

PROFFERS

MANUEL SERRA  
RZ 00-DR-047

JANUARY 9, 2001  
Revised January 24, 2001  
Revised February 1, 2001  
Revised February 6, 2001  
Revised February 14, 2001

Pursuant to Section 15.2-2303(a) of the 1950 Code of Virginia, as amended, and Section 18-203 of the Zoning Ordinance of Fairfax County (1978), Manuel Serra (the "Applicant"), Mary Serra and Alice A. Rice for themselves and their successors or assigns proffer as follows:

1. Conceptual/Final Development Plan. Development of the property that is subject to this rezoning (the "Property") will be in conformance with the plan entitled "Conceptual Development Plan/Final Development Plan," consisting of four sheets, last dated March 1, 2001 and prepared by Dewberry & Davis ("CDP/FDP").
2. Minor Modifications. Pursuant to Par. 4 of Sect. 16-403 of the Zoning Ordinance, minor modifications from the FDP may be permitted as determined by the Zoning Administrator.
3. Recreational Facilities. The Applicant will comply with Par. 2 of Sect. 6-110 of the Zoning Ordinance regarding recreational facilities by contributing \$2,865 (\$955.00 per new dwelling unit) to the Fairfax County Park Authority for the provision of off-site recreational facilities.
4. Balls Hill Road.
  - a. Dedication. Subject to DPWES approval, Alice A. Rice, the owner of parcel 31, will dedicate and convey in fee simple to the Board of Supervisors additional right-of-way up to a width of thirty-five (35) feet from the existing centerline of Balls Hill Road together with ancillary easements to allow for the widening of Balls Hill Road (the "Widening"). Such dedication and conveyance shall be made upon demand by Fairfax County or at the time of recordation of the final subdivision plat, whichever occurs first. All density related to such dedication is hereby reserved pursuant to Par. 5 of Sect. 2-308 of the Zoning Ordinance.

The Applicant will escrow an amount as determined by DPWES for the paving related to the Widening along the frontage of the Property set at

twenty-six (26) feet from centerline and for the construction of curb and gutter along the Property's frontage on Balls Hill Road.

- b. Sidewalk. At the time of subdivision plat approval, the Applicant will either: (1) construct a five-foot wide concrete sidewalk within the proposed right-of-way along the subject Property's frontage on Balls Hill Road (the "Sidewalk Improvement"); or (2) escrow an amount as determined by DPWES for the Sidewalk Improvement. The decision to either construct the Sidewalk Improvement or escrow funds for the Sidewalk Improvement shall be made by the Fairfax County Department of Public Works and Environmental Services ("DPWES") in coordination with the office of the Dranesville District Supervisor at the time of subdivision plat approval.
- c. Crosswalk. The Applicant will escrow an amount as determined by DPWES for the future construction of a standard stripe crosswalk between the Property and the Langley School located across Balls Hill Road from the Property.
5. Private Street. The private street (the "Private Street") shown on the CDP/FDP is subject to the approval of a waiver for private streets to allow for a private street with a width of eighteen (18) feet not including curb and gutter. Prospective purchasers will be advised of their responsibility for such Private Street prior to entering into a contract for sale. Furthermore, the responsibility and maintenance obligations for the Private Street will be clearly identified and defined in the Homeowners Association covenants.
6. Stormwater Management. Subject to review and approval by DPWES, in lieu of a stormwater management pond, requirements for stormwater management shall be fulfilled through the use of a rain garden (the "Rain Garden") as generally depicted on Sheet 2 of the CDP/FDP. At the time of subdivision plat review, the Applicant shall submit to DPWES for its review and approval a final design for the Rain Garden. In addition, upon review and approval by DPWES, swales or underground drains shall be implemented to capture stormwater run-off from each roof to further reduce the impervious area on the Property. A stormwater management pond shall not be constructed on the Property.
7. Sanitary Sewer. The Applicant shall use ductile piping subject to review and approval by DPWES.
8. Limits of Clearing and Grading. The Applicant shall conform to the limits of clearing and grading shown on the CDP/FDP, subject to modifications for the necessary installation of utility lines approved by DPWES. If any utility lines are required to be located within the area protected by the limits of clearing and grading, they shall be located and installed in the least disruptive manner feasible, considering cost and engineering, as determined by DPWES, and subject to

County Urban Forester approval. The applicant 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 shall walk the limits of clearing and grading with an Urban Forestry Division representative to determine where minor adjustments to the clearing limits can be made to increase the survivability of trees at the edge of the limits of clearing and grading. All trees shown to be preserved on the CDP/FDP shall be protected by a tree protection fence. A tree protection fence in the form of four (4) foot high, 14 gauge welded wire attached to six (6) foot steel posts driven eighteen inches (18") into the ground and placed no further than ten feet (10) apart shall be erected at the limits of clearing and grading for all proposed tree preservation areas.

If any trees within the area designated to be preserved are destroyed as a result of the Applicant's construction activities, the Applicant will provide appropriate replacement trees in terms of species, size and quantity as determined by the Urban Forestry Division pursuant to Section 12-403 of the Public Facilities Manual.

9. Homeowners Association. A homeowners association (the "HOA") shall be established to own and maintain the Private Street, the Rain Garden, and the Conservation Area on the north side of the Property, as shown on the CDP/FDP. Maintenance of the Rain Garden shall be accomplished consistent with the standards set forth in Attachment A. The prospective purchasers shall be advised of the HOA membership requirement and associated obligations and responsibilities (including maintenance of the Private Street, the Rain Garden and Conservation Area listed above) prior to entering into a contract for sale, and the HOA documents shall include a provision that clearly sets out such obligations and responsibilities as well as the specific maintenance requirements for the Rain Garden set forth in Attachment A or other equivalent document as may be approved by DPWES.
10. Conservation Areas. Conservation easements (the "Easements") shall be provided in those areas labeled as Conservation Areas on the CDP/FDP, which include areas both on individual lots and within the common open space area north of the Private Street. The purpose of the Easements shall be to conserve and preserve the natural vegetation located outside the limits of clearing and grading as shown on the CDP/FDP. In the Easements, no live trees having a caliper of 6-inches or greater when measured four feet above the ground shall be cut down or otherwise removed, except that the removal of dead, diseased, damaged or other hazardous trees, shrubs or vines may be permitted. No structures except for the "possible retaining wall" or fences shall be constructed within the Easements. The supplemental plantings shown on the CDP/FDP, as well as the agreed-upon supplemental plantings adjacent to Lot 13 of the Maplewood subdivision shall be permitted. The restrictions associated with the Easements shall be clearly identified and defined in the HOA documents in a form approved by the Office of

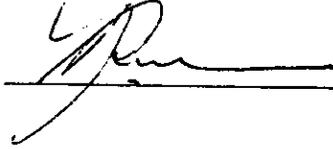
the County Attorney. Prospective purchasers shall be advised, in writing, prior to entering into a contract of sale of the terms and conditions of these Easements. In addition:

- a) The Easement provided for the protection of the Conservation Area located north of the Private Street in HOA open space shall run to the benefit of the HOA and Fairfax County, shall be recorded in the land records and shall be in a form approved by the County Attorney.
- b) The Easement covering the Conservation Area located on the individual lots shall run to the benefit of the HOA, and shall be placed in the deeds of each of the affected lots and in the HOA documents, both in a form approved by the Office of the County Attorney.

11. Successors or Assigns. These proffers will bind and inure to the benefit of Manuel Serra, Mary Serra and Alice A. Rice and their successors or assigns. Alice A. Rice, owner of Parcel 31 in the application, retains the right (on behalf of herself and her successors or assigns) to replace her existing dwelling so long as such redevelopment is compatible with the footprints and setbacks proposed for the three new homes shown on the CDP/FDP. At such time as Parcel 31 is redeveloped, the access point from Balls Hill Road shall be closed and access shall be provided from the Private Street.

MANUEL SERRA  
Title Owner of Tax Map 30-1 ((1)) 30

BY:

  
\_\_\_\_\_

MARY SERRA  
Title Owner of Tax Map 30-1 ((1)) 30

BY:

  
\_\_\_\_\_

ALICE A. RICE  
Title Owner of Tax Map 30-1 ((1)) 31

BY:

  
\_\_\_\_\_

# ATTACHMENT A

## Specifications for Maintenance of Rain Gardens

Description	Method	Frequency	Time of the year
<b>SOIL</b>			
Inspect and Repair Erosion	Visual	Monthly	Monthly
<b>ORGANIC LAYER</b>			
Remulch any void areas	By hand	Whenever needed	Whenever needed
Remove previous mulch layer before applying new layer (optional)	By hand	Once every two to three years	Spring
Any additional mulch added (optional)	By hand	Once a year	Spring
<b>PLANTS</b>			
Removal and replacement of all dead and diseased vegetation considered beyond treatment	See planting specifications	Twice a year	3/15 to 4/30 and 10/1 to 11/30
Treat all diseased trees and shrubs	Mechanical or by hand	N/A	Varies, depends on insect or disease infestation
Watering of plant material shall take place at the end of each day for fourteen consecutive days after planting has been completed	By hand	Immediately after completion of project	N/A
Replace stakes after one year.	By hand	Once a year	Only remove stakes in the spring
Replace any deficient stakes or wires	By hand	N/A	Whenever needed
Check for accumulated sediments	Visual	Monthly	Monthly