

AT A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE JAMES CITY SERVICE AUTHORITY, JAMES CITY COUNTY, VIRGINIA, HELD ON THE 18TH DAY OF NOVEMBER, NINETEEN HUNDRED NINETY-ONE, AT 3:52 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Stewart U. Taylor, Chairman
Perry M. DePue, Vice Chairman
Jack D. Edwards
Judith N. Knudson
Thomas K. Norment, Jr.

David B. Norman, Secretary
John E. McDonald, Treasurer
Frank M. Morton, III, County Attorney
Larry M. Foster, General Manager

B. MINUTES - October 14, 1991

Mr. Taylor asked if there were corrections or additions to the minutes.

Mr. Taylor made a motion to approve the minutes.

The motion was approved by a unanimous voice vote.

C. CONSENT CALENDAR

Mr. Taylor asked if any Board member wished to remove any item from the Consent Calendar.

Mr. DePue asked about establishment of a five-member panel to review all requests for mitigation of impacts on existing wells.

Mr. Foster stated that recommendation of persons would be presented to the Board nearer the time when wells begin production.

Mr. DePue made a motion to approve the Consent Calendar.

The motion was approved by a unanimous voice vote.

1. Chickahominy Road Waterworks Facility - Well DedicationR E S O L U T I O NWELL DEDICATION - CHICKAHOMINY ROAD WATERWORKS FACILITY

WHEREAS, the Commonwealth of Virginia, Department of Health, regulates the use of public water supply wells; and

WHEREAS, Commonwealth regulations require the well lot to be dedicated for water supply use only, to prevent contamination; and

WHEREAS, the James City Service Authority desires to operate a public water supply system at its Chickahominy Road Waterworks Facility.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City Service Authority, James City County, Virginia, does hereby authorize and direct the Chairman and Deputy Secretary to execute the well dedication document for the Chickahominy Road Waterworks Facility on behalf of the James City Service Authority.

2. Stonehouse Well Mitigation AgreementR E S O L U T I O NSTONEHOUSE WELL MITIGATION AGREEMENT

WHEREAS, the Board of Supervisors of James City County has approved Case No. Z-10-89, providing the appropriate zoning to allow the development of the Stonehouse Project; and

WHEREAS, the Stonehouse Project may have an impact on existing wells in the vicinity of the project; and

WHEREAS, the developers of the Stonehouse Project have entered into an agreement entitled "Well Mitigation Program Agreement" that provides the terms for mitigating impacts on existing wells resulting from the well constructed by Stonehouse to meet water demands of the project; and

WHEREAS, the James City Service Authority is a party to the agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City Service Authority, James City County, Virginia, hereby authorizes the Chairman to sign the agreement providing the terms for the well mitigation program.

-3-

D. BOARD REQUESTS AND DIRECTIVES

Mr. Foster recommended an executive session pursuant to Section 2.1-344(a)(3) of the Code of Virginia to consider the acquisition of publicly held property.

Mr. Taylor made a motion to convene into executive session at 4:00 p.m.

Mr. Norment left the meeting at 4:20 p.m.

Mr. DePue made a motion to approve the executive session resolution.

The motion was approved by a unanimous voice vote.

RESOLUTION

MEETING DATE: NOVEMBER 18, 1991

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Board of Directors of the James Service Authority, (Board) has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and


WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City Service Authority, hereby certifies that, to the best of each member's knowledge; (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies; and, (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board.

Ms. Knudson made a motion to adjourn.

The motion was approved by a unanimous voice vote.

The Board adjourned at 4:39 p.m.



 David B. Norman
 Secretary to the Board



WELL MITIGATION PROGRAM AGREEMENT

This Agreement is entered into this 4th day of November 1991 among JAMES CITY COUNTY, VIRGINIA (the "County"), THE JAMES CITY SERVICE AUTHORITY (the "Service Authority") and STONEHOUSE INC. (the "Owner").

RECITAL

Pursuant to Condition 12 of the Stonehouse Proffers dated October 22, 1991, made by Owner in connection with rezoning Case No. Z-10-89, the parties hereto desire to set forth in greater detail their mutual agreements regarding the well mitigation program described generally in Condition 12 of the Stonehouse Proffers.

AGREEMENT

1. Forms of Mitigation. There shall be at least four potential forms of mitigation, consisting of (i) lowering the existing pump in a well; (ii) installing a larger pump in a well; (iii) drilling a new well or (iv) connecting to the County's public water supply system.

2. Review Panel. (a) The review panel shall consist of five individuals. At least one representative of Owner nominated by Owner shall be included on the panel. All five members of the panel shall be deemed qualified by the Service Authority and presented to the Board of Supervisors for approval. Panel members shall serve four year staggered terms, and shall include at least two residents of the Stonehouse District of the County.

(b) The panel shall review all claims made by residents of the County for mitigation. The panel shall first determine if the applicant has suffered a significant draw down impact on his well. If there exists such a significant impact, the panel then shall determine if the pumping of wells on the Property was the principal cause the impact and, if so, the most appropriate and cost effective form of mitigation. The panel shall consider all information provided to it by the applicant, the Owner, the Service Authority and the information from Owner's groundwater monitoring program and any other information presented to it. All decisions of the panel shall be reduced to writing and copies thereof furnished to the applicant, the Owner, the Service Authority and the County Attorney.

(c) All decisions of the panel shall be by majority vote. There shall be no appeal from the decision of the panel - its decisions shall be final and binding. The panel may adopt from time to time procedural rules and regulations (consistent with this Agreement) governing applications for mitigation and the conduct of its meetings. The Service Authority shall administrate and serve as staff resource to the panel.

3. Remedies. Owner, upon receipt of a decision of the review panel requiring mitigation, shall promptly commence such mitigation and diligently pursue the same to completion. If Owner, after receipt of demand from the Service Authority to commence mitigation, fails or refuses to do so, the Service Authority may draw on the bond posted by Owner pursuant to Condition 12 of the Stonehouse Proffers. Owner shall be liable for any costs or expense of such mitigation in excess of the

amount of such bond. If Owner defaults and fails or refuses to perform its obligations hereunder, in addition to the right to draw on the bond, the Service Authority and the County shall have all remedies at law or in equity for violation of a voluntarily proffered condition in a rezoning.

4. Amendment. This Agreement may be amended only by a writing signed by all the parties hereto.

WITNESS the following signatures.

JAMES CITY COUNTY

By Thomas K. Norment

JAMES CITY SERVICE AUTHORITY

By Stewart W. Taylor

STONEHOUSE INC.

By Thomas P. Oatman

WELL DEDICATION

The James City Service Authority, created by the County of James City, Virginia, organized and existing under the laws of the Commonwealth of Virginia, does hereby dedicate that tract or parcel of real estate situated, lying and being in James City County, Virginia, more particularly described by deed of record in Deed Book 456, Page 711, of the Clerk's Office of the Circuit Court of James City County, Virginia, and as shown on the attached plat; being the identical real estate which the James City Service Authority acquired by grant with General Warranty and English Covenants of Title from the heirs or devisees of Robert Lee Greenow, et. als. Said dedication being to establish the aforesaid area for water supply use only, and the said James City Service Authority agrees that only appurtenances pertinent to the water supply system will be constructed in said area dedicated and that said lot will not be used for human habitation or other sources of contamination.

The full interest and control of the aforesaid area dedicated shall remain with the James City Service Authority and this instrument is solely for the purpose of assuring the Department of Health of the Commonwealth of Virginia as to the matters hereinabove set forth so long as said parcel is used for a water supply system; and this dedication shall be null and void and of no further effect should the wells on the said premises be abandoned and the use thereof for a water supply system cease.

WITNESS the following signatures and seal this 18th day of November, 1991.

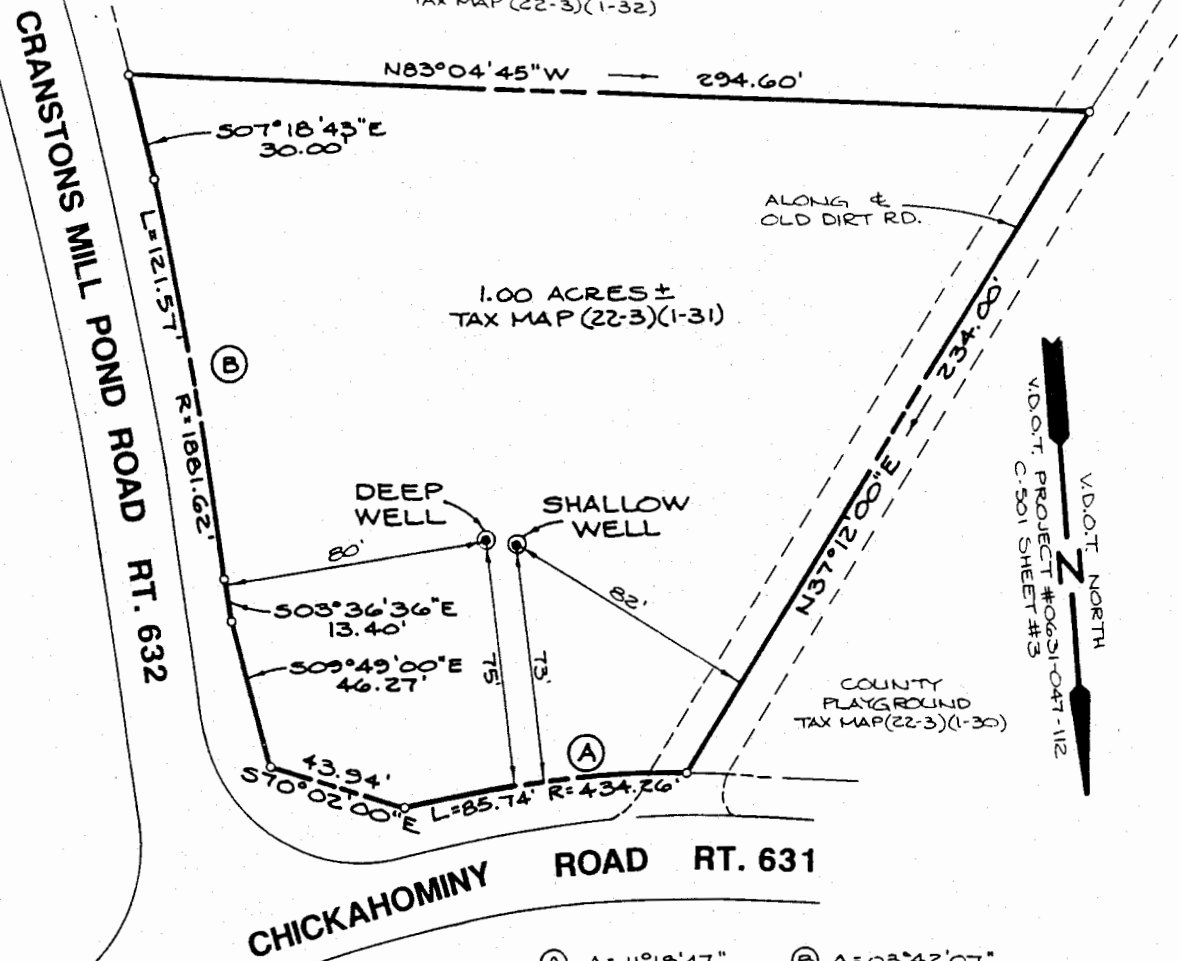
JAMES CITY SERVICE AUTHORITY

By: Stewart U. Taylor
 Stewart U. Taylor
 Chairman, Board of Directors

Attest: David B. Norman
 David B. Norman
 Secretary to the Board

162b

TAX MAP (22-3)(1-32)



- (A) Δ = 11°18'47"
R = 434.26'
L = 85.74'
T = 43.01'
C = 85.61'
CB = N88°06'00"E
- (B) Δ = 03°42'07"
R = 1861.62'
L = 121.57'
T = 60.81'
C = 121.55'
CB = S05°27'40"E



AES Consulting Engineers Engineers, Surveyors, Planners Williamsburg, Virginia

**PLAT OF WELL LOT
NEAR CHICKAHOMINY BAPTIST CHURCH
OWNED BY THE JAMES CITY SERVICE AUTHORITY**