

***Docket Item #7***  
***Subdivision #2017-0005***  
***513 and 515 Duncan Avenue***

---

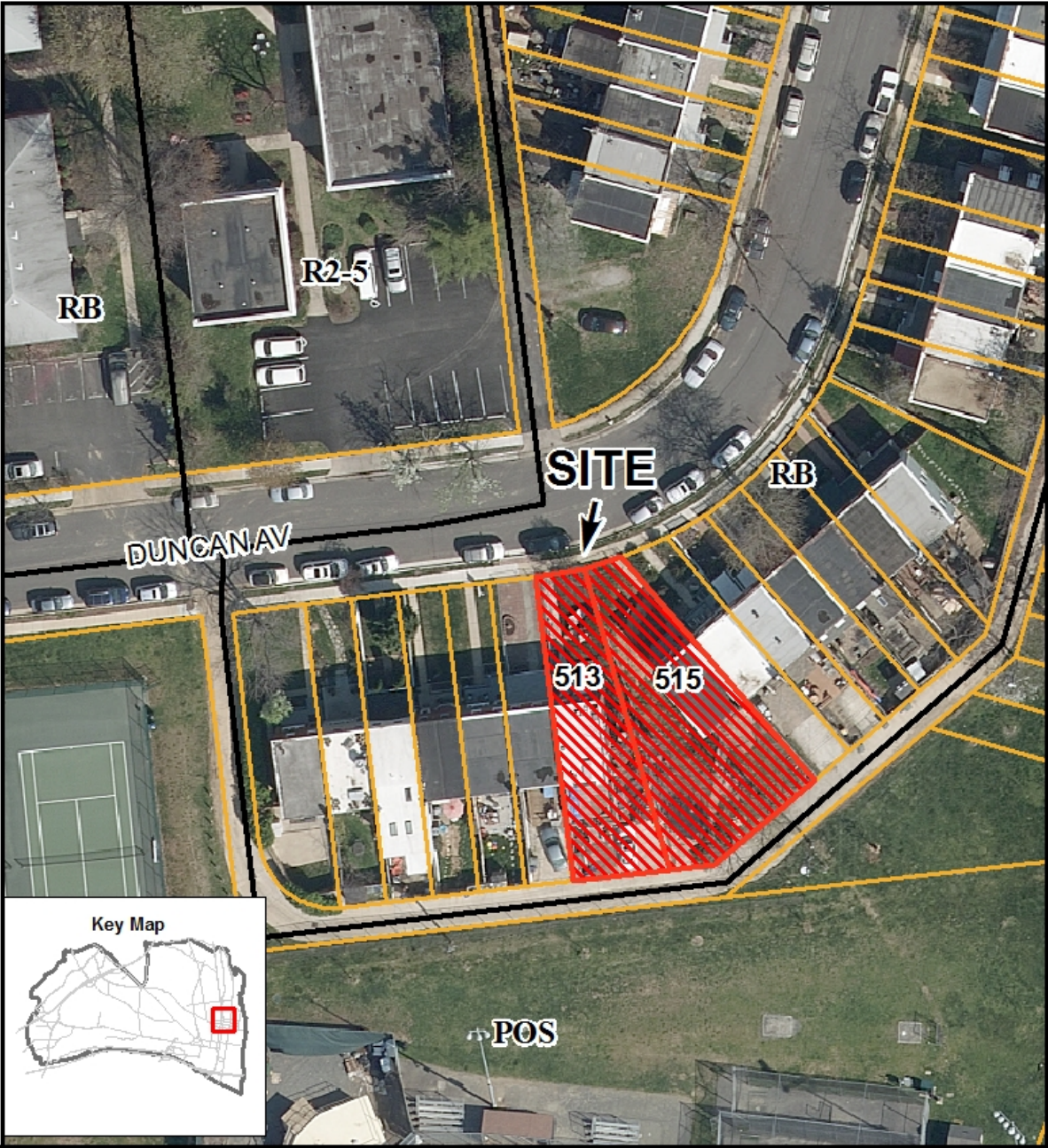
**CONSENT AGENDA ITEM**

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.

<b>Application</b>	<b>General Data</b>	
<b>Request:</b> Public hearing and consideration of a request for a subdivision with variations to re-subdivide two lots into a new configuration.	<b>Planning Commission Hearing:</b>	September 5, 2017
	<b>Approved Plat must be recorded by:</b>	March 5, 2019
<b>Address:</b> 513 and 515 Duncan Avenue	<b>Zone:</b>	RB
<b>Applicant:</b> Nathan E. Shue, represented by Duncan Blair	<b>Small Area Plan:</b>	Potomac West

**Staff Recommendation:** APPROVAL

**Staff Reviewers:** Jose Carlos Ayala, [jose.ayala@alexandriava.gov](mailto:jose.ayala@alexandriava.gov)



**Subdivision #2017-0005**  
**513 & 515 Duncan Avenue**



## I. DISCUSSION

The applicant, Nathan E. Shue, represented by Duncan Blair, attorney, requests a re-subdivision in order for land from 515 Duncan Avenue (Lot 36A of the River Terrace Subdivision) to be transferred and added to 513 Duncan Avenue (Lot 37A of the River Terrace Subdivision). Variations are requested for existing lot and building conditions for which no changes are proposed.

### SITE DESCRIPTION

The subject sites at 513 (Lot 37A) and 515 (Lot 36A) Duncan Avenue are adjacent irregularly shaped lots of record positioned at a bend in their street. The lot at 515 Duncan Avenue has 15.01 feet of frontage on Duncan Avenue and a total lot area of 3,786 square feet with a two-story end unit townhome positioned at the western edge of the lot. The irregular-shaped lot at 513 Duncan has 15.00 feet of frontage on Duncan Avenue and a total lot area of 2,679 square feet with a two-story end unit townhome positioned at the northeastern edge of the lot. Both lots' southern boundaries are served by a 12' alley providing ingress and egress for the existing attached townhouses and their rear parking. Both lots are part of a development of townhouses, which are on the surrounding lots on the same side of the street. Across the street are additional similar townhouses and a multi-family housing complex. Simpson Park is at the rear of these lots.

The River Terrace Subdivision was developed with attached townhouses. The northwest and west sections of the Subdivision boundaries face Bellefonte Gardens Apartments while southeast and southwest sections border Simpson Park. 513 and 515 Duncan Avenue are within walking distance from YMCA Alexandria, CVS, ALDI, Swing's Coffee and the Mount Vernon Avenue business area.



*Figure 1: 513 Duncan Avenue*



*Figure 2: 515 Duncan Avenue*

### SUBDIVISION BACKGROUND

The River Terrace Subdivision was originally land obtained in 1903 and transferred to the Washington, Southern Railway Company, the predecessor of the Richmond, Fredericksburg and Potomac Railroad Company by the deed dated July 27, 1903 and recorded in the Clerk's office of the Circuit Court of Arlington County. The River Terrace Subdivision was created by Deed of



Subdivision dated on August 8, 1949, prepared by Cecil J. Cress, certified surveyor. The River Terrace Subdivision was composed of 63 lots with a new street, Duncan Avenue extension, and alley dedication. 513 and 515 Duncan are part of the Subdivision. See figure 3, Original Subdivision plat.

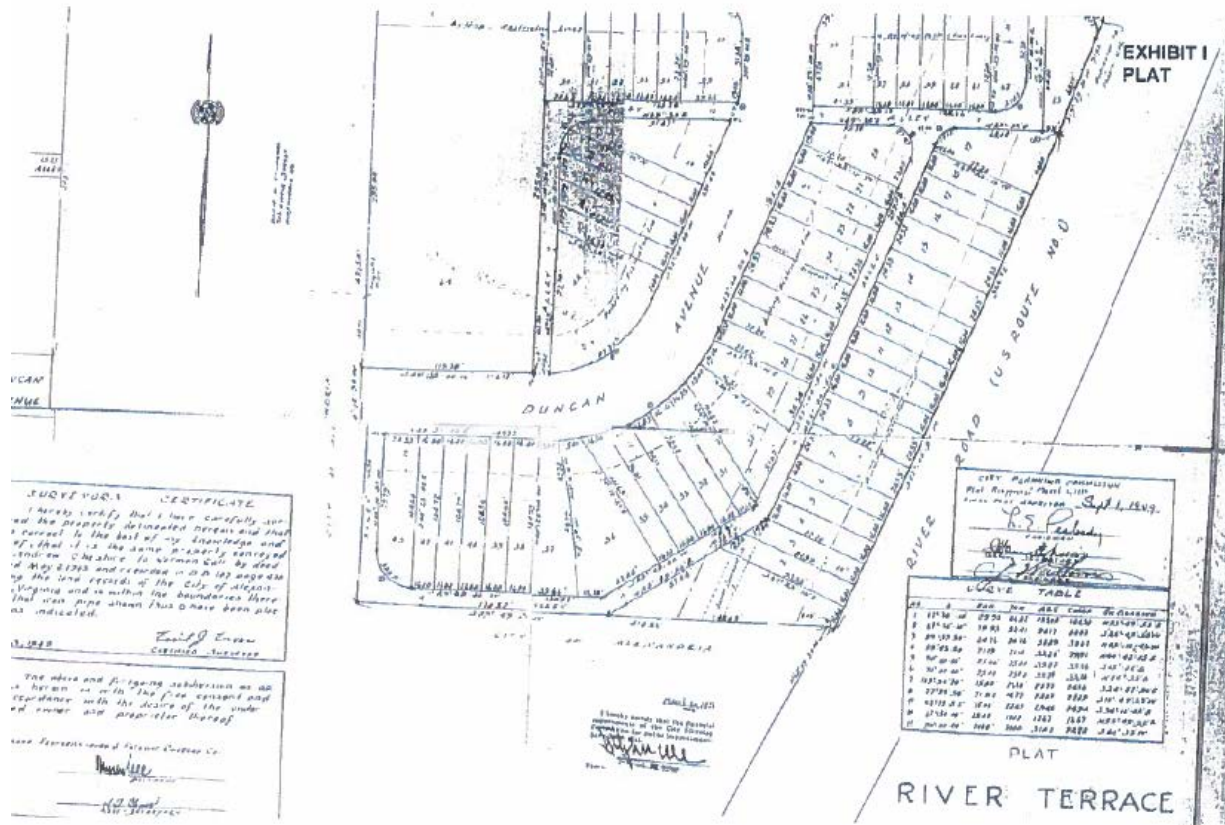
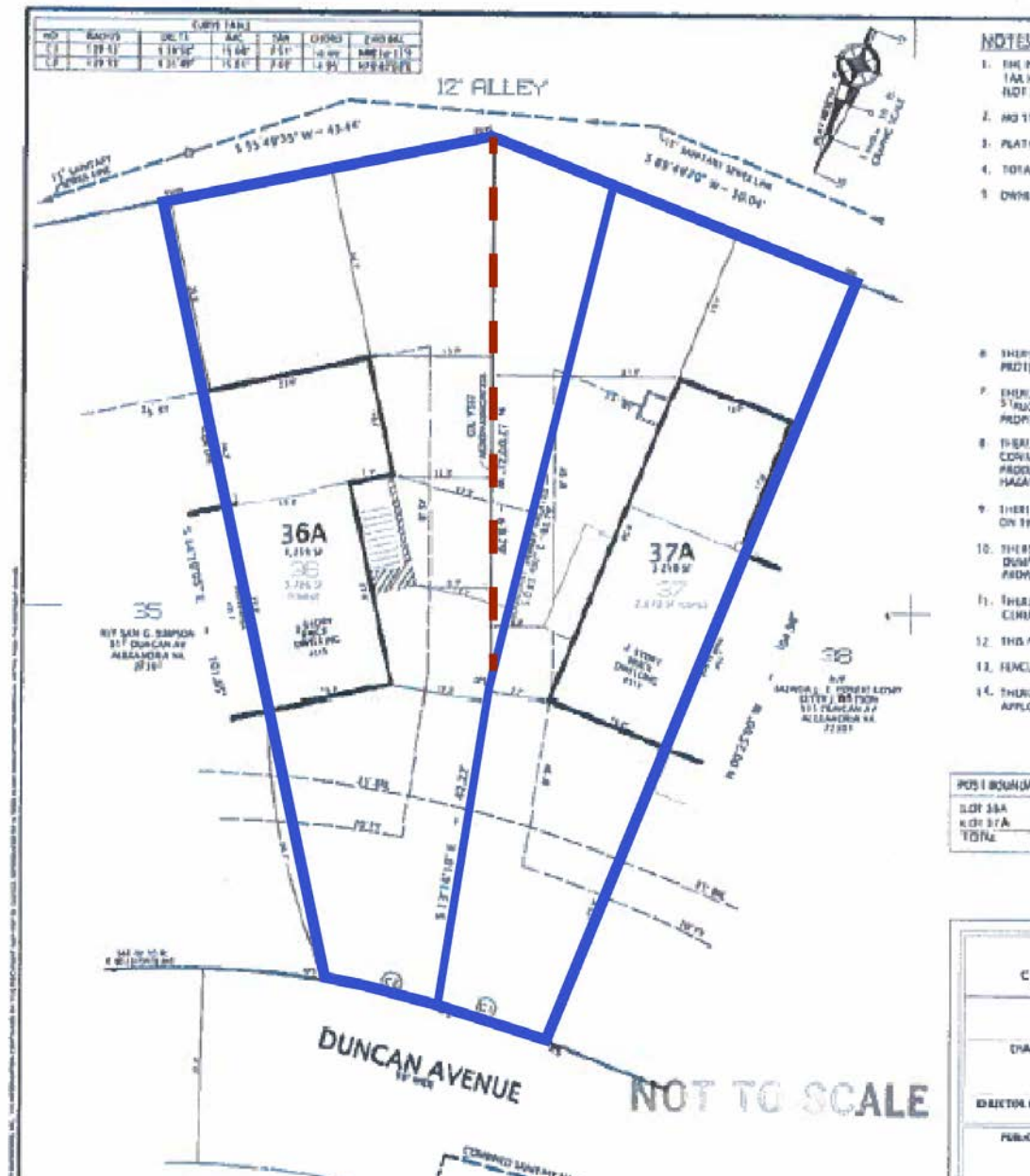


Figure 3: River Terrace Subdivision plat 1949 creating existing lots at 36 and 37 Duncan Avenue.

# PROPOSAL

The applicant proposes a re-subdivision involving the two existing lots located at 513 (Lot 37A) and 515 (Lot 36A) Duncan Avenue. This would result in an adjustment of property lines by transferring approximately 531 square feet of land from Lot 36A to Lot 37A. The existing dwellings would remain on their lots. The proposed re-subdivision would increase the lot area at 513 Duncan (Lot 37A) from 2,679 to 3,210 sq. ft. and decrease the lot area at 515 Duncan Avenue (Lot 36A) from 3,786 to 3,255 sq. ft. Lot frontage and width as well as front, side, and side yard setbacks for 513 and 515 Duncan Avenue would remain the same. As proposed, the re-subdivision does not affect the character of the existing townhouse lots or the neighborhood.

There is currently an easement area matching the proposed area of land transfer. The resident of 513 Duncan Avenue (Lot 37A) uses this area to park on the lot of 515 Duncan Avenue (lot 36A). The existing fence between the dwellings nearly matches the location of the proposed new lot line. This subdivision would eliminate that easement and allow the lot lines to match the location of the existing fence and parking areas.



**Figure 4: Preliminary Subdivision Plat**

Existing lots are depicted with solid blue lines; The dashed red line indicates the proposed new boundary line.

ZONING / MASTER PLAN DESIGNATION

The property is located in the RB / Townhouse zone. The proposal for each lot meets the minimum lot size requirement for land area. The existing frontage and width measurement for each lot and the side yard setback measurement for 513 Duncan Avenue, however, do not meet RB Zone requirements. Both properties are end units of rows of townhouses.

*Table 1*

	<b>Required for RB Zone</b>	<b>Existing Lot 37A (513 Duncan Ave.)</b>	<b>Proposed for 513 Duncan</b>	<b>Existing Lot 36A (515 Duncan Ave.)</b>	<b>Proposed for 515 Duncan</b>
<b>Lot Size</b>	1980 sq. ft.	2,679 sq. ft.	3,210 sq. ft.	3786 sq. ft.	3,255 sq. ft.
<b>Lot Frontage</b>	26.00 feet	15.00 feet	Same	15.01 feet	Same
<b>Lot Width</b>	26.00 feet	19.00 feet	Same	22.00 feet	Same
<b>Front Yard Setback</b>	20.00 feet	40.5 feet	Same	28.00 feet	Same
<b>Side Yard Setback</b>	1:3 minimum 8.00	7.7 feet	Same	12.00 feet	Same
<b>Rear Yard Setback</b>	1.1 minimum 8.00	18.9 feet	Same	24.7 feet	Same
<b>Open Space</b>	800		2472		2648

Address	Old Square footage	Zone FAR Ratio Number	Old maximum FAR
513 Duncan	2678	.75	2008.5
515 Duncan	3786	.75	2839.5

Address	New Lots Square footage	Zone FAR Ratio Number	New maximum FAR
513 Duncan	3210	.75	2407.5
515 Duncan	3255	.75	2441.75

VARIATION

The proposed subdivision and land transfer requires that the lot setbacks, frontages, and widths comply with existing zone requirements (See Table 1). Per the RB zone, 513 and 515 Duncan Avenue lots are substandard because they do not have the required lot frontage and lot width of 26 feet per lot. The dwelling at 513 Duncan Avenue does not have the required side yard setback. The River Terrace Subdivision was recorded in the 1940's, predating existing RB zone

requirements. The lots have existed since 1949 with widths and frontages that are now considered substandard, and the dwelling in question has existed for more than 60 years with a side yard setback that is now considered noncomplying. None of these conditions are changing through this subdivision. For this reason, variations are recommended from the 26 feet of lot frontage and width required for 513 and 515 Duncan and from the 1:3 ratio /8 foot minimum side yard setback requirement for 513 Duncan to maintain applicable existing lots measurements. These variations would be consistent with site characteristics and the lot character of the neighborhood.

#### SUBDIVISION STANDARDS

Several sections of the Zoning Ordinance establish the standards for subdivisions:

Sections 11-1706 and 11-1709 address technical subdivision requirements;  
Section 11-1710(C) requires that the subdivision conform to the City Master Plan;  
Section 11-1710(D) requires that all lots meet zone requirements;  
Sections 1710(A) and (E) through (R) contain infrastructure requirements; and  
Section 11-1710(B) states that subdivided lots “shall be of substantially the same character as to suitability for residential use and structures, lot areas, orientation, street frontage, alignment to streets and restrictions as other land in the subdivision, particularly with respect to similarly situated lots within the adjoining portions of the original subdivision.” Subdivision plat documents or land in the same general location and zone with similar features may be used to determine neighborhood character.; and  
Sections 11-1713(A)(2)(3)(5) address lots measurement variations;

The proposed lots meet the subdivision standards.

## **II. STAFF ANALYSIS**

Staff supports the applicant’s re-subdivision request. The proposed boundary line adjustment does not affect lot lines to the east and west and does not deviate from the characteristics of the River Terrace Subdivision. Moreover, lot 36A (515 Duncan) and 37A (513 Duncan) property owners are in agreement with the line adjustment as presented in this proposal, citing that this boundary line adjustment benefits the wellbeing of each property owner and reflects the way the lots are currently being used through easements.

The following is a comparative analysis of the neighborhood character as it relates to lot size, frontage and width provide additional support for the staff recommendation of approval.

### **A. Neighborhood Character Analysis – 36A and 37A Duncan**

#### Area of Comparison and Similarly Situated Lots

The River Terrace Subdivision, platted in 1948, represents the area of comparison for lots 36A and 37A (Figure 5). The characteristics of the mentioned lots are unique to this platted neighborhood. However, the vast majority of the platted lots are more symmetrical than the curvature nature of platted lots discussed in this proposal because they face a straight area of

street. All lots are in this subdivision in the RB zone are similar as to lot area, frontage, and width of lots 36A and 37A Duncan. When identifying lots for analysis that are “similarly situated,” Lots 29 and 30 located at 525 and 527 Duncan Avenue are the most similar in character to the proposed Lots 36A and 37A.



*Figure 5: River Terrace Subdivision as the area of comparison for Lots 36A and 37A Duncan*





*Figure 7: Two most similarly situated lots for lots 36A and 37A Duncan*

### Lot Analysis

The lot analysis for lots 36A and 37A includes the two lots outlined in red on Figure 7. Although the proposed lots are similar to all interior lots in the River Terrace Subdivision, they are most similar to Lots 29 and 30 Duncan Avenue, in yellow, on Figure 7. The analysis will focus on these lots as they are located directly on the street curve. The lot analysis for size, frontage, and width of the most similarly situated lots appears in Table 2 on page 9.

Address	Lot Area (in sq. ft.)	lot Frontage (in feet)	Lot Width (in feet)
525 Duncan Avenue	2,525	15	22
527 Duncan Avenue	1,995	19.2	23.6
<b>New proposed Lot 36A</b>	<b>3,255</b>	<b>15.01</b>	<b>22</b>
<b>New proposed Lot 37A</b>	<b>3,210</b>	<b>15.00</b>	<b>19</b>

*Table 2: Lot area, frontage, and width at the most similarly situated lots in the River Terrace Subdivision.*

The lot analysis reveals that the proposal to re-subdivide the lot at lots 36A (515 Duncan) and 37A (513 Duncan) would result in a lot that is compatible with similarly situated lots frontage and width.

Staff also recommends that the requested variations are justified in accordance with Section 11-1713 of the Zoning Ordinance. The granting of the variations would alleviate the unreasonable burden against the use and enjoyment of the lots caused by the irregularity in shape preventing conformance with normal lot frontage requirements. These lots should continue to be able to be subdivided to reflect their appropriate utility without being unreasonably forced to comply with standards that are impossible to be met with existing land areas.

### **Conclusion**

In summary, Proposed Lots 36A (515 Duncan) and 37A (513 Duncan) adhere to all general subdivision and technical requirements of the RB Zone with the granting of variations for existing conditions not affected by this requires and would not detract from the existing neighborhood character.

Subject to the conditions contained in Section III of this report, staff recommends approval of the re-subdivision request.

### **III. RECOMMENDED CONDITIONS**

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

1. The final subdivision plat shall comply with the requirements of Section 11-1700 of the Zoning Ordinance. (P&Z)
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)

STAFF: Alex Dambach, Division Chief, Land Use Regulatory Services  
Jose Carlos Ayala, Urban Planner

---

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 Traffic Engineering, Transportation Planning, and Surveys have no comments on this application.
- C-1 The final subdivision plat shall comply with the provisions of Section 11-1709 of the City's Zoning Ordinance.
- C-2 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-3. The development and redevelopment of the subdivided lots shall not adversely impact the storm water drainage or create a nuisance to the public and private properties. (Sec. 5-6-224)
- C-4. All secondary utilities serving the subdivided lots shall be placed underground. (Sec. 5-3-3)

##### Code Enforcement:

No comments

##### Archaeology:

- F-1 There is low potential for significant archaeological resources to be disturbed by this project. No archaeological action is required.

##### Real Estate Assessments:

No comments

##### Recreation, Parks, & Cultural Activities:

No comments

##### Police Department:

No comments received

##### Fire Department:

No comments



## APPLICATION

### SUBDIVISION OF PROPERTY

SUB # \_\_\_\_\_

PROPERTY LOCATION: 513 and 515 Duncan Avenue, Alexandria, Virginia 22301

TAX MAP REFERENCE: 035.03-09-34 & 35

ZONE: RB (Townhouse Residential)

#### APPLICANT:

Name: Nathan E. Shue

Address: 513 Duncan Avenue, Alexandria, VA 22301

#### PROPERTY OWNER:

Name: SEE ATTACHED

Address: \_\_\_\_\_

SUBDIVISION DESCRIPTION SEE ATTACHED

☒ **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.

Duncan W. Blair, Esq.

Print Name of Applicant or Agent

524 King Street

Mailing/Street Address

Alexandria, VA

22314

City and State

Zip Code

Signature

703-836-1000

Telephone #

Fax #

dblair@landcarroll.com

Email address

June 26, 2017

Date

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

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

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

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



**SUBDIVISION APPLICATION: 513 and 515 Duncan Avenue**

**PROPERTY OWNER INFORMATION**

**Property Location: 513 Duncan Avenue, Alexandria, VA 22301**

**Name:** Nathan E. Shue

**Address:** 513 Duncan Avenue, Alexandria, VA 22301

**Property Location: 515 Duncan Avenue, Alexandria, VA 22301**

**Name:** Adam Shaw  
Beth A. Barefoot

**Address:** 515 Duncan Avenue, Alexandria, VA 22301

**SUBDIVISION APPLICATION: 513 and 515 Duncan Avenue**

**DESCRIPTION/REQUEST**

The Applicant is requesting a boundary line adjustment between Lot thirty-six (36) River Terrace Subdivision (515 Duncan Avenue) and Lot thirty-seven (37) River Terrace Subdivision (513 Duncan Avenue). River Terrace Subdivision was created by Deed of Subdivision dated March 10, 1950 and recorded in Deed Book 295, Page 298 among the Land Records of the City of Alexandria, Virginia (see Exhibit I) Lots thirty-six (36) and thirty-seven (37)

Lot lines remain as platted in 1950, although a portion of Lot thirty-six (36) containing approximated 531 square feet of land is encumbered by an exclusive perpetual use for the use and enjoyment of the owners of Lot thirty-seven (37) (see Exhibit II).

The approval of the request plat of resubdivision will transfer the land burdened by the Perpetual Use Easement from Lot thirty-six (36) to Lot thirty-seven (37). This requested approval of the resubdivision plat creates new lots that are RB/ Townhouse zone compliant and consistent with the requirements of the Alexandria Subdivision Ordinance.

Subdivision # \_\_\_\_\_

**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 Owners    ☐ 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.

Not Applicable.

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
1.	Nathan E. Shue	513 Duncan Avenue, Alexandria, VA 22301	100%
2.			
3.			

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at 513 Duncan Avenue, Alexandria, VA 22301 (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
1.	Nathan E. Shue	513 Duncan Avenue, Alexandria, VA 22301	100%
2.			
3.			

**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.)
1.	Nathan E. Shue	None	N/A
2.			
3.			

**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 26, 2017

Date

Duncan W. Blair, Esq.

Printed Name



Signature



## 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 ten 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
1.	Adam Shaw	515 Duncan Avenue, Alexandria, VA 22301	100%
2.	Beth A. Barefoot	515 Duncan Avenue, Alexandria, VA 22301	100%
3.			

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at 515 Duncan Avenue, Alexandria, VA 22301 (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten 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
1.	Adam Shaw	515 Duncan Avenue, Alexandria, VA 22301	100%
2.	Beth A. Barefoot	515 Duncan Avenue, Alexandria, VA 22301	100%
3.			

**3. Business or Financial Relationships.** Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is 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.

	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.)
1.	Adam Shaw	None	N/A
2.	Beth A. Barefoot	None	N/A
3.			

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 26, 2017

Date

Duncan W. Blair, Esq.

Printed Name



Signature

Subdivision # \_\_\_\_\_

**WAIVER OF RIGHT TO AUTOMATIC APPROVAL**

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

**PROJECT NAME:** 513 and 515 Duncan Avenue Subdivision

**PROJECT ADDRESS:** 513 and 515 Duncan Avenue, Alexandria, VA 22301

**DESCRIPTION OF REQUEST:**

See Attached

**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, for the number of days between June 29, 2017 and September 7, 2017 in excess of forty-five (45) days.

**Date:** June 26, 2017

☐ Applicant

☒ Agent

**Signature:** 

**Printed Name:** Duncan W. Blair, Esq.

BOX 295 PAGE 298

DEED OF DEDICATION

THIS DEED, made this 10<sup>th</sup> day of March, 1950, by and between FRANK I. KOPLIN and MILDRED E. KOPLIN, his wife, JAMES JULIANO and ANN JULIANO, his wife;

WHEREAS, by a deed to be recorded simultaneously herewith title was conveyed to Mildred E. Koplin and James Juliano by Richmond, Fredericksburg & Potomac Railroad Company to a tract of land located in the extended limits of the City of Alexandria, Virginia, containing 143,983 square feet and in said deed more particularly described, reference to which is hereby made as if the same were herein set forth in full, and

WHEREAS, by a plat prepared by Cecil J. Cross, Certified Surveyor, under date of August 8th, 1949 said tract of land has been subdivided and the subdivision approved by local planning commission as appears from the stamp of approval shown thereon, and

WHEREAS, it is the desire of the parties to dedicate said parcel in accordance with that plat, dividing said parcel into certain lots and dedicating to the public Duncan Avenue Extended and certain alleys thereon shown.

NOW, THEREFORE, THIS DEED WITNESSETH: that the undersigned being the sole owners and proprietors of the tract of land above referred to, do hereby dedicate the same in accordance with the attached plat to be known as RIVER TERRACE SUBDIVISION, in accordance with the laws of the State of Virginia and the local ordinances of the City of Alexandria, subject to the building restriction lines as indicated on said plat.

WITNESS the following signatures and seals.

Frank I. Koplin (SEAL)  
Frank I. Koplin

Mildred E. Koplin (SEAL)  
Mildred E. Koplin

James Juliano (SEAL)  
James Juliano

Ann Juliano (SEAL)  
Ann Juliano

BOOK 235 PAGE 299

STATE OF VIRGINIA )  
CITY OF ALEXANDRIA )

to-wit:

I, the undersigned Notary Public in and for the State and City aforesaid, do hereby certify that FRANK I. KUPLIN and MILDRED E. KUPLIN, his wife, JAMES JULIANO and ANN JULIANO, his wife, whose names are signed to the above deed bearing date on the 10<sup>th</sup> day of March, 1950, have acknowledged the same before me in my said State and City.

GIVEN under my hand this 10<sup>th</sup> day of March, 1950.

My commission expires: My Commission Expires December 11, 1951

Ra. Cryan  
Notary Public

VIRGINIA:

In the Clerk's Office of the Corporation Court of the City of Alexandria, on MAR 20 1950, this deed was received and with the annexed certificate, admitted to record at 2:30 o'clock PM.

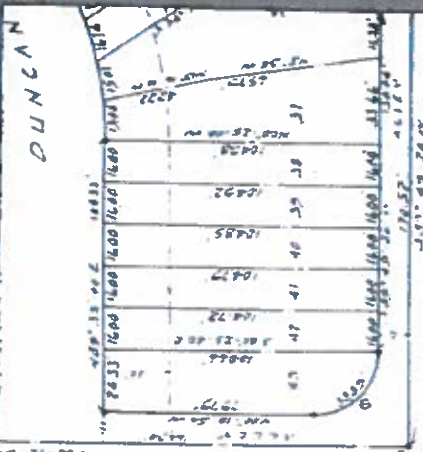
Tests:

Ellen J. Agnew Clerk





DUNCAN  
AVENUE



**SURVEYORS CERTIFICATE**

I hereby certify that I have carefully surveyed the property delineated herein and that it is correct to the best of my knowledge and belief, that it is the same property conveyed by Andrew Cheshire to Norman Hall by deed dated May 2, 1923 and recorded in C.A. 103 amongst the land records of the City of Alexandria, Virginia and is within the boundaries thereof, that was previously shown thus indicated.

*Wm. J. Lister*  
Surveyor

AUG 8, 1923

The above and foregoing subdivision as appears herein is with the free consent and in accordance with the desire of the undersigned owner and proprietor thereof.

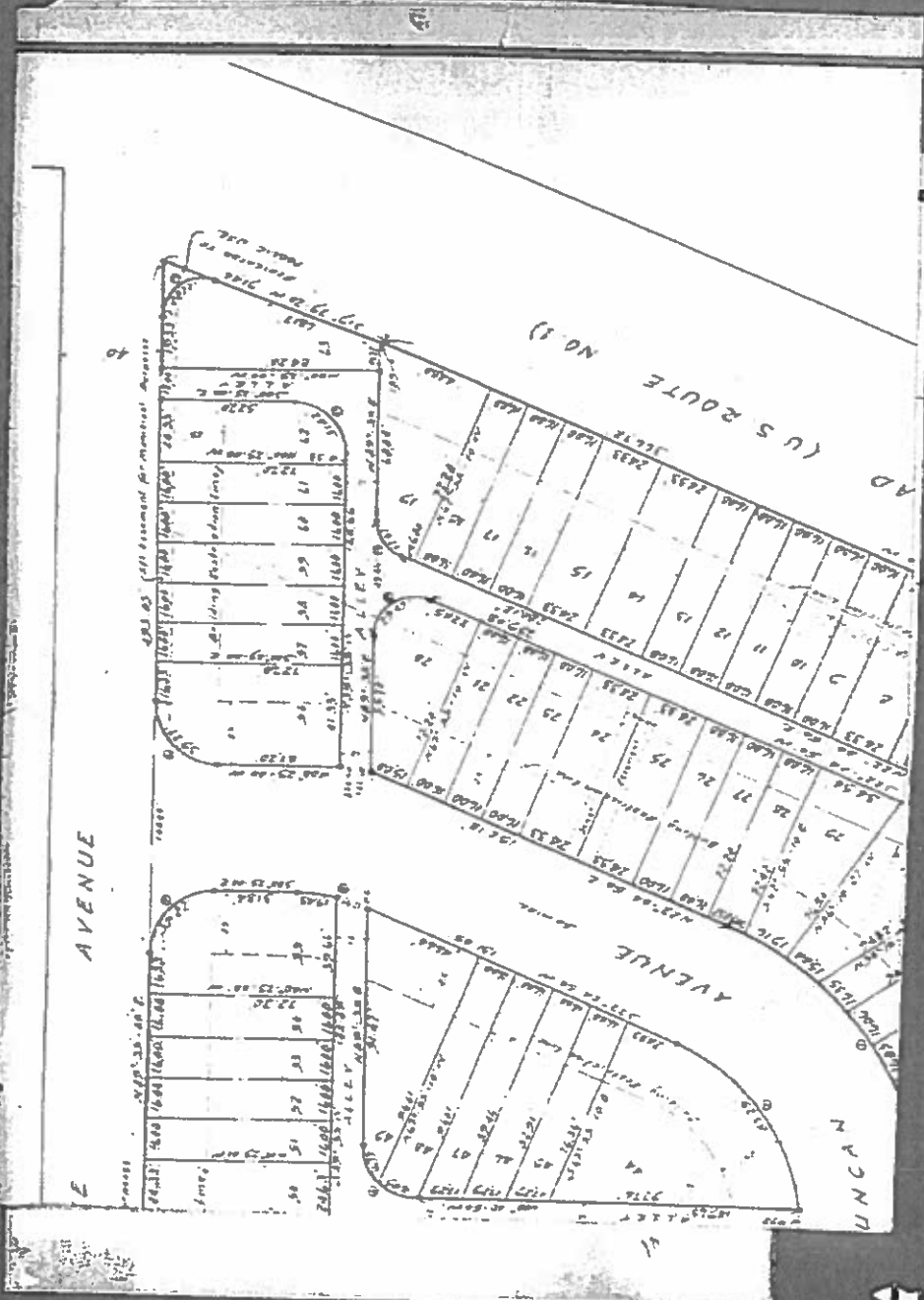
Witness my hand and Great Seal of the City of Alexandria, Virginia, this 8th day of August, 1923.

*Wm. J. Lister*  
Mayor

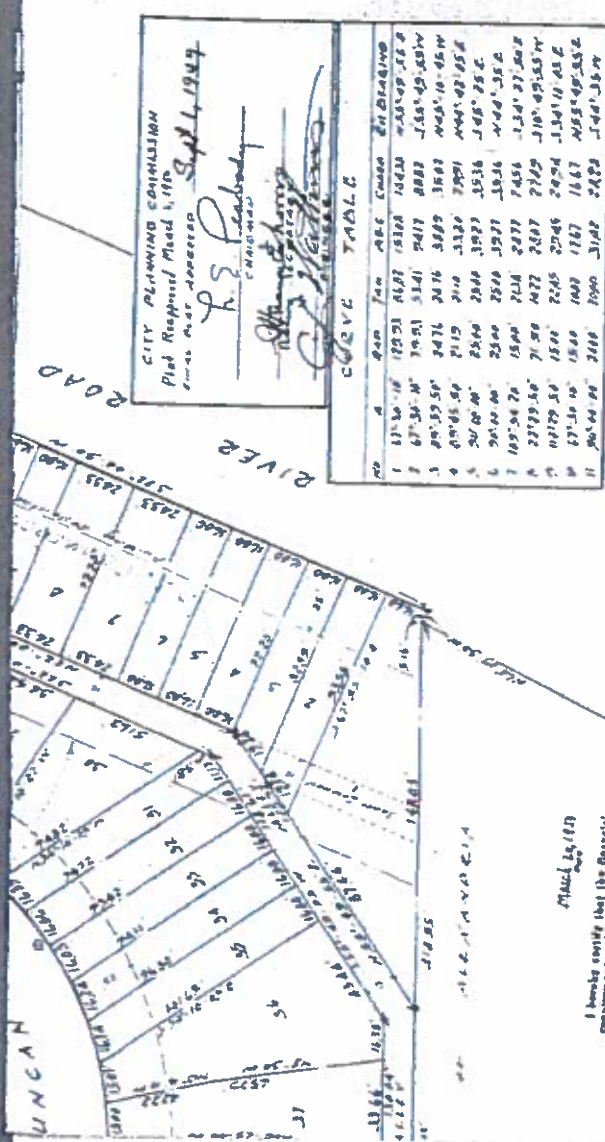
*Wm. J. Lister*  
Mayor

25 301

215-302







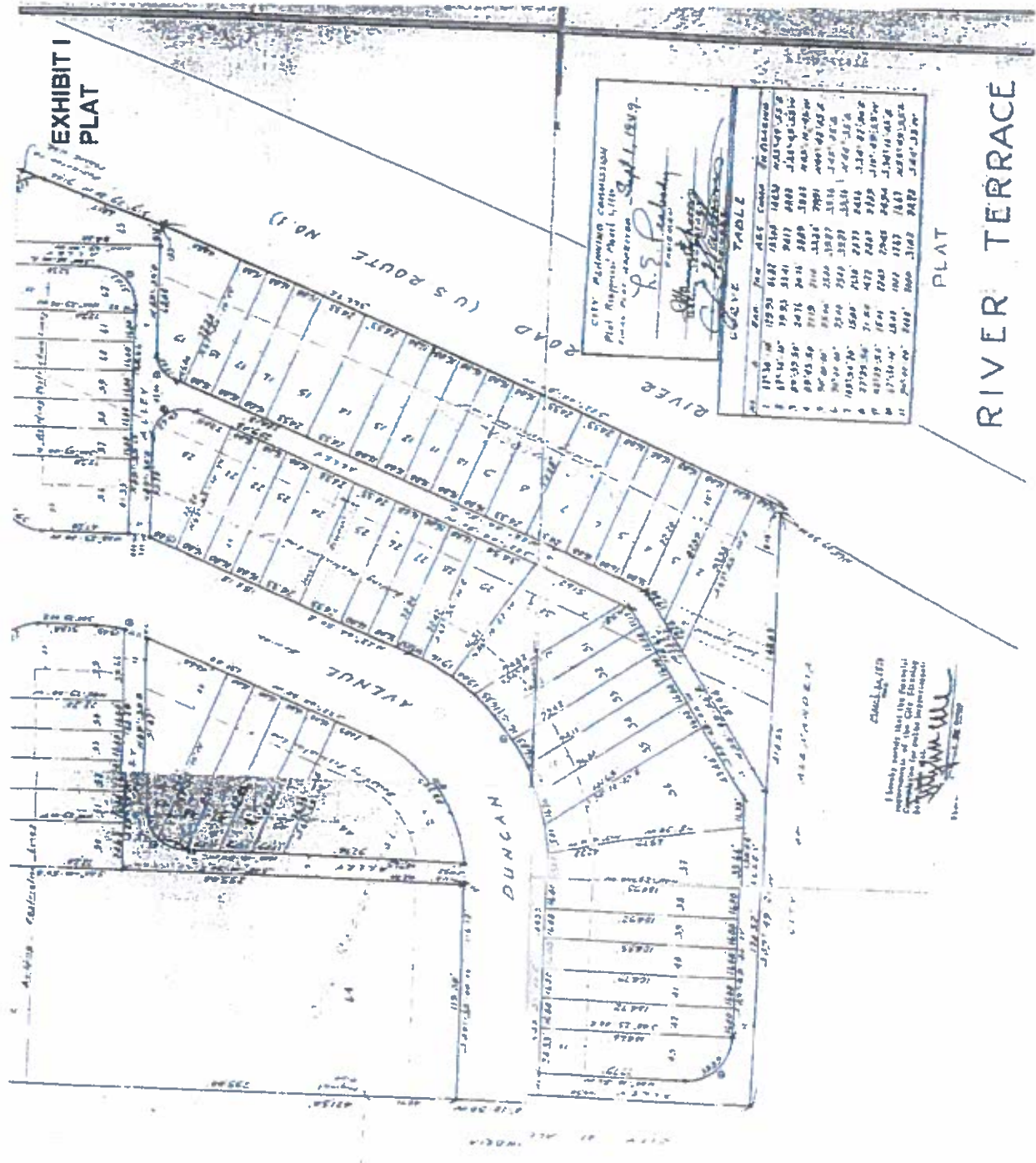
**RIVER TERRACE**  
 ALEXANDRIA VIRGINIA  
 SCALE 1" = 30'  
 AUG. 1947

**RIVER**  
 R. E. P. R. R. CO.  
 1000 W. STREET, ALEXANDRIA, VIRGINIA

I hereby certify that the Standard  
 requirements of the City Planning  
 Commission for public improvement  
 have been met.

*[Signature]*  
 R. E. P. R. R. CO.





**SURVEYORS CERTIFICATE**

I hereby certify that I have carefully surveyed the property delineated herein and that it is correct in the best of my knowledge and belief, that it is the same property conveyed by Andrew Cheshire to William C. C. by deed dated May 2, 1923, and recorded in 28-103-20-20 among the land records of the City of Alexandria, Virginia, and is within the boundaries thereof, that was pipe shown thus have been placed as indicated.

**August 1928**  
**Ernest E. Evers**  
 City Surveyor

The above and foregoing subdivision as shown herein is with the pipe segment and in accordance with the desire of the undersigned owner and preparator thereof.

**Ernest Evers**  
 City Surveyor

**W. C. C.**  
 City Surveyor

**DEED OF EASEMENT  
PERPETUAL USE**

THIS DEED OF EASEMENT ("Deed"), dated as of March, 10, 2017, by and between KARGIL, LLC, a Virginia limited liability company ("Kargil"); and NATHAN E. SHUE ("Shue"). For indexing purposes, Kargil and Shue are Grantors and Grantees.

**RECITALS**

A. Kargil is the owner of certain real property located in the City of Alexandria, Virginia, and known as 515 Duncan Avenue, City of Alexandria Tax Map No. 35.03, Block 09, Lot 35, being the real property Kargil acquired by Deed dated September 15, 2015, and recorded as Instrument # 150015643, among the land records of the City of Alexandria, Virginia (the "Land Records") and more particularly described as follows:

Lot 36, RIVER TERRACE, as the same is duly dedicated, platted and recorded in Deed Book 295, page 298 among the land records of the City of Alexandria, Virginia.

(The "Kargil Property").

B. Shue is the owner of certain real property located in the City of Alexandria, Virginia, and known as 513 Duncan Avenue, City of Alexandria Tax Map No. 35.03, Block 09, Lot 34, being the real property Shue acquired, Deed dated April 17, 2009, and recorded as Instrument # 090007247 among the Land Records, and more particularly described as follows:

Lot Numbered Thirty-Seven (37), of the Subdivision of RIVER TERRACE, as the same is duly dedicated, platted and recorded in Liber 295, page 298 among the land records of the City of Alexandria, Virginia, together with and subject to party wall rights.

(The "Shue Property").

C. The eastern boundary line of the Shue Property and western boundary line of the Kargil Property form a common boundary line between the Shue Property and the Kargil Property (the "Common Boundary Line").

D. Kargil has agreed to grant Shue an exclusive and perpetual use easement, including to the exclusion of Kargil and its successors and assigns, over those portions of the Kargil Property designated "Easement Hereby Created (531 Square feet)" on the plat dated February

 COPY

11, 2016, titled: "Plat Showing An Easement On Lot 36 RIVER TERRACE (Deed Book 295, Page 298) City of Alexandria, Virginia" (the Perpetual Use Easement").

E. Kargil further agrees that Shue has the right, in his sole and absolute discretion and at his sole cost and expense, to file an application requesting City of Alexandria approval of a plat of resubdivision to resubdivide and adjust the Common Boundary Line so that to the portion of the Kargil Property encumbered by Perpetual Use Easement is incorporated into the Shue Property. Kargil and its successors and assigns, agreed to sign all applications and other document necessary to file an application and all other document necessary, including a Deed of Resubdivision, and to support the request for approval of the resubdivision plat.

000294

#### WITNESS

In consideration of the sum of Ten Dollars (\$10.00), and of the Recitals which are deemed a material and substantive part of this Deed and other good and valuable consideration, Kargil does hereby create, grant, and convey the Easement of Perpetual Use to Shue, his successors and assigns, for the exclusive use and enjoyment of Shue, his successors and assigns, on the following terms and conditions:

1. Shue, his successors and assigns shall be responsible for the maintenance of the real property encumbered by the Perpetual Use Easement, and shall indemnify and hold Kargil, its successors and assigns, harmless from any loss or damage to person or property, including reasonable attorney fees, arising out of the use and enjoyment of the Perpetual Use Easement.

2. Shue has the right, in his sole and absolute discretion and at his sole cost and expense, to file an application requesting City of Alexandria approval of a plat of resubdivision to resubdivide and adjust the Common Boundary Line so that to the portion of the Kargil Property encumbered by Perpetual Use Easement is incorporated into the Shue Property. Kargil and its successors and assigns, agreed to sign all applications and other document necessary to file an application and all other document necessary, including a Deed of Resubdivision, and to support the request for approval of the resubdivision plat.

This Deed has been executed and delivered by Kargil and Shue pursuant to due and proper authority.

KARGIL, LLC, a Virginia limited liability company

By: [Signature]

Name: Gil Amaro

Title: Managing Member

000295

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF Alexandria, to-wit:

The foregoing instrument was acknowledged before me on March, 10, 2017, by Gil Amaro, Managing Member of Kargil, LLC, a Virginia limited liability company, on behalf of the company.

[Signature]  
Notary Public

My commission expires: 3/31/2018

Registration # 7612624



  
Nathan E. Shue

000296

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF Alexandria, to-wit:

The foregoing instrument was acknowledged before me on March, 10<sup>th</sup>, 2017, by  
Nathan E. Shue.

  
Notary Public

My commission expires: 3/31/2018

Registration # 7161 2624



INSTRUMENT #170003651  
RECORDED IN THE CLERK'S OFFICE OF  
ALEXANDRIA ON  
MARCH 10, 2017 AT 02:46PM

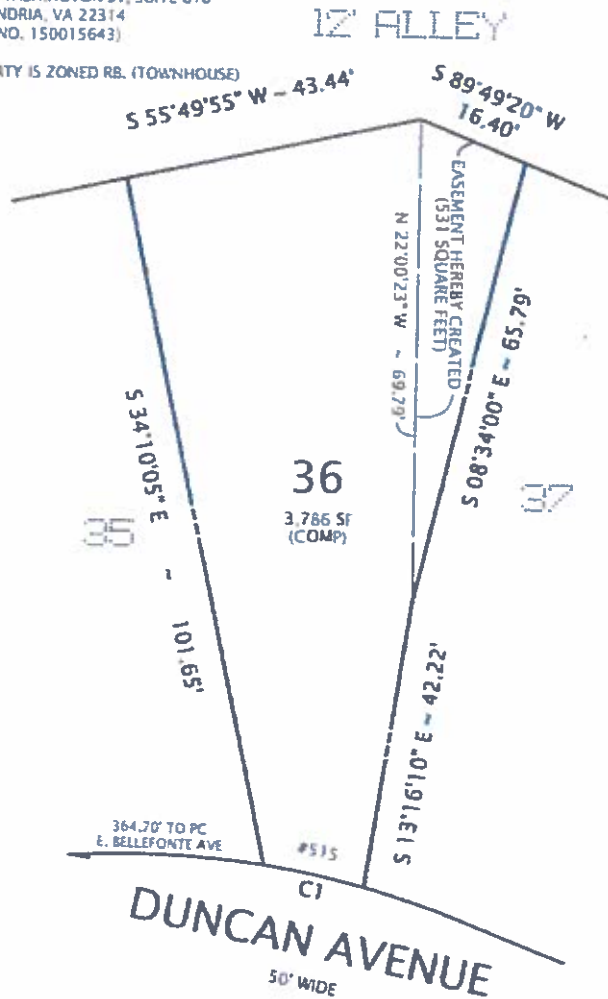
EDWARD SEMONIAN, CLERK  
RECORDED BY: CDF

*plat attached*



NOTES 1. OWNER LOT 36  
KARGIL, LLC  
300 N WASHINGTON ST, SUITE 610  
ALEXANDRIA, VA 22314  
(INST. NO. 150015643)

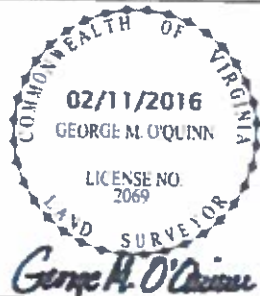
2. PROPERTY IS ZONED RB. (TOWNHOUSE)



PLAT  
SHOWING AN EASEMENT ON  
LOT 36 FOR THE BENEFIT OF LOT 37  
**RIVER TERRACE**  
(DEED BOOK 295, PAGE 298)  
CITY OF ALEXANDRIA, VIRGINIA  
SCALE: 1" = 20' FEBRUARY 11, 2016

CERTIFIED CORRECT

THIS PLAT IS SUBJECT TO  
RESTRICTIONS OF RECORD.  
A TITLE REPORT WAS NOT FURNISHED.  
NO CORNER MARKERS SET.



CASE NAME:

SHUE/KARGIL, LLC  
BREMEN BUILDERS

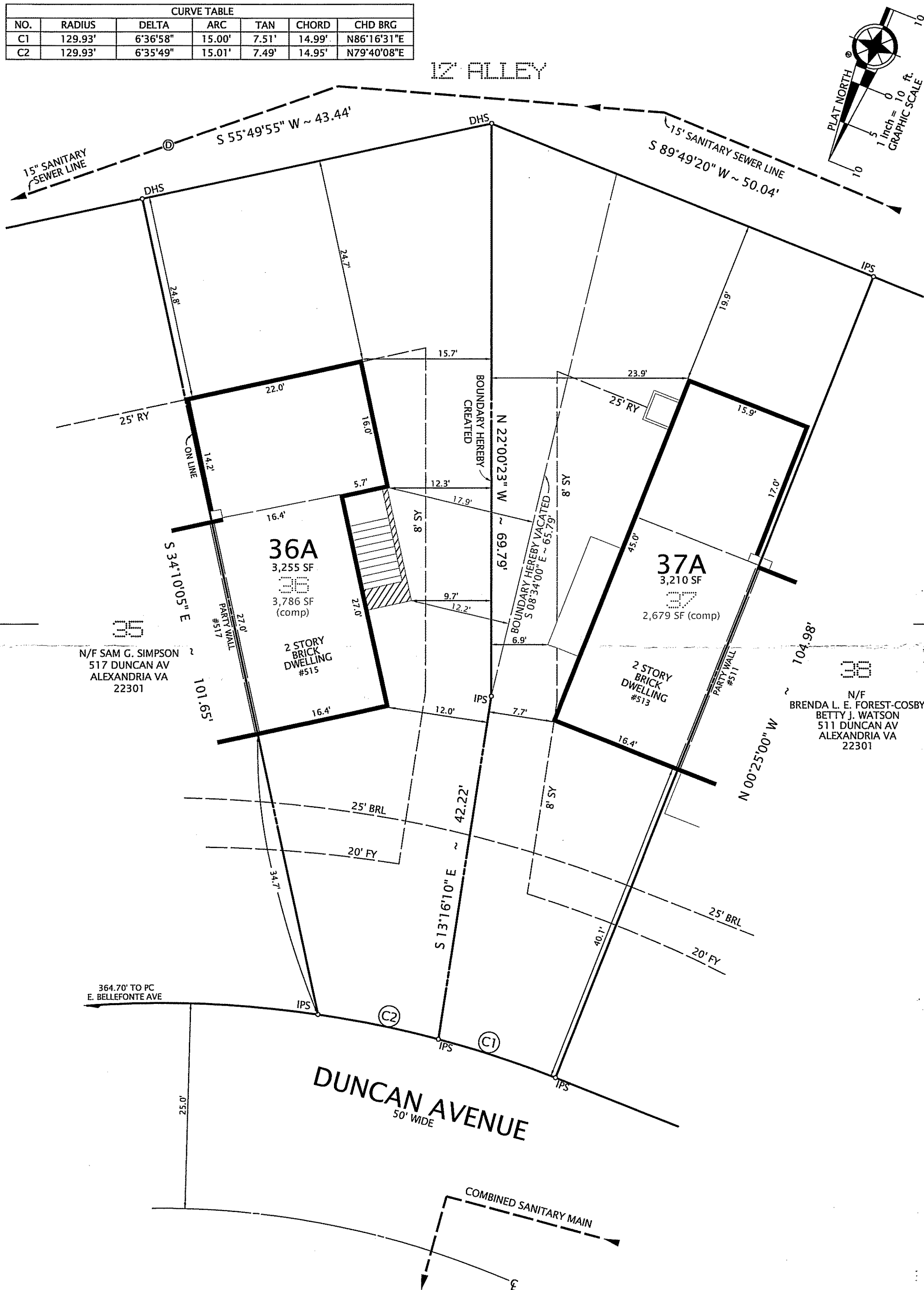
**DOMINION** Surveyors Inc.®

8808-H PEAR TREE VILLAGE COURT  
ALEXANDRIA, VIRGINIA 22309  
703-619-6555  
FAX: 703-799-6412

CASE NAME: SHUE/KARGIL, LLC

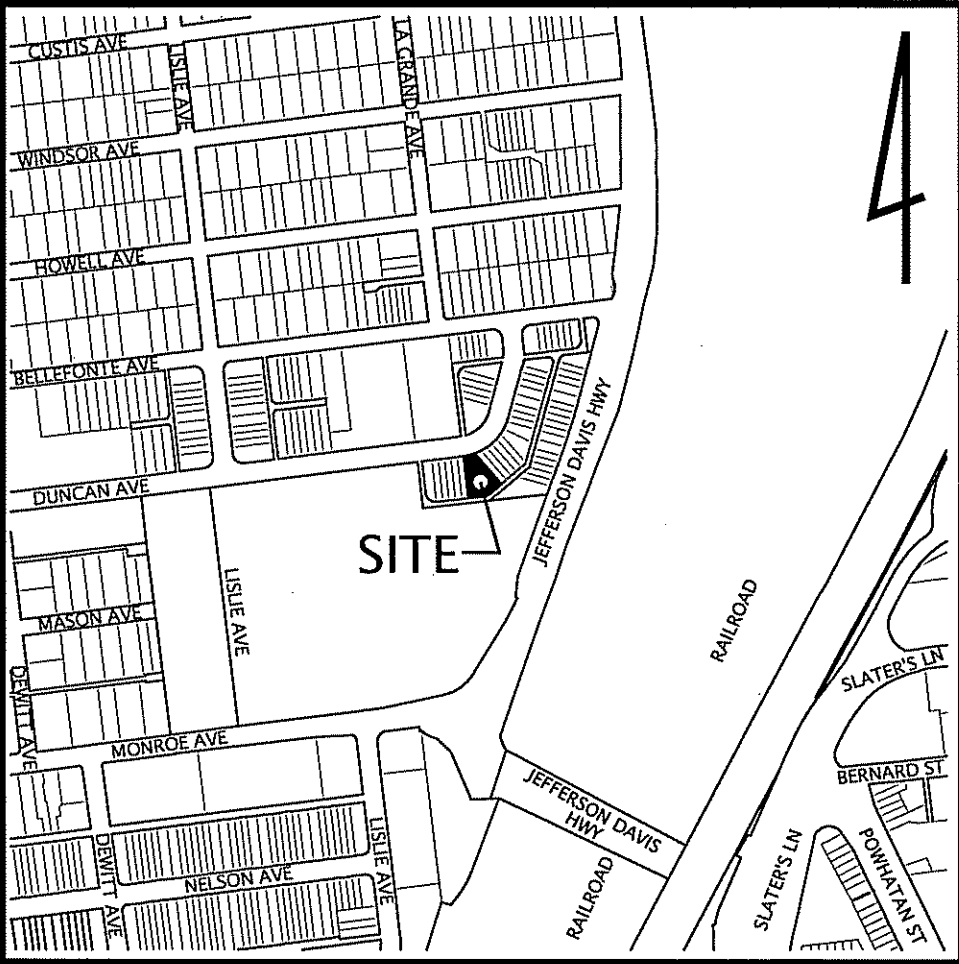
#151026012-1

CURVE TABLE						
NO.	RADIUS	DELTA	ARC	TAN	CHORD	CHD BRG
C1	129.93'	6°36'58"	15.00'	7.51'	14.99'	N86°16'31"E
C2	129.93'	6°35'49"	15.01'	7.49'	14.95'	N79°40'08"E



NOTES:

- 1. THE PROPERTIES DELINEATED HEREON ARE SHOWN AS TAX MAP #'S: 035.03-09-34 (LOT 37), AND 035.03-09-35 (LOT 36), AND ARE ZONED RB. (TOWNHOUSE ZONE)
- 2. NO TITLE REPORT WAS FURNISHED.
- 3. PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.
- 4. TOTAL AREA OF RESUBDIVISION = 6,465 SF. (0.1484 ACRE)
- 5. OWNERS: LOT 36  
ADAM SHAW AND BETH A. BAREFOOT  
515 DUNCAN AVENUE  
ALEXANDRIA, VIRGINIA 22301  
(INST. NO. 170008634)  
  
LOT 37  
NATHAN E. SHUE  
513 DUNCAN AVENUE  
ALEXANDRIA, VA 22301  
(INST. NO. 090007247)
- 6. THERE ARE NO FLOOD PLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
- 7. THERE IS NO EVIDENCE OF ANY GRAVE OR OBJECT OR STRUCTURE MARKING A PLACE OF BURIAL ON THIS PROPERTY.
- 8. THERE ARE NO KNOWN SOILS OR MATERIALS CONTAMINATED WITH HEAVY METALS, PETROLEUM PRODUCTS, PCB'S, FLY ASH, OR OTHER TOXIC OR HAZARDOUS MATERIALS ON THIS PROPERTY.
- 9. THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS ON THIS PROPERTY.
- 10. THERE ARE NO KNOWN FORMER SANITARY LANDFILLS, DUMP OR DISPOSAL AREAS WITHIN 1000 FEET OF THIS PROPERTY.
- 11. THERE ARE NO KNOWN AREAS WITH THE POTENTIAL FOR GENERATING COMBUSTIBLE GASSES ON THIS PROPERTY.
- 12. THIS PROPERTY IS SERVED BY PUBLIC SEWER AND WATER.
- 13. FENCES ARE CHAIN LINK UNLESS NOTED.
- 14. THERE ARE TWO DWELLINGS ASSOCIATED WITH THIS APPLICATION.



VICINITY MAP  
NO SCALE

AREA TABULATION

POST-BOUNDARY LINE ADJUSTMENT			PRE-BOUNDARY LINE ADJUSTMENT		
LOT 36A	3,255 SF	0.0747 ACRE	LOT 36	3,786 SF (COMP)	0.0869 ACRE
LOT 37A	3,210 SF	0.0737 ACRE	LOT 37	2,679 SF (COMP)	0.0615 ACRE
TOTAL	6,465 SF	0.1484 ACRE	TOTAL	6,465 SF (COMP)	0.1484 ACRE

531 SQUARE FOOT ADJUSTMENT

APPROVED

CITY PLANNING COMMISSION  
ALEXANDRIA, VIRGINIA

CHAIRMAN

DATE

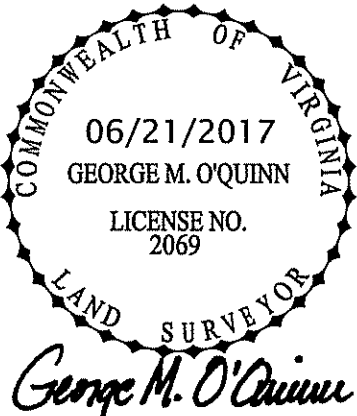
DIRECTOR OF PLANNING

DATE

PUBLIC IMPROVEMENTS BOND(S) APPROVED

DIRECTOR T. & E.S.

DATE



PRELIMINARY PLAT  
SHOWING  
LOTS 36A AND 37A  
RIVER TERRACE  
BEING A BOUNDARY LINE ADJUSTMENT OF  
LOTS 36 AND 37  
RIVER TERRACE  
(DEED BOOK 295, PAGE 298)  
CITY OF ALEXANDRIA, VIRGINIA  
SCALE: 1" = 10' JUNE 21, 2017

DOMINION Surveyors  
inc.®  
8808-H PEAR TREE VILLAGE COURT  
ALEXANDRIA, VIRGINIA 22309  
703-619-6555  
FAX: 703-799-6412