

EASEMENT AMENDMENT

THIS EASEMENT AMENDMENT ("Amendment") is made as of the 27th day of June, 2018, by and between the **WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY ("WMATA")**, a regional body corporate and politic, organized pursuant to Public Law 89-774, 80 Stat. 1324; Maryland Acts of General Assembly, Chapter 869-1965; Virginia Acts of Assembly, Chapter 2-1966; and Resolution of D.C. Board of Commissioners adopted November 15, 1966 (hereinafter called "**GRANTEE**"); and **THE DISTRICT OF COLUMBIA**, a municipal corporation, acting by and through the Department of Housing and Community Development (hereinafter, along with its successors and assigns, the "**GRANTOR**").

RECITALS

A. On September 30, 2014, GRANTEE and GRANTOR executed that certain Special Warranty Deed (the "**Deed**") which was recorded in the land records of the District of Columbia as Document No. 2014093850, and wherein GRANTEE (as seller) conveyed to GRANTOR (as purchaser) the property described in "**Exhibit A**," attached hereto and made a part hereof (hereinafter, the "**Property**").

B. Pursuant to the Deed, GRANTEE (as seller) reserved a perpetual, assignable and exclusive easement and right-of-way (the "**Tunnel Easement**") in, upon, over, under, and across the portion of the Property for a train tunnel and access tunnels beneath the Property.

C. On December 15, 2014, GRANTEE and GRANTOR, entered into that certain Post Closing Agreement (the "**Agreement**"), setting forth the terms of meeting certain conditions precedent to closing that were not completed prior to settlement on the sale of the Property. Pursuant to Section 1 of the Agreement, GRANTEE and GRANTOR agreed to work cooperatively to complete the survey and legal description of the WMATA Tunnel Easement, reserved unto GRANTEE by the terms of the Deed;

D. The survey and legal description of the Tunnel Easement have been completed to the satisfaction of GRANTEE and GRANTOR.

E. The completed survey and legal description of the Tunnel Easement, approved by both GRANTEE and GRANTOR, are attached hereto and made a part hereof as "**Exhibit B**".

NOW, THEREFORE, for and in consideration of the sum of Ten dollars (\$10.00), and in consideration of the covenants herein contained and of mutual benefits and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The Recitals set forth above are true and correct and are hereby made a part of this Easement Amendment.

2. Capitalized terms used in this Easement Amendment and not otherwise defined herein shall have the meanings ascribed to such terms in the Deed.

3. The portion of the Property burdened by the Tunnel Easement is properly and particularly described in Exhibit B hereof, which revises and replaces any previous legal description of the Tunnel Easement.

4. Except as modified hereby, the Tunnel Easement is and shall remain in full force and effect in accordance with the terms of the Deed.

[Signature pages follows]


[Grantee's Signature Page]

IN WITNESS WHEREOF, GRANTEE, the Washington Metropolitan Area Transit Authority, has caused this Easement Amendment document to be executed in its corporate name on the day and year hereinbefore written, by Nina M. Albert, Managing Director of Real Estate and Parking of GRANTEE, and has appointed the said Nina M. Albert to be its attorney-in-fact, the same to acknowledge and deliver according to law.


Witness:

WASHINGTON METROPOLITAN
AREA TRANSIT AUTHORITY



By: 
Nina M. Albert
Managing Director, Real Estate and
Parking

Approved as to form and legal sufficiency:

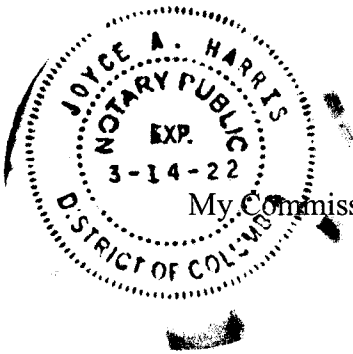

Kermit Welch
Chief Counsel

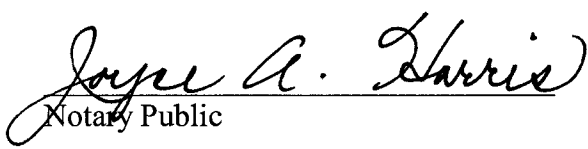
ACKNOWLEDGMENT

DISTRICT OF COLUMBIA) ss:

I, Joyce A. Harris, a Notary Public in and for the District of Columbia, DO HEREBY CERTIFY that Nina M. Albert, Managing Director of Real Estate and Parking of the Washington Metropolitan Area Transit Authority, known to me to be the person named as attorney-in-fact in the foregoing and annexed Easement Amendment, bearing date on the 27th day of JUNE, in the year 2018, personally appeared before me in said District of Columbia and as attorney-in-fact as aforesaid, and by virtue of the power vested in him/her as Contracting Officer, acknowledged the same to be the act and deed of the Washington Metropolitan Area Transit Authority.

Given under my hand and seal this 27th day of June, in the year 2018.




Notary Public

My Commission expires: 03-14-2022

[Grantor's Signature Page]

IN WITNESS WHEREOF, GRANTOR, District of Columbia, a municipal corporation, acting by and through the District of Columbia Department of Housing and Community Development ("DHCD"), has caused this Easement Amendment document to be executed in its name on the day and year hereinbefore written, by Mary R. (Polly) Donaldson the Director of DHCD and has appointed the said Mary R. (Polly) Donaldson to be its attorney-in-fact, the same to acknowledge and deliver according to law.

WITNESS:

Mozella Boyd Johnson
Mozella Boyd Johnson

DISTRICT OF COLUMBIA, a municipal corporation

By: Mary R. Donaldson
Name: Mary R. (Polly) Donaldson
Title: Director, DHCD

Approved as to form and legal sufficiency:

Kathy Charles-Christian
Kathy Charles-Christian
Assistant General Counsel

ACKNOWLEDGMENT

DISTRICT OF COLUMBIA) ss:

I, Sharon K. Gray, a Notary Public in and for the District of Columbia, DO HEREBY CERTIFY that Mary R. (Polly) Donaldson, who is known to me or satisfactorily proved to be the person named as attorney-in-fact in the foregoing and annexed Deed, bearing date on the 25th day of June, in the year 2018, personally appeared before me in said District of Columbia, as attorney-in-fact as aforesaid and as the Director of the Department of Housing and Community Development and by virtue of the power vested in her as such, acknowledged the obligations of GRANTOR under this Easement Amendment as the act and deed of The District of Columbia for the purposes therein contained.

Given under my hand and seal this 25th day of June, in the year 2018.

Sharon K. Gray
SHARON K. GRAY
NOTARY PUBLIC DISTRICT OF COLUMBIA
Commission Expires September 30, 2022
Notary Public



Commission expires: _____

EXHIBIT A
(Legal Description)

Square 5860
Lots 839, 897, 906, 908, 910, 948, 952, 1034 and 1035

Howard Road SE- Lot 839

Part of Lot 7 in Section 9 in the subdivision known as "Barry Farm", as per plat recorded in Liber Levy Court 2 at folio 1 of the Records of the Office of the Surveyor for the District of Columbia, and being bounded and described as follows:

Beginning for the same at a point on the dividing line between Lots numbered Six (6) and Seven (7) distant eighty-seven (87) feet more or less from Howard Road as widened, and running thence with said dividing line Northeasterly, thirty-two (32) feet, more or less; thence Northwesterly and parallel with said Howard Road, Twenty-five (25) feet; thence Southwesterly and parallel with the aforesaid dividing line, thirty-two (32) feet, more or less; thence Southeasterly and parallel with said Howard Road, twenty-five (25) feet to the place of beginning

NOTE: At the date hereof all of the above described land is designated on the Records of the Assessor of the District of Columbia for assessment and taxation purposes as Lot 839 in Square 5860.

AND

Shannon Pl SE- Lot 897

Part of Lot 62 in Square 5860 in the subdivision made by Samuel H. Lucas, as per plat recorded in Liber No. 34 at folio 38 of the Records of the Office of the Surveyor for the District of Columbia, and being bounded and described as follows:

Beginning for the same at a point dividing line between lot number sixty three (63) and sixty two (62) distant forty two feet more or less from Howard Road as widened, and thence running Northeasterly 49.77 feet, thence southeasterly and Parallel with said Howard Road 14.54 feet more or less; thence southwesterly 51.85 feet to the place of beginning.

NOTE: At the date hereof the above described land is designated on the Records of the Assessor of the District of Columbia for assessment and taxation purposes as Lot 897 in Square 5860.

AND

1006 Howard Road SE- Lot 906

Part of Lot 7 in Block 9 in the subdivision known as "Barry Farm", as per plat recorded in Liber Levy Court 2 at folio 1 of the Records of the Office of the Surveyor for the District of Columbia, and being bounded and described as follows:

Beginning for the same at a point dividing lines between lots, number 906 and 1035, the point being the Northerly line of Howard Road as widened, and running thence Northwesterly and parallel with said Howard Road twenty five (25) feet, more or less; thence northeasterly eighty seven (87) feet more or less; thence parallel with Howard Road twenty five (25) feet more or less; thence south westerly eighty seven (87) to the place of beginning.

NOTE: At the date hereof the above described land is designated on the Records of the Assessor of the District of Columbia for assessment and taxation purposes as Lot 906 in Square 5860.

AND

Howard Road SE- Lot 908

Part of Lot 7 in Section 9 in the subdivision known as "Barry Farm", as per plat recorded in Liber Levy Court 2 at folio 1 of the Records of the Office of the Surveyor for the District of Columbia, and being bounded and described as follows:

BEGINNING at the intersection of the northwesterly line of said lot with the northerly line of Howard Avenue as widened by proceedings in District Court Cause No. 1420 in the Supreme Court of the United States for the District of Columbia and running thence with the line of Howard Avenue:

Southeasterly 44.74 feet to the southeasterly line of the land conveyed to William E. Lewis and others by deed recorded in Liber 7773 at folio 563 among the Land Records of the of the Recorder of Deeds for the District of Columbia; thence with the southeasterly line of said conveyance

Northeasterly 123.93 feet to the property of the Baltimore & Ohio Railroad; thence with the property of said railroad

Southwesterly 116.88 feet to the dividing line between lots 7 and 11 of said subdivision; thence along said line

Southwesterly 17.76 feet to the place of beginning

NOTE: At the date hereof the above described land is designated on the Records of the Assessor of the District of Columbia for assessment and taxation purposes as Lot 908 in Square 5860.

AND

Howard Road SE- Lot 910

Part of Lot 7 in Section 9, "Barry Farm", as per plat recorded in Liber Levy Court 2 at folio 1 of the Records of the Office of the Surveyor for the District of Columbia, and being bounded and described as follows:

Beginning at the intersection of the northwesterly line of said lot with the northerly line of Howard Avenue as widened by proceedings in District Court Cause No. 1420 in the Supreme Court of United States for the District of Columbia and running thence with the line of Howard Avenue.

Southeasterly 2.63 feet more or less to the southeasterly line of Lot 11; thence northeasterly 6.27 feet to the property of Baltimore & Ohio Rail Road; thence southwesterly 5.68 feet to the place of beginning.

NOTE: At the date hereof the above described land is designated on the Records of the Assessor of the District of Columbia for assessment and taxation purposes as Lot 910 in Square 5860.

AND

1004 Howard Road SE- Lot 948

Part of Lot 7 in Section 9 in the subdivision known as "Barry Farm", as per plat recorded in Liber Levy Court 2 at folio 1 of the Records of the Office of the Surveyor for the District of Columbia, and being bounded and described as follows:

BEGINNING for the same in the northerly line of Howard Road at its intersection with the easterly line of the land conveyed to Richard H. Lewis by deed recorded in Liber 2756 at folio 269 of the Land Records of the District of Columbia, and running thence with said northerly line of Howard Road:

S 50° 58' 20" E 45.26 feet to the westerly line of land conveyed to Harriet Boston Frazier by deed recoded in Liber 3267 at folio 229 of said Land Records; thence with said Frazier's northwesterly line and a prolongation thereof

Northwesterly 199.31 feet, more or less, to the Alexandria Branch of the B & O Railroad; thence with the line of said railroad

S 63° 50' 10" W to the easterly line of the land conveyed to said Lewis aforesaid; thence along said Lewis's easterly line

Southwesterly 123.93 feet to the point of beginning

NOTE: At the date hereof the above described land is designated on the Records of the Assessor of the District of Columbia for assessment and taxation purposes as Lot 948 in Square 5860.

AND

1018 Howard Road SE- Lot 952

Part of Lots 63 and 64 in Square 5860 in the subdivision made by Samuel H. Lucas, as per plat recorded in Liber No. 34 at folio 38 of the Records of the Office of the Surveyor for the District of Columbia, and being bounded and described as follows:

BEGINNING for the same at a point in the northerly line of Howard Avenue, distant 8 feet southeasterly from the westerly line of said Lot 64; thence

Northeasterly and parallel to said westerly line of said Lot 64, 91.50 feet; thence

Westerly and parallel to said northerly line of Howard Avenue, 8 feet to the westerly line of said Lot 64; thence

Northeasterly along said westerly line, 27.5 feet to the southerly line of that part of Lot 64 conveyed to Virgil B. Jackson by deed dated January 29, 1914 and recorded in Liber 3688 at folio 81; thence

Southeasterly along the southerly line of said land conveyed to Jackson, as aforesaid, 87.55 feet to the westerly line of Shannon Place; thence

Southwesterly along the westerly line of said Shannon Place, 28.65 feet to the northerly line of Lot 62 in said subdivision; thence

Northwesterly along said northerly line of Lot 62, 14.52 feet to the northeasterly corner of said Lot 63; thence

Southwesterly along the Easterly line of said Lot 63, 49.71 feet to the westerly line of Shannon Place; thence

Southwesterly along said westerly line of Shannon Place 43.54 feet to the northerly line of Howard Avenue; thence

Northwesterly along said Howard Avenue, 44.79 feet to the point of beginning

NOTE: At the date hereof the above described land is designated on the Records of the Assessor of the District of Columbia for assessment and taxation purposes as Lot 952 in Square 5860.

AND

1014 Howard Road SE- Lot 1034

Part of Lot 64 in Square 5860 in the subdivision made by Samuel H. Lucas, as per plat recorded in Liber No. 34 at folio 38 of the Records of the Office of the Surveyor for the District of Columbia, and being bounded and described as follows:

BEGINNING for the same at the intersection of the westerly line of said lot with the northerly line of Howard Road, as condemned and taken by proceedings in District Court Cause No. 1420; thence

Southeasterly along said line of Howard Road, 8 feet; thence

Northeasterly and parallel with said westerly line of said lot, 91.5 feet; thence

Northwesterly and parallel with said line of Howard Road, 8 feet to the westerly line of said lot; thence

Southwesterly along said line, 91.5 feet to the northerly line of Howard Road and the point of beginning

AND

Part of Lot 7 in Section 9 in the subdivision known as "Barry Farm, as per plat recorded in Liber Levy Court 2 at folio 1 of the Records of the Office of the Surveyor for the District of Columbia and being bounded and described as follows:

BEGINNING for the same at the intersection of the northerly line of Howard Road, as condemned and taken by proceedings in District Court Cause No. 1420, with the easterly line of said Lot 7; thence

Northwesterly along said line of Howard Road, 25 feet; thence

Northeasterly at right angles with said road, 87 feet; thence

Southeasterly and parallel with Howard Road, 25 feet to the easterly line of said lot; thence

Southwesterly with said line of said lot, 87 feet to the northerly line of Howard Road and the point of beginning

NOTE: At the date hereof all of the above described land is designated on the Records of the Assessor of the District of Columbia for assessment and taxation purposes as Lot 1034 in Square 5860.

AND

1010 Howard Road SE- Lot 1035

Part of Lot 7 in Section 9 in the subdivision known as "Barry Farm", as per plat recorded in Liber Levy Court 2 at folio 1 of the Records of the Office of the Surveyor for the District of Columbia, and being bounded and described as follows:

Parcel 1:

BEGINNING for the same at the intersection of the northerly line of Howard Road with the westerly line of the land conveyed to Ezra W. Leach by deed recorded in Liber 1673 at folio 298 of the Land Records of the District of Columbia and running thence with the line of Howard Road

N 50° 58' 20" W 25 feet to the easterly line of the land conveyed to Harriet Boston Frazier by deed recorded in Liber 3267 at folio 229 of said Land Records; thence along said easterly line of said land mentioned conveyance

Northeasterly 87 feet; thence

Southeasterly and parallel with the northerly line of said Howard Road, 25 feet to said Leach's westerly line; thence along Leach's westerly line

Southwesterly 87 feet to the point of beginning

ALONG WITH

Parcel 2:

BEGINNING for the same at a point 109.84 feet Southwesterly from the northeasterly line of said lot and 25 feet Northwesterly from the southeasterly line of said lot, and running thence:

Southwesterly and parallel with the southeasterly line of said lot, 42.16 feet; thence

Northwesterly and parallel with the northeasterly line of said lot, 50 feet; thence

Northeasterly and parallel with the southeasterly line of said lot, 42.16 feet; thence

Southeasterly 50 feet to the point of beginning

NOTE: At the date hereof all of the above described land is designated on the Records of the Assessor of the District of Columbia for assessment and taxation purposes as Lot 1035 in Square 5860.

EXHIBIT B
(Tunnel Easement Description)

**DESCRIPTION OF
PERMANENT UNDERGROUND EASEMENT
ACROSS
ASSESSMENT AND TAXATION LOTS
906, 908, 910, 948, 1034 & 1035 - SQUARE 5860
DISTRICT OF COLUMBIA**

December 4, 2017

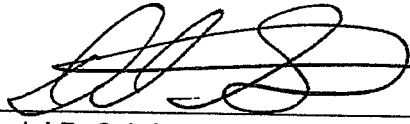
BEING a strip or parcel of land herein described as running in, through, over and across Assessment and Taxation (A&T) Lots 906, 908 and 910 as shown on A&T Plat 1292, and A&T Lot 948 as shown on A&T Plat 1528 and A&T Lots 1034 and 1035 as shown on A&T Plat 2411, all in Square 5860 and on file among the records of the Office of the Surveyor of the District of Columbia; said strip or parcel being the limits of a Permanent Underground Easement granted to the Washington Metropolitan Area Transit Authority (WMATA) as shown on a WMATA drawing entitled "F Route, Right of Way Plan, Sta. 180+00 to Sta. 192+00, Drawing No. F5a-R-2", revision date April 26, 1985; said strip or parcel being more particularly described in WMATA datum as follows:

BEGINNING for the same at a point on the northerly line of condemnation for public highway (Howard Road, S.E.) as shown in Subdivision Book 67 at Page 40 among said records of the Office of the Surveyor; said point lying 4.86 feet easterly along said northerly line of condemnation from the intersection of said northerly line with the easterly line of the Alexandria Branch B&O Railroad (66' wide) as shown in said Subdivision Book 67 at Page 40; said point of beginning having WMATA coordinates as northing = 374915.8110 and easting = 801211.7370; thence running in, through, over and across the above said lots

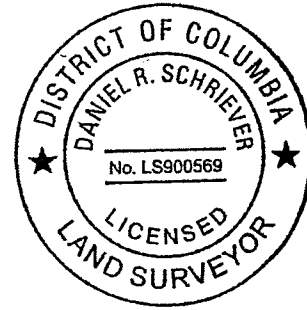
- 1) North 13° 15' 45" West, 4.52 feet to a point on the outline of the above said lots and the easterly line of the B&O Railroad; thence binding on and running with said lines
- 2) North 63° 51' 55" East, 88.99 feet to a point; thence leaving said easterly line of the B&O Railroad and running in, through, over and across the above said lots
- 3) South 13° 15' 45" East, 136.58 feet to a point on said northerly line of condemnation for public highway; thence binding on and running with said northerly line
- 4) North 50° 57' 50" West, 141.85 feet to the Point of Beginning.

Containing an area of 6,121 square feet or 0.14051 of an acre of land, more or less.

Said Easement having a variable Upper Limit of Elevation ranging from 28.0 to 30.0 feet above Mean Sea Level, National Geodetic Vertical Datum, 1929 general adjustment, as shown in table on attached sketch and also as shown on WMATA drawing entitled "F Route, Right of Way Plan, Sta. 180+00 to Sta. 192+00, Drawing No. F5a-R-2", revision date April 26, 1985 .

 12-4-17

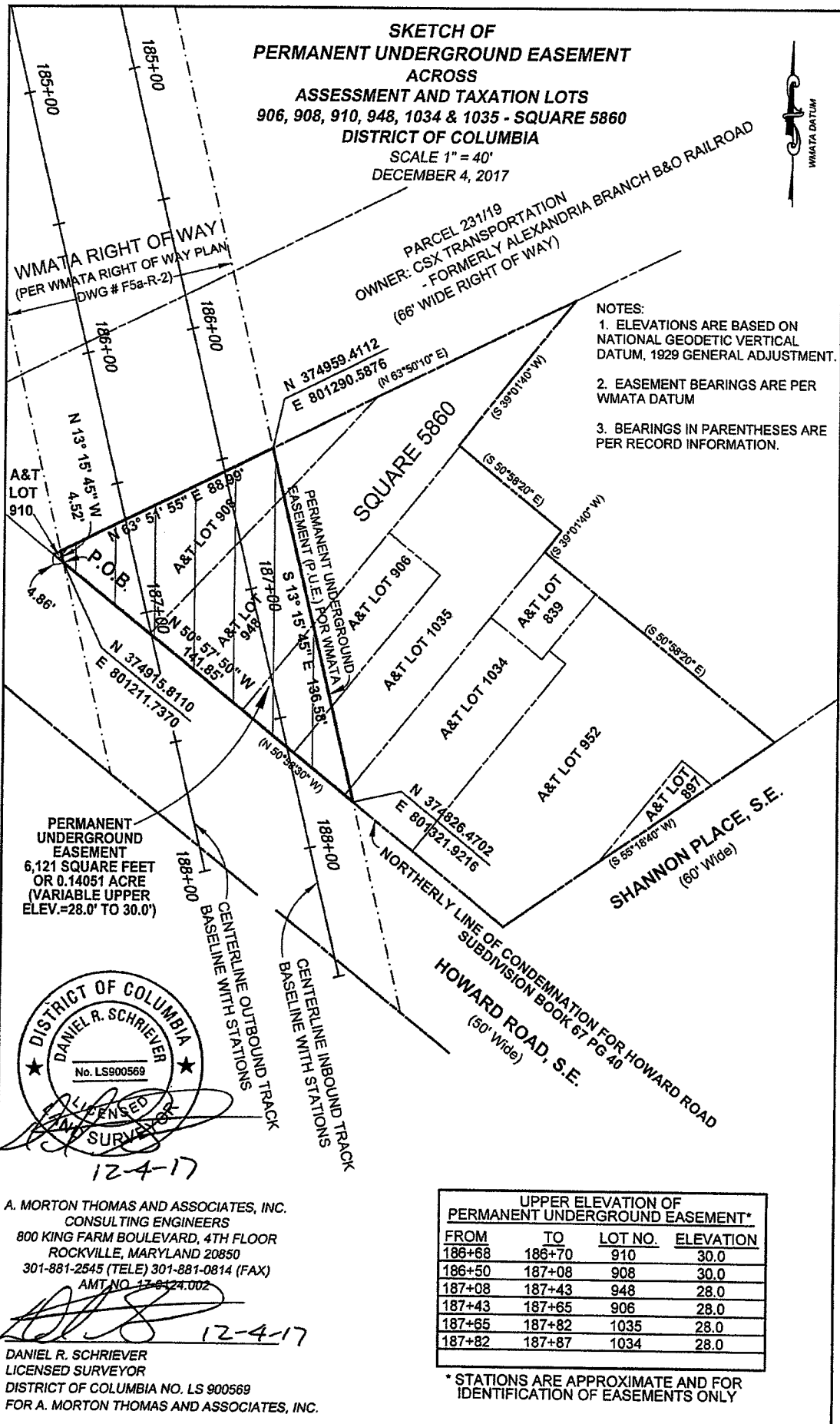
Daniel R. Schriever
Licensed Surveyor
District of Columbia No. LS 900569
For **A. Morton Thomas and Associates, Inc.**



**SKETCH OF
PERMANENT UNDERGROUND EASEMENT
ACROSS**

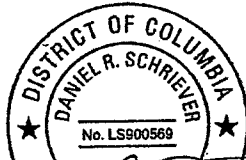
**ASSESSMENT AND TAXATION LOTS
906, 908, 910, 948, 1034 & 1035 - SQUARE 5860
DISTRICT OF COLUMBIA**

SCALE 1" = 40'
DECEMBER 4, 2017



- NOTES:
1. ELEVATIONS ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM, 1929 GENERAL ADJUSTMENT.
 2. EASEMENT BEARINGS ARE PER WMATA DATUM
 3. BEARINGS IN PARENTHESES ARE PER RECORD INFORMATION.

PERMANENT UNDERGROUND EASEMENT
6,121 SQUARE FEET
OR 0.14051 ACRE
(VARIABLE UPPER ELEV.=28.0' TO 30.0')



A. MORTON THOMAS AND ASSOCIATES, INC.
CONSULTING ENGINEERS
800 KING FARM BOULEVARD, 4TH FLOOR
ROCKVILLE, MARYLAND 20850
301-881-2545 (TELE) 301-881-0814 (FAX)
AMT NO. 17-0124.002

[Signature]
12-4-17
DANIEL R. SCHRIEVER
LICENSED SURVEYOR
DISTRICT OF COLUMBIA NO. LS 900569
FOR A. MORTON THOMAS AND ASSOCIATES, INC.

UPPER ELEVATION OF PERMANENT UNDERGROUND EASEMENT*			
FROM	TO	LOT NO.	ELEVATION
186+68	186+70	910	30.0
186+50	187+08	908	30.0
187+08	187+43	948	28.0
187+43	187+65	906	28.0
187+65	187+82	1035	28.0
187+82	187+87	1034	28.0

* STATIONS ARE APPROXIMATE AND FOR IDENTIFICATION OF EASEMENTS ONLY

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Filed & Recorded
07/12/2018 11:25 AM
IDA WILLIAMS
RECORDER OF DEEDS
WASH DC RECORDER OF DEEDS
RECORDING FEES \$25.00
SURCHARGE \$6.50
TOTAL: \$31.50