

COUNTRY CLUB HILLS TRUST, LLC

STATEMENT OF PROFFERS

REZONING C-5-10(c)

1. **Introductory Matters.**

1.1 **In general.** The undersigned owner (the "Owner") of parcels bearing GPINs 7851-94-3428 and 7861-03-3462, located in Hanover County, Virginia, (collectively, the "Property") hereby proffer that the use and development of the Property shall be in substantial conformance with the following conditions, which shall supersede all other proffers made prior hereto. In the event the rezoning applied for herewith is not granted, then these proffers shall be withdrawn and shall be null and void. Further, these proffers are contingent upon final rezoning of the Property, with "final rezoning" defined as that rezoning which is in effect on the day following the last day upon which the Hanover County Board of Supervisors (the "Board") decision granting the rezoning may be contested in the appropriate court or, if contested, the day following entry of a final court order affirming the decision of the Board if appealed. Should this application be denied by the Board, but in the event it is for any reason thereafter remanded to the Board for reconsideration by a court of competent jurisdiction, then these proffers shall be deemed withdrawn unless the Owners shall affirmatively readopt all or any portion hereof, in a writing specifically for that purpose.

1.2 **Headings.** The headings of the proffers 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 provision of the proffers. The term "Applicant" as referenced herein shall include the present Owners of the Property, and their heirs, successors, and assigns, and these Proffers, once accepted by the Board in accordance herewith, shall be binding on the development of the Property subject thereto unless repealed or amended by further action of the Board.

2. **Proffered Development Plan.**

The road configuration and access points for the Property shall be developed in general conformity with the "Country Club Hills Trust, LLC "Conceptual Development Plan," prepared by Resource International, Ltd., dated July 31, 2009 and bearing the last revision date of February 1, 2011, (the "CDP").

3. **Proffers Applicable to the Property.**

3.1 **Number of Units.** The Applicant may not construct more than 22 single family dwelling units on the Property.

3.2 **Architectural Style.** The houses shall be of the same architectural style as that in Country Club Hills and River Run.

3.3 **Minimum sizes of residential unit types.** Single family houses shall consist of not less than 1,850 gross square feet.

3.4 **Foundations.** Any portions of the foundation of a dwelling unit which is visible from the exterior of such dwelling shall be constructed of (a) brick, (b) stone, or (c) exterior insulating finish system (E.I.F.S.) provided that the exterior walls of the dwelling are also sided primarily in E.I.F.S.

3.5 **Chimneys.** The exposed portions of all fireplace chimneys shall be brick, stone or a siding similar to the exterior treatment of the dwelling.

4.0 **Cash Proffers for Residential Units.**

After the application for, but prior to the issuance of the certificate of occupancy for each house on the Property, there shall be paid to Hanover County the amount of \$19,003 per single family dwelling unit built on the subject property, plus an amount representing the amount of increase in the cost of living per year to the date of payment, in accordance with the cash proffer policy adopted by the Board of Supervisors on July 1, 2010, and all such payments shall be administered and interpreted in accordance with that Policy. All cash proffers shall be for the purpose of funding improvements relating to the development allowed by the rezoning, and included in the County Capital Improvement Program.

5.0 **Cash Proffers for Existing Sewer System Improvements.**

After the application for, but prior to the issuance of the final approvals for the construction plans and final plat for the Property, there shall be paid to Hanover County the amount of \$_____ for improvements to the existing sewer system to which this development connects (the "Sewer") to ensure the adequate capacity of the Sewer for the complete build out of the Property.

*****SIGNATURES APPEAR ON THE FOLLOWING PAGES*****

COUNTRY CLUB HILLS TRUST, LLC

By: _____

HENRY GUNST, JR., TRUSTEE

COMMONWEALTH OF VIRGINIA

COUNTY OF _____, to-wit:

I, the undersigned Notary Public, in and for the state and county aforesaid, do hereby certify that HENRY GUNST, JR. appeared before me and personally acknowledged the same in my jurisdiction aforesaid on behalf of COUNTRY CLUB HILLS TRUST, LLC.

GIVEN under my hand and seal this _____ day of _____, 2011.

NOTARY PUBLIC

My commission expires: _____