



Doc ID: 008417030013 Type: DEE  
 Recorded: 03/13/2019 at 11:35:00 AM  
 Fee Amt: \$36.00 Page 1 of 13  
 Fauquier County, VA  
 Gail H Barb Clerk of Circuit Court  
 File# 2019-00001677

**Prepared and when recorded return to:**  
 Samuel J. Kaufman, Esquire, VSB No. 48442  
 Owen & Owens PLC  
 P.O. Box 717  
 Midlothian, VA 23113

BK **1592** PG **233-245**

Parcel ID Nos: 6032-63-1057-000 ("43.9125Acre Wheeler Parcel")  
 6032-33-9748-000 (55.384 Acre Wheeler Parcel")

**DECLARATION OF EASEMENT**

THIS DECLARATION OF EASEMENT is made this 19th day of October, 2018, by **GEORGE Y. WHEELER, III**, a resident of the Commonwealth of Virginia (the "Declarant") and **THE LAND TRUST OF VIRGINIA, INC.** ("Land Trust").

**Recitals**

A. Declarant is the fee simple owner of those two (2) certain parcel of real property located in Fauquier County, Virginia, described as follows:

(i) the "**43.9125Acre Wheeler Parcel**" being that certain +/- 43.9125acre parcel located in the Marshall District of Fauquier County, Virginia, with a current Parcel Identification Number of 6032-63-1057-000, a portion of which is shown on the Easement Plat; and

(ii) the "**55.384 Acre Wheeler Parcel**" being that certain +/- 55.384 acre parcel located in the Marshall District of Fauquier County, Virginia, with a current Parcel Identification Number of 6032-33-9748-000, a portion of which is shown on the Easement Plat.

B. The 43.9125Acre Wheeler Parcel and the 55.384 Acre Wheeler Parcel are adjacent to one another and are each shown on that certain easement plat of Carson Land Surveyors entitled "Plat Showing Easement Dedication on the Property of George Y. Wheeler, III" dated September 24, 2018, attached hereto and made a part hereof (the "Easement Plat");

C. The "Easement Area" is that certain 50' wide area delineated as "50' Wide Ingress/Egress & Utilities Easement (Private) Hereby Granted" as shown on the Easement Plat;

C. Declarant desires to provide access from and to the 55.384 Acre Wheeler Parcel over and through the 43.9125Acre Wheeler Parcel as shown on the Easement Plat to permit vehicular and pedestrian access, and utilities, to and from the 55.384 Acre Wheeler Parcel for the purposes of accessing Pleasant Vale Road as shown on the Easement Plat.

EXAMINED & RETURNED  
 Walker Jones PC

NOW, THEREFORE, for and in consideration of the foregoing and intending to be legally bound, Declarant hereby sets forth the following:

1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.
2. Grant. Declarant GRANTS and CONVEYS for the benefit of the 55.384 Acre Wheeler Parcel, a non-exclusive, irrevocable and perpetual easement appurtenant to the 55.384 Acre Wheeler Parcel, for pedestrian and vehicular ingress and egress, and for utilities, between over and across the Easement Area for the purposes of access to and from Pleasant Vale Road as shown on the Easement Plat.
3. Easement Appurtenant/ Successors and Assigns. The easement described in this instrument is appurtenant to and shall run with the land. The easement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.
4. Rules of Construction. The easement shall be governed and construed under the laws of the Commonwealth of Virginia.
5. Merger. Irrespective of the common seisin of the lots, this easement shall not be merged or extinguished by the common ownership of the lots.
6. Land Trust Consent. Land Trust is the Grantee under a certain Deed of Gift of Easement dated December 21, 2012, and recorded in the Clerk's Office of the Circuit Court of Fauquier County, Virginia, in Deed Book 1416 at Page 1401, which Deed of Easement subjects the Property to Land Trust's easement. Land Trust hereby consents to the grant of this Easement and joins in the execution of this Deed of Easement to memorialize that consent.

EXECUTED as of the day and year first above written.

DECLARANT:

1/7/19  
Date

By: George Y. Wheeler III  
George Y. Wheeler, III

COMMONWEALTH OF VIRGINIA  
COUNTY OF FAUQUIER: to-wit:

The foregoing instrument was acknowledged before me this <sup>also</sup> 7th day of January, 2019, ~~October, 2018~~,  
by George Y. Wheeler, III.

My Commission expires: \_\_\_\_\_

Notary Registration Number: \_\_\_\_\_

Donna S. Sager  
NOTARY PUBLIC

**DONNA S. SAGER  
NOTARY PUBLIC  
REGISTRATION #136898  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES 10/31/21**

Land Trust of Virginia, Inc.

10/19/18  
Date

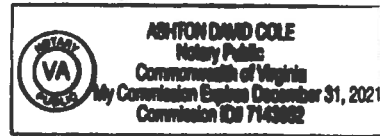
By: Christopher C. Dematatis

COMMONWEALTH OF VIRGINIA  
COUNTY OF FAUQUIER: to-wit:

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of October, 2018, by Christopher C. Dematatis, Chairman of Land Trust of Virginia, Inc.

My Commission expires: 12/31/21  
Notary Registration Number: 714 3052

Ashton David Cole  
NOTARY PUBLIC



... THE LAND IS TO BE DIVIDED FROM FUNDS OTHER THAN THOSE ADMINISTERED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION OR FAUQUIER COUNTY. PRIVATE STREETS IN THIS SUBDIVISION ARE NOT DEDICATED FOR PUBLIC USE. STREET SIGNS FOR THE PRIVATE STREET(S) IN THIS SUBDIVISION WILL NOT BE MAINTAINED WITH FUNDS FROM THE COUNTY OF FAUQUIER. SIGN MAINTENANCE FOR PRIVATE ROADS AND STREETS SHALL BE THE RESPONSIBILITY OF THE OWNER(S) OF RECORD.

INGRESS AND EGRESS EASEMENT FOR PUBLIC EMERGENCY AND MAINTENANCE VEHICLES IS HEREBY GRANTED TO THE COUNTY FOR ALL PRIVATE STREETS WITHIN THIS SUBDIVISION.

**SURVEYOR'S CERTIFICATE**  
I, ERIC K. NISKANEN, A DULY LICENSED LAND SURVEYOR, CERTIFY THAT THIS EASEMENT DEDICATION, TO THE FURTHER CERTIFY THE PROPERTY SHOWN HEREON TO GEORGE Y. WHEELER, III - DEED BOOK 969, PAGE 11, AS FOUND AMONG THE LAND RECORDS OF FAUQUIER COUNTY, VIRGINIA.



**OWNER'S CONSENT STATEMENT**

THE PLATTING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND IDENTIFIED AS THE PROPERTIES OF GEORGE Y. WHEELER, III IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES, IF ANY.

*George Y. Wheeler III*

CERTIFICATE OF ACKNOWLEDGEMENT:  
CITY/COUNTY OF Fauquier  
COMMONWEALTH/STATE OF Virginia

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 4<sup>th</sup> DAY OF January, 2019  
BY George Y. Wheeler III

*Katya Brooke Gibson*  
NOTARY PUBLIC

MY COMMISSION EXPIRES: May 31, 2022



**NOTES:**

1. THE SUBJECT PROPERTIES ARE LOCATED ON FEMA FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 51061C0075C, DATED FEB. 6, 2008. THE PROPERTIES ARE LOCATED IN ZONE X. THIS DOES NOT CONSTITUTE A FLOOD STUDY BY THIS FIRM.
2. WETLANDS, IF ANY, NOT SHOWN.
3. NO TITLE REPORT FURNISHED. OTHER EASEMENTS AND/OR RIGHTS-OF-WAY MAY EXIST.
4. CURRENT ZONING: RA & RC.
5. FAUQUIER COUNTY PIN 6032-63-1057-000 & 6032-33-9748-000.
6. OWNER & ADDRESS: GEORGE Y. WHEELER, III  
P.O. BOX 3  
DELAPLANE, VA 20144  
DB 969 PG 883 & DB 1512, PG 2394
7. THIS PLAT IS BASED ON A PLAT OF PROPERTY LINE AGREEMENT BY THIS FIRM DATED APRIL 17, 2018 AND REVISED ON JUNE 15, 2018. THIS DOES NOT REPRESENT A BOUNDARY SURVEY ON THE PARCELS SHOWN BY THIS FIRM.
8. IMPROVEMENTS EXIST AND ARE NOT SHOWN.
9. PROPERTIES IDENTIFIED AS PIN 6032-63-1057-000 & 6032-33-9748-000 IN THE NAME OF GEORGE Y. WHEELER, III AS SHOWN HEREON IS SUBJECT TO A DEED OF GIFT EASEMENT GRANTED TO LAND TRUST OF VIRGINIA, INC. AS RECORDED IN DEED BOOK 1416 AT PAGE 1401.

**PRIVATE STREET NOTE:**

THE PRIVATE STREET IN THIS SUBDIVISION WILL NOT BE PAVED OR MAINTAINED WITH FUNDS OF FAUQUIER COUNTY OR FUNDS ADMINISTERED BY THE VIRGINIA DEPARTMENT OF HIGHWAYS AND TRANSPORTATION. IN THE EVENT THAT OWNERS OF LOTS IN THE SUBDIVISION SUBSEQUENTLY DESIRE THE ADDITION OF SUCH PRIVATE STREETS TO THE SECONDARY SYSTEM OF STATE HIGHWAYS FOR MAINTENANCE, THE COST TO UPGRADE IT TO THE PRESCRIBED STANDARDS MUST BE PROVIDED FROM FUNDS OTHER THAN THOSE ADMINISTERED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION OR FAUQUIER COUNTY. PRIVATE STREETS IN THIS SUBDIVISION ARE NOT DEDICATED FOR PUBLIC USE. STREET SIGNS FOR THE PRIVATE STREET(S) IN THIS SUBDIVISION WILL NOT BE MAINTAINED WITH FUNDS FROM THE COUNTY OF FAUQUIER. SIGN MAINTENANCE FOR PRIVATE ROADS AND STREETS SHALL BE THE RESPONSIBILITY OF THE OWNER(S) OF RECORD.

INGRESS AND EGRESS EASEMENT FOR PUBLIC EMERGENCY AND MAINTENANCE VEHICLES IS HEREBY GRANTED TO THE COUNTY FOR ALL PRIVATE STREETS WITHIN THIS SUBDIVISION.

**APPROVAL BLOCK**

This plat is for the sole purpose of recording an easement.

This plat has not been reviewed for compliance with zoning and subdivision ordinance requirements and does not constitute an approval of new lots of record under the Fauquier County Subdivision Ordinance.

*Stephan D. Yambolakis*  
Agent, Board of Supervisors

1-25-17  
Date

**SURVEYOR'S CERTIFICATE**  
I, ERIC K. NISKANEN, A DULY LICENSED LAND SURVYOR, CERTIFY THAT THIS EASEMENT DEDICATION, TO THE FURTHER CERTIFY THE PROPERTY SHOWN HEREON TO GEORGE Y. WHEELER, III - DEED BOOK 969, PAGE 8 AS FOUND AMONG THE LAND RECORDS OF FAUQUIER

THESE PROPERTIES MUST BE MAINTAINED FOR THE  
VIRGINIA DEPARTMENT OF TRANSPORTATION OR  
THEY ARE NOT DEDICATED FOR PUBLIC USE.  
NO SUBDIVISION WILL NOT BE MAINTAINED WITH  
ACCESS FOR PRIVATE ROADS AND STREETS SHALL

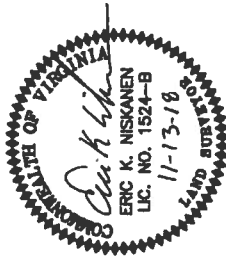
VEHICLE AND MAINTENANCE VEHICLES IS HEREBY  
WITHIN THIS SUBDIVISION.



VICINITY MAP  
SCALE 1"=3000'

### SURVEYOR'S CERTIFICATE

I, ERIC K. NISKANEN, A DULY LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT THIS EASEMENT DEDICATION, TO THE BEST OF MY KNOWLEDGE AND BELIEF, IS CORRECT. I FURTHER CERTIFY THE PROPERTY SHOWN HEREON LIES IN THE NAME OF GEORGE Y. WHEELER, III - DEED BOOK 969, PAGE 883 & DEED BOOK 1512, PAGE 2394 AS FOUND AMONG THE LAND RECORDS OF FAUQUIER COUNTY, VIRGINIA.



PLAT SHOWING  
EASEMENT DEDICATION  
ON THE PROPERTY OF  
**GEORGE Y. WHEELER, III**  
MARSHALL MAGISTERIAL DISTRICT  
FAUQUIER COUNTY, VIRGINIA  
SEPTEMBER 24, 2018

PROJECT #2016-035-10 SHEET 1 OF 2

**CARSON**  
**LAND CONSULTANTS**  
Land Planning, Surveying & Site Design  
45 Main Street, 1st Floor • Warrenton VA 20186  
Phone: (540) 347-9181 • Fax: (540) 348-1905  
www.CarsonLC.com

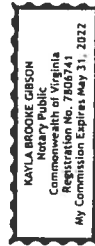
### STATEMENT

I, FOLLOWING  
PROPERTIES OF  
FREE CONSENT AND  
THE UNDERSIGNED  
AS, IF ANY.

*[Signature]*

KNOWLEDGED

\_\_\_\_\_, 2019



22

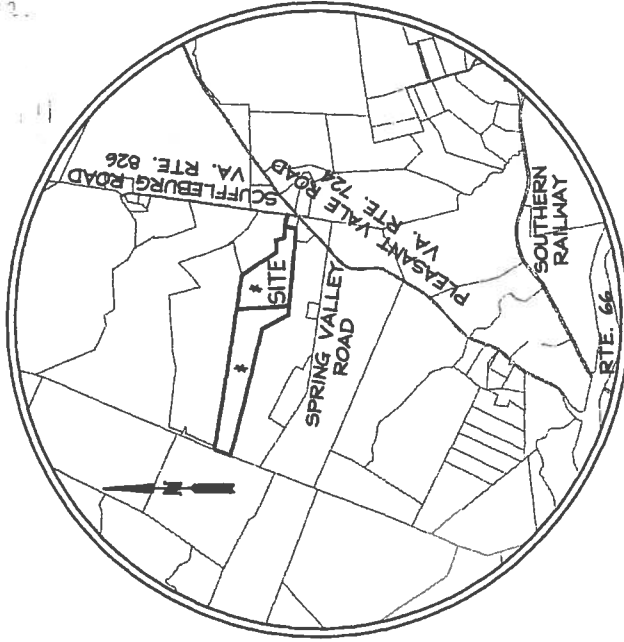
RANCE RATE MAP, COMMUNITY-PANEL  
LOCATED IN ZONE X. THIS DOES NOT

ITS-OF-WAY MAY EXIST.

NT BY THIS FIRM DATED APRIL 17, 2016  
UNDARY SURVEY ON THE

746-000IN THE NAME OF  
IED OF GIFT EASEMENT GRANTED TO  
AT PAGE 1401.

BE PAVED OR MAINTAINED WITH FUNDS OF  
INIA DEPARTMENT OF HIGHWAYS AND  
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IDARY SYSTEM OF STATE HIGHWAYS FOR  
RIBED STANDARDS MUST BE PROVIDED FROM  
IA DEPARTMENT OF TRANSPORTATION OR  
N ARE NOT DEDICATED FOR PUBLIC USE.  
SUBDIVISION WILL NOT BE MAINTAINED WITH  
ICE FOR PRIVATE ROADS AND STREETS SHALL  
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ITHIN THIS SUBDIVISION.



VICINITY MAP  
SCALE 1"=3000'

## APPROVAL BLOCK

This plat is for the sole purpose of  
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This plat has not been reviewed for  
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ordinance requirements, and does not  
constitute an approval of new lots of record  
under the Fauquier County Subdivision Ordinance.

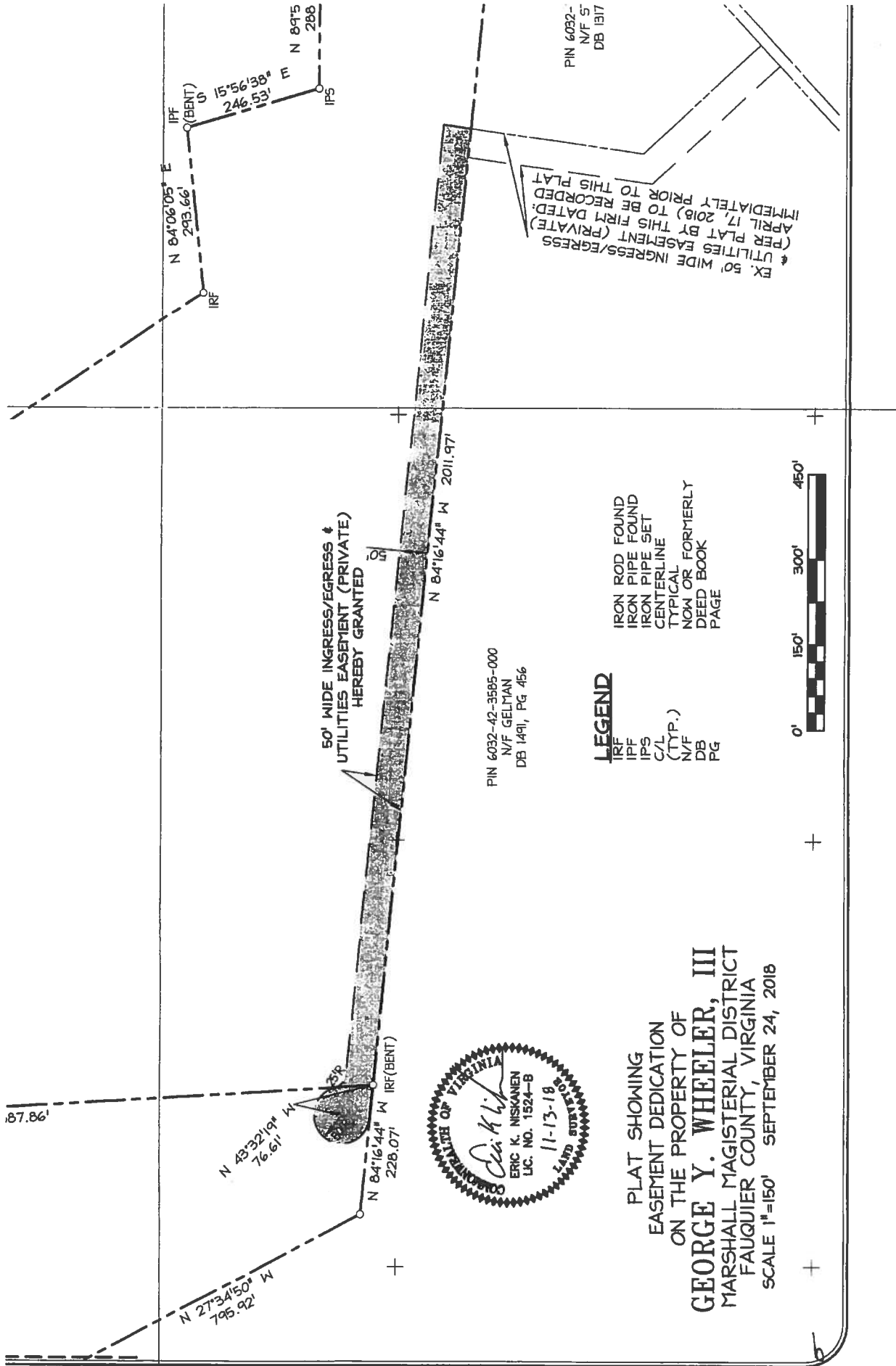
*Heather D. ...*  
Agent, Board of Supervisors

Date  
1-25-17

## SURVEYOR'S CERTIFICATE

I, ERIC K. NISKANEN, A DULY LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY  
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I FURTHER CERTIFY THE PROPERTY SHOWN HEREON LIES IN THE NAME OF  
GEORGE Y. WHEELER, III - DEED BOOK 969, PAGE 863 & DEED BOOK 1512, PAGE 2394  
AS FOUND AMONG THE LAND RECORDS OF FAUQUIER COUNTY, VIRGINIA.





50' WIDE INGRESS/EGRESS &  
UTILITIES EASEMENT (PRIVATE)  
HEREBY GRANTED

PIN 6032-42-3585-000  
N/F GELTIAN  
DB 1491, PG 456

**LEGEND**

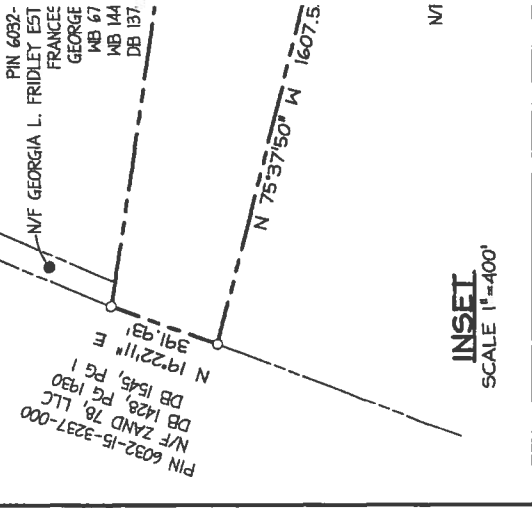
- IRF IRON ROD FOUND
- IPF IRON PIPE FOUND
- IPS IRON PIPE SET
- C/L CENTERLINE
- (TYP.) TYPICAL
- N/F NOM OR FORMERLY
- DB DEED BOOK
- PG PAGE



PLAT SHOWING  
EASEMENT DEDICATION  
ON THE PROPERTY OF  
**GEORGE Y. WHEELER, III**  
MARSHALL MAGISTERIAL DISTRICT  
FAUQUIER COUNTY, VIRGINIA  
SCALE 1"=150' SEPTEMBER 24, 2018

EX. 50' WIDE INGRESS/EGRESS  
& UTILITIES EASEMENT (PRIVATE)  
(PER PLAT BY THIS FIRM DATED:  
APRIL 17, 2018) TO BE RECORDED  
IMMEDIATELY PRIOR TO THIS PLAT

PIN 6032-  
N/F S  
DB 1817

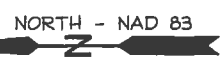


**INSET**  
SCALE 1"=400'

PIN 6032-75-0313-000  
N/F GERCHICK  
DB 1094, PG 1764

PIN 6032-  
N/F GEORGIA L. FRIDLEY EST  
FRANCEE  
GEORGE  
WB 67  
WB 144  
DB 137

PIN 6032-15-3237-000  
N/F ZAND 78, LLC  
DB 1428, PG 1930  
DB 1545, PG 1



PIN 6032-44-3519-000  
N/F WHEELER TRUST  
DB 1416, PG 1556

**WHEELER PROPERTY**  
PIN 6032-63-1057-000  
43.9125 AC.

E 11,635,800'  
N 7,023,200'

**WHEELER PROPERTY**  
PIN 6032-33-9748-000  
55.3840 AC.

**MATCHLINE**  
**THIS**  
**SHEET**

10

S 81°27'20" E 871.67'

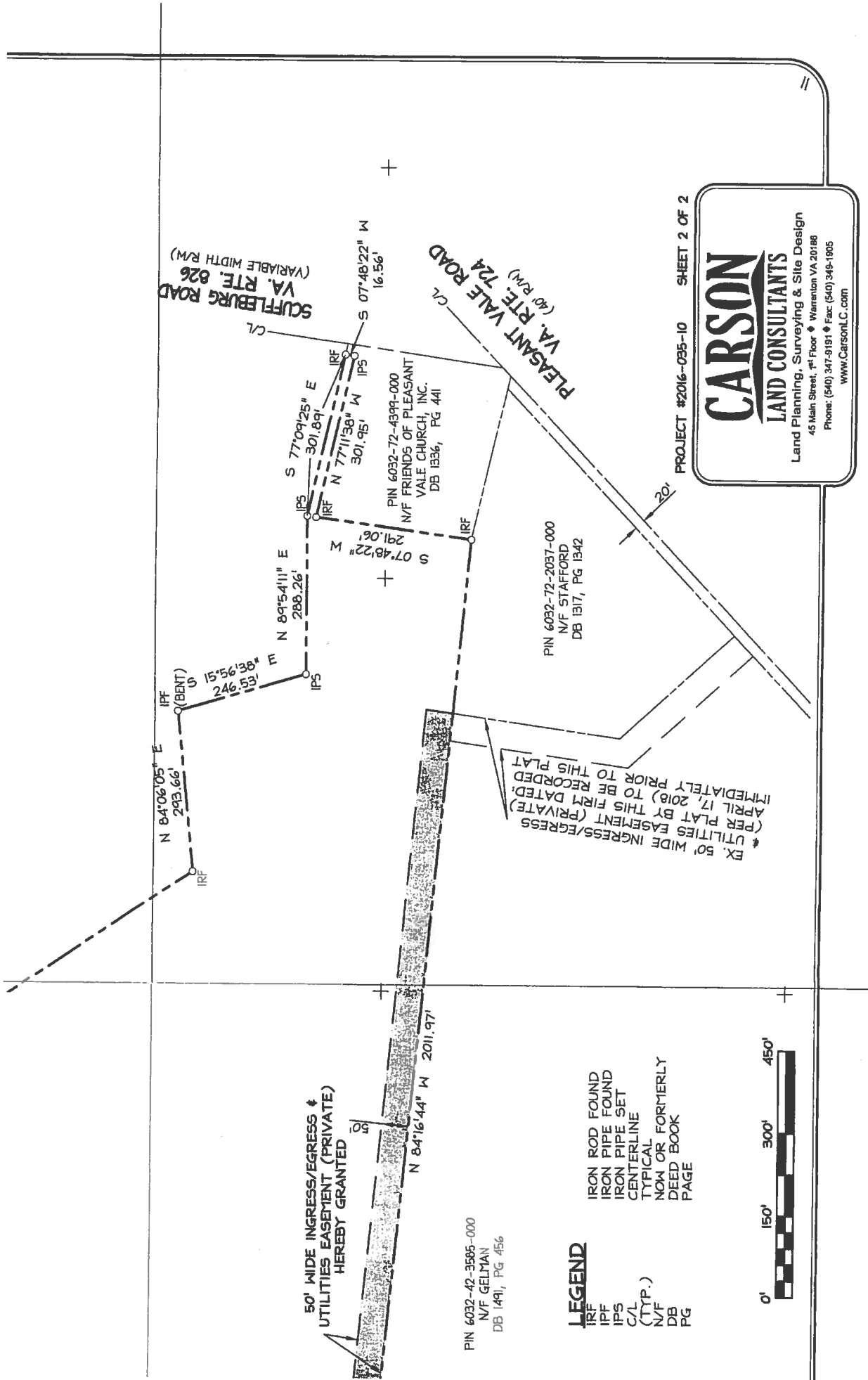
N 03°25'22" W 1387.86'

N 27°34'50" W  
795.92'

N 43°32'19" W  
76.61'

S 33°08'55" E 1127.65'

N 84°06'05" E  
293.66'  
N 15°56'38" E  
246.53'  
N 89°54'1" E  
288.26'



SCUFFLEBURG ROAD  
VA. RTE. 826  
(VARIABLE WIDTH R/W)  
C/L

PLEASANT VALE ROAD  
VA. RTE. 724  
(40' R/W)  
C/L

50' WIDE INGRESS/EGRESS &  
UTILITIES EASEMENT (PRIVATE)  
HEREBY GRANTED

EX. 50' WIDE INGRESS/EGRESS  
& UTILITIES EASEMENT (PRIVATE)  
(PER PLAT BY THIS FIRM DATED  
APRIL 17, 2018) TO BE RECORDED  
IMMEDIATELY PRIOR TO THIS PLAT

PIN 6032-42-3585-000  
N/F GELMAN  
DB 1491, PG 456

**LEGEND**

- IRF IRON ROD FOUND
- IPF IRON PIPE FOUND
- IPS IRON PIPE SET
- C/L CENTERLINE
- (TYP.) TYPICAL
- N/F NOW OR FORMERLY
- DB DEED BOOK
- PG PAGE



PROJECT #2016-035-10 SHEET 2 OF 2

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Phone: (503) 347-9191 • Fax: (503) 349-1905  
www.CarsonLC.com

13

RECORDED IN CLERKS OFFICE OF  
FAUQUIER ON  
MARCH 13 2019 at 11 35 00 AM  
AS REQUIRED BY VA CODE §58-1-802  
STATE \$0.00 LOCAL \$0.00  
FAUQUIER COUNTY, VA  
GAIL H BARB CLERK OF CIRCUIT COURT  
*Gail Barb*