

PREPARED BY McCLURE, CALLAGHAN & ATKINS  
TAX MAP 35, PARCEL 17A

PRIVATE ROAD MAINTENANCE AGREEMENT

The undersigned are the owners of certain real estate situated on State Route 20 in Albemarle County, Virginia, which is being divided into two parcels shown as Lot 1 containing 21.00 acres and Residue containing 150.64 acres, on plat of Roger W. Ray & Assoc., Inc., dated June 8, 2004, attached hereto and recorded along with this agreement.

There is a new fifty foot (50') access easement shown on the said plat servicing said Lot 1 and Residue. The owners of Lot 1 and Residue shall have a right and easement for ingress and egress over this easement. The repair of the said roadway on this easement shall be the joint responsibility of the respective owners of Lot 1 and Residue, their successors in interest and assigns. The cost of maintenance, repair and upkeep of said easement shall be prorated equally between these owners. Any further parcels divided along this easement shall also be responsible for an equal share of the cost of maintenance, repair and upkeep. THIS EASEMENT IS NOT A PUBLIC ROAD AND WILL NOT BE MAINTAINED BY THE STATE OF VIRGINIA OR THE COUNTY OF ALBEMARLE.

At such time as either of the owners responsible for such maintenance, repair and upkeep determines that the said easement is in need of maintenance or repair, such owner, after written notice

to the other owner, shall have the right to order such repairs as are necessary in order to keep the road up to the same standards as that to which the road was originally made, or to standards to which the road may be improved in the future by agreement of all owners, and the cost of making said repairs and maintenance shall be borne equally by the owners. If additional parcels are developed then the need for maintenance, repairs and upkeep shall be determined by a majority of owners, with each parcel having one vote.

An owner, once receiving an estimate for the repair of said easement, or at his, her or their option, after the repairs have been made, shall bill the other owner for his, her or their proportionate share, which bill shall become due and payable within thirty (30) days after mailing thereof; in the event that any owner fails to pay his, her or their proportionate share within said thirty (30) days, then the other owner or owners or an individual appointed by said owner or owners may prepare a statement of such delinquency in recordable form and the recordation of such statement shall in itself create a lien against the parcel whose owner has not contributed his, her or their share. Said lien, once recorded, shall have priority as to any subsequent liens recorded against the property and shall further be a personal liability on the owner of said parcel.

An owner may bring an action at law or in equity against the

owner personally obligated to pay any assessment, and interest and costs of any action (including reasonable attorney's fees) shall be added to the amount of such assessment. In addition, an owner may enforce said lien by equitable foreclosure at any time within five (5) years after the date on which the instrument creating it was recorded. Such foreclosure shall be by bill of equity in the same manner as provided for the foreclosure of mortgages, vendor's liens and liens of similar nature.

WITNESS the following signatures and seals:

*Darren J. Kady* (SEAL)  
Darren J. Kady, Trustee  
*Deborah A. Kady* (SEAL)  
Deborah A. Kady, Trustee

STATE OF VIRGINIA AT LARGE  
CITY/COUNTY OF *Henrico*, to-wit:

The foregoing instrument was acknowledged before me by DARREN J. KADY and DEBORAH A. KADY, Trustees this *30th* day of *June*, 2004.

My commission expires: *January 31, 2006*.

*Mary Lou Skaper*  
Notary Public

THE DIVISION OF LAND DESCRIBED HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNER, PROPRIETORS, AND TRUSTEES. ANY REFERENCE TO FUTURE POTENTIAL DEVELOPMENT IS TO BE DEEMED AS THEORETICAL ONLY. ALL STATEMENTS AFFIXED TO THIS PLAT ARE TRUE AND CORRECT TO BEST OF MY KNOWLEDGE.

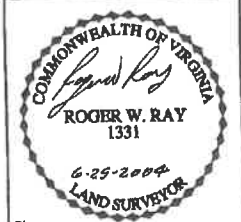
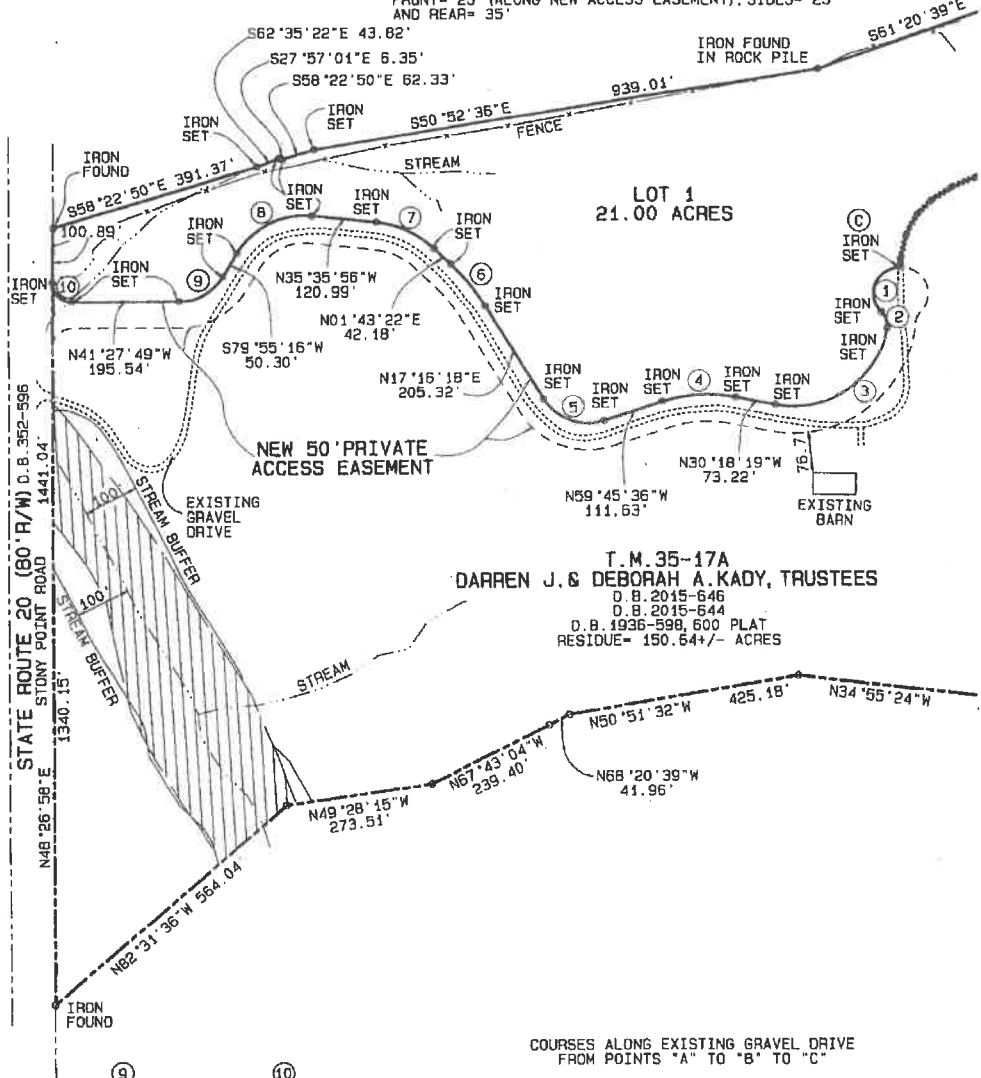
*Darren J. Kady*  
*Deborah A. Kady*

CITY/COUNTY OF Henrico  
STATE OF Virginia  
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 20th DAY OF Jan 2004 BY Mary Lou Strafer  
NOTARY PUBLIC Mary Lou Strafer  
MY COMMISSION EXPIRES January 01, 2006

THE LAND USE NOTES SHOWN ON THIS PLAT ARE IMPOSED AT THE REQUEST OF THE DIRECTOR OF PLANNING. BY PLACING HIS/HER SIGNATURE ON THIS PLAT HE/SHE HAS DEEMED THAT THEY ARE CORRECT AND IN ACCORDANCE WITH THE ALBEMARLE COUNTY ZONING ORDINANCE IN EFFECT THIS DATE. THESE NOTES ARE NOT RESTRICTIVE COVENANTS RUNNING WITH THE LAND AND THEIR APPEARANCE ON THIS PLAT IS NOT INTENDED TO IMPOSE THEM AS SUCH. ANY REFERENCE TO FUTURE DEVELOPMENT RIGHTS SHOWN HEREON IS THEORETICAL.

- A. PROPERTY ZONED RA.
- B. LOT 1 MAY NOT BE FURTHER DIVIDED.
- C. THE RESIDUE OF T.M.35-17A RETAINS 6 DEVELOPMENT RIGHTS. 5 RIGHTS DERIVED FROM T.M.35-17A AND 1 RIGHT DERIVED FROM T.M.35-17. WHEN USED THEY SHALL BE WITHIN THEIR DEC.1980 BOUNDARIES.
- D. ACCORDING TO THE U.S.G.S. TOPOGRAPHIC MAP, LOT 1 AND THE RESIDUE OF T.M.35-17A, EACH HAVE A MINIMUM OF 30,000 S.F. OF AREA WITH SLOPES LESS THAN 25%.
- E. THE STREAM BUFFER SHOWN HEREON SHALL BE MANAGED IN ACCORDANCE WITH THE WATER PROTECTION ORDINANCE OF ALBEMARLE COUNTY.
- F. THIS PRIVATE ROAD WILL PROVIDE REASONABLE ACCESS BY MOTOR VEHICLE AS REQUIRED BY SECTION 14-514 OF THE ALBEMARLE COUNTY CODE.
- G. THE ROAD IN THIS DIVISION MAY NOT MEET THE STANDARDS FOR ACCEPTANCE INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS AND WILL NOT BE MAINTAINED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION OR THE COUNTY OF ALBEMARLE.
- H. ONLY ONE DWELLING ON LOT 1.
- I. SETBACK REQUIREMENTS: FRONT= 75' (ALONG STATE ROUTE 20) FRONT= 25' (ALONG NEW ACCESS EASEMENT), SIDES= 25' AND REAR= 35'

- ①  
Δ = 134°56'02"  
R = 50.00'  
L = 117.75'  
T = 120.51'  
C = 92.37'  
CB = S70°51'23"W
- ②  
Δ = 54°23'45"  
R = 35.00'  
L = 33.23'  
T = 17.99'  
C = 31.99'  
CB = S30°35'15"W
- ③  
Δ = 91°54'34"  
R = 175.00'  
L = 280.72'  
T = 180.93'  
C = 251.58'  
CB = N76°15'36"W
- ④  
Δ = 29°27'17"  
R = 265.00'  
L = 135.23'  
T = 69.66'  
C = 134.74'  
CB = N45°01'58"W
- ⑤  
Δ = 77°01'54"  
R = 95.00'  
L = 127.72'  
T = 75.61'  
C = 118.32'  
CB = N21°14'39"W
- ⑥  
Δ = 15°32'55"  
R = 375.00'  
L = 101.77'  
T = 51.20'  
C = 101.45'  
CB = N09°29'50"E
- ⑦  
Δ = 37°19'19"  
R = 185.00'  
L = 120.51'  
T = 62.48'  
C = 118.39'  
CB = N16°55'17"W
- ⑧  
Δ = 64°28'48"  
R = 145.00'  
L = 163.16'  
T = 91.45'  
C = 154.71'  
CB = N67°50'20"W



APPROVED FOR RECORDATION:  
*Wayne C. Bay* 6/20/04  
DIRECTOR OF PLANNING DATE

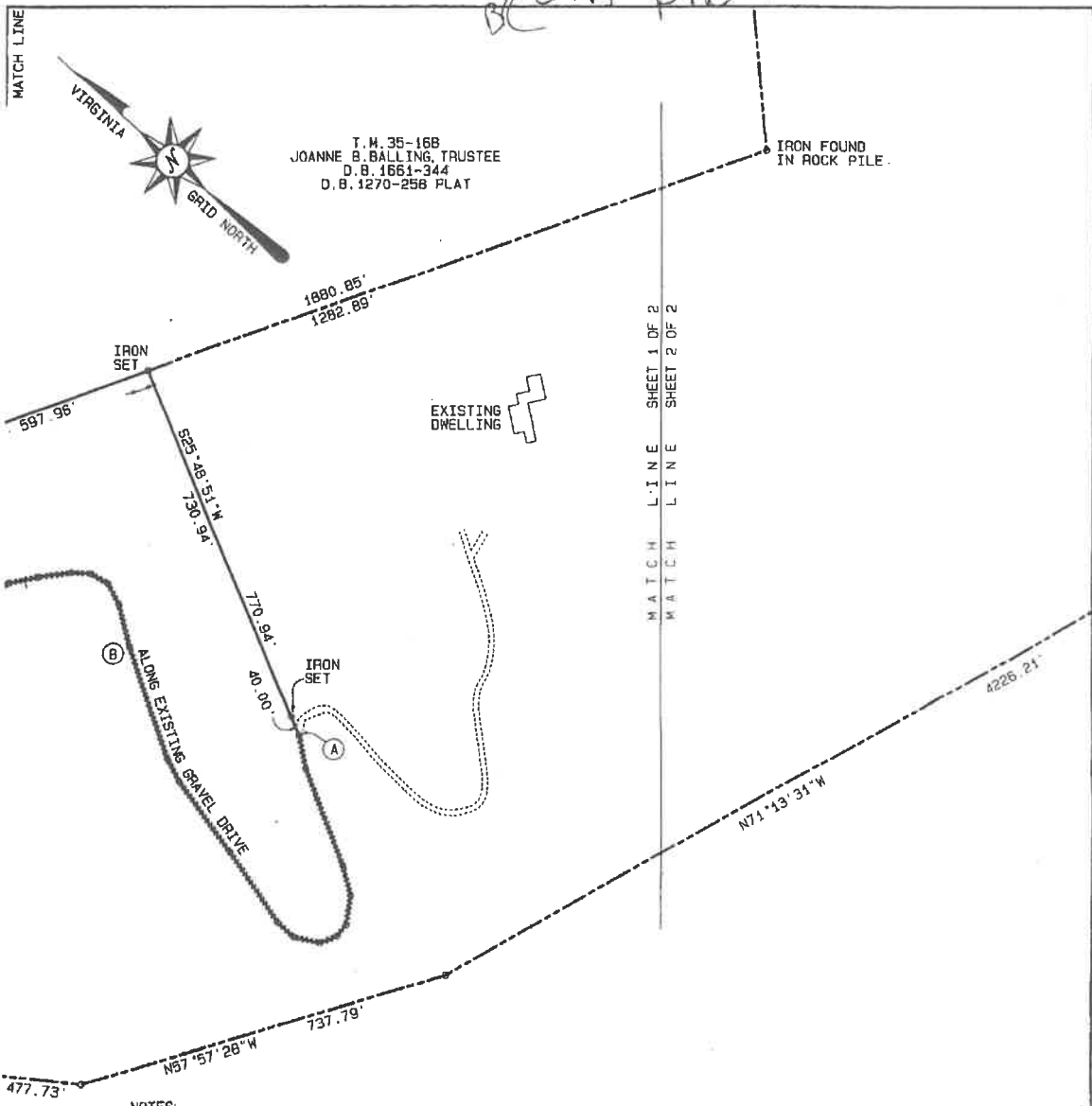
COURSES ALONG EXISTING GRAVEL DRIVE FROM POINTS "A" TO "B" TO "C"

Point	Bearing	Distance	Point	Bearing	Distance
A	S37°20'11"W	68.67'	B	N33°53'07"E	83.63'
A	S27°49'57"W	204.58'	B	N20°59'18"E	46.89'
A	S33°43'58"W	60.02'	B	N10°37'21"W	37.53'
A	S55°43'55"W	59.62'	B	N38°00'44"W	37.89'
A	S87°59'48"W	29.87'	B	N49°10'33"W	65.40'
A	N53°15'01"W	33.96'	B	N53°22'38"W	56.12'
A	N28°14'27"W	52.61'	B	N53°48'01"W	48.32'
A	N01°45'35"E	41.16'	B	N74°55'38"W	44.47'
A	N14°37'52"E	170.14'	B	N86°43'29"W	37.45'
A	N12°35'22"E	173.95'	B	S76°55'45"W	44.28'
A	N22°10'38"E	49.65'	B	S61°07'58"W	44.11'
A	N29°46'57"E	233.40'	B	S46°19'24"W	15.72'


MATCH LINE

MATCH LINE

BLO 44 P410



T.M. 35-16B  
 JOANNE B. BALLING, TRUSTEE  
 D.B. 1661-344  
 D.B. 1270-256 PLAT

- NOTES:
1. OWNERS & ADDRESS: DARREN J. & DEBORAH A. KADY TRUSTEES  
 5111 STONY POINT ROAD CHARLOTTESVILLE, VIRGINIA 22911
  2. BOUNDARY DATA SHOWN HEREON FOR LOT 1 IS BASED ON A CURRENT FIELD SURVEY PERFORMED MARCH 2004. ALL OTHER BOUNDARY DATA SHOWN HEREON, WAS TAKEN FROM PLATS RECORDED IN DEED BOOK 1844 PAGE 692 AND DEED BOOK 1271 PAGE 733. WAS ROTATED TO VIRGINIA GRID NORTH, AND WAS NOT RESURVEYED THIS DATE.
  3.  DENOTES APPROXIMATE LOCATION OF AREA WITHIN ZONE A (100 YEAR FLOOD PLAIN) ACCORDING TO THE FLOOD INSURANCE RATE MAP, DATED 12-16-80 (COMMUNITY PANEL 510005 0150B).
  4. THIS PROPERTY SUBJECT TO UTILITY EASEMENTS AS DEFINED IN D.B. 1734-539, D.B. 1538-460, D.B. 1535-235, D.B. 417-576 AND D.B. 207-47 INSOFAR AS THEY MAY APPLY.
  5. THE EXISTING GRAVEL DRIVE SHOWN HEREON SHALL BE CLOSED UPON COMPLETION OF A NEW ENTRANCE.

PLAT SHOWING  
 SURVEY OF LOT 1  
 A PORTION OF THE PROPERTY OF DARREN J. KADY & DEBORAH A. KADY, TRUSTEES  
 ALSO NEW 50' PRIVATE ACCESS EASEMENT  
 LOCATED ON STATE ROUTE 20  
 ABOUT 1.5 MILES SOUTH OF STATE ROUTE 641  
 RIVANNA DISTRICT  
 ALBEMARLE COUNTY, VIRGINIA

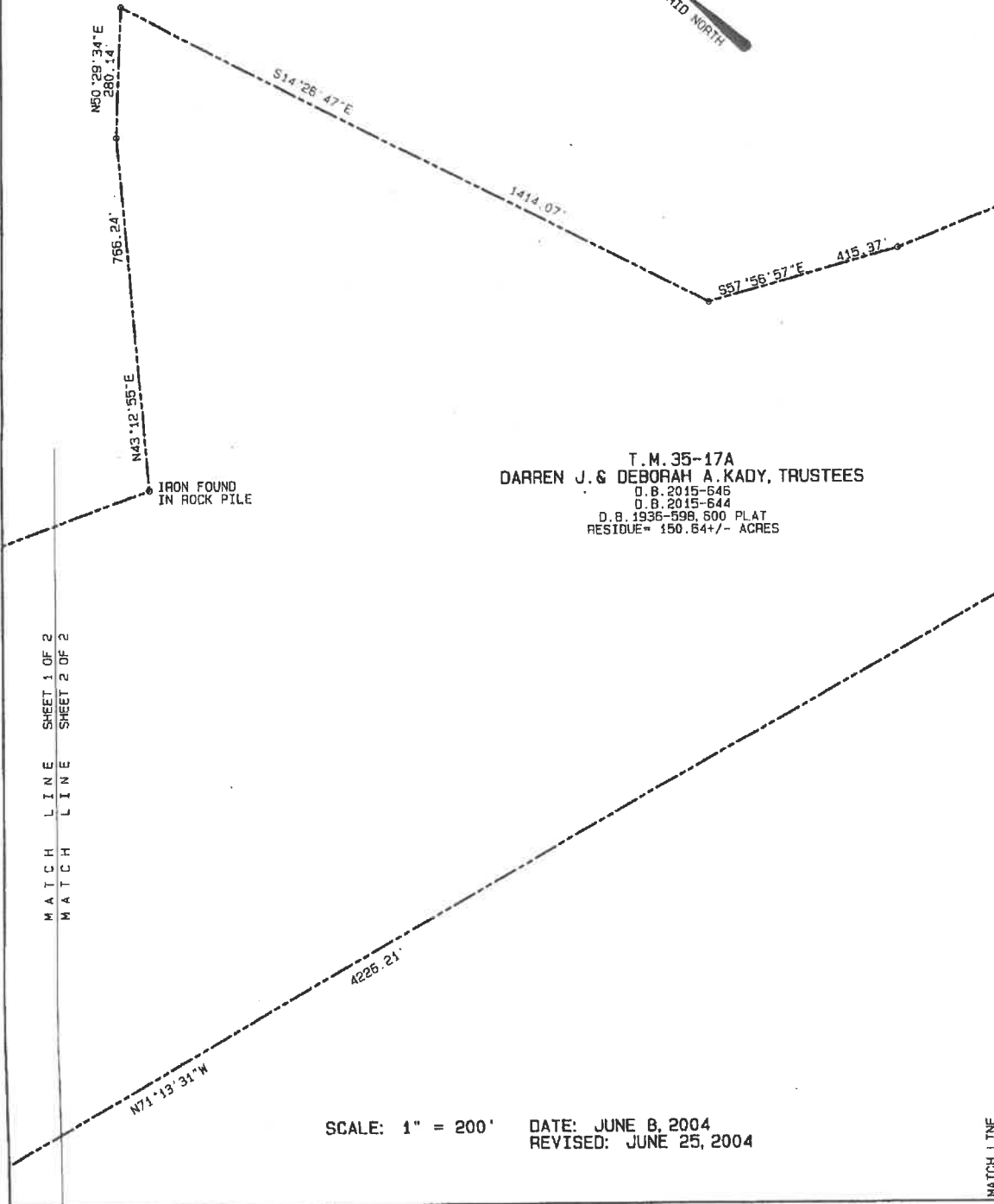
SCALE: 1" = 200'      DATE: JUNE 8, 2004  
 REVISED: JUNE 25, 2004

FOR  
 DARREN KADY

ROGER W. RAY & ASSOC., INC.  
 1717-18 ALLIED STREET  
 CHARLOTTESVILLE, VIRGINIA 22903  
 TELEPHONE: (434) 293-3195

2149 1410

MATCH LINE



IRON FOUND  
IN ROCK PILE

T.M. 35-17A  
DARREN J. & DEBORAH A. KADY, TRUSTEES  
D.B. 2015-645  
D.B. 2015-644  
D.B. 1936-598, 500 PLAT  
RESIDUE= 150.64 +/- ACRES

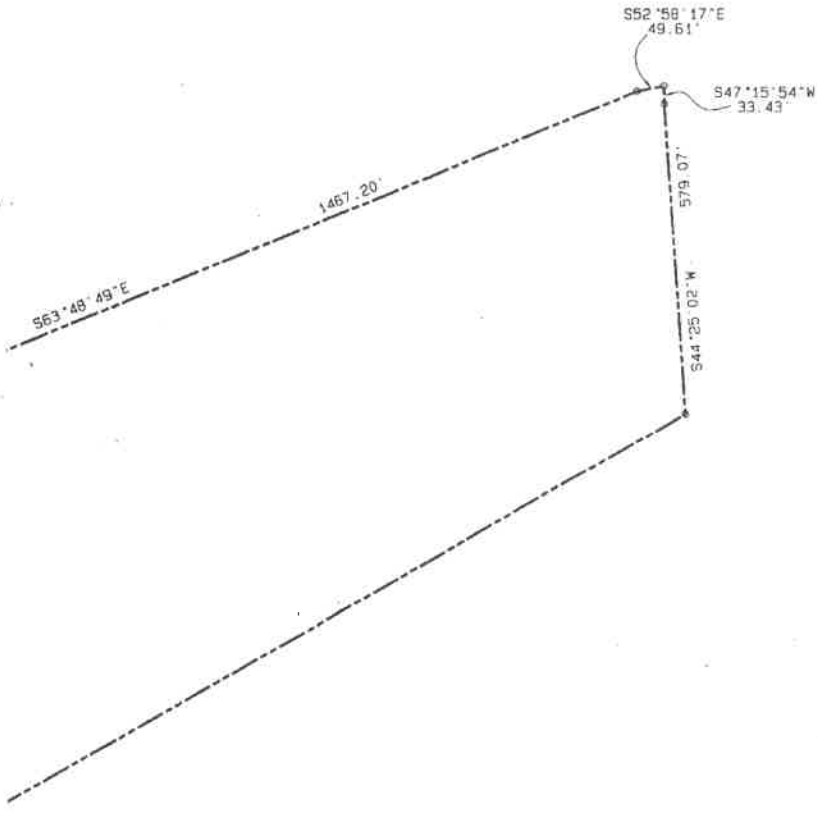
MATCH LINE SHEET 1 OF 2  
MATCH LINE SHEET 2 OF 2

SCALE: 1" = 200' DATE: JUNE 8, 2004  
REVISED: JUNE 25, 2004

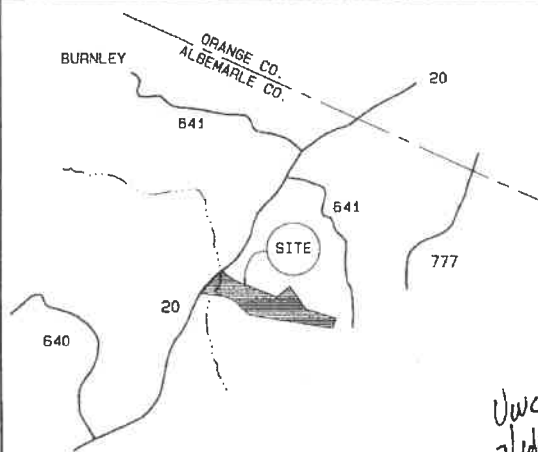
MATCH LINE

BIOLOGY P411

MATCH LINE



VICINITY MAP SCALE: 1" = 1+/- MILE



*Wec  
7/1/04*

MATCH LINE

RECORDED IN CLERKS OFFICE OF  
ALBEMARLE ON  
July 12, 2004 AT 12:19:38 PM  
\$0.00 GRANTOR TAX PD  
AS REQUIRED BY VA CODE § 58.1-802  
STATE: \$0.00 LOCAL: \$0.00  
ALBEMARLE COUNTY, VA

P. Minak DC



Pgs. 479

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480