

## AGREEMENT

WHEREAS, Norge Center, Inc., a Virginia corporation, (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, lying and being in Stonehouse District, James City County, Virginia, fronting on U. S. #60, and shown on that certain plat of survey under the legend of "Section No. 4. 37.13 acres, Mrs. Ellen Taylor Howard," which plat is attached to that certain deed dated April 10, 1940, between R. Kember Taylor, et als and Richard E. Taylor, et ux, of record in the Clerk's Office of the Circuit Court of James City County, Virginia, in Deed Book 32, page 93, and bounded and described on said plat of survey as follows:

Beginning at a point on said highway, which point marks the line dividing the subject property and the property partitioned to Kitty Taylor; thence along said line North 37 degrees and 39 minutes East 2305.0 feet to a point on the center line of the old York River Road; thence along said center line North 89 degrees and 12 minutes East 159.0 feet, North 71 degrees and 33 minutes East 500.0 feet, North 65 degrees and 35 minutes East 135.0 feet to a point on the line dividing the subject property and the property of Our Savior Lutheran Church; thence along said line North 81 degrees and 22 minutes East 231.0 feet to a point on the line dividing the subject property and the property partitioned to Rufus Taylor; thence along said line South 37 degrees and 39 minutes West 3132.0 feet to a point on the East line of Highway #60, thence along said right-of-way on a 3 degree and 20 minute curve to the left 621.0 feet to the point of beginning; containing 37.13 acres, more or less; the lines included in the above description extend across the present right-of-way of the Chesapeake and Ohio Railway, but this is done for the purpose of settling reversion rights in the event of abandonment of any portion of the present right-of-way of said railway; in severalty and divided from the portions of R. Kemper Taylor, Rufus Taylor, Kitty Taylor and Minnie Taylor Bentley.

WHEREAS, the Owner acquired the said real estate from Ellen Taylor Howard after the property was rezoned from General Agricultural District, A-1, to the General Business District, B-1; and

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WHEREAS, the property was subjected to certain conditions for its development as set forth in an agreement with Ellen Taylor Howard and James City County executed December 23, 1986; and

WHEREAS, the Owner desires to alter the development plans and, therefore, has requested of James City County that condition number 1. of the aforesaid agreement be amended.

NOW, THEREFORE, in consideration of the County of James City amending condition number 1, the Owner agrees that in addition to the regulations provided for in the General Business District, B-1, but subject to the limitations set forth in the aforesaid Codes, they will meet and comply with all of the following conditions for the development of the Property:

1. Site development, excluding outparcels, will be for a shopping center not to exceed 362,000 square feet of gross floor area.
2. Owner agrees to impose a 100 foot structural setback from the right-of-way of Richmond Road. In addition, the Owner agrees to impose a 50 foot buffer strip along the entire Richmond Road frontage and a 30 foot buffer zone along Norge Lane, the C & O Railroad, and also that portion of the property fronting on Croaker Road. The buffer zones will exclude parking and be broken only by necessary access roads, project signage and utilities. A landscaping plan will be submitted for approval by the James City County Staff and the Site Plan Review Committee for these buffer zones concurrent with the first site plan submitted on the subject property. The Owner agrees to implement the approved Landscaping Plan for this Buffer Zone concurrent with the site development of the first parcel.

This agreement specifically excludes the adjoining parcels which are rezoned General Business District, B-1.

3. The Owner agrees to limit the number of access points along the perimeter of the subject property to one on Richmond Road, four on Norge lane and one on Croaker Road (Route 607).

4. The Owner agrees to exclude the following uses permitted in the General Business, B-1, zoning district:

- a. Funeral Homes
- b. Cemeteries

5. The Owner agrees to design, furnish the equipment, and install a traffic signal at Norge Lane and Richmond Road concurrent with development of any portion of the property, excluding outparcels as depicted on the preliminary site plan as submitted.

6. The Owner agrees to install all left and right turn lanes as approved by the Site Plan Review Committee, concurrent with the development of the appropriate phase of site construction.

7. The Owner will subdivide the property into no more than fourteen (14) parcels.

8. The Owner will dedicate a ten (10) foot right-of-way strip along the northeast border of the property fronting on Norge Lane for widening and improving of the existing road. In addition, the Owner agrees to improve Norge Lane concurrent with the appropriate phase of site construction in accordance with current VDOT requirements for the level of traffic envisioned by the preliminary site plan, said improvements to be approved by VDOT, and the appropriate planning commission review committee.

SHORT. SHORT. TELSTAD & KERR, P.C., ATTORNEYS AT LAW, 710 DENBIGH BLVD., BLDG. #1, SUITE A, NEWPORT NEWS, VA. 23602

NORGE CENTER, INC., a Virginia corporation

By: Robert L. King  
Robert L. King, President

STATE OF VIRGINIA AT LARGE  
City of Newport News, to-wit:

The foregoing instrument was acknowledged before me this 2nd day of June, 1988, by Robert L. King, President of NORGE CENTER, INC., a Virginia corporation.

Debra J. Puckett  
NOTARY PUBLIC



My commission expires: 8-7-89

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 8 day of June, 1988. This agreed was presented with certificate annexed and admitted to record at 1:41 o'clock

Teste: Helene S. Ward, Clerk  
by Debra J. Puckett  
Deputy Clerk

5225

00 105 1 6162 2095164

FULL PAYMENT

CASE NUMBER

01/LR885625

PAYOR NAME

06/JAMES CITY CO

GRANTOR

22/NORGE CENTER INC

GRANTEE

23/JAMES CITY CO

DESC OF PROPERTY

24/SEC 4 37.13 AC

DATE OF INSTRUMENT

25/6/2/88

PURPOSE

33/AGREE

301 DEEDS	1	10.00
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AMOUNT TENDERED		10.00
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CHANGE		.00
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TOTAL		10.00
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WMSBURG/JAMES CITY CIRCUIT CT

06/08/88 13:41

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