

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

November 23, 2004

7:00 P.M.

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A. ROLL CALL	
B. MOMENT OF SILENCE	
C. PLEDGE OF ALLEGIANCE - Sungmin Song, an eleventh-grade student at Jamestown High School	
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E. PRESENTATIONS	
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J. PUBLIC COMMENT

K. REPORTS OF THE COUNTY ADMINISTRATOR

L. BOARD REQUESTS AND DIRECTIVES

M. ADJOURNMENT

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AGENDA ITEM NO. E-2

M E M O R A N D U M

DATE: November 23, 2004

TO: The Board of Supervisors

FROM: John E. McDonald, Manager of Financial and Management Services

SUBJECT: Annual Financial Report - KPMG LLP

Included in the Reading File are the FY 04 Financial Statements for James City County and James City Service Authority. Elizabeth P. Foster, Partner at KPMG LLP, will present an overview to the Board.

John E. McDonald

JEM/tlc
audit04.mem

AGENDA ITEM NO. G-1

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 9TH DAY OF NOVEMBER, 2004, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Bruce C. Goodson, Chairman, Roberts District
Michael J. Brown, Vice Chairman, Powhatan District
John J. McGlennon, Jamestown District
M. Anderson Bradshaw, Stonehouse District
Jay T. Harrison, Sr., Berkeley District

Sanford B. Wanner, County Administrator
Leo P. Rogers, County Attorney

B. MOMENT OF SILENCE

Mr. Goodson requested the Board and citizens observe a moment of silence.

C. PLEDGE OF ALLEGIANCE

Awnya Fraizer, a Senior at Lafayette High School, led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

1. Ms. Tina Haywood, 3936 Penzance Place, stated that the Wellington Subdivision residents disagree with the benchmark for the three-tier rate system and requested that all the customers of the James City Service Authority be billed at one rate.

2. Ms. Janice Jackson, 140 Bush Springs Road, stated support for the proposed street name change of Colby Road to "Theodore Allen Road."

3. Ms. Phyllis Allen, 5668 Centerville Road, stated support for the proposed street name change of Colby Road to "Theodore Allen Road," and for the recognition of Mr. Allen's contribution to the community.

4. Mr. Trent Strong, Sr., 4029 Rochambeau Drive, stated support for the proposed street name change of Colby Road to "Theodore Allen Road."

5. Mr. William Braxton, 3824 Longhill Road, representing the Centerville Association, stated support for the proposed street name change of Colby Road to "Theodore Allen Road," and commented on Mr. Allen's contribution to the community.

6. Mr. Jimmy Williams, 5656 Centerville Road, stated support for the proposed street name change of Colby Road to "Theodore Allen Road," and commented on Mr. Allen's contribution to the community.

7. Mr. David Smith, 103 Burgundy Road, Director of Marketing and Sales for Oleta Coach Lines, requested a meeting with Williamsburg Area Transport representatives, the County Administrator, a Board member, and a representative of William & Mary to discuss Oleta's concerns.

8. Mr. Ed Oyer, 139 Indian Circle, stated concern that an architect would perform a facilities study for the schools and stated appreciation that a road in his neighborhood has been paved.

9. Ms. Phyllis Allen, 5668 Centerville Road, read a letter of support from Jacquelyn Brown, Community Activist of The Rock of Salvation Outreach Ministry, for the proposed street name change of Colby Road to "Theodore Allen Road," with comments on Mr. Allen's contribution to the community.

10. Ms. Amy Smith, 116 Colby Road, stated concern that she was just notified about the proposed name change of Colby Road and inquired if other Colby Road residents and property owners were notified of the proposal.

Mr. Brown stated that a petition signed by 17 individuals was submitted in support of the name change for Colby Road.

11. Ms. Christine E. Addotta, 116 Colby Road, suggested the Board consider another method of recognition be identified for Mr. Allen rather than the renaming of Colby Road.

E. CONSENT CALENDAR

Mr. Goodson noted that the *Award of Contract – Mid County Park Trail* has been pulled from the Board's agenda.

Mr. Harrison made a motion to adopt the amended October 26, 2004, Regular Meeting minutes and the Work Session minutes on the Consent Calendar.

On a roll call vote, the vote was: AYE: Bradshaw, Harrison, Brown, McGlennon, Goodson (5). NAY: (0).

1. Minutes
 - a. October 26, 2004, Work Session
 - b. October 26, 2004, Regular Meeting, as amended

F. PUBLIC HEARING

1. Case No. SUP-24-04. Basketville of Williamsburg

Ms. Ellen Cook, Planner, stated that Richard Costello of AES Consulting Engineers has applied on behalf of Basketville of Williamsburg, Inc., for a special use permit to expand the existing retail building by 7,500 square feet on 4.69 acres zoned B-1, General Residential, at 7761 Richmond Road and further identified as Parcel No. (1-45) on James City County Real Estate Tax Map No. (12-4).

Staff found the proposed expansion to be compatible with surrounding zoning and development and generally consistent with the Comprehensive Plan; and found the conditions will adequately address any impacts associated with the proposal.

At its meeting on October 4, 2004, the Planning Commission voted 5-0 to approve the project.

Staff recommended adoption of the resolution.

Mr. Goodson opened the Public Hearing.

1. Mr. Richard Costello, AES Consulting Engineers, was available to answer questions from the Board regarding the application.

As no one else wished to speak to this matter, Mr. Goodson closed the Public Hearing.

Mr. Bradshaw made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Bradshaw, Harrison, Brown, McGlenon, Goodson (5). NAY: (0).

RESOLUTION

CASE NO. SUP-24-04. BASKETVILLE OF WILLIAMSBURG

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, Mr. Rich Costello has applied on behalf of Basketville of Williamsburg for a special use permit to allow the expansion of the existing retail building by 7,500 square feet; and

WHEREAS, the proposed building is shown on the plan prepared by AES Consulting Engineers, dated August 23, 2004, and entitled "Master Plan for a Special Use Permit for Basketville of Williamsburg, Inc."; and

WHEREAS, the property is located on land zoned B-1, General Business District, and can be further identified as Parcel No. (1-45), on James City County Real Estate Tax Map No. (12-4); and

WHEREAS, the Planning Commission, following its Public Hearing on October 4, 2004, voted 5-0 to approve this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. 24-04 as described herein with the following conditions:

1. Prior to final site plan approval, architectural elevations, building materials, and colors shall be submitted to the Planning Director for review and approval. The intent of this condition is to ensure that the existing and proposed structures on the site are uniform and compatible in terms of design, materials, and colors, and are designed for minimal visual impact.
2. The plan of development shall be generally consistent with the "Master Plan For A Special Use Permit For Basketville of Williamsburg, Inc." prepared by AES

Consulting Engineers, dated August 23, 2004, and revised September 24, 2004, as determined by the Planning Director.

3. A 20-foot buffer shall be provided along the rear property line, and 50-foot buffer shall be provided along the Bush Springs Road Property line from the rear property line to the existing asphalt entrance road. The buffer shall be undisturbed, unless otherwise approved by the Planning Director or his designee, except for any additional landscaping in accordance with the landscaping requirements of the Zoning Ordinance. A landscape plan depicting the buffer and any additional landscaping shall be approved by the Planning Director or his designee prior to final site plan approval.
4. The owner shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority (JCSA) and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of approved landscaping design and materials to promote water conservation and minimize the use of public water resources. The water conservation standards shall be approved by JCSA prior to final site plan approval.
5. All dumpsters shall be screened by landscaping and fencing in a location approved by the Planning Director or his designee prior to final site plan approval.
6. All exterior lighting on the property shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire fixture and light source such that all light will be directed downward and the light source is not visible from the side. Modifications to this requirement may be approved by the Planning Director if it is determined that the modifications do not have any adverse impact on the Property or surrounding property.
7. Construction on this project shall commence within thirty-six (36) months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as obtaining building permits and an approved footing inspection and/or foundation inspection.
8. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

G. BOARD CONSIDERATION

1. Street Name Change: Colby Road (Route 1505) to “Theodore Allen Road”

Mr. Trey Davis, Planner, presented a resolution changing the street name of Colby Road (Route 1505) to “Theodore Allen Road” in honor of Mr. Allen’s dedication to, and good works in, the community; and recommended approval of the resolution.

Mr. Harrison inquired what is the standard notification time frame of street name changes.

Mr. Davis stated that there is no legal notification time frame, that 10 days is a standard notification time-frame, and notifications were sent to all property owners on Colby Road according to that notification standard.

Mr. Goodson inquired how long the United States Postal Service (USPS) will continue to deliver mail addressed to "Colby Road."

Mr. Davis stated the USPS will deliver for approximately 5 to 6 months.

Mr. McGlennon inquired how many properties are located on Colby Road.

Mr. Davis stated that there are approximately 30 parcels.

Members of the Board voiced appreciation for Mr. Theodore Allen's contributions to the community.

Mr. Brown made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Bradshaw, Harrison, Brown, McGlennon, Goodson (5). NAY: (0).

RESOLUTION

STREET NAME CHANGE: COLBY ROAD (ROUTE 1505) TO

THEODORE ALLEN ROAD

WHEREAS, Section 19-54(B) of the James City County Subdivision Ordinance provides for street names to be changed upon approval by the Board of Supervisors; and

WHEREAS, the proposed street name change has been discussed with the Fire Department, Planning Division, Police Department, Williamsburg Post Office, and Real Estate Assessment and these agencies have found it acceptable; and

WHEREAS, the Centerville Community Association has requested that the Board of Supervisors change the name of Colby Road to "Theodore Allen Road" to honor the memory of Mr. Allen's dedication to, and good works in, the community; and

WHEREAS, Theodore Allen left a legacy of caring, compassion, hard work, and unity in the citizens of the community and brought about positive transformation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve renaming the street, Colby Road to "Theodore Allen Road."

H. PUBLIC COMMENT - None

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that Federal, State, and local governmental offices will be closed on November 11 for Veteran's Day.

Mr. Wanner recommended that at the conclusion of the meeting, the Board adjourn to 4 p.m. on November 23, 2004.

J. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon stated that the County Administrator has extended two invitations to Oleta and Howard Smith, Sr., to meet with Oleta Coach Lines representatives and the College has indicated willingness to meet as well.

Mr. Goodson stated that he would be available to meet with representatives and Oleta Coach Lines.

Mr. Bradshaw commented on the Citizens Fire Academy graduation and invited citizens to participate in the Citizen Fire and Police Academies.

Mr. McGlennon commented on the construction along the Route 199 corridor and stated that the Jamestown Road and Route 199 intersection road work is anticipated to be a relatively short-term process.

Mr. Harrison stated that he has received a letter from Greensprings Community Association regarding ongoing Homeowners Association concerns and he is reviewing those concerns with the County Administrator for input.

K. ADJOURNMENT

Mr. Brown made a motion to adjourn.

On a roll call vote, the vote was: AYE: Bradshaw, Harrison, Brown, McGlennon, Goodson (5). NAY: (0).

At 7:37 p.m., Mr. Goodson adjourned the Board until 4 p.m. on November 23, 2004.

Sanford B. Wanner
Clerk to the Board

110904bs.min

M E M O R A N D U M

DATE: November 23, 2004
TO: The Board of Supervisors
FROM: Darryl E. Cook, Environmental Director
SUBJECT: Dedication of a Street in Temple Hall Estates

On September 14, 2004, the Board adopted a resolution dedicating Louise Lane in Temple Hall Estates to the Virginia Department of Transportation (VDOT) for acceptance into the State Secondary Highway System. Upon receipt of the resolution, VDOT noted that it did not provide the required one-year performance guarantee. Normally, this guarantee is given by the private sector developer who constructed the road; however, in this instance, the road was completed by the County using road improvement Capital Improvements Project (CIP) funds. In these situations, the County needs to provide the guarantee.

Therefore, the attached resolution contains the required performance guarantee from the County for Louise Lane in the amount of \$3,750. The surety amount is computed by VDOT based on the length of the road. It is not required that the County actually post a surety instrument; the statement in the resolution is sufficient to allow for the dedication to proceed. The \$3,750 amount represents the extent of the County's obligation in this matter in the event that repairs are necessary at the end of the one-year warranty period.

Staff recommends the Board adopt the attached resolution.

Darryl E. Cook

DEC/gs
louiselane.mem

Attachments

R E S O L U T I O N

DEDICATION OF A STREET IN TEMPLE HALL ESTATES

WHEREAS, the street described on the attached Additions Form SR-5(A), fully incorporated herein by reference, is shown on a plat recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation advised the Board that the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition; and

WHEREAS, the County guarantees the necessary surety amount of \$3,750 to provide for all loss, cost, damage, or expense incurred to correct faulty workmanship or materials, associated with the construction of the street and/or related drainage facilities. The effective period of this surety obligation will last one calendar year from the day the street is added to the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the street described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229, of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills, and drainage.

BE IT FURTHER RESOLVED, this Board hereby rescinds the resolution adopted September 14, 2004, requesting dedication of this same street into the Secondary System of State Highways.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

William C. Porter, Jr.
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of November, 2004.

louiselane.res

R E S O L U T I O N

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Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

William C. Porter, Jr.
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of November, 2004.

louiselane.res

In the County of James City

By resolution of the governing body adopted November 23, 2004

The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Form SR-5A
Secondary Roads Division 5/1/99

Project/Subdivision

Louise Lane

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

Louise Lane, State Route Number 1638

Description: *From:* Rt 1624, Welstead Street

To: End of cul-de-sac
A distance of: 0.17 miles.

Right of Way Record: Filed with the Land Records Office on 12/18/2002, Document #020030407, with a width of 50'

AGENDA ITEM NO. G-3

M E M O R A N D U M

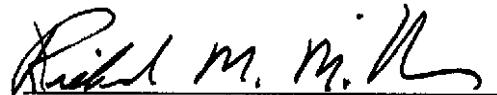
DATE: November 23, 2004
TO: The Board of Supervisors
FROM: Richard M. Miller, Fire Chief
SUBJECT: Award of Bid - Trunked Radio System - Furniture

York County advertised for procurement of dispatch console furniture to be installed in its 911 Emergency Communications Center. That request for bids included the option of James City County to purchase off of the same bid award. York County awarded its contract to Watson Furniture Group.

The James City County Center and radio system is being designed to provide for eight radio/telephone positions with room to add a training position at some time in the future. The eight positions will permit the daily operation of the Center as well as allow for York County to populate several positions in the event its 911 Center has to be evacuated. York County has designed its Center to the same standards.

Watson Furniture Group agreed to extend its pricing towards James City County. Watson Furniture has agreed to withhold shipping and installation until our building is complete. We have reviewed the proposal and inspected the furniture installed in York County and find the furniture meets our specifications and operational needs. We desire to award the contract now so our building can be properly designed for furniture layout and installation requirements. The total contract price of \$123,352 is less than our original estimate of \$150,000 for console furniture.

Staff recommends approval of the attached resolution.


Richard M. Miller

CONCUR:

Sanford B. Wanner

RMM/gs
furniture.mem

Attachment

RESOLUTION

AWARD OF BID - TRUNKED RADIO SYSTEM - FURNITURE

WHEREAS, James City County and York County are constructing a joint 800-MHz trunked radio system; and

WHEREAS, the radio system requires installation of radio/telephone console furniture in the 911 Center; and

WHEREAS, York County advertised for and awarded a contract to Watson Furniture Group with permission for James City County to purchase from the same contract; and

WHEREAS, James City County finds the furniture installed in York County acceptable for use with our operations and building design.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to enter into a contract with Watson Furniture Group to purchase the console furniture in the amount of \$123,352.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

William C. Porter, Jr.
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of November, 2004.

furniture.res

M E M O R A N D U M

DATE: November 23, 2004
TO: The Board of Supervisors
FROM: Richard M. Miller, Fire Chief
SUBJECT: Award of Bid - Enhanced 911 Telephone Equipment

York County advertised on behalf of York and James City County for procurement of Customer Premise Equipment (CPE) to provide Enhanced 911 to be placed in each respective jurisdiction's Dispatch Center and to be compatible with current technology and telephone systems. The existing telephone equipment is not capable of providing for emerging telephone systems such as digital technology, wireless location systems, voice over IP, and telematics. The existing equipment is not compatible with the digital radio system and digital local area network under construction now. Additionally, the procurement allowed for the additional operator positions that will be available in each communications center.

York County, as the fiscal agent, advertised the procurement and both jurisdictions evaluated the proposals received. The vendors offered Plant VESTA CPE, which met our needs for equipment and software to integrate the radio and telephone system into the one computer system at each operator's position. The procurement also included a Motorola-certified digital logging recorder to record all telephone and radio system activity.

A joint team from York and James City County reviewed the proposals and selected the Motorola proposal as the most responsive proposal. The decision was based upon Motorola's ability to meet all certification and configurations required to be fully compatible with the radio system, to reduce maintenance disagreements between the CPE vendor and the radio system vendor, and to permit seamless upgrades to the operating system as service packs and network security improvements are released.

While we will not be physically purchasing our Enhanced 911 telephone equipment until next fiscal year, we have to enter into this agreement now to permit York County to install their equipment into their building in January 2005. The shared nature of the equipment causes the agreement to move forward to the two Boards for approval at this time. This agreement will be subject to appropriation which will be part of our overall FY 06 Budget submittal.

After researching financing alternatives, the solution recommended is to conduct a regional lease purchase with Motorola. The regional purchase permits for an interest rate of 4.28 percent and lower cost by having one fiscal agent. Payments are structured over seven years when we would then own the equipment. All payments begin one year after the contract is signed.

Details on the joint lease purchase proposal from Motorola are provided below:

Total equipment cost	\$1,894,214.30
Total maintenance cost over 7 years	\$3,066,605.00
Annual lease costs - Years 1-6	\$514,266.00
Lease cost - Year 7	\$318,868.00

Award of Bid - Enhanced 911 Telephone Equipment

November 23, 2004

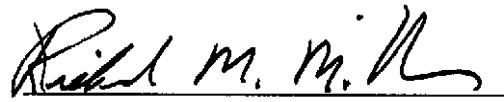
Page 2

James City County cost share details:

Total equipment cost	\$922,453.65
Total maintenance cost	\$586,195.35
Annual lease cost	\$252,983.00

The regional purchase of the equipment provides for continued regional cooperation in the operation and maintenance of the joint radio system. The proposal meets emerging technology requirements of digital wireless location and voice over IP requirements, and the sharing of a single detrunked logging recorder results in a cost savings to both localities.

Staff recommends approval of the attached resolution.



Richard M. Miller
Richard M. Miller

CONCUR:

Sanford B. Wanner

RMM/gs
CPEawd.mem

Attachment

R E S O L U T I O N

AWARD OF BID - ENHANCED 911 TELEPHONE EQUIPMENT

WHEREAS, James City County and York County are constructing a joint 800-MHz trunked radio system; and

WHEREAS, the radio system requires an upgrade in Customer Premise Equipment (CPE) to receive and process 911 calls; and

WHEREAS, York County and James City County jointly reviewed all proposals received; and

WHEREAS, York and James City County staff negotiated a lease/purchase agreement with Motorola for the procurement and installation of CPE to provide Enhanced 911.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to enter into a contract with York County and Motorola to lease/purchase the Customer Premise Equipment in the amount of \$922,453.65.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

William C. Porter, Jr.
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of November, 2004.

CPEawd.res

MEMORANDUM

DATE: November 23, 2004

TO: The Board of Supervisors

FROM: Needham S. Cheely, III, CLP, Director of Parks and Recreation

SUBJECT: Regional Dog Park

Over the last several months staffs from James City County and the City of Williamsburg have worked to reach a mutual agreement on the details related to a proposed regional dog park. On Friday, November 12, 2004, Williamsburg City Council approved the attached joint City/County recommendation endorsing the concept of a regional dog park at Waller Mill Park and authorized the City Manager to execute a Letter of Agreement with James City County needed to implement the project.

It should be noted that the agreement stipulates that James City County's financial commitment to this project is a one-time \$25,000 contribution. Funds are available in the Miscellaneous Grant account in the General Fund budget.

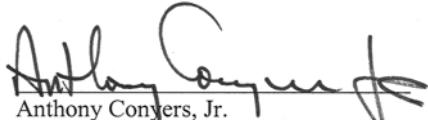
Staff recommends that the Board of Supervisors approve the attached resolution endorsing the concept of a regional dog park at Waller Mill Park and authorize the County Administrator to execute a Letter of Agreement with the City of Williamsburg needed to implement the project.



Needham S. Cheely

Needham S. Cheely, III

CONCUR:



Anthony Conyers, Jr.

NSC/gs
wallerdog.mem

Attachments

R E S O L U T I O N

REGIONAL DOG PARK

WHEREAS, the citizens of James City County have expressed the need for a “dog park” in order to provide a safe and clean environment for dogs and other park users; and

WHEREAS, staff has met with interested citizens in order to determine the appropriate design requirements and operating procedures for such a local “dog park”; and

WHEREAS, the City of Williamsburg also has a need to develop a dog park; County and City Parks and Recreation staffs recommend a jointly funded “dog park” to be constructed at Waller Mill Park; and

WHEREAS, it is in the mutual best interest of James City County, the City of Williamsburg, and their citizens to jointly fund and construct this facility; and

WHEREAS, on November 12, 2004, the Williamsburg City Council did approve the attached Joint Recommendation and directed the City Manager of the City of Williamsburg to work with the County Administrator of James City County to execute a Letter of Agreement needed to implement the project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorses the concept of a regional dog park at Waller Mill Park and authorizes the County Administrator of James City County to execute a Letter of Agreement with the City of Williamsburg needed to implement the project.

BE IT FURTHER RESOLVED that the Board authorizes the expenditure of \$25,000 from the Miscellaneous Grants account in the FY 05 General Fund budget.

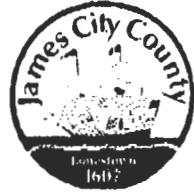
Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

William C. Porter, Jr.
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of November, 2004.

wallerdog.res



TO: Williamsburg City Council
James City County Board of Supervisors

DATE: November 4, 2004

SUBJECT: Joint Recommendation on Regional Dog Park

For the past few months, staffs of James City County and the City of Williamsburg have discussed a potential for a joint venture to develop a regional dog park.

The dog park contemplated would consist of a fenced area, partly wooded and partly open, of approximately 1.5 acres where owners can allow their dogs to run freely, similar to the Sandy Bottom Bark Park in Hampton (see photo). The dog park would include the following amenities:

- Separate fenced areas, one for smaller dogs and one for larger dogs.
- Split rail with wire mesh fencing.
- Double gated entry/exit.
- Drinking water for people and dogs.
- Seating areas.
- Nearby parking.
- Signs acknowledging the partnership and posting dog park rules.

Waller Mill Park, located in York County on Airport Road and owned by the City of Williamsburg, has been identified as a good location for the following reasons:

- The park has good access via Route 60 or Rochambeau Drive.
- Waller Mill offers a beautiful wooded setting with views of the Reservoir.
- The park has ancillary amenities such as restrooms, vending machines, picnic tables and pavilions.

- The park is attended with City Parks and Recreation staff.
- The park has adequate parking, and land area for more parking if needed.
- Owners are required to cleanup after their dogs thereby protecting water quality of the reservoir.

The staff supports a modest membership fee, to be determined by the operating entity, of \$10.00 per year. In addition to annual memberships, a provision for short term guests can be made. The fee would be used to:

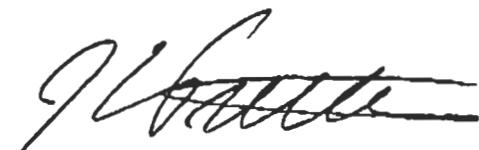
- Offset the ongoing operating costs, and renewal and replacement costs, of the dog park.
- Support upkeep of ancillary facilities such as parking and restrooms.
- Foster in dog park "members" a sense of ownership for the care and cleanliness of the park.

Preliminary discussions with York County have indicated that there may be an interest in York County joining the partnership. We suggest that Williamsburg and James City proceed with the joint venture, inviting York to participate on an equitable basis.

Initial start up and capital costs of developing the dog park - including land clearing and preparation, 1300 feet of fencing and running potable water to the site, benches, signs and water fountains - are estimated at approximately \$50,000, including the cost of some in kind construction by city crews. The proposal is that James City County would make a one time contribution to the City of \$25,000. The City would complete the improvements and operate the dog park. Should York County choose to come as a partner, they would be asked to provide an initial start up contribution as the parties may agree.

With the approval of the governing bodies as to the concept, a letter of agreement would be executed as outlined above. We anticipate that construction on the dog park can be completed within six months of receipt of capital funds.

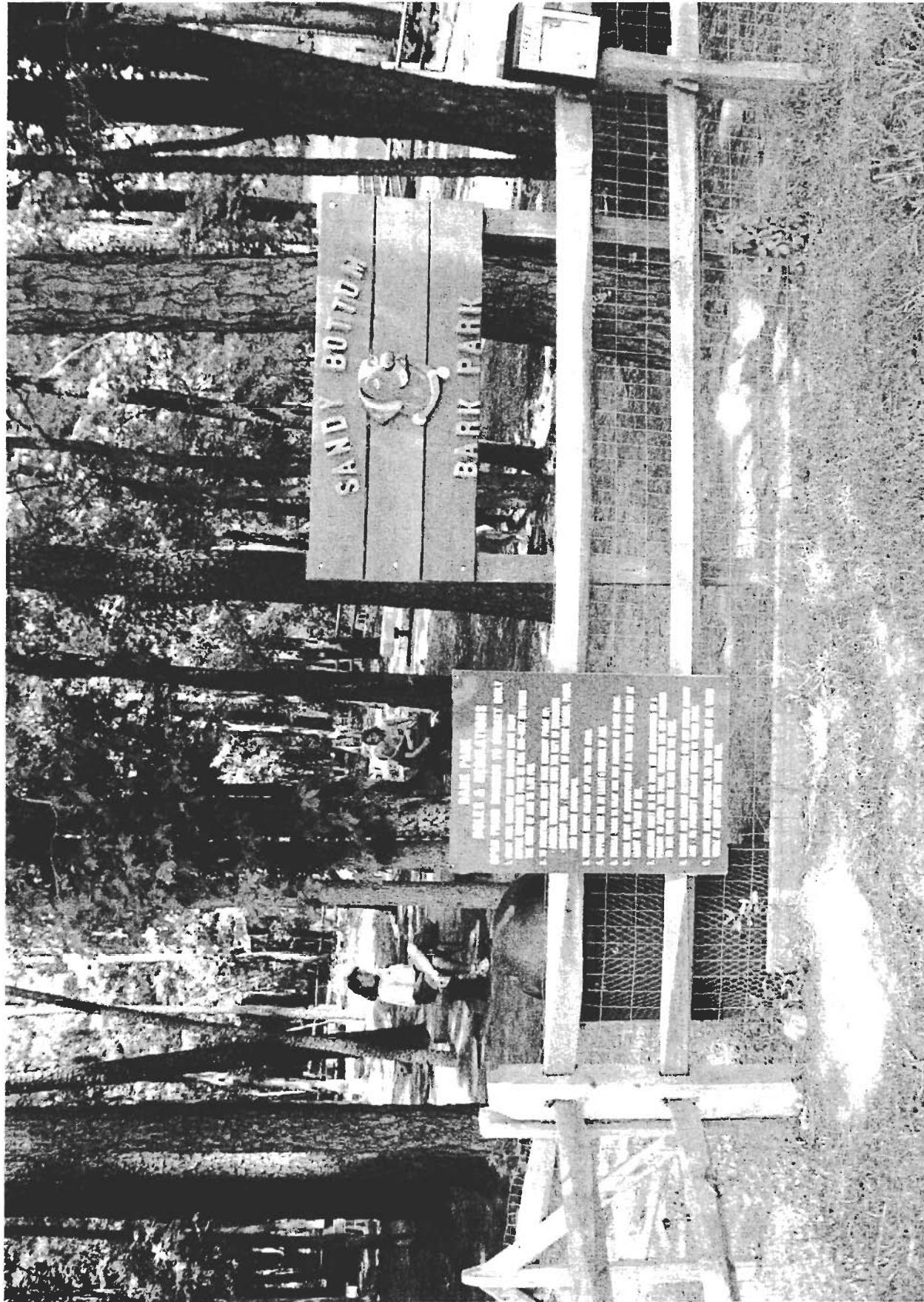
Recommendation: That the Board of Supervisors of James City County and the City Council of City of Williamsburg endorse the concept of a regional dog park at Waller Mill Park and direct the staffs to implement the project.



Jackson C. Tuttle
City Manager
City of Williamsburg



Sanford B. Wanner
County Administrator
James City County



MEMORANDUM

DATE: November 23, 2004

TO: The Board of Supervisors

FROM: Allen J. Murphy, Jr., Zoning Administrator

SUBJECT: Petition for Review of Zoning Administrator's Enforcement Action - Fernbrook Scenic Easement

Patrick and Josephine Garcia and Edward and Laura Lansford, property owners, have petitioned to appeal the Zoning Administrator's enforcement action related to two properties located at 2784 and 2792 Jonas Profit Trail. The appeal seeks the Board's review of the Zoning Administrator's decision requesting the removal of encroachments (fences and play equipment) located in the 100-foot scenic easement that exists along the frontage of sixteen properties in Fernbrook adjoining Greensprings Road.

The Fernbrook Homeowners Association (Association) brought to the attention of staff that several of the properties in the subdivision have fences built into the scenic easement along Greensprings Road and that some of the natural vegetation has been cleared on at least one lot. It should be noted that no building permit is required from the County to erect a fence. When asked for their official position on this matter by staff, the entire Executive Board of the Association provided and signed a letter (attached) which very strongly emphasizes the importance of protecting the integrity of the scenic easement for this community and the corridor and states clearly their "vehement" opposition to any compromise of the protections afforded by the easement. The Association requested that the requirements of the easement be enforced to the full extent of the law.

Condition (2) of the proffers associated with Fernbrook (originally First Settler's Landing) reads as follows:

2. A scenic easement shall be reserved across the property 125 feet deep, adjacent to and parallel with the center line of Route 614. Existing trees, shrubbery, and vegetation shall remain "as is" provided, however, the owner (the developer) shall have the right to install and construct such new road, driveways, public utilities and entrance signs, as may be necessary, in accordance with the terms of this agreement and approved by the Subdivision Review Committee of the County's Planning Commission.

As Zoning Administrator, I consulted the County Attorney, the Planning Director, the Development Manager, and the Assistant County Administrator on this matter before taking action. It is the opinion of the County Attorney that this easement belongs to the County. It is clear to staff that the intent of this proffer was to leave a completely undisturbed, natural wooded buffer within this scenic easement along Greensprings Road. The clearing of natural vegetation and/or placement of fences or other structures in the scenic easement did not meet the requirements of this proffer and represents, in staff's opinion, a violation of the proffers. Staff subsequently cited (see attached letters) the aforementioned property owners in October for a violation of the proffers and gave them a time frame within which to abate the violation. There are three other properties with fences along this road which are being investigated by staff. At this time, we do not have sufficient evidence of a violation in those cases. The two owners cited filed an appeal (attached) in accordance with Section 24-19(a) of the James City County Code shortly thereafter. The appeals serve to stay any enforcement proceedings until heard and reviewed by the Board of Supervisors.

Petition for Review of Zoning Administrator's Enforcement Action - Fernbrook Scenic Easement

November 23, 2004

Page 2

The fence on the Garcia property encroaching in this 100-foot scenic easement is located approximately 44 feet from the edge of Greensprings Road right-of-way. The fence on the Lansford property is located approximately 56 feet from the edge of this same right-of-way. In addition, the Lansfords have done some clearing in and around the fence area and placed some playground equipment in the easement.

The recorded subdivision plats (attached) for these lots clearly show the scenic easement and list the restrictions within the easement. The deeds for each lot in question reference these same recorded plats. The development plan or plot plan for each house submitted with the building permits for one of the homes and for a deck addition on another also show the scenic easement so there was further evidence of its existence prior to construction of these fences. Mr. Lansford was contacted by a Zoning Officer prior to construction of his fence and was advised not to build it because it was located in a scenic easement. Mr. Lansford stated that he had obtained approval of the Association to build it and that he intended to proceed. It is clear from the documents received that the Architectural Review Committee of the Association did indeed approve these fences (see attached letters). In the case of the Lansfords, they were advised to check with the County as there was a scenic easement. That was not done. In the case of the Garcias, the approval letter does not mention any further approval. Mr. Garcia did not contact staff prior to construction.

Staff has attached supplemental letters from each property owner further explaining their desire to keep the fences. Also included is a petition signed by 28 property owners including all those owners whose property adjoins Greensprings Road and who are affected by the scenic easement. The petition states that they have no objections to the existing fences. The supplemental letters ask that they be allowed to retain their fences and cite safety concerns for children and concerns for privacy and noise.

The provision of the proffered scenic easement as a greenbelt buffer was an important factor in determining the consistency of this development with the Comprehensive Plan as part of the original rezoning. Greensprings Road is first on the list of Community Character Corridors in the Comprehensive Plan, as this corridor and its natural tree canopy has great historical significance and aesthetic value for residents in this area and throughout the County. The County has attempted to protect this corridor with each development that has occurred in this area through a variety of methods and has invested funds to preserve and protect part of the corridor in perpetuity with the Mainland Farm acquisition. Greenbelts, such as this one, preserve the natural and historical heritage of the County and enhance the quality of life for all its citizens and make much of the County a special place for aesthetic reasons.

This particular easement accomplished the buffering goals of the Comprehensive Plan at the time of rezoning and since. It also placed a known restriction on the land which affected future land owners. The stated position of the owners may be individually compelling but the acceptance of these restrictions as written and as voluntarily proffered is important to maintaining the integrity of this scenic easement along this very significant Community Character Corridor. The Board does have an option to enforcing the proffer as written. It could initiate a rezoning and proffer amendment which could offer several variations that allow fences or simply to reduce the depth of the easement. Staff does not advocate this option. We believe that allowing fences may only encourage the further conversion of lot space within the easement to actual yard space by these or future owners. This would create questions of maintenance in perpetuity, architectural style and color, and landscaping etc. all of which may further complicate and compromise the original intent of preserving a natural wooded buffer.

Staff recommends the enforcement of the proffers as written as the best and simplest way to ensure the perpetual integrity of the buffer in this corridor.

Petition for Review of Zoning Administrator's Enforcement Action - Fernbrook Scenic Easement

November 23, 2004

Page 3

Allen J. Murphy, Jr.

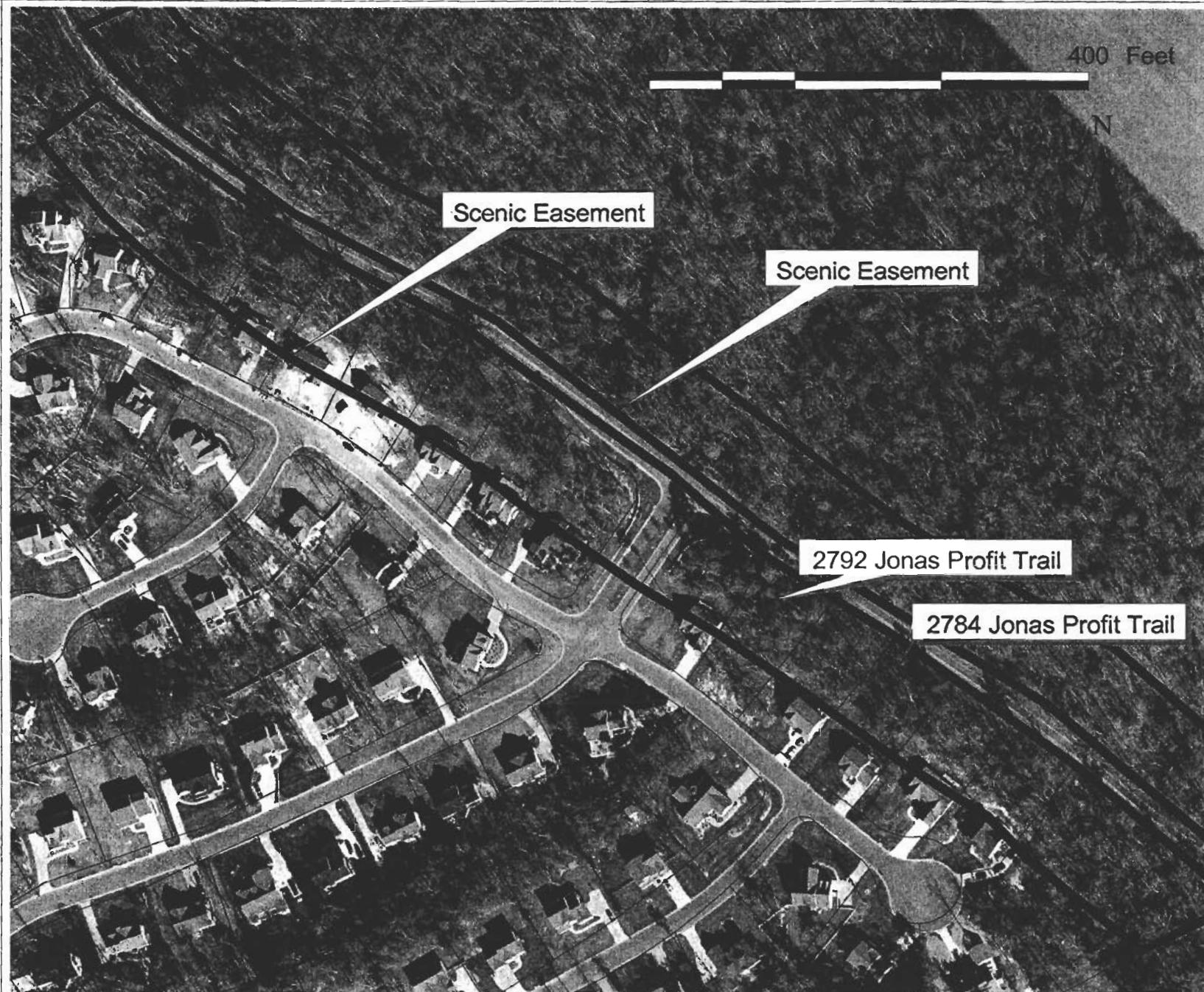
CONCUR:

William C. Porter, Jr.

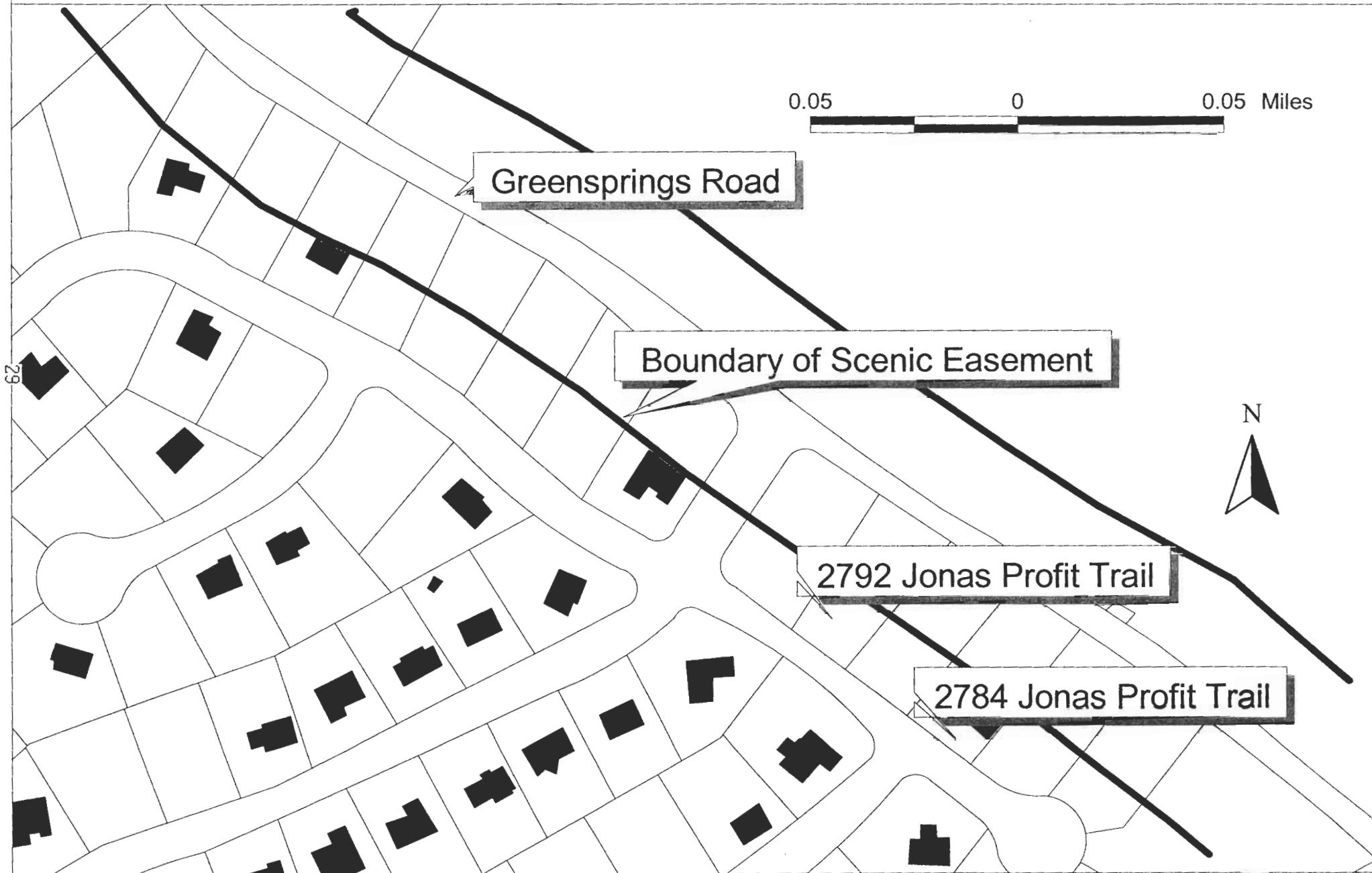
AJM/gs
fernbrookease.mem

Attachments

Fernbrook Scenic Easements



Fernbrook Scenic Easement Encroachment



FERNBROOK HOME OWNERS' ASSOCIATION, INC.

Post Office Box 5212, Williamsburg, Virginia 23188
E-Mail: theboard@fernbrook.net Web: www.fernbrook.net

Mr. Allen Murphy
Zoning Administrator
James City County, Virginia

05/25/2004

Mr. Murphy,

This official opinion of the Board of Directors of the Fernbrook Homeowners Association concerns the issue of scenic easements bordering our neighborhood and Greensprings Road. We feel these easements must be enforced to the letter of the law and we are vehemently opposed to any compromise of these deeded protections. The Board is puzzled with this request for our opinion when we assume the county has at least as great an interest in preserving our natural heritage. The covenants which bind every Fernbrook homeowner, including the provision which prohibits construction or improvements within the conservation area or easements, run with the land and remain in effect until July 31, 2035 – and most probably, after that into perpetuity.

Scenic easements prohibit the landowner from acting in a manner that will change the ecological, open, natural, scenic or historical aspects of the land. Easements are legally binding and prohibit all construction, as well as any activity that would alter the land's present natural condition. Whether it is a fence, shed or pool, we believe the easements serve a great purpose in preserving our dwindling resources.

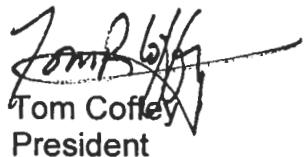
With the overwhelming amount of development in James City County, The Board feels it is extremely important to enforce easements. The umbrella of trees along Greensprings Road makes it one of the most attractive roads in the county. Don't let James City become a county of pavement, cleared lots and fences. We need green space to maintain its beauty. Just as important, this natural buffer provides a significant filter from car headlights and road noise generated on Greensprings Road, which in turn, directly impacts the quiet enjoyment and quality of life one expects in a James City County residential neighborhood. We feel that you are obligated to uphold the law in order to maintain the integrity of Greensprings Road and preserve the pristine natural area bordering the Fernbrook Community.

We would call to your attention Mr. and Mrs. Frank Mylum at 2804 Jonas Profit Trail. They are in the process of installing an in-ground pool. After realizing that their original



plan would infringe on the easement they modified his plans to include ripping out their deck to make the pool fit. To his economic detriment, the Mylums realized their responsibility and understood that easements are enforceable by law. Should another homeowner be granted a compromise because he chose to disregard those very same lawful restrictions? We think not.

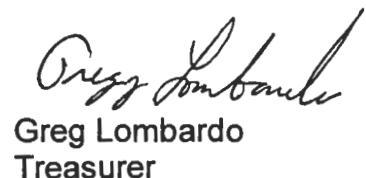
Best Regards,



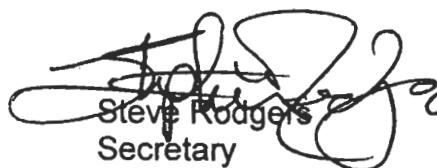
Tom Cofley
President



Dan Joyner
Vice President



Greg Lombardo
Treasurer



Steve Rodgers
Secretary



Charlie Neal
Architectural Review Chairman

7-25-86 Greensprings pad

Fruit Sitters Landing - Fernbrook
AGREEMENT

BOOK 334 E&E 522

WHEREAS, David M. Murray, (hereinafter called "the Owner") owns certain real property in James City County, Virginia, (hereinafter called "the Property") and more particularly described as follows:

All that certain lot, piece or parcel of land situate in James City County, Virginia, more fully shown and described on a plat entitled "DAVID M. MURRAY 34 Acres +" said plat being attached hereto and made a part hereof.

WHEREAS, the Owner has applied for rezoning of the Property from the the Limited Agricultural District, A-2, to the Limited Residential District, R-1; and

WHEREAS, the County of James City may be unwilling to rezone the Property from the Limited Agricultural District, A-2, to the Limited Residential District, R-1, because the Limited Residential District, R-1, zoning regulations may be deemed inadequate for the orderly development of the Property, because competing and incompatible uses may conflict; and

WHEREAS, more flexible and adaptable zoning methods are deemed advisable to permit the use of the Property; and

WHEREAS, the Owner is desirous of offering certain conditions for the protection of the community that are not applicable to land similarly zoned in addition to the regulations provided for in the Limited Residential District, R-1.

NOW, THEREFORE, this agreement witnesseth that for and in consideration of the County of James City rezoning the Property from the Limited Agricultural District, A-2, to the Limited Residential District, R-1, and pursuant to Section 15.1-491.1 et seq of the Code of Virginia, 1950, as amended and Section 20-14.2 et seq of Chapter 20 of the Code of James City County, Virginia, the Owner agrees that in addition to the regulations provided for in

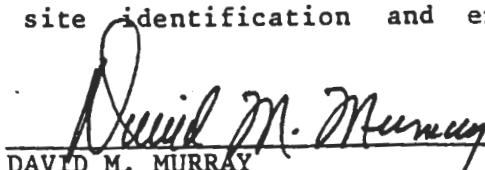
the Limited Residential District, R-1, he will meet and comply with all of the following conditions for the development of the Property.

CONDITIONS

1. There shall be no more than one (1) additional street entrance and no more than one (1) additional driveway entrance from the Property to Route 614.

2. A scenic easement shall be reserved across the Property 125 feet deep, adjacent to and parallel with the center line of Route 614. Existing trees, shrubbery and vegetation within said scenic easement shall remain "as is" provided, however, the Owner shall have the right to install and construct over, under, across and thru the scenic easement such new road, driveways, public utilities and entrance signs, as may be necessary, in accordance with the terms of this Agreement and approved by the Subdivision Review Committee of the County's Planning Commission.

3. The Owner shall cause to be prepared for review and approval by the County a Phase I and Phase II, as appropriate, archaeological study for each portion of the Property proposed for subdivision, but only when, as and if subdivision plans are submitted to the Subdivision Review Committee. A Phase I study shall include reconnaissance, systematic surface collection and shovel test pits every 90 - 150 feet. A Phase II study shall include shovel test pits every 25 - 40 feet with site identification and examination as appropriate.


DAVID M. MURRAY (SEAL)

STATE OF VIRGINIA

CITY/COUNTY OF Newport News, to-wit:

The foregoing instrument was acknowledged before me this 19 day of

January, 1986, by David M. Murray

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

In the Clerk's office of the Circuit Court of the
City of Williamsburg and County of James City, the Notary Public

18 day of March, 1986. This Agree

My commission expires: 11-29-88

ERSON, EMMETT was presented with certificate annexed and

FANCK, P.C. Admitted to record at 3:54 o'clock

OFFICE DRAWER O Test: Hilona S. Ward, Clerk

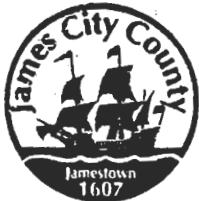
REGDNG, VA. REC'D.

by Deanne Clark

Deputy Clerk

7001 2510 0009 2241 4415

**U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)**



DEVELOPMENT MANAGEMENT

101-E MOUNTS BAY ROAD, P.O. Box 8784, WILLIAMSBURG, VIRGINIA
(757) 253-6671 Fax: (757) 253-6850 E-MAIL: devtman@jamestv.org

CODE COMPLIANCE
(757) 253-6626
codecomp@james-city.va.us

ENVIRONMENTAL DIVISION
(757) 253-6670
environ@james-city.va.us

PLANNING
(757) 253-6670
planning@jamestv.org

PS Form 3800, January 2001

Sent To:	
Street, Apt. No., or PO Box No., State ZIP+4	
Postmark Here	
See Reverse for Instructions	

Postage	
Certified Fee	\$
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

October 15, 2004

Patrick and Josephine Garcia
2792 Jonas Profit Trail
Williamsburg, VA 23185

Re: Fernbrook Scenic Easement Encroachment

Dear Mr. and Mrs. Garcia,

It has been brought to the attention of this office that you have erected a fence at the rear of property you own at 2792 Jonas Profit Trail. This property can also be identified as parcel (06-0-0007) on James City County Tax Map (46-3). The Deed referencing your property is listed as Document Number 020030955 at the Williamsburg/James City County Courthouse. The property is zoned R-1, Limited Residential with proffers.

A site inspection on September 20, 2004 revealed that the aforementioned structure is located within the 100-foot scenic easement that runs along the rear of your property. This easement is shown on the approved subdivision plats for Fernbrook recorded at the Williamsburg/James City County Courthouse. The plat pertaining to your particular parcel is found on page 10 of Plat Book 69. The easement is noted in your Deed. In my opinion, the location of these structures violates the proffered conditions of the Fernbrook subdivision. The Fernbrook proffers are recorded in Deed Book 334, starting on page 522. The easement affecting your parcel was established by a proffer agreement during the rezoning process and is also included in the Declaration of Covenants, Conditions and Restrictions of Fernbrook Associates, LLC. Condition (2) of the proffers reads as follows:

A scenic easement shall be reserved across the property 125 feet deep, adjacent to and parallel with the center line of Route 614. Existing trees, shrubbery and vegetation shall remain "as is" provided, however, the owner [the developer] shall have the right to install and construct such new roads, driveways, public utilities and entrance signs, as may be necessary, in accordance with the terms of this agreement and approved by the Subdivision Review Committee of the County's Planning Commission.

Two options exist for bringing this property into compliance with the approved proffered condition.

1. You may relocate the fence so that it no longer encroaches into the scenic easement and



DEVELOPMENT MANAGEMENT

101-E MOUNTS BAY ROAD, P.O. Box 8784, WILLIAMSBURG, VIRGINIA 23187-8784
(757) 253-6671 Fax: (757) 253-6850 E-MAIL: devtman@james-city.va.us

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codecomp@james-city.va.us

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environ@james-city.va.us

PLANNING
(757) 253-6685
planning@james-city.va.us

COUNTY ENGINEER
(757) 253-6678
INTEGRATED PEST MANAGEMENT
(757) 253-2620

clearly identify your rear survey pins so that staff can locate the structure outside of the boundaries of the scenic easement, or;

2. You may completely remove the fence and contact the above office to schedule a site inspection to verify removal.

This violation must be abated prior to December 15, 2004 to ensure that no legal action be taken against you. Additionally, a replanting plan may be required if vegetation has been removed from the easement. Please contact Melissa Brown at (757) 253-6685 to discuss any questions or to make arrangements for a site inspection.

Sincerely,

Allen J. Murphy, Jr.
Zoning Administrator

AJM/mcb

Cc: William Porter, Assistant County Administrator
Leo Rogers, County Attorney
Fernbrook Homeowners' Association

You have thirty days from this date to appeal this decision to the Board of Supervisors, in accordance with § 24-19(a) of the Code of James City County, or this decision shall be final and unappealable. Appeals shall be instituted by filing, in writing, with the Zoning Administrator and with the County Administrator a notice of appeal specifying the grounds.

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)



DEVELOPMENT MANAGEMENT

101-E MOUNTS BAY ROAD, P.O. Box 8784, WILLIAMSBURG, VIRGINIA
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FPS Form 3800, January 2001
 See Reverse for Instructions

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Sent To	
Street, Apt. No. PO Box No.	
City, State, Zip + 4	
Postmark Here	

October 15, 2004

Edward and Lara Lansford
 2784 Jonas Profit Trail
 Williamsburg, VA 23185

Re: Fernbrook Scenic Easement Encroachment

Dear Mr. and Mrs. Lansford,

It has been brought to the attention of this office that you have erected a fence and play equipment at the rear of property you own at 2784 Jonas Profit Trail. This property can also be identified as parcel (06-0-0009) on James City County Tax Map (46-3). The Deed referencing your property is listed as Document Number 030031160 at the Williamsburg/James City County Courthouse. The property is zoned R-1, Limited Residential with proffers.

A site inspection on September 20, 2004 revealed that the aforementioned structures are located within the 100-foot scenic easement that runs along the rear of your property. This easement is shown on the approved subdivision plats for Fernbrook recorded at the Williamsburg/James City County Courthouse. The plat pertaining to your particular parcel is found on page 10 of Plat Book 69. The easement is noted in your Deed. In my opinion, the location of these structures violates the proffered conditions of the Fernbrook subdivision. The Fernbrook proffers are recorded in Deed Book 334, starting on page 522. The easement affecting your parcel was established by a proffer agreement during the rezoning process and is also included in the Declaration of Covenants, Conditions and Restrictions of Fernbrook Associates, LLC. Condition (2) of the proffers reads as follows:

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Two options exist for bringing this property into compliance with the approved proffered condition.

1. You may relocate the fence and play equipment so that they no longer encroach into the



DEVELOPMENT MANAGEMENT

101-E MOUNTS BAY ROAD, P.O. BOX 8784, WILLIAMSBURG, VIRGINIA 23187-8784
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scenic easement and clearly identify your rear survey pins so that staff can locate the structures outside of the boundaries of the scenic easement, or;

2. You may completely remove the structures and contact the above office to schedule a site inspection to verify removal.

This violation must be abated prior to December 15, 2004 to ensure that no legal action be taken against you. Additionally, a replanting plan may be required if vegetation has been removed from the easement. Please contact Melissa Brown at (757) 253-6685 to discuss any questions or to make arrangements for a site inspection.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Murphy, Jr."

Allen Murphy, Jr.
Zoning Administrator

AJM/mcb

Cc: William Porter, Assistant County Administrator
Leo Rogers, County Attorney
Fernbrook Homeowners' Association

You have thirty days from this date to appeal this decision to the Board of Supervisors, in accordance with § 24-19(a) of the Code of James City County, or this decision shall be final and unappealable. Appeals shall be instituted by filing, in writing, with the Zoning Administrator and with the County Administrator a notice of appeal specifying the grounds.

October 20, 2004

James City County Development Management
Allen J. Murphy, Jr., Zoning Administrator
101-E Mounts Bay Rd.
Williamsburg, VA 23187-8784

Dear Sir:

This letter is in response to the letter dated October 15, 2004, that we received today regarding Fernbrook Scenic Easement Encroachment. We wish to file an appeal regarding this matter.

Greensprings Road has a speed limit between 35-45 mph and a major thoroughfare from John Tyler Hwy and from Jamestown Road. Because of safety and security concerns for our children, we wanted to enclose our property. Prior to erecting our fences, we submitted an application letter for approval to the Fernbrook Homeowners' Association. We then received an approval from the Architectural Review Board. Therefore, we did not foresee this problem because our fences are directly in lined with the other Fernbrook homes' fences along Greensprings Road, which have been constructed within 2 to 3 years. We would like to have the same consideration. We are willing to do anything to keep our fence by planting trees, shrubbery and vegetation to preserve the scenic appeal of the neighborhood. Just let us know what we need to do without having to remove our fence.

We are hoping for your kind consideration to this matter.

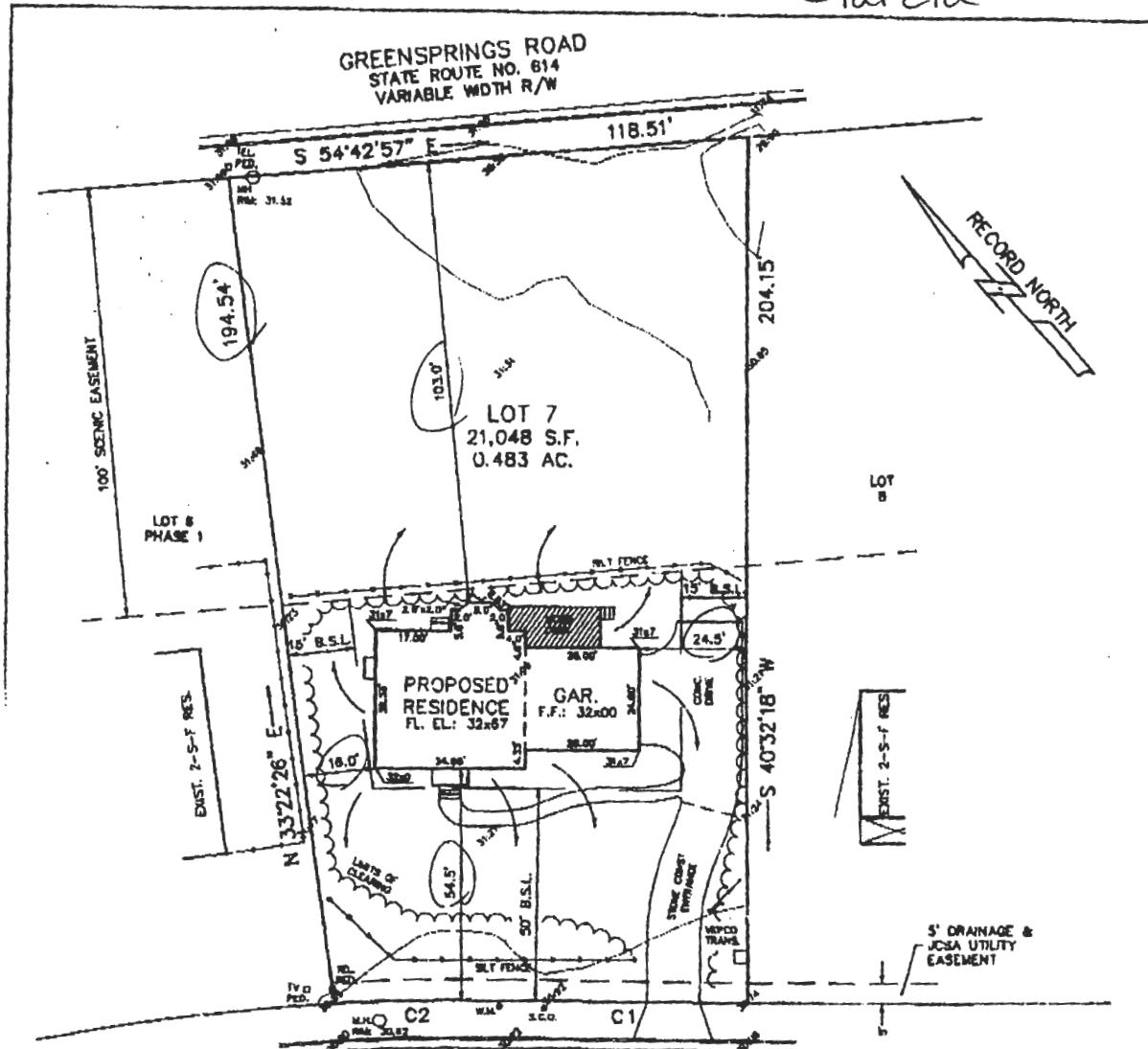
Sincerely,

Patrick Garcia & Josephine Garcia
Patrick & Josephine Garcia
2792 Jonas Profit Trail
Williamsburg, VA 23185

Edward & Lara Lansford
Edward & Lara Lansford
2784 Jonas Profit Trail
Williamsburg, VA 23185

CC: Sanford Warner

Garcia



JONAS PROFIT TRAIL 50'R/W

NOTES.

1. BUILDER: KAR-SAN CONSTRUCTION
 2. ELEVATIONS ARE BASED ON ASSUMED DATUM.
 3. HOUSE DIMENSIONS ARE FROM THE FIRST FLOOR PLAN AND ARE TO THE OUTSIDE OF FRAME WALL.
 4. HOUSE PLANS PROVIDED BY THE BUILDER.
 5. THE BUILDER MUST VERIFY ALL HOUSE DIMENSIONS.
 6. THE BUILDER SHALL CONTACT "WSS UTILITY" PRIOR TO ANY LAND DISTURBING ACTIVITY.
 7. A STONE CONSTRUCTION ENTRANCE IS REQUIRED.
 8. EROSION AND SEDIMENT CONTROL DEVICES ARE TO BE INSPECTED AND MAINTAINED DURING CONSTRUCTION.
 9. B.S.L. DENOTES BUILDING SETBACK LINE.

THIS DRAWING WAS PREPARED PRIOR TO CONSTRUCTION
AND UNLESS OTHERWISE NOTED ALL IMPROVEMENTS
SHOWN ON THIS DRAWING ARE PROPOSED.

JOHNNY S. WALTERS, III LAND SURVEYOR



SCALE: 1" = 25'

2520 15 10 5 0 25

PLAT REF.: P.B. 69, PG. 11
FLOOD ZONE: X
COMMUNITY NO.: 510201
PANEL NO.:
SUFFIX: B
DATE OF FIRM INDEX: 2-6-81

DEVELOPMENT PLAN

LOT 7

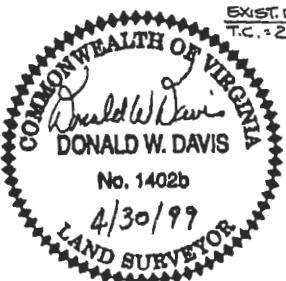
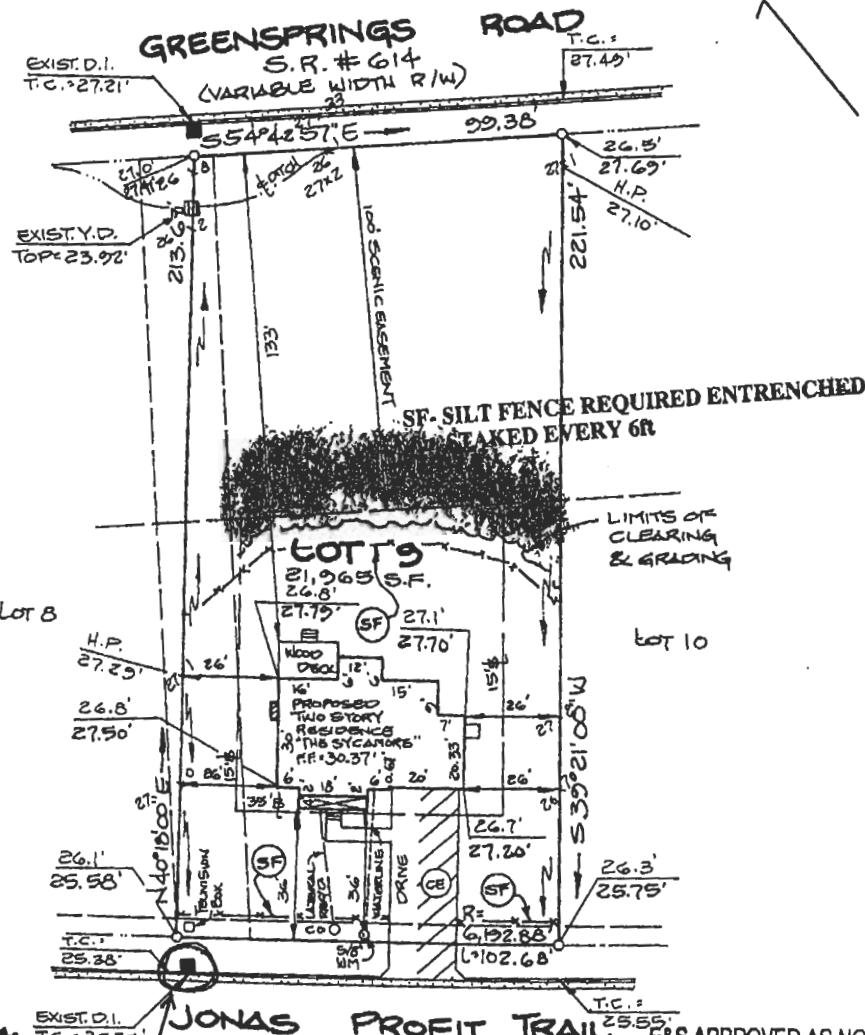
**FERNBROOK
PHASE II
JAMES CITY COUNTY, VIRGINIA**

WALTERS LAND SURVEYING, LTD.
710 DENBIGH BOULEVARD, SUITE 4C
NEWPORT NEWS, VIRGINIA 23608
P.O. BOX 1594 YORKTOWN, VIRGINIA 23698
PHONE: (757) 898-1057 FAX: (757) 898-2862

252 Pg. 20 CLIENT: KARSEN DATE: 6-19-02 SCALE: 1" = 25' JOB NO. 220830 DRAWN BY JMB

Lansford

CE- CONSTRUCTION ENTRANCE REQUIRED
10ft x 70ft x 6in of #1 STONE ON
FILTER FABRIC



NOTE: BUILDING LOCATIONS
SHOWN HEREON SUBJECT TO
APPROVAL BY APPLICABLE
ZONING ADMINISTRATORS
PRIOR TO CONSTRUCTION.
BUILDER TO VERIFY LAY-OUT
DIMENSIONS FROM
ARCHITECTURAL PLANS.

DAVIS & ASSOCIATES
SURVEYORS & PLANNERS
YORK COUNTY, VIRGINIA

DEVELOPMENT PLAN-VA PLOT PLAN

LOT 9
PLAT OF SUBDIVISION
FERNBROOK
PHASE 11
LOTS 7-24 AND LOTS 90-97
JAMES CITY COUNTY, VIRGINIA
P.B. 69 PG. 10 & 11

CODE: 99-0369	DWN. BY- SH	SCALE: 1" = 40'	TO: DOBSON	DATE: 30 APRIL 99
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GENERAL CLEARANCE
THE SUBDIVISION OF LAND SHOWN ON THIS PLAT AND RECORD AS
THE FERNBROOK PHASE I IS WITH THE FREE CREDIT AND IN
ACCORDANCE WITH THE ORDERS OF THE SUBDIVISION REVIEW
COMMITTEE OF JAMES CITY COUNTY.

B-4-95 *[Signature]*

DESCRIPTION OF TITLE
THE PROPERTY SHOWN ON THIS PLAT WAS CONVEYED BY CLEWELL
AND CO., LTD. TO DEAN-MARSHALL ASSOCIATES,
DATED APRIL 27, 1984, AND RECORDED IN THE OFFICE
OF THE CLERK OF THE COMMONS COURT OF THE COUNTY OF JAMES CITY
IN DEED BOOK 628, PAGE 188.

STATEMENT OF RECORDING
STATE OF VIRGINIA *[Signature]*
COURT OF JAMES CITY: I, THE CLEWELL AND CO., LTD.
DO HEREBY CERTIFY THAT THE FOREGOING VACANT PARCELS
ARE UNDIVIDED IN THE FOREGOING MANNER AND ACCORDINGLY ARE
SUBDIVIDED IN THE CITY OF JAMES CITY, AND THAT THE SAME
WILL BE USED FOR RESIDENTIAL PURPOSES AND NOT FOR
COMMERCIAL PURPOSES, AND BY CONSIDERATION
RECORDED IN THE OFFICE OF THE CLERK OF THE
COMMONS COURT OF JAMES CITY.

CERTIFICATE OF RECORDING
I HEREBY CERTIFY THAT THE COPY OF MY RECORDING OF DEED
WHICH PLAT CONCERNED ALL OF THE REQUIREMENTS OF THE
EXCEMPTIONS AND EXEMPTIONS OF THE COUNTY OF JAMES CITY
COUNCIL, REGARDING THE PLACEMENT OF RESERVATIONS WITHIN THE
COUNTY.

B-4-95 *[Signature]* G. T. WILSON, JR., C.S.C.

CERTIFICATE SOURCE OF TITLE - LOT 52334
THE PROPERTY SHOWN ON THIS PLAT WAS CONVEYED BY
CLEWELL AND CO., LTD. TO DEAN-MARSHALL ASSOCIATES
AND RECORDED IN THE OFFICE OF THE CLERK OF THE
CITY OF JAMES CITY IN
DEED BOOK 628, PAGE 188, AND DEED BOOK
629, PAGE 189, DATED APRIL 27, 1984.

GENERAL CERTIFICATE - LOT 52334
THE SUBDIVISION OF LAND SHOWN ON THIS PLAT AND RECORD AS
THE FERNBROOK PHASE I IS WITH THE FREE CREDIT AND IN
ACCORDANCE WITH THE ORDERS OF THE SUBDIVISION REVIEW
COMMITTEE OF JAMES CITY COUNTY.

11 August 1995 *[Signature]*

Length 11 1995 *[Signature]*

STATEMENT OF RECORDING
STATE OF VIRGINIA *[Signature]*
A SUBDIVISION IS MADE AND FOR THE CONSIDERATION
ACCORDING TO THE REQUIREMENTS OF THE COUNTY OF JAMES CITY
THAT THE FOREGOING VACANT PARCELS
ARE UNDIVIDED IN THE FOREGOING MANNER AND ACCORDINGLY ARE
SUBDIVIDED IN THE CITY OF JAMES CITY, AND THAT THE SAME
WILL BE USED FOR RESIDENTIAL PURPOSES AND NOT FOR
COMMERCIAL PURPOSES, AND BY CONSIDERATION
RECORDED IN THE OFFICE OF THE CLERK OF THE
COMMONS COURT OF JAMES CITY.

**NOTE: STREETS ARE HEREBY DEDICATED
FOR PUBLIC USE**

CERTIFICATE OF APPROVAL
THIS SUBDIVISION IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH
EXISTING SUBDIVISION REGULATIONS AND MAY BE ADMITTED TO RECORD.

8/1/95 *[Signature]*
DATE
VIRGINIA DEPARTMENT OF TRANSPORTATION
8/1/95 *[Signature]*
VIRGINIA DEPARTMENT OF TRANSPORTATION
8/1/95 *[Signature]*
SUBDIVISION AGENT OF JAMES CITY COUNTY

PLAT OF SUBDIVISION
FERNBROOK
PHASE I
LOTS 1-6, 25-48, 73-82, & 98-107
OWNER/DEVELOPER: FERNBROOK ASSOCIATES, LLC.
AND STANLEY J. & PATRICIA W. DYKSTRA
JAMES CITY COUNTY JAMESTOWN DISTRICT VIRGINIA

NOTES:

- SITE IS NOTED AS JAMES CITY COUNTY TAX PARCEL (46-3)1-1-A AND A
PORTION OF (46-3)1-1-C.
- SITE IS 20' DEEP X 84' LENGTH RESIDENTIAL.
- ALL LOTS ARE TO BE SERVED BY PUBLIC WATER AND SEWER.
- ALL UTILITIES ARE TO BE PLACED UNDERGROUND.
- BUILDING SETBACK REQUIREMENTS:
FRONT: 30'
SIDE: 10'
REAR: 20'
- MINIMUM LOT WIDTH
LOT UP TO 42,000 SF - 100' WIDE AT SETBACK
LOT OVER 42,000 SF - 100' WIDE AT SETBACK
- MINIMUM LOT SIZE - 10,000 SF.
- EXISTING TREES AND VEGETATION WITHIN THE 100' SCENIC EASEMENT SHALL REMAIN IN THEIR NATURAL STATE. HOWEVER, THE OWNER SHALL HAVE THE RIGHT TO INSTALL AND CONSTRUCT THRU ROAD CROSS EASEMENTS ON SUCH ROAD, DRIVEWAY, ALLEYWAYS AND ENTRANCE SIGNS, AS MAY BE NECESSARY.
- IN ACCORDANCE WITH THE PROPOSALS AND APPROVED BY THE SUBDIVISION REVIEW COMMITTEE OF THE COUNTY PLANNING COMMISSION.

LOCATION MAP SCALE: 1=2000'

AREA TABULATION

AREA OF LOT	AC.	ACRES
AREA OF PUMP STATION	7,45	0.171
AREA OF RVE DEDICATION ALONG HOPETON SPRINGS RD&CD	7,110	0.170
AREA OF RVE DEDICATION FOR FRONT TURN LANE	1,780	0.041
AREA OF RVE DEDICATION FOR PUBLIC STREET PURPOSES	167,467	0.414

TOTAL AREA SUBDIVIDED 1,061,777 24.87

NUMBER OF LOTS	LARGEST LOT (SF)	SMALLEST LOT (SF)	AVERAGE LOT SIZE	LOT YIELD PER GROSS ACRE
46	30,000	10,000	17,500	1.01 LOTS/ACRE

COMMON SEAL OF VIRGINIA
E. T. WILSON, JR.
CERTIFICATE NO. 1183

DATE	REVISER / DIRECTOR / NOTE
8/1/95	

1 of 2



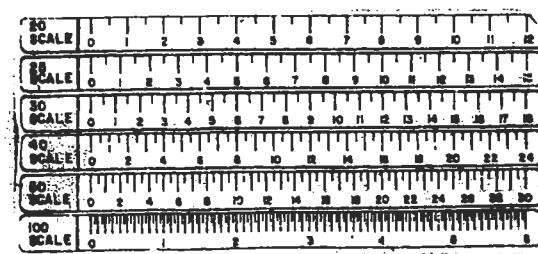
5248 Old Towne Road, Suite 1
Williamsburg, Virginia 23185
(804) 253-0040
Fax (804) 220-8994

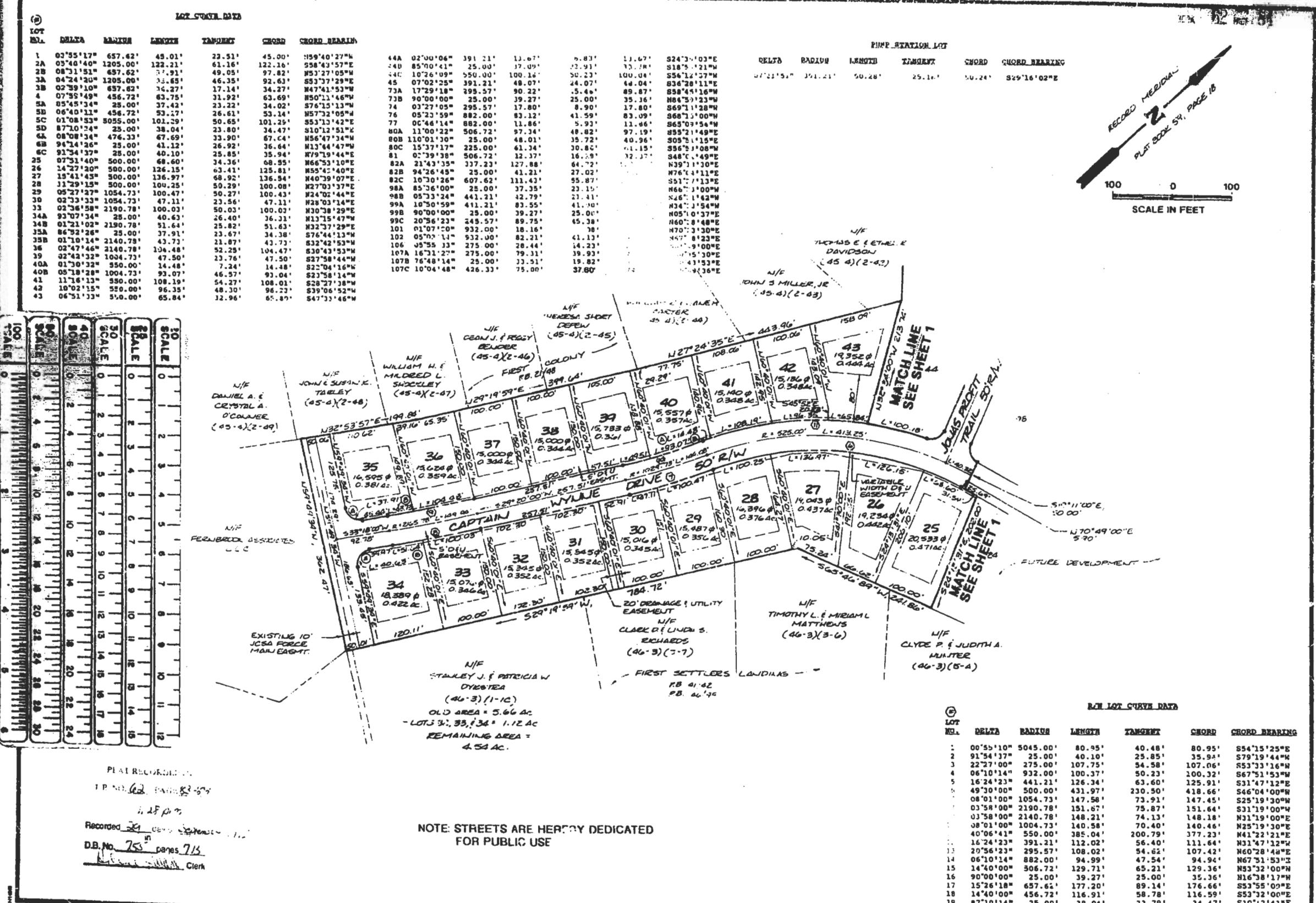
PLAT OF SUBDIVISION

FERNBROOK
PHASE I
LOTS 1-6, 25-48, 73-82, & 98-107
OWNER/DEVELOPER: FERNBROOK ASSOCIATES, LLC.
AND STANLEY J. & PATRICIA W. DYKSTRA
JAMES CITY COUNTY JAMESTOWN DISTRICT VIRGINIA



DATE	REVISER / DIRECTOR / NOTE
8/1/95	





CERTIFICATION OF SOURCE OF TITLE

THIS IS TO CERTIFY THAT THE LAND ENBRACED IN THIS SUBDIVISION IS IN THE NAME OF FERNBROOK ASSOCIATES, LLC. AND WAS ACQUIRED FROM C. LENS WALTROP, II AND JAMESTOWN BUILDING CORPORATION BY DEED DATED APRIL 15, 1984 AND DULY RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF WILLIAMSBURG AND THE COUNTY OF JAMES CITY, VIRGINIA IN DEED BOOK 683, PAGE 140.

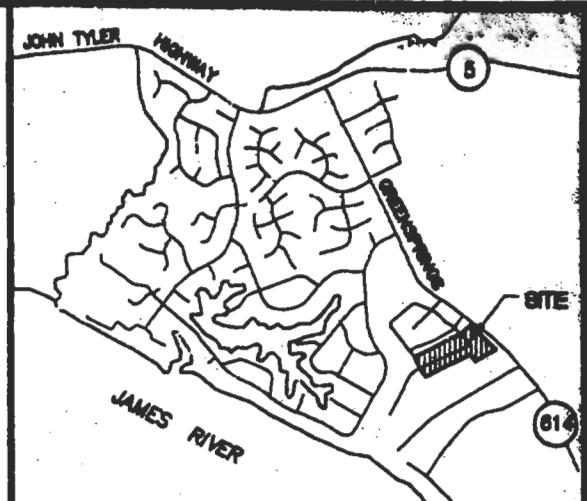
OWNER'S CONSENT AND DEDICATION

THE SUBDIVISION OF LAND SHOWN ON THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER.

FOR

3/27/98
DATE**GENERAL NOTES:**

1. SITE IS NOTED AS ALL OF JAMES CITY COUNTY TAX PARCEL (46-3)(1-1A)
2. SITE IS CURRENTLY ZONED R-1 LIMITED RESIDENTIAL
3. ALL LOTS ARE TO BE SERVED BY PUBLIC WATER AND SEWER
4. ALL UTILITIES ARE TO BE PLACED UNDERGROUND
5. BUILDING SETBACK REQUIREMENTS:
FRONT: 35'
SIDE: 15'
REAR: 35'
6. MINIMUM LOT WIDTH:
LOTS UP TO 43,500 S.F. - 100' WIDE AT FRONT SETBACK
LOTS OVER 43,500 S.F. - 150' WIDE AT FRONT SETBACK
7. EXISTING TREES AND VEGETATION WITHIN THE 100' SCENIC EASEMENT SHALL REMAIN IN THEIR NATURAL STATE. HOWEVER THE OWNER SHALL HAVE THE RIGHT TO INSTALL AND CONSTRUCT THROUGH SAID SCENIC EASEMENT SUCH ROAD, DRIVEWAYS, UTILITIES AND ENTRANCE SIGNS AS NECESSARY, IN ACCORDANCE WITH THE PROFFERS AND APPROVED BY THE SUBDIVISION REVIEW COMMITTEE OF THE COUNTY PLANNING COMMISSION
8. DRAINAGE EASEMENTS SHOWN HEREON TO BE DEDICATED TO HOMEOWNERS ASSOCIATION.



VICINITY MAP

1"=2000'

NOTARY

STATE OF VIRGINIA, CITY/COUNTY OF York, TO-WIT:

I, Ronald Lee Eads, a NOTARY PUBLIC IN AND FOR THE CITY/COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE ABOVE PERSON WHOSE NAME IS SIGNED TO THE FOREGOING WRITING HAS ACKNOWLEDGED THE SAME BEFORE ME IN MY CITY/COUNTY AND STATE AFORESAID.

GIVEN UNTO MY HAND THIS 21st DAY OF March, 1998.

MY COMMISSION EXPIRES 1/31/2000.

NOTARY/PUBLIC

NOTE:

STREETS ARE HEREBY DEDICATED FOR PUBLIC USE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAT COMPLIES WITH ALL OF THE REQUIREMENTS OF THE BOARD OF SUPERVISORS AND ORDINANCES OF THE COUNTY OF JAMES CITY, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE COUNTY.

Ronald W. Eads, L.S. #1848
3-27-98
RONALD W. EADS, L.S. #1848 DATE

CERTIFICATE OF APPROVAL

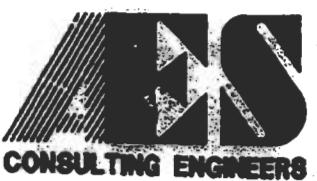
THIS SUBDIVISION IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION REGULATIONS AND MAY BE ADMITTED TO RECORD.

John H. Hartman,
3-27-98
VIRGINIA DEPARTMENT OF
TRANSPORTATION
John H. Hartman,
4/7/98
SUBDIVISION AGENT OF
THE COUNTY OF JAMES CITY

PLAT RECORDED IN
P.L. NO. 68, PAGE 1041

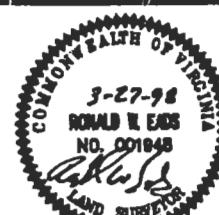
03/27/98-1043 68770000

KRS



5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
(757) 253-0040
Fax (757) 220-8994

PLAT OF SUBDIVISION
FERNBROOK
PHASE II
LOTS 7 - 24, AND LOTS 90 - 97
OWNER/DEVELOPER: FERNBROOK ASSOCIATES, LLC.



SEARCHED	INDEXED	FILED
SERIALIZED	FILED	INDEXED

Designed CAM	Drawn KEG
Scale	Date
NOTED	3/27/98
Project No.	6877-2
Drawing No.	
1 OF 2	

AREA TABU

FERNBR

PHASE II
LOTTE 7-84 80

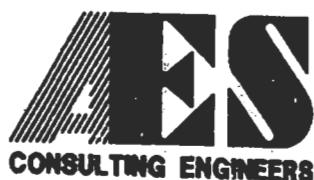
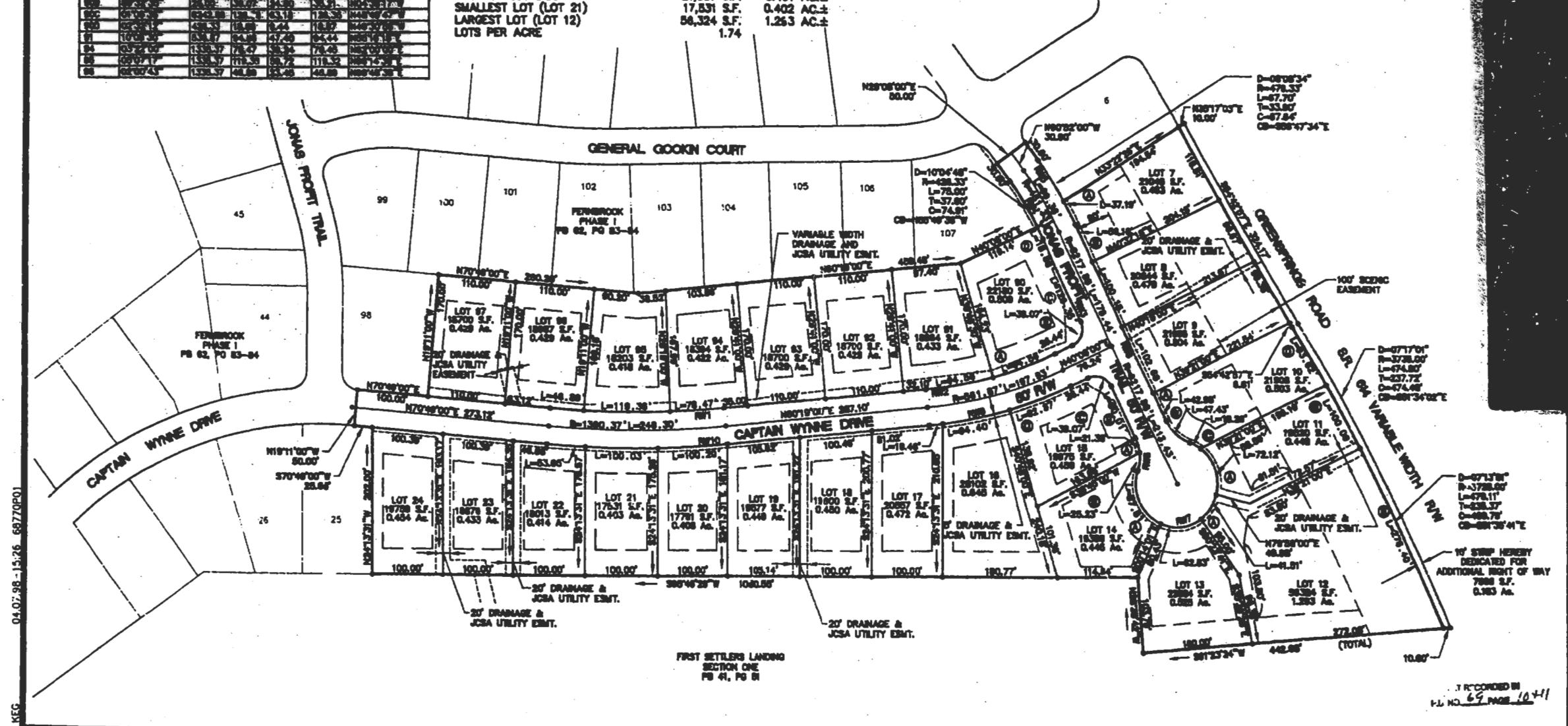
WIS 7-24, 80

AREA OF RESIDENTIAL LOTS	556,058 S.F.	12.76%
AREA OF RIGHT OF WAY	87,781 S.F.	2.014
AREA OF R/W DEDICATION	7,988 S.F.	0.182

TOTAL AREA SUBDIVIDED	651,785 S.F.	14.982
NUMBER OF LOTS	28	
AVERAGE LOT SIZE	21,887 S.F.	0.481
SMALLEST LOT (LOT 21)	17,831 S.F.	0.402
LARGEST LOT (LOT 12)	56,324 S.F.	1.263
LOTS PER ACRE	1.74	

GRAPHIC SCALE

100' 0' 100' 200'
SCALE: 1° = 100'



**5248 Olde Towne Road, Suite
Williamsburg, Virginia 23188
(757) 253-0040
Fax (757) 220-8994**

**PLAT OF SUBDIVISION
FERNSHAW
PHASE II
LOTS 7 - 24, AND LOTS 90 - 97
OWNER/DEVELOPER: FERNBROOK ASSOCIATES, L.L.C.**



		Received 9 day of April 1998	
		DOCUMENT # QP0001205	
		<u>Revised Under DPPD</u>	
1	4/7/00	REVISED PER COUNTY COMMENTS	RME
No.	DATE	REVISION / COMMENT / NOTE	BY

Design CAM	Dream KED
Date "=100"	Date 3/27/98
Project No. 6877-2	Drawing No.

2 OF 2

CERTIFICATION OF SOURCE OF TITLE

THIS IS TO CERTIFY THAT THE LAND EMBRACED IN THIS SUBDIVISION IS IN THE NAME OF FERNBROOK ASSOCIATES, LLC. AND WAS ACQUIRED FROM C. LEWIS WALTER, II AND JAMESTOWN BUILDING CORPORATION BY DEED DATED APRIL 15, 1994 AND DULY RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF WILLIAMSBURG AND THE COUNTY OF JAMES CITY, VIRGINIA IN DEED BOOK 683, PAGE 140.

OWNER'S CONSENT AND DEDICATION

THE SUBDIVISION OF LAND SHOWN ON THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER.

FOR

7-8-98
DATE

NOTARY

STATE OF VIRGINIA, CITY/COUNTY OF James City, TO WHOM:

L. Sherry Whaley A NOTARY PUBLIC IN AND FOR THE CITY/COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE ABOVE PERSON WHOSE NAME IS SIGNED TO THE FOREGOING WRITING HAS ACKNOWLEDGED THE SAME BEFORE ME IN MY CITY/COUNTY AND STATE AFORESAID.

GIVEN UNTO MY HAND THIS 8 DAY OF July, 1998.

MY COMMISSION EXPIRES March 31, 2001.

L. Sherry Whaley
NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAT COMPLIES WITH ALL OF THE REQUIREMENTS OF THE BOARD OF SUPERVISORS AND ORDINANCES OF THE COUNTY OF JAMES CITY, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE COUNTY.

Ronald W. Eads 7-8-98
RONALD W. EADS, L.S. #1948 DATE

CERTIFICATE OF APPROVAL

THIS SUBDIVISION IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION REGULATIONS AND MAY BE ADMITTED TO RECORD.

Virginia Department of Transportation 7-8-98
SUBDIVISION AGENT OF 7-8-98
THE COUNTY OF JAMES CITY DATE

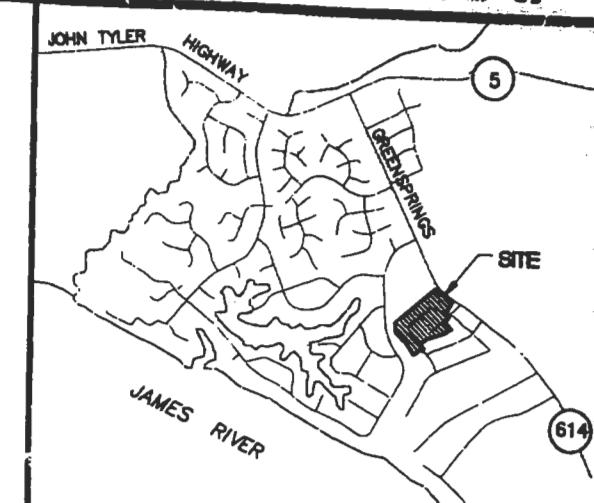
070-54-1111 6877P02

PWM

GENERAL NOTES:

1. SITE IS NOTED AS ALL OF JAMES CITY COUNTY TAX PARCEL (48-3)(1-1A)
2. SITE IS CURRENTLY ZONED R-1 LIMITED RESIDENTIAL
3. ALL LOTS ARE TO BE SERVED BY PUBLIC WATER AND SEWER
4. ALL UTILITIES ARE TO BE PLACED UNDERGROUND
5. BUILDING SETBACK REQUIREMENTS:
FRONT: 35'
SIDE: 15'
REAR: 35'
6. MINIMUM LOT WIDTH:
LOTS UP TO 43,560 S.F. - 100' WIDE AT FRONT SETBACK
LOTS OVER 43,560 S.F. - 150' WIDE AT FRONT SETBACK
7. EXCEPT TREES AND VEGETATION WITHIN THE 100' SCENIC EASEMENT SHALL MAIN IN THEIR NATURAL STATE. HOWEVER THE OWNER SHALL HAVE RIGHT TO INSTALL AND CONSTRUCT THROUGH SAID SCENIC EASEMENT SUCH ROAD, DRIVEWAYS, UTILITIES AND ENTRANCE SIGNS AS NECESSARY IN ACCORDANCE WITH THE PROFFERS AND APPROVED BY THE SUBDIVISION REVIEW COMMITTEE OF THE COUNTY PLANNING COMMISSION
8. DRAINAGE ELEMENTS SHOWN HEREON TO BE DEDICATED TO HOMEOWNERS ASSOCIATION.

DRAK 70 PAGE 14



VICINITY MAP

1"=2000'

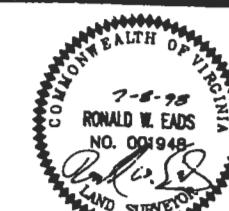
NOTE:
STREETS ARE HEREBY DEDICATED FOR PUBLIC USE

PLAT FILED IN
P.D. NO. 10, PAGE 13 & 14



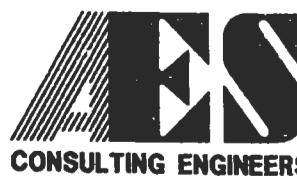
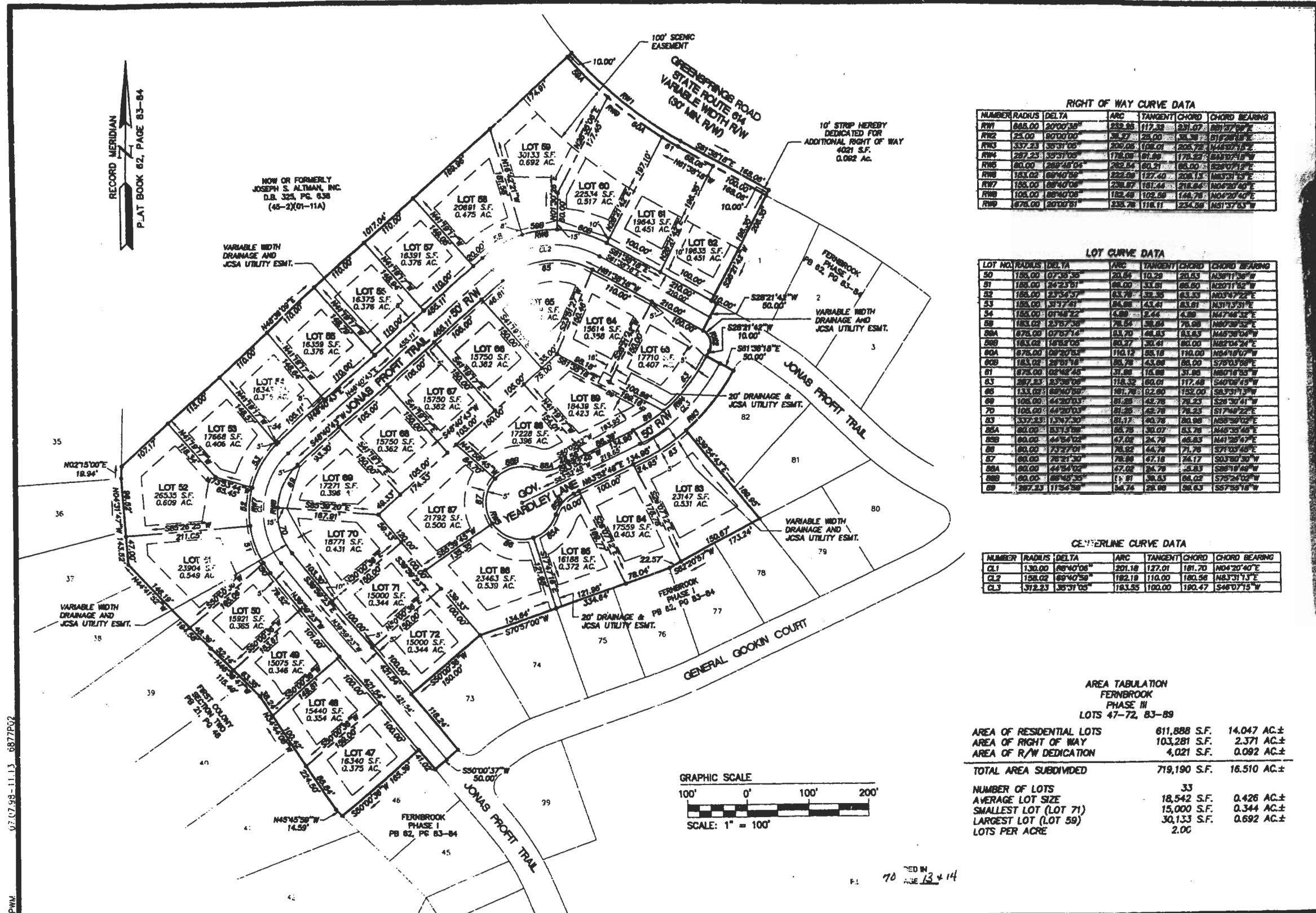
5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
(757) 253-0040
Fax (757) 220-8994

PLAT OF SUBDIVISION
FERNBROOK
PHASE III
LOTS 47-72, AND LOTS 83-89
OWNER/DEVELOPER: FERNBROOK ASSOCIATES, LLC.
JAMES CITY COUNTY JAMESTOWN DISTRICT VIRGINIA



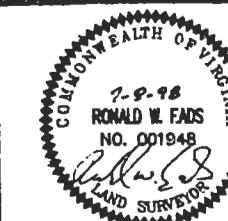
Designed GAM	Drawn PWM		
Scale NOTED	Date 7/2/98		
Project No. 6877-4			
Drawing No.			
No.	DATE	REVISION / COMMENT / NOTE	BY

1 OF 2



**5248 Olde Towne Road, Suite
Williamsburg, Virginia 23188
(757) 253-0040
Fax (757) 220-8994**

**PLAT OF SUBDIVISION
FERNBROOK
PHASE III
LOTS 47-72, AND LOTS 83-89
OWNER/DEVELOPER: FERNBROOK ASSOCIATES, L.L.C.**



Designed GAM	Drawn PWM
Scale	Date
1"=100'	7/2/98
Project No.	
6877-4	
Drawing No.	
2 OF 2	

November 13, 2002

Fernbrook Homeowners Association
P O Box 5212
Williamsburg, VA 23188

To Whom It May Concern:

This is to inform you that we have submitted an Application for Architectural Change on August 2002. We have indicated in the application that we desire to have a backyard fence installed for privacy purposes. We have decided to have a wood fence instead of vinyl. It will be a dogear privacy fence, pressure treated, $\frac{3}{4}$ thick, and six feet in height.

Are we supposed to receive a written approval from the Architectural Control Committee/Board of Directors regarding our application? We are hoping to have this fence installed right after we move into our new home sometime in mid-December 2002.

Should there be a problem with our application, please let us know. We are looking forward to hearing from you soon.

Sincerely,

Patrick Garcia

Josephine K. Garcia

Patrick J. and Josephine K. Garcia

Note:

Future address: 2792 Jonas Profit Trail
Williamsburg, VA 23185-1500

Current address: 4202 Summit Loop
Williamsburg, VA 23188-2777

Work: (757) 269-2325 (Patrick)
(757) 878-4666 (Josephine)

PJGARCIA7

From: "Gomez Lou" <lagomez@mindspring.com>
To: <PJGarcia7@cox.net>
Sent: Wednesday, November 13, 2002 8:12 PM
Subject: Approval for fencing at 2792 Jonas Profit Trail

Hello Patrick,

Again, I apologize for taking so long to get back to you on the fencing request. The Home Owners Association has gone through a big turnover recently. The new members are now Bill Donohue, Dan Joyner, and Tom Coffey, as well as the past members Mark Newcomb and me. The Architectural Review Committee is comprised of several people throughout the neighborhood, though we have recently lost a few of them and need some volunteers. Are you interested? ...it isn't that time consuming or demanding. As far as your request, its approved for a wooden fence. The preference is that Fernbrook remain an open neighborhood but it is understood that the folks living along Rte 614/Greensprings need to have some privacy/noise barrier from the highway and fencing is permitted. It is requested for properties along the main road, that they be of uniform style, height, and materials with your neighbors.....no higher than 6 ft, pressure treated wood. Fencing in the remainder of the neighborhood is requested to be no higher than 4' and the preference is picket style....again, to preserve the openness of the neighborhood. I appreciate that you have worked with us and have the same interest in maintaining the beauty and value of the neighborhood.

Best Regards,

Lou Gomez
lagomez@mindspring.com
757-810-8009

7/7/2003

Fernbrook Home Owners Association
PO Box 5212
Williamsburg, VA 23185

February 9, 2004

Mr. & Mrs. E. Landsford
2784 Jonas Profit Trail
Williamsburg, VA 23185

Re: Your Application for Architectural Change dated February 4, 2004

Dear Mr. & Mrs. Landsford :

I am pleased to state that the Architectural Review Committee of the Fernbrook HOA has reviewed and approved your application for the building of a fence to be located on the property at 2784 Jonas Profit Trail. The following applies:

Application received: February 5, 2004 by Charlie Neal

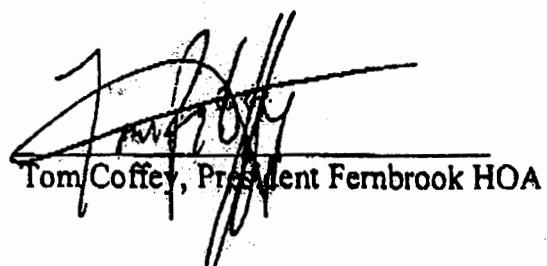
Final review by ARC: February 8, 2004
Recommendations/comments of the Arc:

The location, design, and style appear to be in keeping with the intent of the Covenants. However we believe that you should contact the James City County Environmental Compliance Office (Mr. Bass) before erecting the fence, since there is a 100' easement from Greensprings Road to your property.

Thank you for working with us to ensure the beauty and the value of Fernbrook is maintained.

Sincerely,


Charlie Neal, ARC Chair


Tom Coffey, President Fernbrook HOA

October 26, 2004

James City County Development Management
Allen J. Murphy, Jr., Zoning Administrator
101-E Mounts Bay Road.
Williamsburg, VA 23187-8784

Dear Sir:

There are several ways that we have complied with James City County and Fernbrook Homeowners' Association.

James City County – During the later part of the construction of our house, our builder informed us that the county has an easement on our backyard property. No permanent structure that is directly attached to the house can be built because the county wants us to maintain a certain number of trees to preserve the wooded appeal in the area. Therefore, we had to change our floor plan by relocating our deck to the other side of the house by the garage. We wanted to have a bigger deck, but that was not possible either because of the easement. Although we cut a few dead and damaged trees from Hurricane Isabel (one was actually leaning towards our house), we wanted to clear all the trees in our backyard, but that was not possible because of the easement.

Fernbrook Homeowners' Association – We submitted our application on October 2002. Included in the application were signatures of our then neighbors that they had no objections whatsoever regarding our 6-foot fence. A follow-up letter was sent to Mr. Lou Gomez. And we received an approval response from him via e-mail on November 2002. We moved into the house on December 2002. We started erecting our fence on March 2003 and were finished on October 2003. Our neighbors' fences were already erected when we moved in; about three houses have fences along Greensprings Road.

The Fernbrook Homeowners' Association was totally responsible for the approval of our fence in the backyard. The approval letter that we received on November 2002 was not specific on the exact location of our fence. They only informed us about the height and type of the wood that we were required to use. Requirement to contact James City County was never discussed. We simply tried to align our fence with the fences of our fellow Fernbrook residents that lived along Greensprings Road for uniformity purposes and at the same time erect the fence to a location where we can avoid cutting the trees to conform to the scenic easement. The Board Members of the Association should be proactive on devising a procedure that would specify details conforming to the guidelines so these kinds of issues could be avoided in the future.

Advantages of having a fence along Greensprings Road –

- Having a fence is critical for the safety of our children from getting hit by vehicles that travel between 35-45 mph speed.
- Having a fence is for families who have children who want to play any active sports without having to bother any nearby neighbors' front lawn or beautiful

flowerbeds. And gives us parents the security that we can let our children play in the backyard with minimal supervision.

- Having a fence provides as a noise barrier from the busy road. Greensprings Road is a major thoroughfare from Jamestown Road and John Tyler Hwy.
- Having the fence prevents raccoons, deer, snakes or even dogs without leashes from going inside our property and harming our children.
- Having a fence gives the privacy that any resident in any community desires.
- Having a fence will raise the value of our house and will consequently benefit the entire neighborhood in Fernbrook Subdivision especially the houses along Greensprings Road.

We have devised a survey letter to find out if any of our neighbors have any kind of objections regarding our fence. We have had our fence for over a year and a half now, and we never had any complaint from our neighbors. We have about 30 signatures supporting us. Most of them are neighbors who live in both sides of Jonas Profit Trail. They even said that it was ridiculous that we have to go through this.

If the main concern is to preserve the scenic appeal of the area, we can always hide or cover up the back portion of our fence with trees, shrubbery, and vegetation. We are willing to cooperate and compromise reasonably with James City County.

We are hoping for your kind consideration to this matter.

Sincerely,

Patrick Garcia Josephine K. Garcia

Patrick J. and Josephine K. Garcia
2792 Jonas Profit Trail
Williamsburg, VA 23185

November 3, 2004

James City County Development Management
Allen J. Murphy, Jr. Zoning Administrator
101-E Mounts Bay Road
Williamsburg, VA 23187

Dear Sir:

This correspondence is regarding our fence in the scenic easement. We contacted the Fernbrook Homeowner's Association and submitted our application to erect a fence that would align with the other fences along Greensprings Road. We described the height and style of the fence. We also clearly stated that it would be in line with the other fences along Greensprings Road.

The Homeowner's association approved our request with no other requirements. When the fence was installed, we specifically moved the fence inward to avoid cutting some trees.

Even though many trees were already damaged due to Hurricane Isabel and large holes were retaining water breeding mosquitoes, I sincerely apologize for removing the trees that we did. I will gladly replant to accommodate the wishes of the county.

I believe that the wooden fence in the wooded area is scenic and the proffer needs to be amended to accommodate this safety matter. Many members of our community have no objection to wooden fences in the easement. (Please refer to the petition submitted by the Garcia's as that was a joint effort.)

I will be making a request to amend the proffer at the Board of Supervisors meeting on November 23, 2004 as this matter is on the agenda. Thank you for your time and consideration in this matter.

Lara R. Lansford
2784 Jonas Profit Trail
Williamsburg VA 23185

November 15, 2004

To the Board of Supervisors:

I have filed a letter of appeal regarding our encroachment on the scenic easement. I am aware this is an agenda item on the November 23rd meeting. First, I would like to apologize for the removal of some vegetation and also make all aware that we will gladly replant.

I request that the board recommend the proffer be amended to accommodate the safety concerns of those who live along Greensprings Road.

I believe the proffer can be amended, as to allow wooden fences in the wooded area. This would provide a **scenic and safe** alternative to removing the fence. Relocating the fence leaves minimal if any yard.

I hope the board will give this amendment recommendation careful consideration. The safety of our children is a primary concern. Thank you for your time and consideration in this matter.

Sincerely,

Lara Lansford
2784 Jonas Profit trail
Williamsburg, VA 23185

October 26, 2004

James City County Development Management
P.O. Box 8784
Williamsburg, VA 23187

Attention: Melissa Brown

Dear Ms. Brown,

I have recently been informed of a developing situation with my neighbor Pablo Garcia located at 2792 Jonas Profit Trail, Williamsburg, VA. 23185, regarding the placement of a fence surround his property. I myself am a homeowner in the Fernbrook subdivision.

While I am respectful of the James City County ordinance surrounding easements from public roads, I nonetheless, am in support of Mr. Garcia's position. He was granted permission to construct a fence based on the Homeowner's Association's review and decision and he complied with all permits and regulations in the building of his fence.

I have no problem at all with Mr. Garcia's current property fence, as it is compliant with the CC&R's of our Fernbrook Homeowner's Association rules and by-laws.

Sincerely,



Benedict J. Ouano
3724 Captain Wynne Drive
Williamsburg, VA. 23185

October 25, 2004

Dear Sir or Madam:

This is to certify that the fences erected at 2792 Jonas Profit Trail and 2784 Jonas Profit Trail do not affect us in any manner.

2824 Jonas Profit Trail

Address

2820 Jonas Profit

Address

2836 Jonas Profit

Address

2816 Jonas Profit Trail

Address

2812 Jonas Profit

Address

Litt Coons

Signatures

Dice Packer

Signatures

Gail L. Felper

Signatures

Charles Lewis

Signatures

Missy Lee

Signatures

ar Sir or Madam:

s is to certify that the fences erected at 2792 Jonas Profit Trail and 2784 Jonas Profit
will do not affect us in any manner.

196 Jonas Profit
dress

Jerry Atkinson
Signatures

dress

Signatures

dress

Signatures

dress

Signatures

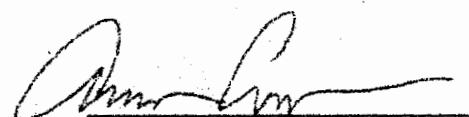
dress

Signatures

Dear Sir or Madam:

This is to certify that the fences erected at 2792 Jonas Profit Trail and 2784 Jonas Profit Trail do not affect us in any manner.

832 JONAS PROFIT TRAIL
Address


Signatures

5724 CAPTAIN WYNNE DR.
Address

BEN DUANO [IN CALIFORNIA]
Signatures WILL SIGN NEXT WEEK

Address

Signatures

Address

Signatures

Address

Signatures

To the Board of Supervisors,

As a resident of Fernbrook, I would like to express my views
regarding the fences in the scenic easement.

have no objection to the fences located at 2784 and 2792 Jonas Profit
Trail.

Sincerely,

Katherine Foley

2780 Jonas Profit Tr

Address

Richard Foley

2780 Jonas Profit

Address

Robert Gott

2788 Jones Profit

Address

Zotty Gott

2788 Jones Profit Trs

Address

Name

Address

Name

Address

Name

Address

Name

Address

To the Board of Supervisors,

As a resident of Fernbrook, I would like to express my views regarding the fences in the scenic easement.

I have **no objection** to the fences located at 2784 and 2792 Jonas Profit Trail.

Sincerely,

L. M. Schaefer

Name

L. M. Schaefer

Name

R. W. Johnson

Name

3282 Loft Avenue

Address

3284 Loft Avenue

Address

3287 Cypress Lane

Address

3289 Loft Avenue

Address

3293 Cypress Lane

Address

3295 Loft Avenue

Address

3297 Cypress Lane

Address

3299 Cypress Lane

Address

OCTOBER 23, 2004

To the Board of Supervisors,

As a resident of Fernbrook, I would like to express my views
regarding the fences in the scenic easement.

I have **no objection** to the fences located at 2784 and 2792 Jonas Profit
Trail.

Sincerely,

William Williams

Name

William Williams

Name

David Williams

Name

David Williams

Name

Stephen Field

Name

Stephen Field

Name

Stephen Field

Name

Stephen Field

Name

2784 Jonas Profit Rd

Address

2792 Jonas Profit Rd

Address

2784 Jonas Profit Rd

Address

2792 Jonas Profit Rd

Address

2784 Jonas Profit Rd

Address

2792 Jonas Profit Rd

Address

2784 Jonas Profit Rd

Address

2792 Jonas Profit Rd

Address

020030955

Map No. (46-3)(6-7)

Consideration \$249,375.00

THIS DEED, made this 16th day of December, 2002, by and between KAR-SAN DEVELOPMENT., LTD., a Virginia corporation, as party of the first part, hereinafter called the Grantor, and Patrick J. GARCIA and Josephine K. GARCIA, husband and wife, as parties of the second part, whose mailing address is 2792 Jonas Profit Trail,

Williamsburg, VA 23185, hereinafter called the Grantees;

WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid by the Grantees to the Grantor, and other good and valuable consideration, receipt whereof is hereby acknowledged, the Grantor does hereby GRANT.

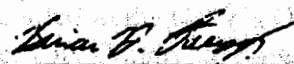
BARGAIN, SELL and CONVEY with GENERAL WARRANTY and ENGLISH COVENANTS OF TITLE unto the Grantees, as tenants by the entirety with the right of survivorship as at Common Law, the following described property, to-wit:

DEC 23 2001
414

SEE ATTACHED EXHIBIT "A" FOR DESCRIPTION.

WITNESS the following signature and seal:

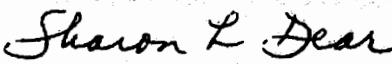
KAR-SAN DEVELOPMENT, LTD., a
Virginia corporation

BY:  (SEAL)
Brian D. Parsons, President

STATE OF VIRGINIA

CITY OF WILLIAMSBURG, to-wit:

The foregoing was acknowledged before me by BRIAN D. PARSONS, President of and on behalf of KAR-SAN DEVELOPMENT, LTD., this 19th day of December, 2002.



NOTARY PUBLIC

My Commission Expires: 1/31/04

PREPARED BY:

William F. Miller, P.C.
210 Parkway Dr.
Williamsburg, VA 23185

DEC 23 2001 45

REC 232 0146

EXHIBIT "A"

All that certain lot, piece or parcel of land situate, lying and being in James City County, Virginia, known and designated as Lot Numbered SEVEN (7), as shown on that certain plat entitled, "PLAT OF SUBDIVISION FERNBROOK, PHASE II, LOTS 7-24, AND LOTS 90-97. OWNER/DEVELOPER: FERNBROOK ASSOCIATES, L.L.C., JAMES CITY COUNTY, JAMESTOWN DISTRICT, VIRGINIA", dated March 27, 1998, made by AES, Consulting Engineers, and duly recorded in the Clerk's Office of the Circuit Court of the City of Williamsburg and James City County, Virginia, in Plat Book 69, pages 10 and 11, to which reference is here made.

Together with all and singular the buildings and improvements thereon, rights and privileges, tenements, hereditaments, easements and appurtenances unto the said land belonging or in anywise appertaining.

Subject, however, to restrictions, easements and rights of way of record affecting said property.

Being a portion of the same property as that conveyed unto Kar-San Development, Ltd., a Virginia corporation, by deed dated February 11, 2002 from C. Richard Dobson Builders, Inc., a Virginia corporation, and recorded in the aforesaid Clerk's Office as Doc. No. 020005066.

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY
This document was admitted to record on 23 Nov 02
at 9:44 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

\$ 374.10 \$ 124.70 \$ 249.50

TESTE: BETSY B. WOOLRIDGE, CLERK

BY Betsy B. Woolridge Clerk

3

030031160

This document drafted by:

Samuel I. White, P.C.
209 Business Park Drive
Virginia Beach, Va. 23462

Tax I.D.

Robert B. CAMPBELL Consideration: \$ 249,000.00

DEED OF BARGAIN AND SALE

THIS DEED OF BARGAIN AND SALE, made as of the 9th day of October, 2003, by
and between, Robert B. CAMPBELL, and Cynthia J. CAMPBELL, husband and wife,

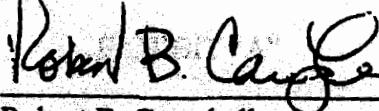
Grantors, and Edward E. LANSFORD and Lara R. LANSFORD, husband and wife,
Grantees, whose address is: 2784 Jonas Profit, Williamsburg, VA 23185.

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid and
other good and valuable consideration, the sufficiency and receipt of which are hereby
acknowledged, the Grantors do hereby grant and convey with GENERAL WARRANTY and
ENGLISH COVENANTS OF TITLE unto the said Grantees, as tenants by the entirety with right
of survivorship, as at common law, the following described property, to-wit:

SEE ATTACHED EXHIBIT "A"

WITNESS the following signatures and seals:


Robert B. Campbell (SEAL)

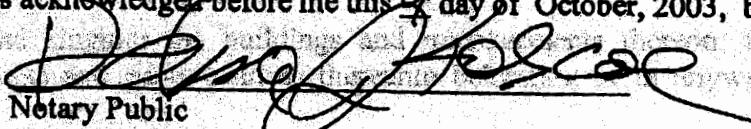
Robert B. Campbell

that certain land, a portion of land, situated, lying and being in James City
County, Virginia, in the town of Williamsburg, described as follows: (SEAL)
certified, "PLAN OF CROWN PHASE II, LOT 7-24, 2110
LOTS 50-51, OWNED BY DEVELOPER: PEABODY ASSOCIATES, LLC,
JAMES CITY COUNTY, JAMES TOWN DISTRICT, VIRGINIA." And know
all men by these presents, that the said premises, and recorded in the Clerk's Office of
the County of James City, Virginia, in the year of our Lord, One thousand nine hundred and
fifty-four, and in the month of April, containing acres, and bounded as follows: (SEAL)

Cynthia J. Campbell

State of Virginia
City/County of Williamsburg, to-wit:

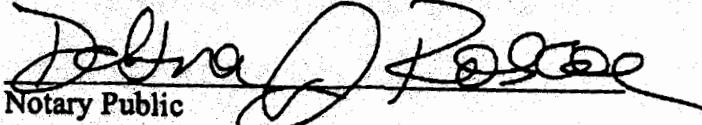
The foregoing instrument was acknowledged before me this 9 day of October, 2003, by
Royce D. Olive.


Royce D. Olive
Notary Public

My commission expires: 1/30/2004

State of Virginia
City/County of Williamsburg, to-wit:

The foregoing instrument was acknowledged before me this 9 day of October, 2003 by
Ann M. Olive.


Ann M. Olive
Notary Public

My commission expires: 1/30/2004

EXHIBIT "A"

Classification of the species

All that certain lot, piece or parcel of land situate, lying and being in James City County, Virginia, known and designated as LOT 9, as shown on that certain plat entitled, "PLAT OF SUBDIVISION FERNBROOK, PHASE II, LOTS 7-24, AND LOTS 90-97, OWNER/DEVELOPER: FERNBROOK ASSOCIATES, L.L.C.

THIS JAMES CITY COUNTY, JAMESTOWN DISTRICT, VIRGINIA", dated March, 1998, made by AES, Consulting Engineers, and recorded in the Clerk's Office of the Circuit Court of the City of Williamsburg and James City County, Virginia, in Plat Book 69, pages 10 and 11 to which reference is here made.

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

Subject, however, to any and all easements, restrictions and provisions of record affecting the said property.

It being the same property which was conveyed to Grantors, by Deed dated October 17, 2000, and duly recorded in aforesaid Clerk's Office as Instrument Number 000020910.

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY
This document was admitted to record on 10 Oct. 03
at 11:18 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**

\$ 373.50 \$ 124.50

TESTE: BETSY B. WOOLRIDGE, CLERK
BY Betsy B. Woolridge Clerk