PLANTING INSTALLATION AND MAINTENANCE AGREEMENT

THIS PLANTING INSTALLATION AND MAINTENANCE AGREEMENT ("Agreement") is made as of this 15th day of March, 2004, by and among (i) the Most Worshipful Prince Hall Grand Lodge (the "Lodge"), (ii) the Westminster Neighborhood Association ("WNA") and (iii) Advisory Neighborhood Commission 1B ("ANC 1B")(collectively, the "Parties").

RECITALS

WHEREAS, by separate Development and Interim Usage Agreement entered into by the Parties on March 10, 2004, the Parties set forth terms regarding the future development of property owned by the Lodge known as Lot 827 in Square 333 and for its interim usage for surface parking for members of the Lodge; and

WHEREAS, the Lodge has submitted to the District of Columbia Board of Zoning Adjustment ("BZA") an application (Application No. 17099) for use of Lots 824, 825 and 827 in Square 333 for accessory parking lot use for the Lodge; and

WHEREAS, pursuant to the request of WNA, the Lodge intends to request permission from the BZA to modify Application No. 17099 in order to exclude Lots 824 and 825 from the Application; and

WHEREAS, the Lodge is the record owner of that certain real property in the District of Columbia known as Lot 825 in Square 333, which property is unimproved and located immediately north of and abutting Lot 827; and

WHEREAS, the Lodge proposes to provide screening consistent with the provisions of the Zoning Regulations on Lot 825, as shown on the drawing originally submitted to the BZA in Application No. 17099, which proposal is satisfactory to WNA and ANC 1B;

NOW THEREFORE, in consideration of foregoing Recitals, which are a material part of this Agreement and not mere precatory language, mutual terms, conditions and covenants set forth in this Agreement, the Parties hereto agree as follows:

1. The Lodge will install and maintain a row of thickly planted evergreen hedges at least 12 inches thick and 42 inches high across Lot 825 in an east-west fashion as set forth on the landscaping plan originally submitted to the BZA as part of Application No. 17099. The hedges shall be of sufficient thickness to effectively contain and screen any significant light from automobile headlights shining outside the perimeter of the parking lot. The row of hedges shall be maintained so as not to grow above 50 inches high.

BZA
Case No. 17099
Exhibit No. 37

Board of Zoning Adjustment
District of Columbia
CASE NO. 17099
EXHIBIT NO. 37

2. The row of hedges in Lot 825 may be removed by the Lodge at the earlier of (a) the termination of surface parking use of Lot 827 by the Lodge, or (b) the redevelopment of Lot 825.

3. WNA and ANC agree to support the Lodge's request for modification of BZA Application No. 17099 and the request to the Board to provide this screening on Lot 825 outside the boundaries of property included in Application No, 17099.

4. In the event that the BZA does not approve Application No. 17099, this Agreement shall be void and of no force and effect.

IN WITNESS WHEREOF, the parties signing below state that they have the authority to represent the party they are claiming to represent and have set their hands and seals the day and year set forth above.

Aaron R. Jordan,
The Most Worshipful Grand Master,
Most Worshipful Prince Hall Grand Lodge

Witness

Deborah R. Thomas, Chair,
Advisory Neighborhood Commission 1B

Witness

Lynn H. Johnson, President,
Westminster Neighborhood Association

Witness

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