

000699

These PROFFERS are dated the 7th day of June, 1994 by Van Kniest Inc, Purchaser (a Virginia Corporation).

RECITALS

- A. Purchaser is purchasing 20 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, 3808 Ironbound Road. Further, (the "Property") being more particularly described on Exhibit A entitled: Map of Tobler Property for Acquisition by Van Kniest, Inc. 20 Ac. +/- prepared by AES Consulting Engineers, Williamsburg, Virginia and further described in James City County Tax Map No.: (38-4) (1-28) and (38-4) (1-28A).
- B. The Property is now zoned R-8, Rural Residential.
- C. Purchaser 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.

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 for approval 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.
2. IRONBOUND ROAD GREENBELT The Purchaser shall designate a minimum 100 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 two entrances to the proposed development as shown on AES Consulting Engineers - The Meadows Section IV April 1994 P. N. 7820, and they shall be provided as part of any subdivision plans for the property referenced in this agreement.

This agreement shall bind and inure to the benefit of COUNTY and APPLICANT and their respective successors and assigns.

VAN KNIEST INC



John H. Kniest Jr.
President

David W. Tobler

David W. Tobler

Claudia L. Tobler

Claudia L. Tobler

STATE OF VIRGINIA

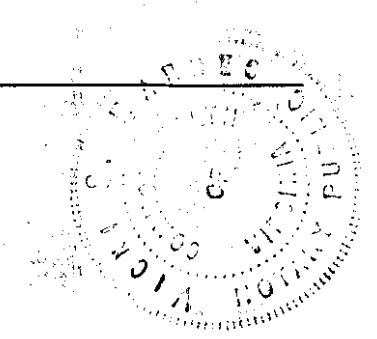
CITY/COUNTY OF York, to-wit:

The foregoing instrument was acknowledged before me this ~~8th~~ 8th day of ~~May~~ June, 1994 by John H. Kniest Jr., President of Van Kniest Inc.

Vicki S. Barnes

NOTARY PUBLIC

My commission expires: September 30, 1997



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.*

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 18th day of Jan. 1995. This Deed was presented with certificate annexed and admitted to record at 10:55 o'clock
 Teste: Helene S. Ward, Clerk
 by [Signature]
 Deputy Clerk

OFFICIAL RECEIPT

CAS 3 A

CLERK'S OFFICE
CIRCUIT COURT, JAMES CITY COUNTY, VA.

RECEIVED OF

Opcco

13 DOLLARS

18 Jan 1924

NO 30731

DATE OF DEED

6/7 1924

FOR RECORDATION OF THE FOLLOWING DEED

FROM

Wm Robert Lee

ACCOUNT

AMOUNT

TO

Opcco

039

STATE TAX

GRANTEE

ADDRESS

213

COUNTY TAX

DESCRIPTION

3808 Brunswick Park

212

TRANSFER

301

RECORDING

518

PLATS

038

STATE TAX

220

LOCAL TAX

223

LOCAL TAX

CONSIDERATION \$

✓

VALUE OF INTEREST

SOLD § 58.1-802

223

LOCAL TAX

TIME OF RECORDATION

10:59

A.M. KIND OF P.M. CONVEYANCE

Original

TOTAL

13

HELENE S. WARD

CLERK

DEPUTY CLERK

[Signature]