

6386

CHAMBREL AT WILLIAMSBURG

PROFFERS

These PROFFERS are made as of this 28th day of April _____, 1992 by WILLIAMSBURG-OXFORD LIMITED PARTNERSHIP, a Maryland limited partnership ("Owner").

RECITALS

A. Owner is the owner of certain real property in James City County, Virginia containing approximately 57.7 acres and being more particularly described on Exhibit A hereto (the "Property").

B. The Property is now zoned PUD-R, Planned Unit Development Residential, with conditions, and a Master Plan for the Property (the "Original Master Plan") was approved in connection with such zoning.

C. Owner has applied for an amendment of the Original Master Plan pursuant to Sections 20-215(b) and 20-15 of the County Zoning Ordinance, and in connection therewith desires to make these Proffers (which incorporate certain of the existing Master Plan conditions).

NOW, THEREFORE, in consideration of the County of James City granting the requested amendment to the original Master Plan and pursuant to Section 15.1-491.2:1, et seq., of the Code of Virginia, 1950, as amended, and Section 20-15 of Chapter 20 of the James City County Code, the Owner agrees that in addition to the regulations provided for in the PUD-R zoning district, it shall meet and comply with the following additional conditions on

the development of the Property. If the County fails to grant the requested amendment to the Original Master Plan, these Proffers shall thereupon be void and the Original Master Plan, with conditions, shall remain in full force and effect.

CONDITIONS

1. Use. The area of approximately 5 acres with the PUD-R Master Plan Area Designation "I" shall be used only for a nursing home (as defined in the County Zoning Ordinance) and/or a care facility for non-ambulatory adults who require a higher level of care than can be provided at the existing Chambrel at Williamsburg facility under its state license but who do not yet require the full skilled care provided in a nursing home, for example, non-ambulatory individuals who require assistance with dressing, grooming, medication monitoring and similar activities, with a maximum of 120 beds and for uses and structures accessory thereto.

2. Emergency Access. There shall be an emergency access road from the proposed nursing home to Carriage Road in the general location shown on the Amended Master Plan and approved by the Fire Chief. Owner shall install a fence or other barrier acceptable to the Fire Chief across such access road to insure it is used only by emergency vehicles. Owner shall install landscape planting, as approved by the Development Review Committee and at a minimum meeting the planting standards set forth in Section 20-14 of the Zoning Ordinance, adjacent to the emergency access at the boundary of the Property at the request

of the Development Review Committee in the site plan approval process. Owner shall minimize to the extent feasible the removal and clearing of existing woods in the construction of the

emergency access road. The aforementioned road, fence and landscape planting shall only be required to be installed concurrently with the construction of the work described in 1 above.

3. Stormwater Management. Owner shall construct a stormwater management dry detention basin in the ravine located between Area B-1 and Area D and north of the Proposed Road shown on the Amended Master Plan. The basin shall be designed as an extended dry detention basin, design type 3 (24 hours) as shown in Table 2 of the 3-step BMP evaluation procedure used by the County. The basin shall be designed based on the watershed which currently drains to the proposed basin location. The basin shall be constructed concurrently with the construction of the improvements described in 1 above.

WITNESS the following signature.

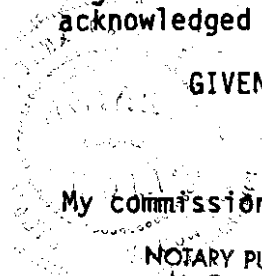
Williamsburg-Oxford Limited Partnership
By: Oxford Investment Corporation,
Its Corporate General Partner

By: Richard R. Singleton
Richard R. Singleton, Sr. Vice President

State of Maryland
County of Montgomery, to with:

I, LINDA B. JONES, a Notary Public and for the Jurisdiction aforesaid, do hereby certify that RICHARD R. SINGLETON, whose name is signed to the forgoing writing bearing date on the 28th day of April, 1992, has acknowledged the same before me in the jurisdiction aforesaid.

GIVEN under my hand this 28th day of April, 1992.



My commission expires on: _____
LINDA B. JONES
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires May 1, 1993

Linda B. Jones
Notary Public

EXHIBIT A

DESCRIPTION OF THE REAL PROPERTY

PARCEL ONE: All that certain lot, piece or parcel of land situate, lying and being in James City County, Virginia, containing 50.36 acres as shown and set forth on a plat of survey entitled "PLAT OF PROPERTY STANDING IN THE NAME OF ANBOMA, INC., JAMES CITY COUNTY, VIRGINIA" dated 10-11-85, updated 11-13-85, made by Langley and McDonald, Engineers-Planners-Surveyors which plat is attached hereto and made a part hereof and which is recorded herewith and to which reference is here made for a more accurate description of the property herein conveyed.

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

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

Being the same property as that conveyed to Williamsburg-Oxford Limited Partnership from the Industrial Development Authority of the County of James City, by Deed dated December 2, 1985.

PARCEL TWO: [Easement] A perpetual non-exclusive easement from Monticello Avenue to PARCEL ONE described above over and across other property of Anboma, Inc. said easement being fifty feet (50') in width and being shown and set forth on a plat of survey entitled "PLAT OF INGRESS AND EGRESS EASEMENT FOR WILLIAMSBURG OXFORD LIMITED PARTNERSHIP, JAMES CITY COUNTY, VIRGINIA" dated 11-20-85 made by Langley and McDonald, Engineers-Planners-Surveyors, which plat is attached hereto and made a part hereof and to which reference is here made for a more accurate description of the easement herein conveyed.

Being the same easement as that granted to Williamsburg-Oxford Limited Partnership from the Industrial Development Authority of the County of James City by Deed dated December 2, 1985, intended to be recorded prior hereto.

The property over which this easement is granted is a portion of the property conveyed to Anboma, Inc. by Deed of Whitfield P. Richardson and A. B. Smith, Jr., et ux dated February 15, 1984 recorded in James City Deed Book 244, page 317 and by Deed of William R. Bland, Special Commissioner dated August 12, 1983 recorded in James City Deed Book 237, page 202.

and, in addition, the following parcel:

All that certain lot, piece or parcel of land situate, lying and being in the County of James City, Virginia, containing 3.11 acres set out and shown on a certain plat entitled "PLAT OF PROPERTY OF JOHN H. JIMMERSON, JAMES CITY COUNTY, VIRGINIA", dated July 26, 1984, updated 11-13-85, made by Langley & McDonald, Engineers-Surveyors-Planners, which plat is attached hereto and made a part hereof, and to which reference is here made for a more accurate description of the property herein conveyed.

Being the same property as that conveyed to Williamsburg-Oxford Limited Partnership from the Industrial Development Authority of the County of James City by Deed dated December 2, 1985, intended to be recorded prior hereto.

And being the same property as that conveyed to John Jimmerson by Deed of W. T. Douglas, widower, dated December 11, 1951, recorded December 12, 1951, in James City Deed Book 46, page 107, and, further, it being the same property as that shown on James City County Tax Map (39-1) (1-137) and the same property conveyed to the Industrial Development Authority of James City County, Virginia by deed of John H. Jimmison, et ux recorded prior hereto.

This conveyance is made subject to the conditions, restrictions and easements of record, if any, affecting the said property.

VIRGINIA: City of Williamsburg and County of James City, to Wit:

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

28th day of May, 1992 This Proffer

_____ was presented with certificate annexed and admitted to record at 12:47 o'clock

Teste: Helene S. Ward, Clerk

by [Signature]
Deputy Clerk

