

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14TH DAY OF JULY, 1998, AT 7:02 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District
David L. Sisk, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District
Ronald A. Nervitt, Powhatan District
M. Anderson Bradshaw, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. PUBLIC COMMENT

1. Mr. Robert McGaw, 2416 Sarah Spence, spoke of taxes paid in previous years and asked how the County figured the assessment on his house if value was unknown.
2. Mr. Ed Oyer, 139 Indian Circle, stated that recreation fees should be increased for residents of other jurisdictions who use the Community Center.
3. Mr. Jeff Cattell, 2805 Sassafra Court, thanked Mr. Nervitt for questioning the purchase of recreation exercise equipment at the June 23, 1998, Board of Supervisors meeting.

C. CONSENT CALENDAR

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

Mr. Nervitt requested Item No. 1 be removed.

Mr. Edwards made a motion to approve the remaining items on the Consent Calendar.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

1. Minutes of June 23, 1998, Regular Meeting; June 24, 1998, Work Session; and June 27, 1998, Retreat with Williamsburg-James City School Board and Williamsburg City Council

3. Installation of Watch for Children Signs - Fernbrook Subdivision and Magruder Avenue

RESOLUTION

FERNBROOK SUBDIVISION, "WATCH FOR CHILDREN" SIGN

WHEREAS, Section 33.1-210.2 of the Code of Virginia provides for the installation and maintenance of signs by the Virginia Department of Transportation, alerting motorists that children may be at play nearby, upon request by a local governing body; and

WHEREAS, Section 33.1-210.2 further requires that the funding for such signs be from the secondary road system maintenance allocation for the County; and

WHEREAS, the Fernbrook Homeowners Association has requested that a "Watch For Children" sign be installed at the intersection of General Gookin Court and Greensprings Road as illustrated on the attached drawing titled Fernbrook Subdivision, "Watch For Children" Sign.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request that the Virginia Department of Transportation install and maintain a "Watch For Children" sign as requested by the Fernbrook Homeowners Association with funds from the County's secondary road system maintenance allocation.

RESOLUTION

MAGRUDER AVENUE, "WATCH FOR CHILDREN" SIGNS

WHEREAS, Section 33.1-210.2 of the Code of Virginia provides for the installation and maintenance of signs by the Virginia Department of Transportation, alerting motorists that children may be at play nearby, upon request by a local governing body; and

WHEREAS, Section 33.1-210.2 further requires that the funding for such signs be from the secondary road system maintenance allocation for the County; and

WHEREAS, the residents of Magruder Avenue have requested that two (2) "Watch For Children" signs be installed one at each end of Magruder Avenue, as illustrated on the attached drawing titled Magruder Avenue, "Watch For Children" Signs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request that the Virginia Department of Transportation install and maintain "Watch For Children" signs as requested by the residents with funds from the County's secondary road system maintenance allocation.

4. Local Government Challenge Grant, State Arts Commission

RESOLUTION

LOCAL GOVERNMENT CHALLENGE GRANT - STATE ARTS COMMISSION

WHEREAS, the County has applied for a challenge grant for the benefit of the Williamsburg Regional Arts Commission.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of \$4,750 in a Local Government Challenge Grant from the State Commission for the Arts, and adjusts its FY 1999 budget by the following appropriation:

Revenues from the Commonwealth	<u>\$4,750</u>
Contribution to the Williamsburg Arts Commission	<u>\$4,750</u>

5. Road Name Change for Legacy Drive

RESOLUTION

STREET NAME CHANGE FOR THE NORTH-SOUTH

PORTION OF REALIGNED ROUTE 614

WHEREAS, Section 15.2-2019 of the Code of Virginia provides counties the authority to name, by resolution, roads inside their jurisdictional limits; and

WHEREAS, Monticello Avenue (Alternate Route 5) will be constructed over the next several years; and

WHEREAS, this construction will change the character of Realigned Route 614; and

WHEREAS, the north-south portion of Realigned Route 614, Legacy Drive, will become a logical extension of Greensprings Plantation Drive.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, does hereby approve the name Greensprings Plantation Drive for the north-south portion of Realigned Route 614 from its terminus at John Tyler Highway to its terminus with Greensprings Plantation Drive.

6. Trash and Grass Lien, 5660 Centerville Road

RESOLUTION

CODE VIOLATION LIEN

WHEREAS, the Zoning Administrator has certified to the Board of Supervisors of James City County, Virginia, that the property owner as described below has 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 Sections 10-7 and 10-5 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 H. Richardson 5660 Centerville Road Williamsburg, VA 23188
DESCRIPTION:	5660 Centerville Road - Trash and Grass
TAX MAP NO.:	(31-1) (02-0-0019) James City County, Virginia
AMOUNT DUE:	\$271

7. Hampton Roads Planning District Commission Reappointment

RESOLUTION

HAMPTON ROADS PLANNING DISTRICT COMMISSION

WHEREAS, the bylaws of the Hampton Roads District Planning Commission require that each respective governing body designates one Commission member to the Executive Committee, term of appointment two years; and

WHEREAS, the James City County Board of Supervisors desires to appoint the County Administrator to serve on the Executive Committee.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby reappoints Sanford B. Wanner to the Hampton Roads Planning District Commission and as the Executive Committee member to represent James City County on the Hampton Roads Planning District Commission for a two-year term expiring June 30, 2000.

2. Appropriation from the Virginia Public Assistance Fund - Forest Glen Resource Center

Mr. Anthony Conyers, Jr., Manager of Community Services, stated that the County was rehabilitating a house, located at 3832 Longhill Road to serve as the Forest Glen Resource Center during the three- year term of the Williamsburg Community Health Foundation Grant, which would provide health related services to the Forest Glen neighborhood. He further stated that at the end of that period, the house would be sold by the Office

of Housing and Community Development to a qualified low to moderate income buyer through the Affordable Housing Incentive Program.

Mr. Nervitt made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

RESOLUTION

APPROPRIATION FROM THE VIRGINIA PUBLIC ASSISTANCE FUND

FOREST GLEN RESOURCE CENTER

WHEREAS, the James City County Division of Social Services wishes to financially support the purchase and rehabilitation of property in the Forest Glen neighborhood to be used as a Resource Center; and

WHEREAS, sufficient funding is available in the Virginia Public Assistance Fund.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia authorizes the following budget amendments and changes in appropriations for Fiscal Year 1999:

Social Services:

From Fund Balance	\$10,000
Contribution to Housing and Community Development	\$10,000

Housing and Community Development:

From Social Services	\$10,000
Line Item 010-0210-5000	\$10,000

D. PUBLIC HEARINGS

1. Case No. SUP-8-98. James Point Nursing Facility and Housing Development

Mr. Gary A. Pleskac, Senior Planner, stated that Mr. Kenneth Jenkins on behalf of Smith/Packett Med-Com, Inc. had applied to construct a 120-bed skilled care facility in a single building on a 20± acre portion of a 28-acre unsubdivided parcel, zoned R-8, Rural Residential, and 20,000 square feet of office development on a 7± acre portion, zoned LB, Limited Business, located at 1811 Jamestown Road, further identified as Parcel No. (1-70) on James City County Real Estate Tax Map No. (47-3).

Staff determined that the proposal, with conditions of placing easements on the northeast and western portion of the R-8 property and with the pending dedication of property to Williamsburg Land Conservancy along the Jamestown Road frontage, was compatible with surrounding zoning and development; single access from Jamestown Road, level of service on Jamestown Road, property being within Primary Service Area, and Comprehensive Plan designations were considered.

In concurrence with staff, the Planning Commission, by a vote of 6 to 0, recommended approval of the special use permit with conditions listed in the resolution.

Board and staff discussed the buffer areas and economic benefits of the proposal.

Mr. Edwards opened the public hearing.

1. Mr. Vernon Geddy, III, representative of the applicant, described the nursing facility and stated that less vehicle traffic would be generated than by many by-right uses and the facility was beneficial to community. He asked for approval of the special use permit.

Board asked the number of employees, whether fiscal impact study was completed, time line for completion, and whether medical offices were planned in future development.

Mr. Nervitt requested that fiscal impact studies be completed on future cases.

Mr. Edwards closed the public hearing.

Mr. McGlennon made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

RESOLUTION

CASE NO. SUP-8-98. JAMES POINT NURSING FACILITY AND OFFICE DEVELOPMENT

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 June 1, 1998, recommended approval of Case No. SUP-8-98 by a vote of 6 to 0 to permit the operation of a skilled nursing facility and office development at 1811 Jamestown Road, further identified as Parcel No. (1-70) on James City County Real Estate Tax Map No. (47-3).

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-8-98 as described herein with the following conditions:

1. **Construction.** If construction has not begun on the project within 24 months of the issuance of the special use permit, it shall become void. Construction shall be defined as the obtaining of permits for the construction of foundations and/or footings.
2. **Uses.** The uses of the property shall be limited to a skilled nursing facility no greater than 50,000 square feet and an office development having a maximum total floor area of 20,000 square feet, and shall be developed in accordance with the master plan entitled, "1811 Jamestown Road Skilled Care," prepared by Rickmond Engineering, dated May 14, 1998.
3. **Architecture.** The developer shall submit with the first site plan for the skilled living facility, and for the first site plan for the office development, architectural elevations of the buildings to include colors and examples of external materials for the roofs and walls for review and approval by the Director of Planning. Colors and materials shall be used that make the structures blend in with the natural environment of the site. All structures shall have gable roofs. The skilled living facility shall be limited to one story in height. The proposed office development shall not be a single structure and shall consist of several structures of no more than two stories. There shall be no more than

four structures that comprise the office development. No structure in the office development shall exceed 7,000 square feet in floor area.

4. Conservation Easement. The owner shall place in a conservation easement acceptable to the County all land, above and including the 50-foot contour as generally identified on the conceptual plan entitled "1811 Jamestown Road Skilled Care," prepared by Rickmond Engineering, dated May 14, 1998. No land disturbance or grading shall be permitted above the 50-foot contour unless approved by the Director of Planning. In no case shall any land disturbance or grading occur above the 55-foot contour.
5. Buffers and Enhanced Landscaping. There shall be a minimum 100-foot undisturbed wooded buffer between the development and abutting properties generally to the west of the skilled living facility. There shall be a minimum 50-foot undisturbed wooded buffer between the proposed office development and the residential properties to the east, supplemented with enhanced evergreen landscaping in a manner that provides an effective visual screen as approved by the Director of Planning.
6. Access. Access to the property shall be limited to a single entrance on Jamestown Road. There shall be no access to the property from Sandy Bay Road. The entrance drive shall not have a median strip.
7. Lighting. All light poles shall not exceed 20 feet in height unless otherwise approved by the Director of Planning prior to final site plan approval. Security lighting affixed to any building shall be directed downward and shall not glare on adjacent property. All external lighting fixtures shall have recessed fixtures with no bulb, lens, or globe extending below the casing, so as to prevent any view of the light source from the side of the fixture.
8. Accessory Structures. Any storage shed or structure housing utilities on the property shall be subject to Condition 3 above and shall be landscaped as determined by the Director of Planning.
9. Dumpsters. Dumpsters or refuse containers shall be screened from view with a wood fence and shall be located no less than 150 feet from adjacent properties.
10. Archaeological Study. The developer shall submit to the County and to the Virginia Department of Historic Resources (VDHR) an archaeological study prepared in accordance with the County Archaeological Condition Policy on all disturbed areas of the site. The study or studies shall be reviewed and approved by the Director of Planning prior to any land disturbance. The recommendations of the approved study or studies shall be implemented in accordance with the County's Archaeological Condition Policy.
11. Limits of Development. The property zoned LB, Limited Business on the master plan shall not be developed and shall be maintained as open space as defined in the James City County Zoning Ordinance, except for: The area labeled as "Future Office Development Not to Exceed 20,000 SF," the single access road generally shown on the plan, and the existing pond proposed for a BMP. The Director of Planning shall approve any and all land disturbance and building demolition activity in this area.
12. Jamestown Road Frontage Land Dedication. Except for the allowed development and land disturbance areas identified in Condition 11 above, and identified on the master plan entitled "1811 Jamestown Road Skilled Care," prepared by Rickmond

Engineering, dated May 14, 1998, the remainder of the area zoned LB, Limited Business shall be dedicated in fee or by conservation easement, approved by the County Attorney to an organization acceptable to the Director of Planning prior to final site plan approval.

13. Single Legislative Act. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Case No. MP-1-98. Greensprings Plantation Master Plan Amendment

Ms. Jill Schmidle, Planning, stated that Mr. Vernon Geddy, III, had applied on behalf of Greensprings Plantation, Inc., to amend the Greensprings Plantation Master Plan and concurrently amend the proffers. The 1,402 site, zoned R-4, Residential Planned Community, is located at the corner of Route 5 and Centerville Road, further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (46-1).

Staff determined that the proposed master plan and proffer amendments were consistent with surrounding residential development and zoning and achieved the Community Character Corridor goals, therefore consistent with the Comprehensive Plan.

In concurrence with staff, the Planning Commission, by a vote of 6-0, recommended approval of the case.

Mr. Edwards opened the public hearing.

1. Mr. Vernon Geddy, III, stated that the applicant's goal was to make the buffer at the intersection safer and more attractive.

2. Mr. Keith Nowadly, 4702 Wood Violet Lane, stated Historic Route 5 Association concerns about this case were: Who pays for the traffic signal and replant vegetation from ditch into existing area. He asked for further exploration of those concerns before approval.

3. Mr. R. M. Hazelwood, Jr., 300 Old Stage Road, spoke in favor of landscaping to enhance the entrance.

Mr. Edwards closed the public hearing.

Mr. Nervitt indicated there were other alternatives to a traffic signal at the intersection and landscaped buffers.

Mr. Bradshaw made a motion to approve the resolution.

Board members and staff discussed buffer landscaping and visibility and color of development all tightly controlled by final approval.

Mr. Nervitt made a motion to defer the case.

Board members voiced support for the landscaped buffer and emphasized amendments to the proffers would have to be conveyed to the applicant.

On a roll call on the motion to defer, the vote was: AYE: Nervitt, McGlennon (2). NAY: Sisk, Bradshaw, Edwards (3).

On a roll call on the motion for approval, the vote was: AYE: Sisk, McGlennon, Bradshaw, Edwards
(4). NAY: Nervitt (1).

RESOLUTION

CASE NO. MP-1-98. GREENSPRINGS PLANTATION MASTER PLAN AMENDMENT

WHEREAS, in accordance with section 15.1-431 of the Code of Virginia, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified, and a hearing was scheduled on Master Plan Case No. MP-1-98 for a master plan amendment. The site can be further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (46-1); and

WHEREAS, the Planning Commission of James City County, following its public hearing on June 1, 1998, recommended approval of Case No. MP-1-98, by a vote of 6 to 0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. MP-1-98 as described herein, and accepts the voluntary proffers.

3. Case No. ZO-1-98. Ordinance Amendment, Chapter 24, Zoning, Amending Article I, In General, Section 24-7, Administrative Fees

Ms. Tamara A. M. Rosario, Senior Planner, stated that the proposed ordinance amendments represented an incremental increase toward meeting actual costs associated with review of land development. She further stated that fees for site plans, height limitation waiver, Board of Zoning Appeals advertising, sign permits and verification of nonconforming status were proposed and indicated that the special use permit fee would be brought to the Board on a future agenda.

In concurrence with staff, the Planning Commission, by a vote of 4 to 2, recommended approval of the ordinance amendment to take effect immediately.

Board and staff discussed the percentage that the proposed fees would recover and that the increase in fees was proposed during the budget process and open for public discussion from early spring until mid-summer.

Mr. Edwards opened the public hearing.

1. Mr. Keith Nowadly, 4702 Wood Violet Lane, spoke in support of staff's recommendation, stating that the fees are not nearly what they should be for developers.

Mr. Edwards closed the public hearing.

Board and staff discussed that developers would pass along fee increases to home buyers and user fees should be for nondiscretionary activities.

The Board asked staff to ensure consistency by reviewing fees for sign permits; nonconforming uses; recover costs of particular functions; and move from 20 percent toward 50 percent recovery of administrative fees.

Mr. Edwards deferred the case to allow staff to address the requests.

Mr. Edwards declared a recess at 9:15 p.m. 9

Mr. Edwards reconvened the Board at 9:28 p.m.

4. Conveyance of a Permanent Right-of-Way Easement, Approximately 400 Square Feet, to Bell Atlantic-Virginia, Inc., to Locate a Communication System Cabinet at Mid-County Park

Mr. Frank M. Morton, III, County Attorney, stated that the resolution authorized the Chairman to execute a deed transferring approximately 400 square feet of County property at Mid-County Park, Route 615 (Ironbound Road) to Bell Atlantic - Virginia, Inc. for placement of communication equipment.

Staff recommended approval of the resolution following the public hearing.

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

Mr. Edwards made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

RESOLUTION

DEED TO CONVEY RIGHT-OF-WAY TO

BELL ATLANTIC - VIRGINIA, INC.

WHEREAS, Bell Atlantic - Virginia, Inc., requires a certain parcel of land from the County at the Mid-County Park, Route 615 (Ironbound Road); and

WHEREAS, Bell Atlantic - Virginia, Inc., has offered to pay \$5,000.00 to the County to acquire 400 square feet of the County Property as designated on a Plat recorded in Map Book 36, Page 81; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that the County should convey such property to Bell Atlantic - Virginia, Inc., for the agreed upon price.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the Chairman to execute a deed and any other document needed to convey the above-referenced property to Bell Atlantic - Virginia, Inc., in exchange for \$5,000.00.

I. BOARD CONSIDERATIONS

1. Interstate 64 Major Investment Study Locally Preferred Alternative

Mr. O. Marvin Sowers, Jr., Planning Director, stated that the Board of Supervisors, at its June 23, 1998, meeting, requested staff to bring this item back with presentation of a draft letter to Virginia Department of Transportation (VDOT) expressing County comments and concerns of project alternatives and providing a recommendation on a locally preferred alternative.

Mr. Sowers stated that the consultant's findings were focused on transportation performance, safety, environmental and cost effectiveness. Staff determined that alternatives on land use, economic development and long term transportation policy were important County considerations. He briefly described Alternatives A through F.

Staff recommended that the Board endorse the draft letter to the Virginia Department of Transportation project manager, and to select its preferred alternative to be presented to VDOT's I-64 Advisory Group. Staff recommended approval of the resolution.

Board and staff discussed ramp metering, use of roadways parallel to Interstate 64, plans for road diversions for safety purposes, safety issue of 110 mph rail traffic at railroad crossings; future technology not yet a part of the study; and citizens should attend the meetings scheduled for July 22, 1998.

The Board requested that staff include urban sprawl and infill development information in the letter to VDOT on I64 Investment Study Locally Preferred Alternative and also asked that a rapid rail system be reviewed.

Mr. Edwards made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

RESOLUTION

INTERSTATE 64 MAJOR INVESTMENT STUDY: LOCALLY PREFERRED OPTION

WHEREAS, the Virginia Department of Transportation has conducted a Major Investment Study of the Interstate 64 corridor from Newport News to Richmond; and

WHEREAS, the Study has identified several alternatives to address both present and projected transportation issues in the corridor and has requested input from local governments in the corridor on a locally preferred option; and

WHEREAS, the Board of Supervisors has reviewed the study's and County staff's evaluations of the alternatives, with particular interest on their cost effectiveness and impacts on tourism, historic and scenic beauty, economic development, and regional land development and redevelopment; and

WHEREAS, the Board of Supervisors prefers an alternative that will maintain good regional access in the corridor at a reasonable cost; have minimal impact on the historic character of the Historic Triangle and its scenic beauty; provide good access to regional tourist attractions and centers of economic development; avoid the negative impacts of urban and suburban sprawl; promote positive infill and redevelopment in urban areas; and encourage a land use pattern that reduces the demand for single occupancy vehicle usage and promotes the success of a multi-mode system; and

WHEREAS, Alternative C with some modifications best achieves these objectives.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County's locally preferred alternative is Alternatives C with modifications to the project as follows:

-The 110 mile per hour rail system proposed under Alternative D should be implemented; and

-The proposed high occupancy vehicle lane from Newport News to Route 199 should terminate just west of the Grove Interchange; and

- Funds for the proposed single occupancy lane between Route 199 and Route 249/Bottoms Bridge should be reserved but construction deferred for a ten year period following the full

completion of all other improvements in Alternative C, during which time an evaluation of the need for additional capacity in this section should be undertaken, and a decision made as to the type of capacity needed (single or high occupancy vehicle lanes, transit, rail etc.), and a decision made by the Richmond Area and Hampton Roads Metropolitan Planning Organizations as to the appropriate alternative, and the reserved funds either programmed or released.

BE IT FURTHER RESOLVED that a copy of this resolution be provided to the Virginia Department of Transportation and the I-64 Advisory Group.

2. Workplace Violence Prevention Policy (Deferred from June 9, 1998)

Ms. Carol Luckam, Human Resource Manager, stated that this item was deferred at the June 9, 1998, Board of Supervisors meeting and that James City County was committed to the safety and security of its employees and customers. She further stated that the Workplace Violence Prevention Policy proposal was consistent with other national efforts.

Staff recommended approval of the Policy.

After a brief discussion, the Board members discussed procedures and the flexibility of the policy.

Mr. Nervitt made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

RESOLUTION

WORKPLACE VIOLENCE PREVENTION POLICY

WHEREAS, violence in the workplace is a growing concern nationally and a problem that needs to be addressed by all employers; and

WHEREAS, employees need to be able to perform their duties in an environment that is free from threatening and violent behaviors; and

WHEREAS, James City County is committed to providing a safe, secure workplace which reflects the County value of mutual respect, trust, honesty, and personal responsibility among employees.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the attached revision to Chapter 11 of the Personnel Policies and Procedures Manual. This revision shall be effective July 15, 1998.

J. PUBLIC COMMENT

1. Mr. R. M. Hazelwood, Jr., 300 Old Stage Road, Toano, stated that the third lane for Interstate 64 was needed now. He indicated that the Recreation Center fees should be paid for by the users and not by all County citizens, since the same persons participate in several programs.

2. Mr. Grant Olson, 105 Holman Road, spoke in support of a light rail system for the Peninsula, and stated that it should be emphasized in communication with VDOT or Metropolitan Planning Organizations since the light rail system in the community was specifically referenced in the Comprehensive Plan.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner reported that action was needed on an additional Board Consideration item, Courthouse/Deed of Correction and Reciprocal Easement Agreement, and a Reading File item, appointing individuals to the 1998 James City County Fair Advisory Committee.

Mr. Wanner advised of a meeting held with Cox Communications who announced it was not going to increase the percentage of the franchise fee paid from five percent to 5-½ percent and was seeking assistance to resolve customer telephone response time. He responded to Mr. Oyer's and Mr. Hazelwood's comments about persons with decals from other jurisdictions at the Recreation Center might be there for other events that occur in the building, i.e., Williamsburg Community Hospital Wellness Center, swim meets, basketball tournaments, etc.

Mr. Wanner recommended adjournment until the July 28, 1998, regularly scheduled Board of Supervisors meeting.

Mr. Edwards made a motion to approve the list of individuals on the 1998 James City County Fair Advisory Committee.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

1. Courthouse/Deed of Correction and Reciprocal Easement Agreement

Mr. Morton stated that the Deed of Correction sets the boundaries of the courthouse site which consists of 11.406 acres, and the Reciprocal Easement Agreement sets forth agreements among the three parcels of property, the courthouse site, the future church site (Monticello parcel) and the future office park (Ironbound parcel), relating to vehicular and pedestrian ingress and egress, parking, drainage and utility.

Staff recommended approval of the resolution.

Mr. Sisk made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

RESOLUTION**COURTHOUSE/DEED OF CORRECTION AND****RECIPROCAL EASEMENT AGREEMENT**

WHEREAS, the Board of Supervisors and C. C. Casey Limited Company ("Casey") are desirous of entering into final agreements related to the Courthouse site.

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 and Reciprocal Easement Agreement.

L. BOARD REQUESTS AND DIRECTIVES

Mr. Bradshaw noted the death this past week of Woodson Taylor, who was one of the founders of the James City County/Bruton Fire Department 50 years ago.

Mr. Nervitt asked how the County was handling debris/trash along roadways.

Mr. Wanner responded that the work release program from the Regional Jail provides labor of qualified inmates to all four jurisdictions. He stated that the County was working with VDOT on specific trash cases, police were looking for litterers, as an example, on Brick Bat Road, and he encouraged neighborhoods to adopt-a-highway.

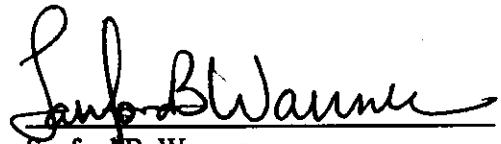
Mr. Edwards stated that Police Chief Robert Key would check to see whether legislation had been extended a period of time long enough to warrant purchase of the cameras for apprehending citizens who fail to stop when traffic signals change to red.

Mr. Edwards asked staff to provide a memorandum comparing the recently received traffic count figures with past counts.

Mr. Edwards made a motion to adjourn.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

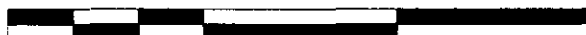
The Board adjourned at 10:45 p.m.

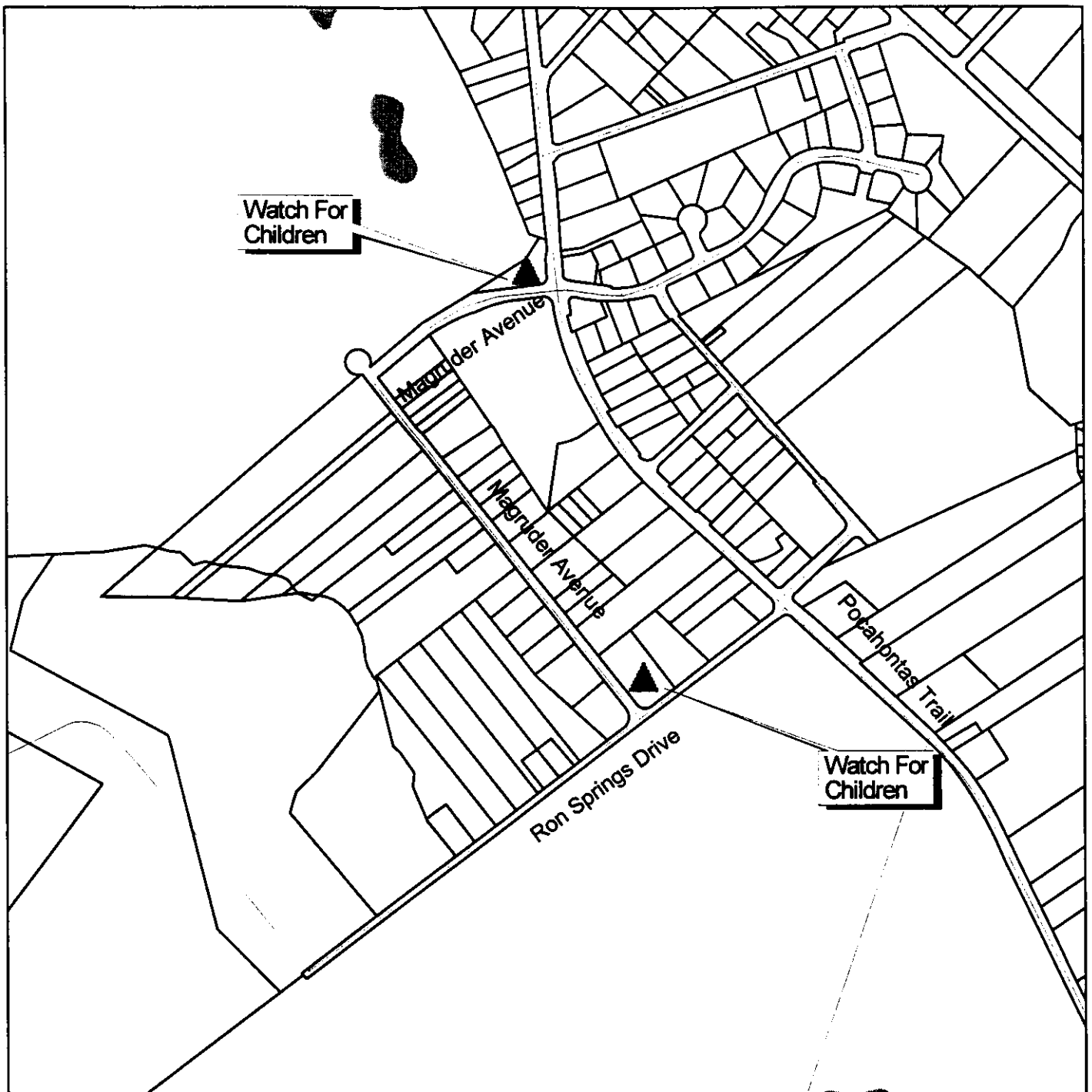

Sanford B. Wanner
Clerk to the Board



**FERNBROOK SUBDIVISION
"WATCH FOR CHILDREN" SIGN**

600 0 600 1200 Feet





MAGRUDER AVENUE "WATCH FOR CHILDREN" SIGNS

600 0 600 1200 Feet



980013306

SECOND AMENDED AND RESTATED
GREENSPRINGS PROFFER AGREEMENT

This Second Amended and Restated Proffer Agreement is made as of this 6th day of July, 1998, by Greensprings Plantation, Inc., a Virginia corporation ("Owner").

RECITALS

A. Greensprings Plantation, Inc. is the developer of the "Greensprings Plantation" planned community consisting of approximately 1402 acres, located in James City County, Virginia (the "Property") along Route 5 and being more particularly described in Exhibit A attached hereto.

B. In 1989 the Owner applied for and James City County (the "County") granted a rezoning of the Property from the Limited and General Agricultural Districts, A-2/A-1, to the Residential Planned Community District, R-4, with proffered conditions as set forth in a Greensprings Proffer Agreement dated February 6, 1989 and recorded in James City County Deed Book 427, page 466 (the "Original Proffers").

C. In 1992, Owner applied for an amendment to the approved Master Plan for the Property and, in connection therewith, amended and restated the Original Proffers by Amended and Restated Greensprings Proffer Agreement dated April 30, 1992 and recorded in James City County Deed Book 562 at page 794 (the "Restated Proffers").

D. In 1993, Owner applied for an amendment to the approved Master Plan for the Property and, in connection therewith, amended the Restated Proffers by First Amendment to Amended and

Restated Greensprings Proffer Agreement dated September 29, 1993 and recorded in James City County Deed Book 652 at page 765.

E. In 1997, Owner applied for an amendment to the approved Master Plan for the Property and, in connection therewith, amended the Restated Proffers by Second Amendment to Amended and Restated Greensprings Proffer Agreement dated September 23, 1997 and recorded in James City County Deed Book ____ at page ____.

C. Owner has now applied for an amendment to the approved Master Plan for the Property pursuant to Sections 20-215 (b) and 20-15 of the County Zoning Ordinance and, in connection therewith, desires to amend and restate the Restated Proffers, as amended.

NOW, THEREFORE, in consideration of the County of James City granting approval of the amendment of the Master Plan and pursuant to Section 15.1-491.2:1, et seq. of the Code of Virginia, 1950, as amended, and Section 20-15, et seq. of Chapter 20 of the Code of James City County, Virginia, the Owner agrees that in addition to the regulations provided for in the Residential Planned Community District, R-4, it will meet and comply with all of the following conditions to the development of the Property. If the County fails to grant the requested amendment to the approved Master Plan, this Second Amended and Restated Greensprings Proffer Agreement shall thereupon be void and the Restated Proffers, as amended, shall remain in full force and effect.

1. Number of Dwelling Units. The number of residential units shall be limited in relation to the areas as designated on the Amended Master Plan submitted herewith last revised July 6, 1998 and made by Rickmond Engineering (the "Amended Master Plan") as follows:

<u>Project Land Bay R-4 Master Plan Designation</u>		<u>Maximum Number of Dwelling Units</u>
S- 1	A	368
S- 2	eliminated	
S- 3	A	172
S-4	eliminated	
M- 5	D	218
M- 6	D	282
M- 7	eliminated	
M- 8	D	0
M- 9	D	165
M-10	B	100
M-10	C	56
M-10	D	144
M-10	Nursing Home	120 beds

2. Route 5 Greenbelt. The Owner shall designate 150-foot greenbelt buffers along the Property's Route 5 frontage measured from the existing Route 5 right-of-way. The greenbelt buffers shall be exclusive of any lots and, except as set forth below, shall be undisturbed. Utilities, drainage improvements, community entrance roads as shown generally on the Amended Master Plan (limited to one entrance for relocated Route 614, one entrance to Land Bay M-10, and one entrance to each of the public use sites shown on the Amended Master Plan), pedestrian/bicycle trails and signs as approved by the Development Review Committee. In the portions of the greenbelt buffer located within 250 feet of the intersection of Route 5 and Legacy Drive, Owner may (i)

JUL 20 00 79

engage in select hand clearing and trimming of trees and other plants with a caliper of three inches or less; (ii) may engage in select hand clearing or trimming of trees and plants with a caliper of more than three inches with the prior specific approval of the Director of Planning on a case by case basis on the condition such trees or plants with a caliper in excess of three inches so cleared are replaced with new trees or plants with a caliper in excess of three inches; (iii) may plant enhanced landscaping, including trees and shrubs; and (iv) install fencing, all in accordance with a landscape plan approved by the Development Review Committee and the Director of Planning. The goal of the preceding sentence is to allow Owner to create a more attractive buffer than currently exist that allows partial visibility (but not an unobstructed view) of the development in adjacent Landbays comparable to the visibility provided by the greenbelt buffer along the Route 5 frontage of the Governor's Land at Two Rivers development. Unless otherwise approved by the Director of Planning, buildings constructed after the date hereof adjacent to the portions of the greenbelt buffer located within 250 feet of the intersection of Route 5 and Legacy Drive shall utilize materials (other than roofing materials) of brick and/or earth tone (from cream to tan) colors except doors, trim and shutters may be of any color from the City of Williamsburg approved color palette.

3. Golf Facilities. The areas on the Amended Master Plan designated as golf courses, clubhouse, and practice range shall

be used only for those purposes or such areas shall be left as Major Open Space and subject to Condition 14 hereof. If golf facilities are constructed on the Property, all owners of lots in areas with a Master Plan Area designation "A" and owners of units in Land Bays M-5 through M-7 shall have the right to use the aforementioned golf facilities upon payment of any applicable fees and subject to the other rules and regulations governing use of such facilities as in effect from time to time. Development of golf courses on the Property shall be subject to the following conditions:

(a) All disturbed slopes steeper than 25% shall be sodded immediately after clearing and grubbing associated with cut and fill operations. The sod shall be staked into place, as necessary, and temporary fill diversions shall be constructed to minimize water flow over slopes, until sod has become fixed to the slope by establishment of root structure. Owner acknowledges that disturbance of slopes steeper than 25% requires an exception under the County's Chesapeake Bay Preservation Ordinance, Chapter 23 of the County Code.

(b) All disturbed slopes exceeding 10% shall be stabilized immediately upon reaching final grade with sod or excelsior blanket and seed, or other approved erosion control matting at vertical increments not exceeding 10 feet, or at the end of the work day, should a fill greater than 10 feet occur during that period.

(c) A construction phasing plan shall be provided as part of the site plan to be approved by the Environmental Director. That plan will divide the construction into four or five phases. Land disturbance beyond the first phase shall be permitted based upon the demonstrated adequacy of erosion and sedimentation control measures installed in prior phases.

(d) Grass depressions and catchment areas shall be used throughout the construction area as a means of runoff detention and Best Management Practices.

(e) An operation and maintenance plan, including an integrated pest management plan, shall be submitted as part of the site plan submittal for approval by the Environmental Director before final site plan approval. The integrated pest management plan shall require the recordation of the application of all fertilizers, herbicides, pesticides, insecticides and/or other chemicals applied to the golf courses. A copy of the application records shall be kept on site and shall be made available, upon request, for review by the Environmental Division of the Code Compliance Department. Additionally, a copy of the records shall be submitted to the Environmental Director annually from the date of approval of the golf course site plan, for review and approval. The Environmental Director may require the submittal of a new integrated pest management plan if the review of these records show the plan to be inadequate.

(f) The golf course and driving range will not be illuminated for use after dark.

(g) Water for irrigation of the golf courses shall be provided from surface water collection or withdrawn from Powhatan Creek.

4. Neighborhood Recreational Facilities.

(a) Single-Family Neighborhood Recreation Center. The Single-Family Neighborhood Recreation Center ("SNRC") shown on the Amended Master Plan in Land Bay S-3 and labeled "SNRC" shall be located generally as shown on the Amended Master Plan. The SNRC shall contain at least one 25 meter swimming pool and one wading pool with a total water surface area of at least 4,000 square feet, one community center/bath house of at least 2,000 square feet, two hard surface, regulation size tennis courts and one tot lot with playground equipment. In Land Bay S-1 there shall be an additional play area with playground equipment, an open play area of a minimum of one-half acre and an outdoor, unlighted basketball or multi-use court at a location approved by the Development Review Committee. These facilities shall be completed or bonds in a form acceptable to the County Attorney for their completion posted with the County before the County is obligated to grant final subdivision approval for any lots in Land Bay S-1. The SNRC and the additional recreational areas and facilities proffered above shall be available for use by all residents of lots in areas with a Master Plan Area designation "A", subject to the provisions of any applicable restrictive covenants and rules and regulations adopted thereunder. Owner shall maintain the SNRC and the additional recreational areas and

JUL 20 5 00 33

facilities preferred above until such time as it is conveyed to an owners association, at which time such association shall assume responsibility for its maintenance.

(b) Multi-Family Neighborhood Recreation Centers. (i)

Unless Owner elects to construct a single central multi-family neighborhood recreational center pursuant to subparagraph (ii) below, before the County shall be obligated to issue Certificates of Occupancy for more than 50 units in Land Bays M-5 through M-9 shown on the Amended Master Plan, residents of each of those Land Bays shall have access to at least one Multi-Family Neighborhood Recreation Center ("MNRC") serving (but not necessarily located in) that Land Bay. There shall be recreational facilities which comply with requirements of the Zoning Ordinance located within Land Bay M-10 with the type and location of such facilities to be determined by Owner following consultation with the residents of Land Bay M-10. The recreational facilities shall be shown on site plans of Land Bay M-10 and subject to the approval of the Development Review Committee. The MNRCs for all multi-family Land Bays in the aggregate shall be provided with swimming pools with a total minimum water surface area of 5,000 square feet with no single pool having a minimum water surface area of less than 750 square feet and a total of at least six regulation size, hard surface tennis courts. The MNRCs in Land Bay M-5, M-6, M-8, and M-9 shall have an open play area of at least one-fourth an acre and a tot lot with playground equipment. The pools and tennis courts shall be distributed as follows:

JUL 20 00 34

Land BayMinimum Facilities

M-5

2 pools, 2 tennis courts

M-6

to be determined by Owner

M-9

1 pool, 1 tennis court

Each MNRC shall be open for use by owners of units within the Land Bay(s) which it serves subject to the provisions of any applicable restrictive covenants and rules and regulations adopted thereunder.

(c) Trail System. Owner shall provide a central pedestrian/bicycle trail system along one side of realigned Route 614, and along one side of Monticello Avenue when and if such road is constructed. Owner shall provide a soft surface pedestrian trail along its Route 5 frontage. Such trail system shall be located in or adjacent to the road right-of-way of the roads listed above and shall be constructed when the adjacent road is constructed or, in the case of the trail adjacent to Route 5, prior to completion of development of the Land Bay adjoining the segment of the trail in question. The portions of the central pedestrian/bicycle trail system located outside the VDOT right-of-way shall be maintained by Owner until the area containing the trail is conveyed to an owners association, at which time the association shall assume responsibility for its maintenance. Internal trails shall be provided in each Land Bay in accordance with the County's Sidewalk Policy or as shown on the Amended Master Plan. The internal trails shall be connected with the central trail system. Before the County is obligated to grant final approval of a site plan for Land Bay M-9, Owner shall

JUL 20 00 85

submit to the County a feasibility study of providing pedestrian access from Land Bay M-9 to the Neighborhood Commercial Center.

5. Neighborhood Commercial Center. (a) The Neighborhood Commercial Center shall be located generally as shown on the Amended Master Plan and shall contain no more than 50,000 square feet of Gross Floor Area (as defined in the County Zoning Ordinance). Within the Neighborhood Commercial Center no more than one retail establishment shall have a Gross Floor Area of more than 8,500 square feet. The one retail establishment which may exceed 8,500 square feet shall have a Gross Floor Area of no more than 12,000 square feet. No building within the Neighborhood Commercial Center shall have a height in excess of 35 feet from grade unless otherwise approved by the Planning Commission.

(b) Within the Neighborhood Commercial Center the following uses, otherwise permitted within the R-4 zoning district, shall not be permitted: any office use with outdoor equipment storage; and hotel/motel/tourist homes/convention centers.

6. Archaeological Sites. A Phase I Archaeological Study of the Property meeting the guidelines set forth in the Virginia Department of Historic Resource's Guidelines for Preparing Archaeological Resource Management Reports and conducted under the supervision of a qualified archaeologist who meets, at a minimum the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards shall be prepared and submitted for approval to the Director of Planning. Owner

JUL 20 3 00 87

shall undertake a Phase II and/or, subject to the following sentence, a Phase III study of archaeological sites identified in the Phase I study, if identified by the Phase I study heretofore submitted as warranting Phase II or Phase III study, and shall submit such studies to the County for review and approval prior to any land disturbing on or adjacent to such sites. Owner may at its option leave undisturbed an archaeological site planned for development in lieu of performing a Phase III study thereon. The recommendations of such studies shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon. If as a result of a Phase II study of a site, the County determines the site is eligible for inclusion in the National Register of Historic Places based on the criteria established by the Department of the Interior , Owner shall develop and implement a plan for inclusion of the site on the National Register of Historic Places and for the mitigation of potential adverse impacts on the site. All sites to be left undisturbed or upon which a Phase III study is to be conducted shall be protected from development activities by temporary fencing until development activities adjacent to the site or the Phase III study, as the case may be, is complete.

If a previously unidentified archeological site is discovered during land disturbing activities, all construction work involving subsurface disturbance will be halted in the area of the site and in the surrounding area where further subsurface remains can reasonably be expected to occur and Owner will

immediately notify the County of the discovery. The County, or an archeologist approved by it, will immediately inspect the work site and determine the area and the nature of the affected archeological site and its potential eligibility for inclusion on the National Register of Historical Places. Construction work may then continue in the project area outside the archeological site. Within 15 working days of the original notification of discovery, the County shall determine the National Register eligibility of the site. The County may extend this 15 working day period for determining the National Register eligibility one time by an additional 5 working days by written notice to Owner prior to the expiration date of said 15 working day period.

If the site is determined to meet the National Register Criteria (36 CFR Part 60.0), Owner shall prepare a plan for its avoidance, protection, recovery of information, or destruction without data recovery. The plan shall be approved by the County prior to implementation. Work in the affected area shall not proceed until either (a) the development and implementation of appropriate data recovery or other recommended mitigation procedures, or (b) the determination is made that the located remains are not eligible for inclusion on the National Register.

7. Nature/Conservation Park. At the request of the County Administrator, the Owner and/or the owners association shall grant, free of charge, an easement to the County or its assignee over the area designated on the Amended Master Plan as Nature/Conservation Park generally in the locations shown on the

JUL 20 00 39

Amended Master Plan. The Nature/Conservation Park shall remain undisturbed and in its natural state except as set forth below, preserving indigenous vegetation to the maximum extent possible. With the prior approval of the County Engineer or his designee on a case by case basis, (i) dead, diseased and dying trees or shrubbery and invasive or poisonous plants may be removed from the Nature/Conservation Park; (ii) select hand clearing and pruning of trees shall be permitted in the Nature/Conservation Park to permit sight lines or vistas and (iii) utilities (including the irrigation intake shown on the Amended Master Plan), stormwater best management practices, roads, pedestrian and golf cart paths, trails and bridges may intrude into or cross the Nature/Conservation Park. If vegetation is removed from the Nature/Conservation Park it shall be replaced by vegetation that is equally or more effective in retarding runoff, preventing erosion and filtering nonpoint source pollution. Utility crossings shall be generally perpendicular through the Nature/Conservation Park and Owner shall endeavor to design utility systems that do not intrude into the Nature/Conservation Park. The Nature/Conservation Park shall be maintained by Owner unless the County assumes responsibility therefor under its easement or the Park is conveyed to an owners association, at which time the association shall assume responsibility for its maintenance.

8. Historic Site Buffer. There shall be a 50-foot buffer (undisturbed and exclusive of any lots) along the eastern and

western boundaries of the Greensprings National Historic Site subject only to appropriate stormwater management and utility improvements/easements as approved by the Development Review Committee.

9. Water Lines. In addition to any other conditions to subdivision or site plan approval, before the County is obligated to grant final approval of any subdivision plat or site plan for single family lots, multi-family units or the Neighborhood Commercial Center (but not for site plans for roads or the golf facilities), the Owner shall contract to complete the James City Service Authority water line system loop from the Ford's Colony area to Route 5, connecting to the existing JCSA water line adjacent to St. George's Hundred.

10. Monticello Avenue Right-of-Way. There shall be preserved a 120' road right-of-way for the construction of Monticello Avenue in the locations shown on the Amended Master Plan as "Monticello Avenue Right-of-Way". Owner shall convey the "Monticello Avenue Right-of-Way", free of charge, to the County for dedication to VDOT at the request of the County Administrator. Where construction limits may require additional right-of-way beyond 120' feet, such additional right-of-way shall also be dedicated, free of charge, to the County for dedication to VDOT upon the request of the County Administrator. The obligation to dedicate right-of-way pursuant to this Proffer shall not adversely affect Owner's right to reimbursement from the County or the Route 5 Transportation Improvement District for

JUL 20 2000 0090

costs incurred by Owner based on any change in alignment of Monticello Avenue from that shown on the Master Plan approved most recently in 1997.

11. Realigned Route 614 and Future Right-of-Way Greenbelt.

The Owner shall designate a greenbelt buffer along realigned Route 614 and along the right-of-way shown on the Amended Master Plan as Monticello Avenue measured from a line 60 feet from the center line of realigned Route 614 and Monticello Avenue. Such line shall hereinafter be called the "Greenbelt Line". No structure except the road and related improvements in Land Bay S-3 shown on the Amended Master Plan and the existing maintenance facility located in Land Bay M-8, together with any expansions thereof so long as any such expansion is located no closer to the Greenbelt Line than the existing maintenance facility and any road or cart paths necessary for access from the facility to Legacy Drive and the timeshare buildings and development within the M Land Bays may be located within 150 feet of the Greenbelt Line. Where the road in Land Bay S-3 parallels realigned Route 614, the greenbelt buffer shall be no less than 115 feet from the Greenbelt Line of realigned Route 614. Where golf course fairways abut relocated Route 614 or Monticello Avenue, the greenbelt buffer shall have a minimum width of 75 feet. Where tee boxes or the putting surface of greens are located within 100 feet of the Greenbelt Line, enhanced landscaping approved by the Development Review Committee in the golf course site plan review process shall be provided between the tee or green and the 75

JUL 20 00 09 1

foot greenbelt buffer. In all other areas, a minimum 150 foot buffer shall be maintained. Where golf course fairways abut realigned Route 614 or Monticello Avenue, selective hand thinning of trees (but no removal of stumps) shall be permitted as a part of a landscaping plan approved by the Development Review Committee. Within this greenbelt the land shall be exclusive of any lots and undisturbed except for approved utilities, stormwater management improvements, entrance roads to Land Bays as shown generally on the Amended Master Plan, pedestrian/bicycle trails, golf cart path crossings and tunnels and project signs as approved by the Development Review Committee. No signs other than project signs and those requested by VDOT and/or the County shall be allowed. In the portions of the greenbelt buffer located within 250 feet of the intersection of Route 5 and Legacy Drive, Owner may (i) engage in select hand clearing and trimming of trees and other plants with a caliper of three inches or less; (ii) may engage in select hand clearing or trimming of trees and plants with a caliper of more than three inches with the prior specific approval of the Director of Planning on a case by case basis on the condition such trees or plants with a caliper in excess of three inches so cleared are replaced with new trees or plants with a caliper in excess of three inches; (iii) may plant enhanced landscaping, including trees and shrubs, and (iv) install fencing, all in accordance with a landscape plan approved by the Development Review Committee and the Director of Planning. The goal of the preceding sentence is to allow Owner to create a

JUL 20 2003 0092

more attractive buffer than currently exist that allows partial visibility (but not an unobstructed view) of the development in adjacent Landbays comparable to the visibility provided by the greenbelt buffer along the Route 5 frontage of the Governor's Land at Two Rivers development. Unless otherwise approved by the Director of Planning, buildings constructed after the date hereof adjacent to the portions of the greenbelt buffer located within 250 feet of the intersection of Route 5 and Legacy Drive shall utilize materials (other than roofing materials) of brick and/or earth tone (from cream to tan) colors except doors, trim and shutters may be of any color from the City of Williamsburg approved color palette.

12. Entrances. The number of entrances and driveways to the project off of Route 5, realigned Route 614 and, if constructed, Monticello Avenue shall be limited to those shown on the Amended Master Plan.

13. Owners Association. All property owners at Greensprings by virtue of ownership of their lot or unit shall become members of an incorporated owners association although there may be different associations for different Land Bays. Each owners association shall adopt an annual budget for maintenance of all common open space, recreation areas, sidewalks, parking, private streets, if any, and other privately owned but common facilities serving the portion of the Property in question and owned or maintained by the association in question.

JUL 20 00 93

14. Major Open Space. Areas shown on the Amended Master Plan as "Major Open Space" and areas within subdivisions or sites shown on the subdivision plat or site plan as greenspace areas shall be exclusive of any lots and undisturbed, except as provided below. With the prior approval of the County Engineer or his designee on a case by case basis, (i) dead, diseased and dying trees or shrubbery and invasive or poisonous plants may be removed from such areas; (ii) select hand clearing and pruning of trees shall be permitted in such areas to permit sight lines or vistas; and (iii) utilities, stormwater best management practices, roads, pedestrian and golf cart paths, trails and bridges may intrude into or cross such areas. If vegetation is removed from such areas it shall be replaced by vegetation that is equally or more effective in retarding runoff, preventing erosion and filtering nonpoint source pollution. Utility crossings shall be generally perpendicular through the such areas and Owner shall endeavor to design utility systems that do not intrude into such areas. All such Major Open Space and greenspace areas and other common areas shall be maintained by Owner until conveyed by Owner to an owners association, at which time the association shall assume responsibility for such maintenance.

15. Road and Intersection Improvements. (a) The Owner shall provide roadway and intersection improvements in accordance with the schedule set forth below. Each of such improvements shall be commenced and bonds approved by the County Attorney for

completion of the improvements shall be posted as provided in the schedule set forth below, including, in addition any other road improvements that may be necessary for these proffered improvements to function at a minimum level of service of "C".

Proffered Improvement

Timing

1. Commence construction of realigned Route 614 from existing Route 5 to northern boundary. A 120 right-of-way (or such wider right-of-way as may be necessary to accommodate required drainage structures) shall be dedicated to allow for future improvements. As part of this construction the following intersection improvements shall be made:
 - a. Realigned Route 614 shall be four lanes from existing Route 5 through the intersection with Land Bay M-9 and the Neighborhood Commercial Center. The remainder of realigned Route 614 shall be built as two lanes, offset within the right-of-way to allow for future widening. Realigned Route 614 shall be constructed in accordance with the standards set forth on Exhibit B hereto.
 - b. At Brick Bat Road: The intersection of Brick Bat Road and Route 614 shall be relocated and part of Brick Bat Road reconstructed so that Brick Bat intersects Route 614 at approximately 90 degrees. Relocated Brick Bat Road shall have a separate left turn lane. North and southbound left turn lanes and a southbound right turn lane shall be built on Route 614.

Before approval of any subdivision plat or site plan, other than golf course

JUL 20 2003 0095

- c. At Old Route 614 at North Boundary of Historical Site:
A "T" intersection with a northbound right turn lane, a southbound left turn lane and westbound right and left turn lanes shall be constructed.
- d. At Entrance to Land Bay M-5:
A "T" intersection with a northbound left turn lane, an eastbound right turn lane and an eastbound left turn lane. The first 50 feet of the entrance to Land Bay M-5 shall be constructed with adequate width for southbound right and through lanes.
- e. At existing Route 5:
An eastbound left turn lane and a westbound right turn lane on existing Route 5. Southbound right and left turn lanes and one through lane shall be constructed as part of realigned Route 614.
2. Construct northbound and southbound left turn lanes into Land Bay M-9 and Neighborhood Commercial Center. Prior to issuance of Certificate of Occupancy in Area M-9 or the Neighborhood Commercial Center.
3. Construct northbound right turn lane, westbound left and right turn lanes and one west bound through lane at Neighborhood Commercial Center. Prior to issuance of Certificate of Occupancy in Neighborhood Commercial Center.
4. Construct southbound right turn lane and eastbound left and right turn lanes, and one eastbound through lane at Land Bay M-9. Prior to issuance of Certificate of Occupancy in Land Bay M-9.
5. Construct southbound left turn lane, northbound right turn lane, westbound combined left and through Prior to issuance of Certificate of Occupancy in Land Bay M-8.

JUL 20 09 00 96

JUL 20 0097

- lanes, and westbound right turn lane at Land Bay M-8.
6. Construct southbound right turn lane, eastbound combined left turn lane and through lane, and eastbound right turn lane at Land Bay M-7. Prior to issuance of Certificate of Occupancy in Land Bay M-7.
 7. Construct eastbound right turn lane, westbound left turn lane, and separate northbound left and right turn lanes at Land Bay M-6. Prior to issuance of Certificate of Occupancy in Land Bay M-6.
 8. Construct northbound and southbound left turn lanes, northbound right turn lane, westbound left turn lane, and right turn lane at clubhouse. Prior to issuance of Certificate of Occupancy for Clubhouse.
 9. Construct southbound right turn lane, eastbound and combined eastbound left and through lane and eastbound right turn lane at southern entrance to Land Bay S-1. Prior to recordation of subdivision plat for Land Bay S-1 turn utilizing the southern entrance.
 10. Construct northbound left turn, southbound right turn lane, eastbound right turn lane and combined eastbound through and left turn lanes at northern entrance to Land Bay S-1. Prior to recordation of subdivision plat for Land Bay S-1 utilizing the northern entrance.
 11. Construct northbound right turn lane into western portion of Land Bay S-3. Prior to recordation of subdivision plat for western portion of Land Bay S-3.
 12. Construct northbound right turn lane, westbound right turn lane and combined westbound left turn and through lane at Land Bay S-3. Prior to recordation of subdivision plat for the eastern portion of Land Bay S-3.
 13. Construction or payment for When warranted by MUTCD

construction of a traffic signal at the intersection of Realigned Route 614 and existing Route 5.

and requested by VDOT

16. Restrictions on Timeshares. Owner shall not create or operate a "time-share project" as defined in the Virginia Real Estate Time-Share Act, Va. Code, §§55-360 et. seq. in Land Bays S-1, S-3, M-9 or M-10.

17. Height Limitations. In land bays M-9 and M-10 any structure within 600 feet from the centerline of Route 5 (John Tyler Highway) shall not exceed 35 feet in height. In land bays M-9 and M-10 any structure located in that area in between 600 feet from the centerline of Route 5 (John Tyler Highway) and 900 feet from the centerline of Route 5 (John Tyler Highway) shall not exceed a maximum height of 45 feet.

18. Severability. Each condition hereof, or portion thereof, is severable. The invalidity of any particular condition, or portion thereof, shall not affect the validity of the remaining conditions, or portion thereof.

19. Definitions. All terms used herein and defined in the County Zoning Ordinance shall have the meaning set forth therein unless otherwise specifically defined herein.

20. Turn Lanes into Land Bay M-10. Prior to the issuance of a certificate of occupancy for any structure on Land Bay M-10, a right turn lane from westbound Route 5 and a left turn lane from eastbound Route 5 into the entrance to Land Bay M-10 shall have been constructed or construction commenced and completion

JUL 20 00 09 8

bonds or other surety acceptable to the County Attorney posted to assure completion of the turn lanes.

21. Commercial Uses in Land Bay M-10. Any accessory commercial uses located in Land Bay M-10, such as bank offices, beauty salons and barbershops, shall be located and designed to serve residents of Land Bay M-10. Commercial uses shall not be advertised from any public right-of-way.

22. Residency Agreement. Prior to the start of construction in Land Bay M-10, Owner shall submit to the County a copy of the agreements between Owner and the future residents of Land Bay M-10 which agreements shall provide that permanent residents under the age of 18 (or such higher age determined by Owner) shall not be permitted in Land Bay M-10.

23. Maintenance Facility. The area shown on the Amended Master Plan as "Fire Station & Maintenance Facility" shall be used only as a golf course maintenance facility; project maintenance, storage and office facility; construction storage, maintenance and office facilities; recreational vehicle storage area and a County fire station and related uses as determined by the Fire Chief. Any outdoor storage areas within the Fire Station & Maintenance Facility shall be screened with a fence approved by the Development Review Committee.

24. Public Use Site. Within 60 days of the request of the County Administrator, the Owner shall convey to the County, free of charge a public use site of at least 10 acres in the location shown on the Amended Master Plan, accessible from a public road.

JUL 20 0099

WITNESS the following signature and seal.

GREENSPRINGS PLANTATION, INC.

By: Marc B. Sharp
Title:

STATE OF VIRGINIA
CITY OF WILLIAMSBURG to-wit:

The foregoing instrument was acknowledged before me this
6th day of July, 1998, by Marc B. Sharp, President
of Greensprings Plantation, Inc., on behalf of the corporation.

Barbara A. Issett
Notary Public

My commission expires:
December 31, 1999

JUL 20 01 00

EXHIBIT "A"

BOOK 562

PAGE 477

PARCEL I

All those certain tracts, pieces, or parcels of land situate, lying and being in James City County, Virginia, and shown as Parcel "B", containing 916.77 acres, and Parcel "D", containing 572.50 acres, all as shown on that certain plat entitled, "Plat Showing a Portion of Green Springs," dated July 24, 1965, made by S. U. Camp, III, & Associates, Certified Land Surveyor, Courland, Virginia, a copy of which said plat is recorded in the Clerk's Office of the City of Williamsburg and County of James City in Plat Book 24, pages 28A and 28B.

LESS AND EXCEPT property conveyed by deed recorded June 3, 1986 in James City County Deed Book 304, Page 31, to Jorge Luna and Leticia Luna, husband and wife;

LESS AND EXCEPT property conveyed by deed recorded June 3, 1986 in James City County Deed Book 304, Page 37, to Herman Zamora and Josefina Zamora, husband and wife;

LESS AND EXCEPT property subject to a certain Option On Real Estate recorded July 24, 1986 in James City County Deed Book 309, Page 646, to Jorge Luna and Leticia Luna, and Herman Zamora and Josefina Zamora, or their assigns;

LESS AND EXCEPT property conveyed by deed recorded April 14, 1986 in James City County Deed Book 299, Page 534, to the Commonwealth of Virginia;

LESS AND EXCEPT property conveyed by deed recorded January 11, 1978 in James City County Deed Book 181, Page 533, to the United States of America;

LESS AND EXCEPT certain property under contract to be conveyed to John M. Smith and Sonda J. Smith, husband and wife, which property is more particularly described as being "Parcel 4", 20.35 Ac.±, on a certain plat entitled, "A SUBDIVISION OF PART OF THE GREEN SPRINGS TRACT", James City County, Virginia," dated November, 1986, and made by Lynn D. Evans, Certified Land Surveyor, a copy of which plat is to be recorded in the Clerk's Office of the City of Williamsburg and County of James City;

LESS AND EXCEPT any and all property in the said "Parcel B" east of Powhatan Creek;

JUL 20 1986 0101

Exhibit B

The two-lane roadway to be constructed in the right-of-way shown on the Amended Master Plan as Future Road "A" and realigned Route 614 shall be constructed in accordance with VDOT, Road and Bridge Standards, that are in effect at the time construction is to commence, standard GS-6, Geometric Design Standards for Urban Minor Arterial Street System. Under this standard, the design will be in accordance with "Streets With Shoulder Design", rolling terrain.

These standards are stated as follows:

Design Speed - M.P.H.	50
Maximum Degree of Curvature	6°
Maximum Percent of Grade	7%
Stopping Sight Distance	Des. 475'; Min. 400'
Width of Lane	12' - two lanes to be constructed
Width of Shoulder	Fill 13'(*); Cut 10'
Ditch Width	6' (ditch slopes to be 4:1)
Slopes	2:1 (grading for two lanes)
Right-of-Way Width	120'
Operating Speed	50 M.P.H.
Clear Zone Width	Fill: 25' Cut: 19'

(*) Shoulder width may be reduced by 3' when guardrail is not required and recoverable areas are not being provided.

Pavement thickness shall be designed in accordance with the table entitled "Thickness Equivalency Values for Material for Primary, Interstate and Arterial Roads" from "Recommended Design Method for Flexible Pavements in Virginia" by N. K. Vaswani, revised 1974.

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

Is a true and correct copy of the Circuit Court of the

City of Williamsburg and County of James City, the

20 of July 98

Proffered by 9.24

submitted to record

True by

by

Deputy Clerk

JUL 20 01 02

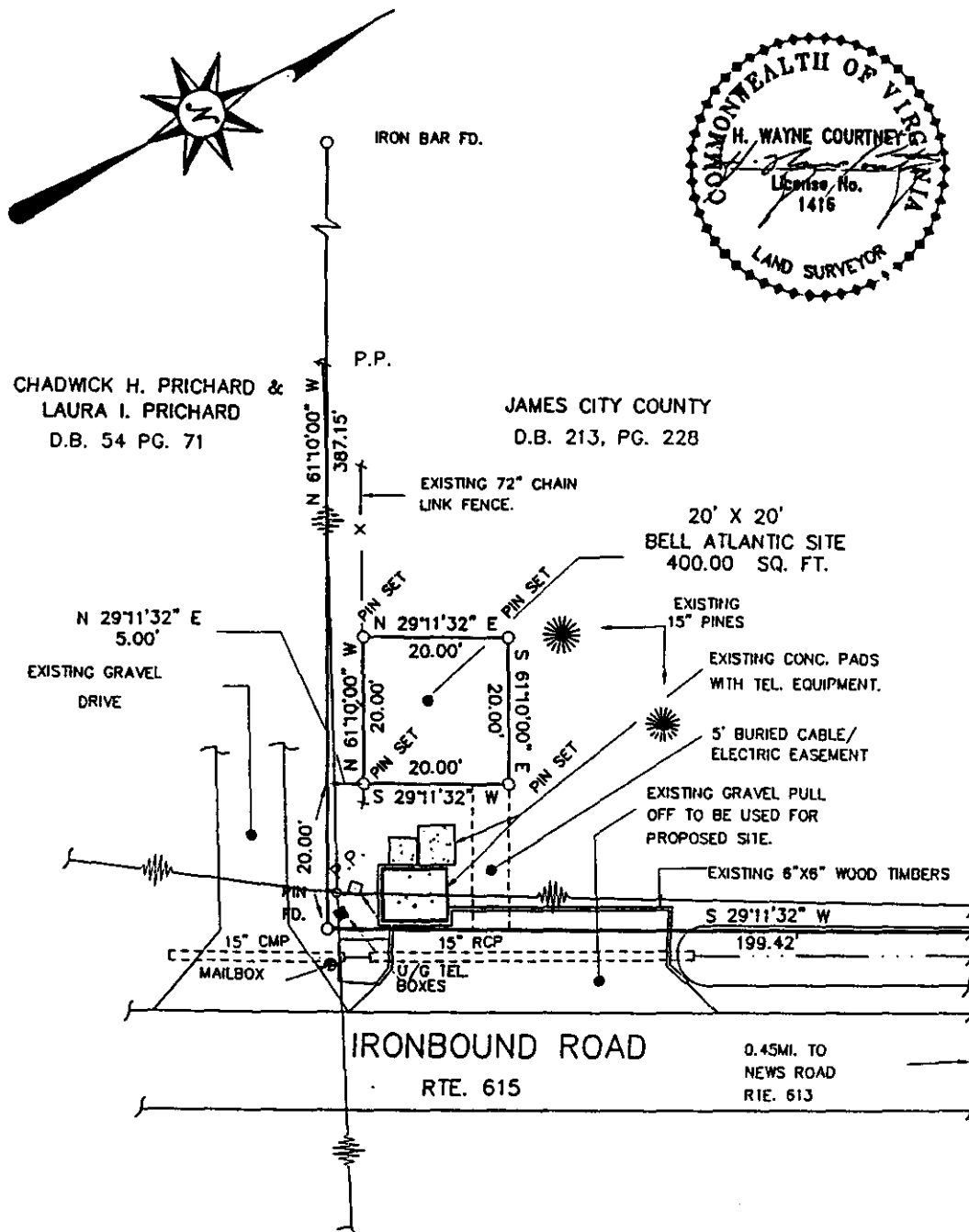


EXHIBIT "A"

PLAT SHOWING
EASEMENT
TO BE CONVEYED TO
BELL ATLANTIC - VA., INC.

LEGAL REFERENCE: D.B. 213, PG. 228
M.B. 36, PG. 81

SCALE: 1" = 20' APRIL 8, 1998

COURTNEY & ASSOCIATES, P.C.
SURVEYORS - ENGINEERS - PLANNERS
98 KILBY SHORES DRIVE SUFFOLK, VIRGINIA
(757) 539-0036

Section 11.8. Record Keeping

Each department shall maintain records of employee participation in safety training. It is recommended that these records be placed with the record of the published safety rules and be retained for 5 years. The Human Resource Department shall maintain a record of all department accidents for 5 years in compliance with OSHA requirements.

Section 11.9. Inspections

The Department Safety Officer and Department Supervisors shall conduct inspections of County departments and facilities. These inspections shall include but not be limited to the following areas which shall be checked for safety program compliance and sound safety practices annually.

1. Administrative compliance with the Safety and Hazard Communication programs.
2. Training program.
3. Exits well marked and accessible.
4. Presence of fire extinguishes and their last inspection date.
5. Proper storage of flammable liquids.
6. Availability of Material Safety Data Sheets (MSDS) to employees.
7. Posted, published safety rules.
8. Good housekeeping practices.

Recommendations to correct any deficiencies found during inspection shall be given to the Department Manager for action.

Section 11.10 Workplace Violence Prevention - Policy Statement**A. Policy Statement**

James City County is committed to providing a safe, secure workplace which reflects the County value of mutual respect, trust, honesty and personal responsibility among employees.

Violence is so serious that unauthorized weapons are prohibited in the workplace and any incident involving threatening or violent behavior,

will result in a prompt investigation and immediate and appropriate action.

The County shall provide assistance such as counseling services to employees who are affected by workplace violence.

B. Guiding Principles

1. James City County recognizes that workplace violence is a national problem and that it conflicts with our value of mutual respect, trust, honesty and personal responsibility among all employees.
2. James City County believes that a safe work environment enables employees to work effectively.
3. Working together and sharing responsibility for reporting incidents of threatening or violent behavior by or against County employees will minimize the risk to everyone.

C. Coverage

This policy applies to all employees of James City County, including but not limited to employees in full-time and part-time permanent, limited term, temporary, and on-call positions.

D. Definitions

1. Workplace Violence is the use of threatening or violent behavior to restrict the freedom of action or movement of another person or to endanger the health or safety of another person or the property of the County.
2. Threatening Behavior is an expressed or implied threat to inflict physical harm against another person or another's possession or property, including County property, which causes a reasonable apprehension that such harm is about to occur. Examples of threatening behavior include, but are not limited to:

Direct or indirect threats of harm;
Words or gestures which intimidate others;
Prolonged or frequent shouting;
Stalking or following an individual; or
Other conduct which causes others to fear for their safety

3. Violent Behavior is the intentional infliction of physical harm or attempt to inflict physical harm against another as well as physical harm against another's possession or property, including County property. Examples of violent behavior include, but are not limited to:

Slapping, punching, striking, pushing or otherwise physically attacking a person; or

Throwing or otherwise handling objects in an aggressive manner

4. The Workplace is County-owned or controlled property, including but not limited to, the buildings, grounds, parking lots, County vehicles, private vehicles parked on County property, clients' homes, and traveling between work assignments.

5. Weapons include:

all firearms such as handguns, rifles, and shotguns;

knives or other cutting utensils;

clubs, brass knuckles or other devices;

stun guns; or

other objects that cause bodily harm and have no other valid application in the workplace.

6. Unauthorized Weapons are weapons described in D.5 above which are not used in the performance of job duties, have no valid application in the workplace and have not been approved by the department manager.

E. Consequences

Individuals engaging in workplace violence shall be subject to disciplinary action up to and including termination of employment and/or criminal prosecution in accordance with Chapter 8. Standards of Conduct, of this manual.

980 013028

RECIPROCAL EASEMENT AGREEMENT

THIS RECIPROCAL EASEMENT AGREEMENT ("Agreement") is made this 17th day of February, 1998, by C. C. CASEY LIMITED COMPANY, a Virginia Limited Liability Company ("Casey") and the COUNTY OF JAMES CITY, VIRGINIA, a political subdivision of the Commonwealth of Virginia ("County").

RECITALS:

A. County is the owner of certain real property located in James City County, Virginia containing 11.406 acres, more or less, shown, described and designated as "NEW AREA = 496,837.438 S.F. \pm = 11.406 ACRES \pm " on a plat ("Plat") entitled "PLAT OF BOUNDARY LINE ADJUSTMENT AND PROPERTY LINE EXTINGUISHMENT BETWEEN THE PROPERTIES OF C. C. CASEY LIMITED COMPANY AND THE COUNTY OF JAMES CITY, VIRGINIA, BERKELEY DISTRICT, JAMES CITY COUNTY, VIRGINIA" dated January 19, 1998 and made by AES Consulting Engineers of Williamsburg, Virginia ("Courthouse Site"). A true copy of said Plat has been previously recorded in conjunction with a deed of correction between Casey and the County. Said Plat is incorporated herein by reference.

B. Casey is the owner of certain real property situate in James City County, Virginia partially shown and designated on the Plat as "N/F C. C. CASEY LIMITED COMPANY RESIDUE PARCEL = 5.56 AC. \pm , A PORTION OF TAX MAP (38-4)(1-7) DEED BOOK 598, PAGE 231, DEED BOOK 84, PAGE 257", which property is referred to herein as the "Monticello Parcel".

C. Casey is the owner of certain real property situate in James City County, Virginia partially shown and designated on the Plat as "N/F C. C. CASEY LIMITED COMPANY RESIDUE

This document prepared by:
Anderson, Franck & Davis, P. C.
1200 Old Colony Lane
Williamsburg, Virginia 23185
(757) 229 7322

PARCEL = 5.103 AC. \pm , A PORTION OF TAX MAP (38-4)(1-7) DEED BOOK 598, PAGE 231, DEED BOOK 84, PAGE 257", which parcel is referred to herein as the "Ironbound Parcel".

D. James City County has adopted a master plan for the development of an area which includes the Courthouse Site, Monticello Parcel and Ironbound Parcel ("Master Plan").

E. The Master Plan contemplates certain reciprocal easements between Courthouse Site, Monticello Parcel and Ironbound Parcel for access, parking, utilities, maintenance and construction.

F. County and Casey have agreed on the terms and location of certain reciprocal easements affecting the Courthouse Site, Monticello Parcel and Ironbound Parcel.

G. County and Casey contemplate that an owners association will be formed of which the owners of the Courthouse Site, Monticello Parcel and Ironbound Parcel will be members ("Association").

Now therefore, in consideration of the mutual grants contained herein, County and Casey do hereby agree and covenant as the owners of the Courthouse Site, Monticello Parcel and Ironbound Parcel as follows:

Grant of Easements Over the Courthouse Site

1. County does hereby grant and establish for the benefit of the owner of the Monticello Parcel and the Ironbound Parcel a perpetual, non-exclusive right of way and easement for vehicular and pedestrian ingress, egress and regress to and from Monticello Avenue Extension, over and across the driveways and parking lots constructed on the Courthouse Site. Said easement shall benefit the Monticello Parcel, the Ironbound Parcel and the owners, tenants and occupants thereof and their respective customers, employees, agents, invitees, licensees and independent contractors.

This document prepared by:
Anderson, Franck & Davis, P. C.
1200 Old Colony Lane
Williamsburg, Virginia 23185
(757) 229 7322

2. County does hereby grant and establish for the benefit of the owner of the Monticello Parcel and the Ironbound Parcel a perpetual, non-exclusive easement for vehicular parking within any designated parking spaces on the Courthouse Site. Said easement shall benefit the Monticello Parcel, the Ironbound Parcel and the owners, tenants and occupants thereof and their respective customers, employees, agents, invitees, licensees and independent contractors. Said easement shall be subject to the following restrictions and limitations:

- a. Certain parking areas within the Courthouse Site may be restricted to use by persons employed at the courthouse to be constructed on the Courthouse Site.
- b. If at any time, the judge or a majority of the judges of the Circuit Court of the City of Williamsburg and County of James City (or any successor court which may be established having general jurisdiction over civil or criminal matters) determine that use of the easement granted in this paragraph interferes with the orderly and efficient operation of the court sitting at the courthouse, said judges, by order may restrict or limit the use of the easement granted herein during the hours of 8:00 a.m. to 6:00 p.m., Monday through Friday.
- c. Upon construction of a church on the Monticello Parcel, the owner of the Monticello Parcel shall be assured of the use of up to three hundred (300) of the parking spaces located on the Courthouse Site on Saturdays and Sundays and up to one hundred fifty (150) of the parking spaces on the Courthouse Site after 6:30 p.m. on Mondays through Fridays. Provided, the County shall not be liable for the temporary unavailability of the three hundred (300) spaces due to actions of a person or entity not under control of the County. Notwithstanding any temporary unavailability as described above, three hundred (300) spaces on the Courthouse Site, together with all of the parking spaces on the Monticello Parcel shall be counted as available to the Monticello Parcel to satisfy the parking requirements of the *James City County Code* for any church constructed or to be constructed on the Monticello Parcel.

Said easement shall commence upon the issuance of a certificate of occupancy for the Courthouse constructed on the Courthouse Site.

3. County does hereby grant and establish for the benefit of the owners of the Association, the Monticello Parcel and the Ironbound Parcel a perpetual, non-exclusive right of way

This document prepared by:
Anderson, Franck & Davis, P. C.
1200 Old Colony Lane
Williamsburg, Virginia 23185
(757) 229 7322

and easement for the installation and maintenance of facilities for the collection and maintenance of surface water runoff over, under and through the portion of the Courthouse Site within the area designated as "Proposed 20' Private Drainage and Utility Easement" on the Plat. Said easements shall benefit the Monticello Parcel, the Ironbound Parcel and the owners, tenants and occupants thereof. The Association shall be entitled to utilize said easement in connection with any maintenance of the Storm water facilities by the Association.

Grant of Easements Over the Monticello Parcel

1. Casey does hereby grant and establish for the benefit of the owner of the Courthouse Site a perpetual, non-exclusive right of way and easement for vehicular and pedestrian ingress, egress and regress to and from Monticello Avenue Extension, over and across the driveways and parking areas constructed on the Monticello Parcel. Said easement shall benefit the Courthouse Site and the owners, tenants and occupants thereof and their respective customers, employees, agents, invitees, licensees and independent contractors.

2. Casey does hereby grant and establish for the benefit of the owner of the Courthouse Site and the Ironbound Parcel a perpetual, non-exclusive easement for vehicular parking within any designated parking spaces on the Monticello Parcel. Said easement shall benefit the Courthouse Parcel, the Ironbound Parcel and the owners, tenants and occupants thereof and their respective customers, employees, agents, invitees, licensees and independent contractors. Said easement shall be subject to the following restrictions and limitations:

- a. No access or parking pursuant to the easement granted in this paragraph shall be permitted between the hours of 8:00 a.m. to 12:00 a.m., on any Saturday and 12:00 a.m. through 11:59 p.m. on any Sunday.

This document prepared by:
Anderson, Frank & Davis, P. C.
1200 Old Colony Lane
Williamsburg, Virginia 23185
(757) 229 7322

Said easement shall commence on the issuance of a certificate of occupancy for a building construction on the Monticello Parcel.

3. Casey does hereby grant and establish for the benefit of the owner of the Courthouse Site a perpetual, non-exclusive right of way and easement for the installation and maintenance of facilities for the collection and maintenance of surface water runoff over, under and through the portion of the Monticello Parcel within the areas designated as "Proposed 20' Private Drainage and Utility Easement" on the Plat. Said easements shall benefit the Courthouse Site and the owners, tenants and occupants thereof. The Association shall be entitled to utilize said easement in connection with any maintenance of the Storm water facilities by the Association.

4. Casey does hereby grant and establish for the benefit of the Association and the owner of the Courthouse Site a temporary construction easement within the area of the Monticello Parcel shown and designated as "TEMPORARY CONSTRUCTION EASEMENT" on the Plat for necessary site work for the construction of an entrance wall and sign. Said easement shall terminate upon the completion of the construction of the entrance wall and sign.

5. Casey does hereby grant and establish for the benefit of the owner of the Courthouse Site a perpetual, exclusive easement for the construction and maintenance of an entrance wall and sign within the area of the Monticello Parcel shown and designated as "PERMANENT ENTRANCE WALL EASEMENT" on the Plat.

Grant of Easements Over the Ironbound Parcel

1. Casey does hereby grant and establish for the benefit of the owner of the Courthouse Site a perpetual, non-exclusive right of way and easement for vehicular and pedestrian ingress, egress and regress to and from Ironbound Road, over and across the driveways and parking

This document prepared by:
Anderson, Franck & Davis, P. C.
1200 Old Colony Lane
Williamsburg, Virginia 23185
(757) 229 7322

areas constructed on the Ironbound Parcel. Said easement shall benefit the Courthouse Site and the owners, tenants and occupants thereof and their respective customers, employees, agents, invitees, licensees and independent contractors.

2. Casey does hereby grant and establish for the benefit of the owner of the Courthouse Site a perpetual, non-exclusive easement for vehicular parking within any designated parking spaces on the Ironbound Parcel. Said easement shall benefit the Courthouse Parcel and the owners, tenants and occupants thereof and their respective customers, employees, agents, invitees, licensees and independent contractors.

Said easement shall commence on the issuance of a certificate of occupancy for a building constructed on the Ironbound Parcel.

3. Casey does hereby grant and establish for the benefit of the Association and the owner of the Courthouse Site a perpetual, non-exclusive right of way and easement for the installation and maintenance of facilities for the collection and maintenance of surface water runoff over and across the driveways and parking areas constructed on, under and through the portion of the Ironbound Parcel within the areas designated as "Proposed 20' Private Drainage and Utility Easement" on the Plat.. Said easements shall benefit the Courthouse Site and the owners, tenants and occupants thereof. The Association shall be entitled to utilize said easement in connection with any maintenance of the Storm water facilities by the Association.

4. Casey does hereby grant and establish for the benefit of the owner of the Courthouse Site a temporary construction easement within the area of the Ironbound Parcel shown and designated as "Temporary Construction Easement" on the Plat for necessary site work and access

This document prepared by:
Anderson, Franck & Davis, P. C.
1200 Old Colony Lane
Williamsburg, Virginia 23185
(757) 229 7322

for the construction of improvements on the Courthouse Site. Said easement shall terminate on the issuance of a certificate of occupancy for the Courthouse on the Courthouse Site.

General Provisions

1. The owner of each parcel shall maintain at its sole expense the asphalt surface and all other improvements within the parcel in first class condition. There shall be no right of contribution for the cost of maintaining any road, driveway or parking area amongst the owners of the parcels.

2. The owner of any parcel shall not be liable to the owner of any other parcel, its tenants, customers, employees, agents, invitees, licensees and independent contractors or to any other person to any extent on account of any injury or damage to person or property occurring in connection with the exercise of the easements granted herein.

3. The installation of any utilities utilizing the easements granted herein shall obligate the owner of the parcel served by such utilities or the Association to restore the servient parcel to the same condition that existed prior to the installation.

4. The easements, rights and privileges expressly established, created and granted by this Agreement shall be for the benefit of and restricted solely to the Association and the owners from time to time of the parcels and to their tenants, occupants, customers, employees, agents, invitees, licensees and independent contractors. The same is not intended nor shall it be construed as creating any rights in or for the benefit of the general public or person or entity other than those expressly provided herein whether as a third party beneficiary or otherwise.

5. Easements, rights, privileges and obligations hereunder shall create benefits and servitudes upon the Monticello Parcel, the Courthouse Site and the Ironbound Parcel, running

This document prepared by:
Anderson, Franck & Davis, P. C.
1200 Old Colony Lane
Williamsburg, Virginia 23185
(757) 229 7322

with the title thereto, benefitting and binding upon the owners thereof and their successors and assigns.

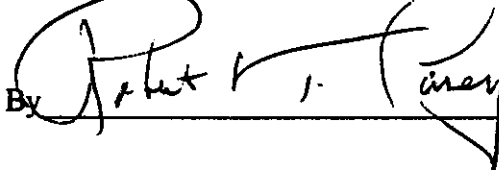
6. This Agreement shall be construed in accordance with the laws of the Commonwealth of Virginia.

7. The owner of any parcel shall have the right to enforce this Agreement by any proceeding at law or in equity filed against a parcel violating or attempting to violate or failing to fulfill its obligations under any of the provisions of this Agreement.

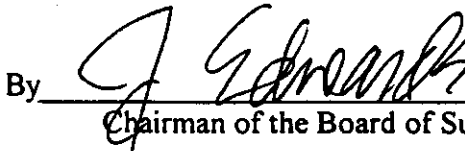
8. The failure by any party to enforce any provisions herein contained in its favor shall not be deemed a waiver with the right to enforce such obligation in the future or to enforce a similar or other obligation. The invalidity of any provision contained herein with respect to any one controversy as a result of legislation or change of conditions, shall not be interpreted as adversely affecting such provision with respect to any other question or matter, nor shall such invalidity adversely affect any other provision contained herein, all of which shall continue and remain in full force and effect.

WITNESS the following signatures and seals:

C. C. CASEY LIMITED COMPANY

By  _____

COUNTY OF JAMES CITY, VIRGINIA

By  _____

Chairman of the Board of Supervisors

This document prepared by:
Anderson, Franck & Davis, P. C.
1200 Old Colony Lane
Williamsburg, Virginia 23185
(757) 229 7322

The form of this Reciprocal Easement Agreement is approved and pursuant to the Resolution of the Board of Supervisors of James City County, Virginia, duly executed on the 5th day of May, 1993, this conveyance is hereby accepted on behalf of said County.

F. M. M. M. M.
COUNTY ATTORNEY

STATE OF VIRGINIA

CITY/COUNTY OF JAMES CITY, to-wit:

I, S. M. FRANK, a Notary Public for the State of Virginia, do hereby
certify that ROBERT T. CASEI, of C. C. Casey Limited Company,
whose name is signed to the foregoing Reciprocal Easement Agreement, has acknowledged the same
before me in the jurisdiction aforesaid.

Given under my hand this 16th day of JULY, 1998.

dr. Fand

NOTARY PUBLIC

My commission expires: 11-30-99

This document prepared by:
Anderson, Franck & Davis, P. C.
1200 Old Colony Lane
Williamsburg, Virginia 23185
(757) 229 7322

JUL 15 3 02 72

STATE OF VIRGINIA

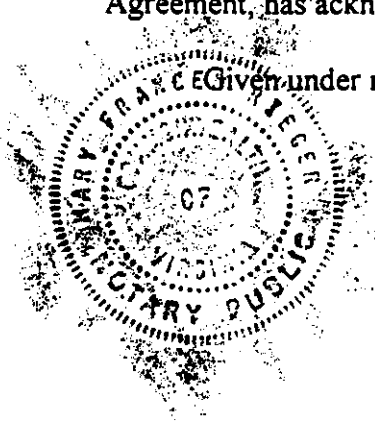
COUNTY OF JAMES CITY, to-wit:

I, Mary Frances Rieger, a Notary Public for the State of Virginia, do hereby certify that Jack W. Edwards, Chairman of the Board of Supervisors of James City County, Virginia, whose name is signed to the foregoing Reciprocal Easement Agreement, has acknowledged the same before me in the jurisdiction aforesaid.

Given under my hand this 14~~th~~ day of July, 1998.

Mary Frances Rieger
NOTARY PUBLIC

My commission expires: October 31, 2001



PLAT RECORDED IN
P.B. NO. 70 PAGE 11412

JUL 15 8 02 73

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

of the Circuit Court of the
City of Williamsburg and County of James City the
15 day of July, 1998, the agreement
plated was 3:37 clock
acknowledged and
Tested: Henry S. Ward, Clerk
Deputy Clerk

This document prepared by:
Anderson, Franck & Davis, P. C.
1200 Old Colony Lane
Williamsburg, Virginia 23185
(757) 229 7322

980 013029

DEED OF CORRECTION

THIS DEED OF CORRECTION is made this 16th day of June, 1998 by and between C. C. CASEY LIMITED COMPANY, a Virginia Limited Liability Company, hereinafter designated as the Grantor and COUNTY OF JAMES CITY, VIRGINIA, a political subdivision of the Commonwealth of Virginia, hereinafter designated as the Grantee.

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

WHEREAS, the Grantor and the Grantee made certain corrections to the description and other terms of the Deed described above by Deed of Correction dated January 10, 1997 and recorded as Instrument No. 970000844 and by Deed of Correction dated February 12, 1997 and recorded as Instrument No. 970002402 in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia, and;

WHEREAS, the parties wish to further correct the description of the property described in the Original Deed.

NOW THEREFORE, in consideration of the sum of One and No/100 Dollar (\$1.00) cash in hand paid by the Grantee to the Grantor and other good and valuable consideration, the receipt of which 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:

This document prepared by:
Anderson, Franck & Davis, P. C.
1200 Old Colony Lane
Williamsburg, Virginia 23185
(757) 229 7322

JUL 15 88 02 74

All that certain lot, piece or parcel of land situate, lying and being in James City County, Virginia, containing 11.406 acres, more or less, shown and designated as "NEW AREA=496,837.438 S.F.±=11.406 ACRES ±" on a plat entitled "PLAT OF BOUNDARY LINE ADJUSTMENT AND PROPERTY LINE EXTINGUISHMENT BETWEEN THE PROPERTIES OF C. C. CASEY LIMITED COMPANY AND THE COUNTY OF JAMES CITY, VIRGINIA, BERKELEY DISTRICT, JAMES CITY COUNTY, VIRGINIA" dated January 19, 1998 and made by AES Consulting Engineers of Williamsburg, Virginia. A true copy of said plat is attached hereto and incorporated herein by reference.

Together with all of the tenements, hereditaments and appurtenances thereto belonging or anywise appertaining, but subject to the any restrictions, easements or conditions of record or visible on the ground.

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 al, which Deed is of record in James City County Deed Book 598, Page 231.

The property described herein is subject to the following restrictive covenant for a period of twenty-five (25) years from the date of this Deed

The property described herein shall be used by Grantee and Grantee's successors in title only for a courthouse or other governmental building and such other uses reasonably related to such primary use; provided, however, that the property shall not be used as a jail or other penal use other than holding cells associated with Court procedures. This covenant shall run with the title to the land and is imposed for the benefit of and shall be enforceable by the Grantor and the Grantor's successors in title to the property from which the subject property was subdivided.

The Grantee joins in the execution of this Deed of Correction for the purpose of acknowledging its consent to the provisions hereof and does further release and quit claim unto the Grantor any and all property which may have been included in the description contained in the Original Deed or previous Deeds of Correction described above, which is not included in the 11.406 Acres, more or less, described in this Deed of Correction.

This document prepared by:
Anderson, Franck & Davis, P. C.
1200 Old Colony Lane
Williamsburg, Virginia 23185
(757) 229 7322

WITNESS the following signatures and seals:

C. C. CASEY LIMITED COMPANY


By 

COUNTY OF JAMES CITY, VIRGINIA

By 

Chairman of the Board of Supervisors

The form of this Deed of Correction is approved and pursuant to the Resolution of the Board of Supervisors of James City County, Virginia, duly adopted on the 5th day of May, 19 93, this conveyance is hereby accepted on behalf of said County.


COUNTY ATTORNEY

JUL 15 3 02 76

STATE OF VIRGINIA

CITY/COUNTY OF JAMES CITY, to-wit:

I, S.M. FRANK, a Notary Public for the State of Virginia, do hereby
 certify that ROBERT T. CASEY, of C. C. Casey Limited Company,
 whose name is signed to the foregoing Deed of Correction, has acknowledged the same before me
 in the jurisdiction aforesaid.

Given under my hand this 10TH day of JULY, 1998.

S.M. Frank

NOTARY PUBLIC

My commission expires: 11-30-99

STATE OF VIRGINIA

COUNTY OF JAMES CITY, to-wit:

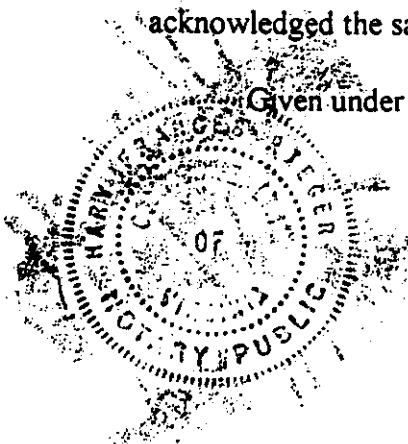
I, Mary Frances Rieger, a Notary Public for the State of Virginia, do hereby
 certify that Jack W. Edwards, Chairman of the Board of Supervisors
 of James City County, Virginia, whose name is signed to the foregoing Deed of Correction, has
 acknowledged the same before me in the jurisdiction aforesaid.

Given under my hand this 14th day of July, 1998.

Mary Frances Rieger

NOTARY PUBLIC

My commission expires: October 31, 2001.



DAWPWINWPDOCS\TEMP\CASEY.DED

Cl. 15 of July 1998. This Deed of Correction
 was filed for record at 3:40 o'clock
 by Helen S. Ward, Clerk
Deputy Clerk

This document prepared by:
 Anderson, Franck & Davis, P. C.
 1200 Old Colony Lane
 Williamsburg, Virginia 23185
 (757) 229 7322

JUL 15 02 17