

VOLUNTARY PROFFER STATEMENT

Applicant: John Rayl and Robert Shircliff (collectively all of the foregoing are the “Applicant”)

Owner: Gloria C. Bear and L. Eugene Bear (collectively all of the foregoing are the “Owner”)

Representative: Charles W. Payne, Jr., Hirschler Fleischer;
725 Jackson Street, Ste 200, Fredericksburg, VA,
(540) 604-2108; Fax (540) 604-2101; email: cpayne@hf-law.com

Project Name: “Barrington”

Property: 13210 Spotswood Furnace Road, Fredericksburg, Virginia 22407,
Spotsylvania County Tax Parcel 11-A-9, consisting of approximately
197.774 acres (collectively, the “Property”)

Date: July 18, 2017

GDP: Generalized Development Plan, entitled “Barrington Subdivision TM 11-A-9 Generalized Development Plan for Rezoning”, prepared by Fairbanks & Franklin, dated February 6, 2017, as last revised July 18, 2017, attached hereto as Exhibit A (the “GDP”)

Rezoning Request: From RU to PRR-2

Rezoning File No.: R17-0003

I. General Information

The Applicant, its successors and assigns, hereby agrees that the development of the Property, subsequent to approval of the rezoning application to which these proffers are attached, will be in conformance with the GDP and the following proffered conditions (the “Proffers”) in accordance with Sections 15.2-2303.4, et seq. of the Code of Virginia (1950) as amended, and Section 23-4.6.3 of the Zoning Ordinance of Spotsylvania County (1995) as amended. The Proffers are the only conditions offered in this rezoning application, and any prior proffers affecting the Property, whether by prior proffer offers or through the impact statement accompanying this application, are hereby superseded by these Proffers. All previous proffers associated with the Property, whether of record or not, are hereby void and of no further force and effect. The Proffers will be effective only upon Spotsylvania County’s (the “County”) full and final approval of rezoning

application R17-0003 submitted by the Applicant to reclassify the Property from RU to PRR-2 to allow development of no more than thirty-nine (39) single family detached units.

II. Land Use

- A. **General Development.** The Property will be developed in conformance with the GDP. Notwithstanding the foregoing, all parcel lines, parcel sizes, building envelopes, building sizes, public road locations, private driveway and travelway locations, utility locations, storm water management facilities, and dimensions of undeveloped areas shown on the GDP may be reasonably adjusted for purposes of the final site or subdivision plans to allow the Applicant to address final development, engineering and design requirements, fulfill compliance with state and federal agency regulations including, but not limited to, DHR, VDOT, DEQ, DCR, Army Corps., etc., and compliance with the requirements of the County's development regulations and design standards manual. Notwithstanding the foregoing, any said adjustments to the GDP shall be subject to the approval of the County, and in no event shall approved adjustments to the GDP relieve the Applicant from providing any of the below proffers.
- B. **Use.** The Property shall be developed solely for no more than thirty-nine (39) single family detached dwelling units (each individually, a "Unit", and collectively, the "Units") as shown on the GDP, and the Property shall not be developed for any other uses allowed in the PRR-2 district, except for applicable accessory uses authorized under said district.
- C. **Covenants.** The Applicant, prior to developing the Property, shall encumber the Property with a declaration of conditions, covenants, restrictions, and easements for the purpose of (a) protecting the value and desirability of the property; (b) facilitating the planning and development of the development in a unified and consistent manner; and (c) providing for the installation, maintenance, repair and preservation, where applicable, for all landscaping, on-site amenities, open space, and other common areas. The Applicant will also create a property or homeowner's association (the "HOA") as a non-stock corporation under the laws of Virginia that will provide and ensure oversight and structure for services provided, quality standards, and common area maintenance.

III. Transportation

The Applicant, subject to necessary County and VDOT approvals for the development of the project, agrees to provide the following transportation proffers, all as generally shown on the GDP:

- A. The Applicant shall dedicate the remainder of 30' of right of way from the centerline along River Road and Spotswood Furnace Road totaling approximately 1.09 acres to widen the existing right of way, all in the areas generally shown on the GDP.
- B. All right of way dedications shown on the GDP and described herein shall be conveyed to the County no later than upon the final subdivision plan approval for the project, in accordance with applicable County requirements and procedures.

IV. Open Space

As shown on the GDP, approximately 107.40 acres of the Property will be retained as preserved open space. The open space area shown on the GDP will be owned and maintained by the HOA, and preserved into perpetuity pursuant to the covenants created under above Section II D of this proffer statement.

V. Cash Proffers

- A. The Applicant will provide the following cash proffers to mitigate the project's impacts. For the purpose of calculating these cash proffers, the number of Units has been reduced from 39 to 38 to reflect the 1 by-right Unit that could be developed under the existing RU zoning. All cash proffers will be paid on a per Unit basis after the final inspection and before the County's approval of any certificate of occupancy for each Unit.

CASH AND IN-KIND PROFFERS					
	SF Detached	SF Attached	Multi-Family	Age-Restricted	TOTAL
Per Unit Cash Proffer	<i>\$161.91 x 38</i>	<i>\$0 x 0</i>	<i>\$0 x 0</i>	<i>\$0 x 0</i>	
TOTAL	<i>\$6,152.41</i>	<i>\$0</i>	<i>\$0</i>	<i>\$0</i>	<i>\$6,152.41</i>
LUMP SUM AND IN-KIND CONTRIBUTIONS					
PUBLIC FACILITY CATEGORY					TOTAL VALUE
Schools	\$0.00 cash per unit to Schools				\$0.00
Public Safety	\$46.22 cash per unit to Public Safety				\$1,756.36
Transportation	\$0.00 cash per unit to Transportation				\$0.00
Parks & Rec.	\$115.69 cash per unit to Parks & Rec.				\$4,396.22
TOTAL CASH & IN KIND PROFFER VALUE					<i>\$6,152.41</i>

PROFFERED PHASING AND TIMING	
Phase or Contribution/Dedication	Timing
<i>Cash contribution to Schools</i>	After the final inspection and before the County's approval of any certificate of occupancy for each Unit
<i>Cash contribution to Public Safety</i>	After the final inspection and before the County's approval of any certificate of occupancy for each Unit
<i>Cash Contribution to Transportation</i>	After the final inspection and before the County's approval of any certificate of occupancy for each Unit
<i>Cash contribution to Parks & Rec.</i>	After the final inspection and before the County's approval of any certificate of occupancy for each Unit

- B. Escalation/De-Escalation Clause. Commencing five (5) years after the approval of this rezoning application, the cash proffer for each residential single family detached unit shall be adjusted annually on January 1 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84=100) (the "CPI") prepared and reported monthly by the U.S. Bureau of Labor Statistics of the United States Department of Labor. The adjustment shall be made by multiplying the Per Unit Contribution for the preceding year by the CPI as of December 1st in the preceding year. If the CPI-U is discontinued by the United States Department of Labor, the Marshall and Swift Building Cost Index formula shall be used as defined by Section 15.2.2303.3b of the Code of Virginia.

The Applicant makes these proffers voluntarily, in support of their rezoning application.

WITNESS the following signatures:

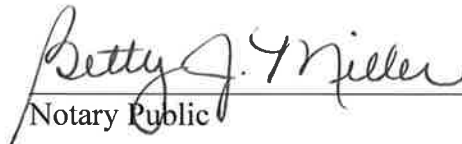
APPLICANT:



JOHN RAYL

COMMONWEALTH OF VIRGINIA
CITY of Fredericksburg

The foregoing was subscribed, sworn to and acknowledged before me this 18th day of July, 2017, by John Rayl.



Notary Public

Print Name: Betty J. Miller
My Commission Expires: 8/31/2018
Registration No. 4060695
[SEAL]



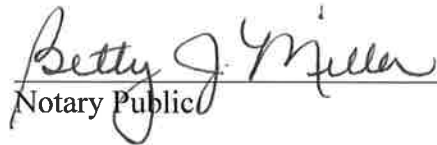
APPLICANT:



ROBERT SHIRCLIFF

COMMONWEALTH OF VIRGINIA
CITY OF Fredericksburg

The foregoing was subscribed, sworn to and acknowledged before me this 18th day of July, 2017, by Robert Shircliff.



Notary Public

Print Name: Betty J. MILLER
My Commission Expires: 8/31/2018
Registration No. 4060695
[SEAL]



OWNER:

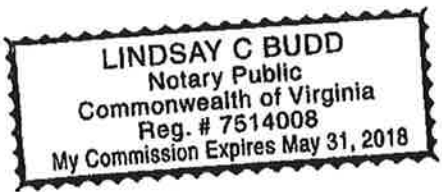
Gloria C. Bear
GLORIA C. BEAR

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Fredericksburg

The foregoing was subscribed, sworn to and acknowledged before me this 19th day of July, 2017, by Gloria C. Bear.

Lindsay C. Budd
Notary Public

Print Name Lindsay C. Budd
My Commission Expires 5/31/2018
Registration No. 7514008
[SEAL]



OWNER:

L Eugene Bear
L. EUGENE BEAR

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Fredricksburg

The foregoing was subscribed, sworn to and acknowledged before me this 19th day of July, 2017, by L. Eugene Bear.

Lindsay C Budd
Notary Public

Print Name: Lindsay C. Budd
My Commission Expires: 5/31/2018
Registration No. 7514008
[SEAL]

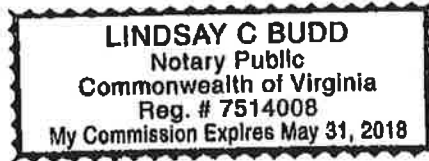


EXHIBIT A

Generalized Development Plan

See attached GDP entitled “Barrington Subdivision TM 11-A-9 Generalized Development Plan for Rezoning”, prepared by Fairbanks & Franklin, dated February 6, 2017, as last revised July 18, 2017.

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