

Prepared by:
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VSB No. 89370
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1775 Wiehle Avenue, Suite 400
Reston, Virginia 20190

Fairfax County Tax Map No: 061-4-01-0165

Consideration: \$0, Section 58.1-811(D), Code of Virginia
Assessed value of \$0
No Title Insurance

Grantee's Address: 3650 Boat Dock Drive
Falls Church, Virginia 22041

**EXEMPT FROM RECORDATION TAXES PURSUANT TO
SECTION 58.1-811(D) OF THE CODE OF VIRGINIA, AS AMENDED**

This Deed was prepared and is being recorded without the benefit of title examination.

DEED OF GIFT

THIS DEED OF GIFT is made this _____ day of _____, 2024, by and between **LAKE BARCROFT ASSOCIATION, INC.**, a Virginia nonstock corporation (“Grantor”); and **LAKE BARCROFT WATERSHED IMPROVEMENT DISTRICT**, a governmental subdivision of the Commonwealth of Virginia and a public body corporate and politic (“Grantee”).

RECITALS

WHEREAS, Grantor is the owner of certain real property identified as Tax Map 061-4-01-0165, located at 3650 Boat Dock Drive, Falls Church, Virginia 22041, in Fairfax County, Virginia more particularly described on Exhibit A attached hereto and made a part hereof (the “**Property**”), having acquired the Property by that certain Quitclaim Deed dated March 3, 2010 recorded in Deed Book 20960 at Page 263, and re-recorded in Deed Book 21079 at Page 704 among the land records of Fairfax County, Virginia (“**Land Records**”); and

WHEREAS, Grantee is duly organized, created, and exists and constitutes a governmental subdivision of the Commonwealth of Virginia and a public body corporate and politic by Final Order dated April 27, 1973 under Law 28787 in the Circuit Court of Fairfax County for the purpose of repairing, restoring and improving the Lake Barcroft Dam and removing silt from the bed of Lake Barcroft, all for the purposes of checking erosion and stabilizing the runoff of surface water in the Watershed Improvement District; and

WHEREAS, in furtherance of the purposes for which the Grantee was established, Grantor desires to convey unto the Grantee, the Property; provided, however, that Grantor and Grantee further desire that title in and to the Property automatically revert back unto the Grantor, its successors and assigns without any further action by either party in the event that the Grantee

is dissolved, terminated, or otherwise ceases to exist under applicable Virginia law, all as more particularly set forth herein; and

WHEREAS, this conveyance of the Property is neither intended nor understood by the parties hereto to cause a change, alteration or diminution to the current perpetual rights of Grantor, its members and invitees, to the continued private recreational use of Lake Barcroft and the lake beaches located within the Lake Barcroft Community, in a manner not inconsistent with the rights herein granted; and

WHEREAS, Grantor desires to quitclaim unto Grantee all of Grantor's right, title, and interest in and to the existing easements created by those certain Ingress\Egress Easement Agreement recorded in Deed Book 8935 at Page 416 and Water Line Easement Agreement recorded in Deed Book 8935 at Page 424, all among the Land Records (collectively, the "**Existing Easements**").

NOW THEREFORE, in consideration of the premises and without additional consideration, but as a gift, Grantor does hereby gift, grant, and convey unto the Grantee, with SPECIAL WARRANTY OF TITLE, the Property as more particularly described on Exhibit A attached hereto, together with all appurtenances and improvements thereto and all rights and benefits therefrom subject to the following restrictive covenants:

1. The Property shall not be used for recreational purposes or for recreational access to or from Lake Barcroft.
2. The Property shall not be sold or otherwise transferred by Grantee to any person or entity other than to Grantor or an authorized successor of Grantor or Grantee. This provision shall not preclude the automatic reversion of the Property, as further set forth by this Deed.
3. The Property shall not be encumbered by a deed of trust or other instrument expressly submitting the Property as collateral for financing.
4. The Property shall not be subdivided, or any portion used for residential occupancy.

THIS DEED FURTHER WITNESSETH, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor and Grantee hereby covenant and agree that title in and to the Property shall automatically revert back unto the Grantor, its successors and assigns without any further action by either party in the event that the Grantee is dissolved, terminated or otherwise ceases to exist under applicable Virginia law.

THIS DEED FURTHER WITNESSETH, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor does hereby forever release, convey, and quitclaim unto Grantee, all of Grantor's right, title, and interest, if any, in and to the Existing Easements.

This conveyance is made subject to all restrictions, covenants, easements, agreements and regulations contained in documents recorded among the land records of Fairfax County, Virginia, as may be amended, modified, and supplemented from time to time, and to the conditions,

restrictive covenants, agreements, rights-of-way and easements contained in the instruments forming the chain of title to this property.

Except as specifically set forth in this Deed, Grantor has conveyed to Grantee, and Grantee has accepted from Grantor, the Property in its current condition, “as is” and “where is”, and without any representation or warranty from Grantor whatsoever with respect to the Property, express or implied, or arising by operation of law, including, without limitation, representations or warranties as to the condition, value, or suitability of the Property for any particular purpose.

[SIGNATURE APPEARS ON THE FOLLOWING PAGE]

DRAFT

IN WITNESS WHEREOF, the Grantor has caused this Deed to be executed by its duly authorized representative.

LAKE BARCROFT ASSOCIATION, INC.,
a Virginia nonstock corporation

By: _____(SEAL)
Larry H. Hoffer, President

STATE/Commonwealth of _____
CITY/COUNTY OF _____, to wit:

I, the undersigned Notary Public, in and for the jurisdiction aforesaid, do hereby certify that Larry H. Hoffer, as President of LAKE BARCROFT ASSOCIATION, INC., a Virginia nonstock corporation, whose name is signed to the foregoing instrument, appeared before me and personally acknowledged the same in my jurisdiction aforesaid on behalf of the company.

GIVEN under my hand and seal this _____ day of _____, 2024.

My commission expires:

Notary Public

Notary Registration No.: _____

#6099926v1

ACKNOWLEDGED, ACCEPTED AND AGREED TO:

LAKE BARCROFT WATERSHED DISTRICT,
a governmental subdivision of the Commonwealth
of Virginia and a public body corporate and politic

By: _____ (SEAL)
Name: _____
Title: _____

STATE/Commonwealth of _____
CITY/COUNTY OF _____, to wit:

I, the undersigned Notary Public, in and for the jurisdiction aforesaid, do hereby certify that
_____, as _____ of
LAKE BARCROFT WATERSHED DISTRICT, a governmental subdivision of the
Commonwealth of Virginia and a public body corporate and politic, whose name is signed to the
foregoing instrument, appeared before me and personally acknowledged the same in my
jurisdiction aforesaid on behalf of the company.

GIVEN under my hand and seal this _____ day of _____, 2024.

My commission expires: _____
Notary Public

Notary Registration No.: _____

EXHIBIT A
(Legal Description)

All of that certain lot or parcel of land located and situate in Fairfax County, Commonwealth of Virginia, together with all buildings and other improvements now or hereafter constructed thereon, and all appurtenances, rights, and privileges thereunto belonging, and more particularly described as follows:

Parcel B as more particularly shown on that certain plat dated March 1992, prepared by J. Monaco & Associates, P.C. of Fairfax, Virginia and entitled "Plat Showing a Simple Division of the Land of Barcroft Beach, Inc. (Lake Barcroft Dam Compound) as Recorded in Deed Book 1215, Page 475 Mason District, Fairfax County, Virginia" as such plat appears recorded among the land records of Fairfax County in Deed Book 8397 at Page 61.

Tax Map No.: 061-4-01-0165

Street Address: 3650 Boat Dock Drive
Falls Church, Virginia 22041