

PLAT NO.

AREA TABULATION

3 LOTS 41,960 Sq.Ft. or 0.9445 Ac.
 1 OUTLOT 14,786 Sq.Ft. or 0.4842 Ac.
 STREET DEDICATION 5,232 Sq.Ft. or 0.1201 Ac.
 TOTAL AREA OF THIS PLAT 66,978 Sq.Ft. or 1.5238 Ac.

NUMBER	DELTA	RADIUS	ARC	TANGENT	CHORD	BEARING	CHORD
1	67°59'00"	40.00'	128.19'	60.22'	56.71'±250.00'	100.00'	100.00'
2	307°08'51"	40.00'	31.60'	15.96'	143.95'±274.91'	51.44'	51.44'
3	47°20'51"	40.00'	14.58'	7.43'	117.49'±274.91'	72.49'	72.49'
4	07°36'42"	265.00'	39.21'	11.63'	184.10'±271.74'	93.19'	93.19'

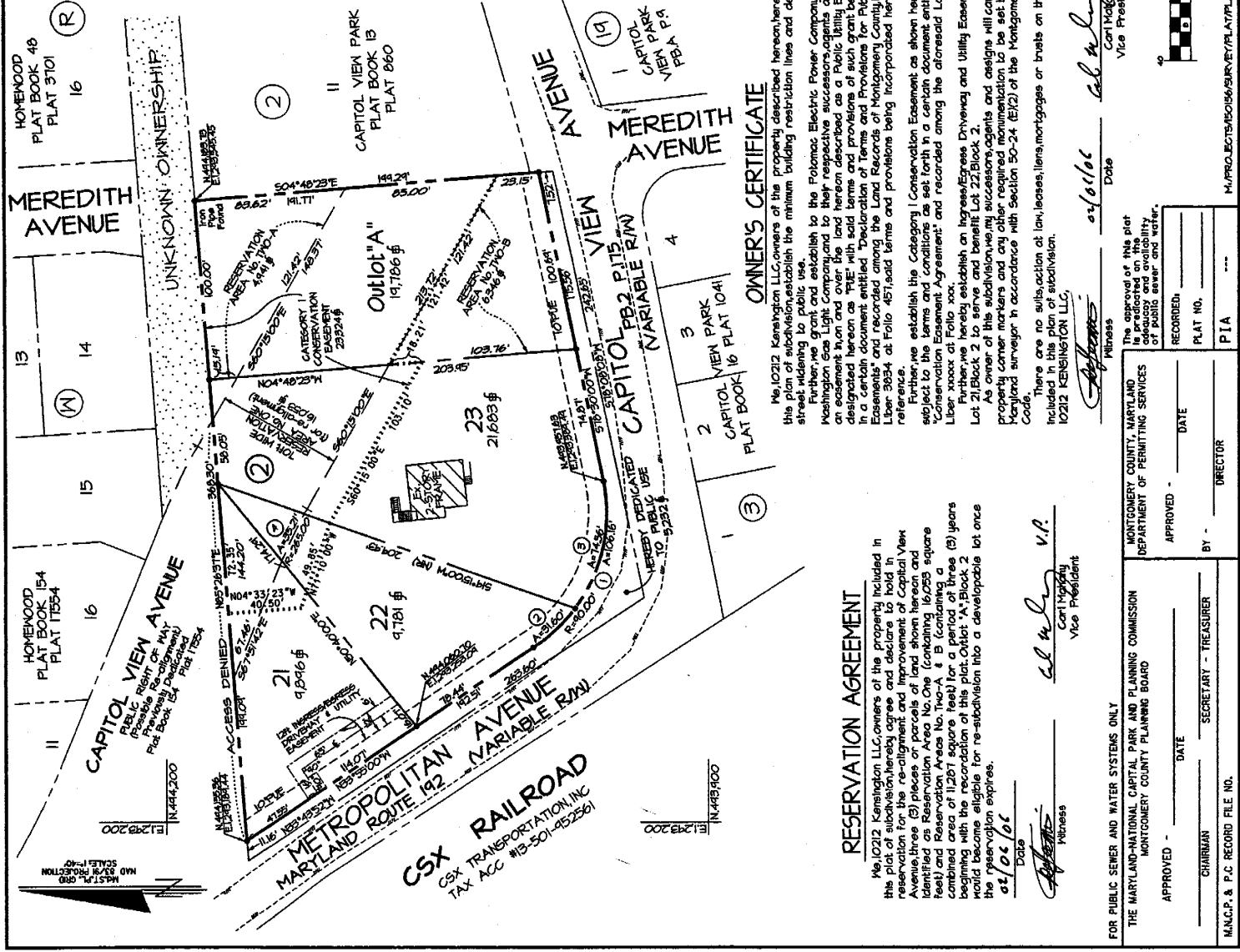
SURVEYOR'S CERTIFICATE

I hereby certify that the information shown hereon is true to the best of my knowledge and belief that it is a subdivision of all of the land conveyed from Gary A. Rosen, trustee in bankruptcy to 10212 Kensington LLC by a deed dated October 12, 2009 and recorded among the Land Records of Montgomery County, Maryland on October 20, 2009. That one parcel as shown on the plat hereon is the same parcel as shown on the plat recorded among the Land Records of Montgomery County, Maryland on October 20, 2009. That the area delineated hereon is in accordance with Section 50-24 (b)(2) of the Montgomery County Code and that the total area included in this plat of subdivision is 66,978 square feet or 1.5238 acres of land of which 5,232 square feet are dedicated to public use.

February 9, 2010
Gerald L. Bennett
 Date
 Gerald L. Bennett
 Professional Land Surveyor
 Maryland Reg No. 10743

NOTES

- 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 this property. The subdivision record plat is not intended to replace an examination of title or to depict or note all matters affecting title.
- All terms, conditions, agreements, limitations and requirements associated with any preliminary plans, site plan, project plan or other plan, including development of this property, approved by Montgomery County Planning Board are intended to survive and not be distinguished by the recordation of this plat unless expressly contemplated by the plan as approved. The official public files for any such plan are maintained by the Planning Board and are available for public review during normal business hours.
- The property included on this plat is shown on Montgomery County Tax Map MP23, and zoned R-60.
- Lot 23, Block 2 shall not be reduced in size in the future except to permit the right of way for relocated Capitol View Avenue at the rear of the lot to be used in the event that this road is constructed.
- If after three (3) years the reservation areas are not acquired for construction of relocated Capitol View Avenue or Meredith Avenue an application may be filed to convert Outlot 'A', Block 2 into a minimum of one record lot through the minor subdivision process.
- The property shown hereon is subjected to the requirements of the Montgomery County Forest Conservation Law of 1923, including approval to Plati Forest Conservation Plan and appropriate agreements prior to issuance of a sediment control permit.
- The lots shown hereon are limited to uses and conditions as required by Preliminary Plan L-05005.



OWNER'S CERTIFICATE

We, 10212 Kensington LLC, owners of the property described hereon, hereby adopt this plan of subdivision to establish the minimum building restriction lines and dedicate the streets shown to the public use and establish to the Potomac Electric Power Company, Verizon, Washington Gas Light Company and to their respective successors, agents and assigns, an easement to run over the land hereon described as a Public Utility Easement, designated hereon as "PUE" with said terms and provisions of such grant being set forth in a certain document entitled "Declaration of Terms and Provisions for Public Utility Easements" and recorded among the Land Records of Montgomery County, Maryland in Liber 30934 at Folio 457, said terms and provisions being incorporated herein by this reference.

Further, we establish the Category I Conservation Easement as shown hereon and subject to the terms and conditions as set forth in a certain document entitled "Conservation Easement Agreement" and recorded among the aforesaid Land Records in Liber xxxxx at Folio xxx.

Parties hereto hereby establish an Ingress/Egress Driveway and Utility Easement across Lot 21, Block 2, to serve and benefit Lot 22, Block 2.

In consideration of the above, the undersigned owners, agents and assigns, will cause all required corner monuments and city utility markings to be set by a registered Maryland surveyor in accordance with Section 50-24 (E)(2) of the Montgomery County Code.

There are no subsurface liens, mortgages or trusts on the property included in this plan of subdivision.

RESERVATION AGREEMENT

We, 10212 Kensington LLC, owners of the property included in this plat of subdivision, hereby agree and declare to hold in reservation for the re-alignment and improvement of Capitol View Avenue, three (3) pieces of parcels of land shown hereon and identified as Reservation Area No. One (Containing 16,255 square feet) and Reservation Area No. Two-A & B (Containing a combined area of 11,261 square feet) for a period of three (3) years beginning with the recordation of this plat. Outlot 'A', Block 2 would become eligible for re-subdivision into a developable lot once the reservation expires.

02/09/10
 Date
Carl Magary
 Witness
 Carl Magary
 Vice President

FOR PUBLIC SEWER AND WATER SYSTEMS ONLY
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 MONTGOMERY COUNTY PLANNING BOARD

APPROVED - _____ DATE _____
 CHAIRMAN SECRETARY - TREASURER

MAN.C.P. & P.C. RECORD FILE NO. _____

APPROVED - _____ DATE _____
 DIRECTOR

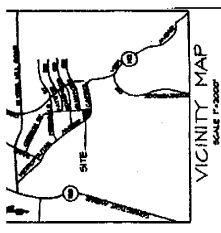
PLAT NO. _____
 PIA _____

RECORDED _____

The approval of this plat of subdivision is hereby declared and available for public sewer and water.



MEATON (B3N) DISTRICT
 MONTGOMERY COUNTY, MARYLAND
 SCALE: 1" = 40' AUGUST 2005
Apex engineering
 1850 GRABER BRANCH WAY SUITE 200
 ROCKVILLE, MARYLAND 20851-2622
 301-411-0200 FAX 301-418-0164



VICINITY MAP
SCALE 1"=100'

- GENERAL NOTES:**
1. THE SUBJECT PROPERTY IS SHOWN AS PARCELS 1980.00 OR TAX MAP 1980. THE TOTAL SITE AREA IS 149 AC.
 2. EXISTING ZONING IS R-40.
 3. BOUNDARY INFORMATION IS FROM A DEED PLOT PREPARED BY POTOMAC VALLEY SURVEYERS DATED JUNE 2004.
 4. TOPOGRAPHIC INFORMATION IS FROM AERIAL PHOTOGRAPHY OBTAINED FROM MAPCON, IN JANUARY 2004. THE CONTOUR INTERVAL IS 10 FEET.
 5. THERE ARE NO MATTERS OF THE UNITED STATES OR INDIANAS ON THIS SITE.
 6. THERE IS NO 100 YEAR FLOODPLAIN ON THIS SITE.
 7. THE RECORD WAS APPROVED MAY 20, 2004 (P-10400) M-02074.
 8. ACCORDING TO THE LOCAL ORDINANCES, ALL LOTS OF INDIVIDUAL SITES IN MONTGOMERY COUNTY, MD THIS SITE IS LISTED AS BEING IN THE CAPITOL VIEW HISTORIC DISTRICT.
 9. THE SITE IS WITHIN THE ROCK CREEK PARKERED ZONE IS A USE CLASS IN P STREET.
 10. CURRENT OWNER, CDD DEVELOPMENT LLC.
 11. A SINGLE FAMILY LOTS IS PROPOSED, EXTENDING TO NEIGHBORHOOD LOTLINE AND PROPOSED.
 12. DEVELOPMENT STANDARDS:
 - MINIMUM NUMBER OF LOTS ALLOWED IS 1 LOT.
 - MINIMUM LOT AREA IS 5000 SQ FT.
 - MINIMUM SETBACKS:
 - FRONT 25'
 - SIDE 10'
 - REAR 10'
 - TOTAL OF BOTH SIDES 20'
 - MAXIMUM FRONT YARD SETBACK 20'
 - MAXIMUM LOT COVERAGE 50%
 13. THERE ARE NO EXISTING SETBACKS ON SITE OR WITHIN 50' OF THE PROPERTY. THERE IS AN ABANDONED WELL ON SITE.
 14. EXISTING WATER AND SEWER CATEGORIES IS M1 AND S1.
 15. THIS PROJECT SHALL BE DEVELOPED IN ONE PHASE.
 16. RECORD DRAWINGS, PRELIMINARY CONSTRUCTION AND RECORD ARE THE PUBLIC UTILITY COMPANIES THAT WILL PROVIDE SERVICE TO THIS SITE.

OWNER / SURVEYOR CERTIFICATE
 I HEREBY CERTIFY THAT THE BOUNDARY IS FROM A DEED PLOT SURVEY PREPARED BY POTOMAC VALLEY SURVEYERS DATED JUNE 2004. I HEREBY CERTIFY THAT THE BOUNDARY INFORMATION IS FROM AERIAL PHOTOGRAPHY OBTAINED FROM MAPCON, IN JANUARY 2004. I HEREBY CERTIFY THAT THE ELEVATION DATA WAS OBTAINED IN ACCORDANCE WITH CHAPTER 90 OF THE MONTGOMERY COUNTY CODE, SUBCHAPTER 90-201.01, REVISED MARCH 1996.

PRINTED ON
 DATE 11.8.2005
 PREPARED BY
 PEI ENGINEERING
 410/25

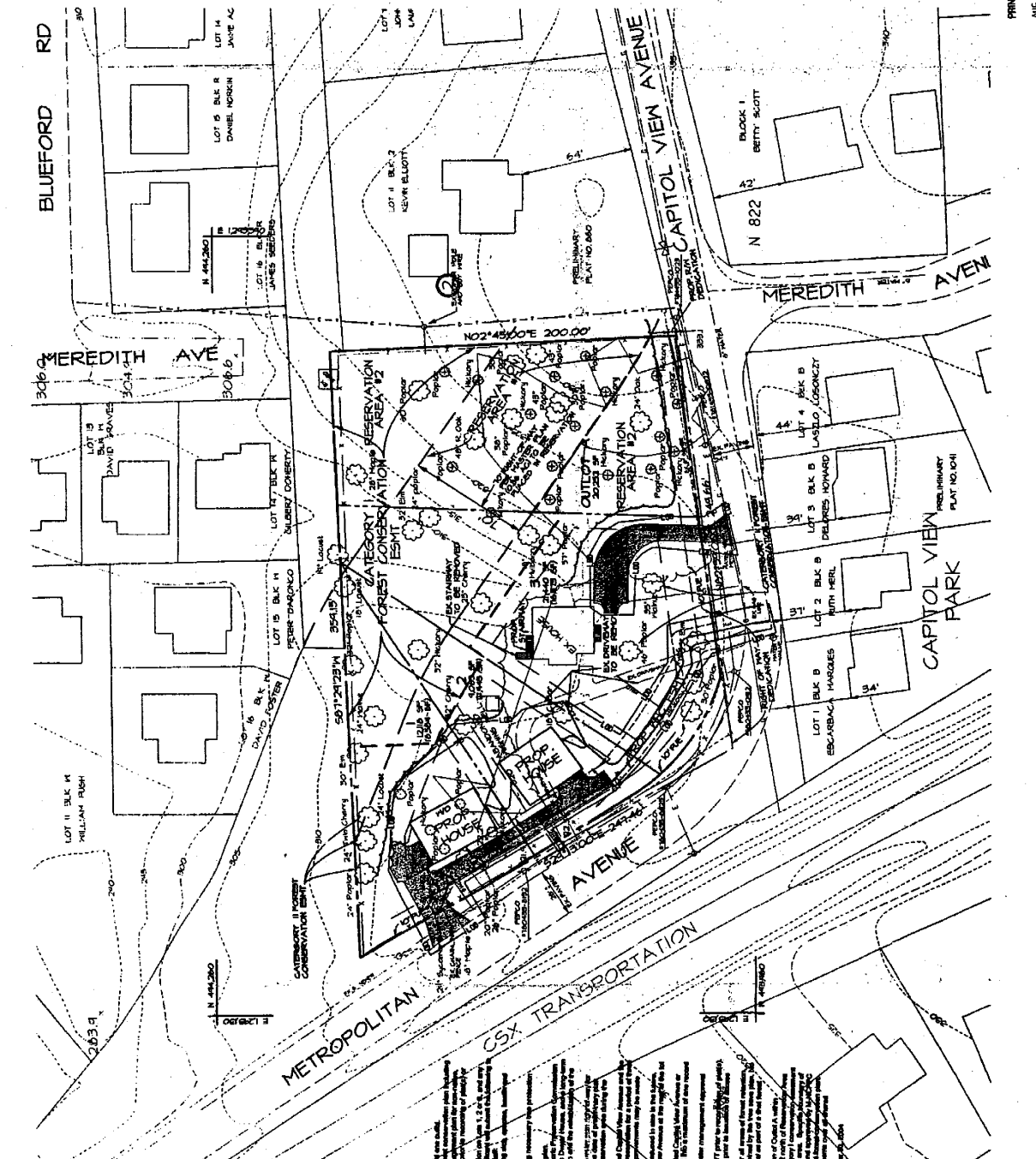
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DATE
 JUNE 2004
DESIGNED BY



PREPARED BY
 PEI ENGINEERING
 10412 MONTGOMERY AVENUE
 KENNESAW, MD 20895
 301-483-1425
 FAX 301-483-0287

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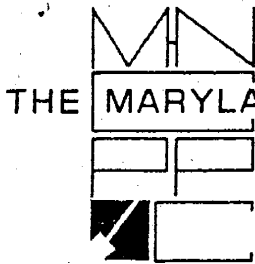
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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

Date Mailed: APR 12 2005

Action: Approved Staff
Recommendation
Motion of Commissioner Perdue,
seconded by Commissioner Robinson
with a vote of 4 - 0.
Commissioners Perdue, Bryant,
Wellington and Robinson voting in
favor. Chairman Berlage abstained
from voting based on his absence from
a portion of the hearing.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-05005
NAME OF PLAN: Macon Construction

APR 12 2005

The date of this written opinion is _____ (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court - State).

On 7/8/04, Macon Construction, Inc. submitted an application for the approval of a preliminary plan of subdivision of property in the R-60 zone. The application proposed to create 3 lots and one outlot on 1.48 acres of land zoned R-60 located on the east side of Metropolitan Avenue, immediately north of Capitol View Avenue (MD192), in the Kensington/Wheaton-Capitol View Sector plan area. The application was designated Preliminary Plan 1-05005. On 2/17/05, Preliminary Plan 1-05005 was brought before

The preliminary forest conservation plan (FCP) proposes to clear about 0.36 acre of forest. About 0.76 acre of forest will be retained and will be placed in a Category I conservation easement.

Staff's review of Preliminary Plan #1-05005, Macon Construction, indicated that the plan conforms to the recommendations of the Capitol View Sector Plan and The Master Plan for Communities of Kensington-Wheaton. The proposed preliminary plan is consistent with the master plan goal to maintain the area's residential character. Staff recommended to the Board that the proposed preliminary plan complies with Chapter 50 of the Montgomery County Code, Subdivision Regulations, in that public facilities will be adequate to support and service the area of the proposed subdivision. Staff further concluded that the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

At the public hearing staff testified and recommended approval of the preliminary plan, subject to conditions. The applicant appeared, represented by legal counsel, and agreed with staff's recommendation of approval and the conditions submitted for Board approval (revised conditions dated February 17, 2005).

A neighbor appeared to testify on behalf of herself and on behalf of the adjoining property owner of Lot 11. The testimony raised concerns about forest and tree loss and testified in support of staff's recommendations regarding forest conservation, and raised questions about the condition of reservation for Capital View Avenue. In response to Boardmember inquiries, legal counsel to the Planning Board confirmed that placing the right-of-way for Capital View and Meredith Avenues merely precluded the developer from building within those rights-of-way for up to three years, while the public transportation agencies make a determination as to whether they intend to acquire the right-of-way.

The speaker also testified that the owner of Lot 11 did not receive notice of the public hearing. During rebuttal, the applicant testified that it made efforts two weeks prior to the public hearing through telephone calls (which received no answer), mail and electronic mail. In response to Board inquiries, staff testified that they sent notice in accordance with the Planning Board's Rules of Procedure, and staff subsequently spoke with the property owner, who stated that his mailing address on the letter was for Kensington, when his address should be Silver Spring. After the telephone conversation, staff facsimiled a copy of the notice after their conversation, and in response to Planning Board questions confirmed that the facsimile was sent less than 10 days before the hearing (as is required by the Planning Board's Rules of Procedure). In response to additional questioning, staff stated that the property owner did not ask for any deferral or continuance of the hearing, and submitted a letter into the record expressing his concerns.

- 1) Limit the preliminary plan to three single-family residential lots and one outlot.
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan including preparation of a detailed tree protection plan and an on-site management plan for non-native, invasive plant species. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
- 3) At the time of Historic Area Work Permit review for any construction on Lots 1, 2 or 3, and any future construction on Outlot A if it is converted into a lot, the applicant will submit the following to Environmental Planning and Historic Preservation Commission staff:
 - a) a full tree survey prepared by a certified arborist, indicating size, species, health and location of all trees greater than 6" in diameter;
 - b) a detailed grading plan for the lot(s); and
 - c) a tree save plan prepared by a certified arborist identifying necessary tree protection measures.

No issuance of building permits prior to approval of the tree save plan.

- 4) Prior to record plat the owner will sign an agreement with the Historic Preservation Commission to outline a short-term renovation/stabilization plan for the Historic Dwyer House, and a long-term timeline for the entire site including timing for the new construction and the rehabilitation of the Dwyer House.
- 5) Place in involuntary reservation on proposed Lots 1, 2 and 3 the master plan right-of-way for relocated Capitol View Avenue, for a period not to exceed three years from the date of preliminary plan approval or until a determination is made whether the right-of-way will be acquired, whichever occurs earlier. No structural improvements may be made within the reservation area during the reservation period.
- 6) Place Outlot A containing the master plan right-of-way for relocated Capitol View Avenue and the possible extension or terminus of Meredith Avenue in involuntary reservation for a period not to exceed three years from the date of preliminary plan approval or until a determination is made whether a portion of the Outlot will be acquired, whichever occurs earlier. No structural improvements may be made within the reservation area during the reservation period.
- 7) Record plat shall contain a note stipulating that Lot 3 may not be reduced in size in the future, except to permit the reserved right-of-way for relocated Capitol View Avenue at the rear of the lot to be used in the event that this road is constructed.

CERTIFICATION OF BOARD ADOPTION OF OPINION

At its regular meeting, held on **Thursday, March 31, 2005**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent **ADOPTED** the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Preliminary Plan No. 1-05005, Macon Construction**. Commissioner Perdue was absent. Chairman Berlage abstained.



Certification As To Vote of Adoption
E. Ann Daly, Technical Writer