

**EXEMPT FROM RECORDATION TAXES  
UNDER VIRGINIA CODE SECTION 58.1-811(A) (3) AND (C) (4), AS AMENDED**

Tax Parcel ID: 4820100005C

**DEED OF EASEMENT FOR NATURAL OPEN SPACE**

THIS DEED OF EASEMENT, made this 10<sup>th</sup> day of July, 2019  
by and between Larry T. Waltrip and his heirs, successors and assigns ("Grantor") and the County  
of James City, Virginia ("Grantee").

WHEREAS, Grantor is the owner of certain property known as 164 Waltrip Lane  
consisting of a tract of land containing 19.02 acres, more or less, more particularly shown on the  
attached site plan ("Property"); and

WHEREAS, Grantee has adopted the Chesapeake Bay Preservation Ordinance, Chapter 23  
of the James City County Code, as required by Article 2.5 of Chapter 3.1 of Title 62.1 of the Code  
of Virginia to protect the Chesapeake Bay and its tributaries from nonpoint source pollution within  
the Chesapeake Bay drainage area; and

WHEREAS, Grantor wishes to preserve land as natural open space as part of Grantor's  
efforts to improve the quality of stormwater runoff from the Property.

NOW, THEREFORE, in recognition of the foregoing and in consideration of the sum of  
Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby  
acknowledged, Grantor does hereby grant and convey to Grantee an easement in perpetuity in  
gross, with the right in perpetuity to restrict the use as described below, of the portion herein  
described of that certain tract, lot, piece, or parcel of land ("Easement Property"), to wit:

Prepared by and Return to:  
James City County  
101-E Mounts Bay Road  
Williamsburg, Virginia 23187  
(757) 253-6670

**All those certain areas of land, situate, lying and being in Roberts Magisterial District, James City County, Virginia, containing a total of 9.54 acres shown and designated as “CLEARING LIMITS AND CONSERVATION EASEMENT” on that certain site plan entitled, “WALTRIP RECYCLING SITE PLAN JAMES CITY COUNTY, VIRGINIA” dated May 28, 1993, prepared by Langley and McDonald.**

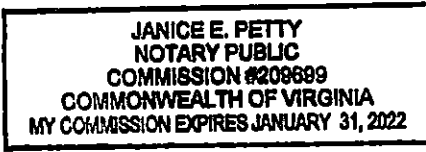
The restrictions hereby imposed on the use of the Easement Property, the acts which Grantor covenants to do or not to do, and the restrictions which Grantee is hereby entitled to enforce, shall be as follows:

1. No building or structure shall be built or maintained on the Easement Property other than such building or structure expressly approved in writing by the County Watershed Planner;
2. The Easement Property shall be kept free and clear of any junk, trash, rubbish, or other unsightly or offensive material;
3. No new signs, billboards, outdoor advertising, road or utility lines shall be placed on the property without the expressed written consent of the County Watershed Planner;
4. The Easement Property shall remain in its natural condition with respect to natural leaf litter or other ground-covering vegetation, understory vegetation or shrub layer, and tree canopy. The activities of Grantor within the Easement Property shall be limited to those which do not remove or damage any vegetation or disturb any soil. With the expressed written consent of the County Watershed Planner, such activities may include selective trimming and pruning which will not alter the natural character of the Easement Property. Grantor may install walk trails or remove dead, diseased, poisonous or invasive vegetation with the expressed written consent of the County Watershed Planner;
5. Grantee and its representatives may enter upon the Easement Property to inspect the Easement Property, to enforce the terms of this Deed of Easement, and to post signs or markers identifying Grantee’s interest in the Easement Property as natural open space;

6. In the event of a violation of this Deed of Easement, Grantee shall have the right to seek all appropriate legal and equitable relief, including but not limited to: reasonable attorney's fees and costs; restoration of the Easement Property to its natural condition; and assessment of the cost of such restoration as a lien against the Easement Property.

Although this easement in gross will benefit the public in the ways cited above, nothing herein shall be construed to convey a right to the public of access to or use of the Easement Property, and Grantor shall retain exclusive right to such access and use, subject only to the provisions herein recited.

Witness the following signatures and seals:



BY: Larry T. Waltrip (SEAL)  
Larry T. Waltrip

Commonwealth of Virginia

City/County of James City, a Notary Public for the Commonwealth of Virginia, do hereby certify that Larry T. Waltrip, whose name is signed to the foregoing Deed of Easement, has acknowledged the same before me in the jurisdiction aforesaid.

Given under my hand this 12 day of June, 20 19.

Notary Public: Janice E. Petty  
My Commission expires: January 31, 2022

Approved as to form:

6/12/2019 \_\_\_\_\_  
DATE COUNTY ATTORNEY

Pursuant to Resolution of the Board of Supervisors of James City County, Virginia, duly executed on the 14<sup>th</sup> day of July, 2015, this conveyance is hereby accepted on behalf of said County.

6-12-19 \_\_\_\_\_  
DATE COUNTY ADMINISTRATOR

Commonwealth of Virginia  
City/County of JAMES CITY, a Notary Public for the Commonwealth of Virginia, do hereby certify that SCOTT STEVENS, whose name is signed to the foregoing Deed of Easement, has acknowledged the same before me in the jurisdiction aforesaid.

Given under my hand this 12<sup>th</sup> day of JUNE, 20 19.

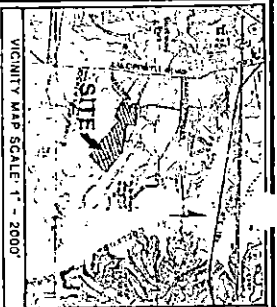
Notary Public: [Signature]  
My Commission expires: 10/31/2020



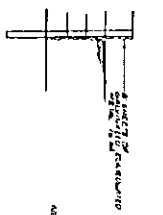
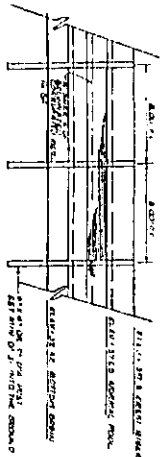
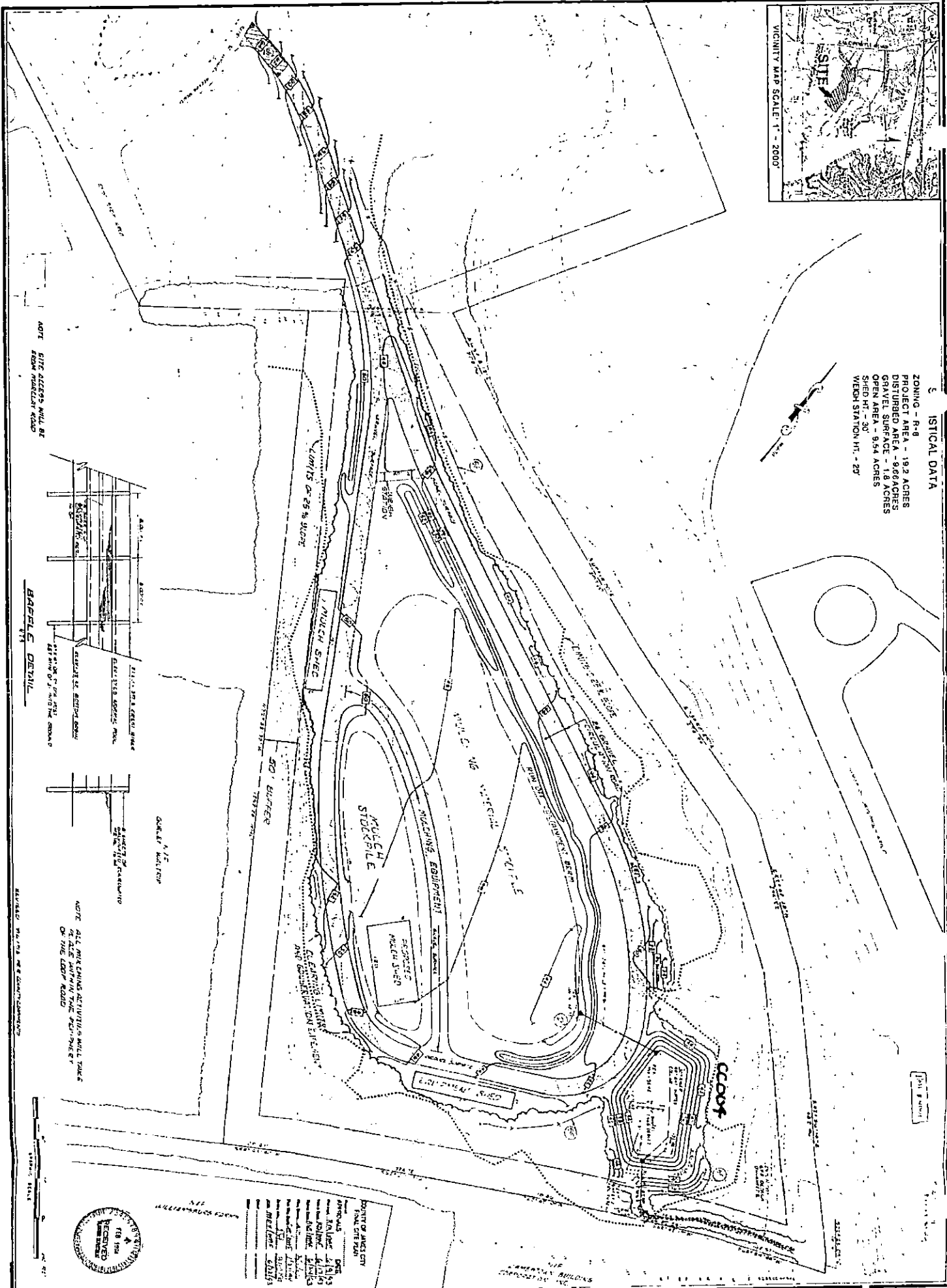
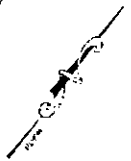
exempt.frm  
(Rev.9-1-15)

INSTRUMENT 190010271  
RECORDED IN THE CLERK'S OFFICE OF  
WMSBG/JAMES CITY CIRCUIT ON  
JULY 17, 2019 AT 09:08 AM  
MONA A. FOLEY, CLERK  
RECORDED BY: EEO

**PLAT ATTACHED**



**5 HISTICAL DATA**  
 ZONING - R-8  
 PROJECT AREA - 19.2 ACRES  
 DISTURBED AREA - 9.66 ACRES  
 GRAVEL SURFACE - 1.8 ACRES  
 OPEN AREA - 9.54 ACRES  
 SHED HT. - 30'  
 WAGON STATION HT. - 20'



NOTE: ALL MINIMUMS ACTIVITIES WILL TAKE PLACE WITHIN THE PERIMETER OF THE LOOP ROAD



PROPERTY OF JAMES CITY COUNTY  
 THIS SITE PLAN  
 APPROVED FOR THE BOARD OF PROFESSIONAL ENGINEERS  
 DATE: 10/15/03  
 ENGINEER: JAMES CITY COUNTY  
 PROJECT: WALTERS RECYCLING  
 SHEET: 1 OF 2  
 DATE: 10/15/03

**WALTRIP RECYCLING SITE PLAN**  
 JAMES CITY COUNTY, VIRGINIA

DESIGNED BY	CROW/WFB
DRAWN BY	HTR
CHECKED BY	CRO
DATE	5/28/03

**Langley and McDonald**  
 A PROFESSIONAL CORPORATION  
 ENGINEERS • PLANNERS • SURVEYORS  
 WPOHIA BEACH - WILLIAMSBURG, VIRGINIA

SP-68-93