

PREPARED BY:

Albemarle County Attorney's Office
401 McIntire Road, Suite 325
Charlottesville, Virginia 22902

Parcel ID # 055E0-01-00-000H0

This deed is exempt from taxation under *Virginia Code* § 58.1-811(A)(3) and from Clerk's fees under *Virginia Code* § 17.1-266.

This **DEED OF EASEMENT** and **DEED OF VACATION**, made this 22nd day of May, 2017, by and between the **COUNTY OF ALBEMARLE**, a political subdivision of the Commonwealth of Virginia (the "County"), a Grantor and Grantee; and **ALBEMARLE COUNTY SERVICE AUTHORITY** (the "Authority"), a Grantor and Grantee, whose address is 168 Spotnap Road, Charlottesville, Virginia 22911.

W I T N E S S E T H:

WHEREAS, the Authority has requested and the Grantor has agreed to grant the Authority a sanitary sewer line easement located on the County's property in Albemarle County, Virginia, and the Authority has agreed to vacate a portion of an existing sanitary sewer easement, which easements are shown on the following plat (the "Plat"):

"Sanitary Sewer Easement Plat Showing Portion of Existing Easement To Be Vacated And New Sanitary Sewer Easement To Be Dedicated To Albemarle County Service Authority Located On TMP 055E0-01-00-000H0 Old Trail Village Subdivision White Hall Magisterial District Albemarle County, Virginia" dated February 14, 2017, prepared by Roudabush, Gale & Associates, Inc., which plat is attached hereto and recorded herewith.

WHEREAS, as shown on the Plat, the proposed easement crosses a portion of the property conveyed to the County by deed recorded in the Albemarle County Circuit Clerk's Office in Deed Book 3955, page 1 (the "Public Park"); and the County is the fee simple owner of the said property as of the date hereof.

NOW, THEREFORE, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the County does hereby GRANT and CONVEY with SPECIAL WARRANTY OF TITLE unto the Albemarle County Service Authority a perpetual right of way and easement to construct, install, maintain, repair, replace and extend sanitary sewer lines consisting of pipes and appurtenances thereto, over, under and across the real property of the Grantor located in the White Hall Magisterial District of Albemarle County, Virginia, the location and width of the easements hereby granted and the boundary of the properties being more particularly described on the Plat as "CL SSE 20." Reference is made to the aforesaid Plat for the exact location and dimension of the permanent easement hereby granted and the property over which the same crosses.

The County, its successors and assigns agree that trees, shrubs, fences, buildings, overhangs or other improvements or obstructions, except as provided for below, shall not be placed within the easement conveyed herein. The County shall have the right to construct trails and related improvements ("Park Improvements") within the easement hereby granted. The County, its successors and/or assigns shall also have the right to construct other utility lines within the easement hereby granted, provided that no such lines shall be within five (5) feet horizontally of the sewer lines installed hereunder. The County shall first consult with the Authority concerning the type and location of any new trees to be placed within the easement area.

As a part of this easement, the Authority shall have the right to enter upon the above described properties within the easement for the purpose of installing, constructing, maintaining, repairing, replacing and extending sewer lines, and appurtenances thereto within such easement, and the right of ingress and egress thereto as reasonably necessary to construct, install, maintain,

repair, replace and extend such sewer lines. If the Authority is unable to reasonably exercise the right of ingress and egress over the right-of-way, the Authority shall have the right of ingress and egress over the property of the owner adjacent to the right-of-way.

Whenever it is necessary to excavate earth within such easement, the Authority agrees to backfill such excavation in a proper and workmanlike manner so as to restore surface conditions as nearly as practical to the same condition as prior to excavation, including restoration of such paved surfaces as may be damaged or disturbed as part of such excavation.

The easement provided for herein shall include the right of the Authority, with the County's prior written consent, to cut any trees, brush and shrubbery, remove obstructions, including Park Improvements, and take other similar action reasonably necessary to provide economical and safe sewer line installation, operation and maintenance. Following the removal of any Park Improvements, the Authority shall replace or restore such Park Improvements at its expense, and the Authority shall replace or reimburse to the County the replacement cost of said trees, brush, shrubbery or obstructions, including Park Improvements, if cut or removed or otherwise damaged. Any and all trees, brush, shrubbery or obstructions cut or removed by the Authority shall be disposed of at the Authority's expense at a location not within the Public Park, unless the County consents in writing to such disposal within the Public Park.

The facilities constructed within the permanent easement shall be the property of the Authority, which shall have the right to inspect, rebuild, remove, repair, improve and make such changes, alterations and connections to or extensions of its facilities within the boundaries of the permanent easement as are consistent with the purposes expressed herein.

NOW, THEREFORE, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the

Authority does hereby VACATE and ABANDON a portion of an existing sewer line easement, shown on the Plat as “Hatched Portion Of Ex. San. Sew. Esm’t To Be Vacated.”

SIGNATURE PAGES IMMEDIATELY FOLLOW

WITNESS the following signatures and seals:

COUNTY OF ALBEMARLE, VIRGINIA

By: _____ (SEAL)
Douglas C. Walker, Interim 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 _____
2017, by Douglas C. Walker, Interim County Executive, on behalf of the County of Albemarle,
Virginia.

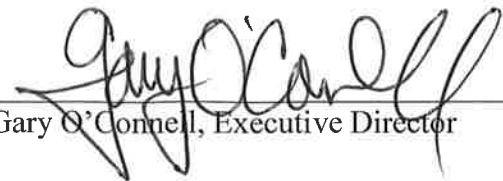
My Commission Expires: _____

Commission No.: _____

Notary Public

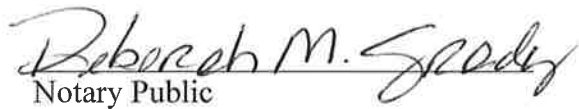
ALBEMARLE COUNTY SERVICE AUTHORITY

By:


Gary O'Connell, Executive Director

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Albemarle to-wit,

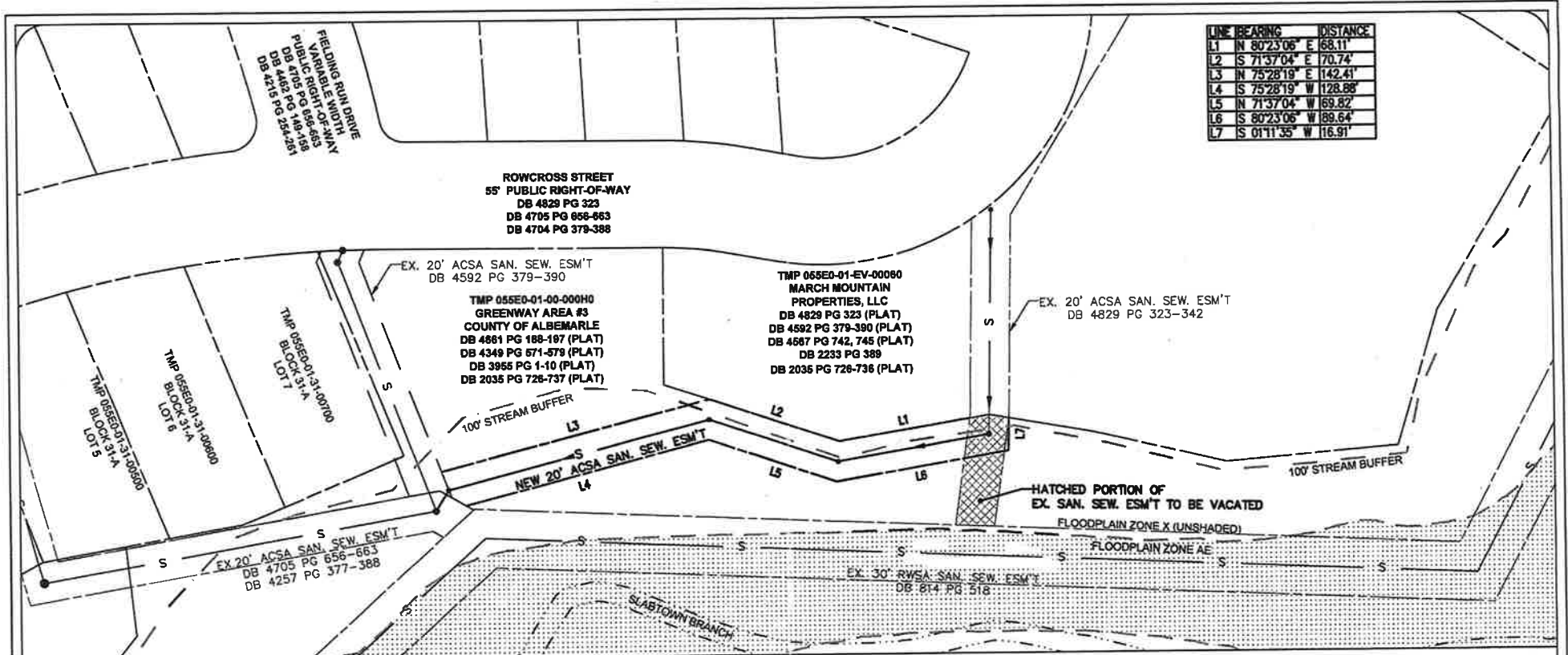
The foregoing instrument was acknowledged before me this 23 day of May
2017, by Gary O'Connell, Executive Director of the Albemarle County Service Authority.


Notary Public

My Commission Expires: 3/31/2020

Commission No.: 7173337

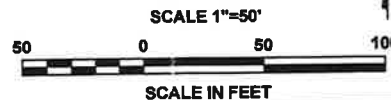
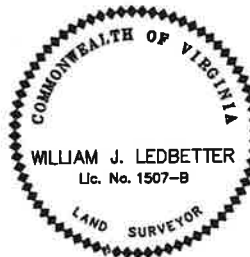
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NOTES:

1. THE DEVELOPER RESERVES THE RIGHT TO CREATE, REVISE, RELOCATE OR VACATE ANY EASEMENT AS NECESSARY, SO LONG AS THE PROPER AUTHORITY AGREES, REGARDLESS OF THE SALE OF ANY LOT.
2. SANITARY SEWER EASEMENTS SHOWN HEREON ARE HEREBY DEDICATED TO THE ACSA.
3. THE STREAM BUFFER(S) SHOWN HEREON SHALL BE MANAGED IN ACCORDANCE WITH THE ALBEMARLE COUNTY WATER PROTECTION ORDINANCE.

ROUDABUSH, GALE & ASSOCIATES, INC.
 ENGINEERS, SURVEYORS AND LAND PLANNERS
 A PROFESSIONAL CORPORATION
 SERVING VIRGINIA SINCE 1968
 914 MONTICELLO ROAD - CHARLOTTESVILLE, VIRGINIA 22902
 PHONE 434-577-0205 - FAX 434-286-0220 - EMAIL INFO@ROUDABUSH.COM

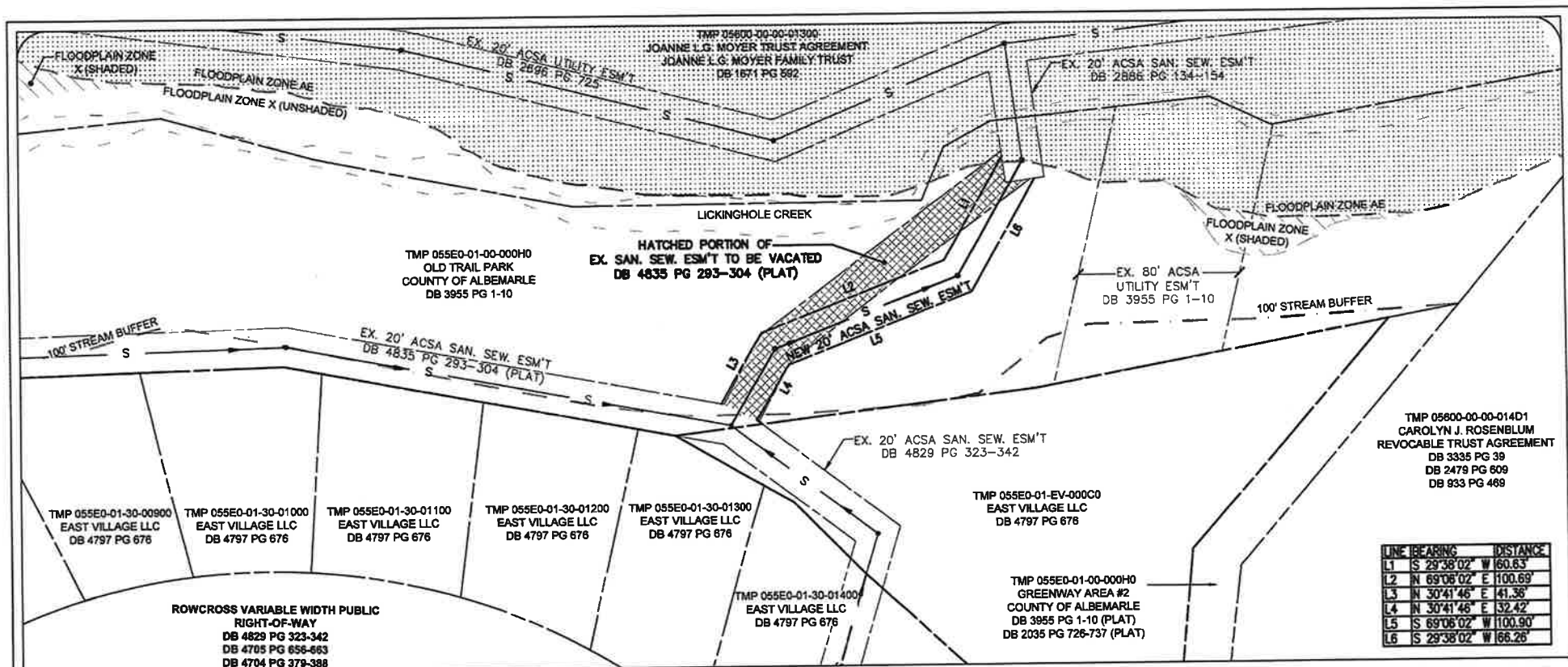


**SANITARY SEWER EASEMENT PLAT
 SHOWING PORTION OF EXISTING EASEMENT
 TO BE VACATED AND NEW SANITARY SEWER
 EASEMENT TO BE DEDICATED TO
 ALBEMARLE COUNTY SERVICE AUTHORITY
 LOCATED ON TMP 055E0-01-00-000H0
 OLD TRAIL VILLAGE SUBDIVISION**

WHITE HALL MAGISTERIAL DISTRICT
 ALBEMARLE COUNTY, VIRGINIA

PLAT PREPARED BY: J. FOX

February 14, 2017
 SCALE: 1" = 50'
 SHEET 1 OF 2
 FILE: 8053

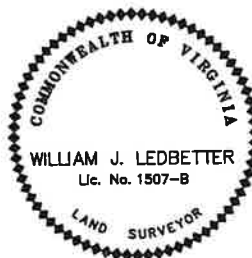


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SANITARY SEWER EASEMENT PLAT SHOWING PORTION OF EXISTING EASEMENT TO BE VACATED AND NEW SANITARY SEWER EASEMENT TO BE DEDICATED TO ALBEMARLE COUNTY SERVICE AUTHORITY LOCATED ON TMP 055E0-01-00-000H0 OLD TRAIL VILLAGE SUBDIVISION

WHITE HALL MAGISTERIAL DISTRICT
ALBEMARLE COUNTY, VIRGINIA

PLAT PREPARED BY: J. FOX

February 14, 2017
SCALE: 1" = 50'
SHEET 2 OF 2
FILE: 8053