




MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION


MCPB
Item # 1B
7-30-2015

MEMORANDUM

DATE: July 17, 2015

TO: Montgomery County Planning Board

VIA: Catherine Conlon, Supervisor 
D.A.R.C. Division
(301) 495-4542

FROM: Stephen Smith, Senior Planner 
D.A.R.C. Division
(301) 495-4522

SUBJECT: Informational Maps and Summary of Record Plats for the Planning Board
Agenda for July 30, 2015

The following record plats are recommended for APPROVAL, subject to the appropriate conditions of approval of the preliminary plan and site plan, if applicable, and conditioned on conformance with all requirements of Chapter 50 of the Montgomery County Code. Attached are specific recommendations and copies of plan drawings for the record plat. The following plats are included:

220120040 – 220120060, 220120510 Greentree Farm
220150670 Sligo Park Hills, Section 7

Plat Name: Greentree Farm
Plat #: 220120040 – 220120060, 220120510

Location: Located on the east and west sides of Peach Tree Road, approximately 2000 feet south of Whites Store Road, and approximately 1600 feet north of Moore Road, respectively.

Master Plan: Agriculture and Rural Open Space Master Plan

Plat Details: AR (formerly RDT) zone; 24 lots
Private Well and Private Septic

Owner: Balsamah Corporation, N.V.

The subdivision plat has been reviewed by M-NCPPC staff and staff has determined that the plats comply with Preliminary Plan No. 120090110 (MCPB Resolution No. 10-129), as approved by the Board, and that any minor modifications reflected on the plats do not alter the intent of the Board's previous approval of the aforesaid plan.

Correspondence received regarding Planning Board consideration of Plats

Staff notes for the Board that correspondence was received from Mr. Allan Noble of Budow and Noble, P.C. representing Equestrian Partners in Conservation (EPIC), concerning the establishment of a trail easement upon property included in the Preliminary Plan. In his letter, dated November 10, 2014, he has requested that the Board's consideration of subject plats be set for a public hearing as opposed to the Consent Agenda.

Additionally, correspondence was received from Mr. Stephen Orens of Miles and Stockbridge, P.C., representing the property owner, dated November 13, 2014. In his letter, he objects to the aforesaid request by EPIC of scheduling a public hearing, and requests that plats be considered on the Board's Consent Agenda.

Both letters are attached herein so as to make the Board aware of the respective requests. It is left to the discretion of the respective Board members as to whether or not to consider the subject plats, and the Staff recommendation of approval, as part of its Consent Agenda.

Attachments:

Proposed Plats

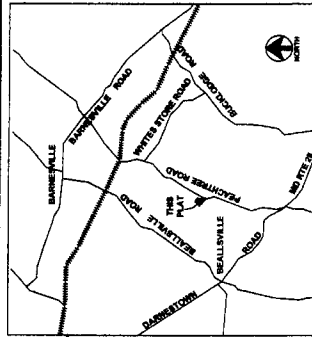
Approved Preliminary Plan

Letter from Budow and Noble, P.C. dated November 10, 2014 (w/ copy of C. Rubin letter dated June 9, 2014)

Letter from Miles & Stockbridge, P.C. dated November 13, 2014

Preliminary Plan Resolution MCPB No. 10-129 (for reference)

Covenant for Equestrian Trail (for reference)



VICINITY MAP

1" = 200'

OWNER'S CERTIFICATION

The undersigned, owners of the property shown hereon, hereby adopt this plat of subdivision, dedicate the streets shown hereon to the public use...

There are no suits, mortgages, leases, liens or trust affecting the subject property.

BALSAMAH CORPORATION, NV

Witness: David W. Miller, Katherine S. Seaton, Attorney at Law for BALSAMAH CORPORATION, NV

SURVEYOR'S CERTIFICATION

I hereby certify that the plat shown hereon is correct; that it is a subdivision of part of the land described in a deed from The Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the U.S.A. and Ruth McCormick Tankersley to Malsama Corporation N.V. (now known as Balsamah Corporation, N.V.), dated May 23, 1980...

Thomas A. Maddox, Registered Professional Land Surveyor, MD #10850, EXPIRES 4/3/2016

SUBDIVISION RECORD PLAT LOTS 1-5 GREENTREE FARM ELECTION DISTRICT II MONTGOMERY COUNTY, MARYLAND SCALE 1" = 100' JUNE 2015

THOMAS A. MADDOX PROFESSIONAL LAND SURVEYOR 8933 SHADY GROVE COURT GAITHERSBURG, MARYLAND 20877 (301) 984-5804

PLAT NO. E 1204500



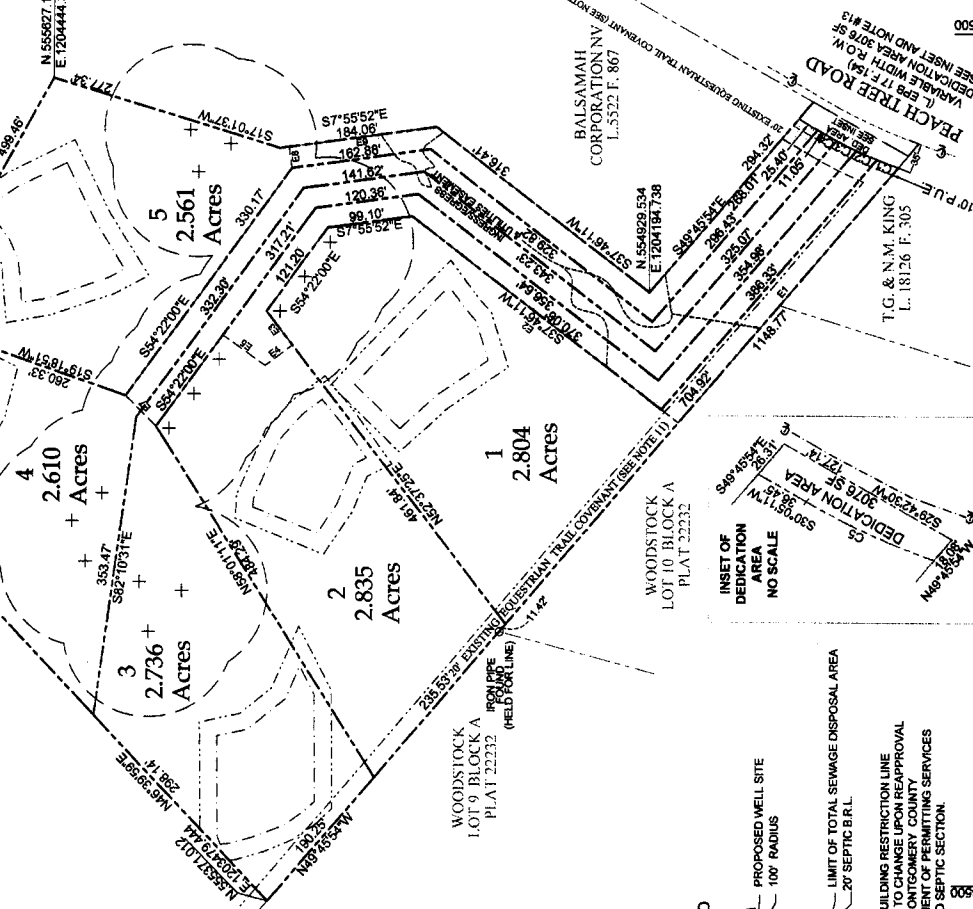
CURVE TABLE with columns: C, BEARING, H. DIST, RADIUS, ARC, DELTA

PLAT TOTALS with columns: NUMBER OF LOTS, AREA OF LOT, AREA OF DEDICATION, TOTAL AREA SHOWN ON PLAT

INGRESS/EGRESS & UTILITIES EASEMENT

Table with columns: LINE, BEARING, H. DIST, RADIUS, AREA

BALSAMAH CORPORATION, NV L. 5522 F. 867

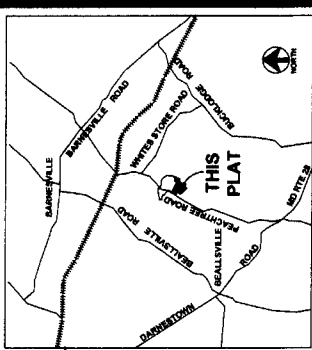


LEGEND

- PROPOSED WELL SITE 100' RADIUS
LIMIT OF TOTAL SEWAGE DISPOSAL AREA
SEPTIC BUILDING RESTRICTION LINE SUBJECT TO CHANGE UPON REAPPROVAL...

NOTES: 1. PROPERTY ZONED AS (FORMERLY) R01 AT DATE OF RECORDATION... 2. THIS PLAT IS LIMITED TO THE USES AND CONDITIONS AS REQUIRED BY PRELIMINARY PLAN NO. 12099110... 3. LOTS TO BE SHOWN BY PRIVATE WELL AND ON-SITE SEWAGE DISPOSAL SYSTEMS... 4. THE PROPERTY SHOWN HEREON IS SUBJECT TO THE REQUIREMENTS OF THE MONTGOMERY COUNTY FOREST CONSERVATION LAW... 5. ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS, AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, OR PLANNING BOARD APPROVED... 6. AGRICULTURE IS THE PREFERRED USE IN THE A1 (FORMERLY) RURAL DENSITY TRANSFER ZONE... 7. PROPERTY FOUND ON MONTGOMERY COUNTY TAX MAP C1... 8. THE REMAINDER OF THE PARCEL TRACT (L 5522 F. 867) FOR THIS SUBDIVISION IS SUBJECT TO A RESTRICTIVE COVENANT... 9. AGRICULTURE IS THE PREFERRED USE IN THE A1 (FORMERLY) RURAL DENSITY TRANSFER ZONE... 10. SEWAGE DISPOSAL AREAS ON LOTS 1, 2 & 5 ARE APPROVED FOR 5 BEDROOM 4 BATHROOM HOUSES... 11. THE EXISTING EQUESTRIAN TRAIL WAS ESTABLISHED BY A DECLARATION OF COVENANT... 12. ONE DEVELOPMENT RIGHT REMAINS AVAILABLE PER LOT... 13. THIS DEDICATION IS SUBJECT TO WHETHER RIGHTS MONTGOMERY COUNTY OBTAINED BY AN ACT OF THE GENERAL ASSEMBLY... 14. THE FOLLOWING NOTES COMPLY WITH CONDITION NUMBER 3 OF MDCR RESOLUTION NO. 10199 APPROVING PRELIMINARY PLAN NO. 12099110... 15. THE LOCATION OF AN EQUESTRIAN TRAIL FOR USE BY THE GENERAL PUBLIC AS SHOWN ON THE PLANNING BOARD APPROVED PRELIMINARY PLAN... 16. THIS TRAIL IS ON PRIVATE PROPERTY AND ANY ACTIVITY OUTSIDE OF THE BOUNDARIES OF THE TRAIL IS ON PRIVATE PROPERTY... 17. THE TRAIL USE OF THE EQUESTRIAN TRAIL IS ALSO SUBJECT TO THE PROVISIONS AND CONDITIONS OF THE EQUESTRIAN TRAIL AND IN ACCORDANCE WITH THE MONTGOMERY COUNTY NATURAL RESOURCES ARTICLE... 18. THE EQUESTRIAN TRAIL SHALL BE POSTED WITH A NOTICE LISTING USE RESTRICTIONS AT LOCATIONS APPROVED BY THE PLANNING DEPARTMENT.

Approval form with fields for PLAT, DATE, APPROVED (with signature), DIRECTOR, CHAIRMAN, ASST. SECRETARY-TREASURER, M.N.C.P. & P.C. RECORD FILE NO.



OWNER'S CERTIFICATION
 1" = 2000'

The undersigned, owners of the property shown hereon, hereby adopt this plat of subdivision, dedicate the streets shown hereon to the public use. Establish slope easements adjacent to Greentree Farm Drive to the 50' front building restriction line. Said Slope easement to be extinguished after all improvements to the public right of way have been completed and accepted for maintenance by Montgomery County. Grants the Category 1 Conservation Easements as shown hereon in accordance with a document entitled, "Conservation Easement Agreement, Category 1" as recorded in Liber 13179 at Folio 412 among the land records of Montgomery County, Maryland. Grant 4' Public Improvements Easements shown hereon and designated as P.I.E. to the parties listed and with the terms and provisions being set forth in a certain document entitled "Declaration of Public Improvements Easement(s)", and recorded among the land records of Montgomery County, Maryland in Liber 4965 at Folio 246, which said easement provisions are incorporated by this reference. The undersigned also grants the Public Utility Easements (P.U.E.) as shown hereon to the utility companies named in a document entitled "Terms and Provisions of Public Utility Easement" as recorded in Liber 3824 at Folio 47, and as shown to Montgomery County Department of Fire and Rescue. The owner will cause all property markers and any other required monuments to be set by a registered Maryland Land Surveyor, in accordance with Section 90-24(e) of the Montgomery County Code.

There are no suits, mortgages, leases, liens or trust affecting the subject property.

BALSAMAH CORPORATION, NV
 Date 6-25-15 *David W. Miller*
 Witness *Katharine S. Sexton*
 BALSAMAH CORPORATION, NV

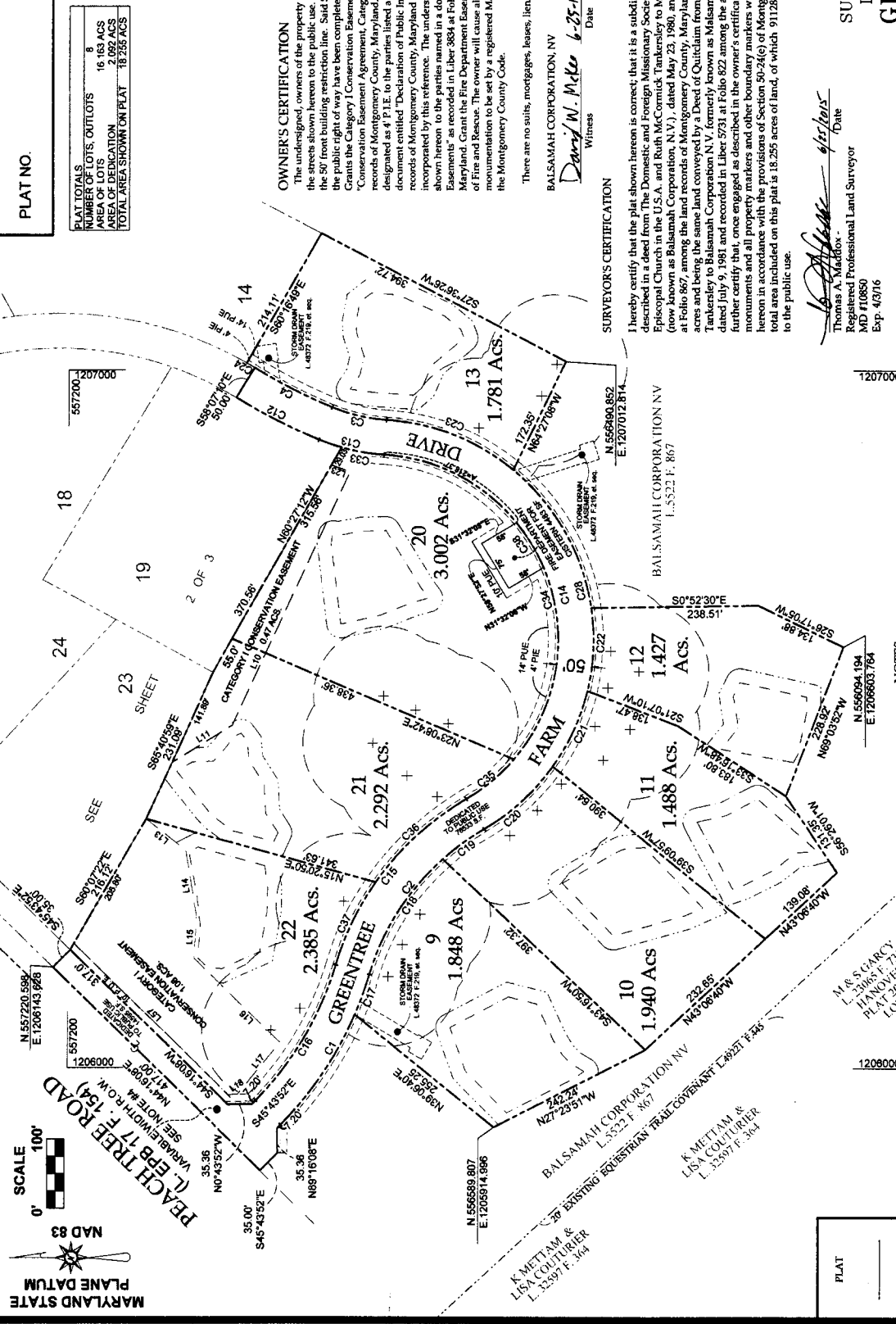
SURVEYOR'S CERTIFICATION

I hereby certify that the plat shown hereon is correct; that it is a subdivision of part of the land described in a deed from The Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the U.S.A. and Ruth McCormick Tankersley to Malsama Corporation NV (now known as Balsamah Corporation, N.V.), dated May 23, 1980, and recorded in Liber 5922 at Folio 867, among the land records of Montgomery County, Maryland containing 840.1322 acres and being the same land conveyed by a Deed of Quitclaim from Ruth McCormick Tankersley to Balsamah Corporation N.V. formerly known as Malsama Corporation N.V. dated July 9, 1981, and recorded in Liber 5731 at Folio 822 among the aforesaid land records. I further certify that, once engaged as described in the owner's certification hereon, all monuments and all property markers and other boundary markers will be set as delineated hereon in accordance with the provisions of Section 90-24(e) of Montgomery County Code. The total area included on this plat is 18,255 acres of land, of which 91128 square feet is dedicated to the public use.

Thomas A. Maddox
 Registered Professional Land Surveyor
 MD #10850
 Exp. 4/3/16

SUBDIVISION RECORD PLAT
 LOTS 9-13 and 20-22
GREENTREE FARM
 ELECTION DISTRICT 11
 MONTGOMERY COUNTY, MARYLAND
 SCALE 1" = 100' JUNE 2015

THOMAS A. MADDOX
 PROFESSIONAL LAND SURVEYOR
 8933 SHADY GROVE COURT
 GAITHERSBURG, MARYLAND 20877
 (301) 984-5804



LEGEND

PROPOSED WELL SITE
 100' RADIUS

LIMIT OF TOTAL SEWAGE DISPOSAL AREA
 20' SEPTIC B.I.R.

SEPTIC BUILDING RESTRICTION LINE
 SUBJECT TO CHANGE UPON REAPPROVAL
 BY THE MONTGOMERY COUNTY
 DEPARTMENT OF PERMITTING SERVICES
 WELL AND SEPTIC SECTION.

NOTES

1. THIS PLAT REPRESENTS SHEET 1 OF 3 AND DOES NOT CONSTITUTE THE ENTIRE SUBDIVISION IS SUBJECT. SEE SHEETS 2 AND 3 FOR ADDITIONAL INFORMATION.

2. THIS PLAT IS LIMITED TO THE USES AND CONDITIONS AS REQUIRED BY PRELIMINARY PLAN NO. 120690110, MCTB RESOLUTION NO. 10-159, DATED 9/28/10.

3. THE REMAINDER OF THE PARENT TRACT (L-532 P. 867) FOR THIS SUBDIVISION IS SUBJECT TO A RESTRICTIVE COVENANT RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN LIBER 4968 AT FOLIO 244 PERTAINING TO DENSITY UPON THE ENTIRETY OF THE 840.1322 ACRES INCLUDED IN PRELIMINARY PLAN 120690110.

4. THE PORTION OF THE DEDICATION WITHIN PEACH TREE ROAD IS SUBJECT TO WHATEVER RIGHTS MONTGOMERY COUNTY OBTAINED BY AN ACT OF THE GENERAL ASSEMBLY AND RECORDED THE 20TH OF JANUARY, 1924 IN LIBER 237 FOLIO 154 AND 159.

5. PROPERTY FOUND ON MONTGOMERY COUNTY TAX MAP CU.

MARYLAND STATE
 PLANE DATUM
 NAD 83
 SCALE 1" = 100'

MONTGOMERY COUNTY
 DEPARTMENT OF PERMITTING SERVICES

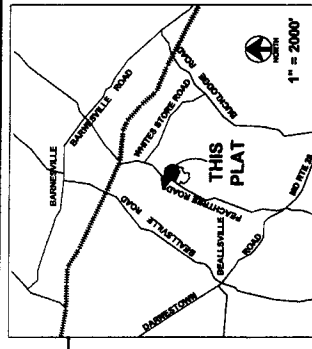
APPROVED: 6-29-2015 DATE
Andriana M. ... DIRECTOR

THE MARYLAND-NATIONAL CAPITAL
 PARK AND PLANNING COMMISSION
 MONTGOMERY COUNTY PLANNING BOARD

APPROVED: _____ DATE _____

CHAIRMAN ASST.-SECRETARY-TREASURER
 M.N.C.P. & P.C. RECORD FILE NO. _____

PLAT _____
 DATE _____

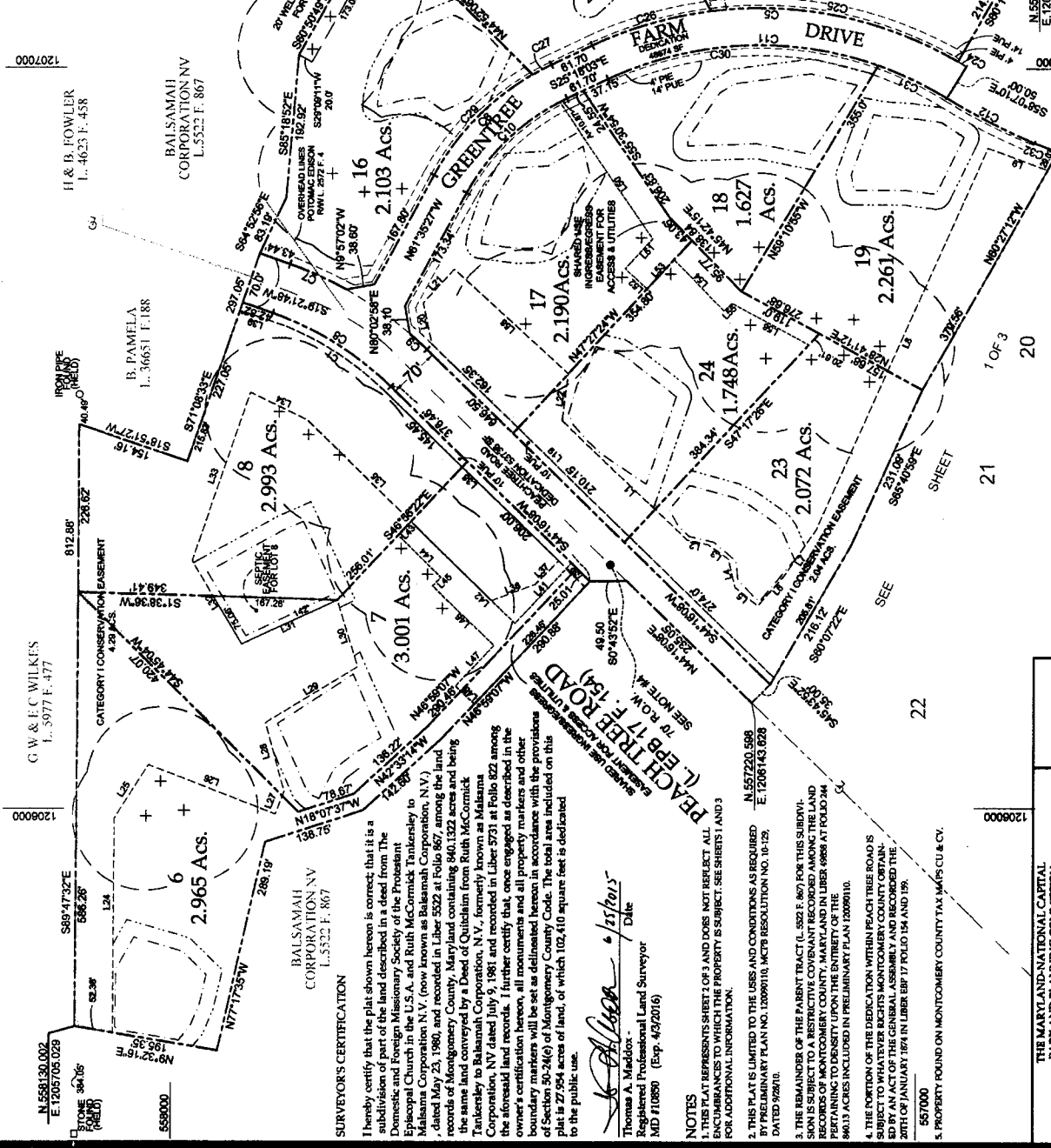
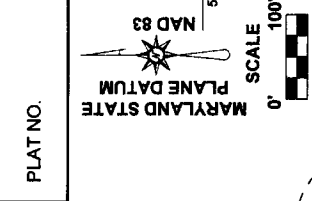


OWNER'S CERTIFICATION
 The undersigned, owners of the property shown hereon, hereby adopt this plat of subdivision, dedicate the streets shown hereon to the public use, establish slope easements adjacent to Greentree Farm Drive to the 50' front building restriction line. Said Slope easement to be completed and accepted for maintenance by Montgomery County. Grant the Category I Conservation easements as shown hereon in accordance with the Maryland Conservation Easement Agreement, Category I as recorded in Folio 417 among the land records of Montgomery County, Maryland. Grant 4 Public Utility Easements shown hereon and described as follows: (1) Public Utility Easement (P.U.E.) as shown hereon to the parties listed and with the terms and provisions appearing in the deed recorded among the land records of Montgomery County, Maryland in Liber 4988 at Folio 248, which said terms and provisions are incorporated by this reference. The undesignated also grants the public utility easements (P.U.E.) as shown hereon to the parties named in a document entitled "Terms and Provisions of Public Utility Easements" as recorded in Liber 3884 at Folio 457 among the land records of Montgomery County, Maryland. The undesignated further grants (1) the ingress/egress and Utility Easement(s) shown hereon to the owners of Lots 6, 7, 8, 17, 18, 19, 23 and 24, their successors and assigns, (2) Septic Easement shown hereon to the owner of Lot 8 their successors and assigns, (3) Well Easement shown hereon to the owner of the Lot 15 their successors and assigns. The owner will cause all property corner markers and any other required monumentation to be set by a registered Maryland Land Surveyor, in accordance with Section 50-24(e) of the Montgomery County Code.

There are no suits, mortgages, leases, liens or trust affecting the subject property.
 Dated this 15th day of June, 2015.
 Thomas A. Maddox, Surveyor
 Witness: David W. Miller, Esq., Attorney in Fact for BALSAMAH CORPORATION, NV

SUBDIVISION RECORD PLAT
LOTS 6-8, 14-19, 23 & 24
GREENTREE FARM
 ELECTION DISTRICT 11,
 MONTGOMERY COUNTY, MARYLAND
 SCALE 1" = 100' JUNE 2015

THOMAS A. MADDOX
 PROFESSIONAL LAND SURVEYOR
 9833 SHADY GROVE COURT
 GAITHERSBURG, MARYLAND 20877
 (301) 984-5804



PLAT TOTALS	11
NUMBER OF LOTS	25,603 ACS
AREA OF LOTS	27,384 ACS
TOTAL AREA SUBJECT TO EASEMENT	27,384 ACS
TOTAL AREA SHOWN ON PLAT	27,384 ACS

MONTGOMERY COUNTY
 DEPARTMENT OF PERMITTING SERVICES
 APPROVED: *[Signature]* DATE: 6-29-2015
 DIRECTOR

SURVEYOR'S CERTIFICATION
 I hereby certify that the plat shown hereon is correct, that it is a subdivision of part of the land described in a deed from The Episcopal Church in the U.S.A. and Ruth McCormick Danksley to Balsamah Corporation, NV, dated May 23, 1980, and recorded in Liber 3522 at Folio 322 among the land records of Montgomery County, Maryland, and being the same land conveyed by a Deed of Conveyance from Ruth McCormick Danksley to Balsamah Corporation, NV, dated July 9, 1981 and recorded in Liber 3751 at Folio 822 among the aforesaid land records. I further certify that I am duly sworn and duly qualified as a Registered Professional Land Surveyor, and all property markers and other boundary markers will be set as delineated hereon, with the provisions of Section 50-24(a) of Montgomery County Code. The total area included on this plat is 27,984 acres of land, of which 102,410 square feet is dedicated to the public use.

NOTES
 1. THIS PLAT REPRESENTS SHEET 2 OF 3 AND DOES NOT REFLECT ALL ENCUMBRANCES TO WHICH THE PROPERTY IS SUBJECT. SEE SHEETS 1 AND 3 FOR ADDITIONAL INFORMATION.
 2. THIS PLAT IS LIMITED TO THE USES AND CONDITIONS AS REQUIRED BY PRELIMINARY PLAN NO. 12069010, MCTP RESOLUTION NO. 10-129, DATED 9/28/10.
 3. THE REMAINDER OF THE PARCEL TRACT (L. 629 F. 629 FOR THIS SUBDIVISION IS SUBJECT TO A RESTRICTIVE COVENANT RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN LIBER 8989 AT FOLIO 244 PERTAINING TO DENNY UPON THE ENTIRETY OF THE 960.13 ACRES INCLUDED IN PRELIMINARY PLAN 12069010.
 4. THE PORTION OF THE CERTIFICATION WITHIN BEACH TREE ROAD IS SUBJECT TO WHATEVER RIGHTS MONTGOMERY COUNTY MAY CLAIM, AS SET BY AN ACT OF THE GENERAL ASSEMBLY AND RECORDED THE 20TH OF JANUARY 1874 IN LIBER BPP 17 FOLIO 154 AND 159.
 5. PROPERTY FOUND ON MONTGOMERY COUNTY TAX MAPS C & C.V.

PLAT NO. 1207000
MARYLAND STATE PLANE DATUM NAD 83
 SCALE 100'

PLAT TOTALS
 NUMBER OF LOTS 11
 AREA OF LOTS 25,603 ACS
 TOTAL AREA SUBJECT TO EASEMENT 27,384 ACS
 TOTAL AREA SHOWN ON PLAT 27,384 ACS

PLAT NO. 1207000
MARYLAND STATE PLANE DATUM NAD 83
 SCALE 100'

PLAT NO. 1207000
MARYLAND STATE PLANE DATUM NAD 83
 SCALE 100'

CATEGORY I CONSERVATION EASEMENT LINE TABLE

LINE	BEARING	DIST.
L1	S84°37'54"W	233.36
L2	S12°55'27"W	29.27
L3	S35°42'06"W	32.98
L4	S76°31'20"W	38.05
L5	S48°59'25"E	53.14
L6	S65°26'01"E	76.37
L7	S19°56'27"W	86.10
L8	S35°42'06"W	100.00
L9	S19°56'27"W	100.00
L10	S35°42'06"W	100.00
L11	S19°56'27"W	100.00
L12	S35°42'06"W	100.00
L13	S19°56'27"W	100.00
L14	S35°42'06"W	100.00
L15	S19°56'27"W	100.00
L16	S35°42'06"W	100.00
L17	S19°56'27"W	100.00
L18	S35°42'06"W	100.00
L19	S19°56'27"W	100.00
L20	S35°42'06"W	100.00
L21	S19°56'27"W	100.00
L22	S35°42'06"W	100.00
L23	S19°56'27"W	100.00
L24	S35°42'06"W	100.00
L25	S19°56'27"W	100.00
L26	S35°42'06"W	100.00
L27	S19°56'27"W	100.00
L28	S35°42'06"W	100.00
L29	S19°56'27"W	100.00
L30	S35°42'06"W	100.00
L31	S19°56'27"W	100.00
L32	S35°42'06"W	100.00
L33	S19°56'27"W	100.00
L34	S35°42'06"W	100.00
L35	S19°56'27"W	100.00
L36	S35°42'06"W	100.00
L37	S19°56'27"W	100.00
L38	S35°42'06"W	100.00
L39	S19°56'27"W	100.00
L40	S35°42'06"W	100.00
L41	S19°56'27"W	100.00
L42	S35°42'06"W	100.00
L43	S19°56'27"W	100.00
L44	S35°42'06"W	100.00
L45	S19°56'27"W	100.00
L46	S35°42'06"W	100.00
L47	S19°56'27"W	100.00
L48	S35°42'06"W	100.00
L49	S19°56'27"W	100.00
L50	S35°42'06"W	100.00
L51	S19°56'27"W	100.00
L52	S35°42'06"W	100.00
L53	S19°56'27"W	100.00
L54	S35°42'06"W	100.00
L55	S19°56'27"W	100.00
L56	S35°42'06"W	100.00

INGRESS/EGRESS AND UTILITY EASEMENT LINE TABLE

LINE	BEARING	DIST.
L41	N46°59'07"W	111.00
L42	N41°19'58"E	196.09
L43	N46°59'07"W	25.27
L44	S44°16'09"W	81.46
L45	S44°16'09"W	115.00
L46	S44°16'09"W	115.00
L47	N46°59'07"W	75.00
L48	S43°00'53"W	35.00
L49	S65°30'54"W	223.42
L50	S43°00'53"W	40.00
L51	S47°52'56"W	26.00
L52	S47°52'56"W	56.61
L53	S45°42'15"W	96.83
L54	S44°17'45"E	15.00
L55	S44°17'45"E	15.00
L56	S26°41'12"W	117.00

MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES

APPROVED: 6-29-2015 DATE

Scott M. Moore, Jr. D.J. DIRECTOR

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION MONTGOMERY COUNTY PLANNING BOARD

APPROVED: _____ DATE _____

CHAIRMAN ASST. SECRETARY-TREASURER

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

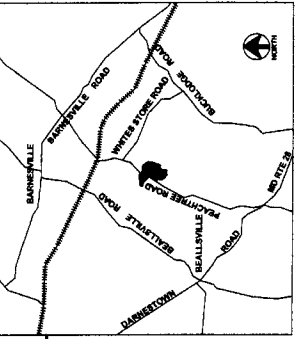
OWNER'S CERTIFICATION

The undersigned, owners of the property shown herein, hereby adopt this plat of subdivision. There are no suits, mortgages, leases, liens or trust affecting the subject property.

David W. Meko 6-25-15 Date
Katherine S. Sexton Attorney in Fact
 for BALSAMAH CORPORATION, NV

CURVE TABLE

C	BEARING	CHORD	RADIUS	ARC	DELTA
C1	S59°44'09"E	246.26	515.07	281.76	28°00'33"
C2	S43°37'54"W	246.26	515.07	281.76	28°00'33"
C3	N17°54'42"E	78.81	244.59	80.17	16°46'47"
C4	N65°53'20"E	126.92	375.00	126.92	31°49'44"
C5	N42°03'49"E	216.32	527.32	216.32	36°17'22"
C6	N24°27'21"E	311.93	505.00	311.93	37°19'01"
C7	N42°03'49"E	185.18	307.32	185.18	36°17'22"
C8	S43°29'45"W	185.18	307.32	185.18	36°17'22"
C9	S28°52'23"W	132.96	425.00	132.96	17°44'42"
C10	S17°54'42"W	86.17	284.59	86.17	16°46'47"
C11	S35°42'06"W	224.00	465.00	224.00	28°00'33"
C12	S19°56'27"W	224.00	465.00	224.00	28°00'33"
C13	S35°42'06"W	185.18	307.32	185.18	36°17'22"
C14	S19°56'27"W	185.18	307.32	185.18	36°17'22"
C15	S35°42'06"W	132.96	425.00	132.96	17°44'42"
C16	S19°56'27"W	132.96	425.00	132.96	17°44'42"
C17	S35°42'06"W	86.17	284.59	86.17	16°46'47"
C18	S19°56'27"W	86.17	284.59	86.17	16°46'47"
C19	S35°42'06"W	40.00	100.00	40.00	8°45'18"
C20	S19°56'27"W	40.00	100.00	40.00	8°45'18"
C21	S35°42'06"W	24.00	60.00	24.00	5°15'50"
C22	S19°56'27"W	24.00	60.00	24.00	5°15'50"
C23	S35°42'06"W	14.18	35.45	14.18	3°04'59"
C24	S19°56'27"W	14.18	35.45	14.18	3°04'59"
C25	S35°42'06"W	57.00	142.50	57.00	11°52'37"
C26	S19°56'27"W	57.00	142.50	57.00	11°52'37"
C27	S35°42'06"W	36.00	90.00	36.00	7°10'45"
C28	S19°56'27"W	36.00	90.00	36.00	7°10'45"
C29	S35°42'06"W	20.00	50.00	20.00	4°00'00"
C30	S19°56'27"W	20.00	50.00	20.00	4°00'00"
C31	S35°42'06"W	10.00	25.00	10.00	2°00'00"
C32	S19°56'27"W	10.00	25.00	10.00	2°00'00"
C33	S35°42'06"W	47.42	118.59	47.42	11°52'37"
C34	S19°56'27"W	47.42	118.59	47.42	11°52'37"
C35	S35°42'06"W	28.54	71.64	28.54	7°10'45"
C36	S19°56'27"W	28.54	71.64	28.54	7°10'45"
C37	S35°42'06"W	130.96	460.59	130.96	19°24'05"
C38	S19°56'27"W	130.96	460.59	130.96	19°24'05"
C39	S35°42'06"W	75.70	265.41	75.70	15°14'48"
C40	S19°56'27"W	75.70	265.41	75.70	15°14'48"



VICINITY MAP
1" = 2000'

PLAT NO.

- NOTES**
- PROPERTY ZONED AS (FORMERLY RDT) AT DATE OF RECORDATION. ALL EXISTING UTILITIES ARE TO REMAIN UNLESS OTHERWISE SUBJECT TO THE STANDARDS UNDER MONTGOMERY COUNTY ZONING ORDINANCE.
 - THIS PLAT IS LIMITED TO THE USES AND CONDITIONS AS REQUIRED BY PRELIMINARY PLAN NO. 12069010, MCPB RESOLUTION NO. 10-129, DATED 4/28/2010.
 - LOTS TO BE SERVED BY PRIVATE WELL AND SEWAGE DISPOSAL SYSTEM: S-4, W-4.
 - THE PROPERTY SHOWN HEREON IS SUBJECT TO THE REQUIREMENTS OF A MONTGOMERY COUNTY FOREST CONSERVATION PLAN INCLUDING THE TERMS OF A FINAL FOREST CONSERVATION PLAN AND CONSERVATION EASEMENTS RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN LIBER 46392 AT FOLIO 225 UPON THE PARENT TRACT.
 - ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS, AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN, OR OTHER MONTGOMERY COUNTY PLANNING BOARD ARE INTENDED TO SURVIVE AND NOT BE SUPERSEDED BY ANY OTHER INSTRUMENTS. ALL SUCH PLANS ARE MAINTAINED BY THE PLANNING BOARD AND ARE AVAILABLE FOR PUBLIC VIEWING DURING NORMAL BUSINESS HOURS.
 - THIS PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING OR RESTRICTING THE OWNERSHIP AND USE OF THE PROPERTY. THIS PLAT IS NOT INTENDED TO SUPERSEDE OR TERMINATE ANY TITLE OR DEFACTO OR NOTE ALL MATTERS AFFECTING TITLE.
 - PROPERTY FOUND ON MONTGOMERY COUNTY TAX MAPS CU & CV.
 - THE REMAINDER OF THE PARENT TRACT (L 522 F 467) FOR THE SUBDIVISION IS SUBJECT TO THE TERMS AND CONDITIONS OF PRELIMINARY PLAN NO. 12069010, MONTGOMERY COUNTY, MARYLAND IN LIBER 4638 AT FOLIO 244 PERTAINING TO DENSITY UPON THE ENTIRETY OF THE 960.13 ACRES INCLUDED IN PRELIMINARY PLAN 12069010.
 - AGRICULTURE IS THE PREFERRED USE IN THE AREA (FORMERLY RURAL DENSITY TRACT) AND SHALL BE MAINTAINED TO THE MAXIMUM EXTENT POSSIBLE AT ALL TIMES INCLUDING THE OPERATION OF FARM MACHINERY, AND NO AGRICULTURAL USES SHALL BE SUBJECT TO RESTRICTION BECAUSE IT INTERFERES WITH OTHER USES IN THE ZONE.
 - ONE (1) DEVELOPMENT RIGHT REMAINS AVAILABLE PER LOT THE DENSITY ANALYSIS PREPARED BY WILES & STOCKBRIDGE P.C. DATED FEBRUARY 16, 2011.
 - SEWAGE DISPOSAL AREAS ON LOTS 6, 9, 10, 12, 16, 17, 20, 21, 22, 23 ARE APPROVED FOR 5 BEDROOM HOUSES. SEWAGE DISPOSAL AREAS ON LOTS 7, 8, 11, 13, 14, 15, 18, 19, 24 ARE APPROVED FOR 6 BEDROOM HOUSES.
 - THIS PLAT REPRESENTS SHEET 1 OF 3 AND DOES NOT REFLECT ALL THE ENCUMBRANCES TO WHICH THE PROPERTY MAY BE SUBJECT. SEE SHEETS 1 OF 3 & 2 OF 3 FOR ADDITIONAL INFORMATION.
 - LOTS 11, 19 & 20 SHOWN ON SHEETS 1 & 2 OF 3, COMPRISE THE 3 OUTLOTS DESCRIBED IN CONDITION #1 OF MCPB RESOLUTION NO. 10-129 HAVE BEEN CONVEYED TO THE FOREST CONSERVATION PLAN BY DEED DATED MAY 19, 2011 ON THE DEPARTMENT OF PERMITTING SERVICES PER A LETTER DATED MAY 19, 2011.

SPECIAL NOTES

- These Special Notes comply with Condition Number 3 of MCPB Resolution No. 10-129 approving Preliminary Plan No. 12069010, Condition Number 3 established the location of an equestrian trail for use by the general public as shown on the Planning Board approved Preliminary Plan. The equestrian trail may be used by the general public without charge solely for recreational horseback riding. Such use is expressly restricted to horseback riding within the boundaries of the Planning Board approved equestrian trail as depicted hereon. The equestrian trail is on private property and any activity outside of the boundaries of the approved trail as depicted hereon is strictly prohibited. Use of the trail is restricted to the general public; it is not to be used for any other purpose. The users of the Property are to be held responsible for any damage arising out of a person's use of the trail. Use of the equestrian trail is also subject to the provisions and property owner protections enumerated in Subtitle 11 of Title 5, Sections 5-1101 through 5-1104 of the Natural Resources Article of the Maryland Annotated Code. Smoking and fires of any kind are strictly prohibited on the trail. The equestrian trail is privately owned and is not owned, operated or maintained by the Parks Department, the Maryland-National Capital Park and Planning Commission, or any other governmental entity. Unless expressly authorized by the Property owner, no entity or individual is authorized to operate, maintain or manage the equestrian trail and, in accordance with Section 5-1103 of the Natural Resources Article, the landowner is not required to maintain the trail or keep it safe for entry or use by members of the general public.
- The Equestrian Trail shall be posted with a No-tobacco listing use restrictions at locations approved by the Planning Department.

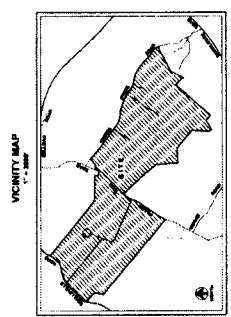
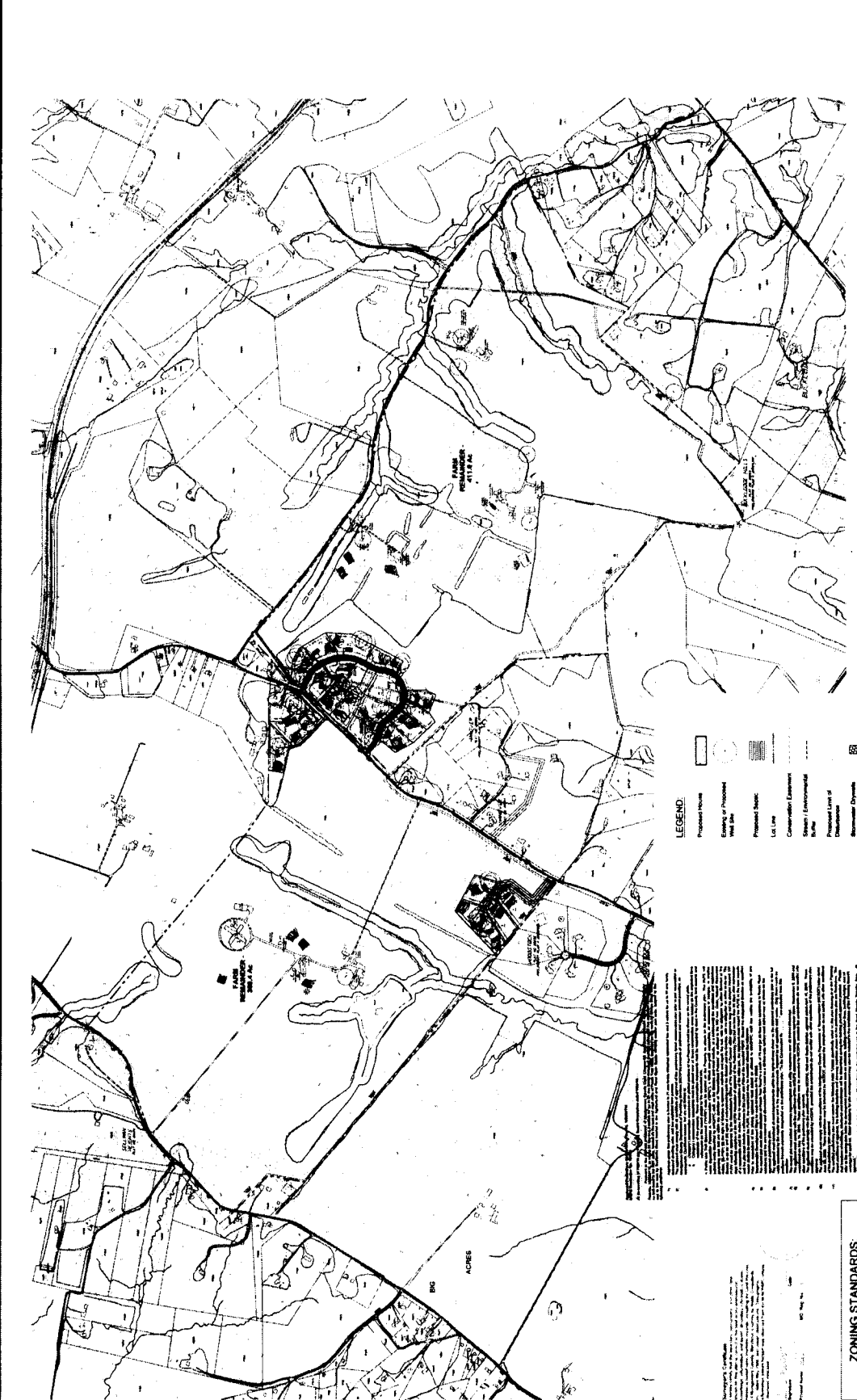
SUBDIVISION RECORD PLAT
LOTS 6-24
GREENTREE FARM
ELECTION DISTRICT 11
MONTGOMERY COUNTY, MARYLAND
SCALE: N/A JUNE 2015

THOMAS A. MADDOX
PROFESSIONAL LAND SURVEYOR
8933 SHADY GROVE COURT
GAITHERSBURG, MARYLAND 20877
(301) 984-5804

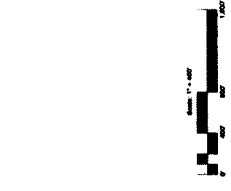
SURVEYOR'S CERTIFICATION

I hereby certify that the plat shown hereon is correct; that it is a subdivision of part of the land described in a deed from The Domestic Foreign Military Society of the Protestant Episcopal Church in the U.S.A. and Ruth McCorkin, Paneksty, New York, to the Maryland National Capital Park and Planning Commission, N.Y., dated May 23, 1980, and (now known as B-1552) at Folio 867, among, 840 1320 being the Montgomery County, Maryland records of which being the same as the deed of the said Ruth McCorkin, N.Y., dated July 9, 1981, and recorded by Liber 5731 at Folio 822 among the aforesaid land records. The total area included on sheets 1 and 2 of 3 is 46,299 acres of land, of which 193,538 square feet is dedicated to the public use.

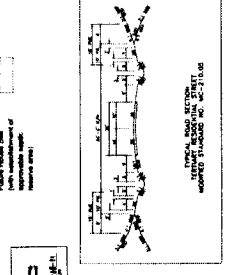
Thomas A. Maddox Date
 Thomas A. Maddox
 Registered Professional Land Surveyor
 MD 110850 (Exp. 4/2/2016)



Prepared for:
Barnesville Oak Farms, LLC
 10000 Rockville Pike, Suite 200
 Rockville, MD 20850
 Phone: (301) 771-1100
 Fax: (301) 771-1101
 Email: info@b-a.com



- LEGEND:**
- Proposed House
 - Existing or Proposed Walk Way
 - Proposed Street
 - Lot Line
 - Contour Line (Elevation)
 - Utility (Environmental)
 - Proposed Level of Proposed
 - Proposed Driveway
 - Proposed Street Line
 - Proposed Street Light
 - Corner Post Top
 - Future House Site
 - Proposed Area of Impervious Area



NOTES:

1. AREA OF PROPERTY: 46.13 ACRES
2. NO. OF LOTS: 20
3. NO. OF LOTS BOUND: 20
4. AREA OF LAND TO BE DEDICATED TO HIGHWAY: 4.4 AC
5. AREA OF LAND TO BE DEDICATED TO PARKING: 4.4 AC
6. NET TRACT AREA OF PROPERTY: 41.73 ACRES
7. AREA OF IMPERVIOUS COVER: 110,000 SQ. FT.
8. AREA OF IMPERVIOUS COVER: 110,000 SQ. FT.
9. ALL LOTS TO BE BOUND BY ON-STREET PAVEMENT AND SIDEWALK SYSTEMS
10. ALL LOTS TO BE BOUND BY ON-STREET PAVEMENT AND SIDEWALK SYSTEMS
11. ALL LOTS TO BE BOUND BY ON-STREET PAVEMENT AND SIDEWALK SYSTEMS
12. PROPERTY LOCATED OUTSIDE HOME CORP. CODE DUES
13. UTILITY SERVICES TO BE PROVIDED BY: Water, Sewer, Gas, Electric

ZONING STANDARDS:

ZONE RDT	Required	Provided
Area Requirement	32.3 acres per each building with its accessory buildings (not on same parcel)	32.3 acres per d.u. (net lot area shown: 46,136 sf)
Front Setback	50'	50'+
Sideways	20'	20'+
Rearyard	30'	35'+
Building Height	50' Max.	50' or less
Lot Coverage	10% Max.	Max. of 10%
Lot Width	125' min.	125' or more
Lot Frontage	25' min.	25' or more

PRELIMINARY PLAN
BARNESVILLE OAK FARMS
 (MSSC Ord Sheet Z28N17; Tax Map DU 13)
 Montgomery County, Maryland



Montgomery & Associates, Inc.
 1000 North Rockville Road
 Rockville, MD 20850
 Tel: 301-983-1000

DATE: 02/20/08
 SCALE: 1" = 200'



Sheet 2 of 8
 DC, MS, MC, PC, SC, TC, VC, WC, XC, YC, ZC
 Barnersville Oaks

- LEGEND:**
- Proposed House
 - Existing or Proposed Yard Site
 - Proposed Street
 - Lot Line
 - Conservation Easement
 - Stream / Environmental Buffer
 - Proposed Line of Discontinuity
 - Stormwater Drainage
 - Proposed Street Tree
 - Proposed Street Light (Minimum 10ft Spacing)
 - Public Utility Site
 - Other Information of Record

PREPARED FOR: Barnersville Oaks
 PREPARED BY: [Signature]
 DATE: 2/20/08



NOTES:
 1. THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 3. THE PROPOSED HOUSES AND STREETS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE SUBDIVISION MAP ACT AND THE SUBDIVISION MAP ACT REGULATIONS.
 4. THE PROPOSED HOUSES AND STREETS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE SUBDIVISION MAP ACT AND THE SUBDIVISION MAP ACT REGULATIONS.
 5. THE PROPOSED HOUSES AND STREETS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE SUBDIVISION MAP ACT AND THE SUBDIVISION MAP ACT REGULATIONS.

PRELIMINARY PLAN (LOTS 6-24)
BARNESVILLE OAK FARMS
 (MSBC CIVIL ENGINE 2289W17, Tax Map DU 13)
 Montgomery County, Maryland



Planning & Architects, Inc.
 10000 Rockville Pike, Suite 100
 Rockville, MD 20850
 Phone: (301) 771-1100
 Fax: (301) 771-1101

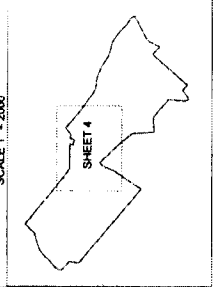
DATE: 08/20/08
 SCALE: 1" = 100'



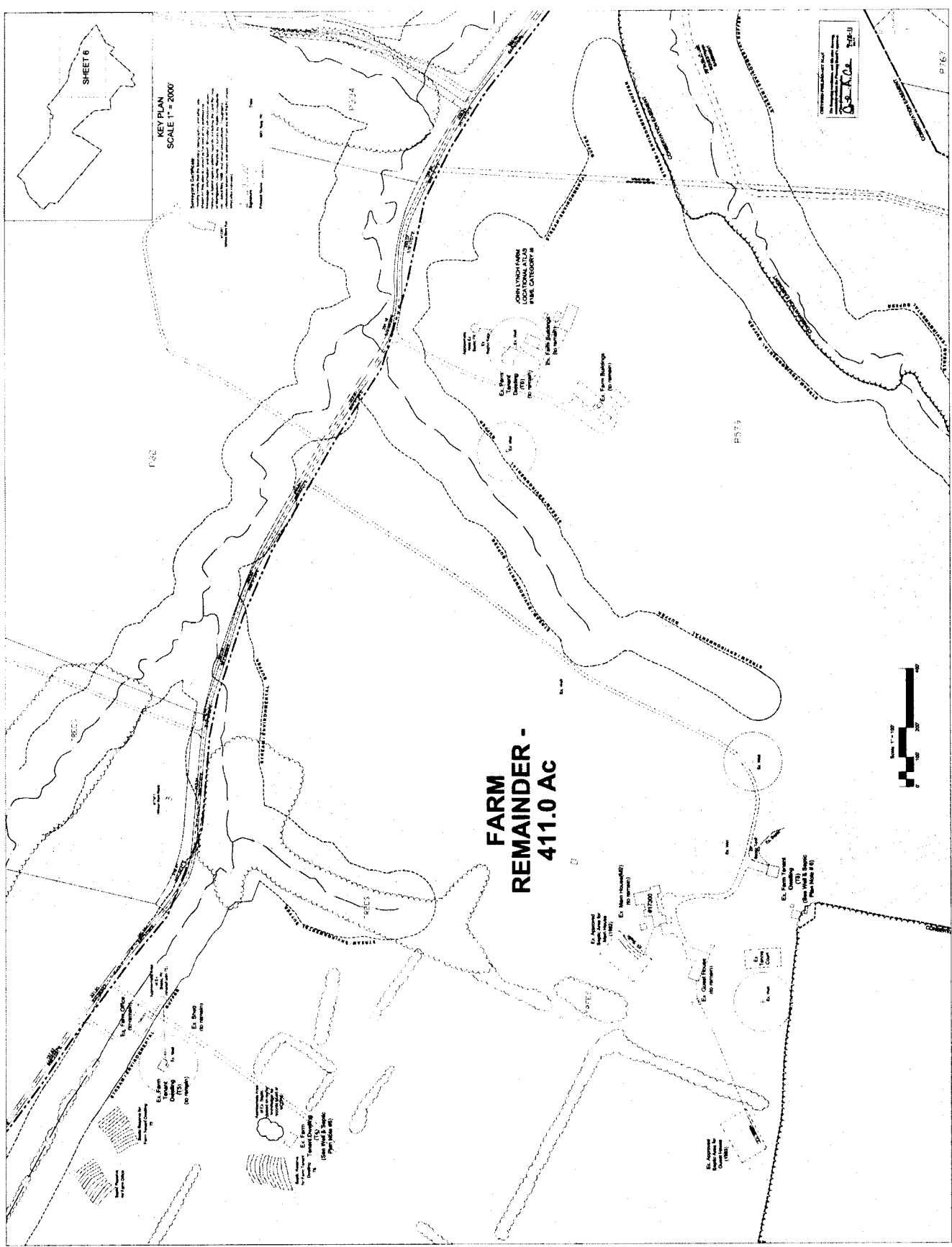
Sheet 4 of 6



HAINOVER
 PLAT NO. 20826
 DEC. 11, 1990 BY D. A. M. 11/05/2007



NOTES:
 1. THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION.
 2. THE PROPOSED LOTS 6-24 ARE SUBJECT TO THE BARNESVILLE OAK FARMS DEVELOPMENT.
 3. THE PROPOSED LOTS 6-24 ARE SUBJECT TO THE BARNESVILLE OAK FARMS DEVELOPMENT.
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 9. THE PROPOSED LOTS 6-24 ARE SUBJECT TO THE BARNESVILLE OAK FARMS DEVELOPMENT.
 10. THE PROPOSED LOTS 6-24 ARE SUBJECT TO THE BARNESVILLE OAK FARMS DEVELOPMENT.



**FARM
REMAINDER -
411.0 AC**

KEY PLAN
SCALE 1" = 2000'

SHEET 6



PRELIMINARY PLAN (FARM REMAINDER)
 BARNESVILLE OAK FARMS
 (WSSC Ord Sheet 228NW17, Tax Map DU 13)
 Montgomery County, Maryland



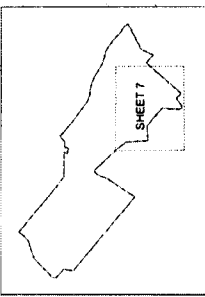
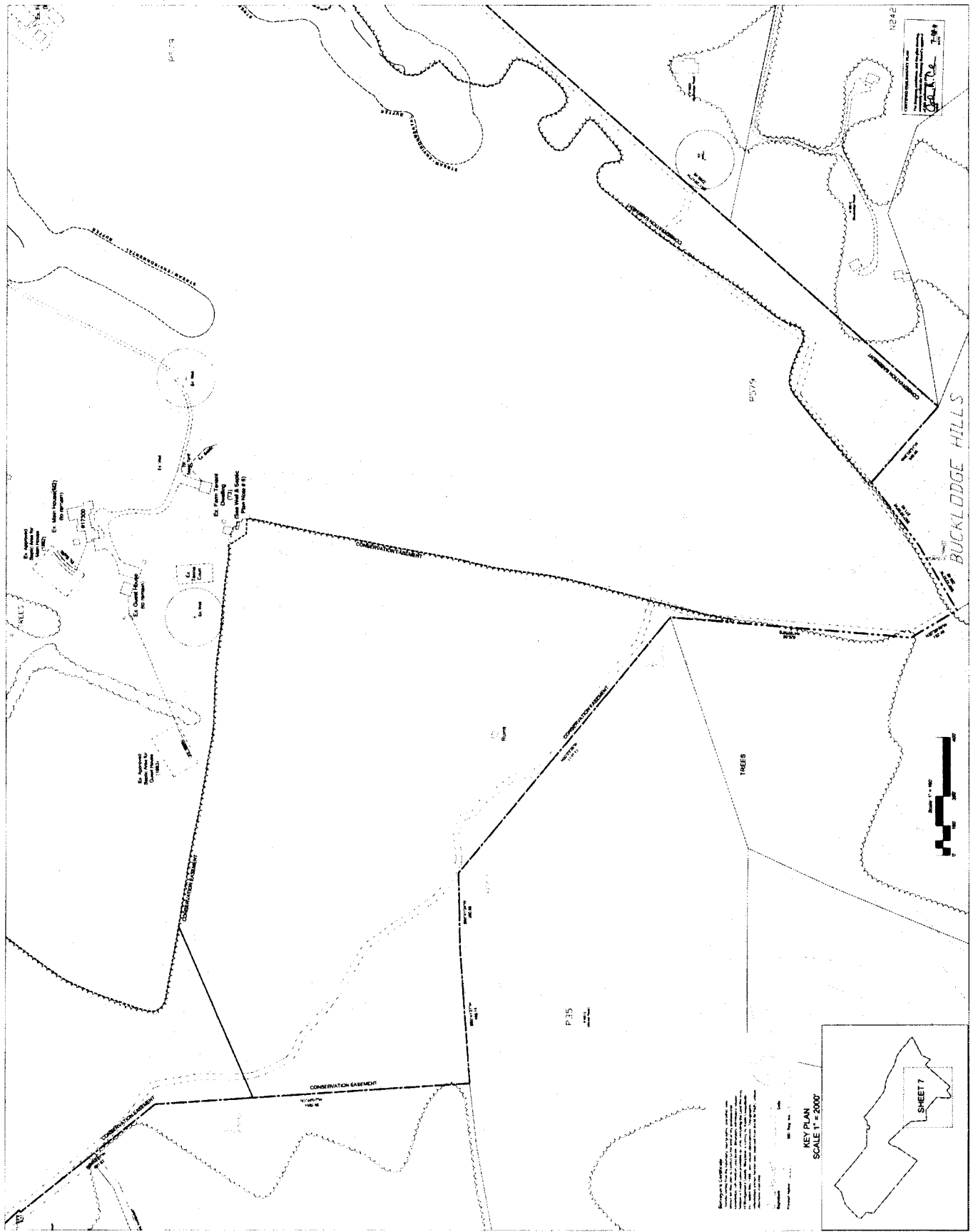
Design & Services, Inc.
 10000 Rockville Pike, Suite 200
 Rockville, MD 20850
 Tel: (301) 984-4400
 Fax: (301) 984-4401

date: 09/25/08
 scale: 1" = 100'



Sheet 7 of 8

NO. SHEETS	8
NO. SHEETS USED	8
NO. SHEETS LEFT	0



Legend:
 --- Proposed Boundary
 --- Existing Boundary
 --- Easement Boundary
 --- Conservation Easement Boundary
 --- Utility Line
 --- Tree
 --- Building
 --- Pond
 --- Stream
 --- Road
 --- Fence
 --- Other

BARNESVILLE OAK FARMS
 PRELIMINARY PLAN (FARM REMAINDER)
 (MSSC Ord Show# 228NW17, TRK MAP DU 13)
 Montgomery County, Maryland

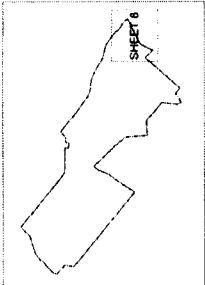


Planning & Architecture, Inc.
 1475 Shady Grove Road
 Gaithersburg, MD 20878
 Tel: 301-948-2121
 Fax: 301-948-2122

Date: 08/25/08
 Scale: 1" = 100'



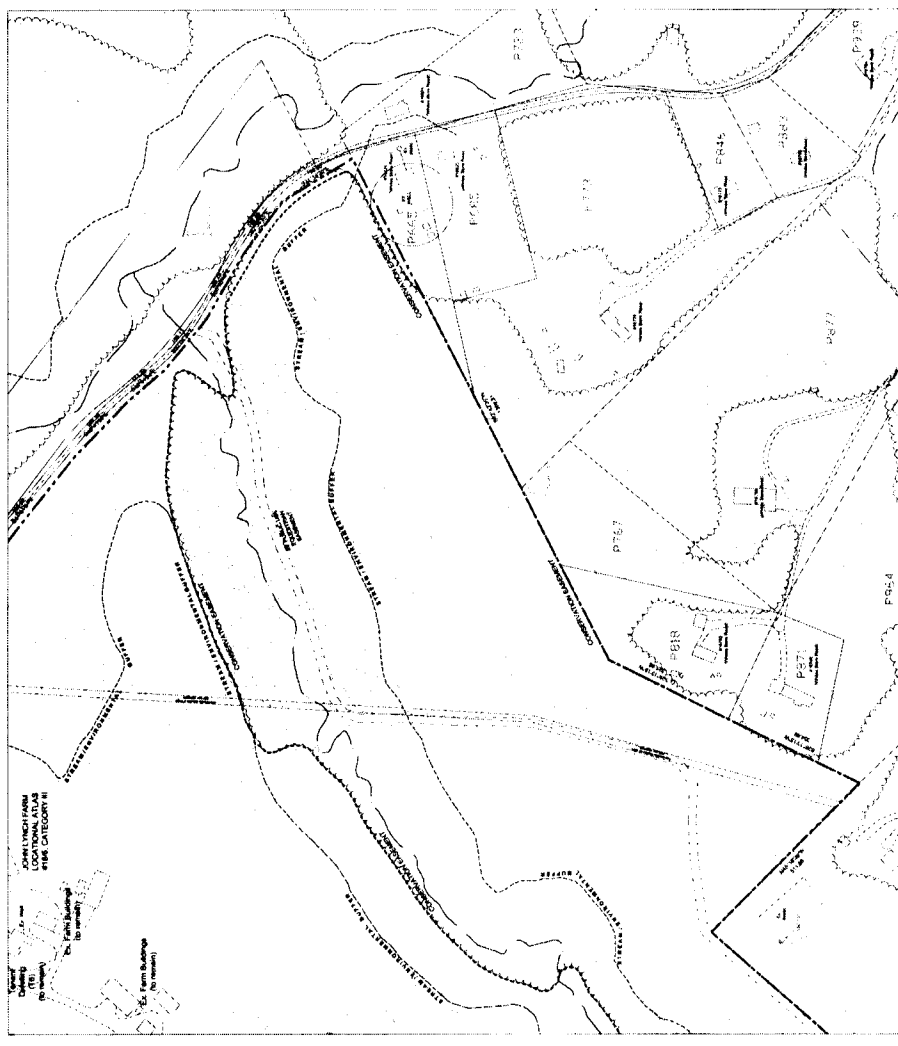
Sheet 6 of 6



KEY PLAN
 SCALE 1" = 2000'

NOTES

1. See MSSC Ord Show# 228NW17, TRK MAP DU 13.
2. See MSSC Ord Show# 228NW17, TRK MAP DU 13.
3. See MSSC Ord Show# 228NW17, TRK MAP DU 13.
4. See MSSC Ord Show# 228NW17, TRK MAP DU 13.
5. See MSSC Ord Show# 228NW17, TRK MAP DU 13.
6. See MSSC Ord Show# 228NW17, TRK MAP DU 13.
7. See MSSC Ord Show# 228NW17, TRK MAP DU 13.
8. See MSSC Ord Show# 228NW17, TRK MAP DU 13.
9. See MSSC Ord Show# 228NW17, TRK MAP DU 13.
10. See MSSC Ord Show# 228NW17, TRK MAP DU 13.



LOT 16.7
 LOT 17.7
 LOT 18.7
 LOT 19.7
 LOT 20.7
 LOT 21.7
 LOT 22.7
 LOT 23.7
 LOT 24.7
 LOT 25.7
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 LOT 91.7
 LOT 92.7
 LOT 93.7
 LOT 94.7
 LOT 95.7
 LOT 96.7
 LOT 97.7
 LOT 98.7
 LOT 99.7
 LOT 100.7

ALLAN A. NOBLE
MICHAEL J. BUDOW
RICHARD E. SCHIMEL
WALTER E. GILLCRIST, JR
ANNE KELLEY HOWARD
J. CHARLES SZCZESNY
LAURA BASEM JACOBS
MELISSA D. MCNAIR
HOWARD R. MEINSTER
MATTHEW M. DAVEY
G. CALVIN AWKWARD III**
ROBYN A. MCQUILLEN*
MARIE-THERESE P. GOFF
VERONICA K. YU
CHARLES J. COUGHLIN
NICOLE M. QUERI*

LAW OFFICES
BUDOW AND NOBLE, P.C.
SUITE 500 WEST
7315 WISCONSIN AVENUE
BETHESDA, MARYLAND 20814-3206

(301) 654-0896
FAX (301) 907-9591
EMAIL: info@budownoble.com
WEBSITE: www.budownoble.com

HOWARD COUNTY OFFICE
Executive Center I
3300 North Ridge Road, Suite 245
ELLICOTT CITY, MARYLAND 21043
(410) 461-3322

PRACTICING IN MARYLAND
AND THE DISTRICT OF COLUMBIA

*MARYLAND ONLY
**ALSO ADMITTED IN VIRGINIA

November 10, 2014

Casey Anderson, Chair
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Barnesville Oak Farm Public Use Trail Easement
MCPB No. 10-129
Preliminary Plan No. 120090110

Dear Chair Anderson:

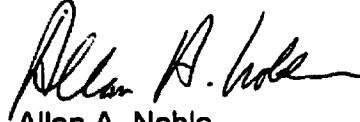
I write to you in my capacity as a member of the Board of Directors of Equestrian Partners in Conservation (EPIC) and as Counsel (Pro Bono) for EPIC concerning the above referenced matter. EPIC is the proposed grantee of an equestrian easement concerning the above mentioned property formally known as Barnesville Oak Farm and now known as Greentree Farm subdivision. As the record will reflect, pending before the Board is the matter of the adoption of an equestrian easement to implement the Board's Resolution 10-129 of September 28, 2010.

EPIC's efforts to reach out to the applicant to try to resolve this matter have been ignored by the applicant. It is my understanding based upon previous communications, including Carol Rubin's letter of June 9, 2014, (copy attached) that this matter will be set for a full public hearing. I simply wish to remind the Planning Board that this matter is of critical importance to not only EPIC but to the equestrian community and others in this County who wish to continue the establishment of a trail system which connect existing parks, park trail systems, and other public trails on private lands. As such we view this matter as precedent setting. It is obvious that the applicant has no desire to meet with us to try to resolve this matter and that the only way the matter can be resolved is through

Casey Anderson, Chair
November 10, 2014
Page 3

the public hearing process and a decision by the Board. This letter will simply remind you of the importance of this matter and that EPIC respectfully requests that when the matter comes before the Board it be set for public hearing rather than as a consent item so that our members will have notice and we can be prepared to assist the Board in resolving the easement issue in a way that meets the needs of the equestrian community, the subdivision's future property owners, and the integrity of the Board's earlier decision.

Very truly yours,



Allan A. Noble

AAN/jge

cc: (via email):

Steven J. Orens, Esq., Attorney for Applicant
Gwen Wright, Director, M-NCPPC
Carol S. Rubin, Associate General Counsel, M-NCPPC

M-NCPPC



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

OFFICE OF THE GENERAL COUNSEL
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
www.mncppc.org

Tel: (301) 495-4646 Fax: (301) 495-2173

June 9, 2014

Allan Noble, Esq.
Budlow and Noble, PC
Suite 500 West
7315 Wisconsin Avenue
Bethesda, Maryland 20814-3206

Re: Green Tree Farms Subdivision (formerly known as Barnesville Oak Farm)

Dear Mr. Noble:

Your June 2, 2014 letter on behalf of EPIC to Planning Board Chair Françoise Carrier concerning the equestrian easement on the referenced property has been referred to me for response. As Ms. Carrier indicated to you in earlier correspondence on the same matter, since the plat is still pending, she is unable to discuss the terms of the easement with you because it would be ex parte communications.

You have requested that the hearing on the plat be delayed to give EPIC an opportunity to meet with the property owner/developer ("Applicant") in an attempt to resolve the dispute concerning the easement. The Applicant has not yet submitted a plat that is ready for Planning Board action, and therefore, we are not in a position to schedule a hearing on the matter at this point.

I understand that the Applicant has declined to meet with EPIC. Therefore Staff is unable to facilitate the discussions you request, however, we cannot, and certainly do not wish to prevent you from reaching out to the Applicant directly.

If your efforts to resolve any dispute with the Applicant directly are unsuccessful, let me remind you that when this matter comes before the Planning Board, EPIC and any other interested party will have the opportunity to address the Board directly with its position. That is precisely the reason that the Planning Board's review of the plat will be set for a full public hearing as opposed to the usual process of putting the matter on the Board's Consent Agenda.

Finally, I find your statement that "staff's strategy of yielding to threats of litigation to be both appalling and absolutely contrary to the public interest" to be extremely

Allan Noble, Esq.
June 9, 2014
Page 2

disappointing. As I made clear at the meeting between us, the Board's condition requiring an equestrian easement can be met through an easement shown on the plat with clarifying language noted. The Planning Department has expended considerable staff and legal resources to ensure that the Board's condition is implemented. The Chair has indicated that she intends to recommend language for the plat that will provide a simple, straightforward easement that serves the intended public purpose and meets the intent of the Board's conditional approval of the Preliminary Plan.

Sincerely,



Carol S. Rubin
Associate General Counsel

cc: (via email):

Stephen J. Orens, Miles & Stockbridge, P.C.
Montgomery County Council:

Phil Andrews
Roger Berliner
Cherri Branson
Marc Elrich
Nancy Floreen
George Leventhal
Nancy Navarro
Craig Rice
Hans Reimer

Ike Leggett, County Executive
Françoise M. Carrier, Chair, M-NCPPC Montgomery County Planning Board
Gwen Wright, Director, M-NCPPC Montgomery County Planning Department
MCP-CTrack



Stephen J. Orens
301-517-4828
sorens@milesstockbridge.com

November 13, 2014

VIA ELECTRONIC MAIL
VIA REGULAR MAIL

The Honorable Casey Anderson, Chair
The Montgomery County Planning Board
The Maryland- National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Re-submission of Record Plats
(Applications 220120510, 220120040, 220120050 and 220120060)
In Connection With Approved Preliminary Plan No. 120090110 - Greentree Farms
(formerly Barnesville Oak Farms) Subdivision MCPB Resolution Number 10-129

Dear Chair Anderson:

We represent Barnesville Oak Farms LLC, acting on behalf of Balsamah Corporation, N.V., as Applicant for approval of the above referenced Final Subdivision Plats (collectively the "Farm Property Owner"). On behalf of the Farm Property Owner, Benning and Associates has resubmitted the above identified Final Subdivision Plats for approval and recordation pursuant to MCPB Resolution Number 10-129 (the "Approval Resolution") approving Preliminary Plan No. 120090110 ("the Approved Subdivision").

We are in receipt of a copy of correspondence addressed to you from Allan N. Noble, Esquire representing Equestrian Partners in Conservation, also known as "EPIC." Mr. Noble's letter requests that the Planning Board conduct a public hearing before acting on the above referenced final subdivision plats that have been pending since August 1, 2011. EPIC has neither a property right nor a special interest in the approval of the pending final plats that would entitle it to request a public hearing. EPIC owns no property within the vicinity of the Greentree Farms Property. EPIC has no standing to request a public hearing in a matter in which it has no special interest distinguishable from that of the general public.

Accordingly, we strenuously object to a public hearing, as an unnecessary, undue additional financial burden on the Farm Property Owner. Any additional delay resulting from EPIC's request will further aggravate the financial strain on the Farm Property Owner, and would only serve to advance EPIC's objective to obtain a property interest in the Greentree Farms Property.

Page 2

A public hearing is not necessary for the Planning Board to act. We urge the Planning Board to reject this misuse of the Planning Board's plat approval process that does not serve the public interest, or the interests of the agricultural community.

Contrary to the factually inaccurate assertion by EPIC's counsel in his November 10, 2014 letter, EPIC is not "the proposed grantee of an equestrian easement." In approving the Preliminary Subdivision Plan for Greentree Farms the Planning Board did not and lawfully could not require that the Farm Property Owner convey a property interest in the form of an easement to a private third party. EPIC's counsel once again seeks to elevate the Planning Board's identification of EPIC, at the behest of the Department of Parks, as a "suitable" entity to manage a privately owned equestrian trail on someone else's private property into a grant of an enforceable property right. EPIC, aided and abetted by an individual in the Parks Department has successfully thwarted the completion of the subdivision process for over three years. To delay action again would be intolerable!

To our knowledge, no person or entity with standing to do so has requested that a public hearing be substituted for the standard and usual practice of scheduling Final Plats on the Consent Agenda when Staff has recommended approval.

This letter constitutes the Applicant's formal request that the pending Final Plats for Greentree Farms be scheduled on the next available Consent Agenda in accordance with Rule 14.14.1 of Rule 4.14 of the Planning Board's Rules of Procedure, entitled "Consent Agenda for Record Plats."

Should the Planning Board agree to hold a hearing before acting on plats that have been pending approval for over three years, we request, without waiving our objection to a hearing, that the Planning Board conduct that hearing at the earliest possible date. The Farm Property Owner and our consultants will be present and prepared for a hearing on the date that the Plats are before the Board on its Consent Agenda.

Sincerely,



Stephen J. Orens

cc: Gwen Wright, Planning Director
Rose Krasnow, Deputy Planning Director
Carol S. Rubin, Esquire Associate General Counsel
Rebecca D. Walker, Esquire
Farm Property Owner, Applicant
Allan Noble, Esquire



MONTGOMERY COUNTY PLANNING BOARD
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 10-129
 Preliminary Plan No. 120090110
 Barnesville Oak Farm
 Date of Hearing: July 22, 2010

SEP 28 2010

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, Balsamah Corporation N.V. (formerly known as Malsama Corporation N.V.), a Netherlands Antilles corporation ("Balsamah") is the owner of approximately 840 acres of land located on the east and west sides of Peach Tree Road, bounded on the north by Whites Store Road and to the west by Beallsville Road (MD 109) ("Property" or "Subject Property"); and

WHEREAS, by letter dated November 13, 2008, Balsamah authorized Katherine S. Sexton and/or Barnesville Oak Farms LLC, a Maryland corporation, as their appointed representatives to act individually or together, on behalf of Balsamah to take all necessary steps to obtain preliminary subdivision plan approval for the Property; and

WHEREAS, on December 4, 2008, Barnesville Oak Farms LLC, ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create 21 lots and 3 outlots for up to 24 one family detached dwelling units and two farm parcels to be unplatted on the Property, in the Agricultural and Rural Open Space Master Plan ("AROS Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120090110, Barnesville Oak Farm, ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated July 9, 2010, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

Approved as to
 Legal Sufficiency:

[Handwritten Signature] 8/31/10

8787 Georgia Avenue, Suite 200, Silver Spring, MD 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

WHEREAS, Montgomery Countryside Alliance and the Audubon Naturalist Society, two parties of record requested a delay of the Hearing alleging that Balsamah did not have authority to authorize their appointed representatives to file the Application and act on its behalf during the proceedings for the Application because neither Balsamah, its predecessor in interest (Malsama Corporation), nor its Managing Director (Curcao Corporation) is registered to do business in the state of Maryland; and

WHEREAS, upon testimony heard and evidence submitted for the record by Montgomery Countryside Alliance, the Audubon Naturalist Society, and Applicant as a preliminary matter on July 23, 2010, the Planning Board denied the request for delay, on motion of Commissioner Dreyfuss; seconded by Commissioner Wells-Harley, with a vote of 4-0, Commissioners Dreyfuss, Wells-Harley, Alfandre, and Carrier, voting in favor, with Commissioner Presley abstaining; and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on July 23, 2010, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on July 23, 2010, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Dreyfuss; seconded by Commissioner Alfandre, with a vote of 4-1, Commissioners Dreyfuss, Alfandre, Carrier, and Wells-Harley voting in favor, with Commissioner Presley voting to disapprove.

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No.120090110 to create 21 lots and 3 outlots for up to 24 one family detached dwelling units, and two unplatted farm parcels on 840 acres of land, in the RDT zone, located on the east and west sides of Peach Tree Road, bounded on the north by Whites Store Road and to the west by Beallsville Road (MD 109), in the AROS master plan area, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 21 one-family detached residential lots and 3 outlots for up to 24 one family detached dwelling units, and two unplatted farm parcels.
- 2) The applicant must comply with all conditions of approval of the preliminary forest conservation plan prior to plat recordation or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permit(s), as appropriate. Conditions include, but are not limited to:
 - a. Category I conservation easements on platted portions of the Property

must be shown on the record plats.

- b. Category I conservation easements must be placed over all forest conservation areas located on the unplatted farm remainders of the Property. These conservation easements must be recorded by deed in the County land records and referenced on the record plat(s) for the residential lots.
- 3) **A Public Use Trail Easement ("PUTE") must be created on the Property as shown on the preliminary plan. The PUTE will name Equestrian Partners in Conservation ("EPIC"), a 501c3 non-profit corporation, its successors or assigns, or another suitable entity identified by MNCPPC staff, as the Grantee and must include, at a minimum:(i) the conditions and restrictions governing uses that are within the definition of "Recreational Purpose" as defined in the MD Ann. Code, Natural Resources Article, §5-1101; (ii) the right of Grantee to construct, maintain and repair the trail, with no obligation by either Grantee or the Grantor to do so; and (iii) rights of enforcement by both the Grantor and the Grantee, with no obligation on either to do so. The PUTE must be approved by the Commission's Office of the General Counsel which approval may not be delayed beyond 120 days following adoption of the MCPB Resolution of approval of the Preliminary Plan but no less than 90 days after submission of a reasonable draft for review. Prior to recordation of the initial plat, the applicant must record the PUTE in the land records and the plat must include a reference to the Liber and Folio of the recorded PUTE. Should the designated Grantee as specified herein decline to accept the PUTE, the record plat may be recorded without the reference.**
 - 4) Prior to recordation of the plat(s), Applicant must submit an affidavit to MNCPPC staff that verifies the availability of one Transferrable Development Right for each lot and outlot shown on the plat(s).
 - 5) The record plat must show dedication of Peach Tree Road to a width of 70 feet (or 35 feet from centerline) to Rustic Road standards and the new internal road (Barnesville Oak Lane) as a 50 foot wide tertiary road right-of-way as shown on the approved preliminary plan.
 - 6) The Applicant must construct all road improvements within the rights-of-way shown on the approved preliminary plan to the full width mandated by the master plan and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By _____" are excluded from this condition.
 - 7) The record plat must reflect common ingress/egress and utility easements over all shared driveways.
 - 8) The Applicant must comply with the conditions of the MCDPS stormwater management approval dated September 9, 2009 and reconfirmed on May 14, 2010. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.

- 9) The Applicant must comply with the conditions of the MCDPS, Well and Septic Section approval dated April 16, 2010. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 10) The Applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated June 23, 2009. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 11) The certified preliminary plan must contain the following note: "Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints and driveway locations shown on the preliminary plan are illustrative. The final locations of buildings, structures and hardscape will be determined during the building permit approval process. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
- 12) Record Plat must contain the following note: "Agriculture is the preferred use in the Rural Density Transfer Zone. All agricultural operations shall be permitted at any time, including the operation of farm machinery, and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the Zone."
- 13) Record Plat must reference a recorded easement for the parent parcels indicating i) that density and TDRs for these lots was removed from the parent parcels; and ii) per §59-C-9.41 of the Montgomery County Zoning Ordinance, following this subdivision, any farm tenant dwelling, farm tenant mobile home, or guest house is included in the total permitted density of 33 residential structures on the Property.
- 14) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.
- 15) Other necessary easements must be shown on the record plat(s).

BE IT FURTHER RESOLVED, that, having given full consideration to testimony heard and evidence submitted for the record by Montgomery Countryside Alliance, the Audubon Naturalist Society, and Applicant, the Montgomery County Planning Board FINDS that:

1. *The Applicant had authority to file the Application on behalf of Balsamah Corporation N.V. (formerly known as Malsama Corporation N.V.), a Netherlands Antilles corporation as the owner of the Property.*

The Subdivision Regulations, Chapter 50 of the Montgomery County Code, defines an Owner as “[a] person or corporation holding a legal title in the land...” Subdivider is defined as “[a]n individual, partnership or corporation (or agent thereof) that undertakes the subdivision of land or the activities covered under [Chapter 50].....” Nothing in either of those definitions or in the Subdivision Regulations requires that the owner or subdivider be registered to do business in the State of Maryland. And Montgomery Countryside Alliance or the Audubon Naturalist Society provided no legal basis on which the Board could rely. It has been the longstanding practice of the Planning Board to accept applications for subdivision from an agent of a property owner, so long as the authority of the agent is clear. In accordance with the subdivision regulations, the Applicant submitted written verification with the Application authorizing the Applicant to file the Application and it was found to be complete. In fact, as stated by Montgomery Countryside Alliance and the Audubon Naturalist Society, the request for delay of the proceedings was raised in order to provide these interested parties with an opportunity to discuss their concerns about the Application directly with the owner of the Property; their preference over working through their issues with the owner’s appointed representatives.

The Planning Board did not find the request or the evidence presented to be so compelling as to warrant a delay of the Hearing, particularly since Applicant’s appointed representatives have made themselves available through a public meeting held in Poolesville on their proposed Application, have provided updated plans to the neighbors, and have been available at several Rustic Roads Advisory Committee meetings. To the contrary, the Planning Board found the authorization submitted with the Application, together with the July 22, 2010, letter with supporting documentation from Stephen J. Orens, on behalf of Applicant objecting to the requested postponement, and the reasons set forth therein to be compelling.

AND BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein) and upon consideration of the entire record, the Montgomery County Planning Board **FINDS**, with the conditions of approval, that:

2. *The Preliminary Plan substantially conforms to the AROS Master Plan.*

The Planning Board determined that the Preliminary Plan, as proposed, protects to a significant degree, the ability for agricultural practices to continue on the Property as recommended by the AROS Master Plan. Of the 840 acres making up this Property, 780 acres will remain in agriculture. The AROS Master Plan does not set a specific objective goal for preservation, and the intent of the

Master Plan is that the Planning Board, in its discretionary role must be satisfied that the Applicant has made reasonable good faith efforts to protect as much agricultural land as possible. The Board was satisfied that the Preliminary Plan protects agriculture and minimizes fragmentation of active farmland by creating residential lots that are as small as reasonably possible, and that are clustered in areas that do not detract from the active agricultural land. The Preliminary Plan intentionally minimizes the spread of residential development to avoid fragmentation and to minimize the potential for conflicts between farm and non-farm properties. Although there was testimony that the proposed development would change the character of the area, creating a suburban enclave within the Agricultural Reserve, the focus of the Master Plan is preservation of agriculture within the Reserve -- not maintenance of the rural character. However, in order to allay those concerns, the Preliminary Plan calls for the new homes to be buffered, where practical, from the agricultural areas to reduce conflicts. The Board finds that the Preliminary Plan is in substantial conformance with the AROS Master Plan.

3. *The Preliminary Plan substantially conforms to the Rustic Roads Functional Master Plan.*

The Planning Board finds that the Preliminary Plan substantially conforms to the Rustic Roads Functional Master Plan. All three abutting roads, Beallsville Road, Peach Tree Road and Whites Store Road are Rustic Roads, with Whites Store Road also being designated as an Exceptional Rustic Road. The lot layout proposed on the Preliminary Plan does not visually impact Beallsville Road or Whites Store Road but concentrates development along Peach Tree Road. The Board considered the impact of the two driveways and the two new road access points along Peach Tree Road and understood that the Rustic Roads Advisory Committee had recommended approval of the Preliminary Plan with these points of access.

The Planning Board was satisfied that the visual impacts to Peach Tree Road were minimized by using shared driveways to serve multiple lots and that the two access points for the new tertiary street were necessary for the number of lots proposed. The Board also considered the Staff Report which explained that the five lots in the southernmost cluster were relocated back off Peach Tree Road to minimize impact to a designated viewshed in the Rustic Roads Functional Master Plan that captured a view to Sugarloaf Mountain. The remaining 16 lots and three outlots on the Preliminary Plan uses forest, to the extent possible, to screen views along Peach Tree Road. The Board was satisfied that the Preliminary Plan appropriately addressed the recommendations of the Rustic Roads Functional Master Plan and finds that the Preliminary Plan is in substantial conformance with that plan.

4. All public facilities will be adequate to support and service the area of the proposed subdivision.

The Planning Board finds that all public facilities will be adequate to serve the lots proposed by this Application. The Board determined that a new road is required to serve the 13 proposed lots and 3 outlots located on the east side of Peach Tree Road, and that it should be constructed to tertiary road standards within a dedicated 50 foot wide right-of-way. No sidewalks are required for this section of road because of its low traffic volume and because it is in the "rural area" defined in the road code. Pedestrians can safely use the road shoulders in this low traffic volume area. The Board also determined that two shared driveways will be adequate to serve the three-lot and five-lot clusters on the west side of Peach Tree Road.

The Board considered the Staff Report and determined that the 21 lots and three outlots proposed will not generate 30 or more vehicle trips during the morning or evening peak-hours; therefore, the application is not subject to Local Area Transportation Review. The Subject Property is located in the Rural West Policy Area where there is no trip mitigation requirement for PAMR according to the current Growth Policy. The Board was satisfied that the local road network will not be overburdened by the additional traffic generated by this development. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

The Board finds that other public facilities and services are available and will be adequate to serve the proposed dwelling units. Local utilities have found that their respective services, if located in the area, are adequate to serve the proposed subdivision. The Montgomery County Department of Permitting Services (MCDPS) has approved the septic systems for all but three lots (11, 19, 20), which as a result are to be recorded as outlots. The Maryland Department of the Environment (MDE) has analyzed the well water withdrawal and has issued a groundwater appropriation permit. The Board understood that MDE was satisfied that well water supplies would be adequate for the new lots and that recharge to the groundwater supply was adequate for local wells.

The application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles and that it includes an easement for a future water supply cistern that will be shown on the record plat. Other public facilities and services, such as schools, police stations, firehouses and health services, are operating

within the standards set by the Growth Policy Resolution currently in effect. The Application is not within a school moratorium area and is not subject to a School Facilities Payment.

5. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Board finds the application meets all applicable sections. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision as previously discussed regarding the size, shape and location of the lots on the farm.

6. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

The Board finds that the Preliminary Plan meets all applicable requirements of the Montgomery County Forest Conservation Law, Chapter 22A. Of the 840 acres making up this Property, 780 acres will remain in agriculture and are exempt from forest conservation requirements through an agricultural Declaration of Intent. The residential component of this Application generates a 57.8 acre net tract area that is subject to the law. The forest conservation requirement on the 57.8 acre net tract will be met by protecting 8.30 acres within the residential lots and 89.6 acres on the unplatted farm portion of the Application. The Applicant also proposed to protect an additional 50 acres of existing forest to be used for forest banking purposes.

7. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on September 9, 2009 and the concept was reaffirmed on May 14, 2010. The concept plan consists of on-site water quality controls and onsite recharge via roadside swales, drywells and rooftop disconnects. Channel protection volume is not required because the one-year post development peak hour discharge is less than or equal to 2.0 cubic feet per second.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its Initiation Date (as defined in Montgomery County Code Section 50-

35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Land Records of Montgomery County, Maryland or a request for an extension must be filed; and

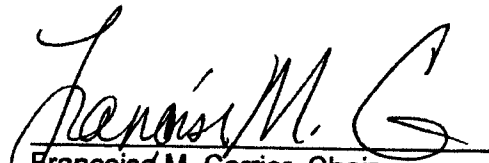
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is SEP 28 2010 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *
* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Alfandre, seconded by Vice Chair Wells-Harley, with Chairman Carrier, Vice Chair Wells-Harley, and Commissioners Alfandre and Dreyfuss present and voting in favor of the motion, and Commissioner Presley absent at its regular meeting held on Thursday, September 16, 2010, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board

49221 445

COVENANT TO ESTABLISH AN EQUESTRIAN TRAIL FOR RECREATIONAL USE BY THE GENERAL PUBLIC

THIS DECLARATION, made this 11th day of Sept., 2014 by BARNESVILLE OAK FARMS, LLC, a Maryland Limited Liability Company, on behalf of itself, its successors and assigns ("BOF" or the "Applicant") in its capacity as agent for the Balsamah Corporation, N.V. a Curacao corporation, its successors and assigns, (hereafter the "Farm Owner") authorized to do business in the State of Maryland (collectively "Declarant") ESTABLISHES AN EQUESTRIAN TRAIL FOR RECREATIONAL USE BY THE GENERAL PUBLIC subject to the terms, conditions and restrictions hereinafter set forth.

WITNESSETH

WHEREAS, Declarant is the owner of that certain parcel of land containing 840 acres, known of record as Parcel P579 on Tax Map DU13; and

WHEREAS, Declarant submitted Preliminary Plan Number 120090110 for subdivision approval for the 840 acre parcel of land known of record as Parcel P579 on Tax Map DU53 (hereafter the "Property"); and

WHEREAS, the Property is located on the east and west sides of Peach Tree Road in Montgomery County, Maryland; and

WHEREAS, on July 22, 2010 the Montgomery County Planning Board ("the Planning Board") of the Maryland-National Capital Park and Planning Commission (the "Commission") approved Preliminary Plan Number 120090110 subject to certain conditions; and

WHEREAS, pursuant to Section 50-30(c)(3) of the Montgomery County Subdivision Regulations, being also Chapter 50 of the Montgomery County Code 2004 as amended, Planning Board is empowered to require the establishment of recreational equestrian trail through the subdivision process for use by the general public; and

WHEREAS, on September 28, 2010, the Planning Board issued MCPB Resolution Number 10-129 approving the Preliminary Plan subject to conditions (the "Approval Resolution"); and

WHEREAS, Approval Resolution Condition Number Three ("Condition Number 3") requires the establishment of an Equestrian Trail for recreational use by the general public (the "Equestrian Trail") at the precise location and in the exact alignment as shown on the Approved Preliminary Plan; and

WHEREAS, the Approved Preliminary Plan depicts the precise location and exact alignment of the Planning Board approved recreational Equestrian Trail; and

WHEREAS, Subtitle 11 of Title 5 of the Natural Resources Article of the Maryland Annotated Code encourages landowners to permit the use of private property by the general public for recreational purposes, such as horseback riding, under certain limited circumstances;

FILED
LORETTA E. KNIGHT
CLERK'S OFFICE
MONTGOMERY COUNTY, MD.

2014 SEP 26 PM 3:27

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RECORDING FEE 20.00
TOTAL 60.00
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MONTGOMERY COUNTY CIRCUIT COURT (Land Records) LEK 49221, p. 0445, MSA_CE63_49178. Date available 10/03/2014. Printed 07/15/2015.

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After recording
hold for:

MILES & STOCKBRIDGE
11 North Washington Street
Suite 700
Rockville, Maryland 20850-4229

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and

WHEREAS, Subtitle 11 of Title 5 of the Natural Resources Article of the Maryland Annotated Code limits the liability of a landowner who permits such use of private property without charge; and

WHEREAS, By this Declaration Declarant establishes an equestrian trail for use by the general public and to permit the recreational equestrian use of the Equestrian Trail solely at the user's own risk, subject to Declarants' absolute immunity from any and all liability and the additional limitations on liability enumerated in the Natural Resources Article of the Maryland Annotated Code as currently codified and the terms, conditions and restrictions hereinafter set forth; and

WHEREAS, This Declaration of Covenant implements the general scheme of development intended by the Preliminary Plan and approved by the Planning Board's Approval Resolution and is recorded to benefit the land upon which the approved residential development will be located and establish the restrictions and limitations applicable to the use of the Equestrian Trail hereby established.

NOW THEREFORE, in consideration of the above recitals each of which is incorporated herein as if fully set forth below, and the covenants, terms, and restrictions hereinafter set forth, Declarant hereby establishes an Equestrian Trail on the Property for use by the general public in the precise location and exact alignment as approved by the Planning Board and as depicted on Exhibit "A" to this Declaration.

1. Recreational Equestrian Trail Established.

In compliance with Condition Number 3 an Equestrian Trail limited to equestrian recreational use by the general public without charge is hereby established on the Property as depicted on Exhibit "A" attached hereto and incorporated herein by this reference. The Equestrian Trail hereby established is for the benefit of the general public to be used solely for equestrian purposes pursuant to the express terms and conditions set forth in the Special Notes required by Paragraph 7(b) of this Declaration and the express terms and conditions set forth below.

- (a) In order to protect the residential use of the Property any activity by persons using the recreational Equestrian Trail that disrupts the quiet enjoyment and privacy of residents is prohibited.
- (b) In order to protect the agricultural use of the Property, any activity by persons using the recreational Equestrian Trail that disrupts or interferes with the agricultural use of the Property is prohibited
- (c) In order to assure the safe use of the trail, persons under the age of 18 are not permitted to use the recreational Equestrian Trail unless accompanied at all times by an adult over the age of eighteen.
- (d) In order to protect the residential and agricultural uses of the Property persons using the recreational Equestrian Trail are restricted to the precise trail location depicted on Exhibit "A". Access to any other part of the Property is strictly prohibited.

- (e) In order to protect the Declarant and the residential and agricultural uses of the Property the Equestrian Trail may not be used for fundraising purposes or for Equestrian Trail tours. No person or entity may charge a fee or solicit a donation from any person using the Equestrian Trail.
- (f) No person or entity has been granted the right to name the trail or to post any sign purporting to identify the equestrian trail by any name.

2. Effective Date.

This Declaration shall become effective and the Equestrian Trail shall be accessible to the general public for recreational equestrian use following the recordation of the Final Subdivision Plats for the approved lots on the Property among the land Records of Montgomery County, subject to the limitations expressed in Section 6 of this Declaration.

3. Enforcement and Remedies

(a) Declarant for itself and its respective assigns, representatives, agents and employees expressly reserves the right to enforce the provisions of this Declaration and to take all necessary actions within the boundaries of the Equestrian Trail to comply with all governmental requirements, to service the Property and the agricultural and permitted uses of the Property and to protect the Equestrian Trail from physical damage. These rights include but are not limited to the right to implement the approved Preliminary Plan, pave portions of the Equestrian Trail where necessary under State and/or County laws and to grant utility easements.

(b) The Declarant, its successors and assigns are entitled to recover reasonable attorney's fees and costs incurred in the event of any violation of the terms and restrictions of this Declaration of Covenant and any litigation instituted to enforce this Declaration.

4. Prior Easements

This Declaration is subject to prior easements of record for public roads, private drives and highways, public utilities, and pipelines. This Declaration is also subject to future easements granted in connection with the development of the Property, including but not limited to public roads, private drives and highways, public utilities, pipelines, and ingress/egress easements, and to easements pertaining to the establishment or transfer of Transferable Development rights("TDR's") or building Lot Termination easements ("BLT's").

5. No restriction on Use or Development

Nothing in this Declaration may be construed, interpreted or enforced in any manner that would impinge, restrict, conflict with or impede in any way whatsoever the agricultural or other permitted uses of the Property, including but not limited to its development (including but not limited to clearing and grading), the establishment or transfer of TDR's or BLT's.

6. Public Access to the Recreational Equestrian Trail

(a) Access to the recreational Equestrian Trail by the general public shall commence on a date determined by the Declarant, but no later than 90 days following recordation of the last subdivision plat required to implement the approved Preliminary Plan and the expiration of all periods during which an appeal of any subdivision related approval may be taken.

(b) Access to the recreational Equestrian Trail by the general public is strictly limited to the precise location of the approved Equestrian Trail as shown on the approved Preliminary Plan and on Exhibit "A".

7. Recreational Equestrian Trail to be referenced on Record Plats

(a) Record Plats submitted by the Declarant for approval by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission shall include specific references to the recreational Equestrian Trail and shall reference this Declaration by its Liber and folio number.

(b) Record Plats submitted by the Declarant for approval by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission shall include the following "Special Notes"

SPECIAL NOTES

1. These Special Notes comply with Condition Number 3 of MCPB Resolution No. 10-129 approving Preliminary Plan No. 120090110. Condition Number 3 established the location of an equestrian trail for use by the general public as shown on the Planning Board approved Preliminary Plan. The equestrian trail may be used by the general public without charge solely for recreational horseback riding. Such use is expressly restricted to horseback riding within the boundaries of the Planning Board approved equestrian trail as depicted hereon. The equestrian trail is on private property and any activity outside of the boundaries of the approved trail as depicted on this Plat is strictly prohibited. Use of the equestrian trail by members of the general public is at the user's own risk. The owners of the Property and their employees, agents and representatives are not liable for any death or injury to persons or property damage arising out of a person's use of the trail. Immunity from liability is of the essence of the Applicants' consent to establish an equestrian trail on private property. Use of the equestrian trail is also subject to the provisions and property owner protections enumerated in Subtitle 11 of Title 5, Sections 5-1101 through 5-1104 of the Natural Resources Article of the Maryland Annotated Code. Motorized vehicles of any type are strictly prohibited. Smoking and fires of any kind are strictly prohibited on the trail. The equestrian trail is privately owned and is not owned, operated or maintained by the Parks Department, the Maryland-National Capital Park and Planning Commission, or any other governmental entity. Unless expressly authorized by the Property owner, no entity or individual is authorized to operate, maintain or manage the equestrian trail and, in accordance with Section 5-1103 of the Natural Resources Article, the landowner is not required to maintain the trail or keep it safe for entry or use by members of the general public.

2. The Equestrian Trail shall be posted with a Notice listing use restrictions at locations approved by the Planning Department.

8. Plat Approval and Recordation

(a) In the event that any Court of competent jurisdiction reverses or remands any governmental approval pertaining to the subdivision of the Property, and/or the use of the Property or the Equestrian Trail this Declaration and all terms, conditions, restrictions, covenants and agreements contained herein and the right of the general public to access the recreational Equestrian Trail for recreational horseback riding, shall immediately terminate, and this Declaration shall be automatically revoked, released and extinguished for all purposes (except for Declarant's rights of immunity, enforcement and remedies provided herein in this Paragraph 8 and in Paragraphs 3 and 9) without any further action by Declarant.

(b) In the event of the termination of this Declaration as herein provided in subsection 8(a), Declarant, its successors or assigns may at their sole discretion file in the Land Records a formal termination, revocation, release and extinguishment of this instrument.

(c) In the event that any of the subdivision plats required by Preliminary Plan No. 120090110 are not approved for recordation by the Planning Board and recorded in the Land records of Montgomery County, Maryland this Declaration shall terminate as provided in subsection 8(a).

(d) In the event of any administrative or judicial challenge to the approval of the subdivision plats, their recordation, or this Declaration or any portion thereof this Declaration shall terminate as provided in subsection 8(a).

(e) This Declaration shall terminate as provided in subsection 8(a) above if any Court of competent jurisdiction reverses or remands any governmental approval pertaining to the subdivision of the Property, and/or the use of the Property or the Equestrian Trail.

9. In addition to and not in substitution of any other provision hereof, this Declaration is subject to the provisions and limits on liability established by Section 5-1104 of the Natural Resources Article of the Maryland Annotated Code, as codified on the date of recordation and the provisions of the Land Use Article of the Maryland Annotated Code, and Declarant shall be held harmless in accordance with all of the above referenced protections and the Maryland Annotated Code as codified on the date of recordation, and nothing herein may be interpreted or construed otherwise.

10. Declaration to Run with the Land.

Subject to Section 8, this Covenant shall run with the land in perpetuity.

11. Recordation.

Declarant shall cause this Covenant to be recorded among the Land Records of Montgomery County, Maryland.

12. Construction and Interpretation

This Declaration shall be construed, interpreted and enforced according to the laws of the State of Maryland.

13. Modification

This Declaration may only be modified in a writing signed by the Declarant and its successors or assigns.

14. Severability.

If any clause or provision of this Declaration is deemed by a court of law illegal, invalid, or unenforceable under any present or future law, the remainder of this Declaration will not be affected thereby. It is the express intention of the Declarant that if any such provision is held to be illegal, invalid, or unenforceable, that the remaining provisions of this Declaration shall remain valid and enforceable.

IN WITNESS THEREOF, the parties hereto have executed this easement this 11th day of September, 2014.

GRANTOR:

BARNESVILLE OAK FARMS, LLC

By: Katharine Sexton
Its Agent, and Agent for
Balsamah Corporation, N.V.



STATE OF MARYLAND
COUNTY OF MONTGOMERY:

On this 11th day of September, 2014, before me, the undersigned notary public personally appeared KATHARINE SEXTON and proved to me through satisfactory evidence of identification, which consisted of DC DRIVERS LICENSE, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Nelson Espinoza
Notary Public

My Commission Expires: 5/31/2018

THE UNDERSIGNED, a member in good standing of the Bar of the Court of Appeals of Maryland, hereby certifies that the within instrument was prepared by him or under his immediate supervision.

Stephen J. Orens
Stephen J. Orens

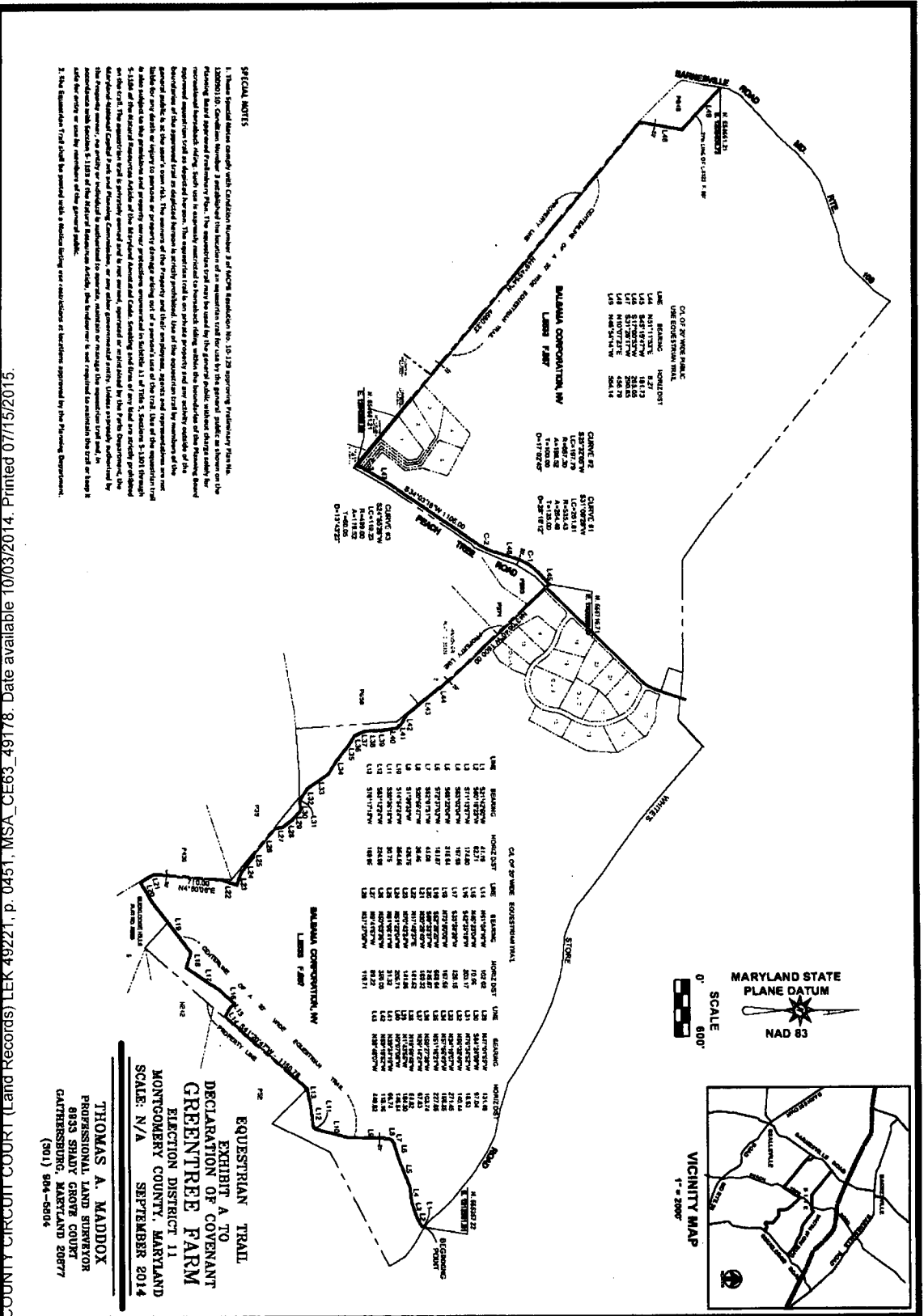


EXHIBIT A