

080 007401

Tax Map No (47-1) (1-23)

112 INGRAM ROAD OFFICE BUILDING
PROFFERS

These proffers are made as of this 25th day of January, 2008 by EVANS DEVELOPMENT CORPORATION, (together with its successors and assigns, the "Owner")

RECITALS

- A. Owner is the Owner of a tract or parcel of land located in James City County, Virginia containing approximately 0.37 acres and being James City County Real Estate Tax Parcel (47-1) (1-23) and further described in " Attachment A" ("the Property"). The Property is now zoned R-8, Rural Residential.
- B. Owner has applied to rezone the Property from R-8, Rural Residential, to B-1, General Business, with proffers.
- C. Buyer has submitted to the County a Conceptual Plan entitled "Conceptual Site Plan" prepared by Walters Land Surveying, LTD, dated 8/15/07. ("the Plan")
- D. Owner desires to offer 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 15.2-2303. et seq. of the Code of Virginia, 1950, as amended, and Section 24-15, of the 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 void.

CONDITIONS

1. Uses and Conceptual Plan. The Property shall be put to one or more of the following possible uses: business, governmental, contractor's and professional offices and accessory uses thereto as defined in the James City County Zoning Ordinance. All other otherwise permissible uses shall be prohibited. The Property shall be developed generally in accordance with the Plan, with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
2. Architecture. The office building on the Property shall be developed in an architectural design and color scheme generally consistent with the rendering revised November 9, 2007 made by DeBlasio Design and Architects and as shown in the Plan and consistent with the architectural standards set forth in the Primary Principles for Five Forks Area of James City County, adopted by the Board of Supervisors on September 28, 2004. Said design shall be approved by the Planning Director prior to final site plan approval.
3. Landscaping. An enhanced landscaping plan shall be provided to the Planning Director for approval prior to final site plan approval. This plan shall provide enhanced landscaping along the entire road frontage of the property. ("Enhanced landscaping" shall be defined as 125 percent of the zoning ordinance landscape size requirements)
4. Entrance. An entrance constructed in accordance with applicable VDOT standards shall be installed prior to issuance of any Certificate of Occupancy.
5. Intersection Improvements. A cash contribution of \$443.00 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 or toward pedestrian improvements at said intersection.

6. Water Conservation. The Owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigations wells, the use of approved landscaping materials including the use of drought tolerant plants, warm season grasses and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

7. Irrigation: In the design phase, the developer and designing engineer shall include the design of stormwater systems that can be used to collect stormwater for outdoor water use for the entire development. Only surface water collected from surface water impoundments (the "Impoundments") may be used for irrigating common areas on the Property (the "Irrigation"). In no circumstances shall James City Service Authority (the "JCSA") water or well water be used for Irrigation, except as otherwise provided by this condition. If the Owner demonstrates to the satisfaction and approval of the General Manager of the JCSA that the Impoundments cannot provide sufficient water for Irrigation, the General Manager of the JCSA may, in writing, approve a shallow (less than 100' feet) well to supplement the water provided by the Impoundments. If water from shallow wells is inadequate to irrigate common areas the General Manager of the JCSA may approve areas after reviewing site plans that demonstrate the common areas incorporate water conservation techniques (i.e. minimize turf, use of drought tolerant plant, drip irrigation, etc).

Witness the following signature and seal

Evans Development Corporation

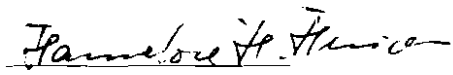


Scott Evans, President

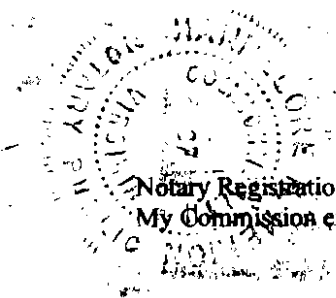
COMMONWEALTH OF VIRGINIA

City/County of JC , to wit:

The foregoing instrument was acknowledge before me by Scott Evans, on this 28 day of January, 2008.



Notary Public



Notary Registration Number: 183385
 My Commission expires: 12/31/2009

Prepared by: Scott Evans, 5251-18 John Tyler Hwy, #134, Williamsburg, VA 23185

Return to: James City County Attorneys Office, 101-C Mounts Bay Road, Williamsburg, VA 231285.

EXHIBIT "A"

All that certain lot, piece or parcel of land situate, lying and being in the County of James City, Virginia, and designated as N/P Jenway LP, which contains approximately 0.359 acres more or less, as shown on that certain plat entitled, "A PHYSICAL SURVEY OF PROPERTY LOCATED AT 112 INGRAM ROAD, JAMES CITY COUNTY, VIRGINIA FOR EVANS DEVELOPMENT CORPORATION, JAMES CITY COUNTY, VIRGINIA", prepared by LandTech Resources, Inc., Surveying, Mapping, Land Design, dated March 9, 2006 which plat is duly recorded in the Circuit Court Clerk's Office for the City of Williamsburg and County of James City, Virginia, simultaneously with and immediately prior hereto.

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY
This document was admitted to record on 11 Mar 08
at 9:55 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