

060002874
THE VILLAGES AT WHITEHALL

LAGRANGE VILLAGE

PROFFERS

THESE PROFFERS are made this ^{July} day of ~~June~~, 2005 by ROBERT W. COWAN, individually, ROBERT W. COWAN and JUDY G. COWAN, husband and wife (together with their successors in title and assigns, the "Owners"); and RAUCH DEVELOPMENT COMPANY, LLC, a Virginia limited liability company ("Buyer")

RECITALS

A. Owners are the owners of four tracts or parcels of land located in James City County, Virginia, with addresses of 8716 Barharnsville Road, 8724 Barharnsville Road, 8720 Barharnsville Road, and 3225 Old Stage Road, Toano, Virginia, respectively, and being Tax Parcels 1210300002, 1210300001, 1210100021 and 1220100021, respectively, containing a total of approximately 22.95 acres, being more particularly described on Schedule A hereto (the "Property").

B. Buyer has contracted to purchase the Property.

C. The Property is now zoned A-1. The Property is designated Low Density Residential on the County's Comprehensive Plan Land Use Map.

D. Buyer, with the consent of the Owners, has applied to rezone the Property from A-1 to R-2, with proffers, and for a special use permit for a residential cluster with a density in excess of three units an acre.

E. Buyer has submitted to the County a master plan entitled "Master Plan, The Villages at Whitehall for Rauch Development, LLC" prepared by AES Consulting Engineers dated February 22, 2005, last revised June 24, 2005 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance

F. Buyer and Owners 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 15.2-2298 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owners agree that they 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. **Master Plan.** The Property shall be developed generally in accordance with the Master Plan, with only minor changes thereto that the Development Review Committee determines do not change the basic concept or character of the development. There shall be a maximum of 79 single family attached dwelling units on the Property. The Property shall be developed as a part of The Villages at Whitehall, Hickory Neck, Rochambeau and Taskinas

Villages development with a single master property owners association for all villages as provided in Condition 2.

2. Owners Association. There shall be organized a master owner's association for the Villages at Whitehall development (the "Association") in accordance with Virginia law in which all property owners in the development, by virtue of their property ownership, shall be members. In addition, there may be organized a separate owner's associations for LaGrange Village in which all owners in the Village, by virtue of their property ownership, also shall be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing each Association shall be submitted to and reviewed by the County Attorney for consistency with this Proffer. The Governing Documents shall require that each Association adopt an annual maintenance budget, which shall include a reserve for maintenance of stormwater management BMPs, recreation areas, private roads and parking areas, sidewalks, and all other common areas (including open spaces) under the jurisdiction of each Association and shall require that the Association (i) assess all members for the maintenance of all properties owned or maintained by the Association and (ii) file liens on members' properties for non-payment of such assessments. The Governing Documents shall grant each Association the power to file liens on members' properties for the cost of remedying

violations of, or otherwise enforcing, the Governing Documents. If there is more than one Association created for the Property the Associations shall enter into a costs sharing agreement allocating responsibility for maintenance and expenses for common areas described above between the Associations.

3. Water Conservation. (a) The Association shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of 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 subdivision or site plan approval.

(b) If the Owner desires to have outdoor watering of common areas on the Property it shall provide water for irrigation utilizing surface water collection or, with the approval of the General Manager of the James City Service Authority ("JCSA"), from a shallow (less than 100 feet) well and shall not use James City Service Authority water for irrigation purposes.

4. Cash Contributions for Community Impacts. (a) A contribution of \$796.00 for each dwelling unit on the Property

shall be made to the James City Service Authority ("JCSA") in order to mitigate impacts on the County from the physical development and operation of the Property. The JCSA may use these funds for development of alternative water sources or any project related to improvements to the JCSA water system, the need for which is generated in whole or in part by the physical development and operation of the Property.

(b) A contribution of \$67.50 for each dwelling unit on the Property shall be made to the JCSA in order to mitigate impacts on the County from the physical development and operation of the Property. The JCSA may use these funds to defray the costs of JCSA Lift Station 9-7 or any project related to improvements to the JCSA sewer system, the need for which is generated in whole or in part by the physical development and operation of the Property.

(c) A contribution of \$750.00 for each dwelling unit on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development and operation of the Property, including, without limitation, for emergency services, off-site road improvements, library uses, and public use sites

(d) A contribution of \$1,750.00 for each dwelling unit on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development and operation of the Property, including, without limitation, for school uses.

(e) A contribution of \$100.00 for each dwelling unit on the Property shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development and operation of the Property, including, without limitation, for the County's purchase of development rights program.

(f) The contributions described above shall be payable for each dwelling unit on the Property at the time of final subdivision plat or site plan approval for such unit unless the County adopts a written policy or ordinance calling for payment of cash proffers at a later date in the development process.

(g) The per unit contribution(s) paid in each year pursuant to this Section shall be adjusted annually beginning January 1, 2006 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban

Consumers (CPI-U) All Items (1982-84 = 100) (the "CPI") prepared and reported monthly by the U.S. Bureau of Labor Statistics of the United States Department of Labor. In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in paragraphs (a) through (e) of this Section. The adjustment shall be made by multiplying the per unit contribution for the preceding year by a fraction, the numerator of which shall be the CPI as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall be the CPI as of December 1 in the preceding year, In the event a substantial change is made in the method of establishing the CPI, then the per unit contribution shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing CPI. In the event that the CPI is not available, a reliable government or other independent publication evaluating information heretofore used in determining the CPI (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per unit contribution to approximate the rate of annual inflation in the County.

5. Entrances; Traffic Improvements. (a) At the entrance from Route 30 into the Property as shown on the Master Plan, a 150 foot right turn taper and a channelized island shall be

constructed. The entrance shall be designed to accommodate a shoulder bike lane within the existing public right of way across the Route 30 frontage of the Property.

(b) The turn taper and island proffered hereby shall be constructed in accordance with Virginia Department of Transportation standards and shall be completed or their completion bonded in form satisfactory to the County Attorney prior to the issuance of the first building permit for the Property.

c. The Owner shall submit an updated traffic impact study to the Director of Planning and VDOT for their review and approval prior to the time of the issuance of building permits for 75% of the total number of dwelling units permitted on the Property under the Master Plan, unless the Director of Planning and VDOT waive such requirement. The updated traffic study shall include actual traffic counts from the developed portions of the Property and utilize ITE trip generation figures for undeveloped portions of the Property and shall account for all other traffic utilizing the entrance road into the Property and shall determine whether a full right turn lane at the main entrance to the Property is warranted. If the approved updated study determines such a turn lane is warranted, the County shall not be obligated to issue any further building permits for further development on the Property until such turn lane has been installed or its installation commenced and surety for its completion in form

acceptable to the County Attorney has been posted with the County.

6. Route 30 Community Character Buffer. There shall be a 150 foot buffer along the Route 30 frontage of the Property generally as shown on the Master Plan. The buffer shall be exclusive of any lots or units and shall be undisturbed, except landscaping and berms installed pursuant to a landscaping plan approved by the Director of Planning, for the entrance, turn lanes/tapers as shown generally on the Master Plan, the trails, sidewalks and bike lanes as shown generally on the Master Plan, and with the approval of the Development Review Committee, for utilities, lighting, entrance features and signs. Dead, diseased and dying trees or shrubbery, invasive or poisonous plants, windfalls and deadfalls may be removed from the buffer area.

7. Perimeter Buffer. In the areas of the perimeter buffer and in the open space immediately adjacent thereto indicated on the Master Plan (excluding the 150 foot buffer proffered in Condition 6) and around the stormwater BMP pond shown on the Master Plan, the area shall be planted as set forth herein to provide a visual screen between the Rochambeau Drive and Route 30 and the Village through a reforestation plan. This plan may include some earth moving and berming and shall include a seeding and planting plan as recommended by the State of Virginia's Department of Forestry and approved by the Director of Planning.

The planting mix shall include at least two types of evergreen trees and a variety of deciduous trees including Oak, Maple and Gum as well as native understory trees including Redbud and Dogwood. The planting shall achieve an effective visual screen (6'-8' height of plantings and berming) within six years from time of installation. In addition to the planted open space and perimeter buffer and the properties to the south, a 20 foot wide by 300 foot long strip located south of the line of street trees shall be planted in accordance with landscape ordinance requirements, with an emphasis on evergreen trees and shrubs to further screen the Village from direct view from Route 30. The planted area shall be left undisturbed to reforest with the exception of a more groomed landscape at the Village entrance. The area shall be planted or the planting bonded prior to the County being obligated to issue certificates of occupancy for dwelling units in LaGrange Village.

8. Mixed Costs Housing Units. (a) At least 26 residential dwelling units on the Property shall be reserved and offered for sale at a price of \$185,000.00, subject to adjustment as provided below. The maximum price set forth herein shall be adjusted annually as of January 1 of each year by increasing such prices by the cumulative rate of inflation as measured by the Consumer Price Index - Urban, U.S. City Average annual average change for the period from January 1, 2005 until January 1 of the

year in question. The annual increase shall not exceed five percent (5%). The Director of Planning shall be provided with a copy of the settlement statement for each sale at a price at or below the maximum prices set forth above. Owner shall consult with and accept referrals of, and sell to, potential qualified buyers from the James City County Office of Housing and Community Development.

9. Pedestrian Connections to Adjacent Properties. Owner shall provide pedestrian connections between the Property and the adjacent properties generally as shown on the Master Plan, with the plans, location and materials for such connections subject to review and approval by the Director of Planning and with such connections to be shown on the development plans for the Property. The connections shall be either (i) installed or (ii) bonded in form satisfactory to the County Attorney prior to the issuance of any certificates of occupancy for any buildings on the Property.

10. Streetscape Guidelines. The Owner shall provide and install streetscape improvements in accordance with the applicable provisions of the County's Streetscape Guidelines policy. The streetscape improvements shall be shown on development plans for that portion of the Property and submitted to the Director of Planning for approval during the site plan approval process. Streetscape improvements shall be either (i)

installed within six months of the issuance of a certificate of occupancy for any residential units in adjacent structures or (ii) bonded in form satisfactory to the County Attorney prior to the issuance of a certificate of occupancy for any residential units in adjacent structures.

11. Archaeology. A Phase I Archaeological Study for the entire Property shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted 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 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 III 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 areas. All Phase I,

Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards 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 Property and the clearing, grading or construction activities thereon.

12. Design Guidelines and Review. Owner shall prepare and submit design review guidelines to the County setting forth design and architectural standards for the development of the Property attempting to capture the architectural character of the Toano area and generally consistent with the architectural styles embodied in "Villages at Whitehall, Supplemental Community Information" prepared by AES Consulting Engineers submitted as a part of the rezoning application and incorporating appropriate and suitable sustainable building practices as recommended in the Sustainable Building Sourcebook of the City of Austin for the approval of the Development Review Committee prior to the County being obligated to grant final approval to any development plans for the Property (the "Guidelines"). Once approved, the

Guidelines may not be amended without the approval of the Development Review Committee. Owner shall establish a Design Review Board to review all building plans and building elevations for conformity with the Guidelines and to approve or deny such plans.

13. Sidewalks. There shall be sidewalks installed on both sides of each of the public streets, if any, on the Property and may be installed in phases as residential units are constructed. Sidewalks shall be installed prior to issuance of certificates of occupancy for adjacent dwelling units.

14. Curb and Gutter. Streets within the Property shall be constructed with curb and gutter provided, however, that this requirement may be waived or modified along those segments of street, including entrance roads, where structures are not planned.

15. Master Stormwater Management Plan. Owner shall submit to the County a master stormwater management plan as a part of the initial site or development plan submittal for the Property, including the stormwater management BMP pond, and where appropriate and feasible, low impact design techniques and, if not already remedied, providing for a remedy approved by the Environmental Division and the U.S. Army Corps of Engineers for the existing wetlands violation on Tax Parcel 1210100021 within the Property as detailed in the letter from the U.S. Army Corps

of Engineers dated April 22, 2005, for review and approval by the Environmental Division. The master stormwater management plan may be revised and/or updated during the development of the Property with the prior approval of the Environmental Division. The County shall not be obligated to approve any final development plans for development on the Property until the master stormwater management plan has been approved. The approved master stormwater management plan, as revised and/or updated, shall be implemented in all development plans for the Property.

16. **Private Streets.** All private streets on the Property shall conform to VDOT construction standards. Private streets shall be maintained by the Association or a neighborhood association. The party responsible for construction of a private street shall deposit into a maintenance reserve fund to be managed by the association responsible for maintenance of that private street an amount equal to one hundred and fifty percent (150%) of the amount of the maintenance fee that would be required for a similar public street as established by VDOT - Subdivision Street Requirements. The County shall be provided evidence of the deposit of such maintenance fee at the time of final site plan or subdivision plat approval by the County for the particular phase or section which includes the relevant private street.

17. **Reserved Right of Way.** Owner shall reserve the area 50 feet in width shown on the Master Plan as "Future Connections to Adjacent Property" for a possible future road connection to the adjacent parcels to the south and west of the Property. Owner shall have no responsibility to construct a connecting road in this area and shall not be obligated to permit the owners of the adjacent parcels to construct a road in such area unless and until Owner and the owner of the adjacent parcels have entered into an agreement providing for the equitable sharing of the cost of maintenance of such road and the main entrance road into the Property, agreed upon a restriction limiting the use by the adjacent parcel of such roads to cars and light duty trucks and obligating the owner of the adjacent parcel to pay for any required road or traffic signal improvements warranted by the additional traffic from the adjacent parcels.

18. **Recreation.** (a) The following recreational facilities shall be provided: (i) approximately 2.99 acres of parkland; (ii) one playground (tot lot), with four to six activities; (iii) one paved tetherball court and (iv) approximately 1,800 feet. of trails/paths. The exact locations of the facilities proffered hereby and the equipment to be provided at such facilities shall be subject to the approval of the Development Review Committee.

(c) There shall be provided on the Property other recreational facilities, if necessary, such that the overall

recreational facilities on the Property meet the standards set forth in the County's Recreation Master Plan or in lieu of such additional facilities Owner shall make cash contributions to the County in amount determined pursuant to the County's Recreation Master Plan (with the amount of such cash contributions being determined by escalating the amounts set forth in the Recreation Master Plan from 1993 dollars to dollars for the year the contributions are made using the formula in Section 4(e)) or some combination thereof. All cash contributions proffered by this Condition 18 shall be used by the County for recreation capital improvements. The exact locations of the facilities proffered hereby and the equipment to be provided at such facilities shall be subject to the approval of the Development Review Committee.

19. **Route 30 Median Landscaping.** Owner, subject to the approval of VDOT, shall install landscaping in the Route 30 median along the Route 30 frontage to LaGrange Village. This landscaping shall be designed to compliment the adjacent buffer landscaping and shall include trees, shrubs and groundcovers in accordance with a plan submitted to and approved by the Director of Planning. The median will be planted or the planting bonded prior to the County being obligated to issue certificates of occupancy for dwelling units in LaGrange Village.

20. **Turf Management Plan.** The Association shall be responsible for developing and implementing a turf management

plan ("Turf Management Plan") for the maintenance of lawns and landscaping on the Property in an effort to limit nutrient runoff into Ware Creek and its tributaries from the Property. The Turf Management Plan shall include measures necessary to manage yearly nutrient application rates to turf such that the application of nitrogen does not exceed 75 pounds per year per acre. The Turf Management Plan shall be prepared by a landscape architect licensed to practice in Virginia and submitted for review to the County Environmental Division for conformity with this proffer. The Nutrient Management Plan shall include terms permitting enforcement by either the Owners Association or the County. The Turf Management Plan shall be approved by the Environmental Division prior to final subdivision or site plan approval.

WITNESS the following signatures.

R. W. Cowan

Robert W. Cowan

Judy G. Cowan

Judy G. Cowan

STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF JAMES CITY, to-wit:
COUNTY

The foregoing instrument was acknowledged this 1st
day of July, 2005, by Robert W. Cowan.

Van M. Dade, IV
NOTARY PUBLIC

My commission expires: 12/31/09

STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged this
day of July, 2005, by Judy G. Cowan

Van M. Dade, IV
NOTARY PUBLIC

My commission expires: 12/31/09

Rauch Development Company, LLC

By: *Gayle M Rauch*
Title: MANAGING MEMBER

STATE OF VIRGINIA AT LARGE
CITY/COUNTY OF Williamsburg, to-wit:

The foregoing instrument was acknowledged this 22nd
day of July, 2005, by Gayle M Rauch, as managing
1 of Rauch Development Company, LLC on behalf of
the company.

Vernon M Geddy
NOTARY PUBLIC

My commission expires: 12/31/09.

Prepared by:
Vernon M. Geddy, III, Esquire
Geddy, Harris, Franck & Hickman, LLP
1177 Jarnestown Road
Williamsburg, VA 23185
(757) 220-6500

SCHEDULE A

COWAN Properties:

TRACT I:

Tax Map 121 03 00 002 aka 8716 Barhamsville Road (Deed to Robert W. Cowan Sr. only)

All that certain lot, piece or parcel of land situate, lying and being in Stonehouse District, James City County, Virginia, known and designated as Lot B as more particularly set up, shown and described on that certain plat entitled, "PLAT OF WHITEHALL - SECTION I, LOTS A & B, STONEHOUSE DISTRICT, JAMES CITY COUNTY, VA," dated May 30 1978, made by Small Engineering, Inc., which said plat is recorded in James City County Deed Book 185, page 669 on July 11, 1978.

It being the same property conveyed to Robert W. Cowan, Sr. by Deed dated July 14, 1981, from William T. Stone and Sara C. Stone, his wife, and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and James City County, Virginia, in Deed Book 215, page 231.

TRACT II:

Tax Map 121 03 00 001 aka 8724 Barhamville Road

All that certain lot, piece or parcel of land lying, being, and situated in the Stonehouse District, James City County, Virginia known and designated as Lot "A" as set out and shown on that certain plat of survey entitled, "PLAT OF WHITEHALL - SECTION ONE, LOTS A & B, STONEHOUSE DISTRICT, JAMES CITY COUNTY, VIRGINIA," dated May 30, 1978, made by Small Engineering, Inc., which plat is recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and James City County, Virginia, in Deed Book 185, page 669.

It being the same property conveyed unto R.W. Cowan and Judy G. Cowan, husband and wife, from Jimmy G. Bass, et ux, dated June 15, 1987, and recorded in the aforesaid Clerk's Office in Deed Book 350, page 354.

TRACT III:

Tax Map 121 01 00 021 aka 8720 Barhamsville Road

All those certain lots, pieces or parcels of land situate in Stonehouse District, James City County, Virginia, shown and designated on that certain plat of survey entitled, "A Plat Showing Division of a Trust of Land, Owned by Mrs. L.J. Haley, situated on State Highway No. 168 Near Toano, James City County, Virginia," made by L.V. Nolan and dated March 1953, a copy of said plat being recorded in James City County Plat Book 14, page 45, and on which plat said property is more particularly shown and described as follows:

PARCEL ONE: Lot No. 9, containing 9110 of an acre by survey, but being conveyed in gross and not by the acre, and being bounded on the north by Lot No. 8, on the west by a small portion of land located between Lot No. 9 and the new highway to Toano, on the south by Lot No. 10 (Parcel Two herein) and on the east by other land herein conveyed as Parcel Three.

PARCEL TWO: Lot No. 10, containing 831100 of an acre by survey but being conveyed in gross and not by the acre, and being bounded on the north by Lot No. 9 (Parcel One herein), on the west by a small portion of land located between Lot No. 10 and the new highway to Toano and on the south and the east by the center line of an old road.

PARCEL THREE: All the remaining property shown on said plat which is not designated by lot number, which remaining property is shown on said plat to be 5 3/4 acres in area, but being conveyed in gross and not by the acre, including that shown as an "Outlet" to State Route No. 168 and being bounded on the north by State Route No. 168 and Lots 1-8, both inclusive and on the west by Lot No. 9 (Parcel One herein) and on the south and east by the center line of an old road.

EXCEPTING FROM THE LAND DESCRIBED IN SAID DEED, A CERTAIN TRIANGULAR PARCEL ADJOINING THE AFORESAID "OUTLET" ON THE EAST SIDE THEREOF, WHICH PROPERTY HAS BEEN CONVEYED TO JERALD R. LAPHAM AND CLAIRE L. LAPHAM, AND FURTHER EXCEPTION THEREFROM 0.99 ACRE OF LAND HERETOFORE CONVEYED TO THE COMMONWEALTH OF VIRGINIA FOR HIGHWAY CONSTRUCTION PURPOSES BY DEED OF RECORD IN THE CLERK'S OFFICE OF JAMES CITY COUNTY, VIRGINIA.

AND FURTHER EXCEPTING THEREFROM LOTS A AND B SET UP, SHOWN, AND DESCRIBED ON THAT CERTAIN PLAT ENTITLED, PLAT OF WHITEHALL - SECTION I, LOTS A & B, STONEHOUSE DISTRICT, JAMES CITY COUNTY, VA., DATED MAY 30, 1978 MADE BY SMALL ENGINEERING, INC., WHICH SAID PLAT IS RECORDED IN JAMES CITY COUNTY DEED BOOK 185, PAGE 669, ON JULY 11, 1978.

It being the same property conveyed unto Cowan, et ux from Nicole, Ltd., et al dated February 12, 1979, and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and James City County, Virginia, in Deed Book 191. page 749.

TRACT IV:

Tax Map 122 01 00 021 aka 3225 Old Stage Road

All that certain parcel of land in the Stonehouse District of James City County, Virginia, shown and described as "PARCEL A, 726,427 SF+/-, 16.68 AC+/-" on a plat of survey entitled, "PLAT OF BOUNDARY LINE AGREEMENT, PARCEL A, 16.68 +/- ACRES FOR CONVEYANCE TO: ROBERT W. SR. & JUDY G. COWAN, JAMES CITY COUNTY, VIRGINIA," which plat is dated October 15, 1997, revised January 22, 1998, was made by Charles Reid Scheckler, Certified Land Surveyor, and a copy of which said plat is attached to that certain Deed dated

January 26, 1998, and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and James City County, Virginia, as Instrument No. 980002028, page 340.

It being the same property conveyed to Cowan, et ux, by Deed dated January 26, 1998 from Geddy, et al, and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and James City County, Virginia, as Instrument No. 980002028, page 340.

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY
This document was admitted to record on 8 Feb 08
at 2:40 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