The Board affirmed the "features shown" determination by the Director of the Office of Comprehensive Planning pursuant to Section 15.1-456 of the Code of Virginia for dedication of approximately five acres of Kingstowne, Section 19 for development of up to 108 units of affordable housing as being in accord with the recommendations of the County's Comprehensive Plan.

In addition, the Board authorized acquisition of approximately five acres of Kingstowne, Section 19 by the Fairfax County Redevelopment and Housing Authority (FCRHA) Tax Map 91-3 ((1)) Pt. 63A as being in compliance with Section 36-19.2 of the Code of Virginia as amended.

Kingstowne L.P.
PCA C-448-9
PCA 84-L-020-5
PCA 85-L-101-3
PCA 86-L-033-2
April 25, 1994

PROFFER OF DEVELOPMENT CONDITIONS

Pursuant to Section 15.1-491(a) of the 1950 Code of Virginia, as amended, the following proffered conditions shall apply to the subject property provided Proffered Condition Amendment PCA 84-L-020-5, PCA C-448-9, PCA 85-L-101-3, and PCA 86-L-033-2 are approved as requested herein:

A. Except as modified herein, the subject property is governed by the Proffer of Development Conditions dated June 17, 1985, in DPA C-448-2 and RZ 84-L-020, and the Proffers in RZ 85-L-101, DPA C-448-3 and RZ 86-L-033, DPA C-448-4, and Proffers approved subsequent thereto but prior hereto (the "Previous Proffers").

B. The provisions of Paragraphs 48, 49, 50, 56 and 146 of the Previous Proffers are hereby rendered null and void and superseded by the following paragraphs:

48. The Developer shall provide engineering design and shall construct improvements to Hayfield Road as a four lane divided roadway as described

hereinafter, provided the following occurs: any necessary additional off-site rights-of-way, temporary construction easements, utility, drainage, or slope maintenance easements are obtained by Fairfax County from applicable property owners at no expense to the Developer; any monies posted in escrow or interest accrued thereon, pursuant to paragraph 56, are returned to the Developer as provided in paragraph 49C hereinafter; and any letters of credit issued pursuant to paragraph 56 are released and canceled as provided in paragraph 49A hereinafter. To facilitate acquisition of any necessary off-site rights-of-way, temporary construction easements, utility, drainage, or slope maintenance easements from other property owners by Fairfax County, the Developer shall:

a. Provide project and utility plats showing said easements or rights-of-way, including any additional right-of-way which may be necessary for guardrails, which are completed per Department of Public Works' Land Acquisition Division, standard format.

b. Provide cross-sections, as part of the design, for the following stations:

15 + 50
16 + 00
16 + 50
17 + 00
17 + 50
18 + 25
19 + 00
19 + 50

c. In order to minimize the right-of-way necessary to be acquired, design and construct a wooden retaining wall on lot identified as Tax Map 91-3 ((1)) Parcel 72, subject to VDOT and DEM approval. If it is necessary for the retaining wall to be constructed of concrete, as determined by DEM, the Developer shall design and construct a concrete retaining wall provided that the additional cost to provide a concrete retaining wall, i.e. that portion of the cost which exceeds the cost to provide a wooden retaining wall, is funded by others prior to the commencement of construction of the road improvements proffered herein.

d. Construct a sewer lateral connecting to the existing church on the parcel identified on Fairfax County Tax Map as 91-3 ((1)) Parcel 72 and a sewer lateral connecting to the

existing dwelling on Tax Map 91-3 ((1)) Parcel 73, and, if necessary Tax Map 91-3 ((1)) Parcel 74, provided the tap fees are paid by the owners of said parcels, or others, and the necessary easements are granted by said owners at no expense to the Developer. Construct water lines adjacent to said Parcels 72 and 73, and also adjacent to the parcel identified as Tax Map 91-3 ((1)) Parcel 74. In the event that the existing wells on Parcel 72, 73 or 74 fail as a result of the road construction proffered herein, the Developer shall construct a water line to the dwelling on the applicable parcel having the failed well system. Said construction is subject to the provision of the necessary easements being granted to the Developer by the owner of the applicable parcel at no expense to the Developer and the parcel owner, or others, paying the Fairfax County Water Authority connection fee.

e. Revise design plans and provide construction change orders to make minor design modifications (e.g. relocate church driveway, design of retaining wall) resulting from

right-of-way negotiations by Fairfax County, provided Fairfax County bears the increase in construction costs of construction items to the extent that they are not proffered herein.

49A. Subject to the release and cancellation of any letters of credit executed pursuant to paragraph 56 of the Previous Proffers within forty (40) days of final approval of this application, the Developer shall, within seventy (70) days of final approval of this application, resubmit revised engineering plans and pursue engineering review approvals by appropriate governmental authorities for authorization to construct a four (4) lane divided roadway having a typical section of dual twenty-seven (27) foot roadways, a median not to exceed sixteen feet (16') in width, as determined by VDOT, all within a ninety foot (90') right-of-way in the area between Station 32 + 03.50 and Station 12 + 70.00; a four foot (4') sidewalk along the northeast side of Hayfield Road between Station 32 + 00 and Station 11 + 00, an eight foot (8') asphalt trail along the southwest side of Hayfield Road between Station 24 + 77 and Station 12 + 70.00 and an extension of the existing median

from Station 33 + 00 to the vicinity of Station 34 (where the existing median is located), including a left turn storage lane for left turns into Section 20 of Kingstowne, all as generally shown on the sketch attached hereto as Exhibit A (the "Roadway Improvements"), and subject to VDOT and DEM approval. Said Roadway Improvements shall include right turn lanes at major access points to Sections 18 and 20 of Kingstowne and two (2) left turn lanes via a common median break providing storage for left turning movements into the First Baptist Church of Hayfield site and Section 17B of Kingstowne from the same median break at approximately Station 14 + 75.

49B. The Developer shall construct the Roadway Improvements, through final paving, within eighteen (18) months after all of the following events have occurred: (1) attainment of all of the necessary dedications, rights-of-way and easements, as referenced herein; and (2) final plan approval by Fairfax County of all construction plans referenced in these proffers. Further, after Developer's plans are fully approved by Fairfax County, the Developer shall dedicate to the Board of Supervisors the necessary

fee simple right-of-way, and any temporary construction easements, utility, drainage, and/or slope maintenance easements required along existing Hayfield Road to accommodate the new Roadway Improvements for the full frontage of land owned by the Kingstowne L.P.

49C. At such time as the plans for the Road Improvement have been bonded, as confirmed by DEM, the cash funds escrowed with Fairfax County pursuant to paragraph 56 of the Previous Proffers and any interest thereon shall be returned to the Developer.

50. The Developer shall provide right turn lanes for the access points from Hayfield Road into Sections 17 and 19 of Kingstowne. The right turn lane for each access point shall be provided contemporaneously with the development of the respective section and shall be completed prior to the opening of that section's access point to traffic.

KINGSTOWNE, L.P.

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