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FILE NO: 64929.000002

March 10, 2004

**By Hand Delivery**

Geoffrey Griffis, Chairman
Board of Zoning Adjustment
Room 210
441 4th Street, N.W.
Washington, D.C. 20001

***Re: BZA Application No. 17108***
***(Application of Folger Park North, LLC for a variance)***

Dear Chairman Griffis and Fellow Board Members:

Pursuant to the Board's request at the conclusion of the February 24, 2004 hearing in this case on application for a variance, enclosed is the special warranty deed from Pepco to Folger Park North LLC for Lots 800, 801 and 802 in Square 763.

Sincerely,

Richard L. Aguglia

Richard L. Aguglia
Enclosure

cc: By Mail

Richard Nettler, Esq.
Jeanine Rustad, Esq.
Counsel to Parties in Opposition

Chris Doerfler
Folger Park North LLC

ANC 6B (2 copies)
Attn: David Sheldon, Esq., SMD
and Julie Olson, Chair

BZA
Case No. 17108
Exhibit No. 51



Board of Zoning Adjustment
District of Columbia
CASE NO. 17108
EXHIBIT NO. 51

Joel Lawson
Office of Planning

Beverly Bailey
Office of Zoning

# SPECIAL WARRANTY DEED

**THIS SPECIAL WARRANTY DEED** is made this 14th day of January 2002, by and between **POTOMAC ELECTRIC POWER COMPANY ("PEPCO")**, a District of Columbia and Virginia corporation and **THE BANK OF NEW YORK**, a New York banking corporation organized and existing under the laws of the State of New York, as Trustee under the Mortgage and Deed of Trust dated July 1, 1936 made by Potomac Electric Power Company, as amended and supplemented (which original Mortgage and Deed of Trust is recorded among the Land Records for the District of Columbia in Liber 7008, Folio 131) (which together with PEPCO are hereinafter Grantors), and **FOLGER PARK NORTH L.L.C. ("FPNLLC")** a limited liability company of the District of Columbia (Grantee).

## WITNESSETH

That, in consideration of the sum of Four Hundred Fifty Thousand Dollars ($450,000.00), receipt of which is hereby acknowledged, Grantors do hereby grant and convey in fee simple unto the Grantee, its successors and assigns, one parcel of land, composed of three (3) lots together with all improvements, buildings, and structures thereon (the "Property"), obtained by Potomac Electric Power Company from Joseph A. Herbert Jr. and Lillian G. Herbert and Ruth De Lowder Herbert by deed dated June 25, 1942 and recorded August 7, 1942 in Liber 7770 Folio 451 and from H. M. Martell by deed dated August 6, 1942 and recorded August 7, 1942 in Liber 7780 Folio 505, located in the District of Columbia, such Land being more fully described as follows:

Being comprised of Lots 800, 801 and 802 in Square Seven Hundred and Sixty-Three (763) located in the Southeast portion of the District of Columbia and being more fully described as follows:

Lot 800

Beginning for said lot at a point on part of the northerly boundary line of "D" Street at the Southeast corner of said lot, thence running with part of said northerly boundary line

1) West 16.00 feet to a point, thence leaving said northerly boundary line

2) North 95.58 feet to a point, thence

3) East 16.00 feet to a point, thence running with part of the westerly boundary line of a 15 foot wide public alley

4) South 95.58 feet to the beginning, containing 1,529 square feet or 0.035 of an acre of land more or less.

Lot 801

Beginning for said lot at a point on part of the northerly boundary line of "D" Street at the Southeast corner of said lot, thence running with part of said northerly boundary line

1) West 16.00 feet to a point, thence leaving said northerly boundary line

2) North 95.58 feet to a point, thence

3) East 16.00 feet to a point, thence running with the westerly boundary line of said Lot 800

4) South 95.58 feet to the beginning, containing 1,529 square feet or 0.035 of an acre of land more or less.

Lot 802

Beginning for said lot at a point on part of the northerly boundary line of "D" Street at the Southeast corner of said lot, thence running with part of said northerly boundary line

1) West 16.00 feet to a point, thence leaving said northerly boundary line

2) North 90.46 feet to a point, thence

3) East 16.00 feet to a point, thence running with the westerly boundary line of said Lot 801

4) South 90.46 feet to the beginning, containing 1,447 square feet or 0.033 of an acre of land more or less.

Total containing 4,505 square feet or 0.1034 of an acre of land more or less.

Specific reference is made to the District of Columbia Surveyor's Office Plat Book No. A&T Trac Page 763 attached hereto as Exhibit "A" and made part of this document.

**TO HAVE AND TO HOLD** the Property above described and hereby intended to be granted and conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining, unto and to the only proper use and benefit, of the Grantee, its successors and assigns.

**SUBJECT,** however, to easements, rights-of-way, restrictions, conditions and covenants of record.

The representations, convenants and warranties, if any, made herein by the Grantor are made solely by Potomac Electric Power Company, and not by The Bank of New York, as Trustee, and The Bank of New York, as Trustee, joins in the execution and delivery hereof solely in order to effect the release of the above-described rights from the lien on the Mortgage and Deed of Trust dated July 1, 1936, as amended and supplemented.

Pepco represents that to the best of its knowledge the Property has not been used for storage, dumping or disposal of hazardous substances, pollutants or contaminants (as defined in the Comprehensive Environmental Response Compensation and Liability Act 42, U.S.C.A., Section 9601 [West Supp., 1987]). FPNLLC had access to the property prior to closing to do environmental sampling and testing and had a Phase 1 Environmental Site Assessment prepared on November 20, 2001 by Dominion Environmental Group.

IN WITNESS WHEREOF these presents have been duly executed and delivered.

[Corporate Seal]
ATTEST:

Karen G. Thompson
ASST. SECRETARY

POTOMAC ELECTRIC POWER COMPANY

By: _____
William J. Sim
Senior Vice President

[Corporate Seal]
ATTEST:

_____
VICE PRESIDENT

THE BANK OF NEW YORK

By: _____
Ming Shiang
Vice President

~~[Corporate Seal]~~
ATTEST:

_____

Folger Park North LLC
~~CAPITOL CITY DEVELOPMENTORPORATION~~

By: _____
ALGER E STOLLENWERK
MEMBER



6/1/94 V

DISTRICT OF COLUMBIA, ss.:

I HEREBY CERTIFY that on this 20th day of May, 2002, before me, Lisa A. Poole, the undersigned officer, personally appeared William J. Sim, who acknowledged himself to be Senior Vice President of Potomac Electric Power Company, a corporation, and that he, as such Senior Vice President, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as such Senior Vice President.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

[Notarial Seal]

Lisa A. Poole
Notary Public, D.C.

My commission expires: July 31, 2002

STATE OF NEW YORK
COUNTY/CITY OF

I HEREBY CERTIFY that on this 29th day of May, 2002, before me, William Cassels, the undersigned officer, personally appeared Ming Shiang, who acknowledged herself to be a Vice President of The Bank of New York, a corporation, and that she, as such Vice President, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by herself as such Vice President.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

[Notarial Seal]

Notary Public

My commission expires: _____

WILLIAM J. CASSELS
Notary Public, State of New York
No. 01CA5027729
Qualified in Bronx County
Commission Expires May 16, 2006

~~STATE OF MARYLAND~~
District of Columbia

I HEREBY CERTIFY that on this 14th day of June, 2002, before me, the undersigned officer, personally appeared Alger Shanahan who acknowledged himself to be Member of Tyler Park North LLC and he as such Member, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing ~~the name of the~~ his name ~~by himself~~ as such Member.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

[Notarial Seal]

Notary Public

My commission expires: 5/14/04

Irma Thakkar
Notary Public
District of Columbia
My commission exp. 05/14/04

I hereby certify that this
instrument was prepared by
Potomac Electric Power Company,
one of the parties named herein.



William J. Sim, Sr. Vice President

**INFORMATION FOR RECORDING**

Parcel I.D. No.: Lots 800, 801 and 802 in Square 763
Street Address of Parcel: 210 D Street SE

Names and Addresses of Parties to Instrument and Their Interest:
GRANTOR:
Potomac Electric Power Company
701 Ninth Street, N.W.
Washington, D.C. 20068
Real Estate Department Attn: D. B. Collison

TRUSTEE:
The Bank of New York
Corporate trust Division
5 Penn Plaza, 13th Floor
New York, New York 10001-1810

GRANTEE:
Folger Park North L.L.C.
Alger E. Stoneburner, Member
658 – 12th. Street, N.E.
Washington, D.C. 20002

A:\Sub57\Deed.bFin

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Exhibit "A"

Washington, D. C., JUNE 2, 1982

Plat for Building Permit of 763 LOTS 800, 801, 802

Scale: 1 inch = 30 feet Recorded in Book A.T. Rec. page 763

Receipt No. 88670

Furnished to P.E.P. CO

Ralph B. Sheffer
Surveyor, D. C.

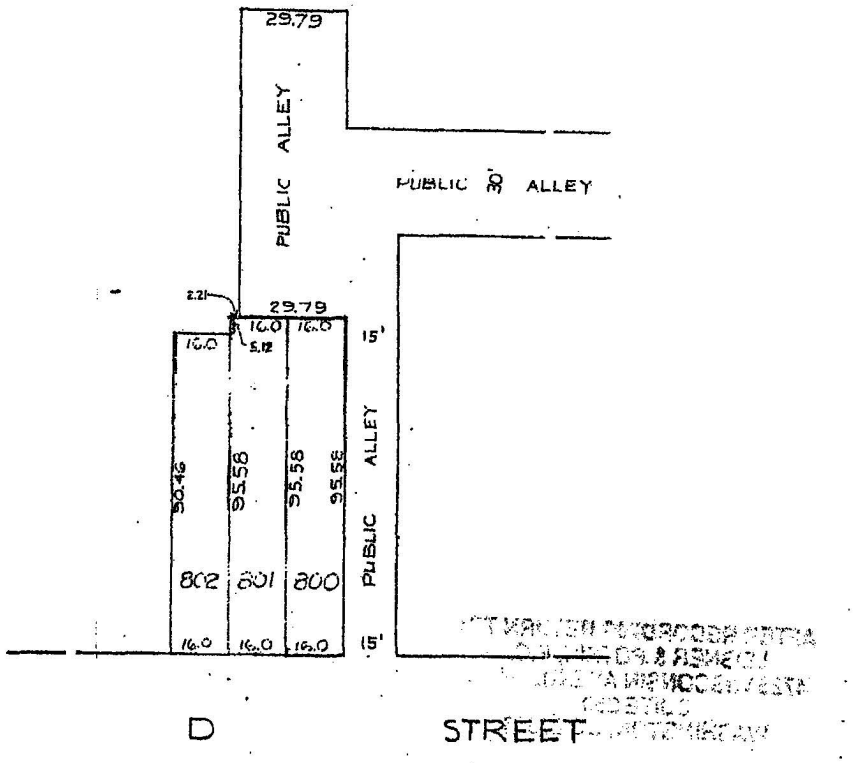
By: A.D.

*I hereby certify that all existing improvements shown hereon, are completel dimensioned, and are correctly platted; that all proposed buildings or construction, o parts thereof, including covered porches, are correctly dimensioned and platted an agree with plans accompanying the application; that the foundation plan as show hereon is drawn, and dimensioned accurately to the same scale as the property line shown on this plat; and that by reason of the proposed improvements to be erected a shown hereon the size of any adjoining lot or premises is not decreased to an area le than is required by the Zoning Regulations for light and ventilation; and it is furth certified and agreed that accessible parking area where required by the Zonin Regulations will be reserved in accordance with the Zoning Regulations, and that th area has been correctly drawn and dimensioned hereon. It is further agreed that th elevation of the accessible parking area with respect to the Highway Departmen approved curb or alley grade will not result in a rate of grade along centerline o driveway at any point on private property in excess of 20% for single-family dwelling or flats, or in excess of 12% at any point for other buildings. (The policy of th Highway Department permits a maximum driveway grade of 12% across the publi parking and the private restricted property).*

Date .....

.....
*(Signature of owner or his authorized agent)*

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.




J-93270

Doc# 2002070393
Book:
Pages: —
Filed & Recorded
06/17/2002 01:00:38 PM
HENRY KILEY
RECORDER OF DEEDS
WASHINGTON D.C. RECORDER OF DEEDS
RECORDING $ 35.00
SURCHARGE $ 5.00
RECORDATION TAX $ 4,950.00
TRANSFER TAX TE $ 4,950.00

**AFTER RECORDING RETURN TO:**
**LEIBNER & POTKIN, P.C.**
**4725 WISCONSIN AVENUE, N.W.**
**SUITE 250**
**WASHINGTON, DC 20016**