

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
NW/Corner Padonia Road and * DEPUTY ZONING COMMISSIONER
Beaver Dam Road
(Texas Quarry, Land Bay-4)
8th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District * Case No. 96-443-SPH
Redland Genstar Company
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as the Texas Quarry, Land Bay-4 thereof, located at the northwest corner of Padonia Road and Beaver Dam Road in Cockeysville. The Petition was filed by the owner of the property, Redland Genstar Company, by John H. Gease, Director of Real Estate, through their attorney, Richard A. Reid, Esquire. The Petitioner seeks approval of the relocation of an existing nonconforming use (inactive cemetery) in the M.L.-I.M. zoning district on the subject property to one of two alternate locations on the subject site. The subject property and relief requested are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were John Gease, representing Redland Genstar Company, Legal owner of the property, Timothy F. Madden, Professional Engineer who prepared the site plan for this property, and Richard A. Reid, Esquire, attorney for the Petitioner. Many individuals appeared in opposition to the Petitioner's request, all of whom signed the Protestants-Sign-In Sheet.

Testimony and evidence offered by the Petitioner revealed that the subject property consists of 6.2 acres, more or less, zoned M.L.-I.M.

The property is known as the Land Bay-4 area of the Texas Quarry. Located on that property is an inactive cemetery which was previously used as the family burial plot for the Cockey family and dates back more than 200 years. The Cockey family was responsible for founding the community of Cockeysville. Most of the Protestants who attended the hearing were descendants of the Cockey family. Many of their ancestors are buried in this graveyard and the Protestants appeared to protect the integrity of this cemetery. It should be noted that none of the Protestants who attended the hearing have any intention of being buried in this graveyard, nor has the graveyard been utilized for some time. Testimony demonstrated that there has been only one burial at this site in the last century and that particular person was not a member of the Cockey family.

On behalf of Redland Genstar, Mr. John Gease testified that the Petitioner proposes to develop the subject site with a Bob Evans fast food restaurant and another restaurant. The Department of Permits and Development Management (DPDM) has already granted a limited exemption to the Petitioner to develop the property as proposed. This limited exemption was granted to the Petitioner without the issue of the cemetery being remedied at that time. Realizing that the cemetery would have to be moved to accommodate the two new restaurants, the Petitioner filed a Petition with the Baltimore County State's Attorney's Office and the Maryland State Department of Health and Mental Hygiene (DHMH), seeking permission to move the remains of those individuals interred at this site. Whether the Petitioner is permitted to remove those remains is strictly under the jurisdiction of the State's Attorney's Office and DHMH. That permission cannot be granted by this office. The purpose of the hearing before this Deputy Zoning Commissioner is to determine whether two alternative sites

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for relocating the cemetery on the subject property are appropriate. If those two alternate sites are not approved by this Deputy Zoning Commissioner, then the Petitioner can simply proceed to relocate the remains of those individuals buried in this graveyard in various public cemeteries in and around Baltimore. In other words, the relief requested herein is necessary to relocate this cemetery intact and in one location on the same property which the Cockey family settled some 200 years ago.

The Petitioner has proposed to relocate the subject cemetery to one of two alternate locations on its property in accordance with the site plan marked as Petitioner's Exhibit 1. As shown on the plan, one of the sites is located in the far northern quadrant of the Texas Quarry in the area of "Little Lindsey". That location is identified as Proposed Alternate No. 1 Location for Graves and is accessed by Church Lane. The Petitioner testified that there is sufficient land in this area which would allow for the relocation of all of the graves in the existing cemetery. The Petitioner testified that they would make this area a walking park for individuals who are interested in Baltimore County history. The second alternate location for the graveyard is at the northern end of the subject property known as Land Bay 4-A. However, in order to relocate the cemetery to either location, approval pursuant to the Petition for Special Hearing must be given. In the event I do not approve the special hearing request, the Petitioner might then proceed to relocate the remains of those individuals buried in this graveyard in and around public cemeteries in Baltimore County. The Petition for Special Hearing was filed in an attempt by Redland Genstar to try to accommodate the ancestors of the Cockey family by keeping all of the individuals buried in this graveyard in one location.

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As stated previously, many descendants of the Cockey family appeared at the hearing before me. These family members had not had an opportunity to organize themselves to present a unified position. Some of those individuals mistakenly thought that I had the authority to determine whether or not such a relocation could occur. As stated previously, such authority belongs to the State's Attorney's Office and the Maryland State Department of Health and Mental Hygiene. My jurisdiction lies only in determining whether or not the two alternate cemetery sites selected by Redland Genstar are appropriate.

There was also some question as to whether Redland Genstar held legal title to the subject property in which the graveyard lies. I indicated to the individuals in attendance at the hearing that I do not have the authority to determine title to property and that the answer to this question would be best handled by a Circuit Court Judge in Baltimore County. In the event the Protestants wish to contest the title of the graveyard, then a Petition must be filed in the Circuit Court of Baltimore County seeking a determination as to who holds legal title to the property.

At the close of the hearing, further discussions were held with the members of the Cockey family who were in attendance. It was determined that they would assemble a committee of representatives for the entire Cockey family and that this committee would deal directly with Redland Genstar in continuing negotiations regarding the movement of this cemetery. It was also agreed that I would approve the special hearing request to allow the relocation of this cemetery to either of the two alternate sites designated on the site plan. This would allow flexibility in negotiations between the Cockey family descendants and Redland Genstar to agree upon one of two alternate sites for relocating this cemetery and

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thereby maintaining the continuity of the existing graveyard. If I did not approve those two alternate sites, then the remains could be scattered about Baltimore County in various area cemeteries and the integrity of the existing graveyard would be compromised.

After due consideration of the testimony and evidence offered, I am persuaded to grant approval of the two areas identified on the site plan as appropriate alternative sites for a cemetery use. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare. However, the relief granted herein is conditioned upon the Petitioner securing written approval from the committee representing the Cockey family descendants that two alternative sites for the relocation of this cemetery have been agreed upon. If Redland Genstar does not secure such written approval from the Cockey family, then the special hearing relief granted herein shall be rescinded. Therefore, within sixty (60) days of the date of this Order, the Petitioner shall obtain written approval from the Cockey family committee as to which of the two cemetery sites was selected, and submit a site plan depicting the location chosen by the family as an appropriate site to relocate the cemetery.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of July, 1996 that the Petition for Special Hearing seeking approval of the relocation of an existing noncon-

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forming use (inactive cemetery) in the M.L.-I.M. zoning district on the subject property to one of two alternate locations on the subject site, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The relief granted herein is contingent upon the Petitioner obtaining written approval from the Cockey family committee as to the site selected for the relocation of the subject cemetery. A site plan depicting the location agreed upon by the Petitioner and the Cockey family committee and signed by same shall be submitted to this office for inclusion in the case file within sixty (60) days of the date of this Order. If no site is agreed upon by the parties within sixty (60) days, then the relief granted herein shall be rescinded.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TKR:bjs

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

July 30, 1996

(410) 887-4386

Richard A. Reid, Esquire
Royston, Hueller, McLean and Reid
102 W. Pennsylvania Avenue
Towson, Maryland 21204-4575

RE: PETITION FOR SPECIAL HEARING
NW/Corner Padonia Road and Beaver Dam Road
(Texas Quarry, Land Bay-4)
8th Election District - 3rd Councilmanic District
Redland Genstar Company - Petitioner
Case No. 96-443-SPH

Dear Mr. Reid:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TKR:bjs

cc: Mr. John H. Gease, Director of Real Estate, Redland Genstar Co.
Exec. Plaza IV, 6th Flr., 1000 Beaver Dam Road, Hunt Valley, Md. 21030

Mr. Joshua P. Cockey of B., P.O. Box 123, Cockeysville, Md. 21030

Mr. Thomas Deye-Cockey, Sr., 1265 Hoods Mill Rd, Woodbine, Md. 21797

People's Counsel

Case File

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
NW/Corner Padonia Road and * DEPUTY ZONING COMMISSIONER
Beaver Dam Road
(Texas Quarry, Land Bay-4) * OF BALTIMORE COUNTY
8th Election District * Case No. 96-443-SPH
3rd Councilmanic District *
Redland Genstar Company, Petitioner *

CERTIFICATE OF COMPLIANCE

By Order dated July 30, 1996 the Deputy Zoning Commissioner approved two alternative locations on Petitioner's property at Texas as appropriate for the relocation of the existing cemetery on its property. Such approval was conditioned upon Petitioner securing written approval from the Committee representing the Cockey family descendants (the "Cockey Family Committee") designating which of the two alternative locations it preferred. The time for obtaining such approval was extended by agreement to and including November 15, 1996. Redland Genstar and the Cockey Family Committee have agreed upon Alternative No. 1 as the preferred site and have entered into a written agreement (the "Agreement") with respect thereto, a copy of which, together with a copy of the plat referred to therein, is attached hereto.

Accordingly, the Deputy Zoning Commissioner for Baltimore County does, this 14th day of November, 1996, certify that the conditions set forth in his Order of July 30, 1996 have been met and complied with so that Petitioner is authorized to use the property described in the Agreement and shown on the plat referred to therein, and attached hereto, for the relocation of the cemetery on Petitioner's property.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

AGREEMENT

THIS AGREEMENT made this 14th day of November, 1996 by and between REDLAND GENSTAR, INC., a Delaware corporation ("Genstar"), and the COCKEY FAMILY COMMITTEE ("Committee").

WITNESSETH

WHEREAS, in zoning case number 96-443-SPH (the "Zoning Matter") Genstar requested permission from the Zoning Commissioner of Baltimore County to use one of two sites on its property for the relocation of an existing cemetery on its property containing, among others, the remains of ancestors of the Cockey family; and

WHEREAS, the Deputy Zoning Commissioner granted Genstar such permission by Order dated July 30, 1996, subject, however, to the approval of the Committee of the site it preferred; and

WHEREAS, the time for such approval was originally established to be sixty (60) days from the date of the Order but was extended to November 15, 1996 by the Deputy Zoning Commissioner of Baltimore County; and

WHEREAS, the duly constituted Committee consists of Joshua F. Cockey of B.; Joshua Hutchins Cockey, III; Thomas Deye Cockey, Sr.; Moira Hutchins Fuhr; John Thomas Sadler, Jr.; Noah Edward Offutt; and Reed Cockey Haynie; and

WHEREAS, the Committee has selected the site which it prefers and Genstar is in agreement with such selection, which site was acquired by it from The Flintkote Company by Deed dated October 27, 1986 and recorded among the Land Records of Baltimore County at Liber EH4K Jr. 7309, folio 563.

NOW, therefore, this Agreement WITNESSETH.

1. The Committee approves the relocation of the existing graveyard on Genstar's property to the location shown on the plat prepared by Morris and Ritchie Associates, Inc. entitled "Texas History Park, Redland Genstar, Inc., Texas Station" dated September 16, 1996 and revised as per the request of the Committee on October 2, 1996 and further revised on October 28, 1996 which will be filed in the Zoning Matter (the "Morris and Ritchie Plat") and described as follows:

0.402 Acre Parcel, "Texas History Park," part of the Redland Genstar Stone Products Company Property, located on the south side of Church Lane, east of the relocated Beaver Dam Road, Eighth Election District, Baltimore County, Maryland:

BEGINNING for the same at a point on the south side of Church Lane, 30 feet wide, at the end of the 14th or South 83° 24' 49" East 36.00 foot line of a parcel of land conveyed by and secondly described in a deed from The Flintkote Company, a Delaware corporation, to Genstar Stone Products Company, a Delaware corporation, dated October 27, 1986, and recorded among the Land Records of Baltimore County, Maryland in Liber No. 7309, Folio 563, thence leaving the said Church Lane and binding on the 15th, 16th, 17th, 18th and 19th lines of said parcel and based on a Field Survey performed by and a Boundary Survey Plat dated July, 1991 prepared by KCI Technologies, Inc. with all bearings referred to the Baltimore County Metropolitan District Coordinate System, five courses, viz:

1. South 06° 06' 27" West 93.49 feet.
2. South 04° 41' 07" East 56.79 feet.
3. South 82° 58' 13" East 83.34 feet.
4. South 03° 49' 59" West 24.51 feet, and
5. By a curve to the left with a radius of 700.83 feet and an arc length of 54.11 feet, said curve being subtended by a chord bearing South 01° 37' 16" West 54.10 feet to the end of the said 19th line, thence leaving said outline and running for a new line of division.
6. South 36° 50' 26" West 33.05 feet to a point and to intersect the 4th or North 35° 48' 30" West 67.19 foot line of said second parcel (7309/563), thence binding on the remainder of the last

mentioned 4th line and continuing and binding on the 5th and part of the 6th line of said parcel, two courses, viz:

7. North 35° 43' 51" West 83.56 feet, and
8. South 76° 16' 09" West 59.51 feet to a point and to intersect the easternmost line of a parcel of land designated Fee Taking Part II conveyed by and described in a deed from Genstar Stone Products Company to Baltimore County, Maryland, dated June 13, 1995 and recorded among the aforesaid Land Records in Liber No. 11088, Folio 653, thence binding thereon, four courses, viz:
9. North 18° 52' 25" West 44.44
10. North 17° 12' 10" West 48.92 feet.
11. North 13° 11' 24" West 48.95 feet, and
12. North 28° 48' 18" West 2.24 feet to intersect the 10th or North 86° 17' 21" East 95.77 foot line of the said second parcel (7309/563), thence leaving said easternmost line and binding on the remainder of the last mentioned 10th line and continuing and binding on the 11th, 12th and 13th lines of said second parcel (7309/563), four courses, viz:
13. North 87° 16' 09" East 9.19 feet.
14. South 35° 43' 51" East 16.45 feet.
15. South 83° 26' 46" East 28.97 feet, and
16. North 06° 06' 27" East 93.60 feet to the end of the said 13th line and to intersect the said South side of Church Lane, thence binding thereon and also binding on the said 14th line of the second parcel (7309/563).
17. South 83° 16' 14" East 56.00 feet to the place of beginning.

CONTAINING 17490.338 square feet or 0.402 acres of land more or less.

BEING part of a parcel of land conveyed by and secondly described in a deed from The Flintkote Company, a Delaware corporation to Genstar Stone Products Company, a Delaware corporation, dated

Redland Genstar Texas Quarry Land Bay 4-A, containing the Texas Cemetery.

BEGINNING at the intersection of the north side of Padonia Road and the west side of the proposed location of Beaver Dam Road and running thence along said Padonia Road,

South 42° 17' 01" West 53.12 feet, South 81° 33' 08" West 209.74 feet, and South 79° 59' 54" West 88.73 feet, thence leaving said Padonia Road and running North 03° 28' 19" West 788.64 feet, and South 83° 46' 29" East 432.79 feet to the said west side of the proposed location of Beaver Dam Road, thence along said west side, South 14° 12' 12" West 15.21 feet, South 75° 47' 48" East 32.00 feet, South 14° 11' 58" West 181.42 feet, South 17° 03' 57" West 61.43 feet, By a curve to the left with a radius of 684.72 feet and an arc length of 189.18 feet, By another curve to the left with a radius of 1001.93 feet and an arc length of 122.10 feet, South 05° 44' 50" East 83.54 feet, and South 01° 27' 48" East 6.31 feet to the place of beginning.

CONTAINING 6.252 acres of land, more or less

BEING Land Bay 4-A of the Genstar Stone Products Company property, Eighth Election District, Baltimore County, Maryland.

TPM:thla:9445C zoning des 05/03/96

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October 27, 1986 and recorded among the Land Records of Baltimore County, Maryland in Liber No. 7309, folio 563.

2. Genstar agrees to relocate the existing cemetery to the location described in paragraph 1 and agrees to maintain public access thereto by properly maintained roads and paths.
3. Genstar agrees to develop the site, including the landscaping thereof, in accordance with the Morris and Ritchie Plat.
4. Genstar agrees to maintain the site, including cutting of grass, planting and maintaining shrubbery and trees.
5. Genstar agrees to maintain the grave markers in as good condition as is reasonably possible.
6. Genstar agrees to erect a plaque or other memorial identifying so far as possible the members of the Cockey family buried at the site and describing briefly their contribution to the history of Baltimore County and the State of Maryland.
7. In the event the property described in paragraph 1 is sold, the obligations assumed by Genstar herein will be passed on to its successors and assigns in perpetuity.
8. This Agreement shall be recorded among the Land Records of Baltimore County, Maryland.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

WITNESS:

REDLAND GENSTAR, INC.

By: [Signature] (SEAL)

Name: John H. Gease, III
Title: Director, Real Estate

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 8th Date of Posting: 5/1/96
Posted for: David L. Hensley
Petitioner: Redland Genstar Co.
Location of property: 1100 Padonia Rd., 25th W. of Beaver Dam Rd.
Location of Sign: Along 25th W. of Beaver Dam Rd.
Remarks: _____
Posted by: [Signature] Date of return: 5/1/96
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 24, 1996
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 23, 1996.

THE JEFFERSONIAN,
A. Henrickson
LEGAL AD. - TOWSON

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 proposed location of the Texas Cemetery, located on the south side of Church Lane, east of the relocated Beaver Dam Road, Eighth Election District, Baltimore County, Maryland, at the following time and place:

Case #96-443-SPH
Date: May 24, 1996
Time: 10:00 A.M.
Place: Room 111, 1100 Padonia Road, 25th W. of Beaver Dam Road, 8th Election District, Towson, Maryland

Any person desiring to be heard at the hearing should appear at the hearing and file a written statement of objections with the Zoning Commissioner at least 48 hours before the hearing.

Hearing: Monday, June 17, 1996, at 10:00 A.M. in Room 111, 1100 Padonia Road.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTICE: All hearings are held in the Zoning Department, 300 South Howard Avenue, Towson, Maryland 21204-4575.

For information concerning the hearing, please call 848-3361.

5/24 May 23 05408

COCKEY FAMILY COMMITTEE

By: [Signature] (SEAL)
Joshua F. Cockey of B.,
Chairman

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I hereby certify under the penalties of perjury that on the 14th day of November, 1996, before me, a Notary Public in and for the State and County aforesaid, personally appeared John H. Gease, III, as Director, Real Estate of Redland Genstar, Inc., a Delaware corporation, who signed the foregoing Agreement as such Director, Real Estate for the purposes set forth therein and acknowledged the same to be his knowing and voluntary act.

As witness my hand and Notarial seal.

[Signature]
Notary Public

My Commission Expires: 4/1/97

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I hereby certify under the penalties of perjury that on the 14th day of November, 1996, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared JOSHUA F. COCKEY OF B., who acknowledged that he was the Chairman of the Cockey Family Committee and was authorized by that Committee to sign the foregoing Agreement on its behalf for the purposes set forth therein and that his signing of same was his knowing and voluntary act pursuant thereto.

As witness my hand and Notarial seal.

[Signature]
Notary Public

My Commission Expires: 4/1/97

Landscape R&B General Foundation Agreement

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Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at Northwest corner of Padonia and Beaver Dam Roads
which is presently zoned ML-1M

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property, situated 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 Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

the relocation of an existing non-conforming use in the ML-1M zoning district on Petitioner's property at Texas, Maryland (an inactive cemetery) to one of two alternate locations also on Petitioner's property at Texas, as shown on the attached exhibits.

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

I, or we, agree to pay expenses of 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.

Use: General
Legal Owner: Mr. John H. Gease, Director of
Redland Genstar Company Real Estate

Signature: [Signature]
Name: John H. Gease
Type of Petitioner: Owner

Address: Executive Plaza IV, 4th Floor
1000 Beaver Dam Road 527-4477

City: Towson State: MD Zip: 21204

Attorney for Petitioner: Richard A. Reid
Type of Petitioner: Attorney

Signature: [Signature]
Name: Richard A. Reid
Type of Petitioner: Attorney

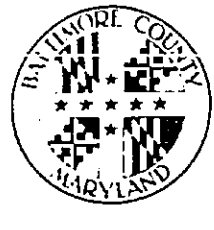
Address: 102 West Pennsylvania Ave. 823-1800

City: Towson State: MD Zip: 21204-4575

ESTIMATED LENGTH OF HEARING: 30 minutes for hearing

ALL: 1 OTHER: 5/4/96

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 440 Petitioner: Redland Genstar Company
Location: Redland Genstar Company - Beaver Dam Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Richard A. Reid
ADDRESS: Royston, Mueller, McLean and Reid / 102 W. Pennsylvania Avenue / Towson, MD 21204-4575
PHONE NUMBER: (410) 432-1800

Printed with Soybean Ink
on Recycled Paper

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TO: PUTNEY PUBLISHING COMPANY
May 23, 1996 Issue - Jeffersonian

Please forward billing to:

Richard A. Reid, Esq.
Royston, Mueller, McLean and Reid
102 W. Pennsylvania Avenue
Towson, MD 21204
432-1800

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-443-SPH (Item 440)
N/S Padonia Road, 25' W of c/1 Beaver Dam Road
8th Election District - 3rd Councilmanic
Legal Owner(s): Redland Genstar Company

Special Hearing to approve the relocation of an existing non-conforming use on the petitioner's property at Towson, Maryland (an inactive cemetery) to one of two alternative locations also on petitioner's property at Towson.

HEARING: MONDAY, JUNE 17, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

LAWRENCE E. SCOTT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 17, 1996

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-443-SPH (Item 440)
N/S Padonia Road, 25' W of c/1 Beaver Dam Road
8th Election District - 3rd Councilmanic
Legal Owner(s): Redland Genstar Company

Special Hearing to approve the relocation of an existing non-conforming use on the petitioner's property at Towson, Maryland (an inactive cemetery) to one of two alternative locations also on petitioner's property at Towson.

HEARING: MONDAY, JUNE 17, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Redland Genstar Company
Richard A. Reid, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 10, 1996

Richard A. Reid, Esquire
Royston, Mueller, McLean and Reid
102 West Pennsylvania Avenue
Towson, MD 21204-4575

RE: Item No.: 440
Case No.: 96-443-SPH
Petitioner: John H. Gease

Dear Mr. Reid:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 8, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/rs
Attachment(s)

Printed with Soybean Ink
on Recycled Paper

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4000

DATE: 05/20/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF MAY 20, 1996

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

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

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 437, 438, 440, 441, 442, 443, 444, 445, 446, 447 AND 448. (0)

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 867-4881, MS-1102F

cc: File

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits &
Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for May 28, 1996
Item Nos. 437, 440, 442, 444, 445, 446, 448 & 449

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: Robert A. Wirth
DEPRM

SUBJECT: Zoning Item #440 - Redland Genstar
Padonia & Beaver Dam Roads
Zoning Advisory Committee Meeting of May 20, 1996

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).

Environmental Impact Review

There are numerous unresolved environmental issues on this portion of Redland Genstar Property including Forest Buffer Easements, Forest Conservation Easements and an unresolved memorandum of understanding between Genstar, DEPRM and the Department of Public Works. An accurate evaluation of the proposed relocation is not possible at this time due to all of the other unresolved issues. We cannot recommend approval of either location at this time. Alternate #2 is not approvable based on the office building location.

Ground Water Management

Public water and sewer must be extended to serve this property.

RAW:DL:SF:sp

REDLAND/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: William P. Hughey
Office of Planning

FROM: John McGrain
Office of Planning

SUBJECT: Bob Evans Restaurant

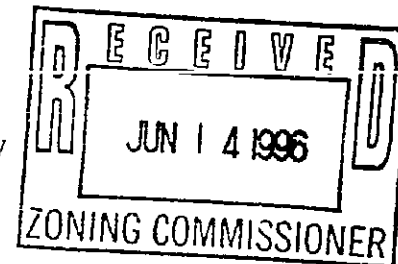
DATE: June 13, 1996

The plan for this restaurant involves moving the Cockey family cemetery. The property manager of the Genstar Corporation told me he was applying to the State's Attorney office for permission to do so. However, that Cemetery was never the property of the Genstar Corporation, or of any prior owners of the Taylor's Hall farm since it's purchase on May 17, 1866, by William Padian. The Cemetery is specifically excluded from the sale to Padian and recorded in Baltimore County Deeds, Liber JHL 49, folio 32, wherein Thomas D. Cockey of J. excepted from the sale "one acre of land, which was reserved for a burying ground by the said Penelope D. Geist in her last will and testament and laid out for that purpose by Joshua F. Cockey, Thomas D. Cockey of J., and others."

One of the family members, Professor Moira Hutchins, called me about this issue on June 10. She claimed to be one of the actual owners, along with other descendants, which is likely in the light of the deed cited above.

BOBEVANS/FZONE/LANDMARK

BALTIMORE COUNTY OFFICE OF LAW
INTEROFFICE MEMORANDUM



TO: Timothy Kotrocco
FROM: Virginia W. Barnhart
County Attorney
DATE: June 14, 1996
RE: Redland Genstar/Special Hearing June 17, 1996

Tim:
I was contacted today by the Chairman of the Landmarks Preservation Committee regarding the above referenced Special Hearing. She indicated that a title search performed by John McGrain indicated that although the Petitioner seeks approval for the relocation of a cemetery, the Petitioner does not on the land on which the cemetery is located. I enclose a copy of John McGrain's memorandum for your reference. I have not made any attempt to verify his assertions, but thought you might want to know that there is some question regarding this issue.

96-443-SPH

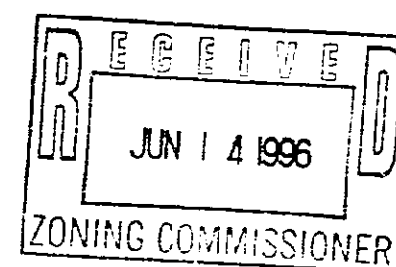
JUN-14-'96 FRI 13:15 10-PLANNING TEL NO: 410-887-5862 #766 P01

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: William P. Hughey
Office of Planning
DATE: June 13, 1996
FROM: John McGrain
Office of Planning
SUBJECT: Bob Evans Restaurant

The plan for this restaurant involves moving the Cockey family cemetery. The property manager of the Genstar Corporation told me he was applying to the State's Attorney office for permission to do so. However, that Cemetery was never the property of the Genstar Corporation, or of any prior owners of the Taylor's Hall farm since it's purchase on May 17, 1866, by William Fadian. The Cemetery is specifically excluded from the sale to Fadian and recorded in Baltimore County Deeds, Liber JHL 49, folio 32, wherein Thomas D. Cockey of J. accepted from the sale "one acre of land, which was reserved for a burying ground by the said Penelope D. Geist in her last will and testament and laid out for that purpose by Joshua F. Cockey, Thomas D. Cockey of J., and others."

One of the family members, Professor Moira Hutchins, called me about this issue on June 10. She claimed to be one of the actual owners, along with other descendants, which is likely in the light of the deed cited above.



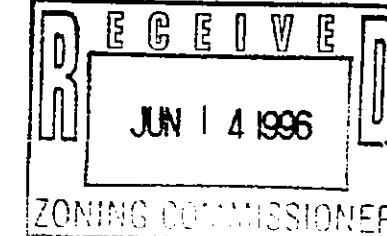
PDM # VIII-677
ZAC # 440

BOBEVANS/PZONE/LANDMARK

Post-It Fax Note	7871	DATE	6/14/96
TO	GARY KEYS	FROM	GARY KEYS
FROM	PLANNING	TO	PLANNING
PHONE	K 3480	PHONE	K 3480
FAX	296-0931	FAX	



Baltimore County
Office of Planning



401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3211
Fax: (410) 887-5862

Planning's report to LPC, 6/13/96

Status reports

1. Rider property (Church Road) [IV-446]: Photographs submitted to demonstrate adequacy of vegetative screening; access drive to be provided
2. Goldsmith property [8 96051N]: Site visit confirms lack of visual "involvement" with St. John's P.E. Church, etc. (Final L.L. #32; MHT# BA 57); potential issues of design/screening as seen from Butler Road (Worthington Valley N.R. District)
3. Dew property (16350 Matthews Road) [8 96070H]: Site visit confirms minuscule visibility of proposed dwelling site from My Lady's Manor N.R. District

New Projects

1. Fyhr property (Franklinville Road) [8 96076H]: Three-lot subdivision of 28.25 acre property abutting Franklinville Historic District (County); possible issue of screening Lot #1 from former Franklinville School (MHT# BA 2223)
2. Fanshaw property (204 Central Avenue, Glyndon): Two-lot subdivision at Central and Glyndon Avenues. Located within the Glyndon Historic District (County); future construction on Lot #2 will be subject to the Commission's approval (House on Lot #1 is MHT# BA 790)
3. Lerner property (along Slade Run, between Butler and Belmont Roads) [8 96077H]: Three-lot subdivision of 43.5 ac. property in Worthington Valley N.R. District
4. Redland Genstar property (#440): Petition to authorize relocation of the Cockey family cemetery at Padonia Road (opposite Desreco Road). Two alternative sites are proposed, one nearby between a proposed office building and the proposed extension of Beaver Dam Road, and the other near Church Lane in a proposed recreation area to contain other relocated historic features. The Special Hearing by the Deputy Zoning Commissioner is scheduled for June 17th (2:00 P.M., Courthouse, Room 115).
The relocation of human remains is also subject to approval by the State's Attorney. Note, also, item 5 below.
5. Bob Evans Restaurant (Padonia Road at Beaver Dam Road Ext.) [VIII-677]: Proposed restaurant; northwest corner of the site overlaps the existing Cockey family cemetery.

Printed with Soy-based ink on Recycled Paper

PETITION PROBLEMS

#437 --- JJS

1. No review information on bottom of petition form.

#439 --- RT

According to pink sheet, petition was taken in by RT -- Where is it???

#440 --- MJK

1. No original signature for legal owner.
2. No original signature for attorney.

#444 --- JRF

1. No printed name or title for person signing for legal owner.
2. Need authorization of person signing for legal owner.
3. No printed name or title of person signing for contract purchaser.
4. No telephone number for attorney.

#446 --- JLL

1. Petition says zoning is "D.R.-5.5"; folder says zoning is "D.R.-3.5" - which is correct zoning?

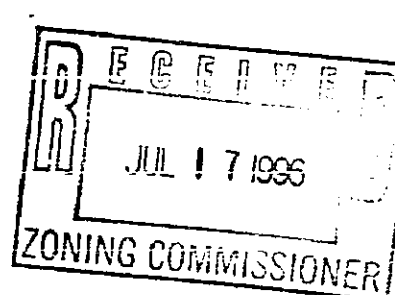
5/13/96



Baltimore County
Landmarks Preservation Commission

401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3495
Fax: (410) 887-5862

July 15, 1996



Timothy Kotrocco
Deputy Zoning Commissioner
Zoning Commissioner's Office
400 Washington Avenue
Towson, MD 21204

Dear Mr. Kotrocco:

In the past few days, I have received several calls from citizens and from the Baltimore County Historical Society concerning the plans to "relocate" the Cockey Cemetery. I wish to bring to your attention the concern of the Landmarks Preservation Commission on behalf of County citizens.

The special hearing was not properly advertised. When I spoke with Ms. Virginia Barnhart, she told me that Don Rascoe (Development Manager, PDM) had said no notice was required. Later, he admitted that a sign was needed. I had said no notice was required. The sign was not posted until personally pass the site several times a week. The sign was not posted until two days prior to the hearing. The minimum posting for this sort of hearing is fifteen days.

Secondly, I am concerned about Baltimore County's adherence to State law concerning cemeteries. I understand that the State Cemetery Coalition is looking into violations of State law.

Finally, I hope that we in Baltimore County have not regressed to a level of concern for human dignity below which even the most primitive of societies have not plummeted -- that is, dishonoring these citizens who have passed. The Cockey family especially is one which virtually built Baltimore County. How humiliating that we should dishonor its deceased.

Could you please let me know your thoughts.

Sincerely yours,

Ruth Mascari
Ruth Mascari

RM:bjs

c: Hon. T. Bryan McIntire, County Councilman 3rd District
Virginia W. Barnhart, County Attorney
Peter M. Zimmerman, People's Counsel
Don Rascoe, Development Manager, PDM

KOTROCCO, RM/PZONE/LANDMARK

Printed with Soy-based ink on Recycled Paper

RE: PETITION FOR SPECIAL HEARING
N/S Padonia Road, 25' W of c/l Beaver Dam Rd
8th Election District, 3rd Councilmanic
Redland Genstar Company
Petitioner
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 96-443-SPH

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CAROLE S. DEMILLO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of June, 1996, a copy of the foregoing Entry of Appearance was mailed to Richard A. Reid, Esquire, Royston, Mueller, 102 W. Pennsylvania Avenue, Towson, MD 21204, attorney for Petitioners.

PETER MAX ZIMMERMAN

State's Attorney for Baltimore County

SANDRA A. O'CONNOR
COUNTY COURTS BUILDING
401 BOSLEY AVENUE
TOWSON, MARYLAND 21204-4420

410-887-4600
FAX: 410-887-4648
MRS. 800-735-3258

July 30, 1996

Ms. Lucy Merrill, Chairman
Baltimore County Historical Trust, Inc.
P.O. Box 10067
Towson, Maryland 21285-0067

Re: Cockey Family Cemetery

Dear Ms. Merrill:

In response to your letter to the State's Attorney dated July 24, 1996, this office is familiar with the above situation and has been in contact with both sides. To date, there has been no request to this office for authority to disinter/reinter as required by Article 27, §265, Annotated Code of Maryland.

As I have explained to Ms. Moira W. Hutchins-Fuhr, a Cockey descendant, the State's Attorney's Office has no basis to withhold the requested authority if the requesting party provides evidence of their ability and intention to disinter, transport and reinter and that costs would be covered. I also explained that should there be opposition by interested parties to the proposal to disinter/reinter, then those who are opposed would have to seek civil action against the requesting party in order to delay and/or stop the requesting party from

Ms. Lucy Merrill, Chairman
July 30, 1996
Page two

disintering/reintering. My conversation with Ms. Hutchins-Fuhr was in early June of this year.

Very truly yours,

HOWARD B. MERKER
DEPUTY STATE'S ATTORNEY

HBM:jaa
cc: Virginia Barnhart, Esquire
Lawrence Schmidt, Esquire
Peter M. Zimmerman, Esquire
Disinterment File

TFM rdc 9445 richards ltr 10-28-94

No. 60389 74/119

COMPLAINT FOR SPECIFIC PERFORMANCE
OF CONTRACT TO PURCHASE REALTY

OLITHA 26 135

Fifty Thousand Dollars (\$50,000.00) on May 1, 1962, and the balance of said purchase price found to be

PROCTOR ROBERTSON
AND
MUELLER
CORP. 8 - JUNE
MILWAUKEE WIS
LIT 3-1009

FILE NO: 2-190

1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 26

100

(501) 328-4148

John E. Ransil
Chancellor

DATE: 10/10/2013

10. *Journal of the American Medical Association*, 273, 1995, 1000-1001.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 440 Petitioner: Reiland Genstar Company

Location: Northwest Corner of Padonia & Beaver Dam Rds

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Richard A Reid

ADDRESS: Royston, Mueller, Melcom + Reid / 102 W. Penn Ave
Towson MD 21204-4575

PHONE NUMBER: (410) 823-1800

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

96-443-SPL

District 7th

Date of Posting 5/31/96

Posted for: Special Hearing

Petitioner: Re David Gensler Co

Location of property: N/S Padonia Rd, 25' W/Bearman Rd

Location of Sign: Facing 700' W of property being zoned

Remarks: _____

Posted by W. H. Kelly

Signature

Date of return: 6/7/96

Number of Signs: 1

MICROFILMED

NOTICE OF HEARINGS

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-443-SPH
(Item 440)
N/S Padonia Road, 25' W
of cf Beaver Dam Road
8th Election District
3rd Councilmanic

Legal Owner(s):
Redland Genstar Company
Special Hearing: to approve
the relocation of an existing
non-conforming use on the
petitioner's property at Texas,
Maryland (an inactive cemetery)
to one of two alternative
locations also on petitioner's
property at Texas.

Hearing: Monday, June 17,
1996 at 2:00 p.m. in Rm. 118,
Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call 887-3353.

(2) For information concerning
the File and/or Hearing,
Please Call 887-3391.

5/314 May 23 C54208

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

May 24, 1996

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on May 23, 1996.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

MICROFILMED

TO: PUTUXENT PUBLISHING COMPANY
May 23, 1996 Issue - Jeffersonian

Please forward billing to:

Richard A. Reid, Esq.
Royston, Mueller, McLean and Reid
102 W. Pennsylvania Avenue
Towson, MD 21204
823-1800

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-443-SPH (Item 440)
N/S Padonia Road, 25' W of c/l Beaver Dam Road
8th Election District - 3rd Councilmanic
Legal Owner(s); Redland Genstar Company

Special Hearing to approve the relocation of an existing non-conforming use on the petitioner's property at Texas, Maryland (an inactive cemetery) to one of two alternative locations also on petitioner's property at Texas.

HEARING: MONDAY, JUNE 17, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 17, 1996

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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N/S Padonia Road, 25' W of c/l Beaver Dam Road
8th Election District - 3rd Councilmanic
Legal Owner(s); Redland Genstar Company

Special Hearing to approve the relocation of an existing non-conforming use on the petitioner's property at Texas, Maryland (an inactive cemetery) to one of two alternative locations also on petitioner's property at Texas.

HEARING: MONDAY, JUNE 17, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Redland Genstar Company
Richard A. Reid, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 10, 1996

Richard A. Reid, Esquire
Royston, Mueller, McLean and Reid
102 West Pennsylvania Avenue
Towson, MD 21204-4575

RE: Item No.: 440
Case No.: 96-443-SPH
Petitioner: John H. Gease

Dear Mr. Reid:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 8, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

MICROFILMED



Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 05/20/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF MAY 20, 1996

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

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

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 437, 438, 440, 441, 442, 443,
444, 445, 446, 447 AND 448. 10

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED

BALTIMORE COUNTY, MARYLAND

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits &
 Development Management

DATE: May 28, 1996

FROM: Robert W. Bowling, P.E., Chief *RWB/DAB*
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for May 28, 1996
 Item Nos. 437, 440, 442, 444, 445, 446, 448 & 449

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

MICROFILMED

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director May 31, 1996
Zoning Administration and
Development Management

FROM: Robert A. Wirth *RAW/jms*
DEPRM

SUBJECT: Zoning Item #440 - Redland Genstar
Padonia & Beaver Dam Roads
Zoning Advisory Committee Meeting of May 20, 1996

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).

Environmental Impact Review

There are numerous unresolved environmental issues on this portion of Redland Genstar Property including Forest Buffer Easements, Forest Conservation Easements and an unresolved memorandum of understanding between Genstar, DEPRM and the Department of Public Works. An accurate evaluation of the proposed relocation is not possible at this time due to all of the other unresolved issues. We cannot recommend approval of either location at this time. Alternate #2 is not approvable based on the office building location.

Ground Water Management

Public water and sewer must be extended to serve this property.

RAW:DL:SF:sp

REDLAND/DEPRM/TXTSBP

MICROFILMED

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: William P. Hughey
Office of Planning

DATE: June 13, 1996

FROM: John McGrain
Office of Planning

SUBJECT: Bob Evans Restaurant

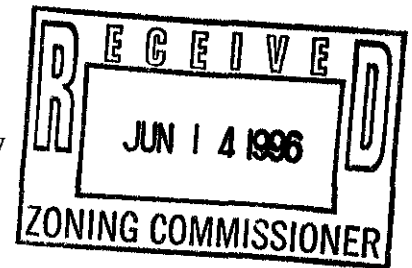
The plan for this restaurant involves moving the Cockey family cemetery. The property manager of the Genstar Corporation told me he was applying to the State's Attorney office for permission to do so. However, that Cemetery was never the property of the Genstar Corporation, or of any prior owners of the Taylor's Hall farm since it's purchase on May 17, 1866, by William Padian. The Cemetery is specifically excluded from the sale to Padian and recorded in Baltimore County Deeds, Liber JHL 49, folio 32, wherein Thomas D. Cockey of J. excepted from the sale "one acre of land, which was reserved for a burying ground by the said Penelope D. Geist in her last will and testament and laid out for that purpose by Joshua F. Cockey, Thomas D. Cockey of J., and others."

One of the family members, Professor Moira Hutchins, called me about this issue on June 10. She claimed to be one of the actual owners, along with other descendants, which is likely in the light of the deed cited above.

BOBEVANS/PZONE/LANDMARK

MICROFILMED

BALTIMORE COUNTY OFFICE OF LAW
INTEROFFICE MEMORANDUM



TO: Timothy Kotrocco
FROM: Virginia W. Barnhart
County Attorney
DATE: June 14, 1996
RE: Redland Genstar/Special Hearing June 17, 1996

(96-443-SPH)

Tim:

I was contacted today regarding the above referenced by John McGrain indicated that a cemetery, the Petitioner does copy of John McGrain's memo verify his assertions, but the regarding this issue.

Kodak *ds*
digital science™

DEMO

ervation Committee
e search performed
or the relocation of
located. I enclose a
ade any attempt to
e is some question

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William P. Hughey
Office of Planning

DATE: June 13, 1996

FROM: John McGrain
Office of Planning

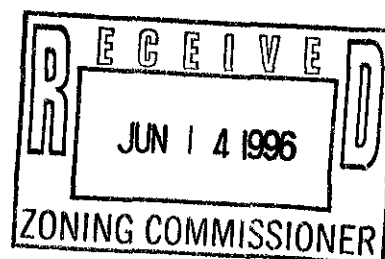
SUBJECT: Bob Evans Restaurant

The plan for this restaurant involves moving the Cockey family cemetery. The property manager of the Genstar Corporation told me he was applying to the State's Attorney office for permission to do so. However, that Cemetery was never the property of the Genstar Corporation, or of any prior owners of the Taylor's Hall farm since it's purchase on May 17, 1866, by William Padian. The Cemetery is specifically excluded from the sale to Padian and recorded in Baltimore County Deeds, Liber JHL 49, folio 32, wherein Thomas D. Cockey of J. excepted from the sale "one acre of land, which was reserved for a burying ground by the said Penelope D. Geist in her last will and testament and laid out for that purpose by Joshua F. Cockey, Thomas D. Cockey of J., and others."

One of the family members, Professor Moira Hutchins, called me about this issue on June 10. She claimed to be one of the actual owners, along with other descendants, which is likely in the light of the deed cited above.

PDM # VIII-677

ZAC# 440



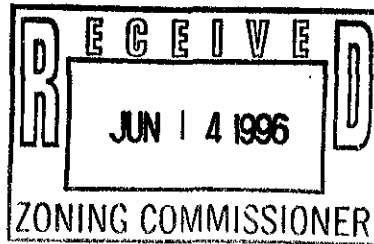
BOBEVANS/PZONE/LANDMARK

Post-It® Fax Note	7871	Date	6/14/96	# of pages	2
To	GINNY BARNHART	From	GARY KERNS		
Co./Dept	LAW OFFICE	Co.	PLANNING		
Phone #		Phone #	X 3480		
Fax #	296-0931	Fax #			

MICROFILMED



Baltimore County
Office of Planning



401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3211
Fax: (410) 887-5862

Planning's report to LPC, 6/13/96

Status reports

1. Rider property (Church Road) [IV-446]: Photographs submitted to demonstrate adequacy of vegetative screening; access drive to be provided
2. Goldsmith property [# 96051M]: Site visit confirms lack of visual "involvement" with St. John's P.E. Church, etc. (Final L.L #32; MHT# BA 57); potential issues of design/screening as seen from Butler Road (Worthington Valley N.R. District)
3. Dew property (16350 Matthews Road) [# 96070M]: Site visit confirms minuscule visibility of proposed dwelling site from My Lady's Manor N.R. District

New Projects

1. Fyhr property (Franklinville Road) [# 96076M]: Three-lot subdivision of 28.25 acre property abutting Franklinville Historic District (County); possible issue of screening Lot #1 from former Franklinville School (MHT# BA 2223)
2. Fanshaw property (204 Central Avenue, Glyndon): Two-lot subdivision at Central and Glyndon Avenues. Located within the Glyndon Historic District (County); future construction on Lot #2 will be subject to the Commission's approval (House on Lot #1 is MHT# BA 790)
3. Lerner property (along Slade Run, between Butler and Belmont Roads) [# 96077M]: Three-lot subdivision of 43.5 ac. property in Worthington Valley N.R. District

4. Redland Genstar property [#440]: Petition to authorize relocation of the Cockey family cemetery at Padonia Road (opposite Deereco Road). Two alternative sites are proposed, one nearby between a proposed office building and the proposed extension of Beaver Dam Road, and the other near Church Lane in a proposed recreation area to contain other relocated historic features. The Special Hearing by the Deputy Zoning Commissioner is scheduled for June 17th (2:00 p.m., Courthouse, Room 118).

The relocation of human remains is also subject to approval by the State's Attorney. Note, also, item 5 below.

5. Bob Evans Restaurant (Padonia Road at Beaver Dam Road Ext.) [VIII-677]: Proposed restaurant; northwest corner of the site overlaps the existing Cockey family cemetery.



PETITION PROBLEMS

#437 --- JJS

1. No review information on bottom of petition form.

#439 --- RT

According to pink sheet, petition was taken in by RT -- Where is it???

#440 --- MJK

1. No original signature for legal owner.
2. No original signature for attorney.

#444 --- JRF

1. No printed name or title for person signing for legal owner.
2. Need authorization of person signing for legal owner.
3. No printed name or title of person signing for contract purchaser.
4. No telephone number for attorney.

#446 --- JLL

1. Petition says zoning is "D.R.-5.5"; folder says zoning is "D.R.-3.5"
- which is correct zoning?

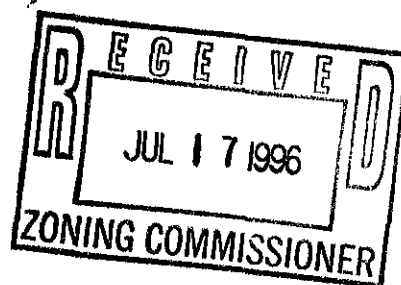


Baltimore County
Landmarks Preservation Commission

96-443-SPH
6/17/96 kg
401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3495
Fax: (410) 887-5862

July 15, 1996

Timothy Kotroco
Deputy Zoning Commissioner
Zoning Commissioner's Officer
400 Washington Avenue
Towson, MD 21204



Dear Mr. Kotroco:

In the past few days, I have received several calls from citizens and from the Baltimore County Historical Society concerning the plans to "relocate" the Cockey Cemetery. I wish to bring to your attention the concern of the Landmarks Preservation Commission on behalf of County citizens.

The special hearing was not properly advertised. When I spoke with Ms. Virginia Barnhart, she told me that Don Rascoe (Development Manager, PDM) had said no notice was required. Later, he admitted that a sign was needed. I personally pass the site several times a week. The sign was not posted until two days prior to the hearing. The minimum posting for this sort of hearing is fifteen days.

Secondly, I am concerned about Baltimore County's adherence to State law concerning cemeteries. I understand that the State Cemetery Coalition is looking into violations of State law.

Finally, I hope that we in Baltimore County have not regressed to a level of concern for human dignity below which even the most primitive of societies have not plummeted -- that is, dishonoring these citizens who have passed. The Cockey family especially is one which virtually built Baltimore County. How humiliating that we should dishonor its deceased.

Could you please let me know your thoughts.

Sincerely yours,

Ruth Mascari, J.W.M.

Ruth Mascari

RM:bjs

c: Hon. T. Bryan McIntire, County Councilman 3rd District
Virginia W. Barnhart, County Attorney
Peter M. Zimmerman, People's Counsel
Don Rasco, Development Manager, PDM

KOTROCO.RM/PZONE/LANDMARK

MICROFILMED

*sent copy
of order
7/30/96*



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
N/S Padonia Road, 25' W of c/l Beaver Dam Rd
8th Election District, 3rd Councilmanic * ZONING COMMISSIONER

Redland Genstar Company * OF BALTIMORE COUNTY
Petitioner *
* CASE NO. 96-443-SPH

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of June, 1996, a copy of the foregoing Entry of Appearance was mailed to Richard A. Reid, Esquire, Royston, Mueller, 102 W. Pennsylvania Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

MICROFILMED



State's Attorney for Baltimore County

file
96-443-5PH

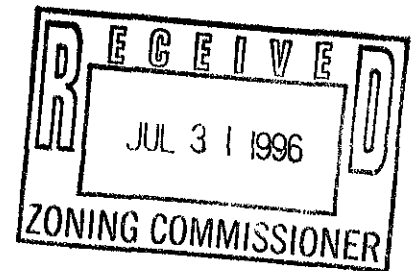
HOWARD B. MERKER
DEPUTY
SUE A. SCHENNING
DEPUTY

SANDRA A. O'CONNOR
COUNTY COURTS BUILDING
401 BOSLEY AVENUE
TOWSON, MARYLAND 21204-4420

410-887-6600
FAX: 410-887-6646
MRS: 800-735-2258

July 30, 1996

Ms. Lucy Merrill, Chairman
Baltimore County Historical Trust, Inc.
P.O. Box 10067
Towson, Maryland 21285-0067



Re: Cockey Family Cemetery

Dear Ms. Merrill:

In response to your letter to the State's Attorney dated July 24, 1996, this office is familiar with the above situation and has been in contact with both sides. To date, there has been no request to this office for authority to disinter/reinter as required by Article 27, §265, Annotated Code of Maryland.

As I have explained to Ms. Moira W. Hutchins-Fuhr, a Cockey descendant, the State's Attorney's Office has no basis to withhold the requested authority if the requesting party provides evidence of their ability and intention to disinter, transport and reinter and that costs would be covered. I also explained that should there be opposition by interested parties to the proposal to disinter/reinter, then those who are opposed would have to seek civil action against the requesting party in order to delay and/or stop the requesting party from

MICROFILMED

Ms. Lucy Merrill, Chairman
July 30, 1996
Page two

disinterring/reinterring. My conversation with Ms. Hutchins-Fuhr
was in early June of this year.

Very truly yours,



HOWARD B. MERKER
DEPUTY STATE'S ATTORNEY

HBM:jaa

cc: Virginia Bar
Lawrence Schr
Peter M. Zim
Disinterment

Kodak *ds*
digital science™

DEMO

MICROFILMED

5/14/96
9
96-2856
ROYSTON, MUELLER, MCLEAN & REID, LLP

ATTORNEYS AT LAW

SUITE 600

THE ROYSTON BUILDING

102 WEST PENNSYLVANIA AVENUE

TOWSON, MARYLAND 21204-4575

(410) 823-1800

TELECOPIER FAX (410) 828-7859

R. TAYLOR MCLEAN
E. HARRISON STONE
THOMAS F. McDONOUGH
LAUREL PARETTA EVANS
KEITH R. TRUFFER
ROBERT S. HANDZO
EDWARD J. GILLISS
JOHN W. BROWNING

CHRISTINE J. SAVERDA
AARON J. VELLI
LAURENCE ANNE RUTH

OF COUNSEL
RICHARD A. REID
EUGENE W. CUNNINGHAM, JR., P. A.
CHARLES F. STEIN III, P. C.
H. EMSLIE PARKS

COUNSEL EMERITUS
H. ANTHONY MUELLER

CARROLL W. ROYSTON
1913-1991

May 14, 1996

VIA HAND DELIVERY

Mr. Mitchell J. Kellman, Planner II
Baltimore County Department of
Permits and Development Management
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: Petition for Special Hearing
Item No. 440
Given
mitel Petitioner: Redland Genstar, Inc.

Dear Mr. ~~Kellman~~:

Enclosed please find the additional notice which Genstar would like published immediately after the notice of its special hearing. Please give me a call after you have had an opportunity to review it.

Thank you.

Very truly yours,

Richard A. Reid

Richard A. Reid

RAR/lap
Enclosure
4738d/64

cc: Mr. John H. Gease, III (w/enclosure)
Mr. Timothy F. Madden, ASLA, AICP (w/enclosure)

RICHARD A. REID
ATTORNEY AT LAW

ROYSTON, MUELLER, MCLEAN & REID
SUITE 600

102 WEST PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204-4575

(410) 823-1800
FAX (410) 828-7859

96-443
MICROFILMED

4738d/60
RAR/lap

Additional Notice by Redland Genstar, Inc.

In the event that the foregoing proposal of Redland Genstar, Inc. to relocate the cemetery on its property in Texas, Maryland is denied, Genstar will move the existing graves to Saters Baptist Cemetery, 1200 Saters Lane, Lutherville-Timonium, Maryland 21093.

MICROFILMED

#440

ROYSTON, MUELLER, MCLEAN & REID, LLP

ATTORNEYS AT LAW

SUITE 600

THE ROYSTON BUILDING

102 WEST PENNSYLVANIA AVENUE

TOWSON, MARYLAND 21204-4575

(410) 823-1800

TELECOPIER FAX (410) 828-7859

R. TAYLOR MCLEAN
E. HARRISON STONE
THOMAS F. McDONOUGH
EUGENE W. CUNNINGHAM, JR.
LAUREL PARETTA EVANS
KEITH R. TRUFFER
ROBERT S. HANDZO
EDWARD J. GILLISS
C. LARRY HOFMEISTER, JR.
JOHN W. BROWNING

CHRISTINE J. SAVERDA
AARON J. VELLI
LAURENCE ANNE RUTH

OF COUNSEL

RICHARD A. REID
CHARLES F. STEIN III, P.C.
H. EMSLIE PARKS

COUNSEL EMERITUS

H. ANTHONY MUELLER

CARROLL W. ROYSTON
1913-1991

May 8, 1996

VIA HAND DELIVERY

Mr. Mitchell J. Kellman, Planner II
Baltimore County Department of
Permits and Development Management
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: Petition for Special Hearing
Petitioner: Redland Genstar, Inc.

Muehl
Dear Mr. ~~Kellman~~:

In accordance with our telephone conversation of yesterday, I am having hand delivered to you herewith three (3) copies of the revised Petition.

Thank you for your assistance in this matter.

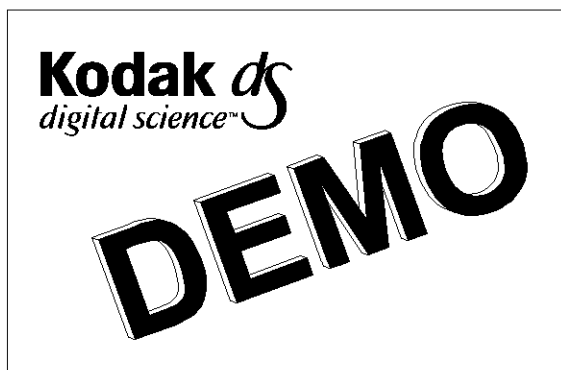
Very truly yours,



Richard A. Reid

RAR/lap
Enclosures
4738d/59

cc: Mr. John H. Gease, III (w/enclosure)
Mr. Timothy F. Madden, ASLA, AICP (w/enclosure)



File

ROYSTON, MUELLER, McLEAN & REID, LLP

ATTORNEYS AT LAW

SUITE 600

THE ROYSTON BUILDING

102 WEST PENNSYLVANIA AVENUE

TOWSON, MARYLAND 21204-4575

(410) 823-1800

TELECOPIER FAX (410) 828-7859

September 25, 1996

R. TAYLOR McLEAN
E. HARRISON STONE
THOMAS F. McDONOUGH
LAUREL PARETTA EVANS
KEITH R. TRUFFER
ROBERT S. HANDZO
EDWARD J. GILLISS
JOHN W. BROWNING

CHRISTINE J. SAVERDA
AARON J. VELLI
LAURENCE ANNE RUTH

OF COUNSEL
RICHARD A. REID
EUGENE W. CUNNINGHAM, JR., P. A.
CHARLES F. STEIN III, P. C.
H. EMSLIE PARKS

COUNSEL EMERITUS
H. ANTHONY MUELLER

CARROLL W. ROYSTON
1913-1991

VIA HAND DELIVERY

Mr. Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County
Office of Planning and Zoning
Suite 112 Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: Petition For Special Hearing
NW/Corner Padonia Road and
Beaver Dam Road
(Texas Quarry, land Bay-4)
8th Election District
3rd Councilmanic District
Case No. 96-443-SPH

Dear Tim:

I write to confirm for our records that with respect to the Order granted on July 30, 1996 in the referenced matter you have granted a 30-day extension to meet the requirements set forth in Restriction No. 2 of such Order (a copy of which is attached for your convenience), which will allow an additional 30 days for the Petitioner and the Cockey Family Committee to finalize the site selection for the relocation of the subject cemetery. Would you be so kind as to confirm the above for our records by signing the bottom of this letter and returning it to me.

Thank you for your consideration and help in this matter.

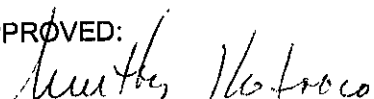
Sincerely,


Robert S. Handzo

RSH/mgp

cc: Mr. John H. Gease, III

APPROVED:



Timothy M. Kotroco,
Deputy Zoning Commissioner for Baltimore County

MICROFILMED

ROYSTON, MUELLER, McLEAN & REID, LLP

ATTORNEYS AT LAW

SUITE 600

THE ROYSTON BUILDING

102 WEST PENNSYLVANIA AVENUE

TOWSON, MARYLAND 21204-4575

(410) 823-1800

TELECOPIER FAX (410) 828-7859

October 25, 1996

R. TAYLOR McLEAN
E. HARRISON STONE
THOMAS F. McDONOUGH
LAUREL PARETTA EVANS
KEITH R. TRUFFER
ROBERT S. HANDZO
EDWARD J. GILLISS
JOHN W. BROWNING

CHRISTINE J. SAVERDA
AARON J. VELLI
LAURENCE ANNE RUTH

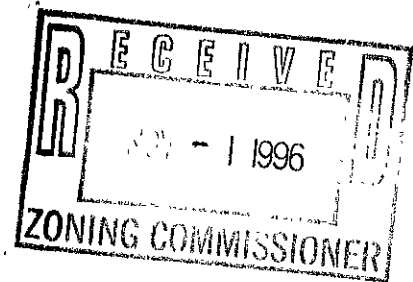
OF COUNSEL
RICHARD A. REID
EUGENE W. CUNNINGHAM, JR., P. A.
CHARLES F. STEIN III, P. C.
H. EMSLIE PARKS

COUNSEL EMERITUS
H. ANTHONY MUELLER

CARROLL W. ROYSTON
1913 1991

Mr. Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County
Office of Planning and Zoning
Suite 112 Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: Petition For Special Hearing
NW/Corner Padonia Road and
Beaver Dam Road
(Texas Quarry, land Bay-4)
8th Election District
3rd Councilmanic District
Case No. 96-443-SPH



Dear Tim:

I write to confirm our conversation of earlier this day in which you granted an extension of the Order in the referenced matter until November 15, 1996 during which to obtain a formal agreement between the parties with respect to site selection of the new cemetery. The parties have agreed to the new site selection and are having a formal agreement prepared and executed.

I thank you for your consideration and cooperation in this matter.

Sincerely,

Robert S. Handzo

RSH/mgp

cc: Mr. John H. Gease, III
Mr. Timothy Madden

MICROFILMED

To: Sandra O'Connor, States Attorney Baltimore County
From: Dr. Moira Hutchins-Fuhr
Re: Zoning Commission Case #96-443-SPH
(Genstar proposal to move Family graveyard on Padonia Road)

As a descendant of Thomas Cockey Deye, I was informed by Genstar in late May through a letter that they were intent upon moving the family graveyard where he is buried from its original site on Padonia Road in order to develop that property. My parents, Clarence Russell Hutchins and Moira Hutchins, who are deceased now, worked tirelessly to preserve this important part of Baltimore County history. I strenuously object to any disturbance to this sentimental and historical site.

After a conversation with John McGrane in the Office of Planning in Baltimore County, I was informed that Genstar does not own the property that the graveyard rests upon and that as long as an authentic descendant responds negatively to their request no such move should take place. This graveyard is the final resting place of Thomas Cockey Deye a prominent figure in Baltimore County's history. I ask as his direct descendant that you support us in preserving Maryland's past. This graveyard should not be moved.

Thank you for your time and consideration.

Sincerely,

Moira W. Hutchins-Fuhr

Moira W. Hutchins-Fuhr

RD 2, Box 978, Underhill, Vermont 05489, 802-899-4590, fax: 802-899-4821

MICROFILMED

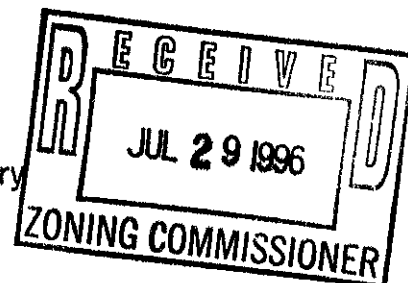
BALTIMORE
COUNTY
HISTORICAL
TRUST inc.

☐ Community Preservation at Work ☐
Post Office Box 10067
Towson, MD 21285-0067

July 24, 1996

The Honorable Sandra A. O'Connor
State's Attorney for Baltimore County
401 Bosley Avenue Room 511
Towson, Maryland 21204

Re: Cockey Family Cemetery



Dear Ms O'Connor,

Last month a public hearing was held regarding a proposal to remove this cemetery to a nearby location. Due to the lack of adequate public notice, we do not believe all of the information that should have been available for the Zoning Commissioner's hearing was presented:

- This site is eligible for both the National Register of Historic Places and the Baltimore County Landmarks List. Several members of the Cockey family buried there were large landowners and contributed to the County's economic growth and political development over the past two centuries. Probably the most notable person was Thomas Cockey Deye, a member of the Maryland House of Delegates for a number of years and served as its Speaker from 1781 to 1788. For two years he was one of Maryland's representatives at the Constitutional Convention. Although his gravestone is no longer visible, it is described in Ridgely's Historic Graves (p. 134).
- African-Americans who were associated with the Cockey family are buried in this area. None of their graves are marked and their locations are unknown. It is possible they are located outside of the wall.

If the cemetery is to be relocated, we urge you to require that all applicable state laws regarding exhumation and reburial be followed. Appropriate archaeological study should be undertaken both inside and outside of the wall to account for all documented graves and others known to be present. Lastly, we request that the Maryland Historical Trust play an active role in this endeavor, given the significant historic nature of the site.

Sincerely,

Lucy A. Merrill
Lucy Merrill, Chairman

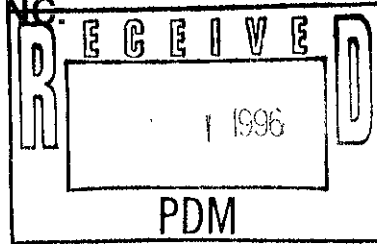
cc: Virginia Barnhart, Esq., Office of Law
John McGrain, Landmarks Commission
✓ Lawrence Schmidt, Zoning Commissioner
Peter Max Zimmerman, People's Council
Richard Hughes, Maryland Historical Trust

MICROFILMED

*Copy of Order
sent on 7/30/96*

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



October 28, 1996

10/4/96

C8
To: JRA
11/6/96

Mr. W. Carl Richards
Baltimore County
Department of Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

SEE CHARLES RICHARDS

Re: Bob Evans Restaurant in Cockeysville, Md
PDM No. VIII-677

Dear Carl:

This letter is in response to a comment credited to your department, that a Special Hearing to relocate the cemetery must be concluded prior to Zoning's action on the Bob Evans Development Plan.

Please be advised that the Special Hearing was conducted on June 17, 1996 and a copy of the order is enclosed herewith. (Case No. 96-443 SPH, issued No. 440)

This Zoning issue has been resolved and the Petitioner in the case, Redland Genstar, Inc., is now taking action to relocate the graves.

Very truly yours,

MORRIS & RITCHIE ASSOCIATES, INC.

Tim Madden

Timothy F. Madden, ASLA, AICP
Principal

TFM/rdc

Enclosure

cc: Tom Church, DEC
Gary Hough, Bob Evans
Jack Gease, RGI

TFM\rdc\9445c\richards.lu\10-28-96

139 N. MAIN STREET, SUITE 200
BETH AIR MARYLAND 21014
(410) 879-1690 (410) 836-7560
FAX (410) 879-1820

X 110 WEST ROAD, SUITE 105
TOWSON, MARYLAND 21204
(410) 821-1690
FAX (410) 821-1748

9090 JUNCTION DRIVE, SUITE 9
ANNAPOLIS JUNCTION, MARYLAND 20701
(410) 792-9446 (301) 470-4470
FAX (410) 792-7395

JOSHUA F. COCKEY OF B.
BOX ONE TWO THREE
COCKEYSVILLE, MARYLAND 21030

June 16, 1996

Redland Genstar, Inc
Executive Plaza IV
Hunt Valley, Maryland 21021
ATTN: John H. Gease
Director, Real Estate

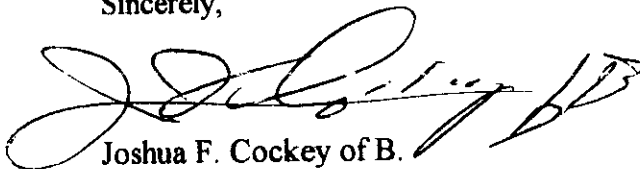
Gentlemen:

Reference is made in a "Notice of Relocation of Graves in Texas, Maryland by Redland Genstar, Inc," which was published in the Jeffersonian on June 6, 1996, in which you give "notice that it (Redland Genstar, Inc.) will move the graves (of the Cockey-Deye family ancestors, et. al) to Saters Baptist Cemetery, Lutherville, Maryland.

For your information, the one (1) acre burial site, which is the subject of the Zoning Hearing on June 17, 1996, is not owned by you. Title to the burial site is still vested in the Cockey-Deye family heirs and decendents, which are numerous. (See Deed "Thomas D. Cockey of Joshua to William Padian; Liber JHL #49, Folio 31 and 32, dated May 17, 1866).

The purpose of this letter is to put you on notice that the Cockey-Deye family heirs have a strong opposition to any disturbance of the family ancestors located in the burial site located on Padonia Road, Texas, Maryland.

Sincerely,


Joshua F. Cockey of B.

JFC/jt

cc: Zoning Commissioner, Baltimore County, Maryland ✓

States Attorney, Baltimore County, Maryland

HAND DELIVERED
FOR JOHN H. GEASE

930 AM 6/17/96



MICROFILMED



MORRIS & RITCHIE ASSO. ES, INC.
ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

☐ 139 N. MAIN ST., STE. 200
BEL AIR, MD 21014

☒ 110 WEST RD., STE. 105
TOWSON, MD 21204

(410) 879-1890 (410) 818-7560
TEL. (410) 670-1020

(410) 821-1890
FAX (410) 821-1748

LETTER OF TRANSMITTAL

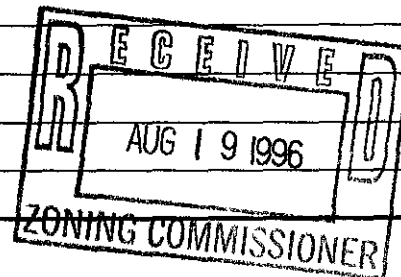
DATE	8-13-96	JOB NO.	9445C
ATTENTION	JACK GEASE		
RE:	Texas Station		
	Case 96-1443-SPA		

TO Redland Genstar, Inc.
Executive Plaza IV, 6th floor
Hunt Valley, Md.

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via overnite Exxcs the following items:

- ☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☐

COPIES	DATE	NO.	DESCRIPTION
5	8-13-96	-	Texas History Park Concept Plan



THESE ARE TRANSMITTED as checked below:

- ☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☒ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☒ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
☐ For review and comment ☐ _____
☐ FOR BIDS DUE _____ 19 _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS _____

COPY TO - Dick Re.
- Tim Kotraco
- Ted Scott

MICROFILMED

SIGNED: Tim Kotraco

PROTESTANT(S) SIGN-IN SHEET

ADDRESS

RD 2 Box 978 Underhill VT 05489

ROCKBYNDLE MD.

643 CHARLES ST Ave Baltimore
17021204

1511 W Joppa Rd, Towson, Md

865 Ivy Hill Rd. Coon Rapids, MN 55433

1265 HOODS MILL RD, WOODBINE MD 21797 ³¹⁰³⁰

Jefferson Bldg Towson 21204

1334 Ivy Hill Rd 26030

15201 MANOR Rd 21111

Butt will be the same

36 OVERBROOK ROAD
CATONSVILLE 21228-1944

36 - Overbrook Road
Catonsville, 21228-1944

TOWSON TIMES 409 WASHINGTON Ave 21204

Balto. Sun 1300 Bullona Ave ^{Luttrellville} 21093

UNRECORDED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Timothy F. Madden
RICHARD A. REID
John H Gease

MRA, 110 West Rd Towson, MD
102 W Pz. Ave Towson 21204
Redland Gunstar EXCC Plaza IV Hunt Valley
21031

PROTESTANTS EXHIBIT NO. 1

31

to be the attorney named in said Indenture or Instrument of writing; In testimony whereof I hereto set my hand, on the day and year last aforesaid.

Wm. Morgan

Received to be recorded on the 24 June 1857 and on the same day recorded in Liber 26, M, S, 21019 folio 57 one of Land Record Books for Baltimore County, &c

Per 26 M Cityburgh. Clerk.

Recorded on the 23rd day of May 1866 & examined

Per Geo 26 Longwooden Clerk.

Thomas D. Cocker of C.
Deed to
William Padian.

This Indenture made this nineteenth day of May in the year one thousand eight hundred and sixty six between

Thomas D. Cocker of Joshua of Balti-

more County and State of Maryland of the first part and William Padian of the City and State of New York of the second part Witnesseth that the said Thomas D. Cocker of C for and in con-

sideration of the sum of Twenty one thousand one hundred and \$5.00 fifty dollars to him in hand paid at and before the signing and

delivery of these presents the receipt whereof is hereby acknowledged

\$5.00 hath granted bargained and sold and by these presents doth

grant bargain sell and convey to the said William Padian his

\$5.00 him and assigns in fee simple all that tract or parcel of land

situate lying and being in Baltimore County comprising all that

\$5.00 lot or parcel of land which was devised by Peuloge D Gist to

the said Thomas D. Cocker of C by her last will and Testament dated the

\$1.00 twelfth day of May eighteen hundred and twenty and recorded

in Liber 26, M, S, 21011 folio 134. being also part of Lot Number

5066 her two of Thomas Cocker Dye's Real Estate wherein Thomas D

Cocker Joshua F Cocker & others were complainants and Francis

D. Cocker Charles Cocker were defendants. Deed dated

July the Twelfth eighteen hundred and eight. Beginning for

the same at a large stone where formerly stood a poplar tree

the beginning of a tract of land called "Logsdon" being also

the beginning of said Lot No 2 and running thence bounding

on the outlines of said Lot No 2 with an allowance to give

rect the variation North thirty three degrees west eighty nine and

a quarter perches to a stone thence South eighty and three fourth

degrees east two hundred and twenty eight perches to a stone

thence leaving the outlines of said Lot No 2 and bounding on the

division line heretofore fixed and agreed to by all parties inter-

ested South nine and a half degrees west one hundred and six-

Delivered to Richard Padian
Sept. 5th 1866

ten and three quarter perches to a stone planted in the north
 eighty three and a quarter degrees west two hundred and sixty three
 and three quarter perches line of said lot to a then bounding on
 said line north eighty and three quarter degrees west two hundred
 and ten and a half perches to the given line of a tract of land
 called "Shindans Search" then bounding on said line reversely north
 forty nine degrees east sixty six and a half perches to the beginning
 containing one hundred and forty two acres of land more or less
 excepting however one acre of land which was reserved for a Bur-
 iving ground by the said Penelope D. Gist in her last will and tes-
 tament and laid out for that purpose by Joshua T. Cockey Thomas
 D. Cockey of J. and others. Beginning for the same at the end of
 a line drawn north thirty nine degrees east ten feet from a large
 Walnut tree and running thence south eighty three and a half de-
 grees west eight and six tenth perches to a stone thence south two
 and a half degrees east eighteen and a half perches to a stone stand-
 ing on the north side of a County road thence bounding on the
 north side of said road north eighty three and a half degrees east
 eight and six tenth perches to the end of a line drawn south two
 and a half degrees east eighteen and a half perches from the be-
 ginning then reversing said line to the beginning containing one
 acre of land and leaving for that part hereby intended to be con-
 veyed one hundred and forty one acres of land more or less. Togeth-
 er with the improvements thereon and all the rights members pri-
 vileges and appurtenances thereto belonging or in any manner
 appertaining. To have and to hold the above described lands and
 premises together with the appurtenances to him the said William
 Paduan his heirs and assigns to the only proper use and behoof of
 the said William Paduan his heirs and assigns forever and the
 said party hereto of the first part further covenants with the
 said party of the second part that he will warrant specially the
 land and premises hereby conveyed and that he will execute such
 other and further assurances as may be requisite. In witness
 whereof the said Thomas D. Cockey of J. hath hereto subscribed his
 name and affixed his seal this the day and year first hereina-
 fore written.

Attest

R R Boorman
 John W. Erwin

Thomas D. Cockey of J. (Seal)

State of Maryland, Baltimore County to wit. I hereby certify that
 on this Seventeenth day of May in the year eighteen hundred
 and sixty six before the subscriber a justice of the Peace of the State
 of Maryland in and for Baltimore County personally appeared

Recd 5/23/1866

Thomas D. Cooley of Joshua the party grantor in the foregoing deed and acknowledged the same to be his act.
acknowledged before.

John H. Irvine J. P.

Recorded on the 23rd day of May 1866 & examined

Per Geo. H. Longmeyer. Clerk.

Jalbot Denmead, Trustee.
Deed to
Daniel W. Cameron.

"This Deed made this twenty
third day of April in the year of
our Lord one thousand eight hun-
dred and sixty six by Jalbot

Denmead of the City of Baltimore and State of Maryland Trustee
as hereinafter mentioned. Witnesseth that whereas Jalbot Denmead
as Successor to Adam Denmead late of said City deceased in the
trusteeship created in and by three Deeds of Trust to him one of
them from Charlotte Withers, Charlotte A Withers, Susan Withers and
Edwin D Withers dated the thirtieth day of October one thousand
eight hundred and sixty and recorded among the Land Records of
Baltimore County in Liber G. 26, C. no 30 folio 56 &c. one other from
Michael P. Withers and his wife dated the sixth day of Novem-
ber one thousand eight hundred and sixty and recorded among
the Land Records aforesaid in Liber G. 26, C. no 31 folio 29 &c. and the
other from Christian Shuman and his wife dated the twentieth
day of February one thousand eight hundred and sixty one and
recorded among the Land Records aforesaid in Liber G. 26, C. no 32
folio 27 &c. and in execution of the trust aforesaid and under the
control and direction of the Circuit Court for Baltimore County sit-
ting as a Court of Equity in the matter of the said trust estate of
Charlotte Withers ~~and others~~ and others on the twentieth day of April
one thousand eight hundred and sixty five set up and expose to
sale by public auction at the Exchange in said City of Baltimore
the property and premises hereinafter described at which said sale
Daniel W. Cameron of Baltimore County being the highest bidder
therefor became the purchaser thereof at and for the sum of four thou-
sand six hundred and fifty dollars, and whereas the said sale has
been reported to and finally ratified and confirmed by the Court
aforesaid and the said Daniel W. Cameron hath fully paid the pur-
chase money to the said Trustee as is hereby admitted and acknowl-
edged. Now therefore in consideration of the premises and of one
dollar the said Jalbot Denmead Trustee as aforesaid doth grant
bargain sell and convey unto said Daniel W. Cameron his heirs and
assigns in fee all that part of lot no 4 allotted to Charlotte With-
ers in the division of James Balders estate made about the year

See copy Henry Shew
May 20th 1866

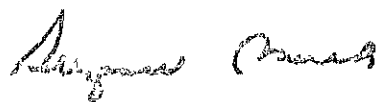
Full
\$5.00

STATE OF MARYLAND, BALTIMORE COUNTY, TO WITH

I HEREBY CERTIFY that the foregoing is a true copy of the original
DEED taken from the records of said Circuit Court as
recorded in Liber 346 No. 49
Folio 31-33 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 17th day of JUNE 1900



Clerk of the Circuit Court of Baltimore County

PETITIONER'S EXHIBIT 1

Redland Genstar, Inc.
Executive Plaza IV
Hunt Valley, MD 21031-1091
Telephone (410) 527-4000
Fax (410) 527-4258

May 14, 1996



Dear

I would like to take this opportunity to bring you up to date with respect to the current status of the cemetery on Genstar's property off of Padonia Road where some of your ancestors may be buried. The owners of Redland Genstar, Inc. have decided that its surplus property at Texas, Maryland should be developed. In order to do so, it is necessary for Genstar to move the graves in the cemetery. A request that all or some of the graves be moved to the Sherwood Episcopal Church in Cockeysville has been denied. The Church advised that it simply does not have the room in its cemetery to accommodate the additional graves.

Genstar now believes that it may be able to relocate the graves in one of two sites on its property at Texas. However, this will require the permission of the Zoning Commissioner for Baltimore County. A notice fixing the date of this special hearing will be appearing shortly in one or more local newspapers. We would urge your support for Genstar's request in order that it might accommodate the wishes of members of the family who want their ancestors' graves to remain in the Limestone Valley.

If Genstar's request is denied, it will have no alternative other than to move the graves to a cemetery off of its property. Saters Baptist Cemetery, 1200 Saters Lane, Lutherville-Timonium, Maryland 21093, has kindly agreed to accept the graves in such an event. That cemetery off of Falls Road is attractive and very well maintained. I think you would find it to be quite acceptable.

If the graves are required to be moved from Genstar's property, it will erect a suitable plaque memorializing the original graveyard and the persons buried there to the extent that the names on the tombstones are now legible.

Genstar appreciates your anticipated cooperation and support in this matter.

Sincerely,

John H. Gease
Director, Real Estate

"A FOUNDATION YOU CAN BUILD ON"

MICROFILMED

Mrs. Anne Cockey Fauntleroy
12626 Baltic Road
Ocean City,, Maryland 21842

Mrs. Peter Fuhr
RD #2 - Box 978
Underhill,, Vermont 06489

Mrs. Natalie Green
82 Sturbridge Lane
Trumbull,, Connecticut 06611

Mr. Thomas Banister
14208 Mount Avenue
Phoenix,, Maryland 21131

Mr. Elmer Banister
14208 Mount Avenue
Phoenix,, Maryland 21131

Mr. Joshua Frederick Cockey
Offutt, III
11912 Whispering Oak Court
Reisterstown,, Maryland 21136

Mrs. Virginia R. Lyon
P.O. Box 314
Cockeysville,, Maryland 21030

Mr. Noah E. Offutt
125 Ivy Hill Road
Cockeysville,, Maryland 21030

Mrs. Sarah Jane Thomas
301 Avalon Lane
Westminster,, Maryland 21158

Mr. James F. Offutt, Sr.
46 Cedar Knoll Road
Cockeysville,, Maryland 21030

Mr. William Offutt
3226 Ramblewood Road
Ellicott City,, Maryland 21043

Mrs. Erin DiBello
P.O. Box 392
Bradford,, New Hampshire 03221

Mrs. Roy Davis
311 Roseland Court
Huntington,, West Virginia 25704

Mrs. Catherine Sadler Chapman
1715 Circle Road
Ruxton,, Maryland 21204

Mr. John T. Sadler, Jr.
1511 W. Joppa Road
Towson,, Maryland 21204

Mrs. Roscoe L. Hockley
615 Chestnut Avenue
Towson,, Maryland 21204

Mrs. Betsy Cockey Haynie
603 Charles Street Avenue
Towson,, Maryland 21204

Mrs. Howard H. Houck
16931 Irish Avenue
Monkton,, Maryland 21111

Mr. Cecil A. Given
10 Belclaire Circle
Sparks,, Maryland 21152

Mr. Christopher Gist Cromwell
Melrose Farm, Ashland Road
Cockeysville,, Maryland 21030

Mr. Josias J. Cromwell, 2nd
1360 Glencoe Road
Sparks,, Maryland 21152

Mrs. Arthur Y. Pindell, Jr.
27 Ashland Road
Cockeysville,, Maryland 21030

Mr. Joshua Hutchins Cockey, III
16632 J.M. Pearce Road
Monkton,, Maryland 21111-1726

Mr. Joshua F. Cockey of B., J.D.
Box One Two Three
Cockeysville,, Maryland 21030

Mrs. Agnes Offutt

Mr. Peter Offutt

Post-It™ Fax Note	7671	Date	# of pages 2
To	Dick Reid	From	John Gesto
Co./Dept.		Co.	
Phone #		Phone #	
Fax #		Fax #	

EXHIBIT 4
MEMORANDUM

TO: File

FROM: RAR

DATE: October 31, 1995
(Supplemented by visit of 11/6/95 w/Jack Tyrie)

RE: Genstar: Cemetery at Texas - Moving Graves

I am visiting the graveyard at Texas. I am going to describe the graves located here as best I can. There are monuments, upright stones and flat stones. I'll be reading the monuments with inscriptions going from left to right facing west.

1 Thomas Cockey Deye
Born January 27, 1728; Died May 17, 1807
Son of Thomas Cockey and Penelope Deye
Speaker of the House of Delegates 1781-1788
Member of Convention to Frame First State Constitution
Erected by C.A. Hutchins, Jr. 1975

2 Michalson Lux Cockey
Dutiful son of Thomas Deye Cockey of Thomas and Sarah Stewart
Jua*** Cockey
Born August 17, 1839; Died February 11, 1883 Rest
Erected by his fond brother Colegate

3 Sarah Stuart Cockey
Beloved wife of Thomas Deye Cockey of Thomas
Daughter of Darby and Mary Nicholson Lux
Born September 13, 1807; Died June 8, 1874 Rest
Erected in memory of his mother by her son Colegate

4 Rachel R. Cockey
Died November 5, 1887 in the 73rd year of her life (?)
[This monument has been knocked over]

(Note: The last three monuments that I describe appear to have footstones. Those monuments I was reading from left to right as I was facing west. I am now facing east and reading the monuments behind those.)

5 Joshua Cockey who departed this transitory life on the 9th day of October in the year of our Lord 1821 in the 57th year of his life

6 Sacred to the memory of Elizabeth consort of the late Joshua F. Cockey who died 11 February 1834 in the 56th year of her age
(continuation of inscription is hard to read - "blessed ... ")

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7 Next is a small headstone. William F. Cockey son of Joshua F. and Elizabeth Cockey, born April 20th, 1890 ***

8 In memory of Mary S. Cockey daughter of Joshua and Elizabeth Cockey. Born 26 May 1817 died 18 June, 1826.

(The last two monuments were very small but nevertheless monuments. The monuments that I started to read after I turned around, the first two appear to have footstones. I move back a way and I'm still going from what was originally my left to right facing west but these stones are inscribed facing east.)

9 Small stone, initials GTC

10 Small stone, initials ALC 1841

11 Small stone. Anne L. Cockey who was born 22nd *** 1810 died 20th of June *** age 9 months

12 Harriett N. wife of Thomas D. Cockey who died July the 1st 1841 in the 50th year of her age

13 As you face the monument of Thomas Cockey Deye looking west there are 4 stones to the left. On November 6, 1995 I was able to make out the following scrawled on one of the stones: "Henry Teclah *** "

In this section of the cemetery there are other stones either upright or lying flat. This is the part of the cemetery that is the eastern part. I counted 36 graves here.

I am now moving across an open space which probably was a road to go to the western part. In this part of the cemetery, the western part, I counted 31 graves.

(These counts were made with Jack Tyrie who was very helpful.)

4785d
RAR/lap

PETITIONER'S EXHIBIT 5

Cockey Family History

(Transcript of letter from Hutchins Cockey dated 3/6/95.)

Below is some of the history of the Cockeys and Taylor's Hall as well as Thomas and Josh Cockey's Meadows and Valley View Farms. I mentioned something to you about a large stone marker at the south end of the Valley View Farms building when you talked to me. The stone was placed there by Thomas Cockey Deye in 1791 to replace trees that had delineated his boundaries not only for Thomas and John Cockey's meadows but also other Taylor's Hall property boundaries.

The original 600 acres of Thomas and John Cockey's Meadows were a grant in 1729 by Lord Baltimore. A picture of the large stone marker can be found on page 12 of the booklet "The Limestone Valley," published in 1976 by the Greater Timonium American Bicentennial Committee, Inc.. The inscription reads, "This stands in the centre of the beginning of Thomas and John Cockey's Meadows - 1791." If you are interested in moving this stone to the historical building you referred to when you talked to me, you could contact one of the first three families listed on the first page of this letter as they are the ones who lease the property to Valley View Farms.

At the time of Thomas Cockey Deye's death in 1807, his Taylor's Hall property extended from Timonium Road to Shawan Road and consisted of 4,125 acres. He had also inherited extensive property from his father's holdings in Anne Arundel County where his father's wife lived with a daughter on his

RECEIVED
MAY 10 1995

home plantation. Since Thomas Cockey was unable to get a divorce, he bought the Taylor's Hall property in 1726 and also other property in Baltimore County. Until his death in 1737, he lived there with Penelope Deye, granddaughter of Sir Thomas Thwaites, who bore him four children.

Thomas Cockey Deye was the only son. One daughter, Charcilla Cockey Deye, married her first cousin, Joshua Cockey, son of John Cockey and Elizabeth Slade. This John Cockey is the one referred to in the Land Grant, Thomas and John Cockey's Meadows. John Cockey owned considerable land in the Green Spring Valley and is the one who inherited the original 300 acres of land in Brooklandwood, which had been granted to his father, William Cockey, in 1696. St. Paul's School is located there today.

* Joshua and Charcilla were the parents of Joshua Frederick Cockey, my great great grandfather, who inherited the Thomas and John Cockey's Meadows land and build^d the Cockey homestead there in 1798. He was instrumental in naming the town of Cockeysville. His son, Peter Cockey, my great grandfather, inherited the Melrose property, some of which is leased to Valley View Farms at the present time.

No. 50389 **EQUITY** Booked 7 July 1944

HARRIS JAMES GEORGE

VS

PETITIONER'S
EXHIBIT 6

no.

30

60389

74/119

[illegible]

MICROFILMED

KINLOCH W. YELLOTT and
GERTRUDE YELLOTT
1505 W. Joppa Road
Towson 4, Maryland
Complainants

vs

HARRY T. CAMPBELL SONS
CORPORATION
Serve on:
R. McLEAN CAMPBELL,
President
Campbell Building
Towson 4, Maryland
Respondent

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
IN EQUITY

Docket: 74
Folio: 114
File No. 50 349

: : : : : : : :
COMPLAINT FOR SPECIFIC PERFORMANCE
OF CONTRACT TO PURCHASE REALTY

TO THE HONORABLE, THE CHANCELLOR OF SAID COURT:

Your Complainants, Kinloch W. Yellott and Gertrude Yellott, by their solicitor, Harris James George, represent unto the Court:

1. That on or about September 13, 1961, the Respondent entered into a written contract with the Complainants to purchase from them all that lot or parcel of land situate, lying and being in the Eighth Election District of Baltimore County, Maryland, on the north side of Padonia Road, as described among the assessment records of Baltimore County, Maryland, in Account No. 15050, containing fourteen (14) acres of land, more or less, being all of the property then owned by the Complainants in said Eighth Election District, at and for the price of Twelve Thousand Dollars (\$12,000.00) per acre, of which total purchase price Fifteen Thousand Dollars (\$15,000.00) was paid at the time of the execution of said contract. The contract provided further that the balance of said purchase price was to be paid as follows:

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digital science™

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Novemb

) on or before

000.00) on January

15, 1962, at which time possession of the premises intended to be conveyed was to be delivered to Respondent;

Fifty Thousand Dollars (\$50,000.00) on May 1, 1962, and the balance of said purchase price found to be due on or before September 1, 1962, at which time the Complainants were to execute a deed conveying to Respondent a good and merchantable fee simple title to the subject property, free of all liens and encumbrances. (The original contract of sale is filed herewith, marked "Complainants' Exhibit A".)

2. The aforesaid parcel of land is a part of a larger tract more particularly described in a deed to your Complainants from John C. Bosley and Gertrude H. Bosley, his wife, dated March 20, 1933, and recorded among the Land Records of Baltimore County in Liber L.M.L.N. No. 910, folio 236. (The original deed being filed herewith, marked "Complainants' Exhibit B".)

3. In pursuance of the contract aforesaid, the Complainants delivered up possession of said property to the Respondent, but the Respondent has refused and still refuses either to accept conveyance of a portion of said subject property, or to pay to your Complainants the balance of the aforesaid purchase money, although the time limited for the payment thereof has elapsed, and although your Complainants are ready, willing, and able to convey to the Respondent a good and merchantable fee simple title to the subject property free of all liens and encumbrances.

WHEREFORE, your Complainants pray:

1. That the said contract be specifically enforced.
2. That the said Respondent be decreed to pay unto

your Complainants the balance of the purchase money agreed to be paid, and to accept from your Complainants a conveyance of all of the aforesaid parcel.

3. That your Complainants may have such other and further relief as the nature of their case may require.

AND AS IN DUTY BOUND, ETC.


Harris James George
First National Bank Building
Towson 4, Maryland
828-6818
Solicitor for Complainants

THIS AGREEMENT, Made this ⁴¹13 day of September, 1961,
by and between KIPLOCH K. YELLOTT and GERTRUDE YELLOTT, his
wife, Sellers, and HARRY T. CAMPBELL SONS' CORPORATION, a
Maryland corporation, Buyer.

WITNESSETH:

In consideration of the purchase price hereinafter reserved and the covenants and conditions hereinafter agreed upon by the parties hereto, the Sellers hereby bargain and sell unto the Buyer, and the latter doth hereby purchase from the Seller, all that lot or parcel of land situate, lying and being in the Eighth Election District of Baltimore County, Maryland, on the north side of Padonia Road, as described among the assessment records of Baltimore County, Maryland, in Assesment No. 15000, Eighth Election District, containing 14 acres of land, more or less, improved by a dwelling, barn and other outbuildings, and being all of the property now owned by the Sellers in said Eighth Election District, at and for the price of Twenty Thousand Dollars (\$20,000.00) per acre, the exact savings to be determined prior to final settlement by Baltimore County at the Buyer's expense.

The sum of Fifteen Thousand Dollars (\$15,000.00) is paid herewith, the receipt wherefore is hereby acknowledged, and the balance of said purchase price shall be paid as follows:

Thirty Thousand Dollars (\$30,000.00) on or before November 1, 1961.

Twenty-three Thousand Dollars (\$23,000.00) on January 15, 1962, at which time possession of the premises herein intended to be conveyed shall be delivered to the Buyer.

Fifty Thousand Dollars (\$50,000.00) on May 1, 1962, and the balance of said purchase price found to be

WITNESSED AND
SIGNED
AT BALTIMORE
MARYLAND
THIS 13TH DAY OF SEPTEMBER
1961

MICROFILMED

due on or before September 1, 1962, at which time the Sellers will execute a deed conveying to the Buyer a good and merchantable fee-simple title to the subject property free of all liens and encumbrances.

The cost of documentary stamps and the Baltimore County realty transfer tax shall be divided equally between the parties. Baltimore County real estate taxes and other public dues and charges shall be adjusted between the parties as of January 1, 1962.

The Sellers will upon execution of this Agreement cause to have endorsements on all insurance policies for the protection of the parties hereto as their interests may appear.

This Agreement shall be binding upon the heirs, personal representatives and assigns of the parties hereto.

IN WITNESS WHEREOF the parties hereto have set their hands and seals the day and year first above written.

WITNESS:

P. McRory Crumwell

(SEAL)
ROBERT W. YELLOTT

(SEAL)
GERTIE YELLOTT

SELLERS

ATTEST:

J. James Campbell
Secy

HARRY T. CAMPBELL SONS'
CORPORATION

BY (Signature)
Pres.
BUYER

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY that on this 12th day of September, 1961, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared KINLOCH N. YELLOTT and GERTRUDE YELLOTT, his wife, who acknowledged the foregoing Agreement to be their act and deed. At the same time also appeared R. McLEAN CAMPBELL, PRESIDENT OF HARRY T. CAMPBELL SONS' CORPORATION, who acknowledged the foregoing Agreement to be the act of said corporation.

WITNESS my hand and Notarial Seal.

Eugene F. Dresbach
Notary Public



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

TO HAVE AND TO HOLD the said land and premises above described and sections hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages aforesaid, unto the said Kinloch M. Yellott and Gertrude B. Yellott, his wife, as tenants of the entireties, their assigns, the survivor, the heirs and assigns of the survivor, in fee simple.

AND the said Grantors hereby covenant that they will warrant specially the property hereby granted and conveyed and that they will execute such further assurances thereof as may be requisite.

WITNESS the hands and seals of said Grantors.

WITNESS:

John C. Bosley (SEAL)
Gertrude B. Bosley (SEAL)

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I hereby certify, that on this 20th day of March, 1933, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County aforesaid, personally appeared John C. Bosley and Gertrude B. Bosley, his wife, the within named Grantors, and each acknowledged the foregoing Deed to be their act.

AS WITNESS my hand and Notarial Seal.

Marie T. Day
Notary Public.

GEORGE N. YELLOTT and
WILLIAM DE. YELLOTT,

Complainants

vs.

HARRY T. CAMPBELL SONS'
CORPORATION

Respondent

IN THE
CIRCUIT COURT

FOR

BALTIMORE COUNTY

IN EQUITY

Docket 74, Folio 114

* * * * *

ANSWER TO COMPLAINT FOR SPECIFIC PERFORMANCE

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The answer of Harry T. Campbell Sons' Corporation, by its
Solicitor, H. Anthony Mueller, respectfully represents:

1. That it admits the allegations set forth in Paragraph
1 of said Bill of Complaint.

2. That it admits the allegations set forth in Paragraph
2 of said Bill of Complaint.

3. Answering Paragraph 3 of said Bill of Complaint, this
Respondent admits that it refused to accept a conveyance of a
portion of the property referred to in said Contract of Sale and
to pay the balance of said purchase money and alleges that as a
result of an examination of the title of the property mentioned
and described in said Contract of Sale it was ascertained that the
Complainants did not possess a good and marketable, fee simple
title to at least one acre of the parcel of ground described in
said Contract, for the following reasons:-

(a) By the Will of one Penelope D. Gist, dated May
12, 1820 and recorded among the Will Records of Baltimore City in
Wills Liber W.P. No. 11, folio 175, the said Penelope D. Gist
devised 142 acres of land--of which the property mentioned and des-
cribed in said Contract of Sale is a part thereof--in trust with
the provision, however:

PROCTOR ROYSTON
AND
MUELLER
LAW OFFICES
TOWSON 4 MD
LEV 3-1800

RECORDED & INDEXED
MAY 2 - 1963

"Provided nevertheless that my hereafter named executor is to hold in trust to him, his heirs and assigns forever, one acre of said devised lot of land as a burying ground or place of interment for any of my family connections, that may choose to make use of it, as such, and to be laid off in such manner, so as to include the graves of those of the family already buried there, together with a road to be laid off at least 20 feet wide, in the straightest direction and most convenient to the nearest public road for said burying ground."

(b) That by Deed dated May 17, 1866 and recorded among the Land Records of Baltimore County in Liber J.H.L. No. 49, folio 31, the then owner of said 142 acre tract conveyed said land to William Padian excepting, however:

"1 acre of land which was reserved for a burying ground by the said Penelope D. Gist in her Last Will and Testament"

and whic. aid acre is described in said Deed as follows:

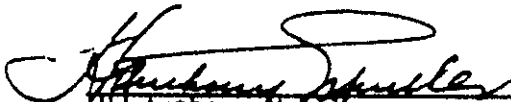
"BEGINNING FOR THE SAME at the end of a line drawn North thirty nine degrees East ten feet from a large Walnut tree and running thence South eighty three and a half degrees West eight and six tenth perches to a stone thence South two and a half degrees East eighteen and a half perches to a stone standing on the North side of a County road thence bounding on the North side of said road North eighty three and a half degrees East eight and six tenth perches to the end of a line drawn South two and a half degrees East eighteen and a half perches from the beginning then reversing said line to the beginning.

Containing one acre of land."

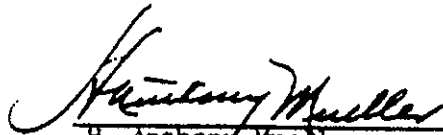
(c) That by mesne conveyances, title was eventually conveyed to the Complainants by Deed from John C. Bosley and wife, dated March 20, 1933 and recorded among the aforesaid Land Records in Liber L.McL.M. No. 910, folio 236, and the parcel of land conveyed or intended to be conveyed in said last mentioned deed contained some 15.72 acres of land, more or less, but a survey by Dilleberry Brothers, registered surveyors, on or about August 23, 1966, disclosed an area of 13.833 acres of land, more or less.

(4) That an examination of the premises, together with the survey, discloses that the cemetery herein referred to constitutes a part of the land conveyed to the Complainants by the aforesaid deed from John C. Rosley and wife.

4. That in view of the foregoing the Respondent alleges that the Complainants are unable to deliver a good and marketable, fee simple title to the tract of land containing approximately one acre inasmuch as it encompasses said cemetery and that title to the said cemetery had never vested in them.


H. Anthony Mueller
Attorney for Respondent

I HEREBY CERTIFY that on this 7 day of May, 1963, a copy of the foregoing Answer was mailed to Harris James George, Esquire, First National Bank Building, Towson 4, Maryland, Attorney for Complainants.


H. Anthony Mueller

PROPERTY OF
RICHARD A. REID

original in Case No 9434

1 KINLOCH N. YELLOTT and
2 GERTRUDE YELLOTT

3 v.

4 HARRY T. CAMPBELL SONS
5 CORPORATION

* IN THE
* CIRCUIT COURT
* FOR BALTIMORE COUNTY
* In Equity
* 74/114/50389
* June 14, 1963

7 * * * * *

8 BEFORE: HONORABLE JOHN E. RAINE, JR., Judge

9
10 APPEARANCES:

11 HARRIS J. GEORGE, Esquire
12 On behalf of Complainant

13 H. ANTHONY MUELLER, Esquire
14 On behalf of Respondent

15
16
17
18
19
20 Reported by:
21 R. E. Royal, Jr.

MICROFILMED

OPINION

THE COURT: This is a suit for specific performance where the defense is set up that an acre which the seller contracted to sell to the buyer was not held by the seller with a good and merchantable title. The acre that is in dispute is a part of a larger tract of somewhere from thirteen to fifteen acres in size which the Complainant contracted to sell to the Respondent. The acre in question was set aside as a family burial plot or graveyard under the Will of Penelope Gist in 1820.

The property was acquired by mesne conveyances by a person named Padian, who acquired the property from some individual named Cockey in 1866. The deed from Cockey to Padian referred to and excepted the one acre burial lot ground, but although it contained a description, the description is such that the lot can not now be located from that description. Padian conveyed to the Poole Engineering Company and the Poole Engineering Company, in 1920, conveyed to a man named Bosley, the conveyance from Poole to Bosley stating that 134 acres, approximately, were being conveyed, quote, clear of the grave-

1 yard. In 1933 Bosley, in turn, conveyed to Mr. and Mrs.
2 Yellott, the vendor Complainant. That deed contained no
3 reference to a graveyard. However, the testimony of a very
4 competent surveyor, Mr. Paul Dollenberg, convinces the Court
5 that the one acre graveyard tract is within the fifteen acre
6 tract conveyed by Bosley to Yellott. The testimony is also
7 clear that absolute control, power, and dominion over the grave
8 area has been exercised by Mr. Yellott continuously since his
9 acquisition of the property in 1933. His whole property was
10 fenced. The property in question was cultivated, stock was
11 grazed there, dogs were trained there, and Mr. Yellott made any
12 use of this property that he saw fit, uses which were grossly
13 inconsistent in fact with the maintenance of this area as a
14 burial place.

15 In 1956 Mr. Joshua Cockey requested Mr. Yellott to
16 allow the burial in this tract of a colored man. The relation-
17 ship of the colored man, I presume, to Josh Cockey is that he
18 was an old family retainer or descendant thereof. In any event,
19 the claim or the request to bury this colored person in the
20 graveyard was a request and not a demand, and the granting of
21 the request by Mr. Yellott would not be sufficient to stop the

1 running of the prescriptive right period. So I believe that
2 his continuous and uninterrupted exclusive use and control of
3 this property gives him title to the tract by adverse posses-
4 sion, and although the case presents a situation where the
5 buyers may have difficulty making particular types of uses of
6 the subject property, nevertheless, under the authority of
7 Columbia Building Company v. Cemetery in 155 Md. and Seloff v.
8 Naidetsch, 136 Md. 651, in both of which cases the Court of
9 Appeals held that title by adverse possession to a piece of
10 property that was actually being used for burial purposes was a
11 good and merchantable title, and in Seloff v. Naidetsch, which
12 seems to me to be on all fours with this case, specific
13 performance was decreed.

14 So I'll grant a decree in this case specifically
15 enforcing Mr. Yellott's contract with the Campbell Company.

16 * * *

LAWYER'S NOTES

[illegible]

KINLOCH N. YELLOTT and	:	IN THE CIRCUIT COURT
GERTRUDE YELLOTT	:	FOR BALTIMORE COUNTY
Complainants	:	IN EQUITY
vs.	:	
HARRY T. CAMPBELL SON'S	:	Docket: 74
CORPORATION	:	Folio: 114
Respondent	:	File No. 50389

: : : : : : : :

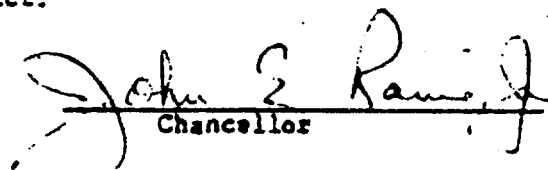
DECREE

The pleadings having been read and considered, testimony taken, and counsel heard, it is this 24th day of July, 1963, DECREED, and it is hereby decreed by the Circuit Court for Baltimore County in Equity

1. That the contract of September 13, 1961 be specifically enforced;

2. That the Respondent pay unto the Complainants the balance of the purchase price agreed to be paid under said contract;

3. That the Respondent accept from the Complainants a conveyance of all of that lot or parcel of land situate, lying, and being in the Eighth Election District of Baltimore County, Maryland, on the north side of Padonia Road, as described among the Assessment records of Baltimore County, Maryland, in Account Number 15050, containing fourteen (14) acres of land, more or less, being all of the property owned by the Complainants in said Eighth Election District.


Chancellor

HARRIS, VESSE, & HARRIS
ATTORNEYS AT LAW
BALTIMORE, MARYLAND

MICROFILMED

Stamps, U. S. \$ 41 50 Md. \$ 25 15

File No. 2909

Written by HAM/bmj

Approved by

Ready for Record

15050

488 156426
DEED

From

11/3/31
KINCH N. YELLOTT and

GERTRUDE B. YELLOTT, his wife

HARRY T. CAMPBELL SONS'

CORPORATION

RECEIVED for Record

SEP 9 1963 at 1:07 PM

same day recorded in Liber
R.T.G. 204488 20110 488
One of the above Recorders of
Baltimore County and ex-

PROCTOR, ROYSTON & SUTTER

Attorneys

Campbell Building
Towson 4, Maryland

Costs of Record \$

RECORDED

9--9-63 6 9 7 2 • 39708 PPF-- 522
9--9-63 6 9 7 2 • 39708 PPF-- 522

This Deed, Made this 2nd day of October, in the year

one thousand nine hundred and sixty-two - - -, by and between KINLOCH N. YELLOTT and GERTRUDE B. YELLOTT, his wife, parties of the first part, Grantors, and HARRY T. CAMPBELL SONS' CORPORATION, a Maryland corporation, party of the second part, Grantee, all of Baltimore County, in the State of Maryland.

WITNESSETH:

ations, the receipt who
the said Harry
assigns, in fee
claim and deman

Kodak *ds*
digital science™

DEMO

lars, and other valuable consider-
by grant, convey, and assign unto
its successors and
right, title and interest,
in and to all that - - -

----- lot(s) of ground
situate in the Eighth Election District of Baltimore County, - - -
in the State of Maryland, and described as follows:

BEGINNING FOR THE SAME at the end of a line drawn North thirty-nine degrees East ten feet from a large Walnut tree and running thence South eighty-three and a half degrees West eight and six tenth perches to a stone, thence South two and a half degrees East eighteen and a half perches to a stone standing on the North side of a County road, thence bounding on the North side of said road North eighty-three and a half degrees East eight and six tenth perches to the end of a line drawn South two and a half degrees East eighteen and a half perches from the beginning, then reversing said line to the place of beginning.

Containing one acre of land.

SAVING AND EXCEPTING thereout all that lot or parcel of land which by Deed dated February 2, 1961 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3818, folio 567, was granted and conveyed by Kinloch N. Yellott and wife to the State of Maryland to the use of the State Roads Commission of Maryland.

FOR TITLE SEE:

1. Deed from Thomas D. Cockey of J. to William Padian dated May 17, 1866 and recorded among the aforesaid Land Records in Liber J.H.L. No. 49, folio 31.

Deed from Grantors to Harry T. Campbell Sons' Corporation
dat 10/2/63 and recorded among the aforesaid Land
P in Liber W.J.R. No. 3818, folio 567.



TOGETHER with the buildings and improvements thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD ~~the said described lots of ground and premises unto and to the use~~ all the right, title and interest, claim and demand, both at law and in equity, of the said Kinloch N. Yellott and Gertrude B. Yellott, his wife, in and to the land 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 Harry T. Campbell Sons' Corporation, its successors and assigns, in fee simple.

AND Grantor covenants to warrant specially the property hereby granted, conveyed, and assigned, and to execute such further assurances of said land as may be requisite.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

WITNESS the hand(s) and seal(s) of Grantors:

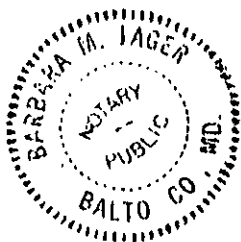
WITNESS:

Barbara M. Jager (SEAL)
BARBARA M. JAGER
Kinloch N. Yellott
Kinloch N. Yellott
Gertrude B. Yellott (SEAL)
Gertrude B. Yellott

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

I HEREBY CERTIFY, that on this *2nd* day of *October*, 1962, before me, a Notary Public of said State, personally appeared KINLOCH N. YELLOTT and GERTRUDE B. YELLOTT, his wife, Grantors, - - - - - who acknowledged the foregoing Deed to be their act.

WITNESS my hand and Notarial Seal.



Barbara M. Jager
BARBARA M. JAGER, Notary Public
My commission expires; May 3, 1963

Rec'd for record SEP 9 1963 at *1:04* PM
By *Robert R. Gail*, Clerk
Proctor, Royston & Mueller
Booked *57426* 5-50

Stamps, U. S. \$ 171 ²⁵ Md \$ 342 ¹⁵

File No. 2909

Written by HAM/bmj

Approved by

Ready for Record

501, 270122

DEED

342 ¹⁵ From

KINLOCH N. YELLOTT and

GERTRUDE B. YELLOTT, his wife

HARRY T. CAMPBELL SONS

CORPORATION

FILED FOR RECORD

OCT 3 1962 12 30 AM

SALES TAX RECEIVED
W.J.P. TO 44531
One of the
Baltimore County
audited, 1967

Wm. J. Proctor

Clerk

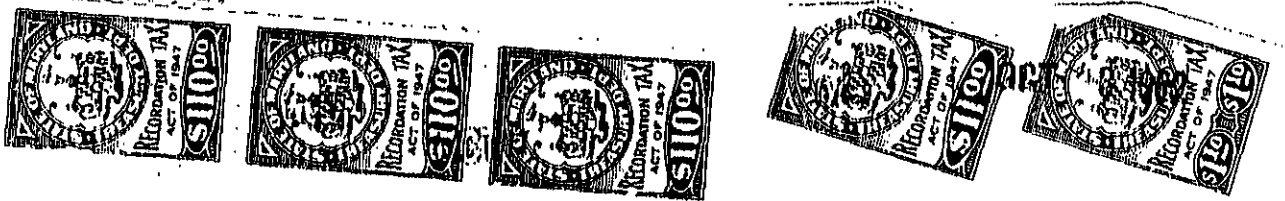
PROCTOR, ROYSTON & MUELLER
Attorneys
Campbell Building
Towson 4, Maryland

Costs of Record \$ 7.50

MICROFILMED

This Deed, Made this 2nd day of October, 1962, in the year

one thousand nine hundred and sixty-two - - - -, by and between KINLOCH N. YELLOTT and GERTRUDE B. YELLOTT, his wife, parties of the first part, Grantors, and HARRY T. CAMPBELL SONS' CORPORATION, a Maryland corporation, party of the second part, Grantee, all of Baltimore County, in the State of Maryland.



WITNESSETH: that in consideration of the sum of Five Dollars, and other valuable considerations, the receipt whereof is hereby acknowledged, Grantor does hereby grant, convey, and assign unto the said Harry T. Campbell Sons' Corporation, its successors and assigns, - - - - -

all that - - - - - lot(s) of ground

situate in the Eighth Election District of Baltimore County, - - - - -

in the State of Maryland, and described as follows: (according to a survey made by Dollenberg Brothers on or about August 23, 1962)

BEGINNING FOR THE SAME at the beginning of a parcel of land which by a deed dated March 20, 1933 and recorded among the Land Records of Baltimore County in Liber L.McL.M. No. 910, folio 236, was conveyed by John C. Bosley and wife to Kinloch N. Yellott and wife, said place of beginning also being at a bend in Padonia Road and at a point in line with the southwest side of that portion of Padonia Road which lies adjacent to the Northern Central Branch of the Pennsylvania Railroad and running thence from said place of beginning and running to and binding on said southwest side of Padonia Road and also running with and binding on the first line of said parcel of land which was conveyed by Bosley to Yellott, North 21 degrees 03 minutes West 551.06 feet, thence leaving said Padonia Road and running with and binding on the second line of said parcel of land and binding for a part on the northernmost side of a private lane, there situate, North 77 degrees 47 minutes West 400.00 feet, thence binding on the third line and on a part of the fourth line of said parcel of land the two following courses and distances viz: North 77 degrees 08 minutes West 484.78 feet to a concrete monument and South 3 degrees 10 minutes West 788.78 feet to a point on the northernmost right of way line of through highway of the Relocation of Padonia Road as shown on Plat No. 24069 of the State Roads Commission of Maryland, thence binding on the northernmost right of way line of through highway of the Relocation of Padonia Road as shown on said Plat No. 24069 and Plat No. 24070 of the State Roads Commission of Maryland the two following lines viz: North 86 degrees 38 minutes 30 seconds East 88.79 feet and easterly by a line curving toward the right having a radius of 3871.72 feet for a distance of 209.76 feet (the chord of said arc bearing North 88 degrees 11 minutes 38 seconds East 209.74 feet), thence leaving said right of way line of through highway and binding on the right of way line of the Service Road Connection to Existing Padonia Road as shown on said Plat No. 24070, the nine following lines viz: North 48 degrees 55 minutes 31 seconds

East 69.10 feet, Northeasterly by a line curving toward the right having a radius of 90 feet for a distance of 125.79 feet (the chord of said arc bearing North 55 degrees 41 minutes 03 seconds East 115.80 feet), South 84 degrees 16 minutes 35 seconds East 205.00 feet, North 5 degrees 43 minutes 25 seconds East 38.00 feet, South 84 degrees 16 minutes 35 seconds East 50.01 feet, South 5 degrees 43 minutes 25 seconds West 38.00 feet, South 84 degrees 16 minutes 35 seconds East 293.20 feet, Northeasterly by a line curving toward the left having a radius of 73.72 feet for a distance of 80.45 feet (the chord of said arc bearing North 64 degrees 27 minutes 43 seconds East 76.51 feet) and South 56 degrees 47 minutes 57 seconds East 42.29 feet to intersect the last line of the aforesaid parcel of land which was conveyed by John C. Bosley and wife to Kinloch N. Yellott and wife and thence running with and binding on a part of said last line, North 72 degrees 11 minutes 52 seconds East 9.58 feet to the place of beginning.

Containing 13.833 Acres of land more or less.

BEING all and the remaining portion of the land which was conveyed by John C. Bosley and wife to the said Kinloch N. Yellott and wife by Deed dated March 20, 1933 and recorded among the Land Records of Baltimore County in Liber L.McL.M. No. 910, folio 236.

SAVING AND EXCEPTING thereout a burial ground containing 1 acre of land which was reserved by Penelope D. Gist in her Last Will and Testament, which Will is dated May 12, 1820 and duly probated by the Orphans' Court of Baltimore City and now of record in the Office of the Register of Wills for said City in Wills Liber 11, folio 175, and which said acre is fully described and set forth in a Deed from Thomas D. Cockey of J. to William Padian dated May 17, 1866 and recorded among the Land Records of Baltimore County in Liber J.H.L. No. 49, folio 31; 0.130 of an acre of said burial ground now lies within the right of way of the Relocation of the Padonia Road.

SAVING AND EXCEPTING thereout also all that lot or parcel of land which by Deed dated February 2, 1961 and recorded among the aforesaid Land Records in Liber W.J.R. No. 3818, folio 567, was granted and conveyed by Kinloch N. Yellott and wife to the State of Maryland to the use of the State Roads Commission of Maryland;

SUBJECT to and together with the right to the use thereof in common with others entitled thereto of the above mentioned private lane located along the second line of the herein described parcel of land.

PAID - Baltimore County M.L. - 20599 PPF - 1.1666

10-3-62 2 3 3 7 0 20599 PPF- 1.1666
10-3-62 2 3 3 7 0 20599 PPF- 1.1666

TOGETHER with the buildings and improvements thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot(s) of ground and premises, unto and to the use of Harry T. Campbell Sons' Corporation, its successors and assigns, in fee simple; subject, however, to the easement areas adjacent to the Relocation of Padonia Road, etc. which were conveyed by the said Kinloch Yellott and wife to the State of Maryland to the use of the State Roads Commission of Maryland by the above mentioned Deed and as shown on State Roads Commission Plats Nos. 24069 and 24070.



AND Grantor covenants to warrant specially the property hereby granted, conveyed, and assigned, and to execute such further assurances of said land as may be requisite.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

WITNESS the hand(s) and seal(s) of Grantors:

WITNESS:

BARBARA M. JAGER

Kinloch N. Yellott

(SEAL)

BARBARA M. JAGER

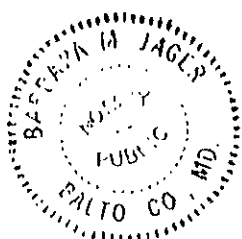
Gertrude B. Yellott

(SEAL)

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

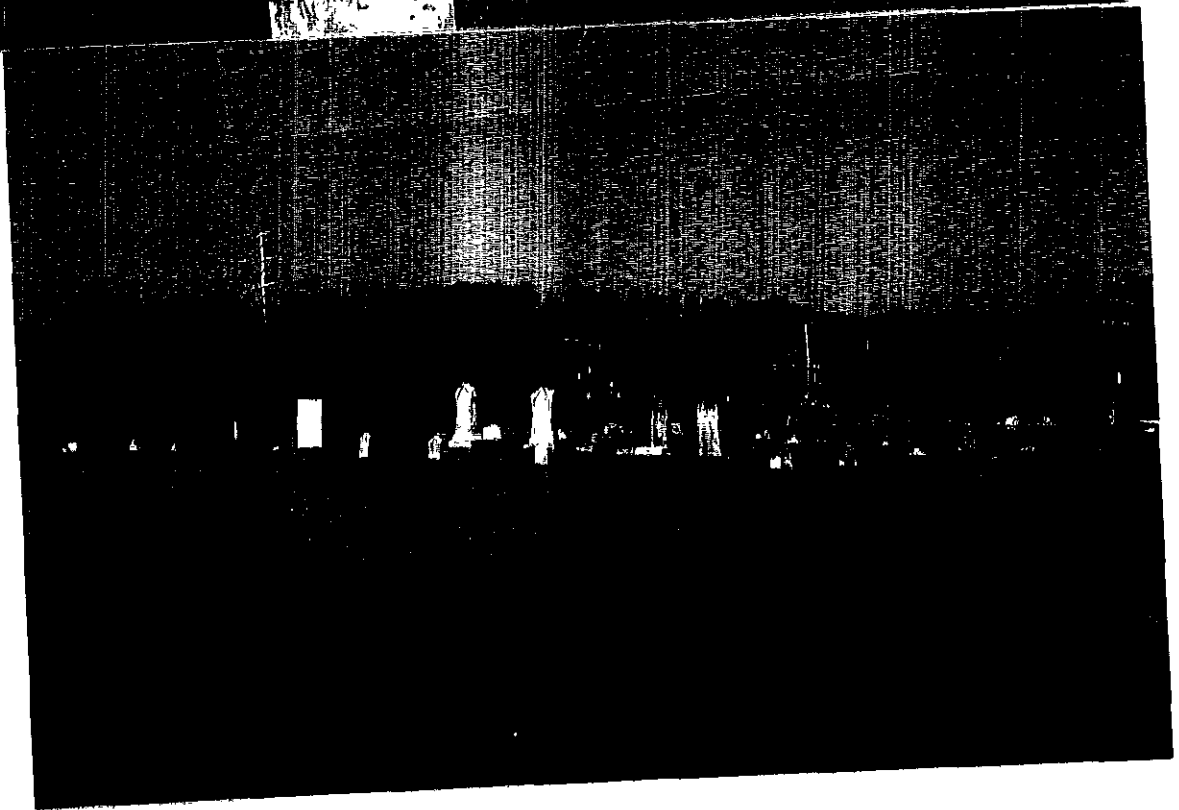
I HEREBY CERTIFY, that on this 2nd day of October, 1962, before me, a Notary Public of said State, personally appeared KINLOCH N. YELLOTT and GERTRUDE B. YELLOTT, his wife, Grantors, who acknowledged the foregoing Deed to be their act.

WITNESS my hand and Notarial Seal.

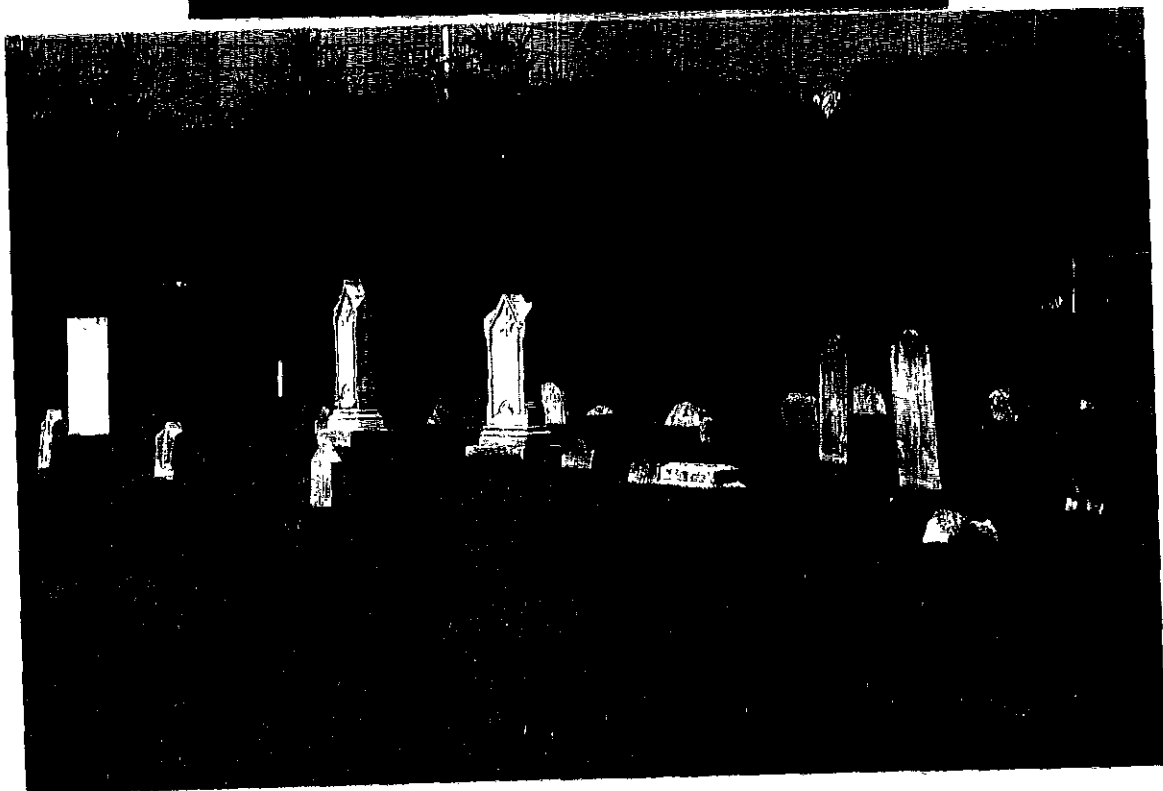
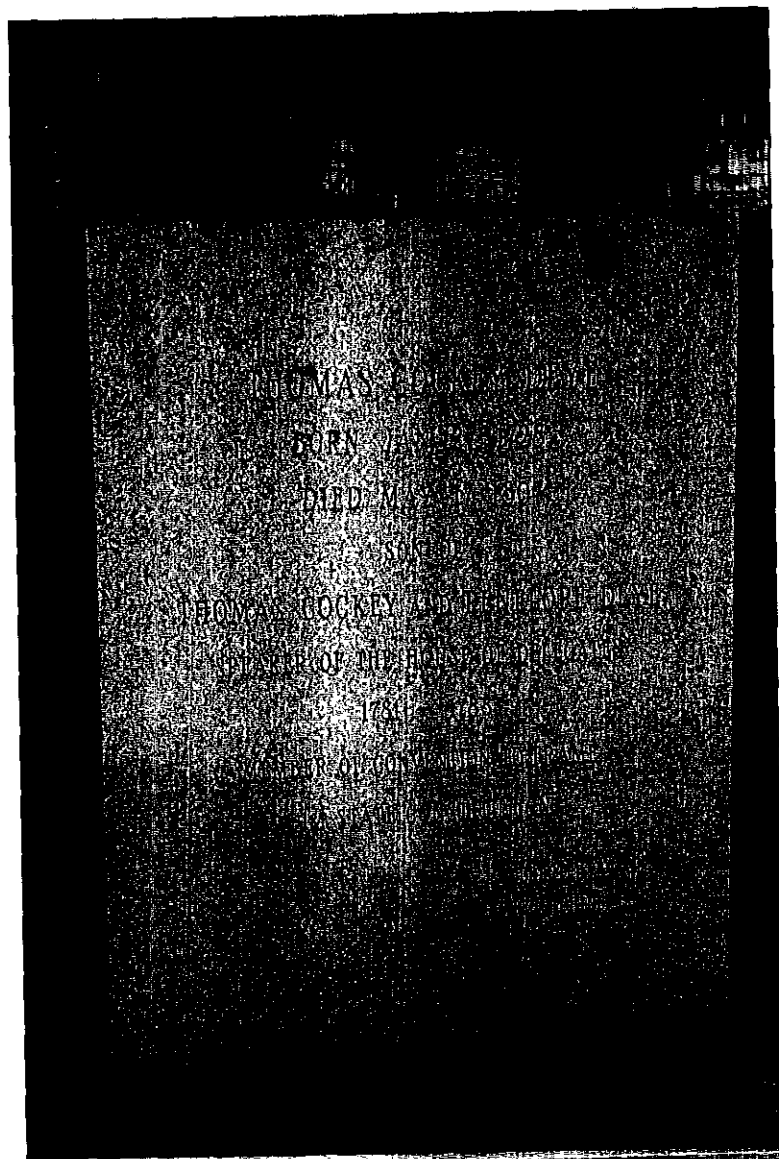


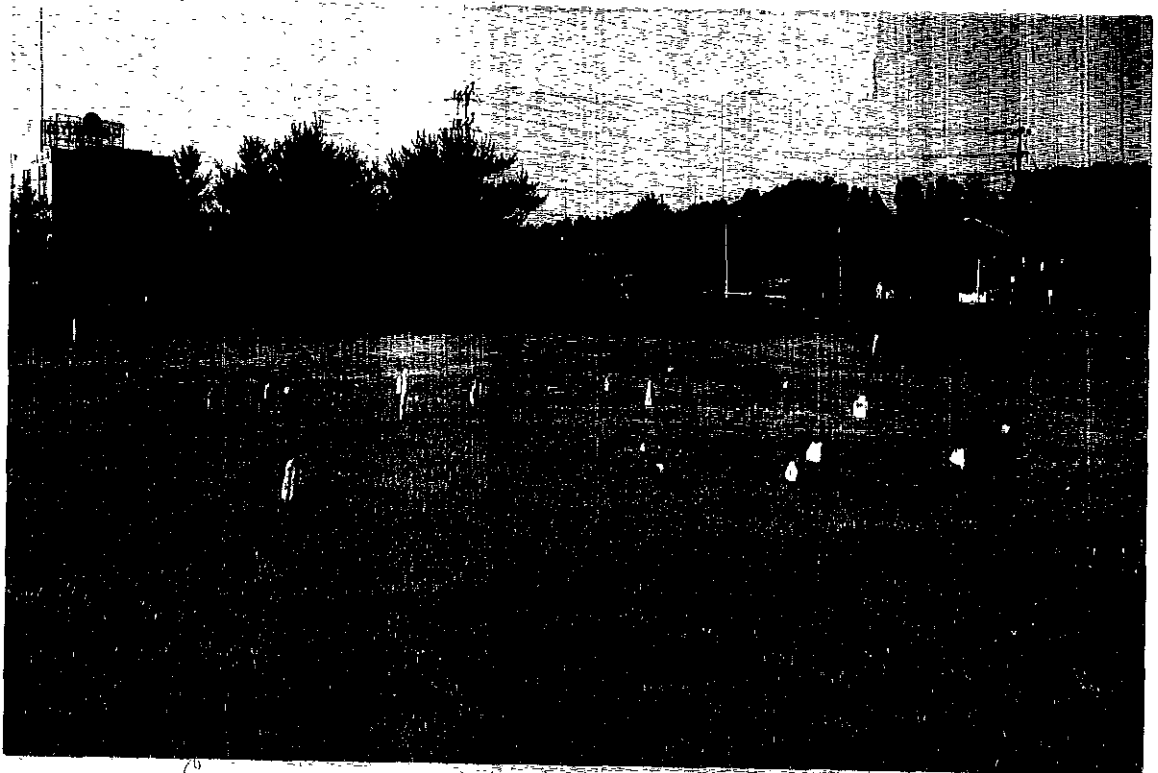
BARBARA M. JAGER, Notary Public

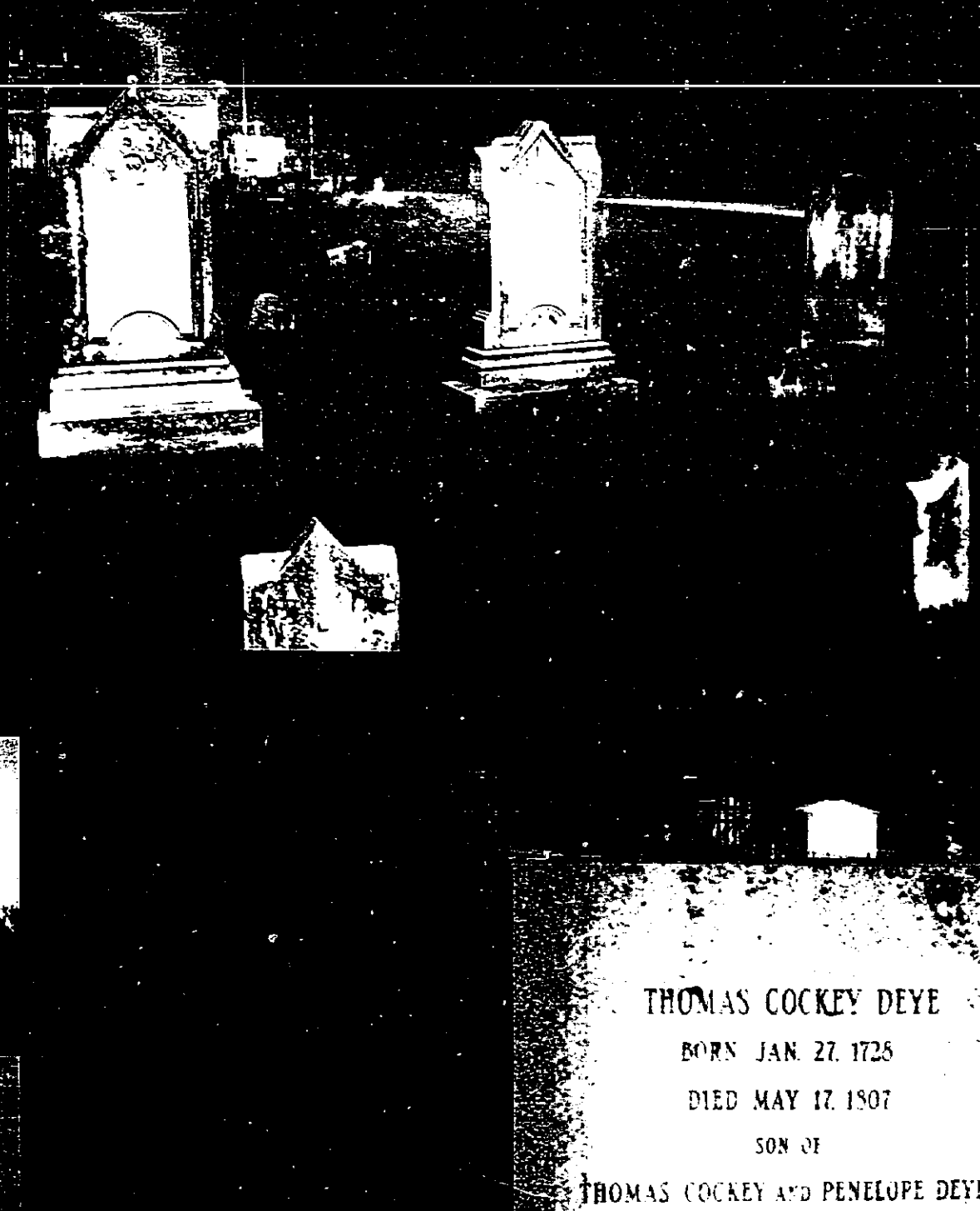
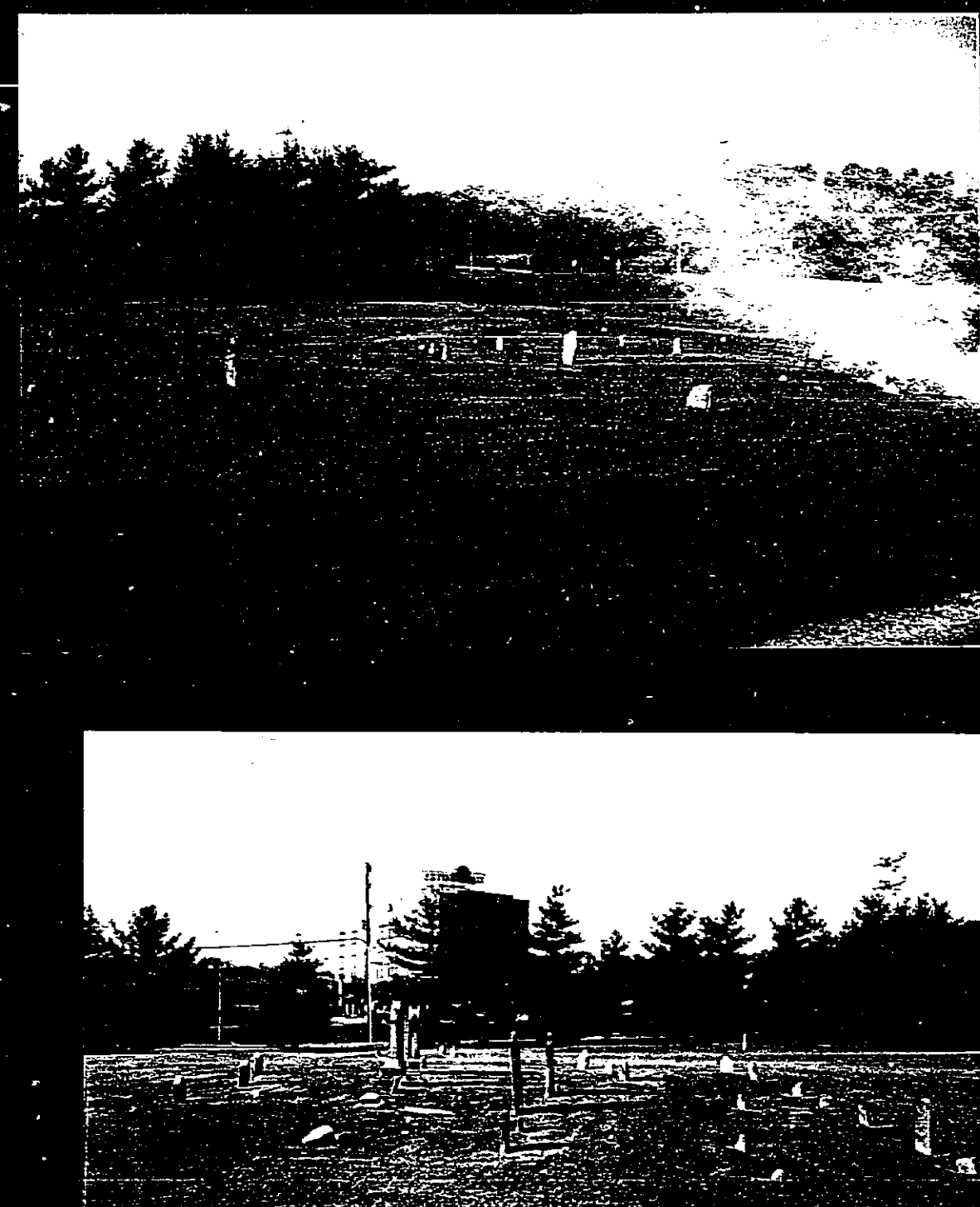
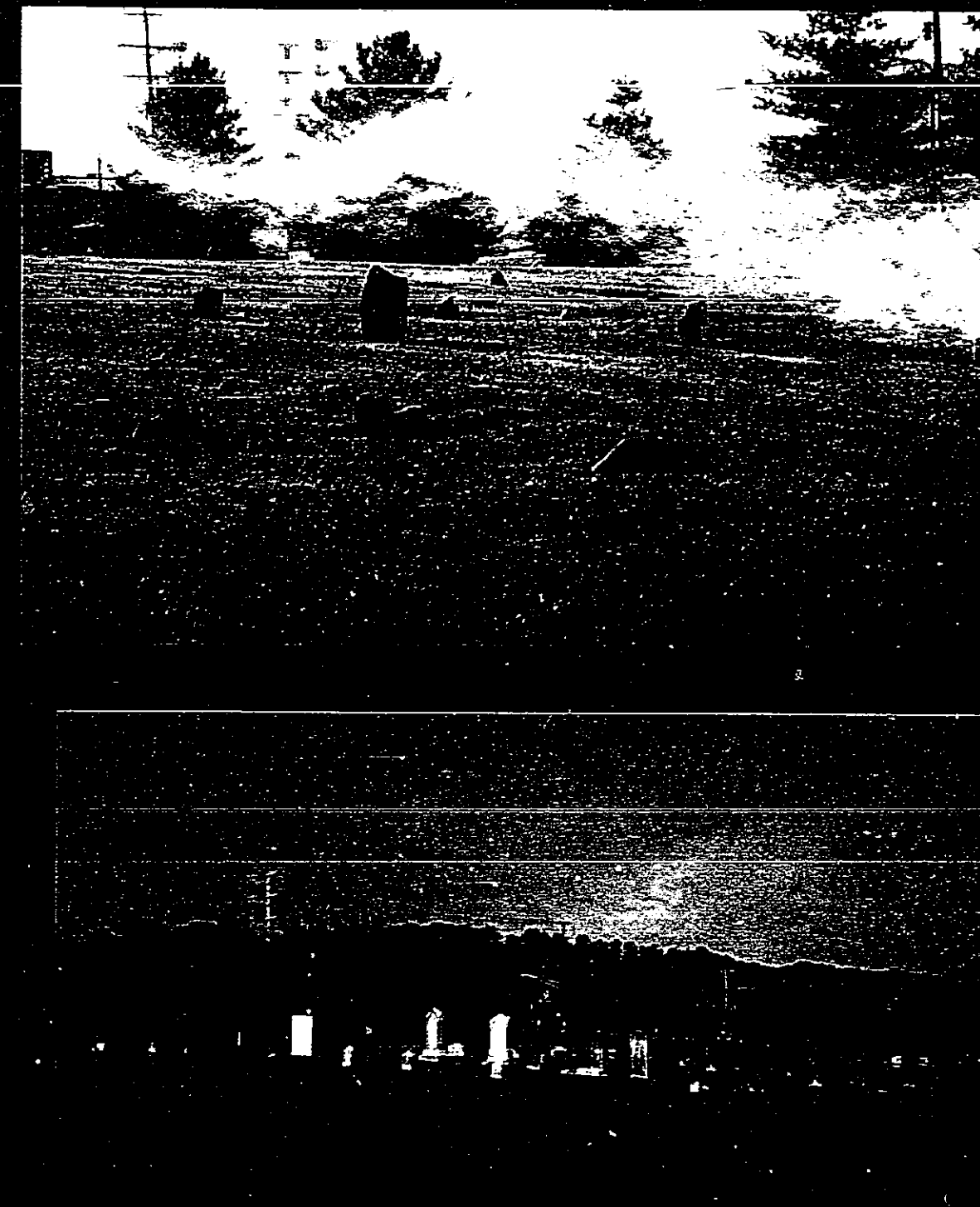
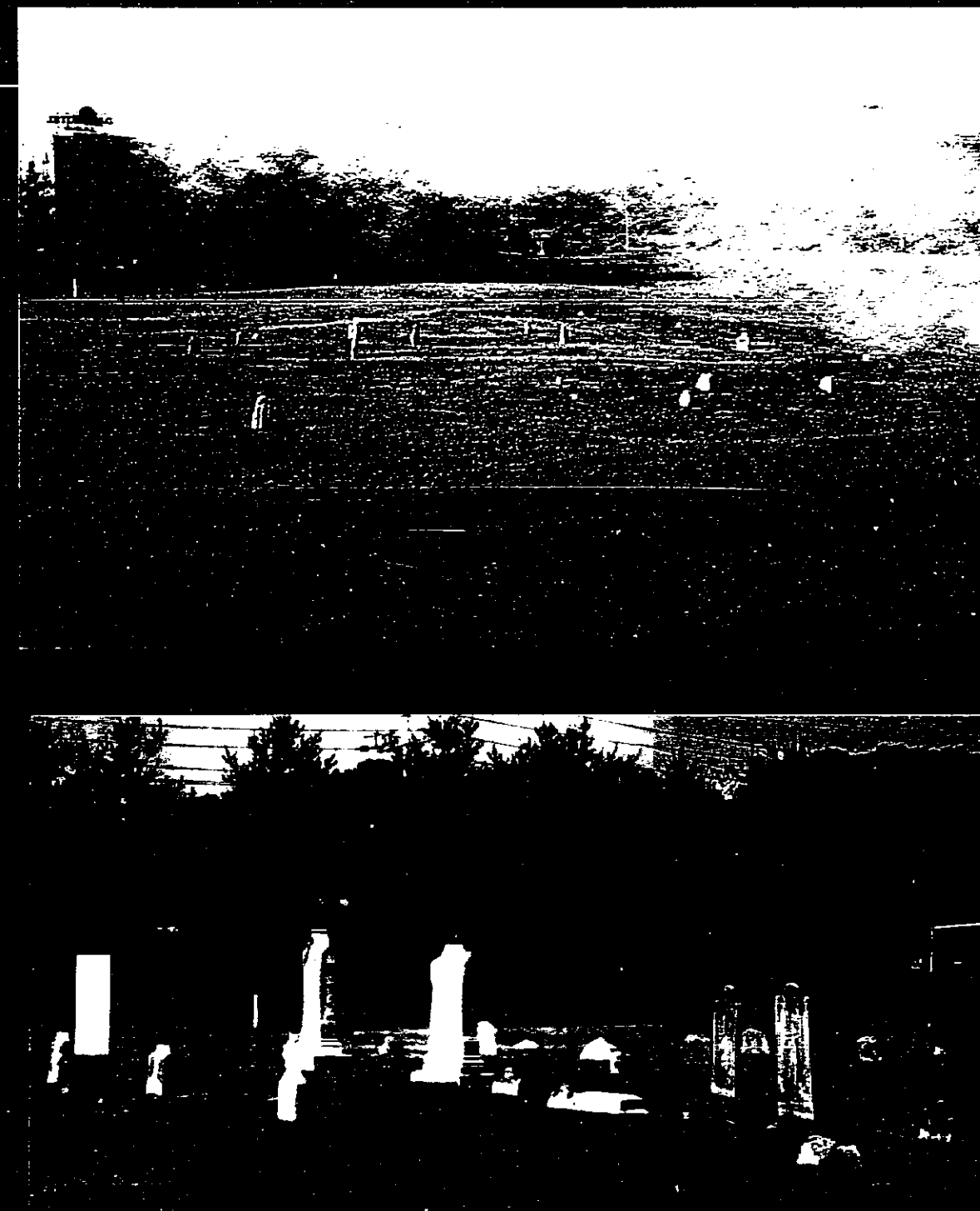
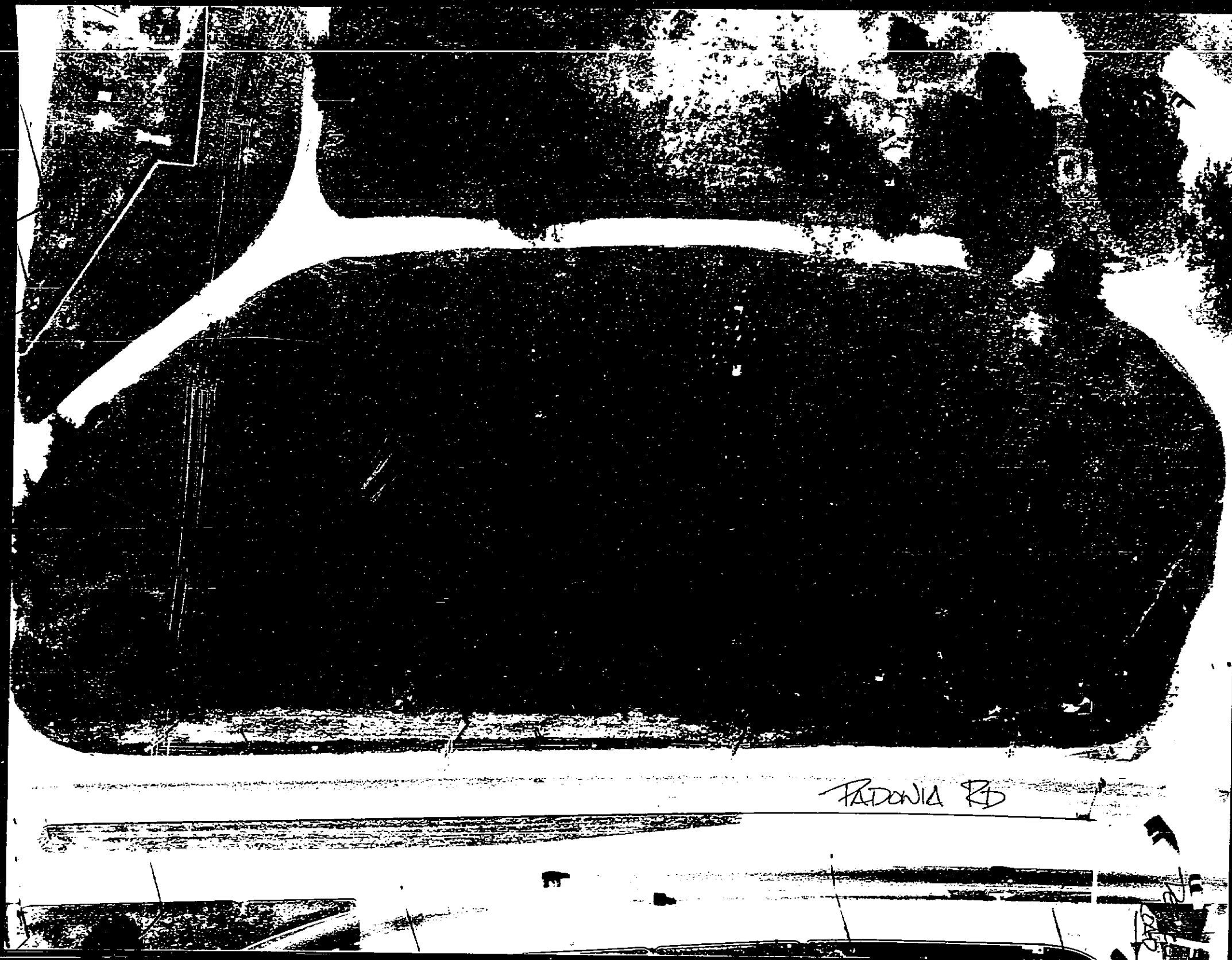
My commission expires: May 6, 1963



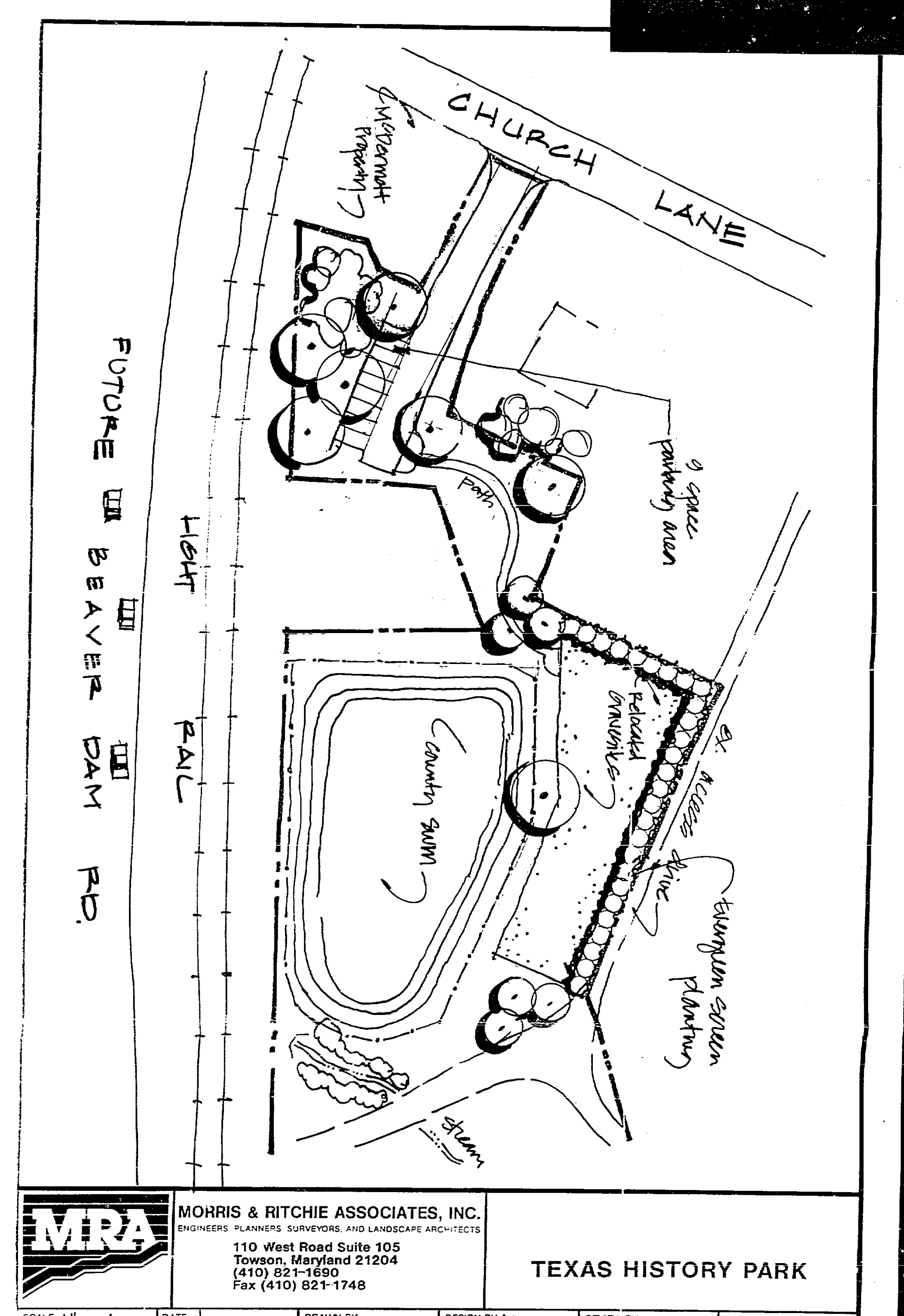
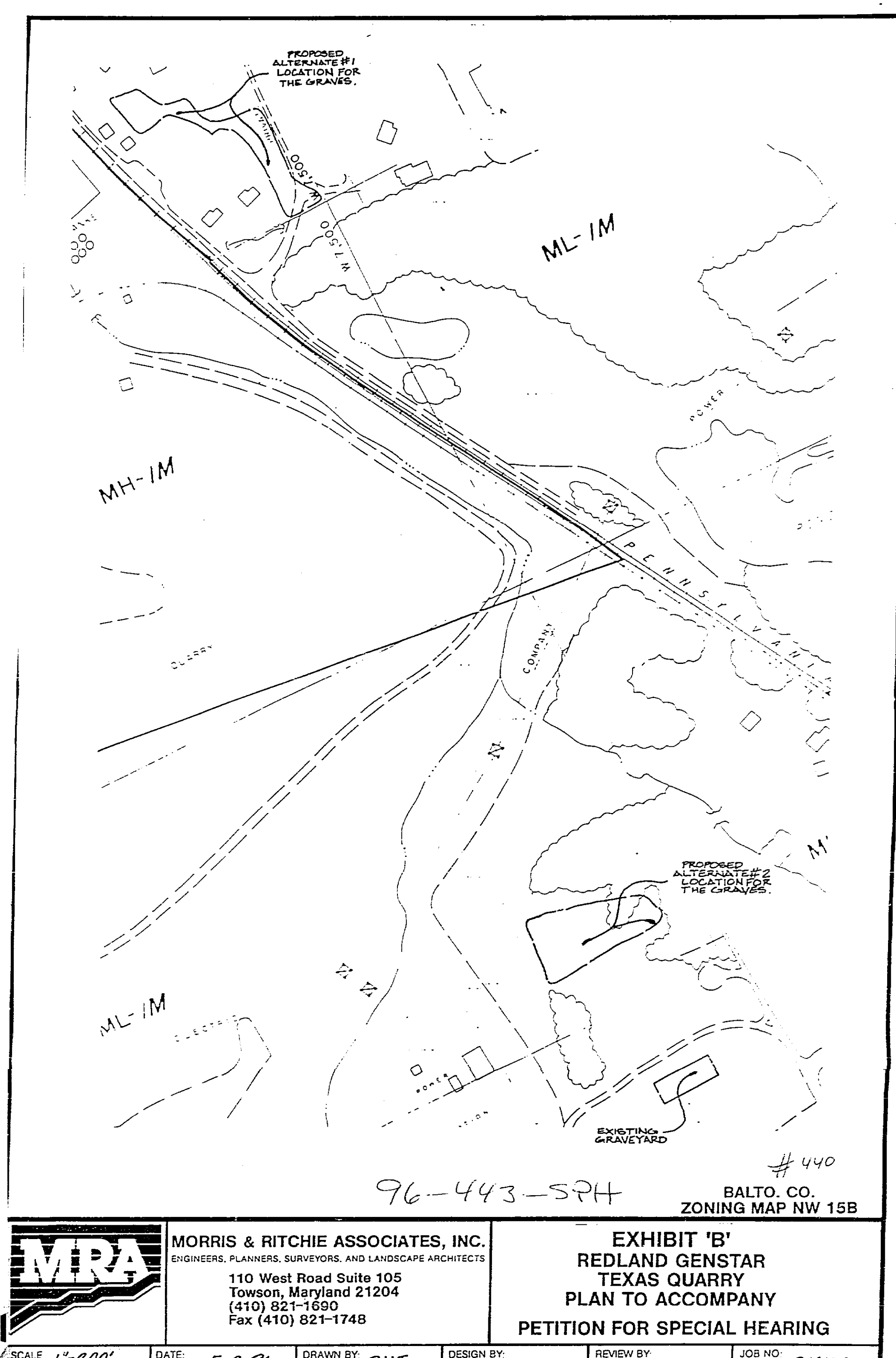
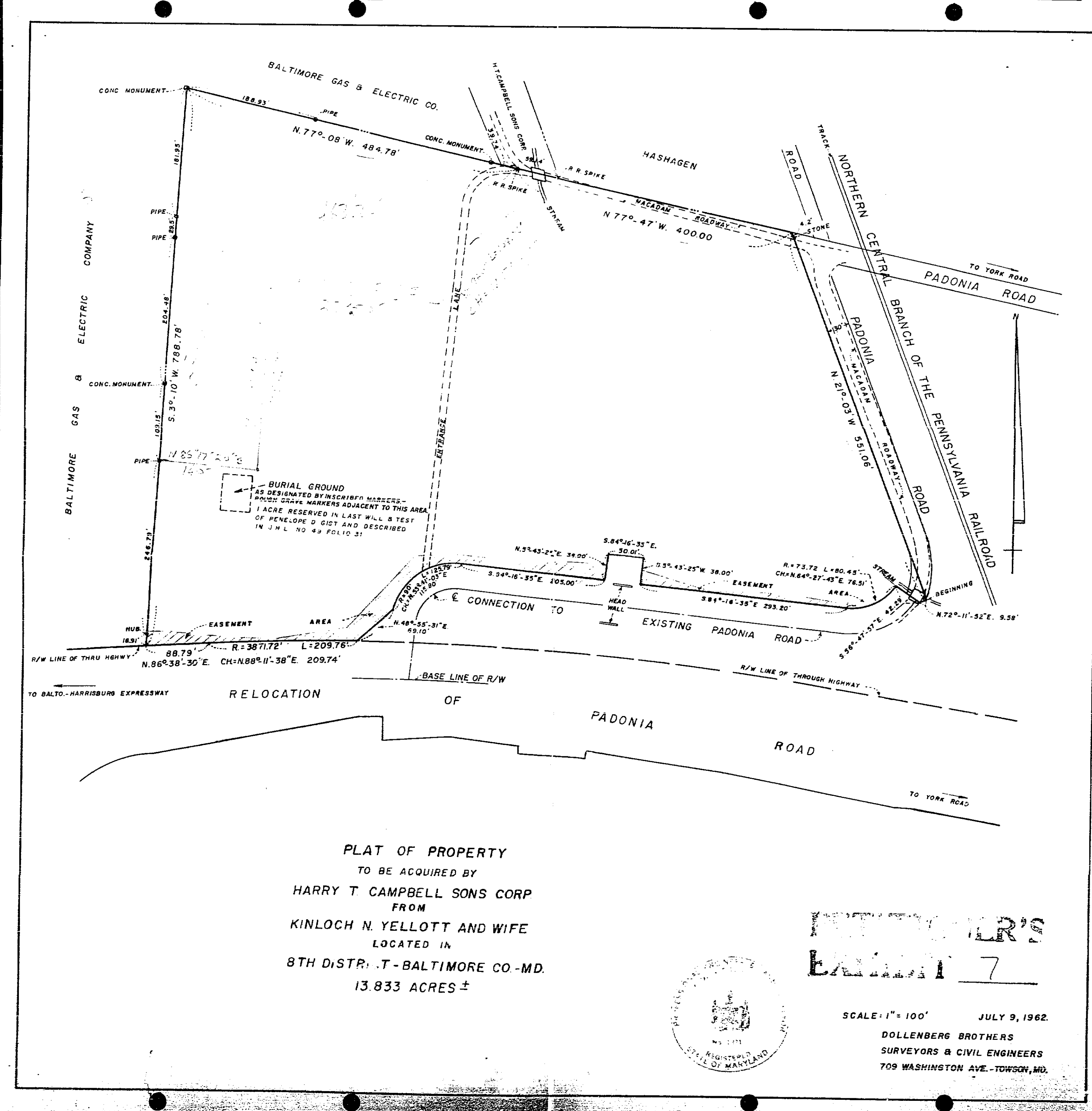


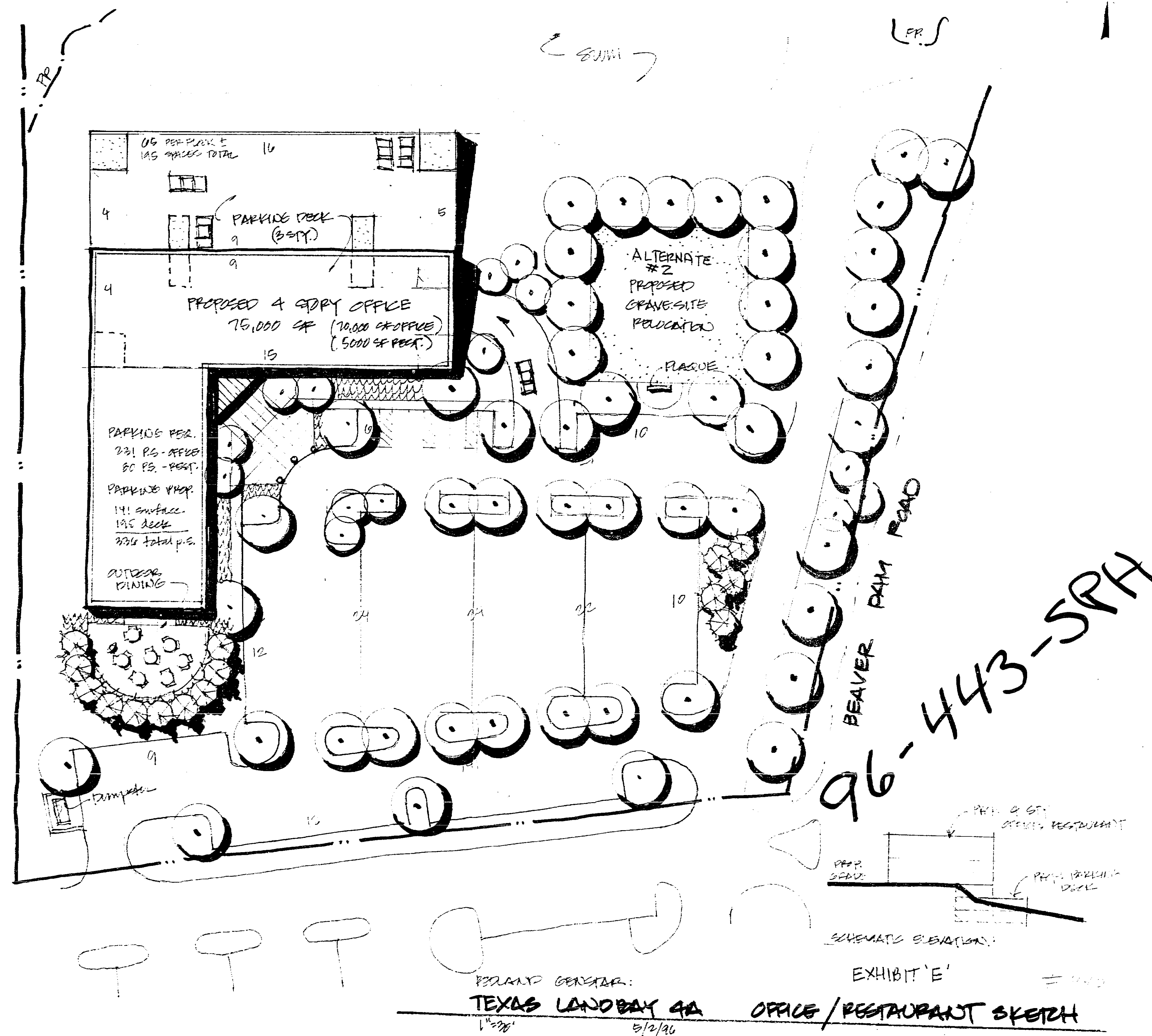
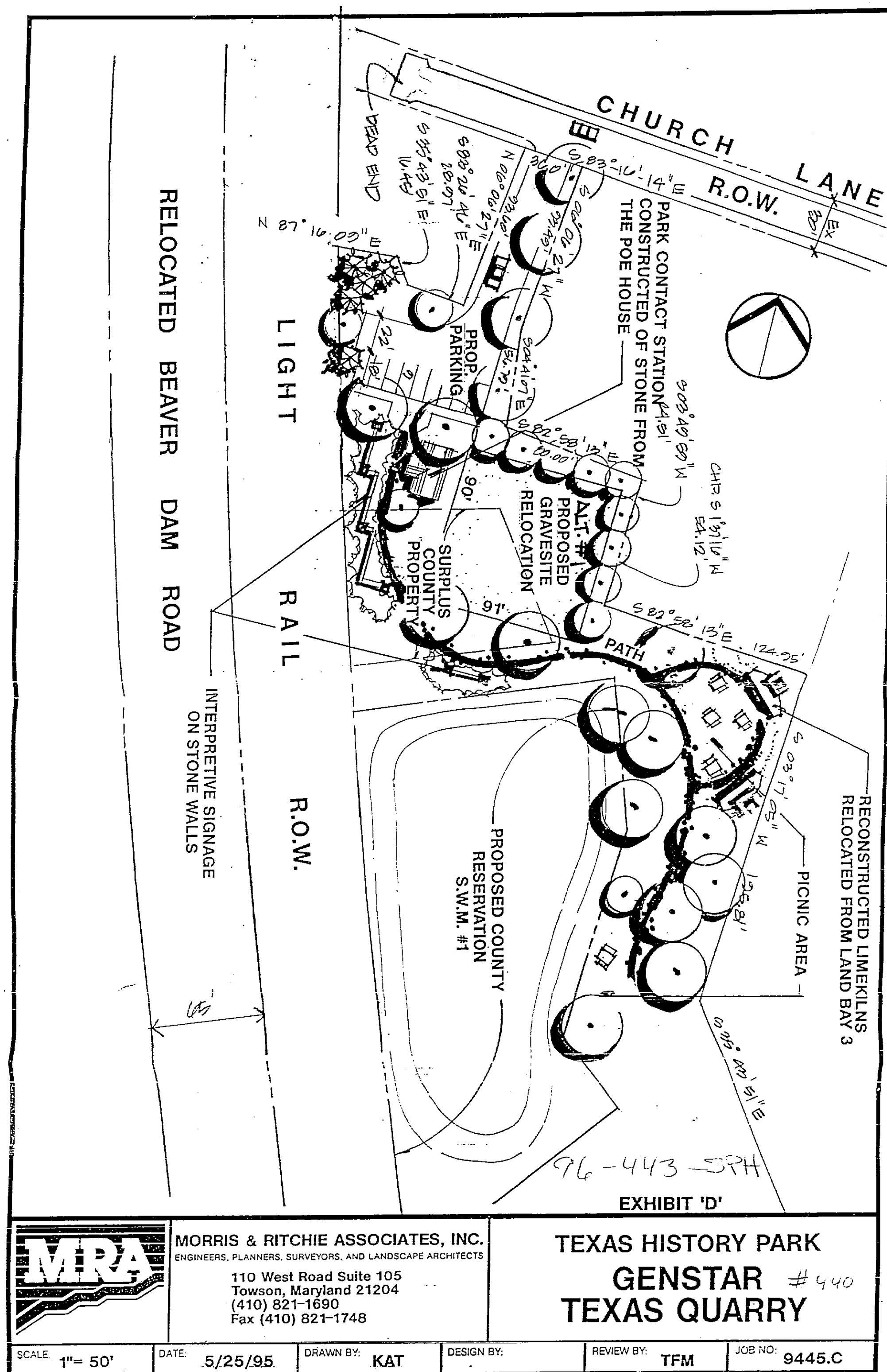


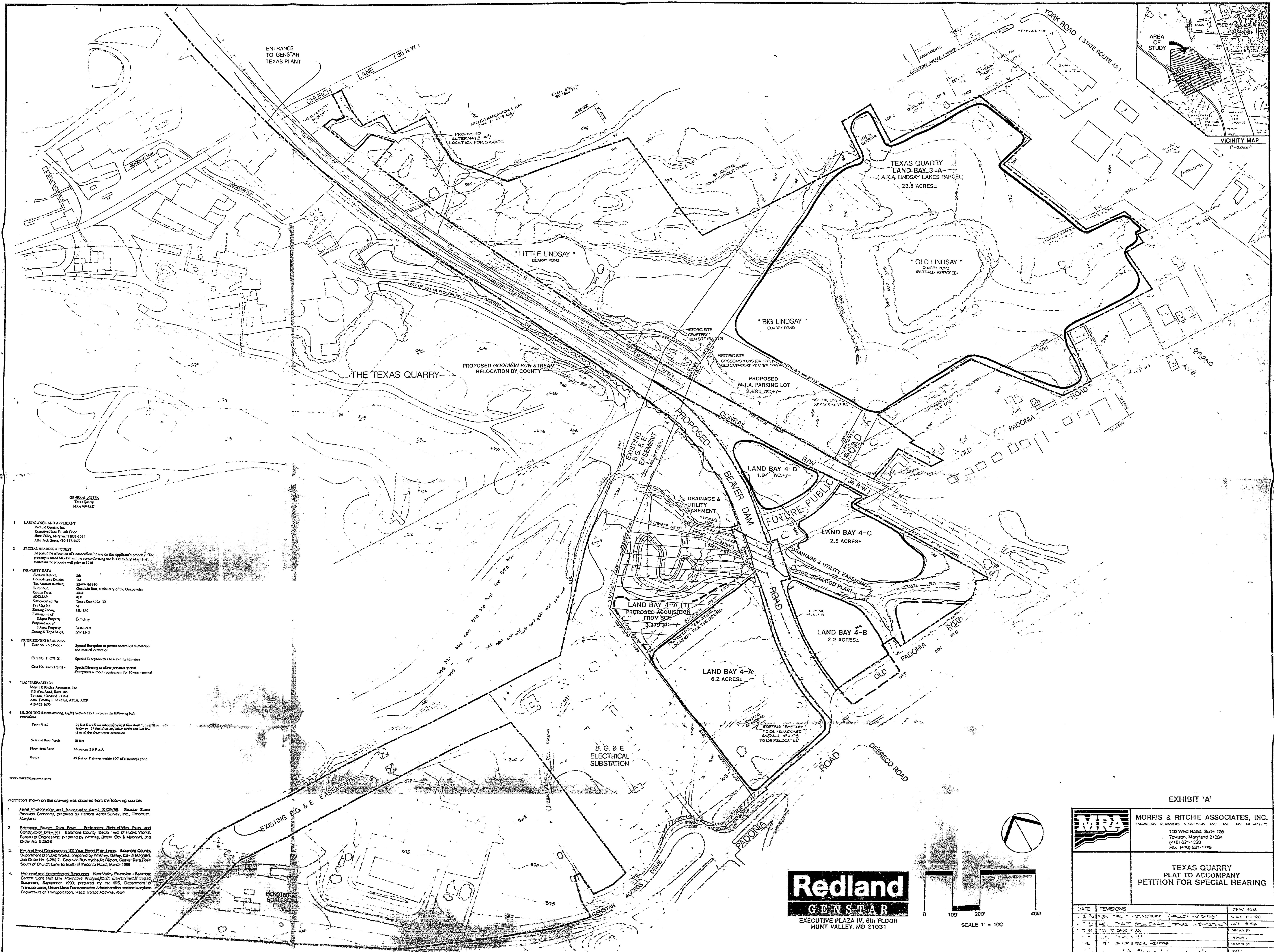




THOMAS COCKEY DEYE
BORN JAN 27, 1725
DIED MAY 17, 1807
SON OF
THOMAS COCKEY AND PENELOPE DEYE
SPEAKER OF THE HOUSE OF DELEGATES
1751 - 1755
MEMBER OF CONVENTION TO FRAME
THE STATE CONSTITUTION







GENERAL NOTES

- 1. LANDOWNER AND APPLICANT
Redland Genstar, Inc.
Executive Plaza IV, 6th Floor
Hunt Valley, Maryland 21031-1031
Attn: Jack Giese, 410-521-4477
- 2. SPECIAL HEARING REQUEST
To permit the relocation of a nonconforming use on the Applicant's property. The property is listed 10-14 and the nonconforming use is a quarry which has existed on the property well prior to 1940.
- 3. PROPERTY DATA
Estate District: 105
Tax Assessor's District: 105
Tax Assessor's Number: 22-05-10510
County: Baltimore
Subdivided No: 404
Tax Map No: 112
Existing Zoning: Texas South No. 12
Proposed use of Subject Property: Quarry
Zoning & Topo Maps: M-114
Residential: NW 15-B
- 4. PRIOR ZONING HEARINGS
Case No. 72-175-X: Special Exception to permit controlled demolition and mineral extraction
Case No. 81-174-X: Special Exception to allow mining activities
Case No. 14-121-SP1: Special Hearing to allow previous special Exception without requirement for 10 year renewal
- 5. PLAN PREPARED BY
Morris & Ritchie Associates, Inc.
110 West Road, Suite 105
Towson, Maryland 21204
Attn: Timothy P. Madden, ASLA, AICP
410-821-1059
- 6. 10. ZONING (Ordinance, Light) Section 255.1 includes the following built conditions:
Front Yard: 25 feet from front property line, if it is a dual driveway, 25 feet if on any other street and not less than 50 feet from street centerline
Side and Rear Yards: 10 feet
Floor Area Ratio: Minimum 2.0 F.A.R.
Height: 40 feet or 7 stories within 100' of a business zone

- Information shown on this drawing was obtained from the following sources:
1. Aerial Photography and Topography dated 10/25/89: Genstar Stone Products Company, prepared by Harford Aerial Survey, Inc., Timonium, Maryland
2. Proposed Beaver Dam Road Preliminary Report, Plans and Construction Details: Baltimore County, Dept. of Public Works, Bureau of Engineering, prepared by Wm. H. Bann, Civil & Mechanical, Job Order No. 5-2605
3. Re and East Construction 100 Year Flood Plain Limits: Baltimore County, Department of Public Works, prepared by Whittier, Bailey, Cox & Maguire, Job Order No. 5-2607, Goodwin Run Hydrologic Report, Beaver Dam Road South of Church Lane to North of Padonia Road, March 1988
4. Historical and Archaeological Resources: Hunt Valley Extension - Baltimore County Light Rail Line Alternative Analysis/Design Environmental Impact Statement, September 1990, prepared by the U.S. Department of Transportation, Urban Mass Transportation Administration and the Maryland Department of Transportation, Mass Transit Administration

Redland
GENSTAR
EXECUTIVE PLAZA IV, 6th FLOOR
HUNT VALLEY, MD 21031

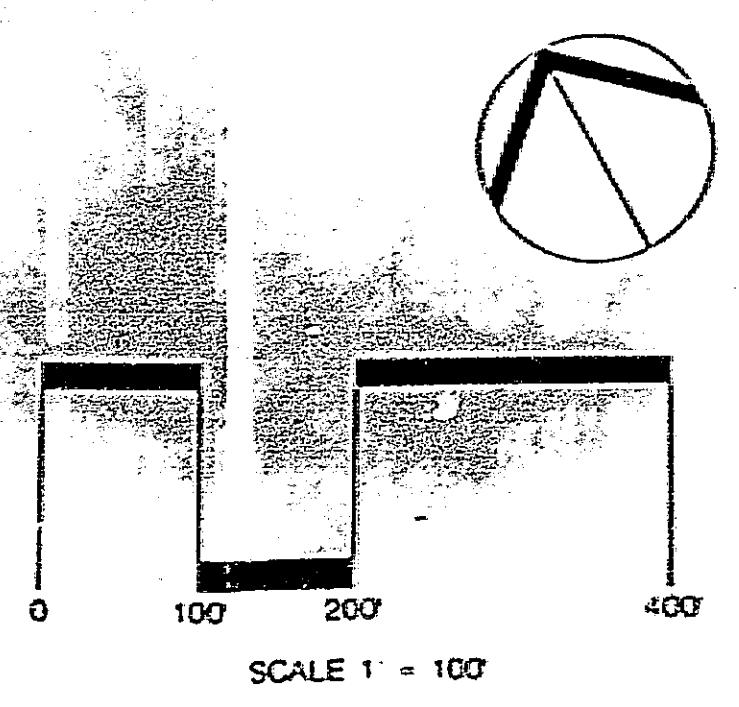


EXHIBIT 'A'

MRA
MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, ARCHITECTS AND LAND SURVEYORS
110 West Road, Suite 105
Towson, Maryland 21204
(410) 821-1059
Fax: (410) 821-1745

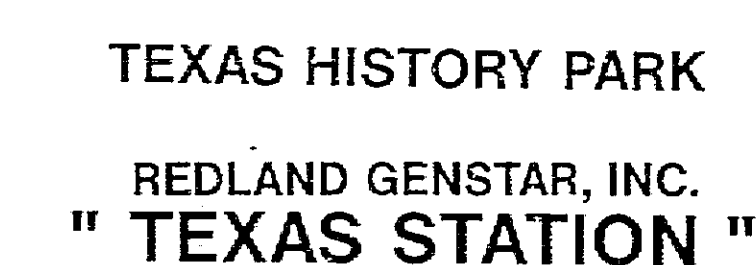
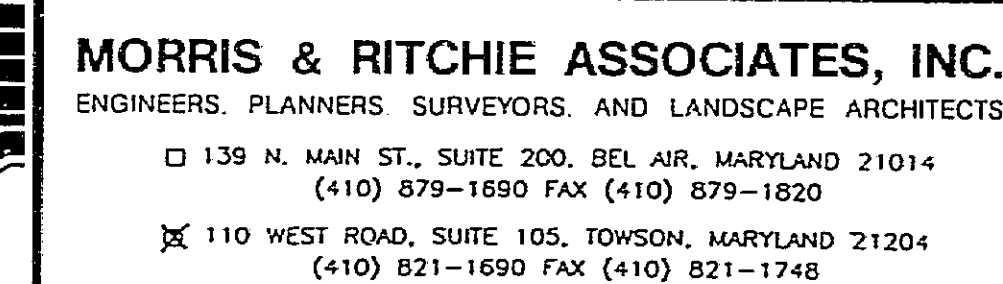
TEXAS QUARRY
PLAT TO ACCOMPANY
PETITION FOR SPECIAL HEARING

DATE	REVISIONS	BY	DATE
10/25/89	1. PREPARED BY MRA	WPM	10/25/89
11/15/89	2. REVISED TO SHOW REVISIONS	WPM	11/15/89
12/15/89	3. REVISED TO SHOW REVISIONS	WPM	12/15/89
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1/15/98	100. REVISED TO SHOW REVISIONS	WPM	1/15/98



NOTE: THE HISTORY PARK SHALL SERVE AS THE SITE FOR THE RELOCATION OF GRAVES AND GRAVE STONES FROM THE COCKEY FAMILY CEMETERY ON PADONIA ROAD.

By: Joshua F. Cockey of B. Chairman
Date: November 14, 1996



DATE	REVISIONS	JOB NO	9445
11-15-94	REVISION LAY 1 AS PER CHECKER PAUL W. CAMPBELL	SCALE	1" = 20'
11-28-96	REVISED PROP. EXH. 1000000 & LAY 101	DRAWN BY	C.J.
		DESIGN BY	
		REVIEW BY	
		SHEET	1 OF 1

Redland
GENSTAR
EXECUTIVE PLAZA IV, 6th FLOOR
HUNT VALLEY, MARYLAND 21031