

Tax Map No.: 4630100005, 4630100009  
4640100013, 4640100014  
4640100015, 4630100013  
4630100014

070 006848

**DECLARATION OF RESTRICTIVE COVENANTS  
FOR OPEN SPACE**

**THIS DECLARATION OF RESTRICTIVE COVENANTS FOR OPEN SPACE**, is made this 27<sup>th</sup> day of February, 2007 by the **COUNTY OF JAMES CITY**, a political subdivision of the Commonwealth of Virginia ("County").

**WHEREAS**, the County is the owner in fee simple of the property located in James City County, Virginia, that is described in Exhibit "A" attached hereto and made a part hereof and hereinafter referred to as the "Property"; and

**WHEREAS**, the County acquired portions of the Property with grant funds from the Virginia Land Conservation Foundation ("VLCF"); and

**WHEREAS**, in accordance with §§ 10.1-1017 through 10.1-1026 and §§10.1-1700 through 10.1-1705 of the Code of Virginia, 1950 as amended ("Virginia Code"), the County agrees and desires to have portions of the Property, identified as James City County Tax Map Nos: 4630100005, 4630100009, 4640100013, 4640100014, 4640100015, 4630100013 and 4630100014 (collectively "Open Space Parcels"), be dedicated in perpetuity as open space. The areas of the Open Space Parcels to be dedicated and managed as open space are identified as "VLCF Grant Area" on Exhibit "B" (defined hereafter), being approximately 104.57 acres of the entire Property; and

**NOW, THEREFORE, WITNESSETH:** the County does hereby declare, covenant and agree, for itself and its successors and assigns, that said Open Space Parcels shall be hereafter held and sold subject to the following conditions and restrictions and such conditions and restrictions shall be enforced by VLCF, or its successor agencies, to-wit:

1. All those pieces and parcels, identified and shown as hatched areas described as "VLCF Grant Area" on said drawing entitled "Virginia Land Conservation Foundation (VLCF) at Jamestown Campground and Yacht Basin", dated Feb. 21, 2007 and attached hereto and made a part hereof and hereinafter referred to as Exhibit "B", shall be dedicated in perpetuity as open space.

2. This declaration and dedication shall run with the Open Space Parcels and shall be binding upon all parties and entities having any right, title, or interest in the Open Space Parcels or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of the County, the Commonwealth of Virginia, and the VLCF pursuant to Virginia Code §§ 10.1-1017 through 10.1-1026.

3. The covenants, declaration and dedication contained herein shall not hereafter be altered in any respect without the express written approval and consent of the County or its successor and assigns, and VLCF or its successor agencies.

4. This declaration and dedication can be extinguished only by judicial proceeding and only if such extinguishment also complies with the requirements of Virginia Code § 10.1-1704. In any sale or exchange of the VLCF Grant Area subsequent to such extinguishment, VLCF shall be entitled to a portion of the proceeds at least equal to the proportionate value that the Restrictive Covenants at the time of the extinguishment bear to the then value of the VLCF Grant Area as a whole. VLCF shall use all shares of proceeds from the sale of the VLCF Grant Area in a manner consistent with the conservation purposes of this Restrictive Covenant and of the Virginia Open-Space Land Act. No part of the VLCF Grant Area may be converted or diverted from open-space uses except in accordance with Virginia Code § 10.1-1704.

5. The provisions hereof shall be deemed individual and severable and the invalidity or partial invalidity or unenforceability of any one provision or any portion thereof shall not affect the validity or enforceability of any other provision thereof.

The County Administrator has been duly authorized to execute this Declaration of Restrictive Covenants For Open Space pursuant to a resolution adopted by the James City County Board of Supervisors on February 13, 2007.

**WITNESS** the following signature(s) as of the day and year first above written.

**COUNTY OF JAMES CITY**  
a political subdivision of the  
Commonwealth of Virginia

By: Sanford B. Wanner  
Sanford B. Wanner,  
County Administrator

Approved as to Form:

Joseph C. King  
ASST County Attorney

**STATE OF VIRGINIA**  
~~CITY~~/COUNTY OF James City to-wit:

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of  
February, 2007, by Sanford B. Wanner, County Administrator for the County of  
James City, a political subdivision of the Commonwealth of Virginia.

Mary Frances Rieger  
Notary Public

My commission expires : October 31, 2009

Prepared By:  
James City County Attorney's Office  
101-C Mounts Bay Road  
Williamsburg, Virginia 23185  
(757) 253-6612  
(757) 253-6833 (Facsimile)

## EXHIBIT "A"

All that certain tract, piece or parcel of land, together with the improvements thereon and the appurtenances thereunto belonging, situate, lying and being in James City County, Virginia set out and shown as being a total of 107.21 ACRES± (consisting of AREA OF PARCELS AND MARSH 97.90 ACRES±, AREA OF EXISTING YACHT BASIN 7.73 ACRES± AND AREA OF EXISTING COVE 1.58 ACRES±) and being shown on a plat of survey entitled "PLAT OF SURVEY SHOWING PROPERTY STANDING IN THE NAME OF JAMESTOWN YACHT BASIN, LLC FOR CONVEYANCE TO THE COUNTY OF JAMES CITY, VIRGINIA, JAMESTOWN DISTRICT, COUNTY OF JAMES CITY, VIRGINIA" dated October 6, 2006, revised December 7, 2006, made by AES Consulting Engineers (Ronald E. Eads, Land Surveyor) which plat is attached hereto and specifically made a part hereof by reference ) which plat was recorded in the Circuit Court Clerk's Office for the City of Williamsburg and County of James City on December 20, 2006 as Instrument Number 060031151.

Together with all buildings and improvements thereon and all rights of way and appurtenances thereunto belonging and subject to the conditions, restrictions and easements of record, if any affecting said property.

Together with all rights, title and interest, if any, in and to any streets and roads abutting said property.

Being the same property conveyed to the County of James City, Virginia, a political subdivision of the Commonwealth of Virginia, by deed dated December 1, 2006 from Jamestown Yacht Basin, LLC, a Virginia limited liability company, which said deed was recorded in the aforesaid Clerk's Office on December 20, 2006 as Instrument Number 060031151.

AND

All that certain tract, piece or parcel of land, together with the improvements thereon and the appurtenances thereunto belonging, situate, lying and being in James City County, Virginia set out and shown as total of 94.76 ACRES ± on a plat of survey entitled "PLAT OF SURVEY SHOWING PROPERTY STANDING IN THE NAME OF AMBLERS/JAMESTOWN CAMPSITES, LLC FOR CONVEYANCE TO THE COUNTY OF JAMES CITY, VIRGINIA, JAMESTOWN DISTRICT, COUNTY OF JAMES CITY, VIRGINIA" dated October 6, 2006, revised December 7, 2006, made by AES Consulting Engineers (Ronald W. Eads, Land Surveyor), which plat was recorded in the aforesaid Clerk's Office on December 20, 2006 as Instrument Number 060031150.

Together with all buildings and improvements thereon and all rights of way and appurtenances thereunto belonging and together with all rights, title and interest, if any, to any streets and roads abutting said property and subject to the conditions, restrictions and easements of record, if any, affecting said property.

Being the same property conveyed to the County of James City, Virginia, a political subdivision of the Commonwealth of Virginia, by deed dated December 1, 2006 from Amblers/Jamestown Campsites, LLC, a Virginia limited liability company, and Hunter S. Vermillion, Successor Trustee of the Thomas R. Vermillion Trust Under Agreement dated May 18, 2000, which said deed was recorded in the aforesaid Clerk's Office on December 20, 2006 as Instrument Number 060031150.

1 Large/Small Plat(s) Recorded  
herewith as # 070006848

FLAT ATTACHED

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY  
This document was admitted to record on 9 March 07  
at 3:04 AM/PM. The taxes imposed by Virginia Code  
Section 58.1-801, 58.1-802 & 58.1-814 have been paid.

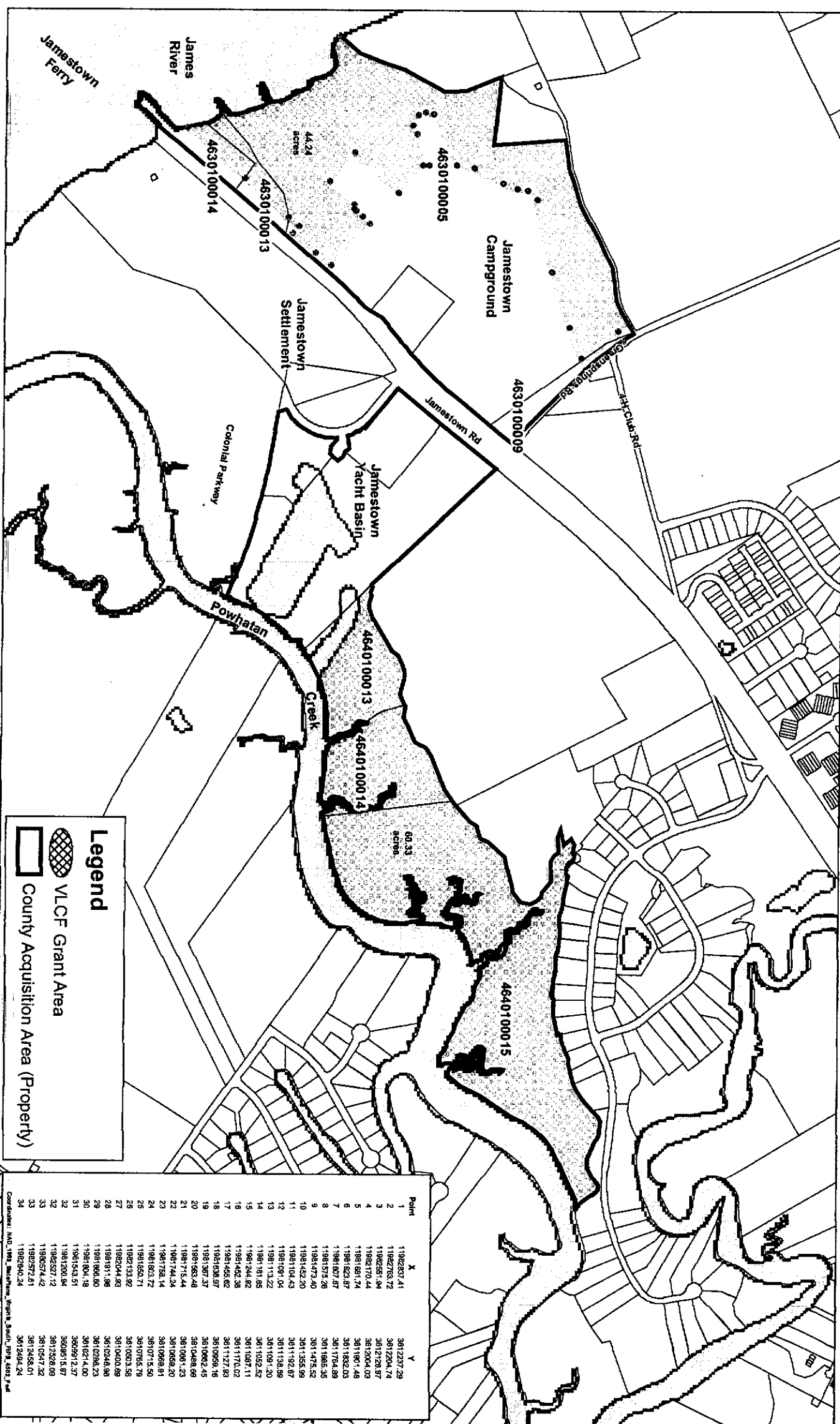
STATE TAX	LOCAL TAX	ADDITIONAL TAX
\$ _____	\$ _____	\$ _____

TESTE: BETSY B. WOOLRIDGE, CLERK

BY: Betsy B. Woolridge Clerk

070006848

Virginia Land Conservation Foundation (VLCF) Grant Area at Jamestown Campground and Yacht Basin



This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Real Estate Assessment Division of James City County, Mapping/GIS Section.

Feb 21, 2007

1 Inch equals 600 feet  
0 0.15 0.3 Miles

**Legend**

- VLCF Grant Area
- County Acquisition Area (Property)

Point	X	Y
1	11982837.41	3612237.29
2	11982763.72	3612204.74
3	11982551.04	3612128.97
4	11981770.44	3612004.03
5	11981581.74	3611907.46
6	11981823.97	3611832.03
7	11981807.97	3611764.89
8	11981573.28	3611685.32
9	11981473.00	3611475.52
10	11981452.20	3611355.99
11	11981104.43	3611192.87
12	11981091.04	3611132.86
13	1198113.22	3611091.20
14	11981181.95	3611052.42
15	11981244.82	3611087.11
16	11981462.38	3611170.02
17	11981405.82	3611127.80
18	11981638.97	3611098.16
19	11981397.37	3611062.45
20	11981583.48	3611048.86
21	11981715.44	3611068.123
22	11981744.24	3611068.20
23	11981758.14	3611068.81
24	11981803.72	3611071.550
25	11981850.71	3611076.79
26	11982133.92	3610933.58
27	11982044.88	3611040.89
28	1198191.98	3610284.96
29	11981806.00	3610288.23
30	11981804.78	361024.00
31	11981543.51	3609912.37
32	11981200.84	3609515.87
33	11982527.12	3612328.09
34	11980574.42	3610547.32
35	11982972.81	3612458.01
36	11982940.24	3612464.24