

Prepared by:  
Robert P. Beaman III, Esquire (VSB#74668)  
Troutman Pepper Hamilton Sanders, LLP  
222 Central Park Avenue, Suite 2000  
Virginia Beach, VA 23462

Return to:  
County Attorney  
James City County  
101-D Mounts Bay Road  
Williamsburg, VA 23185

TAX PARCEL #s:    **1330100001**  
                          **1330100009**

### FIRST AMENDMENT TO PROFFER AGREEMENT

This FIRST AMENDMENT TO PROFFER AGREEMENT is made this 23<sup>rd</sup> day of January, 2024, by **LUCK STONE CORPORATION**, a Virginia corporation (“Luck Stone”), to be indexed as Grantor, and **JAMES CITY COUNTY, VIRGINIA**, to be indexed as Grantee.

### RECITALS

A. Luck Stone is the owner of (1) James City Tax Parcel # 1330100009 located at 3920 Cokes Lane; and (2) James City Tax Parcel # 1330100001 located at 7734 Richmond Road; both located in James City County, Virginia, being more particularly described on **Exhibit A** attached hereto (“Parcels 1330100009 and 1330100001”).

B. Parcels 1330100001 and 1330100009 are herein sometimes referred to as the “Property.”

C. The Property is now subject to proffered zoning conditions set forth in Proffers dated May 11, 1994 made Jack L. Massie Contractor, Inc., a Virginia corporation, Massie Corporation, a Virginia corporation, and Sleepy Hollow Corporation of Toana, a Virginia corporation, and recorded May 18, 1994 in the Clerk’s Office of the Circuit Court for the City of Williamsburg and County of James City in Deed Book 0687, at Page 105 (the “Existing Proffers”).

D. The parties desire to amend the Existing Proffers as provided herein.

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

1. Section 3 of that portion of the Existing Proffers that is labeled “Proffers - The M-2 Property” is hereby amended to read in its entirety as follows:

**“Industrial Access Road:**

The road providing direct access from U.S. Route 60 to the M-1 Property and the M-2 Property shall be constructed by the Owner(s) of the M-1 Property and the M-2 Property. This road shall be approximately 1300' to 1500' in length and be constructed with not less than 24' of paved surface. The road improvements shall also include moving the existing median break on U.S. Route 60 approximately 50 feet west to meet the access road and installing an eastbound left turn storage lane

and taper and a westbound right turn storage lane and taper on U.S. Route 60. The length of all storage lanes and tapers shall be determined by the Virginia Department of Transportation.

The industrial access road, water service lines and sewer lines and/or force mains may be constructed in phases in accordance with approved plans of development. Upon completion of each phase, said utility lines will be dedicated to the James City Service Authority.”

2. Section 6 of that portion of the Existing Proffers that is labeled “Proffers - The M-1 Property” is hereby amended to read in its entirety as follows:

“Industrial Access Road:

The road providing direct access from U.S. Route 60 to the M-1 Property and the M-2 Property shall be constructed by the Owner(s) of the M-1 Property and the M-2 Property. This road shall be approximately 1300' to 1500' in length and be constructed with not less than 24' of paved surface. The road improvements shall also include moving the existing median break on U.S. Route 60 approximately 50 feet west to meet the access road and installing an eastbound left turn storage lane and taper and a westbound right turn storage lane and taper on U.S. Route 60. The length of all storage lanes and tapers shall be determined by the Virginia Department of Transportation.

The industrial access road, water service lines and sewer lines and/or force mains may be constructed in phases in accordance with approved plans of development. Upon completion of each phase, said utility lines will be dedicated to the James City Service Authority.”

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

[INTENTIONALLY LEFT BLANK]

WITNESS the following signatures by due authority:

LUCK STONE CORPORATION,  
a Virginia corporation

By: [Signature]  
Title: land Use Development Manager

STATE OF Virginia

COUNTY/CITY OF Goochland

The foregoing instrument was acknowledged before me in my aforesaid jurisdiction this 23<sup>rd</sup> day of January, 2024, by Jad Malach, as Land Use Dev. Manager of Luck Stone Corporation, a Virginia corporation, on behalf of the corporation.

Debra L. Minix (SEAL)  
NOTARY PUBLIC

My Commission expires: 6/30/24

Notary ID# 314862



## Exhibit A

### *Legal Description*

#### **PARCEL 1330100009**

All that certain piece or parcel of land, lying, situate and being in Stonehouse District, James City County, Virginia, containing 25.43 +/- Acres, being identified as "Parcel A", as shown on plat entitled "PLAT OF BOUNDARY LINE ADJUSTMENT & PROPERTY LINE EXTINGUISHMENT PARCELS A & B AND ALLOCATION OF OFFSITE NATURAL OPEN SPACE AREAS FOR PARCELS A, B, & C, MASSIE PROPERTY, STONEHOUSE DISTRICT, COUNTY OF JAMES CITY, VIRGINIA", dated August 31, 2010, prepared by AES Consulting Engineers, Williamsburg, Virginia, a copy of which is recorded as Instrument Number 100020969 in the Clerk's Office, Circuit Court, James City County, Virginia, to which reference is hereby made for a more particular description.

IT BEING a portion of that certain piece or parcel of land, lying, situate and being in Stonehouse District, James City County, Virginia, containing 32.28 +/- Acres, being identified as "Parcel A", as shown on plat entitled "PLAT SHOWING IMPROVEMENTS BEING PARCEL 'A' CONTAINING 32.27 ACRES +/- OWNED BY JACK L MASSIE CONTRACTOR, INC., STONEHOUSE DISTRICT, JAMES CITY COUNTY, VIRGINIA", dated May 17, 1996, prepared by AES Consulting Engineers, Williamsburg, Virginia, a copy of which is recorded in Plat Book 64, Page 25, Clerk's Office, Circuit Court, James City County, Virginia, to which reference is hereby made for a more particular description.

Less and except that portion of land described as beginning at a point, said point being the southern most point of Parcel B, and being the common point of the lands of R. K. Taylor, Sr., Estate, Massie Corporation and the northern right-of-way line of Cokes Lane, said point being approximately 1,160 feet more or less from the right-of-way of Richmond Road, U.S. Route 60; thence along the common property line of R. K. Taylor, Sr., Estate, and Massie Corporation, N 76°30'14" W, a distance of 126.10 feet to a point; thence N 82°51'24" W, a distance of 208.40 feet to a point, said point to be the Point of Beginning of the lands to be conveyed to Massie Corporation; thence from the Point of Beginning along the northern property line of R. K. Taylor, Sr., Estate, N 82°51'24" W, a distance of 58.00 feet to a point; thence N 87°29'39" W, a distance of 568.06 feet to a point; thence N 89°06'04" W, a distance of 392.88 feet to a point; thence N 72°40'34" W, a distance of 111.38 feet to a point, said point on the northern property line of R. K. Taylor, Sr., Estate; thence leaving the property line of R. K. Taylor, Sr., Estate, in a northerly direction N 07°26'19" E, a distance of 129.45 feet to a point; thence along a curve to the left with a radius of 265.00 feet, an arc length of 159.86 feet, a tangent of 82.45 feet, a delta of 34°33'50", a chord distance of 157.45 feet and a chord bearing of N 72°59'29"E, to a point; thence N 55°42'34" E, a distance of 125.23 feet to a point; thence S 89°37'06" E, a distance of 129.95 feet to a point; thence S 84°28'36" E, a distance of 185.80 feet to a point; thence N 71°01'11" E, a distance of 94.92 feet to a point; thence S 84°27'13" E, a distance of 464.06 feet to a point; thence S 02°38'34" W, a distance of 283.92 feet to the Point of Beginning, containing 6.84 acres, more or less, as shown on that certain plat entitled 'Plat of Boundary Line Adjustment & Property Line Extinguishment parcels A & B and Allocation of Offsite natural Open Space Areas for Parcels A, B, & C Massie Property' dated August 31, 2010, and prepared by AES Consulting Engineers, a copy of which is attached to that certain Deed

recorded with the Clerk's Office, Circuit Court, James City County, Virginia as Instrument No. 100020969.

Together with a non-exclusive perpetual easement for ingress and egress over and along that fifty (50) foot street leading from Cokes Lane (State Route No. 602) in a generally northwesterly direction, shown and designated as "Entrance Road" on the plat of survey hereinabove referred to.

Being a portion of the same real estate conveyed to Luck Stone Corporation, a Virginia corporation, by deed from Jack L. Massie Contractor, Inc., a Virginia corporation, Massie Corporation, a Virginia corporation, and J.S.G. Corporation, a Virginia corporation, dated September 30, 2010, recorded October 1, 2010, Clerk's Office, Circuit Court, James City County, Virginia, in Instrument No. 100020973.

**PARCEL 1330100001**

All that certain lot, piece or parcel of land situate, lying and being in Stonehouse District, County of James City, Virginia, containing 17.257± Acres, and designated as "PARCEL 'C 17.257± ACRES (FORMERLY PARCEL B)", as shown on that certain plat entitled, "PLAT OF PARCELS C and D STANDING IN THE NAME OF ALACO CORPORATION (D.B. 222, PG. 413) TO BE CONVEYED TO MASSIE CORPORATION STONEHOUSE DISTRICT COUNTY OF JAMES CITY, VIRGINIA," dated 9/21/88 and made by Langley and McDonald, P.C., Engineers-Planners-Surveyors, a copy of which plat is duly recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and the County of James City, Virginia, in Plat Book 49, Page 72, to which reference is here made.

Less and except that parcel containing 0.115 acres, more or less, shown on plat entitled "PLAT SHOWING BOUNDARY LINE ADJUSTMENT BETWEEN PROPERTIES STANDING IN THE NAMES OF MASSIE CORPORATION & W. BARRY BRYANT STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA", dated February 29, 1999, recorded in Plat Book 73, Page 36, conveyed to W. Barry Bryant from Massie Corporation, by Boundary Line Agreement, dated May 5, 1999, recorded May 21, 1999, Clerk's Office, Circuit Court, James City County, Virginia, as Instrument Number 990011074.

Being a portion of the same real estate conveyed to Luck Stone Corporation, a Virginia corporation, by deed from Jack L. Massie Contractor, Inc., a Virginia corporation, Massie Corporation, a Virginia corporation, and J.S.G. Corporation, a Virginia corporation, dated September 30, 2010, recorded October 1, 2010, Clerk's Office, Circuit Court, James City County, Virginia, in Instrument No. 100020973.

INSTRUMENT 202404229  
RECORDED IN THE CLERK'S OFFICE OF  
WMSBG/JAMES CITY CIRCUIT ON  
APRIL 5, 2024 AT 03:38 PM  
ELIZABETH E. O'CONNOR, CLERK  
RECORDED BY: VYS