

PROFFERS

PCA C-547-3

PCA 76-P-046-2

August 7, 1989

Pursuant to §15.1-491(a), Code of Virginia 1950 edition as amended, subject to the Board of Supervisors approving the request for the above-referenced Proffered Condition Amendments, the Applicant commits to the following proffers:

1. Applicant hereby reaffirms the Proffers for Application No. C-547, dated December 2, 1975 and April 8, 1977 and Proffers for Rezoning Application 76-P-046, dated May 5, 1977 attached hereto, subject to the following amendments.

2. Proffer No. 9 of the Proffers for Application No. C-547, dated December 2, 1975 shall be deleted and replaced with the following commitment:

The previous rezoning action resulted in a grant of density of 8.5 units per acre on the site which was the subject of applications C-547 and 76-P-046, obligating the Applicant to convey a total of 33 lots suitable for construction of dwelling units to the Fairfax County Housing Authority (Authority), or its successor, at such locations as applicant or successor and Authority may mutually select, providing pro rata costs of infrastructure including road, storm drainage and utility extensions shall be paid by the Authority, or its successor at the time said facilities are constructed

Applicant shall continue to advise the Authority at the time of the site plan filing for each future phase of the availability of the lots which may be in such section and Authority shall commit reimbursement for infrastructure 60 days after site plan filing.

In the event the Authority declines to commit infrastructure reimbursement as aforesaid within sixty days of notice of site plan filing, this provision shall terminate as to those lots tendered.

Nothing herein shall be deemed a commitment by Applicant to construct dwelling units, ~~nor shall~~ Applicant shall

be entitled to develop any of the 33 lots tendered by this paragraph in the event the Authority declines to

accept ~~either~~ said lots or cash in lieu thereof. A cash payment ~~by the Applicant~~ may be provided, in lieu of the said 33 lots by mutual agreement of the Applicant and

Fairfax County, and in that event the Applicant will be entitled to develop the 33 lots ~~as market units~~.

The maximum number of lots permitted on the 10.16 acres subject to this application shall be 91 lots,

provided no more than ninety-two (92) lots are constructed on parcels 48-1-001-145 and 146.

Prior to any cash payment, the Applicant may designate and offer 33 or more lots and/or units in an

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County or the Authority declines to

Agreement dated August 7, 1989 between Applicant and the Board of Supervisors.

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without requirement to offer said lots to the Authority.

provided no more than ninety-two (92) lots are constructed on parcels 48-1-001-145 and 146.

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Board of Supervisors *SVC*

alternative location and the Authority and ~~A Fairfax~~ *their SVC* County in its ~~sole~~ *or declining SVC* discretion may accept ~~the offer of~~ *the offer of*

the lots and/or units in lieu of the cash payment.

3. Upon PCA approval, the Applicant will agree to an order confirming the County's title to the connector road and to Parcels A and B, all as shown on the attached plat prepared by Dewberry & Davis, dated March, 1988, and revised through July 13, 1989, and described as follows:

(a) A portion of the connector road consisting of approximately 41,408 square feet leading across Interstate 66 to the Vienna Metro Station parking.

(b) Approximately 3,686 square feet identified as Parcel A and approximately 16,597 square feet identified as Parcel B on the east side of the connector road for permanent parking for the Vienna Metro Station.

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upon PCA approval,
~~At this time,~~ the \$1,000.00 on deposit in the Court shall be returned to the County. Such order shall be endorsed and placed in escrow prior to the hearing on the PCA, and if the PCA is granted, such order shall immediately be delivered and entered by the Court.

The above-described parcels of land, upon which roads have been constructed but not dedicated, were taken by Fairfax County as evidenced by Certificate of Take recorded on July 24, 1989 in Deed Book 7384 at page 1778 among the land records of Fairfax County, Virginia.

4. The Applicant will dedicate to the Board of Supervisors and convey in fee simple ^{the} ~~land owned by Applicant upon which roads have been constructed but not yet dedicated.~~ ^{shown on the Sec (A)} ~~Said roads are~~ ^{shown on the} attached plat prepared by Dewberry & Davis, dated August 4, 1989, and are described as follows:

- (a) Approximately 28,775 square feet for the "hook ramp" which accesses the Metro Station from westbound Interstate I-66.
- (b) The widenings of Interstate 66 consisting of approximately 8,000 square feet.

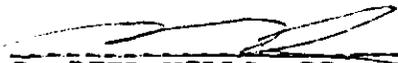
Such dedications shall be executed by the owners and placed in escrow prior to the hearing of the PCA. If the PCA is granted, then dedications for both areas shall be delivered and recorded immediately ~~thereafter.~~ ^{upon approval of the plats by the Department of Environmental Management.}

NVCOMMERCIAL, INC.

WILLS INVESTMENT, INC.

By: 

P. Reed Wills, II, President


P. REED WILLS, II

PROFFERS/1:LJS02

NVCOMMERCIAL, INC.

By: [Signature]

WILLS INVESTMENT, INC.

By: [Signature]

P. REED WILLS, II

STATE OF VIRGINIA :
COUNTY OF Fairfax : to-wit

The foregoing instrument was acknowledged before me this 7th day of August, 1989, by Stephen M. Cumber, President of NVCOMMERCIAL, INC. on behalf of said corporation.

[Signature]
Notary Public

My Commission expires: 8-11-92

STATE OF VIRGINIA :
COUNTY OF Fairfax : to-wit

The foregoing instrument was acknowledged before me this 7th day of August, 1989, by P. Reed Wills II, President of WILLS INVESTMENT, INC., on behalf of said corporation.

[Signature]
Notary Public

My Commission expires: 8-11-92

STATE OF VIRGINIA :
COUNTY OF Fairfax : to-wit

The foregoing instrument was acknowledged before me this 7th day of August, 1989, by P. REED WILLS, II.

[Signature]
Notary Public

My Commission expires: 8-11-92