



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

October 17, 2001

Tim Longfellow
Gutschick, Little & Weber, P.A.
3909 National Drive, Ste. 250
Burtonsville, MD

Dear Mr. Longfellow,

RE: Randallstown Telecommunication Facility
Spirit and Intent Case No. 5392-X
2nd Election District

Your letter addressed to Mr. Jablon, dated October 1, 2001 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 that the height of the existing tower is not increased the proposal is considered to be within the "spirit and intent" of Zoning Case No. 5392-X as confirmed by the County Board of Appeals of Baltimore County. You must sticky-back a copy of this letter on all plans submitted to Baltimore County for permit approval.

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 "L. Moxley".

Lloyd T. Moxley
Planner II
Zoning Review

LTM



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

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

RE: PETITION FOR SPECIAL EXCEPTION
for Radio Relay Station Tower
S/S Old Court Road, 1312' W.
Ridge Road - 2nd District
William R. Davidson et al;
American Telephone & Telegraph Company-Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 5392-X

This is a special exception for a Radio Relay Station on the South side of Old Court Road, 1312' West of Ridge Road in the Second District of Baltimore County.

A tremendous amount of technical and other expert testimony has been presented by the petitioner which has used its considerable resources to prove with great precision that the construction of this relay station is needed to continue the proper rendition of its public service. The protestants understandably were unable to produce any expert testimony that would controvert the general question of need. They did explore at great length the fact that there may be other locations in the general vicinity that would meet the needs of the petitioner. However, the Board is unanimous in that the petitioners have met the test required in Section 411.1 of the Zoning Regulations, that in the case of a public utility, in addition to provision of Section 502, "the use must be needed for the proper rendition of the public utility's service." With regard to the second part of Section 411.1, "and the location thereof shall not seriously impair the use of neighboring property", we feel that this point may properly be considered at the same time that we consider Section 502. It should be pointed out that the protestants strenuously maintained and attempted to show by cross-examination that this need can adequately be met in a more appropriate location and that the last part of Section 411.1 providing that the use shall not seriously impair the neighboring properties, prohibits the installation of this wireless tower at this location.

Through Mr. Edward B. Cummings, Supervisor of Engineering for the American Telephone and Telegraph, testimony was presented that the construction of the Charles Center to the south will be in the radio path of the transmitter located on top of the C&P Telephone Building at 320 St. Paul Place in Baltimore, known as station Baltimore 2, and the station at Gambrills, Maryland. Mr. Cummings testified that

many studies were made of existing land in this general area, that topography maps were studied, elevation conditions were checked, existing radio waves both commercial and governmental were checked and it was the opinion of the Company experts that the subject property was most suitable for their needs. A temporary tower was erected on the subject site and the results obtained were excellent. It was in fact so good, that even though the Federal Aviation Commission would have allowed for a 378 foot tower on the subject property, a tower of only 243 feet will satisfy their requirements. It was further testified that it was necessary to locate this tower in the Randallstown area of Baltimore in order to connect with the hard cable route coming from just outside Frederick, Maryland.

The Board is of the opinion that there is a vast difference between restrictions upon private undertakings and those clothed with public interest which must have access to existing facilities if they are to perform their public function. It seems to us that in weighing the validity of such a petition, the harm, if any to property owners in the immediate vicinity, must be balanced against the detrimental effect that the denial of this petition would have on users of American Telephone and Telegraph throughout the entire country including numerous governmental agencies. It is the unanimous opinion of the Board that the granting of the special exception requested in this petition will not be in conflict with the provisions of Section 502.1.

We therefore, grant the special exception requested in this application and exercise the rights given us under Section 503.2, by placing the following restrictions upon the use of the subject property:-

1. No one shall live on the subject property at any time except in the case of a national emergency.
2. That a chain link fence 12 feet high with additional 3-strands of wire shall be built from two corners of the building in an approximate location as shown on Petitioners' Exhibit 4 (b) in a dotted red line; such line having been drawn by the Board for the purpose of this restriction. Such fence shall be built on a minimum of a 2 foot concrete or block base.
3. The petitioner is required to construct and pave his own access road providing access to the property from Old Court Road before any excavation or construction work is begun on either the tower or the building.

-3-

4. Gates shall be constructed at the entrance to the property at Old Court Road, such gates to be used to provide the utmost of privacy and a minimum of access to the subject property. Such construction must be approved by the technical staff of the Office of Planning and Zoning.
5. The location of the entrance to the subject property and the layout of the road from Old Court Road to the private parking lot must be approved by the technical staff of the Office of Planning and Zoning.
6. The private parking lot must be a hard-top paved surface and be approved by the technical staff of the Office of Planning and Zoning, both as to construction and location.
7. The petitioner shall present to the Office of Planning and Zoning, complete plans showing the proposed landscaping to the property, such as landscaping and grading to be performed to take care of water drainage and to prevent soil erosion, as well as to provide adequate screening where necessary. The technical staff of the Office of Planning and Zoning shall modify or approve these plans in order to take care of these three conditions.
8. The petitioner shall present to the Office of Planning and Zoning detailed drawings showing the proposed lighting of its parking lot and tower areas, excluding tower lights that may be required by the Civil Aeronautics Commission--all such lighting shall be focused in such a way as to not interfere with the adjoining property owners. The technical staff of the Office of Planning and Zoning shall modify or approve such plans with this thought in mind.

ORDER

For the reasons set forth in the foregoing Opinion, it is this day of March, 1962, by the County Board of Appeals, ORDERED that the special exception petitioned for, be and the same is hereby granted.

Any appeal from this decision must be in accordance with Rule No. 1101 of the Rules of Practice and Procedure of the Court of Appeals of Maryland.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William R. Davidson
CHAIRMAN
Ed. Mitchell Austin

NOTE: Mr. Steinbock did not sit at the hearing.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

No. 10209
DATE 12/29/61

TO: G. Wallace Colburn, Esq.,
929 N. Howard St.,
Baltimore 1, Md.

BILLED BY: Zoning Department of
Baltimore County
119 County Office Bldg.,
Towson 4, Md.

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
1	Appeal to County Board of Appeals No. 5392-X	70.00
3		70.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

No. 8229
DATE 10/30/61

TO: Messrs. Brewster, Doane, McGuire, Brennan
and Cook
305 W. Chesapeake Ave.
Towson 1, Maryland

BILLED BY: Zoning Department of
Baltimore County

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
1	Advertising and posting of property for William R. Davidson	53.00
3		53.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

RE: Petition for Special
Exception for Radio Relay
Station & Tower - S. S. Old
Court Road 1312' W. of Ridge
Road, 2nd District - Wm. R.
Davidson & Vivian F. Davidson,
Petitioners - American T. & T.
Co., Contract Purchasers

COUNTY BOARD OF APPEALS
FOR BALTIMORE COUNTY
No. 5392X

NOTICE OF APPEAL

Please note an appeal on this 29th day of December, 1961, to the County Board of Appeals from the Order of December 1, 1961, of the Zoning Commissioner of Baltimore County granting the special exception petitioned for in the above captioned matter.

G. Wallace Colburn
G. Wallace Colburn
Attorney for Protestants

Edward B. Cummings
Edward B. Cummings
Resident Protestants

William R. Davidson
William R. Davidson
Resident Protestants

Samuel R. Bailey
Samuel R. Bailey
Resident Protestants

James H. Cook
James H. Cook
Resident Protestants

William R. Davidson
William R. Davidson
Resident Protestants

Ed. Mitchell Austin
Ed. Mitchell Austin
Resident Protestants

PETITION FOR ZONING RE-CLASSIFICATION
AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
William R. & Vivian F. Davidson
I, or we, the undersigned, legal owner, of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning of the herein described property be changed from its present zoning of Baltimore County from "R-1" to "R-2" and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for RADIO RELAY STATION AND TOWER.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

G. Wallace Colburn
G. Wallace Colburn
Attorney for Protestants

James H. Cook
James H. Cook
Petitioner's Attorney

William R. Davidson
William R. Davidson
Contract Purchaser

Ed. Mitchell Austin
Ed. Mitchell Austin
Resident Protestants

Samuel R. Bailey
Samuel R. Bailey
Resident Protestants

William R. Davidson
William R. Davidson
Resident Protestants

Ed. Mitchell Austin
Ed. Mitchell Austin
Resident Protestants

Pursuant to the advertisement, posting of property, and public hearing on the above petition, it is hereby ordered that the zoning of the herein described property be changed from its present zoning of Baltimore County from "R-1" to "R-2" and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for RADIO RELAY STATION AND TOWER.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 1st day of December, 1961, that the herein described property of *William R. Davidson & Vivian F. Davidson* be and the same is hereby granted, from and after the date of this order.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of the above petition, the zoning of the herein described property be changed from its present zoning of Baltimore County from "R-1" to "R-2" and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for RADIO RELAY STATION AND TOWER.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 1st day of December, 1961, that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a "R-1" zone; and/or the Special Exception for *William R. Davidson & Vivian F. Davidson* be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

MICROFILMED

JOSEPH D. THOMPSON, P.E. & L.S.

CIVIL ENGINEERS & LAND SURVEYORS
101 SHELL BUILDING - 200 EAST JOPPA ROAD
TOWSON - 4 - MARYLAND - VAIL, 3 - 8820

WILLIAM R. DAVIDSON, ET AL
DEED TO
AMERICAN TELEPHONE & TELEGRAPH

FILE - 39-104-9

BEGINNING for the same at a stone heretofore planted at the beginning of that tract of land which by deed dated July 31, 1950 and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1897 folio 311 etc. was conveyed by Katherine Charlotte Bruce et al, Trustees to William R. Davidson, et al, thence running with and binding on the first or North 62-1/2 degrees West 470-1/3 foot line of said deed and referring all courses to True Meridian North 68 degrees 55 minutes 32 seconds West 470.33 feet to the end of said line and to a point in or near the center of the Old Court Road (said point being distant 1312 feet more or less measured Southwesterly along the center line of said Road from the center line of Ridge Road, as now constructed) thence running with and binding on a part of the second or South 58-1/2 degrees West 562 foot line of said deed and in or near the center of said Old Court Road North 53 degrees 39 minutes 21 seconds West 61.08 feet, thence leaving said line and said Old Court Road and running with and binding on the center of an un-improved road or right-of-way, as now used, the seven following courses and distances South 7 degrees 14 minutes 06 seconds West 150.21 feet, South 1 degree 47 minutes 21 seconds West 128.10 feet, South 7 degrees 28 minutes 48 seconds East 103.32 feet, South 18 degrees 35 minutes 13 seconds East 156.11 feet, South 25 degrees 18 minutes 37 seconds East 100.52 feet, South 36 degrees 25 minutes 52 seconds East 150.00 feet and South 23 degrees 27 minutes 52 seconds East 26.57 feet to intersect the tenth or North 58-3/4 degrees East 2344-1/2 foot line of said deed thence running with and binding on a part of said tenth line and on the eleventh or last line of said

JOSEPH D. THOMPSON, P.E. & L.S.

CIVIL ENGINEERS & LAND SURVEYORS
1150 101 SHELL BUILDING - 200 EAST JOPPA ROAD
TOWSON - 4 - MARYLAND - VAIL, 3 - 8820

deed the two following courses and distances North 53 degrees 15 minutes 04 seconds East 544.69 feet to a stone heretofore planted at the end of said tenth line, and North 23 degrees 28 minutes 33 seconds West 331.68 feet to the place of beginning.

CONTAINING 7.394 acres of land more or less.

SUBJECT however to any rights of others in the un-improved road or right-of-way, as now used, along the Westerly side of the above described property.

TOGETHER with the right to use said un-improved road or right-of-way, as now used, along the Westerly side of the above described property.

BEING part of that tract of land which by deed dated July 31, 1950 and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1897 folio 311 etc. was conveyed by Katherine Charlotte Bruce, et al, Trustees to William R. Davidson, et al.

6-2-61

JOSEPH D. THOMPSON, PROFESSIONAL ENGINEER AND LAND SURVEYOR NO. 1150



OFFICE OF PLANNING AND ZONING

Inter-Office Correspondence

To: Mr. John G. Rose, Zoning Commissioner
From: Mr. George E. Gavrilis, Deputy Director
Subject: #5392 X. Special Exception for Radio Relay Station.

2nd District

HEARING: November 8, 1961 (2:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for Special Exception and is in accord with its request. The radio relay facility proposed here is in the nature of a public utility. Very unique locational factors for the proposed facility have narrowed the choice of sites to one on the subject property.

The planning staff does not believe that the proposed facility would violate the standards set forth by the Zoning Regulations for Special Exceptions.



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd
Posted for: General Hearing
Petitioner: W. R. Davidson et al
Location of property: S/S Old Court Rd. 1312 ft. west of Ridge Road
Location of Signs: South side of Old Court Road 1335 ft. west of Ridge Road
Remarks: George E. Gavrilis
Date of Posting: 1-24-62
Date of return: 1-25-62

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd
Posted for: Special Exception for Radio Relay Station
Petitioner: William R. Davidson et al
Location of property: S/S Old Court Rd. 1312 ft. west of Ridge Road
Location of Signs: South side of Old Court Road 1342 ft. west of Ridge Road
Remarks: George E. Gavrilis
Date of Posting: 10-18-61
Date of return: 10/19/61

PETITION FOR ZONING SPECIAL EXCEPTION AND DISTRICT

ZONING: Petition for Special Exception for Radio Relay Station and Tower.
LOCATION: South side of Old Court Road 1312 feet West of Ridge Road.
DATE AND TIME: WEDNESDAY, NOVEMBER 8, 1961 AT 2:00 P.M.
PUBLIC HEARING: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing concerning all that parcel of land in the Second District of Baltimore County.

BEGINNING for the same at a stone heretofore planted at the beginning of that tract of land which by deed dated July 31, 1950 and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1897 folio 311 etc. was conveyed by Katherine Charlotte Bruce et al, Trustees to William R. Davidson, et al, thence running with and binding on the first or North 62-1/2 degrees West 470-1/3 foot line of said deed and referring all courses to True Meridian North 68 degrees 55 minutes 32 seconds West 470.33 feet to the end of said line and to a point in or near the center of the Old Court Road (said point being distant 1312 feet more or less measured Southwesterly along the center line of said Road from the center line of Ridge Road, as now constructed) thence running with and binding on a part of the second or South 58-1/2 degrees West 562 foot line of said deed and in or near the center of said Old Court Road North 53 degrees 39 minutes 21 seconds West 61.08 feet, thence leaving said line and said Old Court Road and running with and binding on the center of an un-improved road or right-of-way, as now used, the seven following courses and distances South 7 degrees 14 minutes 06 seconds West 150.21 feet, South 1 degree 47 minutes 21 seconds West 128.10 feet, South 7 degrees 28 minutes 48 seconds East 103.32 feet, South 18 degrees 35 minutes 13 seconds East 156.11 feet, South 25 degrees 18 minutes 37 seconds East 100.52 feet, South 36 degrees 25 minutes 52 seconds East 150.00 feet and South 23 degrees 27 minutes 52 seconds East 26.57 feet to intersect the tenth or North 58-3/4 degrees East 2344-1/2 foot line of said deed thence running with and binding on a part of said tenth line and on the eleventh or last line of said deed the two following courses and distances North 53 degrees 15 minutes 04 seconds East 544.69 feet to a stone heretofore planted at the end of said tenth line, and North 23 degrees 28 minutes 33 seconds West 331.68 feet to the place of beginning.

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OFFICE OF

THE BALTIMORE COUNTEAN

THE COMMUNITY NEWS
Baltimore, Md.

THE COMMUNITY PRESS
Dundalk, Md.

THE HERALD - ARGUS
Catonville, Md.

No. 1 Newburg Avenue CATONVILLE, MD.

October 23, 1961.

THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Commissioner of Baltimore County

was inserted in THE BALTIMORE COUNTEAN, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for One successive weeks before the 23rd day of October, 1961, that is to say the same was inserted in the issues of

October 20, 1961.
THE BALTIMORE COUNTEAN

By: [Signature] Editor and Manager.

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 20, 1961.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once a week for One successive weeks before the 23rd day of October, 1961, the first publication appearing on the 20th day of October 1961.

THE JEFFERSONIAN,
[Signature] Manager.

Cost of Advertisement, \$.

PETITION FOR ZONING SPECIAL EXCEPTION AND DISTRICT

ZONING: Petition for Special Exception for Radio Relay Station and Tower.
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INVOICE

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

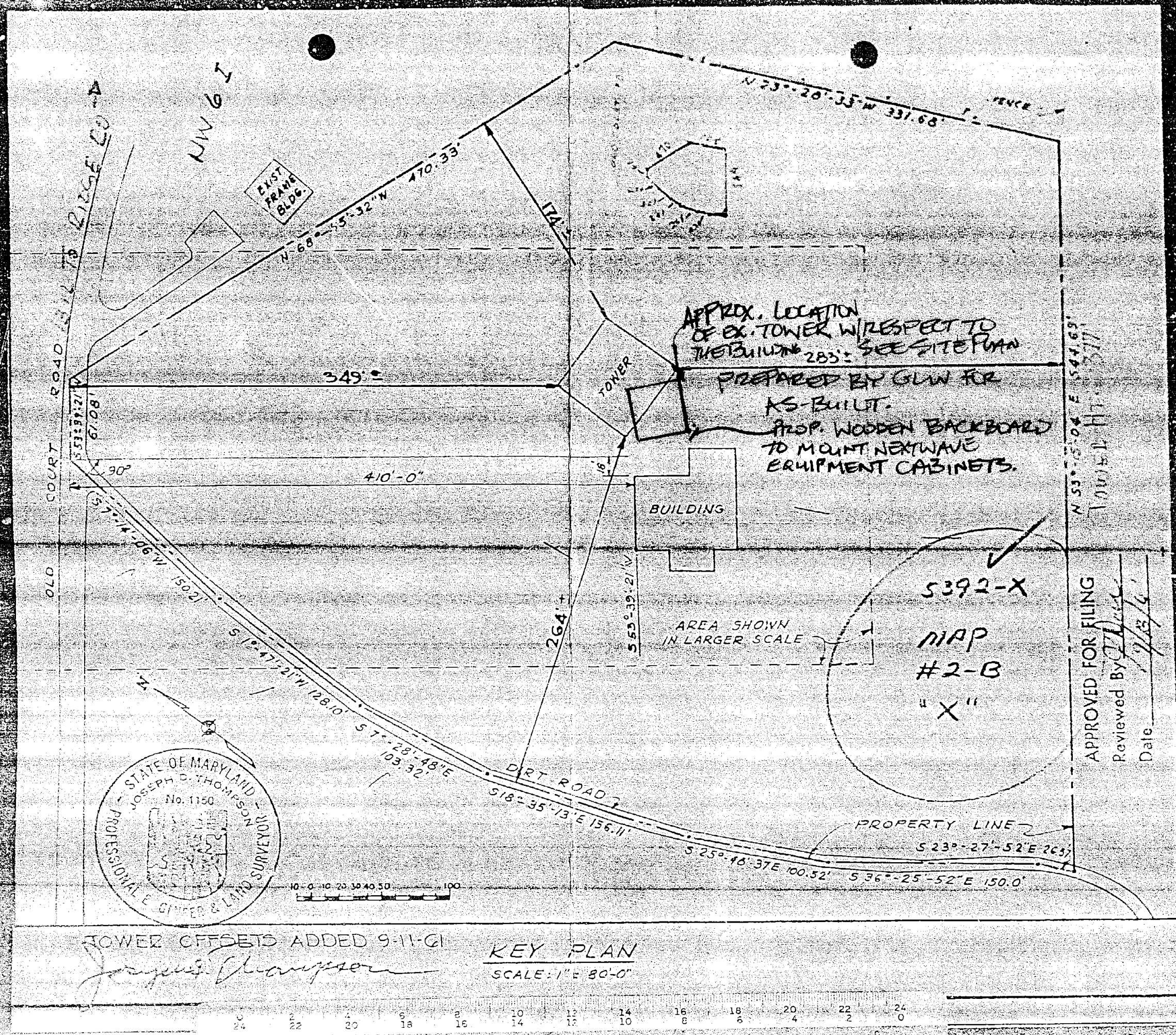
No. 8089

DATE 10/13/61

To: Brewster, Boone, McGuire, Brennan and Cook
Attorneys-at-Law
305 W. Chesapeake Ave.
Towson 4, Md.

DEBIT TO ACCOUNT NO.	01622	REMITTANCE	COST
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE		
	Petition for Special Exception for American I & T Co.		50.00
			10.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.



APPROVED FOR FILING

Reviewed By *[Signature]*

Date *11/15/61*

TOWER OFFSETS ADDED 9-11-61

Joseph Thompson

KEY PLAN

SCALE: 1" = 80'-0"

0 2 4 6 8 10 12 14 16 18 20 22 24

REPRODUCED BY

1961

1961

1961

