

1657

These PROFFERS are dated the 28th day of January, 1993 by Van Kniest Inc, Purchaser (a Virginia Corporation), and O. Jean Renick and Crestar Bank, Executor under the Will of Fern C. Renick, Owner.

RECITALS

A. Purchaser is purchasing 30 acres (plus/minus) of certain real property in James City County, Virginia and being more particularly described as all that certain lot, piece or parcel of land situate in the County of James City, Virginia, shown as Parcel "A" on a certain plat entitled: "RENICK SUBDIVISION LYING IN JAMES CITY COUNTY, VIRGINIA" dated June 1, 1977, made by Woodson, Little, Page & DeYoung, Inc., Engineers, Surveyors & Planners, which plat is recorded in the office of the Clerk of the Circuit Court for the City of Williamsburg and County of James City in Plat Book 34, page 55, and to which plat reference is here made for a more particular description of the property. Further, (the "Property") being more particularly described on Exhibit A entitled: CONCEPT PLAN FOR REZONING OF THE RENICK PROPERTY 30 Ac. +/- prepared by AES Consulting Engineers, Williamsburg, Virginia.

B. The Property is now zoned R-8, Rural Residential.

C. Purchaser <sup>and Owner</sup> requests that James City County rezone the property to R-2, General Residential.

NOW, THEREFORE, in consideration of the County of James City rezoning the Property from the existing zoning to the proposed zoning and pursuant to Section 15.1-491.1 of the Code of Virginia, 1950, as amended, and Section 20-18 of the Zoning Ordinance of James City County, the \*~~Purchaser~~ agrees that in addition to the regulations provided in the Proposed Zoning, it will meet and comply with all of the following conditions in the development of the Property. \*OWNER

1. ARCHAEOLOGICAL SITES A Phase I Archaeological Study of the Property meeting the guidelines set forth in the Virginia Department of Historic Resource's Guidelines for Preparing Archaeological Resource Management Reports and conducted under the supervision of a qualified archaeologist shall be prepared and submitted to the Director of Planning in accordance with the procedures and guidelines established by the James City County Archaeological Condition Policy (12-21-92), a copy of which is hereby attached and becomes a part of this proffer.

OWNER

2. IRONBOUND ROAD GREENBELT The ~~Purchaser~~ shall designate a minimum 50 foot greenbelt buffer along the Property's Ironbound Road frontage measured from the existing Ironbound Road right-of-way. The greenbelt buffer shall be exclusive of any lots and shall be undisturbed, except for approved utilities, drainage improvements, community entrance roads, pedestrian/bicycle trails and signs as approved by the Development Review Committee.

3. ENTRANCE There shall be one entrance to the proposed development and it shall be opposite the News Road / Ironbound Road intersection.

This agreement shall bind and inure to the benefit of COUNTY and ~~PERSONS~~ and their respective successors and assigns.  
Purchaser, Owner

VAN KNIEST INC

*[Handwritten Signature]*  
John H. Kniest Jr.  
President

*[Handwritten Signature]*  
O. Jean Renick

CRESTAR BANK

*[Handwritten Signature]*  
Executor of the Estate of  
Fern C. Renick

STATE OF VIRGINIA

CITY/COUNTY OF Williamsburg, to-wit:

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of January, 1993 by John H. Kniest Jr., President of Van Kniest Inc.

*[Handwritten Signature]*  
NOTARY PUBLIC

My commission expires: 2-28-95

STATE OF VIRGINIA

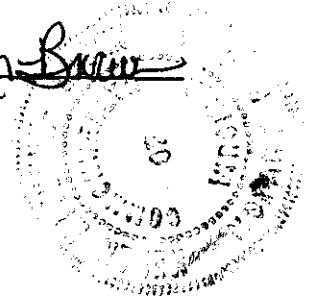
CITY/COUNTY OF Richmond, to-wit:

29<sup>th</sup> The foregoing instrument was acknowledged before me this day of January, 1993 by O. Jean Renick.

Helen Mitchum Brown  
NOTARY PUBLIC

HELEN MITCHUM-BROWN, NOTARY PUBLIC

My commission expires: My Commission Expires 6/30/95.



STATE OF VIRGINIA

CITY/COUNTY OF Williamsburg, to-wit:

The foregoing instrument was acknowledged before me this 1st day of ~~January~~ <sup>February</sup>, 1993 by Donald J. DiPlacido, on the behalf of Crestar Bank.

Janice M. Thompson  
NOTARY PUBLIC

My commission expires: 2-28-95

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 the 4 day of Feb, 1993 This Proffer was presented with certificate annexed and admitted to record at 3:27 o'clock

Teste: Helene S. Ward, Clerk

by Debra Ward  
Deputy Clerk

Archaeological Condition Policy

12/21/92

It is the goal of the Development Management Department to identify and protect significant archaeological sites in the County. To achieve this goal a condition has been developed and staff will recommend it be added to all special use permit cases and rezonings where it appears significant archaeological potential exists.

*A Phase I Archaeological Study for the entire site 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.*

The purpose of this policy is to explain how the condition is to be interpreted. The following procedures and guidelines will be followed:

1. *A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for his review and approval prior to land disturbance. Since the County lacks the expertise to review such documents, the County will send the studies to the Virginia Division of Historic Resources (VDHR) for review. VDHR's responsibility is to determine if the study meets the Virginia Department of Historic Resource's Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and has been conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. This is the preferred option for review of these studies.*

The developer may request staff to hire an independent archaeologist to review the study. The Director of Planning shall select the independent archaeologist. The developer will pay the full costs of this review. It would be the independent archaeologist's responsibility to determine if the study meets the Virginia Department of Historic Resource's Guidelines for Preparing Archaeological Resource Management

Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and has been conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. The developer will take full risk in this matter. If at some point in the future the developer needs to go before the VDHR, and comments are made regarding previous studies, it will be the County's position that all VDHR issues need to be resolved. The County's archaeologist will not participate in this process.

2. *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. The treatment plan shall list treatment measures for each of the sites meeting the criteria listed in the condition and shall include, at a minimum, the extent of impact to the area, a description of the probable boundaries and recommendations for treatment of the area. These plans shall be reviewed by staff who may, if necessary, consult with VDHR. The developer may request review by an independent archaeologist subject to the provisions of Guideline #1. Once identified concerns have been addressed, staff (not VDHR) will approve the study. At this time acceptable treatment measures can include the preparation of a Phase II study or preservation of the site in situ. Site in situ can include leaving the site completely undisturbed and/or preserving the site in a manner acceptable to the Director of Planning.*

3. *If a Phase II study is undertaken such a study shall be approved by the Planning Director 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. The study will be reviewed as outlined in Guideline #1.*

The treatment plan shall list treatment measures for each of the sites meeting the criteria listed in the condition. If there is a question as to whether or not sites are impacted by development, staff will examine these sites and determine if a treatment plan is necessary. These plans shall be reviewed by staff who may, if necessary, consult with VDHR. The developer may request review by an independent archaeologist subject to the provisions of Guideline #1. Once identified concerns have been addressed, staff (not VDHR) will approve the study. At this time acceptable treatment measures can include the preparation of a Phase III study or preservation of the site in situ. Site in situ can include leaving the site completely undisturbed and/or preservation of the site in a manner acceptable to the Director of Planning.

4. *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. The developer shall pursue the nomination of eligible sites. However, submission of the application to initiate this process will fully satisfy the condition.*

5. *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. The study will be reviewed as outlined in Guideline #1.*

6. *All approved treatment plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon.*

COMMONWEALTH OF VIRGINIA



OFFICIAL RECEIPT  
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT  
DEED RECEIPT

DATE: 02/04/93 TIME: 15:27:05 ACCOUNT: 095CLR930001657 RECEIPT: 93000002639  
CASHIER: CHB REG: WB04 TYPE: OTHER PAYMENT: FULL PAYMENT  
INSTRUMENT : 930001657 BOOK: 0 PAGE: 0 RECORDED: 02/04/93 AT 15:27  
GRANTOR NAME : VAN KNIEST INC EX: N LOCALITY: CO  
GRANTEE NAME : RENICK, D JEA EX: N PERCENT: 100%

AND ADDRESS :  
RECEIVED OF : JCCO DATE OF DEED: 01/28/93

CHECK : \$14.00  
DESCRIPTION 1: PROFFERS 30 AC RENICK SUBDIVISION

CONSIDERATION:	.00	ASSUMPTION:	.00	MAP:	
CODE DESCRIPTION		PAID CODE DESCRIPTION			PAID
301 DEEDS		13.00 145 VSLF			1.00

TENDERED : 14.00  
AMOUNT PAID: 14.00  
CHANGE AMT : .00

CLERK OF COURT: HELENE S. WARD

PLEASE RETURN TO:  
COUNTY ATTORNEY  
JCC - BLDG. C

RETURN TO:  
COUNTY ATTORNEY  
700 - BLDG. C