

DEED OF EASEMENT

5943

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 140.04 acres, more or less, known as 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 July 9, 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 in line with the east fenceline of the Bayly Subdivision; thence with said subdivision for the following 14 courses N 26 deg.33 min. 27

sec. E 596.61 feet to (2) an iron peg; thence N 19 deg. 35 min. 21 sec. E 347.06 feet to (3) an iron peg; thence N 20 deg. 02 min. 21 sec. E 213.62 feet to (4) an iron peg; thence N 39 deg. 11 min. 49 sec. E 322.82 feet to (5) an iron peg; thence N 20 deg. 05 min. 50 sec. E 40.73 feet to (6) an iron peg; thence N 82 deg. 48 min. 30 sec. E 23.30 feet to (7) an iron peg; thence N 07 deg. 33 min. 07 sec. W 65.13 feet to (8) an iron peg; thence N 15 deg. 03 min. 41 sec. E 185.62 feet to (9) an iron peg; thence N 16 deg. 27 min. 31 sec. E 80.37 feet to (10) a 16" Poplar tree; thence N 10 deg. 46 min. 12 sec. E 247.21 feet to (11) a leaning White Oak tree; thence N 64 deg. 15 min. 08 sec. E 305.52 feet to (12) an iron peg; thence N 35 deg. 05 min. 44 sec. W 245.74 feet to (13) an iron peg; thence N 02 deg. 16 min. 17 sec. W 316.37 feet to (14) an iron peg; thence N 04 deg. 30 min. 17 sec. W 175.38 feet to (15) an iron peg; thence with the land of the Kempt Corporation for the following 9 courses S 66 deg. 03 min. 34 sec. E 1654.21 feet to (16) an iron peg; thence S 05 deg. 29 min. 13 sec. E 930.89 feet to (17) an iron peg; thence S 19 deg. 01 min. 01 sec. E 667.75 feet to (18) an iron peg; thence N 78 deg. 54 min. 46 sec. E 255.53 feet to (19) an iron peg; thence S 10 deg. 22 min. 25 sec. E 47.18 feet to (20) an iron peg; thence S 78 deg. 28 min. 07 sec. W 369.23 feet to (21) an iron peg; thence S 53 deg. 44 min. 05 sec. W 908.61 feet to (22) an iron peg; thence S 06 deg. 19 min. 56 sec. W 365.49 feet to (23) an iron peg; thence S 31 deg. 06 min. 22 sec. W 1126.64 feet to (24) a point in the center of Road No. 734 opposite an iron peg on the north side of the road thence with the center of Road No. 734 N 41 deg. 49 min. 23 sec. W 1911.52 feet to the point of beginning, containing 140.91 acres, less 0.87 acres in Road No. 734, leaving a balance of 140.04 Acres, more or less."

This is the same identical property conveyed to Robert M. McKinney by The Windfield Corporation, a Delaware corporation, by deed dated January 15, 1976, and recorded in the Office of the Clerk of the Circuit Court for Loudoun County, Virginia, in Deed Book 633, Page 25. 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 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 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:

SWT M. McKinney (SEAL)
Grantor

Marie-Louise (Marielle) McKinney (SEAL)
Grantor

