

050 001463

PROFFERS

THESE PROFFERS are made this 29th day of November, 2004 by JAMES CITY SERVICE AUTHORITY, a political subdivision of the Commonwealth of Virginia (together with its successors and assigns, the "Owner"), and FIRST INVESTMENTS OF VIRGINIA, LLC, a Virginia limited liability company (together with its successors and assigns, the "Purchaser")

RECITALS

A. Owner is the owner of a parcel of land located in James City County, Virginia, containing approximately 0.459 acres with an address of 1899 Jamestown Road, Williamsburg, Virginia and being Tax Parcel 4640100003 (the "Property"), more particularly described on Exhibit A attached hereto and made a part hereof. The Property is now zoned R-8.

B. Purchaser has contracted to purchase approximately .344 acres of the Property (the "New Parcel") conditioned upon the rezoning of the Property.

C. Owner and Purchaser have submitted a preliminary plat to the County of James City, Virginia ("County") depicting the property lines of the New Parcel.

D. Owner and Purchaser have applied for a special use permit to allow the construction of a two-family dwelling on the New Parcel, consistent with the surrounding neighborhood.

E. Owner and Purchaser have applied to rezone the Property from R-8 to R-2, with proffers, consistent with the surrounding neighborhood.

F. Owner and Purchaser desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned R-2.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2297 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, the Owner and Purchaser agree that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. Water System Contributions. A contribution of \$750.00 per dwelling unit developed on the Property shall be made by the Owner to the County in order to mitigate impacts on the County from the physical development and operation of the dwelling units. The County may use these funds for development of alternative water sources or any project related to improvements to the public water system, the need for which is generated in whole or in part by the physical development and operation of the Property.

2. Timing of Cash Contributions. The cash contributions required in Proffer 1 above shall be made to the County prior to obtaining permits for building construction on the Property.

WITNESS the following signature:

JAMES CITY SERVICE AUTHORITY

By: Larry M. Foster  
Larry M. Foster, General Manager

FIRST INVESTMENTS OF VIRGINIA, LLC

By: Michael K. Putt  
Michael K. Putt, Managing Member

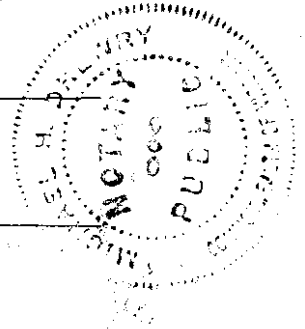
STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF James City, to-wit:

The forgoing instrument was acknowledged this 5<sup>th</sup> day of January, 2005,  
by Larry M. Foster, JCSA General Manager.

My commission expires: 12-31-08

Michael H. Drewry  
NOTARY PUBLIC



STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF James City, to-wit:

The forgoing instrument was acknowledged this 5<sup>th</sup> day of January, 2005,  
by Michael K. Putt, Managing Member of First Investments, LLC..

My commission expires: 12-31-08

Michael H. Drewry  
NOTARY PUBLIC

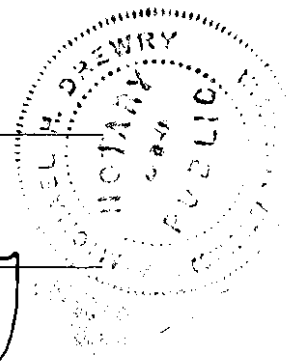


Exhibit A

All that certain lot, piece or parcel of land situate, lying and being in Berkeley District, James City County, Virginia, containing 20,000 square feet, set out and shown as "WELL LOT" on that certain plat of survey entitled, "A SURVEY OF A PARCEL OF LAND FOR CONVEYANCE TO THE JAMES CITY SERVICE AUTHORITY LYING IN BERKELEY DISTRICT, JAMES CITY COUNTY, VIRGINIA" dated November 23, 1973, made by L.V. Woodson & Associates, Inc.

Being the same property conveyed to James City Service Authority by deed from Grayson G. Fentriss, Trustee of the LeMonde Land Trust, dated October 30, 1974, and recorded November 27, 1974 in the Clerk's Office, Circuit Court, James City County, Virginia, in Deed Book 157 at page 556.

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY  
This document was admitted to record on 27 Nov 05  
at 11:29 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

Prepared by and return to:  
Michael H. Drewry, Esquire  
101-C Mounts Bay Road  
Williamsburg, VA 23187  
(757) 253-6832

COMMONWEALTH OF VIRGINIA



OFFICIAL RECEIPT  
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT  
DEED RECEIPT

DATE: 01/27/05 TIME: 11:31:07 ACCOUNT: 830CLR050001463 RECEIPT: 05000002554  
CASHIER: CHB REG: WD45 TYPE: OTHER PAYMENT: FULL PAYMENT  
INSTRUMENT : 050001463 BOOK: PAGE: RECORDED: 01/27/05 AT 11:29  
GRANTOR: JAMES CITY SERVICE AUTHORITY EX: N LOC: CO  
GRANTEE: FIRST INVESTMENTS OF VIRGINIA LLC EX: N PCT: 100%  
AND ADDRESS :

RECEIVED OF : JCCO DATE OF DEED: 11/29/04  
CHECK : \$16.00

DESCRIPTION 1: .344 AC NEW PARCEL WELL LOT PAGES: 0  
2: NAMES: 0

CONSIDERATION: .00 ASSUME/VAL: .00 MAP: PAID  
CODE DESCRIPTION PAID CODE DESCRIPTION PAID  
301 DEEDS 14.50 145 VSLF 1.50

TENDERED : 16.00  
AMOUNT PAID: 16.00  
CHANGE AMT : .00

CLERK OF COURT: BETSY B. WOODRIDGE

DC-18 (1/90)

16-

FILED  
BETSY B. WOODRIDGE

2005 JAN 27 AM 8:07