

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
E side of Whitecliff Lane, 260 feet S of the		
c/l of East Joppa Road	*	DEPUTY ZONING
1 st Election District		
6 th Councilmanic District	*	COMMISSIONER
(8909 Whitecliff Lane)		
	*	FOR BALTIMORE COUNTY
Joseph and Noelle Bordenski		
<i>Petitioners</i>	*	Case No. 2009-0146-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by Joseph and Noelle Bordenski, the legal property owners. Special Hearing relief is requested in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve three proposed panhandle lots with in-fee access to a private right-of-way in lieu of a public right-of-way at least 30 feet wide. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing relief on behalf of Petitioners was Charles Merritt with Merritt Development Consultants, Inc., the firm that prepared the site plan. Also appearing as counsel for Petitioners was Howard L. Alderman, Jr., Esquire. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped property and contains 0.6625 acre, more or less, zoned D.R.5.5. The property is located on the east side of Whitecliff Lane, south of East Joppa Road, in the Carney area of Baltimore County. Whitecliff Lane is a private road leading from East Joppa Road that is approximately 40 feet

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wide with 20 feet of paving leading to the Oakcrest Village Retirement Community that is owned by Oak Campus Partners, LLC.

As shown on the site plan, there are two properties situated side-by-side on the east side of Whitecliff Lane. The uppermost property is owned by Charles Merritt and his wife, Julie Merritt. Approximately one year ago, Mr. and Mrs. Merritt came before this Commission for a Special Hearing in Case No. 2008-0070-SPH. That property is also a rectangular-shaped property consisting of approximately 0.602 acre and zoned D.R.5.5. There was an existing home on the property fronting Whitecliff Lane. Petitioners desired to subdivide the property to create three buildable lots. A lot would be created with the existing home near Whitecliff Lane (Lot 1) with in-fee frontage access to the 30 foot right-of-way, and two additional lots (Lots 2 and 3) would be created east of Lot 1. The proposed lots would exceed the 6,000 square foot minimum lot area requirement. As with the instant matter, the issue in that case was proposed access, which for Lots 2 and 3 would be via an easement extending from Whitecliff Lane along the south side of the property. In an Order dated February 28, 2009, Zoning Commissioner William J. Wiseman, III granted Petitioners' request to approve access for the lots on a pre-existing, paved, non-publicly dedicated right-of-way as shown on the site plan that accompanied the petition. A copy of the Order was marked and accepted into evidence as Petitioners' Exhibit 2.

Similarly, in the instant matter, Petitioners desire to subdivide their property to create three buildable lots. There is currently an existing dwelling on the subject property that would be razed. The property would then be subdivided into three fairly equal sized lots, each exceeding the 6,000 square foot minimum lot area requirement, as well as lot width and setback requirements. As shown on the site plan, Lot 1 would have access via the right-of-way on Whitecliff Lane. Lots 2 and 3 would have access via the same maintenance and utility easement

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that was created and approved in Case No. 2008-0070-SPH.¹ As such, Petitioners are requesting approval of the three proposed lots as panhandle lots, with in-fee access via the private right-of-way in lieu of a public right-of-way at least 30 feet wide.

In support of the special hearing request, Petitioners' attorney, Mr. Alderman, introduced a number of documents concerning use of and access to Whitecliff Lane and the previously mentioned maintenance and utility easement for proposed Lots 2 and 3 of the Merritt property. First, Mr. Alderman submitted a Deed dated May 28, 1959 that was marked and accepted into evidence as Petitioners' Exhibit 4. This Deed allowed access by others "for the purposes of ingress and egress" of Whitecliff Lane (formerly Brandt Avenue). Next were a Deed and Agreement dated August 23, 1988 and a Deed and Agreement dated January 31, 1991, which were marked and accepted into evidence as Petitioners' Exhibits 5 and 6, respectively. These documents memorialized Baltimore County's right to construct and maintain sewers, drains, water pipes, and other municipal utilities and services along Whitecliff Lane, for access to public utilities by the properties located on Whitecliff Lane. The next two documents were a "Declaration for Private Ingress, Egress, Maintenance and Utility Easement and Easement Agreement" dated July 22, 2008 and a "Declaration for Maintenance of Whitecliff Lane" dated July 28, 2008, which were marked and accepted into evidence as Petitioners' Exhibits 7 and 8, respectively. Petitioners' Exhibit 7 memorialized a declaration and agreement on the part of the Merritt's to permit Petitioners in the instant matter, the Bordenski's, the right to use the easement

¹ Petitioners have also complied with Section 32-4-409(b)(2)(ii) of the Baltimore County Code which specifies that a panhandle driveway must be 12 feet in width per lot where two lots are involved, for a total of 24 feet wide for Lots 2 and 3. As shown on the site plan, the panhandle driveways have been provided for on the south side of the subject property extending to Whitecliff Lane, although actual proposed access to Lots 2 and 3 would be via the same maintenance and utility easement established in the prior case.

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area between the parties' two properties for the purpose of vehicular and pedestrian ingress and egress, and for the installation and maintenance of utilities in the easement area. Petitioners' Exhibit 8 memorialized an agreement between the Merritt's (owners of Lots 2 and 3 of their minor subdivision) and Matthew and Tina Crow (owners of Lot 1 of that minor subdivision) for the maintenance and repair of Whitecliff Lane by either of these parties in the event they or their assigns, including contractors and subcontractors, cause damage to Whitecliff Lane during construction of homes on any of the three lots. Finally, Mr. Alderman submitted a Deed dated April 9, 2007 granting ownership of the subject property to Petitioners in the instant matter. This Deed was marked and accepted into evidence as Petitioners' Exhibit 9.

Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A comment was received from the Bureau of Development Plans Review ("DPR") dated December 10, 2008 which indicates that the developer shall have a title attorney certify that he has the right to burden existing right-of-way with utilities and access for three lots. In response, Mr. Alderman submitted an opinion letter dated June 12, 2007 from attorney James D. O'Connor, Esquire to the County's Bureau of Land Acquisition, which was marked and accepted into evidence as Petitioners' Exhibit 3. This letter was sent in response to similar concerns as to the proposed Merritt minor subdivision and whether they had a right to the existing right-of-way for utilities and access for their proposed three lots. Mr. O'Connor opined that based on his investigation into the Deeds and uses pertaining to Whitecliff Lane that the Merritt property did have utilities and ingress/egress access to the existing right-of-way. Mr. Alderman indicated that the letter serves to respond to and address the DPR comment in the instant case as well.

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The private roadway known as Whitecliff Lane (formerly Brandt Avenue) was, based on the evidence presented, established well before the development proposal for the subject property was submitted. Mr. Alderman proffered that in evaluating the proposed development and the relief requested, the potential impact on the community served by Whitecliff Lane would be minimal. None of the residents having a right to use Whitecliff Lane appeared at the hearing or expressed in any manner opposition to the relief requested. The proposed development would meet all the minor subdivision regulations and would meet all of the criteria set forth in Section 502.1 of the B.C.Z.R., including that it would not overcrowd the land, cause an undue concentration of people, or overburden the roadway, nor would it be detrimental to the health, safety, or general welfare of the locale.

Considering of all the testimony and evidence presented, I am persuaded to grant the special hearing relief. I find that the proposed access is appropriate in this instance, given that the private roadway has existed in its present scale and condition since 1988 and is proposed to serve only two additional lots, as a result of the proposed minor subdivision, beyond what exists presently in this case. I also believe it is prudent that Petitioners and any subsequent owners of the proposed three new dwellings will utilize the existing private ingress, egress, maintenance and utility easement that was created in the prior case involving the Merritt's. This will likely reduce the impervious surfaces that would result if the panhandle strips were actually used for ingress and egress to and from those newly created lots. Overall, I believe Petitioners' plans are appropriate and would cause the least impact to this small residential community that utilizes Whitecliff Lane in combination with the Oakcrest Village continuing care community.

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Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioners' request for special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 26th day of February, 2009 that Petitioners' request for Special Hearing relief filed in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve three proposed panhandle lots with in-fee access to a private right-of-way in lieu of a public right-of-way at least 30 feet wide be and is hereby GRANTED, subject to the following:

1. Petitioners may apply for permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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2-26-09
MB



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

February 26, 2009

HOWARD L. ALDERMAN JR., ESQUIRE
LEVIN & GANN
502 WASHINGTON AVENUE, SUITE 800
TOWSON, MD 21204

Re: Petition for Special Hearing
Case No. 2009-0146-SPH
Property: 8909 Whitecliff Lane

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John H. Bostwick", written over the typed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Charles Merritt, Merritt Development Consultants, Inc., 2418 East Joppa Road, Baltimore MD 21234



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 18913, 8915 8909 Whitecliff Lane

which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and 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 a part hereof, hereby petition for a Special Hearing under Section 10.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A Special Hearing to approve three (3) proposed panhandle lots with in-fee access to a private right-of-way in lieu of a public right-of-way at least 30 feet wide.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Joseph J. Bordenski

Name - Type or Print

Signature

Noelle E. Bordenski

Name - Type or Print

Signature

2120 Fallston Road

410-960-8816

Address

Telephone No.

Fallston, MD 21047

State

Zip Code

Representative to be Contacted:

MDC, Inc Charles Merritt

Name

2418 E Joppa Road

410-663-5525

Address

Baltimore, MD 21234

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Case No. 2009-0146-SPH

Reviewed By

A-TSK I

Date

11/18/2008

REV 9/15/98

2-26-09
m

Exhibit A

BEGINNING FOR THE SAME on the East side of Brandt Avenue at the distance of 250 feet southerly from the southeast corner of Brandt Avenue and Joppa Road and running thence binding on the East side of Brandt Ave. as now located 40 feet wide South 3 degrees 05 minutes West 102.78 feet thence leaving Brandt Avenue for a new division line parallel with Joppa Road South 87 degrees 05 minutes East 290.29 feet to intersect the Eastern outline of the whole tract of land of which the land now being described is a part thence running and binding on part of said outline North 7 degrees 23 minutes West 104.46 feet and thence running parallel with Joppa Road North 87 degrees 05 minutes West 271.61 feet to the place of beginning. The improvements thereon being known as No. 8909 Whitecliff Road.

BEING the same property which by Deed of even date herewith and recorded or intended to be recorded among the Land Records of Baltimore County, Maryland immediately prior hereto, was granted and conveyed by Laurie Buell Griffie, Personal Representative of the Estate of Lawrence G. Buell, Jr. unto Joseph J. Bordenski and Noelle E. Bordenski, husband and wife, the herein Borrowers, in fee simple.

2009-0146-SPH

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **31493**

Date: **11/18/08**

PAID RECEIPT

BUSINESS ACTUAL TIME
 11/19/2008 11/18/2008 14:20:53

REG 501 WALKIN JRIC JHR
 RECEIPT # 399376 11/18/2008 OFFH

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150						195-

5 520 ZONING VERIFICATION
 CR # 031493
 Recpt Tot \$195.00
 \$1.00 CB \$200.00 CB
 \$5.00 CB
 Baltimore County, Maryland

Total: **\$195-**

Rec From:

CHARLES MERRITT / JOSEPH BORDENSKI

For:

**8909, 8913 8915
 WHITECLIFF LN**

2009-0146-SPH

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

**NOTICE OF ZONING
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: # 2009-0146-SPH
8909, 8912, & 8915 Whitecliff Lane
E/side of Whitecliff Lane, 260 feet south of centerline of East Joppa Road
1st Election District
6th Councilmanic District
Legal Owner(s): Joseph & Noelle Bordenski

Special Hearing: to approve three (proposed) panhandle lots within fee access to a private right of way in lieu of a public right of way at least 30 feet wide.

Hearing: Wednesday, February 4, 2009 at 9:00 a.m. In Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 1/709 Jan. 20 192511

CERTIFICATE OF PUBLICATION

1/22/, 2009

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/20/, 2009.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Date: 1/26/09

RE: Case Number: 2009-0146-SPH

Petitioner / Developer: JOSEPH BORDENSKI

Date of Hearing / Closing: FEB. 4, 2009

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 8909 WHITECLIFF LANE

The sign(s) were posted on 1/19/09
(Month, Day, Year)

Charles E. Merritt
(Signature of Sign Poster)

Charles E. Merritt
9831 Magledd Road
Baltimore, MD 21234
410-665-5562

ZONING NOTICE

CASE # 2009-0146-SPH

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

ROOM 104, JEFFERSON BLDG.
PLACE: 105 W. CHESAPEAKE AVE.
TOWSON MD. 21204

DATE AND TIME: WEDNESDAY, FEBRUARY
4, 2009 AT 9:00 AM

REQUEST: SPECIAL HEARING TO APPROVE
THREE (PROPOSED) PANHANDLE LOTS
WITHIN FEE ACCESS TO A
PRIVATE RIGHT OF WAY IN LIEU OF
A PUBLIC RIGHT OF WAY AT LEAST
30 FEET WIDE

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



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

December 23, 2008
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

NOTICE OF ZONING 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: 2009-0146-SPH

8909, 8912 & 8915 Whitecliff Lane

E/side of Whitecliff Lane, 260 feet south of centerline of East Joppa Road

1st Election District – 6th Councilmanic District

Legal Owners: Joseph & Noelle Bordenski

Special Hearing to approve three (proposed) panhandle lots within fee access to a private right of way in lieu of a public right of way at least 30 feet wide.

Hearing: Wednesday, February 4, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Joseph & Noelle Bordenski, 2120 Fallston Road, Fallston 21047
Charles Merritt, MDC, 2418 E. Joppa Road, Baltimore 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 20, 2009.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 20, 2009 Issue - Jeffersonian

Please forward billing to:
Joseph Bordenski
2120 Fallston Road
Fallston, MD 21047

410-960-8816

NOTICE OF ZONING 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: 2009-0146-SPH

8909, 8912 & 8915 Whitecliff Lane

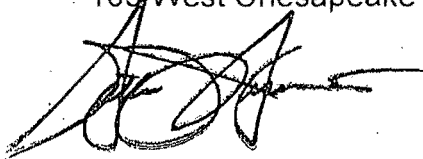
E/side of Whitecliff Lane, 260 feet south of centerline of East Joppa Road

1st Election District – 6th Councilmanic District

Legal Owners: Joseph & Noelle Bordenski

Special Hearing to approve three (proposed) panhandle lots within fee access to a private right of way in lieu of a public right of way at least 30 feet wide.

Hearing: Wednesday, February 4, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2009-0146-SPH

Petitioner: JOSEPH & NOEWE BORDENSKI

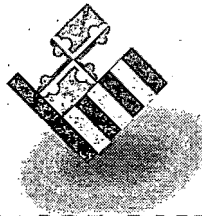
Address or Location: 8909 WHITECLIFF LANE
, 8913, 8915

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOSEPH BORDENSKI

Address: 2120 FALLSTON ROAD
FALLSTON MD 21047

Telephone Number: 410 960-8816



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
January 26, 2009
*Department of Permits and
Development Management*

Joseph & Noelle Bordenski
2120 Fallston Rd.
Fallston, MD 21047

RE: Case Number 2009-0146-SPH, 8909; 8913; 8915 Whitecliff Ln.

Dear: Joseph & Noelle Bordenski

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 18, 2008

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

Development Plans Review (Traffic)	410-887-3751
Fire Department	410-887-4880
State Highway Administration	410-545-5600
Office of Planning	410-887-3480
Department of Environmental Protection and Resource Management (DEPRM)	410-887-5859
Recreation and Parks	410-887-3824
Maryland Office of Planning - Chesapeake Bay Critical Area (CBCA)	410-767-4489
Department of Natural Resources - Floodplain	410-631-3914

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lw

C: People's Counsel
MDC, Inc; Charles Merritt; 2418 Joppa Rd.; Baltimore, MD 21234

TB
2-4-09

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: December 10, 2008

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

RECEIVED

JAN 30 2009

SUBJECT: Zoning Advisory Committee Meeting
For December 15, 2008
Item No. 2009-146

ZONING COMMISSIONER

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The developer shall have a title attorney certify that he has the right to burden existing right-of-way with utilities and access for three lots.

DAK:CEM:cab

cc: File

ZAC-ITEM NO 2009-146-12152008.doc



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 12/11/2008

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

RE: Baltimore County
Item No 2009-0146-SPH
8309 WHITE CLIFF LANE
BORDENSKI PROPERTY
SPECIAL HEARING

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2009-0146-SPH.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,


For ¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
8909 Whitecliff Lane; E/S Whitecliff Lane, * ZONING COMMISSIONER
260' S of c/line of East Joppa Road *
1st Election & 6th Councilmanic Districts *
Legal Owner(s): Joseph & Noelle Bordenski * FOR
Petitioner(s) * BALTIMORE COUNTY
* 09-146-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

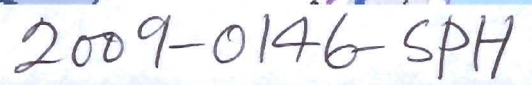
RECEIVED

DEC 09 2008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of December, 2008, a copy of the foregoing Entry of Appearance was mailed to Charles Merritt, Merritt Development Consultants, Inc, 2416 East Joppa Road, Baltimore, MD 21234, Representative for Petitioner(s).

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CASE NAME Bordowski
CASE NUMBER 2009-0146-SPB
DATE 2-4-09

[illegible]

Case No.:

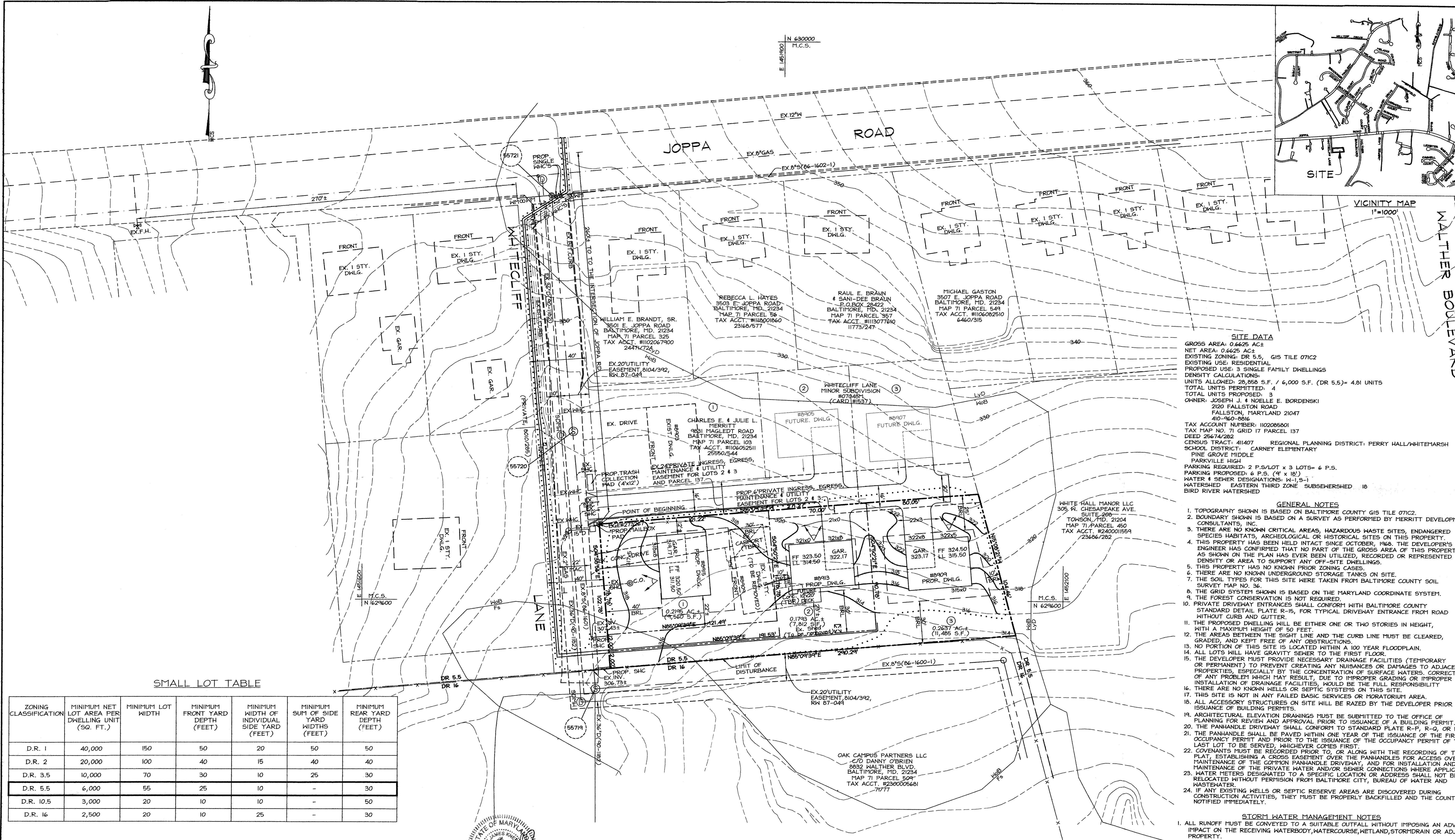
2007-0146-SPH

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Similar Case from next door - 08-070-SPH	
No. 3	Opinion Letter dated 6-12-07 from atty - James O'Connor	
No. 4	Deed from 1959 to Norman + Shirley Brundt	
No. 5	Deed from 1988 granting County access for sewer + water improvements	
No. 6	Deed from 1991 granting similar access to County	
No. 7	Declaration for egress, ingress, + maintenance easement agreement 7-22-08	
No. 8	Declaration of Maintenance of Whitecliff Lane - 7-28-08	
No. 9	Deed from 4-9-07 from Estate of Lawrence Buell to Petitioners	
No. 10		
No. 11		
No. 12		



SITE DATA
GROSS AREA: 0.6625 AC±
NET AREA: 0.6625 AC±
EXISTING ZONING: DR 5.5, GIS TILE 071C2
EXISTING USE: RESIDENTIAL
PROPOSED USE: 3 SINGLE FAMILY DWELLINGS
DENSITY CALCULATIONS:
UNITS ALLOWED: 28,850 S.F. / 6,000 S.F. (DR 5.5) = 4.81 UNITS
TOTAL UNITS PERMITTED: 4
TOTAL UNITS PROPOSED: 3
OWNER: JOSEPH J. & NOELLE E. BORDENSKI
2120 FALLSTON ROAD
FALLSTON, MARYLAND 21047
410-960-8816
TAX ACCOUNT NUMBER: 1102085801
TAX MAP NO. 71 GRID 17 PARCEL 137
DEED 25674/282
CENSUS TRACT: 411407 REGIONAL PLANNING DISTRICT: PERRY HALL/WHITEHARSH
SCHOOL DISTRICT: CARNEY ELEMENTARY
FINE GROVE MIDDLE
PARKVILLE HIGH
PARKING REQUIRED: 2 P.S./LOT x 3 LOTS = 6 P.S.
PARKING PROPOSED: 6 P.S. (4' x 18')
WATER & SEWER DESIGNATIONS: W-I, S-I
WATERSHED: EASTERN THIRD ZONE SUBWATERSHED 18
BIRD RIVER WATERSHED

- GENERAL NOTES**
- TOPOGRAPHY SHOWN IS BASED ON BALTIMORE COUNTY GIS TILE 071C2.
 - BOUNDARY SHOWN IS BASED ON A SURVEY AS PERFORMED BY MERRITT DEVELOPMENT CONSULTANTS, INC.
 - THERE ARE NO KNOWN CRITICAL AREAS, HAZARDOUS WASTE SITES, ENDANGERED SPECIES HABITATS, OR HISTORICAL SITES ON THIS PROPERTY.
 - THIS PROPERTY HAS BEEN HELD INTACT SINCE OCTOBER, 1968. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
 - THIS PROPERTY HAS NO KNOWN PRIOR ZONING CASES.
 - THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS ON SITE.
 - THE SOIL TYPES FOR THIS SITE WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 36.
 - THE GRID SYSTEM SHOWN IS BASED ON THE MARYLAND COORDINATE SYSTEM.
 - THE FOREST CONSERVATION IS NOT REQUIRED.
 - PRIVATE DRIVEWAY ENTRANCES SHALL CONFORM WITH BALTIMORE COUNTY STANDARD DETAIL PLATE R-15, FOR TYPICAL DRIVEWAY ENTRANCE FROM ROAD WITHOUT CURB AND GUTTER.
 - THE PROPOSED DWELLING WILL BE EITHER ONE OR TWO STORIES IN HEIGHT, WITH A MAXIMUM HEIGHT OF 50 FEET.
 - THE AREAS BETWEEN THE SIGHT LINE AND THE CURB LINE MUST BE CLEARED, GRADED, AND KEPT FREE OF ANY OBSTRUCTIONS.
 - NO PORTION OF THIS SITE IS LOCATED WITHIN A 100 YEAR FLOODPLAIN.
 - ALL LOTS WILL HAVE GRAVITY SEWER TO THE FIRST FLOOR.
 - THE DEVELOPER MUST PROVIDE NECESSARY DRAINAGE FACILITIES (TEMPORARY OR PERMANENT) TO PREVENT CREATING ANY NUISANCES OR DAMAGES TO ADJACENT PROPERTIES, ESPECIALLY BY THE CONCENTRATION OF SURFACE WATERS. CORRECTION OF ANY PROBLEM WHICH MAY RESULT, DUE TO IMPROPER GRADING OR IMPROPER INSTALLATION OF DRAINAGE FACILITIES, WOULD BE THE FULL RESPONSIBILITY OF THE DEVELOPER.
 - THERE ARE NO KNOWN WELLS OR SEPTIC SYSTEMS ON THIS SITE.
 - THIS SITE IS NOT IN ANY FAILED BASIC SERVICES OR MORATORIUM AREA.
 - ALL ACCESSORY STRUCTURES ON SITE WILL BE RAZED BY THE DEVELOPER PRIOR TO ISSUANCE OF BUILDING PERMITS.
 - ARCHITECTURAL ELEVATION DRAWINGS MUST BE SUBMITTED TO THE OFFICE OF PLANNING FOR REVIEW AND APPROVAL PRIOR TO ISSUANCE OF A BUILDING PERMIT.
 - THE PANHANDLE DRIVEWAY SHALL CONFORM TO STANDARD PLATE R-P, R-Q, OR R-R.
 - THE PANHANDLE SHALL BE PAVED WITHIN ONE YEAR OF THE ISSUANCE OF THE FIRST OCCUPANCY PERMIT AND PRIOR TO THE ISSUANCE OF THE OCCUPANCY PERMIT OF THE LAST LOT TO BE SERVED, WHICHEVER COMES FIRST.
 - COVENANTS MUST BE RECORDED PRIOR TO, OR ALONG WITH THE RECORDING OF THE PLAT, ESTABLISHING A CROSS EASEMENT OVER THE PANHANDLES FOR ACCESS OVER AND MAINTENANCE OF THE COMMON PANHANDLE DRIVEWAY, AND FOR INSTALLATION AND MAINTENANCE OF THE PRIVATE WATER AND/OR SEWER CONNECTIONS WHERE APPLICABLE.
 - WATER METERS DESIGNATED TO A SPECIFIC LOCATION OR ADDRESS SHALL NOT BE RELOCATED WITHOUT PERMISSION FROM BALTIMORE CITY, BUREAU OF WATER AND WASTEWATER.
 - IF ANY EXISTING WELLS OR SEPTIC RESERVE AREAS ARE DISCOVERED DURING CONSTRUCTION ACTIVITIES, THEY MUST BE PROPERLY BACKFILLED AND THE COUNTY NOTIFIED IMMEDIATELY.

STORM WATER MANAGEMENT NOTES

- ALL RUNOFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING WATERBODY, WATERCOURSE, WETLAND, STORMDRAIN OR ADJACENT PROPERTY.
- AS MUCH AS POSSIBLE, IMPERVIOUS AREAS SHOULD BE CONVEYED AS SHEET FLOW THROUGH VEGETATED AREAS WITHOUT CONCENTRATING OR CAUSING EROSION.
- HOUSE DOWNSPUTS SHOULD BE DISCHARGED ONTO PERVIOUS AREAS WHERE FEASIBLE.
- ADDITIONAL SUBDIVISION ON THESE PARCELS AND/OR LOTS WILL REQUIRE STORMWATER MANAGEMENT CONTROLS FOR THIS SITE AND THE ADDITIONAL SUBDIVISION.

PLAN TO ACCOMPANY ZONING
MINOR SUBDIVISION PLAN
BORDENSKI PROPERTY
DISTRICT 11C6 BALTIMORE COUNTY, MD
SCALE: 1"=30'
JULY 17, 2008

SMALL LOT TABLE						
ZONING CLASSIFICATION	MINIMUM NET LOT AREA PER DWELLING UNIT (SQ. FT.)	MINIMUM LOT WIDTH	MINIMUM FRONT YARD DEPTH (FEET)	MINIMUM WIDTH OF INDIVIDUAL SIDE YARD (FEET)	MINIMUM SUM OF SIDE YARD WIDTHS (FEET)	MINIMUM REAR YARD DEPTH (FEET)
D.R. 1	40,000	150	50	20	50	50
D.R. 2	20,000	100	40	15	40	40
D.R. 3.5	10,000	70	30	10	25	30
D.R. 5.5	6,000	55	25	10	-	30
D.R. 10.5	3,000	20	10	10	-	50
D.R. 16	2,500	20	10	25	-	30

MDC
MERRITT DEVELOPMENT CONSULTANTS INC.
2416 EAST JOPPA ROAD BALTIMORE, MARYLAND 21234
PHONE: 410-663-5525 FAX: 410-663-4315
MERRITTDCC@COMCAST.NET

I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE AGENCY COMMENTS DATED AUGUST 22, 2008 AND HAVE PREPARED WITH DUE DILIGENCE THIS MINOR SUBDIVISION PLAN PURSUANT TO THOSE AGENCIES COMMENTS.

LIMIT OF DISTURBANCE
29,700 SF OR 0.68 AC±

REVISION BLOCK		
DATE	COMMENTS	BY
9/30/08	1ST REVIEW COMMENTS	MDC

BALTIMORE COUNTY MINOR SUBDIVISION
Project No. 08-054-M

DEVELOPMENT REGULATIONS
☐ Exempt from Article 32, Title 4, Subtitle 2, BBC
☐ Panhandle exempt from Sections 32-4-211 through 32-4-217 and Sections 32-4-226 and 32-4-227, BBC

PDM CERTIFICATION
☐ Approved ☐ Disapproved

By: _____ Date: _____
APPROVED DEPRM
By: _____ Date: _____

O'CONNOR, HAMMEL & BUTLER, P.

ATTORNEYS AT LAW

100 WEST ROAD

SUITE 215

TOWSON, MARYLAND 21204

PHONE (410) 321-0595

FAX (410) 321-1436

JAMES D. O'CONNOR
MARY ANN HAMMEL
ELLYN S. BUTLER
MARY JEAN KRETSCHMER
BRYAN J. PELINO

OF COUNSEL:
PAMELA S. JONES

June 12, 2007

Baltimore County Bureau of Land Acquisition
County Office Building, Room 319
111 W. Chesapeake Avenue
Towson, Maryland 21204

Attention: Ms. Lois Ruhl

RE: 8907 Whitecliff Lane/Tax Account No. 11-06-082511

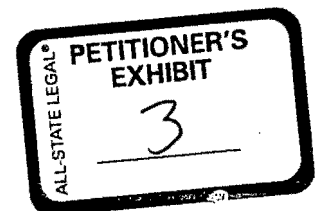
Dear Ms. Ruhl:

The undersigned examined title in connection with the acquisition of the above-referenced property by Charles E. Merritt, III and Julie L. Merritt, his wife. A copy of the Merritts' title Deed is enclosed for your convenience.

Access to the property is by way of Whitecliff Lane. Whitecliff Lane was formerly known as Brandt Avenue. As you can see from the legal description in the Merritts' Deed, this property binds for 100 feet on the East side of Whitecliff Lane (formerly Brandt Avenue). The bed of Whitecliff Lane is titled to Norman Lewis Brandt and Shirley Brandt, his wife, by virtue of the Deed dated May 28, 1959 and recorded in Liber WJR No. 3533, page 613, a copy of which is also enclosed. Mr. and Mrs. Brandt's ownership is subject to "the right of use in common with others entitled thereto in and to Brandt Avenue and hereinbefore described for purposes of ingress and egress". Mr. and Mrs. Merritt, as owners of 8907 Whitecliff Lane, are one of the parties entitled to the right of use in common of Brandt Avenue for purposes of ingress and egress.

An easement granting the right to install and maintain utilities in the bed of Whitecliff Lane is specifically granted in the Deed dated October 17, 1998, and recorded in Liber SM No. 8010, Page 285, a copy of which is enclosed. This Deed specifically provides on Page 286 that the easement is for the use and benefit of 8709 Whitecliff Lane (which is the same property described in the Deed dated October 31, 1980 and recorded in Liber EHK, Jr. No. 6224, page 565).

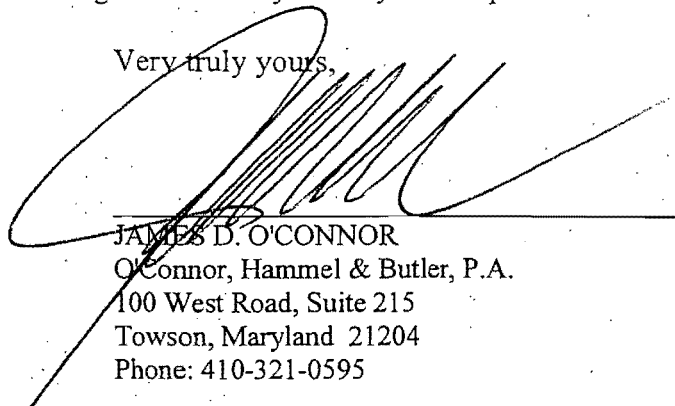
If you have any questions or require further information regarding the rights of access for



Baltimore County Bureau of Land Acquisition
June 12, 2007
Page Two

ingress and egress and for the maintenance and installation of utilities for 8907 Whitecliff Lane, please do not hesitate to contact the undersigned. Thank you for your cooperation in this regard.

Very truly yours,



(SEAL)

JAMES D. O'CONNOR
O'Connor, Hammel & Butler, P.A.
100 West Road, Suite 215
Towson, Maryland 21204
Phone: 410-321-0595

Professional Liability Insurance:
Medmarc Casualty Insurance Co.
Policy No: 06APMD00025
Policy Limits:\$1,000,000/\$1,000,000

JDO\kan

cc: Mr. and Mrs. Charles E. Merritt, III

F:\ourfiles\settlements\07-E-0479A\county letter

THIS DEED, made this 28th day of May, in the year one thousand nine hundred and fifty-nine, between LILLIE M. BRANDT and ERNEST P. BRANDT, her husband, of the County of Baltimore, in the State of Maryland, of the first part, Grantors, and NORMAN LEWIS BRANDT and SHIRLEY BRANDT, his wife, of the second part, Grantees.

WITNESSETH, that in consideration of the sum of Five Dollars (\$5.00), and other good and valuable considerations, the receipt of which is hereby acknowledged, the said Lillie M. Brandt and Ernest P. Brandt, her husband, do hereby grant and convey unto the said Norman Lewis Brandt and Shirley Brandt, his wife, as tenants by the entireties, their assigns, the survivor of them and the survivor's heirs and assigns, in fee simple, all that lot or parcel of land situate and lying in the County of Baltimore, State of Maryland, aforesaid, and described as follows, that is to say:

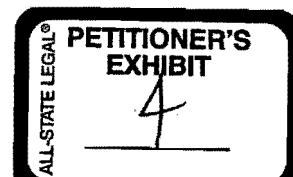
BEGINNING for the same at the intersection of the South side of Joppa Road 40 feet wide with the intersection of the East side of Brandt Avenue, running thence with and binding on the East side of Brandt Avenue South 3 degrees 05 minutes West 353.62 feet to intersect the northern outline of the 2.79 acre tract of land heretofore conveyed by Lillie M. Brandt to L. H. Richter, running thence and binding on part of said outline North 87 degrees 05 minutes West 190 feet, thence North 3 degrees 05 minutes East 20 feet, thence South 87 degrees 05 minutes East 150 feet, thence North 3 degrees 05 minutes East 333.62 feet to the South side of Joppa Road, thence on the South side of Joppa Road South 87 degrees 05 minutes East 40 feet to the place of beginning.

BEING a portion of the property which by Deed dated the 12th day of April 1906, and recorded among the Land Records of Baltimore County in Liber 298, folio 156, was granted and conveyed by David Shanklin to William O. Shanklin, also known as William H. Shanklin.

BEING ALSO a portion of the property which by the Last Will and Testament of William H. Shanklin was devised to Lillie M. Brandt, which Will is dated the 29th day of March, 1934, and recorded among the Records of the Register of Wills of Baltimore County in Wills Liber 37, folio 240.

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

TO HAVE AND TO HOLD the said lot of ground and premises above described and mentioned and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining, unto and to the proper use and benefit of the said Norman Lewis Brandt and Shirley Brandt, his wife, as tenants by the entireties, their assigns, the survivor of them and the survivor's heirs and assigns, in fee simple; subject, however, to the right of use in common with others entitled thereto in and to Brandt Avenue as hereinbefore described for purposes of ingress and egress.



No Consideration

This Deed of Easement made this 17 day of October, 1988
by and between Norman Lewis Brandt and Shirley Brandt his wife
hereinafter called the party of the first part and Lawrence G.
Buell party of the second part.

Witnesseth in consideration of the sum of \$5.00 the receipt
of which is hereby acknowledged the party of the first part does
hereby grant unto the party of the second part his personal repre-
sentatives and assigns, a non-exclusive right to lay, construct
and maintain sewers, drains, water pipes and other underground
utilities and services including but not limited to underground
electric service and cable TV lines, through the land of the
parties of the first part situate in Baltimore County, State of
Maryland, said sewers, drains, water pipes and other utilities
and services to be laid in the easement area which is described
as follows:

Being an easement area Forty (40) Feet wide and consisting
of the bed of Whitecliff Road extending Southerly from Joppa Road
a distance of 353.62 feet all as shown on the Plat attached hereto
and made a part hereof.

FOR TITLE: See Deed dated May 28, 1959 and recorded among
the Land Records of Baltimore County in Liber MJR No. 3533 folio
613 from Lillie M. Brandt and husband to the Party of the First
Part.

Included in this easement shall be the right to maintain
Water Meters along the South side of Joppa Road within the ease-
ment area.

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
Baltimore County

AT 10-27-88

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE AT DATE 10-27-88

TRANSFER TAX NOT REQUIRED

Clerk of Finance

BALTIMORE COUNTY, MARYLAND

Authorized Signature

10-27-88 Sec. 11-28

Asst. Clerk

19.00
19.00
845485 0004 10/27/88

LIBER 8104 PAGE 392
RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
RW 87-049-2
J.O. 1-2-876
Item 2 (U)

TRANSFER TAX NOT REQUIRED
BALTIMORE COUNTY, MARYLAND
Per John B. Bueger
Authorized Signatory
Date 2-15-89 C-111-A

THIS DEED and AGREEMENT, Made this 23rd day of AUGUST, in the year 1988, between NORMAN LEWIS BRANDT and SHIRLEY BRANDT, his wife, of Baltimore County, State of Maryland, parties of the first part; and BALTIMORE COUNTY, MARYLAND, a body corporate and politic, party of the second part.

WHEREAS, the party of the second part desires to construct and maintain sewers, drains, water pipes and other municipal utilities and services in, on, through and across the land hereinafter described, and the parties of the first part are willing to grant such right.

NOW, THEREFORE, in consideration of the premises and the sum of One Dollar, the receipt whereof is hereby acknowledged, the said parties of the first part hereby grant and convey unto Baltimore County, Maryland, a body corporate and politic, its successors and assigns, the right to lay, construct and maintain sewers, drains, water pipes and other municipal utilities and services in, on, through and across the land of the parties of the first part, situate in Baltimore County, State of Maryland, said sewers, drains, water pipes and other municipal utilities and services to be laid in the easement which is described as follows:

#99562 C001 R02 12:10
02/15/89

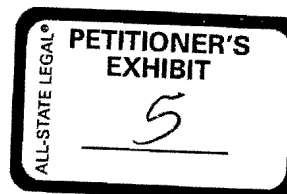
Situate in the Eleventh Election District of Baltimore County.

BEING an easement of irregular dimensions across the property of the parties of the first part, said easement containing 0.175 acre (7,620 sq. ft.), more or less, as shown shaded and indicated "DRAINAGE & UTILITY EASEMENT" on Baltimore County Bureau of Land Acquisition Drawing No. RW 87-049-2, which is attached hereto and made a part hereof.

TOGETHER with a temporary easement for construction purposes containing 0.153 acre (6,680 sq. ft.), more or less, as shown indicated "TEMPORARY CONSTRUCTION AREA" on the aforesaid Drawing No. RW 87-049-2, which is attached hereto and made a part hereof; said temporary easement shall become null and void upon the completion of the installation of utility facilities in the easement hereinabove described, and the parties of the first part herein shall hold the property over which the said temporary easement runs free and clear of said temporary easement.

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE Ry DATE 2/15/89



RW 88-136-18, -18A

J.O. 5-77-9

Item 43 (U)

THIS DEED and AGREEMENT, Made this 31st day of January, in the year 1999, between NORMAN LEWIS BRANDT and SHIRLEY BRANDT, his wife, parties of the first part; BALTIMORE COUNTY, MARYLAND, a body corporate and politic, party of the second part; and LAWRENCE G. BUELL, party of the third part.

WHEREAS, the party of the second part desires to construct and maintain sewers, drains, water pipes and other municipal utilities and services in, on, through and across the land hereinafter described, and the parties of the first part are willing to grant such right.

NOW, THEREFORE, in consideration of the premises and the sum of One Dollar, the receipt whereof is hereby acknowledged, the said parties of the first part hereby grant and convey unto Baltimore County, Maryland, a body corporate and politic, its successors and assigns, the right to lay, construct and maintain sewers, drains, water pipes and other municipal utilities and services in, on, through and across the land of the parties of the first part, situate in Baltimore County, State of Maryland, said sewers, drains, water pipes and other municipal utilities and services to be laid in the easement which is described as follows:

Situate in the Eleventh Election District of Baltimore County.

BEING an easement of irregular dimensions across the property of the parties of the first part, said easement containing 0.080 acre (3,470 sq. ft.), more or less, as shown shaded and indicated "DRAINAGE & UTILITY EASEMENT" on Baltimore County Bureau of Land Acquisition Drawing No. RW 88-136-18 and RW 88-136-18A, which are attached hereto and made a part hereof.

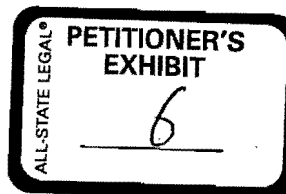
FOR TITLE: See Deed dated May 28, 1959 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3533, folio 613 from Lillie M. Brandt and Ernest P. Brandt, her husband unto Norman Lewis Brandt and Shirley Brandt, his wife.

RECEIVED FOR TRANSFER

RECEIVED FOR TRANSFER TAX
BALTIMORE COUNTY

TRANSFERRED TO BALTIMORE

BALTIMORE COUNTY, MARYLAND

For Jay BugonDATE 2-25-91 BY 11 55A

AFTER RECORDING, PLEASE RETURN TO:
 O'Connor, Hammel & Butler, P.A.
 100 West Road, Suite 215
 Towson, Maryland 21204
 File No. 08-171

**DECLARATION FOR PRIVATE INGRESS, EGRESS,
 MAINTENANCE AND UTILITY EASEMENT
 AND EASEMENT AGREEMENT**

THIS DECLARATION FOR PRIVATE INGRESS, EGRESS, MAINTENANCE AND UTILITY EASEMENT AND EASEMENT AGREEMENT, is made this 22nd day of July, 2008, by CHARLES E. MERRITT, III and JULIE L. MERRITT (hereinafter referred to as the "Declarants").

All references herein are to the Land Records of Baltimore County.

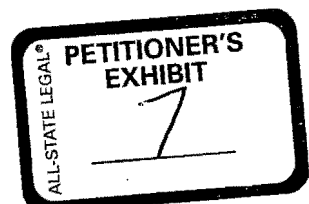
A. Charles E. Merritt, III and Julie L. Merritt were the Grantees, in fee simple, of all that parcel of property more fully described in the Deed dated April 9, 2007 and recorded among the Land Records in Liber SM No. 25550, folio 544 (the "Merritt Property");

B. Joseph J. Bordenski and Noelle E. Bordenski (hereinafter referred to as "Bordenski") are the owners, in fee simple, of all that parcel of property more fully described in the Deed dated April 9, 2007 and recorded among the Land Records in Liber SM No. 25674, folio 282 (hereinafter referred to as "Parcel 137");

C. Charles E. Merritt, III and Julie L. Merritt have obtained approval from Baltimore County for the Minor Subdivision of the Merritt Property into a residential subdivision containing three lots as shown on the plat entitled "Minor Subdivision Plan Whitecliff Lane" as Baltimore County Minor Subdivision Project No. 07048M (the "Minor Subdivision Plan");

D. The Minor Subdivision Plan creates three lots namely (i) Lot 1, the improvements thereon to be known as 8903 Whitecliff Lane, (ii) Lot 2, the improvements thereon to be known as 8905 Whitecliff Lane, and (iii) Lot 3, the improvements thereon to be known as 8907 Whitecliff Lane;

E. As part of the Minor Subdivision Plan, the Declarants are creating a private ingress, egress, maintenance and utility easement for Lots 2 and 3 of the Minor Subdivision Plan and for the benefit of the Parcel 137 in the 24' wide area shown as the "24' Private Ingress, Egress Maintenance & Utility Easement for Lots 2 & 3 and Parcel 137" (the "Easement Area") on the Minor Subdivision Plan;



RETURN TO:

O'Connor, Hammel & Butler, P.A.
100 West Road, Suite 215
Towson, Maryland 21204
File No. 08-171

**DECLARATION FOR MAINTENANCE OF
WHITECLIFF LANE**

THIS DECLARATION FOR MAINTENANCE OF WHITECLIFF LANE is made this 28th day of July, 2008 by CHARLES E. MERRITT and JULIE L. MERRITT, and MATTHEW H. CROW and TINA M. CROW (hereinafter collectively referred to as the "Declarants").

RECITALS

All references herein are to the Land Records of Baltimore County.

A. Charles E. Merritt, III and Julie L. Merritt were the Grantees, in fee simple, of the property known as 8911 Whitecliff Lane by virtue of a Deed dated April 9, 2007 and recorded among the Land Records in Liber SM No. 25550, page 544;

B. Charles E. Merritt, III and Julie L. Merritt obtained approval from Baltimore County for the Minor Subdivision of 8911 Whitecliff Lane as Baltimore County Minor Subdivision Project No. 07-048M into a residential subdivision containing three lots (the "Lots") as shown on the plat entitled "Minor Subdivision Plan Whitecliff Lane," (the "Minor Subdivision Plan");

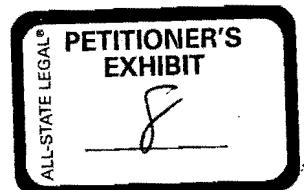
C. Matthew H. Crow and Tina M. Crow are the owners, in fee simple, of Lot 1 as shown on the Minor Subdivision Plan, the improvements thereon to be known as No. 8903 Whitecliff Lane, by virtue of a Deed dated July 10th, 2008 and recorded among the Land Records in Liber SM No. 27265, page 455;

D. Charles E. Merritt and Julie L. Merritt remain the owners of Lot 2 and Lot 3 as shown on the Minor Subdivision Plan;

E. Access from the Declarants' Lots to and from Joppa Road is via Whitecliff Lane, being forty feet (40') wide and more fully described in the Deed recorded in the Land Records at Liber WJR No. 3533, page 613;

F. Declarants desire to provide for repair of any damage done to Whitecliff Lane by construction traffic and/or construction vehicles during the construction of homes on any of Declarants' Lots.

NOW, THEREFORE, the Declarants hereby declare that each of the Lots shall be held, sold and conveyed subject to the following covenants and conditions, which said conditions shall



This Deed, made this 28 day of April, 2007, by and between Laurie Buell Griffie, Personal Representative of the Estate of Lawrence G. Buell, Jr., Grantor; and Joseph J. Bordenski and Noelle E. Bordenski, husband and wife, parties of the second part, Grantee.

Whereas, Lawrence G. Buell, Jr. departed this life on or about November 4, 2006 sized and possessed of the hereinafter described lot of ground and premises; and

Whereas, an Estate for the said Lawrence G. Buell, Jr. was opened in the Office of the Register of Wills for Baltimore County, State of Maryland, as Estate No. 141675, and Laurie Buell Griffie was appointed personal representative of the said Estate; and

Whereas, Laurie Buell Griffie, in her capacity as personal of the Estate has complete and full power and authority by law to grant and convey the entire fee simple interest in the hereinafter described property.

- **Witnesseth** -

That in consideration of the sum of Two Hundred Eighty-Five Thousand And 00/100 Dollars (\$285,000.00), and other good and valuable consideration, the receipt whereof is hereby acknowledged, the said GRANTOR, in her capacity as Personal Representative as the Estate of the Lawrence G. Buell, Jr., does hereby grant and convey to Joseph J. Bordenski and Noelle E. Bordenski, as tenants by the entirety, the survivor of them, and the Personal Representatives, heirs and assigns of the survivor, in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland and described as follows, that is to say:

BEGINNING FOR THE SAME on the East side of Brandt Avenue at the distance of 250 feet southerly from the southeast corner of Brandt Avenue and Joppa Road and running thence binding on the East side of Brandt Ave. as now located 40 feet wide South 3 degrees 05 minutes West 102.78 feet thence leaving Brandt Avenue for a new division line parallel with Joppa Road South 87 degrees 05 minutes East 290.29 feet to intersect the Eastern outline of the whole tract of land of which the land now being described is a part thence running and binding on part of said outline North 7 degrees 23 minutes West 104.46 feet and thence running parallel with Joppa Road North 87 degrees 05 minutes West 271.61 feet to the place of beginning. The improvements thereon being known as No. 8909 Whitecliff Lane.

FOR TITLE SEE THE FOLLOWING:

Deed dated August 27, 1965, and recorded among the Land Records of Baltimore County, Maryland, in Liber 4513, Folio 292, wherein the herein described property was granted and conveyed by John A. Linton and Nancy Linton, his wife unto Lawrence G. Buell (also known as Lawrence G. Buell, Jr.) and Deanna M. Buell, his wife; and

Deed dated October 27, 1976, and recorded as aforesaid in Liber 5694 folio 667, was granted and conveyed by Deanna M. Buell, n/k/a Deanna Buell Gomez, unto Lawrence G. Buell, (also known as Lawrence G. Buell, Jr.). The said Lawrence G. Buell, Jr. departed this life on or about November 4, 2006.