

## PROFFER STATEMENT

March 19, 2015

RZ/FDP 2014 – BR-019  
Christopher at Kenilworth, LLC

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 as amended, the undersigned Owner/Applicant, in this rezoning proffers that the development of the parcel under consideration and shown on the Fairfax County Tax Map as Tax Map Reference 69-1 ((1)) 29 (hereinafter referred to as the "Property") will be in accordance with the following conditions (the "Proffered Conditions"), if and only if, said rezoning request for the PDH-3 Zoning District is granted. In the event said rezoning request is denied, these Proffered Conditions shall be null and void. The Owner/Applicant, for themselves, their successors and assigns hereby agree that these Proffered Conditions shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. The Proffered Conditions are:

### I. GENERAL

1. Substantial Conformance. Subject to the provisions of Article 16 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Property shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan (CDP/FDP) titled "Kenilworth" prepared by Charles P. Johnson & Associates, Inc. consisting of 12 sheets, dated September 5, 2014 and revised February 17, 2015.
2. Minor Modifications. Minor modifications from what is shown on the CDP/FDP and these Proffers, which may become occasioned as a part of final architectural and/or engineering design, may be permitted as determined by the Zoning Administrator in accordance with the provisions set forth in Section 16-403 of the Zoning Ordinance. Additionally, except as may be further qualified by these proffered conditions, minor modifications to the building envelopes including footprints, lot areas, dimensions, utility layouts and house location may be permitted in accordance with Section 16-403 of the Zoning Ordinance as long as such changes do not materially decrease the amount of open space, the building setbacks are not violated on the CDP/FDP's typical lot layout.
3. Architectural Design. The primary building materials shall be a combination of brick, stone and siding supplemented with trim and detail features; modifications may be made with final architectural designs provided such modifications are in substantial conformance with the illustrative elevations shown on Sheet 12 of the CDP/FDP. Bay windows, patios, chimneys, areaways, stairs, mechanical equipment and other similar appurtenances may encroach into the minimum yards

as depicted on the "lot typical" as shown on the CDP/FDP and as permitted by Section 2-412 and Article 10 of the Zoning Ordinances. Decks, porches (including screened in porches) or sunrooms may be permitted in the rear yard in the area identified as "Available Deck Area" on the lot typical included on Sheet 1 of the CDP/FDP. Deck modifications including but not limited to lattice work, pergolas, trellis, and overhang planter boxes may also be constructed within this area. The restrictions and limitations of this proffer shall be disclosed to Purchasers as part of the Purchasers' contract and further disclosed in the homeowners association documents.

4. Universal Design. Dwelling units shall offer optional features designed with a selection of Universal Design features as determined by the Applicant which may include, but not be limited to, grab bars in the bathrooms, a seat in the Master Bath shower where possible, emphasis on lighting in stairs and entrances, lever door hardware, slip resistant flooring, optional hand-held shower heads at tubs and showers, and optional front-loading washers and dryers.
5. Noise Study. Prior to issuance of the first building permit, the applicant shall provide a noise study for the lots along Braddock Road to Environmental Development Review Branch (EDRB) of the Department of Planning and Zoning (DPZ) for review. Based on the findings of the report, the Applicant shall identify lots on the subdivision plan that are anticipated to be impacted by noise greater than 65dBA Ldn and shall provide noise attenuation measures designed to reduce interior noise to approximately 45 dBA Ldn and reduce exterior rear yard noise to 65 dBA Ldn for the lots identified in the report. If the noise study reveals that the noise attenuated for Lot 9 cannot be achieved, then Lot 9 shall be removed and replaced with open space and landscaping using tree preservation and/or planting similar to those shown on the CDP/FDP as reviewed and approved by UFM. Lot 9 shown on the CDP/FDP shall not be allowed to obtain a building permit until a Noise Study is provided to Environment and Development Review Branch of DPZ for review. Based on the findings of the report, the Applicant shall take measures to reduce the rear yard noise to 65 dBA.

## II. RECREATION FACILITIES

6. On-Site Recreation Facilities. Pursuant to Sect. 16-404 of the Zoning Ordinance regarding developed recreational facilities, the Applicant shall provide recreational facilities to serve the property as shown on the CDP/FDP. Per Sect. 16-404, recreational facilities such as, trails, sitting areas, bus shelter or similar facility and similar features may be used to fulfill this requirement. The siting and installation of such features shall not interfere with tree save areas. At the time of the issuance of the first Residential Use Permit, the Applicant shall demonstrate that the value of any proposed recreational amenities is equivalent to a minimum of \$1,700 per dwelling unit for the Nine (9) homes to be built on the site. In the event it is demonstrated that the proposed facilities do not have sufficient value the Applicant shall contribute funds in the amount needed to achieve the overall required amount

of \$1,700 per unit for the Nine (9) homes to be built on the Property for off-site recreational facilities intended to serve the future residents, as determined by FCPA in consultation with the Supervisor for the Braddock District.

7. Off-Site Recreation. The Applicant shall contribute \$21,000.00 to the Fairfax County Park Authority for improvements to a parks in the vicinity of the subject property in consultation with the Braddock District Supervisor. If a local park is not in need, then the money shall be used to asphalt/concrete the Accotink Stream Valley Park trail. This contributions shall be made prior to the issuance of the first RUP.

### III. SCHOOLS

8. Contribution. Prior to issuance of the first RUP the Applicant shall contribution \$32,475.00 to Fairfax County and to transfer to the Fairfax County School Board to be utilized for capital improvements or capacity enhancements to schools within the pyramid which serves the Property. Following approval of this Application and prior to the Applicant's payment of the amount set forth in this Proffer, if Fairfax County should increase the ratio of students per unit or the amount of contribution per student, the Applicant shall increase the amount of the contribution for that phase of development to reflect the then-current ratio, notwithstanding the amount of increase shall not exceed Five Percent (5%) of the original amount.

### IV. ESCALATION

9. Escalation. All monetary contributions required by these proffers, with the exception of the Schools Contribution, shall be adjusted upward or downward based on the percentage change in the annual rate of inflation with a base year of 2015, and change effective each January 1 thereafter, as calculated by referring to the Consumer Price Index for all urban customers (CPI-U), (not seasonally adjusted) as reported by the United States Department of Labor, Bureau of Labor Statistics occurring subsequent to the date of final site plan approval and up to the date of payment. In no event shall an adjustment increase exceed the annual rate of inflation as calculated by the CPI-U.

### V. CONSTRUCTION HOURS

10. Construction Hours. Construction shall occur between the hours of 7:00 a.m. until 7:00 p.m. Monday through Friday, 9:00 a.m. until 6:00 p.m. on Saturday and Sunday. Construction activities shall not occur on the holidays of New Year's Day, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas. The construction hours shall be posted on the property. The allowable hours of construction as specified in this proffer shall be listed within any contract with future sub-contractors associated with construction on the site. Construction hours do not apply to any work related to VDOT.

## VI. ENERGY CONSERVATION

11. Energy Conservation. The dwelling units shall be constructed to achieve one of the following:
  - A. Certification in accordance with the 2012 National Green Building Standard (NGBS) using the ENERGY STAR® (version 3.0) Qualified Homes path for energy performance, as demonstrated through a preliminary report submitted to the Environment and Development review Branch of the Department of Planning and Zoning (DPZ) prior to the issuance of the Residential Use Permit (RUP) for each dwelling from a home energy rater certified through the Home Innovation Research Labs that demonstrates that each dwelling unit has attained the certification and the final report submitted to DPZ within Thirty (30) Days after the issuance of the RUP of each dwelling ; or
  - B. Certification in accordance with the Earth Craft House Program, as demonstrated through documentation provided to DPWES and DPZ prior to the issuance of the RUP for each dwelling. Certification testing shall be accomplished prior to the issuance of a RUP for each dwelling. The Certification testing requirement shall be met by emailing the building inspector, the preliminary inspection report of the third party inspector prior to the issuance of the RUP. Prior to Bond Release, the Applicant shall show proof to DPWES that all units met either condition A or B.

## VIII. GARAGE CONVERSION

12. Garage Conversion. Any conversion of garages that will preclude the parking of vehicles within the garage shall be prohibited. A covenant setting forth this restriction 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 Board of Supervisors. This restriction shall also be disclosed in the HOA documents. Prospective purchasers shall be advised of this use restriction, in writing, prior to entering into a contract of sale. The driveway provided for each unit shall be a minimum of seventeen (17) feet in width and twenty (20) feet in length from the garage door to the sidewalk. Garages shall be designed to accommodate two (2) vehicles.

## IX. HOME OWNERS ASSOCIATION

13. Establishment of HOA. The Applicant shall establish a Homeowners Association (HOA) in accordance with Sect. 2-700 of the Zoning Ordinance for the purpose of, among other things, establishing the necessary residential covenants governing the design and operation of the approved development and to provide a mechanism for ensuring the ability to complete the maintenance obligations and other provisions

noted in these proffer conditions. The HOA shall be responsible for the maintenance of the common areas and the enforcement of the restrictions on the Property. Maintenance responsibilities shall include, but not limited to, snow removal, private access ways, the private streets, storm water management facilities and common area maintenance. Initial and subsequent homeowners shall be made aware of these maintenance responsibilities in the HOA documents. Prior to the last RUP issued for the Property the Applicant shall contribute \$9,500 to the HOA for the following; \$5,000 to establish a reserve fund for the maintenance of the 2 private streets leading to lots 1 through 5 and \$4,500 for maintenance of the storm water management facilities on the Property. If the adjacent property (Tax Map 69-1-((1)) 31A and 31B) redevelops the applicant's new HOA may allow the adjacent property to join its HOA. If the adjacent property (Tax Map 69-1-((1)) 30) request to become a member of the HOA, then the HOA shall allow it.

14. Dedication to HOA. At the time of subdivision plat recordation, open space, common areas, fencing, and amenities not otherwise conveyed or dedicated to the County shall be dedicated to the HOA and maintained by the same. The HOA reserves the right to grant easements for any purpose on the common areas as the HOA deems necessary, provided that any easements are consistent with the CDP/FDP.
15. Reciprocal Easements. As part of the Record Plat recording, the Applicant shall create reciprocal easements along the common residential property lines to provide future homeowners with reasonable rights of access to adjacent lots if needed to perform routine home maintenance functions.
16. Best Management Practice ("BMP") Maintenance. After establishing the HOA, the Applicant shall provide the HOA with written materials describing proper maintenance of the approved BMP facilities.
17. Disclosure. As part of the contract of sale, prospective purchaser shall be notified in writing by the Applicant of the maintenance responsibility for the storm water management facilities, common area landscaping, any other open space amenities and the obligations and possible future improvements in Proffer 28, 30 and 31. In addition, the prospective purchaser shall be notified in writing that parking on the Ingress/Egress easement shown on the CDP/FDP is prohibited. The homeowner association covenants shall contain clear language delineating the tree save areas as shown on the CDP/FDP. The covenants shall prohibit the removal of the trees except those trees which are dead, diseased, noxious or hazardous as determined by UFMD and shall outline the maintenance responsibility of the homeowners association and individual homeowners. The initial deeds of conveyance and HOA governing documents shall expressly contain these disclosures. The HOA documents shall stipulate that a reserve fund to be held by the HOA be established for the maintenance of common facilities and areas.

## X. STORMWATER MANAGEMENT

### 18. Storm water Management and Best Management Practices.

- A. The Applicant shall implement storm water management techniques to control the quantity and quality of storm water runoff from the Property in accordance with the current County Storm water Ordinances and Fairfax County Public Facilities Manual as reviewed and approved by DPWES. The storm water management techniques may include but not limited to the following: rain gardens, dry ponds, filtera systems, infiltration ditches, bay filters, storm tech changer and drainage swales. Storm water management facilities/Best Management Practices ("BMP") shall be provided as generally depicted on the CDP/FDP. The Applicant reserves the right to pursue additional or alternative storm water management measures provided those measures are in substantial conformance with the CDP/FDP.
- B. Should the DEQ of the Commonwealth of Virginia, Fairfax County or their designee, issue new or additional storm water management requirements or regulations affecting the Property prior to Final Site Plan approval, the Applicant shall have the right to accommodate necessary changes to its storm water management designs without the requirement to amend the CDP/FDP or these Proffers or gain approval of an administrative modifications to the CDP/FDP or Proffers. Such changes to the storm water management design shall not materially impact the limits of clearing and grading, building locations, or the road layouts and shall be in material conformance with the CDP/FDP.

## XI. LANDSCAPING

19. Landscape Plan: As part of the site plan submission, the Applicant shall submit to UFMD for review and approval a detailed landscape and tree cover plan which shall, at a minimum, be generally consistent with the quality and quantity of plantings and materials shown on the CD/FDP. 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.

## XII. TREE PRESERVATION

20. Tree Preservation Plan. The applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent subdivision plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a

Registered Consulting Arborist, and shall be subject to the review and approval of UFMD, Department of Public Works and Environmental Services ("DPWES").

The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for individual trees to be preserved, on and off-site trees, living or dead with trunks 12 inches in diameter and greater (measured at 4 ½ feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture), located 25 feet outside the limits of clearing and grading and 10 feet inside of the limits of clearing and grading. The tree preservation plan and narrative shall include all applicable items specified in PFM 12-0506 and 12-0508. Specific tree preservation activities designed to maximize the survivability of any tree identified to be preserved, such as crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

21. 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 Applicant's appointed representative and a Certified Arborist (the Project Arborist), shall walk the limits of clearing a 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.

Trees that are identified as dead or dying within the tree preservation area 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.

22. Limits of Clearing and Grading. The Applicant shall conform strictly to the limits of clearing and grading as shown on the CDP/FDP, subject to allowances specified in these development conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the CDP/FDP, they shall be located in the least disruptive manner necessary as determined by UFMD. A replanting plan shall be developed and implemented, subject to approval by UFMD for any area protected by the limits of clearing and grading that must be disturbed for such utilities.
23. Tree Preservation Fencing. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fencing. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot

tall steel posts driven eighteen (18) inches into the ground and placed no further 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 erected at the limits of clearing and grading as shown on the demolition, and Phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" proffer below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. Root pruning and the installation of all tree protection fencing shall be performed under the supervision of the Project Arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, UFMD shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. No grading or construction activities shall occur until the fencing is installed correctly, as determined by UFMD.

24. Root Pruning. The Applicant shall root prune as needed to comply with the tree preservation requirements below. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by UFMD accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:
- Root pruning shall be done with a trencher or vibratory plow to a minimum depth of 18 inches.
  - Root pruning shall take place prior to any clearing and grading, or demolition of structures.
  - An UFMD representative shall be informed when all root pruning and tree protection fence installation is complete.
25. Monitoring. During any clearing or tree/vegetation/structure removal on the Applicant's Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by UFMD. The Project Arborist should be present on site and monitor clearing and demolition work during Phase I Erosion and Sediment (E&S) Control Plan implementation. Subsequent to approval of Phase I E&S implementation, the Project Arborist shall visit the site on a weekly basis to ensure conformance with all tree preservation proffers, and UFMD approvals. During the implementation of Phase II Erosion and Sediment Control and throughout the construction phase of the project, monitoring visits to the site shall be made at least monthly. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by UFMD.

26. 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 as generally shown on the CDP/FDP 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.
27. Tree Value Determination. The Applicant shall contract a Certified Arborist to determine the monetary value of each tree (herein, the "Tree Value") 12 inches in diameter and larger shown to be preserved in the tree inventory. Tree Value shall be determined using the Trunk Formula Method contained in the 9<sup>th</sup> Edition of the Guide for Plant Appraisal, published by the International Society of Arboriculture, and shall be subject to approval by UFMD with review and approval of the subdivision plan. The Location Factor of the Trunk Formula Method shall be based on projected post-development Contribution and Placements ratings. The Site rating component shall be equal to at least 80%.

### XIII TRANSPORTATION

28. Right-of-Way Dedication. As a part of subdivision plan approval or upon demand by Fairfax County or the Virginia Department of Transportation ("VDOT"), whichever occurs first, the Applicant shall dedicate and convey, without encumbrances and in fee simple, to the Board of Supervisors, right-of-way along Braddock Road (Rt. 620), such that the half-section, as measured from the centerline, shall be approximately 63 feet. The ROW dedication shall be provided as generally shown on the CDP/FDP, subject to approval of VDOT and DPWES.
29. Public Street. As part of the Record Plat recording, the Applicant shall dedicate and convey an internal Fifty Foot wide public street right of way, without encumbrances and in fee simple, to the Board of Supervisors.
30. Future Interparcel Access.
  - A. In the event the property to the northeast (Tax Map 69-1((1)) 30) needs to relocate the driveway or request to use another connection, the applicant shall permit an inter-parcel connection to private serving Lots 1-3 and provide the necessary construction easements to allow the connection. The adjacent property owners need to execute a private cost sharing agreement to use this private drive.
  - B. In the event the property to the west (Tax Maps 69-1((1))-31A & 31B, (hereinafter the "Adjacent Property") is subdivided, rezoned, or otherwise developed, the Applicant (or successor HOA) shall permit an extension of the

Public Street in the location shown on Sheet 4 of the CDP/FDP as "ROW DEDICATION FOR FUTURE PUBLIC STREET EXTENSION" (the "Future Road Extension Area"). However, extension of Public Street shall be contingent upon removal of the Adjacent Property's vehicular access to Braddock Road. If development of the Adjacent Property includes a public street, then upon demand by the Board of Supervisors, the Applicant (or successor HOA) shall dedicate and convey in fee simple, and for no additional consideration, to the Board of Supervisor, right-of-way for public street purposes in the general location of the Future Road Extension Area. However, the owner of the Adjacent Property, and not the Applicant shall be responsible for vacating the existing 15' outlet road easement and restoring the curb, gutter and asphalt trail along Braddock Road as shown on Sheet 4 of the CDP/FDP. The Applicant (or successor HOA) shall consent to the vacation of the existing 15' outlet road easement shown on the CDP/FDP. If private street is proposed on the Adjacent Property, then the Applicant (or successor HOA) shall grant all easements necessary for inter-parcel access to the Adjacent Property. Whether a public or private street extension is proposed, the Applicant (or successor HOA) shall not be responsible for construction of the street extension, shall have no maintenance obligations for the same, and shall not be responsible for any costs associated with the maintenance of the extension. If the 15' outlet road is vacate, the property shall either be retained as open space by the HOA or shall be allowed to be subdivided as part of the rear yards for lots 6-9. This re-subdivision shall be allowed and shall not require any additional approvals or PCA. In addition, the interim branch type turnaround shall be either removed or modified for use as guest parking and/or access to the storm water management facilities. Prior to site plan approval, the Applicant shall escrow funds equivalent to that required for construction of the Public Street extension to the property line based on Fairfax County's Unit Price Schedule then in effect.

C. The Applicant has also reserved an area known as parcel D, so that at the time the adjacent properties are developed and the Fairfax County request that the access to Braddock Road be eliminated, then parcel D shall be used to install a bulb cul-de-sac. The cost of engineering, approval and installation of these improvements shall be the responsibility of the Adjacent Property Developer. At no time can the Adjacent Property Developer restrict access to a public street during the construction.

31. Maintenance Access. The applicant shall provide a maintenance access to the both storm water management facilities generally as shown on the CDP/FDP.

#### XIV. ARCHAEOLOGICAL STUDY

32. Archaeological Review. At least 30 days prior to any land disturbing activities on the Property, the Applicant shall conduct a Phase I archaeological survey on the area to be disturbed and provide the results of such study to the Cultural Resources Management and Protection Section of the Fairfax County Park Authority ("CRMP") for review and

approval. The survey shall be conducted by a qualified archaeological professional approved by CRMP. No land disturbance activities shall be conducted until this survey is submitted to CRMP. If the Phase I survey concludes that additional Phase II archaeological testing of the area to be disturbed is warranted, the Applicant shall complete said testing and provide the results to CRMP. If the Phase II survey concludes that additional Phase III evaluation and/or recovery is warranted, the Applicant shall also complete said work in consultation and coordination with CRMP, however that process shall not be a precondition of subdivision plan approval but rather shall be carried out in conjunction with site construction. Within 30 days of the completion of any cultural resource studies, the applicant shall provide a copy of archaeology reports, field notes, photographs, and artifacts to the Fairfax County Park Authority CRMP.

#### XV. AFFORDABLE HOUSING

33. Housing Trust Fund. At the time the first residential lot is issued a building permit, the Applicant shall contribute the lump sum of thirty eight thousand two hundred fifty dollars (\$38,250.00) to either, at its election and in accordance with this proffer, Habitat for Humanity of Northern Virginia (Habitat) or the Fairfax County Housing Trust Fund (HTF). If the Applicant elects to contribute the lump sum to Habitat and not to the HTF, then the Applicant shall not receive a building permit until the Applicant provides to the Department of Housing and Community Development (i) documentation evidencing Habitat's receipt of such lump sum funds; and (ii) a written acknowledgment from Habitat that such lump sum funds must be used on a housing project within Fairfax County, Virginia that serves low and moderate income households.

#### XVI. SIGNS

34. Signs. Any sign installed by the Applicant shall be in conformance with Article 12 of the Zoning Ordinance.

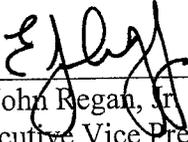
#### XVII. SUCCESSORS AND ASSIGNS

35. Successors and Assigns. These proffers shall bind and inure to the benefit of the Applicant and his/her successors and assigns.

**SIGNATURES BEGIN ON THE FOLLOWING PAGE**

APPLICANT/TITLE OWNER OF TAX MAP  
69-1 ((1)) 29

CHRISTOPHER at KENILWORTH, LLC  
By: Christopher Management, Inc., Manager



By: E. John Regan, Jr.  
Its: Executive Vice President/Secretary/Treasurer