

Instrument Control Number

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LR 200900005736 02/20/2009 9:12:00 AM

Commonwealth of Virginia  
Land Record Instruments  
Cover Sheet - Form A

BK 4606PG2057

[ILS Cover Sheet Agent Online 1.1.6]

Hirschler Fleischer

T A X R  E X E M P T	C	Date of Instrument	[ 02/12/2009 ]
	O	Instrument Type	[ DE ]
	R	Number of Parcels	[ 4 ]
	P	Number of Pages	[ 6 ]
		City <input type="checkbox"/> County <input checked="" type="checkbox"/> [ Henrico County ]	

(Box for Deed Stamp Only)

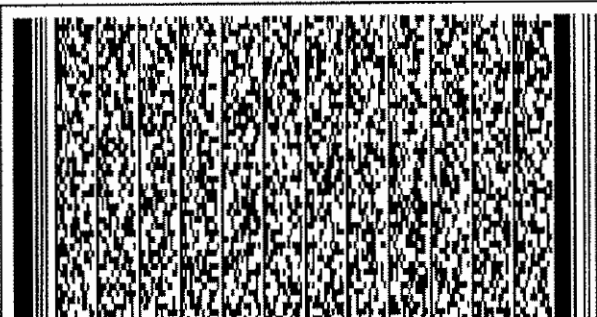
First and Second Grantors			
Last Name	First Name	Middle Name	Suffix
<input checked="" type="checkbox"/>	Atack	Properties Inc	
<input checked="" type="checkbox"/>	Magnolia Ridge at Virginia Center	Property Owners Association Inc	

First and Second Grantees			
Last Name	First Name	Middle Name	Suffix
<input checked="" type="checkbox"/>	Atack-Waterfront	LC	

Grantee Address (Name)	[ Atack-Waterfront LC ]
(Address 1)	[ n/a ]
(Address 2)	[ n/a ]
(City, State, Zip)	[ n/a ] [ VA ] [ n/a ]
Consideration [ 0.00 ]	Existing Debt [ 0.00 ]
	Assumption Balance [ 0.00 ]

Prior Instr. Recorded at: City <input type="checkbox"/> County <input checked="" type="checkbox"/> [ Henrico County ]	Percent. in this Juris.(%) [ 100 ]
Book [ 2597 ] Page [ 1125 ] Instr. No [ ]	
Parcel Identification No (PIN)	[ 781-770-9379 ]
Tax Map Num. (if different than PIN)	
Short Property Description	[ See Instrument ]
Current Property Addr(Address 1)	
(Address 2)	
(City, State, Zip)	[ ] [ ] [ ]

Instrument Prepared by	[ Atack Properties Inc ]
Recording Paid for by	[ Hirschler Fleischer ]
Return Recording to (Name)	[ Hirschler Fleischer ]
(Address 1)	[ P.O. Box 500 ]
(Address 2)	
(City, State, Zip)	[ Richmond ] [ VA ] [ 23218-0500 ]
Customer Case ID	[ ] [ CS-220265 ]



Instrument Control Number

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Commonwealth of Virginia  
Land Record Instruments  
Cover Sheet - Form C

[ILS Cover Sheet Agent Online 1.1.6]

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Date of Instrument [ 02/12/2009 ]  
Instrument Type [ DE ]  
Number of Parcels [ 4 ]  
Number of Pages [ 6 ]  
City  County  [ Henrico County ]

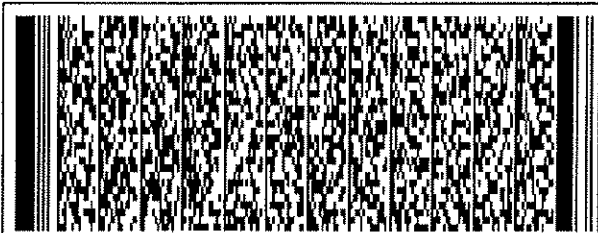
(Box for Deed Stamp Only)

Grantors/Grantees/Parcels Continuation Form C

	Last Name	First Name	Middle Name	Suffix
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Prior Instr. Recorded at: City  County  [ Henrico County ] Percent. in this Juris.(%) [ 100 ]  
 Book [ 2597 ] Page [ 1125 ] Instr. No [ ]  
 Parcel Identification No (PIN) [ 782-769-0295 ]  
 Tax Map Num. (if different than PIN) [ ]  
 Short Property Description [ See Instrument ]  
 Current Property Addr(Address 1) [ ]  
 (Address 2) [ ]  
 (City, State, Zip) [ ] [ ] [ ]

Prior Instr. Recorded at: City  County  [ Henrico County ] Percent. in this Juris.(%) [ 100 ]  
 Book [ 2597 ] Page [ 1125 ] Instr. No [ ]  
 Parcel Identification No (PIN) [ 781-771-0863 ]  
 Tax Map Num. (if different than PIN) [ ]  
 Short Property Description [ See Instrument ]  
 Current Property Addr(Address 1) [ ]  
 (Address 2) [ ]  
 (City, State, Zip) [ ] [ ] [ ]



Instrument Control Number

[Empty Box]

BK4606PG2059

Commonwealth of Virginia

Land Record Instruments

Cover Sheet - Form C

[ILS Cover Sheet Agent Online 1.1.6]

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Date of Instrument [ 02/12/2009 ]  
Instrument Type [ DE ]

Number of Parcels [ 4 ]

Number of Pages [ 6 ]

City  County  [ Henrico County ]

(Box for Deed Stamp Only)

Grantors/Grantees/Parcels Continuation Form C

Last Name	First Name	Middle Name	Suffix

Prior Instr. Recorded at: City  County  [ Henrico County ] Percent. in this Juris.(%) [ 100 ]  
 Book [ 2597 ] Page [ 1125 ] Instr. No [ ]  
 Parcel Identification No (PIN) [ 781-770-0695 ]  
 Tax Map Num. (if different than PIN) [ ]  
 Short Property Description [ See Instrument ]  
 Current Property Addr(Address 1) [ ]  
 (Address 2) [ ]  
 (City, State, Zip) [ ] [ ] [ ]

Prior Instr. Recorded at: City  County  [ ] Percent. in this Juris.(%) [ ]  
 Book [ ] Page [ ] Instr. No [ ]  
 Parcel Identification No (PIN) [ ]  
 Tax Map Num. (if different than PIN) [ ]  
 Short Property Description [ ]  
 Current Property Addr(Address 1) [ ]  
 (Address 2) [ ]  
 (City, State, Zip) [ ] [ ] [ ]



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This Document Was Prepared By  
Atack Properties, Inc.  
4191 Innslake Drive, Suite 118  
Glen Allen, Virginia 23060  
(804) 346-3800/(804) 346-9840 (Fax)

GPIN: 781-770-9379, 782-769-0295  
781-771-0863, 781-770-0695

DEED OF EASEMENT AND  
PARTIAL ASSIGNMENT OF DECLARANT UTILITY RIGHTS

THIS DEED OF EASEMENT AND PARTIAL ASSIGNMENT OF DECLARANT UTILITY RIGHTS ("Deed"), made this 10<sup>th</sup> day of Feb., 200~~8~~<sup>9</sup>, by and between **ATAK PROPERTIES, INC.**, a Virginia Corporation or assigns ("Grantor"), **MAGNOLIA RIDGE AT VIRGINIA CENTER PROPERTY OWNERS ASSOCIATION, INC.**, a Virginia non-stock corporation ("Association") (grantor for indexing purposes) and **ATAK-WATERFRONT, L.C.**, a Virginia Limited Liability Company, or assigns ("Grantee"):

RECITALS:

WHEREAS, Pursuant to Article I, Section 10 of the **Declaration of Rights, Easements, Restrictions, Covenants, Affirmative Obligations and Conditions Applicable to All Property in Magnolia Ridge at Virginia Center** ("Declaration") dated June 26, 2005 recorded in Deed Book 2597, Page 1125, of the Clerk's Office of the Circuit Court of Henrico County, Virginia (the "Clerk's Office"), as amended, Grantor, as Declarant, reserved the "Declarant Utility Rights", which include, among other rights, the exclusive, alienable and assignable right, power, easement and privilege "to go on, over, under and upon every portion of the Magnolia Ridge Common Area except those portions which structures have been erected, to erect, lay, implant, construct, maintain, extend, use and repair electric, televisions and telephone poles, wires, cables, conduits, drainage ways, sewers, water mains and other suitable equipment for the conveyance and use of electricity, telephone equipment, gas, water, sewer, drainage and other public and private conveniences and utilities, including the right to locate, construct, maintain, use and repair wells, pumping stations and water pressure regulating vaults", and

WHEREAS, Pursuant to Article I, Section 10 of the Declaration, the Declarant's Utility Rights also "include the right to cut trees, bushes or shrubbery, and the right to make gradings of the soil or take any similar action reasonably necessary to provide and extend economical and safe installation and maintain reasonable standards of health, safety and appearance", and the "exclusive and alienable right to

sell, grant and convey or dedicate roadways and other means of vehicular and pedestrian ingress and egress throughout Magnolia Ridge”, and

WHEREAS, Pursuant to Article II, Section 3(d) of the Declaration, Declarant reserved the right to “improve the Magnolia Ridge Common Area for the use and benefit of the residents in Magnolia Ridge, including the right to, but not the obligation to...make all such other improvements to Magnolia Ridge Common Area as the Declarant or the Association may deem appropriate”, and

WHEREAS, during the construction and development of the Magnolia Ridge community, Grantor dedicated to Henrico County certain rights of way for J.E.B. Stuart Parkway which was designated as a 4 lane Minor Arterial Road on Henrico County’s Major Thoroughfare Plan, said dedicated right of way being described in that certain plat entitled “J.E.B. STUART PARKWAY, Magnolia Ridge – Phase 2, 80’ R/W” recorded in the Clerk’s Office in Plat Book 107, Page 56, and

WHEREAS, at Grantee’s request, Henrico County has approved plans for additional road improvements to J.E.B. Stuart Parkway in connection with additional development in the vicinity of Magnolia Ridge, which road improvements will benefit the residents of Magnolia Ridge by accommodating the additional traffic on J.E.B. Stuart Parkway generated by the additional development; and

WHEREAS, Grantee, or its assigns, plan to construct the additional road improvements, including a minimum of two additional lanes of J.E.B. Stuart Parkway which will require clearing; grading; installing drainage structures, public water facilities, public storm and sanitary sewer, curbs and gutters; and asphalt paving, which will be owned and maintained by Henrico County for the benefit of the residents of Magnolia Ridge and the general public, and

WHEREAS, it will be necessary for the public health, safety and welfare, for grading, drainage and utilities to be installed within certain portions of the Common Areas of Magnolia Ridge during the construction of J.E.B. Stuart Parkway.

**WITNESSETH:**

That for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which the parties hereto acknowledge, the Grantor does hereby grant and convey unto the Grantee, and assigns to Grantee, on a non-exclusive basis with Grantor,

the Declarant's Utility Rights to the extent co-existent with, the following described easement, to wit (the "Easement"):

The permanent right, privilege and easement of right of way to construct, install, maintain, restore and replace, slopes and grading, drainage pipes and structures, sanitary sewer and water pipes and facilities, utility lines and facilities for electricity, gas, telephone and cable, including accessories and appurtenances thereto (collectively, the "Facilities") under, through and across the property of the Grantor, the permanent area of said easement as more particularly described and shown as "20' Slope and Grading Easement" on that certain plat entitled "Plat of 20' Slope and Grading Easement Along the South Line of J.E.B. Stuart Parkway, Fairfield District, Henrico County, Virginia," dated June 16, 2008, prepared by Burgess and Niple, a copy of which is attached hereto and by recordation herewith made a part hereof (the "Easement Area").

BEING a part of the real estate conveyed to the Magnolia Ridge at Virginia Center Property Owners Association, Inc. by deeds from Attack Properties, Inc. recorded November 1, 1996 in Deed Book 2683, Page 141, January 12, 2004 in Deed Book 3602, Page 1970 and December 12, 2005 in Deed Book 4021, Page 2270 in the Clerk's Office of the Circuit Court of the County of Henrico, Virginia with Declarant's Utility Rights reserved in the Declaration described herein.

It is understood and agreed that the Easement is granted subject to the following conditions:

1. All Facilities installed or constructed by Grantee shall be and remain the property of Grantee or its assignee. No additional charge shall be made for the property used or occupied by Grantee and Grantee shall have all rights and privileges reasonably necessary for the use of the Easement.
2. The Grantee shall at all times have the right of ingress and egress to the Easement Area over the property of the Grantor, which lies between public roads and the Easement Area for the purpose of inspecting, maintaining, repairing, replacing, or operating its Facilities.

If, in the exercise of the right of ingress and egress, damage is done to Grantor's property outside the boundaries of the Easement Area, and Grantor gives written notice to Grantee within 180 days of such damage, Grantee shall, at its option, either repair the damage or pay to Grantor the reasonable cost to repair the damage. In this paragraph 2 the terms Grantor and Grantee shall include successors in title.

3. Grantee, or its successors in title, shall have the right to relocate their Facilities within the Easement Area, make additions, alterations, or substitutions thereto, including the right to install additional Facilities in the Easement Area, as Grantee may from time to time deem advisable or expedient.
4. Grantee shall have the right to alter or remove any structures or obstructions, natural or artificial, in the Easement Area, which it deems to interfere in any way with the proper and efficient construction, operation, replacement, or maintenance of its Facilities. Grantee, at its own expense, shall restore, as nearly as possible, the Easement Area to its condition as existing on the date of this Deed. Restoration shall include the removal of all debris and trash, the backfilling and compaction of trenches, the replacement of fences, the replacement of topsoil, and the reseeding of lawns and pasture areas.

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Restoration shall not include replacement of structures, trees, shrubbery, landscaping, or other facilities located within the Easement Area.

5. Grantor, and its successors in title, reserve the right to use the Easement Area in a manner not inconsistent with the rights herein conveyed, or which does not interfere or endanger the Facilities of the Grantee; however, Grantor shall not erect any buildings or other structures, except fences, within the Easement Area without obtaining the prior written approval of the Grantee.
6. This Deed covers the entire easement agreement between the parties, and no amendment or modification shall be binding unless in writing, signed by all parties hereto, and recorded in the Clerk's Office.
7. The Association joins in this Deed solely for the purpose of conveying record title to the Easement to Grantee, and the Association does hereby grant and convey the Easement to Grantee without warranty of any kind.
8. The Association agrees to execute such additional instruments as shall be reasonably required by Henrico County for the purpose of granting to Henrico County the easements it deems necessary for the construction of the additional road and utility improvements.

WITNESS the following duly authorized signatures and seals:

GRANTOR:

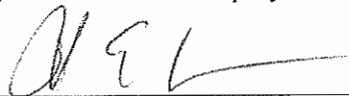
**ATAK PROPERTIES, INC.,**  
a Virginia corporation

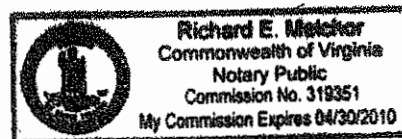
BY:  Date: 2/17/09  
Robert M. Atack President

COMMONWEALTH OF VIRGINIA  
COUNTY OF HENRICO

The foregoing instrument was acknowledged before me this 17th day of February 2009, by Robert M. Atack, President of Atack Properties, Inc., a Virginia corporation, on behalf of the company.

My commission expires April 30, 2010.

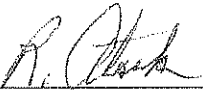
  
NOTARY PUBLIC  
Notary #: 319351



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GRANTEE:

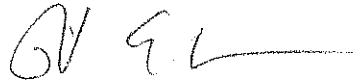
**ATAK-WATERFRONT, L.C.,**  
a Virginia limited liability company

BY:  Date 2/17/09  
Robert M. Atack, Member

COMMONWEALTH OF VIRGINIA  
COUNTY OF HENRICO

The foregoing instrument was acknowledged before me this 17th day of February 2009, by Robert M. Atack, as a member of Atack-Waterfront, L.C., a Virginia limited liability company, on behalf of the company.

My commission expires April 30, 2010.

  
NOTARY PUBLIC  
Notary #: 319351





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ASSOCIATION:

MAGNOLIA RIDGE AT VIRGINIA CENTER  
PROPERTY OWNERS ASSOCIATION, INC., a Virginia  
non-stock corporation

BY: *Eric Wilder* Date *2/12/09*  
TITLE: *President*

COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF *Chesterfield*

The foregoing instrument was acknowledged before me this *12th* day of *February* *2009*, by  
*Eric Wilder*, as *President* of Magnolia Ridge at Virginia Center Property  
Owners Association, Inc., a Virginia non-stock corporation, on behalf of the corporation.

My commission expires: *1/31/2011*

My notary ID number is: *329216*

Name: *Wendy H. Lash*



INSTRUMENT #5736  
RECORDED IN THE CLERK'S OFFICE OF  
HENRICO COUNTY ON  
FEBRUARY 20, 2009 AT 09:12AM

YVONNE G. SMITH, CLERK  
RECORDED BY: TJJ