

040 027313

OAKTREE OFFICE PARK AND  
AIRTIGHT SELF STORAGE  
PROFFERS

These proffers are made as of this 28 day of September 2004, by JEANETTE BRADY DESCENDENTS TRUST, Jeanette Brady Trustee.(Together with their successors and assigns, the "Owner").

RECITALS

- A. Owner is the owner of certain real property (the "Property") Exhibit "A" in James City County, Virginia containing approximately 1.5 acres and being more Particularly described as 3292 Ironbound Road, tax parcel (47-1)(1-0-0024) hereto and made a part thereof.
- B. The Property is now zoned R-8 and is designated Mixed Use on the James City County Comprehensive Plan Land Use Map. Owner has applied for a rezoning of the Property to B-1, General Business, with Proffers. Owner has submitted to the County a conceptual plan entitled "Oaktree Office Park and Airtight Self Storage" prepared by Mitchell-Wilson Associates, Inc. dated 4-12-04 (the "Conceptual Plan").
- C. Owner agrees to offer to the County certain conditions on the development of the Property not generally applicable to land zoned B-1. Therefore, and in consideration of the approval by The Board of Supervisors of the rezoning, and pursuant to Section 15.2-2296, et sec of the Code of Virginia, 1950, as amended, and Section 24-16, of the Zoning Ordinance. Owner agrees that in developing the Property, all of the following conditions shall be met and satisfied. If the requested rezoning is not granted by the County, these Proffers shall be null and void

CONDITIONS

- 1. Conceptual Plan. The property shall be developed generally in accordance with the Conceptual Plan, which such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
- 2. Community Character Corridor Landscape Area Buffers. (a) The Owner shall designate a landscape buffer of 50 feet in width along the Property's Route 615 frontage . The landscape buffer shall be landscaped liberally as shown on the Conceptual Plan.
- 3. Architectural. The office buildings and the mini-storage building on the Property shall be developed in a harmonious and uniform manner with an architectural design and color scheme approved by the Director of Planning . Owner shall design the office building and the mini-storage on

the Property in a manner compatible with the architectural style of the existing office development located at 3356 Ironbound Road and further identified Tax Parcel(47-1)(01-0-0026). With each site plan for office development or mini-storage building within the Property, the Owner shall submit architectural plans, including architectural, elevations, proposed building materials and colors, to the Director of Planning for his review and approval for consistency with the intent of this Proffer. The intent of this Proffer is to insure the office building and the mini-storage building constructed on the Property are of high quality and are compatible with (but not necessarily of the same design), as the surrounding development and to minimize the visual impact from Route 615 of the min-storage buildings, to the greatest extent possible.

4. Landscaping. Enhanced landscaping (as defined below) shall be provided within the 50 foot landscape buffer along Route 615 and in the area between the office development and the mini-storage development on the Property as shown on the Conceptual Plan. The enhanced landscaping shall be shown on the site plan for development within this portion of the Property and shall be subject to the approval of the Director of Planning. As used herein "enhanced landscaping" means landscaping that exceeds the numerical requirements of the Landscaping Ordinance by at least 25%, with credit given for the preservation of existing trees in accordance with the Landscaping Ordinance.
5. Sidewalk. A five foot wide sidewalk shall be installed across the Route 615 frontage of the property.
6. Lighting. All exterior site lighting on the Property shall have recessed fixtures with no lens bulb, or globe extending below the casing. The covers shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, as defined as 0.1 foot candle or higher, shall extend outside the Property line.
7. Severability. Each condition, or portion thereof, is severable. The invalidity of any particular Condition, or portion thereof, shall not affect the validity of the remaining conditions, or portions thereof.
8. Definitions. All terms used herein and defined in the County Zoning Ordinance shall have the meaning set forth therein unless otherwise specifically defined herein.
9. Water Conservation. Water conservation standards shall be submitted to and approved by the James City Service Authority and Owner and/or the Association shall be responsible for enforcing these standards. The standards shall address such water conservation measure as limitations on the installation and use of irrigation systems and irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be approved by the James City Service Authority prior to final site plan or subdivision approval.

10. Intersection Improvements. A cash contribution of \$15,700.00 as determined by the formula developed by Kimley-Horn and Associates, Inc. as a part of the Five Forks Area Study, shall be made to the County prior to final site plan approval in order to mitigate traffic impacts resulting, in part, from the physical development and operation of the Property. The County shall use these funds towards the construction of intersection improvements to the Ironbound Road/John Tyler Highway intersection as detailed in section I.1 of the Primary Principles for Five Forks Area of James City County, adopted by the Board of Supervisors on September 28, 2004.

Witness the following signature and seal:

Jeanette Brady Descendants Trust (Jeanette Brady Trustee)

*Jeanette Brady Trustee*

State of Virginia

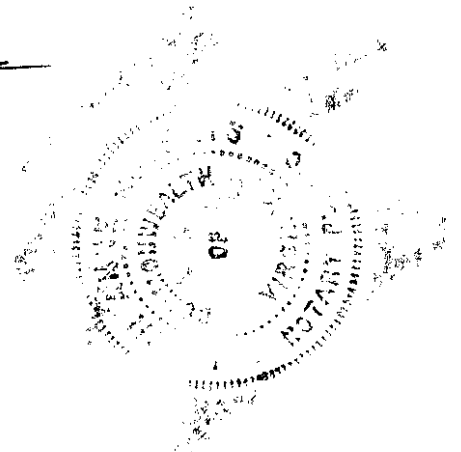
City/County of *James City* to wit:

The foregoing instrument was acknowledged before me this

*11<sup>th</sup>* Day of *Oct*, 2004, by

*Jeanette Brady*  
*J. Anne Ribt*

Notary Public



My commission expires:

**My Commission Expires September 30, 2005**

Prepared by:

Jeanette Brady  
2501 Manion Drive  
Williamsburg, VA 23185  
757-220-9660

**EXHIBIT "A"**  
Legal Description

Tax Map No. (47-1) (1-0-0024)

All that certain piece or parcel of land with buildings and improvements thereon, situate in Jamestown District, James City County, Virginia, on the southeasterly side of Iron Bound Road, containing one and one-half (1- ½) acres, more or less, situate near five forks, bounded and described as follows:

Beginning at a pine stump on the southeasterly side of Iron Bound Road, which stump marks the dividing line between the property hereby conveyed and that of William Armistead; thence, along the southeasterly side of said road in a southwesterly direction the distance of 125 feet to a stob; thence in a southeasterly direction between parallel lines the distance of 500 feet to the lands of Williams Armistead to two point; one of which in on the dividing line of William Armistead marked by a white oak and the other by an iron stob.

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY  
This document was admitted to record on 27 Oct. 04  
at 11:06 AM/PM. The taxes imposed by Virginia Code  
Section 58.1-801, 58.1-802 & 58.1-814 have been paid.

STATE TAX	LOCAL TAX	ADDITIONAL TAX
\$ _____	\$ _____	\$ _____

TESTE: BETSY B. WOOLRIDGE, CLERK

BY: Betsy B. Woolridge Clerk