

*ADOPTION OF AN AMENDMENT TO APPENDIX P
(MOSAIC DISTRICT COMMUNITY DEVELOPMENT AUTHORITY)
OF THE 1976 CODE OF THE COUNTY OF FAIRFAX, VIRGINIA*

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, April 27, 2010, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment regarding Appendix P (Mosaic District Community Development Authority) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following, to-wit:

*BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX
COUNTY, VIRGINIA:*

That, in accordance with Article 6 of Chapter 51 of Title 15.2 of the Code of Virginia, Appendix P (Mosaic District Community Development Authority), is amended as follows:

§ 1 The Board of Supervisors of Fairfax County, Virginia, hereby creates the Mosaic District Community Development Authority pursuant to Article 6 of Chapter 51 of Title 15.2 of the Code of Virginia, as amended, in accordance with the Petition Pursuant to Virginia Code Section 15.2-5153 for the Creation of the Mosaic District Community Development Authority to the Board of Supervisors of the County of Fairfax, Virginia, submitted to the Board of Supervisors on February 11, 2009 (the "Petition"). (27-09-P.)

§ 2 The Mosaic District encompasses the portion of the County as set forth in Exhibits A, B, and C to the Petition, which are attached hereto and made part hereof, provided that in case of any conflict among those exhibits in the description of the extent of the Mosaic District, the extent of the Mosaic District as set forth in Exhibit B shall be controlling. (27-09-P.)

§ 3 The Mosaic District Community Development Authority is not permitted to provide services which are provided by, or are obligated to be provided by, any authority already in existence whose charter requires or permits service within the mosaic District. (27-09-P.)

§ 3A Attached hereto and made a part hereof are Articles of Incorporation of the Mosaic District Community Development Authority.

§ 3B Inclusion of information required by § 15.2-5103(A)(3) of the Code of Virginia is impracticable.

§3C Any bonds issued by the Mosaic District Community Development Authority shall be a debt of that Authority, not of Fairfax County.

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§ 4 a copy of this ordinance shall be recorded in the land records of the Fairfax County Circuit Court as provided by Section 15.2-5157 of the Code of Virginia. (27-09-P.)

§ 5 This ordinance shall become effective upon adoption. (27-09-P.)

GIVEN under my hand this 27th day of April 2010.



Nancy Veirs
Clerk to the Board of Supervisors

Description of Initial Authority District

TRACT A

All those certain lots, pieces or parcels of land, situate, lying and being in the County of Fairfax, Virginia, and more particularly described as follows:

PARCEL 1

Tract 1

Beginning at a point on the east side of Locust Avenue, formerly known as Eskridge Road, which point is removed S. 27 deg. 21' W. 20.4 feet marked by a found pipe from the intersection of the east side of said Locust Avenue with the south side of Old Lee Highway; thence departing from the point of beginning with the line of the land formerly owned by Ralph W. Ballentine, Jr., and wife, as the same is more particularly described in that certain deed recorded in Deed Book 524, at Page 237, among the land records of Fairfax County, Virginia, the following courses and distances: S. 86 deg. 03' E. 22.23 feet; thence S. 04 deg. 10' 34" W. 60.02 feet; thence S. 84 deg. 12' 44" E. 20.94 feet; thence S. 04 deg. 16' 37" W. 116.08 feet; thence S. 65 deg. 13' 23" E. 14.82 feet to a point marked by a pipe set in the ground and in the westerly line of the property now or formerly owned by Gladys Dunn Hurst; thence with the line of Hurst S. 27 deg. 21' W. 132.31 feet to a point marked by a set pipe and corner with the Hurst and the property now or formerly owned by Pearl Dunn; thence with the Dunn line N. 64 deg. 55' 40" W. 123.88 feet to a pipe set on the east side of Locust Avenue; thence N. 27 deg. 21' E. 282.02 feet to a point and the place of beginning, containing 27,087 square feet.

Tract 2

Beginning at a point 6.67 feet from the southerly line of Old Lee Highway, at its intersection with the easterly line of Locust Avenue, thence running S. 88 deg. 03' 01" E. 137.02 feet to a point, said point being the northeasterly corner of the former Hurst property, now Chesapeake Contracting Company, Inc., thence running with the easterly line of the herein described property, and the line common to the property of Chesapeake Contracting Company, Inc., as the same appears duly recorded in Deed Book 2817, at Page 559, among the land records of Fairfax County, Virginia (formerly Hurst), S. 27 deg. 17' 30" W. 223.68 feet to a point, said point being a corner to the now Clear Spring, Inc., property; thence running with the line in common of Clear Spring, Inc., property on the following courses and distances: N. 65 deg. 21' 12" W. 14.73 feet, N. 4 deg. 08' 38" E. 116.01 feet, N. 84 deg. 31' 22" W. 20.86 feet, N. 4 deg. 02' 38" E. 60.05 feet, and N. 86 deg. 10' 52" W. 22.29 feet to a point in the aforementioned easterly line of Locust Avenue; thence running with the easterly line of Locust Avenue N. 27 deg. 17' 54" E. 20.5 feet to the point of beginning, containing 13,665 square feet.

LESS AND EXCEPT that portion dedicated to public street purposes by instrument recorded in Deed Book 6029, at Page 1113, among the aforesaid land records.

PARCEL 2

Beginning at a point in the easterly line of Eskridge Road said point also being in the northerly line of the land of Leslie M. and Mary Louise Dunn; thence departing the northerly line of said Dunn and running with the easterly line of Eskridge Road N. 27 deg. 21' 00" E. 120.00 feet to a point in the southerly line of the land of Clear Spring, Inc.; thence departing the easterly line of Eskridge Road and running with the southerly line of Clear Spring, Inc., and continuing with the southerly line of Chesapeake Contracting Co., Inc., S. 64 deg. 42' 00" E. 356.78 feet to a point in the westerly line of the land of Brendale Realty Corp.; thence departing the southerly line of Chesapeake Contracting Co., Inc., and running with the westerly line of Brendale Realty Corp. S. 27 deg. 21' 00" W. 120 feet to a point in the aforementioned northerly line of the Land of Leslie M. and Mary Louise Dunn; thence departing the westerly line of Brendale Realty Corp. and running with the northerly line of said Dunn N. 64 deg. 42' 00" W. 356.78 feet to the point of beginning, containing 42,786 square feet.

LESS AND EXCEPT that portion of land dedicated to public street purposes by instrument recorded in Deed Book 6029, at Page 1113, among the aforesaid land records.

PARCEL 3

Beginning at a point in the southerly line of Old Lee Highway, marked by an original concrete Monument, said point being the front corner common to Gladys Dunn Hurst property and the now or formerly Robey property, as the same appears duly recorded among the land records of Fairfax County, Virginia; thence departing from said highway line and running with the westerly line of the aforesaid Robey property, S. 27 deg. 17' 30" W. 462.55 feet to a point, said point being the extreme easterly corner of the now or formerly Dunn property as delineated by an existing fence line separating the said Dunn and Hurst properties; thence running with said fence line between Dunn and Hurst properties, N. 64 deg. 47' 15" W. 232.95 feet to a point in the easterly line of the now or formerly Myers property; thence running with said easterly line of Myers and its northerly extension, being the easterly line of the now or formerly Ballentine property, and passing through the center of an old well, N. 27 deg. 17' 30" E. 355.82 feet to a point in the aforementioned southerly line of Old Lee Highway; thence running with said highway line, S. 89 deg. 03' 10" E. 256.78 feet to the point of beginning, containing 2.18710 acres, or 95,270 square feet of land.

AND BEING the same property conveyed to Forge, LLC, a Virginia limited liability company, by Deed recorded in Deed Book 16366, at Page 1548, among the land records of Fairfax County, Virginia.

PARCEL 4

Beginning at a point in the southerly line of Old Lee Highway at its intersection with the easterly line of Locust Avenue; thence running with said southerly line of Old Lee Highway (25 feet distant from and parallel to the centerline thereof) 61.83 feet along the

arc of a curve to the left, which curve has a radius of 1,457.70 feet, the chord of which arc bears S. 87° 50' 15" E. – 61.83 feet to the PT; thence continuing with said southerly line of Old Lee Highway S. 89° 03' 10" E. – 75.72 feet to a point, said point being the northeasterly corner of the herein described tract; thence running with the easterly line of the herein described property, said line being the northerly extension of the line common to the property of Chesapeake Contracting Company, Inc., as same appears duly recorded in Deed Book 2817 at Page 559 among the Fairfax County, Virginia land records (formerly Hurst) S. 27° 17' 30" W. – 7.88 feet to a point; thence departing from said line common to the property of Chesapeake Contracting Company, Inc., and running thence N. 88° 03' 01" W. – 137.02 feet to a point in the aforementioned easterly line of Locust Avenue; thence running with said easterly line N. 27° 17' 54" E. – 6.67 feet to the point of beginning; containing 838 square feet.

AND BEING all of the property conveyed to Eskridge (E&A), LLC, a South Carolina limited liability company by deeds recorded in Deed Book 18719, Page 82 and Deed Book 18719, Page 76 among the land records of Fairfax County, Virginia.

Tax I.D. #049-3-01-0081-A , 049-3-01-0082-A and 049-3-01-0082-B

PARCEL II

Parcel 1, containing 26.99579 acres of land, more or less, and Parcel 2, containing 0.06679 acres of land, more or less, per Deed of Dedication, Vacation and Easement recorded in Deed Book 6810, at Page 1504, among the land records of Fairfax County, Virginia.

And

1,539 square feet of land, more or less, being that portion of Strawberry Lane, Rt. 3145, vacated by Order of Abandonment recorded in Deed Book 17075, at Page 471, among the land records of Fairfax County, Virginia.

And

12,646 square feet of land, more or less, being that portion of Hilltop Road, Route 744, vacated and abandoned by Deed of Vacation and Abandonment recorded in Deed Book 20055, at Page 1207, among the aforesaid land records.

AND BEING part of the property conveyed to Brendale Realty Corporation, a Virginia corporation, now known as National Amusements, Inc., by deeds recorded in Deed Book 1163, at Page 254, in Deed Book 1564, at Page 442, by Order of Abandonment recorded in Deed Book 17075, at Page 471, and by Deed of Vacation and Abandonment recorded in Deed Book 20055, at Page 1207, among the land records of Fairfax County, Virginia.

Tax I.D.. #049-3-01-0080-A, 049-3-01-0080-B and 049-3-01-0080-C.

Also, Tax I.D. 049-3-01-0080-D.

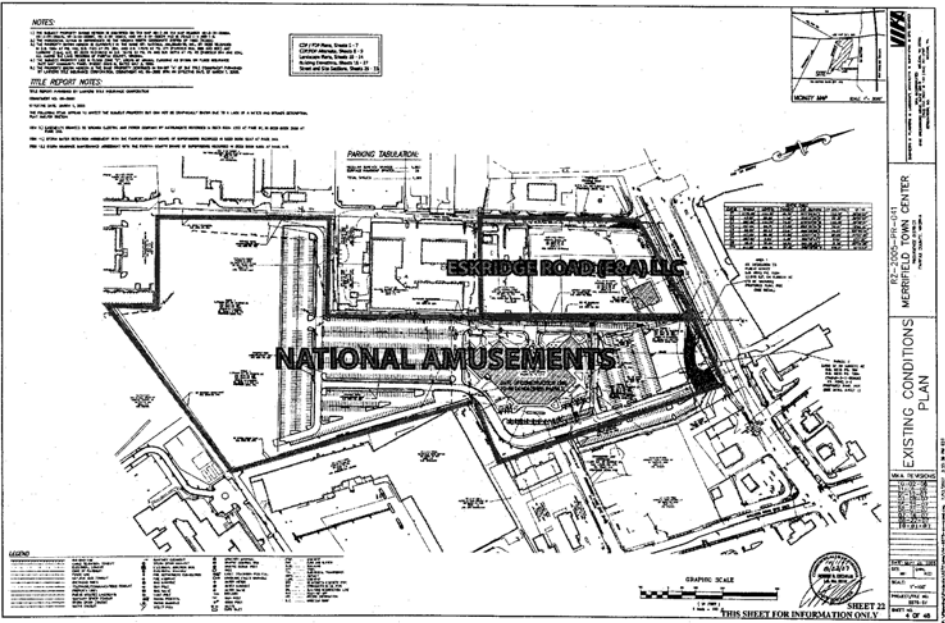
EXHIBIT B

List Of Parcels By Tax Map Number

Tax I.D. #049-3-01-0081-A , 049-3-01-0082-A and 049-3-01-0082-B

Tax I.D. #049-3-01-0080-a, 049-3-01-0080-B and 049-3-01-0080-C and 049-3-01-0080-D.

MAP



**ARTICLES OF INCORPORATION
OF
MOSAIC DISTRICT COMMUNITY DEVELOPMENT AUTHORITY**

The undersigned, pursuant to Chapter 51, Title 15.2 of the Code of Virginia, certifies the adoption by the Board of Supervisors (the "Board of Supervisors") of Fairfax County, Virginia on April 27, 2010, of an Ordinance authorizing the following Articles of Incorporation for the Mosaic District Community Development Authority and states as follows:

**ARTICLE I
NAME**

The name of this Authority is MOSAIC DISTRICT COMMUNITY DEVELOPMENT AUTHORITY (the "Authority").

**ARTICLE II
ORGANIZATION**

The Authority shall be organized by the County of Fairfax, Virginia under the Virginia Water and Waste Authorities Act (Chapter 51, Title 15.2 of the Code of Virginia of 1950, as amended) (the "Act"), as a public body politic and corporate and political subdivision governed by the laws of the Commonwealth of Virginia.

**ARTICLE III
MEMBERS**

The affairs of the Authority shall be conducted by an authority board of five members ("CDA Board"). The initial CDA Board members are as set forth in Exhibit A attached hereto and incorporated by reference, and shall serve the terms of office as set forth in Exhibit A. All members shall be appointed by the Board of Supervisors.

**ARTICLE IV
PRINCIPAL OFFICE**

The Authority's principal office shall be c/o Office of Community Revitalization and Redevelopment, 12055 Government Center Parkway, Suite 1048, Fairfax, Virginia 22035. The Authority may conduct its business and maintain offices for such purposes at such other places within or without Fairfax County, Virginia, as may from time to time be deemed advisable by the CDA Board, and not in conflict with the requirements of the Act.

**ARTICLE V
AUTHORITY DISTRICT**

The land initially encompassed within the Authority is set forth in Exhibit B attached hereto (the "Initial Authority District"). In addition, the CDA Board may release

and exclude from the Authority district portions of land with respect to which all special assessments have been paid or prepaid.

ARTICLE VI
PURPOSES AND POWERS

The Authority is organized for the purpose of exercising all powers granted by the Act, including financing, funding, planning, establishing, acquiring, constructing or reconstructing, enlarging, extending, equipping, operating and maintaining infrastructure improvements generally described in the Petition to create the Authority. The Authority shall have all powers granted to a "community development authority" under the Act.

ARTICLE VII
NOT-FOR PROFIT

The Authority shall not be organized or operated for pecuniary gain or profit. No part of the net earnings of the Authority shall inure to the benefit of, or be distributable to any member, director, officer, or any other private person, except that the Authority shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments in furtherance of the purposes set forth in Article VI.

ARTICLE VIII
AMENDMENT TO ARTICLES

These Articles of Incorporation may be amended at any time and from time to time by the Board of Supervisors as now or hereafter prescribed by the Act.

ARTICLE IX
REGISTERED OFFICE AND REGISTERED AGENT

The address of the initial registered office of the Authority is c/o Office of the County Attorney, 12000 Government Center Parkway, Suite 549, Fairfax, Virginia 22035-0064. The initial Registered Agent of the Authority is David P. Bobzien, whose business address is identical to that of the initial registered office and who is a resident of Virginia and a member of the Virginia State Bar.

IN WITNESS WHEREOF, the undersigned has executed these Articles of Incorporation as of the 27th day of April, 2010, as duly authorized by the Ordinance creating the Authority and adopted by the Board of Supervisors of Fairfax County, Virginia on April 27, 2010.

By: Nancy Vehr
Nancy Vehr
Clerk to the Board of Supervisors

Exhibit A to the Articles of Incorporation

Names and Addresses of Initial Members

| Term of Office | | |
|---|------------------|-------------------|
| <u>Member</u> | <u>Commences</u> | <u>Terminates</u> |
| Barbara Byron, OCRR | January 26, 2010 | January 26, 2014 |
| Kenneth Lawrence, Community Rep. | January 26, 2010 | January 26, 2014 |
| Linda Smyth, Providence Dist. Supervisor | January 26, 2010 | January 26, 2014 |
| John Foust, Dranesville District Supervisor | January 26, 2010 | January 26, 2012 |
| Gary Hurst, Developer Representative | January 26, 2010 | January 26, 2012 |