

12915



PROFFERS

THESE PROFFERS, made as of this 15 day of November, 1989, by L. A. & G. Corporation, a Virginia corporation ("Owner").

RECITALS:

A. Owner is the owner of certain real property located in James City County, Virginia containing approximately 53.6 acres and commonly known as the Wythe Green Tract (hereinafter referred to as the "Property") and more particularly described as Parcel (1-35) on James City County Real Estate Tax Map No. (24-3).

B. Approximately 14.6 acres of the Property is currently zoned B-1, General Business. The remaining 39 acres of the Property is zoned A-1, General Agricultural. Owner has applied to rezone the portion of the Property now zoned A-1 to B-1, with proffers.

C. James City County (the "County") may be unwilling to rezone because of possible impacts on the surrounding area.

D. Owner, for itself and its successors and assigns, desires to offer to the County certain conditions on the development of the Property that are not generally applicable to land zoned B-1 for the protection of the community that are intended to mitigate possible impacts from the development on the surrounding area.

NOW, THEREFORE, for and in consideration of the approval by the Board of Supervisors of the County of the requested rezoning, and pursuant to Section 15.1-491.2:1 of the Code of Virginia,

1950, as amended, Owner agrees that it will meet and comply with all the following conditions for the development of the Property.

CONDITIONS

1. There shall be no more than one entrance, in addition to the two existing entrances, into the Property from U. S. Route 60.

2. There shall be maintained along the entire frontage of the Property along Route 60 that is not currently developed, except for the one new entrance permitted by Condition 1, a twenty-five (25) foot landscaped open strip, as defined in Section 20-2 of the County Zoning Ordinance.

3. Prior to submittal of a site plan for the development of the Property, or any portion thereof, the Owner, at its expense, shall cause to be prepared a comprehensive drainage study of the entire Property for review and approval by the Director of Code Compliance or his duly designated representative.

4. Upon approval of the aforesaid drainage study, the Owner, at its expense, shall be obligated to incorporate the recommendations of that study in any site plan for the development of the Property.

5. Prior to the submittal of a site plan for the development of the Property, or any portion thereof, the Owner, at its 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.

IN WITNESS WHEREOF, Owner, intending to be legally bound, has duly executed these Proffers.

L. A. & G. CORPORATION

By: Louie A. Galanos
Louie A. Galanos, President

STATE OF VIRGINIA AT LARGE
CITY OF WILLIAMSBURG, to-wit:

The foregoing instrument was acknowledged before me this 15th day of November, 1989, by LOUIE A. GALANOS, President of L. A. & G. Corporation on behalf of the Corporation.

Sue G. Clayton
NOTARY PUBLIC

My commission expires:
March 19, 1993

VIRGINIA: City of Williamsburg, 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 30 day of Nov, 1989. This Proffer was presented with certificate annexed and admitted at 1:24 o'clock
Teste: Hon. Ward, Clerk
by [Signature]
Deputy Clerk

COMMONWEALTH OF VIRGINIA



OFFICIAL RECEIPT
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT
DEED RECEIPT

DATE: 11/30/89 TIME: 13:36:03 ACCOUNT: 095CLR890012915 RECEIPT: 89000021743
CASHIER: CHB REG: WR04 TYPE: PROFFRS PAYMENT: FULL PAYMENT
INSTRUMENT : 890012915 BOOK: 0 PAGE: 0 RECORDED: 11/30/89 AT 13:34
GRANTOR NAME : L A & B CORP LOCALITY: CO
GRANTEE NAME : JAMES CITY CO PERCENT: 1.00
AND ADDRESS :

RECEIVED OF : JAMES CITY CO
CHECK : \$10.00

DESCRIPTION 1: PARCEL 1-35 TAX MAP NO 24-3

CONSIDERATION: .00 ASSUMPTION: .00 MAP: PAID
CODE DESCRIPTION PAID CODE DESCRIPTION PAID
301 DEEDS 10.00

TOTAL TENDERED : 10.00
TOTAL AMOUNT PAID: 10.00
TOTAL CHANGE AMT : .00

CLERK OF COURT: HELENE S. WARD

or
call
see

DC-19 5/86

27029 0728

PLEASE RETURN TO:
COUNTY ATTORNEY
JCC - BLDG. C