

NOTE TO TITLE EXAMINERS: This deed contains a restriction on use of the property described below, which runs with the land and is applicable to the property in perpetuity.

Prepared by:

Return to: _____

Parcel ID No(s). _____

Exempt from recordation tax under
the Code of Virginia (1950), as amended, Section 58.1-811A.3.

THIS DEED OF CONVEYANCE AND DESIGNATION OF OPEN-SPACE LAND made this ____ day of _____, _____, by and between _____, Grantor, and the Town of Warrenton, Virginia, a political subdivision of the Commonwealth of Virginia, Grantee, whose address is _____, witnesseth:

RECITALS:

R-1. Pursuant to Chapter 18, Title 10.1, Section 10.1-1801.1 the Virginia Outdoors Foundation (VOF) has provided an Open-Space Lands Preservation Trust Fund Grant (“VOF Grant”) in the amount of \$100,000 to Grantee for purchase of the Property, as more fully described in the Virginia Outdoors Foundation Open-Space Lands Preservation Trust Fund-Public Access Grant Agreement attached hereto as Exhibit A.

R-2 Grantor is conveying the below-described property (the “Property”) to Grantee to be retained and used by Grantee in perpetuity as open-space land pursuant to Chapter 17, Title 10.1, Section 10.1-1701 of the Code of Virginia (1950), as amended.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) in hand paid to the party of the first part, at and before the signing, sealing and delivery of this deed, and other good and valuable consideration, receipt whereof is hereby acknowledged, Grantor does hereby grant, bargain, sell, and convey in fee simple with General Warranty and English Covenants of Title the following described real property located in the Town of Warrenton, Fauquier County, Virginia, to-wit:

(Insert legal description and derivation.)

Adhering to the project as described in the VOF grant, it is the intent of Grantee

1. To keep the Property as a single undivided parcel,
2. To allow only those improvements that support the use of the Property as a public park and horse show venue,
3. To allow public access on the Property on a regular basis,
4. To limit total impervious surface to 50% of the total area of the Property. Measurement of impervious surface shall be completed using the Town's standard definitions and methodology.
5. To allow the Property to be used as a public park and to continue to be used as an equine recreation facility.

Grantee, by acceptance of the conveyance of this Property, hereby designates the Property as property to be retained and used for the preservation and provision of open-space land in perpetuity to assist in the shaping of the character, direction, and timing of community development of Grantee pursuant to Chapter 17, Title 10.1, Section 10.1-1701 of the Code of Virginia (1950), as amended.

No part of the Property may be converted or diverted from its open-space use unless such conversion or diversion is determined by Grantee to be in compliance with Section 10.1-1704 of the Open-Space Land Act that does not permit the loss of open space. For a conversion or diversion Grantee must determine that the conversion or diversion is (i) essential to the orderly development and growth of the Town of Warrenton, (ii) is in accordance with the official comprehensive plan for the Town of Warrenton in effect at the time of the conversion or diversion, and (iii) there is substituted other real property which is (a) of at least equal fair market value, (b) of greater value as permanent open-space land than the land converted or diverted, and (c) of as nearly as feasible equivalent usefulness and location for use as permanent open-space land as is the land converted or diverted. Grantee must assure that the property substituted will be subject to the provisions of the Open-Space Land Act.

This conveyance is made subject to all conditions, restrictions, reservations, restrictive covenants, and easements of record, but is not intended to re-impose any of them.

This deed is executed by _____, _____ of the Town of Warrenton, Virginia after having been authorized to act on behalf of the town by resolution duly adopted on _____ by the Town Council of the Town of Warrenton, Virginia.

This deed is approved as to form by _____, Town Attorney, pursuant to Section 15.2-1803 of the Code of Virginia (1950), as amended, as evidenced by his/her signature.

This deed may be executed in one or more counterpart copies, each of which, when executed and delivered, shall be an original, but all of which shall constitute one and the same deed. Execution of this deed at different times and in different places by the parties hereto shall not affect its validity.

WITNESS the following signatures and seals:

[Counterpart signature pages follow]

[Counterpart signature page 1 of 2]

GRANTOR

STATE OF VIRGINIA

CITY/COUNTY of _____, to-wit:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do certify that _____, Grantor herein, whose name is signed to the foregoing deed bearing date of _____, has this day acknowledged the same before me in my jurisdiction aforesaid.

Given under my hand this ____ day of _____, 20__.

My commission expires on _____

Registration Number: _____

NOTARY PUBLIC

(SEAL)

[Counterpart signature page 2 of 2]

APPROVED AND ACCEPTED BY:

THE TOWN OF WARRENTON, VIRGINIA
GRANTEE

By: _____

STATE OF VIRGINIA
CITY/COUNTY of _____, to-wit:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do certify that _____, _____ of The Town of Warrenton, Virginia, Grantee herein, whose name is signed to the foregoing deed bearing date of _____, has this day acknowledged the same before me in my jurisdiction aforesaid.

Given under my hand this ____ day of _____, 20____

My commission expires on _____
Registration Number: _____

NOTARY PUBLIC

(SEAL)

Approved as to form:

By: _____
Town Attorney