Margareta C. H. Douglas, his wife, Grantors, are the owners of the fee of the real property herein described, which they desire preserved as open-space land in the public interest,

NOW, THEREFORE, in recognition of the foregoing and in consideration of the sum of TEN DOLLARS (\$10) and other valuable considerations, the receipt of which is hereby acknowledged, the said Grantors do hereby grant and convey to the Grantee an open-space easement in gross over, and the right in perpetuity to restrict the use of, the following described real estate, comprising 79.886 acres, located on Route 734 in Loudoun County, Mercer Magisterial District, Virginia, and more particularly described by plat and survey of Brian Throssell dated March 1, 1977, a copy of said plat being attached to and made a part hereof, and wherein the metes and bounds are described as follows:

"Beginning at a point in the westerly right of way line of Route 734, said point being the northeasterly corner of Parcel 'B'; thence, departing Parcel 'B' and running with the westerly line of Route 734,

*Return - Virginia Outdoors Foundation
221 Governor Street
Richmond, Va. 23219*

M. C. C. S. 9-11-79

S. 40° 48' 59" E. 1898.38 feet to a point, a corner to the land of Wilson; thence, departing Route 734 and running with the westerly line of Wilson, S. 35° 35' 01" W. 2412.91 feet to a point, a corner to the land of Cassidy; thence, departing Wilson and running with the easterly boundary of Cassidy, N. 29° 37' 34" W. 61.64 feet to a point; N. 13° 28' 58" W. 398.06 feet to a point; N. 12° 22' 16" W. 194.31 feet to a point; N. 05° 21' 05" W. 232.77 feet to a point; N. 29° 14' 13" W. 107.73 feet to a point; N. 19° 16' 05" W. 325.74 feet to a point; N. 22° 39' 52" W. 263.38 feet to a point; N. 41° 13' 58" W. 94.01 feet to a point; N. 68° 01' 21" W 135.19 feet to a point and N. 72° 52' 43" W. 200.54 feet to a point, a corner to Parcel A-3; thence, departing Cassidy and running with the easterly line of Parcel A-3, N. 30° 18' 35" E. 757.28 feet to a point, a corner to Parcel 'B'; thence, running with the easterly line of Parcel 'B', N. 29° 53' 21" E. 1220.51 feet to the point of beginning, containing 79.886 acres."

This a portion of the property conveyed to the Grantors herein by Richard D. Ketterman and Neysa S. Ketterman, his wife, by deed dated April 25, 1977, recorded in the Office of the Clerk of the Circuit Court for Loudoun County, Virginia, in Deed Book 665, Page 358. Reference is made to said deed and the other records in the aforesaid Clerk's Office for a more particular description of the property subject to this open-space easement.

The restrictions hereby imposed on use of the above-described property are in accord with the Commonwealth of Virginia's policy set forth in Chapter 13, Title 10 of the Code of Virginia, 1950, as amended, Sections 10-151 to 10-158 (Acts 1966, c.461; 1974, c.259), entitled "Open Space Land Act," and the acts which the Grantors, their heirs, successors and assigns, so covenant to do and not to do upon the property, and the restrictions which the Grantee is hereby entitled to enforce, are and shall be as follows:

1. Accumulation of trash, refuse, junk or unsightly material is not permitted on the property visible from public ways.
2. Display of billboards, signs or other advertisements

is not permitted on the property except to state solely the name and/or address of the owner, or to advertise the sale or lease of the property, or to advertise the sale of goods or services produced incidentally to permitted uses of the property, provided that no sign on the property shall exceed four feet by four feet.

3. The property shall not be further subdivided in any manner.

4. Management of timber shall be in accord with sound forestry practices under management plans subject to approval by the Virginia Outdoors Foundation; selective cutting may be practiced so as not to alter the character of forest lands except such as will be cleared for cultivation or grazing; other clearcut areas must be reseeded or planted within two years of unit cutting.

5. Grading, blasting or earth removal shall not alter the topographic aspect of the property except (for dam construction to create conservation ponds or lakes, or) as required in construction of permitted buildings or roads, described in 6 below.

6. No building, structure, or mobile home shall be built or maintained on the property other than (i) farm buildings or structures, and (ii) a single-family dwelling and outbuildings commonly or appropriately incidental thereto, including garaging, swimming pool, guest houses, servants' quarters and farm laborers' quarters.

7. Industrial or commercial activities except farming, silviculture or horticulture are prohibited except as can be and in fact are conducted from the residence house, shop, toolhouse, or other permitted buildings without alteration of the external appearance of same.

Representatives of the Grantee may enter the property

only from time to time for the purpose of inspection and enforcement of the terms of the open-space easement granted herein, following receipt of permission from or after reasonable notice to the landowner of the intended entry.

Although this easement in gross will benefit the public in the ways recited above by encouraging and requiring elements of good land management, nothing herein shall be construed to convey a right to the public of access or use of the property, and the Grantors, their heirs, successors and assigns shall retain exclusive right to access and use.

Acceptance of this conveyance by the Virginia Outdoors Foundation is authorized by Section 10-163 of the Code of Virginia and is evidenced by the signature of its Chairman to this deed.

WITNESS the following signatures and seals:

Archibald Douglas (SEAL)
Archibald Douglas
Margaret C. H. Douglas (SEAL)
Margaret C. H. Douglas

Accepted:

VIRGINIA OUTDOORS FOUNDATION

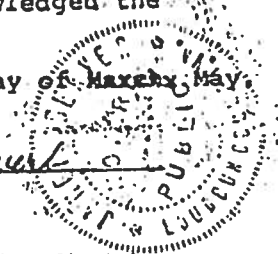
by: Janet Beaver (SEAL)
Chairman

VIRGINIA)
STATE OF NEW YORK)
COUNTY OF LOUDOUN) to-wit:

I, Janet Beaver, a Notary Public in and for the aforesaid jurisdiction, do hereby certify that C. Archibald Douglas and Margaret C. H. Douglas, his wife, whose names are signed to the foregoing deed of gift of easement bearing date on the 9th day of March, 1979, have acknowledged the same before me in my aforesaid jurisdiction.

Given under my hand and seal this 8th day of ~~March~~ May, 1979.

Janet Beaver
Notary Public



My commission expires 4/9/82

In the Clerk's Office of the Circuit Court of Loudoun County, Virginia 6-26-79 at 9:39 P. M. This instrument was received and, with the certificate annexed, admitted to record.

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Teste [Signature] Clerk