

This document was prepared by
Albemarle County Attorney
County of Albemarle
401 McIntire Road
Charlottesville, Virginia 22902

Tax Map and Parcel Numbers 06500-00-00-01100, 06500-00-00-011B0, 06500-00-00-011C0

This deed is exempt from taxation under Virginia Code §§ 58.1-811(A)(3).

AMENDMENT TO DEED OF EASEMENT & WRITTEN APPROVAL

THIS AMENDMENT TO DEED OF EASEMENT & WRITTEN APPROVAL, made this ____ day of December, 2022, between **CASTALIA-CISMONT INVESTMENT, LLC**, a Virginia limited liability company, Grantor, hereinafter referred to as the “Grantors,” and the **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, hereinafter sometimes referred to as the “County,” and the **ALBEMARLE COUNTY CONSERVATION EASEMENT AUTHORITY (formerly known as the ALBEMARLE COUNTY PUBLIC RECREATIONAL FACILITIES AUTHORITY)**, a public body established pursuant to Virginia Code § 15.2-5600 *et seq.*, each of whose address is 401 McIntire Road, Charlottesville, Virginia, 22902; the County and the Albemarle County Public Recreational Facilities Authority are hereinafter collectively referred to as the “Grantees.”

WITNESSETH

WHEREAS, the Grantor owns in fee simple the real property located in Albemarle County that is described below and hereinafter referred to as the “Property;”

WHEREAS, under the County’s Acquisition of Conservation Easements (“ACE”) Program, codified in Appendix A.1 of the Albemarle County Code, the County of Albemarle, Virginia (“the County”), acquired a conservation easement over the Property subject herein by a Deed of Easement recorded with the Clerk’s Office of the Circuit Court of the County of Albemarle, Virginia, in Deed Book 3404, page 288 (“the Conservation Easement”); and

WHEREAS, the Grantor acknowledges the Property remains subject to the terms of the Conservation Easement except as expressly amended and modified in this Amendment to Deed of Easement and Written Consent;

WHEREAS, the Grantor desires to maintain the Conservation Easement on the Property for the purpose of preserving such lands as open space in perpetuity in order to protect the values described in the Conservation Easement but has asked Grantees to approve in writing an increase in the size limit on the permitted primary single-family dwelling and, in consideration thereof, has agreed to eliminate one of two permitted accessory dwellings and to limit the size of the one remaining permitted accessory dwelling;

WHEREAS, by the terms of the Conservation Easement, Grantees reserved the authority to approve in writing a larger primary single-family dwelling); and

WHEREAS, Grantees have found that eliminating one permitted accessory dwelling and restricting the size of the remaining permitted accessory dwelling increase the protection of the conservation values under the Conservation Easement.

NOW, THEREFORE, in consideration of the recitals and the mutual benefits, covenants and terms herein contained, and for other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor hereby grants, conveys, and covenants and the Parties agree as follows:

1. **AMENDMENT TO DEED OF EASEMENT.** The Grantor hereby grants and conveys to the Grantees and their successors and assigns, with GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE, an Amendment to the Conservation Easement in gross over the Property described below, restricting in perpetuity the use of the Property in the manner set forth herein:

Parcel 1: All that certain tract or parcel of land, with improvements thereon and appurtenances thereto pertaining, situated in Albemarle County, Virginia, fronting on the South Side of State Route 600, containing 22.011 acres, more or less, and designated on a plat of B. Aubrey Huffman and Associates, dated June 21, 1994, as Parcel 11 on Sheet 65, recorded in the Clerk's Office for the Circuit Court of Albemarle County, Virginia, in Deed Book 1419, page 402.

Parcel 2: All that certain tract or parcel of land consisting of 2.45 acres, more or less, situated one-half mile west of Cismont in Albemarle County, Virginia, adjoining State Route 600, as shown on a plat of C.H. Shapleigh, C.E., dated April 1957, recorded in the Clerk's Office for the Circuit Court of Albemarle County, Virginia, in Deed Book 355, page 420.

Parcel 3: All that certain tract or parcel of land situate in Albemarle County, Virginia, fronting a short distance on the South Side of State Route 600, containing 52 acres, more or less, and described as Parcel A on a plat of B. Aubrey Huffman and Associates, dated January 9, 1973, and

recorded in the Clerk's Office for the Circuit Court of Albemarle County, Virginia, in Deed Book 526, page 290.

All three parcels are the same property conveyed to the Grantor by Deed from Ann C. McGraw and Barbara C. Little as Trustees of the Elizabeth B. Chester Revocable Declaration of Trust dated January 19, 2005, as amended and restated April 27, 2013, and Ann C. McGraw and Barbara C. Little as Trustees of the Donal G. Chester Trust, u/a dated January 19, 2005, as amended and restated April 27, 2012, said Deed dated November 16, 2020, of record in said Clerk's Office in Deed Book 5435, page 101.

The Property is also identified in the County's tax maps as Tax Map and Parcel Numbers 06500-00-00-01100, 06500-00-00-011B0 and 06500-00-00-011C0.

The terms contained in Section 2.B.2.(ii) of the Conservation Easement relating to permitted types of structures are hereby stricken in full and replaced with the following: "Only one accessory dwelling of no greater than 2,000 square feet of above ground livable-space, and non-residential outbuildings or structures commonly and appropriately incidental thereto."

2. WRITTEN APPROVAL FOR LARGER PRIMARY SINGLE-FAMILY

DWELLING. Pursuant to Section 2.B.2.(i), Grantees approve the construction, placement, and maintenance of one single-family dwelling not to exceed 11,500 square feet of above ground livable-space.

3. MISCELLANEOUS PROVISIONS

A. All other terms and conditions not inconsistent with the Deed of Easement referred to herein as the Conservation Easement that is recorded with the Clerk's Office of the Circuit Court of the County of Albemarle, Virginia, in Deed Book 3404, page 288 remain in full force and effect and are incorporated fully into this Amendment to Deed of Easement & Written Approval.

B. Recordation. Upon execution by the parties, this Amendment to Deed of Easement and Written Approval shall be recorded with the record of land titles in the Clerk's Office of the Circuit Court of Albemarle, Virginia.

C. Authority to convey easement. The Grantor covenants that it is vested with good title to the Property and may convey this Easement.

D. Authority to accept easement. The Grantees are authorized to accept this Easement pursuant to Virginia Code § 10.1-1701 and Albemarle County Code Section A.1-109(E). The 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 amendment to the deed of easement pursuant to Virginia Code § 15.2-1803, as evidenced by the County Executive's signature hereto and the recordation of this Deed. The Albemarle Conservation Easement Authority, acting by and through its Chair, duly authorized by a motion adopted on August 11, 2022, accepts this deed of easement pursuant to Virginia Code § 15.2-5604, as evidenced by the Chair's signature hereto and the recordation of this Deed.

L. Construction. This Easement shall be construed to promote the purposes of this Easement, the ACE Program, and the Open-Space Land Act and shall be construed in conjunction with the terms of the Conservation Easement recorded with the Clerk's Office of the Circuit Court of the County of Albemarle, Virginia, in Deed Book 3404, page 288.

[Signature Pages Follow]

WITNESS the following signatures and seals.

CASTALIA-CISMONT INVESTMENT, LLC

By: _____ (SEAL)
Manager

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____:

The foregoing *Amendment to Deed of Easement & Written Approval* was signed, sworn to and acknowledged before me this _____ day December, 2022, by _____, Grantor.

Notary Public

My Commission Expires: _____

COUNTY OF ALBEMARLE, VIRGINIA

**ALBEMARLE CONSERVATION
EASEMENT AUTHORITY**

By: _____ (SEAL)
Jeffrey Richardson
County Executive

By: _____ (SEAL)
Jay Fennell
Chair

COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE:

The foregoing *Amendment to Deed of Easement & Written Approval* was signed, sworn to and acknowledged before me this _____ day December, 2022, by Jeffrey Richardson, County Executive for the County of Albemarle, Virginia, Grantee.

Notary Public

My Commission Expires: _____

COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE:

The foregoing *Amendment to Deed of Easement & Written Approval* was signed, sworn to and acknowledged before me this _____ day December, 2022, by Jay Fennell, Chair of the Albemarle Conservation Easement Authority, Grantee.

Notary Public

My Commission Expires: _____

Approved as to form:

By: _____
County Attorney