

RECORDATION COVER SHEET

TYPE OF INSTRUMENT:	DEED OF DEDICATION, SUBDIVISION AND EASEMENT
DATE OF INSTRUMENT:	<u>April 5, 2023</u>
NAMES OF GRANTORS:	1) JOHN KELLY BARRETT, Trustee of THE JOHN KELLY BARRETT TRUST u/t/d January 13, 2004
NAMES OF GRANTEEES:	1) TOWN OF PURCELLVILLE, VIRGINIA
COUNTY WHERE PROPERTY LOCATED:	TOWN OF PURCELLVILLE, COUNTY OF LOUDOUN
ELECTION DISTRICT WHERE PROPERTY LOCATED:	BLUE RIDGE ELECTION DISTRICT
INSTRUMENT NUMBER WHERE PROPERTY ACQUIRED:	Inst. 20060323-0025923
PLAT ATTACHED:	Plat No. JB2101.3000 entitled "PLAT SHOWING SUBDIVISION ON THE LAND OF JOHN KELLY BARRETT, TRUSTEE" prepared by J2 Engineers
LOUDOUN COUNTY PINS:	488-15-1680-000
TOWN FILE NO.	MSP-01
THIS INSTRUMENT WAS PREPARED BY AND RETURN TO:	Mark Nelis Esq. (#30674) Nelis Law Box 54

THIS DEED OF DEDICATION, SUBDIVISION EASEMENT (the "Deed") is made this 5<sup>th</sup> day of April, 2023 by and between JOHN KELLY BARRETT, Trustee of THE JOHN KELLY BARRETT TRUST, u/t/d January 13, 2004 ("Owner") and TOWN OF PURCELLVILLE, VIRGINIA, a body corporate and politic (hereinafter referred to as the "Town").

W I T N E S S E T H :

WHEREAS, Owner is the owner and proprietor of certain real property known as PIN 488-15-1680 (hereinafter referred to as "Property") as shown on the as shown on Plat No. JB2101.3000 dated August 2, 2021 and revised through December 15, 2022, entitled "PLAT SHOWING SUBDIVISION ON THE LAND OF JOHN KELLY BARRETT, TRUSTEE INSTRUMENT 20060323-0025923" prepared by J2 Engineers, Inc. of Leesburg, Virginia, certified land surveyors (hereinafter referred to as "Plat") which Plat is attached hereto; and

WHEREAS, the Trust Property is situate in the Town of Purcellville, Virginia, Trust having acquired the Property by a deed recorded as Instrument Number 20060323-0025923, among the land records of Loudoun County, Virginia; and

WHEREAS, it is the desire and intent of Owner to subdivide the Property into lot and parcels, and to dedicate, grant and convey for public use, the streets and thoroughfares in accordance with this Deed and the Plat; and

WHEREAS, it is the desire and intent of Owner to create and establish a drainfield easement over and across the Property in the locations as shown on the Plat and as hereinafter provided; and

WHEREAS, Property is not subject to the lien of a deed of trust.

SUBDIVISION

NOW THEREFORE, in consideration of the premises and the sum of One Dollar (\$1.00), cash in hand paid, receipt of which is hereby acknowledged, Owner does hereby subdivide the Property containing 2.31096 acres, into lots and parcels, to be known as Lot 1 and Lot 2, in accordance with the Plat which is expressly incorporated herein and made a part of this Deed.

STREET DEDICATION

THIS DEED FURTHER WITNESSETH, that in consideration of the premises and the sum of One Dollar (\$1.00) cash in hand paid, receipt of which is hereby acknowledged, Owner does

hereby dedicate to the Town, in fee simple, 0.1223 acre for public street purposes as so designated on the Plat as "5,324 S.F. OR 0.1223 AC. HEREBY DEDICATED FOR PUBLIC RIGHT-OF-WAY". This dedication is made in accordance with the statutes made and provided therefor.

#### **DRAINFIELD EASEMENT**

THIS DEED FURTHER WITNESSETH that in consideration of the premises and the sum of One Dollar (\$1.00), cash in hand paid, receipt of which is hereby acknowledged, Owner as owner of Lot 1 does hereby create and establish a drainfield easement over and across Lot 1 for the benefit of the Lot 2, for the purpose of installing constructing, operating, maintaining, adding to, or replacing present or future drainfield facilities, in the locations as designated on the Plat as "DRAINFIELD EASEMENT HEREBY CREATED".

The above described easement is subject to the following conditions:

1. All drainfield facilities pipes, laterals and appurtenant facilities which are installed in the easement shall be and remain the property of the Owner as the owner of Lot 2, its successors and assigns.
2. The Owner as the owner of Lot 2, its successor and assigns, shall have full and free use of said easement for the purposes named, and shall have all rights and privileges reasonably necessary to the exercise of the rights granted in the easement including the right of access to and from the easement and the right to use adjoining land where necessary; provided, however, that this right to use adjoining land shall be exercised only during periods of actual construction or maintenance, and then only to the minimum extent necessary for such construction and maintenance, and further, this right shall not be construed to allow said owner to erect any building or structure of a permanent nature on such adjoining land.
3. The Owner as the owner of Lot 2, its successors and assigns, shall have the right to trim, cut and remove trees, shrubbery, fences, structures, or other obstructions or facilities in or near the easement being conveyed, deemed by it to interfere with the proper and efficient installation, construction, operation, and maintenance of said easement; provided, however, that said owner at its own expense shall restore as nearly as possible, to their original condition, all land or premises which are disturbed

in any manner by the construction, operation, and maintenance of said easement. Such restoration shall include the backfilling of trenches, the replacement of fences and shrubbery, the reseeding or resodding of lawns or pasture areas within and outside the easement, but shall not include the replacement of structures, trees, and other facilities located within the easement.

4. The Owner as the owner of Lot 1, its successor and assigns, reserves the right to make use of the easement herein granted which may not be inconsistent with the rights herein conveyed, or interfere with the use of said easement.

This Easement shall be perpetual and shall run with the land.

This Easement shall be binding upon the Owner as the owner of Lot 1, its successors and/or assigns and shall inure to the benefit of the Owner as the owner of Lot 2, its successors and assigns.

#### MISCELLANEOUS

Headings used in this Deed are for convenience purposes only and are not intended to express the terms herein set forth. This deed is made in accordance with the statutes made and provided in such cases; with the approval of the proper authorities of the Town of Purcellville, Virginia, as shown by the signatures affixed to the Plat and Deed, and is with the free consent and in accordance with the desire of Owner, the owner and proprietor of the land depicted on the Plat.

The undersigned warrant that this Deed is made and executed pursuant to authority properly granted by the Owner, and the other parties hereto.

[Signature Pages to Follow]

IN WITNESS WHEREOF, the parties have caused this Deed to be executed, under seal.

FURTHER WITNESS the following signatures and seals.

The John Kelly Barrett Trust, u/t/d  
January 13, 2004

By John Kelly Barrett  
John Kelly Barrett, Trustee

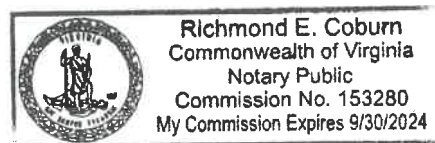
STATE OF Virginia  
CITY/COUNTY OF Loudoun, to wit:

I, the undersigned Notary Public, in and for the jurisdiction aforesaid, do hereby certify that John Kelly Barrett, Trustee of The John Kelly Barrett Trust, u/t/d January 13, 2004 whose name is signed to the foregoing instrument, appeared before me and personally acknowledged the same in my jurisdiction aforesaid.

GIVEN under my hand and seal this 5<sup>th</sup> day of April, 2023.

Richmond E. Coburn  
Notary Public

My commission expires: 9/30/24  
Notary Registration Number: 153280



THIS CONVEYANCE IS HEREBY ACCEPTED ON BEHALF OF THE TOWN OF  
PURCELLVILLE, VIRGINIA

APPROVED AS TO FORM:

THE TOWN OF PURCELLVILLE

By:   
Town Attorney

By: \_\_\_\_\_ (SEAL)  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

COMMONWEALTH OF VIRGINIA  
COUNTY OF LOUDOUN, to wit:

I, the undersigned Notary Public, in and for the jurisdiction aforesaid, do hereby  
certify that \_\_\_\_\_ as \_\_\_\_\_ of the Town of  
Purcellville whose name is signed to the foregoing instrument and appeared before me  
and personally acknowledged the same in my jurisdiction aforesaid.

GIVEN under my hand and seal this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

My commission expires: \_\_\_\_\_  
Notary Registration Number:: \_\_\_\_\_

\_\_\_\_\_  
Notary Public



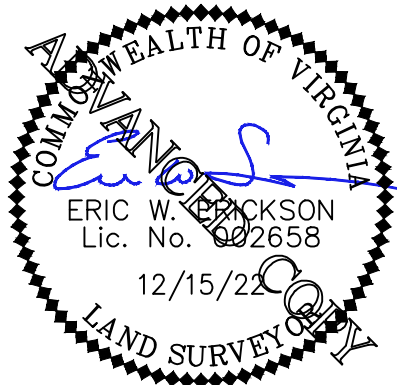
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No.	Date	Description	Town Comments	Town Comments	Town Comments	Town Comments
1	8/2/21					
2	3/22/22					
3	12/15/22					

PROJECT	JB2101.3000
DATE	April 28, 2021
DRAWING SCALE	NONE
DRAWN BY	MO
APPROVED BY	EE

X:\SURVEY\ACTIVE\Ball Property\Plats\JB2101 MSP21-01 Barrett Property.dwg

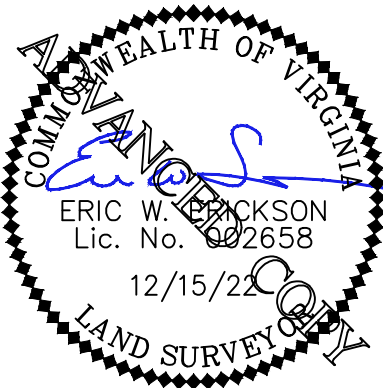
1. THE PROPERTY SHOWN HEREON IS IDENTIFIED ON LOUDOUN COUNTY TAX ASSESSMENT MAP AS PIN 488-15-1680 (TM /35/\\\\\\\\\\\\\\\\74/) AND IS ZONED R-2, Single-family Residential AND (HC) Historic Corridor Overlay District AS ADMINISTERED BY THE TOWN OF PURCELLVILLE ZONING ORDINANCE.
2. THE PROPERTY SHOWN HEREON IS NOW IN THE NAME OF JOHN KELLY BARRETT, TRUSTEE AS RECORDED IN INSTRUMENT 20060323-0025923 AMONG THE LAND RECORDS OF LOUDOUN COUNTY, VIRGINIA.  
  
JOHN KELLY BARRETT, TRUSTEE  
311 S 32nd ST  
PURCELLVILLE, VA 20132-3223
3. BOUNDARY INFORMATION SHOWN HEREON IS BASED ON EXISTING LOUDOUN COUNTY LAND RECORDS AND FIELD VERIFIED BY J2 ENGINEERS, INC. IN OCTOBER, 2020 AND THAT ALL THE COURSES ARE REFERENCED TO THE VIRGINIA STATE COORDINATE SYSTEM (VCS) OF 1983, NORTH ZONE.
4. THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL COVENANTS AND RESTRICTIONS OF RECORD AND THOSE RECORDED HERewith. THE PLAT PREPARER HAS NOT BEEN PROVIDED WITH A CURRENT CERTIFIED TITLE REPORT AND THEREFORE THIS PLAT DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
5. THE PROPERTY SHOWN HEREON LIES IN ZONE "X" (NO-SCREEN) AREAS OF MINIMAL FLOOD HAZARD AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP FOR LOUDOUN COUNTY, VIRGINIA, COMMUNITY-PANEL NUMBER 51107C0205E, EFFECTIVE DATE: FEBRUARY 17, 2017.
6. a) THE PRIVATE ROADWAYS IN THIS DEVELOPMENT DO NOT MEET THE STANDARDS NECESSARY FOR INCLUSION IN THE SYSTEM OF STATE HIGHWAYS AND WILL NOT BE MAINTAINED BY VDOT OR THE TOWN OF PURCELLVILLE, A ND ARE NOT ELIGIBLE FOR RURAL ADDITION FUNDS APPROPRIATED BY THE GENERAL ASSEMBLY OF VIRGINIA AND ALLOCATED BY THE COMMONWEALTH TRANSPORTATION BOARD.  
  
b) THE ACCESS SERVING THIS LOT IS PRIVATE AND ITS MAINTENANCE INCLUDING SNOW REMOVAL, IS NOT A PUBLIC RESPONSIBILITY.
7. NO MORE THAN ONE PRINCIPAL BUILDING SHALL BE PERMITTED ON ANY RESIDENTIAL LOT SHOWN ON THIS PLAT, AND NO SUCH LOT SHALL BE RE-SUBDIVIDED SO AS TO PRODUCE A BUILDING SITE OF LESS AREA OR WIDTH THAN THE MINIMUM REQUIRED.
8. THE PROPOSED LOTS SHOWN HEREON ARE TO BE SERVED BY PUBLIC WATER AND PUBLIC SEWER.
9. ISSUANCE OF ZONING PERMITS SHALL BE SUBJECT TO PAYMENT OF WATER AND SANITARY SEWER CONNECTIONS.
10. ALL ZONING INFORMATION IS PROVIDED FOR THE EXISTING ZONING AT THE TIME THE PLAT IS APPROVED.
11. NEITHER APPROVAL NOR RECDORDATION OF THIS PLAT SHALL TERMINATE OR EXTINGUISH ANY INTEREST OF THE TOWN IN THE LAND SHOWN HEREON UNLESS SUCH TERMINATION OR EXTINGUISHMENT IS EXPRESSLY INDICATED HEREON.
12. LOT 1 WILL BE ACCESSED FROM BARRETT MANOR COURT.  
LOT 2 WILL BE ACCESSED FROM SOUTH 32nd STREET.
13. THE DRAINFIELD EASEMENT SHOWN HEREON IS FOR THE MAINTENANCE AND REPAIR OF THE EXISTING SYSTEM AND ITS APPURTENANCES. NO STRUCTURES SHALL BE CONSTRUCTED WITHIN THE DRAINFIELD EASEMENT.



NOT FOR RECORDATION



J2 Engineers, Inc.  
602 South King Street  
Suite 100  
Leesburg, VA 20176  
571.291.9167 (office)  
571.291.9365 (fax)  
www.j2engineers.com



NOT FOR RECORDATION

TOWN COMMENTS	TOWN COMMENTS	TOWN COMMENTS	DESCRIPTION
3	12/15/22	2	3/22/22
2	3/22/22	1	8/22/21
No.	DATE	No.	DATE

PLAT SHOWING  
SUBDIVISION  
ON THE LAND OF  
**JOHN KELLY BARRETT, TRUSTEE**  
INSTRUMENT 20060323-0025923  
TOWN OF PURCELLVILLE  
LOUDOUN COUNTY, VIRGINIA

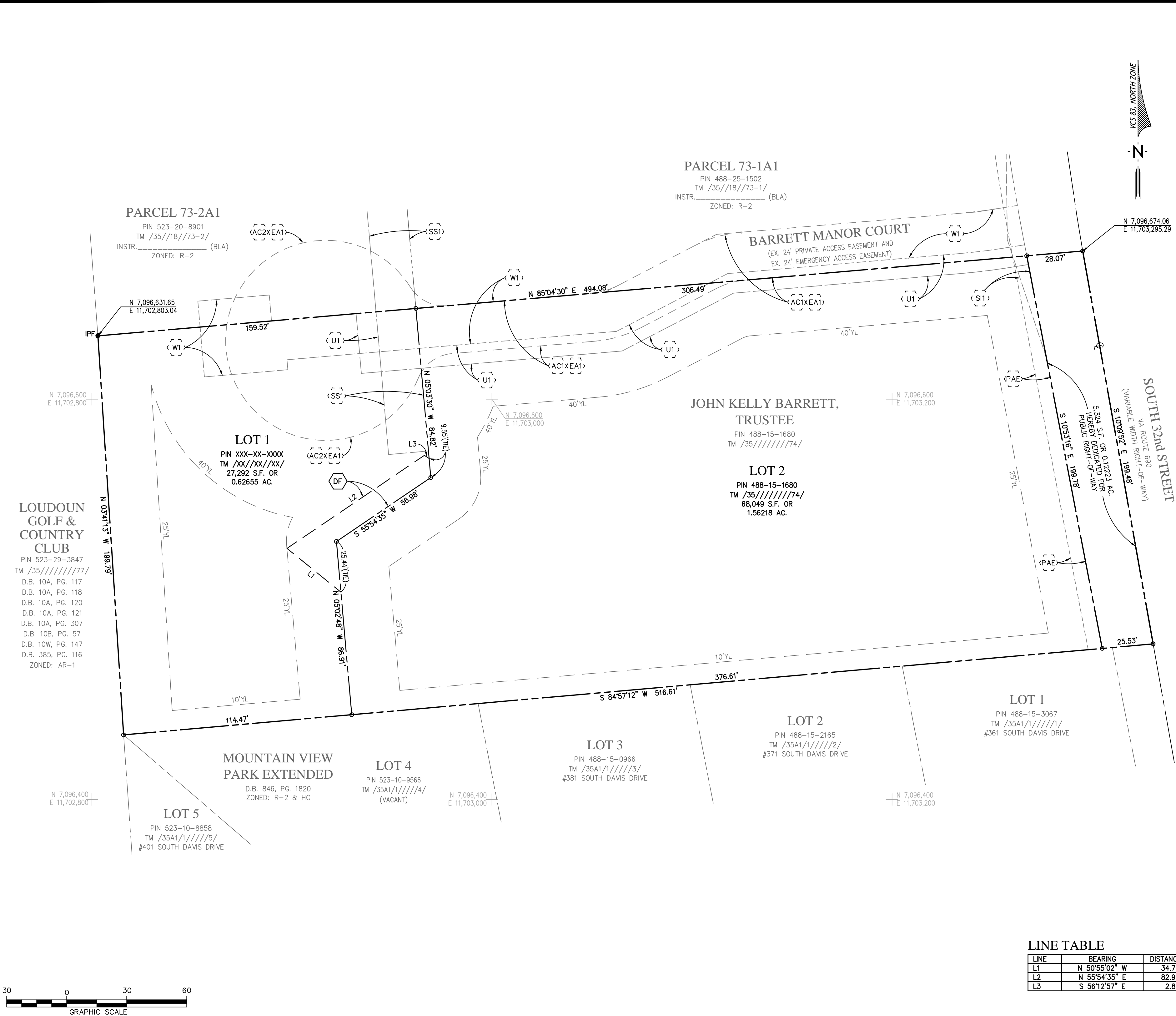
PROJECT JB2101.3000

DATE April 28, 2021

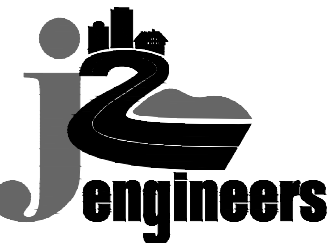
DRAWING SCALE 1" = 30'

DRAWN BY MO

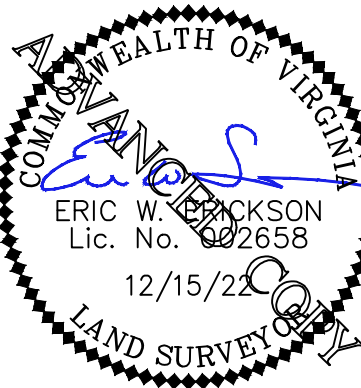
APPROVED BY EE







J2 Engineers, Inc.  
602 South King Street  
Suite 100  
Leesburg, VA 20176  
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571.291.9365 (fax)  
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NOT FOR RECORDATION

TOWN COMMENTS	TOWN COMMENTS	TOWN COMMENTS	DESCRIPTION
3	12/15/22	2	3/22/22
2	3/22/22	1	8/27/21
No.	DATE	No.	DATE

PLAT SHOWING  
SUBDIVISION  
ON THE LAND OF  
**JOHN KELLY BARRETT, TRUSTEE**  
INSTRUMENT 20060323-0025923  
TOWN OF PURCELLVILLE  
LOUDOUN COUNTY, VIRGINIA

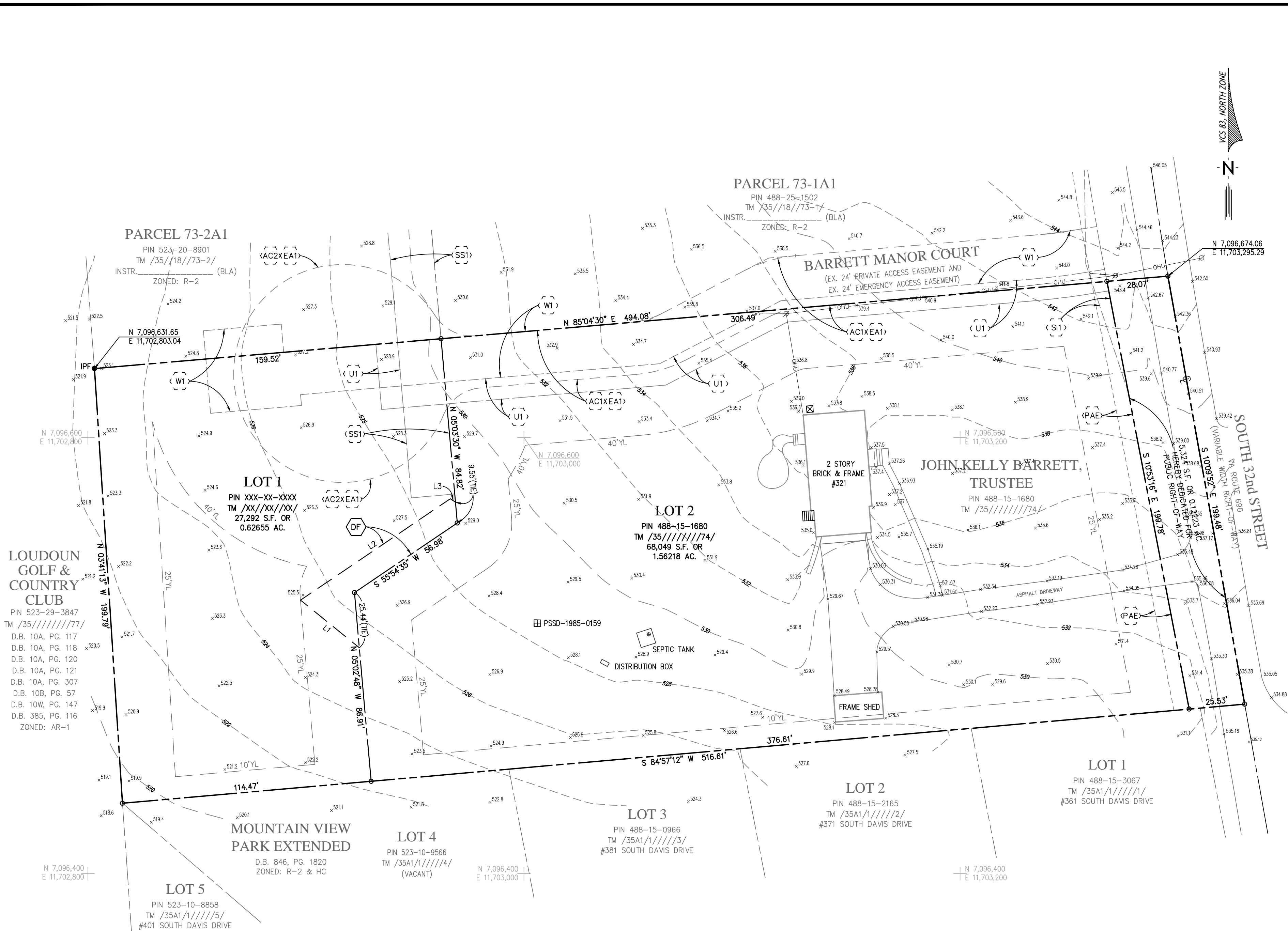
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DRAWN BY MO

APPROVED BY EE



THIS SHEET IS FOR INFORMATION PURPOSES ONLY

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 50°55'02" W	34.73'
L2	N 55°54'35" E	82.94'
L3	S 56°12'57" E	2.86'