

LORRAINE and ALVIN LANDES " IN THE CIRCUIT COURT
vs. " FOR BALTIMORE COUNTY
BALTIMORE COUNTY, MARYLAND " IN EQUITY
Case # 51383

STIPULATION

TO THE HONORABLE, THE JUDGE OF SAID COURT:

It is hereby stipulated by and between the parties hereto, and their respective counsel of record, as follows:

1. That on or about October 8, 1958, the Plaintiffs purchased a parcel of land in the Second Election District of Baltimore County, situated on the southeastern side of Langrehr Road, approximately 150 feet from the southwestern side of Liberty Road. And at the time of said acquisition by the Plaintiffs, said parcel of land was classified as being a B-L zone.
2. That thereafter the Zoning Commissioner of Baltimore County granted the Plaintiffs a special exception for the use of the aforesaid property as a service garage. And that the special exception was subsequently upheld by the Baltimore County Board of Appeals, and further upheld by the Circuit Court of Baltimore County on June 6, 1960.
3. That under Section 502.3 of the Baltimore County Zoning Regulations, any special exception which has not been utilized within a period of one year from date of issues, shall be void unless on written request by the petitioner, the Zoning Commissioner grants an extension; and that only one extension of a period of one year may be granted.
4. That the Plaintiff-Petitioners did request and were granted an extension of the special exception from June 6, 1961 to June 6, 1962, but that the special exception was not utilized within the extension period and therefore became void.
5. That subsequently in preparing the Comprehensive Rezoning Map of the Western Planning Area, the Office of Planning and Zoning of

Baltimore County, Maryland, recommended that a large parcel of land, abutting the Plaintiffs' property on its southwestern property line, be placed in a R-A zone, and in making such recommendation inadvertently and unintentionally included the Plaintiffs' land in said recommendation.

6. That on December 5, 1961, after public hearing, the Baltimore County Council adopted the Comprehensive Rezoning Map of the Western Planning Area, including the aforementioned R-A zoning.

7. That the correct and proper legal zoning classification of the Plaintiffs' property is B-L (Business Local) which was the classification it possessed prior to the adoption of said map.

E. Scott Moore
E. Scott Moore

William J. Blondell, Jr.
315 County Office Building
Baltimore 4, Maryland
823-3000, ext. 346

A. Owen Hennegan, Jr.
A. Owen Hennegan, Jr.

Samuel Kimmel
Jefferson Building
Baltimore 4, Maryland
825-7500

Circuit Court for Baltimore County

EQUITY SUMMONS

Oct. Return Day

File No. 51383

Docket 95 Folio 61

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:
To: BALTIMORE COUNTY, MARYLAND
COUNTY OFFICE BUILDING
TOWSON 4, MARYLAND

GREETING:

We command and enjoin you, within fifteen (15) days from the first Monday of OCT. next, to answer or make other defense to the Complaint of LORRAINE AND ALVIN LANDES.

exhibited against you in the Circuit Court for Baltimore County. Your failure to answer or file such other defense within the time named will be at your peril and Complaint(s) may thereupon obtain A Decree Pro Confesso against you which, upon proper proof, may be converted to a final Decree for the relief requested. PERSONAL ATTENDANCE IN COURT ON THE DAY NAMED IS NOT NECESSARY.

Witness, the HONORABLE STEWART DAY, Chief Judge of the Third Judicial Circuit of Maryland, the 2nd day of Sept. 1963

Issued this 4th day of Sept. 1963

A. Owen Hennegan and ROBERT R. GILL, Clerk

Samuel Kimmel Per FAS

406 Jefferson Building True Copy-Test

Towson 4, Md. Clerk

Solicitors/Complainants

SHERIFF'S RETURN

Copy subpoena and Bill for Declaratory Judgment on E. Scott Moore Baltimore County delivered on this 4th day of Sept. 1963

Returned this 6th day of Sept. 1963

Edward J. Mueller Sheriff

700-#265

sent to county sheriff

FILED SEP 4-1963

LORRAINE and ALVIN LANDES " IN THE CIRCUIT COURT
vs. " FOR BALTIMORE COUNTY
BALTIMORE COUNTY, MARYLAND " IN EQUITY
Case No. 51383

DECREE

UPCN the foregoing Bill, Answer and Stipulation between the parties hereto, it is this 10th day of September, 1964, by the Circuit Court for Baltimore County, in Equity,

ORDERED, ADJUDGED and DECREED that the land of the Plaintiffs, Lorraine and Alvin Landes, which is the subject of these proceedings, be and the same is hereby declared as having the zoning classification of B-L (Business-Local).

AND IT IS FURTHER ORDERED, ADJUDGED and DECREED that Baltimore County, Maryland, through its agents, servants and employees, shall forthwith show and designate said land as B-L (Business-Local) zoning classification upon all official zoning and planning maps of Baltimore County, whereon the subject property is included unless and until such time as the same may be otherwise reclassified by proper legal procedure.

AND IT IS FURTHER ORDERED, ADJUDGED and DECREED that all action taken by Baltimore County, Maryland to reclassify the subject property to R-A zoning by inclusion of the same within the boundaries of an R-A zone on the Western Planning Area Zoning Map be and the same is hereby declared NULL and VOID, and of no binding legal force and effect upon the subject property.

AND IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Plaintiffs, Lorraine and Alvin Landes, pay the cost of these proceedings.

FILED SEP 10 1964

JUDGE

LORRAINE and ALVIN LANDES " IN THE
Plaintiffs " CIRCUIT COURT
v. " FOR
BALTIMORE COUNTY, MARYLAND " BALTIMORE COUNTY
Defendant " IN EQUITY
Case No. 51383
Docket 75, folio 61

ANSWER OF BALTIMORE COUNTY, MARYLAND, DEFENDANT

Defendant Baltimore County, Maryland, by E. Scott Moore and William J. Blondell, its attorneys, in answer to the above cause, says:

1. It admits the allegations of paragraphs one, two and three of the Bill for Declaratory Judgment.
2. It is without knowledge as to the allegations of paragraph four.
3. It admits the allegations in paragraph five.
4. It denies the allegations of paragraph six.
5. Further answering the Bill for Declaratory Judgment, it avers that the special exception referred to in paragraphs two and three of the Bill for Declaratory Judgment was granted by the zoning commissioner on June 15, 1959, subject to certain conditions, and after appeal the special exception was granted by the county board of appeals on June 2, 1959, subject to certain conditions, that the Circuit Court affirmed the Order of the county board of appeals on June 6, 1960, and that under section 502.3 of the Baltimore County Zoning Regulations, any special exception which has not been utilized within a period of one year from date of issue shall be void unless on written request from the petitioner the zoning commissioner grants an extension; that the petitioners did file a written request for an extension and the zoning commissioner granted the extension from June 6, 1961 to June 6, 1962; that under section 502.3 of the Zoning Regulations, it is provided that not more than one such extension, for a period of one year, may be granted;

that, accordingly, the special exception, not having been utilized within the period of one year and the extension of one year, became void, that if the Plaintiffs were caused to expend a considerable sum of money in connection with their application for a special exception, it was by their own failure to utilize the special exception in the time limited by the Zoning Regulations that caused them to lose the benefit of their expenditures.

6. Further answering said Bill for Declaratory Judgment, the Defendant avers that under sections 23-20 and 23-21 of the Baltimore County Code, 1956, the County Council was fully empowered to adopt the Comprehensive Rezoning Map of the Western Planning Area and to reclassify properties shown on said map.

WHEREFORE, the Defendant prays that it may be hence dismissed with proper costs.

AND AS IN DUTY BOUND, etc.

E. Scott Moore
E. Scott Moore

William J. Blondell
315 County Office Building
Baltimore, Maryland, 21204
823-3000, ext. 346
Attorneys for Defendant

I HEREBY CERTIFY THAT, on this 21st day of October, 1963, a copy of the foregoing Answer of Baltimore County, Maryland, was mailed to A. Owen Hennegan, Jr., Esquire and Samuel Kimmel, Esquire, attorneys for Plaintiffs, 406 Jefferson Building, Towson 4, Maryland.

LORRAINE and ALVIN LANDES " IN THE
5914 Liberty Road
Baltimore 7, Maryland
Plaintiffs " CIRCUIT COURT
vs. " FOR
BALTIMORE COUNTY, MARYLAND " BALTIMORE COUNTY
County Office Building
Towson 4, Maryland
Defendants " (IN EQUITY)
51383 75/61

BILL FOR DECLARATORY JUDGMENT

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Lorraine Landes and Alvin Landes, Plaintiffs, by A. Owen Hennegan, Jr. and Samuel Kimmel, their attorneys, respectfully represent unto Your Honor:

1. That on or about October 8, 1958, the Plaintiffs purchased a parcel of land in the Second Election District in Baltimore County, situated on the southeastern side of Langrehr Road, approximately 150 feet from the southwestern side of Liberty Road. (Plaintiffs' Exhibit No. 1). And at the time of said acquisition by the Plaintiffs, said parcel of land was classified as being in a B-L Zone.
2. That thereafter the Zoning Commissioner of Baltimore County granted the Plaintiffs a Special Exception for the use of the aforesaid property as Service Garage.
3. That the Special Exception for the use of said property was subsequently upheld by the Baltimore County Board of Zoning Appeals, and further upheld by the Circuit Court for Baltimore County.
4. That the Plaintiffs were caused to expend a considerable sum of money for the engineering, legal fees and Court costs in processing their application for a Special Exception for the use of the aforesaid property.
5. That thereafter, the County Council of Baltimore County, Maryland,

in adopting a Comprehensive Rezoning Map of the Western Planning Area, comprising the Second Election District and portions of the First and Third Election Districts of Baltimore County, reclassified the said parcel of land of the Plaintiffs from a B-L Zone to a R-A Zone, and thereafter the said County Council of Baltimore County, Maryland, approved and authenticated said Map on November 15, 1962.

6. That the Defendant, Baltimore County, Maryland, through the aforesaid Baltimore County Council, in designating this property of the Plaintiffs as a R-A Zone has deprived the Plaintiff owners of the aforesaid property affected thereby, of valuable property without compensation, and has and will continue to damage the value of their property, and that unless this Honorable Court takes jurisdiction hereof, the Plaintiffs will suffer irreparable loss, damage and injury and will be without remedy in the premises.

WHEREFORE, Your Plaintiffs pray:

a) That the Comprehensive Rezoning Map of the Western Planning Area, comprising the Second Election District and portions of the First and Third Election Districts of Baltimore County, as approved and authenticated by the Baltimore County Council on November 15, 1962, be declared invalid against the Plaintiffs in this case, and that the Special Exception, as constituted, be applicable to the said property.

b) And that they may have such other and further relief as the nature of their case may require.

AND, AS IN DUTY BOUND, etc.

A. Owen Hennegan, Jr.
A. Owen Hennegan, Jr.
Samuel Kimmel
406 Jefferson Building
Towson 4, Maryland
Valley 5-7500
Attorneys for Plaintiffs

LAW OFFICES
NATHAN PATZ

TWENTY FIRST FLOOR
MATHESON BUILDING
BALTIMORE 2, MD

January 17th, 1966

John G. Rose, Esquire
Zoning Commissioner, Baltimore County
County Office Building
Towson, Maryland 21204

Dear Mr. Rose:

I represent the new record owner of the property described previously in a Deed, dated October 8, 1958 and recorded among the Baltimore County Land Records in Liber 2458, folio 322 (conveyed by Richard Ganthrop and Rosalyn Ganthrop, his wife, to Alvin Landes and Lorraine Landes). The present owner of this property, my client, Milbert Properties, Inc., has title by virtue of a deed dated January 10, 1966 from the Landes and was recorded among the Land Records of Baltimore County.

The property described in that deed, simply outlined, is situated on the southeast side of Langrehr Road, approximately 150 feet from the southwest side of Liberty Road, as then extends on Langrehr Road for approximately 100 feet (97 and a fraction feet), with a depth of about 170 feet.

The photogrammetric sheet, I believe, is 60-NW, and the property is in the Second Election District of the County. We purchased on the direct representation that the property is zoned as Business Local.

Preparatory to working up Plans and seeking a building permit, I undertook to verify this status this morning, but it may be that the Zoning Maps for this property have not yet caught up with the decision of the Circuit Court of Baltimore County in the case captioned Landes vs. Baltimore County, Equity, Docket 74/61 - (File No. 11383). Clearly those proceedings sought a declaratory judgment, which was granted in the case, that this property had been inadvertently and illegally included in the 1961 Western Planning Area map as RA (which was the classification intended to be given to the large adjoining land area). The Court (Judge George W. Berry) on February 10, 1964, passed a Decree judicially declaring that this property should be declared as having a BL Zoning classification and that Baltimore County, and its constituent agencies or commissions "shall forthwith show and designate said land as BL" upon all Zoning and Planning maps of Baltimore County, and further declare that all action of Baltimore County reclassifying to RA the above property is null and void and of no effect.

I think that in view of the foregoing it is important that the official maps showing the Zoning Classification for our property be examined and whatever changes are required to conform them to the Order and Decree of the Court should be now made, to avoid any confusion or uncertainty hereafter. I thought this would be the better way in which I could assist you in bringing this about, and if there is anything more which I can be helpful on, please let me know, as I would appreciate your authoritative advice that the above described property of my client is zoned and shown as zoned as Business Local.

With personal regards,

Yours

Sincerely,
Nathan Patz

CORRECTION OF CLASSIFICATION
BY COURT ORDER
Lorraine Landes and Alvin Landes
S/E Langrehr Road Approx. 150'
from SW Side Liberty Road
Second District

BEFORE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 66-182

On or about October 8, 1958 Lorraine and Alvin Landes purchased property in the Second District of Baltimore County, situated on the southeastermost side of Langrehr Road, approximately 150 feet from the southeastermost side of Liberty Road, and more particularly described as follows:

BEGINNING for the same at a point in the center of an entrance road (12.00 feet wide) and in distant south 27 degrees 01 minutes 23 seconds west 150.00 feet from the beginning of the second or south 32 degrees 15 minutes west 330.00 feet line of that tract of land which by Deed dated December 6, 1951, and recorded among the Land Records of Baltimore County in Liber G. L. B. No. 2050, folio 286, etc., was conveyed by Donallen N. Lages and wife to John B. Galtner, Jr., and wife; and thence running with and binding on part of said second line and on the first or south 32 degrees 15 minutes west 82.5 feet line of that tract of land which by Deed dated December 2, 1951, and recorded among the Land Records of Baltimore County in Liber G. L. B. No. 2050, folio 286, etc., was conveyed by Roland D. Lages and wife to John B. Galtner, Jr., and wife, and on the center of said entrance road with the use thereof in common with others entitled thereto, south 27 degrees 01 minutes 23 seconds west 97.50 feet, thence leaving the center of said entrance road and running with and binding on the second or south 32 degrees 15 minutes west 154.9 feet line of the lastly described conveyance south 65 degrees 14 minutes 39 seconds east 164.90 feet; thence running with and binding on the third or north 35 degrees 30 minutes east 82.77 feet line of the lastly described conveyance on part of the fourth or north 35 degrees 30 minutes east 331.1 feet line of the firstly described conveyance north 29 degrees 55 minutes 50 seconds east 97.83 feet; thence leaving said fourth line and running for a line of division north 65 degrees 14 minutes 39 seconds west 169.86 feet to the place of beginning.

BEING the same lot of ground which by deed dated January 5, 1954, and recorded among the Land Records of Baltimore County in Liber G. L. B. No. 2416, folio 1, was granted and conveyed by Aquin P. Feeney, unmarried, et al., to the Grantors herein.

On March 4, 1952 the subject property was zoned E Commercial, and this property automatically became B-1.

On December 5, 1961 after public hearing, the Baltimore County Council adopted a comprehensive rezoning map of the western area and zoned a portion of the subject property RA, and another portion of the property was zoned B-1.

On February 10, 1964, Judge George W. Berry in the Circuit Court for Baltimore County, in Equity Case No. 51383, Ordered, Adjudged and Decreed that all of the subject property should have been and should be zoned E-1.

The Zoning Commissioner of Baltimore County this 17th day of January 1966, hereby complies with the Order of Circuit Court Judge George W. Berry, which has not been appealed from date February 10, 1964.

It is further ORDERED that all copies of official zoning and planning maps of Baltimore County be changed so that the subject property be designated as B-1 (Business Local) zoning classification.

It is also further ORDERED that the Zoning Commissioner's Decree will reflect this change and that a notation shall be made on Pages 3 and 6 of the Description Book indicating that descriptions 2-B-R-9 and 2-R-A-14 are incorrect.

A copy of this Order of the Zoning Commissioner shall be mailed to Hillcrest Properties, Inc., represented by Nathan Patz, Esq.

Zoning Commissioner of
Baltimore County

LIBER 3428 PAGE 322

This Deed, Made this

8th day of October

in the year one thousand nine hundred and fifty-eight, by and between

RICHARD GANTHROP and ROSALYN GANTHROP, his wife,

of the County of Baltimore, in the State of Maryland, of the first part, and

ALVIN LANDES and LORRAINE LANDES, his wife, of the County of Baltimore, in the State of Maryland,

of the second part.

Witnesseth, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged,

the said RICHARD GANTHROP and ROSALYN GANTHROP, his wife,

do grant and convey unto the said ALVIN LANDES and LORRAINE LANDES, his wife, as tenants by the entireties, their assigns, and unto the survivor of them, his or her

heirs and assigns, in fee simple, all that lot of the ground, situate, lying and being in the Second Election District of Baltimore County, State of Maryland, and described as follows, that is to say:-

Beginning for the same at a point in the center of an entrance road (12.00 feet wide) and in distant south 27 degrees 01 minutes 23 seconds west 150.00 feet from the beginning of the second or south 32 degrees 15 minutes west 330.00 feet line of that tract of land which by Deed dated December 6, 1951, and recorded among the Land Records of Baltimore County in Liber G. L. B. No. 2050, folio 286, etc., was conveyed by Donallen N. Lages and wife to John B. Galtner, Jr., and wife; and thence running with and binding on part of said second line and on the first or south 32 degrees 15 minutes west 82.5 feet line of that tract of land which by Deed dated December 2, 1951, and recorded among the Land Records of Baltimore County in Liber G. L. B. No. 2050, folio 286, etc., was conveyed by Roland D. Lages and wife to John B. Galtner, Jr., and wife, and on the center of said entrance road with the use thereof in common with others entitled thereto, south 27 degrees 01 minutes 23 seconds west 97.50 feet; thence leaving the center of said entrance road and running with and binding on the second or south 32 degrees 15 minutes west 154.9 feet line of the lastly described or south 32 degrees 15 minutes west 154.9 feet line of the lastly described conveyance south 65 degrees 14 minutes 39 seconds east 164.90 feet; thence running with and binding on the third or north 35 degrees 30 minutes east 82.77 feet line of the lastly described conveyance and on part of the fourth or north 35 degrees 30 minutes east 331.1 feet line of the firstly described conveyance north 29 degrees 55 minutes 50 seconds east 97.83 feet; thence leaving said fourth line and running for a line of division north 65 degrees 14 minutes 39 seconds west 169.86 feet to the place of beginning.

BEING the same lot of ground which by Deed dated January 5, 1954, and recorded among the Land Records of Baltimore County in Liber G. L. B. No. 2416, folio 1, was granted and conveyed by Aquin P. Feeney, unmarried, et al., to the Grantors herein.

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, and with the right to use the above mentioned 12 foot road from the property herein described to the Liberty Road.

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said ALVIN LANDES and LORRAINE LANDES, his wife, as tenants by the entireties, their assigns, and unto the survivor of them, his or her

heirs and assigns, in fee simple.

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property granted and that they will execute such further assurances of the same as may be requisite.

Witness the hands and seals of said grantors.

TEST:

Herbert H. Miller

Richard Ganthrop (SEAL)
Rosalyn Ganthrop (SEAL)

STATE OF MARYLAND, CITY OF BALTIMORE, to wit:

I HEREBY CERTIFY, That on this 8th day of October in the year one thousand nine hundred and fifty-eight, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City, aforesaid, personally appeared RICHARD GANTHROP and ROSALYN GANTHROP, his wife,

the above named grantors, and they acknowledged the foregoing Deed to be their act.

As Witness my hand and Notarial Seal.



Herbert H. Miller, Notary Public.
My commission expires May 4, 1969.

Rec'd for Record OCT 9 1958 at 1:30
Per George L. Ryerly, Clerk.
Mailed to Miller & Patterson

BUILDER: GORDON L. SMITH & SONS INC.
4229 YORK ROAD - BALTIMORE, MD. 21212.

