

RESTATED FORD'S COLONY PROFFERS

005450

These RESTATED FORD'S COLONY PROFFERS are made this 26th day of August, 1993 by REALTEC INCORPORATED, a North Carolina corporation ("Owner").

RECITALS

A. Owner is the owner and developer of the Ford's Colony at Williamsburg development containing approximately 2,398.4 acres and which is zoned R-4, Residential Planned Community, with proffers, and subject to a Master Plan heretofore approved by James City County.

B. Owner has applied to amend its existing Master Plan to include a tract of approximately 85.2 acres not currently subject to the Master Plan or proffers and to rezone the property from R-2 to R-4, with proffers.

C. In connection with prior Master Plan amendments, Owner has entered into and James City County has accepted Restated Ford's Colony Proffers dated as of October 1, 1987 (the "Existing Proffers").

D. In consideration of the approval of the amendment of its Master Plan, Owner desires to amend and restate the Existing Proffers as set forth below. If the requested amendment of Owner's Master Plan is not approved by James City County, these Restated Ford's Colony Proffers shall be void and the Existing Proffers shall remain unchanged, in full force and effect.

AMENDMENTS

1. Restatement. The Existing Proffers are hereby restated and incorporated by reference herein.

2. Additional Property. These Restated Proffers shall apply to the property described in Recital B to the Existing Proffers and, in addition, to the following described property:

That certain piece or parcel of land, situate in Berkeley District, James City County, Virginia, shown and set out as "1993 ADDITION, 85.2 AC±" on the amended Master Plan submitted herewith entitled "1993 Master Plan, Ford's Colony @ Williamsburg" dated June 29, 1993 and made by AES Consulting Engineers (the "Additional Property").

3. Recreation Areas. Owner shall relocate the Recreation Area within the Additional Property shown on the 1987 Master Plan or combine that Recreation Area with another Recreation Area in the project. The location of the relocated or combined Recreation Area shall be within an area with a Master Plan designation "A". Before the County is obligated to grant final subdivision approval of any subdivision plat of Ford's Colony, Owner shall apply for and diligently pursue a Master Plan amendment setting forth the location of the relocated or combined facility. The relocated or combined Recreation Area shall contain at least the amount of acreage of, and equivalent recreational facilities and equipment as, the Recreation Area(s) being relocated or combined. The relocated or combined Recreation Area shall be constructed in phases commencing in 1995 and shall be completed by the end of 1999.

4. Endangered Plant Species. Owner has heretofore caused surveys to be conducted of the Additional Property for endangered plant species. The location of any small whorled pogonias or Virginia least trillium located on the Additional Property shall be shown on all subdivision or other development plans of the Additional Property and Owner shall submit to the Director of Planning with any subdivision or development plan a conservation plan for such plants. The conservation plan shall provide for the conservation of such plants either through transplanting the plants to other suitable habitat within Ford's Colony or by preserving a 20 foot buffer around the plants and, if necessary planting additional overstory to shade the plants, all as determined by Owner consistent with its past practices at Ford's Colony. The conservation plan shall be approved by the Director of Planning before any land disturbing activity is allowed in the vicinity of the any small whorled pogonias or Virginia least trillium identified on the Additional Property.

5. Open Space. The area shown on the 1993 Master Plan as "Open Space, 20± Acres Reserved for Route 199 and Associated Greenbelts" shall be reserved by Owner as open space for the future location of Route 199 with its associated greenbelts.

WITNESS the following signature.

REALTEC INCORPORATED

By: 

Title: VICE - President

STATE OF VIRGINIA

CITY/COUNTY OF Williamsburg, to-wit:

The foregoing instrument was acknowledged before me this 26th day of August, 1993, by Drew R. Mulholl, as Vice President of Realtec Incorporated.

Janice M. Thompson
NOTARY PUBLIC

My commission expires:

2/28/95.

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 March 19 94. This Proffer

was presented with certificate annexed and admitted to record at 1:24 o'clock

Teste: Helene S. Ward, Clerk

by Alexander
Deputy Clerk

COMMONWEALTH OF VIRGINIA



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Clerk

OFFICIAL RECEIPT
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT
DEED RECEIPT

V1
DATE: 03/30/94 TIME: 13:24:27 ACCOUNT: 095CLR940005450 RECEIPT: 94000008486
CASHIER: CHB REC: WB04 TYPE: OTHER PAYMENT: FULL PAYMENT
INSTRUMENT : 940005450 BOOK: 0 PAGE: 0 RECORDED: 03/30/94 AT 13:24
GRANTOR NAME : REALTEC INC EX: N LOCALITY: CO
GRANTEE NAME : JAMES CITY COUNTY EX: N PERCENT: 100%
AND ADDRESS :
RECEIVED OF : JCCC DATE OF DEED: 08/26/93
CHECK : \$13.00

DESCRIPTION 1: PROFFERS OF FORDS COLONY B5.2 AC 1993
2: ADDITION

CONSIDERATION: .00 ASSUME/VAL: .00 MAP:
CODE DESCRIPTION PAID CODE DESCRIPTION PAID
301 DEEDS 12.00 145 VSLF 1.00

TENDERED : 13.00
AMOUNT PAID: 13.00
CHANGE AMT : .00

CLERK OF COURT: HELENE S. WARD