

**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 name(s)] streets located on the Property for the purposes of installing, maintaining, operating, rehabilitating, repairing or removing public improvements including:
  - a) Street paving, curb and gutter, sidewalks, and bike paths.
  - b) Street signs.
  - c) Traffic control signs and devices.
  - d) Storm drainage facilities.
  - e) Streetlights and appurtenances.
  - f) Street trees and planters.
  
2. That the subdivision record plat(s) for the Property shall show thereon the easements that are hereby granted by the Declarant 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 abutting the right-of-way lines of all of the affected [insert roadway Name(s)] streets.
4. The Declarant does hereby covenant and agree that the granting of the easements shall not obligate the County to maintain non-public areas abutting [insert roadway name(s)] this public improvement easement.
5. The Declarant covenants and agrees that no fence, wall, or structure shall be erected or installed within or under the Public Improvements Easement other than those structures which are approved by Montgomery County, Maryland under applicable law. 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.
6. Declarant may plant trees and shrubs within the Public Improvements Easement in accordance with the applicable County law. 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.
7. 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:

APPROVED FOR FORM AND LEGALITY

**MONTGOMERY COUNTY, MARYLAND**

By: \_\_\_\_\_  
Associate County Attorney

\_\_\_\_\_  
By: Mitra Pedeem, Director  
Department of Permitting Services

STATE OF:

COUNTY OF:

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:

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: