

AGREEMENT

Whereas, Thomas M. Smith, Cherie A. Doverspike and David L. Hertzler (hereinafter called "the Owner") own certain real property in James City County, Virginia, (hereinafter called "the Property") and more particularly described as follows:

All that certain parcel of land situate in James City County, Virginia containing 52.3 acres more or less as shown and described on a plat entitled "A SURVEY OF 52.3 ACRES MORE OR LESS OF THE PROPERTY OF THEODORE WALLACE, ET AL, JAMES CITY COUNTY, VIRGINIA" dated February 10, 1981 and made by AES a professional corporation of Williamsburg, Virginia. A copy of said plat is attached to a certain deed from Theodore R. Wallace, et al which is recorded in Deed Book 211, Page 415.

Whereas, the Owner has applied for a rezoning of the Property from the General Agriculture District, A-1 ("the Existing Zoning") to the Limited Residential District, R-1, all pursuant to Section 20-149 through 20-158 of the Zoning Ordinance of James City County, Virginia ("the Proposed Zoning"); and

Whereas, James City County, Virginia, may be unwilling to rezone the Property because the Proposed Zoning regulations may be deemed inadequate 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 conditions for the protection of the community that are not applicable to land similarly zoned in addition to the regulations provided for in the Proposed Zoning.

NOW, THEREFORE, this Agreement witnesseth that for and in consideration of James City County, Virginia, rezoning the Property

from the Existing Zoning to the Proposed Zoning and pursuant to Section 15.1-491.1 of the Code of Virginia, 1950, as amended, and Section 20-18 of the Zoning Ordinance of James City County, Virginia, the Owner agrees that in addition to the regulations provided for in the Proposed Zoning, it will meet and comply with all of the following conditions for the development of the Property.

CONDITIONS

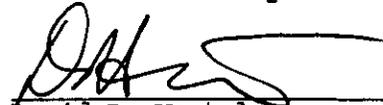
Prior to the submittal of a subdivision plan for the Property, the Owner, at their expense, shall cause to be prepared for review and approval by James City County, Virginia, a Phase I archaeological study for the Property. A Phase I study shall include reconnaissance, systematic surface collection and shovel test pits every 90 to 150 feet.



Thomas M. Smith (SEAL)



Cherie A. Doverspike (SEAL)



David L. Hertzler (SEAL)

STATE OF VIRGINIA

COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged before me this 25th day of May, 1988, by Thomas M. Smith.



NOTARY PUBLIC

My commission expires: 2/7/89

STATE OF VIRGINIA

COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged before me this 25th day of May, 1988, by Cherie A. Doverspike.

Allison H. Okey
NOTARY PUBLIC

My commission expires: 2/7/89

STATE OF VIRGINIA

COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged before me this 25th day of May, 1988, by David L. Hertzler.

Allison H. Okey
NOTARY PUBLIC

My commission expires: 2/7/89

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 _____ day of June, 1988. This agreement was presented with certificate annexed and admitted to record at 1:39 o'clock

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

5224

00 105 1 6161 2095164

FULL PAYMENT
CASE NUMBER
01/LR885624
PAYOR NAME
06/JCCO
GRANTOR
22/22*THOMAS M SMITH ETAL
GRANTEE
23/JAMES CITY CO
DESC OF PROPERTY
24/52.3 AC
DATE OF INSTRUMENT
25/5/25/88
PURPOSE
33/AGREE
301 DEEDS 1 10.00
AMOUNT TENDERED 10.00
CHANGE .00
TOTAL 10.00

WMSBURG/JAMES CITY CIRCUIT CT

06/08/88 13:39