

PROFFER STATEMENT
Revised alternate based on 39 proffers, June 14, 2013



Applicant's Name: Kenneth and Kathleen Fortune (the "Applicant")

Owner's Name: Kenneth and Kathleen Fortune

Project Name: "Fortunes Landing"

Date: May 1, 2013 (revised 10 July 2013)

Generalized Development Plan: Prepared by Welford Engineering Associates, titled "Generalized Development Plan Fortunes Landing", dated March 7, 2013, as last revised ("GDP")

Rezoning case file number: #R13- 0005

Tax Map Parcel Number: Spotsylvania County Tax Map Parcel 20 ((A)) 87

I. General Overview:

The Applicant, its successors and assigns, hereby agrees that the development of the Property will be in conformance with the GDP and the following proffered conditions (the "Proffers") pursuant to Sections 15.2-2303 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 on the Property, whether by prior proffer offers or through the impact statement accompanying this application, are hereby superseded by these proffers and all previous proffers on the Property, whether of record or not, are hereby void and of no further force and effect. The Proffers will be effective only upon the County's full and final approval of this rezoning application (R13-0005) submitted by the Applicant to reclassify the Property from Agricultural (A-2) Zoning District to Planned Rural Residential (PRR-2).

Notwithstanding the statement of conformance described above, the County and the Applicant agree, pursuant to the County's approval and discretion, that all parcel lines, parcel sizes, house locations, drainfield locations, 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 amended, pursuant to County approval, for purposes of allowing the Applicant to fulfill documented requirements of final engineering and design and/or compliance with state agency regulations including, but not limited to, DHR, VDOT, DEQ, DCR, etc., and compliance with the requirements of the County's development regulations and design standards manual. Changes consistent with the original intent of the GDP will be

permitted only after County approval. Where it is necessary to determine if changes are consistent with the original intent of the GDP, the same will be referred to the County Zoning Administrator for determination thereof.

II. Land Use; Phasing, and House Size.

1. The number of detached, single family homes shall not exceed 49 units, including one (1) farmette as shown on the GDP.
2. The Applicant shall not construct more than a maximum of fifteen (15) homes annually during construction until build out.
3. The minimum floor areas for one-story homes to be constructed shall be two thousand four hundred (2,400) finished and habitable square feet, exclusive of the garage. The minimum floor areas for two-story homes to be constructed shall be two thousand eight hundred (2,800) finished and habitable square feet, exclusive of the garage. Finished basement areas, garages and open porches and patios are not included in computing floor area.

III. County Park, Buffers, Trails and Historical Marker.



1. The Applicant shall dedicate to the County a 15.07 acre parcel of land designated as Parcel C on the GDP for passive park purposes. Assuming an approval of our rezoning by 31 December 2013, the Applicant will commit to complete construction of the park by 31 December 2017 to include all utilities, road, and parking requirements.
2. The Applicant shall plant within a 50' foot buffer along the private property located along Catharpin Road and adjacent to the neighboring properties consisting of evergreen and loblolly pines in three staggered rows (10 feet apart) and each tree planted at twenty (20) foot intervals.
3. The Applicant shall construct on Parcel C (i) an outdoor pavilion/shelter approximately 20 x 20 in size, (ii) an amphitheater to accommodate approximately 65 persons, (iii) off-street parking for vehicles including at least one typical school bus and a typical school bus turnaround will be included in the development of park parking and bathroom facilities in conformance with state and county code requirements to serve the public park space, (iv) a bathroom with male and female services, drainfield and well. The Applicant shall maintain the improvements for ten (10) years from the date of completion.
4. The Applicant shall construct a coordinated paved trail system for pedestrian and non-motorized bicycle use, all as generally shown on the GDP. The Applicant shall dedicate additional right of way along both Catharpin Road and Piney

Branch Road to permit the construction of a shared use paved trail within the VDOT right of way. The Applicant shall dedicate additional roadway right of way and construct a shared use path that will extend from Piney Branch Road to Parcel C on the GDP. The additional dedication of right of way totals one and one-half (1.5) acres.

5. The Applicant shall install a historical marker to recognize the 23rd United States Colored Troops Regiment, the first African American soldiers to fight in combat against the Confederate Army of Northern Virginia (Rossner's Cavalry Brigade) on May 15, 1864, during the Battle Of Spotsylvania Court House.

IV. Transportation.

The Property shall have one main general traffic entrance into the Property as generally shown on the GDP. The Applicant shall construct the roadways in Fortunes Landing to VDOT standards. It is our intent to make as safe an entrance to the subdivision as possible. It is for this reason we did not consider an entrance on Catharpin Road.

The Applicant shall construct a three lane section for the entrance to Fortunes Landing: i) one lane will be an entrance lane, ii) a turn taper for northbound vehicles entering Fortunes Landing from Piney Branch Road and (iii) a 48:1 acceleration taper for vehicles exiting Fortunes Landing onto northbound Piney Branch Road. All work will for the proposed intersection improvements will be constructed to meet any applicable VDOT standard. In addition, the Applicant shall dedicate a right of way to VDOT along the entire property frontage of Piney Branch Road and along Catharpin Road as shown on the GDP.

V. Cash Proffers.

1. The cash proffers herein described by type of public facility/service are for illustrative purposes only and the Board of Supervisors may use the funds for such public facility/service as the Board of Supervisors determine to be appropriate.
2. The Applicant shall pay \$100,450 in cash proffers. Cash proffers shall be paid on a per unit basis of \$2,050.00 at the time the County issues a residential occupancy permit for each Unit.



Unit Calculations and Public Facility Cost Calculations		
	SFD	Grand Total
# of Proposed Units	49	
# By-right Units	10	
Total New Units Requested	39	

Facility or Service	Per Unit	Total (Based on 39 Units)
Fire/Rescue	1,821	71,019
Library	701	27,339
Parks and Recreation	1,760	68,640
Schools	18,418	718,302
Transportation	8,374	326,586
Law Enforcement	142	5,538
General Government and Judicial Services	1,455	56,745
Solid Waste	614	23,946
Total	\$33,285	\$1,298,115



Contributions				
Facility or Service	(a) Total Calculated Cost of Public Facility Needs	Type of Proffer (cash, land, etc.)	(b) Value of Proffer	Difference (a) - (b)
Fire/Rescue	71,019	Cash Proffer	8,036	(62,983)
Library	27,339	Cash Proffer	3,013	(24,326)
Parks and Recreation	68,640	County Park* Pavilion Parking Lot Trail to Parcel C Amphitheater Well Drainfield Bathroom 10 year maintenance Historical Marker	173,456 20,000 25,000 31,020 10,000 12,000 20,000 10,000 60,000 2,500	295,336
Schools	718,302	Cash Proffer	82,369	(635,933)
Transportation	326,586	1.5 acres additional dedication* Shared Use Path along Owen Drive Shared Use Path along Piney Branch Road	17,265 56,642 15,727	(236,952)
Law Enforcement	5,538	Cash Proffer	603	(4935)
General Government and Judicial Services	56,745	Cash Proffer	6,429	(50,316)
Solid Waste	23,946		0	(23,946)
Total	\$1,298,115		\$554,060	(744,055)

* The value of the 16.56 acres to be dedicated for the County park and trails was determined by multiplying the number of acres by cost per acre (rural small lot) (\$11,510) as set forth in the County proffer guidelines. $\$11,510 \times 16.56 = \$190,605$. Note that this land has not been appraised for its actual value as it represents one of the prime building sites in the County. Its actual value based on market circumstances and other County assessments of nearby similar land is estimated at \$60,000 per acre or \$993,600.



3. Cash proffers herein described shall be adjusted annually on January 1st to reflect any increase or decrease from 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 Zoning Administrator shall designate an appropriate index or formula, such as the Marshall & Swift Building Cost Index, having the same general acceptance as to use the reliability as the CPI-U herein described.

4. Timing for Contributions and Dedications

<u>Contribution/Dedication</u>	<u>Timing</u>
Dedication of Parcel C	Final County approval of record plat for the section
Dedication of Trails	Final County approval of record plat for the section
Construction of Pavilion, Trail to Parcel C, Amphitheater, Well, Toilet, Drainfield	Commence construction at the time of the issuance of the 32 nd residential building permit in Fortunes Landing. But execute construction to be completed no later than 31 Dec 2017 (assuming rezoning approval by 31 Dec 2013).
Maintenance of Parcel C Improvements	10 years from completion of the improvements
Construction of Shared Used Trails along Piney Branch and Owen Drive	Contemporaneous with the construction of the entrance and Owen Drive
Cash Proffers – \$100,450	\$2,050.00 per Unit at the time the County issues a residential occupancy permit for each Unit.
Historical Marker	Within six (6) months of County approval of the first subdivision plat



We agree to all of the foregoing as witnessed by the following signatures:

APPLICANT & OWNER:


KENNETH FORTUNE


KATHLEEN FORTUNE

Date: 8/8/13

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF Spotsylvania

The foregoing was subscribed, sworn to and acknowledged before me this 8th day of ~~May~~
AUGUST, 2013, by Kenneth Fortune and Kathleen Fortune.

Print Name: Freida S Thomas

My Commission Expires: 1/31/2014

Registration No. 271013

[SEAL]


Notary Public

FREIDA S. THOMAS
NOTARY PUBLIC
REGISTRATION # 271013
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
JANUARY 31, 2014

4860589-4 037723.00001

Jacob Pastwik

From: Freida Thomas <fthomas@welford.com>
Sent: Wednesday, September 25, 2013 1:40 PM
To: Jacob Pastwik
Subject: *** Detected as phishing *** Notary Memo for Fortune's Landing
Attachments: JP memo 092513.pdf

Jason,

Attached is the memo you requested regarding the proffer statement for Fortune's Landing. Please let me know if you need anything else. Thank you.

Freida S. Thomas
Office Manager



4545 Empire Court
Fredericksburg, VA 22408
Phone 540.898.9330
Fax 540.898.9324
www.welford.com

***** IMPORTANT ! *****

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modified this email and removed the dangerous content.

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4545 Empire Court
Fredericksburg, VA 22408
Phone (540) 898-9330
Fax (540) 898-9324
www.welford.com

Memo

To: Jason Pastwik
County of Spotsylvania

Date: September 25, 2013

Project No.: 1761

From: Freida Thomas

Re: Notary Block for Fortune's
Landing

Jason,

In regards to the proffers document for Fortune's Landing, I give my permission for you to change the 8th day of May to the 8th day of August in order to correspond to the signing date of Kenneth and Kathleen Fortune. Please feel free to contact me if you need anything else.

Thank you,
Freida S. Thomas

FREIDA S. THOMAS
NOTARY PUBLIC
REGISTRATION # 271013
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
JANUARY 31, 2014