

This document prepared by:
Office of the Attorney General

After recording return to:
Department of Conservation and Recreation
600 East Main Street, 24th Floor
Richmond, Virginia 23219
Attn: Land Conservation & Real Property Manager

Consideration: \$552,000.00
Actual Value: \$552,000.00
Assessed Value: \$543,800.00 (entire parcel)

Tax Map Parcel: Portion of 00117-0A-00-0000009

Title: First American Title Insurance Company

This Deed is exempt (i) from recordation taxes pursuant to §58.1-811.A.3. of the Code of Virginia (1950), as amended, and (ii) from the payment of Clerk's fees pursuant to §§ 17.1-266 and 17.1-279.E.

DEED

This DEED dated the ^{29th} day of April 2019, is made by and between **DENARD CHARLES SPADY** and **DORA-WESTON SPADY WILKINS**, each individuals (collectively, the "Grantors"), and the **COMMONWEALTH OF VIRGINIA, DEPARTMENT OF CONSERVATION AND RECREATION**, with an address of 600 East Main Street, 24th Floor, Richmond, Virginia 23219 (the "Grantee"). **LYNN ANN LANIER** and **WILLIAM TALMADGE WILKINS**, spouses of the Grantors (each to be indexed as a grantor) join in the execution of this Deed solely to consent to the conveyance of the real property herein and the exclusion of the value of such real property from the respective augmented estates of the Grantors pursuant to § 64.2-305 of the Code of Virginia (1950), as amended.

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantors do hereby grant and convey, with GENERAL WARRANTY and ENGLISH COVENANTS OF TITLE, to the Grantee, the property situated in Northampton County, Virginia (the "Property") more particularly described, to-wit:

ALL THAT certain tract or parcel of land, together with the improvements thereon and all rights, privileges, appurtenances, easements, and rights of way thereunto belonging or in anywise appertaining, situate in Northampton County, Virginia, as shown and depicted as "REMAINDER PARCEL, 105.58 ACRES (PROPOSED USE CONSERVATION)" on that survey/plat consisting of 4 sheets and entitled "PLAT SHOWING A SUBDIVISION OF DENARD SPADY'S FARM NEAR KIPTOPEKE VIRGINIA, TAX PARCEL 117-A-9, CAPEVILLE DISTRICT, NORTHAMPTON COUNTY, VA", prepared by Johnson, Mirmiran & Thompson, dated February 18, 2019, which plat is recorded in the Clerk's Office of the Circuit Court of Northampton County, Virginia as Instrument Number _____ (Plat Book _____, at page _____).

IT BEING a portion of the property conveyed to Denard Spady by Deed from Henry S. Knight and Annie E. Knight dated September 3, 1906 and recorded in the Clerk's Office

of the Circuit Court of Northampton County, Virginia, in Deed Book 58 at page 377. Denard Spady died intestate in 1945 and, pursuant to his List of Heirs recorded in Will Book 51 at page 229, his property vested in his two children, Florence E. Spady and Hensel D. Spady. Hensel D. Spady died intestate in 1962 and, pursuant to his List of Heirs recorded in Will Book 58 at page 170, his interest vested in his two children, Denard Charles Spady and Dora-Weston Spady, subject to rights of his wife, Josephine Corbitt Spady, who died October 26, 2000. Florence E. Spady died testate September 19, 1973 and, pursuant to her Last Will and Testament recorded in Will Book 61 at page 137, her interest in the property vested in her niece and nephew, Dora-Weston Spady and Denard Charles Spady, in equal shares. Dora-Weston Spady married William Talmadge Wilkins and changed her name to Dora-Weston Spady Wilkins.

Without limiting the foregoing, the Grantors quitclaim, without warranty, any interest they may have in or to any gaps, gores, or unclaimed land contiguous to the Property.

This conveyance is made subject to all covenants, easements, conditions, restrictions, and agreements appearing of record in the chain of title to the Property, insofar as they may be lawfully applicable to the Property.

Open-Space Designation: Grantee hereby designates the Property to be retained in perpetuity and to be used for the preservation and provision of open-space land for conservation of its natural heritage resources and open-space values in accordance with the Open-Space Land Act §§ 10.1-1700 through 10.1-1705 of the Code of Virginia (1950), as amended. This declaration and designation shall run with the Property and shall be binding upon all parties and entities having any right, title, or interest in the Property or any part thereof, their heirs, successors, and assigns, and shall inure to the benefit of the Grantee.

Natural Area Preserve: It is the purpose of this Deed to ensure that this Property, as an addition to Magothy Bay Natural Area Preserve, through restrictions contained herein, will be retained and managed in perpetuity in a manner that furthers the maintenance, preservation, restoration, and management of its natural heritage resources consisting primarily of habitat conditions for migratory songbirds. Site-appropriate natural conditions and habitats will be restored and managed across the entirety of the Property, which will support both migratory songbirds as well as other native species these habitats support. It is further the intention to allow appropriate and compatible uses and activities while prohibiting or restricting any use or activity not compatible with the natural heritage resource and habitat values. Improvements to the Property to support compatible and appropriate visitor activities and site management needs shall be permitted provided that the number, location, size, extent, length, surface materials, and construction methods are in keeping with the conservation purpose of the Property and are consistent with the Grantee's natural area preserve management guidelines and all amendments thereto. Such improvements may include parking areas, trails, sanitary facilities, information kiosks, gates, signage, boardwalks, observation platforms, and other structures or improvements that may be required for preserve management.

NOAA Grant: Thirty-nine and eight-tenths percent (39.8%) of the funds used to purchase the Property were provided by NOAA grant number NA16NOS4190171 Task #9 from the Virginia Coastal Zone Management Program at the Commonwealth of Virginia, Department of Environmental Quality ("DEQ") and the National Oceanic and Atmospheric Administration ("NOAA"). Future use and disposition of the Property is subject to (i) the terms and conditions described in the Terms of the Grant Agreement, attached hereto as **Exhibit A** and made a part hereof, and (ii) the other administrative requirements of the applicable grant funding program of DEQ and NOAA.

VLCF Grant: Sixty and two-tenths percent (60.2%) of the funds used to purchase the Property were provided by the Virginia Land Conservation Foundation (“VLCF”). Future use and disposition of the Property is subject to (i) the terms and restrictions contained in the Project Agreement, a copy of which is maintained in the files of the VLCF and the Grantee, and (ii) the other administrative requirements of the applicable grant funding program of VLCF. Should the Property be diverted or converted from the uses described in this Deed or should the interest created by this Deed be extinguished at any time after the date hereof, Grantee agrees to reimburse the VLCF in the amount of 60.2% (net after applicable costs) of any monetary consideration received by the Grantee as a result of such diversion, conversion, or extinguishment.

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SIGNATURES APPEAR ON THE FOLLOWING PAGES.]

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals.

GRANTOR:

Denard Charles Spady
DENARD CHARLES SPADY

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Accomack, to wit:

The foregoing Deed was acknowledged before me this 10th day of April 2019, by Denard Charles Spady.

My commission expires: Jan. 31, 2020
My commission number: 253314



Janet L. Crockett
Notary Public

Lynn Ann Lanier
LYNN ANN LANIER

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Hancock, to wit:

The foregoing Deed was acknowledged before me this 4 day of April 2019, by Lynn Ann Lanier.

My commission expires: 06/30/2022
My commission number: 7589807



Lori Ann Bell
Notary Public

Dora-Weston Spady Wilkins
DORA-WESTON SPADY WILKINS

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Accomack, to wit:

The foregoing Deed was acknowledged before me this 10th day of April 2019, by Dora-Weston Spady Wilkins.

My commission expires: Jan. 31, 2020

My commission number: 253314



Janet L. Crockett
Notary Public

William Talmadge Wilkins
WILLIAM TALMADGE WILKINS

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Northampton, to wit:

The foregoing Deed was acknowledged before me this 2nd day of April 2019, by William Talmadge Wilkins.

My commission expires: 10-31-22

My commission number: 325111

Lisa M. Logue
Notary Public



Dedication of the Property for inclusion in the Magothy Bay Natural Area Preserve, which Property qualifies as a "natural area" to be dedicated as a "natural area preserve" under Virginia Code §§ 10.1-209 through 10.1-217, is accepted pursuant to Virginia Code § 10.1-213, and open-space designation is made pursuant to Virginia Code § 10.1-1701, this ____ day of April 2019.

Dedication Accepted and Designation Made:

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF
CONSERVATION AND RECREATION

By: Clyde E. Cristman
Clyde E. Cristman, Director

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF RICHMOND, to wit:

The foregoing Deed was acknowledged before me this 29th day of April 2019, by Clyde E. Cristman acting in his capacity as Director of the Commonwealth of Virginia, Department of Conservation and Recreation, on behalf of the Department.

My commission expires: 4.30.22

My commission number: 339907

Sarah Richardson
Notary Public

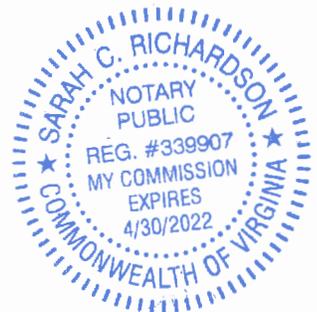


Exhibit A

Terms of Grant Agreement

The Commonwealth of Virginia, Department of Conservation and Recreation (the "Department"), and its successors and assigns, acknowledge that the property located in Northampton County, Virginia (the "Property") and acquired pursuant to the Deed dated April 29, 2019, to which these Terms of Grant Agreement are attached, was acquired, in part, with funds received from the Virginia Coastal Zone Management Program (the "Program") at the Commonwealth of Virginia, Department of Environmental Quality ("DEQ") and the National Oceanic and Atmospheric Administration ("NOAA") and that such real property is subject to and shall be administered in accordance with the terms and conditions of grant number NA15NOS4190164 Task # 9 (the "Grant").

The Department acknowledges that the real property is acquired for the approved purpose of long-term conservation of coastal ecosystems, thereby preserving and protecting in perpetuity the multiple, interrelated uplands and wetlands which are critical to coastal resident and migratory birds, fish, wildlife, rare species and their habitats. Further, the real property lies directly within the critical area boundary of that migratory songbird corridor. The protection, restoration, and management of migratory songbird habitat on the real property are of primary importance.

1. **Prior Approval Required for Resale:** The Department agrees not to sell, transfer, hypothecate, or otherwise dispose of or encumber the land or parcels of land, or any portion thereof, or change the original use for which the real property was acquired, without first obtaining the prior, written approval of the Program and the NOAA. If at any future date the Department deems it necessary and/or desirable to sell the real property or any portion thereof, the Department shall notify the Program immediately.

2. **Terms of Resale:** Any such sale, transfer, hypothecation, disposal, encumbrance, or change in the original use for which the real property was acquired, as determined by the Program, shall be subject to one of the following, at the option of the Program:

(a) The Department must provide to the Program (or an appropriate landholding entity of the Program's choosing) real property that is of equal value within Virginia's Coastal Zone and will serve the purpose for which the original Property was acquired; or

(b) The Department must acquire title to and manage real property that is of equal value within Virginia's Coastal Zone and will serve the purpose for which the original Property was acquired; or

(c) The Department must repay to the Program, on terms and conditions satisfactory to the Program, in cash, a percentage of the funds derived from the resale equivalent to the ratio of federal plus match dollars to total project cost as specified by the terms of the Grant, but in no event less than the Program's proportionate share of the original purchase price. Such funds shall be reinvested in land within Virginia's Coastal Zone for the purposes of sensitive coastal habitat protection and/or public access to coastal waters.