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C O V E N A N T

THIS INDENTURE, made this 3rd day of November, 19
1958 between PEOPLES DRUG STORES, INCORPORATED (hereinafter call
Peoples), a Maryland corporation having its principal office at
77 P Street, N. E., Washington, D. C., and the DISTRICT OF
COLUMBIA, a municipal corporation (hereinafter called District);

W I T N E S S E T H:

WHEREAS, Peoples is the owner of certain real property
situated in the District of Columbia more particularly described
as follows:

> Part of a tract of land known as "Youngsborough" described as follows:
>
> Beginning for the same on the north side of Florida Avenue at the southeast corner of Lot 1 in Block 1, in the subdivision of "West Washington", as per plat recorded in Liber County Number 7, folio 148 of the records of the office of the Surveyor of the District of Columbia, and running thence N 13 degrees E 220 feet; thence S 77 degrees, 22 minutes E 115 feet; thence S 12 degrees 38 minutes W 253.05 feet to the Northerly line of Florida Avenue and thence with said Northerly line of Florida Avenue N 61 degrees 20 minutes W 119.05 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 taxation purposes as lot 805 in Square 3510.

Said property being improved by premises known as 60 Florida Avenue, N. E., Washington, D. C.; and

WHEREAS, Peoples desires to further improve said property by erection of an addition to the existing warehouse buildi such addition to be used for office purposes, and to obtain from District permits for the erection of said addition in conformity with the laws and regulations in force in the District of Columb and

WHEREAS, the Zoning Regulations of the District of Columbia require the provision of parking spaces for such buildi on the same lot with the structure they are intended to serve; a

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Case No. 17359
Exhibit No. 13

Board of Zoning Adjustment
District of Columbia
CASE NO. 17359

WHEREAS, parking spaces are not available on said lot 805 in Square 3518; and

WHEREAS, Section 7205 of the Zoning Regulations of the District of Columbia provides in part as follows:

> 7205.3 If approved by the Board of Zoning Adjustment open parking spaces accessory to any structure, may be located anywhere on the lot upon which the structure is located, or elsewhere except in the case of a one-family dwelling, provided: ...
>
> 7205.33 Such spaces are so located as to furnish reasonable and convenient parking facilities for the occupants or guests of the structure for which they are designed to serve, but in no case shall they be farther than 800 feet from any lot line of the lot upon which the structure is located; and
>
> 7205.34 The Board may impose conditions as to screening, coping, setbacks, fences, the location of entrances and exits or any other requirement it shall deem necessary to protect adjacent or nearby property. It may also impose such other conditions as it shall deem necessary to assure the continued provision and maintenance of such spaces; and,

WHEREAS, Peoples is also the owner of certain real property in the District of Columbia more particularly described as follows:

> The west forty-one (41) feet by the depth thereof of Original Lot Three (3), all of Original Lot Four (4), and the east thirteen (13) feet by the depth thereof of Original Lot Five (5) in Square Six Hundred Sixty-nine (669). NOTE: At the date hereof the above described land is designated on the records of the Assessor of the District of Columbia for taxation purposes as Lots 800, 4 and the east thirteen (13) feet by the depth thereof of Lot 801 in Square 669;

containing 15,795 square feet, which property is hereinafter referred to as Lots 4 and 800 and part of Lot 801 in Square 669; and

WHEREAS Peoples desires to set aside said Lots 4, 800 and part of 801, in Square 669, to provide an off-street parking area for the parking spaces required by the Zoning Regulations for the building on said Lot 805 in Square 3518 and, on July 7, 1958, did appeal to the Board of Zoning Adjustment, as provided by the Zoning Regulations, for permission to provide the parking

area on said Lots 4, 800 and part of 801 in Square 669, in lieu of providing such parking area on said Lot 805 in Square 3518; and

WHEREAS, on August 4, 1958, the Board of Zoning Adjustment, in Appeal No. 5185, found, as the result of an inspection of the property and from the records and the evidence adduced at the hearing, that Peoples was unable to provide parking, as required by the regulations, on the lot with the existing building due to the size of the lot which is completely covered with the building, that Peoples has provided the required spaces directly south of the building on O Street, which is well within the 800 foot distance as required under the zoning regulations, and that the parking spaces would furnish reasonable and convenient parking facilities for the occupants or guests of the structure at 60 Florida Avenue; and the Board ordered that the appeal be granted subject to the condition that:

> "(a) The parking spaces authorized under the terms of this Order are required parking spaces which will make necessary the providing of a covenant running with the land reciting in whatever detail is legally necessary, continued usage thereof for such purposes and for no other use."

NOW, THEREFORE, in consideration of the special exception granted by the Board of Zoning Adjustment on August 4, 1958, in Appeal No. 5185, and pursuant thereto (whereby permission has been granted to use Lots 4, 800 and part of 801, in Square 669, for the off-street parking spaces required by the Zoning Regulations of the District of Columbia for the building on Lot 805 in Square 3518) the said Peoples, for itself, its successors and assigns, does hereby covenant to and with the District and its successors as follows:

1. That it, Peoples, will, and by these presents does hereby constitute Lots 4, 800 and part of 801, in Square 669, as

an area for the temporary, off-street parking of 49 motor driven vehicles for the use and convenience of the occupiers and guests of the building on Lot 805 in Square 3518, and for no other purpose, and does further covenant that the aforesaid easement and right to use all of said Lots 4, 800 and part of 801 for the temporary off-street parking of motor vehicles shall be appurtenant to Lot 805 in Square 3518 so long as the use and occupancy of said Lot 805 in Square 3518 and improvements thereon shall requir the providing of parking spaces in accordance with the Zoning Regulations of the District of Columbia, provided, however, that if the Board of Zoning Adjustment of the District of Columbia, or such other agency as may have jurisdiction, shall by lawful order permit the substitution of another parking area for the parking area herein constituted, and if such other parking area is create appurtenant to Lot 805 in Square 3518 by a properly executed covenant running with the land incorporating the requirements of all applicable laws and regulations then in effect in the District of Columbia relating to off-street parking and containing all of the covenants herein contained, but with respect to such substituted parking area, then said Lots 4 and 800 and part of Lot 801 in Square 669 may be thereby released from the operation of this instrument if such new instrument so provides and if it bears the written consent of the District of Columbia, or its successors, declaring the same to be so released.

8. That the said Peoples, so long as it is the owner of said Lots 4, 800 and part of 801 in Square 669, or any of them and thereafter each subsequent owner of each of said Lots, will at all times keep the same unobstructed and will maintain the same in a condition suitable for the purpose for which they are herein constituted.

3. That the said Lots 4, 800 and part of 801 in Squar 669 will be used for no other purpose than for the temporary or street parking of motor vehicles for the use and benefit of Lot 805 in Square 3518.

4. That each owner and occupier of Lot 805 in Square 3518 is hereby given a direct right to enforce all of the covenants and agreements herein as a third party beneficiary hereof.

5. That the easement herein created and covenants he in contained shall not be deemed merged or extinguished, now or in the future, because of the common ownership by Peoples, its successors or assigns, of Lot 805 in Square 3518 and Lots 4, 80 and said part of 801 in Square 669.

6. That every conveyance of any of said Lots 4, 800 part of 801 in Square 669, and Lot 805 in Square 3518, or any parts thereof, including conveyances to Trustees to secure indebtedness, shall be made subject to and together with the aforesaid easement and shall contain a covenant by the grantee or grantees therein that said grantee or grantees shall be bound and will observe and carry out, each and every covenant made herein by Peoples.

7. That the covenants herein contained are, and shall be construed as, real covenants and shall run with the land and shall bind Peoples, its successors and assigns.

IN WITNESS WHEREOF, PEOPLES DRUG STORES, INCORPORATED has caused this indenture to be signed by Y. B. Burruss its President, attested by R. D. Gill, its Secretary and its corporate seal to be hereunto affixed, and does hereby appoint Y. B. Burruss its true and lawful attorney-in-fact to acknowledge and deliver these presents, all on the day and year first above written.

ATTEST: (SEAL)

R. D. Gill
Secretary

PEOPLES DRUG STORES, INCORPORATED

By Y. B. Burruss
President

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DISTRICT OF COLUMBIA, SS:

I, A. L. Lumsden, Notary Public in and for the District of Columbia, do hereby certify that E. B. Bunnell, who is personally well known to me as the person named as attorney-in-fact in the foregoing instrument, bearing date on the 2nd day of November, 1958, and hereto annexed, personally appeared before me in said District, and as attorney-in-fact as aforesaid and by virtue of the authority vested in him by said instrument, acknowledged the same to be the act and deed of PEOPLES DRUG STORES, INCORPORATED, covenantor therein, and delivered the same as such.

GIVEN under my hand and seal this 2nd day of November, 1958.

My commission expires:
March 31, 1963

A. L. Lumsden
Notary Public

FORM

FORM
Thomas P. Moyer

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RECEIVED FOR RECORD on this
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in Liber
Folio
Records of the District of Columbia.

Recorder