

Tax Map # 61.02-1-14

200222401

This document was prepared by:
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Fincastle, VA 24090
540/473-2781

***Grantee is exempted from recordation taxes and fees pursuant to Virginia Code Section 58.1-811A(3) of the 1950 Code of Virginia, as amended.

THIS DEED OF RELEASE AND DEDICATION, dated this 18th day of October, 2002, by and between the **CITY OF ROANOKE, VIRGINIA**, a municipal corporation organized and existing under the laws of the Commonwealth of Virginia, grantor and grantee (the "CITY"), and **BILDEL CORPORATION**, a Virginia corporation, grantee and grantor (the "CORPORATION") ;

WITNESSETH :

WHEREAS, by deed of easement dated January 5, 1907, and recorded in the Office of the Clerk of the Circuit Court of the County of Roanoke, Virginia, in Deed Book ____, at Page 395, the Successor to the City was conveyed an easement for the purpose of locating a water line and other utilities on the property of the Corporation, lying and being situate in the County of Roanoke, Virginia, which land is more fully described in the aforesaid deed of easement; and

WHEREAS, the corporation has requested that a portion of the easement granted by the aforesaid deed be relocated; and

WHEREAS, the Corporation, the present owner of the servient estate described in the aforesaid deed of easement, has requested that the said easement of right of way be released of record; and

WHEREAS, the Corporation wishes to relocate the easement to its property described hereinafter; and

NOW, THEREFORE, for and in consideration of the sum of Ten (\$10.00) Dollars cash in hand paid, the receipt of which is hereby acknowledged by the City, the City does hereby surrender, release and quitclaim unto the said Corporation, the following described easement, to-wit:

The right of way for its pipe lines running from Baker's Cove to the town of Vinton, together with the right of ingress and egress thereto for purposes of laying, inspecting, removing, and repairing the same in, through, over and across that portion of the lands of which the said Wm. H. Muse died seized, which have been allotted in the partition of the lands of the said Wm. H. Muse, deceased, to the said Wm. G. Muse, said right of way commencing at the boundary of the said lands on the lands of the Vinyard heirs on the east, and running thence westwardly and southwardly across said land to its southern boundary on the line formerly of Thomas L. Bush, deceased; provided, however, that this grant is made and the said Vinton-Roanoke Water Company shall hold the same upon the following conditions, as set forth in said deed, provided, however, that such release is only to that portion of the easement identified as "Existing 10' Roanoke City Waterline Easement to be Vacated" on the plat of survey showing resubdivision of Kingston Estates entitled, "Plat of Survey Showing the Subdivision of 20.683 ac. (Tax No. 61.02-1-14) creating Kingston Estates, located in Vinton Magisterial District, Roanoke County, Virginia," prepared by LMW, P.C., Engineering-Architecture-Surveying, dated 11-1-02, a copy of which is to be recorded in the Clerk's Office of the Circuit Court of Roanoke County, Virginia, in the current plat book, herewith.

FURTHERMORE, for and in consideration of the sum of Ten (\$10.00) Dollars cash in hand paid, the Corporation does hereby DONATE, GRANT, AND CONVEY to the City, a Perpetual fifteen (15) foot wide utility easement, for the purpose of constructing and installing and thereafter maintaining, operating, relaying, and if necessary, replacing a waterline with all necessary appurtenances thereto, and does hereby assign, transfer, and set over any and all right, title, and interest it may have in and to said existing of future waterline, facilities and all necessary appurtenances

thereto, including without limitation, pipelines, culverts or inlets, said easement being over and through the following described real estate lying in the County of Roanoke, Virginia:

That certain water line and utility easement fifteen (15) foot in width as shown on said plat and described as a "15' Water Line Easement for Roanoke City" as it meanders through, across, and over the proposed Kingston Estates Subdivision.

Together with the right of ingress and egress upon and over the above-described easement area for any and all of purposes aforesaid, in perpetuity.

Recordation of this deed constitutes the Corporation's acceptance of the property released and property conveyed herein.

WITNESS the following signature and seal:

CITY OF ROANOKE, VIRGINIA

By *Stacey Buchanan* (SEAL)
City Manager

ATTEST:

By *Mary J. Parker* (SEAL)
City Clerk

Bidel Corporation, a Virginia corporation

By *John W. Gifford* (SEAL)
Its _____

STATE OF VIRGINIA
CITY/COUNTY OF ROANOKE, to-wit:

The foregoing instrument was acknowledged before me this 18th day of October, 2002, by Darlene L. Burkhon of the City of Roanoke, for and on behalf of said city.

[Signature]
Notary Public

My commission expires: June 30, 2003

STATE OF Nirama
CITY/COUNTY OF Botetourt, to-wit:

The foregoing instrument was acknowledged before me this 15th day of October, 2002, by John W. Griffin of Bildel Corporation, by its president on behalf of said corporation.

[Signature]
Notary Public

My commission expires: 9-30-2004

APPROVED AS TO FORM:

[Signature]
City Attorney

16 Oct 02

INSTRUMENT #200222401
RECORDED IN THE CLERK'S OFFICE OF
ROANOKE COUNTY ON
NOVEMBER 5, 2002 AT 02:30PM
STEVEN A. MCGRAW, CLERK

BY: [Signature] (DC)