

Tax Map Nos. 4812502101 & 4812502102

Prepared by and return to:
Susan B. Tarley, Esq. VSB#28896
Tarley Robinson, PLC
4808 Courthouse Street, Suite 102
Williamsburg, VA 23188

AMENDMENT TO CONDOMINIUM INSTRUMENTS OF
PROMENADE AT JOHN TYLER, A CONDOMINIUM
Phase 21 - Building 21

THIS AMENDMENT TO CONDOMINIUM INSTRUMENTS made this 2nd day of October, 2018, by
FRANCISCUS AT PROMENADE LLC, a Virginia limited liability company (the “Declarant”);

WITNESSETH:

WHEREAS, by that certain Declaration of Condominium dated June 6, 2017 and recorded in the Clerk’s Office of the Circuit Court of the County of James City, Virginia as Instrument Number 170011679 (the “Declaration”), Declarant did subject certain property situate, lying and being in the County of James City, Virginia to condominium ownership pursuant to the Condominium Act of the Commonwealth of Virginia, Title 55, § 55-79.39 *et seq.*, Code of Virginia of 1950, as existing at that time, under the name of PROMENADE AT JOHN TYLER, A CONDOMINIUM (the “Condominium”); and

WHEREAS, the Declaration provides that Declarant can expand the Condominium by adding thereto all or a portion or portions of certain real property therein more particularly described (the “Additional Land”), all subject to the terms and provisions thereof, and to the Condominium Act of the Commonwealth of Virginia; and

WHEREAS, the Declarant wants and desires at this time to expand the Condominium by adding thereto a certain parcel of land which is a portion of the Additional Land, as more particularly described on Exhibit A, attached hereto, together with the improvements located thereon shown on the Condominium Plat and Plan entitled, “PHASE 21, CONDOMINIUM PLAT AND PLAN OF

19-10

THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY, VIRGINIA” dated September 30, 2018, made by Hayden Frye and Associates, Inc., Land Surveyors, (the “Plat”) consisting of 5 pages to be recorded herewith.

NOW, THEREFORE, pursuant to the rights reserved by Declarant, and in accordance with Article 6 of the Declaration, as the same may be amended from time to time, and § 55-79.63 of the Code of Virginia of 1950, as the same exists at the time of the recordation of this Amendment in the aforesaid Clerk’s Office, Declarant, the owner in fee simple of the property described in Exhibit A, does hereby amend the Condominium Instruments to expand the Condominium by adding to the Condominium that certain real property lying, situate and being in the County of James City, Virginia, more particularly described on Exhibit A, together with the improvements thereon, all as more particularly set forth below.

1. THE LAND SUBMITTED TO THE CONDOMINIUM. The real property described on Exhibit A, together with the improvements thereon as more particularly shown on the Plat is hereby submitted to condominium ownership as a part of Promenade at John Tyler, a Condominium. The relative location of the buildings, Units and Common Elements which are hereby submitted to the Condominium and the Limited Common Elements, if any, assigned to the Units are more particularly shown on the Plat. The Units hereby submitted to the Condominium are more particularly designated, described and depicted on said Plat.

2. UNIT BOUNDARIES. The Unit Boundaries for the two (2) Units added by this Amendment to Condominium Instruments shall be the same as the Unit Boundaries established by Article 4 of the Declaration and as shown on the Plat.

3. REALLOCATION OF UNDIVIDED INTEREST IN COMMON ELEMENTS AND REALLOCATION OF VOTES. Pursuant to §55-79.56(b) of the Code of Virginia of 1950, the interests in the Common Elements of the Condominium are hereby reallocated to each and every Unit, including Units

2410

previously submitted and those hereby submitted, and pursuant to § 55-79.73(D) of the Code of Virginia of 1950, liability for Common Expenses and votes in the Promenade at John Tyler Condominium Association, Inc. are similarly hereby reallocated to each and every Unit as follows: Each Unit Owner shall own, as an appurtenance to his or her unit, an equal undivided interest in the Common Elements. Each Unit Owner shall be entitled to cast one (1) vote for each Unit owned at any meeting of Promenade at John Tyler Condominium Association, Inc. in accordance with the terms and provisions of the Bylaws of Promenade at John Tyler Condominium Association, Inc.

4. CERTIFICATION OF PLANS. On the face of the Plat is the certification of a registered architect, surveyor or engineer as to the accuracy of the Plat and compliance with the provisions of § 55-79.58 of the Code of Virginia of 1950, and the certification that all units or portions depicted thereon, submitted to condominium ownership have been substantially completed.

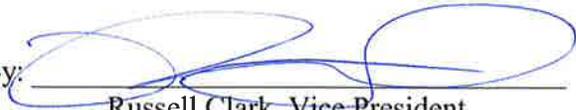
5. CONFIRMATION OF CONDOMINIUM INSTRUMENTS. Except as modified by this Amendment, all terms and provisions of the Condominium Instruments are hereby expressly ratified and confirmed, and shall remain in full force and effect and shall be applicable to the Condominium Units and Common Elements created hereby.

3410

IN WITNESS WHEREOF, Declarant has caused this Amendment to be executed this 2 day of October, 2018.

FRANCISCUS AT PROMENADE LLC
A Virginia limited liability company

By: FRANCISCUS HOMES, INC.
A Virginia corporation, Manager

By: 
Russell Clark, Vice President

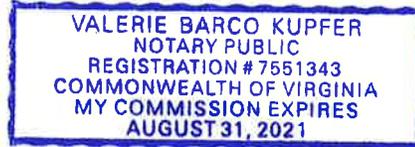
COMMONWEALTH OF VIRGINIA
CITY/COUNTY of Virginia Beach City, to wit:

I, Valerie Barco Kupfer, a Notary Public in and for the City/County and State aforesaid, do hereby certify that Russell Clark, Vice President of Franciscus Homes, Inc., a Virginia corporation, Manager of Franciscus at Promenade LLC, a Virginia limited liability company, whose name as such is signed to the foregoing document has acknowledged the same before me in my City/County and State aforesaid.

Given under my hand this 2 day of October, 2018.

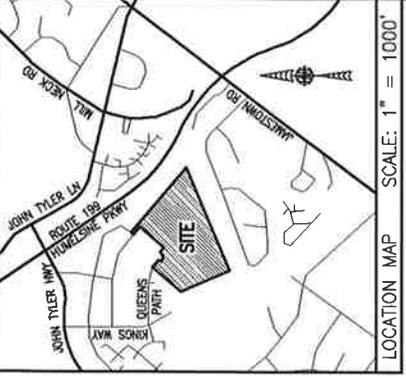
Valerie Barco Kupfer
Notary Public

My commission expires: 8-31-21



4910

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, §§ 55-79.58 AND 1. FURTHER CERTIFY THAT ALL IMPROVEMENTS HEREOF DEPICTED HERON, PURSUANT TO THE CODE OF VIRGINIA § 55-79.58A, ARE SUBSTANTIALLY COMPLETE.



LEGAL DESCRIPTION

PROPERTY SHOWN HEREON BEING "NEW PARCEL 29" CONTAINING 18.747 ACRES AS SHOWN ON "PLAN OF LOT LINE EXTINGUISHMENT BEING PARCELS 20 AND 28 OF WILLIAMSBURG CROSSING" PREPARED BY AES CONSULTING ENGINEERS, DATED 10-24-16 AND RECORDED AS INSTRUMENT NO. 160021147.

NOTES:

1. PHASE 21 BUILDING 21 IS SUBSTANTIALLY COMPLETE.
2. EASEMENTS AND BUILDING LINES SHOWN HEREON PER THE FOLLOWING:
 - ALTA SURVEY BY AES CONSULTING ENGINEERS, DATED 3-23-15
 - PLAN BY AES CONSULTING ENGINEERS, DATED 10-24-16.
 - INSTR. #160021147
 - PLAN OF DEVELOPMENT BY AES CONSULTING ENGINEERS, DATED 9-8-16

PHASE	BLDG	STATUS/RECORDATION	SQUARE FEET	ACRES	
1	N/A	INSTR. #170011679	288,468	6.163	
7	7	INSTR. #180014663	28,822	0.662	
8	8	INSTR. #180010689	24,539	0.563	
9	9	INSTR. #180003894	25,978	0.596	
10	10	INSTR. #170023466	25,906	0.592	
13	13	INSTR. #180010007	4,512	0.104	
14	14	INSTR. #180008579	6,462	0.148	
21	21	SUBSTANTIALLY COMPLETE	4,465	0.103	
22	22	NOT YET RECORDED	4,892	0.112	
23	23	INSTR. #180001768	5,014	0.115	
24	24	INSTR. #180005480	4,464	0.102	
25	25	INSTR. #180001779	4,466	0.103	
26	26	INSTR. #170021156	4,465	0.102	
27	27	INSTR. #180021157	4,844	0.114	
28	28	INSTR. #180001781	4,935	0.113	
29	29	NOT YET RECORDED	10,559	0.243	
53	N/A	INSTR. #180014682	49,886	1.146	
REMAINS OF ADDITIONAL LAND A-1				62,806	1.444
ADDITIONAL LAND A-2				31,680	0.732
ADDITIONAL LAND A-4				43,689	1.003
ADDITIONAL LAND A-5				48,588	1.115
ADDITIONAL LAND A-6				23,122	0.531
ADDITIONAL LAND A-7				123,747	2.841
TOTAL NEW PARCEL 29				816,629	18.747

SHEET INDEX:

- SHEET 1 OF 5: OVERALL SITE LAYOUT AND AREAS
- SHEET 2 OF 5: PROPERTY DATA, EASEMENTS, CURVE AND LINE TABLE
- SHEET 3 OF 5: BUILDING DETAIL
- SHEET 4 OF 5: FOUNDATION PLAN AND SECTION
- SHEET 5 OF 5: FLOOR PLANS

THIS SHEET: OVERALL SITE LAYOUT AND AREAS

**PHASE 21
CONDOMINIUM PLAN AND PLAN
OF
THE PROMENADE
AT**

JOHN TYLER
A CONDOMINIUM
JAMES CITY COUNTY, VIRGINIA

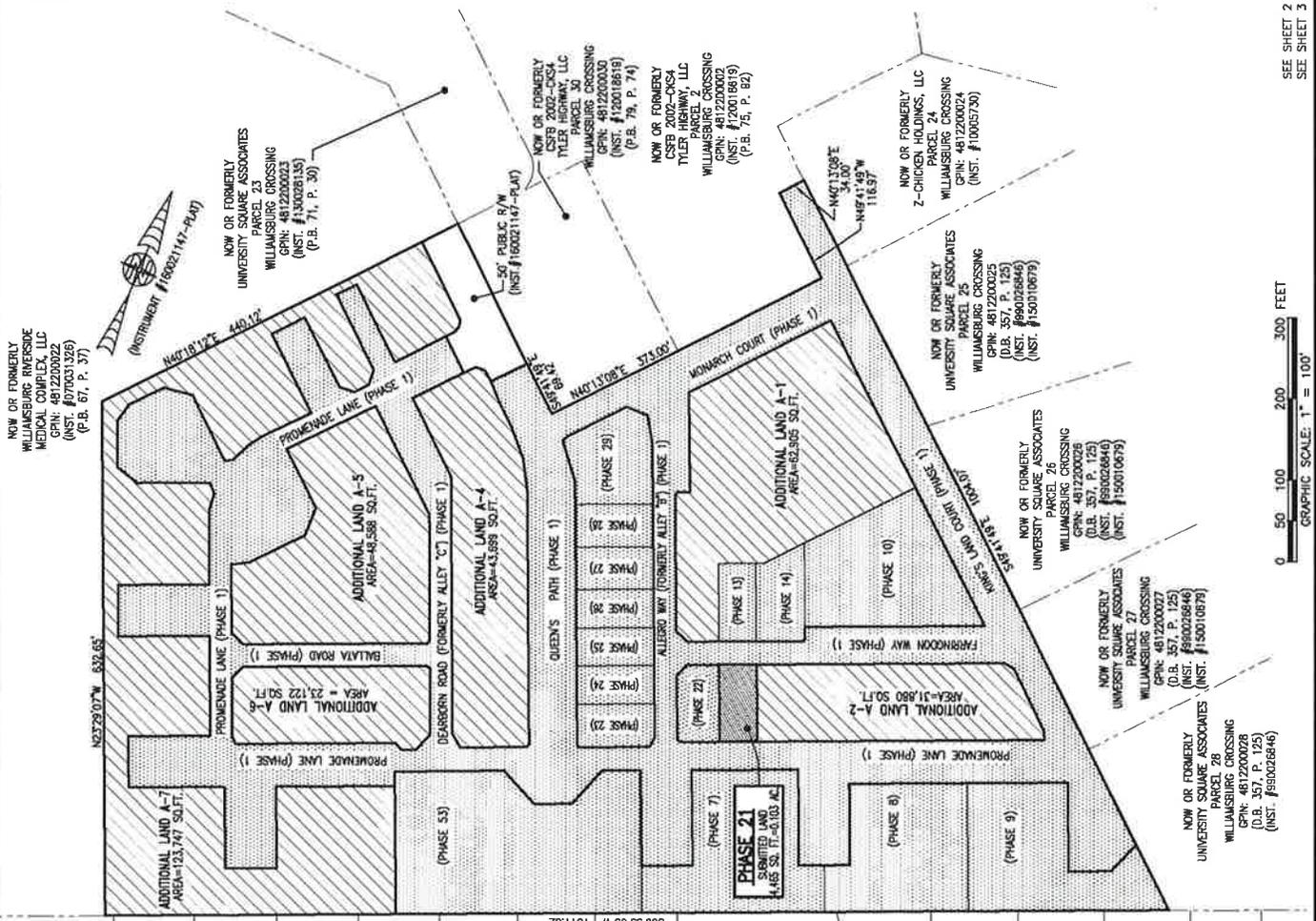
Hayden Freese and Associates, Inc.
Land Surveyors
333 WILLIAMSBURG AVENUE, SUITE 200
VIRGINIA BEACH, VA 23462
PH: 757-291-2281 FAX: 757-291-2289



DATE: SEPTEMBER 30, 2018
SCALE: 1"=100'
SHEET 1 OF 5 THIS PHASE



SEE SHEET 2 FOR PROPERTY DATA, EASEMENTS, CURVE AND LINE TABLE
SEE SHEET 3 FOR BUILDING DETAIL



ENC

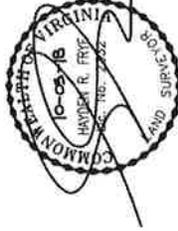
LINE TABLE

NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE
L1	S20°01'13"W	44.97	L26	S66°33'03"W	113.01'	L51	S49°17'28"E	153.56'	L76	S27°26'57"E	153.56'
L2	S66°33'03"W	53.15	L27	N22°26'57"W	63.00'	L52	N40°18'11"E	70.86'	L77	S21°33'03"W	4.95'
L3	N27°26'57"E	109.47	L28	N66°33'03"E	113.01'	L53	S49°17'28"E	70.86'	L78	S66°33'03"W	226.04'
L4	S66°33'03"W	269.00'	L29	N27°26'57"W	91.87'	L54	N40°18'11"E	10.00'	L79	N68°27'04"W	19.09'
L5	S27°26'57"E	100.00'	L30	N04°58'59"W	20.95'	L55	S49°17'28"E	10.00'	L80	N27°27'12"W	84.32'
L6	S66°33'03"W	63.00'	L31	N47°08'18"W	14.72'	L56	N49°11'51"E	50.00'	L81	N59°51'39"E	22.83'
L7	N27°26'57"E	118.00'	L32	S66°33'03"W	90.51'	L57	S49°17'28"E	84.74'	L82	N42°42'28"E	75.90'
L8	S66°33'03"W	132.66'	L33	N74°30'33"W	36.87'	L58	N49°11'51"E	11.47'	L83	N00°46'13"W	36.04'
L9	S27°26'57"E	118.00'	L34	N23°26'57"W	57.00'	L59	S66°33'03"W	450.73'	L84	N49°17'32"W	81.13'
L10	S66°33'03"W	63.00'	L35	N19°08'50"E	24.93'	L60	N68°26'57"W	171.00'	L85	N40°42'32"E	171.00'
L11	N27°26'57"E	118.00'	L36	N40°41'48"E	48.00'	L61	N27°26'57"W	78.50'	L86	S45°45'02"E	26.95'
L12	S66°33'03"W	46.52'	L37	N87°38'35"E	38.41'	L62	N71°33'03"E	19.09'	L87	S49°41'48"E	38.15'
L13	S18°14'43"W	55.33'	L38	S49°17'28"E	95.23'	L63	N66°33'03"E	390.42'	L88	S43°08'04"E	41.26'
L14	S66°33'03"W	46.52'	L39	N58°03'08"E	10.61'	L64	S81°34'23"E	14.26'	L89	S30°00'34"E	41.26'
L15	S66°33'03"W	135.69'	L40	N27°26'57"E	25.94'	L65	S27°26'57"E	81.00'	L90	S25°26'49"E	310.88'
L16	S27°26'57"E	18.00'	L41	N34°57'20"E	70.26'	L66	S71°33'03"W	26.10'	L91	S21°33'07"W	4.24'
L17	S27°26'57"E	145.93'	L42	N40°41'48"E	65.92'	L67	S66°33'03"W	17.38'	L92	S66°33'03"W	82.66'
L18	S27°26'57"E	100.00'	L43	N49°17'28"E	108.73'	L68	N62°26'57"W	11.31'	L93	N52°08'03"W	18.83'
L19	S27°26'57"E	100.00'	L44	N49°42'32"E	45.00'	L69	S66°33'03"W	195.80'	L94	N25°26'57"W	317.16'
L20	S66°33'03"W	63.00'	L45	S47°17'28"E	95.23'	L70	N40°41'48"E	11.00'	L95	N49°17'28"E	107.22'
L21	N27°26'57"W	118.31'	L46	N65°40'56"E	19.10'	L71	N27°26'49"W	71.00'	L96	N40°18'11"E	81.23'
L22	S66°33'03"W	118.31'	L47	N40°39'28"E	20.64'	L72	N21°33'07"E	19.09'	L97	S33°14'07"E	36.03'
L23	N27°26'57"E	63.00'	L48	N04°19'02"E	225.70'	L73	N66°33'03"E	225.70'	L98	S25°26'57"E	361.32'
L24	N66°33'03"E	101.24'	L49	N49°17'28"E	103.66'	L74	S71°08'13"E	5.20'	L99	S06°21'20"W	12.95'
L25	N27°26'49"W	123.00'	L50	N40°42'32"E	27.52'	L75	S49°17'28"E	150.14'	L100	S66°33'03"W	85.57'

CURVE TABLE

NO.	RADIUS	DELTA	LENGTH	TANGENT	CHORD	CH BEARING
C1	15.00'	90°00'00"	23.56'	15.00'	21.21'	S04°41'49"E
C2	15.00'	90°00'00"	23.56'	15.00'	21.21'	N85°18'11"E

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, §§ 55-79.55 AND 7 FURTHER CERTIFY THAT ALL IMPROVEMENTS HERETO DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA - §§ 55-79.55, ARE SUBSTANTIALLY COMPLETE.

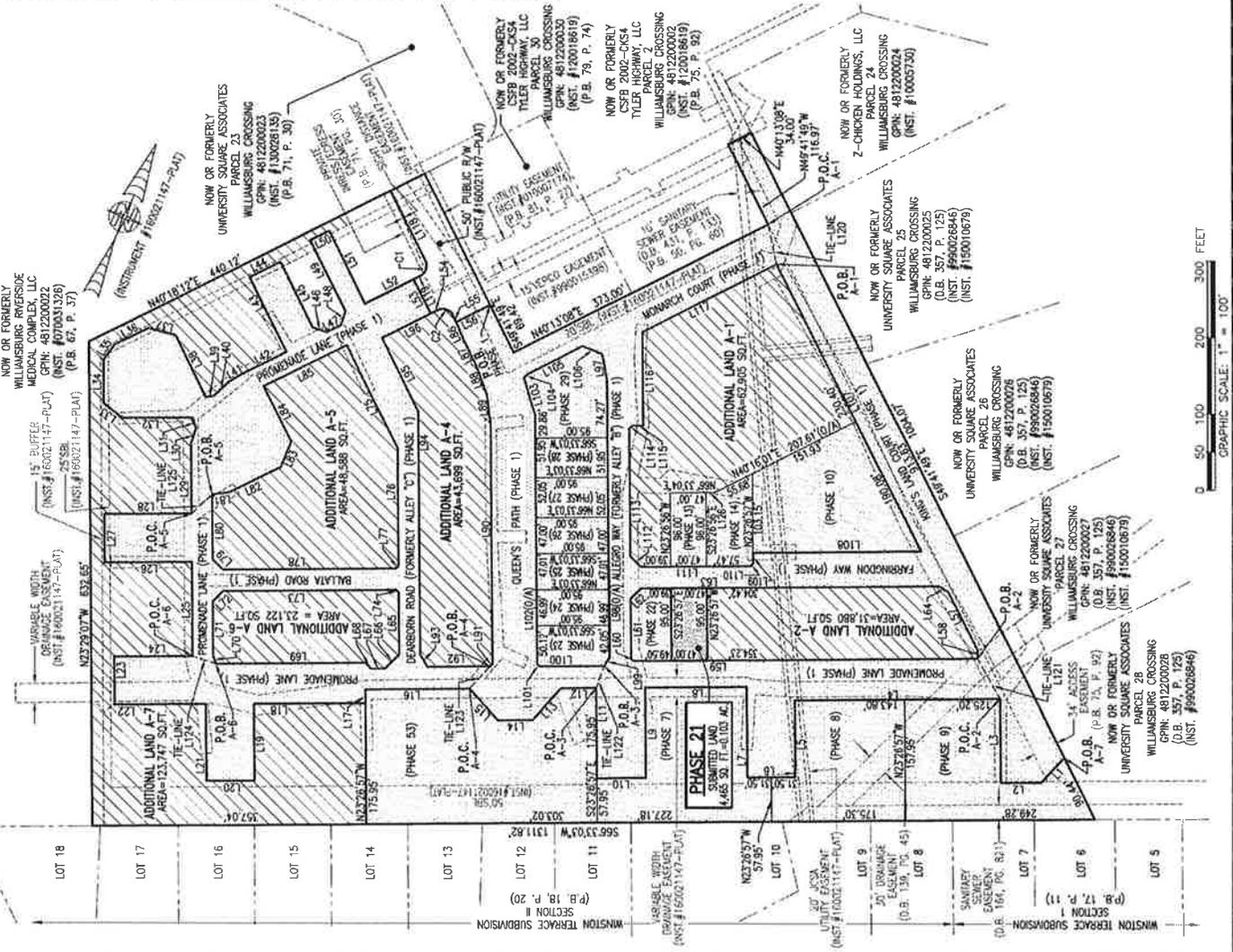


PHASE 21 CONDOMINIUM PLAT AND PLAN OF THE PROMENADE AT JOHN TYLER A CONDOMINIUM JAMES CITY COUNTY, VIRGINIA

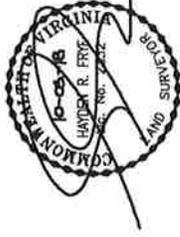
DATE: SEPTEMBER 30, 2018
SCALE: 1" = 100'
SHEET 2 OF 5 THIS PHASE

- INDICATES SUBMITTED LAND
- INDICATES PREVIOUSLY SUBMITTED LAND
- INDICATES ADDITIONAL LAND
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING

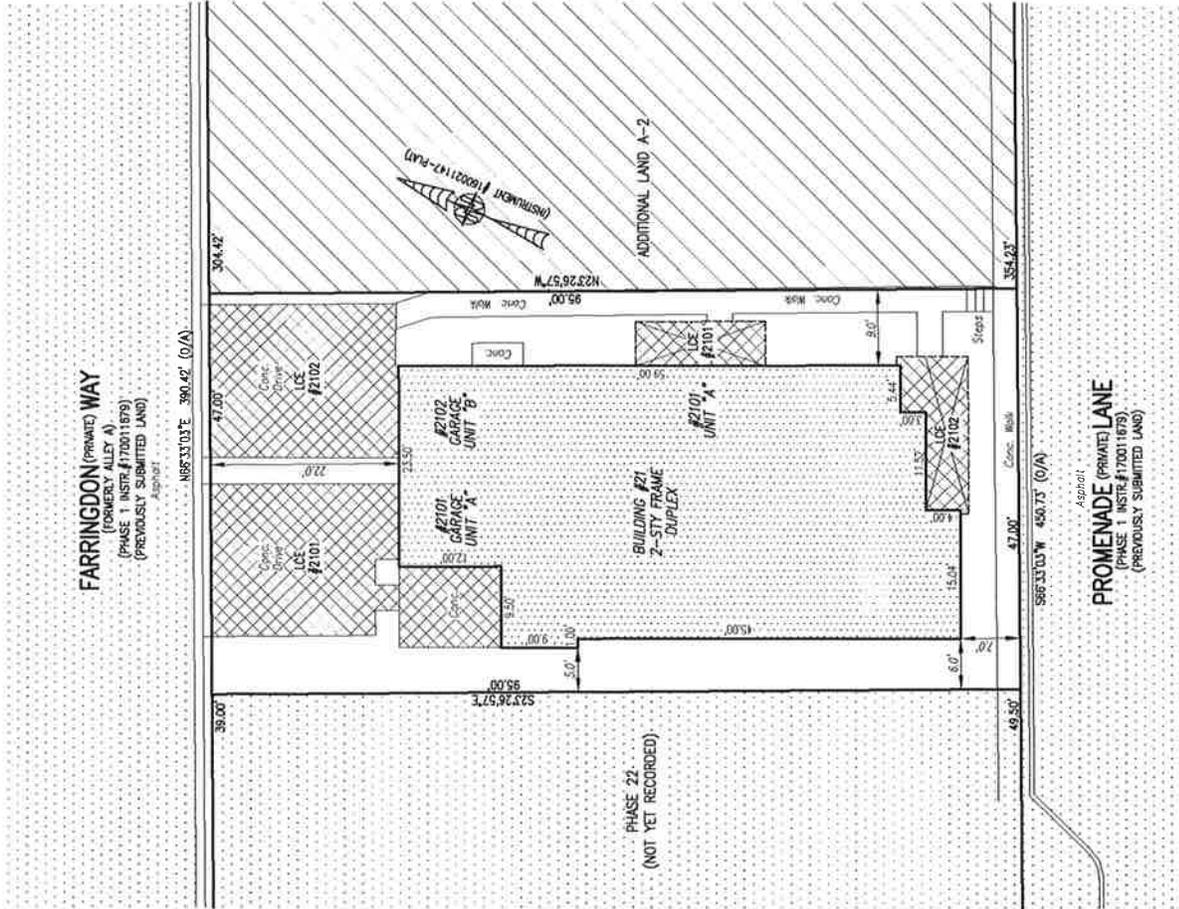
JRF 10/28/21
Hayden Frye and Associates, Inc.
Land Surveyors
311 KELLAM ROAD, SUITE 201
VIRGINIA BEACH, VA 23462
PHONE: 757-221-1330 FAX: 757-491-2329



I HEREBY CERTIFY THAT THIS PLAT IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, §§ 55-58 AND I FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DEPICTED HEREON PURSUANT TO THE CODE OF VIRGINIA, §§ 55-79.58A, ARE SUBSTANTIALLY COMPLETE.



-  -INDICATES PREVIOUSLY SUBMITTED LAND
-  -INDICATES BUILDING AREA (SEE PLANS FOR UNIT DIMENSIONS)
-  -INDICATES LIMITED COMMON ELEMENT (LCE) ASSIGNED TO A UNIT
LCE #1000
(EXAMPLE UNIT #)
-  -INDICATES COMMON ELEMENT (EXCLUDING AREAS OUTSIDE SUBMITTED LAND)
-  -INDICATES ADDITIONAL LAND



7910

THIS SHEET: BUILDING DETAIL

PHASE 21
CONDOMINIUM PLAT AND PLAN
 OF
THE PROMENADE
 AT
JOHN TYLER
 A CONDOMINIUM
 JAMES CITY COUNTY, VIRGINIA

Job # 150921



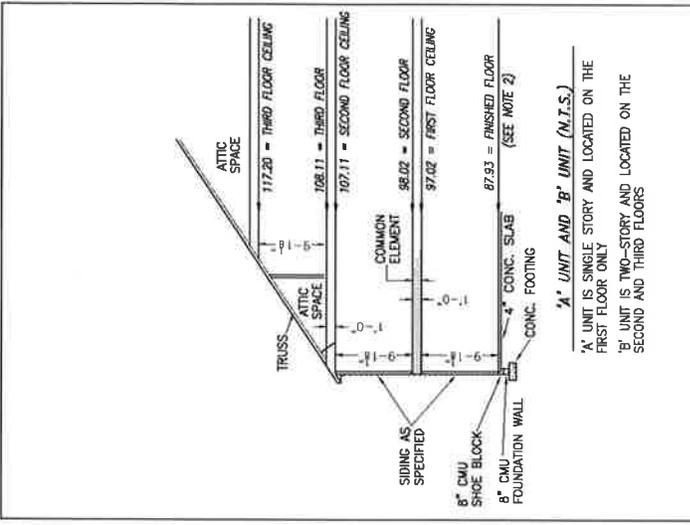
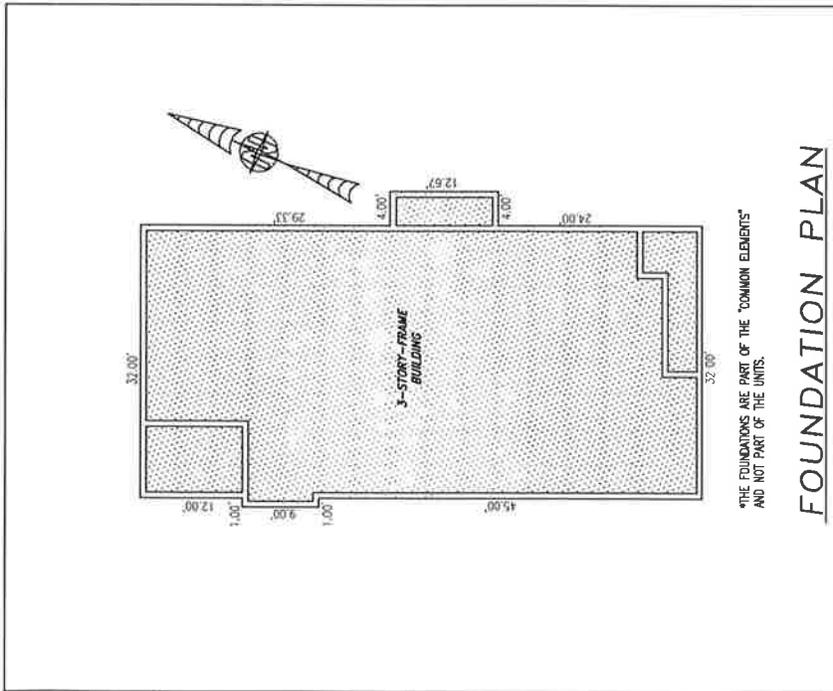
Hayden Fry and Associates, Inc.
Land Surveyors
 310 MILLHAM AVENUE, 2ND FLOOR
 VIRGINIA BEACH, VA 23462
 PH: (757) 491-2547 FAX: (757) 491-2279

DATE: SEPTEMBER 30, 2018
 SCALE: 1"=10'
 SHEET 3 OF 5 THIS PHASE



GRAPHIC SCALE: 1" = 10'

BUILDING 21 (DUPLEX)



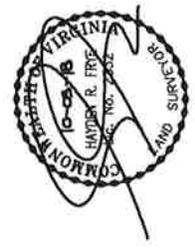
TYPICAL BUILDING SECTION

NOT TO SCALE (N.T.S.)

NOTES:

1. VERTICAL DATUM REFERENCE: NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD29).
2. FINISHED FLOOR ELEVATION SHOWN WAS TAKEN FROM AS-BUILT SURVEY OF BUILDING #21 (DUPLX) THE PROMENADE AT JOHN TYLER BY HAYDEN FRYE AND ASSOCIATES. FIELD WORK WAS PERFORMED ON 09-25-18.

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, 55-79.58 AND I FURTHER CERTIFY THAT ALL UNITS THEREOF DEPICTED HERON, PURSUANT TO THE CODE OF VIRGINIA, 55-79.58B, ARE SUBSTANTIALLY COMPLETE.



THIS SHEET: FOUNDATION PLAN AND SECTION

PHASE 21

CONDOMINIUM PLAT AND PLAN
OF
THE PROMENADE
AT
JOHN TYLER
A CONDOMINIUM
JAMES CITY COUNTY, VIRGINIA

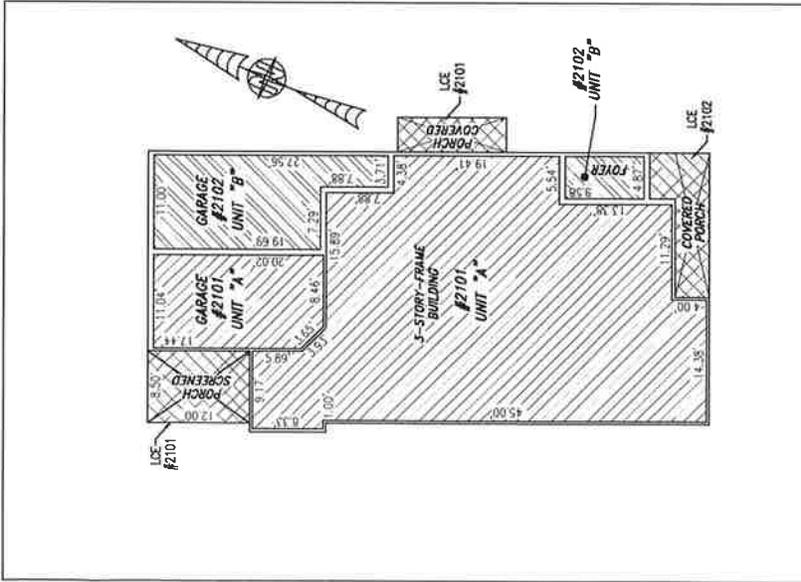
Hyden Frye and Associates, Inc.
Land Surveyors
533 KELLAM BRIDGE SUITE 200
VIRGINIA BEACH, VA 23462
PH: 757-491-2270 (F) 757-491-2271

DATE: SEPTEMBER 30, 2018
SCALE: 1" = 10'
SHEET 4 OF 5 THIS PHASE

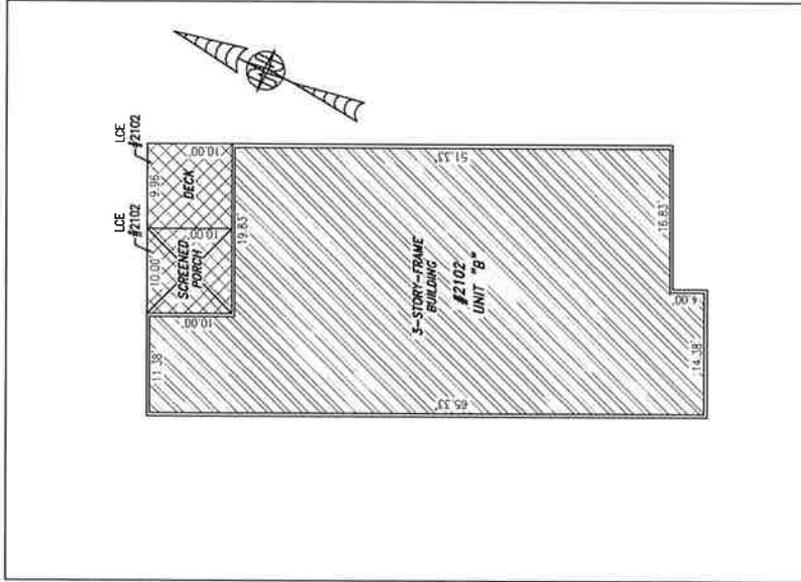


8/21/18

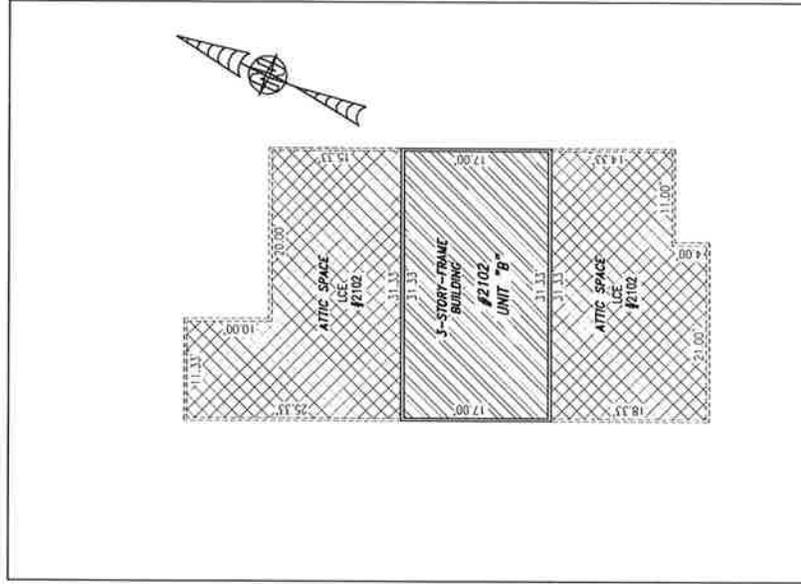
BUILDING 21 (DUPEX)



FIRST FLOOR

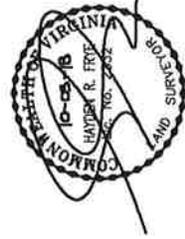


SECOND FLOOR



THIRD FLOOR

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, 55-78.5B AND I FURTHER CERTIFY THAT ALL UNITS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA 55-78.5B, ARE SUBSTANTIALLY COMPLETE.



UNIT ID	UNIT DESCRIPTION	UNIT ADDRESS
A	-INDICATES AREA OF UNIT 2101	#2101 PROMENADE LANE
B	-INDICATES AREA OF UNIT 2102	#2102 PROMENADE LANE
	-INDICATES COMMON ELEMENT	
	-INDICATES UNITED COMMON ELEMENT	

THIS SHEET: FLOOR PLANS

PHASE 21
CONDOMINIUM PLAT AND PLAN
 OF
THE PROMENADE
 AT
JOHN TYLER
 A CONDOMINIUM
 JAMES CITY COUNTY, VIRGINIA

160321



Hydrex Pro and Associates, Inc.
 Land Surveyors
 333 KELLAM ROAD, SUITE 200
 VIRGINIA BEACH, VA, 23542
 PREP: 09/12/2018, 09/14/2018
 DATE: SEPTEMBER 30, 2018
 SCALE: 1"=10'
 SHEET 5 OF 5 THIS PHASE

28-10

EXHIBIT A

Phase 21 - Building 21

All that certain lot, piece or parcel of land, lying, situate and being in the James City County, Virginia, together with the improvements thereon and appurtenances thereunto belonging, which is shown and depicted as "PHASE TWENTY ONE, AREA = 4,465 SQUARE FEET = 0.103 ACRES" on that certain plat entitled "PHASE 21, CONDOMINIUM PLAT AND PLAN OF THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY", dated September 30, 2018, made by Hayden Frye and Associates, Inc., Land Surveyors, which plat is attached hereto and is to be recorded contemporaneously herewith, reference being made thereto for a more particular description of said property.

5 Large/Small Plat(s) Recorded
herewith as # 180016209

INSTRUMENT 180016209
RECORDED IN THE CLERK'S OFFICE OF
WMSBG/JAMES CITY CIRCUIT ON
October 11, 2018 AT 08:51 AM
MONA A. FOLEY, CLERK
RECORDED BY: JLZ

10410