

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10TH DAY OF MAY 2005, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

William C. Porter, Jr., Assistant County Administrator
 Leo P. Rogers, County Attorney

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Donald. Pressey, an eighth-grade student at James Blair Middle School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATIONS

1. Employee and Volunteer Outstanding Service Awards

Mr. Brown and the Board members presented Outstanding Service Award plaques to the following teams: S.E.L.F.: **DeVeria** Gore, Lynda **Poller**, and Kim Hundley; *High School Referendum*: **David** Bush and Steve Mattheisen; *Looking to Learn, "The Beginning Years "*: Andy Jacobs, Pat Daniel, Debbie Zanca, Millie Pegrem, Carrie **Armbruster**, **Linda Clarke**, Shannon Edwards, Patricia Banks, Erin Culpepper, Denise Favors, **Noreen** Bemstein, Crystal Clay, **Sandra Townes**, Lillian **Barrett**, Betsy **Barry**, and Charlotte Wood; *Groundwater Treatment Plant*: Bruce Capps, Bernie Farmer, Michael **Vergakis**, and Ray Wilson; *Home Ownership Program*: Rick Hanson, Shirley Johnston, and Alex Holloway; and the SWAT Team: Michael Bauman, **Alan McDowell**, Christopher Belote, Patrick Murray, Billie Booth, Phyllis Nicasro, Keith Campbell, Prasit **Niranont**, Willie Dickson, Sterling **Perry**, Leon **Dillard**, Richard **Schugeld**, Sean Gormus, Gennie Smith, Stephen Humphries, Eric Springsteen, Thomas Johnson, Greg Thompson, Jerry White, Lt. Anthony **Dallman**, Lt. Bradley **Rinehimer**, Lt. Stephen Rubino, Sgt. Jeremy **Barnett**, Sgt. Christopher **O'Neil**, Sgt. Eric Peterson, Captain John Black, and Captain Thomas **Ezell**; to the following individuals: Rosalie Frey, Harlan Schone, Pat **Groeninger**, Tratisha Hayes, Seth **Benton**, Mike **Woolson**, Patrick Murray, Phyllis Nicasro, and Michelle Riordan; and Lifesaving Award to: Lieutenant Stephen, Rubino, Master Officer Stephen Humphries, Senior Police Officer Kelly Cross, Senior Police **Officer** Jamie **Lilley**, Police **Officer** Wendi Reed, and Fire Marshal Gregory Thompson.

2. Williamsburg Accessibility Project

Mr. Timmons Roberts, Director of the College of William & Mary's Environmental Science and Policy Program, Jess Mackow, Kelly Waldrop, Bob Jacobsen, and Melissa Angert provided an overview of the findings of a report developed by 70 students and faculty in William and Mary's Environmental Sociology class which looked at transportation accessibility and reasons for car dependency within the area, and made recommendations on how to encourage use of alternative transportation.

3. May is Bike Month

Mr. Brown accepted a Certificate of Recognition for Bike Month signed by Governor Warner from Julie **Pieretti**, President of the Williamsburg **Area Bicyclists**, and Robert **Buseti**, Secretary to the Williamsburg Area Bicyclists.

Mr. Brown recognized Wilford Kale, member of the Planning Commission, and Mark Rinaldi, member of the Economic Development Authority, in the audience.

E. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on recent articles about sewer sludge use, recommended that the County purchase Carters Grove as greenspace, that with the Reverse Osmosis plant on line, we should have shut down several of our wells, that the Board should **try** tax indexing, and quoted Thomas Jefferson.

F. CONSENT CALENDAR

Mr. Bradshaw made a motion to adopt the items on the Consent Calendar including the amended April 26 minutes and the amended agreement of the Historic Triangle **Wayfinding** System Agreement.

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

1. Minutes

- a. April 18, 2005. Budget Work Session
- b. April 20, 2005. Budget Work Session
- c. April 26, 2005. Regular Meeting

2. May is Bike Month

RESOLUTION

MAY IS BIKE MONTH

WHEREAS, cycling is a relaxing and enjoyable mode of exercise and transportation for many men, women, and children throughout James City County; and it is a convenient and environmentally clean way for many to travel between work, school, and home; and

WHEREAS, James City County offers many bicycling opportunities for transportation, recreation, and exercise and it is important for children and adults to **learn** the basics of bicycle safety and to always wear a safety helmet while bicycle riding. Cyclists can enjoy the **beautiful** scenery, parks, area attractions, and historic sites of James City County **from** a unique vantage point; and

WHEREAS, Bike Month is designed to increase awareness about bicycling opportunities through organized activities such as bike-to-work days and bike rodeos for children.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby recognize May 2005 as Bike Month in James City County, Virginia, and calls this observance to the attention of its citizens.

3. Riverside Health System Certificate of Public Need

RESOLUTION

RIVERSIDE HEALTH SYSTEM CERTIFICATE OF PUBLIC NEED

WHEREAS, Riverside Health System has applied to rezone property in the City of **Williamsburg**, and part of this rezoning request is to allow healthcare facilities to be located on the property; and

WHEREAS, the James City County Board of Supervisors desires to continue to improve accessibility to healthcare services for its residents, and to make them available and affordable to all citizens of the County; and

WHEREAS, with rapid population growth, it is desirable that our citizens have a distinct choice in the scope and quality of care they receive, staff that provides that care, and the facilities where that care is available; and

WHEREAS, the Board of Supervisors believes that this goal can be achieved by competition among healthcare providers through the establishment of an alternative to the present sole provider of hospital services; and

WHEREAS, Riverside Health System has historically made significant investments in healthcare facilities in the greater Williamsburg area, including dialysis, diagnostic services, primary and specialty medical care, retirement services, assisted living and convalescent care; and

WHEREAS, Riverside Health System has already received a **Certificate of Public Need** from the State Health Commissioner to locate a long-term care facility on the property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby supports the plans of Riverside Health System to establish an acute care hospital within the City premises rezoned on April 14, 2005, and further, establish this hospital granting access to all citizens of the area without regard to ability to pay.

BE IT FURTHER RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby endorses the proposed Certificate of **Public** Need for the Doctors' Hospital of Williamsburg to be submitted by Riverside Health System in July 2005 to establish an acute care hospital on the site know as **Quarterpath** in the **City of Williamsburg**, Virginia.

4. Virginia Department of Emergency Management Grant Awards - \$79,346

RESOLUTION

VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT GRANT AWARDS - \$79,346

WHEREAS, the Virginia Department of Emergency Management (VDEM) has approved monetary assistance to the James City County Division of Emergency Management, providing:

- \$50,000 improvement in radiological emergency response capability.
- \$17,346 for improvement of emergency plans.
- \$12,000 to assist with the continuation of our local Citizen Corps.; and

WHEREAS, no local matching funds are required.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendment to the Special **Projects/Grants** Fund:

Revenue:

Transfer from the Virginia Department of Emergency Management	<u>\$79,346</u>
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Expenditures:

Radiological Emergency Response Grant (024-073-5604)	\$50,000
Local Emergency Planning Grant (024-073-5605)	17,346
Citizen Corp Grant (024-073-5607)	<u>12,000</u>
	<u>\$79,346</u>

5. Scenic Easement Encroachments at 3651 and 3751 John Tyler Highway for the Greensprings Trail

RESOLUTION

SCENIC EASEMENT ENCROACHMENTS AT 3651 AND 3751 JOHN TYLER HIGHWAY

FOR THE GREENSPRINGS TRAIL

WHEREAS, the James City County Board of Supervisors accepted voluntary proffers from David M. Murray dated December 19, 1986, which are recorded in the James City County Circuit Court Clerk's **Office** in Deed Book 334, at Pages 519 - 521, and which apply to certain parcels commonly known as 3651 and 3751 John Tyler Highway in the Berkeley District and designated as Tax Parcel No. 4610100002 and Tax Parcel No. **461010002D**, respectively; and

WHEREAS, said proffers provide for the reservation of a scenic easement across the property 145 feet deep, adjacent to and parallel with the center line of State Route 5, John Tyler Highway; and

WHEREAS, certain improvements are permitted within the scenic easement such as roads, drainage structures and utilities but the proffers are silent in regard to trails; and

WHEREAS, there is a proposed Memorandum of Agreement with the Virginia Department of Game and **Inland** Fisheries, the Virginia Department of Transportation, James City County, the **Williamsburg** Land Conservancy, and the Fieldcrest Homeowner's Association ("Memorandum of Agreement"), regarding the Virginia Capitol Trail-Greensprings Phase; and

WHEREAS, the proffered scenic easement is identified in the Memorandum of Agreement as an easement burdening the development of the Virginia Capitol Trail-Greensprings Phase.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby find that locating the Greensprings Trail within the 145-foot scenic easement as proposed by the Virginia Department of Transportation on Plan Sheets 3, **12** and 13, entitled "Project 0005-047-111, M-501, B-604, RW-201" dated January 26, 2005, is consistent with the goals and objectives of the proffers described above, and agrees to allow the trail to encroach within the scenic easement as shown on said plan sheets.

6. HOME and CDBG Local Business and **Employment Plan**

RESOLUTION

HOME AND CDBG LOCAL BUSINESS AND EMPLOYMENT PLAN

WHEREAS, James City County administers housing and community development programs funded by Community Development Block Grants and HOME funds, including the Indoor Plumbing Rehabilitation Program and the Rehabilitation Demonstration Program; and

WHEREAS, Section 3 of the Housing and Urban Development Act of 1968 specifies that low-income project area residents and businesses should be utilized to the greatest extent feasible and further requires that recipients of Community Development Block Grant and HOME funds must adopt and act in accordance with a written Local Business and Employment Plan Funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of **James** City County, Virginia adopt the attached Local Business and Employment Plan.

7. Historic Triangle Wayfinding System **Agreement**

RESOLUTION

HISTORIC TRIANGLE WAYFINDING SYSTEM AGREEMENT

WHEREAS, the Historic Triangle 2007 Host Committee established the Historic Triangle Wayfinding Task Group to develop a wayfinding **signage** system for the Historic Triangle; and

WHEREAS, the final report of the Task Group has been completed and a sign system is expected to be installed in 2005-2006; and

WHEREAS, the Board of Supervisors wishes to establish a group to manage the maintenance and administration of the **signage** system once it is installed.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of **James** City County, Virginia, does hereby approve the Historic Triangle Wayfinding System Agreement between Williamsburg, James City County, and York County, and authorizes the County Administrator to sign the agreement.

G. PUBLIC HEARINGS

1. Case Nos. Z-02-05/MP-03-05. Ironbound Square Redevelopment

Mr. Trey Davis stated that Rick Hanson applied to rezone approximately 6.03 acres of land along Ironbound Road from R-2, General Residential, to MU, Mixed Use, **for the** development of a 67-unit, age- and income-restricted apartment facility and five single-family residential lots at 150, 108, 112, and 120 Carriage Road, and 4408, 4406, 4404, and 4400 Ironbound Road, further identified as Parcel Nos. **(1-64), (1-57), (1-58), (1-59), (8-3), (8-4), (8-1), and (8-5)** on James City County Real Estate **Tax** Map No. (39-1).

Staff found the proposal, with submitted proffers, will not negatively impact surrounding property; found the proposal, as part of the overall Ironbound Square Redevelopment, consistent with surrounding land uses, the Land Use and Housing policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map Designation.

At its meeting on April 4, 2005, the Planning Commission voted 6-0 for approval **of the** application.

Mr. Brown opened the Public Hearing.

1. Mr. Rick Hanson, James City County Housing and Community Development Administrator, applicant, provided an overview of the proposal and requested approval of the applications.

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

Mr. Harrison made a motion to approve the resolution.

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

RESOLUTION

CASE NOS. 2-02-05 AND MP-03-05. IRONBOUND SQUARE REDEVELOPMENT

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, and Section 24-13 of the James City County Zoning Ordinance, a Public Hearing was advertised, adjoining property owners were notified, and a hearing was scheduled on Zoning Case No. 2-02-05 and Master Plan Case No. MP-03-05 for rezoning 56.03 acres from R-2, General Residential, to MU, Mixed-Use, with proffers; and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on April 4, 2005, recommended approval of Case Nos. 2-02-05 and MP-03-05 by a vote of 6 to 0; and

WHEREAS, the properties are located at 150, 108, 112, and 120 Carriage Road, and 4408, 4406, 4404, and 4400 Ironbound Road, and further identified as **Parcel Nos. (1-64), (1-57), (1-58), (1-59), (8-3), (8-4), (8-1), and (8-5)** on James City County Real Estate Tax Map No. (39-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, **Virginia**, does hereby approve Case Nos. 2-02-05 and MP-03-05 and accept the voluntary proffers.

2. Case Nos. **Z-3-05/SUP-6-05**. Centerville Road Subdivision

Mr. Matthew D. Arcieri stated that **Henry** Stephens, Associated Developers, submitted an application to rezone approximately 43.43 acres located at 6001 and 6061 Centerville Road, from A-1, General Agricultural, to R-2, General Residential, with proffers to construct a 78-lot single-family subdivision. With a proposed gross density of 1.8 dwelling units per acre, the site is further identified as **Parcel Nos. (1-36) and (1-33)** on James City County Real Estate Tax Map No. (31-1).

Staff found that the proposal, with submitted proffers, will not negatively impact surrounding property. Staff also found the proposal consistent with surrounding land uses and the Comprehensive Plan.

At its meeting on April 4, 2005, the Planning Commission recommended approval by a vote of 4-2 with the proposed buffer reduction.

Staff recommended that the Board approve the rezoning, Special Use **Permit (SW)**, and accept the voluntary proffers.

Mr. Brown opened the Public Hearing.

1. Mr. Vernon M. Geddy, III, representing the applicant, provided an overview **of the** proposal, commented on the appropriateness of the proposed buffer reduction that was endorsed by the Planning Commission, and requested that the Board approve the proposal.

Mr. **Goodson** inquired if the applicant will be using local suppliers and builders for the project,

Mr. Geddy stated that local builders will be sought for part of the development.

2. Mr. Ed Oyer, 139 Indian Circle, requested that the Board take into consideration the Planning Commission vote on the proposal and the concerns of its members.

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

Mr. Bradshaw requested that a Planning Commission representative provide insight in the voting of the Planning Commission members.

Mr. Kale stated that concern about **runoff** to adjacent property owner from the development, and the upscale nature of the project.

Mr. **McGlennon** stated that he would not support the application because of the nature of the development.

Mr. **Goodson** made a motion to adopt the resolutions.

Mr. **Goodson** commented on the anticipated benefits **of the** development for the community, and stated that the size of the parcel would be restrictive for a mixed-use development.

On a roll call vote, the vote was: AYE: Harrison, **Goodson**, Bradshaw, Brown (4). NAY: **McGlennon** (1).

R E S O L U T I O N

CASE NO. Z-3-05. CENTERVILLE ROAD SUBDNISION

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, and Section 24-13 **of the** James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners were notified, and a hearing was scheduled on Zoning Case No. Z-3-05 for rezoning 43.429 acres from A-1, General Agricultural, to R-2, General Residential, with proffers; and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on April 4, 2005, recommended approval of Case No. 2-3-05, by a vote of 4 to 2; and

WHEREAS, the properties are located at 6001 and 6061 **Centerville** Road and further identified as Parcel Nos. (1-33) and (1-36) on James City County Real Estate Tax Map No. (31-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors **of James** City County, **Virginia**, does hereby approve Case No. 2-3-05 and accepts the voluntary proffers.

R E S O L U T I O N

CASE NO. SUP-6-05. CENTERVLLLE ROAD SUBDIVISION

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, single-family detached dwellings with a maximum gross density of more than one unit per acre are a specially permitted use in the R-2, General Residential, zoning district; and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on April 4, 2005, recommended approval of Case No. **SUP-6-05** by a 4-2 vote to permit the construction of a 78-unit, single-family subdivision with a gross density not to exceed two units per acre at 6001 and **6061 Centerville** Road and further identified as Parcel Nos. (1-33) and (1-36) on James City County Real Estate Tax Map No. (31-1).

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. 6-05 as described herein with the following conditions:

1. If construction has not commenced on this project within thirty-six months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining a land-disturbing permit and start of **land-**disturbing construction activities.
2. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall not invalidate the remainder.

3. Case Nos. Z-16-04/SUP-35-04/MP-12-04. Burlineton Woods

Mr. Christopher Johnson, Senior Planner, stated that Michael Baust, Rickmond + Bury, on behalf of Michael Smith of Tidewater Partners Property & Development LLC, submitted an application to rezone 17.32 acres at 3931 **Longhill** Road from R-8, Rural Residential, to R-2, General Residential, with proffers. The site is further identified as Parcel No. (1-20) on James City County Real Estate Tax Map No. (33-3).

Staff found that with the submitted proffers, the proposal will not negatively impact surrounding property. Staff also found the proposal to be consistent with surrounding land uses and the Comprehensive Plan.

At its meeting on April 4, 2005, the Planning Commission recommended approval of the rezoning, special use permit, and master plan applications by a vote of 5 to 1.

Staff recommended the Board's approval of the applications and acceptance of the voluntary proffers.

The Board and staff discussed the voluntary proffers, the lift station improvements and resulting capacity level, and cash proffer levels.

Mr. Brown opened the Public Hearing.

I. Mr. Vernon M. Geddy, III, representing the applicant, provided an overview of project; requested that the Board approve the applications; commented on the credits taken for lift station improvements and other credits taken as noted in the proffers; and stated the benefits of this proposed in-fill project.

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

The Board and applicant discussed the benefits of the proposal as an in-fill development and potential concerns associated with the proposal.

The Board discussed the cash proffer levels for associated impacts on public services that would result in approval of the proposal, and the merits and concerns of the project.

Mr. **Goodson** requested deferral of the item to permit time for questions raised to be answered or addressed including the question about proffers and if there is a net gain associated with the proposal.

The Board commended the applicant on the affordable housing aspect of the proposal. Mr. Brown deferred action on the item until May 24, 2005.

4. Proposed Amendments to Chapter 9, Fire Protection, of the Code of James City County

Deputy Fire Marshal Joe Davis introduced Sharie Diener and Stephen McDonald, William & Mary Law Students.

Ms. Diener and Mr. McDonald presented amendments to the Chapter 9, Fire Protection, of the Code of James City County, to incorporate a prohibition on the open burning of land clearing debris waste within the Primary Service Area ("PSA") of the County.

Mr. Brown requested clarification on the comment regarding the increased number of complaints when burning is conducted over a longer time period.

Mr. McDonald stated that larger projects usually involve longer burn times resulting in more than one day of smoke fumes and ash deposits.

Mr. **Goodson** inquired why the PSA rather than density or some other factor was selected as the boundary.

Ms. Diener stated that the PSA was administratively easier to draw a line along and there are more developments and higher population densities.

Mr. Harrison inquired about development expansion to Ford's Colony that would be outside the PSA yet against a relatively high-density development.

The Board, Ms. Diener, Mr. McDonald, Deputy **Fire Marshal** Davis, and Acting **Fire Chief** Tal Luton, discussed various factors and situations of opening burning and alternatives to the proposal based on neighboring jurisdictions, and deferring further consideration and discussion until a Work Session.

Mr. Brown concurred with the recommendation for a deferral until a Work Session.

Mr. **McGlennon** stated concern about the deferral and the impacts on residents resulting from the open burning that will begin because it is the beginning of the construction season.

Mr. Brown thanked Ms. Diener and Mr. McDonald for their work and presentation of the proposal.

Mr. Brown opened the Public Hearing.

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

Mr. Brown deferred further consideration of the proposal until a future Work Session.

5. Establishment of Polling Places and Election Precincts Berkeley C and Powhatan C

Mr. Stan Gorrell, Secretary of the James City County Electoral Board, stated that in compliance with Section **24.2-307** of the Code of Virginia, the County Electoral Board met on March **21** and approved the revisions of precinct boundaries for Berkeley Precinct B and **Powhatan** Precinct **A** and the creation of polling places and election precinct boundaries for Berkeley Precinct C and **Powhatan** Precinct C. The **Boundary** revisions, creation of polling places, and addition of two precincts were a result of the November **2, 2004**, Presidential Election which showed that Berkeley B had **4,345** voters and **Powhatan** A had **4,496** voters.

Mr. Gorrell stated that upon approval by the Board, the proposed Ordinance change will need to be reviewed and approved by the Department of Justice in accordance with the Voting Rights Acts of **1965**; following which all registered voters whose polling place and election precinct has changed will be notified at least 15 days prior to the next election.

The Board and Mr. Gorrell discussed the proposed amendments, the use of **Jamestown** High School as a polling site for two precincts, and that there are no anticipated complications from having two precincts vote at one location.

Mr. McGlennon inquired why Lafayette High School has not been selected as a suitable site for polling.

Mr. **Gorrell** stated that Lafayette High School has been surveyed as a potential site for establishing a polling place and that it may be used in the **future**; however currently there are crowding and **traffic** concerns that make it unsuitable at this time.

Mr. Brown opened the Public Hearing.

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

Mr. Harrison thanked the Electoral Board for the work and made a motion to adopt the Ordinance.

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

H. BOARD CONSIDERATIONS

1. Housine Rehabilitation Demonstration Program Appropriation

Mr. Richard B. **Hanson**, Housing and Community Development Administrator, stated that the County's Office of Housing and Community Development (OHCD) is one of 19 Commonwealth organizations selected to receive an award of Federal HOME grant funds available through the Rural Virginia Housing Rehabilitation Demonstration Program (HRDP). Households assisted through the HRDP will be provided loans with repayment amount based on ability to pay and will be forgivable **after** ten years.

Mr. Hanson requested that the Board approve the resolution authorizing the appropriation of funds to operate the HRDP and designate the allowable uses for future program income from the HRDP as well as the Indoor Plumbing Rehabilitation Program which is also funded with Federal HOME funds.

Mr. **Goodson** made a motion to adopt the resolution.

The Board thanked staff for its efforts and stated support for the proposal.

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

RESOLUTION

HOUSING REHABILITATION DEMONSTRATION PROGRAM APPROPRIATION

WHEREAS, the Commonwealth of Virginia has established the Rural Virginia Housing Rehabilitation Demonstration Program with funding from the Federal HOME Program to provide assistance to low- and moderate-income homeowners with housing rehabilitation needs which cannot be addressed by current assistance programs; and

WHEREAS, James City County submitted an application to participate in the Rural Virginia Housing Rehabilitation Demonstration Program and was awarded a grant of \$200,000; and

WHEREAS, local matching funds of \$40,000 are required to supplement the grant funds; and

WHEREAS, program income is anticipated to be earned from loan repayments from the Housing Rehabilitation Demonstration Program and the Indoor Plumbing Rehabilitation Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the Community Development Fund Budget, as adopted for the fiscal year ending June 30, 2005, as follows:

Revenues:

Housing Rehabilitation Demonstration Program Funds	\$200,000
Community Development Fund Balance	<u>40,000</u>

Total	<u>\$240,000</u>
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Expenditure:

Housing Rehabilitation and Administration	\$240,000
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BE IT FURTHER RESOLVED that the appropriation of funds for the Housing Rehabilitation Demonstration Program be designated a continuing appropriation, to carry beyond FY 2005 until the activities of the Rural Virginia Housing Rehabilitation Demonstration Program are completed.

BE IT FURTHER RESOLVED that Housing Rehabilitation Demonstration and Indoor Plumbing Rehabilitation Program income shall be used for additional housing rehabilitation, substantial reconstruction, replacement housing, or homeownership assistance and administrative expenses in accordance with HOME program regulations and requirements of the Virginia Department of Housing and Community Development.

2. The Issuance and Sale of General Obligation Public Improvement Bonds

Mr. John E. McDonald, Manager of Financial and Management Services, introduced Mr. David Rose of Davenport & Company LLC, the County's financial advisory.

Mr. Rose provided an overview of the results of the bond rating agencies which were: Moody's upgraded the County from **Aa3** to **Aa2**; Fitch has rated the County at **AA+**; and S&P has rated the County as a mid-range AA rating.

Mr. Rose stated on November 2, 2004, the County voters approved **financing** up to \$39,830,000 for the construction of a third high school which will be financed through the issuance on sale of General Obligation Public Improvement Bonds that are expected to be sold on or about May 24.

Mr. Rose stated that the payout ratio is above average and commended the County for planning ahead and continuing to plan ahead in its fiscal matters.

Mr. **McGlennon** made a motion to approve the amended resolution.

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

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF

GENERAL OBLIGATION SCHOOL BONDS, SERIES 2005,

OF THE COUNTY OF JAMES CITY, VIRGINIA,

AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF

WHEREAS, the issuance of general obligation bonds by the County of James City, Virginia (the "County"), in the maximum principal amount of \$39,820,000 was approved by the qualified voters of the **County** in a referendum at a special election held on November 2, 2004, to finance a new high school (the "Project"); and

WHEREAS, the County's Board of Supervisors (the "Board") determines that it may now be in the best interests of the County to issue and sell general obligation school bonds to finance the Project. The Board determines that it would be advantageous to the County to sell such bonds in a competitive sale.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia:

Section 1. Authorization, Issuance and Sale. There is hereby authorized to be issued and sold, pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), general obligation school bonds of **the County** in the principal amount not to exceed \$39,820,000 to finance the costs of the Project and to pay the costs incurred in connection with issuing such bonds. The Board hereby elects to issue such bonds under the provisions of the Act.

Section 2. Bond Details. Such bonds shall be designated "General Obligation School Bonds, Series **2005**" (the "Bonds"), shall be dated the date **of their** issuance, shall be in registered form, in denominations of \$5,000 and multiples thereof, and shall be numbered R-1 upward. Subject to Section 4 and Section 9, the Bonds shall mature in installments, or have mandatory sinking fund installments, on each December 15 ending no later than the year 2036. Subject to Section 9, interest on the Bonds shall be payable on December 15, 2005, and semiannually thereafter on each June 15 and December 15 (each, an "Interest Payment Date"), and shall be calculated on the basis of a year of 360 days with twelve 30-day months. The Board authorizes the issuance and sale of the Bonds on such terms as shall be satisfactory to the County Administrator or the Chairman of the Board; provided, that the Bonds (a) shall have a true or "Canadian" interest cost not to exceed 5.50% per year, taking into account any original issue discount or premium; (b) shall be sold to the successful bidder at a price not less than 98% nor more than 108% of the original aggregate principal amount thereof; (c) shall have a weighted average maturity of no more than twenty-five (25) years; (d) shall be issued in an aggregate amount not to exceed \$39,820,000; and (e) shall be subject to optional redemption, so long as the Bonds may be optionally redeemed **after** eleven years (or such shorter period as deemed advisable in the sale of the Bonds in accordance with Section 4**(e)**), with a redemption premium no greater than two percent (2.00%) of the principal amount **of the** Bonds to be optionally redeemed.

Principal and premium, if any, on the Bonds shall be payable to the registered owners upon surrender of the Bonds as they become due at the designated corporate trust office of the Registrar, as defined in Section 8 below. Interest shall be payable by check or draft mailed to the registered owners at their addresses as they appear on the registration books kept by the Registrar as of the close of business on the first day of the month in which each Interest Payment Date occurs. In case the date of maturity or redemption of the principal of any Bond or an Interest Payment Date shall be a date on which banking institutions are authorized or obligated by law to close at the place where the designated corporate trust office of the Registrar is located, then payment of principal and interest need not be made on such date, but may be made on the next succeeding date which is not such a date at the place where the designated corporate trust office of the Registrar is located, and if made on such next succeeding date no additional interest shall accrue for the period after such date of maturity or redemption or Interest Payment Date. Principal, premium, if any, and interest on the Bonds shall be payable in lawful money of the United States of America.

Each Bond shall bear interest from the Interest Payment Date next preceding the date on which it is authenticated, unless such Bond is (a) authenticated before December 15, 2005, in which case it will bear interest from its dated date, or (b) authenticated upon an Interest Payment Date or **after** the record date with respect thereto, in which case it will bear interest from such Interest Payment Date (unless payment of interest thereon is in default, in which case interest on such Bond shall be payable from the date to which interest has been paid).

Section 3. **Book-Entry System.** Initially, one Bond certificate for each maturity of the Bonds shall be issued to and registered in the name of The Depository Trust Company, New York, New York (“DTC”), or its nominee. The County has entered into or will enter into a Blanket Issuer Letter of Representations relating to a book-entry system to be maintained by DTC with respect to certain securities issued by the County, including the Bonds. As used herein, the term "Securities Depository" shall mean DTC or any other securities depository for the Bonds appointed pursuant to this Section 3.

In the event that (a) the Securities Depository determines not to continue to act as the securities depository for the Bonds by giving notice to the Registrar or the County, or (b) the County in its sole discretion determines (i) to select a new Securities Depository or (ii) that beneficial owners of Bonds shall be able to obtain certificated Bonds, then the County Administrator shall, at the direction of the County, attempt to locate another qualified securities depository to serve as Securities Depository or arrange for the authentication and delivery of certificated Bonds to the beneficial owners or to the Securities Depository's participants on behalf of beneficial owners, substantially in the form provided for in **Exhibit A**. In delivering certificated Bonds, the County Administrator shall be entitled to rely on the records of the Securities Depository as to the beneficial owners or the records of the Securities Depository's participants acting on behalf of beneficial owners. Such certificated Bonds will then be registrable, transferable and exchangeable as set forth in Section 8.

So long as there is a Securities Depository for the Bonds (1) it or its nominee shall be the registered owner of the Bonds, (2) notwithstanding anything to the contrary in this Resolution, determinations of persons entitled to payment of principal, premium, if any, and interest, transfers of ownership and exchanges, and receipt of notices shall be the responsibility of the Securities Depository and shall be effected pursuant to rules and procedures established by such Securities Depository, (3) the Registrar and the County shall not be responsible or liable for maintaining, supervising, or reviewing the records maintained by the Securities Depository, its participants or persons acting through such participants, (4) references in this Resolution to registered owners of the Bonds shall mean such Securities Depository or its nominee and shall not mean the beneficial owners of the Bonds, and (5) in the event of any inconsistency between the provisions of this Resolution and the provisions of the above-referenced Letter of Representations, such provisions of the Letter of Representations, except to the extent set forth in this paragraph and the next preceding paragraph, shall control.

Section 4. Redemption Provisions.

- (a) Optional Redemption. Subject to the provisions of Section 2 above and subsection (e) below, the Bonds may be subject to optional redemption prior to their respective stated dates of maturity as determined by the County Administrator or the Chairman of the Board.
- (b) Mandatory Sinking Fund Redemption. Any term bonds may be subject to mandatory sinking fund redemption as determined by the County Administrator or the Chairman of the Board. If there are any term bonds, on or before the 70th day next preceding any mandatory sinking fund redemption date, the County may apply **as** a credit against the County's mandatory sinking fund redemption obligation for any Bonds maturing on such date, Bonds that previously have been optionally redeemed or purchased and canceled or surrendered for cancellation by the County and not previously applied as a credit against any mandatory sinking **fund** redemption obligation for such Bonds. Each such Bond so purchased, delivered or previously redeemed shall be credited at 100% of the principal amount thereof against the principal amount of the Bonds required to be redeemed on such mandatory sinking fund redemption date. Any principal amount of Bonds so purchased, delivered or previously redeemed in excess of the principal amount required to be redeemed on such mandatory sinking fund redemption date shall similarly reduce the principal amount of the Bonds to be redeemed on future mandatory sinking fund redemption dates, **as** selected by the County Administrator or the Chairman of the Board.
- (c) Bonds Selected for Redemption. If less than all of the Bonds are called for optional redemption, the maturities of the Bonds to be redeemed shall be selected by the County Administrator or the Chairman of the Board in such manner **as** he may determine to be in the best interest of the County. If less than all the Bonds of any maturity are called for redemption, the Bonds to be redeemed shall

be selected by DTC or any successor Securities Depository pursuant to its **rules** and procedures or, if the book-enby system is discontinued, shall be selected by the Registrar by lot in such manner **as** the Registrar in its discretion may determine. In either case, (a) the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some integral multiple thereof and (b) in selecting Bonds for redemption, each Bond shall be considered **as** representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000. If a portion of a Bond is called for redemption, a new Bond in principal amount equal to the unredeemed portion thereof will be issued to the registered owner upon the surrender thereof.

- (d) Notice of **Redemption**. The County shall cause notice **of the** call for redemption identifying the Bonds or portions thereof to be redeemed to be sent by facsimile transmission, registered or certified mail, or overnight express delivery, not less than thirty (30) nor more than sixty (60) days prior to the redemption date, to the Securities Depository **as** the registered owner of the Bonds or, **if the** book-enby system is discontinued, by registered or certified mail to the registered owners of the Bonds to be redeemed.
- (e) Determination of Final Redemotom Provisions. The Board authorizes the County Administrator or the Chairman of the Board, in collaboration with Davenport & Company LLC, **as** the County's financial advisor (the "Financial Advisor"), (1) to determine the dates on which and redemption prices at which the Bonds may be optionally redeemed, and (2) to determine whether the issuance of any term bonds would be beneficial to the County.

Section 5. Execution and Authentication. The Bonds shall be signed by the manual or facsimile signature of the Chairman or Vice Chairman of the Board and the Board's seal shall be affixed thereto or a facsimile thereof printed thereon and attested to by the manual or facsimile signature of the Clerk or Deputy Clerk of the **Board; provided**, that no Bond shall be valid until it has been authenticated by the manual signature of an authorized representative of the Registrar and the date of authentication noted thereon. Upon execution and authentication, the Bonds shall be delivered to or on behalf of the successful bidder upon payment for the Bonds.

Section 6. Bond Form. The Bonds shall be in substantially the form set forth in Exhibit A attached hereto, with such changes, insertions, completions or omissions to reflect the final terms of the Bonds.

Section 7. Pledge of Full Faith and Credit. The full faith and credit **of the** County are irrevocably pledged for the payment of principal of, premium, if any, and interest on **the** Bonds. Unless other funds are lawfully available and appropriated for timely payment of the Bonds, the County shall levy and collect an annual **ad valorem tax**, over and above **all** other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the County sufficient to pay the principal of, premium, if any, and interest on the Bonds, as the same become due.

Section 8. Registration, Transfer and Owners of Bonds. SunTrust Bank, Richmond, Virginia, is appointed paying agent and registrar for the Bonds (the "Registrar"). The Registrar shall maintain registration books for the registration of the Bonds. Upon surrender of any Bonds at the designated corporate trust office of the Registrar, together with an assignment duly executed by the registered owner or his duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the County shall execute, and the Registrar shall authenticate and deliver in exchange, a new Bond or Bonds having an equal aggregate principal amount, in authorized denominations, of the same form and maturity, bearing interest at the same rate, and registered in names as requested by the then registered owner or his duly authorized attorney or legal representative. Any such exchange shall be at the expense of the County, except that the Registrar may charge the person requesting such exchange the amount of any **tax** or other governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person exclusively entitled to payment of principal, premium, if any, and interest and the exercise of all other rights and powers of the owner, except that interest payments shall be made to the person shown as owner on the registration books on the first day of the month in which each Interest Payment Date occurs.

Section 9. Sale of Bonds. The Board approves the following terms of the sale of the Bonds. The Bonds will be sold by competitive bid. The County Administrator or the Chairman of the Board, in collaboration with the Financial Advisor, shall receive bids for the Bonds and award the Bonds to the bidder providing the lowest true or "Canadian" interest cost, all subject to the limitations set forth in Section 2. The Board further authorizes the County Administrator or the Chairman of the Board, in collaboration with the Financial Advisor, to (a) determine the principal amount of the Bonds, subject to the limitations set forth in Section 2, (b) determine the maturity schedule of the Bonds, subject to the weighted average maturity limitations and other limitations set forth in Section 2, and (c) establish the redemption provisions for the Bonds, subject to the limitations set forth in Section 2 and Section 4(e). In connection with the sale of the Bonds, the County Administrator or the Chairman of the Board, in collaboration with the Financial Advisor, may change the dated date of the Bonds and the payment dates provided therein (so long as the interest payment dates for any series are semi-annual) to facilitate the sale and **delivery** of the Bonds. The actions of the County Administrator or the Chairman of the Board in selling the Bonds shall be conclusive, and no further action with respect to the sale and issuance of the Bonds shall be necessary on the part of the Board.

Section 10. Official Statement. The form of the Preliminary Official Statement of the County, to be dated the date of its mailing (the "Preliminary Official Statement"), has been made available to the Board prior to the adoption of this Resolution. The use and distribution of the Preliminary Official Statement, in substantially the **form** made available to the Board, including the use and distribution of an Appendix to the Preliminary Official Statement describing the County, are hereby authorized and approved. The Preliminary Official Statement, including such Appendix, may be completed

and "deemed final" by the County Administrator or the Chairman of the Board as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule"), except for the omission from the Preliminary Official Statement of such pricing and other information permitted to be omitted pursuant to the Rule. The delivery of the Preliminary Official Statement to the Financial Advisor shall be conclusive evidence that it has been deemed final as of its date by the County Administrator or the Chairman of the Board, except for the omission of such pricing and other information.

The County Administrator or the **Chairman** of the Board shall make such completions, omissions, insertions and changes in the **Preliminary Official Statement** not inconsistent with this Resolution as are necessary or desirable to complete it as a final Official Statement (the "Official Statement"). The use and distribution of the Official Statement are hereby authorized and approved. The County Administrator or the Chairman of the Board shall arrange for the delivery to the successful bidder of a reasonable number of copies of the Official Statement, within seven (7) business days after the Bonds have been sold, for delivery to each potential investor requesting a copy of the Official Statement and to each person to whom the successful bidder initially sells Bonds.

The County Administrator or the Chairman of the Board is authorized, on behalf of the County, to deem the Official Statement to be final as of its date within the meaning of the Rule. The County Administrator or the **Chairman** of the Board is authorized and directed to execute the **Official Statement**, which execution shall be conclusive evidence that the **Official Statement** has been deemed **final**.

Section 11. **Continuing Disclosure.** A substantially final form of the Continuing Disclosure Agreement to be given by the County (the "Continuing Disclosure Agreement"), evidencing conformity with certain provisions of the Rule, has been made available to the Board prior to the adoption of this Resolution. The Continuing Disclosure Agreement is hereby approved in substantially the form made available to the Board. There may, however, be changes, insertions, completions or omissions to the form of the Continuing Disclosure Agreement to reflect the final terms of the Bonds, the completion of the **Official Statement** or other commercially reasonable provisions. All of such changes, insertions, completions or omissions will be approved by the County Administrator or the Chairman of the Board, whose approval shall be evidenced conclusively by the execution and delivery of the Continuing Disclosure Agreement. The Board hereby authorizes the County Administrator or the Chairman of the Board to execute and deliver the Continuing Disclosure Agreement on behalf of the County.

The County hereby covenants and agrees that it will comply with and **carry** out all of the provisions of the Continuing Disclosure Agreement. Notwithstanding any other provision of this Resolution, failure of the County to comply with the Continuing Disclosure Agreement shall not be considered a default under this Resolution or the **Bonds; provided**, that any holder of the Bonds, including owners of beneficial interests in the Bonds, may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the County to comply with its obligations under this Section 11 and the Continuing Disclosure Agreement.

Section 12. Sale Documents. The use and distribution of the Notice of Bond Sale, the Summary Notice of Bond Sale, and the **Official** Bid Form, pursuant to which the Bonds will be offered for sale, are hereby authorized and approved.

Section 13. Arbitraee Covenants.

(a) No Composite Issue. The County represents that there have not been issued, and covenants that there will not be issued, any obligations that will be treated **as** part of the same issue of obligations as the Bonds within the meaning of **the** Internal Revenue Code of 1986, as amended, including regulations issued pursuant thereto (the "Code").

(b) No Arbitrage Bonds. The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code, or otherwise cause interest on the Bonds to be includable in the gross income for federal income tax purposes of the registered owner thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law which may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bonds, unless the County receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. The County shall pay any such required rebate from its legally available funds.

Section 14. Non-Arbitrage Certificate and Elections Such officers of the County as may be requested **shall** in direct to execute an **appropriate** certificate setting forth the expected use and investment of the proceeds of the Bonds in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code, and any elections such **officers** deem desirable regarding rebate of earnings to the United States, for purposes of complying with Section 148 of the Code. Such certificate and elections shall be in such form **as** may be requested by bond counsel for the County. The County shall comply with any covenants set forth in such certificate regarding the use and investment of the proceeds of the Bonds.

Section 15. Limitation on Private Use; No Federal Guaranty. The County covenants that it shall not permit the proceeds of the Bonds to be used in any manner that would result in (a) ten percent (10%) or more of such proceeds being used in a trade or business carried on by any person other than a state or local governmental unit, as provided in Section 141(b) of the Code, (b) five percent (5%) or more of such proceeds being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) five percent (5%) or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a state or local governmental unit, as provided in Section 141(c) of the Code; provided, that if the County receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the County need not comply with such covenants.

The County represents and agrees that the Bonds are not and will not be "federally guaranteed," as such term is used in Section 149(b) of the Code. No portion of the payment of principal of or interest on the Bonds is or will be guaranteed, directly or indirectly, in whole or in part by the United States or an agency or instrumentality thereof.

Section 16. Discharge upon Payment of Bonds. The Bonds may be defeased, as permitted by the Act. Any defeasance of the Bonds, as permitted by the Act, shall not release the County or the Registrar from its obligations hereunder to register and transfer the Bonds or release the County from its obligations to pay the principal of, premium, if any, and interest on the Bonds as contemplated herein until the date the Bonds are paid in full, unless otherwise provided in the Act. In addition, such defeasance shall not terminate the obligations of the County under Sections 13 and 15 until the date the Bonds are paid in full.

Section 17. Other Actions. All other actions of the members of the Board, officers, staff, and agents of the County in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bonds are approved and confirmed. The officers and staff of the County are authorized and directed to execute and deliver all certificates and instruments, including Internal Revenue Service Form 8038-G and a Blanket Issuer Letter of Representations to the Securities Depository, and to take all such further action as may be considered necessary or desirable in connection with the issuance, sale and delivery of the Bonds.

Section 18. Limitation of Liability of Officials of the County. No covenant, condition, agreement or obligation contained herein shall be deemed to be a covenant, condition, agreement or obligation of a member of the Board, officer, employee or agent of the County in his or her individual capacity, and no officer of the County executing any Bond shall be liable personally on such Bond or be subject to any personal liability or accountability by reason of the issuance thereof. No member of the Board, officer, employee or agent of the County shall incur any personal liability with respect to any other action taken by him or her pursuant to this Resolution, provided he or she acts in good faith.

- Section 19. Contract with Registered Owner. The provisions of this Resolution shall constitute a contract between the County and the registered owner of the Bonds for so long as the Bonds are outstanding. Notwithstanding the foregoing, this Resolution may be amended by the County in any manner that does not, in the opinion of the County, materially adversely affect the registered owner of the Bonds.
- Section 20. Reveal of Conflicting Resolutions. All resolutions or parts of resolutions in conflict herewith ~~are~~ repealed.
- Section 21. Effective Date. This Resolution shall take effect immediately upon its adoption. The Clerk and any Deputy Clerk of the Board are hereby authorized and directed to see to the immediate filing of a certified copy of this Resolution with the Circuit Court of the City of Williamsburg and County of James City.

I. PUBLIC COMMENT -None

J. REPORTS OF THE ASSISTANT COUNTY ADMINISTRATOR

Mr. Porter recommended that the Board go into Closed Session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia for the consideration of the **acquisition/disposition** of a **parcel/parcels** of property for public use.

K. BOARD REQUESTS AND DIRECTIVES

Mr. **Goodson** reminded citizens that on May 11 at 4:30 p.m. at the James River Elementary School, a Public Hearing will be held on the proposed realignment on Route 60 East by the Virginia Department of Transportation.

Mr. Bradshaw thanked the citizens, merchants, other jurisdictions, the Williamsburg Area Transport Company, and emergency crews that responded to the **dormitory fire** at the College of William & Mary.

Mr. Porter thanked the staff of Financial and Management **Services** and the Office of Economic Development who took the rating agencies on tours.

L. CLOSED SESSION

Mr. Harrison made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia for the consideration of the **acquisition/disposition** of a **parcel/parcels** of property for public use.

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

Mr. Brown **adjourned** the Board into Closed Session at 9:16 p.m.

Mr. Brown reconvened the Board into Open Session at 10:19 p.m.

Mr. McGlennon made a motion to adopt the Closed Session resolution

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed 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 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, 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 closed meeting to which this certification resolution applies; and, (ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(3), to consider acquisition/disposition of a parcel/parcels of property for public use.

M. ADJOURNMENT

Mr. Harrison made a motion to adjourn.

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

At 10:20 p.m., Mr. Brown adjourned the Board until 4 p.m. on May 24, 2005.


Sanford B. Wanner
Clerk to the Board

COPY of Voluntary
Proffers for May 10 2005
Case 2-2-05/MP-3-05
Ironbound Square
Redevelopment

PROFFERS

THESE PROFFERS are made this 10th day of March, 2005 by the WILLIAMSBURG REDEVELOPMENT AND HOUSING AUTHORITY and the JAMES CITY SERVICE AUTHORITY (together with their successors and assigns, the "Owners") and BAY AGING. INC., a Virginia Corporation (together with its successors and assigns, the "Purchaser").

RECITALS

- A. Owners are the collective owners of eight tracts or parcels of land located in James City County, Virginia, described as follows and hereinafter referred to as the "Property":

<u>Address</u>	<u>JCC Tax Parcel</u>	<u>Approximate Acreage</u>
1) 4408 Ironbound Road	#3910100057	.138 acres
2) 4406 Ironbound Road	#3910100058	.138 acres
3) 4404 Ironbound Road	#3910100059	.138 acres
4) 4400 Ironbound Road	#3910800003	1.833 acres
5) 108 Carriage Road	#3910800004	.207 acres
6) 112 Carriage Road	#3910800001	.164 acres
7) 150 Carriage Road	#3910100064	2.748 acres
8) 120 Carriage Road	#3910800005	.663 acres

- B. Owners have submitted to the County of James City, Virginia, (the "County") a master plan entitled "Master Plan for Rezoning Apartments for Senior Housing at Ironbound Square" prepared by AES Consulting Engineers dated February 22, 2005 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.
- C. Purchaser has contracted to purchase approximately 3.75 acres of the Property, designated as area "A" on the Master Plan (the "Senior Housing Parcel") conditioned upon the rezoning of the Property
- D. Owners have applied to rezone the Property from R-2 to MU Mixed Use District, with proffers
- E. Owners and Purchaser desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned MU.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section **15.2-2297** of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owners agree that they shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. **Density.** There shall be no more than **72** dwelling units on the Property, consisting of no more than 5 single family dwelling units ("Single Family Units") located in the portion of the Property with a Master Plan area designation of "A" and no more than **67** senior housing dwelling units ("Senior Housing Units") located in the portion of the Property with a Master Plan area designation of " D . The Senior Housing Units shall be limited to occupancy by elderly households, defined as a household including one or more persons 62 years of age or older.
2. **Water Conservation.** Water conservation standards for the Property shall be submitted to and approved by the James City Service Authority. The Owners shall be responsible for enforcing these standards. The standards shall address such conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be approved by the James City Service Authority prior to final subdivision or site plan approval.
3. **Affordable Housing.** For a period of 20 years from the date the first Senior Housing Unit on the Property is placed in service all Senior Housing Units on the Property shall be occupied by individuals or families with at least one member **62** years of age or older and having an adjusted annual income no greater than **50%** of the Area Median Income ("AMI") adjusted for family size as determined by the U.S. Department of Housing and Urban Development ("HUD"). The Senior Housing Unit resident shall pay rent and utility expenses in accordance with **HUD** Section 202 Supportive Housing for the Elderly Program regulations ("**HUD** Regulations").

Three of the five Single Family Units developed on the Property shall be sold to households with incomes no greater than 80% of the AMI adjusted for household size as determined **by HUD.**

4. **Road Improvements.** The Senior Housing Parcel Owner shall install, in accordance with **Virginia** Department of Transportation ("VDOT") recommendations, standards and specifications the following road improvements: a curbed entrance **from** Carriage Road into the Senior Housing Parcel; curb, gutter, paving and sidewalks on the northern side of Carriage Road from

Ironbound Road to the intersection with Watford Lane as shown on the Master Plan.

The Senior Housing Parcel Owners shall dedicate to the County an unrestricted thirty foot (30') wide strip of land on the western property line, adjacent to the existing Ironbound Road right of way. The dedicated 30' strip shall run **from** the northern edge of the Carriage Road right of way to the southern edge of the Magazine Road right of way. This dedication shall be for the purpose of accommodating the planned widening of Ironbound Road.

The preceding road improvements and dedication shall be completed prior to issuance of any certificates of occupancy for dwelling units on the Senior Housing Parcel

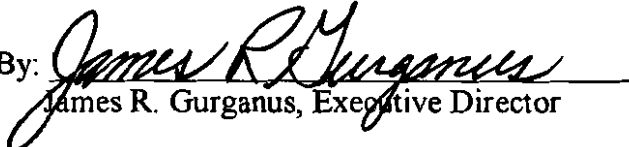
There shall be constructed in accordance with VDOT recommendations, standards and specifications, a left-turn lane for southbound Ironbound Road at the Carriage Road intersection, and a right turn radius from the northbound lane of Ironbound Road onto Carriage Road.

Left-turn lane and right turn radius shall be completed prior to issuance of any certificates of occupancy for dwelling units on the Senior Housing Parcel.

5. **Recreation.** Senior Housing Parcel Owners shall lease, at no cost to the County, approximately 1.2 acres located adjacent to the park on the Master Plan to the County for recreational use and will permit but not fund the improvements indicated on the Master Plan.
6. **Design Review.** Senior Housing Parcel Owners shall submit a preliminary site plan with preliminary building elevations for the Senior Housing Units to the New Town Design Review Board ("DRB"). Final building plans and site plan shall be consistent as determined by the DRB with the approved Preliminary Plans.

WITNESS the following signatures:

WILLIAMSBURG REDEVELOPMENT and HOUSING AUTHORITY

By: 
James R. Gurganus, Executive Director

JAMES CITY SERVICE AUTHORITY

By: Larry M. Foster
Larry M. Foster, General Manager

BAY AGING, ~~INC.~~

By: Kathy E. Vesley
~~Allyn W. Gemerck, President~~
Kathy E. Vesley, Chief Operating Officer

STATE OF VIRGINIA
~~CITY~~ COUNTY OF WILLIAMSBURG, to wit:

The foregoing instrument was acknowledged this 29th day of March
2005, by James R. Gurganus, WRHA Executive Director.

My commission expires: 6/30/2005

[Signature]
Notary Public

STATE OF VIRGINIA
~~CITY~~ / COUNTY OF - JAMES CITY, to wit:

The foregoing instrument was acknowledged this 29th day of March,
2005, by Larry M. Foster, JCSA General Manager.

My commission expires: 12-31-08

[Signature]
Notary Public

STATE OF VIRGINIA

CITY / COUNTY OF Middlesex, to wit:

The foregoing instrument was acknowledged this 28th day of April
2005, by ~~Allyn W. Gernerik~~, Bay Aging, ~~Inc.~~, ~~President.~~

Kathy E. Vesley

Chief Operating Officer

My commission expires: 10/31/08

Lisa McFarlane Walker
Notary Public

Prepared by the James City County Office of Housing and Community Development,
5248 Olde Towne Road, Suite 10, Williamsburg, VA 23188; (757) 220-1272.

PROFFERS

THESE PROFFERS are made this ~~30th~~ day of April, 2005 by ARMIN U. ALI and AMINA ADOSSA-ALI (together "Ali") and POWHATAN-OLDE TOWNE SQUARE, LLC, a limited liability company ("Powhatan")(Ali and Powhatan, together with their respective successors in title and assigns, are hereinafter sometimes referred to as the "Owner").

RECITALS

A. Ali is the owner of a tract or parcel of land located in James City County, Virginia, with an address of 6001 Centerville Road, Williamsburg, Virginia and being Tax Parcel 3110100036 containing approximately 31.8, being more particularly described on Schedule A hereto (the "Ali Property").

B. Powhatan is the owner of a tract or parcel of land 'located in James City County, Virginia, with an address of 6061 Centerville Road, Williamsburg, Virginia and being Tax Parcel 3110100033 containing approximately 7.7 acres, being more particularly described on Schedule A hereto (the "Powhatan Property"). The Ali Property and the Powhatan Property are hereinafter sometimes referred to as the "Property."

C. The Property is designated Low Density Residential on the County's Comprehensive Plan Land Use Map and is now zoned A-I. Owners have applied to rezone the Property from A-1 to K-%, General Residential District, with proffers.

C. Owners have submitted to the County a master plan entitled "Preliminary Master Plan, Centerville Road Subdivision" prepared by Vanasse Hangen Brustlin, Inc. dated February 21, 2005 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.

D. Owners desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned R-2.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2298 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owners agree that they shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. **Master Plan.** The Property shall be developed generally in accordance with the Master Plan, with only minor changes thereto that the Development Review Committee determines do not change the basic concept or character of the development. There shall be a maximum of 78 lots on the Property.

2. **Owners Association.** There shall be organized an owner's association or associations (the "Association") in accordance with Virginia law in which all property owners in the

development, by virtue of their property ownership, shall be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing each Association shall be submitted to and reviewed by the County Attorney for consistency with this Proffer. The Governing Documents shall require that each Association adopt an annual maintenance budget, which shall include a reserve for maintenance of stormwater management BMPs, recreation areas, sidewalks, and all other common areas (including open spaces) under the jurisdiction of each Association, shall require each initial purchaser of a lot to make a capital contribution to the Association for reserves in an amount equal to one-sixth of the annual general assessment applicable to the lot (but no less than \$100.00) and shall require that the Association (i) assess all members for the maintenance of all properties owned or maintained by the Association and (ii) file liens on members' properties for non-payment of such assessments. The Governing Documents shall grant each Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing, the Governing Documents. If there is more than one Association created for the Property the Associations shall enter into a costs sharing agreement allocating responsibility for maintenance and expenses for common areas described above between the Associations.

3. Water Conservation. (a) The Association shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be approved by the James City Service Authority prior to final subdivision or site plan approval.

4. Cash Contributions for Community Impacts. (a) A contribution of \$1,061.00 for each dwelling unit on the Property shall be made to the James City Service Authority ("JCSA") in order to mitigate impacts on the County from the physical development and operation of the Property. The JCSA may use these funds for development of alternative water sources or any project related to improvements to the JCSA water system in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development and operation of the Property.

(b) A contribution of \$312.00 for each dwelling unit on the Property shall be made to the JCSA in order to mitigate impacts on the County from the physical development and operation of the

Property. The JCSA may use these funds for any project related to improvements to the JCSA sewer system in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development and operation of the Property.

(c) A contribution of \$3,939.00 for each dwelling unit on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development and operation of the Property, including, without limitation, for school uses.

(d) The contributions described above shall be payable for each dwelling unit on the Property at the time of final subdivision plat approval for such unit or, at the election of Owner, such contributions shall be payable within one year from the date of final subdivision plat approval provided Owner has posted with the County a letter of credit in form acceptable to the County Attorney in the amount of such deferred payment to secure Owner's obligation to make such payment.

(e) The per unit contribution(s) paid in each year pursuant to this Section shall be adjusted annually beginning January 1, 2006 to reflect any increase or decrease for the preceding year

in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84 = 100) (the "CPI") prepared and reported monthly by the U.S. Bureau of Labor Statistics of the United States Department of Labor. In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in paragraphs (a) through (c) of this Section. The adjustment shall be made by multiplying the per unit contribution for the preceding year by a fraction, the numerator of which shall be the CPI as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall be the CPI as of December 1 in the preceding year, In the event a substantial change is made in the method of establishing the CPI, then the per unit contribution shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing CPI. In the event that the CPI is not available, a reliable government or other independent publication evaluating information heretofore used in determining the CPI (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per unit contribution to approximate the rate of annual inflation in the County.

5. **Route 614 Community Character Buffer.** There shall be a variable width buffer along the Route 614 frontage of the

Property generally as shown on the Master Plan. The buffer shall be exclusive of any lots or units. The portion of the buffer located south of the entrance into the Property shall have a width of at least 150 feet and shall be left undisturbed and in its natural state except as provided herein. Owner shall remove storm debris from this portion of the buffer and, if required by the Director of Planning, shall replant pine seedlings in areas where storm debris has been removed. The portion of the buffer located north of the entrance into the Property shall have a width of at least 75 feet and there shall be installed within this portion of the buffer a landscaped berm pursuant to a landscaping plan approved by the Director of Planning generally as shown on the Master Plan. With the prior approval of the Development Review Committee, trails, sidewalks, bike lanes, utilities, lighting, entrance features and signs may be located in the buffer. Dead, diseased and dying trees or shrubbery, invasive or poisonous plants, windfalls and deadfalls may be removed from the buffer area.

6. Streetscape Guidelines. The Owner shall provide and install streetscape improvements in accordance with the applicable provisions of the County's Streetscape Guidelines policy. The streetscape improvements shall be shown on development plans for that portion of the Property and submitted

to the Director of Planning for approval during the development plan approval process.

7. Recreation. (a) Prior to the County being obligated to issue building permits for more than 39 lots on the Property, Owner shall provide a gazebo/picnic shelter with grill, tot lot with play equipment, and open play area of approximately one acre and a soft-surface pedestrian trail generally in the location shown on the Master Plan.

8. Archaeology. A Phase I Archaeological Study for the entire Property shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of

Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the Property and the clearing, grading or construction activities thereon.

9. Entrance Tapers. There shall be installed or bonded in form acceptable to the County Attorney prior to final subdivision plat approval a 100 foot right turn taper from south bound Route 614 into the entrance to the Property and a 48 foot right turn taper from the entrance to the property onto southbound Route 614. Such tapers will be striped to include the existing bike lane along Centerville Road.

10. Sidewalks. There shall be sidewalks five feet in width installed along one side of all streets within the Property generally as shown on the Master Plan.

11. **Greenway Easement**. At or prior to the County being obligated to approve any final subdivision plat of the Property, Owner shall grant to the County free of charge an easement 35 feet in width over the area of the Property immediately adjacent to Route 614 as shown on the Master Plan permitting the County to construct and maintain a greenway trail in the easement area. Owner, in its sole discretion, shall either (i) construct a 10 foot wide multi-use path within the easement area pursuant to plans approved by the Director of Planning (such path to be a part of the County greenway system and maintained by the County) or (ii) in lieu thereof, make a cash contribution to the County for use by the County for greenway capital improvements in an amount acceptable to the Director of Planning based on the estimated costs of construction of the path.

WITNESS the following signatures.

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Prepared by:
Vernon M. Geddy, III, Esquire
Geddy, Harris, Franck & Hickman, LLP
1177 Jamestown Road
Williamsburg, VA 23185
(757) 220-6500

Armin U. Ali

ARMIN U. ALI

Amina Adossa Ali

AMINA ADOSSA-ALI

POWHATAN-OLDE TOWNE SQUARE,
LLC

By: [Signature]

Title: Manager

STATE OF New York
CITY/COUNTY OF New York to-wit:

The foregoing instrument was acknowledged this 30th
day of April, 2005, by ARMIN U. ALI.

[Signature]
NOTARY PUBLIC

DANUTA J. KOCH
Notary Public, State of New York
No. 31-4950299
Qualified in New York County
~~Commission Expires April 24, 2007~~

My commission expires:

STATE OF New York
CITY/COUNTY OF New York to-wit:

The foregoing instrument was acknowledged this 30th
day of April, 2005, by AMINA ADOSSA-ALI.

[Signature]
NOTARY PUBLIC

DANUTA J. KOCH
Notary Public, State of New York
No. 31-4950299
Qualified in New York County
~~Commission Expires April 24, 2007~~

My commission expires:

STATE OF Virginia
CITY/COUNTY OF Williamsburg, to-wit:

The foregoing instrument was acknowledged this 2
day of May, 2005, by Lawrence E. Beamer, as Manager
of POWHATAN-OLDE TOWNE SQUARE, LLC on behalf of the company.

Barbara J. Claus
NOTARY PUBLIC

My commission expires: 1/31/07.



PARCEL 1

ALL that certain piece or parcel of land with appurtenances thereto, situate, being and lying in the Powhatan Magisterial District, James City County, Virginia and containing twenty one-half (20-1/2) acres of land more or less by actual survey and being a portion of the tract of land commonly called the Marston "tract of land" or "The triangle" near Centerville and bounded as follows to wit: on the North by the road and on the South and West by the land now or formerly of B. Clarence Vaiden.

LESS AND EXCEPT, that the conveyance by Andrew Byrd Estate, C.C. Byrd Agent got James City County Virginia to the Commonwealth of Virginia which Deed is recorded in the Clerks Office of the Circuit Court of James City County, Virginia in Deed Book 30, page 541.

BEING the same property conveyed in part to Armin U. Ali and Francis P. Ali, as joint tenants with right of survivorship as at common law, dated September 23, 1981 and recorded in Deed Book 220, page 402. The said Francis P. Ali having departed this life on May 20, 2001. And further being the same as conveyed in part to Armin U. Ali by Deed from Alvin Gary Parker dated September 26, 2002, and recorded in James City County, November 12, 2002 as Instrument Number 02002665; and by Deed from Shirley P. Holmes dated September 26, 2002, and recorded in James City County, November 12, 2002 as Instrument Number 02002665.

PARCEL 2

All that certain lot of land, estimated to contain eight (8) acres, more or less, enclosed within the following boundaries: beginning at a point on the Centerville Road opposite an oak stump; thence running west along a chopped line to a dogwood tree, then a white oak, then another dogwood, then a red oak, then an oak tree along the road separating this property from the property now or formerly of W.B. Vaiden thence in a southeasterly course along the road separating this property from the property formerly of W.B. Vaiden to the Centerville Road; thence in a northerly course

along the Centerville Road to the point of the beginning.

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

Subject, however, to all easements, restrictions, conditions and covenants of record or apparent on the ground.

Being the same property as that conveyed to Signor Bradby by Deed dated April 24, 1937 from Berkley Jones and Mary Lee Jones, his wife, Ernest Jones and Carries Jones, his wife, and Annie Bradby, of record at James City County Deed Book 29, page 273. The said Signor Bradby died testate on January 25, 1959, his Will is of record at James City County Will Book 6, page 478. By virtue of said Will, the only devisee of Signor Bradby was his daughter, Elizabeth Carter. Elizabeth Carter died testate on October 23, 2003, her Will is of record at James City County Will File Number 5703. By virtue of Article Four of said Will Elizabeth Carter devised that subject real property described herein to her daughter, Celestine Elizabeth Overbey, and her grandson, A. Dudley Overbey, the Grantors herein.

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY
This document was admitted to record on 17 May 05
at 11:20 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
\$ _____	\$ _____	\$ _____

TESTE: BETSY B. WOOLRIDGE, CLERK

BY: Betsy B. Woolridge Clerk

MAY 10 2005

ORDINANCE NO. 55A-33

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, MAGISTERIAL DISTRICT, ELECTION DISTRICTS AND ELECTION PRECINCTS, BY AMENDING SECTION 24, ELECTION PRECINCTS AND POLLING PLACES ESTABLISHED, AND SECTION 2-5, ELECTION DISTRICT BOUNDARIES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 2, Administration, is hereby amended and reordained by amending Section 24, Election precincts and polling places established; and Section 2-5, Election district boundaries

CHAPTER 2. ADMINISTRATION

Article II. Magisterial District, Election Districts and Election Precincts

Sec. 2-4. Election precincts and polling places established.

(a) Pursuant to authority contained in the Code of Virginia, Chapter 24.2, the precincts and their respective polling places for the county are hereby created and established as set forth in this section.

(b) The precincts for each election district and the polling place for each precinct shall be as set forth below:

Berkeley Election District:

Berkeley Precinct A - James City-Williamsburg Community Center polling place.

Berkeley Precinct B - Jamestown High School polling place.

~~Berkeley Precinct C - Jamestown High School polling place.~~

Jamestown Election District:

Jamestown Precinct A - Clara Byrd Baker Elementary School polling place

Jamestown Precinct B - ~~Rawls~~ Byrd Elementary School polling place.

Roberts Election District:

Roberts Precinct A - Mt. Gilead Baptist Church polling place.

Roberts Precinct B - James River Elementary School polling place.

Roberts Precinct C - Grace Baptist Church polling place.

Powhatan Election District:

Powhatan Precinct A - D.J. Montague Elementary School polling place.

Powhatan Precinct B - Christian Life Center polling place.

~~Powhatan Precinct C - Greensprings Chapel polling place.~~

Stonehouse Election District:

Stonehouse Precinct A - Toano Middle School polling place.

Stonehouse Precinct B - Norge Elementary School polling place.

Sec. 2-5. Election district boundaries.

Berkeley Election District:

Berkeley Precinct A. Beginning at the intersection of State Route 199 and State Route 615 (West) extended to intersect with State Route 615 (East); thence northerly following the centerline of State Route 199 to its intersection with State Route 612; thence westerly following the centerline of State Route 612 to its intersection with an unnamed dirt road 577 feet south of State Route 658; thence northeasterly following the centerline of the unnamed dirt road projected 706 feet across State Route 199 to its intersection with an unnamed dirt road parallel to State Route 199; thence northerly following the centerline of the unnamed dirt road to its intersection with State Route 658; thence northerly following the centerline of State Route 658 to its intersection with U.S. Route 60; projecting the centerline of State Route 658 easterly to its intersection with the southwest corner of Parcel (33-3) (1-10); thence easterly along the southern property line of Parcel (33-3) (1-10) to the James City County-York County boundary line; thence southerly along the James City County-York County boundary line to its intersection with the James City County-Williamsburg boundary line; thence southerly along the James City County-Williamsburg boundary line to its intersection with State Route 615 and State Route 616; thence westerly along the centerline of State Route 615 (East) extended to intersect with State Route 615 (West); thence westerly along the centerline of State Route 615 (West) to its intersection with State Route 5; thence easterly following the centerline of State Route 5 to its intersection with Mill Creek; thence northerly following the centerline of Mill Creek to its intersection with State Route 199; thence northerly following the centerline of State Route 199 to the point of beginning.

Berkeley Precinct B. Beginning at the intersection of State Route 5 and Mill Creek; thence southerly following the centerline of Mill Creek to its intersection with State Route 629; thence west following the centerline of State Route 629 to its intersection with State Route 615; thence southerly following the centerline of State Route 615 to its intersection with State Route 681; thence southerly following the centerline of State Route 681 to its intersection with State Route 31; thence westerly following the centerline of State Route 31 to its intersection with State Route 614; thence northerly following the centerline of State Route 614 to its intersection with State Route 5; thence westerly following the centerline of State Route 5 to the point where it intersects Shellbank Creek; thence southerly following the centerline of Shellbank Creek extended to the centerline of the James River; thence westerly following the centerline of the James River to the centerline of the Chickahominy River and the James City County-Charles City County boundary line; thence northerly following the centerline of the Chickahominy River and the James City County-Charles City County boundary line to its intersection with State Route 5; ~~thence easterly following the centerline of State Route 5 to the point of beginning, the extended centerline of Gordon Creek; thence easterly following the centerline of Gordon Creek to Pine Woods Creek; thence following the centerline of Pine Woods Creek to its intersection with the southwest corner of Parcel (35-1)(1-9); thence easterly following the northwest boundary of Parcel (35-4)(1-9) to its intersection with State Route 613; thence easterly following the centerline of State Route 613 to its intersection with State Route 614; thence north following the centerline of State Route~~

Powhatan Election District:

Powhatan Precinct A. Beginning at the intersection of State Route 614 and the Dominion Resources Inc. Transmission Easement; thence northerly following the centerline of the Dominion Resources Inc. Transmission Easement to its intersection with Yarmouth Creek; thence following the centerline of Yarmouth Creek to Shipyard Creek; thence following the centerline of Shipyard Creek to the Chickahominy River; thence southerly following the Chickahominy River and the James City County-Charles City County boundary line to its intersection with the projected centerline of Gordon Creek; thence easterly following the centerline of Gordon Creek to Pine Woods Creek; thence following the centerline of Pine Woods Creek to its intersection with the southwest corner of Parcel (35-4) (1-9); thence easterly following the northwest boundary of Parcel (35-4) (1-9) to its intersection with State Route 613; thence easterly following the centerline of State Route 613 to its intersection with State Route 614; thence north following the centerline of State Route 614 to its intersection with State Route 613; thence easterly following the centerline of State Route 613 to its intersection with *Powhatan Creek*; ~~thence northerly following the centerline of Powhatan Creek until its intersection with State Route 612; thence westerly following the centerline of State Route 612 until its intersection with State Route 614; thence northerly following the centerline of State Route 614 to the point of beginning. Old News Road; thence following the centerline of Old News Road to its intersection with State Route 615 (West); thence following to a point where State Route 615 (West) extended to State Route 615 (East) intersects with State Route 199; thence northerly following the centerline of State Route 199 to its intersection with State Route 612; thence westerly following the centerline of State Route 612 to its intersection with State Route 614; thence northerly following the centerline of State Route 614 to the point of beginning.~~

Powhatan Precinct B. Beginning at the intersection of U.S. Route 60 and State Route 614; thence westerly following the centerline of State Route 614 to its intersection with State Route 612; thence easterly following the centerline of State Route 612 to its intersection with an unnamed dirt road 577 feet south of State Route 658; thence northeasterly following the centerline of the unnamed dirt road projected 706 feet across State Route 199 to its intersection with an unnamed dirt road parallel to State Route 199; thence northerly following the centerline of the unnamed dirt road to its intersection with State Route 658; thence northerly following the centerline of State Route 658 to its intersection with U.S. Route 60; projecting the centerline of State Route 658 easterly to its intersection with the southwest corner of Parcel (33-3) (1-10); thence easterly along the southern property line of Parcel (33-3) (1-10) to the James City County-York County boundary line; thence northerly along the James City County-York County boundary line to the point of beginning.

Powhatan Precinct C. Beginning at the intersection of State Route 613 and *Powhatan Creek*; thence easterly following the centerline of State Route 613 to its intersection with *Old News Road*; thence following the centerline of *Old News Road* to its intersection with State Route 615 (West); thence following to a point where State Route 615 (West) extended to State Route 615 (East) intersects with State Route 199; thence northerly following the centerline of State Route 199 to its intersection with State Route 612; thence westerly following the centerline of State Route 612 to its intersection with *Powhatan Creek*; thence southerly following the centerline of *Powhatan Creek* to the point of beginning.

~~614 to its intersection with State Route 613; thence easterly following the centerline of State Route 613 to its intersection with Old News Road; thence following the centerline of Old News Road to its intersection with State Route 615 (West); thence southerly following the centerline of State Route 615 (West) to its intersection with State Route 5; thence easterly following the centerline of State Route 5 to the point of beginning.~~

*Berkeley Precinct C. Beginning at the intersection of State Route 615 and State Route 5; thence westerly following the centerline of State Route 5 to its intersection with the Charles City County-James City County boundary line at **the centerline** of the Chickahominy River; thence north following the Charles City County-James City County **boundary** and the centerline of the Chickahominy River to **the extended centerline** of Gordon Creek; thence easterly following the centerline of Gordon Creek to Pine Woods Creek; thence following **the centerline** of Pine Woods Creek to its **intersection** with the southwest corner of Parcel (35-4) (1-9); thence easterly following the northwest boundary of Parcel (35-4) (1-9) to its intersection with State **Route** 613; thence easterly following the centerline of **State** Route 613 to its intersection with State **Route** 614; thence northerly following the centerline of State Route 614 until its intersection with State Route 613; thence easterly following **the centerline** of State Route 613 to its intersection with Old News Road; thence following the centerline of Old News Road to its **intersection with State** Route 615 (West); thence **southerly** following the centerline of State **Route** 615 (West) to the point of beginning.*

Jarnestown Election District.

Jamestown Precinct A. Beginning at the intersection of the projected centerline of Mill Creek and the centerline of the James River; thence north following the centerline of Mill Creek to Lake Powell; thence northwest following the centerline of Lake Powell to Mill Creek; thence following the centerline of Mill Creek to its intersection with State Route 629; thence westerly following the centerline of State Route 629 to its intersection with State Route 615; thence south following the centerline of State Route 615 to State Route 681; thence south following the centerline of State Route 681 to State Route 31; thence southerly following the centerline of State Route 31 to its intersection with State Route 614; thence north following the centerline of State Route 614 to its intersection with State Route 5; thence west following the centerline of State Route 5 to its intersection with Shellbank Creek; thence south following the centerline of Shellbank Creek extended to the centerline of the James River; thence easterly following the centerline of the James River to the point of beginning.

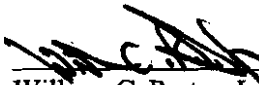
*Jamestown Precinct B. Beginning at the intersection of the projected centerline of Mill Creek and the centerline of the James River; thence north following the centerline of Mill Creek to Lake Powell; thence northwest following the centerline of Lake Powell to Mill Creek; thence following the centerline of Mill Creek to its intersection with State Route 199; thence northerly following the centerline of State Route 199 to its intersection with State Route 615 (West) extended to intersect with State Route 615 (East); thence easterly following the centerline of State Route 615 (East) to its intersection with the James City County-Williamsburg boundary line; thence southerly following the James City County-Williamsburg boundary line to its intersection with College Creek; thence southerly following the centerline of College Creek 2,456 feet to its intersection with the extended centerline of an unnamed dirt road; thence following the centerline of the unnamed dirt road to its intersection with **Marclay** Road; thence westerly following the centerline of **Marclay** Road to its intersection with State Route 617; thence southerly following the centerline of State Route 617; projecting the centerline of State Route 617 to its intersection with the centerline of the James River; thence westerly following the centerline of the James River to the point of beginning.*

The Ordinance Amendments shall become effective following approval by the Department of Justice, and the first election in which the Ordinance Amendments will be utilized shall be November 8, 2005.



Michael J. Brown, Chairman
Board of Supervisors

ATTEST:



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

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	AYE
GOODSON	AYE
MCGLENNON	AYE
BRADSHAW	AYE
BROWN	AYE

Adopted by the Board of Supervisors of James City County, Virginia, on this **10th** day of May, 2005.

Election.ord

050 025873
PROFFERS

THESE PROFFERS are made this 10th day of March, 2005 by the WILLIAMSBURG REDEVELOPMENT AND HOUSING AUTHORITY and the JAMES CITY SERVICE AUTHORITY (together with their successors and assigns, the "Owners") and BAY AGING, INC., a Virginia Corporation (together with its successors and assigns, the "Purchaser").

RECITALS

- A. Owners are the collective owners of eight tracts or parcels of land located in James City County, Virginia, described as follows and hereinafter referred to as the "Property", (see Attachment "A"):

<u>Address</u>	<u>JCC Tax Parcel</u>	<u>Approximate Acreage</u>
1) 4408 Ironbound Road	#3910100057	.138 acres
2) 4406 Ironbound Road	#3910100058	.138 acres
3) 4404 Ironbound Road	#3910100059	.138 acres
4) 4400 Ironbound Road	#3910800003	1.833 acres
5) 108 Carriage Road	#3910800004	.207 acres
6) 112 Carriage Road	#3910800001	164 acres
7) 150 Carriage Road	#3910100064	2.748 acres
8) 120 Carriage Road	#3910800005	.663 acres

- B. Owners have submitted to the County of James City, Virginia, (the "County") a master plan entitled "Master Plan for Rezoning Apartments for Senior Housing at Ironbound Square" prepared by AES Consulting Engineers dated February 22, 2005 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.
- C. Purchaser has contracted to purchase approximately 3.75 acres of the Property, designated as area "A" on the Master Plan (the "Senior Housing Parcel") conditioned upon the rezoning of the Property
- D. Owners have applied to rezone the Property from R-2 to MU Mixed Use District, with proffers
- E. Owners and Purchaser desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned MU.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2297 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owners agree that they shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. Density. There shall be no more than 72 dwelling units on the Property, consisting of no more than 5 single family dwelling units ("Single Family Units") located in the portion of the Property with a Master Plan area designation of "A" and no more than 67 senior housing dwelling units ("Senior Housing Units") located in the portion of the Property with a Master Plan area designation of " D . The Senior Housing Units shall be limited to occupancy by elderly households, defined as a household including one or more persons 62 years of age or older.
2. Water Conservation. Water conservation standards for the Property shall be submitted to and approved by the James City Service Authority. The Owners shall be responsible for enforcing these standards. The standards shall address such conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be approved by the James City Service Authority prior to final subdivision or site plan approval.
3. Affordable Housing. For a period of 20 years from the date the first Senior Housing Unit on the Property is placed in service all Senior Housing Units on the Property shall be occupied by individuals or families with at least one member 62 years of age or older and having an adjusted annual income no greater than 50% of the Area Median Income ("AMI") adjusted for family size as determined by the U.S. Department of Housing and Urban Development ("HUD"). The Senior Housing Unit resident shall pay rent and utility expenses in accordance with HUD Section 202 Supportive Housing for the Elderly Program regulations ("HUD Regulations").

Three of the five Single Family Units developed on the Property shall be sold to households with incomes no greater than 80% of the AMI adjusted for household size as determined by HUD.

4. Road Improvements. The Senior Housing Parcel Owner shall install, in accordance with Virginia Department of Transportation ("VDOT") recommendations, standards and specifications the following road improvements: a curbed entrance from Carriage Road into the Senior Housing Parcel; curb, gutter, paving and sidewalks on the northern side of Carriage Road from

Ironbound Road to the intersection with Watford Lane as shown on the Master Plan.

The Senior Housing Parcel Owners shall dedicate to the County an unrestricted thirty foot (30') wide strip of land on the western property line, adjacent to the existing Ironbound Road right of way. The dedicated 30' strip shall run from the northern edge of the Carriage Road right of way to the southern edge of the Magazine Road right of way. This dedication shall be for the purpose of accommodating the planned widening of Ironbound Road.

The preceding road improvements and dedication shall be completed prior to issuance of any certificates of occupancy for dwelling units on the Senior Housing Parcel.

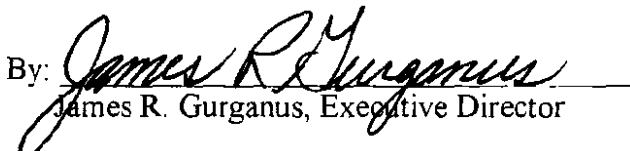
There shall be constructed in accordance with VDOT recommendations, standards and specifications, a left-turn lane for southbound Ironbound Road at the Carriage Road intersection, and a right turn radius from the northbound lane of Ironbound Road onto Carriage Road.

Left-turn lane and right turn radius shall be completed prior to issuance of any certificates of occupancy for dwelling units on the Senior Housing Parcel.

5. **Recreation.** Senior Housing Parcel Owners shall lease, at no cost to the County, approximately 1.2 acres located adjacent to the park on the Master Plan to the County for recreational use and will permit but not fund the improvements indicated on the Master Plan.
- 6 **Design Review.** Senior Housing Parcel Owners shall submit a preliminary site plan with preliminary building elevations for the Senior Housing Units to the New Town Design Review Board ("DRB"). Final building plans and site plan shall be consistent as determined by the DRB with the approved Preliminary Plans.

WITNESS the following signatures:

WILLIAMSBURG REDEVELOPMENT and HOUSING AUTHORITY

By: 
James R. Gurganus, Executive Director

JAMES CITY SERVICE AUTHORITY

By: Larry M Foster
Larry M Foster, General Manager

~~BAY AGING, INC.~~

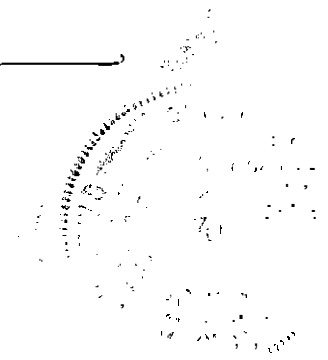
By: Kathy E Vesley
~~Allyn W. Gemerek, President~~
Kathy E. Vesley, Chief Operating Officer

STATE OF VIRGINIA
CITY/COUNTY OF WILLIAMSBURG, to wit

The foregoing instrument was acknowledged this 29th day of March
2005, by James R. Gurganus, WRHA Executive Director.

My commission expires: 6/30/2005

[Signature]
Notary Public



STATE OF VIRGINIA
CITY / COUNTY OF JAMES CITY, to wit:

The foregoing instrument was acknowledged this 29th day of March
2005, by Larry M. Foster, JCSA General Manager.

My commission expires 12-31-08

[Signature]
Notary Public



STATE OF VIRGINIA

CITY / COUNTY OF Middlesex, to wit:

The foregoing instrument was acknowledged this 28th day of April,
2005, by ~~Allyn W. Gernerck, Bay Aging, Inc., President.~~

Kathy E. Vesley Chief Operating Officer

My commission expires 10/31/08

Lisa McFarlin Walker
Notary Public

Prepared by the James City County Office of Housing and Community Development,
5248 Olde Towne Road, Suite 10, Williamsburg, VA 23188; (757) 220-1272.

ATTACHMENT "A"

PARCEL 1

ALL THAT CERTAIN lot of land, situate in Jamestown District, James City County, Virginia, on the easterly side of Iron Bound Road and fronting thereon 40 feet and extending back between parallel lines a distance of 150 feet, and being the same property as that conveyed to Ruby Brown by deed dated 11 July 1960 and recorded 28 July 1960 in James City County Deed Book 75 at page 455; the said Ruby Brown having departed this life intestate on 25 March 1961 leaving as her sole heirs at law her husband, Percell H. Brown and her children Alice Bowens and Andrew Rodgers (a/k/a/ Andrew Brown); the said Percell H. Brown having departed this life March 6, 1973.

BEING the same property conveyed to the Williamsburg Redevelopment and Housing Authority from Eddie W. Givens and Zelda W. Givens by Deed dated February 7, 2003, recorded February 10, 2003 in the Clerk's Office of the Circuit Court of the County of James City, Virginia as Instrument No. 030004283.

Also known as: 4408 Ironbound Road, Williamsburg, VA, PIN 3910100057

PARCEL 2

All that certain piece, parcel or tract of [land] situate, lying and being in Jamestown District, James City County, Virginia, being more fully bounded and described as follows: Beginning at a point on the easterly side of Ironbound Road where the property herein conveyed, the property of Ruby Brown, and said road converge; thence in an easterly direction along the line of the property hereby conveyed and that of Ruby Brown 150 feet, more or less, to a point where the property herein conveyed, the property of Ruby Brown and the property of Ernest Taylor converge; thence along the line of the property herein conveyed and that of Ernest Taylor in a southerly direction a distance of 40 feet, more or less, to a point where the property hereby conveyed, the property of Ernest Taylor, and the property of R. Brown converge; thence in a westerly direction along the line of the property herein conveyed and that of R. Brown 150 feet more or less, to a point on Ironbound Road where the property herein conveyed, the property of R. Brown and said road converge; thence in a northerly direction along said road 40 feet, more or less, to the point of beginning.

IT BEING the same property conveyed to Williamsburg Redevelopment and Housing Authority by deed dated March 5, 2004 from Kelvin Pressey, Sr., Keith Pressey, Sr., Brian Pressey, Sr., Marvin Pressey, Miranda Sadler, Janis Chisman, and Karen Pressey, also known as Karen P. Mcnair and recorded in the Clerk's Office of the Circuit Court of the County of James City, Virginia as Instrument No. 040011774.

Also known as: 4406 Ironbound Road, Williamsburg, VA, PIN 3910100058

PARCEL 3

ALL THAT CERTAIN lot of land, situate in Jamestown District, James City County, Virginia, on the easterly side of Iron Bound Road, bounded and described as follows: Beginning at a point 12 feet north of the lot of William L. Parker on the easterly side of the Iron Bound Road; thence N 36° 10' E the distance of 40 feet; the said lot then extends back in an easterly direction between parallel lines the distance of 150 feet.

BEING the same property conveyed to Williamsburg Redevelopment and Housing Authority from Roberta V. Brown, by Deed dated March 26, 2003, recorded March 27, 2003, in the Clerk's Office of the Circuit Court of the County of James City, Virginia as Instrument No. 030009068.

Also known as: 4404 Ironbound Road, Williamsburg, VA, PIN 3910100059

PARCEL 4

ALL THAT CERTAIN lot, piece or parcel of land situate, lying and being in Berkeley District, James City County, Virginia, shown as "78,765.37 SQ. FT. 1.808 ACRES" as set forth on that certain plat entitled, "A SURVEY FOR CONVEYANCE - EDMUND T. & JOSEPH I. BROWN TO NORCO, INC., A PARCEL OF LAND LYING IN JAMESTOWN DISTRICT, JAMES CITY COUNTY, VIRGINIA", made by L. V. Woodson & Associates, dated December 11, 1970, and recorded in Deed Book 129, page 320.

LESS AND EXCEPT that portion of Parcel II containing 16,422 square feet or 0.3774 acres conveyed by Norco, Inc. to the County of James City, Virginia, by Deed dated April 28, 1980 and recorded in James City County Deed Book 212, Page 192.

BEING the same property conveyed to the Williamsburg Redevelopment and Housing Authority by G-Square, Inc., a Virginia Corporation by final order in Law Case No. 10145 entered March 16, 2004, and in the Clerk's Office of the Circuit Court of the County of James City, Virginia as Document No. 040174.

Also known as: 4400 Ironbound Road, Williamsburg, VA, PIN 3910800003

PARCEL 5

ALL THAT CERTAIN lot, piece or parcel of land, together with the buildings and improvements thereon and the appurtenances thereunto belonging or in anywise appertaining, lying, being and situate in Berkeley Magisterial District, James City County, Virginia, being a portion of a .73 acre

tract shown on a plat recorded in James City County, Plat Book 9, at page 36, entitled, "Plat Showing Proposed Subdivision of Parker Brothers Property Situated on Five Forks Road James City County, Virginia", and bounded and described as follows: BEGINNING at a point on the southerly side of a 20 foot right of way, said point being 250 feet from the intersection of said right of way with the right of way of Ironbound Road; thence, along the line of said 20 foot right of way and the property hereby conveyed S 54° 24' E a distance of 165 feet, more or less, to a point on the 20 foot right of way; thence, N 38° 58' E along the line of the property hereby conveyed and the property now or formerly belonging to the Grantors a distance of 52 feet, more or less, to a point, at which point the property now or formerly belonging to the Grantors and other property now or formerly belonging to the Grantees converge; thence N 53° 23' W along the line of the property hereby conveyed and the property now or formerly belonging to the Grantees herein a distance of 165 feet, more or less, to a point where the property hereby conveyed, the remaining lands of the Grantors and the other property of the Grantees herein converge; thence, S 38° 58' W along the line of the property hereby conveyed and the remaining lands of the Grantors to a point on the right of way, being the point of departure.

IT BEING the same property conveyed to the Williamsburg Redevelopment and Housing Authority by deed from Mary Elizabeth Parker by Louise Parker Jefferson, her attorney-in-fact, dated April 10, 2004 and recorded in the Clerk's Office of the Circuit Court of the County of James City, Virginia as Instrument No. 040010323.

Also known as: 108 Carriage Road, PIN 3910800004

PARCEL 6

ALL THAT CERTAIN lot, piece or parcel of land, together with the appurtenances thereunto belonging or in anywise appertaining, lying, being and situate in Berkeley Magisterial District, James City County, Virginia being a portion of a 0.73 acre tract of land shown on a plat entitled "Plat Showing Proposed Subdivision of Parker Brothers Property situated on Five Fork James City County, Virginia", said plat being recorded in James City County in Plat Book 9, at page 36, being bounded and described as follows: Beginning at a point on the southerly side of a 20 foot right of way, said point being 340 feet from the intersection of said right of way with Ironbound Road at a point where the property hereby conveyed, the right of way and the remaining lands now or formerly of Alexander Parker and Mary Elizabeth Parker converge; thence along the line of the said 20 foot right of way and the property hereby conveyed S 54° 24' E a distance of 75 feet, more or less, to a point on the right of way, being the point where the property hereby conveyed, the 20 foot right of way and property now or formerly of H. L. Cooke converge; thence S 38° 58' W along the line of the property hereby conveyed and the remaining property now or formerly of Alexander Parker and Mary Elizabeth Parker, a distance of 100 feet, more or less, to the point of departure.

LESS AND EXCEPT:

ALL THAT CERTAIN lot, piece or parcel of land lying and situate in Berkeley District, James City County, Virginia, shown and designated as Parcel A (New R/W and Exist. Public RW), on that certain plat entitled, "PLAT FOR CONVEYANCE AND DEDICATION OF R/W FROM: ALEXANDER & MARY ELIZABETH PARKER TO: JAMES CITY COUNTY, BERKELEY DISTRICT, JAMES CITY COUNTY, VIRGINIA, dated December 17, 1979, recorded in Deed Book 202, Page 462.

BEING the same property conveyed to Williamsburg Redevelopment and Housing Authority from Angelette Lee Dennis by Deed dated June 5, 2003, recorded June 6, 2003 in the Clerk's Office of the Circuit Court of the County of James City, Virginia as Instrument No. 030016909.

Also known as: 112 Carriage Road, PIN 3910800001

PARCEL 7:

Parcel A

All that certain lot, piece or parcel of land lying and situate in Berkeley District, James City County, Virginia, shown and designated as Parcel A (New WW), Parcel B (Exist. Private WW) and Tract 2 on that certain plat entitled "PLAT FOR CONVEYANCE AND DEDICATION OF RIGHT-OF-WAY FROM: PERCELL ALVIN AND IRENE VIRGINIA BROWN, TO: JAMES CITY COUNTY, BERKELEY DISTRICT, JAMES CITY COUNTY, VIRGINIA," dated January 1980; Job: JO5-7-D made by Small Engineering, Inc., Williamsburg, Virginia, which said plat is attached hereto and made a part hereof.

Parcel B

All that certain lot, piece or parcel of land lying and situate in Berkeley District, James City County, Virginia, shown and designated as Parcel A (New R/W), Parcel B (Exist. Private R/W) and Tract 3 on that certain plat entitled "PLAT FOR CONVEYANCE AND DEDICATION OF RIGHT-OF-WAY FROM: BEATRICE AND LEONARD LEGUM TO: JAMES CITY COUNTY, BERKELEY DISTRICT, JAMES CITY COUNTY, VIRGINIA," dated January 1980; Job: JO5-7-E, made by Small Engineering, Inc., Williamsburg, Virginia, which said plat is attached hereto and made a part hereof.

Parcel C

All that certain lot, piece or parcel of land lying and situate in Berkeley District, James City County, Virginia, shown and designated as Parcel A-I, A-2, and Tract 4 – Total Area of 2.9601 Acres, on

that certain plat entitled "PLAT FOR CONVEYANCE & DEDICATION OF R/W FROM: LYNWOOD & LOUISE PARKER JEFFERSON AND LATHANIAL PARKER TO: JAMES CITY COUNTY, BERKELEY DISTRICT, JAMES CITY COUNTY, VIRGINIA," dated March 25, 1980; Job: JO5-56 & 64, made by Small Engineering, Inc., Williamsburg, Virginia, which said plat is made a part hereof by reference thereto, and recorded in Plat Book 36, Page 44.

LESS AND EXCEPT all that certain lot, piece or parcel of land lying and situate in Berkeley District, James City County, Virginia, shown and designated as Part of Tract 4, 17,516 square feet or 0.4021 acres on that certain plat entitled, "PLAT FOR CONVEYANCE OF PART OF TRACT 4, FROM: JAMES CITY COUNTY, TO: NORCO, INC., BERKELEY DISTRICT, JAMES CITY COUNTY, VA.," dated July 30, 1980, Job No. JO5-56 & 64-2, made by Small Engineering, Inc., Williamsburg, Virginia, which said plat is attached hereto and made a part hereof.

Parcel D

All that certain lot, piece or parcel of land lying and situate in Berkeley District, James City County, Virginia, shown and designated as Tract 5, 16,442 square feet or 0.3774 acres on that certain plat entitled, "PLAT FOR CONVEYANCE OF TRACT 5 FROM: NORCO, INC., TO: JAMES CITY COUNTY, BERKELEY DISTRICT, JAMES CITY COUNTY, VA.," dated March 25, 1980, Job No. 505-8-A-2 made by Small Engineering, Inc., Williamsburg, Virginia, which said plat is attached hereto and made a part hereof.

Parcels A, B, C and D being the same property conveyed to the Williamsburg Redevelopment and Housing Authority by deed from the County of James City, Virginia, a political subdivision of the Commonwealth of Virginia, dated July 7, 2004 and recorded in the Clerk's Office of the Circuit Court of the County of James City, Virginia as Instrument No. 040017175.

Parcel E

All that certain lot, piece or parcel of land situate, lying and being in Berkeley District, James City County, Virginia, shown and designated as "PART OF TRACT 4, 17,516 SQUARE FEET, 0.4021 ACRES" on that certain plat entitled, "PLAT FOR CONVEYANCE OF PART OF TRACT 4, FROM: JAMES CITY COUNTY, TO: NORCO, INC., BERKELEY DISTRICT, JAMES CITY COUNTY, VA.", dated July 30, 1980, made by Small Engineering, Inc., and recorded in James City County Deed Book 212, Page 191.

Being the same property conveyed to the Williamsburg Redevelopment and Housing Authority by deed dated December 27, 2004 from G-Square, Inc., a Virginia Corporation and recorded in the Clerk's Office of the Circuit Court of the County of James City, Virginia as Instrument No. 040032115.

Parcel 7 properties are collectively known as: 150 Carriage Road, Williamsburg, VA, PIN 3910100064

PARCEL 8

All that certain lot, piece or parcel of land lying and situate in Berkeley District, James City County, Virginia, shown and designated as Parcel A (New R/W and Exist. Public R/W) and Tract 1 (0.663 Acres more or less) on that certain plat entitled, "PLAT FOR THE CONVEYANCE AND DEDICATION OF R/W/ FROM: ALEXANDER & MARY ELIZABETH PARKER TO: JAMES CITY COUNTY, BERKELEY DISTRICT, JAMES CITY COUNTY, VIRGINIA", dated December 17, 1979, made by Small Engineering, Inc., Williamsburg, Virginia.

IT BEING the same property conveyed to James City Service Authority by deed from the County of James City, Virginia dated July 23, 1996 and recorded in the Clerk's Office of the Circuit Court of the County of James City, Virginia in Deed Book 801, at page 109.

Also known as: 120 Carriage Road, Williamsburg, VA, PIN: 3910800005

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY
 ment was admitted to record on Nov. 05
 at _____ AM/PM. m e taxes imposed by Virginia Code
 Section 58.1-801, 58.1-802 & 58.1-814 have been paid.
 STATE TAX LOCAL TAX ADDITIONAL TAX
 \$ _____ \$ _____ \$ _____
 TESTE: BETSY B. WOOLRIDGE, CLERK
 BY: Betsy B. Woolridge Clerk

PROFFERS

THESE PROFFERS are made this ~~30th~~ day of April, 2005 by ARMIN U. ALI and AMINA ADOSSA-ALI (together "Ali") and POWHATAN-OLDE TOWNE SQUARE, LLC, a limited liability company ("Powhatan") (Ali and Powhatan, together with their respective successors in title and assigns, are hereinafter sometimes referred to as the "Owner").

RECITALS

A. Ali is the owner of a tract or parcel of land located in James City County, Virginia, with an address of 6001 Centerville Road, Williamsburg, Virginia and being Tax Parcel 3110100036 containing approximately 31.8, being more particularly described on Schedule A hereto (the "Ali Property").

B. Powhatan is the owner of a tract or parcel of Land Located in James City County, Virginia, with an address of 6061 Centerville Road, Williamsburg, Virginia and being Tax Parcel 3110100033 containing approximately 7.7 acres, being more particularly described on Schedule A hereto (the "Powhatan Property"). The Ali Property and the Powhatan Property are hereinafter sometimes referred to as the "Property."

C. The Property is designated Low Density Residential on the County's Comprehensive Plan Land Use Map and is now zoned H-I. Owners have applied to rezone the Property from A-1 to K-2, General Residential District, with proffers.

C. Owners have submitted to the County a master plan entitled "Preliminary Master Plan, Centerville Road Subdivision" prepared by Vanasse Hangen Brustlin, Inc. dated February 21, 2005 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.

D. Owners desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned R-2.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2298 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owners agree that they shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. **Master Plan.** The Property shall be developed generally in accordance with the Master Plan, with only minor changes thereto that the Development Review Committee determines do not change the basic concept or character of the development. There shall be a maximum of 78 lots on the Property.

2. **Owners Association.** There shall be organized an owner's association or associations (the "Association") in accordance with Virginia law in which all property owners in the

development, by virtue of their property ownership, shall be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing each Association shall be submitted to and reviewed by the County Attorney for consistency with this Proffer. The Governing Documents shall require that each Association adopt an annual maintenance budget, which shall include a reserve for maintenance of stormwater management BMPs, recreation areas, sidewalks, and all other common areas (including open spaces) under the jurisdiction of each Association, shall require each initial purchaser of a lot to make a capital contribution to the Association for reserves in an amount equal to one-sixth of the annual general assessment applicable to the lot (but no less than \$100.00) and shall require that the Association (i) assess all members for the maintenance of all properties owned or maintained by the Association and (ii) file liens on members' properties for non-payment of such assessments. The Governing Documents shall grant each Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing, the Governing Documents. If there is more than one Association created for the Property the Associations shall enter into a costs sharing agreement allocating responsibility for maintenance and expenses for common areas described above between the Associations.

3. **Water Conservation.** (a) The Association shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be approved by the James City Service Authority prior to final subdivision or site plan approval.

4. **Cash Contributions for Community Impacts.** (a) A contribution of \$1,061.00 for each dwelling unit on the Property shall be made to the James City Service Authority ("JCSA") in order to mitigate impacts on the County from the physical development and operation of the Property. The JCSA may use these funds for development of alternative water sources or any project related to improvements to the JCSA water system in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development and operation of the Property.

(b) A contribution of \$312.00 for each dwelling unit on the Property shall be made to the JCSH in order to mitigate impacts on the County from the physical development and operation of the

Property. The JCSA may use these funds for any project related to improvements to the JCSA sewer system in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development and operation of the Property.

(c) A contribution of \$3,939.00 for each dwelling unit on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development and operation of the Property, including, without limitation, for school uses.

(d) The contributions described above shall be payable for each dwelling unit on the Property at the time of final subdivision plat approval for such unit or, at the election of Owner, such contributions shall be payable within one year from the date of final subdivision plat approval provided Owner has posted with the County a letter of credit in form acceptable to the County Attorney in the amount of such deferred payment to secure Owner's obligation to make such payment.

(e) The per unit contribution(s) paid in each year pursuant to this Section shall be adjusted annually beginning January 1, 2006 to reflect any increase or decrease for the preceding year

in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84 = 100) (the "CPI") prepared and reported monthly by the U.S. Bureau of Labor Statistics of the United States Department of Labor. In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in paragraphs (a) through (c) of this Section. The adjustment shall be made by multiplying the per unit contribution for the preceding year by a fraction, the numerator of which shall be the CPI as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall be the CPI as of December 1 in the preceding year, In the event a substantial change is made in the method of establishing the CPI, then the per unit contribution shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing CPI. In the event that the CPI is not available, a reliable government or other independent publication evaluating information heretofore used in determining the CPI (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per unit contribution to approximate the rate of annual inflation in the County.

5. Route 614 Community Character Buffer. There shall be a variable width buffer along the Route 614 frontage of the

Property generally as shown on the Master Plan. The buffer shall be exclusive of any lots or units. The portion of the buffer located south of the entrance into the Property shall have a width of at least 150 feet and shall be left undisturbed and in its natural state except as provided herein. Owner shall remove storm debris from this portion of the buffer and, if required by the Director of Planning, shall replant pine seedlings in areas where storm debris has been removed. The portion of the buffer located north of the entrance into the Property shall have a width of at least 75 feet and there shall be installed within this portion of the buffer a landscaped berm pursuant to a landscaping plan approved by the Director of Planning generally as shown on the Master Plan. With the prior approval of the Development Review Committee, trails, sidewalks, bike lanes, utilities, lighting, entrance features and signs may be located in the buffer. Dead, diseased and dying trees or shrubbery, invasive or poisonous plants, windfalls and deadfalls may be removed from the buffer area.

6. **Streetscape Guidelines.** The Owner shall provide and install streetscape improvements in accordance with the applicable provisions of the County's Streetscape Guidelines policy. The streetscape improvements shall be shown on development plans for that portion of the Property and submitted

to the Director of Planning for approval during the development plan approval process.

7. Recreation. (a) Prior to the County being obligated to issue building permits for more than 39 lots on the Property, Owner shall provide a gazebo/picnic shelter with grill, tot lot with play equipment, and open play area of approximately one acre and a soft-surface pedestrian trail generally in the location shown on the Master Plan.

8. Archaeology. A Phase I Archaeological Study for the entire Property shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of

Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the Property and the clearing, grading or construction activities thereon.

9. Entrance Tapers. There shall be installed or bonded in form acceptable to the County Attorney prior to final subdivision plat approval a 100 foot right turn taper from south bound Route 614 into the entrance to the Property and a 48 foot right turn taper from the entrance to the property onto southbound Route 614. Such tapers will be striped to include the existing bike lane along Centerville Road.

10. Sidewalks. There shall be sidewalks five feet in width installed along one side of all streets within the Property generally as shown on the Master Plan.

11. **Greenway Easement.** At or prior to the County being obligated to approve any final subdivision plat of the Property, Owner shall grant to the County free of charge an easement 35 feet in width over the area of the Property immediately adjacent to Route 614 as shown on the Master Plan permitting the County to construct and maintain a greenway trail in the easement area. Owner, in its sole discretion, shall either (i) construct a 10 foot wide multi-use path within the easement area pursuant to plans approved by the Director of Planning (such path to be a part of the County greenway system and maintained by the County) or (ii) in lieu thereof, make a cash contribution to the County for use by the County for greenway capital improvements in an amount acceptable to the Director of Planning based on the estimated costs of construction of the path.

WITNESS the following signatures.

[balance of page intentionally left blank]

Prepared by:
Vernon M. Geddy, III, Esquire
Geddy, Harris, Franck & Hickman, LLP
1177 Jamestown Road
Williamsburg, VA 23185
(757) 220-6500

Armin U. Ali
ARMIN U. ALI

Amina Adossa Ali
AMINA ADOSSA-ALI

POWHATAN-OLDE TOWNE SQUARE,
LLC

By: [Signature]
Title: MANAGER

STATE OF New York
CITY/COUNTY OF New York to-wit:

The foregoing instrument was acknowledged this 30th
day of April, 2005, by ARMIN U. ALI.

[Signature]
NOTARY PUBLIC

DANUTA J. KOCH
Notary Public, State of New York
No. 31-4950299
Qualified in New York County
~~Commission Expires April 24, 2007~~

My commission expires:

STATE OF New York
CITY/COUNTY OF New York to-wit:

The foregoing instrument was acknowledged this 30th
day of April, 2005, by AMINA ADOSSA-ALI.

[Signature]
NOTARY PUBLIC

DANUTA J. KOCH
Notary Public, State of New York
No. 31-4950299
Qualified in New York County
Commission Expires April 24, 2007

My commission expires:

STATE OF Virginia
CITY/COUNTY OF Williamsburg, to-wit:

The foregoing instrument was acknowledged this 2
day of May, 2005, by Lawrence E. Beamer, as manager
of POWHATAN-OLDE TOWNE SQUARE, LLC on behalf of the company.

Barbara J. Claus
NOTARY PUBLIC



My commission expires: 1/31/07.

EXHIBIT A

PARCEL 1

ALL that certain piece or parcel of land with appurtenances thereto, situate, being and lying in the Powhatan Magisterial District, James City County, Virginia and containing twenty one-half (20-1/2) acres of land more or less by actual survey and being a portion of the tract of land commonly called the Marston "tract of land" or "The triangle" near Centerville and bounded as follows to wit: on the North by the road and on the South and West by the land now or formerly of B. Clarence Vaiden.

LESS AND EXCEPT, that the conveyance by Andrew Byrd Estate, C.C. Byrd Agent got James City County Virginia to the Commonwealth of Virginia which Deed is recorded in the Clerks Office of the Circuit Court of James City County, Virginia in Deed Book 30, page 541.

BEING the same property conveyed in part to Armin U. Ali and Francis P. Ali, as joint tenants with right of survivorship as at common law, dated September 23, 1981 and recorded in Deed Book 220, page 402. The said Francis P. Ali having departed this life on May 20, 2001. And further being the same as conveyed in part to Armin U. Ali by Deed from Alvin Gary Parker dated September 26, 2002, and recorded in James City County, November 12, 2002 as Instrument Number 02002665; and by Deed from Shirley P. Holmes dated September 26, 2002, and recorded in James City County, November 12, 2002 as Instrument Number 02002665.

PARCEL 2

All that certain lot of land, estimated to contain eight (8) acres, more or less, enclosed within the following boundaries: beginning at a point on the Centerville Road opposite an oak stump; thence running west along a chopped line to a dogwood tree, then a white oak, then another dogwood, then a red oak, then an oak tree along the road separating this property from the property now or formerly of W.B. Vaiden thence in a southeasterly course along the road separating this property from the property formerly of W.B. Vaiden to the Centerville Road; thence in a northerly course

along the Centerville Road to the point of the beginning.

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

Subject, however, to all easements, restrictions, conditions and covenants of record or apparent on the ground.

Being the same property as that conveyed to Signor Rradby by Deed dated April 24, 1937 from Berkley Jones and Mary Lee Jones, his wife, Ernest Jones and Carries Jones, his wife, and Annie Bradby, of record at James City County Deed Book 29, page 273. The said Signor Bradby died testate on January 25, 1959, his Will is of record at James City County Will Book 6, page 478. By virtue of said Will, the only devisee of Signor Bradby was his daughter, Elizabeth Carter. Elizabeth Carter died testate on October 23, 2003, her Will is of record at James City County Will File Number 5703. By virtue of Article Four of said Will Elizabeth Carter devised that subject real property described herein to her daughter, Celestine Elizabeth Overbey, and her grandson, A. Dudley Overbey, the Grantors herein.

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY
This document was admitted to record on 17 May 05
at 11:20 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
\$ _____	\$ _____	\$ _____

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

MAY 10 2005

ORDINANCE NO. 55A-33

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, MAGISTERIAL DISTRICT, ELECTION DISTRICTS AND ELECTION PRECINCTS, BY AMENDING SECTION 2-4, ELECTION PRECINCTS AND POLLING PLACES ESTABLISHED; AND SECTION 2-5, ELECTION DISTRICT BOUNDARIES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 2, Administration, is hereby amended and reordained by amending Section 2-4, Election precincts and polling places established; and Section 2-5, Election district boundaries

CHAPTER 2. ADMINISTRATION

Article II. Magisterial District, Election Districts and Election Precincts

Sec. 2-4. Election precincts and polling places established.

(a) Pursuant to authority contained in the Code of Virginia, Chapter 24.2, the precincts and their respective polling places for the county are hereby created and established as set forth in this section.

(b) The precincts for each election district and the polling place for each precinct shall be as set forth below:

Berkeley Election District:

Berkeley Precinct A - James City-Williamsburg Community Center polling place.
Berkeley Precinct B - Jamestown High School polling place.
Berkeley Precinct C - Jamestown High School polling place.

Jamestown Election District:

Jamestown Precinct A - Clara Byrd Baker Elementary School polling place.
Jamestown Precinct B - Rawls Byrd Elementary School polling place.

Roberts Election District:

Roberts Precinct A - Mt. Gilead Baptist Church polling place.
Roberts Precinct B - James River Elementary School polling place.
Roberts Precinct C - Grace Baptist Church polling place.

Powhatan Election District:

Powhatan Precinct A - D.J. Montague Elementary School polling place.

Powhatan Precinct B - Christian Life Center polling place.

Powhatan Precinct C - Greensprings Chapel polling place.

Stonehouse Election District:

Stonehouse Precinct A - Toano Middle School polling place.

Stonehouse Precinct B - Norge Elementary School polling place.

Sec. 2-5. Election district boundaries.

Berkeley Election District:

Berkeley Precinct A. Beginning at the intersection of State Route 199 and State Route 615 (West) extended to intersect with State Route 615 (East); thence northerly following the centerline of State Route 199 to its intersection with State Route 612; thence westerly following the centerline of State Route 612 to its intersection with an unnamed dirt road 577 feet south of State Route 658; thence northeasterly following the centerline of the unnamed dirt road projected 706 feet across State Route 199 to its intersection with an unnamed dirt road parallel to State Route 199; thence northerly following the centerline of the unnamed dirt road to its intersection with State Route 658; thence northerly following the centerline of State Route 658 to its intersection with U.S. Route 60; projecting the centerline of State Route 658 easterly to its intersection with the southwest corner of Parcel (33-3) (1-10); thence easterly along the southern property line of Parcel (33-3) (1-10) to the James City County-York County boundary line; thence southerly along the James City County-York County boundary line to its intersection with the James City County-Williamsburg boundary line; thence southerly along the James City County-Williamsburg boundary line to its intersection with State Route 615 and State Route 616; thence westerly along the centerline of State Route 615 (East) extended to intersect with State Route 615 (West); thence westerly along the centerline of State Route 615 (West) to its intersection with State Route 5; thence easterly following the centerline of State Route 5 to its intersection with Mill Creek; thence northerly following the centerline of Mill Creek to its intersection with State Route 199; thence northerly following the centerline of State Route 199 to the point of beginning.

Berkeley Precinct B. Beginning at the intersection of State Route 5 and Mill Creek; thence southerly following the centerline of Mill Creek to its intersection with State Route 629; thence west following the centerline of State Route 629 to its intersection with State Route 615; thence southerly following the centerline of State Route 615 to its intersection with State Route 681; thence southerly following the centerline of State Route 681 to its intersection with State Route 31; thence westerly following the centerline of State Route 31 to its intersection with State Route 614; thence northerly following the centerline of State Route 614 to its intersection with State Route 5; thence westerly following the centerline of State Route 5 to the point where it intersects Shellbank Creek; thence southerly following the centerline of Shellbank Creek extended to the centerline of the James River; thence westerly following the centerline of the James River to the centerline of the Chickahominy River and the James City County-Charles City County boundary line; thence northerly following the centerline of the Chickahominy River and the James City County-Charles City County boundary line to its intersection with ~~State Route 5; thence easterly following the centerline of State Route 5 to the point of beginning. the extended centerline of Gordon Creek; thence easterly following the centerline of Gordon Creek to Pine Woods Creek; thence following the centerline of Pine Woods Creek to its intersection with the southwest corner of Parcel (35-1)(1-9); thence easterly following the northwest boundary of Parcel (35-4)(1-9) to its intersection with State Route 613; thence easterly following the centerline of State Route 613 to its intersection with State Route 614; thence north following the centerline of State Route~~

~~614 to its intersection with State Route 613; thence easterly following the centerline of State Route 613 to its intersection with Old News Road; thence following the centerline of Old News Road to its intersection with State Route 615 (West); thence southerly following the centerline of State Route 615 (West) to its intersection with State Route 5; thence easterly following the centerline of State Route 5 to the point of beginning.~~

Berkeley Precinct C. Beginning at the intersection of State Route 615 and State Route 5; thence westerly following the centerline of State Route 5 to its intersection with the Charles City County-James City County boundary line at the centerline of the Chickahominy River; thence north following the Charles City County-James City County boundary and the centerline of the Chickahominy River to the extended centerline of Gordon Creek; thence easterly following the centerline of Gordon Creek to Pine Woods Creek; thence following the centerline of Pine Woods Creek to its intersection with the southwest corner of Parcel (35-4) (1-9); thence easterly following the northwest boundary of Parcel (35-4) (1-9) to its intersection with State Route 613; thence easterly following the centerline of State Route 613 to its intersection with State Route 614; thence northerly following the centerline of State Route 614 until its intersection with State Route 613; thence easterly following the centerline of State Route 613 to its intersection with Old News Road; thence following the centerline of Old News Road to its intersection with State Route 615 (West); thence southerly following the centerline of State Route 615 (West) to the point of beginning.

Jamestown Election District:

Jamestown Precinct A. Beginning at the intersection of the projected centerline of Mill Creek and the centerline of the James River; thence north following the centerline of Mill Creek to Lake Powell; thence northwest following the centerline of Lake Powell to Mill Creek; thence following the centerline of Mill Creek to its intersection with State Route 629; thence westerly following the centerline of State Route 629 to its intersection with State Route 615; thence south following the centerline of State Route 615 to State Route 681; thence south following the centerline of State Route 681 to State Route 31; thence southerly following the centerline of State Route 31 to its intersection with State Route 614; thence north following the centerline of State Route 614 to its intersection with State Route 5; thence west following the centerline of State Route 5 to its intersection with Shellbank Creek; thence south following the centerline of Shellbank Creek extended to the centerline of the James River; thence easterly following the centerline of the James River to the point of beginning.

Jamestown Precinct B. Beginning at the intersection of the projected centerline of Mill Creek and the centerline of the James River; thence north following the centerline of Mill Creek to Lake Powell; thence northwest following the centerline of Lake Powell to Mill Creek; thence following the centerline of Mill Creek to its intersection with State Route 199; thence northerly following the centerline of State Route 199 to its intersection with State Route 615 (West) extended to intersect with State Route 615 (East); thence easterly following the centerline of State Route 615 (East) to its intersection with the James City County-Williamsburg boundary line; thence southerly following the James City County-Williamsburg boundary line to its intersection with College Creek; thence southerly following the centerline of College Creek 2,456 feet to its intersection with the extended centerline of an unnamed dirt road; thence following the centerline of the unnamed dirt road to its intersection with Marclay Road; thence westerly following the centerline of Marclay Road to its intersection with State Route 617; thence southerly following the centerline of State Route 617; projecting the centerline of State Route 617 to its intersection with the centerline of the James River; thence westerly following the centerline of the James River to the point of beginning.

Powhatan Election District:

Powhatan Precinct A. Beginning at the intersection of State Route 614 and the Dominion Resources Inc. Transmission Easement; thence northerly following the centerline of the Dominion Resources Inc. Transmission Easement to its intersection with Yarmouth Creek; thence following the centerline of Yarmouth Creek to Shipyard Creek; thence following the centerline of Shipyard Creek to the Chickahominy River; thence southerly following the Chickahominy River and the James City County-Charles City County boundary line to its intersection with the projected centerline of Gordon Creek; thence easterly following the centerline of Gordon Creek to Pine Woods Creek; thence following the centerline of Pine Woods Creek to its intersection with the southwest corner of Parcel (35-4) (1-9); thence easterly following the northwest boundary of Parcel (35-4) (1-9) to its intersection with State Route 613; thence easterly following the centerline of State Route 613 to its intersection with State Route 614; thence north following the centerline of State Route 614 to its intersection with State Route 613; ~~thence easterly following the centerline of State Route 613 to its intersection with Powhatan Creek; thence northerly following the centerline of Powhatan Creek until its intersection with State Route 612; thence westerly following the centerline of State Route 612 until its intersection with State Route 614; thence northerly following the centerline of State Route 614 to the point of beginning.~~ Old News Road; thence following the centerline of Old News Road to its intersection with State Route 615 (West); thence following to a point where State Route 615 (West) extended to State Route 615 (East) intersects with State Route 199; thence northerly following the centerline of State Route 199 to its intersection with State Route 612; thence westerly following the centerline of State Route 612 to its intersection with State Route 614; thence northerly following the centerline of State Route 614 to the point of beginning.

Powhatan Precinct B. Beginning at the intersection of U.S. Route 60 and State Route 614; thence westerly following the centerline of State Route 614 to its intersection with State Route 612; thence easterly following the centerline of State Route 612 to its intersection with an unnamed dirt road 577 feet south of State Route 658; thence northeasterly following the centerline of the unnamed dirt road projected 706 feet across State Route 199 to its intersection with an unnamed dirt road parallel to State Route 199; thence northerly following the centerline of the unnamed dirt road to its intersection with State Route 658; thence northerly following the centerline of State Route 658 to its intersection with U.S. Route 60; projecting the centerline of State Route 658 easterly to its intersection with the southwest corner of Parcel (33-3) (1-10); thence easterly along the southern property line of Parcel (33-3) (1-10) to the James City County-York County boundary line; thence northerly along the James City County-York County boundary line to the point of beginning.

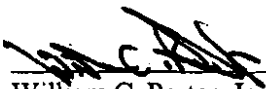
Powhatan Precinct C. Beginning at the intersection of State Route 613 and Powhatan Creek; thence easterly following the centerline of State Route 613 to its intersection with Old News Road; thence following the centerline of Old News Road to its intersection with State Route 615 (West); thence following to a point where State Route 615 (West) extended to State Route 615 (East) intersects with State Route 199; thence northerly following the centerline of State Route 199 to its intersection with State Route 612; thence westerly following the centerline of State Route 612 to its intersection with Powhatan Creek; thence southerly following the centerline of Powhatan Creek to the point of beginning.

The Ordinance Amendments shall become effective following approval by the Department of Justice, and the first election in which the Ordinance Amendments will be utilized shall be November 8, 2005.



Michael J. Brown, **Chairman**
Board of Supervisors

ATTEST:



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

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	AYE
GOODSON	AYE
MCGLENNON	AYE
BRADSHAW	AYE
BROWN	AYE

Adopted by the Board of Supervisors of James City County, Virginia, on this **10th** day of May, 2005.