

99-300-1

RAP-VOF-694

_____, 1999

Exempted from recordation tax
under the Code of Virginia (1950), as amended,
Section 58.1-811 (A) (3), 58.1-811 (D) and 10.1-1803

THIS DEED OF GIFT EASEMENT, made this 17th day of February,
1999, between **ALFRED KUMMLI** and **KLARA KUMMLI**, husband and wife, herein called
the Grantors, and the **VIRGINIA OUTDOORS FOUNDATION**, an Agency of the
Commonwealth of Virginia, herein called the Grantee.

WHEREAS, the Open Space Land Act of 1966 (Chapter 17, Title 10.1, SS 10.1-1700 to
10.1-1705 of the Code of Virginia, as amended) declares that the preservation of open-space land
serves a public purpose by promoting the health and welfare of the citizens of the
Commonwealth by curbing urban sprawl and encouraging more desirable and economical
development of natural resources, and authorizes the use of easements in gross to maintain the
character of open-space land; and

WHEREAS, Chapter 18, Title 10.1 of the Code of Virginia (SS 10.1-1800 to 10.1-1804,
as amended) declares it to be the public policy of the Commonwealth to encourage preservation
of open-space land and authorizes the Virginia Outdoors Foundation to hold real property or any
estate or interest therein for the purpose of preserving the natural, scenic, historical, scientific,
open-space and recreational lands of the Commonwealth; and

WHEREAS, the hereinafter described property is within the viewshed of the Shenandoah
National Park and is visible from the Hogwallow Flat Overlook and the Indian Run Overlook on
the Skyline Drive; and

WHEREAS, the hereinafter described property is located within the Krebs Agricultural
and Forestal District, pursuant to the Agricultural and Forestal Districts Act; and

WHEREAS, the hereinafter described property fronts on State Route 522, proposed as a
Virginia State Scenic Byway by the 1996 Va. Outdoors Plan prepared by the Va. Department of
Conservation and Recreation; and

WHEREAS, the hereinafter described property is contiguous with other land on which
the Va. Outdoors Foundation holds open space easements; and

WHEREAS, the Comprehensive Plan of Rappahannock County includes the policy to
“promote the placement of conservation easements on land adjoining or visible from Shenandoah

THIS DEED IS PREPARED AND RECORDED WITHOUT THE BENEFIT OF TITLE EXAMINATION.

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National Park and Rappahannock River and other state designated scenic rivers and roads and seek to protect the scenic value of those lands when land use decisions and plans are made"; and

WHEREAS, the Grantors are the owners of the fee of real property hereinafter described which they desire preserved as open space land in the public interest.

NOW THEREFORE, in recognition of the foregoing and in consideration of the mutual covenants herein and the acceptance by Grantee, the Grantors do hereby grant and convey to the Grantee an open-space easement in gross over, and the right in perpetuity to restrict the use of the real estate consisting of **297.48 acres more or less** described below and located in Wakefield Magisterial District, Rappahannock County, Virginia north of Flint Hill and fronting on State Routes 522 and 637 and hereinafter referred to as the "Property" which is bounded as follows:

Beginning at (1) an iron pipe set on the East side of U.S. Highway No. 522 and a corner to the land of Vierling; thence with the East side of U.S. Highway No. 522 for the following five courses: N 06°35 min. 53 sec. E 32.38 feet to (2) an iron peg set; thence N 09°16 min. 49 sec. E 99.19 feet to (3) a Concrete Highway Monument; thence N 03° 57 min. 52 sec. E 101.02 feet to (4) a Concrete Highway Monument; thence N 06°35 min. 53 sec. E 1414.55 feet to (5) a Concrete Highway Monument; thence with a curve to the left, the radius of which is 2895.00 feet, for a distance of 622.07 feet, the Sub-Chord Bearing and Distance being N 00°29 min. 04 sec. E 620.88 feet to (6) a point on the East side of U.S. Highway No. 522 and a corner to a 2.70 Acre Tract reserved by Herbert A. Foster, ET AL, said point being S 06°13 min. 46 sec. W 1.59 feet from an iron peg found on the East side of U.S. Highway No. 522; thence with the 2.70 Acre Tract reserved by Herbert A. Foster, ET AL for the following eight courses: N 06°13 min. 46 sec. E 160.10 feet to (7) an iron peg found; thence S 73° 08 min. 36 sec. E 198.87 feet to (8) an iron peg found; thence N 16°01 min. 12 sec. E 147.37 feet to (9) an iron peg found; thence S 75°58 min. 07 sec. E 135.57 feet to (10) a post with an iron peg set at the base; thence N 16°27 min. 54 sec. E 243.06 feet to (11) an iron peg found; thence S 86°05 min. 29 sec. W 312.56 feet to (12) an iron peg found; thence S 82° 10 min. 52 sec. W 85.03 feet to (13) an iron peg found; thence S 84°42 min. 07 sec. W 118.65 feet to (14) an iron peg set on the East side of U.S. Highway No. 522; thence with the East side of U.S. Highway No. 522 for the following thirteen courses: N 11° 13 min. 24 sec. W 317.91 feet to (15) an iron peg set; thence with a curve to the right, the radius of which is 1116.00 feet, for a distance of 293.51 feet, the Sub-Chord Bearing and Distance being N 03°49 min. 15 sec. W 292.67 feet to (16) a Concrete Highway Monument; thence N 12° 23 min. 25 sec. E 97.12 feet to (17) a Concrete Highway Monument; thence N 10° 57 min. 07 sec. E 192.87 feet to (18) an iron peg set; thence N 21° 15 min. 57 sec. E 97.35 feet to (19) an iron peg set; thence with a curve to the right, the radius of which is 1116.00 feet, for a distance of 48.68 feet, the Sub-Chord Bearing the Distance being N 25° 01 min. 12 sec. E 48.67 feet to (20) an iron peg set; thence N 30° 04 min. 14 sec. E 150.66 feet to (21) an iron peg set; thence N 20° 33 min. 15 sec. E 100.50 feet to (22) an iron peg set; thence N 26° 15 min. 53 sec. E 172.10 feet to (23) an iron peg set; thence with a curve to the left, the radius of which is 2894.90 feet, for a distance of 139.64 feet, the Sub-Chord Bearing and Distance being N 24° 49 min. 46 sec. E 139.62 feet to (24) a Concrete Highway Monument; thence N 23°45 min. 40 sec. E 152.38 feet to (25) a Concrete Highway Monument; thence N 17° 15 min. 46 sec. E 151.83 feet to (26) a Concrete Highway Monument; thence with a curve to the left, the radius of which is 2894.90 feet, for a distance of 265.88 feet, the Sub-Chord Bearing the Distance being N 15° 01 min. 04 sec. E 265.79 feet to (27) an iron peg set on the East side of U.S. Highway No. 522 and a corner to the land of Charles H. Foster; thence with the land of Charles H. Foster for the following two courses: S 39° 20 min. 40 sec. E 174.40 feet to (28) an iron peg set; thence S 40° 50 min. 40 sec. E 300.00 feet to (29) an iron peg set in the line of the land of Foster and Dodson; thence with the land of Foster and Dodson for the following three courses: S 49°09 min. 20sec.

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W 53.71 feet to (30) an iron peg set; thence S 40° 50 min. 40 sec. E 417.42 feet to (31) an iron peg found; thence N 49° 09 min. 20 sec. E 230.00 feet to (32) a point in the center of Road No. 637, said point being N 49° 09 min. 20 sec. E 21.31 feet from an iron peg found on the South side of Road No. 637; thence with the center of Road No. 637 for the following five courses: with a curve to the left, the radius of which is 1667.59 feet, for a distance of 362.33 feet, the Sub-Chord Bearing and Distance being S 48° 41 min. 13 sec. E 361.62 feet to (33); thence S 54° 54 min. 40 sec. E 395.01 feet to (34); thence S 55° 25 min. 22 sec. E 451.92 feet to (35); thence with a curve to the right, the radius of which is 1413.35 feet, for a distance of 259.27 feet, the Chord Bearing and Distance being S 50° 10 min. 03 sec. E 258.91 feet to (36); thence S 44° 54 min. 44 sec. E 67.53 feet to (37) a point in the center of Road No. 637 and a corner to the land of Turnmeyer, said point being N 43° 13 min. 36 sec. E 25.29 feet from a spike in a corner post; thence with the land of Turnmeyer for the following three courses: S 43° 13 min. 36 sec. W 235.69 feet to (38) a spike in a corner post; thence S 46° 14 min. 01 sec. E 210.14 feet to (39) an iron peg found; thence N 43° 18 min. 00 sec. E 233.47 feet to (40) a point in the center of Road No. 637, said point being N 43° 18 min. 00 sec. E 23.03 feet from a spike set by a post in a fence corner; thence with the center of Road No. 637 for the following four courses: with a curve to the left, the radius of which is 845.75 feet, for a distance of 230.06 feet, the Sub-Chord Bearing and Distance being S 57° 14 min. 00 sec. E 229.35 feet to (41); thence S 65° 01 min. 36 sec. E 276.58 feet to (42); thence with a curve to the right, the radius of which is 3209.59 feet, for a distance of 99.99 feet, the Chord Bearing and Distance being S 64° 08 min. 03 sec. E 99.99 feet to (43); thence S 63° 14 min. 30 sec. E 143.75 feet to (44) a point in the center of Road No. 637, said point being N 01° 29 min. 14 sec. W 28.19 feet from an iron peg set on the South side of Road No. 637 and a corner to the land of Hume; thence with the land of Hume and then with the land of Foxhall Farm, Incorporated S 01° 29 min. 14 sec. E 1086.80 feet to (45) a point in the center of Big Indian Run, said point being S 01° 29 min. 14 sec. E 33.87 feet from an iron peg set at the end of a stone fence on the North side of Big Indian Run; thence with the center of Big Indian Run and the land of Foxhall Farm, Incorporated for the following three courses: S 29° 13 min. 42 sec. E. 21.80 feet to (46); thence S 40° 31 min. 40 sec. W 220.05 feet to (47); thence S 13° 21 min. 05 sec. W 197.19 feet to (48) the point of intersection of the center of Big Indian Run with the center of Hittles Mill Stream; thence with the center of Hittles Mill Stream and the land of Foxhall Farm, Incorporated and then with the land of Vierling for the following nine courses: S 22° 19 min. 51 sec. E 189.04 feet to (49); thence S 43° 43 min. 05 sec. E 151.51 feet to (50); thence S 31° 23 min. 25 sec. E 416.25 feet to (51); thence S 21° 03 min. 54 sec. E 149.92 feet to (52); thence S 00° 53 min. 45 sec. W 214.37 feet to (53); thence S 18° 37 min. 42 sec. W 211 feet to (54); thence 58°55'03"W 349.30 feet to (55); thence S 38° 17 min. 22 sec. W 345.08 feet to (56); thence S 25° 10 min. 51 sec. W 345.91 feet to (57) a point in the center of Hittles Mill Stream and a corner to the land of Vierling, said point being S 77° 08 min. 34 sec. E 46.00 feet from an iron peg set by a 30 inch Oak Tree on the West side of Hittles Mill Stream; thence with the lands of Vierling for the following two courses: N 77° 08 min. 34 sec. W 1855.04 feet to (58) an iron peg set by a 42 inch White Oak Tree in a fence corner; thence N 75 29 min 50 sec. W 1114.33 feet to the point of beginning, containing 298.79 Acres, more or less, less 1.31 Acres in Road No. 637 conveyed to the Commonwealth of Virginia, leaving a balance of 297.48 Acres, more or less.

AND BEING the same property conveyed to the Grantors by Deed recorded in Deed Book 172 at Page 787 among the land records of Rappahannock County, Virginia.

AND SUBJECT, HOWEVER, to the restriction that the Grantee or its successors and assigns may not transfer or convey the open-space easement herein conveyed to the Grantee unless the Grantee conditions such transfer or conveyance on the requirement that (1) all restrictions and conservation purposes set forth in the conveyance accomplished by this deed are to be continued in perpetuity, and (2) the transferee is an organization then qualifying as an eligible donee as defined by section 170 (h)(3) of the Internal Revenue Code of 1986, as amended, and the applicable Treasury Regulations promulgated thereunder.

This conveyance is further made subject to all matters of record which may affect said parcel of land.

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Restrictions are hereby imposed on uses of the property pursuant to the public policies set forth above. The acts which the Grantors, their heirs, successors, personal representatives and assigns, covenant to do and not to do upon the Property, and the restrictions which the Grantee is hereby entitled to enforce, are and shall be as follows:

1. Accumulation of trash, refuse, junk, or any other unsightly material is not permitted on the Property.
2. Display of billboards, signs, or other advertisements is not permitted on or over the Property except to state the name and/or address of the owners, to advertise the sale or lease of the Property, to advertise the sale of goods or services produced incidentally to a permitted use of the Property or to provide notice necessary for the protection of the Property and for giving directions to visitors. No such sign shall exceed three by three feet in size.
3. Subdivision of the Property into more than five (5) parcels is prohibited.
4. Management of forest resources shall be in accord with a forest stewardship plan approved by the Grantee. All forestry activities shall be carried out so as to maintain biodiversity and preserve the environmental quality of the area. Best Management Practices, as defined by the Department of Forestry, shall be used to control erosion and protect water quality. The Grantor, or its successors and assigns shall notify the Grantee no later than 30 days prior to the start of any such activity as well as within 7 days of its completion.
5. Grading, blasting or earth removal shall not materially alter the topography of the Property except for dam construction to create private conservation ponds or lakes, or as required in construction of permitted buildings and connecting private roads described in paragraph 6, below. Mining on the Property is prohibited.
6. No permanent or temporary building or structure shall be built or maintained on the Property other than (i) a permanent single family dwelling, (ii) a secondary residential dwelling not to exceed 2,500 square feet of living space, (iii) non-residential outbuildings, structures or appurtenances commonly and appropriately incidental to such dwellings, and (iv) farm buildings or structures. Farm buildings or structures exceeding 4,500 square feet in ground area may not be constructed on the Property unless prior written permission for said building or structure is obtained in writing from Grantee, except there may be constructed without prior written permission one structure per parcel not to exceed 10,000 square feet, for use as a horse barn, training facility, or similar purpose. In the event of subdivision of the Property into 5 parcels as provided in Paragraph 3, the permitted buildings described above and connecting private roads may be constructed on each parcel.
7. Industrial or commercial activities other than the following are prohibited: 1. agriculture, silviculture, and horticulture, 2. temporary or seasonal outdoor activities which do not permanently alter the physical appearance of the Property, and which are consistent with the conservation values herein protected, 3. activities which can be and in fact are conducted within permitted buildings without material alteration to the external appearance thereof. Temporary outdoor activities involving 100 people or more shall not exceed seven days in duration unless approved by the Virginia Outdoors Foundation.

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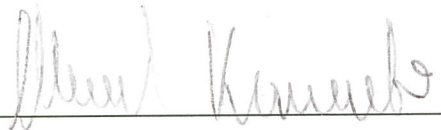
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8. Representatives of the Grantee may enter the Property from time to time for the purpose of inspection and enforcement of the terms of this easement after permission from or reasonable notice to the owner or the owner's representative.
9. Grantors, their heirs, successors, personal representatives and assigns shall notify Grantee in writing prior to closing on any proposed transfer or sale of the Property. In any deed conveying all or any part of the Property, this easement shall be referenced by Deed Book and Page Number in the deed of conveyance.

Although this easement in gross will benefit the public as described above, nothing herein shall be construed to convey to the public a right of access to or use of the Property. Grantors, their heirs, successors, personal representatives and assigns hereby retain exclusive right to such access and use, subject to the terms hereof.

Acceptance of this conveyance by the Grantee is authorized by Section 10.1-1801 of the Code of Virginia and is evidenced by the signature of its Executive Director, hereto. Assignment of this easement is governed by Section 10.1-1801 of the Code of Virginia.

WITNESS the following signatures and seals.



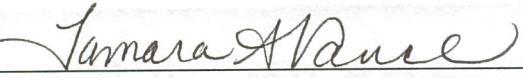
ALFRED KUMMLI, Grantor



KLARA KUMMLI, Grantor

Accepted:

VIRGINIA OUTDOORS FOUNDATION

By: 

TAMARA A. VANCE, Executive Director

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF Prince William, **TO WIT:**

I, Kathryn A. Bevans, a Notary Public for the Commonwealth aforesaid, hereby certify that **ALFRED KUMMLI**, Grantor, personally appeared before me this day and acknowledged the foregoing instrument.

WITNESS my hand and official seal this 11 day of January, 1999.

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Kathryn A. Bevans
Notary Public

My commission expires: 8/31/01

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF Prince William, TO WIT:

I, Kathryn A. Bevans, a Notary Public for the
Commonwealth aforesaid,
hereby certify that **KLARA KUMMLI**, Grantor, personally appeared before me this day and
acknowledged the foregoing instrument.

WITNESS my hand and official seal this 11 day of January,
1999.

Kathryn A. Bevans
Notary Public

My commission expires: 8/31/01

COMMONWEALTH OF VIRGINIA,
~~CITY~~/COUNTY OF Montgomery, TO WIT:

I, Deborah B. Clay, a Notary Public for the
Commonwealth aforesaid,
hereby certify that **TAMARA A. VANCE**, Grantee, personally appeared before me this day
and acknowledged the foregoing instrument.

WITNESS my hand and official seal this 17th day of February,
1999.

Deborah B. Clay
Notary Public

My commission expires: 9-30-01
NADATA\CLIENT\37087\00002\CAKDE002

INSTRUMENT #990000300
RECORDED IN THE CLERK'S OFFICE OF
COUNTY OF RAPPAHANNOCK ON
FEBRUARY 19, 1999 AT 12:32PM
DIANE BRUCE, CLERK

BY: Jeta: Mkh (DC)
2-19-99



VIRGINIA OUTDOORS
FOUNDATION

COMMONWEALTH OF VIRGINIA



OFFICIAL RECEIPT
COUNTY OF RAPPAHANNOCK CIRCUIT COURT
DEED RECEIPT

DATE: 02/19/99 TIME: 12:33:28 ACCOUNT: 157CLR990000300 RECEIPT: 99000000541
CASHIER: MRR REG: R000 TYPE: DE PAYMENT: FULL PAYMENT
INSTRUMENT : 990000300 BOOK: PAGE: RECORDED: 02/19/99 AT 12:32
GRANTOR: KUMMLI, ALFRED: ET UX EX: N LOC: CO
GRANTEE: VIRGINIA OUTDOORS FOUNDATION EX: N PCT: 100%
AND ADDRESS : POB ALDI, VA

RECEIVED OF : VA OUTDOORS FOUNDATION
CHECK : \$18.00

DATE OF DEED: 02/17/99

DESCRIPTION 1: WAKEFIELD 297.48 AC
2:

CONSIDERATION:	.00	ASSUME/VAL:	.00	MAP:	
CODE DESCRIPTION		PAID	CODE DESCRIPTION		PAID
301 DEEDS		14.00	145 VSLF		1.00
106 TECHNOLOGY FUND FEE		3.00			

TENDERED :	18.00
AMOUNT PAID:	18.00
CHANGE AMT :	.00

CLERK OF COURT: DIANE BRUCE