

**Pantops Hotel – State Farm Boulevard**

**ZMA 2018-00005**

**PROFFER STATEMENT**

**Date:** October 29, 2018  
**ZMA#:** ZMA 2018-00005  
**Tax Map Parcel #:** 07800-00-00-06400 and 07800-00-00-06500  
**Owner of Record:** Kimco, LC

Approximately 4.42 acres to be rezoned from Planned Development Mixed-Commercial (“PD-MC”) to PC-MC with an Application Plan.

The following parcels are subject to rezoning application ZMA 2018-00005 (the “Application”) and thus to this proffer statement: Tax Map Parcels 07800-00-00-06400 and 07800-00-00-06500 (the “Property”). The Owner of the Property is Kimco, LC (the “Owner”). The Applicant and contract purchaser of the Property is PT Hotel, LLC.

The Owner hereby voluntarily proffers that if the Albemarle County Board of Supervisors acts to approve the Application, as requested, the Owner and its successors and assigns shall develop the Property in accord with the following proffers pursuant to Section 15.2-2298 of the Code of Virginia, 1950, as amended, and pursuant to Section 33.22 of the Albemarle County Zoning Ordinance. These conditions are voluntarily proffered as part of the Application, and the Owner acknowledges that (1) the rezoning itself gives rise to the need for the conditions; and (2) such conditions have a reasonable relation to the rezoning requested.

In the event the Application is denied the proffers shall immediately be null and void and of no further force or effect.

1. Development of the Property shall be in general accord with the plan entitled “Zoning Map Amendment 2018-00005 for PT Hotel, LLC” prepared by Bohler Engineering, dated June 18, 2018, last revised April 15, 2019 (the “Application Plan”).
2. The Owner shall reserve the area shown as “Proposed Easement for Future Park (2.0 Acres +/-)” on Sheet 3 of the Application Plan (the “Reserved Land”) for future dedication to the public for a public park and/or a connection to any future park to be constructed on a parcel or parcels adjacent to the Property. Upon the written request of the County, the Owner shall dedicate in fee simple to the County the Reserved Land to permit the construction by the County of public access trails or other pedestrian connections from the Reserved Land to the future park. Such dedication shall occur after final site plan approval, after issuance of Certificate of Occupancy for the proposed hotel use on the Property, and after delivery by the County to the Owner of a written request for such dedication (the “Dedication Request Notice”). The dedication shall be completed within six (6) months after delivery of the Dedication Request Notice. The Reserved Land shall be dedicated by subdivision plat, and

the Owner shall be responsible for the cost of a survey and preparing the deed to convey the Reserved Land to the County.

Witness the following signature:

KIMCO, LC,  
a Virginia limited liability company

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

37205047\_4