

## PROFFERS

WEST PROPERTIES, L.C.

RZ 1998-BR-031

December 16, 1998

Pursuant to Section 15.2-2303(a), Code of Virginia, 1950 as amended, West Properties, L.C., (hereinafter referred to as the "Applicant") for the owners, themselves, successors and assigns in RZ 1998-BR-031, filed for property identified as Tax Map 69-1 ((2)) 28 and 69-3 ((2)) 29, (hereinafter referred to as to the "Application Property"), proffers the following, provided that the Board of Supervisors approves a rezoning of the Application Property to the R-3 District in conjunction with a Generalized Development Plan (GDP) for residential development.

1. GENERALIZED DEVELOPMENT PLAN -

- a. Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Application Property shall be in substantial conformance with the GDP, consisting of two sheets prepared by Land Design Consultants, Inc., dated April, 1998 and revised through October 26, 1998.
- b. 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 provided such changes are in accordance with the GDP. The Applicant shall have the flexibility to modify the layout shown on the GDP without requiring approval of an amended GDP provided such changes are in substantial conformance with the GDP as determined by the Zoning Administrator, agents or assigns, and neither increase the total number of lots nor decrease the following: open space, parking, tree preservation, common open space areas, and distances to peripheral lot lines. Such changes may include, but not be limited to, revising lot lines, building footprints, and access.

2. TRANSPORTATION -

- a. Subject to Virginia Department of Transportation (VDOT) and Department of Public Works and Environmental Services (DPW&ES) approval, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way up to a width of twenty-six (26) feet from the centerline along the frontage of Powell Road as shown on the GDP. Dedication shall be made at time of

recordation of the final subdivision plat or upon demand from either Fairfax County or VDOT whichever shall first occur.

- b. Subject to VDOT and DPW&ES approval, the Applicant shall construct frontage improvements to Powell Road measuring nineteen (19) feet from centerline within the dedicated right-of-way, as shown on the GDP.
- c. The Applicant shall construct a four (4) foot wide concrete sidewalk within the dedicated right-of-way along Powell Road and on the Application Property, as shown on the GDP.
- d. All of the above improvements described herein shall be constructed concurrent with development of the Application Property.
- e. Applicant reserves the right to implement new standards as adopted by VDOT for the design and construction of the road improvements as described herein and shown on the GDP. Said modifications shall not require the approval of a proffered condition amendment.
- f. Applicant reserves density as may be permitted by the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance for all dedications described herein or as may be reasonably required by Fairfax County or VDOT at time of subdivision plan approval.
- g. Applicant shall contribute the sum of two hundred dollars (\$200.00) per approved residential lot to Fairfax County for the design and construction of a right turn lane from Braddock Road to Powell Road by others. This obligation is limited to a contribution only and shall not include the preparation or submission of construction plans, acquisition of right-of-way or actual construction. Said contribution shall be made at time of subdivision plan approval.

3. LANDSCAPING AND OPEN SPACE -

- a. Applicant shall provide landscaping on the Application Property as shown on the GDP.
- b. At the time of subdivision plat review, the Applicant shall designate on the subdivision plat the limits of clearing and grading consistent with the GDP to be observed during construction and, in addition, will designate individual trees to be preserved on lots in accordance with the tree legend on Sheet 2 of the GDP.

Such designation shall be subject to approval by the Urban Forestry Branch and shall not reduce the number of dwelling units.

All trees shown to be preserved on the tree preservation plan submitted at time of subdivision plan review shall be protected by fencing a minimum of four feet in height, placed at the dripline of the trees to be preserved, or closer as approved by the Urban Forestry Branch. The tree protection fencing shall be made clearly visible to all construction personnel. The fencing shall be installed prior to any work being conducted on the site, including the demolition of any existing structures or fences. A certified arborist shall monitor the installation of the tree protection fencing and verifying in writing that it has been installed prior to the demolition of existing structures. In addition, the certified arborist shall monitor the construction work and tree preservation efforts in order to ensure that the commitments made on the tree preservation plan are fulfilled.

The demolition of existing structures shall be conducted in such a manner as to minimize the impact on individual trees and groups of trees to be preserved.

- c. Should on-site stormwater management be waived by DPW&ES as described herein, Applicant shall preserve existing trees within the area reserved for stormwater management as shown on the GDP.

4. **PARKS AND RECREATION -**

At the time subdivision plan approval, Applicant shall contribute Three Thousand, Two Hundred and Sixty-Six Dollars (\$3,266.00) to the Fairfax County Park Authority for recreational facilities, to include picnic tables and benches, at Lake Royal Park, which is located in the vicinity of the Application Property.

5. **STORMWATER MANAGEMENT -**

The Applicant shall provide stormwater management (SWM) in the location as generally shown on the GDP and in accordance with the requirements of the Public Facilities Manual and Chesapeake Bay Preservation Ordinance, unless waived or modified by DPW&ES. In the event that on-site stormwater management is waived by DPW&ES, the Applicant shall maintain this area as undisturbed open space, which shall be owned and maintained by a homeowners association established by the Applicant, or located within two outlots with fee simple title owned by adjacent property owners. Said undisturbed open space shall be placed within a conservation easement. Removal of the SWM pond

shown on the GDP and the creation of outlots shall not require the approval of a proffered condition amendment.

6. MISCELLANEOUS -

- a. These proffers shall bind and inure to the benefit of the Applicant and his or her successors and assigns.
- b. 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.
- c. The Applicant shall obtain a Phase I Environmental Report with regard to an existing underground storage tank located on the Application Property. The Applicant shall remove said storage tank in accordance with Fairfax County regulations at time of subdivision plat approval.
- d. The Applicant shall remove the existing improvements identified on the GDP as "to be removed" concurrent with development of the Application Property.

**[SIGNATURES BEGIN ON THE FOLLOWING PAGE]**

Applicant/Contract Purchaser:

WEST PROPERTIES, L.C.

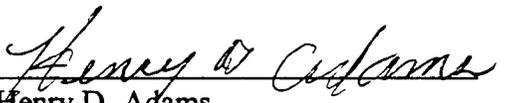
By: Monte L. West

Name: MONTE L. WEST

Title: MANAGER

OWNERS:

Tax Map 69-1 ((2)) 28

  
Henry D. Adams

  
Mabel S. Adams

OWNERS:

Tax Map 69-3 ((2)) 29

*David R Sherfey, Trustee and  
Executor of The Estate of  
Ramon F. Sherfey*

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