

AGREEMENT

WHEREAS, David M. Murray, (hereinafter called "the Owner") owns certain real property in James City County, Virginia, (hereinafter called "the Property") and more particularly described as follows:

All that certain lot, piece or parcel of land situate in James City County, Virginia, more fully shown and described on a plat entitled "PRELIMINARY PLAT, SEVENTH DAY ADVENTIST CHURCH SITE, 9.22 ACRES ±, JAMES CITY COUNTY, VIRGINIA" dated 3/13/87, made by Paul C. Small of AES, a professional corporation, said plat being attached hereto and made a part hereof.

WHEREAS, pursuant to Section 15.1-496.6 of the Code of Virginia, 1950, as amended, the Owner has applied for an amendment, nunc pro tunc, of the conditions created pursuant to Case No. Z-21-86 which amendment would remove the Property from the application of said conditions; and

WHEREAS, the County of James City may be unwilling to amend said conditions because said conditions may be deemed necessary for the orderly development of the Property, because competing and incompatible uses may conflict; and

WHEREAS, more flexible and adaptable zoning methods are deemed advisable to permit the use of the Property; and

WHEREAS, the Owner is desirous of offering certain other conditions in lieu of the conditions created pursuant to Case No. Z-21-86 for the protection of the community, which other conditions are not applicable to land similarly zoned in addition to the regulations provided for in the Limited Residential District, R-1.

NOW, THEREFORE, this agreement witnesseth:

That for and in consideration of James City County, Virginia, amending the conditions created pursuant to Case No. Z-21-86 by removing the Property from the application of said conditions, nunc pro tunc, and pursuant to Section 15.1-491.1 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 Limited Residential District, R-1, but subject to the other current limitations set forth in the aforesaid Codes, he will meet and comply with all of the following conditions for the development of the Property.

CONDITIONS

- 1. The Property may not be further subdivided.
- 2. Only one entrance to the Property shall be permitted from Route 5.
- 3. Scenic easements shall be reserved across the Property 145 feet deep, adjacent to and parallel with the center line of Route 5. Existing trees, shrubbery and vegetation within said scenic easement shall remain "as is" provided, however, the Owner shall have the right to install and construct over, under, across and through the scenic easement such new entrance drainage structures, storm water management facilities, utilities and entrance signs as may be necessary in accordance with the terms of this Agreement and approved by the Site Plan Review Committee of the County's Planning Commission.
- 4. The Property and all buildings or structures to be erected thereon shall be used solely for a Church and accessory uses including but not limited to an accessory school and off street parking as required.
- 5. The Owner shall cause to be prepared for review and approval by the County a Phase I and Phase II, as appropriate, archaeological study for the Property. A Phase I study shall include reconnaissance, systematic surface collection and shovel test pits every 90 - 150 feet. A Phase II study shall include shovel test pits every 25 - 40 feet with site identification and examination as appropriate.

David M. Murray (SEAL)
DAVID M. MURRAY

STATE OF VIRGINIA
CITY/COUNTY OF Newport News, to-wit:

The foregoing instrument was acknowledged before me this 31 day of July, 1987, by David M. Murray.

Cliff Jones
VIRGINIA: City of Williamsburg and County of James City, to-wit:

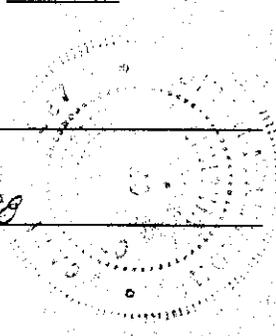
In the Clerk's office of the Circuit Court of the City of Williamsburg and County of James City, Virginia, this 5 day of Oct, 1987. My Commission expires: 11-27-88

presented with certificate annexed and admitted to record at 9:22 o'clock

Teste: Helene S. Ward, Clerk
by Debra Sward
Deputy Clerk

ANDERSON, EMMETT & FRANCK, P.C. ATTORNEYS AT LAW POST OFFICE DRAWER Q WILLIAMSBURG, VA. 23187

PLAT RECORDED IN P.B. NO. 46 PAGE 61



5 Oct 1987
 Received at 9:22 o'clock in the Clerk's Office
 of the City of Williamsburg, and County of
 James City, Va.

039 St. Tax	_____
213 County Tax	_____
262 City Tax	_____
272 Trans. Fee (City)	_____
212 Trans. Fee (County)	_____
301 Record. Fee	_____ <u>10 -</u>
301 Plats	_____ <u>10 -</u>
038 St. Tax	_____
220 Local Tax (County)	_____
263 Local Tax (City)	_____
Misc. Fee	_____
Total	_____ <u>20 -</u>

Helene S. Ward, Clerk