

RESOLUTION

AMENDMENT TO DEED OF EASEMENT AND

ACCEPTANCE OF DEED OF EASEMENT

WHEREAS, on March 25, 2003, the Board of Supervisors of James City County, Virginia (the "Board") adopted a Resolution accepting an offer to sell to the County of James City (the "County") a conservation easement on property located at 2511 and 2611 Forge Road (together, the "Property"); and

WHEREAS, the conservation easement on the Property was recorded in the Clerk's Office for the City of Williamsburg and the County of James City on July 11, 2003, as Instrument Number 030020603 (the "Easement") which, among other restrictions, limits to one the number of residences on the Property; and

WHEREAS, Woody Perry, developer of Willow Pond Estates, and Hawley Smith, manager and owner of Forge Road, LLC, have requested that the Board amend the Easement to permit up to six single-family residences on the Property in exchange for the establishment of a conservation easement on a parcel of property located at 2822 Forge Road (the "Meadows Farm"); and

WHEREAS, Section T of the Easement permits amendment upon the written consent of the grantee and grantor, Section 15.2-1800 of the Code of Virginia, 1950, as amended (the "Virginia Code") permits the County to, *inter alia*, exchange interest in real property, and Section 10.1-1700 et seq. of the Virginia Code permits localities to acquire interest in real property for the preservation of open-space land.

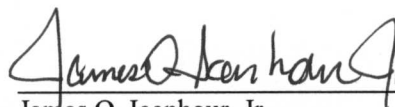
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby find that the proposed amendment to the conservation easement on property located at 2511 and 2611 Forge Road that is recorded in the Clerk's Office for the City of Williamsburg and the County of James City on July 11, 2003, as Instrument Number 030020603 (the "Easement") in exchange for a conservation easement on a parcel of property located at 2822 Forge Road is in the best interest of the citizens of James City County, furthers the goals of the County's Comprehensive Plan, and comports with the Virginia Open Space Land Act set forth in Section 10.1-1700 et seq. of the Code of Virginia.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby find that the conversion or diversion of open space land is found to be essential to the orderly development and growth of the County and is in accordance with the County's Comprehensive Plan and there is substituted other real property which is (a) of at least equal fair market value, (b) of greater value as permanent open-space land than the land converted or diverted and (c) of as nearly as feasible equivalent usefulness and location for use as permanent open-space land as is the land converted or diverted.

BE IT FURTHER RESOLVED that the County Administrator of James City County, Virginia, or his

designee, is hereby authorized to sign those documents necessary to amend the Easement to permit no more than six residences on the Property, to expressly permit equine uses, and other minor amendments as may be necessary to further the goals as articulated in the staff report and this Resolution.

BE IT FURTHER RESOLVED that the County Administrator of James City County, Virginia, or his designee, is hereby authorized to execute those documents necessary to accept a conservation easement on the property located at 2822 Forge Road and further identified as James City County Real Estate Tax Map Number 1230100018, which shall, generally conform to the County's standard conservation easement and shall at a minimum, limit residential development to not more than three residential lots with no structure being closer than 800 feet from the edge of Forge Road, and which shall be subject to the provisions of the Open-Space Land Act, section 10.1-1700 et seq. of the Virginia Code.



James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:



Teresa J. Fellows
Deputy Clerk to the Board

VOTES

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of June, 2019.

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