

PROFFERS

Ratcliffe Associates, L.C.

RZ 2001-SU-044

April 19, 2002

Pursuant to Section 15.2-2303(a) Code of Virginia, 1950, as amended, the owners and Ratcliffe Associates, L.C. (hereinafter referred to as the "Applicant"), for themselves, successors and assigns in RZ 2001-SU-044, filed for property identified as Tax Map 54-4 ((6)) 1-20, inclusive, 31-50, inclusive, 56-73, inclusive, 81-95, inclusive, 73A and 73B, and portions of Johnson Avenue, Mosby Lane, Bradley Road and Newgate Boulevard, proposed to be vacated and/or abandoned (hereinafter referred to as the "Application Property") hereby proffer the following, provided that the Board of Supervisors approves a rezoning of the Application Property to the PDH-8 District in conjunction with a Conceptual/Final Development Plan (CDP/FDP) for residential development. These proffers shall replace and supersede any previous proffers approved on the Application Property.

1. CONCEPTUAL/FINAL DEVELOPMENT PLAN -

- a. Subject to the provisions of Section 16-204 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 CDP/FDP, consisting of ten sheets prepared by Christopher Consultants dated June 15, 2001 and revised through April 9, 2002.
- b. Pursuant to Paragraph 4 of Section 16-403 of the Zoning Ordinance, minor modifications from the CDP/FDP may be permitted as determined by the Zoning Administrator. The Applicant reserves the right to make minor adjustments to the layout, internal lot lines, and lot sizes of the proposed subdivision at time of subdivision plat or site plan submission based on final house locations, building footprints, utility locations, and final engineering design, provided that such adjustments do not materially decrease the amount and location of open space, tree save areas, or distances to peripheral lot lines.
- c. Notwithstanding that the CDP/FDP is presented on ten sheets and said CDP/FDP is the subject of Proffer 1a. above, it shall be understood that the CDP shall be the entire plan shown on Sheet 2 relative to the points of access, open space and the total number and general location of units and type of units. The Applicant has the option to request Final Development Plan Amendments ("FDPAs") for elements other than CDP elements from the Planning Commission for all of or a portion of the CDP/FDP in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance, if the amendment is in conformance with the approved CDP and proffers.

2. TRANSPORTATION -

- a. Subject to Virginia Department of Transportation (VDOT) and Department of Public Works and Environmental Services (DPWES) approval, Applicant shall dedicate and convey in fee simple to the Board of Supervisors right of way up to a width of sixty-five (65) feet from the design centerline along the Application Property's Lee Highway frontage as shown on the CDP/FDP. Dedication shall be made at time of recordation of the final subdivision plat or final site plan, or upon demand from either Fairfax County or VDOT, whichever shall first occur.
- b. Subject to VDOT and DPWES approval, Applicant shall dedicate and convey in fee simple to the Board of Supervisors right of way up to a width of forty-five (45) feet from the existing centerline along the Application Property's Pickwick Road frontage as shown on the CDP/FDP. Dedication shall be made at time of recordation of the final subdivision plat or final site plan, or upon demand from either Fairfax County or VDOT, whichever shall first occur.
- c. Subject to VDOT and DPWES approval, Applicant shall construct frontage improvements to Lee Highway measuring approximately fifty-six (56) feet from the design centerline within the dedicated right of way as shown on the CDP/FDP.
- d. Subject to VDOT and DPWES approval, Applicant shall construct frontage improvements to Pickwick Road measuring approximately thirty-six (36) feet from existing centerline within the dedicated right of way as shown on the CDP/FDP. Construction of improvements shall be completed prior to the issuance of the first Residential Use Permit issued for the Application Property.
- e. Subject to VDOT and DPWES approval, Applicant shall construct frontage improvements to Shreve Street measuring approximately eighteen (18) feet from the existing centerline within the dedicated right of way as shown on the CDP/FDP.
- f. At time of final subdivision plat recordation or final site plan approval, Applicant shall make an appropriate monetary contribution per approved residential unit to the Centreville Area Road Fund in conformance with the policy of the Board of Supervisors. Applicant shall be permitted to credit the costs of the construction of improvements to Lee Highway.
- g. Subject to VDOT and DPWES approval, the Applicant shall construct a six (6) foot wide bike trail within the dedicated right of way of Lee Highway as shown on the CDP/FDP. Said trail shall be constructed concurrent with the improvements to Lee Highway.

- h. Applicant reserves density credit 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 whether such dedications occur prior to or at time of subdivision plat or site plan approval.
- i. Applicant shall construct a four (4) foot concrete sidewalk throughout the residential community as shown on the CDP/FDP to facilitate pedestrian access.
- j. Within sixty (60) days of first subdivision plat or site plan submission, Applicant shall submit to VDOT and Fairfax County suggested traffic signal timing modifications to improve traffic flow at the intersections of Pickwick Road and Lee Highway, and Union Mill Road and Lee Highway. This proffer is limited to the preparation and submission of suggested traffic signal timing modifications. Pursuit of said timing modifications shall not delay subdivision plat or site plan approval, issuance of building permits or issuance of Residential Use Permits.
- k. Applicant has applied for the abandonment/vacation of portions of Johnson Avenue, Mosby Lane, Bradley Road and Newgate Boulevard. If abandoned/vacated, Applicant shall develop these areas as shown on the CDP/FDP. Should the Board of Supervisors deny the abandonment/vacation, the Applicant shall apply for and receive approval of a Proffered Condition Amendment/Final Development Plan Amendment. The Applicant hereby waives any right to claim or assert (i) any vested right in any plan approved under the assumption of accomplishment of such vacation and/or abandonment, or (ii) a taking or any other cause of action that otherwise may have arisen out of a Board decision to deny in whole or in part the right of way vacation and/or abandonment request.
- l. Subject to VDOT approval, the Applicant shall construct the public street portion of Johnson Avenue to a lesser width than that shown on the CDP/FDP.
- m. Subject to DPWES approval, the Applicant shall construct a trail around the proposed stormwater management pond as shown on the CDP/FDP. The trail shall be located outside of the final limits of the pond and designed in coordination with the trail system proposed in conjunction with the residential development to the north. The trail shall be constructed of materials as determined by the Applicant at time of subdivision plat or site plan submission in coordination with DPWES, and shall be maintained by the homeowners association established for the residential development.

3. LANDSCAPING AND OPEN SPACE -

- a. Applicant shall provide landscaping on the Application Property as shown on the CDP/FDP. Additional landscaping shall be provided on individual lots in

accordance with a landscape plan to be submitted at time of subdivision plat or site plan submission.

- b. Applicant shall install entrance features which may include decorative walls, fencing and/or landscaping as conceptually shown on sheet 8 of the CDP/FDP.
- c. Applicant shall provide a central landscaped area of a quality that is in substantial conformance to the details shown on sheets 8 and 9 of the CDP/FDP. Applicant reserves the right to modify design details at time of subdivision plat or site plan submission.
- d. Applicant shall incorporate a thick hedge of planting materials as reasonably determined by Applicant in the landscape screening to be provided along the Application Property's Shreve Street frontage to discourage pedestrian access other than at those locations identified on the CDP/FDP. Applicant may incorporate fencing elements with the plant materials based on final landscaping design.

4. PARKS AND RECREATION -

Pursuant to Paragraph 2 of Section 6-110 and Paragraph 2 of Section 16-404 of the Zoning Ordinance regarding developed recreational facilities, the Applicant shall at a minimum expend the sum of nine hundred fifty-five dollars (\$955.00) per approved lot for on-site recreation facilities consisting of a tot lot, benches, bike racks, and pedestrian paths/trails as shown on the CDP/FDP. The final location of recreation facilities shall be determined by the Applicant in coordination with DPWES at time of subdivision plat or site plan submission. The balance of any funds not expended on-site shall be contributed to the Fairfax County Park Authority at time of subdivision plat or site plan approval for recreation facilities in the Sully District, and in the vicinity of the Application Property.

5. STORMWATER MANAGEMENT - BEST MANAGEMENT PRACTICE

- a. The Applicant shall provide stormwater management (SWM) and Best Management Practices (BMP), which may include BMP alternatives such as bio-retention facilities (rain gardens), and in accordance with the requirements of the Public Facilities Manual and Chesapeake Bay Preservation Ordinance, unless waived or modified by DPWES. In the event that on-site stormwater management is waived or modified by DPWES, removal or modification of the SWM pond, or removal or modification of lots due to final engineering of the facility, as shown on the CDP/FDP shall not require the approval of a proffered condition amendment or an amendment to the CDP/FDP and the area shall remain as open space.
- b. Applicant shall dedicate to the Fairfax County Board of Supervisors in fee simple, sufficient land area for a regional dry pond as shown on the CDP/FDP.

Said pond shall be constructed in accordance with the requirements of DPWES. Applicant shall receive all appropriate credits from DPWES for pro-rata contributions in accordance with the provision of a regional pond.

- c. The Applicant shall provide landscaping around the SWM pond as shown on the CDP/FDP and to the extent possible in keeping with the planting policies of Fairfax County.

6. AFFORDABLE HOUSING -

Applicant shall contribute the sum of ten thousand dollars (\$10,000.00) to the Fairfax County Housing Trust Fund at time of final subdivision plat or final site plan approval, to promote the goals of affordable housing.

7. NOISE ATTENUATION -

- a. In order to reduce interior noise to a level of approximately DNL 45 dBA, units within 365 feet of the centerline of Lee Highway shall include the following acoustical treatment measures:
 1. Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39.
 2. Doors and windows shall have a laboratory STC of at least 28 unless windows constitute more than 20 percent of any façade exposed to noise levels of DNL 65 dBA or above. If glazing constitutes more than 20 percent of an exposed façade, then the windows should have a STC rating of at least 39.
 3. All surfaces shall be sealed and caulked in accordance with methods approved by the American Society for Testing and Materials (ASTM) to minimize sound transmission.
- b. In order to reduce interior noise to a level of approximately DNL 45 dBA, units within 170 feet of the centerline of Lee Highway shall include the following acoustical treatment measures:
 1. Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 45.
 2. Doors and windows shall have a laboratory STC rating of at least 37 unless windows constitute more than 20 percent of any façade exposed to noise levels of DNL 65 dBA or above. If glazing constitutes more than 20 percent of an exposed façade, then the windows should have an STC rating of at least 45.

3. All surfaces shall be sealed and caulked in accordance with methods approved by the American Society for Testing and Materials (ASTM) to minimize sound transmission.
- c. In order to reduce exterior noise levels in rear/side yard recreational areas to 65 dBA Ldn or less, a wooden or masonry fence up to six (6) feet in height, berm, landscaping, or combination thereof, in accordance with Zoning Ordinance regulations, shall be provided generally along Lee Highway to mitigate exterior noise levels emanating from traffic on Lee Highway. Fencing shall be architecturally solid, flush with the ground, with no gaps or openings.
- d. Nothing herein shall be construed to restrict or otherwise limit the use of balconies, patios or decks on residential units.
- e. The Applicant reserves the right to pursue other methods of mitigating highway noise impacts that can be demonstrated, through an independent noise study as reviewed and approved by DPWES, that these methods will be effective in reducing exterior noise levels to 65 dBA Ldn or less and interior noise levels to 45 dBA Ldn or less.

8. DESIGN -

- a. Residential dwellings constructed on the Application Property shall comply with the CABO Model Energy Code for energy efficient homes.
- b. Applicant shall design the residential dwellings on the Applications Property as conceptually shown in the architectural renderings on sheet 10 of the CDP/FDP. All single family attached residential dwelling units shall have brick fronts. The side elevation of any single family attached unit facing a public street shall be brick. The rear or side of any single family attached or detached unit facing Lee Highway or Shreve Street shall include architectural features similar to a front façade, such as windows, shutters, arches, window heads, and balconies. Single family detached residential dwelling units with brick fronts and a side or rear adjacent to a street shall include brick returns and a brick water table on that side or rear adjacent to a street. Single family detached residential dwelling units without brick fronts shall be constructed of materials that are the same on any side or rear adjacent to a street as the front.
- c. Each residential dwelling shall have a minimum driveway length of eighteen (18) feet.
- d. A minimum distance of eight (8) feet shall be provided between single family detached residential dwellings, exclusive of Zoning Ordinance extensions

permitted in Article 2 for bay windows, chimneys, roof overhangs and similar features.

- e. A minimum rear yard of thirteen (13) feet shall be provided for the single family detached residential dwellings, exclusive of Zoning Ordinance extensions permitted in Article 2, including decks. For those single family detached residential dwelling units with buried basements, patios shall be provided in lieu of decks. Landings and stairs shall be permitted to access patios. All decks constructed on the Application Property shall have a maximum area of two hundred (200) square feet. A minimum rear yard of six (6) feet from the rear lot line without encroachments shall be provided for all single family detached residential dwellings. Individual lot owners seeking to modify these limitations shall be permitted to file a proffered condition amendment (PCA) application without the joinder of the remaining lot owners. The applicant in such PCA application shall be required to follow Zoning Ordinance requirements for submission and processing. Said ability to process a PCA application does not presume approval from the appropriate governing authorities.
- f. A covenant shall be recorded which provides that garages shall only be used for a purpose that will not interfere with the intended purpose of garages (e.g., parking of vehicles). This covenant 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 homeowners' association, which shall be established, and the Fairfax County Board of Supervisors. Purchasers shall be advised of the use restriction prior to entering into contract of sale. This restriction shall also be included in the homeowners association documents.
- g. Applicant shall install a sign on the Application Property welcoming visitors to Centreville and a sign acknowledging the contributions of Robert Randolph Dye. Text shall be coordinated with the office of the Sully District Supervisor, the West Fairfax County Citizens Association, and the Centreville Community Foundation. Should the sign(s) not be endorsed by the West Fairfax County Citizens Association, or any other group having jurisdiction over the installation of the sign(s) prior to the issuance of the first Residential Use Permit on the Application Property, the Applicant shall submit a proposal to the Sully District Supervisor. Should the proposal not be accepted within sixty (60) days, said sign(s) shall not be installed and there shall be no further obligations under this proffer.
- h. Applicant, within its sole discretion, may install an identification sign for the proposed residential development along the Application Property's Lee Highway frontage. Said sign shall conform with Zoning Ordinance requirements.
- i. All lighting, including security, pedestrian and/or other incidental lighting, shall include full cut-off fixtures and be directed downward to prevent off-site glare.

Applicant reserves the right to install typical ornamental lights within the central park area.

9. 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 establish a homeowners' association for the proposed development to own, manage and maintain the open space including the common areas, and all other community owned land and improvements. Maintenance responsibilities of the homeowners' association shall specifically include cutting the grass surrounding the proposed stormwater management pond and landscape maintenance. Restrictions placed on the use of the open space/buffer areas, and maintenance responsibilities of the homeowners association, including maintenance of sidewalks, private streets, and landscaping, shall be disclosed to all prospective homeowners in a disclosure memorandum at time of contract execution and included in the homeowners' association documents.
- d. No temporary signs (including "popsicle" style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on- or off-site by the Applicant or at the Applicant's direction to assist in the initial marketing and sale of homes on the Application Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and/or home sales for the Application Property to adhere to this proffer.
- e. At time of site development, Applicant shall demonstrate compliance with Section 404 of the Clean Water Act for any proposed filling of wetlands, should they be determined to exist on the Application Property.
- f. The Applicant has entered into an agreement with the Board of Supervisors to acquire that portion of the Application Property identified as 54-4 ((6)) 89 ("Parcel 89"). If acquired, Parcel 89 shall be developed as shown on the CDP/FDP. Should the Applicant fail to acquire Parcel 89, the Applicant shall apply for and receive approval of a Proffered Condition Amendment/Final Development Plan Amendment prior to development of the Application Property. The Applicant hereby waives any right to claim or assert (i) any vested right in any plan approved under the assumption of accomplishment of such acquisition,

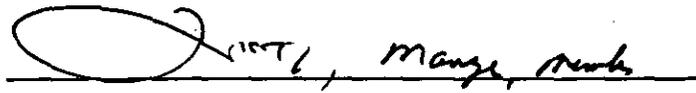
or (ii) a taking or any other cause of action that otherwise may have arisen out of a Board decision to deny the acquisition.

- g. All of the improvements described herein shall be constructed concurrent with development of the Application Property.

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APPLICANT/CONTRACT PURCHASER

RATCLIFFE ASSOCIATES, L.C.

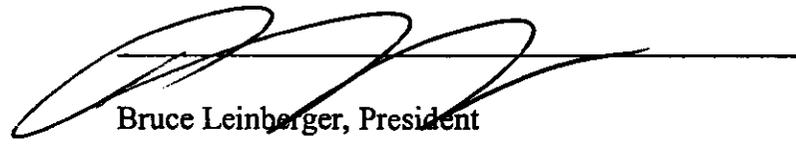
A handwritten signature in black ink, appearing to read "R. Burgess, Manager/Member", is written over a horizontal line.

Robert C. Burgess, Manager/Member

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CONTRACT PURCHASER

ENGLE HOMES VIRGINIA, INC.

A handwritten signature in black ink, appearing to read 'Bruce Leinberger', is written over a solid horizontal line. The signature is stylized with large loops and a long tail.

Bruce Leinberger, President

[SIGNATURES CONTINUE ON NEXT PAGE]

TITLE OWNER: Tax Map 54-4 ((6)) 1

THE ATWELL SOMERVILLE, JR. TRUST

*The Atwell Somerville, Jr. Trust
by Atwell C. Somerville, Trustee*

By: Atwell C. Somerville, Trustee

[SIGNATURES CONTINUE ON NEXT PAGE]

TITLE OWNERS: Tax Map 54-4 ((6)) parcels 2, 3, 56, 57,
94, 95



Thomas C. Clemens



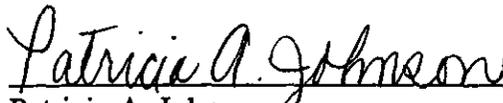
Rosa A. Clemens

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TITLE OWNERS: Tax Map 54-4 ((6)) 4, 47



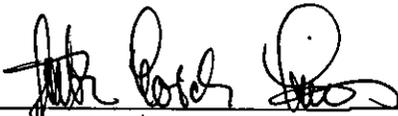
Charles E. Johnson



Patricia A. Johnson

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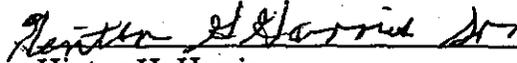
TITLE OWNER: Tax Map 54-4 ((6)) 5, 46



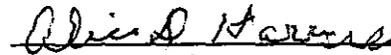
Gunter Erich Liermann

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TITLE OWNERS: Tax Map 54-4 ((6)) 6, 45



Hinton H. Harris

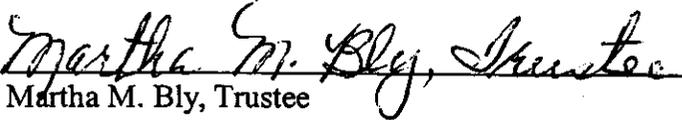


Alice D. Harris

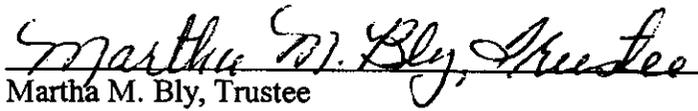
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TITLE OWNERS: Tax Map 54-4 ((6)) 7, 8, 9

THE MARTHA M. BLY TRUST


Martha M. Bly, Trustee

THE BLY FAMILY REVOCABLE LIVING TRUST

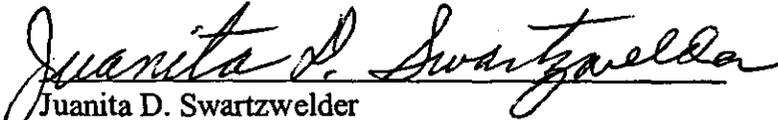

Martha M. Bly, Trustee

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TITLE OWNERS: Tax Map 54-4 ((6)) 10,11,12



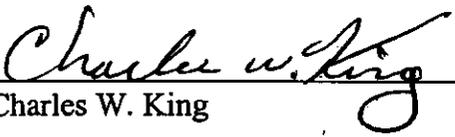
Orien V. Swartzwelder



Juanita D. Swartzwelder

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TITLE OWNERS: Tax Map 54-4 ((6)) 13,14,15



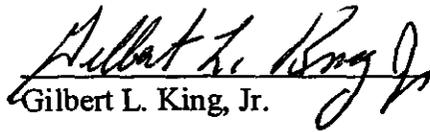
Charles W. King

Gilbert L. King, Jr.

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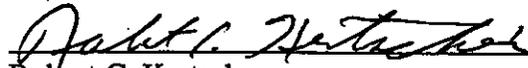
TITLE OWNERS: Tax Map 54-4 ((6)) 13,14,15

Charles W. King

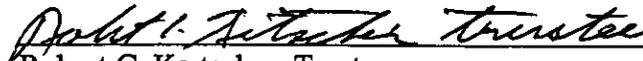

Gilbert L. King, Jr.

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TITLE OWNER: Tax Map 54-4 ((6)) 16, 17, 18, 19, 20,
31-35

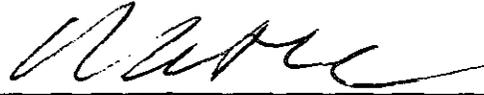

Robert C. Kertscher

TITLE OWNER: Tax Map 54-4 ((6)) 38, 39, 40


Robert C. Kertscher, Trustee

[SIGNATURES CONTINUE ON NEXT PAGE]

TITLE OWNERS: Tax Map 54-4 ((6)) 36, 37, 69, 70, 71



Robert A. Sheals

Linda L. Smith

Anne M. Sheals

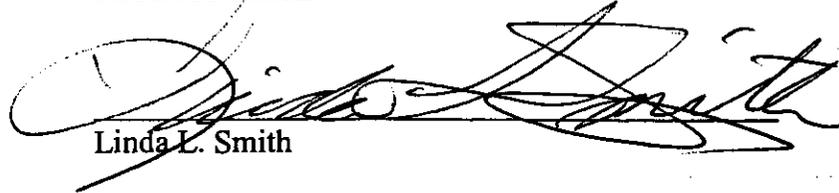
Ralph V. Sheals

Judith L. Copans

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TITLE OWNERS: Tax Map 54-4 ((6)) 36, 37, 69, 70, 71

Robert A. Sheals



Linda L. Smith

Anne M. Sheals

Ralph V. Sheals

Judith L. Copans

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TITLE OWNERS: Tax Map 54-4 ((6)) 36, 37, 69, 70, 71

Robert A. Sheals

Linda L. Smith


Anne M. Sheals

Ralph V. Sheals

Judith L. Copans

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TITLE OWNERS: Tax Map 54-4 ((6)) 36, 37, 69, 70, 71

Robert A. Sheals

Linda L. Smith

Anne M. Sheals

Ralph V. Sheals

Ralph V. Sheals

Judith L. Copans

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TITLE OWNERS: Tax Map 54-4 ((6)) 36, 37, 69, 70, 71

Robert A. Sheals

Linda L. Smith

Anne M. Sheals

Ralph V. Sheals

Judith L. Copans
Judith L. Copans

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TITLE OWNERS: Tax Map 54-4 ((6)) 36, 37, 69, 70, 71

THE DYE FAMILY TRUST FOR THE BENEFIT OF
E. LOUISE THOMPSON

BY: FIRST UNION BANK, its Trustee



By: Paul E. Bennett

Its: Vice President

[SIGNATURES CONTINUE ON NEXT PAGE]

TITLE OWNERS: Tax Map 54-4 ((6)) 36, 37, 69, 70, 71

THE DYE FAMILY TRUST FOR THE BENEFIT OF
SHIRLEY D. BLUNK

BY: FIRST UNION BANK, its Trustee



By: Paul E. Bernett

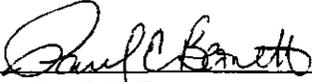
Its: Vice President

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TITLE OWNERS: Tax Map 54-4 ((6)) 36, 37, 69, 70, 71

THE DYE FAMILY TRUST FOR THE BENEFIT OF
V. VIRGINIA DYE

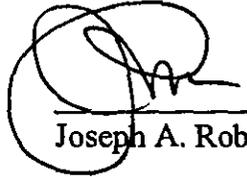
BY: FIRST UNION BANK, its Trustee



By: Paul E. Bennett
Its: Vice President

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TITLE OWNERS: Tax Map 54-4 ((6)) 41

A handwritten signature in black ink, appearing to be "Joseph A. Roberts", written over a horizontal line. The signature is somewhat stylized and partially enclosed by a circular scribble.

Joseph A. Roberts

A handwritten signature in black ink, appearing to be "Natalie A. Roberts", written over a horizontal line. The signature is in a cursive style.

Natalie A. Roberts

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TITLE OWNER: Tax Map 54-4 ((6)) 42, 43, 44

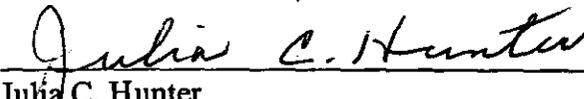
Carroll T. Jones Jr.
Carroll T. Jones, Jr.

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TITLE OWNERS: Tax Map 54-4 ((6)) 48, 49, 50



Herbert E. Hunter



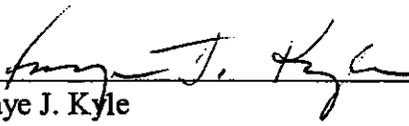
Julia C. Hunter

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TITLE OWNERS: Tax Map 54-4 ((6)) 58, 59, 60, 61, 62,
90, 91



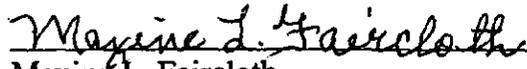
Kelly M. Kyle



Faye J. Kyle

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TITLE OWNER: Tax Map 54-4 ((6)) 63, 64, 65, 66, 67, 68,
83, 84, 85, 86, 87, 88


Maxine L. Faircloth

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TITLE OWNER: Tax Map 54-4 ((6)) 72, 73, 73A, 73B

A handwritten signature in cursive script that reads "William Robert Powers". The signature is written in black ink and is positioned above a solid horizontal line.

William Robert Powers

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TITLE OWNER: Tax Map 54-4 ((6)) 81, 82

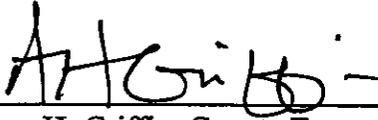
Paul Kenneth Ellison

Paul Kenneth Ellison

[SIGNATURES CONTINUE ON NEXT PAGE]

TITLE OWNER: Tax Map 54-4 ((6)) 89
and portions of Johnson Avenue, Mosby Lane, Bradley
Road and Newgate Boulevard to be vacated/abandoned

BOARD OF SUPERVISORS OF FAIRFAX COUNTY

Handwritten signature of Anthony H. Griffin in black ink, written over a horizontal line.

Anthony H. Griffin, County Executive

[SIGNATURES CONTINUE ON NEXT PAGE]

TITLE OWNER: Tax Map 54-4 ((6)) 92, 93

ESTATE OF EDITH BRUCE HALL

Larry Hall, Trustee

By: Larry C. Hall, Trustee

[SIGNATURES END]

*LEH, Trustee
22-02*

FDP CONDITIONS

FDP 2001-SU-044

April 10, 2002

If it is the intent of the Planning Commission to approve Final Development Plan Application FDP 2001-SU-044 for residential development located at Tax Map 54-4 ((6)) 1-20, 31-50, 56-73, 73A, 73B, 81-95, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions.

1. Development of the subject property shall be in conformance, as defined by Section 16-403 of the Zoning Ordinance, with the Final Development Plan entitled "Conceptual Development Plan/Final Development Plan, Sully Manor", prepared by: Christopher Consultants and dated June 15, 2001, as revised through April 9, 2002.
2. Bike racks shall be provided at or within the central park feature.



PROPOSED CDP CONDITIONS

RZ 2001-SU-044

April 26, 2002

If it is the intent of the Board of Supervisors to approve Rezoning Application RZ 2001-SU-044 for residential development located at Tax Map 54-4 ((6)) 1-20, 31-50, 56-73, 73A, 73B, 81-95, staff recommends that the Board condition the approval by requiring conformance with the following development condition.

1. If blasting is required, and before any blasting occurs on the Application Property, it shall be insured that blasting is done per Fairfax County Fire Marshal requirements and all safety recommendations of the Fire Marshal shall be implemented, including, without limitation, the use of blasting mats. In addition:
 - a. A professional consultant shall be retained to perform a pre-blast survey of each house or residential building located within two hundred fifty (250) feet of the blast site.
 - b. The consultant shall be required to request access to house, buildings, or swimming pools that are located within said 250 foot range if permitted by owner, to determine the pre-blast conditions of these structures. The consultant will be required to give adequate notice of the scheduling of the pre-blast survey. All owners of structures entitled to pre-blast inspections shall be provided with the name, address, and phone number of the blasting contractor's insurance carrier.
 - c. The consultant shall be required to place seismographic instruments prior to blasting to monitor the shock waves. Seismographic monitoring records shall be provided to County agencies upon their request.
 - d. Residences within 250 feet of the blast site shall be notified ten (10) days prior to blasting.
 - e. Upon receipt of a claim of actual damage resulting from said blasting, the consultant shall respond within five (5) days by meeting at the site of the alleged damage to confer with the property owner. Any verified claims for damage due to blasting shall be expeditiously resolved.
 - f. Blasting subcontractors shall be required to maintain necessary liability insurance to cover the costs of repairing any damages to structures that are directly attributable to the blasting activity.

