

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14TH DAY OF JANUARY, NINETEEN HUNDRED NINETY-SEVEN, AT 5:07 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. ROLL CALL**

Robert A. Magoon, Jr., Chairman, Jamestown District  
Jack D. Edwards, Vice Chairman, Berkeley District

David L. Sisk, Roberts District  
Perry M. DePue, Powhatan District  
Stewart U. Taylor, Stonehouse District  
Sanford B. Wanner, County Administrator  
Frank M. Morton, III, County Attorney

**B. EXECUTIVE SESSION**

Mr. Sisk called the meeting to order.

Mr. DePue made a motion to convene into executive session pursuant to Section 2.1-344(A)(1) to consider personnel matters, appointments and Section 2.1-344(A)(3) to consider acquisition of a parcel of property for public use.

On a roll call, the vote was: AYE: Taylor, Magoon, DePue, Edwards, Sisk (5). NAY: (0).

Mr. Sisk reconvened the Board at 6:01 p.m.

Mr. Sisk made a motion to approve the executive session resolution.

On a roll call, the vote was: AYE: Taylor, Magoon, DePue, Edwards, Sisk (5) NAY: (0).

**RESOLUTION**

**CERTIFICATION OF EXECUTIVE MEETING**

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies; and, ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board.

Mr. Sisk declared a recess at 6:02 p.m. for dinner.

**C. ORGANIZATIONAL MEETING**

Mr. Sisk reconvened the Board into open session at 7:02 p.m.

On a roll call, all members were present.

Mr. Sisk asked for nominations for Chairman for 1997.

Mr. Sisk made a motion to appoint Mr. Magoon as Chairman for 1997.

On a roll call, the vote was: AYE: Edwards, Taylor, Sisk, DePue, Magoon (5). NAY: (0).

Mr. Magoon asked for nominations for Vice Chairman.

Mr. DePue made a motion to appoint Mr. Edwards as Vice Chairman.

On a roll call, the vote was: AYE: Edwards, Taylor, Sisk, DePue, Magoon (5). NAY: (0).

Mr. Magoon made a motion to approve the Organizational resolution and Board calendar for 1997.

On a roll call, the vote was: AYE: Edwards, Taylor, Sisk, DePue, Magoon (5). NAY: (0).

**RESOLUTION**

**ORGANIZATIONAL MEETING OF THE BOARD OF SUPERVISORS**

WHEREAS, the Board of Supervisors of James City County, Virginia, is required by State law to organize at the first meeting in January.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following rules shall apply for the year 1997.

1. Regular meetings of the Board shall be held as shown on the attached 1997 calendar, in the Board Room of the James City County Government Center. The meeting times shall be 7:00 p.m.
2. The Board shall for parliamentary purposes follow Robert's Rules of Order and more specifically those provisions which pertain to the conduct of Business in Boards, Newly Revised, 1981 at p. 404 as follows; provided, however, the Board may amend by Resolution the Rules as it deems appropriate.

Procedure in Small Boards: In a board meeting where there are not more than about a dozen members present, some of the formality that is necessary in a large assembly would hinder business. The rules governing such meetings are different from the rules that hold in assemblies, in the following respects:

Members are not required to obtain the floor before making motions or speaking, which they can do while seated.

Motions need not be seconded.

There is no limit to the number of times a member can speak to a question, and motions to close or limit debate generally should not be entertained.

Informal discussion of a subject is permitted while no motion is pending.

The Chairman can speak in discussion without rising or leaving the chair; and, subject to rule or custom within the particular board (which should be uniformly followed regardless of how many members are present), he usually can make motions and usually votes on all questions.

3. In addition, the Board agrees to the following:

A motion to rescind shall not be in order in a land use decision involving a rezoning or a special use permit. A motion to reconsider such a decision must be made at the same meeting the decision is made by the Board.

Should it be necessary to cancel an advertised Board of Supervisors meeting due to weather or other conditions, the meeting shall be continued forty-eight hours to the same time and place.

Mr. Magoon read the appointments of Board members to Boards and Commissions:

Williamsburg Area Chamber of Commerce - Perry M. DePue

Community Action Agency - Jack D. Edwards/Anthony Conyers, Jr.  
David L. Sisk/John O'Hare  
Perry M. DePue/Reverend J. Moody

Courthouse Committee - Jack D. Edwards/Robert A. Magoon, Jr.

Hampton Roads Planning District Commission - David L. Sisk

Williamsburg Area Medical Assistance Corporation - Jack D. Edwards

Regional Issues Committee - Robert A. Magoon, Jr.

School Liaison Subcommittee - Perry M. DePue/Jack D. Edwards

Virginia Peninsula Economic Development Council - Perry M. DePue

Library Committee - Unassigned

Historical Commission - Unassigned

Local Emergency Preparedness - David L. Sisk

Farmers Advisory Committee - Stewart U. Taylor

Joint Sanitary District No. 1 Board - David L. Sisk/Robert A. Magoon, Jr.

Industrial Development Authority - Perry M. DePue

Community Services Coalition - Unassigned

Parks and Recreation Commission - David L. Sisk

Mr. Magoon read the reappointments to the Clean County Commission for a three-year term, Eula Radcliffe and Susan Myers, and to the Wetlands Board for a five-year term, John Hughes; and the appointment of David Kirby to the Social Services Advisory Board for a four-year term.

Mr. Edwards made a motion to approve the appointments of Board members to Boards and Commissions and the reappointments and appointment to Boards and/or Commissions.

On a roll call, the vote was: AYE: Edwards, Taylor, Sisk, DePue, Magoon (5). NAY: (0).

Mr. DePue made a motion to approve the resolution for appointment of Board of Directors and Officers for James City County Transit Company by Board of Supervisors.

On a roll call, the vote was: AYE: Edwards, Taylor, Sisk, DePue, Magoon (5). NAY: (0).

## RESOLUTION

### APPOINTMENT OF BOARD OF DIRECTORS AND OFFICERS FOR

#### JAMES CITY COUNTY TRANSIT COMPANY BY

#### BOARD OF SUPERVISORS

WHEREAS, the stockholders of the James City County Transit Company (Transit Co.) have requested the Board of Supervisors to appoint the Board of Directors and the officers of the Transit Company for the year 1997.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it hereby appoints as Directors of the Transit Company for the year 1997 the following individuals:

Perry M. DePue  
Jack D. Edwards  
Robert A. Magoon, Jr.  
David L. Sisk  
Stewart U. Taylor

BE IT FURTHER RESOLVED, that the Board of Supervisors appoints the following officers:

President - Jack D. Edwards

Secretary/Treasurer - Anthony Conyers, Jr.

Mr. Sisk made a motion to recess for a James City County Transit meeting at 7:07 p.m.

On a roll call, the vote was: AYE: Edwards, Taylor, Sisk, DePue, Magoon (5). NAY: (0).

Mr. Magoon reconvened the Board at 7:14 p.m.

**D. PRESENTATION**

**1. Newport News Waterworks - King William Reservoir Project**

Mr. Larry M. Foster, General Manager, James City Service Authority, introduced Ileen Leininger and David Morris of Newport News Waterworks, who gave an update of the King William Reservoir Project and asked the Board to send a resolution showing its support for the project to the District Engineer, U.S. Army Corps of Engineers and the State Water Control Board.

**E. MINUTES - December 18, 1996, Work Session  
December 20, 1996**

Mr. Magoon asked if there were corrections or additions to the minutes.

Mr. Sisk made a motion to approve the two sets of minutes.

On a roll call, the vote was: AYE: Edwards, Taylor, Sisk, DePue, Magoon (5). NAY: (0).

**F. CONSENT CALENDAR**

Mr. Magoon asked if a Board member wished to remove any item from the Consent Calendar.

Mr. DePue made a motion to approve the Consent Calendar.

On a roll call, the vote was: AYE: Edwards, Taylor, Sisk, DePue, Magoon (5). NAY: (0).

**1. Trash and Grass Lien, 96 Constance Avenue**

**RESOLUTION**

**CODE VIOLATION LIEN**

WHEREAS, the Acting Zoning Administrator has certified to the Board of Supervisors of James City County, Virginia, that the property owners as described below have failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owner and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, James City County, Virginia, that in accordance with Section 7-4 and 7-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Property to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT: John and Mary Daly  
96 Constance Avenue  
Williamsburg, VA 23188

DESCRIPTION: 96 Constance Avenue

TAX MAP NO.: (47-3)(1-64A)  
James City County, Virginia

AMOUNT DUE: \$120.00

2. Federal Transit Administration - Section 5307 FY 97 Grant ApplicationRESOLUTIONFEDERAL TRANSIT ADMINISTRATION (FTA) SECTION 5307FY 97 GRANT APPLICATION

WHEREAS, the Federal Government has made funds available for urban public transportation; and

WHEREAS, the Board of Supervisors desires securing these funds in support of James City County Transit Company operations.

NOW, THEREFORE, BE IT RESOLVED that the County Administrator is authorized to execute and file an application to the Federal Transit Administration for a grant of Federal public transportation systems authorized by 49 U.S.C. Chapter 53, Title 23 under Section 5307 of the Intermodal Surface Transportation Efficiency Act of 1991. The amount requested for Section 5307 Federal Assistance is \$85,670 to assist in capital expenses. The County Administrator shall be authorized to accept Grant funds awarded and to furnish the Virginia Department of Rail and Public Transportation documents and other information as may be required for processing this grant request.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, certifies that all funds shall be used in accordance with the requirements of FTA Section 5307 program and that James City County may be subject to audit by the Federal Transit Administration.

3. FY 1997 Assessment - Hampton Roads Partnership**RESOLUTION****FY 1997 ASSESSMENT - HAMPTON ROADS PARTNERSHIP**

WHEREAS, the Board of Supervisors of James City County has been requested to appropriate \$10,000 as its share of the operating budget for the Hampton Roads Partnership for FY 1997.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following budget transfer:

**Transfer From:**

Operating Contingency	<u>\$10,000</u>
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**Transfer To:**

Other Agency Contributions - Hampton Roads Partnership	<u>\$10,000</u>
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4. Fiscal Agent Fees - Regional Jail**RESOLUTION****FISCAL AGENT FEES - REGIONAL JAIL**

WHEREAS, the Board of Supervisors of James City County has received \$68,000 in fees relating to services provided the Peninsula Regional Jail during construction.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appropriates the fiscal agent fees, as follows:

**Revenue:**

Fees for Services	<u>\$68,000</u>
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**Expenditures:**

Construction Management	\$35,000
Accounting	9,000
Information Resources Management	6,000
Treasurer	6,000
Purchasing	4,000
Human Resource	4,000
Financial and Management Services	<u>4,000</u>

\$68,000

5. Set-Off Debt Collection for Social Services**RESOLUTION****SET-OFF DEBT COLLECTION FOR SOCIAL SERVICES**

WHEREAS, James City County desires to collect debts owed to Social Services through the procedure created by the Set-Off Debt Collection Act; and

WHEREAS, said Act requires a hearing procedure for debtors to contest the validity of the debt prior to the State's offsetting the debt from the tax refund; and

WHEREAS, in order to implement this Set-Off Debt Collection Program the County must adopt a contest procedure.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorses the participation of the Division of Social Services in the Set-Off Debt Collection Program; and

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County hereby adopts the Contest Procedure for Set-Off Debt Collection, attached hereto and incorporated by reference.

6. Appointment of Assistant Fire Marshal**RESOLUTION****APPOINTMENT OF ASSISTANT FIRE MARSHAL, AUTHORIZATION OF FIRE****PREVENTION POWERS AND AUTHORIZATION OF POLICE POWERS**

WHEREAS, Section 27-34.2 of the Code of Virginia, 1950, as amended provides that James City County may authorize the local Fire Marshal to arrest, to procure and serve warrants of arrest and to issue summons in the manner authorized by general law for violation of local fire prevention and fire safety and related ordinances; and

WHEREAS, Section 27-34.2:1 of the Code of Virginia, 1950, as amended provides that James City County may authorize the local fire marshal to have the same law enforcement powers as a police officer for the purpose of investigation and prosecution of all offenses involving fires, fire bombings, attempts to commit such offenses, false alarms relating to such offenses, and the possession and manufacture of explosive devices, substances and fire bombs; and

WHEREAS, Section 27-34.3 of the Code of Virginia, 1950, as amended provides that James City County may authorize the local fire marshal to exercise the powers authorized by the Fire Prevention Code; and

WHEREAS, Section 27-36 of the Code of Virginia, 1950, as amended provides that James City County may appoint Assistant Fire Marshals, who, in the absence of the Fire Marshal, shall have the powers and perform the duties of the Fire Marshal; and



WHEREAS, Miles B. Pettengell has completed all minimum training and certification requirements of the Department of Criminal Justice Services and the Department of Fire Programs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Miles B. Pettengell as a James City County Assistant Fire Marshal with all such police powers and authority as provided in Virginia Code Sections 27.30 et. seq.

7. Real Radio, Inc., Agreement

**RESOLUTION**

**REAL RADIO, INC. AGREEMENT**

WHEREAS, James City County Police and Fire units have a need for improved radio communications in the Stonehouse District of James City County; and

WHEREAS, Real Radio, Inc., has a FM radio tower in New Kent County and has agreed to place two receiver antennas on that tower; and

WHEREAS, this placement will improve public safety and enhance Police and Fire officer safety.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to enter into a radio tower agreement with Real Radio, Inc.

8. Dedication of Streets in Oakland, Section I and Mooretown Road Neighborhood

**RESOLUTION**

**DEDICATION OF STREET IN OAKLAND, SECTION I**

WHEREAS, the street described on the attached Additions Form SR-5(A), fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation have entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the street described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED, that the Board of Supervisors guarantees and does hereby so guarantee satisfactory performance of the street in Oakland, Section 1, for a period of one year from the date of acceptance by the Virginia Department of Transportation.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

## RESOLUTION

### DEDICATION OF STREETS IN THE MOORETOWN ROAD NEIGHBORHOOD

WHEREAS, the streets described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation have entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED, that the Board of Supervisors guarantees and does hereby so guarantee satisfactory performance of the streets in the Mooretown Road Neighborhood for a period of one year from the date of acceptance by the Virginia Department of Transportation.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

## G. PUBLIC HEARINGS

### 1. PreBudget

Mr. John E. McDonald, Manager of Financial and Management Services, briefly outlined the upcoming budget schedule and invited public comment on the budget and budget process.

Mr. Magoon opened the public hearing.

1. Ms. Eileen Tobler, 127 Winterset Pass, asked the Board to support the funding of renovation for Rawls Byrd, Clara Byrd Baker, and Berkeley Schools to make them equitable.

2. Mr. Ed Oyer, 139 Indian Circle, gave an overview of Board actions during 1996 and asked the Board to deny more cases to control growth.
3. Mr. Andy Bradshaw, Post Office Box 456, Toano, asked the Board to continue funding of the Extension service for preservation of farmland and to promote the Farmer's Market to preserve local agriculture.
4. Ms. Mary Minor, 5813 Hawthorn Lane, requested support of full funding for expansion of Berkeley Middle School.
5. Mr. M. D. Galbreath, III, 113 Deerwood Drive, spoke in opposition to higher taxes and urged the Board to control the cost of growth by promoting industry for the County. He stated he was not in favor of supporting a hockey franchise or construction of a baseball stadium.
6. Mr. Gene Farley, 4095 South Riverside, Lanexa, asked the Board to support linking the two high schools by technology currently available.
7. Mr. Jay Everson, 242 Loch Haven, encouraged the Board to use restraint on capital expenditures for schools and to consider privatization of the Code Compliance Division.

Mr. Magoon closed the public hearing.

2. Case Nos. Z-6-96 and SUP-12-96. Woodbury (Brookstone Ventures)

Mr. O. Marvin Sowers, Director of Planning, stated that Mr. Alvin Anderson had applied to rezone approximately 49 acres from R-8, Rural Residential to R-1, Limited Residential with proffers, and had applied for a special use permit to allow residential cluster development of 100 single-family homes, located at 4660 John Tyler Highway, and further identified as Parcel No. (1-29) on James City County Real Estate Tax Map No. (47-1).

Mr. Sowers further stated that the requested zoning was compatible with surrounding zoning and development; Virginia Department of Transportation (VDOT) would require left-hand turn lanes on both Route 5 and Ironbound Road at final build out and the Woodbury Traffic Impact Study determined that the development would not change the overall level of service for Five Forks intersection and the proposed development was consistent with the Comprehensive Plan.

In concurrence with staff, the Planning Commission by a 7-0 vote recommended that the level of service issue be fully addressed by the applicant. Since that recommendation, VDOT reviewed and approved the traffic impact study. Staff recommended approval of the cases with proffers.

Board discussion followed regarding the draft study traffic figures for levels of service along Route 5.

Mr. Magoon opened the public hearing.

1. Ms. Joan Milkavich, 4707 Wood Violet Lane, spoke in opposition to allowing a higher density residential and creation of private streets.
2. Mr. Gerald Johnson, 4513 Wimbledon Way, spoke of his concern that drainage would cause erosion problems.
3. Mr. George Wright, 148 Cooley, requested the Board to deny any residential development along Route 5 until infrastructure caught up with growth.

4. Alvin Anderson, Esq., urged the Board to consider the project and developer; Alternate Route 5 would alleviate traffic on Route 5; and buffer area of 75 feet between Woodbury and other subdivisions. He asked the Board to approve the cases.

5. Mr. Norman Mason, Langley and McDonald, stated a traffic check showed delay in access to Route 5 from subdivisions was generally less than 15 seconds.

6. Mr. Keith Nowaldy, 4702 Wood Violet Lane, stated concerns of growth and traffic threatened the scenic byway and safety for everyone when new High School opened. He asked the Board to assert growth control on upcoming projects.

7. Mr. Jaimie D. Kirkwood, 3325 Twinning Cedar Way, stated increased density by cluster development was not discussed during community meetings and that growth control was needed now.

Board discussion followed that the proposal was good but serious traffic problems exist; two entrances needed in the future at build out; control rate of growth to achieve high quality of life; freedom of persons to develop land; and need of commercial and industrial base to balance growth.

Mr. Magoon requested original vehicle numbers during peak hours of traffic at Westray Downs and Graylin Woods subdivisions.

Mr. Magoon noted as a potential Conflict of Interest, that he had worked with the applicant on occasion.

8. Mr. William Ferguson, 310 The Maine West, spoke in agreement with slower growth and opposition to the hockey and baseball franchises.

Mr. Magoon continued the public hearing and deferred the cases until the January 28, 1997, Board of Supervisors' meeting.

Mr. Magoon declared a break at 10:10 p. m.

Mr. Magoon reconvened the Board at 10:23 p. m.

3. Case No. SUP-27-96. Lake Powell Forest

Ms. Jill E. Schmidle, Planner, stated that Mr. J. Gregory Dodd had applied on behalf of Boyd Corporation for a special use permit to allow residential cluster development of 146 single family homes on 69.2 acres, zoned R-1, Limited Residential, located on Lake Powell off Jamestown Road, further identified as Parcel No. (1-8) and Parcel Nos. (10-34), (10-35) and (10-36) on James City County Real Estate Tax Map Nos. (47-4) and (47-2) respectively.

Ms. Schmidle further stated that the proposal was compatible with surrounding development and zoning and consistent with the Comprehensive Plan.

In concurrence with staff, the Planning Commission by a 6-1 vote recommended approval with conditions listed in the resolution.

Board and staff discussed the definition of cluster development and how to determine when turn lanes would be required.

Mr. Magoon opened the public hearing.

1. Vernon Geddy, III, Esq., highlighted the density, buffer and greenbelt requirements and asked the Board to approve the special use permit.
2. Mr. David Anderton, 103 Richneck Road, spoke in opposition to the development because of additional traffic on Jamestown Road and there was no need for an additional 146 homes.
3. Mr. Michael Mott, 122 The Colony, stated that he appreciated clarification of the development plan.

Mr. Magoon closed the public hearing.

Mr. DePue made a motion to approve the resolution.

Mr. Edwards suggested deferral until the January 28, 1997, Board of Supervisors' meeting for more information about traffic impact on two-lane road.

On a roll call, the vote on deferral was: AYE: Edwards (1). NAY: Taylor, Sisk, DePue, Magoon (4).

On a roll call, the vote on motion to approve was: AYE: Taylor, Sisk, DePue, Magoon (4). NAY: Edwards (1).

## RESOLUTION

### CASE NO. SUP-27-96. LAKE POWELL FOREST

WHEREAS, the Board of Supervisors of James City County has adopted by Ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the Planning Commission of James City County, following its public hearing on December 2, 1996, recommended approval of Case No. SUP-27-96, by a vote of 6 to 1, to permit the construction of single-family homes in accordance with the Residential Cluster provisions of the James City County Zoning Ordinance, further identified as Parcel No. (1-8) on James City County Real Estate Tax Map No. (47-4), and Parcel Nos. (10-34), (10-35), and (10-36) on James City County Real Estate Tax Map No. (47-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-27-96 as described herein with the following conditions:

1. Master Plan. The Master Plan of development required under Section 20-522 of the Zoning Ordinance shall be generally consistent with the Conceptual Plan "Lake Powell Forest" prepared by Horton and Dodd, P.C., November 25, 1996, as determined by the Director of Planning.
2. Conservation Easement. The Owner shall grant the County a conservation easement over the areas set out on the Conceptual Plan. This shall include the Greenbelt area, and it shall be shown on the Conceptual Plan. The conservation easement shall provide that the easement area shall remain undisturbed and in its natural state except for trails, other passive recreational amenities, utilities, signs, lighting, entrance features and stormwater BMPs which may be approved by the Director of Planning prior to final subdivision and/or site plan approval. Notwithstanding the forgoing, dead, diseased or dying trees or shrubs and invasive or poisonous plants may be cut and removed from

the easement area and, with the prior approval of the Director of Planning, selective hand clearing and pruning may be performed to enhance the growth potential of remaining trees or to create sight lines or vistas. In areas where natural vegetation must be removed, a planting plan shall be approved by the Planning Director and plantings installed prior to issuance of the first occupancy permit.

3. Owners Association. The Owner shall organize a Homeowner's Association ("the Association") in accordance with Virginia law whereby all property owners within the Property, by virtue of their property ownership, must be members. The Articles of Incorporation, Bylaws and Restrictive Covenants (together, the "Governing Documents") creating and governing the Association shall be submitted to and reviewed by the County Attorney prior to final subdivision and/or site plan approval. The Governing Documents shall require that the Association adopt an annual maintenance budget and shall require the Association to: (i) assess all members owning dwelling unit(s) on the Property for the maintenance and/or replacement as appropriate for all properties owned or maintained by the Association including but not limited to all buffers, landscaping and Best Management Practice facilities; and (ii) file liens on said member's properties for nonpayment of such assessments and for the costs of remedying the violations of or otherwise enforcing, the Governing Documents.
4. Design Standards.
  - (a) In order to establish consistent materials, style and colors, the Owner shall prepare and submit for approval by the Development Review Committee of the County's Planning Commission design criteria for all dwelling units to be constructed on the property prior to final subdivision and/or site plan approval of the development which shall specify the following:
    - street signs, mailboxes and street lighting standards;
    - a palette of permitted siding, roof and trim colors; and
    - typical house and driveway layouts in accordance with condition (b) below.
  - (b) At least 75 percent of the lots in the development shall have side-loading garages or shall have garages set back at least 12 feet from the front of the house, and the balance of the lots in the development shall have screening consisting of a fence, wall or landscaping to screen cars parked in the driveway.
  - (c) The owner shall plant at least three trees, or preserve at least three existing trees, with a caliper of at least 1½ inches in the front yard of each lot.
  - (d) All driveways and walkways on lots shall be constructed of exposed aggregate.
5. Pedestrian System. A sidewalk shall be provided along one side of each of the roads shown on the Conceptual Plan. A soft surface or unpaved pedestrian trail system shall be constructed generally in the locations shown on the Conceptual Plan "Lake Powell Forest" prepared by Horton and Dodd, P.C., November 25, 1996.
6. Density. There shall be no more than 146 dwelling units on the property. Owner shall not receive any density bonuses under Section 20-548 of the Zoning Ordinance for which it would otherwise be eligible.
7. Underground Power Lines and Revegetation. Where the implementation of turn lanes along Jamestown Road causes the removal of trees and subsequent exposure of power

lines to view along Jamestown Road, the Owner shall place the existing overhead power lines underground. A planting plan with implementation schedule shall also be submitted for approval by the Planning Director.

8. Archaeology. A Phase I Archaeological Study for the area to be disturbed on the Property shall be submitted to the Director of Planning for his review and approval prior to land disturbance. A treatment plan shall be submitted to and approved by the Director of Planning for all sites that are, in the Phase I study, recommended for a Phase II evaluation and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Planning Director and a treatment plan for said sites shall be submitted to and approved by the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If, in the Phase II study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II and Phase III studies shall meet the Virginia Department of Historic Resource's *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standard and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.
9. Recreation. A total of 2.77 acres of parkland and 1.19 acres of nature trails shall be provided, with the location and design approved by the Planning Director. Said recreation facilities shall be installed prior to the issuance of the first Certificate of Occupancy for more than fifty homes. However, any section of the trail to be located adjacent to a residence shall be constructed prior to issuance of a Certificate of Occupancy for said residence.
10. Traffic Study Implementation. The access to the development shall be in the approximate location shown on the master plan of development and shall be limited to one access on Route 31, Jamestown Road. The Owner shall commission, at its expense, and provide to each of the County and VDOT, a traffic study for the entrance on Jamestown Road prior to final subdivision and/or site plan approval. The traffic study shall address the requirements, if any, of a turn lane(s) at the entrance based on the traffic generated by the total permitted number of dwelling units on the property and the anticipated background traffic on Jamestown Road at the full build out stage. After review and approval of the traffic study by both the County and VDOT prior to final subdivision and/or site plan approval, the Owner shall, if not previously constructed by others, construct said turn lane(s) or guarantee the construction of the same with corporate surety or cash bond in accordance with the applicable standards of the County and VDOT all prior to the issuance of building permits for the prescribed number of dwelling units on the property warranting such turn lane(s); however, at any time prior to the construction of the required turn lane(s), the Owner, VDOT or the County may request an updated analysis of turn lane warrants, based on the then current traffic volumes and standards, to determine the continued necessity of constructing the turn lane(s). If such subsequent analysis is approved and indicates that any of said turn lane(s) are no longer necessary, the Owner shall be under no obligation

to construct the unnecessary turn lane(s) and the appropriate portion of any corporate surety or cash bond previously posted by the Owner for the same shall be returned.

11. Bikeways. Sufficient right-of-way as determined by the Planning Director shall be dedicated along Jamestown Road for a bikeway.

4. Case No. SUP-31-96. Hipple Family Subdivision

Mr. Paul D. Holt, III, Planner, stated that Thomas and Ann Hipple had requested the Board approve a family subdivision in A-1, General Agricultural, 1.14± acres, located at 106 Jolly Pond Road, further identified as a portion of Parcel No. (1-7) on James City County Real Estate Tax Map No. (31-1).

Staff recommended approval of the resolution.

Mr. Magoon opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. Taylor made a motion to approve the resolution.

On a roll call, the vote was: AYE: Edwards, Taylor, Sisk, DePue, Magoon (5). NAY: (0).

## RESOLUTION

### CASE NO. SUP-31-96. HIPPLE FAMILY SUBDIVISION

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the applicant has requested a special use permit to allow for a family subdivision in an A-1, General Agricultural District of a parcel approximately 1.14± acres in size located at 106 Jolly Pond Road, further identified as a portion of Parcel No. (1-7) on James City County Real Estate Tax Map No. (31-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-31-96 as described herein with the following conditions:

1. This special use permit is valid for only one (1) family subdivision for a parcel approximately 1.14 acres in size.
2. Final subdivision approval must be received from the County within 180 days from the issuance of this special use permit or the permit shall become void.
3. The subdivision submitted for approval shall be similar in nature to the plan drawn by DJG Group dated December 13, 1996, titled "Family Subdivision, Hipple Family."



5. Amend Condition B of Agricultural and Forestal Districts Ordinances Pertaining to Parcels Within the Primary Service Area

Mr. Gary A. Pleskac, Planner, stated that the proposed amendment would change language in Condition B pertaining to rezoning and filing of rezoning applications to make it consistent with policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area.

He further stated that the Agricultural and Forestal District Advisory Committee, by a vote of 7-0, denied approval.

In concurrence with staff, the Planning Commission, by a vote of 4-3, recommended approval of the proposed change in conditions as written in the ordinances.

Mr. Magoon opened the public hearing.

1. Mr. Gene Farley, Lanexa, on behalf of the Agricultural and Forestal Districts Advisory Committee, and members Robert E. Gilley and Loretta Garrett, stated the committee opposed changes to current conditions. He felt the Primary Service Area (PSA) discriminated between landowners who are inside and those who are outside the PSA.

Mr. Farley stated that Mr. Gilley was personally opposed to County setting a precedent with a developer; he felt all applicants should receive the same treatment.

Mr. Magoon closed the public hearing.

Mr. Edwards made a motion to approve the six ordinances.

On a roll call, the vote was: Edwards, Sisk, DePue, Magoon (4). NAY: Taylor (1).

6. Case No. AFD-2-86. Croaker Agricultural and Forestal District, Ferguson Addition

Mr. Pleskac stated that Mr. William Ferguson had applied to add approximately 29 acres to the existing Croaker Agricultural and Forestal District, located at 4950 Riverview Drive, further identified as Parcel No. (1-3) on James City County Real Estate Tax Map No. (14-4).

In concurrence with staff, the Agricultural and Forestal District Advisory Committee and the Planning Commission, by a vote of 7-0, respectively, recommended approval of the application. Staff recommended that all land within 25 feet of the right-of-way of Riverview Road be excluded from addition to the district to allow for sufficient right-of-way for any future road, utility, and drainage improvements.

Mr. Magoon opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. Taylor made a motion to approve the ordinance.

On a roll call, the vote was: Edwards, Taylor, Sisk, DePue, Magoon (5). NAY: (0).

**H. BOARD CONSIDERATIONS****1. Courthouse Agreement**

Mr. Frank M. Morton, III, County Attorney, stated that the Courthouse Agreement had been refined to a more formal, expanded agreement from the agreement entered into on October 14, 1994.

Staff recommended approval of the resolution.

Mr. DePue made a motion to approve the resolution.

On a roll call, the vote was: AYE: Edwards, Taylor, Sisk, DePue, Magoon (5). NAY: (0).

**RESOLUTION****COURTHOUSE AGREEMENT**

WHEREAS, the County of James City and the City of Williamsburg wish to set forth the terms under which a new Courthouse site will be acquired and a facility constructed.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it hereby authorizes and directs the Chairman to execute a certain agreement with the City of Williamsburg dated December 12, 1996, pertaining to the acquisition, construction and operation of a new Courthouse facility.

**2. Deed of Correction - Courthouse**

Mr. Morton stated that a deed dated February 1, 1995, from C. C. Casey Limited Company contained an error in description of property conveyed.

Staff recommended approval of the resolution.

Mr. Edwards made a motion to approve the resolution.

On a roll call, the vote was: AYE: Edwards, Taylor, Sisk, DePue, Magoon (5). NAY: (0).

**RESOLUTION****DEED OF CORRECTION - COURTHOUSE**

WHEREAS, by deed dated February 1, 1995, C. C. Casey Limited Company convey certain real estate to James City County; and

WHEREAS, the parties desire to correct an error in the description of the property so conveyed.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the Chairman to execute the attached Deed of Correction, dated January 10, 1997, accepting a 10.257-acre ± parcel and conveying a 10-acre ± parcel to the C. C. Casey Limited Company.

3. Legislative Proposal - Transient Occupancy Tax

Mr. Sanford B. Wanner, County Administrator, stated that the Board of Supervisors had endorsed a legislative proposal to request the General Assembly to increase the maximum tax rate on transient occupancy from two percent to five percent, matching authority provided to cities and York County, one of several counties provided that authority last year.

Staff recommended approval of the resolution.

Mr. DePue made a motion to approve the resolution.

On a roll call, the vote was: AYE: Edwards, Taylor, Sisk, DePue, Magoon (5). NAY: (0).

**RESOLUTION**

**STATEMENT OF LEGISLATIVE POLICY -**

**PROCEEDS FROM THE TRANSIENT OCCUPANCY TAX**

WHEREAS, the Board of Supervisors of James City County has considered a legislative policy relating to the use of proceeds from an increase in the County's Transient Occupancy Tax, should the authority be granted to increase the tax from a current maximum tax rate of two percent to a maximum of five percent.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the following in support of its request to the General Assembly to approve an increase in the maximum tax rate allowed for transient occupancy in James City County:

"IT IS THE STATED INTENT OF THE BOARD OF SUPERVISORS to utilize any increase in the proceeds of the transient occupancy tax, resulting from an increase in the tax rate, to provide funds in support of agencies, programs and projects that are related to tourism in James City County.

"As illustrations, and not to be considered exclusive of other alternatives - contributions in support of promotional programs sponsored by the Williamsburg Regional Chamber of Commerce and/or Tourism Bureau and financial support of agencies like the Jamestown/Yorktown Foundation or the Association for the Preservation of Virginia Antiquities. The Board may also consider funding some part of other tourist-related initiatives, relating to the promotion of visitation for James City County venues, such as the Michelob Classic, Busch Gardens, conventions, sports tournaments, Carters Grove Plantation, and outlet shopping.

"Support may also be considered for regional initiatives focusing on visitors and tourists sponsored by organizations such as a regional sports authority, historical commission or arts commission.

"Finally, the authority to increase the tax rate for transient occupancy may provide annual revenue in support of State, regional and County initiatives leading up to the 400th Anniversary of the 1607 founding of the Jamestown settlement, the birthplace of our Country."

BE IT FURTHER RESOLVED, that the County Administrator is hereby authorized and directed to communicate this policy of legislative intent to the Honorable Thomas Norment, the Honorable George Grayson and other interested parties, in support of the legislative proposal to increase the maximum allowed tax rate on transient occupancy.

**H. PUBLIC COMMENT - None**

**I. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner stated January 20, 1997, Lee/Jackson/King Day, was a County holiday; he appreciated public comments received on the hockey and baseball franchises; and recommended the Board recess until Tuesday, January 28, 1997, for work sessions on Financial Trends at 4:00 p.m., and the Comprehensive Plan at 5:00 p.m.

**J. BOARD REQUESTS AND DIRECTIVES**

Mr. Magoon asked staff and Board to keep each other apprised of concerns for Comprehensive Plan discussion.

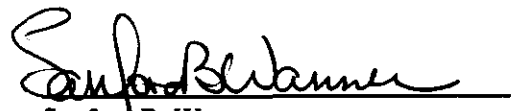
Mr. Taylor asked staff to notify persons interested in the Comprehensive Plan about the change of time to 5:00 p.m.

Mr. Magoon personally thanked Mr. Sisk for the work and time spent as Chairman for 1996.

Mr. Magoon made a motion to recess until 4:00 p.m., Tuesday, January 28, 1997, for a work session on financial trends.

On a roll call, the vote was: AYE: Edwards, Taylor, Sisk, DePue, Magoon (5). NAY: (0).

The Board recessed at 11:50 p. m.

  
Sanford B. Wanner  
Clerk to the Board

THIS AGREEMENT made this 1st day of February, 1997, between REAL RADIO, INC., hereinafter known as the "Licensor," and THE COUNTY OF JAMES CITY, VIRGINIA, hereinafter designated as the "Licensee."

WITNESSETH:

WHEREAS, the Licensee wishes to install certain radio equipment on a radio tower, and inside an equipment building owned by the Licensor ("the premises"); and

WHEREAS, the tower and equipment building are situated in New Kent County, Virginia, on property leased from J. Kilby and Gladys A. Davis, which is designated as Parcel 6 on Tax Map No. 47, and is otherwise known as the "Kilby Davis Farm," and

WHEREAS, the Licensor agrees that the premises may be used for such purpose.

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein and the sums specified to be paid by Licensee to Licensor, the parties hereto agree as follows:

1. Licensee may install, operate and maintain, at Licensee's expense and risk, two receiver antennas at the height of 240 feet above ground level on the legs of the 326 feet tall tower.
2. Licensee may also install, operate, and maintain two receivers which will be placed in the building and will require approximately 20 x 20 x 42 inches of space within the building. The

receivers will require a total of four phone lines which may be installed by Licensee or designees of Licensee. The cabling from the antennas to the receivers will be either ½ inch or ¾ inch helix.

3. Licensee will be provided with a key to the equipment building and shall have the right to access the premises at reasonable times for the purposes of operating and maintaining the equipment installed. Licensee may upgrade security system at its expense, providing licensor has access to building.

4. Licensor agrees that it will not give unauthorized persons access to Licensee's equipment.

5. The term of this license shall be for a period commencing on February 1, 1997, and ending 10 years thereafter.

6. As consideration for the Licensee to locate the above-described equipment and necessary appurtenances on the premises during the term hereof, Licensee shall pay to Licensor the sum of \$225.00 per month for the first and second years of the agreement. Thereafter, the sum shall increase by \$12.50 per month once every odd year. These sums shall be payable in advance on February 1 and August 1 of each year of this Agreement. Licensee shall receive a pro rata reduction in the amount due for any unexpired portion of a term should the license agreement be terminated or canceled as herein provided.

7. Licensor covenants that it has the right to grant this license and that the premises may lawfully be used by the Licensee for the use hereinabove expressed.

8. Licensee shall not be responsible for repairs required to the premises, except for repairs required because of the Licensee's negligence. At the conclusion of the term, Licensee will remove all equipment and appurtenances and restore the premises to the condition they were in when originally delivered to the Licensee excepting ordinary wear and tear, repairs required to be made by Licensor or other damage caused by fire, the elements or other casualty or Licensor's negligence.

9. Upon expiration of the initial term hereof, this license shall automatically renew for consecutive ten-year terms unless and until terminated as hereinafter provided subject, however, to the right of Licensor to increase the fee for the license upon written notice to Licensee not less than thirty (30) days prior to the beginning of any new term.

10. Licensor may terminate this license at any time after the initial term by giving thirty (30) days' prior written notice to Licensee.

11. Licensee may terminate this license by giving written notice of intent to terminate to Licensor at least thirty (30) days prior to the end of the term then in effect. Upon expiration of the term then in effect, this license shall terminate and be of no further force and effect.

12. Licensee shall indemnify Licensor against any liability for loss or damage to property of Licensor or injury to any agents or employee of Licensor, Licensee or a third party which results from the fault or negligence of Licensee or his agents or employees arising from the installation, operation, maintenance, or removal of Licensee's equipment; provided, however, such indemnification will be limited to the amount of licensee's insurance in effect and collectible at that time.

13. Licensee agrees that its operations under this agreement will not interfere with the operations of Licensor, or any other licensees currently sharing the use of this location. Should such interference occur, the Licensee shall, as soon as reasonably possible under the circumstances after receipt of written notice, remedy the same, or this license may be canceled by the Licensor forthwith.

14. This agreement contains the entire agreement of the parties and may not be modified, except by instrument in writing signed by both parties.

15. Any notice or demand required or permitted to be given hereunder shall be by certified mail addressed to the County of James City, 101-C Mounts Bay Road, Williamsburg, Virginia 23185, attention County Administrator.

16. The Licensor agrees to keep the temperature inside the equipment building above 38 degrees Fahrenheit.



17. The power requirements for the two receivers is approximately 1.4 amps, to be provided by the Licensor.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals as of the day and year first above written.

COUNTY OF JAMES CITY, VIRGINIA

By: Sanford B. Wanner  
Sanford B. Wanner  
County Administrator

Approved as to form:

Frank M. Morton, III  
Frank M. Morton, III  
County Attorney

REAL RADIO INCORPORATED

By: William E. Bauer  
President, Real Radio

ATTEST:

William E. Bauer  
Secretary JCC Radio Technician

rradio.agr

Form SR-5(A) (2/1/79)



# **ADDITIONS FORM SR-5(A) - Proposed Additions to the Secondary System of State Highways**

 Attachment to ☒ one) ☒ Board of Supervisors Resolution ☐ Surety Dated:

Attachment 1 of 1

Name of Subdivision: Oakland, Section 1

James City (47) County

Ref. No.	Name of Street (Required Data Field)	Street Addition Termini	R.O.W. Width (ft)	Miscellaneous Notes	Centerline Length (mi)
1	Woodmont Place	From: Route 1837 (Crescent Drive) To: 0.17 mi, southeast to terminus Plat Recorded Date: 10/23/81 Deed Book: 37 Page 11	50	# Occupied Dwl. 4 Other Service: Description: Bit. conc. surface, shoulders, roadside ditches	0.17
2		From: To: Plat Recorded Date: Deed Book: Page		# Occupied Dwl. Other Service: Description:	
3		From: To: Plat Recorded Date: Deed Book: Page		# Occupied Dwl. Other Service: Description:	
4		From: To: Plat Recorded Date: Deed Book: Page		# Occupied Dwl. Other Service: Description:	
5		From: To: Plat Recorded Date: Deed Book: Page		# Occupied Dwl. Other Service: Description:	
6		From: To: Plat Recorded Date: Deed Book: Page		# Occupied Dwl. Other Service: Description:	
7		From: To: Plat Recorded Date: Deed Book: Page		# Occupied Dwl. Other Service: Description:	
Notes: Guaranteed width of right of way exclusive of any necessary easements for cuts, fills, and drainage.					Total Mileage 0.17

Magisterial District: Powhatan

<b>CERTIFICATION OF ATTACHMENT</b> (by county clerk or surety agent)	
This attachment is certified a part of the document <input checked="" type="checkbox"/> above.	
<i>Janet B. Wanner</i> Clerk to the Board	
(Name and Title)	



# **ADDITIONS FORM SR-5(A) - Proposed Additions to the Secondary System of State Highways**

 Attachment to ☒ one) ☒ Board of Supervisors Resolution ☐ Surety Dated:


Attachment 1 of 1

Name of Subdivision: Mooretown Rd Neighborhood

James City County

Ref. No.	Name of Street (Required Data Field)	Street Addition Termini	R.O.W. Width (ft)	Miscellaneous Notes	Centerline Length (mi)
1	Clark Lane	From: Route 803 To: End of cul-de-sac Plat Recorded Date: 10/24/88 Deed Book: 85 Page 39-40	50	# Occupied Dwl. 4 Other Service: Description: Bit. concrete surface, shoulders, roadside ditches	0.61
2	Curry Drive	From: Route 803 To: Clark Drive Plat Recorded Date: 10/24/88 Deed Book: 85 Page 39-40	50	# Occupied Dwl. 4 Other Service: Description: Bit. concrete surface, shoulders, roadside ditches	0.21
3		From: To: Plat Recorded Date: Deed Book: Page		# Occupied Dwl. Other Service: Description:	
4		From: To: Plat Recorded Date: Deed Book: Page		# Occupied Dwl. Other Service: Description:	
5		From: To: Plat Recorded Date: Deed Book: Page		# Occupied Dwl. Other Service: Description:	
6		From: To: Plat Recorded Date: Deed Book: Page		# Occupied Dwl. Other Service: Description:	
7		From: To: Plat Recorded Date: Deed Book: Page		# Occupied Dwl. Other Service: Description:	
Notes: Guaranteed width of right of way exclusive of any necessary easements for cuts, fills, and drainage.					Total Mileage 0.82

Magisterial District: Powhatan

<b>CERTIFICATION OF ATTACHMENT</b> (by county clerk or surety agent)	
This attachment is certified a part of the document <input checked="" type="checkbox"/> above.	
	
(Name and Title)	

ORDINANCE NO. 168A-4

JAN 14 1997

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIACRANSTON'S PONDAGRICULTURAL AND FORESTAL DISTRICT (AFD-6-86)

WHEREAS, the Cranston's Pond Agricultural and Forestal District is an existing Agricultural and Forestal District in James City County; and

WHEREAS, in accordance with Section 15.1-1511(F) of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the ordinance amendment to the Cranston's Pond Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on November 21, 1996, unanimously recommended denial of the amendment; and

WHEREAS, the Planning Commission following its public hearing on December 2, 1996, recommended approval of the amendment by a 4-3 vote.

NOW, THEREFORE, BE IT ORDAINED,

1. The Cranston's Pond Agricultural and Forestal District is hereby amended beginning the fourteenth day of January 1997, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.1-1506 et. seq.


2. That the district shall include the following parcels:

(23-3)(1-1)	Hidden Acres Farm	416.50 ac.
(22-3)(1-26)	Geddy	167.50 ac.
(22-3)(1-33)	Constanzo	23.00 ac.
(22-4)(1-1A)	English	101.67 ac.
(22-2)(1-87)	Harcum	62.80 ac.
(22-2)(1-89)	Carneal, Smith & Marston	40.00 ac.
(22-2)(1-34)	Carneal, Smith & Marston	14.00 ac.
(31-2)(1-3)	Ripley	20.00 ac.
(21-4)(1-39)	Constanzo	6.50 ac.
(21-4)(1-46)	Hornsby	205.00 ac.
(21-4)(1-37)	Chieftans Inv. Co.	26.45 ac.
(22-2)(1-33)	George Marston	12.00 ac.
(22-2)(1-35)	George Marston	1.00 ac.
(22-2)(1-36)	George Marston	2.40 ac.
(22-2)(1-37)	George Marston	<u>16.50 ac.</u>
	Total	<u>1,125.32 ac.</u>

-2-

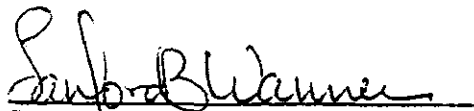
provided, however, that all land within 50 feet of the road rights-of-way of Chickahominy Road (Route 631) and Centerville Road (Route 614) shall be excluded from the district.

3. That pursuant to the Virginia Code, Section 15.1-1512, as amended, the Board of Supervisors requires that no parcel in the Cranston's Pond Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. The subdivision of land is to be limited to parcels of 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family.
  - b. No land outside the primary service area and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Parcels inside the Primary Service Area and within the Agricultural and Forestal District may be withdrawn from the district in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts within the Primary Service Area, adopted September 24, 1996.
  - c. No Special Use Permit shall be issued except for agricultural, forestal or other activities and uses consistent with State Code Section 15.1 1506 et. seq. which are not in conflict with the policies of this district.



ROBERT A. MAGOON, JR.  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
EDWARDS	AYE
TAYLOR	NAY
SISK	AYE
DEPUE	AYE
MAGOON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of January, 1997.

afd686-2.res

JAN 14 1997

ORDINANCE NO. 170A-8BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIAGORDON CREEKAGRICULTURAL AND FORESTAL DISTRICT (AFD-9-86)

WHEREAS, the Gordon Creek Agricultural and Forestal District is an existing agricultural and forestal district in James City County; and

WHEREAS, in accordance with Section 15.1-1511(F) of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the ordinance amendment to the Gordon Creek Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on November 21, 1996, unanimously recommended denial of the amendment; and

WHEREAS, the Planning Commission following its public hearing on December 2, 1996, recommended approval of the application by a vote of 4-3.

NOW, THEREFORE, BE IT ORDAINED:

1. The Gordon Creek Agricultural and Forestal District is hereby amended beginning the fourteenth day of January, 1997, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.1-1506 et. seq.

2. That the district shall include the following parcels:

(35-2)(1-16)	Robert T. Armistead Trustee	369.00 ac.
(36-3)(1-1)	Robert T. Armistead	163.88 ac.
(30-3)(1-4)	Rosa Armistead, Est.	23.00 ac.
(35-4)(1-1)	John G. Warburton, Est.	394.50 ac.
(35-2)(1-1)	Carolyn B. Warburton, Est.	86.64 ac.
(34-3)(1-1)	J. W. and Lula Minor, Est. and Nancy Shelby	58.00 ac.
(34-2)(1-2)	Linwood and Lula Minor, et. als.	256.00 ac.
(36-3)(1-3)	John G. Warburton, Est.	264.00 ac.
(36-1)(1-3)	Jane T. Carsewell	44.00 ac.
(36-1)(1-6)	Thomas L. and Victoria R Hitchens	35.00 ac.
(36-2)(1-40)	Alma Walls Thompson	143.25 ac.
(36-2)(1-1)	Fred M. Jones	175.50 ac.
(36-2)(1-1B)	Gordon Creek Landing	25.27 ac.
(36-2)(1-2)	Charles G. and June J. Kagey	50.40 ac.
(36-2)(1-3)	Charles G. and June J. Kagey	25.20 ac.
(43-2)(1-1)	Eugene Hofmeyer	124.10 ac.
(36-4)(1-7)	J. C. Richardson, et als.	116.94 ac.
(36-4)(1-8)	J. C. Richardson, et als.	38.00 ac.
(30-3)(1-3)	J. C. Richardson, et als.	33.00 ac.
(36-1)(1-4)	John G. Warburton	40.00 ac.
(44-1)(1-1)	Powhatan Association	387.42 ac.

-2-

(35-3)(1-1)	Powhatan Hunt Club	241.68 ac.
(36-2)(1-18)	Richardson	95.53 ac.
(35-4)(1-9)	John C. and Carol Jamison	57.60 ac.
(34-2)(1-1)	Linda Gordon	35.30 ac.
(35-1)(1-3)	Nayses Bay Land Company	28.0 acres
(35-1)(1-6)	Nayses Bay Land Company	11.0 acres
(35-1)(1-7)	Nayses Bay Land Company	3.5 acres
(29-4)(1-3)	Mr. William Kane	4.00 ac.
(30-3)(1-7)	Mr. William Kane	8.00 ac.
(35-2)(1-7)	Mr. William Kane	131.00 ac.
(36-1)(1-1)	Mr. William Kane	8.33 ac.
(36-1)(1-2)	Mr. William Kane	13.00 ac.
(44-1)(1-2)	Maloney, Smith, Hawkins	<u>26.00 ac.</u>
Total		<u>3,516.04 ac.</u>

provided, however, that all land within 25 feet of the road rights-of-way of News Road (Route 613), Centerville Road (Route 614), and John Tyler Highway (Route 5) shall be excluded from the district.

3. That pursuant to the Virginia Code, Section 15.1-1512, as amended, the Board of Supervisors requires that no parcel in the Gordon Creek Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. The subdivision of land is to be limited to parcels of 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family.
  - b. No land outside the primary service area and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Parcels inside the Primary Service Area and within the Agricultural and Forestal District may be withdrawn from the district in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts within the Primary Service Area, adopted September 24, 1996.
  - c. No Special Use Permit shall be issued except for agricultural, forestal or other activities and uses consistent with State Code Section 15.1-1506 et. seq. which are not in conflict with the policies of this district.



ROBERT A. MAGOON, JR.  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
EDWARDS	AYE
TAYLOR	NAY
SISK	AYE
DEPUE	AYE
MAGOON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of January, 1997.

afd986-2.res



JAN 14 1997

ORDINANCE NO. 173A-7

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIAGOSPEL SPREADING CHURCH FARM (GILLEY ADDITION)AGRICULTURAL AND FORESTAL DISTRICT (AFD-13-86)

WHEREAS, the Gospel Spreading Church Farm (Gilley Addition) Agricultural and Forestal District is an existing agricultural and forestal district in James City County; and

WHEREAS, in accordance with Section 15.1-1511(F) of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the ordinance amendment to the Gospel Spreading Church Farm (Gilley Addition) Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on November 21, 1996, unanimously recommended denial of the application; and

WHEREAS, the Planning Commission following its public hearing on December 2, 1996, recommended approval of the application by a vote of 4-3.

NOW, THEREFORE, BE IT ORDAINED:

1. The Gospel Spreading Church Farm (Gilley Addition) Agricultural and Forestal District is hereby amended the fourteenth day of January, 1997, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.1-1506 et. seq.


2. That the district shall include the following parcels:

(47-4)(1-42A)	JoAnn H. and R. E. Gilley	18.020 ac.
(47-4)(1-40)(part)	JoAnn H. Gilley	45.730 ac.
(47-4)(1-41)(part)	JoAnn H. Gilley	108.545 ac.
(47-3)(1-67)	John R. Helen J. Rees	25.000 ac.
(47-3)(1-66)	John R. and Helen J. Rees	<u>83.700 ac.</u>
Total		<u>280.995 ac.</u>

provided, however, that all land within 25 feet of the right-of-way of Neck-O-Land Road (Route 682) shall be excluded from the district.

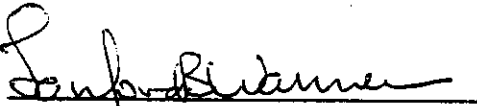
3. That pursuant to the Virginia Code, Section 15.1-1512, as amended, the Board of Supervisors requires that no parcel in the Gospel Spreading Church Farm (Gilley Addition) Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

- a. The subdivision of land is to be limited to parcels of 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family.
- b. No land outside the primary service area and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Parcels inside the Primary Service Area and within the Agricultural and Forestal District may be withdrawn from the district in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts within the Primary Service Area, adopted September 24, 1996.
- c. No Special Use Permit shall be issued except for agricultural, forestal or other activities and uses consistent with State Code Section 15.1 1506 et. seq. which are not in conflict with the policies of this district.



ROBERT A. MAGOON, SR.  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
EDWARDS	AYE
TAYLOR	NAY
SISK	AYE
DEPUE	AYE
MAGOON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of January, 1997.

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JAN 14 1997

ORDINANCE NO. 174A-5BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIACASEY AGRICULTURAL AND FORESTAL DISTRICT (AFD-8-86)

WHEREAS, the Casey Agricultural and Forestal District is an existing agricultural and forestal in James City County; and

WHEREAS, in accordance with Section 15.1-1511(F) of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the ordinance amendment to the Casey Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on November 21, 1996, unanimously recommended denial of the amendment; and

WHEREAS, the Planning Commission following its public hearing on December 2, 1996, recommended approval of the amendment by a vote of 4-3.

NOW, THEREFORE, BE IT ORDAINED,

1. The Casey Agricultural and Forestal District is hereby amended beginning the fourteenth day of January, 1997, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.1-1506 et. seq.

2. That the district shall include the following parcels:

(37-1)(1-2)	Wilford Family Trust	45.00 ac.
(37-1)(1-1)	Wilford Family Trust	32.12 ac.
(37-2)(1-1)	Charles C. New	45.00 ac.
(38-3)(1-1)	Peggy W. Zuzma & Wm. Baskett Trustee	44.67 ac.
(37-3)(1-4)	J.G. Warburton	165.58 ac.
(38-4)(1-1)	Robert T. & Calvin L. Casey (part)	249.63 ac.
(38-4)(1-7)	R. T. & C. L. & C. B. Casey (part)	275.71 ac.
(47-2)(1-1)	J. G. Warburton	31.47 ac.
(38-3)(1-18)	Sasha L. & Mary K. Knott Digges	<u>45.45 ac.</u>

Total 934.63 ac.

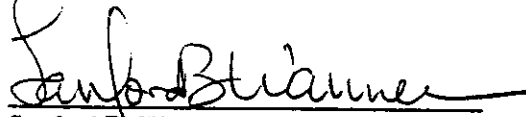
provided, however, that all land within 25 feet of the road rights-of-way of Strawberry Plains Road (Route 616), and News Road (Route 613) shall be excluded from the district and all land within the proposed rights-of-way of Route 199, the extension of Monticello Avenue (Route 321), and the potential realignment of Ironbound Road shall be excluded from the district.

3. That pursuant to the Virginia Code, Section 15.1-1512, as amended, the Board of Supervisors requires that no parcel in the Casey Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

- a. The subdivision of land is to be limited to parcels of 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family.
- b. No land outside the primary service area and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Parcels inside the Primary Service Area and within the Agricultural and Forestal District may be withdrawn from the district in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts within the Primary Service Area, adopted September 24, 1996.
- c. No Special Use Permit shall be issued except for agricultural, forestal or other activities and uses consistent with State Code Section 15.1 1506 et. seq. which are not in conflict with the policies of this district.

  
 ROBERT A. MAGOON, JR.  
 Chairman, Board of Supervisors

ATTEST:

  
 Sanford B. Wanner  
 Clerk to the Board

SUPERVISOR	VOTE
EDWARDS	AYE
TAYLOR	NAY
SISK	AYE
DEPUE	AYE
MAGOON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of January, 1997.

afd886-2.res

JAN 14 1997

ORDINANCE NO. 182A-3BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIAR. T. ARMISTEADAGRICULTURAL AND FORESTAL DISTRICT (AFD-1-89)

WHEREAS, the R. T. Armistead Agricultural and Forestal District is an existing agricultural and forestal district; and

WHEREAS, in accordance with Section 15.1-1511(F) of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the ordinance amendments to the R. T. Armistead Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on November 2, 1996, unanimously recommended denial of the amendment; and

WHEREAS, the Planning Commission following its public hearing on December 2, 1996, unanimously recommended approval of the approval of the application by a vote of 4-3.

NOW, THEREFORE, BE IT RESOLVED

1. That the R. T. Armistead Agricultural and Forestal District is hereby amended beginning the fourteenth day of January, 1997, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.1-1506 et. seq.

2. That the district shall include the following parcels:

(31-3)(1-30)	Elizabeth Carter	90.075	acres
(31-2)(1-17)	R. T. Armistead	84.005	acres
(31-2)(1-14)	R. T. Armistead	54.033	acres
(31-3)(1-29)	R. T. Armistead	132.008	acres
(31-4)(1-1)	R. T. Armistead	<u>41.779</u>	acres

403.439 acres

provided, however, that all land within 25 feet of the right-of-way of Longhill Road (Route 612) and Centerville Road (Route 614) shall be excluded from the district.

3. That pursuant to Virginia Code, Section 15.1-1512, as amended, the Board of Supervisors requires that no parcel in the R. T. Armistead Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

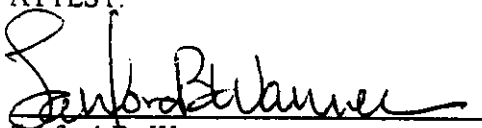
a. The subdivision of land is limited to parcels of 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family.

- b. No land outside the primary service area and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Parcels inside the Primary Service Area and within the Agricultural and Forestal District may be withdrawn from the district in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts within the Primary Service Area, adopted September 24, 1996.
- c. No Special Use Permit shall be issued except for agricultural, forestal or other activities and uses consistent with the State Code Section 15.1-1506 et. seq. which are not in conflict with the policies of this district. No Special Use Permit for sewer extensions shall be issued except those consistent with the Master Sewer plan which are not in conflict with the policies of the district. Only existing dwellings in the AFD shall connect to the above-mentioned sewer extensions.



ROBERT A. MAGOON, JR.  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
EDWARDS	AYE
TAYLOR	NAY
SISK	AYE
DEPUE	AYE
MAGOON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of January, 1996.

Afd189b.res

JAN 14 1997

WILLIAMSBURG FARMSBOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIAAGRICULTURAL AND FORESTAL DISTRICT (AFD-1-93)

WHEREAS, Williamsburg Farms Agricultural and Forestal District is an existing agricultural and forestal district in James City County; and

WHEREAS, in accordance with Section 15.1-1511(F) of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the ordinance amendment to the Williamsburg Farms and Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on November 21, 1996, unanimously recommended denial of the amendment; and

WHEREAS, the Planning Commission following its public hearing on December 2, 1996, recommended approval of the application by a vote of 4-3.

NOW, THEREFORE, BE IT ORDAINED

1. The Williamsburg Farms Agricultural and Forestal District is hereby amended beginning the fourteenth day of January, 1997, in accordance with the provisions of the Virginia Agricultural and Forestal Districts Act, Virginia Code Section 15.1-1506 et. seq.

2. The District shall include the following parcels:

(48-4)(1-10)	Williamsburg Farms, Incorporated	282 acres
(48-4)(1-12)	Williamsburg Farms, Incorporated	<u>29</u> acres

311 acres

provided, however, that all land within 25 feet of the right-of-way Lake Powell Road (Route 614) shall be excluded from the district.

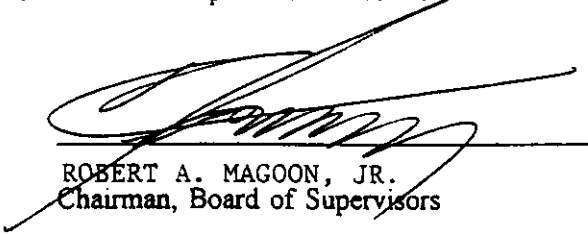
3. That pursuant to Virginia Code, Section 15.1-1512, as amended, the Board of Supervisors requires that no parcel in the Williamsburg Farms Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

a. The subdivision of land is limited to parcels of 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family.

b. No land outside the primary service area and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Parcels inside the Primary Service Area and within the Agricultural and Forestal District may be withdrawn from the district in accordance with the

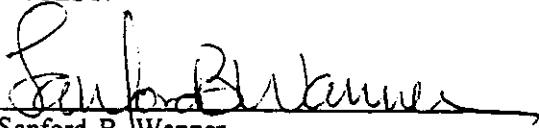
Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts within the Primary Service Area, adopted September 24, 1996.

- c. No Special Use Permit shall be issued except for agricultural, forestal or other activities and uses consistent with the State Code Section 15.1-1506 et. seq. which are not in conflict with the policies of this district.



ROBERT A. MAGOON, JR.  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
EDWARDS	AYE
TAYLOR	NAY
SISK	AYE
DEPUE	AYE
MAGOON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of January, 1997.

Afd193b.res



JAN 14 1997

ORDINANCE NO. 164A-6BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIACROAKER AGRICULTURAL AND FORESTAL DISTRICT (AFD-2-86)FERGUSON ADDITION

- WHEREAS, an Agricultural and Forestal District has been established in the Croaker area; and
- WHEREAS, in accordance with Section 15.1-1511(F) of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the application for an addition to the Croaker Agricultural and Forestal District; and
- WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on November 21, 1996, unanimously recommended approval of the application; and
- WHEREAS, the Planning Commission following its public hearing on December 2, 1996, unanimously recommended approval of the application.

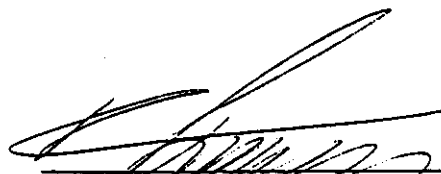
NOW, THEREFORE, BE IT ORDAINED,

1. The Croaker Agricultural and Forestal District is hereby amended by the addition of the following parcels:

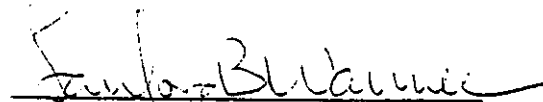
Mr. William Ferguson	(14-4)(1-3)	<u>29.00</u> ac.
	Total:	<u>29.00</u> ac.

provided, however, that all land within 25 feet of the right-of-way of Riverview Road be excluded from the district.

2. That pursuant to the Virginia Code, Section 15.1-1512, as amended, the Board of Supervisors requires that no parcel in the Croaker Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. The subdivision of land is to be limited to parcels of 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family.
  - b. No land within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district.
  - c. No Special Use Permit shall be issued except for agricultural, forestal or other activities and uses consistent with State Code section 15.1-1506 et. seq. which are not in conflict with the policies of this district.

  
\_\_\_\_\_  
ROBERT A. MAGOON, JR.  
Chairman, Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
EDWARDS	AYE
TAYLOR	AYE
SISK	AYE
DEPUE	AYE
MAGOON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of  
January, 1997.

Afd286ad.res

THIS AGREEMENT dated this 12th day of December, 1996 by and between the **CITY OF WILLIAMSBURG**, a municipal corporation chartered and existing under the laws of the Commonwealth of Virginia ("City") and the **COUNTY OF JAMES CITY**, a political subdivision chartered by and existing under the laws of the Commonwealth of Virginia ("County").

#### **PREAMBLE**

City and County have for many years jointly operated various court systems required by the laws of Virginia. Currently the parties hold equal title to a courthouse and jail facility located at South Henry and Court Streets in the City which currently houses: joint Circuit, General District and Juvenile and Domestic Relations courts and a jail which serves both localities; the offices of the Commonwealth's Attorney who is elected by the voters of and serves both localities; offices of the sheriffs of both localities; and an office for the magistrates who serve both localities.

Despite the fact that City and County had been discussing and evaluating the need for a new courthouse, on May 27, 1994, the judges of the Circuit Court for the City of Williamsburg and County, pursuant to Section 15.1-267 of the Code of Virginia, (1950), as amended, ordered the City Council of the City of Williamsburg and the Board of Supervisors of the County of James City to "show cause why a mandamus should not be issued commanding them to cause the court facilities of Williamsburg and James City County to be made secure, put in good repair and made sufficient and cause the necessary work to be done."

Thereafter, the Williamsburg City Council and the James City County Board of Supervisors entered negotiations which resulted in an agreement to jointly acquire certain land in James City County adjacent to City's corporate limits; to construct thereon new court facilities to replace the present court facilities and further agreed that upon completion of the new court facilities, they would institute such court proceedings and take all such actions as are necessary to adjust the corporate boundary of the City so as to cause the new court facilities and the parcel upon which they are constructed to be located within City's corporate limits. The basic points of the agreement were documented in an announcement and press release dated October 4, 1994. The parties now wish to reduce and expand upon the points reflected in said press release by entering into this formal agreement.

#### **AGREEMENT**

**NOW, THEREFORE**, in consideration of the mutual obligations herein set forth and as allowed by Section 15.1-21.1 of the Code of Virginia (1950), as amended, City and County agree to jointly participate in the acquisition of land and the construction and operation of joint court facilities as follows:

## 1. ACQUISITION OF NEW COURT FACILITIES SITE.

County shall act on behalf of City and County in negotiating and closing the purchase of a parcel of land now located in County, containing at least ten (10) acres, being a portion of the property of C. C. Casey Limited Company (the "Property"), which Property shall abut Ironbound Road on the East and shall be so located that it can be included in City's corporate limits as hereinafter provided. The approximate location and configuration of the Property shall be generally as shown on Exhibit A which is attached hereto and made a part hereof. After construction of joint court facilities thereon, County shall convey the Property to County and City as joint tenants. City and County shall co-operate in determining the final location and configuration of the Property. In case of disagreement, however, after reasonable good faith efforts to resolve differences have failed, County shall ultimately determine the location and configuration of the Property; provided, however, that the Property shall be located substantially in the area identified herein and shall be so located as to be includable in City's corporate limits.

## II. COURT FACILITIES DESIGN AND CONSTRUCTION.

The parties shall cause court facilities of at least 60,000 square feet and designed to adequately serve all Courts, the Commonwealth's Attorney, and the Sheriff of both jurisdictions, together with such other court-related offices as the parties shall mutually agree upon, to be constructed on the Property.

County shall act on behalf of both parties in handling all phases of design, contract negotiation and formation and construction of such facilities and shall obtain all necessary permits and approvals. Design and construction shall be of high quality and flat roofs shall not be used.

City and County shall participate jointly in project planning, including architect selection, concept and site planning and building program and design, including, but not limited to site plan, building elevations, interior space design and finishing and equipping of the facility. The parties shall use all reasonable efforts to reach agreement in all instances. In case of disagreement, however, after reasonable good faith efforts to resolve differences have failed, County shall make the ultimate determination.

## III. PROJECT FUNDING.

The parties estimate that all costs, direct and indirect, of producing a completed and operational Court Facility pursuant to this agreement, including, but not limited to costs of Property acquisition and of design, construction, furnishing and equipping (including all necessary office and court room furnishings and all necessary telephone, computer and surveillance equipment and the costs of moving furnishings, fixtures and equipment from the present courthouse and jail to the new Court Facility) of the Court Facility so as to be complete and ready for occupancy and use and insuring same against damage or destruction until

occupancy ("Total Project Cost") is initially estimated to be Eleven Million Five Hundred Thousand Dollars (\$11,500,000.00). Whatever the actual final Total Project Cost, City's contribution shall be FOUR MILLION TWO HUNDRED THOUSAND DOLLARS (\$4,200,000.00), ("City's Project Contribution"). County shall be solely responsible to pay the Total Project Cost in excess of City's contribution. City's contribution shall be paid in proportional installments with the cost of each component of the Total Project Cost being apportioned between City and County based upon the ratio of City's Project Contribution to the estimated Total Project Cost of Eleven Million Five Hundred Thousand Dollars (\$11,500,000.00). City's payments shall be made pursuant to billings rendered by County not more frequently than monthly. Each billing shall contain a detailed itemization of costs incurred since the last billing upon which such billing is based and shall certify that County personnel have duly verified such costs as properly payable in accordance with the contracts under which they were incurred. Each billing shall be due and payable within fifteen (15) days from date.

Should it be necessary in the future to enlarge the Court Facilities, whether by way of reallocation of space in the building to be constructed pursuant to this Agreement; by way of addition to the building constructed pursuant to this Agreement or by way of construction of an additional building on the Property, County shall be solely responsible to pay all Project Costs, both direct and indirect relating thereto.

#### IV. OPERATIONAL FUNDING AND MANAGEMENT

After final completion and occupancy of the Project, the parties shall share all costs of operation as may be needed from local revenues, including all cost of court-related personnel and operations not reimbursed by the Commonwealth, and all costs of facility repair and maintenance, and all costs for replacement or new fixed assets, proportionately based upon relative total population of each locality. For this purpose, total population figures for each locality shall be updated as of December of each year by reference to the current Hampton Roads Data Book published annually by the Hampton Roads Planning District Commission using most current population figures provided therein. The resulting population ratios shall be used for budget preparation for the next fiscal year.

In consultation with the senior Circuit Court Judge, the County and City shall select, and set the compensation of, a "Court Facilities Superintendent" who will report directly to the senior Circuit Court Judge. The Court Facilities Superintendent will be responsible for court facilities upkeep, maintenance, repair and systems operation, both interior and exterior, including the grounds and parking lots. For this purpose, the Court Facilities Superintendent shall prepare and submit an annual budget for approval by the city and the county, manage and control expenditures from the jointly adopted annual budget, manage any contractual services as provided in the annual budget, liaison with city and county staff and the fiscal agent, manage the Court Facilities insurance program, schedule of use of rooms, and perform other like duties as signed by the senior Circuit Court Judge.

The Court Facilities Superintendent shall be an employee of County for purposes of withholding taxes and for participation in such retirement plans, hospitalization plans and other fringe benefits as are available to County's employees and shall be subject to County's Personnel & Policies Procedures Manual in determining vacation, sick leave, etc. The Court Facilities Superintendent's compensation and the cost of all employer-provided benefits shall be included in the annual court facilities budget. To the extent that city or county employees provide services for operation and maintenance of the court facilities, such services shall be reimbursed to the jurisdiction through the court facilities budget.

The parties will jointly determine the amount of local expenditures for costs associated with the operation of the judicial system not paid by the Commonwealth of Virginia. These costs include salaries, supplemental salaries, fringe benefits, office operating expenses, and office equipment for the following offices: Circuit Court, Clerk of the Circuit Court, General District Court, Juvenile and Domestic Relations Court, Clerks of the General District and Juvenile and Domestic Relations Courts, Commonwealth Attorney and other similar offices as the parties may agree to include. These costs shall be apportioned between the city and county on the basis of population as set forth above.

## V. INSURANCE.

Commencing with occupancy of the Court Facilities, the parties shall at all times cause same and all contents therein owned by the parties to be insured to their estimated replacement value under a broad form hazard insurance policy with extended coverage, written by an insurance company qualified to do business in the Commonwealth of Virginia. Such policy shall name both parties as insureds and shall require at least thirty (30) days notice to both insureds before cancellation or modification.

In addition, the parties shall at all times maintain in force a general liability insurance policy in which both parties are named insureds together with their respective officers and employees, which policy shall be written with an all occurrences limit of Two Million Dollars (\$2,000,000.00). Such policy shall not be amended or cancelled without at least thirty (30) days notice to both parties.

Unless subsequently agreed otherwise in writing, Court Facilities Superintendent shall be responsible for obtaining the insurance policies here provided for.

The parties shall share the premiums for said policies based upon relative total population of each locality. For this purpose, total population figures for each locality shall be updated annually as provided in Article IV of this Agreement.

## VI. FISCAL AGENT.

James City County shall act as fiscal agent for the parties. In carrying out its duties as Fiscal Agent, James City County shall: Render timely and accurate statements to each party for payments due from it under this Agreement; receive and properly disburse all payments received by it in its capacity as Fiscal Agent and render an annual accounting to each party of all monies received and disbursed by it in such capacity. Such accounting shall be delivered to City's City Manager and County's County Administrator not later than September 1st of each year.

James City County shall receive an annual fee equal to one percent (1%) of the Court Facilities annual operating budget, exclusive of such fee, or such other compensation as the parties may subsequently agree to, as a line item in the Court Facilities annual operating budget. "Annual operating budget" shall include the salary of the Court Facilities Superintendent, utilities, maintenance costs, custodial supplies, salaries and other expenses, snow removal, other building operating costs. Some costs, like telephone, may be allocated to a court budget or department in order to receive some State reimbursement.

## VII. DAMAGE OR DESTRUCTION

In event of damage or destruction to the Court Facilities or any part thereof, the parties shall apply so much of the hazard insurance proceeds as are necessary to restore the Facility to the condition which prevailed prior to such event. James City County shall act for the parties in taking all actions necessary to accomplish such restoration; provided, however, that work shall not commence until both parties have reviewed and approved that plans for such restoration; and, provided, further, that if the parties fail within a reasonable time to agree upon any aspect of the restoration plans or procedures, County shall have the authority to make final determination of the undecided issue(s) after notifying City in writing of its intent to do so. In no event, however, shall such restoration result in any reduction or redistribution of floor area in a manner that would adversely affect City's use of the Court Facilities.

Should insurance proceeds be insufficient to fully cover the costs of restoration, the parties shall contribute such additional monies as may be required in the same ratio as the parties' relative contributions toward Total Project Costs of the original facility under Article III of this Agreement; which ratio shall be adjusted, however, to reflect any funding of subsequent additions as provided in the last paragraph of Article III.

Should hazard insurance proceeds exceed the costs of restoration, the unused proceeds shall be divided between and paid to the parties based upon the ratio determined under the immediately preceding paragraph.

### VIII. BOUNDARY ADJUSTMENT.

Upon issuance of a final certificate of occupancy permit for the Court Facilities, the parties shall forthwith take all actions as provided in Article 2 of Chapter 24 of Title 15.1 of the Code of Virginia (1950), or any successor provisions thereto, together with any and all other actions as may be necessary to adjust the boundary line between them so as to cause the Property purchased pursuant to this Agreement (and appropriate VDOT right-of-way) to lie within the corporate limits of City. Each party shall pay its attorney's fees with all other costs of such proceeding being borne by City.

### IX. DISPOSITION OF EXISTING COURTHOUSE.

The parties have not yet agreed upon the manner of disposition of the existing courthouse owned by the parties situated in the City. However, the parties hereby agree that they will use all reasonable efforts to reach agreement in this regard before occupancy of the new Court Facilities.

### X. TERMINATION.

This Agreement shall remain in full force and effect unless and until terminated by either party. Either party may terminate this Agreement by giving written notice to the other of intent to terminate and in such case, termination shall be effective as of June 30 of the second calendar year following the date when notice of termination was received. In case of termination, each party shall have the right to continue to occupy and use for court purposes a portion of the Court Facilities, fixtures and equipment fairly representative of said party's total capital contributions toward acquisition of said Facilities, equipment and fixtures. Within ninety (90) days following receipt of notice of termination, the parties shall commence good faith negotiations in order to determine the amount of their respective capital contributions and in order to allocate between themselves portions of the Court Facilities, fixtures and equipment as are necessary to the continued operation of their respective courts and which fairly reflect their respective capital contributions. If the parties have not reached agreement by January 31 of the year in which termination is to take effect, then the matter shall be resolved by arbitration with the senior Circuit Court Judge having offices in the Court Facility acting as arbitrator.

WITNESS the following signatures.

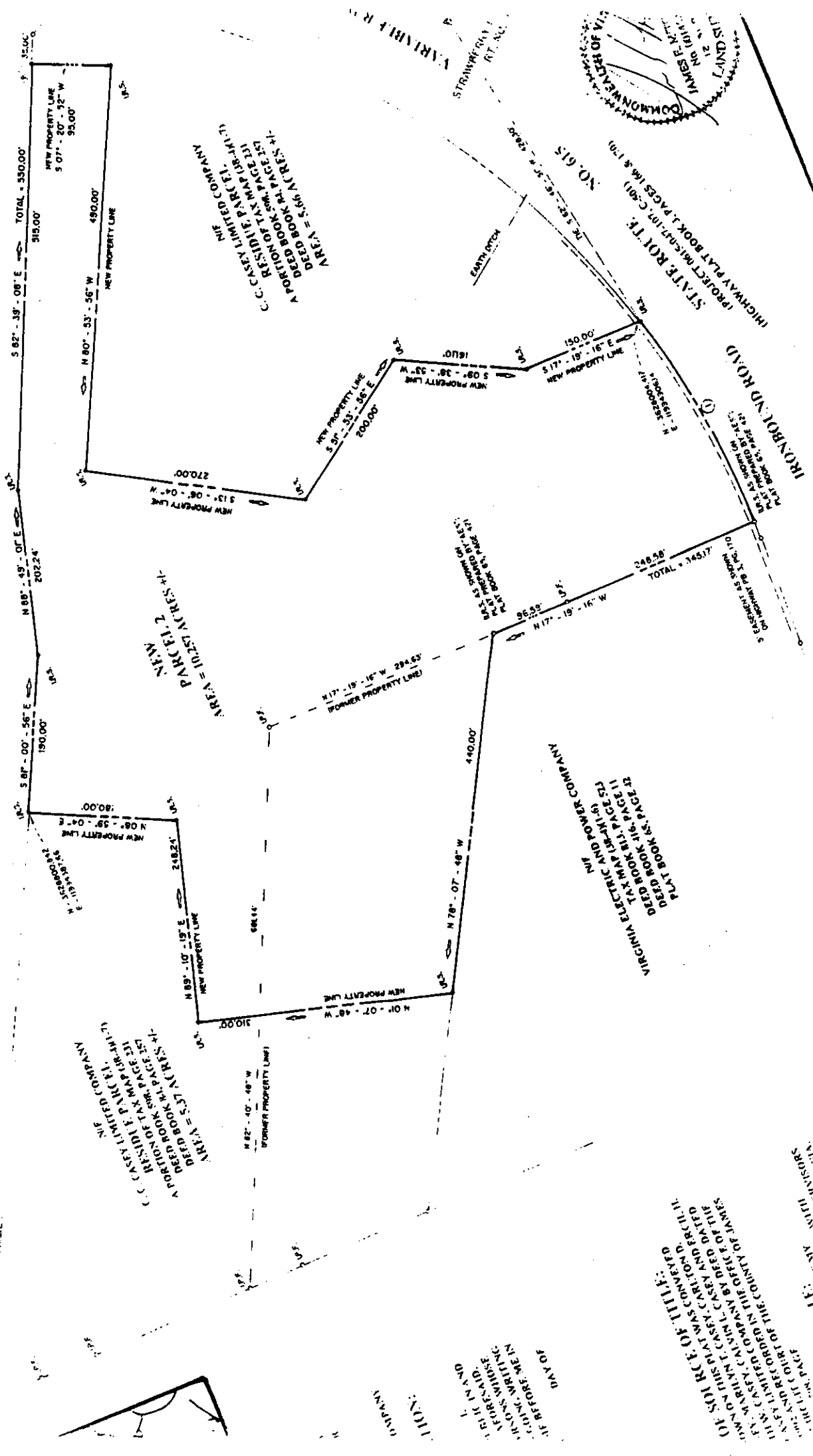
CITY OF WILLIAMSBURG

By Albert E. Krueger  
Mayor



FUTURE MONTICELLO AVENUE EXTENDED VARIABLE R/W

(PROJECT 0109047, FOL. PE-101 C-501, RW, 2001)



AREA = 5.35 ACRES +/-  
A PORTION OF PLAT BOOK 63, PAGE 13  
RESIDUAL PLAT BOOK 63, PAGE 13  
C. CASEY LIMITED COMPANY  
NEW

AREA = 10.25 ACRES +/-  
NEW

AREA = 5.45 ACRES +/-  
A PORTION OF PLAT BOOK 63, PAGE 13  
RESIDUAL PLAT BOOK 63, PAGE 13  
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NEW

AREA = 5.45 ACRES +/-  
A PORTION OF PLAT BOOK 63, PAGE 13  
RESIDUAL PLAT BOOK 63, PAGE 13  
C. CASEY LIMITED COMPANY  
NEW

OF 501 R.C. OF TITLE  
ON THIS PLAT WAS COVERED  
AND DATED  
C. CASEY LIMITED COMPANY  
JAMES E. HAYES  
GOVERNOR  
JAN 21 1901

DATE  
BEFORE ME IN  
WITNESS  
WHEREOF  
I HAVE  
SIGNED  
MY HAND  
AND SEAL  
THIS 1st DAY  
OF JANUARY  
1901

## COUNTY OF JAMES CITY

By   
Chairman, Board of Supervisors

STATE OF VIRGINIA

CITY/COUNTY OF Williamsburg, to-wit:

The foregoing instrument was acknowledged before me on this 10 day of April,  
1997, by Gilbert L. Granger, Mayor of the City of Williamsburg, Virginia.

  
Notary Public

My commission expires: August 31, 2000

STATE OF VIRGINIA

CITY/COUNTY OF James City, to-wit:

The foregoing instrument was acknowledged before me on this 14th day of January,  
1997, by Robert A. Magoon, Jr., Chairman of the Board of Supervisors  
of James City County, Virginia.

Mary Frances Rieger  
Notary Public

My commission expires: October 31, 1997.

970000844

THIS DEED IS EXEMPT FROM RECORDATION TAXES PURSUANT TO § 58.1-810 OF  
THE CODE OF VIRGINIA, 1950, AS AMENDED.

THIS DEED OF CORRECTION, Made this 10th day of January, 1997, by and  
between C. C. CASEY LIMITED COMPANY, a Virginia limited liability company, as party of the  
first part, hereinafter designated as the Grantor, and COUNTY OF JAMES CITY, VIRGINIA, a  
political subdivision of the Commonwealth of Virginia, as party of the second part, hereinafter  
designated as the Grantee;

WITNESSETH:

WHEREAS, by deed dated February 1, 1995, and recorded in the Office of the  
Clerk of the Circuit Court of the City of Williamsburg and County of James City, Virginia, in  
James City County Deed Book 737, Page 441, the Grantor conveyed certain real property to  
the Grantee, which real property was erroneously described; and

WHEREAS, the parties wish to correct said error and to properly describe the real  
estate conveyed.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00), cash  
in hand paid by the Grantee to the Grantor, and other good and valuable consideration, the  
receipt whereof is hereby acknowledged, the said Grantor does hereby GRANT, BARGAIN, SELL  
and CONVEY unto the Grantee, with GENERAL WARRANTY and ENGLISH COVENANTS OF  
TITLE, the following described property, to-wit:

All that certain lot, piece or parcel of land, situate, lying and being in  
James City County, Virginia, containing 10.257 acres  $\pm$ , and more  
particularly set forth and shown on that certain plat entitled, "PLAT OF  
SUBDIVISION OF PROPERTY STANDING IN THE NAME OF C. C.

CASEY LIMITED COMPANY, BEING PARCEL 2 LOCATED: BERKELEY DISTRICT, JAMES CITY COUNTY, VIRGINIA, DATE: DECEMBER 31, 1996," made by Mitchell - Wilson Associates, P.C., a copy of which plat is attached hereto and made a part hereof.

Being a part of the same property as that conveyed unto the Grantor herein by deed dated December 17, 1992, from Robert T. Casey et als., which deed is of record in Deed Book 598, Page 231.

Subject, however, to any restrictions, easements or conditions of record or visible upon the ground or any facts which an accurate survey would disclose.

Together with all and singular the buildings and improvements thereon, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

It is herein provided that the above conveyance is made subject to the following limitation: The estate herein granted shall endure only so long as the property is used by James City County, Virginia for a Courthouse and related uses, with no penal use other than holding cells associated with Court procedures. If at any time the property is not used by James City County, Virginia for a Courthouse and related uses for a period of twenty-four (24) consecutive months, then the estate herein granted shall become null and void and the property shall revert to the Grantor herein, its successors or assigns.

The Grantee joins in the execution of this Deed of Correction for the purpose of acknowledging its consent to the recordation of said Deed of Correction, and further joins in the execution of this Deed of Correction to release, remise and quitclaim to the Grantor herein of all right, title and interest in all that property described in the Deed recorded in James City County Deed Book 737, Page 441 which lies outside of the boundary of the property described herein.

WITNESS the following duly authorized signatures:

C. C. CASEY LIMITED COMPANY

BY: 

ROBERT T. CASEY, President

COUNTY OF JAMES CITY, VIRGINIA

BY: 

ROBERT A. Magoon, Chairman of Board of Supervisors

The form of this deed is approved and, pursuant to Resolution of the Board of Supervisors of James City County, Virginia, duly adopted on the 17th day of May, 1993, this conveyance is hereby accepted on behalf of said County.

  
FRANK M. MORTON, III, County Attorney

JAN 16 1997

STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF York to-wit:

The foregoing Deed, bearing date of the 10th day of January, 1997, was acknowledged before me this 14<sup>th</sup> day of January, 1997, by ROBERT T. CASEY, President of C. C. CASEY LIMITED COMPANY, on behalf of the company.

W. S. Sample  
Notary Public

My Commission expires: 9/30/00

STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF James City to-wit:

The foregoing Deed, bearing date of the 10th day of January, 1997, was acknowledged before me this 14<sup>th</sup> day of January, 1997, by Chairman of Board of Supervisors, on behalf of the County.

Mary Frances Rieger  
Notary Public

My Commission expires: October 31, 1997.

c:\wp51\casbro\corrdeed

VIRGINIA: City of Williamsburg and County of James City, to Wit:

In the Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City, the

14 day of Jan, 1997. This Deed of Conveyance was presented with certificate annexed and admitted to record at 1:31 o'clock

4 Teste: Helene S. Ward, Clerk  
by Robert Sample  
Deputy Clerk

PLAT RECORDED IN

P.B. NO. 65 PAGE 91