

130018192

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

Tax Parcel ID: 4711900019

**DEED OF EXCHANGE  
FOR EASEMENT FOR NATURAL OPEN SPACE**

THIS DEED OF EXCHANGE, made this 17 day of JULY 2013, by and between Keith and Gretchen Hopkins (the "Grantor") and the COUNTY OF JAMES CITY, VIRGINIA (the "Grantee" or the "County").

WHEREAS, the Grantor acquired 324 Mill Stream Way, of the Settler's Mill, Section 6, subdivision on 6 October 2006, by Document No. 060025177, recorded in the Clerk's Office of the Circuit Court of James City County, Virginia;

WHEREAS, this property contains a natural open space easement dedicated to James City County recorded in the Office of the Clerk of the Circuit Court in James City County, Virginia, Document Number 990009097; and

WHEREAS, the Grantor now desires to convey an easement in perpetuity and in gross, with the right in perpetuity to restrict the use as described below, of that certain tract, lot, piece, or parcel of land designated as "CONSERVATION EASEMENT HEREBY CONVEYED TO JAMES CITY COUNTY" to the County in exchange for the easement previously conveyed to the County, designated as "CONSERVATION EASEMENT HEREBY VACATED". CONSERVATION EASEMENT HEREBY CONVEYED TO JAMES CITY COUNTY and CONSERVATION EASEMENT HEREBY VACATED are more particularly described and shown on the plat entitled, "Plat of Conservation Easement Exchange, Lot 19, Section 6 Settlers Mill James City County, Virginia", dated April 26, 2013 by LandTech Resources, Inc. Said plat is to be recorded in the Clerk's Office of the Circuit Court for the County of James City, Virginia, simultaneously herewith.

The restrictions hereby imposed on the use of CONSERVATION EASEMENT HEREBY CONVEYED TO JAMES CITY COUNTY ("Easement Property"), the acts which the Grantor covenants to do or not to do, and the restrictions which the County 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 approved by the County Watershed Planner, in writing;
2. The Easement Property shall be kept free and clear of any junk, trash, rubbish, or other unsightly or offensive material;

Deed Prepared By/Return To:  
James City County  
101-E Mounts Bay Road  
Williamsburg, Virginia 23187

3. No new signs, billboards, outdoor advertising, road, or utility lines shall be placed on the property without the express 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 the Grantor within the Easement Property shall be limited to those which do not remove or damage any vegetation or disturb any soil. Such activities include selective trimming and pruning, which will not alter the natural character of the Easement Property. The Grantor may install walk trails or remove dead, diseased, poisonous, or invasive vegetation with the expressed written consent of the County Watershed Planner;

5. County and its representatives may enter upon the Easement Property from time to time for inspection, to enforce the terms of this Easement, and to post a sign or marker identifying County's interest in the Easement Property as natural open space; and

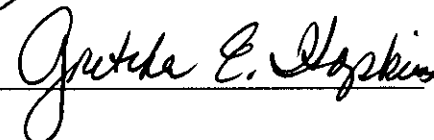
6. In the event of a violation of the Easement, the County shall have the right to seek all appropriate legal and equitable relief, including, but not limited to, the right to restore the Easement Property to its natural condition and assess the cost of such restoration as a lien against the Easement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

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

CONSERVATION EASEMENT HEREBY VACATED is hereby released from the Deed of Easement for Natural Open Space and all restrictions previously imposed by the County on 28 April 1999, recorded as Document Number 990009097, are hereby relinquished.

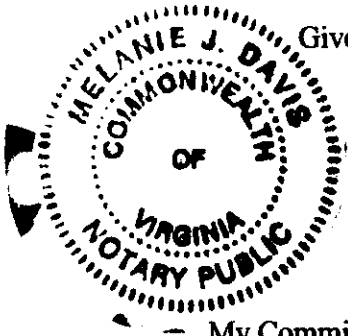
Witness the following signatures and seals on the date first above written.

By: 

By: 

Commonwealth of Virginia  
County of James City,

I, Melanie J. Davis, a Notary Public in and for the County/State  
aforesaid, do hereby certify that Keith G Hopkins, whose name is  
signed to the foregoing Deed of Exchange, has acknowledged the same before me in the  
jurisdiction aforesaid.



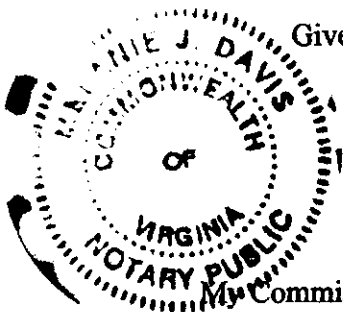
Given under my hand this 17<sup>th</sup> day of July, 2013.

Melanie J. Davis  
Notary Public Reg # 7014335

My Commission Expires: 12/31/14

Commonwealth of Virginia  
County of James City,

I, Melanie J. Davis, a Notary Public in and for the County/State  
aforesaid, do hereby certify that Gretchen E. Hopkins, whose name is  
signed to the foregoing Deed of Exchange, has acknowledged the same before me in the  
jurisdiction aforesaid.



Given under my hand this 17<sup>th</sup> day of July, 2013.

Melanie J. Davis  
Notary Public Reg # 7014335

My Commission Expires: 12/31/14

The form of this Deed of Exchange is approved and, pursuant to Resolution of the Board of Supervisors of James City County, Virginia, duly executed on the 21st day of November, 1994, that the County Administrator, is authorized to sign on behalf of the County to exchange the County's interest in the natural open space easement property conveyed and released herein.

July 22, 2013  
Date

By: [Signature] (SEAL)  
Robert C. Middaugh  
County Administrator

APPROVED AS TO FORM  
[Signature]  
COUNTY ATTORNEY

COMMONWEALTH OF VIRGINIA  
COUNTY OF JAMES CITY, to wit:

The foregoing DEED OF EXCHANGE was acknowledged before me in my jurisdiction aforesaid this 22 day of July, 2013, by Robert C. Middaugh, County Administrator of the County of James City, Virginia.

[Signature]  
Notary Public  
Reg# 7014335

My Commission Expires: 12/31/14



**PLAT ATTACHED**



VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY  
This document was admitted to record on 08-05-2013  
at 11:20 AM/PM. The taxes imposed by Virginia Code  
Section 58.1-801, 58.1-802 & 58.1-814 have been paid.

STATE TAX LOCAL TAX ADDITIONAL TAX  
\$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

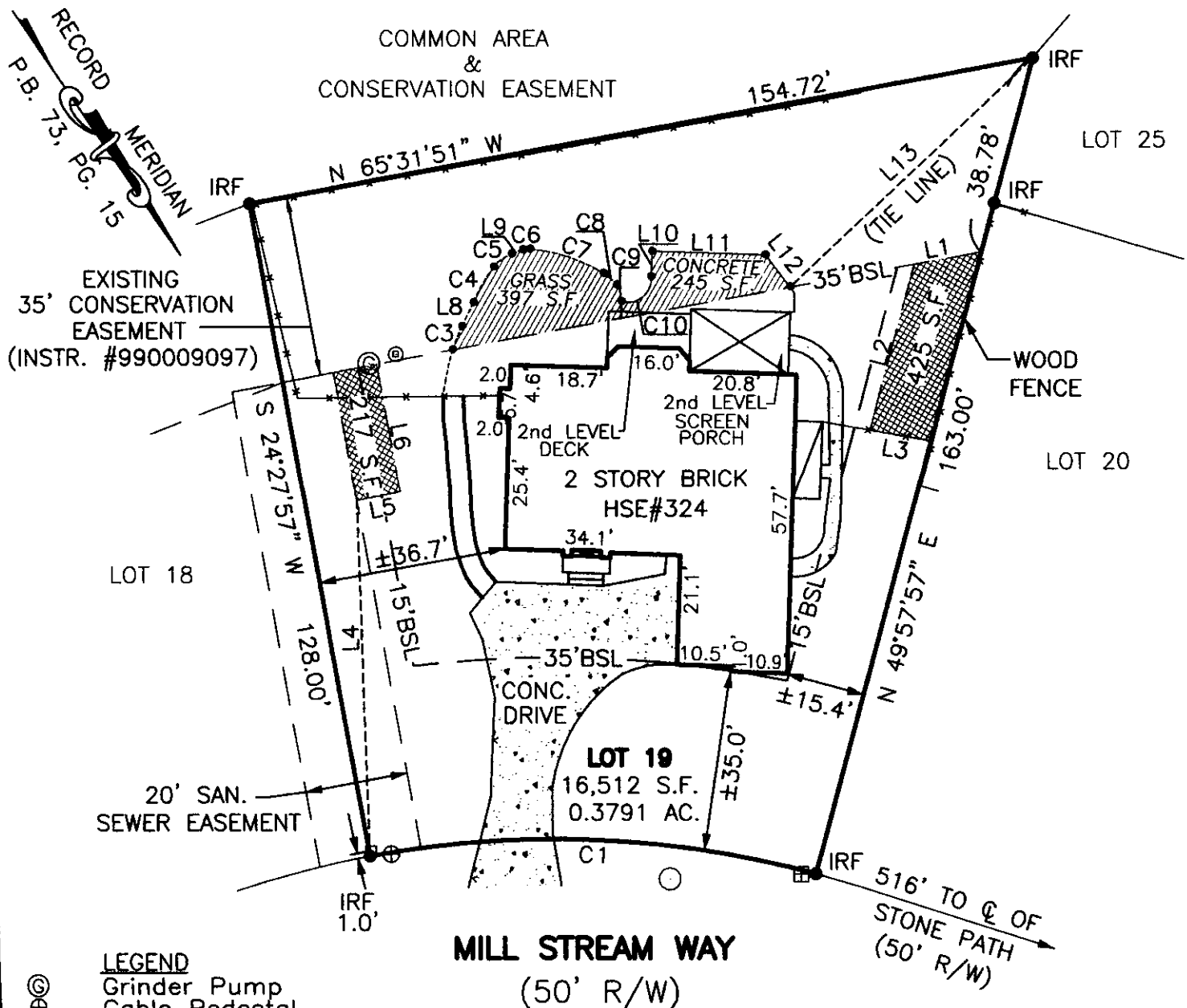
TESTE: BETSY B. WOOLRIDGE, CLERK  
BY: [Signature] Clerk








NOTE:  
 1. THIS PLAT WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT.  
 2. THIS PLAT WAS PREPARED TO SHOW CONSERVATION EASEMENT EXCHANGE AND DOES NOT REPRESENT A CURRENT FIELD SURVEY.

LINE	BEARING	DISTANCE
L1	N 65°25'26" W	13.28'
L2	S 49°57'57" W	33.10'
L3	S 45°03'20" E	12.05'
L4	S 32°50'24" W	68.66'
L5	S 65°58'30" E	8.66'
L6	N 24°27'57" E	25.07'
L8	S 60°52'06" W	5.09'
L9	N 74°41'28" W	2.31'
L10	N 36°53'06" E	4.87'
L11	S 53°18'09" E	22.00'
L12	S 02°25'16" E	7.82'
L13	N 81°45'00" E	64.62'

 CONSERVATION EASEMENT  
HEREBY VACATED = 642 S.F.  
 CONSERVATION EASEMENT HEREBY CONVEYED  
TO JAMES CITY COUNTY = 642 S.F.

NO.	RADIUS	ARC	CHORD	CHORD BEARING	DELTA
C3	36.89'	4.90'	4.89'	N 56°55'03" E	7°36'27"
C4	29.68'	7.99'	7.97'	N 65°15'15" E	15°25'29"
C5	8.10'	4.30'	4.25'	N 89°47'57" E	30°26'51"
C6	3.64'	1.40'	1.39'	S 61°04'06" E	22°03'39"
C7	34.26'	15.10'	14.98'	S 36°57'44" E	25°15'29"
C8	13.42'	3.46'	3.45'	S 14°24'41" E	14°46'05"
C9	5.45'	3.35'	3.30'	S 19°23'20" W	35°11'15"
C10	4.53'	8.80'	7.48'	S 85°07'41" W	111°16'43"



- LEGEND**
-  Grinder Pump
  -  Cable Pedestal
  -  Sanitary Sewer Manhole
  -  Telephone Pedestal
  -  Water Meter
  -  Sewer Clean Out
  -  HVAC Units
  - IRF = Iron Rod Found

ADDRESS:  
 324 MILL STREAM WAY  
 JAMES CITY COUNTY, VIRGINIA

NO.	DELTA	CHORD BEARING	TAN	RADIUS	ARC	CHORD
C1	25°30'03"	S 52°47'04" E	44.44	196.38	87.40	86.68



REFERENCES:  
 P.B. 73  
 PGS. 13-15

DATE: 04/26/13  
 SCALE: 1"=30'  
 JOB# 13-130  
 CAD File  
 13-130.dwg

PLAT OF CONSERVATION EASEMENT EXCHANGE  
**LOT 19, SECTION 6**  
**SETTLERS MILL**

James City County, Virginia

**LandTech Resources, Inc.**  
 Surveying • GPS • Engineering  
 5810-F Mooretown Road, Williamsburg, Virginia 23188  
 Telephone: 757-565-1677 Fax: 757-565-0782  
 Web: landtechresources.com