



CERTIFICATE OF AUTHENTICITY

THIS IS TO CERTIFY THAT THE FOLLOWING ELECTRONIC RECORDS ARE TRUE AND ACCURATE REPRODUCTIONS OF THE ORIGINAL RECORDS OF JAMES CITY COUNTY GENERAL SERVICES DEPARTMENT- STORMWATER DIVISION; WERE SCANNED IN THE REGULAR COURSE OF BUSINESS PURSUANT TO GUIDELINES ESTABLISHED BY THE LIBRARY OF VIRGINIA AND ARCHIVES; AND HAVE BEEN VERIFIED IN THE CUSTODY OF THE INDIVIDUAL LISTED BELOW.

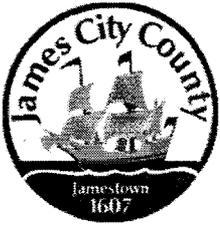
BMP NUMBER: 99108

DATE VERIFIED: October 31, 2012

QUALITY ASSURANCE TECHNICIAN: Leah Hardenbergh

Leah Hardenbergh

LOCATION: WILLIAMSBURG, VIRGINIA



Stormwater Division

MEMORANDUM

DATE: March 13, 2010
TO: Michael J. Gillis, Virginia Correctional Enterprises Document Management Services
FROM: Jo Anna Ripley, Stormwater
PO: 270712
RE: Files Approved for Scanning

General File ID or BMP ID: 99108

PIN:

Subdivision, Tract, Business or Owner

Name (if known):

New Town

Property Description:

General Files

Site Address:

(For internal use only)

Box 3

Drawer: 2

Agreements: (in file as of scan date)

Y

Book or Doc#:

000014769

Page:

000012573

333

070000159

060029767

060013904

Comments

Inspection/Maintenance Agreement in file for Settlers Market at New Town AND New Town Phase 9 AND New Town Bldg B Phases 4 & 5 Center Street Condos AND Amended and restated Master Declarations of Covenants, Easements, and Restrictions for all New Town Com

Contents for Stormwater Management Facilities As-built Files

Each File is to contain:

- 1. Maintenance Agreement
- 2. Construction certification
- 3. As-Built plan
- 4. Design Calculations
- 6. Correspondence
- 7. Inspection records
- 8. Miscellaneous

000014769

DECLARATION OF COVENANTS

INSPECTION/MAINTENANCE OF DRAINAGE SYSTEM

THIS DECLARATION, made this 26th of July, 2000, between NEW TOWN ASSOCIATES, LLC, a Virginia limited liability company, and all successors in interest, hereinafter referred to as the "COVENANTOR," owner of the following property: 300.714 acres on the west line of Ironbound Road, County of James City, Virginia, as Instrument No. 000012573, page 333, as shown on the plat dated May 26, 2000, last revised June 7, 2000, prepared by Ronald W. Eads, Land Surveyor, entitled "ALTA/ACSM Land Title Survey Portion of Property Owned by C. C. Casey Limited Company, Containing a Total of 300.714 Acres", which plat is recorded immediately prior to the above-mentioned Instrument, and James City County, Virginia, hereinafter referred to as the "COUNTY."

WITNESSETH:

We, the COVENANTOR, with full authority to execute deeds, mortgages, other covenants, and all rights, titles and interests in the property described above, do hereby covenant with the COUNTY as follows:

1. The COVENANTOR shall provide maintenance for the drainage system including any runoff control facilities, conveyance systems and associated easements, hereinafter referred to as the "SYSTEM," located on and serving the above-described property to ensure that the SYSTEM is and remains in proper working condition in accordance with approved design standards, and with the law and applicable executive regulations. The SYSTEM shall not include any elements located within any Virginia Department of Transportation rights-of-way.
2. If necessary, the COVENANTOR shall levy regular or special assessments against all present or subsequent owners of property served by the SYSTEM to ensure that the SYSTEM is properly maintained.
3. The COVENANTOR shall provide and maintain perpetual access from public right-of-ways to the SYSTEM for the COUNTY, its agent and its contractor.
4. The COVENANTOR shall grant the COUNTY, its agent and its contractor a right of entry to the SYSTEM for the purpose of inspecting, operating, installing, constructing, reconstructing, maintaining or repairing the SYSTEM.
5. If, after reasonable notice by the COUNTY, the COVENANTOR shall fail to maintain the SYSTEM in accordance with the approved design standards and with the law and applicable executive regulations, the COUNTY may perform all necessary repair

AUG 28 0003

or maintenance work, and the COUNTY may assess the COVENANTOR and/or all property served by the SYSTEM for the cost of the work and any applicable penalties.

6. The COVENANTOR shall indemnify and save the COUNTY harmless from any and all claims for damages to persons or property arising from the installation, construction, maintenance, repair, operation or use of the SYSTEM.

7. The COVENANTOR shall promptly notify the COUNTY when the COVENANTOR legally transfers any of the COVENANTOR'S responsibilities for the SYSTEM. The transferring COVENANTOR shall supply the COUNTY with a copy of any document of transfer, executed by both parties and COVENANTOR shall be released of any further liability hereunder upon such transfer.

8. The covenants contained herein shall run with the land and shall bind the COVENANTOR and the COVENANTOR'S heirs, executors, administrators, successors and assignees, and shall bind all present and subsequent owners of property served by the SYSTEM.

9. This COVENANT shall be recorded in the County Land Records.

IN WITNESS WHEREOF, the COVENANTOR has executed this DECLARATION OF COVENANTS as of this 31st of July, 2000.

COVENANTOR

New Town Associates, LLC,
a Virginia limited liability company

By: Staubach Williamsburg, LLC
Managing Member

By: Staubach Williamsburg
Foundation, Inc., Managing Member

By: Michael B. McShea
Michael B. McShea
Vice President



William L. Phillips
Notary Public
Commonwealth of Virginia
My Commission Expires July 31, 2003

AUG-09 0004

STATE OF Virginia
CITY/COUNTY OF Fairfax

The foregoing instrument was acknowledged before me this 31st day of July, 2000, by Michael B. McShea, Vice President of Staubach Williamsburg Foundation, Inc., Managing Member, on behalf of the corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day of July 31, 2000.

My commission expires: July 31, 2008

[SEAL]

Gillian Phillips
Notary Public



Gillian Leigh Phillips
Notary Public
Commonwealth of Virginia
My Commission Expires July 31, 2008

Approved as to form:

Leo P. Rogers
Deputy County Attorney

This Declaration of Covenants prepared by:

Leo P. Rogers, Esquire
Assistant County Attorney
P.O. Box 8754
Williamsburg, VA 23187

5275083

AUG-88 0005

WITNESSES: City of Williamsburg and County of James City, to-wit:
This Declaration was presented with certificate attached and admitted to record on 8 Dec, 2000, at 8:54 AM/PM in the Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City.
TESTE: SETH B. WOOLRIDGE, CLERK
By Seth B. Woolridge, Deputy Clerk

000014769

COPY

DECLARATION OF COVENANTS

INSPECTION/MAINTENANCE OF DRAINAGE SYSTEM

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WITNESSETH:

We, the COVENANTOR, with full authority to execute deeds, mortgages, other covenants, and all rights, titles and interests in the property described above, do hereby covenant with the COUNTY as follows:

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2. If necessary, the COVENANTOR shall levy regular or special assessments against all present or subsequent owners of property served by the SYSTEM to ensure that the SYSTEM is properly maintained.

3. The COVENANTOR shall provide and maintain perpetual access from public right-of-ways to the SYSTEM for the COUNTY, its agent and its contractor.

4. The COVENANTOR shall grant the COUNTY, its agent and its contractor a right of entry to the SYSTEM for the purpose of inspecting, operating, installing, constructing, reconstructing, maintaining or repairing the SYSTEM.

5. If, after reasonable notice by the COUNTY, the COVENANTOR shall fail to maintain the SYSTEM in accordance with the approved design standards and with the law and applicable executive regulations, the COUNTY may perform all necessary repair

should not include VDOT

should not include VDOT

AUG-88 0003

or maintenance work, and the COUNTY may assess the COVENANTOR and/or all property served by the SYSTEM for the cost of the work and any applicable penalties.

6. The COVENANTOR shall indemnify and save the COUNTY harmless from any and all claims for damages to persons or property arising from the installation, construction, maintenance, repair, operation or use of the SYSTEM.

7. The COVENANTOR shall promptly notify the COUNTY when the COVENANTOR legally transfers any of the COVENANTOR'S responsibilities for the SYSTEM. The transferring COVENANTOR shall supply the COUNTY with a copy of any document of transfer, executed by both parties and COVENANTOR shall be released of any further liability hereunder upon such transfer.

8. The covenants contained herein shall run with the land and shall bind the COVENANTOR and the COVENANTOR'S heirs, executors, administrators, successors and assignees, and shall bind all present and subsequent owners of property served by the SYSTEM.

9. This COVENANT shall be recorded in the County Land Records.

IN WITNESS WHEREOF, the COVENANTOR has executed this DECLARATION OF COVENANTS as of this 31st of July, 2000.

COVENANTOR

New Town Associates, LLC,
a Virginia limited liability company

By: Staubach Williamsburg, LLC
Managing Member

By: Staubach Williamsburg
Foundation, Inc., Managing Member

By: Michael B. McShea
Michael B. McShea
Vice President



Gillian Leigh Phillips
Notary Public
Commonwealth of Virginia
My Commission Expires July 31, 2003

AUG-88 0004

STATE OF Virginia
CITY/COUNTY OF Fairfax

The foregoing instrument was acknowledged before me this 31st day of July, 2000, by Michael B. McShea, Vice President of Staubach Williamsburg Foundation, Inc., Managing Member, on behalf of the corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day of July 31, 2000.

My commission expires: July 31, 2003

[SEAL]

Gillian Phillips
Notary Public

Approved as to form:

Leo P. Rogers
Deputy County Attorney



Gillian Leigh Phillips
Notary Public
Commonwealth of Virginia
My Commission Expires July 31, 2003

This Declaration of Covenants
prepared by:

Leo P. Rogers, Esquire
Assistant County Attorney
P.O. Box 8784
Williamsburg, VA 23187

527509.3

VIRGINIA: City of Williamsburg and County of
James City, to-wit:

This Declaration was
presented with certificate annexed and admitted
to record on 8 Aug., 2000
at 8:54 AM/PM in the Clerk's Office of the
Circuit Court of the City of Williamsburg and County
of James City.

TESTE: BETSY B. WOOLRIDGE, CLERK

By: Betsy Woolridge Deputy Clerk

AUG-88 0005

SP-69-04

COUNTY OF JAMES CITY, VIRGINIA

COPY

DECLARATION OF COVENANTS

INSPECTION/MAINTENANCE OF DRAINAGE SYSTEM

THIS DECLARATION, made this 20th day of November, 2006,
between G.C.R COMMERCIAL, LLC, and
all successors in interest, ("COVENANTOR(S),") owner(s) of the following property:

Parcel Identification Number: 3843100001
Legal Description: NEW TOWN CENTER STREET CONDOMINIUM PHASE 3 *PTW*
Project or Subdivision Name: New Town - Sect. 4 Block 5 Parcels D ~~XX~~ Mixed Use Office ✓
Document No. 060013904 Bldgs
OR Deed Book _____, Page No. _____,
and the County of James City, Virginia ("COUNTY.")

WITNESSETH:

We, the COVENANTOR(S), with full authority to execute deeds, mortgages, other covenants, and all rights, titles and interests in the property described above, do hereby covenant with the COUNTY as follows:

1. The COVENANTOR(S) shall provide maintenance for the drainage system including any runoff control facilities, conveyance systems and associated easements, hereinafter referred to as the "SYSTEM," located on and serving the above-described property to ensure that the SYSTEM is and remains in proper working condition in accordance with approved design standards, and with the law and applicable executive regulations. The SYSTEM shall not include any elements located within any Virginia Department of Transportation rights-of-way.
2. If necessary, the COVENANTOR(S) shall levy regular or special assessments against all present or subsequent owners of property served by the SYSTEM to ensure that the SYSTEM is properly maintained.
3. The COVENANTOR(S) shall provide and maintain perpetual access from public right-of-ways to the SYSTEM for the COUNTY, its agent and its contractor.
4. The COVENANTOR(S) shall grant the COUNTY, its agent and its contractor a right of entry to the SYSTEM for the purpose of inspecting, monitoring, operating, installing, constructing, reconstructing, maintaining or repairing the SYSTEM.
5. If, after reasonable notice by the COUNTY, the COVENANTOR(S) shall fail to maintain the SYSTEM in accordance with the approved design standards and with the law and applicable executive regulations, the COUNTY may perform all necessary repair or maintenance

*Instrument # 060029767
Recorded on Dec. 11, 2006*

work, and the COUNTY may assess the COVENANTOR(S) and/or all property served by the SYSTEM for the cost of the work and any applicable penalties.

6. The COVENANTOR(S) shall indemnify and save the COUNTY harmless from any and all claims for damages to persons or property arising from the installation, construction, maintenance, repair, operation or use of the SYSTEM.

7. The COVENANTOR(s) shall promptly notify the COUNTY when the COVENANTOR(S) legally transfers any of the COVENANTOR(S)' responsibilities for the SYSTEM. The COVENANTOR(S)' shall supply the COUNTY with a copy of any document of transfer, executed by both parties.

8. The covenants contained herein shall run with the land and shall bind the COVENANTOR(S) and the COVENANTOR(S)' heirs, executors, administrators, successors and assignees, and shall bind all present and subsequent owners of property served by the SYSTEM.

9. This COVENANT shall be recorded in the County Land Records.

IN WITNESS WHEREOF, the COVENANTOR(S) have executed this DECLARATION OF COVENANTS as of the date first above written.

COVENANTOR(S)

[Handwritten Signature]
GCR COMMERCIAL, LLC
BY: _____
MANAGER
11 / 20 / 06
DATE

Print Name/Title _____

Robert F. Ripley, JR

ATTEST:

COVENANTOR(S)

Print Name/Title _____

ATTEST:

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF James City

I hereby certify that on this 20th day of November, 2006, before the subscribed, a Notary Public for the Commonwealth of Virginia, personally appeared Robert F Ripley Jr. and did acknowledge the foregoing instrument to be their Act.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 20th day of November, 2006.

Nancy R. Smith
Notary Public

My Commission expires: 7/31/08

Approved as to form:

[Signature]
ASST. County Attorney

This Declaration of Covenants prepared by:

NANCY SMITH
(Print Name)

OFFICE
(Title)

116 TEWNING RD
(Address)

Williamsburg VA 23188
(City) (State) (Zip)

757-220-2091
(Phone Number)

070 000159

AMENDMENT AND SUPPLEMENTAL DECLARATION
TO
AMENDED AND RESTATED MASTER DECLARATION OF COVENANTS,
EASEMENTS AND RESTRICTIONS
FOR
NEW TOWN COMMERCIAL PROPERTIES
(Additional Property Amendment/Langley Federal Credit Union)

This AMENDMENT AND SUPPLEMENTAL DECLARATION TO AMENDED AND RESTATED MASTER DECLARATION OF COVENANTS, EASEMENTS AND RESTRICTIONS (this "Amendment") is made this 19th day of December, 2006, by NEW TOWN ASSOCIATES, LLC, a Virginia limited liability company, NEW TOWN COMMERCIAL ASSOCIATION, a Virginia non-stock corporation, and LANGLEY FEDERAL CREDIT UNION, a federal credit union organized under the Federal Credit Union Act, to be indexed as "Grantor" and "Grantee" for recording purposes.

RECITALS

A. By instrument entitled "Master Declaration of Covenants, Easements and Restrictions", dated June 22, 1998 and recorded in the Clerk's Office of the Circuit Court of the City of Williamsburg and the County of James City, Virginia (the "Clerk's Office") as Instrument No. 980013868 (the "Original Declaration"), C.C. Casey Limited Company, a Virginia limited liability company, as "Declarant" subjected certain real property more particularly described in Exhibit A thereto to certain covenants, easements, liens, charges and restrictions set forth therein.

B. By Assignment and Assumption Agreement dated October 23, 2001 and recorded in the Clerk's Office as Instrument No. 010022621, C.C. Casey Limited Company assigned all of its

Tax Parcel No. 3840100055

Prepared by: Kaufman & Canoles, P. C.

4801 Courthouse Street, Suite 300

Williamsburg, VA 23188

right, title and interest as "Declarant" under the Original Declaration to New Town Associates, LLC (hereinafter, "Declarant").

C. By Amended and Restated Master Declaration of Covenants, Easements and Restrictions for New Town Commercial Properties, dated November 26, 2002 and recorded in the Clerk's Office as Instrument No. 020031430, by Declarant and Casey Office, LLC, a Virginia limited liability company (the "Amended and Restated Declaration"), the Original Declaration was amended and restated in its entirety. The Amended and Restated Declaration, as now or hereinafter amended, supplemented and/or restated by instruments of record in the Clerk's Office is hereinafter referred to as the "Declaration."

D. The Declaration provides in Section 2.1 that it may be extended to other real estate owned by Declarant, or its Affiliate, and located within a two mile radius of the real estate described in Exhibits A and B to the Declaration.

E. By Deed dated August 25, 2005 and recorded on August 29, 2005 in the Clerk's Office as Instrument No. 050020281, Philip Richardson Company, Inc., a Virginia corporation ("Richardson"), conveyed to Langley Federal Credit Union (hereinafter "Langley") certain real property as more particularly described in such Deed (hereinafter, the "Langley Property") that is adjacent to portions, and within a two mile radius, of the property shown on Exhibits A and B of the Declaration.

F. Proffer 1(b) of Richardson's "New Town - Portion of Section 9 - Proffers" dated August 9, 2005 and recorded on August 17, 2005 in the Clerk's Office as Instrument Number 050019046 required that the Langley Property be subjected to the Declaration.

G. The Langley Property was never owned by Declarant or an Affiliate of Declarant, and, therefore, in order for the Langley Property to be subjected to the Declaration, the Declaration must be amended.

H. Article XII, Section 12.2 of the Declaration provides that it may be amended by a vote of the sum of: (A) two-thirds (2/3) of the Class A votes (including Class A votes held by Declarant), plus (B) the Class B vote (if any), cast by the Members of the New Town Commercial Association (the "Association").

I. The Members of the Association and Declarant believe it is in the best interests of the Association to (i) amend the description of the real estate that may be subjected to the Declaration and (ii) subject the Langley Property to the covenants, restrictions, charges, liens and other provisions set forth in the Declaration and this Amendment.

J. Members holding two-thirds (2/3) or more of the Class A votes of the Association and Declarant, as the Class B Member, have voted to approve this Amendment.

K. Langley Federal Credit Union, as the fee simple owner of the Langley Property, joins in this Amendment for the purpose of subjecting the Langley Property to the covenants, restrictions, charges, liens and other provisions set forth in the Declaration and this Amendment.

L. Unless otherwise defined herein, capitalized terms used herein shall have the meaning set forth in the Declaration.

AMENDMENT

NOW, THEREFORE, the Declaration is hereby amended and supplemented as follows:

1. Section 2.1 Right to Subject Additional Property to Declaration is hereby amended as follows:

A. The second sentence is hereby deleted and the following is substituted in lieu thereof:

Declarant contemplates the extension of this Declaration to the real estate described in Exhibit B hereto or portions thereof and the possible extension of this Declaration to other real estate located within a two (2) mile radius of the real estate described in Exhibits A and B (collectively, the "Additional Property").

B. The following sentence is added after the last sentence:

Any extension of this Declaration to property not owned by Declarant shall require the express consent and joinder of the owner of such property.

2. Section 2.3 Additional Restrictions is hereby amended to delete "then owned by Declarant or an Affiliate or Declarant" in the first sentence thereof, and to add the following sentence after the last sentence:

Any such Supplemental Declaration shall require the express consent and/or joinder of the owner of the property to be subjected if such property is not owned by Declarant or an Affiliate of Declarant.

3. Langley Property Hereby Subjected to Declaration and This Amendment.

Declarant and Langley hereby declare that the Langley Property shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements, charges, liens and other provisions set forth in the Declaration (as the same may be amended, modified, restated, or supplemented from time to time), the terms, covenants, conditions and provisions of which are incorporated herein by reference, and to the following additional covenants, restrictions, easements, charges, liens and other provisions set forth in this Amendment.

a. Condominium Form of Ownership. If and when all or any portion of the Lot comprising the Langley Property shall be subjected to a condominium form of ownership (or any similar form of multiple or interval ownership), the unit owners' association(s) shall be the agent(s) of the respective unit owners for the purpose of casting the votes and payment of the Assessments

(as defined in the Declaration) applicable to such Lot or portion thereof. Except as expressly provided otherwise in the foregoing sentence, the Association shall continue to have all of the same rights, duties, obligations, remedies, enforcement and lien rights with respect to all Owners of the Lot, including, but not limited to condominium unit owners, and condominium unit owners shall have the same rights, duties and obligations as Owners under the Declaration. No Condominium regime or similar form of multiple or interval ownership shall be established or imposed on any Lot unless and until all proposed documents creating and/or governing such regime, including, without limitation, the Declaration of Condominium, Bylaws, Articles of Incorporation, Plats and Plans, and any Rules and Regulations, have been submitted to Declarant during the Period of Declarant Control, and thereafter to the Association Board, for its review and approval. The Declaration, and lien rights arising thereunder, shall be superior in title to any Declaration of Condominium or similar instrument.

b. Parking Assessment Not Applicable to Langley Property. The Langley Property has no Attributed Parking Spaces as defined in the Declaration, and therefore the Langley Property will not be assessed for Parking Assessments for Attributed Parking Spaces.

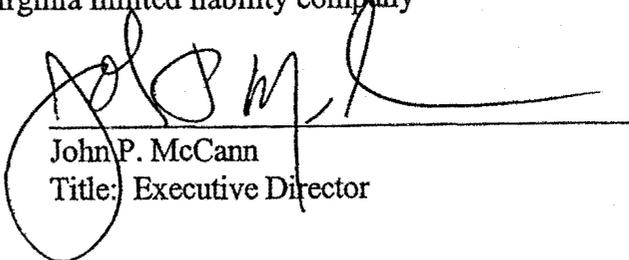
4. Run With the Land. This Amendment shall run with and bind the Property, including, without limitation, the Langley Property, and the Owners and Occupants thereon.

5. Amendment and Duration. This Amendment shall continue and remain in full force and effect for the duration of the Declaration, and may be amended as set forth in Section 12.2 of the Declaration. Pursuant to Section 55-515.1(F) of the Code of Virginia, 1950, as amended, this Amendment shall become effective when it is duly recorded in the Clerk's Office.

IN WITNESS WHEREOF, this Amendment is executed as of the date and year first above written. This Amendment may be executed in two or more counterparts and by facsimile,

each of which shall be an original and all of which together shall constitute one and the same instrument.

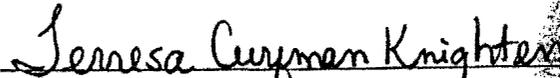
NEW TOWN ASSOCIATES, LLC,
a Virginia limited liability company

By: 

John P. McCann
Title: Executive Director

COMMONWEALTH OF VIRGINIA
AT LARGE, to wit:

The foregoing instrument was acknowledged before me in James City County, Virginia, this 14th day of December, 2006, by John P. McCann, as Executive Director of New Town Associates, LLC, a Virginia limited liability company, on its behalf.


Notary Public

My commission expires: 08/31/08

ADDITIONAL SIGNATURES APPEAR ON THE FOLLOWING PAGES

NEW TOWN COMMERCIAL ASSOCIATION,
a Virginia non-stock corporation

By: _____

Lawrence A. Salzman

Title: President

CERTIFICATION PURSUANT TO VIRGINIA CODE 55-515.1(F)

COMMONWEALTH OF VIRGINIA, AT LARGE, to-wit:

The foregoing instrument was acknowledged before me this 14th day of December, 2006 by Lawrence A. Salzman, as President of New Town Commercial Association, a Virginia non-stock corporation, on behalf of the corporation, who did state and certify that the requisite percentage of Members have voted to approve such Amendment and Supplemental Declaration as evidenced by their ballots and proxy forms on file with New Town Commercial Association.

Jessica Curzman Knighten
Notary Public

My commission expires: 08/31/08

ADDITIONAL SIGNATURES APPEAR ON THE FOLLOWING PAGES



LANGLEY FEDERAL CREDIT UNION,
a federal credit union organized under the Federal
Credit Union Act

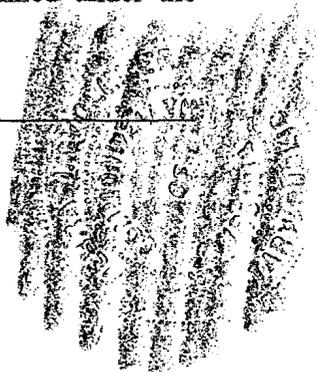


By: Jean M. Yokum
Jean M. Yokum
Title: President and Chief Executive Officer

COMMONWEALTH OF VIRGINIA
AT LARGE, to wit:

The foregoing instrument was acknowledged before me in Newport News,
Virginia, this 20th day of November, 2006, by Jean M. Yokum, as President and Chief
Executive Officer of Langley Federal Credit Union, a federal credit union organized under the
Federal Credit Union Act, on its behalf.

Debra A. Vellera
Notary Public



My commission expires: 12-31-2007.

ADDITIONAL SIGNATURE APPEARS ON THE FOLLOWING PAGE

Pursuant to Proffer 1(b) of Phillip Richardson Company, Inc.'s "New Town - Portion of Section 9 - Proffers" dated August 9, 2005, this Amendment and Supplemental Declaration for New Town Commercial Properties has been approved by the County Attorney's Office.

Leo P. Rogers
Leo P. Rogers, County Attorney

COMMONWEALTH OF VIRGINIA
AT LARGE, to-wit:

The foregoing instrument was acknowledged before me in James City County, Virginia on this 19th day of December, 2006, by Leo P. Rogers, County Attorney, for James City County on its behalf.

Mary Frances Rieger
Notary Public

My commission expires: October 31, 2009.

::ODMA\PCDOCS\DOCSNN\9148482\8

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY
This document was admitted to record on 4 Nov 07
at 11:26 AM/PM. The taxes imposed by Virginia Code
Section 58.1-801, 58.1-802 & 58.1-814 have been paid.

STATE TAX LOCAL TAX ADDITIONAL TAX
\$ _____ \$ _____ \$ _____

TESTE: BETSY B. WOOLRIDGE, CLERK

BY: Betsy B Woolridge Clerk

COMMONWEALTH OF VIRGINIA



OFFICIAL RECEIPT
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT
DEED RECEIPT

DATE: 01/04/07 TIME: 11:26:29 ACCOUNT: 830CLR070000159 RECEIPT: 07000000238
CASHIER: CHB REB: WD45 TYPE: AMEND PAYMENT: FULL PAYMENT
INSTRUMENT : 070000159 BOOK: PAGE: RECORDED: 01/04/07 AT 11:26
GRANTOR: NEW TOWN ASSOCIATES LLC EX: N LOC: CD
GRANTEE: LANGLEY FEDERAL CREDIT UNION EA: N PCT: 100%

AND ADDRESS :
RECEIVED OF : RAUFMAN DATE OF DEED: 12/19/06

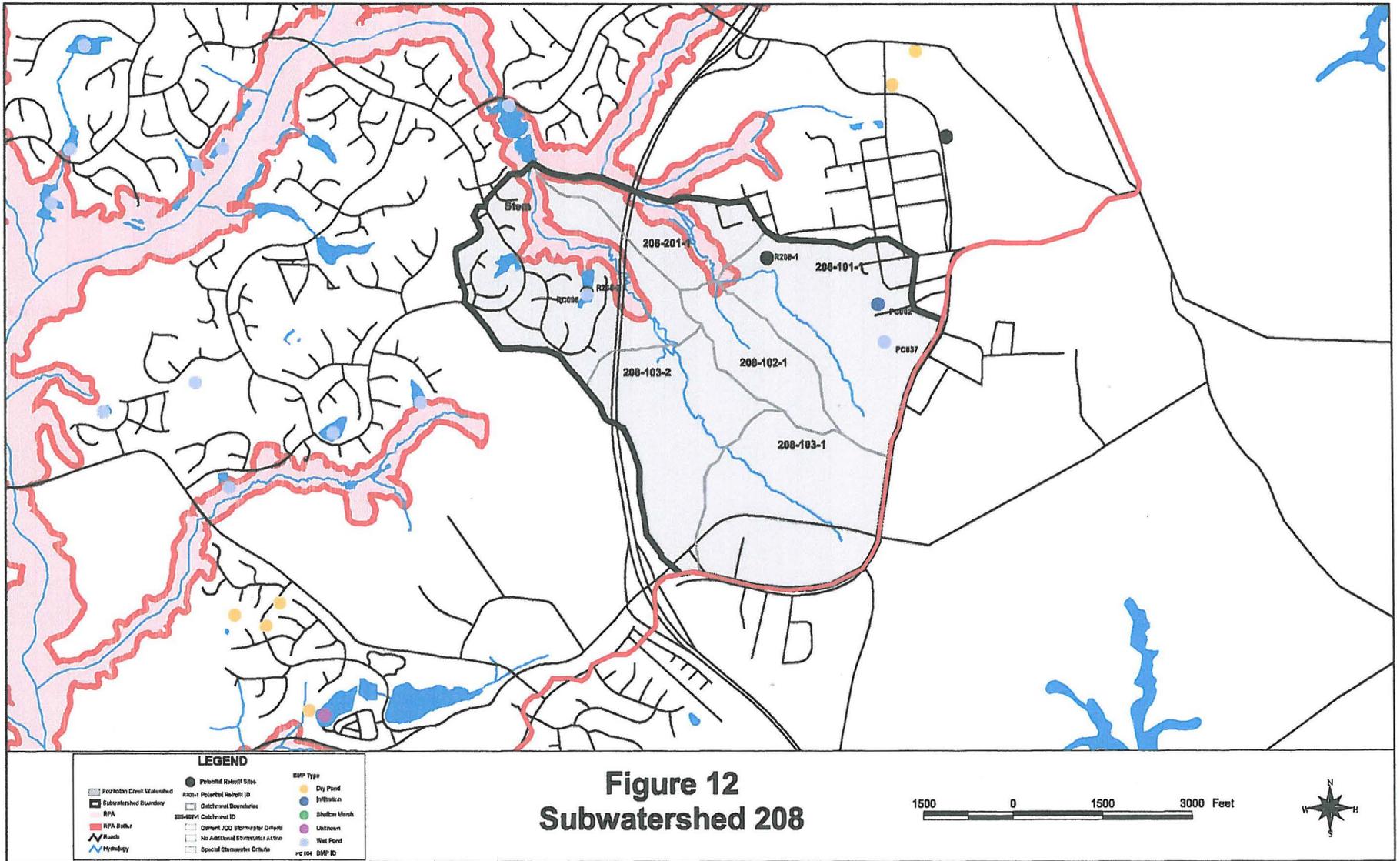
CHECK: \$21.00
DESCRIPTION 1: DOCUMENT #980013868, 010022621 PAGES: 9
2: NAMES: 0

CONSIDERATION: .00 A/VAL: .00 MAP: PIN:
301 DEEDS 14.50 145 VSLF 1.50
106 TECHNOLOGY TRST FND 5.00

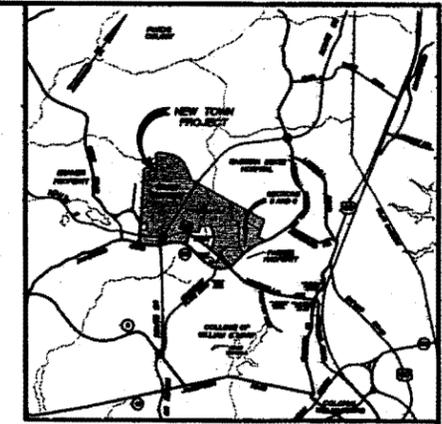
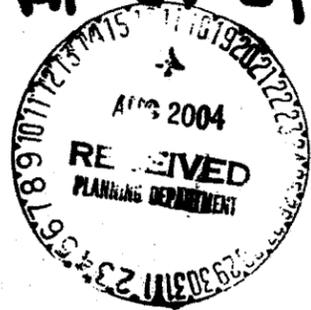
TENDERED : 21.00
AMOUNT PAID: 21.00
CHANGE AMT : .00

CLERK OF COURT: BETSY B. WOOLRIDGE

DC-18 (1/90)



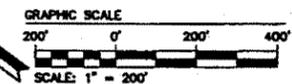
2-05/04
MP-05-04



VICINITY MAP SCALE: 1"=5,000'

- SECTION LINE
- BUILD TO ZONE (100% FRONTAGE)
- FRONTAGE ZONE (80% FRONTAGE)
- - - FRONTAGE ZONE (40% FRONTAGE)
- [Hatched Box] REQUIRED OPEN SPACE
- [Cross-hatched Box] PARKING PLACEMENT ZONE
- [T-shaped Symbol] DRIVEWAY ACCESS
- [Dotted Line] PEDESTRIAN CONNECTIONS

- NOTES:
- EXISTING ZONING IS R-8 WITH PROFFERS.
 - PROPOSED ZONING IS MJ WITH PROFFERS.
 - ALL STREETS WITHIN THE SECTION 3 AND 6 PROPERTY HAVE THE POTENTIAL TO BE PRIVATE; HOWEVER THE INTENTION IS THAT ALL STREETS WITHIN THE PROPERTY BE PUBLIC AND CONSTRUCTED IN CONFORMANCE WITH VDOT CONSTRUCTION STANDARDS, UNLESS VDOT WILL NOT APPROVE THE STREETS AS SUBSTANTIALLY DESCRIBED IN THE SECTION 3 AND 6 GUIDELINES, IN WHICH EVENT SUCH STREETS NOT APPROVED AS PUBLIC SHALL BE PRIVATE.
 - STREET NAMES INCLUDED ON THIS PLAN ARE FOR INFORMATIONAL PURPOSES ONLY AND IN NO WAY ARE FOR THE PURPOSE OF PERMANENTLY IDENTIFYING THE NAMES OF STREETS.
 - EXACT LOCATION OF DRIVEWAYS FOR VEHICULAR ACCESS TO IRONBOUND ROAD TO BE DETERMINED AT FINAL ENGINEERING.



NEW TOWN

SECTIONS 3 AND 6

MASTER PLAN

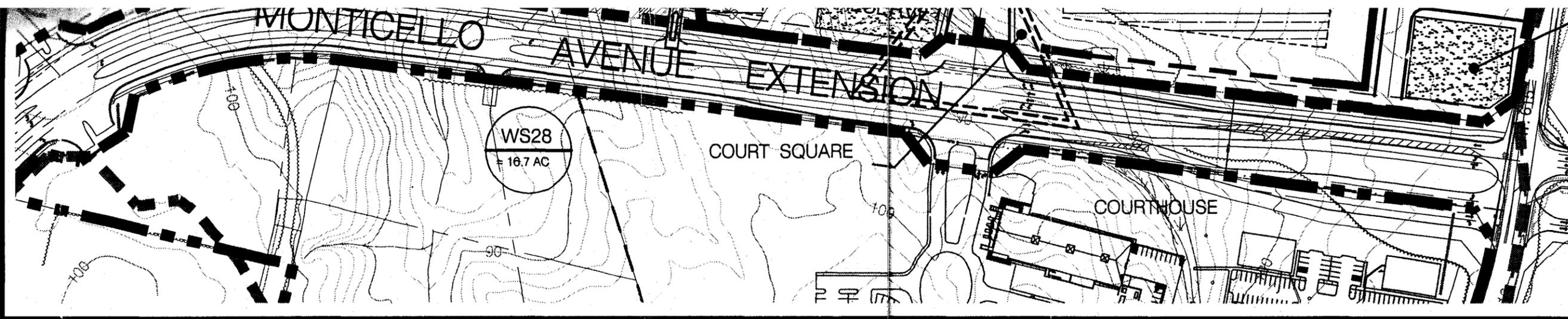
BERKELEY DISTRICT JAMES CITY COUNTY, VIRGINIA
 JUNE 1, 2004
 REVISED: JUNE 21, 2004

OWNER/DEVELOPER: NEW TOWN ASSOCIATES, L.L.C.
 LAND PLANNER: COOPER, ROBERTSON & PARTNERS
 CIVIL ENGINEER: AES CONSULTING ENGINEERS



S:\Jobs\66321E\18 Sec 3&6 Rezoning\dwg\Planning\663218M01.dwg, 8/2/2004 4:28:47 PM, cmb

3,101	3,922
	7882
8,148	8,148
1,493	10,149
508	508
546	546
7728	8197
9,167	9,167
3,867	5,645



NOTES:

1. UNLESS OTHERWISE APPROVED BY THE ENVIRONMENTAL DIRECTOR AND EXCEPT FOR APPROVED ROAD AND UTILITY CROSSINGS, ALL DEVELOPMENT WITHIN NEW TOWN SECTIONS 2 AND 4 SHALL BE EAST OF THE EASTWARD LINE OF THE JAMES CITY SERVICE AUTHORITY GRAVITY SEWER EASEMENT AS DEPICTED ON THE PLAN SHOWN ON THIS SHEET 2 OF 2, OR ANY JURISDICTIONAL WETLANDS DELINEATED AS DEPICTED ON THE PLAN SHOWN ON THIS SHEET 2 OF 2, WHICHEVER IS GREATER.
2. UNLESS OTHERWISE APPROVED BY THE ENVIRONMENTAL DIRECTOR, ALL PIPED STORMWATER OUTFALLS WILL BE DIRECTED TO A BEST MANAGEMENT PRACTICE (BMP).
3. AS PRACTICABLE, OWNER WILL EVALUATE THE POSSIBLE USE OF CIVIC SPACES, PARKING ISLANDS, AND OTHER LANDSCAPED AREAS AS WATER QUALITY ENHANCEMENT FEATURES.
4. PRIOR TO COMPLETION OF BUILD-OUT OF NEW TOWN SECTIONS 2 AND 4, IN ADDITION TO THE BMPS SHOWN ON THE PLAN DEPICTED ON THIS SHEET 2 OF 2, THAT BMP IDENTIFIED AS BMP #2 ON THE "MASTER STORMWATER PLAN, OPTION 4 CASEY PROPERTY", DATED 1/8/00, ON FILE WITH THE ENVIRONMENTAL DIRECTOR, OR OTHER SUITABLE ALTERNATIVE BMP(S) AS APPROVED BY THE ENVIRONMENTAL DIRECTOR, SHALL BE COMPLETED. THE TIMING OF CONSTRUCTION OF BMP #2 OR ALTERNATIVE BMP(S) SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF THE INTERIM STORMWATER MANAGEMENT PLAN DEVELOPED FOR THE CASEY PROPERTY AS PRESENTED IN A LETTER DATED NOVEMBER 18, 1997, FROM WILLIAMSBURG ENVIRONMENTAL GROUP TO THE ENVIRONMENTAL DIVISION.

Rev. 6/23/03

RESIDENTIAL
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NEW TOWN SECTIONS MASTER STORMWATER MANAGEMENT PLAN

BERKELEY DISTRICT JAMES CITY COUNTY
 JUNE, 2000
 REV.: SEPTEMBER 2000
 AMENDED: JUNE 2003
 OWNER/DEVELOPER: NEW TOWN DEVELOPMENT
 LAND PLANNER: COOPER, HARRIS & ASSOCIATES
 CIVIL ENGINEER: AES CONSULTING ENGINEERS



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LAND USE AND DENSITY TABULATIONS									
RESIDENTIAL DENSITY APRIL 2004									
SECTION	PERMITTED USES	Total Area (ac)	Devel. Area (ac)	Master Planned Open Space (ac)	Master Planned Open Space (% of Dev. ac)	Max. du at Max. Non-Res. Density	Max. du at Max. Res. Density	Max. du/ac at Max. Non-Res. Density	Max. du/ac at Max. Res. Density
1	I,G,M(G),M(GE),J	22.1	21.8	1.5	6.9%	0	0	0	0
5	H,F,J	6.9	6.9	0.0	0.0%	0	0	0	0
7	A,B,C,D,I,J	56.7	52.3	0.0	0.0%	317	317	6	6
8	A,B,C,D,I,J	61.4	52.9	12.8	24.2%	278	278	5	5
9	E,G,C,D,M(CE),M(CG),M(GE),M(GI),A,B,I,J	42.7	37.6	0.8	2.1%	50	103	1	2
10	E,G,M(GE),J	12.0	12.0	0.0	0.0%	0	0	0	0
Total		359.47	328.17	20.7	6.3%	1,171	1,972	3.3	5.5

Per the Master Plan as Amended

Minimum Open Space at Final Build Out:	Overall Cap:	Overall Cap:
32.8	1,650	4.5

LAND USE AND DENSITY TABULATIONS									
NON-RESIDENTIAL DENSITY APRIL 2004									
SECTION	PERMITTED USES	Total Area (ac)	Devel. Area (ac)	Master Planned Open Space (ac)	Master Planned Open Space (% of Dev. ac)	Max. Sq. Ft. at Max. Res. Density	Max. Sq. Ft. at Max. Non-Res. Density	Max. s.f./ac at Max. Res. Density	Max. s.f./ac at Max. Non-Res. Density
1	I,G,M(G),M(GE),J	22.1	21.8	1.5	6.9%	218,000	218,000	9,864	9,864
5	H,F,J	6.9	6.9	0.0	0.0%	63,357	63,357	7,143	7,143
7	A,B,C,D,I,J	56.7	52.3	0.0	0.0%	28,800	28,800	508	508
8	A,B,C,D,I,J	61.4	52.9	12.8	24.2%	33,500	33,500	546	546
9	E,G,C,D,M(CE),M(CG),M(GE),M(GI),A,B,I,J	42.7	37.6	0.8	2.1%	330,000	350,000	7,728	8,197
10	E,G,M(GE),J	12	12	0.0	0.0%	110,000	110,000	9,167	9,167
Total		359.47	328.17	20.7	6.3%	1,361,157	2,008,657	3,787	5,588

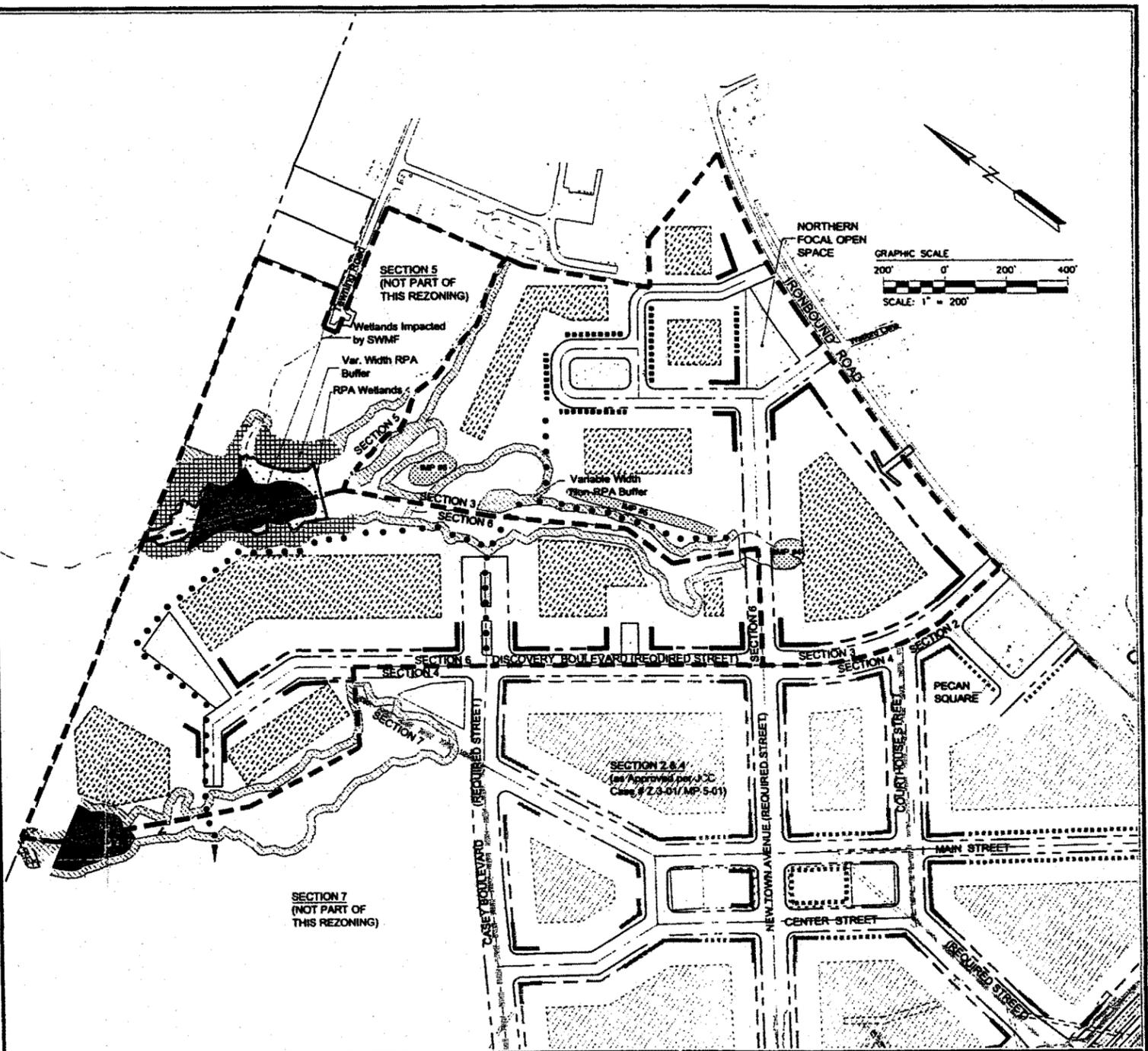
Per the Master Plan as Amended

Minimum Open Space at Final Build Out:	Overall Cap:
32.8	10%

• SEE ALSO - DENSITY TRANSFER NARRATIVE FOR DETAILS REGARDING RELATIONSHIP OF RESIDENTIAL UNITS TO NON-RESIDENTIAL SQ. FOOTAGE IN AFFECTED SECTIONS.

DEVELOPMENT TYPES

A SINGLE FAMILY	F WHOLESAL AND WAREHOUSES
B TWO/THREE/FOUR FAMILY	G OFFICE
C TWO STORY TOWNHOUSES AND APARTMENTS	H INDUSTRIAL
D THREE STORY TOWNHOUSES AND APARTMENTS	I INSTITUTIONAL AND PUBLIC
E COMMERCIAL	J COMMON OPEN SPACE
	M MIXED USE STRUCTURES



GENERAL NOTES FOR SWM:

- UNLESS OTHERWISE APPROVED BY THE ENVIRONMENTAL DIRECTOR, ALL PIPED STORMWATER OUTFALLS WILL BE DIRECTED TO A BEST MANAGEMENT PRACTICE (BMP).
- AS PRACTICABLE, OWNER WILL EVALUATE THE POSSIBLE USE OF CIVIC SPACES, COMMON AREAS, PARKING ISLANDS, AND OTHER LANDSCAPED AREAS AS WATER QUALITY ENHANCEMENT FEATURES AT THE TIME OF SUBMISSION OF SPECIFIC PLANS OF DEVELOPMENT FOR THESE SUBJECT SECTIONS.
- INTEGRATED MANAGEMENT PRACTICES (IMPs #4, #5, & #6) ARE CONCEPTUAL ONLY AND SUBJECT TO FINAL SITE PLAN DESIGN, IN ACCORDANCE WITH THE 'NEW TOWN MASTER STORMWATER MANAGEMENT PLAN'.

**NEW TOWN
SECTIONS 3 AND 6
MASTER STORMWATER
MANAGEMENT PLAN & DEVELOPMENT
TABULATIONS**

BERKELEY DISTRICT JAMES CITY COUNTY, VIRGINIA
 JUNE 1, 2004
 REVISED: JUNE 21, 2004
 OWNER/DEVELOPER: NEW TOWN ASSOCIATES, L.L.C.
 LAND PLANNER: COOPER, ROBERTSON & PARTNERS
 CIVIL ENGINEER: AES CONSULTING ENGINEERS



I:\0400s\456-Casey_Property\NEWTOWN\Stormwater\Upland BMP Option (with buffer adjustment)12-02-04.dwg

LEGEND:

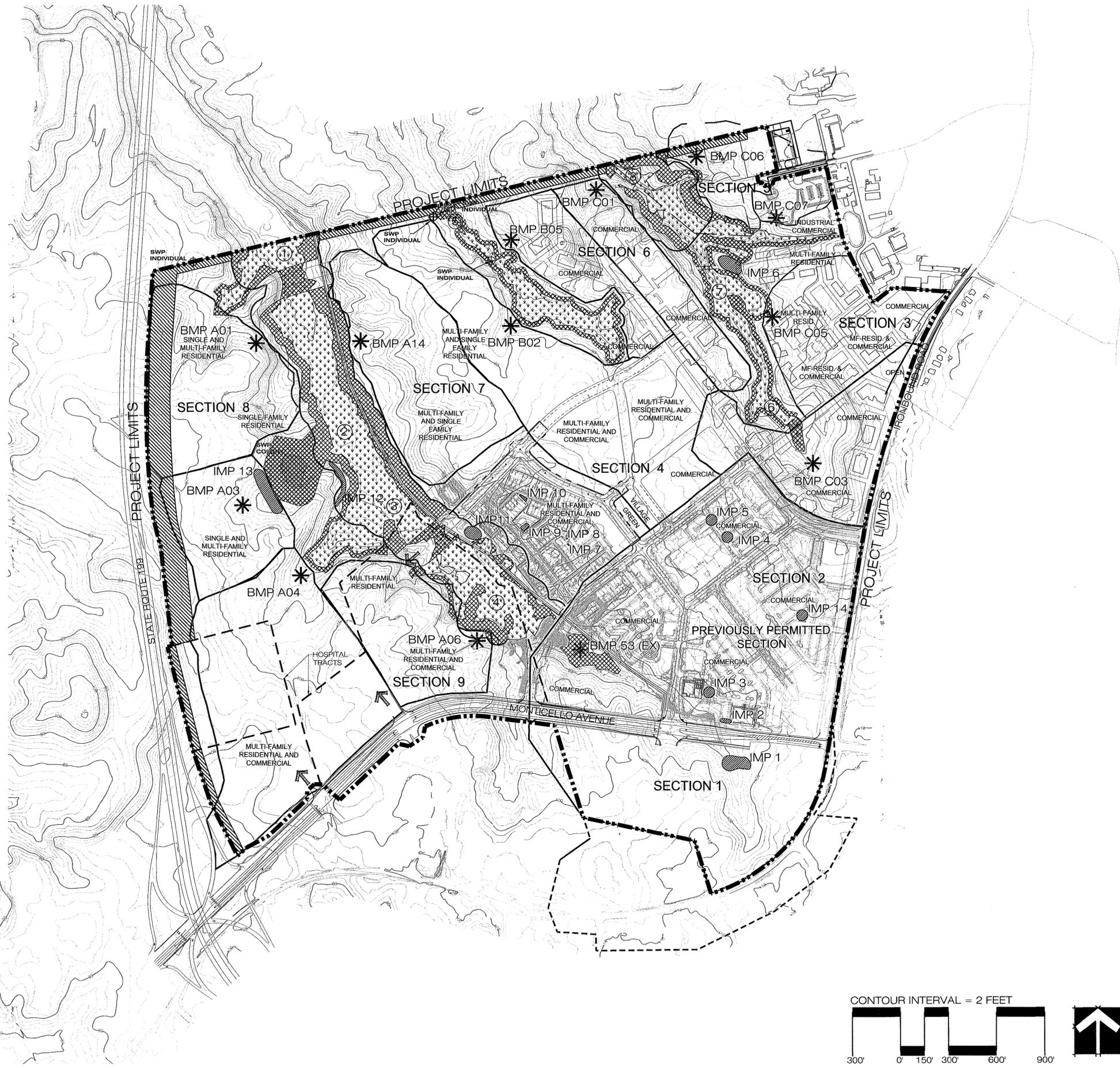
-  SURVEYED WETLAND LIMITS
(31.79 ACRES±)
-  PROPOSED WETLAND IMPACTS
(2.63 ACRES±)
-  PROPOSED WETLAND CONVERSION
(0.03 ACRES±)
-  PREVIOUSLY PERMITTED WETLAND IMPACTS
(2.67 ACRES±)
-  PROPOSED BMP LOCATION
-  BMP DRAINAGE AREA
-  BMP DRAINAGE AREA
(OFF-SITE)
-  PROPERTY LINE BUFFER (12.40 ACRES±)
(COUNTED AS 0.10 CREDIT OPEN SPACE)
-  RPA BUFFER (10.10 ACRES)
(COUNTED AS 0.10 CREDIT OPEN SPACE)
-  ADDITIONAL BUFFER (9.15 ACRES)
(INCLUDING SWP COLONY)
(COUNTED AS 0.15 CREDIT OPEN SPACE)
-  SMALL WHORLED POGONIA (SWP) COLONY
(0.55 ACRES±)
-  INDIVIDUAL SMALL WHORLED POGONIA
(SWP) PLANTS
-  RPA
-  PROJECT LIMITS
-  MODEL NODE

SITE DATA:

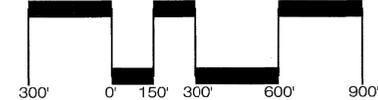
PROJECT LIMITS 373.71 ACRES ±

JURISDICTIONAL AREAS:

31.79 ACRES ±
(CONFIRMATION NUMBER 95-R5673)



CONTOUR INTERVAL = 2 FEET

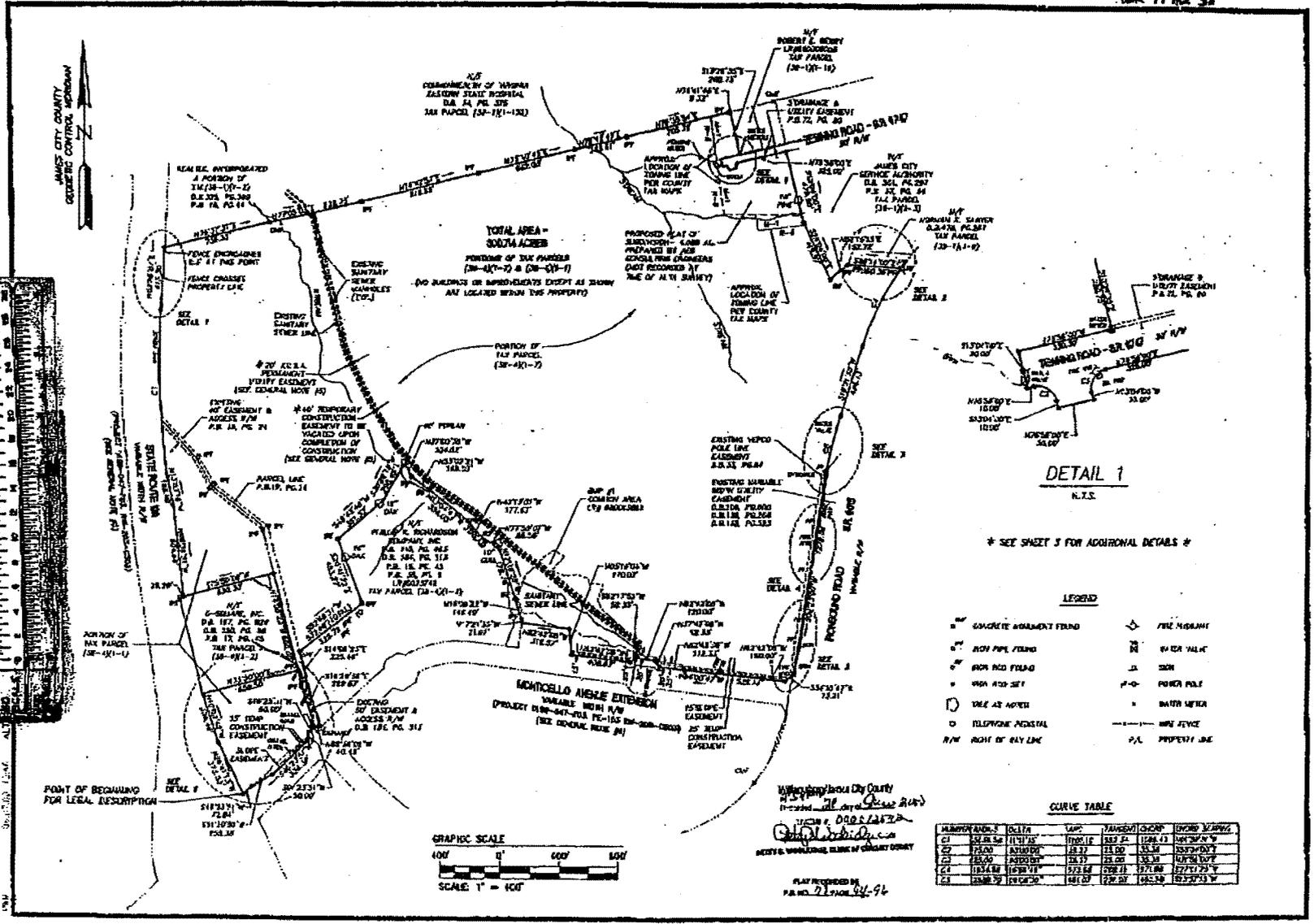
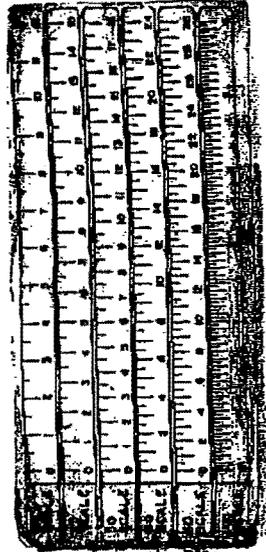


DATE: AUGUST 18, 2004, SEPTEMBER 17, 2004
 REVISED: DECEMBER 2, 2004
 JOB NUMBER: 456
 SCALE: 1 INCH = 300 FEET
 SOURCE: BASE MAP PROVIDED BY AES

**REVISED MASTER
 STORMWATER PLAN
 NEW TOWN
 JAMES CITY COUNTY, VIRGINIA**



3000 Easter Circle
 Williamsburg, Virginia 23186
 (757) 267-6868
 7401 Beaufort Springs Drive, Suite 205
 Richmond, Virginia 23225
 (804) 267-3474
 13921 Park Center Road, Suite 160
 Henrico, Virginia 20171
 (703) 437-3096
 Environmental Consultants



DETAIL 1
N.T.S.

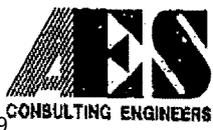
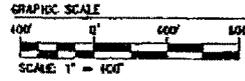
* SEE SHEET 3 FOR ADDITIONAL DETAILS *

LEGEND

- CONCRETE RETAINMENT WALL
- POLE LINE
- POSTING VARIABLE
- POLE AT APPROX
- TELEPHONE FACILITY
- RIGHT OF WAY LINE
- PIPE MARKING
- 6" WATER VALVE
- 2" SWR
- POWER POLE
- WATER METER
- WIRE SERVICE
- PROPERTY LINE

CURVE TABLE

STATIONING	CHORD	LEN	TANGENT	CHORD	CHORD BEARING
0+00 TO 0+10	117.15'	117.15'	182.24'	117.15'	117.15'
0+10 TO 0+20	117.15'	117.15'	182.24'	117.15'	117.15'
0+20 TO 0+30	117.15'	117.15'	182.24'	117.15'	117.15'
0+30 TO 0+40	117.15'	117.15'	182.24'	117.15'	117.15'
0+40 TO 0+50	117.15'	117.15'	182.24'	117.15'	117.15'
0+50 TO 0+60	117.15'	117.15'	182.24'	117.15'	117.15'
0+60 TO 0+70	117.15'	117.15'	182.24'	117.15'	117.15'
0+70 TO 0+80	117.15'	117.15'	182.24'	117.15'	117.15'
0+80 TO 0+90	117.15'	117.15'	182.24'	117.15'	117.15'
0+90 TO 1+00	117.15'	117.15'	182.24'	117.15'	117.15'



5248 Old Towne Road, Suite 1
 Williamsburg, Virginia 23188
 (757) 253-0040
 Fax (757) 220-8004

ALTA/ACSM LAND TITLE SURVEY
 PORTION OF PROPERTY OWNED BY
C. C. CASEY LIMITED COMPANY
 CONTAINING A TOTAL OF 300.714 ACRES
 BENEFICIAL DISTRICT JAMES CITY COUNTY VIRGINIA



NO.	DATE	REVISION	BY
1	8/7/03	REVISE PROPOSED S.W. QUAD LINE - SHEET 22	JAC
2	8/7/03	ADD TRENCH AND WATER CURBSES - SHEET 22	JAC
3	8/7/03	REVISE TOWNSHIP LINE ALONG MONROE RD. - SHEET 22	JAC
4	8/7/03	REVISE SCHEDULE "Y" EXCEPTION NOTES - SHEET 22	JAC

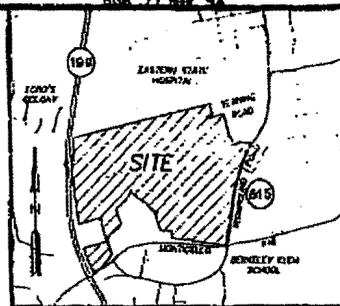
PREP	CHKD	DATE
PMJ	PMJ	3/28/06
Scale	Drawn	
Project No. 8832-10		
Drawing No. 2 OF 3		

GENERAL NOTES:

1. THIS PLAN MADE TO AGREE WITH RECORD PLATS AND FOUND BOUND EVIDENCE AS NEAR AS POSSIBLE.
2. ROUTE 815 RIGHT-OF-WAY IS BASED UPON FOUND MARKERS, SURVEYED PHYSICAL CENTERLINE OF ROAD AND VIRGINIA DEPT. OF TRANSPORTATION PLANS, PROJECT NUMBER 0615-047-107, C-301.
3. STATE ROUTE 109 RIGHT-OF-WAY IS BASED UPON FOUND MARKERS & VIRGINIA DEPT. OF TRANSPORTATION PLANS, PROJECT NUMBER 0189-047-107, C-301. LAST REVISION DATED 8-27-82. THE RIGHT-OF-WAY ON THE ABOVE PLANS OFFERS FROM CERTIFICATE OF TAKE RECORDED IN DEED BOOK 790, PAGE 907 AS SUPPLIED IN SCHEDULE B OF TITLE COMMITMENT #2001148.

4. MONTICELLO AVENUE EXTENSION IS BASED UPON FOUND MARKERS & VIRGINIA DEPT. OF TRANSPORTATION PLANS, PROJECT NUMBER 0189-047-107, PE-183, PM-205, C-301. LAST REVISION DATED 8-27-82. THE RIGHT-OF-WAY ON THE ABOVE PLANS OFFERS FROM CERTIFICATE OF TAKE RECORDED IN DEED BOOK 790, PAGE 907 AS SUPPLIED IN SCHEDULE B OF TITLE COMMITMENT #2001148.
5. 20' J.C.E.A. PERMANENT UTILITY EASEMENT AND 40' TEMPORARY CONSTRUCTION EASEMENT TAKEN FROM A PLAN PREPARED BY AEC CONSULTING ENGINEERS ENTITLED "PLAN SHOWING PROPOSED UTILITY EASEMENT TO BE CONVEYED TO JAMES CITY SERVICE AUTHORITY, FROM C.C. CASEY LIMITED COMPANY," DATED 8/31/86 AND IS NOT INCLUDED IN TITLE COMMITMENT #2001148.

6. PROPERTY IS IN FLOOD ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 100-YEAR FLOOD PLAIN PER DRAINAGE PLAN 510201 D036A PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, EFFECTIVE DATED FEBRUARY 6, 1991.
7. PROPERTY HAS NOT BEEN ASSIGNED A STREET ADDRESS ACCORDING TO COUNTY RECORDS.
8. PROPERTY IS ZONED R-8 (RURAL RESIDENTIAL DISTRICT) & M1 (LIMITED BUSINESS/INDUSTRIAL DISTRICT).



Sheet 77 of 94

VICINITY MAP
SCALE 1" = 2000'

- REFERENCES: DEED BOOK 84, PAGE 357
DEED BOOK 176, PAGE 258
DEED BOOK 306, PAGE 231
DEED BOOK 2, PAGE 30
DEED BOOK 18, PAGE 43
DEED BOOK 20, PAGE 34
DEED BOOK 27, PAGE 40
DEED BOOK 33, PAGE 71
DEED BOOK 54, PAGE 47

PROPERTY DESCRIPTION

ALL THOSE CERTAIN PIECES, PARCELS OR TRACTS OF LAND, WITH THE IMPROVEMENTS THEREON, SITUATE, LING AND BEING IN THE BERKELEY DISTRICT OF THE COUNTY OF JAMES CITY, VIRGINIA, CONTAINING A TOTAL OF 300.714 ACRES MORE OR LESS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON ROD SET AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROUTE 815, THE NORTHERLY RIGHT-OF-WAY LINE OF MONTICELLO AVENUE EXTENSION AND THE CORNER TO THE PROPERTIES DESCRIBED HEREON; THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROUTE 815, IN 24°11'37", 373.33' TO AN IRON ROD SET; THENCE, N15°42'18", 336.44' TO AN IRON ROD SET, THE CORNER TO THE PROPERTIES DESCRIBED HEREON AND 6-SQUARE, INC.; THENCE LEAVING SAID RIGHT-OF-WAY LINE OF STATE ROUTE 815 AND BEING ALONG THE LINE OF 6-SQUARE, INC., N75°50'07", 556.50' TO AN IRON PIPE FOUND; THENCE N14°05'23", 680.00' TO AN IRON ROD SET; THENCE S75°50'07", 556.50' TO AN IRON ROD SET, THE CORNER TO THE PROPERTIES DESCRIBED HEREON AND 6-SQUARE, INC. AND ON THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROUTE 815; THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROUTE 815, N15°42'18", 336.44' TO AN IRON ROD SET; THENCE N15°42'18", 336.44' TO AN IRON ROD SET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 643.80' AND ARC LENGTH OF 110.16' TO AN IRON ROD SET; THENCE N03°58'07", 418.30' TO AN IRON ROD SET, THE CORNER TO THE PROPERTIES DESCRIBED HEREON AND REALTED, INCORPORATED; THENCE LEAVING SAID RIGHT-OF-WAY LINE OF STATE ROUTE 815 AND BEING ALONG THE LINE OF REALTED, INCORPORATED, N70°57'57", 730.27' TO A CONCRETE MONUMENT FOUND, THE CORNER TO THE PROPERTIES DESCRIBED HEREON, REALTED, INCORPORATED AND THE COMMONWEALTH OF VIRGINIA, EASTERN STATE HOSPITAL; THENCE ALONG THE LINE OF THE COMMONWEALTH OF VIRGINIA, EASTERN STATE HOSPITAL, N77°20'15", 828.70' TO AN IRON PIPE FOUND; THENCE N78°42'57", 815.40' TO AN IRON PIPE FOUND; THENCE N78°40'45", 442.66' TO AN IRON PIPE FOUND; THENCE N04°14'43", 364.81' TO AN IRON PIPE FOUND; THENCE N74°36'54", 706.70' TO AN IRON PIPE FOUND; THENCE N74°44'46", 9.32' TO AN IRON ROD SET, THE CORNER TO THE PROPERTIES DESCRIBED HEREON AND ROBERT E. BERRY; THENCE ALONG THE LINE OF ROBERT E. BERRY, S13°20'35", 120.78' TO AN IRON ROD SET, THE CORNER TO THE PROPERTIES DESCRIBED HEREON AND ROBERT E. BERRY AND ON THE NORTHERLY RIGHT-OF-WAY LINE OF DENBARD ROAD, STATE ROUTE 6747; THENCE ALONG THE RIGHT-OF-WAY LINE OF DENBARD ROAD, STATE ROUTE 6747, S78°50'00", 150.50' TO AN IRON ROD SET; THENCE S12°40'00", 50.00' TO AN IRON ROD SET; THENCE N07°54'00", 10.00' TO AN IRON ROD SET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00' AND ARC LENGTH OF 38.27' TO AN IRON ROD SET; THENCE S40°40'00", 10.00' TO AN IRON ROD SET; THENCE N07°54'00", 50.00' TO AN IRON ROD SET; THENCE N15°42'18", 336.44' TO AN IRON PIPE FOUND; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00' AND ARC LENGTH OF 38.27' TO AN IRON ROD SET; THENCE N07°54'00", 336.44' TO AN IRON ROD SET, THE CORNER TO THE PROPERTIES DESCRIBED HEREON AND THE JAMES CITY SERVICE AUTHORITY; THENCE LEAVING SAID RIGHT-OF-WAY LINE OF DENBARD ROAD, STATE ROUTE 6747 AND ALONG THE RIGHT-OF-WAY LINE OF THE JAMES CITY SERVICE AUTHORITY, S13°40'00", 478.90' TO AN IRON ROD SET; THENCE S13°40'00", 418.57' TO AN IRON ROD FOUND; THENCE N07°54'00", 10.00' TO AN IRON PIPE FOUND, THE CORNER TO THE PROPERTIES DESCRIBED HEREON, THE JAMES CITY SERVICE AUTHORITY AND NORMAN R. SAWYER; THENCE ALONG THE LINE OF NORMAN R. SAWYER, S06°14'00", 380.33' TO AN IRON ROD SET, THE CORNER TO THE PROPERTIES DESCRIBED HEREON AND NORMAN R. SAWYER AND ON THE WESTERLY RIGHT-OF-WAY LINE OF IRONBOUND ROAD, STATE ROUTE 6818; THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF IRONBOUND ROAD, STATE ROUTE 6818 ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 183.40' AND ARC LENGTH OF 57.00' TO AN IRON ROD SET; THENCE S13°15'00", 488.13' TO AN IRON ROD SET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 443.07' TO AN IRON ROD SET; THENCE S06°12'00", 178.56' TO AN IRON ROD SET; THENCE S54°10'47", 73.21' TO AN IRON ROD SET, THE CORNER TO THE PROPERTIES DESCRIBED HEREON AT THE INTERSECTION OF IRONBOUND ROAD, STATE ROUTE 6818 AND ON THE NORTHERLY RIGHT-OF-WAY LINE OF MONTICELLO AVENUE EXTENSION; THENCE LEAVING SAID RIGHT-OF-WAY LINE OF IRONBOUND ROAD, STATE ROUTE 6818 AND ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF MONTICELLO AVENUE EXTENSION, N82°42'08", 150.00' TO AN IRON ROD SET; THENCE N40°00'45", 325.14' TO AN IRON ROD SET; THENCE N82°42'08", 172.33' TO AN IRON ROD SET; THENCE N37°42'08", 65.37' TO AN IRON ROD SET; THENCE S02°12'08", 120.00' TO AN IRON ROD SET; THENCE S32°17'52", 52.33' TO AN IRON ROD SET; THENCE N02°42'08", 408.67' TO AN IRON ROD SET; THENCE N02°42'08", 330.07' TO AN IRON ROD SET; THENCE N02°42'08", 318.57' TO AN IRON ROD SET, THE CORNER TO THE PROPERTIES DESCRIBED HEREON AND PHILIP R. RICHARDSON COMPANY, INC.; THENCE LEAVING SAID RIGHT-OF-WAY LINE OF MONTICELLO AVENUE EXTENSION AND ALONG THE LINE OF PHILIP R. RICHARDSON COMPANY, INC., N71°20'15", 21.81' TO AN IRON PIPE FOUND; THENCE N10°00'25", 154.40' TO AN IRON ROD FOUND; THENCE N73°20'25", 378.78' TO A FOUND 10' GROUND; THENCE N77°30'07", 65.30' TO AN IRON ROD FOUND; THENCE N40°13'08", 172.33' TO AN IRON ROD FOUND; THENCE N53°04'43", 334.03' TO AN IRON ROD FOUND; THENCE N50°27'21", 140.00' TO AN IRON ROD FOUND; THENCE N27°00'55", 104.00' TO A FOUND 40' POLE; THENCE S30°08'45", 208.85' TO A FOUND 10' GROUND; THENCE S45°18'18", 381.00' TO AN IRON FOUND; THENCE S00°41'27", 433.27' TO AN IRON PIPE FOUND; THENCE S57°40'31", 532.48' TO AN IRON ROD SET; THENCE S14°05'23", 225.44' TO AN IRON ROD SET; THENCE S13°20'35", 289.57' TO AN IRON SET, THE CORNER OF THE PROPERTIES DESCRIBED HEREON AND ON THE NORTHERLY RIGHT-OF-WAY LINE OF MONTICELLO AVENUE EXTENSION; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF MONTICELLO AVENUE EXTENSION, N03°00'00", 40.00' TO AN IRON ROD SET; THENCE S45°20'51", 40.00' TO AN IRON SET; THENCE S01°28'18", 304.00' TO AN IRON ROD SET; THENCE N45°27'54", 336.38' TO AN IRON ROD SET; THENCE S01°30'51", 153.33' TO AN IRON ROD SET; THENCE S46°21'51", 72.84' TO THE AFORESAID POINT OF BEGINNING.

THIS BEING A PORTION OF THE SAME PROPERTY CONVEYED TO C.C. CASEY LIMITED COMPANY, A LIMITED LIABILITY COMPANY, BY DEED FROM ROBERT E. & MERLE W. CASEY, CARLTON P. & ELIZABETH CASEY AND CAROL S. CASEY, DATED DECEMBER 17, 1992 AND RECORDED IN DEED BOOK 584, PAGE 231 AND DULY RECORDED AT THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF JAMES CITY, VIRGINIA.

- M-1 ZONING RESTRICTIONS:
- MINIMUM LOT SIZE: 10,000 SQ. FT.
 - MINIMUM LOT WIDTH: 75'
 - MAXIMUM BUILDING HEIGHT: 33'
- SCHEDULE:
- 20' FRONT BUILDING SETBACK
 - 20' SIDE BUILDING SETBACK
 - 20' REAR BUILDING SETBACK

SCHEDULE "B" EXCEPTION NOTES

- A. EXCEPTION #5 - RIGHTS OF NEIGHBOR OTHERS IS UNCHANGED, IF ANY, THERE ARE NO TYPICAL UTILITIES LOCATED ON THESE PROPERTIES.
- B. EXCEPTION #6 - EASEMENTS AS REFERENCED IN DEED BOOK 114, PAGE 275 DOES NOT APPEAR TO AFFECT THESE PROPERTIES.
- C. EXCEPTION #12 - EASEMENTS AS REFERENCED IN DEED BOOK 152, PAGE 151 DOES NOT APPEAR TO AFFECT THESE PROPERTIES.
- D. EXCEPTION #13 - EASEMENTS AS REFERENCED IN DEED BOOK 160, PAGE 777 DOES NOT APPEAR TO AFFECT THESE PROPERTIES.
- E. EXCEPTION #14 - EASEMENTS AS REFERENCED IN DEED BOOK 174, PAGE 877 DOES NOT APPEAR TO AFFECT THESE PROPERTIES.
- F. EXCEPTION #15 - EASEMENTS AS REFERENCED IN DEED BOOK 228, PAGE 217 DOES NOT APPEAR TO AFFECT THESE PROPERTIES.

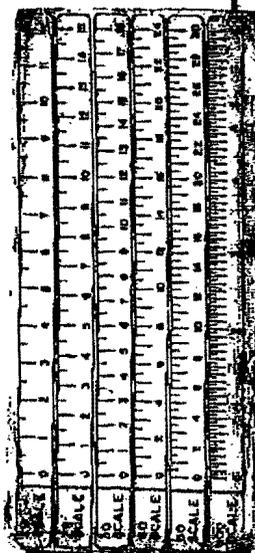
SURVEYOR'S CERTIFICATE

TO THE STATE BOARD OF PROFESSIONAL ENGINEERS AND ARCHITECTS, I, C.C. CASEY LIMITED COMPANY, THE ENGINEERING ASSOCIATION OF THE COLLEGE OF WILLIAM & MARY IN VIRGINIA, INC. AND LAWYER'S TITLE INSURANCE CORPORATION, DO HEREBY CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE ON THE DATE SHOWN BELOW OF THE PRESENT DESCRIBED IN LAWYER'S TITLE INSURANCE CORPORATION COMMITMENT NO. 2001148, DATED MARCH 28, 2006 AND IF ACCORDANCE WITH NEIGHBOR STANDARDS DATA REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS IS FULLY ESTABLISHED AND ADOPTED BY ALTA/ACSM AND MEETS IN 1997, AS DESIGNED THEREIN AND INCLUDES ITEMS 1, 2, 3, 4, 6, 7, 10, 11, 13, 14, 15 AND 18 OF TABLE A THEREIN, I HEREBY INQUIRE THE LOCATION OF NEIGHBORHOOD ADDRESS EASEMENTS AND OFFER EASEMENTS AFFIRMATION, AND MEETS THE ACCOUNT REQUIREMENTS OF AN URBAN SURVEY, AS DEFINED THEREIN.

THE SURVEY CORRECTLY SHOWS, IF ANY, THE ZONING OCCUPATION OF ANY AREA SHOWN AS BEING WITHIN A SPECIAL FLOOD HAZARD AREA ACCORDING TO CURRENT FEDERAL EMERGENCY MANAGEMENT AGENCY MAPS WHICH HAVE IN PART A PART OF THE NATIONAL FLOOD INSURANCE ADMINISTRATION REPORT, COMMUNITY NO. 510001, PAGES NO. 0038 B, DATED FEBRUARY 6, 1991.

THE SUBJECT PROPERTY HAS ACCESS AND EGRESS TO AND FROM STATE ROUTE 6747 - DENBARD ROAD, STATE ROUTE 6818 - IRONBOUND ROAD AND MONTICELLO AVENUE EXTENSION WHICH ARE PAVED, PUBLIC RIGHT-OF-WAYS, STATE ROUTE 6818 IS A LIMITED ACCESS HIGHWAY.

[Signature]
RONALD M. CASEY, REGISTERED SURVEYOR NO. 021846, Williamsburg, Virginia City County
DATE: 3-28-06
DATE OF SURVEY: 3-28-06
DATE OF LAST REVISION: 6-7-06
Project No. 2006-001
Drawing No. 24-96



5248 Old Towns Road, Suite 1
Williamsburg, Virginia 23108
(757) 253-0040
Fax (757) 220-8994

ALTA/ACSM LAND TITLE SURVEY
PORTION OF PROPERTY OWNED BY
C. C. CASEY LIMITED COMPANY
CONTAINING A TOTAL OF 300.714 ACRES



NO.	DATE	DESCRIPTION	SHEET	TOTAL SHEETS
1	6/1/00	REVERSE PROPOSED SUBDIVISION LINE - SHEET #1	ONE	
2	5/7/00	101 STREAMS AND WATER COURSES - SHEET #2	TWO	
3	5/7/00	REVERSE ZONING LINE ALONG IRONBOUND RD. - SHEET #3	THREE	
4	6/1/00	REVERSE SCHEDULE "B" EXCEPTION NOTES - SHEET #4	FOUR	

DATE	BY	SCALE
3/28/06	R. M. Casey	1" = 2000'

Scott Thomas

From: Scott Thomas
Sent: Tuesday, July 15, 2003 5:45 PM
To: John Horne
Cc: Darryl Cook; Mike Woolson
Subject: RE: Special Stormwater Criteria

Understood. It is my sense that we will end up with something very different as compared to the draft SSC guidelines as offered by the Center for Watershed Protection. As we enter this next phase/round of development, there will be many sites in Powhatan Creek that will be hard pressed to obtain 20 BMPs. When you look at Yarmouth, which traditionally has been even more difficult to sometimes even get 10 BMP points, it may be impossible to meet the criteria as proposed.

I think at this point we need to just be aware that this is some new turf. That is why we need a year to progress through this. We need to be open minded and let all speak their minds (like we are going to allow the W&M students make a brief presentation at the next meeting). We need to formally present the criteria offered by the Center, but that is only the start of the process, not what may be final.

Due to the makeup of the group, I fully expect something rather different, logical, practical and yes perhaps even economical. Economical in the sense that if SSC is required, then this is what makes sense to do to achieve that goal.

This is where LID is going to start to enter the picture, following our "traditional" way of stormwater management, but perhaps looking back into the site more to go above a little above and beyond.

This of course is my opinion...

Scott J. Thomas, P.E.
James City County
Environmental Division

-----Original Message-----

From: John Horne
Sent: Tuesday, July 15, 2003 2:45 PM
To: Scott Thomas
Cc: Darryl Cook
Subject: Special Stormwater Criteria

I've been looking at the materials for the SSC. One issue that you need to be aware of is the practicality of application of the SSC to the New Town subwatershed. I'm sure there is a lot I don't recognize yet in the techniques, but I can not see how a neotraditional urban design plan can fully meet the SSC points. The concept of New town is in place and we can't expect wholesale changes in the development concept.

As we proceed, we can't lock in expectations in that subwatershed that can't realistically be met.

Scott Thomas

From: Scott Thomas
Sent: Friday, March 24, 2006 12:36 PM
To: John Horne; Darryl Cook; Mike Woolson; William A. Cain
Subject: NEW TOWN - SWM
Importance: High

I guess I have been so deemed to put this onto paper. Well, here is a first crack at trying to explain application of the Powhatan Creek Watershed Management Plan and Master Stormwater Planning to New Town and then to Settlers Market Section 9. This was a question asked by the PC and at John's request to follow up. Please take a look at it.

John – Overall
Darryl – Overall, Master Stormwater and Variable Width Buffer stuff
Mike – Powhatan Creek and Section 9
Bill – Section 9

The rest of this afternoon is pretty well shot for me. I don't know if it can wait until Monday or not.

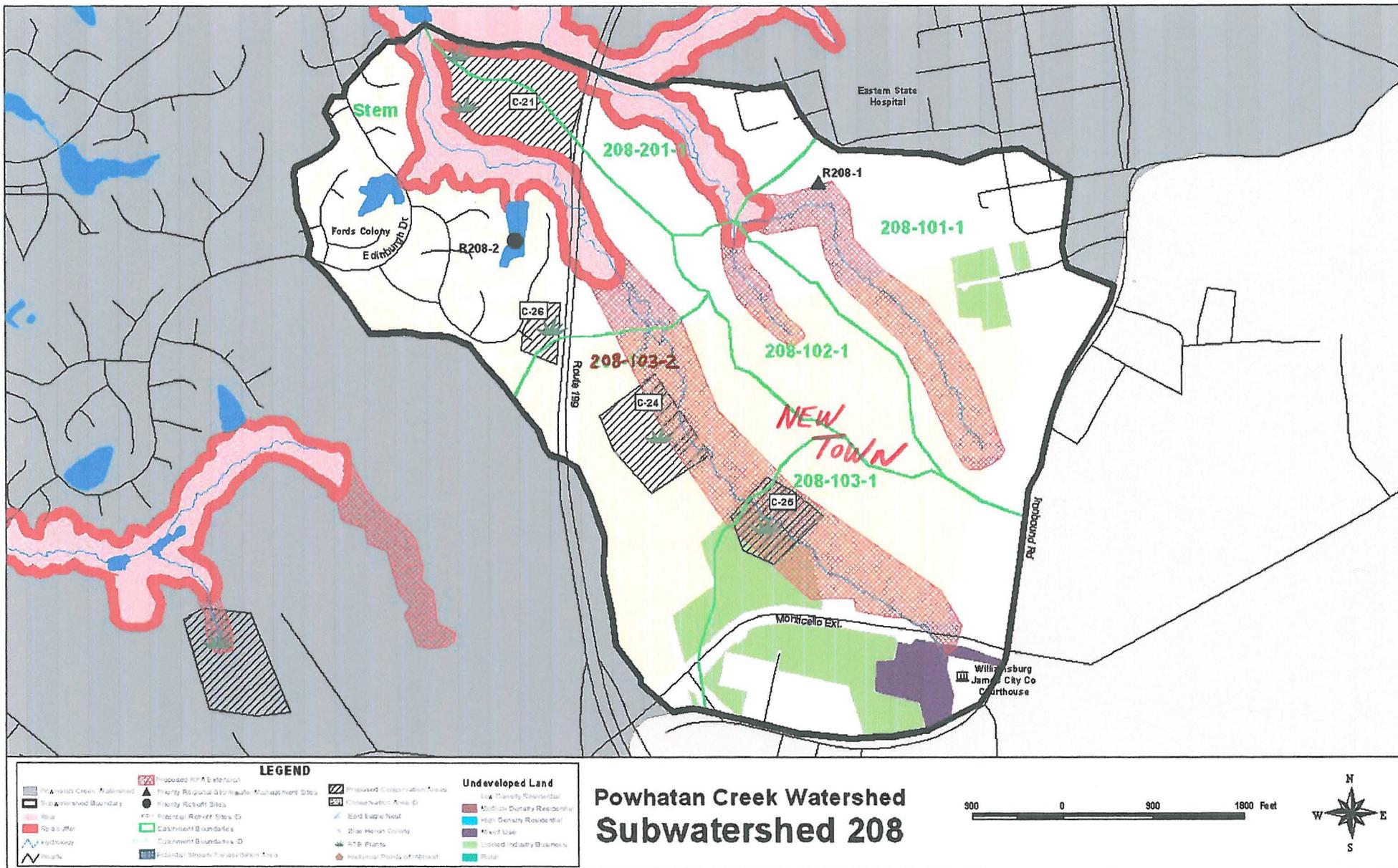
Scott J. Thomas, P.E.
James City County
Environmental Division

Visit:
http://www.james-city.va.us/resources/devmgt/div_devmgt_envirn.html
and
www.protectedwithpride.org

*Preserve
Area?*

Project: NEW TOWN - SECTION 4 - BLOCK 5 - PARCELS D AND E - MIXED USE OFFICE BUILDINGS					
Site Plan No: SP-069-04	Geo No:	LD Permit No: 05-18	Fiscal Year: 2005		
Fee Paid? <input checked="" type="checkbox"/>	Fee Due: \$600	Acres Disturbed: 1	Declaration Covenant		
Date Paid: 6/3/2004	Released? <input type="checkbox"/>	Release Date:	LD Issue Date: 9/1/2004	Required: Yes	
Comments:		Notations	LD Expire Date:	Received: <input checked="" type="checkbox"/>	
ALSO SP-63-05		LD Comment: REL 12/18/06-NO WTR/SWR INSTALL PE			
		Cert Const? Yes	CC Iss Date:		
		CC Expiration Date:			
		CC Comment: NOT RELEASED AS OF 9/1/04			
Subdivisions					
Issue Date:	Agreement? No	Siltation			
Surety:		Agreement? Yes	Surety:		
Surety Type:	Amount: \$0	Surety Type: L/C	Amount: \$5,000		
Notation:	Surety Released? <input type="checkbox"/>	Notation:	Surety Released: <input type="checkbox"/>		
Expiration Date:		Expiration Date: 8/23/2007			
Comment:					
Surety Number:	Surety Number: 9530863759 00001				
Surety Company:	Surety Company: BB&T				
Delete Record	Undo	Last Permit No	Add	Find	Save
				Print	Menu

NEW TOWN - PCWMP RECOMMENDATIONS



the Board in February, 2002 and October, 2003, respectively. Special Stormwater Criteria (SSC) is a layer of stormwater criteria above and beyond the County's 10-point water quality and stream channel protection (quantity control) stormwater management criteria. Objectives of *Special Stormwater Criteria (SSC)* include:

- Protection of specific stream reaches from accelerated channel erosion;
- Protection of conservation areas from the impacts of stormwater runoff;
- Protection of high quality wetlands from the effects of altered water level fluctuation;
- Developing more effective criteria and locations for stormwater practices in watersheds for new development;
- Retrofitting of existing facilities and uncontrolled areas of the watershed to improve water quality

Special Stormwater Criteria is a step-by-step process in which existing erosion and sediment control, clearing plan and environmental inventory information is used to determine the presence of HSG A & B soil groups on the site, whether or not they are impacted and if saved in their entirety, the criteria is achieved. If HSG A&B soils are not present or saved in their entirety, then a required number of special stormwater criteria practices (SSCP's) must be applied to a site based on the site's disturbed area amount. Currently over 39 SSCP's are available to choose including on- and offsite design practices, structural and non-structural practices, slope/grading practices, on-lot stormwater management practices, BMP enhancement and stream restoration measures.

As it applies to New Town, no development sections to date have been subject to the Special Stormwater Criteria. There are several reasons for this including:

- New Town master planning and development was well in advance of development of the SSC Criteria (June 2003 to December 2004).
- It was expected that a neotraditional urban design concept, such as New Town, would have severe difficulty meeting the criteria which could have resulted in wholesale changes to the development concept.
- It appeared that the final master stormwater management plan for New Town, to be reviewed and approved by the County, would require a low impact development component in order to meet the County's 10-point criteria.
- Rezoning efforts for New Town Sections 2 & 4 (Z-06-03) and New Town Section 3 & 6 (Z-05-04; MP-05-04) both included general stormwater management plan notes to use the "parallel piping concept" and to "evaluate the use of civic spaces, common areas, parking islands and other landscaped areas as water quality enhancement features. Due to reliance on site specific plans of development (grading, drainage, etc.), these would be worked out upon the submission of applicable plans of development within Sections 2&4 and 3&6.

In summary, it was staff's opinion that the County efforts to obtain LID-IMP features during rezoning and for the master stormwater management plan would end up being very similar to application of SSC.

Master Stormwater Management Plan for New Town

New Town uses a master stormwater management plan to show Chesapeake Bay Preservation compliance under the County's 10-point system for water quality. This means that each individual plan of development section does not have to achieve 10-points but the project overall must demonstrate 10-point compliance through the use of structural BMPs, dedicated natural open space (conservation easement) and other approved components.

The earlier approved versions of the master stormwater management plan used five structural BMPs in combination with natural open space to achieve compliance. However, many of the proposed structural BMPs were situated in main stream, wetland areas and there was extreme difficulty in acquiring necessary state and federal wetlands permits for this arrangement. The County approved the master stormwater management plan in 1997, and a nationwide wetlands permit was issued in 1998 for one of the BMPs. However, at least one of the other regulatory agencies did not approve the overall concept of the master stormwater plan. So the master plan was significantly revised and submission to the permitting agencies was delayed until March, 2004. Based on that submission, a wetlands permit for Sections 3 & 6 of New Town was approved in December, 2005, which increased the width of the variable width RPA buffer for those sections by five feet. Another permit application for Sections 7, 8 & 9 was submitted in December, 2005.

One result of the approved and submitted permit applications is that the buffer around the small whorled pagonias is proposed to increase in size. Another result of the process was that only one of the larger BMPs was allowed in the wetlands, the others needed to be removed. Therefore, a revised master stormwater management plan was proposed which moved the structural BMPs upland to avoid environmentally sensitive areas and proposed a Low Impact Development component to achieve the required 10-points.

The revised master stormwater management plan was approved by the County Environmental Division on December 22, 2004. The current master stormwater management plan uses thirteen (13) structural BMPs and dedication of 58.11 acres on natural open space and a Low Impact Development component which will utilize thirteen (13) Intergrated Management Practices (IMPs) to serve 17 of the project's 374 acres. In order to use the LID-IMP component within the County's 10-point system, a formal variance request and approval was necessary. The variance request and subsequent approval for an LID component was consistent with the County's Chesapeake Bay Preservation program and use of LID as encouraged by CBLAD and the Virginia DCR. Other similar master planned projects in James City County which utilize an LID component is Colonial Heritage at Williamsburg.

There were three distinct conditions imposed on the LID component of the stormwater master plan. These were as follows:

- LID strategies and IMPs must be used on at least 17 acres of the project;
- The conversion of BMP 53 to a wet pond needs to include a forebay;
- The total BMP count for the project will need to be updated as land planning continues and drainage divides are modified by development activities.

Stormwater Management in Section 9

Section 9 totals approximately 58 acres. The revised Master Stormwater Management Plan shows that Section 9 will be treated by three (3) proposed stormwater management BMPs including BMP A04 (a 10-point BMP), BMP A06 (a 4-point BMP) and BMP A07 along with any applicable dedicated natural open space consistent with the master plan. No LID-IMPs were specifically proposed in Section 9 per the master stormwater management plan. However, the use of these measures can be added to the Section 9 rezoning by use in the proffers of the following statements that were contained on the previously approved Section 2 & 4 (Z-06-03) and Section 3 & 6 (Z-05-04) rezoning conceptual plan maps.

1. Unless otherwise approved by the Environmental Director, all piped stormwater outfalls will be directed to a best management practice (BMP).
2. As practicable, Owner will evaluate the use of civic spaces, common areas, parking islands and other landscaped areas as water quality enhancement features.

Variable Width RPA Buffer

An RPA exception was granted on December 22, 2004 to allow for a variable width buffer on the New Town project. This followed a specific Chesapeake Bay Exception request for Section 4, Block 8 which was heard and approved by the Chesapeake Bay Board on May 12, 2004. For the variable width buffer request, a Water Quality Impact Assessment (WQIA) was provided to support the RPA exception request for proposed impacts to the RPA due to road construction, sewer extensions and for stormwater management facilities, consistent with the revised master stormwater management plan. There were no proposed impacts to the seaward 50-ft. buffer except for road crossing, BMP outfalls and utilities. The WQIA proposed a variable width buffer to replace the standard 100-foot buffer with a 25-foot minimum undisturbed buffer around intermittent streams and a 50-foot minimum buffer around perennial streams, except for the Bay Board approved Section 4, Block 8 buffer. The WQIA documented that the variable width buffer would remove more phosphorus than a 100-foot buffer. The major factor for consideration of the exception request was that a strict application of the 100-ft. buffer around perennial streams on the site would have greatly impacted the master planning efforts and approvals that had been granted for the project prior to revised perennial stream and RPA identification processes that become effective on January 1st 2004 as none of the streams on the New Town site were designated as perennial prior to the ordinance revisions. The variable width buffer was allowed for application to this specific review case only because of the master planning that occurred on the project prior to January 1, 2004. The RPA exception was granted administratively by the Environmental Director on December 22, 2004 with the following conditions:

- Individual exceptions would also be required at the time of site or subdivision plan approval for the specific encroachments into the buffer for BMP outfalls, utility lines and road crossings as shown on the plan;
- The excess clearing (approximately 40 ft. wide) associated with the sewer line along Section 7 must be restored with native vegetation.

Other Items to Note

James City County performed a bioretention demonstration project on the grounds of the Williamsburg/James City County Courthouse. One of the purposes of performing the demonstration project was to actively demonstrate how LID-IMP concepts could be successfully implemented within the New Town project. The County spent around \$65,000 on this demonstration project of which \$25,000 was received back in a grant from the National Fish and Wildlife Foundation. Currently, New Town is taking credit for this facility in their master stormwater management plan.

County Environmental Division staff has routinely suggested and coordinated with the applicant/plan preparer on opportunities to incorporate LID-IMP features into specific plans of development. To date, LID-IMP measures include two bioretention areas in Block 2 and tree box filters (Filterra) in Block 6 & 7. Opportunities for additional LID-IMP measures include the use of manufactured BMP systems for pretreatment purposes in ultra-urban settings present in New Town such as residential Block 8, Phase 1B.

Staff Analyses of the Powhatan Creek Watershed Management Plan and Master Stormwater Management Planning as it applies to New Town and Settler's Market at New Town, Section 9 (Z-16-05/MP-13-05)

Powhatan Creek Watershed Management Plan

New Town is primarily situated in Subwatershed 208 in the Powhatan Creek Watershed Management Plan area, particularly in catchments 208-103-1, 208-103-2 and 208-101-1. Subwatershed 208 (Lower Chisel Run) is characterized as the most threatened subwatershed in all of the Powhatan Creek watershed. Currently it is classified as sensitive, it contains large populations of RTE species, large contiguous forest tracts, excellent stream habitat and floodplain wetlands. With 49% remaining developable land, this subwatershed is expected to shift to impacted status in the coming years as a result of large planned developments in the headwaters, unless extraordinary watershed protection measures are implemented. Some indication of the future of Lower Chisel Run can be seen in the current condition of the Upper Chisel Run. Features of the subwatershed and catchments and recommendations from the approved watershed management plan and the supplemental stormwater master plan report, as it applies to the New Town area, are summarized below:

- RPA extension areas (not endorsed by the BOS)
- Priority Conservation Area C-24 (RTE population near New Town)
- Priority Conservation Area C-25 (RTE population sensitive to hydrology)
- Contiguous forest areas
- Forest Retention-retain as much forest as possible by minimizing clearing and grading and reducing the development footprint
- Excellent general stream conditions (in Subwatershed 208)
- Streams in Lower Chisel Run are currently in excellent condition and rank among the best in the watershed
- Application of Special Stormwater Criteria for Stream Protection Areas to minimize impacts of new development on natural channels and to rare wetland plant species
- Use of the "parallel piping concept" to regional ponds
- Use of better site design to reduce the amount of impervious cover
- Stormwater quality treatment on-site, using practices such as bioretention
- Provide stormwater recharge on-site through techniques such as rooftop disconnection, non-rooftop disconnection and BMPs that allow for infiltration such as bioretention, surface sand filters and infiltration trenches.

Special Stormwater Criteria

Special Stormwater Criteria (SSC) was adopted by the Board of Supervisors by a 5-0 vote on December 14, 2004. This followed a 14-month long process, which started in June of 2003, in which an assembled stormwater task group, consisting of 10 members, 1 guest and County advisory staff, formulated and developed the criteria. *Special Stormwater Criteria (SSC)* is a direct result of Priority # 7 and Priority # 3 of the Powhatan and Yarmouth Creek watershed management plans which were previously adopted by the Board in February 2002 and October 2003, respectively. *Special*

Stormwater Criteria (SSC) is a layer of stormwater criteria above and beyond the County's 10-point water quality and stream channel protection (quantity control) stormwater management criteria. Objectives of *Special Stormwater Criteria (SSC)* include:

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Earlier approved versions of the master stormwater management plan used structural BMPs in combination with natural open space. However, many of the proposed structural BMPs were situated in main stream areas and there was extreme difficulty in acquiring necessary wetlands permit under this alternative. Most recently, a revised master stormwater management plan was proposed which moved proposed structural BMPs upland to avoid environmentally sensitive areas and proposed a Low Impact Development component to achieve the required 10-points.

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Section 9 totals approximately 58 acres. The revised Master Stormwater Management Plan shows that Section 9 will be treated by three (3) proposed stormwater management BMPs including BMP A04 (a 10-point BMP), BMP A06 (a 4-point BMP) and BMP A07 along with any applicable dedicated natural open space consistent with the master plan. No LID-IMPs were specifically proposed in Section 9 per the master stormwater management plan. It is anticipated that the pledge to use the "parallel piping concept" and an "LID-IMP component" can be added to the Section 9 rezoning by use of notes similar to that provided on previously approved Section 2 & 4 (Z-06-03) and Section 3 & 6 (Z-05-04) rezoning conceptual plan maps.

Variable Width RPA Buffer

An RPA exception was granted on December 22, 2004 to allow for a variable width buffer on the New Town project. This followed a specific Chesapeake Bay Exception request for Section 4, Block 8 which was heard and approved by the Chesapeake Bay Board on May 12, 2004. For the variable width buffer request, a Water Quality Impact Assessment (WQIA) was provided to support the RPA exception request for proposed impacts to the RPA due to road construction, sewer extensions and for stormwater management facilities, consistent with the revised master stormwater management plan. There were no proposed impacts to the seaward 50-ft. buffer except for road crossing, BMP outfalls and utilities. The WQIA proposed a variable width buffer to replace the standard 100-foot buffer with a 25-foot minimum undisturbed buffer around intermittent streams and a 50-foot buffer around perennial streams, except for the Bay Board approved Section 4, Block 8 buffer. The WQIA documented that the variable width buffer would remove more phosphorus than a 100-foot buffer. The major factor for consideration of the exception request was that a strict application of the 100-ft. buffer around perennial streams on the site would have greatly impacted the master planning efforts and approvals that had been granted for the project prior to revised perennial stream and RPA identification processes that become effective on January 1st 2004 as none of the streams on the New Town site were designated as perennial prior to the ordinance revisions. The variable width buffer was allowed for application to this specific review case only because of the master planning that occurred on the project prior to January 1, 2004. The RPA exception was granted administratively by the Environmental Director on December 22, 2004 with the following conditions:

- Individual exceptions would also be required at the time of site or subdivision plan approval for the specific encroachments into the buffer for BMP outfalls, utility lines and road crossings as shown on the plan;
- The excess clearing (approximately 40 ft. wide) associated with the sewer line along Section 7 must be restored with native vegetation.

Other Items to Note

James City County performed a bioretention demonstration project on the grounds of the Williamsburg/James City County Courthouse. One of the purposes of performing the demonstration project was to actively demonstrate how LID-IMP concepts could be successfully implemented within the New Town project. The County spent around \$65,000 on this demonstration project of which \$25,000 was received back in a grant from the National Fish and Wildlife Foundation. Currently, New Town is taking credit for this facility in their master stormwater management plan.

County Environmental Division staff has routinely suggested and coordinated with the applicant/plan preparer on opportunities to incorporate LID-IMP features into specific plans of development. Some of this coordination has led to success, others have not. Successes include two bioretention areas in Block 2 and tree box filters (Filterra) in Block 6 & 7. Unsuccessful attempts have been suggestions for use of manufactured BMP systems for pretreatment purposes in ultra-urban settings such as residential Block 8, Phase 1B.

County Environmental Division staff is aware that the College of William & Mary has a stream flow monitoring station situated below the New Town area and has been

Powhatan Creek Watershed Management Report

Subwatershed No. 208 (LOWER CHISEL RUN)

OVERALL PROGNOSIS:

Lower Chisel Run is clearly the most threatened subwatershed in all of the Powhatan Creek watershed. Currently, classified as SENSITIVE, it contains large population of RTE species (small whorled pogonia and Virginia least trillium), large contiguous forest tracts, excellent stream habitat scores and extensive floodplain wetlands. With 49% remaining developable land, this subwatershed is expected to shift to IMPACTED in the coming years, as a result of large planned developments in the headwaters, unless extraordinary watershed protection measures are implemented. Some indication of the future of Lower Chisel Run can be seen in the current condition of the Upper Chisel Run.

See Figure

Drainage Area: 1.25 sq. miles (799.8 acres)

Land Use in Subwatershed 208

	<i>Percentage</i>	<i>Subwatershed Category</i>
2000 Impervious Cover	5.8 %	Sensitive
Future impervious cover (with buildout)	15.2 %	Impacted
Target Watershed Classification		Sensitive

Developable area in subwatershed: 394.2 acres or 49% of subwatershed area

Conservation Areas in 208

<i>Conservation Area</i>	<i>Description</i>	<i>Conservation Area Ranking</i>	<i>Acquisition Ranking</i>
<i>C-21</i>	<i>Potential RTE, small contiguous forest</i>	<i>8 of 21</i>	<i>--</i>
<i>C-24</i>	<i>RTE population near New Town</i>	<i>4 of 21</i>	<i>2 of 17</i>
<i>C-25</i>	<i>RTE population sensitive to hydrology</i>	<i>1 of 21</i>	<i>--</i>
<i>C-26</i>	<i>RTE population in Ford's Colony</i>	<i>10 of 21</i>	<i>8 of 17</i>

The largest populations of small whorled pogonia and Virginia least trillium can be found along the slopes and floodplains of lower Chisel Run and have been confirmed by the Virginia Natural Heritage and our field survey. Several of these populations are located within the planned New Town development.

Powhatan Creek Watershed Management Report

Contiguous forest areas: Several tracts of contiguous forest are located along lower Chisel Run, both within and adjacent to the existing RPA.

Wetland areas: Least trillium is commonly associated with stream-side seeps. The seeps found in subwatershed 208 are in good condition.

Stream Conditions in 208

<i>Stream Quality</i>	<i>Description</i>	<i>Rank</i>
<i>Excellent</i>	<i>High quality stream channels; shows minimal impacts at present; vulnerable due to future planned development</i>	<i>3 of 11</i>

Habitat assessment: Streams in Lower Chisel Run are currently in excellent condition and rank among the best in the watershed. These streams, however, are likely to be influenced by extensive planned development in the headwaters (i.e., New Town).

Stormwater Management in 208

Subwatershed 208 is divided into six catchments. It is a sensitive subwatershed and the streams received the third highest quality rating in the watershed. The proposed New Town Center is located in the lower portion of the subwatershed. Stormwater strategies for the subwatershed include the application of the Special Stormwater Criteria for Stream Protection Areas to new development, as well as minimizing hydrologic impacts to RTE species by using parallel piping to the regional pond.

<i>Retrofits</i>	<i>Type of Retrofit and Rank</i>		<i>Benefit</i>
	<i>Regional Ponds for Future Development</i>	<i>Stormwater Retrofit</i>	
<i>208-1</i>	<i>2 of 9</i>	<i>--</i>	<i>Potential regional facility to treat stormwater runoff from uncontrolled development, as well as any potential future development.</i>
<i>208-2</i>	<i>--</i>	<i>8 of 17</i>	<i>Retrofit of wet pond to provide channel protection.</i>

Powhatan Creek Watershed Management Report

Recommendations for Subwatershed 208

Conservation Areas

- Acquisition or easement of lands associated with rare plant species (C-24, 25, and 26).

Better Site Design

- The use of better site design to reduce the amount of impervious cover. These techniques reduce the amount and frequency of stormwater runoff that adversely impact streams.

Forest Retention

- Retain as much forest cover as possible by minimizing clearing and grading and reducing the development footprint.

Stormwater Management

- The use of **Special Stormwater Criteria** to minimize the impacts of new development on natural channels and to rare wetland plant species. One option is to pipe frequent channel erosion causing storms down to a regional facility.

H. Subwatershed 208

Subwatershed 208 is divided into six catchments (Figure 12). It is a sensitive subwatershed and the streams received the second highest quality rating in the watershed. The lower portion of the subwatershed is the location of the proposed New Town Center. Stormwater strategies for the subwatershed include the application of the Special Stormwater Criteria for Stream Protection Areas to new development, as well as minimizing hydrologic impacts to RTE species.

Subwatershed Overview

<i>Drainage Area</i>	1.25 sq mi (799.8 acres)
<i>Overall Stream Quality</i>	Excellent
<i>2000 Impervious Cover</i>	5.8%
<i>Current Stream Classification</i>	Sensitive
<i>Maximum Impervious Cover</i>	15.2%
<i>Projected Stream Classification</i>	Impacted
<i>Target Stream Classification</i>	Sensitive
<i>Developed Area</i>	405.6 acres
<i>Approximate No. of Stormwater Practices</i>	3

Subwatershed-Wide Stormwater Strategy

The proposed New Town development covers a portion of Subwatershed 208. The changes in hydrology resulting from the development have the potential to impact the high quality streams and a population of Virginia least trillium. The stormwater plan for New Town is being developed and currently includes a series of on-line ponds on the Lower Chisel Run. Additional considerations that should be taken in developing the stormwater plan include:

- Locate a regional pond(s) downstream of the Virginia least trillium population. To reduce the size of this facility, provide stormwater quality treatment on-site where possible.
- Use parallel pipes to deliver stormwater flows to the regional pond.
- Provide stormwater quality treatment on-site, using practices such as bioretention that may be incorporated into landscaping.
- Provide stormwater recharge on-site through techniques such as rooftop disconnection, non-rooftop disconnection, and BMPs that allow for infiltration, such as bioretention, surface sand filters, and infiltration trenches.

Catchment 208-101-1 Description

The northern half of catchment 208-101-1 is Eastern State Hospital. This land use has left good buffer for the stream as contiguous forest. Tewing Road, on the east side of the catchment off of Ironbound Road, is lined with limited business and industrial development such as the James City Service Authority yard (managed by PC037, a wet pond) and the Tewing Business Center (managed by PC002, an infiltration facility). Some parcels and lots along Ironbound Road have not yet been developed. The remainder of the catchment is also undeveloped, but zoned for rural residential.

The catchment contains recommended conservation area C-22, an RPA extension up the middle branch Chisel Run to encompass the first order tributary and its associated floodplain wetlands. In addition, the stream assessment describes the reach as having forested stream valleys and stable streambanks with little or no evidence of stream channel instability. As such, the stream is recommended for Stream Protection Area designation.

Stormwater Strategy:

Special Stormwater Criteria

New development should implement on-site stormwater practices per the SSC for Parcel Development.

Regional Stormwater Management

R208-1 is the location of a potential regional facility to treat stormwater runoff from uncontrolled development, as well as any potential future development (ranked 4 of 8).

Catchment 208-201-1 Description

Catchment 208-201-1 falls entirely within the property of Eastern State Hospital, except for the right-of-way for State Route 199 which crosses the catchment a third of the way down. As with the previous catchment, the land use has preserved forested stream valleys and contiguous forest, and the stream assessment found little or no evidence of stream channel instability.

Conservation area C-21 is located in the catchment. It consists of two populations of small whorled pogonia contained in small block of contiguous forest between lower Chisel Run and middle Chisel Run bounded by State Route 199 on the east side. In addition, the stream is recommended for Stream Protection Area designation.

Stormwater Strategy:

No Action

No stormwater action is necessary for this catchment since it is fully developed and in a stable land

use.

Additional Comments

If, in the future, Eastern State Hospital expands development on its property, or sells land for development, then new development should implement on-site stormwater practices per the Special Stormwater Criteria for Stream Protection Areas.

Catchment 208-102-1 Description

The southeast portion of this catchment is undeveloped and currently zoned R-8, while the northwest portion at the mouth is part of the Eastern State Hospital property. No conservation areas fall within this catchment. It is, however, recommended for Stream Protection Area designation.

Special Stormwater Criteria

New development should apply the SSC for Parcel Development.

Catchment 208-103-1 Description

This catchment includes the new Williamsburg James City County Courthouse and some limited business / industrial development between Monticello Avenue and Ironbound Road. The rest of the catchment is currently undeveloped and zoned M-1, MU, and R-8, but is expected to be developed as part of the New Town Center.

Two conservation areas fall within the catchment. The first, C-23, is an RPA extension along lower Chisel Run to encompass the first order tributary and its associated floodplain wetlands. The stream assessment rated this stream in excellent condition. The second, C-25, consists of a Virginia least trillium population which will likely be impacted unless more hydrologically sensitive stormwater management is used in the development of New Town Center than is currently proposed. This catchment is recommended for Stream Protection Area designation.

Stormwater Strategy:

Special Stormwater Criteria

New development should apply the SSC for Parcel Development. Changes in hydrology resulting from the new development should be minimized to reduce impacts to the Virginia least trillium population. The use of parallel piping should be considered to transport stormwater downstream rather than using the natural channel.

Catchment 208-103-2 Description

Catchment 208-103-2, currently undeveloped but zoned R-8, is also expected to be a part of the New

Town development. Conservation area C-24, an area of small whorled pogonia populations, falls within the catchment. The catchment is recommended for Stream Protection Area designation.

Stormwater Strategy:

Special Stormwater Criteria

New development should apply the SSC for Parcel Development.

208-Stem Description

The portion of the catchment southeast of the stream falls within Ford's Colony where about half of the platted lots are currently developed and managed by a wet pond (PC096). The northeast portion of the catchment belongs to Eastern State Hospital. Recommended conservation areas, C-26 and C-21, are both located in the catchment and consists of populations of small whorled pogonia. The stream is recommended for Stream Protection Area designation based on its excellent rating in the stream assessment, which ranked it as the second highest quality stream in the watershed.

Stormwater Strategy:

Special Stormwater Criteria

New development should apply the SSC for Parcel Development.

Stormwater Retrofitting

R208-2 is a potential retrofit of PC096 to provide channel protection (ranked 8 of 16). In addition, pondscaping of the facility with native wetland plants should be considered. CWP did not examine this facility in the field.

Environmental Staff Report on the Powhatan Creek Watershed Management Plan and Master Stormwater Management Plan as they apply to New Town and Settler's Market at New Town, Section 9 (Z-16-05/MP-13-05)

Powhatan Creek Watershed Management Plan

New Town is primarily situated in Subwatershed 208 in the Powhatan Creek Watershed Management Plan area, particularly in catchments 208-103-1, 208-103-2 and 208-101-1. Subwatershed 208 (Lower Chisel Run) is characterized as the most threatened subwatershed in all of the Powhatan Creek watershed. Currently it is classified as sensitive, it contains large populations of RTE species, large contiguous forest tracts, excellent stream habitat and floodplain wetlands. With 49% remaining developable land, this subwatershed is expected to shift to impacted status in the coming years as a result of large planned developments in the headwaters unless extraordinary watershed protection measures are implemented. Some indication of the future of Lower Chisel Run can be seen in the current condition of the Upper Chisel Run. Features of the subwatershed and catchments and recommendations from the approved watershed management plan and the supplemental stormwater master plan report, as it applies to the New Town area, are summarized below:

- RPA extension areas (not endorsed by the BOS but accomplished through the revised Chesapeake Bay Preservation Ordinance)
- Priority Conservation Area C-24 (RTE population near New Town)
- Priority Conservation Area C-25 (RTE population sensitive to hydrology)
- Contiguous forest areas
- Forest Retention-retain as much forest as possible by minimizing clearing and grading and reducing the development footprint
- Excellent general stream conditions (in Subwatershed 208)
- Streams in Lower Chisel Run are currently in excellent condition and rank among the best in the watershed
- Application of Special Stormwater Criteria for Stream Protection Areas to minimize impacts of new development on natural channels and to rare wetland plant species
- Use of the "parallel piping concept" to regional ponds
- Use of better site design to reduce the amount of impervious cover
- Stormwater quality treatment on-site, using practices such as bioretention
- Provide stormwater recharge on-site through techniques such as rooftop disconnection, non-rooftop disconnection and BMPs that allow for infiltration such as bioretention, surface sand filters and infiltration trenches.

Special Stormwater Criteria

Special Stormwater Criteria (SSC) was adopted by the Board of Supervisors by a 5-0 vote on December 14, 2004. This followed a 14-month long process, which started in June of 2003, in which an assembled stormwater task group, consisting of 10 members, 1 guest and County advisory staff, formulated and developed the criteria. *Special Stormwater Criteria (SSC)* is a direct result of Priority # 7 and Priority # 3 of the Powhatan and Yarmouth Creek watershed management plans which were adopted by

performing monitoring for several years. No formal summary reports or assessments have been provided to County staff to date.

I:\0400e\456-Casey_Property\NEWTOWN\Stormwater\Upland BMP Option (with buffer adjustment)12-02-04.dwg

LEGEND:

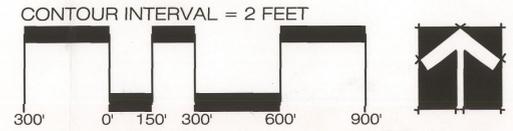
-  SURVEYED WETLAND LIMITS (31.79 ACRES±)
-  PROPOSED WETLAND IMPACTS (2.63 ACRES±)
-  PROPOSED WETLAND CONVERSION (0.03 ACRES±)
-  PREVIOUSLY PERMITTED WETLAND IMPACTS (2.67 ACRES±)
-  PROPOSED BMP LOCATION
-  BMP DRAINAGE AREA
-  BMP DRAINAGE AREA (OFF-SITE)
-  PROPERTY LINE BUFFER (12.40 ACRES±) (COUNTED AS 0.10 CREDIT OPEN SPACE)
-  RPA BUFFER (10.10 ACRES) (COUNTED AS 0.10 CREDIT OPEN SPACE)
-  ADDITIONAL BUFFER (9.15 ACRES) (INCLUDING SWP COLONY) (COUNTED AS 0.15 CREDIT OPEN SPACE)
-  SMALL WHORLED POGONIA (SWP) COLONY (0.55 ACRES±)
-  INDIVIDUAL SMALL WHORLED POGONIA (SWP) PLANTS
-  RPA
-  PROJECT LIMITS
-  MODEL NODE

SITE DATA:

PROJECT LIMITS 373.71 ACRES ±

JURISDICTIONAL AREAS:

31.79 ACRES ±
(CONFIRMATION NUMBER 95-R5673)



**REVISED MASTER STORMWATER PLAN
NEW TOWN
JAMES CITY COUNTY, VIRGINIA**

DATE: AUGUST 18, 2004, SEPTEMBER 17, 2004
 REVISED: DECEMBER 2, 2004
 JOB NUMBER: 456
 SCALE: 1 INCH = 300 FEET
 SOURCE: BASE MAP PROVIDED BY AES



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9/1/08