

120010352
AMENDED AND RESTATED PROFFER AGREEMENT

THIS AMENDED AND RESTATED PROFFER AGREEMENT is made as of the 28 day of March, 2012 by POTOMAC CONFERENCE CORPORATION OF SEVENTH-DAY ADVENTISTS A DISTRICT OF COLUMBIA CORPORATION (“Owner”).

RECITALS

A. Owner is the owner of a tract or parcel of land located in James City County (the “Property”), with address of 3989 John Tyler Highway, and being Tax Parcel 4610100002 B, more particularly described as follows:

All that certain lot, piece or parcel of land situated in James City County, Virginia, and more particularly described on a plat entitled “PRELIMINARY PLAT, SEVENTH DAY ADVENTIST CHURCH SITE, 9.22 ACRES ±, JAMES CITY COUNTY, VIRGINIA” dated 3/13/87, made by Paul C. Small of AES, a professional corporation.

B. The Property is zoned R-1, Limited Residential, with proffers. The Property is designated Low Density Residential on the County’s Comprehensive Plan Land Use Map.

C. The existing proffers applicable to the Property are dated July, 31, 1987 and recorded in Deed Book 364, Page 449, and (the “Existing Proffers”). The existing rezoning applicable to the Property is dated June, 17, 1987 and identified as Z-0018-1987 (the “Existing Rezoning”)

D. The Owner has requested the amendment of the Existing Proffers as hereinafter provided to allow for the maintenance of a scenic easement.

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NOW, THEREFORE, for and in consideration of the approval by James City County (the "County"), the acceptance of this amended and restated proffer agreement, and pursuant to § 15.2-2303, et seq. of the Code of Virginia, 1950, as amended and § 24-16 of the James City County Code, the Owner agrees that in addition to the regulations provided for in the Limited Residential District, R-1, but subject to the other current limitation set forth in the foresaid Codes, he will meet and comply with all of the following conditions for the development of the Property.

1. The Property may not be further subdivided.
2. Only one entrance to the Property shall be permitted from Route 5.
3. Scenic easements shall be reserved across the Property 145 feet deep, adjacent to and parallel with the center line of Route 5. Existing trees, shrubbery and vegetation within said scenic easement shall remain "as is" provided, however, the Owner shall also have the right to install and construct over, under, across and through the scenic easements such new entrance, drainage structures, storm water management facilities, pedestrian accommodations, utilities and entrance signs as may be necessary in accordance with the terms of this Agreement and approved by the Planning Director or his designee. With the prior approval of the Planning Director or his designee, the owner may perform the following maintenance within the scenic easement:
 - (1) selective removal of over-story trees under an 8" caliper Diameter Breast Height ("DHB"), and selective removal of understory trees less than a 2" caliper (DBH),
 - (2), selected over-story trees may be limbed up to a maximum height of 10' above grade,
 - (3) selected understory trees may be limbed up to a maximum height of 6'

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above grade, (4) understory shrubs may be pruned but not removed, and (5) any dead, diseased or dying plants may be removed. The owner may install new plant material such as trees and shrubs as needed to maintain scenic appearance and provide for the longevity of the root mat. All new plants shall be suitable for climatic zone 7a. In order to maximize plant success, all plantings shall be suitable to survive maintenance-free at their mature stage. Any further modification may be made with prior inspection and approval by the Planning Director or his designee.

- 4. The Property and all buildings or structures to be erected thereon shall be used solely for a Church and accessory uses including but not limited to an accessory school and off street parking as required.

POTOMAC CONFERENCE CORPORATION OF SEVENTH-DAY ADVENTISTS, A DISTRICT OF COLUMBIA CORPORATION

By: [Signature]
Signature
Daryl Hevener
Printed Name
Associate Treasurer
Title

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

The foregoing instrument was acknowledged this 20th day of March, 2012, by Daryl Hevener on behalf of Potomac Conference Corporation of Seventh - Day Adventists, a District of Columbia Corporation;

[Signature]
NOTARY PUBLIC

My commission expires: June 30, 2015.
Registration No.: 7020703

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY
This document was admitted to record on 11/04/2012
at 10:07 AM/PM. The taxes imposed by Virginia Code
Section 58.1-801, 58.1-802 & 58.1-814 have been paid. Page 3 of 3

STATE TAX LOCAL TAX ADDITIONAL TAX
\$ \$ \$
TESTE: BETSY B. WOOLRIDGE, CLERK

BY: [Signature] Clerk





OFFICIAL RECEIPT
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT
DEED RECEIPT

DATE: 05/11/12 TIME: 10:07:45 ACCOUNT: 830CLR120010352 RECEIPT: 12000016600
CASHIER: CHB REG: WD45 TYPE: AMEND PAYMENT: FULL PAYMENT
INSTRUMENT : 120010352 BOOK: PAGE: RECORDED: 05/11/12 AT 10:07
GRANTOR: POTOMAC CONFERENCE CORP SEVENTH DAY ADVENTISTS EX: Y LOC: CO
GRANTEE: JAMES CITY COUNTY OF EX: Y PCT: 100%

AND ADDRESS : , .

RECEIVED OF : N/A

DATE OF DEED: 03/28/12

: \$.00

DESCRIPTION 1: PROFFER AGREEMENT 9.22 AC CHURCH SITE PAGES: 3 OF 0
2: NAMES: 0

CONSIDERATION: .00 A/VAL: .00 MAP:
PIN:

000 ** ZERO PAYMENT ** .00

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

CLERK OF COURT: BETSY B. WOOLRIDGE

PAYOR'S COPY
RECEIPT COPY 1 OF 2