

THORBURN ESTATES
Voluntary Proffer Statement

~~November 19, 2014~~
~~July 7~~ December 8, 2016

Voluntary Proffer Statement

Rezoning Case #

**APPLICANTS: CATHERINE T. NEALE
REBECCA T. ACORS**

PROJECT: THORBURN ESTATES

**Tax Map Parcels 21-A-60F, 21-A-60G,
And 21-A-95**

ADDRESS:

**GENERALLY LOCATED ON SOUTH SIDE OF CHANCELLOR ROAD, EAST OF
ASHBY DRIVE**

Spotsylvania County, Virginia

~~November 19, 2014~~ ~~July 7, 2016~~ December 8, 2016

PROPOSED PROFFERS

Catherine T. Neale and Rebecca T. Acors (collectively, the "Applicant" and "Owners") are seeking a ~~rezoning~~ Proffer Amendment of Tax Map Parcels 21-A-60F, 21-A-60G, and 21-A-95 (the "Property") as further detailed in Section I below, containing approximately 171 acres from Ru, Rural District, to R-2, Residential 2. These proffered conditions ~~(the "Proffers")~~ are the only conditions offered on this ~~rezoning~~ Proffer Amendment ~~(the "Proffers")~~. Any prior proffered conditions on the Property are hereby superseded by these Proffers, and any and all previous proffers on the Property are hereby void and of no further force or effect. The Applicant proffers that the use and development of the subject Property shall be in conformance with the following proffered conditions, provided the Spotsylvania County (the "County") Board of Supervisors (the "Board") approves the subject ~~rezoning~~ Proffer Amendment application (the "~~Rezoning~~ Proffer Amendment Application"). In the event the ~~Rezoning~~ Proffer Amendment

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Application is not approved as applied for by the Applicant, the below described Proffers shall be withdrawn and are automatically null and void and of no further force and effect. The Proffers shall be deemed accepted by the Board upon approval of the ~~Rezoning Proffer~~ Amendment Application and the expiration of the 30-day period following the Board's approval and confirmation that no litigation has been filed challenging the approval of the ~~Rezoning Proffer Amendment~~ Application.

Whenever the terms of the Proffers refer to the affirmative obligations of the Applicant to make improvements to the Property or the public roads, the term "Applicant" shall refer to the owner(s) of the Property at the time of the initial development of the Property, their successors and assigns.

I. LAND USE AND GENERALIZED DEVELOPMENT PLAN

A. GDP. The Applicant shall develop this project in conformance with the "Thorburn Estates Generalized Development Plan" ("GDP"), prepared by SDI (Sullivan, Donahoe & Ingalls) dated June 23, 2014 and revised November 19, 2014 attached hereto as "Exhibit A" except that interior streets, public utilities, trails, lot lines, open space areas, and stormwater management may be reconfigured through minor modifications in accordance with final engineering requirements, environmental constraints, and subdivision design.

B. Development. The development of the Property shall consist of a maximum of 59 single family detached dwellings, common recreational areas, and open space. Each dwelling shall contain a minimum of 2,800 finished square feet.

II. TRANSPORTATION

A. Access. The Property shall be served by one primary entrance on Chancellor Road as generally shown on the GDP.

B. Turn Lane. The Applicant shall construct one (1) east bound right turn lane on Chancellor Road from the northwestern corner of the Property to the Property's entrance in conformance with the Chancellor Road Entrance Plan, attached hereto as "Exhibit B," subject to VDOT approval.

C. Interparcel Connection. The Applicant shall dedicate right-of-way and design one (1) interparcel connection to adjacent parcels in accordance with VDOT standards in the areas as generally shown on the GDP to provide interparcel access to adjoining lots.

D. Right-of-Way Dedications. The Applicant shall dedicate 25' right-of-way on Chancellor Road as generally shown on the GDP at the time of record plat approval.

E. Trail System. Applicant shall construct the trail system in the approximate location as shown on the GDP, using stone dust material, and subject to adjustments in accordance with final engineering requirements and subdivision design. The portion of the trail system located on the Property near Chancellor Road shall be completed before issuance of the occupancy permits for lots #57, 58, and 59. The portion of the trail system located on the southern portion of the Property shall be completed before issuance of the occupancy permits for Lots #40 and 41.

F. Off-Site Transportation Improvements.

(1) Improvements to Old Plank Road/Chancellor Road intersection The Applicant shall make improvements to the Old Plank Road/Chancellor Road intersection,

THORBURN ESTATES
Voluntary Proffer Statement

~~November 19, 2014~~

~~July 7~~December 8, 2016

consistent with direction from and as approved by VDOT. Unless otherwise directed by VDOT and Spotsylvania County, the Applicant shall widen Chancellor Road between Old Plank Road and Chancellor Pond Lane such that one (1) additional northbound turning lane on Chancellor Road onto Old Plank Road is created, and the Applicant shall construct one (1) dedicated westbound left turn lane from Old Plank Road onto Chancellor Road, with a painted median. All work shall be constructed in accordance with VDOT and County standards. The total cost of improvements, including the cost of engineering, relocation of utilities and acquisition of right-of-way, shall not exceed \$971,664. ~~If for any reason the improvements cannot be made by the Applicant, the sum of \$971,664 shall be paid to the County within one (1) year of approval of the preliminary plat.~~

(2) Alternate Cash Payment. In the event that Spotsylvania County submits a written request to the Applicant to provide a cash payment in lieu of construction within 90 days of approval of the Preliminary Plat, or in the event that the Applicant is unable to acquire right-of way and authorization to relocate utilities, the Applicant shall pay \$971,664 to the County no later than the issuance of the occupancy permit for the 30th dwelling unit within one (1) year of approval of the preliminary plat, to fund the aforesaid improvements, or other road improvements within the County as may be determined by the Board.

~~(3) Timing:~~

~~**(a) Preliminary Plat.** The Applicant shall submit an application for the preliminary plat within six (6) months of the date of zoning approval, and shall not utilize the provisions of Virginia Code Section 15.2-2260, which provides that preliminary plan submission is optional for plans with fewer than 50 lots. The Applicant agrees to diligently pursue approval~~

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THORBURN ESTATES
Voluntary Proffer Statement

~~November 19, 2014~~

July 7 December 8, 2016

of the preliminary plat. Upon approval of the preliminary plat, the Applicant agrees to diligently pursue acquisition of right of way and authorization to relocate the utilities.

~~(b) Engineering.~~

~~(i) VDOT scoping session. The Applicant shall schedule a scoping session with VDOT within 30 days of approval of the preliminary plat.~~

~~(ii) Preliminary construction plan. The Applicant shall prepare and submit the preliminary construction plan to VDOT and Spotsylvania County within eight (8) months of the date of the VDOT scoping session.~~

~~(iii) Final construction plan. The Applicant shall prepare and submit the final construction plan to VDOT and Spotsylvania County within eighteen (18) months of the date of approval of the preliminary construction plan by VDOT and Spotsylvania County.~~

~~(iv) Diligent Pursuit. The Applicant shall submit and complete all engineered plans in a timely manner.~~

~~(c) Construction. The Applicant shall commence the transportation improvements to the Old Plank Road/Chancellor Road intersection within thirty (30) days of VDOT and Spotsylvania County approval of the final construction plan. In the event the aforesaid transportation improvements are commenced, the Applicant shall diligently pursue completion of the improvements.~~

III. WATER AND SEWER

A. Public Water. The subject Property shall be served by public water.

~~November 19, 2014~~

~~July 7~~ December 8, 2016

B. Private Septic System. All dwelling units on the Property shall be served by a private septic system located on each lot.

IV. ESTABLISHMENT OF HOA AND MAINTENANCE OF COMMON AREAS

Pursuant to Virginia Code Section 55-508 et. seq., the Applicant shall establish a Home Owner's Association (~~HOA~~) for the Property. Future maintenance of all easements, open space, buffers, stormwater and drainage facilities, trails, cemeteries and other common areas, including the portion of the trail connecting to Cloverdale Street, shall be performed by the Thorburn Estates Homeowners Association ("HOA") or other group as may be established by the HOA.

V. LIGHTING

A. Limitations on Residential Outdoor Lighting. All outside lighting serving a dwelling located upon any residential lot within the Property (other than standard porch or entrance lights which are affixed to the dwelling structure) shall be limited to low voltage, low intensity lighting that shall be directed downward and away from adjacent residential units.

B. Dark Skies Technology. In the event that the trail or any common area is lighted, all such exterior lighting shall be consistent with applicable guidelines and practices of "Dark Skies" technology. These guidelines and practices shall include down directed lighting and light shields to minimize skyward light impacts.

[Signatures appear on the following pages]

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Voluntary Proffer Statement

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CATHERINE T. NEALE,
Applicant and Owner

Name: _____

Title: _____

COMMONWEALTH OF VIRGINIA
COUNTY SPOTSYLVANIA, to-wit:

I, the undersigned, a Notary Public in and for the county and state aforesaid, do hereby
certify that _____, whose name is signed to the foregoing document,
has personally acknowledged the same before me in my aforesaid jurisdiction.

GIVEN under my hand and seal this ____ day of December, 2016.

Notary Public

My Commission Expires: _____

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~~July 7~~December 8, 2016

REBECCA T. ACORS,
Applicant and Owner

Name: _____

Title: _____

COMMONWEALTH OF VIRGINIA
COUNTY SPOTSYLVANIA, to-wit:

I, the undersigned, a Notary Public in and for the county and state aforesaid, do hereby
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GIVEN under my hand and seal this ____ day of December, 2016.

Notary Public

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