

THORBURN ESTATES  
Voluntary Proffer Statement  
May 4, 2017

**Voluntary Proffer Statement**

**Rezoning Case # R16-0004**

**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**

**May 4, 2017**

**PROPOSED PROFFERS**

Catherine T. Neale and Rebecca T. Acors (collectively, the “Applicant” and “Owners”) are seeking Proffer Amendments 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 are the only conditions offered on these Proffer Amendments (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 Any prior proffered conditions on the Property are hereby superseded by these Proffers, and any and all previous proffers on the Property are hereby void and of no further force or effect.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 Proffer Amendments application (the “Proffer Amendments Application”). In the event the Proffer Amendments Application is not approved as applied for by the Applicant, the below described Proffers shall be withdrawn and are automatically null and void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 Proffer Amendments 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 Proffer Amendments 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 April 3, 2017 attached hereto as "Exhibit A" except that interior streets, public utilities, 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 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. Off-Site Transportation Improvements "Improvements".**

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

**(2) Timing of Construction and Completion of Off-Site Transportation**

**Improvements.**

a) Road Improvement Infrastructure Plan. The Applicant shall submit the complete 100% Road Improvement Infrastructure Plan for the Improvements to VDOT for approval within eighteen (18) months from the date of approval of the Proffer Amendments by the Board.

b) Processing of Road Improvement Infrastructure Plan. The Applicant shall respond to all VDOT road construction review comments within 30 days, and all utility relocation comments within 90 days. Response is defined as providing a written comment response letter, providing a timeline for submission of revised plan, and adhering to the aforesaid time frame, if needed.

c) Approval of Road Improvement Infrastructure Plan. The Applicant shall obtain VDOT approval of the Road Improvement Infrastructure Plan within 18 months from the date of its submission to VDOT.

d) Completion of Construction. The Improvements shall be substantially complete and open for public use within two (2) years from the date of VDOT approval of the complete 100% Road Improvement Infrastructure Plan.

e) Additional Time. Notwithstanding the requirements of subsection (d), above, if the construction of the Off-Site Transportation Improvements is at least 90% complete, as determined by VDOT two (2) years after VDOT approves the Road Improvement Infrastructure Plan, the Applicant shall be entitled to an additional six (6) months to complete construction.

**(3) Cash Payment.** In the event that the Applicant fails to timely submit the Road Improvement Infrastructure Plan in accordance with Proffer II E. (2) b), above, fails to obtain approval of the Road Improvement Infrastructure Plan in accordance with Proffer II E. (2) c), above, or is unable to construct the improvements for any reason, the Applicant shall pay to the County the sum of \$971,664 within two (2) years of the date of the adoption of the Proffer Amendments, or the issuance of the occupancy permit for the 30<sup>th</sup> dwelling unit, whichever comes first, which may be utilized by the County to fund the Improvements, or other road improvements within the County as may be determined by the Board. Said payment shall include interest calculated at the rate of four percent (4%) on the principal on an annual basis (simple interest), from the date of approval of the Proffer Amendments by the Board. In the event that the Improvements are not fully completed, the County at its sole discretion may require the Applicant to pay a sum to the County that represents the estimated cost to complete the Improvements, as determined by VDOT.

### **III. WATER AND SEWER**

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

**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 Homeowners Association for the Property. Future maintenance of all easements, open space, buffers, stormwater and drainage facilities, cemeteries and other common areas, 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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May 4, 2017

CATHERINE T. NEALE,  
Applicant and Owner

Name: Catherine T. Neale

Title: Applicant and owner

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 Catherine T. Neale, 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 4<sup>th</sup> day of May, 2017.

Jonette Danielle Meade  
Notary Public

My Commission Expires: 1-31-18

JONETTE DANIELLE MEADE  
NOTARY PUBLIC 7017393  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES JANUARY 31, 2018

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**REBECCA T. ACORS,**  
Applicant and Owner

Name: Rebecca T. Acors

Title: Owner

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 Rebecca T. Acors, 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 4 day of May, 2017.

Ricky Lee Newcome  
Notary Public

My Commission Expires: 3/31/21

