

Prepared by:
STM Properties, Inc.
2000 English Cedar Circle
Virginia Beach, VA 23451

After recording return to:
Office of the City Attorney
22 Lincoln Street
Hampton, Va. 23669

LRSN: 1003830 & 1003828

PROFFER AGREEMENT

THIS PROFFER AGREEMENT (“Agreement”) made this 29th day of August, 2019, by and between STM Properties, Inc. (the “Grantor”); and THE CITY OF HAMPTON, a municipal corporation of the Commonwealth of Virginia (the “Grantee”), with an address of 22 Lincoln Street, Hampton City Hall, Hampton, Va. 23669.

RECITALS

- A. STM Properties, Inc. is the owner of a certain parcel of property located in the City of Hampton, herein known as LRSN Number(s) 1003830 & 1003828, and more fully described on “Exhibit A” (the “Property”).
- B. Grantor has initiated a conditional amendment to the zoning map of the City of Hampton, Virginia, by petition addressed to the Grantee so as to change the zoning classification of the Property from General Commercial District (C-3) to One Family Residential District (R-9).
- C. Grantor has requested approval of this Agreement.
- D. Grantee’s policy is to provide for the orderly development of land for various purposes, including commercial purposes, through zoning and other land development legislation.

- E. Grantor desires to offer the City of Hampton certain conditions for the enhancement of the community and to provide for the highest quality and orderly development of the Property.
- F. The conditions outlined in this Agreement have been proffered by Grantor and allowed and accepted by Grantee as a part of the amendment of the City Zoning Ordinance and the Zoning Map. These conditions shall continue in full force and effect until a subsequent amendment changes the zoning of the Property; provided, however, that such conditions shall continue if the subsequent amendment is part of the comprehensive implementation of a new or substantially revised zoning ordinance of Grantee.

NOW, THEREFORE, for and in consideration of the approval and acceptance by the City of Hampton, (the "City") of this Agreement, Grantor agrees that it will meet and comply with all of the following conditions in developing the Property. In the event the requested change of zoning classification is not granted by the City, these Proffers shall thereupon become null and void. Grantor, its heirs, successors, assigns, grantees and other successors in title or interest to the Property, voluntarily and without any requirement by or exaction from Grantee or its governing body and without any element or compulsion or quid pro quo for zoning, rezoning, site plan, building permit or subdivision approval, makes the foregoing declaration of conditions and restrictions governing the use and physical development and operation of the Property, and covenants and agrees that this declaration and the further terms of this Agreement shall constitute covenants running with the Property, which shall be binding upon the Property, and upon all persons and entities claiming under or through the Grantor, its

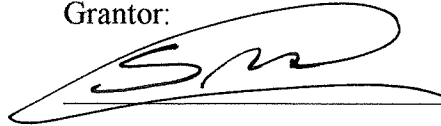
heirs successors and assigns, grantees and other successors in interest or title to the Property;
namely:

CONDITIONS

- A) The maximum height of each single-family home will be two (2) stories.
- B) The front yard shall contain a minimum of 50% green space.
- C) If constructed, an attached garage will be located a minimum of eighteen inches (18”) behind the main front façade of the house. The main front façade is the façade containing the front door.
- D) It is understood that all phases of the proposed project shall comply with all ordinances of the City of Hampton.
- E) Further lawful conditions or restrictions against the Property may be required by Grantee during the detailed Site Plan review and administration of applicable codes and regulations of Grantee by all appropriate agencies and departments of Grantee, which shall be observed or performed by Grantor. Grantor acknowledges that additional further lawful conditions or restrictions may be imposed by Grantee as a condition of approvals, including but not limited to final site plan approval.
- F) All references hereinabove to zoning districts and to regulations applicable thereto, refer to the City Zoning Ordinance of the City of Hampton, in force as of the date the conditional rezoning amendment is approved by the Grantee.
- G) The Grantor covenants and agrees that (1) the Zoning Administrator of the City of Hampton, Virginia, shall be vested with all necessary authority on behalf of the governing body of the City of Hampton, Virginia, to administer and enforce the

WITNESS the following signatures:

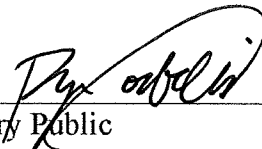
Grantor:



By: Scott Mendenhall, President

STATE OF VIRGINIA
City of Hampton, to-wit:

I, Ryan Corbelli, the undersigned, a Notary Public in and for the City and State aforesaid, do hereby certify that Scott Mendenhall, whose name is signed to the foregoing instrument as (title) President of STM Properties, Inc., a Virginia (type of entity) Corporation, has sworn to, subscribed, and acknowledged the same before me in the City and State aforesaid, this 4th day of September, 2019 on behalf of said STM Properties, Inc.. He/she is personally known to me or has produced _____ as identification.



Notary Public

My commission expires: 6/30/2021
Registration No. 7570930

Exhibit A
Legal Descriptions

Legal Description for property **LRSN 1003828**:

ALL THAT certain lot, piece or parcel of land, with the buildings and improvements thereon, and the appurtenances thereunto belonging, lying, situate and being the City of Hampton, Virginia, and being known numbered and designated as Lot 16A, as shown on that certain plat entitled "Plat of the Property of Norman Hundley, Lots 16, 17, 18 & Lot 19, now 16-A, Greenbriar Section Five, City of Hampton, Virginia", which said property line vacation plat is duly recorded in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia, as Instrument Number 080021116 at Page 129.

IT BEING the same property conveyed unto Norman Hundley by deed from Joseph C. Hundley and Albert L. Hundley, dated August 30, 2004 and recorded as Instrument Number 040025737. Norman Hundley departed this life on April 28, 2018 and by his Will filed as Number 19-0000249 the property passed to Daisy B. Hundley, his wife.

Legal Description for property **LRSN 1003830**:

ALL THAT certain lot, piece or parcel of land, with the buildings and improvements thereon, and the appurtenances thereunto belonging, lying, situate and being the City of Hampton, Virginia, and being known numbered and designated as Lot 20A, as shown on that certain plat entitled "Plat of the Property of Norman Hundley, Lots 20 & 21 (14088 S.F.) now 20-A, Greenbriar Section Five, City of Hampton, Virginia", which said property line vacation plat is duly recorded in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia, as Instrument Number 080021115 at Page 126.

IT BEING the same property conveyed unto Norman Hundley by deed from Joseph C. Hundley and Albert L. Hundley, dated August 30, 2004 and recorded as Instrument Number 040025737. Norman Hundley departed this life on April 28, 2018 and by his Will filed as Number 19-0000249. The property passed to Daisy B. Hundley, his wife.