

PROFFERS

LONG ENTERPRISES, INC.

RZ 96-S-023

JANUARY 14, 1997

Pursuant to Section 15.1-491(a), Code of Virginia, 1950 as amended, Long Enterprises, Inc., the applicant in RZ 96-S-023, filed for property identified as Tax Map 88-1 ((1)) 35 (hereafter referred to as the "Application Property") agrees to the following proffers, provided that the Board of Supervisors approves the rezoning of the Application Property to the R-3 District.

1. Generalized Development Plan. Development of the Application Property shall be in substantial conformance with the Generalized Development Plan ("GDP"), prepared by Land Design Consultants dated May, 1996, and revised through January 14, 1997 consisting of one sheet.
2. Minor Modifications. Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications from the GDP may be permitted as determined by the Zoning Administrator. The Applicant reserves the right to make minor adjustments to the internal lot lines of the proposed subdivision at time of subdivision plan submission based on final house locations and building footprints.
3. Lee Chapel Road.
 - a. Dedication. Subject to Virginia Department of Transportation (VDOT) and Department of Environmental Management (DEM) approval, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way in accordance with VDOT Project No. 0643-029-294, C-502 up to a width of 50 feet from the existing centerline of Lee Chapel Road along the Application Property's frontage of Lee Chapel Road as shown on the GDP and will convey all slope, grading or temporary construction easements requested by either Fairfax County or VDOT, provided said easements do not prevent development of the Application Property as proffered. Dedication shall be made at time of recordation of the final subdivision plat or upon demand from Fairfax County, whichever occurs first.
 - b. Trail. In the event that a waiver of the requirement to construct a six (6) foot wide asphalt trail along the Application Property's frontage of Lee Chapel Road is approved by DEM, the Applicant shall escrow funds to DEM equivalent to the cost of constructing said trail.

4. Density Credit. Advanced density credit shall be reserved as may be permitted by the provisions of Paragraph 5 of Section 2-308 of the Fairfax County Zoning Ordinance for all eligible dedications described herein or as may be reasonably required by Fairfax County or VDOT at time of subdivision plan approval.

5. Limits of Clearing and Grading. The Applicant shall conform to the limits of clearing and grading as shown on the GDP subject to the installation of necessary utilities. If it is necessary to locate the utility lines outside the limits of clearing and grading, those lines shall be located and installed in the least disruptive manner possible, considering cost and engineering, as determined by the Urban Forester. A replanting plan shall be developed and implemented, as approved by the Urban Forester, for any areas outside the limits of clearing and grading that must be disturbed.

6. Landscape Plan. For purposes of maximizing the preservation of trees, the Applicant shall retain an arborist certified by the International Society of Arboriculture to consult on the preparation of a tree preservation/landscape plan. The tree preservation/landscape plan shall be submitted as part of the final subdivision plan and shall be coordinated with and approved by DEM. This plan shall provide for the preservation of specific quality trees or stands of trees located within the open space areas and on individual lots which can be preserved to the maximum extent feasible without precluding the development of a typical home on each of the lots as shown on the plan. DEM may require modifications to the landscape plan to the extent said modifications do not alter the number of dwelling units as shown on the plan, reduce the size of the units or require the installation of retaining walls greater than four feet in height. Subject to the approval of the Urban Forester/DEM, the Applicant shall perform the following measures relating to tree preservation on the property:
 - Perform a pre-construction evaluation of the existing vegetation to determine the condition of the trees designated to be saved.

 - The trees designated to be saved shall be marked on the ground with a filter fabric fence or equivalent demarcation prior to clearing and grading and at all times during construction. Signage affirming "restricted access" shall be provided on the temporary fence highly visible to construction personnel. The arborist contracted by the Applicant shall monitor the construction of the proposed development to ensure consistency with the landscape/tree preservation plan.

 - In addition, where it is determined feasible, adjustments to the proposed grading and location of the proposed units on the application property may be modified at time of final engineering to enhance specific tree preservation.

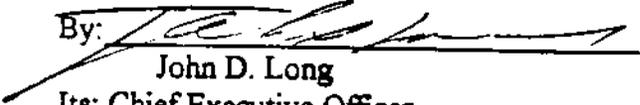
As a result of final engineering in the event the areas designated as tree save areas on the GDP are modified or cannot be preserved, equivalent tree save areas or equivalent landscaped areas shall be substituted on the site as determined by DEM.

7. Heritage Resources. Prior to any land disturbing activities, the Applicant shall have a Phase I archeological study of the property conducted which shall be submitted to the County Archeologist.
8. Existing Driveway. The Applicant shall remove the existing driveway entrance to Lee Chapel Road and scarify this area.
9. Contribution. The Applicant shall contribute \$1,500 per residential unit towards the property's frontage improvements along Lee Chapel Road (project VDOT Project No. 0643-029-294, C-502). This contribution shall be paid at the time of subdivision plan approval. Using the Board of Supervisors' approval date of the rezoning application as the base date, the payment amount shall be adjusted in accordance with the Construction Cost Index changes as published in the *Engineering News Record* by McGraw-Hill at the time of payment. This contribution shall be made in lieu of actual improvements to Lee Chapel Road.
10. Open Space. Parcel A shown on the GDP shall be retained as open space for BMP purposes.
11. Affordable Housing. At the time of final subdivision plan approval, the Applicant shall contribute to the Fairfax County Housing Trust the sum equal to one-half percent (½%) of the projected sales price of the house to be built on each lot to assist Fairfax County's low and moderate income housing goals. The projected sales price shall be determined by the Applicant in consultation with the staff of the Fairfax County Department of Housing and Community Development (HCD) and the Department of Environmental Management (DEM). The timing and amount of this contribution may be modified at the Applicant's sole option based on the adoption of a future amendment to the formula adopted by the Board of Supervisors.
12. Successors and Assigns. These proffers shall bind and inure to the benefit of the Applicant and his/her successors and assigns.
13. Counterparts. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.
14. Landscaping. The Applicant shall provide the landscaping as shown on the GDP. In addition, the Applicant shall provide a six (6) foot board on board fence along the western property line as shown on the GDP.

(SIGNATURES BEGIN ON NEXT PAGE)

APPLICANT/CONTRACT PURCHASER:

LONG ENTERPRISES, INC.

By: 

John D. Long

Its: Chief Executive Officer

(SIGNATURES CONTINUE ON NEXT PAGE)

TITLE OWNERS:

By: *H. E. Alphin*
H. E. Alphin

By: *Elizabeth F. Alphin*
Elizabeth F. Alphin

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