

**BOARD OF SUPERVISORS  
COUNTY OF NEW KENT  
VIRGINIA**

**R-33-10**

At the regular meeting of the Board of Supervisors of the County of New Kent in the Boardroom of the Administration Building in New Kent, Virginia, on the 9th day of August, 2010:

Present:	Vote:
Thomas W. Evelyn	Aye
James H. Burrell	Aye
Stran L. Trout	Absent
W. R. Davis, Jr.	Aye
David M. Sparks	Aye

Motion was made by Mr. Burrell, which carried 4:0 to adopt the following resolution:

**RESOLUTION REGARDING THE  
IMPLEMENTATION OF CHAPTERS 549 AND 613  
OF THE VIRGINIA ACTS OF ASSEMBLY – 2010 SESSION,  
REGARDING THE TIMING FOR THE  
ACCEPTANCE OF CASH PROFFER PAYMENTS**

**WHEREAS**, Virginia Code § 15.2-2298 authorizes the acceptance of cash proffers by counties which, like New Kent County, have had population increases of 5% or more during the latest decennial census period provided that (i) the rezoning gives rise to the need for the proffered condition, (ii) the conditions have a reasonable relation to the rezoning, and (iii) the conditions are in conformity with the Comprehensive Plan; and

**WHEREAS**, the New Kent County Comprehensive Plan includes the Public Facilities Plan providing for capital improvements necessitated by growth projected for a

30-year period in addition to the Capital Improvement Plan of the New Kent County School Board; and

**WHEREAS**, the Board of Supervisors finds that the rezoning and development of property for residential use will result in increased population and a commensurate increase in the need for capital improvements to maintain the levels of services provided by the County; and

**WHEREAS**, since 1999, New Kent County has accepted proffers in connection with residential rezoning that provide for the payment of amounts calculated to offset a portion of the cost to the County of the construction of capital improvements necessitated by a new residential development; and

**WHEREAS**, the payment of cash proffers by residential developers has facilitated the construction of new schools, roads, fire stations, rescue squads and other capital improvements necessitated by new residential development, has enabled New Kent County to construct such facilities in a timely manner to meet the needs of population growth, and has mitigated the impact of the construction of such facilities on the tax burden paid by existing and new County residents; and

**WHEREAS**, since 1999, it has been the policy of New Kent County to accept the payment of proffered amounts upon the issuance of residential building permits; and

**WHEREAS**, the 2010 session of the Virginia General Assembly approved House Bill 374 and Senate Bill 632, which became Chapters 549 and 613 of the 2010 Virginia Acts of Assembly, providing that “cash payment made pursuant to such a cash proffer shall be collected or accepted by any locality only after completion of the final inspection and

prior to the time of the issuance of any certificate of occupancy for the subject property;”  
and

**WHEREAS**, the provisions of Chapters 549 and 613 of the 2010 Virginia Acts of Assembly became effective on July 1, 2010 and shall expire on July 1, 2014;

**NOW THEREFORE BE IT RESOLVED** by the New Kent County Board of Supervisors that for any pending or new residential request scheduled to be considered by the Board of Supervisors after July 1, 2010, and before July 1, 2014, the applicant, in lieu of the standard proffered condition providing for payment of the cash proffer prior to the issuance of residential building permits, shall be provided with an opportunity to amend previously submitted proffers or submit new proffers stipulating that cash proffers will be paid after the completion of the final inspection and prior to the issuance of any certificate of occupancy and that issuance of the certificate of occupancy shall not be requested until the proffered amount has been paid for that new dwelling unit.



G. Cabell Lawton IV  
County Administrator



David M. Sparks  
Chairman