

Being part of the same land conveyed unto the Grantor by deed dated September 8, 1992, from Sasha L. Digges Development Corporation, a Virginia corporation, and recorded in the Clerk's Office of the Circuit Court of James City County, Virginia, in Deed Book 581, Page 587.

This easement shall include (a) the right to inundate the land within the easement to an elevation of SIXTY-TWO and FOUR TENTHS FEET (62.4') above Mean Sea Level with backwaters caused by stormwater run-off into the detention basin; (b) the right to clear, destroy, remove and dispose of any timber, undergrowth, brush, stumps, debris, trash, filth, or other matter lying within the easement which would adversely affect the operation of the stormwater detention basin or the construction, operation, inspection and maintenance of the stormwater management dam; (c) the right to construct within the easement a dam, sediment and/or erosion control basins, structures or other devices as necessary to control stormwater runoff; (d) a right of access over the lands within the easement for access to any stormwater runoff control devices for the purpose of inspecting, operating, maintaining and protecting the same.

Within the easement the GRANTOR, their successors, heirs and assigns, shall be prohibited from (a) storing or producing any hazardous wastes as defined in Section 32.1-177 of the Code of Virginia, 1950, as amended; (b) storing any hazardous substances in reportable quantities as listed in 44 Federal Register 50777, et seq., (1979); (c) storing bulk quantities of petroleum or asphalt products or compounds; (d) conducting commercial livestock feeding operations; (e) applying any industrial wastes to the land; (f) constructing any permanent structure other than those expressly permitted by the terms of this document; (g) constructing or locating any temporary structure to be used for the housing of humans, animals, fowl or reptiles; (h) constructing any septic