

013506

RICHARD J. FORD/FORD'S
COLONY PROFFERS

These PROFFERS are made this 29th day of September, 1995 by Richard J. Ford ("Owner").

RECITALS

A. Owner is the sole shareholder of Realtec Incorporated ("Realtec"), owner and developer of the Ford's Colony at Williamsburg development. Ford's Colony contains approximately 2,512.21 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. Realtec, with the consent of Owner, has applied to amend its existing Master Plan to, among other things, to include a tract of land (the "Property") described below owned by Owner not now subject to the approved Ford's Colony Master Plan and to rezone the tract from A-1 to R-4, with proffers. The Property is more particularly described as follows:

That certain piece or parcel of land, situate in James City County, Virginia, shown and set out as "1995 ADDITION, 28.6 AC±" on the amended Master Plan submitted herewith entitled "1995 Master Plan, Ford's Colony @ Williamsburg" dated June 28, 1994 and made by AES Consulting Engineers.

C. Concurrently herewith Realtec has entered into and James City County has accepted Amended and Restated Ford's Colony Proffers dated as of September 29, 1995 (the "Realtec Proffers").

D. Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned R-4.

1-5

Book 757
Pages 529-533

NOW, THEREFORE, for and in consideration of the approval by the Board of Supervisors of James City County of the applied for rezoning, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the applied for rezoning is not granted by the County, the Proffers shall thereupon be null and void.

CONDITIONS

1. Realtec Proffers. The Property shall be subject to the conditions set forth in the Realtec Proffers.

2. Archaeological Sites. (A) Before starting any clearing, grading or land disturbing of the Property, Owner shall submit a Phase I archaeological study of the Property to the Director of Planning for review and approval.

(B) (1) For all sites that the Phase I study recommends for Phase II evaluation or identifies as potentially being eligible for inclusion on the National Register of Historic Places (the "National Register"), Owner shall submit to the Director of Planning for review and approval a treatment plan. An acceptable treatment plan can consist of (i) performing a limited Phase II study to establish the boundaries of the site and thereafter leaving the site completely undisturbed or preserving it in some other manner acceptable to the Director of Planning or (ii) performing a complete Phase II study of the site. If a complete Phase II study of a site is undertaken, such Phase II study shall be submitted to and approved by the Director of Planning.

(2) If the approved Phase II study concludes that a site is not eligible for inclusion on the National Register,

Owner shall not be obligated to perform any further archaeological studies thereon.

(3) For all sites which the approved Phase II study indicates are eligible for inclusion on the National Register and/or those sites upon which a Phase III study is warranted, Owner shall submit to the Director of Planning for review and approval a treatment plan. An acceptable treatment plan can consist of (i) leaving the site completely undisturbed or preserving the site in some other manner acceptable to the Director of Planning and submitting an application to include the site on the National Register or (ii) performing a complete Phase III study of the site. If a complete Phase III study is undertaken on a site, the Phase III study shall be submitted to and approved by the Director of Planning.

(4) If the Phase II or Phase III study of a site determines the site is eligible for inclusion on the National Register of Historic Places and such site is to be preserved in place, the treatment plan shall include nomination to the National Register of Historic Places.

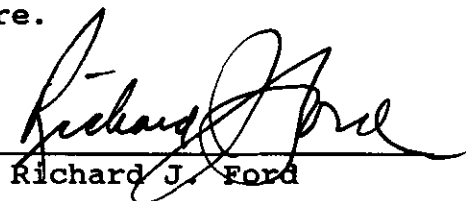
(5) All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.

(C) All archaeological studies proffered hereby shall meet the Virginia Department of Historic Resources Guidelines and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation and shall be conducted under the supervision of a qualified archaeologist who meets, at a minimum,

the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards as in effect at the time of the submission of the study. Any sites not documented in the submitted Phase I study that are encountered during construction shall be evaluated by performing a Phase I study using the VDHR and Secretary of Interior's guidelines and standards in effect at the time of discovery.

3. Endangered Plant Species. Owner shall cause 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 Property shall be shown on all subdivision or other development plans of the 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.

WITNESS the following signature.


Richard J. Ford

STATE OF VIRGINIA
CITY/COUNTY OF James City, to-wit:

The foregoing instrument was acknowledged before me this
29th day of September, 1995, by Richard J. Ford.

Roseanna C. Carrol
NOTARY PUBLIC

My commission expires:

April 30, 1997.

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, he
4 day of Oct., 1995 Proffers
was presented with certificate of Proffers and
admitted to record at 9:56 o'clock
Teste: Helene S. Ward, Clerk
by [Signature]
Deputy Clerk

COMMONWEALTH OF VIRGINIA



OFFICIAL RECEIPT
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT
DEED RECEIPT

DATE: 10/04/95 TIME: 09:56:47 ACCOUNT: 095CLR950013506 RECEIPT: 75000022995
CASHIER: CHB REG: WB04 TYPE: OTHER PAYMENT: FULL PAYMENT
INSTRUMENT : 750013506 BOOK: 0 PAGE: 0 RECORDED: 10/04/95 AT 09:56
GRANTOR NAME : FORD, RICHARD J EX: N LOCALITY: CO
GRANTEE NAME : JAMES CITY COUNTY EX: N PERCENT: 100%

AND ADDRESS :
RECEIVED OF : JCCO DATE OF DEED: 09/29/95

CHECK : \$14.00
DESCRIPTION 1: PROFFERS FORDS COLONY 28.6 AC 1995
2: ADDITION

CONSIDERATION:	PAID	CODE	DESCRIPTION	MAP:	PAID
DESCRIPTION					
SEEDS	13.00	145	VSLF		1.00

TENDERED : 14.00
AMOUNT PAID: 14.00
CHANGE AMT : .00

CLERK OF COURT: HELENE S. WARD

PLEASE RETURN TO:
COUNTY ATTORNEY
JCC - BLDG. C