

# Entrances

# Entrance Farm

"A road way is to be  
provided for a foard  
[ford] crossing at appx  
sta 1094+50"

a road way is to be provided for a road  
crossing at appx Sta 1094+50.

acres are included in the present right of way, leaving            acres, more or less additional land.

Consideration: \$ 750.00 for land, furrows, tracing down or mooting three buildings, apple and sugar trees, and all damage to residence

It is agreed the State is to lay a 1" water line from the north side of road at sta 1097+90 to a point back of here house and construct a concrete watering trough 6 x 4 x 2.

A road way is to be provided for a foard crossing at appx sta 1094+50 The timber is reserved by the owner and is to be cut under the Standard Timber clause.

the owner agrees to clear the right of way before payment is made, and in the event they should fail to do so, the State has the right to remove a mill and deduct the cost from the above consideration.

In event the additional consideration hereinabove referred to is, in the opinion of the road officials of the Commonwealth, excessive, the Commonwealth shall not be obligated by this agreement.

This agreement shall be binding upon the landowner from and after execution thereof by the landowner, and shall become null and void one year from the date hereof, and the rights of all parties shall cease and determine, unless further extended by the landowner, or unless within that time, or any extension thereof, the Commonwealth shall have commenced construction or improvement of said road along, through or over said strip or parcel of land, or shall have notified the landowner of its intention to demand deed under the provision hereof, or shall have demanded a deed.

The landowner covenants and agrees for himself, his heirs and assigns and successors, that the considerations herein mentioned shall be in lieu of any and all claims to compensation and damages by reason of the location, construction and maintenance of said road.

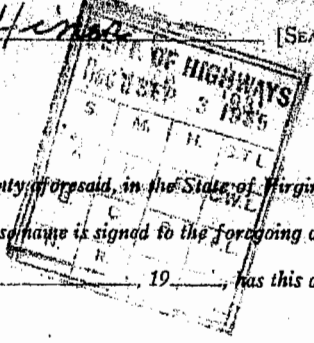
WITNESS the following signatures and seals:

"A road way is to be provided for a foard [ford] crossing at appx sta 1094 +50."

H. A. Hiner [SEAL]  
Harry S. Hiner [SEAL]  
Mary S. Hiner [SEAL]

STATE OF VIRGINIA,  
COUNTY OF \_\_\_\_\_

To-wit:



I, \_\_\_\_\_, a Notary Public, in and for the County of \_\_\_\_\_, in the State of Virginia, do certify that \_\_\_\_\_ whose name is signed to the foregoing and annexed writing, bearing date on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, has this day acknowledged the same before me in my County aforesaid.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Notary Public.

My Commission expires \_\_\_\_\_



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF TRANSPORTATION

1401 EAST BROAD STREET  
RICHMOND, 23219-1939

DAVID R. GEHR  
COMMISSIONER

STUART A. WAYMACK  
DIRECTOR, RIGHT OF WAY AND UTILITIES

November 17, 1997

Mr. Anthony M. O'Connell  
216 Governor's Lane, Apartment 12  
Harrisonburg, Virginia 22801

Dear Mr. O'Connell:

As I promised when we met on Friday, November 14, 1997, enclosed is a copy of the September 15, 1935, agreement between VDOT and the "Hinners". Also enclosed is a copy of the actual deed conveying the property to VDOT, which is dated October 21, 1935, and recorded in the Highland County Courthouse in Deed Book 29, Pages 503 through 505.

For your benefit, the Virginia Department of Transportation reads the handwritten section of the agreement with the Hinners to be as follows:

Consideration: \$750.00 for land, fencing, tearing down or moving three buildings, apple and sugar trees, and all damages to residue.

It is agreed the State is to lay a 1" water line from the north side of road at Station 1077+90 to a point back of her house and construct a concrete watering trough 2' x 4' x 2'.

A road way is to be provided for a foard crossing at approximate Station 1044+50. The timber is reserved by the owner and is to be cut under the standard timber clause.

The owner agrees to clear the right of way before payment is made and in the event they should fail to do so, the State has the right to remove same and deduct the cost from the above consideration.

(Where handwriting was not clear, the words have been underlined and italicized.)

The correct station is 1094+50. Station 1044+50 is not on the landowners property. Reference sheet 13 of State Highway Project 724-F.

Mr. Anthony M. O'Connell

Page 2

November 17, 1997

As I indicated to you, I have no reason to believe the consideration described was not provided to the Hiners some 62 years ago. Also, the Attorney General's Office has provided comments on the legal aspects of this situation.

Should you need to meet with me again in the future, an appointment arranged through my secretary will assure that I will be here.

Sincerely,

A handwritten signature in black ink, appearing to read "S. A. Waymack". The signature is fluid and cursive, with a long horizontal stroke at the end.

S. A. Waymack, Director  
Right of Way and Utilities Division

RRB:efs  
Enclosures

This Agreement, Made this 11 day of Sept., 1935, by and between D. H. Hiner, Harry J. Hiner & Mary J. Hiner of Highland County, Virginia, of the first part, hereinafter called "Landowner," and COMMONWEALTH OF VIRGINIA, of the second part, hereinafter called "Commonwealth,"

Witnesseth: That, Whereas, It is proposed by the Commonwealth to construct or otherwise improve a part of the State Highway No. 18, Project 724 F, between Bath Co. Line and Vanderpool in Highland County, Virginia, in accordance with the plans and specifications thereof on file in the office of the Department of Highways, Richmond, Virginia;

Now Therefore, For and in consideration of the premises, and of the benefits accruing or to accrue to the landowner by reason of the location and construction, or other improvements of said road, and for the further consideration of one dollar in hand paid to the landowner, receipt of which is hereby acknowledged, the landowner doth hereby covenant and agree to grant and convey in fee simple unto the Commonwealth of Virginia by good and sufficient deed of general warranty, properly executed, acknowledged and delivered, and free from encumbrances, and with usual covenants of title, upon demand of the Commonwealth, and upon payment to the landowner of the additional consideration as hereinbelow detailed a strip or parcel of land as shown by the plat and survey of said road along, through or over said lands, said plat and survey being on file in the office of the Department of Highways, at Richmond, Virginia, identified as Sheet No. 13 & 14, Project No. 724 F, Route 18, all of the said strip or parcel of land being located in Highland County, Virginia, and briefly described as follows:

Beginning at a point on the center line of Route # 18 between Bath Co. Line and Vanderpool, shown on the plans as being Sta. 1085+60 and adjoining the lands of Henkle Terry thence N15°54'W 207.6 ft. to Sta. 1087+67.6 thence with a 7°-00 curve (right) 1028.6 ft. to Sta. 1097+96.2; thence N56°06'E 287.5 ft. to Sta. 1100+83.5; thence with a 16° curve (left) 7.5 ft. to the lands of J. E. Hiner, being Sta. 1100+91.

The land to be conveyed hereunder being a strip or parcel of varying width lying on the West (left) side of and adjacent to the herein above described centerline, and being 40 ft. in width at Sta. 1085+60 thence narrowing to 35 ft. at Sta. 1087+00; and to 30 ft. from Sta. 1088+50 to Sta. 1096+00; thence widening to 35 ft. at Sta. 1097+00 and thence narrowing to 25 ft. at Sta. 1098+00 and continuing 25 ft. to Sta. 1100+91.

Also a strip or parcel of varying width lying on the East (right) side of and adjacent to said centerline and being 85 ft. wide at Sta. 1085+60; thence narrowing to 83 ft. at Sta. 1088+00 and to 75 ft. at Sta. 1089+00; thence widening to 85 ft. at Sta. 1098+00; thence narrowing to 25 ft. at Sta. 1099+00 and continuing 25 ft. to Sta. 1100+91.

Said strips or parcels containing 3.5 acres, more or less, ~~more or less~~



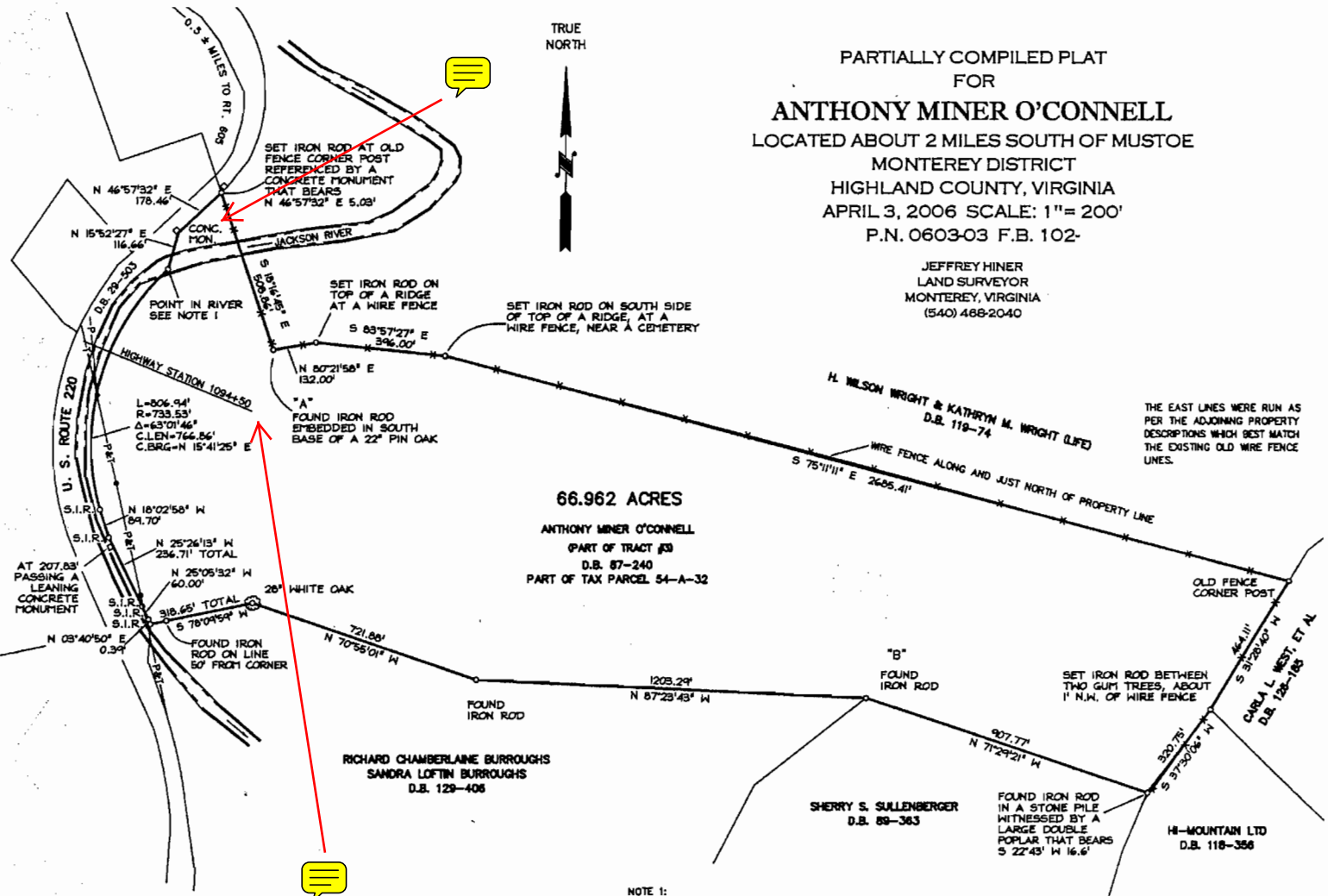


PARTIALLY COMPILED PLAT  
FOR  
**ANTHONY MINER O'CONNELL**  
LOCATED ABOUT 2 MILES SOUTH OF MUSTOE  
MONTEREY DISTRICT  
HIGHLAND COUNTY, VIRGINIA  
APRIL 3, 2006 SCALE: 1"=200'  
P.N. 0603-03 F.B. 102-

JEFFREY HINER  
LAND SURVEYOR  
MONTEREY, VIRGINIA  
(540) 468-2040

THE EAST LINES WERE RUN AS  
PER THE ADJOINING PROPERTY  
DESCRIPTIONS WHICH BEST MATCH  
THE EXISTING OLD WIRE FENCE  
LINES.

TRUE  
NORTH



66.962 ACRES

ANTHONY MINER O'CONNELL  
(PART OF TRACT #30  
D.B. 87-240  
PART OF TAX PARCEL 54-A-32

RICHARD CHAMBERLAINE BURROUGHS  
SANDRA LOFTIN BURROUGHS  
D.B. 129-406

SHERRY S. SULLENBERGER  
D.B. 89-363

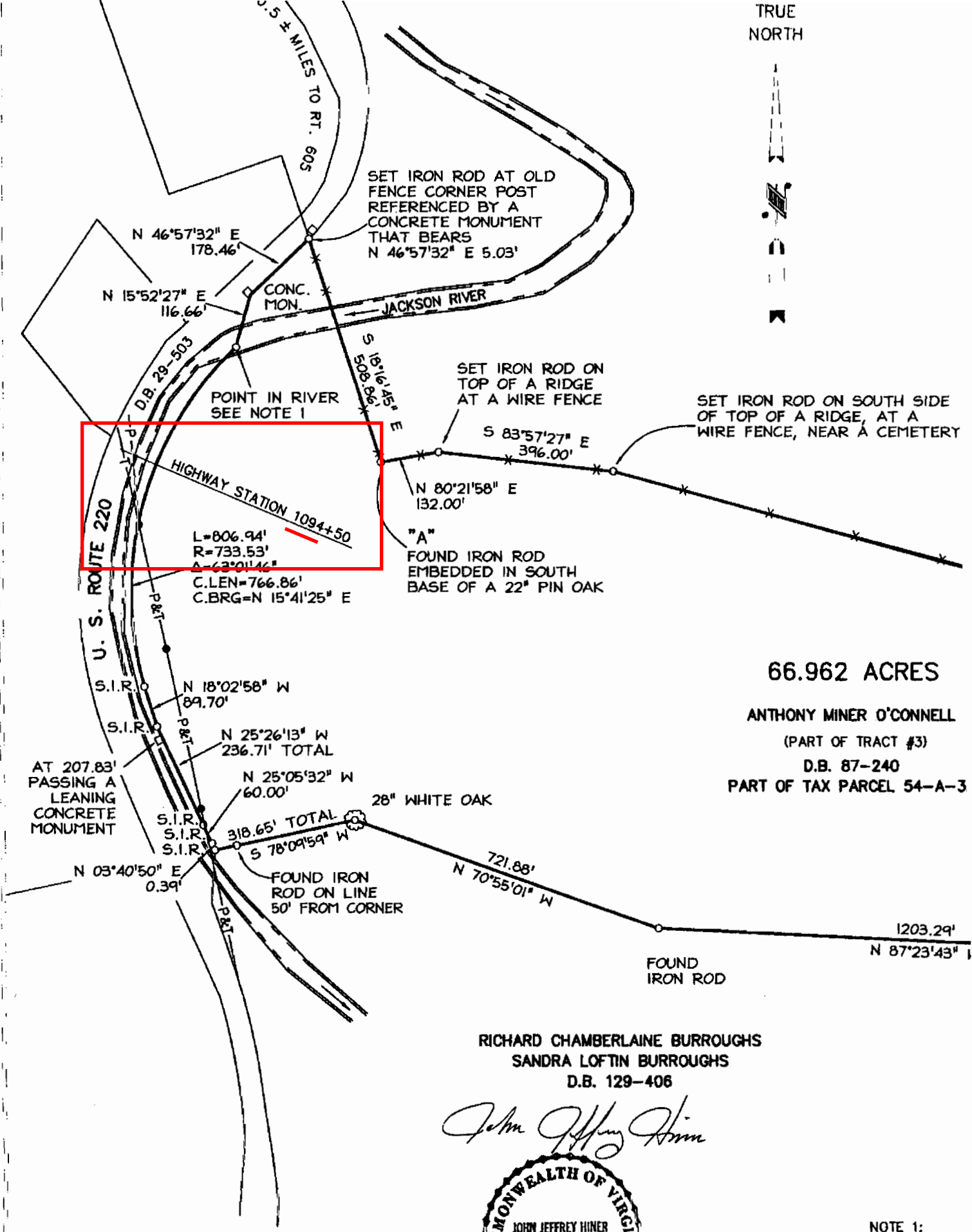
H-MOUNTAIN LTD  
D.B. 118-356

NOTE 1:  
THIS CORNER IS A POINT IN THE RIVER  
WITNESSED BY A 22" ASH TREE THAT  
BEARS S 21°33' W 27.0', AND  
REFERENCED BY A FOUND 2" DRILL  
STEEL 8" TALL IN THE RIVER THAT BEARS  
S 89°08' W 4.83'.

ONLY THE LINES FROM "A" TO "B" AND THE RIGHT OF WAY  
OF U.S. ROUTE 220 WERE RUN AT THIS TIME. ALL OTHER  
LINES ARE BASED ON FORMER SURVEYS.

S.I.R. = SET IRON ROD  
=: DENOTES A POWER POLE  
P&T: DENOTES OVERHEAD POWER  
AND TELEPHONE LINES

TRUE NORTH

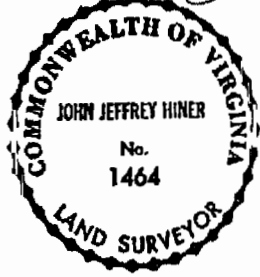


66.962 ACRES

ANTHONY MINER O'CONNELL  
(PART OF TRACT #3)  
D.B. 87-240  
PART OF TAX PARCEL 54-A-3

RICHARD CHAMBERLAINE BURROUGHS  
SANDRA LOFTIN BURROUGHS  
D.B. 129-406

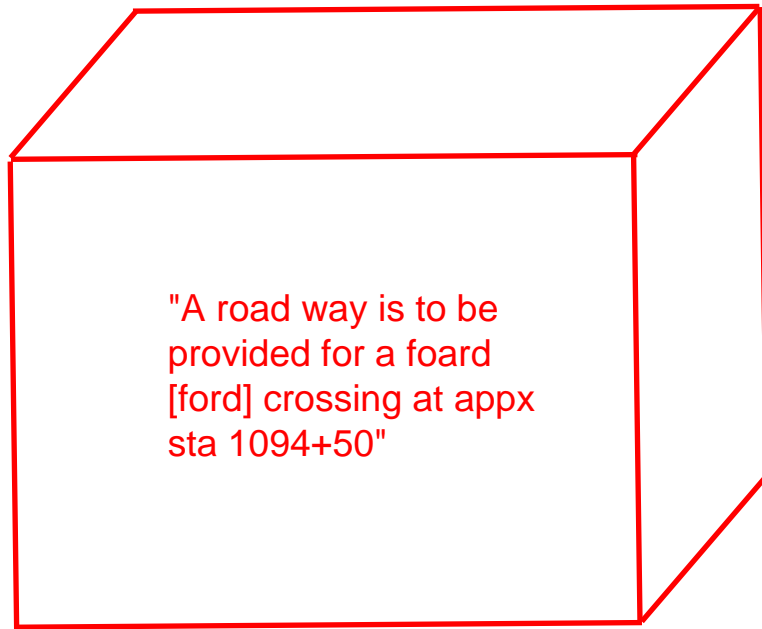
*John Jeffrey Hiner*



S.I.R. = SET IRON ROD  
●: DENOTES A POWER POLE  
P&T: DENOTES OVERHEAD POWER AND TELEPHONE LINES

NOTE 1:  
THIS CORNER IS  
WITNESSED BY  
BEARS S 21°33'  
REFERENCED BY  
STEEL 6" TALL  
S 69°06' W 4.





**Entrance  
Accotink**

Anthony O'Connell  
6541 Franconia Road  
Springfield, VA 22150

June 27, 1989

Commissioner Carl Sell  
2100 Chain Bridge Road  
Fairfax, VA 22030

Reference: Hunter Tract/RZ 86-L-073/  
Public Road to Parcel 17

Dear Commissioner Sell:

I am writing on behalf of my mother, Ms. Jean O'Connell, owner of Parcel 17.

Zoning attorneys tell me that this property cannot be developed at its present zoning of R-1 unless its required public streets access the public system over continuous dedicated public streets. The enclosed FDP of RZ 86-L-073 shows only a meandering right-of-way connecting to a private street with perpendicular parking. A public street cannot be built on the right-of-way, as VDOT will not permit such a connection. (Please see Appendix I.) I understand that under the rules of interparcel access, property cannot be landlocked, nor can a potential development under existing zoning be negated by adjacent rezoning.

Cinder Bed Road does not access Parcel 17. Aside from its opening into an industrial development, and whether construction of a public road down the center of a flood plain would be approved, this property was never dedicated as a road. (Please see Appendix II.)

Over the past several years, requests to get a proper access through RZ 86-L-073 have been in vain. Without the Carr development, there is a possibility of future access; if their plan is approved now, Parcel 17 will be forever landlocked.

Mr. John Herrington, Chief of the Site Analysis Branch of the Office of Transportation, states in his letter of December 23, 1986, page 10, footnote #3:

"A stub connection needs to be provided to parcel #17 in order to provide public street access to a potential residential development."

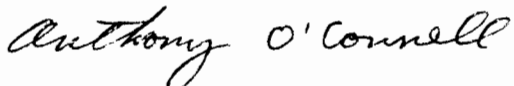
Construction of a public road to Parcel 17 is needed, and Ms. O'Connell is willing to share the cost equally with the rezoning applicant. In the past, access to Parcel 17 was from Beulah Street through the Hunter tract/RZ 86-L-073. This road is shown in red on the 1958 tax map in Appendix II.

Commissioner Carl Sell  
June 27, 1989  
Page Two

I understand that the developer has proffered a large amount of money for off-site road construction, and that politically, this "tail wags the dog." If gifts make things happen, please consider Jean O'Connell's contributions listed in Appendix III. Although, like members of the Lee District Land Use Advisory Committee, her expertise was given without thought of future compensation, I hope you will weight the long term value of her many generous acts.

Thank you for your attention.

Yours truly,

  
Anthony O'Connell

Enclosures:

FDP  
Appendices I, II, III

cc: Supervisor Joseph Alexander  
Mr. Robert Lawrence  
Members, Lee District Land Use Advisory Committee  
Members, Fairfax County Planning Commission  
Mr. Lin Lemon, Jr.  
Mr. John Herrington  
Mr. John Winfield  
Mr. Kevin Guinaw  
Ms. Barbara Byron  
Ms. Jean O'Connell  
Mr. Ed White  
Mr. Ken Sanders



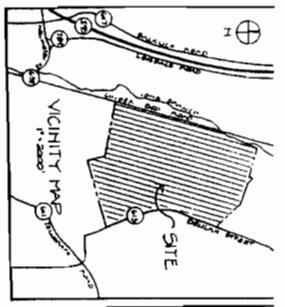
SEE SHEET 4 FOR NOTES AND TABULATION.



N/F  
O'CONNELL  
ZONED R-1  
USE VACANT

FAIRFAX COUNTY  
PARK AUTHORITY  
AMBERLEIGH  
ZONED R-5  
USE PARK

FAIRFAX COUNTY  
PARK AUTHORITY  
AMBERLEIGH  
ZONED R-5  
USE PARK



N/F  
HARPER  
ZONED R-1  
USE VACANT

ACCESS EASEMENT

519 57 55 W 274 73

N/F  
BAGGETT-THARPE  
ZONED R-1  
USE RESIDENTIAL

BEULAH STREET

ROUTE 613

KINGSLOWNE  
ZONED P-1  
USE MIXED USE

SEE NOTE #7



Public Street  
Private Street

## APPENDIX I

### A. The applicable County Zoning Ordinances include:

2-407 "Access to Residential Lots"

"All dwelling units shall have access to a dedicated Public Street except as provided for by the provisions of Part 3 of Article 11."

11-301 I paraphrase this lengthy section. It specifies where private streets are permitted. It does not include R-1.

11-202.1 "Limitations"

"Private streets within a development shall be limited to those streets which are not required or designed to provide access to adjacent properties as determined by the Director."

### B. The applicable Public Facilities Manual sections include:

2-0102.1 "All single family detached dwelling unit building sites shall have frontage on existing state maintained public streets or standard streets for which construction is to be provided in accordance with 101-2-6 of the Fairfax County Code."

7-0101.1 "Streets shall be provided to give access to adjoining acreage to the satisfaction of the Director. Also, streets shall be provided to connect with appropriate highways and with appropriate streets to adjoining subdivisions."

### C. The County Comprehensive Plan requires coordinated, inter-connected streets.

### D. Section 15.1-466 of the State Code requires that the county subdivision ordinance require a coordinated street network. I understand Virginia's rationale for accepting streets into its system includes:

1. Public streets have different specifications than private streets. Virginia will accept into its system only streets that meet public street specifications.
2. In order to maintain a public street, VDOT has to get to it. VDOT cannot go over private streets.

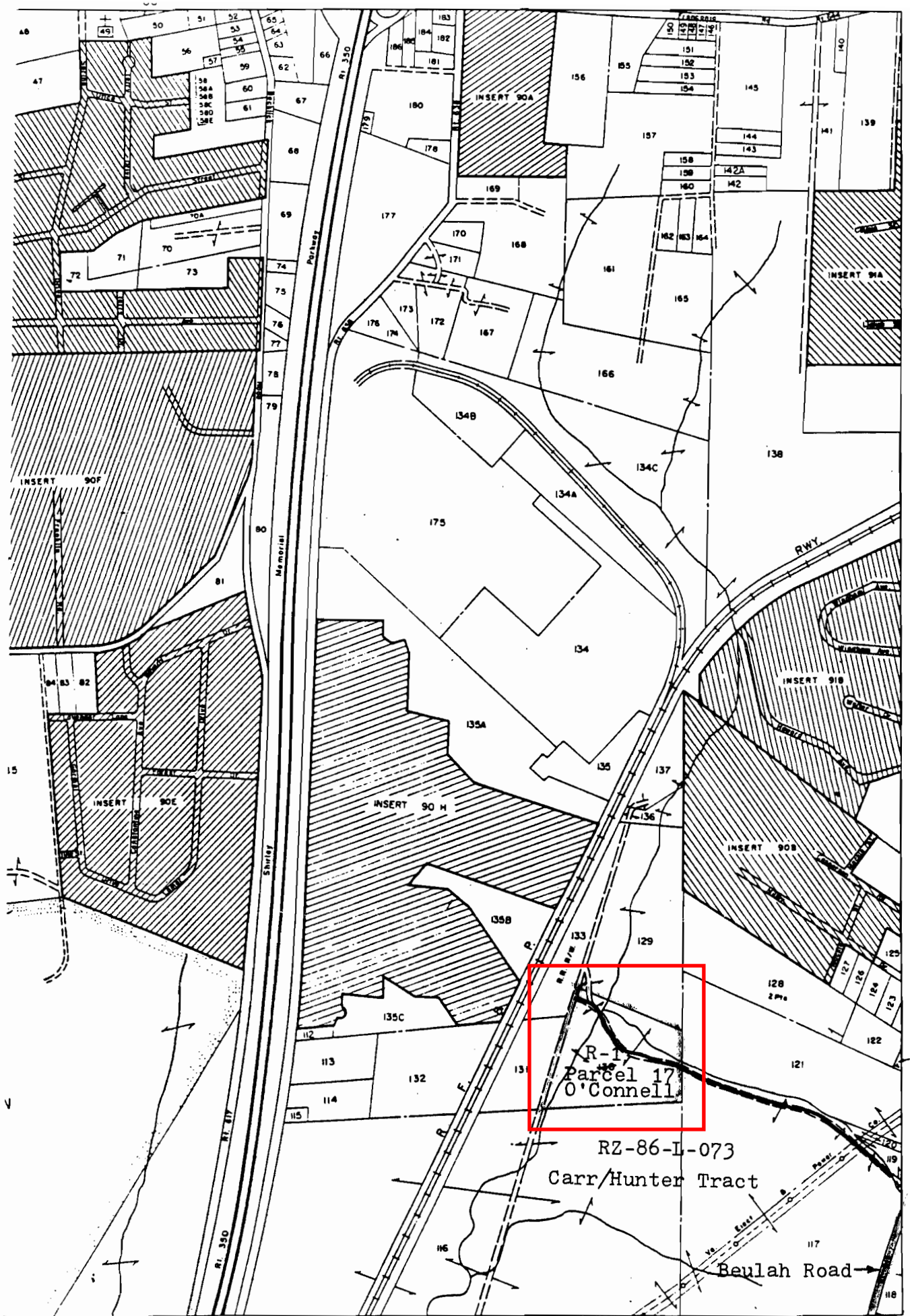
## APPENDIX II

My research of land records back to the 1850's shows no dedication of the abandoned railroad bed or any dedication of the adjacent lands from the 1.0 to 1.49 mile point north of Newington Road (Route 877). This is the portion along RZ 86-L-073 and Parcel 17. It is my understanding that the railroad still owns this property.

The attached 1958 tax map shows the abandoned railroad bed as broken lines (not dedicated), just as it shows the traditional access from Beulah Street to Parcel 17 as broken lines. This Beulah Street to Parcel 17 access is shown in red.

Considerable confusion has arisen because the current tax maps 90-4 and 99-2 show Cinder Bed Road as solid lines (dedicated) up to Parcel 17. These tax maps are incorrect. I believe the error is explained by the attached letter from Ms. Vivian Watts of October 13, 1987. I think that the road status sent by the State to the County is reflected in the County tax maps.

If anyone has any evidence that this property has been dedicated (other than the incorrect tax maps), or has any doubt that Parcel 17 is landlocked, please call me at (703) 971-2855.



R-1  
Parcel 17  
O'Connell

RZ-86-L-073  
Carr/Hunter Tract

Beulah Road



# COMMONWEALTH of VIRGINIA

*Office of the Governor*

*Richmond 23219*

Vivian E. Watts  
Secretary of Transportation  
and Public Safety

October 13, 1987

Mr. Anthony M. O'Connell  
Conservator  
2337 South Thirteenth Street  
St. Louis, Missouri 63104

Dear Mr. O'Connell:

Thank you for your recent letter pertaining to the maintenance of the northern portion of Cinder Bed Road.

I am advised the Department of Transportation has made a thorough review of all information available regarding the extent this road has been officially accepted into the secondary system of State highways. It has been determined that in 1932, a 0.8 mile section, from Newington Road to the north, was added to the system. Effective July 1, 1939, an additional 0.2 mile section was accepted into the system. As a result, the length of Route 637, between Route 877 and its northern terminus, became 1.0 miles. There is no indication of any subsequent acceptance of additional sections of this road into the system.

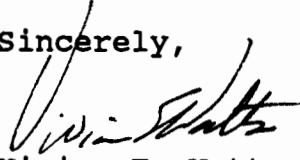
The 1.49 mile length for this section of road indicated on the recent maps of the secondary system in Fairfax County apparently occurred inadvertently in 1967 when the base map for the County was completely revised. However, I understand there is no indication the Department of Transportation officially accepted or performed any maintenance on any portion of this road other than the aforementioned 1.0 mile section.

I regret any inconvenience or misunderstanding the apparent mapping error may have caused. However, in the absence of any evidence to substantiate that the section of road in question was officially added to the system pursuant to applicable State

Mr. Anthony M. O'Connell  
October 13, 1987  
Page 2

statutes, the Department of Transportation has no authority to maintain any portion of this road beyond a point one mile north of Newington Road.

Sincerely,



Vivian E. Watts

cc: Mr. Ray D. Pethtel

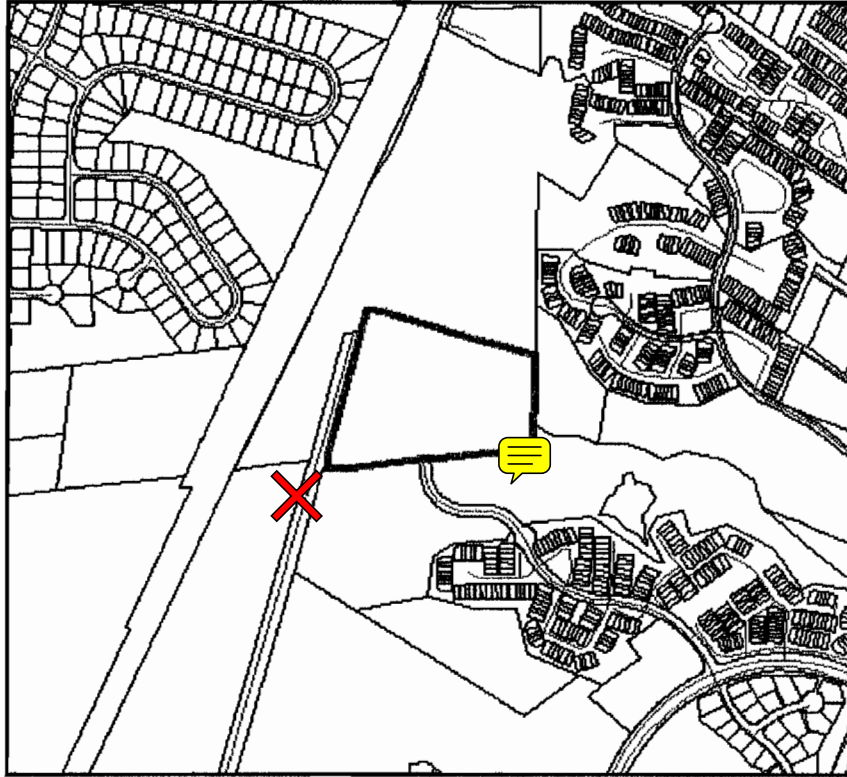
### APPENDIX III

Jean O'Connell has given much to the area during her 52 years of residence. She has received national recognition for her work as a professional landscape designer. She did the landscape design without compensation for:

1. The Franconia Olivet Episcopal Church
2. The Springfield Library
3. The Commonwealth Hospital in Fairfax
4. The Louise Archer Elementary School
5. Grandview Farmhouse and Pavilion, a National Trust for Historic Preservation property at Woodlawn
6. A memorial garden in the National Arboretum
7. The Northern Virginia Mental Health Institute
8. The Prince William Church
9. The 18th Century Magruder House of the Prince George Historical Society
10. The Wolf Trap Elementary School
11. The Pope-Leighey House by Frank Lloyd Wright
12. The Fair Oaks Hospital
13. The Clifton Episcopal Church
14. The Oakton Elementary School
15. The 4-H Club in Winchester
16. The roadbed of the abandoned W&OD Railroad in Vienna, now a bicycle path
17. The Springfield Chamber of Commerce (design of five or six logo gardens presently under way)

0904 01 0017  
N/A

O'CONNELL ANTHONY M TR



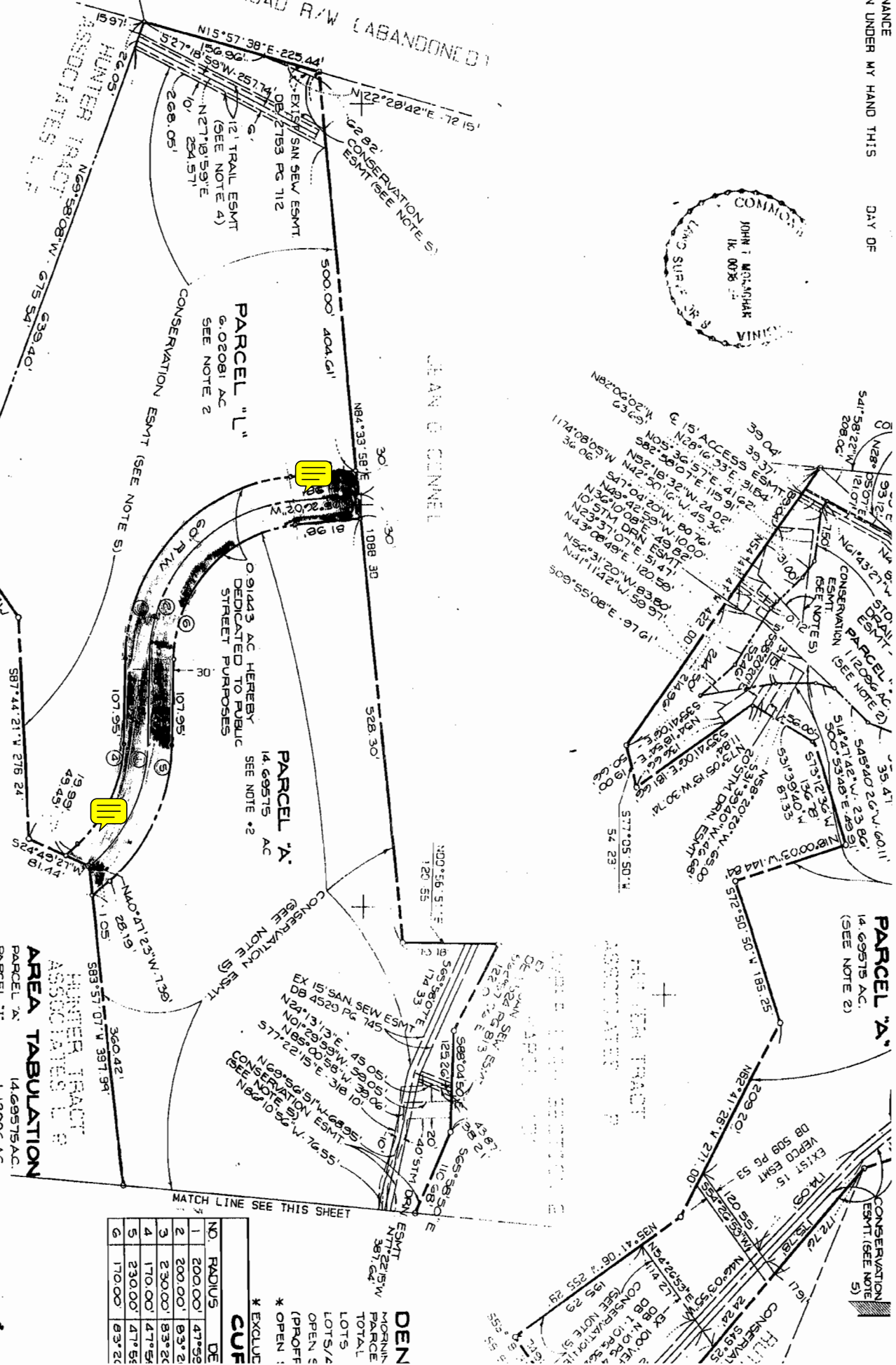
Aerial Imagery © 2002 Commonwealth of Virginia  
Fairfax © 2003

Source: Fairfax County Department  
of Tax Administration, Real Estate Division.





OLD RAILROAD R/W (ABANDONED)  
N 388,729.57  
E 2,377,398.10



1. THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON ASSESSMENT MAP 90-4 A PORTION OF PARCEL 27 AND IS ZONED P04-4
2. PARCELS "A", "L" TO BE CONVEYED TO FAIRFAX COUNTY BOARD OF SUPERVISORS AND SHALL NOT BE DENIED, DEFACED NOR DISTURBED IN ANY MANNER AT ANY TIME WITHOUT THE APPROVAL OF THE APPROPRIATE COUNTY DEPARTMENT.
3. IRON PIPES WILL BE SET AS INDICATED THIS

4. TRAIL EASEMENT IS HEREBY GRANTED TO FAIRFAX COUNTY BOARD OF SUPERVISORS.
5. TRAIL IS OWNED AND MAINTAINED BY FAIRFAX COUNTY.
6. CONSERVATION EASEMENT AREAS ARE TO BE PRESERVED AS NATURAL OPEN SPACE AND SHALL NOT BE DEFACED, DENIED, OR OTHERWISE DISTURBED.
7. CONSERVATION EASEMENT AREAS SHALL BE PERPETUALLY UNDISTURBED OPEN SPACE FOR PURPOSES OF MEETING BMP PHOSPHOROUS REMOVAL REQUIREMENTS.

**AREA TABULATION**

PARCEL "A"	14.69575 AC.
PARCEL "L"	6.02081 AC.
R/W DEDICATION	0.91443 AC.
<b>TOTAL</b>	<b>21.75195 AC.</b>

NO.	RADIUS	DE
1	200.00'	47°55'
2	200.00'	63°2'
3	230.00'	83°22'
4	170.00'	47°55'
5	230.00'	47°55'
6	170.00'	63°2'

\* EXCLUDE  
\* OPEN :  
\* (PROFF  
\* (PROFF

**DEN**

EX 15' SAN SEW ESMT	12.215' W
DB 4523 PG 745	361.64'
<b>TOTAL</b>	<b>373.85'</b>

678.56

OLD RAILROAD R/W (ABANDONED)

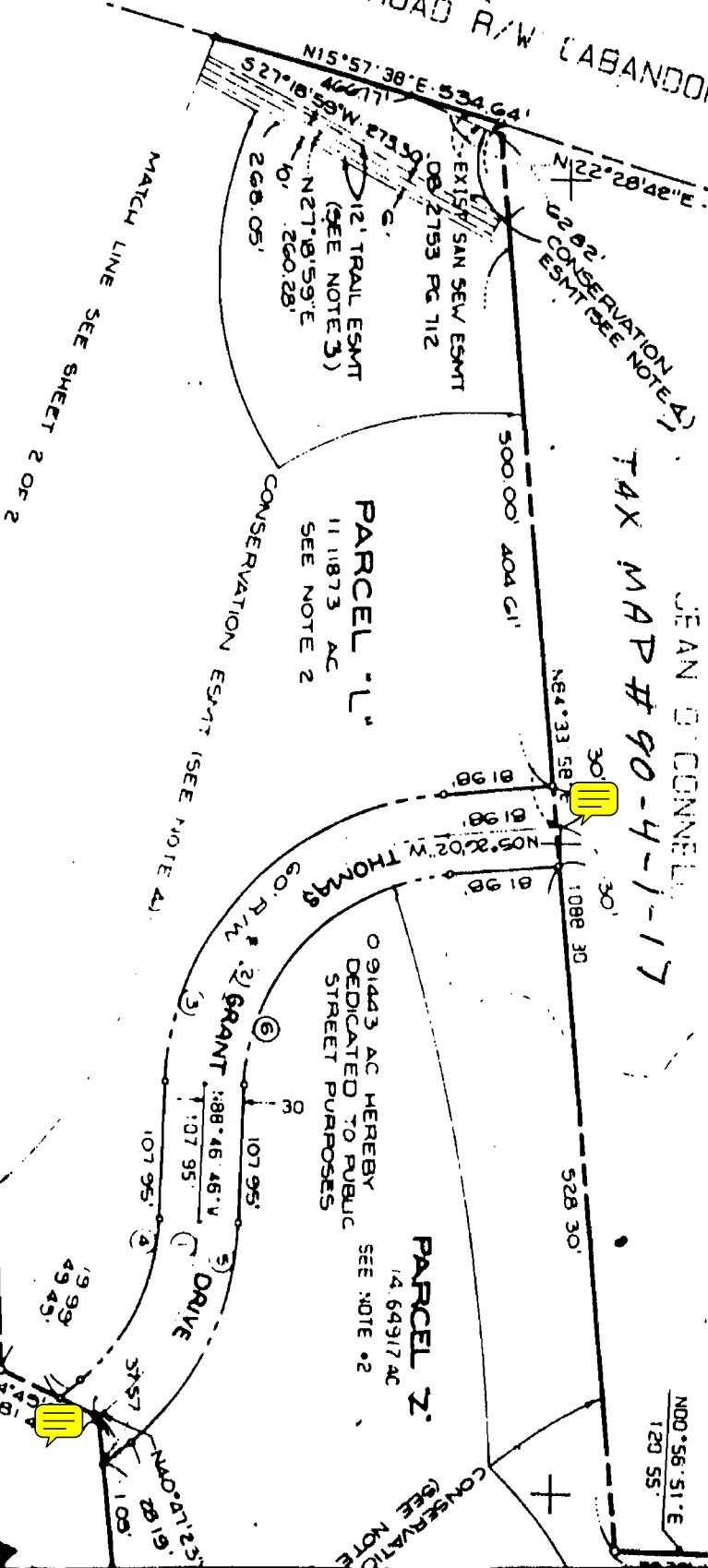
APPROVAL NOT OFFERED FOR RECORD BEFORE

THIS IS A PUBLIC COMMITMENT TO THE PUBLIC INTEREST

JEAN D. CONNELL TAX MAP # 90-4-1-17

- 1 THE PROPERTY DELINEATED ON THIS PLAN IS LOCATED ON ASSESSMENT MAP 90-4 (1) A PORTION OF PARCEL 27 AND IS ZONED PDH-4
- 2 PARCELS "A", "L" & "U" TO BE CONVEYED TO FAIRFAX COUNTY BOARD OF SUPERVISORS AND SHALL NOT BE DENIED, DEFACED NOR DISTURBED IN ANY MANNER AT ANY TIME WITHOUT THE APPROVAL OF THE APPROPRIATE COUNTY DEPARTMENT
- 3 AND SHALL NOT BE DISTURBED OR DEFACED IN ANY MANNER WITHOUT THE APPROVAL OF THE APPROPRIATE COUNTY DEPARTMENT

- 4 TRAIL EASEMENT IS HEREBY GRANTED TO FAIRFAX COUNTY TRAIL IS MAINTAINED BY FAIRFAX COUNTY CONSERVATION EASEMENT AREAS ARE TO BE PRESERVED AND SHALL NOT BE DEFACED, DENIED OR OTHER EASEMENT AREAS HAVE BEEN CREDITED AS PERPETUOUS FOR PURPOSES OF SETTING BMP PHOSPHOROUS
- 5



N22°08'05"W 20.20'  
 N27°04'42"E 10.36'  
 N36°10'06"E 10.57'  
 N25°37'07"E 14.33'  
 N43°08'49"E 12.86'  
 N86°31'20"W 8.59'  
 N41°11'22"E 16.60'  
 S09°55'08"E 16.90'  
 N20°20'00"E 20.00'  
 S09°00'00"E 20.00'  
 N20°20'00"E 20.00'  
 S09°00'00"E 20.00'

577°05'50"V 30.00'

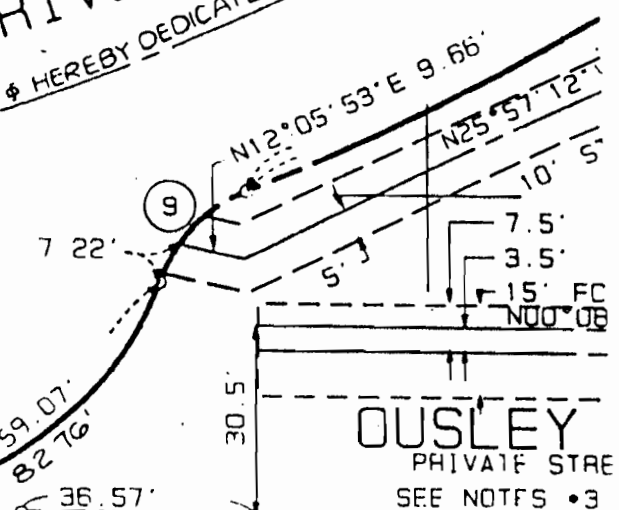
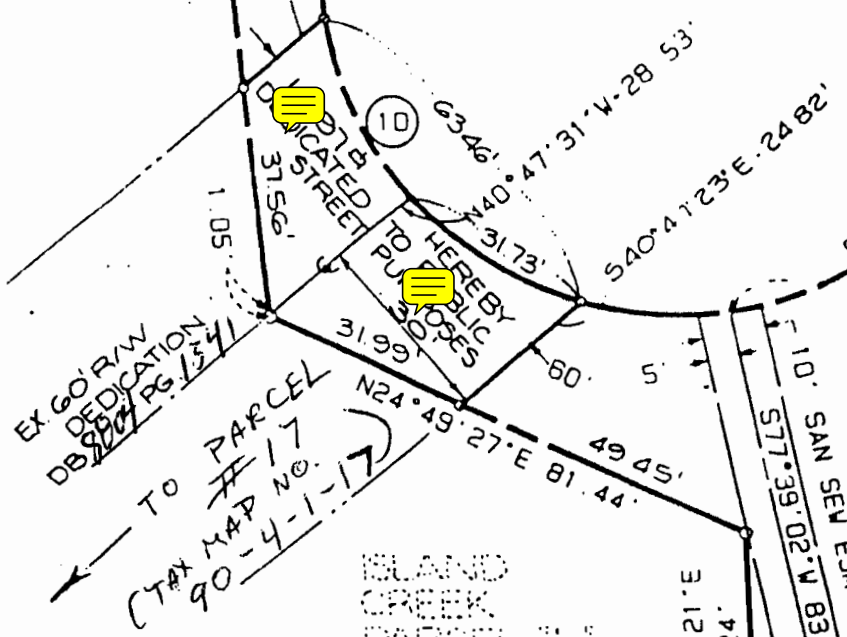
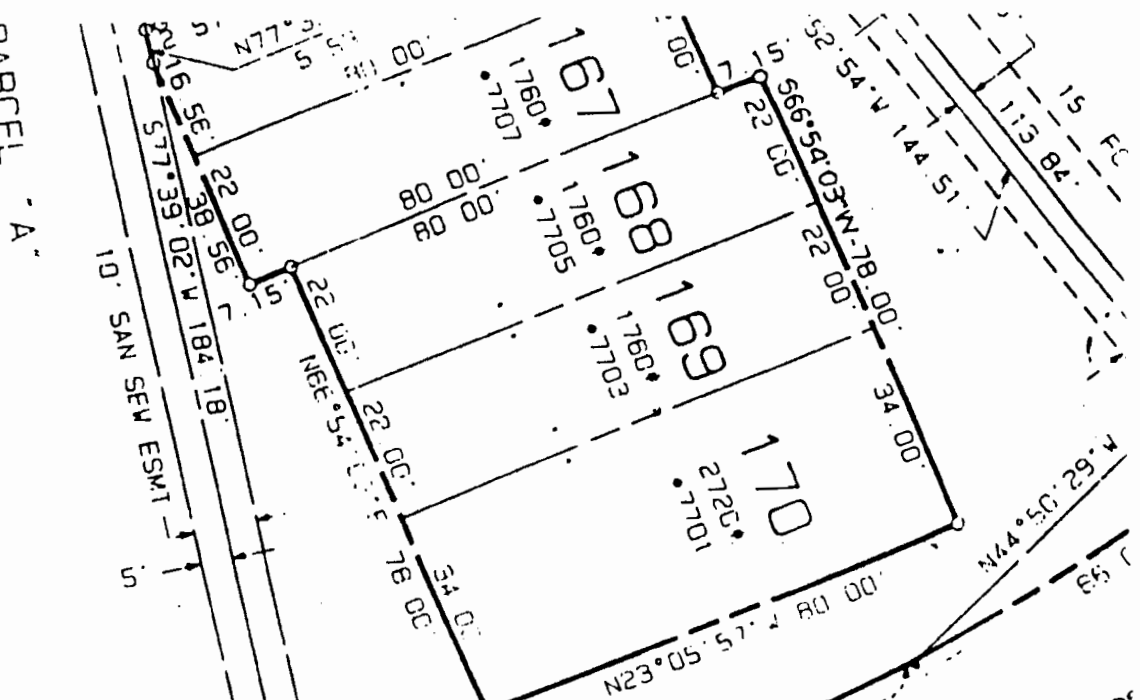
PA TO PA TO PA TO PA TO

PARCEL "A"  
395,591 ±

(SEE NOTE 2)  
360.42'

N83°57'07"E 397.99'

ISLAND CREEK - PARCEL "A"



34.00'	22.00'	22.00'	22.00'
171	172	173	17
2528 ± •7700	1650 ± •7702	1650 ± •7704	1650 ± •770
30.00'	22.00'	22.00'	22.00'

MATCH LINE SEE SHEET 9 OF 9

181	180	179
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