

## PROFFERS

**Van Metre Communities, L.L.C.  
RZ 2013-SP-011**

**February 12, 2014**

Pursuant to Section 15.2-2303(A) of the Code of Virginia (1950, as amended) and Section 18-204 of the Zoning Ordinance of Fairfax County (1978, as amended), the property owners and Applicant, for themselves and their successors and/or assigns (hereinafter collectively referred to as the "Applicant"), hereby proffer that the development of the parcels under consideration and shown on the Fairfax County 2013 tax maps as Tax Map 89-3 ((1)) 39 and 42 (the "Property") shall be in accordance with the following conditions if, and only if, Rezoning application RZ 2013-SP-011 (this "Rezoning") is granted.

1. **Development Plan.** Development of the Property and off-site areas shall be in substantial conformance with the Generalized Development Plan ("GDP") entitled "Park Pointe" consisting of 12 sheets prepared by Paciulli Simmons & Associates and dated June, 2013, as revised through January 31, 2014. A maximum of 18 dwelling units shall be constructed on the Property.
2. **Minor Modifications.** Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications from the GDP, such as, but not limited to, locations of utilities, minor adjustment of property lines, and the general location of dwellings on the proposed lots, may be permitted when it is determined by the Zoning Administrator that such modifications are in substantial conformance with the GDP and provided that the modifications do not increase the total number of dwelling units, decrease the setbacks from the peripheries, decrease landscaping, or alter the limits of clearing and grading.
3. **Advanced Density Credit.** Advanced density credit shall be reserved as may be permitted by the provisions of Paragraph 5 of Section 2-308 of the Fairfax County Zoning Ordinance for all eligible dedications described herein, or as may be required by Fairfax County or the Virginia Department of Transportation ("VDOT") at time of site plan approval.
4. **Gambrill Road Improvements.**
  - A. At the time of final record plat recordation for the Property, the Applicant shall dedicate in fee simple to the Board of Supervisors right-of-way along the Property's Gambrill Road frontage approximately 39 feet from the centerline as shown on Sheet 5 of the GDP.
  - B. Subject to the approval of VDOT, the Applicant shall construct improvements along the Property's Gambrill Road frontage to accommodate a twelve (12) foot wide left turn lane at the Property's new site access, and shall install curb, gutter, and an eight (8) foot wide sidewalk as shown on Sheet 5 of the GDP. The

Applicant shall also install drainage improvements to intercept stormwater on the west side of Gambrill Road as shown on Sheet 5 of the GDP. Said improvements shall be substantially complete prior to the issuance of the first Residential Use Permit ("RUP"). Substantially complete as used herein shall be defined as installation of curb and gutter, storm drainage improvements, base paving, and open to traffic but not final paving or accepted for operation and maintenance by VDOT.

- C. During construction, the Applicant shall ensure that unobstructed, safe, and continuous pedestrian access is provided along Gambrill Road to the park and ride facility located north of Parcel 42.

5. **Swope Court.**

- A. At the time of final record plat recordation for the Property, the Applicant shall dedicate in fee simple to the Board of Supervisors right-of-way forty-two (42) feet in width for Swope Court, the new public street providing access to the Property, plus a sidewalk easement six (6) feet in width adjacent to one (1) side of Swope Court.
- B. Subject to VDOT approval, the Applicant shall construct Swope Court as a public street in accordance with the details shown on Sheet 3 of the GDP.
- C. The Applicant and the successor homeowners association shall maintain such elements that VDOT will not accept for maintenance.

6. **Pedestrian Connection.** To provide continuity and connectivity of the pedestrian circulation network, the Applicant shall provide for future pedestrian interparcel connection to the adjacent Westwater Point community by constructing a six (6) foot wide asphalt trail from the end of the access road for the stormwater management pond to the joint property line between Outlot A and the Westwater Point community as shown as Sheet 3 of the GDP. A public access easement in a form acceptable to the County Attorney shall be recorded over the pond access road and the asphalt trail.

Prior to site plan approval, the Applicant shall work with the Westwater Point Homeowners Association to address the potential removal of Swope Lane, on property identified as Fairfax County tax map reference 89-3 ((25)) C and D. The option to retain or remove Swope Lane shall be subject to consensus of the Westwater Point Homeowners Association. The Applicant shall contact the Westwater Point Homeowners Association in writing regarding this issue. Should the Westwater Point Homeowners Association not respond in writing to the Applicant with a conclusion within forty-five (45) days, the Applicant shall have the authority to either retain or remove Swope Lane in its sole discretion and shall have no further obligation under this proffer. Should the consensus of the Westwater Point Homeowners Association be to remove the private driveway, the Applicant shall remediate the driveway in accordance with PFM standards.

7. **Landscape Plan.**

- A. A conceptual landscape plan for the Property illustrating the plantings and other features to be provided is shown on Sheets 9 and 10 of the GDP. As part of the site plan submission, the Applicant shall submit to the Urban Forest Management Division ("UFMD") of the Department of Public Works and Environmental Services ("DPWES") for review and approval a detailed landscape and tree cover plan which shall be generally consistent with the quality and quantity of plantings and materials shown on the GDP. The landscape plan shall be designed to ensure adequate planting space for all trees based on the requirements in the Public Facilities Manual ("PFM"). Plantings shall include only non-invasive species and, to the extent practical, plant species native to Fairfax County. Adjustments to the type and location of vegetation and the design of landscaped areas and streetscape improvements/plantings shall be permitted as approved by UFMD.
- B. Subject to VDOT approval, and in consultation with UFMD at time of site plan review, the Applicant shall install a vegetated buffer, with a mixture of deciduous and evergreen trees, on land adjacent to the northwest boundary of the Property in order to buffer the Property from activity at the Gambrell Road Park and Ride Lot as shown on Sheet 9. Such buffer shall be installed prior to bond release.
- C. Prior to bond release, the Applicant shall install six (6) foot fences along Gambrell Road as shown on Sheet 9 and consistent with the typical lot layout shown on Sheet 4 of the GDP. Fences shall be constructed of board on board, solid board, if required for noise attenuation purposes as determined by the noise study required by Proffer 22, brick, stone, or a combination of those elements.
- D. Prior to bond release for walls not adjacent to individual lots, and prior to issuance of RUPs for the houses on a lot with a retaining wall immediately adjacent to the lot, the Applicant shall install fences or handrails on all walls shown on Sheet 9 in accordance with PFM requirements.
- E. Retaining walls three (3) feet in height or greater shall be architecturally treated with masonry, excluding cinder block. Retaining walls shall not be constructed of wood.

**8. Tree Preservation.**

- A. Tree Preservation Plan. For the purposes of maximizing the preservation of trees in tree conservation areas shown on Sheets 11 and 12 of the GDP, the Applicant shall prepare a Tree Preservation Plan. The Applicant shall contract with a certified arborist or registered consulting arborist (the "Project Arborist") to prepare a Tree Preservation Plan to be submitted as part of the first site plan submittal and subsequent site plan submissions. The Tree Preservation Plan shall be reviewed and approved by UFMD. The Tree Preservation Plan shall seek to preserve the trees identified on the GDP for preservation. The Tree Preservation Plan shall provide a Tree Inventory which includes the location, species, size, crown spread and condition rating percent of all trees ten (10) inches or greater in

diameter, measured 4½ feet from the ground and located within twenty (20) feet of the limits of clearing and grading of the tree conservation areas shown on the GDP. The condition analysis shall be prepared using methods outlined in the latest edition of the *Guide for Plant Appraisal*. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation shall be incorporated into the Tree Preservation Plan. Activities should include, but are not limited to, crown pruning, root pruning, mulching and fertilization.

- B. Invasive Species Management. The Applicant shall create and implement an invasive species management program to include all tree save areas that may contain invasive plant material (PFM 12-0404.2B and 12-0509.3D) that clearly identifies targeted areas and species, details removal and treatment techniques, replanting with herbaceous and woody material, monitoring, program duration, etc.
- C. Limits of Clearing and Grading. Clearing, grading, and construction shall conform to the limits of clearing and grading as shown on the GDP, subject to the installation of necessary utility lines and other required site improvements, all of which shall be installed in the least disruptive manner possible, considering cost and engineering, as determined in accordance with the approved plans.
- D. Tree Preservation Walk-Through. The Applicant shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree preservation walk-through meeting, the Project Arborist shall walk the limits of clearing and grading with a UFMD representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. The Applicant shall also work with UFMD to identify areas adjacent to the limits of clearing and grading where a mix of understory plantings and shrubs may be provided, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw, and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.
- E. Tree Preservation Fencing. All trees shown to be preserved on the Tree Preservation Plan shall be protected by tree protection fencing. Tree protection fencing, consisting of four (4) foot high, 14 gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no farther than ten (10) feet apart or super silt fence, to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees, shall be placed at the limits of clearing and grading as shown on the Phase I and Phase II erosion and sedimentary control

sheets in all areas. The tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to the performance of any clearing and grading activities on the site. Prior to the commencement of any clearing or grading on the site, the Project Arborist shall verify in writing that the tree protection fencing has been properly installed.

- F. Root Pruning and Mulching. The Applicant shall (1) root prune roots one inch in diameter or larger of trees to be preserved that may be damaged during clearing, demolition, grading, utility installation and/or the installation of retaining walls; and (2) mulch to a minimum depth of three (3) inches within the areas to be left undisturbed where soil conditions are poor, lacking leaf litter or prone to soil erosion. Areas that will be root pruned and mulched shall be clearly identified on the Tree Preservation Plan. All treatments for such trees and vegetation shall be clearly specified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be included in the Tree Preservation Plan and shall be subject to the review and approval of UFMD.

All root pruning and mulching work shall be performed in a manner that protects adjacent trees and vegetation that are required to be preserved and may include, but not be limited to, the following:

- (i) Root pruning shall be done with a trencher or vibratory plow to a depth of eighteen (18) inches, or as specified by UFMD at the pre-construction meeting.
- (ii) Root pruning shall take place prior to installation of tree protection fencing.
- (iii) Root pruning shall not sever or significantly damage structural or compression roots in a manner that may compromise the structural integrity of trees or the ability of the root system to provide anchorage for the above ground portions of the trees.
- (iv) Root pruning shall be conducted with the on-site supervision of the Project Arborist.
- (v) Tree protection fencing shall be installed immediately after root pruning, and shall be positioned directly in the root pruning trench and backfilled for stability, or just outside the trench within the disturbed area.
- (vi) Immediately after the Phase II erosion and sedimentary control activities are complete, mulch shall be applied at a depth of three (3) inches within designated areas. Mulch may be placed within tree preservation areas at points designated by the Project Arborist to minimize impacts to existing vegetation. Motorized equipment may be used to reach over tree

protection fence to place mulch at designated points. Mulch shall be spread by hand within tree preservation areas.

(vii) Mulch shall consist of wood chips or pine bark mulch. Hay or straw mulch shall not be used within tree preservation areas.

(viii) UFMD shall be informed in writing when all root pruning and tree protection fence installation is complete.

G. Tree Protection Signage. The Applicant shall provide signs that identify and help protect all areas to be left undisturbed. These signs will be highly visible, posted in appropriate locations along the limits of clearing and grading, and attached to the tree protection fencing throughout the duration of construction. Under no circumstances will the signs be nailed or in any manner attached to the trees or vegetation within the areas to be left undisturbed.

H. Site Monitoring. During the installation of tree protection fencing, performance of root pruning and during any clearing or removal of trees, vegetation, or structures, or other activities in or adjacent to tree conservation areas prior to the approval of Phase I of the Erosion and Sediment Control Plan, the Project Arborist shall be present to effectively monitor the process and ensure that the activities are conducted in accordance with the proffers and as approved by the UFMD. Following approval of Phase I of the Erosion and Sediment Control Plan the Project Arborist shall actively monitor the Property to ensure that protection measures are maintained and functioning as intended and activities are conducted in accordance with the proffers and as approved by the UFMD. The monitoring schedule shall be described and detailed in the Tree Preservation Plan and shall be reviewed and approved in writing by UFMD. Inappropriate activities such as storage of construction materials, dumping of construction debris, and traffic by construction personnel shall not occur within these areas. Damage to understory plant materials, leaf litter and soil conditions resulting from activities not approved in writing by UFMD shall be restored to the satisfaction of UFMD.

9. **Native Plant Transplantation.** The Applicant shall provide an opportunity for not-for-profit organizations, identified by Department of Planning and Zoning (DPZ), to remove and transplant native plant species located outside the tree save area on the Property. The Applicant shall notify these not-for-profit organizations via certified mail and e-mail. In order to facilitate rescue and transplantation of native plants prior to the commencement of land disturbing activities, the Applicant will mark the general area of the tree save areas sixty (60) days prior to commencement of grading and will notify the Springfield District Supervisor's office and provide reasonable opportunity for not-for-profit organization(s) to access the Property and remove vegetation that is not proposed to be saved, unless such plant removal is determined by the UFMD to present a significant threat to offsite vegetation and/or native plant communities due to the potential for the spread of invasive plant species, plant pests, and/or plant disease.

The Applicant shall provide a schedule to the not-for-profit organization(s) identifying dates for the removal of the native plant species. This notice shall be provided not less than thirty (30) days prior to the earliest removal date. Right of access shall be subject to the party seeking access maintaining reasonable insurance and providing indemnification to the Applicant and the landowners against all risk of loss, damage, injury or death resulting from such access and/or transporting of vegetation from the Property. The Applicant will notify the Springfield District Supervisor's office again at the time of second site plan submission for the first site plan/public improvement plan submitted for the Property. The marking of the tree save areas and provision of notice as required herein shall fully satisfy the Applicant's obligation under this proffer.

10. **RPA and EQC Restoration.** The Applicants shall replant and restore existing disturbed areas within the Resource Protection Area ("RPA") and Environmental Quality Corridor ("EQC") as shown on Sheet 9 of the GDP. Plantings shall be in conformance with the requirements of Chesapeake Bay Preservation Ordinance Section 118-3-3(f) and subject to UFMD approval. Such plantings shall be complete prior to the issuance of the tenth (10<sup>th</sup>) RUP for new dwellings on the Property.
11. **Green Building Practices.** Dwelling units on the Property shall be constructed to achieve one of the following programs, or an alternative third-party certification that meets the substantive intent of the choices identified below. Selection of one of the following certification methods, or an alternative, shall be within the Applicant's sole discretion at time of site plan submission:
  - A. Qualification in accordance with ENERGY STAR<sup>®</sup> for Homes as demonstrated through documentation to the Environment and Development Review Branch of DPZ ("EDRB") from a home energy rater certified through the Residential Energy Services Network (RESNET) that demonstrates each dwelling unit has attained qualification prior to the issuance of the RUP for each dwelling;
  - B. Certification in accordance with the National Green Building Standard using the ENERGY STAR<sup>®</sup> Qualified Homes path for energy performance, as demonstrated through documentation submitted to EDRB and from a home energy rater certified through the Home Innovation Research Labs that demonstrates that each dwelling unit has attained the certification prior to the issuance of the RUP for each dwelling;
  - C. Certification in accordance with the Earth Craft House Program, as demonstrated through documentation provided to EDRB prior to the issuance of the RUP for each dwelling; or
  - D. Certification in accordance with the National Association of Home Builders (NAHB) National Green Building Program, Bronze level, as demonstrated through submission of a copy of the "Green Certificate" issued by NAHB in accordance with its "Green Certificate Program" prior to issuance of the RUP for each dwelling.

12. **Stormwater Management.**

- A. Subject to review and approval by DPWES, stormwater management ("SWM") and Best Management Practice ("BMP") measures for the Property shall be provided in a wet pond located partially on the Property and partially on adjacent property identified on the Fairfax County 2013 tax maps as Tax Map 89-3 ((25)) A ("Outlot A") pursuant to an agreement between the Applicant and the owner of Outlot A. The SWM and BMP measures shall be provided as shown on Sheet 6 of the GDP and shall be developed in accordance with the PFM, unless waived or modified by DPWES. The Applicant shall further comply with conditions as may be approved in conjunction with #5072-WRPA-001-1 and #5072-WQ-001-1.
- B. Maintenance of the SWM facilities shall be the responsibility of the Applicant and the successor homeowners association. Prior to site plan approval, the Applicant shall execute an agreement with the county in a form satisfactory to the County Attorney (the "SWM Agreement") providing for the perpetual maintenance of all of the elements of the SWM facilities. The SWM Agreement shall require the Applicant and the successor homeowner's association to contract with one or more maintenance/management companies to perform regular routine maintenance of the SWM facilities and to provide a maintenance report every five (5) years to the Fairfax County Maintenance and Stormwater Management Division of DPWES. The maintenance responsibilities under the SWM Agreement shall be disclosed to future purchasers prior to entering into a contract for sale and specified in the homeowner's association documents.
- C. Prior to the issuance of the first RUP on the Property, the Applicants shall establish an account (the "SWM Maintenance Account") to be used as an escrow account for the initial maintenance of the SWM facilities. The Applicants shall make an initial contribution to the SWM Maintenance Account in an amount equal to the estimated cost for the homeowner's association maintenance responsibility for the first ten (10) years of the facilities, as approved by DPWES. Thereafter, the SWM Maintenance Account shall be funded through pro-rata assessments of subsequent owners of the Property.
- D. Should future County policy permit all or part of the SWM facilities on the Property to be eligible for County maintenance, then the Applicant or the successor homeowner's association may request County maintenance for eligible facilities and thereby void the applicability of Paragraphs B and C for such facilities.

13. **Housing Trust Fund.** Prior to the issuance of the first building permit, the Applicant shall contribute to the Fairfax County Housing Trust Fund ("HTF") the sum equal to one-half percent (1/2%) of the value of all of the units approved at time of site plan. The percentage shall be based on the aggregate sales price of all of the units subject to the contribution, as if all of those units were sold at the time of the issuance of the first building permit, and is estimated through comparable sales of similar type units. The projected sales price shall be proposed by the Applicant in consultation with the Fairfax

County Department of Housing and Community Development ("HCD") and shall be approved by HCD.

14. **Public School Contribution.** Per the Residential Development Criteria Implementation Motion adopted by the Board of Supervisors on September 9, 2002, and revised September 1, 2012, the Applicant shall contribute \$10,488 per expected student (based on a ratio of 0.536 students per dwelling unit) to the Fairfax County School Board to be utilized for capital improvements or capacity enhancements to schools that students generated by the Property will attend. Such contribution shall be made prior to the issuance of the first RUP for the Property and shall be based on the actual number of dwelling units built. Such contribution shall be directed to schools in Cluster VI or to schools in the West Springfield High School pyramid.
15. **Recreation Contribution.** At the time of the issuance of the first RUP on the Property, the Applicant shall provide a monetary contribution of \$44,650.00 to the Board of Supervisors for recreational opportunities as determined in consultation with the Springfield District Supervisor.
16. **Homeowners Association.** The Applicant shall form a homeowners association ("HOA") for the Property. The HOA shall be responsible for maintenance of any common elements. At the time that the HOA takes over the maintenance of common elements and Outlot A, the Applicant shall convey to the HOA any long-term tree and forested area management information that was prepared to satisfy tree conservation plan requirements of the subdivision plan. Information shall include data collected for the Tree Inventory, updated to note completion of tree preservation activities required by the Tree Preservation Plan approved with the subdivision plan and any additional work performed for tree preservation and/or maintenance of trees located on Outlot A, identification of any trees on the lot lost during development of the Property, any change in condition rating resulting from storm damage or construction impact, and any additional work performed for preservation and/or maintenance in tree preservation easements. A draft of the tree and forest management plan shall be submitted for review by UFMD prior to issuance of the first RUP. UFMD shall be furnished with a copy of the agreement by the HOA accepting maintenance responsibilities of the common areas and a copy of the final tree and forest management plan.
17. **Use of Garages.** 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 shall not preclude the use of garages as sales offices in the model homes during marketing of the development, with the understanding the sales offices will be converted back to garages upon sale of the models. The 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 HOA and the Fairfax County Board of Supervisors. Purchasers shall be advised in writing of the use restriction prior to entering into contract of sale.
18. **Property Boundary Delineation.** The Applicant shall mark all private lot corners with a thirty-six (36) inch solid aluminum survey pipe or concrete monument post rising twelve

(12) inches above grade so that the property lines of property lots adjacent to forested common open space can be clearly and accurately delineated on the Property. Pipes/posts shall bear the initials HOA to clearly identify the boundary of the private lot and the common open space. The location of markers delineating common open space shall be shown on the subdivision plan and individual lot grading plans.

19. **Architectural Features.** The façades of Lots 1, 14, 15 and 16 adjacent to Gambrill Road shall be architecturally treated with features which may include, but not be limited to, windows, shutters, trim, and/or cornices, to be consistent with the front facades. The building materials shall vary and may be a combination of brick, stone, and siding supplemented with trim and detail features. Any façade visible from public or private streets shall vary and may be a combination of brick, stone, or siding supplemented with the trim and detail features noted herein. The character and composition of dwellings shall be of quality similar to existing homes in the area, and shall include, but not be limited to such features as brick or stone watertables, architectural doors, and/or architectural moldings around windows and around the ends of rooflines, brick soldier courses, shutters, or varying roof lines and pitches.
20. **Universal Design.** Dwelling units shall be designed with options for purchasers to add certain Universal Design features which may include, but not be limited to, front entrance doors that are a minimum of 36 inches wide, thermostats a maximum of 48 inches high, rocker light switches 44-48 inches high, electrical outlets a minimum of 18 inches high, emphasis on lighting in stairs and entrances, lever door handles, slip resistant flooring, clear knee space under the sink in the kitchen, a first-floor bathroom console sink, hand-held shower heads at tubs and showers, ADA compliant grab bars in the bathrooms, curbless showers or showers with a curb of less than 4.5 inches high, seat in master bathroom showers, and front loading washers and dryers.
21. **Heritage Resources.** Prior to commencement of land disturbing activities, the Applicant shall submit photo documentation of the current conditions of the dwelling on Parcel 42 and an existing conditions location map showing the footprint of the existing house and site conditions with the photographic angle of views and identification of each photograph to the Virginia Room of the Fairfax County Public Library and to the Fairfax County Department of Planning and Zoning (DPZ) Historic Preservation planner. The Applicant shall provide written documentation to DPZ that the required documentation has been submitted to the Virginia Room.
22. **Noise Attenuation.** Prior to site plan approval, the Applicant shall provide to DPWES and DPZ an acoustical study that assesses the impact of transportation noise from Gambrill Road on the proposed development. In the event that the predicted traffic noise levels for any home will be in excess of 65 dBA, the Applicant shall implement industry accepted noise attenuation measures during the construction of homes on each lot for which noise levels will be in excess of 65 dBA, in order to ensure that the interior noise level is no greater than DNL 45 dBA.

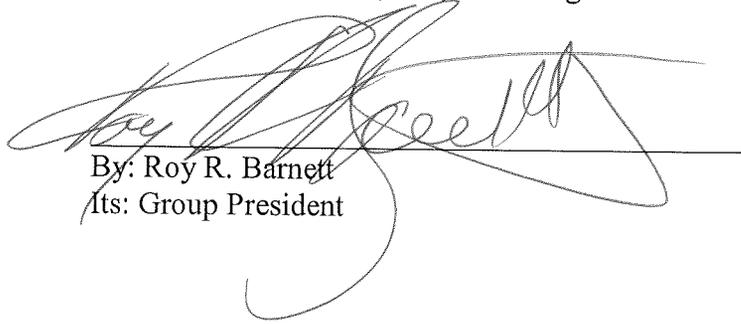
23. **Septic Tank Abandonment.** Prior to issuance of a demolition permit for the existing house on Parcel 39, the Applicant shall abandon the existing septic tank and well in conformance with Fairfax County Health Department regulations and requirements.
24. **Adjustments in Contribution Amounts.** For all proffers specifying contribution amounts, with the exception of Proffer 12 related to the Housing Trust Fund, the contribution shall adjust on a yearly basis from the base year of 2014 and change effective each January 1 thereafter, based on changes in the Consumer Price Index for all urban consumers (not seasonally adjusted) (“CPI-U”), both as permitted by Virginia State Code Section 15.2-2303.3.
25. **Timing of Improvements.** Upon demonstration by the Applicant that, despite diligent efforts or due to factors beyond the Applicants' control, the required improvements have been or will be delayed beyond the time set forth in these proffers, the Zoning Administrator may agree to a later date for the completion of such improvements.
26. **Severability.** Any of these buildings within the Property may be subject to Proffered Condition Amendments and Final Development Plan Amendments without joinder or consent of the property owners of the other buildings.
27. **Successors and Assigns.** These proffers will bind and inure to the benefit of the Applicant and his/her successors and assigns.
28. **Counterparts.** 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 in the same instrument.

[SIGNATURES BEGIN ON NEXT PAGE]

APPLICANT/CONTRACT PURCHASER OF  
TAX MAP 89-3 ((1)) 42, 39

VAN METRE COMMUNITIES, L.L.C.

By: Van Metre Homes, Inc., its Manager

A handwritten signature in black ink, appearing to read "Roy R. Barnett", is written over a horizontal line. The signature is stylized and cursive.

By: Roy R. Barnett  
Its: Group President

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TITLE OWNER OF TAX MAP 89-3 ((1)) 42

ESTATE OF HELEN M. HALL

David B. Hall Jr.  
By: David B. Hall, Jr.  
Its: Heir

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By: Marjorie L. Roof  
Its: Heir

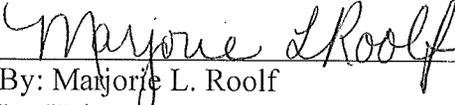
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TITLE OWNER OF TAX MAP 89-3 ((1)) 42

ESTATE OF HELEN M. HALL

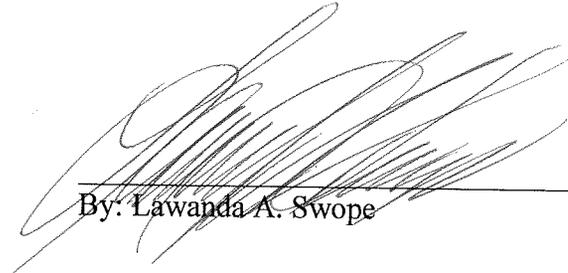
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By: David B. Hall, Jr.  
Its: Heir

  
By: Marjorie L. Roolf  
Its: Heir

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TITLE OWNER OF TAX MAP 89-3 ((1)) 39

  
By: Lawanda A. Swope

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