

990015760

FIRST AMENDED AND RESTATED PROFFERS

These FIRST AMENDED AND RESTATED PROFFERS are made this 27th day of May, 1999 by Leonard Epstein, together with his successors heirs and assigns (the "Owner").

RECITALS

A. Owner is the owner of certain real property (the "Property") located in James City County, Virginia containing approximately 6.62 acres, more or less, known as 8679 Pocahantas Trail and being more particularly described as Parcel Number (1-89) on Tax Map Number (52-3).

B. The Property is now zoned R-5, with proffers. The existing Proffers are dated December 27, 1990, were made by Cecil L. Lindsey, Jr., the then owner of the Property, and are recorded in James City Deed Book 507 at page 680 (the "Existing Proffers").

C. The Owner desires to amend and restate the Existing Proffers in their entirety.

NOW, THEREFORE, the Existing Proffers are hereby amended and restated as follows:

AMENDMENT AND RESTATEMENT

1. There shall be constructed on said Property a congregate housing 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

JUL 27 8 02 87

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 designed and constructed in a manner which will comply with all standards and regulations of the U. S. Department of Housing and Urban Development relative to the construction of Housing for Older Persons.

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.

JUL 27 8 02 88

WITNESS the following signature.

Leonard Epstein  
Leonard Epstein

STATE OF VIRGINIA  
CITY/COUNTY OF Williamsburg

27<sup>th</sup> The foregoing instrument was acknowledged before me this  
day of May, 1999, by Leonard Epstein.

Jarvis M. Shopper  
NOTARY PUBLIC

My commission expires: February 28, 2003

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  
day of JULY, 1999. This FIRST Booked  
Proffers was presented with certificate annexed and  
admitted to record at 9:28 o'clock  
Teste: Helene S. Ward, Clerk  
by Helene S. Ward  
Deputy Clerk

JUL 27 8 02 89

COMMONWEALTH OF VIRGINIA



OFFICIAL RECEIPT  
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT  
DEED RECEIPT

DATE: 07/27/99 TIME: 14:48:00 ACCOUNT: 830CLR990015760 RECEIPT: 99000024228  
 CASHIER: CSF REB: W804 TYPE: AMEND PAYMENT: FULL PAYMENT  
 INSTRUMENT : 990015760 BOOK: PAGE: RETURNED: 07/27/99 AT 14:48  
 GRANTEE: EPSTEIN, LEONARD EX: N LOC: CD  
 AND ADDRESS : N/A N/A EX: N PCT: 100%  
 RECEIVED OF : JCC DATE OF DEED: 05/27/99  
 CHECK : \$16.00  
 DESCRIPTION 1: DB 507 PG 680  
 2:  
 CONSIDERATION: .00 ASSUME/VAL: .00 MAP:  
 CODE DESCRIPTION PAID CODE DESCRIPTION PAID  
 301 DEEDS 12.00 145 VSLF 3.00  
 106 TECHNOLOGY FUND FEE 3.00  
 TENDERED : 16.00  
 AMOUNT PAID: 16.00  
 CHANGE AMT : .00

CLERK OF COURT: HELENE S. WARD

7/27/99

Received at 2:45 o'clock in the Clerk's Office  
 of the City of Williamsburg, and County of  
 James City, VA  
 030 St. Tax \_\_\_\_\_  
 210 County Tax \_\_\_\_\_  
 210 City Tax \_\_\_\_\_  
 100 Licens. Fee (City) \_\_\_\_\_  
 100 Licens. Fee (County) \_\_\_\_\_  
 100 Licens. Fee \_\_\_\_\_  
 Total 16.00