

Prepared by:
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5425 Discovery Park Blvd., Suite 200
Williamsburg, VA 23188

Upon Recording Return To:
James City County Attorney
101-C Mounts Bay Road
Williamsburg, VA 23185

Parcel ID No. 4640100017

AMENDMENT TO PROFFERS (MASON PARK)

THIS AMENDMENT TO PROFFERS is made this 22nd day of August, 2019 by **HHHUNT HOMES HAMPTON ROADS, LLC**, a Virginia limited liability company (the "Owner") [Note to Clerk for recording purposes: please index as "Grantor"; please further index **HHHUNT HOMES OF HAMPTON ROADS, LLC**, a Virginia limited liability company, as "Grantor", and **JAMES CITY COUNTY**, a political subdivision of the Commonwealth of Virginia, as "Grantee"].

RECITALS

A. Owner is the owner of a parcel of land located in James City County, Virginia, with an address of 1916 Jamestown Road, Williamsburg, Virginia, and a Parcel Identification Number of 4640100017 (the "Property"). The Property is now zoned R2 – General Residential, and subject to proffers dated August 29, 2006, which proffers are recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and the County of James City as Instrument No. 060027117 (the "Proffers").

B. Owner desires to amend certain provisions of the Proffers as set forth below, in order to eliminate the requirement that the garages for the dwelling units be detached from the

dwellings.

NOW, THEREFORE, Owner states that the Proffers shall be amended as follows:

1. Condition 1 (Master Plan) is hereby deleted in its entirety and in place thereof is inserted the following:

1. Master Plan. The Property shall be developed generally as shown on the Master Plan, with only minor changes thereto that the Development Review Committee determines do not change the basic concept or character of the development. There shall be no more than 15 single-family dwelling units with attached garages on the Property.

2. Condition 11 (Architectural Review) is hereby deleted in its entirety and in place thereof is inserted the following:

11. Architectural Review. Owner shall prepare and submit design review guidelines to the Development Review Committee setting forth design and architectural standards for the development of the Property generally consistent with the typical architectural elevations included in the Community Impact Statement submitted with the Application for Rezoning, requiring that all garages on the Property be located to the rear of the house and incorporating appropriate and suitable green building practices as recommended in the NAHB Model Green Building Guidelines, 2006 edition, for the approval of the Director of Planning prior to the County being obligated to grant final approval to any development plans for the Property (the "Guidelines"). Once approved, the Guidelines may not be amended without the approval of the Director of Planning. Owner shall establish a Design Review Board to review all building plans and building elevations for conformity with the Guidelines and to approve or deny such plans. Prior to the issuance of a building permit for each house on the Property, architectural plans for such house shall be submitted to the Director of Planning for his review for consistency with the Guidelines. The Director of Planning shall review and either approve or provide written comments setting forth changes necessary to obtain approval within 30 days of the date of submission of the plans in question. All houses shall be constructed in accordance with the approved plans. In the case of plans that will be used on more than one lot, Director of Planning approval need only be obtained for the initial building permit. All exterior colors on homes and garages shall be from the Martin Senour "Williamsburg" exterior paint color palette or the Sherwin Williams "Preservation Palette" excluding the "Postwar Romanticism" colors from the latter.

3. Except as modified by this amendment, the Proffers shall remain in full force and effect.

WITNESS the following signature and seal.

HHHUNT HOMES HAMPTON ROADS, LLC, a
Virginia limited liability company

Signed: *[Signature]*

Printed: Patrick McCarthy

Its: Manager

COMMONWEALTH OF VIRGINIA
CITY(COUNTY) OF Henrico, to-wit:

The foregoing instrument was acknowledged before me, a Notary Public, this 22nd day of August 2019, by Patrick McCarthy who is either [check one]: personally known to me or who produced _____ as identification, as Manager of HHHUNT HOMES HAMPTON ROADS, LLC, a Virginia limited liability company, on its behalf.

My Commission Expires: 02/29/2020

Notary # 7517138 *SMC*

[Signature]
Notary Public

AFFIX NOTORIAL SEAL HERE:



SHARLEE MICHELLE CRONE
NOTARY PUBLIC 7517138
COMMONWEALTH OF VIRGINIA

MY COMMISSION EXPIRES FEBRUARY 29, 2020

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INSTRUMENT 190017435
RECORDED IN THE CLERK'S OFFICE OF
WMSBG/JAMES CITY CIRCUIT ON
NOVEMBER 22, 2019 AT 03:01 PM
MONA A. FOLEY, CLERK
RECORDED BY: JLZ