

DECLARATION OF PUBLIC IMPROVEMENTS EASEMENT(S)

THIS DECLARATION, made this _____ day of _____, 20____, by _____, their successors, heirs, and assigns (the "Declarant"), owners of a certain tract of land lying and being in Montgomery County, Maryland and being more particularly described as follows: _____

_____ (the "Property"). The Declarant intends to subdivide the Property into lots and record a subdivision record plat(s) 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, grants certain easements as shown on the subdivision record plat(s) and makes certain agreements set forth in this Declaration with Montgomery County, Maryland, which agreements shall be binding on the Declarant and Declarant's successors, heirs, and assigns, and on the Property in perpetuity. Reference to this Declaration on the Subdivision Record Plat(s) to be recorded shall constitute incorporation of the terms of this Declaration on the said plat(s) by reference thereon.

NOW, THEREFORE, in consideration of the approval of the subdivision record plat(s) for the Property and the recitals which are incorporated in this Declaration, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged by the Declarant, the Declarant does hereby grant, covenant and agree as follows:

1. The Declarant does hereby grant and convey to Montgomery County, Maryland, and its duly designated agents (the "County"), those certain easements shown on the subdivision record plat(s) and abutting all [insert roadway classification(s)] streets located on the Property for the purposes of installing, maintaining, operating, rehabilitating, repairing or removing public improvements including but not limited to:
 - a) Street paving, curb and gutter, sidewalks, and bike paths
 - b) Street signs
 - c) Traffic control signs and devices
 - d) Storm drainage
 - e) Street lights and appurtenances
 - f) Street trees and planters

2. That the subdivision record plat(s) for the Property shall show thereon those certain easements which are granted by the Declarant and shown on the subdivision record plat(s) and shall be labeled "Public Improvements Easement" or "P.I.E."

3. That the easements granted under Paragraph 1 and shown on the subdivision record plat(s) as required under Paragraph 2 shall be *[insert appropriate dimension(s) in accordance with the Road Code or applicable standards]* in width and shall be contiguous with and parallel and adjacent to the right-of-way lines of all of the affected *[insert roadway classification(s)]* streets.

The Declarant does hereby covenant and agree that the granting of the easements shall not obligate the County to provide maintenance in parking areas adjacent to *[insert roadway classification(s)]* streets unless such areas are disturbed during the installation and/or maintenance of the public improvements.

4. The Declarant covenants and agrees that no fence, wall, or permanent structures shall be erected within the Public Improvements Easement other than those structures which shall be approved by the Department of Permitting Services of Montgomery County, Maryland or its successors. Should the County determine to remove any of the public improvements at any time, the County shall not be required to replace any improvements which are removed.
5. Declarant may plant trees and shrubs within the Public Improvements Easement in accordance with the applicable Design Standards of the Department of Transportation of Montgomery County, Maryland or its successors. Should the County, in order to maintain its facilities within the Public Improvements Easement, be required to remove any of the trees or shrubs, the County will not be required to replace them and the Declarant will save the County harmless from any claim for damages to the trees and shrubs.
6. The Declarant does grant the Easements described in this Declaration and shown on the subdivision record plat(s) in perpetuity unto Montgomery County, Maryland.

IN WITNESS WHEREOF, the parties have executed this Declaration of Public Improvements Easement under seal on the date first written above.

WITNESS: *[identify the owner(s)]*

Printed Name:

By:

Title:

WITNESS:

MONTGOMERY COUNTY, MARYLAND

Printed Name:

By: Diane R. Schwarz Jones, Director

Department of Permitting Services

STATE OF

COUNTY OF _____ : ss

I hereby certify that on this _____ day of _____, 20____, before the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared _____, known to me (or satisfactorily proven) to be the person(s) described in the foregoing instrument, who did acknowledge that (he) (she) (they), having been properly authorized, executed the same in the capacity therein stated and for the purposes therein contained.

IN TESTIMONY WHEREOF, I have affixed my hand and official seal.

NOTARY PUBLIC

My Commission Expires _____

STATE OF

COUNTY OF _____ : ss

I hereby certify that on this _____ day of _____, 20____, before the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared _____, Director of the Department of Permitting Services, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, who did acknowledge that she, having been properly authorized, executed the same on behalf of Montgomery County, Maryland in the capacity therein stated and for the purposes therein contained.

IN TESTIMONY WHEREOF, I have affixed my hand and official seal.

NOTARY PUBLIC

My Commission Expires _____

INFORMATION FOR RECORDING:

Parcel I.D. Number(s):

Record Legal Description:

Street Address of Subject Property:

Names and Addresses of Parties to Instrument and Their Interest

Grantor(s):

County: Montgomery County, Maryland
101 Monroe Street
Rockville, Maryland 20850

Return original instrument to: