

PLAT NO. 220081120

Bonifant Heights

Located on the west side of New Hampshire Avenue (MD 650), approximately 600 feet north of Cape May Road

R-200 zone; 3 lots

Community Water, Community Sewer

Master Plan Area: Cloverly

Heller Properties, LLC, Applicant

Staff recommends approval of the this minor subdivision plat pursuant to Section **50-35A(a)(5)**, which states as follows:

Plat of Correction. A plat may be recorded under the minor subdivision procedure to correct inaccurate or incomplete information shown on a previously recorded subdivision plat. The plat may correct drafting or dimensional errors on the drawing; failure to include a required note, dedication, easement or other restriction; incorrect or omitted signatures; and/or other information normally required to be shown on a recorded plat. All owners and trustees of the land affected by the correction must sign the revised plat. In addition, the plat of correction must clearly identify the original plat that is being replaced and contain a note identifying the nature of the correction.

Staff applied the above-noted minor subdivision criteria for this property and concludes that the proposed subdivision complies with the criteria of Section 50-35A(a)(5) of the subdivision regulations and supports this minor subdivision record plat.

I HEREBY CERTIFY THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF THE PLAN SHOWN HEREIN IS CORRECT; THAT IT IS A SUBDIVISION OF THAT PORTION OF SECTION 30-24-6A(1) OF THE MONTGOMERY COUNTY CODE, PREVIOUSLY KNOWN AS LOT NUMBER 23434, ALL AMONG THE LAND RECORDS OF HERTFORD TOWNSHIP AND IN PLACE AS DELINEATED THEREON IN ACCORDANCE WITH THE PROVISIONS OF SECTION 30-24-6A(1) OF THE MONTGOMERY COUNTY CODE.

LAND, MORE OR LESS, OF WHICH IS DEDICATED TO PUBLIC USE.

2-6-2008

DATE RUSSELL E. REESE, REGISTERED PROFESSIONAL LAND SURVEYOR MD No. 11014

ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS, AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN OR OTHER PLAN ALLOWING DEVELOPMENT OF THIS PROPERTY APPROVED BY THE MONTGOMERY PLANNING BOARD ARE INTENDED TO SURVIVE AND NOT BE EXTINGUISHED BY THE RECORDATION OF THIS PLAN UNLESS EXPRESSLY CONTEMPLATED BY THE PLAN AS APPROVED. THE OFFICIAL PUBLIC FALS FOR ANY SUCH PLAN ARE MAINTAINED BY THE PLANNING BOARD AND ARE AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.

THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND USE, NOR EVERY MATTER RESTRICTING THE OWNERSHIP AND USE, OF THE PROPERTY. THE SUBDIVISION RECORD PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DEPICT OR NOTE ALL MATTERS AFFECTING TITLE.

THE PROPERTY SHOWN HEREON IS SUBJECT TO THE REQUIREMENTS OF THE MONITORING ACT AND THE COUNTY FOREST CONSERVATION LAW OF 1982, INCLUDING APPROVAL OF A FINAL FOREST CONSERVATION PLAN AND APPROPRIATE AGREEMENTS FOR ISSUANCE OF A SEDIMENT CONTROL PERMIT. A COPY OF THE APPROVED PLAN MAY BE VIEWED AT 8787 GEORGIA AVENUE, SILVER SPRING, MARYLAND.

THE PROPERTY SHOWN HEREON IS
SUBJECT TO AN OFF-SITE FOREST
CONSERVATION EASEMENT, INCLUDING AN
EASEMENT AGREEMENT RECORDED AMONG
THE LAND RECORDS OF MONTGOMERY COUNTY,
MARYLAND, IN LIBER 29897 AT FOLIO 217.

FOR PUBLIC WATER SUPPLY & SEWAGE SYSTEMS ONLY.

THE EXISTING TEMPORARY PEDESTRIAN EASEMENT SHALL BE EXTINGUISHED UPON THE CONSTRUCTION OF A PUBLIC SIDEWALK ALONG OLD BONFANT ROAD TO WHERE IT INTERSECTS WITH NEW HAMPSHIRE AVENUE.

THIS PLAT CONFORMS WITH THE REQUIREMENTS FOR MINOR SUBDIVISION APPROVALS IN SECTION 50-35A OF THE TOWN OF GAITHERSBURG COUNTY SUBDIVISION REGULATIONS.

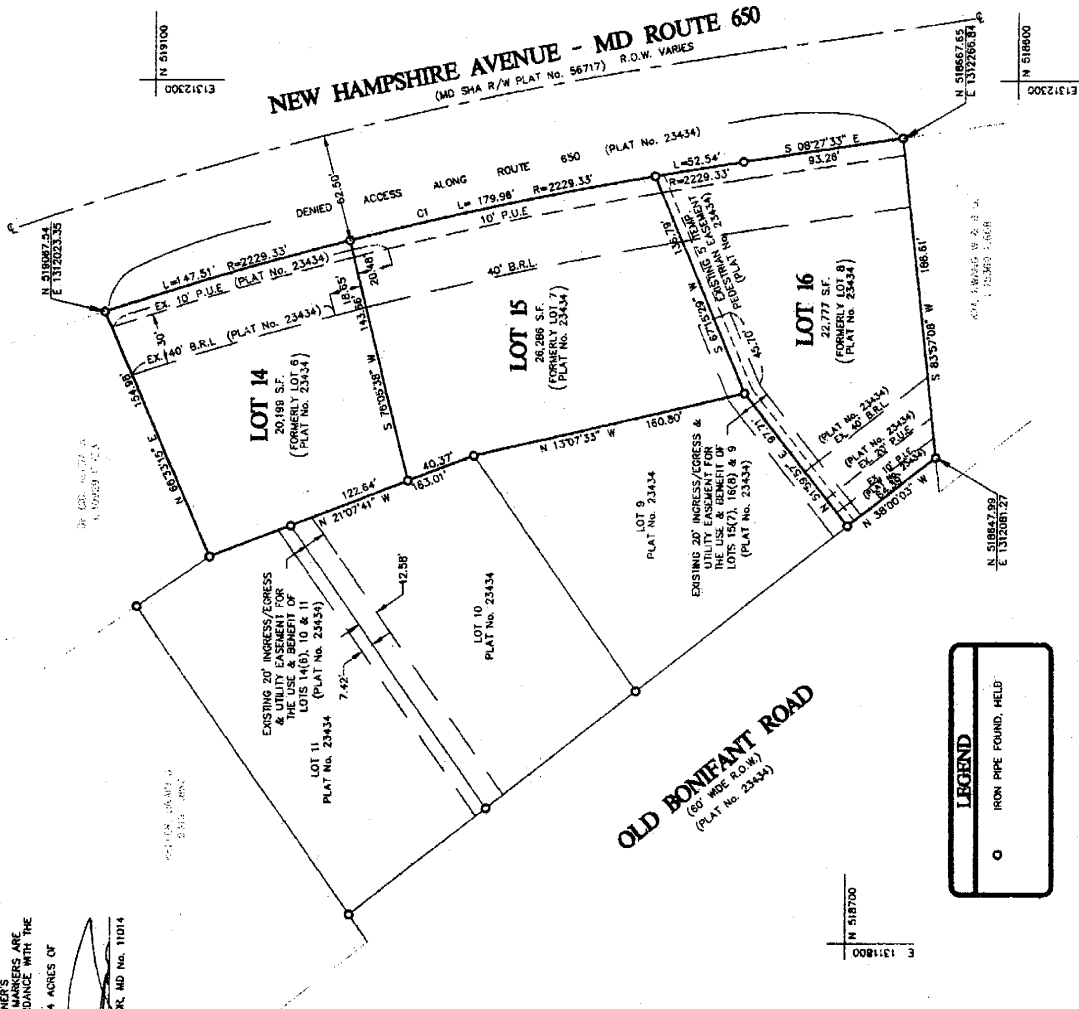
SECTION 50-35(A)(a)(5).

TOTAL NUMBER OF LOTS = 3
TOTAL NUMBER OF PARCELS = 0
TOTAL AREA OF LOTS = 69,262 SQUARE FEET OR 1.59004 ACRES
TOTAL AREA OF PLAT = 69,262 SQUARE FEET OR 1.59004 ACRES

LEGEND

○ IRON PIPE FOUND, HELD

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD BEARING	CHORD DISTANCE
C1	380.01	2229.33	09°46'00"	190.47	S 13°20'33" E	378.55



WE, HELLER PROPERTIES LLC, OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, DO HEREBY ADOPT THIS PLAN OF SUBDIVISION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES AND GRANT SLOPE EASEMENTS TO THE ADJACENT PROPERTY TO THE NORTH, SOUTH, EAST AND WEST, TO THE DISTANCE OF FORTY (40) FEET FOR THE CONSTRUCTION, RECONSTRUCTION AND MAINTENANCE OF A PUBLIC ROAD. SLOPE EASEMENTS SHALL BE MAINTAINED BY THE APPLICABLE PUBLIC AGENCIES FOR THE MAINTENANCE OF THE ROAD.

WE FURTHER GRANT PUBLIC UTILITY EASEMENTS, SHOWN HEREON AS 10' P.U.E. TO THOSE PARTIES NAMED IN THE DOCUMENT ENTITLED, "DECLARATION OF EASEMENTS AND RIGHTS OF WAY", DATED 12/15/2011, AND RECORDED IN LIBER 30324 AT FOLIO 427 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.

WE WILL GRANT EASEMENTS TO THE PARTIES WHO DO NOT SO REQUIRE, IN ACCORDANCE WITH SECTION 30-224(a) OF THE MONTGOMERY COUNTY CODE. THERE SHALL BE NO EASEMENTS TO THE MONTGOMERY COUNTY CODE FOR THOSE AREAS NOT SHOWN AS 10' P.U.E. AT LAW, LEASES, LOANS, MORTGAGES OR TRUSTS AFFECTING THE PROPERTY SHOWN HEREON, EXCEPT AS INDICATED BY THE PLAN AND THE PARTIES OF INTEREST THEREIN HERON, IN THEIR OWN ASSSENT.

ATTEST	2/19/08	DATE	Israel Heller, Trustee
			ISRAEL HELLER, TRUSTEE
WITNESS	2/19/08	DATE	Zelda Heller, Trustee
			ZELDA HELLER, TRUSTEE

THE PURPOSE OF THIS PLAT IS TO CORRECT THE BUILDING RESTRICTION LINES PREVIOUSLY SHOWN ON PLAT 2331A. THE RESERVATION AREA SHOWN ON PLAT 2331A IS NO LONGER REQUIRED BY THE MARYLAND STATE HIGHWAY ADMINISTRATION (PAPER DATED NOVEMBER 15, 2007) AND THE ASSOCIATED BUILDING RESTRICTIONS ARE BEING MODIFIED ACCORDINGLY TO BE IN COMPLIANCE WITH THE MONTGOMERY COUNTY ZONING ORDINANCE.

LOTS 14 - 16
FORMERLY LOTS 6 - 8

ELECTION DISTRICT NO. 5
MONTGOMERY COUNTY, MARYLAND
DECEMBER, 2007 SCALE: 1" = 50'

MADDOX
TWO DOLLAR A SHIRT

ENGINEERS • SURVEYORS

100 PARK AVENUE
ROCKVILLE, MARYLAND 20850-2899
(301) 762-9001 44200X PROJ. 03042
0104262

208112

DIRECTOR

N.C.P. & P.C. RECORD FILE NO.

5 M.

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RECORD PLAT FOR MINOR SUBDIVISION REVIEW SHEET

(This form contains 3 pages)

Plat Name: Bonifant Heights Plat Number: 220081120
Plat Submission Date: 12-20-07
DRD Plat Reviewer: S. Smith
DRD Prelim Plan Reviewer: N/A

*For category of minor see pages 2 and 3

Initial DRD Review:

Pre-Preliminary Plan No. _____ Checked: Initial _____ Date _____
Preliminary Plan No. _____ Checked: Initial _____ Date _____
Planning Board Opinion - Date _____ Checked: Initial _____ Date _____
Site Plan Name if applicable: _____ Site Plan Number: _____
Planning Board Opinion - Date _____ Checked: Initial _____ Date _____

Lot # & Layout ☒ Lot Area ☒ Zoning ☒ Bearings & Distances ☒ Coordinates ☒
Plan # ☒ Road/Alley Widths ☒ Easements ☒ Open Space N/A Non-standard
BRLs OK Adjoining Land ☒ Vicinity Map ☒ Septic/Wells N/A
TDR notes N/A Child Lot note N/A Surveyor Cert ☒ Owner Cert ☒ Tax Map OK
SPA N/A

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	J. Rana	12/24/07	1/18/08	1/29/08	No Revisions
Research	Bobby Fleury			1-2-08	OK
SHA	Doug Mills				
PEPCO	Steve Baxter				
Parks	Doug Powell				
DRD	Nellie Carey			1-10-08	Addressing Access OK

Final DRD Review:

DRD Review Complete:

(All comments rec'd and incorporated into mark-up)

Engineer Notified (Pick up Mark-up):

Final Mylar w/Mark-up & PDF Rec'd:

Board Approval of Plat:

Plat Agenda:

Planning Board Approval:

Chairman's Signature:

DPS Approval of Plat:

Engineer Pick-up for DPS Signature:

Final Mylar for Reproduction Rec'd:

Plat Reproduction:

Addressing:

File Card Update:

Final Zoning Book Check:

Update Address Books with Plat #:

Update Green Books for Resubdivision:

Notify Engineer to Seal Plats:

Engineer Seal Complete:

Complete Reproduction:

Sent to Courthouse for Recordation:

Initial

SSS

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No. _____

RECORD PLAT REVIEW SHEET – MINOR SUBDIVISION SEC-50-35A

Select which Category of Minor Subdivision and fill information as required

Requirements under Sec 50-35A (A)

(1) Minor Lot Adjustment

- a) Total area does not exceed 5% of combined area affected: _____
- b) No additional lots created: _____
- c) Adjusted line is approximately parallel/does not significantly change shape of the lots: _____
- d) Date sketch plan submitted: _____
- e) Sketch plan revised or denied within 10 business days: _____
- f) Final record plat submitted within ninety days: _____
- g) Sketch shows following information:
 - i. proposed lot adjustment: _____
 - ii. physical improvements within 15 feet of adjusted line: _____
 - iii. alteration to building setback: _____
 - iv. amount of lot area affected: _____

(2) Conversion of Outlot into a Lot

- a) Outlot not required for open space or otherwise constrained: _____
- b) Adequate sewerage and water service/public or private: _____
- c) Adequate public facilities and AGP satisfied: _____
- d) Any conditions/agreements of original subdivision: _____
- e) Special Protection Area, Water Quality Plan required: _____

(3) Consolidation Of Two of More Lots

- a) Any prior subdivision conditions: _____
- b) Part of lot created by deed prior to June 1 1958: _____

(4) Further Subdivision of Commercial/Industrial/Multi-Family Lot

Any subdivision/conditions; APF agreement satisfied: _____

(5) Plat of Correction

- a) All owners and trustees signed: _____ *ok*
- b) Original Plat identified: _____ *ok*

(6) Plats for Residentially Zoned Parcels Created by Deed prior to June 1958

- a) Deed(s) submitted: _____
- b) Developable with only one single family detached unit: _____

(7) Plat for Existing Places of Worship, Private Schools, Country Club, Private Institution, and Similar Uses located on Unplatted Parcels

- a) Adequate Public Facilities satisfied: _____
- b) Street dedication required: _____
- c) Forest conservation: _____
- d) Storm water management: _____
- e) Special Protection Area/Water Quality Plan: _____
- f) Landscaping and lighting plan including parking lot layout: _____

g) Approved Special Exception:

(8) Plats for Certain Residential Lots in the RDT Zone; 5 Lot Maximum

a) Number of Lots:

b) Written MCDPS approval of proposed septic area:

c) Required street dedication:

d) Easement for balance of property noting density and TDRS:

e) Average lot size of 5 acres:

f) Forest Conservation requirements met:
