

IN RE: PETITION FOR SPECIAL HEARING
W/S Duncan Hill Road, 2000' N
of the c/l of Belfast Road
(15438 Duncan Hill Road)
5th Election District
3rd Councilmanic District

Louis C. Carrico, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-441-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Hearing for that property known as 15438 Duncan Hill Road, located in the vicinity of Stringtown Road and Belfast Road in Butler. The Petition was filed by the owners of the property, Louis C. and Lynn F. Carrico, and the Contract Purchaser, Ahmed Bendebba. The Petitioners seek approval of a non-density transfer of 15.686 acres from Lot 3A to the adjacent owner of Lot 3C, as shown on the site plan of the Resubdivision of Lot 3 of Duncan Hill Manor, and an amendment to the last approved Final Development Plan for Duncan Hill Manor, accordingly. This transfer is subject to Restriction No. 4 in prior Case No. 89-10-SPH, which prohibits any further subdivision of the subject property without a public hearing. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing on behalf of this request were Lynn F. Carrico, property owner, Ahmed Bendebba, adjoining property owner and Contract Purchaser of the subject property, David Ransone, Professional Land Surveyor who prepared the site plan for this property, and Dina E. Sarbanes, Esquire and Robert A. Hoffman, Esquire, attorneys for the Petitioners. There were no Protestants or other interested persons present.

ORDER RECEIVED FOR FILING

Date

By

[Handwritten signature]
[Handwritten signature]

Testimony and evidence offered revealed that the subject property was formerly part of a larger tract of land, known as Lot 3 of Duncan Hill Manor, which contained a gross area of 47.676 acres, more or less, zoned R.C.2. The subject property, known as Lot 3A of Duncan Hill, contains a gross area of 36.669 acres, and is improved with a single family dwelling. The Petitioners are desirous of transferring 15.686 acres located to the rear of the subject property to the adjacent landowner of Lot 3C, as shown on the site plan, for non-density purposes. Mr. & Mrs. Ahmed Bendebba own the adjacent Lot 3C and are desirous of acquiring additional land to add to their 6.641 acres. However, as noted above, the proposed transfer results in a further subdivision of the subject property, in contravention of Restriction No. 4 of the Order issued in prior Case No. 89-10-SPH. It should be noted that the subject property has been registered with the Maryland Environmental Trust and thus, no additional houses can be built on the property. Furthermore, inasmuch as the proposed transfer is for non-density purposes, no density units will be created by virtue of the proposed transfer. Upon completion of the transfer, the Bendebbas will then own approximately 22.3 acres, more or less.

After due consideration of the testimony and evidence presented, I am persuaded to grant the relief requested. It has been established that the proposed transfer of the subject 15.686 acres is for non-density purposes and will not result in any additional density units being created. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare and meets the spirit and intent of the zoning regulations.


ORDER RECEIVED FOR FILING
Date _____
By _____

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 17th day of June, 1997 that the Petition for Special Hearing seeking approval of a non-density transfer of 15.686 acres from Lot 3A to the adjacent owner of Lot 3C, as shown on the Resubdivision of Lot 3 of Duncan Hill Manor, and an amendment to the last approved Final Development Plan for Duncan Hill Manor, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) Pursuant to Section 502.2 of the B.C.Z.R., a new deed incorporating a reference to this case and the restrictions and conditions set forth herein shall be recorded among the Land Records of Baltimore County within sixty (60) days of the date of this Order and a copy of the recorded deed shall be forwarded to the Department of Permits and Development Management for inclusion in the case file.

IT IS FURTHER ORDERED that except as modified herein, all terms and restrictions of the Order issued in prior Case No. 89-10-SPH shall remain in full force and effect.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

COPIES RECEIVED FOR FILING
Date 6/17/97
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

June 11, 1997

Robert A. Hoffman, Esquire
Dina E. Sarbanes, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
W/S Duncan Hill Road, 2000' N of the c/l of Belfast Road
(15438 Duncan Hill Road)
5th Election District - 3rd Councilmanic District
Louis C. Carrico, et ux - Petitioners
Case No. 97-441-SPH

Dear Mr. Hoffman & Ms. Sarbanes:

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

TMK:bjs

cc: Mr. & Mrs. Louis C. Carrico
15438 Duncan Hill Road, Butler, Md. 21152

Mr. Ahmed Bendebba
2711 Black Rock Road, Reisterstown, Md. 21136

Mr. David Ransone, P.O. Box 10007, Baltimore, Md. 21285

People's Counsel; Case Files



RE: PETITION FOR SPECIAL HEARING
15438 Duncan Hill Road, W/S Duncan Hill
Rd, 2000' N of c/l Belfast Road
5th Election District, 3rd Councilmanic

Legal Owner(s): Louis C. and Lynn F. Carrico
Contract Purchaser: Ammed Bendebba
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 97-441-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 16th day of May, 1997, a copy of the foregoing Entry of Appearance was mailed to Dina E. Sarbanes, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 15438 Duncan Hill Road
 which is presently zoned R.C. 2

441

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made part of 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

(1) a non-density transfer of 15.686 acres of Lot 3A to the adjacent landowner of Lot 3C, as shown on Resubdivision of Lot 3 Duncan Hill Manor, and (2) amendment of the last approved Final Development Plan. This transfer is subject to Restriction 4 in Case 89-10-SPH, which prohibits any further subdivision without a public hearing. The 15.686 acre parcel is subject to a Deed of Conservation Easement to the Maryland Environmental Trust, and no residence may be built thereon.

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 this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

Contract Purchaser/Lessee:

Armen Boudabbat
 (Type or Print Name)
 X [Signature]
 Signature
2717 Black Rock Road
Reisterstown, Md. 21136
 Address

 City State Zipcode

Legal Owner(s):

Louis C. Carrico
 (Type or Print Name)
[Signature]
 Signature
Lynn F. Carrico
 (Type or Print Name)
[Signature]
 Signature

15438 Duncan Hill Road
 Address Phone No
472-4797

Butler MD 21152
 City State Zipcode

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

Dina E. Sarbanes
Venable, Baetjer and Howard, LLP
 Name

210 Allegheny Ave, Towson, MD 21204 (410) 494-6200
 Address Phone No

Attorney for ~~Petitioner~~ Contract Purchaser:

Dina E. Sarbanes
Venable, Baetjer and Howard, LLP
 (Type or Print Name)
[Signature]
 Signature
210 Allegheny Ave. (410) 494-6200
 Address Phone No
Towson MD 21204
 City State Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr

unavailable for Hearing the following dates _____
 Next Two Months
 ALL _____ OTHER _____

REVIEWED BY: [Signature] DATE 4/11/12

TOP DEC 17 2011 0037088.01

ORDER REVIEWED
 Date
 By



DESCRIPTION

TO ACCOMPANY PETITION FOR SPECIAL HEARING

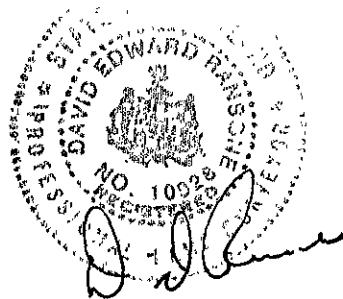
47.676 ACRE PARCEL

5th ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

Beginning for the same at the end of the second of the two following courses and distances measured from the intersection of the centerline of Belfast Road with the centerline of Duncan Hill Road (1) North 3 degrees West 2000 feet, more or less, and thence (2) South 74 degrees West 405 feet, more or less, thence leaving said point of beginning and running for the 16 following courses and distances, viz: (1) North 41 degrees 07 minutes 42 seconds West 193.19 feet, thence (2) North 87 degrees 25 minutes 28 seconds East 3.89 feet, thence (3) North 34 degrees 22 minutes 42 seconds West 801.53 feet, thence (4) North 17 degrees 46 minutes 18 seconds East 158.40 feet, thence (5) North 89 degrees 28 minutes 12 seconds West 330.99 feet, thence (6) South 58 degrees 13 minutes 08 seconds West 225.00 feet, thence (7) South 58 degrees 13 minutes 08 seconds West 386.92 feet, thence (8) South 63 degrees 18 minutes 48 seconds West 281.50 feet, thence (9) South 36 degrees 19 minutes 48 seconds West 457.71 feet, thence (10) South 40 degrees 54 minutes 18 seconds West 78.52 feet, thence (11) South 36 degrees 01 minute 12 seconds East 445.22 feet, thence (12) South 45 degrees 10 minutes 58 seconds East 901.58 feet, thence (13) North 58 degrees 51 minutes 18 seconds East 871.19 feet, thence (14) North 15 degrees 39 minutes 46 seconds East 29.16 feet, thence (15) North 27 minutes 31 seconds 47 seconds West 264.89 feet, and thence (16) North 64 degrees 50 minutes 18 seconds East 463.95 feet to the point of beginning.

Containing 47.676 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY
AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.



441

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

Beginning for the same at the corner of Lot 3A, Lot 3B and Lot 3C as said lots are laid out and shown on a plat titled Resubdivision of Lot 3 Duncan Hill Manor and recorded among the Plat Records of Baltimore County in Plat Book S.M. No. 65 folio 69 running thence and binding on the division line between Lots 3A and 3C, North 25 degrees 53 minutes 50 seconds West 670.39 feet, thence running with and binding on the northwest lot lines of Lot 3A the 2 following courses and distances viz: South 58 degrees 13 minutes 08 seconds West 386.92 feet, and South 63 degrees 18 minutes 48 seconds West 281.50 feet to the southeast side of Stringtown Road as widened and shown on said plat, thence binding on the southeast side of said Road and continuing to bind on the outlines of Lot 3A the 2 following courses and distances viz: South 36 degrees 19 minutes 48 seconds West 457.17 feet and South 40 degrees 54 minutes 18 seconds West 78.52 feet, thence leaving Stringtown Road and continuing to bind on the outline of Lot 3A, South 36 degrees 01 minute 12 seconds East 445.22 feet, and thence running through Lot 3A, North 61 degrees 07 minutes 28 seconds East 1066.22 feet to the place of beginning.

Containing 15.686 Acres of Land, more or less.

Being part of Lot 3A as laid out and shown on a plat titled Resubdivision of Lot 3 Duncan Hill Manor and recorded among the Plat Records of Baltimore County in Plat Book S.M. No. 65 folio 69.

Subject to Restrictions, Easements and Rights of Ways of record.



D. E. Ransone

12/07/96

441

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/24, 1997

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 4/24, 1997.

THE JEFFERSONIAN,

A. Henrichson

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 in Towson, Maryland on the property identified herein as follows:

Case: #97-441-SH
15438 Duncan Hill Road
W/S Duncan Hill Road, 2000
N of of Belfast Road
5th Election District
3rd Councilmanic

Legal Owner(s):
Louis C. Carrico and
Lynn E. Carrico
Contract Purchaser:
Armed Bendeloha

Special Hearing: to approve a non-density transfer of 15.686 acres of Lot 3A to the adjacent landowner of Lot 3C, and amendment of the last approved Final Development Plan.

Hearing: Tuesday, May 20, 1997 at 11:00 a.m., 4th floor hearing room Court's Bldg., 481 Busley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Call 887-3363.

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

4/688 April 24 C137618

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

No. 028678

DATE 4/11/97 ACCOUNT 01-615

By: mjk
Item: 441 AMOUNT \$ 250.⁰⁰

RECEIVED FROM: Louis C. Carrico - 15438 Duncan Hill Rd.

OFFICE OF BUDGET & FINANCE
BALTIMORE COUNTY MARYLAND
FOR: 0404 \$250.00 BK Hearing \$ 250.⁰⁰
DEPT 5 ELS ZONING VERTICATION
04/11/97 02 6 W.M.R. 7565
PAID RECEIPT

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CERTIFICATE OF POSTING

RE: Case No: 97-441-SPH

Petitioner/Developer: CARRICO, ETAL

Date of Hearing/Closing: 5/20/97

Hall County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Lawson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at

#15438 DUNCAN HILL RD,
Cove

The sign(s) were posted on 5/4/97
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe, 5/10/97
(Signature of Sign Poster and Date)

Patrick M. O'Keefe
(Printed Name)

523 Perry Lane
(Address)

Hurd Valley, MD 21030
(City, State, Zip Code)

(410) 666-5366 Page (410) 646-835
(Telephone Number)



#15438 DUNCAN HILL RD

P/5/4/97

Request for Zoning: Variance, Special Exception, or Special Hearing

441

Date to be Posted: Anytime before but no later than *

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No. _____

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: * ~~15438~~

DATE AND TIME: *

REQUEST: (1) a non density transfer of 15.686 acres of Lot 3A to the adjacent landowner of Lot 3C, shown on Resubdivision of Lot 3 Deloan Hill Manor, and (2) amendment of the last approved Final Development Plan. This transfer is subject to Restrictive 4 in Case 89-10-spt which prohibits any further subdivision without a public hearing. The 15.686 acre parcel is subject to a Deed of Conservation Easement to the Maryland Environmental Trust, and no residence may be built thereon.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

Gwen

This needs to go in
the file with
Item 441

Sophia

Request for Zoning: Variance, Special Exception, or Special Hearing

4 7-11

Date to be Posted: Anytime before but no later than *

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-441-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: * ~~14128~~

DATE AND TIME: SPECIAL HEARING TO APPROVE

REQUEST: a non density transfer of 15,686 acres of Lot 3A to the adjacent parcel of Lot C. Resubdivision of Lot 3A into 10 parcels. Amendment of the 10th approved Final Development Plan. This transfer is subject to restrictive 4 in case 89-10-SPH, which prohibits any further subdivision without a public hearing. The 15,686 acre parcel is subject to a Deed of Construction Easement to the Maryland Environmental Trust, and no residence may be built thereon.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.

PER CARL RICHARDS,
ONLY THE YELLOW
HIGHLIGHTED WORDING
IS TO BE PUT ON THE
SIGN. QUESTIONS? —
CALL CARL OR SOPHIA
887.3391

UNDER PENALTY OF LAW

APPLICANT OR HIS AGENT
MUST SIGN THIS FORM TO THE SIGN



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

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.: 441
 Petitioner: ~~Arnold~~ Louis C. Carrico + Lynn F. Carrico
 Location: 15438 Duncan Hill Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara Ormord
 ADDRESS: 210 Allegheny Avenue
Towson, Md 21204
 PHONE NUMBER: 494-6201

AJ:ggs

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY
April 24, 1997 Issue - Jeffersonian

Please forward billing to:

Barbara Ormord
210 Allegheny Avenue
Towson, MD 21204
410-494-6201

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-441-SPH
15438 Duncan Hill Road
W/S Duncan Hill Road, 2000' N of c/l Belfast Road
5th Election District - 3rd Councilmanic
Legal Owner(s): Louis C. Carrico and Lynn F. Carrico
Contract Purchaser: Ammed Bendabba

Special Hearing to approve a non-density transfer of 15.686 acres of Lot 3A to the adjacent landowner of Lot 3C; and amendment of the last approved Final Development Plan.

HEARING: TUESDAY, MAY 20, 1997 at 11:00 a.m., 4th floor hearing room Courts Bldg., 401 Bosley Avenue.

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.



Baltimore County
Department of Permits and
Development Management

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

May 16, 1997

Dina E. Sarbanes, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Item No.: 441
Case No.: 97-441-SPH
Petitioner: Louis Carrico, et ux

Dear Ms. Sarbanes:

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 April 11, 1997.

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 (410-887-3391).

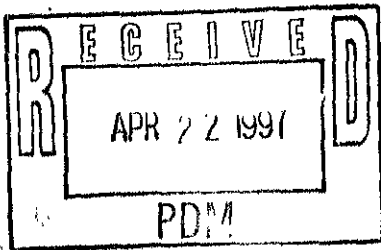
Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)





BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: April 18, 1997

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: 15438 Duncan Hill Rd.

INFORMATION

Item Number: 441
Petitioner: Carrico Property
Zoning: RC-2
Requested Action: Special Hearing

Summary of Recommendations:

The Planning Office defers to the position taken by DEPRM in this matter.

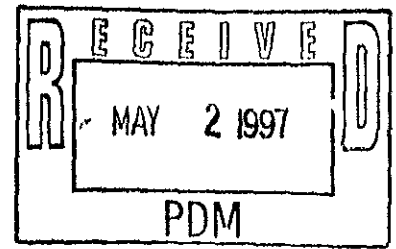
Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kern

AFK/JL



Attach original petition

Due Date 5/1/97

To: Arnold L. Jablon

From: Bruce Seeley

Subject: Zoning Item #441

Carrico 15438 Duncan Hill Road

Zoning Advisory Committee Meeting of April 21, 1997

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

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).

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

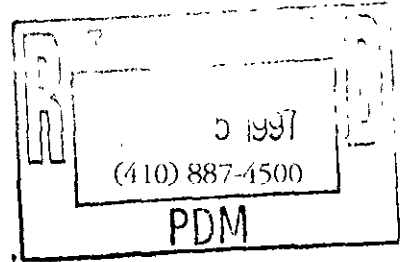
Agriculture Preservation: This Property has a Maryland Environmental Trust Easement on it. Assure proposal is in accordance with that easement.

Otherwise, no agriculture or prime and productive soil comments since most of the area is in the forest buffer with little Agricultural use.

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500



April 22, 1997

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 April 20, 1997

Item No.: SEE BELOW Zoning Agenda:

Comments:

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.

3. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

435, 436, 437, 438, and 441

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: April 28, 1997

FROM: *lub* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for April 28, 1997
Item Nos. 435, 436, 438 and 441

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

RWB:HJO:cab

cc: File

ZONE428.NOC



**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 4-18-97
Item No. 441 MJK

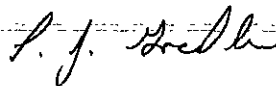
Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,


for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

441



Baltimore County
Department of Permits and
Development Management

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

December 17, 1996

Mr. Louis Carrico
15430 Duncan Hill Road
Sparks, MD 21152

RE: Zoning Verification
Lot 3 - Duncan Hill Manor
Zoning Case 89-10-SPH
5th Election District

Dear Mr. Carrico:

The staff has reviewed your request for zoning confirmation that additional zoning hearings are not required for the non-density transfer of part of lot, 3 as shown on your provided plan.

This review has given indication that there has been a zoning case (89-10-SPH) on this site in which several restrictions were applied. These restrictions (copy provided), one of which requires that no further subdivision of this tract is permitted without new CRG approval and a zoning public hearing, clearly shows that this office cannot administratively approve the proposed subdivision.

The staff also contacted Mr. Wally Lippincott of DEPRM (Department of Environmental Protection and Resource Management) concerning the applicability (to this site) of the Maryland Agricultural Land Preservation Program regulations as written in Section 1A01.4 of the Baltimore County Zoning Regulations (BCZR). Mr. Lippincott has confirmed that this section of the BCZR does not apply to this site. Mr. Richards, of this office, was under the erroneous impression (per your earlier phone conversations) that Section 1A01.4 was applicable and regrettably this is not the case. Also, Mr. Richards was not aware of the zoning case restrictions on this site.

Based on the above issues, a zoning special hearing and compliance with the zoning case restrictions are required for any proposed subdivision.

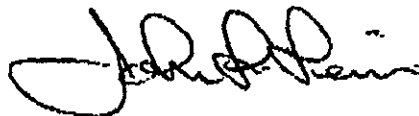
441



Mr. Louis C. Carrico
December 17, 1996
Page 2

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

Very truly yours,



John L. Lewis
Planner II
Zoning Review

JLL:rye

c: zoning case 89-10-SPH

Enclosures

FROM
89-10-SPA

the Baltimore Metropolitan water supply. There will be no adverse impact on the public health, safety and general welfare of the community.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of October, 1988 that the non-density transfer of 3.02 acres from an original 89.57 acres in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Special Hearing is hereby GRANTED, subject, however, to the following restrictions:

1) Petitioner shall execute and record among the land records of Baltimore County by no later than January 15, 1989 a new deed and declaration which references this case and clearly establishes the fact that the relief granted herein is for a non-density transfer of the subject property with no development rights and that there shall be no future subdivision of the 3.02 acres. Said new deed and declaration shall be submitted for approval by the Zoning Commissioner prior to recordation.

2) A new deed referencing this case shall be executed and recorded among the land records of Baltimore County on or before January 15, 1989 for Lots 1, 2 and 3 of the Williams' tract.

3) The density of Lots 1, 2 and 3 of the Williams' tract shall be based upon the acreage contained within each lot on an individual basis, and shall not contain any extra density from the 3.02 acres transferred to Petitioner, identified on Petitioner's Exhibit 1 as S.M. 7505-495. In other words, the density for each lot shall be calculated on its own merit and not refer to any density retained from the 3.02 acres.

10/10/88
Patricia Selubman

MICROFILMED

4) There shall be no further subdivision of the Williams' tract, specifically Lots 1, 2 and 3 as shown on Petitioner's Exhibit 1, without County Review Group approval and a new public hearing before the Zoning Commissioner.

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

JRH:bjs

10/6/88
Bette Schulman

MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

DINA E. SARBANES, ESQ

210 ALLEGHENY AVE, TOWSON 21204

Rob Hoffman

210 Allegheny Ave, Towson 21204

Lynn Timney Carneiro

15438 Duncan Hill Rd. Sparks, MD 21152

DAVID RANSOME

Po Box 10007 Balt. MD 21285-0007

ANNE D. DEWEDRA

2711 Black Rock Rd Pottsville PA 17875



89-10-SPH

IN RE: PETITION FOR SPECIAL HEARING
N/S Duncan Mill Road, 1300'
N of the c/1 of Belfast Road
5th Election District
3rd Councilmanic District

- BEFORE THE
- ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- Case No. 89-10-SPH

James H. Rowland, Jr.
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the non-density transfer of 3.02 acres from an original 89.57 acres as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared, testified, and was represented by Patrick J. B. Donnelly, Esquire. Gordon T. Langdon, a registered engineer with Gerhold, Cross & Etzel, also appeared and testified on behalf of the Petition. Mrs. Thomas S. Eider and Mrs. Barbara Burke appeared and testified as Protestants.

*10/15/89
Little of Suburban*

The testimony and evidence presented indicated that the subject property, zoned R.C. 4, consists of 3.02 acres, plus or minus. The Petitioner purchased the subject property in April 1987 from Simon C. Williams who originally owned the 89.57 acre tract which is depicted on Petitioner's Exhibit 1 as the inclusive tract containing Lots 1, 2, 3 and the subject 3.02 acres. The entire parcel is zoned R.C. 4 and has road frontage on both Duncan Mill Road and Stringtown Road. Testimony indicated that the 3.02 acres, identified on Petitioner's Exhibit 1 as Deed Reference S.M. 7505-495, were transferred to Petitioner to be combined with his other property, identified as Parcel 1 on Petitioner's Exhibit 1 and consisting of 6.744 acres, plus or minus. Testimony indicated Mr. Williams transferred the 3.02 acres of land to Mr. Rowland prior to his subdivision

COPY 1 of 100

of the remainder of his original tract into the three lots depicted on Petitioner's Exhibit 1.

The testimony and evidence presented clearly indicated that the sole purpose for the transfer of the 3.02 acres was for the non-density transfer of additional acreage to Mr. Rowland's farm. Mr. Rowland testified that the 3.02 acres are open pasture land which rise upward to the south of his property and consequently overlook his farm in the valley. Mr. Rowland testified that he desired the additional land to enlarge the existing farm and to protect his property from encroaching development which may take place south of his property. He testified he purchased the 3.02 acres to provide a buffer for the existing farm. Mr. Rowland further testified as to the agricultural value of the land and stated it would continue as part of his present agricultural farming operation.

After Petitioner's purchase of the 3.02 acres, Mr. Williams executed a three-lot subdivision of the remaining 86.55 acre tract. A three-lot subdivision is the maximum permitted in Baltimore County without the property going through the complete development process, including County Review Group and Zoning approval. The transfer of the 3.02 acres would normally constitute a fourth subdivision of the tract, thereby requiring full developmental process. However, Mr. Williams has indicated he had no intention of transferring any density units from his original 89.57 acre tract along with the 3.02 acres to Mr. Rowland. Therefore, Mr. Williams' property should be considered a three-lot subdivision.

Testimony and evidence presented indicated that the transfer of the 3.02 acres to Mr. Rowland would be within the spirit and intent of the R.C. zoning regulations and would not violate any of the principles of agricultural and watershed preservation. The issue, therefore, is whether

CPY: [unclear] PLUNG
Dr. [unclear]
Bette J. Schuman

or not the transfer of the 3.02 which will not affect the original petitioner in an effort to prohibit future does the transfer constitute a fourth 89.57 acre tract.

The legislative intent and policies are established in Section 1 follows:

"The County Council finds sources of water supply for the metropolitan area and for other parts within Baltimore County. Development in the critical watershed sources is causing incursion in the impoundments, water-treatment costs and capacity. The R.C. 4 zoning regulations are established to protect the water supplies and neighboring jurisdiction through unsuitable types in their watersheds. (Baltimore Code, 1979.)"

Consideration must also be given to policy clearly sets forth the right for non-density purposes, if in compliance with the B.C.Z.R.

The question here is one of interpreting the zoning regulations, they must be strictly construed so as to allow full and effective use of his property. Mayor of Baltimore v. Lake Adventure, Inc. v. Zoning Hearing Board, 1284 (Pa. Commonwealth, 1982). When the language is clear and certain, there is nothing left

CPY: [unclear] PLUNG
Dr. [unclear]
Bette J. Schuman

the Baltimore Metropolitan water supply. There will be no adverse impact on the public health, safety and general welfare of the community.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of October, 1988 that the non-density transfer of 3.02 acres from an original 89.57 acres in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Special Hearing is hereby GRANTED, subject, however, to the following restrictions:

- 1) Petitioner shall execute and record among the land records of Baltimore County by no later than January 15, 1989 a new deed and declaration which references this case and clearly establishes the fact that the relief...

subject transfer is completely consistent as long as no development is ever permitted

The Petitioner's intentions are for the sole purpose of providing property and for the continuing enjoyment of that land. There is no evidence that the transfer would in any way foster any use of the property inconsistent with the public health, safety or welfare. On the contrary, the agricultural use consistent with the R.C. 4 requirements property will help to protect the community.

or not the transfer of the 3.02 acres is a true, non-density transfer, which will not affect the original density and is being requested by Petitioner in an effort to prohibit future development near his property, or does the transfer constitute a fourth subdivision from Mr. Williams' original 89.57 acre tract.

The legislative intent and policy of the R.C. 4 zoning regulations are established in Section 1A03.1 of the B.C.Z.R. which states as follows:

"The County Council finds that major, high-quality sources of water supply for the entire Baltimore metropolitan area and for other neighboring jurisdictions lie within Baltimore County and that continuing development in the critical watersheds of those water-supply sources is causing increased pollution and sedimentation in the impoundments, resulting in increasing water-treatment costs and decreasing water-storage capacity. The R.C. 4 zoning classification and its regulations are established to provide for the protection of the water supplies of metropolitan Baltimore and neighboring jurisdictions by preventing contamination through unsuitable types or levels of development in their watersheds. (Bill No. 98, 1975; No. 178, 1979.)"

Consideration must also be given to Zoning Policy RSD-8. This policy clearly sets forth the right to transfer small R.C. zoned parcels for non-density purposes, if in compliance with the spirit and intent of the B.C.Z.R.

The question here is one of construction of the B.C.Z.R. When interpreting the zoning regulations, the restrictive language contained must be strictly construed so as to allow the landowner the least restrictive use of his property. Mayor of Balto. v. Byrd, 62 A.2d 588 (1948); Lake Adventure, Inc. v. Zoning Hearing Bd. of Dingham Township, 440 A.2d 1284 (Pa. Commonwealth, 1982). When the language of a zoning regulation is clear and certain, there is nothing left for interpretation and the ordi-

*10/11/88
W. J. Schuler
Arthur J. Schuler & Co.*

*10/11/88
Arthur J. Schuler & Co.*

NAME
66)
CONT
WITH
SCOPE
SIVELY
(1975,

subject transfer is completely consistent with that legislative policy so long as no development is ever permitted on this land.

The Petitioner's intentions are bona fide and in good faith.

nance must be interpreted literally. Mohony v. Bevilacqua, 432 A.2d 661 (R.I., 1981).

The meaning of the words in a statute may be controlled by the context. A statute should be so construed that all its parts harmonize with each other and render them consistent with its general object and scope. Pittman v. Housing Authority, 25 A.2d 466.

The basic principles of statutory construction were comprehensively set out by the Court of Appeals in State v. Fabritz, 276 Md. 416 (1975), cert. denied, 425 U.S. 942 (1976):

The cardinal rule in the construction of statutes is to effectuate the real and actual intention of the Legislature. Purifoy v. Merc. Safe Dep. & Trust, 277 Md. 58, 327 A.2d 483 (1974); Scoville Serv., Inc. v. Comptroller, 269 Md. 390, 306 A.2d 514 (1974); Height v. State, 225 Md. 251, 170 A.2d 212 (1961). Equally well-settled is the principle that statutes are to be construed reasonably with reference to the purpose to be accomplished, Walker v. Montgomery County, 244 Md. 98, 223 A.2d 181 (1966), and in light of the evils or mischief sought to be remedied, Mitchell v. State, 115 Md. 360, 80 A.2d 1020 (1911); in other words, every statutory enactment must be considered in its entirety, and in the context of the purpose underlying (its) enactment, Giant of Md. v. State's Attorney, 267 Md. 501 at 509, 298 A.2d 427 at 432 (1973). Of course, a statute should be construed according to the ordinary and natural import of its language, since it is the language of the statute which constitutes the primary source for determining the legislative intent. Grosvenor v. Supervisor of Assess., 271 Md. 232, 315 A.2d 758 (1974); Height v. State, supra. Where there is no ambiguity or obscurity in the language of a statute, there is usually no need to look elsewhere to ascertain the intention of the Legislature. Purifoy v. Merc. Safe Deposit & Trust, supra. Thus, where statutory language is plain and free from ambiguity and expresses a definite and sensible meaning, courts are not at liberty to disregard the natural import of words with a view towards making the statute express an intention which is different from its plain meaning. Gatewood v. State, 244 Md. 609, 274 A.2d 677 (1966). On the other hand, as stated in Maguire v. State, 192 Md. 615, 623, 65 A.2d 299, 302 (1949), "[a]dherence to the meaning of words does not require or permit isolation of words from their con-

14/6/83
Lynn J. Schindler

text" (since) the meaning of the plainest words in a statute may be controlled by the context..." In construing statutes, therefore, results that are unreasonable, illogical or inconsistent with common sense should be avoided whenever possible consistent with the statutory language, with the real legislative intention prevailing over the intention indicated by the literal meaning. B.F. Saul Co. v. West End Park of Calverton, 246 A.2d 591 (1968).

text*** (since) the meaning of the plainest words in a statute may be controlled by the context...'' In construing statutes, therefore, results that are unreasonable, illogical or inconsistent with common sense should be avoided whenever possible consistent with the statutory language, with the real legislative intention prevailing over the intention indicated by the literal meaning. B.F. Saul Co. v. West End Park, 240 Md. 707, 246 A.2d 591 (1968); Sanza v. Md. Board of Censors, 245 Md. 219, 226 A.2d 317 (1967); Height v. State, supra.

The application of the above principles to the B.C.Z.R. results in a clear finding that a non-density transfer of land, all of which is contained in the same zone, which results in a larger tract with no additional development rights, is permitted. The purposes of the R.C. 4 zone are supported by testimony in this matter in reference to the reasons for the larger tract.

The evidence and testimony clearly indicate that the sole purpose of the transfer was to increase the size of Petitioner's farm and to protect his agricultural interests and not to foster any further development on the subject property. When this case is analyzed, in light of the legislative policy found in Section 1A03.1, it is clear that the creation of a three-acre lot of land which will not contain any right of development and which will only be used as either vacant, undeveloped land or for agricultural purposes, the desires of the Petitioner are consistent with the legislative policy. It is obvious that undeveloped land maintained in either its natural state or in an agricultural use would not negatively impact upon the watershed and the substantive water supply for the Baltimore Metropolitan area. Further, the lack of development on the subject 3.02 acres will not attribute to additional pollution of the water supply. The primary purpose of the R.C. 4 zoning classification is to protect the water supply for the Baltimore Metropolitan area. Clearly the

10/6/88
Bette J. Seligman

subject transfer is completely consistent with that legislative policy so long as no development is ever permitted on this land.

The Petitioner's intentions are bona fide and in good faith and are for the sole purpose of providing him the maximum utilization of his property and for the continuing enjoyment of Petitioner's current agricultural use of that land. There is no evidence that this particular transfer would in any way foster any use of the subject property that is inconsistent with the public health, safety and general welfare of the community. On the contrary, the agricultural use of this land is completely consistent with the R.C. 4 requirements and the non-development of this property will help to protect the community. The over-riding consideration in this instance is the fact that the transfer is a non-density transfer and no development will be permitted on this land either at the present time or at any point in time in the future. The Petitioner has agreed to execute the necessary deed restrictions and restrictive covenants to prevent this lot of land from being used in any form of development and that the 3.02 acres must be maintained as a separate, distinct lot which may never be developed, improved, or subdivided.

The transfer of non-density parcels or lots is an integral part of the overall plan for the assemblage of properties which more favorably comply with the spirit and intent of the B.C.E.R. The transfer of this particular non-density parcel is consistent with the Zoning Commissioner's Policy R2D-5. Further, Petitioner's request is consistent with the spirit and intent of the B.C.E.R. as to the provisions respecting R.C. 4 watershed protection land. The plan as set forth in Petitioner's Exhibit 1 will retain and foster conditions favorable to continued watershed protection and will not create any additional pollution and/or sedimentation in

FILED
196/83
By: Betty J. Schuman

196/83
Betty J. Schuman

the further subdivision of the
specially Lots 1, 2 and 3 as shown
on Exhibit 1, without County Review Group
public hearing before the Zoning

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

the Baltimore Metropolitan water supply. There will be no adverse impact
on the public health, safety and general welfare of the community.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Balti-
more County this 16th day of October, 1988 that the non-density
transfer of 3.02 acres from an original 89.57 acres in accordance with
Petitioner's Exhibit 1, be approved, and as such, the Petition for Special
Hearing is hereby GRANTED, subject, however, to the following restrictions:

- 1) Petitioner shall execute and record among the
land records of Baltimore County by no later than
January 15, 1989 a new deed and declaration which
references this case and clearly establishes the fact
that the relief granted herein is for a non-density
transfer of the subject property with no development
rights and that there shall be no future subdivision
of the 3.02 acres. Said new deed and declaration
shall be submitted for approval by the Zoning Commis-
sioner prior to recordation.
- 2) A new deed referencing this case shall be execut-
ed and recorded among the land records of Baltimore
County on or before January 15, 1989 for Lots 1, 2 and
3 of the Williams' tract.
- 3) The density of Lots 1, 2 and 3 of the Williams'
tract shall be based upon the acreage contained within
each lot on an individual basis, and shall not contain
any extra density from the 3.02 acres transferred to
Petitioner, identified on Petitioner's Exhibit 1 as
S.W. 7505-495. In other words, the density for each
lot shall be calculated on its own merit and not refer
to any density retained from the 3.02 acres.

Dr. Robert J. Williams

4) There shall be no further subdivision of the Williams' tract, specifically Lots 1, 2 and 3 as shown on Pettigrew's Exhibit 1, without County Review Group approval and a new public hearing before the Zoning Commissioner.

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

JRH:bjs

OFFICE
DATE 10/16/88
BY *Bette Galbraith*

OFFICE
DATE 10/16/88

Petition #2

DEED OF CONSERVATION EASEMENT

THIS DEED OF CONSERVATION EASEMENT ("Conservation Easement") made this 18 day of December, 1996, by and between LOUIS C. CARRICO AND LYNN J. CARRICO, having an address at 15430 Duncan Hill Road, Sparks, Maryland 21152 ("Grantors") and the MARYLAND ENVIRONMENTAL TRUST, having an address at 100 Community Place, First Floor, Crownsville, Maryland 21032 ("Grantee").

WITNESSETH

WHEREAS the Maryland Environmental Trust is charitable in nature and is created and exists pursuant to Subtitle 2 of Title 3 of the Natural Resources Article, Annotated Code of Maryland (1989 Replacement Volume as amended), to conserve the natural and scenic qualities of the environment;

WHEREAS Grantors own in fee simple 36.669 acres, more or less, of certain real property ("Property") situate, lying and being in the Fifth Election District of Baltimore County, Maryland, and more particularly described in Exhibit A attached hereto, which was conveyed to the Grantors by Simon C. D. Williams and Philippa M. R. Williams, acting by their attorney-in-fact Patrick J. B. Donnelly, by Deed dated November 15, 1990 and recorded among the land records of Baltimore County, Maryland in Liber 8666, Folio 653;

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

WHEREAS Grantors and Grantee recognize the open-space conservation value of the Property in its present state, as a natural and rural area that has not been subject to development, and have identified significant conservation features in Exhibit B attached hereto;

WHEREAS Grantors and Grantee have a common purpose in conserving the dominant scenic, cultural, rural, agricultural, woodland and wetland character of the Property, and, except as hereinafter provided, preventing the use or development of the Property for any purpose or in any manner that would conflict with the maintenance of the Property in its open-space condition;

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

1

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

HK 12/19/96

LK 12/19/96
BY DATE

WHEREAS Grantee is authorized by the laws of Maryland to accept, hold and administer conservation easements, and possesses the authority to accept and is willing to accept this Conservation Easement under the terms and conditions hereinafter described, and is a "qualified organization" within the meaning of Section 170(h)(3) of the Internal Revenue Code;

NOW, THEREFORE, as an absolute gift of no monetary consideration (\$0.00) but in consideration of the mutual covenants, terms, conditions and restrictions hereinafter set forth, Grantors unconditionally and irrevocably hereby grant and convey unto Grantee, its successors and assigns, forever and in perpetuity a Conservation Easement of the nature and character and to the extent hereinafter set forth, with respect to the Property.

The purpose of this Conservation Easement is to preserve and protect the environment of the Property and to maintain permanently the open-space values of the Property and the dominant scenic, historic, cultural, rural, agricultural, woodland and wetland character of the Property.

To achieve these objectives, the following conditions and restrictions are set forth:

ARTICLE I. DURATION OF EASEMENT

This Conservation Easement shall be perpetual. It is an easement in gross and as such is inheritable and assignable in accordance with Article VI and runs with the land as an incorporeal interest in the Property, enforceable with respect to the Property by Grantee against Grantors and their personal representatives, heirs, successors and assigns.

ARTICLE II. PROHIBITED AND RESTRICTED ACTIVITIES

A. Industrial or commercial activities other than farming, silviculture and horticulture are prohibited on the Property, except for (1) such activities as can be conducted in existing structures without alteration of the external appearance thereof, and (2) the sale to the public of agriculture or forestry products produced on the Property.

B. Display of billboards, signs or advertisements is prohibited on or over the Property, except (1) to state solely the name and/or address of the Property and/or the owners; (2) to advertise the sale or lease of the Property; (3) to advertise the agricultural, horticultural, silvicultural and naturalistic uses of the Property; (4) to advertise the sale of goods or services produced by permitted uses of the Property; (5) to post the Property against trespassing and hunting; or (6) to commemorate the history of the Property, its recognition under state or

federal historical registers, or its protection under this easement or state and local environmental or game laws; provided that no sign or billboard on the Property shall exceed four feet by four feet. Multiple signs shall be limited to a reasonable number, shall not damage living trees, and shall be placed in accordance with applicable local regulations.

C. Dumping of soil, trash, ashes, garbage, waste, abandoned vehicles, appliances, machinery or other materials on the Property is prohibited, except that soil, rock, other earth materials, vegetative matter or compost may be placed (1) as may be reasonably necessary for agriculture and silviculture on the Property or (2) as may be reasonably necessary for the construction and/or maintenance of structures permitted under this Conservation Easement and means of access.

D. Excavation, dredging, mining and removal of loam, gravel, soil, rock, sand, coal, petroleum and other materials are prohibited, except (1) for the purpose of combatting erosion or flooding, (2) for agriculture and silviculture on the Property, or (3) for the construction and/or maintenance of permitted structures, homesites, means of access and wildlife habitat.

E. Diking, draining, filling or removal of wetlands is prohibited.

F. Management and harvesting of all forests on the Property shall be in accordance with the Guide to Forest Harvest Operations and Best Management Practices or comparable provisions of any guidelines or regulations which may replace the Guide in the future or as they may be amended from time to time.

G. No building, facility, or other structures shall be constructed on the Property after the date of this Conservation Easement, except:

(1) To construct accessory structures designed, constructed and utilized for the purpose of serving the reserved single family residence described in Article II, G(6) of this Deed (for example, garage, well house, and swimming pool);

(2) To construct accessory structures designed, constructed and utilized in connection with the agricultural, horticultural, forestry, and naturalistic uses of the Property;

(3) To replace all existing structures and other structures permitted under this Conservation Easement with structures of similar purpose, except as described in Article II, G(6) of this Deed;

(4) To improve, repair, restore, alter, expand, remodel, and maintain all existing structures and other structures permitted under this Conservation Easement in this Article, except as described in Article II, G(6) of this Deed;

(5) To construct and maintain reasonable means of access to all permitted uses and structures.

(6) To construct one (1) additional single family residence on the Property to serve as the new principal residence on the Property. If said residence is constructed, then the existing residence listed in Exhibit C of this Deed shall thereafter serve as an accessory residential structure (for example, tenant house or guest house), shall not be expanded or replaced with a larger structure, and shall not be subdivided from the Property. Grantors shall notify Grantee at least forty five (45) days in advance of any work whether for construction or preparatory to construction regarding the location of the one permitted additional single family residence, the location of any replacement residential structure if different from the location of the replaced structure, and the location of a new means of access to a residential structure, and any such change shall be subject to the prior written approval of Grantee.

H. The total number of residential structures (including for example, but not limited to, principal residences, guest houses, tenant houses, farm manager houses, condominiums, apartments, mobile homes and seasonal cabins) on the Property shall never exceed two (2): one principal residence and one accessory residence.

I. Grantors may subdivide and convey one (1) parcel of nonresidential land. Construction of the one permitted additional single family residence on the parcel to be conveyed is prohibited. Further division of the Property, for any purpose, is prohibited. However, the Grantee may approve the division of the Property for reasons which the Grantee determines, in its sole discretion, are sufficiently extraordinary to justify an exception to the prohibition. Grantors shall provide forty-five days notice to Grantees prior to the allowed division of nonresidential land.

J. Grantors shall maintain a vegetative buffer strip along the tributaries of Black Rock Run. The minimum width of the buffer strip along the tributaries of Black Rock Run shall be fifty (50) feet (or larger as required by applicable law) except as may be reasonably necessary for (1) erosion control; (2) forest or wildlife management; (3) recreational water uses and associated structures; (4) hunting, fishing, or trapping; or (5) access to the water. Manure and compost shall not be stored within fifty (50) feet of streams. Pesticides, insecticides,

herbicides or fertilizers shall not be used or deposited within fifty (50) feet of streams.

K. Grantors hereby grant to Grantee all development rights (except as specifically reserved herein) that are now or hereafter allocated to, implied, reserved or inherent in the Property, and the parties agree that such rights are terminated and extinguished, and may not be used or transferred to any portion of the Property as it now or hereafter may be bounded or described, or to any other property adjacent or otherwise, nor used for the purpose of calculating permissible lot yield of the Property or any other property.

L. All rights reserved by Grantors or activities not prohibited by this Conservation Easement shall be exercised so as to prevent or to minimize damage to water quality, air quality, land/soil stability and productivity, wildlife, scenic and cultural values, and the natural topographic and open-space character of the Property.

M. Except to the extent that prior written approval of Grantee is required by any paragraph of this Article, all rights reserved by Grantors or not prohibited by this Conservation Easement are considered to be consistent with the conservation purposes of this Conservation Easement and require no prior notification or approval, except that, if Grantors believe or reasonably should believe that the exercise of a reserved right may have a significant adverse effect on the conservation interests associated with the Property, Grantors shall notify Grantee in writing before exercising such right.

ARTICLE III. ENFORCEMENT AND REMEDIES

A. Upon any breach of the terms of this Conservation Easement by Grantors, Grantee may, after reasonable notice to Grantors, exercise any or all of the following remedies:

(1) institute suits to enjoin any breach or enforce any covenant by ex parte temporary, and/or permanent injunction either prohibitive or mandatory; and

(2) require that the Property be restored promptly to the condition required by this Conservation Easement.

Grantee's remedies shall be cumulative and shall be in addition to any other rights and remedies available to Grantee at law or equity. If Grantors are found to have breached any of Grantor's obligations under this Conservation Easement, Grantors shall reimburse Grantee for any costs or expenses incurred by Grantee, including court costs and reasonable attorney's fees.

B. No failure on the part of Grantee to enforce any covenant or provision hereof shall discharge or invalidate such covenant or any other covenant, condition, or provision hereof or affect the right of Grantee to enforce the same in the event of a subsequent breach or default.

C. Grantee, its employees and agents and its successors and assigns, have the right, with reasonable notice, to enter the Property at reasonable times for the purpose of inspecting the Property to determine whether the Grantors, their personal representatives, heirs, successors or assigns are complying with the terms, conditions and restrictions of this Conservation Easement. This right of inspection does not include access to the interior of buildings and structures.

ARTICLE IV. PUBLIC ACCESS

The granting of this Conservation Easement does not convey to the public the right to enter the Property for any purpose whatsoever.

ARTICLE V. EXHIBITS

The following exhibits are hereby made a part of this Conservation Easement:

A. Exhibit A: Boundary Description and Property Reference is attached hereto and made a part hereof. Exhibit A consists of 2 pages.

B. Exhibit B: Summary of Conservation Values is attached hereto and made a part hereof. Exhibit B consists of 2 pages.

C. Exhibit C: Inventory of Existing Structures is attached hereto and made a part hereof. Exhibit C consists of 1 page.

D. Exhibit D: Color Slides of the Property With Description of Slides and Slide Index Numbers is kept on file at the principal office of the Grantee and is fully and completely incorporated into this Conservation Easement as though attached hereto and made a part hereof. Exhibit D consists of 9 color slides and 1 page.

E. Exhibit E: Annotated Aerial Photograph of the Property is kept on file at the principal office of the Grantee and is fully and completely incorporated into this Conservation Easement as though attached hereto and made a part hereof. Exhibit E consists of one page.

These exhibits reflect the existing uses, conservation values and structures on the Property as of the date of this Conservation Easement.

0011947 417

ARTICLE VI. MISCELLANEOUS

A. Grantee may assign, upon prior written notice to Grantors, its rights under this Conservation Easement to any "qualified organization" within the meaning of Section 170(h)(3) of the Internal Revenue Code or the comparable provision in any subsequent revision of the Code and only with assurances that the purposes of this Conservation Easement will be maintained; and, if any such assignee shall be dissolved or shall abandon this Conservation Easement or the rights and duties of enforcement herein set forth, or if the proceedings are instituted for condemnation of this Conservation Easement, the easement and rights of enforcement shall revert to Grantee; and if Grantee shall be dissolved and if the terms of the dissolution fail to provide a successor, then Grantors, their personal representatives, heirs, successors or assigns, shall institute in a court of competent jurisdiction a proceeding to appoint an appropriate successor as Grantee. Any such successor shall be a "qualified organization" within the meaning of Section 170(h)(3) of the Internal Revenue Code or the comparable provision in any subsequent revision of the Code. No assignment may be made by Grantee of its rights under this Conservation Easement unless Grantee, as a condition of such assignment, requires the assignee to carry out the conservation purposes of this Conservation Easement.

B. Grantors agree for themselves, their personal representatives, heirs, successors and assigns, to notify Grantee in writing of the names and addresses of any party to whom the Property, or any part thereof, is to be transferred at or prior to the time said transfer is consummated. Grantors, their personal representatives, heirs, successors and assigns further agree to make specific reference to this Conservation Easement in a separate paragraph of any subsequent deed or other legal instrument by which any interest in the Property is conveyed.

C. Grantee agrees to hold this Conservation Easement exclusively for conservation purposes, as defined in Section 170(n)(4)(A) of the Internal Revenue Code.

D. The donation of this Conservation Easement gives rise to a property right, immediately vested in Grantee, with a fair market value equal to the proportionate value that the Conservation Easement bears to the value of the Property as a whole.

E. This Conservation Easement shall be construed to promote the purposes of the statutes creating and governing the Maryland Environmental Trust, the purposes of Section 2-118 of the Real Property Article of the Annotated Code of Maryland, and the conservation purposes of this Conservation

Easement, including such purposes as are defined in Section 170(h)(4)(A) of the Internal Revenue Code.

F. The provisions of this Conservation Easement do not replace, abrogate or otherwise set aside any local, state or federal laws, requirements or restrictions applicable to the Property.

G. This instrument sets forth the entire agreement of the parties with respect to the Conservation Easement and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Easement. If any provision is found to be invalid, the remainder of the provisions of this Conservation Easement, and the application of such provision to persons or circumstances other than those to which it is found to be invalid, shall not be affected thereby.

H. Grantee shall record this instrument in timely fashion in the official records of Baltimore County, Maryland, and may re-record it at any time as may be required to preserve its rights under this Conservation Easement.

I. Grantors and Grantee agree that all mortgages and deeds of trust affecting the property are subordinate to the rights of Grantee under this Conservation Easement. Grantors have provided a copy of this Conservation Easement to all mortgagees and trustees of deeds of trust affecting the Property as of the date of this Conservation Easement, and each mortgagee and trustee has subordinated the mortgage or deed of trust to this Conservation Easement by signing a subordination clause at the end of this Conservation Easement, which shall be recorded in the land records at the time of recording of the remainder of this Conservation Easement.

J. Any notices by Grantors to Grantee pursuant to any provision hereof shall be sent by registered or certified mail, return receipt requested, addressed to Maryland Environmental Trust, 100 Community Place, First Floor, Crownsville, Maryland 21032, or to such other address as Grantee may establish in writing on notification to Grantors.

K. In any case where the terms of this Conservation Easement require the consent of Grantee, such consent shall be requested by notice to Grantee. Such consent shall be deemed to have been given unless within forty-five (45) days after receipt of notice Grantee mails notice to Grantors of disapproval and the reason therefore.

TO HAVE AND TO HOLD unto the Maryland Environmental Trust, its successors and assigns, forever. The covenants agreed to and the terms, conditions, restrictions and purposes imposed as aforesaid shall be binding upon

Grantors, their survivors, agents, personal representatives, heirs, assigns and all other successors to them in interest, and shall continue as a servitude running in perpetuity with the Property.

IN WITNESS WHEREOF, Grantors and Grantee have hereunto set their hands and seals the day and year above written.

GRANTORS:

Louis C. Carrico (SEAL)
Louis C. Carrico

Lynn F. Carrico (SEAL)
Lynn F. Carrico

STATE OF MARYLAND, County of Baltimore, TO WIT:

I HEREBY CERTIFY, that on this 3rd day of December, 1996, before me the subscriber, a Notary Public of the State aforesaid, personally appeared LOUIS C. CARRICO and LYNN F. CARRICO, known to me (or satisfactorily proven) to be the Grantors of this foregoing Deed of Conservation Easement and acknowledged that they executed the same for the purposes therein contained and in my presence signed and sealed the same.

WITNESS my hand and Notarial Seal.

Roger Andrews

Notary Public
My Commission Expires: 8/1/99

ACCEPTED BY

THE MARYLAND ENVIRONMENTAL TRUST AS GRANTEE:

Thomas D. Saunders
Thomas D. Saunders
Director

0011947 421

IN WITNESS WHEREOF, I have set my hand and Notarial Seal, the day and year first above written.

Mary B. Hargis
Notary Public

My commission expires on 1/1/97.

[If deed of trust]

Ronald D. Rice and Debra Braun, Trustees, and Mellon Mortgage Co., a corporation organized and existing under the law of the State of Colorado, who are respectively, the trustee and the beneficiary under a deed of trust dated November 24, 1993, given by Louis G. & Lynn F. Carrico and recorded among the Land Records of Baltimore County, Maryland, in Liber 10185, folio 598, hereby join in the execution of this Conservation Easement for the express purpose of subjecting all of their respective right, title and interest under such deed of trust and in and to the Property to the operation and effect of such Conservation Easement.

IN WITNESS WHEREOF, each of the said trustees and beneficiary has executed and ensealed this Subordination or caused it to be executed and ensealed on its behalf by its duly authorized representative, this 27th day of November, 1996.

WITNESS:

<u><i>[Signature]</i></u>	<u><i>[Signature]</i></u> (SEAL) Trustee <u>Ronald D. Rice</u>
<u><i>[Signature]</i></u>	<u><i>[Signature]</i></u> (SEAL) Trustee <u>Debra Braun</u>

ATTEST:

Mellon Mortgage Co. a corporation organized and existing under the law of the State of Colorado

By: *[Signature]* (SEAL)
Name
Title
Ellen Hanson, Assistant Secretary

STATE OF TEXAS : COUNTY OF HARRIS : TO WIT:

I HEREBY CERTIFY that on this 27th day of November, 1996, before me, a Notary Public for the state and county aforesaid, personally appeared Ronald D. Rice, Trustee, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument, who acknowledged that [she/he] has executed it as trustee for the purposes therein set forth, and that it is [her/his] act and deed.

IN WITNESS WHEREOF, I have set my hand and Notarial Seal, the day and year first above written.



Diana Shearer
Notary Public

My commission expires on _____.

STATE OF TEXAS : COUNTY OF HARRIS : TO WIT:

I HEREBY CERTIFY that on this 27th day of November, 1996, before me, a Notary Public for the state and county aforesaid, personally appeared Debra Braun, Trustee, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument, who acknowledged that [she/he] has executed it as trustee for the purposes therein set forth, and that it is [her/his] act and deed.

IN WITNESS WHEREOF, I have set my hand and Notarial Seal, the day and year first above written.



Diana Shearer
Notary Public

My commission expires on _____.

STATE OF _____ : COUNTY OF _____ : TO WIT:

I HEREBY CERTIFY that on this _____ day of _____, 1996, before me, a Notary Public for the state and county aforesaid, personally appeared _____, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument, who acknowledged that [she/he] is the _____ of _____, a corporation organized and existing under the law of _____, that [she/he] has been duly authorized to execute, and has executed such

0011947 426

instrument on its behalf for the purposes herein set forth, and that the same is its act and deed.

IN WITNESS WHEREOF, I have set my hand and Notarial Seal, the day and year first above written.

Notary Public

My commission expires on _____.

Deed of Conservation Easement
Louis C. Carrico and Lynn F. Carrico
Exhibit A
Boundary Description and Property Reference
Page One of Two

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

Beginning for the same at a point in the nineteenth or North 32 degrees 30 minutes West 224.74 foot line of a parcel of land which by a deed dated April 21st, 1987 and recorded among the Land Records of Baltimore County in Liber S.M. No. 7505 folio 503 was conveyed by Beverly H. Fuller to Simon C.D. Williams and wife distant North 32 degrees 30 minutes West 33.29 feet measured along said line from the beginning thereof and running thence with and binding on a part of said nineteenth line and on the twentieth to twenty-eighth lines inclusive, as this description is compiled from deeds and surveys, the ten following courses and distances viz: North 32 degrees 30 minutes West 191.45 feet, North 71 degrees 00 minutes East 4.08 feet, North 25 degrees 41 minutes West 801.53 feet, North 26 degrees 24 minutes East 158.40 feet, North 80 degrees 30 minutes 30 seconds West 330.99 feet, South 66 degrees 50 minutes 50 seconds West 611.92 feet, South 71 degrees 56 minutes 30 seconds West 303.54 feet to the southeast side of the Stringtown Road, South 44 degrees 57 minutes 30 seconds West, binding along the southeast side of said Stringtown Road 437.13 feet, South 49 degrees 32 minutes West, still binding on the southeast side of said road, 75.80 feet and South 27 degrees 23 minutes 30 seconds East, leaving said road, 455.49 feet, and thence leaving said outlines and running (for lines of division the five following courses and distances viz: South 36 degrees 33 minutes 33 seconds East 901.60 feet, North 67 degrees 29 minutes East 871.19 feet, North 24 degrees 17 minutes 28 seconds East 29.16 feet, North 18 degrees 54 minutes 05 seconds West 264.89 feet and North 73 degrees 28 minutes 00 seconds East 462.99 feet to place of beginning.

Containing 47.79 Acres of land more or less.

BEING the same parcel of land which by deed dated November 15, 1990 and recorded among the Land Records of Baltimore County in Liber 8666, Folio 653, was conveyed by Simon C. D. Williams and Philippa M. R. Williams, his wife, acting by their attorney-in-fact, Patrick J. B. Donnelly, under and by virtue of a Power of Attorney dated April 9, 1987 and recorded among the Land Records of Baltimore County in Liber S. M. No. 7505, Folio 499, to Louis C. Carrico and Lynn F. Carrico, his wife. RESERVING HOWEVER, to the Grantors therein, their heirs, successors and assigns, a temporary easement for the use in common with the Grantees therein of that portion of the existing

Deed of Conservation Easement
 Louis C. Carrico and Lynn F. Carrico
 Exhibit A
 Boundary Description and Property Reference
 Page Two of Two

driveway located on the lot of land thereby conveyed for the purpose of pedestrian and vehicular ingress and egress across the land thereby conveyed from the 30 acres of land of Grantors therein which is adjacent to and abuts the land thereby conveyed to Grantees therein. The location of the temporary easement is as shown on Exhibit B attached thereto, which easement shall remain in the location shown until it terminates. The temporary easement thereby reserved shall automatically terminate without the need for the execution of a termination agreement upon the final payment of the second purchase money mortgage of even date therewith from Grantees therein to Grantors therein and recorded thereafter among the Land Records of Baltimore County.

SAVING AND EXCEPTING a parcel of land which by deed recorded among the Land Records of Baltimore County on July 15, 1993 in Liber 9892, Folio 607, was conveyed by Louis C. Carrico and Lynn F. Carrico to Kevin B. DeLeon. Containing 4.366 acres more or less.

SAVING AND EXCEPTING a parcel of land which by deed recorded among the Land Records of Baltimore County on August 10, 1993 in Liber 9940, Folio 386, was conveyed by Louis C. Carrico and Lynn F. Carrico to Ahmed Bendebba and Kathy Jean Bendebba. Containing 6.641 acres more or less.

See also the interests, rights and privileges more fully set forth in the following conveyances to the Duncan Hill Homeowners' Association, Inc. a Maryland non-profit corporation.

1) Deed of easement from Orlando Harrison Howard, Jr. et al dated April 5, 1977 and recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. No. 5741 folio 206 (0.228 Acre more or less).

2) Deed of Easement from Ben H. Fuller and Beverly H. Fuller, his wife dated April 5, 1977 and recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. No. 5741 folio 210 (0.091 Acre more or less).

Page One

1. Master Plan: This Conservation Easement is consistent with and supports the land use policy of the Baltimore County Master Plan, 1989-2000 adopted in 1990 by the Baltimore County Planning Board.

The Property lies within an Agricultural Preservation Zone. County goals for Agricultural Preservation Zones include:

- (a) Preserving agriculture and other resource conservation areas in Baltimore County is important for present and potential production of food and other crops, economic diversity, maintenance of environmental quality, open space protection, cultural site protection, and general quality of life. The County reaffirms its public policy to support the

0011947 427

Deed of Conservation Easement
Louis C. Carrico and Lynn J. Carrico
Exhibit B
Summary of Conservation Values
Page One

1. Master Plan: This Conservation Easement is consistent with and supports the land use policy of the Baltimore County Master Plan, 1989-2000 adopted in 1990 by the Baltimore County Planning Board.

The Property lies within an Agricultural Preservation Zone. County goals for Agricultural Preservation Zones include:

- (a) Preserving agriculture and other resource conservation areas in Baltimore County is important for present and potential production of food and other crops, economic diversity, maintenance of environmental quality, open space protection, cultural site protection, and general quality of life. The County reaffirms its public policy to support the retention of a viable agricultural industry, and the protection of resource conservation areas.
 - (b) It is the policy of Baltimore County to improve the quality of its environment by preserving rare and significant species habitat, anadromous fish habitat, tidal and non-tidal wetland habitat, in-stream and riparian habitat, and upland forest habitat.
 - (c) It is the policy of Baltimore County to restore and protect the water supply reservoirs.
 - (d) Promote the utilization of the Maryland Environmental Trust to acquire or accept easements on agricultural or open space land.
2. Area of Critical State Concern: The Property lies within the Western Run watershed which was designated an Area of Critical State Concern for Baltimore County in 1977 by the Baltimore County Planning Board. Western Run is a major tributary of Loch Raven Reservoir, a public water supply for the Baltimore Region.
(Source: Designation of Areas of Critical State Concern within Baltimore County, Baltimore County Planning Board, 1977.)

Exhibit B
Page Two

3. Scenic Value: The Property is an integral part of the rural scenic landscape of Baltimore County visible to the public from Stringtown Road.
4. Historic Value: The Property is located in the Western Run - Belfast Road National Register Historic District.
5. Woodland and Pasture: The Property includes about 36 acres of productive woodland and pasture.
6. Vegetative Buffer Strip: A vegetative buffer strip is required to be maintained on the Property adjacent to the tributaries of Black Rock Run. Buffer strip standards are consistent with the guidelines recommended by the forestry division of the Department of Natural Resources for contributing to the protection of surface water quality.
7. Part of Larger Conservation Area: The Property is next to 140 acres of conservation easements held by the Maryland Environmental Trust and to a 30 acre conservation easement held by the Land Preservation Trust.
8. Maryland Environmental Trust Policy: The conservation values of the Property defined above are pursuant to the conservation policies adopted by the Maryland Environmental Trust on October 2, 1995.

0011947 429
Deed of Conservation Easement:
Louis C. Carrico and Lynn F. Carrico
Exhibit C
Inventory of Existing Structures:

1. Residence located on east side of property, at end of driveway off Duncan Hill Road
2. Barn

0011947 400

State of Maryland Land Instrument Intake Sheet
Baltimore City & County: BALTIMORE CO.

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

IMP FD SURE \$ 5.00
RECORDING FEE 75.00
TOTAL 80.00
Recpt # 22431
Blk # 1338
Dec 19, 1996 09:41 am
IMP FD SURE \$ 2.00
TOTAL 2.00
Recpt # 22432
Blk # 1342
Dec 19, 1996 09:44 am

1 Type(s) of Instruments: Deed, Mortgage, Other CONVEYANCE EASEMENT, Lease, Other
2 Conveyance Type Check Box: Improved Sale, Arms-Length [1], Unimproved Sale, Arms-Length [2], Multiple Accounts, Arms-Length [3], Not an Arms-Length Sale [9]

3 Tax Exemptions (if Applicable): Recordation, State Transfer, County Transfer

4 Consideration and Tax Calculations: Purchase Price/Consideration \$, Any New Mortgage \$, Balance of Existing Mortgage \$, Other \$, Full Cash Value \$

Finance Office Use Only: Transfer and Recordation Tax Consideration, Transfer Tax Consideration \$, Less Exemption Amount \$, Total Transfer Tax \$, Recordation Tax Consideration \$, TOTAL DUE \$

5 Fees: Recording Charge \$16, Surcharge \$, State Recordation Tax \$, State Transfer Tax \$, County Transfer Tax \$, Other \$

Agent: [Signature], Tax Bill: [Signature], C.B. Credit: [Signature], Ag. Tax/Other: [Signature]

6 Description of Property: SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).
District: 5, Property Tax ID No. (1): SPM 27, Subdivision Name: 15430 DUNCAN HILL ROAD SPARKS 2152, Location/Address of Property Being Conveyed (2): 15430 DUNCAN HILL ROAD SPARKS 2152

Parcel No.: 57, Var. LOG (5): 36.669 ACRES, Water Meter Account No.:

7 Transferred From: Doc. 1 - Grantor(s) Name(s): LOUIS C. CARRICO, LYNN J. CARRICO; Doc. 2 - Grantor(s) Name(s):

8 Transferred To: Doc. 1 - Grantee(s) Name(s): MARYLAND ENVIRONMENTAL TRUST; Doc. 2 - Grantee(s) Name(s):

9 Other Names to Be Indexed: Doc. 1 - Additional Names to be Indexed (Optional); Doc. 2 - Additional Names to be Indexed (Optional)

10 Contact/Mail Information: Name: JIM HIGHMAN; Firm: MD ENVIRONMENTAL TRUST; Address: 100 COMMUNITY PLACE CROWNVILLE, MD 21032; Phone: (410) 574-7900

Return to Contact Person
 Hold for Pickup
 Return Address Provided

11 Assessment Information: Will the property being conveyed be the grantee's principal residence? Yes/No; Does transfer include personal property? Yes/No; Was property surveyed? Yes/No

Assessment Use Only - Do Not Write Below This Line: Terminal Verification, Agricultural Verification, Whole, Part, Tran. Process Verification

REMARKS: [Blank]

Distribution: White - Clerk's Office, Canary - SDAT, Pink - Office of Finance, Goldentrod - Preparer

12-19-96 [Signature]



Baltimore County
Department of Permits and
Development Management

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

April 18, 1997

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-441-SPH
15438 Duncan Hill Road
W/S Duncan Hill Road, 2000' N of c/l Belfast Road
5th Election District - 3rd Councilmanic
Legal Owner(s): Louis C. Carrico and Lynn F. Carrico
Contract Purchaser: Ammed Bendebba

Special Hearing to approve a non-density transfer of 15.686 acres of Lot 3A to the adjacent landowner of Lot 3C; and amendment of the last approved Final Development Plan.

HEARING: TUESDAY, MAY 20, 1997 at 11:00 a.m., 4th floor hearing room Courts Bldg., 401 Bosley Avenue.

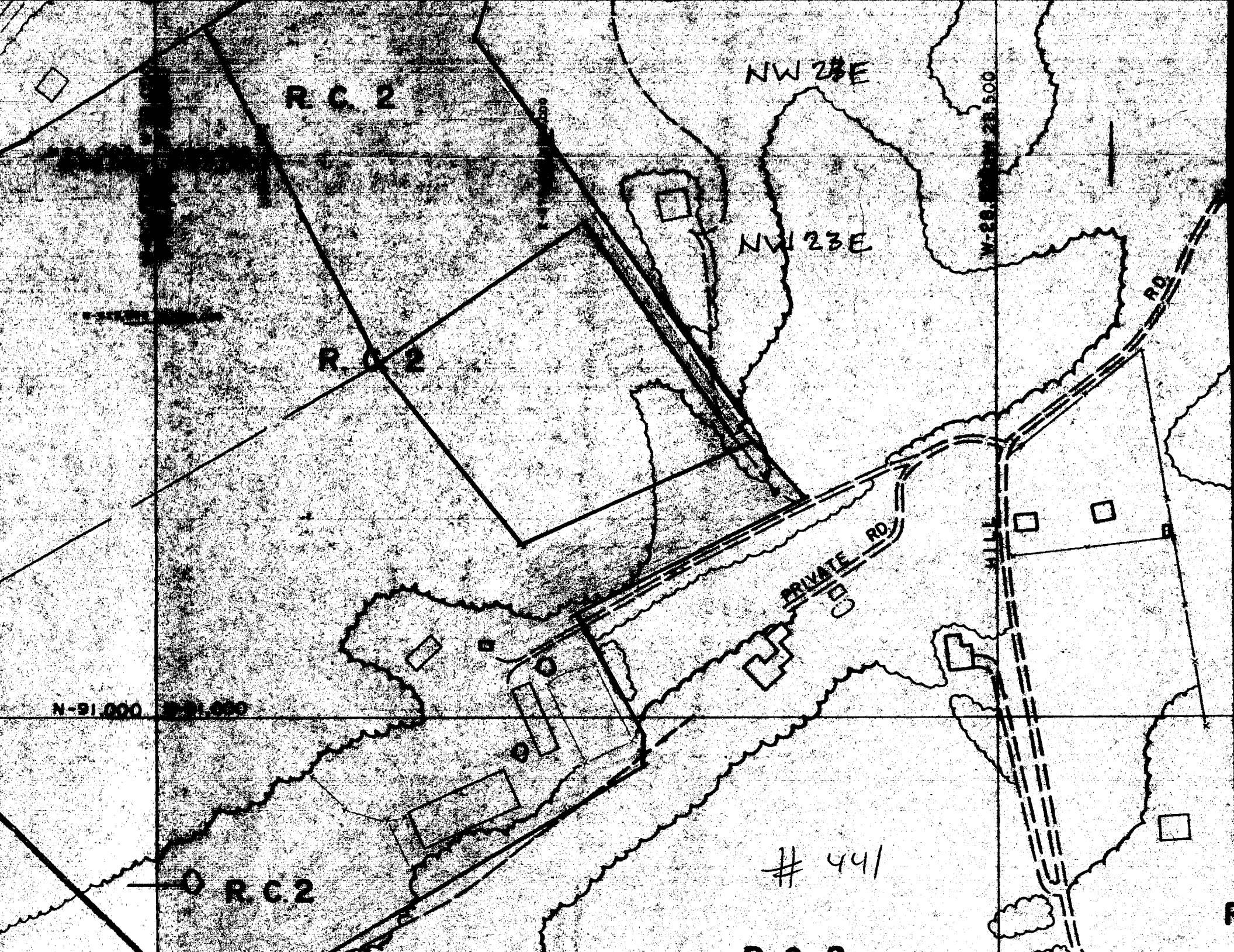
A handwritten signature in cursive script, reading "Arnold Jablon".

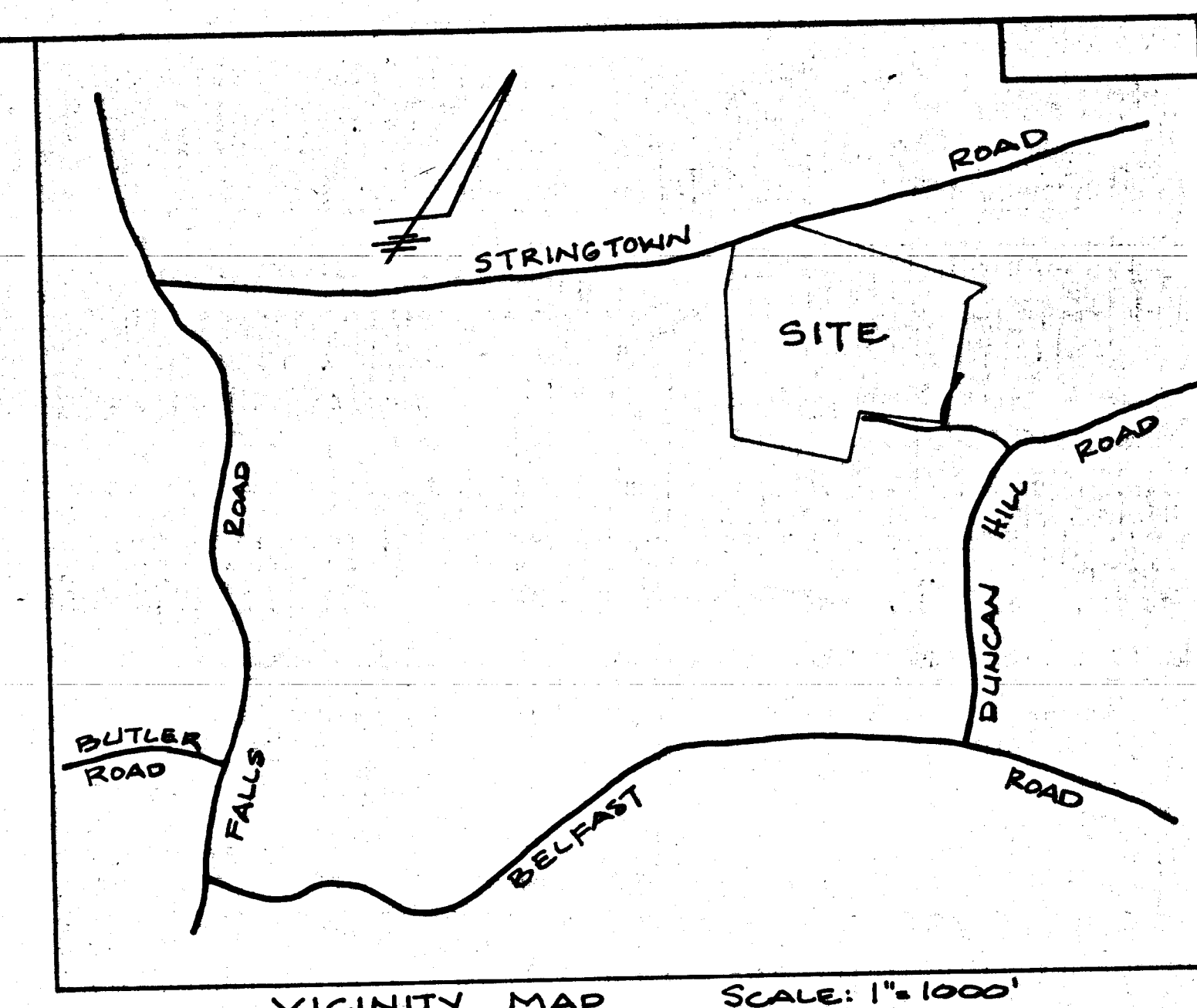
Arnold Jablon
Director

cc: Louis C. Carrico
Ammmed Bendebba
Dian E. Sarbanes, Esq.

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MAY 5, 1997.
(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.







VICINITY MAP SCALE: 1"=1000'

RESTRICTIONS FROM 89-10-SPH

WHEREAS, it is ordered by the zoning commission for Baltimore County that the use of Lot 3B of Lot 3 of Block 63 of Plat Book S.M. No. 63 of 1969 be changed from its original use to a use as shown on the attached Exhibit 1, to be approved, and as such, the zoning for special hearing is hereby changed, subject, however, to the following restrictions:

- 1) Petitioner shall amend and record among the land records of Baltimore County by no later than January 15, 1999 a new deed and declaration which references this case and clearly establishes the four corners of the subject property with no development rights and that there shall be no future subdivision of the 1.02 acres. Said new deed and declaration shall be submitted for approval by the zoning commission prior to execution.
- 2) A new deed referencing this case shall be executed and recorded among the land records of Baltimore County on or before January 15, 1999 for Lots 1, 2 and 3 of the Williams' tract.
- 3) The density of Lots 1, 2 and 3 of the Williams' tract shall be based upon the acreage contained within each lot on an individual basis, and shall not contain any other density from the 1.02 acre transferred to petitioner, identified on Petitioner's Exhibit 1 on Lot 3 shall be retained on its own merit and not refer to any density contained from the 1.02 acre.

- Notes -
1. C.C.G. Approved March 5, 1992
 2. 2nd R.C. 2
 3. See zoning maps re. NW26, NW28, NW24, NW25, NW24, NW25

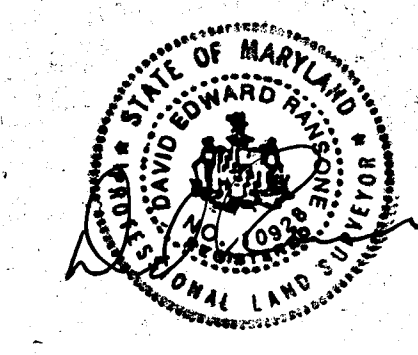
97-441-SPH

PLAN TO ACCOMPANY SPECIAL HEARING

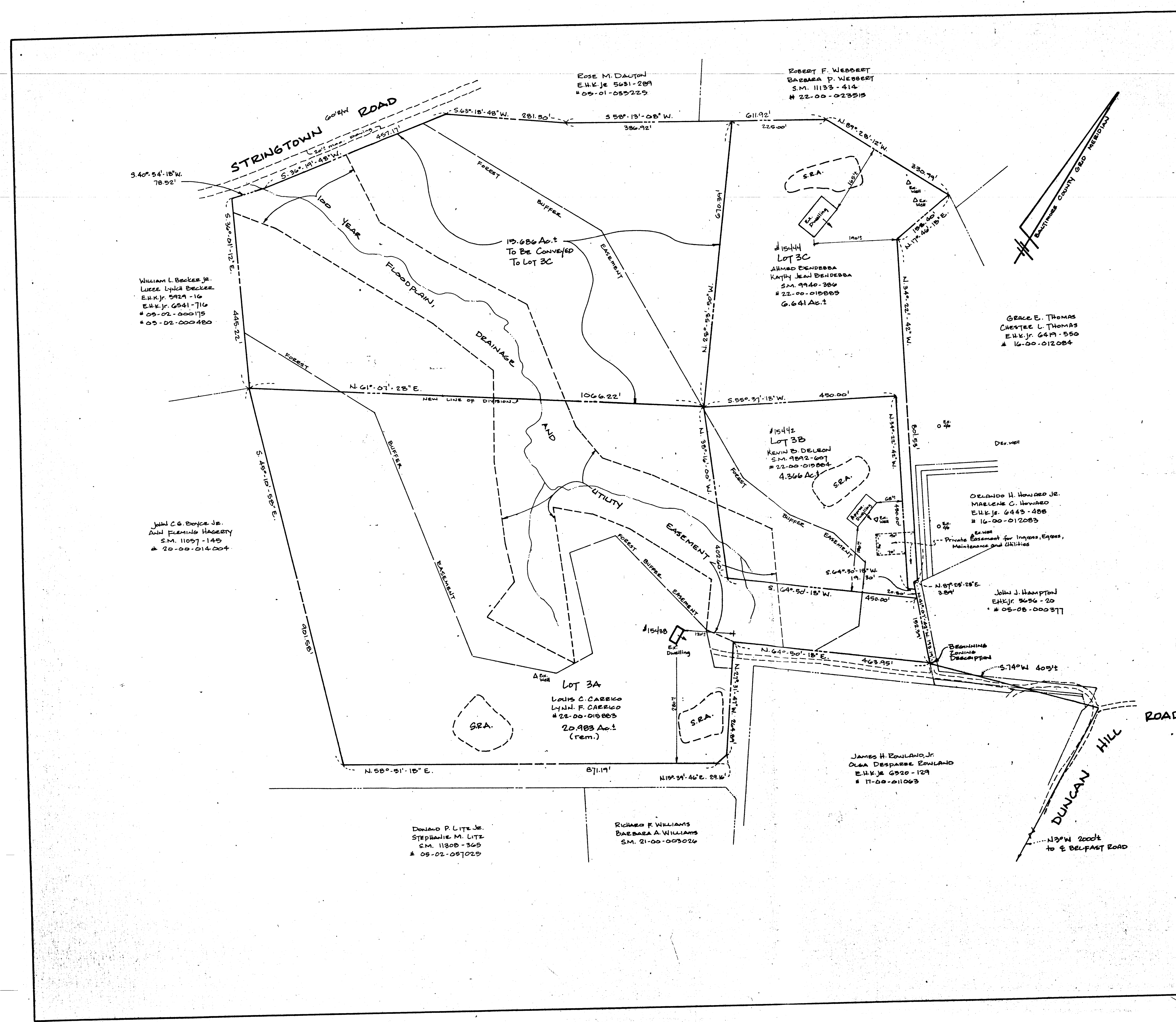
"RESUBDIVISION OF LOT 3 DUNCAN HILL MANOR"
 PLAT BOOK S.M. No. 63 FOUND 69
 5th ELECTION DISTRICT
 3rd COUNCILMANIC DISTRICT
 BALTIMORE COUNTY, MARYLAND
 #15430 + #15444 DUNCAN HILL ROAD

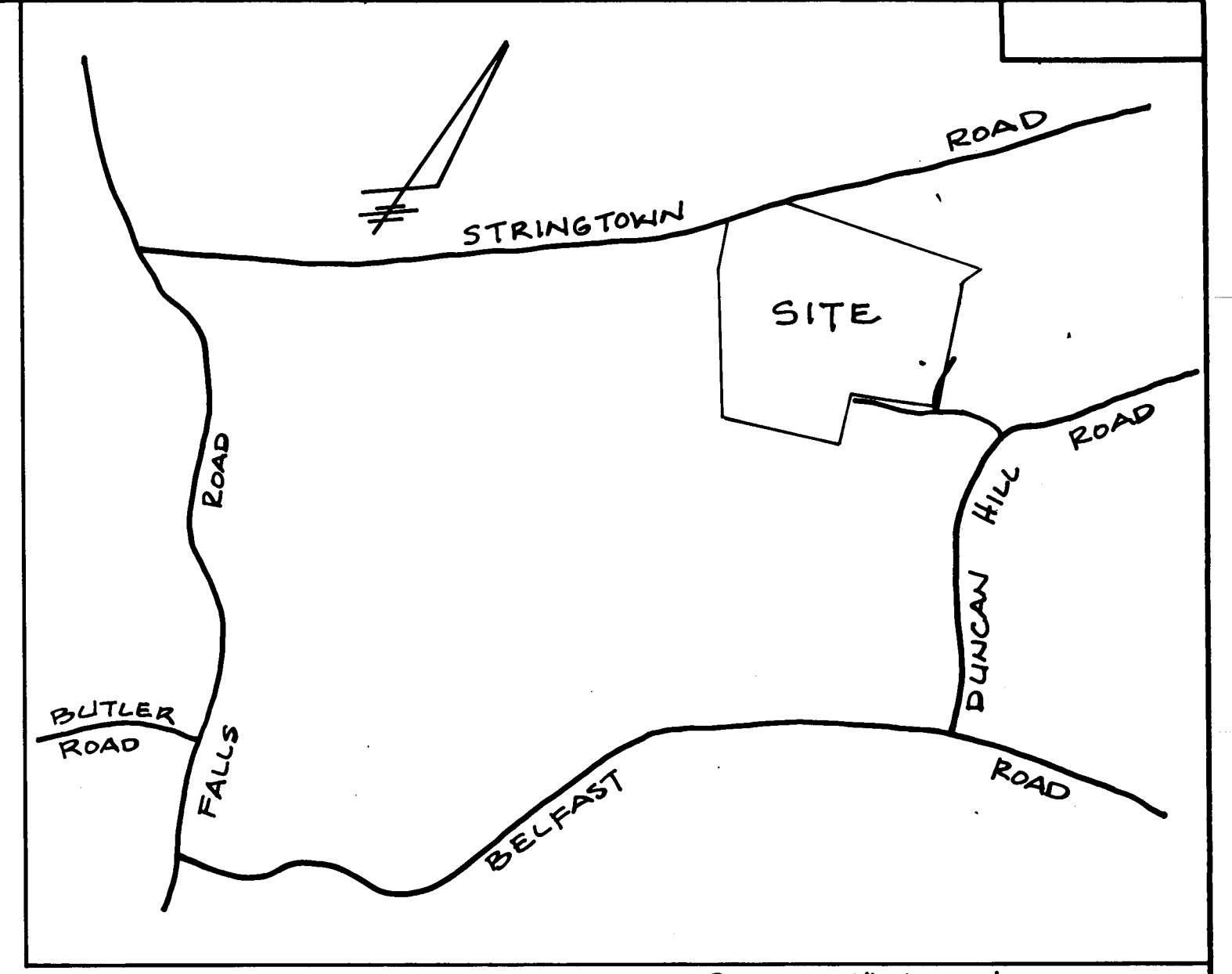
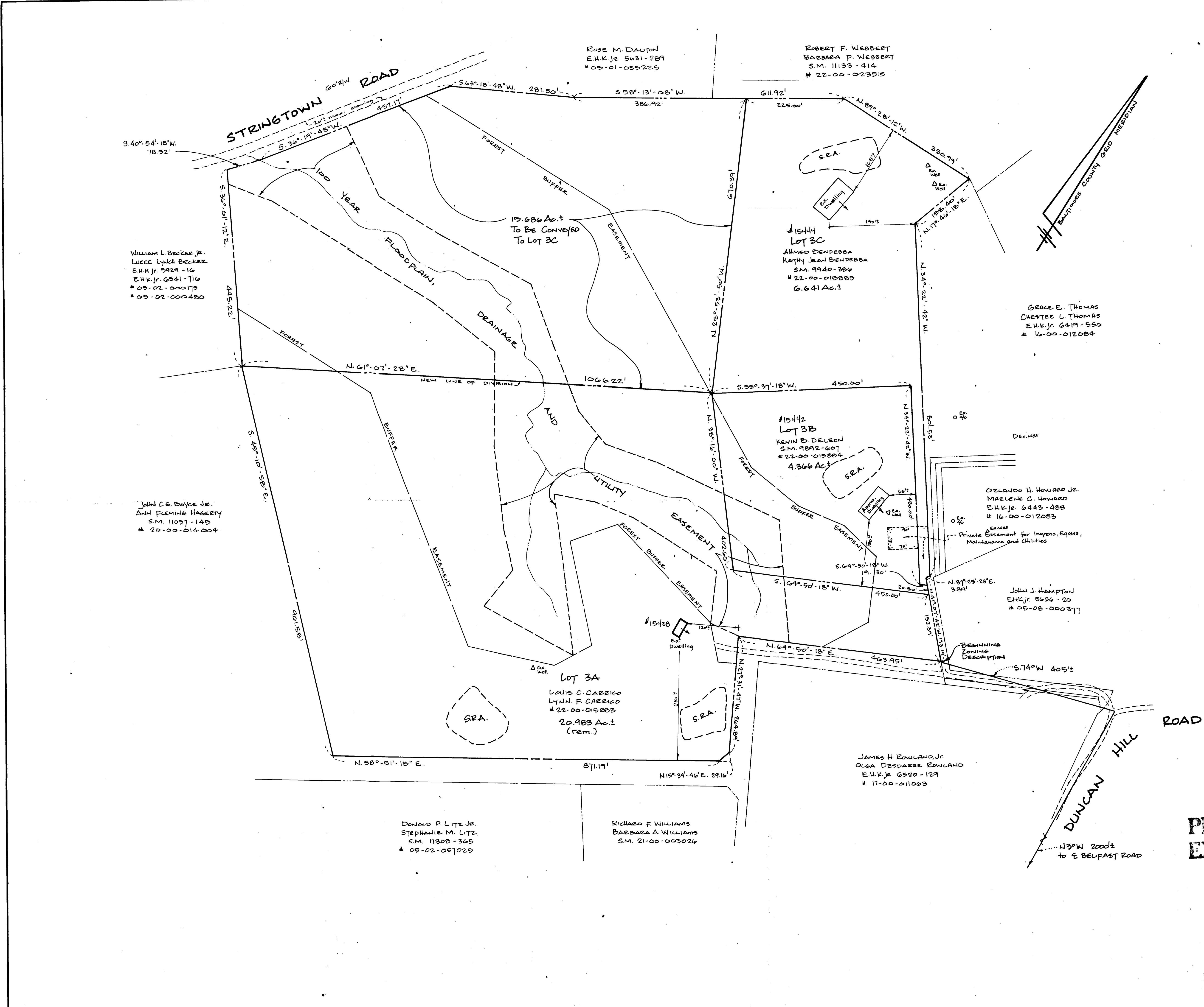
Zoning History of 89.67 Acre Tract
 see 89-10-SPH

441



DAVID E. HANSON, LAND SURVEYOR P.O. Box 10007 BALTIMORE, MD 21285 (410) 826-5334	
SCALE: 1"=100'	APPROVED BY
DATE: Feb. 10, 1997	DRAWN BY
ADDITIONS - 3-20-97 3-28-97	DRAWING NUMBER





Restrictions From 89-10-SPH

WHEREAS, IT IS ORDERED by the Zoning Commission for Baltimore County this 15th day of October, 1988 that the non-density transfer of 3.02 acres from an original 89.57 acres in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Special Hearing is hereby GRANTED, subject, however, to the following restrictions:

- 1) Petitioner shall execute and record among the land records of Baltimore County by no later than January 15, 1989 a new deed and declaration which references this case and clearly establishes the fact that the relief granted herein is for a non-density transfer of the subject property with no development rights and that there shall be no future subdivision of the 3.02 acres. Said new deed and declaration shall be submitted for approval by the Zoning Commission prior to recording.
- 2) A new deed referencing this case shall be executed and recorded among the land records of Baltimore County on or before January 15, 1989 for Lots 1, 2 and 3 of the Williams' tract.
- 3) The density of Lots 1, 2 and 3 of the Williams' tract shall be based upon the acreage contained within each lot on an individual basis, and shall not contain any acre density from the 3.02 acres transferred to Petitioner, identified on Petitioner's Exhibit 1 as S.M. 1505-493. In other words, the density for each lot shall be calculated on its own merit and not refer to any density retained from the 3.02 acres.
- 4) THESE SHALL BE NO FURTHER SUBDIVISION OF THE WILLIAMS' TRACT, SPECIFICALLY LOTS 1, 2 AND 3 AS SHOWN AND DESCRIBED'S EXHIBIT 1, WITHOUT COUNTY REVIEW BOARD APPROVAL AND A NEW PUBLIC HEARING BEFORE THE ZONING COMMISSION.

Notes -

1. C.B.G. APPROVED MEET 5, 1992
2. Zoned R.C. 2
3. SEE ZONING MAPS NO. NW246, NW226, NW247, NW235

Petitioners # 1

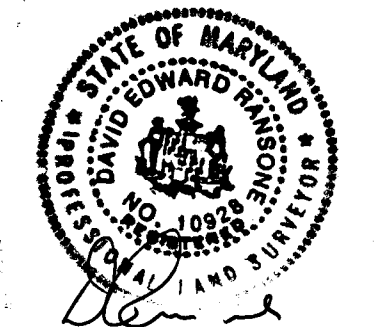
PLAN TO ACCOMPANY SPECIAL HEARING

"RESUBDIVISION OF LOT 3 DUNCAN HILL MANOR"
 PLAT BOOK S.M. No. 63 FOLIO 69

5th ELECTION DISTRICT
 3rd COUNCILMANIC DISTRICT
 BALTIMORE COUNTY, MARYLAND
 #15430 & #15444 DUNCAN HILL ROAD

PETITIONER'S EXHIBIT 1

2011-16 History of 89.57 Acres TRACT
 SEE 89-10-SPH



DAVID EANSOME, LAND SURVEYOR P.O. Box 10007 BALTIMORE, MD 21285 (410) 828-5354	
SCALE: 1"=100'	APPROVED BY: _____
DATE: Feb. 10, 1997	DRAWN BY: _____
ADDITIONS: 3-20-97 3-28-97	DRAWING NUMBER: _____