

52084 236

1084

Property ID #11-00916437

**TRANSFER OF DEVELOPMENT RIGHTS (TDR) EASEMENT  
FOR BUILDING LOT TERMINATION (BLT)**

THIS TRANSFER OF DEVELOPMENT RIGHTS (TDR) EASEMENT FOR BUILDING LOT TERMINATION (BLT) ("Easement"), made this 23rd day of November, 2015 by and between Walter M. Prichard, 21710 Peach Tree Road, Dickerson, Maryland 20842-9177 ("Grantor"), and MONTGOMERY COUNTY, MARYLAND, a body corporate and politic, hereinafter ("Grantee").

**RECITALS**

Chapter 59 of the Montgomery County Code defines "Development Right" as: "The potential for the improvement of a parcel of real property, measured in dwelling units or units of commercial or industrial space, existing because of the zoning classification of the parcel", and sets forth a procedure for the transfer of Development Rights for the purpose of preserving agricultural land.

Further, Chapter 59 defines a Building Lot Termination Development Right ("BLTs"), in pertinent part, as one that is created from land at least 25 acres in size and is capable of being served by an individual sewage treatment unit which meets the requirements of Chapter 27A and applicable regulations issued under that Chapter ("individual sewage treatment unit" or "on-site waste disposal system").

Grantor is the owner in fee simple of 85.5434 acres, more or less, of real property known as Parcel P440, of which 75.1554 is zoned Agricultural Reserve (AR) and is located at 21715 Beallsville Road, Boyds Maryland 20841, which is more particularly described in **Exhibit A** attached hereto and made part hereof, located in the Rural Density Transfer Zone and in Planning Area **Sixteen (16)** Montgomery County, Maryland (the "Property"). The Property contains zero (0) single family dwelling.

Chapter 59 of the Montgomery County Code recognizes the right of an owner of property in the Agricultural Reserve Zone to transfer a certain number of BLTs, provided that such a conveyance contains an easement extinguishing the future right to construct some or all potential single family dwellings on the property by, among other things, extinguishing the right to use one or more individual sewage treatment units. The parties intend that this Easement so restrict the Property and that, **Two (2)** BLTs numbered BLT- 040 through BLT- 041 may be conveyed from the Property by a deed in a recordable form approved by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission with the conveyance of an additional Easement to Grantee.

Grantor represents that it is the owner in fee simple of the Property as of the date of execution of this Easement.

A current title report for the subject Property, identified as **Exhibit B**, is attached hereto and made a part hereof; a current tax map for the subject Property, identified as **Exhibit C**, is attached hereto and made part hereof; and, a letter dated November 19, 2012 from the County's

HEREBY CERTIFY THIS PROPERTY HAS BEEN REGISTERED  
ON THE MONTGOMERY COUNTY ASSESSMENT BOOKS FOR  
TDR INFORMATION.

5/17/16  
TRANSFER CLERK, ASSESSMENT DEPARTMENT

AGRICULTURE TRANSFER TAX IN THE  
AMOUNT OF \$ 0.00  
SIGNATURE [Signature]

0.00  
0.00  
0.00  
0.00  
TOTAL

Reg # 007 Rct # 999999  
BHM NVE BLT 2008  
May 23, 2016 04:11 PM

After recording, return to  
Miles & Stockbridge P.C.  
11 N. Washington Street  
Suite 700, Rockville, MD 20850

Department of Permitting Services ("Letter") approving the on-site waste disposals systems on the Property, which are the on-site waste disposals systems extinguished by this Easement, identified as **Exhibit D**, is attached hereto and made a part hereof. Further, a copy of the site of each on-site waste disposal system extinguished by this Easement is kept on file at the principal offices of DPS and is fully and completely incorporated into this Easement as though attached hereto and made a part hereof

NOW, THEREFORE, to permit the transfer of the BLTs and in consideration of the covenants, terms, conditions and restrictions hereafter set forth and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor does grant and convey to Grantee, its successors and assigns, forever and in perpetuity, an interest and Easement of the nature and character and to the extent hereinafter set forth in respect to all that Property located in Montgomery County, Maryland, as is more particularly described in Exhibit A hereto.

The terms, conditions and restrictions, of this Easement are these:

1. This Easement shall be perpetual. It is an easement in gross, and as such, is inheritable and assignable and runs with the land as an incorporeal interest in the Property enforceable with respect to the Property by the Grantee, and its successors and assigns, against the Grantor and the Grantor's successors, and assigns.
2. The terms "one-family dwelling" or "single family dwelling" includes mobile, manufactured, or similar dwelling, but excludes farm tenant dwelling permitted by Chapter 59, Montgomery County Code, as amended.
3. A one-family dwelling may not be constructed, occupied, or maintained on the Property unless one BLT is retained with the Property for each one-family dwelling constructed, occupied, or maintained.
4. The restrictions imposed by this Easement shall operate independently of the restrictions imposed by the zoning of the Property.
5. The Property contains a total of 85.5434 acres, more or less of which 75.1554 is zoned Agricultural Reserve (AR). Previous Transferable Development Rights ("TDR") Easements were recorded: (a) in Liber 25079 at folio 647 among the land records of Montgomery County, Maryland authorizing the conveyance of twelve (12) TDRs numbered 12-7240 through 12-7251 and limiting the number of single family dwellings that may be constructed on or maintained on the Property to three (3). There are zero (0) existing single family dwelling on the Property. As a result of this Easement, the Parties intend that Grantor may convey two (2) BLTs numbered 040 through 041. From this date forward, one (1) single family dwelling may be constructed on the Property.
6. The Grantor's, and the Grantor's successors and assigns, right to use the individual sewage treatment units described in Exhibit D hereto is extinguished by this Easement.
7. The Grantee, and the Grantee's successors and assigns, with reasonable notice, may enter the Property from time to time for the sole purpose of inspecting and enforcing the terms, conditions and restrictions of this Easement. This right of inspection does not include the interior of the dwelling or buildings located on the Property.

8. Nothing herein may be construed to convey to the public a right of access or use of the Property, and the Grantor, and the Grantor's successors and assigns, retain exclusive right to such access and use, subject only to the provisions of this Easement.

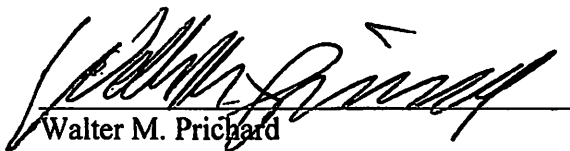
9. The parties agree that monetary damages would not be adequate remedy for breach of any of the terms, conditions and restrictions herein contained, and, therefore, in the event that the Grantor, or the Grantor's successors and assigns, violate or breach any of the terms, conditions and restrictions herein contained, the Grantee, or the Grantee's successors and assigns, may institute a suit to enjoin by ex parte, preliminary and/or permanent injunction such violation and to require the restoration of the Property to its prior condition. The Grantee, or the Grantee's successors and assigns, by any prior failure to act, does not waive or forfeit the right to take action as may be necessary to insure compliance with the terms, conditions and purposes of this Easement.

10. By signing this Easement, the Grantor acknowledges and agrees that none of the on-site waste disposals systems identified in Exhibit D and terminated by this Easement has ever been put into service.

IN WITNESS WHEREOF, the Grantor and Grantee have hereunto set their hands and seals in the day and year above written.

**GRANTOR**

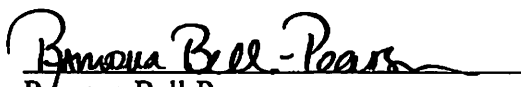
By:

  
Walter M. Prichard

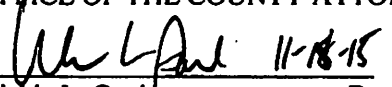
**GRANTEE**

**MONTGOMERY COUNTY, MARYLAND**

By:

  
Ramona Bell-Pearson  
Assistant Chief Administrative Officer

APPROVED AS TO FORM AND LEGALITY  
OFFICE OF THE COUNTY ATTORNEY

  
Vickie L. Gaul Date  
Associate County Attorney

**MONTGOMERY COUNTY, MD**

APPROVED BY Kam

**MAY 23 2016**

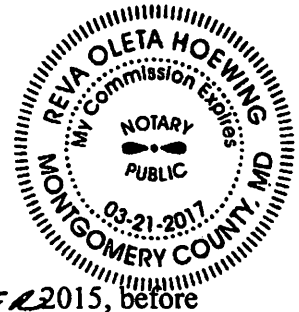
\$ NA RECORDATION TAX PAID  
\$ NA TRANSFER TAX PAID

52084 239

(Acknowledgements on following page)

STATE OF MARYLAND \*

COUNTY OF MONTGOMERY \*



I HEREBY CERTIFY that on this 14<sup>th</sup> day of NOVEMBER 2015, before me, the undersigned officer, personally appeared Walter M. Prichard known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing Transfer of Development Rights for Building Lot Termination and acknowledged that he executed the same as his act for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Reva Oleta Hoewing  
Notary Public

My Commission Expires: 03-21-2017

STATE OF MARYLAND \*

COUNTY OF MONTGOMERY \*

I HEREBY CERTIFY that on this 20<sup>th</sup> day of November 2015, before me, the subscriber, a Notary Public in and for the aforesaid jurisdiction, personally appeared **Ramona Bell-Pearson, Assistant Chief Administrative Officer of Montgomery County, Maryland**, who executed the foregoing Transfer of Development Rights Easement for Building Lot Termination on behalf of Montgomery County, Maryland, for the purposes therein contained, and further acknowledged the foregoing Transfer of Development Rights Easement for Building Lot Termination to be the act and deed of Montgomery County, Maryland.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Julie L. White  
Notary Public

My Commission Expires: 4/30/2017

THE UNDERSIGNED, a member of the Bar of the Court of Appeals of Maryland, hereby certifies that the foregoing instrument was prepared by or under the supervision of the undersigned.

Vickie L. Gaul  
Vickie L. Gaul, Esq.

RELEASE OF LENDER: N/A  
(If Lender is involved)

THIS INSTRUMENT IS INSURED BY: N/A  
(If applicable)

PARCEL IDENTIFICATION NUMBER(S): 11-00916437

GRANTOR'S ADDRESS: Walter M. Prichard  
21710 Peach Tree Road  
Dickerson, Maryland 20842-9177

PROPERTY ADDRESS: 21715 Beallsville Road  
Boys Maryland 20841

GRANTEE'S ADDRESS: MONTGOMERY COUNTY, MARYLAND  
101 Monroe Street, 3<sup>rd</sup> Floor  
Rockville, MD 20852

AFTER RECORDATION, PLEASE RETURN TO:

Montgomery County, Maryland  
c/o Vickie L. Gaul, Associate County Attorney  
101 Monroe Street, 3<sup>rd</sup> Floor  
Rockville, MD 20850

52084 241

**Exhibit A**  
**Legal Description of Easement Parcel**

**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 of part of a tract of land called "HAPPY CHOICE" as described in a deed for 85.5434 acres of land from Charles H. Boehne, Personal Representative of the Estate of Theodore L. Heitmuller to Walter M. Prichard recorded in Liber 21874 at Folio 091 lying outside the Town Limits of Barnesville, Maryland:**

Beginning at the point of beginning of the description contained in the above mentioned deed, thence running with the outlines of said tract as described

S69° 34' 56"W - for 1362.42 feet to a Maple Tree; thence  
 S20° 42' 41"W - 1398.19 feet to a post; thence  
 N63° 34' 39"W - 751.24 feet; thence  
 N21° 04' 09"W - 193.75 feet to a post on the east side of Barnesville Road; thence along said east side  
 243.01 feet along the arc of a curve to the left having a radius of 2092.85 feet and a chord bearing and distance of  
 N19° 41' 56"E - 242.87 feet; thence  
 N16° 22' 21"E - 120.00 feet; thence  
 299.50 feet along the arc of a curve to the right having a radius of 1430.00 feet and a chord bearing and distance of  
 N22° 22' 21"E - 298.95 feet; thence  
 N28° 22' 21"E - 846.02 feet; thence  
 S69.23 feet along the arc of a curve to the left having a radius of 13060.00 feet and a chord bearing and distance of  
 N23° 02' 36"E - 568.41 feet; thence  
 N17° 42' 51"E - 327.20 feet; thence departing said east side of Barnesville Road and running so as to cross and  
 include a part of said tract  
 S78° 30' 07"E - 1109.78 feet to a fence post; thence  
 N71° 42' 11"E - 838.43 feet to a nail and washer in a fence post; thence  
 S18° 22' 44"W - 1025.64 feet to the point of beginning containing 75.1554 acres of land

**Surveyor's Certification**

I hereby certify that I was in responsible charge over the preparation of this metes and bounds description and the surveying work reflected in it, all in compliance with requirements set forth in 09.13.06.12 of the COMAR Regulations

Date: December 29, 2014



Thomas A. Maddox - Reg. Professional  
 Land Surveyor MD No. 10850 Expires 04/03/2016



Exhibit B  
Title Report

52084 242





52084 243

James J. Demma  
301-762-1600  
[jdemma@milesstockbridge.com](mailto:jdemma@milesstockbridge.com)

October 16, 2015

John P. Zawitoski, Director of Planning & Promotions  
Agricultural Services Division  
Department of Economic Development  
18410 Muncaster Road  
Derwood, Maryland 20855

Re: Walter M. Prichard  
85.5434 Acre Parcel of Land  
(Saving and Excepting that portion subdivided by Plat 24726)  
Remainder Parcel containing 75.15 Acres  
Tax Account Number: 11-01-00916437  
Montgomery County, Maryland

Dear Mr. Zawitoski:

Pursuant to your most recent request by E-mail dated October 7, 2015, concerning the captioned matter, there are no changes to the record title since my prior letter to you of November 6, 2014.

For your further convenience, what follows are the particulars of that prior letter dated November 6, 2014, to wit:

Pursuant to your request, we have examined or caused the examination of the available public records of the County of Montgomery, State of Maryland, for the purpose of the examination of title to the captioned parcel of land, lying in Montgomery County, Maryland, and which is identified on Tax Map CV 62 as Parcel Number P440, and located at 21715 Beallsville Road, Boyds, Maryland 20841 (the "Property"). Enclosed for your convenient reference is a partial copy of the said Tax Map CV 62, with the Remainder Parcel colored in yellow, and the subdivided portion colored in green. Also enclosed for your convenient reference is a copy of the Subdivision Record Plat entitled "Lots 1 & 2 and Outlot A - Barnesville," recorded as Plat No. 24726 among the Land Records of Montgomery County, Maryland.

In connection with this Property, please be advised that as of the date of our examination, *i.e.*, the 15<sup>th</sup> day of July, 2014, the fee simple title to the Property is found to be vested of record in Walter M. Prichard, in accordance with a certain deed from Charles H. Boehne, Personal Representative of the Estate of Theodore L. Heitmuller, dated the 12<sup>th</sup> day of March [no year listed], and recorded the

October 16, 2015

Page 2

26<sup>th</sup> day of September, 2002 in Liber 21874 at folio 91 among the said Land Records, citing an original area of 85.5434 acres of land.

The examination reveals the title to the Property is subject (or possibly subject), to the following items:

1. State, County and local *ad valorem* real estate taxes and other charges assessed, and to be assessed, by the appropriate governmental authorities.
2. Right of Way to The Chesapeake and Potomac Telephone Company of Baltimore City, for the purpose of constructing and maintaining a telephone and telegraph line, including necessary poles, wires and guys, *inter alia*, dated the 29<sup>th</sup> day of April, 1930 and recorded the 12<sup>th</sup> day of March, 1931 in Liber 518 at folio 351 among the Land Records for Montgomery County, Maryland.
3. Right of Way Agreement to The Potomac Edison Company, for the purpose of constructing, operating and maintaining electrical lines, including all poles, cables and fixtures, *inter alia*, dated the 8<sup>th</sup> day of November, 1939 and recorded the 5<sup>th</sup> day of January, 1945 in Liber 953 at folio 360 among the said Land Records.
4. Right of Way Agreement to The Potomac Edison Company, for the purpose of constructing, operating and maintaining an electrical line, including all poles, anchors, wires and other fixtures, *inter alia*, dated the 13<sup>th</sup> day of May, 1958 and recorded the 13<sup>th</sup> day of August, 1958 in Liber 2491 at folio 61 among the said Land Records.
5. Right of Way Agreement to The Potomac Edison Company, for the purpose of constructing, operating and maintaining electrical lines, including all lines, poles, cable and fixtures, *inter alia*, dated the 20<sup>th</sup> day of May, 1958 and recorded the 13<sup>th</sup> day of August, 1958 in Liber 2491 at folio 63 among the said Land Records.
6. Right of Way Grant to The Chesapeake and Potomac Telephone Company of Maryland, for the purpose of constructing, operating and maintaining communication systems, *inter alia*, dated the 6<sup>th</sup> day of June, 1960 and recorded the 10<sup>th</sup> day of June, 1960 in Liber 2744 at folio 166 among the said Land Records.
7. Easement for the transfer of twelve (12) development rights numbered 12-7240 through 12-7251 from Walter M. Pritchard [actual last name is spelled Prichard] to Montgomery County, Maryland, by a Transfer of Development Rights (TDR) Easement, dated the 15<sup>th</sup> day of May, 2003 and recorded the 2<sup>nd</sup> day of September, 2003 in Liber 25079 at folio 647 among the said Land Records.

October 16, 2015

Page 3

8. Deed of Transfer of Development Rights (TDR), made by Walter M. Prichard to Toll MD II Limited Partnership, dated the 15<sup>th</sup> day of May, 2003 and recorded the 2<sup>nd</sup> day of September, 2003 in Liber 25079 at folio 656 among the said Land Records, transferring twelve (12) Development Rights - numbered 12-7240 through 12-7251.

9. Conservation Deed of Easement - Category I to Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission for restoration planting, dated the 12<sup>th</sup> day of September, 2011 and recorded the 5<sup>th</sup> day of December, 2011 in Liber 42770 at folio 001, among the said Land Records.

10. Forest Conservation On-Site Maintenance and Management Agreement with the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission dated the 23<sup>rd</sup> day of March, 2012 and recorded the 4<sup>th</sup> day of April, 2012 in Liber 43663 at folio 465, among the said Land Records.

11. Forest Planting and Maintenance Agreement with The Commissioners of Barnesville, Maryland dated the 29<sup>th</sup> day of August, 2012 and recorded the 20<sup>th</sup> day of February, 2013 in Liber 46128 at folio 116 among the said Land Records (this instrument appears to only affect the subdivided portion of the Property).

12. Declaration of Easement for Pedestrian Easement to Town of Barnesville dated the 22<sup>nd</sup> day of December, 2012 and recorded the 20<sup>th</sup> day of February, 2013 in Liber 46128 at folio 123 among the said Land Records (this instrument appears to only affect the subdivided portion of the Property).

13. Forest Conservation Ordinance Easement with The Commissioners of Barnesville, Maryland dated the 29<sup>th</sup> day of August, 2012 and recorded the 20<sup>th</sup> day of February, 2013 in Liber 46128 at folio 128 among the said Land Records (this instrument appears to only affect the subdivided portion of the Property).

14. The affect, if any, of that certain "Easement Deed by Court Order in Settlement of Landowner Action," Civil Action No. 1:11-cv-3434-CCB, Barbara O. Payne, *et al.* v. Sprint Communications Company, L.P., *et al.* recorded the 15<sup>th</sup> day of August, 2013 in Liber 47469 at folio 221 among the said Land Records. A copy of this item is enclosed for your review.

15. Deed of Trust from Walter M. Prichard to James D. Aird and Martin L. Goozman, Trustees, dated the 20<sup>th</sup> day of November, 2002 and recorded the 21<sup>st</sup> day of April, 2002 in Liber 22332 at folio 54, among the said Land Records, securing MidAtlantic Farm Credit, ACA, in the original sum of \$460,000.00, among the said Land Records.

October 16, 2015

Page 4

16. Deed of Trust from Walter M. Prichard to James D. Aird and Marin L. Goozman, Trustees, dated the 2<sup>nd</sup> day of July, 2010 and recorded the 23<sup>rd</sup> day of August, 2010 in Liber 39796 at folio 30, among the said Land Records, securing MidAtlantic Farm Credit, ACA, in the original sum of \$200,000.00.

17. Such a state of facts that a recent and accurate Boundary Survey of the Property would disclose, including, but not limited to: an accurate determination of the location on the ground of the various descriptions as recited in the aforesaid documents, unrecorded easements, persons other than Twin Ponds Farm, LLC, in actual possession of the Property under unrecorded leases, or by claims of ownership, boundary disputes, and shortages in area.

**Note:** Except for (i) the copy of the above described Subdivision Record Plat, and (ii) the copy of Item 14 above, no other copies of the above documents have been included with this letter, as there are so many which would be unimportant for your immediate purposes, however, if you have the need at this time to review copies of any of these documents, please contact the undersigned and they will be delivered to you.

**Note:** With respect to all of the transfer of development rights as stated above, it would be advisable to contact the Office of the County Attorney to review its list of all serialized TDRs and compare them to what has been reported herein, for verification.

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Nothing contained in this letter should be construed as an opinion relating to the consequences of the exercise or enforcement or attempted enforcement of governmental police powers relating to the Property, or as an opinion relating to matters not appearing on the public records. Further, this letter excludes any opinion relating to the applicability of any law, ordinance or governmental regulation (including, but not limited to: building and zoning and subdivision ordinances and regulations) restricting or regulating or prohibiting in whole or in part, the occupancy, use or enjoyment of the Property hereinabove described or regulating the character, dimension, location or use of any improvements now or hereafter constructed upon the Property hereinabove described or the effect of any violation of any such law, ordinance or regulation.

The undersigned assumes no liability for any loss or damage caused by errors and omissions attributed to the Office of the Clerk of the Circuit Court, including, but not limited to, errors in the indexing of documents and decrees, failure to index documents and decrees presented to those said offices, and the failure to file or maintain documents and decrees in the proper location.

The several opinions set forth in this letter are for the sole benefit of the Agricultural Services Division of the Department of Economic Development for Montgomery County, Maryland, and without the prior written consent in writing of this office, no others are entitled to rely thereon.

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October 16, 2015  
Page 5

If you have any questions or comments concerning the content of this letter, please contact the undersigned; and I thank you for thinking of me in connection with these matters.

Very truly yours,

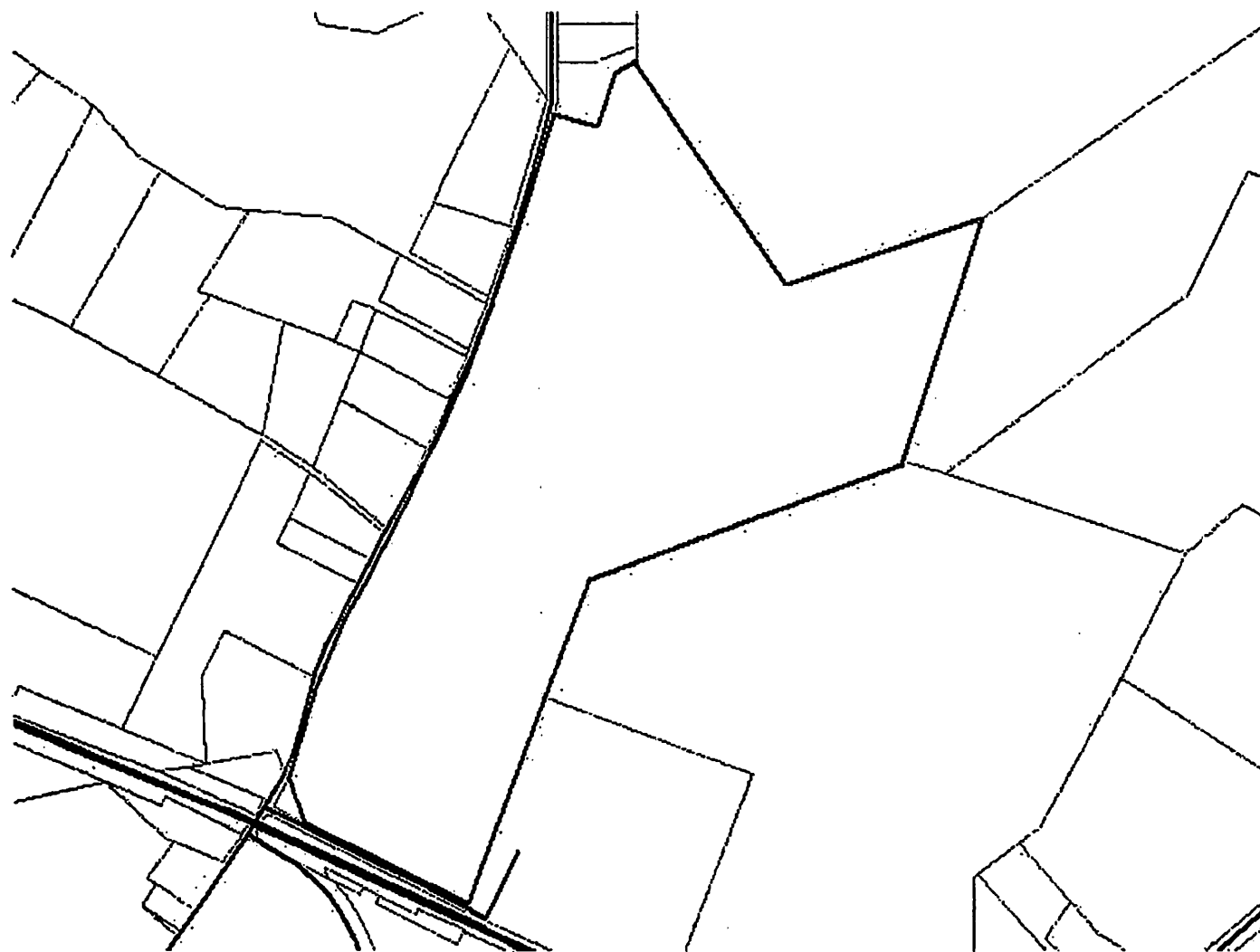
A handwritten signature in black ink, appearing to read 'James J. Demma', is written over a horizontal line.

James J. Demma

Enclosures

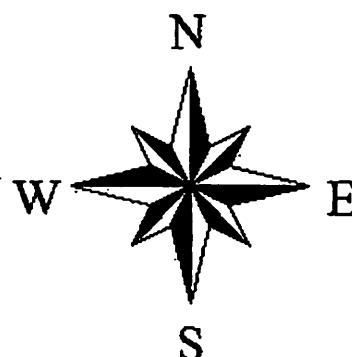
52084 248

# Exhibit C Tax Map



0.2 0 0.2 0.4 Miles

-  Met.shp
-  Theme21.shp
-  Pitchard.shp
-  Roads.shp
-  Property\_2007\_cd.shp
-  Co-bndy.shp



52084 249

**Exhibit D**  
**Septic System Site Plan Approved by Letter by**  
**The Department of Permitting Services (DPS)**



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Thomas K. Schwartz, Jr.  
Mayor

**MEMORANDUM**

November 19, 2012

**TO:** Jeremy V. Criss, Agricultural Services Manager  
MCDED, Agricultural Services Division

**FROM:** Kim Beall, Well & Septic Section  
Department of Permitting Services *DPS*

**SUBJECT:** Status of Building Lot Termination Plan  
Heilmüller Property  
Beallsville Road

This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on November 7, 2012. The sewage disposal areas shown are acceptable based on current regulations. The sewage disposal areas plus surrounding buffer shall be extinguished.

If you have any questions, please contact Kim Beall at (240) 777-6315.

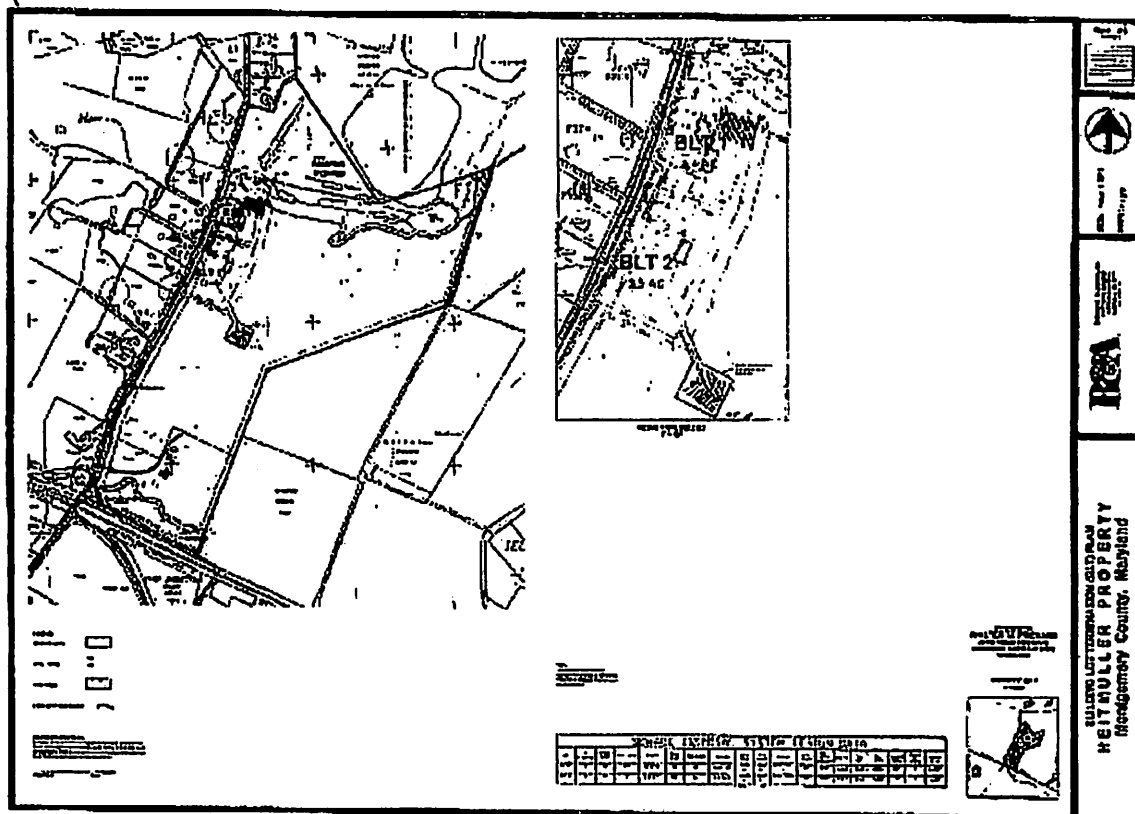
**cc:** Banning & Associates  
File

235 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-4236 TTY  
www.montgomerycountymd.gov

montgomerycountymd.gov/311 **311** 240-773-3556 TTY

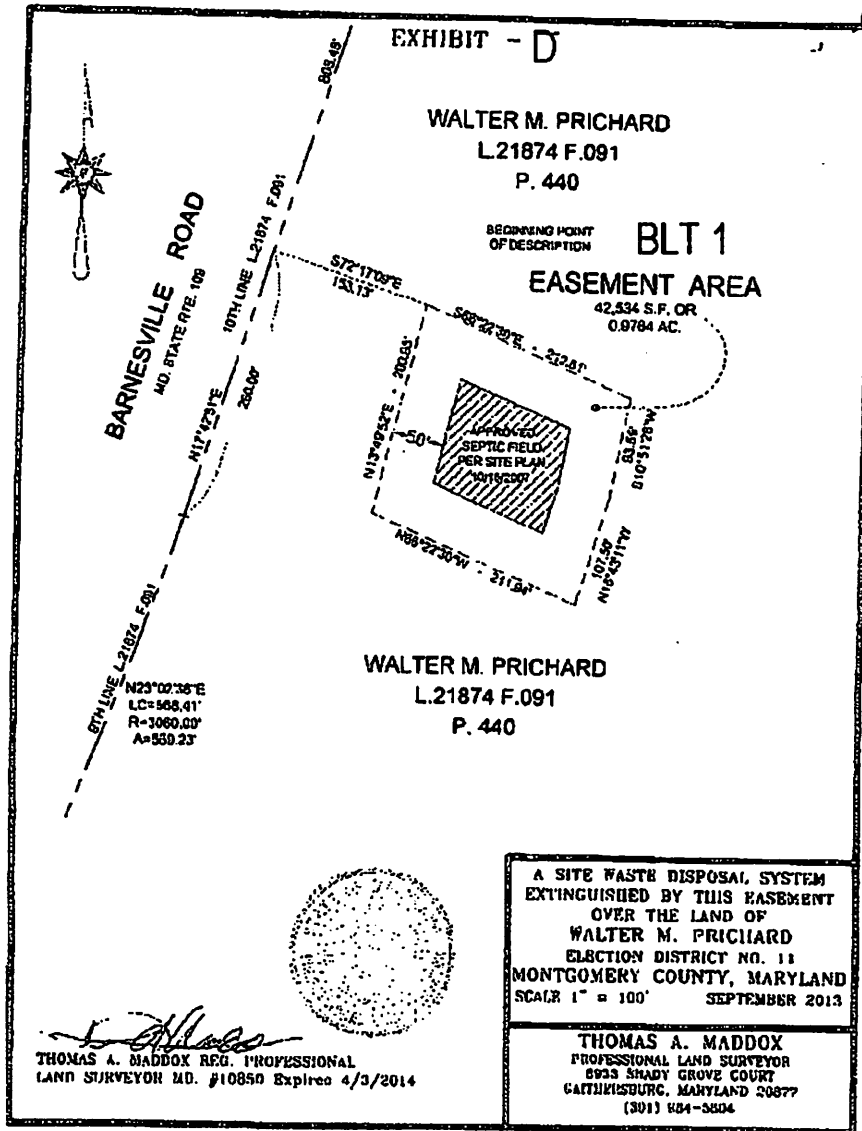
52084 250'

**Exhibit D**  
**Septic System Site Plan Approved by Letter by**  
**The Department of Permitting Services (DPS)**



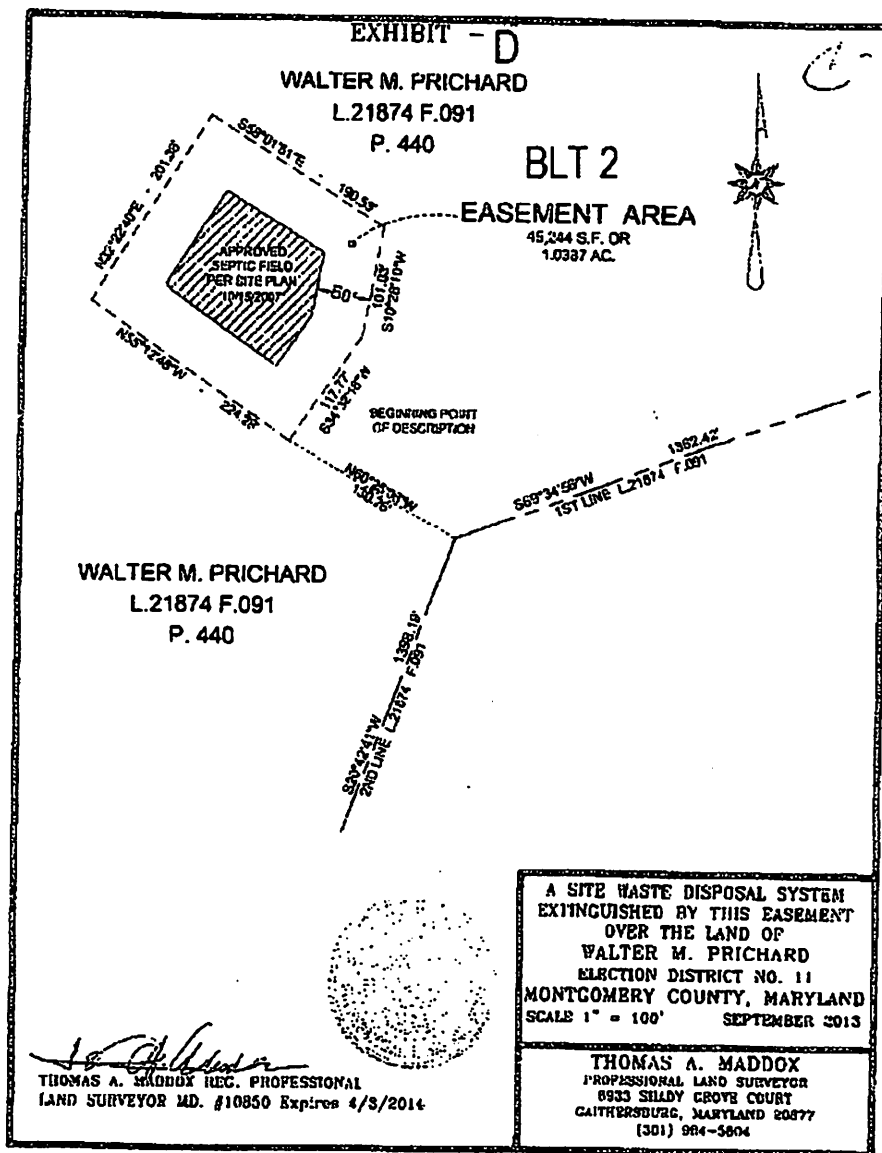
52084 251

**Exhibit D**  
**Septic System Site Plan Approved by Letter by**  
**The Department of Permitting Services (DPS)**



52084 252

**Exhibit D**  
**Septic System Site Plan Approved by Letter by**  
**The Department of Permitting Services (DPS)**



52084 253

2064

**Property ID #11-00916437**

**DEED OF TRANSFER OF DEVELOPMENT RIGHTS (TDR)  
FOR BUILDING LOT TERMINATION (BLT)**

THIS DEED, made this 23<sup>rd</sup> day of November, 2015 by and between  
**Walter M. Prichard, 21710 Peach Tree Road, Dickerson, Maryland 20842-9177**

("Grantor"), and MONTGOMERY COUNTY, MARYLAND, a body corporate and politic,  
hereinafter ("Grantee").

HEREBY CERTIFY THIS PROPERTY HAS BEEN REGISTERED  
ON THE MONTGOMERY COUNTY ASSESSMENT BOOKS FOR  
TDR INFORMATION.

5/17/16  
TRANSFER CLERK, ASSESSMENT DEPARTMENT

**RECITALS**

Chapter 59 of the Montgomery County Code defines **Development Right** as: "The  
potential for the improvement of a parcel of real property, measured in dwelling units or units of  
commercial or industrial space, existing because of the zoning classification of the parcel, and  
sets forth a procedure for the transfer of Development Rights for the purpose of preserving  
agricultural land. Further, Chapter 59 defines a Building Lot Termination Development Right  
("BLTs"), in pertinent part, as one that is created from land at least 25 acres in size and is

capable of being served by an individual sewage treatment unit which meets the requirements of  
Chapter 27A and applicable regulations issued under that Chapter ("individual sewage  
treatment unit").

A Transfer of Development Rights Easement For Building Lot Termination granted to  
Montgomery County, Maryland on land described in **Exhibit A** hereto ("Property"), pursuant to  
Chapter 59 of the Montgomery County Code, and recorded immediately prior hereto among the  
land records of Montgomery County, Maryland, created two (2) BLTs (serial nos. BLT-

040 through BLT- 041) for the Grantee's use, extinguished the Grantor's future right

AGRICULTURE TRANSFER TAX IN THE  
AMOUNT OF \$ N/A  
SIGNATURE MC

RECORDING FEE 0.00  
TR TAX STATE 0.00  
TOTAL 0.00  
Reg#007 Rcrt#999999  
BHM NVE BLK#2800  
May 23, 2016 04:12 PM

FILED  
CLERK OF COURT  
CLERK'S OFFICE  
MONTGOMERY CO. MD

2016 MAY 23 PM 4: 12

After recording, return to  
Miles & Stockbridge P.C.  
11 N. Washington Street  
Suite 700  
Rockville, MD 20850-4229  
Attn: L. Dixon

Hold  
for

MONTG. CO. MD.

to construct one or more one-family dwellings on the Property and also extinguished the Grantor's right to use the individual septic treatment units described in the Easement.

NOW, THEREFORE, in consideration of the value given to the Grantor under a Building Lot Termination Easement, also recorded immediately prior hereto, and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor and Grantor's successors and assigns, does grant and convey to Grantee, and Grantee's successors and assigns, two (2) BLTs, numbered BLT-040 through BLT-041 originally attached to the Property situated in the Agricultural Reserve Zone, Lower Seneca Basin 18<sup>th</sup> Planning Area, Montgomery County, located at and more particularly described in Exhibit A attached hereto.

AND, Grantor covenants that it will warrant specially the property hereby conveyed, that it will execute such further assurances of said property as may be requisite and that it has the right to convey the property.

IN WITNESS WHEREOF, their hand and seals in the day and year above written.

**GRANTOR**

By: Walter M. Prichard  
Walter M. Prichard

**GRANTEE**

**MONTGOMERY COUNTY, MARYLAND**

By: Ramona Bell-Pearson  
Ramona Bell-Pearson, Assistant  
Chief Administrative Officer

(Acknowledgments on following page)

APPROVED FOR FORM AND LEGALITY  
OFFICE OF THE COUNTY ATTORNEY

By: *Vickie L. Gaul* 11-18-15  
Vickie L. Gaul DATE  
Associate County Attorney



STATE OF MARYLAND \*  
\*  
COUNTY OF MONTGOMERY \*

I HEREBY CERTIFY that on this 12 day of November <sup>2015</sup>~~2014~~, before me, the undersigned officer, personally appeared Walter M. Prichard known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing Deed of Transfer of Development Rights for Building Lot Termination and acknowledged that he executed the same as his act for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

*Reva Oleta Hoewing*  
Notary Public

My Commission Expires: 03-21-2017

STATE OF MARYLAND \*  
\*  
COUNTY OF MONTGOMERY \*

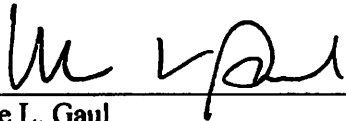
I hereby certify that on this 20th day of November 2015, before me, a Notary Public of the State and County aforesaid, personally appeared Ramona Bell-Pearson, known to me (or satisfactory proven) to be the person whose name is subscribed to the foregoing Deed of Transfer of Development Rights for Building Lot Termination, and acknowledged that she is the Assistant Chief Administrative Officer of Montgomery County, Maryland, and that the execution of this document is her free act as Assistant Chief Administrative Officer on behalf of Montgomery County, Maryland.

*Julie L. White*  
Notary Public

My Commission Expires: 4/30/2017



THE UNDERSIGNED, a member of the Bar of the Court of Appeals of Maryland, hereby certifies that the foregoing instrument was prepared by or under the supervision of the undersigned.

  
Vickie L. Gaul

FOR RECORDING PURPOSES ONLY:

RELEASE OF LENDER: N/A  
(If Lender is involved)

THIS INSTRUMENT IS INSURED BY: N/A  
(If applicable)

PARCEL IDENTIFICATION NUMBER(S): 11-00916437

GRANTOR'S ADDRESS: Walter M. Prichard  
21710 Peach Tree Road  
Dickerson, Maryland 20842-9177

PROPERTY ADDRESS: 21715 Beallsville Road  
Boys Maryland 20841

GRANTEE'S ADDRESS: MONTGOMERY COUNTY, MARYLAND  
101 Monroe Street, 3<sup>rd</sup> Floor  
Rockville, MD 20852

AFTER RECORDATION, PLEASE RETURN TO:

Montgomery County, Maryland  
c/o Vickie L. Gaul, Associate County Attorney  
101 Monroe Street, 3<sup>rd</sup> Floor  
Rockville, MD 20850

52084 257

# Exhibit A

## Legal Description of Easement Parcel

**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 of part of a tract of land called "HAPPY CHOICE" as described in a deed for 85.5434 acres of land from Charles H. Boehne, Personal Representative of the Estate of Theodore L. Heitmuller to Walter M. Pritchard recorded in Liber 21874 at Folio 091 lying outside the Town Limits of Barnesville, Maryland:

Beginning at the point of beginning of the description contained in the above mentioned deed, thence running with the outlines of said tract as described

S69° 34' 56"W - for 1362.42 feet to a Maple Tree; thence  
S20° 42' 41"W - 1398.19 feet to a post; thence  
N63° 34' 39"W - 751.24 feet; thence  
N21° 04' 09"W - 193.75 feet to a post on the east side of Barnesville Road; thence along said east side  
243.01 feet along the arc of a curve to the left having a radius of 2092.85 feet and a chord bearing and distance of  
N19° 41' 56"E - 242.87 feet; thence  
N16° 22' 21"E - 120.00 feet; thence  
299.50 feet along the arc of a curve to the right having a radius of 1430.00 feet and a chord bearing and distance of  
N22° 22' 21"E - 298.95 feet; thence  
N28° 22' 21"E - 846.02 feet; thence  
569.23 feet along the arc of a curve to the left having a radius of 1060.00 feet and a chord bearing and distance of  
N23° 02' 36"E - 568.41 feet; thence  
N17° 42' 51"E - 327.20 feet; thence departing said east side of Barnesville Road and running so as to cross and  
include a part of said tract  
S78° 30' 07"E - 1109.78 feet to a fence post; thence  
N71° 42' 11"E - 838.43 feet to a nail and washer in a fence post; thence  
S18° 22' 44"W - 1025.64 feet to the point of beginning containing 75.1554 acres of land

### Surveyor's Certification

I hereby certify that I was in responsible charge over the preparation of this metes and bounds description and the surveying work reflected in it, all in compliance with requirements set forth in 09.13.06.12 of the COMAR Regulations

Date: December 29, 2014



Thomas A. Maddox - Reg. Professional  
Land Surveyor MD No. 10850 Expires 04/03/2016



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Space Reserved for Circuit Court Clerk Recording Validation

Space Reserved for County Validation