

Return to:

✓ Adam R. Kinsman
Deputy County Attorney
101-C Mounts Bay Road
Williamsburg, VA 23185
(757) 253-6612

078 030241

Tax Map No. 1220100011A

PROFFERS
3435 Old Stage Road

THESE PROFFERS are made as of this 26th day of June 2007, by Todd Eugene Koob and Lisa Renee Sheldon Koob (together with their successors and assigns, the "Owner")

RECITALS

- A. The Owner is the owner of certain real property in James City County, Virginia (the "County") more particularly described as parcel 1220100011A (the "Property").
- B. The Property is located at 3435 Old Stage Road and is now zoned B-1, General Business.
- C. The Owner has applied for a rezoning of the Property from B-1, General Business, to R-1 General Residential with proffers (the "Proffers").
- D. The Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned R-1.

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, Owner agrees 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.
 - (a) A contribution of \$ 4400.00 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 by the physical development and operation of the property, including, without limitation, school uses.

(b) The contribution described above, unless otherwise specified, shall be payable at or prior to the final approval of the site plan or subdivision plat for such lot.

(c) The contribution paid pursuant to section (a) shall be adjusted annually beginning January 1, 2008 to reflect any increase or decrease for the preceding year in the Marshall and Swift Building Costs Index (the "Index"). In no event shall the contribution be adjusted to a sum less than the amounts set forth in paragraph (a). The adjustment shall be made by multiplying the contribution for the preceding year by a fraction, the numerator of which shall be the Index as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall be the Index as of December 1 in the preceding year. In the event a substantial change is made in the method of establishing the Index, then the contribution shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing the Index. In the event that the Index is not available, a reliable government or other independent publication evaluating information heretofore used in determining the Index (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 contribution to approximate the rate of annual inflation in the County.

WITNESS the following signatures:

Lisa Renee Sheldon Koob
Lisa Renee Sheldon Koob

Prepared by:
Todd E. Koob
8913 Oak Lawn Way
Toano, VA, 23168
757-566-2009

STATE OF VIRGINIA AT LARGE

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

The foregoing instrument was acknowledged this 5th day of July, 2007,
by Lisa Renee Sheldon Koob.

Mary Frances Rieger
Notary Public

My commission expires: October 31, 2009
Notary Registration Number: 150638

Todd Eugene Koob
Todd Eugene Koob

STATE OF VIRGINIA AT LARGE

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

The foregoing instrument was acknowledged this 5th day of July, 2007,
by Todd Eugene Koob.

Mary Frances Rieger
Notary Public

My commission expires: October 31, 2009.

Notary Registration Number: 150638

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY
This document was admitted to record on 30 Oct 07
at 10:57 AM/PT. 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