

Returned to JAMES CITY COUNTY  
ATTORNEY  
WILLIAMSBURG VA 23185

170 007499

PROFFERS

THESE PROFFERS are made this 30<sup>th</sup> day of June, 2016 by OUR SAVIOURS EVANGELICAL LUTHERAN CHURCH WILLIAMSBURG VIRGINIA (together with its successors in title and assigns, the "Owner").

RECITALS

A. Owner is the owner of a parcel of land located in James City County, Virginia (the "County"), containing approximately 4.11 acres, more or less, further identified as James City County Tax Parcel No. 2320100064 (the "Property").

B. The Property is designated Low Density Residential on the County's Comprehensive Plan, *Toward 2035: Leading the Way*, Land Use Map and is now zoned R-2, General Residential. Owner has applied to rezone the Property from R-2 to LB, Limited Business, with proffers.

C. Owner desires 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. Permitted uses on the Property shall be limited to the following:
  - a. Catering and meal preparation 5,000 sq. ft. or less
  - b. Child day care centers up to 30 children

c. Places of public assembly

2. 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.

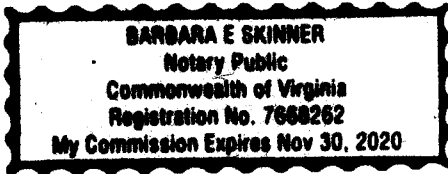
3. Successors and Assigns. These Proffers shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns.

WITNESS the following signature.

Ellen L. Picard - Congregation President  
Our Saviours Lutheran Church Williamsburg Virginia

STATE OF Virginia  
CITY/COUNTY OF James City, to-wit:

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of June,  
2016 by Our Saviours Lutheran Church Williamsburg Virginia.



BE Skinner  
NOTARY PUBLIC

My commission expires: 11-30-2020  
Registration No.: 7668262

INSTRUMENT 170007499  
RECORDED IN THE CLERK'S OFFICE OF  
WILLIAMSBURG/JAMES CITY COUNTY ON  
April 13, 2017 AT 10:44 AM  
MONA A. FOLEY, CLERK  
RECORDED BY: CAF



OFFICIAL RECEIPT  
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT  
DEED RECEIPT

DATE : 04/13/2017                      TIME : 10:44:19                      CASE # : 830CLR170007499  
RECEIPT # : 17000013328    TRANSACTION # : 17041300039  
CASHIER : CAF                      REGISTER # : WD19                      FILING TYPE : OTHER                      PAYMENT : FULL PAYMENT  
INSTRUMENT : 170007499                      BOOK :                      PAGE :                      RECORDED : 04/13/2017                      AT : 10:44  
GRANTOR : OUR SAVIOURS EVANGELICAL LUTHERAN CHURCH WMSBURG                      EX : N                      LOC : CO  
GRANTEE : OUR SAVIOURS EVANGELICAL LUTHERAN CHURCH WMSBURG                      EX : N                      PCT : 100%  
RECEIVED OF : JAMES CITY COUNTY VIRGINIA  
ADDRESS : N/A  
DATE OF DEED : 04/13/2017  
CASH : \$0.00  
DESCRIPTION 1 : PROFFERS DATED 6/30/2016                      PAGES : 003                      OP : 0  
NAMES : 0  
CONSIDERATION : \$0.00                      A/VAL : \$0.00                      MAP :                      PIN :

ACCOUNT CODE	DESCRIPTION	PAID
301	DEEDS	\$0.00

TENDERED : \$                      0.00  
AMOUNT PAID : \$                      0.00

CLERK OF COURT : MONA A. FOLEY

PAYOR'S COPY  
RECEIPT COPY 1 OF 2