170000200

pg0046

THIS DEED OF DEDICATION, made and dated this 3rd day of January, 2017 by and between **CDTB INVESTMENTS, L.L.C., a Virginia Limited Liability Company**, of the one part, hereinafter called the **DECLARANT**, and **COUNTY OF FREDERICK, VIRGINIA**, of the second part, hereinafter called **COUNTY**.

ARTICLE ONE

OWNERSHIP OF LAND

WHEREAS, the Declarant, is the owner in fee simple of that certain real estate shown on that Plat drawn by Michael M. Artz, L.S., dated October 15, 2016, and designated thereon as "BACK MOUNTAIN RIDGE ESTATES," which Plat is attached hereto and incorporated herein by reference, as if set out in full. This is the same real estate previously conveyed to the Declarant by that certain Deed dated September 29, 2016, of record in the Office of the Clerk of the Circuit Court of Frederick County, Virginia, as Instrument Number 16000969; and,

ARTICLE TWO

SUBDIVISION OF LAND

WHEREAS, said real estate, as shown on the aforesaid Plat, has been subdivided into lots for the construction of Single-Family Residential Homes, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, inclusive, and the herein above reference Plat shows accurately the metes and bounds of the subdivided land, together with the dimensions of each lot thereof and also shows certain surrounding lands in said Subdivision to be used as open space, streets, utility, ingress-egress, and drainage easements, all of which shall constitute a portion of the development known as Back Mountain Ridge Estates; and,

WHEREAS, the Declarant now desires to subdivide the same into lots to be known as Back Mountain Ridge Estates, as the lots appear on the attached plat, such action being with the free consent and in accordance with the desires of the undersigned Declarant and the parties hereto further desire that the subdivision of the aforesaid real estate is accomplished in accordance with the provisions of "The Virginia Land Subdivision Act" as are applicable and in force and effect as of the date of execution of this Deed of Dedication.

NOW THEREFORE, THIS DEED OF DEDICATION WITNESSETH: That for and in consideration of the premises and the benefits which will accrue by reason of this Dedication, the Declarant does hereby subdivide all of that certain tract or parcel of land designated as Back Mountain Ridge Estates, lying and being situate in the County of Frederick, Virginia, and being more particularly described by that certain Final Subdivision Plat of Back Mountain Ridge Estate Subdivision, containing Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, which Final Subdivision Plat is attached hereto and incorporated herein as if set out in full.

ARTICLE THREE

EASEMENTS

This subdivision is subject to all easements, utility or otherwise, shown of record, all easements of any description shown on the attached plat, and Declarant hereby establishes, creates and confirms perpetual easements for ingress and egress, utility and drainage, construction, grading, maintenance and sight distance, proposed entrances, proposed drainfields and reserves, and any other easements, as shown on the attached plat and survey for the benefit of the owners of said lots and the Declarant.

The fifty (50') foot wide easements shown on said plat and survey for egress and ingress to the lots shown thereon are private driveways/roads and will not be maintained by the Virginia Department of Transportation or Frederick County. The improvements and maintenance of said driveways/roads shall be the sole responsibility of the owners of lots which are provided access via the driveways/road. The owners of the lots hereby agree to share on an equal basis the costs of improving and maintaining said driveways/roads and the proposed entrances to said driveways/roads. This agreement shall be deemed a covenant real and shall inure to the benefit of and be binding upon the owners and their successor-in-interest.

ARTICLE FOUR RESTRICTIONS.

COVENANTS and CONDITIONS

1. Nothing but a single private dwelling or residence designated for the occupancy of one family shall be erected on any of the lots in the subdivision. Said lots shall be used for

residential purposes only.

2. No dwelling to be erected or maintained on any of said lots is to contain no less than 1600 square feet, outside foundation dimensions for a single story dwelling. A one and one-half or a two story dwelling shall have no less than 1000 square feet, outside foundation dimensions, and not less than 700 square feet of finished livable space on the second floor. A split-foyer or spilt-level dwelling is to contain a minimum of 1300 square feet outside dimensions. Porches, garages, carports and patios shall be excluded in calculation the necessary square footage, except when the garage is in the basement or the lower level of split-foyer or split-level houses. Accessory barns, storage building, are permitted. This does not apply to the current structure on Lot 8.

Any owner of Lots 1, 11 or 12 shall be allowed to build a single cabin with a minimum of at least one (1) bedroom and one (1) bath upon said lot provided that said owner also owns an adjacent lot thereto.

3. No mobile homes shall be permitted on any of said lots.

4. No building shall be erected within the building lines as shown on the attached plat and survey. All other building lines and setback restrictions shall be per Frederick County Subdivision restrictions.

5. No profession or home occupation shall be conducted in or on any part of a lot except those approved by Frederick County.

6. No outside storage of any abandoned motor vehicles will be permitted on any lots. For this purposes, an abandoned motor vehicle is defined as one which bears no or expired license plates and has not been operated within six months on a public street or highway.

7. No lot shall be resubdivided into building lots other than there shown on the recorded plat and survey except that a lot may be resubdivided to form a portion of any adjoining lot. Grantor reserves the right to waive this restriction as to Lot 1.

8. No hogs, goats, commercial chicken houses or the like, or commercial dog kennels, shall be maintained upon said lots at any time. Horses, ponies and cows may be

maintained provided they are property fenced. Household pets are permitted.

9. No sign of any kind shall be displayed to the public view on any lot except one sign of not more than six square feet advertising the property for sale or rent or name for the property.

10. All lots shall be kept clean at all times and free from junk, rubbish, garbage and other noxious matter.

11. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

12. A ten foot (10') easement is reserved along all property lines of each lot for the purpose of installing any utilities including, but not limited to, electrical lines, telephone lines, water and sewer lines and television cable lines.

13. No owners of any lot shall interfere with the diversion of surface water from such lot by construction or change of the topography of such lot.

14. In the event that a dwelling is destroyed, the owner of the dwelling, within thirty (30) days from said destruction, shall clear away the remaining portion of the dwelling unit and maintain the lot in a neat and orderly condition. In the event a dwelling is damaged, or has materially deteriorated, the owner of the unit shall immediately repair the damage or deterioration. This does not apply to the current structure on Lot 8.

15. Any lots using a common entrance road and a shared driveway shall be equally responsible for the maintenance of the shared entrance or driveway.

16. All of the covenants and restrictions herein shall remain in full force and effect for a period of fifteen (15) years from the date of this instrument and shall be renewed automatically for additional successive ten (10) year periods unless 75% of the owners of the lots in the Back Mountain Ridge Estates Subdivision shall, at least six (6) months prior days to any such renewal date, execute and record an agreement amending said covenants and restrictions.

17. The Grantors reserve the right alone to impose additional restrictive covenants

and restrictions as to any lot or lots owned by them at the time of the imposition and such imposition shall not affect the binding effect of these provisions upon any other lots. Declarant reserves the right to waive or amend any restriction, covenants, or condition contained herein.

18. The invalidation of any one of the covenants or restrictions contained here by judgment of Court Order shall in no wise affect any of the other provisions which shall remain in full force and effect. The failure of the lot owners or the Grantors herein to enforce any covenants and restrictions shall not be deemed to be a waiver of the right to do so thereafter as to a default occurring prior or subsequent thereto.

WITNESS the following signature and seal:

CDTB INVESTMENTS, L.L.C.
a Virginia Limited Liability Company

EFD INVESTMENTS, L.L.C,

By: Eugene F. Dearing III (SEAL)
EUGENE F. DEARING. Manger

Commonwealth of Virginia
City of Winchester, To-wit:

The foregoing Deed of Dedication was acknowledged before me this 3rd day of January, 2017, by Eugene F. Dearing, III, as Manager of EFD Investments, LLC.

CATHY M. JEWELL NOTARY PUBLIC REG. #139057 MY COMMISSION EXPIRES 12-31-20 COMMONWEALTH OF VIRGINIA

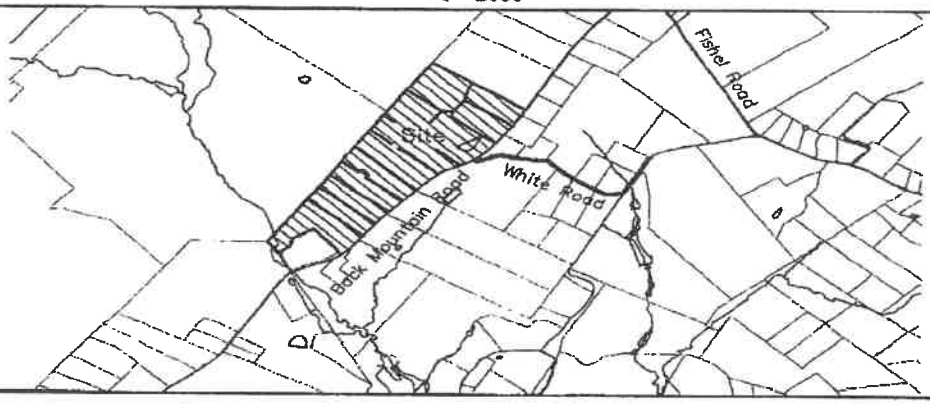
Notary Public

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PG0051

Back Mountain Ridge Estates
CDTB Investments, LLC
TM #59-A-6 Inst. #160009669
October 15, 2016 Back Creek District, Frederick County, Virginia

Vicinity Map
1"=2000'



SURVEYOR'S CERTIFICATE:
I, Michael M. Artz, a duly authorized land surveyor, do hereby certify that the land hereby subdivided and dedicated is in the name of ~~CTDB~~ CDTB Investments, LLC and was acquired as stated in the Owner's Certificate. I further certify that these tracts are properly and accurately described and are within the boundaries of the original tracts.

Michael M. Artz
Certified Land Surveyor

OWNER'S CERTIFICATE:
The undersigned fee simple owner hereby certifies that the land herein subdivided and dedicated is all of the property conveyed to the ~~CTDB~~ CDTB Investments, LLC by deed dated September 29, 2016 and recorded in Instrument #160009669. Said deed being of record in the Clerk's Office of Frederick Count, Virginia.

This Subdividions and dedication as it appears on the accompanying plat is with the free consent and in accordance with the desires of the undersigned owner of said land and the same is hereby confirmed and submitted for record in the Clerk's Office of the Circuit Court of Frederick County, Virginia.

Eugene F. Dearing III
Representative for ~~CTDB~~ CDTB Investments, LLC

NOTARY CERTIFICATE:
STATE OF VIRGINIA; ~~CITY~~ COUNTY OF Winchester, to-wit:

The foregoing owners consent and dedication was acknowledged before me by Eugene F. Dearing, III
this 27th day of October, 2016.
My commission expires January 31, 2020 Tina L. Bragg
Notary Public

TINA L. BRAGG
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #298735

CERTIFICATE OF APPROVAL
This Subdivision and dedication is approved by the undersigned in accordance with existing subdivision regulations and may be admitted to record.

~~30~~ Dec 16 — date — Subdivision Administrator

12/17/16 — date — Winchester-Frederick County Health Department

12/22/16 — date — Virginia Department of Transportation

Pg. 052

Back Mountain Ridge Estates
CDTB Investments, LLC
TM #59-A-6 Inst. #160009669
October 15, 2016 Back Creek District, Frederick County, Virginia

PRIVATE DRIVEWAY
The proposed private driveway/road is not built according to street specifications of and will not be maintained by, the Virginia Department of Transportation or Frederick County. The improvement and maintenance of said driveway/road shall be the sole responsibility of the owners of lots which are provided with access via the driveway/road. Said driveway/road will not be considered for inclusion into the state secondary system until it meets the applicable construction standards of the Virginia Department of Transportation. The cost of bringing said driveway/road to acceptable standards shall not be borne by the Virginia Department of Transportation nor by Frederick County.

The proposed entrances as shown herein and further detailed on the Commercial Low Volume Entrance Design originally dated 2016-10-15 meet the current applicable construction standards of the Virginia Department of Transportation. Any proposed changes to the subdivision plan including but not limited to any future subdivision of any of the lots AND the use of the proposed entrances for ingress/egress to properties other than those shown and designated hereon shall be subject to review and approval by the Virginia Department of Transportation.

VDH SUBDIVISION APPROVAL STATEMENT

This subdivision is approved for individual onsite sewage systems in accordance with the provision of the *Code of Virginia*, and the *Sewage Handling and Disposal Regulations* (12 VAC 5-610-10 et seq., the "*Regulations*"), (and local ordinances if the locality has authorized the local health department to accept private evaluations for compliance with local ordinances).

This subdivision was submitted to the Health Department for review pursuant to § 32.1-163.5 of the *Code of Virginia* which requires the Health Department to accept private soil evaluations and designs from an Authorized Onsite Soil Evaluator (AOSE) or a Professional Engineer working in consultation with an AOSE for residential development. The Department is not required to perform a field check of such evaluations. This subdivision was certified as being in compliance with the Board of Health's regulations by Barry Hadley, AOSE #01940001107. This subdivision approval is issued in reliance upon that certification.

Pursuant to § 360 of the *Regulations* this approval is not an assurance that Sewage Disposal System Construction Permits will be issued for any lot in the subdivision unless that lot is specifically identified as having an approved site for an onsite sewage disposal system, and unless all conditions and circumstances are present at the time of application for a permit as are present at the time of this approval. This subdivision may contain lots that do not have approved sites for onsite sewage systems.

This subdivision approval is issued in reliance upon the A.O.S.E. certification that approved lots are suitable for onsite sewage disposal systems, however actual sewage disposal system designs may be different at the time sewage disposal construction permits are issued.

AREA TABULATION
EXISTING:

TM #59-A-6	87.538	AC.

PROPOSED:

Lot 1 TM #59-A-6L	10.162	Ac.
Lot 2 TM #59-A-6M	5.055	Ac.
Lot 3 TM #59-A-6N	5.151	Ac.
Lot 4 TM #59-A-6O	5.830	Ac.
Lot 5 TM #59-A-6P	5.999	Ac.
Lot 6 TM #59-A-6	8.873	Ac.

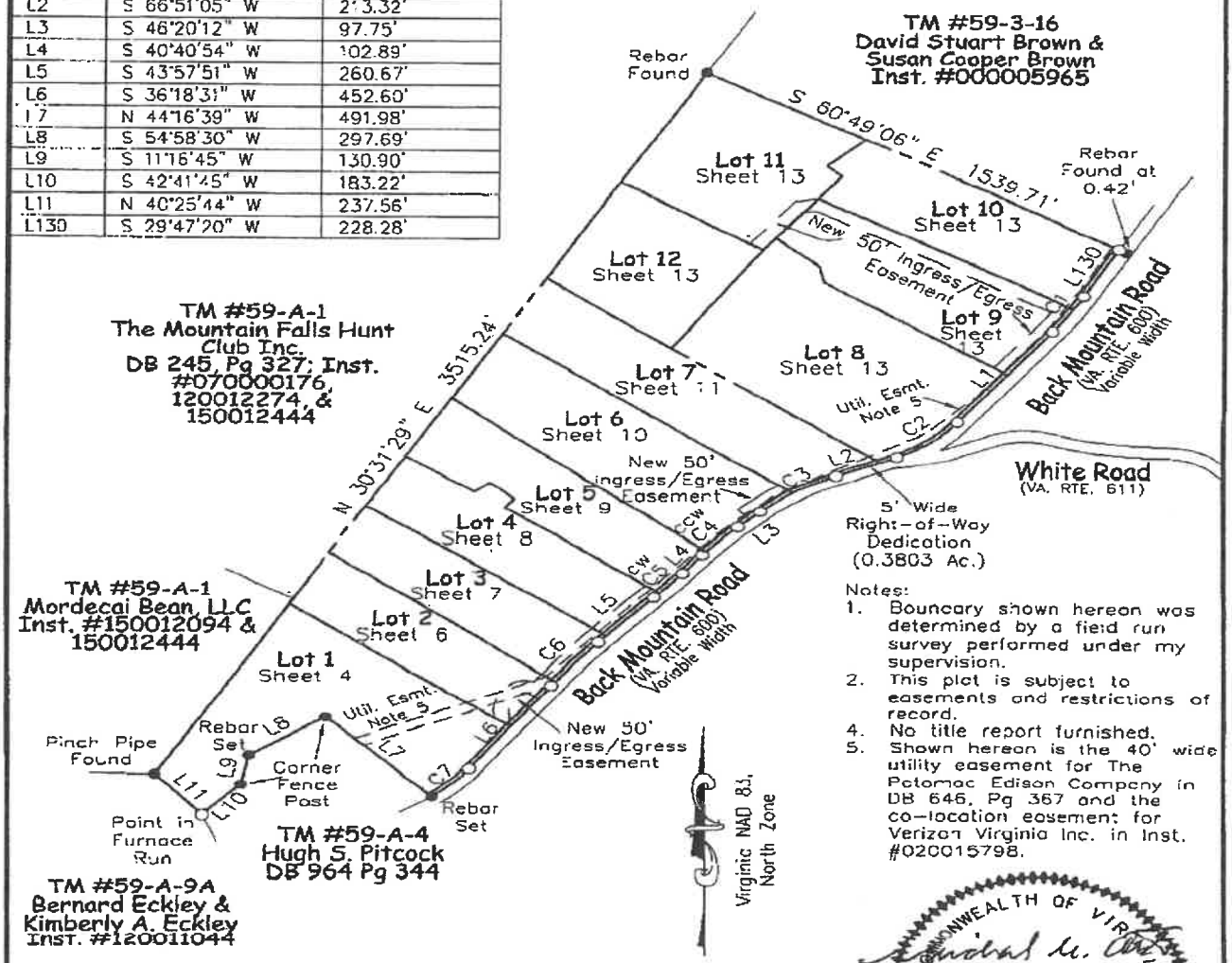
AREA TABULATION
PROPOSED:

Lot 7 TM #59-A-6Q	7.843	Ac.
Lot 8 TM #59-A-6R	11.512	Ac.
Lot 9 TM #59-A-6S	6.773	Ac.
Lot 10 TM #59-A-6T	6.565	Ac.
Lot 11 TM #59-A-6U	7.395	Ac.
Lot 12 TM #59-A-6V	5.999	Ac.
R/W Dedication	0.380	Ac.

Notes:
1. Boundary shown herein was determined by a field run survey performed under my supervision.
2. This property is subject to easements and restrictions of record. Not all easements may be shown.
3. No title report furnished.
4. A ten (10) foot wide Utility and Drainage Easement is hereby created along all property lines.
5. The proposed 50' Wide Ingress/Egress Easements are hereby created and are also for the purposes of Utilities and Drainage.
6. All easements shown on all Sheets not otherwise existing are hereby created.
7. Shown hereon is the 40' wide utility easement for The Potomac Edison Company in DB 646, Pg 367 and the co-location easement for Verizon Virginia Inc. in Inst. #020015798. The location of this easement is based upon the overhead utility line as it exists on the ground.
8. Sight Distance Easements shown hereon are for the benefit of and enforceable by the Virginia Department of Transportation. No structure shall be built within the confines of the Sight Distance Easement and the Virginia Department of Transportation shall have the right to trim and clear any trees, shrubbery or other vegetation, structures, signs and/or other visual barriers that could obstruct the site distance of a driver preparing to enter Back Mountain Road.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1274.86'	187.27'	187.10'	S 33°59'50" W	8°24'59"
C2	509.93'	254.95'	252.30'	S 52°31'42" W	28°38'45"
C3	820.44'	293.76'	292.20'	S 56°35'39" W	20°30'54"
C4	1662.04'	164.04'	163.98'	S 43°30'33" W	5°39'18"
C5	2419.02'	138.59'	138.57'	S 42°19'22" W	3°16'57"
C6	1809.71'	241.80'	241.62'	S 40°08'11" W	7°39'20"
C7	665.19'	173.58'	173.09'	S 43°47'03" W	14°57'04"

LINE	BEARING	DISTANCE
L1	S 38°12'19" W	504.11'
L2	S 66°51'05" W	213.32'
L3	S 46°20'12" W	97.75'
L4	S 40°40'54" W	102.89'
L5	S 43°57'51" W	260.67'
L6	S 36°18'31" W	452.60'
L7	N 44°16'39" W	491.98'
L8	S 54°58'30" W	297.69'
L9	S 11°16'45" W	130.90'
L10	S 42°41'45" W	183.22'
L11	N 40°25'44" W	237.56'
L130	S 29°47'20" W	228.28'



Notes:

1. Boundary shown hereon was determined by a field run survey performed under my supervision.
2. This plat is subject to easements and restrictions of record.
4. No title report furnished.
5. Shown hereon is the 40' wide utility easement for The Potomac Edison Company in DB 646, Pg 367 and the co-location easement for Verizon Virginia Inc. in Inst. #020015798.

COMMONWEALTH OF VIRGINIA
MICHAEL M. ARTZ
Lic. No. 1513-B
10/15/16
LAND SURVEYOR

Index Sheet, Final Plat
Back Mountain Ridge Estates

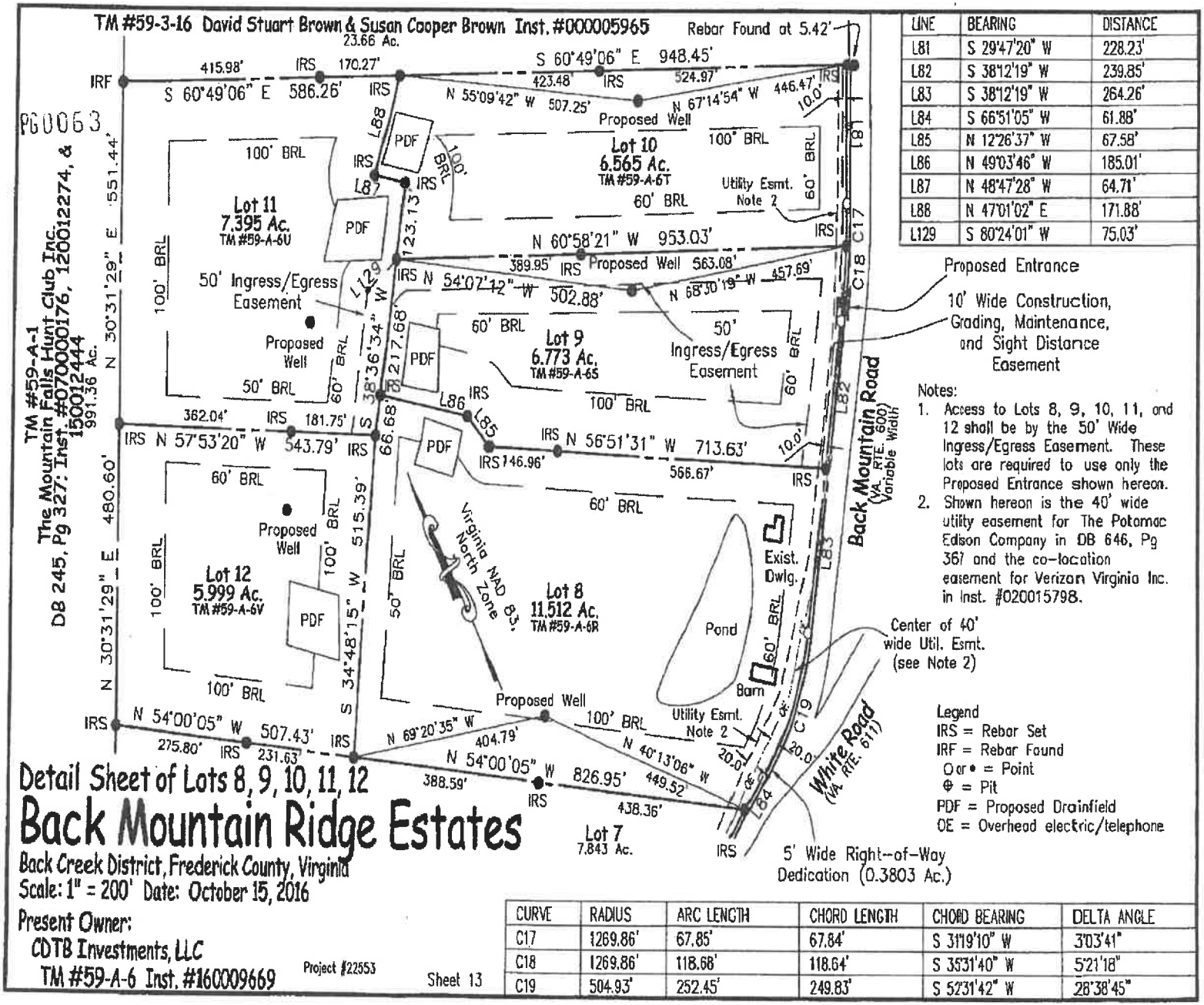
Back Creek District, Frederick County, Virginia
Scale: 1" = 500' Date: October 15, 2016

Present Owner:
CDTB Investments, LLC
TM #59-A-6 Inst. #160009669

720 Artz Road
Woodstock VA 22664
540-327-3233

Project #22553

Sheet 3



LINE	BEARING	DISTANCE
L81	S 29°47'20" W	228.23'
L82	S 38°12'19" W	239.85'
L83	S 38°12'19" W	264.26'
L84	S 66°51'05" W	61.88'
L85	N 12°26'37" W	67.58'
L86	N 49°03'46" W	185.01'
L87	N 48°47'28" W	64.71'
L88	N 47°01'02" E	171.88'
L129	S 80°24'01" W	75.03'

Notes:
1. Access to Lots 8, 9, 10, 11, and 12 shall be by the 50' Wide Ingress/Egress Easement. These lots are required to use only the Proposed Entrance shown hereon.
2. Shown hereon is the 40' wide utility easement for The Potomac Edison Company in DB 646, Pg 367 and the co-location easement for Verizon Virginia Inc. in Inst. #020015798.

Legend
IRS = Rebar Set
IRF = Rebar Found
○ or • = Point
⊕ = Pit
PDF = Proposed Drainfield
OE = Overhead electric/telephone

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C17	1269.86'	67.85'	67.84'	S 31°19'10" W	3°03'41"
C18	1269.86'	118.68'	118.64'	S 35°31'40" W	5°21'18"
C19	504.93'	252.45'	249.83'	S 52°31'42" W	28°38'45"

170000512

PG0015

7563-12527
EBY/cmj

THIS AMENDED DEED OF DEDICATION, made this 13 day of January, 2017, by and between **CDTB INVESTMENTS, L.L.C.**, a Virginia Limited Liability Company, hereinafter called Declarant (Grantor indexing purpose), and **FREDERICK COUNTY, VIRGINIA**, (Grantee indexing purposes).

WHEREAS, by Deed of Dedication dated January 3, 2017 of record in the Office of the Clerk of the Circuit Court of Frederick County, Virginia, as Instrument 170000200 under Paragraph 12, the Grantor herein further reserves to itself, its successors and assigns an easement ten (10') feet wide along each boundary line of each lot for installation of telephone and electric lines, water and sewer lines, cables, drainage and other ususal utilities. The Grantor further reserves such slope and drainage easements along rights of way and across lots as are reflected in the aforesaid referenced plats, said easements being dedicated to the public use for maintenance of the streets and roads; and,

1m 53-A-6

WHEREAS, the Grantor hereby desires to vacate, terminate and extinguish this reservation of easement(s) as to any septic fields or septic lines that may be located within the aforesaid ten (10') foot reserved utility easement; and,

WHEREAS, the Grantor, now desires to amend the aforesaid Deed of Dedication as set forth below.

WITNESSETH:

NOW THEREFORE, that for and in consideration of the premises and the benefits which will accrue, by reason of this Amended Deed of Dedication, the Grantor hereby amends the aforementioned Deed of Dedication, as follows:

Paragraph 12 is hereby amended as follows

PG 0016

The Grantor hereby vacates, terminates and extinguishes this reservation of easement (s) as to any septic fields or septic lines that may be located within the aforesaid ten (10') foot reserved utility easement; and,

Except as modified herein, the remainder of the covenants in the aforementioned Deed of Dedication shall remain in full force and effect.

WITNESS the following signature and seal:

CDTB INVESTMENTS, L.L.C.
a Virginia Limited Liability Company

By: EFD INVESTMENTS, L.L.C, IT'S SOLE MEMBER

By: _____ (SEAL)
EUGENE F. DEARING, Manager

State of FLORIDA
City/County of Monroe, To-wit:

The foregoing Amended Deed of Dedication was acknowledged before me this 13th day of January, 2017, by Eugene F. Dearing, III, as Manager, a duly authorized officer of EFD Investments, LLC.

WILLIAM GARCIA
Notary Public - State of Florida
Commission # GG 027230
My Comm. Expires Sep 6 2020
Bonded through National N...

_____
Notary Public: WILLIAM GARCIA

VIRGINIA: FREDERICK COUNTY, SCT:
This instrument of writing was produced to me on
1-18-17 at 10:21 am
and with certificate acknowledgement thereto annexed was admitted to record. Tax imposed by Sec. 58.1-802 of
$ N/A, and 58.1-801 have been paid, if assessable.
Rebecca P. Hagan, Clerk