

Clarksburg
Town Center

Circuit Court for
MONTGOMERY COUNTY
Clerk of the Court,
MOLLY Q RUHL
COUNTY JUDICIAL CENTER
50 MARYLAND AVENUE
ROCKVILLE, MD 20850-2393
(240) 777-9400

Transaction Block:	1034
EASEMENT	AMOUNT
RECORDING FEE	20.00
IMP FD SURE \$5	5.00
SUBTOTAL:	25.00

Transaction Block:	1035
DECLARATION-20	AMOUNT
RECORDING FEE 20	20.00
IMP FD SURE \$5	5.00
SUBTOTAL:	25.00

TOTAL CHARGES: 50.00

PAYMENTS
CHECK 50.00

TOTAL TENDERED: 50.00

Cashier: BDH Reg # M007
Rcpt # 46634
Date: Jul 09, 2001 Time: 01:24 pm

Department of Permitting
Services
250 Hungerford Drive
Rockville, MD 20850

GRANT OF STORMWATER
MANAGEMENT EASEMENT
AND
RIGHT OF WAY
TO

Parcel ID # 02-03282935

MONTGOMERY COUNTY, MARYLAND

Made this 12th day of June, 2001, by and between Terrabrook Clarksburg, L.L.C., a Delaware Limited Liability Company, by Westerra Management, L.L.C., a Delaware Limited Liability Company, Grantor(s), and MONTGOMERY COUNTY, MARYLAND, hereinafter referred to as the County.

WITNESSETH: That in consideration of the sum of One Dollar (\$1.00) paid by the County, the receipt of which is hereby acknowledged, the Grantor(s) do hereby grant and convey to the County, its successors and assigns, a stormwater management easement and right of way described as follows:

SEE SCHEDULE "A"

TO HAVE AND TO HOLD said easement and right of way together with the rights and privileges pertinent to their proper use and benefits forever by the County, its successors and assigns.

AND the Grantor(s), for themselves, their heirs and assigns, covenant and agree with the County, its successors and assigns, as follows:

FIRST: That the Grantor(s) will never erect nor permit to be erected any building or structure of any nature whatsoever, nor fill or excavate, nor plant trees within said easement and right of way without the County's written consent;

SECOND: That the County, its successors and assigns, shall at all times have a right to enter said easement and right of way for the purpose of installing, constructing, reconstructing, modifying, altering, maintaining, repairing, operating, monitoring and inspecting the stormwater management facility within said easement and right of way, the right of entry to be along the line herein designated and along such other lines as the Grantor(s) may designate; and

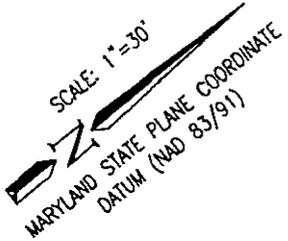
THIRD: The maintenance of the facility shall be in accordance with the maintenance covenant for this facility; and

FOURTH: That the Grantor(s) will warrant specially said easement and right of way, and shall execute such further assurances thereof as may be requisite.

UPON RECORDATION, PLEASE RETURN TO
CHARLES P. JOHNSON AND ASSOCIATES
1751 ELTON ROAD
SILVER SPRING, MARYLAND 20903

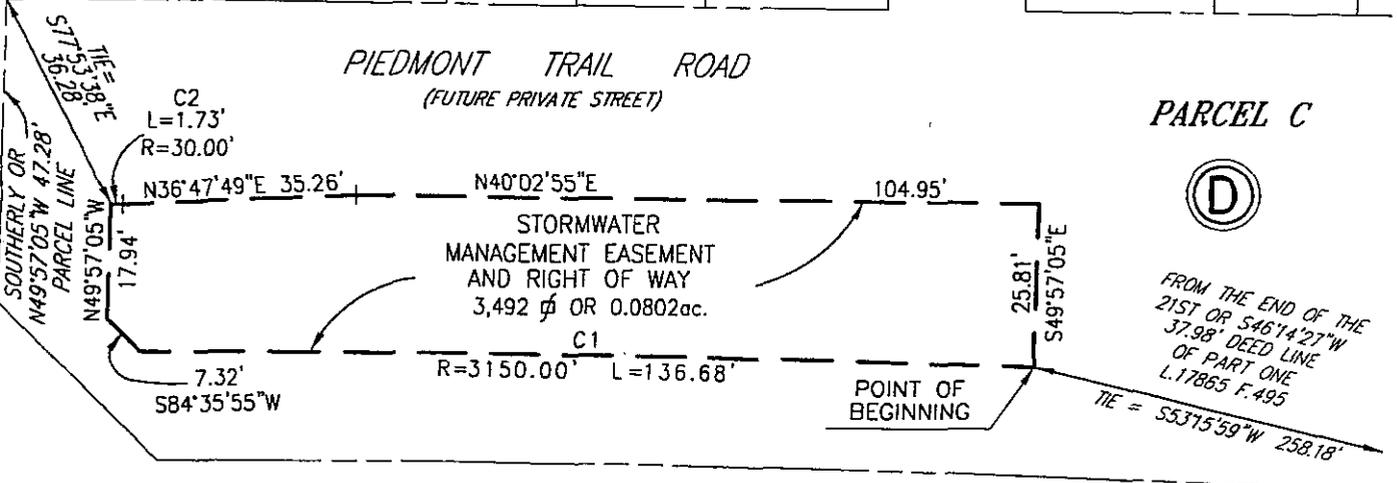
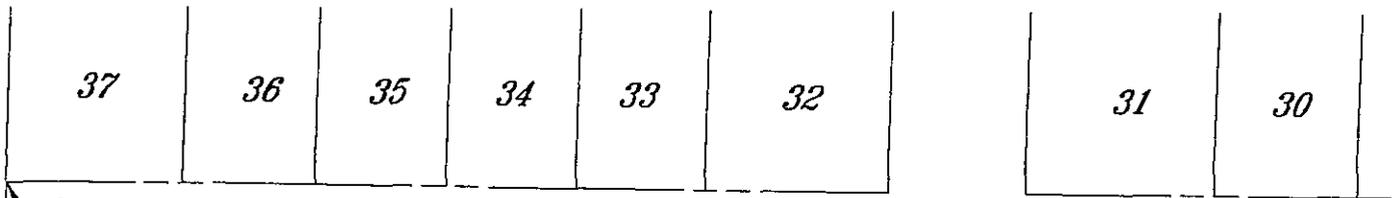
SCHEDULE "B"
 SKETCH OF A
**STORMWATER MANAGEMENT EASEMENT
 AND RIGHT OF WAY**
 ACROSS THE PROPERTY OF
TERRABROOK CLARKSBURG, L.L.C.
 CLARKSBURG (2ND) ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND

MAY 2001 SCALE 1" = 30'



LOTS 48 THROUGH 57 & PARCEL C
 BLOCK C AND LOTS 32 THROUGH 41
 & PARCEL C, BLOCK D
CLARKSBURG TOWN CENTER
 (TO BE RECORDED)

PROPERTY OF
**TERRABROOK
 CLARKSBURG, L.L.C.**
 LIBER 17865 FOLIO 495



STRINGTOWN ROAD
 (120' R/W)

DANIEL FRANCIS DELONG
 PROPERTY LINE SURVEYOR
 MD. REG. No. 526

CURVE TABLE						
CURVE	RADIUS	LENGTH	DELTA	TANGENT	BEARING	CHORD
C1	3150.00	136.68	02°29'10"	68.35	S40°20'06"W	136.67
C2	30.00	1.73	03°18'42"	0.87	N38°23'34"E	1.73

CPJ
 Associates

Charles P. Johnson & Associates, Inc.
 PLANNERS - ENGINEERS - LANDSCAPE ARCHITECTS - SURVEYORS
 1751 ELTON ROAD SUITE 300 SILVER SPRING, MARYLAND 20905
 Phone: 410/434-7000 Fax: 410/434-4094
 FREDERICK, MD FAIRFAX, VA

DECLARATION OF COVENANTS

INSPECTION/MAINTENANCE OF STORMWATER MANAGEMENT FACILITY

THIS DECLARATION, made this 8th day of June, 2001, between Terrabrook Clarksburg, L.L.C., a Delaware Limited Liability Company, by Westerra Management, L.L.C., a Delaware Limited Liability Company, hereinafter referred to as the "COVENANTOR(S)", owner(s) of the following property: All that piece or parcel of land, as described in Liber 17865 at Folio 495, said property being South of Piedmont Road, West of Stringtown Road, North of Spire Street and East of Clarksburg Road, and Montgomery County, Maryland, hereinafter referred to as the "COUNTY".

WITNESSETH:

We, the COVENANTOR(S), with full authority to execute deeds, mortgages, other covenants, and all rights, titles and interest in the property described above, do hereby covenant with the COUNTY as follows:

1. The COVENANTOR(S), shall provide maintenance for the stormwater management facility, hereinafter referred to as the "FACILITY", located on and serving the above described property to ensure that the FACILITY is and remains in proper working condition in accordance with approved design standards, with the law, and applicable executive regulations.

2. If necessary, the COVENANTOR(S) shall levy regular or special assessments against all present or subsequent owners of property served by the FACILITY to ensure that the FACILITY is properly maintained.

3. The COVENANTOR(S) shall provide and maintain perpetual access from public rights-of-way to the FACILITY for the COUNTY, its agent and its contractor.

4. The COVENANTOR(S) shall grant the COUNTY, its agent and its contractor a right of entry to the FACILITY for the purpose of inspecting, operating, monitoring, installing, constructing, reconstructing, modifying, altering, or repairing the FACILITY.

UPON RECORDATION, PLEASE RETURN TO
CHARLES P. JOHNSON AND ASSOCIATES
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SILVER SPRING, MARYLAND 20903

5. If, after reasonable notice by the COUNTY, the COVENANTOR(S) shall fail to maintain the FACILITY in accordance with the approved design standards and with the law and applicable executive regulations, the COUNTY may perform all necessary repair and maintenance work, and the COUNTY may assess the COVENANTOR(S) and/or all owners of property served by the FACILITY for the cost of the work and any applicable penalties. Said assessment shall be a lien against all properties served by the FACILITY and may be placed on the property tax bills of said properties and collected as ordinary taxes by the COUNTY.

6. The COVENANTOR(S) shall indemnify and save the COUNTY harmless from any and all claims for damages to persons or property arising from the installation, construction, maintenance, repair, operation or use of the FACILITY.

7. The COVENANTOR(S) shall promptly notify the COUNTY when the COVENANTOR(S) legally transfers any of the COVENANTOR(S) responsibilities for the FACILITY. The COVENANTOR(S) shall supply the COUNTY with a copy of any document of transfer, executed by both parties.

8. The covenants contained herein shall run with the land and shall bind the COVENANTOR(S) and the COVENANTOR(S)' heirs, executors, administrators, successors and assignees, and shall bind all present and subsequent owners of property served by the FACILITY.

9. This COVENANT shall be recorded in the County Land Records.

IN WITNESS WHEREOF, the COVENANTOR(S) have executed this DECLARATION OF COVENANTS as of this 8th day of June 2001

ATTEST:

FOR THE COVENANTOR(S)

William R. Norton, III
William R. Norton, III

Tracy Z. Graves
Tracy Z. Graves, Assistant Vice President

VIRGINIA
STATE OF ~~MARYLAND~~
COUNTY OF Lou dovn

I hereby certify that on this 8 day of June, 2001, before the subscribed, a Notary Public of the State of VIRGINIA, and for the County of Lou dovn, aforesaid personally appeared Tracy Z. Graves and did acknowledge the foregoing instrument to be (his) (her) (their) act.

In testimony whereof, I have affixed my official seal

My Commission Expires 01/31/03

Jeanne D. Nelson
NOTARY PUBLIC

INFORMATION FOR RECORDING

Parcel I.D. No.: 02-03282935
Record Legal : Liber 17865 Folio 495
Names and Address of Parcel: Stringtown Road
Coventor: Terrabrook Clarksburg, L.L.C.
42935 Waxpool Road
Ashburn, Virginia 20148-4526
County: Montgomery County, Maryland
250 Hungerford Drive
Rockville, Maryland 20850

N:\29100\WP\Deccovswm-48-02.wpd

BLADE COUNTY CLERK
DEPARTMENT OF PUBLIC SAFETY
APPROVED

SM COVENANT
1-95042

R. J. Lee 7/3/01
Approved