

013505

AMENDED AND RESTATED FORD'S
COLONY PROFFERS

These AMENDED and RESTATED FORD'S COLONY PROFFERS are made this 29th day of September, 1995 by REALTEC INCORPORATED, a North Carolina corporation ("Owner").

RECITALS

A. Owner is the owner and developer of the Ford's Colony at Williamsburg development containing approximately 2,512.21 acres and which is zoned R-4, Residential Planned Community, with proffers, and subject to a Master Plan heretofore approved by James City County.

B. Owner has applied to amend its existing Master Plan to, among other things, combine and relocate two recreation areas shown on the existing Master Plan into a single recreation area located in Recreation Area # 2 of Ford's Colony as shown on the Amended Master Plan submitted herewith.

C. In connection with prior Master Plan amendments, Owner has entered into and James City County has accepted Restated Ford's Colony Proffers dated as of August 26, 1993 (the "Existing Proffers").

D. In consideration of the approval of the amendment of its Master Plan, Owner desires to amend and restate the Existing Proffers as set forth below. If the requested amendment of Owner's Master Plan is not approved by James City County, these Restated Ford's Colony Proffers shall be void and the Existing Proffers shall remain unchanged, in full force and effect.

AMENDMENTS

1. Restatement. The Existing Proffers are hereby restated and incorporated by reference herein, except as set forth below.

2. New Recreation Area. Condition 3 of the Existing Proffers is hereby deleted and in lieu thereof this condition shall apply. Owner shall construct a recreation area of approximately 6.5 acres in Recreation Area # 2 of Ford's Colony generally in the location shown on the approved Amended Master Plan. The new recreation area shall contain the facilities described on the Amended Master Plan and generally in the locations shown on the plan submitted herewith prepared by McBride Hess Design Group dated April 17, 1995 or such other similar facilities as may be approved by the Director of Planning. The entrance road into Recreation Area # 2 shall be located generally as shown on the Amended Master Plan. No recreational facility shall be located within 200 feet of the boundary of Recreation Area # 2 and the existing Williamsburg West subdivision. With the exception of security, parking and street lighting approved as in the site plan approval process, the recreational facilities shall not be lighted for night use without the prior approval of the Planning Commission. The new recreation area shall be constructed in phases beginning in 1996 and shall be completed by the end of 2002.

3. Expansion of Community Club. In conjunction with the construction of the new recreational area, Owner shall expand the existing Community Club facility by the addition of the

facilities described on the Amended Master Plan under the caption Community Club # 1, Expansion Construction 1995-1997 or similar facilities as approved by the Director of Planning.

4. No Access. Owner shall not provide access from Ford's Colony onto Lexington Drive or Country Club Drive.

5. Subdivision. Owner shall submit a subdivision plat for the residential area between Recreation Area #2 and the Williamsburg West subdivision within 60 days of the approval of the Amended Master Plan by the Board of Supervisors. The subdivision plat shall be for single family lots and shall be substantially in accordance with the Amended Master Plan. The approved subdivision plat shall be recorded within two years from the date of preliminary approval.

WITNESS the following signature.

REALTEC INCORPORATED

By: [Signature]
Title: VICE PRESIDENT

STATE OF VIRGINIA

~~CITY/COUNTY OF~~ James City, to-wit:

The foregoing instrument was acknowledged before me this 29th day of September, 1995, by Drew Mulhare, as Vice President of Realtec Incorporated.

[Signature]
NOTARY PUBLIC

My commission expires:

April 30, 1997

VIRGINIA: City of Williamsburg and County of James City, to Wit:

In the Clerk's Office of the Circuit Court of the County of Williamsburg and County of James City, the 4 day of Oct, 1995, this Amended 3-3 Draft was presented with certificate attached and admitted to record at 9:53 o'clock
Teste: Helena S. Ward, Clerk
by [Signature]
Deputy Clerk

COMMONWEALTH OF VIRGINIA



OFFICIAL RECEIPT
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT
DEED RECEIPT

DATE: 10/04/95 TIME: 09:53:16 ACCOUNT: 095CLR950013505 RECEIPT: 95000022992
CASHIER: CHB REG: WB04 TYPE: OTHER PAYMENT: FULL PAYMENT
INSTRUMENT : 950013505 BOOK: 0 PAGE: 0 RECORDED: 10/04/95 AT 09:53
GRANTOR NAME : REALTEC INCORPORATED EX: N LOCALITY: CD
GRANTEE NAME : JAMES CITY COUNTY EX: N PERCENT: 100%
AND ADDRESS :
RECEIVED OF : JCCO DATE OF DEED: 09/29/95

CHECK : \$13.00
DESCRIPTION 1: AMENDED FORDS COLONY PROFFERS RECREATION AREA
2: #2

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| CONSIDERATION: | .00 | ASSUME/VAL: | .00 | MAP: | |
| CODE DESCRIPTION | | PAID CODE DESCRIPTION | | PAID | |
| 301 DEEDS | | 12.00 145 VSLF | | 13.00 | 1.00 |

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

PLEASE RETURN TO:
COUNTY ATTORNEY
JCC - BLDG. C

CLERK OF COURT: HELENE S. WARD