

Proffer Form

Date: October 2, 2006Revisions: 10/05/0612/01/06ZMA: 2005-0007Tax Map and Parcel Numbers: 55-69 and 56-9

6.69 Acres to be rezoned from R2 to NMD (Neighborhood Model District)
in accordance with the Application Plan titled Haden Place, dated September 4, 2006

And prepared by Dominion Development Resources, LLC

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the owner, or its duly authorized agent, hereby voluntarily proffers the conditions listed below which shall be applied to the property, if rezoned. These conditions are proffered as a part of the requested rezoning and it is agreed that: (1) the rezoning itself gives rise to the need for the conditions; and (2) such conditions have a reasonable relation to the rezoning request.

- 1) **Construction of Off-Site Improvements:** As a condition of final subdivision plat or final site plan approval for any development within Haden Place (as depicted on the Application Plan), the Applicant shall design and construct at its sole expense the following:
- a. **Haden Lane Road Widening:** Haden Lane, from the southern boundary of Haden Place to Jarman's Gap Road, shall be widened to a minimum pavement width of 18' and shoulders and ditches shall be installed to the extent allowed within the existing right-of-way. The improvements shall be designed and constructed to the satisfaction of the County Engineer.
 - b. **Killdeer Lane Improvements:** As shown on the addendum dated 12/01/06, full frontage improvements, including curb, gutter, sidewalk, planting strip, and street trees shall be provided for the 6 proposed lots that front on Killdeer Lane. Vehicular access from Haden Lane to Killdeer Lane shall be prohibited; however, pedestrian and bicycle access shall be provided and a future vehicular connection shall be made available at the request of Albemarle County.
 - c. **Stormwater Drainage to Powell's Creek:** The Owner shall not request that the County issue a building permit within Haden Place prior to the construction or bonding of an off-site stormwater drainage system to Powell's Creek in general accord to that shown on the General Development Plan.

Construction of offsite improvements shall be completed, according to the approved site plan, no later than 12 months after approval of the first subdivision plat or site plan within Haden Place.

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2) Interparcel connection to Summerford Lane:

Final location for dedication of the inter-parcel connection with Ballard Fields will be determined as a condition of first subdivision plat or first site plan approval for any development within Haden Place. Upon the request of Albemarle County, the Owner shall design and construct at its sole expense the inter-parcel vehicular connection to Summerford Lane. Said construction shall be completed as designed and approved by Albemarle County, no later than 12 months after approval of the final subdivision plat or final site plan approval for lots within Blocks C, D, E, F, or G as shown on the General Development Plan.

3) Cash Proffers:

The Owner shall contribute a total of \$82,000 cash for the purpose of mitigating traffic impacts from the development. The cash contribution shall be used only for the purpose of funding transportation projects identified in the County's Capital Improvements Program within the Community of Crozet. The cash contribution shall be paid in increments of \$3,200 for each detached market rate unit and \$2,700 for each market rate attached unit, prior to or at the time of issuance of the building permit for each unit. If this cash contribution has not been exhausted by the County for the stated purpose within ten (10) years from the date of the last payment of the contribution, all unexpended funds shall be applied to project(s) identified in the County's Capital Improvements Program within the Community of Crozet.

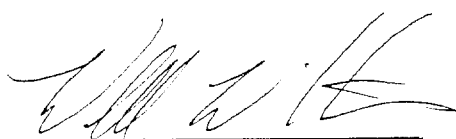
4) Affordable Housing:

The Owner shall provide six (6) "for sale" residential units of affordable housing in Haden Place, identified as units 20, 21, 22, 27, 28, and 29 on the Application Plan. The Owner shall convey the responsibility of constructing the affordable units to any subsequent purchaser of the subject property. The current Owner or subsequent Owner shall create units affordable to households with incomes less than 80% of the area median income, such that housing costs consisting of principal, interest, real estate taxes and homeowner's insurance (PITI) do not exceed 30% of the gross household income. The Albemarle County Office of Housing or its designee shall approve all purchasers of these units. The Owner/builder shall provide the County or its designee a period of 180 days to identify and pre-qualify an eligible purchaser for the affordable units. The 180-day period shall commence upon written notice from the Owner that the units will be available for sale. This notice shall not be given more than 120 days prior to anticipated receipt of the certificate of occupancy. If the County or its designee does not provide a qualified purchaser during this initial 180-day period, the Owner shall have the right to sell the unit(s) without any restriction on sales price or income of purchaser.

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- 5) **Timing of Affordable Housing:** If pre-qualified buyers are available, at least 2 affordable units shall be under construction or built at the time that the first block of townhomes is completed. If pre-qualified buyers are available, at least 4 of the affordable units shall be under construction or built at the time that the second block of townhomes is completed. And if pre-qualified buyers are available, all of the affordable units shall be built or under construction at the time that the last block of townhomes is completed.
- 5) **Historic Resources:** As a condition of the first preliminary subdivision plat or preliminary site plan approval for any development within Haden Place, the Owner shall provide a reconnaissance level survey performed by an architectural historian or other qualified individual, to adequately provide an archival record of the existing homestead. The survey shall meet the requirements of the Virginia Department of Historic Resources Reconnaissance Survey Field Form, and results shall be included in the Haden Place Code of Development.
- 6) **Final Grading Plan:** For any subdivision not requiring a site development plan, the Owner shall submit a Final Grading Plan to the satisfaction of the County Engineer. The Owner shall obtain approval of the Final Grading Plan by the County Engineer before the first final subdivision plat or site plan is approved within Haden Place. The Owner shall not request that a Certificate of Occupancy be issued for a dwelling unit on a lot if the County Engineer has determined the lot grading is not consistent with the approved grading plans.

Signature of Owner.



Wendell W. Gibson, President
Wendell W. Gibson, Inc.

WENDELL W. GIBSON

Printed Name of Owner

12-01-06

Date