88-347-SPH
218

MAP NW 20 K/L E1R.

SW/S Falls Road, 1268' NW of c/l of Miller Road

IN RE: PETITION FOR SPECIAL HEARING
SW/S Falls Road, 1,268' NW
of the c/l of Miller Road
8th Election District
3rd Councilmanic District

Gadd Road Realty Corp., et al
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 88-347-SPH

* * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve (a) the transfer or cluster of density units on three contiguous agricultural tracts with the net effect that there will be no increase in the total number of permitted building lots on the three tracts; and (b) the transfer of non-density parcels (i.e., land whose area may no longer be considered in determining permissible development or subdivision in the future) to adjacent landowners, as more particularly described on Petitioner's Exhibits 1, 6, 7, 16, 17 and 18.

The Petitioners, by Clark F. MacKenzie, who testified both as a principal in the group constituting the Petitioners and as an expert in land development generally, appeared, testified and was represented by John P. Machen, Esquire. Also appearing on behalf of the Petition was Charles E. Fick with George William Stephens, Jr. and Associates, Consulting Engineers. Also in attendance at the hearing, but not testifying, were Dr. and Mrs. Frederick B. Peterson, Mrs. Clark F. MacKenzie, and Mr. and Mrs. Richard S. Pineau. There were no Protestants.

The subject property presently consists of three contiguous parcels of approximately 50 acres, 75 acres, and 151 acres, is zoned R.C. 2, and is located on the west side of Falls Road and two miles north of Shawan Road as shown on Petitioner's Exhibits 1 and 2. Based on the testimony of Mr. MacKenzie and as shown in photographs introduced at the hearing identified as Petitioner's Exhibits 4A, 4B, 8A, 8B, 8C, 8D, 8E, 8F, 15 and 16, the property is for the most

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part gently rolling agricultural land, with some heavily wooded areas, and is improved with one 14,000 sq.ft. principal residence, several tenant houses, one of which is to be razed, several barns, stables and other agriculturally related structures. In the past, the property had been used as a dairy farm and for raising beef cattle. Currently, the land is used for horse pasture and for growing corn, hay, soybeans, and wheat.

The Petitioners constitute entities whose principals are comprised of four of the neighboring landowners who, upon learning that the land was to be acquired for development as a golf course by Richard Pineau, agreed to assume Mr. Pineau's obligation to purchase the property. Mr. MacKenzie testified that the neighbors felt very strongly that a golf course would be seriously disruptive to the natural and agricultural setting of the property and might jeopardize the neighbors' well-water supply due to the large irrigation requirements of a golf course. The Petitioners took title to the property on November 30, 1987.

Irvin S. Naylor is also among the Petitioners. On November 30, 1987 immediately after the neighbors took title to the property, they conveyed to Mr. Naylor the 50 acre parcel, which is to be reconfigured slightly to include a fee simply driveway strip. The reconfigured parcel is identified as Lot 5 on Petitioner's Exhibit 1.

Mr. MacKenzie and Mr. Fick both described the Petitioners' plan for the property. Pursuant to Section 1A01.3.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), the 50 acre parcel and the 75 acre parcel may each be divided into two lots and the 151 acre parcel may be divided into three lots to yield a total of 7 building lots, as summarized below:

50 acre parcel	-	2 building lots
75 acre parcel	-	2 building lots
151 acre parcel	-	3 building lots
	TOTAL	7 building lots

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In order to preserve the agricultural character of the 75 acre parcel and the 50 acre parcel, the Petitioners seek relief from the provisions of Section 1A01.3.B.1 of the B.C.Z.R. to permit the transfer of two density units from the 75 acre parcel and one density unit from the 50 acre parcel to the 151 acre parcel, with the net effect being as follows:

50 acre parcel	-	1 building lot
75 acre parcel	-	NO building lot
151 acre parcel	-	6 building lots
	TOTAL	7 building lots

The building lots are shown on Petitioner's Exhibit 1 as Lots 1, 2A, 2B, 2C, 3 and 4, all on the 151 acre parcel, and Lot 5 on the 50 acre parcel.

The Petitioners further seek approval to transfer as "non-density" parcels to adjoining landowners an 8 acre portion of the 151 acre parcel, identified as lot 3A, and all of the 75 acre parcel in four tracts, identified as Lots 6A, 6B, 6C, and 6D on Petitioner's Exhibits 6, 7 and 18. Mr. MacKenzie further testified that restrictive covenants, as shown in Petitioner's Exhibit 9, have been recorded in the Land Records of Baltimore County, pursuant to which, among other matters, no improvements, other than agriculturally related structures, may be built on the non-density parcels. These restrictions, together with a conservation easement granted by Mr. Naylor to the American Farmland Trust as to the 50 acre parcel, as reflected in Petitioner's Exhibit 10, will further foster and preserve these areas for agricultural purposes. The overall plan of clustering density units on the 151 acre parcel and transferring the non-density parcels to adjacent landowners in connection with existing agricultural and pasturing activities provides a sensible framework for planned development and will help preserve the continued agricultural use of productive agricultural areas.

Mr. MacKenzie further testified that the Petitioners' plan does not evade the spirit and intent of the Baltimore County Zoning Regulations and that there will be no adverse impact on the public health, safety and welfare of the

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community if the Petitioners' plan is approved.

Letters of support from the following were received and introduced into the record: a) letter dated November 19, 1987 from the Valleys Planning Council, identified as Petitioner's Exhibit 11; b) letter dated November 19, 1987 from the Land Preservation Trust, Inc., identified as Petitioner's Exhibit 12; and c) letter dated November 18, 1987 from Gadd Road Realty Corporation, Inc., identified as Petitioner's Exhibit 13.

The following are the sources of authority to permit the clustering of density units as described above.

(a) Zoning Commissioner's Policy RSD-10 provides for the right to transfer density from one lot to another and to cluster density after a public hearing is held by the Zoning Commissioner.

(b) In Case No. 85-281-SPH, Amended Order dated June 19, 1985 (John Merryman, et ux - Petitioners) the Zoning Commissioner confirmed that it has been the consistent policy of the Zoning Commissioner and the Zoning Office to allow the right to transfer density from one lot to another, or cluster, in an R.C. 2 zone when there is a public hearing wherein the Petitioner may justify its request and conform to the legislative intent defined in Section 1A01.1.A and B of the B.C.Z.R.

The Petitioners' request must be analyzed in light of the provisions of Section 1.A00.2 of the B.C.Z.R., stating that the purposes of the Resource Conservation (R.C.) zones are to:

a) discourage present land use patterns of development and to create a framework for planned or orderly development;

b) provide sufficient and adequate areas for rural-suburban and related development in selected and suitable areas;

c) protect both natural and man-made resources from compromising effects of specific forms and densities of development; [and]

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d) protect areas desirable for more intensive future development by regulating undesirable forms of development within those areas until such time as intensive development commences.

As set forth in Section 1A01.1.B of the B.C.Z.R., the R.C. 2 zone was established "to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban use." The foregoing criteria can be summarized in two general ways: a) conservation of agricultural uses and, b) providing for suitable, orderly development that is compatible with such agricultural uses. The Petitioners' request fulfills these criteria.

The transfer of non-density parcels is an integral part of the overall plan for the assemblage of properties, and, for the reasons stated above, will promote the enumerated purposes of R.C. zones in the conservation of agricultural uses. This type of non-density transfer is described in Zoning Commissioner's Policy RSD-8 which permits such non-density transfers.

The Petitioners' requests are within the spirit and intent of the B.C.Z.R. provisions respecting R.C. 2 zones. The plan as set forth in Petitioners' request will retain and foster conditions favorable to the continued agricultural use and productive agricultural areas of Baltimore County, and there will be no adverse impact on the public health, safety, and welfare of the community.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons given above, the relief requested in the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of February 1988, that pursuant to Zoning Commissioner Policies RSD-8 and RSD-10 dealing with the reconfiguration of three parcels of land, that the property located at 14234 Falls Road, as shown on Petitioner's Exhibits 1,

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17 and 18, be reconfigured, and further, that clustering of density units and the transfer of non-density parcels, as more clearly defined below and as shown on Petitioner's Exhibits 1, 17 and 18, be approved as follows:

a) Two density units from the 75 acre parcel and one density unit from the 50 acre parcel will be consolidated on the 151 acre parcel to create Lots 1, 2A, 2B, 2C, 3 and 4. Lot 1 has existing residential improvements, and Lot 2A has an existing tenant house and will be allocated a density unit for a principal dwelling. In addition, Lot 5, which is the 50 acre parcel, shall retain one density unit and shall not be subdivided;

b) An 8 acre portion of the 151 acre parcel and the entire 75 acre parcel will be conveyed to adjacent landowners. These are non-density parcels, and no buildings, other than agriculturally related structures, shall be constructed thereon;

and as such, the Petition for Special Hearing is hereby GRANTED, subject, however, to the following restrictions:

1) All of the permitted density for the aforementioned parcels, specifically Parcels 1, 2A, 2B, 2C, 3, 4 and 5, shall hereinafter be considered utilized and such parcels shall not be further subdivided.

2) All deeds from the Petitioner of any part of the subject property, including the confirmatory deed to Irvin S. Naylor by which Lot 5 is to be reconfigured to include the fee simple driveway strip, shall refer to this Order by reference to the Case Number. The deeds to Parcels 1, 2A, 2B, 2C, 3, 4 and 5 shall all clearly state that the parcel may not be further subdivided. Copies of all such deeds shall be submitted to the Zoning Commissioner within thirty (30) days of the date of purchase of any parcel and made a part of this case file.

3) All deeds from the Petitioner conveying the non-density parcels, Lots 3A, 6A, 6B, 6C, and 6D, shall state that the conveyance is subject to the restriction that the acreage so transferred may not be considered in determining the right to improve or subdivide the adjoining lands of the respective grantees and state clearly that these parcels may not be improved with a dwelling unit or any non-agricultural business operation.

4) All such non-density parcels, Lots 3A, 6A, 6B, 6C and 6D, shall each remain separately described parcels and shall not be merged by description with the adjoining lands of the respective grantees.

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5) The Petitioner shall prepare and record a record plat with the foregoing restrictions noted thereon and a copy shall be submitted to the Zoning Commissioner for the file.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:bjs

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ATTACHMENT TO PETITION FOR SPECIAL HEARING

the application of the Zoning Commissioner's Policies RSD-8 and RSD-10 to the reconfiguration of three parcels of land in an R.C.2 Zone at 14234 Falls Road for the purpose of protecting agricultural land. Per the plat submitted with this application:

(a) Two density units from the 75 acre parcel and one density unit from the 49 acre parcel will be consolidated on the 151 acre parcel to create Lots 1, 2A, 2B, 2C, 3 and 4. Lot 1 has existing residential improvements, and Lot 2A has an existing tenant house and will be allocated a density unit for a principal dwelling.

(b) An 8 acre portion of the 151 acre parcel and the entire 75 acre parcel will be conveyed to adjacent landowners. These are non-density parcels, and no buildings (other than agriculturally related structures) shall be constructed thereon.

The effect of this realignment will be to protect the property for agriculture. The Director of Planning and Zoning, Mr. Norman Gerber, has stated in a letter granting a waiver of the CRG process that this plan of reconfiguration comports with the scope, purpose and intent of the Development Regulations of Baltimore County. A copy of Mr. Gerber's letter is attached hereto.

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PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and or Deputy Zoning Commissioner should approve .....

.....

.....(See Attached).....

.....

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I We do solemnly declare and affirm, under the penalties of perjury, that I we are the legal owner(s) of the property which is the subject of this Petition.

MAP NW 20 I E
E&20
E. D. 8th
DATE 4-21-88
200 PF
1000 PP
DP

Contract Purchaser:

.....
(Type or Print Name)

.....
Signature

.....
Address

.....
City and State

Attorney for Petitioner:

John P. Machen, Esquire
(Type or Print Name)

[signature]
Signature

16 South Charles Street
Address

Baltimore, Maryland 21201
City and State

Attorney's Telephone No.: (301)576-1788

Legal Owner(s):

(1) Gadd Road Realty Corporation
(Type or Print Name)
By: Clark F. MacKenzie
Signature Clark F. MacKenzie, President

(2) GMPW Gadd Road Partners
(Type or Print Name)
By: Clark F. MacKenzie
Signature Clark MacKenzie, General Partner

(3) Irvin S. Naylor

14234 Falls Rd. (MacKenzie) (301)821-8585
Address / Phone No.

Butler, Maryland 21023
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Charles E. Fick, P.E.
Name c/o G.W. Stephens, Jr. & Associates Inc.

305 Alleghany Ave. (301)825-8120
Address Towson, MD 21204 Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this ..... day of .....19....., that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the ..... day of ....., 19....., at ..... o'clock

.....M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

Z.C.O.--No. 1 (over)

FILED ..... PETITION ACCEPTED FOR FILING ..... 19.....

REVIEWED BY: ..... DATE: 12/14/87

R.C.2.

R.C.2.

WESTERN

R. C. 4

PLEASANT HILL CHAPEL

B.L.

R. C. 4

R.C.2.

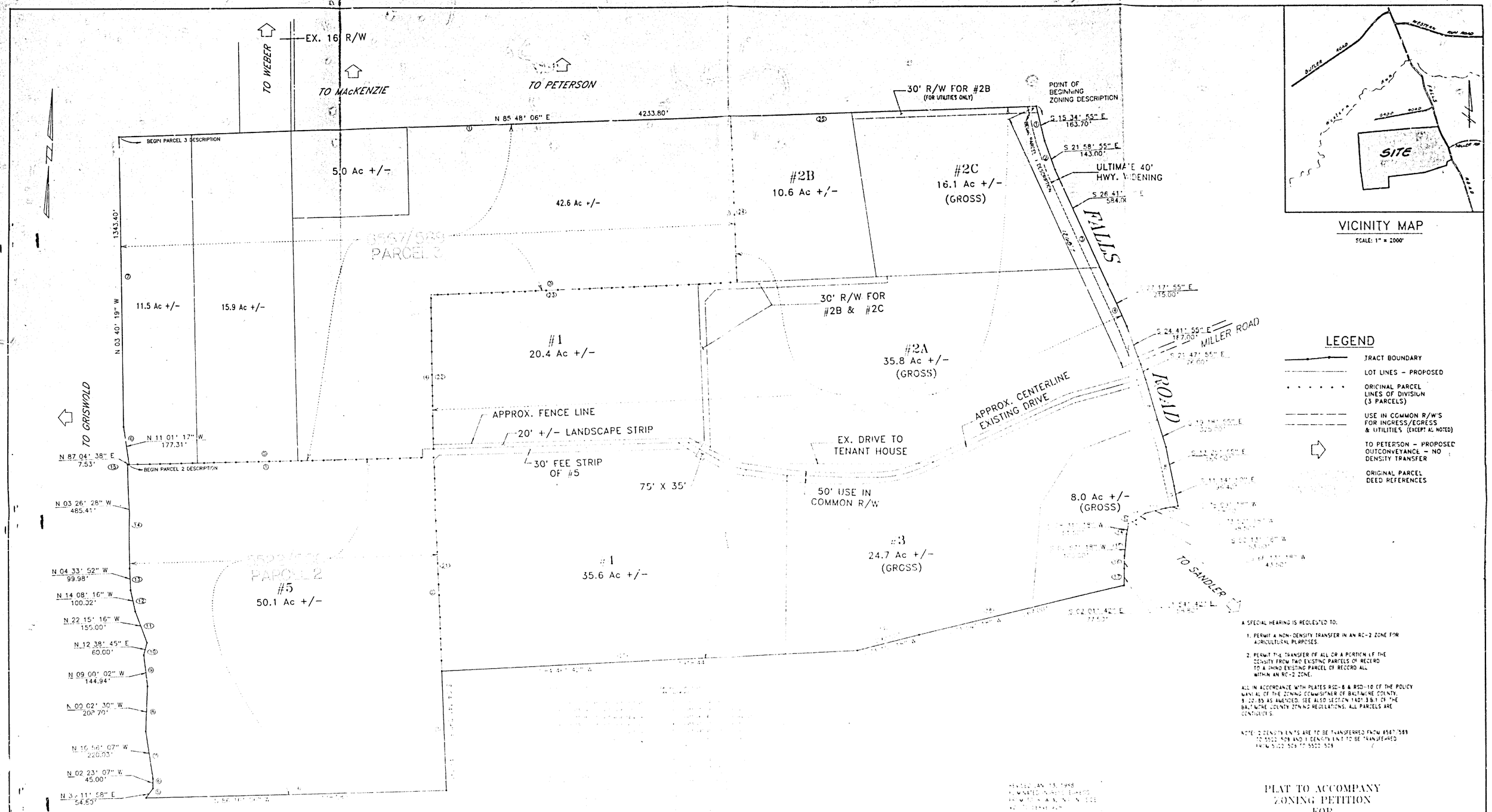
R. C. 4

DD - SW
V - NW

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY, MARYLAND
OFFICIAL ZONING MAP

REVISIONS	SCALE	LOCATION	SHEET
By Date	1" = 200'	PLEASANT HILL CHAPEL	NW 21-E
	DATE OF PHOTOGRAPHY		

MAPS COMPILED BY BALTIMORE COUNTY BUREAU OF ENGINEERING
MAPS COMPILED BY PHOTOGRAMMETRIC METHODS
MAPS COORDINATED WITH MORE TO MARYLAND



A SPECIAL HEARING IS REQUESTED TO:

1. PERMIT A NON-DENSITY TRANSFER IN AN RC-2 ZONE FOR AGRICULTURAL PURPOSES.
2. PERMIT THE TRANSFER OF ALL OR A PORTION OF THE DENSITY FROM TWO EXISTING PARCELS OF RECORD TO A THIRD EXISTING PARCEL OF RECORD ALL WITHIN AN RC-2 ZONE.

ALL IN ACCORDANCE WITH PLATES RSD-8 & RSD-10 OF THE POLICY MANUAL OF THE ZONING COMMISSIONER OF BALTIMORE COUNTY, § 22-85 AS AMENDED. SEE ALSO SECTION 1A01.3.B.1 OF THE BALTIMORE COUNTY ZONING REGULATIONS. ALL PARCELS ARE CONTIGUOUS.

NOTE: 2 DENSITY UNITS ARE TO BE TRANSFERRED FROM 6567/589 TO 5522/509 AND 1 DENSITY UNIT TO BE TRANSFERRED FROM 5522/509 TO 5522/509

PLAT TO ACCOMPANY
ZONING PETITION
FOR
SPECIAL HEARING

PETITIONER'S EXHIBIT 1

PINE HILL FARMS

BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT NO. 8

SCALE: 1" = 200' DATE: DEC.3, 1987

GENERAL NOTES

1. OUTLINE SHOWN HEREON BASED UPON SURVEY BY:
   STEPHEN C. BARNHART
   R.P.L.S. #168
   P.O. BOX 244
   FINKSBURG, MD. 21048
   (301) 861-8730
2. LOT SIZES SHOWN HEREON ARE APPROXIMATE AND SUBJECT TO FINAL SURVEY.
3. EXISTING RESIDENCE ON LOT #1.
4. EXISTING TENANT HOUSE AND OUTBUILDINGS ON LOT #2A.

TABULATION

OVERALL TRACT ZONED RC-2

GROSS AREA OF OVERALL TRACT = 276.41 Ac +/-

5522/506 -------- 49.51 Ac +/- (DEED Ac.) RECORDED 4/11/75

5522/509 --------151.5 Ac +/- (DEED Ac.) RECORDED 4/15/75

6567/589 --------- 75 Ac +/- (DEED Ac.) RECORDED 7/18/83 *

* 150 Ac, SAVING & EXCEPTING 75 Ac. OUTCONVEYANCE BY DEED E.H.A. 65/138 DATED: JUNE 14, 1868

OWNERS/DEVELOPERS

PARCEL 1
GADD ROAD REALTY CORP
328 W. JOPPA ROAD
SUITE 200
LUTHERVILLE, MD. 21093
(301) 821-8585
CLARK F. MACKENZIE, PRES.
7238/265

PARCEL 3
GMPV GADD ROAD PARTNERS
328 W. JOPPA ROAD
SUITE 200
LUTHERVILLE, MD. 21093
(301) 821-8585
CLARK F. MACKENZIE - GEN. PARTNER
7238/272

PARCEL 2
KEVIN S. NAYLOR
14234 FALLS ROAD
[illegible]
(301) 821-8565
7238/272

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
P.O. BOX 6828, TOWSON, MARYLAND 21204

Description to Accompany
Zoning Petition for Special Hearing,
Pine Hill Farms.

December 2, 1987

Beginning for the same at a point near the west side of Falls Road at a distance of 1268 feet more or less northwesterly along said Falls Road from the centerline of Miller Road, running thence leaving said place of beginning, along said Falls Road, the nine following courses:

1) South 15° 34' 55" East 163.70 feet,
2) South 21° 58' 55" East 143.00 feet,
3) South 26° 41' 55" East 5 .00 feet,
4) South 27° 17' 55" East 215.00 feet,
5) South 24° 41' 55" East 187.00 feet,
6) South 21° 47' 55" East 76.00 feet,
7) South 19° 18' 55" East 325.00 feet,
8) South 13° 25' 55" East 185.00 feet and
9) South 11° 14' 50" East 96.40 feet, running thence leaving said road, the twenty seven following courses:
10) South 78° 09' 18" West 58.00 feet,
11) South 73° 52' 18" West 98.50 feet,
12) South 50° 13' 18" West 53.00 feet,
13) South 68° 13' 18" West 43.50 feet,
14) South 08° 31' 18" West 51.50 feet,
15) South 02° 57' 18" West 100.00 feet,
16) South 01° 54' 42" East 58.80 feet,
17) South 02° 01' 42" East 77.50 feet,
18) South 73° 54' 18" West 967.00 feet,
19) South 73° 15' 18" West 292.50 feet,
20) South 84° 46' 42" West 1918.44 feet
21) South 04° 34' 10" East 549.79 feet,
22) South 86° 16' 06" West 1387.89 feet,
23) North 34° 11' 58" East 54.80 feet,
24) North 02° 23' 07" West 45.00 feet,
25) North 10° 56' 07" West 220.03 feet,
26) North 00° 02' 30" West 208.70 feet,
27) North 09° 00' 02" West 144.94 feet,

Description to Accompany
Zoning Petition for Special Hearing,
Pine Hill Farms.

December 2, 1987
Page -2-

28) North 12° 38' 45" East 60.00 feet,
29) North 22° 15' 16" West 155.00 feet,
30) North 14° 08' 16" West 100.02 feet,
31) North 04° 33' 52" West 99.98 feet,
32) North 03° 26' 28" West 485.41 feet,
33) North 87° 04' 38" East 7.53 feet,
34) North 11° 01' 16" West 177.31 feet,
35) North 03° 40' 19" West 1343.40 feet and
36) North 85° 48' 06" East 4233.80 feet to the place of beginning.

Containing 276.41 acres of land more or less

STATE OF MARALAND — CHARLES E. FICK — No. 9818 — REGISTERED PROFESSIONAL ENGINEER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

F8-347-SPH

District 8th — Date of Posting 1-14-88
Posted for: Special Hearing
Petitioner: Gadd Road Realty Corp.
Location of property: SW/S of Falls Road, 1268' NW of the c/l of Miller Road
Location of Signs: S.W. side of Falls Road approx. 100' north of Miller Road
Remarks:
Posted by A. J. Ostrander (Signature) — Date of return: 1-22-88
Number of Signs: 1

February 24, 1988

John P. Machen, Esquire
36 South Charles Street
Baltimore, Maryland 21201

RE: Petition for Special Hearing
SW/S Falls Road, 1,268' NW of the c/l of Miller Road
8th Election District - 3rd Councilmanic District
Gadd Road Realty Corporation, et al - Petitioners
Case No. 88-347-SPH

Dear Mr. Machen:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Special Hearing has been Granted, subject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs
Enclosures

cc: Dr. & Mrs. Frederick B. Peterson
2309 Gadd Road, Cockeysville, Md. 21030
Mr. Richard S. Pinsau
1 Quail Hollow, Lutherville, Md. 21093
People's Counsel
File

RE: PETITION FOR SPECIAL HEARING
SW/S Falls Rd., 1268' NW of C/L of Miller Rd., 8th Election Dist.; 3rd Councilmanic Dist.
GADD ROAD REALTY CORP., et al., Petitioners
: BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
: Case No. 88-347-SPH

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 22nd day of December, 1987, a copy of the foregoing Entry of Appearance was mailed to John P. Machen, Esquire, Baltimore, MD 36 S. Charles St.,/21201, Attorney for Petitioners; and Charles E. Fick, P.E., c/o G.W. Stephens, Jr. & Associates, Inc., 303 Allegheny Ave., Towson, MD 21204, who requested notification.

Peter Max Zimmerman
Peter Max Zimmerman

CERTIFICATE OF PUBLICATION

TOWSON, MD., Jan. 14, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Jan. 14, 1988

THE JEFFERSONIAN,

Susan Stouder O'Brandt
Publisher

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 88-347-SPH
SW/S Falls Road, 1268' NW of c/l of Miller Road
8th Election District — 3rd Councilmanic District
Petitioner: Gadd Road Realty Corp., et al
DATE/TIME: Thursday, February 4, 1988 at 9:00 a.m.

Special Hearing: to permit a non-density transfer in an RC-2 zone for agricultural purposes and to permit the transfer of all or a portion of the density from two existing parcels of record to a third existing parcel of record all within a RC-2 zone.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner
of Baltimore County

1/105 Jan. 14

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

JAN 26 1988

Dennis F. Rasmussen
County Executive

Charles E. Fick, P.E.
c/o G. W. Stephens, Jr. & Associates
303 Allegheny Avenue
Towson, Maryland 21204

Re: Case number: 88-347-SPH
SW/S Falls Road, 1268' NW of c/l of Miller Road
8th Election District - 3rd Councilmanic District
Petitioner: Gadd Road Realty Corp., et al
DATE/TIME: THURSDAY, FEBRUARY 4, 1988 at 9:00

Dear Mr. Fick:

Please be advised that $84.80 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign(s) from the property from the time it posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 45935

DATE 2/5/88 ACCOUNT R-01-615-000
AMOUNT $ 84.80
RECEIVED Gadd Road Realty Corp.
FOR Cost of Sign & Post for Item #218
B 035 ... CASHIER'S VALIDATION
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING

Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 88-347-SPH
SW/S Falls Road, 1268' NW of c/l of Miller Road
8th Election District - 3rd Councilmanic District
Petitioner: Gadd Road Realty Corp., et al
DATE/TIME: THURSDAY, FEBRUARY 4, 1988 at 9:00

Special Hearing: to permit a non-density transfer in an RC-2 zone for agricultural purposes and to permit the transfer of all or a portion of the density from two existing parcels of record to a third existing parcel of record all within a RC-2 zone.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 45744

DATE 1/26/88 ACCOUNT R-01-615-000
AMOUNT $ 84.80
RECEIVED Gadd Road Realty Corp.
FOR P.U. #218 Sign & Post
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3253

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

December 10, 1987

Mr. Clark F. MacKenzie
MacKenzie & Associates, Inc.
2328 West Joppa Road
Suite 200
Lutherville, Maryland 21093

Re: Pine Hill Farms, Item #218

Dear Mr. MacKenzie:

Please be advised that hearing of the above-entitled matter was set for the end of April, 1988. However, we are now in receipt of your request for the earliest date possible, and the matter is now scheduled for March 18, 1988.

Due to the advertising and posting requirements, together with our current docket load, an earlier date than March 18, 1988 cannot be arranged.

Hopefully, this meets with your satisfaction.

Very truly yours,

J. Robert Haines,
Zoning Commissioner of
Baltimore County

JRH:bgs

PUBLISHER'S AFFIDAVIT

...SPAPERS OF MARYLAND, INC.
...er, Md., Jan. 14, 19 88
...e annexed P.O. # M10795 P.O. #65631
...weeks/days previous
...uary..... 19 88, in the
...es, a daily newspaper published
...stminster, Carroll County, Maryland.
..., a weekly newspaper published
in Baltimore County, Maryland.
a weekly newspaper published
in Baltimore County, Maryland.
...SPAPERS OF MARYLAND, INC.
Per ...

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 88-347-SPH
SW/S Falls Road, 1268' NW of c/l of Miller Road
8th Election District — 3rd Councilmanic District
Petitioner: Gadd Road Realty Corp., et al
DATE/TIME: Thursday, February 4, 1988 at 9:00 a.m.

Special Hearing: to permit a non-density transfer in an RC-2 zone for agricultural purposes and to permit the transfer of all or a portion of the density from two existing parcels of record to a third existing parcel of record all within a RC-2 zone.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner
of Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

TO WEBER

TO MacKENZIE

5.0 Ac +/-

TO PETERSON

TO GRISWOLD

15.9 Ac +/-

42.6 Ac +/-

#2B
10.6 Ac +/-

#2C
16.1 Ac +/-
(GROSS)

FALLS

ROAD

MILLER

11.5 Ac +/-

#1
20.4 Ac +/-

#2A
35.8 Ac +/-
(GROSS)

50' USE IN
COMMON R/W

TO SANDLER

#3
24.7 Ac +/-
(GROSS)

8.0 Ac +/-
(GROSS)

ROAD

#5
50.1 Ac +/-

#4
35.6 Ac +/-

PINE HILL FARMS

PETITIONER'S
EXHIBIT 16

BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT NO. 8

PLAT TO ACCOMPANY
ZONING PETITION
FOR
SPECIAL HEARING

SCALE: 1" = 200'

DEC.3, 1987

IN RE: PETITION FOR SPECIAL HEARING
SW/S Falls Road, 1,268' NW
of the c/l of Miller Road
8th Election District
3rd Councilmanic District

Gadd Road Realty Corp., et al
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 88-347-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve (a) the transfer or cluster of density units on three contiguous agricultural tracts with the net effect that there will be no increase in the total number of permitted building lots on the three tracts; and (b) the transfer of non-density parcels (i.e., land whose area may no longer be considered in determining permissible development or subdivision in the future) to adjacent landowners, as more particularly described on Petitioner's Exhibits 1, 6, 7, 16, 17 and 18.

The Petitioners, by Clark F. MacKenzie, who testified both as a principal in the group constituting the Petitioners and as an expert in land development generally, appeared, testified and was represented by John P. Machen, Esquire. Also appearing on behalf of the Petition was Charles E. Fick with George William Stephens, Jr. and Associates, Consulting Engineers. Also in attendance at the hearing, but not testifying, were Dr. and Mrs. Frederick B. Peterson, Mrs. Clark F. MacKenzie, and Mr. and Mrs. Richard S. Pineau. There were no Protestants.

The subject property presently consists of three contiguous parcels of approximately 50 acres, 75 acres, and 151 acres, is zoned R.C. 2, and is located on the west side of Falls Road and two miles north of Shawan Road as shown on Petitioner's Exhibits 1 and 2. Based on the testimony of Mr. MacKenzie and as shown in photographs introduced at the hearing identified as Petitioner's Exhibits 4A, 4B, 8A, 8B, 8C, 8D, 8E, 8F, 15 and 16, the property is for the most

ORDER RECEIVED

Zoning Commissioner
Baltimore County
By Beth Schlossman

part gently rolling agricultural land, with some heavily wooded areas, and is improved with one 4,000 sq.ft. principal residence, several tenant houses, one of which is to be razed, several barns, stables and other agriculturally related structures. In the past, the property had been used as a dairy farm and for raising beef cattle. Currently, the land is used for horse pasture and for growing corn, hay, soybeans, and wheat.

The Petitioners constitute entities whose principals are comprised of four of the neighboring landowners who, upon learning that the land was to be acquired for development as a golf course by Richard Pineau, agreed to assume Mr. Pineau's obligation to purchase the property. Mr. MacKenzie testified that the neighbors felt very strongly that a golf course would be seriously disruptive to the natural and agricultural setting of the property and might jeopardize the neighbors' well-water supply due to the large irrigation requirements of a golf course. The Petitioners took title to the property on November 30, 1987.

Irvin S. Naylor is also among the Petitioners. On November 30, 1987 immediately after the neighbors took title to the property, they conveyed to Mr. Naylor the 50 acre parcel, which is to be reconfigured slightly to include a fee simply driveway strip. The reconfigured parcel is identified as Lot 5 on Petitioner's Exhibit 1.

Mr. MacKenzie and Mr. Fick both described the Petitioners' plan for the property. Pursuant to Section 1A01.3.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), the 50 acre parcel and the 75 acre parcel may each be divided into two lots and the 151 acre parcel may be divided into three lots to yield a total of 7 building lots, as summarized below:

50 acre parcel	-	2 building lots
75 acre parcel	-	2 building lots
151 acre parcel	-	3 building lots
TOTAL		7 building lots

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Zoning Commissioner
Baltimore County
By Beth Schlossman

In order to preserve the agricultural character of the 75 acre parcel and the 50 acre parcel, the Petitioners seek relief from the provisions of Section 1A01.3.B.1 of the B.C.Z.R. to permit the transfer of two density units from the 75 acre parcel and one density unit from the 50 acre parcel to the 151 acre parcel, with the net effect being as follows:

50 acre parcel	-	1 building lot
75 acre parcel	-	NO building lot
151 acre parcel	-	6 building lots
TOTAL		7 building lots

The building lots are shown on Petitioner's Exhibit 1 as Lots 1, 2A, 2B, 2C, 3 and 4, all on the 151 acre parcel, and Lot 5 on the 50 acre parcel.

The Petitioners further seek approval to transfer as "non-density" parcels to adjoining landowners an 8 acre portion of the 151 acre parcel, identified as Lot 3A, and all of the 75 acre parcel in four tracts, identified as Lots 6A, 6B, 6C, and 6D on Petitioner's Exhibits 6, 7 and 18. Mr. MacKenzie further testified that restrictive covenants, as shown in Petitioner's Exhibit 9, have been recorded in the Land Records of Baltimore County, pursuant to which, among other matters, no improvements, other than agriculturally related structures, may be built on the non-density parcels. These restrictions, together with a conservation easement granted by Mr. Naylor to the American Farmland Trust as to the 50 acre parcel, as reflected in Petitioner's Exhibit 10, will further foster and preserve these areas for agricultural purposes. The overall plan of clustering density units on the 151 acre parcel and transferring the non-density parcels to adjacent landowners in connection with existing agricultural and pasturing activities provides a sensible framework for planned development and will help preserve the continued agricultural use of productive agricultural areas.

Mr. MacKenzie further testified that the Petitioners' plan does not evade the spirit and intent of the Baltimore County Zoning Regulations and that there will be no adverse impact on the public health, safety and welfare of the

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community if the Petitioners' plan is approved.

Letters of support from the following were received and introduced into the record: a) letter dated November 19, 1987 from the Valleys Planning Council, identified as Petitioner's Exhibit 11; b) letter dated November 19, 1987 from the Land Preservation Trust, Inc., identified as Petitioner's Exhibit 12; and c) letter dated November 18, 1987 from Gadd Road Realty Corporation, Inc., identified as Petitioner's Exhibit 13.

The following are the sources of authority to permit the clustering of density units as described above.

(a) Zoning Commissioner's Policy RSD-10 provides for the right to transfer density from one lot to another and to cluster density after a public hearing is held by the Zoning Commissioner.

(b) In Case No. 85-281-SPH, Amended Order dated June 19, 1985 (John Merryman, et ux - Petitioners) the Zoning Commissioner confirmed that it has been the consistent policy of the Zoning Commissioner and the Zoning Office to allow the right to transfer density from one lot to another, or cluster, in an R.C. 2 zone when there is a public hearing wherein the Petitioner may justify its request and conform to the legislative intent defined in Section 1A01.1.A and B of the B.C.Z.R.

The Petitioners' request must be analyzed in light of the provisions of Section 1.A00.2 of the B.C.Z.R., stating that the purposes of the Resource Conservation (R.C.) zones are to:

a) discourage present land use patterns of development and to create a framework for planned or orderly development;

b) provide sufficient and adequate areas for rural-suburban and related development in selected and suitable areas;

c) protect both natural and man-made resources from compromising effects of specific forms and densities of development; [and]

RECEIVED

d) protect areas desirable for more intensive future development by regulating undesirable forms of development within these areas until such time as intensive development commences.

As set forth in Section 1A01.1.B of the B.C.Z.R., the R.C. 2 zone was established "to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban use." The foregoing criteria can be summarized in two general ways: a) conservation of agricultural uses and, b) providing for suitable, orderly development that is compatible with such agricultural uses. The Petitioners' request fulfills these criteria.

The transfer of non-density parcels is an integral part of the overall plan for the assemblage of properties, and, for the reasons stated above, will promote the enumerated purposes of R.C. zones in the conservation of agriculture. This type of non-density transfer is described in Zoning Commissioner's Policy RSD-8 which permits such non-density transfers.

The Petitioners' requests are within the spirit and intent of the B.C.Z.R. provisions respecting R.C. 2 zones. The plan as set forth in Petitioners' request will retain and foster conditions favorable to the continued agricultural use and productive agricultural areas of Baltimore County, and there will be no adverse impact on the public health, safety, and welfare of the community.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons given above, the relief requested in the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of February 1988, that pursuant to Zoning Commissioner Policies RSD-8 and RSD-10 dealing with the reconfiguration of three parcels of land, that the property located at 14234 Falls Road, as shown on Petitioner's Exhibits 1,

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Zoning Commissioner
Baltimore County
By Beth Schlossman

17 and 18, be reconfigured, and further, that clustering of density units and the transfer of non-density parcels, as more clearly defined below and as shown on Petitioner's Exhibits 1, 17 and 18, be approved as follows:

a) Two density units from the 75 acre parcel and one density unit from the 50 acre parcel will be consolidated on the 151 acre parcel to create Lots 1, 2A, 2B, 2C, 3 and 4. Lot 1 has existing residential improvements, and Lot 2A has an existing tenant house and will be allocated a density unit for a principal dwelling. In addition, Lot 5, which is the 50 acre parcel, shall retain one density unit and shall not be subdivided;

b) An 8 acre portion of the 151 acre parcel and the entire 75 acre parcel will be conveyed to adjacent landowners. These are non-density parcels, and no buildings, other than agriculturally related structures, shall be constructed thereon;

and as such, the Petition for Special Hearing is hereby GRANTED, subject, however, to the following restrictions:

1) All of the permitted density for the aforementioned parcels, specifically Parcels 1, 2A, 2B, 2C, 3, 4 and 5, shall hereinafter be considered utilized and such parcels shall not be further subdivided.

2) All deeds from the Petitioner of any part of the subject property, including the confirmatory deed to Irvin S. Naylor by which Lot 5 is to be reconfigured to include the fee simple driveway strip, shall refer to this Order by reference to the Case Number. The deeds to Parcels 1, 2A, 2B, 2C, 3, 4 and 5 shall all clearly state that the parcel may not be further subdivided. Copies of all such deeds shall be submitted to the Zoning Commissioner within thirty (30) days of the date of purchase of any parcel and made a part of this case file.

3) All deeds from the Petitioner conveying the non-density parcels, Lots 3A, 6A, 6B, 6C, and 6D, shall state that the conveyance is subject to the restriction that the acreage so transferred may not be considered in determining the right to improve or subdivide the adjoining lands of the respective grantees and state clearly that these parcels may not be improved with a dwelling unit or any non-agricultural business operation.

4) All such non-density parcels, Lots 3A, 6A, 6B, 6C and 6D, shall each remain separately described parcels and shall not be merged by description with the adjoining lands of the respective grantees.

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Zoning Commissioner
Baltimore County
By Beth Schlossman

5) The Petitioner shall prepare and record a record plat with the foregoing restrictions noted thereon and a copy shall be submitted to the Zoning Commissioner for the file.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:bjs

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February 24, 1988

John P. Machen, Esquire
36 South Charles Street
Baltimore, Maryland 21201

RE: Petition for Special Hearing
SW/S Falls Road, 1,268' NW of the c/l of Miller Road
8th Election District - 3rd Councilmanic District
Gadd Road Realty Corporation, et al - Petitioners
Case No. 88-347-SPH

Dear Mr. Machen:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Special Hearing has been Granted, subject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs
Enclosures

cc: Dr. & Mrs. Frederick B. Peterson
2309 Gadd Road, Cockeysville, Md. 21030

Mr. Richard S. Pineau
1 Quail Hollow, Lutherville, Md. 21093

People's Counsel

File

MICROFILMED

218

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve ----- NW 20,11F

(See Attached)

MAP 20,11F
25 & 20
E.D. 8th
DATE 4-21-87
200 BF
1000 DF
DP

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. N-50,710 W-29,190

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

(1) Gadd Road Realty Corporation
(Type or Print Name)
By: Clark F. MacKenzie
Signature Clark F. MacKenzie, President

(2) GMPW Gadd Road Partners
(Type or Print Name)
By: Clark F. MacKenzie
Signature Clark MacKenzie, General Partner

(3) Irvin S. Naylor:

Attorney for Petitioner:

John P. Macheu, Esquire
(Type or Print Name)
Signature
36 South Charles Street
Address
Baltimore, Maryland 21201
City and State
Attorney's Telephone No.: (301)576-1768

14234 Falls Rd. (MacKenzie: (301)821-8585
Address Phone No.
Butler, Maryland 21023
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Charles E. Fick, P.E.
Name c/o G.W. Stephens, Jr. & Associates, Inc.
303 Allegheny Ave. (301)825-8120
Address Towson, MD 21204 Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this ----- day of -----, 19---, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the ----- day of -----, 19---, at ---- o'clock ----M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

MICROFILMED

Z.C.O.—No. 1 (over)

ESTIMATED LENGTH OF HEARING -1HR+
ESTIMATED LENGTH OF HEARING
AVAILABLE FOR HEARING
MON. THRU FRI. - 9:00 A.M. TO 4:00 P.M.

FILE: ----- CASE#
REVIEWED BY: mon DATE 12/18/87

218

ATTACHMENT TO PETITION FOR SPECIAL HEARING

the application of the Zoning Commissioner's Policies RSD-8 and RSC-10 to the reconfiguration of three parcels of land in an R.C.2 Zone at 14234 Falls Road for the purpose of protecting agricultural land. Per the plat submitted with this application:

(a) Two density units from the 75 acre parcel and one density unit from the 49 acre parcel will be consolidated on the 151 acre parcel to create Lots 1, 2A, 2B, 2C, 3 and 4. Lot 1 has existing residential improvements, and Lot 2A has an existing tenant house and will be allocated a density unit for a principal dwelling.

(b) An 8 acre portion of the 151 acre parcel and the entire 75 acre parcel will be conveyed to adjacent landowners. These are non-density parcels, and no buildings (other than agriculturally related structures) shall be constructed thereon.

The effect of this realignment will be to protect the property for agriculture. The Director of Planning and Zoning, Mr. Norman Gerber, has stated in a letter granting a waiver of the CRG process that this plan of reconfiguration comports with the scope, purpose and intent of the Development Regulations of Baltimore County. A copy of Mr. Gerber's letter is attached hereto.

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8392g:12/3/87
15335-1

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
P.O. BOX 6828, TOWSON, MARYLAND 21204

December 2, 1987

Description to Accompany
Zoning Petition for Special Hearing,
Pine Hill Farms.

Beginning for the same at a point near the west side of Falls Road at a distance of 1268 feet more or less northwesterly along said Falls Road from the centerline of Miller Road, running thence leaving said place of beginning, along said Falls Road, the nine following courses:

1) South 15° 34' 55" East 163.70 feet,
2) South 21° 58' 55" East 143.00 feet,
3) South 26° 41' 55" East 584.00 feet,
4) South 27° 17' 55" East 215.00 feet,
5) South 24° 41' 55" East 187.00 feet,
6) South 21° 47' 55" East 76.00 feet,
7) South 19° 18' 55" East 325.00 feet,
8) South 13° 25' 55" East 185.00 feet and
9) South 11° 14' 50" East 96.40 feet, *running thence leaving said road, the twenty seven following courses:*
10) South 78° 09' 18" West 58.00 feet,
11) South 73° 52' 18" West 98.50 feet,
12) South 50° 13' 18" West 53.00 feet,
13) South 68° 13' 18" West 43.50 feet,
14) South 08° 31' 18" West 51.50 feet,
15) South 02° 57' 18" West 100.00 feet,
16) South 01° 54' 42" East 58.80 feet,
17) South 02° 01' 49" East 77.50 feet,
18) South 73° 54' 18" West 967.00 feet,
19) South 73° 15' 18" West 292.50 feet,
20) South 84° 46' 42" West 1918.44 feet
21) South 04° 34' 10" East 549.79 feet,
22) South 86° 16' 06" West 1387.89 feet,
23) North 34° 11' 58" East 54.80 feet,
24) North 02° 23' 07" West 45.00 feet,
25) North 10° 56' 07" West 220.03 feet,
26) North 00° 02' 30" West 208.70 feet,
27) North 09° 00' 02" West 144.94 feet,

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Description to Accompany *December 2, 1987*
Zoning Petition for Special Hearing, *Page -2-*
Pine Hill Farms.

28) North 12° 38' 45" East 60.00 feet,
29) North 22° 15' 16" West 155.00 feet,
30) North 14° 08' 16" West 100.02 feet,
31) North 04° 33' 52" West 99.98 feet,
32) North 03° 26' 28" West 485.41 feet,
33) North 87° 04' 38" East 7.53 feet,
34) North 11° 01' 16" West 177.31 feet,
35) North 03° 40' 19" West 1343.40 feet and
36) North 85° 48' 06" East 4233.80 feet to the place of beginning.

Containing 276.41 acres of land more or less.

STATE OF MARYLAND
CHARLES E. FICK
No. 9518
REGISTERED PROFESSIONAL ENGINEER

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CERTIFICATE OF PUBLICATION

TOWSON, MD., Jan. 14, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Jan. 14, 1988

THE JEFFERSONIAN,

Susan Sindwell Obrecht
Publisher

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 88-347-SPH
SW/S Falls Road, 1268' NW of c/l of Miller Road
8th Election District — 3rd Councilmanic District
Petitioner: Gadd Road Realty Corp., et al
DATE/TIME: Thursday, Feb. 4, 1988 at 9:00 a.m.

Special Hearing: to permit a non-density transfer in an RC-2 zone for agricultural purposes and to permit the transfer of all or a portion of the density from two existing parcels of record to a third existing parcel of record all within a RC-2 zone.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner
of Baltimore County

1/105 Jan. 14

MICROFILMED

88-347-SPH

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 29th day of December, 1987.

J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner Gadd Road Realty Corp.
Petitioner's Attorney John P. Macheu, Esquire

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

MICROFILMED

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

JAN 25 1988

Dennis F. Rasmussen
County Executive

Charles E. Fick, P.E.
c/o G. W. Stephens, Jr. & Associates
303 Allegheny Avenue
Towson, Maryland 21204

Re: Case number: 88-347-SPH
SW/S Falls Road, 1268' NW of c/l of Miller Road
8th Election District - 3rd Councilmanic District
Petitioners: Gadd Road Realty Corp., et al
DATE/TIME: THURSDAY, FEBRUARY 4, 1988 at 9:00

Dear Mr. Fick:

Please be advised that $54.80 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign(s) from the property from the time it posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

Very truly yours,

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

MICROFILMED

cc: John P. Macheu, Esq.
File

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

88-347-SPH

Date of Posting 1-14-88

Posted for: Special Hearing
Petitioner: Gadd Road Realty Corp.
Location of property: SW/S of Falls Road, 1268' NW of the c/l of Miller Road
Location of Signs: SW side of Falls Road approx 100' south of Miller Road
Remarks:
Posted by: N. J. Ostrom (Signature) Date of return: 1-19-88
Number of Signs: 1

MICROFILMED

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J. ROBERT HAINES
Zoning Commissioner
of Baltimore County

Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

1/105 Jan. 14

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 45744

DATE 12/8/87 ACCOUNT 01-615-000
AMOUNT $ 100.00
RECEIVED FROM George W. Stephens, Jr.
FOR Sph #218 Gadd Rd. Property
B B026*****10000a 0144F

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 45935

DATE 2/5/88 ACCOUNT R-01-615-000
Will Not Return Sign Post
AMOUNT $ 54.80
RECEIVED FROM Gadd Realty Corp
FOR Posting & Advertising 2/4/88 Hearing 88-347-SPH
B B158*****8400a 0144F

VALIDATION OR SIGNATURE OF CASHIER

AFFIDAVIT OF PUBLICATION IN THE JEFFERSONIAN

BALTIMORE COUNTY, MARYLAND

Jan. 14, 1988

THIS IS TO CERTIFY, that the annexed Req.# M10795 P.O.#95631 was inserted in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks/days previous to Jan. 19 88, in the first issue of which said publication appeared on the 14 day of Jan. 19 88.

THE JEFFERSONIAN, a daily newspaper published in Westminster, Carroll County, Maryland.
THE AMERICAN, a weekly newspaper published in Baltimore County, Maryland.
THE OWINGS MILLS TIMES, a weekly newspaper published in Baltimore County, Maryland.

NEWSPAPERS OF MARYLAND, INC.

Per James Kemper

MICROFILMED

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

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Petitioner: Gadd Road Realty Corp., et al
DATE/TIME: Thursday, Feb. 4, 1988 at 9:00 a.m.

Special Hearing: to permit a non-density transfer in an RC-2 zone for agricultural purposes and to permit the transfer of all or a portion of the density from two existing parcels of record to a third existing parcel of record all within a RC-2 zone.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner
of Baltimore County

Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

1/105 Jan. 14

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 88-347-SPH
SW/S Falls Road, 1268' NW of c/l of Miller Road
8th Election District - 3rd Councilmanic District
Petitioner: Gadd Road Realty Corp., et al
DATE/TIME: THURSDAY, FEBRUARY 4, 1988 at 9:00

Special Hearing: to permit a non-density transfer in an RC-2 zone for agricultural purposes and to permit the transfer of all or a portion of the density from two existing parcels of record to a third existing parcel of record all within a RC-2 zone.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

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BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 28, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

ooo

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

John P. Machen, Esquire
36 South Charles Street
Baltimore, Maryland 21201

RE: Item No. 218 - Case No. 88-347-SPH
Petitioner: Gadd Road Realty Corporation
Petition for Special Hearing

Dear Mr. Machen:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer/kkb

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kkb

Enclosures

cc: G.W. Stephens, Jr. & Associates, Inc.
P.O. Box 6828
Towson, Maryland 21204

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Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

January 7, 1988

Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comment for items number 217, (218) 219, 220, 221, 222, and 223.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

MSF:sb

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

Date: December 22, 1987

FROM: Norman E. Gerber, AICP
Director of Planning and Zoning

SUBJECT: Zoning Petition No. 88-347-SPH

This office is not opposed to the granting of the subject request in that the permitted density is not to be changed.

Norman E. Gerber per J.G.H.
Norman E. Gerber, AICP
Director

NEG:JGH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

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CPS-008

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

January 11, 1988

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Dennis F. Rasmussen
County Executive

Re: Property Owner: Gadd Road Realty Corporation

Location: SW/S Falls Road, 1268' NW c/l of Miller Rd.

Item No.: 218 Zoning Agenda: Meeting of 12/22/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

( ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

(x) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. Lowell Kelly 1-11-88 Noted and Approved: John E. O'Neill
Planning Group
Special Inspection Division
Fire Prevention Bureau

/jl

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Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

December 31, 1987

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

RE: Baltimore County
Item #218
Meeting 12/22/87
Property Owner:
Gadd Road Realty Corporation
Location: SW/S Falls Road Maryland Route 25
1268 ft. NW centerline of Miller Road
Existing Zoning: R.C. 2
Proposed Zoning: Special Hearing to permit a non-density transfer in an R.C. 2 zone for agricultural purposes and to permit the transfer of all or a portion of the density from two existing parcels of record to a third existing parcel of record all within an R.C. 2 zone
Area: 276.41 acres
District: 8th

RECEIVED
JAN 12 1988
ZONING OFFICE

Dear Mr. Haines:

After reviewing the submittal of December 3rd, the State Highway Administration-Bureau of Engineering Access Permits has the following comment.

The reference to probable 40' highway widening must be changed to read ultimate 40' highway widening.

Also, we recommend the centerline of the existing drive be realigned opposite of the centerline of Miller Road, and the 30' right-of-way for lot #2 be deleted since lot #28 will have access from existing drive.

MICROFILMED

My telephone number is (301) 333-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Mr. J. Robert Haines
Page 2
December 31, 1987

It is requested this revision be made prior to a hearing date being set. If you have any questions, please call Larry Brocato of this office.

Very truly yours,

Creston J. Mills, Jr.
Acting Chief-Bureau of
Engineering Access Permits

LB/es

cc: J. Ogle
G. W. Stephens, Jr. and Associates

MICROFILMED

Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

RECEIVED
JAN 25 1988
ZONING OFFICE

January 25, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attn: Mr. James Dyer

Re: Baltimore County
ZAC Meeting of 12-22-87
Gadd Road Realty Corporation
S/W/S Falls Road
Maryland Route 25
1268' N/W of Centerline
of Miller Road
(Item #218)

Dear Mr. Haines:

This is to advise you of a revision made to our letter of December 21, 1987.

It is no longer required to have the centerline of the existing drive be realigned opposite the centerline of Miller Road .

This revision has been made with the understanding that grading will be performed to the north of the existing drive for approximately 150'± to improve site distance.

It is requested this revision be made prior to a hearing date being set.

If you have any questions, please contact Larry Brocato of this office.

Very truly yours,

Creston J. Mills, Jr.
Acting Chief
Bureau of Engineering
Access Permits

LB:maw

cc: Mr. J. Ogle
G.W. Stephens Jr. & Assoc., Inc.

MICROFILMED

My telephone number is (301) 333-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Office of Planning & Zoning
Towson, Maryland 21204
494-3211

Norman E. Gerber
Director

Dennis F. Rasmussen
County Executive

November 20, 1987

Clark F. MacKenzie
2328 W. Joppa Road
Suite 200
Lutherville, Maryland 21093

Re: Klotzman Property
W/S Falls Road @ Miller Road
W-87-328

Dear Mr. MacKenzie:

We have reviewed your waiver application for the above property and have determined that a waiver for the CRG Plan and CRG (meeting/process) as requested, would be within the scope, purpose and intent of the Development Regulations of Baltimore County and is therefore approved. This development shall comply with all other applicable laws, rules and regulations of Baltimore County (Section 22-51). Should you have any questions, please contact Gary Kerns, Chief, Current Planning and Development at 494-3335.

NOTE: This waiver approval letter shall be presented by the applicant when applying for a building permit.

Sincerely yours,

SIGNED: Norman E. Gerber

Norman E. Gerber, AICP
Director of Planning and Zoning

NEG:h

cc: James A. Markle
Edward A. McDonough
File

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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 212?
494-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

December 10, 1987

Mr. Clark F. MacKenzie
MacKenzie & Associates, Inc.
2328 West Joppa Road
Suite 200
Lutherville, Maryland 21093

Re: Pine Hill Farms, Item #218

Dear Mr. MacKenzie:

Please be advised that hearing of the above-entitled matter was set for the end of April, 1988. However, we are now in receipt of your request for the earliest date possible, and the matter is now scheduled for March 18, 1988.

Due to the advertising and posting requirments, together with our current docket load, an earlier date than March 18, 1988 cannot be arranged.

Hopefully, this meets with your satisfaction.

Very truly yours,

J. Robert Haines,
Zoning Commissioner of
Baltimore County

JRH:ggs

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RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
SW/S Falls Rd., 1268' NW of C/L of Miller Rd., 8th Election Dist.; 3rd Councilmanic Dist. : OF BALTIMORE COUNTY
GADD ROAD REALTY CORP., et al., Petitioners : Case No. 88-347-SPH

: : : : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 22nd day of December, 1987, a copy of the foregoing Entry of Appearance was mailed to John P. Machen, Esquire, Baltimore, MD 36 S. Charles St.,/21201, Attorney for Petitioners; and Charles E. Fick, P.E., c/o G.W. Stephens, Jr. & Associates, Inc., 303 Allegheny Ave., Towson, MD 21204, who requested notification.

Peter Max Zimmerman

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DRAFT

IN RE: PETITION FOR SPECIAL HEARING
SW/S Falls Road, 1268' NW of c/l of Miller Road
8th Election District
3rd Councilmanic District
Gadd Road Realty Corporation et al.
Petitioners
: BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
: Case No: 88-347-SPH

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Petitioners herein request (a) to transfer or cluster density units on three contiguous agricultural tracts with the net effect being no increase in the total number of permitted building lots on the three tracts and (b) to transfer non-density parcels (i.e., land whose area may no longer be considered in determining permissible development or subdivision in the future) to adjacent landowners.

FINDINGS OF FACT

A special hearing was held on February 4, 1988. Appearing on behalf of the Petitioners was Clark F. MacKenzie, who testified both as a principal in the group constituting the Petitioners and as an expert in land development generally. His credentials as an expert are set forth in Petitioners' Exhibit 14. Also appearing on behalf of the Petitioners was Charles E. Fick of the firm of George William Stephens, Jr. and Associates, Consulting Engineers. Mr. Fick prepared the various plats (Petitioners' Exhibits 1, 6, 17 and 18) that

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accompanied the Petitioners' Request for a Special Hearing. Petitioners were represented by counsel, John P. Machen of the firm of Piper & Marbury.

Also in attendance at the hearing, but not testifying, were Dr. and Mrs. Frederick B. Peterson, Mrs. Clark F. MacKenzie, and Mr. and Mrs. Richard S. Pineau.

Letters of support from the following were received and introduced into the record: (a) letter dated November 19, 1987 from The Valleys Planning Council (Petitioners' Exhibit 11), (b) letter dated November 19, 1987 from The Land Preservation Trust, Inc. (Petitioners' Exhibit 12), and (c) letter dated November 18, 1987 from Gadd Road Association, Inc. (Petitioners' Exhibit 13). There were no protestants.

The following are the relevant facts:

The subject property is zoned RC-2 and presently consists of three contiguous parcels of approximately 50 acres, 75 acres and 151 acres located on the west side of Falls Road and two miles north of Shawan Road. Petitioners' Exhibits 1 and 2. Based on the testimony of Mr. MacKenzie and as shown in photographs introduced at the hearing (Petitioners' Exhibits 4A, 4B, 8A, 8B, 8C, 8D, 8E, 8F, 15 and 16) the property is for the most part gently rolling agricultural land, with some heavily wooded areas, and is improved with one 14,000 square foot principal residence, several tenant houses (one of which is to be razed) several barns, stables and other agriculturally

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related structures. In the past the property had been used as a dairy farm and for raising beef cattle. Currently, the land is used for horse pasture and for growing corn, hay, soybeans and wheat.

The Petitioners constitute entities whose principals are comprised of four of the neighboring landowners who, upon learning that the land was to be acquired for development as a golf course by Richard Pineau, agreed to assume Mr. Pineau's obligation to purchase the property. Mr. MacKenzie testified that the neighbors felt very strongly that a golf course would be seriously disruptive to the natural and agricultural setting of the property and might jeopardize the neighbors' well-water supply due to the large irrigation requirements of a golf course. The Petitioners took title to the property on November 30, 1987.

Irvin S. Naylor is also among the Petitioners. On November 30, 1987, immediately after the neighbors took title to the property, they conveyed to Mr. Naylor the 50 acre parcel, which is to be reconfigured slightly to include a fee simple driveway strip. The reconfigured parcel is shown as Lot 5 on Petitioners' Exhibit 1.

Mr. MacKenzie and Mr. Fick both described the Petitioners' plan for the property. Pursuant to Section 1A01.3.B.1 of the Baltimore County Zoning Regulations ("BCZR"), the 50 acre parcel and the 75 acre parcel may each be divided

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into 2 lots and the 151 acre parcel may be divided into 3 lots to yield a total of 7 building lots, as summarized below.

50 acre parcel	-	2 building lots
75 acre parcel	-	2 building lots
151 acre parcel	-	3 building lots
TOTAL		7 building lots

In order to preserve the agricultural character of the 75 acre parcel and the 50 acre parcel, Petitioners seek relief from the provisions of BCZR Section 1A01.3.B.1, to permit the transfer of 2 density units from the 75 acre parcel and 1 density unit from the 50 acre parcel to the 151 acre parcel, with the net effect being as follows:

50 acre parcel	-	1 building lot
75 acre parcel	-	NO building lot
151 acre parcel	-	6 building lots
TOTAL		7 building lots

The building lots are shown on Petitioners' Exhibit 1 as Lots 1, 2A, 2B, 2C, 3, and 4 (all on the 151 acre parcel) and Lot 5 (the 50 acre parcel).

The Petitioners further seek approval to transfer as "non-density" parcels to adjoining landowners an 8 acre portion of the 151 acre parcel (Lot 3A) and all of the 75 acre parcel in four tracts (Lots 6A, 6B, 6C, and 6D). Petitioners' Exhibits 6, 7 and 18. Mr. MacKenzie further testified that restrictive covenants have been recorded in the Land Records of Baltimore County (Petitioners' Exhibit 9) pursuant to which, among other matters, no improvements, other than agriculturally

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related structures, may be built on the non-density parcels. These restrictions, together with a conservation easement granted by Mr. Naylor to the American Farmland Trust as to the 50 acre parcel (Petitioners' Exhibit 10), will further foster and preserve these areas for agricultural purposes. The overall plan of clustering density units on the 151 acre parcel and transferring the non-density parcels to adjacent landowners in connection with existing agricultural and pasturing activities provides a sensible framework for planned development and will help preserve the continued agricultural use of productive agricultural areas.

Mr. MacKenzie further testified that the Petitioners' plan does not evade the spirit and intent of the Baltimore County Zoning Regulations and that there will be no adverse impact on the public health, safety and welfare of the community if the Petitioners' plan is approved.

CONCLUSIONS OF LAW

The following are the sources of authority to permit the clustering of density units as described above.

(a) Zoning Commissioner's Policy RSD-10 provides for the right to transfer density from one lot to another and to cluster density after a public hearing is held by the Zoning Commissioner.

(b) In Case No. 85-281-SPH - (John Merryman et ux; Amended Order dated June 19, 1985) the Zoning Commissioner

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confirmed that it has been the consistent policy of the Zoning Commissioner and the Zoning Office to allow the right to transfer density from one lot to another, or cluster, in an RC-2 Zone when there is a public hearing wherein the petitioner may justify its request and conform to the legislative intent defined in BCZR Section 1A01.1.A and B.

Petitioners' request must be analyzed in light of the provisions of BCZR Section 1.A00.2, stating that the purposes of the Resource Conservation (RC) Zones are to:

> (a) discourage present land use patterns of development and to create a framework for planned or orderly development;
>
> (b) provide sufficient and adequate areas for rural-suburban and related development in selected and suitable areas;
>
> (c) protect both natural and man-made resources from compromising effects of specific forms and densities of development; [and]
>
> (d) protect areas desirable for more intensive future development by regulating undesirable forms of development within these areas until such time as intensive development commences.

As set forth in BCZR Section 1A01.1.B, the RC-2 Zone was established "to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban use." The foregoing criteria can be summarized in two general ways: (a) conservation of agricultural uses and (b)

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providing for suitable, orderly development that is compatible with such agricultural uses. The Petitioners' request fulfills these criteria.

The transfer of non-density parcels is an integral part of the overall plan for the assemblage of properties, and, for the reasons stated above, will promote the enumerated purposes of RC zones in the conservation of agricultural uses. This type of non-density transfer is described in Zoning Commissioner's Policy RSD-8 which permits such non-density transfers.

The Petitioners' requests are within the spirit and intent of the BCZR provisions respecting RC-2 zones. The plan as set forth in Petitioners' request will retain and foster conditions favorable to the continued agricultural use and productive agricultural areas of Baltimore County, and there will be no adverse impact on the public health, safety, and welfare of the community. Pursuant to the advertisement, posting of the property and public hearing on the Petition held, and for the reasons stated above, the requests set forth in the Petition for Special Hearing should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County this ____ day of February, 1988 that ~~the clustering of density as shown on Petitioners' Exhibit 1 be approved and that the transfer of the "non-density" parcels to neighboring property owners as shown on Petitioners' Exhibit 1~~

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IN RE: PETITION FOR SPECIAL HEARING
SW/S Falls Road, 1268' NW of c/l of Miller Road
8th Election District
3rd Councilmanic District
Gadd Road Realty Corporation et al.

Petitioners

: BEFORE THE
: ZONING COMMISSIONER
: OF BALTIMORE COUNTY
:
: Case No: 88-347-SPH

MEMORANDUM IN SUPPORT OF PETITION FOR SPECIAL HEARING

The undersigned, John P. Machen, as counsel for Gadd Road Realty Corporation, GMPW Gadd Road Partners and Irvin S. Naylor (collectively the "Petitioners") respectfully submits this Memorandum in Support of Petition for Special Hearing, and states as follows:

As will be shown by written and oral testimony at the Special Hearing, Petitioners are in good faith seeking to maximize the utilization of their property while retaining and fostering conditions favorable to a continued agricultural use and productive agricultural areas of Baltimore County. There is no intent to evade the spirit and intent of the Baltimore County Zoning Regulations ("BCZR") and there will be no adverse impact on the public health, safety and welfare of the community. There is, in fact, substantial community support for this request.

I. TRANSFER OF DENSITY.

The property is zoned RC-2 and is now comprised of three contiguous parcels totalling 276 acres separated by deed

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into 50 acres , 75 acres , and 151 acres , respectively. The 50 acre parcel is unimproved. The 75 acre parcel is improved by a frame tenant house, barn and several out buildings. The house and most of the sheds on the 75 acre parcel will be razed this spring as weather permits; all improvements are vacant. The 151 acre parcel is improved with a principal dwelling, a tenant house, and barn, stables and several agriculturally related structures. Pursuant to BCZR 1A01.3.B.1, the 50 acre parcel and the 75 acre parcel may each be divided into 2 lots and the 151 acre parcel may be divided into 3 lots to yield a total of 7 building lots, as summarized below.

50 acre parcel	-	2 building lots
75 acre parcel	-	2 building lots
151 acre parcel	-	3 building lots
TOTAL		7 building lots

In order to preserve the agricultural character of the 75 acre parcel and the 50 acre parcel, Petitioners seek relief from the provisions of BCZR 1A01.3.B.1, to permit the transfer of 2 density units from the 75 acre parcel and 1 density unit from the 50 acre parcel to the 151 acre parcel, with the net effect being as follows:

50 acre parcel	-	1 building lot
75 acre parcel	-	NO building lot
151 acre parcel	-	6 building lots
TOTAL		7 building lots

The Petitioners offer the following sources of authority to permit the transfer of density as described above:

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(a) Zoning Commissioner's Policy RSD-10 provides for the right to transfer density from one lot to another and to accumulate density after a public hearing is held by the Zoning Commissione-

(b) In Case No. 85-281-SPH - (John Merryman et ux; Amended Order dated June 19, 1985) the Zoning Commissioner confirmed that it has been the consistent policy of the Zoning Commissioner and the Zoning Office to allow the right to transfer density from one lot to another, or cluster in an RC-2 Zone when there is a public hearing wherein the petitioner may justify its request and conform to the legislative intent d[illegible]ed in BCZR Section 1A01.1.A and B.

The Petitioners offer the following reasons, to be [illegible]cted by testimony and written evidence to be presented at the Special Hearing, why this request is justified and why granting the request would conform with the legislative intent of the BCZR with respect to RC-2 Zones. These reasons are presented with particular reference to the provisions of BCZR Section 1.A00.2, stating that the purposes of the Resource Conservation (RC) Zones are to:

> (a) discourage present land use patterns of development and to create a framework for planned or orderly development;
>
> (b) provide sufficient and adequate areas for rural-suburban and related development in selected and suitable areas;

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> (c) protect both natural and man-made resources from compromising effects of specific forms and densities of development; [and]
>
> (d) protect areas desirable for more intensive future development by regulating undesirable forms of development within these areas until such time as intensive development commences.

As set forth in BCZR Section 1A01.1B, the RC-2 Zone was established "to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban use." The foregoing criteria can be summarized in two general ways: (a) conservation of agricultural uses and (b) providing for suitable, orderly development that is compatible with such agricultural uses. The Petitioners' request fulfills these criteria.

1. Fostering Continued Agricultural Use.

By transferring all density units out of the 75 acre parcel, the Petitioners acknowledge that such acreage can no longer be counted for density purposes. Petitioners have unilaterally gone one step further and have recorded a Declaration of Covenants, Conditions and Restrictions and Grant of Easements in the Land Records of Baltimore County (Liber 7738, page 291) which provides not only that the density in that area be transferred, but that no improvements, except those related to agricultural or farm uses, ever be constructed on the 75 acre parcel. Without this transfer of density, 2

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building lots could be placed on the 75 acre parcel. However, with a density transfer and the recorded covenants, that land will always be kept open and preserved for agricultural uses. In the recent past, this property has been farmed for the raising of wheat, corn, hay and soybeans. The Petitioners intend to continue agricultural activities and will utilize the 75 acre parcel for pasture for tending of horses which are located on the adjoining properties. It is doubtful that such extensive use could continue on the 75 acre parcel if it were subdivided into two separate building lots as is now permitted under BCZR 1A01.3.B.

As to the 50 acre parcel, by transferring 1 density unit to the 151 acre parcel, there will remain density only for one principal dwelling. Irvin Naylor, the owner of the 50 acre parcel, has already conveyed development rights to this property to the American Farmland Trust pursuant to a Deed of Conservation Easement, which was recorded among the Land Records of Baltimore County on December 1, 1987 (Liber 7738, page 278). Mr. Naylor intends to build a principal dwelling sometime in the future and to continue farming and pasturing activities on the 50 acre parcel. He granted the Conservation Easement in contemplation of the transfer of density in order to further evidence his desire and commitment to the continued use of this parcel for agriculturally related uses.

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As to the 151 acre parcel, if the Petitioners' request is approved, it will be divided into lots containing approximately 10.6 acres, 16.1 acres, 20.4 acres, 24.7 acres, 35.6 acres and 35.8 acres. The 35.8 acre parcel is presently improved with barns, stables, tenant house and other agricultural related structures, and it is fully anticipated that these will continue to be used for their intended purposes. All the other parcels are of sufficient size that, given the nature of the land, it is likely that farm and pasturing use will continue over some, if not most, of the area together with the residential uses. As more particularly described below, an 8 acre "non-density" portion of the 151 acre parcel is to be transferred to a neighboring property owner and is expected to be used for pasturing and other purposes in connection with horses kept on that property.

2. Compatible Residential Use.

By shifting density units as described above, 6 building lots (ranging in size from 10.6 acres to 35.8 acres) will be located on the 151 acre parcel. As shown on the plat, the 151 acre parcel is bounded on the east by Falls Road. Shifting the density toward the area of land that abuts a main state road is desirable not only because, in this case, it preserves the agricultural character of the 50 acre and 75 acre interior land, but also it makes good sense from a land planning perspective in fostering less disruptive vehicular

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access and more sensible utility availability. Vehicular access to the 75 acre parcel shall be allowed only via Gadd Road to the north. Furthermore, the lot lines for the 151 acre parcel have been drawn along existing hedgerows and treelines to preserve the mature wooded features of the property.

II. TRANSFER OF NON-DENSITY PARCELS

As shown on the plat accompanying the Petitioner's request, the 75 acre parcel is to be divided into lots of 5 acres, 11.5 acres 15.9 acres and 42.6 acres, respectively. An 8 acre portion at the southeast corner of the 151 acre parcel is also shown on the plat. These areas will each be transferred to neighboring property owners to add to their existing holdings. As discussed above, all these lands will be conveyed as "non-density" parcels such that the acreage so conveyed may not be used by the neighboring owners in computing any potential future subdivisions.

This non-density transfer is an integral part of the overall plan for the assemblage of properties, and, for the reasons stated above, will promote the enumerated purposes of RC zones in the conservation of agricultural uses. This type of non-density transfer is described in Zoning Commissioner Policy RSD-8 which permits such non-density transfers. It has been the practice of the Zoning Commissioner in approving non-density transfers that there be covenants and restrictions in the appropriate deeds further confirming that the

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non-density parcels not be considered as building lots. (See e.g., Case No. 85-281-SPH (John B. Merryman) Findings of Fact and Conclusions of Law dated April 1, 1985; Case No. 85-104-SPH (William R. Hoy) Findings of Fact and Conclusions of Law dated October 23, 1984). The Petitioners have provided for such restriction in covenants already recorded on the Land Records of Baltimore County, and would further confirm such restrictions in any deeds of the non-density parcels.

III. COMMUNITY SUPPORT

As evidenced by letters to be submitted at the Special Hearing, the Petitioner's request has the support of the Valleys Planning Council, Gadd Road Association, Inc., and the Land Preservation Trust. Testimony will be presented to the effect that the spirit and intent of the BCZR would not be violated if the Petitioners' request is granted and that there will be no adverse impact on the health, safety, and general welfare of the community.

IV. CONCLUSIONS

For the reasons stated above, the Petitioners respectfully submit that their requests are within the spirit and intent of the BCZR provisions respecting RC-2 zones, that, if granted, their requests will retain and foster conditions favorable to the continued agricultural use and productive agricultural areas of Baltimore County and that there will be no adverse impact on the public health, safety, and welfare of

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the community. It is further requested that the Zoning Commissioner issue an order that the transfer of density as shown on the plat be approved and that the transfer of the "non-density" parcels to neighboring property owners as shown on the plat be approved, subject, however, to restrictions regarding no further utilization of density, no further subdivison of the subject property, recordation of covenants evidencing such restrictions and preparation and recording of a record plat with the aforesaid restrictions noted thereon to be submitted to the Zoning Commissioner.

Respectfully Submitted

John P. Machen
1100 Charles Center South
36 South Charles Street
Baltimore, Maryland 21201
(301) 576-1768

Attorney for Petitioners

I HEREBY CERTIFY that on this 29 day of January, 1988, a copy of the foregoing Memorandum in Support of Petition for Special Hearing was mailed to Phyllis Cole Freeman, People's Counsel for Baltimore County, and Peter Max Zimmerman, Deputy People's Counsel for Baltimore County, Room 223, Court House, Towson, Maryland 21204.

John P. Machen

MICROFILMED

LIBER7873 PAGE144

Frederick B. Peterson
Catharine B. Peterson
Parcel A

DEED IN DISSOLUTION

THIS DEED IN DISSOLUTION is made this 19th day of May, 1988, by and between GMPW GADD ROAD PARTNERS, a Maryland general partnership, the Grantor, and FREDERICK B. PETERSON and CATHARINE B. PETERSON, as tenants by the entireties, the Grantees.

WHEREAS, GMPW Gadd Road Partners makes this Deed simultaneously with other deeds in dissolution of the partnership; and

WHEREAS, this Deed in Dissolution is exempt from recordation and transfer taxes under §§12-108(q) and 13-405(c) of the Tax-Property Article of the Annotated Code of Maryland as a deed to an original partner in dissolution of a partnership.

WITNESSETH, that for no consideration, the said Grantor does hereby grant and convey unto the said Grantees, and successors, heirs and assigns of the Grantees, in fee simple, all that lot of ground, situate and lying in Baltimore County, Maryland, shown as Parcel A on that plat of Pine Hill Farms, dated March 1, 1988, prepared by George William Stephens, Jr. and Associates, Inc., recorded among the Land Records of Baltimore County in Plat Book 58, folio 86.

TOGETHER with the buildings and improvements thereupon erected, made or being and all rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or anywise appertaining.

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 Grantees and successors, heirs, and assigns of such Grantees, in fee simple, forever.

The conveyance provided for herein is subject to the restrictions set forth in the Findings of Fact and Conclusions of Law by the Zoning Commissioner of Baltimore County, Maryland, dated February 24, 1988, Case No. 88-347-SPH. The area of the property hereby transferred may not be considered

AGRICULTURAL TRANSFER TAX NOT APPLICABLE
SIGNATURE R DATE 5-27-88
TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND
By Barbara Bailey
Authorized Signature
Date 5-27-88 Sec. 11-35

RECEIVED FOR TRANSFER
State Department of Assessments & Taxation
for Baltimore County
1852788

Prior Deed 7774/272

LIBER7873 PAGE145

in determining the right to improve or subdivide adjoining land of the Grantees, and the property hereby transferred may not be improved with a dwelling unit or any non-agricultural business operation.

The conveyance provided for herein is also subject to the Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated November 30, 1987, recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 7738, folio 291, as amended by First Amendment to Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated May 17, 1988, recorded among the Land Records in Liber 7871 folio 366.

AND the said Grantor hereby warrants specially the property granted and will execute such further assurances of the same as may be requisite.

IN WITNESS WHEREOF, the parties have caused this Deed in Dissolution to be executed on the day and year written first above.

WITNESS: GRANTOR:

GMPW GADD ROAD PARTNERS

Teresa C. Bennett By: Clark F. MacKenzie
Clark F. MacKenzie
General Partner

C RCPT 13.00 0 I
SM CLERK 13.00
#303303 C001 R02 T15:10. 05/27/88

STATE OF MARYLAND, COUNTY OF BALTIMORE, To Wit:

I HEREBY CERTIFY that on this 19th day of May, 1988, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Clark F. MacKenzie, known to me (or satisfactorily proven) to be General Partner of GMPW GADD ROAD PARTNERS, a Maryland general partnership, and who, as such General Partner, being authorized to do so, acknowledged execution of the foregoing instrument for the purposes therein contained.

AS WITNESS, my hand and Notarial Seal.

Teresa C. Bennett
NOTARY PUBLIC

My commission expires: 7/1/90

MAIL TO
CAMBRIDGE TITLE COMPANY
1910 Charles Center South
36 South Charles Street
Baltimore, Maryland 21201
(301) 547-1491

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

I HEREBY CERTIFY that the aforegoing is a true copy of the original Lease taken from the records of said Circuit Court as recorded in Liber SM No. 7873, Folio 146 one of the LAND records of Baltimore County.

IN TESTIMONY WHEREOF I hereto set my hand and affix the seal of the Circuit Court for Baltimore County this 9th day of June 1988

Clerk of the Circuit Court of Baltimore County

MICROFILMED

LIBER7873 PAGE146

Harry J. Weber
Rita M. Weber
Parcel C

C RCPT 13.00 0
SM CLERK 13.00
#303304 C001 R02 T15:10. 05/27/88

DEED IN DISSOLUTION

THIS DEED IN DISSOLUTION is made this 19th day of May, 1988, by and between GMPW GADD ROAD PARTNERS, a Maryland general partnership, the Grantor, and HARRY J. WEBER and RITA M. WEBER, as tenants by the entireties, the Grantees.

WHEREAS, GMPW Gadd Road Partners makes this Deed simultaneously with other deeds in dissolution of the partnership; and

WHEREAS, this Deed in Dissolution is exempt from recordation and transfer taxes under §§12-108(q) and 13-405(c) of the Tax-Property Article of the Annotated Code of Maryland as a deed to an original partner in dissolution of a partnership.

WITNESSETH, that for no consideration, the said Grantor does hereby grant and convey unto the said Grantees, and successors, heirs and assigns of the Grantees, in fee simple, all that lot of ground, situate and lying in Baltimore County, Maryland, shown as Parcel C on that plat of Pine Hill Farms, dated March 1, 1988, prepared by George William Stephens, Jr. and Associates, Inc., recorded among the Land Records of Baltimore County in Plat Book 58, folio 86.

TOGETHER with the buildings and improvements thereupon erected, made or being and all rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or anywise appertaining.

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 Grantees and successors, heirs, and assigns of such Grantees, in fee simple, forever.

The conveyance provided for herein is subject to the restrictions set forth in the Findings of Fact and Conclusions of Law by the Zoning Commissioner of Baltimore County, Maryland, dated February 24, 1988, Case No. 88-347-SPH. The area of the property hereby transferred may not be considered

(PRIOR Deed 7738/272) -1-

RECEIVED FOR TRANSFER
State Department of Assessments & Taxation
for Baltimore County
By 1852788

AGRICULTURAL TRANSFER TAX NOT APPLICABLE
SIGNATURE R DATE 5-27-88
TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND
By Barbara Bailey
Authorized Signature
Date 5-27-88 Sec. 11-35

MICROFILMED

LIBER7873 PAGE147

in determining the right to improve or subdivide adjoining land of the Grantees, and the property hereby transferred may not be improved with a dwelling unit or any non-agricultural business operation.

The conveyance provided for herein is also subject to the Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated November 30, 1987, recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 7738, folio 291, as amended by First Amendment to Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated May 17, 1988, recorded among the Land Records in Liber 7871 folio 366.

AND the said Grantor hereby warrants specially the property granted and will execute such further assurances of the same as may be requisite.

IN WITNESS WHEREOF, the parties have caused this Deed in Dissolution to be executed on the day and year written first above.

WITNESS: GRANTOR:

GMPW GADD ROAD PARTNERS

Teresa C. Bennett By: Clark F. MacKenzie
Clark F. MacKenzie
General Partner

STATE OF MARYLAND, COUNTY OF BALTIMORE, To Wit:

I HEREBY CERTIFY that on this 19th day of May, 1988, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Clark F. MacKenzie, known to me (or satisfactorily proven) to be General Partner of GMPW GADD ROAD PARTNERS, a Maryland general partnership, and who, as such General Partner, being authorized to do so, acknowledged execution of the foregoing instrument for the purposes therein contained.

AS WITNESS, my hand and Notarial Seal.

Teresa C. Bennett
NOTARY PUBLIC

My commission expires: 7/1/90

MAIL TO
CAMBRIDGE TITLE COMPANY
1910 Charles Center South
36 South Charles Street
Baltimore, Maryland 21201
(301) 547-1491

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

I HEREBY CERTIFY that the aforegoing is a true copy of the original Lease taken from the records of said Circuit Court as recorded in Liber SM No. 7873, Folio 146 one of the LAND records of Baltimore County.

IN TESTIMONY WHEREOF I hereto set my hand and affix the seal of the Circuit Court for Baltimore County this 9th day of June 1988

Clerk of the Circuit Court of Baltimore County

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LIBER7873 PAGE148

Clark F. MacKenzie
Ann S. MacKenzie
Parcel B

C RCPT 13.00 0 I
SM CLERK 13.00
#303305 C001 R02 T15:10 05/27/88

DEED IN DISSOLUTION

THIS DEED IN DISSOLUTION is made this 19th day of May, 1988, by and between GMPW GADD ROAD PARTNERS, a Maryland general partnership, the Grantor, and CLARK F. MACKENZIE and ANN S. MACKENZIE, as tenants by the entireties, the Grantees.

WHEREAS, GMPW Gadd Road Partners makes this Deed simultaneously with other deeds in dissolution of the partnership; and

WHEREAS, this Deed in Dissolution is exempt from recordation and transfer taxes under §§12-108(q) and 13-405(c) of the Tax-Property Article of the Annotated Code of Maryland as a deed to an original partner in dissolution of a partnership.

WITNESSETH, that for no consideration, the said Grantor does hereby grant and convey unto the said Grantees, and successors, heirs and assigns of the Grantees, in fee simple, all that lot of ground, situate and lying in Baltimore County, Maryland, shown as Parcel B on that plat of Pine Hill Farms, dated March 1, 1988, prepared by George William Stephens, Jr. and Associates, Inc., recorded among the Land Records of Baltimore County in Plat Book 58, folio 86.

TOGETHER with the buildings and improvements thereupon erected, made or being and all rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or anywise appertaining.

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 Grantees and successors, heirs, and assigns of such Grantees, in fee simple, forever.

The conveyance provided for herein is subject to the restrictions set forth in the Findings of Fact and Conclusions of Law by the Zoning Commissioner of Baltimore County, Maryland, dated February 24, 1988, Case No. 88-347-SPH. The area of the property hereby transferred may not be considered

PRIOR DEED 7738/272 -1-

RECEIVED FOR TRANSFER
State Department of Assessments & Taxation
for Baltimore County
By 1852788

AGRICULTURAL TRANSFER TAX NOT APPLICABLE
SIGNATURE R DATE 5-27-88
TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND
By Barbara Bailey
Authorized Signature
Date 5-27-88 Sec. 11-35

MICROFILMED

related structures. In the past the property had been used as a dairy farm and for raising beef cattle. Currently, the land is used for horse pasture and for growing corn, hay, soybeans and wheat.

The Petitioners constitute entities whose principals are comprised of four of the neighboring landowners who, upon learning that the land was to be acquired for development as a golf course by Richard Pineau, agreed to assume Mr. Pineau's obligation to purchase the property. Mr. MacKenzie testified that the neighbors felt very strongly that a golf course would be seriously disruptive to the natural and agricultural setting of the property and might jeopardize the neighbors' well-water supply due to the large irrigation requirements of a golf course. The Petitioners took title to the property on November 30, 1987.

Irvin S. Naylor is also among the Petitioners. On November 30, 1987, immediately after the neighbors took title to the property, they conveyed to Mr. Naylor the 50 acre parcel, which is to be reconfigured slightly to include a fee simple driveway strip. The reconfigured parcel is shown as Lot 5 on Petitioners' Exhibit 1.

Mr. MacKenzie and Mr. Fick both described the Petitioners' plan for the property. Pursuant to Section 1A01.3.B.1 of the Baltimore County Zoning Regulations ("BCZR"), the 50 acre parcel and the 75 acre parcel may each be divided

into 2 lots and the 151 acre parcel may be divided into 3 lots to yield a total of 7 building lots, as summarized below.

50 acre parcel	-	2 building lots
75 acre parcel	-	2 building lots
151 acre parcel	-	3 building lots
TOTAL		7 building lots

In order to preserve the agricultural character of the 75 acre parcel and the 50 acre parcel, Petitioners seek relief from the provisions of BCZR Section 1A01.3.B.1, to permit the transfer of 2 density units from the 75 acre parcel and 1 density unit from the 50 acre parcel to the 151 acre parcel, with the net effect being as follows:

50 acre parcel	-	1 building lot
75 acre parcel	-	NO building lot
151 acre parcel	-	6 building lots
TOTAL		7 building lots

The building lots are shown on Petitioners' Exhibit 1 as Lots 1, 2A, 2B, 2C, 3, and 4 (all on the 151 acre parcel) and Lot 5 (the 50 acre parcel).

The Petitioners further seek approval to transfer as "non-density" parcels to adjoining landowners an 8 acre portion of the 151 acre parcel (Lot 3A) and all of the 75 acre parcel in four tracts (Lots 6A, 6B, 6C, and 6D). Petitioners' Exhibits 6, 7 and 18. Mr. MacKenzie further testified that restrictive covenants have been recorded in the Land Records of Baltimore County (Petitioners' Exhibit 9) pursuant to which, among other matters, no improvements, other than agriculturally

related structures, may be built on the non-density parcels. These restrictions, together with a conservation easement granted by Mr. Naylor to the American Farmland Trust as to the 50 acre parcel (Petitioners' Exhibit 10), will further foster and preserve these areas for agricultural purposes. The overall plan of clustering density units on the 151 acre parcel and transferring the non-density parcels to adjacent landowners in connection with existing agricultural and pasturing activities provides a sensible framework for planned development and will help preserve the continued agricultural use of productive agricultural areas.

Mr. MacKenzie further testified that the Petitioners' plan does not evade the spirit and intent of the Baltimore County Zoning Regulations and that there will be no adverse impact on the public health, safety and welfare of the community if the Petitioners' plan is approved.

CONCLUSIONS OF LAW

The following are the sources of authority to permit the clustering of density units as described above.

(a) Zoning Commissioner's Policy RSD-10 provides for the right to transfer density from one lot to another and to cluster density after a public hearing is held by the Zoning Commissioner.

(b) In Case No. 85-281-SPH - (John Merryman et ux; Amended Order dated June 19, 1985) the Zoning Commissioner

confirmed that it has been the consistent policy of the Zoning Commissioner and the Zoning Office to allow the right to transfer density from one lot to another, or cluster, in an RC-2 Zone when there is a public hearing wherein the petitioner may justify its request and conform to the legislative intent defined in BCZR Section 1A01.1.A and B.

Petitioners' request must be analyzed in light of the provisions of BCZR Section 1.A00.2, stating that the purposes of the Resource Conservation (RC) Zones are to:

> (a) discourage present land use patterns of development and to create a framework for planned or orderly development;
>
> (b) provide sufficient and adequate areas for rural-suburban and related development in selected and suitable areas;
>
> (c) protect both natural and man-made resources from compromising effects of specific forms and densities of development; [and]
>
> (d) protect areas desirable for more intensive future development by regulating undesirable forms of development within these areas until such time as intensive development commences.

As set forth in BCZR Section 1A01.1.B, the RC-2 Zone was established "to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban use." The foregoing criteria can be summarized in two general ways: (a) conservation of agricultural uses and (b)

providing for suitable, orderly development that is compatible with such agricultural uses. The Petitioners' request fulfills these criteria.

The transfer of non-density parcels is an integral part of the overall plan for the assemblage of properties, and, for the reasons stated above, will promote the enumerated purposes of RC zones in the conservation of agricultural uses. This type of non-density transfer is described in Zoning Commissioner's Policy RSD-8 which permits such non-density transfers.

The Petitioners' requests are within the spirit and intent of the BCZR provisions respecting RC-2 zones. The plan as set forth in Petitioners' request will retain and foster conditions favorable to the continued agricultural use and productive agricultural areas of Baltimore County, and there will be no adverse impact on the public health, safety, and welfare of the community. Pursuant to the advertisement, posting of the property and public hearing on the Petition held, and for the reasons stated above, the requests set forth in the Petition for Special Hearing should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County this ____ day of February, 1988 that ~~the clustering of density as shown on Petitioners' Exhibit 1 be approved and that the transfer of the "non-density" parcels to neighboring property owners as shown on Petitioners' Exhibit 1~~

IN RE: PETITION FOR SPECIAL HEARING
SW/S Falls Road, 1268' NW of c/l of Miller Road
8th Election District
3rd Councilmanic District
Gadd Road Realty Corporation
et al.

Petitioners

: BEFORE THE
: ZONING COMMISSIONER
: OF BALTIMORE COUNTY
:
: Case No: 88-347-SPH

MEMORANDUM IN SUPPORT OF PETITION FOR SPECIAL HEARING

The undersigned, John P. Machen, as counsel for Gadd Road Realty Corporation, GMPW Gadd Road Partners and Irvin S. Naylor (collectively the "Petitioners") respectfully submits this Memorandum in Support of Petition for Special Hearing, and states as follows:

As will be shown by written and oral testimony at the Special Hearing, Petitioners are in good faith seeking to maximize the utilization of their property while retaining and fostering conditions favorable to a continued agricultural use and productive agricultural areas of Baltimore County. There is no intent to evade the spirit and intent of the Baltimore County Zoning Regulations ("BCZR") and there will be no adverse impact on the public health, safety and welfare of the community. There is, in fact, substantial community support for this request.

I. TRANSFER OF DENSITY.

The property is zoned RC-2 and is now comprised of three contiguous parcels totalling 276 acres separated by deed

into 50 acres , 75 acres , and 151 acres , respectively. The 50 acre parcel is unimproved. The 75 acre parcel is improved by a frame tenant house, barn and several out buildings. The house and most of the sheds on the 75 acre parcel will be razed this spring as weather permits; all improvements are vacant. The 151 acre parcel is improved with a principal dwelling, a tenant house, and barn, stables and several agriculturally related structures. Pursuant to BCZR 1A01.3.B.1, the 50 acre parcel and the 75 acre parcel may each be divided into 2 lots and the 151 acre parcel may be divided into 3 lots to yield a total of 7 building lots, as summarized below.

50 acre parcel	-	2 building lots
75 acre parcel	-	2 building lots
151 acre parcel	-	3 building lots
TOTAL		7 building lots

In order to preserve the agricultural character of the 75 acre parcel and the 50 acre parcel, Petitioners seek relief from the provisions of BCZR 1A01.3.B.1, to permit the transfer of 2 density units from the 75 acre parcel and 1 density unit from the 50 acre parcel to the 151 acre parcel, with the net effect being as follows:

50 acre parcel	-	1 building lot
75 acre parcel	-	NO building lot
151 acre parcel	-	6 building lots
TOTAL		7 building lots

The Petitioners offer the following sources of authority to permit the transfer of density as described above:

(a) Zoning Commissioner's Policy RSD-10 provides for the right to transfer density from one lot to another and to accumulate density after a public hearing is held by the Zoning Commissioner.

(b) In Case No. 85-281-SPH - (John Merryman et ux; Amended Order dated June 19, 1985) the Zoning Commissioner confirmed that it has been the consistent policy of the Zoning Commissioner and the Zoning Office to allow the right to transfer density from one lot to another, or cluster in an RC-2 Zone when there is a public hearing wherein the petitioner may justify its request and conform to the legislative intent defined in BCZR Section 1A01.1.A and B.

The Petitioners offer the following reasons, to be supported by testimony and written evidence to be presented at the Special Hearing, why this request is justified and why granting the request would conform with the legislative intent of the BCZR with respect to RC-2 Zones. These reasons are presented with particular reference to the provisions of BCZR Section 1.A00.2, stating that the purposes of the Resource Conservation (RC) Zones are to:

> (a) discourage present land use patterns of development and to create a framework for planned or orderly development;
>
> (b) provide sufficient and adequate areas for rural-suburban and related development in selected and suitable areas;

LIBER7873 PAGE149

in determining the right to improve or subdivide adjoining land of the Grantees, and the property hereby transferred may not be improved with a dwelling unit or any non-agricultural business operation.

The conveyance provided for herein is also subject to the Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated November 30, 1987, recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 7738, folio 291, as amended by First Amendment to Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated May 19, 1988, recorded among the Land Records in Liber 7871 folio 366.

AND the said Grantor hereby warrants specially the property granted and will execute such further assurances of the same as may be requisite.

IN WITNESS WHEREOF, the parties have caused this Deed in Dissolution to be executed on the day and year written first above.

WITNESS:

GRANTOR:

GMPW GADD ROAD PARTNERS

Teresa C. Bennett

By: Clark F. MacKenzie
Clark F. MacKenzie
General Partner

STATE OF MARYLAND, COUNTY OF BALTIMORE, To Wit:

I HEREBY CERTIFY that on this 19th day of May, 1988, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Clark F. MacKenzie, known to me (or satisfactorily proven) to be General Partner of GMPW GADD ROAD PARTNERS, a Maryland general partnership, and who, as such General Partner, being authorized to do so, acknowledged execution of the foregoing instrument for the purposes therein contained.

AS WITNESS, my hand and Notarial Seal.

Teresa C. Bennett
NOTARY PUBLIC

My commission expires: 7/1/90

MAIL TO:
CAMBRIDGE TITLE COMPANY
1910 Charles Center South
36 South Charles Street
Baltimore, Maryland 21201
(301) 547-1491

-2-

9117&103/17/88
15335-1

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

I HEREBY CERTIFY that the aforegoing is a true copy of the original DEED taken from the records of said Circuit Court as recorded in Liber SM No. 7873 Folio 162 one of the Land records of Baltimore County.

IN TESTIMONY WHEREOF I hereto set my hand and affix the seal of the Circuit Court for Baltimore County this 9TH day of June 1988

Clerk of the Circuit Court of Baltimore County

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LIBER7873 PAGE162

Jack S. Griswold
Carol I. Griswold
Parcel D

DEED
SM CLERK 13.00
MISCELLANEOUS 13.00
TOTAL 26.00

DEED IN DISSOLUTION

THIS DEED IN DISSOLUTION is made this 6th day of May, 1988, by and between GMPW GADD ROAD PARTNERS, a Maryland general partnership, the Grantor, and JACK S. GRISWOLD and CAROL I. GRISWOLD, as tenants by the entireties, the Grantees.

WHEREAS, GMPW Gadd Road Partners makes this Deed simultaneously with other deeds in dissolution of the partnership; and

WHEREAS, this Deed in Dissolution is exempt from recordation and transfer taxes under §§12-108(q) and 13-405(c) of the Tax-Property Article of the Annotated Code of Maryland as a deed to an original partner in dissolution of a partnership.

WITNESSETH, that for no consideration, the said Grantor does hereby grant and convey unto the said Grantees, and successors, heirs and assigns of the Grantees, in fee simple, all that lot of ground, situate and lying in Baltimore County, Maryland, shown as Parcel D on that plat of Pine Hill Farms, dated March 1, 1988, prepared by George William Stephens, Jr. and Associates, Inc., recorded among the Land Records of Baltimore County in Plat Book 59, folio 86.

TOGETHER with the buildings and improvements thereupon erected, made or being and all rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or anywise appertaining.

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 Grantees and successors, heirs, and assigns of such Grantees, in fee simple, forever.

The conveyance provided for herein is subject to the restrictions set forth in the Findings of Fact and Conclusions of Law by the Zoning Commissioner of Baltimore County, Maryland, dated February 24, 1988, Case No. 88-347-SPH. The area of the property hereby transferred may not be considered

AGRICULTURAL TRANSFER TAX
IF APPLICABLE
SIGNATURE JR DATE 5-27-88

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
JK 5-27-88

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND
Per Patricia Daly
Authorized Signature
Date 5-27-88 Sec. 11-35

PR 1624 DEED
7738/272

MICROFILMED

LIBER7873 PAGE163

in determining the right to improve or subdivide adjoining land of the Grantees, and the property hereby transferred may not be improved with a dwelling unit or any non-agricultural business operation.

The conveyance provided for herein is also subject to the Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated November 30, 1987, recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 7738, folio 291, as amended by First Amendment to Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated May 19, 1988, recorded among the Land Records in Liber 7871 folio 366.

AND the said Grantor hereby warrants specially the property granted and will execute such further assurances of the same as may be requisite.

IN WITNESS WHEREOF, the parties have caused this Deed in Dissolution to be executed on the day and year written first above.

WITNESS:

GRANTOR:

GMPW GADD ROAD PARTNERS

Teresa C. Bennett

By: Clark F. MacKenzie
Clark F. MacKenzie
General Partner

STATE OF MARYLAND, COUNTY OF BALTIMORE, To Wit:

I HEREBY CERTIFY that on this 24th day of May, 1988, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Clark F. MacKenzie, known to me (or satisfactorily proven) to be General Partner of GMPW GADD ROAD PARTNERS, a Maryland general partnership, and who, as such General Partner, being authorized to do so, acknowledged execution of the foregoing instrument for the purposes therein contained.

AS WITNESS, my hand and Notarial Seal.

Teresa C. Bennett
NOTARY PUBLIC

My commission expires: 7/1/90

MAIL TO:
CAMBRIDGE TITLE COMPANY
1910 Charles Center South
36 South Charles Street
Baltimore, Maryland 21201
(301) 547-1491

-2-

9117&104/17/88
15335-1

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

I HEREBY CERTIFY that the aforegoing is a true copy of the original DEED taken from the records of said Circuit Court as recorded in Liber SM No. 7873 Folio 162 one of the Land records of Baltimore County.

IN TESTIMONY WHEREOF I hereto set my hand and affix the seal of the Circuit Court for Baltimore County this 9TH day of June 1988

Clerk of the Circuit Court of Baltimore County

MICROFILMED

LIBER7838 PAGE780

D REC/F 27.00

CONFIRMATORY DEED

DEED 0.0
SM CLERK 27.00
MORGAN'S DOOC REC 7.50
TOTAL 34.50
04/19/88

THIS CONFIRMATORY DEED is made this 19th day of April 1988, from GADD ROAD REALTY CORPORATION, a Maryland corporation, and GMPW GADD ROAD PARTNERS, a Maryland general partnership (the Corporation and the partnership collectively as Grantor), to IRVIN S. NAYLOR (as Grantee).

WHEREAS, Gadd Road Realty Corporation conveyed to Grantee certain real property (the "Lot") located in Baltimore County, Maryland by Deed dated November 30, 1987 and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 7738, folio 275, which Deed included a description stating that such Lot consisted of 45.3401 acres. Since the execution and recordation of such Deed, Grantor and Grantee have accomplished a reconfiguration of the Lot conveyed thereby, as part of an overall reconfiguration and subdivision of three parcels including such Lot, which increased the acreage of such Lot to 50.241 acres by inclusion of a fee simple driveway strip. Grantor and Grantee therefore seek to correct the original Deed to reflect the transfer from Grantor to Grantee of the 50.241 acre parcel as newly reconfigured.

WITNESSETH, for the consideration recited in the Deed from the Grantor to the Grantee referred to above, and for no other consideration, the Grantor hereby grants and re-grants, conveys and re-conveys, and confirms to the Grantee, his heirs, personal representatives and assigns, forever, in fee simple all the property located in Baltimore County, Maryland, described on Exhibit A attached hereto and to be known as Lot 7 on the plat of Pine Hill Farms dated March 1, 1988, prepared by George William Stephens, Jr. and Associates, Inc., to be recorded among the Land Records of Baltimore County, Maryland.

TOGETHER with all improvements thereon and the rights, alleys, ways, waters, easements, privileges, appurtenances and advantages belonging or appertaining thereto.

TO HAVE AND TO HOLD the property hereby conveyed unto the Grantee, his heirs, personal representatives and assigns, in fee simple, forever.

AND the Grantor warrants specially the property and will execute such further assurances as may be requisite.

This conveyance is subject to the terms of the Findings of Fact and Conclusions of Law dated February 24, 1988 by the Zoning Commissioner of Baltimore County (Case No. 88-347-SPH). The property described herein may not be further subdivided.

AGRICULTURAL TRANSFER TAX
IF APPLICABLE
SIGNATURE JR DATE 4-18-88

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
JK 4-18-88

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND
Per Patricia Daly
Authorized Signature
Date 4-18-88 Sec. 11-35

-1-

9093&103/29/88
15335-1

MICROFILMED

LIBER7838 PAGE781

IN WITNESS WHEREOF, the undersigned have caused this Confirmatory Deed to be executed on the day and year written first above.

WITNESS:

GADD ROAD REALTY CORPORATION

Teresa C. Bennett

By: Clark F. MacKenzie
Clark F. MacKenzie
President

GMPW GADD ROAD PARTNERS

Teresa C. Bennett

By: Clark F. MacKenzie
Clark F. MacKenzie
General Partner

Nancy J. Adams

Irvin S. Naylor

STATE OF MARYLAND, Co. of Baltimore, ss:

I HEREBY CERTIFY that on this 30th day of March, 1988, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Clark F. MacKenzie, President of GADD ROAD REALTY CORPORATION, a Maryland corporation, and that he, as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained and at the same time certified that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer of all or substantially all of the property and assets of the Grantor corporation.

IN WITNESS WHEREOF, I hereunto set my hand and affix my notarial seal.

[SEAL]

Teresa C. Bennett
Notary Public

My commission expires: 7/1/90

MICROFILMED

-2-

9093&103/29/88
15335-1

LIBER7838 PAGE782

STATE OF MARYLAND, Co. of Baltimore, ss:

I HEREBY CERTIFY that on this 30th day of March, 1988, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Clark F. MacKenzie, General Partner of GMPW GADD ROAD PARTNERS, and that he, as such General Partner, being authorized to do so, executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and affix my notarial seal.

[SEAL]

Teresa C. Bennett
Notary Public

My commission expires: 7/1/90

STATE OF ~~MARYLAND~~, Pennsylvania County of York, ss:

I HEREBY CERTIFY that on this 17th day of April, 1988, before me, the subscriber, a Notary Public of the State of ~~Maryland~~, personally appeared IRVIN S. NAYLOR, and that he executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and affix my notarial seal.

[SEAL]

Nancy Weaver Adams
Notary Public

~~My commission expires: 7/1/90~~

NANCY J. WEAVER, Notary Public
York, York County, Pa.
My Commission Expires Feb. 25, 1991

MICROFILMED

-3-

9093&103/29/88
15335-1

EXHIBIT A

LIBER7838 PAGE783

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
P.O. BOX 6828, TOWSON, MARYLAND 21204

Description of Lot 7,
Pine Hill Farms,
containing 50.241 acres of
land more or less.

March 28, 1988

Beginning for the same at a point designated 33, at the southwesternmost corner of Lot 7, shown on a plat entitled "Pine Hill Farms", dated March 1, 1988, recorded or intended to be recorded among the Plat Records of Baltimore County, Maryland, said place of beginning being at the beginning of the 5th or North 34° 11' 58" East 54.80 foot line of that parcel of land described in a Deed dated November 30, 1987 between Gadd Road Realty Corporation and Irvin S. Naylor, recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 7738 folio 275 and at the end of the 15th or South 41° 40' West 55 foot lines of those first parcels of land described in two Deeds dated June 5, 1981 between Edward Murray et al and Edward Murray, recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K., Jr. 6295 folio 277 and E.H.K., Jr. 6295 folio 284, said place of beginning also being in the centerline of a road 15 foot wide at its southernmost end or termination, running thence leaving said place of beginning, binding on said centerline, with the use thereof in common with the owners of the land adjoining to the west, their heirs and assigns and binding on the 5th through the 14th lines of the hereinabove first mentioned deed and binding reversely on the 15th through the 6th lines of said first parcels, also bidning on the western side of Lot 7, as shown on said plat, the ten following courses, viz: (1) North 34° 11' 58" East 54.80 feet, (2) North 02° 23' 07" West 45.00 feet, (3) North 10° 56' 07" West 220.03 feet, (4) North 00° 02' 30" West 208.70 feet, (5) North 09° 00' 02" West 144.94 feet, (6) North 12° 38' 45" East 60.00 feet, (7) North 22° 15' 16" West 155.00 feet, (8) North 14° 08' 16" West 100.02 feet, (9) North 04° 33' 52" West 99.98 feet and (10) North 03° 26' 28" West 485.41 feet to the northe.most end or termination of said road, running thence binding on sa.' northernmost end, binding on the 15th line of the hereinabove first mentioned deed, binding reversely on the 5th line of said first parcels and binding on the northern side of Lot 7, as shown on said plat, (11) North 87° 04' 38" East 7.53 feet, running thence binding on part of the 1st line of the hereinabove first mentioned deed and continuing to bind on the northern side of Lot 7, as slown on said plat, (12) North 86° 20' 57" East 1358.92 feet, running thence continuing to bind on Lot 7, as shown on said plat, the nine following courses, viz: (13) North 03° 38' 30.00 feet, (14) North

MICROFILMED

LIBER7838 PAGE784

Description of Lot 7,
Pine Hill Farms,
containing 50.241 acres of
land more or less.

March 28, 1988
Page -2-

86° 20' 57" East 50.00 feet, (15) North 86° 20' 57" East 1200.23 feet, (16) North 03° 58' 15" West 14.93 feet, (17) reversing the bearing shown on said plat, South 60° 51' 51" East 52.60 feet to the end centerline of the 50 foot use in common right-of-way (private), shown on said plat, (18) binding on the end of said right-of-way and reversing the bearing shown on said plat, South 29° 08' 09" West 25.00 feet, (19) North 60° 51' 51" West 8.44 feet, (20) reversing the bearing shown on said plat, South 86° 20' 57" West 1193.74 feet and (21) reversing the bearing shown on said plat, South 41° 09' 01" West 42.28 feet to intersect the 2nd line of the hereinabove first mentioned deed, running thence binding on part of said 2nd line and binding on the eastern side of Lot 7, as shown on said plat, (22) reversing the bearing shown on said plat, South 04° 02' 55" East 965.57 feet, running thence binding on the 3rd line of the hereinabove first mentioned deed and continuing to bind on the eastern side of Lot 7, as shown on said plat, (23) South 04° 34' 09" East 549.79 feet, running thence binding on the 4th line of the hereinabove first mentioned deed and binding on the southern side of Lot 7, as shown on said plat, (24) South 86° 16' 06" West 1387.89 feet to the place of beginning.

Containing 50.241 acres of land more or less.

Being Lot 7, shown on a plat entitled "Pine Hill Farms", dated March 1, 1988, recorded or intended to be recorded among the Plat Records of Baltimore County, Maryland.

Together with the use of the 50 foot Use in Common Right-of-Way (private), shown on the plat entitled "Pine Hill Farms", dated March 1, 1988, recorded or intended to be recorded among the Plat Records of Baltimore County, Maryland and being more particularly described as follows:

Beginning for the same at the end of the 17th or South 60° 51' 51" East 52.60 foot line of the hereinabove described parcel, running thence binding on the centerline of said right-of-way, shown on said plat, the nine following courses, viz: (1) South 60° 51' 51" East 82.67 feet, (2) southeasterly by a curve to the left having a radius of 300.00 feet for a distance of 134.83 feet, said curve being subtended by a chord bearing South 73° 44' 22" East 133.70 feet, (3) South 86° 36' 53" East 282.56 feet, (4) northeasterly by a curve to the left having a radius of 1000.00 feet for a distance of 131.96 feet, said curve being subtended by a chord bearing North 89° 36' 18" East 131.86 feet, (5) North 85° 49' 29" East 213.95 feet, (6) northeasterly

MICROFILMED

LIBER7838 PAGE785

March 28, 1988
Page -3-

Description of Lot 7,
Pine Hill Farms,
containing 50.241 acres of
land more or less.

by a curve to the left having a radius of 500.00 feet for a distance of 193.67 feet, said curve being subtended by a chord bearing North 74° 43' 43" East 192.46 feet, (7) North 63° 37' 56" East 619.70 feet, (8) northeasterly by a curve to the right having a radius of 800.00 feet for a distance of 107.04 feet, said curve being subtended by a chord bearing North 67° 27' 55" East 106.96 feet and (9) North 71° 17' 54" East 333.78 feet to the western side of Falls Road (Md. Rte. 25), shown on said plat.

Return to:
Thomas E. D. Millspaugh
Pigue & Marburg
36 S Charles St.
Balto. Md 21201

MICROFILMED

LIBER7875 PAGE632

Paul M. Sandler
Margaret Sandler
Parcel E

DEED

THIS DEED is made this 19th day of May, 1988, by and between GADD ROAD REALTY CORPORATION, the Grantor, and PAUL M. SANDLER and MARGARET SANDLER, as tenants by the entireties, the Grantees.

WITNESSETH, that in consideration of the sum of Eighty-Five Thousand Dollars ($85,000.00), the receipt and sufficiency of which is hereby acknowledged, the said Grantor does hereby grant and convey unto the said Grantees, and successors, heirs and assigns of the Grantees, in fee simple, all that lot of ground, situate and lying in Baltimore County, Maryland shown as Parcel E on the plat dated March 1, 1988, prepared by George William Stephens, Jr. and Associates, Inc., and recorded among the Land Records of Baltimore County in Plat Book 58, folio 86.

TOGETHER with the buildings and improvements thereupon erected, made or being and all rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or anywise appertaining.

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 Grantees and successors, heirs, and assigns of such Grantees, in fee simple, forever.

The conveyance provided for herein shall be subject to the restrictions set forth in the Findings of Fact and Conclusions of Law of the Zoning Commissioner of Baltimore County dated February 24, 1988, Case No. 88-347-SPH. The area of the property hereby transferred may not be considered in determining the right to improve or subdivide adjoining land of the Grantees, and the property hereby transferred may not be improved with a dwelling unit or any non-agricultural business operation.

C RC/F 13.00
DEED 0
SM CLERK 13.00
#60752 C001 R02 T10:29 05/15/88

The conveyance provided for herein is also subject to the Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated November 30, 1987, recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 7738, folio 291, as amended by First Amendment to Declaration of

(Prior Deed 7733/265)

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND
By [illegible] Date 5-17-88

-3-

9110g:04/13/88
15335-1

MICROFILMED

LIBER7875 PAGE633

Covenants, Conditions and Restrictions and Grant of Easements dated May 11, 1988, recorded among the Land Records in Liber 7871, folio 366.

AND the said Grantor hereby warrants specially the property granted and will execute such further assurances of the same as may be requisite.

IN WITNESS WHEREOF, the Grantor and Grantees have executed this Deed on the day and year written first above.

WITNESS:

Teresa C. Bennett

GRANTOR:

GADD ROAD REALTY CORPORATION
By: Clark F. MacKenzie
Clark F. MacKenzie
President

STATE OF MARYLAND, County of Baltimore ss:

I HEREBY CERTIFY that on this 19th day of May, 1988, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Clark F. MacKenzie, President of GADD ROAD REALTY CORPORATION, a Maryland corporation, and that he, as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained and at the same time certified that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer of all or substantially all of the property and assets of the Grantor corporation.

IN WITNESS WHEREOF, I hereunto set my hand and affix my notarial seal.

[SEAL]

Teresa C. Bennett
Notary Public

My commission expires: 7/1/90

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE-LETTER OF INTENT
SIGNATURE Brady P DATE 6/27/88

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
By [illegible] Date 5-27-88

Return to:
CAMBRIDGE TITLE CO.
36 S. CHARLES ST
BALTO. MD 21201
9110g:04/13/88
15335-1

See Misc. LIBER 9 PAGE 56

LIBER7888 PAGE705

DEED

THIS DEED is made this 13th day of JUNE, 1988, by and between GADD ROAD REALTY CORPORATION, (the "Grantor"), and WILLIAM J. DONOHUE and DIANE M. DONOHUE, as tenants by the entireties (the "Grantees").

WITNESSETH, that in consideration of the sum of Five Hundred Sixty Thousand Dollars ($560,000.00), the receipt and sufficiency of which is hereby acknowledged, the said Grantor does hereby grant and convey unto the said Grantees, and successors, heirs and assigns of the Grantees, in fee simple, all that lot of ground, situate and lying in Baltimore County, Maryland shown as Lot 6 on the plat dated March 1, 1988, prepared by George William Stephens, Jr. and Associates, Inc., and recorded among the Land Records of Baltimore County in Plat Book 58, folio 86.

TOGETHER with the buildings and improvements thereupon erected, made or being and all rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or anywise appertaining.

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 William J. Donohue and Diane M. Donohue as tenants-by-the-entireties and their respective successors, heirs, and assigns of such Grantees, in fee simple, forever.

The conveyance hereof shall be subject to the restrictions set forth in the Findings of Fact and Conclusions of Law of the Zoning Commissioner of Baltimore County dated February 24, 1988, Case No. 88-347-SPH. The property transferred hereby shall not be further subdivided.

The conveyance hereof is also subject to the Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated November 30, 1987, recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 7738, folio 291, as amended by First Amendment to Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated May 19, 1988, recorded among the said Land Records in Liber 7871, folio 366. This conveyance is also subject ot the terms of an Assignment and Agency Agreement of even date between the Grantees and Terry K. Holinsky, Trustee under Kendico Trust.

(Prior Deed 7733/265)

TRANSFER TAX
BALTIMORE COUNTY, MARYLAND
By [illegible] Date 6-15-88

-1-

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE-LETTER OF INTENT
SIGNATURE [illegible] DATE 6-14-88

9110g:04/13/88
15335-1

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
By [illegible] Date 6-15-88

NOT APPLICABLE

SIGNATURE [illegible]

MICROFILMED

LIBER7888 PAGE706

AND the said Grantor hereby warrants specially the property granted and will execute such further assurances of the same as may be requisite.

IN WITNESS WHEREOF, the Grantor and Grantees have executed this Deed on the day and year written first above.

WITNESS:

Teresa C. Bennett

GRANTOR:

GADD ROAD REALTY CORPORATION
By: Clark F. MacKenzie
Clark F. MacKenzie
President

STATE OF MARYLAND, County of Baltimore ss:

I HEREBY CERTIFY that on this 19th day of May, 1988, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Clark F. MacKenzie, President of GADD ROAD REALTY CORPORATION, a Maryland corporation, and that he, as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained and the same time certified that this conveyance is not part of transaction in which there is a sale, lease, exchange or er transfer of all or substantially all of the property and ets of the Grantor corporation.

IN WITNESS WHEREOF, I hereunto set my hand and affix my notarial seal.

[SEAL]

Teresa C. Bennett
Notary Public

My commission expires: 7/1/90

C RC/F 13.00
DEED 0
SM CLERK 13.00
#60751 C001 R02 T10:25 05/15/88

Return to:
[illegible]

-2-

9110g:04/13/88
15335-1

MICROFILMED

LIBER7898 PAGE036

DEED LOT 2

THIS DEED is made this 16th day of June, 1988, by and between GADD ROAD REALTY CORPORATION (the "Grantor") and ROLAND R. MacKENZIE (the "Grantee").

WITNESSETH, that in consideration of the sum of Eight Hundred Fifty Thousand Dollars ($850,000), paid by Bishop's Pond, Inc. ("Bishop"), the receipt and sufficiency of which is hereby acknowledged by the Grantor, the said Grantor, at the direction of Bishop, does hereby grant and convey unto the Grantee, as Bishop's designee, and the successors, heirs and assigns of the Grantee, in fee simple, all that lot of ground, situate and lying in Baltimore County, Maryland shown as Lot 2 on the plat dated March 1, 1988, prepared by George William Stephens, Jr. and Associates, Inc., and recorded among the Land Records of Baltimore County in Plat Book 58 folio 86, entitled Pine Hill Farms.

TOGETHER with the buildings and improvements thereupon erected, made or being and all rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or anywise appertaining.

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 Grantee and the successors, heirs, and assigns of such Grantee, in fee simple, forever.

The conveyance hereof shall be subject to the restrictions set forth in the Findings of Fact and Conclusions of Law of the Zoning Commissioner of Baltimore County dated February 24, 1988, Case No. 88-347-SPH. The property transferred hereby shall not be further subdivided.

The conveyance hereof is also subject to the Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated November 30, 1987, recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 7738, folio 291, as amended by First Amendment to Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated May 19, 1988, recorded among the Land Records in Liber 7871, folio 366.

AND the said Grantor hereby warrants specially the property granted and will execute such further assurances of the same as may be requisite.

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE-LETTER OF INTENT
SIGNATURE [illegible] DATE 6-23-88

(Prior Deed 7738/265)

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
By [illegible] Date 6/23/88

Return to:
CAMBRIDGE TITLE COMPANY
36 SOUTH CHARLES STREET
BALTIMORE, MD 21201
547-1494

B B 021***13600D0As 823d2

MICROFILMED

LIBER7898 PAGE037

IN WITNESS WHEREOF, the Grantor has executed this Deed on the day and year written first above.

WITNESS:

Teresa C. Bennett

GRANTOR:

GADD ROAD REALTY CORPORATION
By: Clark F. MacKenzie
Clark F. MacKenzie
President

STATE OF MARYLAND, County of Baltimore, ss:

I HEREBY CERTIFY that on this 14th day of June, 1988, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Clark F. MacKenzie, President of GADD ROAD REALTY CORPORATION, a Maryland corporation, and that he, as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained and at the same time certified that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer of all or substantially all of the property and assets of the Grantor corporation.

IN WITNESS WHEREOF, I hereunto set my hand and affix my notarial seal.

[SEAL]

Teresa C. Bennett
Notary Public

My commission expires: 7/1/90

C:GADD.DEE

G RC/F
C T. TX
C DOCS

DEED
SM CLERK
#62772 C001 R02

MICROFILMED

- 2 -

LIBER7898 PAGE038

LOT 3

DEED

THIS DEED is made this 15th day of June, 1988, by and between GADD ROAD REALTY CORPORATION, (the "Grantor"), and EDWARD B. HUTTON, JR. and GEORGIE S. HUTTON, as tenants by the entireties, (the "Grantees").

WITNESSETH, that in consideration of the sum of Three Hundred Sixty-Three Thousand Dollars ($363,000), the receipt and sufficiency of which is hereby acknowledged, the said Grantor does hereby grant and convey unto the said Grantees, and successors, heirs and assigns of the Grantees, in fee simple, all that lot of ground, situate and lying in Baltimore County, Maryland shown as Lot 3 on the plat dated March 1, 1988, prepared by George William Stephens, Jr. and Associates, Inc., and recorded among the Land Records of Baltimore County in Plat Book 58, folio 86.

BEING a portion of that real property which by Deed dated November 30, 1987 and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 7738, folio 265 was conveyed from Richard G. Klotzman and Helene M. Klotzman to Grantor.

TOGETHER with the buildings and improvements thereupon and all rights, privileges, appurtenances and advantages to the same belonging; and together with use in common with others of Pine Hill Farms Lane for access to Falls 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 Grantees as tenants-by-the entireties and successors, heirs, and assigns of such Grantees, in fee simple, forever.

The conveyance hereof shall be subject to the restrictions set forth in the Findings of Fact and Conclusions of Law of the Zoning Commissioner of Baltimore County dated February 24, 1988, Case No. 88-347-SPH. The property transferred hereby shall not be further subdivided.

The conveyance hereof is also subject to the Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated November 30, 1987, recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 7738, folio 291, as amended by First Amendment to Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated May 19, 1988, recorded among the Land Records in Liber 7371, folio 366.

AND the said Grantor hereby warrants specially the property granted and will execute such further assurances of the same as may be requisite.

-1-

9110g:04/13/88
15335-1

MICROFILMED

IN WITNESS WHEREOF, the Grantor has executed this Deed on the day and year written first above.

WITNESS: GRANTOR:

CADD ROAD REALTY CORPORATION

Teresa C. Bennett By: Clark F. MacKenzie
Clark F. MacKenzie
President

STATE OF MARYLAND, County of Baltimore, ss:

I HEREBY CERTIFY that on this 9th day of June, 1988, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Clark F. MacKenzie, President of GADD ROAD REALTY CORPORATION, a Maryland corporation, and that he, as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained and at the same time certified that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer of all or substantially all of the property and assets of the Grantor corporation.

IN WITNESS WHEREOF, I hereunto set my hand and affix my notarial seal.

[SEAL] Teresa C. Bennett
Notary Public

My commission expires: 7/1/90

-2-

9503g:06/08/88
15335-1

MICROFILMED

7898 PAGE 019

LOT 4

DEED

THIS DEED is made this 16th day of JUNE, 1988, by and between GADD ROAD REALTY CORPORATION, (the "Grantor"), and ROLAF R. MacKENZIE, (the "Grantee").

WITNESSETH, that in consideration of the sum of One Hundred Six Thousand Two Hundred Ninety-Nine Dollars ($106,299), the receipt and sufficiency of which is hereby acknowledged, the said Grantor does hereby grant and convey unto the said Grantee, and the successors, heirs and assigns of the Grantee, in fee simple, all that lot of ground, situate and lying in Baltimore County, Maryland shown as Lot 4 on the plat dated March 1, 1988, prepared by George William Stephens, Jr. and Associates, Inc., and recorded among the Land Records of Baltimore County in Plat Book 58, folio 86, entitled Pine Hill Farms.

TOGETHER with the buildings and improvements thereupon erected, made or being and all rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or anywise appertaining.

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 Grantee and his successors, heirs, and assigns of such Grantee, in fee simple, forever.

The conveyance hereof shall be subject to the restrictions set forth in the Findings of Fact and Conclusions of Law of the Zoning Commissioner of Baltimore County dated February 24, 1988, Case No. 88-347-SPH. The property transferred hereby shall not be further subdivided.

The conveyance hereof is also subject to the Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated November 30, 1987, recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 7738, folio 291, as amended by First Amendment to Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated May 19, 1988, recorded among the Land Records in Liber 7871, folio 366.

AND the said Grantor hereby warrants specially the property granted and will execute such further assurances of the same as may be requisite.

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
6/23/88

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE-LETTER OF INTENT
SIGNATURE DATE 6/23/88

(Prior Deed 7732/245)

CAMBRIDGE TITLE CO.
36 SOUTH CHARLES ST.
BALTIMORE, MD 21201
(301) 539-1450

-1-

B B 022****170078A

MICROFILMED

7898 PAGE 020

WITNESS WHEREOF, the Grantor has executed this Deed on the day and year written first above.

WITNESS: GRANTOR:

GADD ROAD REALTY CORPORATION

Teresa C. Bennett By: Clark F. MacKenzie
Clark F. MacKenzie
President

STATE OF MARYLAND, County of Baltimore, ss:

I HEREBY CERTIFY that on this 9th day of June, 1988, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Clark F. MacKenzie, President of GADD ROAD REALTY CORPORATION, a Maryland corporation, and that he, as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained and at the same time certified that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer of all or substantially all of the property and assets of the Grantor corporation.

IN WITNESS WHEREOF, I hereunto set my hand and affix my notarial seal.

[SEAL] Teresa C. Bennett
Notary Public

My commission expires: 7/1/90

C RCPT
C TX
C DOCS
DEED
SM CLERK 1076
#62768 C001 R02 T

-2-

9503g:06/08/88
15335-1

MICROFILMED

7898 PAGE 040

CONFIRMATORY DEED

THIS CONFORMATORY DEED, dated June 22, 1988, from GADD ROAD REALTY CORPORATION, a Maryland corporation, acting pursuant to informal action of its Stockholders and its Board of Directors, Grantor, to RP GADD, INC., a Maryland corporation, Grantee.

RECITALS:

A. The Grantor has transferred to the Grantee all or substantially all of the property and assets of the Grantor, including the property described below, which is located in Baltimore County, Maryland.

B. The Grantor has filed Articles of Transfer with the State Department of Assessments and Taxation of the State of Maryland, which Articles of Transfer have been duly approved by that Department.

C. Title to the property below has been transferred by the Articles of Transfer, but the Grantor and the Grantee deem it desirable to evidence the transfer by this Confirmatory Deed.

WITNESSETH, that for NO CONSIDERATION (other than the issuance of capital stock by RP Gadd, Inc. to its parent corporation, Gadd Road Realty Corporation), the said Grantor, in accordance with the provisions of Section 3-115(b)(2)(i) of the Corporations and Associations Article of the Annotated Code of Maryland, does hereby confirm, grant and convey unto the said Grantee, and the successors and assigns of the Grantee, in fee simple, all that lot of ground, situate and lying in Baltimore County, Maryland shown as Lot 1 on the plat dated March 1, 1988, prepared by George William Stephens, Jr. and Associates, Inc., and recorded among the Land Records of Baltimore County in Plat Book 58, folio 86.

TOGETHER with the buildings and improvements thereupon erected, made or being and all rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or anywise appertaining.

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 Grantee and the successors and assigns of such Grantee, in fee simple, forever.

The conveyance hereof shall be subject to the restrictions set forth in the Findings of Fact and Conclusions of Law of the Zoning Commissioner of Baltimore County dated February 24, 1988, Case No. 88-347-SPH. The Property transferred hereby shall not be further subdivided.

(Prior Deed 7732/245)

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
6/23/88

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE DATE

MICROFILMED

7898 PAGE 041

The conveyance hereof is also subject to the Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated November 30, 1987, recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 7738, folio 291, as amended by First Amendment to Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated May 19, 1988, recorded among the Land Records in Liber 7871, folio 366.

The conveyance hereof is also made subject to the Deed of Trust from the Grantor to Philip Carroll and Joseph V. Prado, trustees, which Deed of Trust is recorded among the Land Records of Baltimore County, Maryland in Liber S.M.7738, folio 324, and by the Second Deed of Trust from Grantor to Steven A. Loewy and Robert E. Scher, which Deed of Trust is recorded among the aforsaid Land Records in Liber S.M.7738, folio 388.

AND the said Grantor hereby warrants specially the Property granted and will execute such further assurances of the same as may be requisite.

IN WITNESS WHEREOF, the Grantor has executed this Confirmatory Deed on the day and year written first above.

WITNESS: GRANTOR:

GADD ROAD REALTY CORPORATION

Teresa C. Bennett By: Clark F. MacKenzie
Clark F. MacKenzie
President

C RCPT 12.00
O M
DEED 12.00
SM CLERK
#62775 C001 R02 T11:19
06/23/88

STATE OF MARYLAND, County of Maryland, ss:

I HEREBY CERTIFY that on this 21st day of June, 1988, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Clark F. Mackenzie, President of GADD ROAD REALTY CORPORATION, a Maryland corporation, and that he, as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and affix my notarial seal.

[SEAL] Teresa C. Bennett
Notary Public

My commission expires: 7/1/90

Return to:
Cambridge Title Co.
36 South Charles St.
21201

-2-

MICROFILMED

Albert H. Dudley, III
Bette W. Dudley
Lot 5

DEED

THIS DEED is made this 19th day of May, 1988, by and between GADD ROAD REALTY CORPORATION, the Grantor, and ALBERT H. DUDLEY, III and BETTE W. DUDLEY, as tenants by the entireties, the Grantees.

WITNESSETH, that in consideration of the sum of Four Hundred Thousand Dollars ($400,000.00), the receipt and sufficiency of which is hereby acknowledged, the said Grantor does hereby grant and convey unto the said Grantees, and successors, heirs and assigns of the Grantees, in fee simple, all that lot of ground, situate and lying in Baltimore County, Maryland shown as Lot 5 on the plat dated March 1, 1988, prepared by George William Stephens, Jr. and Associates, Inc., and recorded among the Land Records of Baltimore County in Plat Book 58, folio 86.

TOGETHER with the buildings and improvements thereupon erected, made or being and all rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or anywise appertaining.

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 Grantees and successors, heirs, and assigns of such Grantees, in fee simple, forever.

The conveyance hereof shall be subject to the restrictions set forth in the Findings of Fact and Conclusions of Law of the Zoning Commissioner of Baltimore County dated February 24, 1988, Case No. 88-347-SPH. The property transferred hereby shall not be further subdivided.

The conveyance hereof is also subject to the Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated November 30, 1987, recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 7738, folio 291, as amended by First Amendment to Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated May 9, 1988, recorded among the Land Records in Liber 7871, folio 366.

MICROFILMED

-1-

9103g:04/13/88
15335-1

AND the said Grantor hereby warrants specially the property granted and will execute such further assurances of the same as may be requisite.

IN WITNESS WHEREOF, the Grantor and Grantees have executed this Deed on the day and year written first above.

WITNESS: GRANTOR:

GADD ROAD REALTY CORPORATION

Teresa C. Bennett By: Clark F. MacKenzie
Clark F. MacKenzie
President

STATE OF MARYLAND, County of Baltimore, ss:

I HEREBY CERTIFY that on this 19th day of May, 1988, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Clark F. MacKenzie, President of GADD ROAD REALTY CORPORATION, a Maryland corporation, and that he, as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained and at the same time certified that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer of all or substantially all of the property and assets of the Grantor corporation.

IN WITNESS WHEREOF, I hereunto set my hand and affix my notarial seal.

[SEAL] Teresa C. Bennett
Notary Public

My commission expires: 7/1/90

MICROFILMED

-2-

9103g:04/13/88
15335-1

GWS

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CONSULTING ENGINEERS

TOWSON
305 ALLEGHENY AVENUE
P.O. BOX 6828
TOWSON, MARYLAND 21204
301-825-8120

BEL AIR
705 EAST BROADWAY
BEL AIR, MARYLAND 21014
301-879-1900
301-838-3890

TO: Baltimore County
Office of Planning & Zoning
Zoning Administration
Towson, Maryland 21204

ATTENTION: Mr. Carl W. Richards, Jr.

DATE: December 8, 1987

REFERENCE: Pine Hill Farms
(formerly Klotzman Property)
West Side Falls Road at
Miller Road
District 8

We are:
☒ Submitting ☐ Herewith ☐ Under Separate Cover
☐ Forwarding
☐ Returning

COPIES	DESCRIPTION
3	Original zoning petitions with justification attachments
10	Zoning plats
1	Description
2	1"=200' Baltimore County Zoning Maps (4) with property outlined
1	Each zoning plat marked up to show existing and proposed lots

☐ In accordance with your request
☐ For your review
☒ For processing
☐ Plans reviewed and accepted
☐ Plans reviewed and accepted as noted
☐ For your use
☐ Please call when ready
☐ Please return to this office
☐ Approval requested
☐ Meeting requested

Remarks: Check for filing fee to follow immediately.

For further information, please contact the writer at this office.

CEF:kmh
Enclosures
cc: Mr. Clark F. MacKenzie

Sincerely yours,
Charles E. Fick, Jr.

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines, Zoning Commissioner — Date: December 22, 1987

FROM: Norman E. Gerber, AICP, Director of Planning and Zoning

SUBJECT: Zoning Petition No. 88-347-SPH

This office is not opposed to the granting of the subject request in that the permitted density is not to be changed.

Norman E. Gerber per J.G.H.
Norman E. Gerber, AICP
Director

NEG:JGH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

PIPER & MARBURY
1100 CHARLES CENTER SOUTH
36 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201
301-539-2530
TELECOPIER 301-539-0468
CABLE "PIPERMAR BAL"
TELEX 87-8604

WRITER'S DIRECT NUMBER: 576-1894

1200 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036
202-861-3900

June 22, 1988

Mr. J. Robert Haines
Zoning Commissioner
of Baltimore County
111 West Chesapeake Avenue
Room 109
Towson, Maryland 21204

Re: Pine Hill Farms
Case No. 88-347-SPH

Dear Commissioner Haines:

I have enclosed copies of Deeds for Parcels A, B, C and D, recorded among the Land Records of Baltimore County, to be made a part of the file for 88-347-SPH pursuant to your zoning order of February 24.

Please do not hesitate to call if you need further assistance.

Sincerely yours,
Thomas E.D Millspaugh

TEDM/htw
Enclosures

RECEIVED
JUN 23 1988
ZONING OFFICE

LIBER 7873 PAGE 162

Jack S. Griswold
Carol I. Griswold
Parcel A

DEED IN DISSOLUTION

THIS DEED IN DISSOLUTION is made this 16th day of May, 1988, by and between GMPW GADD ROAD PARTNERS, a Maryland general partnership, the Grantor, and JACK S. GRISWOLD and CAROL I. GRISWOLD, as tenants by the entireties, the Grantees.

WHEREAS, GMPW Gadd Road Partners makes this Deed simultaneously with other deeds in dissolution of the partnership; and

WHEREAS, this Deed in Dissolution is exempt from recordation and transfer taxes under §§12-108(q) and 13-405(c) of the Tax-Property Article of the Annotated Code of Maryland as a deed to an original partner in dissolution of a partnership.

WITNESSETH, that for no consideration, the said Grantor does hereby grant and convey unto the said Grantees, and successors, heirs and assigns of the Grantees, in fee simple, all that lot of ground, situate and lying in Baltimore County, Maryland, shown as Parcel D on that plat of Pine Hill Farms, dated March 1, 1988, prepared by George William Stephens, Jr. and Associates, Inc., recorded among the Land Records of Baltimore County in Plat Book 59, folio 86.

TOGETHER with the buildings and improvements thereupon erected, made or being and all rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or anywise appertaining.

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 Grantees and successors, heirs, and assigns of such Grantees, in fee simple, forever.

The conveyance provided for herein is subject to the restrictions set forth in the Findings of Fact and Conclusions of Law by the Zoning Commissioner of Baltimore County, Maryland, dated February 24, 1988, Case No. 88-347-SPH. The area of the property hereby transferred may not be considered

AGRICULTURAL TRANSFER TAX IF APPLICABLE
SIGNATURE JR DATE 5-27-88

RECEIVED FOR TRANSFER
State Department of Assessments & Taxation
Baltimore County Circuit Court
JK 5-27-88

TRANSFER TAX NOT REQUIRED
Director of Finance
PAID BALTIMORE COUNTY, MARYLAND
for Baltimore County
Date 5-27-88 Sec. 11-35

(PRIOR DEED 7138/272) -1-

RECORDING $13.00
SURCHARGE 0
SM CLERK 13.00
#0015OT C001 002 11:17:0
05/27/88

LIBER 7873 PAGE 163

in determining the right to improve or subdivide adjoining land of the Grantees, and the property hereby transferred may not be improved with a dwelling unit or any non-agricultural business operation.

The conveyance provided for herein is also subject to the Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated November 30, 1987, recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 7738, folio 291, as amended by First Amendment to Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated May 17, 1988, recorded among the Land Records in Liber 7871 folio 366.

AND the said Grantor hereby warrants specially the property granted and will execute such further assurances of the same as may be requisite.

IN WITNESS WHEREOF, the parties have caused this Deed in Dissolution to be executed on the day and year written first above.

WITNESS:

GRANTOR:

GMPW GADD ROAD PARTNERS

By: Clark F. MacKenzie
General Partner

STATE OF MARYLAND, COUNTY OF BALTIMORE, To Wit:

I HEREBY CERTIFY that on this 24th day of May, 1988, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Clark F. MacKenzie, known to me (or satisfactorily proven) to be General Partner of GMPW GADD ROAD PARTNERS, a Maryland general partnership, and who, as such General Partner, being authorized to do so, acknowledged execution of the foregoing instrument for the purposes therein contained.

AS WITNESS, my hand and Notarial Seal.

NOTARY PUBLIC

My commission expires: 7/1/90

MAIL TO
CAMBRIDGE TITLE COMPANY
1910 Charles Center South
36 South Charles Street
Baltimore, Maryland 21201
(301) 547-1491

-2-

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:
I HEREBY CERTIFY that the aforegoing is a true copy of the original Deed recorded in Liber S.M. No. 7873, folio 162, one of the Land Records of Baltimore County.
IN TESTIMONY WHEREOF I hereto set my hand and affix the seal of the Circuit Court for Baltimore County this 9th day of June 1988
Clerk of the Circuit Court of Baltimore County

LIBER 7873 PAGE 146

Harry J. Weber
Rita M. Weber
Parcel C

DEED IN DISSOLUTION

THIS DEED IN DISSOLUTION is made this 19th day of May, 1988, by and between GMPW GADD ROAD PARTNERS, a Maryland general partnership, the Grantor, and HARRY J. WEBER and RITA M. WEBER, as tenants by the entireties, the Grantees.

WHEREAS, GMPW Gadd Road Partners makes this Deed simultaneously with other deeds in dissolution of the partnership; and

WHEREAS, this Deed in Dissolution is exempt from recordation and transfer taxes under §§12-108(q) and 13-405(c) of the Tax-Property Article of the Annotated Code of Maryland as a deed to an original partner in dissolution of a partnership.

WITNESSETH, that for no consideration, the said Grantor does hereby grant and convey unto the said Grantees, and successors, heirs and assigns of the Grantees, in fee simple, all that lot of ground, situate and lying in Baltimore County, Maryland, shown as Parcel C on that plat of Pine Hill Farms, dated March 1, 1988, prepared by George William Stephens, Jr. and Associates, Inc., recorded among the Land Records of Baltimore County in Plat Book 58, folio 86.

TOGETHER with the buildings and improvements thereupon erected, made or being and all rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or anywise appertaining.

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 Grantees and successors, heirs, and assigns of such Grantees, in fee simple, forever.

The conveyance provided for herein is subject to the restrictions set forth in the Findings of Fact and Conclusions of Law by the Zoning Commissioner of Baltimore County, Maryland, dated February 24, 1988, Case No. 88-347-SPH. The area of the property hereby transferred may not be considered

AGRICULTURAL TRANSFER TAX IF APPLICABLE
SIGNATURE

RECEIVED FOR TRANSFER
State Department of Assessments & Taxation
Baltimore County Circuit Court

TRANSFER TAX NOT REQUIRED
Director of Finance
PAID BALTIMORE COUNTY, MARYLAND
for Baltimore County
Date 5-27-88 Sec. 11-35

(PRIOR DEED 7138/272) -1-

RECORDING $13.00
SURCHARGE 0
SM CLERK 13.00
#0015OH C001 002 11:17:0
05/27/88

LIBER 7873 PAGE 147

in determining the right to improve or subdivide adjoining land of the Grantees, and the property hereby transferred may not be improved with a dwelling unit or any non-agricultural business operation.

The conveyance provided for herein is also subject to the Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated November 30, 1987, recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 7738, folio 291, as amended by First Amendment to Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated May 17, 1988, recorded among the Land Records in Liber 7871 folio 366.

AND the said Grantor hereby warrants specially the property granted and will execute such further assurances of the same as may be requisite.

IN WITNESS WHEREOF, the parties have caused this Deed in Dissolution to be executed on the day and year written first above.

WITNESS:

GRANTOR:

GMPW GADD ROAD PARTNERS

By: Clark F. MacKenzie
General Partner

STATE OF MARYLAND, COUNTY OF BALTIMORE, To Wit:

I HEREBY CERTIFY that on this 19th day of May, 1988, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Clark F. MacKenzie, known to me (or satisfactorily proven) to be General Partner of GMPW GADD ROAD PARTNERS, a Maryland general partnership, and who, as such General Partner, being authorized to do so, acknowledged execution of the foregoing instrument for the purposes therein contained.

AS WITNESS, my hand and Notarial Seal.

NOTARY PUBLIC

My commission expires: 7/1/90

MAIL TO
CAMBRIDGE TITLE COMPANY
1910 Charles Center South
36 South Charles Street
Baltimore, Maryland 21201
(301) 547-1491

-2-

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:
I HEREBY CERTIFY that the aforegoing is a true copy of the original Deed recorded in Liber S.M. No. 7873, folio 146, one of the Land Records of Baltimore County.
IN TESTIMONY WHEREOF I hereto set my hand and affix the seal of the Circuit Court for Baltimore County this 9th day of June 1988
Clerk of the Circuit Court of Baltimore County

LIBER 7873 PAGE 148

Clark F. MacKenzie
Ann S. MacKenzie
Parcel B

DEED IN DISSOLUTION

THIS DEED IN DISSOLUTION is made this 13th day of May, 1988, by and between GMPW GADD ROAD PARTNERS, a Maryland general partnership, the Grantor, and CLARK F. MACKENZIE and ANN S. MACKENZIE, as tenants by the entireties, the Grantees.

WHEREAS, GMPW Gadd Road Partners makes this Deed simultaneously with other deeds in dissolution of the partnership; and

WHEREAS, this Deed in Dissolution is exempt from recordation and transfer taxes under §§12-108(q) and 13-405(c) of the Tax-Property Article of the Annotated Code of Maryland as a deed to an original partner in dissolution of a partnership.

WITNESSETH, that for no consideration, the said Grantor does hereby grant and convey unto the said Grantees, and successors, heirs and assigns of the Grantees, in fee simple, all thrt lot of ground, situate and lying in Baltimore County, Maryland, shown as Parcel B on that plat of Pine Hill Farms, dated March 1, 1988, prepared by George William Stephens, Jr. and Associates, Inc., recorded among the Land Records of Baltimore County in Plat Book 58, folio 86.

TOGETHER with the buildings and improvements thereupon erected, made or being and all rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or anywise appertaining.

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 Grantees and successors, heirs, and assigns of such Grantees, in fee simple, forever.

The conveyance provided for herein is subject to the restrictions set forth in the Findings of Fact and Conclusions of Law by the Zoning Commissioner of Baltimore County, Maryland, dated February 24, 1988, Case No. 88-347-SPH. The area of the property hereby transferred may not be considered

AGRICULTURAL TRANSFER TAX IF APPLICABLE
SIGNATURE JR DATE 5-27-88

RECEIVED FOR TRANSFER
State Department of Assessments & Taxation
Baltimore County Circuit Court
JK 5-27-88

TRANSFER TAX NOT REQUIRED
Director of Finance
PAID BALTIMORE COUNTY, MARYLAND
for Baltimore County
Date 5-27-88 Sec. 11-35

PRIOR DEED 7731/272 -1-

RECORDING $13.00
SURCHARGE 0
SM CLERK 13.00
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05/27/88

LIBER 7873 PAGE 149

in determining the right to improve or subdivide adjoining land of the Grantees, and the property hereby transferred may not be improved with a dwelling unit or any non-agricultural business operation.

The conveyance provided for herein is also subject to the Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated November 30, 1987, recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 7738, folio 291, as amended by First Amendment to Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated May 17, 1988, recorded among the Land Records in Liber 7871 folio 366.

AND the said Grantor hereby warrants specially the property granted and will execute such further assurances of the same as may be requisite.

IN WITNESS WHEREOF, the parties have caused this Deed in Dissolution to be executed on the day and year written first above.

WITNESS:

GRANTOR:

GMPW GADD ROAD PARTNERS

By: Clark F. MacKenzie
General Partner

STATE OF MARYLAND, COUNTY OF BALTIMORE, To Wit:

I HEREBY CERTIFY that on this 13th day of May, 1988, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Clark F. MacKenzie, known to me (or satisfactorily proven) to be General Partner of GMPW GADD ROAD PARTNERS, a Maryland general partnership, and who, as such General Partner, being authorized to do so, acknowledged execution of the foregoing instrument for the purposes therein contained.

AS WITNESS, my hand and Notarial Seal.

NOTARY PUBLIC

My commission expires: 7/1/90

MAIL TO
CAMBRIDGE TITLE COMPANY
1910 Charles Center South
36 South Charles Street
Baltimore, Maryland 21201
(301) 547-1491

-2-

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:
I HEREBY CERTIFY that the aforegoing is a true copy of the original Deed recorded in Liber S.M. No. 7873, folio 149, one of the Land Records of Baltimore County.
IN TESTIMONY WHEREOF I hereto set my hand and affix the seal of the Circuit Court for Baltimore County this 9th day of June 1988
Clerk of the Circuit Court of Baltimore County

THE LAND PRESERVATION TRUST INC.

P.O. BOX 5585, TOWSON, MARYLAND 21285-5585
301-821-8045

RECEIVED
NOV 25 1987
OFFICE OF PLANNING AND ZONING

W-87-328

G Kline for your file

November 19, 1987

Joshua Wheeler, Chairman
Planning Board of Baltimore County
c/o Office of Planning and Zoning
New Courts Building
Towson, MD 21204

Dear Mr. Wheeler,

I am writing to you to confirm our support for the efforts of the Gadd Road Association in retaining the rural character of the Klotzmann property. We feel strongly that the property should be retained in agricultural use.

The neighbors' willingness to create an alliance to ensure in perpetuity the open space sets a fine example for other lands in the valleys. We think this co operation between developer, adjacent landowners and the County sets an outstanding precedent for the future.

We see no reason why this arrangement should be required to go through the CRG process.

Very truly yours,

Douglas V. Croker, III
Douglas V. Croker, III
Vice-President

cc:
Harry Weber, President
Gadd Road Association

DEC 4 1987
OFFICE OF PLANNING AND ZONING

Waiver file

MICROFILMED

Thomas D. Washburne, Jr.
William M. Brewster
Douglas V. Croker III
Andre W. Brewster
Lawrence P. Naylor III
Robert H. Levi
Stuart A. Janney III
George C. Doub, Jr.
Garland P. Moore, Jr.
Douglas Carroll
Peyton S. Cochran, Jr.
Mitchell Kohn

PINE HILL Farms

January 29, 1988

Ms Phyllis Cole Freeman
People's Counsel for Baltimore County
Room 223
Court House
Towson, Maryland 21204

Re: Gadd Road Realty Corporation
Case No: 88-347-SPH

Dear Phyllis:

I noted that the People's Counsel has entered their appearance for the above-referenced hearing to be held on Thursday, February 4th at 9:00a.m. I thought it would be appropriate to forward to you a Memorandum which was prepared by John P. Machen, Esq. of Piper & Harbury for this hearing. Additionally, I will be submitting a book of information prior to the hearing supporting our request. I have been told by Chuck Fick that to date all County agencies are satisfied with our requests.

I will be calling you next week to see if you have any questions or concerns.

Sincerely,

Clark F. MacKenzie
President
Gadd Road Realty Corporation

CFM:tcb
Enclosure
cc: J. Robert Haines
Baltimore County Zoning Commissioner

MICROFILMED

c/o Clark F. MacKenzie
2328 West Joppa Road / Suite 200 / Lutherville, Maryland 21093 / (301) 821-8585

PINE HILL Farms

RECEIVED
FEB 1 1988
ZONING OFFICE

January 29, 1988

Mr. J. Robert Haines
Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204

Re: PETITION FOR SPECIAL HEARING
SW/S Falls Road, 1268' NW of
c/l of Miller Road
8th Election District
3rd Councilmanic District
Gadd Road Realty Corporation
et al.

Case No: 88-347-SPH

Dear Mr. Haines:

As I have indicated to you, we will be presenting a book of information prior to the Special Hearing which should assist you in reviewing our requests for the above-referenced property. In the meantime, I thought it might be benefical for you to have a copy of the enclosed Memorandum prepared by John P. Machen, Esq. of Piper & Harbury.

Thank you for your attention to this matter.

Sincerely,

Clark F. MacKenzie
President
Gadd Road Realty Corporation

CFM:tcb
Enclosures

MICROFILMED

c/o Clark F. MacKenzie
2328 West Joppa Road / Suite 200 / Lutherville, Maryland 21093 / (301) 821-8585

MACKENZIE & ASSOCIATES INCORPORATED

Clark F. MacKenzie
Chairman of the Board
Chief Executive Officer

RECEIVED
DEC 9 1987
ZONING OFFICE

Item #218, Accepted 12/8/87, mcr

December 3, 1987

Mr. J. Robert Haines
Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Pine Hill Farms

Dear Mr. Haines:

We have submitted to you an Application for a Special Hearing in connection with the consolidation of density units and transfer of non-density units for property located at 14234 Falls Road. I am writing to ask that a hearing be scheduled as soon as possible due to the urgent and unusual nature of this arrangement.

As you may know, this property was recently purchased by a group comprised of my wife and I, Mr. and Mrs. Jack S. Griswold, Mr. and Mrs. Harry J. Weber, Dr. and Mrs. Frederick B. Peterson and Irvin S. Naylor in order to prevent a proposed development of the property into an exclusive "corporate" golf course, which would have been totally out of character with the agricultural and rural nature of this and surrounding properties. In order to acquire the properties, we have had, on very short notice, to incur tremendous expense and take a considerable risk. This is not a profit-making venture. We undertook this for the sole purpose of preserving the agricultrual character of this farmland. We are urging your cooperation and assistance in allowing us to have a hearing promptly so that we may proceed to sell portions of the property to purchasers whose use of the property will likewise preserve its agricultural and rural character. We have the full support of the Valleys Planning Council and neighboring property owners.

Thank you very much for your consideration.

Sincerely,

Clark F. MacKenzie

CFM:tcb
Attachments

cc: James E. Dyer
Zoning Supervisor

REAL ESTATE DEVELOPMENT / LEASING & MANAGEMENT
2328 West Joppa Road
Suite 200
Lutherville, Maryland 21093
(301) 821-8585

MICROFILMED

PIPER & MARBURY
1100 CHARLES CENTER SOUTH
36 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201
301-539-2530
TELECOPIER 301-539-0469
CABLE "PIPERMAR BAL"
TELEX 908054

JOHN P. MACHEN
DIRECT DIAL NUMBER
301-576-1768

1200 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036
202-861-3900

RECEIVED
FEB 5 1988
ZONING OFFICE

February 5, 1988

HAND DELIVER

J. Robert Haines
Baltimore County Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 88-347-SPH
Petition of Gadd Road
Realty Corporation et al.

Dear Mr. Haines:

Enclosed as you requested at yesterday's hearing is a draft Findings of Fact, Conclusions of Law and Order, which I prepared in accordance with your ruling.

We are very grateful for your accommodating the Petitioners' request for a prompt decision. Please let me know if I can provide anything further.

Sincerely,

John P. Machen

Enclosure

cc: Clark F. MacKenzie
Phyllis Cole Friedman

JPM:brm

MICROFILMED

PIPER & MARBURY
1100 CHARLES CENTER SOUTH
36 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201
301-539-2530
TELECOPIER 301-539-0469
CABLE "PIPERMAR BAL"
TELEX 908054

WRITER'S DIRECT NUMBER
576-1894

1200 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036
202-861-3900

JLH

88-347-SPH

May 19, 1988

RECEIVED
MAY 20 1988
ZONING OFFICE

Mr. J. Robert Haines
Zoning Commissioner
of Baltimore County
111 West Chesapeake Avenue
Room 109
Towson, Maryland 21204

Re: Pine Hill Farms
Case No. 88-347-SPH

Dear Commissioner Haines:

I am sending to you a copy of a Confirmatory Deed, recorded among the land records of Baltimore County, to be made a part of the file for Case No. 88-347-SPH pursuant to your zoning order of February 24. This Confirmatory Deed corrects the original deed of property at Pine Hill Farms to Irvin Naylor to include a driveway strip.

We will forward copies of all deeds of property at Pine Hill Farms after the various settlements have occurred. Please do not hesitate to call me if you need further assistance.

Sincerely yours,

Thomas E.D. Millspaugh

TEDM/htw
Enclosure

MICROFILMED

9577g:05/19/88
15333-1

PIPER & MARBURY
1100 CHARLES CENTER SOUTH
36 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201
301-539-2530
TELECOPIER 301-539-0469
CABLE "PIPERMAR BAL"
TELEX 908054

WRITER'S DIRECT NUMBER
576-1894

1200 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036
202-861-3900

June 22, 1988

Mr. J. Robert Haines
Zoning Commissioner
of Baltimore County
111 West Chesapeake Avenue
Room 109
Towson, Maryland 21204

Re: Pine Hill Farms
Case No. 88-347-SPH

Dear Commissioner Haines:

I have enclosed copies of Deeds for Parcels A, B, C and D, recorded among the Land Records of Baltimore County, to be made a part of the file for 88-347-SPH pursuant to your zoning order of February 24.

Please do not hesitate to call if you need further assistance.

Sincerely yours,

Thomas E.D. Millspaugh

TEDM/htw
Enclosures

RECEIVED
JUN 23 1988
ZONING OFFICE

MICROFILMED

9648g:06/22/88
15333-1

PIPER & MARBURY
1100 CHARLES CENTER SOUTH
36 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201
301-539-2530
TELECOPIER 301-539-0469
CABLE "PIPERMAR BAL"
TELEX 908054

WRITER'S DIRECT NUMBER
576-1894

1200 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036
202-861-3900

July 15, 1988

Mr. J. Robert Haines
Zoning Commissioner of Baltimore County
111 West Chesapeake Avenue
Room 109
Towson, Maryland 21204

Re: Pine Hill Farms
Case Number 88-347-SPH

Dear Commissioner Haines:

Please find enclosed copies of deeds for Parcel E and Lots 1, 2, 4 and 6 at Pine Hill Farms, to be made a part of the file for Case Number 88-347-SPH pursuant to your zoning order of February 24. All of these deeds have been recorded among the Land Records of Baltimore County.

We are currently waiting for the deeds to Lots 3 and 5 to be returned from recordation at the Office of Land Records and will forward you copies of those deeds as soon as they are received.

Please do not hesitate to call if you have any questions.

Sincerely,

Thomas E.D. Millspaugh

TEM/mlr
Enclosures

RECEIVED
JUL 19 1988
ZONING OFFICE

MICROFILMED

8-994:07/15/88

PIPER & MARBURY
1100 CHARLES CENTER SOUTH
36 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201
301-539-2530
TELECOPIER 301-539-0489
CABLE PIPERMAR BAL
TELEX 908054

1200 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036
202-861-3900

WRITER'S DIRECT NUMBER
576-1894

July 25, 1988

Mr. J. Robert Haines
Zoning Commissioner
of Baltimore County
111 West Chesapeake Avenue
Room 109
Towson, Maryland 21204

Re: Pine Hill Farms
Case No. 88-347-SPH

Dear Commissioner Haines:

Please find enclosed copies of deeds for Lots 3 and 5 at Pine Hill Farms, to be made a part of the file for Case No. 88-347-SPH pursuant to your zoning order of February 24. These deeds have been recorded among the Land Records of Baltimore County.

This should be the last of the deeds which are required for the Pine Hill Farms case file. Please do not hesitate to call if you have any questions or need further assistance.

Sincerely,

Thomas E.D. Millspaugh

TEDM/htw
Enclosures

RECEIVED
JUL 26 1988
MICROFILM
ZONING OFFICE

9710g:07/25/88
15335-1

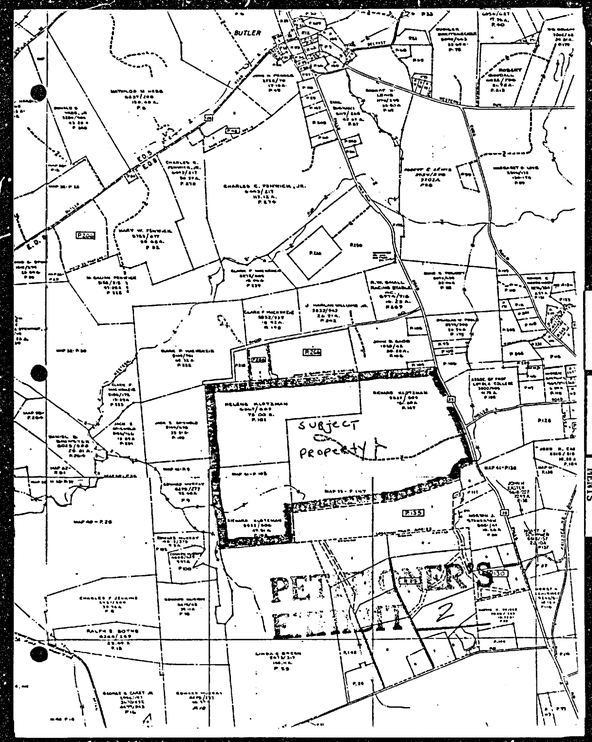
GADD ROAD REALTY CORPORATION

OWNER OF

PINE HILL FARMS

Case No. 88-347-SPH

MICROFILMED



PINE HILL FARMS

PROPERTY DESCRIPTION - LAND

The subject property is located along the West side of Falls Road (Maryland Route 25) approximately one-half mile south of Butler Road opposite Miller Road in the Eighth Election District, Baltimore County, Maryland. The State Department of Assessments & Taxation lists the 276.51 acres as follows:

Maps 40/41:

Parcel 147 -	151.60 acres
Parcel 101 -	75.00 acres
Parcel 105 -	45.91 acres
	276.51 acres

Access to the property is through a winding, paved driveway extending westerly from Falls Road to the center of the property. Additionally, there is a 16-foot right-of-way extending from the end of Gadd Road in a southerly direction to Parcel 101. This right-of-way will not be used for the development of the property and will only serve access to the two adjoining neighbors. Generally speaking, the property is gently rolling and partially wooded with two spring-fed ponds. The topography is ideal for agricultural purposes as it has been used for pastures and corn and soybean cultivation. The property is improved with wood fencing and is divided into various fields and pastures for approximately two-thirds of the total. Because of the varied topograhic features of the property, the reader is referred to the topographic plat located in the back of this report.

PROPERTY DESCRIPTION - IMPROVEMENTS

The property address for the main house is 14234 Falls Road. The main house is a large 14-room residence containing approximately 14,000 square feet of living space. It is a two-level contemporary building constructed in 1962 and renovated in 1984. It is constructed of stone, steel and wood with concrete grooved shingle roofs in the style of Oriental pagodas. Design features include the use of quarry tile, custom cabinetry, extensive built-ins, glass walls and four illuminated custom-designed

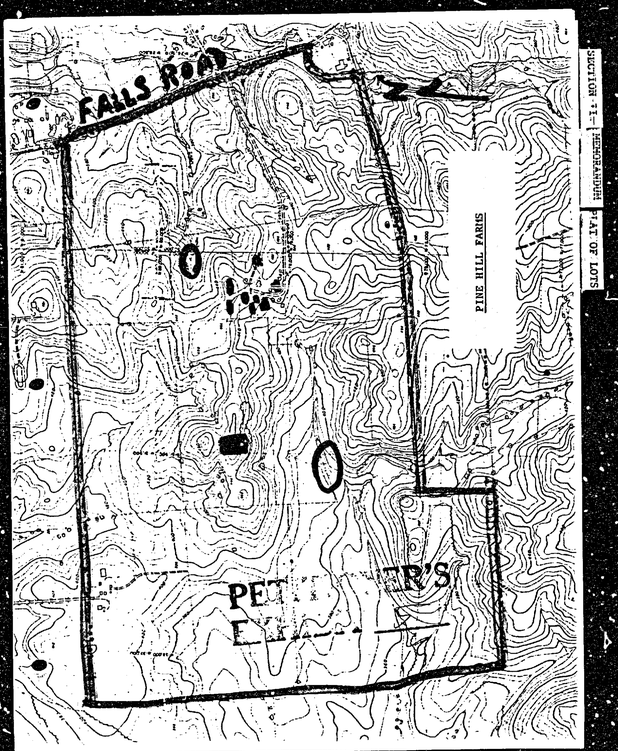
PETITIONER'S EXHIBIT 3

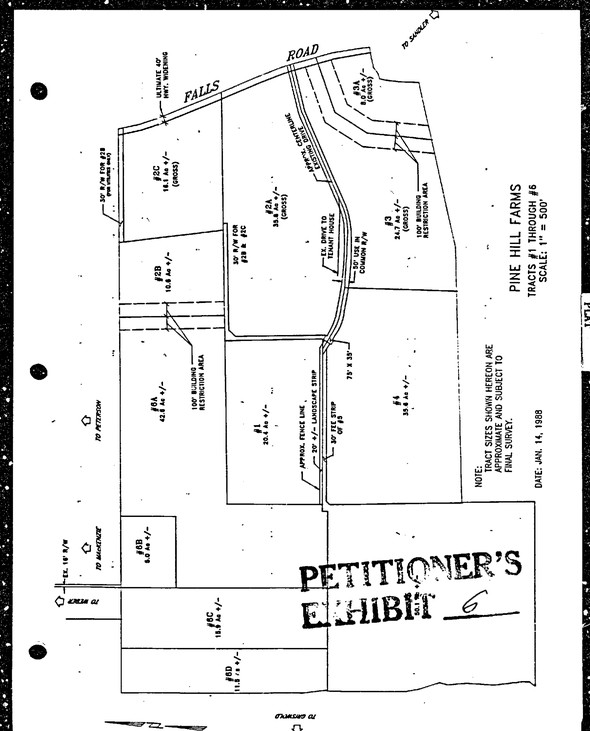
Pine Hill Farms

Looking in an easterly direction towards Falls Road showing the main house in the lower half of the photo and the farm out-buildings in the upper half of the photo.

Pine Hill Farms

Looking in an easterly direction towards Falls Road. The orange tree at the bottom of the photo is located at the entrance to the main house directly above the farm out-buildings located on the 35.8 acre parcel fronting on the west side of Falls Road.





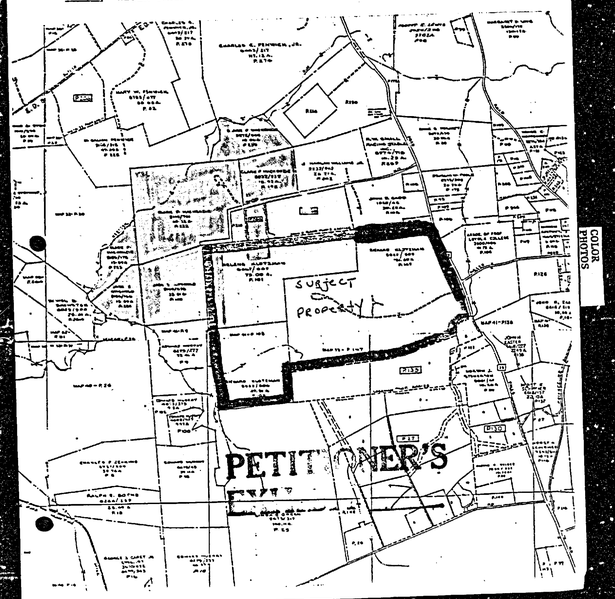
GRISWOLD FARM

PETERSON FARM

MACKENZIE FARM

SANDLER FARM

WEBER FARM



PINE HILL FARMS

Looking in a Westerly direction from Falls Road at the driveway serving access to the existing and proposed improvements.

PETITIONER'S EXHIBIT 8A

Looking in a Northwesterly direction from a point halfway from Falls Road to the main house, towards the main house and fenced pastures.

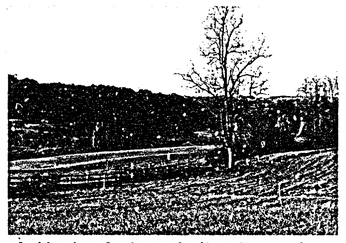
PINE HILL FARMS

Stone farm house as seen from [illegible]

PETITIONER'S EXHIBIT 8B

Farm out-buildings.

PINE HILL FARMS

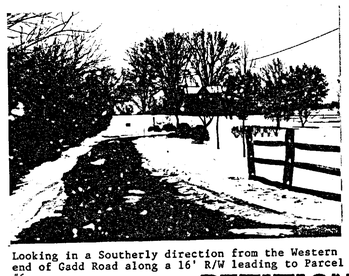


Looking in a Southwesterly direction towards pond on Parcel #4 and wooded portion of Parcel #5 in background.

PETITIONER'S EXHIBIT 8C

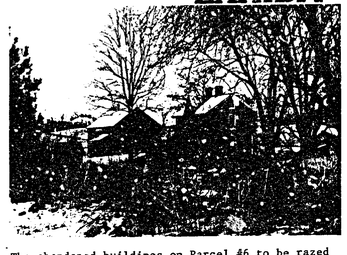
Looking in a Southerly direction across Parcel #6 towards wooded portion of Parcel #5 from the Northwesterly boundary of the property. (Soybean and corn crops.)

PINE HILL FARMS



Looking in a Southerly direction from the Western end of Gadd Road along a 16' R/W leading to Parcel #6.

PETITIONER'S EXHIBIT 8D

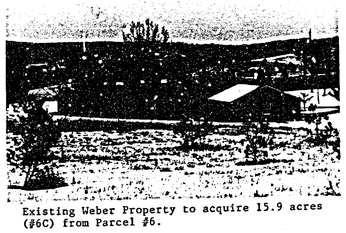


The abandoned buildings on Parcel #6 to be razed in the spring (only the large barn to remain).

PINE HILL FARMS

Existing Peterson Property to acquire 42.6 acres (#6A) from Parcel #6.

PETITIONER'S EXHIBIT 8E

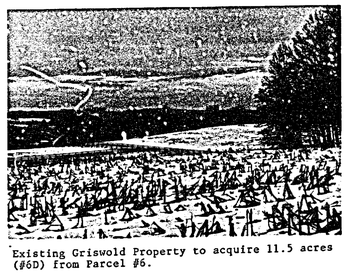


Existing Weber Property to acquire 15.9 acres (#6C) from Parcel #6.

PINE HILL FARMS

Existing MacKenzie Property to acquire 5.0 acres (#6B) from Parcel #6.

PETITIONER'S EXHIBIT 8F



Existing Griswold Property to acquire 11.5 acres (#6D) from Parcel #6.

SECTION III

H.O.A.

DECLARATION

LIBER 7738 PAGE 291

10

DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS
AND GRANT OF EASEMENTS

(Pine Hill Farms)

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND GRANT OF EASEMENTS (the "Declaration") is made this 1st day of November, 1987, by GWPW GADD ROAD PARTNERS, a Maryland general partnership ("GWPW"), GADD ROAD REALTY CORPORATION, a Maryland corporation ("Realty"), and ERVIN S. NAYLOR ("Naylor"), together hereinafter referred to as the Declarants.

DECLAR 135.00
SM CLERK 135.00
#30541 C001 ROZ T09:53
12/02/87

WITNESSETH:

WHEREAS, GWPW is the owner of certain property located in Baltimore County, Maryland, which is more particularly described and set out in Exhibit A attached hereto and made a part hereof; and

WHEREAS, Realty is the owner of certain property adjacent to the properties owned by GWPW and by Naylor and located in Baltimore County, Maryland, which is more particularly described and set out in Exhibit B attached hereto and made a part hereof; and

WHEREAS, Naylor is the owner of certain property adjacent to the properties owned by GWPW and by Realty and located in Baltimore County, Maryland, which is more particularly described and set out in Exhibit C attached hereto and made a part hereof; and

WHEREAS, the parties desire to protect the aesthetic appearance and the rural character of their property; and

WHEREAS, Realty desires to subdivide the property described in Exhibit B into seven separate parcels, to provide for the sale of all such parcels, to provide for the development of such parcels in conformity with the aesthetic appearance of the neighboring properties, and to provide for the protection of the rural character of all such properties in conformity with the intents and desires of the parties; and

WHEREAS, Naylor desires to use the property described in Exhibit C as a residence and to provide for the protection of the rural character of such property in conformity with the intents and desires of the parties; and

RECEIVED FOR TRANSFER
State Department of Assessments & Taxation
for Baltimore County
12/1/87

TRANSFER TAX NOT REQUIRED
STATE DEPARTMENT OF ASSESSMENTS OF MARYLAND
Authorized Signature
Exempt per Sec. 11-[illegible]

8235p:11/30/87
15335-1

CAMBRIDGE TITLE COMPANY
1910 Charles Center South
36 South Charles Street
Baltimore, Maryland 21201
(301) 547-1491

-1-

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
DATE 12/1/87

PETITIONER'S EXHIBIT 9

CONSERVATION EASEMENT
CHARLES C. CARROLL
ATTORNEY AT LAW

LIBER 7738 PAGE 278

DEED OF CONSERVATION EASEMENT

THIS DEED OF CONSERVATION EASEMENT ("Conservation Easement") made this 30th day of November, 1987, by and between IRVIN S. NAYLOR ("Grantor"); and the AMERICAN FARMLAND TRUST ("Grantee").

C REC'F 54.00
REC'D 54.00
SM CLERK
#20540 CO01 R02 TO:133
12/02/87

Witnesseth:

WHEREAS the American Farmland Trust is charitable in nature and is created and exists pursuant to the laws of the District of Columbia as a nonprofit corporation to conserve the natural and scenic qualities of the environment;

WHEREAS Grantor is the owner in fee simple of certain real property ("Property") hereinafter described, situate, lying and being in the 8th Election District of Baltimore County, Maryland, and more particularly described in Exhibit A attached hereto;

WHEREAS the Property has open-space conservation value in its present state as a natural and rural area that has not been subject to development;

WHEREAS Grantor is willing to grant a perpetual Conservation Easement over the Property, thereby restricting and limiting the use of the land and contiguous water areas of the Property, on the terms and conditions and for the purposes hereinafter set forth, and Grantee is willing to accept such Conservation Easement;

WHEREAS Grantor and Grantee recognize the environmental open-space value of the Property in its present state;

WHEREAS Grantor and Grantee have a common purpose in conserving the dominant scenic, cultural, rural, agricultural, woodland and wetland character of the Property, and, except as hereinafter provided, preventing the use or development of the

AGRICULTURAL TRANSFER TAX IS NOT APPLICABLE
SIGNATURE OF OWNER OR AGENT DATE 12/1/87
RECEIVED FOR TRANSFER
State Department of Assessments and Taxation
12/1/87

CAMBRIDGE TITLE COMPANY
1910 Charles Center South
36 South Charles Street
Baltimore, Maryland 21201
(301) 547-1401

PETITIONER'S EXHIBIT 10

THE VALLEYS PLANNING COUNCIL, INC.

212 Washington Avenue
P.O. Box 5402
Towson, Maryland 21285-5402
301/337-6877

November 19, 1987

Joshua Wheeler, Chairman
Planning Board of Baltimore County
c/o Office of Planning and Zoning
New Courts Building
Towson, MD 21204

Dear Mr. Wheeler,

The Valleys Planning Council, Inc. supports the request for a waiver of the CRG process on the Klotzmann property. The neighboring property owners have worked very hard to maintain the rural character of this property. We feel very strongly that the proposed limited development under the current zoning is the best use that could occur in this area.

The co-operation between the developer and the adjoining property owners in seeking a land use for this property that is compatible with the surrounding land should be applauded. Therefore we feel that waiving the CRG requirements, in this case, will speed the settlement of the question of what will happen to this property.

Very truly,
Richard B. Buck
Richard B. Buck,
President

cc.
Harry Weber, President
Gadd Road Association

PETITIONER'S EXHIBIT 11

THE LAND PRESERVATION TRUST INC.
P.O. BOX 5585, TOWSON, MARYLAND 21285-5585
301-621-1045

November 19, 1987

Joshua Wheeler, Chairman
Planning Board of Baltimore County
c/o Office of Planning and Zoning
New Courts Building
Towson, MD 21204

Dear Mr. Wheeler,

I am writing to you to confirm our support for the efforts of the Gadd Road Association in retaining the rural character of the Klotzmann property. We feel strongly that the property should be retained in agricultural use.

The neighbors' willingness to create an alliance to ensure in perpetuity the open space sets a fine example for other lands in the valleys. We think this co operation between developer, adjacent landowners and the County sets an outstanding precedent for the future.

We see no reason why this arrangement should be required to go through the CRG process.

Very truly yours,
Douglas V. Croker, III
Douglas V. Croker, III
Vice-President

cc.
Harry Weber, President
Gadd Road Association

PETITIONER'S EXHIBIT 12

Thomas D. Washburne, Jr. · William M. Brewster · Douglas V. Croker III · Archie W. Brewster · Lawrence P. Naylor III · Robert H. Levy · Stuart A. James III · Governor C. Dodd, Jr. · Garland P. Moore, Jr. · Douglas Carroll · Fenton S. Cockrell, Jr. · Mitchell K. Hoit

---

GADD ROAD ASSOCIATION, INC.
2403 Gadd Road
Cockeysville, Maryland 21030

November 18, 1987

Mr. Norman E. Gerber
Director
Office of Planning & Zoning
Courts Building
Towson, Maryland 21204

Re: 276-Acre Farm, West Side Falls Road
Opposite Miller Road, Eighth Election District
Baltimore County, Maryland (Richard Klotzman Property)

Dear Mr. Gerber:

The purpose of this letter is to explain to you and the members of the Planning Board and the planning staff of Baltimore County our desire to obtain a waiver from the C.R.G. process and plan for the division and ultimate transfer of the above-referenced property to the neighbors and selected purchasers. The property is presently owned by Richard Klotzman, et al.. Mr. Klotzman's family occupies the main residence, a caretaker occupies the frame and stone tenant house and the entire property is being used for agricultural purposes.

Approximately six months ago, Mr. Klotzman contracted to sell the entire property for use as a corporate, male only, golf course with seven residential homesites. The existing house (containing more than 14,000 square feet of living space) was to be the clubhouse and pro shop. The contract purchaser presented the plans for this development to the neighbors in September. They immediately objected to the proposed use for the following reasons.

1. The proposed use would remove land on one of the largest tracts in the area from agricultural use in an area dominated by active horse breeding and training establishments.

2. The project presented potential traffic problems on Falls Road as the owners planned to stage regional and national golf tournaments as it was their desire for the course to be ranked among the top 50 in the country.

3. The development created concerns as it was felt that it could affect the delicate balance of water available through wells especially on adjacent properties. More than 250,000 gallons of water per day would be required to water the course.

PETITIONER'S EXHIBIT 13

April 15, 1986

CLARK FOWNES MACKENZIE

Chairman of the Board
MacKenzie & Associates, Inc.

Business Address:

2328 West Joppa Road
Suite 200
Lutherville, Maryland 21093

Graduate:

Gilman School(1946-1956)
Baltimore, Maryland

Lawrenceville School (1957-1959)
Lawrenceville, New Jersey

University of Virginia (1960-1963)
(McIntire School of Business, Bachelor of Science in Finance)
Charlottesville, Virginia

Business Education:

American Institute of Real Estate Appraisers

Course I, Theories and Principles (June 1964, University of Virginia)

Course II, Real Estate Appraisal Problems (July 1964, University of Virginia)

Course IV, Condemnation (March 1966, University of Georgia)

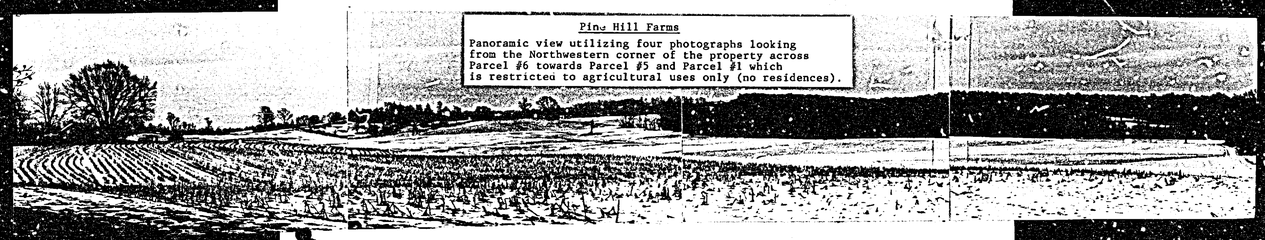
Real Estate Board of Baltimore

Examination III, Rural Properties (September, 1968)

PETITIONER'S EXHIBIT 14

MICROFILMED

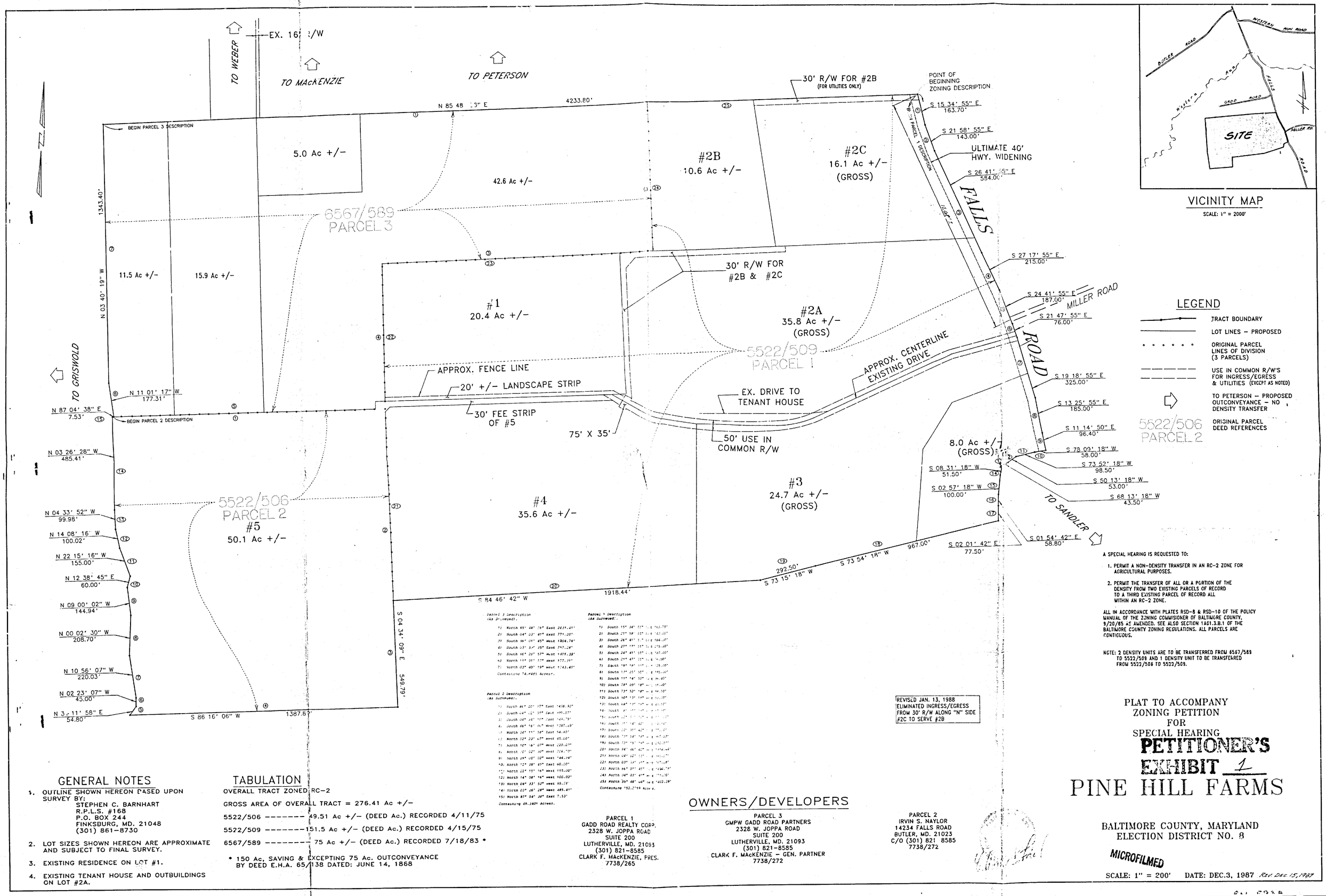
PANORAMIC VIEW OF PINE HILL FARMS



Pine Hill Farms
Panoramic view utilizing four photographs looking from the Northwestern corner of the property across Parcel #6 towards Parcel #5 and Parcel #1 which is restricted to agricultural uses only (no residences).

PETITIONER'S EXHIBIT 15

MICROFILMED



VICINITY MAP

SCALE: 1" = 2000'

LEGEND

- TRACT BOUNDARY
- LOT LINES – PROPOSED
- ORIGINAL PARCEL LINES OF DIVISION (3 PARCELS)
- USE IN COMMON R/W'S FOR INGRESS/EGRESS & UTILITIES (EXCEPT AS NOTED)
- TO PETERSON – PROPOSED OUTCONVEYANCE – NO DENSITY TRANSFER
- 5522/506 PARCEL 2 — ORIGINAL PARCEL DEED REFERENCES

GENERAL NOTES

1. OUTLINE SHOWN HEREON BASED UPON SURVEY BY:
   STEPHEN C. BARNHART
   R.P.L.S. #168
   P.O. BOX 244
   FINKSBURG, MD. 21048
   (301) 861-8730
2. LOT SIZES SHOWN HEREON ARE APPROXIMATE AND SUBJECT TO FINAL SURVEY.
3. EXISTING RESIDENCE ON LOT #1.
4. EXISTING TENANT HOUSE AND OUTBUILDINGS ON LOT #2A.

TABULATION

OVERALL TRACT ZONED: RC-2

GROSS AREA OF OVERALL TRACT = 276.41 Ac +/-

5522/506 -------- 49.51 Ac +/- (DEED Ac.) RECORDED 4/11/75

5522/509 --------151.5 Ac +/- (DEED Ac.) RECORDED 4/15/75

6567/589 -------- 75 Ac +/- (DEED Ac.) RECORDED 7/18/83 *

* 150 Ac, SAVING & EXCEPTING 75 Ac. OUTCONVEYANCE BY DEED E.H.A. 65/138 DATED: JUNE 14, 1868

Parcel 3 Description (As Surveyed).

1) North 85° 48' 26" East 2631.41'
2) South 04° 03' 41" East 771.20'
3) North 86° 01' 45" West 1304.78'
4) South 03° 34' 35" East 747.26'
5) South 86° 20' 57" West 1309.39'
6) North 11° 01' 17" West 177.31'
7) North 03° 40' 19" West 1343.40'

Containing 74.7485 Acres±.

Parcel 2 Description (As Surveyed).

1) North 86° 20' 57" East 1438.92'
2) South 04° 12' 55" East 495.27'
3) South 86° 16' 06" West 1387.62'
4) North 04° 34' 09" West 549.79'
5) North 86° 16' 06" East 54.80'
6) North 02° 23' 07" West 45.00'
7) North 10° 56' 07" West 220.03'
8) North 00° 02' 30" West 208.70'
9) North 09° 00' 02" West 144.94'
10) North 12° 38' 45" East 60.00'
11) North 22° 15' 16" West 155.00'
12) North 14° 08' 16" West 100.02'
13) North 04° 33' 52" West 99.98'
14) North 03° 26' 28" West 485.41'
15) North 87° 04' 38" East 7.53'

Containing 49.3401 Acres.

Parcel 1 Description (As Surveyed).

1) South 15° 34' 55" E 163.70'
2) South 21° 58' 55" E 143.00'
3) South 26° 41' 55" E 584.00'
4) South 27° 17' 55" E 215.00'
5) South 24° 41' 55" E 187.00'
6) South 21° 47' 55" E 76.00'
7) South 19° 18' 55" E 325.00'
8) South 13° 25' 55" E 185.00'
9) South 11° 14' 50" E 96.40'
10) South 78° 00' 18" W 58.00'
11) South 73° 52' 18" W 98.50'
12) South 50° 13' 18" W 53.00'
13) South 68° 13' 18" W 43.50'
14) South 08° 31' 18" W 51.50'
15) South 02° 57' 18" W 100.00'
16) South 73° 54' 18" W 967.00'
17) South 02° 01' 42" E 77.50'
18) South 73° 15' 18" W 292.50'
19) South 73° 54' 18" W 967.00'
20) South 86° 46' 42" W 1918.44'
21) North 04° 02' 55" E 549.79'
22) North 03° 34' 35" W 747.26'
23) North 86° 01' 45" E 1304.78'
24) North 04° 03' 41" W 771.20'
25) North 85° 48' 26" E 1402.39'

Containing 152.2719 Acre±.

REVISED JAN. 13, 1988
ELIMINATED INGRESS/EGRESS FROM 30' R/W ALONG "N" SIDE #2C TO SERVE #2B

A SPECIAL HEARING IS REQUESTED TO:

1. PERMIT A NON-DENSITY TRANSFER IN AN RC-2 ZONE FOR AGRICULTURAL PURPOSES.
2. PERMIT THE TRANSFER OF ALL OR A PORTION OF THE DENSITY FROM TWO EXISTING PARCELS OF RECORD TO A THIRD EXISTING PARCEL OF RECORD ALL WITHIN AN RC-2 ZONE.

ALL IN ACCORDANCE WITH PLATES RSD-8 & RSD-10 OF THE POLICY MANUAL OF THE ZONING COMMISIONER OF BALTIMORE COUNTY, 9/20/85 AS AMENDED. SEE ALSO SECTION 1A01.3.B.1 OF THE BALTIMORE COUNTY ZONING REGULATIONS. ALL PARCELS ARE CONTIGUOUS.

NOTE: 2 DENSITY UNITS ARE TO BE TRANSFERRED FROM 6567/589 TO 5522/509 AND 1 DENSITY UNIT TO BE TRANSFERRED FROM 5522/506 TO 5522/509.

OWNERS/DEVELOPERS

PARCEL 1
GADD ROAD REALTY CORP.
2328 W. JOPPA ROAD
SUITE 200
LUTHERVILLE, MD. 21093
(301) 821-8585
CLARK F. MacKENZIE, PRES.
7738/265

PARCEL 3
GMPW GADD ROAD PARTNERS
2328 W. JOPPA ROAD
SUITE 200
LUTHERVILLE, MD. 21093
(301) 821-8585
CLARK F. MacKENZIE – GEN. PARTNER
7738/272

PARCEL 2
IRVIN S. NAYLOR
14234 FALLS ROAD
BUTLER, MD. 21023
C/O (301) 821 8585
7738/272

PLAT TO ACCOMPANY
ZONING PETITION
FOR
SPECIAL HEARING

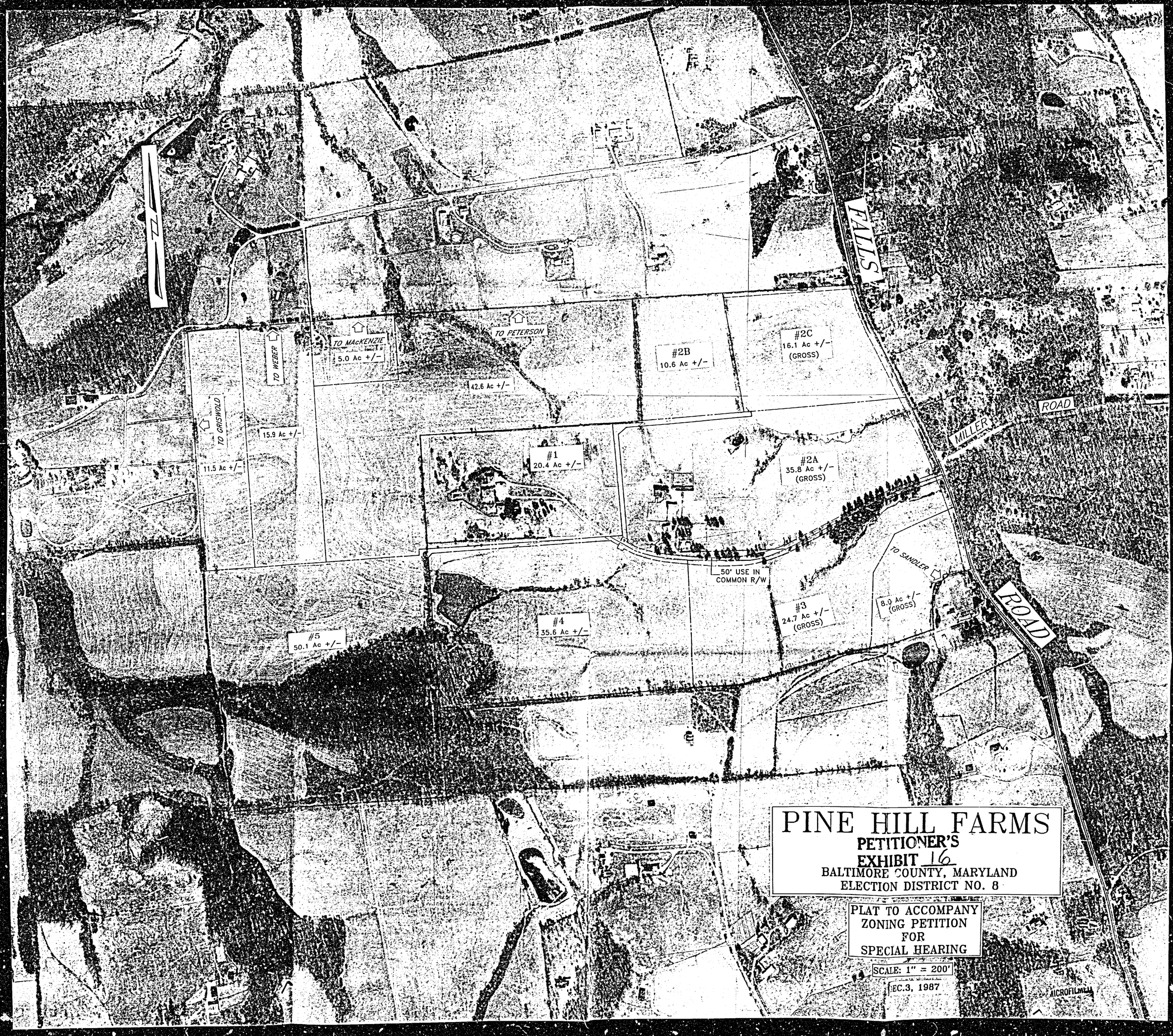
PETITIONER'S EXHIBIT 1

PINE HILL FARMS

BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT NO. 8

MICROFILMED

SCALE: 1" = 200' DATE: DEC.3, 1987 *Rev. Dec 15, 1987*



PINE HILL FARMS

PETITIONER'S
EXHIBIT 16

BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT NO. 8

PLAT TO ACCOMPANY
ZONING PETITION
FOR
SPECIAL HEARING

SCALE: 1" = 200'

EC.3, 1987

MICROFILMED

(c) protect both natural and man-made resources from compromising effects of specific forms and densities of development; [and]

(d) protect areas desirable for more intensive future development by regulating undesirable forms of development within these areas until such time as intensive development commences.

As set forth in BCZR Section 1A01.1B, the RC-2 Zone was established "to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban use." The foregoing criteria can be summarized in two general ways: (a) conservation of agricultural uses and (b) providing for suitable, orderly development that is compatible with such agricultural uses. The Petitioners' request fulfills these criteria.

1. Fostering Continued Agricultural Use.

By transferring all density units out of the 75 acre parcel, the Petitioners acknowledge that such acreage can no longer be counted for density purposes. Petitioners have unilaterally gone one step further and have recorded a Declaration of Covenants, Conditions and Restrictions and Grant of Easements in the Land Records of Baltimore County (Liber 7738, page 291) which provides not only that the density in that area be transferred, but that no improvements, except those related to agricultural or farm uses, ever be constructed on the 75 acre parcel. Without this transfer of density, 2

building lots could be placed on the 75 acre parcel. However, with a density transfer and the recorded covenants, that land will always be kept open and preserved for agricultural uses. In the recent past, this property has been farmed for the raising of wheat, corn, hay and soybeans. The Petitioners intend to continue agricultural activities and will utilize the 75 acre parcel for pasture for tending of horses which are located on the adjoining properties. It is doubtful that such extensive use could continue on the 75 acre parcel if it were subdivided into two separate building lots as is now permitted under BCZR 1A01.3.B.

As to the 50 acre parcel, by transferring 1 density unit to the 151 acre parcel, there will remain density only for one principal dwelling. Irvin Naylor, the owner of the 50 acre parcel, has already conveyed development rights to this property to the American Farmland Trust pursuant to a Deed of Conservation Easement, which was recorded among the Land Records of Baltimore County on December 1, 1987 (Liber 7738, page 278). Mr. Naylor intends to build a principal dwelling sometime in the future and to continue farming and pasturing activities on the 50 acre parcel. He granted the Conservation Easement in contemplation of the transfer of density in order to further evidence his desire and commitment to the continued use of this parcel for agriculturally related uses.

As to the 151 acre parcel, if the Petitioners' request is approved, it will be divided into lots containing approximately 10.6 acres, 16.1 acres, 20.4 acres, 24.7 acres, 35.6 acres and 35.8 acres. The 35.8 acre parcel is presently improved with barns, stables, tenant house and other agricultural related structures, and it is fully anticipated that these will continue to be used for their intended purposes. All the other parcels are of sufficient size that, given the nature of the land, it is likely that farm and pasturing use will continue over some, if not most, of the area together with the residential uses. As more particularly described below, an 8 acre "non-density" portion of the 151 acre parcel is to be transferred to a neighboring property owner and is expected to be used for pasturing and other purposes in connection with horses kept on that property.

2. Compatible Residential Use.

By shifting density units as described above, 6 building lots (ranging in size from 10.6 acres to 35.8 acres) will be located on the 151 acre parcel. As shown on the plat, the 151 acre parcel is bounded on the east by Falls Road. Shifting the density toward the area of land that abuts a main state road is desirable not only because, in this case, it preserves the agricultural character of the 50 acre and 75 acre interior land, but also it makes good sense from a land planning perspective in fostering less disruptive vehicular

access and more sensible utility availability. Vehicular access to the 75 acre parcel shall be allowed only via Gadd Road to the north. Furthermore, the lot lines for the 151 acre parcel have been drawn along existing hedgerows and treelines to preserve the mature wooded features of the property.

II. TRANSFER OF NON-DENSITY PARCELS

As shown on the plat accompanying the Petitioner's request, the 75 acre parcel is to be divided into lots of 5 acres, 11.5 acres 15.9 acres and 42.6 acres, respectively. An 8 acre portion at the southeast corner of the 151 acre parcel is also shown on the plat. These areas will each be transferred to neighboring property owners to add to their existing holdings. As discussed above, all these lands will be conveyed as "non-density" parcels such that the acreage so conveyed may not be used by the neighboring owners in computing any potential future subdivisions.

This non-density transfer is an integral part of the overall plan for the assemblage of properties, and, for the reasons stated above, will promote the enumerated purposes of RC zones in the conservation of agricultural uses. This type of non-density transfer is described in Zoning Commissioner Policy RSD-8 which permits such non-density transfers. It has been the practice of the Zoning Commissioner in approving non-density transfers that there be covenants and restrictions in the appropriate deeds further confirming that the

non-density parcels not be considered as building lots. (See e.g., Case No. 85-281-SPH (John B. Merryman) Findings of Fact and Conclusions of Law dated April 1, 1985; Case No. 85-104-SPH (William R. Hoy) Findings of Fact and Conclusions of Law dated October 23, 1984). The Petitioners have provided for such restriction in covenants already recorded on the Land Records of Baltimore County, and would further confirm such restrictions in any deeds of the non-density parcels.

III. COMMUNITY SUPPORT

As evidenced by letters to be submitted at the Special Hearing, the Petitioner's request has the support of the Valleys Planning Council, Gadd Road Association, Inc., and the Land Preservation Trust. Testimony will be presented to the effect that the spirit and intent of the BCZR would not be violated if the Petitioners' request is granted and that there will be no adverse impact on the health, safety, and general welfare of the community.

IV. CONCLUSIONS

For the reasons stated above, the Petitioners respectfully submit that their requests are within the spirit and intent of the BCZR provisions respecting RC-2 zones, that, if granted, their requests will retain and foster conditions favorable to the continued agricultural use and productive agricultural areas of Baltimore County and that there will be no adverse impact on the public health, safety, and welfare of

the community. It is further requested that the Zoning Commissioner issue an order that the transfer of density as shown on the plat be approved and that the transfer of the "non-density" parcels to neighboring property owners as shown on the plat be approved, subject, however, to restrictions regarding no further utilization of density, no further subdivison of the subject property, recordation of covenants evidencing such restrictions and preparation and recording of a record plat with the aforesaid restrictions noted thereon to be submitted to the Zoning Commissioner.

Respectfully Submitted

John P. Machen
1100 Charles Center South
36 South Charles Street
Baltimore, Maryland 21201
(301) 576-1768

Attorney for Petitioners

I HEREBY CERTIFY that on this 4 day of January, 1988, a copy of the foregoing Memorandum in Support of Petition for Special Hearing was mailed to Phyllis Cole Freeman, People's Counsel for Baltimore County, and Peter Max Zimmerman, Deputy People's Counsel for Baltimore County, Room 223, Court House, Towson, Maryland 21204.

John P. Machen

MACKENZIE & ASSOCIATES INCORPORATED

Clark F. MacKenzie
Chairman of the Board
Chief Executive Officer

December 3, 1987

Mr. J. Robert Haines
Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Pine Hill Farms

Dear Mr. Haines:

We have submitted to you an Application for a Special Hearing in connection with the consolidation of density units and transfer of non-density units for property located at 16234 Falls Road. I am writing to ask that a hearing be scheduled as soon as possible due to the urgent and unusual nature of this arrangement.

As you may know, this property was recently purchased by a group comprised of my wife and I, Mr. and Mrs. Jack S. Griswold, Mr. and Mrs. Harry J. Weber, Dr. and Mrs. Frederick B. Peterson and Irvin S. Naylor in order to prevent a proposed development of the property into an exclusive "corporate" golf course, which would have been totally out of character with the agricultural and rural nature of this and surrounding properties. In order to acquire the properties, we have had, on very short notice, to incur tremendous expense and take a considerable risk. This is not a profit-making venture. We undertook this for the sole purpose of preserving the agricultural character of this farmland. We are urging your cooperation and assistance in allowing us to have a hearing promptly so that we may proceed to sell portions of the property to purchasers whose use of the property will likewise preserve its agricultural and rural character. We have the full support of the Valleys Planning Council and neighboring property owners.

Thank you very much for your consideration.

Sincerely,

Clark F. MacKenzie

CFM:rcb
Attachment:

cc: James E. Dyer
Zoning Supervisor

REAL ESTATE DEVELOPMENT, LEASING & MANAGEMENT
2328 West Joppa Road
Suite 200
Lutherville, Maryland 21093
(301) 821-8585

Baltimore County
Office of Planning & Zoning
Towson, Maryland 21204
494-3211

Norman E. Gerber
Director

Dennis F. Rasmussen
County Executive

November 20, 1987

Clark F. MacKenzie
2328 W. Joppa Road
Suite 200
Lutherville, Maryland 21093

Re: Klotzman Property
W/S Falls Road @ Miller Road
W-87-328

Dear Mr. MacKenzie:

We have reviewed your waiver application for the above property and have determined that a waiver for the CRG Plan and CRG (meeting/process) as requested, would be within the scope, purpose and intent of the Development Regulations of Baltimore County and is therefore approved. This development shall comply with all other applicable laws, rules and regulations of Baltimore County (Section 22-51). Should you have any questions, please contact Gary Kerns, Chief, Current Planning and Development at 494-3335.

NOTE: This waiver approval letter shall be presented by the applicant when applying for a building permit.

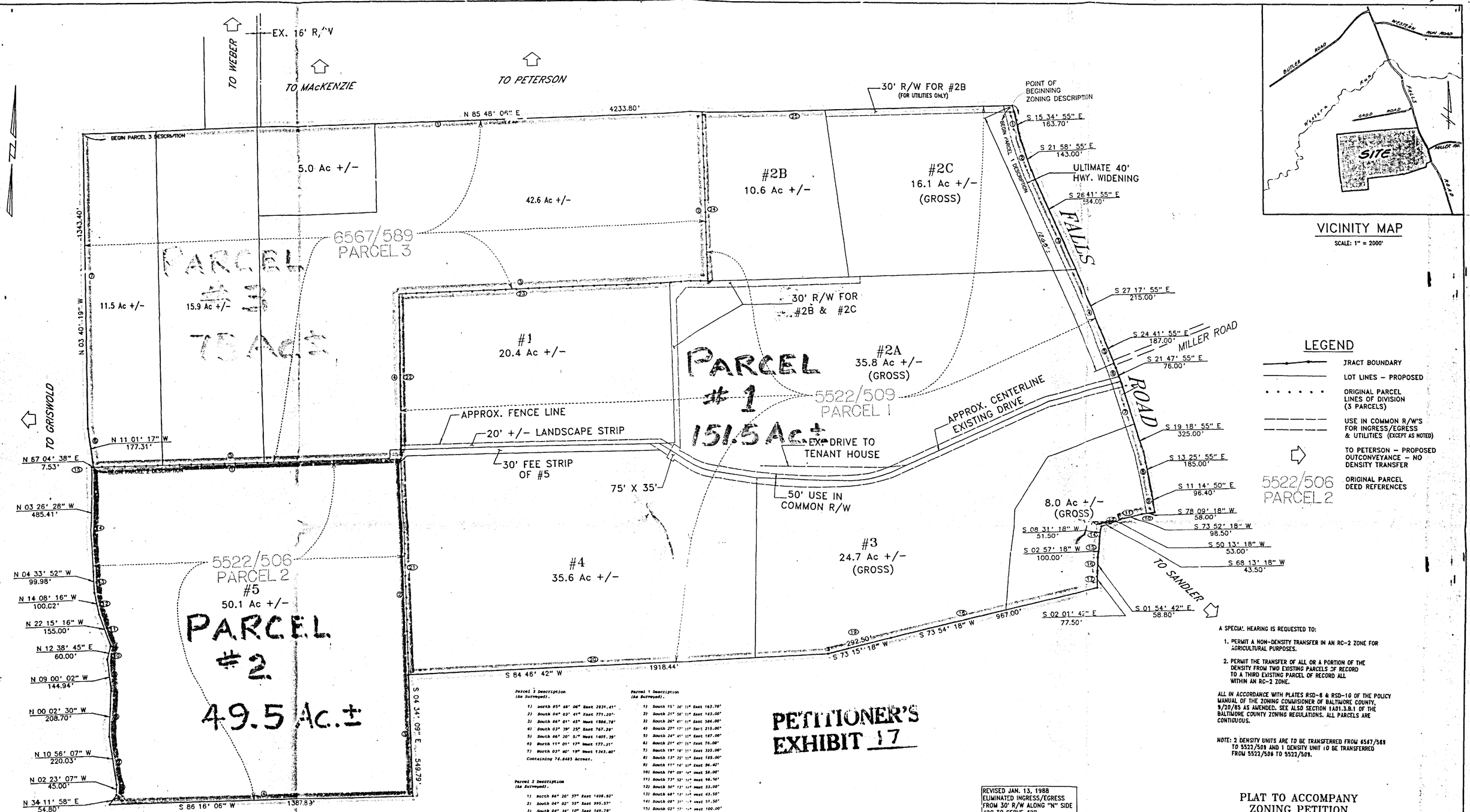
Sincerely yours,

SIGNED: Norman E. Gerber

Norman E. Gerber, AICP
Director of Planning and Zoning

NEG:rh

cc: James A. Markle
Edward A. McDonough
File



VICINITY MAP

SCALE: 1" = 2000'

LEGEND

- TRACT BOUNDARY
- LOT LINES – PROPOSED
- ORIGINAL PARCEL LINES OF DIVISION (3 PARCELS)
- USE IN COMMON R/W'S FOR INGRESS/EGRESS & UTILITIES (EXCEPT AS NOTED)
- TO PETERSON – PROPOSED OUTCONVEYANCE – NO DENSITY TRANSFER
- 5522/506 PARCEL 2 – ORIGINAL PARCEL DEED REFERENCES

A SPECIAL HEARING IS REQUESTED TO:

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ALL IN ACCORDANCE WITH PLATES RSD-8 & RSD-10 OF THE POLICY MANUAL OF THE ZONING COMMISIONER OF BALTIMORE COUNTY, 9/20/85 AS AMENDED. SEE ALSO SECTION 1A01.3.B.1 OF THE BALTIMORE COUNTY ZONING REGULATIONS. ALL PARCELS ARE CONTIGUOUS.

NOTE: 2 DENSITY UNITS ARE TO BE TRANSFERRED FROM 6567/589 TO 5522/509 AND 1 DENSITY UNIT IS TO BE TRANSFERRED FROM 5522/506 TO 5522/509.

PLAT TO ACCOMPANY ZONING PETITION FOR SPECIAL HEARING

PINE HILL FARMS

BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT NO. 8

MICROFILMED

SCALE: 1" = 200' DATE: DEC.3, 1987 Rev Dec 15, 1987

PETITIONER'S EXHIBIT 17

REVISED JAN. 13, 1988
ELIMINATED INGRESS/EGRESS FROM 30' R/W ALONG "N" SIDE #2C TO SERVE #2B

GENERAL NOTES

1. OUTLINE SHOWN HEREON BASED UPON SURVEY BY:
   STEPHEN C. BARNHART
   R.P.L.S. #168
   P.O. BOX 244
   FINKSBURG, MD. 21048
   (301) 861-8730
2. LOT SIZES SHOWN HEREON ARE APPROXIMATE AND SUBJECT TO FINAL SURVEY.
3. EXISTING RESIDENCE ON LOT #1.
4. EXISTING TENANT HOUSE AND OUTBUILDINGS ON LOT #2A.

TABULATION

OVERALL TRACT ZONED RC-2

GROSS AREA OF OVERALL TRACT = 276.41 Ac +/-

5522/506 ------- 49.51 Ac +/- (DEED Ac.) RECORDED 4/11/75

5522/509 -------151.5 Ac +/- (DEED Ac.) RECORDED 4/15/75

6567/589 -------- 75 Ac +/- (DEED Ac.) RECORDED 7/18/83 *

* 150 Ac, SAVING & EXCEPTING 75 Ac. OUTCONVEYANCE BY DEED E.H.A. 265/138 DATED: JUNE 14, 1868

Parcel 3 Description (As Surveyed).

1) North 85° 48' 06" East 2231.41'
2) South 04° 03' 41" East 771.20'
3) South 86° 01' 45" West 1804.78'
4) South 03° 39' 35" East 767.26'
5) South 86° 20' 57" West 1405.39'
6) North 11° 01' 17" West 177.31'
7) North 03° 40' 19" West 1343.40'

Containing 74.8465 Acres.

Parcel 2 Description (As Surveyed).

1) North 86° 20' 57" East 1408.92'
2) South 04° 02' 33" East 995.57'
3) South 04° 34' 10" East 549.79'
4) South 86° 16' 06" West 1387.89'
5) North 34° 11' 58" East 54.80'
6) North 02° 23' 07" West 45.00'
7) North 10° 56' 07" West 220.03'
8) North 00° 02' 30" West 208.70'
9) North 09° 00' 02" West 144.94'
10) North 12° 38' 45" East 60.00'
11) North 22° 15' 16" West 155.00'
12) North 14° 08' 16" West 100.02'
13) North 04° 33' 52" West 99.98'
14) North 03° 26' 28" West 485.41'
15) North 67° 04' 38" East 7.53'

Containing 49.3601 Acres.

Parcel 1 Description (As Surveyed).

1) South 75° 30' 15" East 163.70'
2) South 21° 58' 55" East 143.00'
3) South 26° 41' 55" East 584.00'
4) South 27° 17' 55" East 215.00'
5) South 24° 41' 55" East 187.00'
6) South 21° 47' 55" East 76.00'
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23) North 86° 01' 45" West 1804.78'
24) North 04° 03' 41" West 771.20'
25) North 85° 48' 06" East 2231.39'

Containing 152.2213 Acres.

OWNERS/DEVELOPERS

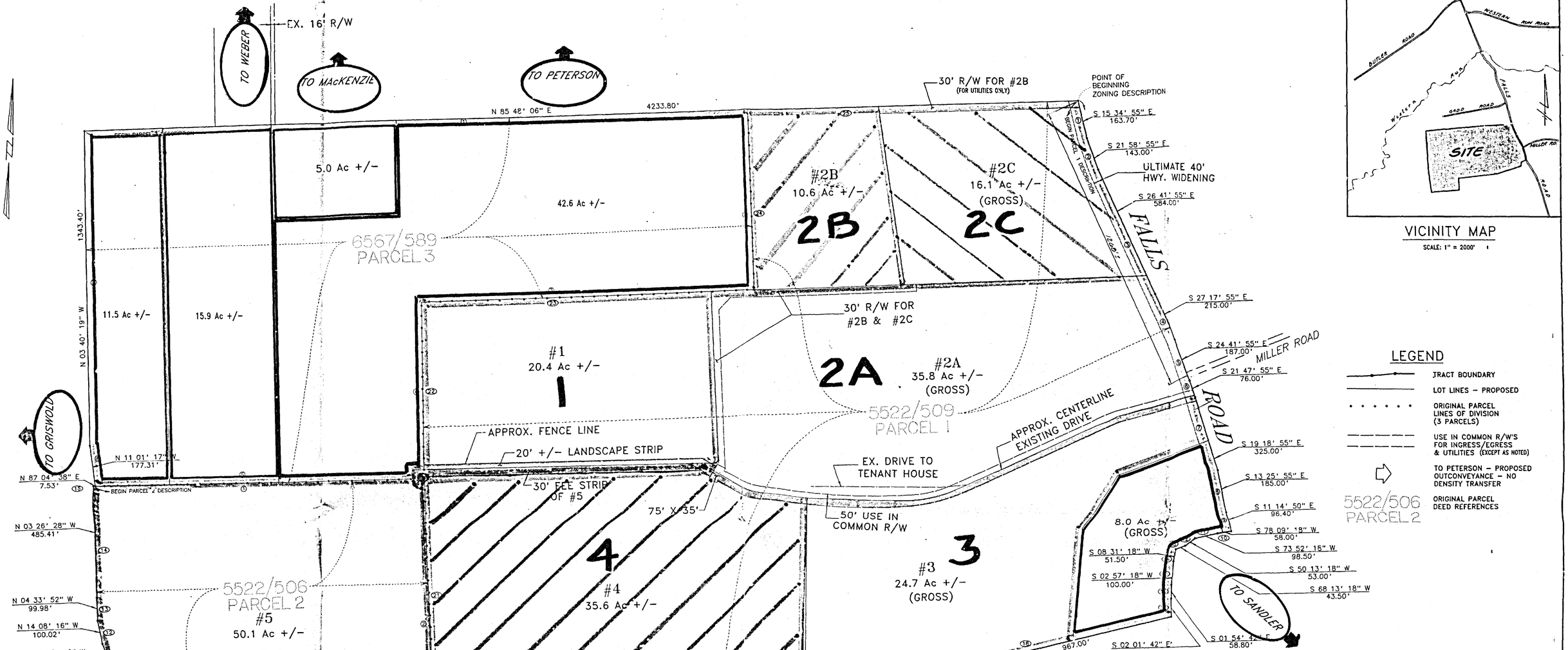
PARCEL 1
GADD ROAD REALTY CORP.
2328 W. JOPPA ROAD
SUITE 200
LUTHERVILLE, MD. 21093
(301) 821-8585
CLARK F. MACKENZIE, PRES.
7738/265

PARCEL 3
GMPW GADD ROAD PARTNERS
2328 W. JOPPA ROAD
SUITE 200
LUTHERVILLE, MD. 21093
(301) 821-8585
CLARK F. MACKENZIE – GEN. PARTNER
7738/272

PARCEL 2
IRVIN S. NAYLOR
14234 FALLS ROAD
BUTLER, MD. 21023
C/O (301) 821-8585
7738/272

STATE OF MARYLAND

PN 5938



VICINITY MAP

SCALE: 1" = 2000'

LEGEND

- TRACT BOUNDARY
- LOT LINES – PROPOSED
- ORIGINAL PARCEL LINES OF DIVISION (3 PARCELS)
- USE IN COMMON R/W'S FOR INGRESS/EGRESS & UTILITIES (EXCEPT AS NOTED)
- TO PETERSON – PROPOSED OUTCONVEYANCE – NO DENSITY TRANSFER
- 5522/506 PARCEL 2 – ORIGINAL PARCEL DEED REFERENCES

A SPECIAL HEARING IS REQUESTED TO:

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2. LOT SIZES SHOWN HEREON ARE APPROXIMATE AND SUBJECT TO FINAL SURVEY.
3. EXISTING RESIDENCE ON LOT #1.
4. EXISTING TENANT HOUSE AND OUTBUILDINGS ON LOT #2A.

TABULATION

OVERALL TRACT ZONED RC-2

GROSS AREA OF OVERALL TRACT = 276.41 Ac +/-

5522/506 ——— 49.51 Ac +/- (DEED Ac.) RECORDED 4/11/75

5522/509 ——— 151.5 Ac +/- (DEED Ac.) RECORDED 4/15/75

6567/589 ——— 75 Ac +/- (DEED Ac.) RECORDED 7/18/83 *

* 150 Ac, SAVING & EXCEPTING 75 Ac. OUTCONVEYANCE BY DEED E.H.A. 65/138 DATED: JUNE 14, 1868

Parcel 3 Description (As Surveyed).

1) North 85° 08' 06" East 2831.41'
2) South 04° 03' 41" East 771.30'
3) South 66° 01' 45" West 1804.78'
4) South 03° 39' 15" East 767.28'
5) South 86° 20' 57" West 1405.39'
6) North 11° 01' 17" West 177.31'
7) North 03° 40' 19" West 1343.40'

Containing 72.6485 Acres±.

Parcel 2 Description (As Surveyed).

1) North 86° 20' 57" East 1498.92'
2) South 04° 02' 55" East 985.57'
3) South 04° 34' 10" East 549.79'
4) South 86° 16' 06" West 1387.89'
5) North 34° 11' 58" East 54.80'
6) North 02° 23' 07" West 45.00'
7) North 10° 56' 07" West 220.03'
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13) North 04° 33' 52" West 99.98'
14) North 03° 26' 28" West 485.41'
15) North 87° 04' 38" East 7.53'

Containing 49.3401 Acres±.

Parcel 1 Description (As Surveyed).

1) South 15° 34' 55" East 163.70'
2) South 21° 58' 55" East 143.00'
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24) North 04° 03' 41" West 771.30'
25) North 85° 42' 06" East 1402.39'

Containing 152.2219 Acres±.

DENSITY TRANSFER

NON DENSITY TRANSFER

REVISED JAN. 13, 1988
ELIMINATED INGRESS/EGRESS FROM 30' R/W ALONG "N" SIDE #2C TO SERVE #2B

PETITIONER'S EXHIBIT 18

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IRVIN S. NAYLOR
14234 FALLS ROAD
BUTLER, MD. 21023
C/O (301) 821-8585
7738/272

PLAT TO ACCOMPANY ZONING PETITION FOR SPECIAL HEARING

PINE HILL FARMS

BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT NO. 8

MICROFILMED

SCALE: 1" = 200' DATE: DEC.3, 1987 Rev Dec. 15, 1987

PN 5938

R. C. 2

R. C. 4

R. C. 4

R. C. 2

RUN

WESTERN

ORCHARD

POOL

PRIVATE RD

PRIVATE RD

FALLS RD

PRIVATE

RDS

25

N-84,000

N-83,000

N-82,000

N-81,000

N-80,000

W-34,500

W-33,000

W-31,500

W-30,000

1956 COMPREHENSIVE ZONING MAP

CC - SE
W - NE

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY, MARYLAND
OFFICIAL ZONING MAP

REVISIONS	BY	DATE	SCALE	LOCATION	SHEET
			1" = 200'		
DATE OF PHOTOGRAPHY				SOUTH OF BUTLER	N. W. 21-F

Compiled By Photogrammetric Methods
MAPS, INCORPORATED - BALTIMORE 22, MARYLAND

MICROFILMED

R. C. 2

R. C. 4

R. C. 2

R. C. 2

R. C. 2

R. C. 2

W. 36,000

W. 34,500

W. 33,000

W. 31,500

W. 30,000

N. 80,000

N. 79,000

N. 78,000

N. 77,000

N. 76,000

WESTERN RUN

PRIVATE RD

(SHEET NW 20-E)

(SHEET NW 20-W)

(SHEET NW 19-F)

W - NE
CC - SE

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY, MARYLAND
OFFICIAL ZONING MAP

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE	1" = 200'	NORTH OF BIG SPRING	N. W. 20-F
		DATE OF PHOTOGRAPHY		

Compiled By Photogrammetric Methods
MAPS, INCORPORATED - BALTIMORE 22, MARYLAND

MICROFILMED

LIBER7873 PAGE144

Frederick B. Peterson
Catharine B. Peterson
Parcel A

DEED IN DISSOLUTION

THIS DEED IN DISSOLUTION is made this 14th day of May, 1988, by and between GMPW GADD ROAD PARTNERS, a Maryland general partnership, the Grantor, and FREDERICK B. PETERSON and CATHARINE B. PETERSON, as tenants by the entireties, the Grantees.

WHEREAS, GMPW Gadd Road Partners makes this Deed simultaneously with other deeds in dissolution of the partnership; and

WHEREAS, this Deed in Dissolution is exempt from recordation and transfer taxes under §§12-108(q) and 13-405(c) of the Tax-Property Article of the Annotated Code of Maryland as a deed to an original partner in dissolution of a partnership.

WITNESSETH, that for no consideration, the said Grantor does hereby grant and convey unto the said Grantees, and successors, heirs and assigns of the Grantees, in fee simple, all that lot of ground, situate and lying in Baltimore County, Maryland, shown as Parcel A on that plat of Pine Hill Farms, dated March 1, 1988, prepared by George William Stephens, Jr. and Associates, Inc., recorded among the Land Records of Baltimore County in Plat Book SM, folio 80.

TOGETHER with the buildings and improvements thereupon erected, made or being and all rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or anywise appertaining.

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 Grantees and successors, heirs, and assigns of such Grantees, in fee simple, forever.

The conveyance provided for herein is subject to the restrictions set forth in the Findings of Fact and Conclusions of Law by the Zoning Commissioner of Baltimore County, Maryland, dated February 24, 1988, Case No. 88-347-SPH. The area of the property hereby transferred may not be considered

AGRICULTURAL TRANSFER TAX NOT APPLICABLE
Prior Deed 7771/272 SIGNATURE [illegible] DATE 5-27-88

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND
by [illegible]

RECEIVED FOR TRANSFER TAX
State Department of Assessments & Taxation
for Baltimore County
DATE 5-27-88

9189g104/13/88
10333-1

LIBER7873 PAGE145

in determining the right to improve or subdivide adjoining land of the Grantees, and the property hereby transferred may not be improved with a dwelling unit or any non-agricultural business operation.

The conveyance provided for herein is also subject to the Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated November 30, 1987, recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 7738, folio 291, as amended by First Amendment to Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated May 12, 1988, recorded among the Land Records in Liber 7871 folio 366.

AND the said Grantor hereby warrants specially the property granted and will execute such further assurances of the same as may be requisite.

IN WITNESS WHEREOF, the parties have caused this Deed in Dissolution to be executed on the day and year written first above.

WITNESS:

GRANTOR:

GMPW GADD ROAD PARTNERS

Teresa C. Bennett

By: Clark F. MacKenzie
Clark F. MacKenzie
General Partner

C RCPT 13.00
SM CLERK 0.00
13.00
#33303 C001 RCT TIC10
05/27/88

STATE OF MARYLAND, COUNTY OF BALTIMORE, To Wit:

I HEREBY CERTIFY that on this 14th day of May, 1988, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Clark F. MacKenzie, known to me (or satisfactorily proven) to be General Partner of GMPW GADD ROAD PARTNERS, a Maryland general partnership, and who, as such General Partner, being authorized to do so, acknowledged execution of the foregoing instrument for the purposes therein contained.

AS WITNESS, my hand and Notarial Seal.

Teresa C. Bennett
NOTARY PUBLIC

My commission expires: 7/1/90

MAIL TO
CAMBRIDGE TITLE COMPANY
1910 Charles Center South
36 South Charles Street
Baltimore, Maryland 21201
(301) 547-1491

-2-

9189g104/13/88
10333-1

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

I HEREBY CERTIFY that the foregoing is a true copy of the original recorded in Liber SM No. 7873 Folio 144 one of the LAND records of Baltimore County.

IN TESTIMONY WHEREOF I hereunto set my hand and affix the seal of the Circuit Court for Baltimore County this 9th day of June 1988

Joyce Munro
Clerk of the Circuit Court of Baltimore County

LIBER7838 PAGE780

D RCPT 27.00

CONFIRMATORY DEED

DEED SM CLERK 0.00 27.00
#42453 C002 RCT T10105
04:18:88

THIS CONFIRMATORY DEED is made this 1st day of April, 1988, from GADD ROAD REALTY CORPORATION, a Maryland corporation, and GMPW GADD ROAD PARTNERS, a Maryland general partnership (the corporation and the partnership collectively as Grantor), to IRVIN S. NAYLOR (as Grantee).

WHEREAS, Gadd Road Realty Corporation conveyed to Grantee certain real property (the "Lot") located in Baltimore County, Maryland by Deed dated November 30, 1987 and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 7738, folio 275, which Deed included a description stating that such Lot consisted of 49.3401 acres. Since the execution and recordation of such Deed, Grantor and Grantee have accomplished a reconfiguration of the Lot conveyed thereby, as part of an overall reconfiguration and subdivision of three parcels including such Lot, which increased the acreage of such Lot to 50.241 acres by inclusion of a fee simple driveway strip. Grantor and Grantee therefore seek to correct the original Deed to reflect the transfer from Grantor to Grantee of the 50.241 acre parcel as newly reconfigured.

WITNESSETH, for the consideration recited in the Deed from the Grantor to the Grantee referred to above, and for no other consideration, the Grantor hereby grants and re-grants, conveys and re-conveys, and confirms to the Grantee, his heirs, personal representatives and assigns, forever, in fee simple all the property located in Baltimore County, Maryland, described on Exhibit A attached hereto and to be known as Lot 7 on the plat of Pine Hill Farms dated March 1, 1988, prepared by George William Stephens, Jr. and Associates, Inc., to be recorded among the Land Records of Baltimore County, Maryland.

TOGETHER with all improvements thereon and the rights, alleys, ways, waters, easements, privileges, appurtenances and advantages belonging or appertaining thereto.

TO HAVE AND TO HOLD the property hereby conveyed unto the Grantee, his heirs, personal representatives and assigns, in fee simple, forever.

AND the Grantor warrants specially the property and will execute such further assurances as may be requisite.

This conveyance is subject to the terms of the Findings of Fact and Conclusions of Law dated February 24, 1988 by the Zoning Commissioner of Baltimore County (Case No. 88-347-SPH). The property described herein may not be further subdivided.

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND
by [illegible]

RECEIVED FOR TRANSFER TAX
State Department of Assessments & Taxation
for Baltimore County
DATE 4-18-88

-1-

9093g101/29/88
10333-1

LIBER7838 PAGE781

IN WITNESS WHEREOF, the undersigned have caused this Confirmatory Deed to be executed on the day and year written first above.

WITNESS:

GADD ROAD REALTY CORPORATION

Teresa C. Bennett

By: Clark F. MacKenzie
Clark F. MacKenzie
President

GMPW GADD ROAD PARTNERS

Teresa C. Bennett

By: Clark F. MacKenzie
Clark F. MacKenzie
General Partner

Nancy J. Adams

Irvin S. Naylor

STATE OF MARYLAND, Carroll County, ss:

I HEREBY CERTIFY that on this 30th day of March, 1988, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Clark F. MacKenzie, President of GADD ROAD REALTY CORPORATION, a Maryland corporation, and that he, as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained and at the same time certified that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer of all or substantially all of the property and assets of the Grantor corporation.

IN WITNESS WHEREOF, I hereunto set my hand and affix my notarial seal.

[SEAL]

Teresa C. Bennett
Notary Public

My commission expires: 7/1/90

-2-

9093g101/29/88
10333-1

88-347-SPH

PIPER & MARBURY
1100 CHARLES CENTER SOUTH
36 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201
301-539-2530
TELECOPIER 301-539-0489
CABLE PIPERMAN BAL
TELEX 908084

WRITER'S DIRECT NUMBER
576-1894

1200 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036
202-861-3900

May 19, 1988

RECEIVED
MAY 20 1988
ZONING OFFICE

Mr. J. Robert Haines
Zoning Commissioner
of Baltimore County
111 West Chesapeake Avenue
Room 109
Towson, Maryland 21204

Re: Pine Hill Farms
Case No. 88-347-SPH

Dear Commissioner Haines:

I am sending to you a copy of a Confirmatory Deed, recorded among the land records of Baltimore County, to be made a part of the file for Case No. 88-347-SPH pursuant to your zoning order of February 24. This Confirmatory Deed corrects the original deed of property at Pine Hill Farms to Irvin Naylor to include a driveway strip.

We will forward copies of all deeds of property at Pine Hill Farms after the various settlements have occurred. Please do not hesitate to call me if you need further assistance.

Sincerely yours,

Thomas E.D. Millspaugh

TEDM/htw
Enclosure

9093g101/29/88
10333-1

LIBER7838 PAGE782

STATE OF MARYLAND, Carroll County, ss:

I HEREBY CERTIFY that on this 30th day of March, 1988, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Clark F. MacKenzie, General Partner of GMPW GADD ROAD PARTNERS, and that he, as such General Partner, being authorized to do so, executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and affix my notarial seal.

[SEAL]

Teresa C. Bennett
Notary Public

My commission expires: 7/1/90

STATE OF ~~MARYLAND~~, Carroll County, ss:

I HEREBY CERTIFY that on this 30th day of March, 1988, before me, the subscriber, a Notary Public of the State of ~~Maryland~~, personally appeared IRVIN S. NAYLOR, and that he executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and affix my notarial seal.

[SEAL]

Nancy Jean Adams
Notary Public

My commission expires: 7/1/90

NANCY J. WEAVER, Notary Public
York, York County, Pa.
My Commission Expires Feb. 25, 1991

-3-

9093g101/29/88
10333-1

EXHIBIT A

LIBER7838 PAGE783

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
P.O. BOX 6828 TOWSON, MARYLAND 21204

Description of Lot 7,
Pine Hill Farms,
containing 50.241 acres of
land more or less.

March 28, 1988

Beginning for the same at a point designated 33, at the southwesternmost corner of Lot 7, shown on a plat entitled "Pine Hill Farms", dated March 1, 1988, recorded or intended to be recorded among the Plat Records of Baltimore County, Maryland, said place of beginning being at the beginning of the 5th or North 34° 11' 58" East 54.80 foot line of that parcel of land described in a Deed dated November 30, 1987 between Gadd Road Realty Corporation and Irvin S. Naylor, recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 7738 folio 275 and at the end of the 15th or South 41° 40' West 55 foot lines of those first parcels of land described in two Deeds dated June 5, 1981 between Edward Murray et al and Edward Murray, recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K., Jr. 6295 folio 277 and E.H.K., Jr. 6295 folio 284, said place of beginning also being in the centerline of a road 15 foot wide at its southernmost end or termination, running thence leaving said place of beginning, binding on said centerline, with the use thereof in common with the owners of the land adjoining to the west, their heirs and assigns and binding on the 5th through the 14th lines of the hereinabove first mentioned deed and binding reversely on the 15th through the 6th lines of said first parcels, also bidning on the western side of Lot 7, as shown on said plat, the ten following courses, viz: (1) North 34° 11' 58" East 54.80 feet, (2) North 02° 23' 07" West 45.00 feet, (3) North 10° 56' 07" West 220.03 feet, (4) North 00° 02' 30" West 208.70 feet, (5) North 09° 00' 02" West 144.94 feet, (6) North 12° 38' 45" East 60.00 feet, (7) North 22° 15' 16" West 155.00 feet, (8) North 14° 09' 16" West 100.02 feet, (9) North 04° 33' 52" West 99.98 feet and (10) North 03° 26' 28" West 495.41 feet to the northernmost end or termination of said road, running thence binding on said northernmost end, binding on the 15th line of the hereinabove first mentioned deed, binding reversely on the 5th line of said first parcels and binding on the northern side of Lot 7, as shown on said plat, (11) North 87° 04' 38" East 7.53 feet, running thence binding on part of the 1st line of the hereinabove first mentioned deed and continuing to bind on the northern side of Lot 7, as shown on said plat, (12) North 86° 20' 57" East 1358.92 feet, running thence continuing to bind on Lot 7, as shown on said plat, the nine following courses, viz: (13) North 03° 39' 03" West 30.00 feet, (14) North

LIBER7838 PAGE784

Description of Lot 7,
Pine Hill Farms,
containing 50.241 acres of
land more or less.

March 28, 1988
Page -2-

86° 20' 57" East 50.00 feet, (15) North 86° 20' 57" East 1200.23 feet, (16) North 03° 58' 15" West 14.93 feet, (17) reversing the bearing shown on said plat, South 60° 51' 51" East 52.60 feet to the end centerline of the 50 foot use in common of-way and reversing the bearing shown on said plat, South 29° 08' 09" West 25.00 right-of-way (private), shown on said plat, (18) binding on the end of said right- feet, (19) North 60° 51' 51" West 8.44 feet, (20) reversing the bearing shown on said plat, South 86° 20' 57" West 1193.74 feet and (21) reversing the bearing shown on the 2nd line of the hereinabove first mentioned deed, running thence binding on part of said 2nd line and binding on the eastern side of Lot 7, as shown on said plat, (22) reversing the bearing shown on said plat, South 04° 02' 55" East 965.57 feet, running thence binding on the 3rd line of the hereinabove first mentioned deed and continuing to bind on the eastern side of Lot 7, as shown on said plat, (23) South 04° 34' 09" East 549.79 feet, running thence binding on the 4th line of the hereinabove first mentioned deed and binding on the southern side of Lot 7, as shown on said plat, (24) South 86° 16' 06" West 1387.89 feet to the place of beginning.

Containing 50.241 acres of land more or less.

Being Lot 7, shown on a plat entitled "Pine Hill Farms", dated March 1, 1988, recorded or intended to be recorded among the Plat Records of Baltimore County, Maryland.

Together with the use of the 50 foot Use in Common Right-of-Way (private), shown on the plat entitled "Pine Hill Farms", dated March 1, 1988, recorded or intended to be recorded among the Plat Records of Baltimore County, Maryland and being more particularly described as follows:

Beginning for the same at the end of the 17th or South 60° 51' 51" East 52.60 foot line of the hereinabove described parcel, running thence binding on the centerline of said right-of-way, shown on said plat, the nine following courses, viz: (1) South 60° 51' 51" East 82.67 feet, (2) southeasterly by a curve to the left having a radius of 300.00 feet for a distance of 134.83 feet, said curve being subtended by a chord bearing South 73° 44' 22" East 133.70 feet, (3) South 86° 36' 53" East 282.56 feet, (4) northeasterly by a curve to the left having a radius of 1000.00 feet for a distance of 137.96 feet, said curve being subtended by a chord bearing North 89° 36' 18" East 137.86 feet, (5) North 85° 49' 39" East 273.95 feet, (6) northeasterly

R.C.2.

R.C.2.

WESTERN

R. C. 4

PLEASANT HILL CHAPEL

B.L.

R. C. 4

R.C.2.

R. C. 4

DD - SW
V - NW

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY, MARYLAND
OFFICIAL ZONING MAP

REVISIONS	SCALE	LOCATION	SHEET
BY DATE	1" = 200'	PLEASANT HILL CHAPEL	N.W. 21-E
	DATE OF PHOTOGRAPHY		

Compiled By Photogrammetric Methods Inc.
MAPS, INCORPORATED - BALTIMORE 22, MARYLAND

MICROFILMED

N.80,000

E.30,000

E.28,500

E.27,000

E.24,000

N.79,000

N.78,000

MILLER RD

FALLS RD

PRIVATE RD

ORCH

CUBA

R. C. 4.

R. C. 2.

R. C. 2.

R. C. 2.

R. C. 2.

ORCHARD

GENTSVILLE

25

(SHEET No. 21)

(SHEET No. 20 E)

INDEX OF ZONING MAP

V-NW
DD-SW

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY, MARYLAND
OFFICIAL ZONING MAP

REVISIONS	BY	DATE	SCALE	LOCATION	SHEET
			1" = 200'	GENTSVILLE	N.W.
			DATE OF PHOTOGRAPHY		20-E

Compiled By Photogrammetric Methods
MAPS, INCORPORATED - BALTIMORE 22, MARYLAND

MICROFILMED

LIBER 7838 PAGE 785

Description of Lot 7,
Pine Hill Farms,
containing 50.241 acres of
land more or less.

March 28, 1988
Page -3-

by a curve to the left having a radius of 500.00 feet for a distance of 193.67 feet, said curve being subtended by a chord bearing North 74° 43' 43" East 192.46 feet, (7) North 63° 37' 56" East 619.70 feet, (8) northeasterly by a curve to the right having a radius of 800.00 feet for a distance of 107.04 feet, said curve being subtended by a chord bearing North 67° 27' 55" East 106.96 feet and (9) North 71° 17' 54" East 333.78 feet to the western side of Falls Road (Md. Rte. 25), shown on said plat.

Return to:
Thomas E. D. Millspaugh
Piper & Marbury
36 S. Charles St.
Balto. Md 21201

PIPER & MARBURY
1100 CHARLES CENTER SOUTH
36 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201
301-539-2530
TELECOPIER 301-539-0489
CABLE PIPE "M" BAL.
TELEX 908-094

WRITER'S DIRECT NUMBER
576-1894

1200 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036
202-861-3900

July 15, 1988

Mr. J. Robert Haines
Zoning Commissioner of Baltimore County
111 West Chesapeake Avenue
Room 109
Towson, Maryland 21204

Re: Pine Hill Farms
Case Number 88-347-SPH

Dear Commissioner Haines:

Please find enclosed copies of deeds for Parcel E and Lots 1, 2, 4 and 6 at Pine Hill Farms, to be made a part of the file for Case Number 88-347-SPH pursuant to your zoning order of February 24. All of these deeds have been recorded among the Land Records of Baltimore County.

We are currently waiting for the deeds to Lots 3 and 5 to be returned from recordation at the Office of Land Records and will forward you copies of those deeds as soon as they are received.

Please do not hesitate to call if you have any questions.

Sincerely,

Ted Millspaugh

Thomas E.D. Millspaugh

TEM/mlr
Enclosures

RECEIVED
JUL 20 1988
ZONING OFFICE

0499A:07/15/88

LIBER 7875 PAGE 632

Paul M. Sandler
Margaret Sandler
Parcel E

DEED

THIS DEED is made this 19th day of May, 1988, by and between GADD ROAD REALTY CORPORATION, the Grantor, and PAUL M. SANDLER and MARGARET SANDLER, as tenants by the entireties, the Grantees.

WITNESSETH, that in consideration of the sum of Eighty-Five Thousand Dollars ($85,000.00), the receipt and sufficiency of which is hereby acknowledged, the said Grantor does hereby grant and convey unto the said Grantees, and successors, heirs and assigns of the Grantees, in fee simple, all that lot of ground, situate and lying in Baltimore County, Maryland shown as Parcel E on the plat dated March 1, 1988, prepared by George William Stephens, Jr. and Associates, Inc., and recorded among the Land Records of Baltimore County in Plat Book 58, folio 86.

TOGETHER with the buildings and improvements thereupon erected, made or being and all rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or anywise appertaining.

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 Grantees and successors, heirs, and assigns of such Grantees, in fee simple, forever.

The conveyance provided for herein shall be subject to the restrictions set forth in the Findings of Fact and Conclusions of Law of the Zoning Commissioner of Baltimore County dated February 24, 1988, Case No. 88-347-SPH. The area of the property hereby transferred may not be considered in determining the right to improve or subdivide adjoining land of the Grantees, and the property hereby transferred may not be improved with a dwelling unit or any non-agricultural business operation.

The conveyance provided for herein is also subject to the Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated November 30, 1987, recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 7738, folio 291, as amended by First Amendment to Declaration of

(Prior Deed 7734/265)

-3-

TRANSFER TAX NOT REQUIRED
AGRICULTURAL TRANSFER TAX NOT APPLICABLE
SIGNATURE
DATE 5/27/88

C 7CT 13.00
DEED 0
SH CLERK 13.00
#52717 C001 R02 T10:10:
06/07/88

13

LIBER 7875 PAGE 633

Covenants, Conditions and Restrictions and Grant of Easements dated May 11, 1988, recorded among the Land Records in Liber 7871, folio 366.

AND the said Grantor hereby warrants specially the property granted and will execute such further assurances of the same as may be requisite.

IN WITNESS WHEREOF, the Grantor and Grantees have executed this Deed on the day and year written first above.

WITNESS:

GRANTOR:

GADD ROAD REALTY CORPORATION

Teresa C. Bennett

By: Clark F. MacKenzie
Clark F. MacKenzie
President

STATE OF MARYLAND, County of Baltimore ss:

I HEREBY CERTIFY that on this 19th day of May, 1988, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Clark F. MacKenzie, President of GADD ROAD REALTY CORPORATION, a Maryland corporation, and that he, as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained and the foregoing instrument for the purposes therein contained and at the same time certified that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer of all or substantially all of the property and assets of the Grantor corporation.

IN WITNESS WHEREOF, I hereunto set my hand and affix my notarial seal.

[SEAL]

Teresa C. Bennett
Notary Public

My commission expires: 7/1/90

AGRICULTURAL TRANSFER TAX NOT APPLICABLE-LETTER OF INTENT
SIGNATURE Peggy DATE 5-27-88

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
BY 5-27-88

Return to:
Cambridge Title Co.
36 S. Charles St.
Balto. Md 21201

-4-

See Misc. LIBER 9 PAGE 56

7898 PAGE 040

CONFIRMATORY DEED

THIS CONFORMATORY DEED, dated June 22, 1988, from GADD ROAD REALTY CORPORATION, a Maryland corporation, acting pursuant to informal action of its Stockholders and its Board of Directors, Grantor, to PP GADD, INC., a Maryland corporation, Grantee.

RECITALS:

A. The Grantor has transferred to the Grantee all or substantially all of the property and assets of the Grantor, including the property described below, which is located in Baltimore County, Maryland.

B. The Grantor has filed Articles of Transfer with the State Department of Assessments and Taxation of the State of Maryland, which Articles of Transfer have been duly approved by that Department.

C. Title to the property below has been transferred by the Articles of Transfer, but the Grantor and the Grantee deem it desirable to evidence the transfer by this Confirmatory Deed.

WITNESSETH, that for NO CONSIDERATION (other than the issuance of capital stock by RP Gadd, Inc. to its parent corporation, Gadd Road Realty Corporation), the said Grantor, in accordance with the provisions of Section 3-115(b)(2)(i) of the Corporations and Associations Article of the Annotated Code of Maryland, does hereby confirm, grant and convey unto the said Grantee, and the successors and assigns of the Grantee, in fee simple, all that lot of ground, situate and lying in Baltimore County, Maryland shown as Lot 1 on the plat dated March 1, 1988, prepared by George William Stephens, Jr. and Associates, Inc., and recorded among the Land Records of Baltimore County in Plat Book 58, folio 86.

TOGETHER with the buildings and improvements thereupon erected, made or being and all rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or anywise appertaining.

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 Grantee and the successors and assigns of such Grantee, in fee simple, forever.

The conveyance hereof shall be subject to the restrictions set forth in the Findings of Fact and Conclusions of Law of the Zoning Commissioner of Baltimore County dated February 24, 1988, Case No. 88-347-SPH. The Property transferred hereby shall not be further subdivided.

(Prior Deed 7734/265)

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
BY 7-5-88

AGRICULTURAL TRANSFER TAX NOT APPLICABLE
SIGNATURE

7898 PAGE 041

The conveyance hereof is also subject to the Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated November 30, 1987, recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 7738, folio 291, as amended by First Amendment to Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated May 19, 1988, recorded among the Land Records in Liber 7871, folio 366.

The conveyance hereof is also made subject to the Deed of Trust from the Grantor to Philip Carroll and Joseph V. Prado, trustees, which Deed of Trust is recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 7738, folio 324, and by the Second Deed of Trust from Grantor to Steven A. Lorwy and Robert E. Scher, which Deed of Trust is recorded among the aforsaid Land Records in Liber S.M. 7738, folio 388.

AND the said Grantor hereby warrants specially the Property granted and will execute such further assurances of the same as may be requisite.

IN WITNESS WHEREOF, the Grantor has executed this Confirmatory Deed on the day and year written first above.

WITNESS:

GRANTOR:

GADD ROAD REALTY CORPORATION

Teresa C. Bennett

By: Clark F. MacKenzie
Clark F. MacKenzie
President

C 7CT 12.00
DEED 0 M
SH CLERK 12.00
#52715 C001 R02 T11:19
06/23/88

STATE OF MARYLAND, County of Maryland, ss:

I HEREBY CERTIFY that on this 21st day of June, 1988, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Clark F. MacKenzie, President of GADD ROAD REALTY CORPORATION, a Maryland corporation, and that he, as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and affix my notarial seal.

[SEAL]

Teresa C. Bennett
Notary Public

My commission expires: 7/1/90

Return to:
Cambridge Title Co.
36 South Charles St.
21201

-2-

7898 PAGE 036

DEED LOT 2

THIS DEED is made this 14th day of June, 1988, by and between GADD ROAD REALTY CORPORATION (the "Grantor") and ROLAND R. MacKENZIE (the "Grantee").

WITNESSETH, that in consideration of the sum of Eight Hundred Fifty Thousand Dollars ($850,000), paid by Bishop's Pond, Inc. ("Bishop"), the receipt and sufficiency of which is hereby acknowledged by the Grantor, the said Grantor, at the direction of Bishop, does hereby grant and convey unto the Grantee, as Bishop's designee, and the successors, heirs and assigns of the Grantee, in fee simple, all that lot of ground, situate and lying in Baltimore County, Maryland shown as Lot 2 on the plat dated March 1, 1988, prepared by George William Stephens, Jr. and Associates, Inc., and recorded among the Land Records of Baltimore County in Plat Book 58 folio 86, entitled Pine Hill Farms.

TOGETHER with the buildings and improvements thereupon erected, made or being and all rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or anywise appertaining.

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 Grantee and the successors, heirs, and assigns of such Grantee, in fee simple, forever.

The conveyance hereof shall be subject to the restrictions set forth in the Findings of Fact and Conclusions of Law of the Zoning Commissioner of Baltimore County dated February 24, 1988, Case No. 88-347-SPH. The property transferred hereby shall not be further subdivided.

The conveyance hereof is also subject to the Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated November 30, 1987, recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 7738, folio 291, as amended by First Amendment to Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated May 19, 1988, recorded among the Land Records in Liber 7871, folio 366.

AND the said Grantor hereby warrants specially the property granted and will execute such further assurances of the same as may be requisite.

(Prior Deed 7734/265)

AGRICULTURAL TRANSFER TAX NOT APPLICABLE-LETTER OF INTENT
SIGNATURE Teresa DATE 6-23-88

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
BY 6/23/88

RETURN TO:
CAMBRIDGE TITLE COMPANY
36 SOUTH CHARLES STREET
BALTIMORE MD 21201
547-1434

B 0 021***1360000** 623.5

7898 PAGE 037

IN WITNESS WHEREOF, the Grantor has executed this Deed on the day and year written first above.

WITNESS:

GRANTOR:

GADD ROAD REALTY CORPORATION

Teresa C. Bennett

By: Clark F. MacKenzie
Clark F. MacKenzie
President

STATE OF MARYLAND, County of Baltimore, ss:

I HEREBY CERTIFY that on this 14th day of June, 1988, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Clark F. MacKenzie, President of GADD ROAD REALTY CORPORATION, a Maryland corporation, and that he, as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained and at the same time certified that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer of all or substantially all of the property and assets of the Grantor corporation.

IN WITNESS WHEREOF, I hereunto set my hand and affix my notarial seal.

[SEAL]

Teresa C. Bennett
Notary Public

My commission expires: 7/1/90

C:GADD.DEE

C 7CT
C TX
C INTS
DEED
SH CLERK
#52717 C001 R02

-2-

PIPER & MARBURY
1100 CHARLES CENTER SOUTH
36 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201
301-539-2530
TELECOPIER 301-539-0489
CABLE "PIPERMAN BAL"
TELEX 908094

WRITER'S DIRECT NUMBER
576-1894

1200 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036
202-861-3900

July 25, 1988

Mr. J. Robert Haines
Zoning Commissioner
of Baltimore County
111 West Chesapeake Avenue
Room 109
Towson, Maryland 21204

Re: Pine Hill Farms
Case No. 88-347-SPH

Dear Commissioner Haines:

Please find enclosed copies of deeds for Lots 3 and 5 at Pine Hill Farms, to be made a part of the file for Case No. 88-347-SPH pursuant to your zoning order of February 24. These deeds have been recorded among the Land Records of Baltimore County.

This should be the last of the deeds which are required for the Pine Hill Farms case file. Please do not hesitate to call if you have any questions or need further assistance.

Sincerely,

Thomas E.D. Millspaugh

TEDM/htw
Enclosures

RECEIVED
JUL 26 1988
ZONING OFFICE

9710g:07/25/88
15335-1

LOT 3

DEED

THIS DEED is made this 17th day of June, 1988, by and between GADD ROAD REALTY CORPORATION, (the "Grantor"), and EDWARD B. HUTTON, JR. and GEORGIE S. HUTTON, as tenants by the entireties, (the "Grantees").

WITNESSETH, that in consideration of the sum of Three Hundred Sixty-Three Thousand Dollars ($363,000), the receipt and sufficiency of which is hereby acknowledged, the said Grantor does hereby grant and convey unto the said Grantees, and successors, heirs and assigns of the Grantees, in fee simple, all that lot of ground, situate and lying in Baltimore County, Maryland shown as Lot 3 on the plat dated March 1, 1988, prepared by George William Stephens, Jr. and Associates, Inc., and recorded among the Land Records of Baltimore County in Plat Book 58, folio 86.

BEING a portion of that real property which by Deed dated November 30, 1987 and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 7738, folio 265 was conveyed from Richard G. Klotzman and Helene M. Klotzman to Grantor.

TOGETHER with the buildings and improvements thereupon and all rights, privileges, appurtenances and advantages to the same belonging; and together with use in common with others of Pine Hill Farms Lane for access to Falls 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 Grantees as tenants-by-the entireties and successors, heirs, and assigns of such Grantees, in fee simple, forever.

The conveyance hereof shall be subject to the restrictions set forth in the Findings of Fact and Conclusions of Law of the Zoning Commissioner of Baltimore County dated February 24, 1988, Case No. 88-347-SPH. The property transferred hereby shall not be further subdivided.

The conveyance hereof is also subject to the Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated November 30, 1987, recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 7738, folio 291, as amended by First Amendment to Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated May 19, 1988, recorded among the Land Records in Liber 7871, folio 366.

AND the said Grantor hereby warrants specially the property granted and will execute such further assurances of the same as may be requisite.

-1-

9590g:06/03/88
15335-1

IN WITNESS WHEREOF, the Grantor has executed this Deed on the day and year written first above.

WITNESS:

GRANTOR:

GADD ROAD REALTY CORPORATION

By: Clark F. MacKenzie
Clark F. MacKenzie
President

STATE OF MARYLAND, County of Baltimore, ss:

I HEREBY CERTIFY that on this 6th day of June, 1988, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Clark F. MacKenzie, President of GADD ROAD REALTY CORPORATION, a Maryland corporation, and that he, as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained and at the same time certified that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer of all or substantially all of the property and assets of the Grantor corporation.

IN WITNESS WHEREOF, I hereunto set my hand and affix my notarial seal.

[SEAL]

Notary Public

My commission expires: 7/1/90

-2-

9590g:06/01/88
15335-1

Albert H. Dudley, III
Bette W. Dudley
Lot 5

DEED

THIS DEED is made this 19th day of May, 1988, by and between GADD ROAD REALTY CORPORATION, the Grantor, and ALBERT H. DUDLEY, III and BETTE W. DUDLEY, as tenants by the entireties, the Grantees.

WITNESSETH, that in consideration of the sum of Four Hundred Thousand Dollars ($400,000.00), the receipt and sufficiency of which is hereby acknowledged, the said Grantor does hereby grant and convey unto the said Grantees, and successors, heirs and assigns of the Grantees, in fee simple, all that lot of ground, situate and lying in Baltimore County, Maryland shown as Lot 5 on the plat dated March 1, 1988, prepared by George William Stephens, Jr. and Associates, Inc., and recorded among the Land Records of Baltimore County in Plat Book 58, folio 86.

TOGETHER with the buildings and improvements thereupon erected, made or being and all rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or anywise appertaining.

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 Grantees and successors, heirs, and assigns of such Grantees, in fee simple, forever.

The conveyance hereof shall be subject to the restrictions set forth in the Findings of Fact and Conclusions of Law of the Zoning Commissioner of Baltimore County dated February 24, 1988, Case No. 88-347-SPH. The property transferred hereby shall not be further subdivided.

The conveyance hereof is also subject to the Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated November 30, 1987, recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 7738, folio 291, as amended by First Amendment to Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated May 11, 1988, recorded among the Land Records in Liber 7871, folio 366.

-1-

9590g:06/13/88
15335-1

7890 PAGE 019

LOT 4

DEED

THIS DEED is made this 16TH day of JUNE, 1988, by and between GADD ROAD REALTY CORPORATION, (the "Grantor"), and ROLAND R. MacKENZIE, (the "Grantee").

WITNESSETH, that in consideration of the sum of One Hundred Six Thousand Two Hundred Ninety-Nine Dollars ($106,299), the receipt and sufficiency of which is hereby acknowledged, the said Grantor does hereby grant and convey unto the said Grantee, and the successors, heirs and assigns of the Grantee, in fee simple, all that lot of ground, situate and lying in Baltimore County, Maryland shown as Lot 4 on the plat dated March 1, 1988, prepared by George William Stephens, Jr. and Associates, Inc., and recorded among the Land Records of Baltimore County in Plat Book 58, folio 86, entitled Pine Hill Farms.

TOGETHER with the buildings and improvements thereupon erected, made or being and all rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or anywise appertaining.

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 Grantee and his successors, heirs, and assigns of such Grantee, in fee simple, forever.

The conveyance hereof shall be subject to the restrictions set forth in the Findings of Fact and Conclusions of Law of the Zoning Commissioner of Baltimore County dated February 24, 1988, Case No. 88-347-SPH. The property transferred hereby shall not be further subdivided.

The conveyance hereof is also subject to the Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated November 30, 1987, recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 7738, folio 291, as amended by First Amendment to Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated May 19, 1988, recorded among the Land Records in Liber 7871, folio 366.

AND the said Grantor hereby warrants specially the property granted and will execute such further assurances of the same as may be requisite.

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
4/23/88

Prior Deed 7738/265

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE-LETTER OF INTENT
SIGNATURE [signature] DATE 6/13/88

-1-

B B 022***-170078**a

CAMBRIDGE Title Co.
36 SOUTH CHARLES St.
BALTIMORE, MD 21201
547-1494

9590g:06/08/88
15335-1

7890 PAGE 020

IN WITNESS WHEREOF, the Grantor has executed this Deed on the day and year written first above.

WITNESS:

GRANTOR:

GADD ROAD REALTY CORPORATION

By: Clark F. MacKenzie
Clark F. MacKenzie
President

STATE OF MARYLAND, County of Baltimore, ss:

I HEREBY CERTIFY that on this 9th day of June, 1988, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Clark F. MacKenzie, President of GADD ROAD REALTY CORPORATION, a Maryland corporation, and that he, as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained and at the same time certified that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer of all or substantially all of the property and assets of the Grantor corporation.

IN WITNESS WHEREOF, I hereunto set my hand and affix my notarial seal.

[SEAL]

Notary Public

My commission expires: 7/1/90

C ROAF
C T TX
C 0005
DEED
SM CLERK 101
#47748 COST ROA

-2-

9590g:06/08/88
15335-1

7888 PAGE 405

DEED

THIS DEED is made this 13TH day of JUNE, 1988, by and between GADD ROAD REALTY CORPORATION, (the "Grantor"), and WILLIAM J. DONOHUE and DIANE M. DONOHUE, as tenants by the entireties (the "Grantees").

WITNESSETH, that in consideration of the sum of Five Hundred Sixty Thousand Dollars ($560,000.00), the receipt and sufficiency of which is hereby acknowledged, the said Grantor does hereby grant and convey unto the said Grantees, and successors, heirs and assigns of the Grantees, in fee simple, all that lot of ground, situate and lying in Baltimore County, Maryland shown as Lot 6 on the plat dated March 1, 1988, prepared by George William Stephens, Jr. and Associates, Inc., and recorded among the Land Records of Baltimore County in Plat Book 58, folio 86.

TOGETHER with the buildings and improvements thereupon erected, made or being and all rights, alleys, ways, waters, privileges; appurtenances and advantages, to the same belonging or anywise appertaining.

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 William J. Donohue and Diane M. Donohue as tenants-by-the-entireties and their respective successors, heirs, and assigns of such Grantees, in fee simple, forever.

The conveyance hereof shall be subject to the restrictions set forth in the Findings of Facts and Conclusions of Law of the Zoning Commissioner of Baltimore County dated February 24, 1988, Case No. 88-347-SPH. The property transferred hereby shall not be further subdivided.

The conveyance hereof is also subject to the Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated November 30, 1987, recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 7738, folio 291, as amended by First Amendment to Declaration of Covenants, Conditions and Restrictions and Grant of Easements dated May 19, 1988, recorded among the said Land Records in Liber 7871, folio 366. This conveyance is also subject ot the terms of an Assignment and Agency Agreement of even date between the Grantees and Terry K. Holinsky, Trustee under Kendico Trust.

(Prior Deed 7738/265)

TRANSFER TAX PAID
BALTIMORE COUNTY
[signature]
Deputy Supervisor

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE-LETTER OF INTENT
SIGNATURE [signature] DATE 6/13/88

-1-

9590g:06/13/88
15335-1

AND the said Grantor hereby warrants specially the property granted and will execute such further assurances of the same as may be requisite.

IN WITNESS WHEREOF, the Grantor and Grantees have executed this Deed on the day and year written first above.

WITNESS:

GRANTOR:

GADD ROAD REALTY CORPORATION

By: Clark F. MacKenzie
Clark F. MacKenzie
President

STATE OF MARYLAND, County of Baltimore, ss:

I HEREBY CERTIFY that on this 13th day of May, 1988, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Clark F. MacKenzie, President of GADD ROAD REALTY CORPORATION, a Maryland corporation, and that he, as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained and at the same time certified that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer of all or substantially all of the property and assets of the Grantor corporation.

IN WITNESS WHEREOF, I hereunto set my hand and affix my notarial seal.

[SEAL]

Notary Public

My commission expires: 7/1/90

-2-

9590g:06/13/88
15335-1

SIGNATURE NOT APPLICABLE
TRANSFER TAX
RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
6/15/88

April 15, 1986

CLARK FOWNES MACKENZIE

Chairman of the Board
MacKenzie & Associates, Inc.

Business Address:

2328 West Joppa Road
Suite 200
Lutherville, Maryland 21093

Graduate:

Gilman School(1946-1956
Baltimore, Maryland

Lawrenceville School (1957-1959)
Lawrenceville, New Jersey

University of Virginia (1960-1963)
(McIntire School of Business, Bachelor of Science in Finance)
Charlottesville, Virginia

Business Education:

American Institute of Real Estate Appraisers

Course I, Theories and Principles (June 1964, University of Virginia)

Course II, Real Estate Appraisal Problems (July 1964, University of Virginia)

Course IV, Condemnation (March 1966, University of Georgia)

Real Estate Board of Baltimore

Examination III, Rural Properties (September, 1968)

PETITIONER'S EXHIBIT 14

7888 PAGE 406

AND the said Grantor hereby warrants specially the property granted and will execute such further assurances of the same as may be requisite.

IN WITNESS WHEREOF, the Grantor and Grantees have executed this Deed on the day and year written first above.

WITNESS:

GRANTOR:

GADD ROAD REALTY CORPORATION

By: Clark F. MacKenzie
President

STATE OF MARYLAND, County of Baltimore ss:

I HEREBY CERTIFY that on this 19th day of May, 1988, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Clark F. MacKenzie, President of GADD ROAD REALTY CORPORATION, a Maryland corporation, and that he, as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained and at the same time certified that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer of all or substantially all of the property and assets of the Grantor corporation.

IN WITNESS WHEREOF, I hereunto set my hand and affix my notarial seal.

[SEAL]

Notary Public

My commission expires: 7/1/90

C RC/F 13.00
DEED 0 A
SM CLERK 13.00
#60751 COO1 ROO TIO:29
05/15/88

-2-

April 15, 1986

Clark F. MacKenzie
Page Three

January, 1973 - July, 1983 - MacKenzie & Associates, Inc. merged the interests of both Metropolitan Appraisal Services and Metropolitan Management Services, Inc. More than 30 developments of office buildings and shopping centers were completed during this period.

August, 1983 - March, 1986 - During this period, MacKenzie & Associates, Inc. formed MacKenzie Management, Inc. and Scottish Maintenance, Inc. (exterior cleaning services). The firm is comprised of more than 40 employees handling development, leasing and management of income producing real estate.

March, 1986 - MacKenzie Management, Inc. was merged into MacKenzie & Associates, Inc. to provide complete service within a single firm.

Clark F. MacKenzie has developed the following projects either singly or with other partners. Those noted with an asterisk (*) have been sold to third parties. The balance are still retained with a percentage of ownership. Square footage numbers are Leaseable versus Gross areas.

PROJECT NAME	DESCRIPTION
Residential:	
STILLPOND*	(44) - 2 1/2 story condominiums
THE BEECHES*	(61) - 1 and 2 story condominiums with basements
STONE OAKS*	(40) - 2 story condominiums with basements
GREENCROFT*	(79) large lot subdivision on 252 acres
Commercial:	
RIDGELY PLAZA	24,500 s.f. shopping center with 18 tenants
GARRISON FOREST PLAZA*	115,000 s.f. shopping center with 22 tenants
CARNEY VILLAGE	55,000 s.f. shopping center with 9 tenants

April 15, 1986

Clark F. MacKenzie
Page Two

Johns Hopkins Evening College

Introduction to Commercial and Industrial Real Estate
Real Estate Management
Real Estate Law
Investment Banking

American University

Ninth Institute on Tax Planning in Real Estate

Real Estate Seminars

Condemnation Seminar (October, 1972)
(Developer's Viewpoint) Presented by The Society of Real Estate Appraisers
Condemnation Seminar - Mock Trial (October, 1973)

Certifications:

State of Maryland

Licensed Real Estate Broker

Licensed Securities Agent

Society of Real Estate Appraisers:

Senior Residential Appraiser (SRA)

Business Background:

September, 1963, joined County Appraisers, Inc., as Real Estate Appraiser. This Company specialized in Condemnation Appraisals in Baltimore County, Maryland. Completed various appraisal courses and in later years was Chief Appraiser for the firm.

March, 1968, purchased the assets of County Appraisers, Inc. and changed name to Metropolitan Appraisal Services, Inc.

April, 1968 - December, 1972 - During this period, several commercial properties were developed. The Real Estate Brokerage firm of MacKenzie & Associates, Inc. was created on March 27, 1969.

April 15, 1986

Clark F. MacKenzie
Page Four

TRED AVON SQUARE*	Phase I - 72,000 s.f. shopping center with 18 tenants.
	Phase II - 55,500 s.f. shopping center with 10 tenants
SCOTT ADAM VILLAGE	5,100 s.f. retail building with 4 tenants
KENILWORTH BAZAAR	166,000 s.f. enclosed mall shopping center
RUSTY SCUPPER	9,600 s.f. restaurant
Industrial:	
SHAMROCK	29,471 s.f. warehouse building on Beaver Dam Road in Cockeysville
Office:	
50 SCOTT ADAM ROAD	20,037 s.f. multi-tenant suburban 2 story professional office building
CENTRAL SAVINGS BANK BUILDING (Severna Park)*	8,415 s.f. 2 story bank and office building with 6 tenants
232 COCKEYSVILLE ROAD	6,096 s.f. 1 story office building on 1 acre
609 BOSLEY BUILDING	3,400 s.f. 2 1/2 story office building
THE BERKSHIRE BUILDING	4,600 s.f. 2 story office building
GREENSPRING VILLAGE	18,970 s.f. professional building
THE BOSLEY BUILDING*	5 story office building approximately 25,198 net leaseable square feet
658 KENILWORTH DRIVE	23,063 s.f. 2 story elevator office building in Towson
8422 BELLONA LANE	23,485 s.f. 2 1/2 story office building facing the Beltway

April 15, 1986

Clark F. MacKenzie
Page Five

7402 YORK ROAD	22,152 s.f. 2 1/2 story office building facing the Beltway
POT SPRING PROFESSIONAL CENTER	33,235 s.f. 2 story office complex at Pot Spring and Ridgely Roads on 2 acres
1823 NORTH YORK ROAD*	5,000 s.f. office building consisting of converted house and new addition
JOPPA GREEN	30,495 s.f. in 6 Williamsburg buildings for professional office use on 2 acres
LAKE FALLS VILLAGE	40,771 s.f. 3 story office building/retail structure on 2.5 acres
ANNAPOLIS CITY MARINA	Marina (87 slips) with proposed office/retail complex of 74,000 s.f. with 345 parking spaces on acres
COMMERCENTRE	158,821 s.f. 5 building office/retail complex on 10 acres. The project is also the site of the Pimlico Restaurant.
SUSQUEHANNA	68,700 s.f. 8 story office building in Towson proper
1001 CROMWELL BRIDGE ROAD	29,931 s.f. multi-tenant suburban 3 story professional office building
HUNT VALLEY PROFESSIONAL BUILDING*	3 story building with 33,315 s.f. of commercial office and a 4,500 s.f. restaurant
52 SCOTT ADAM ROAD	5,000 s.f. suburban 1 story professional office building
WHITE MARSH PROFESSIONAL CENTER PHASE I	28,800 s.f. 2 story professional building. The first of a three phased complex to ultimately 77,000± s.f. on 6 acres.

April 15, 1986

Clark F. MacKenzie
Page Six

YORK AT TERRACE DALE	70,635 s.f. office complex comprised of 3 - 3 story structures, renovated stone residence and parking for 280 on approximately 5 acres.
Miscellaneous:	
PADONIA RACQUETBALL COURT	8 court racquetball building
1524 NORTH YORK ROAD*	Nichi Bei Kai Restaurant on approximately 1/2 acre

Under Construction or Advanced Planning:

ARUNDEL CORPORATE CENTER

CORPORATE CENTER
AT HUNT VALLEY

CREIGHTON ANNEX

CREIGHTON CENTER

CREIGHTON HOUSE

JOPPA GREEN - PHASE II

MCDONOGH CROSSROADS
O'Connor, Piper & Flynn Building
Sports Medicine Complex
Condominium Offices
Building "A"

PADONIA BUSINESS CENTER
Ramada Inn Hotel
Office Building

WHITE MARSH MEDICAL BUILDING

WHITE MARSH PROFESSIONAL
BUILDING - PHASE II

WINDSOR COURT

YORK GREEN

April 15, 1986

Clark F. MacKenzie
Page Seven

Past Achievements:

Baltimore County Chamber of Commerce
Past President 1969, 1970.

Cockeysville Chamber of Commerce
Past President 1966, 1967.

Baltimore Area Boy Scouts
Past Chairman of Sustaining Committee, Baltimore County.

American Cancer Society
Past Chairman of Sustaining Committee, Baltimore County.

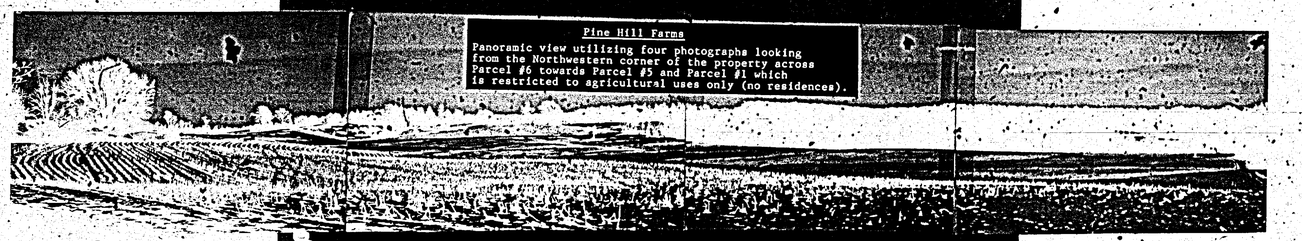
As an Appraiser and Consultant, Clark F. MacKenzie has completed over 750 appraisals in the past 22 years with combined appraisal value exceeding $350,000,000. Major clients were:

Baltimore County Board of Education
Baltimore County Revenue Authority
Baltimore County Bureau of Land Acquisition
Baltimore County Solicitor's Office
Baltimore Gas & Electric Company
Baltimore Life Insurance Company
Bendix Corporation
Circuit Court of Baltimore County
Department of Law - State of Maryland
Department of Public Improvements - State of Maryland
Getty Oil Company
Goucher College
Martin-Marietta Company
Maryland State Highway Administration
Mobil Oil Corporation
Office of Law - Anne Arundel County
Real Estate Department of Baltimore City
Reisterstown Federal Savings & Loan Association
Shell Oil Company
Toll Facilities Division, Maryland State Highway Administration
Attorneys, Landowners and Businessmen

Business Associations:

MacKenzie & Associates, Chairman of the Board

PANORAMIC VIEW OF PINE HILL FARMS



Pine Hill Farms

Panoramic view utilizing four photographs looking from the Northwestern corner of the property across Parcel #6 towards Parcel #5 and Parcel #1 which is restricted to agricultural uses only (no residences).

PETITIONER'S EXHIBIT 15

Baltimore County
Office of Planning & Zoning
Towson, Maryland 21204
494-3211

Norman E. Gerber
Director

Dennis F. Rasmussen
County Executive

November 20, 1987

Clark F. MacKenzie
2328 W. Joppa Road
Suite 200
Lutherville, Maryland 21093

Re: Klotzman Property
W/S Falls Road @ Miller Road
W-87-328

Dear Mr. MacKenzie:

We have reviewed your waiver application for the above property and have determined that a waiver for the CRG Plan and CRG (meeting/process) as requested, would be within the scope, purpose and intent of the Development Regulations of Baltimore County and is therefore approved. This development shall comply with all other applicable laws, rules and regulations of Baltimore County (Section 22-51). Should you have any questions, please contact Gary Kerns, Chief, Current Planning and Development at 494-3335.

NOTE: This waiver approval letter shall be presented by the applicant when applying for a building permit.

Sincerely yours,

SIGNED: Norman E. Gerber

Norman E. Gerber, AICP
Director of Planning and Zoning

NEG:rh

CC: James A. Markle
Edward A. McDonough
File

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CONSULTING ENGINEERS

TOWSON
305 WASHINGTON AVENUE
P.O. BOX 5828
TOWSON, MARYLAND 21204
301-825-8120

BEL AIR
2 EAST MAIN STREET
BEL AIR, MARYLAND 21014
301-879-1900
301-838-9002

TO: Baltimore County
Office of Planning & Zoning
Zoning Administration
Towson, Maryland 21204

ATTENTION: Mr. Carl W. Richards, Jr.

DATE: December 8, 1987

REFERENCE: Pine Hill Farms
(formerly Klotzman Property)
West Side Falls Road at
Miller Road
District 8

We are:

☒ Submitting ☐ Herewith ☐ Under Separate Cover
☐ Forwarding
☐ Returning

COPIES	DESCRIPTION
3	Original zoning petitions with justification attachments
10	Zoning plats
1	Description
2	1"=200' Baltimore County Zoning Maps (4) with property outlined
1	Each zoning plat marked up to show existing and proposed lots

☐ In accordance with your request
☐ For your review
☒ For processing
☐ Plans reviewed and accepted
☐ Plans reviewed and accepted as noted
☐ For your use
☐ Please call when ready
☐ Please return to this office
☐ Approval requested
☐ Meeting requested

Remarks: Check for filing fee to follow immediately.

For further information, please contact the writer at this office.

CEF:kah
Enclosures
cc: Mr. Clark F. MacKenzie

Sincerely yours,

Charles E. Fick, P.E.

SECTION I
Location Plat
HISTORY
HEARING
Plan/Plat

CADD ROAD REALTY CORPORATION

OWNER OF

PINE HILL FARMS

Case No. 88-347-SPH

(301) 547-1491

PETITIONER'S EXHIBIT 1

April 15, 1986

Clark F. MacKenzie
Page Eight

Baltimore County Appraiser's Society

Society of Real Estate Appraisers, Senior Residential Appraiser, SRA

American Right of Way Association

Baltimore County Chamber of Commerce

National Association of Industrial & Office Parks

State of Maryland Licensed Real Estate Broker

Business References:

H. GRANT HATHAWAY, CHAIRMAN OF THE BOARD
Equitable Bank, N.A.

J. STEVENSON PECK, CHAIRMAN OF THE BOARD
Union Trust Bank

FRANCIS G. RIGGS,
Riggs, Counselman, Michaels & Downs

JOHN K. WHITE,
The Baltimore Life Insurance Company

ALVIN WOLPOFF, CPA
Wolpoff & Company

88-347-SPH

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 29th day of December, 1987.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner Gadd Road Realty Corp.
Petitioner's Attorney John P. Machen, Esquire

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

January 11, 1988

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Dennis F. Rasmussen
County Executive

Re: Property Owner: Gadd Road Realty Corporation

Location: SW/S Falls Road, 1268' NW c/l of Miller Rd.

Item No.: 218 Zoning Agenda: Meeting of 12/22/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or ___ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

( ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

(x) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. Joseph Kelly 1-11-88 Noted and Approved: John J. O'Neill
Planning Group
Special Inspection Division
Fire Prevention Bureau

/jl

SHA

Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

December 31, 1987

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

RE: Baltimore County
Item #218
Meeting 12/22/87
Property Owner:
Gadd Road Realty Corporation
Location: SW/S Falls Road
Maryland Route 25
1268 ft. NW centerline of Miller Road
Existing Zoning: R.C. 2
Proposed Zoning:
Special Hearing to permit a non-density transfer in an R.C. 2 zone for agricultural purposes and to permit the transfer of all or a portion of the density from two existing parcels of record to a third existing parcel of record all within an R.C. 2 zone
Area: 276.41 acres
District: 9th

RECEIVED
JAN 12 1988
ZONING OFFICE

Dear Mr. Haines:

After reviewing the submittal of December 3rd, the State Highway Administration-Bureau of Engineering Access Permits has the following comment.

The reference to probable 40' highway widening must be changed to read ultimate 40' highway widening.

Also, we recommend the centerline of the existing drive be realigned opposite of the centerline of Miller Road, and the 30' right-of-way for lot #2 be deleted since lot #2B will have access from existing drive.

My telephone number is (301) 333-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Mr. J. Robert Haines
Page 2
December 31, 1987

It is requested this revision be made prior to a hearing date being set. If you have any questions, please call Larry Brocato of this office.

Very truly yours,

Creston J. Mills, Jr.
Creston J. Mills, Jr.
Acting Chief-Bureau of
Engineering Access Permits

LB/es

cc: J. Ogle
G. W. Stephens, Jr. and Associates

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO. Mr. J. Robert Haines, Zoning Commissioner Date December 22, 1987

FROM Norman E. Gerber, AICP, Director of Planning and Zoning

SUBJECT Zoning Petition No. 88-347-SPH

This office is not opposed to the granting of the subject request in that the permitted density is not to be changed.

Norman E. Gerber per J.G.H.
Norman E. Gerber, AICP
Director

NEG:JGH:dss

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

CPS-008

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 28, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

ooo

MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

John P. Machen, Esquire
36 South Charles Street
Baltimore, Maryland 21201

RE: Item No. 218 - Case No. 88-347-SPH
Petitioner: Gadd Road Realty Corporation
Petition for Special Hearing

Dear Mr. Machen:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer/kkb
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kkb

Enclosures

cc: G.W. Stephens, Jr. & Associates, Inc.
P.O. Box 6828
Towson, Maryland 21204

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

Dennis F. Rasmussen
County Executive

January 7, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comment for items number 217, (218) 219, 220, 221, 222, and 223.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

MSF:sb

SHA

Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

RECEIVED
JAN 27 1988
ZONING OFFICE

January 25, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attn: Mr. James Dyer

Re: Baltimore County
ZAC Meeting of 12-22-87
Gadd Road Realty Corporation
S/W/S Falls Road
Maryland Route 25
1268' N/W of Centerline of Miller Road
(Item #218)

Dear Mr. Haines:

This is to advise you of a revision made to our letter of December 21, 1987.

It is no longer required to have the centerline of the existing drive be realigned opposite the centerline of Miller Road.

This revision has been made with the understanding that grading will be performed to the north of the existing drive for approximately 150'± to improve site distance.

It is requested this revision be made prior to a hearing date being set.

If you have any questions, please contact Larry Brocato at this office.

Very truly yours,

Creston J. Mills, Jr.
Creston J. Mills, Jr.
Acting Chief
Bureau of Engineering
Access Permits

LB:maw

cc: Mr. J. Ogle
G.W. Stephens Jr. & Assoc., Inc.

My telephone number is (301) 333-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

PINE HILL Farms

RECEIVED
FEB 1 1988
ZONING OFFICE

January 29, 1988

Mr. J. Robert Haines
Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204

Re: PETITION FOR SPECIAL HEARING
SW/S Falls Road, 1268' NW of
c/l of Miller Road
8th Election District
3rd Councilmanic District
Gadd Road Realty Corporation
et al.

Case No: 88-347-SPH

Dear Mr. Haines:

As I have indicated to you, we will be presenting a book of information prior to the Special Hearing which should assist you in reviewing our requests for the above-referenced property. In the meantime, I thought it might be benefical for you to have a copy of the enclosed Memorandum prepared by John P. Machen, Esq. of Piper & Marbury.

Thank you for your attention to this matter.

Sincerely,

Clark F. MacKenzie
President
Gadd Road Realty Corporation

CFM:tcb
Enclosures

c/o Clark F. MacKenzie
2328 West Joppa Road / Suite 200 / Lutherville, Maryland 21093 / (301) 821-8585

PIPER & MARBURY
1100 CHARLES CENTER SOUTH
36 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201
301-539-2530
TELECOPIER 301-539-0489
CABLE PIPERMAR BAL
TELEX 908064

JOHN P. MACHEN
DIRECT DIAL NUMBER
301-576-1768

1900 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036
202-861-3800

RECEIVED
FEB 5 1988
ZONING OFFICE

February 5, 1988

HAND DELIVER

J. Robert Haines
Baltimore County Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 88-347-SPH
Petition of Gadd Road
Realty Corporation et al.

Dear Mr. Haines:

Enclosed as you requested at yesterday's hearing is a draft Findings of Fact, Conclusions of Law and Order, which I prepared in accordance with your ruling.

We are very grateful for your accommodating the Petitioners' request for a prompt decision. Please let me know if I can provide anything further.

Sincerely,

John P. Machen

Enclosure

cc: Clark F. MacKenzie
Phyllis Cole Friedman

JPM:brm

MACKENZIE & ASSOCIATES INCORPORATED

RECEIVED
DEC 9 1987
ZONING OFFICE

Item #218, Accepted 12/8/87, ucr

December 3, 1987

Clark F. MacKenzie
Chairman of the Board
Chief Executive Officer

Mr. J. Robert Haines
Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Pine Hill Farms

Dear Mr. Haines:

We have submitted to you an Application for a Special Hearing in connection with the consolidation of density units and transfer of non-density units for property located at 14234 Falls Road. I am writing to ask that a hearing be scheduled as soon as possible due to the urgent and unusual nature of this arrangement.

As you may know, this property was recently purchased by a group comprised of my wife and I, Mr. and Mrs. Jack S. Griswold, Mr. and Mrs. Harry J. Weber, Dr. and Mrs. Frederick B. Peterson and Irvin S. Naylor in order to prevent a proposed development of the property into an exclusive "corporate" golf course, which would have been totally out of character with the agricultural and rural nature of this and surrounding properties. In order to acquire the properties, we have had, on very short notice, to incur tremendous expense and take a considerable risk. This is not a profit-making venture. We undertook this for the sole purpose of preserving the agricultural character of this farmland. We are urging your cooperation and assistance in allowing us to have a hearing promptly so that we may proceed to sell portions of the property to purchasers whose use of the property will likewise preserve its agricultural and rural character. We have the full support of the Valleys Planning Council and neighboring property owners.

Thank you very much for your consideration.

Sincerely,

Clark F. MacKenzie

CFM:tcb
Attachments

cc: James E. Dyer
Zoning Supervisor

REAL ESTATE DEVELOPMENT / LEASING & MANAGEMENT
2328 West Joppa Road
Suite 200
Lutherville, Maryland 21093
(301) 821-8585

PINE HILL Farms

January 29, 1988

Ms Phyllis Cole Freeman
People's Counsel for Baltimore County
Room 223
Court House
Towson, Maryland 21204

Re: Gadd Road Realty Corporation
Case No: 88-347-SPH

Dear Phyllis:

I noted that the People's Counsel has entered their appearance for the above-referenced hearing to be held on Thursday, February 4th at 9:00a.m. I thought it would be appropriate to forward to you a Memorandum which was prepared by John P. Machen, Esq. of Piper & Marbury for this hearing. Additionally, I will be submitting a book of information prior to the hearing supporting our request. I have been told by Chuck Fick that to date all County agencies are satisfied with our requests.

I will be calling you next week to see if you have any questions or concerns.

Sincerely,

Clark F. MacKenzie
President
Gadd Road Realty Corporation

CFM:tcb
Enclosure
cc: J. Robert Haines
Baltimore County Zoning Commissioner

c/o Clark F. MacKenzie
2328 West Joppa Road / Suite 200 / Lutherville, Maryland 21093 / (301) 821-8585

Baltimore County
Office of Planning & Zoning
Towson, Maryland 21204
494-3211

Norman E. Gerber
Director

Dennis F. Rasmussen
County Executive

November 20, 1987

Clark F. MacKenzie
2328 W. Joppa Road
Suite 200
Lutherville, Maryland 21093

Re: Klotzman Property
W/S Falls Road @ Miller Road
W-87-328

Dear Mr. MacKenzie:

We have reviewed your waiver application for the above property and have determined that a waiver for the CRG Plan and CRG (meeting/process) as requested, would be within the scope, purpose and intent of the Development Regulations of Baltimore County and is therefore approved. This development shall comply with all other applicable laws, rules and regulations of Baltimore County (Section 22-51). Should you have any questions, please contact Gary Kerns, Chief, Current Planning and Development at 494-3335.

NOTE: This waiver approval letter shall be presented by the applicant when applying for a building permit.

Sincerely yours,

SIGNED: Norman E. Gerber
Norman E. Gerber, AICP
Director of Planning and Zoning

NEG:rh

cc: James A. Markle
Edward A. McDonough
File

THE LAND PRESERVATION TRUST INC.
P.O. BOX 5585, TOWSON, MARYLAND 21285-5585
301-821-1045

G Klotz Sch yard
Offs

W-87-328

RECEIVED
NOV 25 1987
OFFICE OF PLANNING AND ZONING

November 19, 1987

Joshua Wheeler, Chairman
Planning Board of Baltimore County
c/o Office of Planning and Zoning
New Courts Building
Towson, MD 21204

Dear Mr. Wheeler,

I am writing to you to confirm our support for the efforts of the Gadd Road Association in retaining the rural character of the Klotzmann property. We feel strongly that the property should be retained in agricultural use.

The neighbors' willingness to create an alliance to ensure in perpetuity the open space sets a fine example for other lands in the valleys. We think this co operation between developer, adjacent landowners and the County sets an outstanding precedent for the future.

We see no reason why this arrangement should be required to go through the CRG process.

Very truly yours,

Douglas V. Croker, III
Vice-President

cc,
Harry Weber, President
Gadd Road Association

Thomas D. Washburne, Jr.
William M. Brewster
Douglas V. Croker III
Andre W. Brewster
Lawrence P. Nadler III
Robert H. Lea
Stuart A. Janney III
George C. Doub, Jr.
Garland P. Moore, Jr.
Douglas Carr-II
Preston S. Cochran, Jr.
Mitchell Kellman

DRAFT

IN RE: PETITION FOR SPECIAL HEARING
SW/S Falls Road, 1268' NW
of c/l of Miller Road
8th Election District
3rd Councilmanic District
Gadd Road Realty Corporation
et al.

Petitioners

: BEFORE THE
: ZONING COMMISSIONER
: OF BALTIMORE COUNTY
:
: Case No: 88-347-SPH

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Petitioners herein request (a) to transfer or cluster density units on three contiguous agricultural tracts with the net effect being no increase in the total number of permitted building lots on the three tracts and (b) to transfer non-density parcels (i.e., land whose area may no longer be considered in determining permissible development or subdivision in the future) to adjacent landowners.

FINDINGS OF FACT

A special hearing was held on February 4, 1988. Appearing on behalf of the Petitioners was Clark F. MacKenzie, who testified both as a principal in the group constituting the Petitioners and as an expert in land development generally. His credentials as an expert are set forth in Petitioners' Exhibit 14. Also appearing on behalf of the Petitioners was Charles E. Fick of the firm of George William Stephens, Jr. and Associates, Consulting Engineers. Mr. Fick prepared the various plats (Petitioners' Exhibits 1, 6, 17 and 18) that

accompanied the Petitioners' Request for a Special Hearing. Petitioners were represented by counsel, John P. Machen of the firm of Piper & Marbury.

Also in attendance at the hearing, but not testifying, were Dr. and Mrs. Frederick B. Peterson, Mrs. Clark F. MacKenzie, and Mr. and Mrs. Richard S. Pineau.

Letters of support from the following were received and introduced into the record: (a) letter dated November 19, 1987 from The Valleys Planning Council (Petitioners' Exhibit 11), (b) letter dated November 19, 1987 from The Land Preservation Trust, Inc. (Petitioners' Exhibit 12), and (c) letter dated November 18, 1987 from Gadd Road Association, Inc. (Petitioners' Exhibit 13). There were no protestants.

The following are the relevant facts:

The subject property is zoned RC-2 and presently consists of three contiguous parcels of approximately 50 acres, 75 acres and 151 acres located on the west side of Falls Road and two miles north of Shawan Road. Petitioners' Exhibits 1 and 2. Based on the testimony of Mr. MacKenzie and as shown in photographs introduced at the hearing (Petitioners' Exhibits 4A, 4B, 8A, 8B, 8C, 8D, 8E, 8F, 15 and 16) the property is for the most part gently rolling agricultural land, with some heavily wooded areas, and is improved with one 14,000 square foot principal residence, several tenant houses (one of which is to be razed) several barns, stables and other agriculturally

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

December 9, 1987

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Dennis F. Rasmussen
County Executive

Re: Property Owner: Harry Z. Isaacs

Location: NE/S Mantua Mill Rd., 750' c/l Butler Rd.

Item No.: 189 Zoning Agenda: Meeting of 12/1/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. James W. Kelly 12-10-87 Noted and Approved: John J. O'Neill
Planning Group
Special Inspection Division

Fire Prevention Bureau

/jl

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines, Zoning Commissioner Date: February 23, 1988

FROM: P. David Fields, Director of Planning and Zoning

SUBJECT: Zoning Petition No. 88-348-X

RECEIVED
MAR 1 1988
ZONING OFFICE

This office is opposed to the granting of this request, believing it to be a "use" variance, not a variance of area and bulk regulations.

P. David Fields per J. Hoswell
P. David Fields
Director

PDF:dae

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

88-348-XA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 29th day of December, 1987.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Harry Z. Isaacs
Petitioner's Attorney: Newton A. Williams, Esquire

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 25, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams, Chartered
204 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 189 - Case No. 88-348-XA
Petitioner: Harry Z. Isaacs
Petitions for Zoning Variance and Special Exception

Dear Mr. Williams:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer /kkb
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kkb

Enclosures

cc: W.T. Sadler
507 Main Street
Reisterstown, Maryland 21136

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

December 14, 1987

Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 184, 185, 186, 187, 188, (189) 190, 191, 192, and 193.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

MSF:ab

RECEIVED
JAN 20 1988
ZONING OFFICE

ZONING HEARING

Case # 88-348-XA
14123 Mantua Mill Road

- Do not object to variance for location of existing kennel.
- Do object to special exception for "private kennel" because term is undefined as to number of dogs permitted.
- Noise of approx. 8 dogs was a problem in the past. Complaints were telephoned August 15, August 16, October 4 and October 16 all in 1984. (see S. Price letter March 2, 1988)
- Status quo is o.k. However granting special exception would eliminate my ability to mitigate noise if it becomes excessive again in the future. Also special exception survives sale of property.

Samuel E. Banks
3454 Butler Road

Baltimore County
Department of Health
Towson, Maryland 21204
494-3740

Donald J. Roop, M.D., M.P.H.
Health Officer

Dennis F. Rasmussen
County Executive

March 2, 1988

To Whom It May Concern:

This to verify that Mrs. Arlene Banks of 3454 Butler Road did contact the Baltimore County Bureau of Animal Control regarding disturbances created by the barking activity of the dogs at 14123 Mantua Mill Road.

Mrs. Banks did phone complaints to this office August 15, 1984, August 16, 1984, October 4, 1984, and October 17, 1984.

Letters were sent to Mr. Harry Issacs, 14123 Mantua Mill Road, regarding the complaints and the law requiring dog owners to maintain their dogs in a manner which does not allow them to create a nuisance by excessive barking.

S. Price
S. Price
Baltimore County Bureau of Animal Control

SP/as

NEW ENTERPRISE ASSOCIATES

SAN FRANCISCO
C. Richard Kramlich • Managing General Partner
Cornelius C. Bond, Jr. • General Partner
Thomas C. McConnell • Special Partner

MENLO PARK
C. Woodrow Rea, Jr. • General Partner
John W. Glynn, Jr. • Special Partner

DALLAS
C. Vincent Prothro • Special Partner
H. Leland Murphy • Associate

BALTIMORE
Frank A. Bonsal, Jr. • General Partner
Arthur J. Marks • General Partner
Charles W. Newhall III • General Partner
Curran W. Harvey • Special Partner
Raymond L. Rank • Special Partner
Barbara J. Perrier • Associate & CFO
Nora M. Zietz • Associate

NEW YORK
Howard D. Wolfe, Jr. • Special Partner

LOS ANGELES
James A. Cole • Special Partner

February 18, 1988

To Whom It May Concern:

I live at 14014 Mantua Mill Road in Glyndon, Maryland, which is adjacent to the residence of Harry Isaacs. I have never been bothered in any way by the dogs kenneled on the property of Mr. Isaacs.

Sincerely,

Frank A. Bonsal, Jr.

PETITIONER'S EXHIBIT 3

1119 St. Paul Street, Baltimore, Maryland 21202 • Phone 301 244-7000 • Facsimile (301) 752-7131
Suite 1025 Russ Building, 235 Montgomery Street, San Francisco, California 94104 • Phone 415 956-1579 • Facsimile (415) 956-4668
Bldg 4, Suite 235, 3000 Sand Hill Road, Menlo Park, California 94025 • Phone 415 854-2060 • Facsimile (415) 854-8063
1119 E 88th Street, New York, New York 10021 • Phone 212 371-9210
1666 Two Lincoln Centre, 5420 LBJ Freeway, Dallas, Texas 75240 • Ph. 214 991-1620
2001 Westlake Boulevard, Suite 215, Westlake Village, California 91362 • Phone (805) 373-8537 • Facsimile (805) 373-0165

PIPER & MARBURY

1100 CHARLES CENTER SOUTH
36 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201
301 539 2530
TELECOPIER 301 539 0489
CABLE PIPERMAR BAL
TELEX 908394

ANDRE W. BREWSTER
DIRECT DIAL NUMBER
301 576 1600

1200 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036
202 861 3900

February 24, 1988

Mr. Harry Z. Isaacs
14123 Mantua Mill Road
Glyndon, Maryland 21071

Dear Harry:

You have advised me that some question has been raised as to the maintenance by you of a kennel on your property and disturbance to the neighborhood by your dogs. You have asked whether I wish to comment on the issue.

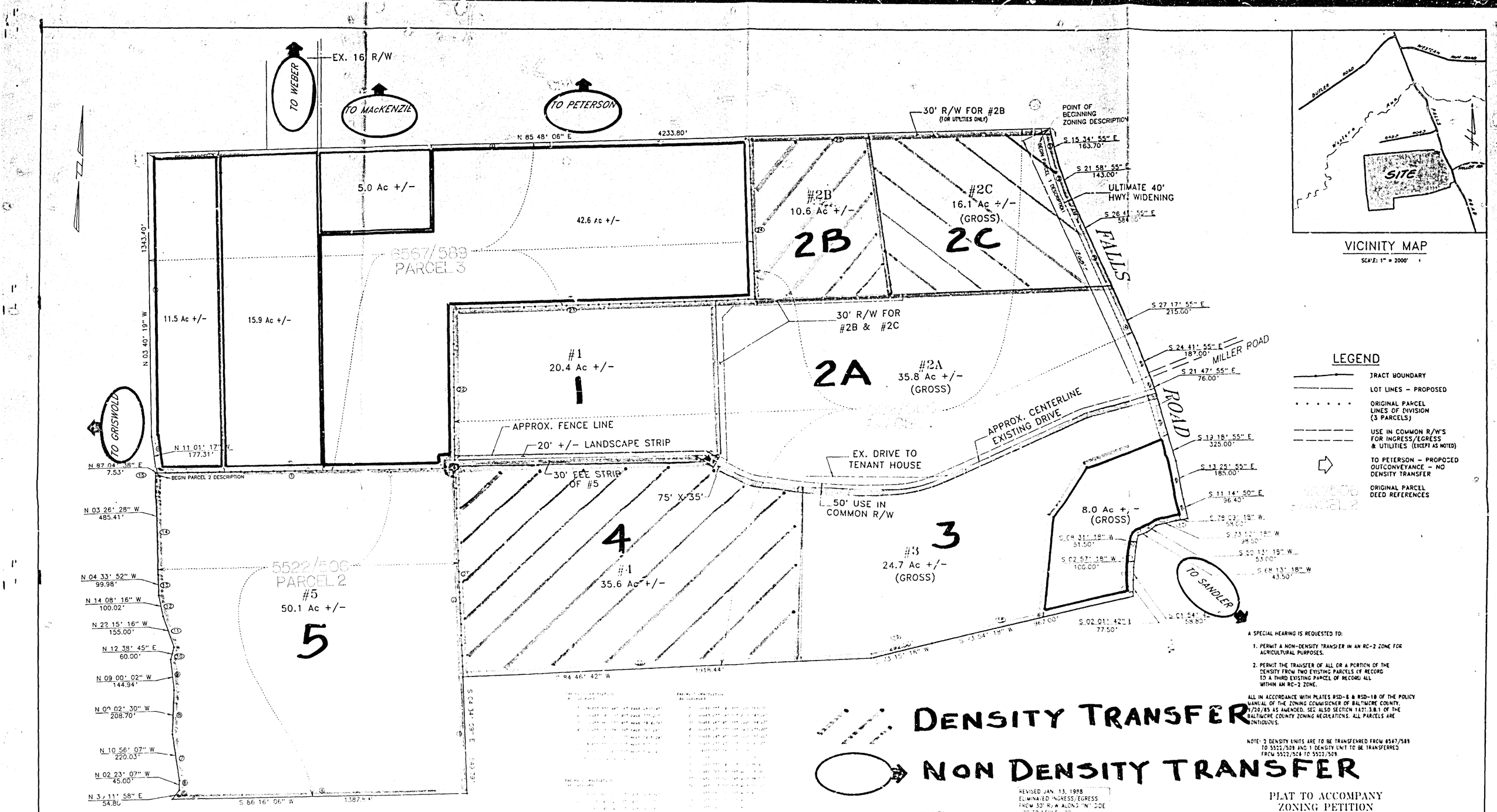
We have occupied adjacent property for, perhaps, 17 or 18 years. So far as I have been aware, you do not maintain a kennel, as such, on your property, although you do have two or three dogs. At no time has your maintenance of these dogs caused me any disturbance. I think that my residence is nearly as close to yours as any other, and I cannot imagine reasonable cause for complaint from any neighbor. You should feel free to use this letter in connection with any administrative proceeding in which you may be involved.

Sincerely,

Andre W. Brewster

AWB:bjb

PETITIONER'S EXHIBIT 4



VICINITY MAP

SCALE: 1" = 2000'

LEGEND

- TRACT BOUNDARY
- LOT LINES – PROPOSED
- ORIGINAL PARCEL LINES OF DIVISION (3 PARCELS)
- USE IN COMMON R/W'S FOR INGRESS/EGRESS & UTILITIES (EXCEPT AS NOTED)
- TO PETERSON – PROPOSED OUTCONVEYANCE – NO DENSITY TRANSFER
- ORIGINAL PARCEL DEED REFERENCES

A SPECIAL HEARING IS REQUESTED TO:

1. PERMIT A NON-DENSITY TRANSFER IN AN RC-2 ZONE FOR AGRICULTURAL PURPOSES.
2. PERMIT THE TRANSFER OF ALL OR A PORTION OF THE DENSITY FROM TWO EXISTING PARCELS OF RECORD TO A THIRD EXISTING PARCEL OF RECORD ALL WITHIN AN RC-2 ZONE.

ALL IN ACCORDANCE WITH PLATES RSD-8 & RSD-10 OF THE POLICY MANUAL OF THE ZONING COMMISSIONER OF BALTIMORE COUNTY, 9/20/85 AS AMENDED. SEE ALSO SECTION 1A2.3.B.1 OF THE BALTIMORE COUNTY ZONING REGULATIONS. ALL PARCELS ARE CONTIGUOUS.

NOTE: 2 DENSITY UNITS ARE TO BE TRANSFERRED FROM 6567/589 TO 5522/509 AND 1 DENSITY UNIT TO BE TRANSFERRED FROM 5522/506 TO 5522/509.

DENSITY TRANSFER

NON DENSITY TRANSFER

REVISED JAN. 13, 1988
ELIMINATED INGRESS/EGRESS FROM 30' R/W ALONG 'N' SIDE #2B TO SERVE #2B

PETITIONER'S EXHIBIT 18

PLAT TO ACCOMPANY ZONING PETITION FOR SPECIAL HEARING

PINE HILL FARMS

BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT NO. 8

SCALE: 1" = 200' DATE: DEC.3, 1987 Rev. Jan. 13, 1988

GENERAL NOTES

1. OUTLINE SHOWN HEREON BASED UPON SURVEY BY:
   STEPHEN C. BARNHART
   R.P.L.S. #168
   P.O. BOX 244
   FINKSBURG, MD. 21048
   (301) 861-8730
2. LOT SIZES SHOWN HEREON ARE APPROXIMATE AND SUBJECT TO FINAL SURVEY.
3. EXISTING RESIDENCE ON LOT #1.
4. EXISTING TENANT HOUSE AND OUTBUILDINGS ON LOT #2A.

TABULATION

OVERALL TRACT ZONED RC-2

GROSS AREA OF OVERALL TRACT = 276.41 Ac +/-

5522/506 -------- 49.51 Ac +/- (DEED Ac.) RECORDED 4/11/75

5522/509 --------151.5 Ac +/- (DEED Ac.) RECORDED 4/15/75

6567/589 --------- 75 Ac +/- (DEED Ac.) RECORDED 7/18/83 *

* 150 Ac, SAVING & EXCEPTING 75 Ac. OUTCONVEYANCE BY DEED E.H.A. 65/138 DATED: JUNE 14, 1868

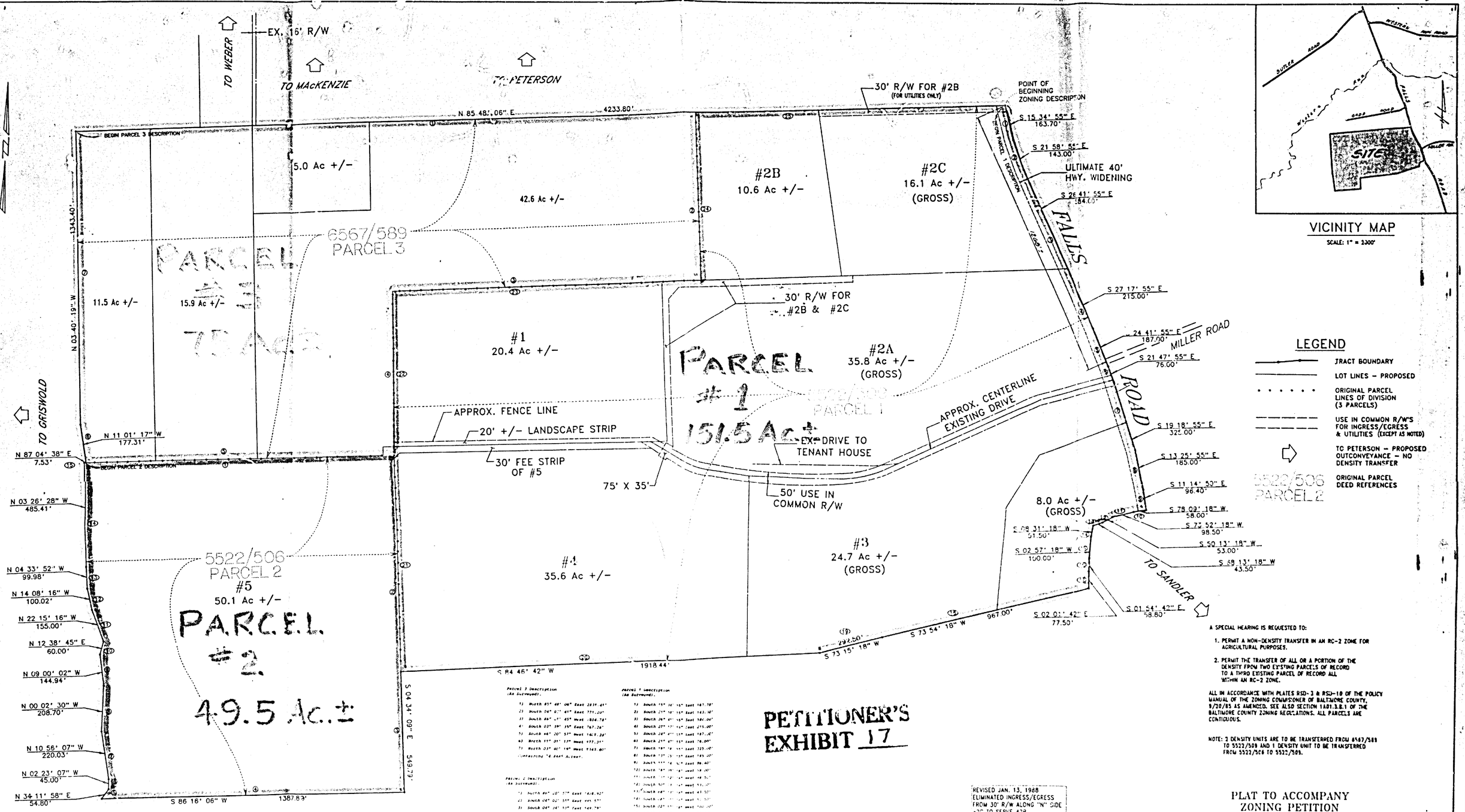
OWNERS/DEVELOPERS

PARCEL 1
GADD ROAD REALTY CORP.
2328 W. JOPPA ROAD
SUITE 200
LUTHERVILLE, MD. 21093
(301) 821-8585
CLARK F. MacKENZIE, PRES.
7738/265

PARCEL 3
GMPW GADD ROAD PARTNERS
2328 W. JOPPA ROAD
SUITE 200
LUTHERVILLE, MD. 21093
(301) 821-8585
CLARK F. MacKENZIE - GEN. PARTNER
7738/272

PARCEL 2
IRVIN S. NAYLOR
14234 FALLS ROAD
BUTLER, MD. 21023
C/O (301) 821-8585
7738/272

PM 5238



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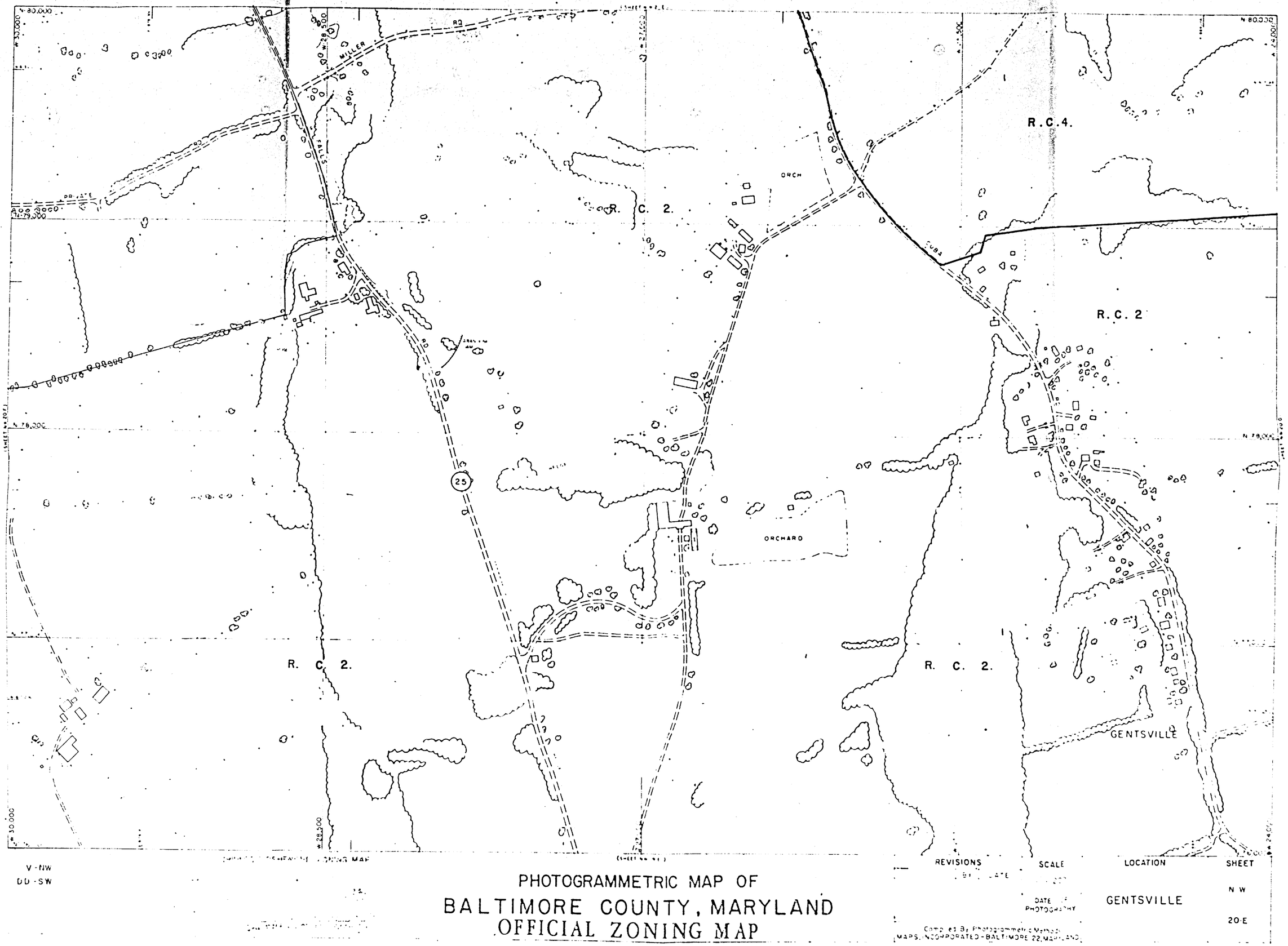
PLAT TO ACCOMPANY
ZONING PETITION
FOR
SPECIAL HEARING

PINE HILL FARMS

BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT NO. 8

SCALE: 1" = 200' DATE: DEC.3, 1987

PN 5938



V - NW
DD - SW

PHOTOGRAMMETRIC MAP OF

BALTIMORE COUNTY, MARYLAND
OFFICIAL ZONING MAP

REVISIONS	SCALE	LOCATION	SHEET
BY DATE	1" = 200'	GENTSVILLE	N W
DATE OF PHOTOGRAPHY		GENTSVILLE	20 E

Compiled By Photogrammetric Methods
MAPS, INCORPORATED - BALTIMORE 22, MARYLAND

R. C. 2

R. C. 4

R. C. 2

R. C. 2

R. C. 2

R. C. 2

W - NE
CC - SE

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY, MARYLAND
OFFICIAL ZONING MAP

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE	1" = 200'	NORTH OF BIG SPRING	N W 20-F
		DATE OF PHOTOGRAPHY		

Compiled By Photogrammetric Methods
MAPS, INCORPORATED - BALTIMORE, MARYLAND

R. C. 2

R. C. 4

R. C. 4

R. C. 2

ORCHARD

POOL

RUN

WESTERN

PRIVATE

PRIVATE

ROS

FALLS

ROS

25

N.84,000

N.83,000

N.82,000

N.81,000

N.80,000

W.30,000

W.31,500

W.33,000

W.34,500

W.36,000

CC-SE

W-NE

1984 COMPREHENSIVE ZONING MAP

PHOTOGRAMMETRIC MAP OF

BALTIMORE COUNTY, MARYLAND

OFFICIAL ZONING MAP

REVISIONS	SCALE	LOCATION	SHEET
BY DATE	1" = 200'	SOUTH OF BUTLER	N. W. 21-F
DATE OF PHOTOGRAPHY			

Compiled By Photogrammetric Methods
MAPS, INCORPORATED - BALTIMORE 22, MARYLAND