

Courts & Ridges of Ashburn Association, Inc.

c/o Property Management People, Inc.

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Commercial Property Timeline

In order to preserve space and avoid repetition, the following should be noted:

The term 'the Board' refers to The Board of Trustees of the Courts and Ridges Association. Mr. Leber refers to Mr. Larry Leber, from Gloucester Capital Partners (and Upshire Realty). The term 'HOA' refers to the Courts and Ridges Home Owners Association.

The term 'Conditions of Approval' refers to the conditions Mr. Leber will meet upon the approval of the commercial property application.

1993 – A zoning application is publicly filed with Loudoun County for a Planned Development called the Ridges at Ashburn, which included a 2.6-acre Neighborhood Commercial Center. This application is filed by the owners of the property at the time – Ashburn Farm Partnership and Belmont Associates (the "Developer").

1994 – Zoning Plans are approved for up to 45,300 square feet of commercial space allowing the land at the corner of Susan Leslie and Claiborne Parkway to be developed as commercial property. Two entrances to the commercial property are approved off of Susan Leslie Drive. This approval is still valid and enforceable today.
The Developer and his successors and assigns are required to provide all subsequent land purchasers with details disclosing the zoning of the commercial property.

1996 – A Special Exception application is publicly filed with Loudoun County for a bank, and a convenience food store with an auto service station and gas pumps. This application is approved in 1997.

1999 – The HOA's community center was subdivided as a lot, and included a landscape strip around the commercial center. The strip is identified as Parcel A-N, and is referred to as the "Outlot."

2003 – The Developer is released from its bond and is no longer involved with the operations of the HOA, however the Developer retains ownership and rights to develop the commercial property.

August 2003 – Toll Brothers Corporation seeks to acquire property from the HOA-owned landscape strip needed for a high-speed turn lane on Clairborne Parkway. Toll Brothers is required to install the turn lane in order to satisfy its proffer obligations for the Belmont Country Club development (see ZMAP 1996-0003, Proffer VII.B.49.). Toll Brothers offers the HOA a token \$1.00 for the transference of the land.

September 2003 – The Board rejects Toll Brothers offer and seeks to retain the land needed for the turn lane, thereby defeating the possibility of any development on the commercially zoned property. The Board confers with legal counsel with regards to preventing the commercial property from ever being developed.

September 2003 – Toll Brothers threatens to acquire the turn lane land through eminent domain. The Board hires an attorney who specializes in land use and acquisitions.

October 2003 – The Board is advised by their attorney that Toll Brothers will prevail in acquiring the turn lane land by eminent domain. To avoid litigation, the Board instructs their attorney to enter into negotiations with Toll Brothers for an equitable settlement.

November 2003 – Toll Brothers agrees to pay the HOA a sum of \$8,000.00 for the transference of the turn lane property and agrees to plant 70 trees in the Courts and Ridges community.

August 2005 – The commercial property is sold to Gloucester Capital Partners, who plans to develop the property as a Walgreens Pharmacy and a bank.

December 12, 2005 – The Board receives an inquiry from Mr. Leber requesting a time when he can meet with the home owners association. The Board instructs the HOA's management company, Property Management People (PMP), to schedule Mr. Leber to meet with the HOA on January 17, 2006.

January 17, 2006 – Mr. Leber meets with the Board and HOA to introduce himself and present the proposed plans for the commercial property. Mr. Leber's representative explains the approval process and explains that changes to the application can still be made for inclusion in the second submission of the application. Mr. Leber agrees to assume responsibility for maintaining the landscape strip owned by the HOA that surrounds the commercial property, and offers a \$10,000 credit to enhance the landscaping of the property between the commercial site and the HOA's recreational area. The Board requests that Mr. Leber attend the HOA's Annual Meeting and discuss with residents, in more detail, ways in which to integrate the commercial property into the community.

February 13, 2006 – Mr. Leber attends the Courts and Ridges Annual Meeting and provides a detailed explanation of the plans for the commercial property. Included in the plans were drawings and architectural renderings. Residents were allowed to ask Mr. Leber questions pertaining to the plans he presented.

Mr. Leber agreed to work with the HOA's Open Space Committee to create a dense landscaping screen between the commercial property and the recreation area. Mr. Leber also agreed to pay all the legal fees required to create a license agreement allowing his company to maintain the Courts and Ridges property along Claiborne and Gloucester Parkways.

March 15, 2006 – Mr. Leber attends the Open Space Committee Meeting to discuss how to best integrate the neighborhood commercial center into the community, including enhanced landscape buffers and fencing.

June 13, 2006 – Mr. Leber attends the Board of Trustees meeting. The Board's attorney, Ray Ceresa, was in attendance. Mr. Leber agrees to having all construction traffic use Claiborne Parkway while the commercial property is being developed. Mr. Leber agreed to coordinate the relocation of the existing barriers with Toll Brothers to prevent construction traffic from entering through the Courts and Ridges community.

June 19, 2006 – The Loudoun County Planning Commission public hearing is conducted for the commercial property application. Notices were mailed in advance to approximately 70 property owners in proximity to the commercial parcel.

The Planning Commission votes unanimously to approve the application, subject to the installation of 'Children at Play' signs along Susan Leslie Drive.

July 2006 – As a result of new comments received at the public hearing concerning the safety of Susan Leslie Drive, Mr. Leber agrees to install 'Children at Play' signs and also agrees to an increase in the landscape credit offered to the home owners association, so that the contribution can also cover the expenses of a fence. The credit is increased from \$10,000.00 to \$12,500.00.

July 2006 – The Board of Supervisors public hearing is conducted for the commercial property application. Notices were mailed in advance to approximately 70 property owners in proximity to the commercial parcel. The Board of Supervisors tables all actions and schedules a public meeting with the HOA to be held in the clubhouse at the Courts and Ridges. The purpose of the meeting is to discuss residential concerns and address any questions pertaining to the commercial property.

August 2006 – The Board holds a public meeting and discusses the concerns the HOA residents have with the development of the commercial property. Mr. Leber, Ms. Sally Gillette and Board of Supervisor Lori Waters and her staff are in attendance.

August 2006 – As a result of meeting with the Board, Mr. Leber amends the Conditions of Approval by increasing the \$12,500.00 landscape credit to a \$15,000.00 cash contribution to the HOA. The contribution is intended to cover the cost of both enhanced landscaping, and additional traffic control issues on Susan Leslie Drive, as voted on by the Board. In addition, Mr. Leber agrees to provide a crosswalk, the installation of a speed hump, traffic signs, and to extend the existing sidewalk from Susan Leslie to Claiborne Parkway along the commercial property.

Upshire Realty's Proposal to the Courts and Ridges of Ashburn

In working with the Board of Trustees during the past year and meeting on five different occasions with the Board and its committees, Upshire Realty agrees to the following conditions as proposed by the Board of Trustees of the Courts and Ridges of Ashburn:

A payment of \$15,000.00 to be spent by the Courts and Ridges Home Owners Association on safety and improvement features relating to the commercial property.

The assumption of responsibility for maintaining the Courts and Ridges owned property that surrounds the commercial property.

The perpetual contribution of half of the entire costs attributed to maintaining Susan Leslie Drive.

The prevention of construction traffic through the Courts and Ridges.

The installation of a speed hump.

The installation of a crosswalk on Susan Leslie Drive.

The installation of traffic control signs.

Limited hours of construction. Construction activity shall be limited to Monday through Friday, between the hours of 7:00 a.m. and 6:00 p.m.

Additional landscaping to enhance the property between the commercial site and the Courts and Ridges recreational area.

The extension of the existing sidewalk on the west side of Susan Leslie Drive down to Claiborne Parkway.