

This document prepared by:

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Exempt from recordation taxes pursuant to Virginia
Code Sections 58.1-811(A)(3) and 58.1-811 (C) (4)

Albemarle County

Portions of
TMP # 055E0-01-00-000A1
TMP # 055E0-01-00-000H0

This **DEED OF EXCHANGE AND DEED OF DEDICATION** made this ____ day of July 2015, by and between **MARCH MOUNTAIN PROPERTIES, L.L.C.**, a Virginia limited liability company (“March Mountain”), a Grantor and Grantee, party of the first part, whose address is 1005 Heathercroft Circle, Suite 100, Crozet, Virginia 22932; and the **COUNTY OF ALBEMARLE**, a political subdivision of the Commonwealth of Virginia (“Albemarle County”), a Grantor and Grantee, party of the second part whose address is 401 McIntire Road, Charlottesville, Virginia 22902.

WITNESSETH:

WHEREAS, March Mountain is the owner in fee simple of that certain tract of land containing 0.277 acres, more or less, shown as Parcel B on a plat dated May 6, 2015, last revised June 22, 2015, prepared by Roudabush, Gale & Associates, Inc., which plat is more particularly described below (the “Boundary Line Adjustment Plat”);

WHEREAS, Albemarle County is the owner in fee simple of that certain tract of land containing 0.232 acre, shown as Parcel A on the Boundary Line Adjustment Plat, which parcel is a portion of Old Trail Park, a publically dedicated greenway.

WHEREAS, March Mountain and Albemarle County desire to exchange the aforesaid parcels;

WHEREAS, March Mountain offers to grant, convey and dedicate Parcel B to Albemarle County in fee simple for public use, namely as a greenway, open space, storm water management and related improvements; and

WHEREAS, Albemarle County is willing to accept March Mountain's offer of dedication.

NOW, THEREFORE, in consideration of the exchange of the hereinafter described property, March Mountain Properties, L.L.C. does hereby GRANT, CONVEY and DEDICATE for public use to the County of Albemarle, a political subdivision of the Commonwealth of Virginia, its successors and assigns, with GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE, the following described real property ("Parcel B"):

All that certain parcel of land, shown and designated as "Parcel B, A Portion of TMP 055E0-01-00-000A1" containing 0.277 of an acre, on a plat dated May 6, 2015, last revised June 22, 2015, prepared by Roudabush, Gale & Associates, Inc. entitled "Boundary Line Adjustment Plat Old Trail Village Greenway Area #3 and Tax Map 055E0-01-00-000A1, White Hall Magisterial District, Albemarle County, Virginia," which plat is attached hereto and recorded herewith **TO BE ADDED TO AND COMBINED WITH** Greenway Area #3 as shown on the aforesaid plat; **BEING** a portion of the same property conveyed to March Mountain Properties, L.L.C. by deed dated June 3, 2002, from March Mountain, L.L.C. of record in the Clerk's Office of the Circuit Court of Albemarle County, Virginia in Deed Book 2233, page 389.

March Mountain reserves for itself, its successors and assigns an easement over, under and across the entirety of Parcel B to grade, construct, maintain, repair, replace and extend trails comprising the County of Albemarle, Virginia greenway trail system, as well as stormwater management facilities in accordance with ZMA-2004-024, as proffered and amended.

This conveyance is subject to any easements, conditions, restrictions, and reservations contained in duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title to the property hereby conveyed, which have not expired by limitation of time contained therein or have not otherwise become ineffective and any lien, inchoate or otherwise for real estate taxes and assessments not yet due and payable.

Albemarle County, acting by and through its County Executive, duly authorized by resolution adopted by the Board of Supervisors of the County of Albemarle, Virginia, accepts the conveyance of Parcel B pursuant to Virginia Code Section 15.2-1803, as evidenced by the County Executive's signature hereto and the recordation of this deed.

And further for and in consideration of the foregoing conveyances, the County of Albemarle, a political subdivision of the Commonwealth of Virginia, does hereby GRANT and CONVEY with GENERAL WARRANTY and ENGLISH COVENANTS OF TITLE unto March Mountain Properties, L.L.C., the following described real property:

All that certain parcel of land, shown and designated as "Parcel A, A Portion of Greenway Area #3 TMP 055E0-01-00-000H0" containing 0.232 of an acre, on the aforesaid Boundary Line Adjustment Plat; **TO BE ADDED TO AND COMBINED WITH** March Mountain's existing property as shown on the Boundary Line Adjustment Plat; **BEING** a portion of the same property conveyed to the County of Albemarle by deed of dedication from March Mountain Properties, L.L.C., dated September 10, 2010, which deed is of record in Deed Book 3955, page 1.

This conveyance is subject to any easements, conditions, restrictions, and reservations contained in duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title to the property hereby conveyed, which have not expired by limitation of time contained therein or have not otherwise become ineffective and any lien, inchoate or otherwise for real estate taxes and assessments not yet due and payable.

And further for and in consideration of the foregoing conveyances, the County of Albemarle, a political subdivision of the Commonwealth of Virginia, does hereby GRANT and CONVEY with GENERAL WARRANTY and ENGLISH COVENANTS OF TITLE unto March Mountain Properties, L.L.C. an easement over, under and across the entirety of that certain parcel of land, shown and designated on the Boundary Line Adjustment Plat as a "Portion of TMP 055E0-01-00-000H0 Greenway Area #3 County of Albemarle" containing 6.438 acres, to grade, construct, maintain, repair, replace and extend trails comprising the County of

Albemarle, Virginia greenway trail system, as well as stormwater management facilities in accordance with ZMA-2004-024, as proffered and amended.

SIGNATURE PAGES IMMEDIATELY FOLLOW

WITNESS the following signatures and seals:

MARCH MOUNTAIN PROPERTIES, L.L.C.,
a Virginia limited liability company

By: _____

Name: _____

Title: Manager

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____to-wit,

The foregoing instrument was acknowledged before me this ___day of _____ 2015,
by _____ as Manager of March Mountain Properties, L.L.C., a
Virginia limited liability company.

Notary Public

My Commission Expires:_____

Commission No.:_____

COUNTY OF ALBEMARLE

By: _____(SEAL)
Thomas C. Foley, County Executive

APPROVED AS TO FORM:

County Attorney

COMMONWEALTH OF VIRGINIA
COUNTY OF ALBEMARLE to wit:

The foregoing instrument was acknowledged before me this __ day of _____
2015, by Thomas C. Foley, County Executive of Albemarle County, Virginia.

My Commission expires: _____

Commission No.: _____

Notary Public

Approved as to Form:

Albemarle County Attorney