

PROFFER STATEMENT

Application No: _____ Initial & Date: _____

Name and Address of Applicant(s): _____

Name and Address of Owner(s): _____

Tax Map Number(s): _____

Description of land (*may be general, street address and acreage, however, a legal description must be attached. Copy of appropriate deed or plat may be accepted only at discretion of the Planning Director*).

Description of Proposed Rezoning: (*Please state the existing and proposed zoning including the amount of acreage included in each existing and proposed zoning district*).

Date Application Filed: _____

The above named owner(s), and applicant(s), hereby proffer, as a part and provision of the above referenced rezoning, that the use and development of this property shall be in strict accordance with the following conditions, which are reasonable and offered voluntarily, which shall constitute covenants running with said property, and which shall be binding upon the property and upon all parties and persons claiming under or through the owners and applicants, their heirs, personal representative, assigns, grantees and other successors in interest or title:

This section provides an opportunity for applicants and owners to indicate whether they are proffering a particular development arrangement or any special improvements or amenities as part of the proposed development to make the request more compatible with existing and planned development in the area and to address the impacts of the rezoning on public infrastructure and services.

- Provide a specific statement as to whether this application is being submitted as an application for a conventional rezoning or conditional rezoning. If the application is for a conditional

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rezoning, state any proffers or conditions to be considered with the application on the attached proffer statement. Please note that applicants shall not proffer conditions required by the City as part of the subsequent subdivision or site plan review process. See Special Notes on Conditional Rezoning Applications on the following page for additional information.

- If any voluntary proffers involve land dedication, cash proffers, or other fees, complete the Cash Proffers & Improvements table below. The applicants and owners also affirm that such proffers comply with all restrictions set out in state law, acknowledge that the improvement is part of the City’s overall program for capital improvements and affirm that no unreasonable proffers were suggested or requested by the City.

CASH PROFFERS & IMPROVEMENTS

	Roads	Schools	Library	Fire/EMS
Acres of Land Dedicated				
Value of Improvements				
Cash Proffers				
Other Fees				
Time or event at which property or money will be transferred:				

The authorized applicant(s) and owner(s) certify that soil tests have been performed on dedicated land, other than right-of-way, and that certified findings show the land to be suitable for its intended use.

In the event that land dedicated or money provided to the City in accordance with the proffered conditions are not used for the specific purpose originally intended under this proffer, the applicants and owners propose that such property and/or money be treated as follows:

NOTES: The final proffer statement shall be submitted within twelve (12) calendar days after the Planning Commission meeting when action was taken. If the statement is not submitted within this time frame, the application may be removed from the City Council agenda and delayed until said statement is received. In order to be deemed complete, this proffer statement must be signed and initialed by the owner(s) and the applicant(s). All signatures must be notarized. All initials must be dated (date of initials must match date of signature).

1. The applicants and owners, for themselves, their heirs, personal representatives, assigns, grantees, and other successors in interest or title, voluntarily and without any requirement by or exaction from the

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City of Chesapeake or its governing body, proffers these conditions, acknowledging that the proposed proffers are voluntary, reasonable, specifically attributable to the proposed new residential development or other residential use (including applications for new residential rezoning with a residential component of a mixed use zoning), that all such conditions are in conformity with the City's Comprehensive Plan; and that all offsite proffers, including cash proffers address an impact to an offsite public facility such that the new residential development or use residential use creates a need, or identifiable portion of a need, for one or more public facility improvements in excess of existing public facility capacity at the time of the rezoning or proffer condition amendment and each new residential development or new residential use receives a direct and material benefit from the proffer made with respect to any public facility improvement, and that all such conditions are in conformity with the City's Comprehensive Plan and are offered in accordance with all requirements of state law.

2. The applicants and owners hereby affirm that neither the City, nor any of its officers, employees, or agents suggested, requested or accepted an unreasonable proffer as defined by state law.
3. The applicants and owners acknowledge that the City is in no way obligated to rezone the subject property; that in the event the property is rezoned, the conditions proffered shall continue in full force and effect unless or until they are modified by subsequent amendment to the zoning ordinance; and that the applicants and owners, their heirs, personal representatives, assigns, grantees, and other successors in interest or title, shall not be released from the responsibility of fulfilling each of the enumerated conditions by virtue of any variance or other change in or to the zoning ordinance.
4. The applicants and owners further acknowledge that if any proffer attached to this rezoning is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such proffer shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining proffers in this rezoning, it being the intent that this proffer statement shall stand, notwithstanding the invalidity of any proffer hereof.

This proffer statement supersedes any and all previously submitted proffers.

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WITNESS our signatures. *(This proffer statement must be signed, initialed and dated by all owners of record and by the applicants if the applicants are different from the owners of record. All signatures must be notarized.*

Applicant/Owner:

Applicant/Owner:

sign _____

sign _____

Name, Title _____

Name, Title _____

Company _____

Company _____

Commonwealth/State of _____

City of _____

Subscribed and sworn to before me this _____ day of _____, 20____

by _____

NOTARY PUBLIC

Notary Registration No. _____

My Commission expires: _____

Commonwealth/State of _____

City of _____

Subscribed and sworn to before me this _____ day of _____, 20____

by _____

NOTARY PUBLIC

Notary Registration No. _____

My Commission expires: _____