

**Prepared by:
Hampton Redevelopment and
Housing Authority
1 Franklin Street
Hampton, Virginia 23661**

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

LRSN: 2000257

PROFFER AGREEMENT

THIS PROFFER AGREEMENT (“Agreement”) made this _____ day of _____, 20__, by and between Hampton Redevelopment and Housing Authority (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. Hampton Redevelopment and Housing Authority (HRHA) is the owner of a certain parcel of property located in the City of Hampton, herein known as LRSN Number(s) **2000257**, 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-8).
- 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 use shall be limited to three (3), one-family detached dwellings, together with all permitted accessory uses.

- B) The Property shall be developed in substantial conformance with the conceptual site plan entitled “RESUBDIVISION OF LINCOLN PARK BLOCK 1, LOT 16B HAMPTON, VIRGINIA”, last revised 09/27/2021, and prepared by A.D. Potts & Associates, Inc. (the “Concept Plan”), a copy of which is on file with the Community Development Department and has been exhibited to the Hampton City Council for illustrative purposes and to provide justification for this rezoning action. Changes in the Concept Plan may be made to accommodate environmental, engineering, architectural, topographic or other development conditions, or site/subdivision plan approval requirements as required by applicable law and/or regulations and subject to approval of the Director of Community Development or his designee, provided the changes comply with the Hampton Pattern Book for Colonial Model dated April 1, 2011 prepared by Urban Design Associates. A copy of the final approved Concept Plan shall be placed in the file with the Planning Division of the Department of Community Development and shall supersede any previous Concept Plan.

- C) The Property shall be developed in substantial conformance with the elevations entitled “THE COUNTRY REGAL,” “THE CORDIAL ABODE,” and “THE COUNTRY CAPE,” last revised 12/14/21, and prepared by DJG Engineers, Architects, Planners (the “Elevations”), copies of which are on file with the Community Development Department and has been exhibited to the Hampton City Council for illustrative purposes and to provide justification for this rezoning action. Changes in the Elevations may be made to accommodate environmental, engineering, architectural, topographic or other development conditions, or site/subdivision plan approval requirements as required by applicable law and/or regulations and subject to approval of the Director of Community Development or his designee, provided the changes comply with the Hampton Pattern Book for Colonial Model dated April 1, 2011 prepared by Urban Design Associates. A copy of the final approved Elevations shall be placed in the file with the Planning Division of the Department of Community Development and shall supersede any previous Elevations.
- 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 foregoing conditions and restrictions specified in this Agreement, including (i) the ordering in writing of the remedying of any noncompliance with such conditions, and (ii) the bringing of legal action or suit to ensure compliance with such conditions, including mandatory or prohibitory injunction, abatement, damages or other appropriate action, suit or proceedings; (2) the failure to meet all conditions shall constitute cause to deny the issuance of any of the required building or occupancy permits as may be appropriate; and (3) the Zoning Map shall show by an appropriate symbol on the Map the existence of conditions attaching to the zoning of the subject Property on the Map and that the ordinance and conditions may be made readily available and accessible for public inspection in the office of the Zoning Administrator and in the Department of Community Development and that this Agreement shall be recorded in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia and indexed in the name of the Grantor and Grantee.

[Signatures on following pages]

WITNESS the following signatures:

Grantor:

By: Aaru Ma'at

STATE OF VIRGINIA
City of Hampton, to-wit:

I, Meredith Clark, the undersigned, a Notary Public in and for the City and State aforesaid, do hereby certify that Aaru Ma'at, whose name is signed to the foregoing instrument as (title) Executive Director of Hampton Redevelopment & Housing Auth., a Virginia (type of entity) political subdivision, has sworn to, subscribed, and acknowledged the same before me in the City and State aforesaid, this 16 day of December, 2021 on behalf of said Housing Authority. He/she is personally known to me or has produced _____ as identification.

Meredith Brooke Clark
NOTARY PUBLIC
Commonwealth of Virginia
Reg. # 7580747
My Commission Expires March 31, 2022

Notary Public
Meredith Clark

My commission expires:
Registration No. 7580747

Exhibit A
Legal Description

City of Hampton, Va., Lincoln Park, Block 1, lot 1, 2, &, 4A

Beginning at a point of intersection of the northerly right-of-way line of W. Queen Street and the easterly right-of-way line of LaSalle Avenue being the southwest corner of the property here-in-after described, marked by a drill hole in concrete and being the point of beginning;

From the point of beginning thus established, thence along the easterly right-of-way line of LaSalle Avenue along the right-of-way line along a curve to the left having an arc length of 97.00', radius of 5,764.58' a chord bearing of S 03° 03' 53" W, and a chord length of 96.99' to the common property corner of the property herein described and Block 1, Lot 31 being marked by a rebar, thence leaving the easterly right-of-way line of LaSalle Avenue along the common property line of Block 1, Lot 31 through Lot 28, N 89° 26' 24" E a distance of 149.26' to the common property corner of Parcel 6A, Lot 28 and the property herein described being marked by an iron pipe, thence leaving the common corner of Lot 6A and Lot 28 along the common line of Lot 6A to a point of intersection with the northerly right-of-way line of W. Queen Street being marked by a rebar, thence leaving the common corner of Lot 6A along the northerly right-of-way of W. Queen Street S 89° 26' 24" W a distance of 152.56' to the point of beginning and being more commonly known as "Lincoln Park, Block 1, Lots 1, 2, and 4A " and containing 14,595 s.f., or 0.3350 Acres and lying wholly in the City of Hampton, Virginia.

