

ARLINGTON COUNTY, VIRGINIA



County Board Agenda Item
Meeting of July 11, 2009

DATE: June 26, 2009

SUBJECT: Approval of a Resolution Granting a Density Credit, Under Section 36.L. of The Arlington County Zoning Ordinance, to the Property Known as Wilson Boulevard Christian Church, Located at 3850 Wilson Boulevard, RPC No. 20003001 ("Church Property"), in Exchange for a Fee Simple Dedication to the County Board of Arlington County, Virginia of a Portion of the Church Property for Public Purposes; and Approval of a Deed of Temporary Easement and Construction Agreement on the Church Property for a Street Improvement Project.

C. M. RECOMMENDATIONS:

1. Approve the Resolution, attached hereto as Exhibit A, granting a density credit in the amount of density that would be yielded by 4,091 square feet of land area to the property known as Wilson Boulevard Christian Church, located at 3850 Wilson Boulevard, RPC No. 20003001 ("Church Property"), in exchange for the fee simple dedication to the County Board of Arlington County, Virginia, of a 4,091 square foot portion of the Church Property for public purposes;
2. Approve a Deed of Dedication, attached hereto as Exhibit B, from the Trustees of Ballston Christian Church to the County Board dedicating in fee simple the 4,091 square feet of the Church Property;
3. Authorize the Real Estate Bureau Chief or his designee, to accept on behalf of the County Board, the Deed of Dedication, subject to approval of the Deed as to form and acknowledgement of the density credit by the County Attorney;
4. Approve a Deed of Temporary Easement and Construction Agreement, attached hereto as Exhibit C, from the Trustees of Ballston Christian Church, to the County Board ("Temporary Easement") on a portion of the Church Property; and
5. Authorize the Real Estate Bureau Chief, or his designee, to accept on behalf of the County Board, the Deed of Temporary Easement, subject to approval as to form by the County Attorney.

ISSUE: Approval of the Resolution granting density credit, acceptance of the Deed of Dedication, and approval and authorization of the Real Estate Bureau Chief to accept the

County Manager: _____

County Attorney: BAL/SAM

Staff: Kevin Connolly, DES, Real Estate Bureau

Temporary Easement, is required for the completion of a planned street improvement project for the improvement of a portion of Wilson Boulevard. No issues have been identified.

SUMMARY: The owners of the Church Property, the Trustees of Ballston Christian Church (“Church”), are willing to dedicate to the County Board a 4,091 square foot portion of the Property in fee simple for public purposes in exchange for a density credit to the remaining portion of the parcel in the amount of density that would be yielded by the 4,091 square foot area of property being dedicated. This request is for the approval of a Resolution granting the density credit, and approval of the Deed of Dedication related to the Resolution granting the density credit. Both the Resolution and Deed of Dedication are needed for the completion of Phase II of the street improvement project to improve a portion of Wilson Boulevard (“Wilson Phase II”). This request is also for the approval and authorization to accept the Temporary Easement for construction access needed for the construction of Wilson Phase II.

BACKGROUND: Wilson Phase II is part of the street improvement project for the improvement of Wilson Boulevard, between North 10th Street and North Randolph Street (“Project”). The Project has been designed to contribute to the implementation of the transportation improvements for Wilson Blvd as detailed in the Virginia Square Sector Plan, adopted by the County Board on December 7, 2002. The Project was funded in 2006 to implement Project improvements not anticipated to be completed during the recent development lifecycle. The Plans for Wilson Phase II include: new wider sidewalks, street lights, street trees, new curb and gutter and improvements to the intersection alignment of North Quincy Street and Wilson Boulevard and the intersection alignment of North Pollard Street and Wilson Boulevard.

DISCUSSION: The Church Property is an irregular, triangular-shaped piece of land, where the widest portion of the site is along its frontage with Wilson Boulevard. The Church Property is used for religious services and the operation of a day care facility. Currently, there are no plans to redevelop the Church Property. However the Church has requested a grant of density credit in the amount of that would be yielded by the land area to be dedicated, to ensure that future redevelopment of the Church Property would not be impacted by the dedication. The area being dedicated is described in the Deed of Dedication attached hereto as Exhibit B. The Church has agreed to dedicate to the County Board a 4,091 square foot portion of the Church Property for public purposes as more particularly shown on Attachment 1 at the end of this report (“Dedicated Area”). Current plans call for use of the 4,091 square feet area for widening the sidewalk, curb and gutter, a utility strip, street lights and tree plantings. In exchange for conveying the Dedicated Area to the County Board, the Church has requested a density credit of 4,091 square feet.

Staff supports and recommends that the requested density credit be granted and applied to the remaining Church Property for future density credit calculations relating to the Church Property. If approved, the remaining 31,149 square foot parcel (after the dedication) will be treated as a property consisting of 35,240 square feet solely for the purposes of density calculations. Granting density credit under these circumstances is permitted by Section 36.L. [Density Credit]

of the Arlington County Zoning Ordinance, upon the following findings of the County Board of Arlington County, Virginia, all of which are applicable to the recommended dedication, and are recited in the attached Resolution (Exhibit C):

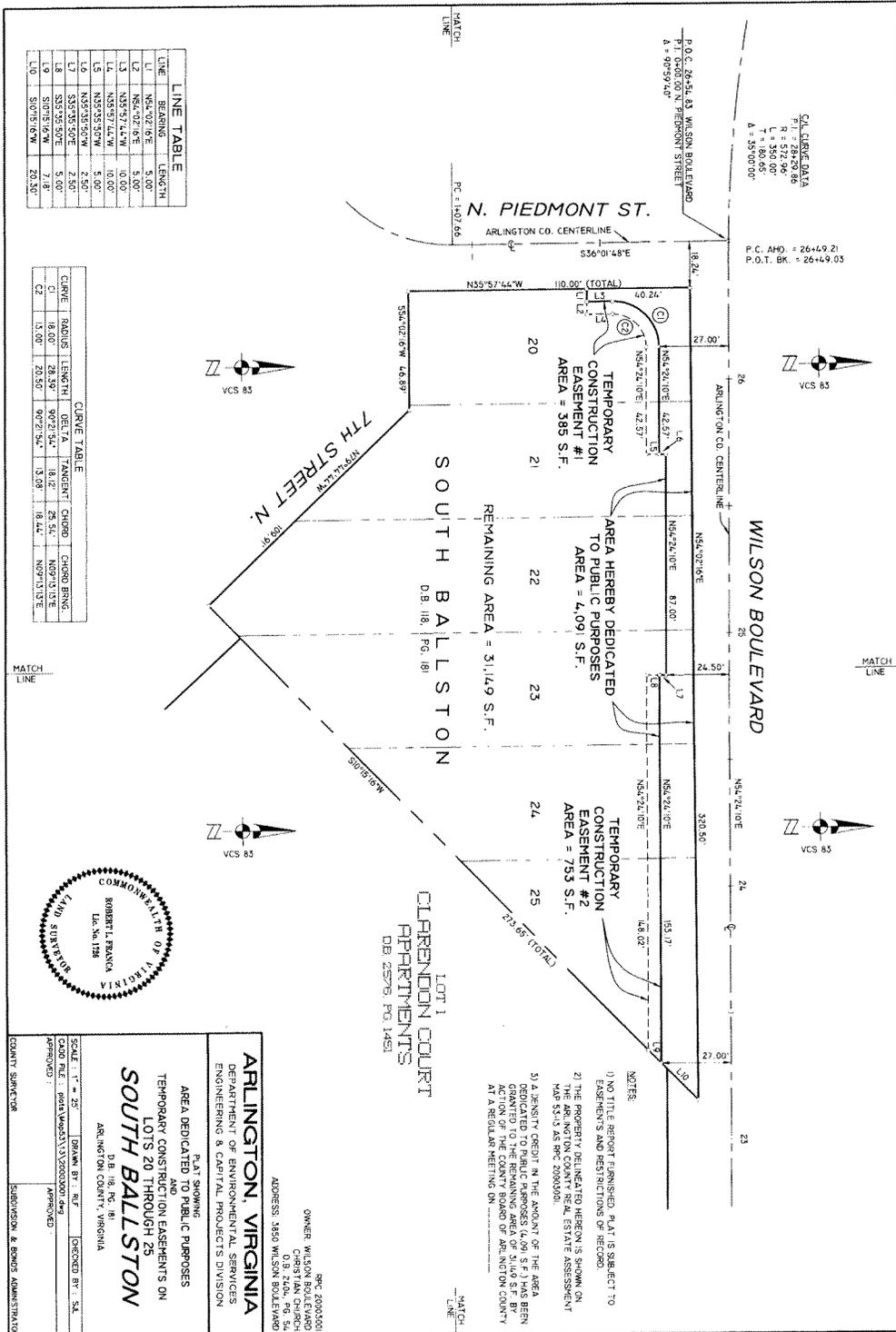
- The portion of the Property to be dedicated for public purposes is needed by the County for a public use; (This property is needed for street purposes.)
- The portion of the Property to be dedicated for said public purpose is suitable in location, size, shape, condition and topography for such public purpose; (The dedication of the Property is in accordance with the County's Comprehensive Plan and the dedication will contribute to the implementation of the transportation improvements for Wilson Blvd as detailed in the Virginia Square Sector Plan.)
- There are no encumbrances, title restrictions, or survey exceptions to such portion of the Property that would restrict, adversely affect, or otherwise interfere with public use of said portion of the Property for such public purpose or any other; (A title search has been done and there are no encumbrances, title restrictions, or survey exceptions to such portion of the Property that would restrict, adversely affect, or otherwise interfere with public use of said portion of the Property for such public purpose or any other.)
- The portion of the Property to be dedicated for such public purpose is in accordance with the County's Comprehensive Plan and the dedication of such portion to the Property will contribute to the implementation of County Board approved transportation plans; (Improvements to be built on the Property are consistent with the Mass Transportation Plan and the Virginia Square Sector Plan as noted above.)and
- The portion of the Property for which density credit is to be granted will be dedicated to the County Board without monetary or other compensation except for granting of density credit. (No compensation will be provided by the County Board, except density credit.)

In addition to the fee simple dedication of a portion of the Church Property, the Church is willing to convey to the County Board a Temporary Easement for construction access over two disparate areas of the Church Property that abut the Dedication Area. The location of the Temporary Easement is shown on the Vicinity Map attached hereto as Exhibit D. The consideration for the Temporary Easement is \$1,538.00. The Deed of Temporary Easement has been signed by the Church, and must be accepted by, or on behalf of, the County Board in order to be valid.

FISCAL IMPACT: Consideration in the amount of \$1,538.00 is to be paid to the Church for the Temporary Easement. The funds have been appropriated and are available from the fund 314.481001.43513.DS82.S06.0000.

EXHIBIT "1"

COUNTY DEDICATION PLAT FOR THE CHURCH



LINE	BEARING	LENGTH
L1	N54°02'06"E	5.00'
L2	N54°02'06"E	5.00'
L3	N35°57'44"W	10.00'
L4	N35°57'44"W	10.00'
L5	N35°57'44"W	5.00'
L6	N35°57'44"W	2.50'
L7	S25°25'30"E	2.50'
L8	S25°25'30"E	2.50'
L9	S07°15'16"W	20.50'
L10	S07°15'16"W	20.50'

CURVE	RADIUS	LENGTH	DELTA	TANGENT	CHORD	CHORD BEING
C1	18.00'	28.34'	90°27'54"	18.12'	25.51'	N07°15'16"E
C2	13.00'	20.50'	90°27'54"	13.03'	18.44'	N07°15'16"E

ARLINGTON, VIRGINIA
 DEPARTMENT OF ENVIRONMENTAL SERVICES
 ENGINEERING & CAPITAL PROJECTS DIVISION
 PLAT SHOWING
 AREA DEDICATED TO PUBLIC PURPOSES
 TEMPORARY CONSTRUCTION EASEMENTS ON
 LOTS 20 THROUGH 25
SOUTH BALLSTON
 D.B. 118, PG. 181
 ARLINGTON COUNTY, VIRGINIA

OWNER: WILSON BOULEVARD
 CHRISTIAN CHURCH
 0.B. 240, PG. 54
 ADDRESS: 3850 WILSON BOULEVARD
 ARLINGTON COUNTY, VIRGINIA
 SCALE: 1" = 25'
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 COUNTY SURVEYOR: [Name]

ARLINGTON, VIRGINIA
 DEPARTMENT OF ENVIRONMENTAL SERVICES
 ENGINEERING & CAPITAL PROJECTS DIVISION
 PLAT SHOWING
 AREA DEDICATED TO PUBLIC PURPOSES
 TEMPORARY CONSTRUCTION EASEMENTS ON
 LOTS 20 THROUGH 25
SOUTH BALLSTON
 D.B. 118, PG. 181
 ARLINGTON COUNTY, VIRGINIA

NOTES:
 1) NO TITLE REPORT FURNISHED. PLAT IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
 2) THE PROPERTY RELATED HEREIN IS SHOWN ON THE ARLINGTON COUNTY REAL ESTATE ASSESSMENT MAP 83.15 AS RRC 2000000.
 3) A SURVEY CREDIT IN THE AMOUNT OF THE AREA DEDICATED TO PUBLIC PURPOSES (4,091 S.F.) HAS BEEN GRANTED TO THE REMAINING AREA OF 3,149 S.F. BY ACTION OF THE COUNTY BOARD OF ARLINGTON COUNTY AT A REGULAR MEETING ON [Date].

COMMONWEALTH OF VIRGINIA
 ROBERT L. FRANKS
 L.A. No. 1788
 LAND SURVEYOR

TITLE BLOCK
 PROJECT INFORMATION
 DATE: [Date]

EXHIBIT "A"

RESOLUTION GRANTING DENSITY CREDIT

WHEREAS, the County Manager has recommended that, in exchange for the fee simple dedication of 4,091 square feet of the property located at 3850 Wilson Boulevard (RPC# 20003001) (the "Property") for public purposes, the County hereby grants a density credit pursuant to Section 36.L. of the Arlington County Zoning Ordinance in the amount of density that would be yielded by 4,091 square feet of land area (the area of the Property being dedicated for public purposes) to the remaining 31,149 square foot parcel ("Remaining Parcel") as shown on the attached plat (RPC # 20003001), such that the remaining parcel will be treated as a 35,240 square foot parcel for the purposes of density calculations; and

WHEREAS, upon consideration of the staff report of the County Manager dated June 26, 2009, and other information presented at the time of consideration of this matter, the County Board finds that:

- The Property is currently zoned "C-2", Service Commercial,
- The portion of the Property to be dedicated for public purposes is needed by the County for a public use as public street and public sidewalk,
- The portion of the Property to be dedicated for said public purpose is suitable in location, size, shape, condition and topography for such public purposes There are no encumbrances, title restrictions, or survey exceptions to such portion of the Property that would restrict, adversely affect, or otherwise interfere with public use of said portion of the Property for such public purpose or any other,
- The portion of the Property to be dedicated for such public purpose is in accordance with the County's Comprehensive Plan and the dedication of such portion to the Property will contribute to the implementation of the transportation improvements for Wilson Blvd as detailed in the Virginia Square Sector Plan, adopted by the County Board of Arlington County, Virginia on December 7, 2002; and
- The portion of the Property for which density credit is to be granted will be dedicated to the County Board without monetary or other compensation except for granting of density credit.

NOW THEREFORE, BE IT RESOLVED, that in exchange for the dedication of the above-described portion of the Property for public use, the County Board, pursuant to Section 36.L. of the Arlington County Zoning Ordinance, hereby grants a density credit in the amount of density that would be yielded by 4,091 square feet of land area to the Remaining Parcel as referenced in the attached Dedication and Temporary Construction Plat for the Remaining Parcel.

EXHIBIT "B"

**RECORDING REQUESTED BY,
AND WHEN RECORDED RETURN TO:**

Barnes Lawson, Esq.
Lawson, Tarter & Charvet, P.C.
6045 Wilson Boulevard, Suite 100
Arlington, Virginia 22205

Exempt from Recordation Tax
Per Virginia Code § 58.1-811A.3

DEED OF DEDICATION

This **DEED OF DEDICATION** ("Deed") is made this _____ day of _____, 20___, by and between **THOMAS SHEPARD II, TRUSTEE**, and **SHARON HARRIS, TRUSTEE, TRUSTEES OF THE BALLSTON CHRISTIAN CHURCH** (now known as Wilson Boulevard Christian Church) GRANTOR ("Owner"); and **THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA**, a body corporate and politic, GRANTEE ("**County**").

****WITNESSETH****

WHEREAS, the congregation of the Ballston Christian Church ("Church") is the owner of certain real property, including improvements thereon and appurtenances thereto, located and situate in Arlington County, Virginia, by virtue of, and as more particularly described in, a Deed from Percy S. Anderson and Fannie T. Anderson, his wife, parties of the first part, and E.C. Miller, E. J. Plarr and M. J. Hansborough, trustees of the Ballston Christian Church of Ballston Arlington County, Virginia, parties of the second part, dated April 1, 1921, recorded in the Land Records of the Arlington County Circuit Court (the "Land Records") in Deed Book 174 at Page 195 and more particularly described as;

"All of those certain pieces, parcels, or lots of land, situate, lying and being in Arlington Magisterial District, Arlington County, Virginia, particularly known and described as all of Lots numbered 20, 21, 22, 23, 24 and 25 of R. C. L. Moncure's Subdivision known as SOUTH BALLSTON, as the same is duly platted, dedicated, and recorded in Deed Book No. 118, at page 181, of the land records of Arlington County, Virginia, being the same lot of ground conveyed to Percy S. Anderson by deed duly of record in Deed Book No. 139, at page 451, of the land records of said County" (the "Property");

WHEREAS, the Church, at a meeting held on _____, 200___, duly adopted a resolution ("Church Resolution"), confirming the Trustees of the Church and authorizing

Project: Wilson Boulevard, Phase II - Project # DS82 (the "Project")
RPC: 20003001
Address: 3850 Wilson Blvd, Arlington, Virginia

the dedication to the County of a 4,091 square foot portion of the Property owned by the Church for public purposes for the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration; and

WHEREAS, the Church Resolution authorized the Trustees to act on behalf of the Church to dedicate to the County a 4,091 square foot portion of the Property for public purposes, and gave the Trustees the full and complete authority to so act; and

WHEREAS, the Trustees filed a petition in the Circuit Court of Arlington County, Virginia praying leave to dedicate to the County a 4,091 square foot portion of the Property for public purposes in compliance with the Church Resolution; and

WHEREAS, by Order entered on _____, 200_, and recorded in the Office of the Clerk of the Circuit Court of Arlington County, Virginia in Chancery Order Book _____, page _____, a copy of which is attached hereto as Exhibit A, the Circuit Court confirmed the Trustees for the Church and further authorized the Trustees of the Church to execute a Deed of Dedication to dedicate to the County a 4,091 square foot portion of the Property for public purposes on behalf of the Church for the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration; and

WHEREAS, at a regular meeting on July 11, 2009, the County Board of Arlington County, Virginia adopted a resolution, a certified copy of which is attached hereto as Exhibit B, granting density credit pursuant to Section 36.L of the Arlington County Zoning Ordinance in the amount of density that would be yielded by 4,091 square feet of land area under zoning applicable to the remaining portion of the Property on the date the amount of credit is determined. The credit was granted in exchange for the dedication to the County of a 4,091 square foot portion of the Property, in fee simple, for public purposes (the "Resolution Granting Density Credit"); and

WHEREAS, it is the desire of the Church to dedicate to the County a 4,091 square foot portion of the Property for public purposes, and to accept the density credit approved for the Property pursuant to the Resolution Granting Density Credit, all as hereinafter set forth and as shown on a plat attached hereto as Exhibit C and made a part hereof entitled "Plat Showing Area Dedicated to Public Purposes and Temporary Construction Easement on Lots 20 Through 25, South Ballston, D.B. 118, PG. 181, Arlington County, Virginia," prepared by Arlington, Virginia Department of Environmental Services, Engineering & Capital Projects Division, dated _____, which plat was approved by the Arlington County Manager's designee on _____ (the "Plat").

Project: Wilson Boulevard, Phase II - Project # DS82 (the "Project")
RPC: 20003001
Address: 3850 Wilson Blvd, Arlington, Virginia

DEDICATION FOR PUBLIC PURPOSES

NOW THEREFORE, in consideration of the premises, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owner, being the sole owner and proprietor and the only party having any interest in the Property, does hereby dedicate, grant and convey unto the County, its successors and assigns, in fee simple, for public purposes, that portion of the Property designated on the Plat as "Area Hereby Dedicated for Public Purposes = Area 4,091 S.F."

ACKNOWLEDGEMENT OF DENSITY CREDIT

NOW, THEREFORE, the County and the Owner do hereby acknowledge the establishment of a density Credit in the amount of density that would be yielded by 4,091 square feet of land area, for the remaining portion of the Property in exchange for the aforesaid fee simple dedication for public street and utilities purposes, and pursuant to the aforesaid resolution, made a part hereof, and incorporated herein as Exhibit A.

COVENANTS REAL

The Owner declares that the agreement and covenants stated in this Deed are not covenants personal to the Owner but are covenants real, running with the land which are and shall be binding upon the parties hereto and their successors and assigns. This Deed shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia.

FREE CONSENT

This Deed of Dedication is made with the free consent and in accordance with the desire of the undersigned Owner of the Property, and is in accordance with the Statutes of Virginia and the ordinances in force in Arlington County governing the platting and subdivision of land, and is approved by the proper authorities as evidenced by their endorsements on Plat attached hereto and made a part hereof.

RECITALS INCORPORATED

The recitals are hereby incorporated into this Deed of Dedication and Confirmation of Density Credit.

WITNESS the following signatures and seals:

[Signatures and Seals appear on the following pages]

Project: Wilson Boulevard, Phase II - Project # DS82 (the "Project")
RPC: 20003001
Address: 3850 Wilson Blvd, Arlington, Virginia

GRANTOR: THE TRUSTEES OF THE BALLSTON CHRISTIAN CHURCH

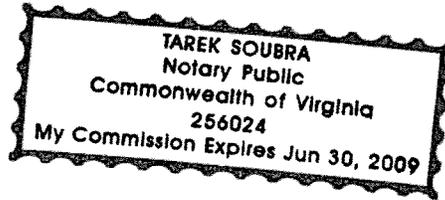
BY:

Thomas B. Shepard
THOMAS SHEPARD II, TRUSTEE

State: VIRGINIA
County: Allysten

The foregoing instrument was acknowledged before me on this 8th day of June, 2009, by Thomas Shepard II, Trustee.

Notary Public: [Signature]
My Commission expires: 06/30/2009
Notary ID #: 256024



BY: [Signature]
SHARON HARRIS, TRUSTEE

State: VIRGINIA
County: ARLINGTON

The foregoing instrument was acknowledged before me on this 19th day of JUNE, 2009, by Sharon Harris, Trustee.

Notary Public: [Signature]
My Commission expires: 05/31/2012



APPROVAL AS TO FORM AND FOR ACKNOWLEDGEMENT OF DENSITY CREDIT:

COUNTY ATTORNEY

Project: Wilson Boulevard, Phase II - Project # DS82 (the "Project")
RPC: 20003001
Address: 3850 Wilson Blvd, Arlington, Virginia

Exhibit A to Deed of Dedication

RESOLUTION GRANTING DENSITY CREDIT

WHEREAS, the County Manager has recommended that, in exchange for the fee simple dedication of 4,091 square feet of the property located at 3850 Wilson Boulevard (RPC# 20003001) (the "Property") for public purposes, the County hereby grants a density credit pursuant to Section 36.L. of the Arlington County Zoning Ordinance in the amount of density that would be yielded by 4,091 square feet of land area (the area of the Property being dedicated for public purposes) to the remaining 31,149 square foot parcel ("Remaining Parcel") as shown on the attached plat (RPC # 20003001), such that the remaining parcel will be treated as a 35,240 square foot parcel for the purposes of density calculations; and

WHEREAS, upon consideration of the staff report of the County Manager dated June 26, 2009, and other information presented at the time of consideration of this matter, the County Board finds that:

- The Property is currently zoned "C-2", Service Commercial,
- The portion of the Property to be dedicated for public purposes is needed by the County for a public use as public street and public sidewalk,
- The portion of the Property to be dedicated for said public purpose is suitable in location, size, shape, condition and topography for such public purposes There are no encumbrances, title restrictions, or survey exceptions to such portion of the Property that would restrict, adversely affect, or otherwise interfere with public use of said portion of the Property for such public purpose or any other,
- The portion of the Property to be dedicated for such public purpose is in accordance with the County's Comprehensive Plan and the dedication of such portion to the Property will contribute to the implementation of the transportation improvements for Wilson Blvd as detailed in the Virginia Square Sector Plan, adopted by the County Board of Arlington County, Virginia on December 7, 2002; and
- The portion of the Property for which density credit is to be granted will be dedicated to the County Board without monetary or other compensation except for granting of density credit.

NOW THEREFORE, BE IT RESOLVED, that in exchange for the dedication of the above-described portion of the Property for public use, the County Board, pursuant to Section 36.L. of the Arlington County Zoning Ordinance, hereby grants a density credit in the amount of density that would be yielded by 4,091 square feet of land area to the Remaining Parcel as referenced in the attached Dedication and Temporary Construction Plat for the Remaining Parcel.

EXHIBIT "C"

**RECORDING REQUESTED BY,
AND WHEN RECORDED RETURN TO:**

Barnes Lawson, Esq.
Lawson, Tarter & Charvet, P.C.
6045 Wilson Boulevard, Suite 100
Arlington, Virginia 22205

Exempt from Recordation Tax
Per Virginia Code § 58.1-811A.3

**DEED OF TEMPORARY EASEMENT
AND CONSTRUCTION AGREEMENT**

This **DEED OF TEMPORARY EASEMENT AND CONSTRUCTION AGREEMENT** is made this ____ day of _____, 20__, by and between **THOMAS SHEPARD II, TRUSTEE**, and **SHARON HARRIS, TRUSTEE, TRUSTEES OF THE BALLSTON CHRISTIAN CHURCH** (now known as Wilson Boulevard Christian Church) GRANTORS and **THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA**, a body corporate and politic, GRANTEE ("County").

For and in consideration of the sum of One Thousand Five hundred Thirty-eight Dollars (\$ 1538.00) and the mutual benefits to be derived by the parties hereto, the receipt and sufficiency of which are hereby acknowledged, Grantors do hereby grant and convey unto the Grantee a temporary easement for the use, as described herein, of a portion of Grantors' property (the "Temporary Easement"), more specifically described as an area of real estate containing approximately **one thousand one hundred thirty eight (1138) square feet** of land situated in Arlington County, Virginia, shown on the plat attached hereto and made a part hereof, entitled "**Plat Showing Area Dedicated to Public Purposes and Temporary Construction Easement on Lots 20 Through 25, South Ballston, D.B. 118, PG. 181, Arlington County, Virginia.**", which plat was approved _____ (the "Plat"), said area being a portion of the property acquired by the Grantors by deed dated **April 1, 1921**, recorded in the Land Records of the Arlington County Circuit Court in Deed Book 174 at Page 195, and more particularly described as **All of those certain pieces, parcels, or lots of land, situate, lying and being in Arlington Magisterial District, Arlington County, Virginia, particularly known and being described as all of Lots numbered 20, 21, 22, 23, 24 and 25 of R. C. L. Moncure's Subdivision known as SOUTH BALLSTON, as the same is duly platted, dedicated, and recorded in Deed Book No. 118, at page 181, of the land records of Arlington County, Virginia, (the "Property")**, together with the right of Grantee to use the area to construct, maintain, repair, reconstruct and/or remove public streets, sidewalks, utilities and drainage facilities, including accessories and appurtenances thereto, adjacent to the Temporary Easement area, as shown on the Plat, and for such other purposes as are incidental and related thereto, and together with the right of ingress and egress over the Property, to the above-described Temporary Easement area.

Project: Wilson Boulevard, Phase II - Project # DS82 (the "Project")
RPC: 20003001
Address: 3850 Wilson Boulevard, Arlington, Virginia

Grantors covenant that Grantors are seized of and have the right to convey the Temporary Easement, and that Grantors shall make no use of the Temporary Easement area which is inconsistent with the rights hereby conveyed.

The TEMPORARY EASEMENT created by this document shall begin upon the date of acceptance of this Deed of Temporary Easement by the Grantee and shall expire upon the earlier of either; the completion of the Project, or on the 1st day of March, 2011.

Grantee agrees that, as soon as practicable after the completion of construction, maintenance, repair, reconstruction, or replacement of the public streets, sidewalks, utilities and drainage facilities within or adjacent to the Temporary Easement, the Grantee will, at no cost to the Grantors: (1) restore the disturbed area on and adjacent to the Temporary Easement area as nearly as practicable to its original condition; (2) reseed (or resod, at the option of the Grantee) all damaged grass areas on or adjacent to the Temporary Easement; (3) reset, or replace with nursery stock, all damaged or destroyed trees, plants, shrubbery, and hedges on or adjacent to the Temporary Easement; and (4) guarantee reset plants for one year against damage from the date they are reset, and nursery stock for one year from the date of planting.

This Deed of Temporary Easement and Construction Agreement incorporates all agreements between the parties hereto. No representations or statements have been made which would modify, add to or change the terms of this Deed of Temporary Easement and Construction Agreement.

WITNESS the following signature(s):

[Signatures and Seals appear on the following pages]

Project: Wilson Boulevard, Phase II - Project # DS82 (the "Project")
RPC: 20003001
Address: 3850 Wilson Boulevard, Arlington, Virginia

GRANTOR: THE TRUSTEES OF THE BALLSTON CHRISTIAN CHURCH

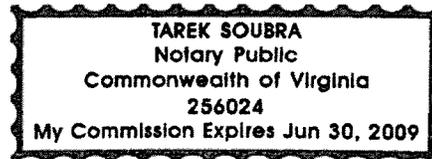
BY:

Thomas B. Shepard
THOMAS SHEPARD II, TRUSTEE

State: VIRGINIA
County: ALLINGTON

The foregoing instrument was acknowledged before me on this 8th day of June, 2009, by **Thomas Shepard II, Trustee.**

Notary Public: [Signature]
My Commission expires: 06/30/2009
Notary ID #: 256024



BY:

[Signature]
SHARON HARRIS, TRUSTEE

State: VIRGINIA
County: ARLINGTON

The foregoing instrument was acknowledged before me on this 19th day of JUNE, 2009, by **Sharon Harris, Trustee.**

Notary Public: [Signature]
My Commission expires: 05/31/2012
Notary ID #: 7214057



GRANTEE:

ACCEPTED this _____ day of _____, 200_, on behalf of The County Board of Arlington County, Virginia, pursuant to a resolution, motion, or action of the said Board duly adopted on _____, 200__.

By: _____

Title: _____
For The County Board of Arlington County, Virginia

COMMONWEALTH OF VIRGINIA
COUNTY OF ARLINGTON, to-wit:

The foregoing instrument was acknowledged before me by _____, on behalf of THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, a body corporate and politic, this _____ day of _____, 200__.

Notary Public _____
My Commission expires: _____

APPROVED as to form: _____
COUNTY ATTORNEY

Project: Wilson Boulevard, Phase II - Project # DS82 (the "Project")
RPC: 20003001
Address: 3850 Wilson Boulevard, Arlington, Virginia

Plat Showing Area Dedicated for Public Purposes and Temporary Construction Easement on Lots 20 Through 25, South Ballston, D.B. 118, PG. 181, Arlington County, Virginia

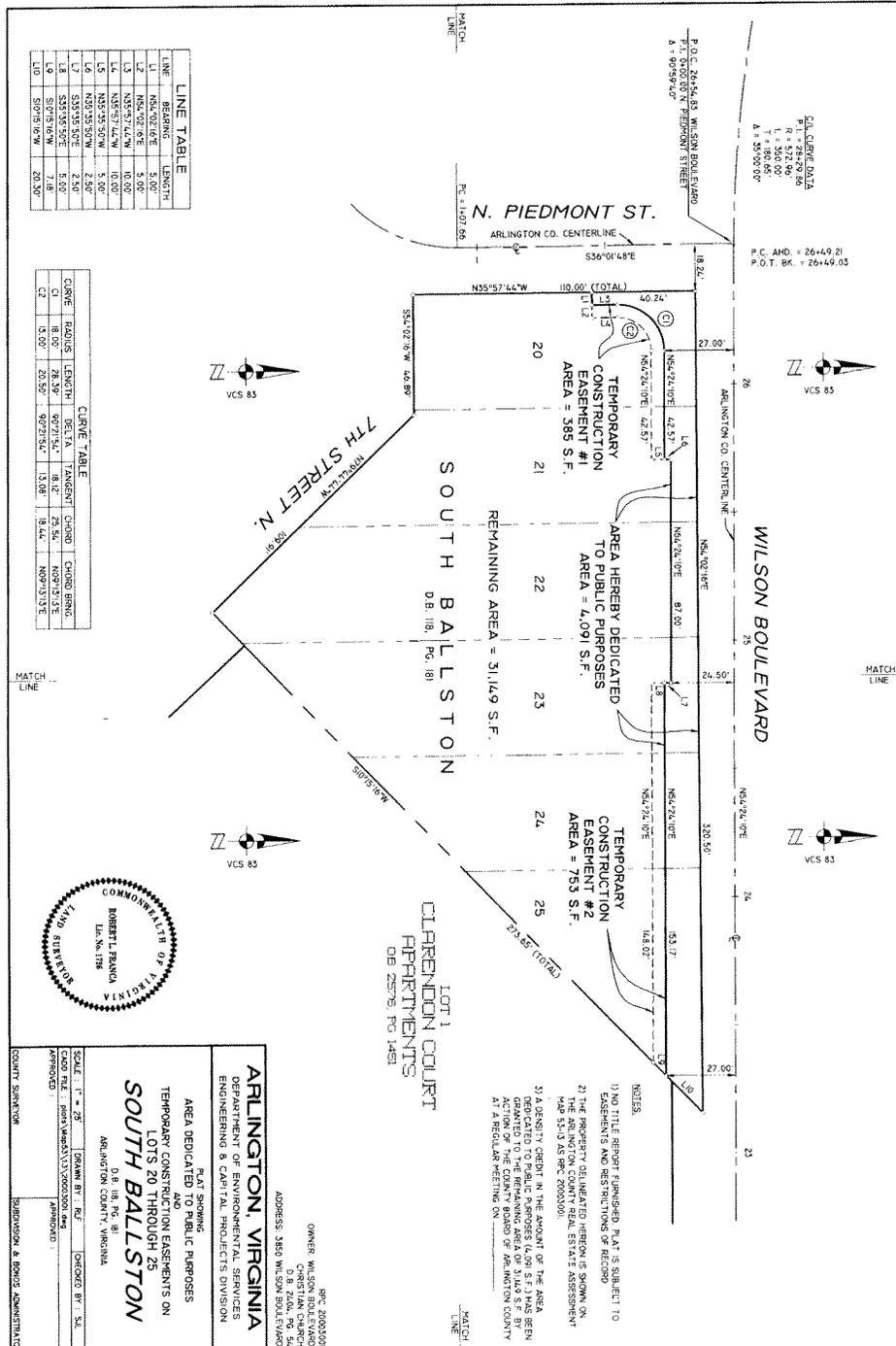
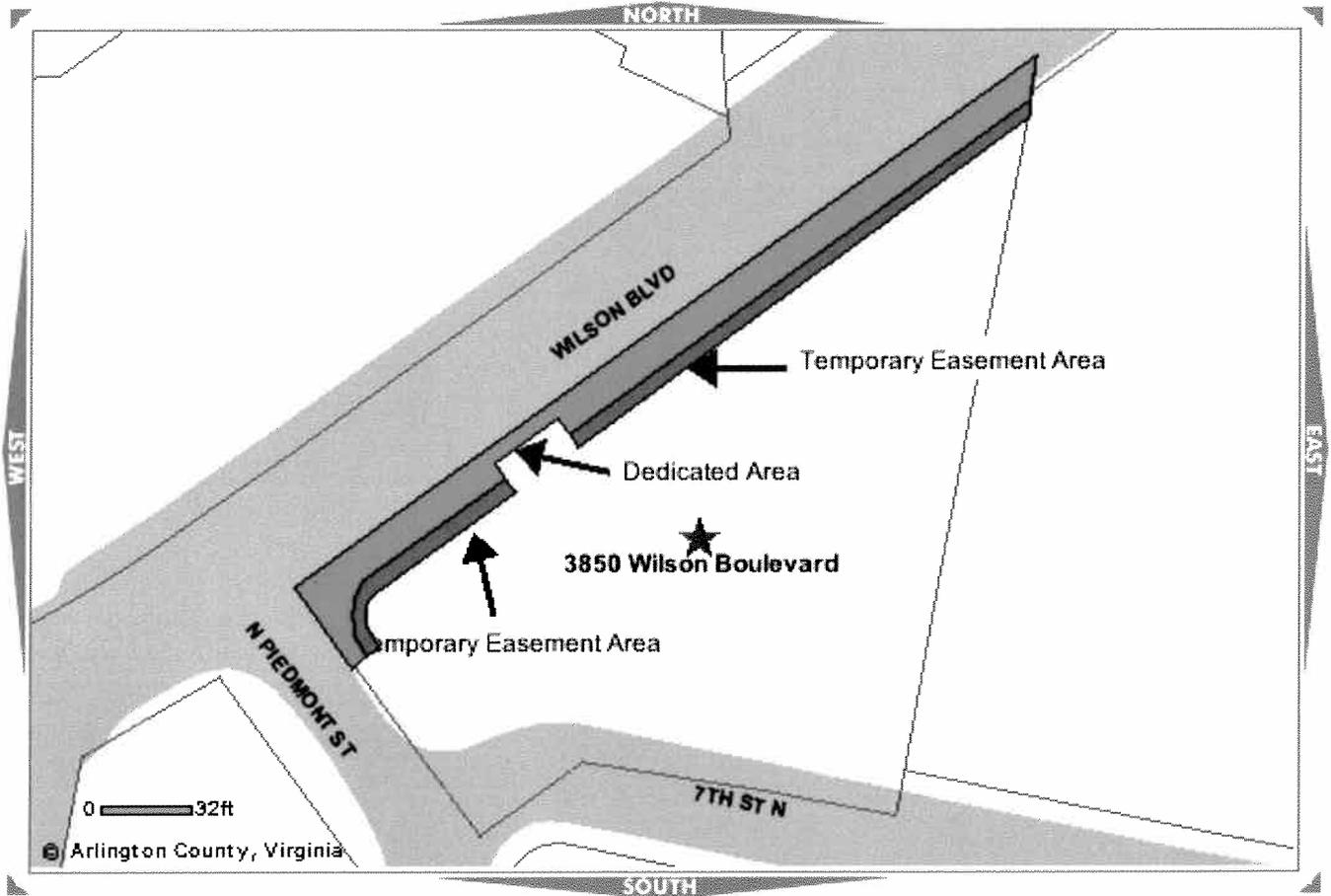


EXHIBIT "D"

VICINITY MAP



NOTE: This map is for property location assistance only. It does not represent the latest survey or other information.



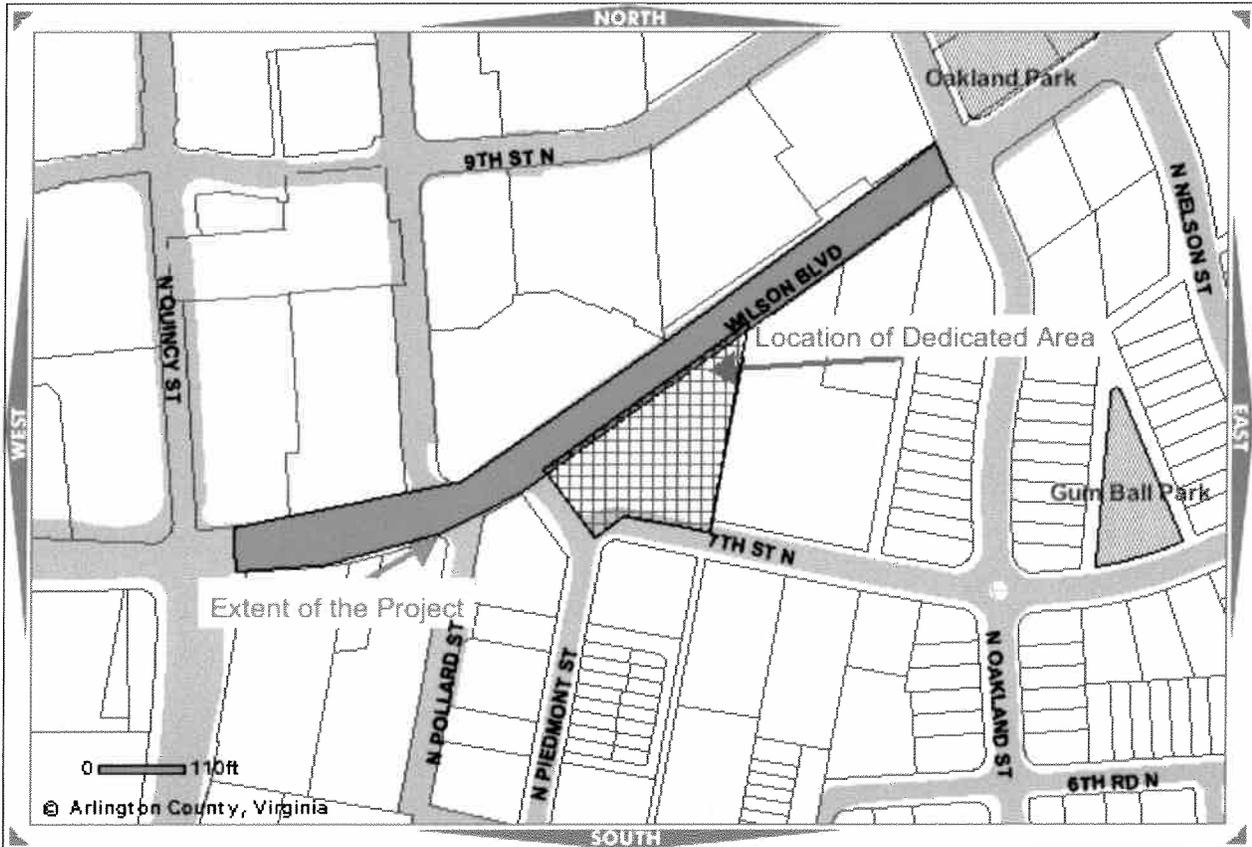
**VICINITY MAP SHOWING
THE AREA TO BE DEDICATED TO THE
COUNTY BY THE WILSON CHRISTIAN CHURCH**

The subject area is to be situated along the frontage of the Church Property. The Church Property is on Wilson Blvd. east of the intersection of Wilson Blvd. and N. Piedmont Street

June 26, 2009

EXHIBIT "D"

VICINITY MAP



NOTE: This map is for property location assistance only. It does not represent the latest survey or other information.



**VICINITY MAP SHOWING
THE AREA TO BE DEDICATED TO THE
COUNTY BY THE WILSON CHRISTIAN CHURCH**

The subject area is to be situated along the frontage of the Church Property. The Church Property is on Wilson Blvd. East of the intersection of Wilson Blvd. and N. Piedmont Street

June 26, 2009