COMMUNITY IMPACT STATEMENT

Developed by
Robert & Debby McCoy

A RESIDENTIAL CLUSTER SUBDIVISION

Charles Town District
Jefferson County WV

Prepared for
The Jefferson County
Planning Commission

Allemont

Submitted to JCDP Staff
October 24, 2007
& approved for the
November 27, 2007 PC Meeting

Prepared by
Dewberry
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SUMMARY

Allemont

Allemont (the historic name for the property now owned by Robert & Debby McCoy) is a proposed cluster subdivision that will conserve existing farm land while allowing the creation of nine cluster lots and a residue lot. It is located along Bloomery Road (WV 27), along the Shenandoah River, northeast of Route 9 and southwest of the Shenandoah River spillway in the Charles Town District. The 9 cluster lots are proposed in the middle of the existing parcel. The residue parcel surrounds three sides of the nine lot subdivision. The residue lot consists of existing farm fields to the west and south and existing forested areas to the east of the proposed cluster subdivision. Ten lots, including the residue will be created.

The property is located approximately one mile east of the intersection of Bloomery Road and Charles Town Pike (Route 9). Each of the nine lots will be two to three acres in size. The residue parcel contains most of the existing farm fields and wooded areas. It also contains a residence and farm building. The subdivision consists of nine single family homes. All of the lots will be served by a road built to County standards. Each lot will have an individual well and sewage disposal system. The residue lot will remain in agricultural use as an equestrian facility and existing residence.

The development is located on a parcel that contains 96.9 acres (per the Jefferson County tax map 20, parcel 4). Approximately twenty-seven percent of the parcel or 31.2 acres will be used to create the nine lot residential cluster subdivision to be entered from the existing farm entrance off Bloomery Road. The lots will be located in the middle portion of the existing parcel near the existing farm complex. Sixty-eight percent of the parcel will remain in agricultural use.

Children residing in the development will attend C. W. Shipley Elementary School, Harpers Ferry Middle School and Jefferson High School at Shenandoah Junction. The proposed development will have little impact upon existing roads due to its small size.

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Concept Plan for Residential Cluster Subdivision

General Description

1. Name, address of Owner/Developer

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3. Tract Size, Shape, Location

The site proposed for the subdivision according to the tax map contains 96.9 acres and is Parcel 4, Charles Town District, Map 20.

The entire parcel is in the approximate shape of a long rectangle. The southern boundary is the banks of the Shenandoah River. Bloomery Road runs parallel to the river cutting off a portion of the site nearest the river. The property extends east-northeast approximately 4800 ft. along Bloomery Road. The Southwestern corner of the property is approximately one mile from the intersection of Bloomery Road and Route 9.

The property is in the Rural District. Farming uses are to the east and west of the site. Millville Quarry is located on several parcels to the north.

According to the Zoning Ordinance, the property can be developed in several ways as follows:

- Into 3 acre or larger single family residential lots with individual wells and septic tanks. One lot can be developed for every 15 acres of land area.
- Into 40,000 sq. feet to 3 acre single family residential lots with individual wells and septic tanks. One lot can be developed for every 10 acres of land area.
- A lot that was of record as of Oct. 5, 1988 may create 3 lots (including the residue) during any five year period.

Below is a table explaining the development rights under the residential subdivision requirements of the Zoning Ordinance for the parcel:

Table Indicating Development Rights

Parcel No.	Acreage Per 1988 tax map & deeds	Acreage Per Prop. Tax Records	Dev. Rights 1 lot /15 acres	Dev. Rights Cluster 1 lot/ 10 acres	Lots proposed
Parcel 4 Map 20 , Charles Town District	96.9 acres	96.25 acres	6 lots + 1 residue	9 + 1 residue	
Total	96.9 acres	96.25 acres	**7**	**10**	**10 lots total**

In designing the subdivision, the developer took into account the existing terrain and woodlands and determined that it would be best to develop this subdivision as a cluster type subdivision so that more of the farmland area and existing woodlands would be preserved. A cluster subdivision will have a lesser impact by clustering the proposed lots in a smaller area between the existing farm complex, the existing woodland and the existing floodplain currently being used to produce hay.

The intersection closest to the proposed Allemont entrance is Bloomery Road (WV Route 27) and Charles Town Pike (WV Route 9) located approximately 6000 feet to west of the proposed entrance.

See Exhibit I for Site Location at page 49

4. Project Design

Allemont consists of nine residential cluster lots plus 1 residue lot containing the existing farm complex. The cluster lots are proposed toward the center of the rectilinear parcel. The proposed development is surrounded on three sides by existing farmland and woodland. The fourth side backs to an existing high tension electric line and the Millville Quarry parcels. The subdivision is to be developed as single family residential lots with individual wells and septic systems. A residue lot containing the existing farm building complex, fields, most of the wooded hillside and the river frontage is located to the west, south, and east of the proposed subdivision. The residue lot sets aside 16+ acres of in a preservation area in accordance with hillside development requirements.

The proposed entrance location to both the cluster subdivision and the existing farm will be where the existing farm driveway enters Bloomery Road. Romanche Drive will follow the line of existing driveway for approximately 200 ft. before turning to the east to serve the nine lots. The farm driveway will have a new entrance off of Romanche Drive.

None of the cluster lots will adjoin Bloomery Road and the retention of the existing hay fields along Bloomery Road will maintain the rural character of the road. More than two thirds of the

property will remain in its current use or other agricultural uses as defined by the Zoning Ordinance (agriculture, ranching; horse breeding, boarding, riding and training facility) and in woodlands. The existing farm house and majority of the associated buildings and existing woodlands will remain. Only the garage, the shed next to the barn and the paddock shed are to be removed.

The lots will range in size from two acres to three acres. Allemont will be accessed off of Bloomery Road by a graveled road (Romanche Drive) within a 40' right of way built to County standards ending in a cul de sac. After crossing the floodplain, the proposed road will curve off to the east running parallel with the river for approximately 300' then curve up towards the north rising up the hillside and terminating in a cul-de-sac. A second cul-de-sac (Cheval Court) will tee off of the main subdivision road.

Access to the residue parcel will be slightly altered. In contrast to the existing farm access, the main subdivision road (Romanche Drive) will curve eastward after crossing the floodplain. Consequently the farm driveway will also curve so that the drive intersects the main subdivision road midway along the curve at a 90 degree angle. This configuration is good for sight distance as well as reducing traffic speeds.

After creation of the subdivision, a 68.9 acre residue lot will be created (the remainder parcel). This lot currently contains a residence and farm buildings. The owner plans to add some additional equestrian facilities (as allowed under the definition of agriculture in the Zoning ordinance) at some time in the future. The existing garage and a paddock shed which are in bad condition are to be removed. The shed next to the barn is also to be removed. The owner recognizes that the future facilities will require additional processing for a site plan through the County's Zoning Ordinance.

All the new lots will face a graveled road constructed to County standards and located within a forty foot wide right of way. Vehicular access to the residential subdivision will be from Bloomery Road via the one entrance.

Approximately 1700 linear feet of graveled road and two 80' diameter cul de sacs will serve the residential subdivision. The 18' wide graveled road is proposed (with 2' shoulders each side) within a forty feet wide right of way. This will allow all road side ditches to be located within the right of way. Storm water management will be provided on site in the ditches wherever possible with the design and location to be determined at Preliminary Plat stage.

Additionally because the property is located on the west side of the Shenandoah River, the Subdivision Regulations at Article 14 require that all land in natural condition within 1000 feet of the Shenandoah River be subject to this Article. A slope analysis was done and approved by the County Engineer. In accordance with the analysis, 15.83 acres of the site is to be maintained in natural condition. The actual area to be preserved will be located during the Preliminary Plat stage. It will be located in the eastern portion of the site on the residue lot (both woodlands and flood plain) and may also include some land on the actual lots. It is also the intent of the owners to preserve as much of the existing woodland as possible that is currently on the residue lot.

See the Concept Plan located in the rear pocket of the folder

5. Number, Approximate Size, Location of Lots

Nine residential cluster lots and one residue lot are created. Each of the nine cluster lots in the subdivision will have an area between two acres and three acres. The largest cluster lot will contain a maximum of three acres and the smallest lot will contain 2.4 acres. Average lot size is 2.9 + acres for the residential cluster lots.

The residue lot located east, south and west of the subdivision will contain 68.9 acres.

See the Concept Plan located in the rear pocket of the folder

6. Topography

The site has a varied topography. Basically the site consists of a southern river floodplain and two hills, one in the western quadrant and the other in the eastern quadrant. The hills are divided by a moderately large wet weather swale. There are two other onsite swales, one adjacent the eastern boundary and the other adjacent the western boundary. All three swales discharge into the floodplain which ultimately drains into the Shenandoah River.

The floodplain area runs west to east on the north side of Bloomery Road. The floodplain enters the site at the southeast corner of the property at approximate elevation 340'. By the time it exits the site at the south east corner it is at approximate elevation 337'. Currently, the floodplain is being used for pastureland and hay production.

The western quadrant of the site rises up from the floodplain with slopes between 10 and 15% to the approximate elevation of 400' where slopes flatten to 2 to 5% and the farm house with its associated buildings are located. The high point on this hilltop is at 410.7'.

The eastern quadrant of the site is substantially steeper with slopes primarily of 25% to 35% rising to a high point of 643'. No flattened hilltop exists in this area.

The area to be developed into the cluster subdivision is between the two hilltops in the center of the parcel adjacent to the moderately large wet weather swale.

See Exhibit 2 Topography at page 50

7. Soil and Drainage Characteristics

The soils found at Allemont are mostly of the Downsville series. These soils comprise over 33% of the site. The Downsville series is mainly within the existing farm complex and most of the adjacent fields which are to remain. Some of the steeper sloping Downsville soil areas (20%) are within the proposed cluster lots.

The woodland area is primarily composed of Bagtown soil. This is steep and stony soil. More than 28% of Allemont is Bagtown soil. Most of this series (+80%) is located within the unmanaged woodland hillside. Approximately 8 acres or half of the hillside development preservation area is covered in Bagtown soil.

Hagerstown soil series covers the majority of the area proposed for the cluster lot development (approximately 13% of Allemont). Hagerstown soil is a deep well drained soil formed from weathered limestone. Permeability is moderate. A small portion of the site contains Hagerstown Opequon (mixed soils – rock outcrop complex) on steep slopes.

About 20% of Allemont is within the Shenandoah River 100 year floodplain along Bloomery Road. Soils here are the most fertile consisting of Combs fine sandy loam and Lindside silt loam. This area is currently managed as hay fields and is to remain as such.

The hilltop located in the northeast corner of Allemont is composed of the Edgemont soil series. These are gravelly soils on steep slopes. The Edgemont soil series makes up approximately 3% of the site.

Approximately 3% of Allemont is composed of Funkstown soil. This soil is located in the swales of the northern farm fields. "It is a very deep, moderately well drained moderately permeable soil" which has "washed down from surrounding uplands which covers the underlying limestone residuum," according to the U.S. Dept. of Agriculture Soil Conservation Service.

The following information is from the U.S. Dept. of Agriculture Soil Conservation Service website (Web Soil Survey, August 2007)

Map Unit Legend

Jefferson County, West Virginia (WV037)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
BaD	Bagtown gravelly loam, 15 to 25 percent slopes, very stony	8.8	8.4%
BnF	Bagtown very flaggy loam, 25 to 65 percent slopes, rubbly	19.7	18.8%
Cs	Combs fine sandy loam	13.9	13.2%
DsB	Downsville gravelly loam, 3 to 8 percent slopes	13.0	12.4%
DsC	Downsville gravelly loam, 8 to 15 percent slopes	12.6	12.0%
DsD	Downsville gravelly loam, 15 to 25 percent slopes	7.6	7.3%
EgC	Edgemont gravelly loam, 8 to 15 percent slopes	2.1	2.0%
EgD	Edgemont gravelly loam, 15 to 25 percent slopes	2.4	2.3%
Fk	Funkstown silt loam	3.6	3.4%
HbC	Hagerstown silt loam, 8 to 15 percent slopes	8.2	7.8%
HgE	Hagerstown-Opequon-Rock outcrop complex, 15 to 35 percent slopes	5.1	4.8%
Ln	Lindside silt loam	6.4	6.1%
W	Water	1.5	1.5%
Totals for Area of Interest (AOI)		105.0	100.0%

BAGTOWN SERIES

The Bagtown series consists of very deep, well drained soils that have moderately slow or slow permeability. They have formed in colluvial materials on mountain back slopes, footslopes, colluvial fans, and benches. Slopes range from 3 to 45 percent. Mean annual temperature ranges from 50 to 54 degrees F. and annual precipitation ranges from 38 to 50 inches.

RANGE IN CHARACTERISTICS:

Solum thickness ranges from 50 to 75 inches, depth to bedrock is greater than 60 inches, and seasonal high water table ranges from 48 to 60 inches. Rock fragments of gravels, cobbles, stones and channers make up 15 to 45 percent in the surface and in the subsoil, but averages less then 35 percent in the partical size control section, and 15 to 50 percent in the substratum. The soil is strongly or very strongly acid unless limed.

The A horizon has hue of 10YR to 7.5YR, value of 2 through 4, chroma of 2 through 6. Texture is silt loam, loam or sandy loam in the fine earth fraction.

The BE horizon has hue of 10YR through 2.5Y, value of 4 through 6, chroma of 6 through 8. Texture is silt loam, loam or sandy loam in the fine earth fraction.

The Bt horizon has hue of 5YR through 10YR, value of 4 through 6 and chroma of 4 through 8. Texture is loam, clay loam, sandy clay loam, or sandy loam in the fine earth fraction. Some pedons have weak medium platy structure in spots. This pedon exhibited fragic characteristics in places but not expressed strong enough to classify as a fragipan to meet current standards.

The BC horizon is similar in color and texture to the Bt horizon. The C horizon has hue of 5YR through 10YR, value of 4 through 6, chroma of 4 through 8. Texture is loam, sandy loam, or clay loam in the fine earth fraction.
Rock is variegated with hue of 2.5YR, 5YR, 10YR, and 2.5Y; there seems to be a high iron content in the rock and is very hard.

GEOGRAPHIC SETTING: *Bagtown soils are on mountain backslopes, benches, footslopes, and colluvial fans of the Blue Ridge Province (MLRA 130). Slopes range from 3 to 45 percent. The soils developed in colluvial material derived from light-gray to medium-gray quartzite, conglomerate, and meta-graywacke. The lower foot slopes have a sandy phyllitic shale and siltstone components. Mean annual temperature ranges from 50 to 54 degrees F. and annual precipitation ranges from 38 to 50 inches.*

GEOGRAPHICALLY ASSOCIATED SOILS: *These are the Stumptown on the summit positions and by rock outcrops. Braddock, Buchannan, Murrill, Trego and Weaverton on the lower foot slopes and colluvial fans or concave positions.*

DRAINAGE AND PERMEABILITY: *Well drained. Runoff is moderate to rapid. Permeability is moderately slow or slow in the subsoil and substratum.*

USE AND VEGETATION: *Most areas are in wood lands or forest production. Some areas are used for orchard production or pasture land.*

COMBS SERIES

The Combs series consists of deep, well drained, soils on flood plains and low stream terraces, formed in loamy alluvium washed chiefly from soils formed in residuum of weathered sandstone, siltstone, and shale. Permeability is moderate or moderately rapid. Slopes range from 0 to 4 percent. The average annual temperature is about 55 degrees F., and the average annual precipitation is about 48 inches.

RANGE IN CHARACTERISTICS: *Solum thickness is more than 40 inches. Thickness of the mollic epipedon ranges from 10 to 24 inches. The soil ranges from medium acid to neutral throughout. Coarse fragments are commonly lacking but range up to 15 percent.*

The Ap or A horizon has hue of 10YR or 7.5YR, value of 3, and chroma of 2 or 3. It is silt loam, sandy loam, loam, or fine sandy loam.

The Bw horizon has hue of 10YR or 7.5YR, value of 4 or 5, and chroma of 4 to 6. It is loam, silt loam, sandy loam, or fine sandy loam. Some pedons have sandy clay loam below a depth of 40 inches.

Some pedons have a BC horizon with color and texture ranges like that of the Bw horizon.

The C horizon, where present, has hue of 10YR or 7.5YR, value of 4 or 5, and chroma of 4 to 6. Mottles are in shades of brown or gray. It is loam, silt loam, sandy loam, or sandy clay loam. Some pedons are stratified.

GEOGRAPHIC SETTING: *Combs soils are on low stream terraces and flood plains. Slope gradients commonly range from 0 to 4 percent. These soils formed in alluvium washed chiefly from soils of weathered sandstone, siltstone, and shale origin and in places limestone. Average annual air temperature ranges from 53 degrees to 59 degrees F., and average annual precipitation ranges from 40 to 50 inches.*

GEOGRAPHICALLY ASSOCIATED SOILS: *These are the Bessener (proposed) Cutshin, Gilpin, Grigsby, Rowdy, Shelocta and Speedwell (proposed) series. Bessemer and Speedwell soils are fine-loamy. Cutshin soils have more than 15 percent coarse fragments, and are on nearby steep mountain sides. Grigsby soils lack mollic epipedons. Rowdy soils lack mollic epipedons and are on similar landscapes along smaller streams. Gilpin and Shelocta soils have argillic horizons and are on nearby steep mountain sides.*

DRAINAGE AND PERMEABILITY: *Well drained. Runoff is slow or medium and permeability is moderate or moderately rapid. Most areas flood.*

USE AND VEGETATION: *Nearly all areas are cleared and used for growing cultivated crops and pasture. Crops include corn, small grains, burley tobacco, hay, and garden or truck crops. Native vegetation was a mixed hardwood forest interspaced with cane breaks.*

DOWNSVILLE SERIES

The Downsville series consist of very deep, well drained, moderately permeably soils that form in old alluvium composed of sandstone, shale, limestone and to a lesser extent chert. They occur on nearly level to steep, old stream terraces along major water courses. Slopes range from 0 to 45 percent. Mean annual temperature ranges from 50 to 54 degrees F. and annual precipitation ranges from 38 to 50 inches.

RANGE OF CHARACTERISTICS: *Solum thickness ranges from 60 to 110 inches. Depth to bedrock is greater then 60 inches. Rock fragments of sandstone, shale, limestone, and chert, range form 15 to 40 percent in the Ap and BE horizons, and from 35 to 70 percent in the Bt and BC horizons, and from 3 to 25 percent in the 2C horizon. Rock fragments are gravel, cobble, and channer in size. Reaction ranges from very strongly acid to neutral where limed.*

The A and Ap horizon has hue of 7.5YR or 10YR, value 3 through 5, chroma 4 or 6. In wooded areas chroma ranges from 2 through 6. Texture in the fine earth fraction is commonly gravelly loam, but includes sandy loam, fine sandy loam, or silt loam, and their gravelly analogous . Gravels range form 15 to 30 percent and cobbles range form 0 to 10 percent. Reaction ranges form slightly acid through neutral where limed and from slightly acid to moderately acid.

The BE horizon has hue of 7.5YR through 10YR, value 4 or 5 and chroma of 4 to 8. Texture in the fine earth fraction is commonly loam, but includes sandy loam, fine sandy loam or silt loam and their gravelly analogous. Gravels range form 15 to 30 percent and cobbles range from 5 to 15 percent. Reaction ranges form slightly acid through moderately acid.

The Bt horizon has hue of 2.5YR through 7.5YR, value of 4 or 5 and chroma of 4 through 8. Texture in the fine earth fraction is commonly clay loam or sandy clay loam, but includes loam and their gravelly analogous. Clay textures are common in the lower portions of the Bt horizon. Gravels range form 35 to 60 percent and cobbles range from 5 to 20 percent. Reaction ranges form very strongly acid to strongly acid.

The BC horizon has hue of 2.5YR through 7.5YR, value of 4 or 5 and chroma of 4 through 8. Texture in the fine earth fraction is commonly clay loam or sandy clay loam, but includes clay and their gravelly analogous. Gravels range form 35 to 60 percent and cobbles range from 0 to 15 percent. Reaction ranges form very strongly acid to strongly acid.

The 2C horizon has hue of 7.5YR through 10YR, value of 4 through 6, and chroma of 4 through 8. Texture in the fine earth fraction is commonly loam, or silt loam, but includes clay loam and their channery analogous. Gravels and Channers range from 5 to 20 percent. Reaction ranges from very strongly acid to strongly acid.

GEOGRAPHIC SETTING: *The Downsville soils are on high stream terraces, approximately 100 to 250 feet above the active flood plain. Topography is dominantly rolling and hilly but ranges from undulating to steep. Slopes range form 0 to 45 percent. These soils formed in old alluvium or unconsolidated material of sandstone, shale, limestone and chert. Limestone rock outcrops are common when this material is overlying limestone bedrock. Sink holes make up approximately 5 percent of the landscape when over limestone bedrock. Mean annual temperature ranges form 50 to 54 degrees F. and annual precipitation ranges from 45 to 55 inches.*

GEOGRAPHICALLY ASSOCIATED SOILS: *These are Monongahela, Tyler, Murrill, Hagerstown, Duffield, Ryder, Opequon, Berks, Calvin, and Weikert. Monongahela and Tyler are moderately well drained and some what poorly drained respectively. Hagerstown, Duffield, Ryder, and Opequon form from limestone residuum. Berks, Calvin, and Weikert formed from shale. Murrill is formed from colluvial material and is fine loamy in the fine earth fraction.*

DRAINAGE AND PERMEABILITY: *Downsville soils are well drained. Runoff is medium and permeability is moderate.*

USE AND VEGETATION: *Most of the soil is in cultivated crops such as corn, soybean, small grain, hay crop, pasture, or to a lesser extent truck crops. Forest are oak, hickory, maple, yellow poplar, walnut, locust, and White pine. Some areas are left open for wildlife habitat.*

EDGEMONT SERIES

The Edgemont series consists of deep and very deep, well drained soils formed in the weathered residuum of quartzitic rocks. They have moderate to moderately rapid permeability. Slopes range from 0 to 70 percent. Mean annual precipitation is about 41 inches and mean annual temperature is about 53 degrees F.

RANGE IN CHARACTERISTICS: *Solum thickness ranges from 20 to 40 inches. Depth to bedrock ranges from about 3-1/2 to 7 feet. Kaolinite is the dominant mineral in the clay fraction with detectable amounts of illite, vermiculite, montmorillonite, chlorite and interstratified clays. Gravel, channers, and stone size fragments of quartzite and quartz are present throughout the profile. Rock fragments range from 5 to 40 percent in the horizons of the solum and from 10 to 90 percent in the C horizon. Weighted average of rock fragments is less than 35 percent in the control section. Reaction ranges from extremely acid to strongly acid throughout.*

The A horizon has hue of 10YR to 5YR, value of 3 to 6, and chroma of 0 to 4. Texture is loam, sandy loam, fine sandy loam, and silt loam. The A horizon is generally channery or gravelly.

The Ap horizon (where present) has hue of 7.5YR to 10YR, value of 2 through 6, and chroma of 3 or 4. Values, when dry, are 6 or higher. Textures are loam, sandy loam, fine sandy loam, and silt loam.

The E horizon has hue of 7.5YR, 10YR, 2.5Y or is neutral, value of 4 through 6, and chroma of 2 through 6. Texture is loam, fine sandy loam, sandy loam, or silt loam.

The B and BE horizons have hue of 7.5YR and 10YR, value of 4 through 6, and chroma of 4 to 8. Textures are primarily loam, particularly in the Bt2, but sandy loam, fine sandy loam, sandy clay loam and clay loam textures are included in the range. The silt content in the B horizon is less than 40 percent. Structure is weak or moderate, fine or medium blocky or subangular blocky. Clay films occur on ped faces, in pores and bridge sand grains in the Bt horizons.

The BC horizon (where present) has hue of 7.5YR and 10YR, value of 4 through 6, and chroma of 4 through 8. Texture is loam, fine sandy loam, sandy loam although it ranges to include loamy sand, sandy clay loam, and clay loam.

The C horizon has hue of 7.5YR and 10YR, value of 4 through 7, and chroma of 1 through 8. Texture is dominantly sandy loam although it ranges to include loamy sand, loam and clay loam.

GEOGRAPHIC SETTING: *These soils are on sloping to steep hills and ridges. The regolith is from metaquartzite, quartzite, quartz schist and quartz conglomerate. Stones are common*

surface features. Climate is continental with warm summers and cold winters. Average annual air temperature is 47 to 59 degrees F. Rainfall averages 35 to 48 inches and is evenly distributed throughout the year.

GEOGRAPHICALLY ASSOCIATED SOILS: *These are the Brandywine, Catoctin, Chester, Dekalb, Glenelg, Hazleton, Highfield, and Manor. Brandywine, Catoctin and Dekalb lack argillic horizons and have more than 35 percent coarse fragments in the control section. Chester, Glenelg and Highfield soils have Bt horizons containing more than 40 percent silt. Hazleton and Manor soils lack an argillic horizon and have less than 18 percent clay in the control section.*

DRAINAGE AND PERMEABILITY: *Well drained, negligible to high runoff and moderate to moderately rapid permeability.*

USE AND VEGETATION: *Mixed hardwood forest composed principally of yellow poplar, red oak and ash. Some areas have been cleared of trees and are being used for cropland, hay and pasture.*

FUNKSTOWN SERIES

The Funkstown series consists of very deep, moderately well drained, moderately permeable soils. They have formed from colluvial and alluvial material washed down from surrounding uplands which covers the underlaying limestone residuum. They occur on upland drainageways and head slopes. Slopes range from 0 to 3 percent. Mean annual temperature is 50 to 54 degrees F, and mean annual precipitation is about 38 to 50 inches.

RANGE IN CHARACTERISTICS: *Solum thickness ranges from 40 to 60 inches. The A horizon ranges from 8 to 15 inches thick, but can range up to 22 inches thick in some places. Lithic contact is greater then 72 inches. Depth to underlaying residuum ranges from 25 to 60 inches. Depth to the top of the argillic is above 40 inches. Rock fragments composed of chert, quartzitic sandstone, and limestone gravel range from 0 to 25 percent in the Ap horizon, and 10 to 60 percent in individual subhorizons of the Bt and Bw horizon, but averages to be less than 35 percent. The 2Bt and 2C horizon has rock fragments of predominantly limestone which range from 5 to 25 percent. The reaction ranges from moderately acid to slightly alkaline throughout the profile.*

The Ap horizon has hue of 7.5YR, through 10YR value of 3 through 5, and chroma of 3 through 6. Texture in the fine earth fraction is silt loam, loam, or silty clay loam. Reaction ranges from slightly acid to slightly alkaline.

The BE horizon has hue of 7.5YR through 10YR, value of 3 through 6, and chroma of 3 through 6. Texture in the fine earth fraction is silt loam, loam, or silty clay loam. Reaction ranges from slightly acid to neutral.

The Bt and Bw horizon has hue of 5YR through 10YR , value of 4 through 6, and chroma of 4 through 8. Texture in the fine earth fraction is silty clay loam, clay loam, loam, or silt loam. Reaction ranges from slightly acid to neutral.

The 2Bt horizon where present has hue of 5YR through 7.5YR, value of 4 through 8, and chroma of 4 through 8. Texture in the fine earth fraction is commonly silt loam, loam, or clay loam, but also includes in some pedons silty clay, silty clay loam and clay. Reaction ranges from moderately acid to neutral.

The 2C horizon has hue of 5YR through 2.5Y, value of 4 through 8, and chroma of 4 through 8. Texture in the fine earth fraction is commonly silt loam, loam, or clay loam, but also includes in some pedons silty clay, silty clay loam and clay. Reaction ranges from moderately acid to neutral.

GEOGRAPHIC SETTING: *Funkstown soils occupy upland draws and head slope positions. Slopes range from 0 to 3 percent. Funkstown soils formed in colluvial and alluvial material washed from surrounding upland soils, over limestone residuum. Mean annual precipitation ranges from 38 to 50 inches, and mean annual air temperature ranges from 51 to 53 degrees F.*

GEOGRAPHICALLY ASSOCIATED SOILS: *These are the Dunning, Huntington, Lindside, Melvin, Timberville, and Warners soils. The Dunning, Huntington, Melvin, and Warners soils have a mollic epipedon. Lindside contains less than 15 percent sand in the particle size control section. Timberville soils contain more than 35 percent clay in the particle size control section.*

DRAINAGE AND PERMEABILITY: *Moderately well drained. Runoff is slow. Permeability is moderate.*

USE AND VEGETATING: *Most areas are in crops or pasture. In urban settings, they are in waterways or open spaces.*

HAGERSTOWN SERIES

The Hagerstown series consists of deep and very deep, well drained soils formed in residuum of hard gray limestone. Slope ranges from 0 to 45 percent. Permeability is moderate. Mean annual precipitation is 30 to 45 inches. Mean annual air temperature is 45 to 58 degrees

RANGE IN CHARACTERISTICS: *Solum thickness ranges from 40 to 72 inches, however, clay content decreases by more than 20 percent if deeper than 60 inches. Depth to hard limestone ranges from 40 to 84 inches or more. In limed soils, the upper part of the solum ranges from slightly acid through slightly alkaline and the lower part of the solum and substratum ranges from moderately acid through neutral. Hagerstown soils are low in rock fragments with less than 15 percent by volume. The weighted average clay content of the textural control section is between 35 and 60 percent.*

The A or Ap horizon has hue of 10YR, 7.5YR, or 5YR, value of 3 to 5, and chroma of 2 to 4. Texture is silt loam, loam, clay loam, and silty clay loam.

The BE horizon has hue of 7.5YR or 5YR, value of 4 or 5, and chroma of 4 to 8. Texture is loam or silt loam.

The Bt horizon has hue of 5YR or 2.5YR, value of 4 or 5, and chroma of 4 to 8. Subhorizons of some pedons are 7.5YR. Texture is silty clay, clay, or silty clay loam.

The BC or BCt horizon has hue of 7.5YR to 2.5YR, value of 4 or 5, and chroma of 4 to 8; it ranges from being uniform in color to moderately variegated. Texture is silty clay, clay, clay loam, or silty clay loam.

The C horizon if present has hue of 10YR to 2.5YR, value of 4 to 6, and chroma of 4 to 8; it ranges from being uniform in color to moderately or highly variegated. Texture ranges from silt loam, loam, clay loam, silty clay loam to clay. In many pedons the C horizon is absent or is a very thin transition horizon between solum and bedrock.

GEOGRAPHIC SETTING: *Hagerstown soils occupy valley floors and the adjacent hills. In some areas rock outcrops are common surface features. Most slopes are less than 15 percent but range up to 45 percent. The soils developed in materials weathered from hard gray limestone of rather high purity. The climate is temperate and moderately humid, with a mean annual temperature of 45 to 58 degrees F. and mean annual precipitation of 30 to 45 inches.*

GEOGRAPHICALLY ASSOCIATED SOILS: *These are the Athol, Baltimore, Benevola, Clarksburg, Duffield, Dunmore, Edom, Elliber, Elk, Frankstown, Frederick, Conestoga, Murrill, and Opequon soils. Athol, Baltimore, Conestoga, Duffield, Elk, Frankstown, Murrill and Wiltshire soils have less than 35 percent clay in the textural control section. Baltimore and Benevola soils have an Ap horizon with a value of less than 3.5. Clarksburg, Dunmore and Frederick soils have a Bt horizon 50 to 75 inches thick that is dominantly kaolinitic in mineralogy. Edom soils have sola less than 40 inches thick. Opequon soils are less than 20 inches to bedrock.*

DRAINAGE AND PERMEABILITY: *Well drained. The potential for surface runoff is moderate to high. Permeability is moderate.*

USE AND VEGETATION: *General crops, pastures, orchards, and truck crops. Large areas are in non-farm uses. Native vegetation is mixed hardwoods, including black walnut.*

OPEQUON SERIES

MLRA(s): 116A, 121, 124, 128, 147
Depth Class: Shallow

Drainage Class (Agricultural): Well drained
Saturated Hydraulic Conductivity Class: Moderately high to moderately low
Permeability Class (obsolete): Moderate to slow
Landscapes: Limestone uplands; mountains, hills, valleys, karst
Parent Material: Residuum weathered from relatively pure limestone or dolomite. In some areas the bedrock and the solum may contain chert.
Slope: 0 to 100 percent
Mean Annual Air Temperature (type location): 52 degrees F.
Mean Annual Precipitation (type location): 40 inches

RANGE IN CHARACTERISTICS:

Solum Thickness: 12 to 20 inches
Depth to Bedrock: 12 to 20 inches
Rock Fragment content: Fragments of limestone and chert range from 0 to 35 percent, by volume, throughout the soil
Soil Reaction: Strongly acid to moderately alkaline.
Other features--Some pedons have B horizons which strongly effervesce in the lower part.

GEOGRAPHIC SETTING:
Landscapes: Limestone uplands; mountains, hills, valleys, karst
Landforms: Mountain slope, hillslope, valley side, karst valley. Rock outcrops are commonly associated with Opequon soils.
Hillslope Profile Positions: summits, shoulders, backslopes
Parent Material: Residuum weathered from relatively pure limestone or dolomite. In some areas the bedrock and the solum may contain chert.
Slope: 0 to 100 percent
Elevation: 330 to 3000 feet
Frost-free period: 130 to 190 days
Mean Annual Air Temperature: 48 to 58 degrees F.
Mean Annual Precipitation: 35 to 50 inches

GEOGRAPHICALLY ASSOCIATED SOILS:
All of the following geographically associated soils are more than 20 inches deep to bedrock: Bratton soils, Caneyville soils, Carbo soils, Chilhowie soils, Edom soils, Elliber soils, Faywood soils, Funkstown soils, Hagerstown soils, Murrill soils, Oaklet soils, Poplimento soils, Vertrees soils, and Watahala soils

DRAINAGE AND SATURATED HYDRAULIC CONDUCTIVITY:
Drainage Class (Agricultural): Well drained
Internal Free Water Occurrence: Very deep and absent
Index Surface Runoff: Negligible to very high
Saturated Hydraulic Conductivity Class: Moderately high to moderately low
Permeability Class (obsolete): Moderate to slow
Shrink-swell Potential: High

Flooding Frequency and Duration: None
Ponding Frequency and Duration: None

USE AND VEGETATION:
Major Uses: Largely in permanent pasture. In some areas, non-rocky areas are used for crops. Dominant Vegetation: Where cultivated--alfalfa, small grains, corn. Where wooded--native vegetation was mainly mixed oaks. Cedars are common on unmanaged pasture and abandoned fields.

LINDSIDE SERIES

The Lindside series consists of very deep, moderately well drained soils formed in alluvium washed mainly from lime influenced soils on uplands. They occur on nearly level flood plains. Permeability is moderate. Slope ranges from 0 to 3 percent.

RANGE IN CHARACTERISTICS: *Solum thickness ranges from 25 to 60 inches. The soil ranges from strongly acid to mildly alkaline in the upper part, unless limed, and from moderately acid to mildly alkaline in the lower part of the profile. Rock fragments range from 0 to 5 percent within a depth of 40 inches and from 0 to 30 percent below. Depth to redoximorphic depletions ranges from 14 to 24 inches.*

The Ap horizon has hue of 7.5YR or 10YR, value of 3 through 5, and chroma of 2 or 3. Dry value is 6 or more. Undisturbed areas have a thin A horizon with hue of 7.5YR or 10YR, value of 2 or 3, and chroma of 1 to 3. The A horizon is silt loam, silty clay loam, or loam.

The BA, Bw, and BC horizons have hue of 7.5YR to 2.5Y, value of 4 or 5, and chroma of 3 to 6, above a depth of 20 inches and 1 to 4 below. Some pedons have moist value of 3 and chroma of 2 where dry value is 6 or more. They are silt loam or silty clay loam, and in some pedons there are thin strata of very fine sandy loam, fine sandy loam, loam, or clay loam.

The C horizon has hue of 7.5YR to 2.5Y, value of 4 to 6, and chroma of 1 to 4, except chroma of 6 and 8 are allowed if colors are mixed. Texture of the fine-earth fraction is silty clay loam, silt loam, loam, clay loam, very fine sandy loam, fine sandy loam, and sandy loam and may be stratified.

GEOGRAPHIC SETTING: *Lindside soils are nearly level soils on flood plains and in upland drainageways. Slopes are mostly 0 to 3 percent. The soils formed in recent alluvium washed mainly from limestone influenced uplands. Average annual precipitation ranges from 35 to 55 inches, and temperature ranges from 45 to 57 degrees F.*

GEOGRAPHICALLY ASSOCIATED SOILS: *These are the Ashton, Chagrin, Clarksburg, Dunning, Huntington, Melvin, Newark, Nolin, Sciotoville, and Wheeling soils. Ashton, Sciotoville, and Wheeling soils are on terraces and have argillic horizons. Chagrin soils are well drained. Dunning and Melvin soils are poorly drained. Newark soils are somewhat poorly drained. Clarksburg soils have a fragipan.*

DRAINAGE AND PERMEABILITY: *Moderately well drained. Runoff is medium and permeability is moderate.*

USE AND VEGETATION: *Most areas are cleared and cultivated or pastured. Original vegetation was mixed hardwoods*

See Exhibit 3 for soil map and additional soil information on pages 51 - 60.

8. Existing Natural or Man-Made Features

Natural Features:

The parcel contains floodplain, fields and some woodland, mainly in the northeast quadrant of the property and in scattered clumps as well as along some fence lines and swales. It is in farm use. Fields are in pasture and currently used for grazing horses. The woodlands are not being harvested.

Woodlands in these soils are typically different varieties of oaks, maple, and some white pine, hemlock, hickory, yellow poplar, and Virginia pine. Rocky areas are located within some of these wooded clumps and fence rows. Wooded fence rows are also located on the site.

The Jefferson County Comprehensive Plan includes a sinkhole map. This map identifies two sinkholes close to the northwest corner of the Allemont on the adjacent parcel.
The topographic survey provided information on these two offsite sinkholes plus a smaller onsite sink hole approximately 200' northwest of the other two. No development is proposed within 500' of the sink holes.

These sink holes are shown on page 61, Exhibit 4, Sinkholes Map and are labeled on the Allemont Concept Plan in the rear pocket.
Most of the site is located in Zone C according to FIRM Community Panel No. 540065 0051B. The site also includes area indicated as Zone A18 which is labeled as FEMA floodplain on the Concept Plan. The Zone A18 floodplain parallels Bloomery Road running west to east the extents of the property.

The Concept Plan also indicates the located floodplain based upon the FIRM elevations.

According to the Wetlands Map at Exhibit 5, there are no wetlands on the site. If there are any on-site, they may be located within the Ashton, Landes or Lindside series soils located within the 100 floodplain area. If any wetlands are found, appropriate measures will be taken to protect them.

See Exhibit 5 Wetlands Map at pages 62 - 64

Manmade Features:

Within the confines of the site, tree rows exist along farm fences. An existing gravel drive provides access from Bloomery Road across the floodplain and up the hill to the existing farm, barn and associated buildings. An electric line enters the southwest quadrant of the site. The line is from a utility pole located on parcel 3 belonging to Barbara Moulton. It currently provides power for the entire Allemont parcel.

There is an existing well and septic drain field for the existing farm complex which is to remain undisturbed.

No manmade ponds or quarries exist upon the property.

See Exhibit 10 for existing conditions at page 92

9. Existing Structures

The existing farm complex is substantially to remain intact. The frame garage which has succumbed to decay generated by years of vine cover and a small paddock shed are proposed to be removed. Both are in poor condition. Also the shed next to the barn is to be removed. No existing utilities are to be removed.

House:

Front of house from road entrance

Front & side from the east

The property contains an existing house and farm buildings located towards the center of the property and reached by the existing driveway located in the center of the property.

The existing house is a clapboard house dating from the 1820s with modern additions. The house is a two story irregular 5 bay house constructed of wood with clapboard siding over a stone foundation with modern infill and possibly an addition. One brick chimney is located to the east and has had its foundation redone (concrete). The chimney and fireplace may also have been redone. Bricks can be seen on either side of the chimney. Another chimney is located between the 3rd & 4th bay.

In the older section of the house, second story windows are six over six (panes) while the 1st floor windows are nines over nines (panes). Modern storm windows have been installed over the older windows. From a distance, the windows appear to be original. In the addition windows

are modern single pane windows. The house entrance is located off center at the second bay and a rear door with no stoop is also located in the second bay. The front door has been altered with a large glass pane at the top and two panels below. The rear door is a two panel solid wood door. Another entry is located to the west and appears to be a modern door.

A front and side porch have been added to the house some time after the original construction. It sits on a stone wall and stone piers. The porch flooring is wood with a shed roof and wraps around the eastern side of the house. Wooden stairs lead to the ground.

The clapboard on the house is quite old with the front clapboard having a simple rounded detail at the bottom, while the other two original sides appear to have simple split clapboards. The clapboard appears in good condition. The modern addition appears to have modern wood siding that is similar in style to the existing siding.

The roof is an unusual gable roof in that it breaks to a flatter slope about midway along the slope. The present roof is corrugated metal (not original). The house also appears to have had a sleeping porch half way across the rear at some date (now filled in with a modern addition.

Rear of house, note modern addition

Side of house from entry drive showing modern addition

The house has been noted as a category II house on the 2007 Jefferson County Landmarks Commission Historic buildings Survey and noted as eligible for the National Historic Register (note: The property is currently not listed on the WV or National Historic registers.).

House Accessory Structures

Garage to be removed

Smoke House

Small empty cottage type building

To the east of the house is a frame single car garage with sliding doors. It is overgrown with vines, is not in use and will be removed. Next to the garage is a concrete block smoke house, also overgrown with vines. It may have a root cellar (note the wooden cellar door to the right of the existing wooden door.

In the far northwest corner of the garden is a small cottage type building that appears to be constructed of vertical wood siding with an asphalted shingle type covering. The windows appear to be older windows (possibly taken from the house). The building is in poor shape and overgrown with vines.

Barn:

Side & rear dairy barn with silo, shed in front.

Front dairy barn with milking parlor

The frame barn dates from the 1930s and is noted as a category III in the new County historic survey. It has a metal roof and an attached concrete block one story wing with a metal roof and ventilators. The barn has 6 over six windows on the ground level and wooden ventilators at the second level. The wing contains the milking parlor. The barn is in generally good shape.

Other Farm Buildings:

Wooden shed to west of barn (to be removed)

Barn & milking parlor with shed to the east

A frame shed on a concrete foundation is located to the west of the barn. It has sliding barn type doors and metal roofing. It is to be removed. A concrete block paddock shed with metal roof is located to the east of the barn. It is in poor shape and will be removed.

Paddock shed to be removed

Tractor shed


Open stable building


Storage building

Within the paddock to the north of the barn is a small concrete block, metal roofed building used to shelter the horses. An open pole type shed with metal roof houses the tractors and farm machinery. A concrete block, metal roof open sided building is used as a stable and a concrete block building with metal roof are also located on the property.

10. Existing Easements, Right of Way

Bloomery Road (WV Route 27) is presently contained within a 30 feet right of way near the southern boundary the property.

No other rights of way or other presently existing easements are known except for those noted in Title Insurance Policy at Exhibit 12 at pages 93 - 98

11. Existing Covenants and Restrictions

In the Deed listed at book 548 Page 00431, the following Covenants and Restrictions are as noted:

The real estate hereby sold will be conveyed subject to and together with certain restrictive covenants and tights to purchase for the adjoining lands (Allen and Hopewell Farm), which shall run with the respective lands, and shall inure to the benefit of the parties hereto, and their heirs, personal representatives, and assigns, for a period of not more than 50 years from the date hereof, except as the same may be released in writing by the owners of the respective farms, to-wit:

a) No building of any kind shall be constructed or placed on the real estate hereby sold which is located within 900 feet of any portion of the main dwelling house situated on the adjoining Hopewell tract (now owned by Seller), or within 200 feet of the division boundary between the Allen Farm and the Hopewell Farm; nor shall any building be constructed or placed on any portion of the cleared land or field on the Allen Farm, which lies along the public road, or between the road and the Shenandoah River, and this exclusion shall be construed as excluding trailers, campers, tents, or any other kind of camping.

Also included in the above listed deed are reciprocal rights of first refusal to purchase.

In the Deed listed at book 548 Page 00595, the following Covenants and Restrictions are subject to utility easements of record, rights of West Virginia within the boundaries of the public road (Rte. 27) and as noted:

1. The adjoining "Hopewell tract" reserves the right to "draw water from the existing well or other water facilities on the Allen farm (a.k.a. Allemont) for domestic purposes and any other use associated with occupancy of the Hopewell farm, and this water right shall run with the land and endure for a period of not more than 50 years from the date hereof, unless terminated by mutual agreement. (Date of agreement 11/22/85, expiration date of water rights 11/22 /2035)

   The above covenant is subject to the "clarification of contract of sale and deed" dated 1st day of June, 2004, book 991, page 00010 with the following additional clarifications:

   - The Allen Farm well shall continue to supply potable water to the log cabin so long as the main Allen Farm house stands or until a mutually agreed written termination of this right is recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia.
   - The owner of the Allen Farm shall maintain the well and supply tank. The cabin owner shall maintain the existing, and any replacement, underground water line running from the Allen Farm well to the cabin, and all hookups and related equipment at the cabin. Testing and maintenance of water quality shall be apportioned as may subsequently be agreed to by the parties involved.
   - The amount of water to be drawn shall be limited to the domestic need of the legal resident(s) of the cabin including minor yard watering and washing of a vehicle used for personal transportation and shall not be used for any other purpose.
   - It shall be the responsibility of the cabin owner and tenant to maintain the cabin plumbing free of continuous leaks and dripping, and to take all reasonable measure to avoid wasting of water.
   - If the owner of the cabin fails to exercise due diligence in repairing a substantial water leak (i.e., a leak which threatens to limit the usual and customary level of water use of the Allen Farm) in a reasonable period of time, the Allen Farm owner may, after written notice, delivered by certified main, return receipt requested or comparable service, shut down said water supply until repairs have been made.
   - Any damages to the underground line shall be the responsibility of the party causing the damage through direct action or negligence, and that party shall exercise due diligence in arranging and paying for the necessary repair of replacement in a timely manner.
   - If the main house at the Allen Farm should be destroyed by fire or other disaster, the Allen Farm owner shall not be held responsible for continuing to maintain the water supply to the cabin after the date of said disaster.
   - Covenants run with the land.

2. The below covenant is subject to the "clarification of contract of sale and deed" dated 1st day of June, 2004, book 991, page 00010 which states "whereas, by an agreement dated July 18, 1993, Barbara Moulton Browne released said covenant, the release being recorded in the aforesaid clerk's office (Office of the Clerk of the County Commission of Jefferson County, West Virginia) on April 11, 1996 in Release Book 144 at page 96.

   "No building of any kind shall be constructed or placed on the real estate hereby conveyed which is located within 900 feet of any portions of the main dwelling house situated on the adjoining Hopewell Farm or tract or situate within 200 feet of the division boundary between the Allen farm and the Hopewell farm; nor shall any building be constructed or placed on any portion of the cleared land or field on the Allen farm, which lies along the public road, or between the road and the Shenandoah River; and this exclusion shall be construed as excluding trailers, campers, tents, or any other kind or camping. This restriction shall also run with the land, and shall be binding upon the parties hereto, their heirs, personal representatives, successors and assigns, for a period of not more than 50 years from the date hereof, unless terminated by mutual agreement.

3. Conveyance shall also be subject to certain limitations and rights of first refusal appertaining to both the Allen farm hereby conveyed, and the adjoining Hopewell farm, which are more particularly set forth in a certain Contract of Sale between the parties hereto, dated November 5, 1985, and of record in the Clerk's office aforesaid, to which reference is made.

   Note, the contract of sale restates the above covenants and gives both the buyer and the seller the right to match an offer for the Hopewell Farm and the Allen Farm respectively.

In the Title Insurance Policy issued to the owners, the above covenants and restrictions are noted as well as two easements for electric lines. A copy of Schedules A & B of the title Insurance Policy is included at Exhibit 11, pages 93 to 98.

12. Approximate Size, Etc., of Areas to be Dedicated

A new gravel road will be constructed within the subdivision. It will be contained within a forty feet wide right of way. There will be two roads built to County standards serving the subdivision. Both will end in a cul de sacs.

The main road and right of way serving the 10 lots will be approximately 1525 feet long with an additional 80 feet diameter gravel cul de sac. The smaller road will only be approximately 170 feet long with an additional 80 foot diameter gravel cul de sac. Both roads will be dedicated to the Home Owners Association (H.O.A.). for maintenance and upkeep. The total dedication area is approximately 1.9 acres.

Storm water management is to be within the roadside ditches wherever possible. For rear draining lots, low berms for storm water quality are proposed. Actual design will be determined at Preliminary Plat stage. Where necessary, easements will be provided and dedicated to the H.O.A.

Storm water drainage easements will be provided to protect all storm water management areas including any drainage swales not on roads and areas on any lots that contain alluvial soils. These easements will be determined at preliminary plat stage and dedicated to the H.O.A. An estimated 1.4 acres of storm water management easement will be established crossing the rear of lots 1 - 4

An entry sign, a school bus shelter, centralized mail box area and vehicle pull off area for the shelter and mail boxes will be located near the entrance to the subdivision and will be dedicated to the H.O.A. for maintenance (exact locations to be determined at preliminary plat stage).

16.15 acres located on the residue lot will be dedicated to the H.O.A. for enforcement of the hillside slope requirements per Section 14.2 of the Subdivision Ordinance to maintain this land in substantially natural condition (no clearing, cutting or filling). The land will remain part of the residue lot.

Approximately 1.1 Acres is proposed to be dedicated to the W.V.D.O.H. (West Virginia Division of Highways) for the eventual widening of Bloomery Road from our existing 30 foot right of way to a 50 foot right of way. It will consist of two 10 feet wide strips on either side of the existing right of way..

See the Concept Plan located in the rear pocket of the folder for general locations.

13. Intended Improvements

Subdivision Roads:

As previously stated, an internal graveled entrance road, approximately 1,530 feet in length will be constructed for the subdivision. It will terminate in a cul de sac. Two thirds the way up the hill, a short second road will tee into the entrance road. The second road is also within a 40' right of way, is approximately 160 feet in length and will also terminate in a cul de sac. An entrance sign will be placed at the entrance to the subdivision off of Bloomery Road. The roads will be constructed within a forty feet wide right of way and will meet the requirements of Section 8.2.a of the Subdivision Ordinance. Once the road is past the floodplain, the road will veer to the east running parallel with the floodplain, cross the existing swale, then curve northward and ascend up the hill.

Subdivision Storm Drainage:

Storm water management quality requirements will be addressed through the use of check dams within trapezoidal ditches and low berms to contain runoff from rear draining lots. The low berms will be used for quality retention for rear draining lots.

Where required, storm drainage easements for drainage and access will be created. Due to the close proximity to the Shenandoah River, it is possible that the "Quick Release" methodology may be appropriate for quantity control. If this is so determined (during actual design of the

storm water management devices which occurs at Preliminary Plat stage) all appropriate steps and consultations will be taken. The storm water management system will meet the requirements of Section 8.2.c of the Subdivision Ordinance.

Other:

A school bus shelter/mail box area and a graveled pull off area will be constructed near the entrance to the development. Exact location will be determined at preliminary plat stage.

Planned Improvements by purchasers to individual lots:

Water: Individual wells will be constructed on each lot by the lot purchaser in accordance with Jefferson County Health Department requirements.

Sewer: Individual septic systems will be constructed on each lot by the lot purchaser in accordance with Jefferson County Health Department requirements.

14. Intended Land Uses

Nine residential cluster lots, not including the residue lot will be produced as part of the subdivision. All these lots will be used for single-family residences. Each lot will contain a single family dwelling and any related accessory buildings to be built within the required setbacks and height limitations of Jefferson County. The residue lot will continue in agricultural use for the foreseeable future.

15. Intended Earthwork

Earthwork for this subdivision will include grading to construct the road into the subdivision from Bloomery Road, road side trapezoidal ditches and the storm water berms. In as much as possible the road will follow natural contours.

Earthwork is expected to consist of cut and fill operations within the road right of way and the creation of the storm water management devices. In order to minimize construction costs, earthwork should be balanced. Any excess earthen material will be spread and compacted where possible without disturbing the natural lay of the land. Approximately 5% of the overall site will be graded as part of the construction and development of the subdivision. This includes all the roads and storm water management facilities.

As part of the earthwork, all appropriate measures including silt fences, check dams and sediment traps in accordance with County, State and Federal regulations will be taken.

If blasting becomes necessary in order to construct the proposed roads, it will be done in accordance NFPA495: Explosive Materials Code 2006. as regulated by the State Fire Marshall's Office.

16. Proposed Covenants and Restrictions

Proposed Covenants are found at Exhibit 6 on pages 65 to 69.

The proposed covenants take into account the existing restrictions on the land, particularly with regards to allowed uses.

17. Tentative Schedule

Once approval has been received from all governing bodies, clearing for the subdivision roads and SWM devices should start within 90 days. Rough grading and clearing of the site for road construction should occur within 180 days. The nine lots may be sold over a period of two years with an anticipated schedule of four to five lots a year. Timing of the actual construction of individual homes will depend upon the purchasers of the lots.

18. Market, Feasibility Study

This subdivision is similar to other scattered subdivisions located in the rural portion of Jefferson County. Similar subdivisions include Rattlesnake Run on the Potomac, Falcon Ridge on Route 9 near the Shenandoah River, Mission Ridge on Route 9 on the eastern side of the Shenandoah River, Avon Bend and Tulip Hill.

A search of for sale lots on three real estate sites in Jefferson County was conducted in early August 2007. On the next page is a tabulation of these for sale lots.

No.	acreage	price	Subdivision or community	Notes
1.	4.2 acres	325,000	Tulip Hill	75+% of lot in floodplain. Waterview.
2.	3.0 acres	175,000	Falcon Ridge	Limited Water view
3.	0.8 acres	144,900	Avon Bend	Ex. Subdiv., Waterfront, non-floodplain.
4.	17+ acres	1,150,000	Shepherdstown	Dam Number 4 Road, Waterfront
5.	4.0 acres	299,000	Mission Ridge	Well installed, Water view
6.	7.8 acres	265,000	Mission Ridge	50 mi view, adj. Rte 9
7.	4.7 acres	459,000	Mission Ridge	good river view
8.	3.0 acres	281,000	Rattlesnake Run	New Subdivision, Riverfront
9.	3.2 acres	249,000	Rattlesnake Run	New Subdivision, Backs to Park
10.	11.4 acres	650,000	Rte 9/Shenandoah	Waterfront, no HOA
11.	8.7 acres	450,000	Mission Ridge	good river view
No.	**acreage**	**price**	**Subdivision or community**	**Notes**
12.	6.5 acres	438,500	Mission Ridge	Water view
13.	6.4 acres	349,900	Rock Ferry Station	Water front/Water View
14.	2.6 acres	325,000	John Brown	Water view

			Farms	
15.	3.5 acres	324,900	Rock Ferry Station	Water view
16.	3.0 acres	299,900	Rock Ferry Station	Water view
17.	3.5 acres	249,000	Shenandale	Water view
18.	5.0 acres	199,900	Rock Ferry Station	Water view
19.	5.2 acres	199,900	Valley View	199,900

County wide, this selection of lots ranged in price from $144,000 for 0.75 acres to 17 acres for $1,150,000. Average lot prices per acre according to subdivision ran:

- Tulip Hill $ 78,125
- Falcon ridge $ 58,333
- Avon Bend $193,200
- Shepherdstown (Dam #4 Rd.) $ 67,647
- Mission Ridge $ 60,300
- Rattlesnake Run $ 85,900
- Rte 9/Shenandoah River Parcel $ 57,018
- Rock Ferry Station $ 65,620
- John Brown Farms $125,000
- Valley View $ 38,422

Average lot price overall was $66,038 per acre.

The Avon Bend listing above in comparison to the rest of the listings may seem atypical to the current market price trends. We should point out though that it is the smallest as well as the most expensive price per acre. It is located in an older built out subdivision.

Taking a look at the real estate market, the market has been on a downward trend since midsummer 2006. Most impacted by this trend have been new homes on developed lots. This property is a small subdivision consisting of nine lots. As can be seen from the above, there were 19 river view lots available in August 2007. We also note that this subdivision will probably not have lots available unit mid to late 2008 at which time the market may have recovered. Riverview lots though generally expensive are desirable and will sell over a period of time.

19. Project Cost

Development costs include construction, engineering, surveying, planning, Planning Commission fees, percolation tests and Health Department fees and site development will total approximately $200,000.

20. Funding Sources

The project will be funded privately using local lending institutions and investors. This subdivision located near the Shenandoah River, with each lot having views of the river and surrounded by equestrian uses on the residue lot will be of interest to person desiring second homes or retirement homes in a rural setting.

PHYSICAL IMPACTS

1. Earthwork

Only those portions of the nine lot residential subdivision where the graveled road or storm drainage devices are to be constructed will be stripped as part of the land development. The remainder of the subdivision will be left in its natural state until house construction by lot purchasers.

It is anticipated that approximately 5% of the site may be stripped of surface vegetation to construct roads and the storm water management facilities.

Grading is expected to occur mainly along the route of the proposed roads. It should be as closed to balanced as possible. Since there is always the possibility that non-ripable stone may be in the path of a cut, blasting may be required. If blasting does become necessary, it will be done in accordance with NFPA495: Explosive Materials Code 2006. as regulated by the State Fire Marshall's Office.

The road construction may modify slightly the natural drainage patterns on the site. Storm water will be routed as much as possible through the roadside trapezoidal drainage swales with check dams for quality control. During construction, water runoff will be controlled by strategically placed stone check dams, sediment basins and silt fences.

2. Conversion of Farmland

This property is zoned rural. It is currently in agricultural use, though a portion of the land is in unmanaged woodland. The entire parcel contains 96.9 acres of which 26.1 acres will be converted into residential cluster lots, 1.9 acres will be dedicated to the H.O.A. for the 40' road right of ways, and 1.8 acres will be dedicated highway easement. 1.4 acres will be in a storm water management easement which will cross the rear of lots 1 – 4. Once the subdivision is created, 68.9 acres will be retained in farming use or 68% of the original parcel.

The development of this subdivision will lead to the loss of 29.4 acres of land presently available for farming (the nine lots, SWM easement dedication and the H.O.A. dedicated roads; the highway dedication is not included). We note that approximately a third the area to be developed is currently unmanaged woodlands.

The 68.9 acres residual lot will continue in agricultural use. The existing farm complex will continue as an equestrian facility; hay will still be harvested from the floodplain area and the majority of the eastern wooded hillside will remain undisturbed. The impact of this subdivision upon agricultural land or upon open space will not be as great as it would seem due to the large size of the lots and the insulating effect of the residue parcel. Since the residue parcel surrounds the cluster development on three sides, the eastern, southern and western boundary, it in essence will act as an agricultural buffer. We note that the proposed residential use is allowed within the rural zone.

3. Wildlife Population

Based on information currently available to the Wildlife Resources Center at the West Virginia Division of Natural Resources, there are no known endangered species within the project area.

According to the 1973 Soils Survey of Jefferson County, soils are classified as well suited, suited, poorly suited or not suited for specific types of wildlife. Wildlife is specified as openland wildlife, woodland wildlife and wetland wildlife. According to the Survey, some of the soils found on the site are well suited for both openland, woodland wildlife. and wetland wildlife.

- "Openland wildlife refers to birds and mammals that normally live in cropland, meadow, pasture and areas overgrown with grasses, weeds and shrubs. Examples are bobwhite, quail, ring necked pheasant, mourning dove, cottontail rabbit, meadow lark, killdeer and field sparrow."
- "Woodland wildlife refers to birds and mammals that normally live in wooded areas. Examples are ruffled grouse, white-tailed deer, squirrel, raccoon, wood thrush, warbler, and vireo."
- "Wetland wildlife refers to birds and mammals that normally live in wet areas such as ponds, marshes, and swamps. Examples are duck, geese, heron, snipe, rail, coot, muskrat, mink, and beaver"

See Exhibit 7 Letter to DNR at page 71

4. Groundwater and Surface Water Resources

Surface Water:

There appears to be no surface water on the entire parcel, though a moderately large wet weather drainage swale (as discussed previously) is located on the property. Drainage is generally to the south and east and flows towards the Shenandoah River approximately 1200 feet, bisecting the Allemont parcel till it enters the floodplain. The flow then turns east and runs parallel on the north side of Bloomery Road where it exits the parcel towards the southern end of the western boundary.

The U.S. Fish and Wildlife's wetland map depicts no wetlands on Allemont. If any areas are identified at the preliminary plat stage as wetlands, appropriate steps, including buffers will be provided to ensure that any identified wetlands on site are not harmed.

WVDEP responded by phone to the request for information on groundwater resources in the project and surrounding area. There are no areas of concern within the vicinity of the project site.

See Exhibit 5 Wetlands Map at page 62 for surface water sensitive areas within one mile of the site

Ground Water Resources:

Regarding ground water, the most current study is "Fracture Trace Map & Single Well Aquifer Test Results in a Carbonate Aquifer in Jefferson County WV" done by McCoy, Podwysocki, Crider and Weary, USGS in 2005. "Geohydrology, Water Availability and Water Quality of Jefferson County, WV" by the USGS, 1991 was the main source used to date for information.

The subject property according to the map in the 2005 and figure 2 of the 1991 study both agree that the Allemont site is underlain by saccharoidal dolomite, dolomitic marble and silty metasandstone. Both the saccharoidal dolomite and the dolomitic marble are carbonate rock while the metasandstone is noncarbonated rock.

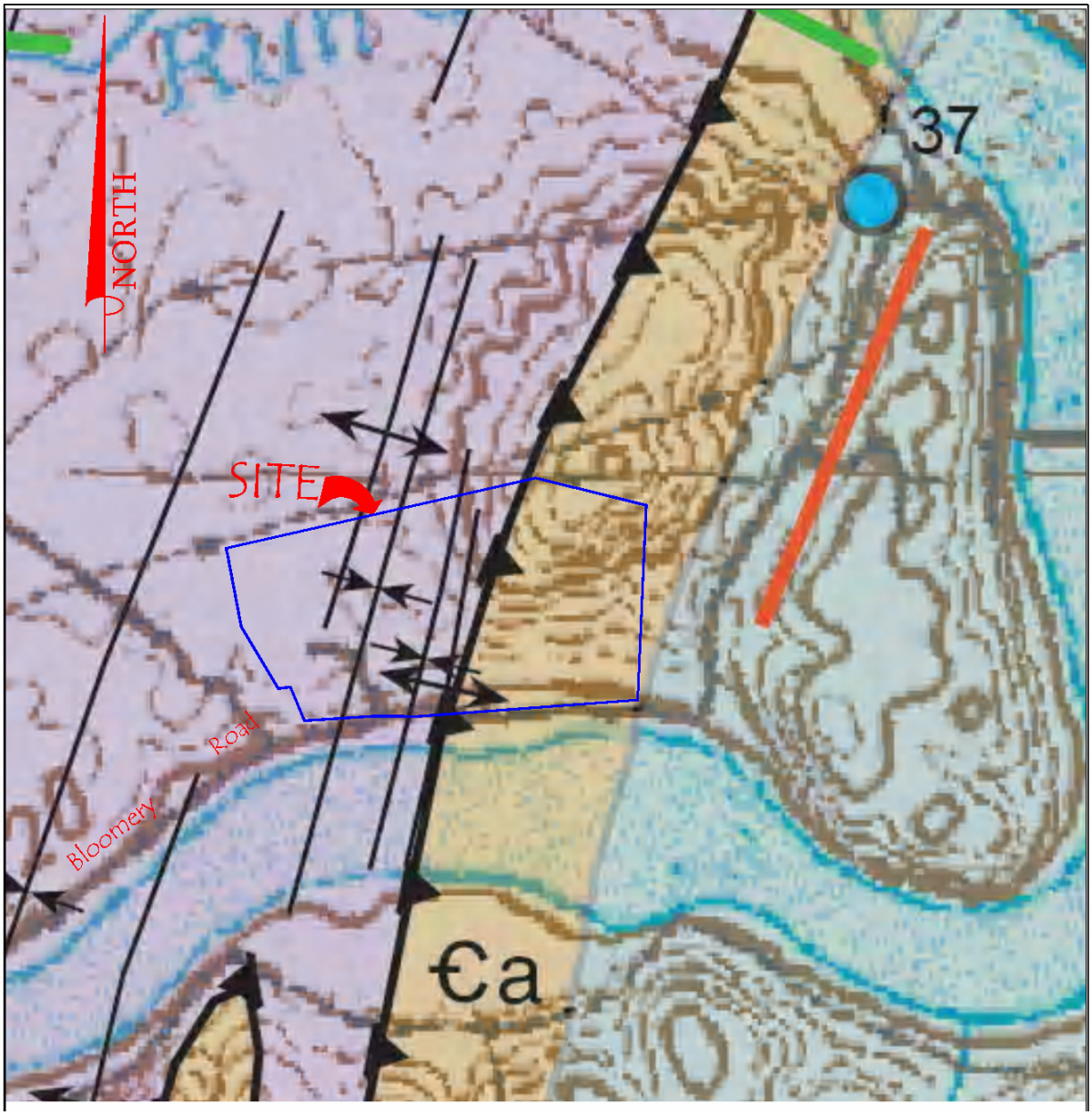
Below is the description from the 2005 study:

DESCRIPTION OF MAP UNITS

Ct **Tomstown Formation (Lower Cambrian)** -- Medium-light-gray to medium-gray saccharoidal dolomite and dolomitic marble containing thin layers of sericite. Poorly exposed. Thickness about 1175 ft

Ca **Antietam Formation (Lower Cambrian)** -- light-olive-gray to olive-gray, medium- to coarse-grained, medium-bedded, locally ferruginous, micaceous, silty metasandstone interbedded with very-fine-grained, silty metasandstone to sandy metasiltstone. Thickness about 800 ft

On the next page is the map of the area from the 2005 study:



- Green lines indicate cross strike fracture traces,
- bold black lines with teeth indicate thrust faults (teeth indicate direction of upper plate);
- thin black lines indicate folds
- red lines are strike-parallel fracture trace.
- blue circles indicate tested wells
- dot size is proportional to transmissivity values.

The portion of the parcel to be developed has no fracture traces located on it. It does however have a thrust fault bisecting the parcel where the dolomitic upper plate overtakes the sandstone lower plate Transmissivity {the ability of the aquifer to transmit water} is higher closer to a thrust fault, thus, it is likely wells in close proximity would be more productive. On the other hand, the wells would be more vulnerable to contamination due to higher transmissivity.

The chart below shows information on the nearby well shown above:

Well No.	Well Depth (ft. below surface)	Casing depth (ft.)	Well Diameter (in.)	Transmissivity (ft.2/d.)	Specific capacity (gpm/ft.)	Static Water Level (ft. below surface)	Aquifer Unit	Pumping discharge (gpm)	Drawdown (ft.)	Pump Test duration (min.)
37	152.0		6	600	2.75	50	Harpers Formations	33.0	12.00	90

The 2005 study concludes that wells located adjacent to targeted geologic features are likely to produce a wide range of yields and that wells located within 100 meters of a fracture trace have a higher median value for tranmissivity .

The closest well data above indicates a well depth of 152 feet, specific capacity at 2.75 gpm/ft and 33 gpm pumping discharge. It should be pointed out though that the above mentioned test well is on the Harpers formation while the wells for the Allemont site will be on the Tomstown Dolomite formation.

In table 3 of the 1991 study, out of 111 wells tested for yield, 5 were in Tomstown dolomite. The well yields were:

- 4 produced 1 – 10 gallons/minute
- 4 produced 11 - 50 gallons/minute
- 1 produced 51 - 100 gallons/minute

Table 4 of the same study quotes data from the U.S. Geological Survey Ground-Water Site Inventory data base. Out of the 34 test wells located in Tomstown dolomite, 35% of them or 12 were 0 – 100 feet deep. The remaining 65% or 22 wells were between 100 – 399 feet deep.

Table 4 also indicates yields for 9 wells in the dolomite formation as such:

- 44% or 4 produced 1 – 10 gallons/minute
- 44% or 4 produced 11 – 50 gallons/minute
- 12% or 1 produced 51 – 100 gallons/minute

According to the 1991 study, carbonate rock "underlies the central 86% of the County. Although the soils overlying the aquifer are only moderately permeable, surface run off is negligible. The aquifer is recharged primarily from precipitation."… "Ground water levels fluctuate in response to recharge or discharge from the aquifers….the depth to water varies with geologic and topographic setting. For example, the depth to water in eight wells in valley areas underlain by carbonates rocks ranges from 5 to 105 ft. and averages 30 ft"

According to Figure 7 of the 1991 study, the water table at the site should be below the 350 ft. contour. The Allemont topographic elevations range from approximately 337' in the floodplain to 642' on the northeast boundary. No lots are proposed at elevations higher than 550'.

It should be noted that prior to being able to obtain a building permit, the owner of each lot will have to obtain a permit from the West Virginia Health Department and the individual wells will have to meet both construction and water quality standards as promulgated by the State of West Virginia.

Storm Water Management:

Storm water will be controlled upon the property through the use of drainage swales, road side ditches with check dams, and other measures as determined during design. Due to the close proximity to the Shenandoah River it is possible that the "Quick Release" methodology may be appropriate for Quantity control. If this is so determined, during actual design of the storm water management devices which occurs at Preliminary Plat stage, all appropriate steps and consultations will be taken. The storm water management system will meet the requirements of Section 8.2.c of the Subdivision Ordinance.

In addition, erosion and sediment control will include installation of stone check dams, silt traps and silt fence to be placed at strategic locations in drainage swales and around all areas where the soil has been disturbed by construction activity.

Wells:

A letter was submitted to the Jefferson County Health Department for available data relating to the existence of contaminated wells within 1000 feet of this proposed subdivision. A response has been received. There is no record of any contaminated wells within 1000 feet of this proposed subdivision. Letters are being sent to the WVDEP and the WVBPH

See Exhibit 7 Letters from Agencies for copy of letter from the Health Department at page 72 and for copies of letters sent to other agencies at pages 73 and 74

5. Visual and Land Use Compatibility

The property is located in the Rural District. Surrounding uses to the east, and west are principally agricultural with scattered large lot residential development. On the east side of the property are a couple of houses. On the west side of the property are a couple of houses within 200' of the adjacent property line one of which is believed to be abandoned. To the south is the Shenandoah River. Across the River are a camp colony, wooded undeveloped property and minor scattered development. On the north side of the property are two parcels belonging to Millville Quarry. The 60' high tension power lines easement crosses the Quarry parcels close to the Allemont line.

The nine lot subdivision will be surrounded on three sides by the existing farm pastures to the south and west and the wooded hillside to the east. North of the subdivision is the top of the hill where the power lines cross the two parcels belonging to Millville quarry. The actual area being actively quarried is approximately 4,000 feet north of Allemont buffered by an expanse of woods.

The residue parcel of 68.9 acres will be retained in agricultural use and is to the west and south of the proposed lots.

By placing the cluster subdivision to the north and in the center of the parcel, the existing view from Bloomery road will be minimally altered. The farm field to the south and west and the woodland to the east will buffer the surrounding properties and visually separate them from the new subdivision.

Plans call for the development to contain nine single family cluster residential lots in a subdivision, all two to three acres in size; with a residue lot of 68.9 acres. Total lots to be created will be nine residential lots, not including the residue.

Though there is scattered development in the immediate vicinity of the property, the creation of residential lots is allowed by the Zoning Ordinance in the rural zone. The proposed development will be in accordance with the Zoning Ordinance and will be visually compatible with surrounding uses. We note that in either side of the existing property are existing single family homes, the Moulton "Cabin" to the Couth and Hopewell to the north.

6. Sensitive Natural Areas

Sinkholes:

The Jefferson County Comprehensive Plan includes a sinkhole map. This map identifies two sinkholes close to the northwest corner of the Allemont on the adjacent parcel. The topographic survey provided information on these two offsite sinkholes plus a smaller onsite sink hole approximately 200' northwest of the other two. No development is proposed within 500' of the sink holes.

Care will be taken during preliminary plat engineering to protect the existing sink holes from new run off by ensuring that any storm water run off from impervious surfaces does not enter these areas. Since the proposed land development is so far away from the sinkholes it is not likely any protective measures will be necessary, but, if for any reason construction activity may affect the existing sinkholes, all necessary protective measures will be taken. These protective measures are typically the use of silt fences and temporary and/or permanent berms to divert any drainage created by construction from entering these areas. Storm water discharge from proposed improvements is proposed to be directed away from these areas. If any further sink holes are discovered during construction, appropriate measures will be taken to protect these found sink holes from new run off as stated above.

See Exhibit 4 Sink Hole Map at page 61 and Concept Plan in rear pocket.

Other Sensitive Areas:

No other sensitive natural areas appear to exist within the confines of the site. If any are discovered during construction, best management practices of sediment and erosion control will be implemented to ensure that those areas remain undisturbed.

SOCIAL IMPACTS

1. Demand for Schools

Based on information provided by the Jefferson County School Board as part of its impact fee analysis, there are 0.64 (0.55 per 2000 census) children for each single family residential unit in the County. We have further broken these numbers down, using the 2000 Census age tables for Jefferson County as follows: 0.29 elementary, 0.15 middle school, 0.05 ninth grade and 0.15 senior high for single family detached homes.

Based on the creation of nine residential lots in the subdivision plus a residue lot already containing a residence, the maximum impact on the schools system of this property at this time would be 9 newly created lots. We have used this number in our calculations below.

Ages 5-10: 9 x 0.29 = 2.61 or 3 Kindergarten through Fifth Grade students would attend C. W. Shipley Elementary School (current enrollment of 439 children (10/15/06 figures), SBA capacity of 357).

According to the *State of the Schools Report 2005* prepared by JCPS, *"In 2003-2004, Shipley was named as a West Virginia School of Excellence. The School operates a complete academic and fine arts program to a student population that has grown more diverse over the last several years. The school boasts over 500 years of teaching experience through a highly motivated staff. During the current year, approximately 60% of the students earned that mastery lever or above on the state writing assessment, which is well above the state average.*

Space needs and retention of teachers are issues facing Shipley. The school is one among many that is looking toward increasing teacher retirements in the years ahead; therefore, the hiring and retention of teachers is of concern."

Ages 11-13: 9 x 0.15 = 1.35 or 2 Sixth Grade through Eighth Grade students would attend Harpers Ferry Middle School (current enrollment of 472 children (10/15/06 figures), SBA capacity of 326).

According to the *State of the Schools Report 2005* prepared by JCPS, Harpers Ferry Middle School is experiencing "*student population growth occurring at all grade levels … The school has received Budget Digest funs to upgrade the auditorium and to purchase new band uniforms."*

36% of the student population is involved with honors courses. 90% of the students have reached the mastery level and above on the state Writing Assessment program.

Age l4: 9 x .05 = .35 or 1 ninth grader will attend the 9th grade complex at Jefferson High School for 9th grade (current enrollment of 655 children, SBA capacity of 600).

Ages 15-17: 9 x 0.15 = 1.35 or 2 Tenth through Twelfth Grade students would attend Jefferson High School (current enrollment of 1646 children, SBA capacity of 1349). `The total calculation for 10th through 12th grade is 1.70 students or 2 students. Total enrollment in both buildings is currently 2,374. (10/15/06 figures) (The SBA capacity for the 9th grade building is 600 and 1349 for the 3 year high school for a total of 1949). Based on the redistricting Plan formulated by the JCBOE, high school students from this development will attend the new Washington High School due to open for the 2007-08 school year.

According to the *State of the Schools Report 2005* prepared by JCPS, *"JHS is the largest high school in WV…JHS operates on a departmental basis and is involved in a major renovation project at the main campus building. The auditorium has been completed with work to begin soon… to relieve crowding. With the completion of a new high school, the current JHS 9th grade complex will become a middle school, with the ninth grade being split between the renovated JHS and the new high school."*

JHS currently makes use of 11 classrooms in portable buildings.

We note that for every residential unit built, no matter who resides in it, an impact fee will be paid to mitigate any impact of additional school age children on the Jefferson County School System. It is anticipated that the construction of homes on this parcel will pay a total of $95,895 (9 x $10,655) in impact fees based on the impact fee schedule (effective on 4/1/06), no matter who resides in the development. These funds will be used by the Board of Education to provide capital improvements to the school system to offset the impact of new development in the County.

According to our calculations the number of school children generated by this development could range from 6 to 8 children. This number of children will have a minimal impact upon the school system. Furthermore, the opening of the new high school in 2008-09 will allow for the redefining of school districts and the freeing up of space at both the middle school and high school level.

A letter was sent in July 2007 (using 2006 enrollment figures) to the JCBOE regarding the school impact.

See Exhibit 7, page 76 for letter to JCPS.

2. Traffic

The subdivision will generate an additional 72 trips (9 x 8 = 72) per day. The projected peak hour traffic will be 8 trips (9 x 0.8 = 7.2) per hour.

The West Virginia Department of Highways has four pertinent traffic counts on roads in the vicinity of the proposed development. A count on Bloomery Road north of Route 9 recorded 700 vehicles per day. A count on WV Route 9 north of the Shenandoah Bridge and Bloomery Road recorded 13,400 vehicles per day. North east of the site are two pertinent intersections, the first

is WV Route 23 just south of U.S. 340 which has a count of 1300 vehicles per day while WV Route 27 , also just south of U.S. 340 gets 450 vehicles per day. All these counts were done in 2005.

We note that Bloomery Road is a local service road running from WV Route 9, Charles Town Pike to U.S. Highway 340 west of Harpers Ferry and the Maryland border. The road is a paved road located generally within a 30 feet wide right of way.

Since peak trips were less than 150 trips per hour, the Subdivision Ordinance does not require either a traffic count or a traffic study. None were done.

Based on the definition of "key intersection" in the Subdivision Ordinance, the nearest key intersections is Bloomery Road and WV Route 9, approximately 1.1 miles by road, west of the site

There is one problem area identified on Bloomery Road (WV Route 27 at WV Route 9 designated in the Comprehensive Plan as a roadway "problem area." It is noted as "subject to periodic flooding". Although it is noted on the "Highway Problems Map", it is not noted on table T-2.

See Exhibit 9 for Highway problem areas at pages 90 & 91.

3. Demographic Impact

According to the U.S. Census Bureau, American Fact Finder Table QT-H2 tenure, household size and age of householder: Census 2000, 100% data, for Jefferson County the average household size is 2.54 persons per household, therefore this subdivision will add (9 x 2.54) 23 persons in the subdivision to the County.

4. Health and Emergency Medical Facilities

Local doctors and other medical services are located in Ranson and Charles Town, and Harpers Ferry. Harpers Family Medical Center is approximately 6 miles, while Jefferson Memorial Hospital in Ranson is approximately 4 miles from the site. Both have adequate facilities to provide a broad range of medical services and meet the emergency needs of the residents. EMS services are provided by the County's Emergency Medical Services located in Ranson. There are also hospitals and physicians in Martinsburg WV.

See Exhibit 7 Letters from Agencies for letter to Jefferson Memorial Hospital at page 75.

A letter was sent to the Jefferson County Ambulance Authority on July 31, 2007. A response has yet to be received.

See Exhibit 7 Letters from Agencies for the letter from the Ambulance Authority at page 80

5. Fire

The development lies within the fire district that is served by Citizens Fire Company in Charles Town, approximately 4.2 miles away. A letter was sent on July 31, 2007 and a response has not been yet received from Citizens Fire Company.

See Exhibit 7 Letters to Agencies for copies of the letter to Citizens Fire Company at page 79

6. Police

The West Virginia State Police and the Jefferson County Sheriff's Department both have jurisdiction at the development site.

See Exhibit 7 Letters from Agencies for letters from the Sheriff and from the West Virginia State Police at pages 77 & 78.

7. Trash Removal

Apple Valley Waste will provide trash removal.

See Exhibit 7 Letters from Agencies for the letter from Apple Valley Waste at page 81.

8. Electric Service

The Allegheny Power Company will serve the site.

9. Telephone Service

Frontier Communications will provide phone service to this site.

10. Water and Sewer Service

All lots within the proposed subdivision will be served by individual wells and septic systems constructed in accordance with the requirements of the Jefferson County Health Department.

11. Relationship of Property to Comprehensive Plan

As part of the 2004 Comprehensive Plan, some general goals from the 1994 plan were adopted as part of the *Statement of Goals.*

Page 41 of the adopted 2004 Plan states:

"Land areas that are outside of the regions that can reasonably be expected to be served by water and sewer facilities should be developed at lower densities, with properties employing wells and drain fields.

This development, by creating nine lots on a total parcel of 96+ acres is outside of the area that can logically be served with water and sewer. The lower density and the individual water and septic systems are appropriate for this type of area.

Page 54 of the adopted 2004 Plan states:

"The County should investigate mechanisms to foster the maintenance of land in farm uses. Specifically, should:

c. *Support diversified rural land uses by exploring means by which to diversify farming operations. If farming is no longer economically viable, there will be no farms. Examples of this could include…equestrian facilities…*
d. *Improving design of residential development in the Rural District, providing incentives which ensure that cluster subdivisions are the preferred means by all parties which developing rural tracts."*

The 2004 Comprehensive Plan supports equestrian facility use and cluster subdivision design as ways to maintain farm use and develop rural areas. This subdivision supports this goal.

Page 61 of the adopted 2004 Plan states:

"In order to protect the long term viability of the agriculture industry in the County, the County should encourage the diversification of the industry in Jefferson County by reviewing the Zoning Ordinance for ways of permitting value-added and non-traditional agriculture-related activities on farmed properties."

Preservation of the farm complex through a proposed equestrian use while incorporating 9 cluster lots supports the Comprehensive Plan recommendation for agriculturally diversified uses to achieve economically viable agricultural lands.

12. Housing Supply

The latest information released by the US Census indicates that from April 1, 2000 to July 1, 2006 Jefferson County was the second fastest growing County in WV with an increase of 8,253 inhabitants. It had a 19.6% increase in population, second only to Berkeley County (one of the 100 fastest growing counties in the USA) which grew by 28.5 %.

When one reviews building permits, it is clear that new construction has been principally in single family residential units. Also, construction in new single family units appears to be fairly

steady. Building permits issued for the first half of 2007 are just under half the permits issued in 2006.

On the next page is a review of several data sources regarding building permit activity in Jefferson County:

- Jefferson County Department of Planning, Zoning & Engineering by number of individual units and value:

	Single Family	Total Value	Duplex	Total Value	Town homes	Total Value	Mobile homes (both new & replacement)	Total Value
2003	644	$141,016,766	29	$5,866,000	8	$1,280,000	112	$3,274,611
2004	345	$87,422,702	17	$2,835,000	8	$1,280,000	50	$1,277,894
2005	328	$104,416,701	10	$2,106,000	9	$2,250,000	30	$1,467,380
2006	255	$ 74,439,351	2	$ 196,000	55	$8,929,640	26	$ 1,087,782
1ST & 2nd Qtr. 2007	129	$ 40,501,821	0	$ 0	48	$8,780,110	17	$ 738,400

- U.S. Census Data (Http://censtats.census.gov) comparing 6 years Information on single family homes only for the month of March (Covers both the County and Municipalities, imputes numbers for non reporting jurisdictions):

	Month of March			Cumulative year to date Estimates with imputation		
Single family residences	**Buildings**	**Units**	**Construction cost**	**Buildings**	**Units**	**Construction cost**
2004	66	66	12.594,292	215	215	39,674,318
2005	82	82	17,027,485	200	200	40,192,280
2006	65	65	13,036,766	229	229	49,210,840
2007	33	33	7,925,099	87	87	25,269,375

- Additionally information kept on Impact Fees (obtained from Jefferson County Department of Impact Fees) from January 2004 to December 2007 indicates the same trend continuing:
  849 single family homes and 84 town homes

Based on a review of Census data for Jefferson County, the County in 2000 contained 17,623 housing units of which 16,165 were occupied. Of the households in occupied housing units, 1737 had incomes below poverty level. Of the 1458 vacant units, 16 were boats, RVs, vans, etc, and over a third of the vacant units were constructed prior to 1960 (514 units). Additionally only 157 vacant units were available for rent at a median monthly rent of $453 and 163 vacant units were available for sale at a median price of $93,300. Based on this information regarding vacant units, the effective vacancy rate, based on units actually available, was under 2% as opposed to the rate derived from the Census of 8%. An effective vacancy rate of 4% or less indicates a tight housing market. Based on this information, we can see that there is a need for additional housing in the County.

Also, according to the Jefferson County Planning and Zoning Commission's annual report for 2002 (the last report publicly available) from 1972 thru 2002, 21,828 lots plus 334 apartment units were proposed at Community Impact Stage, while only 7,810 lots plus 154 apartments were actually approved or a ratio of only one lot actually recorded and available for construction for every 2.8 lots proposed at Community Impact Stage.

The same ratio holds true for 2002 when 1,434 lots were proposed and only 503 were actually approved (1434/503=2.8).

Appendix A (page 113 -114) of the Comprehensive Plan states that using Community Impact Statements as an indicator of growth is ill advised. Therefore it may be best to compare actual lots recorded and building permit activity to see if there is a need for additional lots

According to Appendix B of the Jefferson County Comprehensive Plan (page 120), from 1984 thru 2002; 7,149 Improvement Location Permits were actually issued:

- 6,050 for single detached dwellings, duplex units and townhouses
- 1,099 for mobile homes.

During that same period 5,001 residential lots and 434 apartment units were approved. So, more buildings were built than lots approved.

The Comprehensive Plan at page 113 also notes the change in household size, noting that households have decreased in size from 3.21 persons per household in 1970 to 2.54 persons per household in 2000. This can be seen in that housing units increased at a faster rate than population during this period:

- in the 1970s population increased by 42.4% and housing units increased by 55.7%.
- in the 1980s population increased by 18.5% and housing units increased by 26.5%.
- in the 1990s population increased by 17.4% and housing units increased by 20.7%.

As can be seen from the latest census information and building permit information, the County continues to grow though more slowly, having grown 16.6 % over the past five years. With continued population growth, there is a demand for new housing.

13. Historic Sites

The Allemont farm house has been noted as a category II house on the 2007 Jefferson County Landmarks Commission Historic buildings Survey and noted as eligible for the National Historic Register (note: The property is currently not listed on the WV or National Historic Registers.).

The frame barn dates from the 1930s and is noted as a category III in the new County historic survey. It has a metal roof and one attached concrete block one story wing with a metal roof and ventilators. The barn has 6 over six windows on the ground level and wooden ventilators at the second level. The wing contains the milking parlor. The barn is in generally good shape.

The adjacent parcel to the east is Hopewell farm. Hopewell farm is rated category II on the National Register of Historic Places. A little further north is the Hopewell house ruin which is rated as category III. The proposed cluster lots are more than 750 feet from the Hopewell parcel. No clearing for the cluster lots will be within 850 feet of the Hopewell parcel.

On the western boundary of Allemont is the Moulton parcel a.k.a. Riverside, Riverside cabin, and Riverside Tenant House. These structures are rated category II, III, and IV respectively. No construction is proposed within 600 feet of the shared property line.

No cemeteries or other historic sites are located on the property. All existing structures are to remain.

See Exhibit 8 Material from Historic Inventory for the pertinent data concerning the structures in the vicinity identified in the Windshield Survey at pages 82 to 89.

14. Recreation

No recreational facilities are required due to the large size of the individual lots. The Subdivision Ordinance does not require land to be set aside for recreation if overall density is less than 2 units per acre of residential land. The 9 cluster lot development has a density of roughly 1 unit for every 3.5 residential acres.

The closest park is Moulton Park; a County owned park located 0.7 miles to the east of Allemont. The Potomac Edison boat ramp is 0.4 miles to the west of Allemont. Boat facilities are on Bloomery Road along the Shenandoah River.

No state parks are located in the vicinity of the proposed development.

ECONOMIC IMPACTS

1. Property Tax Evaluation

It is estimated that the subdivision will generate at least $36,242 in property taxes based on the following computation:

- Jefferson County Property Tax Guide, Class II Tax Rates
- Estimated value of project including houses: $5,400,000 (9 lots)
- Assessed value (60% of $5,400,000): $3,240,000
- Total county tax rate: $1.1186/$100 of valuation
- Tax computation: $3,240,000 divided by $100 multiplied by $1.1186 equals $36,242.64.

Additional economic impacts will be created via the School and Police Impact Fees adopted by the County Commissioners and payable to the County at the time a building permit is issued. Nine new single family residential parcels are being created. Based on the present school impact fees ($10,655 per single family residence), a minimum of $95,895 will be made available to assist with schools.

Below a table indicating impact fees for the subdivision

	Impact fee	**9 lots**
Schools	$10,655	$95,895
Law enforcement	$135	$1,215
Parks and Recreation	$751	$6,759
Fire and EMS	$603	$5,427
Total	**$12,144.00**	**$109,296**

As a result of this project, additional funds will flow to the County Commission and the Board of Education for use in providing public services to the residents of this development and will assist in mitigating any impacts upon the same public services. We note that this is the minimum amount that will be collected in Impact Fees since all the fees except for the School fee are recalculated automatically (unless the Commissioners act to not increase the fees) each year at the beginning of April.

2. Bank Deposits and Loans

The closest banks are in Charles Town. These banks will be accessible by the residents and it is assumed that the occupants of the development will most likely utilize local banking facilities. As a result, banking activities such as deposits, investment accounts and mortgages may increase.

3. Anticipated Local Spending

It is anticipated that a local contractor will construct the roads and other improvements. Many of the contractors' employees will most likely be Jefferson County residents. Most construction materials will be purchased locally.

Residents of Allemont will most likely shop in Ranson or Charles Town for both food and sundries, and thereby contribute to the local economy. The closest stores are a convenience store located at WV Route 9 and Cattail road and a quick stop located at Blair Road and US 340. Major shopping is in Charles Town and Ranson. Some shopping is also available in Harpers Ferry (mainly specialty and gift items).

4. Local Employment Implications

Since this development will be marketed locally, it is anticipated that some of the buyers of the properties will work either in Jefferson County or in surrounding communities. However, if local trends continue, some of the buyers may be either households working in the metro area, seeking housing they can afford or households who have reached or are nearing retirement age who want to live in a more rural community.

Many of these lot buyers will want to put up custom homes on their lots creating employment opportunities for local contractors and craftsmen. Other local employment opportunities may be created for existing businesses. As more housing is built, there is an increasing need for various types of business. As an example, paint and wall paper stores may find an increase in their business as homeowners personalize their home to their taste.

5. Property Values

Housing in general is a good investment and according to a Washington Post Article in March 2003, housing is a long-term investment that typically appreciates approximately 5% a year. Also, according to "the Housing Affordability Index", a compilation of house sales done on a quarterly basis by the National Homebuilders Association, for both the Hagerstown MSA and the Washington DC Metro Area, from 1995 to the present, median house prices have increased faster than household income as can be seen by the following table:

	Median house price and median income for each region								
Metro Area Washington DC-MD-VA	3rd qrtr 01	1st qrtr 02	4th qrtr 03	3rd qrtr 04	3rd qrtr 05	3rd qrtr 06	4th qrtr 06	1st qrtr 07	% change from 2001 to present
Median house price	190,000	200,000	283,000	325,000	407,000	420,000	405,000	370,000	195% or more than double increase
Median household income	85,600	91,500	84,800	85,400	86,200	88,200	88,200	92,600	8% increase
Metro Area Hagerstown-Martinsburg, MD-WV									
Median house price	125,000	129,000	150,000	175,000	235,000	237,000	236,000	220,000	176% or almost double
Median house-hold income	50,500	53,500	54,400	54,400	56,250	57,700	57,700	57,900	15% increase

A cursory study of 10 properties on August 14, 2007 (listed in the MLS) for sale in the Charles Town area, lots ranging in size from 1 to 5 acres with river views indicated the following:

- the lowest asking price was $175,000 for a 3.0 acres
- the highest price was $459,000 for 4.7 acres
- average price per acre was $86,075
- 7 lots ranging in size from 2 acres to 3.5 acres had prices between $175,000 to $325,000
- Average asking price out of the 7 lots was $272,971
- Average asking price out of the 10 lots was $298,680

Looking at house prices in the metropolitan area, the following table with information from the National Association of Realtors shows an overall increase in median house prices over four years with a slight decrease in 2007:

Metropolitan Area	2003	2004	2005	2006	2007.I	2007.II	%Chya
Single-family					(Not Seasonally Adjusted, 000s)		
U.S.	180.2	195.2	219.0	221.9	212.6	223.8	-1.5%
NE	220.3	254.4	281.6	280.3	271.3	298.0	0.7%
Hagerstown-Martinsburg, MD-WV	141.8	165.9	208.7	223.1	209.2	218.7	-4.7%
Washington-Arlington-Alexandria, DC-VA-MD-WV	277.9	339.8	425.8	431.0	427.5	445.3	-0.3%

This table indicates median single family home prices for the entire United States, the Hagerstown Metropolitan area which includes Berkeley County, and the Washington Metropolitan Area which includes Jefferson County, all decreased over the year. The north-east region has remained stable or increased slightly. Although Jefferson County is included in the DC metro area category, median house prices may be closer to Berkeley County which is included in the Hagerstown metro area. The second quarter of 2007 indicated a median home price in the Hagerstown MSA of $218.7 verses a median home price of $223.1 for 2006. Washington MSA median home price rose to $445.3 in the second quarter, 2007 over 2006's median of 431.0. Also, according to the Harding Report, a local real estate reporting service, the median sold price for a home sale in April 2007 for Jefferson County was $267,291. This confirms that house sales in Jefferson County will be closer to those in the Hagerstown MSA and will track more closely these sales than those in the DC metropolitan area.

The above still indicates that housing in the long term is a good investment in that its value is definitely increasing at a faster rate than household incomes and that generally, creation of new housing will over time increase the value of both housing and land in the vicinity.

New single-family homes on more than two acre lots located in Jefferson County should not only maintain their value but may also increase the value of surrounding properties for use as possible home sites.

Exhibit 1: Site Location map

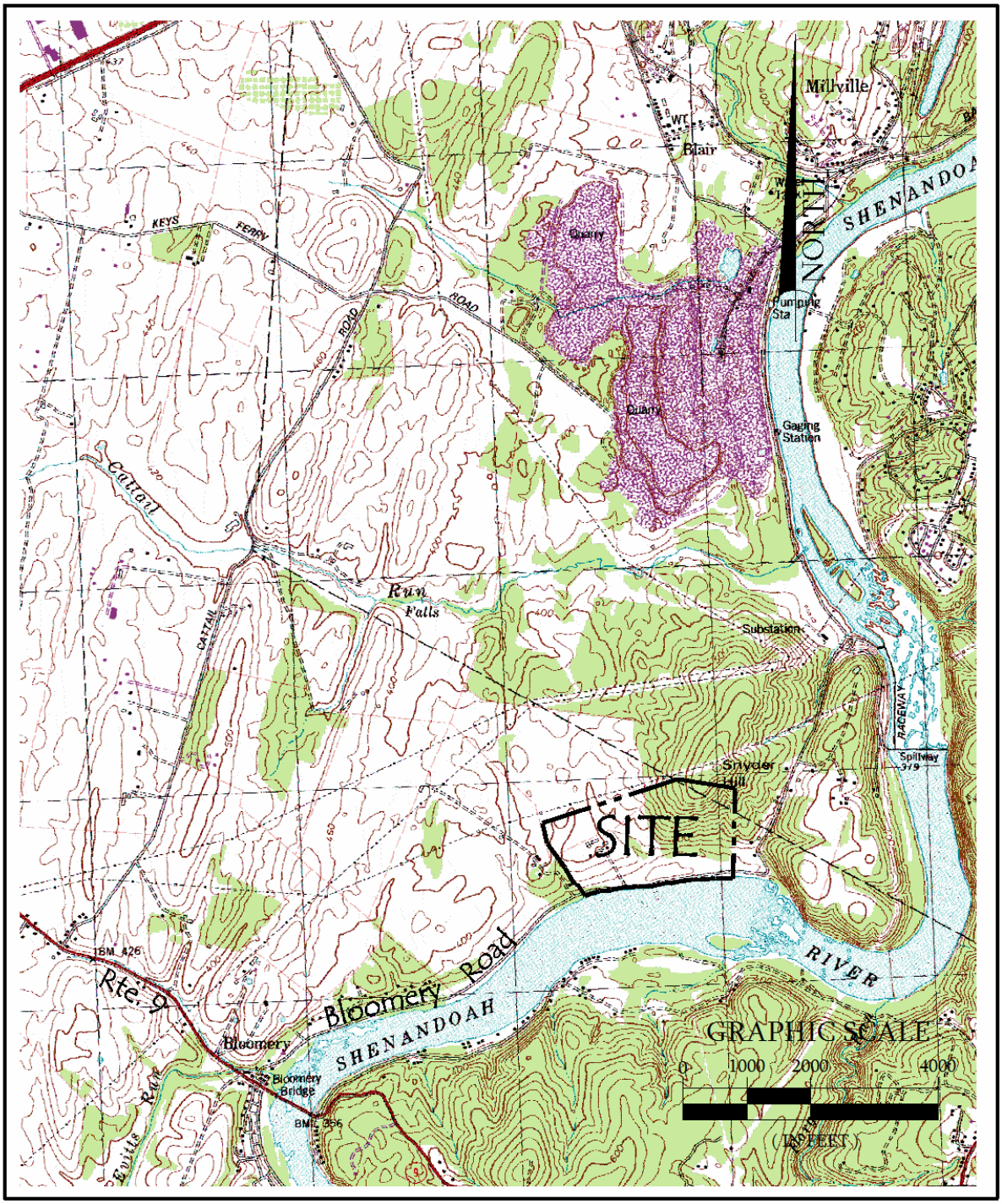
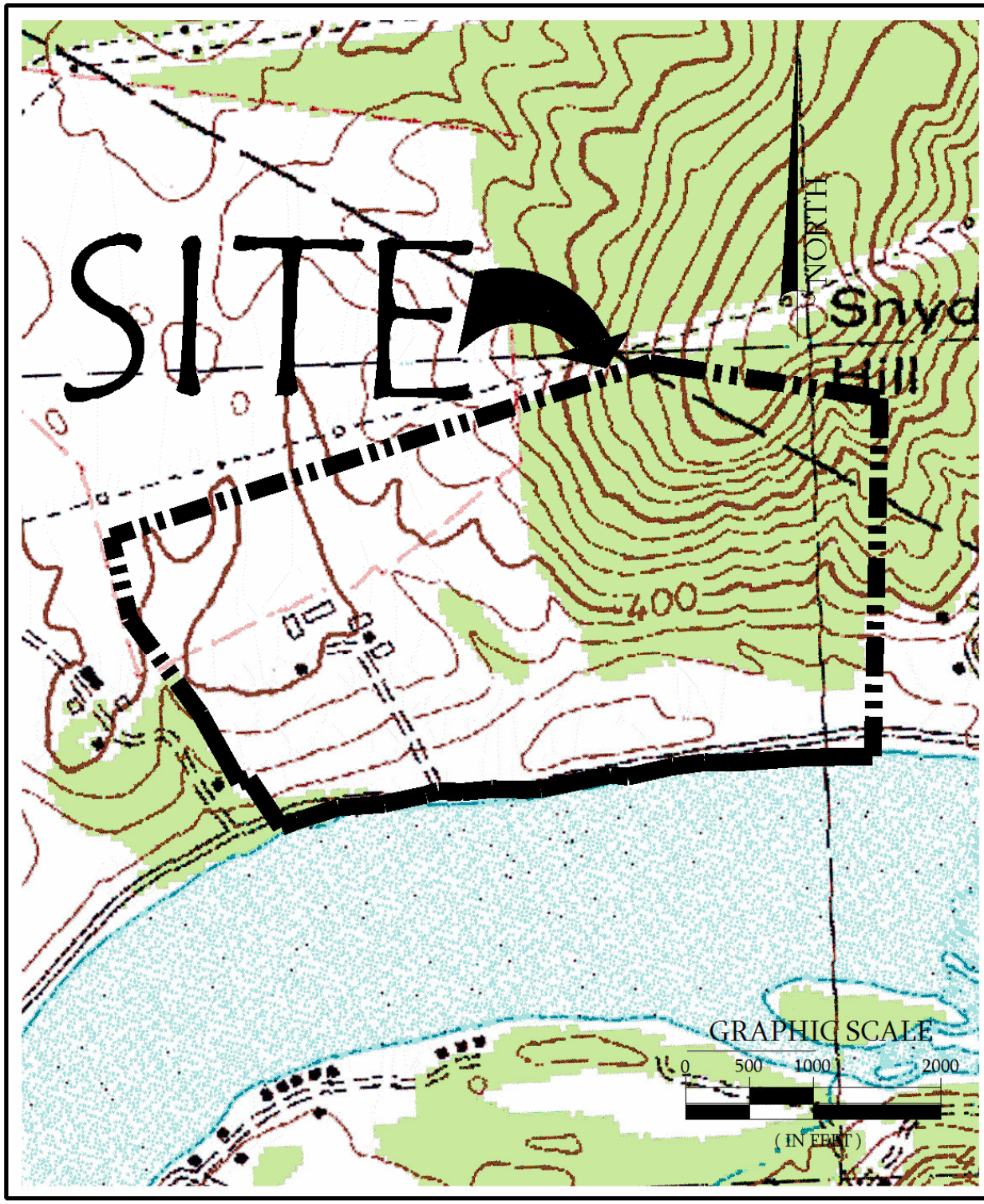


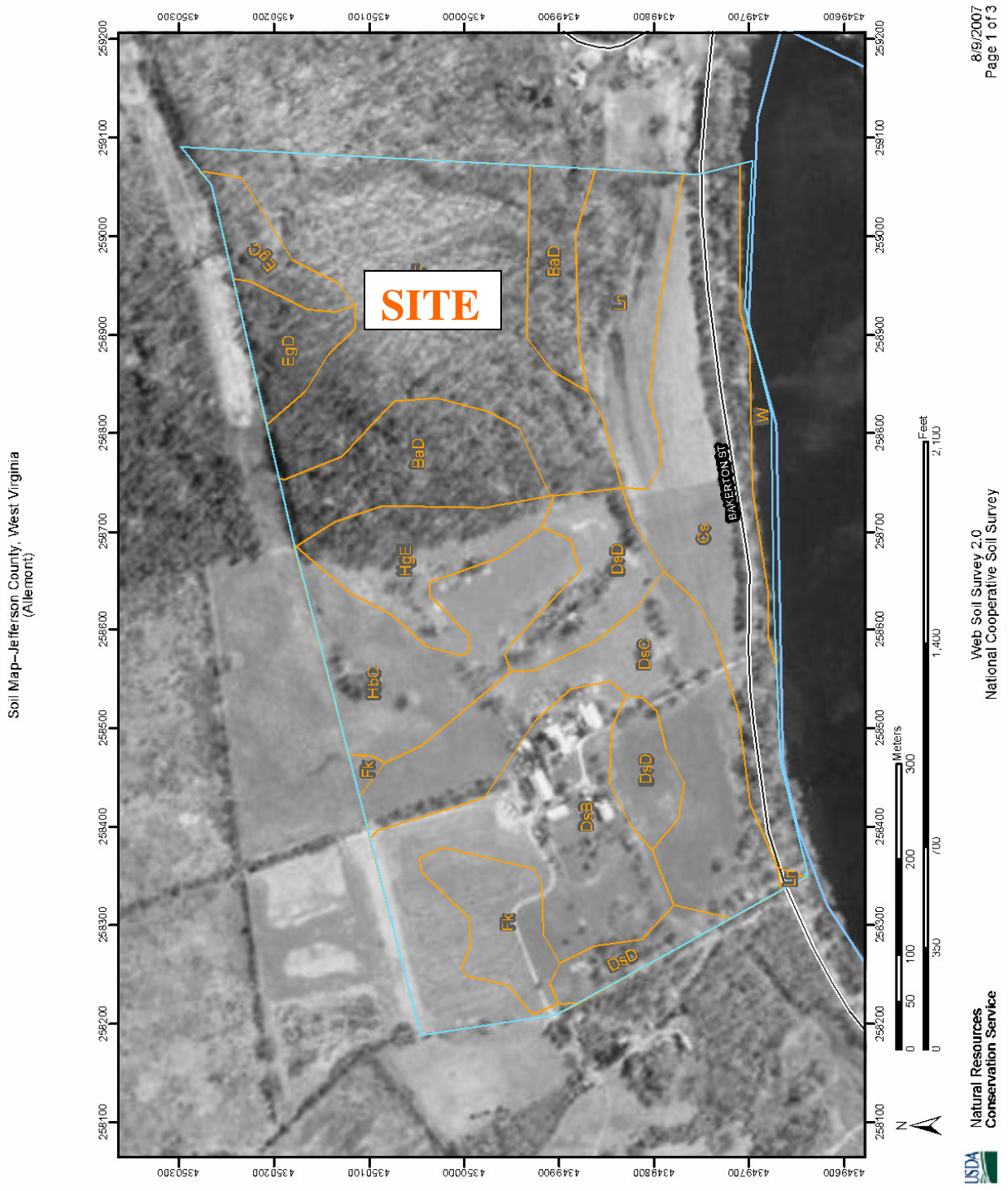
Exhibit 2: Site Topography



Dewberry	DATE 8/13/07	SCALE 1"=1000'	TITLE SITE TOPO. MAP	SHEET NO.
	PROJ. NO. 50004496	PROJECT McCoy Property		

Exhibit 3: Soils map and soils description

Based on info. from The U.S. Dept. of Agriculture (Note: Bakerton Rd.'s correct name is Bloomery
Road).



SOILS MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Units

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other

Special Line Features
- Gully
- Short Steep Slope
- Other

Political Features

Municipalities
- Cities
- Urban Areas

Water Features
- Oceans
- Streams and Canals

Transportation
- Rails

Roads
- Interstate Highways
- US Routes
- State Highways
- Local Roads
- Other Roads

MAP INFORMATION

Original soil survey map sheets were prepared at publication scale. Viewing scale and printing scale, however, may vary from the original. Please rely on the bar scale on each map sheet for proper map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: http://websoilsurvey.nrcs.usda.gov
Coordinate System: UTM Zone 18N

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Jefferson County, West Virginia
Survey Area Data: Version 5, Feb 13, 2007

Date(s) aerial images were photographed: 4/11/1988

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

SOILS

Map Unit Legend

Jefferson County, West Virginia (WV037)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
BaD	Bagtown gravelly loam, 15 to 25 percent slopes, very stony	8.8	8.4%
BnF	Bagtown very flaggy loam, 25 to 65 percent slopes, rubbly	19.7	18.8%
Cs	Combs fine sandy loam	13.9	13.2%
DsB	Downsville gravelly loam, 3 to 8 percent slopes	13.0	12.4%
DsC	Downsville gravelly loam, 8 to 15 percent slopes	12.6	12.0%
DsD	Downsville gravelly loam, 15 to 25 percent slopes	7.6	7.3%
EgC	Edgemont gravelly loam, 8 to 15 percent slopes	2.1	2.0%
EgD	Edgemont gravelly loam, 15 to 25 percent slopes	2.4	2.3%
Fk	Funkstown silt loam	3.6	3.4%
HbC	Hagerstown silt loam, 8 to 15 percent slopes	8.2	7.8%
HgE	Hagerstown-Opequon-Rock outcrop complex, 15 to 35 percent slopes	5.1	4.8%
Ln	Lindside silt loam	6.4	6.1%
W	Water	1.5	1.5%
Totals for Area of Interest (AOI)		105.0	100.0%

Septic Tank Absorption Fields

Septic Tank Absorption Fields— Summary by Map Unit — Jefferson County, West Virginia						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (rating values)	Acres in AOI	Percent of AOI
BaD	Bagtown gravelly loam, 15 to 25 percent slopes, very stony	Very limited	Bagtown, gravelly loam, v stony (75%)	Slope (1.00)	8.6	8.6%
				Slow water movement (1.00)		
				Seepage, bottom layer (1.00)		
				Depth to saturated zone (0.65)		
			Edgemont, gravelly loam (20%)	Slope (1.00)		
				Seepage, bottom layer (1.00)		
BnF	Bagtown very flaggy loam, 25 to 65 percent slopes, rubbly	Very limited	Bagtown, very flaggy loam, rubbly (70%)	Slope (1.00)	17.1	17.2%
				Slow water movement (1.00)		
				Seepage, bottom layer (1.00)		
				Large stones content (0.78)		
				Depth to saturated zone (0.65)		
			Edgemont, gravelly loam (20%)	Slope (1.00)		
				Seepage, bottom layer (1.00)		
			Thurmont, gravelly loam (10%)	Slope (1.00)		
				Slow water movement (0.50)		

Septic Tank Absorption Fields— Summary by Map Unit — Jefferson County, West Virginia						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (rating values)	Acres in AOI	Percent of AOI
Cs	Combs fine sandy loam	Very limited	Combs, fine sandy loam (75%)	Flooding (1.00)	13.7	13.8%
				Seepage, bottom layer (1.00)		
			Speedwell, silt loam (15%)	Flooding (1.00)		
				Slow water movement (0.50)		
			Lindside, silt loam (5%)	Flooding (1.00)		
				Seepage, bottom layer (1.00)		
				Slow water movement (0.72)		
			Holly, loam (5%)	Flooding (1.00)		
				Ponding (1.00)		
				Seepage, bottom layer (1.00)		
				Slow water movement (0.72)		
DsB	Downsville gravelly loam, 3 to 8 percent slopes	Very limited	Downsville, gravelly loam (90%)	Slow water movement (1.00)	12.8	12.9%
			Monongahela, silt loam (5%)	Slow water movement (1.00)		
DsC	Downsville gravelly loam, 8 to 15 percent slopes	Very limited	Downsville, gravelly loam (85%)	Slow water movement (1.00)	12.1	12.2%
				Slope (0.37)		
			Monongahela, silt loam (10%)	Slow water movement (1.00)		
				Slope (0.37)		

Septic Tank Absorption Fields— Summary by Map Unit — Jefferson County, West Virginia						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (rating values)	Acres in AOI	Percent of AOI
DsD	Downsville gravelly loam, 15 to 25 percent slopes	Very limited	Downsville, gravelly loam (85%)	Slope (1.00)	7.7	7.8%
				Slow water movement (1.00)		
			Hagerstown, silt loam (5%)	Slope (1.00)		
				Slow water movement (0.46)		
			Ryder, channery silt loam (5%)	Slope (1.00)		
				Depth to bedrock (1.00)		
				Seepage, bottom layer (1.00)		
			Opequon, silty clay loam (5%)	Depth to bedrock (1.00)		
				Slope (1.00)		
EgC	Edgemont gravelly loam, 8 to 15 percent slopes	Very limited	Edgemont, gravelly loam (80%)	Seepage, bottom layer (1.00)	0.7	0.7%
				Slope (0.37)		
			Bagtown, gravelly loam (15%)	Slow water movement (1.00)		
				Seepage, bottom layer (1.00)		
				Slope (0.37)		
			Stumptown, very flaggy sandy loam (5%)	Depth to bedrock (1.00)		
				Seepage, bottom layer (1.00)		
				Large stones content (0.40)		
				Slope (0.37)		

Septic Tank Absorption Fields— Summary by Map Unit — Jefferson County, West Virginia						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (rating values)	Acres in AOI	Percent of AOI
EgD	Edgemont gravelly loam, 15 to 25 percent slopes	Very limited	Edgemont, gravelly loam (80%)	Slope (1.00)	1.8	1.8%
				Seepage, bottom layer (1.00)		
			Bagtown, gravelly loam (15%)	Slope (1.00)		
				Slow water movement (1.00)		
				Seepage, bottom layer (1.00)		
			Stumptown, very flaggy sandy loam (5%)	Slope (1.00)		
				Depth to bedrock (1.00)		
				Seepage, bottom layer (1.00)		
				Large stones content (0.40)		
Fk	Funkstown silt loam	Very limited	Funkstown, silt loam (85%)	Flooding (1.00)	3.6	3.6%
				Depth to saturated zone (1.00)		
				Slow water movement (0.50)		
			Toms, silt loam (10%)	Ponding (1.00)		
				Slow water movement (0.68)		
				Flooding (0.40)		
			Holly, loam (5%)	Flooding (1.00)		
				Ponding (1.00)		
				Seepage, bottom layer (1.00)		
				Slow water movement (0.72)		
HbC	Hagerstown silt loam, 8 to 15 percent slopes	Somewhat limited	Hagerstown, silt loam (85%)	Slow water movement (0.46)	8.1	8.1%
				Slope (0.37)		

Septic Tank Absorption Fields— Summary by Map Unit — Jefferson County, West Virginia						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (rating values)	Acres in AOI	Percent of AOI
HgE	Hagerstown-Opequon-Rock outcrop complex, 15 to 35 percent slopes	Very limited	Hagerstown, silt loam (45%)	Slope (1.00)	5.1	5.1%
				Slow water movement (0.46)		
			Opequon, silty clay loam (30%)	Depth to bedrock (1.00)		
				Slope (1.00)		
			Funkstown, silt loam (5%)	Flooding (1.00)		
				Slow water movement (0.50)		
Ln	Lindside silt loam	Very limited	Lindside, silt loam (90%)	Flooding (1.00)	6.1	6.2%
				Depth to saturated zone (1.00)		
				Seepage, bottom layer (1.00)		
				Slow water movement (0.72)		
			Holly, loam (10%)	Flooding (1.00)		
				Ponding (1.00)		
				Seepage, bottom layer (1.00)		
				Slow water movement (0.72)		
W	Water	Not rated	Water (100%)		1.8	1.9%
Totals for Area of Interest (AOI)					99.5	100.0%

Septic Tank Absorption Fields— Summary by Rating Value		
Rating	Acres in AOI	Percent of AOI
Very limited	89.5	90.0%
Somewhat limited	8.1	8.1%
Null or Not Rated	1.8	1.9%

Description

Septic tank absorption fields are areas in which effluent from a septic tank is distributed into the soil through subsurface tiles or perforated pipe. Only that part of the soil between depths of 24 and 60 inches is evaluated. The ratings are based on the soil properties that affect absorption of the effluent, construction and maintenance of the system, and public health. Saturated hydraulic conductivity (Ksat), depth to a water table, ponding, depth to bedrock or a cemented pan, and flooding affect absorption of the effluent. Stones and boulders, ice, and bedrock or a cemented pan interfere with installation. Subsidence interferes with installation and maintenance. Excessive slope may cause lateral seepage and surfacing of the effluent in downslope areas.

Some soils are underlain by loose sand and gravel or fractured bedrock at a depth of less than 4 feet below the distribution lines. In these soils the absorption field may not adequately filter the effluent, particularly when the system is new. As a result, the ground water may become contaminated.

The ratings are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect the specified use. "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. "Somewhat limited" indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

Rating Options

Aggregation Method: Dominant Condition

Aggregation is the process by which a set of component attribute values is reduced to a single value that represents the map unit as a whole.

A map unit is typically composed of one or more "components". A component is either some type of soil or some nonsoil entity, e.g., rock outcrop. For the attribute being aggregated, the first step of the aggregation process is to derive one attribute value for each of a map unit's components. From this set of component attributes, the next step of the aggregation process derives a single value that represents the map unit as a whole. Once a single value for each map unit is derived, a thematic map for soil map units can be rendered. Aggregation must be done because, on any soil map, map units are delineated but components are not.

For each of a map unit's components, a corresponding percent composition is recorded. A percent composition of 60 indicates that the corresponding component typically makes up approximately 60% of the map unit. Percent composition is a critical factor in some, but not all, aggregation methods.

The aggregation method "Dominant Condition" first groups like attribute values for the components in a map unit. For each group, percent composition is set to the sum of the percent composition of all components participating in that group. These groups now represent "conditions" rather than components. The attribute value associated with the group with the highest cumulative percent composition is returned. If more than one group shares the highest cumulative percent composition, the corresponding "tie-break" rule determines which value should be returned. The "tie-break" rule indicates whether the lower or higher group value should be returned in the case of a percent composition tie.

The result returned by this aggregation method represents the dominant condition throughout the map unit only when no tie has occurred.

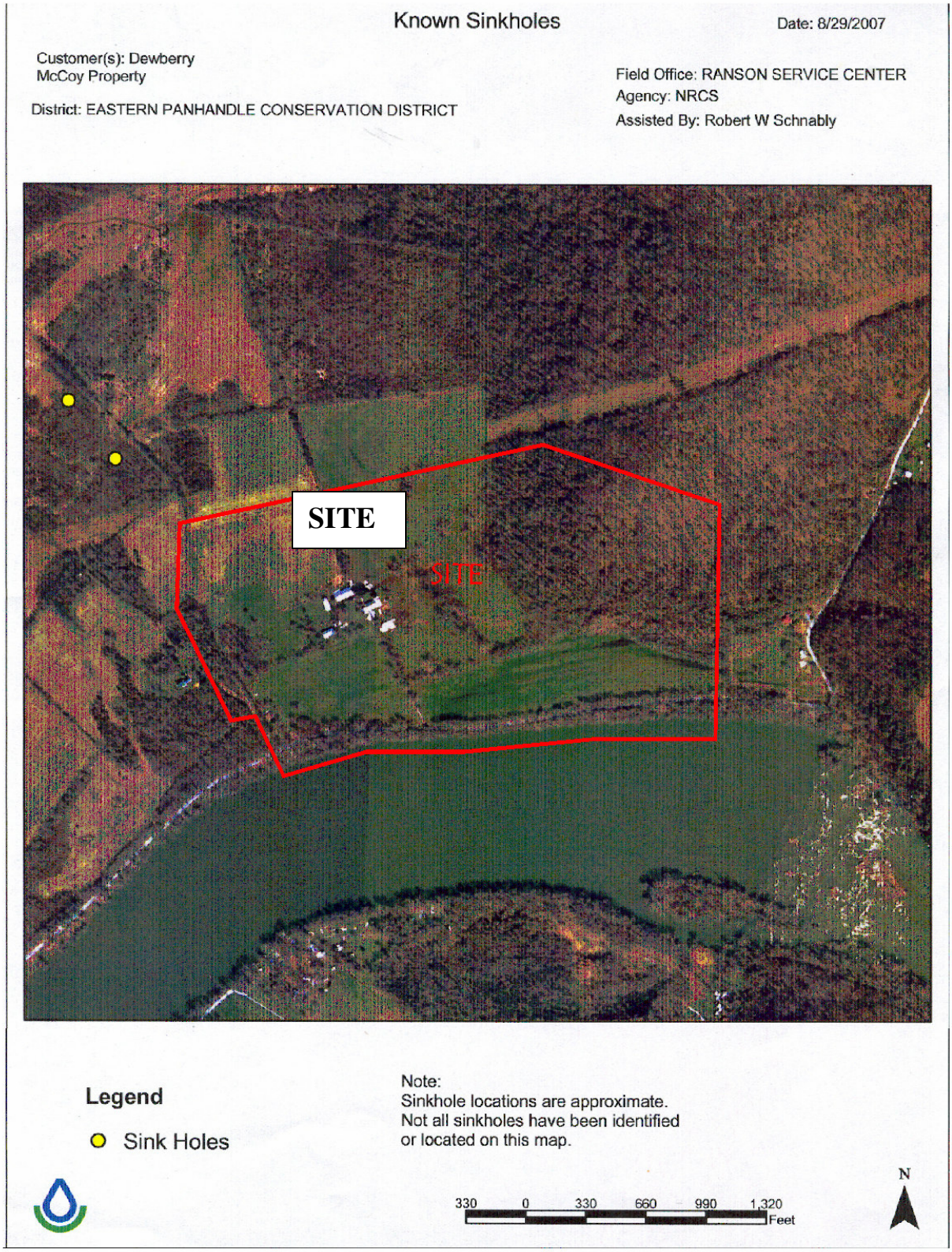
Component Percent Cutoff: None Specified

Components whose percent composition is below the cutoff value will not be considered. If no cutoff value is specified, all components in the database will be considered. The data for some contrasting soils of minor extent may not be in the database, and therefore are not considered.

Tie-break Rule: Higher

The tie-break rule indicates which value should be selected from a set of multiple candidate values, or which value should be selected in the event of a percent composition tie.

Exhibit 4: Sink Holes Map USDA, Natural Resources Conservation Service



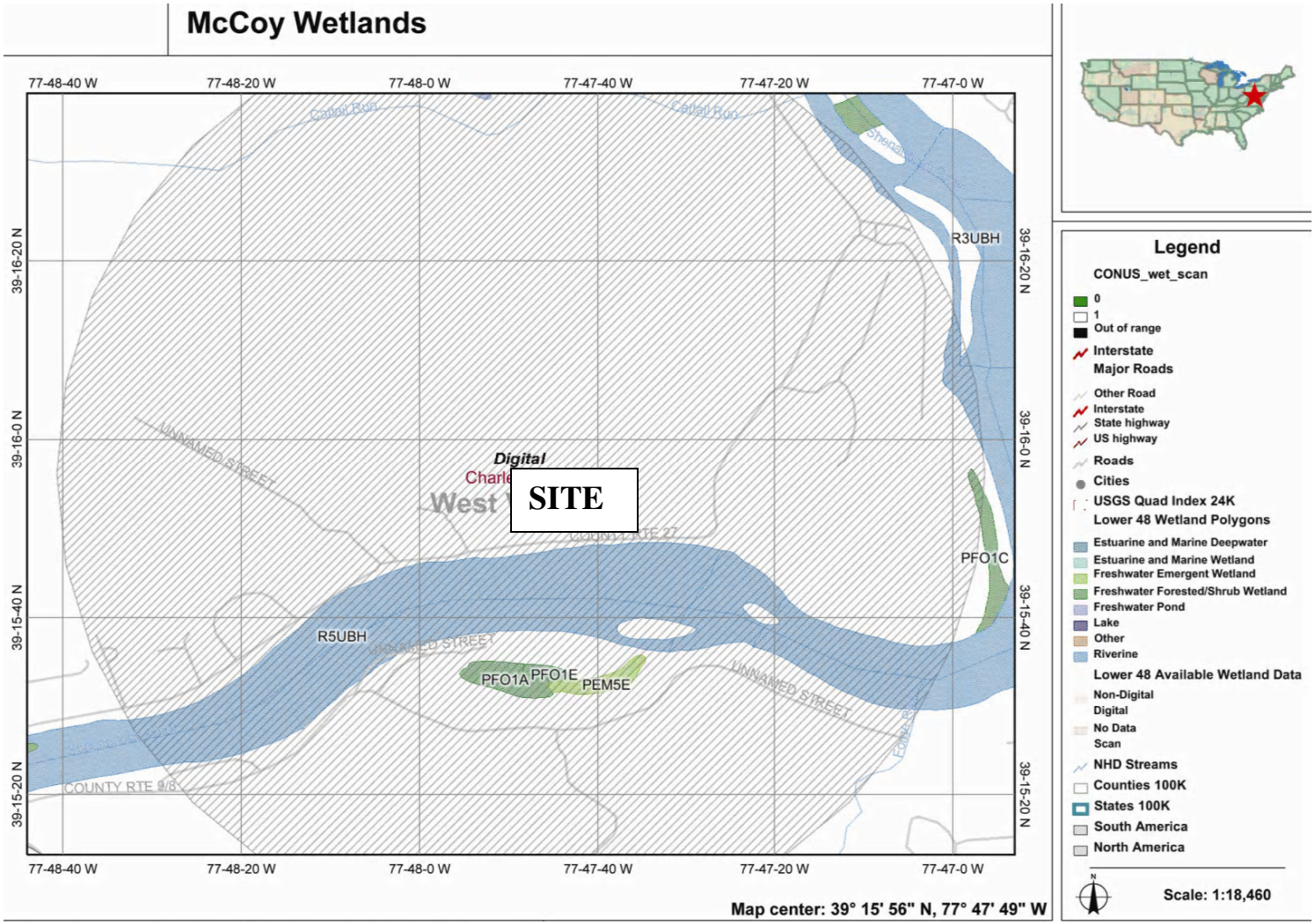


Exhibit 5: Wetlands Map U.S. Fish & Wildlife, Wetlands Map

Identify Results

Coordinate Position
Geographic: 39° 15' 56" N, 77° 47' 49" W
Digital Wetland Polygons (Vector)
Wetland Code: R3UBH
DECODE: Wetlands Code Interpreter
WETLAND_TYPE: Riverine
ACRES: 14.11351779
GLOBALID: {AD9208CC-35B4-4B0A-B495-B08E83E18461}
AREA: 57115.3802
LEN: 1286.0619195451
Wetland Code: R5UBH
DECODE: Wetlands Code Interpreter
WETLAND_TYPE: Riverine
ACRES: 160.11934425
GLOBALID: {8BE46710-B0D7-4382-B8BB-A25649A7F02A}
AREA: 647979.99785
LEN: 7310.53094887373
Wetland Code: R3UBH
DECODE: Wetlands Code Interpreter
WETLAND_TYPE: Riverine
ACRES: 40.22549915
GLOBALID: {E7A95AE0-0644-416D-B9BF-EA5A61B363BE}
AREA: 162786.8199
LEN: 2160.87636425654
Wetland Code: PFO1C
DECODE: Wetlands Code Interpreter
WETLAND_TYPE: Freshwater Forested/Shrub Wetland
ACRES: 4.6965165
GLOBALID: {3E5983BB-882F-4FD4-A3C7-23D5C8F2F73E}
AREA: 19006.128
LEN: 1210.54821181601
Wetland Code: PFO1E
DECODE: Wetlands Code Interpreter
WETLAND_TYPE: Freshwater Forested/Shrub Wetland
ACRES: 1.27292319
GLOBALID: {F3F78A4B-00D3-49CD-8CF2-59A7A8D6D37C}
AREA: 5151.3374
LEN: 348.172058519731
Wetland Code: R5UBH
DECODE: Wetlands Code Interpreter
WETLAND_TYPE: Riverine
ACRES: 289.25751047
GLOBALID: {D6CEBF37-6C76-4859-92E0-B340EE31A632}
AREA: 1170583.6162
LEN: 16936.6536634279
Wetland Code: PUBHH
DECODE: Wetlands Code Interpreter
WETLAND_TYPE: Freshwater Pond
ACRES: 0.96164436
GLOBALID: {41221D42-8836-424D-BAF5-B652AC690C3F}
AREA: 3891.63665
LEN: 301.526324476055
Wetland Code: PFO1A
DECODE: Wetlands Code Interpreter
WETLAND_TYPE: Freshwater Forested/Shrub Wetland

ACRES:	4.98035101
GLOBALID:	{CB724501-E40F-4792-BD20-2C64E5353771}
AREA:	20154.7655
LEN:	635.316986182723
Wetland Code:	PEM5E
DECODE:	Wetlands Code Interpreter
WETLAND_TYPE:	Freshwater Emergent Wetland
ACRES:	3.40424191
GLOBALID:	{FA67487C-E193-4B46-A732-5BBE968B2C01}
AREA:	13776.47825
LEN:	648.576693566312

EXHIBIT 6 Proposed Covenants

ALLEMONT SUBDIVISION
RESTRICTIONS

THIS CONVEYANCE IS ALSO MADE SUBJECT, HOWEVER, to the following restrictive covenants which shall run with the land and be binding on the Grantees, their heirs and assigns, to-wit:

It is understood and agreed that this conveyance is made and accepted, and the real estate is hereby granted, on and subject to the following covenants, conditions, restrictions and reservations, which covenants, conditions, restrictions and reservations shall apply to and run with the property herein conveyed. All successive future owners and occupants have the same right to invoke and enforce the covenants, conditions, restrictions and reservations applicable to this conveyance as the original parties hereto. The right to bring an action in equity or at law for a violation of any one or more of the restrictive covenants, conditions, restrictions or reservations hereinafter set out is hereby vested in any one or more lot owners in the Allemont Subdivision.

1. **LOT:** No lot shall be split, divided or subdivided for sale, resale, gift, transfer or otherwise, except for minor boundary line adjustments.

2. **JOINING TWO LOTS:** It shall not be a violation of these restrictions for the owner of two adjacent lots to erect a dwelling or outbuilding closer to the common boundary lines between those lots than the set back restrictions allow; but if this is done, the two lots thereafter shall be used for one residence.

3. **DWELLING:** No more than one (1) dwelling may be erected on any lot. No more than one (1) family will be permitted to occupy any dwelling. Construction shall be completed within one (1) year of the beginning of such construction and the exterior of all residences shall be completed before being occupied.

4. **USE:** No manufacturing or commercial establishment of any kind shall be erected on said property and no building erected thereon shall be used for commercial purposes, nor shall said property in any way be used for other than strictly a residence; but nothing herein contained shall be construed to prevent a bonafide lease of any dwelling erected upon said lot for residential purposes.

5. **BUILDINGS:** No building of a temporary nature, nor trailer, nor mobile home, nor modular home, nor tent, except a child's tent, shall be erected or placed on the property. Further, any building commenced on said property shall be completed within one (1) year of commencement date. There shall be no more than one (1) detached garage and/or outbuilding on the property, and any

such building or garage shall be constructed with similar style, design and materials as the primary residence on the lot. The construction of the garage and/or outbuilding may not precede the construction of the dwelling.

6. **ROAD DAMAGE:** Any lot owner shall be responsible for the repairs of subdivision road damage caused by building contractors the lot owner employs. If such repairs are not accomplished by the lot owner, the Grantors or their assigns may have repairs performed and shall have a cause of action against the lot owner for the costs of such repairs, including reasonable attorney fees and costs.

7. **GRADING:** Final grading of the grounds during and after building shall be done in a way so as not to create water flow problems for other lots or adjoining property, and shall be completed within one (1) year of the beginning of such construction.

8. **LOT MAINTENANCE:** Each lot owner shall keep their lot in good order and repair, including but not limited to, the seeding, watering and mowing of all lawns, the pruning and cutting of all trees and shrubbery and the painting (or other appropriate external care) of all buildings and other improvements, all in a manner and with such frequency as is consistent with good property management, both before and after a residence is constructed.

9. **STOCKPILES & REFUSE:** No lumber, metals or bulk materials may be kept openly or allowed to accumulate on said lot; no refuse or trash shall be kept, stored, or allowed to accumulate on said lot, except building materials during the course of construction of any dwelling or stored. All trash or other refuse must be kept or stored in tamper-proof covered metal or plastic containers. If trash or other refuse is to be disposed of by being picked up and carried away on a regular and recurring basis, containers may be placed in the open on any day that a pick up is to be made, at such place on the lot so as to provide access to persons making such pick up. At all other times such containers shall be stored in such a manner so they cannot be seen from adjacent and surrounding property. Said lot owners should retain receipts of all trash disposal. Lot owners shall recycle all possible refuse as provided or allowed by local authorities or providers.

10. **MINIMUM SIZE:** No residence shall be constructed on any lot exceeding two stories and containing less than 1,800 square feet of living space, excluding porch, basement and garage space.

11. **SETBACKS:** Extreme outside lines of dwelling, excluding porches and stoops, shall not be less than forty (40) feet from the street it faces, nor less than twenty five (25) feet from side and rear lot lines.

12. **SIGNS:** No sign, billboards, or advertising devices of any kind, except those used in any subsequent sale of the property, shall be placed or otherwise installed on any lot or building within the subdivision, except that the Grantors may use signs to promote the sale of improved or unimproved lots within the subdivision.

13. **VEHICLES:** No motorbikes, trail bikes, motor scooters or the like, nor any snowmobiles shall be driven or ridden in the subdivision. No unlicensed automobiles, trucks, motorcycles, motorbikes, or other vehicles, whether motorized or self propelled, shall be placed or parked openly anywhere within the subdivision, nor shall they be operated anywhere within the subdivision. No boat, boat trailer, house trailer, camper, recreation vehicle,

and/or similar items shall be stored in the open on any lot. Motor vehicles shall not be parked on the streets within the subdivision. The operation of vehicles on the subdivision streets shall not exceed ten (10) miles per hour.

14. **ANIMALS:** No livestock shall be raised or bred on any Lot. Domesticated house pets, such as dogs and cats, shall be permitted upon any property provided they are not bred or maintained for commercial purposes. No chickens, pigs or other animals shall be permitted upon any property. No animals whatsoever shall be allowed to roam unattended within the subdivision. All pets shall be kept currently vaccinated, clean, preferably spayed or neutered, well fed and cared for. No pets may be allowed to continuously create a nuisance or disturb the quiet enjoyment for a majority of the lot owners.

No trapping or hunting of wildlife for sporting purposes shall be permitted within the Subdivision.

No discharge of firearms shall be permitted within the Subdivision.

15. **FENCING:** All fencing constructed within the subdivision shall be split rail or horizontal board fence. There shall be no chain link fence. Privacy fences may be erected around the perimeters of swimming pools at the rear of residence. Adjacent lot owners will share responsibility for maintaining common fencing. The Grantors herein shall have final approval of all fencing.

16. **TOWERS & DISHES:** Satellite dishes are not permissible in the front sections of said lot or positioned where visible from the subdivision roads. No towers of any kind are permitted.

17. **BURNING:** No open fires shall be permitted on any part of the property that violate any and all county fire laws. No open fires shall be permitted during a drought period or in prevailing winds. Outdoor fireplaces, if built, and all chimneys shall be provided with fire screens.

18. **MAIL:** Mail boxes may be placed only in the area designated by the Grantors and mail carrier. No newspaper boxes or containers shall be placed on the lot.

19. **UTILITY EASEMENT:** Grantor reserves unto themselves, their successors and assigns, the right to erect and maintain all utilities and electric lines, or to grant easements or right of ways therefor, with the right of ingress and egress for the purpose of installing or maintaining the same over or under a strip of land twelve and one-half feet (12½') wide at any point along the side and rear lot lines of each Lot, and twenty five feet (25') on the front roadway lines of said Lot. Such utility easements include, but are not limited to, telephone or electric light poles, conduits, equipment, sewer or gas and water lines. Within these easements no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation or maintenance of the utilities.

A. All electric, telephone and other wire shall be placed underground from the main source pole to the residence, if applicable.

B. All Lots are and shall be conveyed subject to the utility easements or utility rights of way existing at the time of conveyance and those hereby reserved. Each Lot owner shall grant such additional easements or rights of way for utilities as may be

necessary to serve the lot or other lots within the subdivision; Provided that such easements or rights of way do not unreasonably detract from the economic worth of a lot and improvements thereon.

20. **NUISANCE:** No noxious, illegal, hazardous, dangerous or offensive use, construction or activity shall be conducted on any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the owners, tenants or occupants of other lots within or adjacent to the property by reason of unsightliness, or the excessive emission of fumes, odors, glare, excessive heat, vibration, gases, vapors, chemicals, radiation, dust, liquid waste, smoke or noise.

21. **OUTDOOR LIGHTING:** Outdoor lighting shall be of a type and installation such that no direct glare is visible from adjoining properties, and shall be in compliance with specific requirements of the Design Guidelines.

22. **SEVERABILITY:** It is expressly agreed that if any covenant or condition contained herein, or any part thereof is invalid or void, such invalidity or voiding thereof shall in no way affect any other covenant or condition.

The Grantors reserve and retain the right to modify, change or waive the restrictive covenants and conditions on any lot or lots shown on any plat thereof.

These restrictive covenants represent a private agreement between the Grantors and individual lot purchasers. The Jefferson County Planning Commission assumes no responsibility to oversee or enforce the terms of the covenants.

ROAD MAINTENANCE

The Grantees, for themselves, and their heirs, successors or assigns, acknowledge that the property conveyed by this deed may be subject to an annual charge or assessment as will be voted by majority vote of the lot owners (one (1) vote per lot); PROVIDED, HOWEVER, that the annual common expense liability of each Lot, exclusive of optional user fees and any insurance premiums paid by the Association, shall not exceed THREE HUNDRED DOLLARS ($300.00), OR THE MAXIMUM AMOUNT ALLOWABLE UNDER West Virginia Code §36B-1-203(2), as now in effect or as hereinafter amended, as adjusted pursuant to West Virginia Code §36B-1-114, to-wit: Adjustment of Dollar Amounts Under the West Virginia Uniform Common Interest Ownership Act. A property owners' association shall be organized for the purposes referred to herein and for other purposes. When such association is organized the sums hereinabove mentioned shall

be payable to such association. Said annual assessment fees shall be devoted to the maintenance of Allemont Drive and Cheval Way, for snow removal and for such other purposes as shall from time to time be determined by the property owners' association. Such other purposes may include, but not be limited to, cost of street lighting; maintenance of common areas; maintenance of storm drainage facilities; taxes; insurance premiums; and lighting and other expenses incidental to maintaining the mailbox facilities.

In addition to or in lieu of an annual assessment fee, specific assessments shall be permitted by majority vote (one vote per lot) for purpose of maintaining and improving the common road, entrance area and road frontage. Each lot owner shall pay one ninth (1/9) of the cost of snow removal if an outside contractor is paid to remove snow. If any one of the lot owners has been hired to remove snow from the common road, the remaining lot owners shall equally reimburse that owner.

The Grantees by the acceptance of this deed, expressly vest in Grantors, their successors or assigns, the right and power to bring all actions against the owner of the premises conveyed, or any part, for the collection of such charge or for the violation of any of the covenants contained in this deed. A penalty of 1% per month may be assessed against the unpaid balance of any past due annual charge or assessment, and the Grantors, in addition to all legal and equitable remedies available to them, may recover the costs of any proceedings, including reasonable attorney fees.

EXHIBIT 7 LETTERS FROM AGENCIES

DNR Letter

DIVISION OF NATURAL RESOURCES
Wildlife Resources Section
Operations Center
P.O. Box 67
Elkins, West Virginia 26241-3235
Telephone (304) 637-0245
Fax (304) 637-0250

Joe Manchin III
Governor

Frank Jezioro
Director

September 12, 2007

Ms. Leesa Davis
Dewberry & Davis, LLC
P.O. Box 35
Charles Town, WV 25414

Dear Ms. Davis:

We have reviewed our files for information on rare, threatened and endangered (RTE) species and sensitive habitats for the area of the proposed McCoy residential cluster subdivision in Jefferson County, WV.

We have no known records of any RTE species or sensitive habitats within the project area. The Wildlife Resources Section knows of no surveys that have been conducted in the area for rare species or rare species habitat. Consequently, this response is based on information currently available and should not be considered a comprehensive survey of the area under review.

In addition, this response may fulfill your obligation for a permitting process for the presence of RTE species at the state level. This response and/or the data provided does not constitute an approval by the Division of Natural Resources (DNR) to proceed with a project without satisfying any and all additional required permits or approvals from DNR or other local, state or federal agencies.

Thank you for your inquiry, and should you have any questions please feel free to contact me at the above number, extension 2048. Enclosed please find an invoice.

Sincerely,

Barbara Sargent
Environmental Resources Specialist
Natural Heritage Program

enclosure

u:\BDSInv\D&D.doc
208-175

Health Department Information Letter

Jefferson County Health Department

ROSEMARIE CANNARELLA, M.D., M.P.H.
HEALTH OFFICER

1948 WILTSHIRE ROAD, SUITE 1
KEARNEYSVILLE, WV 25430
ENVIRONMENTAL: (304) 728-8415
FAX: (304) 728-3314
MEDICAL: (304) 728-8416
FAX: (304) 728-3319

August 30, 2007

Dewberry & Davis LLC
P.O. Box 35
Charles Town, WV 25414

Attn.: Leesa Davis, RLA

Dear Leesa Davis:

The Jefferson County Health Department has received your request for information regarding contaminated wells within 1000 feet of McCoy Residential Cluster Subdivision.

A review of our records indicates no private wells with bacteriological contaminates in this area. For a review of chemical contaminates, I suggest that you contact the West Virginia Department of Environmental Protection and the West Virginia Bureau of Public Health.

If you have any questions, please feel free to contact this office at (304) 728-8415.

Sincerely,

Rosemarie Cannarella, MD, MPH
Health Officer.

Cc: Mason Carter, Jefferson County Planning, Zoning & Engineering
Brad Reed, WVBOPH, Kearneysville Office
Jason Chambers, WVDEP, Romney Office
William H. Zaleski, Sanitarian II

DEP Information Letter

west virginia department of environmental protection

Office of Water & Waste
Environmental Enforcement
HC 63 Box 2545
Romney, WV 26757
(304) 822-7266

Joe Manchin III, Governor
Stephanie R. Timmermeyer, Cabinet Secretary
www.wvdep.org

September 13, 2007

Leesa Davis
Dewberrry & Davis LLC
PO Box 35
Charles Town, WV 25414

Reference: McCoy Property

Dear Leesa Davis:

The Division of Water & Waste of West Virginia Department of Environmental Protection has received your request for information regarding any chemical contaminants for the McCoy property located one mile east of state route 9. A review of our water and waste records indicates no chemical pollution to the above property.

If you have any questions please feel free to contact me at (304)822-7266.

Sincerely;

Michael Kanehl
Environmental Inspector

Promoting a healthy environment.

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BUREAU FOR PUBLIC HEALTH
OFFICE OF ENVIRONMENTAL HEALTH SERVICES

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

September 19, 2007

Leesa Davis, RLA
Senior Landscape Architect
Land Design & Survey Division
Dewberry
PO Box 35
Charles Town, WV 25414

RE: McCoy Residential Cluster Subdivision

Dear Ms. Davis:

Based on the location map provided, there are no public water supply wells within 1,000 feet of the proposed McCoy Residential Subdivision.

Sincerely,

Brad Reed

Bradley R. Reed, P.E., Engineer III
Kearneysville District Health Office

BRR:yw

KEARNEYSVILLE DISTRICT OFFICE
1948 Wiltshire Road, Suite 6
Kearneysville, West Virginia 25430
Telephone: 304-725-9453 Fax: 304-725-3108

WVUH·EAST
City Hospital JEFFERSON Memorial Hospital

August 8, 2007

Dewberry & Davis, LLC
P.O. Box 35
Charles Town, West Virginia 25414
Attn: Leesa Davis, RLA

RE: Proposed McCoy Residential Cluster Subdivision

Dear Ms. Davis:

This is in response to your letter to me dated July 31, 2007, concerning the request for hospital coverage for the proposed McCoy Residential Cluster Subdivision.

As President & CEO of West Virginia University Hospitals-East, both Jefferson Memorial Hospital and City Hospital would be glad to provide hospital services for the proposed Development.

Sincerely,

Roger Eitelman

Roger M. Eitelman
President & CEO

RME:lsr

Office of the President and CEO

Phone: 304-264-1244
Fax: 304-264-1290
reitelman@wvuh-east.org

2500 Hospital Drive
Martinsburg, WV 25401

School letter

Jefferson County Schools
Department of Transportation
754 Shenandoah Junction Road, Shenandoah Junction WV 25442
(Office) 304-725-7664 / (Fax) 304-725-5042

Robert Boylan
Coordinator of Transportation
rboylan@access.k12.wv.us

August 10. 2007

Dewberry & Davis, LLC
% Lisa Davis, RLA
411 S. Fairfax Boulevard
Ranson, WV 25438-1611

Subject: McCoy Residential Cluster Subdivision

Dear Ms. Davis:

In review of your correspondence dated July 31, 2007, of the proposed impact of the above mentioned development on the Jefferson County School System, please accept the following comments in regards to this impact study.

The Jefferson County Schools System currently offers daily bus service to all individuals in this area and should experience no additional demands of our system to meet your needs. However, it is necessary to indicate that as outlined under "SOCIAL IMPACTS" in Article 7 – that the Jefferson County Schools System will be implementing a "REDISTRICTING" plan in School Year 2008 – 2009 that may have an impact on the named schools of attendance.

The Jefferson County Schools System stands ready to assist your efforts in this project and welcomes the opportunity to work with your organization.

Sincerely,

Robert Boylan
Coordinator of Transportation

Sincerely,

Susan K. Wall
Acting Superintendent

Sheriff letter

SHERIFF and TREASURER *of Jefferson County*

Telephone: 728-3205
Tax Office: 728-3220
Fax: 728-3299

Everett "Ed" Boober
P.O. Box 9
Charles Town, WV 25414

August 3, 2007

Dewberry & Davis LLC
Attn: Leesa Davis
PO Box 35
Charles Town WV 25414

Dear Ms. Davis:

This is in response to your request that this department furnish you with an account with respect to our ability to respond to calls for service regarding matters of law enforcement and preservation of the peace at the proposed McCoy Residential Cluster Subdivision located on the Shenandoah River off of Bloomery Road approximately one mile east of its intersection with Route 9 in Jefferson County, West Virginia.

The Sheriff's Department is charged with the affirmative duty of investigating criminal activity, preserving the peace, and enforcing the law. This duty extends to all corners of the county and to any community, subdivision or a business property without regard to size or location.

However, as our community continues to grow, it becomes progressively more difficult to assure timely response due to the significant increase in the numbers of calls for service with the staffing that is currently being provided to the Sheriff's Department. On occasion, calls for service must be handled on a priority basis where the most-serious, urgent type of events must receive priority in response and other, less serious calls for service, are responded to as quickly as manpower becomes available.

The foregoing should <u>not</u> be construed as an expression from this office that we are unable or unwilling to respond to calls for service in a timely manner. Given the resources and level of manpower with which we are obligated to work, our level of service is, and will continue to be responsive, timely, and efficient in carrying out our duties and responsibilities in the areas of law enforcement, criminal investigation and preservation of the peace in the Jefferson County community.

Sincerely,

Everett "Ed" Boober
Sheriff and Treasurer

State Police letter

WEST VIRGINIA STATE POLICE

Kearneysville, West Virginia
August 6, 2007

Leesa Davis, RLA
Senior Landscape Architect
Land Design & Survey Division
Dewberry & Davis, LLC
P.O. Box 35
Charles Town, West Virginia 25414

RE: Providing police services for proposed subdivision

Dear Madam:

This officer has reviewed your request for comment about police services for your proposed subdivision. This agency, as a law enforcement agency, doesn't have the luxury of declining police services. The West Virginia State Police will respond to any call for service within our area of responsibility; however, with the ever growing population of Jefferson County and the decrease in our manpower, we are forced to prioritize non-emergency calls for service.

Respectfully submitted,

Sergeant C. C. Morton
West Virginia State Police
Charles Town Detachment

Citizens Fire Company Information Request letter

Dewberry

P.O. Box 35
Charles Town, WV 25414

304 725-4572
304 725-6896 fax
www.dewberry.com

July 31, 2007

Donald Dawson, Fire Chief
PO Box 927
Citizens Volunteer Fire Company
Charles Town, WV 25414

Subject: McCoy Residential Cluster Subdivision

Dear Chief Dawson:

The Jefferson County Planning Commission staff has requested that we supply them with a letter regarding the availability of fire and rescue services for the proposed development. For your information, I have attached a summary of the proposed project and a site location map.

If you have any questions please contact me. I would appreciate a quick reply.

Sincerely

Dewberry & Davis, LLC
Leesa Davis, RLA
Senior Landscape Architect
Land Design & Survey Division

Attachments: Summary: McCoy Residential Cluster Subdivision
Sketch: Location Map

EMS Letter

JEFFERSON COUNTY AMBULANCE AUTHORITY
208 S. Mildred Street
Ranson, WV 25438
E-mail – jeffcoamb@citlink.net
Telephone – 304-728-3287
Fax – 304-728-6221

August 3, 2007

Leesa Davis, RLA
Dewberry
PO Box 35
Charles Town, WV 25414

Subject: McCoy Property Residential Cluster Subdivision

Dear Ms Leesa Davis,

I have reviewed the preliminary plans of the McCoy Property Residential Cluster Subdivision relating to residential growth and the effects on Emergency Medical Services. The primary Ambulance Company will be the Independent Fire Company with supplemental Emergency Medical Technicians from the Ambulance Authority.

Increases in call volume due to our growing and aging population are placing our services near their peak capabilities. Small residential subdivisions such as this have a minimal effect on our service. An average of 1 in 10 residents needs our services annually. With the increases in EMS incidents, ***we can not assure any given response time***, but with the assistance of the other Jefferson County EMS units, we will continue to provide the Emergency Medical Services. The current average EMS response to this area is 9 minutes.

Sincerely,

Edwin D. Smith
Operations Manager

West Virginia EMS Agency of the Year – 2004

Apple Valley Waste Letter

APPLE VALLEY WASTE

Augusts 7, 2007

RE: Proposed McCoy Residential Cluster Subdivision

Leesa Davis
Dewberry & Davis LLC
P. O. Box 35
Charles Town, WV 25414

Dear Mrs. Davis:

Apple Valley Waste Service, Inc. maintains a motor carrier certificate from the WV Public Service Commission to haul residential waste in Berkeley and Jefferson Counties. We are ready and able to provide residential refuse collection for the Proposed McCoy Residential Cluster Subdivision in Jefferson County West Virginia, and any other developments in Berkeley and Jefferson Counties located outside the corporate limits of the following municipalities – the Town of Bolivar, the City of Charles Town, the Town of Harpers Ferry, the City of Ranson, and the Town of Shepherdstown. The refuse will be disposed at LCS Landfill, Moutnainview Landfill, Old Dominion Transfer Station, Jefferson County Transfer Station or any other permitted site capable of receiving municipal solid waste from the State of WV.

Please contact Waste Management of West Virginia to get a statement regarding the same for commercial services.

Sincerely,

James P. Phillips
General Manager
Apple Valley Waste Service, Inc.

Apple Valley Waste Service, Inc
P.O. Box 1208 • Martinsburg, WV 25402 • Office: 304-267-1280 • Fax: 304-267-1270

EXHIBIT 8

Material
from

West Virginia Historic Inventory
Explorer: The West Virginia History Database

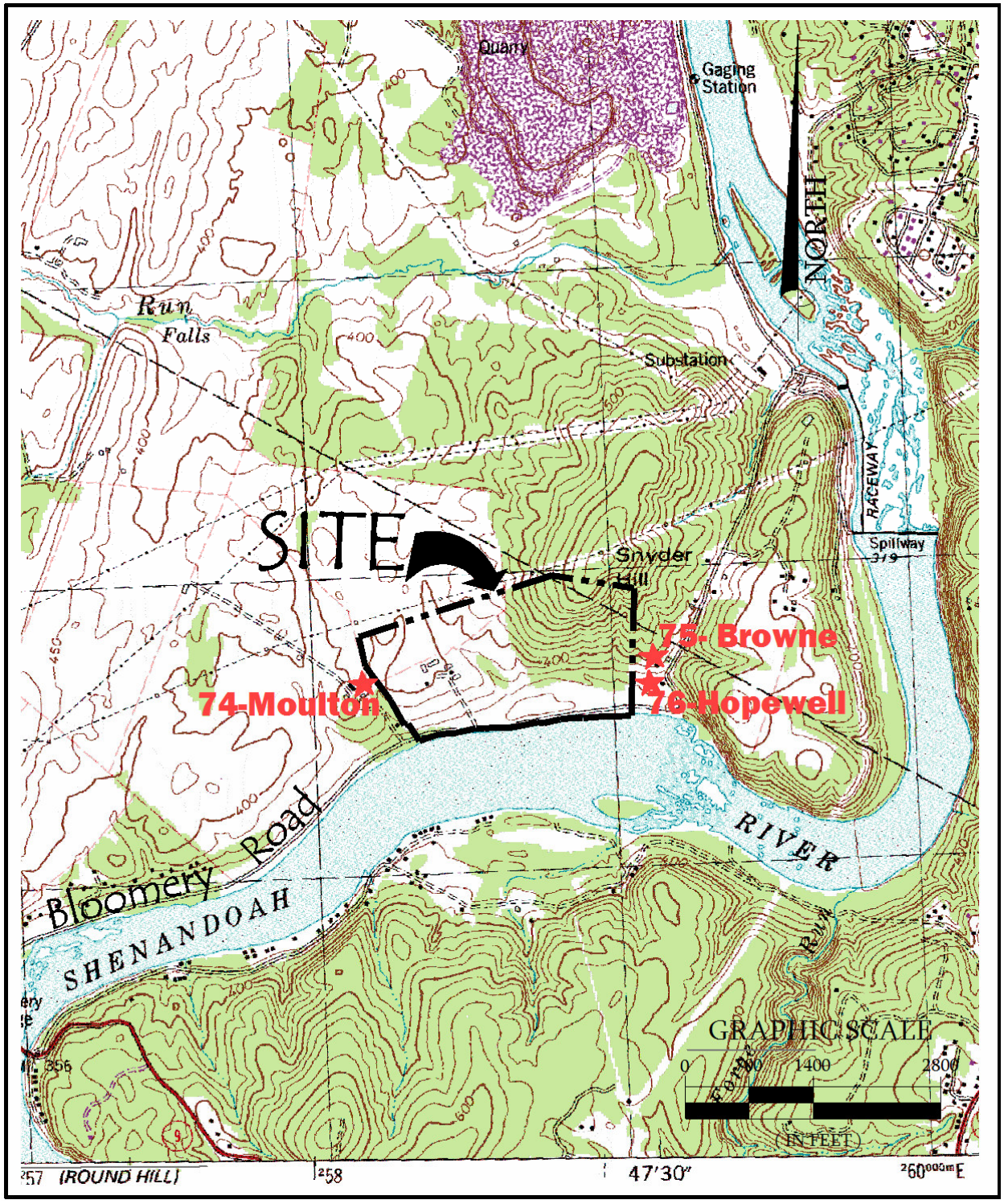
Jefferson County Module created by
William D. Theriault, PhD.

Published by
The WW Division of Culture and History
Charleston WV

&

The Jefferson County Historic Landmarks Commission
2007 Survey

Published at
http://www.jeffersoncountyhlc.org/


Quarry
Gaging Station
NORTH
Run
Falls
Substation
RACEWAY
SITE
Snyder Hill
Spillway
379
75- Browne
74-Moulton
76-Hopewell
Bloomery Road
SHENANDOAH
RIVER
GRAPHIC SCALE
0
1400
2800
(IN FEET)
(ROUND HILL)
47'30"

MAP

C74 Moulton
Present Owner: John Moulton
Mailing Address: RFD 1, Box 203, Charles Town, WV
Original Owner: Lackland
Assessor Map #: *
Approximate Lot Size: *
Property Currently Zoned: *
Assessment: Land - *; Improvements - *; Total - *
Physical Condition: Structure - Fair; Grounds - Fair; Neighborhood - Good
Common Name: Riverside
Address: Bloomery Road, 1 mile downriver from Route 9 bridge.
Area: on Shenandoah River, Bloomery Road
Architect/Builder: *
Date of Construction: log cabin, unknown date; addition 3 stories 1830 (carpenter wrote on wall); Source - *
Architectural Style: *
Present Use: single family residence
Original Use: single family residence
Incidence in Area: moderate
Importance to Its Neighborhood: Minor
Accessible to Public: *
Architectural Significance: County
Significance of Interiors: *
Significance of Landscaping: *
Historic Significance: *
Representation in Other Surveys: *
PHYSICAL DESCRIPTION
Facade Material: wood
Foundation: stone
Roof Form: *
Porch or Veranda: 2; Height: *
Building Height in Stories: 1
Roof Dormers: *
Chimneys: 2; Where: *
Facade Emphasis: *
Window Sash: 1st: 9 over 6;
Entrance:Trans: 9 pane; sidelights: 3 pane
INTERIOR DETAILS
Mantels: 3
Overmantles: *
Staircase: *
Wainscotting: *
Interior Doors of Period: cross and bible
Door and window Frames: *
Other Panelling: *
Ceiling Cornices: *

Chair Rails: yes
Base Molds: *
Wallcoverings of Period: *
Hardware: *
Ceiling Medallions: no
Original Floors: *
Other Interior Details: *
Significant Outbuildings: stone outbuildings
Landscaping: *
Other Notes: fire September 1970 badly damaged center hall and 3 story stairway

C75 Browne

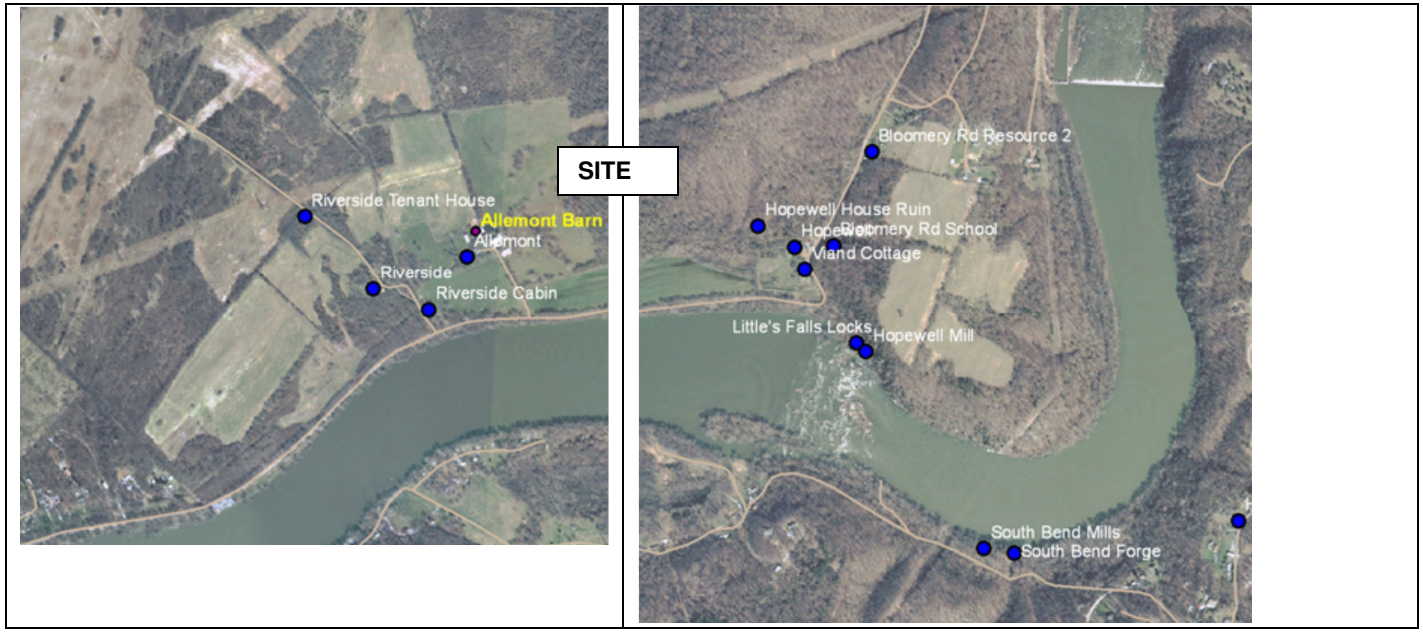
Present Owner: Barbara Moulton Browne
Mailing Address: P.O. Box 410, Charles Town, WV
Original Owner: Mrs. Browne inherited from her father, Dr. Harold Moulton approx. 1965. Dr. Moulton bought it from Broderick Howell approx. 1947.
Assessor Map #: *
Approximate Lot Size: 1/3 acres
Property Currently Zoned: *
Assessment: Land - *; Improvements - *; Total - *
Physical Condition: Structure - Good; Grounds - Good; Neighborhood - Good
Common Name: Viand's Cottage
Address: Bloomey Road
Area: Snyder Hill
Architect/Builder: *
Date of Construction: approx. 1770; Source - *
Architectural Style: cottage

Present Use: single family residence
Original Use: single family residence
Incidence in Area: common
Importance to Its Neighborhood: Minor
Accessible to Public: no
Architectural Significance: Local
Significance of Interiors: *
Significance of Landscaping: *
Historic Significance: *
Representation in Other Surveys: *
PHYSICAL DESCRIPTION
Facade Material: clapboard
Foundation: *
Roof Form: *
Porch or Veranda: small; Height: *
Building Height in Stories: 3
Roof Dormers: *
Chimneys: 1; Where: *
Facade Emphasis: *
Window Sash: 1st: old; *2nd; *3rd
Entrance: Fan *; Lintel *; Trans *; Sidelights *; Undecorated *
INTERIOR DETAILS
Mantels: *
Overmantles: *
Staircase: *
Wainscotting: *
Interior Doors of Period: yes
Door and window Frames: old
Other Panelling: *
Ceiling Cornices: *
Chair Rails: *
Base Molds: *
Wallcoverings of Period: *
Hardware: *
Ceiling Medallions: *
Original Floors: *
Other Interior Details: original under covered beams, first floor
Significant Outbuildings: none
Landscaping: none
Other Notes: *

C76 Hopewell

Present Owner: Barbara Moulton Browne
Mailing Address: P.O. Box 410, Charles Town, WV
Original Owner: Mrs. Browne inherited from father Dr. Howard Moulton who bought it from Broderick Howell approx. 1947.
Assessor Map #: *
Approximate Lot Size: 8 acres
Property Currently Zoned: *
Assessment: Land - *; Improvements - *; Total - *
Physical Condition: Structure - Good; Grounds - Good; Neighborhood - Good
Common Name: Hopewell
Address: Bloomery Road
Area: Snyder Hill
Architect/Builder: *
Date of Construction: 1786; Source - word of mouth
Architectural Style: tenant house
Present Use: single family residence
Original Use: single family residence
Incidence in Area: *
Importance to Its Neighborhood: Minor
Accessible to Public: *
Architectural Significance: County
Significance of Interiors: *
Significance of Landscaping: *
Historic Significance: *
Representation in Other Surveys: *

PHYSICAL DESCRIPTION
Facade Material: clapboard
Foundation: stone
Roof Form: *
Porch or Veranda: 2 fill length; Height: *
Building Height in Stories: 3
Roof Dormers: yes
Chimneys: 2; Where: *
Facade Emphasis: *
Window Sash: *1st; *2nd; *3rd
Entrance: Fan *; Lintel *; Trans *; Sidelights *; Undecorated *
INTERIOR DETAILS
Mantels: one old and lovely, one stone home made
Overmantles: *
Staircase: *
Wainscotting: *
Interior Doors of Period: *
Door and window Frames: old
Other Panelling: *
Ceiling Cornices: no
Chair Rails: *
Base Molds: *
Wallcoverings of Period: *
Hardware: *
Ceiling Medallions: *
Original Floors: some
Other Interior Details: *
Significant Outbuildings: barn and garage, sheds, spring house
Landscaping: some extant trees and shrubs
Other Notes: *



Name	Material	Type	Date	NatRegi	LandMr	Address	Category	Survey
Allemont	frame	Farm House	c. 1825	NRE v		1285 Bloomery Road	II	04-107
Allemont Barn	frame	Dairy Barn	c. 1930				III	04-107
Hopewell	log	Farm House	c. 1810	NR		Bloomery Road	I	04-109
Hopewell House Ruin	stone	Foundation	c. 1800			Bloomery Road	III	
Hopewell Mill	stone	Mill	c. 1820	NRE v		Bloomery Road	II	
Riverside	frame	Farm House	c. 1825	NRE v		1123 Bloomery Road	II	04-106
Riverside Cabin	log	House	c. 1920			Bloomery Road	III	
Riverside Tenant House	frame	Tenant	c. 1890			1123 Bloomery Road	IV	04-106
Little's Falls Locks	stone	Lenticular	c. 1806	NRE v		Bloomery Road	I	
South Bend Forge	stone	Forge	c. 1839			Forge Run	III	
South Bend Mills	site	Mill	c. 1840			Shannondale	III	

Information From 2007 Survey

Exhibit 9 Highway Problem Areas

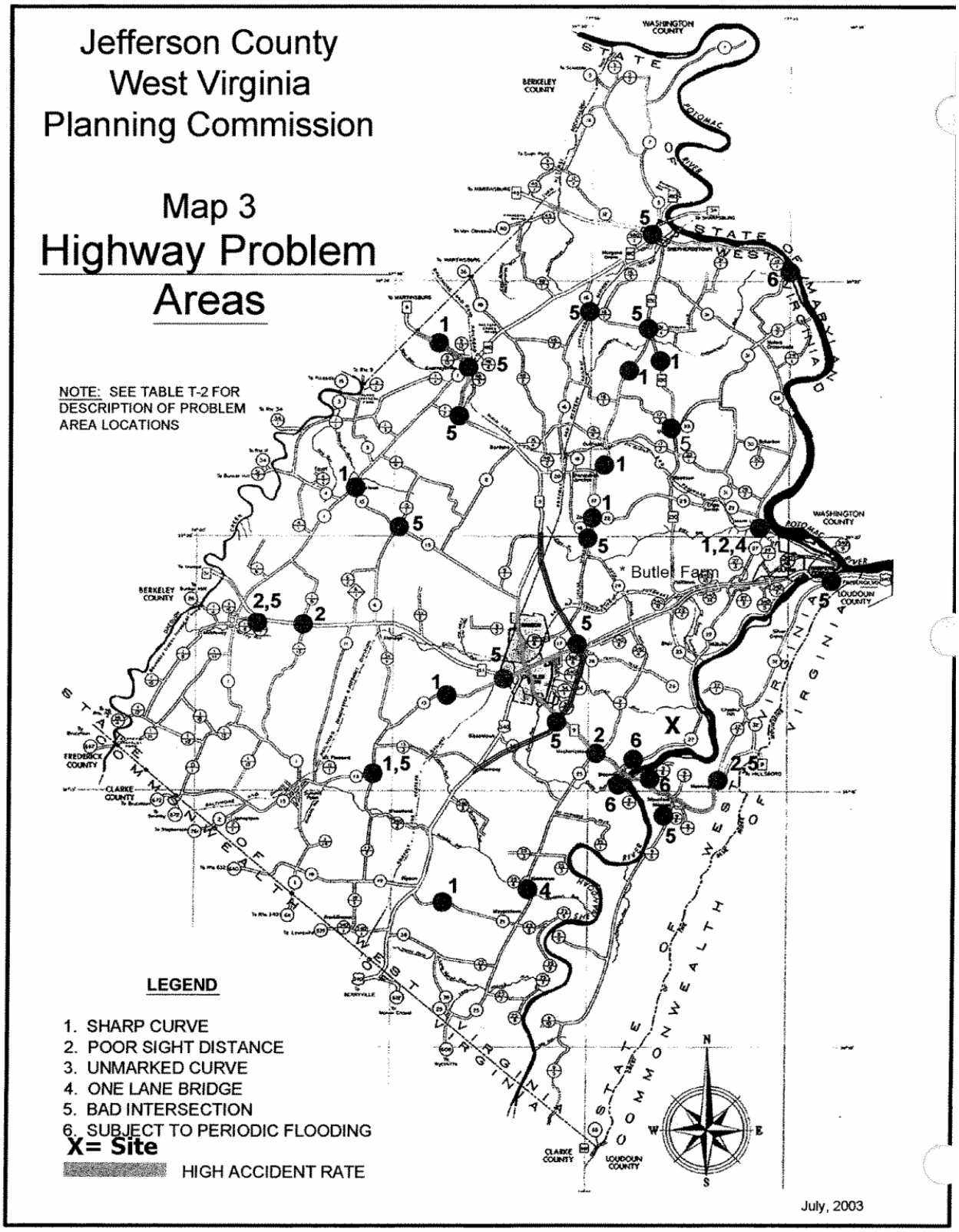
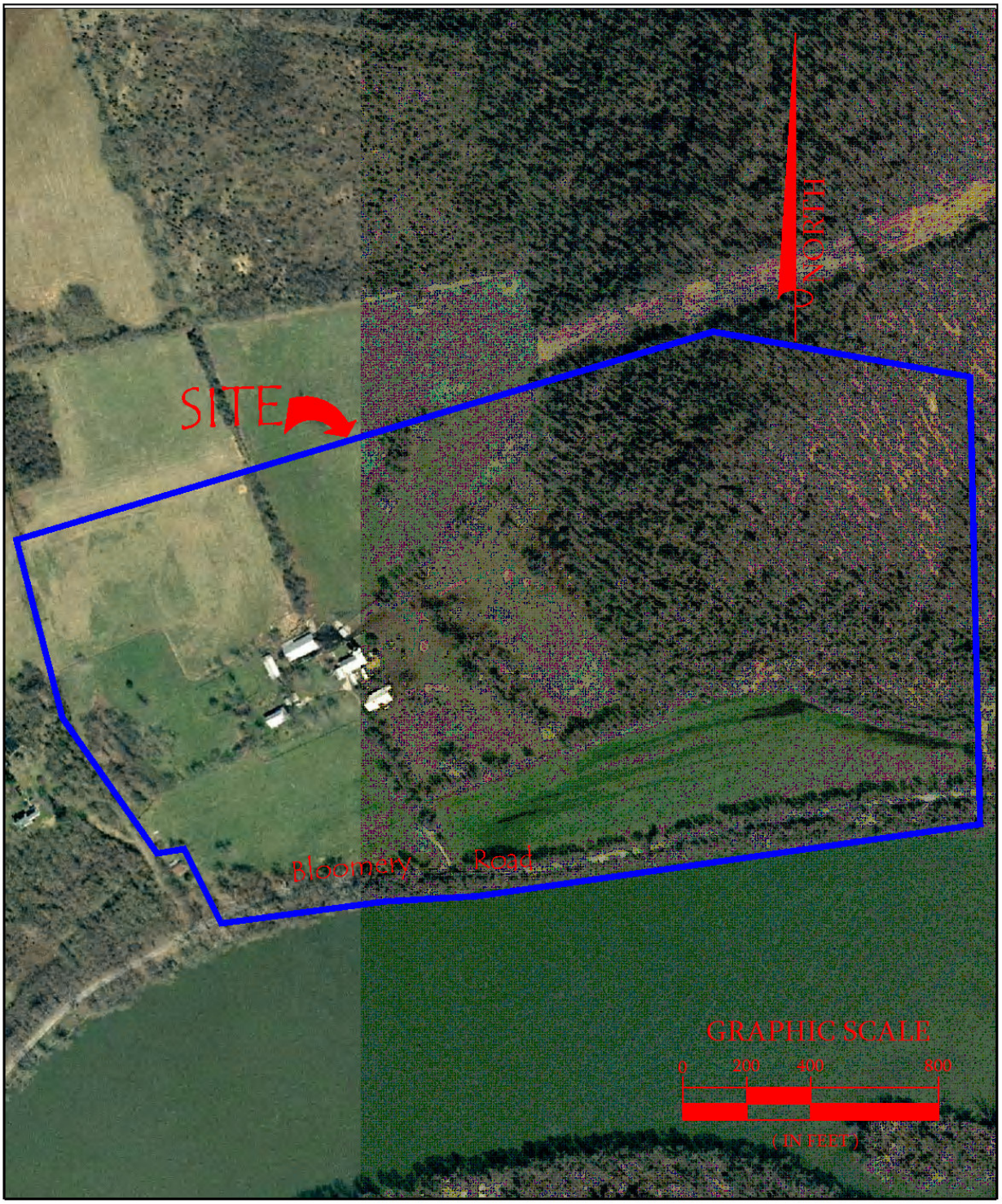


TABLE T-2
Highway Problem Areas

Route Number	Road Class	Location	Problem
340	P	Shenandoah River Bridge to VA Line	Curvy, rough shoulders, falling rocks, stone retaining wall at edge of road.
340	P	Intersection with Rt. 32	Inadequate turning area onto Rt. 32.
340	P	Intersection with Rt.9	Poor access from Rt. 340 (By-pass) east-bound off ramp ont Rt. 9 west-bound lane.
9	P	Intersection with Rt. 340	Poor access from Rt. 9 (By-pass) west-bound off ramp onto Rt. 340 west-bound lane.
9	P	Intersection with Rt. 32/2	Poor intersection angle causing poor visibility.
9	P	Intersection with Rt. ½ & 48/3	Numerous intersections.
9	P	Intersection with Rt. 480	Poor left turn movements onto Rt. 480 & Rt. 1
9	P	Intersection with 9/3	Poor sight distance.
51	S	Intersection with Rt. 1/5 & 1/13	Poor sight distance turning onto Rt. 1/5 & Rt. 1/13.
51	S	From Qpequon Creek to Charles Town	Hidden driveways.
230	S	1 mile South of Rt. 17	S-Curve
230	S	Intersection with Rt. 31/1 & 16/1	Poor visibility/sight distance.
1/7	L	Intersection with Rt. 51 (Middleway)	Poor sight distance & intersection angle.
1/17	L	Between Rt. 1 & Rt. 13	Rough one-lane dirt road.
9/3	L	Intersection with Rt. 9 (Cattail Run Rd. & Rt. 9)	Poor sight distance pulling onto Rt. 9.
9/4	L	From Rt. 9 at Bloomery to the dead-end	Within 100 year flood plain, periodic flooding.
9/5	L	From Rt. 9, South to VA Line (Mission Road)	Many curves on 2 - lane paved section with large subdivisions.
13	L	Intersection with Rt. 51 in Charles Town	Poor intersection angle causing poor visibility.
13	L	Intersection with Rt. 51/1	Poor intersection angle causing poor visibility.
13	L	Intersection with Rt. 13/2	90-degree turn.
16/1	L	Intersection with Rt. 16	Poor intersection angle causing poor visibility.
17	L	½ Mile South of Duffields	Two 90-degree turns.
17	L	1 Mile South of Rt. 230 Intersection	S-Curves
18	L	Intersection with Rt. 17 North of Rt. 24	Poor intersection angle causing poor visibility.
21	L	1 Mile East of Rt. 340 at Rippon	Two 90-degree turns.
22	L	Intersection with Rt. 17	Poor visibility.
Rt. 32	L	Intersection with Rt. 340	Poor intersection angle causing poor visibility, steep grade of road is dangerous when icy or wet.

Road Classifications: P = Primary, S = Secondary, L = Local Service Road

Exhibit 10: Existing Conditions:



Dewberry	DATE 7/25/07	SCALE 1"=400'	TITLE EXISTING CONDITIONS MAP	SHEET NO.
	PROJ. NO. 50004496	PROJECT McCoy Property		

Exhibit 11: Schedules A & B, Title Insurance Policy:

OWNER'S FORM
CHICAGO TITLE INSURANCE COMPANY
SCHEDULE A

Office File No. 5191

POLICY NUMBER 72106 - 73575363 DATE OF POLICY: APRIL 23, 2007 @ 9:47:42 A.M.		
AMOUNT OF INSURANCE: $1,500,000.00	RELATED COMMITMENT NO: 2007-00000028 RELATED POLICY NO: 72107 - 73575409	PREMIUM: $ 4,750.00

SCHEDULE A

1. NAME OF INSURED: ROBERT L. McCOY and DEBBY S. McCOY, husband and wife
WILLIAM D. FISHER
920 Pontiac Avenue
Frederick, MD 21701

2. THE ESTATE OR INTEREST IN THE LAND DESCRIBED IN THIS SCHEDULE IS

Fee Simple

3. THE ESTATE OR INTEREST REFERRED TO HEREIN IS AT DATE OF POLICY VESTED IN:

ROBERT L. McCOY, DEBBY S. McCOY and WILLIAM D. FISHER

4. THE LAND REFERRED TO IN THIS POLICY IS DESCRIBED AS FOLLOWS:

All that certain tract of land, with all improvements thereon and appurtenances thereto belonging, containing about 96.25 acres, more or less, known as the Allen Farm, situate mostly in Charles Town District, Jefferson County, West Virginia, but with a small portion extending into Harpers Ferry District, which is the residue of a tract of 180.95 acres, more or less, that was conveyed to the late Harold G. Moulton and Frances R. Moulton by Algernon S. Allen by deed dated June 25, 1941, and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book No. 154, at Page 343, after two offsales, as follows:

This Policy valid only if Schedule B is attached.

OWNER'S FORM
CHICAGO TITLE INSURANCE COMPANY

Office File No. 5191
Policy Number: 72106 - 73575363

LEGAL DESCRIPTION, continued

1. One-fourth of an acre, more or less, with cabin thereon, that was conveyed to Barbara Moulton by said Harold G. Moulton and Frances R. Moulton by deed dated December 15, 1961, and recorded in the aforesaid Clerk's Office in Deed Book No. 251, at Page 204;

2. A tract containing about 94.5 acres, more or less, off the bank (north) portion of said farm, included in a deed of conveyance to Bethlehem Limestone Corp. by said Harold G. Moulton and Frances R. Moulton, dated March 26, 1953, and recorded in the aforesaid Clerk's Office in Deed Book No. 192, Page 295.

AND BEING the same real estate conveyed to Robert L. McCoy, Debby S. McCoy and William D. Fisher from Rodney J. Dias by deed dated April 20, 2007, and recorded in the aforesaid Clerk's Office on April 23, 2007, at 9:47:42 a.m., in Deed Book 1035, at Page 257, as Document No. 2007008951.

This Policy valid only if Schedule B is attached.

OWNER'S FORM
CHICAGO TITLE INSURANCE COMPANY
SCHEDULE B

Office File No. 5191
Policy Number: 72106 - 73575363

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of the following:

EXCEPTIONS FROM COVERAGE

GENERAL EXCEPTIONS:

(1) Rights or claims of parties in possession not shown by the public records.
(2) Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey and inspection of the premises.
(3) Easements, or claims of easements, not shown by the public records.
(4) Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
(5) Taxes or special assessments which are not shown as existing liens by the public records.

SPECIAL EXCEPTIONS:

(1) Taxes assessed July 1, 2006, for the calendar year 2007, coming due July 1, 2007, and subsequent years which are a lien but not yet due and payable.

(2) Easements and rights of way shown a plat of survey dated March 1917, prepared by M. W. McDonald, entitled, "Plat of the Farm Sold by C. E. Jordan, to A. S. Allen", which said plat is attached to, made a part of and incorporated in a deed dated April 6, 1917, from Charlotte Elizabeth Jordan (nee Sublette), and F. L. Jordan, her husband, to A. S. Allen, recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 115, at Page 132.

Countersigned:

Authorized Signatory

Schedule B of this Policy consists of 4 pages.

OWNER'S FORM
CHICAGO TITLE INSURANCE COMPANY

Office File No. 5191
Policy Number: 72106 - 73575363

SCHEDULE B (Cont'd)

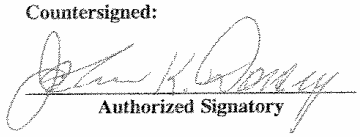
(3) Reservation set forth in a Contract of Sale dated November 5, 1985, between Barbara Moulton Browne, widow, and Rodney J. Dias, single, recorded in the aforesaid Clerk's Office in Deed Book 548, at Page 431, which contains a reservation by Barbara Moulton Browne, widow, and all subsequent owners of the "Hopewell" tract, of the right to draw water from the existing well or other water facilities on the Allen Farm, for domestic purposes and any other use associated with occupancy of the "Hopewell" farm, and this water right shall run with the land and endure for a period of not more than 50 years from the date hereof, unless terminated by mutual agreement.

(4) Reservation set forth in a deed dated November 22, 1985, from Barbara Moulton Browne, widow, to Rodney J. Dias, single, recorded in the aforesaid Clerk's Office in Deed Book 548, at Page 595, which contains a reservation by Barbara Moulton Browne, widow, and all subsequent owners of the "Hopewell" tract, of the right to draw water from the existing well or other water facilities on the Allen Farm, for domestic purposes and any other use associated with occupancy of the "Hopewell" farm, and this water right shall run with the land endure for a period of not more than 50 years from the date hereof, unless terminated by mutual agreement.

(5) Right of First refusal retained by Barbara Moulton Browne, widow, as set forth in a contract of Sale dated November 5, 1985, between Barbara Moulton Browne, widow, and Rodney J. Dias, single, recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 548, at Page 431.

(6) Right of First refusal retained by Barbara Moulton Browne, widow, as set forth in a deed dated November 22, 1985, from Barbara Moulton Browne, widow, to Rodney J. Dias, single, recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 548, at Page 595.

Countersigned:



Authorized Signatory

Schedule B of this Policy consists of 4 pages.

OWNER'S FORM
CHICAGO TITLE INSURANCE COMPANY

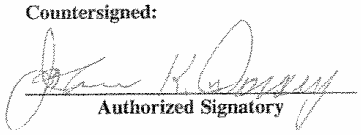
Office File No. 5191
Policy Number: 72106 - 73575363

SCHEDULE B (Cont'd)

(7) Restrictive Covenants and agreements set forth in a Contract of Sale dated November 5, 1985, between Barbara Moulton Browne, widow, and Rodney J. Dias, single, recorded in the aforesaid Clerk's Office in Deed Book 548, at Page 431; and modified by Clarification of Contract of Sale and Deed dated June 1, 2004, between Rodney J. Dias and Sally Brewster Moulton, recorded in the aforesaid Clerk's Office in Deed Book 991, at Page 10, which have not been violated, and that any future violation thereof will not effect a forfeiture or reversion of title, BUT OMITTING ANY COVENANT OR RESTRICTION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN UNLESS AND ONLY TO THE EXTENT THAT SAID COVENANT (a) IS EXEMPT UNDER CHAPTER 42, SECTION 3607 OF THE UNITED STATES CODE OR (b) RELATES TO HANDICAP BUT DOES NOT DISCRIMINATE AGAINST HANDICAPPED PERSONS. ANY COVENANT AND RESTRICTION, OR ANY PART THEREOF, OMITTED AS DESCRIBED ABOVE SHALL IN NO EVENT BE CONSTRUED AS FORMING A PART OF THIS COMMITMENT/POLICY, SCHEDULE B OF THIS COMMITMENT/POLICY OR AS AN EXISTING COVENANT AND RESTRICTION DISCLOSED BY THE PUBLIC RECORDS.

(8) Restrictive Covenants and agreements set forth in a deed dated November 22, 1985, from Barbara Moulton Browne, widow, to Rodney J. Dias, single, recorded in the aforesaid Clerk's Office in Deed Book 548, at Page 595, and modified by Clarification of Contract of Sale and Deed dated June 1, 2004, between Rodney J. Dias and Sally Brewster Moulton, recorded in the aforesaid Clerk's Office in Deed Book 991, at Page 10, which have not been violated, and that any future violation thereof will not effect a forfeiture or reversion of title, BUT OMITTING ANY COVENANT OR RESTRICTION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN UNLESS AND ONLY TO THE EXTENT THAT SAID COVENANT (a) IS EXEMPT UNDER CHAPTER 42, SECTION 3607 OF THE UNITED STATES CODE OR (b) RELATES TO HANDICAP BUT DOES NOT DISCRIMINATE AGAINST HANDICAPPED PERSONS. ANY COVENANT AND RESTRICTION, OR ANY PART THEREOF, OMITTED AS DESCRIBED ABOVE SHALL IN NO EVENT BE CONSTRUED AS FORMING A PART OF THIS COMMITMENT/POLICY, SCHEDULE B OF THIS COMMITMENT/POLICY OR AS AN EXISTING COVENANT AND RESTRICTION DISCLOSED BY THE PUBLIC RECORDS.

Countersigned:



Authorized Signatory

Schedule B of this Policy consists of 4 pages.

OWNER'S FORM
CHICAGO TITLE INSURANCE COMPANY

Office File No. 5191
Policy Number: 72106 - 73575363

SCHEDULE B (Cont'd)

(9) Release agreement dated July 18, 1993, Sally Brewster Moulton, holding power of attorney for Barbara Moulton Browne, to Rodney J. Dias and recorded in the aforesaid Clerk's Office in Release Book 144, at Page 96.

(10) Clarification of Contract of Sale and Deed dated June 1, 2004, between Rodney J. Dias and Sally Brewster Moulton, recorded in the aforesaid Clerk's Office in Deed Book 991, at Page 10.

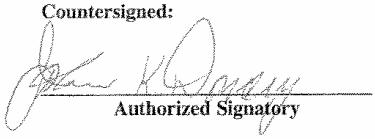
(11) Right of Way dated August 6, 1941, to the Northern Virginia Power Company, recorded in the aforesaid Clerk's Office in Deed Book 156, at Page 298.

(12) Right of Way dated June 6, 1979, to The Potomac Edison Company of West Virginia, recorded in the aforesaid Clerk's Office in Deed Book 456, at Page 613.

(13) The lien of a first deed of trust dated April 20, 2007, from Robert L. McCoy, Debbie S. McCoy and William D. Fisher to Craig W. Sacknoff, John B. McKenney, III and Mark Desrochers, Trustees, securing Alliance Bank in the original principal sum of $1,200,000.00, and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, on April 23, 2007, at 9:53:09 a.m., in Deed of Trust Book 1642, at Page 509, as Document No. 2007008952.

(14) The line of a second deed of trust dated April 20, 2007, from Robert L. McCoy, Debbie S. McCoy and William D. Fisher to S. Walter Washington, Trustee, securing Sudhakar D. Ohal in the original principal sum of $150,000.00, and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, on April 23, 2007, at 9:54:35 a.m., in Deed of Trust Book 1642, at Page 517, as Document No. 2007008956.

Countersigned:



Authorized Signatory

Schedule B of this Policy consists of 4 pages.