

Doc# 2002050183

DECLARATION OF COVENANTS
(Easement)

THIS DECLARATION OF COVENANTS is made as of this 18th day of April, 2002, by 3883 Connecticut LLC (formerly known as Tilden Gardens LLC), a District of Columbia limited liability corporation.

WITNESSETH:

WHEREAS, 3883 Connecticut LLC, a District of Columbia limited liability corporation, is the owner of Lots 4 and 800 in Square 2234 which are described in the attached Exhibit A; and

WHEREAS, Lot 800 has frontage along Tilden Street and is adjacent to Lot 4 in Square 2234 which has frontage along Connecticut Avenue and will be improved with a residential building that includes approximately 160 units; and

WHEREAS, Lot 800 is able to provide the required twenty (20) foot wide easement for the residential building located on Lot 4 so that it fully satisfies all District of Columbia codes and regulations regarding fire department access to the residential building located on Lot 4, as well as all relevant code and regulation requirements for light and air available to the residential building on Lot 4; and

NOW, THEREFORE, for and in consideration herein described, 3883 Connecticut LLC does hereby covenant and agree that, subject to the conditions, restrictions and provisions hereinafter set forth, to wit:

1. 3883 Connecticut LLC, its successors, heirs, executors, administrators and assigns shall provide and maintain the twenty (20) foot wide easement on Lot 800 for the benefit of Lot 4, as described in the attached Exhibit B.
2. Said easement shall provide fire department access to Lot 4 as well as adequate

EXCEPTION sch. B2, #8
Schedule C

ZONING COMMISSION

CASE No. 05-26EXHIBIT No. 02ZONING COMMISSION
District of Columbia
CASE NO. 05-26
EXHIBIT NO. 02

light and air to the residential building on Lot 4.

3. The current owner, its successors, heirs, executors, administrators and assigns of Lot 4 are hereby given a direct right to enforce all of the provisions of this Covenant.

4. The owners (and their successors, heirs, executors, administrators or assigns) of Lots 800 and 4, at such time as the aforesaid covenants are no longer required pursuant to any applicable codes or regulations of the District of Columbia, may extinguish said covenants by a document to be recorded among the Land Records of the District of Columbia.

5. The covenants contained in this Declaration of Covenants are and shall be construed as real covenants and shall run with the land and shall bind 3883 Connecticut LLC, its successors, heirs, executors, administrators or assigns.

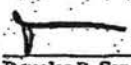
6. The covenants contained in this Declaration of Covenants shall not be binding upon any party who no longer has a property interest in Lot 800 or Lot 4.

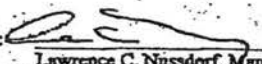
[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, 3883 Connecticut LLC, in accordance with the provisions of its organizational documents, has caused these presents to be signed in its name by Douglas R. Sandor and Lawrence C. Nussdorf, Managers of Clark Realty Capital, L.L.C. and 3883 Connecticut LLC, and in its name they acknowledge and deliver these presents as 3883 Connecticut LLC's act and deed as of this date hereof.

3883 CONNECTICUT LLC,
a District of Columbia limited liability company

By: CLARK REALTY CAPITAL, L.L.C.,
Manager

By: 
Douglas R. Sandor, Manager

By: 
Lawrence C. Nussdorf, Manager

State of Maryland
County of Montgomery

Annette I. Charles Notary Public in and for the jurisdiction aforesaid, do hereby certify that Douglas R. Sander and Lawrence C. Nussdorf, Managers of Clark Realty Capital, L.L.C. and 3883 Connecticut, LLC, party to the foregoing Covenant bearing date as of the 16th day of April, 2002, the said Douglas R. Sander and Lawrence C. Nussdorf personally appeared before me and, being personally well known to me, acknowledged said Covenant to be the act and deed of said organization and that they delivered the same as such.

GIVEN under my hand and seal this 24th day of April, 2002
Annette I. Charles
Notary Public

My commission expires:

Annette I. Charles
Notary Public, State of Maryland
Montgomery County
My Commission Expires May 4, 2003

EXHIBIT B

LEGAL DESCRIPTION OF THE EASEMENT AREA

PARCEL 2:

Lot numbered four (4) in Square numbered Two thousand two hundred thirty-four (2234) in a subdivision made by Tilden Gardens, L.L.C., as per plat recorded in Liber 193 at folio 29 among the Records of the Office of the Surveyor for the District of Columbia.

TOGETHER WITH Development Agreement dated May 28, 1998, recorded June 4, 1998 as Instrument No. 8800042601 by and between The Chevy Chase Land Company of Montgomery County, Maryland, and CRC Realty Capital, L.L.C.

ALSO TOGETHER WITH Easement Agreement by and between Tilden Gardens LLC and 3901 Connecticut, L.L.C. dated July 21, 1998, recorded August 4, 1998 as Instrument No. 8800069957 among the Land Records of the District of Columbia.

ALSO TOGETHER WITH Cooperation and Development Agreement by and among WK Investors, L.L.C., 3901 Connecticut Ave. Residents Association, 3901 Connecticut, L.L.C. and Tilden Gardens LLC dated July 21, 1998, recorded August 4, 1998 as Instrument No. 8800069958 among the Land Records of the District of Columbia.

AND BEING the same property conveyed to Tilden Gardens LLC, a District of Columbia limited liability company, by Special Warranty Deed from The Chevy Chase Land Company of Montgomery County, Maryland, a Maryland corporation, dated February 22, 1998 and recorded February 24, 1998 as Instrument No. 8800077902 among the Land Records of the District of Columbia.

Exhibit A
Legal Description

All that certain lot or parcel of land situate and lying in the District of Columbia, and more particularly described as follows:

PARCEL 1:

Part of tract called "Addition to Rock of Dumbarton" described as follows:

Beginning at a point in the south line of Tilden Street (formerly Quincy Street), as dedicated and shown on plat recorded in County Book 14, page 75, said point of being at the northeast corner of Lot 1, Square 2234 in subdivision by The Newlands Company, recorded in Liber 63 at folio 162; thence easterly along said south line of Tilden Street, 247.76 feet; thence south 140 feet to the northeast corner of the land conveyed to The Chevy Chase Land Company of Montgomery County, Maryland by Deed dated November 17, 1941, recorded November 18, 1941 in Liber 7891 at folio 410; thence west along the north line of the land so conveyed 247.76 feet to the northwest corner of said land conveyed to The Chevy Chase Land Company, said point being 1.50 feet north of the southeast corner of said Lot 1 in Square 2234; thence North along the easterly line of said Lot 1, 140 feet to the place of beginning.

NOTE: At the date hereof the above described land is designated on the Records of the Assessor for the District of Columbia for assessment and taxation purposes as Lot 800 in Square 2234.

TOGETHER WITH Development Agreement by and between The Chevy Chase Land Company of Montgomery County, Maryland, and CRC Realty Capital, L.L.C., dated May 28, 1998 and recorded June 4, 1998 as Instrument No. 9800042801 among the Land Records of the District of Columbia.

ALSO TOGETHER WITH Easement Agreement by and between Tilden Gardens LLC and 3901 Connecticut, L.L.C., dated July 21, 1999, recorded August 4, 1999 as Instrument No. 9900069957 among the Land Records of the District of Columbia.

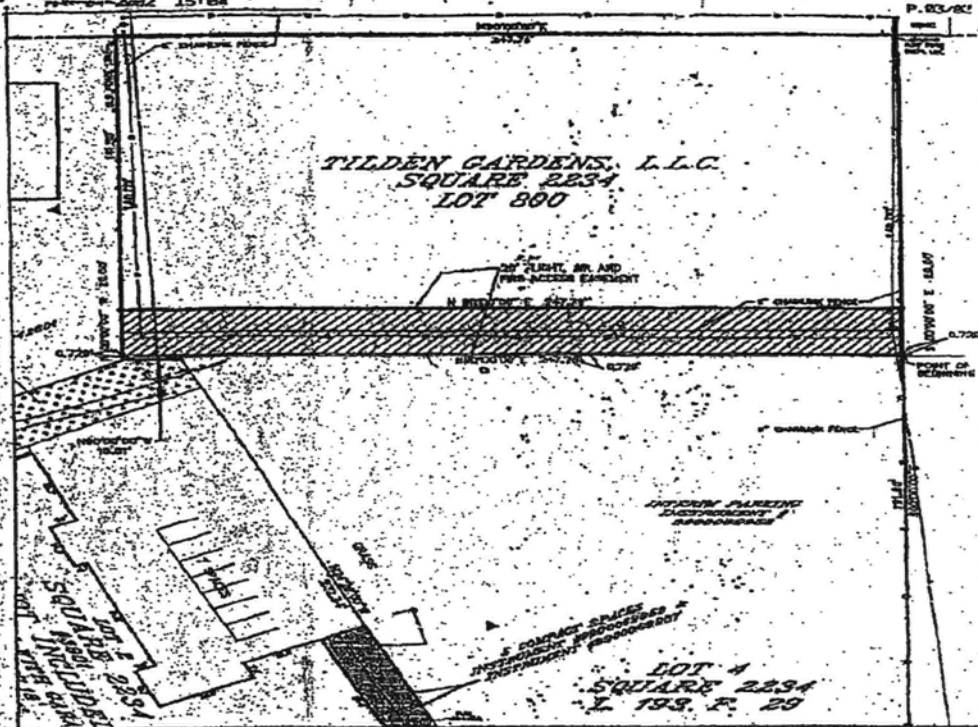
ALSO TOGETHER WITH Cooperation and Development Agreement by and among WK Investors, L.L.C., 3901 Connecticut Ave. Residents Association, 3901 Connecticut, L.L.C. and Tilden Gardens LLC, dated July 21, 1999, recorded August 4, 1999 as Instrument No. 9900069958 among the Land Records of the District of Columbia.

ALSO TOGETHER WITH Agreement by and between The Newlands Company and The Chevy Chase Land Company of Montgomery County dated October 31, 1962 and recorded in Liber 11827 at folio 17 on January 3, 1963 among the Land Records of the District of Columbia.

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

See attached



ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ GPS SERVICES

Exhibit "B"

FEBRUARY 14, 2002

DESCRIPTION OF
A 20 FOOT LIGHT, AIR
AND FIRE ACCESS EASEMENT
ON TAX LOT 800, SQUARE 2234
(SURVEY MAP #4957)
WASHINGTON, DC

Being all of a twenty (20) foot light, air and fire access easement on Tax Lot 800, Square 2234 (Survey Map #4957) and being more particularly described as follows:

Beginning for the same point distant 0.729 from the southerly end of the South 00°00'00" East, 140.00 foot line of Lot 800, Square 2234 (as shown on Survey Map #4957); thence running so as to cross and include a portion of Lot 800 the following four (4) courses and distances:

1. North 90°00'00" West, 247.76 feet to a point thence
2. North 00°00'00" West, 20.00 feet to a point thence
3. North 90°00'00" East, 247.76 feet to a point thence
4. South 00°00'00" East, 20.00 feet to the point of beginning containing 4955 square feet or 0.11373 acres.

2014年4月13日 星期日 14:00

VIKA Incorporated
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Missouri, VA • Cambridge, MD • Leesburg, VA