

## AGREEMENT

3055-

WHEREAS, First Settlers Landing, Inc., a Virginia Corporation (hereinafter called "the Owner") owns certain real property in James City County, Virginia, (hereinafter called "the Property") and more particularly described as follows:

All those certain lots, pieces or parcels of land situate in James City County, Virginia, more fully shown and described as "Portion, Former Lot 2", "Portion, Former lot 3", "Portion, Former Lot 4" and "Portion, Former Lot 5B" on a certain plat entitled "PLAT OF RESUBDIVISION AND PROPERTY LINE EXTINGUISHMENT, FIRST SETTLERS LANDING, LOTS 2-6 OWNER/DEVELOPER: FIRST SETTLERS LANDING, INC. BERKELEY DISTRICT, JAMES CITY COUNTY, VIRGINIA" made by G.T. Wilson, Jr. of AES, dated 9/28/87.

All those certain lots, pieces or parcels of land situate in James City County, Virginia, more fully shown and described as "Portion, Former Lot 6", "Portion, Former Lot 7", "Area From Dykstra, Stanley J. & Patricia W. To First Settlers Landing, Inc." and "Area From Waltrip, Dudley S. & E. Rebecca To First Settlers Landing, Inc." on that certain plat entitled "PLAT OF RESUBDIVISION OF FIRST SETTLERS LANDING, LOTS 6 & 7 AND THE LANDS OF STANLEY J. & PATRICIA W. DYKSTRA, AND THE LANDS OF DUDLEY S. & E. REBECCA WALTRIP, BERKELEY DISTRICT, JAMES CITY COUNTY, VIRGINIA", made by G.T. Wilson, Jr., of AES, dated 10/21/87.

WHEREAS, the Owner has applied for rezoning of the Property from the Limited Agricultural District, A-2, to the Limited Residential District, R-1; and

WHEREAS, the County of James City may be unwilling to rezone the Property from the Limited Agricultural District, A-2 to the Limited Residential District, R-1, because the Limited Residential District, R-1, zoning regulations may be deemed inadequate for the orderly development of the Property, because computing and incompatible uses may conflict; and

WHEREAS, more flexible and adaptable zoning methods are deemed advisable to permit the use of the Property; and

WHEREAS, the Owner is desirous of offering certain conditions for the protection of the community which are not applicable to land similarly zoned in addition to the regulations provided for in the Limited Residential District, R-1.

NOW, THEREFORE, this agreement witnesseth that for and in consideration of the County of James City, rezoning the Property from the Limited Agricultural District, A-2, to the Limited Residential District, R-1, and pursuant to Section 15.1-491.1 et seq. of the Code of Virginia, 1950, as amended, and Section 20-17 et seq. of Chapter 20 of the Code of James City County, Virginia, the Owner agrees that in addition to the regulations provided for in the Limited Residential District, R-1, it will meet and comply with all of the following conditions for the development of the Property.

#### CONDITIONS

1. The Owner shall cause to be prepared for review and approval by the County a Phase I and Phase II, as appropriate, archaeological study for each portion of the Property proposed for subdivision, but only when, as and if subdivision plans are submitted to the Subdivision Review Committee. A Phase I study shall include reconnaissance, systematic surface collection and shovel test pits every 90-150 feet. A Phase II study shall include shovel test pits every 25-40 feet with site identification and examination as appropriate.

2. The Property shall be developed in conjunction with the development of the property which was zoned Limited Residential District, R-1 in Case No. Z-25-86.

FIRST SETTLERS LANDING, INC.

By: [Signature]

STATE OF VIRGINIA

CITY/COUNTY OF James City

The foregoing instrument was acknowledged before me this 2nd day of December, 1987, by Lewis Walter, II (Pres./Sec.) of First Settlers Landing, Inc. a \_\_\_\_\_ on behalf of the \_\_\_\_\_).

Donnie M. Lewis  
Notary Public

My commission expires April 5, 1991

VIRGINIA: City of Williamsburg and County of James City, to Wit:

In the Clerk's office of the Circuit Court of the City of Williamsburg and County of James City the 3 day of April, 1987. This agreement was presented with certificate annexed and admitted to record at 1:20 o'clock

Teste Helene S. Ward, Clerk  
by [Signature]  
Deputy Clerk

COMMONWEALTH OF VIRGINIA



109970  
(114-6-022788)

OFFICIAL RECEIPT  
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT  
DEED RECEIPT

DATE: 04/03/89 TIME: 13:22:15 ACCOUNT: 095CLR890003055 RECEIPT: 89000005427  
CASHIER: CHB REG: W821 TYPE: AGREE PAYMENT: FULL BY PERS. CHECK  
INSTRUMENT : 890003055 BOK: 0 PAGE: 0 RECORDED 04/03/89 AT 13:20  
GRANTOR NAME : FIRST SETTLERS LANDING INC  
GRANTEE NAME : COUNTY OF JAMES CITY  
AND ADDRESS :  
RECEIVED OF : JAMES CITY CO  
DESCRIPTION 1: PORTIONS OF L 2 B 4 & 5B  
CONSIDERATION: .00 ASSESSMENT: .00 MAP:

CODE DESCRIPTION	PAID	CODE DESCRIPTION	PAID
301 DEEDS	10.00		
		TOTAL TENDERED :	10.00
		TOTAL AMOUNT PAID:	10.00
		TOTAL CHANGE AMT :	.00

CLERK OF COURT: HELENE S. WARD

DC 10 5/86

*Return to:*  
*County Attorney's Office*  
*James City Co.*