

DEED OF EASEMENT

5944

THIS DEED OF EASEMENT, made this 25th day of November, 1976, by and between Robert M. McKinney and Marie-Louise (Marielle) McKinney, his wife, herein called the 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, Robert M. McKinney, one of the Grantors herein, is the owner of the fee of real property herein described which he desires 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 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, containing 300.35 acres, more or less, being part of Wind Fields Farm, located on the north side of Road No. 734, about 3.5 miles northeast of Middleburg, in Loudoun County, Virginia, as more particularly described by plat and survey of Richard U. Goode, CLS, dated May 18, 1974, and wherein the metes and bounds are set forth as follows:

"Beginning at (1) a point in the center of Road No. 734 opposite an iron peg on the North side

of the road and a corner to W. H. Perry; thence with the center of Road No. 734 N 41 deg. 49 min. 23 sec. W 1054.87 feet to (2) a point in the center of Road No. 734 opposite an iron peg on the North side of the road; thence with nine new division lines through the land of The Windfield Corporation; N 31 deg. 06 min. 22 sec. E 1126.64 feet to (3) an iron peg; thence N 06 deg. 19 min. 56 sec. E 365.49 feet to (4) an iron peg; thence N 53 deg. 44 min. 05 sec. E 908.61 feet to (5) an iron peg; thence N 78 deg. 28 min. 07 sec. E 369.23 feet to (6) an iron peg; thence passing just East of a well N 10 deg. 22 min. 25 sec. W 47.18 feet to (7) an iron peg thence S 78 deg. 54 min. 46 sec. W 255.53 feet to (8) an iron peg; thence N 19 deg. 01 min. 01 sec. W 667.75 feet to (9) an iron peg; thence N 05 deg. 29 min. 13 sec. W 930.89 feet to (10) an iron peg; thence N 66 deg. 03 min. 34 sec. W 1654.21 feet to (11) an iron peg in Rozier C. Bayly's Subdivision; thence with said subdivision for the following three courses: N 17 deg. 40 min. 26 sec. W 220.58 feet to (12) an iron peg; thence N 17 deg. 43 min. 26 sec. W 162.51 feet to (13) an iron peg; thence N 22 deg. 21 min. 06 sec. W 140.59 feet to (14) an iron peg in Berryman's line; thence with Berryman N 66 deg. 05 min. 32 sec. E 475.00 feet to (15) an elm tree on the South bank of Goose Creek; thence with the South bank of Goose Creek for the following eight courses and then with the East bank for another eight courses: S 61 deg. 12 min. 06 sec. E 268.60 feet to (16) thence S 64 deg. 18 min. 32 sec. E 322.09 feet to (17) thence S 56 deg. 44 min. 39 sec. E 248.86 feet to (18) thence S 81 deg. 39 min. 21 sec. E 255.89 feet to (19) thence S 76 deg. 19 min. 08 sec. E 564.09 feet to (20) thence N 83 deg. 36 min. 28 sec. E 212.55 feet to (21) thence S 86 deg. 49 min. 23 sec. E 313.48 feet to (22) thence N 55 deg. 27 min. 15 sec. E 735.66 feet to (23) thence N 38 deg. 40 min. 10 sec. E 400.00 feet to (24) thence N 00 deg. 51 min. 14 sec. W 307.43 feet to (25) thence N 12 deg. 22 min. 03 sec. E 469.88 feet to (26) thence N 12 deg. 19 min. 54 sec. W 279.17 feet to (27) thence N 27 deg. 53 min. 20 sec. W 442.78 feet to (28) thence N 15 deg. 30 min. 42 sec. W 274.08 feet to (29) thence N 38 deg. 24 min. 36 sec. W 152.82 feet to (30) thence N 59 deg. 05 min. 28 sec. W 501.34 feet to (31) a point on the Northeast bank of Goose Creek said point being S 74 deg. 37 min. 57 sec. W 24.51 feet from an iron peg; thence leaving Goose Creek and with the land of Joe Martz N 74 deg. 37 min. 57 sec. E 1180.00 feet to (32) an iron peg by a post on the West side of an old county road, formerly Road No. 768; thence with the old county road for the following eleven courses: S 24 deg. 33 min. 19 sec. E 924.06 feet to (33) an iron peg on the East side of the road; thence S 10 deg. 28 min. 38 sec. E 602.07 feet to (34) a point 2.25 feet Northwest

of an iron peg; said point being in line with the fence line dividing the land of G. H. Hurwitz and the land of the Institute Corporation; thence with the Institute Corporation land for the following eight courses: S 11 deg. 17 min. 14 sec. E 1681.83 feet to (35) an iron peg; thence S 29 deg. 11 min. 57 sec. W 1576.89 feet to (36) a point in the center of the old county road; thence with the center of the old county road for the following seven courses: S 12 deg. 36 min. 06 sec. W 297.24 feet to (37) thence S 01 deg. 06 min. 05 sec. W 204.52 feet to (38) thence S 16 deg. 56 min. 06 sec. E 168.49 feet to (39) thence S 26 deg. 35 min. 50 sec. E 280.23 feet to (40) thence S 25 deg. 34 min. 22 sec. E 284.42 feet to (41) thence S 13 deg. 31 min. 04 sec. E 155.99 feet to (42) thence S 28 deg. 37 min. 53 sec. E 259.61 feet to (43) a point in the center of the old county road opposite an iron peg on the West side of the road; thence leaving the road S 81 deg. 35 min. 45 sec. W 121.37 feet to (44) a stone pile 2.7 feet North of a concrete monument, said stone pile being corner to the land of W. H. Perry; thence with Perry for the following three courses: S 82 deg. 36 min. 42 sec. W 1831.00 feet to (45) a concrete monument at a fence corner; thence S 12 deg. 28 min. 57 sec. E 356.46 feet to (46) an iron peg at a fence corner; thence S 34 deg. 01 min. 28 sec. W 1908.19 feet to the point of beginning containing 307.40 acres, less 0.40 acres conveyed to the Commonwealth of Virginia in Deed Book 13 K, page 403, leaving a balance of 307.00 acres, more or less.

LESS AND EXCEPTING THEREFROM, the following two abatements:

(a) 1.9 acres described by metes and bounds as follows:

"Beginning at a point located approximately 20 feet in a Northwesterly direction on the Bluemont Road (Route 734) from the corner intersection between Perry line, Crouch line and said 307 acres, thence N 32 deg. E 265.00 along the Northwest side of the farm road to a stake, thence N 43 deg. W 325.00 which line is approximately parallel to the Bluemont Road to a stake, thence S 43 deg. E 325.00 along the Bluemont Road to the beginning point, which plat is the approximate shape of a parallelogram, containing 1.9 acres, more or less.

(b) 4.75 acres more particularly described by plat and survey of Richard U. Goode, CLS, dated November 9, 1976, a copy of said plat and survey being attached to, recorded with and made a part of this deed of easement.

This is the same identical 307 acre tract conveyed to Robert M. McKinney by Kempt Corporation, a Delaware corporation, by deed dated March 17, 1976, and recorded in the Office of the

Clerk of the Circuit Court for Loudoun County, Virginia, in Deed Book 636, Page 721, less and except the two abatements hereinabove described. Reference is hereby made to said deed and 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 or over the property except to state solely the name and/or address of the owners, 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 subdivided into more than three (3) tracts, none of which shall contain less than fifty (50) acres.
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 (provided that in the event of subdivision of such property as provided in paragraph 3 above, a manor house and permitted outbuildings may be constructed on each subdivided parcel).

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 landowners of the intended entry.

Although this easement in gross will benefit the public in the way 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.

Marie-Louise (Marielle) McKinney joins in this deed of easement to indicate her consent to the terms and intent of this easement and to further indicate her agreement that her dower interest in the above-described real estate shall be held subject to the aforesaid easement.

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, Louis Clifford Schroeder, to this deed.

WITNESS the following signatures and seals:

Robert M. McKinney (SEAL)
Grantor

Marie-Louise (Marielle) McKinney (SEAL)
Grantor

Accepted:

VIRGINIA OUTDOORS FOUNDATION
by: Louis Clifford Schroeder
Chairman

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

I, JANET BUTLER, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that Robert M. McKinney and Marie-Louise (Marielle) McKinney, his wife, whose names are signed to the foregoing easement bearing date on the 25th day of November, 1976, have acknowledged the same before me in my jurisdiction aforesaid.

Given under my hand this 7th day of ^{December} ~~November~~, 1976.

Janet Butler
Notary Public



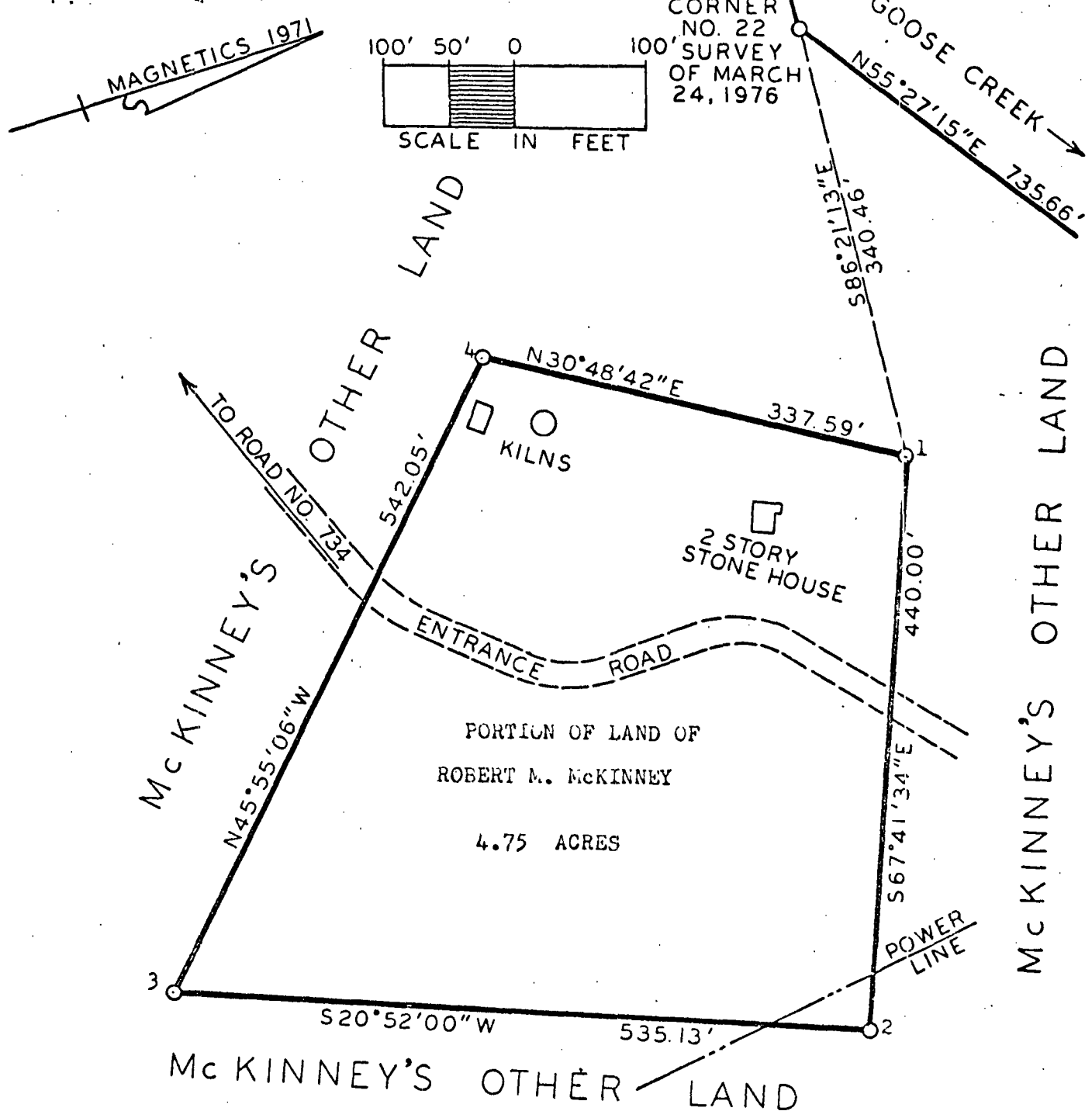
(NOTARIAL SEAL)

My commission expires April 26, 1978.

In the Clerk's Office of the Circuit Court of Loudoun County, Virginia DEC 30 1976 at 9:58 AM. This instrument was received and, with the certificate annexed, admitted to record.

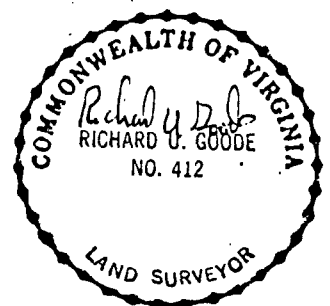
Teste: J. M. ... Clerk

mailed 1-18-77
Va. Outdoors Foundation
803 E. Broad St.
Richmond, Va.



The above tract of land, located about 3.5 miles Northeast of Middleburg in Loudoun County, Virginia, is bounded as follows:

Beginning at (1) an iron peg, said point being S 86 deg. 21 min. 13 sec. E 340.46 feet from corner No. 22 of the Survey of 307.00 Acres, dated March 24, 1976, made by Richard U. Goode, C.L.S.; thence with four new division lines through the land of Robert M. McKinney S 67 deg. 41 min. 34 sec. E 440.00 feet to (2) an iron peg; thence S 20 deg. 52 min. 00 sec. W 535.13 feet to (3) an iron peg; thence N 45 deg. 55 min. 05 sec. W 542.05 feet to (4) an iron peg; thence N 30 deg. 48 min. 42 sec. E 337.59 feet to the point of beginning, containing 4.75 Acres, more or less.



Richard U. Goode
 RICHARD U. GOODE
 CERTIFIED LAND SURVEYOR
 NOVEMBER 9, 1976