

See DB 354  
pp. 242-274

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Plat Book No. 9 Page 431 03550072

QUITCLAIM DEED

THIS QUITCLAIM DEED made this 6th day of May, 1981, between the UNITED STATES OF AMERICA, Grantor, acting through the Administrator of General Services, under authority of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and pertinent regulations and orders, and the COMMONWEALTH OF VIRGINIA, c/o Secretary of Administration & Finance, Grantee, acting through John N. Dalton, Governor, under appropriation approved by the General Assembly of Virginia, April 7, 1980, Chapter 760, Section 2-34.C-240,

WITNESSES: That the Grantor, for and in consideration of the sum of THREE MILLION SIX HUNDRED SIXTY SIX THOUSAND DOLLARS (\$3,666,000), the receipt whereof is hereby acknowledged, in consideration of Grantor's right to reacquire the property and in consideration of Grantee's agreement to provide a field survey and narrative description of water, electric and telephone centerlines by these presents does remise, release and forever quitclaim, unto the Grantee, its successors or assigns forever, without representations or warranties, all the right, title and interest whatsoever of the Grantor in and to a tract of land situate in York County, Virginia, on the south side of Colonial National Monument Parkway, west of Kings Creek, formerly Cheatham Annex Fuel Tank Area, part of Naval Supply Center Norfolk, more particularly described below, reserving, however, to Grantor and its assigns, existing water, electric and telephone lines together with the associated duct and manhole systems, a scenic easement with respect to Colonial National Monument Parkway, and easements for access:

BEGINNING at a point at the intersection of the southern right-of-way line of Colonial National Monument Parkway and the center line of Kings Creek; thence southwesterly, following the meanders of the center line of Kings Creek the following courses and distances: South 9 degrees 04 minutes 17 seconds west, 326.21 feet; South 45 degrees 18 minutes West, 268.71 feet; South 79 degrees 53 minutes 14 seconds West, 506.87 feet; South 46 degrees 46 minutes 20 seconds West, 205.86 feet; South 23 degrees 03 minutes 40 seconds West, 329.32 feet; South 43 degrees 56 minutes 50 seconds West, 154.18 feet; South 61 degrees 59 minutes West, 370.41 feet; South 81 degrees 35 minutes 58 seconds West,

*Russell L. Borras, Asst. Attorney General  
7-30-81*

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239.57 feet; North 62 degrees 10 minutes 10 seconds West, 182.06 feet; North 20 degrees 33 minutes 30 seconds West, 213.60 feet; North 12 degrees 20 minutes 40 seconds West, 369.53 feet; North 42 degrees 32 minutes 40 seconds West, 214.45 feet; South 86 degrees 48 minutes West, 268.37 feet; South 69 degrees 06 minutes 10 seconds West, 294.36 feet; South 25 degrees 29 minutes 40 seconds West, 275.30 feet; South 13 degrees 11 minutes West, 414.42 feet; South 38 degrees 22 minutes West, 367.33 feet; South 65 degrees 32 minutes 10 seconds West, 347.72 feet; North 89 degrees 36 minutes 50 seconds West, 444.04 feet; South 63 degrees 57 minutes 40 seconds West, 243.74 feet; South 81 degrees 07 minutes 50 seconds West, 230.25 feet; South 58 degrees 54 minutes 10 seconds West, 186.85 feet; South 51 degrees 10 minutes West, 256.75 feet; South 74 degrees 19 minutes 04 seconds West, 358.86 feet and South 38 degrees 37 minutes 10 seconds West, 111.34 feet; thence leaving the center line of Kings Creek the following courses and distances: North 38 degrees 16 minutes 40 seconds West, 187.26 feet; North 09 degrees 08 minutes 50 seconds West, 327.16 feet; North 05 degrees 27 minutes 40 seconds East, 136.62 feet; North 22 degrees 39 minutes 10 seconds West, 275.23 feet; North 00 degrees 38 minutes 10 seconds West, 270.00 feet; North 42 degrees 19 minutes 40 seconds West, 212.36 feet; North 54 degrees 07 minutes 30 seconds West, 334.44 feet; South 89 degrees 58 minutes 20 seconds West, 256.36 feet; North 73 degrees 27 minutes 50 seconds West, 311.71 feet; North 68 degrees 36 minutes 50 seconds West, 214.42 feet; North 52 degrees 43 minutes 45 seconds West, 430.51 feet; North 47 degrees 56 minutes 20 seconds West, 341.80 feet; North 37 degrees 10 minutes 30 seconds West, 225.00 feet; North 17 degrees 12 minutes 10 seconds West, 139.77 feet; North 08 degrees 47 minutes 50 seconds West, 376.99 feet; North 56 degrees 20 minutes 00 seconds West, 700 feet, more or less, to a point on the western right-of-way line of Virginia Route 641; thence northwesterly, along the western right-of-way line of Virginia Route 641, a distance of 3110 feet, more or less, to a point on the southern right-of-way line of the Colonial National Monument Parkway; thence southeasterly, 7150 feet, more or less, along the southern right-of-way line of the Colonial National Monument Parkway to the point of beginning.

CONTAINING 460 acres, more or less.

BEING a portion of the land acquired by the United States of America through Declaration of Takings filed May 10, 1944, in the United States District Court for the Eastern District of Virginia, against James E. Dula, Jr., et al., Misc. No. 22, and against Colonial Monument Estates, Inc., et al., Misc. No. 25.

TO HAVE AND TO HOLD the above described land, with the hereditaments and appurtenances thereunto belonging, unto Grantee, its successors or assigns forever, SUBJECT, HOWEVER, to reservations in Grantor of (1) water, electric and telephone lines, together

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with associated duct and manhole systems; (2) of a perpetual and assignable scenic easement to the following purposes with respect to the tract of approximately 72 acres described hereafter.

a. No further structures of a permanent or temporary nature may be erected, placed, maintained and/or constructed upon the land without the prior written approval of the Superintendent, Colonial National Historical Park. Nevertheless, Grantee may repair and maintain existing structures but may not construct additions to or reconstruct the structures.

b. Grantee, for the sole purpose of repairing and maintaining existing structures, may use the present access to those structures.

c. No sign, billboard, or advertisement shall be displayed or placed upon the land.

d. No mature trees or shrubs shall be removed from said property without the written approval of the Secretary of the Interior or his designate, the Superintendent, Colonial National Historical Park, except that seedling shrubs or trees may be grubbed up or cut down in accordance with accepted silvicultural practices. Permission need not be obtained for the removal of trees by or upon advice of the appropriate utility company or other organizations for the purpose of protecting utility lines or water or sewer mains. Likewise, permission need not be obtained for the removal of dead, diseased or injured trees when such removal is necessary for reasons of safety. Trees native to the area may be planted with the concurrence of the Superintendent.

e. The general topography of the landscape shall be maintained in its present condition and no substantial excavation or topographic changes shall be made without the written approval of the Secretary of the Interior or his designate, except that in eroding areas of a drainage system where surface water run-off is destroying the natural ground cover, suitable heavy fill may be so placed as to control and prevent further erosion, provided said fill is covered by arable soil or humus.

f. The lands shall at all times be kept in a neat and orderly condition and no garbage, trash or other unsightly material shall be allowed to accumulate thereon.

g. The Secretary of the Interior or his designate shall be permitted at reasonable times and upon prior appointment with Grantee to enter upon said lands in order to ascertain compliance with restrictions and covenants of this agreement.

h. Approval of any action requiring approval by the Secretary of the Interior or his designate shall be deemed to have been granted if the Secretary or his designate has not responded to a written request within 30 days from its receipt. Notices should be sent to the Superintendent at P.O. Box 210, Yorktown, Virginia 23690.

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1. These restrictions do not create any duty in Grantee to permit the public to enter upon the lands or any right in the Grantor to secure their entry, it being expressly agreed that the power to permit persons upon said lands, other than as provided in Item g above, remains in Grantee.

BEGINNING at a point on the southerly right-of-way line of Colonial Parkway located perpendicular to and 250 feet south of POT Equality Station 362 + 67.5 LB = 367 + 98.1 - LA on the centerline of the parkway at the west end of King Creek Bridge. Thence along said right-of-way line, North 64 degrees - 51 minutes West 512.0 feet to a PC (Pky Sta. 373 + 10.1), thence along a 3 degree - 07 Minutes - 30 seconds Degree Curve to the left 814.94 feet to a PT (Pky Sta. 382 + 36.2) thence South 89 degrees - 41 minutes West 179.7 feet to a PC (Pky Sta. 384 + 15.9), thence along a 4 degrees - 16 minutes - 16.5 seconds Degree Curve to the right 952.54 feet to a PT (Pky Sta. 391 + 90.8). Thence North 49 degrees - 38 minutes West 501.2 feet to a PC (Pky Sta. 396 + 92.0) thence along a 0 degree - 30 minutes - 40 seconds Degree Curve to the left, 2,871.09 feet to a PCC (Pky Sta. 426 + 32.0), thence along a 01 degree - 46 minutes - 51 seconds Degree Curve to the left 1,039.00 to point of intersection at (Pky Sta. 436 + 69.03) of the southerly Parkway right-of-way line and easterly right-of-way line of Penniman Road Virginia State 641. Thence southerly along said Virginia State Route 641 easterly R/W line along a 04 degree - 23 minutes - 56 seconds Degree Curve to the Rt. 232.25 feet to a PT thence South 57 degrees - 27 minutes West 112 feet ± to a point on the southerly parkway easement R/W line located 500 feet from the centerline of Parkway Station 440 + 36.8, thence easterly along said easement R/W line South 85 degrees - 18 minutes East 150.0 feet to a PC (Pky Sta. 438 + 36.8), thence along a 01 degree - 57 minutes - 11 seconds Degree Curve to the right 1,074.96 feet to a PCC (Pky Sta. 426 + 32.0), thence along a 0 degree - 31 minutes 22 seconds Degree Curve to the right 2,810.71 feet to a PT (Pky Sta. 396 + 92.0). Thence South 49 degrees - 38 minutes East 501.2 feet to a PC (Pky Sta. 391 + 90.8), thence along a 3 degree - 36 minutes curve to the left 1,130.08 feet to a PT (Pky Sta. 384 + 15.9). Thence North 89 degrees - 41 minutes East 179.7 feet to a PC (Pky Sta. 382 + 36.2). Thence along a 03 degrees - 37 minutes - 06 seconds curve to the right 468.9 feet to a POC located 500 feet from the centerline of parkway (Pky Sta. 376 + 10.1). Thence south 55 degrees - 09 minutes West 1,385 feet ± to a point at the mean low water line on the northerly side of King Creek. Thence meandering along the said northerly mean low water line of King Creek easterly South 32 degrees - 06 minutes East 270 feet ± South 05 degrees - 06 minutes East 420 feet ± South 84 degrees - 36 minutes East 385 feet ±, North 62 degrees - 24 minutes East 470 feet ±, North 20 degrees - 39 minutes East 580 feet ±, North 82 degrees - 39 minutes East 560 ±, North 67 degrees - 39 minutes East 160 feet ±, North 31 degrees - 39 minutes East 180 feet ±, North 02 degrees - 39 minutes East 320 ±, to a point on the southerly Colonial Parkway right-of-way line (250 feet from the centerline). Thence northerly along said right-of-way line North 64 degrees - 51 minutes West 100 feet ± to the said point of beginning.

CONTAINING 72 acres more or less; and

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(3) of perpetual and assignable easements as follows:

- a. Access, along, over and across any part of a road not a part of or maintained by the Virginia Highway system;
- b. A reasonable and necessary width for use, maintenance, operation, repair, reconstruction and replacement of existing water lines extending for a distance of approximately 3,400 feet within the property, approximately as shown on DWG. No. 104347, March 16, 1972, Naval Supply Center, Norfolk, Va., Cheatham Annex, copy attached;
- c. A reasonable and necessary width for use, maintenance operation, repair, reconstruction and replacement of existing electric line, telephone lines and associated duct and manhole systems extending for a distance of approximately 3,900 feet within the property, approximately as shown on the DWG. No. 104347 aforesaid;

SUBJECT ALSO to the following promise which shall be a covenant running with the land: Grantee covenants for itself, its successors and assigns and every successor in interest to the property hereby conveyed, or any part thereof, that the said Grantee and such successors and assigns shall not discriminate upon the basis of race, color, religion, or national origin in the use, occupancy, sale, or lease of the property, or in their employment practices conducted thereon. This covenant shall not apply, however, to the lease or rental of a room or rooms within a family dwelling unit; nor shall it apply with respect to religion to premises used primarily for religious purposes. The United States of America shall be deemed a beneficiary of this covenant without regard to whether it remains the owner of any land or interest therein in the locality of the property hereby conveyed and shall have the sole right to enforce this covenant in any court of competent jurisdiction;

SUBJECT, ALSO, to a covenant which shall run with the land, that every use of the property will conform to restrictions no less stringent than those imposed in (1) 62.1 Code of Virginia 13.1 et seq.; (2) the Wetlands Zoning Ordinance adopted July 6, 1972, by York County and recorded in Minute Book 10, pages 80-85; and (3) Policy and Procedures for Management of York County Wetlands, dated December 19, 1978.

(Marginal Notation: The aforesaid Virginia Code sections and York County ordinance were recorded together on June 19, 1981, at 11:45 o'clock A.M. in the Clerk of Court's Office of York County, Virginia, in Deed Book 354, Pages 242 through 274.)

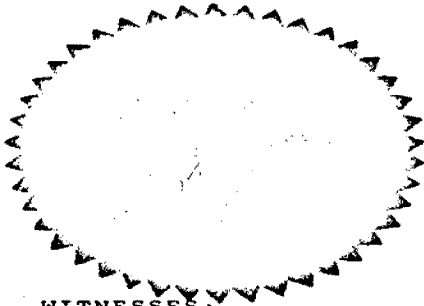
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SUBJECT, FURTHER, to the condition that Grantor is given the right to repurchase the property based on appraised fair market value at the time of repurchase, under regulations then applicable, when Grantee no longer has a need for petroleum storage, PROVIDED that Grantor, within two years after receipt of written notice that Grantee no longer has a need for petroleum storage, will advise Grantee that Grantor wishes to repurchase the property; and SUBJECT FINALLY, to any and all existing rights in or of any utilities that may be on or traversing the property, and to existing easements for public roads, highways, railroads or pipelines, if any, whether or not shown of record.

IT IS UNDERSTOOD and AGREED that covenants and restrictions set forth do not nullify, supercede or amend any covenants or restrictions of a more restrictive nature which have heretofore been placed upon the property conveyed.

THIS QUITCLAIM DEED is executed and delivered to the Grantee, its successors or assigns without representations, warranties or covenants either express or implied.

IN WITNESS WHEREOF, the Parties have caused these presents to be signed and sealed in their names, the day and year first above written.



UNITED STATES OF AMERICA  
Acting by and through the  
ADMINISTRATOR OF GENERAL SERVICES

By *R. Carlton Brooks* (SEAL)

R. CARLTON BROOKS  
Assistant Regional Administrator  
Federal Property Resources Service  
General Services Administration  
National Capital Region

WITNESSES:

Name *Terence O. Keating*

Address *908 Davis Ave. TH, TX, MD 20012*

Name *Tatiana A. Ralova*

Address *7011 Berkeley Dr. Camp Springs Md 20031*

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COMMONWEALTH OF VIRGINIA  
c/o Secretary of Administration & Finance

BY *John N. Dalton* (SEAL)  
JOHN N. DALTON  
Governor

WITNESSES:

Name *David L. Carlson*

Name *Custodian C. Stephens*

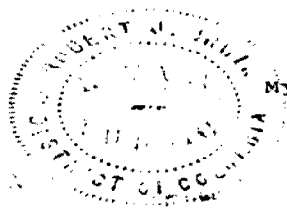
UNITED STATES OF AMERICA )  
DISTRICT OF COLUMBIA ) to wit:

I, Robert J. Irwin, a Notary Public in and for the District of Columbia, do hereby certify that R. CARLTON BROOKS, Acting Assistant Regional Administrator, Federal Property Resources Service, General Services Administration, National Capital Region, whose signature appears for and on behalf of the United States of America on a certain Quitclaim Deed bearing date on the 6th day of May, 1981, and hereto annexed, personally appeared before me in said District, the said R. Carlton Brooks being personally well known to me as the person who executed the said deed and acknowledged the same to be his act and deed.

Given under my hand and seal this 21st day of May, 1981.

*Robert J. Irwin*  
Notary Public

My Commission expires April 30, 1983.



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COMMONWEALTH OF VIRGINIA)
) to wit:
CITY OF RICHMOND )

I, the undersigned, a Notary Public in and for the State and City aforesaid, whose commission expires on the 14th day of JUNE, 1982, do hereby certify that JOHN N. DALTON, Governor, whose name is signed to the foregoing Quitclaim Deed bearing date on the 6th day of MAY, 1981, for and on behalf of the COMMONWEALTH OF VIRGINIA, c/o Secretary of Administration and Finance, being first authorized to do so by appropriation approved by the General Assembly, April 7, 1980, Chapter 760, Section 2-34.C-240, has personally appeared before me in my State and City aforesaid and acknowledged the same to be his act and the act and deed of the Commonwealth.

Given under my hand and seal this 6th day of MAY, 1981.

Notary Public signature



VIRGINIA: County of York to-wit:

In the Clerk's Office of the Circuit Court for the County of York, the 13th day of July, 1981. This deed was presented with the certificate annexed and admitted to record at 12:30 o'clock P.M.

Teste: Edith M. Elliott, Clerk

By: [Signature] Deputy Clerk