

## PROFFERS

RZ 1999-SP-015

JULY 29, 1999

Pursuant to Section 15.2-2303 (A) of the Code of Virginia, 1950, as amended, the property owner and applicant, for themselves and their successors and/ or assigns (hereinafter collectively referred to as the "Applicant") in this rezoning, proffer that the development of the parcel under consideration and as shown on Fairfax County tax map referenced 98-1 ((1)) parcels 34 and 35 (hereinafter the "Property") will be in accordance with the following conditions, subject to approval of this rezoning application. The proffered conditions are:

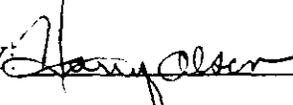
1. The property shall be developed in substantial conformance with the GDP titled Gambrill Rd. Property dated Jan. 9, 1999 and revised through June 29, 1999, prepared by Charles P. Johnson & Associates, Inc.
2. Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications from 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 plan submission based upon final house locations and building footprints so long as such are in substantial conformance with the GDP.
3. At the time of issuance of each residential use permit the Applicant will contribute the sum of Six Hundred and Seventy Dollars (\$670.00) to total Twelve Thousand and Sixty Dollars (\$12,060.00) to the Fairfax County Park Authority for Capitol Facilities for public use in South Run District Park.
4. The SWM pond may be designed as an embankment only facility subject to the approval of DPWES. In the event that the SWM pond area, as shown on the GDP, is not needed or used for SWM purposes, as approved by DPWES the area shall be dedicated to the HOA for open space purposes. If clearing is required for grading on nearby lots the area shall be replanted in a mix of hardwoods and coniferous trees as to be determined by the Fairfax County Urban Forester.
5. The Applicant commits to developing a tree replanting plan Developed by a "Certified Arborist" for the American Holly trees along the existing driveway that may be reasonably replanted on the site and to a shrub and tree planting schedule for each individual lot in substantial conformance with the "on lot" planting detail shown on the GDP and for other areas as shown on the GDP.
6. The Applicant commits to build a right turn deceleration lane on Gambrill Rd. within existing Right Of Way into the site and further will dedicate and convey in

fee simple both the Right Of Way and any ancillary easements necessary to widen both Pohick and Gambrill Rd. to the Fairfax County Board of Supervisors along the Applicants property frontage as shown on the GDP at the time of subdivision plan approval or upon demand from Fairfax County or VDOT, whichever occurs first.

7. The applicant commits to the provision of Fifty Thousand Dollars (\$50,000) in cash for the use of VDOT or Fairfax County Office of Transportation for an immediate spot improvement or for the eventual widening of Pohick Rd. along the property frontage (excluding the cost of the trail which is to be constructed at the same time as the internal road) and to be provided in full upon the issuance of the 18<sup>th</sup> Residential Use Permit or upon demand after the time of the issuance of the 8<sup>th</sup> Residential Use permit.
8. Applicant will construct a trail along the Pohick Road property frontage within the right of way to be dedicated to Fairfax County for the eventual widening of Pohick Rd.
9. Applicant shall construct a public cul-de-sac street with curb, gutter and sidewalk on the street as shown on the GDP. All proposed lots shall access from the cul-de-sac only.
10. Applicant shall construct a trail from the sidewalk at the end of the cul-de-sac to connect with the trail to be constructed along Pohick Rd. and as shown on the GDP at the time that the Pohick Rd. trail and the cul-de-sac sidewalk are constructed.

**TITTLE OWNER LOT 98-1 ((1))  
PARCEL 34:**

Mission Investment Fund of the Evangelical  
Lutheran Church in America, Harvey Olson,  
Vice President

BY: 

Harvey Olson, Vice President

~~TITLE OWNER LOT 98-1 ((1))  
PARCEL 35:~~

~~The Estate of Antoine R. Webster~~

~~BY: *Antoine R. Webster*~~

~~Shellie Wilczek, Administratrix~~

**CONTRACT PURCHASER /  
ASSIGNOR OF 98-1 ((1)) PARCELS 34  
AND 35**

Eastwood Properties, Inc.

BY: *Richard L. Labbe, Pres.*

Richard L. Labbe, President

**CONTRACT ASSIGNEE OF TM 98-1  
((1)) PARCELS 34 & 35**

Landmark Property Development, L.L.C

By: *Scott M. Herrick*

Scott M. Herrick, Managing Member

TITLE OWNER LOT 98-1 ((1))  
PARCEL 35:

The Estate of Antoinette R. Webster

BY: *Anellie Wilczek Administratrix*

Anellie Wilczek, Administratrix

~~CONTRACT PURCHASER/  
ASSIGNOR OF 98-1 ((1)) PARCELS 34 AND 35:~~

~~Eastwood Properties, Inc.~~

~~BY: *Richard L. Labbe Pres.*~~

~~Richard L. Labbe, President~~

~~CONTRACT ASSIGNEE OF TM 98-1  
((1)) PARCELS 34 & 35:~~

~~Landmark Property Development, L.L.C.~~

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~~Scott M. Herrick, Managing Member~~