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AGREEMENT

**THIS AGREEMENT** is made as of the 10 day of May, 1996, by County of James City, a political subdivision of the Commonwealth of Virginia (the "County"), and Atlantic Homes Development Corporation, a Virginia corporation ("Atlantic Homes").

**WHEREAS**, Atlantic Homes desires to develop for residential use certain property containing 97.451± acres, and as shown on James City County Real Estate Tax Map 31-1 as parcels numbered 1-80 and 1-81 located in James City County, Virginia, known as the Wallace Estate Property which is the same property affected by those Proffers recorded at Deed Book 729, page 586 in the Clerk's Office for the Circuit Court for the County of James City and City of Williamsburg, Virginia, (the "Property"); and

**WHEREAS**, a phase I archaeological study of the Property has identified a site known as "Site 44JC844" in the study's report (the "Site") located near the Centerville Road entrance to the Property, but such study did not recommend further investigation of the Site due to the existence of similar sites located in the James City County area.

**WHEREAS**, the department of Historic Resources of the Commonwealth of Virginia by letter dated November 16, 1995, and subsequent conversations with County officials and representatives of Atlantic Homes, noted that although sites similar to the Site were plentiful, very little, if any, information was contained in the historical record about such sites, and therefore recommended further study of the Site.

**WHEREAS**, the County is developing land near the Property into a park, and several sites similar to the Site exist on that land; and

**WHEREAS**, Atlantic Homes desires to proceed with the development of the Property without further study of the Site and the County is willing to allow Atlantic Homes to do same upon the terms and conditions hereinafter set forth.

**WHEREAS**, this Agreement is for compliance with the proffers and that violation of the Agreement is a violation of the proffers.

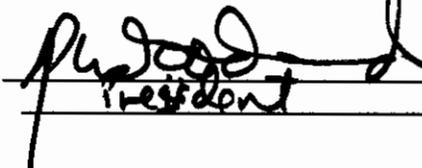
**WHEREAS**, the subdivision section presently under review contains only one archaeological site, #44JC844. As future sections are developed, the County shall work with the developer to address the preservation and/or study of the additional archaeological sites.

**NOW, THEREFORE**, for and in consideration of Ten Dollars (\$10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, the parties agree as follows:

1. Prior to any final subdivision approval for the Property, Atlantic Homes shall pay to the County the sum of Ten Thousand and 00/100 Dollars (\$10,000.00), to be placed in the Environmental Protection account of the County's Capital Improvement Program. Such funds shall be used by the County to study archaeological and/or historical sites, the funds shall be used for an environmental protection project which, in the County's discretion, is near and/or related to development of the Property.
2. The parties agree that this Agreement is part of Atlantic Homes' compliance with the proffers it made with respect to the rezoning of the Property and that a breach of this Agreement by Atlantic Homes shall be a violation of said proffers.
3. The parties agree that any challenge to the validity of this Agreement shall be filed within 30 calendar days of the date first above written. Any challenge to this Agreement beyond the 30 day period shall be void. The parties acknowledge that each will detrimentally rely on this Agreement and shall suffer damages of \$10,000.00 in the event this Agreement is not complied with in full. In addition, the party challenging the validity of this Agreement shall pay the other parties reasonable attorney's fees.

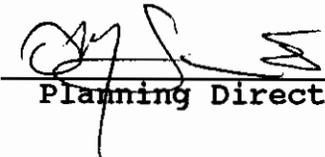
**WITNESS**, the following signatures as of the day and year first written above.

**ATLANTIC HOMES DEVELOPMENT CORPORATION**

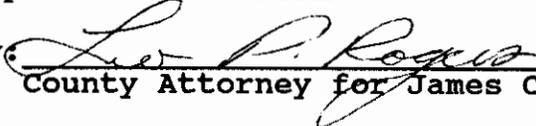
By:   
 Its: President

**COUNTY OF JAMES CITY**

By:   
 Its: Zoning Administrator

By:   
 Its: Planning Director

Approved as to Form

By:   
 County Attorney for James City County

COMMONWEALTH OF VIRGINIA  
City of Hampton, to wit:

The foregoing Agreement has been acknowledged before me by Joe Woodard, President of Atlantic Homes Development Corp., a Virginia corporation, this 10<sup>th</sup> day of May, 1996.

My commission expires: 11-30-98

Frances Barber  
Notary Public

COMMONWEALTH OF VIRGINIA  
County of James City, to wit:

The foregoing Agreement has been acknowledged before me by Bernard Farmer, Jr., Zoning Administrator for the County of James City, Virginia, a political subdivision of the Commonwealth of Virginia, this 14 day of May, 1996.

My commission expires: May 31, 1996

Carole C. Guitano  
Notary Public

COMMONWEALTH OF VIRGINIA  
County of James City, to wit:

The foregoing Agreement has been acknowledged before me by D. Marvin Sowers, Planning Director for the County of James City, Virginia, a political subdivision of the Commonwealth of Virginia, this 13 day of May, 1996.

My commission expires: May 31, 1998

Carole C. Guitano  
Notary Public

mjl...Clients\AHDC\WallProp\Archaelo.Agr

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VIRGINIA: City of Williamsburg and County of  
... to Wit:  
In the Clerk's Office of the Circuit Court of the  
City of Williamsburg, County of James City the  
20 day of May, 1996. This Agreement  
was presented to me and certificate annexed and  
admitted to record at 1:10 o'clock  
Teste: Helene S. Ward, Clerk  
by Chase Mead  
Deputy Clerk

COMMONWEALTH OF VIRGINIA



OFFICIAL RECEIPT  
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT  
DEED RECEIPT

DATE: 05/20/96 TIME: 13:10:20 ACCOUNT: 830CLR960006750 RECEIPT: 96000011670  
CASHIER: CHB REG: WB04 TYPE: AG PAYMENT: FULL PAYMENT  
INSTRUMENT : 960006750 BOOK: 0 PAGE: 0 RECORDED: 05/20/96 AT 13:10  
GRANTOR NAME : COUNTY OF JAMES CITY EX: N LOCALITY: CO  
GRANTEE NAME : ATLANTIC HOMES DEVELOPMENT EX: N PERCENT: 100%  
AND ADDRESS :  
RECEIVED OF : JCCC DATE OF DEED: 05/10/96

CHECK : \$13.00  
DESCRIPTION 1: WALLACE ESTATE PROPERTY  
2:

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

DC-18 (7/95)

PLEASE RETURN TO:  
COUNTY ATTORNEY  
JCC - BLDG. C

13.-