FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Chairman Audrey Moore
and Members of the Board

DATE: November 7, 1990

FROM: Viki L. Lester
Deputy Clerk to the Board of Supervisors

SUBJECT: PCA 85-C-088-2 - Board of Supervisors, Own Motion
(Concurrent with PCA 86-C-119-2; PCA 86-C-121-2 and PCA 89-C-025)

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on October 15, 1990, approving Proffered Condition Amendment PCA 85-C-088-2 (Board of Supervisors, Own Motion) subject to the proffers dated October 4, 1990, on subject parcels 17-1 ((1)) Pt. 3, 12B, Pt. 12C, 12E, 12F; 17-2 ((1)) 11E; 17-3 ((1)) 3A, 3B, and 3C consisting of approximately 84.37 acres in Centreville District.

The Board also:

- Directed County staff to construct the full six lane divided section between Dulles Toll Road and Sunset Hills Road, including a grade-separated interchange at Sunset Hills Road, when funds become available for this segment.

Reston Town Center has proffered to construct four lanes between Sunset Hills Road and the New Dominion Drive prior to reaching a development level of 4.3 million square feet and between New Dominion Drive and Baron Cameron Avenue prior to completing the 5.5 million square feet. Given this future Reston commitment, the Board further:

- Directed staff to NOT continue activities beyond completion of design for these segments unless a reimbursement agreement can be negotiated with the Reston Town Center.

VLL:ns

cc: Dena M. Siri
Real Estate Division, Assessments
Melinda M. Artman, Deputy
Zoning Administrator
Barbara A. Byron, Director
Zoning Evaluation Division
Fred R. Beales, Supervisor
Base Property Mapping/Overlay
Robert Moore, Transportation Planning Division,
Office of Transportation
Kathy Ichter, Transportation Road Bond Division,
Office of Transportation
Department of Environmental Management
A. V. Bailey, Resident Engineer
Virginia Department of Transportation
Richard Jones, Manager, Land Acquisition & Planning Division
Fairfax County Park Authority
Antonio J. Calabrese, Esquire
P.O. Box 9346, McLean, Virginia 22102

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Room in the Massey Building at Fairfax, Virginia, on the 15th day of October, 1990, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROFFERED CONDITION AMENDMENT PCA 85-C-088-2
(CONCURRENT WITH PCA 86-C-119-2; PCA 86-C-121-2; AND PCA 89-C-025)

WHEREAS, Board of Supervisors, Own Motion, filed in the proper form, an application requesting amendment to the plan of a certain parcel of land, hereinafter described, by amending conditions proffered and accepted pursuant to Virginia Code Ann. § 15.1.491(a), 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 Centreville District,

Be, and hereby is further restricted by the amended conditions proffered and accepted pursuant to Virginia Code Ann., § 15.1-491(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel.

GIVEN under my hand this 15th day of October, 1990.

Viki L. Lester
Deputy Clerk to the Board of Supervisors

The Board directed County staff to construct the full six lane divided section between Dulles Toll Road and Sunset Hills Road, including a grade-separated interchange at Sunset Hills Road, when funds become available for this segment.

Reston Town Center proffered to construct four lanes between Sunset Hills Road and the New Dominion Drive prior to reaching a development level of 4.3 million square feet and between New Dominion Drive and Baron Cameron Avenue prior to completing the 5.5 million square feet. Given this future Reston commitment, the Board further directed staff to NOT continue activities beyond completion of design for these segments unless a reimbursement agreement can be negotiated with the Reston Town Center.

RESTON LAND CORPORATION

Reston Town Center

A. PCA 85-C-088-2 (Property A)
B. PCA 86-C-121-2 (Property B)
C. PCA 89-C-025 (Property C)
D. PCA 86-C-119-2 (Property D)
Dated: October 4, 1990

Pursuant to Section 15.1-491(a) of the Code of Virginia (1950, as amended) and Section 18-203 of the Zoning Ordinance of Fairfax County (1978, as amended), the property owners and applicants, for themselves and their successors or assigns (hereinafter collectively referred to as the **"Applicant"**), agree that the application properties listed on the attached Schedule A will be developed in accordance with the following conditions:

The Applicant reconfirms its commitment to the proffers and development conditions associated with PCA 85-C-088, RZ 89-C-025, PCA 86-C-119 and PCA 86-C-121, except that proffer 13 at page 10 of original proffers, as revised February 27, 1987, is hereby amended to read in its entirety as follows:

B. TRANSPORTATION SYSTEM

13. Fairfax County Parkway Dedication and Contribution-

Fairfax County has designed the Fairfax County Parkway between the Dulles Access Road and Sunset Hills Road as a six-lane divided roadway with a grade-separated interchange at Sunset Hills Road, to be constructed by VDOT upon the availability of sufficient public funds. To assist these efforts the Applicant will do as follows:

Within thirty days after receipt of a written request from Fairfax County, Applicant will dedicate (or cause to be dedicated), and convey to the Board of Supervisors in fee simple, the variable width right-of-way and easements shown on the plat by Wilbur Smith Associates dated April, 1990, entitled "Plat showing Public Street Dedication & Temporary Construction & Grading Easement & Storm Drainage Easement through Parcel 2, the

property of Reston Land Corporation." Applicant shall also pay to Fairfax County a cash contribution of Four Million Two Hundred Fifty Thousand Dollars ($4,250,000) as follows:

(1) One Million One Hundred Thousand Dollars ($1,100,000) by February 1, 1991;

(2) Three Million One Hundred Fifty Thousand Dollars ($3,150,000) within thirty (30) days following approval by the Commonwealth Transportation Board or Board of Supervisors of the contract award for construction of this Parkway segment.

At Fairfax County's sole option (by notice in writing) until January 1, 1992, or at either party's option (by notice in writing), exercisable between January 2, 1992, and December 31, 1992, if no appropriation or approval of bond sales for the necessary public construction funding has been made by the County, by the State, or by another source, Applicant shall cause the above-described segment of the Fairfax County Parkway to be designed and constructed as a four-lane divided section, including an at-grade signalized intersection at Sunset Hills Road. In this event:

(1) Fairfax County shall refund to the Applicant all funds previously contributed by the Applicant pursuant to this proffer, together with interest at 8.08% per annum on the amount refunded for the time that the County has held the funds, except that the County may retain (a) $614,448 for the County's acquisition of land rights from other landowners, provided that the County must complete all such necessary acquisitions, and (b) $469,483 for utility relocations, if all such necesary relocations have been completed; if not, the County must refund in proportion to the unfinished percentage of the relocation work; and

(2) Applicant shall be allowed two years after the receipt of such refund to perform its obligations under the proffer, plus such additional time necessary for condemnation by the County (if any).

RESTON LAND CORPORATION

By: Thomas J. D'Alesandro
Name: Thomas J. D'Alesandro, IV
Title: Executive Vice President

RESTON TOWN CENTER PHASE I ASSOCIATES

By: Reston Town Center, Inc.
General Partner

By: Thomas J. D'Alesandro
Name: Thomas J. D'Alesandro, IV
Title: Vice President

RESTON TOWN CENTER OFFICE PARK PHASE ONE LIMITED PARTNERSHIP

By: Barry M. Fitzpatrick,
General Partner

RESTON CORPORATE CENTER LIMITED PARTNERSHIP

By: Barry M. Fitzpatrick,
General Partner

PCA 85-C-088-2
PCA 86-C-121-2
PCA 89-C-025
PCA 86-C-119-2

CONTRACT PURCHASER

Pursuant to Section 15.1-491(a) of the Code of Virginia (1950, as amended) and Section 18-203 of the Zoning Ordinance of Fairfax County (1978, as amended), the undersigned Contract Purchaser, for itself and its successors or assigns (hereinafter referred to as **"TCR"**) to the extent it acquires the property described below, confirms its commitment to the proffers that govern the development of that part of the parcels under consideration, of which TCR is Contract Purchaser, shown on Fairfax County Tax Map 17-1-((1)), portion of Parcel 3 (portion of Property A).

TCR MID ATLANTIC INVESTMENTS II, INC.

BY: RLMichaux
NAME: RICHARD L. MICHAUX
TITLE: PRESIDENT

SCHEDULE A

Reston Town Center

PCA 85-C-088-2 (Property A)
PCA 86-C-121-2 (Property B)
PCA 89-C-025 (Property C)
PCA 86-C-119-2 (Property D)

APPLICATION PROPERTIES

	TM No. at time of Original application	1989 TM Nos.
PROPERTY A	17-1-((1))-3 17-2-((1))-11E	same, plus 17-1-((1))-12B, 12C, 12E, 12F and 17-3-((1))-3A,3B,3C
PROPERTY B	17-1-((1))-3 17-2-((1))-11 17-3-((1))-1,2, 3,4,5,5C,5D, 5G,6,14,15 17-4-((1))-7	same, plus 17-1-((1))-12A,12C, 13A and 17-3-((1))-2C,5H
PROPERTY C	17-1-((1))-3	same
PROPERTY D	17-3-((1))-4B,5, 5B,5E,5F	Delete Parcels 5,5F; add Parcels 17-3-((1))-5H,29