

3014

PROFFERS

THESE PROFFERS made as of this 27th day of December, 1990, by CECIL L. LINDSEY, SR., homme sole, together with his successors, heirs and assigns, the "Owner".

Recitals

A. Owner is the owner of certain real property located in James City County, Virginia containing approximately 7 acres, more or less, commonly known as 8679 Pocahontas Trail (hereinafter referred to as the "Property") and more particularly described as Parcel Number (1-89) on James City County Real Estate Tax Map Number (52-3).

B. All of the Property is currently zoned R-3, General Residential District. Owner has applied to rezone all of the Property from R-3 to R-5, with proffers.

C. James City County (the "County") may be unwilling to re-zone because of possible impact on the surrounding area.

D. Owner for himself and his 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 R-5 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 re-zoning, 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 constructed on said Property a congregate care facility of no more than forty-eight (48) units with accessory buildings designed specifically for the elderly, each apartment unit containing no more than one (1) bedroom. The project, prior to site plan approval shall be submitted to the Planning Division for the review and approval of the building exterior appearance and site design. Any desired changes in these design elements shall be submitted to County staff for approval, and if required by staff, shall be presented to the Planning Commission for final approval.

2. The occupancy of this facility shall be restricted to elderly and/or handicapped households. For purposes of this proffer, elderly is defined as household heads age 62 and above. Handicapped persons shall meet the definition of handicapped set forth by the Social Security Administration. Also as part of this proffer, no persons under the age of eighteen years shall be allowed to reside in the complex on a full time basis, and no more than two individuals shall occupy any unit.

3. There shall be no more than one entrance into the Property, that entrance being from Magruder Avenue.

4. The facility shall be designated and constructed in a manner which will comply with all standards and regulations of the Farmers Home Administration (FmHA) relative to the construction of congregate housing.

5. The buildings which comprise the facility shall contain no more than one story and there shall be a central kitchen and dining facility provided for the use of the residents of the facility.

6. Any road or highway improvements required by the Virginia Department of Transportation as a result of the proposed development shall be paid for by the Owner.

Cecil L. Lindsey, Sr.
Cecil L. Lindsey, Sr.

STATE OF VIRGINIA

City/County of Williamsburg, to-wit:

The foregoing instrument was acknowledged before me this 27th day of December, 1990, by Cecil L. Lindsey, Sr.

[Signature]
Notary Public
My comm. expires: 8/17/91

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 on 27 day of December, 1990 This Instrument was presented with certificate annexed and acknowledged and received at 2:02 o'clock
Helena S. Ward, Clerk
by [Signature]
Deputy Clerk

COMMONWEALTH OF VIRGINIA



1114:0-025 7/90

OFFICIAL RECEIPT
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT
DEED RECEIPT

DATE: 09/27/91 TIME: 14:04:18 ACCOUNT: 095CLR910003014 RECEIPT: 91000005438
CASHIER: CNB REG: WB04 TYPE: PROFFER PAYMENT: FULL PAYMENT
INSTRUMENT: 910003014 BOOK: 0 PAGE: 1 RECORDED: 09/27/91 AT 14:02
GRANTOR NAME: LINDSEY, CECIL L SR EX: N LOCALITY: CC
GRANTEE NAME: JAMES CITY CO EX: N PERCENT: 1.00
AND ADDRESS:

RECEIVED OF: JCCO
CHECK: \$13.00
DESCRIPTION 1: PROFFERS 7 AC
2:

| | | | | | |
|------------------|-----|-------------|------------------|------|------|
| CONSIDERATION: | .00 | ASSUMPTION: | .00 | MAP: | |
| CODE DESCRIPTION | | PAID | CODE DESCRIPTION | | PAID |
| 301 DEEDS | | 12.00 | 145 VSLF | | 1.00 |

| | |
|--------------------|-------|
| TOTAL TENDERED : | 13.00 |
| TOTAL AMOUNT PAID: | 13.00 |
| TOTAL CHANGE AMT : | .00 |

CLERK OF COURT: HELENE S. WARD

443 68

DC - 19 5/86

NOTED, DATE 2 09/27/91

NOTED, DATE 2 09/27/91

PLEASE RETURN TO:
COUNTY ATTORNEY
JCC - BLDG. C