



HUNTON & WILLIAMS LLP
1751 PINNACLE DRIVE
SUITE 1700
MCLEAN, VIRGINIA 22102

TEL 703 • 714 • 7400
FAX 703 • 714 • 7410

JOHN C. MCGRANAHAN, JR.
DIRECT DIAL: 703-714-7464
EMAIL: jmcgranahan@hunton.com

FILE NO: 37100.041007

March 26, 2015

BY HAND

Nick Rogers, Staff Coordinator
Zoning Evaluation Division
Fairfax County Department of Planning and Zoning
12055 Government Center Parkway, 8th Floor
Fairfax, Virginia 22035

Fairfax County Water Authority – Griffith Water Treatment Plant
SEA 81-V-017-2; PCA 1998-MV-032; PCA 1998-MV-033

Dear Nick:

In keeping with the County's policy requiring submission of signed proffers 30 days prior to the scheduled Board of Supervisors public hearing, enclosed please find the signed Proffer Statement dated November 4, 2014, together with a Resolution authorizing Mr. Murray to sign the Proffer Statement on behalf of the Fairfax County Water Authority, and a Certificate of Fact from the State Corporation Commission.

By copy of this correspondence, we are submitting a copy of the signed Proffer Statement and accompanying documentation to the County Attorney's Office.

Please contact me at (703) 714-7464 should you require any additional information.

With best regards,

John C. McGranahan, Jr.

cc: Ms. Jo Ellen Groves (Fairfax County Attorney's Office)
Jamie Bain Hedges, P.E. (Fairfax Water)

FAIRFAX COUNTY WATER AUTHORITY
FREDERICK P. GRIFFITH, JR. WATER TREATMENT PLANT
PCA 1998-MV-032 and PCA 1998-MV-033
PROFFER STATEMENT

FEBRUARY 28, 2014

MAY 5, 2014

OCTOBER 3, 2014

NOVEMBER 4, 2014

Pursuant to Section 15.2-2303(A) of the Code of Virginia, as amended, and subject to the Fairfax County Board of Supervisors' (the "Board") approval of these Proffered Condition Amendment applications ("PCA") PCA 1998-MV-032 and PCA 1998-MV-033 (the "Applications"), the Fairfax County Water Authority (the "Applicant") for itself and its successors and assigns, hereby proffers that development of the property identified as Fairfax County Tax Map Parcel 106-4-((1))-56A (part) (collectively, the "Property"), containing approximately 134.55 acres, shall be in accordance with the following conditions if, and only if, the Applications are granted by the Board and in that case, the following conditions shall supersede and replace the previous proffers. In the event these Applications are denied, the proffers below shall immediately be null and void and the previous proffers dated December 1, 1998 shall remain in full force and effect.

1. Park and Recreational Uses. As set forth in the agreement dated February 22, 2006 between the Applicant and the Fairfax County Park Authority (the "Park Authority"), the Applicant shall provide an area in the northeast portion of the Property consisting of approximately 3 acres for park and recreational purposes until such time as this area is required for expansion of the Griffith Water Treatment Plant as shown on the Special Exception Plat dated November 4, 2014 ("SEA Plat"). Any park or recreational facilities constructed in such area shall be constructed, operated and maintained at no cost to the Applicant. The Applicant reserves the right to make any use of the designated area by providing the Park Authority with nine (9) months prior written notice as set forth in the agreement.
2. Severability and Future PCA/SEA/SP Applications. Portions of the land area subject to the Applications and SEA 81-V-017-02 as shown on the SEA Plat may be the subject of a separate SEA, Special Permit ("SP"), variance or other similar land use applications without requiring a future PCA or the joinder and/or consent of the owners of all portions of the Property, provided such application will not change or cause or require a change to the general layout, physical improvements and/or access to the Property. All existing land use approvals that are applicable to the portions of the Property not included in such PCA, SEA, SP, variance and/or other similar land use applications shall otherwise remain in full force and effect as to such portions of the Property.
3. Successors and Assigns. Each reference to the Applicant in this proffer statement shall include within its meaning and shall be binding upon, the Applicant's successors in interest and/or the developers of the Property or any portion of the Property.

FAIRFAX COUNTY WATER AUTHORITY
Applicant and Title Owner of
Tax Map Parcel 106-4-((1))-56A (part)

By: 
Name: Charles M. Murray
Title: General Manager

FAIRFAX COUNTY WATER AUTHORITY
RESOLUTION AUTHORIZING GENERAL MANAGER TO EXECUTE PROFFERS
IN PROFFERED CONDITION AMENDMENT APPLICATIONS
PCA 1998-MV-032 AND PCA 1998-MV-033 FOR THE
FREDERICK P. GRIFFITH JR. WATER TREATMENT PLANT

WHEREAS, RZ 1998-MV-032 and RZ 1998-MV-033, together with concurrent SEA 81-V-017 (the "Existing Approvals") were approved December 7, 1998, subject to approved proffers and development conditions, to allow the construction of the Griffith Water Treatment Plant and related improvements on a 247.84-acre portion of property described as Fairfax County Tax Map Parcel 106-4 ((1)) 56 (part) and 112-2 ((1)) 8 and 9 (the "Griffith Property"); and

WHEREAS, Fairfax Water has determined that existing water supply resources may be inadequate to meet regional demands beyond the year 2030; and

WHEREAS, Fairfax Water has determined that future regional water supply demands can be met, in part, by Fairfax Water's use of the property adjacent to the Griffith Property (the "Vulcan Property"), currently owned by Vulcan Construction Materials, LP, for future water storage purposes; and

WHEREAS, Fairfax Water previously authorized an amendment of the Existing Zoning Approvals, including a Proffered Condition Amendment and a Special Exception Amendment (the "Necessary Approvals"), to add the Vulcan Property to the application area and to permit its use for water storage; and

WHEREAS, prior to action on the Necessary Approvals by the Fairfax County Board of Supervisors, Fairfax Water will be required to submit a signed, combined Proffer Statement for both PCA 1998-MV-032 and PCA 1998-MV-033 (the "Proffer Statement"); and

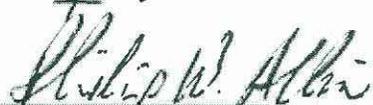
WHEREAS, the Proffer Statement will need to be signed by a representative of Fairfax Water on its behalf.

NOW, THEREFORE, on this 19th day of FEBRUARY, 2015, IT IS HEREBY RESOLVED,

that Fairfax Water does hereby authorize staff and counsel to negotiate the final language of the combined Proffer Statement, which shall be substantially consistent with the draft Proffer Statement attached hereto, as amended upon the advice of counsel in consultation with staff; and

FURTHER RESOLVED, that Fairfax Water also does hereby authorize its General Manager to review and sign the combined Proffer Statement, on its behalf.

This Resolution was adopted at the regular meeting of Fairfax Water by a vote of 9 ayes and 0 nays.


Philip W. Allin
Chairman


Frank R. Begovich
Secretary

SEAL

Commonwealth of Virginia



State Corporation Commission

CERTIFICATE OF FACT

I Certify the Following from the Records of the Commission:

That Fairfax County Water Authority is duly incorporated under the law of the Commonwealth of Virginia;

That the date of its incorporation is September 26, 1957; and

That the corporation is in existence in the Commonwealth of Virginia as of the date set forth below.

Nothing more is hereby certified.

*Signed and Sealed at Richmond on this Date:
January 22, 2015*



Joel H. Peck

Joel H. Peck, Clerk of the Commission