

**Commonwealth of Virginia  
Land Record Instruments  
Cover Sheet - Form A**

[ILS Cover Sheet Agent Online Version 2.0.9.15]

T	C	Date of Instrument	[ 06/28/2013 ]
A	O	Instrument Type	[ DE-PL ]
X	R		
P		Number of Parcels	[ 1 ]
E	X	Number of Pages	[ 8 ]
E	M	City <input type="checkbox"/> County <input checked="" type="checkbox"/> [ Albemarle County ]	

Doc ID: 032672940010 Type: DEE  
Recorded: 07/01/2013 at 01:13:27 PM  
Fee Amt: \$87.33 Page 1 of 10  
Albemarle County, VA  
Debra M. Shipp Clerk  
File# 2013-00009290

BK 4376 PG 463-472

(Box for Deed Stamp Only)

### **First and Second Grantors**

Last Name	First Name	Middle Name	Suffix
<input checked="" type="checkbox"/> County of Albemarle Virginia			
<input type="checkbox"/> [ ]	[ ]	[ ]	[ ]

### First and Second Grantees

First and Second Grantees			
Last Name	First Name	Middle Name	Suffix
<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> Central Telephone Company of Virginia			

Grantee Address	(Name) (Address 1) (Address 2) (City, State, Zip)	Centurylink 100 Century Link Drive Monroe	
Consideration	1.00	Existing Debt	0.00

Consideration [ 1.00 ] (City, State, Zip) [ Monroe ] Existing Debt [ 0.00 ] Assumption Balance [ 0.00 ] LA 171203

Prior Instr. Recorded at: City <input type="checkbox"/>	County <input checked="" type="checkbox"/> [ Albemarle County ]	Percent. in this Juris.(%) [ 0 ]
Book [ 1590 ]	Page [ 359 ]	Instr. No [ 1 ]
Parcel Identification No (PIN)		[ 03200-00-00-005C3 ]
Tax Map Num. (if different than PIN)		[ 03200-00-00-005C3 ]
Short Property Description [ Boulders Road, Deed Book 3802 Page 50 ]		
Fiber Optic Utility Easement Qwest Govnment Servic		
Current Property Addr(Address 1) (Address 2)		Boulders Road
(City, State, Zip)		Charlottesville [ VA ] [ 22902 ]

Cover Sheet Page # 1 of 1

This document was prepared by:  
Albemarle County Attorney  
County of Albemarle  
401 McIntire Road  
Charlottesville, Virginia 22902

Return To: CenturyLink  
2900 Towerview Rd, S-150  
HERNDON, VIRGINIA 20171

Tax Map and Parcel Number 03200-00-005C3 (Boulders Road right-of-way)

This deed is exempt from taxation under Virginia Code § 58.1-811(C)(4).

## **DEED OF EASEMENT**

THIS DEED OF EASEMENT, is made and entered into on this 28<sup>th</sup> day of May, 2013, by and between the **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, Grantor, hereinafter referred to as the "County," and **CENTRAL TELEPHONE COMPANY OF VIRGINIA**, doing business as **CENTURYLINK**, whose address is 100 Century Link Drive, Monroe, Louisiana, 71203, Grantee, hereinafter referred to as "CenturyLink."

**WITNESSETH:**

That for and in consideration of the sum of One Dollar (\$1.00), cash in hand paid, receipt of which is hereby acknowledged, the County does hereby GRANT and CONVEY with SPECIAL WARRANTY to CenturyLink, subject to the terms and conditions set forth herein, permanent easements and rights-of-way (hereinafter, the "Easements") to install, construct, operate, maintain, expand, replace and remove underground cables and related facilities or structures as are reasonably necessary for CenturyLink to exercise the rights granted to it herein, upon, over, through, under and along the real property of the County known as Boulders Road and identified in the tax records of the County as Tax Map and Parcel Number 03200-00-00-005C3, in Albemarle County, Virginia, and more particularly described as follows:

Permanent easements in the public right-of-way known as Boulders Road in Albemarle County, Virginia, as shown on the plat of Kerry L. Skinner, dated March 21, 2013 (the "Plat") entitled "Plat Showing Fiber Optic Utility Easement for Qwest Government Services, Inc. dba CenturyLink on the Property of County of Albemarle, Virginia" showing two C/L 5' fiber optic utility easements; the said roadway shown as Boulders Road is on a plat of record in the Albemarle County Circuit Court Clerk's Office in Deed Book 1590, page 359.

Reference is made to the Plat, a copy of which is attached hereto to be recorded herewith, for the exact location and dimensions of the permanent easements hereby granted and the property over

which the Easements cross.

These Easements shall be subject to the following:

1. Location of Improvements. CenturyLink may install, construct, operate, maintain, expand, replace and remove underground cables and related facilities or structures (hereinafter, the "Improvements") only within the Easements. The Improvements shall be underground.

2. Right to Enter; Ingress and Egress. CenturyLink shall have the right to enter upon the Easements for the purposes of installing, constructing, operating, maintaining, expanding, replacing and removing the Improvements within the Easements. CenturyLink shall have the right of ingress and egress thereto as reasonably necessary to install, construct, operate, maintain, expand, replace and remove the Improvements.

3. Excavation and Restoration. Whenever it is necessary to excavate earth within the Easements, CenturyLink shall backfill the excavation in a timely, proper and workmanlike manner so as to restore the surface conditions to the same condition as they were prior to excavation, including restoration of all paved surfaces that were damaged or disturbed as part of the excavation.

4. Vegetation and Obstructions. CenturyLink may cut any trees, brush and shrubbery, remove obstructions, and take other similar action reasonably necessary to provide for safe installation, construction, operation, maintenance, expansion, replacement and removal of the Improvements. CenturyLink shall not be responsible to the County or its successors and assigns, to replace or reimburse the cost of replacing or repairing any County-owned trees, brush, shrubbery or obstructions that are removed or otherwise damaged if such vegetation or obstructions prevent CenturyLink from installing, constructing, operating, maintaining, expanding, replacing or removing the Improvements.

5. Ownership of Improvements. The Improvements shall be the property of CenturyLink.

6. Obligations of CenturyLink if and when Boulders Road is Proposed for Acceptance or is Accepted into the State-Maintained System. If and when the segment of Boulders Road in which the

Easements lie is proposed for acceptance or is accepted into the state-maintained or other publicly-maintained system of highways, CenturyLink shall comply with the following:

a. Permits. CenturyLink shall obtain all permits required by the Virginia Department of Transportation (hereinafter, "VDOT") or such other public entity that becomes responsible for the maintenance of Boulders Road (hereinafter, "such other public entity") to authorize the Improvements to exist or remain within the Boulders Road right-of-way (hereinafter, the "Permits") and shall comply with all applicable requirements of VDOT or such other public entity.

b. Acts Required of CenturyLink to Assure Acceptance of Boulders Road into the State-Maintained System. Until CenturyLink quitclaims its interest in the Easements to VDOT, such other public entity, or the County as required in conjunction with the acceptance of Boulders Road into the state-maintained or other publicly-maintained system, CenturyLink, at its sole expense, shall, promptly alter, change, adjust, relocate or remove the Improvements from the Boulders Road right-of-way if VDOT or such other public entity determines that such alteration, change, adjustment, relocation or removal is required in order for VDOT or such other public entity to accept Boulders Road into the secondary system. Neither VDOT, such other public entity, nor the County shall be responsible or liable to CenturyLink or its successors or assigns for any costs associated with such alteration, change, adjustment, relocation or removal of the then-existing Improvements. In addition, neither VDOT, such other public entity, nor the County shall be obligated to compensate or reimburse CenturyLink or its successors or assigns for any increased or decreased cost or value associated with either the Improvements or Boulders Road resulting from such alteration, change, adjustment, relocation or removal.

c. Continuing Obligations of CenturyLink to the County. After VDOT or such other public entity has issued the required Permits, CenturyLink shall be subject to the following conditions, notwithstanding any quitclaim of its interests to VDOT or such other public entity, and these conditions shall be continuing obligations of CenturyLink:

1. CenturyLink, to the extent authorized by law, shall at all times indemnify and save harmless the County, its employees, agents, officers, assigns, and successors in interest from any claim whatsoever arising from CenturyLink's exercise of rights or privileges stated herein.

2. In the event that the County or such other public entity becomes responsible for the maintenance of Boulders Road and the County or such other public entity requires, for its purposes, that CenturyLink alter, change, adjust, or relocate the Improvements, across or under Boulders Road, the cost to alter, change, adjust, or relocate the Improvements shall be the sole responsibility of CenturyLink. Neither the County nor such other public entity shall be responsible or liable to CenturyLink or its successors or assigns for any costs associated with altering, changing, adjusting or relocating the then-existing Improvements as may be required herein. In addition, neither the County nor such other public entity shall be obligated to compensate or reimburse CenturyLink or its successors or assigns for any increased or decreased cost or value associated with either the Improvements resulting from such alteration, change, adjustment or relocation. The requirements of this paragraph 6(c)(2) shall not apply if VDOT, such other public entity, or the County is either required by law to pay for such costs or is authorized and elects to pay for such costs.

The County, acting by and through its County Executive, duly authorized by action of the Albemarle County Board of Supervisors on April 10, 2013, does hereby convey the interest in real estate made by this deed.

By its acceptance and recordation of this Deed of Easement, CenturyLink acknowledges that it, its successors and assigns, shall be bound by the terms herein.

**WITNESS** the following signatures.

[SIGNATURES ON FOLLOWING PAGE]

GRANTOR:

COUNTY OF ALBEMARLE, VIRGINIA

By: Thomas C. Foley  
Thomas C. Foley, County Executive

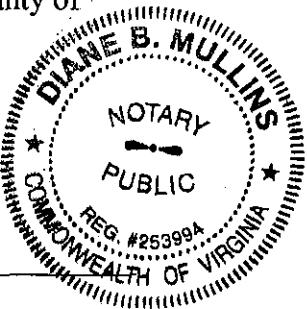
STATE OF VIRGINIA  
CITY OF CHARLOTTESVILLE:

The foregoing instrument was acknowledged before me, a Notary Public in and for the aforesaid City and State by Thomas C. Foley, County Executive, on behalf of the County of Albemarle, Virginia, on this 4<sup>th</sup> day of June, 2013.

My commission expires: June 30, 2013

Reg. No.: 253994

Diane B. Mullins  
Notary Public



GRANTEE:

CENTRAL TELEPHONE COMPANY OF VIRGINIA,  
doing business as CENTURYLINK

By: Charles A. Lewback  
Name: CHARLES A. LEWBACK  
Title: DIRECTOR

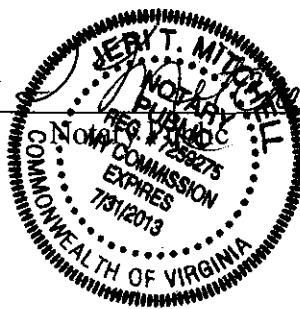
STATE OF VIRGINIA Herndon,  
CITY/COUNTY OF FAIRFAX, Virginia:

The foregoing instrument was acknowledged before me, a Notary Public in and for the aforesaid Locality and State by Herndon, Virginia on behalf of Century Telephone Company of Virginia, doing business as CenturyLink, on this 14<sup>th</sup> day of June, 2013.

My commission expires: 7/31/2013

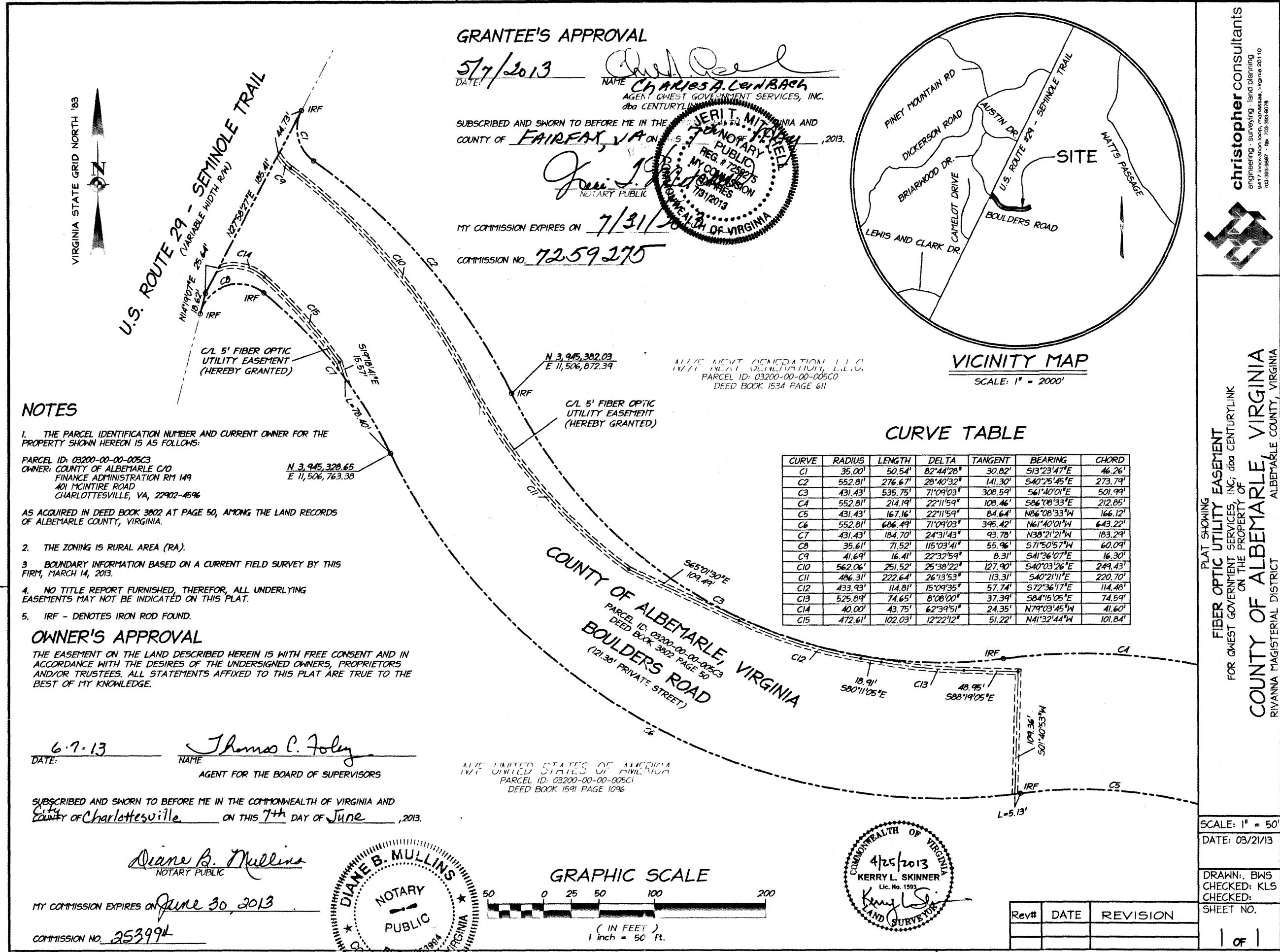
Reg. No.: 7259275

Jeri T. Miller



Approved as to form:

Jeri T. Miller  
County Attorney



Deed Book 4376 Ps.470

NOTES

- THE PARCEL IDENTIFICATION NUMBER AND CURRENT OWNER FOR THE PROPERTY SHOWN HEREON IS AS FOLLOWS:  
PARCEL ID: 03200-00-00-005C3  
OWNER: COUNTY OF ALBEMARLE C/O  
FINANCE ADMINISTRATION RM 149  
401 MCINTIRE ROAD  
CHARLOTTESVILLE, VA, 22902-4596  
AS ACQUIRED IN DEED BOOK 3802 AT PAGE 50, AMONG THE LAND RECORDS  
OF ALBEMARLE COUNTY, VIRGINIA.
- THE ZONING IS RURAL AREA (RA).
- BOUNDARY INFORMATION BASED ON A CURRENT FIELD SURVEY BY THIS  
FIRM, MARCH 14, 2013.
- NO TITLE REPORT FURNISHED, THEREFOR, ALL UNDERLYING  
EASEMENTS MAY NOT BE INDICATED ON THIS PLAT.
- IRF - DENOTES IRON ROD FOUND.

OWNER'S APPROVAL

THE EASEMENT ON THE LAND DESCRIBED HEREIN IS WITH FREE CONSENT AND IN  
ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS  
AND/OR TRUSTEES. ALL STATEMENTS AFFIXED TO THIS PLAT ARE TRUE TO THE  
BEST OF MY KNOWLEDGE.

6.7.13

Thomas C. Foley  
NAME  
AGENT FOR THE BOARD OF SUPERVISORS

SUBSCRIBED AND SWORN TO BEFORE ME IN THE COMMONWEALTH OF VIRGINIA AND  
COUNTY OF CHARLOTTESVILLE ON THIS 7th DAY OF JUNE 2013

Diane B. Mullins  
NOTARY PUBLIC

MY COMMISSION EXPIRES ON JUNE 30, 2013

COMMISSION NO. 253994

GRANTEE'S APPROVAL

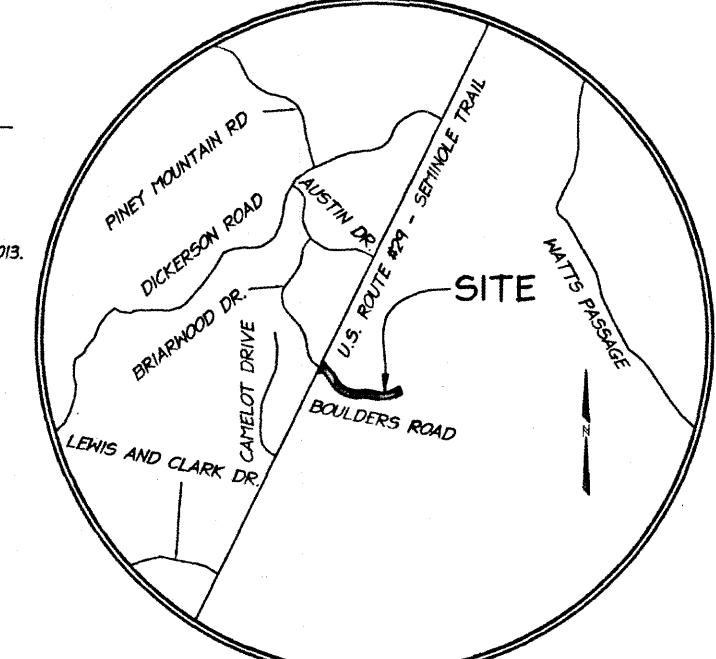
5/7/2013

NAME: Charles D. Lernbach  
AGE: 67  
COMPANY: GOVERNMENT SERVICES, INC.  
dba CENTURYLINK

SUBSCRIBED AND SWORN TO BEFORE ME IN THE COMMONWEALTH OF VIRGINIA AND  
COUNTY OF FAIRFAX, VA ON THIS 24th DAY OF MAY, 2013.

Notary Public  
Jeri J. Mitchell  
REG. # 7259275  
MY COMMISSION  
EXPIRES  
7/31/2013  
COMMONWEALTH OF VIRGINIA

MY COMMISSION EXPIRES ON  
COMMISSION NO. 7259275



VICINITY MAP

SCALE: 1" = 2000'

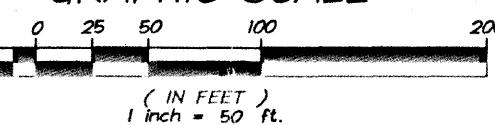
CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	TANGENT	BEARING	CHORD
C1	35.00'	50.54'	82°44'28"	30.82'	513°23'47"E	46.26'
C2	552.81'	276.67'	28°40'32"	141.30'	540°25'45"E	273.79'
C3	431.43'	535.75'	71°09'03"	308.59'	561°40'01"E	501.99'
C4	552.81'	214.19'	22°11'59"	108.46'	586°08'33"E	212.85'
C5	431.43'	167.16'	22°11'59"	84.64'	586°28'33"W	166.12'
C6	552.81'	686.49'	71°09'03"	395.42'	561°40'01"W	643.22'
C7	431.43'	184.70'	24°31'43"	93.78'	538°21'21"W	183.29'
C8	35.61'	71.52'	115°03'41"	55.96'	511°50'57"W	60.09'
C9	41.69'	16.41'	22°32'59"	8.31'	541°36'07"E	16.30'
C10	562.06'	251.52'	25°38'22"	127.90'	540°03'26"E	249.43'
C11	496.31'	222.64'	26°13'53"	113.31'	540°21'11"E	220.70'
C12	433.93'	114.81'	15°09'35"	57.74'	572°36'17"E	114.48'
C13	525.89'	74.65'	8°08'00"	37.39'	584°15'05"E	74.54'
C14	40.00'	43.75'	62°39'51"	24.35'	579°03'45"W	41.60'
C15	472.61'	102.03'	12°22'12"	51.22'	541°32'44"W	101.04'

UNITED STATES OF AMERICA  
PARCEL ID: 03200-00-00-005C1  
DEED BOOK 3802 PAGE 50

UNITED STATES OF AMERICA  
PARCEL ID: 03200-00-00-005C1  
DEED BOOK 1591 PAGE 1046

GRAPHIC SCALE



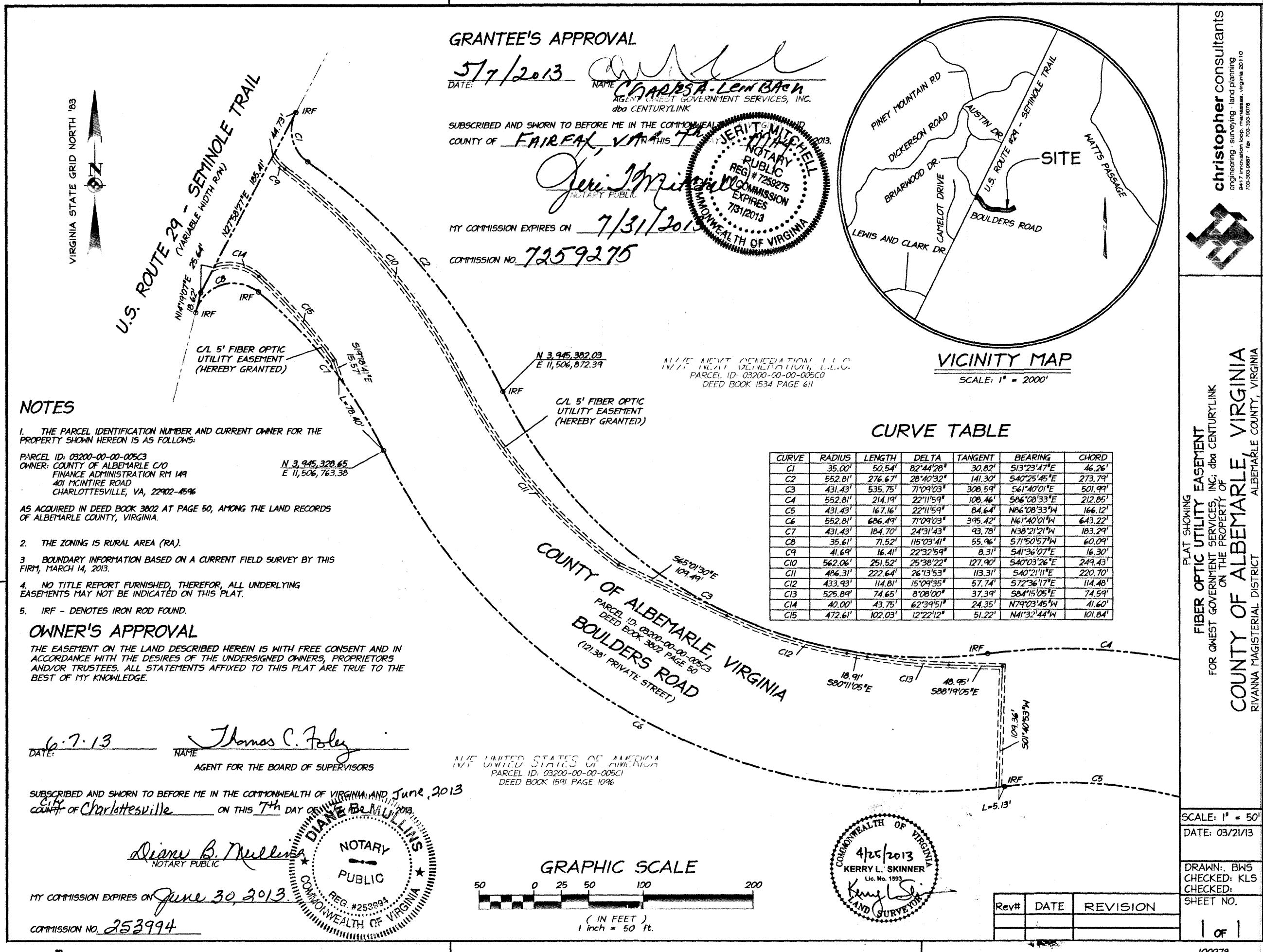
4/25/2013  
KERRY L. SKINNER  
LIC. NO. 1593  
COMMONWEALTH OF VIRGINIA  
LAND SURVEYOR

REV#	DATE	REVISION

SCALE: 1" = 50'
DATE: 03/21/13
DRAWN: BWS
CHECKED: KLS
CHECKED:
SHEET NO.
1 of 1

PLAT SHOWING  
FIBER OPTIC UTILITY EASEMENT  
FOR GUEST GOVERNMENT SERVICES, INC.; dba CENTURYLINK  
ON THE PROPERTY OF  
COUNTY OF ALBEMARLE, VIRGINIA  
ALBEMARLE COUNTY, VIRGINIA  
RIVANNA MAGISTERIAL DISTRICT

christopher consultants  
engineering - surveying - land planning  
9417 Innovation Loop, Manassas, Virginia 20110  
703-385-9887 fax 703-385-9876



RECORDED IN CLERKS OFFICE OF  
ALBEMARLE COUNTY ON  
July 01,2013 AT 1:13:27 PM  
\$0.00 GRANTOR TAX PD  
AS REQUIRED BY VA CODE §58.1-802  
STATE: \$0.00 LOCAL: \$0.00  
ALBEMARLE COUNTY, VA  
DEBRA M. SHIPP CLERK

Debra M. Shipp, Clerk