

County of Sussex, Virginia

Planning Commission Meeting

*Monday, November 6, 2017
6 p.m.*

Planning Commission Members

Steve White, Chairman

J. Lafayette Edmond, Vice Chairman.

Kevin Bracy

Brenda Burgess

Jeffery Gary

Frank Irving

Roger King

Terry A. Massenburg

Dennis Mason

Andrew Mayes

Robert Young, Jr.

*General District Courtroom
Sussex County Judicial Center
15098 Courthouse Road
Sussex, Virginia 23884*

AGENDA

November 6, 2017

Eastern Woodlands Corporation, applicant



Sussex County Planning Commission Meeting
Monday, November 6, 2017- 6:00 p.m.
General District Courtroom- Sussex Judicial Center

AGENDA

- 1) Call To Order
- 2) Adoption of Agenda
- 3) Approval of Minutes
- 4) Public Hearing Items
 - A) Rezoning Application #2017-01
Eastern Woodlands Corporation, applicant
- 5) Old Business- No old business
- 6) New Business- No new business
- 7) Adjournment

MINUTES

October 2, 2017

Eastern Woodlands Corporation, applicant

**At a Public Hearing of the
Sussex County Planning Commission
Held in the General District Courtroom
At the Sussex County Judicial Center
At 6:00 p.m. on Monday, October 2, 2017**

PLANNING COMMISSIONERS PRESENT

Steve White, Chairman

J. Lafayette Edmond, Vice Chairman

Kevin Bracy

Brenda Burgess

Jeffery Gary

Frank Irving

Roger King

Terry Massenburg

Andrew Mayes

Robert Young, Jr.

Dennis P. Mason

STAFF PRESENT

André M. Greene, Director of Community Development

Lorenzo Turner, Assistant to the Director of Community Development

Monica Whitney, Permit's Technician

Vandy V. Jones III, County Administrator

CALL TO ORDER

COMMISSIONER WHITE called the Planning Commission Meeting to order.

ADOPTION OF AGENDA

ON MOTION OF COMMISSIONER MASSENBURG, seconded by COMMISSIONER KING and carried: RESOLVED that the agenda of the October 2, 2017 meeting of the Sussex County Planning Commission is hereby adopted.

Voting aye: Commissioners: Bracy, Burgess, Edmond, Gary, Irving, King, Massenburg, Mayes, Mason, and White, Young

Voting nay: _____

Absent:

APPROVAL OF MINUTES

ON MOTION OF COMMISSIONER MASSENBURG, seconded by COMMISSIONER KING and carried: RESOLVED that the minutes of the April 3, 2017 Planning Commission is hereby adopted.

Voting aye: Commissioners: Bracy, Burgess, Edmond, Gary, Irving, King, Massenburg, Mayes, Mason, and White, Young

Voting nay: _____

Absent:

ENTER PUBLIC HEARING

ON MOTION OF COMMISSIONER BRACY, seconded by COMMISSIONER MASSENBURG and carried: RESOLVED that the Planning Commission will enter Public Hearing to acknowledge public comment regarding Conditional Use Permit Application #2017-02, PATRICK MATTHEWS, JTAM LLC., applicant.

Voting aye: Commissioners: Bracy, Burgess, Edmond, Gary, Irving, King, Massenburg, Mayes, Mason, and White, Young

Voting nay: _____

Absent:

PUBLIC HEARING ITEMS

- A. Conditional Use Permit Application #2017-02, JTAM LLC, Applicant

STAFF REPORT: Conditional Use Permit #2017-02

Article VIII, Section 16-22 (Use Regulations)

REQUEST

Pursuant to Section 16-22 Subsection 27 of the Zoning Ordinance a Conditional Use Permit is requested to operate a sand and gravel pit.

STAFF REPORT

This staff report is prepared by the Sussex County Community Development Department to provide information to the Planning Commission and the Board of Supervisors to assist both bodies in making a recommendation on this application. It may also be useful to the members of the general public interested in this application

SUMMARY FACTS

APPLICANT: Patrick Matthews

OWNER: JTAM, LLC

PROPOSED USE: Sand and Gravel pit

PROPERTY LOCATION: North side of Green Church Road (Route 645) approximately 5,911 feet west of the intersection of Green Church Road (Route 645) and Blue Star Highway (Route U.S. Route 301) in the Henry Magisterial District.

PROPERTY IDENTIFICATION: 123-A-21

ELECTION DISTRICT: Henry Election District

PARCEL SIZE: Approximately 305 acres

PARCEL CHARACTERISTICS: The topography of the site is generally flat. The site consists of farmland and woodlands. An old dilapidated structure is currently being demolished.

SURROUNDING LAND USES: Surrounding land use include farmland, woodlands, the Nottoway River and CSX Railroad. There are no residential dwellings located in the immediate vicinity of the affected site.

EXISTING ZONING: A-1, General Agricultural, which allows a sand gravel pit with a conditional use permit.

DESIGNATED PLANNING AREA: Stony Creek.I-95/U.S. Route 301/VA Route 40
COMPREHENSIVE PLAN'S

FUTURE LAND USE DESIGNATION: Agricultural/Forested/Open Space

FLOODPLAIN DESIGNATION: Zone AE – The site is located in a 100-Year Flood Zone.

SUMMATION

The applicant, Patrick Matthews is requesting issuance of a Conditional Use Permit to operate a sand and gravel pit on a portion of tax map number 123-A-21. The applicant is proposing to mine approximately 30 acres of the 305 acre site (see preliminary site plan). Improvements include the construction of a commercial entrance, the location of a portable scale and the placement of a portable office trailer. It is estimated that the sand and gravel operation will generate 45-50 dump truck trips per day and generate an additional 10 or more passenger car/pick-up truck trips per day for employees and/or visitors. The applicant intends to employ four (4) full-time employees (3 equipment operators and 1 scale house attendant). The applicant has stated the hours of operation will be Monday – Friday from 6:00 a.m. to 5:00 p.m.

The affected property is zoned A-1, General Agricultural. Pursuant to Section 16-22, subsection 27 of the Zoning Ordinance, sand and gravel operations are permitted with a conditional use permit.

EVALUATION:

There are several criteria by which an application for a conditional use permit may be evaluated. The criteria state that a proposed conditional use should be:

1. In accordance with adopted plans and policies;
2. Compatible with the neighborhood;
3. Compatible with existing land uses; and
4. Compatible with development by right in the area.

Staff believes that the proposed petroleum and gas bulk storage, sales and distribution facility complies with the four (4) criteria stated above given the following:

1. The proposed sand and gravel operation is consistent with Sussex County Comprehensive Plan's Future Land Use Designation as Agricultural/Forested/Open Space.
2. The proposed use is compatible with both adjacent and existing land uses, as the area in question is predominantly farmland and timberland.
3. The proposed sand and gravel pit is compatible with development allowed by right in the area such as general farming, agriculture, forestry, and general and intensive livestock, dairy and poultry operations.

RECOMMENDATION –

That the Planning Commission recommend approval of Conditional use Permit #2017-02 as proposed subject to the following conditions:

1. Prior to issuance of the local land disturbance permit, the applicant must obtain all required state permits (Department of Mines, Minerals, and Energy, the Department of Environmental Quality and/or the Virginia Department of Transportation) and/or Federal Permits (Army of Corps of Engineers) and provide them to the Community Development Office.
2. Prior to issuance of the local land disturbance permit, the required hydrologic and hydraulic analyses, performed by a professional engineer or other qualified professional, must be submitted to the Community Development Office that the mining operation will not result in any increase in the flood levels within the community.
3. The Conditional Use Permit shall not be assignable or transferable to future owners of the property.
4. The sand and gravel operation shall not operate on Saturdays and Sundays.

RETURN TO REGULAR SESSION

ON MOTION OF COMMISSIONER MASSENBURG, seconded by COMMISSIONER EDMOND and carried: RESOLVED that the Sussex County Planning Commission returns to regular session.

Voting aye: Commissioners: Bracy, Burgess, Edmond, Gary, Irving, King, Massenburg, Mayes, Mason, and White, Young

Voting nay: _____

Absent:

COMMISSION’S ACTION ON PUBLIC HEARING ITEMS

ON THE MOTION OF COMMISSIONER EDMOND, seconded by COMMISSIONER MASSENBURG and carried: RESOLVED that the Planning Commission forward Conditional Use Permit #2017-02, Patrick Matthews, applicant to the Board of Supervisors for approval.

Voting aye: Commissioners: Bracy, Burgess, Edmond, Gary, Irving, King, Massenburg, Mayes, Mason, and White, Young

Voting nay: _____

Absent:

OLD BUSINESS - No old business

NEW BUSINESS -

1. **BROADBAND ASSESSMENT AND FEASIBILITY STUDY-DESIGN NINE**

In early September, Sussex County contracted with the consultant firm, Design Nine, to prepare a Broadband Assessment and Feasibility Study. The Study will include:

- (1) An assessment of broadband service in Sussex County, the identification and evaluation of current service and/or gaps in coverage; and the preparation of a broadband strategy for Sussex County that creates the greatest opportunity to support current growth and long term community broadband needs including, as applicable, a broadband partnership solution.

2. COMPREHENSIVE PLAN UPDATE – THE BERKLEY GROUP

In mid-September, Sussex County contracted with the consultant firm The Berkley Group in association with Chandler Planning, to complete the Comprehensive Update.

The services to be provided this fiscal year are:

- 1) The update and revisions or the County -wide goals and objectives.
- 2) The development of small area plans for the Stony Creek/195 Planning Area and the Waverly/Blackwater/U.S. Route 460 Planning Area.

The remaining updates to the Comprehensive Plan will be completed using funds from the next fiscal year beginning July 1, 2018.

3. URGENT NEED REGIONAL PROJECT

On September 18, 2017, Sussex County received official notification from the Department of Housing and Community Development that the County has been awarded an Urgent Need Community Development Block Grant (CDBG) to assist the County of Sussex, The Town of Waverly and the Town of Wakefield. Funding in the amount \$1,397,044 was awarded to assist residents and businesses that received damage caused by the Tornado that struck in 2016. Grant activities include the following:

- Housing rehabilitation of 27 homes
- The construction of six (6) new homes
- Facade improvements for two (2) commercial structures.
- Repair of damaged infrastructure such as drainage and sidewalks

4. POCAHONTAS COMMUNITY IMPROVEMENT PROJECT

On September 18, 2017, Sussex County received official notification that the County had been awarded a Community Development Block Grant (CDBG) for the Pocahontas Community Improvement Project. The grant awarded is a multi-year award with \$700,000 available in 2017 and the balance of \$499,953.00 available in the Fall of 2019. Grant activities include the following:

- The rehabilitation of 19 homes. The construction of 2 new homes
- The demolition of 3 vacant dwelling Improvement to the neighborhood ditches
- Installation of street lights
- Improvements to waterlines
- Construction of a connector road/Culvert work on Higgins Street
- Sewer/Hydrant test/Community outreach regarding the proper disposal of grease and other items Community Clean up.

ADJOURNMENT

ON MOTION OF COMMISSIONER BRACY, seconded by COMMISSIONER MASSENBURG and carried: RESOLVED that the Sussex County Planning Commission is hereby adjourned.

Voting aye: Commissioners: Bracy, Burgess, Edmond, Gary, Irving, King, Massenburg, Mayes, Mason, and White, Young

Voting nay: _____

Absent:

REZONING APPLICATION

#2017-01

Eastern Woodlands Corporation, applicant



MEMORANDUM

TO: Members, Planning Commission

FROM: Andre M. Greene, Director of Community Development *AMG*

RE: Rezoning Application #2017-01 (Eastern Woodlands Corporation, applicant)

DATE: October 27, 2017

The applicant, Eastern Woodlands Corporation, is requesting to rezone tax map numbers 13-A-5 and 13-4-1A (consisting of a total of 116.280 acres) from Planned Unit Development (PUD) to Rural Residential (R-R) District. The prior owners of the property in question (Willow Woods, LLC) had the property rezoned to PUD in April of 2013. Willow Woods, LLC, submitted a master plan of development which included the construction of approximately 175 single-family units, 296 multi-family units, 400 senior housing units, recreational amenities, commercial development and a fire station. Total development was to be completed in four (4) phases over a twenty-year period. However, no development has occurred since the 2013 PUD designation and the affected property was acquired by the applicant (Eastern Woodlands Corporation) in September of 2017. The current owner/applicant has no desire to develop the property as a Planned Unit Development and wishes to establish a tree farm.

Attached for your review is the staff report with supporting documentation.

REZONING APPLICATION #2017-01

STAFF REPORT

This staff report is prepared by the Sussex County Planning Department to provide information to the Planning Commission and the Board of Supervisors to assist both bodies in making a recommendation on this application. It may also be useful to the members of the general public interested in this application.

SUMMARY FACTS

APPLICANT:	Eastern Woodlands Corporation
PROPOSED USE:	Tree Farm
PROPERTY LOCATION:	Intersection of Route 602 (Cabin Point Road and Route 625 (Newville Road)
PROPERTY IDENTIFICATION:	13-(A)-5, 13-4-1A
ELECTION DISTRICT:	Courthouse
PARCEL SIZE:	Approximately 107.96 acres for Tax map #13-(A)-5 and 8.32 acres for Tax map #13-4-1A
PARCEL CHARACTERISTICS:	Fronted located along Route 602 (Cabin Point Road). The site is generally new growth trees and understory.
SURROUNDING LAND USES:	Surrounding land uses include single family residential development, woodlands and Sussex I and II State prison facilities.
EXISTING ZONING:	PUD, Planned Unit Development
DESIRED ZONING:	R-R, Rural Residential District
DESIGNATED PLANNING AREA:	Blackwater/Newville/Waverly/U.S.Route460 Planning Area

COMPREHENSIVE PLAN'S

FUTURE LAND USE DESIGNATION: Residential

WATER: Public water

WASTE WATER: Public sewer

FLOODPLAIN DESIGNATION: Zone X- Not subject to flooding.
Panel Number- 51183C0100D
Effective Date: July 7, 2009

STAFF RECOMMENDATION: **APPROVAL**

RATIONALE FOR APPROVAL: A rezoning from PUD, Planned Unit Development to R-R, Rural Residential District would be consistent with the County's Comprehensive Plan which has the site in question designated for future residential development.

Certain Agricultural uses (such as a tree farm) are permitted in the Rural Residential Zoning District.

There has been no public opposition to the request.



APPLICATION FOR A CHANGE OF ZONING DISTRICT CLASSIFICATION

COUNTY OF SUSSEX
P.O. Box 1397, Sussex, VA 23884

The undersigned owner of the following described property hereby applies for a change of zoning classification from:

13-A-5 PUD to R-R & 13-4-1A PUD to R-R

1. PROPERTY LOCATION (advertising description) -

(Example - South line Route 33 approximately 1,000 ft. west of Route 444)

13-A-5 625° West of Beale Dr. & 13-4-1A 490° West of intersection of Cabin Point Rd and Newville Rd

2. DESCRIPTION OF PROPERTY

Tax Map Number 13-A-5 and 13-4-1A

Subdivision N/A Section _____ Block _____ Lot _____

If property is not a recorded subdivision, attach one copy of double-spaced typed or printed description of the property. All bearings and distances (metes and bounds) must be stated. Provide two copies of that plat showing bearings and distances (metes and bounds). Acreage 100 ac & 8.32 ac (If more than one zoning classification is requested - state the acreage of each)

3. PROPOSED USE (Please attach a written description of the proposed use of the property along and submit a preliminary site plan and/or subdivision plat along with the written description). Used for a Tree Farm

4. DEED RESTRICTIONS NONE

5. FEES \$500 + additional per acreage charge as follows:

To: A-1	No additional charge
To: R-R, R-E	\$20 per acre
To: R-1	\$30 per acre
To: B-1, B-2, B-3	\$40 per acre
To: I-1, I-2	\$50 per acre
To: Planned Unit Development (PUD) or any Manufactured Home Park District	\$60 per acre

6. NAME AND ADDRESS OF OWNER OF RECORD

Name Eastern Woodlands Corp.

Address P.O. Box 1570, Petersburg, VA 23805

If applicant is not owner of property, a copy of the purchase agreement must be provided.

The undersigned owner states that no application for a change in zoning district classification of the above property, or any part thereof, has been acted upon by the Board of Supervisors within twelve (12) months prior to the date of this application.

The undersigned owner authorizes the entry onto his property by the Planning Commission members during the normal discharge of their duties in regard to the above application.

Owner or Contract Purchaser*

Name: Eastern Woodlands Corp

Address: P.O. Box 1570

Petersburg, VA 23805

Phone: 804-733-9330

Representative

Name: John Feldman

Address: P.O. Box 1570

Petersburg, VA 23805

Phone: 804-733-9330

Case No: RZA #2017-01

Date of Filing: 10/3/17

Fee Paid: \$500.00 received by L. Turner

*Written Approval from owner required if property subject to contract purchase.

This is to certify that letters notifying adjacent property owners of a public hearing of the Sussex County Planning Commission on Monday, November 6, 2017 for Rezoning Application #2017-01, Eastern Woodlands Corporation, applicant, were mailed on October 20, 2017 to the persons listed below:

3-A-6

EVANS MARLENE GRACE
23370 CABIN POINT
DISPUTANTA, VA 23842

12-A-15

COMMONWEALTH OF VIRGINIA

14-A-2A

DEPARTMENT OF CORRECTIONS
VIRGINIA PUBLIC AUTHORITY
6900 ATMORE DRIVE
RICHMOND, VA 23225

13-4-27

WILLIAMS CHRISTINA T & RORY N
4376 NEWVILLE ROAD
WAVERLY, VA 23890

13-4-26

NORFLEET SARAH L
4370 NEWVILLE ROAD
WAVERLY, VA 23890

13-4-25

HENSHAW H KEITH & KEN
CONTRACTORS INC
1011 AMELIA STREET
PETERSBURG, VA 23803

13-4-24

HENSHAW H KEITH & KEN
CONTRACTORS INC
1011 AMELIA STREET
PETERSBURG, VA 23803

13-4-22

HENSHAW HORACE K
16500 HANNA DRIVE
SUTHERLAND, VA 23885

13-6-10

HECKSTALL ALONZO D & SHONDA
1553 MONTGOMERY STREET
RAHWAY, NJ 07065

13-6-9

HECKSTALL ALONZO D & SHONDA
1553 MONTGOMERY STREET
RAHWAY, NJ 07065

13-6-8

CRAWFORD STANLEY &
KYONG CRAWFORD
P.O. BOX 232
IVOR, VA 23866

13-6-7

R & J MOTEL MANAGEMENT INC
1433 NORTH BATTLEFIELD BLVD
CHESAPEAKE, VA 23320

13-6-5

WEATHERS MARK A & FELICIA
1845 LAUREL OAK LANE
VIRGINIA BEACH, VA 23453

13-6-4

TOLLIVER PHYLLIS & OLANDA
24128 CABIN POINT ROAD
DISPUTANTA, VA 23842

13-6-3

BTS CONSTRUCTION COMPANY INC
9215 CRUMPS MILL ROAD
QUINTON, VA 23141

13-6-2

BTS CONSTRUCTION INC
9215 CRUMPS MILL ROAD
QUINTON, VA 23141

13-7-1

TKP CONSTRUCTION INC
2721 BAPAUME AVENUE
NORFOLK, VA 23509

13-5-7

WRIGHT TIMOTHY H & MARTHA M
5557 HOMEWARD DRIVE
VIRGINIA BEACH, VA 23454

13-5-8

SPEIRS RICHARD E & CANDEE L
P.O. BOX 65
DISPUTANTA, VA 23842

13-5-9

LENNING TODD M
2126 LEWISTON PLANK ROAD
MECHANICSVILLE, VA 23116

13-4-2

OTERO LAUREN
4078 NEWVILLE ROAD
WAVERLY, VA 23890

13-5-1

TOLLIVER PHYLLIS & OLANDA
24128 CABIN POINT ROAD
DISPUTANTA, VA 23842

13-4-20

SIMS ROBERT L JR.
75 MAIDEN LANE STE 222
NEW YORK, NY 10038

13-6-15

PNC BANK NATIONAL ASSOCIATION
C/O CASTLEBROCK 2017 LLC
90 STATE ST STE 700
ALBANY, NY 12207

5-A-8

MURPHY CLYDE & GENEVA EST
C/O HENRY MURPHY
4881 STAMP ROAD

Andre M. Deane








Signature

Director of Community Development

Title

County of Sussex, Virginia

Legend

-  County Boundary
-  Building Footprints
-  Building Footprints
-  Outbuilding
-  Primary
-  Parcels
-  Hidden Roads 18056



Map Printed from Sussex

Feet



Title:

Date: 10/10/2017

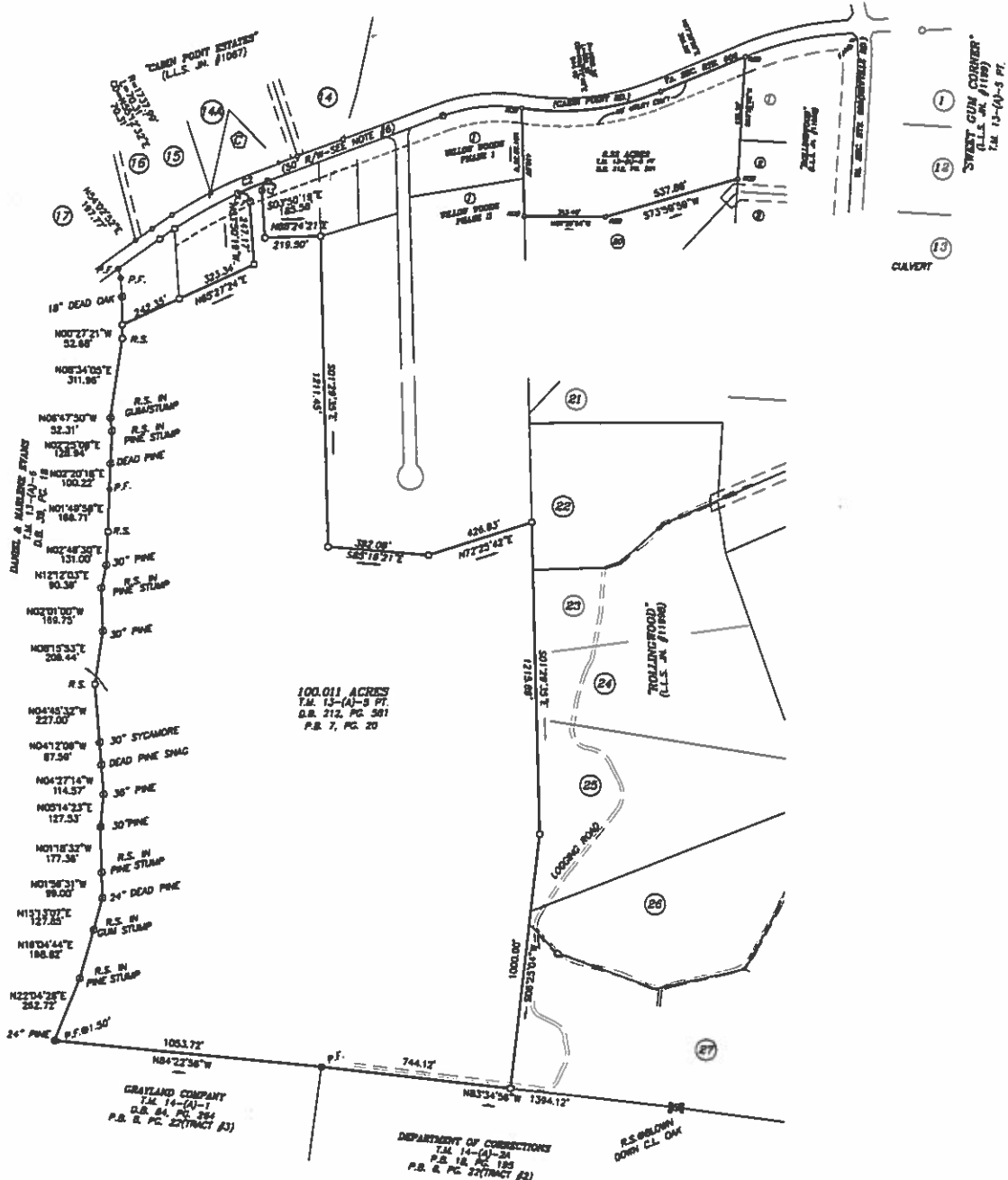
DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Sussex County is not responsible for its accuracy or how current it may be.

R.S. - ROD SET
 R.F. - ROD FOUND
 P.F. - PIPE FOUND
 M.H. - MAN HOLE

LENNING LAND SURVEYING
 2128 LEWISTON PLANK RD.
 BURKEVILLE VA 23022
 434-767-9940

CLYDE & GEORGE MURPHY ESTATE
 T.M. 9-(A)-8
 P.B. 7, PG. 19

CHAIN	BEARS	AC. LINES	CORD LINES	CORD BEARS	CORD ANGLES
100	87.50	87.50	87.50	87.50	119.27°
100	175.00	175.00	175.00	87.27° 44' W	92.18° 00'
100	30.00	42.43	41.81	85.28° 06' W	73.34° 54'



COMPILED PLAT SHOWING 2 PARCELS OF LAND
 BEING THE RESIDUE OF PROPERTY CONVEYED TO
 KENNETH C. & TASHA M. BEALE IN D.B. 212, PG. 581
 LOCATED IN NEWVILLE MAGISTERIAL DIST.
 SUSSEX COUNTY, VA.
 1"=300' OCT 20, 2008



SHEET 1 OF 1

ALL that certain tract or parcel of land together with any improvements thereon and all appurtenances thereto belonging, lying, being and situate on the southern side of State Route 602 ("Cabin Point Road") in the Newville Magisterial District, Sussex County, Virginia, containing 142.78 acres, more or less, being as more particularly shown on a certain "Boundary Survey Showing 142.78 acres of Land Conveyed to Eastern Woodlands Corporation and Dixie Land Corporation in D.B. 201, Pg. 72 Located in Newville Magisterial Dist. Sussex County, Va" made by Todd M. Lenning, C.L.S., dated May 6, 2005, which survey is recorded in the Clerk's Office of the Circuit Court of Sussex County, Virginia, with deed in Deed Book 212, at page 581;

LESS AND EXCEPT that portion of the property contained in Phase I "Willow Woods" shown on plat recorded in Plat Book 21, at page 159 and containing in Phase II "Willow Woods" shown on plat recorded in Plat Book 22, at page 1.

Prepared by: (816)
 Robert B. Hill, VSB #18751
 2425 Boulevard, Suite 9
 Colonial Heights, VA 23834

Title Insurance Underwriter Unknown
 Tax Id#:13-A-5 Assessed: \$3,044,000.00 Bid Amount: \$1.00

THIS TRUSTEE'S DEED, made on this 14th day of September, 2017 by and between **ROBERT B. HILL**, "Substitute Trustee" and **WILLOW WOODS ESTATES, LLC**, "Original Borrower", "Grantors", and **EASTERN WOODLANDS CORPORATION**, "Grantee", whose mailing address is P.O. Box 1570, Petersburg, Virginia 23805.

WITNESSETH: Whereas, by deed of trust from Willow Woods Estates, LLC dated January 21, 2009 and recorded in the Clerk's Office of the Circuit Court of Sussex County, Virginia, as Deed Book 247, page 861, the hereinafter described property was conveyed to William D. Allen, III, Trustee, in trust, to secure the payment of a note of even date described in said deed of trust, the beneficiary being Eastern Woodlands Corporation; and

Whereas, by instrument executed on August 4, 2017, and recorded in the Clerk's Office of the Circuit Court of the County of Sussex, Virginia, in Deed book 290, page 382, Robert B. Hill, T. O. Rainey, III, Shelley K. Richardson, Nathaniel A. Scaggs and Jennifer A. Barnes, any of whom may act, were appointed Substitute Trustees in the place and stead of William D. Allen, III, Trustee; and

Whereas, default and acceleration having been made in payment of said debt and demand having been made by the noteholder upon the Substitute Trustee to sell the hereinafter described property, secured by the aforementioned deed of trust, in accordance

with the terms of said deed of trust; and

Whereas, advertisement having been properly made in the Richmond Times Dispatch on August 16, 23, 30 and September 6, 2017, and all other terms and conditions of said deed of trust having been complied with; and sale having been made at public auction on September 8, 2017 of the said property in the County of Sussex, Virginia, at which auction the highest bid of ONE AND 00/100 DOLLARS (\$1.00) was duly made by Eastern Woodlands Corporation and received by the Substitute Trustee; and

NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid to the Substitute Trustee, the receipt whereof is hereby acknowledged, the Substitute Trustee does hereby grant and convey with SPECIAL WARRANTY unto Eastern Woodlands Corporation, in fee simple, the following described property, to-wit:

ALL that certain tract or parcel of land together with any improvements thereon and all appurtenances thereto belonging, lying, being and situate on the southern side of State Route 602 ("Cabin Point Road") in the Newville Magisterial District, Sussex County, Virginia, containing 142.78 acres, more or less, being as more particularly shown on a certain "Boundary Survey Showing 142.78 acres of Land Conveyed to Eastern Woodlands Corporation and Dixie Land Corporation in D.B. 201, Pg. 72 Located in Newville Magisterial Dist. Sussex County, Va" made by Todd M. Lenning, C.L.S., dated May 6, 2005, which survey is recorded in the Clerk's Office of the Circuit Court of Sussex County, Virginia, with deed in Deed Book 212, at page 581;

LESS AND EXCEPT that portion of the property contained in Phase I "Willow Woods" shown on plat recorded in Plat Book 21, at page 159 and containing in Phase II "Willow Woods" shown on plat recorded in Plat Book 22, at page 1.

This conveyance is made expressly subject to all restrictions, reservations, conditions and easements of record, insofar as the same may apply to the property hereby conveyed.

HILL & RAINEY

ATTORNEYS AT LAW

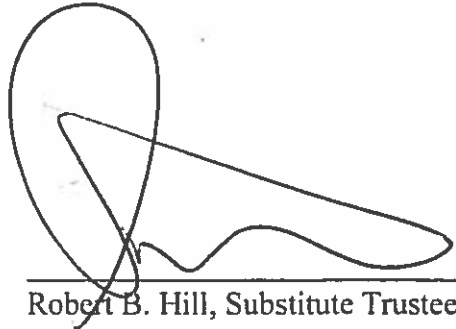
2425 BOULEVARD

SUITE 9

COLONIAL HEIGHTS, VA

23834

WITNESS my signature and seal:



_____(SEAL)
Robert B. Hill, Substitute Trustee

STATE OF VIRGINIA
City of Colonial Heights, to-wit:

The foregoing instrument was acknowledged before me this 14th day of
September, 2017, by Robert B. Hill, Substitute Trustee.

My commission expires: 7-31-19

BRITTANY RAE CHAPPELL
NOTARY PUBLIC
REGISTRATION # 7292515
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
JULY 31, 2019



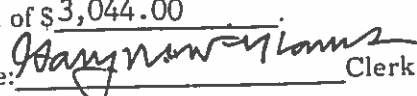
Notary Public

Trustee's Address:
2425 Boulevard, Suite 9
Colonial Heights, Virginia 23834

HILL & RAINEY
ATTORNEYS AT LAW
2425 BOULEVARD
SUITE 9
COLONIAL HEIGHTS, VA

VIRGINIA: In the Clerk's Office of the Circuit Court of Sussex County. The foregoing instrument was
this day presented in the office aforesaid and is, together with the certificate of acknowledgment annexed,
admitted to record this 21st day of September, 20 17 1:11 PM.








The tax imposed by §58.1-802 of the Code has been paid in the amount of \$3,044.00

Teste: 

Clerk

County of Sussex, Virginia

Legend

-  County Boundary
-  Building Footprints
-  Building Footprints
-  Outbuilding
-  Primary
-  Parcels
-  Hidden Roads 18056



Title: Parcels

Date: 9/25/2017

Feet

0 200 400 600 800
1:9 028 / 1"=752 Feet

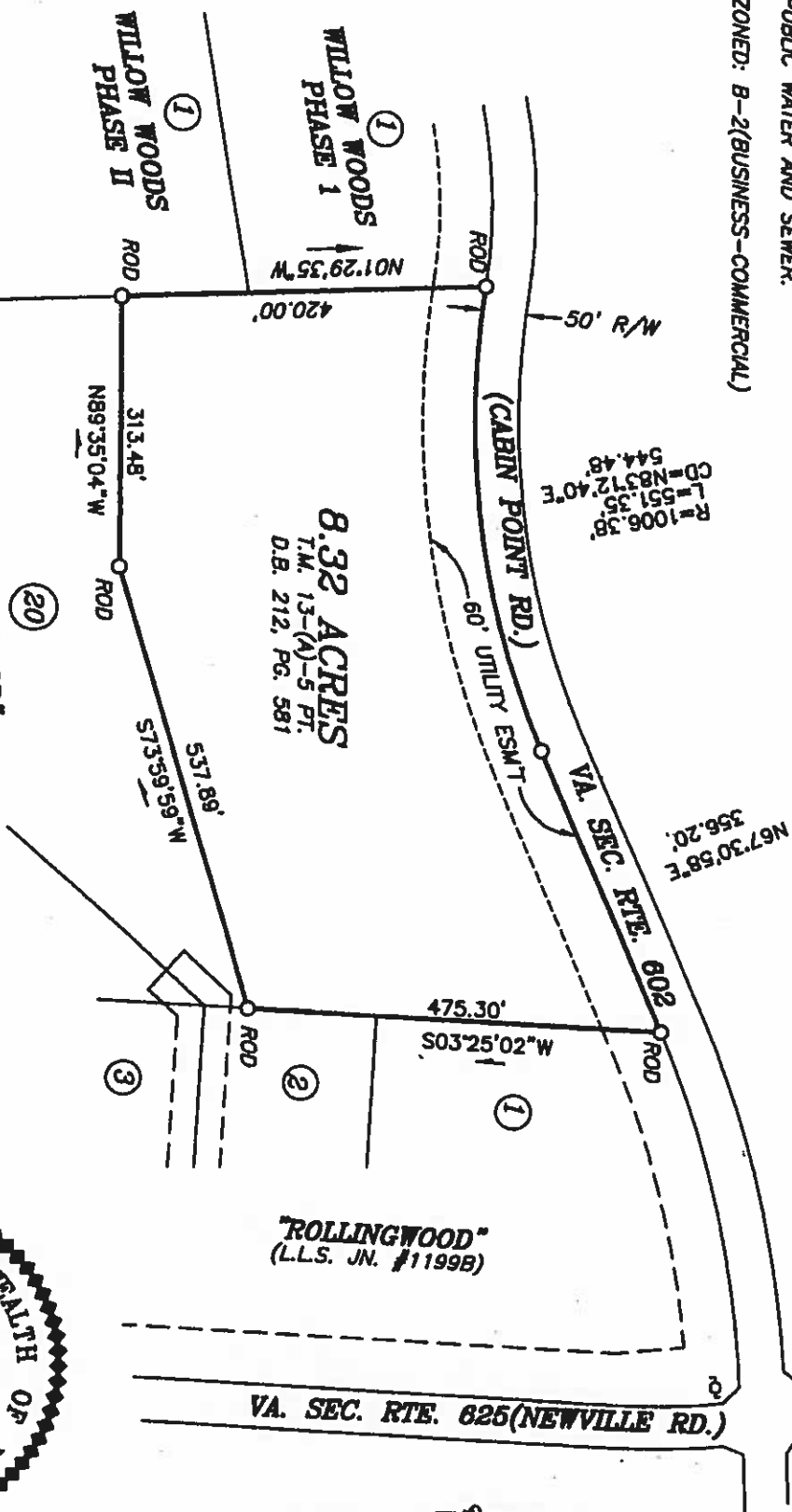
DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Sussex County is not responsible for its accuracy or how current it may be.

0249
0437

NOTES:
 1. PORTIONS OF THIS BOUNDARY WERE SURVEYED BY THE UNDERSIGNED LAND SURVEYOR ON FEB. 14, 2005 AND NOVEMBER 17, 2006. THIS PLAN DRAWN MARCH 27, 2009.

LENNING LAND SURVEYING
 2126 LEWISTON PLANK RD.
 BURKEVILLE VA 23922
 434-787-9940

2. PROPERTY IS TO BE SERVED BY PUBLIC WATER AND SEWER.
 3. ZONED: B-2(BUSINESS-COMMERCIAL.)



APPROVED

Adam Hare
SUBMISSION AGENT
SUSSEX COUNTY

DATE 4/22/09

"ROLLINGWOOD"
(L.L.S. JN. #1199B)

8.32 ACRES
T.M. 13-(A)-5 PT.
D.B. 212, PG. 581

PORTION OF PROPERTY CONVEYED TO
KENNETH C. & TASHA M. BEALE IN D.B. 212, PG. 581
 LOCATED IN NEWVILLE MAGISTERIAL DIST.
 SUSSEX COUNTY, VA.

1"=200' MARCH 27, 2009 REV. APRIL 13, 2009



VIRGINIA: In the Clerk's Office of the Circuit Court of Sussex County. The foregoing instrument was this day presented in the office aforesaid and is, together with the certificate of acknowledgment annexed, admitted to record this 22nd day of April, 2009 at 3:12 P. M.

Adam Hare

JN. #1199C-commercial/identimeter



FYI

At a meeting of the Board of Supervisors of the County of Sussex, held at the Courthouse thereof, on the 25th day of April 2013.

PRESENT:

Charlie E. Caple, Jr.
C. Eric Fly, Sr.
Alfred G. Futrell
John A. Stringfield
Rufus E. Tyler, Sr.
Raymond L. Warren

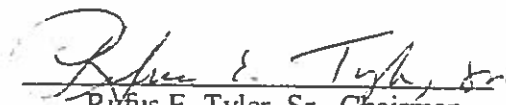
VOTE:

aye
aye
aye
aye
abstain
aye

Conditional Rezoning Application #2012-01
Willow Woods Subdivision

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes the County Attorney to settle a lawsuit presently pending with Willow Woods as it relates to its rezoning, that settlement including language that will contain additional conditions to: (1) further buffer the land; (2) require a phased process approval from the Planning Commission; (3) cause the property not to be developed by the present owners; and, accordingly, this Board hereby rezones, pursuant to the Willow Woods application dated October 27, 2011, with any applicable amendments thereto, approximately 146.79 acres of Tax Map Number 13-(A)-5 from A-1, General Agricultural District and B-2, General Business to PUD, Planned Unit Development subject to the conditions proffered by the applicant and the additional enumerated conditions of settlement contained in this resolution.

A COPY TESTE:


Rufus E. Tyler, Sr., Chairman
Board of Supervisors

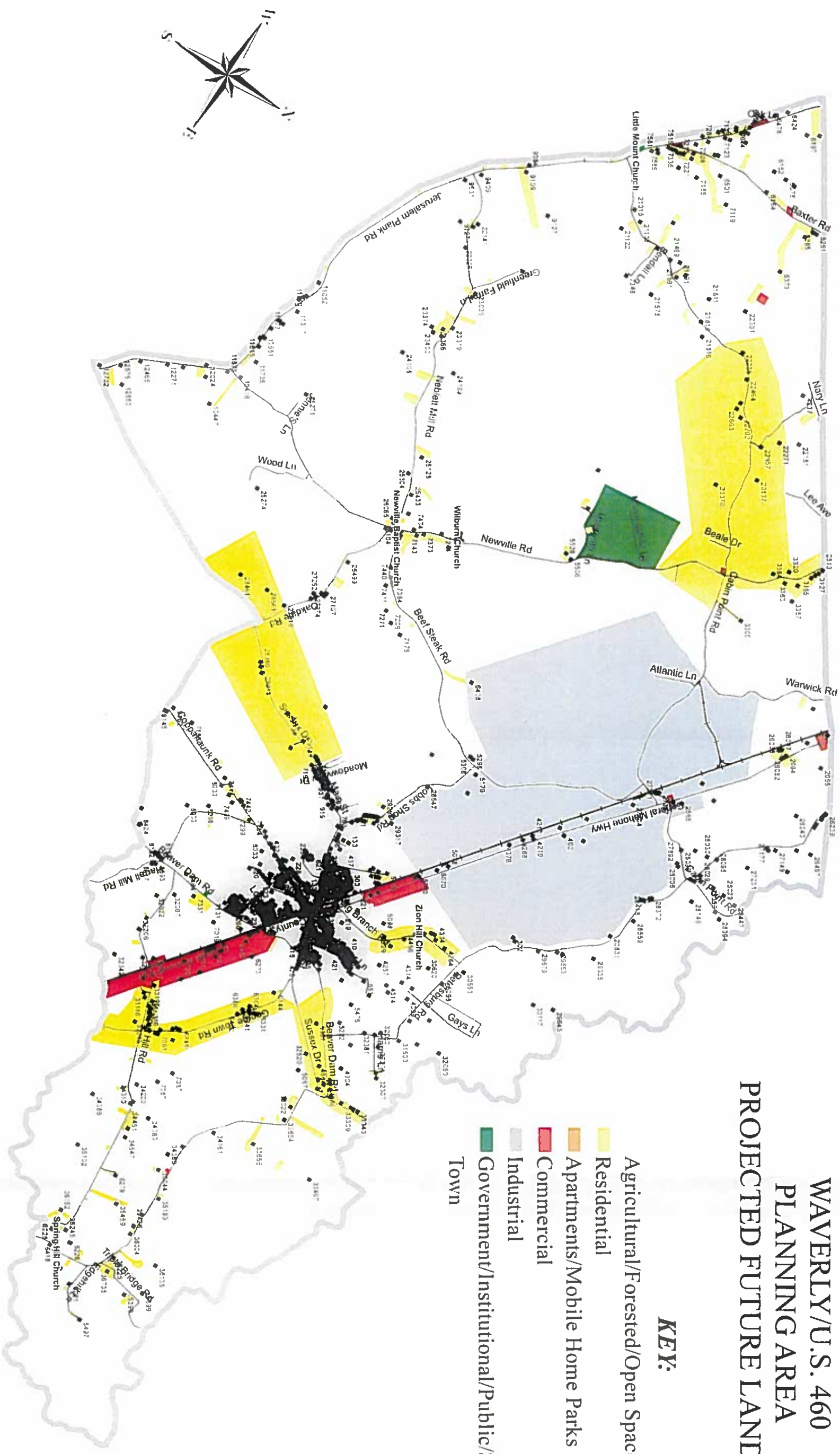


EXHIBIT X-E
**BLACK WATER/NEWVILLE/
 WAVERLY/U.S. 460
 PLANNING AREA**
PROJECTED FUTURE LAND USE

KEY:

- Agricultural/Forested/Open Space
 - Residential
 - Apartments/Mobile Home Parks
 - Commercial
 - Industrial
 - Government/Institutional/Public/Semi-Public
- Town**

BASE MAP SOURCE:
 MSAG DATA CONSULTANTS, ORANGE, VIRGINIA, JULY, 2004
 SUSSEX COUNTY GIS DATABASE, 2006

REVISED DATE: APRIL, 2016