

Prepared by and return to:
Susan B. Tarley, Esquire
VSB 28896
Tarley Robinson, PLC
4801 Courthouse Street, Suite 122
Williamsburg, VA 23188

AMENDMENT TO FORD'S COLONY PROFFERS

THIS AMENDMENT TO FORD'S COLONY PROFFERS is made this 20th day of March, 2024 by FORD'S COLONY AT WILLIAMSBURG HOMEOWNERS ASSOCIATION, a Virginia nonstock corporation (the "Association").

RECITALS:

- A. Realtec, Incorporated, a North Carolina corporation ("Realtec") was the owner and developer of the Ford's Colony at Williamsburg development which contains approximately 2,962 acres and which is zoned R-4, Residential Planned Community, with proffers, and subject to a Master Plan previously approved by James City County.
- B. Realtec's authorization to do business in the Commonwealth of Virginia was revoked by the Virginia State Corporation Commission on or about April 30, 2015, and Realtec is no longer involved in the development of Ford's Colony at Williamsburg.
- C. There is no successor or assigned developer in control of the Ford's Colony Master Plan.
- D. The original proffers for Ford's Colony were made on March 11, 1987 and have been amended and restated many times over the years, including by Amended and Restated Ford's Colony Proffers (1) dated October 1, 1987 and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City (the "Clerk's Office") in Deed Book 366 at page 512; (2) dated August 26, 1993 and recorded in the Clerk's Office in Deed Book 678 at page; (3) made by Richard J. Ford and dated as of September 29, 1995 and recorded in the Clerk's Office in Deed Book 757 at page 529 (the property subjected to these proffers became owned by Realtec); (4) dated September 29, 1995 and recorded in the Clerk's Office in Deed Book 757 at page 526; (5) dated January 24, 1999 and recorded in the Clerk's Office as Instrument No. 990002925; (6) dated September 20, 2002 and recorded in the Clerk's Office as Instrument No. 020024840; (7) dated as of January 6, 2005 and recorded in the Clerk's Office as Instrument No. 050001465; and (8) dated as of March 11, 2020 and recorded in the Clerk's Office as

Instrument No. 200008078, all of which incorporated the previously adopted proffers (together, the “Existing Proffers”).

E. The Association is the homeowners’ association for Ford’s Colony at Williamsburg representing the residential owners.

F. The Association successfully submitted and obtained approval of the Amendment to Proffers referenced in paragraph D(8) above.

G. The Association is the owner of 125 Firestone, Williamsburg, Virginia, Tax Map No. 3740100019 by virtue of Special Commissioner Deed dated November 28, 2022 and recorded November 30, 2022 as Instrument No. 202216810 in the Clerk’s Office of the Circuit Court for James City County, Virginia. The Special Commissioner Deed resulted from the Decree of Sale and Decree of Confirmation entered in that certain cause styled County of James City, Virginia v. Realtec Incorporated (CL22-612) filed in the Circuit Court for James City County, Virginia. 125 Firestone is zoned R4 and contains a total of 15.26 acres with 6.76 undesignated acres being classified as a Public Service Area.

H. The Association has applied to amend the existing Master Plan to change the existing Master Plan designation of 125 Firestone as shown on the amended Master Plan entitled Land Use Master Plan 2024, Ford’s Colony at Williamsburg, made by AES Consulting Engineers (the “Land Use Master Plan 2024”), to be re-designated as Area J: Non-Residential, Amenity and Service Sites.

I. The Association proposes amending the existing proffers to remove a previously proffered condition that designated 6.76 acres as Public Service Area.

NOW, THEREFORE, for and in consideration of the approval by the Board of Supervisors of the County of James City, Virginia (the “Board”), of the applied for Master Plan Amendment and acceptance of these Amended Proffers and pursuant to Section 15.2-2302 and Section 15.2-2303 of the Code of Virginia, 1950, as amended, the Parties agree that they shall meet and comply with all of the following conditions in developing Property:

1. **EXISTING PROFFERS RETAINED.** Except as amended herein, the Existing Proffers shall remain in full force and effect and are incorporated into these Amended Proffers by reference.
2. **AMENDMENT.** The Existing Proffers are amended as follows:
 - (a) **ADDITIONAL AMENITY SITES.** 125 Firestone, containing a total of 15.26 acres, more or less, as referenced on the attached Land Use Master Plan 2024, Ford’s Colony at Williamsburg made by AES Consulting Engineers (the “Land Use Master Plan 2024”), as the Additional Amenity

Sites with a Number 11 identifying 125 Firestone is re-designated as Area J: Non- Residential, Amenity and Service Site as shown on the Land Use Master Plan 2024.


(b) **REMOVAL OF PUBLIC SERVICE AREA DESIGNATION.** 125 Firestone contains a total of 15.26 acres with 6.76 unspecified acres being designated as Public Service Area. The designation of Public Service Area shall be removed, and the entire site for 125 Firestone will be designated as Area J: Non- Residential, Service and Amenity Site.

3. **ASSOCIATION IS NOT DECLARANT.** In proposing and participating in the adoption of this Master Plan Amendment, the Association is in no way accepting any responsibility or establishing itself as a successor to the Declarant. The Association has expressly agreed to those certain Proffers set forth as Item B(1) in the Amendment to Ford's Colony Proffers dated March 11, 2020 and recorded in the Circuit Court Clerk's Office for James City County, Virginia as Instrument No. 200008078.

SIGNATURE PAGE FOLLOWS

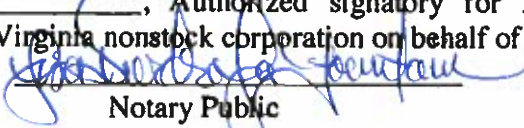
The undersigned has executed this Amendment to Ford's Colony Proffers this 26th day of March, 2024.

FORD'S COLONY AT WILLIAMSBURG
HOMEOWNERS ASSOCIATION

By: 
Ray C. Madson, President

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

I, Lisa Dierdre LaFountain, a Notary Public in and for the jurisdiction aforesaid, so certify that the foregoing Amended Proffers were executed and acknowledged before me on this 26th day of March, 2024 by Ray C. Madson, Authorized signatory for Ford's Colony at Williamsburg Homeowners Association, a Virginia nonstock corporation on behalf of the Corporation.


Notary Public

My Commission Expires:
Registration No.



INSTRUMENT 202406494
RECORDED IN THE CLERK'S OFFICE OF
WMSBG/JAMES CITY CIRCUIT ON
MAY 22, 2024 AT 08:41 AM
ELIZABETH E. O'CONNOR, CLERK
RECORDED BY: CEH



OFFICIAL RECEIPT
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT
DEED RECEIPT

DATE : 05/22/2024 **TIME :** 08:41:42 **CASE # :** 830CLR202406494
RECEIPT # : 24000012987 **TRANSACTION # :** 24052200010
CASHIER : CEH **REGISTER # :** D961 **FILING TYPE :** AMEND **PAYMENT :** FULL PAYMENT
INSTRUMENT : 202406494 **BOOK :** **PAGE :** **RECORDED :** 05/22/2024 **AT :** 08:41
GRANTOR : FORDS COLONY @ WILLIAMSBURG HOMEOWNE
RS ASSOCIATION **EX :** N **LOC :** CO
GRANTEE : FORDS COLONY @ WILLIAMSBURG HOMEOWNE
RS ASSOCIATION **EX :** N **PCT :** 100%
RECEIVED OF : JCC
ADDRESS :
CASH : \$0.00
DESCRIPTION 1 : AMENDMENT TO FORDS COLONY PROEFFERS **PAGES :** 004 **OP :** 0
NAMES : 0
CONSIDERATION : \$0.00 **AVAL :** \$0.00 **PIN OR MAP :** 3740100019

ACCOUNT CODE	DESCRIPTION	PAID
035	VIRGINIA OUTDOOR FOUNDATION	\$0.00

TENDERED : \$ 0.00
AMOUNT PAID : \$ 0.00