See also MC030

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: **MC029**

DATE VERIFIED: **December 12, 2012**

QUALITY ASSURANCE TECHNICIAN: **Leah Hardenbergh**

Leah Hardenbergh

LOCATION: WILLIAMSBURG, VIRGINIA

Stormwater Division

MEMORANDUM

Date: March 29, 2012

To: Michael J. Gillis, Virginia Correctional Enterprises Document Management Services

From: Leah Hardenbergh

PO: 110426

Re: Files Approved for Scanning

General File ID or BMP ID: **MC029** & MC030

PIN: **4740900001A**

Owner Name (if known): **SETTLER'S MILL**

Legal Property Description: **CA S-2A SETTLERS MILL**

Site Address: **120 WOOD POND CIR**

(For internal use only):

Box # 3

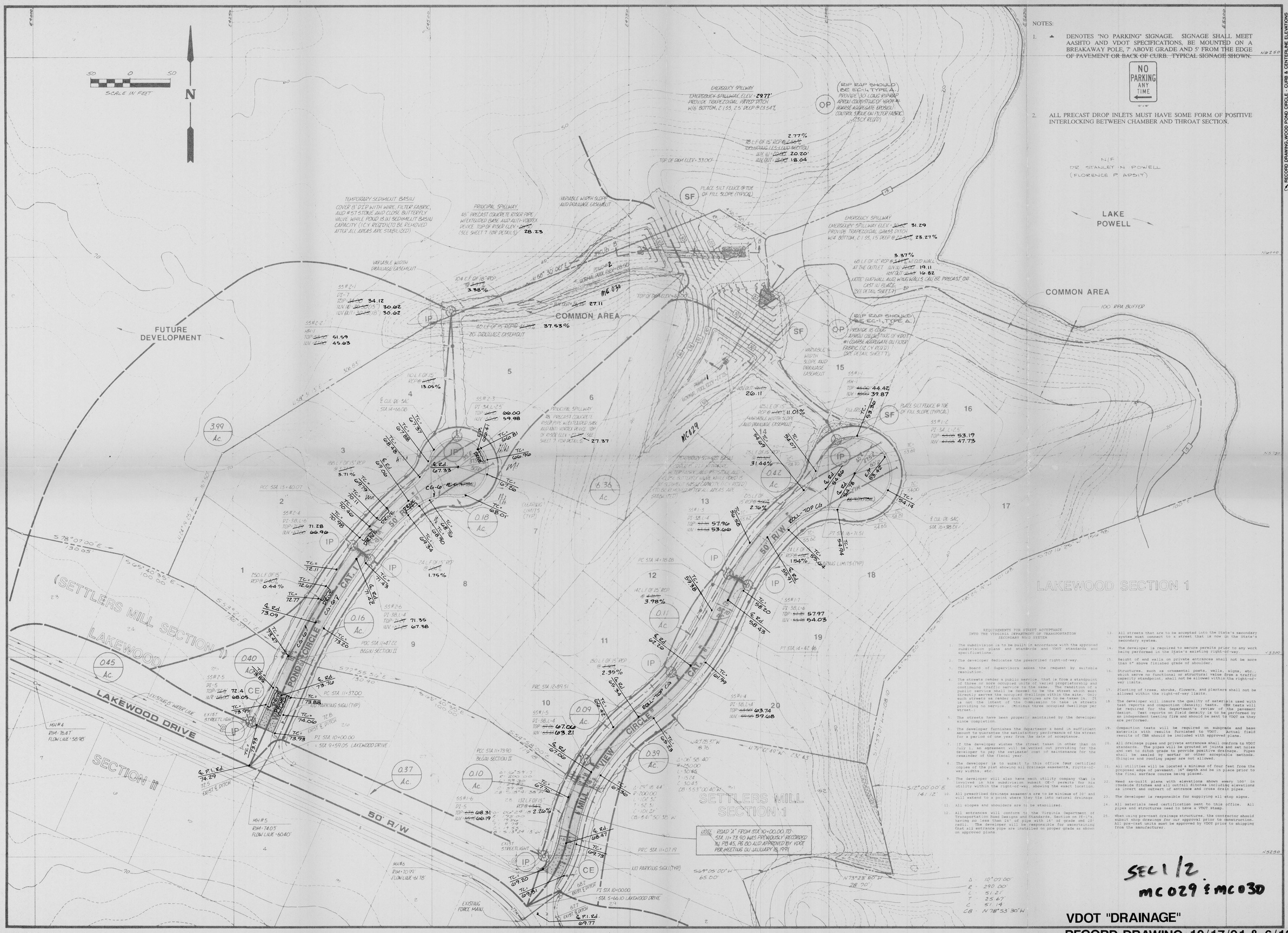
Agreements (in file as of scan date): N Book or Doc #:

MC029 - MC030

Contents for Stormwater Management Facilities As-built Files

Each file is to contain:

1. As-built plan
2. Completed construction certification
3. Construction Plan
4. Design Calculations
5. Watershed Map
6. Maintenance Agreement
7. Correspondence with owners
8. Inspection Records
9. Enforcement Actions



NOTES:

1. ▲ DENOTES "NO PARKING" SIGNAGE. SIGNAGE SHALL MEET AASHTO AND VDOT SPECIFICATIONS, BE MOUNTED ON A BREAKAWAY POLE, 7' ABOVE GRADE AND 5' FROM THE EDGE OF PAVEMENT OR BACK OF CURB. TYPICAL SIGNAGE SHOWN:

NO PARKING ANY TIME

2. ALL PRECAST DROP INLETS MUST HAVE SOME FORM OF POSITIVE INTERLOCKING BETWEEN CHAMBER AND THROAT SECTION.

REQUIREMENTS FOR STREET ACCEPTANCE INTO THE VIRGINIA DEPARTMENT OF TRANSPORTATION SECONDARY ROAD SYSTEM

1. The subdivision is to be built in accordance with the approved subdivision plans and standards and VDOT standards and specifications.
2. The developer dedicates the prescribed right-of-way.
3. The Board of Supervisors makes the request by suitable resolution.
4. The streets render a public service, that is from a standpoint of three or more occupied units of varied proprietorship and continuing traffic service to the same. The rendition of a public service shall be deemed to be the street which most directly serves the occupied dwellings within the site. Only such streets as render such services are to be taken in. It is not the intent of the Commission to take in streets providing no service. (Minimum three occupied dwellings per street.)
5. The streets have been properly maintained by the developer since completion.
6. The developer furnishes the department a bond in sufficient amount to guarantee the satisfactory performance of the street for a period of one year from the date of acceptance.
7. If the developer wishes the street taken in other than on July 1, an agreement will be worked out providing for the developer to pay the estimated cost of maintenance for the remainder of the fiscal year.
8. The developer is to submit to this office four certified copies of the plat showing all drainage easements, rights-of-way widths, etc.
9. The developer will also have each utility company that is involved in his subdivision submit CE-7 permits for his utility within the right-of-way showing the exact location.
10. All prescribed drainage easements are to be minimum of 20' and will extend to a point where they tie into natural drainage.
11. All slopes and shoulders are to be stabilized.
12. All entrances will conform to the Virginia Department of Transportation Road Designs and Standards, Section no. TR-1 having no less than 24' of pipe with 16' of grade and 20' radii. The developer will be responsible for ascertaining that all entrance pipe are installed on proper grade as shown on approved plans.
13. All streets that are to be accepted into the State's secondary system must connect to a street that is now in the State's secondary system.
14. The developer is required to secure permits prior to any work being performed in the State's existing right-of-way.
15. Height of end walls on private entrances shall not be more than 6" above finished grade of shoulder.
16. Structures, such as ornamental posts, walls, signs, etc., which serve no functional or structural value from a traffic capacity standpoint, shall not be allowed within the right-of-way limits.
17. Planting of trees, shrubs, flowers, and planters shall not be allowed within the right-of-way limits.
18. The developer will insure the quality of materials used with test reports and compaction (density) tests. CBR tests will be required for the Department's review of the pavement design. Test reports on field density is to be performed by an independent testing firm and should be sent to VDOT as they are performed.
19. Compaction tests will be required on subgrade and base materials with results furnished to VDOT. Actual field results of CBR should be included with approved plans.
20. All drainage pipes and private entrances shall comform to VDOT standards. The pipes will be grouted at joints and set holes and set to ditch grade to provide positive drainage. Pipes shall be sealed by mortar or other acceptable methods. Shingles and roofing paper are not allowed.
21. All utilities will be located a minimum of four feet from the proposed edge of pavement, 14" depth and be in place prior to the final surface course being placed.
22. Need as-built plans with elevations shown every 100' in roadside ditches and all outfall ditches including elevations as invert and outvert of entrance and cross drain pipes.
23. The developer is responsible for supplying all stop signs.
24. All materials need certification sent to this office. All pipes and structures need to have a VDOT stamp.
25. When using pre-cast drainage structures, the contractor should submit shop drawings for our approval prior to construction. All pre-cast units must be approved by VDOT prior to shipping from the manufacturer.

NOTE: ROAD "A" FROM STA 10+00.00 TO STA 11+73.90 WAS PREVIOUSLY RECORDED IN PB 45, PG 80 AND APPROVED BY VDOT PER MEETING ON JANUARY 18, 1991

No	DATE	REVISION / COMMENT / NOTE	BY
7	6/13/94	RECORD DRAWING, WOOD POND CIRCLE - CURB & CENTERLINE ELEVATIONS MILL VIEW CIRCLE - STRUCTURE LOCATION, CURB & CENTERLINE ELEVATIONS	HWP
6	10/17/91	RECORD DRAWING, WOOD POND CIRCLE - STRUCTURE LOCATION ONLY	HWP
5	6/11/91	REVISED PER JCC COMMENTS	HWP
4	5/8/91	REVISED PER JCC COMMENTS	HWP
3	7/88	REVISED LOT LAYOUT	VMB
2	8/1/87	REVISED PER JCC COMMENTS	SDM
1	8/1/87	REVISED PER JCC COMMENTS	SDM

COMMONWEALTH OF VIRGINIA — G. ARCHER MARSTON III — No. 016232 — PROFESSIONAL ENGINEER

5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
(804) 253-0040
Fax (804) 220-8994

CONSULTING ENGINEERS

ROAD AND DRAINAGE, SEDIMENT & EROSION CONTROL PLAN
SETTLERS MILL
AT JAMESTOWN
SECTION 2

OWNER/DEVELOPER: SETTLERS MILL INC.

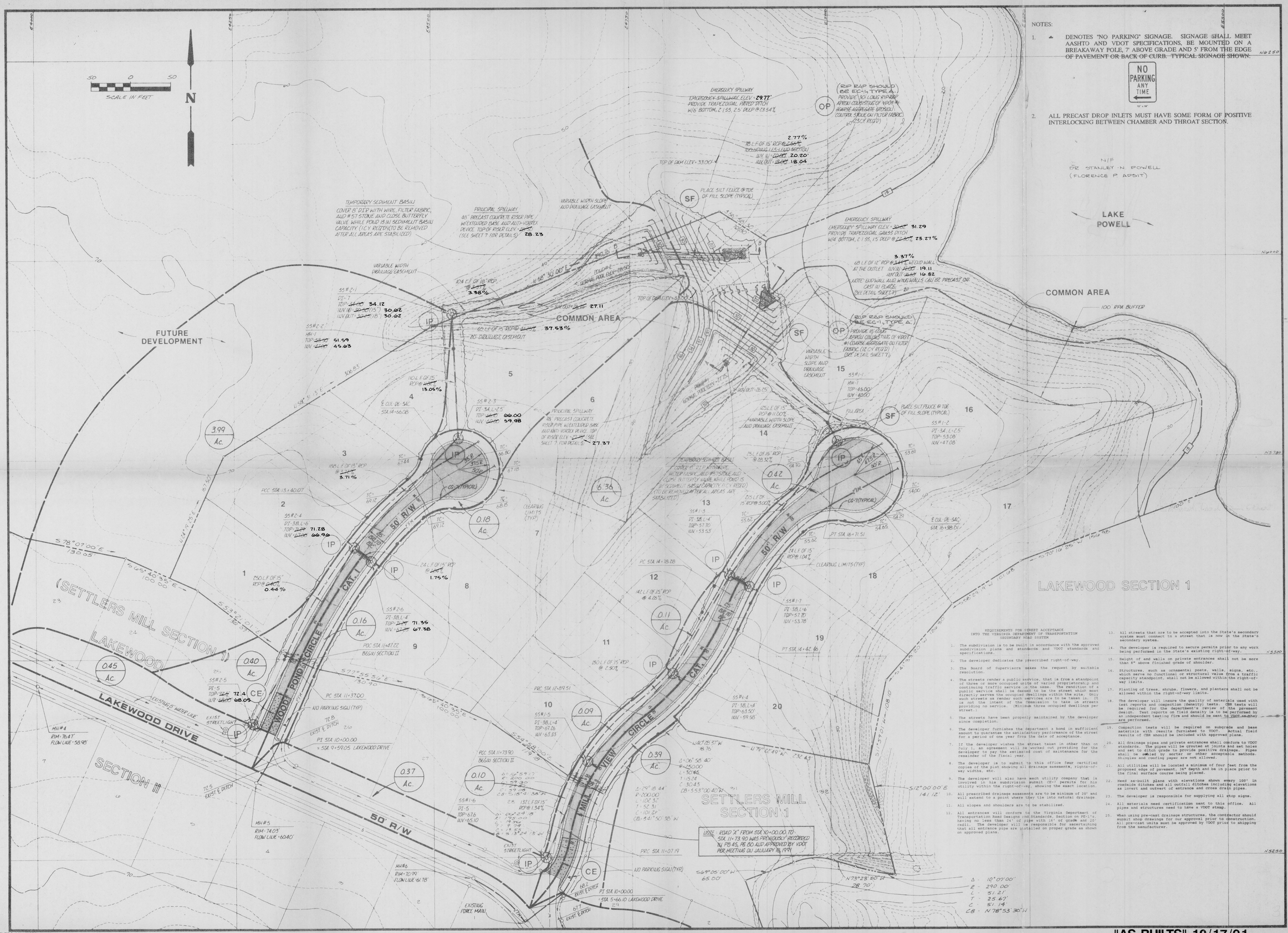
JAMESTOWN DISTRICT — JAMES CITY COUNTY — VIRGINIA

Designed HWP	Drawn BJU
Scale 1"=50'	Date 2/91
Project No. 7407	
Drawing No. 6	

VDOT "DRAINAGE"

RECORD DRAWING 10/17/91 & 6/13/94

MC029_SETTLERS_MILL - 004



NOTES:

1. ▲ DENOTES "NO PARKING" SIGNAGE. SIGNAGE SHALL MEET AASHTO AND VDOT SPECIFICATIONS, BE MOUNTED ON A BREAKAWAY POLE, 7' ABOVE GRADE AND 5' FROM THE EDGE ~~OF PAVEMENT OR BACK OF CURB. TYPICAL SIGNAGE SHOWN.~~

NO PARKING ANY TIME

2. ALL PRECAST DROP INLETS MUST HAVE SOME FORM OF POSITIVE INTERLOCKING BETWEEN CHAMBER AND THROAT SECTION.

REQUIREMENTS FOR STREET ACCEPTANCE
INTO THE VIRGINIA DEPARTMENT OF TRANSPORTATION
SECONDARY ROAD SYSTEM

1. The subdivision is to be built in accordance with the approved subdivision plans and standards and VDOT standards and specifications.
2. The developer dedicates the prescribed right-of-way.
3. The Board of Supervisors makes the request by suitable resolution.
4. The streets render a public service, that is from a standpoint of three or more occupied units of varied proprietorship and continuing traffic service on the same. The rendition of a public service shall be deemed to be the street which most directly serves the occupied dwellings within the site. Only such streets as render such services are to be taken in. It is not the intent of the Commission to take in streets providing no service. (Minimum three occupied dwellings per street.)
5. The streets have been properly maintained by the developer since completion.
6. The developer furnishes the department a bond in sufficient amount to guarantee the satisfactory performance of the street for a period of one year from the date of acceptance.
7. If the developer wishes the street taken in other than on July 1, an agreement will be worked out providing for the developer to pay the estimated cost of maintenance for the remainder of the fiscal year.
8. The developer is to submit to this office four certified copies of the plat showing all drainage easements, rights-of-way widths, etc.
9. The developer will also have each utility company that is involved in his subdivision submit CE-7 permits for his utility within the right-of-way, showing the exact location.
10. All prescribed drainage easements are to be minimum of 20' and will extend to a point where they tie into natural drainage.
11. All slopes and shoulders are to be stabilized.
12. All entrances will conform to the Virginia Department of Transportation Road Designs and Standards, Section on PE-1's, having no less than 24' of pipe with 16' of grade and 20' radii. The developer will be responsible for ascertaining that all entrance pipe are installed on proper grade as shown on approved plans.
13. All streets that are to be accepted into the state's secondary system must connect to a street that is now in the state's secondary system.
14. The developer is required to secure permits prior to any work being performed in the state's existing right-of-way.
15. Height of end walls on private entrances shall not be more than 8" above finished grade of shoulder.
16. Structures, such as ornamental posts, walls, signs, etc., which serve no functional or structural value from a traffic capacity standpoint, shall not be allowed within the right-of-way limits.
17. Planting of trees, shrubs, flowers, and planters shall not be allowed within the right-of-way limits.
18. The developer will insure the quality of materials used with test reports and compaction (density) tests. CBR tests will be required for the department's review of the pavement design. Test reports on field density is to be performed by an independent testing firm and should be sent to VDOT as they are performed.
19. Compaction tests will be required on subgrade and base materials with results furnished to VDOT. Actual field results of CBR should be included with approved plans.
20. All drainage pipes and private entrances shall conform to VDOT standards. The pipes will be grouted at joints and set holes and set to ditch grade to provide positive drainage. Pipes shall be sealed by mortar or other acceptable methods. Shingles and roofing paper are not allowed.
21. All utilities will be located a minimum of four feet from the proposed edge of pavement, 36" depth and be in place prior to the final surface course being placed.
22. Need as-built plans with elevations shown every 100' in roadside ditches and all outfall ditches including elevations as invert and outvert of entrance and cross drain pipes.
23. The developer is responsible for supplying all stop signs.
24. All materials need certification sent to this office. All pipes and structures need to have a VDOT stamp.
25. When using pre-cast drainage structures, the contractor should submit shop drawings for our approval prior to construction. All pre-cast units must be approved by VDOT prior to shipping from the manufacturer.

No.	DATE	REVISION / COMMENT / NOTE	BY
6	10/17/91	"AS-BUILTS"	HWP
5	6/1/91	REVISED PER JCC COMMENTS	HWP
4	5/16/91	REVISED PER JCC COMMENTS	HWP
3	7/88	REVISED SANITARY SEWER LAYOUT	WAB
2	7/88	REVISED LOT LAYOUT	WAB
1	8/1/88	REVISED PER JCC COMMENTS	RDW

COMMONWEALTH OF VIRGINIA
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AES CONSULTING ENGINEERS

ROAD AND DRAINAGE, SEDIMENT & EROSION CONTROL PLAN
SETTLERS MILL
AT JAMESTOWN
SECTION 2

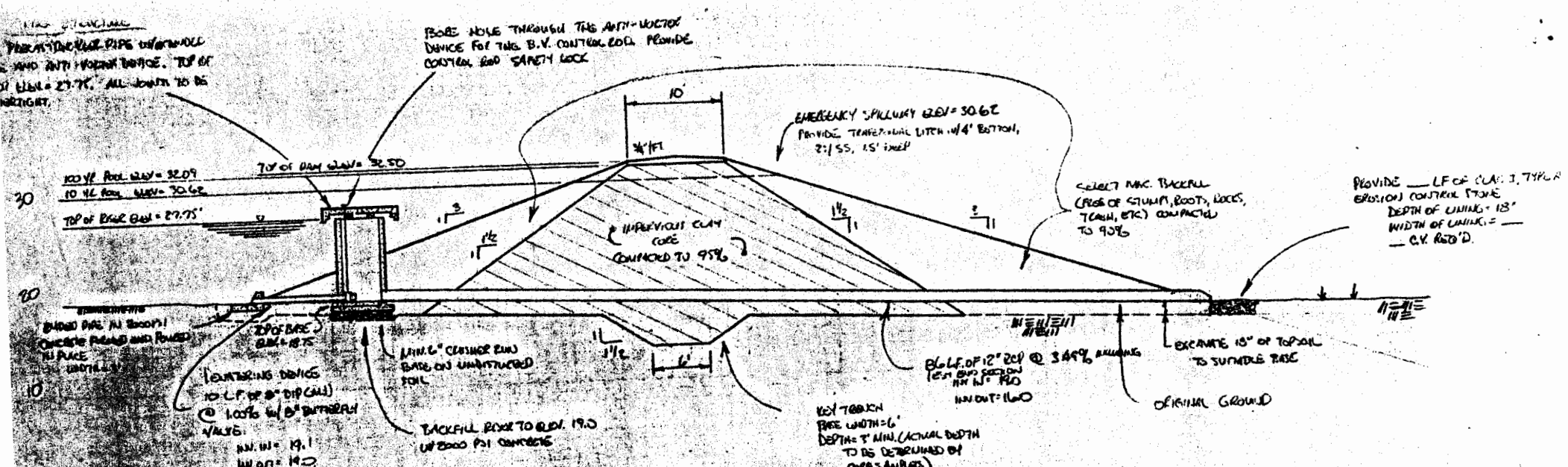
OWNER/DEVELOPER: SETTLERS MILL INC.

JAMES CITY COUNTY — JAMESTOWN DISTRICT — VIRGINIA

Designed	Drawn
HWP	BJU
Scale	Date
1"=50'	2/91
Project No.	
7407	
Drawing No.	
6	

"AS-BUILTS" 10/17/91

MC029_SETTLERS_MILL - 005



DAM #1

SCALE: 1" = 10'

NO)

HYDROLOGIC REPORT FOR

SETTLERS MILL AT JAMESTOWN

SECTION 2

JOB NO. 7407

WET POND #1

MC029
DA=6.36Ac.

prepared by

AES,CONSULTING ENGINEERS

5248 Olde Towne Road

Williamsburg, VA. 23188

Date: 1/24/91

SETTLERS MILL AT JAMESTOWN

SEC. 2

POND #1

WET POND DESIGN TYPE 7 IN RAVINE

PRE-DEVELOPMENT AREA = 6.36 Ac ±

- HYDRAULIC LENGTH = 600 FT
- AVERAGE SLOPE OF WATERSHED = .0775 FT/FT = 7.75% ~~7.5%~~
- CURVE NUMBER

			CN
4.43 ACRES	WOODED IN SOIL GROUP	C	73
0.28 ACRES	WOODED IN SOIL GROUP	B	60
1.25 ACRES	RESIDENTIAL 1/3 ACRE IN SOIL GROUP	B	72
0.40 ACRES	ROAD IN SOIL GROUP	B	98

Not Good use

$$CN = \frac{(4.43)(73) + (0.28)(60) + (1.25)(72) + (0.40)(98)}{6.36 \text{ Ac} \pm} = \underline{73.80}$$

POST-DEVELOPMENT AREA = 6.36 Ac ±

- HYDRAULIC LENGTH = 600 FT
- AVERAGE SLOPE OF WATERSHED = .0775 FT/FT = 7.75%
- CURVE NUMBER

			CN
0.18 ACRES	WOODED IN SOIL GROUP	C	73
0.45 ACRES	ROAD IN SOIL GROUP	B	98
0.45 ACRES	ROAD IN SOIL GROUP	C	98
1.60 ACRES	RESIDENTIAL 1/3 ACRE IN SOIL GROUP	B	72
3.73 ACRES	IN SOIL GROUP	C	81

$$CN = \frac{(0.18)(73) + (0.85)(98) + (1.60)(72) + (3.73)(81)}{6.36 \text{ Ac} \pm} = \underline{80.78}$$

POND #1 STAGE-STORAGE VOLUME TABLE

ELEVATION	SURFACE AREA (FT^2)	ΔH (FT)	ΔV (FT^3)	ACCUM. VOLUME (FT^3)
19.00	0			
20.00	70	1	35	35
22.00	700	2	770	805
24.00	1750	2	2450	3255
26.00	3250	2	5000	8255

SETTLERS MILL AT SHAMSTOWN

SEC 2

POND #1 CONTINUED

ELEVATION	SURFACE AREA (FT²)	ΔH (FT)	ΔV (FT³)	ACCUM. VOLUME (FT³)
27.00	4050	1	3650	11,905
28.00	4800	1	4400	16,305
29.00	6000	1	5400	21,705
30.00	6950	1	6475	28,180
32.00	10,600	2	17,550	45,730

DESIGN TYPE 7 $V = 4\ V_r$ D.A. (MEAN STORM RUNOFF)

$V_r = 0.05 + (0.009)$ % IMPERVIOUS AREA

$V_r = 0.05 + (0.009)\ 30 = 0.32$

MEAN STORM RUNOFF = ½"

REQUIRED VOLUME = 4(.32)(6.36 AC)(43,560 FT²/AC)(½")(1'/12") = 14,776 CU FT.

@ ELEV. = 27.63 FT ✓

WITH RISER @ 27.75' WE WILL HAVE A DESIGN TYPE 7.
10 YR POST IS STORED AT ELEV. = 30.62' AND RELEASES 11.23 CFS.
11.23 CFS < 2YR PEAK OF 11.56 CFS.

PLACE EMERGENCY SPILLWAY @ 30.62' WITH 9' WIDE WEIR.
MAX ELEV. IN 100 YR POST = 32.09 FT.
TOP OF DAM = 32.50 FT.
EMERGENCY SPILLWAY IS TRAPEZOIDAL DITCH W/ 9' BOTTOM AND 2:1 SS, 1.5' DEEP.

HYDROLOGIC REPORT

SETTLERS MILL, SEC. 2.
PRE-DEV. FLOW. 2 YR...
POND #1.....

Hyd. No. 1

Hydrograph type	= S.C.S. RUNOFF	Peak discharge	= 11.58 cfs
Storm frequency	= 2 yr	Time interval	= 10 min
Basin area	= 6.36 ac	Basin curve No.	= 73.8
Ave basin slope	= 7.75 %	Hydraulic len	= 600 ft
Basin lag	= 5.5 min ?	Time of concen	= 9.13 min
Total precip.	= 3.60 in	Distribution	= S.C.S. II

HYDROGRAPH DISCHARGE TABLE

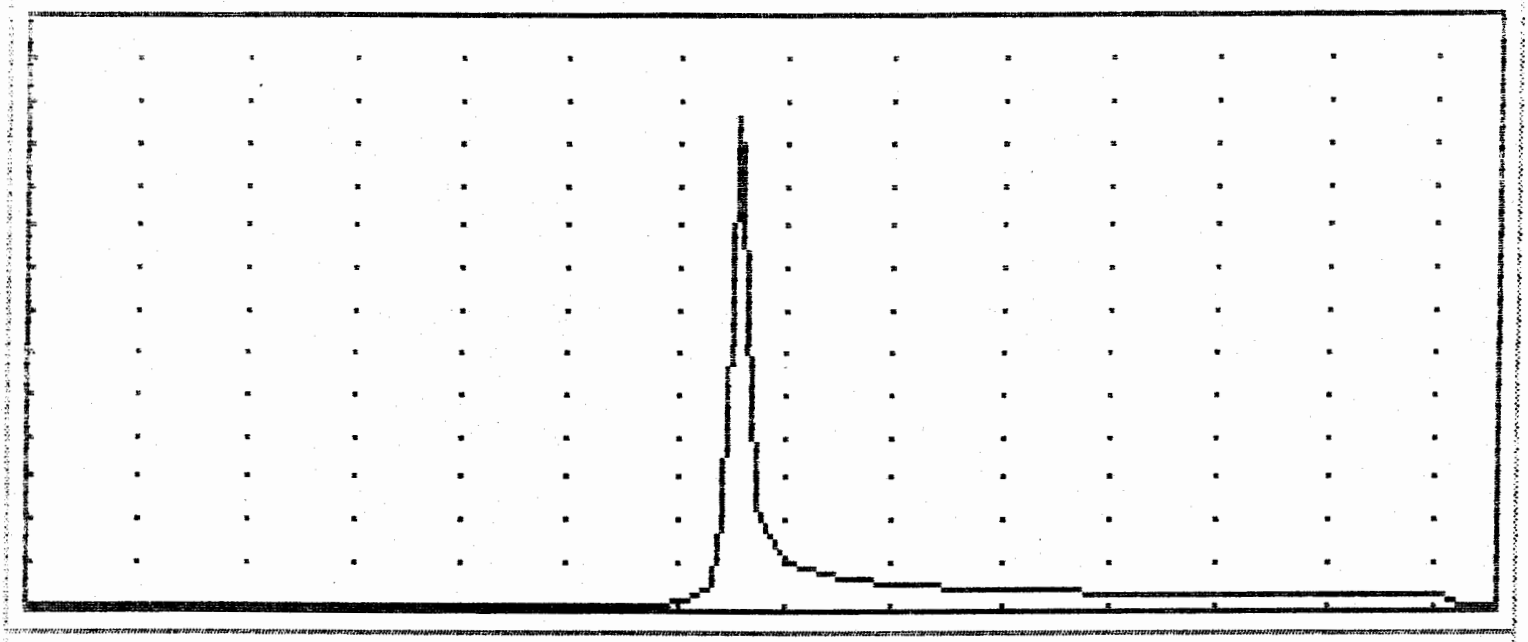
TIME--OUTFLOW (hrs cfs)		TIME--OUTFLOW (hrs cfs)		TIME--OUTFLOW (hrs cfs)		TIME--OUTFLOW (hrs cfS)	
11.50	0.36	11.67	1.21	11.83	4.87	12.00	11.58
12.17	6.44	12.33	2.27	12.50	1.76	12.67	1.37
12.83	1.18	13.00	1.06	13.17	0.95	13.33	0.87

PRE-DEV. 2 YR HYDROGRAPH

4)

Qp = 11.6 S.C.S. RUNOFF To = 8

↳ MAX. ALLOWABLE DISCHARGE



HGU = 110 min 1 VGU = 1.0 cfs

[F1] Scr [F2] Prt [F3] Edt [F4] Menu

[F5] S dn [F6] S up [F7] Enl [F8] Red

5)

HYDROLOGIC REPORT

SETTLERS MILL, SEC. 2.
POST-DEV. FLOW..2 YR..
POND #1.....

Hyd. No. 2

Hydrograph type	= S.C.S. RUNOFF	Peak discharge	= 16.15 cfs
Storm frequency	= 2 yr	Time interval	= 10 min
Basin area	= 6.36 ac	Basin curve No.	= 80.78
Ave basin slope	= 7.75 %	Hydraulic len	= 600 ft
Basin lag	= 4.4 min	Time of concen	= 7.42 min
Total precip.	= 3.60 in	Distribution	= S.C.S. II

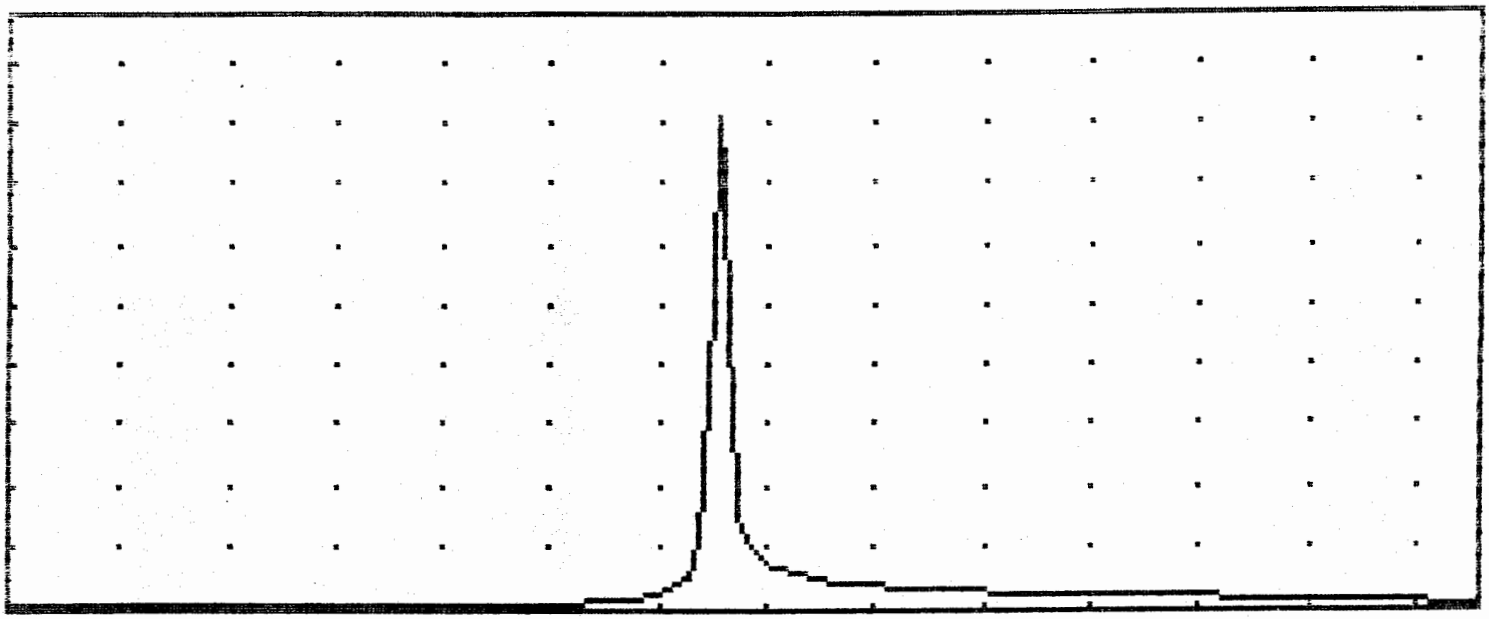
HYDROGRAPH DISCHARGE TABLE

TIME--OUTFLOW (hrs cfs)		TIME--OUTFLOW (hrs cfs)		TIME--OUTFLOW (hrs cfs)		TIME--OUTFLOW (hrs cfS)	
11.50	0.86	11.67	2.42	11.83	7.89	12.00	16.15
12.17	8.58	12.33	2.89	12.50	2.22	12.67	1.71
12.83	1.46	13.00	1.31	13.17	1.17	13.33	1.08

POST-DEV. 2 YR HYDROGRAPH

6)

Qp = 16.2 S.C.S. RUNOFF To = 0



HGU = 110 min 2 VGU = 2.0 cfs

[F1] Scr [F2] Prt [F3] Edt [F4] Menu

[F5] S dn [F6] S up [F7] Enl [F8] Red

HYDROLOGIC REPORT

SEE SHEET # 20 FOR PRINCIPLE SPILLWAY DETAIL

SETTLERS MILL, SEC. 2.
THROUGH STRUCTURE...(2 Yr.)
POND #1.....

Hyd. No. 3

Hydrograph type = RESERVOIR ROUTE Peak discharge = 10.22 cfs
Storm frequency = 2 yr Time interval = 10 min
Inflow hyd. no. = 2 Reservoir no. = 1

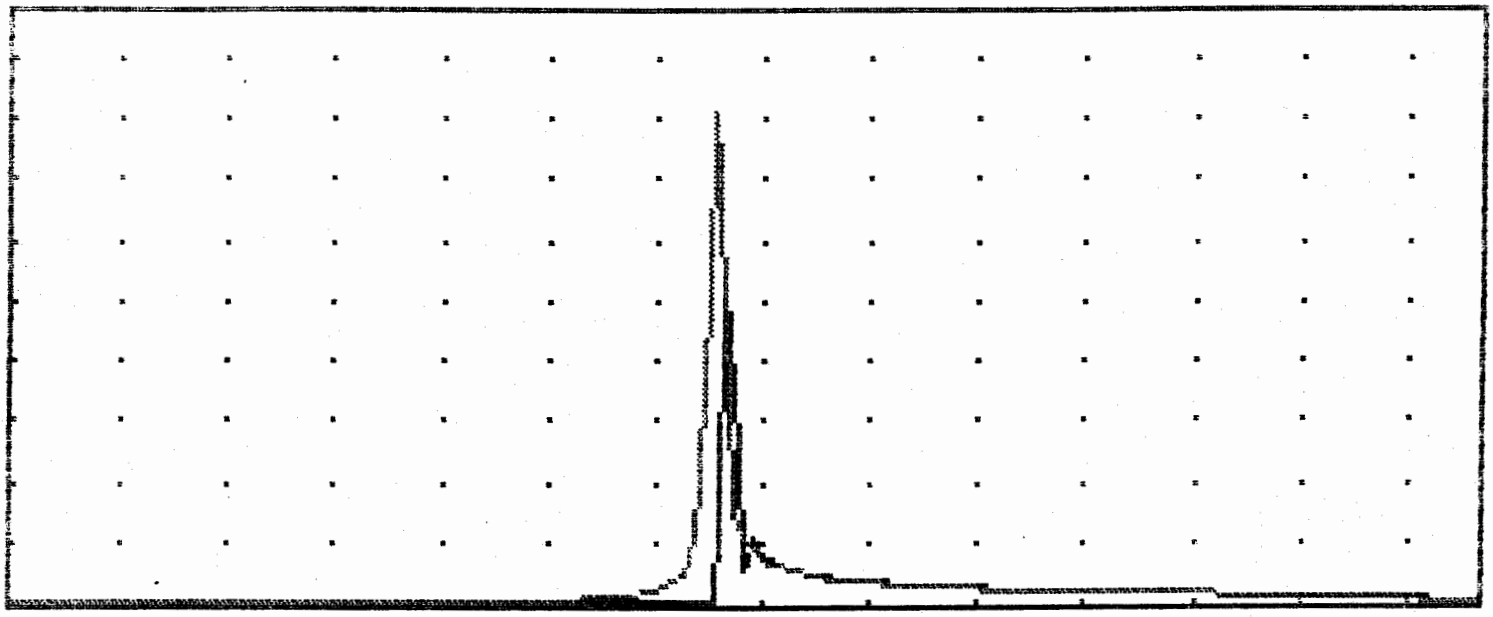
HYDROGRAPH DISCHARGE TABLE

TIME hrs	INFLOW (i) cfs	INFLOW (j) cfs	2S/dt-O (i) cfs	2S/dt+O (j) cfs	OUTFLOW cfs
11.67	2.42	7.89	10.43	10.43	0.00
11.83	7.89	16.15	20.74	20.74	0.00
12.00	16.15	8.58	44.78	44.78	0.00
12.17	8.58	2.89	49.07	69.51	10.22
12.33	2.89	2.22	47.28	60.54	6.63
12.50	2.22	1.71	50.19	52.38	1.09
12.67	1.71	1.46	49.69	54.11	2.21
12.83	1.46	1.31	50.13	52.86	1.37
13.00	1.31	1.17	50.12	52.90	1.39
13.17	1.17	1.08	50.21	52.60	1.19
13.33	1.08	0.99	50.20	52.46	1.13
13.50	0.99	0.91	50.18	52.27	1.04

Maximum outflow (cfs) = 10.22 < MAX. ALLOWABLE DISCHARGE OF 11.6 CFS
Maximum storage (cu ft) = 17788
Maximum elevation (ft) = 28.27 27.75' - riser elev.

POST-DEV. 2YR. STORM THROUGH PRINCIPLE SPILLWAY 8)

Qp = 10.2 RESERVOIR ROUTE To = 0



HGU = 110 min 3 VGU = 2.0 cfs

[F1] Scr [F2] Prt [F3] Edt [F4] Menu

[F5] S dn [F6] S up [F7] Enl [F8] Red

HYDROLOGIC REPORT

SETTLERS MILL, SEC. 2.
POST-DEV. FLOW. 10 YR.
POND #1.....

Hyd. No. 5

Hydrograph type	= S.C.S. RUNOFF	Peak discharge	= 31.56 cfs
Storm frequency	= 10 yr	Time interval	= 10 min
Basin area	= 6.36 ac	Basin curve No.	= 80.78
Ave basin slope	= 7.75 %	Hydraulic len	= 600 ft
Basin lag	= 4.4 min	Time of concen	= 7.42 min
Total precip.	= 5.60 in	Distribution	= S.C.S. II

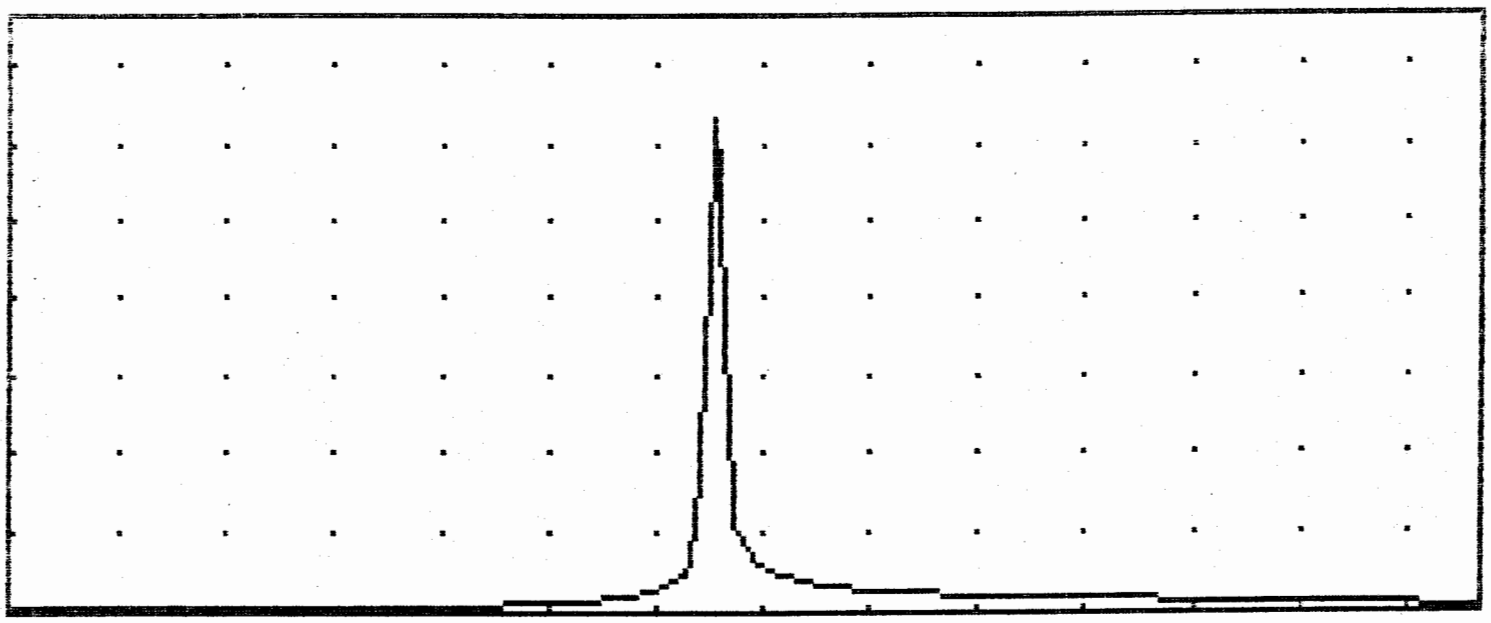
HYDROGRAPH DISCHARGE TABLE

TIME--OUTFLOW (hrs cfs)		TIME--OUTFLOW (hrs cfs)		TIME--OUTFLOW (hrs cfs)		TIME--OUTFLOW (hrs cfS)	
10.83	1.00	11.00	1.17	11.17	1.34	11.33	1.73
11.50	2.20	11.67	5.75	11.83	16.90	12.00	31.56
12.17	16.24	12.33	5.27	12.50	4.02	12.67	3.08
12.83	2.63	13.00	2.35	13.17	2.10	13.33	1.92
13.50	1.77	13.67	1.62	13.83	1.50	14.00	1.39
14.17	1.30	14.33	1.25	14.50	1.21	14.67	1.17
14.83	1.13	15.00	1.09	15.17	1.05	15.33	1.01

POST-DEV. 10 YR HYDROGRAPH

10)

Qp = 31.6 S.C.S. RUNOFF To = 0



HGU = 110 min 5 VGU = 5.0 cfs

[F1] Scr [F2] Prt [F3] Edt [F4] Menu

[F5] S dn [F6] S up [F7] Enl [F8] Red

HYDROLOGIC REPORT

See SHEET #20 FOR PRINCIPLE SPILLWAY DETAIL

SETTLERS MILL, SEC. 2.
THROUGH STRUCTURE. (10 YR)
POND #1.....

Hyd. No. 6

Hydrograph type = RESERVOIR ROUTE Peak discharge = 11.23 cfs
Storm frequency = 10 yr Time interval = 10 min
Inflow hyd. no. = 5 Reservoir no. = 1

HYDROGRAPH DISCHARGE TABLE

TIME hrs	INFLOW (i) cfs	INFLOW (j) cfs	2S/dt-O (i) cfs	2S/dt+O (j) cfs	OUTFLOW cfs
10.83	1.00	1.17	14.82	14.82	0.00
11.00	1.17	1.34	16.99	16.99	0.00
11.17	1.34	1.73	19.50	19.50	0.00
11.33	1.73	2.20	22.57	22.57	0.00
11.50	2.20	5.75	26.50	26.50	0.00
11.67	5.75	16.90	34.45	34.45	0.00
11.83	16.90	31.56	48.64	57.10	4.23
12.00	31.56	16.24	75.46	97.10	10.82
12.17	16.24	5.27	100.79	123.25	11.23
12.33	5.27	4.02	99.86	122.29	11.22
12.50	4.02	3.08	87.08	109.15	11.03
12.67	3.08	2.63	72.65	94.18	10.77
12.83	2.63	2.35	57.50	78.37	10.43
13.00	2.35	2.10	46.62	62.48	7.93
13.17	2.10	1.92	50.06	51.07	0.50
13.33	1.92	1.77	49.70	54.08	2.19
13.50	1.77	1.62	49.94	53.39	1.72
13.67	1.62	1.50	49.96	53.33	1.69
13.83	1.50	1.39	50.05	53.09	1.52
14.00	1.39	1.30	50.10	52.94	1.42
14.17	1.30	1.25	50.15	52.79	1.32
14.33	1.25	1.21	50.18	52.70	1.26
14.50	1.21	1.17	50.21	52.64	1.22
14.67	1.17	1.13	50.21	52.59	1.19
14.83	1.13	1.09	50.20	52.51	1.15

HYDROGRAPH DISCHARGE TABLE Cont'd

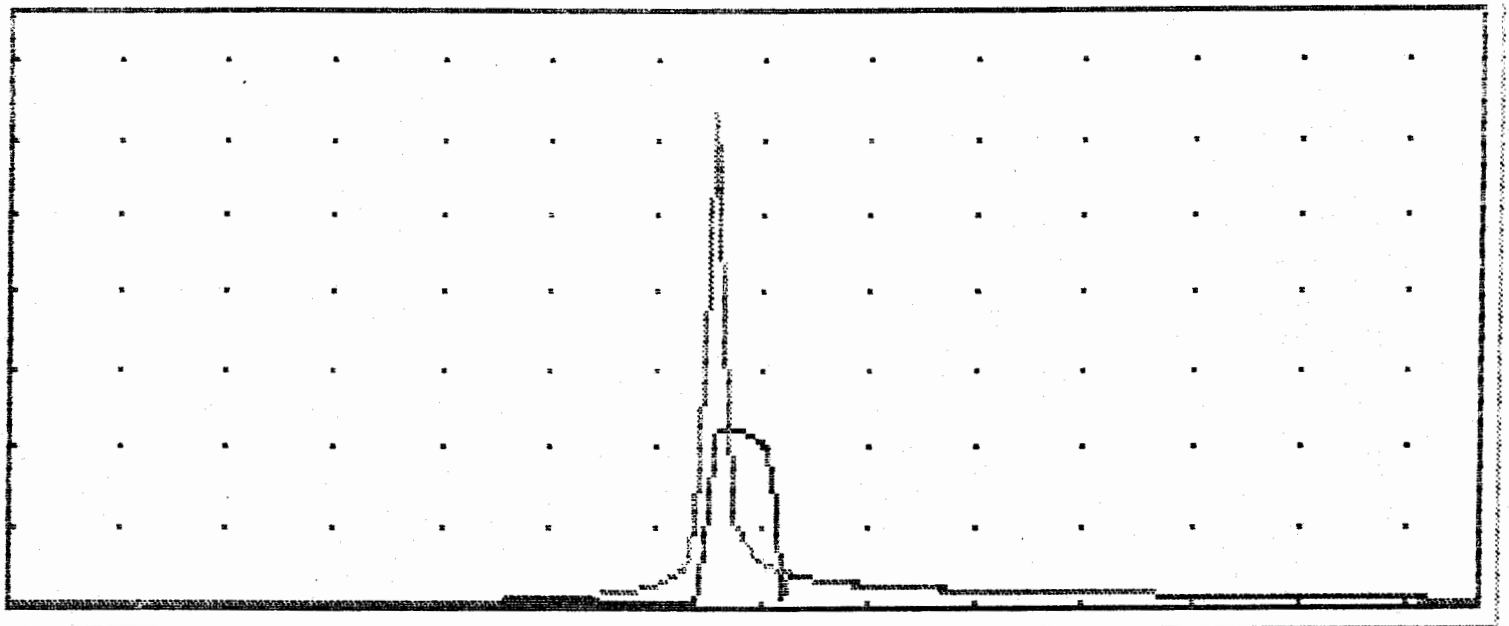
TIME hrs	INFLOW (i) cfs	INFLOW (j) cfs	2S/dt-O (i) cfs	2S/dt+O (j) cfs	OUTFLOW cfs
15.00	1.09	1.05	50.19	52.43	1.12
15.17	1.05	1.01	50.19	52.34	1.08
15.33	1.01	0.97	50.18	52.25	1.04

Maximum outflow (cfs) = 11.23 < MAX ALLOWABLE DISCHARGE OF 11.6 CFS
Maximum storage (cu ft) = 33606
Maximum elevation (ft) = 30.62

10 YR STORM THROUGH PRINCIPALS SPILLWAY

13)

Qp = 11.2 RESERVOIR ROUTE To = 0



HGU = 110 min 6 VGU = 5.0 cfs

[F1] Scr [F2] Prt [F3] Edt [F4] Menu

[F5] S dn [F6] S up [F7] Enl [F8] Red

HYDROLOGIC REPORT

SETTLERS MILL, SEC. 2.
POST-DEV. FLOW 100 YR.
POND #1.....

Hyd. No. 7

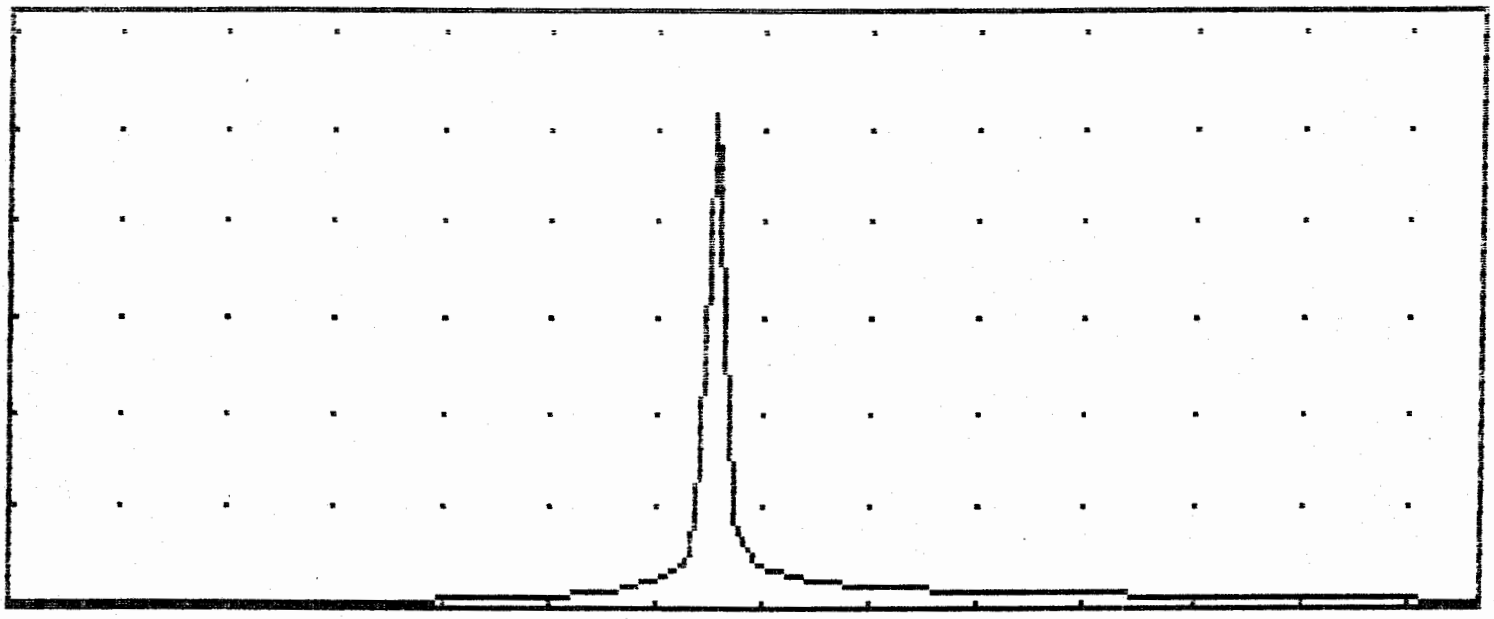
Hydrograph type	= S.C.S. RUNOFF	Peak discharge	= 51.34 cfs
Storm frequency	= 100 yr	Time interval	= 10 min
Basin area	= 6.36 ac	Basin curve No.	= 80.78
Ave basin slope	= 7.75 %	Hydraulic len	= 600 ft
Basin lag	= 4.4 min	Time of concen	= 7.42 min
Total precip.	= 8.10 in	Distribution	= S.C.S. II

HYDROGRAPH DISCHARGE TABLE

TIME--OUTFLOW (hrs cfs)		TIME--OUTFLOW (hrs cfs)		TIME--OUTFLOW (hrs cfs)		TIME--OUTFLOW (hrs cfS)	
9.50	0.83	9.67	0.88	9.83	0.97	10.00	1.08
10.17	1.21	10.33	1.36	10.50	1.53	10.67	1.74
10.83	2.01	11.00	2.30	11.17	2.59	11.33	3.29
11.50	4.10	11.67	10.37	11.83	28.91	12.00	51.34
12.17	25.94	12.33	8.25	12.50	6.28	12.67	4.80
12.83	4.09	13.00	3.64	13.17	3.26	13.33	2.98
13.50	2.73	13.67	2.51	13.83	2.32	14.00	2.14
14.17	2.00	14.33	1.92	14.50	1.86	14.67	1.80
14.83	1.74	15.00	1.68	15.17	1.62	15.33	1.55
15.50	1.49	15.67	1.43	15.83	1.37	16.00	1.30
16.17	1.25	16.33	1.23	16.50	1.20	16.67	1.18
16.83	1.16	17.00	1.14	17.17	1.11	17.33	1.09
17.50	1.07	17.67	1.05	17.83	1.03	18.00	1.00

POST-DEV. 100 YR HYDROGRAPH 15)

Qp = 51.3 S.C.S. RUNOFF To = 0



HGU = 110 min 7 VGU = 10.0 cfs

[F1] Scr [F2] Prt [F3] Edt [F4] Menu

[F5] S dn [F6] S up [F7] Enl [F8] Red

HYDROLOGIC REPORT

SEE SHEET #20 FOR EMERGENCY SPILLWAY DETAIL

SETTLERS MILL,SEC. 2..
EMERGENCY SPILLWAY.(100 yr)
POND #1.....

Hyd. No. 9

Hydrograph type = RESERVOIR ROUTE Peak discharge = 33.25 cfs
Storm frequency = 100 yr Time interval = 10 min
Inflow hyd. no. = 7 Reservoir no. = 1

HYDROGRAPH DISCHARGE TABLE

TIME hrs	INFLOW (i) cfs	INFLOW (j) cfs	2S/dt-O (i) cfs	2S/dt+O (j) cfs	OUTFLOW cfs
10.00	1.08	1.21	23.37	23.37	0.00
10.17	1.21	1.36	25.66	25.66	0.00
10.33	1.36	1.53	28.22	28.22	0.00
10.50	1.53	1.74	31.11	31.11	0.00
10.67	1.74	2.01	34.38	34.38	0.00
10.83	2.01	2.30	38.13	38.13	0.00
11.00	2.30	2.59	42.44	42.44	0.00
11.17	2.59	3.29	47.33	47.33	0.00
11.33	3.29	4.10	50.01	53.21	1.60
11.50	4.10	10.37	48.53	57.40	4.44
11.67	10.37	28.91	46.54	62.99	8.23
11.83	28.91	51.34	64.61	85.81	10.60
12.00	51.34	25.94	111.90	144.87	16.48
12.17	25.94	8.25	122.67	189.18	33.25
12.33	8.25	6.28	115.62	156.86	20.62
12.50	6.28	4.80	105.40	130.15	12.37
12.67	4.80	4.09	94.21	116.48	11.14
12.83	4.09	3.64	81.22	103.10	10.94
13.00	3.64	3.26	67.63	88.96	10.66
13.17	3.26	2.98	53.85	74.53	10.34
13.33	2.98	2.73	47.46	60.08	6.31
13.50	2.73	2.51	50.02	53.17	1.57
13.67	2.51	2.32	49.29	55.26	2.99
13.83	2.32	2.14	49.69	54.11	2.21
14.00	2.14	2.00	49.68	54.15	2.24

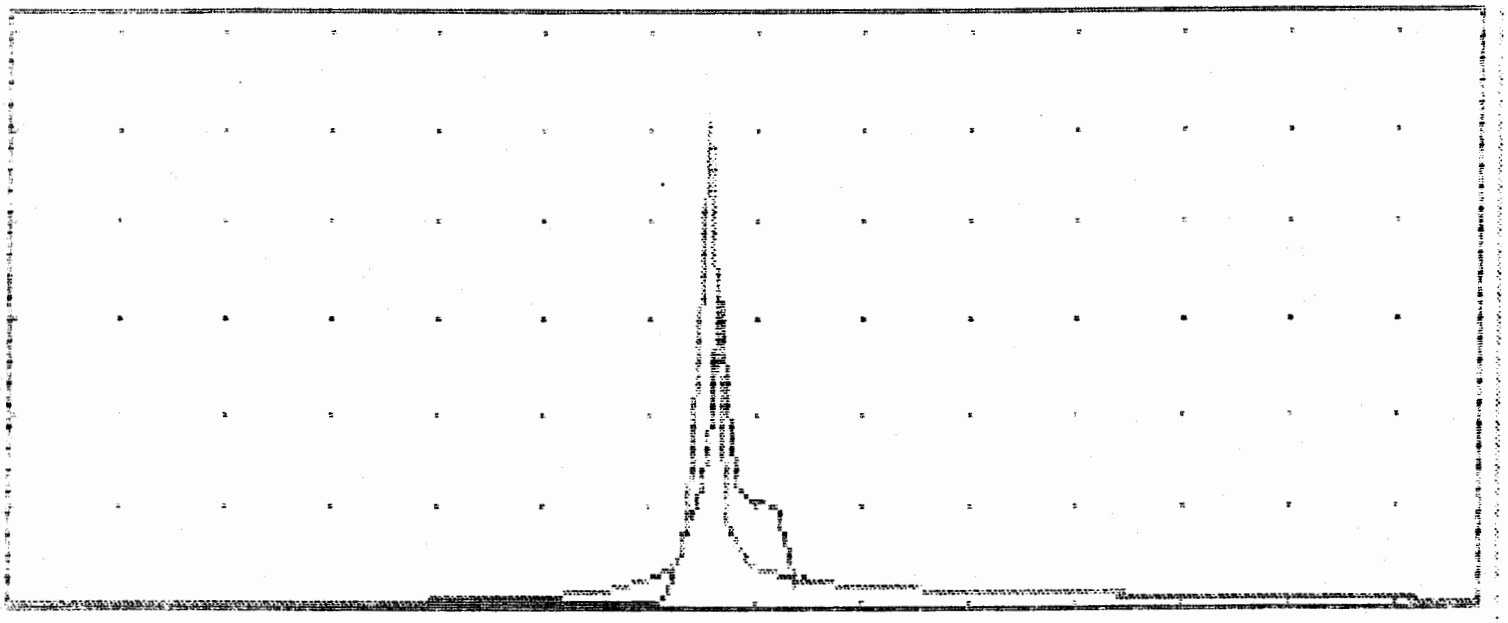
HYDROGRAPH STORAGE TABLE (Dam)

TIME hrs	INFLOW (i) cfs	INFLOW (j) cfs	2S/dt+O (i) cfs	2S/dt+O (j) cfs	OUTFLOW cfs
4.11	2.10	1.98	49.79	53.08	2.32
4.33	1.92	1.90	49.83	53.73	1.95
4.50	1.86	1.82	49.86	53.61	1.87
4.67	1.80	1.78	49.90	53.53	1.82
14.83	1.74	1.68	49.93	53.47	1.75
15.00	1.68	1.62	49.96	53.34	1.69
15.17	1.62	1.55	49.99	53.25	1.63
15.33	1.55	1.50	50.02	53.16	1.57
15.50	1.49	1.44	50.06	53.07	1.51
15.67	1.43	1.37	50.09	52.95	1.44
15.83	1.37	1.31	50.13	52.88	1.38
16.00	1.30	1.25	50.15	52.79	1.32
16.17	1.25	1.23	50.17	52.71	1.27
16.33	1.22	1.20	50.20	52.66	1.23
16.50	1.20	1.17	50.21	52.63	1.21
16.67	1.18	1.14	50.21	52.59	1.19
16.83	1.16	1.12	50.21	52.57	1.17
17.00	1.15	1.11	50.20	52.50	1.15
17.17	1.11	1.09	50.20	52.45	1.13
17.33	1.09	1.07	50.19	52.40	1.11
17.50	1.07	1.05	50.19	52.35	1.08
17.67	1.05	1.03	50.18	52.30	1.06
17.83	1.03	1.00	50.18	52.25	1.04
18.00	1.00	0.98	50.17	52.21	1.02

Maximum outflow (cfs) = 31.25
Maximum storage (cu ft) = 47777
Maximum elevation (ft) = 32.00 < 33.00 top of Dam

100 YR STORM THROUGH PRINCIPLE & EMERGENCY SPILLWAYS

TE = 33.3 RESERVOIR ROUTE To = 5



HGU = 110 min 9 VGU = 10.0 cfs

[F1] Scr [F2] Prt [F3] Edt [F4] Menu

[F5] S dn [F6] S up [F7] Enl [F8] Red

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CULVERT STRUC A. Q=Cd*A*(2gH)^.5                CULVERT STRUC B. Q=Cd*A*(2gH)^.5
    OUTFALL PIPE
 1. WIDTH (in)        = 12.                      9. WIDTH (in)        = 0..
 2. HEIGHT (in)       = 12.                     10. HEIGHT (in)       = 0..
 3. No. BARRELS       = 1..                     11. No. BARRELS       = 0..
 4. INVERT ELEV.      = 19.......               12. INVERT ELEV.      = 0........
 5. Cd = 0.60                                   13. Cd = 0.60
 6. CULVERT LENGTH (ft) = 90..                  14. CULVERT LENGTH (ft) = 0...
 7. CULVERT SLOPE (%)   = 3.33                  15. CULVERT SLOPE (%)   = 0...
 8. MANNING'S N-VALUE   = .013                  16. MANNING'S N-VALUE   = .013
                                                17. MULTI-STAGE OPTION ? (Y/N) N

WEIR STRUCTURE A.        Q=CwLH^EXP            WEIR STRUCTURE B.        Q=CwLH^EXP
    48" RISER PIPE (PRINCIPLE SPILLWAY)             EMERGENCY SPILLWAY
18. CREST LENGTH (ft)   = 12.57..               23. CREST LENGTH (ft)   = 4......
19. CREST ELEVATION     = 27.75..               24. CREST ELEVATION     = 30.62..
20. Cw = 3.00                                   25. Cw = 3.00
21. EXP = 1.15                                  26. EXP = 1.50
22. MULTI-STAGE OPTION ? (Y/N) Y                27. MULTI-STAGE OPTION ? (Y/N) N

Change item number: 0                                                   DY to cont
```

16)

Reservoir No. 1 OUTLET STRUCTURES

```
CULVERT STRUC  A. Q=CoA[2gh/k]^.5      CULVERT STRUC  B. Q=CoA[2gh/k]^.5
     OUTFALL PIPE
 1. WIDTH  (in)     = 15.               9. WIDTH  (in)     = 0..
 2. HEIGHT (in)     = 15.              10. HEIGHT (in)     = 0..
 3. No. BARRELS     = 1..              11. No. BARRELS     = 0..
 4. INVERT ELEV.    = 20.......        12. INVERT ELEV.    = 0........
 5. Co = 0.60                          13. Co = 0.60
 6. CULVERT LENGTH (ft) = 88..         14. CULVERT LENGTH (ft) = 0...
 7. CULVERT SLOPE (%)   = 2.25         15. CULVERT SLOPE (%)   = 0...
 8. MANNING'S N-VALUE   = .013         16. MANNING'S N-VALUE   = .013
                                       17. MULTI-STAGE OPTION ? (Y/N) N

WEIR STRUCTURE A.       Q=CwLH^EXP    WEIR STRUCTURE B.       Q=CwLH^EXP
48" RISER PIPE (PRINCIPLE SPILLWAY)        EMERGENCY SPILLWAY
18. CREST LENGTH (ft)  = 12.57..      23. CREST LENGTH (ft)  = 6......
19. CREST ELEVATION    = 28.5...      24. CREST ELEVATION    = 29.77..
20. Cw = 3.00                         25. Cw = 3.00
21. EXP = 1.15                        26. EXP = 1.50
22. MULTI-STAGE OPTION ? (Y/N) Y      27. MULTI-STAGE OPTION ? (Y/N) N
```

Change item number: 0 DY to cont

WATERSHED	MC	MAINTENANCE PLAN	No	CTRL STRUC DESC	
BMP ID NO	029	SITE AREA acre	0	CTRL STRUC SIZE inches	
PLAN NO		LAND USE	SFRES	OTLT BARRL DESC	RCP
TAX PARCEL	(47-4)(9-14)	old BMP TYP	WET	OTLT BARRL SIZE inch	12
PIN NO	47409000014	JCC BMP CODE			
CONSTRUCTION DATE	10/1/1991	POINT VALUE	9	EMERG SPILLWAY	Yes
PROJECT NAME	Settlers Mill Sec. 2, BMP 1 of 2			DESIGN HW ELEV	
FACILITY LOCATION	120 Wood Pond Circle			PERM POOL ELEV	27.75
CITY-STATE	Williamsburg, VA	SVC DRAIN AREA acres	6.36	2-YR OUTFLOW cfs	17.50
CURRENT OWNER	Settlers Mill Association			10-YR OUTFLOW cfs	22.50
OWNER ADDRESS	PO Box 1295			REC DRAWING	No
OWNER ADDRESS 2		SERVICE AREA DESCRI	NONE		
CITY-STATE-ZIP CODE	Williamsburg, VA 23187	IMPERV AREA acres		CONSTR CERTIF	No
OWNER PHONE		RECV STREAM	LAKE POWELL		
MAINT AGREEMENT	Yes	EXT DET-WQ-CTRL	No	LAST INSP DATE	1/11/2001
EMERG ACTION PLAN	No	WTR QUAL VOL acre-ft	0.34	INTERNAL RATING	3
		CHAN PROT CTRL	No	MISC/COMMENTS	
		CHAN PROT VOL acre-ft	0.41		
		SW/FLOOD CONTROL	No		
		GEOTECH REPORT	No		

Get Last BMP No

Return to Menu

From this point forward the file is not certified. The list below details the documents that have been added to the file, the person that added the documents and the date they were added.

Name	Content	Date
Jo Anna Ripley	MC007,MC016, MC029, MC030 SETTLERS MILL ASSOCIATION DOC #090027576 RE: LOT29	1/14/2014
Jo Anna Ripley	MC007, MC016, MC029, MC030 DEED OF GIFT DOC #000009283	1/14/2014

MC007, MC016, MC029, MC030

090027576

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF WILLIAMSBURG
AND JAMES CITY COUNTY

SETTLERS MILL ASSOCIATION,

Plaintiff,

v. Civil Case No. CL08-657-00

LAWRENCE E. LUCK
and
TRACY M. LUCK,

Defendants.

FINAL JUDGMENT ORDER

On September 18, 2009 came the Plaintiff, Settlers Mill Association, and the Defendants, Lawrence E. Luck and Tracy M. Luck, in person and by counsel, on the Plaintiff's Complaint for declaratory judgment. Upon consideration whereof, and the pleadings and papers filed herein, and of the evidence and argument of counsel, *ore tenus*, the Court finds and declares:

A. That, as pertaining to Lot 29 ("Lot 29") as shown on Plat of Lakewood Section II Lot 1 thru Lot 29, which is recorded in Plat Book 45, page 80 in the land records of the Clerk of this Court, the First Amendment to Declaration of Covenants and Restrictions ("First Amendment"), which is recorded in Deed Book 476, page 143 in the land records of the Clerk of this Court and Second Amendment to Declaration of Covenants and Restrictions ("Second Amendment"), which is recorded as Instrument No. 050026910 in the land records of the Clerk of this Court, as corrected by Correction of Clerical Error, which is recorded as Instrument No. 070025362 in the land records of the Clerk of this Court are not valid amendments of the Declaration of Covenants and Restrictions, which is recorded in Deed Book 352, page 122 in the

land records of the Clerk of this Court ("Original Declaration);

B. That Lot 29 is not subject to the provisions of the Original Declaration, as amended; and,

C. That Lot 29 is not subject to architectural review as described in the Original Declaration, as amended. Accordingly, it is

ORDERED that judgment be and hereby is entered for the Defendants denying the relief requested by the Plaintiff, and the claims of the Plaintiff are hereby dismissed, with prejudice. It is further

ORDERED that each party shall bear its or their own attorney's fees and costs. It is further

ORDERED that the Clerk record this Final Judgment Order forthwith in the land records of the Circuit Court of the County of James City with **SETTLERS MILL ASSOCIATION**, Lawrence E. **LUCK** and Tracy M. **LUCK** to be indexed as Grantors and Lawrence E. **LUCK** and Tracy M. **LUCK** to be indexed as Grantees.

The Clerk is directed to send attested copies hereof to counsel of record.

ENTER / , October 6, 2009

Martin J. Fox
Judge

I ask for this:

Lawrence E. Luck
VSB No. 26404
TRACY MCMURTRIE LUCK & ASSOCIATES
3917 Midlands Rd., Bldg. Two, Ste. 100
Williamsburg, Virginia 23188
(757) 221-0284
(757) 229-4670 (facsimile)
Counsel for Defendants

Seen and objected to: FOR THE REASONS STATED BELOW AND THE REASONS SET OUT IN PLAINTIFF'S OPENING BRIEF AND PLAINTIFF'S REBUTTAL BRIEF PREVIOUSLY FILED HEREIN.

Sheldon M. Franck, Esquire
GEDDY, HARRIS, FRANCK & HICKMAN, L.L.P.
1177 Jamestown Rd.
Williamsburg, Virginia
(757) 220-6500
Counsel for Plaintiff

THE PLAINTIFF EXCEPTS TO ANY FINDINGS BY THE COURT THAT THE ORIGINAL DECLARATION, AS AMENDED BY THE FIRST AMENDMENT, SECOND AMENDMENT AND CORRECTION OF CLERICAL ERROR, CONTAINS ANY AMBIGUITY WHICH WOULD IMPAIR ITS ENFORCEMENT.

Printed On 10/24/2013 By JCC STORM WATER

File MC007, MC016, MC029, MC030

000009283

THIS DEED OF GIFT IS EXEMPT FROM RECORDATION TAXES UNDER THE CODE OF VIRGINIA SECTION 58.1-811 (D).

DEED OF GIFT AND DEDICATION

THIS DEED OF GIFT AND DEDICATION, MADE the 4th day of May, in the year 2000, between

SETTLERS MILL, INCORPORATED, a Virginia corporation, Grantor, and **SETTLERS MILL ASSOCIATION, a Virginia corporation,** Grantee.

WITNESSETH:

That in accordance with the Declaration of Covenants and Restrictions recorded in James City County Deed Book 536 Page 558, as amended the said Grantor does grant and convey, with **SPECIAL WARRANTY OF TITLE** unto the said Grantee the following described property, to-wit:

PARCEL 1: RECREATION LOT

All that certain lot, piece or parcel of land situate, lying and being in James City County, Virginia, known and designated as "Recreation Lot 109,925 S.F. ± 2.524 AC ±" as shown on that certain plat entitled, "PLAT SHOWING RECREATION LOT SETTLERS MILL OWNER/DEVELOPER: SETTLERS MILL, INC. JAMES CITY COUNTY, VIRGINIA" dated January 14, 1991 and made by AES Consulting Engineers and duly recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia in Plat Book 59 Page 41.

MAY 15 00 0045

This document prepared by
Geddy, Harris, Franck & Hickman, L L P

Printed On 10/24/2013 By JCC STORM WATER

PARCEL 2: COMMON AREA, SECTION 2A

All that certain lot, piece or parcel of land situate, lying and being in James City County, Virginia, known and designated as "Common Area 46.683 S.F. 1.0717 AC ±" as shown on that certain plat entitled "PLAT OF SUBDIVISION SETTLERS MILL AT JAMESTOWN SECTION 2A OWNER: SETTLERS MILL INC. JAMESTOWN DISTRICT JAMES CITY COUNTY VIRGINIA" dated June 1991, made by AES Consulting Engineers and duly recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia in Plat Book 55 Page 42.

PARCEL 3: COMMON AREA, SECTION 3B

All those certain lots, pieces or parcels of land situate, lying and being in James City County, Virginia known and designated as "Common Area" as shown on that certain plat entitled "PLAT OF SUBDIVISION SETTLERS MILL AT JAMESTOWN SECTION 3B FOR SETTLERS MILL, INC. JAMES CITY COUNTY, JAMESTOWN DISTRICT, VIRGINIA" dated November 10, 1994, made by Langley and McDonald, P.C. and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia in Plat Book 60 Pages 77 and 78.

MAY 15 8 0046

PARCEL 4: COMMON AND CONSERVATION AREA, SECTION 4

All those certain lots, pieces or parcels of land situate, lying and being in James City County, Virginia known and designated as "Common and Conservation Area 12,038.9 S.F. 0.2764 AC", "Common and Conservation Area 37,641 S.F. 0.8641 AC" and "Conservation and Common Area 12,328.6 S.F. 0.2830 AC" as shown on that certain plat entitled "PLAT OF SETTLERS MILL AT JAMESTOWN SECTION 4 FOR SETTLERS MILL, INC. JAMESTOWN DISTRICT JAMES CITY COUNTY, VIRGINIA" dated August 22, 1995, made by Langley and McDonald, P.C. and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia in Plat Book 63 Pages 18 - 20.

Printed On 10/24/2013 By JCC STORM WATER

PARCEL 5: COMMON AND CONSERVATION AREA, SECTION 5

All those certain lots, pieces or parcels of land, situate, lying and being in James City County, Virginia known and designated as "Common and Conservation Area 29,489 SQ. FT. 0.6770 Acres", "Conservation and Common Area 23,104 SQ FT. 0.5304 Acres", "Common Area and Conservation Area 27,116 SQ. FT. 0.6225 AC." and "Common and Conservation Area 29,860 SQ. FT. 0.6855 AC", as shown on that certain plat entitled "PLAT OF SETTLERS MILL AT JAMESTOWN SECTION 5 FOR SETTLERS MILL, INC. BERKELEY DISTRICT JAMES CITY COUNTY, VIRGINIA" dated April 30, 1997, made by Langley and McDonald, P.C. and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia in Plat Book 66 Pages 97-100.

PARCEL 6: COMMON AND CONSERVATION AREA, SECTION 6

All that certain lot, piece or parcel of land, situate, lying and being in James City County, Virginia known and designated as "Common Area & Conservation Easement" as shown on that certain plat entitled "PLAT OF SETTLERS MILL AT JAMESTOWN SECTION 6 FOR SETTLERS MILL, INC. JAMESTOWN DISTRICT JAMES CITY COUNTY VIRGINIA" dated December 7, 1998, made by Langley and McDonald, P.C. and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia in Plat Book 73 Pages 13-15.

Together with all and singular the buildings and improvements thereon, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Subject, however, to all easements, conditions, and restrictions of record affecting said property.

Being a portion of the same property as that conveyed to the Grantor by deed dated July 5, 1990 and recorded July 31, 1990 in the aforesaid Clerk's Office in Deed Book 483, page 448.

This conveyance is made subject to all easements, restrictions and limitations of record or apparent on the ground.

MAY 15 8 0047

Whenever used herein the masculine gender shall include the feminine and neuter and the neuter gender shall include the masculine and the feminine and the singular form shall include the plural.

WITNESS the following signatures and seals:

Settlers Mill, Incorporated

By: _____(SEAL)
Larry R. McCardle, President

MAY 15 8 00 0048

STATE OF VIRGINIA

CITY OF WILLIAMSBURG

The foregoing instrument was acknowledged before me this 10th day of May, 2000 by Larry R. McCardle, President, Settlers Mill, Inc.

Marcia W. Moore
NOTARY PUBLIC

My commission expires: 10-31-2000

Grantee's Address: 1111 Old Colony Lane
Williamsburg, VA 23185

Prepared by
Geddy, Harris, Franck & Hickman, L.L.P.

VIRGINIA: City of Williamsburg and County of James City, to-wit:
This Deed of Gift was presented with certificate annexed and admitted to record on May 15, 2000, at 10:46 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 B. Woolridge, Clerk

4-4

From this point forward the file is not certified. The list below details the documents that have been added to the file, the person that added the documents and the date they were added.

Name	Content	Date
Jo Anna Ripley	MC007,MC016, MC029, MC030 SETTLERS MILL ASSOCIATION DOC #090027576 RE: LOT29	1/14/2014
Jo Anna Ripley	MC007, MC016, MC029, MC030 DEED OF GIFT DOC #000009283	1/14/2014

MC007, MC016, MC029, MC030

090027576

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v. Civil Case No. CL08-657-00

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and
TRACY M. LUCK,

Defendants.

FINAL JUDGMENT ORDER

On September 18, 2009 came the Plaintiff, Settlers Mill Association, and the Defendants, Lawrence E. Luck and Tracy M. Luck, in person and by counsel, on the Plaintiff's Complaint for declaratory judgment. Upon consideration whereof, and the pleadings and papers filed herein, and of the evidence and argument of counsel, *ore tenus*, the Court finds and declares:

A. That, as pertaining to Lot 29 ("Lot 29") as shown on Plat of Lakewood Section II Lot 1 thru Lot 29, which is recorded in Plat Book 45, page 80 in the land records of the Clerk of this Court, the First Amendment to Declaration of Covenants and Restrictions ("First Amendment"), which is recorded in Deed Book 476, page 143 in the land records of the Clerk of this Court and Second Amendment to Declaration of Covenants and Restrictions ("Second Amendment"), which is recorded as Instrument No. 050026910 in the land records of the Clerk of this Court, as corrected by Correction of Clerical Error, which is recorded as Instrument No. 070025362 in the land records of the Clerk of this Court are not valid amendments of the Declaration of Covenants and Restrictions, which is recorded in Deed Book 352, page 122 in the

land records of the Clerk of this Court ("Original Declaration);

B. That Lot 29 is not subject to the provisions of the Original Declaration, as amended; and,

C. That Lot 29 is not subject to architectural review as described in the Original Declaration, as amended. Accordingly, it is

ORDERED that judgment be and hereby is entered for the Defendants denying the relief requested by the Plaintiff, and the claims of the Plaintiff are hereby dismissed, with prejudice. It is further

ORDERED that each party shall bear its or their own attorney's fees and costs. It is further

ORDERED that the Clerk record this Final Judgment Order forthwith in the land records of the Circuit Court of the County of James City with **SETTLERS MILL ASSOCIATION**, Lawrence E. **LUCK** and Tracy M. **LUCK** to be indexed as Grantors and Lawrence E. **LUCK** and Tracy M. **LUCK** to be indexed as Grantees.

The Clerk is directed to send attested copies hereof to counsel of record.

ENTER / , October 6, 2009

Walter J. Ford
Judge

I ask for this:

Lawrence E. Luck
VSB No. 26404
TRACY MCMURTRIE LUCK & ASSOCIATES
3917 Midlands Rd., Bldg. Two, Ste. 100
Williamsburg, Virginia 23188
(757) 221-0284
(757) 229-4670 (facsimile)
Counsel for Defendants

Seen and objected to: FOR THE REASONS STATED BELOW AND THE REASONS SET OUT IN PLAINTIFF'S OPENING BRIEF AND PLAINTIFF'S REBUTTAL BRIEF PREVIOUSLY FILED HEREIN.

Sheldon M. Franck, Esquire
GEDDY, HARRIS, FRANCK & HICKMAN, L.L.P.
1177 Jamestown Rd.
Williamsburg, Virginia
(757) 220-6500
Counsel for Plaintiff

THE PLAINTIFF EXCEPTS TO ANY FINDINGS BY THE COURT THAT THE ORIGINAL DECLARATION, AS AMENDED BY THE FIRST AMENDMENT, SECOND AMENDMENT AND CORRECTION OF CLERICAL ERROR, CONTAINS ANY AMBIGUITY WHICH WOULD IMPAIR ITS ENFORCEMENT.

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PARCEL 5: COMMON AND CONSERVATION AREA, SECTION 5

All those certain lots, pieces or parcels of land, situate, lying and being in James City County, Virginia known and designated as "Common and Conservation Area 29 489

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File MC007, MC016, MC029, MC030

000009283

THIS DEED OF GIFT IS EXEMPT FROM RECORDATION TAXES UNDER THE CODE OF VIRGINIA SECTION 58.1-811 (D).

DEED OF GIFT AND DEDICATION

THIS DEED OF GIFT AND DEDICATION, MADE the 4th day of May, in the year 2000, between

SETTLERS MILL, INCORPORATED, a Virginia corporation, Grantor, and **SETTLERS MILL ASSOCIATION, a Virginia corporation,** Grantee.

WITNESSETH:

That in accordance with the Declaration of Covenants and Restrictions recorded in James City County Deed Book 536 Page 558, as amended the said Grantor does grant and convey, with **SPECIAL WARRANTY OF TITLE** unto the said Grantee the following described property, to-wit:

PARCEL 1: RECREATION LOT

All that certain lot, piece or parcel of land situate, lying and being in James City County, Virginia, known and designated as "Recreation Lot 109,925 S.F. ± 2.524 AC ±" as shown on that certain plat entitled, "PLAT SHOWING RECREATION LOT SETTLERS MILL OWNER/DEVELOPER: SETTLERS MILL, INC. JAMES CITY COUNTY, VIRGINIA" dated January 14, 1991 and made by AES Consulting Engineers and duly recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia in Plat Book 59 Page 41.

MAY 15 8 0045

This document prepared by
Geddy, Harris, Franck & Hickman, L L P

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Whenever used herein the masculine gender shall include the feminine and neuter and the neuter gender shall include the masculine and the feminine and the singular form shall include the plural.

WITNESS the following signatures and seals:

Settlers Mill, Incorporated

By: _____(SEAL)
Larry R. McCardle, President

MAY 15 8 00 48

STATE OF VIRGINIA

CITY OF WILLIAMSBURG

The foregoing instrument was acknowledged before me this 10th day of May, 2000 by Larry R. McCardle, President, Settlers Mill, Inc.

Marcia W. Moore
NOTARY PUBLIC

My commission expires: 10-31-2000

Grantee's Address: 1111 Old Colony Lane
Williamsburg, VA 23185

Prepared by
Geddy, Harris, Franck & Hickman, L L P

VIRGINIA: City of Williamsburg and County of James City, to-wit:
This Deed of Gift was presented with certificate annexed and admitted to record on May 15, 2000, at 10:46 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 B. Woolridge, Deputy Clerk

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