

Tax Parcel: 2320100071F

Prepared by:  
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## SECOND AMENDMENT TO PROFFER AGREEMENT

This SECOND AMENDMENT TO PROFFER AGREEMENT is made this 26<sup>th</sup> day of April, 2021 by **CHESAPEAKE BANK**, a Virginia banking corporation (the "Owner"), to be indexed as Grantor, and **JAMES CITY COUNTY, VIRGINIA**, to be indexed as Grantee.

### RECITALS

A. Owner is the owner of James City Tax Parcel # 2320100071F located at 115 Norge Lane, James City County, Virginia, being more particularly described on Exhibit A attached hereto (the "Property").

B. The Property is now subject to proffered zoning conditions set forth in an Agreement dated June 2, 1988 made by Norge Center, Inc. and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City in Deed Book 393 at page 826, as amended by First Amendment to Proffer Agreement dated March 20, 2020 and recorded in the aforesaid Clerk's Office as Instrument No. 200017242 (the "Existing Proffers"). The Existing Proffers limit the use of the property subject thereto, including the Property, to a "shopping center not to exceed 362,000 square feet of gross floor area." The First Amendment to Proffer Agreement added a sentence reading as follows: "The foregoing limitation notwithstanding, the Property may be used for office uses. Any such office use shall be included within the 362,000 square feet of gross floor area limitation set forth in the preceding sentence."

D. The parties desire to amend the Existing Proffers to permit other uses permitted by right in the B-1 zoning district on the Property.

NOW, THEREFORE, the Existing Proffers are hereby amended as follows:

1. Condition 1 of the Existing Proffers is amended by amending the second and third sentences thereof (language added by the First Amendment to Proffer Agreement) to read as follows:

"The foregoing limitation notwithstanding, the Property may be used for office uses and any of the uses listed on Exhibit B attached hereto. Any such office or other uses listed on Exhibit B shall be included within the 362,000 square feet of gross floor area limitation set forth in the preceding sentence."

2. Except as specifically modified by this Second Amendment, the Existing Proffers remain in full force and effect.

WITNESS the following signature:

**CHESAPEAKE BANK**

By: *[Signature]*  
Title: Senior V.P.

STATE OF Virginia  
COUNTY/CITY OF Williamsburg, to-wit:

The foregoing instrument was acknowledged before me in my aforesaid jurisdiction this 26<sup>th</sup> day of April, 2021, by Leigh H. Houghland, as Sr. V.P. of Chesapeake Bank, on behalf of the corporation.

*[Signature]* (SEAL)  
NOTARY PUBLIC

My Commission expires: April 30, 2025  
Notary ID # 303390



## **EXHIBIT A**

**ALL THAT CERTAIN PIECE OR PARCEL OF LAND, TOGETHER WITH ALL IMPROVEMENTS THEREON, LYING AND BEING IN THE COUNTY OF JAMES CITY, VIRGINIA, AND BEING DESIGNATED AS "PARCEL 7, 05.7978 AC.," ON THAT CERTAIN PLAT DATED OCTOBER 6, 1994, MADE BY AES CONSULTING ENGINEERS, ENTITLED "ALTA/ACSM LAND TITLE SURVEY, PARCEL 7, NORGE PLAZA, INC.", A COPY OF WHICH PLAT IS RECORDED IN PLAT BOOK 60, PAGE 38.**

**BEING THE SAME REAL ESTATE CONVEYED TO NORGE PLAZA, INC., A SOUTH CAROLINA CORPORATION BY DEED FROM NORGE CENTER, INC., A VIRGINIA CORPORATION, DATED AUGUST 10, 1993 AND RECORDED AUGUST 10, 1993 IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF JAMES CITY COUNTY, VIRGINIA IN DEED BOOK 634, PAGE 480.**

## **EXHIBIT B**

### **Additional Permitted Uses**

Adult day care centers;  
Antique shops;  
Arts and crafts, hobby and handicraft shops;  
Bakeries or fish markets;  
Banks and other financial institutions;  
Barber and beauty salons;  
Business and professional offices;  
Catering and meal preparation;  
Child day care centers;  
Drug stores;  
Dry cleaners and laundries;  
Farmer's market;  
Feed, seed and farm supply stores;  
Gift and souvenir stores;  
Grocery stores;  
Health and exercise clubs, fitness centers;  
Indoor sport facilities (excluding firing and shooting ranges);  
Lumber and building supply (with storage limited to a fully enclosed building or screened from view with landscaping and fencing with a maximum height of 12 feet);  
Medical clinics or offices;  
New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building);  
Office supply stores;  
Pet stores and pet supply sales;  
Photography, artist and sculptor stores and studios;  
Plumbing and electrical supply and sales (with storage limited to a fully enclosed building);  
Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments;  
Research, development and design facilities or laboratories;  
Restaurants, including fast food restaurants, tea rooms, coffee shops, and taverns;  
Retail and service stores, including the following stores: alcohol, appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gift, gourmet foods, greeting cards, handicrafts, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, office supply, optical goods, paint, pet, photography, picture framing, plant supply, secretarial services, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel agencies, upholstery, variety, wearing apparel, and yard goods;  
Retail food stores;  
Security service offices;  
Small scale alcohol production;

Veterinary hospitals (with all activities limited to a fully enclosed building with the exception of supervised animal exercise while on a leash);  
Governmental offices;  
Libraries;  
Places of public assembly.

INSTRUMENT 210008901  
RECORDED IN THE CLERK'S OFFICE OF  
WMSBG/JAMES CITY CIRCUIT ON  
APRIL 30, 2021 AT 03:04 PM  
MONA A. FOLEY, CLERK  
RECORDED BY: SPA