

7535

PROFFER AGREEMENT

This PROFFER AGREEMENT is made as of this 9th day of June, 1993 by DELIGHTFUL GARDENS LANDSCAPE, CO., INC., a Virginia Corporation (which, together with its successors and assigns is hereinafter referred to as "Owner").

RECITALS

A. Owner is the owner of certain real property consisting of 1.88 acres, located in James City County, Virginia (the County), further identified as parcel (1-3 on J.C.C. Tax Map No. (50-2), with the mailing address of 7242 Merrimac Trail, and part of parcel (1-19) on J.C.C. Tax Map No. (41-4), that portion being that which lies west of the railroad spur and adjacent to the first parcel.

B. Owner has applied for a rezoning of the Property from R-2, to LB, Limited Business.

C. Owner desires to offer to the County certain conditions of the development of the property.

NOW, THEREFORE, for and in consideration of the granting by the Board of Supervisors of the County of the requested rezoning, the Owner agrees that it shall meet and comply with the following conditions in developing the Property. If the requested rezoning is not granted by the County, this Proffer Agreement shall thereupon be null and void.

CONDITIONS

1. Owner shall limit the site entrances from Merrimac Trail to one entrance.
2. Owner shall construct prior to issuance of a Certificate of Occupancy for a business use a wooden privacy fence, a minimum of 6 feet tall and approved by the Development Review Committee. This fence shall be constructed along the common property line of the adjacent property at 7244 Merrimac Trail. It shall extend from the common rear property marker of the Spaggins Property, extending approximately perpendicular to Merrimac Trail, and run a distance of 124 feet and shall be shown on the site plan for the Property.

WITNESS the following signatures:

DELIGHTFULL GARDENS LANDSCAPE COMPANY, INC

By: *Ronald E. Newmy*

STATE OF VIRGINIA AT LARGE
CITY OF WILLIAMSBURG, to -wit:

The foregoing instrument was acknowledged before me this 10th
day of June, 1993, by Donald E. Newsom, President of Delightful
Gardens Landscape Company, Inc.

Jean Babcock Success
NOTARY PUBLIC

My Commission Expires: February 29, 1996.

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
15 day of June, 1993 the profer
A19 was presented with certificate annexed and
admitted to record at 2:57 o'clock
Teste: Helene S. Ward, Clerk
by Helene S. Ward
Deputy Clerk

COMMONWEALTH OF VIRGINIA



(114 0-025 7/92)

OFFICIAL RECEIPT
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT
DEED RECEIPT

DATE: 06/15/98 TIME: 14:57:28 ACCOUNT: 075019530007525 RECEIPT: 98000018918
CASHIER: JSP REG: 1904 TYPE: AG PAYMENT: FULL PAYMENT
INSTRUMENT #: 930007525 BODY: 0 PAGE: 0 RECORDED: 06/15/98 AT 14:59
GRANTOR NAME: DELIGHTFUL GARDENS LANDSCAPE EX: N LOCALITY: 00
GRANTEE NAME: DELIGHTFUL GARDENS LANDSCAPE EX: N PERCENT: 100%
LAND ADDRESS:
RECEIVED OF: JAMES CITY COUNTY DATE OF DEED: 06/07/98
CHECK #: 418.00

DESCRIPTION: 1: PROFFER 96 1. 88 AC

CONSIDERATION:	ASSUMPTION:	MAP:	PAID
CODE DESCRIPTION	PAID	CODE DESCRIPTION	
501 SEEDS	12.00	145 VOLE	1.00

TENDERED: 12.00
AMOUNT PAID: 12.00
CHANGE AMT: 1.00

CLERK OF COURT: HELENE E. WAF9