

SCENIC EASEMENT

THIS SCENIC EASEMENT, made this 15th day of SEPTEMBER, 2003, between the PRESIDENT AND DIRECTORS OF GEORGETOWN COLLEGE, a corporation chartered by an Act of Congress, whose address is 37th and O Streets, N.W., Washington, D.C. 20057, hereinafter referred to as the "Grantor", and the UNITED STATES OF AMERICA, Washington, D.C. 20240, acting by and through the Secretary of the Interior, hereinafter referred to as the "Grantee."

WHEREAS, Section 149(a) (14) of Title I of the Surface Transportation and Uniform Relocation Assistant Act of 1987 (Pub. L. 100-17; 101 Stat. 132, 183; April 2, 1987), as amended by Section 338 of the Department of Transportation and Related Agencies Appropriation Act of 1990 (Pub. L. 101-164; 103 Stat. 1069, 1099; November 21, 1989) (hereinafter referred to as "the Act"), calls for "a demonstration project in the vicinity of the C&O Canal in the District of Columbia for the purpose of substantially improving motor vehicle access at a major traffic generator without decreasing the efficiency of a Federal-aid primary highway" (hereinafter referred to as the "Demonstration Project.")

WHEREAS, the Act provides that "[n]o Federal assistance shall be provided to carry out the [Demonstration Project] until private sources dedicate 2.5 acres of land as a scenic easement for project purposes."

WHEREAS, the Demonstration Project will be of significant benefit to the Grantor; and

WHEREAS, a determination has been made by the Federal Highway Administration that the dedication of 2.5 acres to the Grantee by the Grantor for use as a permanent scenic easement for the Demonstration Project will, pursuant to the Act, satisfy the 20 percent state or local matching of Federal funds as required by Title 23, United States Code; and

WHEREAS, the Grantor is the owner in fee simple of the real property hereinafter described, which it desires to preserve as open-space land.

NOW, THEREFORE, in recognition of the foregoing, and in consideration of the mutual covenants herein and the acceptance hereof by the Grantee, the Grantor in accordance with the provisions below, does hereby grant and convey to the Grantee and its assigns at no cost, an exclusive and perpetual open-space, scenic easement over, and the right in perpetuity to restrict the use of, the real estate consisting of 2.5 acres, located in Washington, D.C., and more particularly described on Exhibit A attached hereto, hereinafter referred to as the "Property."

The acquiring Federal agency is the Department of the Interior, National Park Service.

The scope of the foregoing easement, the acts which the Grantor covenants to do and not to do upon the Property, and the restrictions which the Grantee is hereby entitled to enforce, are and shall be, in their entirety, as follows:

1. No permanent building shall be built or maintained on the Property.

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2. No trees shall be cut down on the Property which are greater than 6 inches in diameter at breast height (dbh) measured at 4' 6" above grade without the written consent of Grantee, which consent will not be unreasonably withheld, conditioned or delayed. Notwithstanding the foregoing, Grantee shall not withhold consent for the cutting down of a tree or trees greater than 6 inches dbh if necessary for the building of a private road as described in Section 3 below.
3. Private roads and utilities may be constructed on the Property; however no road shall be constructed which would connect the north and south parts of the Georgetown University campus other than a gated road for service vehicles.
4. Representatives of the Grantee may enter the Property from time to time for purposes of inspection and enforcement of the terms of this scenic easement after permission from or reasonable prior notice to Grantor or Grantor's representative.

Nothing herein shall be construed to convey to the public any right or benefit, including without limitation any right of access to or use with respect to the Property. The Grantors, their heirs, successors, personal representatives and assigns, hereby retain all rights not expressly conveyed herein, including without limitation the exclusive right to such access and use, subject to the terms hereof.

WITNESS the following signatures and seals.

Signed, sealed and delivered
in presence of:

Attest: Clair Ziegler

(Corporate Seal)

THE PRESIDENT AND DIRECTORS
OF GEORGETOWN COLLEGE

By: Christopher Joyce
Christopher Joyce, Senior Vice President
and Treasurer

IN TESTIMONY WHEREOF, the United States of America, by and through the Secretary of the Interior, the Grantee, has executed on its behalf as its free act and deed for the uses and purposes herein contained, and intending to be legally bound, has as of the day and year first above written, caused these presents to be executed by Terry R. Carlstrom, Regional Director, National Capital Region, National Park Service, Department of the Interior, and does hereby constitute and appoint said Terry R. Carlstrom as its true and lawful attorney-in-fact to acknowledge and accept this Deed of Easement as its free act and deed for the uses and purposes herein contained.

Signed, sealed and delivered
in presence of

Attest: J. A. [Signature]

(Seal)

ACCEPTED:

UNITED STATES OF AMERICA

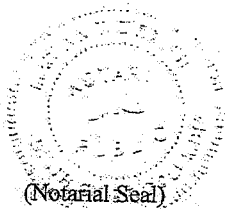
By: Terry R. Carlstrom
Regional Director
National Capital Region
National Park Service
Department of the Interior

DISTRICT OF COLUMBIA)
)
CITY OF WASHINGTON)

SS:

I, Marilyn T. Ziegler, a Notary Public in and for the District of Columbia, do hereby certify that Christopher Joyce being personally well known to me as the person named as attorney in fact for the said President and Directors of Georgetown College, the corporation grantor in the foregoing and annexed Scenic Easement bearing date of _____ 03, personally appeared before me in said District of Columbia, and by virtue of the authority thereby conferred upon him acknowledged the same to be the act and deed of the said Grantor.

GIVEN under my hand and seal this 15th day of SEPTEMBER, 2003.



(Notarial Seal)

Marilyn T. Ziegler
Notary Public

Marilyn T. Ziegler
Notary Public, District of Columbia
My Commission Expires 02-14-2008

My commission expires: _____

DISTRICT OF COLUMBIA)
)
CITY OF WASHINGTON)

SS:

I, Julia S. Young, a Notary Public in and for the District of Columbia, do hereby certify that Terry R. Carlstrom, Regional Director, National Capital Region, National Park Service, Department of the Interior, personally appeared before me this 11th day of September, 2003, in said District of Columbia, and by virtue of the authority thereby conferred upon him acknowledged the same to be the act and deed of the said Grantee.

GIVEN under my hand and seal this 10th day of September, 2003.



(Notarial Seal)

Julia S. Young
Notary Public

My commission expires: May 31, 2004

Julia S. Young
Notary Public
District of Columbia
My Commission Expires May 31, 2004

Exhibit A

All that piece or parcel of land, lying, situated, and being in the District of Columbia, Northwest.
And being more particularly described as follows:

Beginning at the southwesterly corner of Prospect Street, Northwest (60 feet in width) said point being at the westerly terminus of the aforesaid Prospect Street; thence departing the aforesaid Prospect Street the following two (2) courses and distances:

Thence, S 01° 32' 04"E, 115.54 feet to a point;

Thence, S 09° 29' 56"W, 3.22 feet to a point on the northerly line of Canal Road, Northwest, (variable width);

Thence, continuing with the aforesaid northerly line of Canal Road the following seven (7) courses and distances:

N 80° 34' 34"W, 289.42 feet to a point;

Thence, along the arc of a curve to the left having an arc length of 151.82 feet, a radius of 830.00 feet, and arch bearing of N 85° 48' 59" W and a chord length of 151.61 feet to a point;

Thence, S 88° 56' 36" W, 315.99 feet to a point;

Thence, along the arc of a curve to the right having an arc length of 151.82 feet, a radius of 589.73 feet, and arch bearing of N 85° 48' 59" W and a chord length of 151.61 feet to a point;

Thence, N 78° 59' 04" W, 84.32 feet to a point;

Thence, along the arc of a curve to the right having an arc length of 124.39 feet, a radius of 1023.26 feet, and arch bearing of N 75° 30' 07" W and a chord length of 124.31 feet to a point;

Thence, N 72° 01' 10" W, 182.71 feet to a point;

Thence departing the aforesaid northerly line of Canal Road and running with the common line between Georgetown University and the National Park Service

Thence, N 04° 32' 04" W, 39.74 feet to a monument found and thence, N 04° 32' 04"W 53.89 feet to the point of beginning.

Thence, with the common line between the lands of the Georgetown University and the National Park Service the following seven (7) courses and distances:

Thence, N 54° 42' 01" W, 268.72 feet to a monument found;

Thence, N 00° 25' 07" E, 309.25 feet to an iron pipe found;

Thence, N 00° 23' 07" E, 819.34 feet to a point;
Thence, N 23 ° 13' 18" W, 804.94 feet to a monument found;
Thence, N 59° 10' 18" W, 170.00 feet to a monument found;
Thence, S 88° 57' 18" E, 18.41 feet to a stone found;
Thence, N 16° 55' 42" E, 245.79 feet to a point on the southerly line of Reservoir Road;
Thence, departing the aforementioned southerly line of Reservoir Road and running through the lands of Georgetown University the following twenty (20) courses and distances;
Thence, S 01° 00' 09" E, 231.44 feet to a point;
Thence, S 42° 56' 24"E, 106.79 feet to a point;
Thence, S 22° 23' 56"E, 344.28 feet to a point;
Thence, S 26° 48' 37" E, 555.45 feet to a point;
Thence, S 06 ° 41' 22" E, 173.23 feet to a point;
Thence, S 02° 40' 10" E, 141.89 feet to a point;
Thence, S 31 ° 01' 40" W, 147.95 feet to a point;
Thence, S 05° 09' 18" W, 420.42 feet to a point;
Thence, S 00° 25' 46" E, 113.97 feet to a point;
Thence, S 24° 25' 47" E, 100.86 feet to a point;
Thence, S 48° 40' 16" E, 134.75 feet to a point;
Thence, S 70° 13' 48" E, 139.83 feet to a point;
Thence, S 87° 28' 59" E, 85.15 feet to a point;
Thence, S 46° 16' 00" E, 132.48 feet to a point;
Thence, S 88° 27' 56" W, 32.64 feet to a point;
Thence, N 83° 57' 04" W, 61.22 feet to a point;
Thence, N 01 ° 32' 04" W, 79.92 feet to a copper found;

Thence, S $88^{\circ} 27' 56''$ W, 124.19 to a point;

Thence, N $55^{\circ} 45' 34''$ W, 25.25 feet to a point;

Thence, S $04^{\circ} 32' 04''$ E, 18.29 feet to the point of beginning.
Containing 108,900 square feet or 2.500 acres more or less.

Doc# 2003122122

Book: —

Pages: —

Filed & Recorded

09/25/2003 11:18:42 AM

LARRY TODD

RECORDER OF DEEDS

WASHINGTON D.C. RECORDER OF DEEDS

RECORDING \$ 48.00

SURCHARGE \$ 6.58

GEORGETOWN UNIVERSITY
37th & O STREETS, N.W.
NEW SOUTH HALL, WEST LOBBY
WASHINGTON, D.C.
20057-1175
ATTN. ALAN BRANQUAN