

170021156

Tax Map Nos. 4812502601 & 4812502602

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 26 - Building 26

THIS AMENDMENT TO CONDOMINIUM INSTRUMENTS made this 25th day of October, 2017, 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 26, CONDOMINIUM PLAT AND PLAN OF

1 of 10

THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY, VIRGINIA” dated October 25, 2017, 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

2010

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.

IN WITNESS WHEREOF, Declarant has caused this Amendment to be executed this 25th day of October, 2017.

FRANCISCUS AT PROMENADE LLC
A Virginia limited liability company

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

By: Gary L. Werner
Gary L. Werner, President

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

I, Valerie Barco Kupfer, a Notary Public in and for the City/County and State aforesaid, do hereby certify that Gary L. Werner, 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 bearing date on the 25th day of October, 2017 has acknowledged the same before me in my City/County and State aforesaid.

Given under my hand this 25th day of October, 2017.

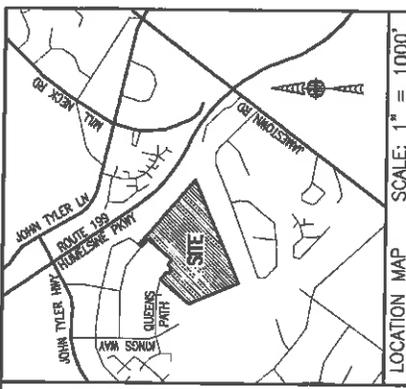
Valerie Barco Kupfer
Notary Public

My commission expires: 8-31-21

VALERIE BARCO KUPFER
NOTARY PUBLIC
REGISTRATION # 7551343
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
AUGUST 31, 2021

PLAT ATTACHED

I HEREBY CERTIFY THAT THIS PLAT IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, 55-79.5B AND I FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA, 55-79.59A, ARE NOT YET COMPLETED.



LEGAL DESCRIPTION
 PROPERTY SHOWN HEREON BEING "NEW PARCEL 28" CONTAINING 18.747 ACRES AS SHOWN ON "PLAT OF LOT LINE EXCHANGING BEING PARCELS 20 AND 28 OF WILLIAMSBURG CROSSING" PREPARED BY AES CONSULTING ENGINEERS, DATED 10-24-16 AND RECORDED AS INSTRUMENT NO. 18021147.

NOTES:
 1. PHASE 26 BUILDING 26 IS SUBSTANTIALLY COMPLETE.
 2. EASEMENTS AND BUILDING LINES SHOWN HEREON PER THE FOLLOWING:
 - ALTA SURVEY BY AES CONSULTING ENGINEERS, DATED 3-23-15
 - PLAT BY AES CONSULTING ENGINEERS, DATED 10-24-16,
 INSTRUMENT NO. 18021147
 - PLAN DEVELOPMENT BY AES CONSULTING ENGINEERS, DATED 9-8-16

PHASE	BUDG	STATUS/RECORDATION	SQUARE FEET	ACRES
1	N/A	INSTR. #17001079	238,468	5.163
26	26	SUBSTANTIALLY COMPLETE	4,465	0.102
28	28	NOT YET RECORDED	10,589	0.243
		ADDITIONAL LAND A-1	89,685	2.089
		ADDITIONAL LAND A-2	41,237	0.947
		REMAINS OF ADDITIONAL LAND A-3	23,824	0.547
		ADDITIONAL LAND A-4	43,689	1.003
		ADDITIONAL LAND A-5	48,586	1.115
		ADDITIONAL LAND A-6	23,122	0.531
		ADDITIONAL LAND A-7	252,972	5.807
		TOTAL NEW PARCEL 28	818,659	18.747

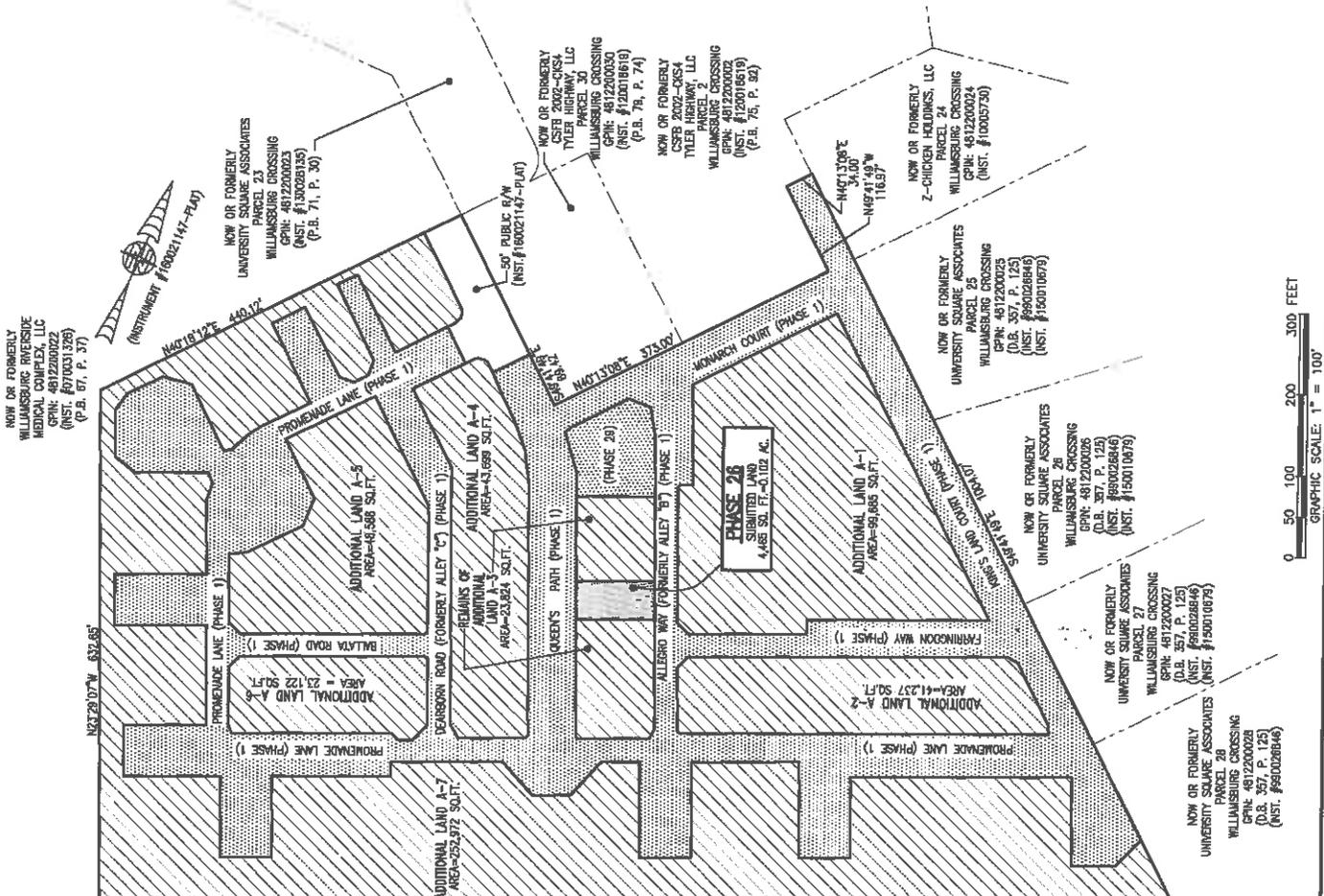
SHEET INDEX:
 SHEET 1 OF 5: OVERALL SITE LAYOUT AND AREAS
 SHEET 2 OF 5: PROPERTY DATA, EASEMENTS, CURVE AND LINE TABLE
 SHEET 3 OF 5: BUILDING DETAIL
 SHEET 4 OF 5: FOUNDATION PLAN AND SECTION
 SHEET 5 OF 5: FLOOR PLANS

THIS SHEET: OVERALL SITE LAYOUT AND AREAS

PHASE 26
CONDOMINIUM PLAT AND PLAN
 OF
THE PROMENADE
 AT

JOHN TYLER
 A CONDOMINIUM
 JAMES CITY COUNTY, VIRGINIA

Hayden Frye and Associates, Inc.
 Land Surveyors
 35 KELLAM ROAD, SUITE 200
 VIRGINIA BEACH, VA 23462
 PHONE: 757-491-2929
 DATE: OCTOBER 25, 2017
 SCALE: 1"=100'
 SHEET 1 OF 5 THIS PHASE



5910

LINE TABLE

NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE
L1	S20°11'57"W	44.97'	L26	S66°33'03"W	113.91'	L51	S48°17'20"E	105.06'	L76	S23°26'57"E	153.56'
L2	S66°33'03"W	53.15'	L27	M23°26'57"W	63.00'	L52	M47°16'11"E	70.96'	L77	S71°33'03"W	4.95'
L3	M23°26'57"W	109.47'	L28	M68°33'03"E	113.01'	L53	S48°17'20"E	80.07'	L78	S66°33'03"W	220.04'
L4	S66°33'03"W	288.00'	L29	M23°26'48"W	91.87'	L54	M47°16'11"E	10.00'	L79	M68°33'03"E	18.08'
L5	S23°26'57"E	100.00'	L30	M04°30'53"W	20.95'	L55	S48°17'20"E	80.07'	L80	M23°26'57"E	16.08'
L6	S66°33'03"W	63.00'	L31	M43°08'16"W	14.72'	L56	M47°16'11"E	30.00'	L81	M68°33'03"E	27.88'
L7	M23°26'57"E	114.00'	L32	S66°33'03"W	30.87'	L57	S48°17'20"E	80.07'	L82	M47°16'11"E	420.48'
L8	S66°33'03"W	132.88'	L33	M74°30'33"W	30.87'	L58	S24°33'03"E	11.47'	L83	M68°33'03"E	220.38'
L9	S23°26'57"E	118.00'	L34	M23°26'07"W	57.00'	L59	S66°33'03"W	460.73'	L84	M47°16'11"E	4.95'
L10	S66°33'03"W	63.00'	L35	M13°08'50"E	24.94'	L60	M68°33'03"W	78.50'	L85	S48°17'20"E	143.47'
L11	M23°26'57"W	118.00'	L36	M47°16'11"E	48.00'	L61	M23°26'57"W	4.24'	L86	S48°17'20"E	20.85'
L12	S66°33'03"W	46.57'	L37	M68°33'03"E	38.41'	L62	M21°33'03"E	19.09'	L87	S48°17'20"E	19.09'
L13	S18°43'43"W	55.37'	L38	S48°17'20"E	38.41'	L63	M68°33'03"E	308.42'	L88	S43°08'04"E	41.26'
L14	S66°33'03"W	46.57'	L39	M68°33'03"E	25.94'	L64	S81°34'21"E	14.26'	L89	S20°00'34"E	41.26'
L15	M68°33'03"W	135.89'	L40	M23°26'57"E	81.00'	L65	S23°26'57"E	81.00'	L90	S23°26'57"E	310.88'
L16	S23°26'57"E	18.00'	L41	M43°57'20"E	20.25'	L66	S21°33'03"W	28.16'	L91	S71°33'03"W	4.24'
L17	S66°33'03"W	145.93'	L42	M47°16'11"E	108.73'	L67	S66°33'03"W	17.38'	L92	S68°33'03"E	82.88'
L18	S66°33'03"W	145.93'	L43	M47°16'11"E	45.00'	L68	M68°33'03"E	11.31'	L93	M57°09'03"W	18.83'
L19	S23°26'57"E	100.00'	L44	M47°16'11"E	95.23'	L69	S66°33'03"W	195.90'	L94	M23°26'57"W	317.16'
L20	S66°33'03"W	63.00'	L45	S48°17'20"E	19.09'	L70	M47°16'11"E	11.00'	L95	M47°16'11"E	107.22'
L21	M23°26'57"W	108.00'	L46	M47°16'11"E	19.09'	L71	M23°26'48"W	71.00'	L96	M47°16'11"E	80.38'
L22	S66°33'03"W	118.31'	L47	M47°16'11"E	19.09'	L72	M21°33'03"E	19.09'	L97	S33°40'7"E	36.60'
L23	M23°26'57"W	63.00'	L48	M47°16'11"E	19.09'	L73	M68°33'03"E	235.70'	L98	S23°26'57"E	361.32'
L24	M68°33'03"W	101.24'	L49	M47°16'11"E	105.50'	L74	S71°33'03"E	5.20'	L99	S68°33'03"E	40.28'
L25	M23°26'57"W	123.00'	L50	M47°16'11"E	27.32'	L75	S48°17'20"E	150.14'	L100	S68°33'03"E	85.57'

CURVE TABLE

NO.	RADIUS	DELTA	LENGTH	WARRANT	CHORD	CH. BEARING
C1	15.00'	90°00'00"	23.56'	15.00'	91.21'	S04°41'48"E
C2	15.00'	90°00'00"	23.56'	15.00'	21.21'	N88°16'11"E

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 IMPROVEMENTS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA 55-79.58A, ARE NOT YET COMPLETED.



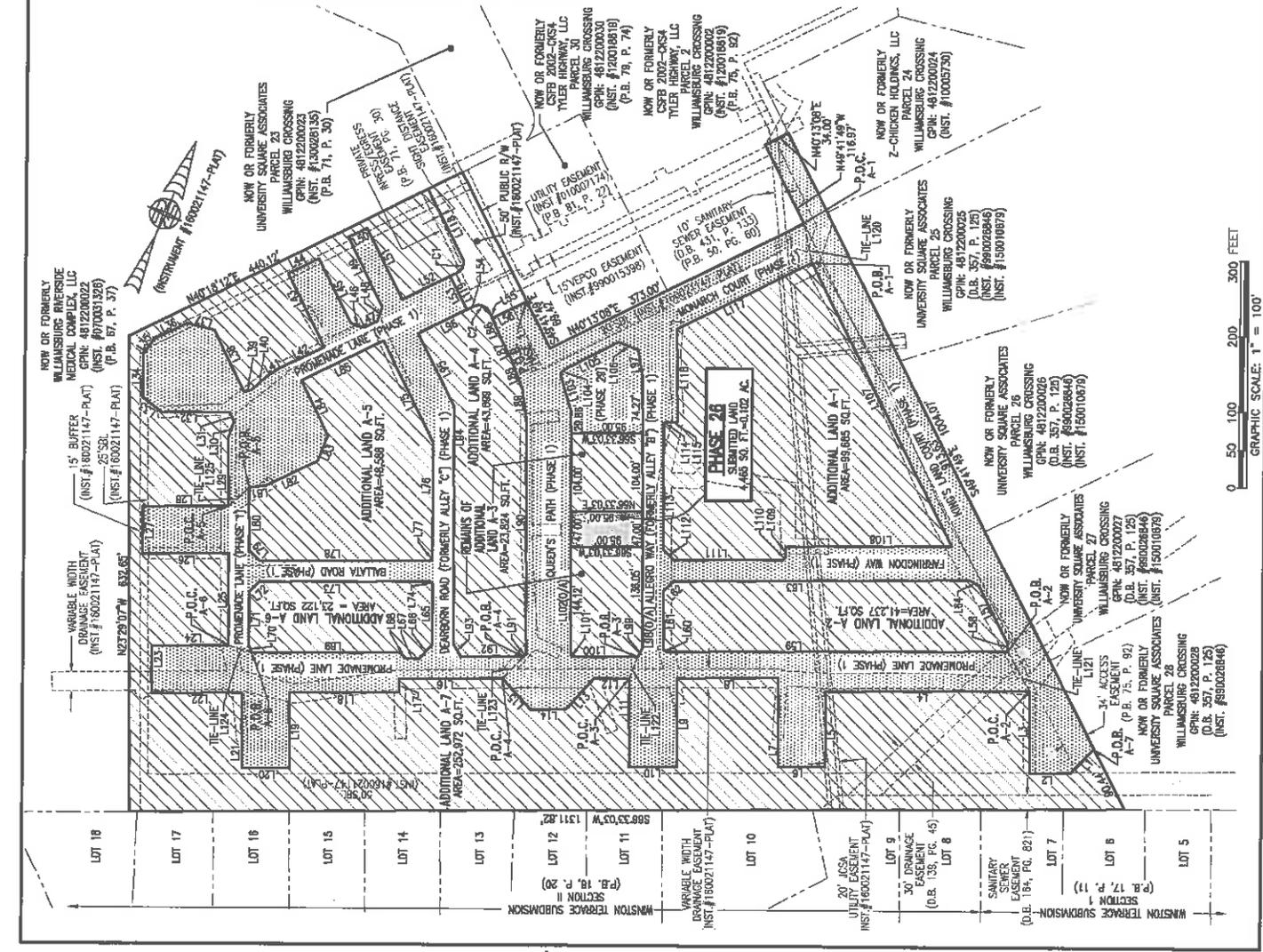
PHASE 26
CONDOMINIUM PLAN AND PLAN
 OF
THE PROMENADE
 AT
JOHN TYLER
 A CONDOMINIUM
 JAMES CITY COUNTY, VIRGINIA

THIS SHEET, PROPERTY DATA, EASEMENTS, CURVE AND LINE TABLE

Hayden Frey and Associates, Inc.
 Land Surveyors
 35 KELLAMER DRIVE, SUITE 800
 JAMES CITY, VA 23160
 PHONE: 757-949-2200 FAX: 757-949-2200

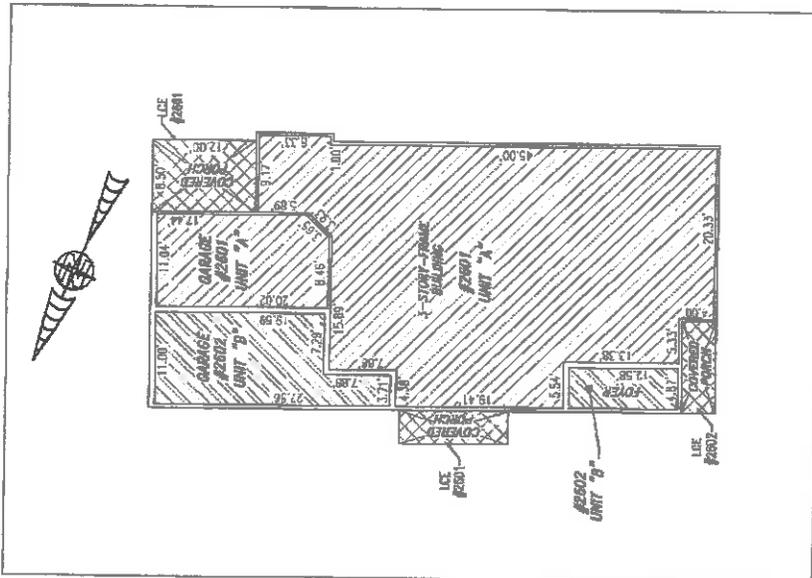
DATE: OCTOBER 25, 2017
 SCALE: 1"=100'
 SHEET 2 OF 5 THIS PHASE

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

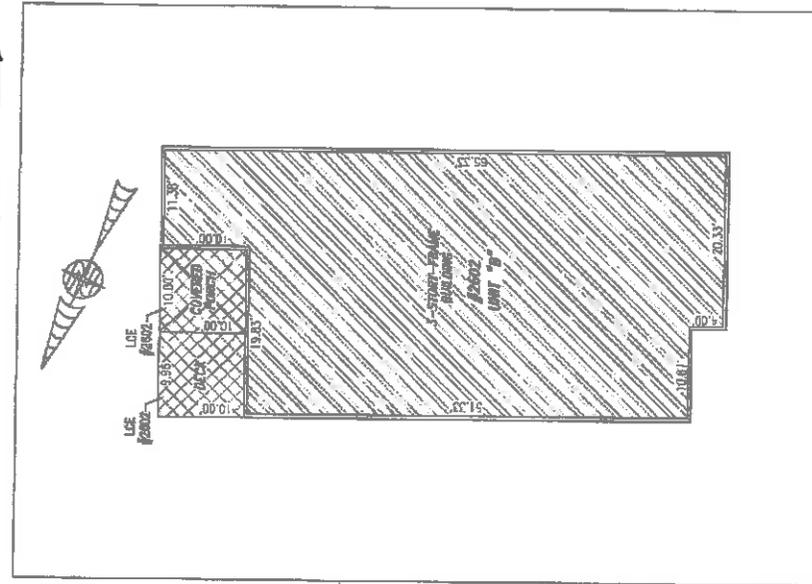


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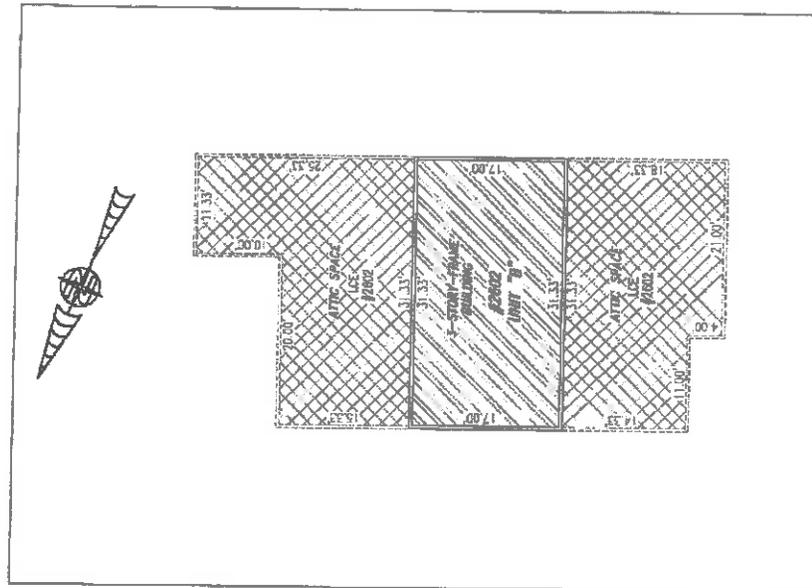
BUILDING 26 (DUPLEX)



FIRST FLOOR

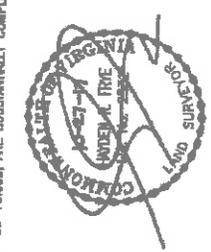


SECOND FLOOR



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, AND I 55-78.58 AND I FURTHER CERTIFY THAT ALL UNITS THEREOF DEPICTED HEREON, PERSUASANT TO THE CODE OF VIRGINIA : 55-78.58B, ARE SUBSTANTIALLY COMPLETE.



UNIT ID	UNIT DESCRIPTION	UNIT ADDRESS
A	INDICATES AREA OF UNIT 2801	#2801 QUEEN'S FAIR
B	INDICATES AREA OF UNIT 2802	#2802 QUEEN'S FAIR
	INDICATES COMMON ELEMENT	
	INDICATES LIMITED COMMON ELEMENT	



PHASE 26
 CONDOMINIUM PLAT AND PLAN
 OF
 THE PROMENADE
 AT
 JOHN TYLER
 A CONDOMINIUM
 JAMES CITY COUNTY, VIRGINIA

Hayden Frye and Associates, Inc.
 Land Surveyors
 85 KENNEL HOLLOW DRIVE
 VIRGINIA BEACH, VA 23462
 PH: 757-613-2818 FAX: 757-613-1079

DATE: OCTOBER 24, 2017
 SCALE: 1"=10'
 SHEET 5 OF 5 THIS PHASE

EXHIBIT A

Phase 26 - Building 26

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 SIX, AREA = 4,465 SQUARE FEET = 0.102 ACRES" on that certain plat entitled "PHASE 26, CONDOMINIUM PLAT AND PLAN OF THE PROMENADE AT JOHN TYLER, A CONDOMINIUM, JAMES CITY COUNTY", dated October 25, 2017, 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 # 170021156

INSTRUMENT 170021156
RECORDED IN THE CLERK'S OFFICE OF
WMSBG/JAMES CITY CIRCUIT ON
November 7, 2017 AT 03:16 PM
MONA A. FOLEY, CLERK
RECORDED BY: JLZ