



RESOLUTION
2026-02.02
Reservoir Property

At a regular meeting of the Bedford Regional Water Authority (“Authority”) Board of Directors, held in the Board Meeting Room at the Authority’s Administrative Annex Building on the 17th of February 2026, beginning at 7:00pm

WHEREAS, the Bedford Regional Water Authority (the “Authority”) is a public service authority formed and existing in accordance with the provisions of Chapter 51 of Title 15.2 of the Code of Virginia, 1950, as amended, the Virginia Water and Waste Authorities Act §§ 15.2-5100-15.2-5159 (the “Act”); and,

WHEREAS, when the Authority was formed on July 1, 2013, the consolidation agreement included the transfer of real property from the City of Bedford to the Authority related to the Stony Creek reservoir located adjacent to east side of Wheats Valley Road (the “Reservoir Property”); and,

WHEREAS, in order to provide clarity of which parcels are included in the Reservoir Property owned by the Authority, and to release the restrictive covenants on the adjacent parcels owned by the Town of Bedford (“Town”), a Deed of Confirmation and Release (“Deed”) has been prepared for consideration of approval by the Town and Authority; and,

WHEREAS, the Authority Board of Directors has reviewed the attached Deed as drafted; now,

THEREFORE, BE IT RESOLVED by the Board of Directors of the Bedford Regional Water Authority that the Executive Director is authorized to execute the Deed of Confirmation and Release in a form substantially similar to the attached draft Deed.

This resolution shall take effect immediately.

Member Mele made a motion to approve this Resolution.

Member Sharp made a Second to approve.

Board Member Votes: 5 Aye 0 Nay 0 Abstain. The motion carried.



CERTIFICATION

The undersigned secretary of the Bedford Regional Water Authority does hereby certify that the foregoing is a true, complete, and correct Resolution adopted by a vote of a majority of the Directors of the Bedford Regional Water Authority, present at a regular meeting of the Board of Directors of the Bedford Regional Water Authority duly called and held **February 17, 2026** at which a quorum was present and acting throughout, and that the same has not been amended or rescinded and is in full force and effect as of the date of the above mentioned meeting.

(SEAL)

Brian M. Key, Secretary,
Bedford Regional Water Authority

<u>Map Nos.</u>	<u>Assessed Value:</u>
55-1-A	\$141,400
55-2-6	\$19,900
55-A-16	\$160,800
55-A-16A	\$91,900
55-A-17	\$172,800
55-A-19	\$11,200
55-A-22	\$7,300
55-A-23	\$414,800
55-A-24	\$6,000
55-A-30	\$69,000
55-A-32	\$271,300
Total:	\$1,355,200

Prepared by:
Michael W.S. Lockaby, VSB No. 74136
Bedford Town Attorney
Spilman, Thomas & Battle, PLLC
P.O. Box 90
Roanoke, Virginia 24002-0090

Return to:
Brian Key, Executive Director
Bedford Regional Water Authority
1723 Falling Creek Road
Bedford, Virginia 24523

Consideration: None
Title Ins.: None

DEED OF CONFIRMATION AND RELEASE

This instrument partially exempt from taxation and fees pursuant to Sections 58.1-811(C)(4), 17.1-266, and 17.2-279(E) of the Code of Virginia of 1950, as amended.

THIS DEED OF CONFIRMATION AND RELEASE is dated as of this ____ day of _____, 2026, by and between **Town of Bedford, Virginia**, a Virginia municipal corporation having a principal address of 215 East Main Street, Bedford, Virginia 24523 (the “Town”), a “Grantor” and “Grantee” for indexing purposes, and the **Bedford Regional Water Authority**, a political subdivision of the Commonwealth of Virginia under the Virginia Water and Waste Authorities Act having its principal address at 1723 Falling Creek Road, Bedford, Virginia 24523 (the “Authority”), a “Grantor” and a “Grantee” for indexing purposes.

Recitals

WHEREAS, the Town reverted from city status effective on July 1, 2013, and on that date became the successor to the City of Bedford, Virginia (the “City”); and,

WHEREAS, the Authority was formed by the City of Bedford and Bedford County (the “County”) under that certain Consolidation Agreement between the City, the County, and the Bedford County Public Service Authority dated October 31, 2012 and amended November 14, 2012 (the “Consolidation Agreement”), under which the City and the Bedford County Public Service Authority agreed to convey their water and sewer systems to the Authority effective July 1, 2013; and,

WHEREAS, the original text of the Consolidation Agreement called for portions of the Stoney Creek Reservoir/Wheats Valley Road Property, which had been the City's principal water supply and was located in Bedford County outside City limits, to be conveyed to the Authority, specifically Bedford County Tax Map Parcels 55-1-A, 55-2-6, 55-A-24, 55-A-22, 55-A-19 and portions of 55-A-16 (becoming 55-A-16A) and 55-A-23, with the City retaining Parcels 55-A-32, 55-A-30, 55-A-17, and portions of 55-A-16 and 55-A-23; and,

WHEREAS, the amendment to the Consolidation Agreement dated November 14, 2012 amended the original text by stating that the parcels to be conveyed to the Authority by the City included the entirety of Parcels 55-A-23, 55-A-30 and 55-A-32; and,

WHEREAS, the Council of the City held a public hearing and adopted an ordinance providing for conveyance of the Reservoir on June 25, 2013, as required by Section 15.2-1800(B) of the Code of Virginia of 1950, as amended (the "Code") and the public hearing and ordinance only included the parcels referenced in the original, unamended Consolidation Agreement; and,

WHEREAS, the deed by which the City conveyed the Reservoir to the Authority, dated June 28, 2013 and of record in the Office of the Clerk of the Circuit Court for Bedford County as Instrument No. 130007555 (the "2013 Deed"), recited that the reservoir parcels were "Tax Parcels 55-1-A, 55-2-6, 55-A-24, 55-A-22, 55-A-19, 55-A-23 and a portion of 55-A-16," and created Tax Parcel 55-A-16A, all of which were conveyed to the Authority; and,

WHEREAS, the 2013 Deed also imposed on the remainder of Parcel 55-A-16 and on Parcel 55-A-17 retained by the Town a restrictive covenant that it "shall be used only for agricultural, horticultural, and silvicultural purposes and shall not be developed for residential or commercial purposes" (the "Restrictive Covenant"); and,

WHEREAS, the Town and the Authority wish to establish, confirm and clarify the Authority's ownership of Parcels 55-1-A, 55-2-6, 55-A-16A, 55-A-19, 55-A-22, 55-A-23, 55-A-24, 55-A-30 and 55-A-32; and,

WHEREAS, the Town and the Authority wish to establish, confirm and clarify the Town's ownership of and remove the Restrictive Covenant from Parcels 55-A-16 and 55-A-17; and,

WHEREAS, on _____, 2026, the Council of the Town duly held a public hearing on conveyance of Parcels 55-A-30 and 55-A-32, and voted by a three-fourths majority to convey such Property to the Authority; and,

WHEREAS, on February 17, 2026, the Board of Directors of the Authority adopted a resolution providing for release of the Restrictive Covenant to the Town for Parcels 55-A-16 and 55-A-17.

Witnesseth

THAT FOR AND IN consideration of the mutual confirmations, releases and conveyances set forth hereinafter and other good and valuable consideration, the receipt and sufficiency of which are acknowledged:

The Town hereby CONFIRMS, with respect to the intent of and CONVEYS, with Special Warranty of title, the parcels of land described in **Exhibit A** to this instrument unto the Authority, its successors and assigns, forever.

The Authority and the Town, each to the other hereby RELEASE and QUITCLAIM that certain covenant on the parcels of land described in **Exhibit B** to this instrument, reading “the portion of the Stoney Creek Reservoir real estate being retained by the City on the west side of Wheats Valley Road shall be used only for agricultural, horticultural, and silvicultural purposes and shall not be developed for residential or commercial purposes,” as stated on Page 4 of that certain 2013 Deed of record in the Clerk’s Office of the Circuit Court of Bedford County, Virginia as Instrument No. 130007555.

THIS CONVEYANCE is made subject to all recorded easements, restrictions, and conditions of record or which would be revealed by a current field survey or a careful inspection.

[SIGNATURE AND NOTARY ACKNOWLEDGMENT ON FOLLOWING PAGE]

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EXHIBIT A

Parcel I (TMP 55-A-30):

All that certain tract or parcel of land situate in the Central Magisterial District of Bedford County, Virginia on the west side of Suck Mountain containing 34.48 acres as shown by a plat of survey of the same entitled "Plat of the Orvie Blake tract on Suck Mountain and water of Stony Creek, Bedford County – Va." made by S.S. Lynn, S.C.S., 20 April 1955 and of record at Plat Book 8, page 168 in the Office of the Clerk of the Circuit Court of Bedford County, Virginia, and being the same real estate conveyed to Orvie Blake by Ballard N. Overacre and Helen M. Overacre, husband and wife respectively, by deed dated 20 July 1946 and of record at Deed Book 213, page 108 in the Clerk's Office aforesaid.

And being the same property conveyed to the Town of Bedford, Virginia, from Orvie Blake and Lillian L. Blake, his wife, by deed dated April 26, 1955 and of record at Deed Book 255, page 212 in the Clerk's Office aforesaid.

Parcel II (TMP 55-A-32):

All that certain tract or parcel of land situate in the Central Magisterial District of Bedford County, Virginia on Suck Mountain and containing 108 ½ acres, more or less, as shown by a plat of survey entitled "Plat of Roy Israel's 'Maston Ross' Tract on Suck Mountain, in Bedford County – Virginia, near the New Water Impounding System of the Town of Bedford" made by S.S. Lynn, S.C.L.S., 5 May 1955 and of record at Plat Book 8, page 176 in the Office of the Clerk of the Circuit Court of Bedford County, Virginia, and being the same real estate conveyed to E. Roy Israel as containing 90 acres, more or less, by John B. Oliver, Special Commissioner, by deed dated 10 March 1952 of record in the Clerk's Office aforesaid at Deed Book 239, page 302.

And being the same property conveyed to the Town of Bedford, Virginia, from E. Roy Israel by deed dated May 9, 1955 and of record at Deed Book 255, page 339 in the Clerk's Office aforesaid.

EXHIBIT B

Parcel A (TMP 55-A-16):

All that certain tract or parcel of land, together with the buildings and improvements thereon and appurtenances thereunto belonging, situate in the Central Magisterial District in Bedford County, Virginia, on Stony Creek about three miles north of Peaksville and on the Wheats Valley Road near the Town of Bedford water supply dam and containing 65.80 acres as shown on a plat of survey of the same entitled "Plat of the H.M. Agee Tract, Bedford County – Va." made by S.S. Lynn, S.C.S. October 1950 and of record in the Office of the Clerk of the Circuit Court of Bedford County, Virginia at Plat Book 6, page 88. And being the same real estate conveyed to the said Hubert M. Agee therein designated as H.M. Agee by G.W. Wilkerson by deed dated November 28, 1922 of record at Deed Book 136, page 309 in the Clerk's Office aforesaid.

And being the same property conveyed to the Town of Bedford, Virginia from Hubert M. Agee and Jessie C. Agee, his wife, by deed dated October 9, 1950 and of record at Deed Book 232, page 516 in the Clerk's Office aforesaid.

Less and except:

That certain piece of property for the relocation of Wheats Valley Road, Virginia State Route 640, by deed from Elmer S. Wilkerson, et al., to the Commonwealth of Virginia be deed dated June 30, 1950, and of record in the Clerk's Office aforesaid at Deed Book 252, page 585, to which deed and plat attached thereto reference is made for a more particular description thereof.

That certain piece of property, being 6.634 acres, more or less, conveyed to the Bedford Regional Water Authority by the Town of Bedford, Virginia by deed dated June 28, 2013 and of record in the Clerk's Office aforesaid as Instrument No. 130007555, as more particularly described by that certain plat of record at Plat Book 55, page 237.

Parcel B (TMP 55-A-17):

All that certain tract or parcel of land containing 86 acres, more or less, but being conveyed in gross and not by the acre, adjoining other property of the party of the second part, being the residue of certain real property conveyed to one Kate Jennings by deed dated September 22, 1908, of record in the Clerk's Office of the Circuit Court for Bedford County, Virginia, in Deed Book 97 at page 394 after the conveyance off therefrom of 55.06 acres by deed of record in said Clerk's Office in Deed Book 115 at page 216, and being all of a certain tract conveyed to said Kate Jennings by another deed dated May 3, 1909, of record in said Clerk's Office in Deed Book 99 at page 191.

Attached to the deed hereinabove described as a part thereof is a plat of a survey of the said property, which plat was made by S.S. Lynn, S.C. Sur., dated June 1958,

on which said parcel of land is shown as containing 86.48 acres. Reference is made to the foregoing instrument for a more particular description thereof.

And being the same property conveyed to the Town of Bedford, Virginia from A.J. Cauthorn and A.A. Rucker, Special Commissioners, by deed dated September 4, 1957, and of record at Deed Book 271, page 42, in the Clerk's Office aforesaid.