



Whereas, Henry S. and Lavelle M. Branscome are the owners of all that certain pieces or parcel of land containing 3.717 acres situated on the North side of the road leading from Williamsburg to Five Forks, and being just East of Five Forks, in Jamestown District, James City County, Virginia, bounded and described as follows: Beginning at a point on the North side of said road 395 feet East of the eastern Boundary line of the property now or formerly belonging to Isaiah Armistead, and being the eastern boundary of the tract of land now or formerly belonging to Lucy Barrow, et als; thence in an easterly direction along said road the distance of 395 feet, more or less, to the center of a pond, thence in a northerly direction up to the pond, along the line of J. B. Vaiden, and thence in a westerly direction to the point where the eastern boundary line of the land now or formerly belonging to Lucy Barrow, et als, intersects the southern line of the land J. B. Vaiden, and being the same parcel of land conveyed to Rosa Armistead Cumber by deed from Lucy Barrow, et als, dated August 1, 1939 and recorded in James City County Deed Book 31, pages 234-235 on September 8, 1939.

EXCEPT

That portion being as shown on plans approved March 28, 1954, and lying on the North (left) side of and adjacent to the center of existing Route 5 from the lands of Lucy Barrows et als opposite approximate survey centerline Station 571 + 84 to the lands of James B. Vaiden Estate opposite approximate survey centerline Station 575 + 79, and containing 0.35 acres, more or less, land, of which 0.14 acre is included in the existing right of way and 0.21 acre, more or less, is additional land.

For a more particular description of the land herein conveyed, reference is made to photocopy of said Sheet No. 3, showing outlined in RED the land conveyed in fee simple, which photo is hereto attached as a part of this conveyance and recorded simultaneously herewith in the State Highway Plat Book No. 1, page 61. This conveyance is of record in James City County Deed Book 58, page 465.

An being the same property as that conveyed to Robert C. Walker and Hugh H. Sisson, Jr. by deed of Rosa Armistead Cumber and Ernest F. Cumber, her husband by Deed dated August 14, 1958 recorded in James City Deed Book 65, page 521; the said Hugh H. Sisson, Jr. having conveyed his interest in the said property to Hugh H. Sisson, Jr. and Frances B. Sisson, husband and wife, tenants by the entireties with the right of survivorship as at common law by Deed dated May 20, 1971 recorded in James City Deed Book 132, page 59; and, the said Hugh H. Sisson, Jr. having departed this life leaving Frances B. Sisson, now Frances S. Baldwin, surviving, located in the County of James City, Virginia, and have made application for a change in zoning of the subject property from A-2 to B-1; and

Whereas, as a part of their application, Henry S. and Lavelle M. Branscome, voluntarily proffer conditions which shall be in addition to the limitations provided for in the zoning district; and

Whereas, these conditions are proffered as a part of the requested rezoning and it is agreed that the limitations: (1) are required or arise because of the nature of the property and the rezoning sought, and (2) have a reasonable relation to the rezoning requested.

Therefore, the following conditions are proffered in consideration for the rezoning of the above referenced property:

A sixty (60) foot wide green space corridor free of parking lot or other structures will be established along the entire John Tyler highway frontage. The green space corridors will be regraded as necessary to provide a gentle slope to proposed turning lane and to meet grades of development proposed adjacent to the green areas.

A blend of plant materials consisting of native type shade, evergreen and flowering trees (such as Red and White Oak, Red Maple, White Pine, Hemlock, American Holly, Flowering Dogwood and Redbud), interspersed with plantings of medium height growing shrub masses (such as Southern Wax Myrtle, Burning Bush, etc.) will be installed within the green space corridor.

Shade type trees will be at least eight (8) to ten (10) feet high, flowering trees at least five (5) to six (6) feet high and shrubs one and one-half (1 1/2) to two (2) feet in spread or height. All plant material will be transplanted by tree spade method, balled and burlapped, or container grown and will meet the standards of the American Association of Nurserymen.

Shade trees planted forty (40) to fifty (50) feet on center will be arranged individually or in groups and enhanced with underplantings of shrub masses containing at least five plants per group. Flowering trees will be planted individually or in groups of three or more and placed to accent the length of the green space corridor. Where evergreen trees are planted, they will be twelve (12) to fifteen (15) feet on center and arranged individually or in groups of three or more.

Approximately fifty (50) to sixty (60) percent of the length of the green space corridor will be planted with a balanced arrangement of these shade trees, flowering trees, and shrubs. The balance of the area will be planted in grass which will be kept mowed by the property owner.

The portion of green area east of the driveway proposed to cross the green area will be planted in an arrangement to identify with the existing natural wooded areas immediately to the east. Areas west of the driveway will be arranged in a manner to be compatible with existing and proposed plantings in the adjoining office and retail business areas.

These proposed plantings will be installed by November 1, 1987.

Henry S. Branscome
Henry S. Branscome

Lavelle M. Branscome
Lavelle M. Branscome

STATE OF VIRGINIA
COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledge before me the 874 day of
JUNE, 1988, by Henry S. and Lavelle M. Branscome,
Husband and Wife.

John M. [Signature]
Notary Public

My Commission Expires:

MY COMMISSION EXPIRES 10/14/89

**VIRGINIA: City of Williamsburg and County of
James City, to wit:**

In the Clerk's office of the Circuit Court of the
City of Williamsburg and County of James City the
6 day of July, 1987 This Proffer
was presented with certificate annexed and
admitted to record at 3:27 o'clock

Teste: Helene S. Ward, Clerk
by [Signature]
Deputy Clerk

8888

00 105 1 0127 2095164

FULL PAYMENT
CASE NUMBER
01/LR878888
PAYOR NAME
06/JCCO

GRANTOR
22/HENRY S BRANSCOME ETAL
GRANTEE
23/JCCO
DESC OF PROPERTY
24/PARCEL 28
DATE OF INSTRUMENT
25/6/8/87
PURPOSE
33/PROFFER

301 DEEDS	1	10.00
	AMOUNT TENDERED	10.00
	CHANGE	.00
	TOTAL	10.00

City of Williamsburg and County of
 James City
 Clerk of the Court
 100 North 10th Street
 Williamsburg, Virginia 23185
 (804) 261-1234
 FAX (804) 261-1235
 www.cityofwilliamsburg.com

WMSBURG/JAMES CITY CIRCUIT CT

07/06/87 15:27