

009221

PROFFER AGREEMENT

This PROFFER AGREEMENT is made as of this 14<sup>th</sup> day of June, 1993 by UNIVERSITY SQUARE ASSOCIATES, a Virginia partnership (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 13.3 acres, located in James City County, Virginia (the "County") within the area of the Williamsburg Crossing Master Plan (S.U.P. 49-90) and being shown and set out on the plan entitled "Zoning Plan of Multi-Family Housing at Williamsburg Crossing, James City County, Virginia, November 1992", a copy of which is attached hereto (the "Property").

B. Owner has applied for a rezoning of the Property from B-1, General Business District, to Mixed Use, M(C/D).

C. Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned Mixed Use.

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. Density. The total number of dwelling units on the Property shall not exceed 198. The mix of dwelling units in "C" structures and "D" structures shall be limited as follows. The acreage required for the total number of dwelling units in "C" structures shall be calculated by dividing the total number of dwelling units in "C" structures by 12. That acreage shall be identified as C. The acreage required for the total number of dwelling units in "D" structures shall be calculated by dividing the total number of dwelling units in "D" structures by 18. That acreage shall be identified as D. The total of C plus D shall not exceed 13.3 acres and in no event shall there be more than 198 dwelling units on the Property.

2. Pedestrian Connections. Owner shall provide a pedestrian connection from the Property to the adjoining Williamsburg Crossing commercial development in a location approved by the Development Review Committee in the site plan review process.

3. Height Limitation. No structure on the Property shall have more than three stories or exceed 48 feet in height.

4. Parking. There shall be at least two parking spaces provided for each dwelling unit constructed on the Property.

WITNESS the following signature:

UNIVERSITY SQUARE ASSOCIATES

By: Center Development of  
Williamsburg, Inc., a Partner

By: Calvin Davis  
President

STATE OF VIRGINIA AT LARGE

CITY OF WILLIAMSBURG, to-wit:

The foregoing instrument was acknowledged before me  
this 14<sup>th</sup> day of June, 1993, by Calvin Davis  
of Center Development.

Jamie 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 the  
6 day of June, 1994. This Part  
of was presented with certificate annexed and  
admitted to record at 3:37 o'clock  
Teste: Helene S. Ward, Clerk  
by Helene S. Ward  
Deputy Clerk

COMMONWEALTH OF VIRGINIA



OFFICIAL RECEIPT  
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT  
DEED RECEIPT

DATE: 06/06/94 TIME: 15:37:20 ACCOUNT: 095CLR940009221 RECEIPT: 94000014620  
CASHIER: CSF REG: W804 TYPE: AG PAYMENT: FULL PAYMENT  
INSTRUMENT : 940009221 BOOK: 0 PAGE: 0 RECORDED: 06/06/94 AT 15:37  
GRANTOR NAME : UNIVERSITY SQUARE ASSOCIATES EX: N LOCALITY: CO  
GRANTEE NAME : UNIVERSITY SQUARE ASSOCIATES EX: N PERCENT: 100%  
AND ADDRESS : N/A

RECEIVED OF : JAMES CITY COUNTY DATE OF DEED: 06/14/93  
CHECK : \$13.00

DESCRIPTION 1: 13.3 AC WILLIAMSBURG CROSSING MASTER PLAN  
2:

CONSIDERATION:	.00	ASSUME/VAL:	.00	MAP:	
CODE DESCRIPTION		PAID CODE DESCRIPTION		PAID	
301 DEEDS		12.00 145 VSLF		1.00	

TENDERED : 13.00  
AMOUNT PAID: 13.00  
CHANGE AMT : .00

CLERK OF COURT: HELENE S. WARD