



***DOCKET ITEM #9***  
***Subdivision #2016-0006***  
***505 and 511 South Van Dorn Street***

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**CONSENT AGENDA ITEM**

If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

Application	General Data	
<b>Request:</b> Consideration of a request to subdivide one existing lot into two new lots.	<b>Planning Commission Hearing:</b>	September 8, 2016
	<b>Approved Plat must be Recorded By:</b>	March 8, 2018
<b>Address:</b> 505 and 511 South Van Dorn Street	<b>Zone:</b>	CG / Commercial General
<b>Applicant:</b> Circumferential Terminals, LLC by Mary Catherine Gibbs, attorney	<b>Small Area Plan:</b>	Landmark-Van Dorn

**Staff Recommendation:** APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

**Staff Reviewers:** Nathan Randall [nathan.randall@alexandriava.gov](mailto:nathan.randall@alexandriava.gov)



**Subdivision #2016-0006  
505 & 511 South Van  
Dorn Street**





## I. DISCUSSION

The applicant, Circumferential Terminals, LLC, represented by Mary Catherine Gibbs, attorney, requests approval to subdivide one parcel into two lots at 505 and 511 South Van Dorn Street.

### SITE DESCRIPTION

The subject site is one triangular-shaped lot of record with 537.6 feet of frontage on South Van Dorn Street and a total lot area of 58,851 square feet (1.35 acres). It is developed with two, one-story commercial buildings: a McDonald's restaurant (505 South Van Dorn Street) and a Jiffy Lube automobile repair business (511 South Van Dorn Street). The site is sloped downward to the south and contains several trees on its western edge. Although one of the two curb cuts and an associated drive aisle at the site is shared, each business has its own parking spaces.



The subject site is primarily surrounded by commercial uses. An automobile sales dealership is located to the west, one gas station is located to the north and another to the east, a grocery store and commercial shopping center are also located to the east, and a truck rental business is located to the south. Multifamily residential uses are also located a short distance to the north of the site.



### PROPERTY BACKGROUND

Land records indicate that the realignment of South Van Dorn Street in 1959-1960 created a triangular-shaped lot in the same area as the subject site. Three businesses were eventually constructed on this one parcel: the Jiffy Lube on the southern end, the McDonald's in the middle, and a gas station (Exxon) at the northern end at the corner of South Van Dorn Street and Edsall Road. For decades, the use of the land around the buildings has been divided among the businesses according to their individual leases.

The subject property achieved its present configuration as a result of a 1996 subdivision request (SUB#96-0018) in which the gas station at the northern end of the property was set off as a

separate, 26,744 square-foot lot. Until recently, the applicant in the current case had believed, possibly due to long-standing separate tax assessments for each business, that the 1996 subdivision approval had also established a property line between the McDonald's and Jiffy Lube consistent with an established lease line between these businesses. However, the subdivision plat and the staff report from 20 years ago indicate that a new lot was created only for the gas station at the northern end and that the McDonald's and Jiffy Lube remain together on one lot. The applicant subsequently applied for the current subdivision request to separate the businesses onto their own lots of land, with the intent to sell the lots individually.

#### USE BACKGROUND

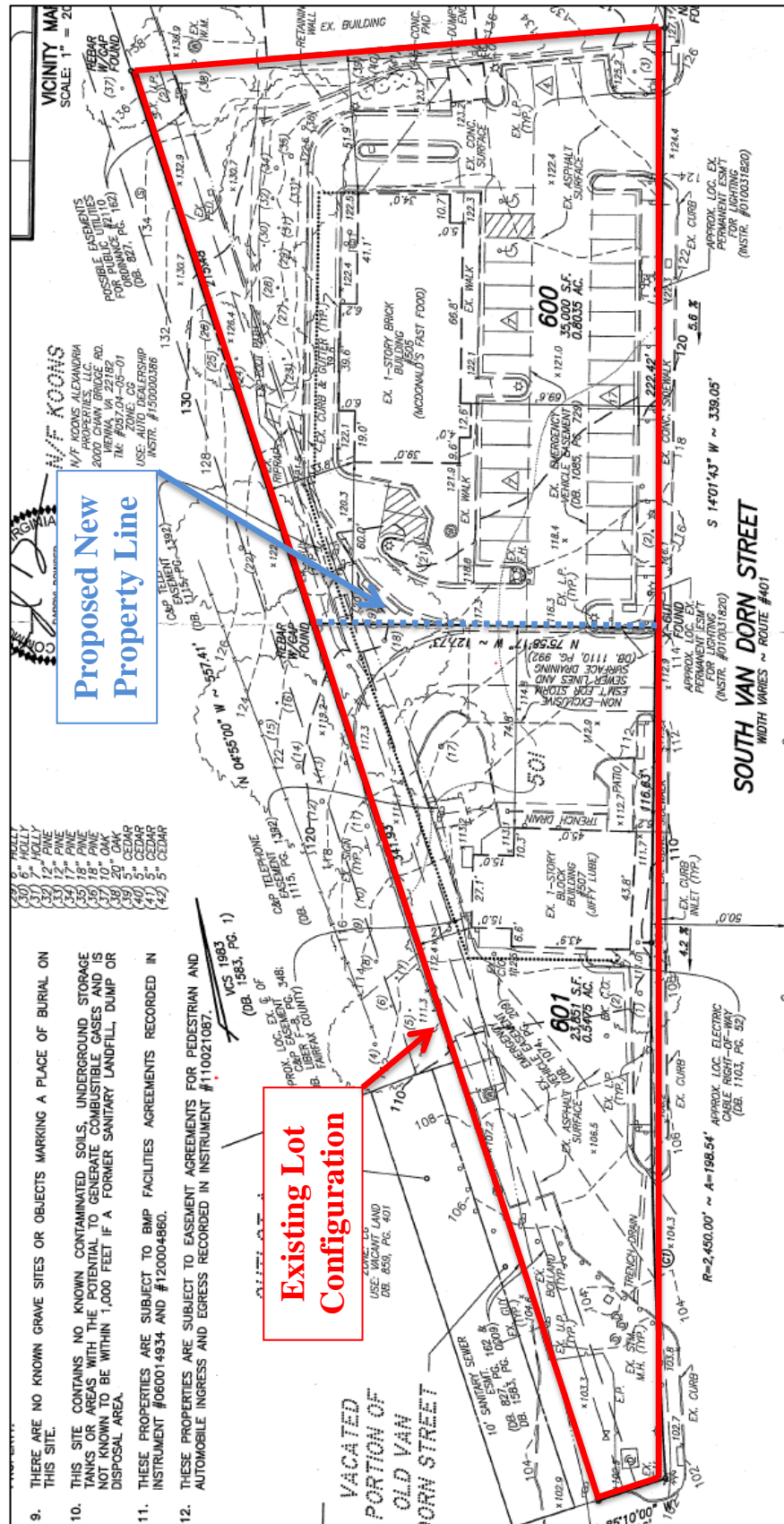
The McDonald's restaurant received site plan and SUP approval (SUP#1489) in 1982. In 2014, the business submitted concept approvals to demolish and reconstruct the restaurant building, but these plans were later abandoned prior to any public hearings being scheduled for the request.

The Jiffy Lube repair business received site plan and SUP approval (SUP#1507) also in 1982. Staff administratively approved a minor site plan amendment and minor SUP amendment (SUP#2010-0084) in 2011 to add one new repair bay to the building. The additional bay had been contemplated as part of the 1982 site plan but not actually constructed.

#### PROPOSAL

The applicant proposes to subdivide the existing one lot into two lots. Proposed Lot 600, on which the McDonald's would be located (505 South Van Dorn), would measure 35,000 square feet in size, have 222.4 feet of frontage on South Van Dorn Street, and have 216 feet of lot width at the front building wall. Lot 601, on which the Jiffy Lube would be located (511 South Van Dorn) would measure 23,851 square feet in size, have 315.4 feet of frontage on South Van Dorn Street, and have 320 feet of lot width at the front building wall. The proposed preliminary subdivision plat for the subject site can be seen on Figure 1 on the following page.

Figure 1: Preliminary Subdivision Plat



ZONING/MASTER PLAN DESIGNATION

The subject site is located in the CG / Commercial General zone. As shown in Table 1 below, the CG zone contains no minimum lot size, frontage, or width requirements for non-residentially-used properties. In addition, the existing buildings at the site would remain in compliance with the setback (none required) and FAR requirements (maximum 0.5 FAR for non-residential uses) of the CG zone if the subdivision request is approved.

The subject site is located within the Landmark-Van Dorn Small Area Plan, as updated by the 2009 Landmark-Van Dorn Corridor Plan. The Plan identifies residential/retail mixed-use redevelopment on medium-sized blocks as a long-term goal on this portion of the western side of South Van Dorn Street. It also envisions a potential new street on a portion of the site under consideration in the current request. The Transportation Master Plan anticipates a new bus-rapid transit line, likely in front of the subject site, as part of Transit Corridor C.

*Table 1*

	Existing Lot	Minimum Requirements CG zone	Proposed Lot 600	Proposed Lot 601
Lot Size	58,851 sq. ft.	None	35,000 sq. ft.	23,851 sq. ft.
Lot Frontage	537.6 feet	None	222.4 feet	315.4 feet
Lot Width	541.5 feet*	None	216 feet	320 feet

\*As measured to front of Jiffy Lube building wall, the closer of the two buildings to the street.

SUBDIVISION STANDARDS

The Zoning Ordinance contains a series of technical requirements (Sections 11-1706 and 11-1709) and a requirement that all lots meet zoning requirements (11-1710(D)). It also requires that every subdivided lot be consistent with the character of other nearby lots and specifically “of substantially the same character as to suitability for residential use and structures, lot areas, orientation, street frontage, alignment to streets and restrictions...” Section 11-1710(B).

## II. STAFF ANALYSIS

Staff does not object to the applicant's subdivision request. It meets general subdivision and CG zone requirements, which do not contain limitations for minimum lot area, frontage or width in connection with non-residential uses. It is also substantially consistent with the lot character provisions of Section 11-1710(B) of the Zoning Ordinance given that it falls within the range of lot sizes found in the vicinity. Although staff was initially concerned about the proposal's consistency with the Landmark-Van Dorn Corridor Plan, it ultimately believes the subdivision is acceptable, particularly given that no changes to the site would be evident. The subdivision request would simply divide the lot consistent with the long-standing lease line between the existing Jiffy Lube and McDonald's businesses.

Several properties in the vicinity of the site that are also zoned CG have been reviewed in consideration of the matter of lot character. A variety of lot frontages, widths and shapes can be found here such that no definitive lot character pattern can be summarized with regard to these specific lot features. With regard to lot size, however, the lots in this area fall into two categories: either very large or very small. The smallest lot in the vicinity measures approximately 5,600 square feet and the next-smallest lot is approximately 19,000 square feet in size. The largest lot in the vicinity measures over 250,000 square feet. The two lots proposed in this request, at 23,851 and 35,000 square feet, therefore fall in the range of lot sizes found in the neighborhood. Staff concludes that the proposal is substantially consistent with other nearby lots regarding the matter of lot character.

Staff would prefer to see the consolidation of properties in this area, rather than the division of lots, since the redevelopment goals of the Landmark-Van Dorn Corridor Plan depend on a grid network of streets with regularly-shaped, substantially-sized blocks within that grid. Achieving these objectives is facilitated by consolidation. However, staff ultimately concludes that while the proposal makes it incrementally more difficult to achieve the consolidation necessary to implement the Plan, that in and of itself is not sufficient grounds to recommend denial of this specific subdivision proposal. The proposed subdivision request does not involve any redevelopment of the site and basically allows clearly separate businesses the ability to own the property beneath them.

In conclusion, the subdivision proposal represents a minor change that meets technical and CG zone requirements, is consistent with the character of other nearby lots, and does not prevent the implementation of future planning goals for the area. Subject to the conditions contained in Section III of this report, staff recommends approval of the request.

## III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements. (T&ES)

2. The final subdivision plat shall comply with the requirements of Section 11-1709 of the Zoning Ordinance. (P&Z)
3. The property owner shall provide an access easement for sharing the middle entrance/driveway between subdivided lots to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services. (P&Z) (T&ES)

STAFF: Robert Kerns, Division Chief  
Nathan Randall, Urban Planner III

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Staff Note: This plat will expire 18 months from the date of approval (March 8, 2018) unless recorded sooner.



#### IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

##### Transportation & Environmental Services:

- F-1 T&ES Survey Section and Transportation have no comments on SUB2016-00006. (T&ES)
- R-1 Property owner shall provide Easement for sharing the middle entrance/driveway between subdivided lots. (T&ES)
- R-2 No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements. (T&ES)
- C-1 The final subdivision plat shall comply with the provisions of Section 11-1709 of the City's Zoning Ordinance. (T&ES)
- C-2 Any future development/redevelopment on the subdivided lots shall provide adequate storm water outfall per the requirements of Article XI and XIII of Alexandria Zoning Ordinance. (T&ES)
- C-3 The development and redevelopment of the subdivided lots shall not adversely impact the storm water drainage or create a nuisance on the public and private properties. (Sec. 5-6-224) (T&ES)
- C-4 Any future development/redevelopment on the subdivided lots shall comply with the requirements of City of Alexandria Zoning Ordinance Article XIII Environmental Management Ordinance and the relevant laws of the Commonwealth of Virginia and the City of Alexandria, as applicable, for storm water management regarding water quality improvement and quantity control at the time of submission of the first final plan. (T&ES)
- C-5 All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3) (T&ES)

##### Archaeology:

- F-1 Because this project involves no ground disturbance, no archaeological action is required.

##### Police Department:

- F-1 No objection

Fire Department:

F-1 No comments

Real Estate Assessments

F-1 No comments

Recreation, Parks & Cultural Activities:

F-1 No comments received



## APPLICATION

### SUBDIVISION OF PROPERTY

SUB # 2016-0006

PROPERTY LOCATION: 505 & 511 S. Van Dorn St.

TAX MAP REFERENCE: 057.04-05-02.L1 and L2

ZONE: CG

#### APPLICANT:

Name: Circumferential Terminals LLC, Robert Giammittorio, Trustee

Address: 3648 Gunston Road, Alexandria, VA 22302

#### PROPERTY OWNER:

Name: Circumferential Terminals LLC, Robert Giammittorio, Trustee

Address: 3648 Gunston Road, Alexandria, VA 22302

#### SUBDIVISION DESCRIPTION

The Applicant is seeking to subdivide one lot into two lots that the City already treats as two separate lots, including taxing them separately. The two new lots meet all the requirements of the CG zone.

☒ **THE UNDERSIGNED** hereby applies for Subdivision in accordance with the provisions of Section 11-700 of the Zoning Ordinance of the City of Alexandria, Virginia.

☒ **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

☒ **THE UNDERSIGNED** also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of his/her knowledge and belief.

Mary Catherine Gibbs, Hart, Gibbs, Pierce & Karp, P.C.

Print Name of Applicant or Agent

700 N. Fairfax Street, Suite 600

Mailing/Street Address

Alexandria, VA 22314

City and State

Zip Code



Signature

703-836-5757

Telephone #

703-548-5443

Fax #

mcgibbs@hartlanduselaw.com

Email address

June 30, 2016

Date

#### DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

Application Received: \_\_\_\_\_

Fee Paid and Date: \_\_\_\_\_

ACTION - PLANNING COMMISSION: \_\_\_\_\_

**ALL APPLICANTS MUST COMPLETE THIS FORM.**

Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

**1. The applicant is: (check one)**

☒ the Owner      ☐ Contract Purchaser      ☐ Lessee or      ☐ Other: \_\_\_\_\_ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than three percent.

Circumferential Terminals, LLC's members and their percentage interests are listed on the attached disclosure statement.

If property owner or applicant is being represented by an authorized agent, such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- ☒ **Yes.** Provide proof of current City business license.
- ☐ **No.** The agent shall obtain a business license prior to filing application, if required by the City Code.



# OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

**1. Applicant.** State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
<sup>1</sup> See Attached.		
<sup>2</sup> See Attached.		
<sup>3</sup> See Attached.		

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at 505-511 S. Van Dorn St. (address), unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
<sup>1</sup> See Attached.		
<sup>2</sup> See Attached.		
<sup>3</sup> See Attached.		

**3. Business or Financial Relationships.** Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are required to disclose any business or financial relationship, as defined by [Section 11-350 of the Zoning Ordinance](#), existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicate each person or entity and "None" in the corresponding fields).**

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
<sup>1</sup> See Attached.		
<sup>2</sup> See Attached.		
<sup>3</sup> See Attached.		

**NOTE:** Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

June 30, 2016

Date

Mary Catherine Gibbs

Printed Name

  
Signature

**OWNERSHIP DISCLOSURE STATEMENT**

**CIRCUMFERENTIAL TERMINALS, LLC**  
**The Applicant and the Owner of 505-511 S. Van Dorn Street**

<b>Member (name &amp; Address)</b>	<b>Membership Interest</b>	<b>Financial Relationship</b>
Eugene Robert Giammittorio, Sr. 3648 Gunston Road Alexandria, VA 22302	5%	None
David C. Giammittorio 5805 River Drive Lorton, VA 22079	5%	None
Rosemary G. O'Brien 20 West Rosecrest Ave. Alexandria, VA 22301	5%	None
Fagelson Capital Management 1900 Campus Commons Dr. Ste. 100 Reston, VA 20191	25%	None
Rosemarie Litterio Shannon 2025 Palmetto Point Drive Pont Vedra Beach, FL 32082	12.5%	None
Luigi Litterio 901 Northhedge Drive Springfield, VA 22153	6.25%	None
Nunzio Litterio 9110 Booth Day Court Wilmington, NC 28411	6.25%	None
Darlene Slaymaker Estate c/o Robert Smith, CPA, Executor Athens, GA	25%	None

**WAIVER OF RIGHT TO AUTOMATIC APPROVAL**

**SUBMITTED TO  
THE DEPARTMENT OF PLANNING AND ZONING  
CITY OF ALEXANDRIA, VIRGINIA**

**PROJECT NAME:** Circumferential Terminals, LLC

**PROJECT ADDRESS:** 505-511 S. Van Dorn Street

**DESCRIPTION OF REQUEST:**

~~Request to subdivide one parcel into two (2) legal lots.~~

**THE UNDERSIGNED** hereby waives the right to the 45 day automatic approval provision of Section 11-1708 (B)(2) of the Zoning Ordinance of the City of Alexandria, Virginia, for the application stated above, until the Planning Commission hearing date of 9/8/16.

Date: 6/30/16

☐ Applicant

☒ Agent

Signature: Mary Catherine Gibbs

Printed Name: Mary Catherine Gibbs

3065 9-11-72

BOOK 745 PAGE 217

HSB:let

3065  
THIS DEED, made this 16th day of August, 1972, by and between CHARLES E. TOMLIN, TRUSTEE, party of the first part; and BURT LOPATIN, TRUSTEE, party of the second part.

W I T N E S S E T H:

That for and in consideration of the sum of Ten (\$10.00) Dollars, cash in hand paid, receipt whereof is hereby acknowledged, the party of the first part does hereby grant and convey to the party of the second part, with General Warranty of Title, all of his right, title and interest in and to all those certain lots or parcels of land situate, lying and being in the City of Alexandria, State of Virginia, known as Lots 2 and 3, of the Division of the Property of Burt Lopatin and Charles E. Tomlin, Trustees, as the same appear on a plat attached to a deed recorded among the land records of said City in Deed Book 517 at Page 4, and confirmed by Deed of Dedication recorded in Deed Book 540 at Page 124.

TO HAVE AND TO HOLD the land hereby conveyed to the party of the second part, in trust, with the full power, right and authority hereby granted to said Trustee to sell, lease, exchange, encumber and/or convey the said land, either in whole or in part, upon such terms and conditions and for such consideration as said Trustee may in his discretion deem advantageous, with the further right to subdivide and resubdivide said land and to dedicate such portions thereof for public use as he shall deem desirable, together with the right to grant licenses and easements for utility or other purposes across, over or under said land, and the said Trustee is hereby empowered to execute, acknowledge and deliver such deeds, deeds of trust, leases and other instruments necessary to carry out the foregoing powers, and there shall be no obligation or liability upon any purchaser or purchasers, lessee or lessees of said land, or any part thereof, or upon any party or parties making any loan or loans secured by deed or deeds of trust upon said land, or any part thereof, to see to the proper application of the proceeds of such sale, lease or loan.

This conveyance is made expressly subject to any and all easements,



BOOK 745 PAGE 218

conditions, restrictions and agreements of record insofar as they may be lawfully applicable to the property hereby conveyed, and to such state of facts as are disclosed by the recorded plat above mentioned.

The party of the first part covenants that he has the right to convey the said land to said grantee; that the grantee shall have quiet possession of the said land, free from all encumbrances, except as hereinabove set forth; and that the party of the first part will execute such further assurances of the said land as may be requisite.

WITNESS the following signature and seal:

Charles E. Tomlin (SEAL)  
Charles E. Tomlin, Trustee

STATE OF VIRGINIA }  
CITY OF ALEXANDRIA } SS:

The foregoing instrument was acknowledged before me this 16 day of August, 1972, by CHARLES E. TOMLIN, TRUSTEE.

Mary Elizabeth Conrad  
Notary Public  
City of Alexandria, Virginia

My commission expires:

Sept. 22, 1974

**VIRGINIA:**

In the Clerk's office of the Corporation Court of the City of Alexandria, Va. this instrument was received and the taxes imposed by Sec. 68-511 of the Code in the amount of \$ have been paid and with an annexed certificate admitted to record at 2:27 PM on 8/22/72.

William W. Price, Jr.

Book 827 page 162 6-17-76

Burt Lopatin Jr  
120 S Royal St  
City

3216

ORDINANCE NO. 2110

AN ORDINANCE to vacate a portion of Van Dorn Street, a public street in the City of Alexandria, Virginia, said portion being located near the intersection of Van Dorn Street and Edsall Road.

WHEREAS, the said vacation has been approved by the planning commission at one of its regular meetings; and

WHEREAS, the procedures required by law, including the posting of notice to the land proprietors affected, have been followed; and

WHEREAS, viewers were duly appointed by the Council of the City of Alexandria, Virginia, and have made their report; and

WHEREAS, in consideration of the report of said viewers recommending the said vacation, and of other evidence relative thereto, it is the opinion of the Council of the City of Alexandria, Virginia, that the portion of Van Dorn Street, hereinabove mentioned and hereinafter described, is not needed for public use and that it is in the public interest to vacate it; therefore

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the hereinafter described portion of Van Dorn Street in the City of Alexandria, Virginia, be and the same hereby is vacated and abandoned:

Beginning at a point in the southerly right-of-way line of Edsall Road (70.00 feet wide) said point marking the northeast corner of the land of Aero Auto Company, Inc. and lying South 86° 53' 30" West, 222.61 feet from the point of curvature where said line intersects with South Van Dorn Street (100.00 feet wide), thence running with said line of Edsall Road North 86° 53' 30" East, 30.01 feet to the northwest corner of the land of Burt Lopatin, tr.; thence with the westerly line of said land South 04° 55' 00" East, 658.62 feet to the southwest corner of said land; thence through the existing right-of-way of Old Van Dorn Street South 85° 10' 00" West, 48.17 feet to a point in the easterly line of the land of Alexandria Industrial Park Inc.; thence with said line North 04° 50' 00" West, 169.94 feet to a point in the southerly line of the aforementioned land of Aero Auto Company, Inc.; thence with said line North 82° 37' 20" East, 17.94 feet to the southeast corner of said land; thence with the easterly line of said land North 04° 55' 00" West, 488.79 feet to the point of beginning; RESERVING, however, easements for existing utilities TOGETHER with access easements for the repair and maintenance of same.

Section 2. That the title of and an informal memorandum explaining this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The city clerk shall have the full text of this ordinance printed in sufficient numbers to

*Book 827pg 163*

supply copies to meet request. The city clerk shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall be deemed to be passed on the date of its final passage, but shall not be effective until the date a certified copy is recorded as deeds are recorded. Such recordation shall be indexed in the name of the City of Alexandria, but shall be done by the applicant, at his own expense.

CHARLES E. BEATLEY, JR.  
Mayor

FINAL PASSAGE: MAY 25, 1976

I, Helen Holleman, Clerk of the City of Alexandria, Virginia do hereby certify that the foregoing ordinance was passed by the City Council of Alexandria, Virginia at its regular meeting held on May 25, 1976.

Dated this 26th day of May, 1976.

*Helen Holleman*  
Mrs. Helen Holleman, Clerk of the  
City of Alexandria, Virginia

VIRGINIA:  
In the Clerk's office of the Circuit  
Court-City of Alexandria this deed  
was received and the taxes imposed by  
Sec. 58-54.1 in the amount of \$  
have been paid for the Annexed  
certificate recorded on record on

5-26-76 10:54 AM

*Alvin W. Finkbe* CLERK

BK 1583PG0001

15187

DEED OF SUBDIVISION AND EASEMENT

This Deed of Subdivision and Easement made this 24<sup>th</sup> day of September, 1996, by and among E. ROBERT GIAMMITTORIO, Sole Acting Trustee for CIRCUMFERENTIAL TERMINALS, a Virginia partnership, its successors and assigns, (the "Owner") (Grantor); and EXXON CORPORATION, a New Jersey corporation ("Exxon") (Grantor and Grantee)

WITNESSETH

WHEREAS, the Owner is the sole owner and proprietor in fee simple of the hereinafter described property situate, lying and being in the City of Alexandria (the "Property"), by virtue of deeds to the Owner's predecessor as Trustee recorded among the land records of the City of Alexandria, Virginia in Deed Book 745 at page 217 and Deed Book 499 at page 508 and a Court Decree substituting trustees entered March 23, 1983 in Chancery No. 13181;

WHEREAS, pursuant to a lease dated May 25, 1961, recorded among said land records in Deed Book 542 at page 27, and amended June 2, 1983, a portion of the Property is leased to Exxon ("Lot 500"); and

WHEREAS, the Owner and Exxon desire to subdivide the Property into lots so as to establish the Lot 500 as a separate Lot of Record and to establish an easement for an existing encroachment all as shown on the plat attached hereto.

Subdivision

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) cash in hand paid, receipt of which is hereby acknowledged, the Owner, being the sole owner and proprietor, and together with Exxon, being the only parties having any interest in this subdivision of the Property, do hereby subdivide the following described property situate and being in the City of Alexandria, Virginia, described by metes and bounds on the Plats attached hereto and made a part hereof, into lots as more particularly bounded and described and as shown on the Plat attached hereto and made a part hereof entitled "PLAT OF SUBDIVISION OF THE LAND OF E. ROBERT GIAMMITTORIO & LEROY S. BENDHEIM CO-TRUSTEES FOR THE BENEFIT OF CIRCUMFERENTIAL TERMINALS" dated July 23, 1996 and prepared by Holland Engineering.

This Dedication and Subdivision is made with the free consent and in accordance with the desires of the Owner and proprietor of the aforesaid property, and the Tenant of the Lot 500 created hereby and is in accordance with the statutes of Virginia and the ordinances in force in the City of Alexandria governing the platting of land, and is approved by the proper authorities, as is evidenced by their endorsements on the Plats.

G:\L\yjf\gen\circumfr\rm\subdiv.ded

Professional Title Services, LLC  
14910 Jefferson Davis Highway  
Woodbridge, VA 22191

Return to:

Prepared by: John L. Fugelsun, Esq.  
Tax ID# 57.00 03 02 01



BK1583PG0002

Foundation Encroachment Easement

THIS AGREEMENT FURTHER WITNESSETH, that in consideration of the sum of One Dollar (\$1.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner hereby grants and conveys to Exxon, its successors and assigns, a permanent three foot (3') foundation encroachment easement (the "Easement") for the purpose of maintaining and repairing the existing foundation encroachment subject to the following terms and conditions.

1. The extent and location of the Easement is shown by the area designated in the detail on the attached plat.

2. Exxon shall have a right of ingress and egress to and from Lot 501 created hereby, subject to the rights of current tenants, for the purpose of maintaining and repairing the said foundations. Exxon, for itself and its successors and assigns, covenants and agrees that it will repair and maintain the said foundations in a proper, substantial and workmanlike manner.

3. Exxon shall indemnify and hold Owner, and those claiming under Owner, harmless from and against any and all loss and damage that shall be caused by the exercise of its rights under this Easement.

4. The duration of this Easement shall be perpetual provided that this Easement shall terminate if the building on Lot 500 is destroyed or demolished and Exxon does not begin restoration of the building within one (1) year or constructs substantially different improvements on Lot 500.

Captions

The captions in this instrument are inserted only for the purpose of convenient reference and in no way define, limit or proscribe the scope or intent of this instrument or any part hereof.

Covenant Running with the Land

This Deed of Subdivision and Easement shall be recorded among the land records of the City of Alexandria, Virginia, and shall constitute a covenant running with the land and shall be binding on and shall inure to the benefit of the Owner and Exxon and their successors and assigns.

IN WITNESS WHEREOF the parties hereto have caused this Deed of Subdivision and Easement to be executed by the parties or on their behalf pursuant to proper authority duly heretofore had.

7/12/2016

BK 1583PG0003

OWNER:

E. Robert Giammitorio, Sole Acting Trustee  
 E. Robert Giammitorio, Sole Acting Trustee  
 for Circumferential Terminals, Virginia Partnership

Exxon Corporation,  
 a New Jersey Corporation

By: R. W. Wilchey  
 Name R. W. WILCHEY  
 Agent and Attorney-in-fact

Attest: M. J. Cress  
 Name M. J. CRESS  
 Assistant Secretary

COMMONWEALTH OF VIRGINIA  
 CITY OF ALEXANDRIA, to-wit:

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of September  
 1996 by E. Robert Giammitorio, Sole Acting Trustee for Circumferential Terminals, a Virginia  
 Partnership.

Virginia C. King  
 Notary Public

My commission expires:  
Sept. 30, 1996

BK 1583PG0004

STATE OF Virginia  
CITY/COUNTY OF Stafford to-wit:

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of September  
1996 by RW Hickey, Agent and Attorney-in-Fact for Exxon Corporation, a New Jersey  
corporation.

[Signature]  
Notary Public

My commission expires:  
My Commission expires April 30, 1997

INSTRUMENT #960015187  
RECORDED IN THE CLERK'S OFFICE OF  
ALEXANDRIA ON  
OCTOBER 1, 1996 AT 02:22PM  
EDWARD SEMONIAN, CLERK

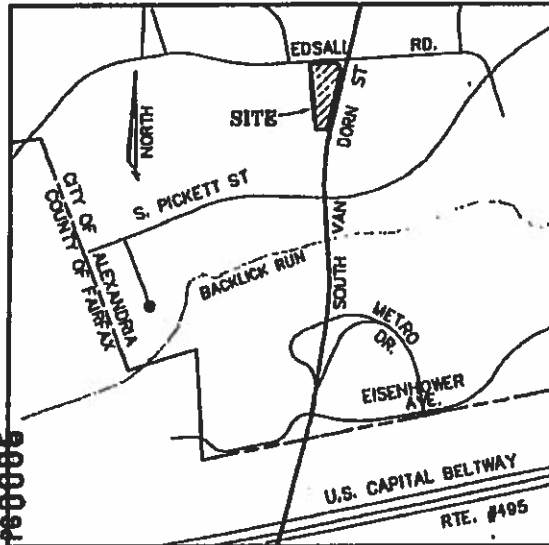
BY: [Signature] DEPUTY CLERK

PLAT ATTACHED

G:\L\y\l\gen\circ\circ\fr\rm\subdiv\ded

4

1996 Subdivision Plat  
Quadrant 1 of 4



VICINITY MAP

NOTES

- 1 THE PROPERTY DELINEATED HEREON IS SHOWN ON TAX ASSESSMENT MAP 57.00 IN BLOCK 5 AS PARCELS 2, 2.01 AND 2.02 AND IS ZONED CG.
2. THE PROPERTY IS NOT LOCATED IN A 100 YEAR FLOOD HAZARD AREA.
- 3 THERE ARE NO GRAVES, MARKERS OR STRUCTURES ON THIS SITE TO INDICATE ANY PLACE OF BURIAL.
- 4 THERE ARE NO MAJOR OR MONUMENT TREES ON THIS SITE.

NOTE -- PROPOSED SUBDIVISION LINE  
FOLLOWS EXISTING LEASE LINE.

E. ROE

VIRGINIA STATE PLANE  
COORDINATE SYSTEM-NORTH ZONE

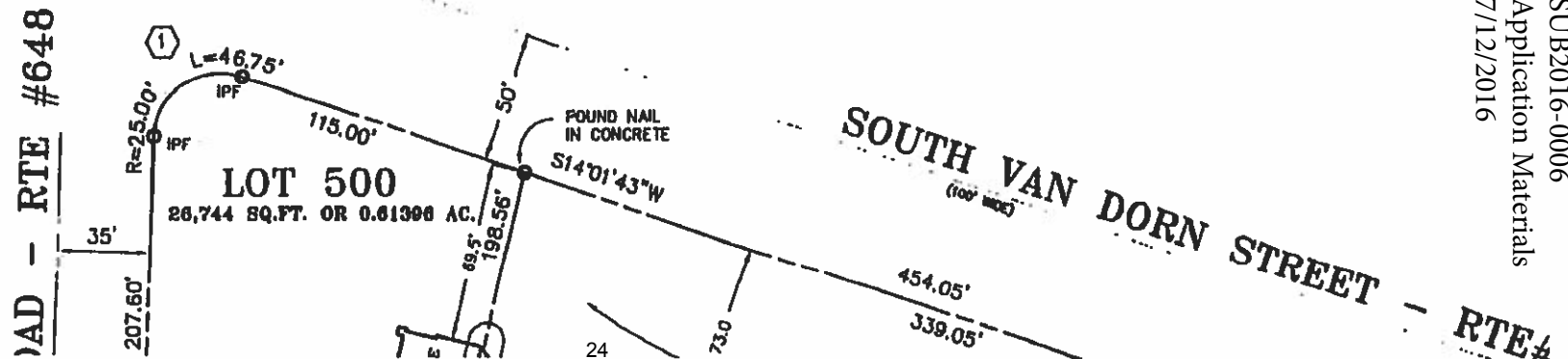
CURVE T.

CURVE	RADIUS	LENGTH	TANGENT	CH
1	25.00'	46.75'	33.87'	40
2	2450.00'	198.54'	99.32'	198

OWNER - AI

CIRCUMFERENTIAL TERMIN  
C/O E. ROBERT GIAMMITI  
11320 RANDOM HILLS RD  
FAIRFAX, VIRGINIA 2203

ZONED CG



SUB2016-0006  
Application Materials  
7/12/2016



ZONED RCX

EDSALL ROAD - R.  
(70' WIDE)

LOT 500  
28,744 SQ.FT. OR 0.61398 AC.

AREA OF  
UNDERGROUND  
GAS TANKS

EASTING  
1-STORY AUTO SERVICE  
(EXXON)

SEE DETAIL  
FOR FOOTING ENCROACHMENT EMT

BUILDING CORNER IS  
0.92' NORTH OF P.L.

10' SANITARY SEWER EASEMENT  
(ORDINANCE #2110 - DEED BOOK 827, PAGE 162)

LOT 501  
58,851 SQ.FT. OR 1.35103 AC.

EASTING  
1-STORY BRICK RESTAURANT  
(McDONALDS)

LEASE LINE

EASTING  
1-STORY  
MASONRY  
AUTO SERVICE  
(JIMMY LUBI)

DORN STREET - RTE

N04°55'00"W

ZONED CG

JAMES H. KLINE  
1350 CONNECTICUTT AVE., NW  
WASHINGTON, D.C. 20036

AIP A  
C/C  
731  
BET

DETAIL

(EXXON BUILDING FOUNDATION AT SUBDIVISION LINE)  
SCALE: 1"=12.5'

EX. 1-STORY EXXON STATION

51.0' TO SOUTHWEST  
PROPERTY CORNER

N08°38'59"E  
3.00'

N01°21'01"W 85.00'  
PROPOSED 3' FOUNDATION ENCROACHMENT EASEMENT

S08°38'59"W  
3.00'

SUB2016-0006  
Application Materials  
7/12/2016

1/20/2016 11:11 AM  
1400000000

PLAT OF SUBDIVISION  
OF THE LAND OF  
**E. ROBERT GIAMMITTORIO & LEROY S. BENDHEIM, CO-TRUSTEES**  
FOR THE  
**BENEFIT of CIRCUMFERENTIAL TERMINALS**  
CITY OF ALEXANDRIA, VIRGINIA

VIRGINIA STATE PLANE  
COORDINATE SYSTEM-NORTH ZONE



DATE: JULY 12, 1996

SCALE: 1"=50'

Ordinance  
11-1714:  
Approved copy of the plat  
to be recorded in the office of  
Clerk of the Circuit Court of  
the City within 18 months after the  
date of approval...  
This plat shall be null and void if  
not recorded prior to March 6, 1998

**CURVE TABLE**

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
1	25.00'	48.75'	33.87'	40.23'	S39°32'31"E	107°08'38"
2	2450.00'	198.54'	99.32'	198.49'	N11°42'25"E	04°38'35"

**OWNER - APPLICANT**

CIRCUMFERENTIAL TERMINALS PARTNERSHIP  
C/O E. ROBERT GIAMMITTORIO, TR.  
11320 RANDOM HILLS ROAD, SUITE 690  
FAIRFAX, VIRGINIA 22030

**CITY APPROVAL STAMP**  
CITY PLANNING COMMISSION  
ALEXANDRIA, VA

4/10/96  
[Signature]  
[Signature]  
PUBLIC IMPROVEMENT BOARD APPROVED  
4/10/96 [Signature]  
DATE DIRECTOR T & S

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT I HAVE CAREFULLY SURVEYED THE PROPERTY DELINEATED BY THIS PLAT, AND THAT IT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT THIS IS A SUBDIVISION OF PART OF THE LAND CONVEYED BY CHARLES E. TOMLIN, TR. TO BURT LOPATIN, TRUSTEE BY DEED DATED AUGUST 16, 1972 RECORDED IN DEED BOOK 745 AT PAGE 217, AND PART OF THE LAND CONVEYED BY S.J. GNASH COMPANY, INC. BY DEED DATED SEPTEMBER 17, 1979 RECORDED IN DEED BOOK 499 AT PAGE 508 AS CONVEYED BY COURT DECREE DATED AND ENTERED ON MARCH 23, 1982 IN CHANCERY NO. 13181 TO E. ROBERT GIAMMITTORIO AND LEROY S. BENDHEIM AS CO-TRUSTEES FOR THE BENEFIT OF CIRCUMFERENTIAL TERMINALS, ALL RECORDED IN THE LAND RECORDS OF ALEXANDRIA AND IS WITHIN THOSE BOUNDARIES;

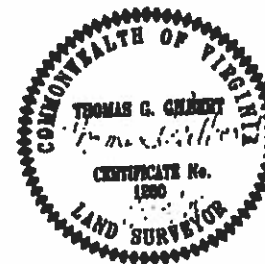
**VAN DORN STREET - RTE. 28**

1996 Subdivision Plat  
Quadrant 3 of 4

PLAT, AND THAT IT IS CORRECT, IS THE  
A SUBDIVISION OF PART OF THE LAND CONVEYED BY CHARLES E. TOMLIN, TR. TO BURT LOPATIN,  
TRUSTEE BY DEED DATED AUGUST 16, 1972 RECORDED IN DEED BOOK 745 AT PAGE 217, AND  
PART OF THE LAND CONVEYED BY S.J. GNASH COMPANY, INC. BY DEED DATED SEPTEMBER 17,  
1979 RECORDED IN DEED BOOK 499 AT PAGE 508 AS CONVEYED BY COURT DECREE DATED  
AND ENTERED ON MARCH 23, 1982 IN CHANCERY NO. 13181 TO E. ROBERT GIAMMITORIO AND  
LEROY S. BENDHEIM AS CO-TRUSTEES FOR THE BENEFIT OF CIRCUMFERENTIAL TERMINALS, ALL  
RECORDED AMONGST THE LAND RECORDS OF ALEXANDRIA AND IS WITHIN THOSE BOUNDARIES;  
THAT MONUMENTS ARE OR HAVE BEEN INSTALLED WHERE INDICATED.

DATE:

THOMAS G. GILBERT, LAND SURVEYOR



### GRAPHIC SCALE



( IN FEET )  
1 inch = 50 ft.

**ZONED CG**

AIP ASSOCIATES LTD. PTSP.  
C/O WM. N. CAFRITZ  
7315 WISCONSIN AVE.  
BETHESDA, MD. 20814

# HOLLAND ENGINEERING

2111 EISENHOWER AVENUE  
ALEXANDRIA, VIRGINIA 22314

(703) 548-2188

## REVISIONS

NO.	DATE	BY	DESCRIPTION
DRAWN	TGC	DATE 7/12/96	SD
DESIGNED		DATE	
CK'D	MHF	DATE 7/12/96	

DATE 7/12/96

DATE

DATE 7/12/96

SCALE: 1"=50'

SHEET NO. 1 OF 1

\_\_\_\_\_

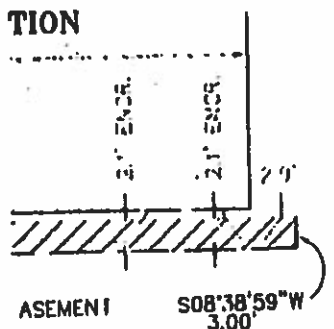
**JOB NO.**

VA 829-3A

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

ON LINE)

## TION



## ASEMEN I

508°38'59"W  
3.00'

**BK1583P60008**

4\1\A929-3A\SRV\SUBD.DWG

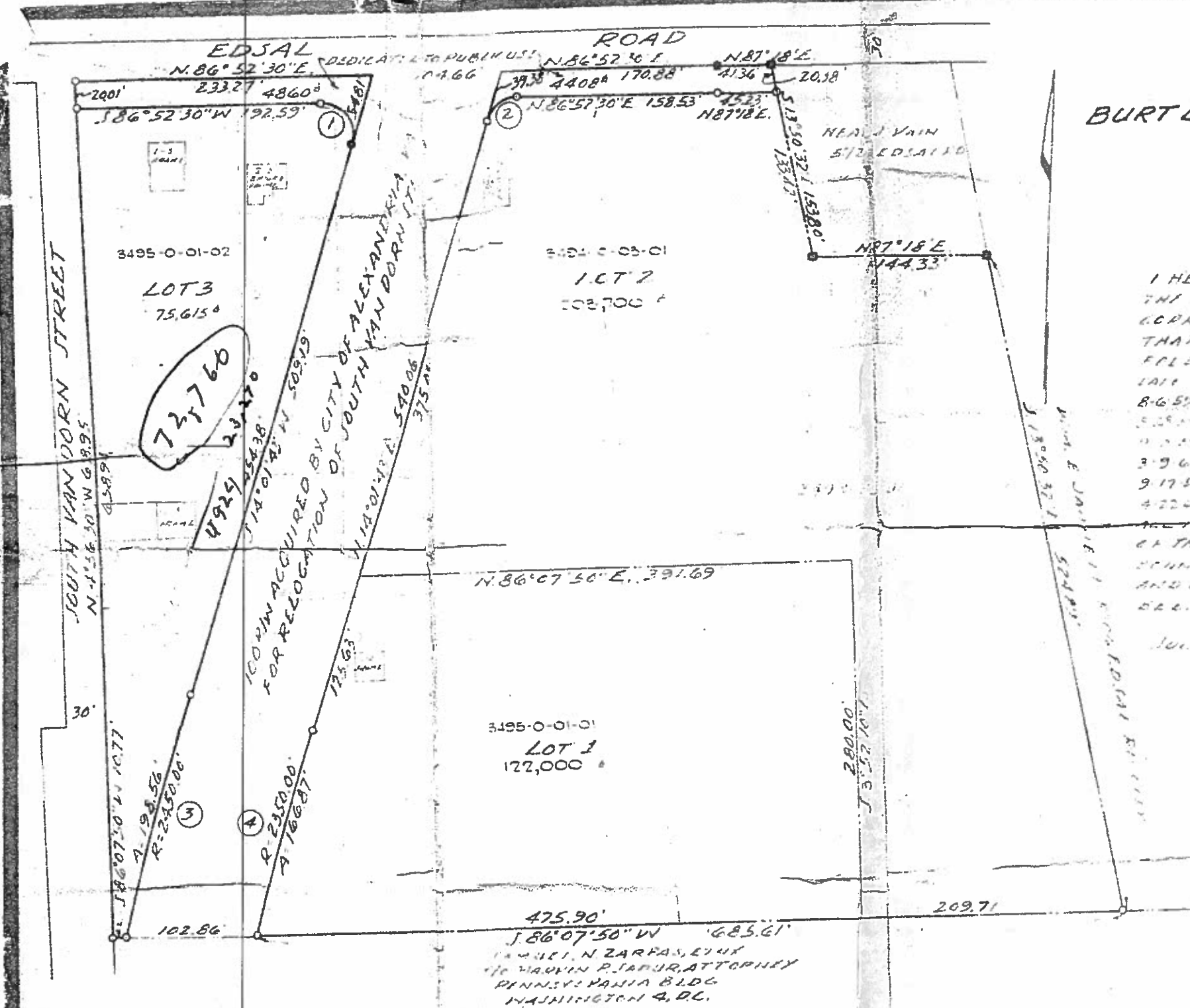
7/12/2016

## Application Materials

SUB2016-0006

1996 Subdivision Plat  
Quadrant 4 of 4

SUB2016-0006  
Application Materials  
7/12/2016



**PLAT**  
**SHOWING DIVISION**  
**OF PROPERTY OF**  
**BURT LOPATIN & CHAS. E. TOMLIN, TRUSTEES.**  
**ALEXANDRIA, VIRGINIA**

ZONE = "I-1"

**SURVEYORS CERTIFICATE**

I HEREBY CERTIFY THAT I HAVE CAREFULLY SURVEYED THE LAND DELINEATED HEREON AND THAT IT IS ACCORDANT TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT IT IS A PART OF THE SAME LAND ACQUIRED AS FOLLOWS:

DATE	TO	FROM	DB	P
8-6-59	CHASE TOMLIN, JR.	S. J. GNASH COMPANY, INC.	497	257
5-29-61	"	MARVIN J. FLEMING, ET UX	499	247
4-2-61	"	NEAL J. VAIN, ET UX	499	69
3-9-60	"	GEO. W. ARBOT, ET UX	502	384
9-17-59	BURT LOPATIN TR.	S. J. GNASH COMPANY, INC.	499	508
4-22-60	"	"	512	373

ALL THE ABOVE RECORDED AMONG THE LAND RECORDS OF THE CITY OF ALEXANDRIA, AND ARE WITHIN THE BOUNDARIES THEN OF THAT CITY AND SHOWN THEREON, AND CONCRETE MONUMENTS SHOWN THEREON, HAVE BEEN FOUND OR PLACED AS INDICATED.

*July 11, 1960*  
*Cecil J. Cross*  
 SURVEYOR

**CURVE DATA**

NO.	DELTA	RADIUS	TAN	ARC	CHORD	CH. BEAR.
1	107° 09' 13"	23.00'	33.88	46.75	40.23'	S. 39° 32' 54" E.
2	72° 50' 47"	25.00'	18.45	31.79	22.69'	N. 50° 27' 06" E.
3	4° 38' 37"	2450.00'	99.33	198.56	198.50'	S. 11° 42' 25" W.
4	4° 04' 67"	2350.00'	83.47	166.87	166.81'	N. 11° 59' 40" E.

OWNER & DEVELOPERS:  
 BURT LOPATIN & CHAS. E. TOMLIN, TRUSTEES  
 128 SOUTH ROYAL ALEXANDRIA, VA

DB 517/7

**CROSS & GHENT**  
 CECIL J. CROSS VICTOR H. GHENT  
 CERTIFIED PROFESSIONAL ENGINEERS  
 LAND SURVEYORS  
 11 SOUTH COLUMBUS STREET  
 ALEXANDRIA, VIRGINIA  
 SCALE 1" = 20' DATE JULY 11, 1960  
 DRAWN BY CHECKED BY  
 P.D. NOTES 1/2" & FILE 26-10-X