

3270

70-VCF-215

THIS DEED OF EASEMENT, made this 1 day of December, 1974, between Elizabeth Merrill Furness and Thomas P. Furness, husband and wife, herein called "Grantors", and Virginia Outdoors Foundation, a body politic of the Commonwealth of Virginia, herein called "Grantee";

WITNESSETH:

In consideration of the sum of Ten Dollars (\$10.00) 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

That certain tract of land in Scott Magisterial District, Fauquier County, Virginia containing 163 acres, more or less, and being more particularly described by composite plat and metes and bounds description of R. M. Bartenstein & Associates, Inc. dated May 21, 1974 hereto attached and by this reference made a part of this deed.

The restrictions hereby imposed on the use of the property are in accord with the Commonwealth of Virginia's policy, as set forth in Acts, 1966, C. 461, §2, to preserve scenic areas, to conserve lands and other natural resources and to preserve permanent open-space land, 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 shall be as follows:

1. No industrial or commercial activities, with the exception of farming, shall be carried on upon the property except as can be carried on from a residential or farm building without alteration of the external appearance of the building as such.
2. No building or structure 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 without limitation a private garage, swimming pool, guest house, servants' quarters and farm laborers' quarters; provided that in the event of subdivision of such property as provided in sub-paragraph 3 below, a manor house and permitted outbuildings may be constructed on each subdivided parcel.

3. The property shall not be subdivided into any parcel that would be less than 50 acres, or less than one third of the total acreage herein described, whichever is less.

4. No signs, billboards or outdoor advertising structure shall be displayed on the property other than one sign not exceeding four feet by four feet for each of the following purposes: (i) to state the name of the property and the name and address of the occupant, (ii) to advertise an activity permitted under sub-paragraph 1 above, and (iii) to advertise the property for sale or rental; provided, however, that this sub-paragraph 4 shall not limit the Grantee's right to display on the property, at its discretion, a small marker or sign evidencing the ownership of the open-space easement granted herein.

5. No dump of ashes, sawdust, bark, trash, rubbish or any other unsightly or offensive material shall be permitted on the property visible from the public roads and highways.


6. Timberlands shall be managed in accordance with sound forestry practices and trees may be selectively cut from time to time.


The Grantee and its representatives may enter the property upon reasonable notice from time to time for the purpose of inspection and enforcement of the terms of the easement granted herein.

Although this open-space easement in gross will benefit the public in the ways recited above, nothing herein shall be construed to convey a right to the public of access to or use of the property and the Grantors, their heirs, successors and assigns, shall retain exclusive right to such access and use, subject only to the provisions herein recited.

It is expressly recognized that Grantee may subsequently convey the easement hereby made to some other governmental agency organized for the same general purposes as it; provided, however, that since it is the public policy of the Commonwealth of Virginia that such easements be perpetual, in no event shall the rights of the Grantee hereunder be conveyed in any way to the Grantors nor may the Grantee quit-claim or in any way release the restrictions hereby imposed, to the Grantors.

WITNESS the following signatures and seals.


Elizabeth Merrill Furness (SEAL)


Thomas F. Furness (SEAL)

STATE OF VIRGINIA

County of _____, to-wit:

I, _____, a Notary Public in and for the State and _____ aforesaid, do hereby certify that Elizabeth Merrill Furness and Thomas F. Furness, whose names are signed to the foregoing instrument bearing date the _____ day of _____

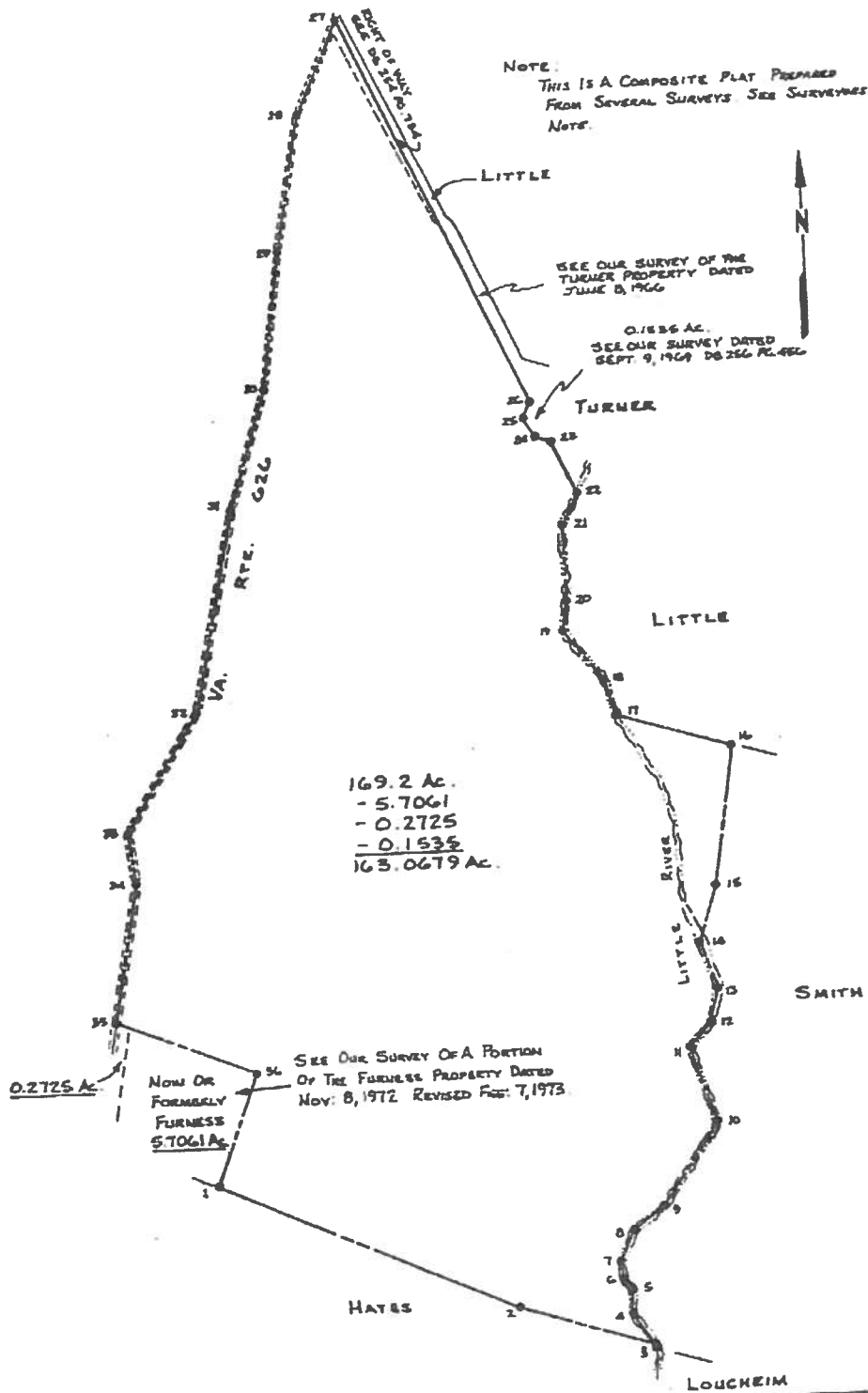
PORTION OF FURNESS PROPERTY
SCOTT DIST. FAUQUIER CO., VA.

311 399

Date: 5-21-74
Project No.: 6597

R. M. BARTENSTEIN & ASSOCIATES INC.
Consulting Engineers & Surveyors
WARRENTON, VIRGINIA 22186

Scale: 1" = 500'
Sheet 1 of 3



Portion of Furness Property
Scott District, Fauquier County, Virginia

I certify that a plat and description was prepared under my direction of a portion of a tract of land said to be in the name of Thomas F. and Elizabeth M. Furness, and located on the east side of Virginia Route 626 in Scott District, Fauquier County, Virginia, approximately 1/2 mile north of Halfway, Virginia.

The said property is a portion of the Land referred to in Deed Book 263 page 25, being a part of Lot One described in Deed Book 152 page 302 in the land records of Fauquier County, Virginia, and is described as follows:

Beginning at (1), a point corner to the 5.7061 acre parcel of the Furness land as surveyed by us and in the line of Hayes, thence with Hayes S67°45'E 1318.58 feet to (2), a slight turn in fence, thence S74°E 561.0 feet to (3), a small gum by a leaning chestnut on the west bank of Little River, corner to Dawson (now Smith), thence down the river N36°30'W 148.5 feet to (4), thence N01°00'W 92.4 feet to (5), thence N38°30'W 54.45 feet to (6), thence N08°15'W 66.00 feet to (7), thence N24°30'E 132.0 feet to (8), thence N53°30'E 143.88 feet to (9), thence N35°00'E 396.00 feet to (10), thence N20°15'W 311.52 feet to (11), thence N43°15'E 132.0 feet to (12), thence N12°45'E 132.0 feet to (13), thence N19°45'W 198.0 feet to (14), a point corner to Slater (Now Smith), / ^{thence} crossing the river N17°30'E 231.0 feet to (15), thence N07°00'E 544.0 feet to (16), a post in angle of fence corner to Slater in Turner's line (now Little), thence with Turner (Now Little), N73°45'W 473.88 feet to a pile of stones on the west side of the river corner to Turner 511.50 feet to (17), a set stone on the west side of river, thence again down the river N17°00'W 148.0 feet to (18), thence N40°30'W 247.50 feet to (19), thence N08°45'E 118.80 feet to (20), thence N02°00'W 297.0 feet to (21), thence N26°15'E 138.60 feet to (22), a gum stump by a marked white oak on the west side of Little River, corner to Skinner (now Turner), thence with Turner as follows: (Note from point (24) through point (27) the bearings and distances are based on surveys by us as noted on this plat), N25°58'08"W 222.94 feet to (23), thence N77°06'48"W 68.53 feet to (24), thence N23°26'30"W 86.79 feet to (25), thence N22°46'13"E 65.90 feet to (26), thence first with Turner and then Little, N25°58'08"W 1731.32 feet to (27), a point in the center of Virginia Route 626, thence with the center of said road as follows: S24°15'W 396.0 feet to (28), thence S10°00'W 528.0 feet to (29), thence S07°30'W 539.88 feet to (30), thence S17°30'W 495.0 feet to (31), thence S11°00'W 792.0 feet to (32), thence S31°00'W 544.50 feet to (33), thence S08°45'E 198.0 feet to (34), thence S09°45'W 540.34 feet to (35), corner to the aforementioned 5.7061 acre parcel, thence with said

Portion of Furness Property
 Scott District, Fauquier County, Virginia

Sheet 3 of 3

parcel as follows: $S66^{\circ}41'40''E$ 590.96 feet to (36), thence $S22^{\circ}05'41''W$ 478.92 feet to (1), the point of beginning, the said tract of land containing 163.0679 Acres .

Surveyor's Note:

This plat and description was prepared entirely from the aforementioned surveys both by us and others. The correct angular relation between our bearings and bearings of previous surveys have not been adjusted to the same reference line. No attempt was made to make a mathematical closure of the metes and bounds. The area was computed by subtracting the areas of the parcels conveyed from the original 169.2 Acre parcel. No attempt was made by us to verify if any other conveyance affecting this parcel exist.

This plat and description does not represent a field survey by us.



Richard H. Vogel, VA.C.L.S. #859
 R.M. Bartenstein & Assoc., Inc.

December, 1974, have this day personally appeared before me and acknowledged the same.

Given under my hand this 6th day of December, 1974.

My Commission expires _____

Notary Public

Accepted: Virginia Outdoors Foundation

By: _____

STATE OF VIRGINIA

_____ of _____, to-wit:

I, _____, a Notary Public in and for the State and _____ aforesaid, hereby certify that

whose name is signed to the foregoing Deed bearing date the _____ day of December, 1974, has this day personally appeared before me and acknowledged the same.

Given under my hand this _____ day of December, 1974.

My Commission expires _____

Notary Public

Virginia: In the Clerk's Office of Fauquier Circuit Court, 20.11.20.1974

This instrument was this day received in said Office with certificate admitted to record at 11.10.74

of \$ _____ imposed by Section 58-54(b) Paid

Testes: _____ Clerk

3270

Elizabeth Merrill Furness

Deed of Easement

Virginia Outdoors Foundation

Wauquier County, 361161 1974

State Tax _____

County Tax _____

Transfer _____

Recording 12.75

120 State Tax _____

220 A Local Tax _____

220 B Local Tax _____

Total 12.75

Deed Book 311 . Page 396

LAW OFFICES
KUYKENDALL, HALL & WHITING
POST OFFICE BOX 276
20 SOUTH CAMERON STREET
WINCHESTER, VIRGINIA 22601