



# County of Fairfax, Virginia

## MEMORANDUM

Office of the County Attorney  
Suite 549, 12000 Government Center Parkway  
Fairfax, Virginia 22035-0064  
Phone: (703) 324-2421; Fax: (703) 324-2665  
www.fairfaxcounty.gov

**DATE:** September 21, 2015

**TO:** William O'Donnell Staff Coordinator  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Jo Ellen Groves, Paralegal  
Office of the County Attorney

**SUBJECT:** Revised Affidavit  
Application No.: SE 2015-DR-016  
Applicant: Metropolitan Washington Airports Authority (MWAA) and the  
Virginia Department of Rail and Public Transportation on behalf of the  
Washington Metropolitan Area Transit Authority; and the Fairfax County Board  
of Supervisors  
PC Hearing Date: 10/1/15  
BOS Hearing Date: 10/20/15

**REF.:** 129520

Attached is an affidavit which has been approved by the Office of the County Attorney for the above-referenced case. Please include this affidavit dated 9/18/15, which bears my initials and is numbered **129520b**, in the **Final Board package**. Copies of the revised affidavit will be delivered to the Planning Commission prior to the public hearing.

Thank you for your cooperation.

Attachment

cc: (w/attach) Domenic Scavuzzo, Planning Technician I (sent via e-mail)  
Zoning Evaluation Division  
Department of Planning and Zoning

## SPECIAL EXCEPTION AFFIDAVIT

DATE: 18 SEPTEMBER 2015  
 (enter date affidavit is notarized)

I, James L. Van Zee, Deputy Dir. of Project Development, MWAA, do hereby state that I am an  
 (enter name of applicant or authorized agent)

1295206

(check one)             applicant  
                               applicant's authorized agent listed in Par. 1(a) below

in Application No.(s): SE 2015-DR-016  
 (enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

**(NOTE:** All relationships to the application listed above in **BOLD** print are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
The Board of Supervisors of Fairfax County, Virginia Agent: Edward L. Long, Jr., County Executive	12000 Government Center Parkway, Suite 533, Fairfax, Virginia 22035	Co-applicant and Future Title Owner
Washington Metropolitan Area Transit Authority (WMATA) Agents: Anabela F. Talaia John D. Thomas Neil E. Nott	600 5th Street, NW, Washington, D.C. 20001	Applicant
Metropolitan Washington Airports Authority (MWAA) Agents: Charles W. Stark Kevin Volbrecht Marcia S. McAllister James L. Van Zee	198 Van Buren Street, Suite 300, Herndon, Virginia 20170	Co-applicant with DRPT on behalf of WMATA

(check if applicable)             There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.  
 \*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

**Special Exception Attachment to Par. 1(a)**

DATE: 18 SEPTEMBER 2015  
 (enter date affidavit is notarized)

1295206

for Application No. (s): SE 2015-DR-016  
 (enter County-assigned application number (s))

**(NOTE:** All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel (s) for each owner(s) in the Relationship column.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Virginia Department of Rail and Public Transportation (DRPT) Representatives: Phil DeLeon Jennifer L. Mitchell	198 Van Buren Street, Suite 300, Herndon, Virginia 20170	Co-applicant with MWAA on behalf of WMATA
Capital Rail Constructors, a Joint Venture (CRC) Agents: Maleigh G. Nelson Mark K. Blackmon	7500 Old Georgetown Road, Bethesda, Maryland 20814	Engineer/Agent for Applicant
Dewberry Consultants LLC Agents: David J. Mahoney Timothy C. Culleiton	8401 Arlington Boulevard, Fairfax, Virginia 22031	Engineer/Agent for Applicant
Parsons Transportation Group Inc. of Virginia Agents: Eric H. Halvorson Patrick H. Porzillo	3926 Pender Drive, Suite 100, Fairfax, Virginia 22030	Engineer/Agent for Applicant
Odin, Feldman & Pittleman, P.C. Agents: John L. McBride Noah B. Klein Douglas R. Forno Jo Anne S. Bitner	1775 Wiehle Avenue, Suite 400, Reston, Virginia 20190	Attorney/Agent Attorney/Agent Planner/Agent Attorney/Agent
Nugget Joint Venture, L.C. Agents: Samuel A. Rocks Nicholas P. H. Rocks Michael R. F. Rocks Michael J. Hellyer S. Randall Cohen	1960 Gallows Road, Suite 300, Vienna, Virginia 22182	Title Owner of Tax Map No. 15-2((1)) 13A

(check if applicable)  There are more relationships to be listed and Par. 1(a) is continued further on a "Special Exception Attachment to Par. 1(a)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 18 SEPTEMBER 2015
(enter date affidavit is notarized)

129520b

for Application No. (s): SE 2015-DR-016
(enter County-assigned application number(s))

1(b). The following constitutes a listing\*\*\* of the SHAREHOLDERS of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code)
Washington Metropolitan Area Transit Authority (WMATA)
600 5th Street, NW, Washington, D.C. 20001

DESCRIPTION OF CORPORATION: (check one statement)

- [ ] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial and last name)

WMATA is a governmental entity, not a corporation.

(check if applicable) [x] There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

**Special Exception Attachment to Par. 1(b)**DATE: 18 SEPTEMBER 2015  
(enter date affidavit is notarized)129520bfor Application No. (s): SE 2015-DR-016  
(enter County-assigned application number (s))**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)Metropolitan Washington Airports Authority (MWAA)  
198 Van Buren Street, Suite 300, Herndon, Virginia 20170**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

MWAA, a public body corporate and politic created by interstate compact between the Commonwealth of Virginia and the District of Columbia under Chapter 598 of the 1985 Acts of Virginia Assembly, as amended,	codified at Va. Code §5.1-152 et seq. (2001), and by the Districts of Columbia Regional Airports Authority Act of 1985, as amended, codified at D.C. Code ann. §9-901 et seq. (2001). There are no shareholders.
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**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)Virginia Department of Rail and Public Transportation (DRPT)  
198 Van Buren Street, Suite 300, Herndon, Virginia 20170**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

DRPT is a governmental authority, not a corporation.

(check if applicable)        There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: 18 SEPTEMBER 2015  
(enter date affidavit is notarized)

1295206

for Application No. (s): SE 2015-DR-016  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Dewberry Consultants LLC  
8401 Arlington Boulevard, Fairfax, Virginia 22031

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

- The Dewberry Companies LC
- James L. Beight (Former)
- Dennis M. Couture (Former)

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

The Dewberry Companies LC  
8401 Arlington Boulevard, Fairfax, Virginia 22031

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

- |                    |   |
|--------------------|---|
| Barry K. Dewberry  | The Michael Sidney Dewberry Credit  |
| Karen S. Grand Pre | Shelter Trust u/a/d 11/23/2005 f/b/o  |
| Thomas L. Dewberry | Michael S. Dewberry II, Katie A. Dewberry,<br>John M. Dewberry and one other minor<br>child |

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

• Information updated since the printing of the 9/14/15 Staff Report.

Special Exception Attachment to Par. 1(b)

DATE: 18 SEPTEMBER 2015  
(enter date affidavit is notarized)

1295206

for Application No. (s): SE 2015-DR-016  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Parsons Transportation Group Inc. of Virginia  
3926 Pender Drive, Suite 100, Fairfax, Virginia 22030

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Thomas P. Spoth  
Aykut Urgan  
Stephen C. Walter

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Odin, Feldman & Pittleman, P.C.  
1775 Wiehle Avenue, Suite 400, Reston, Virginia 20190

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Dexter S. Odin  
James B. Pittleman  
David E. Feldman

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: 18 SEPTEMBER 2015  
(enter date affidavit is notarized)

1295206

for Application No. (s): SE 2015-DR-016  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Clark Construction Group, LLC  
7500 Old Georgetown Road, Bethesda, Maryland 20814

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Clark Enterprises, Inc. of Virginia  
Dan T. Montgomery  
Peter C. Forster

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Clark Enterprises, Inc. of Virginia  
7500 Old Georgetown Road, Bethesda, Maryland 20814

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

<ul style="list-style-type: none"> <li>✓ The only shareholder of Clark Enterprises, Inc. with more than 10% interest is the A. James Clark Revocable Trust ("Trust").</li> </ul>	<ul style="list-style-type: none"> <li>✓ The primary beneficiary of the Trust, and the only beneficiary with more than 10% interest in the Trust, is Alice B. Clark.</li> </ul>
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(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: 18 SEPTEMBER 2015  
(enter date affidavit is notarized)

1295206

for Application No. (s): SE 2015-DR-016  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Kiewit Infrastructure South Co.  
450 Dividend Drive, Peachtree City, Georgia 30269

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Kiewit Infrastructure Group Inc.

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Kiewit Infrastructure Group Inc.  
Kiewit Plaza, Omaha, Nebraska 68131

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Kiewit Corporation

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: 18 SEPTEMBER 2015  
(enter date affidavit is notarized)

1295206

for Application No. (s): SE 2015-DR-016  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Kiewit Corporation  
Kiewit Plaza, Omaha, Nebraska 68131

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Peter Kiewit Sons', Inc.

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Peter Kiewit Sons', Inc.  
Kiewit Plaza, Omaha, Nebraska 68131

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: 18 SEPTEMBER 2015  
(enter date affidavit is notarized)

1295206

for Application No. (s): SE 2015-DR-016  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Nugget Joint Venture, L.C.  
1960 Gallows Road, Suite 300, Vienna, Virginia 22182

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

NPHR Enterprises LLC  
SAROCKS Enterprises LLC

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

NPHR Enterprises LLC  
1960 Gallows Road, Suite 300, Vienna, Virginia 22182

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Nicholas P. H. Rocks	Michael R. F. Rocks, Trustee of the Michael R. F. Rocks Revocable Trust dated 8/19/08	Michael R. F. Rocks and Nicholas P. H. Rocks, Trustees f/b/o Hilary G. Rocks "Hilary G. Rocks MD Trust"
S. Randall Cohen, Trustee U/A dated 1/1/2000 f/b/o Nicholas P.H. Rocks (Former)		

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: 18 SEPTEMBER 2015  
(enter date affidavit is notarized)

1295206

for Application No. (s): SE 2015-DR-016  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

SAROCKS Enterprises LLC  
1960 Gallows Road, Suite 300, Vienna, Virginia 22182

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Samuel A. Rocks, Nicholas P. H. Rocks and Michael R. F. Rocks, Trustees f/b/o	Samuel A. Rocks, Nicholas P. H. Rocks and Michael R. F. Rocks, Trustees f/b/o Emma	Samuel A. Rocks, Nicholas P. H. Rocks and Michael R. F. Rocks, Trustees f/b/o Hanna
Samantha C. Rocks "Samantha C. Rocks MD Trust"	M. Rocks "Emma M. Rocks MD Trust"	E. Rocks "Hanna E. Rocks MD Trust"

\*And below

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

\*From above:

Samuel A. Rocks, Nicholas P. H. Rocks and Michael R. F. Rocks, Trustees f/b/o Trevor A. Rocks "Trevor A. Rocks MD Trust"  
Samuel A. Rocks

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 18 SEPTEMBER 2015  
(enter date affidavit is notarized)

1295206

for Application No. (s): SE 2015-DR-016  
(enter County-assigned application number(s))

1(c). The following constitutes a listing\*\*\* of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)  
Capital Rail Constructors, a Joint Venture (CRC)  
7500 Old Georgetown Road, Bethesda, Maryland 20814

(check if applicable) [ ] The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

Clark Construction Group, LLC, Joint  
Venture Partner  
7500 Old Georgetown Road  
Bethesda, Maryland 20814

Kiewit Infrastructure South Co., Joint  
Venture Partner  
450 Dividend Drive  
Peachtree City, Georgia 30269

(check if applicable) [ ] There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 18 SEPTEMBER 2015  
(enter date affidavit is notarized)

1295206

for Application No. (s): SE 2015-DR-016  
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

None.

(check if applicable)  There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

**SPECIAL EXCEPTION AFFIDAVIT**

1295206

DATE: 18 SEPTEMBER 2015  
(enter date affidavit is notarized)

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)

- Supervisor Catherine M. Hudgins is a Principal Director, serving on the WMATA Board of Directors.
- Dexter Odin of Odin, Feldman & Pittleman, P.C., made a donation or contribution in excess of \$100 to John Foust's congressional campaign in June, 2014.
- Peter Forster of Clark Construction Group, LLC, possesses a minority interest in two companies that his son, John Forster, owns for which Planning Commissioner James R. Hart is currently performing legal work.

**NOTE:** Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable)  There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

James L. Van Zee  
 Applicant  Applicant's Authorized Agent  
 MWAA by James L. Van Zee, Deputy Dir. of Project Development  
 (type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 18<sup>th</sup> day of September 2015, in the State/Comm. of Virginia, County/City of Fairfax.

Daris A. Berg  
Notary Public

My commission expires: **Daris A. Berg**  
**NOTARY PUBLIC**  
 Commonwealth of Virginia  
 Reg. #118585  
 Commission Exp. 1/31/2017

