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December 12, 2025

Mark Dycio
Warrenton Town Attorney
Dycio & Biggs
10533 Main Street
Fairfax, Virginia 22030

Stephanie Miller
Warrenton Acting Town Manager
21 Main Street
Warrenton, Virginia 20186
TownManager@warrentonva.gov

Re: **Vacation of Trail Easement – Timber Fence Trail Project Property:
Fauquier County School Board (PINs 6974-76-0449-000 et al.)**

Dear Mr. Dycio and Ms. Miller:

I represent the Fauquier County School Board (the "School Board") regarding the above-referenced matter.

As you know, on August 5, 2024, the School Board executed a Deed of Trail Easement (the "Deed") granting the Town of Warrenton (the "Town") permanent and temporary easement rights across School Board property for the construction of Phase 2 of the Timber Fence Trail. This Deed was recorded in the Clerk's Office of the Circuit Court of Fauquier County.

It is our understanding, based on recent communications from the Town, that the Town has decided to abandon the Timber Fence Trail project and will no longer be pursuing the construction of the trail segments located on School Board property.

Paragraph 7 of the Deed explicitly states that the easement is binding in perpetuity "*unless both parties agree to amend, move, or abolish the Easement in writing due to changes in needs by either public entity.*" Given the Town's decision to halt the project, the "needs" of the public entity have fundamentally changed, and the School Board requests that the title to its property be cleared of these encumbrances.

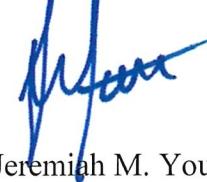
Mark Dycio
Stephanie Miller
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To that end, I have enclosed a Deed of Vacation of Easement for your review and presentation to the Town Council. This instrument formally abolishes both the 2024 Deed and explicitly extinguishes any residual rights from the "Former Deed" (Book 1747, Page 2149) referenced therein.

Please present this Deed of Vacation to the Town Council at your earliest convenience for authorization and execution. Once signed on behalf of the Town, please return the original to my office so that I may arrange for execution by the School Board Chair and subsequent recordation.

We appreciate the Town's cooperation in resolving this title matter efficiently.

Sincerely yours,



Jeremiah M. Yourth

Enclosures
cc: Fauquier County School Board

Prepared by: Jeremiah M. Yourth (VSB # 81113)
Sands Anderson PC, 919 E. Main Street, Suite 2300, Richmond, Virginia 23219

Tax Map Parcel: 6974-76-0449-000
6974-75-6925-000
6974-75-6703-000
6974-86-3278-000

Consideration: \$0.00

Prepared without the benefit of a title examination.

This deed is exempt from state recordation taxes pursuant to Va. Code Sec. 58.1-811(A)(3) and is exempt from the fees imposed by Va. Code Sec. 17.1-275 pursuant to Va. Code Sec. 17.1-266

THIS DEED OF VACATION OF EASEMENT ("Deed") is made as of this _____ day of December, 2025, by and between the **TOWN OF WARRENTON, VIRGINIA**, a municipal corporation and political subdivision of the Commonwealth of Virginia (the "Town" and/or "Grantor"), and the **COUNTY SCHOOL BOARD OF FAUQUIER COUNTY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, (the "School Board" and/or "Grantee"), whose address is 320 Hospital Drive, Warrenton, Virginia 20186.

RECITALS:

WHEREAS, the School Board is the owner of those certain parcels of real property situated in Fauquier County, Virginia, identified as Parcel Identification Numbers 6974-76-0449-000, 6974-75-6925-000, 6974-75-6703-000, and 6974-86-3278-000 (collectively, the "Property");

WHEREAS, by that certain Deed of Trail Easement dated August 5, 2024, and recorded in the Clerk's Office of the Circuit Court of Fauquier County, Virginia (the "Clerk's Office") in Deed Book 1777 at page 1700 (the "2024 Deed"), the School Board granted to the Town (i) a permanent easement for public trail purposes (the "Trail Easement") and (ii) a temporary construction easement (the "Construction Easement," and together with the Trail Easement, the "Easements") for the construction of Phase 2 of the Timber Fence Trail;

WHEREAS, the 2024 Deed superseded and replaced a prior deed recorded in the Clerk's Office in Deed Book 1747, pages 2149-2166 (the "Former Deed");

WHEREAS, Paragraph 7 of the 2024 Deed provides that the Easements benefit the parties in perpetuity "*unless both parties agree to amend, move, or abolish the Easement in writing due to changes in needs by either public entity*";

WHEREAS, the Town has notified the School Board that the Town is abandoning the Timber Fence Trail project and no longer has a need for the Easements;

WHEREAS, the School Board has requested the vacation, release, and extinguishment of the Easements in order to clear title to the Property; and

WHEREAS, by Resolution adopted by the Town Council on _____, **20**, attached hereto as Exhibit A, the Town authorized the abandonment of the project and the execution of this Deed.

WITNESSETH:

NOW, THEREFORE, for and in consideration of the foregoing recitals, the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Incorporation of Recitals. The above recitals are incorporated herein as matters of contract and not mere recitals.

2. Vacation of Easements. Pursuant to Paragraph 7 of the 2024 Deed, the Town and the School Board hereby agree to **ABOLISH** the Easements. The Town does hereby **VACATE, RELEASE, ABANDON, REMISE, and QUITCLAIM** unto the School Board all of the Town's right, title, and interest in and to the Trail Easement and the Construction Easement as described in the 2024 Deed and as shown on that certain plat titled "PLAT SHOWING EASEMENT DEDICATION ON THE PROPERTIES OF THE COUNTY SCHOOL BOARD OF FAUQUIER COUNTY," dated March 23, 2024, prepared by Carson Land Consultants.

3. Confirmation Regarding Former Deed. The parties hereby confirm that the Former Deed remains superseded, replaced, and of no further force or effect. It is the intent of this Deed to extinguish any and all rights of the Town to use the Property for trail or construction purposes arising from either the 2024 Deed or the Former Deed.

4. No Public Rights. The parties acknowledge and agree that, pursuant to the express terms of the 2024 Deed, the public was not a third-party beneficiary of the Easements, and upon recordation of this Deed, no rights of public access or use shall remain on the Property.

5. Effect of Recordation. Upon recordation of this Deed in the Clerk's Office, the Easements shall legally cease to exist, and the Property shall be free and clear of the encumbrance of the Easements.

6. Abandonment. To the extent the Town installed any partial improvements, materials, or facilities within the Easement area (the "Improvements"), such Improvements are hereby abandoned by the Town and automatically inure to the benefit of the School Board in "as-is, where-is" condition. The Town shall have no further liability or obligation to maintain, repair, or remove said Improvements.

[Signatures Appear on the Following Page]

IN WITNESS WHEREOF, the _____ of the Town of Warrenton, Virginia, has signed this Deed pursuant to a resolution adopted _____, 2025.

WITNESS the following signatures and seals.

TOWN OF WARRENTON, VIRGINIA

By: _____
[Name/Title]

COMMONWEALTH OF VIRGINIA
COUNTY OF FAUQUIER,

The foregoing instrument was acknowledged before me, a Notary Public in and for the aforesaid County and Commonwealth, by _____, _____ of the Town of Warrenton, Virginia, on this _____ day of _____, 2025.

Notary Public

Notary Public

Approved as to form:

*Name: Mark Dycio
Town Attorney*

WITNESS the following signatures and seals.

**COUNTY SCHOOL BOARD OF FAUQUIER
COUNTY, VIRGINIA**

By: _____
[Name/Title]

COMMONWEALTH OF VIRGINIA
COUNTY OF FAUQUIER,

The foregoing instrument was acknowledged before me, a Notary Public in and for the aforesaid County and Commonwealth, by _____, _____ of the County School Board of Fauquier County, Virginia, on this _____ day of _____, 2025.

Notary Public

Registration #: _____

EXHIBIT A

Resolution

(see attached)

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FIRST-CLASS MAIL
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12/12/2025 ZIP 23219
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