

ORDINANCE PERMITTING THE ENCROACHMENT OF EXISTING PORTION OF THE DOMINION VIRGINIA POWER SUBSTATION BUILDING (“SUBSTATION”), AND A PROPOSED NEW SUBSTATION BUILDING FAÇADE AND ARCHITECTURAL BUILDING OVERHANGS, ALONG 19TH STREET NORTH, ON LOTS 1, 2, AND PT. LOT 4, BLOCK 9, ROSSLYN; AND (B) PROPOSED SUBSTATION ARCHITECTURAL BUILDING OVERHANGS ALONG NORTH MOORE STREET, ON LOTS 1, 2, AND PT. LOT 3, BLOCK 9, ROSSLYN, AT 1850 NORTH MOORE STREET (RPC NO. 16037005), ALL WITHIN AN EASEMENT FOR PUBLIC STREET, SIDEWALK, CURB AND GUTTER PURPOSES, WITH CONDITIONS.

BE IT ORDAINED by the County Board of Arlington County, Virginia, that the Applicant, Monday Properties Services, LLC, as developer of the project known as 1812 N. Moore Street, authorized by Site Plan Amendment SP # 18, and Virginia Electric and Power Company, as the owner (jointly, “Applicant”) of the property identified in the Arlington County Land Records (“Land Records”) as Lots 1 and 2, Pt. Lot 3 and Pt. Lot 4, Block 9-Rosslyn, and the Herrell Tract (RPC No. 16037005), subject to the following conditions, are permitted to locate an existing portion of the Dominion Virginia Power Substation Building (“Substation”), and to construct new Substation façade and Substation architectural overhangs (collectively, “Encroachments”) within a portion of an Arlington County Easement for Public Street, Sidewalk, Curb and Gutter Purposes (“Easement”) on Lots 1, 2, Pt. Lot 3 and Pt. Lot 4, Block 9, Rosslyn, at 1850 North Moore Street, RPC No. 16037005 created by Deed, dated April 14, 1965, recorded at Deed Book 1586, Page 128 on June 1, 1965 among the land records of Arlington County, Virginia (“Land Records”). The dimensions (length, width, and beginning and ending elevations) and spatial locations of the permitted Encroachments are depicted in “Plat Showing Encroachment on Easements for Public Street, Sidewalk, Curb and Gutter Purposes, Deed Book 1586, Page 128 on Lots 1, 2, and Pt Lot 4, Block 9 – Rosslyn, Deed Book 105, Page 275, Arlington County, Virginia,” dated October 9, 2007 and revised January 9, 2008, prepared by VIKA, attached to the County Manager’s Report dated January 14, 2008 as Exhibit B; “Plat Showing Encroachment on Easements for Public Street, Sidewalk, Curb and Gutter Purposes, Deed Book 1586, Page 128 on Lots 1, 2, and Pt Lot 3, Block 9 – Rosslyn, Deed Book 105, Page 275, Arlington County, Virginia,” dated October 9, 2007 and revised January 9, 2008, prepared by VIKA, attached to the County Manager’s Report dated January 14, 2008 as Exhibit C; “Easement Along Moore Street in Front of VEPCO Building, Section B, 1812 North Moore Street” dated January 2008, prepared by VIKA, attached to the County Manager’s Report dated January 14, 2008 as Exhibit E; and “Easement Along 19th Street, Section C, 1812 North Moore Street,” dated January 2008, prepared by VIKA, attached to the County Manager’s Report dated January 14, 2008 as Exhibit F (jointly “Plats”). The dimensions, the location, the characteristics of the permitted Encroachments and the spatial area of the permitted Encroachments are shown on the Plats. No other structures are permitted to be installed or constructed by Applicant, or to exist, within the County property shown on the Plats.

BE IT FURTHER ORDAINED that this permission for the Encroachments shall continue until such time as that portion of the Substation building, Substation façade and architectural overhangs encroaching within a portion of the Easement are destroyed, removed, no longer in use, or not continuously and promptly maintained by the Applicant. Nothing in this Ordinance shall be construed either: to allow the installation by Applicant, or any other person or entity, of any above ground structure or any structure other than the described Substation building, Substation façade and architectural overhangs within the area as shown on the Plats; or to allow any greater encroachment beyond the dimensions and spatial area shown on the Plats.

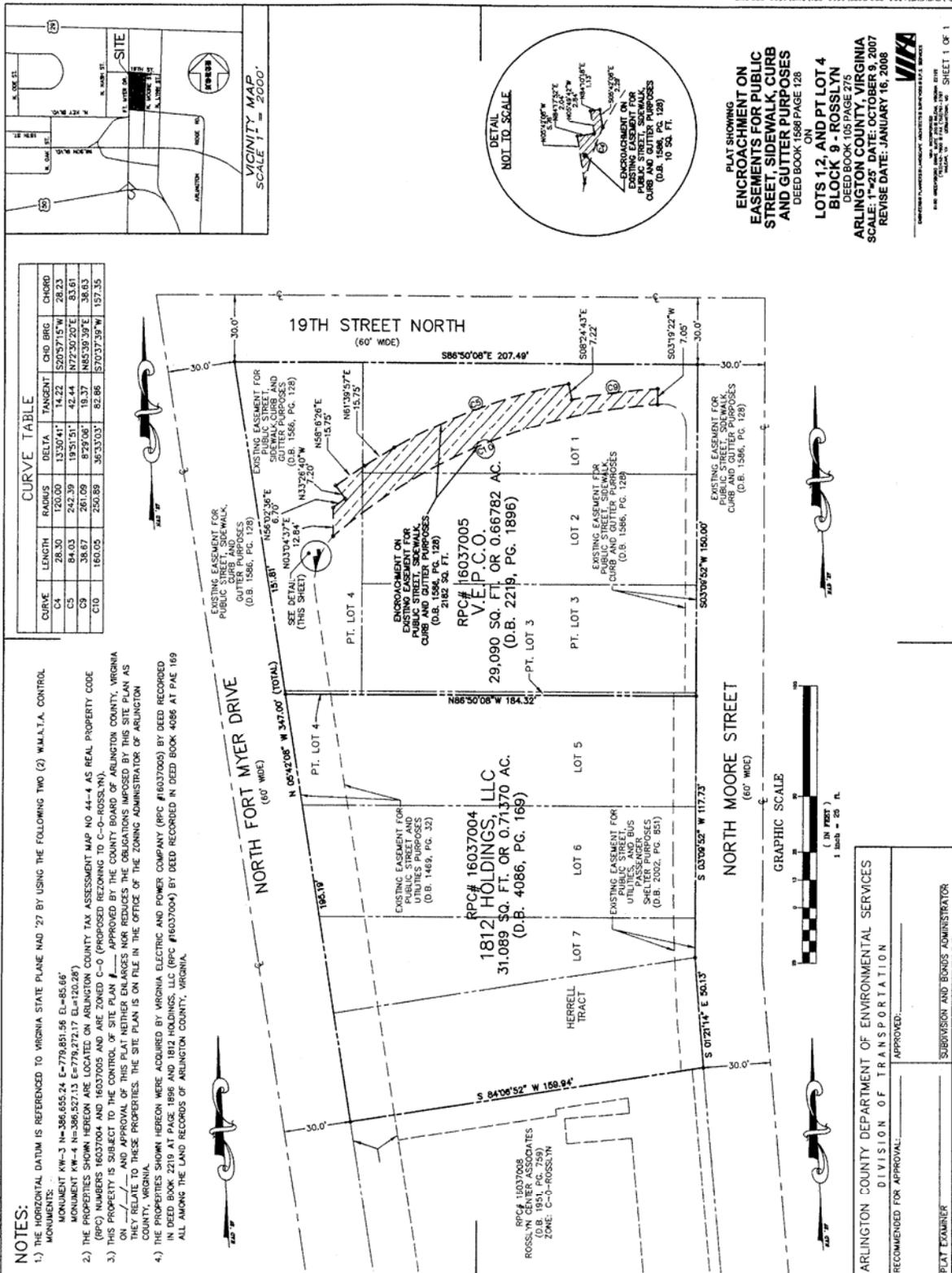
BE IT FURTHER ORDAINED that the Applicant, its successors and assigns, shall continuously and promptly maintain the Substation building, Substation façade and architectural overhangs and maintain, restore, repair, and replace all County owned facilities, within and adjacent to the Easement, including any sidewalk, curb and gutter, and paved surface, which are damaged by the installation, maintenance, destruction, continued existence, repair or removal of the Substation building, Substation façade and architectural overhangs. No provision of this Ordinance is intended, or shall be construed to relieve the Applicant, or any other person or entity, to obtain all required permits, approvals, and permissions to perform any work in the public rights-of-way.

BE IT FURTHER ORDAINED that this Ordinance shall not be construed to release the Applicant, its successors and assigns, of negligence on their part on account of such Encroachments, and the Applicant, by constructing, or causing to be constructed and by continuing to have the Substation building, Substation façade and architectural overhangs encroach within the dedicated public right-of-way, thereby agrees for itself, its successors and assigns, to indemnify and hold harmless the County Board of Arlington County, Virginia and County officials, officers, employees, and agents from all claims, negligence, damages, costs and expenses arising out of the construction, maintenance, repair and removal of the Substation building, Substation façade and architectural overhangs, and the permission for the Substation building, Substation façade and architectural overhangs to encroach within a portion of the air space of the public right-of-way permitted by this Ordinance.

BE IT FURTHER ORDAINED that no portion of the Substation building, Substation façade and architectural overhangs permitted by this Ordinance to encroach within the Easement shall be constructed until the Applicant has paid to the County the sum of \$24,477.60 as compensation for the Encroachments.

BE IT FURTHER ORDAINED that, on or before January 26, 2011, the Applicant, at its sole expense, shall cause a certified copy of this Ordinance and Plats, approved by the Director of the Department of Environmental Services or his

designee, to be recorded in the lands records of the Arlington County Circuit Court and evidence thereof shall be promptly delivered by the Applicant to the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services.



RP #621

SHEET 1 OF 1

