

GRANT OF EASEMENT

THIS EASEMENT, made this 31st day of AUGUST, 1982, by and between GRAYSON M. WHITEHURST, JR., unmarried, hereinafter called OWNER, and the UNITED STATES OF AMERICA, acting by and through the Department of the Navy, hereinafter called GOVERNMENT.

W I T N E S S E T H:

WHEREAS, the OWNER owns in fee simple that certain hereinafter described tract of land containing 79.157 acres, more or less, located in the City of Virginia Beach, State of Virginia and situate in the vicinity of the Naval Air Station, Oceana; and

WHEREAS, the GOVERNMENT desires to acquire perpetual easements and rights for clearance, restrictions and ingress and egress on, over and across, said lands for the establishment, maintenance, operation and use of safety area and restricted use zone; and

WHEREAS, the OWNER and the GOVERNMENT entered into an agreement identified as Contract No. N62470-82-RP-00426, dated _____, whereby the OWNER agreed to sell and the GOVERNMENT agreed to purchase for the consideration of SEVENTY TWO THOUSAND Dollars (\$72,000) the hereinafter described easements and rights on, over and across said lands; and

WHEREAS, the OWNER and the GOVERNMENT now desire that said agreement shall be carried out by formalizing said conveyance;

NOW, THEREFORE, FOR AND IN CONSIDERATION OF the premises and the sum of SEVENTY TWO THOUSAND Dollars (\$72,000), cash in hand paid to OWNER, receipt of which is hereby acknowledged, the OWNER does hereby grant, bargain, sell and convey with general warranty of title unto the UNITED STATES OF AMERICA and its assigns, perpetual easements and rights for clearance, restrictions and ingress and egress as described below for the establishment, maintenance, operation and use of a safety area and restricted use zone in connection with the operation of the Naval Air Station, Oceana on, over and across the lands of the OWNER, described hereinafter, to-wit:

All those certain pieces or parcels of land situate in the Lynnhaven Borough of the City of Virginia Beach, Virginia containing 79.157 acres, more or less, and being more particularly described as follows:

BEGINNING at a point marked by a steel pin, the intersection of lands owned by Grayson M. Whitehurst, Jr. and Grayson M. Whitehurst and Myrtle G. Whitehurst and Property of the United States of America, Naval Air Station, Oceana, said point having coordinates N190,224.809, E2,728,556.039 based upon the Virginia State Plane Coordinate System, South Zone; thence leaving said point and running along the dividing line of lands owned by Grayson M. Whitehurst, Jr. and Property of the United States of America, Naval Air Station, Oceana the following six courses and distances: N 00° 44' 17" W, 714.40 feet to a point; thence N 00° 19' 43" E, 778.00 feet to a point marked by a steel pin; thence N 06° 44' 43" E, 509.00 feet to a point marked by a steel pin; thence S 85° 42' 26" E, 121.05 feet to a point marked by a steel pin; thence N 25° 55' 00" E, 501.49 feet to a point marked by an old pin; thence N 25° 16' 25" W, 112.36 feet to a point marked by an old pin, the intersection of lands owned by Grayson M. Whitehurst, Jr. and Property of the United States of America, Naval Air Station, Oceana and now or formerly Grayson M. Whitehurst; thence running along the dividing line of lands owned by Grayson M. Whitehurst, Jr. and now or formerly Grayson M. Whitehurst the following seven courses and distances: N 65° 08' 46" E, 127.00 feet to a point marked by a steel pin; thence N 74° 47' 08" E, 125.47 feet to a point marked by a steel pin; thence N 54° 38' 37" E, 28.76 feet to a point marked by a steel pin; thence S 59° 34' 19" E, 124.67 feet to a point marked by a steel pin; thence S 15° 06' 19" E, 79.88 feet to a point marked by a steel pin; thence S 67° 17' 01" E, 152.29 feet to a point marked by a steel pin; thence S 75° 41' 01" E, 75.00 feet to a point marked by a steel pin; thence running along the dividing line of lands owned by Grayson M. Whitehurst, Jr. and now or formerly Grayson M. Whitehurst and now or formerly Lone Star Industries, Inc. S 43° 15' 01" E, 57.32 feet to a point marked by a steel pin on the dividing line of lands owned by Grayson M. Whitehurst, Jr. and now or formerly Lone Star Industries, Inc.; thence running along said dividing line the following six courses and distances: S 64° 26' 01" E, 57.24 feet to a point marked by a steel pin; thence N 65° 53' 59" E, 65.57 feet to a point marked by a steel pin; thence S 52° 35' 01" E, 30.00 feet to a point marked by a steel pin; thence N 88° 34' 59" E, 132.00 feet to a point marked by a steel pin; thence N 42° 53' 59" E, 102.00 feet to a point marked by a steel pin; thence S 59° 52' 01" E, 179.90 feet to a point marked by a steel pin, the intersection of lands owned by Grayson M. Whitehurst, Jr. and the City of Virginia Beach and now or formerly Lone Star Industries, Inc.; thence running along the dividing line of lands owned by Grayson M. Whitehurst, Jr. and the City of Virginia Beach S 00° 52' 17" W, 2239.46 feet to a point marked by a steel pin, the intersection of lands owned by Grayson M. Whitehurst, Jr. and the City of Virginia Beach and other land owned by the City of Virginia Beach and Grayson M. Whitehurst and Myrtle G. Whitehurst; thence running along the dividing line of lands owned by Grayson M. Whitehurst, Jr. and Grayson M. Whitehurst and Myrtle G. Whitehurst the following two courses and distances: S 71° 43' 16" W, 355.13 feet to a point; thence S 89° 41' 38" W, 1108.50 feet to the POINT OF BEGINNING containing 79.157 acres, more or less, and shown on Atlantic Division, Naval Facilities Engineering Command, Drawing No. 4,063,864, approved August 3, 1981, last revised February 17, 1982, entitled, "BOUNDARY LINE SURVEY OF GRAYSON M. WHITEHURST AND MYRTLE G. WHITEHURST, GRAYSON M. WHITEHURST, JR., PAUL W. ACKISS, RICHARD B. KELLAM AND EDWIN C. KELLAM, T. R. PRITCHARD AND L. R. GALLAGHER, A. STANLEY MUNDY & CO., LYDIA ANNE GRIMSTEAD, DAVID LEROY CAPPS AND AMALEATHA VIRGINIA CAPPS, WILLIAM S. WILLIAMS, ESTATE, ERNEST L. WHITEHEAD, CITY OF VIRGINIA BEACH, MAX H. KURTZ AND RACHEL M. KURTZ, IRVING A. WILLIAMS AND MARIE F. WILLIAMS, MARIAH ISABELLE RILEY WILLIAMS, ESTATE,

SEE MAP BOOK 197 PAGE 2-8

VERNICE WILLIAMS SINGLETON, MATTHEW HOLLOWAY AND GEORGIA WILLIAMS HOLLOWAY, HAZEL BRINKLEY, DEAN POTTER, ESTATE, FLEET RESERVE ASSOCIATION, LONDON BRIDGE MACHINE & WELDING CO., INC., ROBERT H. BRAITHWAITE, JR. AND NANCY F. BRAITHWAITE, AND EARL R. LILLEY, ESTATE, PROPERTIES FOR AREA 1, P-995 RESTRICTIVE EASEMENT FY-82 - NAVAL AIR STATION, OCEANA - LYNNHAVEN BOROUGH - VIRGINIA BEACH, VIRGINIA," and attached hereto and made a part hereof as Exhibit "A".

The above-described property was acquired by the OWNER by deed recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia, in Deed Books 338 and 478, pages 137 and 517.

The above-described property rights are acquired on behalf of the UNITED STATES OF AMERICA, acting by and through the Department of the Navy.

The perpetual easements and rights for clearance, restrictions and ingress and egress are described as follows:

1. A perpetual clearance easement which restricts and prohibits the OWNER from erecting, constructing, growing, installing, creating, permitting, or continuing, whether public or private, any structure, building, antenna, tower, wire, tree or other obstruction, whatever its nature, extending more than 172 feet above mean sea level within the area designated as Easement "C" and 106 feet above mean sea level within the area designated as Easement "A" on the aforementioned NAVFAC Drawing No. 4063864 attached as Exhibit "A", together with the right of the GOVERNMENT to enter upon the property and at its own cost and expense to cut down, top or trim all trees, plants, vines, and like obstructions not in conformance with this easement and at the OWNER's cost and expense and free from any consequential damages to alter or remove all structures, buildings, antennas, towers or other non-vegetative obstructions, whatever their nature, extending more than 172 feet above mean sea level within the area designated as Easement "C" and 106 feet above mean sea level within the area designated as Easement "A", which shall be erected, constructed or installed on the property from and after the date of this instrument.

2. A perpetual restrictive easement over the property which restricts the use thereof as follows so that the property shall not be used for any of the following uses or structures:

- a. Any type of residential dwelling, including, but not limited to, one-family or multi-family attached, semi-detached or detached dwelling(s); apartment house(s), condominium(s); cooperative apartment(s); town house(s); garage apartment(s); guest house(s); mobile home(s); mobile home park(s); hotels; motels; excepting, however, dwellings which exist and are so used on the date of this instrument. No additional dwellings shall be constructed or placed on the property after the date of this instrument; provided, however, that any single-family dwelling which exists on the date of this instrument may be remodeled or replaced with another single-family dwelling.

- b. Day care centers, child education centers or day nurseries;

- c. Public or private kindergartens, elementary, intermediate or high schools, colleges or universities, business colleges, vocational, technical, industrial or trade schools, except that nothing herein shall prevent on-the-job training education programs;

- d. Churches, monasteries, convents, funeral homes, chapels or similar uses or structures;

- e. Recreational campgrounds, auditoriums, assembly halls or sports arenas, par three golf courses or miniature golf courses (except that meeting rooms which are incidental to, or a part of, a permitted structure shall be allowed);

f. Fraternity or sorority houses, student dormitories or student centers, lodges for fraternal organizations, private clubs;

g. Airports, heliports or helistops;

h. Drive-in theaters; indoor recreational or amusement facilities, including, but not limited to, movie houses, theaters; athletic clubs;

i. Group homes, including, but not limited to, family care homes, foster homes, homes for the aged, disabled or handicapped, including convalescent or nursing homes, maternity homes;

j. Hospitals or sanitariums;

k. Manufacturing, storage, handling or distribution of explosives, petrochemicals or petroleum and related products, including, but not limited to, petroleum bulk storage facilities, except that nothing herein shall prohibit the storage and handling of petrochemicals, petroleum and related products incidental to the uses not prohibited herein;

l. Nurses' homes or similar housing for institutional employees;

m. Spectator sports;

n. Shopping centers, including, but not limited to, neighborhood shopping centers, community shopping centers, and regional shopping centers;

o. Offices or office buildings, except those maintained in connection with uses not prohibited herein;

p. Retail sales, except as an auxiliary function of enterprises and/or uses not prohibited herein and, in any event, the gross building area of any area open to the public and/or showrooms devoted to such permitted retail sales, if any, shall not exceed ten (10) percent of gross building area.

q. The keeping or raising of mink;

3. A perpetual easement for ingress and egress at reasonable times and places for the purpose of exercising the rights set forth herein; reserving, however, to the owners, their heirs and assigns, any and all rights and privileges as may be used and enjoyed without interfering with or abridging the rights herein acquired;

SUBJECT, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

4. All uses and structures not prohibited herein are permitted, including, but not limited to, the following:

a. Fish hatcheries, fish ponds, forest or forestry and game preserves;

b. Public utility installations, stations, storage, offices or substations;

c. Watersheds, wells, water reservoirs or water control structures;

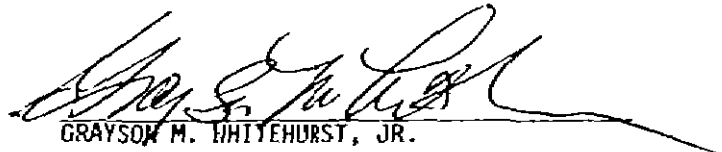
d. All agricultural or horticultural uses, including, without limitation, orchards, vineyards, nurseries, the keeping of bees or the raising or grazing of livestock or swine, except as prohibited in paragraph 2.q. herein;

- e. Cemeteries;
- f. Golf courses, excluding, without limitation, par three golf courses or miniature golf courses;
- g. Marinas, including facilities for sale, storage or repair of boats or sale of boating supplies or fuel;
- h. Offices or office buildings maintained in connection with the uses not prohibited herein;
- i. Furniture repair or upholstery, repair services for radio, television or household appliances; service or repair services for business machines; carpet or linoleum establishments; tile setting, sign shops or other small service businesses;
- j. Veterinary establishments, animal hospitals, pounds, shelters, commercial kennels;
- k. Health spas;
- l. Commercial parking lots, parking garages or storage garages;
- m. Laboratories or establishments for the production or repair of eyeglasses, hearing aids or prosthetic devices;
- n. Wholesaling, warehousing, bulk storage yards or distributing operations, including, without limitation, the delivery of merchandise by truck, van, ship or railroad, or any combination thereof, except as prohibited herein;
- o. Automotive repair/service stations;
- p. Mobile home sales;
- q. Outdoor advertising structures, billboards, sign boards or poster panels;
- r. Manufacturing, processing, assembling, extracting, packaging or fabricating establishments, plants, factories and related facilities, except as prohibited herein;
- s. Establishments such as linen suppliers, freight movers or canteen services;
- t. Heavy equipment sales or services;
- u. Lodging units for occupancy by guards or caretakers; booths as shelters for guards on duty;
- v. Terminals for freight arriving and departing by truck, van, ship or railroad, or any combination thereof, except as prohibited herein;
- w. Storage and processing of salvage or junk; collection depots of material to be recycled, except as prohibited by subparagraph 2.k. of prohibited uses hereof;
- x. Line of sight relay devices;
- y. Research, development or testing operations and facilities;
- z. Nonspectator sports.

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The OWNER covenants that they are seized of said property in fee simple; that they have the right to convey the above-described easements to the GOVERNMENT; that they have done no act to encumber said property; that the GOVERNMENT will have quiet and peaceful possessor and enjoyment of the above-described easement rights; and that the OWNER will execute such further assurances as may be requisite.


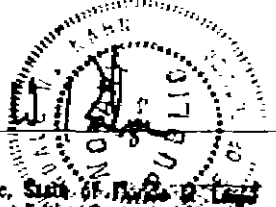
IN WITNESS WHEREOF, the OWNER has caused this GRANT OF EASEMENT to be executed as of the day and year first above written.


GRAYSON M. WHITEHURST, JR.

STATE OF FLORIDA)
COUNTY OF *DADE*) To-wit

I hereby certify that on this day before me, an officer duly authorized in the state aforesaid and in the county aforesaid to take acknowledgments; personally appeared GRAYSON M. WHITEHURST, JR., to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and affixed seal in the County and State aforesaid this 31 day of AUGUST 1982.



Notary Public, State of Florida
My Commission Expires September 28, 1985
Bonded thru Security Bond Assoc., Inc.

My commission expires _____

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In the County Office of the Clerk of the Circuit Court of Dade County, Florida, this instrument was received and upon certificate of acknowledgment thereto annexed, admitted to record. The tax imposed by §§ 511 of the C.
has been paid, in the amount of \$.....
WIT: J. CURTIS FRUIT, Clerk
