

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10TH DAY OF OCTOBER, NINETEEN HUNDRED EIGHTY-EIGHT, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District
 Thomas D. Mahone, Vice-Chairman, Jamestown District
 Perry M. DePue, Powhatan District
 Thomas K. Norment, Jr., Roberts District
 Stewart U. Taylor, Stonehouse District

David B. Norman, County Administrator (Absent)
 Frank M. Morton, III, County Attorney

B. MINUTES -

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

Mr. Mahone made a motion to approve the minutes as presented.

On a roll call, the vote was AYE: Norment, Taylor, Mahone, DePue, Edwards (5). NAY: (0).

C. PROCLAMATION - United Nations Day

Mr. Brent Sheffler, Economic Development Coordinator, introduced the Williamsburg-James City County team, Albert Johnson, Lynda Dunnigan, and Glenn McGregor, from the Virginia Seminar on East Asia held at William and Mary. The team outlined ways to increase global awareness among all area citizens.

P R O C L A M A T I O N

UNITED NATIONS DAY

WHEREAS, United Nations Day is designated by the UN General Assembly each year to commemorate the founding of the Organization on October 24, 1945; and

WHEREAS, On this occasion, we join with the peoples of the world in reaffirming our commitment to the principles upon which the UN was founded: international peace and security, respect for human rights, and the promotion of social and economic cooperation among nations. UN Day also gives us the opportunity to examine our involvement in the world's problems and their solutions; and

WHEREAS, Since the UN was founded 45 years ago, the world has changed dramatically, with the addition of more than 100 nations to its membership. In this global community, it is clear that the power to solve the world's problems no longer lies solely in the hands of a few nations. Instead, all nations must work together to relieve the suffering of millions, to halt nuclear proliferation, and to promote economic development; and

WHEREAS, Americans have made a great contribution to the creation and continuing work of the United Nations. As a part of our foreign policy, the UN is a channel through which the U.S. can take productive action for world peace and prosperity. Continued support for the United Nations can advance constructive goals that will benefit both the United States and the world.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, do hereby proclaim Monday,

October 24, 1988, as United Nations Day

and urge all citizens to participate in programs and activities designed to increase understanding of the problems and potential of the UN and to develop ideas on ways to make the United Nations more effective.

D. PUBLIC HEARINGS

1. Case No. SUP-26-88. John Thompson

Mr. Marvin Sowers, Director of Planning, stated that Mr. John Thompson had submitted an application for a special use permit to allow the replacement of a nonconforming manufactured home on 1.956 acres, which he owns, located at 278 Thompson Lane. Staff recommended denial because the family subdivision, of which the subject property is a part, has only one member of the Thompson family living in it. Staff submitted that through use of the family subdivision ordinance and issuance of separate permits for lots, the owner had developed a de facto manufactured home park without having to meet Zoning Ordinance requirements.

Mr. Edwards reopened the continued public hearing.

Mr. Joseph Phillips, Jr., Esq., representative for Mr. and Mrs. John Thompson, stated that the Thompsons were requesting nothing new, only asking for a continuance of past procedures.

Mr. Edwards closed the public hearing.

Discussion was held regarding guidelines for family and regular subdivisions, and that the request was inconsistent with County policy.

Mr. Mahone made a motion to add a one-year time limit condition to the original resolution.

On a roll call, the vote was: AYE: Taylor, Mahone, DePue (3).
 NAY: Norment, Edwards (2).

Mr. DePue made a motion to approve the amended resolution.

On a roll call, the vote was: AYE: Taylor, Mahone, DePue (3).
 NAY: Norment, Edwards (2).

R E S O L U T I O N

CASE NO. SUP-26-88. JOHN THOMPSON

WHEREAS, it is understood that all conditions for the consideration of an application for a Special Use Permit have been met.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Special Use Permit be granted for the placement of a mobile home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant:	John Thompson
Description of Mobile Home:	1988 Oakwood No. 1-10-NC-5-60-14-CKZ-50795
Real Estate Tax Map ID:	36-1
Parcel No.:	1-8A
Address:	278 Thompson Lane
District:	Powhatan
Zoning:	A-1
Conditions:	<ol style="list-style-type: none"> 1. This permit shall be valid only for the mobile home applied for. If the mobile home is removed, this permit shall become void. Any replacement shall require a new permit from the Board of Supervisors. 2. The mobile home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards. 3. The number of bedrooms shall not exceed two.

4. This permit shall expire on October 10, 1989, and the use of this manufactured home, unless otherwise expressly approved by the Board of Supervisors, shall not be continued on this parcel.

2. Case No. Z-12-88. Ferrell General Construction Company

Mr. Sowers stated that Mr. Alvin P. Anderson had applied on behalf of Ferrell General Construction Company to rezone approximately 50 acres from A-1, General Agricultural to R-3, General Residential, with proffers, located at 6000 Centerville Road.

Staff and the Planning Commission, by an 8-1 vote, recommended approval of the rezoning for the following reasons: proposal is consistent with Comprehensive Plan; generally consistent with surrounding development; adequately addresses issues of traffic, water and sewer, environmental sensitivity, visual quality, and historical resources; and will provide an opportunity for moderate income housing compatible with adjoining areas and the Comprehensive Plan.

Questions were asked about maintenance of private streets, housing price, building of houses on slopes, and lot size.

Mr. Edwards opened the public hearing.

1. Mr. Sheldon Franck, Esq., of Anderson and Franck, representative for the Ferrell General Construction Company, requested approval of the rezoning.

Mr. Edwards closed the public hearing.

Mr. DePue made a motion to approve the rezoning.

On a roll call, the vote was AYE: Norment, Taylor, Mahone, DePue, Edwards (5). NAY: (0).

R E S O L U T I O N

CASE NO. Z-12-88. FERRELL GENERAL CONSTRUCTION COMPANY

WHEREAS, in accordance with Section 15.1-431 of the Code of Virginia, and Section 20-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified and a hearing scheduled on Zoning Case No. Z-12-88 for rezoning approximately 50 acres from A-1, General Agricultural, to R-3, General Residential, on property identified as Parcel (1-32) on James City County Real Estate Tax Map No. (31-1); and

WHEREAS, the Planning Commission, following its public hearing on July 26, 1988, voted by an 8-1 vote on August 23, 1988, to recommend approval of Case No. Z-12-88, with proffers.

NOW, THEREFORE, BE IT RESOLVED that the Board of James City County, Virginia, does hereby approve Zoning Case No. Z-12-88, with proffers, as described herein.

3. Case No. SUP-12-88. C. Lewis Waltrip

Mr. Sowers stated that Mr. C. Lewis Waltrip had applied for a special use permit to allow the development on 24.18 acres of a manufactured cement and "hot mix" bag house asphalt plant, in addition to the storage of materials and equipment necessary for its operation, in M-2, General Industrial, located at 7762 Richmond Road.

Mr. Sowers further stated that the site is in the Reservoir Protection Overlay District and effective runoff control measures and containment facilities could be provided which would minimize adverse impacts on the reservoir. Public water and capacity are available; sewer is available, with limited capacity. The applicant proposed to acquire property for an alternate access which would connect with Richmond Road.

On August 23, 1988, the Planning Commission, by a vote of 8-1, recommended denial for traffic safety reasons. Since that time, the applicant had addressed those concerns, but concerns associated with odor, dust, noise, and visual quality remain. Staff recommended deferral so that the Board, or a committee, could visit a comparable asphalt mixing plant site.

Mr. Edwards opened the public hearing.

1. Ms. Terry Whitson, 215 Plains View Road, stated that she had visited the Lee Hall asphalt plant and smelled no offensive odor and that the site was clean.

2. Mr. Hammond Branch, 2825 Forge Road, Toano, stated that the Lee Hall plant was a clean operation and voiced concern of losing the potential of the CSX railroad and tax base for the County.

3. Ms. Beverly Hall, 8509 Richmond Road, spoke in opposition to the plant because of traffic concerns, chemical emissions, and dust.

4. Mr. Jerry McCardle, 7101 Church Lane, spoke in favor of the plant for the creation of jobs and tax base.

5. Mr. James Tyree, Mirror Lake Estates, stated that he would support the plant in another location, and spoke of concern for fire protection.

6. Mr. Wilson Moore, who lives near the Lee Hall plant and was called by Mr. Waltrip, stated that he had been unaware of the plant during his residency the past three years.

7. Ms. Debbie Engbersen, Hunter's Creek, spoke of a concern about property values if the proposed plant is built.

8. Mr. Cleve Corlett, Hunter's Creek, asked about the affect the plant would have on trees and surrounding foliage.

9. Mr. John Engbersen, Racefield Subdivision, was concerned about the traffic issue and questioned whether the applicant could obtain land for an access road.

10. Mr. Vernon Geddy, Jr., Esq., representative for C. Lewis Waltrip, introduced Dr. Raymond R. Rose, Espey Huston and Association of Falls Church, Environmental Engineers, reported good air quality near the plant; no waste water or solid waste produced; sound levels satisfactory; and, aesthetics include remote, screened, landscaped area with a paved access road.

11. Dr. Robert Carroll, RLC Associates of Richmond, detailed the process utilized by the plant, and described it as "the plant of the future."

12. Mr. James Bennett, Engineer of Design, AES Professional Corporation, described the access road, use of the railroad, landscape buffer from Route 60, and above ground tanks. Mr. Bennett concluded by stating that the land had been rezoned M-2 for many years, and that the asphalt mixing plant would provide jobs and benefit the County's economy.

13. Mr. C. Lewis Waltrip, applicant and owner, asked for the Board's approval of the special use permit, giving him the opportunity to bring industry to the County.

14. Ms. Monica Ellis, 7880 Richmond Road, spoke in opposition to the plant because of air pollution concerns.

15. Ms. Susan Holloway, Toano, spoke in opposition because it could lower home values, increase truck traffic and noise.

Mr. Edwards closed the public hearing.

After consideration of the citizens' comments, the Planning Commission's vote, the favorable land use and location, and the need for more information, Mr. Norment made a motion to postpone indefinitely until completion of an independent environmental analysis to be supplied by the developer.

On a roll call, the vote was AYE: Norment, Taylor, Mahone, DePue, Edwards (5). NAY: (0).

Mr. Edwards declared a break at 9:40 p.m.

Mr. Edwards reconvened the Board at 9:55 p.m.

4. Case No. S-27-88. Subdivision Ordinance Amendment, Chapter 17

Ms. Victoria Gussman, Manager, Development Management, stated that Paragraph 1 of the proposed amendment replaced confusing language reflecting current regulations. Paragraph 2 required that private streets be certified as being constructed in accordance with approved plans, that the County Engineer withhold surety until proper certification had been achieved, and cited administrative guidelines as the basis for certification process.

Staff preferred professional engineer certification, and viewed the amendment as adequate. The Planning Commission recommended approval of the amendment by a vote of 7-1, with one abstention.

Mr. Edwards opened the public hearing, and as no one wished to speak, he closed the public hearing.

After discussion of the wording of the amendment, Mr. Edwards made a motion to approve the ordinance amendment.

On a roll call, the vote was: AYE: Norment, DePue, Edwards (3). NAY: Taylor, Mahone (2).

E. CONSENT CALENDAR

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

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

On a roll call, the vote was AYE: Norment, Taylor, Mahone, DePue, Edwards (5). NAY: (0).

1. Additional Allocation for Foster Care Prevention Services

R E S O L U T I O N

APPROPRIATION TO THE SOCIAL SERVICES DEPARTMENT

WHEREAS, the State Department of Social Services has provided supplemental funding to render additional services through the Foster Care Prevention Services Program of the local Department of Social Services (Account No. 007-083-5724).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendments.

Revenues:

Revenue From the Commonwealth \$2,230

Expenditures:

Foster Care Prevention \$2,230

2. State/Federal School Grants

R E S O L U T I O N

SCHOOL APPROPRIATION AMENDMENT

WHEREAS, the School Board has been awarded \$28,053 in additional grants.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the appropriation of the Williamsburg/James City County School Board for the 1989 fiscal year, as follows:

Total Revenues, Previously Appropriated	\$25,099,774
Revenues - State	6,329
Revenues - Federal	21,724
Total Revenues	<u>\$25,127,827</u>
Total Expenditures, Previously Appropriated	\$25,099,774
Adult Education and Drug Free	
School Grant Programs	28,053
Total Revenues	<u>\$25,127,827</u>

3. School Technology Initiative

R E S O L U T I O N

EDUCATIONAL TECHNOLOGY

WHEREAS, the James City County Board of Supervisors recognizes the need to expand learning experiences now available through technology to students in the Williamsburg/James City County School Division; and

WHEREAS, the Williamsburg/James City County School Board is eligible for approximately \$56,700 in subsidized technological equipment through the Governor's Educational Technology Initiative Procurement and Financing Program; and

WHEREAS, the Governor's Educational Technology Initiative Procurement and Financing Program provides a vehicle for the purchase and financing of microcomputers, satellite and associated equipment at a substantial savings to participating localities; and

WHEREAS, the Williamsburg/James City County School Board has requested the approval of the James City County Board of Supervisors to participate in this program.

NOW, THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors that it does hereby authorize the Superintendent to sign the Memorandum of Agreement between the Williamsburg/James City County School Division and the Department of Education authorizing participation in the Governor's Educational Technology Initiative Procurement and Financing Program for the purchase and financing of approximately \$44,070 of subsidy eligible equipment; and

BE IT FURTHER RESOLVED, that the Superintendent of Schools is hereby authorized to transmit the Letter of Agreement to the Department of Education on behalf of this Board.

4. Emergency Plan Update

R E S O L U T I O N

JAMES CITY COUNTY EMERGENCY OPERATIONS PLAN

WHEREAS, there exist many dangers of many types, including man-made disasters, natural disasters, and possible hostile actions of an unknown enemy; and

WHEREAS, the safety and protection of the citizens and property is of foremost concern to the Board of Supervisors of the County of James City; and

WHEREAS, the Board of Supervisors desires and Commonwealth of Virginia statutes require the adoption of appropriate planned protective measures;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors hereby adopts the James City County Basic Emergency Operations Plan.

F. BOARD CONSIDERATIONS

1. Centerville Road Sidewalks

Ms. Gussman stated that staff had requested approval of a 2,200-foot sidewalk from Longhill Road to Forest Glen Drive to improve pedestrian traffic safety at that location.

Staff recommended approval for reasons of pedestrian traffic safety and that the sidewalk would be a part of the VDOT Centerville Road improvements, leaving CIP sidewalk funds available for other projects.

Mr. Edwards made a motion to approve the resolution.

On a roll call, the vote was: AYE: Norment, Mahone, DePue, Edwards (4). NAY: Taylor (1).

R E S O L U T I O N

CENTERVILLE ROAD SIDEWALKS

WHEREAS, the Virginia Department of Transportation intends to secure Highway Board approval for improvements to Route 614, Centerville Road; and

WHEREAS, the Virginia Department of Transportation has requested a commitment from the James City County Board of Supervisors to participate in the cost of sidewalk construction as outlined in the Virginia Department of Transportation Policy memorandum DPM 8-6, Sections 1.02 and 1.03; and

WHEREAS, the James City County Board of Supervisors desires to include the construction of sidewalks in the Centerville Road Improvements Project from Longhill Road, Route 612 to Forest Glen Drive, Route 1507, a distance of approximately 2,200 linear feet.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request that the Virginia Department of Transportation include the construction of sidewalks in the Centerville Road, Route 614, Improvements Project from Longhill Road, Route 612 to Forest Glen Drive, Route 1507.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby agree and commit to participate in the cost of the sidewalk construction from Centerville Road, Route 612 to Forest Glen Drive, Route 1507, a distance of approximately 2,200 linear feet, as outlined in the Virginia Department of Transportation Policy Memorandum DPM 8-6, dated November 1, 1978, Sections 1.02 and 1.03.

2. Little Creek Reservoir Recreation Area Designation

Mr. Anthony Conyers, Jr., Manager, Community Services, stated that staff recommended that Little Creek Reservoir property be designated as a recreation area so that the Parks and Recreation Ordinance would apply, and the Parks and Recreation Director can promulgate rules and regulations.

During discussion of the proposed rules and regulations, Mr. Edwards asked that a meeting be held between Parks and Recreation staff and Mr. Mahone to discuss concerns about several items.

Mr. Edwards made a motion to approve the resolution.

On a roll call, the vote was: AYE: Norment, Taylor, DePue, Edwards (4). NAY: Mahone (1).

R E S O L U T I O NLITTLE CREEK RESERVOIR AREA

WHEREAS, James City County owns 38.5 acres of land at Little Creek Reservoir for the development of public recreation facilities; and

WHEREAS, James City County is constructing facilities at this site; and

WHEREAS, James City County will operate and maintain these facilities for public use.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, designates this property as Little Creek Reservoir Recreation Area.

3. Case No. SP-76-88. Mid-County Park Ball Field Lighting

Mr. Sowers stated that Ms. Sandra McPherson, Director of Parks and Recreation, had applied for site plan approval for proposed ball field lighting, 70 feet above grade, which would exceed the height limitation of 60 feet above grade within a R-4 District, Residential Planned Community.

In staff's opinion, the height limitation waiver would not impair the property values in the surrounding areas, public health, safety, and general welfare would not be jeopardized; therefore, staff recommended approval of the resolution.

Mr. Edwards made a motion to approve the resolution.

On a roll call, the vote was AYE: Norment, Taylor, Mahone, DePue, Edwards (5). NAY: (0).

R E S O L U T I O NCASE NO. SUP-76-88. MID-COUNTY PARK BALL FIELD LIGHTING

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a height limitation waiver for structures; and

WHEREAS, the applicant has requested a height limitation waiver to allow the installation of ball field lighting for Mid-County Park on property identified as Parcel (1-10) on James City County Real Estate Tax Map No. (38-3).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve the issuance of a height limitation waiver for Case No. SP-76-88 as described herein with the following condition:

The proposed ball field lighting structures or poles shall not exceed 70 feet above grade.

G. PUBLIC COMMENT

1. Mr. Robert Hershberger, 100 Tutter's Neck, stated that the Board of Directors of the Chamber of Commerce endorsed the concept of a transportation link between the County and the Peninsula, and he offered the Chamber's assistance in presenting possibilities to the citizens.

2. Mr. Jay Everson, 130 Oslo Court, stated that the transportation link is important to employers, who are raising salaries to attract persons; therefore, a need exists to increase the supply of applicants.

3. Mr. Ed Riley, 611 Tam-O-Shanter, spoke about citizens' awareness of Lyme disease.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Larry Foster, Assistant County Administrator, requested an executive session for acquisition of property.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Edwards noted the Recreation report with monthly income comparisons showing \$6,900 for August 1987 and \$10,600 for August 1988, which is commendable.

Mr. Edwards mentioned that Daily Press reporter, Christopher Young, was leaving the area, and extended the Board's best wishes to him.

Mr. Edwards convened the Board into executive session to discuss acquisition of property, pursuant to Section 2.1-344 (a)(2) of the Code of Virginia, 1950, as amended, at 11:00 p.m.

Mr. Edwards reconvened the Board into open session at 11:05 p.m.

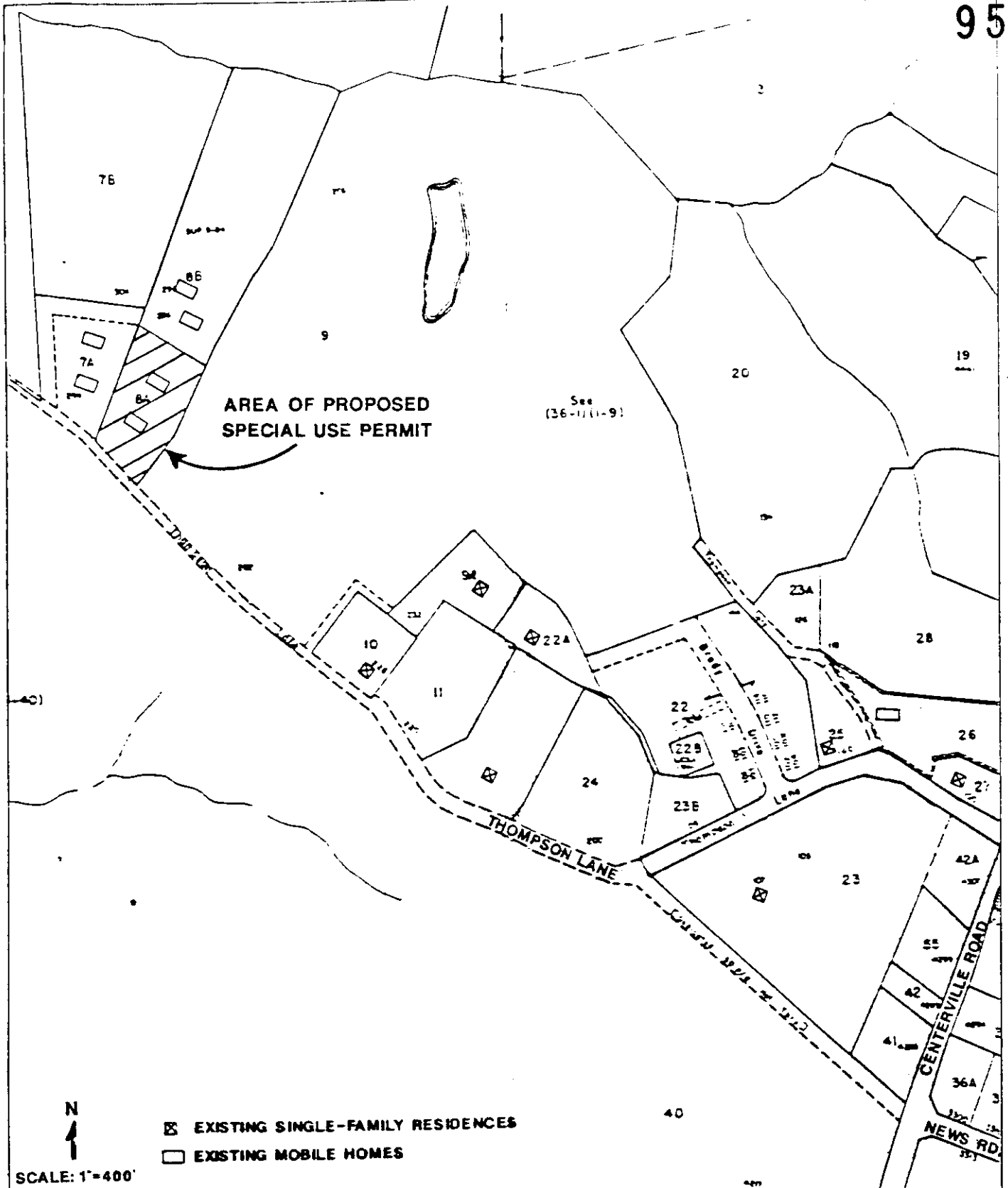
Mr. Edwards made a motion to adjourn.

On a roll call, the vote was AYE: Norment, Taylor, Mahone, DePue, Edwards (5). NAY: (0).

The Board adjourned at 11:05 p.m.

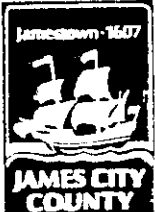


David B. Norman
Clerk to the Board



N
 SCALE: 1"=400'

- ☒ EXISTING SINGLE-FAMILY RESIDENCES
- ☐ EXISTING MOBILE HOMES



Case #: SUP-26-88

Name: JOHN THOMPSON

AGREEMENT

Whereas, Joseph H. Carlton, et als (hereinafter called "the Owner") own certain real property in James City County, Virginia (hereinafter called "the Property") and more particularly described as follows:

All that certain tract of land now or formerly situate in Jamestown District, James City County, Virginia, called "Halls", being a part thereof, containing fifty (50) acres, more or less, and bounded by the road leading from Kelton to Centerville, and by the lands of F.R. Savage, the War Hill Tract, and the land of J.M. Jones, being the same property conveyed to the Owner by Deed dated May 1, 1951 from V.M. Gaddy, Administrator and Trustee of the Estate of F.W. Hammond, deceased.

Whereas, the Owner has entered into a Contract Of Purchase to sell the Property to Ferrell General Construction Company ("the Buyer"); and

Whereas, the Contract of Purchase provides in pertinent part:

"Rezoning. Seller acknowledges Buyer intends to apply for rezoning of the Property to classification R-3. Seller expressly authorizes Buyer to pursue said rezoning application and agrees to cooperate in any manner required to obtain this rezoning; provided that Buyer shall pay all of the expense associated with said application"; and

Whereas, the Buyer has applied for rezoning of the Property from General Agricultural (A-1) ("the Existing Zoning") to General Residential (R-3) all pursuant to Section 20-190 through 20-200 of the Zoning Ordinance of James City County, Virginia, ("the Proposed Zoning"); and

Whereas, James City County, Virginia, may be unwilling to rezone the Property because the Proposed 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 Buyer 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 Proposed Zoning regulations.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH that for and in consideration of James City County, Virginia, rezoning the Property from the Existing Zoning to the Proposed Zoning and pursuant to Section 15.1-491.1 of the Code of Virginia, 1950, as amended, and Section 20-18 of the Zoning Ordinance of James City County, Virginia, the Buyer agrees that in addition to the regulations provided in the Proposed Zoning, it shall meet and comply with all of the following conditions for the development of the Property:

Conditions

- (1) The Property shall not be subdivided into more than one hundred (100) lots plus associated recreational and common area lots.
- (2) The use of the Property shall be limited to single family dwellings plus associated recreational uses.
- (3) The Property shall be developed in accordance with Section 20-499, et seq., of the Zoning Ordinance of James City County, Virginia (Residential Cluster Development).
- (4) All single family dwellings shall be connected to public water and public sewer.
- (5) The Property shall not have any private driveways entering State Route 614 (Centerville Road).
- (6) The Property shall have no more than two public entrances from State Route 614 (Centerville Road).

(7) A scenic easement shall be reserved across the Property 50 feet deep, adjacent to and parallel with the centerline of State Route 614 (Centerville Road). No portion of the scenic easement shall be included within any lot for single family dwelling(s). 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 through the scenic easement such new roads, public utilities and entrance signs, as may be necessary and as are in accordance with the terms of this agreement and approved by the Subdivision Review Committee of the County's Planning Commission.

(8) The Buyer shall dedicate that portion of the scenic easement described in condition numbered seven (7) as is required by the Virginia Department of Transportation for the widening of State Route 614 (Centerville Road).

(9) The subdivision plan of the Property shall provide for common open space not less than twenty five (25) feet in width along the northerly and southerly boundary lines of the Property.

(10) Prior to the submittal of a subdivision plan for the Property, the Buyer, at his expense, shall cause to be prepared for review and approval by James City County, Virginia, a Phase I archaeological study for the Property. A Phase I study shall include reconnaissance, systematic surface collection and shovel test pits every 90 to 150 feet.

(11) References in this agreement to "lots", "single family dwellings" and "open space" shall have the same meaning as that set forth in Article I, Section 20-2 of the Zoning Ordinance of James City County, Virginia.

(12) The Buyer joins in the execution of this Agreement to evidence its consent to its terms.

Joseph H. Carlton (SEAL)
JOSEPH H. CARLTON, individually
and as Agent for the Owner

FERRELL GENERAL CONSTRUCTION
COMPANY

By: Jesse B. Ferrell

STATE OF VIRGINIA

COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged before me this 22nd
day of September, 1988, by Joseph H. Carlton,
individually and as Agent for the Owner..

Margaret W. Lwanerburg
NOTARY PUBLIC

My commission expires: 9/1/90

STATE OF VIRGINIA

COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged before me this 29th
day of September, 1988, by Jesse B. Ferrell,
of Ferrell General Construction Company.

Allison
NOTARY PUBLIC

My commission expires: 2/7/99

OCT 10 1988

ORDINANCE NO. 30A-14

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 17, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE I, IN GENERAL, SECTION 17-37, SAME - PRIVATE STREETS AND RESERVE STRIPS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 17, Subdivisions, is hereby amended and reordained by amending Section 17-37, Same - Private streets and reserve strips.

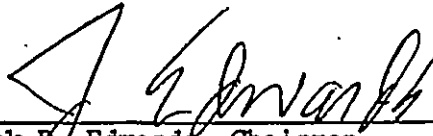
Chapter 17. Subdivisions.
Article I. In General.

Section 17-37. Same - Private streets and reserve strips.

There shall be no private streets platted in any subdivision except where permitted by the Zoning Ordinance, in family subdivisions, or pursuant to Section 17-45, herein; provided, however, private streets may be allowed in townhouse and condominium subdivisions if the private streets are approved by the Planning Commission and meet, unless specifically exempted, all other street requirements in this Chapter. Unless otherwise provided herein, every subdivided property shall be served from a publicly dedicated street. There shall be no reserve strips controlling access to streets.


Any private street permitted shall be certified to the satisfaction of the County Engineer, or his designee, as having been constructed in accordance with all ordinance requirements and approved plans. Until such time as the County Engineer has accepted and approved such certification, surety required to guarantee the proper construction of such private streets shall not be reduced or released by the County. Construction certification shall be in accordance with administrative guidelines prepared by the County Engineer. (8-31-64, Section 4-26; Ord. No. 30A-10, 3-11-85)

Ordinance to Amend and Reordain
Chapter 17. Subdivisions
Page 2



Jack D. Edwards, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NORMENT	AYE
TAYLOR	NAY
MAHONE	NAY
DEPUE	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia,
this 10th day of October, 1988.

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