

150003933

Tax Parcel: 4710100056 ✓

Prepared By: Vernon M. Geddy, III, Esquire (VSB No: 21902) /
Geddy, Harris, Franck & Hickman
1177 Jamestown Road
Williamsburg, VA 2318

PROFFERS

THESE PROFFERS are made this 23 day of December, 2014 by HENRY S. BRANSCOME, II (together with his successors in title and assigns, the "Owner").

RECITALS

A. Owner is the owner of a parcel of land located in James City County, Virginia, being Tax Parcel No.4710100056, containing approximately .55 acres, more or less, and being more particularly described on Schedule A hereto (the "Property").

B. The Property is designated Low Density Residential on the County's Comprehensive Plan Land Use Map and is now zoned R-8. Owner has applied to rezone the Property from R-8 to LB, Limited Business, with proffers.

C. Owners desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned LB in the form of the following Proffers.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2303 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. Permitted Uses. Only the uses that generate fewer than 62.18 weekday vehicle trips based on the ITE Trip Generation Manual and the square footage of the proposed use shall be permitted on the Property. Trip generation information shall be submitted at the time of site plan application for each change in use on the Property and shall be reviewed and approved by the Virginia Department of Transportation and the Director of Planning or his designee for compliance prior to final site plan approval.

2. Cash Contribution for Stormwater Management. Owner shall make an annual cash contribution to the Village Square of Williamsburg Homeowners Association, Inc. in an amount equal to 5% of the total maintenance costs for that year of the stormwater BMP owned by the Association and located on Tax Parcel 4711500001B. Such payment shall be made within 30 days of receipt by Owner of an invoice from the Association accompanied by evidence of the total annual maintenance costs for the BMP. The Owner annually shall provide evidence of such payment to the Director of Planning to ensure compliance with this proffer prior to December 31 of each year.

3. Severability. In the event that any clause, sentence, paragraph, section or subsection of these Proffers shall be adjudged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, section or provision hereof.

4. Successors and Assigns. These Proffers shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns.

WITNESS the following signature.

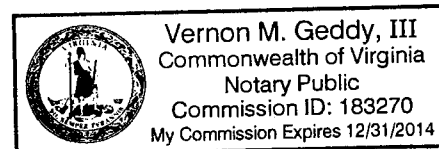
Henry S. Branscome II
Henry S. Branscome, II

STATE OF VIRGINIA
~~CITY~~/COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged before methis 23rd day of December, 2014, by Henry S. Branscome, II

Vernon M. Geddy, III
NOTARY PUBLIC

My commission expires: 12/31/14
Registration No.: 183270



Schedule A

Property Description

ALL THAT certain lot, piece or parcel or tract of land, lying, situate and being in Berkeley District, James City County, Virginia, formerly in Jamestown district, referred to as Parcel A as shown on a plat entitled "Plat of Parcel 'A' as shown on a preliminary plan of 'Olde Town' Subdivision, located in Berkeley District, James City County, Virginia," dated April 3, 1965, made by S. V. Camp, III & Associates, Certified Land Surveyor, a copy of which said plat is of record in James City County Release Deed Book 5, page 128, and to which plat reference is here made for a more particular description of the property hereby conveyed, but less and except that portion of the property conveyed to the Commonwealth of Virginia for the widening of State Route 615, by deed dated January 22, 1990, and recorded January 22, 1990, in James City County, Virginia, Deed Book 463, at page 13.

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY

This document was admitted to record on 3-6-2015
at 10:37 AM/ I. 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

FILED
BETSY B. WOOLRIDGE
CLERK CIRCUIT COURT

2015 FEB 20 PM 2: 09

CITY OF WILLIAMSBURG
COUNTY OF JAMES CITY

BY _____ D.C