

PROFFERS

FAIR LAKES CHASE

RZ 1997-SU-012

December 2, 1997

Pursuant to Section 15.2-2303(a), Code of Virginia, 1950 as amended, Toll Brothers, Inc., the Applicant in RZ 1997-SU-012, filed for property identified as Tax Map 55-1 ((1)) 1 and 55-1 ((3)) 8, 10, 12, and 22 (hereinafter referred to as the "Application Property"), proffers for themselves, their successors, and assigns the following, provided that the Board of Supervisors (hereinafter referred to as the "Board") approves a rezoning of the Application Property to the PDH-2 District.

1. **Development Plan.** Development of the Application Property shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan ("CDP/FDP") entitled Fair Lakes Chase, 2 sheets, prepared by Rinker-Detwiler & Associates, P.C. dated July 3, 1997.
2. **Final Development Plan Amendment.** Notwithstanding that the CDP/FDP is the subject of Proffer No. 1 above, it shall be understood that the CDP shall be the entire plan relative to the points of access, the total number and types of units, amount and general location of the Environmental Quality Corridor and Resource Protection Area, open space, and limits of clearing and grading. The Applicant has the option to request a Final Development Plan Amendment ("FDPA") for elements other than CDP elements from the Planning Commission for all of or a portion of the CDP/FDP in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance, if in conformance with the approved CDP and proffers.
3. **Minor Deviations.** Pursuant to Paragraph 4 of Section 16-403 of the Zoning Ordinance, minor modifications from the FDP may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layout shown on the CDP/FDP without requiring approval of an amended FDP provided such changes are in general conformance with the FDP as determined by the Zoning Administrator, agents or assigns and neither increase the total number of units nor decrease the amount of open space or distances to peripheral lot lines, or encroach into tree preservation areas, Environmental Quality Corridor, or floodplain shown on the Tree Preservation Plan described in proffer 11.

4. Northbourne Drive. The Applicant shall construct improvements along the Application Property's Northbourne Drive frontage as shown on the CDP/FDP. Such improvements shall include:
 1. Construction of frontage improvements measuring twenty-six (26) feet from the existing centerline to face of curb from the Application Property's western boundary across Lots 1, 2, and 3;
 2. Construction of frontage improvements measuring nineteen (19) feet from the existing centerline to face of curb along the remainder of the Application Property's Northbourne Drive frontage; and
 - c. Construction of a standard sidewalk along the Application Property's Northbourne Drive frontage.
 - d. Subject to approval by the Virginia Department of Transportation ("VDOT"), the Applicant shall install stop signs on Northbourne Drive at the Application Property's entrance to create a 3-way stop situation as a traffic-calming measure on Northbourne Drive.
 - e. Improvements to intersection at the site's entrance shall be constructed as shown, with the left-hand turn lane only to be provided if VDOT warrants are met. If warranted, the left-hand turn lane shall be provided as shown on the CDP/FDP; and
5. Traffic Calming Measures. At the time of subdivision approval, the Applicant shall escrow \$12,000 with VDOT or DEM for the express purpose of compensating VDOT for the cost of installing traffic calming measures on Northbourne Drive and/or Cabells Mill Drive.
6. Veronica Road. At the time of subdivision approval, or upon demand by Fairfax County, whichever shall occur first, the Applicant shall dedicate and convey in fee simple to the Board right-of-way along the Application Property's Veronica Road frontage measuring 26 feet from the existing centerline. The Applicant shall, at the time of subdivision approval, bond for the construction of frontage improvements along Veronica Road measuring nineteen (19) feet from centerline. Upon VDOT and DEM approval, the Applicant may defer construction and escrow with the Department of Environmental Management ("DEM") an amount equal to the cost of constructing a nineteen (19) foot cross section, along the Application Property's Veronica Road frontage. In the event the Veronica Road right-of-way is vacated within fifteen (15) years from the date of approval of bond release for this project. The escrowed amount shall be returned to the Applicant.

7. Interparcel Access to Lot 32. The Applicant shall provide interparcel access to property identified as Tax Map 55-1((2))32 ("Lot 32") through the extension of its entrance road to Lot 32's eastern boundary as generally shown on the CDP/FDP. The exact alignment of this interparcel connection may be modified based on final engineering design. The Applicant shall construct this extension as a Category I Tertiary Street for the purpose of providing access to the future residential development of Lot 32, provided all necessary off-site easements are made available at no cost of the Applicant.
8. Density Credit. At time of subdivision plan approval 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 required by Fairfax County or VDOT at time of subdivision plan approval.
9. Centreville Area Road Fund. At time of subdivision approval the Applicant shall escrow with DEM in the Centreville Area Road Fund the sum of \$1,735 per unit, as adjusted by any increase in the Virginia State Highway Construction Bid Index from the date of Rezoning approval, on a pro rata basis to the date of escrow deposit.
10. Recreational Facilities. Pursuant to Paragraph 2 of Section 6-110 of the Zoning Ordinance regarding recreational facilities, the Applicant proffers that the minimum expenditure for developed recreational facilities shall be \$500.00 per residential unit. Approximately \$14,500 shall be dedicated toward provision of a tot lot as shown on the CDP/FDP with the balance of the funds, approximately \$10,000, contributed to the Fairfax County Park Authority at time issuance of the 25th RUP for the construction/extension of a trail on Tax Map 55-1 ((15)) A, or for other recreational facilities in the vicinity as determined by the Fairfax County Park Authority.
11. Limits of Clearing and Grading. The Applicant shall conform to the limits of clearing and grading shown on the CDP/FDP, generally as shown on the CDP/FDP, and utility lines, if necessary, as approved by DEM.
12. Tree Preservation Plan. For the purposes of maximizing the preservation of trees on individual lots, the Applicant shall prepare a tree preservation plan. The tree preservation plan shall be submitted prior to approval of any grading plan or any land disturbing activity approved by DEM. This plan shall provide for the preservation of specific qualify trees or stands of trees located on individual lots which can be preserved without precluding the development of a typical home on each of the lots as shown on the CDP/FDP.

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. An arborist contracted by the Applicant shall monitor the construction of the proposed development to ensure consistency with the tree preservation plan.

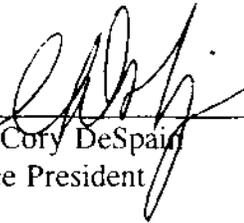
As a result of final engineering in the event the trees designated as tree save areas on the CDP/FDP are modified or cannot be preserved, equivalent landscaped areas shall be substituted on the site as determined by the Urban Forester.

13. **Restoration Plan.** Prior to the approval of any plans for clearing and grading on the site, a vegetative restoration plan for all of the Environmental Quality Corridor/Resource Protection Area ("EQC/RPA") area depicted on the CDP/FDP shall be submitted to the Urban Forester for review and approval. The CDP/FDP shall provide for the restoration of the EQC/RPA with native species to replicate the vegetative community types typically found in this area. Implementation of the restoration plantings shall include, but shall not be limited to, Public Facilities Manual ("PFM") standard trees, non-PFM standard trees, saplings, and shrubs, and transplantation of on-site trees as determined appropriate by DEM or the Urban Forester.
14. **Open Space and EQC.** All areas depicted as open space on the CDP/FDP, including, without limitation, the EQC as depicted on the CDP/FDP, will be conveyed to and maintained by a private homeowners association. The EQC will not be disturbed except as shown on the CDP/FDP and to the extent disturbance is allowed outside the limits of clearing and grading in accordance with Proffer 11. Any disturbance shall be designed in the least disruptive manner possible.
15. **Heritage Resources.** The Applicant shall have a Phase I Archeological Study of the Application Property prepared and submitted to the County Archeologist prior to land disturbing activities on the Subject Property. If determined necessary by the County Archeologist, the Applicant shall have Phase II and Phase III Archeological Studies of the Application Property conducted prior to subdivision plan approval. The maximum amount that the Applicant shall be obligated to pay for such Phase II and Phase III Archeological Studies is \$10,000; provided, however, that using the Board of Supervisors' approval date of the Rezoning application as the base date, the maximum amount will be adjusted according to the Construction Cost Index as published in the Engineering News Record by McGraw-Hill.

16. **Affordable Housing.** At the time of final subdivision plan approval, the Applicant shall make a cash contribution to the Fairfax County Housing Trust Fund of one percent (1%) of the base sales price of each unit in accordance with the Residential Cash Proffer Formula adopted by the Board of Supervisors on May 20, 1991.
17. **Sanitary Sewer.** The Applicant shall provide an easement for sanitary sewer from its on-site sanitary sewer line to the Application Property's southern property line.
18. **Successors and Assigns.** These proffers will bind and inure to the benefit of the Applicant and his/her successors and assigns.
19. **Counterparts.** These proffers may be executed in one or more counterparts, each of one when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one in same instrument.
20. **Severability.** Any of the sections may be subject to a Proffered Condition Amendment without joinder and/or consent of the other sections, if such PCA does not affect any other sections. Previously approved proffered conditions applicable to the section(s) which is not the subject of such a PCA shall otherwise remain in full force and effect.

(SIGNATURES BEGIN ON NEXT PAGE)

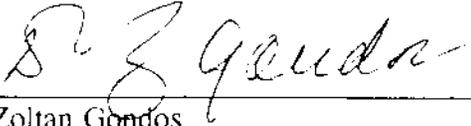
APPLICANT/CONTRACT PURCHASER
TOLL BROS., INC.



G. Cory DeSpain
Vice President

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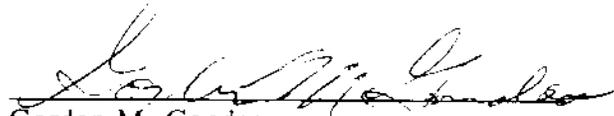
TITLE OWNER OF TAX MAP 55-1((1))-1 and
55-1((3))-8, 10, 12 and 22



Zoltan Gondos

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TITLE OWNER OF TAX MAP 55-1((1))-1 and
55-1((3))-8, 10, 12 and 22



Gordon M. Gondos

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TITLE OWNER OF TAX MAP 55-1((1))-1 and
55-1((3))-8, 10, 12 and 22



Myra Gondos

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