



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 10, 2002

Ms. Jennifer R. Busse
Whitford, Taylor & Preston L.L.P.
210 West Pennsylvania Avenue
Towson, MD 21204

year 1951
Supplemental
+ 1985

Dear Ms. Busse

RE: BGE Rockdale Substation, 8137 Liberty Road
Spirit and Intent Case No. 1985, 2nd Election District

The deed information provided by you in response to my letter of November 14, 2002 has been reviewed.

The Office of Zoning Review reinforces the position stated in the aforementioned November 14th letter, particularly, *provided the additional electrical equipment proposed for the above referenced site is entirely located within the existing fenced compound the Office of Zoning Review considers the proposal to be within the "Spirit and Intent" of the Order granted in Zoning Case No. 1985.* Further, based upon the provided deed information it is apparent to this office that the reduction in the area supporting the Special Permit was the result of a public taking and not through private sale. The site plan and deed submitted by you will become part of the abovementioned case file.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "Lloyd T. Moxley".

Lloyd T. Moxley
Planner II, Zoning Review

LTM

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper



Baltimore County
Department of Permits and
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Development Processing
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111 West Chesapeake Avenue
Towson, Maryland 21204
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November 14, 2002

Ms. Jennifer R. Busse
Whitford, Taylor & Preston L.L.P.
210 West Pennsylvania Avenue
Towson, MD 21204

Dear Ms. Busse

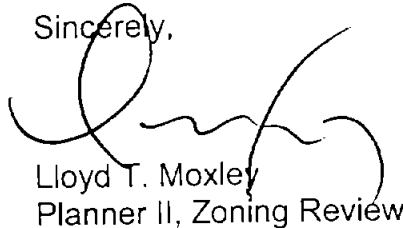
RE: BGE Rockdale Substation, 8137 Liberty Road
Spirit and Intent Case No. 1985, 2nd Election District

Your letter, dated November 6, 2002 has been referred to me for reply. After careful review of the materials included with the letter and the zoning records for this property the following has been determined.

Provided the additional electrical equipment proposed for the above referenced site is entirely located within the existing fenced compound the Office of Zoning Review considers the proposal to be within the "Spirit and Intent" of the Order granted in Zoning Case No. 1985. The Office of Zoning Review appreciates the up-dated plan information submitted with your letter. However, there seems to be a discrepancy between the property described in the original zoning case and what is being submitted for approval today in terms of area. Mathematical calculations show the area to be less than the 1.143-acre area shown on the plan. This is re-enforced by the shortened distance calls as compared to Petitioners Exhibit A. Is this the result of off-conveyance, a more accurate survey or other condition? Prior to approval of the spirit and intent plan this office will require information on the discrepancy between the described area supporting the Special Permit and the area presented on your plan.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,



Lloyd T. Moxley
Planner II, Zoning Review

LTM

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on Recycled Paper

Jul 5/2/51

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

* * * * *

IN THE MATTER OF
CONSOLIDATED GAS ELECTRIC LIGHT
AND POWER COMPANY OF BALTIMORE

* * * * *

PETITION FOR SPECIAL PERMIT

* * * * *

1985

CONSOLIDATED GAS ELECTRIC LIGHT AND POWER COMPANY OF BALTIMORE

1985

ORDERED by the Zoning Commissioner of Baltimore County this 2nd day of May 1981.

that the subject matter of this petition be advertised in a newspaper of general circulation throughout Baltimore County and that the property be posted, as required by the Zoning Regulations and Act of Assembly aforesaid, and that a public hearing thereon be had in the office of the Zoning Commissioner of Baltimore County, Maryland, on the 21st day of May 1981, at 2:00 o'clock.

Richard B. Hall
Zoning Commissioner
of Baltimore County

Upon hearing on petition for a Special Permit to use the property described therein for a Utility Electric Transformer substation, and it appearing that this utility is a community need and is necessary for the proper supply of electric current to this neighborhood; and that the granting of this special permit will not be detrimental to the health, safety and the general welfare of the community, the special permit should be granted, therefore:

It is this 2nd day of May, 1981, ORDERED by the Zoning Commissioner of Baltimore County, that the aforesaid petition for a special permit be and the same is hereby granted, subject, however, to the screening of the front of this station with evergreens so as to break the view from the residents located at the east-west corner of Liberty Road and Bitemiller Avenue.

Richard B. Hall
Zoning Commissioner
of Baltimore County

FILED MAY 2 1981 1985

PETITION FOR SPECIAL PERMIT

IN THE MATTER OF :
CONSOLIDATED GAS ELECTRIC LIGHT :
AND POWER COMPANY OF BALTIMORE :
BEFORE THE :
ZONING COMMISSIONER :
OF BALTIMORE COUNTY :

For a Special Permit under the Zoning Regulations and Restrictions of Baltimore County

To the Zoning Commissioner of Baltimore County:

Consolidated Gas Electric Light and Power Company of Baltimore hereby petitions for a Special Permit under the Zoning Regulations and Restrictions of Baltimore County, passed by the County Commissioners of Baltimore County, agreeable to Chapter 877 of the Acts of the General Assembly of Maryland of 1943, and amendments thereto, as follows:

1. A Special Permit for the construction of a utility electrical transformer substation, which structure is planned to be erected on a parcel of land on the southwest side of Liberty Road approximately 844 feet northwest of Milford Mill Road in the Second Election District of Baltimore County, Maryland, as shown on the plat attached hereto and made a part hereof and marked "Petitioner's Exhibit A." Said parcel of land is described as follows:

Beginning for the same at a point on the southwest side of the Liberty Road at the distance of 844 feet measured northwesterly along the southwest side of said road from the corner formed by the intersection of the southeast side of the Liberty Road with the northwest side of Milford Mill Road and running thence and binding on the southwest side of the Liberty Road, North 65 degrees 16 minutes 09 seconds West 200 feet, thence leaving said road and running the three following courses and distances, viz: South 29 degrees 55 minutes 50 seconds West 250 feet, South 65 degrees 16 minutes

09 seconds East 200 feet and North 29 degrees 55 minutes 50 seconds East 250 feet to the place of beginning.

Containing 1.14 acres of land, more or less.

John W. Pennsylvania Ave.
Townson - 4, Maryland

Bernard A. Chertok
1707 Springton Blvd.
Baltimore - 1, Maryland
Attorneys for Petitioner

CONSOLIDATED GAS ELECTRIC LIGHT AND POWER COMPANY OF BALTIMORE

TO *Richard B. Hall*
Zoning Commissioner
Petitioner

CONTRACT PURCHASER

John W. Pennsylvania Ave.
Townson - 4, Maryland

Bernard A. Chertok
1707 Springton Blvd.
Baltimore - 1, Maryland
Attorneys for Petitioner

Elizabeth M. Galther
OWNERS

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

District: 2
Posted for: Electric Transformer Station
Petitioner: Consolidated Gas Electric Light and Power Company of Baltimore
Location of property: Southwest side of Liberty Road, 844 feet NW of Milford Mill Road
Location of signs: Southwest side of Liberty Road, 844 feet NW of Milford Road
Remarks: See Exhibit A
Signed by: Harry S. Lantieri
Date of return: May 11/81

FILED MAY 14 1981

CERTIFICATE OF PUBLICATION

NOTICE TO PETITIONER: The following is a copy of the petition for a Special Permit filed with the Zoning Department of Baltimore County, Maryland, on May 14, 1981, and the same is hereby published for the purpose of giving notice to the public and to the interested parties to the petition. The petition is for a Special Permit for the construction of a utility electrical transformer substation on a parcel of land on the southwest side of Liberty Road approximately 844 feet northwest of Milford Mill Road in the Second Election District of Baltimore County, Maryland, as shown on the plat attached hereto and made a part hereof and marked "Petitioner's Exhibit A." Said parcel of land is described as follows: Beginning for the same at a point on the southwest side of the Liberty Road at the distance of 844 feet measured northwesterly along the southwest side of said road from the corner formed by the intersection of the southeast side of the Liberty Road with the northwest side of Milford Mill Road and running thence and binding on the southwest side of the Liberty Road, North 65 degrees 16 minutes 09 seconds West 200 feet, thence leaving said road and running the three following courses and distances, viz: South 29 degrees 55 minutes 50 seconds West 250 feet, South 65 degrees 16 minutes 09 seconds East 200 feet and North 29 degrees 55 minutes 50 seconds East 250 feet to the place of beginning. Containing 1.14 acres of land, more or less.

TOWNSON, MD. MAY 11, 1981.
THIS IS TO CERTIFY, That the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Townson, Baltimore County, Md. ~~XXXXXX~~ 2 times ~~XXXXXX~~ before the 21st day of MAY 1981, the first publication appearing on the 4th day of MAY 1981.
THE JEFFERSONIAN,
P. J. Senell
Manager.
Cost of Advertisement, \$.

May 19, 1981

\$20.00
RECEIVED OF Cons. Gas Electric Light and Power Company of Baltimore, the sum of Twenty (\$20.00) Dollars, being cost of petition for special permit, advertising and posting of property, southwest side of Liberty Road, 2nd District.

Zoning Commissioner

Hearings
Monday, May 31, 1981
at 3:00 P.M.
303 Washington Ave.

PAID
MAY 1 8 1981
DESIGNERS

Re: Petition for a Special Permit
for a Utility Electrical
Transformer Substation -
S. W. Side of Liberty Road,
844 ft. S. W. Milford Mill
Road, 2nd District -
Cons. G. E. L. & Power
Company of Baltimore,
Petitioner

Upon hearing on petition for a Special Permit to use the property described therein for a Utility Electric Transformer Substation, and it appearing that this utility is a community need and is necessary for the proper supply of electric current to this neighborhood; and that the granting of this special permit will not be detrimental to the health, safety and the general welfare of the community, the special permit should be granted, therefore:

It is this 22nd day of May, 1951, ORDERED by the Zoning Commissioner of Baltimore County, that the aforesaid petition for a special permit be and the same is hereby granted, subject, however, to the screening of the front of this station with evergreens so as to break the view from the residents located at the easternmost corner of Liberty Road and Eitemiller Avenue.

Augustine J. Muller
Zoning Commissioner
of Baltimore County

True Copy-Test:

Augustine J. Muller
Zoning Commissioner of
Baltimore County

PETITION FOR SPECIAL PERMIT

IN THE MATTER OF	:	BEFORE THE
	:	ZONING COMMISSIONER
CONSOLIDATED GAS ELECTRIC LIGHT	:	OF BALTIMORE COUNTY
AND POWER COMPANY OF BALTIMORE	:	

For a Special Permit under the Zoning Regulations and Restrictions of Baltimore County

To the Zoning Commissioner of Baltimore County:

Consolidated Gas Electric Light and Power Company of Baltimore hereby petitions for a Special Permit under the Zoning Regulations and Restrictions of Baltimore County, passed by the County Commissioners of Baltimore County, agreeable to Chapter 877 of the Acts of the General Assembly of Maryland of 1943, and amendments thereto, as follows:

1. A Special Permit for the construction of a utility electrical transformer substation, which structure is planned to be erected on a parcel of land on the southwest side of Liberty Road approximately 844 feet northwest of Milford Mill Road in the Second Election District of Baltimore County, Maryland, as shown on the plat attached hereto and made a part hereof and marked "Petitioner's Exhibit A." Said parcel of land is described as follows:

Beginning for the same at a point on the southwest side of the Liberty Road at the distance of 844 feet measured northwesterly along the southwest side of said road from the corner formed by the intersection of the southwest side of the Liberty Road with the northwest side of Milford Mill Road and running thence and binding on the southwest side of the Liberty Road, North 65 degrees 16 minutes 09 seconds West 200 feet, thence leaving said road and running the three following courses and distances, viz: South 29 degrees 55 minutes 50 seconds West 250 feet, South 65 degrees 16 minutes

09 seconds East 200 feet and North 29 degrees 55 minutes 50 seconds East 250 feet to the place of beginning.

Containing 1.14 acres of land, more or less.

CONSOLIDATED GAS ELECTRIC LIGHT
AND POWER COMPANY OF BALTIMORE

By

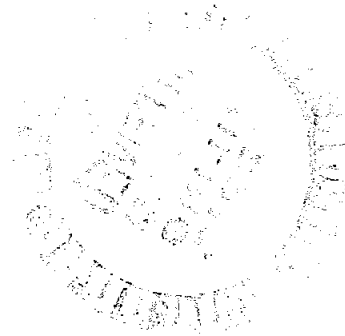
[Signature]
Vice-President
CONTRACT PURCHASER
Petitioner

24 W. Pennsylvania Ave.
Towson - 4, Maryland

Benjamin Chamber
1707 Lexington Bldg.
Baltimore - 1, Maryland

Attorneys for Petitioner

[Signature] (SEAL)
John E. Gaither, Jr.
[Signature] (SEAL)
Elizabeth E. Gaither
OWNERS



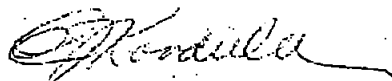
January 9, 1967

General Files

E. J. Kordula

Re: Conveyance of 2,204 sq. ft., in fee simple, of the Rockdale Substation property, to the State Roads Commission for improvement of Liberty Road

The deed dated December 12, 1966, covering the subject conveyance was recorded among the Land Records of Baltimore County on December 21, 1966, in Liber O.T.G. No. 4708 folio 68.


Real Estate Agent

EJK

cc Messrs. W. R. Buchanan
W. J. Miller
E. W. Thron

THIS DEED made this 12TH day of DECEMBER, 1966, by and between BALTIMORE GAS AND ELECTRIC COMPANY, a body corporate of the State of Maryland, hereinafter sometimes referred to as "Grantor," and the STATE OF MARYLAND, to the use of the State Roads Commission of Maryland, hereinafter sometimes referred to as "Grantee;"

W I T N E S S E T H :

WHEREAS, Grantor has agreed to convey the fee simple parcel of land, situate in the Second Election District of Baltimore County, State of Maryland, hereinafter described, to said Grantee.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said Grantor does grant and convey unto Grantee, its successors and assigns, subject to the indentures to Bankers Trust Company, Trustee, securing Grantor's bond issues, (1) a parcel of land in fee simple situate in the Second Election District of Baltimore County, State of Maryland, and hereinafter described, and (2) a revertible easement for slopes varying in width from three (3) feet to five (5) feet on the south side of the said fee simple parcel of land, as shown on State Roads Commission of Maryland Plat No. 34005, dated June 27, 1966, recorded or intended to be recorded in the Land Records of Baltimore County, Maryland. The said fee simple parcel of land is described as follows:

BEGINNING for the same at the intersection of the southerly proposed Right of Way Line of Maryland Route 26 and the westerly line of division of the Baltimore Gas and Electric Company, said point being situate and lying 40 feet measured at right angles to the left of station 39 plus 02.10 of the Base Line of Right of Way as delineated on State Roads Commission Plat No. 34005, thence with the said westerly line N 29° 38' 26" E 11.85 feet to intersect the southerly existing Right of Way Line of Maryland Route 26, thence with the southerly existing Right of Way Line S 65° 31' 59" E 199.91 feet to intersect the easterly line of division of the Baltimore Gas and Electric Company, thence with said line of division S 29° 38' 26" W 10.29 feet to intersect the southerly proposed Right of Way Line of Maryland Route 26, said point being situate and lying 40 feet measured at right angles to the left of Station 37 plus 02.04 of the Base Line of Right of Way of Maryland Route 26, thence with the southerly proposed Right of Way Line N 65° 58' 34.7" W 200.06 feet to the place of beginning.

Containing 2,204 square feet, more or less.

[Handwritten signature]
[Handwritten initials]

- 2 -

The above described parcel of land situate, and lying and being in the second election district of Baltimore County; and being a part of all the property conveyed by John B. Gaither, Jr., et ux, to the Consolidated Gas Electric Light and Power Company of Baltimore (now known as Baltimore Gas and Electric Company) by deed dated June 29, 1951, and recorded in the Land Records of Baltimore County, Maryland, in Liber G.L.B. No. 1986, folio 268.

Reserving, however, unto the Grantor, its successors and assigns, the right to construct, operate, and maintain present and/or future gas and/or electric wires, cables, pipes, and mains, and appurtenant gas and/or electric facilities over and under the above described parcel of land.

It is understood and agreed that the terms and conditions of the latter agreement between Grantor and Grantee dated September 23, 1966, are made a part hereof as fully as though incorporated herein.

Together with any, all and every, the rights, alleys, ways, waters, privileges, appurtenances, and advantages to the same belonging or in anywise appertaining.

To have and to hold the said parcel of land above described and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto the Grantee, its successors and assigns, in fee simple.

The Grantor hereby covenants that it will warrant specially the property hereby conveyed and that it will execute such further assurances of the same as may be requisite.

IN WITNESS WHEREOF Grantor and Grantee have caused this deed to be duly executed the day and year first above written.

ATTEST:

John B. Gaither, Jr.
Asst. Secretary

ATTEST:

David M. Smith

BALTIMORE GAS AND ELECTRIC COMPANY

By *William J. Shitte*
Vice President

STATE OF MARYLAND, to the use of
State Roads Commission of Maryland

By *John F. [unclear]*
Chairman and Director of Highways

Wm. J. Shitte
12/4/02

- 3 -

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

J. A. Funderburg
Special Attorney

Date 11/30/66

Concurred in by:

Louis W. Host Jr.
Chief Deputy, Right of Way Division

STATE OF MARYLAND:

: TO WIT:

CITY OF BALTIMORE:

I HEREBY CERTIFY that on this 25th day of November, 1966, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City aforesaid, personally appeared William J. Witte, Vice President of BALTIMORE GAS AND ELECTRIC COMPANY, and he acknowledged the foregoing Deed to be the act of said body corporate.

AS WITNESS my hand and Notarial Seal.

Ruth H. Grese
Notary Public

My commission expires June 30, 1967.

STATE OF MARYLAND:

: TO WIT:

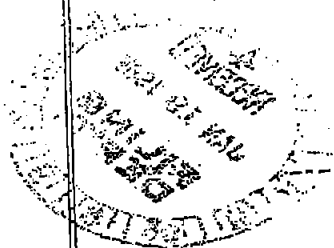
CITY OF BALTIMORE:

I HEREBY CERTIFY that on this 12th day of December, 1966, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City aforesaid, personally appeared John B. Funk, Chairman and Director of Highways of the State Roads Commission of Maryland, and he acknowledged the foregoing Deed to be the act of said State Roads Commission of Maryland.

AS WITNESS my hand and Notarial Seal.

Harry J. Park
Notary Public

My commission expires July 1, 1967.



TTP MM
WBE

DOLLENBERG BROTHERS

*Registered Professional Engineers
and Land Surveyors*

709 WASHINGTON AVE. AT YORK ROAD
TOWSON 4. MARYLAND

April 9, 1951

ZONING DESCRIPTION FOR JOHN B. GAITHER PROPERTY

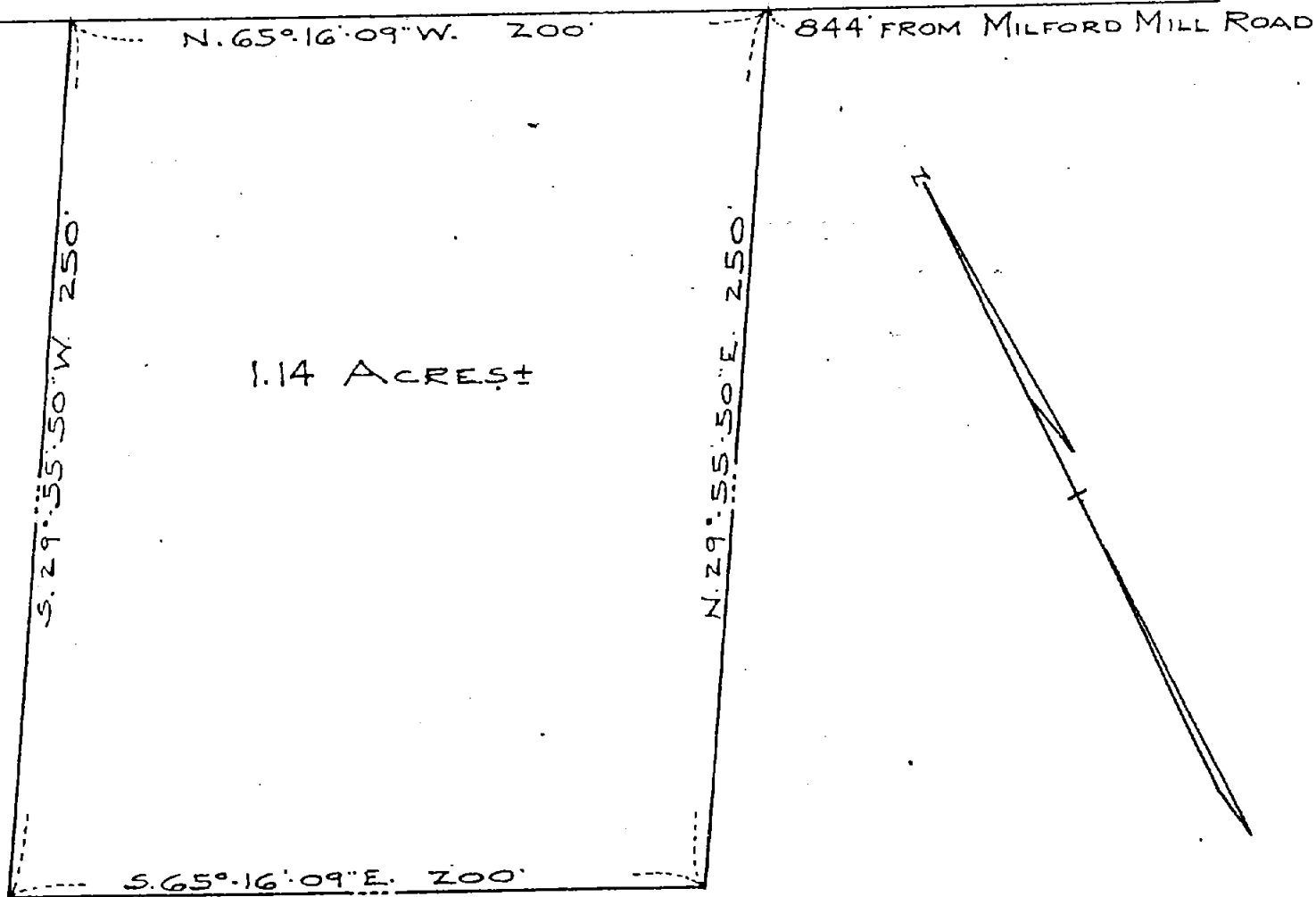
All that piece or parcel of land situate, lying and being in the Second Election District of Baltimore County, State of Maryland, and described as follows, to wit:-

Beginning for the same at a point on the southwest side of the Liberty Road at the distance of 844 feet measured northwesterly along the southwest side of said road from the corner formed by the intersection of the southwest side of the Liberty Road with the northwest side of the Milford Mill Road and running thence and binding on the southwest side of the Liberty Road, North 65 degrees 16 minutes 09 seconds West 200 feet, thence leaving said road and running the three following courses and distances, viz:-South 29 degrees 55 minutes 50 seconds West 250 feet, South 65 degrees 16 minutes 09 seconds East 200 feet and North 29 degrees 55 minutes 50 seconds East 250 feet to the place of beginning.

Containing 1.14 Acres of land, more or less.

LIBERTY

ROAD



PROPERTY

LOCATED AT

ROCKDALE, 2ND DIST., BALTO. CO., MD.

SCALE: 1"=50'

APRIL 9, 1951.

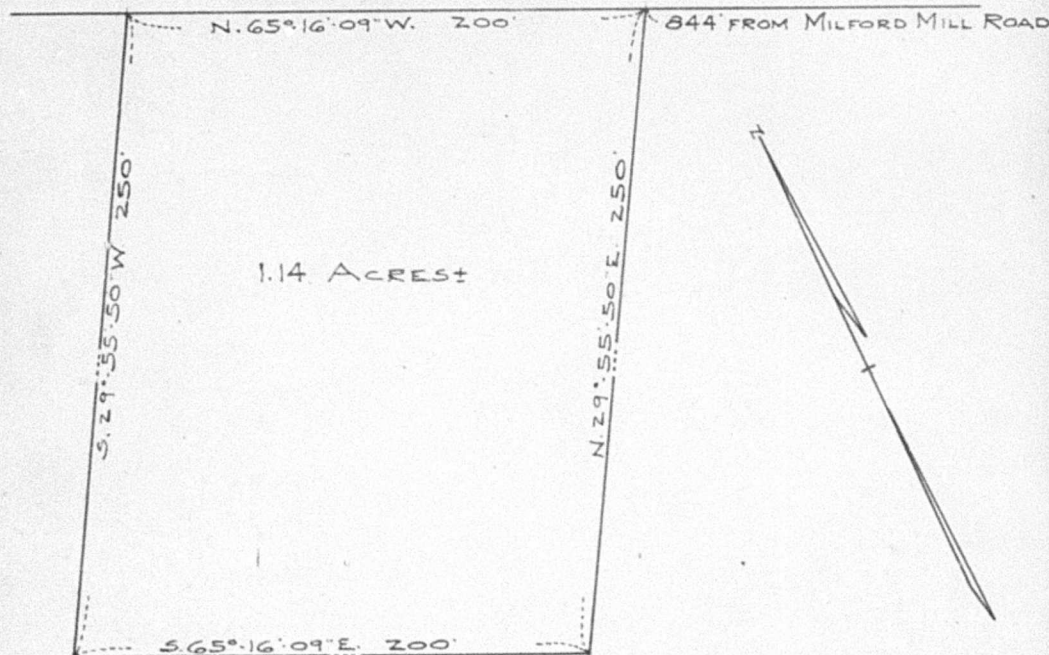
DOLLENBERG BROTHERS

SURVEYORS & CIVIL ENGINEERS

709 WASHINGTON AVE. TOWSON, MD.

LIBERTY

ROAD



PROPERTY

LOCATED AT

ROCKDALE, 2ND DIST, BALTO. CO, MD.

APPROVED PLAN

SCALE: 1"=50' APRIL 9, 1951.

DOLLENBERG BROTHERS
SURVEYORS + CIVIL ENGINEERS
709 WASHINGTON AVE TOWSON, MD.

