

D R A F T
**For Discussion Purposes
Only**

PROFFER STATEMENT

Applicant: Brookfield Washington, LLC (the “Applicant”)

Property: Tax Map Parcels 28-92A (“Parcel A”), 28-92B (“Parcel B”), 28-92C (“Parcel C”) & 28-93 (“Parcel 93”), known as 114 Accokeek Furnace Road and 29 Accokeek Furnace Road, containing a total of 73.94 acres subject to the rezoning (the “Property”)

Owners: Clifford Phillips and Jessica Phillips (Parcel A), Granville P. Powers (Parcel B), Linda A. Griffin and James P. Griffin (Parcel C) and Dan Winslow, Mark Winslow and Wendy Winslow Sher (Parcel 93) (collectively, the “Owner”)

Project Name: “Accokeek Furnace Road Assemblage” (the “Project”)

Rezoning Request: From A-1 to R-3

Date: November 7, 2017

File No.: RC17_____

1. General Requirements.

(a) The following proffers are being made pursuant to Sections 15.2-2298 and 15.2-2303, and 15.2-2303.4, et al. of the Code of Virginia (1950), as amended, and Section 28-161, et seq. of the Stafford County Zoning Ordinance. The proffers provided herein are the only proffered conditions offered in this rezoning application and being provided in accordance with Section 15.2-2303.4, et al., of the Code of Virginia 1950, as amended (the “Proffers”). If the Proffers are approved, any prior proffers in which the Property (as generally defined above and shown on the GDP) may be subject to or previously offered with this application or otherwise previously proffered are hereby superseded by these proffers, and said prior proffers are thus of no further legal force and effect (collectively “Prior Proffers”). In addition and notwithstanding the foregoing, the Proffers are conditioned upon and become effective only in the event the Applicant’s rezoning application No. RC17_____ is approved (including through applicable appeal periods) by the Stafford County Board of Supervisors (the “County”).

(b) Except as otherwise provided herein, the Property will be generally developed in accordance with that certain generalized development plan entitled “Accokeek Furnace Road

Assemblage General Development Plan”, dated November 2, 2017, prepared by Dewberry Consultants LLC, attached hereto and marked as Exhibit A (the “GDP”) and will include no more than 350 single family attached townhome units.

(c) For purposes of the final site plan (which will supersede the GDP after County approval), proposed parcel lines, parcel sizes, building envelopes and footprints, access points, building sizes, building locations, public road locations, private driveway, road and travel way locations, interparcel connectors, RPAs and wetland areas, utility locations, storm water management facilities, and dimensions of undeveloped areas shown on the GDP may be relocated and/or amended from time-to-time by the Applicant to address final development, engineering, and design requirements and/or compliance with federal or state agency regulations including, but not limited to, VDOT, DEQ, Army Corps of Engineers, etc., and compliance with the requirements of the County’s development regulations and design standards manual.

(d) These proffers shall run with the Property and be binding upon all future assignees, successors, grantees, or lessees thereof, except as may be otherwise specifically set forth herein.

2. Architecture & Materials. For purposes of this rezoning, the architectural design of the buildings shall be in general accordance with the attached architectural renderings marked as Exhibit B (the “Renderings”). In regard to this proffer, the Renderings depict (i) a commitment to a general type, character, and quality of architectural design, details and materials; and (ii) the general types of architectural and decorative elements and features.

3. Cash Contribution. For purposes of this rezoning, the Applicant agrees to pay cash proffers of \$16,198.00 per unit, all as described more particularly below. All per unit cash proffers shall be paid prior to the issuance of a final certificate of occupancy by the County for each completed unit.

The foregoing cash proffer contributions, paid by the Applicant to the County, shall be allocated based on the following public facilities:

- (a) **Schools:** \$15,161.00 per unit.
- (b) **Public Safety:** \$972.00 per unit.
- (c) **Parks & Recreation:** \$65.00 per unit.

5. Covenants. The Applicant, as may be applicable and prior to receiving a certificate of occupancy for the first residential unit on 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; (c) providing for the installation, maintenance, and repair for all landscaping, on-site amenities, open space, environmentally sensitive areas, any cemeteries or other cultural resources being preserved on the Property, and other common areas; and (d) providing adequate information to all homeowners regarding the HOA’s (as defined

below) officers and respective contact information. The Applicant will also create a property or homeowner's association ("HOA") as a non-stock corporation under the laws of Virginia that will provide and ensure oversight and structure for services provided, quality standards, intercampus relationships, and common area maintenance.

6. Recreational Amenities. The Applicant will install and construct a tot lot and a natural surface trail in the general locations as shown on the GDP.

7. Airport Compatibility Mitigation Measures. For purposes of mitigating any airport land use compatibility issues, the Applicant agrees to the following mitigating measures:

(a) to utilize sound proofing construction materials to reasonably mitigate noise generated from airplane turning patterns within the H-3 airport compatibility zone;

(b) to provide purchasers of the subject units real estate disclosure notices regarding the airport and its proximity to the project on initial deed of transfers; and

(c) to provide notification statements about the airport on all plans of development and marketing materials.

[AUTHORIZED SIGNATURES TO FOLLOW]

APPLICANT/OWNER ACKNOWLEDGMENT & CONSENT

BROOKFIELD WASHINGTON, LLC,
a Virginia limited liability company

By: _____
Name: _____
Title: _____

STATE OF _____
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged on this the ____ day of _____,
201____, by _____, as _____ of Brookfield
Washington, LLC, a Virginia limited liability company, on behalf of the company.

Notary Public

My Commission expires: _____
Notary Registration Number: _____

OWNER ACKNOWLEDGMENT & CONSENT

Clifford Phillips

Jessica Phillips

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF _____, to wit:

The foregoing instrument was acknowledged before me this ___ day of _____ 201___,
by Clifford Phillips.

Notary Public

My Commission expires: _____
Notary Registration number:
SEAL:

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF _____, to wit:

The foregoing instrument was acknowledged before me this ___ day of _____ 201___,
by Jessica Phillips.

Notary Public

My Commission expires: _____
Notary Registration number:
SEAL:

OWNER ACKNOWLEDGMENT & CONSENT

Granville P. Powers

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF _____, to wit:

The foregoing instrument was acknowledged before me this ___ day of _____ 201___,
by Granville P. Powers.

Notary Public

My Commission expires: _____
Notary Registration number:
SEAL:

OWNER ACKNOWLEDGMENT & CONSENT

Linda A. Griffin

James P. Griffin

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF _____, to wit:

The foregoing instrument was acknowledged before me this ___ day of _____ 201___,
by Linda A. Griffin .

Notary Public

My Commission expires: _____

Notary Registration number:

SEAL:

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF _____, to wit:

The foregoing instrument was acknowledged before me this ___ day of _____ 201___,
by James P. Griffin.

Notary Public

My Commission expires: _____

Notary Registration number:

SEAL:

OWNER ACKNOWLEDGMENT & CONSENT

Dan Winslow

Mark Winslow

Wendy Winslow Sher

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF _____, to wit:

The foregoing instrument was acknowledged before me this ___ day of _____ 201___,
by Dan Winslow.

Notary Public

My Commission expires: _____
Notary Registration number:
SEAL:

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF _____, to wit:

The foregoing instrument was acknowledged before me this ___ day of _____ 201___,
by Mark Winslow.

Notary Public

My Commission expires: _____
Notary Registration number:
SEAL:

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF _____, to wit:

The foregoing instrument was acknowledged before me this ___ day of _____ 201___,
by Wendy Winslow Sher.

Notary Public

My Commission expires: _____
Notary Registration number:
SEAL:

EXHIBIT A

Generalized Development Plan

“Accokeek Furnace Road Assemblage General Development Plan”, dated November 2, 2017, and prepared by Dewberry Consultants LLC.

EXHIBIT B

RENDERINGS

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