



PROFFERS

BOOK 641 PAGE 447

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THESE PROFFERS are made this 23rd day of July, 1993 by the ESTATE of FANNIE E. NEW (together with its successors and assigns, the "Owner").

RECITALS

A. Owner is the owner of a certain tract or parcel of land (the "Property") containing approximately 89.9 acres located in James City County, Virginia and shown and set out on the plan entitled "Preliminary Layout One, News Road Site, James City County, Virginia" made by Langley & McDonald, P.C. and dated June, 1993, (the "Plan"), and more particularly described on Exhibit A hereto.

B. Owner has applied for a rezoning of the Property from R-8, Rural Residential District to R-2, General Residential District, with proffers.

C. Owner desires to offer to James City County (the "County") certain conditions on the development of the Property not generally applicable to land zoned R-2, General Residential District.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.1-491.2:1 of the Code of Virginia, 1950, as amended, and Section 20-18 of the County Zoning Ordinance, Owner agrees that it 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. Use. The Property shall be developed as a residential cluster development under Article IX, Residential Cluster Development, Section 20-499 et seq., of the County Zoning Ordinance.
2. Density. The Property shall be developed with a maximum density of 2.5 dwelling units per acre of gross acreage (calculated pursuant to Section 20-508 of the Zoning Ordinance).
3. Turn Lanes. Before any Certificate of Occupancy is issued by the County for any building on the Property, a right turn lane from westbound News Road into the Property shall have been constructed or construction commenced and completion bonds acceptable to the County Attorney posted. The foregoing turn lane shall be approved by the Virginia Department of Transportation ("VDOT") before construction and constructed in accordance with the VDOT requirements.
4. Entrance. There shall be one entrance to the Property from News Road.
5. Greenbelt. There shall be a greenbelt buffer of at least 150 feet measured from the northern edge of the right-of-way of News Road. The greenbelt buffer shall be exclusive of lots and shall remain undisturbed and in its natural state except for utilities, drainage improvements, trails, the entrance to the

Property and signs as approved by the Development Review Committee.

6. Buffers. There shall be a buffer 15 feet in width along the northern boundary line of the Property generally as shown on the Plan, a buffer along the eastern boundary line of the Property at least 70 feet in width and a buffer along the southern boundary line at least 30 feet in width. These buffers shall be exclusive of lots and shall remain undisturbed and in their natural state except for approved utilities, approved drainage improvements and an entrance to the adjoining property.

7. Powhatan Swamp Conservation Area. The area of the Property shown on the Plan as "Powhatan Swamp Conservation Area" shall have an average width of at least 930 feet and shall be exclusive of lots and shall remain undisturbed and in its natural state except for trails and other passive recreational facilities approved by the Development Review Committee. Owner shall cooperate with the County to incorporate the Powhatan Swamp Conservation Area into the County greenway system, if and when created.

8. Archaeology. A Phase I Archaeological Study for the entire Property shall be submitted to the Director of Planning for his review and approval prior to land disturbance. A treatment plan shall be submitted to 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 being 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 II 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 area. All Phase I, Phase II and Phase III studies shall meet the Virginia Department of Historic Resource's Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standard 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 site, and the clearing, grading or construction activities thereon. An acceptable treatment plan may consist of preservation of the site in situ, either by leaving the site completely undisturbed and/or preserving the site in a manner acceptable to the Director of Planning.

9. Trails. There shall be a pedestrian trail system on the Property in the general locations shown on the Plan. The trails shall be at least 6 feet in width and constructed of mulch or a similar soft surface material.

10. Owners Association. All owners of lots within the property by virtue of ownership of their lot shall be members of a property owners association with the power to levy mandatory assessments.

11. Maintenance of Open Space; Conservation Easement. All Open Space (including the Powhatan Swamp Conservation Area) within the Property shall be maintained by Owner until conveyed to the property owners association. Upon such conveyance and thereafter, the Open Space (including the Powhatan Swamp Conservation Area) shall be maintained by the property owners association. At the request of the County Administrator, Owner shall convey to the County, free of charge, a conservation easement with terms acceptable to the County Attorney and Owner over the areas designated on final subdivision plats as Open Space (including the Powhatan Swamp Conservation Area).

12. Road Improvement Funding. Owner shall make a contribution to the County of \$750 for each lot included on each subdivision plat of the Property payable prior to the approval of such final subdivision plat for lots on the Property for use by the County for the improvement and realignment of News Road between Ironbound Road and the entrance to the Property or for any other project included in the County's Capital improvement

program the need for which (in whole or in part) is generated by the development of the Property.

WITNESS the following signatures.

ESTATE OF FANNIE E. NEW

By: Clara M. Sedille  
Clara M. Sedille, Executor

By: Jean C. New  
Jean C. New, Executor

STATE OF VIRGINIA  
CITY/COUNTY OF James City, to-wit:

The foregoing instrument was acknowledged before me this 23rd day of July, 1993, by Clara M. Sedille, Executor.

Allison H. Otey  
NOTARY PUBLIC

My commission expires:  
12/31/96.

STATE OF VIRGINIA  
CITY/COUNTY OF James City, to-wit:

The foregoing instrument was acknowledged before me this 23rd day of July, 1993, by Jean C. New, Executor.

Allison H. Otey  
NOTARY PUBLIC

My commission expires:  
12/31/96.

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, on 20 day of Sept, 1993. This Deed was presented with certificate annexed and admitted to record at 1:35 o'clock

Teste: Helene S. Ward, Clerk  
6-6 by Allison H. Otey  
Deputy Clerk

COMMONWEALTH OF VIRGINIA



OFFICIAL RECEIPT  
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT  
DEED RECEIPT

DATE: 09/20/93 TIME: 13:39:22 ACCOUNT: 09504950012760 RECEIPT: 93000020909  
CASHIER: DKB RECD: WBO4 TYPE: OTHERPL PAYMENT: FULL PAYMENT  
INSTRUMENT : 930012760 BOOK: 0 PAGE: 0 RECORDED: 09/20/93 AT 13:39  
GRANTOR NAME : NEW, FANNIE E EA: N LOCALITY: CC  
GRANTEE NAME : JAMES CITY COUNTY EX: N PERCENT: 100%

AND ADDRESS  
RECEIVED OF : TODD DATE OF DEED: 07/23/93  
CHECK : \$25.00

DESCRIPTION : PROFFERS NEWS ROAD SITE

CONSIDERATION: .00 ASSUMPTION: .00 MAP:  
CODE DESCRIPTION PAID CODE DESCRIPTION PAID  
301 SEEDS 24.00 145 VSLF 1.00

TENDERED : 25.00  
AMOUNT PAID: 25.00  
CHANGE AMT : .00

JRN TO:  
ORNEY

CLERK OF COURT: HELENE S. WARD

DC-18 (4/93)

to grantor and go to the Clerk of the Court of  
the County of James City Virginia  
has been received of the  
2000

15.00  
10.00  

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25.00