

BOOK 083 PAGE 86

EASEMENT
FOR

Inst.
No. 7638

FLOODWATER RETARDING STRUCTURE

For and in consideration of one dollar (\$1.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged,

Garland Halterman and Ruth C. Halterman his wife

(Name)

of Scherr, W.Va.

(Address)

Grantor,

does hereby grant, bargain, sell, convey and release unto

Potomac Valley Soil Conservation District

(Name)

of Moorefield, W.Va.

(Address)

its successors and assigns, Grantee, an easement in, over and upon a portion of the following described land situated in the county of Grant, State of West Virginia, to-wit:

A tract of land containing 143 acres, more or less, recorded in Deed Book No. 35, Page No. 411, and bounded:

On the north by lands of A. N. Hawk

On the east by lands of Jesse Idleman

On the south by lands of Marvin Bible

On the west by lands of Lester Halterman

and the portion of said lands subject to easement shall approximate 26 acres, situate as follows on the above described tract: Starting at a point 600 feet up stream from the property boundary between said Grantor and Jesse Idleman thence proceeding up stream in a north westerly direction to the property boundary between the Grantor and Lester Halterman. To include an area each side of the stream adequate for the construction of a flood water control dam, and also the right to use and obtain such fill material, if necessary, for use in said construction.

For or in connection with the construction, operation, maintenance, and inspection of a floodwater retarding structure, designated as site #6 in the plans for Patterson Creek Watershed, to be located on the above described land; for the flowage of any waters in, over, upon, or through such structure; and for the permanent storage and temporary detention, either or both, of any waters that are impounded, stored or detained by such structure.

1. In the event construction of the above described works of improvement is not commenced within 5 years from the date hereof, the rights and privileges herein granted shall at once revert to and become the property of the Grantor, his heirs and assigns.
2. This easement includes the right of ingress and egress at any time over and upon the above described land of the Grantor and any other land of the Grantor adjoining said land.

3. There is reserved to the Grantor, his heirs and assigns, the right and privilege to use the above described land of the Grantor at any time, in any manner and for any purpose not inconsistent with the full use and enjoyment by the Grantee, its successors and assigns, of the rights and privileges herein granted.
4. The Grantee is responsible for operating and maintaining the above described works of improvement.
5. Special provisions: The Grantor agrees to permit Dorsey Kessel's access road to be relocated over his land by way of the emergency spillway to connect to the undisturbed portion of said road up stream from the proposed dam. TO HAVE AND TO HOLD the aforesaid easement in, over and upon the above described land of the Grantor, with all the rights, privileges, and appurtenances thereto belonging or in anywise appertaining, unto the Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF the Grantor has executed this instrument on the 9 day of Feb., 19 66.

Gardner H. Hall (SEAL)
(Signature of the Grantor)
Ruth C. Halter (SEAL)
(Signature of the Grantor)

Attestation by Notary
Public Required

STATE OF WEST VIRGINIA

COUNTY OF Grant TO-WIT:

I, Alvin K. Layton, a Notary Public in and for the said county of Grant, do certify that Gardner H. Hall and Ruth C. Halter, whose names are signed to the writing hereto annexed bearing date the 9 day of February, 19 66, have this day acknowledged the same before me in my said county.

Given under my hand this 9 day of Feb., 19 66. My commission expires 4-23-69.

Alvin K. Layton
Notary Public

Attestation by Notary
Public Required

STATE OF WEST VIRGINIA

State of West Virginia, Grant County, to-wit:

On the 11th day of March, 1966, this Easement with the certificates thereon annexed, was filed in the Clerk's Office of the County Court of Grant County, and admitted to record at 8:51 A.M. Fee \$ 7 paid.

Attest:

Elton M. Hiser Clerk
County Court, Grant County, West Virginia

THE WITHIN INSTRUMENT WAS PREPARED BY OR UNDER THE DIRECTION OF JAMES PAUL GEARY,
ATTORNEY, 5 MAIN STREET, PETERSBURG, WEST VIRGINIA.