

RESOLUTION

SCENIC EASEMENT ENCROACHMENTS AT 3651 AND 3751 JOHN TYLER HIGHWAY

FOR THE GREENSPRINGS TRAIL

WHEREAS, the James City County Board of Supervisors accepted voluntary proffers from David M. Murray dated December 19, 1986, which are recorded in the James City County Circuit Court Clerk's Office in Deed Book 334, at Pages 519 - 521, and which apply to certain parcels commonly known as 3651 and 3751 John Tyler Highway in the Berkeley District and designated as Tax Parcel No. 4610100002 and Tax Parcel No. 461010002D, respectively; and

WHEREAS, said proffers provide for the reservation of a scenic easement across the property 145 feet deep, adjacent to and parallel with the center line of State Route 5, John Tyler Highway; and

WHEREAS, certain improvements are permitted within the scenic easement such as roads, drainage structures and utilities but the proffers are silent in regard to trails; and

WHEREAS, there is a proposed Memorandum of Agreement with the Virginia Department of Game and Inland Fisheries, the Virginia Department of Transportation, James City County, the Williamsburg Land Conservancy, and the Fieldcrest Homeowner's Association ("Memorandum of Agreement"), regarding the Virginia Capitol Trail-Greensprings Phase; and

WHEREAS, the proffered scenic easement is identified in the Memorandum of Agreement as an easement burdening the development of the Virginia Capitol Trail-Greensprings Phase.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby find that locating the Greensprings Trail within the 145-foot scenic easement as proposed by the Virginia Department of Transportation on Plan Sheets 3, 12 and 13, entitled "Project 0005-047-111, M-501, B-604, RW-201" dated January 26, 2005, is consistent with the goals and objectives of the proffers described above, and agrees to allow the trail to encroach within the scenic easement as shown on said plan sheets.



Michael J. Brown
Chairman, Board of Supervisors

ATTEST:


William C. Porter, Jr.
Deputy Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	AYE
GOODSON	AYE
MCGLENNON	AYE
BRADSHAW	AYE
BROWN	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of May, 2005.