

Proffers**Michael V. and Joanne M. Curtiss****RZ 2005-LE-021****April 25, 2007**

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 as amended, the undersigned Applicant and Owners, in this rezoning proffer that the development of the parcels under consideration and shown on the Fairfax County Tax Map as Tax Map Reference 81-4((1))37, 38, 39 (hereinafter referred to as the "Property") will be in accordance with the following conditions (the "Proffered Conditions"), if and only if, said rezoning request for the PDH-8 Zoning District is granted. In the event said rezoning request is denied, these Proffered Conditions shall be null and void. The Owners and Applicant, for themselves, their successors and assigns hereby agree that these Proffered Conditions shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. The Proffered Conditions are:

I. GENERAL

1. Substantial Conformance. Subject to the provisions of Article 16 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Property shall be in

substantial conformance with the Conceptual Development Plan/Final Development Plan (CDP/FDP), prepared by BC Consultants and entitled "Curtiss Property", consisting of 9 sheets, dated March 2005, revised through March 27, 2007. The Applicant reserves the right to pursue "minor modifications" to the CDP/FDP in accordance with the Applicable provisions of Article 16 of the Zoning Ordinance.

2. Maximum Lot Yield. The development shall consist of a maximum of 17 single family attached units. Except as may be further qualified by these proffered conditions, minor modifications to the building envelopes including house location and sizes may be permitted in accordance with Section 16-403 of the Zoning Ordinance without requiring approval of a Proffered Condition Amendment (PCA)/Final Development Plan Amendment (FDPA) if such are in substantial conformance with the CDP/FDP.

3. Establishment of HOA. Prior to site plan approval, the Applicant shall demonstrate that the Property will be governed by a Homeowners Association (HOA) and be subject to a Declaration of Covenants, Conditions and Restrictions consistent with the requirements of Article 2 of the Zoning Ordinance. Pursuant to a

mutual agreement with an adjacent HOA, the property may become part of another HOA rather than forming a separate HOA. If such agreement is executed, full disclosure of these proffers shall be made to the HOA being joined. If the HOA being joined is governed by proffers, the Applicant shall disclose to prospective purchasers of lots on the subject property, the existence of such proffers.

4. Dedication to HOA. In conjunction with the appropriate site plan review process, private streets/alleys, open space common areas and amenities not otherwise conveyed or dedicated to the County shall be dedicated to the HOA and maintained by the same.

5. Disclosure. Prior to entering into a contract of sale, prospective purchasers shall be notified in writing by the Applicants of the maintenance responsibility for the private streets/alleys, walls, and common area landscaping and any other open space amenities, and the possible stormwater detention/BMP area and shall acknowledge receipt of this information in writing. The prospective purchasers shall also be notified in writing by the Applicants of the possibility of future interparcel connections to the south and shall acknowledge receipt of this information in writing. Each deed of conveyance and the HOA documents shall

expressly contain these disclosures and the HOA documents shall include a commitment to keeping the alleys clear of obstructions to include cars and trashcans at all times.

6. Garages. A minimum of two parking spaces shall be provided within the garage of each dwelling unit. Any conversion of garages that will preclude the parking of vehicles within the garage is prohibited. A covenant setting forth this restriction shall be recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of any lots and shall run to the benefit of the Board of Supervisors and the HOA and this restriction shall be included in the HOA documents.

7. Energy Conservation. All dwellings on the Property shall meet the thermal guidelines of the CABO Model Energy Program for energy efficient homes, or its equivalent as determined by the Department of Public Works and Environmental Services (DPWES) for either gas or electric energy systems, as may be applicable.

8. Signs. No temporary signs (including "popsicle" style paper or cardboard signs), which are prohibited by Article 12 of the Zoning Ordinance and Chapter 7 of Title 33.1, and Chapter 8 of Title 46.2

of the Code of Virginia, shall be placed on or offsite by the Applicant or at the Applicant's direction. The Applicant shall direct its agents and employees involved with the Property to adhere to this proffer.

9. Architecture. The fronts and exposed sides of the dwelling units will be constructed with brick materials, exclusive of windows, doors, shutters and trim, generally as depicted on Sheet 4 of 9 of the CDP/FDP. [No less than twenty-five (25) percent of the rear of each unit shall be constructed of brick]. For remaining portions of the rear facade, Hardi-plank or other similar cementitious siding products shall be used, exclusive of windows, doors, shutters and trim.

10. Lot Typical. The minimum yards and decks shall be consistent with that shown on the typical lot layout on Sheet 4 of 9 of the CDP/FDP. Other appurtenances, including but not limited to bay windows, patios, chimneys, stairs and stoops required for access to below grade living spaces and mechanical equipment may encroach into minimum yards as permitted by Section 2-412 of the Zoning Ordinance.

II. TRANSPORTATION

11. Street Maintenance. The alleys shall be constructed pursuant to the Public Facilities Manual (PFM) pavement section standards as to the depth of pavement and materials appropriate for public streets, subject to DPWES approval and shall be no less than eighteen (18) feet in width.
12. Public Access Easement. A public access easement in a form approved by the County Attorney shall be recorded on the alleys and on the sidewalks not located within public right-of-way of the development.
13. Right-of-Way/Road Construction. The public road shall be constructed as shown on the CDP/FDP to public street standards as approved by VDOT. The applicant shall be required to apply for all necessary waivers through DPWES, VDOT and FCDOT. At the time of site plan approval or upon demand, whichever occurs first, the public street and associated right-of-way, which extends to the southeast corner of the Property, shall be dedicated and conveyed to the Board of Supervisors in fee simple with density reserved subject to the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance.

14. Future Street Connection. To provide for future interparcel connection to the south, the Applicant shall, at the time of site plan approval, escrow funds for providing the extension of the public road to the southeast corner of the Property as shown on the CDP/FDP. Such escrow shall be of an amount approved by DPWES based on the unit price schedule or other similar objective standard. The escrow Agreement shall stipulate that such escrow funds be released to the County for the purpose of providing the contemplated interparcel connection. The Applicant shall also post a sign, (per PRM Section 7-0404, 12A), subject to approval from VDOT, near the turn-around which includes language to the effect that the road may connect in the future. The escrow fund and the potential for a future road connection shall be disclosed to each future homeowner prior to entering a contract of sale and shall be contained within the HOA documents. The Applicant reserves the right to request refund of the escrow amount should the County, at a future date, determine that the road connection is no longer necessary.
15. Length of Driveways. All driveways serving the approved residential units shall be a minimum of 18 ft. in length starting at

the entrance to the garage to the edge of pavement of the alley and shall be a minimum of 18 feet in width.

16. Signalization. Prior to the issuance of first Residential Use Permit, the applicant shall design and modify the existing traffic signal at Crown Royal Drive and South Van Dorn Street to provide appropriate modifications to the signal. The final design of the traffic signal modification shall be subject to approval by the Virginia Department of Transportation (VDOT).
17. Left Turn Lane. Prior to the issuance of the first Residential Use Permit for the approved units, the Applicant shall construct a left turn lane into the site, in accordance with VDOT standards within the existing median of South Van Dorn Street.
18. Bus Shelter. Prior to the issuance of the first Residential Use Permit, the applicant shall provide a bus shelter (with pad) along the South Van Dorn Street frontage of the site, the exact location to be determined by FCDOT. Also included, shall be additional concrete between the sidewalk and curb (aka the utility strip) for an approximate length of 50 feet for the general purpose of providing secure footing for the pedestrians that board/disembark the bus. The HOA shall be responsible for the general

maintenance, including dispensing of the trash in and around the receptacle, and this responsibility shall be noted in the HOA documents.

19. Right-of-way/South Van Dorn Street. At the time of site plan review, or upon demand by VDOT or Fairfax County, whichever occurs first, the Applicant shall dedicate in fee simple to the Board of Supervisors, the right-of-way along the site's frontage of South Van Dorn Street as shown on the CDP/FDP.
20. Right-turn lane. Prior to the issuance of the first Residential Use permit, and subject to approval by VDOT and DPWES, the right turn lane from the new public road onto South Van Dorn Street shall be constructed as shown on the CDP/FDP.

III. HOUSING TRUST FUND

21. Housing Trust Fund. Prior to the issuance of the first building permit, the Applicant shall contribute to the Fairfax County Housing Trust Fund (HTF) the sum equal to one half of one percent (1/2%) of the value of all of the units approved on the property. The percentage shall be based on the aggregate sales price of all of the units subject to the contribution, as if all of those

units were sold at the time of the issuance of the first building permit, and is estimated through comparable sales of similar type units. The projected sales price shall be proposed by the Applicant in consultation with Fairfax County Department of Housing and Community Development (HCD) and shall be approved by HCD and DPWES.

IV. ENVIRONMENTAL

22. Stormwater Management Facilities and Best Management Practices Techniques. The on-site stormwater detention facility, as approved by DPWES, shall be provided as shown on the CDP/FDP. Best Management Practices shall be provided through the stormwater facility as shown on the CDP/FDP or other innovative BMP measures approved by DPWES, provided such measure is in substantial conformance with the CDP/FDP. If not, a Proffered Condition Amendment shall be required. Prior to the conveyance of the first residential unit on the site, the Applicant shall establish a reserve fund in the amount of \$2,500 to the benefit of any future HOA governing the property for purpose of future maintenance of the stormwater facility.

23. Limits of Clearing and Grading. The Applicant shall conform to the limits of clearing and grading as shown on the CDP/FDP subject to the installation of utilities or other features as determined necessary by the Director of DPWES. If it is determined necessary to install utilities or other features outside of the limits of clearing and grading as shown on the CDP/FDP, they shall be located in the least disruptive manner possible as determined by Urban Forest Management, DPWES.
24. Restoration of RPA/EQC. A replanting/restoration plan shall be developed and implemented for the areas shown as "area of revegetation" as shown on the CDP/FDP. This plan shall be developed and implemented in accordance with the standards specified in Par. (f) of Section 118-3-3 of the Chesapeake Bay Preservation Ordinance and as reviewed and approved by UFM and DPWES. The Applicant's obligation for the installation of such off-site plantings shall be subject to obtaining the consent of any off-site owner at no cost beyond that associated with potentially preparing the administrative materials needed to document the intended permission. Such permission shall be diligently pursued. Failed attempts to obtain the necessary permission shall be documented in writing. In the event the

contemplated permission cannot be obtained as stipulated by these proffers, the Applicant shall have no further obligation.

25. Tree Preservation. The applicant shall submit a tree preservation plan as part of first and all subsequent site plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and reviewed and approved by the Urban Forest Management (UFM), DPWES. The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 10 inches in diameter and greater 15 feet to either side of the limits of clearing and grading shown on the CDP/FDP for the entire site. The tree survey shall also include areas of clearing and grading not shown on the CDP/FDP resulting from engineering requirements, such as off-site clearing and grading for utilities or stormwater outfall. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of trees identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

26. Tree Value Determination. The Applicant shall retain a professional arborist with experience in plant evaluation, to determine the replacement value of all trees 10 inches (10") in diameter or greater and located within twenty feet (20') of the outer edge of the limits of clearing and grading (i.e. outside the limits of clearing and grading) as shown on the CDP/FDP. These trees and their value shall be identified on the Tree Preservation Plan at the time of the first submission of the Subdivision Plan. The replacement value shall take into consideration the age, size and condition of these trees and shall be determined by the so-called "Trunk Formula Method" contained in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, subject to review and approval by UFM, DPWES.

27. Tree Bonds. In order to provide a remedy for any unintended disruption to trees required to be preserved under these proffers, at the time of bond approval, the Applicant shall both post a cash bond and a letter of credit or similar corporate surety payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined in accordance with the previous proffer (hereinafter the "bonded trees") that die

or are dying due solely to unauthorized construction activities. The Applicant shall have no obligation for trees that die or are dying for reasons unrelated to unauthorized construction activities, or for no apparent reason. The letter of credit shall be equal to fifty percent (50%) of the replacement value of the bonded trees. The cash bond shall consist of thirty three percent (33%) of the amount of the letter of credit or corporate surety.

During the time period in which the Tree Bond is required to be held, should unauthorized construction activity cause any bonded trees to die, or be removed, the Applicant shall replace such trees at its expense. As stated above, the Applicant shall have no obligation to replace trees that die or are dying for causes unrelated to unauthorized activities, or no apparent reason. The replacement trees shall be of equivalent size, species, and ten (10) year canopy cover as approved by UFM and shall incorporate native plant species. Upon release of the bond for the site, any amount remaining in the tree bonds required by this proffer shall be returned/released to the Applicant. At the time of approval of the final RUP, the Applicant may request a release of any monies remaining in the cash bond and a reduction in the letter of credit to an amount up to twenty percent (20%) of the total amounts originally committed provided they are in good standing with the tree proffer commitments.

Any funds remaining in the letter of credit or cash bond will be released concurrently with the site performance bond release, or sooner, if approved by UFM.

28. Protection of Existing Understory Vegetation and Soil Conditions in Tree Preservation Areas. All tree preservation-related work occurring in or adjacent to tree preservation areas shall be accomplished in a manner that minimizes damage to vegetation to be preserved in the lower canopy environment, and to the existing top soil and leaf litter layers that provide nourishment and protection to that vegetation. Any removal of any vegetation or soil disturbance in tree preservation areas excluding the removal of plant species that may be perceived as noxious or invasive, such as poison ivy, greenbrier, multi-floral rose, etc. shall be subject to the review and approval of UFM.
29. Use of Equipment. Except as qualified herein, the use of motorized equipment in tree preservation areas will be limited to hand-operated equipment such as chainsaws, wheel barrows, rake and shovels. Any work that requires the use of motorized equipment, such as tree transplanting spades, skid loaders, tractors, trucks, stump-grinders, etc., or any accessory or attachment

connected to this type of equipment shall not occur unless pre-approved by UFM.

30. Root Pruning and Mulching. The Applicant shall 1) root prune, 2) mulch, and 3) provide tree protection fencing in the form of four foot (4') high, fourteen (14) gauge welded wire attached to six foot (6') steel posts driven eighteen inches (18") into the ground and placed no further than ten feet (10') apart, or other forms of tree protection fencing approved by UFM, DPWES for all tree preservation relevant areas. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets and demolition plan sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by UFM, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher, vibratory plow to a depth of eighteen inches (18").
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- Tree protection fence shall be installed immediately after root pruning, and shall be positioned directly in the root pruning trench and backfilled for stability, or just outside the trench within the disturbed area.
- Immediately after the Phase II Erosion and Sedimentation activities are complete, mulch shall be applied at a depth of four inches (4") extending ten feet (10') inside the undisturbed area without the use of motorized equipment.

- A UFM representative shall be informed when all root pruning and tree protection fence installation is complete.
31. Tree Preservation Walk-Through. The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an UFM representative and a representative from the Lee District Land Use Committee to determine where adjustments to the clearing limits can be made to increase the area of tree preservation; increase the survivability of trees at the edge of the limits of clearing and grading; facilitate the removal of trees adjacent to the limits of clearing and grading; facilitate tree preservation activities such as root pruning or fencing; or facilitate the installation of erosion and sediment control devices. Such adjustment shall be implemented. Trees that are identified specifically by UFM in writing as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be

done using a stump grinding machine in a manner causing as little disturbance as possible to the adjacent trees and associated understory vegetation and soil conditions.

32. Tree Protection Fencing. All trees shown to be preserved on the Tree Preservation Plan shall be protected by tree protection fencing. Tree protection fencing of a type permitted by UFM shall be erected concurrently with the Phase I Erosion and Sedimentation permit activities. Tree fencing shall be installed prior to any clearing and grading activities including the demolition of any existing structures at the limits of clearing and grading as shown on the demolition, and Phase I & II erosion and sediment control sheets, as may be modified during the tree preservation walk through with an UFM representative. All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fence types shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Five (5) working days prior to the commencement of any clearing, grading, or demolition activities, but subsequent to the installation of the tree protection devices

including fencing, UFM and Lee District Supervisor staff shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFM.

33. Site Monitoring. Inspection of the site by a representative of the Applicant during any clearing or tree/vegetation/structure removal on the Applicant Property within the drip line of the trees to be saved as part of the Tree Preservation Plan as described in Proffer 24, shall occur on a scheduled basis to ensure that the activities are conducted as proffered and as approved by UFM. The inspection/monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by UFM, DPWES. The Lee District Supervisor shall be notified of the name and contact information of the Applicant's representative responsible for site monitoring at the tree preservation walk-through meeting.

34. Conservation Easement All areas shown inside the limits of clearing and grading line on the CDP/FDP, except for that area shown as "area to be cleared and graded when road is extended

by others", shall remain as undisturbed open space, subject to a conservation easement running to the benefit of Fairfax County, in a form approved by the County Attorney, which prohibits removal of trees except those which are dead, diseased, noxious or hazardous except for that area shown within the storm drainage and sanitary sewer easement where clearing and land disturbing activities are necessary and except for the removal of English Ivy as specified in Proffer 41. The homeowners' association covenants shall contain clear language delineating the Conservation Easement area, the restrictions in that area including the prohibition of any structures, fences, etc. and the responsibilities of individual homeowners.

35. Landscaping. Landscaping shall be consistent with the quality, quantity and general location shown on the Landscape Plan on Sheet 2 of the CDP/FDP. At the time of planting, the minimum caliper for deciduous trees outside of the revegetated area shall be three (3) to three and one half (3.5) inches and the minimum height for evergreen trees shall be seven (7) feet. Actual types and species of vegetation shall be determined pursuant to more detailed landscape plans approved by Urban Forest Management at the time of subdivision plan approval. Such landscape plans shall provide tree coverage and species diversity consistent with the Public

Facilities Manual (PFM) criteria, as determined by Urban Forest Management. Additionally, to provide slope stabilization within the designated RPA/EQC areas, supplemental plantings, the type and species to be determined at the time of site plan approval by UFM, shall be provided within the area shown ("Area of supplementary understory plantings") on the CDP/FDP. The Applicant's obligation for the installation of such off-site plantings shall be subject to obtaining the consent of any off-site owner at no cost beyond that associated with potentially preparing the administrative materials needed to document the intended permission. Such permission shall be diligently pursued. Failed attempts to obtain the necessary permission shall be documented in writing. In the event the contemplated permission cannot be obtained as stipulated by these proffers, the Applicant shall have no further obligation.

36. Streambank Stabilization. The Applicant shall stabilize the stream bank area as shown on the CDP/FDP through the use of methods contained in the Virginia Erosion and Sediment Control Handbook, as deemed necessary by DPWES. To the extent practical, environmentally friendly methods (rather than hard structures or riprap) shall be utilized, as determined by DPWES. The Applicant's obligation for the installation of such off-site

stabilization shall be subject to obtaining the consent of any off-site owner at no cost beyond that associated with potentially preparing the administrative materials needed to document the intended permission. Such permission shall be diligently pursued. Failed attempts to obtain the necessary permission shall be documented in writing. In the event the contemplated permission cannot be obtained as stipulated by these proffers, the Applicant shall have no further obligation.

37. Noise Attenuation Measures. Noise mitigation measures shall be provided to ensure that a maximum exterior noise level of DNL 65dBA shall be achieved for the ground level privacy yards for the dwelling units; and that a maximum interior noise level of approximately DNL 45 dBA shall be achieved for any dwelling unit that will be exposed to noise levels in excess of DNL 65 dBA which, according to the noise study, is specifically units number 1, 2, 6, 7, 10, 11, 12, and 13 as shown on the CDP/FDP. In order to achieve compliance with the above maximum exterior noise levels, a brick wall shall be constructed along the front lot line generally as shown on the CDP/FDP. The noise wall(s) will be architecturally solid from ground up. The maximum height of the noise barrier from final grade shall be as depicted on Section D-D

on Sheet 8 of 9 of the CDP/FDP and may be a maximum of eight ft. (8') in height only in those areas shown. The area around the wall shall be landscaped as shown as Sheet 2 of 9 and will be bermed on the South Van Dorn Street side of the wall to the greatest extent possible. The Applicant shall demonstrate to DPWES and DPZ prior to site plan approval that the selected material for the noise wall will provide the noise mitigation described above. Maps depicting the location and height of the noise wall and proximity to the individual units will be provided as part of said disclosure at the time of the contract execution for each such initial sale. Notification of the height and location of the noise wall, as well as HOA maintenance responsibility for it, shall also be provided in the HOA documents. The disclosure document/HOA disclosure shall also make it clear to any potential purchasers that the noise barrier may not preclude all perceptible traffic generated noise from the adjoining road surface. In order to mitigate interior noise levels as described in this proffer, the Applicant shall employ the following acoustical treatment measures to those dwellings indicated in this proffer:

- Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39.
- Doors and glazing shall have a laboratory STC rating of at least 28 unless glazing constitutes more than 20

percent of any façade exposed to noise levels of 45 dBA Ldn or above. If glazing constitutes more than 20 percent of the an exposed façade, then the glazing shall have an STC rating of at least 39.

- All surfaces shall be sealed and caulked in accordance with methods approved by the American Society of Testing and Materials (ASTM) to minimum sound transmission.

38. Lighting. The Applicant reserves the right to install street and common area lighting. Any such fixtures shall be maintained by the HOA and such maintenance obligations shall be disclosed in the HOA documents. All such lighting shall conform to the requirements of Part 9 of Article 14 of the Zoning Ordinance and shall be subject to the approval of the Director, DPWES in accordance with the provisions of the Public Facilities Manual.

39. Floodplain Study. Prior to final site plan approval, the Applicant shall provide an approved floodplain study and dedicate floodplain easements. No dwelling shall be located within fifteen (15) feet of the floodplain.

40. Utility Easement. Stormwater pipes within the utility easement shall be sloped/stepped, if needed, to reduce outflow velocity. Plantings approved by UFM and DPWES shall be installed within the utility easement as a measure to revegetate within the RPA. Final location of the utility easement shall be based on the curve of the grass swale as shown on the CDP/FDP and as approved by DPWES.
41. Erosion and Sediment Control Monitoring. Super silt fencing or other method as approved by DPWES shall be utilized along the limits of clearing and grading to the east of the public road for erosion and sediment control purposes. To ensure that all silt and erosion control measures remain in place and in good working order, the Applicant shall implement a program of regular inspections of the erosion and sediment control fencing from the initial land disturbing activity related to road construction through the end of construction of the public road and revegetation of the graded area adjacent to the road by a qualified consultant with experience in the design and maintenance of such erosion and sediment control systems. Such consultant shall make weekly inspections and an inspection after significant rainfall events to ensure that the erosion and sediment control measures are functioning properly. The consultant selected to perform these

inspections and the schedule and frequency of the periodic inspections shall be determined at the time of site plan review and approved by DPWES in consultation with the Applicant and the District Supervisor's office.

42. English Ivy. The Applicant shall attempt to remove the English Ivy within the areas shown on the CDP/FDP but shall not be responsible for continual removal due to reinvasion from neighboring properties. An invasives control plan shall be submitted with the first and all subsequent plan submissions detailing how the English Ivy will be removed subject to review and approval by UFM. Such plan shall be implemented prior to the issuance of the first residential use permit. . The Applicant's obligation for the removal of any off-site English Ivy shall be subject to obtaining the consent of any off-site owner at no cost beyond that associated with potentially preparing the administrative materials needed to document the intended permission. Such permission shall be diligently pursued. Failed attempts to obtain the necessary permission shall be documented in writing. In the event the contemplated permission cannot be obtained as stipulated by these proffers, the Applicant shall have no further obligation.

V. RECREATION FACILITIES

43. Recreation Contribution. The Applicant shall contribute \$955.00 per residential unit approved on site in accordance with Section 16-404 to the Fairfax County Park Authority for outdoor recreation facilities to serve the development population. Said per unit contributions shall be made prior to the issuance of the first building permit. The Applicant shall receive credit for on-site recreational facilities that may include, but not be limited to, trails/sidewalks (excluding any Comprehensive Plan trails) in the open space (except for those sidewalks parallel to and immediately adjacent to the road), and benches and other features in the plaza area (including a possible fountain or other focal feature) to be located in the open space areas.
44. Park Authority Contribution. In addition to Proffer 42 above, the Applicant shall contribute \$23,320 to the Fairfax County Park Authority prior to the issuance of the first Residential Use Permit for park purposes and/or facilities in the area.

VI. SCHOOLS

45. Schools. Prior to the issuance of the first building permit, the Applicant shall contribute \$45,000 to the Board of Supervisors to be utilized for the provision of capital facilities within the Fairfax County School Board's pyramid of schools serving this development. If approved by the Fairfax County School Board, the Applicant reserves the right to contribute actual capital equipment in an amount equal to the monetary requirements of this proffer.

VII. SUCCESSORS AND ASSIGNS

These proffers shall bind and inure to the benefit of the Applicant and his/her successors and assigns.

VIII. COUNTERPARTS

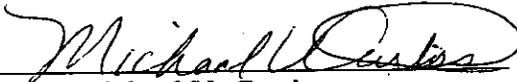
These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.

TITLE OWNERS AND APPLICANTS SIGNATURES TO FOLLOW ON THE
NEXT PAGE:

JOANNE M. CURTISS
Title Owner of TM 81-4((1))37, 38, 39

Joanne M. Curtiss
Joanne M. Curtiss

MICHAEL V. CURTISS
Title Owner of TM 81-4((1))37, 38, 39


Michael V. Curtiss