



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of February 20, 2009

DATE: January 29, 2010

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 Deeds of Easement on the Church Property for a Street Improvement Project.

C. M. RECOMMENDATIONS:

1. Adopt the Resolution, attached hereto as Exhibit A, granting a density credit in the amount of density that would be yielded by 1,040 square feet of land area to the property known as Wilson Boulevard Christian Church (the record owners being the Trustees of the Ballston 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 1,040 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 1,040 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: execution of the Deed by the Trustees as authorized by an appropriate order of the Arlington County Circuit Court and approval of the Deed as to form by the County Attorney;
4. Approve a Deed of Easement and a Deed of Temporary Easement and Construction Agreement, from the Trustees of Ballston Christian Church, to the County Board (“Easements”) on portions of the Church Property; and
5. Authorize the Real Estate Bureau Chief, or his designee, to accept the Deeds of Easement on behalf of the County Board, subject to approval as to form by the County Attorney.

County Manager: BMD/GA

County Attorney: BAC/SAM

10.

Staff: Kevin Connolly, DES, Real Estate Bureau

ISSUE: Adoption of the Resolution granting density credit, acceptance of the Deed of Dedication, and approval and authorization of the Real Estate Bureau Chief to accept Easements is required for the completion of a planned street improvement project for the improvement of a portion of Wilson Boulevard. No outstanding 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 1,040 square foot portion of the Church 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 1,040 square foot area of property being dedicated. The Church has also agreed to grant permanent and temporary Easements to the County Board in consideration of a sum totaling Five Thousand Thirty-eight Dollars (\$ 5,738.00). This request is for the adoption of a Resolution granting density credit, approval of a Deed of Dedication related to the Resolution granting the density credit, approval of a Deed of Easement for public sidewalk, utilities and drainage purposes and the approval of a Deed of Temporary Easement for construction access to the Church Property needed during construction (“the Resolution, Dedication and Easements”). The Resolution, Dedication and Easements are needed for the completion of Phase II of the street improvement project to improve a portion of Wilson Boulevard (“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 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.

At its regular meeting on July 11, 2009, the County Board adopted a resolution approving acceptance of a Dedication of 4,091 square feet of the Church Property, authorized a density credit in the amount of density that would be yielded by 4,091 square feet to the remaining Church Property and authorized the Real Estate Bureau Chief to accept the Deed of Dedication on behalf of the County Board. Thereafter, it was determined that the Church needed to take additional actions to obtain authority for certain Trustees to act on behalf of the Church and sign the Deeds on behalf of the Church. Thus, the Real Estate Bureau Chief did not accept the Deed of Dedication, and no further action was taken by either the Church or County staff.

DISCUSSION: Staff requests that the County Board adopt a new Resolution approving the exchange of a fee dedication of 1,040 square feet of Church Property in consideration of the density credit that would be yielded by the area to be dedicated and that the County Board approve the associated Deed of Dedication. Staff is also requesting that the County Board approve a Deed of Temporary Easement and Construction Agreement and a Deed of Easement; both of which are also needed for the construction of the Project. As a result

of further negotiations with the Church the area of the Church Property that is to be dedicated to the County has been reduced from 4,091 square feet to 1,040 square feet of land. Current plans call for use of the 1,040 square feet area for County right of way. In exchange for the dedication of 1,040 square feet of the County Board, the Church has requested a density credit of 1,040 square feet. The difference between the 4,091 square feet that was to be dedicated to the County and the 1,040 square feet of land to be dedicated, as described in the resolution attached to this report of 3,050 square feet of land is still needed by the County for the construction of Wilson Phase II. The Church is willing to convey to the County the additional required 3,050 square feet of land as an easement for public sidewalk, utilities and drainage purposes for consideration of \$4,200.00.

The Resolution, Dedications, and Easements are all attached to this report as Exhibits A, B, C, and D respectively.

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 34,200 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 A):

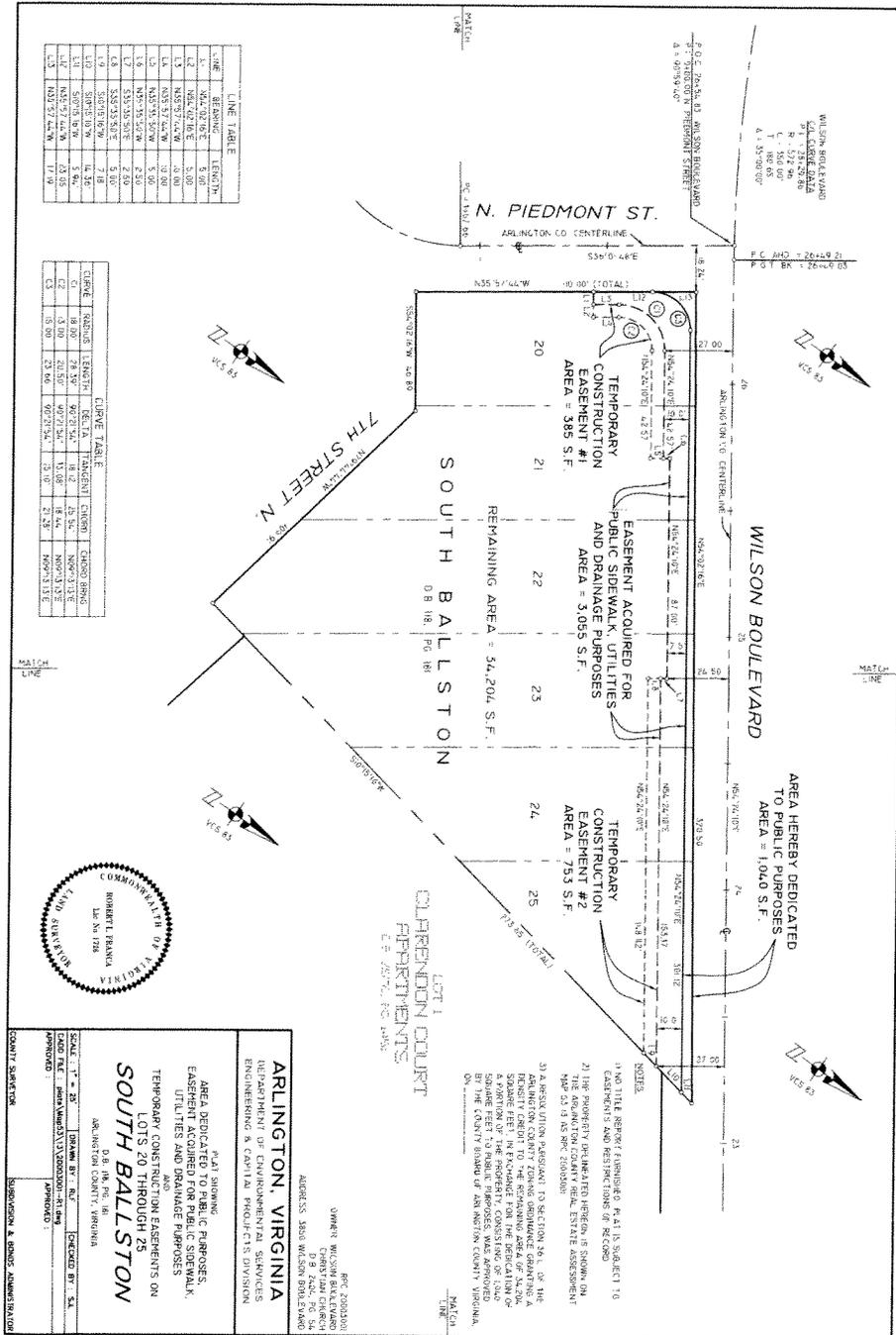
- The portion of the Property to be dedicated for public purposes is needed by the County for a public use; (This property is needed for street purposes.)
- The portion of the Property to be dedicated for said public purpose is suitable in location, size, shape, condition and topography for such public 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 completed. 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 Master Transportation Plan and the Virginia Square Sector Plan as noted in bullet 2 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, Easement for public sidewalk, utilities and drainage purposes ("Sidewalk Easement") and a Temporary Easement for construction access over two disparate areas of the Church Property that abut the Sidewalk Easement ("Temporary Easement"). The location of the Sidewalk Easement and the Temporary Easement is shown on the Vicinity Map attached hereto as Exhibit E. Four Thousand Two Hundred Dollars (\$4,200.00) is to be paid to the Church in consideration of the Sidewalk Easement and One Thousand Five Hundred Thirty-eight Dollars (\$1,538.00) is to be paid to the to the Church in consideration of the Temporary Easement. The Deed of Dedication, Deed of Easement and the Deed of Temporary Easement and Construction Agreement have been signed by the Trustees now authorized to act on behalf of 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 One Thousand Five Hundred Thirty-eight Dollars (\$1,538.00) is to be paid to the Church for the Temporary Easement. Consideration in the amount of Four Thousand Two Hundred Dollars (\$4,200.00) is to be paid to the Church for the Sidewalk, Utilities and Drainage Purposes 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	N64.02°18'E	5.00
L2	N64.02°18'E	5.00
L3	N53.57°42.90'W	10.00
L4	N45°00'00"W	5.00
L5	N45°00'00"W	5.00
L6	N45°00'00"W	5.00
L7	N45°00'00"W	5.00
L8	N45°00'00"W	5.00
L9	N45°00'00"W	5.00
L10	N45°00'00"W	5.00
L11	N45°00'00"W	5.00
L12	N45°00'00"W	5.00
L13	N45°00'00"W	5.00
L14	N45°00'00"W	5.00
L15	N45°00'00"W	5.00
L16	N45°00'00"W	5.00
L17	N45°00'00"W	5.00
L18	N45°00'00"W	5.00
L19	N45°00'00"W	5.00
L20	N45°00'00"W	5.00
L21	N45°00'00"W	5.00
L22	N45°00'00"W	5.00
L23	N45°00'00"W	5.00
L24	N45°00'00"W	5.00
L25	N45°00'00"W	5.00
L26	N45°00'00"W	5.00
L27	N45°00'00"W	5.00
L28	N45°00'00"W	5.00
L29	N45°00'00"W	5.00
L30	N45°00'00"W	5.00

LINE	BEARING	LENGTH
C1	S89°21'54.10"W	18.42
C2	S89°21'54.10"W	15.00
C3	S89°21'54.10"W	18.42
C4	S89°21'54.10"W	15.00
C5	S89°21'54.10"W	18.42
C6	S89°21'54.10"W	15.00
C7	S89°21'54.10"W	18.42
C8	S89°21'54.10"W	15.00
C9	S89°21'54.10"W	18.42
C10	S89°21'54.10"W	15.00
C11	S89°21'54.10"W	18.42
C12	S89°21'54.10"W	15.00
C13	S89°21'54.10"W	18.42
C14	S89°21'54.10"W	15.00
C15	S89°21'54.10"W	18.42
C16	S89°21'54.10"W	15.00
C17	S89°21'54.10"W	18.42
C18	S89°21'54.10"W	15.00
C19	S89°21'54.10"W	18.42
C20	S89°21'54.10"W	15.00

LINE	BEARING	LENGTH
CL1	S89°21'54.10"W	18.42
CL2	S89°21'54.10"W	15.00
CL3	S89°21'54.10"W	18.42
CL4	S89°21'54.10"W	15.00
CL5	S89°21'54.10"W	18.42
CL6	S89°21'54.10"W	15.00
CL7	S89°21'54.10"W	18.42
CL8	S89°21'54.10"W	15.00
CL9	S89°21'54.10"W	18.42
CL10	S89°21'54.10"W	15.00
CL11	S89°21'54.10"W	18.42
CL12	S89°21'54.10"W	15.00
CL13	S89°21'54.10"W	18.42
CL14	S89°21'54.10"W	15.00
CL15	S89°21'54.10"W	18.42
CL16	S89°21'54.10"W	15.00
CL17	S89°21'54.10"W	18.42
CL18	S89°21'54.10"W	15.00
CL19	S89°21'54.10"W	18.42
CL20	S89°21'54.10"W	15.00



ARLINGTON, VIRGINIA
 DEPARTMENT OF ENVIRONMENTAL SERVICES
 ENGINEERING & CAPITAL PROJECTS DIVISION

PLAT SHOWING
 AREA DEDICATED TO PUBLIC PURPOSES,
 EASEMENT ACQUIRED FOR PUBLIC SIDEWALK,
 UTILITIES AND DRAINAGE PURPOSES
 AND
 TEMPORARY CONSTRUCTION EASEMENTS ON
SOUTH BALLSTON
 D.B. 18, PG. 18

ARLINGTON COUNTY, VIRGINIA

SCALE: 1" = 25'
 DRAWN BY: [Name]
 CHECKED BY: [Name]

APPROVED: [Signature]
 APPROVED: [Signature]

COUNTY SUPERVISOR: [Name]

OWNER: [Name]
 9220 WILSON BOULEVARD
 APT. 200
 ARLINGTON, VA 22204

PREPARED BY: [Name]
 9220 WILSON BOULEVARD
 APT. 200
 ARLINGTON, VA 22204

LET 1
APPRENTICE COURT
APARTMENTS
 LOT 1
 D.B. 18, PG. 18

1) THE AREA HEREBY DEDICATED TO PUBLIC PURPOSES IS SHOWN ON THE ADJACENT PLAT TO SECTION 24.1, OF THE ARLINGTON COUNTY ZONING ORDINANCE GRANTING A 50' WIDE EASEMENT TO THE REMAINING AREA OF 34,204 SQUARE FEET TO PUBLIC PURPOSES WAS APPROVED ON [Date] BY THE BOARD OF AN ANTON COUNTY VIRGINIA.

2) THE PROPERTY DIMENSIONS HEREIN IS SHOWN ON MAP 23.13 AS PER 2008080.

3) A RESOLUTION PASSED TO SECTION 24.1, OF THE ARLINGTON COUNTY ZONING ORDINANCE GRANTING A 50' WIDE EASEMENT TO THE REMAINING AREA OF 34,204 SQUARE FEET TO PUBLIC PURPOSES WAS APPROVED ON [Date] BY THE BOARD OF AN ANTON COUNTY VIRGINIA.

EXHIBIT "A"

RESOLUTION GRANTING DENSITY CREDIT

WHEREAS, the County Manager has recommended that, in exchange for the fee simple dedication of 1,040 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 1,040 square feet of land area (the area of the Property being dedicated for public purposes) to the remaining 34,200 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 January 29, 2010, 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;
- 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 for any other public purposes;
- 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 1,040 square feet of land area to the Remaining Parcel as referenced in the attached Dedication and Easement Plat for the Remaining Parcel.

EXHIBIT "B"

DEED OF DEDICATION

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

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

RPC No. 20003001

Exempt from Recordation Tax per
Va. Code § 58.1-811A.3.

DEED OF DEDICATION

This **DEED OF DEDICATION** ("Deed") is made this 14th day of February, 2010, by and between **THOMAS SHEPARD II, TRUSTEE**, and **PAULA KINCHEN, 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 Board" or "County").

****WITNESSETH****

WHEREAS, in July 2009, a Deed of Dedication was offered by the Owner to the County Board, and on July 11, 2009, the County Board adopted a resolution approving the acceptance of such Deed, concerning 4,091 square feet of land, and authorizing a density credit related thereto; and

WHEREAS, no acceptance of the Deed of Dedication or any other action has been taken by the County pursuant to the July 11, 2009 County Board resolution; and

WHEREAS, since the adoption of such resolution, the proposed area to be dedicated by the Owner to the County has been revised by the parties, reducing the size of the area to be dedicated in fee to the County from 4,091 square feet to 1,040 square feet of land; and

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"); and

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

WHEREAS, the Church, at a meeting held on _____, 2010, duly adopted a resolution (“Church Resolution”), confirming the Trustees of the Church and authorizing the dedication to the County of a 1,040 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 1,040 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 1,040 square foot portion of the Property for public purposes in compliance with the Church Resolution; and

WHEREAS, by Order entered on _____, 2010, 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 B, 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 1,040 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 meeting on _____, 2010, the County Board of Arlington County, Virginia adopted a resolution, a certified copy of which is recorded herewith (the “Resolution Granting Density Credit”), granting density credit pursuant to Section 36.L. of the Arlington County Zoning Ordinance in the amount of density that would be yielded by 1,040 square feet of land area pursuant to the zoning provisions applicable to the Property on the date the amount of density credit is determined; and

WHEREAS, the aforementioned the density credit was granted in exchange for the dedication in fee simple to the County of 1,040 square foot portion of the Property public purposes; and

WHEREAS, it is the desire and intent of the Church to dedicate, in fee simple, a 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 shown on a plat attached hereto and made a part hereof, entitled “Plat Showing Area Dedicated to Public Purposes, Easement Acquired for Public Sidewalk, Utilities and Drainage 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 _____, 2010 (the “Plat”), which Plat was approved by the Arlington County Manager’s designee on _____, 2010.

Project: Wilson Boulevard, Phase II - Project # DS82 (the “Project”)
RPC: 20003001
Address: 3850 Wilson Boulevard, 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, free and clear of all liens, encumbrances and improvements, that portion of the Property designated on the Plat as "Area Hereby Dedicated to Public Purposes = Area 1,040 S.F."

ACKNOWLEDGEMENT OF DENSITY CREDIT

NOW, THEREFORE, the Owner and the County do hereby acknowledge the County's adoption of the aforementioned Resolution granting a density credit in the amount of density that would be yielded by 1,040 square feet of land area, for the remaining portion of the Property in exchange for the aforesaid 1,040 square foot fee simple dedication to the County for public purposes, and pursuant to the aforesaid resolution, a certified copy of which is recorded herewith.

COVENANTS REAL

The Owner declares that the agreements and covenants stated in this Deed are not covenants personal to the Owner but are covenants real, running with the land. 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 above-described Property, and is in accordance with the applicable 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 is evidenced by their endorsements on said Plat attached hereto.

The provisions of this Deed shall be applicable to the Owner and its successors and assigns.

THIS DEED shall be construed, interpreted and applied according to the law of the Commonwealth of Virginia.

The Recitals are incorporated into this Deed

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 Boulevard, Arlington, Virginia

THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA

Accepted as to the Dedication for Public Purposes this ___ day of _____, 2010
on behalf of The County Board of Arlington County, Virginia, pursuant to an action of the said
Board adopted on _____, 2010.

By: _____

Name: _____

Title: _____

COMMONWEALTH OF VIRGINIA:

COUNTY OF ARLINGTON: to wit

The foregoing instrument was acknowledged before me this ___ day of _____, 2010
by _____, _____, on behalf of The County Board of
Arlington County, Virginia.

Notary Public

Notary Registration No.: _____

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

GRANTOR: THE TRUSTEES OF THE BALLSTON CHRISTIAN CHURCH

BY:

Thomas Shepard II
THOMAS SHEPARD II, TRUSTEE

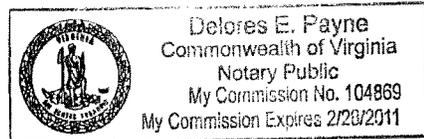
State: Virginia
County: Arlington

The foregoing instrument was acknowledged before me on this 14th day of February, 2010,
by **Thomas Shepard II, Trustee.**

Delores E. Payne

Notary Public

Notary Registration No.: 104869
My Commission Expires: 2-28-11



BY:

Paula Kinchen
PAULA KINCHEM, TRUSTEE

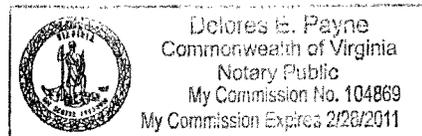
State: Virginia
County: Arlington

The foregoing instrument was acknowledged before me on this 14th day of February, 2010,
by **Paula Kinchen, Trustee.**

Delores E. Payne

Notary Public

Notary Registration No.: 104869
My Commission Expires: 2-28-11



Project: Wilson Boulevard, Phase II - Project # DS82 (the "Project")
RPC: 20003001
Address: 3850 Wilson Boulevard, 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 1,040 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 1,040 square feet of land area (the area of the Property being dedicated for public purposes) to the remaining 34,200 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 January 29, 2010, 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;
- 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 for any other public purposes;
- 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 1,040 square feet of land area to the Remaining Parcel as referenced in the attached Dedication and Easement Plat for the Remaining Parcel.

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

Exhibit B to Deed of Dedication

VIRGINIA

IN THE CIRCUIT COURT OF ARLINGTON COUNTY

IN RE:)
PETITION OF THE TRUSTEES OF THE)
BALLSTON CHRISTIAN CHURCH FOR)
LEAVE TO DEDICATE CHURCH)
LANDS)
)
)
)
)

Civil Action No. CM09-1063

ORDER

THIS cause came on this day to be heard on the Petition of Paula Kinchen and Thomas Shepard, II, the Trustees of the Ballston Christian Church, also known as the Wilson Boulevard Christian Church, to be appointed and confirmed and that legal title to the property described in said Petition be confirmed in them on behalf of said Church and that they be authorized and empowered to execute, on behalf of said Church, a Deed of Dedication, Deed of Easement, Deed of Temporary Easements and Construction Agreement, and to execute any other documents necessary and proper in the premises in order to dedicate the property and easements described in the Deed of Dedication, Deed of Easement, Deed of Temporary Easements and Construction Agreement.

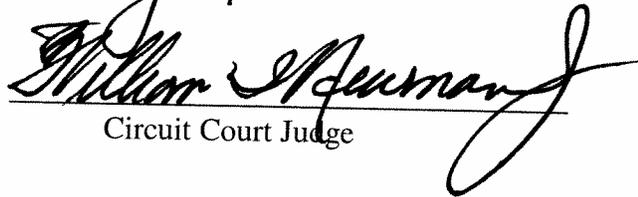
IT APPEARING TO THE COURT from the Exhibits, attached to the Petition, that it is the wish of the Ballston Christian Church that the said Trustees be authorized and empowered to do all things necessary in connection with the dedications.

NOW, THEREFORE, IT IS ADJUDGED, ORDERED AND DECREED that Paula Kinchen and Thomas Shepard, II, be, and they are, hereby appointed and confirmed as Trustees of the Ballston Christian Church in Arlington County, Virginia, to serve as

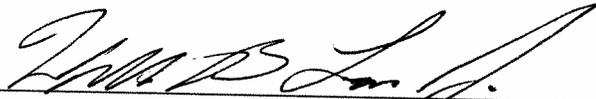
such Trustees for the purpose of conveying the aforesaid Deed of Dedication, Deed of Easement, Deed of Temporary Easements and Construction Agreement, and that the said Trustees be, and they hereby are, authorized and directed, as Trustees, and not in their individual capacities, to execute a Deed of Dedication, Deed of Easement, Deed of Temporary Easements and Construction Agreement conveying the property and easements described in the Deed of Dedication, Deed of Easement, Deed of Temporary Easements and Construction Agreement along with any other necessary and proper documents that may be required for the conveyance of said dedications, in Arlington County, Virginia.

AND THIS ORDER IS FINAL.

ENTERED this 1st day of February, 2009


Circuit Court Judge

We ask for this:



William B. Lawson, Jr., Esquire (VSB#22240)
Benjamin T. Danforth, Esquire (VSB#70927)
Lawson, Tarter & Charvet, P.C.
6045 Wilson Boulevard, Suite 100
Arlington, Virginia 22205
Phone #: 703-534-4800
Facsimile #: 703-534-8225
Counsel for Petitioner

FAWBLAD0052.2.MW.5778



EXHIBIT "C"

DEED OF EASEMENT

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

Real Estate Bureau Chief
Engineering & Capital Projects Division
Department of Environmental Services
Arlington County Government
2100 Clarendon Boulevard, Suite 800
Arlington, Virginia 22201

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

DEED OF EASEMENT

This DEED OF EASEMENT is made this 14th day of February, 2010, and between **THOMAS SHEPARD II , TRUSTEE, and PAULA KINCHEN, 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 ("Grantee").

For and in consideration of the sum of Four Thousand Two Hundred Dollars (\$4,200.00) 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 perpetual easement for public sidewalk, utilities and drainage purposes over, under, upon and across **three thousand fifty-five (3,055)** square feet of land ("Easement Area") situated in Arlington County, Virginia, as shown on the plat attached hereto and made a part hereof, entitled "**Plat Showing Area Dedicated to Public Purposes, Easement Acquired for Public Sidewalk, Utilities and Drainage Purposes and Temporary Construction Easements on Lots 20 Through 25, South Ballston, D.B. 118, PG. 181, Arlington County, Virginia**" which plat was approved on _____, 2010 by the Arlington County Subdivision and Bonds Administrator of the Department the Environmental Services (the "Plat"), being a portion of the same property acquired by the Grantors by deed dated **April 1, 1921**, recorded in the Land Records the Arlington County Circuit Court in Deed Book 174 at Page 195, and more particularly described therein as "**All the those certain pieces, parcels, or lots the land, situate, lying and being in Arlington Magisterial District, Arlington County, Virginia, particularly known and described as all the Lots numbered 20, 21, 22, 23, 24 and 25 the R. C. L. Moncure's Subdivision known as South Ballston, as the same is duly platted, dedicated, and recorded in Deed Book No. 116, at page 181, of the land records the 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"), together with the right of Grantee to construct, maintain, repair, reconstruct, replace and/or remove public sidewalk, utilities, and storm drainage facilities, including accessories and appurtenances thereto,

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

within said Easement Area, and for such other purposes as are incidental and related thereto, and together with the right of ingress and egress over the Property, in order to construct, maintain, repair, reconstruct or replace the public sidewalk, utilities and storm drainage facilities within the above-described Easement Area (the Easement Area, and the rights related thereto, are referred to herein jointly as the "Easement").

Reference is hereby made to the Plat attached hereto and incorporated herein for a more full and complete description the Easement Area hereby conveyed.

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

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

All facilities installed or constructed by the Grantee shall be and remain the property of the Grantee. No additional charge shall at any time be made for the property used or occupied by the Grantee's facilities. The Grantee shall have all rights and privileges reasonably necessary for the use of the Easement.

This Deed of Easement 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 Easement.

This Deed of Easement is contingent upon acceptance on behalf of the County Board of Arlington County, Virginia.

This Deed of Easement shall be construed, interpreted, and applied according to the law of the Commonwealth the Virginia.

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

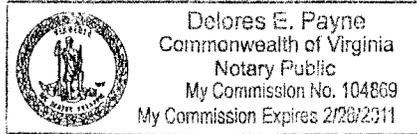
BY:

Thomas Shepard II
THOMAS SHEPARD II, TRUSTEE

State: Virginia
County: Arlington

The foregoing instrument was acknowledged before me on this 14th day of February, 2010,
by **Thomas Shepard II, Trustee.**

Notary Public: Delores E. Payne
My Commission expires: 2-28-11
Notary ID #: 104869



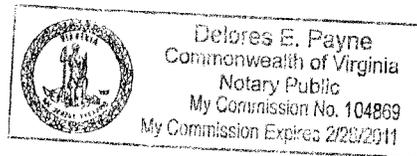
BY:

Paula Kinchen
PAULA KINCHEN, TRUSTEE

State: Virginia
County: Arlington

The foregoing instrument was acknowledged before me on this 14th day of February 2010,
by **Paula Kinchen, Trustee.**

Notary Public: Delores E. Payne
My Commission expires: 2-28-11
Notary ID #: 104869



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

GRANTEE:

Accepted this ___ day of _____, 2010, on behalf of the County Board of Arlington County, Virginia, pursuant to a resolution, motion, or action of the said Board duly adopted on _____, 2010.

By: _____
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, this _____ day of _____, 2010.

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

“EXHIBIT “D”

DEED OF TEMPORARY EASEMENTS
AND CONSTRUCTION AGREEMENT

**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 EASEMENTS
AND CONSTRUCTION AGREEMENT**

This **DEED OF TEMPORARY EASEMENTS AND CONSTRUCTION AGREEMENT** is made this 14th day of February, 2010, by and between **THOMAS SHEPARD II, TRUSTEE**, and **PAULA KINCHEN, 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 (\$ 1,538.00) 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 temporary easements for the use, as described herein, of portions of Grantors' property (the "Temporary Easements"), more specifically described as two (2) separate areas of real estate each containing approximately three hundred eighty-five (385) square feet and seven hundred fifty-three (753) square feet respectively, taken together containing approximately **one thousand one hundred thirty eight (1,138) 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, Easement Acquired for Public Sidewalk, Utilities and Drainage Purposes and Temporary Construction Easements on Lots 20 Through 25, South Ballston, D.B. 118, PG. 181, Arlington County, Virginia,**" which plat was approved on _____, 2010 by the Arlington County Subdivision and Bonds Administrator of the Department of Environmental Services (the "Plat"), said areas being portions 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 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 areas to construct, maintain, repair, reconstruct and/or remove public streets, sidewalks, utilities and drainage facilities, including accessories and appurtenances thereto, adjacent to the Temporary Easements' areas, as shown on the Plat,

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

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 Easements' areas.

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

The TEMPORARY EASEMENTS created by this document shall begin upon the date of acceptance of this Deed of Temporary Easements 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 Easements, the Grantee will, at no cost to the Grantors: (1) restore the disturbed area on and adjacent to the Temporary Easements' areas 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 Easements; (3) reset, or replace with nursery stock, all damaged or destroyed trees, plants, shrubbery, and hedges on or adjacent to the Temporary Easements; 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 Easements 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 Easements 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

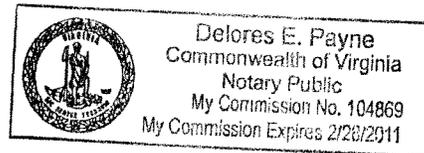
BY:

Thomas Shepard II
THOMAS SHEPARD II, TRUSTEE

State: Virginia
County: Arlington

The foregoing instrument was acknowledged before me on this 14th day of February, 2010, by **Thomas Shepard II, Trustee.**

Notary Public: Delores E. Payne
My Commission expires: 2-28-11
Notary ID #: 104869



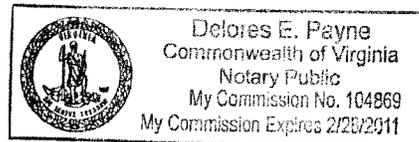
BY:

Paula Kinchen
PAULA KINCHEN, TRUSTEE

State: Virginia
County: Arlington

The foregoing instrument was acknowledged before me on this 14th day of February, 2010, by **Paula Kinchen, Trustee.**

Notary Public: Delores E. Payne
My Commission expires: 2-28-11
Notary ID #: 104869



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

GRANTEE:

ACCEPTED this _____ day of _____, 2010, on behalf of The County Board of Arlington County, Virginia, pursuant to a resolution, motion, or action of the said Board duly adopted on _____, 2010.

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 _____, 2010.

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

EXHIBIT "E"

Vicinity Map
Wilson Phase II
3850 Wilson Boulevard
RPC # 20003001

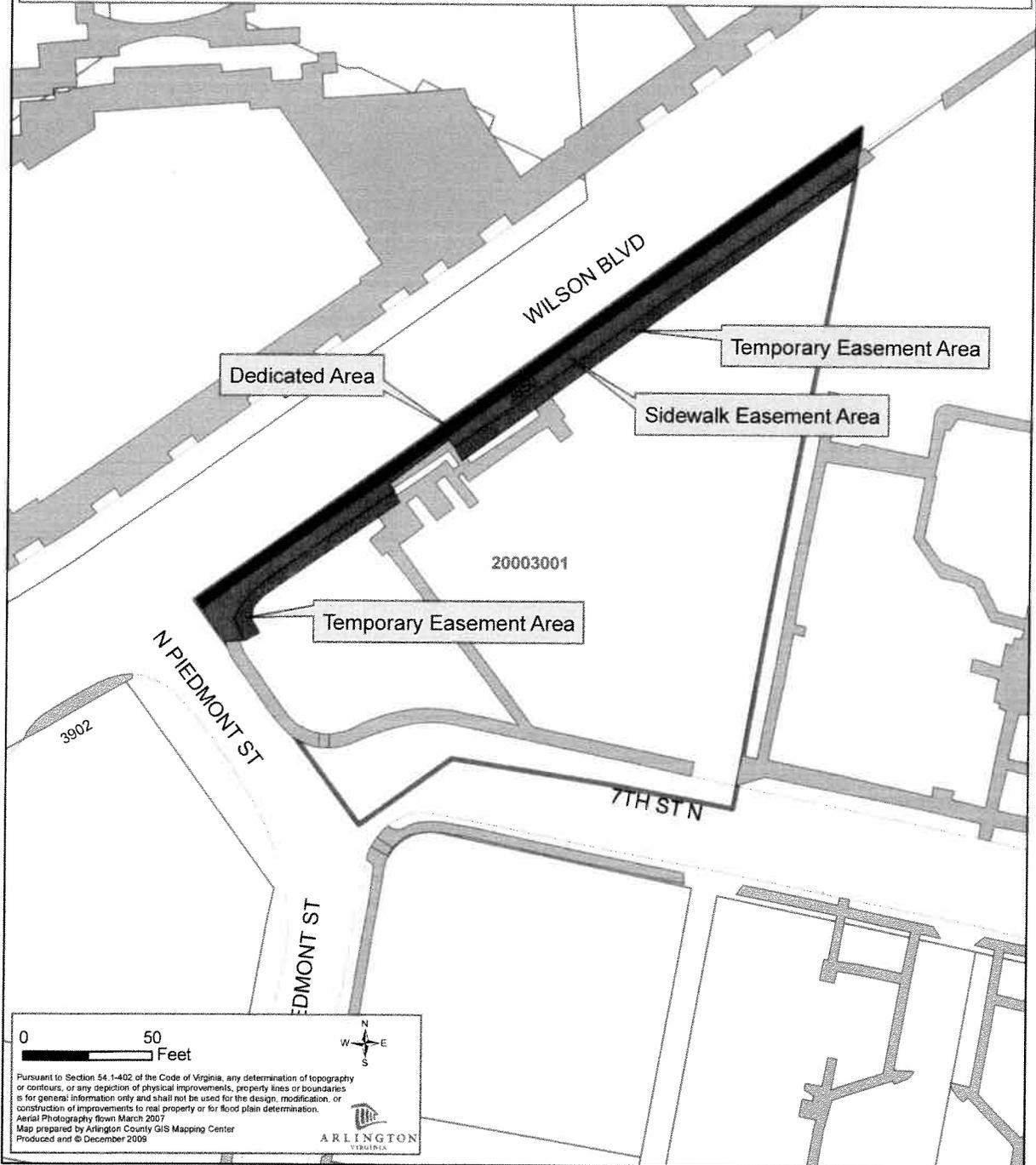
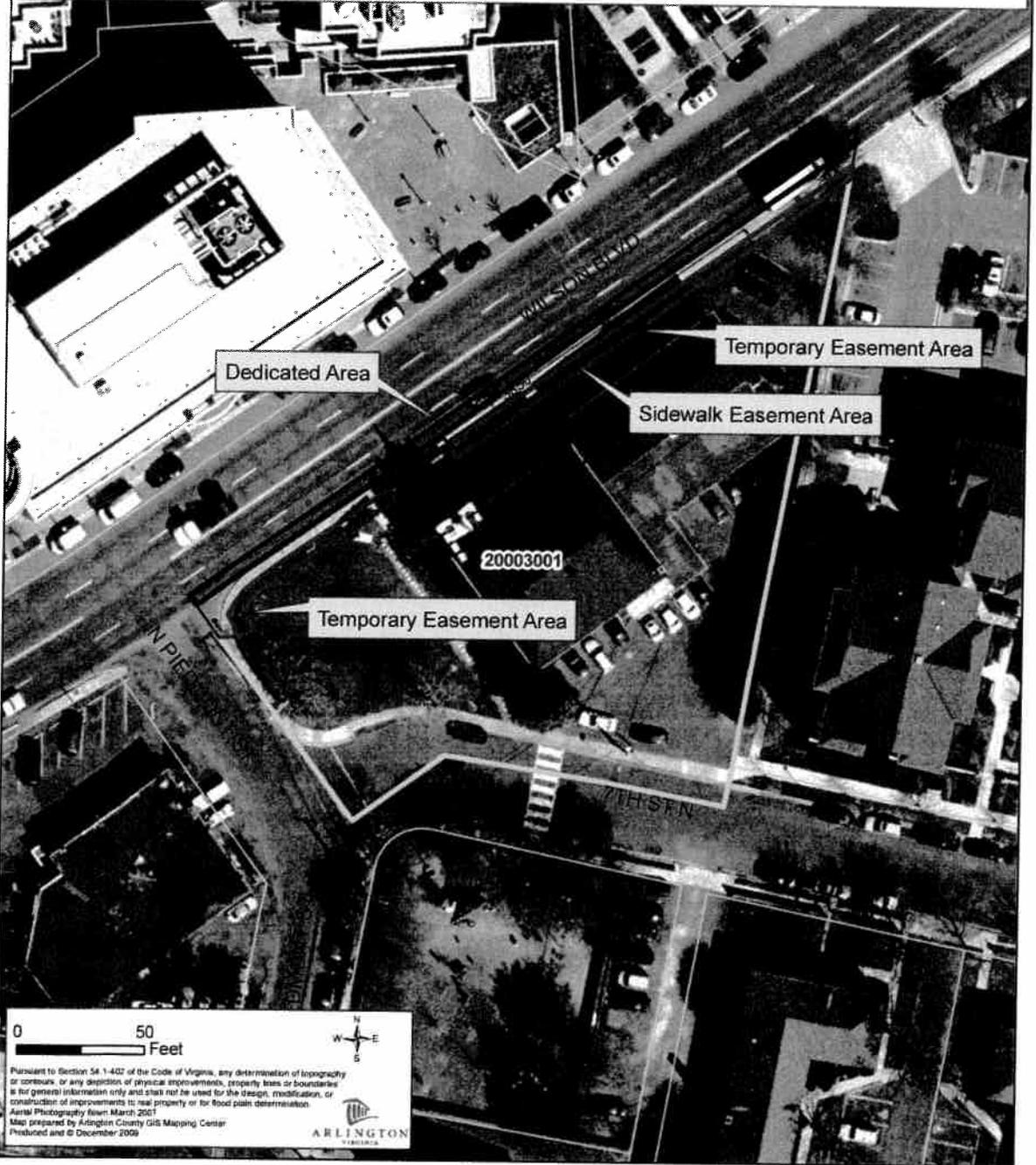


EXHIBIT "E-1"

Vicinity Map
Wilson Phase II
3850 Wilson Boulevard
RPC # 20003001



Pursuant to Section 54-1-402 of the Code of Virginia, any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.
Aerial Photography from March 2007
Map prepared by Arlington County GIS Mapping Center
Produced and © December 2009

ARLINGTON
VIRGINIA