

Harrisonburg, Virginia
Tax Map No.: N/A

This document prepared by:

Wesley D. Russ, Jr.
VSB No. 90163
409 South Main Street
Harrisonburg, VA 22801

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.

THIS DEED OF DEDICATION OF OPEN-SPACE LAND, exempt from recordation taxes pursuant to Section 58.1-811(A)(3) and 58.1-811(C)(5) of the Code of Virginia, 1950, as amended, is made this _____ day of October, 2024, by the **CITY OF HARRISONBURG**, a Virginia municipal corporation, to be indexed as Grantor and Grantee.

W I T N E S S E T H :

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 in the amount of \$114,228 to the City of Harrisonburg for the protection and enhancement of open space, specifically the development of a project more fully described in the Virginia Outdoors Foundation Open-Space Lands Preservation Trust Fund Grant Agreement (the “Grant Agreement”).

A copy of the Grant Agreement, Number PTFPA2021-004, dated September 22, 2023, including an addendum dated August 1, 2024, is kept at the office of the Virginia Outdoors Foundation, 39 Garrett St., Suite 200, Warrenton, VA 20186, and at the office of the City of Harrisonburg Public Works at the following address 320 East Mosby Road, Harrisonburg, Virginia 22801.

In accordance with the grant agreement, the Property is to be retained and used by the City of Harrisonburg 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, the City of Harrisonburg does hereby dedicate the following described Property in the City of Harrisonburg, Virginia as open-space land pursuant to Chapter 17, Title 10.1, Section 10.1-1701 of the Code of Virginia (1950), as amended:

1. An open space easement containing 13,675 square feet, more or less, located within a portion of the Suter Street right-of-way, and being more particularly described as shown as “OPEN SPACE EASEMENT” on a plat, dated September 18, 2024, by Charles E. Wingard, Land Surveyor, titled “PLAT SHOWING AN OPEN SPACE EASEMENT ON A PORTION OF SUTER STREET IMPROVED BY THE NORTHEND GREENWAY,” which said plat is attached hereto and made a part hereof.

2. Two open space easements, both located within portions of the Monroe Street right-of-way, containing 9,021 square feet, more or less, and 6,204 square feet, more or less, respectively, on a plat dated September 18, 2024, by Charles E. Wingard, Land Surveyor, titled “PLAT SHOWING OPEN SPACE EASEMENTS ON TWO PORTIONS OF MONROE STREET IMPROVED BY THE NORTHEM GREENWAY,” which said plat is attached hereto and made a part hereof.
3. An open space easement containing 16,181 square feet, more or less, located within a portion of the Monroe Street right-of-way, on a plat dated September 18, 2024, by Charles E. Wingard, Land Surveyor, titled “PLAT SHOWING AN OPEN SPACE EASEMENT ON A PORTION OF MONROE STREET TO BE IMPROVED BY CONSTRUCTION OF THE NORTHEM GREENWAY EXTENSION,” which said plat is attached hereto and made a part hereof.

Even if the Property may have been acquired previously as separate parcels, it will be considered one parcel for purposes of this deed, and the restrictions of this deed will apply to the Property as a whole and will bind Grantor and Grantor’s successors in interest in perpetuity.

Adhering to the terms of the VOF grant, it is the City of Harrisonburg’s intent to do the following on the Property:

1. To keep the Property as a single undivided parcel,
2. To allow public access on the Property on a regular basis,
3. To allow only those improvements that support the use of the Property as a public park, and
4. To limit total impervious surface on the Property, including both existing and additional improvements, to no more than 10% of the total area of the Property. Measurement of impervious surface may be calculated using the City’s standard definitions and methodology.

In accordance with the Grant Agreement, responsibility for compliance with the preceding terms rests solely with the City.

No part of the Property may be converted or diverted from its open-space use unless such conversion or diversion is determined by the City to be in compliance with the provisions of Section 10.1-1704 of the Open-Space Land Act.

The signature of Alexander Banks, VI, City Manager, is affixed hereto on behalf of the City Council of the City of Harrisonburg, Virginia.

[REMAINDER LEFT BLANK INTENTIONALLY; SIGNATURE PAGES FOLLOW]

WITNESS the following signature and seal:

Pursuant to Section 15.2-1803 of the Code of Virginia, 1950, as amended, the interest in the real estate conveyed by this deed of easement is accepted on behalf of the City of Harrisonburg, Virginia, by the City Manager, as authorized by the City Council this _____ day of _____, 2024.

By: _____ (Seal)
Alexander Banks, VI, City Manager

Commonwealth of Virginia,
City of Harrisonburg, to-wit:

The foregoing instrument was acknowledged before me in the aforesaid jurisdiction this day of _____, 2024, by ALEXANDER BANKS, VI, City Manager, on behalf of the City of Harrisonburg, Virginia.

My commission expires:

Notary Public

OFFICE OF THE CITY ATTORNEY

Approved as to form:

By: _____
G. Chris Brown, Attorney to City of Harrisonburg