

AGREEMENT

3102

Whereas, Ferrell General Construction Company (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 tract of land now or formerly situate in Jamestown District, James City County, Virginia, called "Halls", being a part thereof, containing fifty (50) acres, more or less, and bounded by the road leading from Kelton to Centerville, and by the lands of F.R. Savage, the War Hill Tract, and the land of J.M. Jones.

Whereas, pursuant to Section 15.1-496.6 of the Code of Virginia, 1950, as amended, the Owner has applied for an amendment of the conditions created pursuant to Case No. Z-12-88, which amendment would modify condition numbered nine (9); 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 different from the conditions created pursuant to Case No. Z-12-88 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 General Residential District, R-3.

NOW, THEREFORE, this Agreement witnesseth that for and in consideration of James City County, Virginia, amending the conditions created pursuant to Case No. Z-12-88 and pursuant to Section 15.1-491, et seq. 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 the conditions established by Case No. Z-12-88, be amended as follows:

CONDITIONS

(9) The subdivision plan of the Property shall provide for common open space not less than twenty five (25) feet in width along the northerly and southerly boundary lines of the Property; however, the Owner shall show on its subdivision plat a 50' single strip of land within said common open space along said southerly boundary line as reserved to the Owner for possible right of way extension to provide internal access from the Property to adjacent property along the southerly boundary line.

Except as hereby amended, all other conditions in Case No. Z-12-88 shall remain in full force and effect.

FERRELL GENERAL CONSTRUCTION COMPANY

By: Jesse Ferrell
Jesse Ferrell, President

STATE OF VIRGINIA

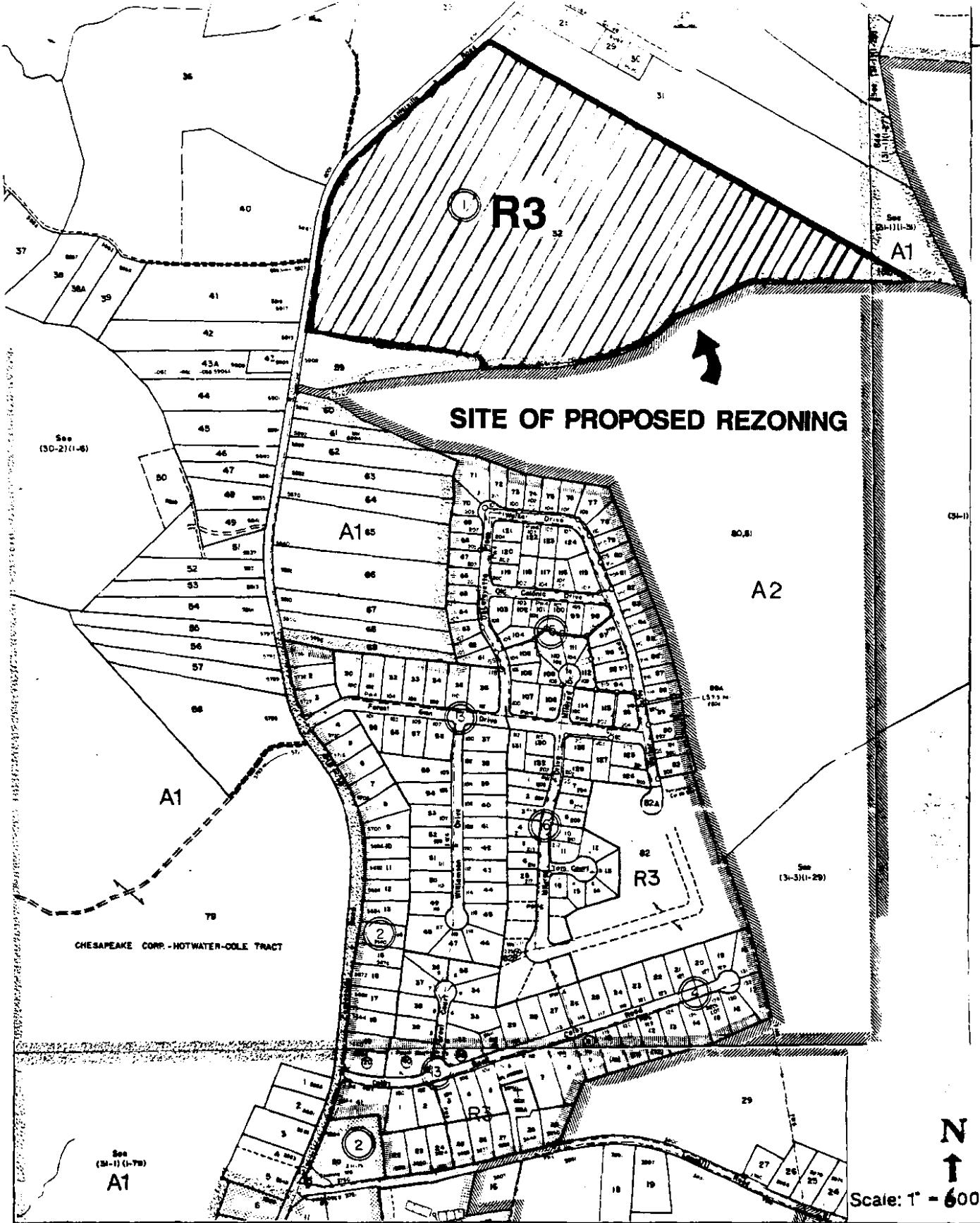
COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged before me this 6th day of February, 1989, by Jesse Ferrell, President of and acting on behalf of Ferrell General Construction Company.

Allison H. Oley
NOTARY PUBLIC

My commission expires: 2/7/89

VIRGINIA: City of Williamsburg and County of James City: to-wit: the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City the _____ day of _____, 1989. This deed is presented with the certificate annexed and admitted to record at _____ o'clock. The taxes imposed by Sect. 58-54 (a) and (b) of the Code have been paid.
STATE TAX _____ LOCAL TAX _____ ADDITIONAL TAX 10.00
Tests: Melane S. Ward, Clerk
By: Melane S. Ward
Deputy Clerk



Case #: **Z-3-89**

Name: **FERRELL GENERAL CONSTRUCTION**

JAMES CITY COUNTY/DEPARTMENT OF PLANNING & DEVELOPMENT

OFFICIAL RECEIPT
WILLIAMSBURG/JAMES CITY COUNTY CLERK'S
DEED RECEIPT

DATE: 04/04/89 TIME: 15:51:43 ACCOUNT: 095CLR890008102 RECEIPT: 89000005538
CASHIER: CHR REG: WB21 TYPE: AGREE PAYMENT: FULL BY PERS. CHECK
INSTRUMENT : 890008102 BOOK: 0 PAGE: 0 RECORDED 04/04/89 AT 15:50
GRANTOR NAME : FERRELL BEN CONST CO
GRANTEE NAME : JAMES CITY CO
AND ADDRESS :
RECEIVED OF : JAMES CITY CO
DESCRIPTION 1: 50 AC HALLS
CONSIDERATION: .00 ASSUPTION: .00 TAX: .00

CODE DESCRIPTION	PAID	CODE DESCRIPTION	PAID
301 SEEDS	10.00		
		TOTAL TENDERED :	10.00
		TOTAL AMOUNT PAID:	10.00
		TOTAL CHANGE AMT :	.00

CLERK OF COURT: HELENE S. WARD