

## CLARK SUBDIVISION – PROFFERS

Parcel Numbers: 3220100037, 3220100038, 3220100039, 3220100040, 3220100040A, 3220100040B, 3220100040D, 322140004

THESE PROFFERS are made this 24<sup>th</sup> day of April 2024 by the COUNTY OF JAMES CITY, a political subdivision of the Commonwealth of Virginia (the ‘County’) and BLAKLEY K. WEDDINGTON, also known as BLAKELY K. WEDDINGTON and ANGELA M. WEDDINGTON, husband and wife, (the Weddingtons’) (collectively the ‘Owners’).

**RECITALS**

- R-1. The County owns seven (7) parcels of land located in James City County, described in Exhibit A.
- R-2. The Weddingtons own one (1) parcel of land located in James City County, described in Exhibit B.
- R-4. The County and Weddingtons have applied to rezone the properties on the attached Exhibits A and B (together the ‘Property’) from R-2 to R-3 with proffers.
- R-5. The County submitted a master plan entitled ‘Clark Talley Residential Rezoning Master Plan prepared by Timmons Group dated February 19, 2024’ (the ‘Master Plan’) for the Property in accordance with the James City County Zoning Ordinance.
- R-6. Owners desire to offer the County certain conditions on the development of the Property not generally applicable to land zoned R-3.

NOW, THEREFORE, 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, the Owners agree that they shall meet and comply with all of the following conditions in developing the Property. If the Board of Supervisors for the County of James City does not grant the requested rezoning, these Proffers shall be null and void.

**PROFFERS**

1. **Affordable Housing.** One hundred percent of all housing units shall be initially sold to families earning 30-120 percent of Area Median Income (AMI), and at least 25 percent of all housing units shall be initially sold to families earning 30-80 percent of AMI.
2. **Sidewalks:** Sidewalks shall be incorporated along one side of each new road within the development as shown on the Master Plan. The sidewalks may be installed in phases as the residential units are constructed.
3. **Design.** The Property shall be developed generally in accordance with the Master Plan and Clark Subdivision Design Guidelines, dated April 23, 2024 (to include, without limitation, the design submittal, review, and approval process contained therein) and with only changes thereto that the County or its duly authorized designee determines do not alter the basic concept or character of the development in accordance with Section 24-23(a)(2)(f) of the Zoning Ordinance in effect on the date hereof; provided, however, such development shall be expressly subject to such changes in configuration, composition and location as required

Prepared by/Return to: Marion Paine, 101-A Mounts Bay Rd, Williamsburg, VA 23185 (VSB# 24053)

by all other governmental authorities having jurisdiction over such development.

4. **Water Conservation.** Water conservation standards for the Property shall be developed and submitted to and approved by the James City Service Authority ('JCSA') for general consistency with the terms of this Proffer prior to the final site plan or subdivision approval for development of the Property. The standards shall address such customary and reasonable water conservation measures as limitations on the use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. Design features, including the use of drought-tolerant grasses and plantings, a water conservation plan, and a drought management plan shall be implemented to accomplish the limitation on the use of public water and groundwater.
5. **Severability.** If any clause, provision, covenant, or condition of these Proffers, or the application thereof to any person, place, or circumstance, shall be judged to be invalid, unenforceable, or void, the remainder of these Proffers shall remain in full force and effect.


WITNESS the following signatures:

THE COUNTY OF JAMES CITY, VIRGINIA

BY:   
Scott A. Stevens, County Administrator

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

The foregoing Proffers were acknowledged before me this 24<sup>th</sup> day of April 2024 by Scott A. Stevens

  
Notary Public

My Commission expires: 10/31/2024  
Registration No. 344854



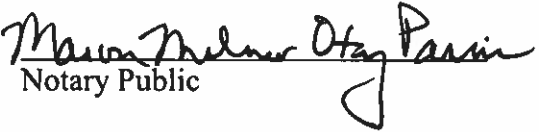
Approved as to Form:

BY:   
County Attorney

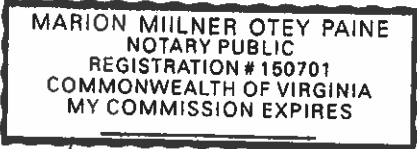
  
Blakely K. Weddington

COMMONWEALTH OF VIRGINIA  
COUNTY OF JAMES CITY

The foregoing Proffers were acknowledged before me this 29<sup>th</sup> day of April 2024 by Blakely K. Weddington

  
Notary Public

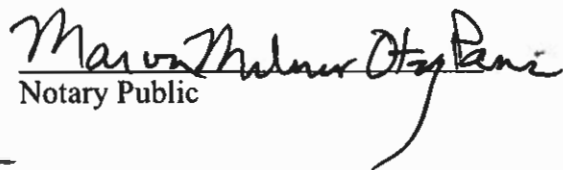
My Commission expires: July 31, 2025  
Registration No. 150701



  
Angela M. Weddington

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

The foregoing Proffers were acknowledged before me this 29 day of April 2024 by Angela M. Weddington.

  
Notary Public

My Commission expires: July 31, 2025  
Registration No. 150701J

MARION MILNER OTEY PAINE  
NOTARY PUBLIC  
REGISTRATION # 150701  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES

## **EXHIBIT A – JAMES CITY COUNTY PROPERTIES**

### **Parcel I - (Parcel ID#: 220100039) 6195 Old Mooretown Road**

**ALL** that certain lot, piece or parcel of land, with improvements thereon and thereto, situate, lying and being in James City County, Virginia, known and designated as Lot #2 on a certain plat entitled, 'Nellie W. Turner and Charles Wallace Plat of Division – Lot #1 containing 1.36 acres and Lot #2 containing 1.39 acres, James City County, Virginia,' made by R.B. Cartwright C.L.S., West Point, Virginia, dated July 11, 1962 and recorded in the Clerk's Office of the Circuit Court for the County of James City, Virginia, in Deed Book 87, page 42[1], to which plat reference is hereby made for a more particular description of the real estate hereby conveyed.

**LESS AND EXCEPT** that certain parcel of land conveyed to James City County, Virginia, by Certificate of Deposit No. MRP-1 recorded in the aforementioned Clerk's Office on January 24, 1995, in Deed Book 723, page 668.

### **Parcel II - (Parcel ID#: 3220100040) 179 Clark Lane**

**ALL** those certain lots, pieces or parcels of land, situate, lying and being in James City County, Virginia, containing in the aggregate 6.54 +/- acres, shown and designated as RESIDUAL PARCEL 'A' and RESIDUAL PARCEL 'B' on a plat made by Terradon Corporation, Land Surveying, dated January 15, 2008, entitled 'Physical Survey of Parcels 1, 3, 4 & Residual Parcel 'Subdivision of Part of the Property of Mary Alice Taylor,' Powhatan Magisterial District, James City County, Virginia,' a copy of which plat is attached to the Deed dated January 17, 2008, from William R. Bland, Special Commissioner to River City Developers, Inc., which is recorded in the Clerk's Office of the Circuit Court for the County of James City, Virginia as Instrument No. 080002389, reference to which Plat is hereby made for a more particular description of the real estate hereby conveyed.

### **Parcel III - (Parcel ID#: 3220100040A) 110 Catalpa Drive**

**ALL** that certain lot, piece or parcel of land, situate, lying and being in James City County, Virginia, containing 0.70 +/- acres, shown and designated as PARCEL 4 on a plat made by Terradon Corporation, Land Surveying, dated January 15, 2008, entitled 'Physical Survey of Parcels 1, 3, 4 & Residual Parcel 'Subdivision of Part of the Property of Mary Alice Taylor' Powhatan Magisterial District, James City County, Virginia,' a copy of which plat is attached to the Deed dated January 17, 2008, from William R. Bland, Special Commissioner, to River City Developers, Inc., which is recorded in the Clerk's Office of the Circuit Court for the County of James City, Virginia, as Instrument No. 080002389, reference to which Plat is hereby made for a more particular description of the real estate hereby conveyed.

### **Parcel IV - (Parcel ID#: 32201 00040B) 106 Catalpa Drive**

**ALL** that certain lot, piece or parcel of land, situate, lying and being in James City County, Virginia, containing 0.72 +/- acres, shown and designated as PARCEL 3 on a plat made by Terradon Corporation, Land Surveying, dated January 15, 2008, entitled, 'Physical Survey of Parcels 1, 3, 4 & Residual Parcel 'Subdivision of Part of the Property of Mary Alice Taylor' Powhatan Magisterial District, James City County, Virginia,' a copy of which plat

Exhibit A continued

is attached the Deed dated January 17, 2008, from William R. Bland, Special Commissioner, to River City Developers, Inc., which is recorded in the Clerk's Office of the Circuit Court for the County of James City, Virginia, as Instrument No. 080002389, reference to which Plat is hereby made for a more particular description of the real estate hereby conveyed.

**TOGETHER WITH** an easement for ingress and egress as described in an Easement Agreement dated January 17, 2008, recorded in the aforementioned Clerk's Office as Instrument No. 080002390.

**Parcel V - (Parcel ID#: 3220100040D) 6171 Old Mooretown Road**

**ALL** that certain lot, piece or parcel of land, situated, lying and being in James City County, Virginia, containing 0.68 +/- acres, shown and designated as PARCEL 1 on a plat made by Terradon Corporation, Land Surveying, dated January 15, 2008, entitled, 'Physical Survey of Parcels 1, 3, 4 & Residual Parcel 'Subdivision of Part of the Property of Mary Alice Taylor' Powhatan Magisterial District, James City County, Virginia,' a copy of which plat is attached to the Deed dated January 17, 2008, from William R. Bland, Special Commissioner, to River City Developers, Inc., which is recorded in the Clerk's Office of the Circuit Court for the County of James City, Virginia, as Instrument No. 080002389, reference to which Plat is hereby made for a more particular description of the real estate hereby conveyed.

**PARCEL VI – Parcel ID# 3220100037 – 186 Clark Lane**

All that 3.30 acres of land, more or less, but sold in gross and not by the acre, with all improvements thereon, located in James City County, Virginia, adjacent to the C&O Railway Co., right-of-way, with which it has a common boundary of 114.67 feet, and lying between the railway property and Mooretown Road, which the land does not lie adjacent to. A general description is:

Beginning at a metal stop at the westernmost and of common border with C&O Railway, proceeding thence clockwise around the property N. 40 degrees 45' E 758.0 feet in a straight line along property now or formerly of Mary Lightfoot to a metal stop; thence S 60 degrees 00' E 303 feet in a straight line along [the] border of lots owned, now or formerly, by Frazier Wallace Frazier, to a metal stop; thence along the boundary of land owned now or formerly by Charles Wallace, S 28 degrees 15' W. 91.25 feet in a straight line to a twin red oak; thence in a straight line S. 56 degrees 30' W 466 00 feet to a pine tree; thence S 47 degrees 45' W. 390.0 feet to a metal slob on the corner of the C&O Railway Co., right-of-way, thence N 37 degrees 30' W 114.67 feet along the C&O Railway Co., right-of-way to the point of beginning.

**LESS AND EXCEPT** that portion of the property conveyed to James City County, a political subdivision of the Commonwealth of Virginia, by deed from Hezekiah B. Frazier, Jr, divorced, dated October 20, 1994, recorded in the Clerk's Office of the Circuit Court for the County of James City, Virginia, in Deed Book 711, page 358.

**FURTHER LESS AND EXCEPT** that portion of the property conveyed to Charlene D Dickens, by Deed of Gift from Hezekiah S Frazier, Jr., single, dated March 16, 2001, recorded in the aforementioned Clerk's Office as Instrument Number 0100004619.

Exhibit A continued

**QUITCLAIM DESCRIPTION**

All that certain lot, piece or parcel of land, situate, lying and being in James City County, Virginia, containing 2.656+/-acres, shown and designated as “Residue” on that certain plat entitled ‘Subdivision of the Properties of Lillian F Talley, Trustee and Charlene D. Dickens Inst 180017356 and Inst 010004619 PIO 3220100037 and PIO 3220100037X James City County, Virginia’, dated April 28, 2020, made by Gardy & Associates PC, and recorded in the Clerk’s Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia as Instrument No. 200011836.

**PARCEL VII – Parcel ID# 3220100025 – 6197 Old Mooretown Road**

All that certain lot, piece or parcel of land, situate, lying and being in James City County, Virginia, known and designated as Lot #1 on a certain plat entitled ‘Nellie W. Turner and Charles Wallace Plat of Division - Lot#1 containing 1.36 acres and Lot # 2 containing 1.39 acres, James City County, Virginia’, made by R B Cartwright C.L.S., West Point Virginia, dated July 11, 1962, said plat being recorded in the Clerk’s Office of the Circuit Court for the County of James City, Virginia, with Deed in Deed Book 87, page 421. and Is bounded and described as follows:

Beginning at an iron pipe in the north corner of Lot #1, the lot hereby conveyed, thence S 46 degrees 15’ W the distance of 1,281.34 feet to an iron pipe: thence S. 31 degrees 34’ E the distance of 47.04 feet to an iron pipe; thence N 48 degrees 15’ the distance of 1,302.14 feet to an iron pipe: and thence N 57 degrees 40’ W the distance of 47.25 feet to the point of beginning. Said property is bounded on the northwest by the land now or formerly of Frazier and Richardson, on the southwest by the C&O Railway, on the southeast by Lot #2 and on the northeast by State Route # 603.

LESS AND EXCEPT that certain strip of land conveyed to James City County, Virginia, by Certificate of Deposit recorded in the aforementioned Clerk’s Office in Deed Book 738, page 194.

Being a portion of the property conveyed to William David Talley, Trustee of the Lillian Jean Talley Family Trust under the Lillian Jean F. Talley Revocable Trust dated February 10, 2014 by Deed of Distribution dated December 1, 2022, from William David Talley, Trustee of the Lillian F. Talley, Revocable Trust which Deed of Distribution is recorded in the aforementioned Clerk’s Office as Instrument No. 202216919.

**EXHIBIT B – WEDDINGTON PROPERTY**

All that certain lot, piece or parcel of land situate, lying and being in James City County, Jamestown District of Virginia, known and designated as Lot 4 as shown on that certain plat entitled, 'SUBDIVISION PLAT OF PROPERTY STANDING IN THE NAME OF CLARENCE. F. CURRY REVOCABLE TRUST BEING 1.215 +/- ACRES, PART OF 'TAPLERS' SITUATED IN POWHATAN DISTRICT, JAMES CITY COUNTY, VIRGINIA,' dated July 14, 2005, and duly recorded in the Clerk's Office of the Circuit Court of James City County, Virginia, as Instrument #060025206.

It being the same property conveyed unto the Grantor by instrument dated July 15, 2020, and recorded in the Clerk's Office aforesaid as Instrument No. 200011028, to which deed reference is here made.

INSTRUMENT 202407615  
RECORDED IN THE CLERK'S OFFICE OF  
WMSBG/JAMES CITY CIRCUIT ON  
JUNE 17, 2024 AT 03:22 PM  
ELIZABETH E. O'CONNOR, CLERK  
RECORDED BY: VYS





OFFICIAL RECEIPT  
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT  
DEED RECEIPT

DATE : 06/17/2024

TIME : 15:22:54

CASE # : 830CLR202407615

RECEIPT # : 24000015296

TRANSACTION # : 24061700111

CASHIER : VYS

REGISTER # : E655

FILING TYPE : OTHER

PAYMENT : FULL PAYMENT

INSTRUMENT : 202407615

BOOK :

PAGE :

RECORDED : 06/17/2024

AT : 15:22

GRANTOR : COUNTY OF JAMES CITY

EX : Y

LOC : CO

GRANTEE : WEDDINGTON, BLAKELY K

EX : N

PCT : 100%

RECEIVED OF : JCC ATTY

ADDRESS :

CASH : \$0.00

DESCRIPTION 1 : CLARK SUBDVN PROFFERS 8 PCLS JAMES CITY CNTY

PAGES : 008

OP : 0

NAMES : 0

CONSIDERATION : \$0.00

AVAL : \$0.00

PIN OR MAP : 3220100037

ACCOUNT CODE	DESCRIPTION	PAID
035	VIRGINIA OUTDOOR FOUNDATION	\$0.00
106	TECHNOLOGY TRST FND	\$0.00
145	VSLF	\$0.00

ACCOUNT CODE	DESCRIPTION	PAID
301	CLERK RECORDING/INDEXING FEE	\$0.00
423	E-RECORDING DEED PAPER FILING	\$0.00

TENDERED : \$ 0.00  
AMOUNT PAID : \$ 0.00