

**AMENDMENT TO ECONOMIC DEVELOPMENT PERFORMANCE
AGREEMENT**

THIS AMENDMENT TO ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT (“**Amended Agreement**”) is made effective as of this ___ day of _____, 2024 by and among the Economic Development Authority of the City of Charlottesville, Virginia (**the “Authority”**), and Piedmont Housing Alliance, a non-profit 501(c)(3) organization under the Internal Revenue Code of 1986, as amended (“**PHA**”) and on behalf of FC Phase I, LLC, a Virginia limited liability company (**the “Developer”**).

WITNESSETH:

WHEREAS, the Authority and Developer entered into a certain Economic Development Performance Agreement dated as of October 14, 2021, (the “**Agreement**”) where the Authority has agreed to provide a certain financial incentive grant to the Developer in order to encourage and induce the Developer to invest a significant amount of money into real estate improvements consisting of 106 units located in the City of Charlottesville, Virginia (the “**City**”) described and depicted on Exhibit A of the Agreement (the “**Property**”);

WHEREAS, the Developer desires to construct 106 units on the Property (the “**Improvements**”), which will promote the safety, health, welfare, convenience or prosperity of the inhabitants of the City by improving and rehabilitating a distressed area of the City which will enhance the tax base in the City and create opportunities for commercial and other economic development in the City; and

WHEREAS, the Authority and Developer desire to amend the Agreement as more particularly set forth below.

NOW, THEREFORE, in consideration of the mutual covenants of the parties hereto, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Authority and Developer, the parties hereto do hereby agree to amend the Agreement as follows:

1. **Recitals. Defined Terms.** The above recitals are restated and incorporated herein by reference. Capitalized terms used herein and not otherwise defined herein shall have the meaning ascribed to such term in the Agreement.
2. **Parcel.** The Improvements will be constructed on the subdivided 3.086-acre parcel as described and depicted on **Exhibit A** attached which was a portion of the 11.77-acre parcel described and depicted in the Agreement. The Base Value as defined in Section 2 of the Agreement on which the Grant (as defined therein) is calculated will be the 3.086-acre parcel assessed at \$3,211,800.
3. **Ratification.** Except as expressly set forth in this Amended Agreement, neither the Agreement nor any provision thereof has been or is hereby amended. In furtherance of, and without in any manner limiting the foregoing, Authority and Developer each hereby agree and acknowledge that the Agreement, as amended hereby, remains in full force and effect and is hereby affirmed, confirmed and reaffirmed.

4. **Counterparts.** This Amended Agreement may be executed in more than one counterpart, each of which, when taken together, shall be deemed to be one (1) instrument. The exchange of signature pages by facsimile or Portable Document Format (PDF) transmission shall constitute effective delivery of such signatures and may be used in lieu of the original signature pages for all purposes.

[Signatures on Following Page]

IN WITNESS WHEREOF, the parties hereto have executed this Amended Agreement as of the date first written above.

**ECONOMIC DEVELOPMENT AUTHORITY
OF THE CITY OF CHARLOTTESVILLE, VIRGINIA**

By: _____
Chairman

DEVELOPER

By: _____
Print Name: _____
Title: _____

**ACKNOWLEDGED BY THE CITY OF
CHARLOTTESVILLE, VIRGINIA**

By: _____
City Manager

EXHIBIT A
SUBDIVISION PLAT

SURVEY NOTES:

1. PROPERTY & ZONING INFORMATION:

TMP 28-112

OWNER: NHTe Piedmont Garrett Square Limited Partnership
REFERENCE: DEED BOOK 876, PAGE 72
PARCEL ID NUMBER: 280112000
PROPERTY ADDRESS: 400-426 GARRETT STREET (ORIGINAL)
AREA 11.771 AC. (512,761 SF)
ZONED: DE (DOWNTOWN EXTENDED)

DIMENSIONAL REGULATIONS (FROM CHARLOTTESVILLE CITY CODE, CHAPTER 34, ARTICLE VI, DIVISION 3):

SETBACKS

FRONT PRIMARY STREET - NO MINIMUM REQ'D; FIFTEEN (15) FEET MAXIMUM.
FRONT LINKING STREET - TEN (10) FEET, MINIMUM; TWENTY (20) FEET MAXIMUM.
SIDE & REAR, ADJACENT TO LOW DENSITY RESIDENTIAL - TWENTY (20) FEET, MINIMUM.
SIDE & REAR, ADJACENT ANY OTHER ZONING DISTRICTS - NONE REQ'D.

HEIGHT REGULATIONS

MINIMUM - THIRTY-FIVE (35) FEET
MAXIMUM, MIXED-USE - ONE HUNDRED & ONE (101) FEET
MAXIMUM, ANY OTHER STRUCTURE - FIFTY (50) FEET

STEPBACK

THE MAXIMUM HEIGHT OF THE STREETWALL OF ANY BUILDING OR STRUCTURE SHALL BE FIFTY (50) FEET; AFTER 50 FEET, THERE SHALL BE A MINIMUM STEPBAC OF TEN (10) FEET ALONG AT LEAST SEVENTY (70) PERCENT OF THE LENGTH OF SUCH STREETWALL.

2. THE BOUNDARY SURVEY SHOWN HEREON IS BASED ON A FIELD SURVEY BY TIMMONS GROUP COMPLETED IN JUNE OF 2017.
3. HORIZONTAL DATUM IS BASED ON NAD83 (NA2011), VIRGINIA STATE GRID, SOUTH ZONE. DATUM ESTABLISHED THROUGH LEICA SmartNET NETWORK GPS OBSERVATIONS.
4. BASED ON FEMA FLOOD INSURANCE RATE MAP (FIRM), MAP NO. 51003C0286D, PANEL 288 OF 575 EFFECTIVE DATE FEBRUARY 4, 2005, THE PROPERTY SHOWN LIES IN UNSHADED ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
5. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT; EASEMENTS MAY EXIST WHICH ARE NOT SHOWN HEREON.
6. PUBLIC EASEMENTS DEPICTED HEREON ARE HEREBY DEDICATED TO THE CITY OF CHARLOTTESVILLE.

SHEET INDEX

SHEET 1 : COVER, NOTES, APPROVAL(S)
SHEET 2 : PARENT PARCEL OVERVIEW
SHEET 3 : AREA OF SUBDIVISION
SHEET 4 : ADDITIONAL SANITARY SEWER ESMT.

OWNER'S APPROVAL:

THE SUBDIVISION OF LAND DESCRIBED HEREIN IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES. ANY REFERENCE TO FUTURE POTENTIAL DEVELOPMENT IS TO BE DEEMED AS THEORETICAL ONLY. ALL STATEMENTS AFFIXED TO THIS PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

FOR: NHTe Piedmont Piedmont Garrett Square Limited Partnership

DATE

STATE OF: _____
COUNTY OR CITY OF: _____

THE FOREGOING WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 2021,
BY: _____

NOTARY PUBLIC

MY COMMISSION EXPIRES:

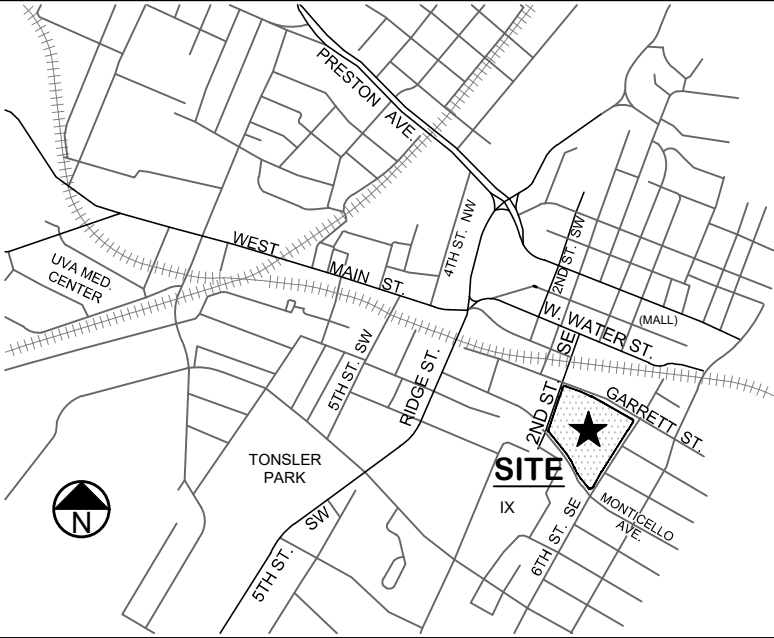
SURVEYOR'S CERTIFICATE:

I CERTIFY THAT THIS SUBDIVISION PLAT, TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS.



AREA TABULATION:

| | |
|--|--------------------------|
| ORIGINAL TAX MAP PARCEL 28-112 (280112000) | 11.771 AC. (512,761 SF) |
| AREA TO NEW PARCEL 'B' (FROM 28-112) | 3.086 AC. (134,429 SF) |
| AREA TO NEW PARCEL 'C' (FROM 28-112) | - 0.457 AC. (19,931 SF) |
| REMAINDER OF TAX MAP PARCEL 28-112 | = 8.228 AC. (358,401 SF) |



VICINITY MAP

1" = 2000'

CITY APPROVALS:

SECRETARY OF THE PLANNING COMMISSION

DATE

CHAIRMAN OF THE PLANNING COMMISSION

DATE

PLAT OF
MINOR SUBDIVISION
ON THE LANDS OF
NHTe Piedmont Garrett Square Limited Partnership
TAX MAP PARCEL 28-112
NORTH DOWNTOWN AREA
CITY OF CHARLOTTESVILLE, VIRGINIA

| | |
|----------------------------|-----------------|
| Date: Feb. 25, 2021 | Scale: As Shown |
| Sheet: 1 of 4 | J.N.: 38791 |
| Drawn by: JCM | Checked by: JCM |
| LAST REVISED: July 7, 2021 | |

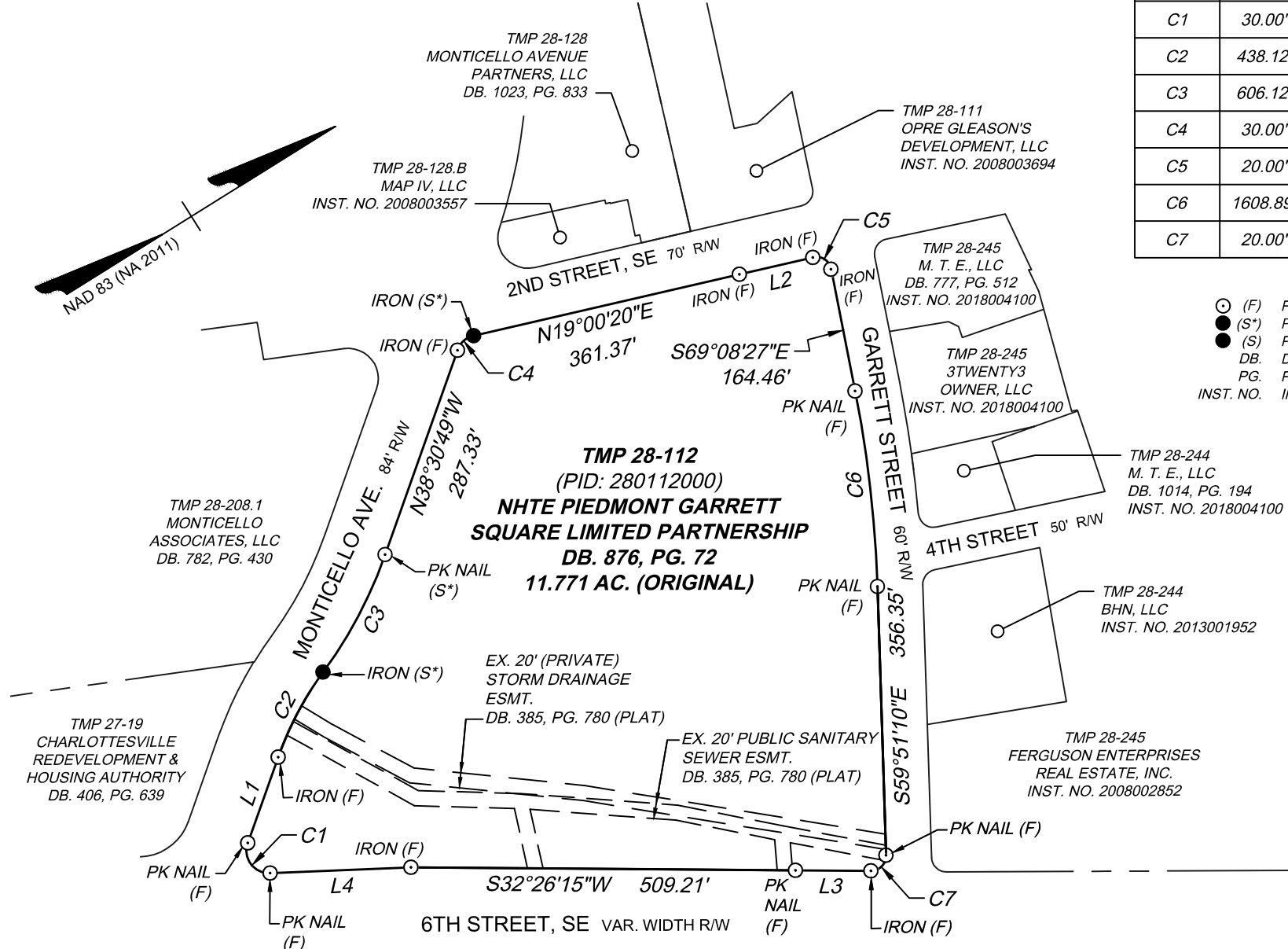
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TIMMONS GROUP

YOUR VISION ACHIEVED THROUGH OURS.

EXISTING PARENT PARCEL, TMP 28-112 (PID: 280112000)
SEE SHEET 3 FOR SUBDIVISION

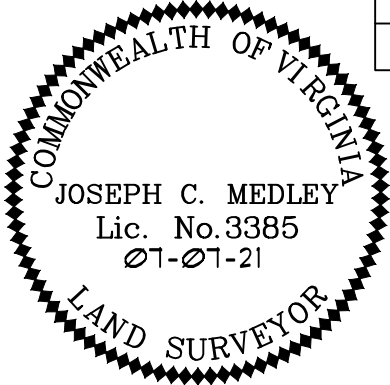


| CURVE TABLE | | | | | | |
|-------------|----------|---------|---------|------------|---------------|---------|
| CURVE | RADIUS | LENGTH | TANGENT | DELTA | CHORD BEARING | CHORD |
| C1 | 30.00' | 58.53' | 44.30' | 111°47'04" | S85°35'39"W | 49.68' |
| C2 | 438.12' | 127.67' | 64.29' | 16°41'45" | N30°09'56"W | 127.22' |
| C3 | 606.12' | 176.62' | 88.94' | 16°41'46" | N30°09'56"W | 176.00' |
| C4 | 30.00' | 30.12' | 16.47' | 57°31'09" | N9°45'15"W | 28.87' |
| C5 | 20.00' | 32.06' | 20.66' | 91°51'05" | N64°55'52"E | 28.74' |
| C6 | 1608.89' | 260.87' | 130.72' | 9°17'25" | S64°29'53"E | 260.59' |
| C7 | 20.00' | 32.22' | 20.82' | 92°17'27" | S13°42'28"E | 28.84' |

LEGEND

○ (F) PROPERTY CORNER FOUND (AS NOTED)
● (S*) PROPERTY CORNER (PREVIOUSLY SET)
● (S) PROPERTY CORNER SET (AS NOTED)
DB. DEED BOOK
PG. PAGE
INST. NO. INSTRUMENT NUMBER

| LINE TABLE | | |
|------------|-------------|---------|
| LINE | BEARING | LENGTH |
| L1 | N38°30'49"W | 120.50' |
| L2 | N19°00'20"E | 100.00' |
| L3 | S32°26'15"W | 100.00' |
| L4 | S29°42'07"W | 186.95' |



PLAT OF
MINOR SUBDIVISION
ON THE LANDS OF
**NHTE PIEDMONT GARRETT
SQUARE LIMITED PARTNERSHIP**
TAX MAP PARCEL 28-112
NORTH DOWNTOWN AREA
CITY OF CHARLOTTESVILLE, VIRGINIA

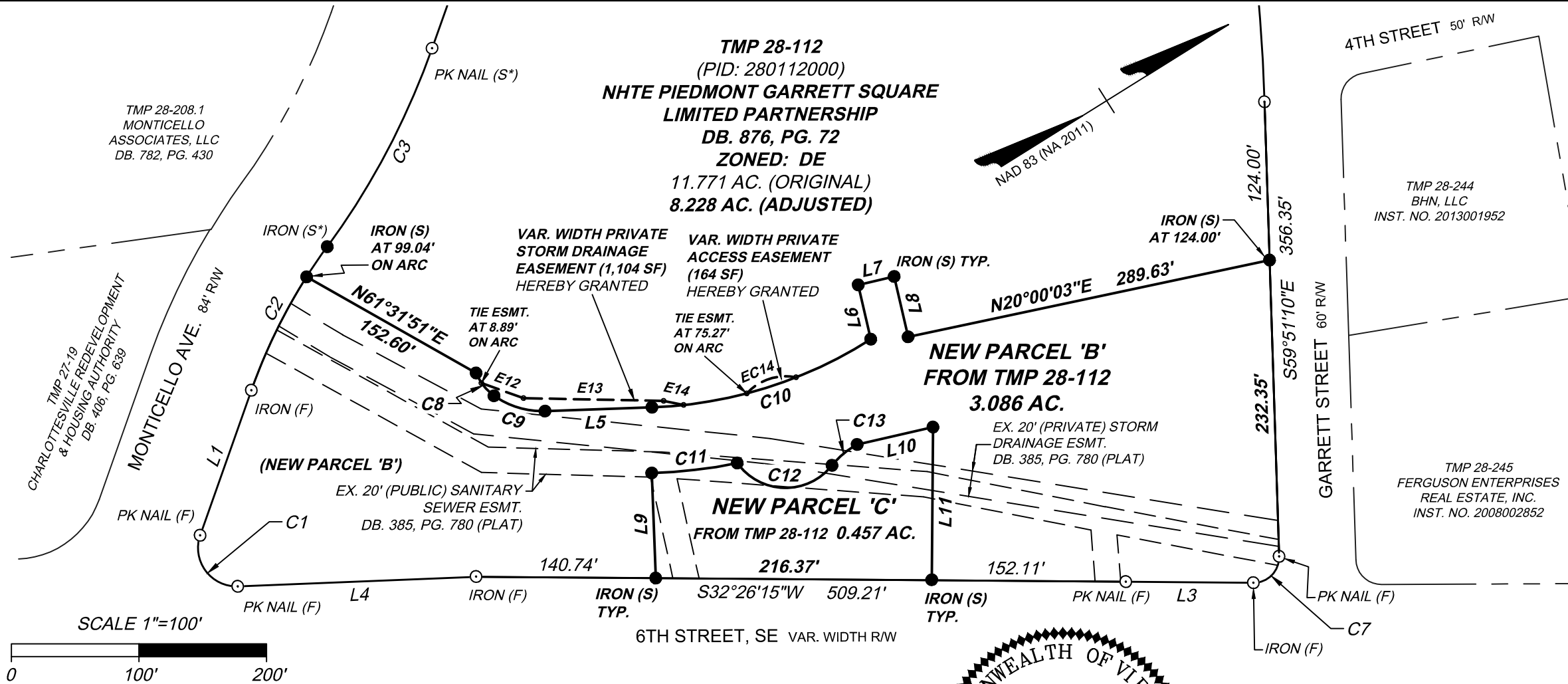


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|----------------------------|------------------|
| Date: Feb. 25, 2021 | Scale: 1" = 200' |
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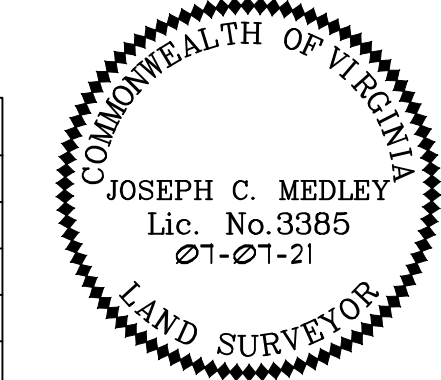
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| CURVE TABLE | | | | | | |
|-------------|---------|---------|---------|------------|---------------|---------|
| CURVE | RADIUS | LENGTH | TANGENT | DELTA | CHORD BEARING | CHORD |
| C8 | 40.00' | 23.10' | 11.88' | 33°05'24" | N83°54'00"E | 22.78' |
| C9 | 65.00' | 42.42' | 22.00' | 37°23'36" | N48°39'30"E | 41.67' |
| C10 | 340.74' | 181.75' | 93.09' | 30°33'40" | N14°43'10"E | 179.60' |
| C11 | 391.36' | 67.60' | 33.88' | 9°53'46" | N25°22'09"E | 67.51' |
| C12 | 46.50' | 86.05' | 61.74' | 106°01'44" | N33°24'26"E | 74.29' |
| C13 | 62.00' | 25.80' | 13.09' | 23°50'36" | S7°41'08"E | 25.62' |
| EC14 | 41.00' | 42.49' | 23.38' | 59°22'40" | N13°55'38"E | 40.61' |

| LINE TABLE | | |
|------------|-------------|---------|
| LINE | BEARING | LENGTH |
| L5 | N29°57'42"E | 83.93' |
| L6 | N71°01'09"W | 43.68' |
| L7 | N18°58'51"E | 28.88' |
| L8 | S71°01'09"E | 48.49' |
| L9 | N60°10'26"W | 82.44' |
| L10 | N19°03'12"E | 60.92' |
| L11 | S57°33'45"E | 120.01' |

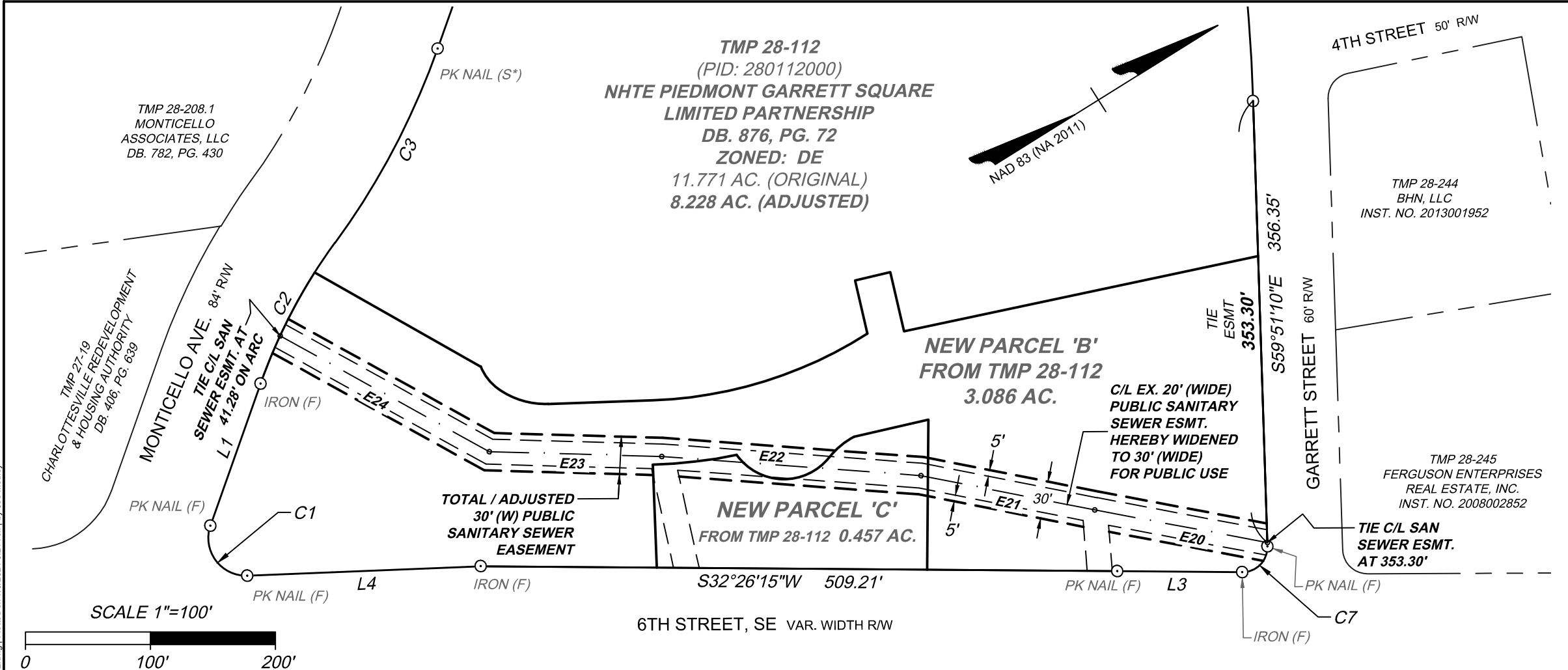


| PLAT OF MINOR SUBDIVISION ON THE LANDS OF NHTE PIEDMONT GARRETT SQUARE LIMITED PARTNERSHIP TAX MAP PARCEL 28-112 NORTH DOWNTOWN AREA CITY OF CHARLOTTESVILLE, VIRGINIA | |
|---|------------------|
| Date: Feb. 25, 2021 | Scale: 1" = 100' |
| Sheet: 3 of 4 | J.N.: 38791 |
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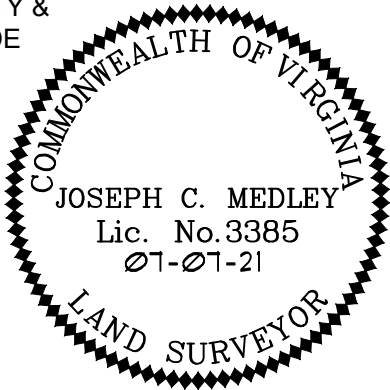
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| LINE TABLE | | |
|------------|-------------|---------|
| LINE | BEARING | LENGTH |
| E20 | S42°40'43"W | 140.54' |
| E21 | S43°10'21"W | 141.70' |
| E22 | S36°13'35"W | 207.92' |
| E23 | S33°35'31"W | 138.03' |
| E24 | S60°58'00"W | 191.22' |

THIS SHEET (4) DEPICTS ADDITIONAL SANITARY SEWER EASEMENT CENTERED ON EXISTING UTILITY & EASEMENT, EXPANDING PORTIONS OF THE 20' WIDE SANITARY SEWER EASEMENT TO 30' WIDE

ADDITIONAL (PUBLIC) SANITARY SEWER EASEMENT AREA = 7,972 SF (0.183 AC.)



PLAT OF
MINOR SUBDIVISION
ON THE LANDS OF
NHTE PIEDMONT GARRETT SQUARE LIMITED PARTNERSHIP
TAX MAP PARCEL 28-112
NORTH DOWNTOWN AREA
CITY OF CHARLOTTESVILLE, VIRGINIA

| | |
|----------------------------|------------------|
| Date: Feb. 25, 2021 | Scale: 1" = 100' |
| Sheet: 4 of 4 | J.N.: 38791 |
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