

170021157

Tax Map Nos. 4812502701 & 4812502702

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 27 - Building 27

THIS AMENDMENT TO CONDOMINIUM INSTRUMENTS made this 25<sup>th</sup> 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 27, 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

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 25<sup>th</sup> 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 25<sup>th</sup> day of October, 2017 has acknowledged the same before me in my City/County and State aforesaid.

Given under my hand this 25<sup>th</sup> day of October, 2017.

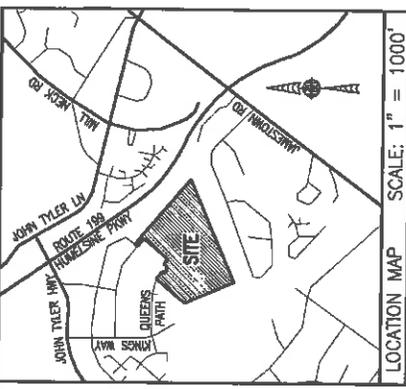
Valerie Barco Kupfer  
Notary Public

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 PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, §§ 40-70.5B AND I FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DEPICTED HEREON ARE IN ACCORDANCE WITH THE CODE OF VIRGINIA, § 40-70.58A, ARE NOT YET COMPLETED.



LOCATION MAP SCALE: 1" = 1000'

**LEGAL DESCRIPTION**  
 PROPERTY SHOWN HEREON BEING "NEW PARCEL 29" CONTAINING 18.74 ACRES, BEING SHOWN ON "PLAN OF LINE EXTINGUISHMENT BEING PARCELS 20 AND 28 OF WILMANSBURG CROSSING" PREPARED BY AES CONSULTING ENGINEERS, DATED 10-24-16 AND RECORDED AS INSTRUMENT NO. 160021147.

- NOTES:**
1. PHASE 27 BUILDING 27 IS SUBSTANTIALLY COMPLETE.
  2. EASEMENTS AND BUILDING LINES SHOWN HEREON PER THE FOLLOWING:  
 - EASEMENT BY AES CONSULTING ENGINEERS, DATED 5-23-15  
 - PLAN BY AES CONSULTING ENGINEERS, DATED 10-24-16,  
 INST. #160021147  
 - PLAN OF DEVELOPMENT BY AES CONSULTING ENGINEERS, DATED 9-8-16

PHASE	BUD#	STATUS/RECORDATION	SQUARE FEET	ACRES
1	N/A	INST. #17001079	284,468	6.163
26	26	NOT YET RECORDED	4,465	0.102
27	27	SUBSTANTIALLY COMPLETE	4,944	0.113
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	18,880	0.433
		ADDITIONAL LAND A-4	43,689	1.003
		ADDITIONAL LAND A-5	48,598	1.115
		ADDITIONAL LAND A-6	23,122	0.531
		ADDITIONAL LAND A-7	252,872	5.807
		TOTAL NEW PARCEL 29	818,629	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

**PHASE 27**  
**CONDOMINIUM PLAT AND PLAN**  
 OF  
**THE PROMENADE**  
 AT  
**JOHN TYLER**  
 A CONDOMINIUM  
 JAMES CITY COUNTY, VIRGINIA

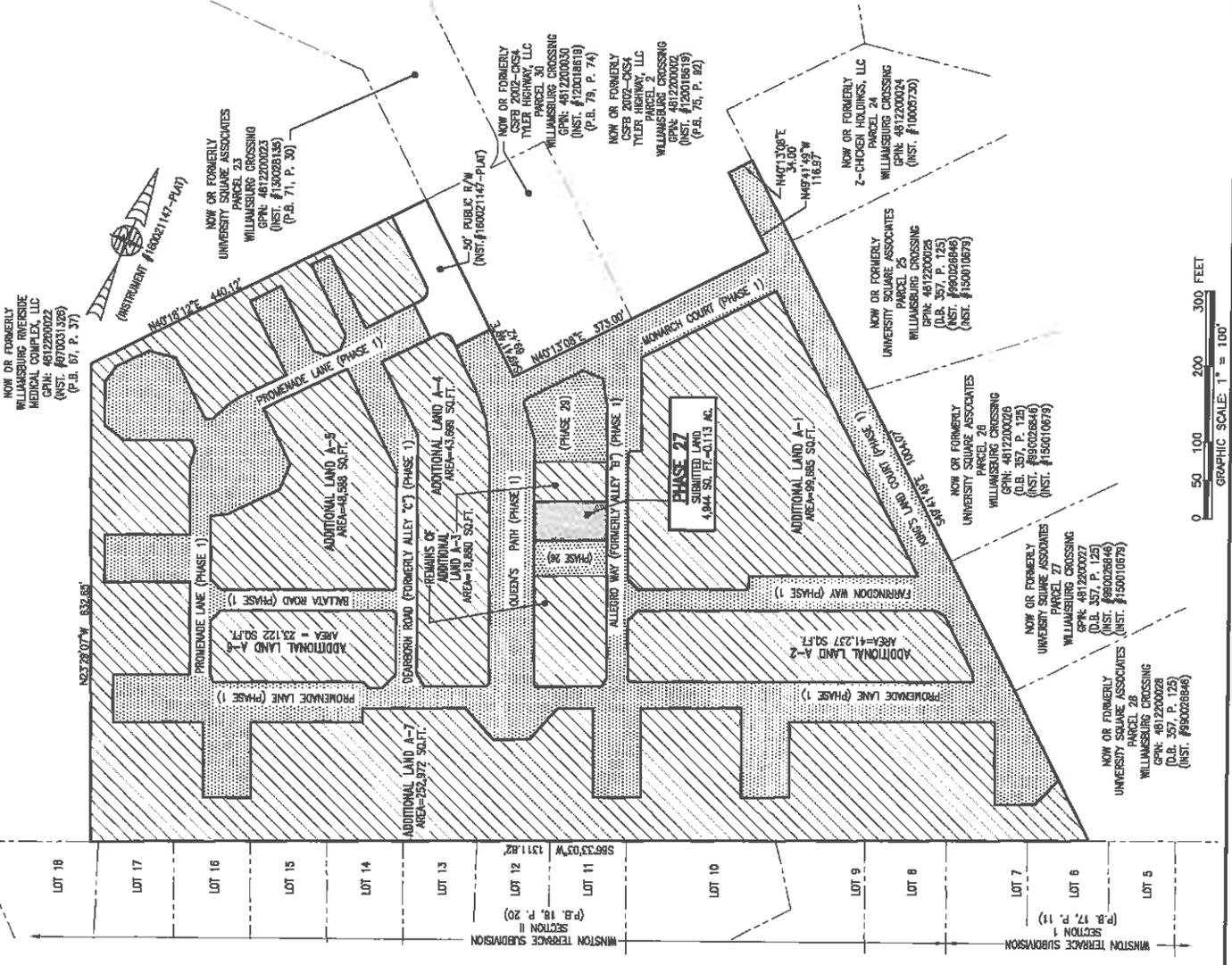


6/8 169821



Hayden Lyne and Associates, Inc.  
 Land Surveyors  
 103 BALLANTRAE BLVD., SUITE 200  
 VIRGINIA BEACH, VA 23462  
 PH: 757-491-2291 FAX: 757-491-2229

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



GRAPHIC SCALE: 1" = 100'

5410

**LINE TABLE**

NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE
L1	S20°01'15"W	44.67	L76	S86°33'03"W	113.01	L151	S46°17'28"E	106.06	L101	N08°23'33"W	4.24
L2	S66°33'03"W	53.15	L77	N01°18'11"E	70.86	L152	N40°18'11"E	70.86	L102	N23°26'57"W	34.68
L3	N23°26'57"W	106.47	L78	N86°33'03"W	83.00	L153	S46°41'49"E	50.00	L103	N40°12'30"W	51.25
L4	S66°33'03"W	288.00	L79	N01°18'11"E	91.87	L154	N40°18'11"E	10.00	L104	N82°45'15"E	8.23
L5	S23°26'57"E	100.00	L80	N04°39'59"W	20.85	L155	S46°41'49"E	10.00	L105	N40°13'08"E	66.19
L6	S66°33'03"W	83.00	L81	N40°18'11"E	14.72	L156	N40°18'11"E	50.00	L106	N82°55'55"E	27.68
L7	N23°26'57"E	118.00	L82	S62°33'07"E	11.47	L157	S46°41'49"E	84.74	L107	S46°42'28"E	70.00
L8	S66°33'03"W	132.88	L83	N74°30'33"W	30.87	L158	S26°33'07"E	11.47	L108	S66°33'03"W	220.38
L9	S23°26'57"E	118.00	L84	N23°26'57"E	57.00	L159	S66°33'03"W	650.75	L109	S46°43'58"E	420.48
L10	S66°33'03"W	83.00	L85	N13°08'58"E	24.83	L160	N82°26'57"W	4.24	L110	N46°17'28"E	81.13
L11	N23°26'57"E	118.00	L86	N40°41'49"E	46.00	L161	N23°26'57"W	76.00	L111	S27°33'04"W	4.85
L12	S66°33'03"W	46.52	L87	N01°18'11"E	36.41	L162	N27°33'03"E	10.00	L112	S66°33'04"W	143.47
L13	S18°43'43"W	55.33	L88	N46°18'11"E	90.11	L163	N82°33'03"E	390.42	L113	N23°26'57"W	167.26
L14	S66°33'03"W	46.52	L89	N69°03'08"E	10.81	L164	S17°34'25"E	14.26	L114	N21°33'03"E	4.85
L15	S66°33'03"W	55.33	L90	N23°26'57"E	25.84	L165	S23°26'57"E	81.00	L115	N82°26'57"W	14.50
L16	S66°33'03"W	135.69	L91	N34°52'20"E	20.26	L166	S21°33'03"W	26.16	L116	N23°26'57"W	122.78
L17	S23°26'57"E	18.00	L92	N46°43'38"E	85.92	L167	S62°33'03"W	17.38	L117	N40°13'08"E	187.12
L18	S66°33'03"W	145.93	L93	N46°17'28"E	108.73	L168	N82°26'57"W	11.31	L118	S46°41'49"E	101.83
L19	S23°26'57"E	100.00	L94	N46°42'32"E	85.00	L169	S66°33'03"W	185.90	L119	S46°41'49"E	101.83
L20	S66°33'03"W	83.00	L95	S46°17'28"E	95.23	L170	N46°44'18"W	11.00	L120	S35°02'48"E	53.18
L21	N23°26'57"E	100.00	L96	N85°03'58"E	19.10	L171	N23°26'57"W	71.00	L121	N82°55'55"E	60.38
L22	S66°33'03"W	118.31	L97	N46°18'11"E	20.84	L172	N27°33'07"E	19.89	L122	N27°33'07"E	30.77
L23	N23°26'57"E	83.00	L98	N40°19'02"W	19.98	L173	N82°33'03"E	226.70	L123	N07°14'54"E	48.28
L24	N66°33'03"E	101.24	L99	N40°17'28"E	103.50	L174	S71°08'13"E	5.20	L124	N46°50'00"E	31.88
L25	N23°26'57"E	123.00	L100	N40°42'32"E	27.52	L175	S46°17'28"E	150.14	L125	N23°27'14"E	36.67

**CURVE TABLE**

NO.	RADIUS	DELTA	CHORD	CH. BEARING
C1	15.00'	90°00'00"	23.56'	15.00'
C2	15.00'	90°00'00"	23.56'	15.00'

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED. I, 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.



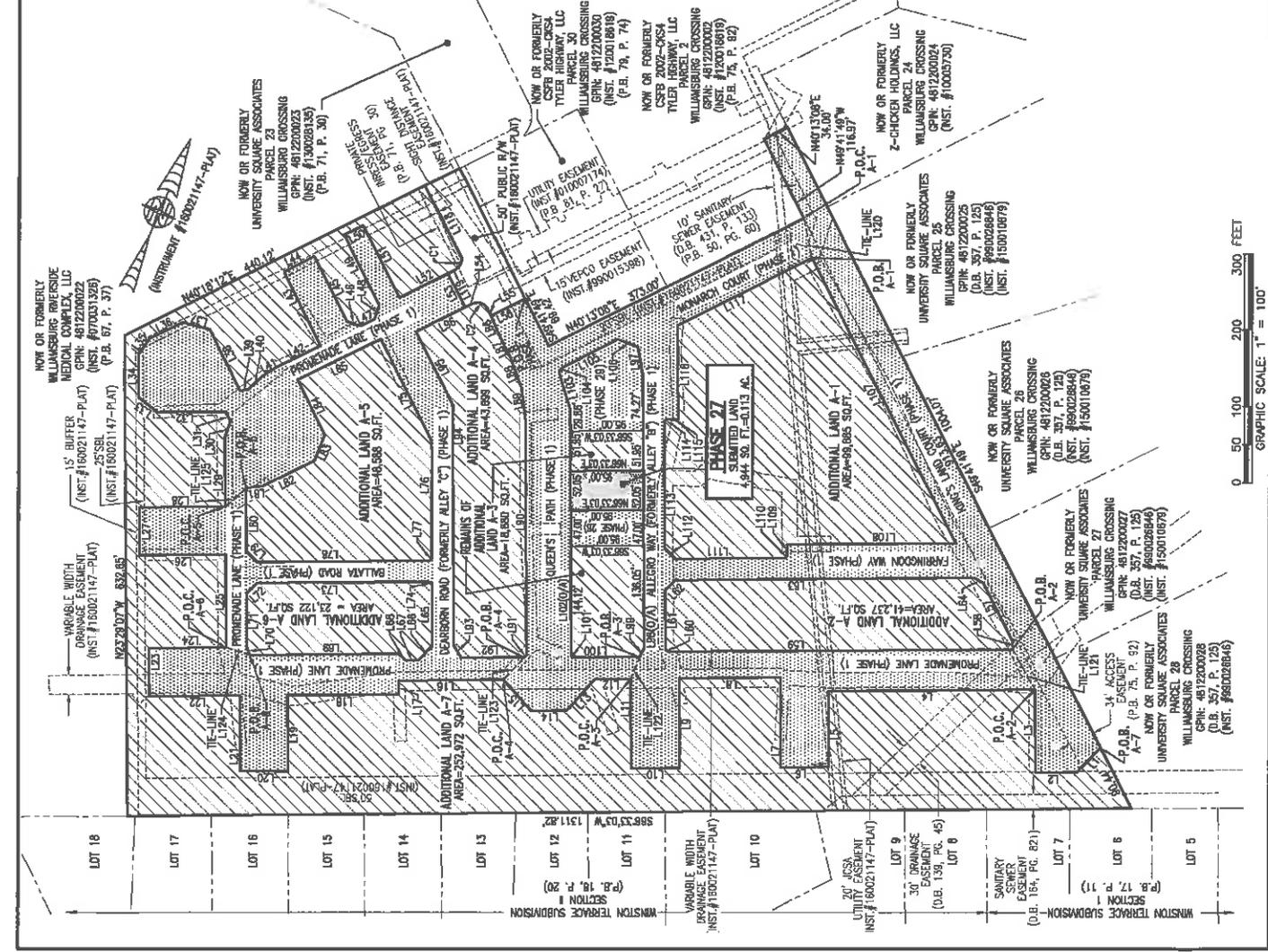
**PHASE 27**  
 OF  
**CONDOMINIUM PLAN AND PLAN**  
 AT  
**THE PROMENADE**  
 A CONDOMINIUM  
 JOHN TYLER  
 A CONDOMINIUM  
 JAMES CITY COUNTY, VIRGINIA

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

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

Hayden Frye and Associates, Inc.  
 Land Surveyors  
 315 MALLARD ROAD, SUITE 300  
 VIRGINIA BEACH, VA, 23462  
 PH: (757) 433-0200 FAX: (757) 433-0201

Indicates submitted land  
 Indicates previously submitted land  
 Indicates additional land  
 P.O.C. = POINT OF COMMENCEMENT  
 P.O.B. = POINT OF BEGINNING



6410

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, § 55-70.2B AND I FURTHER CERTIFY THAT ALL IMPROVEMENTS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA § 55-79.85A, ARE NOT YET COMPLETED.



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

THIS SHEET: BUILDING DETAIL

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**OF**  
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**AT**

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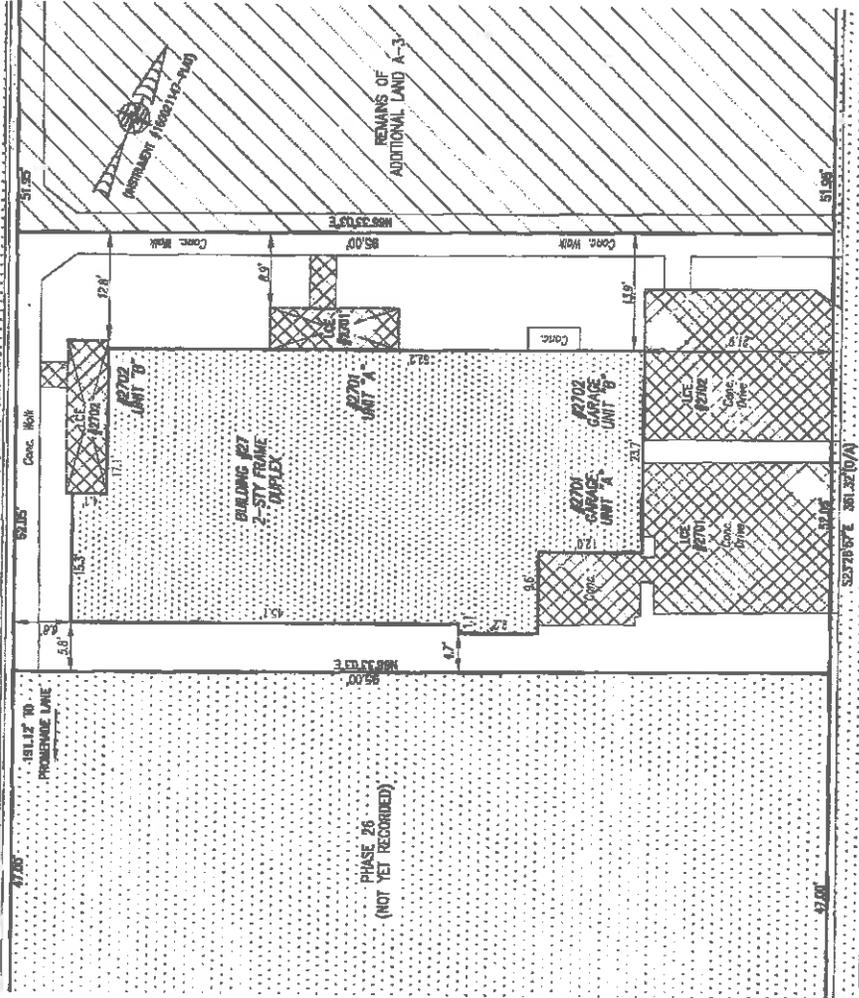
Playden Payne and Associates, Inc.  
Land Surveyors  
703 NOLLAN AVENUE, SUITE 201  
VIRGINIA BEACH, VA 23462  
PH: (757) 491-7828; FAX: (757) 491-7899

DATE: OCTOBER 28, 2017  
SCALE: 1"=10'  
SHEET 3 OF 5 THIS PHASE



**QUEEN'S PROMENADE**  
PHASE 1 (INSTR. #170011670)  
(PREVIOUSLY SUBMITTED LAND)

1837265174 34.4670(A) 0.5 Conc. Curb

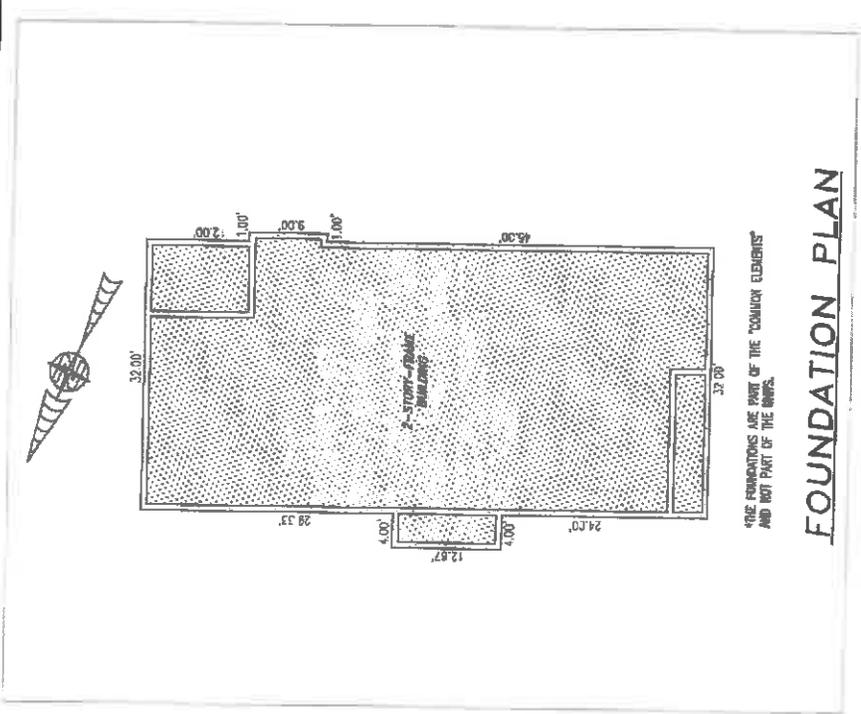


**ALLEGRO (FORMERLY ALLEY B)**  
PHASE 1 (INSTR. #170011670)  
(PREVIOUSLY SUBMITTED LAND)



0160

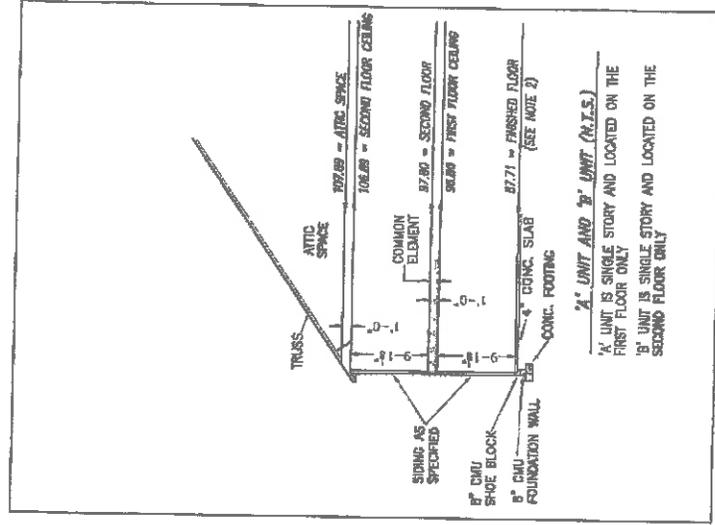
# BUILDING 27 (DUPLIX)



\*THE FOUNDATIONS ARE PART OF THE COMMON ELEMENTS AND NOT PART OF THE UNITS.

## FOUNDATION PLAN

— INDICATES COMMON ELEMENT



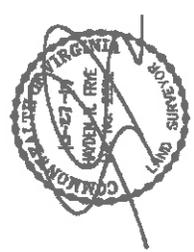
## TYPICAL BUILDING SECTION

NOT TO SCALE (N.T.S.)

### NOTES:

1. VERTICAL DATUM REFERENCE: NATIONAL GEODETIC VERTICAL DATUM OF 1929 (MVD29).
2. FINISHED FLOOR ELEVATION SHOWN WAS TAKEN FROM AS-BUILT SURVEY OF BUILDING #27 (DUPLIX) THE PROMENADE AT JOHN TYLER BY HARGEN FRYE AND ASSOCIATES DATED: 10/25/2017.

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, 55-79.5B AND I FURTHER CERTIFY THAT ALL UNITS THEREOF DEPICTED HEREON, PURSUANT TO THE CODE OF VIRGINIA : 55-79.5B(2), ARE SUBSTANTIALLY COMPLETE.



THIS SHEET: FOUNDATION PLAN AND SECTION

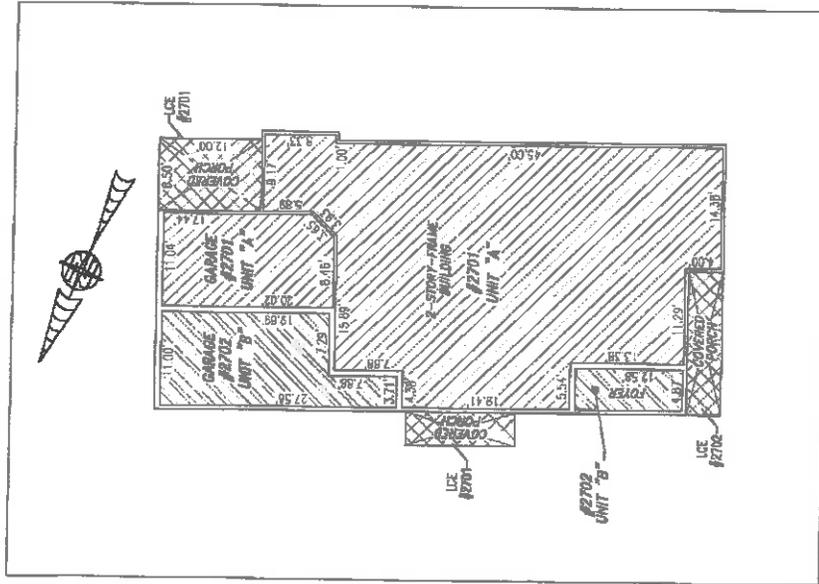
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 A CONDOMINIUM  
 JAMES CITY COUNTY, VIRGINIA

Land Surveyors  
 135 KILLAM ROAD, SUITE 200  
 VIRGINIA BEACH, VA 23462  
 TEL: 757-431-1234 FAX: 757-431-2129

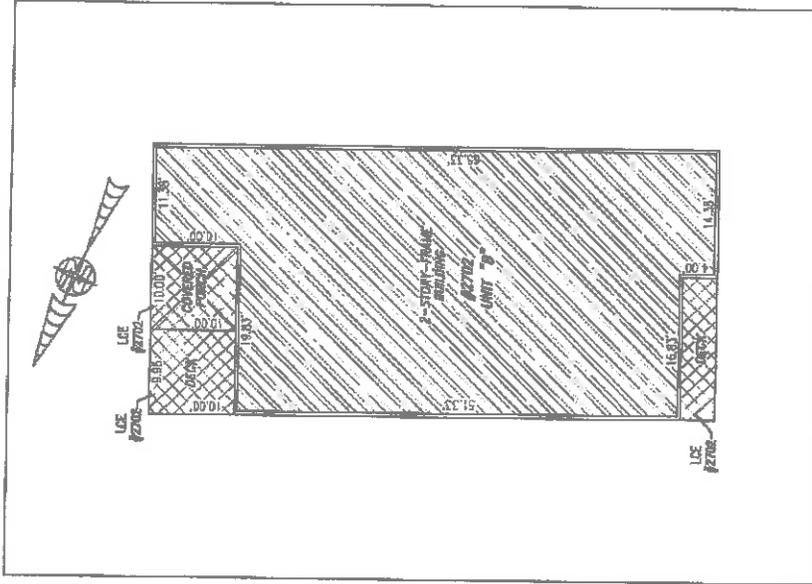
DATE: OCTOBER 25, 2017  
 SCALE: 1"=10'  
 SHEET 4 OF 6 THIS PHASE

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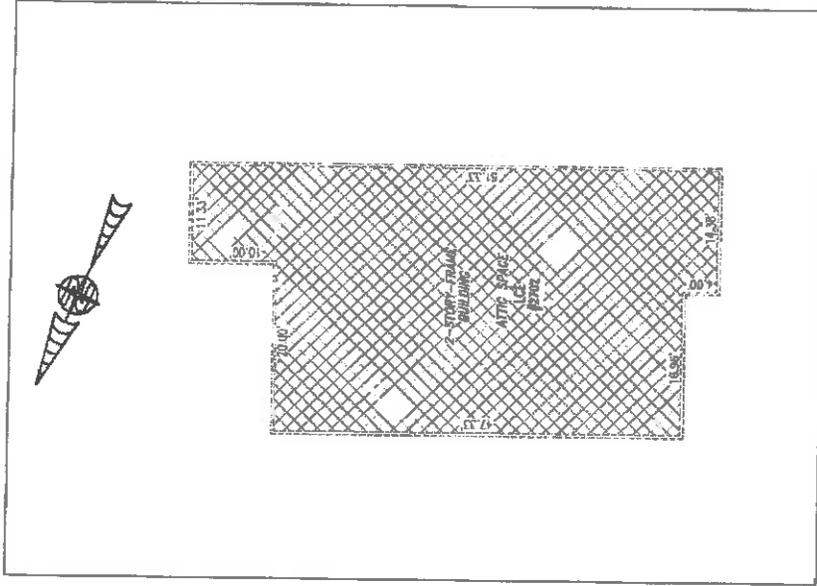
**BUILDING 27 (DUPLIX)**



**FIRST FLOOR**



**SECOND FLOOR**



**ATTIC SPACE**

I HEREBY CERTIFY THAT THIS PLAN IS ACCURATE AND THAT IT COMPLIES WITH THE PROVISIONS OF THE CODE OF VIRGINIA OF 1950 AS AMENDED, 55-79.2B AND I FURTHER CERTIFY THAT ALL UNITS THEREIN DEPICTED HEREIN, PURSUANT TO THE CODE OF VIRGINIA, 55-79.2B, ARE SUBSTANTIALLY COMPLETE.

UNIT ID	UNIT DESCRIPTION	UNIT ADDRESS
A	INDICATES AREA OF UNIT 2701	#2701 QUEEN'S PATH
B	INDICATES AREA OF UNIT 2702	#2702 QUEEN'S PATH
	INDICATES COMMON ELEMENT	
	INDICATES LIMITED COMMON ELEMENT	



THIS SHEET: FLOOR PLANS

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**AT**  
**JOHN TYLER**  
**A CONDOMINIUM**  
**JAMES CITY COUNTY, VIRGINIA**

Hayden Tye and Associates, Inc.  
**Land Surveyors**  
 375 HELLAS ROAD, SUITE 200  
 VIRGINIA BEACH, VA 23462  
 PH: 757-671-2288 FAX: 757-671-1229



DATE: OCTOBER 25, 2017  
 SCALE: 1" = 10'  
 SHEET 5 OF 5 THIS PHASE

0910

EXHIBIT A

Phase 27 - Building 27

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 SEVEN, AREA = 4,944 SQUARE FEET = 0.113 ACRES" on that certain plat entitled "PHASE 27, 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 # 170021157

INSTRUMENT 170021157  
RECORDED IN THE CLERK'S OFFICE OF  
WMSBG/JAMES CITY CIRCUIT ON  
November 7, 2017 AT 03:15 PM  
MONA A. FOLEY, CLERK  
RECORDED BY: EEO

10910