County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

July 13, 2006

Lynne J. Strobel, Esquire
Walsh, Colucci, Lubeley, Emrich & Terpak, PC
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201-3359

RE: Rezoning Application Number RZ 2006-LE-002
(Concurrent with SE 2005-LE-027, and in association with RZ 2006-LE-003 and SE 2005-LE-028)

Dear Ms. Strobel:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on July 10, 2006, granting Rezoning Application Number RZ 2006-LE-002 in the name of Hilltop Sand and Gravel Company Incorporated to rezone certain property in the Lee District from R-1 and C-6 Districts to the R-1 District, to permit a portion of the previously approved golf course on the property to continue and to add practice facilities, located on the north side of Telegraph Road, approximately 800 feet west of its intersection with Old Telegraph Road (Tax Map 100-1 ((1)) 23A pt.), subject to the proffers dated July 6, 2006, consisting of approximately 6.88 acres.

Sincerely,

Nancy Vehrs

Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

Office of Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035
Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
Email: clerktothebos@fairfaxcounty.gov
http://www.fairfaxcounty.gov/bosclerk

cc: Chairman Gerald E. Connolly
Supervisor Dana Kauffman, Lee District
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Leslie B. Johnson, Deputy Zoning Administrator for Zoning Permit Review Branch
Thomas Conry, Dept. Mgr. – GIS - Mapping/Overlay
Angela K. Rodeheaver, Section Chief, Trnsprt'n. Planning Div.,
Charles Strunk, Project Planning Section, Dept. of Transportation
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways - VDOT
Sandy Stallman, Park Planning Branch Mgr., FCPA
Gordon Goodlett, Development Officer, DHCD/Design Development Div.
District Planning Commissioner
Barbara J. Lippa, Executive Director, Planning Commission
Jose Comayagua, Director, Facilities Management
Gary Chevalier, Office of Capital Facilities, Fairfax County Public Schools

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 10th day of July, 2006, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NUMBER RZ 2006-LE-002
(CONCURRENT WITH SE 2005-LE-027 AND IN ASSOCIATION WITH RZ 2006-LE-003
AND SE 2005-LE-028)

WHEREAS, Hilltop Sand and Gravel Company, Incorporated filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the R-1 and C-6 District to the R-1 District, and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Lee District, and more particularly described as follows (see attached legal description):

Be, and hereby is, zoned to the R-1 District, and said property is subject to the use regulations of said R-1 District, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., §15.2-2303(a), which conditions are in addition to the Zoning Ordinance regulations applicable to said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcel.

GIVEN under my hand this 10th day of July, 2006.

Nancy Vehrs

Nancy Vehrs
Clerk to the Board of Supervisors

Description of a 36.16 Acre Parcel of Land
of Hilltop Sand and Gravel Co., Inc.
in Deed Book 9125 at Page 684
Tax Map 100-1-((1)) Parcel 23A (Part)
and
Tax Map 100-1-((1)) Parcels 24 and 25
Deed Book 11358 at Page 769
Subject to Rezoning from R-1 to R-1
Fairfax County County, Virginia

COMMENCING AT A POINT BEING THE SOUTHEAST CORNER OF THE PROPERTY OF HERMAN W. LUTZ, AS ACQUIRED IN DEED BOOK 14999 AT PAGE 542, AMONG THE LAND RECORDS OF FAIRFAX COUNTY, SAID POINT ALSO BEING ON THE NORTHERN RIGHT-OF-WAY LINE OF TELEGRAPH ROAD, ROUTE 611, WIDTH VARIES; THENCE DEPARTING SAID POINT AND RUNNING WITH THE EASTERLY AND NORTHERLY LINES OF SAID HERMAN W. LUTZ PROPERTY

NORTH 01°17'32" WEST 701.92 FEET TO A POINT; THENCE DEPARTING SAID POINT AND RUNNING WITH THE FAIRFAX COUNTY COMMON C-6 AND R-1 ZONE LINE ON THE SUBJECT PROPERTY

SOUTH 56°24'41" EAST 37.07 FEET BEING THE TRUE POINT OF BEGINNING; THENCE

NORTH 03°46'26" WEST 78.59 FEET TO A POINT; THENCE

NORTH 47°40'58" WEST 102.03 FEET TO A POINT; THENCE

NORTH 72°2'33" WEST 69.20 FEET TO A POINT BEING ON THE EASTERN RIGHT-OF-WAY LINE OF AN OUTLET ROAD, 20 FEET WIDE, AS RECORDED IN DEED BOOK V-9 AT PAGE 571; SAID POINT BEING A DISTANCE OF 56.16 FEET NORTH ON A COURSE NORTH 08°01'38" EAST OF THE SHARED PROPERTY CORNER OF THE SAID OUTLET ROAD AND SAID LUTZ PROPERTY; THENCE DEPARTING SAID POINT AND RUNNING ALONG THE EASTERN RIGHT OF WAY LINE OF SAID OUTLET ROAD

NORTH 08°01'38" EAST 394.45 FEET TO A POINT ON THE SOUTHERN LINE OF THE PROPERTY OF KINGSTOWN RESIDENTIAL HOA, AS RECORDED IN DEED BOOK 7221P AT PAGE 755; THENCE DEPARTING SAID POINT AND RUNNING WITH THE SOUTHERLY AND EASTERLY LINES OF SAID KINGSTOWN RESIDENTIAL HOA THE FOLLOWING COURSES AND DISTANCES

SOUTH 81°14'03" EAST 238.94 FEET TO A POINT; THENCE

NORTH 09°57'18" EAST 514.34 FEET TO A POINT; THENCE

NORTH 81°19'22" WEST 208.73 FEET TO A POINT; THENCE

NORTH 09°57'30" EAST 208.86 FEET TO A POINT ON THE SOUTHERN LINE OF THE PROPERTY OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS, AS RECORDED IN DEED BOOK 14140 AT PAGE 446; THENCE DEPARTING SAID POINT AND RUNNING WITH THE SOUTHERLY AND EASTERLY LINES OF SAID BOARD OF SUPERVISORS THE FOLLOWING COURSES AND DISTANCES

SOUTH 81°21'55" EAST 208.72 FEET TO A POINT; THENCE

dc 1/13/04

NORTH 09°57'18" EAST 305.86 FEET TO A POINT; THENCE
SOUTH 81°33'03" EAST 871.24 FEET TO A POINT BEING THE NORTHEAST CORNER OF THE LAND HEREIN DESCRIBED; THENCE DEPARTING SAID POINT
SOUTH 33°22'30" WEST 9.71 FEET TO A POINT BEING A CORNER ON THE WESTERLY LINE OF PINEY RUN SUBDIVISION; THENCE RUNNING WITH THE WESTERLY LINES OF SAID PINEY RUN, THE FOLLOWING COURSES AND DISTANCES
SOUTH 36°48'02" WEST 25.90 FEET TO A POINT; THENCE
SOUTH 34°18'02" WEST 181.50 FEET TO A POINT; THENCE
SOUTH 48°14'32" WEST 28.80 FEET TO A POINT; THENCE
SOUTH 19°02'32" WEST 130.95 FEET TO A POINT; THENCE
SOUTH 34°29'28" EAST 130.12 FEET TO A POINT; THENCE
SOUTH 21°00'28" EAST 81.54 FEET TO A POINT; THENCE
SOUTH 25°14'19" EAST 7.41 FEET TO A POINT; THENCE
SOUTH 13°16'56" EAST 38.07 FEET TO A POINT; THENCE
SOUTH 08°52'19" WEST 55.23 FEET TO A POINT; THENCE
SOUTH 03°40'41" WEST 50.00 FEET TO A POINT; THENCE
SOUTH 25°28'47" WEST 53.85 FEET TO A POINT; THENCE
SOUTH 28°03'17" WEST 42.00 FEET TO A POINT; THENCE
SOUTH 14°39'28" WEST 54.78 FEET TO A POINT; THENCE
SOUTH 31°54'16" WEST 70.43 FEET TO A POINT BEING ON THE WESTERLY LINE OF PARCEL A, PINEY GLEN, AS RECORDED IN DEED BOOK 16073 AT PAGE 1810; THENCE DEPARTING SAID POINT AND RUNNING ALONG THE WESTERLY LINES OF SAID PARCEL A, PINEY GLEN, THE FOLLOWING COURSES AND DISTANCES
SOUTH 14°21'00" EAST 30.27 FEET TO A POINT; THENCE
SOUTH 10°41'31" WEST 73.38 FEET TO A POINT; THENCE
SOUTH 31°28'43" WEST 84.02 FEET TO A POINT; THENCE
SOUTH 04°39'57" WEST 101.00 FEET TO A POINT; THENCE
SOUTH 43°08'38" WEST 49.68 FEET TO A POINT; THENCE
SOUTH 69°56'46" WEST 56.52 FEET TO A POINT; THENCE
SOUTH 11°07'24" WEST 32.57 FEET TO A POINT; THENCE
SOUTH 53°10'35" WEST 21.95 FEET TO A POINT; THENCE
SOUTH 30°56'20" WEST 55.61 FEET TO A POINT; THENCE
SOUTH 62°03'02" WEST 52.56 FEET TO A POINT; THENCE
SOUTH 51°54'58" WEST 26.93 FEET TO A POINT; THENCE
SOUTH 51°45'19" EAST 31.11 FEET TO A POINT; THENCE
SOUTH 03°53'34" EAST 20.03 FEET TO A POINT; THENCE
SOUTH 03°28'46" WEST 73.16 FEET TO A POINT; THENCE
SOUTH 11°31'08" EAST 36.13 FEET TO A POINT; THENCE
SOUTH 52°50'10" EAST 37.48 FEET TO A POINT; THENCE
SOUTH 83°15'34" EAST 25.71 FEET TO A POINT; THENCE
SOUTH 26°31'53" EAST 94.58 FEET TO A POINT; THENCE
SOUTH 07°32'42" WEST 52.63 FEET TO A POINT; THENCE
SOUTH 09°01'32" WEST 47.80 FEET TO A POINT; THENCE

SOUTH 13°58'10" EAST 79.63 FEET TO A POINT; THENCE

SOUTH 10°56'24" EAST 11.11 FEET TO A POINT BEING A CORNER OF PARCEL A, PINEY GLEN AND BEING AT THE SOUTHEAST CORNER OF FAIRFAX COUNTY ZONE RES AND C-6; THENCE DEPARTING SAID POINT AND RUNNING WITH THE COMMON ZONE LINE OF SAID FAIRFAX COUNTY ZONE RES AND C-6, THE FOLLOWING COURSES AND DISTANCES

NORTH 81°02'45" WEST 243.81 FEET TO A POINT; THENCE

SOUTH 74°39'33" WEST 117.18 FEET TO A POINT; THENCE

NORTH 56°24'41" WEST 624.47 FEET TO THE POINT OF BEGINNING, CONTAINING 1,564,161 SQUARE FEET OR 35.90820 ACRES, MORE OR LESS.