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**SALE PRICE: \$0.00**

**TITLE INSURANCE UNDERWRITER: NONE**

Tax Map No.: Unassigned and tax-exempt .

THIS DEED OF CONVEYANCE, DECLARATION OF COVENANTS, RULES, RESTRICTIONS AND RESERVATION OF RIGHTS AND EXTINGUISHMENT OF REVERSIONARY RIGHTS, are made and entered into this the 28<sup>th</sup> day of February, 2017, by and between MOUNTAIN HERITAGE, INC., a Virginia corporation, hereinafter referred to as "Owner", whose address is 16542 Russell Street, P.O. 1259, St. Paul, Virginia, 24283, as Grantor and Grantee.

**WITNESSETH:**

WHEREAS, the Owner is a non-profit, non-stock corporation established under the laws of the Commonwealth of Virginia which holds fee simple title to that certain real estate lying and being situate in Washington County, Virginia as previously conveyed to it by Deed from the City of Bristol, Virginia to Mountain Heritage, Inc., dated May 20, 2016 and recorded as Instrument #160002048 in the Circuit Court Clerk's Office of Washington County, Virginia; and,

WHEREAS, the aforesaid Deed contains a reversionary clause reserved by the City of Bristol until at least one contiguous and continuous linear mile of the Property is completed for public trail use at which time the aforesaid reversionary rights shall be self-extinguished by recordation of this Deed and certification of its completion; and,

WHEREAS, Owner desires to impose upon the Property certain covenants, rules and restrictions applicable to the "Mendota Trail" and more specifically detailed in the aforesaid Deed which is incorporated herein by reference and shown in an aerial

topographic map attached hereto as Attachment A, containing approximately fourteen linear miles at various widths from the city limits of Bristol, Virginia to the Scott County, Virginia line.

NOW, THEREFORE, for and in consideration of the premises, Owner does hereby declare, covenant and agree, for itself, its successors and assigns, that its right, title and interest in the Property hereinafter described in Attachment A are hereby transferred to Grantee subject to the following conditions and restrictions, which shall run with the land and be binding on all parties and persons claiming under them, and that the section of the Property further described in Attachment B has been completed in excess of one mile as a publicly accessible trail, thereby extinguishing the reversionary rights reserved by the City of Bristol, Virginia, in the aforesaid Deed.

### Covenants, Rules, Restrictions and Reservation of Rights

Subject to the Covenants, Rules, Restrictions and Reservations set forth below, Owner hereby publishes and establishes the rules and regulations for the public use of the Mendota Trail, a section of which is now completed for public use as set forth in Attachment B, under reservations of rights including, but not limited to, the right to amend same from time to time at its sole discretion.

Owner hereby invokes all of its rights, immunities and indemnifications set forth in Virginia Code Section § 21.9-509 and all additional statutes and common law applicable to immunity from civil and criminal liability now in force (and all future amendments and additions thereto) and any new laws adopted or common law established hereinafter.

All users of the section of the Mendota Trail (Trail) set forth in Attachment B hereto (and extensions officially completed and recorded hereafter) are to abide by all applicable federal, state and local laws, regulations and ordinances in addition to the following specific rules and regulations hereby placed upon the subject Property by Owner:

1. The Trail is open to the public for the exclusive purposes of walking, running or biking; no hunting or the discharging of firearms is allowed.
2. No motorized vehicles are allowed on the Trail except for authorized maintenance, rescue and law enforcement vehicles and vehicles used by adjoining landowners and their invitees who possess the duly recorded and

legal right to cross the Trail to access the opposite side in a perpendicular direction.

3. No motor vehicles are otherwise allowed on the Trail unless agreed to by Owner and authorized users in writing and recorded in the deed books of Washington County, Virginia and as designated by signage authorized by the Owner or its assignees.
4. No gates, cattle guards, fences, turnstiles or other obstructions of any kind or nature shall be allowed on any portion of the Trail unless installed by Owner for safety or other purposes consistent with the use of the Trail or pre-approved in writing by Owner and duly recorded.
5. Users of the Trail who are physically disabled as defined by federal law and cannot otherwise physically walk or bike on the Trail may use a single passenger battery powered vehicle to traverse the Trail as long as such vehicle is operated on the far right edge of the Trail in order to allow other users to freely and safely pass to the left and that when crossing or riding parallel to a section of public road such user obeys all traffic and other laws regarding the use of untagged and slow moving vehicles; during muddy or slick conditions or when the Trail traverses steep sections or sections under construction disabled users are advised to not use those portions of the Trail until such potentially hazardous conditions are remedied.
6. No other form of travel except those listed above are allowed on the Trail and any person using any other form of travel on the Trail shall be deemed to be committing criminal trespass and subject to prosecution.
7. Non-vicious dogs may be allowed on the Trail as long as the owner or handler of the dog has the animal securely leashed and fully under control; all dog feces are to be immediately removed from the Trail and placed on the shoulders of the Trail that are not being used for walking or biking, otherwise no animals may be brought or allowed onto the Trail by users.
8. The Trail is open to the public from dawn to dusk every day and all users are advised that they are responsible for their own safety and the safety of minors that are under their supervision and that no one under the age of eighteen is allowed on the Trail without adult supervision; night time use of the Trail is

restricted to events pre-approved in writing by Owner and by law enforcement to investigate potential criminal acts.

9. No littering of any material thing or the use of tobacco or alcohol products is allowed on the Trail and all illegal activities whatsoever are prohibited.
10. Users of the Trail are advised that telephone cell service is not accessible on many sections of the Trail and emergency calls may not be received by rescue personnel so it is further advised to always have an able-bodied adult companion when using the Trail so emergency help can be sought.
11. When seeking emergency help or otherwise attempting to leave the Trail onto adjoining private properties be advised that adjoining landowners may or may not be open to Trail users coming onto their properties and that threats or acts of violence or charges of criminal trespass could occur; accordingly Trail users should never go onto adjoining private properties without permission.
12. By using the Trail each user is assumed to be aware of these covenants, rules and restrictions through the doctrine of public and constructive notice and all persons using the Trail are by the act of such use waiving any civil claims they may have against the Owner and its employees, contractors, volunteers, agents, representatives, board members and successors for injuries to themselves and their minor children, wards or estates and damages to their property.
13. Owner has no duty to patrol the Trail for public safety or rescue purposes and hereby provides notice to the public that none of these services shall be provided by Owner.
14. Further, Owner is not currently providing parking for the use of the Trail and its extensions thereto unless such sections of the Trail wide enough for parking are clearly designated by signage and marked as such; parking on adjoining private properties or the public roads are normally prohibited and users therefore assume the duty to determine if parking is allowed where they intend to park prior to doing so and when the Trail crosses or parallels public roadways users are to obey all related traffic laws pertaining to walking or biking on such roadways including walking on the left hand road shoulder facing traffic, biking on the right hand lane or shoulder of such

roadways and being alert when crossing such roads in a safe and legal manner.

- 15. Owner and its successors reserve the right to ban any user or potential user of the Trail who violates or threatens to violate any of the above covenants, rules, restrictions, regulations, applicable federal, state and local laws, and ordinances by issuing and serving a "no trespass" notice upon such person; a violation of a "no trespass" notice is a Class One misdemeanor punishable by a fine up to \$2500.00 and 12 months in jail.

**LIMITATIONS OF LIABILITY**

**USE OF THE TRAIL AND EXTENSIONS THERETO IS ALLOWED ONLY AT THE USERS' OWN RISK AND BY CHOOSING TO USE THE TRAIL USERS ARE RELEASING, INDEMNIFYING AND HOLDING HARMLESS THE OWNER AND ITS EMPLOYEES, CONTRACTORS, VOLUNTEERS, AGENTS, REPRESENTATIVES, BOARD MEMBERS AND SUCCESSORS FROM ANY AND ALL CIVIL CLAIMS FOR PERSONAL INJURIES OR DEATH OR DAMAGE TO PROPERTY IN BEHALF OF THEMSELVES AND THEIR MINOR CHILDREN, WARDS AND ESTATES.**

**Severability**

The provisions hereof shall be deemed individual and severable and the invalidity or partial invalidity or unenforceability of any one provision or any portion thereof shall not affect the validity or enforceability of any other provision thereof.

Executed this day by Frank Kilgore, authorized agent of Mountain Heritage, Inc., a non-profit Virginia corporation.

MOUNTAIN HERITAGE, INC.



By Frank Kilgore  
FRANK KILGORE, AUTHORIZED AGENT

ATTEST: Frank Kilgore  
SECRETARY, MOUNTAIN HERITAGE, INC.

STATE OF VIRGINIA  
COUNTY OF Wise, to wit:

The foregoing document was duly signed and acknowledged before me by  
Frank Kilgore and Jean Kilgore, this the 28<sup>th</sup> day of  
February, 2017.

My commission expires: 5/31/18 Notary # 318283

Terisa Burns  
NOTARY PUBLIC

INSTRUMENT #170000993  
RECORDED IN THE CLERK'S OFFICE OF  
WASHINGTON COUNTY ON  
FEBRUARY 28, 2017 AT 12:05PM

PATRICIA S. MOORE, CLERK  
RECORDED BY: RHR



**Legend**

- Manor's Trail
- Private Forest
- Public Forest
- Private Road
- Stream
- Hollins River, New Park

WASHINGTON COUNTY VIRGINIA  
MENDOTA TRAIL



1 0.5 0 1 Miles



BRISTOL, VA

# MT - Wagner to Haskell Station on 02/26/2017

DISTANCE

START ELEV.

MAX ELEV.

CLIMB

**2.0**

**1850**

**2112**

**317.94 FT**

MILES

