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 00010930 OR 4037 258 6

## DEED OF EASEMENT 24, 2012

THIS DEED OF EASEMENT, made this 27<sup>th</sup> day of March, 2012, by and between ROTH ENTERPRISES, INCORPORATED, a Virginia corporation, GRANTOR, and THE COUNTY OF ROCKINGHAM, a political subdivision of the Commonwealth of Virginia and WARWICK D. TOMFOHR, LUCY R. DEYERLE and HENRY P. DEYERLE, JR. TRUSTEES of the DEYERLE LAND TRUST UAD December 30, 1972, GRANTEEES.

## WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid by the Grantee to the Grantor and of other good and valuable consideration, the receipt of all of which is hereby acknowledged, the Grantor does hereby grant and convey with General Warranty and English Covenants of title unto the said **THE COUNTY OF ROCKINGHAM, a political subdivision of the Commonwealth of Virginia and WARWICK D. TOMFOHR, LUCY R. DEYERLE and HENRY P. DEYERLE, JR, TRUSTEES of the DEYERLE LAND TRUST UAD December 30, 1972**, Grantees herein and their successors and assigns forever permanent access easements, which easements are upon and over a strip of land shown and designated as **VARIABLE WIDTH ACCESS EASEMENT "A"** and **VARIABLE WIDTH ACCESS EASEMENT "B"** on a certain plat entitled "Plat Showing Two Variable Width Access Easements Located East of North Valley Pike and West of Interstate 81" dated January 27, 2012, revised February 2, 2012, made by Koontz-Bryant, P.C. (the "Plat"), attached hereto and recorded herewith, to which plat reference is made for a more particular description of the easement hereby conveyed.

Tax Map Number:  
95-5-1

Drafted By:

BRADSHAW, P.C.  
ATTORNEYS AT LAW  
111 H LIBERTY STREET  
P. O. BOX 71  
HARRISONBURG, VIRGINIA  
22803  
MBC/crs

The Grantor acquired the real estate hereby encumbered by deed of confirmation dated February 24, 2012, between Valley Enterprises, Inc., Joan B. Roth Trustee in liquidation and Roth Enterprises, Incorporated, which deed is recorded in the aforesaid Clerk's Office in Deed Book 4010, page 50, and by deed of correction and deed of confirmation dated February 24, 2012, between Harrisonburg Drive-In Theatre, Inc., Joan B. Roth, Trustee in liquidation, Valley Enterprises, Inc., and Roth Enterprises, Incorporated, which deed is recorded in the aforesaid Clerk's Office in Deed Book 4010, page 78.

Further reference is hereby made to Rockingham County Special Use Permit SUP-190, paragraphs 23 and 24, wherein the Grantor "shall dedicate a maximum 60'-wide public access easement through site, aligned to meet VDOT road standards for a 25 mph design speed, to allow for access to the proposed side entrance on North Valley Pike from all nearby parcels north and east of the site, including the County's pump station. The easements to all nearby parcels shall be granted prior to site opening and shall include dedication of the 60' wide right of way." The portion of the easement identified on the Plat as Variable Access Easement B shall remain in a natural vegetative state until such time as the County requests that the vegetation be removed or a road is constructed. The portion of the 60' wide right of way to serve the subject property identified on the Plat as Variable Access Easement A shall be constructed to meet VDOT standards. Grantor, his tenants and/or subtenants shall maintain the portion of the right of way identified as Variable Access Easement A until such time as it becomes a state maintained road.

IN WITNESS WHEREOF, Roth Enterprises Incorporated has caused this Deed of Easement to be signed in its name and on its behalf as thereunto duly authorized.

ROTH ENTERPRISES INCORPORATED  
a Virginia corporation

BY:  (Seal)  
RICHARD ROTH, Vice President

COMMONWEALTH OF VIRGINIA,  
CITY OF HARRISONBURG, to-wit:

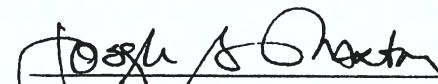
The foregoing instrument was acknowledged before me in the jurisdiction aforesaid this 18 day of April, 2012, by Richard Roth, Vice President of Roth Enterprises, Incorporated, on behalf said corporation.

My Commission Expires: August 31, 2015

SANDRA K. D. SYLVESTER  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. #331981

  
NOTARY PUBLIC

Pursuant to §15.2-1803 of the Code of Virginia, 1950, as amended, the interest in real estate conveyed by this deed of easement is accepted on behalf of Rockingham County, Virginia by the County Administrator, as authorized.

  
\_\_\_\_\_  
JOSEPH S. PAXTON,  
County Administrator of Rockingham County, Virginia

(Seal)

COMMONWEALTH OF VIRGINIA,  
CITY OF HARRISONBURG, to-wit:

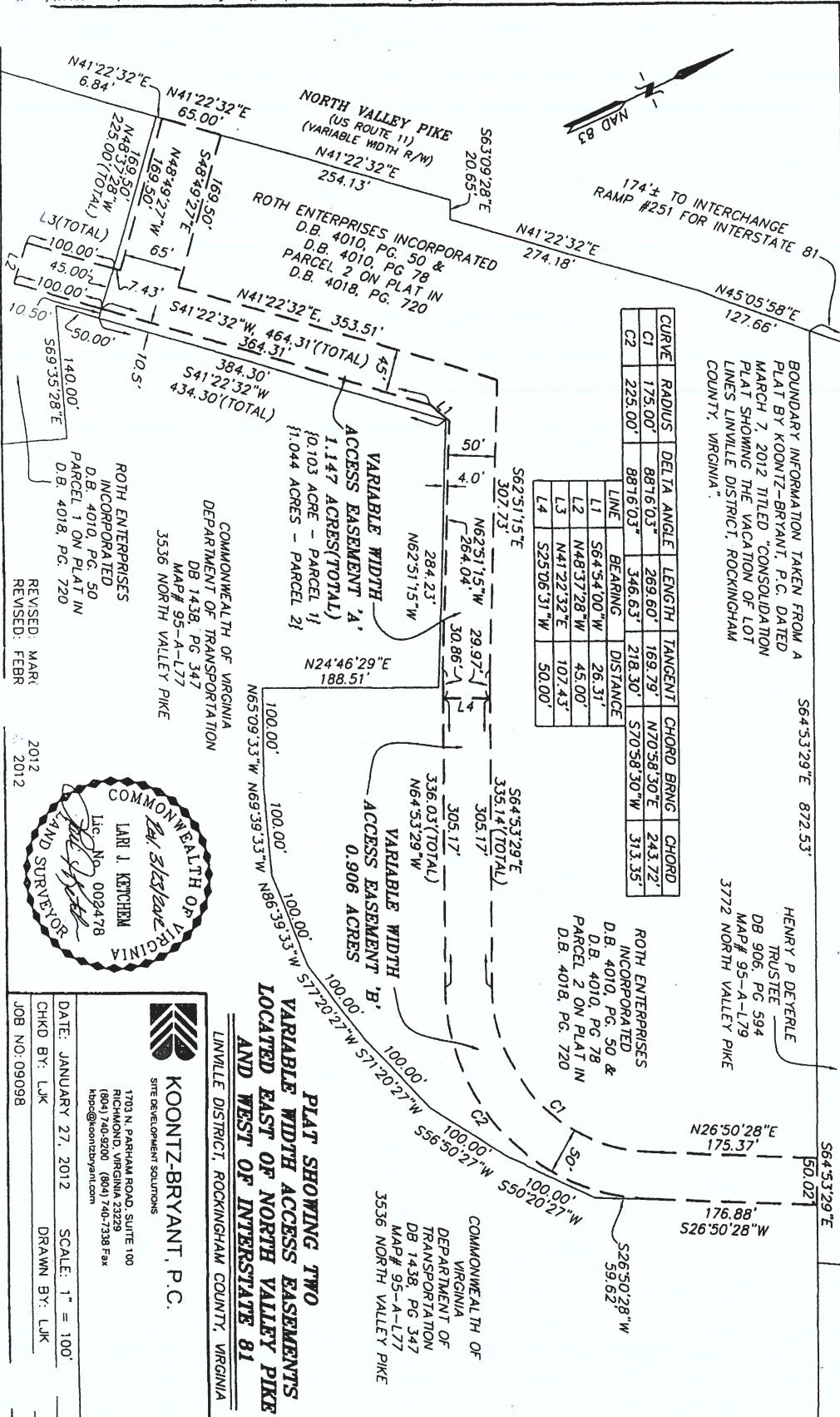
The foregoing instrument was acknowledged before me in the jurisdiction aforesaid this  
19<sup>th</sup> day of April, 2012, by Joseph S. Paxton, Administrator of Rockingham  
County.

My Commission Expires: Nov. 30, 2012

CATHERINE H. SUMMERS  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. #167614

Catherine H. Summers  
NOTARY PUBLIC

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ROCKINGHAM COUNTY  
Chaz W. Evans-Haywood  
CLERK OF COURT  
Harrisonburg, VA 22801

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Instrument Number: 2012- 00010930

As  
Easement (State)

Recorded On: April 24, 2012

Parties: ROTH ENTERPRISES INC

To

ROCKINGHAM COUNTY OF THE

Recorded By: CLARK & BRADSHAW PC

Num Of Pages:

6

Comment:

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\*\* Examined and Charged as Follows: \*\*

Easement (State) 0.00

Recording Charge: 0.00

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\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*

I hereby certify that the within and foregoing was recorded in the Register of Deeds Office For: ROCKINGHAM COUNTY, VA

File Information:

Record and Return To:

Document Number: 2012- 00010930

CLARK & BRADSHAW PC

Receipt Number: 228157

92 NORTH LIBERTY ST

Recorded Date/Time: April 24, 2012 03:56:12P

HARRISONBURG VA 22802

Book-Vol/Pg: Bk-OR VI-4037 Pg-258

Cashier / Station: A Pittman / Clerk Station 3



THE STATE OF VIRGINIA  
COUNTY OF ROCKINGHAM

I certify that the document to which this authentication is affixed is a true  
copy of a record in the Rockingham County Circuit Court Clerk's Office  
and that I am the custodian of that record.

*Chaz W. Evans-Haywood*  
CLERK OF COURT  
ROCKINGHAM COUNTY, VIRGINIA