

Parcel ID:# 11-921616

DECLARATION OF EASEMENT

THIS DECLARATION made this 22 day of December 2012 by WALTER M. PRICHARD, his successors, heirs, and assigns (the "Declarant") of a certain tract of land lying and being in Montgomery County, Maryland, known as Parcel P789, Map CV52 located on Beallsville Road, Barnesville, Maryland (the "Property"). The Declarant contemplates subdividing the Property into building lots and recording the plat or plats of subdivision among the Land Records of Montgomery County, Maryland subsequent to the recordation of this Declaration among the Land Records,

WHEREAS, the Declarant, by the execution of this Declaration declares, grants, and creates certain easements and makes public certain agreements with the Town of Barnesville and which shall be binding on the Declarant and Declarant's successors, heirs, and assigns, and on the Property in perpetuity, so that reference to the Declaration on the Subdivision Plats to be recorded hereafter shall constitute incorporation of this instrument on the record plat by the reference thereon.

NOW, THEREFORE, in furtherance of the approval of the subdivision plats for the property and the recitals which are incorporated into this Declaration, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged by the Declarant, the Declarant does hereby covenant and agree as follows:

1. That the Town of Barnesville or its duly designated agents shall have the right to enter upon the land located on the Property for the purposes of installing, maintaining, operating, rehabilitating, or removing a sidewalk located in the pedestrian easement described on the Exhibit "A" and shown on Exhibit "B" attached hereto and incorporated herein by reference.

2. That the record plats for the Property shall show thereon the easements which are created by the within document and shall be labeled "Pedestrian Easement".

3. That the aforesaid easement as created under Paragraph 1 shall be ten (10) feet in width and shall be contiguous with and parallel and adjacent to the street known as Beallsville Road.

4. The Declarant covenants and agrees that no fence, wall, or permanent structures shall be erected within the Pedestrian Easement as other than those structures which shall be approved by the Town of Barnesville or Department of Permitting Services of Montgomery County, Maryland or their successors.

5. Trees and shrubs may be planted within the Public Improvements Easement in accordance with the applicable Design Standards of the Department of Public Works and Transportation of Montgomery County, Maryland or their successors.

6. The Declarant does grant and convey the Easement described in this Declaration unto the Town of Barnesville in perpetuity.

IMP FD SURE 40.00
RECORDING FEE 20.00
TOTAL 60.00
Rest MOBS Rcpt # 88983
LEK RC Blk # 4734
Feb 20, 2013 01:55 PM

MONTGOMERY COUNTY, MD
APPROVED BY ME

JAN 10 2013

\$ N/A RECORDATION TAX PAID
\$ N/A TRANSFER TAX PAID

2013 FEB 20 P 1:57

IN WITNESS WHEREOF the Declarant has executed this Declaration under seal on the Date first written above.

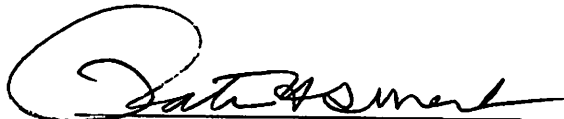

Witness


WALTER M. PRICHARD

STATE OF MARYLAND
COUNTY OF MONTGOMERY

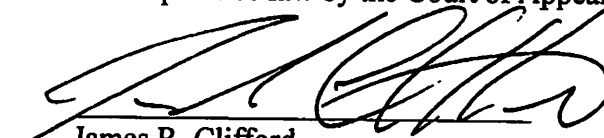
On this 22ND day of December, 2012, personally appeared before me, a notary public in and for the aforesaid jurisdiction, the said WALTER M. PRICHARD known to be (or satisfactorily proven) to be the person named in the foregoing instrument, and acknowledged that the within document was freely and voluntarily executed for the purposes stated therein.

WITNESS my hand and official seal.


Notary Public
My Commission Expires: 08/01/13

Parcel ID: # 11-921616

I hereby certify that the foregoing Modification of Public Improvement Easement was prepared under my supervision and that I have been duly admitted to practice law by the Court of Appeals of Maryland.


James R. Clifford

Law Offices of
CLIFFORD, DEBELIUS, BONIFANT,
FITZPATRICK & HYATT, CHTD.
316 E. Diamond Avenue
Gaithersburg, MD 20877-3016

EXHIBIT – A

46128 125

THOMAS A. MADDOX
PROFESSIONAL LAND SURVEYOR

Registered to Practice:
Maryland
Virginia
District of Columbia

8933 Shady Grove Court
Gaithersburg, MD 20877
(301) 984-5804
(301) 330-0812
FAX(301) 984-6865

Description for a 10 foot wide Pedestrian Easement on the land of Walter M. Prichard as described in a deed from Charles E. Boehne, Personal Representative of the Estate of Theodore L. Heitmuller dated March 12, 2002 and recorded in Liber 21874 at Folio 91 among the land records of Montgomery County, Maryland and being more particularly described as follows:

Beginning for the same at a point located at the end of the following two (2) courses and distances from the beginning 10th line of the aforementioned description, N17°42'51"E – 327.20 feet, thence departing said 10th line and running S78°30'07"E 36.09 feet to the beginning point of the herein after described Pedestrian Easement as follows:

N 17° 26' 01"E – 419.73 feet, thence

28.45 feet along the arc of a curve to the left having a radius of 650.00 feet and a chord bearing and distance of N 14° 55' 37" E – 56.86 feet to a point on and 31.13 feet from the beginning of the 11th line of the description contained in the aforementioned deed description, thence with part of said 11th line

S 76° 13' 14"E – 10.00 feet, thence departing said line and running so as to cross and include a part of said conveyance

57.51 feet along the arc of a curve to the right having a radius of 660.00 feet and a chord bearing and distance of S 14° 56' 14" W – 57.49 feet, thence

S 17° 26' 01" W – 418.69 feet, thence

N 78° 30' 07" W – 10.05 feet to the point of beginning containing 1,700 square feet or 0.1097 acres of land more or less.




Thomas A. Maddox – Professional Land Surveyor
MD # 10850 – Expires 4/02/2014

46128 126

EXHIBIT - B

W.D. HILTON ET AL
L. 19032 F. 557

N14°55'37"E
LC=56.86'
R=650.00'
A=56.87'
T=28.45'
D=5°00'48"

N14°54'59"E
LC=56.22'
R=640.00'
A=56.24'
T=28.14'
D=5°02'04"

S14°56'14"W
LC=57.49'
R=660.00'
A=57.51'
T=28.77'
D=4°59'33"

S76°13'14"E 10.00'

FUTURE
LOT 2

10' PEDESTRIAN EASEMENT
TO THE TOWN OF
BARNESVILLE
1,700 Square Feet or 0.1094 Acres

FUTURE
LOT 1

BEALLSVILLE
MD. RTE. 118
ROAD

N17°26'01"E = 286.70'
10' P.U.E.

N17°26'01"E
S17°26'01"W

N17°26'01"E 134.07'
419.73'
418.69'

10' P.U.E.

N78°30'07"W 10.05'

Point of Beginning
W.M. PRICHARD
L. 21870 F. 091

REFERENCE
LIBER
21874
FOLIO
91

PEDESTRIAN EASEMENT
ON THE LAND OF
WALTER M. PRICHARD
ELECTION DISTRICT NO.11
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 60' SEPTEMBER 2012

THOMAS A. MADDOX
PROFESSIONAL LAND SURVEYOR
8933 SHADY GROVE COURT
GAITHERSBURG, MARYLAND 20877
(301) 984-5804


THOMAS A. MADDOX - REGISTERED
PROFESSIONAL LAND SURVEYOR
MD. #10850 - EXPIRES 4/03/2014



State of Maryland Land Instrument Intake Sheet							
☐ Baltimore City ☒ County: <u>Montgomery</u> Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only. (Type or Print in Black Ink Only—All Copies Must Be Legible)							
1	Type(s) of Instruments	☐ Check Box if addendum Intake Form is Attached.					
		Deed	Deed of Trust	Mortgage	Lease	X Other	Other
2	Conveyance Type Check Box	☐ Improved Sale Arms-Length [1] ☐ Unimproved Sale Arms-Length [2]	☐ Multiple Accounts Arms-Length [3]	☐ Not an Arms-Length Sale [9]			
3	Tax Exemptions (if applicable) Cite or Explain Authority	Recordation State Transfer County Transfer					
4	Consideration and Tax Calculations	Consideration Amount				Finance Office Use Only Transfer and Recordation Tax Consideration	
Purchase Price/Consideration		\$ 0.00		Transfer Tax Consideration		\$	
Any New Mortgage		\$		X () % =		\$	
Balance of Existing Mortgage		\$		Less Exemption Amount =		\$	
Other:		\$		Total Transfer Tax =		\$	
Other:		\$		Recordation Tax Consideration		\$	
		Full Cash Value: \$		X () per \$500 =		\$	
				TOTAL DUE		\$	
5	Fees	Amount of Fees		Doc. 1		Doc. 2	
Recording Charge		\$ 20.00		\$		Agent:	
Surcharge		\$ 40.00		\$		Tax Bill:	
State Recordation Tax		\$		\$		C.B. Credit:	
State Transfer Tax		\$		\$		Ag. Tax/Other:	
County Transfer Tax		\$		\$			
Other		\$		\$			
Other		\$		\$			
6	Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
11		921616	21874@00091	CV562	Part of P440	☐ (5)	
Subdivision Name		Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (4)	
Location/Address of Property Being Conveyed (2)							
Beallsville Road, Barnesville, MD 20838							
Other Property Identifiers (if applicable)						Water Meter Account No.	
Residential ☒ or Non-Residential ☐ Fee Simple ☒ or Ground Rent ☐ Amount:							
Partial Conveyance? ☐ Yes ☒ No Description/Amt. of SqFt/Acreage Transferred:							
If Partial Conveyance, List Improvements Conveyed:							
7	Transferred From	Doc. 1 – Grantor(s) Name(s)			Doc. 2 – Grantor(s) Name(s)		
		Walter M. Prichard					
8	Transferred To	Doc. 1 – Owner(s) of Record, if Different from Grantor(s)			Doc. 2 – Owner(s) of Record, if Different from Grantor(s)		
		Town of Barnesville					
9	Other Names to Be Indexed	Doc. 1 – Additional Names to be Indexed (Optional)			Doc. 2 – Additional Names to be Indexed (Optional)		
10	Contact/Mail Information	Instrument Submitted By or Contact Person				☒ Return to Contact Person ☐ Hold for Pickup ☐ Return Address Provided	
		Name: James R. Clifford Firm: Clifford, Debelius Address: 316 E. Diamond Avenue, Gaithersburg, MD 20877 Phone: (301) 840-2232					
11	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER						
Assessment Information	☐ Yes ☒ No Will the property being conveyed be the grantee's principal residence?						
	☐ Yes ☒ No Does transfer include personal property? If yes, identify:						
	☐ Yes ☒ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).						
Assessment Use Only – Do Not Write Below This Line							
Terminal Verification		Agricultural Verification		Whole		Part	
Transfer Number		Date Received:		Deed Reference:		Assigned Property No.:	
Year	20	20	Geo.	Map	Sub	Block	
Land			Zoning	Grid	Plat	Lot	
Buildings			Use	Parcel	Section	Occ. Cd.	
Total			Town Cd.	Ex. St.	Ex. Cd.		
REMARKS:							

Space Reserved for County Validation