

## ALBEMARLE COUNTY GENERAL CONSTRUCTION NOTES

- 1. PRIOR TO ANY CONSTRUCTION WITHIN ANY EXISTING PUBLIC RIGHT-OF-WAY, INCLUDING CONNECTION TO ANY EXISTING ROAD, A PERMIT SHALL BE OBTAINED FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT). THIS PLAN AS DRAWN MAY NOT ACCURATELY REFLECT THE REQUIREMENTS OF THE PERMIT. WHERE ANY DISCREPANCIES OCCUR THE REQUIREMENTS OF THE PERMIT SHALL
- 2. ALL MATERIALS AND CONSTRUCTION METHODS SHALL CONFORM TO CURRENT SPECIFICATIONS AND STANDARDS OF VDOT UNLESS OTHERWISE NOTED.
- 3. EROSION AND SILTATION CONTROL MEASURES SHALL BE PROVIDED IN ACCORDANCE WITH THE APPROVED EROSION CONTROL PLAN AND SHALL BE
- INSTALLED PRIOR TO ANY CLEARING, GRADING OR OTHER CONSTRUCTION. 4. ALL SLOPES AND DISTURBED AREAS ARE TO BE FERTILIZED, SEEDED, AND
- MULCHED. 5. THE MAXIMUM ALLOWABLE SLOPE IS 2:1 (HORIZONTAL: VERTICAL). WHERE REASONABLY OBTAINABLE, LESSER SLOPES OF 3:1 OR BETTER ARE TO BE
- ACHIEVED. 6. PAVED, RIP-RAP OR STABILIZATION MAT LINED DITCH MAY BE REQUIRED WHEN IN THE OPINION OF THE COUNTY ENGINEER, OR DESIGNEE, IT IS DEEMED
- NECESSARY IN ORDER TO STABILIZE A DRAINAGE CHANNEL 7. ALL TRAFFIC CONTROL SIGNS SHALL CONFORM WITH THE VIRGINIA MANUAL FOR UNIFORM TRAFFIC CONTROL DEVICES.
- 8. UNLESS OTHERWISE NOTED, ALL CONCRETE PIPE SHALL BE REINFORCED CONCRETE PIPE-CLASS III.
- 9. ALL EXCAVATION FOR UNDERGROUND PIPE INSTALLATION MUST COMPLY WITH OSHA STANDARDS FOR THE CONSTRUCTION INDUSTRY (29 CFR PART 1926).

## GENERAL CONSTRUCTION NOTES FOR STREETS

- CONSTRUCTION INSPECTION OF ALL PROPOSED ROADS WITHIN THE DEVELOPMENT WILL BE MADE BY THE COUNTY. THE CONTRACTOR MUST NOTIFY THE DEPARTMENT OF COMMUNITY DEVELOPMENT (296-5832) 48 HOURS IN ADVANCE OF THE START OF
- UPON COMPLETION OF FINE GRADING AND PREPARATION OF THE ROADBED SUBGRADE, THE CONTRACTOR SHALL HAVE CBR TESTS PERFORMED ON THE SUBGRADE SOIL. THREE (3) COPIES OF THE TEST RESULTS SHALL BE SUBMITTED TO THE COUNTY. IF A SUBĞRADE SOIL CBR OF 10 OR GREATER IS NOT OBTAINABLE, A REVISED PAVEMENT DESIGN SHALL BE MADE BY THE DESIGN ENGINEER AND SUBMITTED WITH THE TEST RESULTS FOR APPROVAL
- 3. SURFACE DRAINAGE AND PIPE DISCHARGE MUST BE RETAINED WITHIN THE PUBLIC RIGHT-OF-WAY OR WITHIN EASEMENTS PRIOR TO ACCEPTANCE BY THE COUNTY. ALL DRAINAGE OUTFALL EASEMENTS ARE TO BE EXTENDED TO A BOUNDARY LINE OR A
- 4. GUARDRAIL LOCATIONS ARE APPROXIMATE. EXACT LENGTH, LOCATION AND APPROPRIATE END TREATMENTS WILL BE FIELD VERIFIED AT THE TIME OF CONSTRUCTION. ADDITIONAL GUARDRAIL MAY BE REQUIRED AT LOCATIONS NOT SHOWN WHEN, IN THE OPINION OF THE COUNTY ENGINEER, OR DESIGNEE, IT IS DEEMED NECESSARY. WHEN GUARDRAIL IS REQUIRED, IT SHALL BE INSTALLED FOUR (4) FEET OFFSET FROM THE EDGE OF PAVEMENT TO THE FACE OF GUARDRAIL, AND ROADWAY SHOULDER WIDTHS SHALL BE INCREASED TO SEVEN (7) FEET.
- WHERE URBAN CROSS SECTIONS ARE INSTALLED, ALL RESIDENTIAL DRIVEWAY ENTRANCES SHALL CONFORM TO VDOT CG-9(A, B OR C).
- 6. WHERE RURAL CROSS SECTIONS ARE INSTALLED, ALL RESIDENTIAL DRIVEWAY ENTRANCES SHALL CONFORM TO VDOT STANDARD PE-1.
- 7. COMPLIANCE WITH THE MINIMUM PAVEMENT WIDTH, SHOULDER WIDTH AND DITCH SECTIONS, AS SHOWN ON THE TYPICAL PAVEMENT SECTION DETAIL, SHALL BE
- STRICTLY ADHERED TO. 8. ROAD PLAN APPROVAL FOR SUBDIVISIONS IS SUBJECT TO FINAL SUBDIVISION PLAT VALIDATION. SHOULD THE FINAL PLAT FOR THIS PROJECT EXPIRE PRIOR TO SIGNING
- AND RECORDATION, THEN APPROVAL OF THESE PLANS SHALL BE NULL AND VOID. ALL SIGNS OR OTHER REGULATORY DEVICES SHALL CONFORM WITH THE VIRGINIA MANUAL FOR UNIFORM TRAFFIC CONTROL DEVICES AND THE ALBEMARLE COUNTY
- ROAD NAMING AND PROPERTY NUMBERING ORDINANCE AND MANUAL. 10. TRAFFIC CONTROL OR OTHER REGULATORY SIGNS OR BARRICADES SHALL BE INSTALLED BY THE DEVELOPER WHEN, IN THE OPINION OF THE COUNTY ENGINEER, OR
- DESIGNEE, THEY ARE DEEMED NECESSARY IN ORDER TO PROVIDE SAFE AND CONVENIENT ACCESS. 11. THE SPEED LIMITS TO BE POSTED ON SPEED LIMIT SIGNS ARE 5 MPH BELOW THE
- DESIGN SPEED, OR AS DETERMINED BY VDOT FOR PUBLIC ROADS. 12. VDOT STANDARD CD-1 OR CD-2 CROSS-DRAINS UNDER TO BE INSTALLED UNDER THE SUBBASE MATERIAL AT ALL CUT AND FILL TRANSITIONS AND GRADE SAG POINTS AS SHOWN ON THE ROAD PROFILES.
- 13. A VIDEO CAMERA INSPECTION IS REQUIRED FOR ALL STORM SEWERS AND CULVERTS THAT ARE DEEMED INACCESSIBLE TO VDOT OR COUNTY INSPECTIONS. THE VIDEO INSPECTION SHALL BE CONDUCTED IN ACCORDANCE WITH VDOT'S VIDEO CAMERA INSPECTION PROCEDURE AND WITH A VDOT OR COUNTY INSPECTOR PRESENT.

## ROAD NOTES

- THE LATEST EDITION OF THE ROAD & BRIDGE SPECIFICATIONS, THE ROAD & BRIDGE STANDARDS OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION SPECIFICATIONS SHALL GOVERN THE MATERIAL AND CONSTRUCTION METHODS OF THIS PROJECT.
- 2. WHERE UNSUITABLE MATERIAL IS ENCOUNTERED IN THE ROADWAY, IT SHALL BE REMOVED FROM THE ENTIRE ROAD RIGHT OF WAY WIDTH AND REPLACED WHERE NECESSARY WITH SUITABLE MATERIAL TO THE SATISFACTION OF THE ENGINEER.
- 3. ALL GROWTH OF TREES AND VEGETATION SHALL BE CLEARED AND GRUBBED FOR THE ENTIRE EASEMENT. OTHER TREES AND VEGETATION WHICH OBSTRUCT SIGHT DISTANCES AT ROAD INTERSECTIONS SHALL BE REMOVED.
- 4. ALL VEGETATION AND OVERBURDEN TO BE REMOVED FROM SHOULDER TO SHOULDER PRIOR TO THE CONSTRUCTION OF THE SUBGRADE.
- 1. ALL PIPE CULVERTS, EXCEPT PRIVATE ENTRANCES, SHOWN HEREON ARE TO BE RCP WITH A MINIMUM COVER OF ONE (1) FOOT 2. STANDARD UNDERDRAINS (CD-1 OR CD-2 OR UD-4'S) TO BE PROVIDED AS INDICATED ON
- THE PLANS, OR WHERE FIELD CONDITIONS INDICATE. 3. ALL DRIVEWAY ENTRANCE PIPES SHALL BE A MINIMUM OF TWENTY (20) FEET IN LENGTH AND HAVE A MINIMUM DIAMETER OF FIFTEEN (15) INCHES AND SHALL BE PLACED IN ACCORDANCE WITH THE VIRGINIA DEPARTMENT OF TRANSPORTAION SPECIFICATIONS UNLESS
- 4. ALL DRAINAGE EASEMENT SHALL BE CLEARED AND GRADED TO THE SATISFACTION OF THE ENGINEER. DRAINAGE EASEMENTS SHALL EXTEND TO A POINT DEEMED AS NATURAL WATER

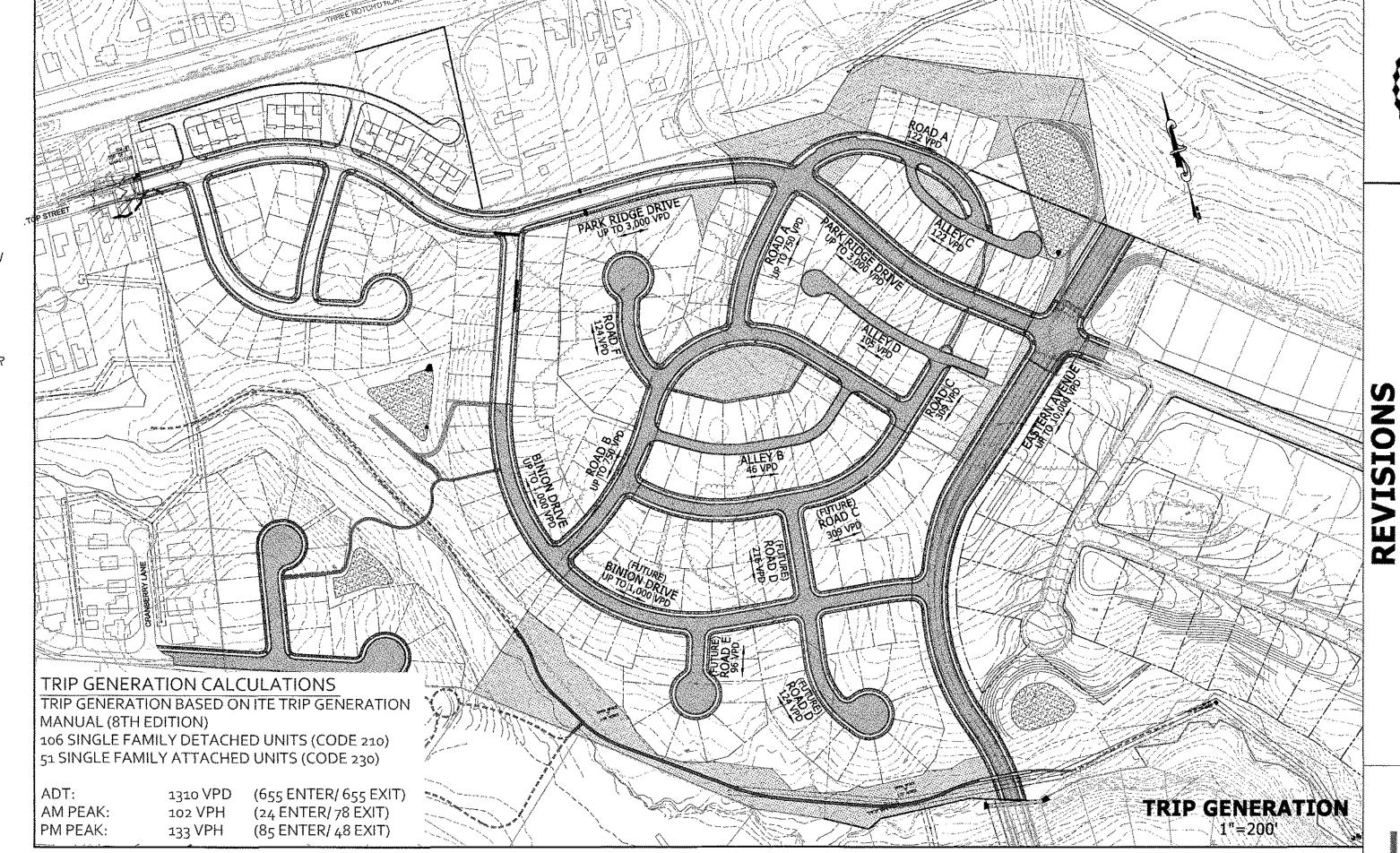
#### PAVEMENT:

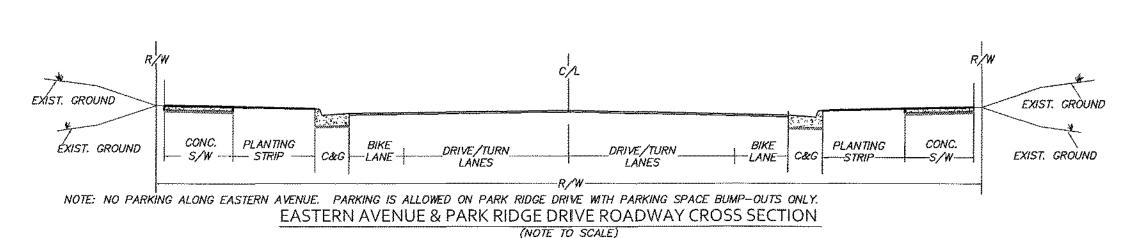
OTHERWISE NOTED ON PLANS.

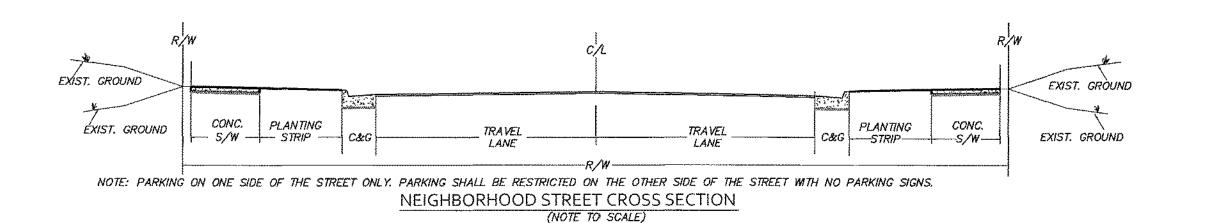
- AN ACTUAL COPY OF THE CBR REPORT IS TO BE SUBMITTED PRIOR TO THE PLACEMENT OF THE AGGREGATE BASE MATERIAL. IF THE SSY VALUES ARE LESS THAN 10, THE DEVELOPER WILL BE REQUIRED TO SUBMIT FOR ENGINEERS APPROVAL THE PROPOSED METHOD OF CORRECTION.
- 2. SUBGRADE MUST BE APPROVED BY THE ENGINEER FOR GRADE, TEMPLATE AND COMPACTION BEFORE BASE IS PLACED.
- TEST REPORTS ON SELECT MATERIALS MUST BE SUBMITTED SHOWING THE MATERIAL MEETS REQUIRED GRADATION FOR TYPE I, II, OR III PRIOR TO PLACING AGGREGATE BASE THE REQUIREMENTS TO PUGMILL AGGREGATE BASE WILL BE WAIVED IN THE EVENT THAT THE SURFACE COURSE IS BEGINNING AT THE COMPLETION OF THE INSTALLATION OF THE AGGREGATE BASE. IN THE EVENT THAT THE SURFACE COURSE IS APPLIED PRIOR TO 60
- DAYS, THE PUGMILL REQUIREMENT WILL APPLY. THE USE OF AN AGGREGATE SPREADER IS REQUIRED WHEN PLACING AGGREGATE BASE.
- BASE MUST BE APPROVED BY ENGINEER FOR DEPTH, TEMPLATE, AND COMPACTION BEFORE SURFACE TREATMENT IS APPLIED.
- PRIME COAT MUST BE APPLIED TO BASE MATERIAL PRIOR TO PLACEMENT OF ASPHALT (PRIME COAT RC-250 @ 0.3 GAL./SQ. YD.).
- BITUMINOUS SURFACE TO BE APPLIED IN ACCORDANCE WITH CURRENT VIRGINIA DEPARTMENT OF TRANSPORTATION SPECIFICATIONS.
- ENCROACHMENT: POSTS, WALLS, SIGNS, OR SIMILAR ORNAMENTAL STRUCTURES THAT DO NOT ENHANCE A ROADWAY'S CAPACITY OR TRAFFIC SAFETY, SHALL NOT BE PERMITTED WITHIN THE RIGHT OF WAY. ONLY THOSE STRUCTURES SPECIFICALLY AUTHORIZED BY PERMIT ISSUED BY VIRGINIA DEPARTMENT OF TRANSPORTATION MAY BE LOCATED WITHIN THE STREETS RIGHT OF WAY.

#### NOTE: MANDATORY INSPECTIONS AT THE FOLLOWING PHASES ARE REQUIRED FOR ROADS THAT ARE PROPOSED TO BE STATE MAINTAINED:

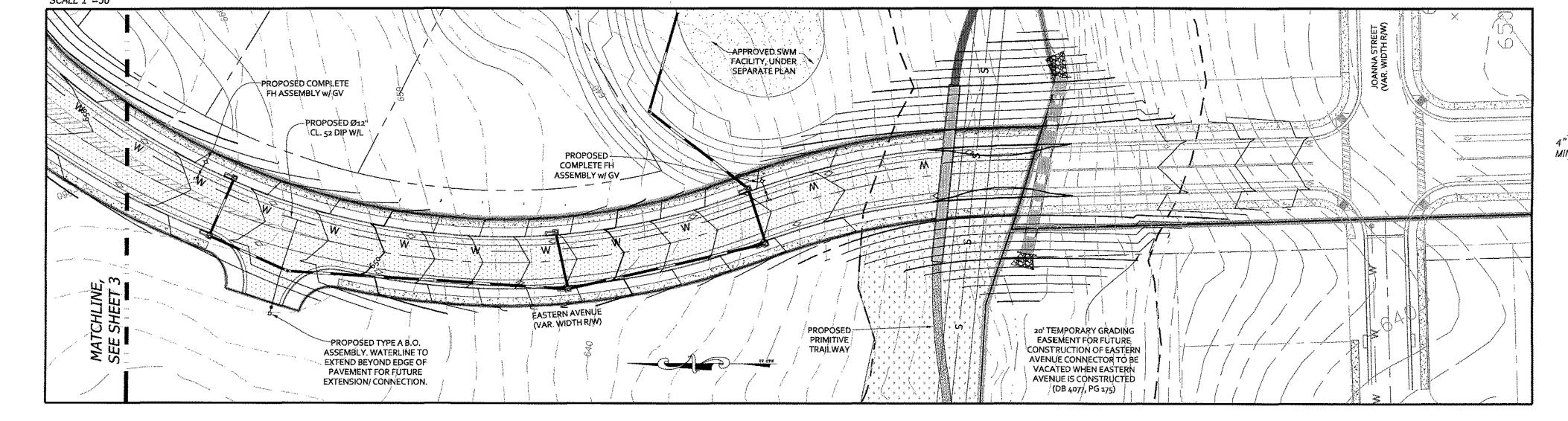
- i. INSTALLATION OF ANY ENCLOSED DRAINAGE SYSTEM BEFORE IT IS COVERED. ii. INSTALLATION OF ANY ENCLOSED UTILITY PLACEMENTS WITHIN THE RIGHT-OF-WAY BEFORE BEING COVERED
- iii. CONSTRUCTION OF THE CUTS AND FILLS, INCLUDING FIELD DENSITY TESTS, BEFORE PLACEMENT OF ROADBED BASE MATERIALS.
- iv. A FINAL PAVEMENT DESIGN, BASED ON ACTUAL SOIL CHARACTERISTICS AND CERTIFIED TESTS, SHALL BE COMPLETED AND APPROVED BEFORE THE PAVEMENT STRUCTURE IS PLACED
- v. PLACEMENT OF BASE MATERIALS, INCLUDING STONE DEPTHS, CONSISTENT WITH THE APPROVED PAVEMENT DESIGN, PRIOR TO PLACEMENT OF THE PAVING COURSE OR COURSES, FOLLOWED BY FIELD DENSITY AND MOISTURE TESTS AND THE PLACEMENT OF A PAVING COURSE AS SOON AS POSSIBLE.
- vi. CONSTRUCTION OF PAVEMENT, INCLUDING DEPTH AND DENSITY, UPON COMPLETION AS PART OF THE FINAL INSPECTION.
- VII. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING VDOT A MINIMUM OF ONE WEEK PRIOR TO EACH OF THE ABOVE PHASES OF CONSTRUCTION TO SCHEDULE AN
- viii. FAILURE OF THE CONTRACTOR TO SCHEDULE THESE INSPECTIONS WILL REQUIRE ADDITIONAL TESTING OF THE ROADS AT THE DISCRETION OF VDOT OR MAY LEAD TO THE ROADS NOT BEING ELIGIBLE FOR STATE MAINTENANCE.

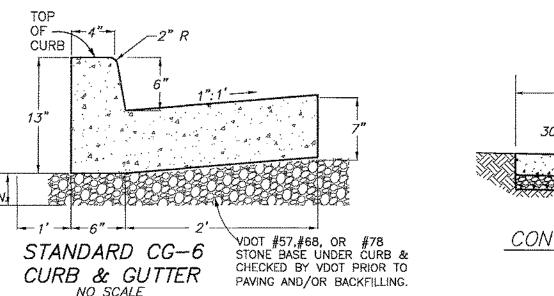




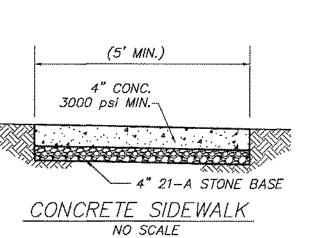


# UTILITY, GRADING & DRAINAGE PLAN





NO SCALE



1 ½ "-2" SM-9.5A-SURFACE COURSE 4"-9" COMPACTED AGGREGATE BASE COURSE, VDOT #21A OR #21B DEPENDING ON ULTIMATE TRAFFIC LIMITS AND UNDERDRAINS ASPHALT PAVING - ROADS

NO SCALE

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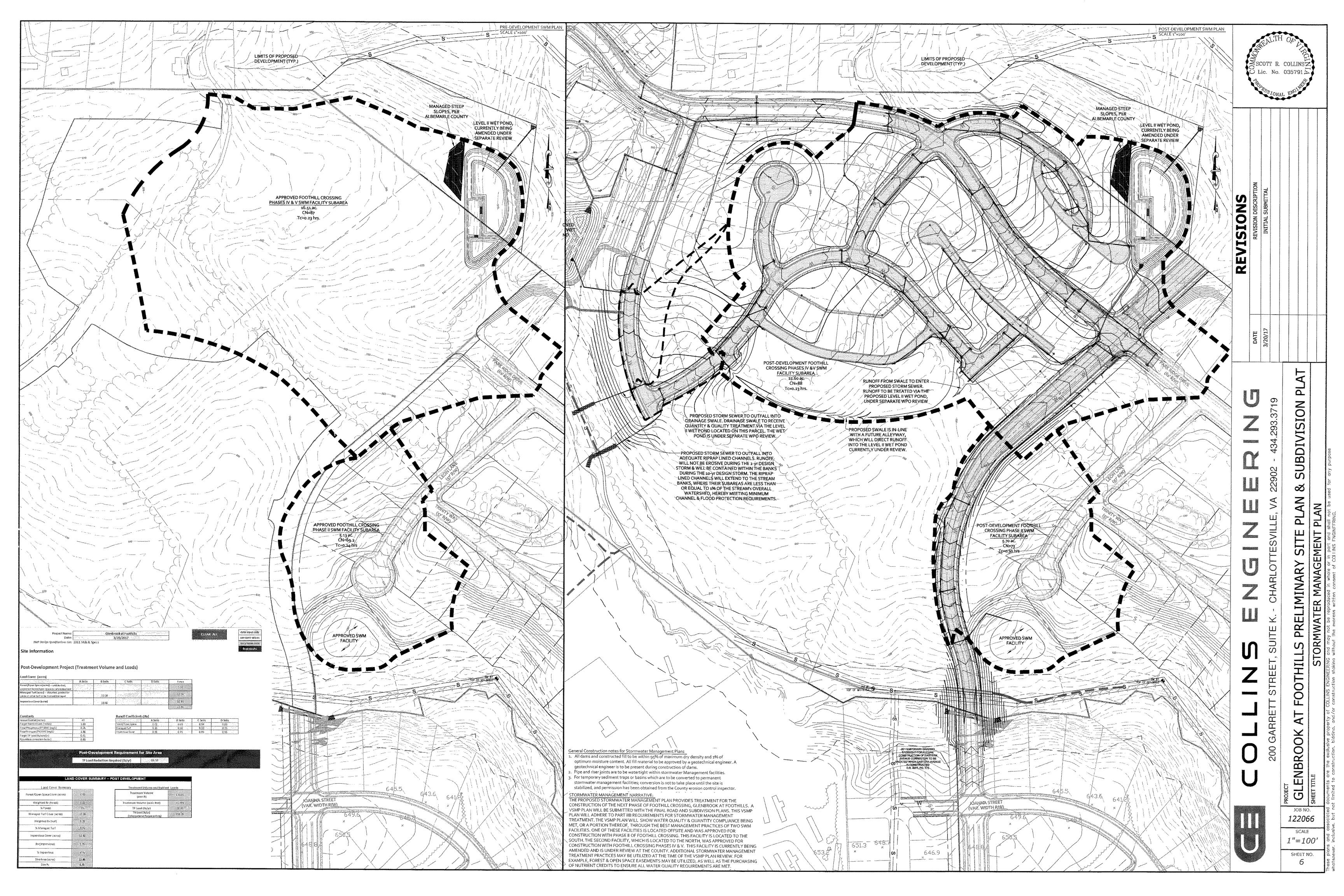
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Lic. No. 035791

GLENBRO JOB NO. 122066 SCALE AS SHOWN

SHEET NO.



# PROFFER STATEMENT

FOOTHILLS CROSSING

January 3, 2017

ZMA#

Tax Map Parcel #: 056A2-01-00-06200, 05600-00-05700, 05600-00-00-057B2, 056A2-01-90-06100, and 056K0-00-00-000A2 (the "Property")

Owner(s) of Record: Route 240 Holdings, LLC; Edmand J. Daily, Christopher Daily & Cynthia Daily DiCame; Route 240, LLC; and Footbills Crossing, INC.

Rezone parcel 056/12-01-00-06200 totaling approximately 2.13 acres. From R2 Residential (R2) to R6 Residential (R6), and recone things pariets (03600-00-5700, 03600-00-00-057B2, and 036K0-00-00-00042) totaling approximately 32:56 acres from K.I. Residential (R1) to R6, and a portion of parcel 056.52-01-00-6106, containing 3.24 acres from Light Industrial (LI) to R6.

Total Land Area: 37.93 acres

Puisuant to Sections 33.4 and 33.7 of the Albimanic County Zooing Ordinance, the Owner hirely voluntarily proffers the conditions listed berein below which shall be applied to Footbills Crossing thereinsifier the "Property" (I'the Zoning Map Amendment (new watter the "ZMA") is approved by the County of Albertacle (the "County"). These conditions are proffered as a part of the requested ZMA and has agreed that: (1) the ZMA itself gives rise to the need for the conditions, and (2) such conditions have a reasonable relation to the rezoning requested.

The term "Owner" as referenced terein shall mean the owner(s) of record and successors in interest of parcels 05632-01-00-06200, 05600-00-00-057C0, 05600-00-00-057B2, 056K0-00-00-00A2, and a portion of 056A2-01-00-06190.

The Application Plan shall refer to their certain Application Plan prepared by Collins Engineering February 16, 2016 last revised January 3, 2017 (the "Applicating Plan"). Future development of the Property shall be in governing ordered with the Application Plan. To be in general accord with the Application Plan, the development and use shall reflect the major dements shown on the Application Plan and fisced below, as determined the Discour of Planning or his designee:

- a) Sincers shall be interconnected, except where described in Note 13 of the Application Plan
- (i) There shall be a mixture of licusing types and maximum number of units as described in building type and density in the General Notes section of the Application Planc) Buildings shall be oriented towards public streets as described to Note 9 of the Application Plan. A surp of open space shall be provided along the Eastern Avenue Connector Road and Park

Ridge Street, where necessary, to provide additional leadscape buffering of any rear yards

abutting the open space where backs of buildings are visible from the sugge-

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d) The Greenway trail system shall include a connection to this phase of the Footbill Crossings Neighborhood and a connection to Crozer Park

The headings of the proffers and conditions set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provisious of the proffers.

#### 1. Park Ridge Street Road Construction and Dedication,

The Owner shall cause to be constructed a two land road in the general location of the madidentified as Park Ridge Street ("Park Ridge") on the Application Plan. Park Ridge will be an "avenue section" in design, with bike lanes, parking, sidewalls, since incom and guide and guider. Park Ridge shall be constructed, bonded and ready to be recommended by the Albemaile County Board of Supervisors for acceptance and the public system, and the County Engineer shall have determined that the coadway is safe and convenient for traffic (horeinafter, "completed") prior to issuance of the tenth (10%) certificate of occupancy therein after "CO"; within the Property. Dice the Owner completes Park Ridge and within sixty (60) days after the written retiliest of the County, the Owner shall dudicate Park Ridge as a public road.

#### 2. Eastern Avenue Connector Road Construction and Dedication.

The Owner shall cause to be constructed a two lane road in the general location of the road identified as Bastem Avinue Connector Roadway ("Fastern Avenue") on the Application Plan. Eastern Avenue will be an "alternit spetion" in design, with take lanes, parking, sidewalks, street trees, and curb and gurrer. Hastern Averice shall be constructed, bonded and ready to be recommended by the Albertagle County Board of Supervisors for acceptance into the public system, and the County Engineer shall have determined that the roadway is safe and convenient for traffic Overeingfrei, "completed") prior to issuance of the affaith (56%) CO within the Property. Once the Owner completes hastern Avenue and within they (60) days after the written request of the County. the Owner shall dedicate Essiem Avenue as a public road

#### Greenway Trails.

A. Construction and Dedication of Greenway Trails, A primitive trail network, consistent with the County's design standards for a Class Btype I primitive nature trail, shall be established within the Greenway. The installation of the trail shall not prechate the funite conversion, by offices, of the trail to Class Apaved trail standards. The general location of the trail network is shown on the Application Plan, however exact trail locations shall be determined based on site conditions. Installation of the trail network shall be completed guide to issuance of approval of the tenth (10\*) CO for a single family dwelling within the Project.

Upon the request of the County, but not prior to the issuance of the reath (10th) CO within the Project, the Owner shall dedicate to the County an easement for public use over the Greenway area, as shown on the Application Plan. Prior to the County's request to dedicate such casement, the Owner may dedicate postions of the Gerenway by easement concurrently with one or more subdivision plays for areas lying adjacent to the Ceremony; provided however, that Corner may reserve in such easements, rights of

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access for utilities and maintenance. Each subdivision plat shall depict the Greenway area to be dedicated and shall bear a notation that the Greenway area is dedicated for public use. If, at the time the County requests dedication of the Greenway, any part of the Greenway that has not been dedicated by subdivision plat, shall be (within six (6) months of such request) at Owner's cost, surveyed, platted and recorded with one or more deeds of easement dedication.

B. Bike and Pedestrian Tunnel Pursount to approval by VDOT and the County, the Owner shall construct a hike and pedestrian numel (percio after the "Pedestrian Tunnel") along the trail network as it passes underneath Eastern Avenue. The Tunnel design shall be submitted for review with the roadway plans for Eastern Avenue. Installation of the Tubnel shall be completed prior to issuance of approval of the tenth (10th) CO for a single family dwelling within the Project.

#### 4. Community Civic Space.

The Owner shall provide not less than 20,000 square feet of land within the Project for a Civic Space in the general location identified on the Application Plan. The Civic Space shall be substantially completed prior to the assumer of approval of the tenth [1]/45 CO within the Project. Parks and Civic Spaces shall be convered to, and maintained by the Owner's Association. The Owner shall pay the cost of subdividing and conveying the Parks and Civic Spaces to the Owner's Association.

#### 5. Cach Proffer for Capital Improvements Projects.

The Owner shall contribute cash on a per "marker-cate" dwelling unit basis in excess of the number of units that are allowed by gight under the zoning in existence at the time of this zoning amendment for the purposes of aildressing the lisest impacts of development on the County's public facilities and infrastructure, i.e., achoods, public safety, libraries, packs and manaportation. For the purposes of this Profiler 5, the number of units allowed by right under the R-1 Residential zoning is thirty live (35) single-family detached units. A "market rate" unit is any single-family detached unit in the Project that is not either a Fox-Sale Affordable Housing Unit or For-Rent Affordable Unit as described in Proffer 6. The cash contributions shall be Seven Thousand Three Hundred Thirty Three Dollars and Eighteen Cents (\$7,333.18) for each single family detached dwelling unit, other than a constructed For Sale Affordable Dwelling Unit within the Project qualifying as such under Profee a. In other words, the cash contribution for marker rate single family units shall begin after a building permit for the 35th market rate single family unit is issued and prior to the Owner obtaining a building permit for the 36th market rate single family unit. The cash contributions shall be five Thousand Four Hundred Forty Seven Dollars and Fifty Seven Cents (\$5,447.57) for each single family attracted dwelling usir, other than a constructed For Sale Affordable Housing Unit or a Fee Rent Affordable Housing Unit within the Project qualifying as such under Profes 6: The cash contributions shall be Seven Thousand Pour Hundred Nineteen Dollars and Ninety One Cents (\$7,419.91) for each multifamily dwelling unit, other than a constructed For Sale Affordable Housing Unit or For Rent Affordable Housing Unit within the Project qualifying as such under Proffer 6.

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#### 6. Affordable Housing:

The Owner shall provide affordable housing equal to fifteen percent (15%) of the total number residential units constructed on the Property. For example, if one hundred (100) total units are constructed in the Project, Eftern (L5) units, or their equivalent, are required to satisfy this Proffer 6. The Owner or its successions in interest reserve the right to meet the affordable housing objective through a variety of housing types, or through cash contributions, as more particularly described in sections 6A, 6B and 6C below.

A. For Sale Affordable Housing Units. All purchasers of the For Sale Affordable Housing Units (defined below) shall be approved by the Albertaric County Housing Office or us designee. "For-Sale Affordable Housing Units" shall be dwelling mais offered for sale at no more than sixty five percent (65%) of Virginia Housing and Development Authority's ("VHDA") maximum sales price for first time frome flower program. The Owner shall provide the County or its designer a period of one hundred eventy (120) days to identify and prequalify an cligible parellaser For Sale Attordable housing Units. The one hundred twenty (120) day period shall commerce upon written house from the Owner that the unit(s) shall be available for sale. This notice shall not be given more than ninety (90) days prior to receipt of the Certificate of Occupancy for the applicable For-Sale Affordable Housing Unit, the County as its designee may then have thicky (30) days within which to provide a qualified purchaser for such Per-Sale Attordable Housing Unit. If the County or its designed does not provide a qualified purchaser during the one hundred owency (120) day period, the Owner shall have the right to sell the unit(s) without any restriction on sales price or income of the purchaser(s).

#### B. For-Rept Affordable Housing Units.

- (1) Rental Rates. The initial net tent for each tental housing unit for which Owner seeks qualification for the purposes of this proffer 6, ("For Rein Affordable Housing Unit" shall not exceed the then-current and applicable maximum net rem rate approved by the Albemaile County Housing Office. In each subsequent calendar year, the mondily net tent for each For Rent Affordable Housing Unit may be increased up to three percent (3%). For purpose of this proffer 5B, the term "net rent" means that the tent does not include tenant-paid unlines. The requirement that the rents for such forrents for such For-Rent Affordable Housing Units may not exceed the maximum rents established in this paragraph off shall apply for a period of ten (10) years following the date the certificate of occupancy is isseed by the County for each For-Rent Affortable Housing Unit, or until the units are sold as low-or moderate cost units qualifying as such under either the Virginia Housing Development Authority, Farmers Home Administration, or Housing and Urban Development, Section 8, whichever comes first (the "Affordable Term").
- (2) Conveyance of Interest. All deeds conveying any interest in the For-Rent Affordable Housing Units during the Affordable Term shall contain language reciting that such unit is subject to the terms of this subparagraph (2). In addition, all contracts pertaining to a conveyance of any For-Rent Affordable Holsing Unit: or any part thereof, Juring the Affordable Term shall contain a complete and full disclosure of the restrictions and

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controls established by this paragraph 6B. At least thirty (30) days prior to the conveyance of any interest in any For-Rent Affordable Housing Unit during the Affordable Term, the then-current Owner shall monify the County in writing of the conveyance and provide the name; address and telephone number of the potential grantee, and state that the requirements of this paragraph 6B(2) have been satisfied.

- (3) Reporting Reptal Rates. During the Affordable Term, within thirty (30) days of each rental or lease term for each For-Reut Affordable Housing Unit, the then-current Owner shall provide to the Albemarle County Housing Office a copy of the rental or lesse agreement for each such unit tented that shows the rental rate for such unit and the term of the cental or lease agreement. In addition, during the Affordable Term, the then-current Owner shall provide to the County, if requested, any reports, copies of rental or lease agreements, or other data permitting to rental rates as the County may reasonably require.
- C. Cash in line of Constructing Affordable Dwelling Units. In her of constructing For-Sale, or For-Rent Affordable Dwelling Units for fifteen percent (15%) of the total number of Units, the Owner has the option to make a cash contribution to Albemark County for the affordable bousing program in the amount of Twenty-Four Thousand and Three Hundred Seventy Five Dollars (\$24,375.00) (the "Affordable Housing Cash Proffer") for each such unit. The total cash contribution due to Albernarie County as noted above shall be based on the total number of affordable units built in the Project.

## Cost Index.

Beginning January 1 of each year following the approval of this rezoning, the amount of each cash countibution required by Proffees 5 and 6 shall be adjusted annually until paid, to reflect any increase. or degreese for the proceeding calcular year in the Marshall and Swift Building Cost Index ("MSP") for mesonry wells in the Mid-Misuric. The annual still someon shall be made by multiplying the proffered cash contribution amount due for the preceding year by a function, the nequestor of which shall be the MSI as of December I in the preceding tollerdar year, the denominator of which shall be the MSI as of December 1 in the year preceding due calendar year most recently ended (the "Annual" Recogning Change ]. By way of example, the first samual adjustment shall be Seven Thousand Three Handred and Thirty Three Dollars and Highlison Cents (\$7,335,18) x 2018 MSI /2017 MSI. Each annual adjustinger shall be based on the amount of the profitted each contribution due for the immediately preceding year based on the formula contained in this Proffet 7 (the stroom) derived from each formula shall be referred to hereinafter as the "Cash Contribution Due"), provided. however, in no event shall the cash contribution autount paid by the Owner be less than Seven Thousand Three Hundred and Thirry Three Dollars and Highteen Cents (\$7,353.18) per single family detached dwelling unit and first Thousand Four Hündred and Forry Seven Dollars and Fifty Seven Cents (\$5,447,57) per single family attached dwelling unit and Seven Thousand Four Hundred and Ninetern Dollars and Ninety One Cents (\$7,419.91) per multifurnily dwelling this under Profiler 5 or Twenty-Four Thousand and Three Hundred Sevence Five Dellars (\$24,275.00) per affordable dwelling unit under Profes 6 (the "Ninjmum Cash Countinuism"). The Annual Percentage Change shell be calculated each year using the Cash Contribution Dule, even though it may be less than the Minimum Cash Contribution, HOWEVER, the junount paid by the Owner shall not be less than the Minimum Cash Countibution: Fee eath eash earlibution that is being paid in increments, the ampaid incremental payments shall be correspondingly adjusted each year.

## Credit For In-Kind Contributions.

Notwithstanding the provisions of these Proffers to the contrary, the Owner's obligation to pay Cash Contributions shall not commence until the number of units, to which such Cash Contributions apply have been completed that results in what would have been a total Cash Contribution equal to the total value of: i) Eastern Avenue, and related improvements to be completed by Gwiter, ii) the Pedestrian Tonnel and iii) the Civic Space improvements, (collectively referred to as the "In-kind" Contribution"). The In-Kind Contribution shall be \$4,299,976.00. The In-Kind Contribution reflects the value of the improvements that the Owner has committed to make pursuant to these profilers. that are for the benefit of the public. The Owner shall not be required to pay any per unit Cash Contributions until the time of the issuance of the building-permit for a new unit completed after applying the aforementioned credits for the fu-kind Contribution. In the event that the Project is completed prior to the balance of the In-kind Contribution being exhausted, say remaining balance of the In-kind Contribution may not be applied for any other project or development.

The undersigned Owner(s) hereby proffer that the use and development of the Property shall be in conformance with the proffers and conditions herein above, and these proffers shall supersede all other proffers and conditions made prior herero. This Proffer Statement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same instrument.

WITNESS the following signature:

OWNERS of Tax Map Parcel 05600-00-00-057B2:

OWNER of Tax Map Parcel 05600-00-00-057Cd & 056A2-01-00-06200: ROUTE 240 HOLDINGS, LLC, a Virginia limited liability company

OWNER of Tax Map Parcel 056A2-01-00-06100: ROUTE 240, LLC, a Virginia limited liability company

OWNER of Tax Map Parcel 056K0-00-00-0000A2: FOOTHILLS CROSSING, INC., a Virginia corporation

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