

RESOLUTION NO. 24-1211

TRANSFER OF PARCEL B, INCLUDING THE DAM, (AKA, PARCEL 165)

WHEREAS, the Lake Barcroft Association, Inc. (“Association”) is a property owners’ association organized and operating pursuant to the Virginia Property Owners’ Association Act (“POA Act”); and

WHEREAS, Article II of the Association’s Bylaws (“Bylaws”) provides that some of the purposes of the Association are “to promote, foster, and protect the community known as Lake Barcroft, and to promote cooperative activities within the community,” and to “render services in fulfillment of these objectives and purposes.”

WHEREAS, Article V(B) of the Bylaws grants to the Association’s Board of Directors (“Board”) the duty to act as the chief administrative body of the Association with all powers of governance vested therein;

WHEREAS, Article V(K) of the Bylaws states that the Board is empowered to sell, exchange or otherwise dispose of real property belonging to the Association if authorized by an affirmative vote of a majority of the membership in attendance at a membership meeting;

WHEREAS, *after determining that the total members voting in person at a membership meeting on December 11, 2024 and by absentee ballot met the 10% quorum requirement, an affirmative vote of a majority of the membership in attendance and voting by absentee ballot authorized the transfer of certain real property, including the Lake Barcroft Dam, identified as Tax Map 061-4-01-0165, located at 3650 Boat Drive Dock, Falls Church, Virginia 22041, in Fairfax County, Virginia (“Parcel B”), pursuant to the deed of gift in Exhibit B (“Deed”).*

WHEREAS, the Board has determined that it is in the best interests of the Association to transfer ownership of Parcel B, including the Lake Barcroft Dam, to the Lake Barcroft Watershed Improvement District;

NOW, THEREFORE, BE IT RESOLVED THAT:

The Lake Barcroft Association (LBA) shall henceforth transfer its fee simple ownership interest in all of the property described below in Exhibit A, which includes the Lake Barcroft Dam (hereafter the “Property”) by deed of gift substantially in the form of Exhibit B to the Lake Barcroft Watershed Improvement District (LBWID) subject to the following restrictions and conditions:

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 transferred to any entity other than LBA or its successor.
3. The Property shall not be encumbered by a deed of trust, e.g., a mortgage.
4. The Property shall not be subdivided or used for residential occupancy.
5. Title in the Property shall automatically revert to LBA or its successor in the event LBWID is dissolved, terminated or otherwise ceases to exist.
6. Contemporaneously with the issuance of this deed of gift, LBWID shall issue to LBA and

its successors, at no cost to LBA, a perpetual license to store on the Property in safe and secure locations: (1) the equipment, supplies and materials that LBA uses to maintain and construct improvements on its common properties; and (2) LBA's written and electronic files, and LBA employees, contractors, subcontractors and volunteers shall be allowed to enter the Property as needed at reasonable times and under reasonable conditions to obtain and return such equipment, supplies, materials and records.

EXHIBIT A: LEGAL DESCRIPTION

All of that certain lot or parcel of land located and situated 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