

12913

AGREEMENT

WHEREAS, the Estate of C. O. Rustad (hereinafter called the "Owner") is the owner of a certain parcel of real property in James City County, Virginia (hereinafter called the "Property") and more particularly described as follows:

All of that certain piece, parcel, or lot of land situate in Powhatan Magisterial District, James City County, Virginia, containing 2.026 acres as shown on a plat entitled, "Plat of Property Standing in the Name of C. O. Rustad Estate, James City County, Virginia", dated September 5, 1989, and made by Langley and McDonald, P.C., Engineers, Planners and Surveyors, a copy of said plat being attached hereto.

WHEREAS, the Owner has applied for rezoning of the Property from General Agricultural (A-1) (the "Existing Zoning") to General Business (B-1), with proffers, all pursuant to Sections 20-328 through 20-338 of the Zoning Ordinance of James City County, Virginia, (the "Proposed Zoning"); and,

WHEREAS, James City County may be unwilling to rezone the Property because the Proposed Zoning regulations may be deemed inadequate for the orderly development of the Property; and,

WHEREAS, the Owner is desirous of offering certain 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 regulations.

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 15.1-491.2:1 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 regulation provided in the Proposed Zoning, it shall meet and comply with all of the following conditions for the development of the Property:

CONDITIONS:

1. The uses of the Property shall be limited to:
 - a. doctors, dentists and other medical clinics or offices;
 - b. corporate, business, governmental and professional offices;
 - c. banks and other financial institutions;
 - d. fitness and wellness centers;
 - e. drugstores, dry cleaners, barber shops, and diet centers;
 - f. secretarial and duplicating services;
 - g. photography studios and sales, artists and sculptor studios;
 - h. florist, picture framing, stamp and coin, travel bureau;
 - i. printing and publishing;
 - j. post office; and,
 - k. libraries.
2. The height of any structure constructed on the property shall not exceed 45 feet.
3. Access from Rt. 60 (Richmond Road) shall be limited to one entrance.
4. Access from Nina Drive shall be limited to one entrance.
5. A landscaping plan for the Property shall be developed by a professional landscaping architect. The plan shall include landscaping in the 10 foot perimeter landscaping at the rear and south side of the Property which shall be in excess of that required by the Zoning Ordinance. The landscaping in the 10 foot strip along rear property line shall consist of Leyland Cypress trees in the size, location and height as shown generally on the landscaped conceptual plan prepared by Karl Kohler & Associates submitted with this Zoning Application. The plan shall be submitted as a component of the site plan submitted for approval by the Development Review Committee. The Property shall be landscaped in accordance with the approved landscaping plan.

- 6. A traffic study shall be prepared by a professional traffic engineer and shall be submitted to the Director of Planning for his review and approval at the time the site plan is submitted.
- 7. Storm water management facilities shall be provided to produce a 10 year post development peak flow that shall not exceed the 10 year pre-development peak flow. Flow attenuation shall be achieved by infiltration to the maximum extent feasible; however, required attenuation in excess of that which can be infiltrated will be achieved by on-site detention.
- 8. All terms of this Agreement shall have the same meaning as provided in the Zoning Ordinance of James City County, Virginia.

ESTATE OF C. O. RUSTAD

By: Muriel R. Hunt
Muriel R. Hunt

By: H. J. Hunt, Jr.
H. J. Hunt, Jr.

By: Llewellyn R. Smith
Llewellyn R. Smith

By: Louis C. Smith
Louis C. Smith

Being all of the Heirs of the Estate of C. O. Rustad

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

The foregoing instrument was acknowledged before me on this 23rd day of October, 1989, by Muriel R. Hunt & H. J. Hunt, Jr.

My Commission Expires: 10-16-92

Ann J. Collins
Notary Public

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 30 day of Nov, 1989. This Agreement was present with certificate annexed and admitted to record at 1:23 o'clock pm by Helene Ward, Clerk Deputy Clerk



PLAT IN
BOOK NO. 458 PAGE 119

STATE OF CALIFORNIA }
COUNTY OF SAN DIEGO } ss.

On OCTOBER 25, 1989 before me, the undersigned, a Notary Public in and for said State, personally appeared ****LOUIS C. SMITH AND LLEWELLYN R. SMITH****

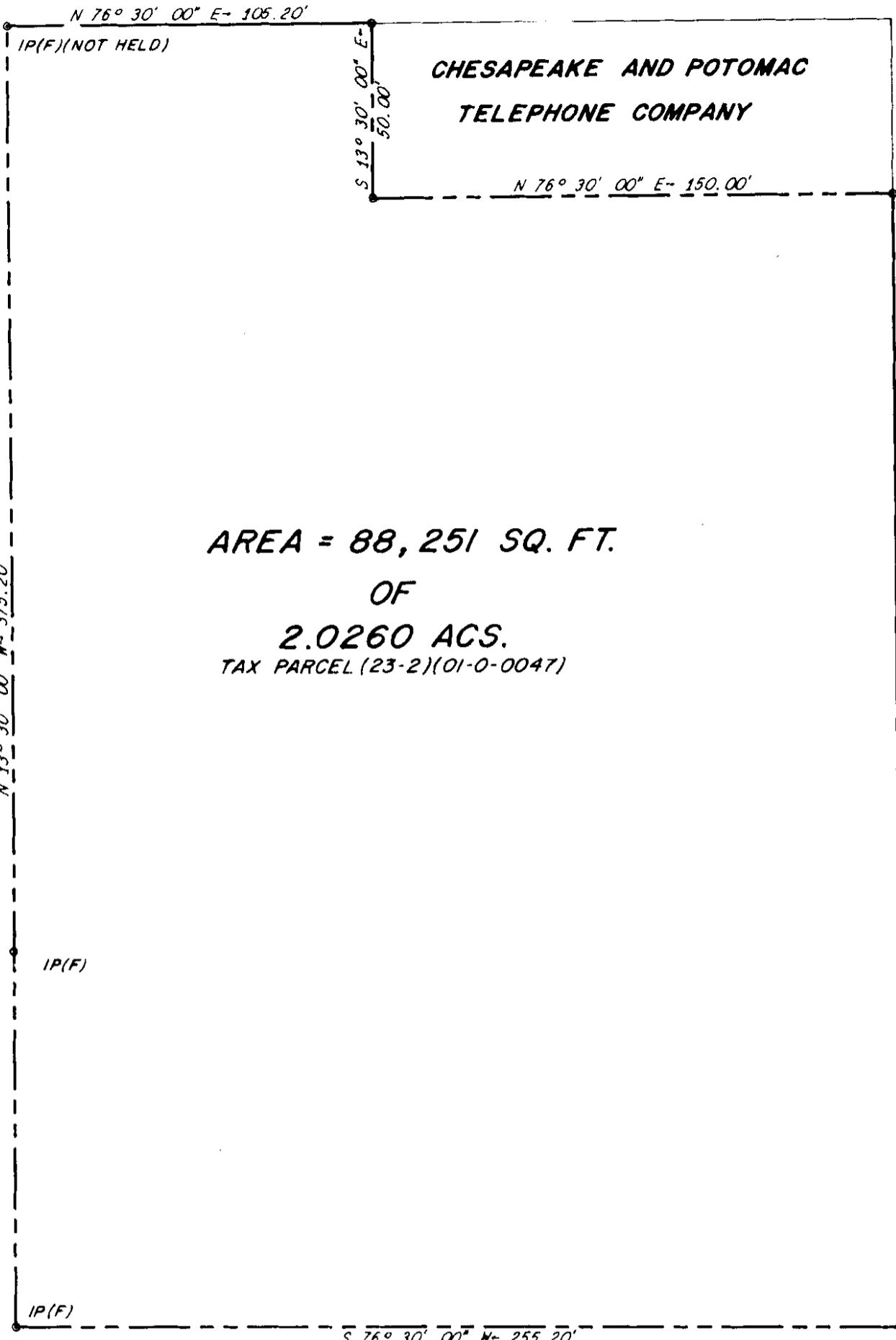
personally known to me ~~(or provided to me on the basis of satisfactory evidence)~~ to be the person(s) whose name(s) ~~is/are~~ subscribed to the within instrument and acknowledged to me that he/she/they executed the same.



WITNESS my hand and official seal.
Signature Kathy E. Kilcrease

(This area for official notarial seal)

NINA LANE R/W VARIES



AREA = 88,251 SQ. FT.
 OF
 2.0260 ACS.
 TAX PARCEL (23-2)(01-0-0047)

N/F HOAR

N 13° 30' 00" W - 375.20'

IP(F)

IP(F)

S 76° 30' 00" W - 255.20'

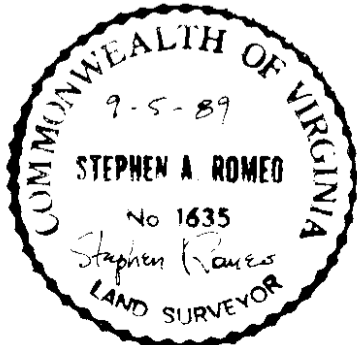
N/F ANDERSON

S 13° 30' 00" E - 325.20'

U.S. ROUTE 60
(R/W VARIES)

TO WILLIAMSBURG

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF
 THIS PLAT IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES
 AND STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS,
 PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND CERTIFIED LANDSCAPE ARCHITECTS



PLAT OF PROPERTY
 STANDING IN THE NAME OF
 C.O. RUSTAD ESTATE

D.B. 40, PG. 442
 JAMES CITY COUNTY, VIRGINIA
 DATE: 9/5/89 SCALE: 1" = 40'
 Langley and McDonald, P.C.
 ENGINEERS PLANNERS SURVEYORS

COMMONWEALTH OF VIRGINIA



OFFICIAL RECEIPT
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT
DEED RECEIPT

DATE: 11/30/89 TIME: 13:25:29 ACCOUNT: 095CLR890012913 RECEIPT: 89000021741
CASHIER: CHB REG: WB04 TYPE: AGREE PAYMENT: FULL PAYMENT
INSTRUMENT : 890012913 BOOK: 0 PAGE: 0 RECORDED: 11/30/89 AT 13:23
GRANTOR NAME : RUSTAD, C O , ESTATE OF LOCALITY: CO
GRANTEE NAME : JAMES CITY COUNTY PERCENT: 1.00
AND ADDRESS :

RECEIVED OF : JAMES CITY CO

CHECK : \$10.00

DESCRIPTION 1: POW DIST 2.026 AC

CONSIDERATION: .00 ASSUMPTION: .00 MAP:

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