



DEPARTMENT OF PLANNING & ZONING
COMPREHENSIVE PLANNING | LAND PRESERVATION | FOREST CONSERVATION | GIS

AGENDA

WASHINGTON COUNTY PLANNING COMMISSION

December 2, 2019, 7:00 PM

WASHINGTON COUNTY ADMINISTRATIVE COMPLEX

100 WEST WASHINGTON STREET

2ND FLOOR, PUBLIC MEETING ROOM #2000

CALL TO ORDER AND ROLL CALL

PUBLIC REZONING INFORMATION MEETING

1. **Heritage Huyett LLC [RZ-19-006]** – Proposed map amendment for Heritage Huyett LLC for 29.57 acres of property located at 16422 National Pike; Current Zoning: Planned Industrial/Business Local; Proposed Zoning: Planned Industrial; Planner: Jill Baker *

- MINUTES

1. November 4, 2019 Planning Commission meeting minutes *

NEW BUSINESS

FOREST CONSERVATION

1. **Ridenour Family Lot 3** – Request to use the payment-in-lieu of to meet Forest Conservation Ordinance requirements for mitigation for property located along Stevenson Road, Smithsburg; Planner: Travis Allen *

OTHER BUSINESS

1. **Thomas J. Gilbert III** – Request to remove intra-family restriction on property along Horizon Lane
2. **Update of Staff Approvals**

ADJOURNMENT

UPCOMING MEETINGS

1. Monday, January 6, 2020, 7:00 p.m., Washington County Planning Commission regular meeting, Washington County Administrative Complex, 100 W. Washington Street, 2nd Floor, Public Meeting Room #2000, Hagerstown, Maryland

**a t t a c h m e n t s*

The Planning Commission reserves the right to vary the order in which the cases are called. Individuals requiring special accommodations are requested to contact the Washington County Planning Department at 240-313-2430, to make arrangements no later than ten (10) days prior to the meeting. *Notice is given that the Planning Commission agenda may be amended at any time up to and including the Planning Commission meeting.*

100 West Washington Street, Suite 2600 | Hagerstown, MD 21740 | P: 240.313.2430 | F: 240.313.2431 | TDD: 7-1-1

WWW.WASHCO-MD.NET

Via FedEx Overnight

September 23, 2019

Ms. Jill Baker
Deputy Director
Washington County Planning & Zoning
100 West Washington Street, Suite 2600
Hagerstown, MD 21740

Re: Zoning Map Amendment
Heritage Huyett, LLC
Creekside Logistics Center
Greencastle Pike, Washington County, MD

Dear Ms. Baker:

On behalf of Heritage Huyett, LLC, Snyder, Secary, & Associates, LLC is pleased to submit the Zoning Map Amendment for the above referenced project. Heritage Huyett, LLC would like to rezone the rest of their property to allow for the construction of a warehouse.

The properties are located along the western side of Greencastle Pike (MD-63), approximately 700 feet north of the intersection with National Pike (US-40). The properties are identified as Tax Map 0036, Grid 0015, Parcel No's: 0393 and 0561.

A Preliminary Consultation has been previously submitted for the proposed development to the County.

We are enclosing the following information constituting the formal submission of a Zoning Map Amendment for these properties:

1. One (1) Original and thirty (30) copies of the Washington County Zoning Ordinance Map Amendment Application
2. Thirty (30) copies of the Fee Worksheet
3. One (1) check in the amount of \$2,756.40 made payable to the "Washington County Treasurer"
4. Thirty (30) copies of the SDAT Records and Deeds of Exchange.
5. Thirty (30) copies of the Boundary Plat.
6. Thirty (30) copies of the list of names and addresses for adjoining property owners
7. Thirty (30) copies of the Vicinity Map
8. Thirty (30) copies of the Justification Statement

With this submission we request that a date be scheduled with the County Planning Commission to discuss the project. We will be in attendance to represent the project and to answer any questions that the County may have in this regard.

Ms. Jill Baker
Washington County Planning & Zoning
September 23, 2019
Page 2

If you have any interim comments or questions or require further information, please feel free to contact me. Thank you.

Sincerely,

Snyder, Secary & Associates, LLC



Kenneth W. Hinebaugh, EIT
Project Manager

cc: Mr. James LaFleur, Heritage Huyett LLC (via e-mail, w/encl.)
Mr. Terry Randall, Heritage Huyett LLC (via e-mail, w/encl.)
Mr. Bill Pillington, CBRE (via e-mail, w/encl.)
Mr. Jon Casella, CBRE (via e-mail, w/encl.)
Mr. Brian Kurtyka, Esp., Kurtyka & Associates (via e-mail, w/encl.)
Mr. James Snyder, SS&A (via e-mail, w/encl.)
File



WASHINGTON COUNTY PLANNING COMMISSION
ZONING ORDINANCE MAP AMENDMENT APPLICATION

FOR PLANNING COMMISSION USE ONLY
Rezoning No. _____
Date Filed: _____

Heritage Huyett, LLC

Applicant

PO Box 3800 Hagerstown, MD 21742

Address

James A. LaFleur

Primary Contact

1301 W. Washington St. Hagerstown, MD 21740

Address

- Property Owner
- Contract Purchaser
- Attorney
- Consultant
- Other: _____

(240) 520-3484

Phone Number

jlafleur@trustdevelop.us

E-mail Address

Property Location: **16422 National Pike, Hagerstown, MD 21740**

Tax Map: **0036** Grid: **0015** Parcel No.: **0393/0561** Acreage: **29.57**

Current Zoning: Planned Industrial / Business Local Requested Zoning: **Planned Industrial**

- Reason for the Request:
- Change in the character of the neighborhood
 - Mistake in original zoning

PLEASE NOTE: A Justification Statement is required for either reason.

James A LaFleur
Applicant's Signature

Subscribed and sworn before me this 18 day of September, 2019.

My commission expires on 1/10/23
[Signature]
Notary Public

FOR PLANNING COMMISSION USE ONLY

- Application Form
- Names and Addresses of all Adjoining & Confronting Property Owners
- Fee Worksheet
- Vicinity Map
- Application Fee
- Justification Statement
- Ownership Verification
- 30 copies of complete Application Package
- Boundary Plat (Including Metes & Bounds)

LAURA LaFLEUR SMITH
NOTARY PUBLIC
WASHINGTON COUNTY
MARYLAND
MY COMMISSION EXPIRES 1-10-2023



WASHINGTON COUNTY DEPARTMENT OF PLANNING & ZONING FEE WORKSHEET

FOR PLANNING COMMISSION USE ONLY
Rezoning No. _____
Date Filed: _____

PLEASE COMPLETE ONLY THE SECTION THAT APPLIES.

Applicant's Name: Heritage Huyett, LLC Date: 9-23-2019

Zoning Ordinance Map Amendment \$ 2,000.00

Number of Acres * 29.57 x \$20.00 per acre \$ 591.40

Engineering Review Fee \$ 150.00

Technology Fee \$ 15.00

TOTAL FEES DUE – MAP AMENDMENT \$ 2,756.40

Text Amendment \$ 2,000.00

Choose One: Adequate Public Facilities Ordinance
 Forest Conservation Ordinance
 Solid Waste Plan
 Subdivision Ordinance
 Water and Sewer Plan
 Zoning Ordinance
 Other: _____

Technology Fee \$ 15.00

TOTAL FEES DUE – TEXT AMENDMENT \$ 2,015.00

Forest Conservation Exemption \$ 25.00

Technology Fee \$ 15.00

TOTAL FEES DUE – FOREST EXEMPTION \$ 40.00

Please make checks payable to "Washington County Treasurer".

Real Property Data Search

Search Result for WASHINGTON COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration				
Tax Exempt:		Special Tax Recapture:								
Exempt Class:		NONE								
Account Identifier:		District - 23 Account Number - 008092								
Owner Information										
Owner Name:		HERITAGE HUYETT LLC				Use:		COMMERCIAL		
Mailing Address:		1301 W WASHINGTON ST HAGERSTOWN MD 21740-				Principal Residence:		NO		
						Deed Reference:		/05537/ 00377		
Location & Structure Information										
Premises Address:		16422 NATIONAL PIKE HAGERSTOWN 21740-0000				Legal Description:		81.90 ACRES 16422 NATIONAL PIKE		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	10689
0036	0015	0393		0000				2018	Plat Ref:	
Special Tax Areas:		Town:				NONE				
		Ad Valorem:								
		Tax Class:								
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
						81.9000 AC				
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation				
Value Information										
		Base Value		Value		Phase-in Assessments				
				As of		As of		As of		
				01/01/2018		07/01/2019		07/01/2020		
Land:		2,895,900		2,895,900						
Improvements		0		0						
Total:		2,895,900		2,895,900		2,895,900		2,895,900		
Preferential Land:		0						0		
Transfer Information										
Seller: SHIFLER RANDY M & Type: NON-ARMS LENGTH OTHER				Date: 06/30/2017 Deed1: /05537/ 00377				Price: \$0 Deed2:		
Seller: MCRAND HUYETTS LMTD PRTNRSHIP Type: NON-ARMS LENGTH OTHER				Date: 06/30/2017 Deed1: /05537/ 00346				Price: \$0 Deed2:		
Seller: BANK ORRSTOWN Type: NON-ARMS LENGTH OTHER				Date: 04/02/2012 Deed1: /04257/ 00169				Price: \$515,000 Deed2:		
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2019		07/01/2020				
County:		000		0.00						
State:		000		0.00						
Municipal:		000		0.00 0.00		0.00 0.00				
Tax Exempt:		Special Tax Recapture:								
Exempt Class:		NONE								
Homestead Application Information										
Homestead Application Status: No Application										
Homeowners' Tax Credit Application Information										
Homeowners' Tax Credit Application Status: No Application						Date:				

Real Property Data Search

Search Result for WASHINGTON COUNTY

View Map		View GroundRent Redemption			View GroundRent Registration				
Tax Exempt:		Special Tax Recapture:							
Exempt Class:		NONE							
Account Identifier:		District - 23 Account Number - 022141							
Owner Information									
Owner Name:		HERITAGE HUYETT LLC			Use:		COMMERCIAL		
Mailing Address:		1301 W WASHINGTON ST HAGERSTOWN MD 21740-			Principal Residence:		NO		
					Deed Reference:		/04257/ 00169		
Location & Structure Information									
Premises Address:		GREENCASTLE PIKE HAGERSTOWN 21740-0000			Legal Description:		PARCEL B 8.32 ACRES WS GREENCASTLE PIKE		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: 1853
0036	0015	0561		0000				2018	Plat Ref:
Special Tax Areas:					Town:		NONE		
					Ad Valorem:				
					Tax Class:				
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
						8.3200 AC		000000	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2018		07/01/2019		07/01/2020	
Land:		416,000		416,000					
Improvements		0		0					
Total:		416,000		416,000		416,000		416,000	
Preferential Land:		0						0	
Transfer Information									
Seller: BANK ORRSTOWN		Date: 04/02/2012			Price: \$515,000				
Type: NON-ARMS LENGTH OTHER		Deed1: /04257/ 00169			Deed2:				
Seller: D & A DEVELOPMENT CORPORATION		Date: 01/04/2012			Price: \$0				
Type: NON-ARMS LENGTH OTHER		Deed1: /04210/ 00370			Deed2:				
Seller: RHOTON DOROTHY F		Date: 08/18/2005			Price: \$400,000				
Type: ARMS LENGTH VACANT		Deed1: /02752/ 00081			Deed2:				
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2019		07/01/2020			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00		0.00 0.00			
Tax Exempt:		Special Tax Recapture:							
Exempt Class:		NONE							
Homestead Application Information									
Homestead Application Status: No Application									
Homeowners' Tax Credit Application Information									
Homeowners' Tax Credit Application Status: No Application					Date:				

PREPARED
WITHOUT
TITLE
EXAMINATION

DEED OF EXCHANGE

THIS DEED OF EXCHANGE, made this 5th day of April, 2017, by and between Heritage Huyett, LLC, a Maryland limited liability company ("Heritage") and Randy M. Shifler and Angela M. Shifler (collectively, the "Shiflers").

WHEREAS, Heritage and the Shiflers, *inter alia*, made application to Washington County, Maryland for a simplified subdivision of certain parcels of real property, including the parcels as more particularly described hereinbelow, to adjust certain property lines and enlarge certain parcels for the purpose of widening the right of way of "Lager Drive" along Greencastle Pike (Maryland Route 63), all as depicted on a plat of subdivision entitled "Simplified Plat of Subdivision of Parcels A, B, C, D, E, F, G & H for Randy and Angela Shifler and Heritage Huyett LLC and McRand-Huyetts Limited Partnership" (the "Plat"); and

WHEREAS, said simplified subdivision was approved by the Washington County Planning Commission on January 24, 2017 and said Plat subsequently recorded at Plat folio 10689 among the Plat Records of Washington County, Maryland (a copy of said Plat being attached hereto and incorporated herein by reference as "Exhibit A"); and

WHEREAS, this Deed of Exchange is intended to and does complete the adjustment of certain property lines and enlarge certain parcels as set forth on said Plat.

NOW THEREFORE WITNESSETH, that for and in consideration of the foregoing, but for no monetary consideration, the respective parties hereto grant and convey unto one another the following lots or parcels of real property:

A. **HERITAGE HUYETT, LLC**, a Maryland limited liability company, does hereby grant and convey unto **RANDY M. SHIFLER** and **ANGELA M. SHIFLER**, as tenants by the entireties, in fee simple, all the following described real property, together with any improvements, easements, rights of way, benefits, and appurtenances, thereunto belonging or appertaining, situate along the West side of the Williamsport-Greencastle Highway and on the North side of U.S. Route 40 West of Huyetts Cross Roads in Election District No. 23, Washington County, Maryland, and being more particularly described as follows:

Parcel No. A1: All that lot or parcel of land, containing 0.61 acres, more or less, as shown and depicted as "Parcel F" on a plat of subdivision entitled "Simplified Plat of Subdivision of Parcels A, B, C, D, E, F, G & H for Randy and Angela Shifler and Heritage Huyett LLC and McRand-Huyetts Limited Partnership" prepared by Frederick Seibert & Associates, Inc., bearing Job No. 4668, and recorded at Plat folio 10689, among the Plat Records maintained in the Office of the Clerk of the Circuit Court of Washington County, Maryland.

The above-described property being part of the property conveyed unto Heritage Huyett, LLC from Orrstown Bank, by deed dated March 30, 2012 and recorded in Liber 4257, folio 169 among the Land Records of Washington County, Maryland, to which deed reference is hereby made.

This property is conveyed together with and subject to all applicable covenants, conditions, restrictions, limitations, rights of way, streets, reservations, alleys, and easements of record.

B. **RANDY M. SHIFLER** and **ANGELA M. SHIFLER**, husband and wife, do hereby grant and convey unto **HERITAGE HUYETT, LLC**, a Maryland limited liability company, in fee simple, all the following described real property, together with any improvements, easements, rights of way, benefits, and appurtenances, thereunto belonging or appertaining, situate along the West side

KURTYKA & ASSOCIATES, LLC
ATTORNEY AT LAW
201 PROSPECT AVENUE
SUITE 122
HAGERSTOWN, MD 21742
(301) 714-0889

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of the Williamsport-Greencastle Highway and on the North side of U.S. Route 40 West of Huyetts Cross Roads in Election District No. 23, Washington County, Maryland, and being more particularly described as follows:

Parcel No. B1: All that lot or parcel of land, containing 0.15 acres, more or less, as shown and depicted as "Parcel B" on a plat of subdivision entitled "Simplified Plat of Subdivision of Parcels A, B, C, D, E, F, G & H for Randy and Angela Shifler and Heritage Huyett LLC and McRand-Huyetts Limited Partnership" prepared by Frederick Seibert & Associates, Inc., bearing Job No. 4668, and recorded at Plat folio 10689, among the Plat Records maintained in the Office of the Clerk of the Circuit Court of Washington County, Maryland; and

Parcel No. B2: All that lot or parcel of land, containing 0.20 acres, more or less, as shown and depicted as "Parcel E" on a plat of subdivision entitled "Simplified Plat of Subdivision of Parcels A, B, C, D, E, F, G & H for Randy and Angela Shifler and Heritage Huyett LLC and McRand-Huyetts Limited Partnership" prepared by Frederick Seibert & Associates, Inc., bearing Job No. 4668, and recorded at Plat folio 10689, among the Plat Records maintained in the Office of the Clerk of the Circuit Court of Washington County, Maryland.

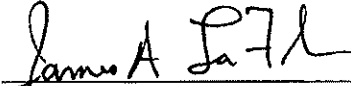
The above-described property being part of that one-half (1/2) undivided interest in real property conveyed unto Randy M. Shifler and Angela M. Shifler, his wife, from Randall Properties, L.L.P., a Maryland limited liability limited partnership, by deed dated April 30, 1997 and recorded in Liber 1333, folio 522 among the Land Records of Washington County, Maryland, to which deed reference is hereby made; and also being a part of that one-half (1/2) undivided interest in real property conveyed unto Randy M. Shifler and Angela M. Shifler, his wife, from EB Limited Partnership, a Maryland limited partnership, by deed dated April 30, 1997 and recorded in Liber 1333, folio 524 among the Land Records of Washington County, Maryland, to which deed reference is hereby made.

This property is conveyed together with and subject to all applicable covenants, conditions, restrictions, limitations, rights of way, streets, reservations, alleys, and easements of record.

The respective grantors hereby covenant each unto the other that each is seized of title to the property which is hereby granted, and each hereby warrants specially such title unto the other, and each hereby further covenants that they will provide unto the other such further assurances thereof as may be requisite.

IN WITNESS WHEREOF, the parties hereto have executed and sealed this Deed of Exchange as of the day and year first above written.

HERITAGE HUYETT, LLC
a Maryland limited liability company



Witness/Attest

By:  (SEAL)

Terry L. Randall, Managing Member

KURTYKA & ASSOCIATES, LLC
ATTORNEY AT LAW
201 PROSPECT AVENUE
SUITE 122
HAGERSTOWN, MD 21742
(301) 714-0889

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[Signature]
Witness

[Signature] (SEAL)
Randy M. Shifler

[Signature]
Witness

[Signature] (SEAL)
Angela M. Shifler

STATE OF MARYLAND; COUNTY OF WASHINGTON, to-wit:

On this 4th day of APRIL, 2017, before me, the undersigned officer, personally appeared Terry L. Randall, Managing Member of Heritage Huyett, LLC, a Maryland limited liability company, and that he, as such Managing Member, being authorized so to do, executed the foregoing Deed of Exchange for the purposes therein contained, by signing the name of the company by himself as Managing Member; and he further acknowledged that the consideration recited therein is true and correct.

WITNESS my hand and Official Notarial Seal.

My Commission expires: 9-26-2018

[Signature]
Notary Public

BRIAN M. KURTYKA
NOTARY PUBLIC
FREDERICK COUNTY
MARYLAND
MY COMMISSION EXPIRES SEPT. 26, 2018

STATE OF MARYLAND; COUNTY OF WASHINGTON, to-wit:

On this 5th day of APRIL, 2017, before me, the undersigned officer, personally appeared Randy M. Shifler, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, and acknowledged that he executed the same in his capacity therein stated for the purposes therein contained, and that the consideration recited therein is true and correct.

WITNESS my hand and Official Notarial Seal.

My Commission expires: 9-26-2018

[Signature]
Notary Public

BRIAN M. KURTYKA
NOTARY PUBLIC
FREDERICK COUNTY
MARYLAND
MY COMMISSION EXPIRES SEPT. 26, 2018

KURTYKA & ASSOCIATES, LLC
ATTORNEY AT LAW

201 PROSPECT AVENUE
SUITE 122
HAGERSTOWN, MD 21742
(301) 714-0889

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EXAMINATION

STATE OF MARYLAND; COUNTY OF WASHINGTON, to-wit:

On this 5th day of APRIL, 2017, before me, the undersigned officer, personally appeared Angela M. Shifler, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, and acknowledged that she executed the same in her capacity therein stated for the purposes therein contained, and that the consideration recited therein is true and correct.

WITNESS my hand and Official Notarial Seal.

My Commission expires: 9-26-2018

Brian M. Kurtyka
Notary Public

BRIAN M. KURTYKA
NOTARY PUBLIC
FREDERICK COUNTY
MARYLAND
MY COMMISSION EXPIRES SEPT. 26, 2018

AFFIDAVIT OF NO CONSIDERATION

I hereby certify, under the penalties of perjury, that the actual consideration paid or to be paid for the foregoing conveyances, including the amount of any mortgage or deed of trust assumed by the grantees, is in the sum total or \$0.00.

James A LaFl
Witness

Terry L. Randall
Terry L. Randall

Sworn and subscribed to before me this 4th day of APRIL, 2017.

My Commission expires: 9-26-2018

Brian M. Kurtyka
Notary Public

BRIAN M. KURTYKA
NOTARY PUBLIC
FREDERICK COUNTY
MARYLAND
MY COMMISSION EXPIRES SEPT. 26, 2018

KURTYKA & ASSOCIATES, LLC
ATTORNEY AT LAW

201 PROSPECT AVENUE
SUITE 122
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(301) 714-0889

TODD L. HERSHEY, TREASURER
TAXES PAID 5/23/17

CR


AFFIDAVIT OF NO CONSIDERATION

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We hereby certify, under the penalties of perjury, that the actual consideration paid or to be paid for the foregoing conveyances, including the amount of any mortgage or deed of trust assumed by the grantees, is in the sum total or \$0.00.



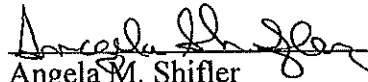
Witness



Randy M. Shifler



Witness



Angela M. Shifler

Sworn and subscribed to before me this 5th day of APRIL, 2017.

My Commission expires: 9-26-2018

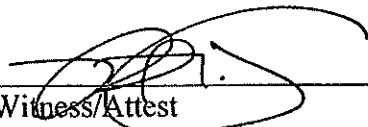


Notary Public

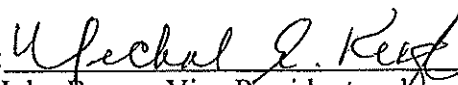

BRIAN M. KURTYKA
NOTARY PUBLIC
FREDERICK COUNTY
MARYLAND
MY COMMISSION EXPIRES SEPT. 26, 2018

Joinder of Mortgagee

Orrstown Bank, a Pennsylvania banking corporation, as mortgagee or the property owned by Randy M. Shifler and Angela M. Shifler as specified in the foregoing instrument, joins herein for the sole purpose of consenting to the transfer of a portion of said property to Heritage Huyett, LLC, as more particularly described in said foregoing instrument.



Witness/Attest

By: 
John Roney, Vice President and
Regional Senior Loan Officer


I HEREBY CERTIFY that the within instrument was prepared by or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.



Brian M. Kurtyka

After recording, please mail to:
Kurtyka & Associates, LLC
201 Prospect Avenue, Suite 122
Hagerstown, MD 21742

KURTYKA & ASSOCIATES, LLC
ATTORNEY AT LAW
201 PROSPECT AVENUE
SUITE 122
HAGERSTOWN, MD 21742
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**Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate
Affidavit of Residence or Principal Residence**

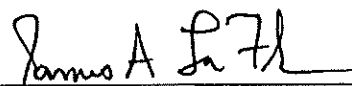
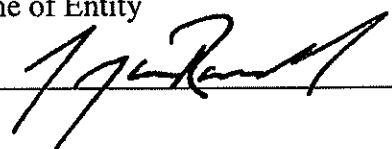
Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information	
Name of Transferor	HERITAGE HUYETT, LLC

2. Reasons for Exemption	
Resident Status	<input type="checkbox"/> I, Transferor, am a resident of the State of Maryland. <input checked="" type="checkbox"/> Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR) 03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this Document on Transferor's behalf.
Principal Residence	<input type="checkbox"/> Although I am no longer a resident of the State of Maryland, the Property is my Principal residence as defined in IRC 121 and is recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors	
Witness	Name
	Signature

3b. Entity Transferors	
 Witness/Attest	Heritage Huyett, LLC Name of Entity
	 By
	Terry L. Randall Name
	Managing Member Title

KURTYKA & ASSOCIATES, LLC
ATTORNEY AT LAW

201 PROSPECT AVENUE
SUITE 122
HAGERSTOWN, MD 21742
(301) 714-0889

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EXAMINATION

**Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate
Affidavit of Residence or Principal Residence**

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor

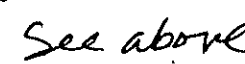
RANDY M. SHIFLER

2. Reasons for Exemption

Resident Status	<input checked="" type="checkbox"/> I, Transferor, am a resident of the State of Maryland. <input type="checkbox"/> Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR) 03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this Document on Transferor's behalf.
Principal Residence	<input type="checkbox"/> Although I am no longer a resident of the State of Maryland, the Property is my Principal residence as defined in IRC 121 and is recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness	Randy M. Shifler Name  Signature
----------------	--

3b. Entity Transferors

Witness/Attest	Name of Entity _____ By _____ Name _____ Title _____
-----------------------	---

KURTYKA & ASSOCIATES, LLC
ATTORNEY AT LAW

201 PROSPECT AVENUE
SUITE 122
HAGERSTOWN, MD 21742
(301) 714-0889

PREPARED
WITHOUT
TITLE
EXAMINATION

**Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate
Affidavit of Residence or Principal Residence**

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor

ANGELA M. SHIFLER

2. Reasons for Exemption

Resident Status

- I, Transferor, am a resident of the State of Maryland.
- Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR) 03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this Document on Transferor's behalf.

Principal Residence

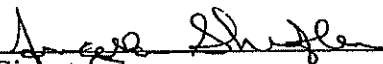
- Although I am no longer a resident of the State of Maryland, the Property is my Principal residence as defined in IRC 121 and is recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors


Witness

Angela M. Shifler
Name


Signature

3b. Entity Transferors

Witness/Attest

Name of Entity

By

Name

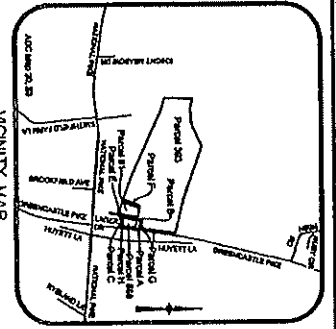
Title

KURTYKA & ASSOCIATES, LLC
ATTORNEY AT LAW

201 PROSPECT AVENUE
SUITE 122
HAGERSTOWN, MD 21742
(301) 714-0889



EXHIBIT A

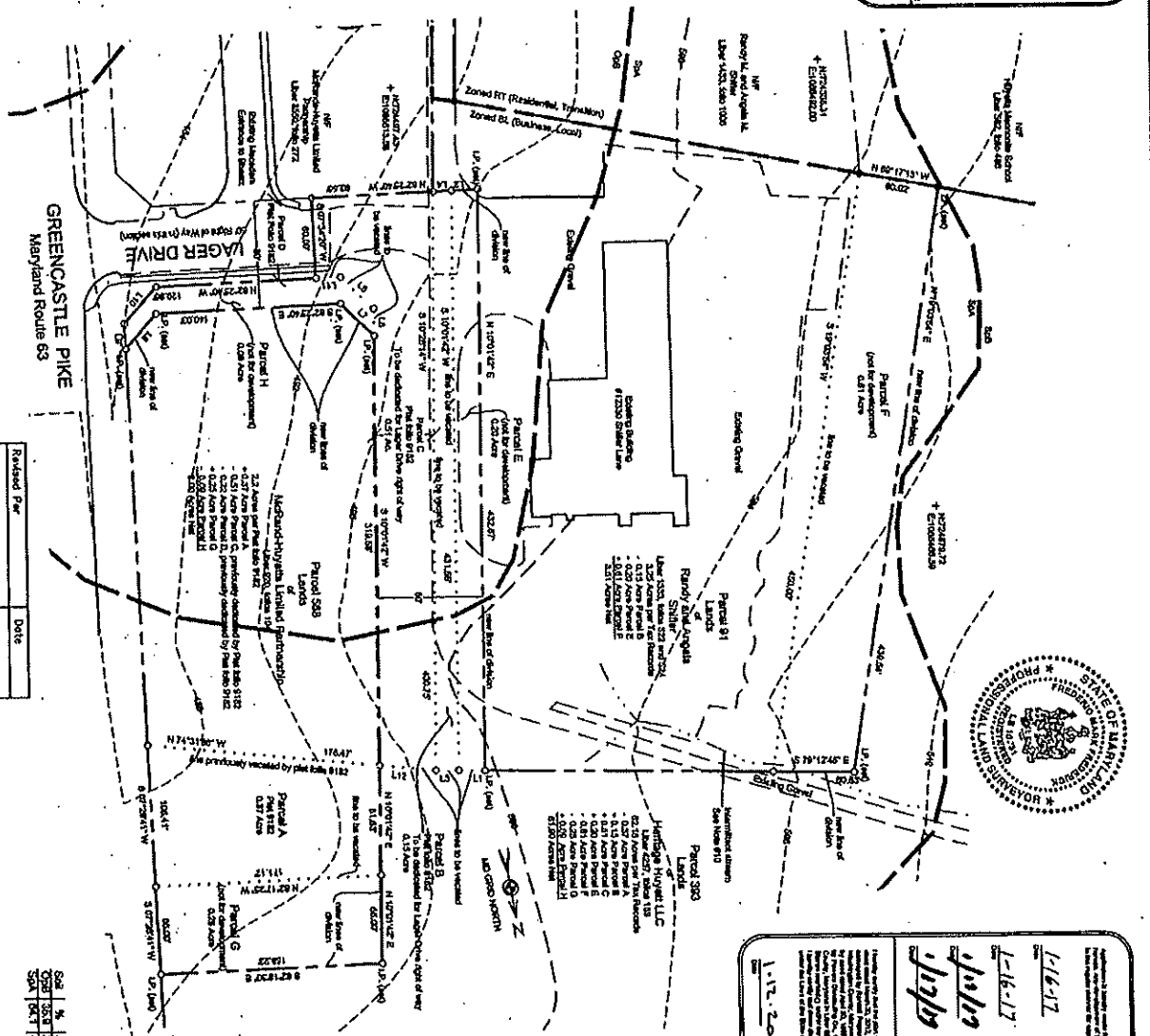
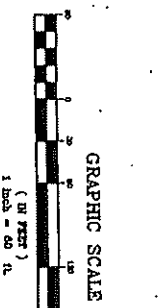


Parcel	Area (Acres)	Owner
A	0.25	Heritage Huyet, LLC
B	0.25	Randy and Angela Stiller
C	0.25	McBrand-Huyets United Partnership
D	0.25	McBrand-Huyets United Partnership
E	0.25	Randy and Angela Stiller
F	0.25	Heritage Huyet, LLC
G	0.25	McBrand-Huyets United Partnership
H	0.25	McBrand-Huyets United Partnership

Owner/Purchaser:
Randy and Angela Stiller
16809 Fairview Road
Hagerstown MD 21740

Owner/Purchaser:
Heritage Huyet, LLC
1301 West Washington Street
Hagerstown MD 21740

Owner/Purchaser:
McBrand-Huyets United Partnership
13109 Fountain Head Road
Hagerstown MD 21742



21-9388

MSA 51555-8633

PLAT NO 10689
DATE JAN 26 2017
WASHINGTON COUNTY

McBrand-Huyets United Partnership
13109 Fountain Head Road
WASHINGTON COUNTY, MARYLAND

Heritage Huyet LLC

Randy and Angela Stiller

OWNER'S CERTIFICATE

[Signature]

LAND SUBDIVISION CERTIFICATION

[Signature]

DEPARTMENT OF APPROVAL
KATHLEEN M. BROWN
PUBLIC OFFICIAL SUPERVISOR
01/26/2017 10:43

NOTICE:

1. This plat is a subdivision of land owned by McBrand-Huyets United Partnership, LLC and is intended to be conveyed to Randy and Angela Stiller, LLC and is intended to be conveyed to Heritage Huyet, LLC.

2. The land shown on this plat is shown as being owned by McBrand-Huyets United Partnership, LLC and is intended to be conveyed to Randy and Angela Stiller, LLC and is intended to be conveyed to Heritage Huyet, LLC.

3. The land shown on this plat is shown as being owned by McBrand-Huyets United Partnership, LLC and is intended to be conveyed to Randy and Angela Stiller, LLC and is intended to be conveyed to Heritage Huyet, LLC.

1 Type(s) of Instruments (Check box if addendum intake form is attached.)

<input checked="" type="checkbox"/> Deed	<input type="checkbox"/> Mortgage	<input type="checkbox"/> Other _____
<input type="checkbox"/> Deed or Trust	<input type="checkbox"/> Lease	<input type="checkbox"/> Other _____

2 Conveyance Type Check Box

<input type="checkbox"/> Improved Sale	<input type="checkbox"/> Unimproved Sale	<input type="checkbox"/> Multiple Accounts	<input checked="" type="checkbox"/> Not an Arms-Length Sale [9]
Arms-Length [1]	Arms-Length [2]	Arms-Length [3]	

3 Tax Exemptions (if Applicable)

Cite or Explain Authority

4 Consideration and Tax Calculations

Consideration Amount		Finance Office Use Only	
Purchase Price/Consideration	\$ <u>0</u>	Transfer and Recordation Tax Consideration	
Any New Mortgage	\$ <u>0</u>	Transfer Tax Consideration	\$
Balance of Existing Mortgage	\$ <u>0</u>	X () % =	\$
Other:	\$	Less Exemption Amount -	\$
Other:	\$	Total Transfer Tax =	\$
Full Cash Value:	\$	Recordation Tax Consideration	\$
		X () per \$500 =	\$
		TOTAL DUE	\$

Space Reserved for Circuit

5 Fees

Amount of Fees	Doc. 1	Doc. 2	Agent:
Recording Charge	\$	\$	Tax Bill:
Surcharge	\$	\$	
State Recordation Tax	\$	\$	C.B. Credit:
State Transfer Tax	\$	\$	
County Transfer Tax	\$	\$	Ag. Tax/Other:
Other	\$	\$	
Other	\$	\$	

6 Description of Property

SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
23	00892/008076	4257/169+1333/524	0036	0393/0091	<input type="checkbox"/> (5)
Subdivision Name		Lot (3a)	Block (3b)	Sec/AR (3c)	Plat Ref.
					10689
Location/Address of Property Being Conveyed (2)					
1622 NATIONAL PIKE, HAGERSTOWN, MD 21740/12330 SHIFLER LANE, HAGERSTOWN, MD 21740					
Other Property Identifiers (if applicable)				Water Meter Account No.	
Residential <input type="checkbox"/> or Non-Residential <input checked="" type="checkbox"/> Fee Simple <input checked="" type="checkbox"/> or Ground Rent <input type="checkbox"/> Amount:					
Partial Conveyance? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Description/Amt. of SqFt/Acreage Transferred: DEED OF EXCHANGE					
0.61 ac PARCEL 0393 EXCHANGED FOR 0.15 + 0.20 ac PARCEL 0091					
If Partial Conveyance, List Improvements Conveyed:					

7 Transferred From

Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
HERITAGE HUYETT, LLC	RANDY M. SHIFLER ANGELA M. SHIFLER
Doc. 1 - Owner(s) of Record, if Different from Grantor(s)	Doc. 2 - Owner(s) of Record, if Different from Grantor(s)

8 Transferred To

Doc. 1 - Grantee(s) Name(s)	Doc. 2 - Grantee(s) Name(s)
RANDY M. SHIFLER ANGELA M. SHIFLER	HERITAGE HUYETT, LLC
New Owner's (Grantee) Mailing Address	
PARTIAL CONVEYANCE ONLY - NO CHANGE TO CURRENT ADDRESSES	

9 Other Names to Be Indexed

Doc. 1 - Additional Names to be Indexed (Optional)	Doc. 2 - Additional Names to be Indexed (Optional)

10 Contact/Mail Information

Instrument Submitted By or Contact Person		<input type="checkbox"/> Return to Contact Person
Name:		<input type="checkbox"/> Hold for Pickup
Firm:	KURTYKA + ASSOCIATES, LLC	<input checked="" type="checkbox"/> Return Address Provided
Address:	201 PROSPECT AVENUE SUITE 122 HAGERSTOWN, MD 21742 Phone: (301) 714-0889	

11 IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Will the property being conveyed be the grantee's principal residence?
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Does transfer include personal property? If yes, identify: _____
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Assessment Use Only - Do Not Write Below This Line

<input type="checkbox"/> Terminal Verification	<input type="checkbox"/> Agricultural Verification	<input type="checkbox"/> Whole	<input type="checkbox"/> Part	<input type="checkbox"/> Tran. Process Verification
Transfer Number:	Date Received:	Deed Reference:	Assigned Property No.:	
Year	20	Geo.	Map	Sub
Land		Zoning	Grid	Block
			Plat	Lot

County Validation

DATE TIME COUNTY STATE DATE AVAILABLE 11/01/2017 11:11 AM 03/13/2017

DEED OF EXCHANGE

**PREPARED
WITHOUT
TITLE
EXAMINATION**

THIS DEED OF EXCHANGE, made this 4th day of April, 2017, by and between Heritage Huyett, LLC, a Maryland limited liability company ("Heritage") and McRand-Huyetts Limited Partnership, a Maryland limited partnership ("McRand").

WHEREAS, Heritage and the McRand, *inter alia*, made application to Washington County, Maryland for a simplified subdivision of certain parcels of real property, including the parcels as more particularly described hereinbelow, to adjust certain property lines and enlarge certain parcels for the purpose of widening the right of way of "Lager Drive" along Greencastle Pike (Maryland Route 63), all as depicted on a plat of subdivision entitled "Simplified Plat of Subdivision of Parcels A, B, C, D, E, F, G & H for Randy and Angela Shifler and Heritage Huyett LLC and McRand-Huyetts Limited Partnership" (the "Plat"); and

WHEREAS, said simplified subdivision was approved by the Washington County Planning Commission on January 24, 2017 and said Plat subsequently recorded at Plat folio 10689 among the Plat Records of Washington County, Maryland (a copy of said Plat being attached hereto and incorporated herein by reference as "Exhibit A"); and

WHEREAS, this Deed of Exchange is intended to and does complete the adjustment of certain property lines and enlarge certain parcels as set forth on said Plat.

NOW THEREFORE WITNESSETH, that for and in consideration of the foregoing, but for no monetary consideration, the respective parties hereto grant and convey unto one another the following lots or parcels of real property:

A. **HERITAGE HUYETT, LLC**, a Maryland limited liability company, does hereby grant and convey unto **MCRAND-HUYETTS LIMITED PARTNERSHIP**, a Maryland limited partnership, in fee simple, all the following described real property, together with any improvements, easements, rights of way, benefits, and appurtenances, thereunto belonging or appertaining, situate along the West side of the Williamsport-Greencastle Highway and on the North side of U.S. Route 40 West of Huyetts Cross Roads in Election District No. 23, Washington County, Maryland, and being more particularly described as follows:

Parcel No. A1: All that lot or parcel of land, containing 0.37 acres, more or less, as shown and depicted as "Parcel A" on a plat of subdivision entitled "Simplified Plat of Subdivision of Parcels A, B, C, D, E, F, G & H for Randy and Angela Shifler and Heritage Huyett LLC and McRand-Huyetts Limited Partnership" prepared by Frederick Seibert & Associates, Inc., bearing Job No. 4668, and recorded at Plat folio 10689, among the Plat Records maintained in the Office of the Clerk of the Circuit Court of Washington County, Maryland; and

Parcel No. A2: All that lot or parcel of land, containing 0.25 acres, more or less, as shown and depicted as "Parcel G" on a plat of subdivision entitled "Simplified Plat of Subdivision of Parcels A, B, C, D, E, F, G & H for Randy and Angela Shifler and Heritage Huyett LLC and McRand-Huyetts Limited Partnership" prepared by Frederick Seibert & Associates, Inc., bearing Job No. 4668, and recorded at Plat folio 10689, among the Plat Records maintained in the Office of the Clerk of the Circuit Court of Washington County, Maryland.

The above-described property being part of "Parcel No. 1" conveyed unto Heritage Huyett, LLC from Orrstown Bank, by deed dated March 30, 2012 and recorded in Liber 4257, folio 169 among the Land Records of Washington County, Maryland, to which deed reference is hereby made.

KURTYKA & ASSOCIATES, LLC
ATTORNEY AT LAW

201 PROSPECT AVENUE
SUITE 122
HAGERSTOWN, MD 21742
(301) 714-0889

PREPARED
WITHOUT
TITLE
EXAMINATION

This property is conveyed together with and subject to all applicable covenants, conditions, restrictions, limitations, rights of way, streets, reservations, alleys, and easements of record.

B. **MCRAND-HUYETTS LIMITED PARTNERSHIP**, a Maryland limited partnership, does hereby grant and convey unto **HERITAGE HUYETT, LLC**, a Maryland limited liability company, in fee simple, all the following described real property, together with any improvements, easements, rights of way, benefits, and appurtenances, thereunto belonging or appertaining, situate along the West side of the Williamsport-Greencastle Highway and on the North side of U.S. Route 40 West of Huyetts Cross Roads in Election District No. 23, Washington County, Maryland, and being more particularly described as follows:

Parcel No. B1: All that lot or parcel of land, containing 0.51 acres, more or less, as shown and depicted as "Parcel C" on a plat of subdivision entitled "Simplified Plat of Subdivision of Parcels A, B, C, D, E, F, G & H for Randy and Angela Shifler and Heritage Huyett LLC and McRand-Huyetts Limited Partnership" prepared by Frederick Seibert & Associates, Inc., bearing Job No. 4668, and recorded at Plat folio 10689, among the Plat Records maintained in the Office of the Clerk of the Circuit Court of Washington County, Maryland; and

Parcel No. B2: All that lot or parcel of land, containing 0.09 acres, more or less, as shown and depicted as "Parcel H" on a plat of subdivision entitled "Simplified Plat of Subdivision of Parcels A, B, C, D, E, F, G & H for Randy and Angela Shifler and Heritage Huyett LLC and McRand-Huyetts Limited Partnership" prepared by Frederick Seibert & Associates, Inc., bearing Job No. 4668, and recorded at Plat folio 10689, among the Plat Records maintained in the Office of the Clerk of the Circuit Court of Washington County, Maryland.


The above-described property being part of that real property conveyed unto McRand-Huyetts Limited Partnership from Powers Distributing Co., Inc., a Maryland corporation, by deed dated June 29, 1989 and recorded in Liber 920, folio 104 among the Land Records of Washington County, Maryland, to which deed reference is hereby made.

This property is conveyed together with and subject to all applicable covenants, conditions, restrictions, limitations, rights of way, streets, reservations, alleys, and easements of record.

The respective grantors hereby covenant each unto the other that each is seized of title to the property which is hereby granted, and each hereby warrants specially such title unto the other, and each hereby further covenants that they will provide unto the other such further assurances thereof as may be requisite.

IN WITNESS WHEREOF, the parties hereto have executed and sealed this Deed of Exchange as of the day and year first above written.

HERITAGE HUYETT, LLC
a Maryland limited liability company



Witness/Attest

By:  (SEAL)
Terry L. Randall, Managing Member

KURTVA & ASSOCIATES, LLC
ATTORNEY AT LAW
201 PROSPECT AVENUE
SUITE 122
HAGERSTOWN, MD 21742
(301) 714-0889

PREPARED
WITHOUT
TITLE
EXAMINATION

MC-RAND HUYETTS LIMITED PARTNERSHIP
a Maryland limited partnership

James A LaFl
Witness/Attest

By: Terry L. Randall (SEAL)
Terry L. Randall, Limited Partner

STATE OF MARYLAND; COUNTY OF WASHINGTON, to-wit:

On this 4th day of APRIL, 2017, before me, the undersigned officer, personally appeared Terry L. Randall, Managing Member of Heritage Huyett, LLC, a Maryland limited liability company, and that he, as such Managing Member, being authorized so to do, executed the foregoing Deed of Exchange for the purposes therein contained, by signing the name of the company by himself as Managing Member; and he further acknowledged that the consideration recited therein is true and correct.

WITNESS my hand and Official Notarial Seal.

My Commission expires: 9-26-2018

Brian M. Kurtyka
Notary Public

STATE OF MARYLAND; COUNTY OF WASHINGTON, to-wit:

On this 4th day of APRIL, 2017, before me, the undersigned officer, personally appeared Terry L. Randall, Limited Partner of Heritage Huyett, LLC, a Maryland limited liability company, and that he, as such Limited Partner, being authorized so to do, executed the foregoing Deed of Exchange for the purposes therein contained, by signing the name of the company by himself as Limited Partner; and he further acknowledged that the consideration recited therein is true and correct.

WITNESS my hand and Official Notarial Seal.

My Commission expires: 9-26-2018

Brian M. Kurtyka
Notary Public

BRIAN M. KURTYKA
NOTARY PUBLIC
FREDERICK COUNTY
MARYLAND
MY COMMISSION EXPIRES SEPT. 26, 2018

KURTYKA & ASSOCIATES, LLC
ATTORNEY AT LAW

201 PROSPECT AVENUE
SUITE 122
HAGERSTOWN, MD 21742
(301) 714-0889

AFFIDAVIT OF NO CONSIDERATION

PREPARED
WITHOUT
TITLE
EXAMINATION

I hereby certify, under the penalties of perjury, that the actual consideration paid or to be paid for the foregoing conveyances, including the amount of any mortgage or deed of trust assumed by the grantees, is in the sum total or \$0.00.

James A LaFl
Witness

Terry L. Randall
Terry L. Randall

Sworn and subscribed to before me this 4th day of APRIL, 2017.

My Commission expires: 9-26-2018

BRIAN M. KURTYKA
NOTARY PUBLIC
FREDERICK COUNTY
MARYLAND
MY COMMISSION EXPIRES SEPT. 26, 2018

Brian M. Kurtyka
Notary Public

I HEREBY CERTIFY that the within instrument was prepared by or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

Brian M. Kurtyka
Brian M. Kurtyka

KURTYKA & ASSOCIATES, LLC
ATTORNEY AT LAW
201 PROSPECT AVENUE
SUITE 122
HAGERSTOWN, MD 21742
(301) 714-0889

After recording, please mail to:
Kurtyka & Associates, LLC
201 Prospect Avenue, Suite 122
Hagerstown, MD 21742

PREPARED
WITHOUT
TITLE
EXAMINATION

**Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate
Affidavit of Residence or Principal Residence**

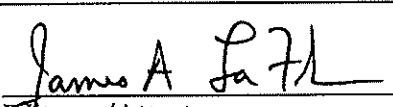
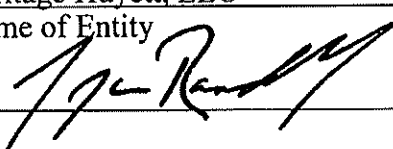
Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information	
Name of Transferor	HERITAGE HUYETT, LLC

2. Reasons for Exemption	
Resident Status	<input type="checkbox"/> I, Transferor, am a resident of the State of Maryland. <input checked="" type="checkbox"/> Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR) 03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this Document on Transferor's behalf.
Principal Residence	<input type="checkbox"/> Although I am no longer a resident of the State of Maryland, the Property is my Principal residence as defined in IRC 121 and is recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors	
Witness	Name
	Signature

3b. Entity Transferors	
 Witness/Attest	Heritage Huyett, LLC Name of Entity
	 By
	Terry L. Randall Name
	Managing Member Title

KURTYKA & ASSOCIATES, LLC
ATTORNEY AT LAW
201 PROSPECT AVENUE
SUITE 122
HAGERSTOWN, MD 21742
(301) 714-0889

PREPARED
WITHOUT
TITLE
EXAMINATION

**Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate
Affidavit of Residence or Principal Residence**

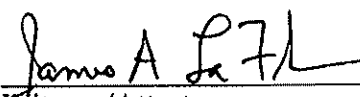
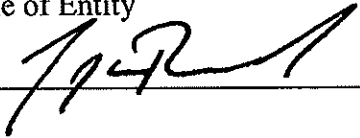
Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information	
Name of Transferor	MCRAND-HUYETTS LIMITED PARTNERSHIP

2. Reasons for Exemption	
Resident Status	<input type="checkbox"/> I, Transferor, am a resident of the State of Maryland. <input checked="" type="checkbox"/> Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR) 03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this Document on Transferor's behalf.
Principal Residence	<input type="checkbox"/> Although I am no longer a resident of the State of Maryland, the Property is my Principal residence as defined in IRC 121 and is recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors	
Witness	Name
	Signature

3b. Entity Transferors	
 Witness/Attest	McRand-Huyetts Limited Partnership Name of Entity
	 By
	Terry L. Randall Name
	Limited Partner Title

KURTYKA & ASSOCIATES, LLC
ATTORNEY AT LAW
201 PROSPECT AVENUE
SUITE 122
HAGERSTOWN, MD 21742
(301) 714-0889

LR - Deed (No-Taxes)
 Recording Fee 20.00
 Name: huyetts limited
 Ref:
 LR - Deed (No-Taxes)
 Surcharge 40.00
 =====
 SubTotal: 60.00
 =====
 Total: 60.00
 06/30/2017 01:02
 CC21-TR
 #8659531 CC0403 -
 Washington
 County/CC04.03.04 -
 Register 04

This page not to be counted in calculating Recording Fee

Clerk of Circuit Court
Washington County, Maryland
 Dennis J. Weaver, Clerk
 24 Summit Avenue
 Hagerstown, MD 21740
 301-790-7991

For Clerks Use Only

Improvement Fee	40.00
Recording Fee	20.00
County Transfer Tax	
Recordation Tax	
State Transfer Tax	
Non-Resident Tax	
TOTAL	60.00

WASHINGTON COUNTY CLERK OF CIRCUIT COURT (LAW OFFICES) 24 SUMMIT AVENUE, P. O. BOX 10000, HAGERSTOWN, MD 21740-0000

DATE TIME CURRUI CURRUI (LAIN REQUIS) DUVV 3307, P. 0004, M3A_VE10_0400. Date available 01/06/2017 11:11:00 AM

1 Type(s) of Instruments (Check box if addendum intake form is attached.)
 Deed Mortgage Other _____
 Deed or Trust Lease _____
 2 Conveyance Type Check Box Improved Sale Unimproved Sale Multiple Accounts Not an Arms-Length Sale [9]
 Arms-Length [1] Arms-Length [2] Arms-Length [3] Length Sale [9]
 3 Tax Exemptions (if Applicable) Recordation State Transfer County Transfer
 Cite or Explain Authority _____

Space Reserved for Circuit

4 Consideration and Tax Calculations

Consideration Amount		Finance Office Use Only	
		Transfer and Recordation Tax Consideration	
Purchase Price/Consideration	\$ 0	Transfer Tax Consideration	\$
Any New Mortgage	\$ 0	X () % =	\$
Balance of Existing Mortgage	\$ 0	Less Exemption Amount -	\$
Other:	\$	Total Transfer Tax =	\$
Other:	\$	Recordation Tax Consideration	\$
Full Cash Value:	\$	X () per \$500 =	\$
		TOTAL DUE	\$

5 Fees

Amount of Fees	Doc. 1	Doc. 2	Agent:
Recording Charge	\$	\$	Tax Bill:
Surcharge	\$	\$	C.B. Credit:
State Recordation Tax	\$	\$	Ag. Tax/Other:
State Transfer Tax	\$	\$	
County Transfer Tax	\$	\$	
Other	\$	\$	
Other	\$	\$	

6 Description of Property

District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
23	008092/008084	4257/169 920/104	0036	0393/0568	<input type="checkbox"/> (5)
Subdivision Name		Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.
					10689
Location/Address of Property Being Conveyed (2)					
16422 NATIONAL PIKE, HAGERSTOWN, MD 21740 / 1.47 ac LAGER DR, HAGERSTOWN 21740					
Other Property Identifiers (if applicable)				Water Meter Account No.	
Residential <input type="checkbox"/> or Non-Residential <input checked="" type="checkbox"/> Fee Simple <input checked="" type="checkbox"/> or Ground Rent <input type="checkbox"/> Amount: _____					
Partial Conveyance? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Description/Amt. of SqFt/Acreage Transferred: DEED OF EXCHANGE					
0.37 + 0.25 ac PARCEL 0393 EXCHANGED FOR 0.51 + 0.09 ac PARCEL 0568					
If Partial Conveyance, List Improvements Conveyed:					

7 Transferred From

Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
HERITAGE HUYETT, LLC	MCRAND-HUYETTS LIMITED PARTNERSHIP
Doc. 1 - Owner(s) of Record, if Different from Grantor(s)	Doc. 2 - Owner(s) of Record, if Different from Grantor(s)

8 Transferred To

Doc. 1 - Grantee(s) Name(s)	Doc. 2 - Grantee(s) Name(s)
MCRAND-HUYETTS LIMITED PARTNERSHIP	HERITAGE HUYETT, LLC
New Owner's (Grantee) Mailing Address	
PARTIAL CONVEYANCE ONLY - NO CHANGE TO CURRENT ADDRESSES	

9 Other Names to Be Indexed

Doc. 1 - Additional Names to be Indexed (Optional)	Doc. 2 - Additional Names to be Indexed (Optional)

10 Contact/Mail Information

Instrument Submitted By or Contact Person		<input type="checkbox"/> Return to Contact Person
Name:		<input type="checkbox"/> Hold for Pickup
Firm: KURTYKA + ASSOCIATES, LLC		<input checked="" type="checkbox"/> Return Address Provided
Address: 201 PROSPECT AVENUE, SUITE 122		
HAGERSTOWN, MD 21742	Phone: (301) 714-0889	

11 IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Will the property being conveyed be the grantee's principal residence?
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Does transfer include personal property? If yes, identify: _____
	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).
Assessment Use Only - Do Not Write Below This Line		
<input type="checkbox"/> Terminal Verification	<input type="checkbox"/> Agricultural Verification	<input type="checkbox"/> Whole <input type="checkbox"/> Part <input type="checkbox"/> Tran. Process Verification
Transfer Number:	Date Received:	Deed Reference:
Year: 20	20	Assigned Property No.:
Land: _____	Geo. _____	Map _____
	Zoning _____	Grid _____
		Sub _____
		Block _____
		Plat _____
		Lot _____

County Validation

City of Hagerstown
Greencastle Pike
Hagerstown, MD 21740
(Tax Parcel 0036-0008-0053)
Mailing Address:
City Hall
1 E. Franklin Street
Hagerstown, MD 21740

Krista O'Brien
16411 Leon Grimm Drive
Hagerstown, MD 21740
(Liber 1847, folio 460)
Mailing Address:
1583 Winter Camp Trail
Hedgesville, WV 25427

Kevin L. Grimm
16407 Leon Grimm Drive
Hagerstown, MD 21740
(Liber 1807 folio 457)
Mailing Address:
16407 Leon Grimm Drive
Hagerstown, MD 21740

Kenneth L. Grimm, Jr., et al.
0 Leon Grimm Drive (remainder parcel)
(Tax Parcel 0036-0016-0043)
Mailing Address:
c/o Keith Grimm
16403 Leon Grimm Drive
Hagerstown, MD 21740

Elaine M. Grimm
16421 Leon Grimm Drive
Hagerstown, MD 21740
(Tax Parcel 0036-0015-0546-1)
Mailing Address:
16421 Leon Grimm Drive
Hagerstown, MD 21740

James A. Gillenwater
Robin A. Gillenwater
12703 Greencastle Pike
Hagerstown, MD 21740
(Tax Parcel 0036-0016-0459)
Mailing Address:
12703 Greencastle Pike
Hagerstown, MD 21740

Kenneth L. Grimm, Jr.
Ginger Grimm
12519 Huyett Lane
Hagerstown, MD 21740
(Tax Parcel 0036-0016-0447)
Mailing Address:
16428 Leon Grimm Drive
Hagerstown, MD 21740

Samuel P. Croteau
Erin R. Croteau
12515 Huyett Lane
Hagerstown, MD 21740
(Tax Parcel 0036-0016-0238)
Mailing Address:
12515 Huyett Lane
Hagerstown, MD 21740

Landis E. Martin
12511 Huyett Lane
Hagerstown, MD 21740
(Tax Parcel 0036-0016-0239)
Mailing Address:
15085 Trolley Road
Waynesboro, PA 17268

Timothy E. Fields
Sandra M. Fields
12507 Huyett Lane
Hagerstown, MD 21740
(Tax Parcel 0036-0016-0240)
Mailing Address:
12507 Huyett Lane
Hagerstown, MD 21740

Wayne D. Cline
Laresa J. Cline
12427 Huyett Lane
Hagerstown, MD 21740
(Tax Parcel 0036-0016-0282)
Mailing Address:
12427 Huyett Lane
Hagerstown, MD 21740

Lowell M. Wigfield
Terri L. Wigfield
12411 Huyett Lane
Hagerstown, MD 21740
(Tax Parcel 0036-0016-0241)
Mailing Address:
12411 Huyett Lane
Hagerstown, MD 21740

Menonite Fellowship Home, Inc.
12349 Huyett Lane
Hagerstown, MD 21740
(Tax Parcel 0036-0015-0460)
Mailing Address:
12349 Huyett Lane
Hagerstown, MD 21740

McRand Huyetts Limited Partnership
Lager Drive
Hagerstown, MD 21740
(Tax Parcel 0036-0015-0568)
Mailing Address:
c/o Terry Randall
3879 Gibraltar Drive
Naples, FL 34119

McRand Huyetts Limited Partnership
12404 Lager Drive
Hagerstown, MD 21740
(Tax Parcel 0036-0015-0364)
Mailing Address:
c/o Sheetz Inc.
5700 6th Avenue
Altoona, PA 16602

WACOHU Grange 415
National Pike
Hagerstown, MD 21740
(Tax Parcel 0036-0015-0329)
Mailing Address:
c/o Gerry M. Reid
15213 National Pike
Hagerstown, MD 21740

Randy M. Shifler
Angela M. Shifler
National Pike
Clear Spring, MD 21722
(Tax Parcel 0036-0015-0370)
Mailing Address:
16609 Fairview Road
Hagerstown, MD 21740

Randy M. Shifler
Angela M. Shifler
National Pike
Clear Spring, MD 21722
(Tax Parcel 0036-0015-0091)
Mailing Address:
16609 Fairview Road
Hagerstown, MD 21740

Huyetts Menonite School
16404 National Pike
Hagerstown, MD 21740
(Tax Parcel 0036-0015-0308)
Mailing Address:
16404 National Pike
Hagerstown, MD 21740

Kyle Michael Walter
16400 National Pike
Hagerstown, MD 21740
(Tax Parcel 0036-0015-0332)
Mailing Address:
16400 National Pike
Hagerstown, MD 21740

Vinco Development
16306 National Pike
Hagerstown, MD 21740
(Tax Parcel 0036-0015-0445)
Mailing Address:
c/o TCA Trustcorp America
33 W. Franklin Street, Suite 301
Hagerstown, MD 21740

Vincent R. Groh, et al.
National Pike
Hagerstown, MD 21740
(Tax Parcel 0036-0015-0093)
Mailing Address:
c/o TCA Trustcorp America
33 W. Franklin Street, Suite 301
Hagerstown, MD 21740

The Wilson Foundation, Inc.
16204 National Pike
Hagerstown, MD 21740
(Tax Parcel 0036-0014-0360)
Mailing Address:
16204 National Pike
Hagerstown, MD 21740

Jeffrey L. Suder
Lori D. Suder
16048 & 16050 National Pike
Hagerstown, MD 21740
(Tax Parcel 0036-0014-0094)
Mailing Address:
16048 National Pike
Hagerstown, MD 21740

Board of County Commissioners
12630 Earth Care Road
Hagerstown, MD 21740
(Tax Parcel 0036-0008-0086)
Mailing Address:
County Courthouse Complex
Hagerstown, MD 21740

JUSTIFICATION STATEMENT

HERITAGE HUYETT, LLC

16422 NATIONAL PIKE, HAGERSTOWN, MARYLAND & 8.32 ACRES ± GREENCASTLE PIKE, HAGERSTOWN, MARYLAND

This Justification Statement is submitted in support of the Application for Map Amendment, on behalf of and with authorization from the property owner, Heritage Huyett, LLC.

The Property:

The Property is owned by Heritage Huyett, LLC, a Maryland limited liability company, and was purchased in April 2012 as a bank-owned property, which obtained it in satisfaction of the prior owner's financial obligations.

The Property consists of two (2) parcels, the first parcel containing 82.18 acres, more or less ("Parcel 1"), and the second parcel containing 8.32 acres, more or less ("Parcel 2"), each as more particularly described in the deeds included with the Application. Each of the parcels borders on Maryland Route 63/Greencastle Pike. Parcel 1 is roughly rectangular in shape, with about 1000 feet of frontage along Maryland Route 63/Greencastle Pike, and runs in a west/northwesterly direction from said road approximately 3000 feet to the Conococheague Creek. Parcel 2 is adjacent to Parcel 1 at the northeasterly most corner thereof, and is also roughly rectangular in shape, with about 900 feet of frontage along the same road, and is approximately 425 feet deep. The layout of the two parcels are in a "boot" configuration, with Parcel 2 serving as the "toe" of the boot, as may be seen on the "Rezoning Exhibit for Creekside Logistics Center," included with the Application.

Previous Zoning:

The adopted Land Use Plan in the 2002 County Comprehensive Plan recommended an Industrial Flex land use for the Property. During review of the Urban Growth Area Comprehensive Rezoning file in 2005, the Property was identified for zoning as Planned Industrial (PI), in keeping with the Industrial Flex land use recommendation. However, the owner at that time desired to use the Property for residential dwelling purposes, and the Board of County Commissioners agreed to adopt a zoning of Residential Transition (RT) for the Property.

In 2015, the current owner of the Property requested a rezoning of the Property to PI for the majority (approximately 60 acres) of Parcel 1 to the West, and Business Local (BL) for the remainder of Parcel 1 to the East and all of Parcel 2 (approximately 30 acres). Upon consideration of the Property owner's request and analysis by County Department of Planning & Zoning, the Board of County Commissioners granted the rezoning to PI/BL.

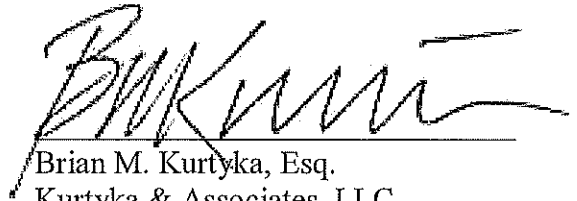
Planned Property Use:

The owner requests that the approximately 30 acres now zoned as BL be rezoned to PI. The owner intends to use the entire Property for truck terminal/distribution and warehousing purposes, each of which are principal permitted uses in the PI. In addition to sufficient road frontage allowing for multiple entrances to the Property, public water is now available at the Property.

Justification for Rezoning:

The Property remains unoccupied and undeveloped, so no existing use will be compromised by rezoning the 30 acres from BL to PI. Rezoning will allow for the entire Property to satisfy the 2002 Industrial Flex land use recommendation and to conform to the 2005 PI zoning identification.

Respectfully submitted,



Brian M. Kurtyka, Esq.
Kurtyka & Associates, LLC
201 Prospect Avenue, Suite 122
Hagerstown, Maryland 21740
(301) 714-0889 (phone)
(206) 312-0788 (fax)
bkurtyka@kurtykalaw.com



DEPARTMENT OF PLANNING & ZONING
COMPREHENSIVE PLANNING | LAND PRESERVATION | FOREST CONSERVATION | GIS

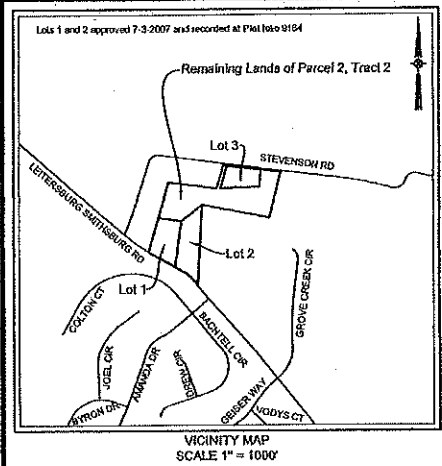
MEMORANDUM

TO: Washington County Planning Commission
FROM: Travis Allen, Comprehensive Planner
DATE: November 21, 2019
RE: Forest Conservation Mitigation Approval for Ridenhour Family, LLC Lot 3

Attached you will find supporting documentation for a request by the applicant to utilize the payment of fee in lieu of afforestation or reforestation option (PIL) to satisfy a .25 acre planting requirement for a single lot subdivision located in the Town of Smithsburg along Stevenson Rd. Enclosed is a preliminary version of the plat showing the single lot subdivision. An updated copy of this plat will be provided at the December 2nd meeting along with a copy of the justification letter from Frederick, Seibert and Associates Qualified Professional and a simplified forest stand delineation. Since the subdivision is located in the Town of Smithsburg, only the forest mitigation request is to be decided by the Planning Commission.

Article 10.1 of the Washington County Forest Conservation Ordinance (FCO) describes the Preferred Sequence of Techniques for Mitigation for forest conservation plans. This list describes a hierarchy of techniques ranging from onsite retention and planting to payment of fee in lieu. The overall intent of the FCO is to preserve or create as much forest onsite as is feasible within the constraints of each development project before meeting mitigation obligations offsite. In cases such as this where the mitigation required by the project is negligible, less preferred options in the Preferred Sequence may become more feasible to implement than those techniques found higher on the list.

If you have questions or comments regarding this request, please contact me using the information provided below.



SENSITIVE AREA NOTICE
 The stream buffers shown hereon are established pursuant to the requirements of the Washington County Subdivision Ordinance Article IV, Section 409. In an effort to preserve or improve water quality, the property owner is required to establish and thereafter maintain in perpetuity vegetative ground cover in accordance with urban best management practices recommended by the Washington County Soil Conservation District. No permanent structures or construction are permitted within the stream buffer except those designed to improve water quality or flow as approved by the Washington County Planning Commission in accordance with all applicable regulations, laws, and policies. No septic systems shall be constructed within the buffer nor shall any reservoir area be established within the buffer.

Owners Statement
 We, the owners of the land involving the accompanying plans, being duly sworn according to law, state that we are the majority owners or are the authorized officers of the corporation that are the majority owners of this property in peaceful possession of it, and that there are no suits pending affecting the title of same, and that we acknowledge and endorse the accompanying plans and that we will prepare a record plan for recording (as applicable), after receiving all required municipal approvals.

Sidney Mark Ridenour
 OWNERS OR AUTHORIZED CORPORATE OFFICERS SIGNATURES
 SIDNEY MARK RIDENOUR
 Plat No. _____

Sworn and Subscribed before me this 30 day of October, 2019
 JULIE ALBERT, NOTARY
 Julie Albert - expires 6/11/22

Certificate of Approval of Community Sewerage System
 I hereby certify that the use of the community sewerage system for this subdivision is in accordance with the County Water and Sewerage Plan.

Date: _____ County Health Officer

Land Surveyor's Certification
 I, Frederic M. Seibert, a registered surveyor of the State of Maryland, do hereby certify that the plan, prepared from a field survey on August 29, 2019, correctly represents the property boundary on the proposed land subdivision. I hereby certify that these documents were prepared by me or under my responsible charge, and that I am a duly licensed professional land surveyor under the laws of the State of Maryland, License No. 10731, Expiration Date, January 16, 2020.

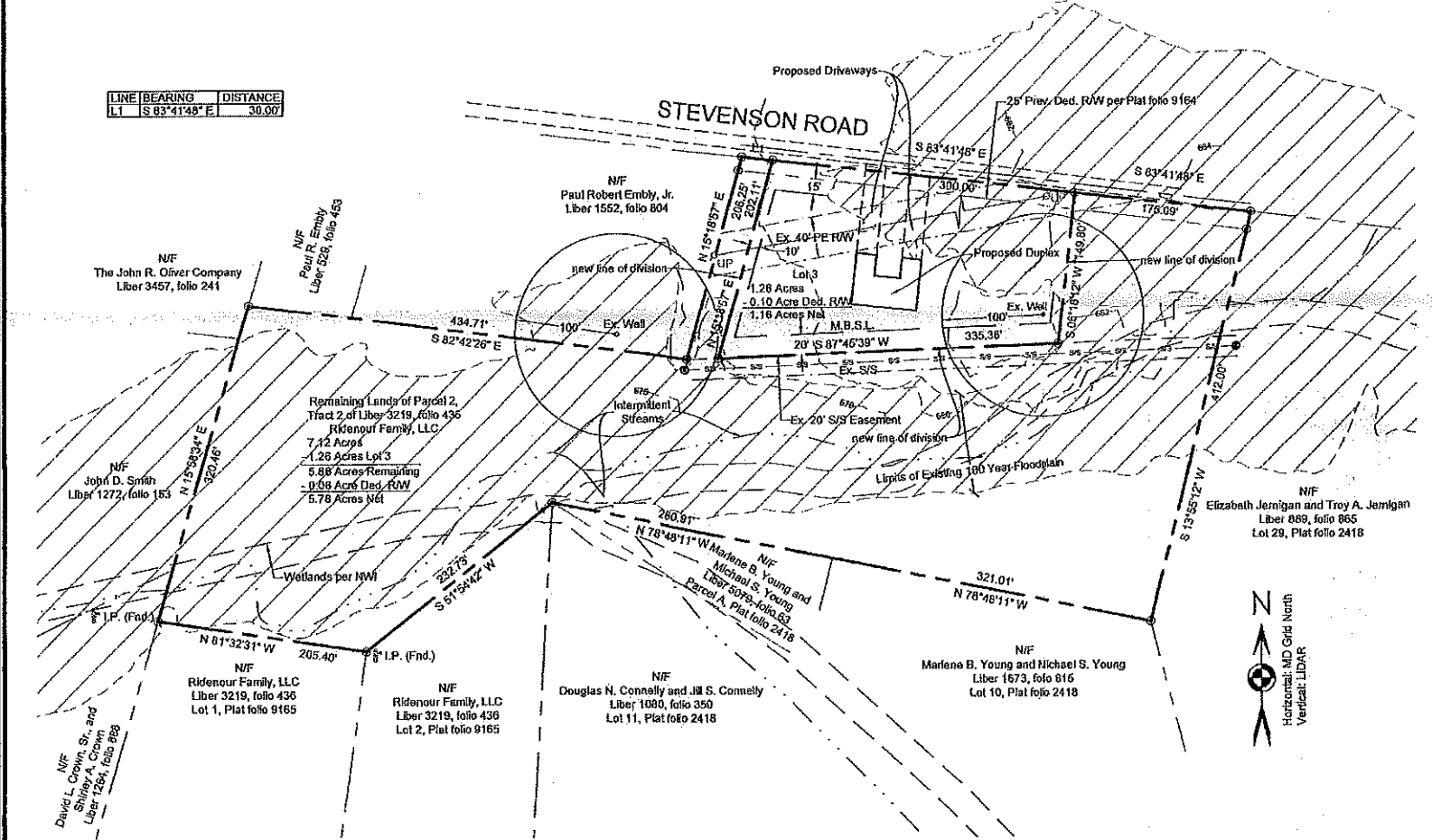
Date: _____ Professional Land Surveyor

Reviewed by the Town Planning Commission
 APPROVED BY THE SMITHSBURG PLANNING COMMISSION AND ACCEPTED FOR RECORDING

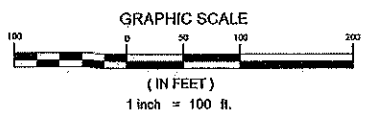
Chairman: _____ Date: _____

- General Notes**
- This land is to be served by public sewer.
 - There is a 10 ft. wide drainage and utility easement along all front lot lines and an 8 ft. wide drainage and utility easement along all side and rear lot lines hereby reserved to the owners as shown hereon.
 - Boundaries, distances and coordinates are based on MD Grid NAD83.
 - A portion of this parcel does lie in the 100 year flood plain per FEMA Flood Insurance Rate Map, Community Panel No. 2404301650 dated August 15, 2017, Flood Zone A.
 - Contours are based on Washington County Aerial Topography and boundary is based on a field survey performed by FSA, Inc.
 - No permanent structures (hences, sheds, play equipment, retaining walls, etc.) shall be permitted within any storm drainage easement, either shown or described, on the Final Plat of Subdivision.
 - Minimum Building Setbacks: Front yard-10'; side yard-10'; rear yard-20'. Minimum Lot Size Area: 10,000 S.F. Minimum Building Setback Lines and lot size area are based on the current Town of Smithsburg Zoning Ordinance. Accessory structures may be constructed in accordance with Section 405-21, Zoned TR - Town Residential.
 - This plat was prepared without the benefit of a title report and therefore may not indicate all encumbrances on this property.
 - Any development must comply with the Washington County Stormwater Management, Grading, Soil Erosion and Sediment Control Ordinance.
 - This subdivision is part of Parcel 2, Tract 2 of the lands conveyed by Sidney Mark Ridenour and Margaret Ann Ridenour, to Ridenour Family, LLC, a Maryland limited liability company, by deed dated December 29, 2006, recorded at Liber 3219, folio 436 among the Land Records of Washington County, Maryland.
 - Foreclosure is addressed by way of express procedure. Required foreclosure of \$,357.9 S.F. requires a payment in lieu of foreclosure of \$1,007.37 based on \$0.20 per square foot.

LINE	BEARING	DISTANCE
L1	S 83°41'48" E	30.00'



Owner:
 Ridenour Family LLC
 22740 Stevenson Rd
 Smithsburg MD 21783-1350



Revised Per	Date

TAX MAP	39-12-60	DISTRICT	07
DRAWING NUMBER	01	OF	01
DRAWN BY:	LEJ	DATE:	10.10.19
CHECKED BY:		DATE:	
SCALE:	1" = 100'		

FREDERICK SEIBERT & ASSOCIATES, INC. ©2019

CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS
 128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740
 20 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225
 (301) 791-3350 (301) 416-7176 (717) 697-1007 FAX (301) 739-4928

JOB NUMBER 7773

PLAT NO _____
 DATE _____
 WASHINGTON COUNTY

Combined Preliminary/Final Plat
 Minor Subdivision
 of
 Lot 3
 for
 Ridenour Family, LLC
 Located along the south side of Stevenson Road
 Town of Smithsburg
 WASHINGTON COUNTY, MARYLAND

WILLIAM C. WANTZ
ATTORNEY AT LAW
123 WEST WASHINGTON STREET
HAGERSTOWN, MARYLAND 21740-4709
TELEPHONE (301) 733-7972

FACSIMILE
(301) 416-7455

EMAIL
WANTZ@MAC.COM

October 15, 2019

Clinton H. Wiley, Chairman
Washington County Planning Commission
100 West Washington St, Ste 2600
Hagerstown MD 21740

Re: Thomas J. Gilbert, III
4744 Horizon Lane, Keedysville MD
Lot 1 as shown on the Preliminary/Final
Plat of the Lands of Thomas J. & Suzanne L. Gilbert
Plat 10637

Dear Mr. Wiley and Members of the Commission:

I represent Dr. Thomas J. Gilbert, III, a local physician, who owns the above-referenced five-acre subdivided parcel with his wife, Suzanne. The property is improved by a single-family dwelling. The property is more particularly described in a deed from Dr. Gilbert's father dated August 3, 2017 (Liber 5567, folio 227, copy attached).

Dr. Gilbert's father died on November 19, 2017. Prior to his death and the conveyance aforesaid, Dr. Gilbert's father resided in the dwelling on subdivided Lot 1.

In view of Mr. Gilbert's death, the purpose for which Lot 1 was created and the residence constructed has been fulfilled. Accordingly, Dr. Gilbert seeks approval of the Planning Commission to convey the Lot to a person not a member of Dr. Gilbert's immediate family, as contemplated in §405(B)(1)(f) of the Subdivision Ordinance, copy attached.

Although a subdivision plat was not submitted or approved until 2015, Dr. Gilbert obtained approval for the construction of a second dwelling in 2006. A copy of the decision of the Board in AP 2006-053 is attached.

When §405 of the Subdivision Ordinance was enacted to allow certain intra-family transfers, the purpose of imposing the ten

year limitation was to discourage owners from conveying subdivided parcels to family members with the intention that the parcels be immediately reconveyed to third-party purchasers. The imposition of a ten-year delay was intended to prevent abuse of the intra-family exception.

The history of the Gilbert family's application of §405 suggests no such abuse. Instead, a bona fide family purpose existed in creating a place for Dr. Gilbert's parents to reside. The discretion granted by the County legislative body to the Planning Commission in the Ordinance recognizes that the ten-year limitation may be modified on a case-by-case basis, taking into account the intention of the parties and the purpose for which the subdivision was approved.

In 2015, when Dr. Gilbert's father was living, Dr. Gilbert requested approval of the Planning Commission to convey Lot 1 free of the restriction. However, the request was treated as a petition for modification. When the modification was declined by the Planning Commission, an administrative appeal was filed with the Board of Appeals. Rather than treating the request as one for permission, the Board of Appeals applied a more onerous "extraordinary hardship" standard.

A distinction exists in the Subdivision Ordinance between modifications and approvals. Approval under §405 is discretionary with the Planning Commission, and does not require a modification of the Ordinance requiring a finding of extraordinary hardship. In land use regulation, extraordinary hardship requires a finding that, but for the grant of relief, the regulation of the applicant's property would be so extreme as to result in a compensable taking. See, for example, *Cromwell v. Ward*, 102 Md.App. 691 (1995)

The more rigorous Modification standard is defined in §107 of the Subdivision Ordinance as follows:

"Where the Commission finds that extraordinary hardships may result from strict compliance with these regulations, or that existing topographic conditions or irregular shape of the property warrants a variance from these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the

Clinton H. Wiley, Chairman
Washington County Planning Commission
October 15, 2019
Page 3

effect of nullifying the intent and purpose of these regulations."

In contrast, the permission envisioned in §405 of the Ordinance requires no modification of the subdivision regulations; instead, the discretionary authority of the Planning Commission to grant permission under §405 is part of the Ordinance itself. The permission envisioned and contemplated in §405 does not require a variance from the requirements of the subdivision regulations. The self-evident purpose of §107 is to avoid inverse condemnation and regulatory takings, and like extraordinary hardship variances in zoning law, serves to establish a constitutionally based limitation on the regulatory authority of local government. No intention to establish such a rigorous requirement for permission under §405 is evident from a reading of the provisions of the Ordinance.

A finding of regulatory taking hardship is not required in order for the Planning Commission to exercise its administrative discretion under §405; nor is the defined term "modification" used in §405 in creating the Board's discretion.

Circumstances have changed since the time of the Board's 2015 decision. In 2015, Dr. Gilbert's father continued to own Lot 1 and resided in the single-family residence on the lot. Dr. Gilbert's father is now deceased and no longer occupies the subdivided parcel. It would serve no useful purpose to further restrict Dr. Gilbert in conveying the property.

Please place this matter on the Planning Commission docket for consideration and approval and feel free to contact me if additional information is required.

Very truly yours,



William C. Wantz

WCW/psm

cc: Client

Enclosures

DEED

THIS DEED is made this 3rd day of August, 2017, by and between Thomas J. Gilbert, Jr., of the first part, Grantor, and Thomas J. Gilbert, III and Suzanne L. Gilbert, of the second part, Grantees.

WHEREAS, the Grantees in 2008 acquired a certain parcel of land in Washington County, more particularly described as Lot numbered One (1) on a Plat known as "Lot-1 Parcel to be conveyed by John H. And Barbara R. Dreisch", said plat being recorded among the Land Records of Washington County, Maryland, at Plat Folio 2886; containing 33.86 acres of land, more or less, and

WHEREAS, the Grantees caused the 33.86 acre parcel of land to be subdivided into two separate parcels pursuant to the "Preliminary/Final Plat Lands of Thomas J. and Suzanne L. Gilbert", such Plat being recorded among the Land Records of Washington County on April 7, 2015, at Plat No. 10446.

WHEREAS, the Grantees caused the two separate parcels to become again a single parcel consisting 33.86 acres pursuant to the "Replat Lands of Thomas J. and Suzanne L. Gilbert (previously recorded Plat No. 10446)", such Plat being recorded among the Land Records of Washington County on March 22, 2016, at Plat No. 10582; this recording appeared to void the

deed dated April 24, 2015, from the Grantees to the Grantor, and recorded among the Land Records of Washington County on April 24, 2015, in Liber 4951, folio 0170.

WHEREAS, the Grantees caused the now single 33.86 acre parcel of land to be subdivided again pursuant to the "Preliminary/Final Plat of Lands of Thomas J. & Suzanne L. Gilbert", such Plat being recorded among the Land Records of Washington County on July 11, 2015, at Plat No. 10637, thereby, in essence, reinstating the deed dated April 24, 2015, from the Grantees to the Grantor, and recorded among the Land Records of Washington County on April 24, 2015, in Liber 4951, folio, 0170.

WITNESSETH, the Grantor, in consideration of the sum of \$270,000.00, grants and conveys the below described property to the Grantees, Thomas J. Gilbert, III, and Suzanne L. Gilbert, as tenants by the entireties, the survivor of them, the survivor's personal representatives, heirs, and assigns, in fee simple, all that lot of ground situate in Washington County, Maryland, and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot 1 on a Plat known as "Preliminary/Final Plat Lands of Thomas J. & Suzanne L. Gilbert", said Plat being recorded among the Land Records of Washington County, Maryland at Plat No. 10637, containing five acres, more or less. The improvements thereon being known as 4738 Horizon Lane, Keedysville, Maryland.

BEING the same lot of ground described in a Deed dated April 24, 2015, and recorded among the Land Records of Washington County in Liber 4951, folio 0170 from Thomas J. Gilbert, III, and Suzanne L. Gilbert, his wife, to the within Grantor.

TOGETHER WITH the buildings thereupon, and the rights, alleys, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, and appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the Grantees, Thomas J. Gilbert, III, and Suzanne L. Gilbert, his wife, as tenants by the entireties, the survivor of them, and the survivor's heirs, personal representatives, and assigns, in fee simple.

AND the Grantor hereby covenants that he has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he will warrant specially the property hereby granted; and that he will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of the Grantor the day and year first above written.

TEST:

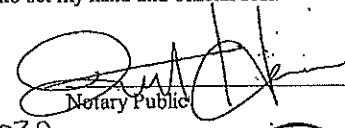
Thomas J. Gilbert, Jr.

TODD L. HERSEY, TREASURER
TAXES PAID 8-15-17 pw
01-063447

STATE OF MARYLAND, County OF Harford, to wit:

I HEREBY CERTIFY that on this 3rd day of August, 2017, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Thomas J. Gilbert, Jr., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same.


IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires: August 30, 2020
 (SEAL)
Notary Public



Justin Blake Mann
NOTARY PUBLIC
Harford County
State of Maryland
My Commission Expires
August 30, 2020

This is to certify that the within instrument has been prepared (i) by or under the supervision of the undersigned Maryland attorney, or (ii) by a party to this instrument.


Hurst R. Hessey

After recording, please return to:

Mr. and Mrs. Thomas J. Gilbert, III
6351 Trout Stream Drive
Sykesville, Maryland 21784

FAWPD018_TOMADeed.4738 Horizon.072617.wpd

MARYLAND FORM WH-AR Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

2017

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor Thomas J. Gilbert, Jr.

2. Reasons for Exemption

- Resident Status [checked] I, Transferor, am a resident of the State of Maryland.
Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.
Principal Residence [unchecked] Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and I currently recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness signature line and Name/Signature of Thomas J. Gilbert, Jr.

3b. Entity Transferors

Witness/Attest, Name of Entity, By, Name, Title

WASHINGTON COUNTY CIRCUIT COURT (Land Records) DJW 5567, p. 0231, MSA_CE18_5519, Date available 08/17/2017, Printed 09/12/2019.

LR - Deed (w Taxes)
 Recording Fee - ALL 20.00
 Name: gilbert.
 Ref:
 LR - County Transfer Tax - linked 1,100.00
 LR - Surcharge - linked 40.00
 LR - Recordation Tax - linked 2,052.00
 LR - State Transfer Tax - linked 1,250.00
 LR - NR Tax - linked 0.00
 SubTotal: 4,462.00
 Total: 4,462.00
 08/15/2017 12:07
 CC21-TR
 #8888111 CC0403 -
 Washington
 County/CC04.03.04 -
 Register 04

WASHINGTON COUNTY CIRCUIT COURT (Land Records) DJW 5567, p. 0232, MSA_CE18_5519, Date available 08/17/2017, Printed 09/12/2019.

This page not to be counted in calculating Recording Fee

Clerk of Circuit Court
Washington County, Maryland
 Dennis J. Weaver, Clerk
 24 Summit Avenue
 Hagerstown, MD 21740
 301-790-7991

For Clerks Use Only	
Improvement Fee	40.00
Recording Fee	20.00
County Transfer Tax	1100
Recordation Tax	2052
State Transfer Tax	1250
Non-Resident Tax	
TOTAL	4462

portion of the right of way to be acquired for a proposed freeway or expressway, or arterial or secondary highway that is shown on the County Master Plan of Highways, the Governing Authority shall have one hundred and twenty (120) days in which to establish the centerline of the proposed road and then shall have sixty (60) days within which to negotiate with the property owner as to whether he would offer said portion of right of way to the County without compensation because of benefits he may derive from such a road, or to arrive at a mutually agreeable figure for the property within the street width, or, upon failure of agreement, to file a condemnation suit in Circuit Court before the end of that period.

3. Where a subdivision abuts or contains an existing or proposed major thoroughfare, the subdivider shall provide adequate protection for residential properties and shall provide for separation of through and local traffic by means of, but not limited to: 1. parallel streets with lots backing to the thoroughfare, together with screen planting in non-access reservations or easements along rear lot lines; or 2. parallel streets with short cul-de-sacs having terminal lots backing to the thoroughfare.

403. MINIMUM WIDTHS OF RIGHTS OF WAY

All street or highway rights of way shall conform to the street standards established in the Washington County Highway Plan.

404. BUILDING SETBACK LINES

Building setback lines shall be regulated by the provisions of the Washington County Zoning Ordinance. For subdivision purposes, the front building setback line shall be measured from the right of way of each street or highway as established by the Washington County Highway, or in the case of a panhandle lot, from that point as specified in Section 202.33.A.⁷²

405. STREET LAYOUT AND DESIGN

1. General
 - A. The proposed plat shall provide for continuation of any existing roads or streets (constructed or recorded) in accordance with adopted highway plans.
 - B. A tract proposed for subdivision into parcels larger than minimum required building plots and intended for future subdivision rather than immediate development shall be divided so as to allow for future

⁷² Section 404 amended 9/22/09 (Case No. SO-09-001)

opening of streets and such further logical subdivision as can be foreseen.

- C. All streets shall, as far as practicable, be in alignment with existing adjacent streets by continuation of the centerlines thereof or by adjustments with curves. All streets shall be in general conformity with the Plan so as to provide for the most advantageous development of the area in which the subdivision lies.
- D. Residential streets shall be designed to discourage rapid through traffic.
- E. Where, in the opinion of the Commission, it is desirable to provide street access to adjoining property; the proposed streets shall be extended by dedication to the boundary of such property.
- F. Proposed streets and highways shall be adjusted to the contour of the land as far as practicable so as to produce useable lots.
- G. A subdivision plat involving new or existing streets crossing railroad tracks shall provide adequate right of way and slope easements for construction of underpass or overpass in accordance with Article V, 502.
- H. A residential street paralleling a railroad shall be at a distance from the track sufficient to provide lots with a minimum of one hundred sixty (160) feet depth backing to the railroad right of way, or at a distance suitable for the appropriate use of the intervening land as for park purposes in residential districts, or for commercial or industrial uses in appropriate districts. Such distance shall also be determined with due regard for the requirements of approach grades and future grade separations.
- I. Railroad tracks shall not be included within the rights of way of roads or streets, except for crossings or rail transit lines outside the paved traveled portion of the road.
- J. Subdivisions platted along both sides of an existing or approved future street shall provide the entire minimum right of way in accordance with Article IV, 403.
- K. Subdivisions platted along only one side of an existing or approved future street shall provide one-half (1/2) of the minimum right of way measured from the centerline of such existing street.

- L. Half streets are prohibited, unless determined by the Commission to be essential to the reasonable development of the subdivision in conformity with the other requirements of this Ordinance or unless the Commission finds it to be practicable to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street exists adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

2. Access Points

- A. The location and design of the intersections of public streets with highways, private driveways, rights of way, or other public streets, shall be in conformance with the Highway Plan. The Commission may approve designs involving minimum distance requirements between access points specified by the standards only in instances where strict compliance would result in a safety hazard.
- B. Subdivisions fronting on a primary highway in a business or industrial zone shall include a parallel service road within the required right of way which shall extend to adjacent parcels similarly zoned. The service road shall be designed and constructed to County standards and shall be dedicated.
- C. The location of intersections with major arterial highways shall be designed to avoid through traffic crossing such highways. Proposed intersections with major arterial highways shall be spaced no less than seven hundred and fifty (750) feet apart.
- D. Intersections involving the junction of more than two (2) streets should be avoided.
- E. The number of intersections of minor streets with major streets should be kept to a minimum.
- F. When continuation of the centerline at an intersection is impractical the centerlines shall be separated by a minimum offset of one hundred and fifty (150) feet between centerlines.
- G. Highways, streets and roads shall be suitably located, of sufficient width and adequately improved to accommodate the prospective traffic and afford access to police, fire fighting, or road maintenance equipment.

3. Street Grade and Street Alignment

Design standards for street grades and alignments shall be in accordance with the specifications for road and street improvements of the Washington County Engineering Department.

4. Dead-End Streets

Dead-end streets are prohibited except as stubs to permit future extensions to adjoining tracts or where they are designed as cul-de-sacs.

5. Cul-de-sacs⁷³

Cul-de-sacs shall be designed so as to permit safe ingress and egress. The Planning Commission shall determine the maximum length of a cul-de-sac based on provisions for emergency access and on the overall subdivision design. The cul-de-sac radius shall be 60 feet, and between the street and the circles there shall be a reverse radius of 25 feet.

6. Reserve Strips

Reserve strips controlling access to streets are prohibited except where the control of such strips is placed with the County under conditions approved by the Commission.

7. Street Names

Street names shall not be used which will duplicate or be confused with the names of existing or platted streets. Proposed streets in alignment with existing or platted streets shall bear the names of the existing or platted streets.

8. Alleys

- A. Unless provision for adequate service is made, alleys shall be provided in commercial and industrial districts. Except where justified by unusual and extreme conditions of topography, traffic flow, or access, alleys shall not be provided in residential districts.
- B. The minimum right of way width of an alley shall be twenty (20) feet.
- C. Dead-end alleys should be avoided. If unavoidable, they shall be provided with an adequate circular T or Y turnaround at the closed end.

⁷³ Amended 2/10/87 (Text Amendment Case No. S-3)

9. Easements

The subdivider shall grant easements not less than eight (8) feet wide along rear and side lot lines wherever necessary for public utility, sewer, and drainage purposes. Front lot lines shall have ten (10) foot wide easements, provided easements of lesser width may be permitted by the Commission if it determines that the purposes of such easements may be accomplished by easements of lesser width, and provided further that the Commission shall prescribe the width of such easements. There shall be no buildings, structures, improvements or appurtenances of any kind erected or placed upon any easement area in such a way as to interfere with the use of or access to the easement. Where a subdivision embraces all or any part of a water course, drainage way, channel, or stream, the Commission may require that the subdivider provide a storm water easement or drainage right of way easement of adequate width which conforms substantially with the lines of such water course, drainageway, channel, or stream.

10. Blocks

- A. Block lengths shall not exceed sixteen hundred (1600) feet nor be less than five hundred (500) feet.
- B. Pedestrian crosswalks not less than ten (10) feet wide shall be required where deemed essential by the Commission to provide adequate circulation or access to schools, playgrounds, shopping centers, or other community facilities.
- C. Blocks shall be designed with sufficient width to provide two (2) tiers of lots. Blocks with one (1) tier of lots may be approved by the Commission as exceptions when adjacent to heavy traffic ways; railroads; bordering streams; drainage courses; multi-family, commercial or industrial areas; schools; churches; or other land uses deemed appropriate.
- D. Non-residential blocks designed for business or industry shall be of such length and width as may be determined necessary by the Commission including adequate provision for off-street parking, deliveries and truck maneuvering.

11. Lots

- A. Lot configuration and orientation shall be appropriate for the location of the subdivision and for the type of development or use contemplated and shall be approved by the Commission.

⁷⁴B. Every lot shall abut a minimum of twenty-five (25) feet, and shall have access to a road or street that has been dedicated to public use and accepted for public maintenance, except as follows:

⁷⁵1. ⁷⁶The Commission may approve the subdivision of land solely for transfer to a member or members of the immediate family of the owner of the lot of record, where subdivided lots will front on a private road or right of way existing at the time of the original parcel's acquisition by the current owner with the following conditions:

- (a) the private road or right of way must be contained solely within the boundaries of the original parcel of land;
- (b) the private road or right of way must serve an existing residence on the same property. The land must meet the definition of agricultural purposes as defined in Article II, Section 202.3, of the Subdivision Ordinance;
- (c) subdivided lots must be immediately adjacent to the private road or right of way; and
- (d) not more than one (1) lot may be conveyed to any one member of the immediate family member.

Any such subdivision shall contain a statement on the plat, signed by the developer and the family member receiving the lot that:

- (e) certifies the intent of the owner to transfer the land only to a member of the immediate family. The name of the family member and their relationship to land owner should be specified on the plat.
- (f) expressly warrants that no conveyance of the lot will be made to anyone not a member of the immediate family for a period of ten (10) years without the approval of the Planning Commission except as may be required to satisfy a mortgagee in case of loan foreclosure, and

⁷⁴ Amended 10/31/89

⁷⁵ Amended 4/26/88 and 7/31/90 (Text Amendment Case Nos. S-4 and S-6)

⁷⁶ Amended 5/25/99 (Case No. SO-99-01)

- (g) absolves the County from responsibility for acceptance or maintenance of the private road or right of way.
- C. Side Lines. Side lines of interior lots shall be perpendicular to the street line, or radial to a curved street line unless otherwise approved by the Commission.
- D. Double Frontage Lots. Double frontage lots, meaning a block having one tier of lots between two (2) streets or roads, shall not be approved except as provided for in Sections 402.3 and 405.10.C.
- E. Municipal Boundary. No lot shall be divided by a municipal boundary line.
- F. Additional requirements for residential lots.
 - 1. In cases where a midblock crosswalk or alley is provided in a residential subdivision, the lots adjoining such crosswalks or alley shall be increased in width sufficient to provide for a side building restriction line, parallel to the crosswalk or alley, and fifteen (15) feet therefrom.
 - 2. Lots on a plat for the resubdivision of any lot, tract or other parcel of land that is a part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.
- G. Panhandle Lots⁷⁷
 - 1. Panhandle lots shall be a minimum of twenty-five (25) feet in width from the public road to the main body of the lot.
 - 2. A maximum of four (4) panhandle lots are allowed in the subdivision of an original tract of land. The Planning Commission may approve additional panhandle lots only when it is determined by the Commission that excellence of design will be achieved or that such lots are inaccessible to public road due to unique configuration and/or topographical constraints. For the purposes of this section only, the original tract of land is defined as the boundaries of the tract as they existed in the Land

⁷⁷ Amended 10/31/89

Records of Washington County on the date of the adoption of Section 405.11.G which is October 31, 1989.

3. Not more than two (2) panhandle lots may have adjoining driveway entrances to a public right-of-way.
4. The stacking of panhandle lots for more than two (2) tiers of lots is prohibited. The permitted two (2) tier arrangement would allow one lot to be located adjacent to the public road with a panhandle lot located to the rear.
5. The length of each panhandle shall not exceed four hundred (400) feet.

406. TREE CUTTING⁷⁸

The Commission shall review proposed subdivision with respect to the cutting of trees and may impose limitations on the number, location, and distribution of trees proposed for removal. ~~79 The Commission may disapprove a subdivision plan where the tree removal would result in a diminishing of viewshed quality in those areas designated as Antietam Overlay District by the Zoning Ordinance.~~ The Commission shall use the criteria at Section 408 to moderate impact on viewshed quality.

Unless exempt from the Forest Conservation Ordinance, all tree cutting activity related to the development of property within the Antietam Overlay District shall be in accordance with an approved Forest Conservation Plan.

407. HOUSE ORIENTATION⁸⁰

The Commission shall review proposed subdivision with respect to proposed house orientation and location and may recommend that the proposed houses on the individual lots be positioned so as to minimize any diminishing of the viewshed quality in those areas of the County designated as an Antietam Overlay District by the Washington County Zoning Ordinance.

⁷⁸ Amended 6/13/89 and 2/09/93 (Text Amendment Case Nos. S-5 and S-8)

⁷⁹ Stricken per Court of Special Appeals decision in Howard Corcoran, et al. v. Board of County Commissioners of Washington County, Maryland, No. 1506, September Term, 1993, Unreported, Per Curiam, dated July 14, 1994.

⁸⁰ Amended 6/13/89 and 2/09/93 (Text Amendment Case Nos. S-5 and S-8)

THOMAS J. GILBERT, III
4810 Porterstown Road
Keedysville, Maryland 21756

APPEAL NO. AP2006-053

Appellant

OPINION

This action is a request for a special exception to place a second dwelling on a parcel already improved with a principal dwelling and for a density variance from one dwelling per 30 acres to one dwelling unit per 17 acres. The subject property is located at 4810 Porterstown Road, Keedysville, Maryland 21756, is owned by the Appellant, and is zoned Preservation.

A public hearing was held before a full Board on May 10, 2006. The Appellant offered evidence and testimony in support of the appeal. Neither opposing testimony nor evidence was presented to the Board.

FINDINGS OF FACT

The following findings of fact are made by the Board, based upon the testimony given and all data and other evidence presented, and upon a study of the specific property involved, as well as the neighborhood:

1. Appellant seeks to place a second dwelling on the subject property to be inhabited by his elderly parents.
2. The lot is oddly-shaped, having a long panhandle.
3. Road frontage is the limiting factor preventing subdivision of this property.
4. The driveway is already shared with other neighbors.
5. The proposed use is consistent with the Comprehensive Plan for the county, although the density request is not consistent with the land use portion of the Plan.
6. The proposed use is compatible with the existing neighborhood and conforms to the Plan.

RATIONALE

The Board has authority to grant a special exception pursuant to Section 25.2(b) of the Zoning Ordinance for Washington County, Maryland. A special exception is defined as "a grant of a specific use that would not be appropriate generally or without restriction; and shall be based upon a finding that the use conforms to the plan and is compatible with the existing neighborhood." Section 28.62.

In this matter, we find that the Appellant has met his burden for a special exception. The Zoning Coordinator has opined that the proposed exception is compatible with the Comprehensive Plan, and we have found that the proposed second dwelling would not be incompatible with the surrounding neighborhood. The property is of adequate size to support a second dwelling. Based upon all of the testimony and evidence presented, this Board finds that the subject request does not adversely affect the public health, safety, security, morals, or general welfare, nor does it result in dangerous traffic conditions, or jeopardize the life and property of neighborhood residents.

Accordingly, having considered all of the factors set forth in Section 25.6 of the Zoning Ordinance, this request for a special exception to place a second dwelling on a parcel already improved with a principal dwelling and for a density variance from one dwelling per 30 acres to one dwelling unit per 17 acres is hereby GRANTED WITH CONDITIONS AS SET FORTH BELOW this 8th day of June, 2006.

Conditions

1. The relief granted herein by the Board, if any, must be utilized and acted upon within one (1) year from the date of this Opinion or it shall be deemed to have been abandoned and/or disclaimed by the Appellant and Appellant's heirs, successors, and assigns, and of no further force or effect.
2. For a period of ten years from the date of plat recordation, the second dwelling shall be primarily occupied only by an immediate family member of Appellant.

BOARD OF APPEALS
By: Spence Perry, Chair

WASHINGTON COUNTY FOREST CONSERVATION ORDINANCE
REAL ESTATE TRANSFER DECLARATION OF INTENT

DISTRICT 01 ACCOUNT # 026271 MAP 80 GRID 6 PARCEL 334

PROPERTY OWNER(S) NAME(S) THOMAS J. GILBERT, III, SUZANNE L. GILBERT

PERMANENT MAILING ADDRESS: P.O. BOX 88, KEEDYSVILLE, MD 21756

PROPERTY LOCATION 4738 HORIZON LANE, KEEDYSVILLE, MD 21756

CURRENT DEED REFERENCE(S) LIBR 3523 FOLIO 661

I (WE), THOMAS J. GILBERT, III AND SUZANNE L. GILBERT THE OWNER(S) OF THE REAL PROPERTY LOCATED AT 4738 PORTERSTOWN ROAD AND ASSOCIATED IN THE ABOVE REFERENCED DEED(S) HEREBY DECLARE MY (OUR) INTENTION TO INVOLVE THE REAL ESTATE TRANSFER EXEMPTION FOR THE ABOVE REFERENCED PROPERTY, IN ACCORDANCE WITH THE PROVISIONS OF THE WASHINGTON COUNTY FOREST CONSERVATION ORDINANCE AND COMAR 08.18.01.04, FOR A PERIOD OF FIVE (5) CONSECUTIVE FULL TAXABLE YEARS FOLLOWING THE DATE OF RECORDATION OF THIS DOCUMENT.

THIS DECLARATION GRANTS AN EXEMPTION FOR A REAL ESTATE TRANSFER TO PROVIDE A SECURITY LEASEHOLD OR OTHER LEGAL OR CONTRACTUAL INTEREST, INCLUDING A TRANSFER OF TITLE OF A PORTION OF A LOT OR PARCEL BASED ON THE WASHINGTON COUNTY FOREST CONSERVATION PROGRAM, IF THE OWNER APPLIES FOR AN ACTIVITY REGULATED UNDER THE FOREST CONSERVATION PROGRAM, CLEARS 20,000 SQUARE FEET OR MORE OF FOREST FROM THE ABOVE REFERENCED PROPERTY, OR VIOLATES THE REQUIREMENTS OF A FOREST CONSERVATION PLAN ON ALL OR PART OF THE PARCEL WITHIN THE FIVE (5) YEAR PERIOD COVERED BY THIS DECLARATION OF INTENT, WASHINGTON COUNTY MAY RE-EVALUATE THE EXEMPT STATUS CONFERRED BY THIS DECLARATION OF INTENT TO DETERMINE IF A REGULATED ACTIVITY WILL REQUIRE THE OWNER TO MEET FORESTRESTORATION OR RESTORATION REQUIREMENTS ESTABLISHED IN THE FOREST CONSERVATION ORDINANCE AND COMAR 08.18.03. FORESTED AREAS CUT IN VIOLATION OF THIS EXEMPTION MAY ALSO BE SUBJECT TO NONCOMPLIANCE FEES.

I (WE) DECLARE, UNDER THE PENALTIES OF LAW, THAT THIS DECLARATION, INCLUDING ANY ACCOMPANYING FORMS AND STATEMENTS, HAS BEEN EXAMINED BY ME (US) AND THE INFORMATION CONTAINED HEREIN, TO THE BEST OF MY (OUR) KNOWLEDGE, INFORMATION, AND BELIEF, IS TRUE, CORRECT AND COMPLETE.

Thomas J. Gilbert
PRINTED NAME SIGNED: THOMAS J. GILBERT, III

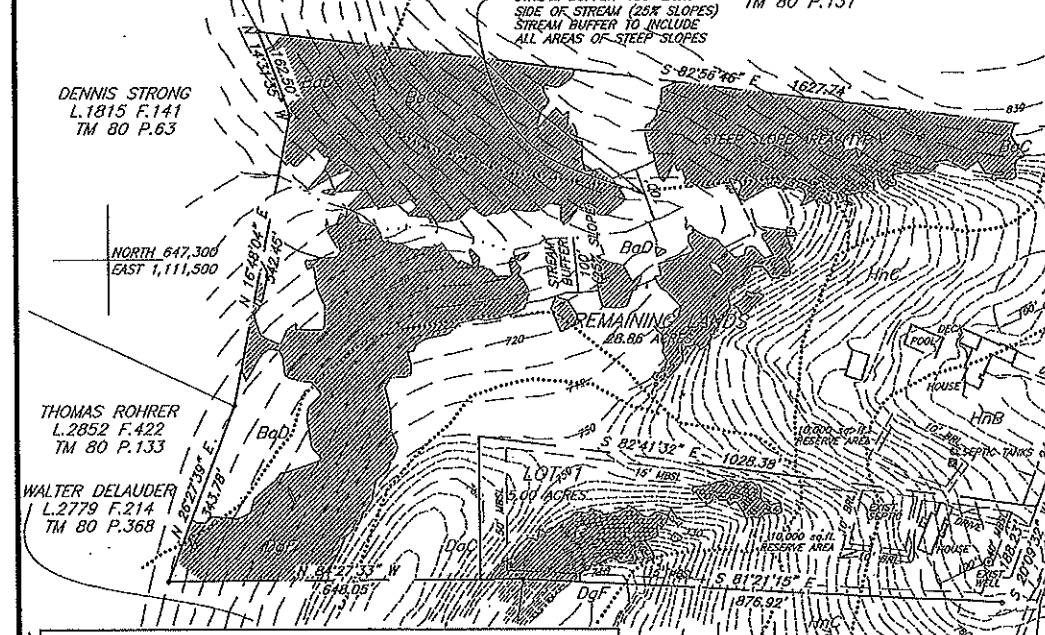
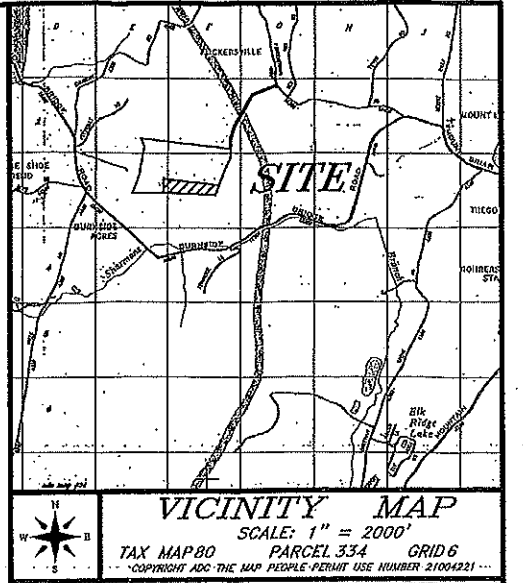
Suzanne L. Gilbert
PRINTED NAME SIGNED: SUZANNE L. GILBERT

SENSITIVE AREA NOTICE

THE STREAM BUFFER SHOWN ON THIS PLAT IS ESTABLISHED PURSUANT TO THE REQUIREMENTS OF THE WASHINGTON COUNTY SUBDIVISION ORDINANCE ARTICLE IV, SECTION 409. IN AN EFFORT TO PRESERVE OR IMPROVE WATER QUALITY, THE PROPERTY OWNER IS REQUIRED TO ESTABLISH AND THEREAFTER MAINTAIN IN PERPETUITY VEGETATIVE GROUND COVER IN ACCORDANCE WITH RURAL/AGRICULTURAL BEST MANAGEMENT PRACTICES RECOMMENDED BY THE WASHINGTON COUNTY SOIL CONSERVATION DISTRICT. NO PERMANENT STRUCTURES AND NO CONSTRUCTION ARE PERMITTED WITHIN THE STREAM BUFFER EXCEPT THOSE DESIGNATED TO IMPROVE WATER QUALITY OR FLOW AS APPROVED BY THE WASHINGTON COUNTY PLANNING COMMISSION IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS, LAWS AND POLICIES. NO SEPTIC SYSTEMS OR SEPTIC RESERVE AREAS SHALL BE CONSTRUCTED WITHIN THE BUFFER. STREAM BUFFER EXPANDED TO INCLUDE AREAS OF STEEP SLOPES.

- NOTES:**
- BEARINGS & DISTANCES ARE FROM A RECENT SURVEY BY FOX & ASSOCIATES, INC. IN MARCH 2014.
 - CONTOURS FROM WASHINGTON COUNTY MAPPING, BEARINGS ADJUSTED USING COUNTY DATUM NAD83 DATUM, 2" CONTOUR INTERVAL.
 - NO PORTION OF THIS PARCEL SHOWN HEREON IS WITHIN ZONE 2 AS SHOWN ON WASHINGTON COUNTY FLOOD INSURANCE RATE MAP 240700120A DATED MAY 1, 1976.
 - ZONING - 20' ENVIRONMENTAL CONSERVATION.
 - MINIMUM BUILDING SETBACK LINES (MBSL): FRONT-10', SIDES-15', REAR-30'
 - BUILDING RESTRICTION LINES (BRL): 10' FROM SEPTIC RESERVE AREAS
 - RESERVED 10,000 S.F. WASTE DISPOSAL SYSTEM AREA, NO PHYSICAL STRUCTURES PERMITTED.
 - ALL PROPOSED WELLS SHALL BE 100 FEET FROM SEPTIC RESERVE AREAS.
 - AN 8' WIDE UTILITY & DRAINAGE EASEMENT IS TO BE DESIGNATED ALONG THE REAR AND SIDE PROPERTY LINES.
 - 10' WIDE UTILITY & DRAINAGE EASEMENT IS TO BE DESIGNATED ALONG THE FRONT PROPERTY LINE.
 - ADDRESS IS BASED ON THE ENTRANCE LOCATION, IF DRIVEWAY IS CONSTRUCTED IN A DIFFERENT LOCATION, ADDRESS IS VOID AND OWNER MUST REAPPLY TO THE WASHINGTON COUNTY PLANNING COMMISSION FOR A NEW ADDRESS ASSIGNMENT.
 - PORTERSTOWN ROAD - LOCAL ROAD.
 - ACCESSORY STRUCTURES MAY BE CONSTRUCTED IN ACCORDANCE WITH SEC. 4.10 AND SEC. 23.5A.
 - INDICATES REMAIN AND CAP UNLESS OTHERWISE NOTED.
 - THERE ARE NO FLOODPLAINS OR HABITAT OF THREATENED OR ENDANGERED SPECIES IDENTIFIED BY THE U.S. FISH AND WILDLIFE SERVICE PER 50 CFR 17 AS REQUIRED TO BE SHOWN BY SECTION 314 OF THE SUBDIVISION ORDINANCE AND SECTION 4.21 OF THE ZONING ORDINANCE.
 - COORDINATES ARE BASED ON NAD83/01 AND COORDINATE SYSTEM, THE WASHINGTON COUNTY CONTROL POINTS WERE USED TO ESTABLISH THE TIE.
 - STEEP SLOPES AS DEFINED BY ARTICLE II, SECTION 202.4 OF THE WASHINGTON COUNTY SUBDIVISION ORDINANCE OCCUR ON THE SUBJECT SITE AND HAVE BEEN DENOTED HEREON AS SUCH.
 - SEPTIC SYSTEMS OR SEPTIC RESERVE AREAS SHALL NOT BE LOCATED ON AREAS OF STEEP SLOPES AND BEST MANAGEMENT PRACTICES RECOMMENDED BY THE WASHINGTON COUNTY SOIL CONSERVATION DISTRICT SHALL BE USED DURING ANY OTHER PERMITTED CONSTRUCTION ON THE STEEP SLOPE AREAS OF THE SUBJECT PROPERTY SHOWN HEREON.

- NOTES: continued.**
- THIS RESIDENTIAL SUBDIVISION PLAT IS SUBJECT TO ALL APPLICABLE LOCAL, STATE AND FEDERAL LAWS AND REGULATIONS. ANY FURTHER POTENTIAL OF SUBDIVISION OF ANY LOTS OR REMAINING LANDS CREATED BY THIS SUBDIVISION IS SUBJECT TO THE REQUIREMENTS OF THE MARLAND ANNOTATED CODE, ENVIRONMENTAL ARTICLE, SECTION 9-206 AND ALL APPLICABLE LOCAL, STATE AND FEDERAL LAWS AND REGULATIONS.
 - IN ACCORDANCE WITH THE REQUIREMENTS OF THE MARLAND ANNOTATED CODE, ENVIRONMENTAL ARTICLE, SECTION 9-206, UPON RECORDATION OF THIS PLAT, A TOTAL OF 1 RESIDENTIAL LOTS, PLATS, BUILDING SITES, OR OTHER DIVISION OF LAND SHALL BE CREATED FROM THE PARENT PARCEL OR TRACT SINCE OCTOBER 1, 2012, IN ACCORDANCE WITH MARLAND ANNOTATED CODE, ENVIRONMENTAL ARTICLE, SECTION 9-206 AND SUBJECT TO ALL APPLICABLE LOCAL, STATE AND FEDERAL LAWS. THERE ARE NOT MORE THAN 0 (ZERO) REMAINING LOTS, PLATS, BUILDING SITES, OR OTHER DIVISION OF LAND ALLOWED AS A SUBDIVISION.
 - THE AREA OF THE WATERSHED AFFECTING THE PROPERTY IS 430 ACRES.
 - THIS PLAT WAS REVIEWED AND APPROVED IN ACCORDANCE WITH THE ENVIRONMENTAL CONSERVATION ZONING. ANY NEW DEVELOPMENT/CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE WASHINGTON COUNTY ZONING ORDINANCE CURRENTLY BEING ENFORCED.
 - THE FUTURE RIGHT OF WAY FOR PORTERSTOWN ROAD WAS PREVIOUSLY DEDICATED ON PLAT NO. 1780 AND 1781.
 - THE LOTS SHOWN HEREON USE THE EXIST. DRAIN AS SHOWN, WITH OTHERS AS SHOWN ON PLAT NO. 1780.
 - LOT 1 ON THIS SUBDIVISION PLAT HAS BEEN DETERMINED TO BE AN EXEMPTION LOT PER SECTION 58.4 OF THE WASHINGTON COUNTY ZONING ORDINANCE.
 - A PORTION OF WAY OVER HORIZON LANE TO PORTERSTOWN ROAD IS RESERVED FOR INTEREST AND EGRESS.



INTERIM FACILITIES PROVISION CERTIFICATE

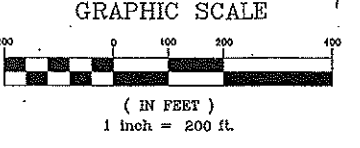
IN COMPLIANCE WITH COMAR 26.03.01.05.B (1) AND (2) THE INDIVIDUAL WATER SUPPLY AND/OR SEWER SYSTEM IS HEREBY PERMITTED ON A TEMPORARY INTERIM BASIS. FUTURE LOT OWNERS ARE ADVISED THAT THE INDIVIDUAL SYSTEMS SERVING THE LOT INDICATED ON THIS PLAT ARE OF TEMPORARY INTERIM NATURE AND THAT CONNECTION TO A FUTURE COMMUNITY SYSTEM SHALL BE MADE WITHIN ONE (1) YEAR OR LESS AFTER THE SYSTEM BECOMES AVAILABLE.

Thomas J. Gilbert, III
Suzanne L. Gilbert

CERTIFICATE OF APPROVAL

FINAL APPROVAL GRANTED WASHINGTON COUNTY PLANNING COMMISSION

7-8-16
DATE FINAL APPROVAL GOOD FOR SIX MONTHS FROM ABOVE DATE



OWNER
THOMAS J. III & SUZANNE L. GILBERT
6351 TROUT STREAM DRIVE
STARKVILLE, MD 21784

PRELIMINARY/FINAL PLAT
LANDS OF
THOMAS J. & SUZANNE L. GILBERT
SITUATE ALONG HORIZON LANE
WASHINGTON COUNTY, MARYLAND
COUNTY FILE NO 5-16-020

PLAT No. 16637
DATE 07 11 2016
WASHINGTON COUNTY

OWNERS DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE LEGAL AND TRUE OWNER OF THE PROPERTY SHOWN AND DESCRIBED ON THIS PLAT AND THAT WE ADOPT THIS PLAN OF SUBDIVISION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, DEDICATE TO PUBLIC USE ALL UTILITY AND DRAINAGE EASEMENT AREAS AND ALL ALLEY, STREET, AND ROAD RIGHTS OF WAY DESIGNATED ON THIS PLAT, AGREE TO KEEP OPEN ALL SPACES AND RECREATION AREAS SHOWN, AND AGREE THAT THE DEDICATIONS SHALL NOT IMPOSE ANY RESPONSIBILITY ON THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, REGARDING THE SUBJECTS OF SUCH DEDICATIONS UNTIL LEGAL ACCEPTANCE THEREOF BY SAID BOARD, AND WE HEREBY RESERVE THE FEE SIMPLE TITLE TO THE LAND UNDERLYING SAID EASEMENTS, RIGHTS OF WAY, OPEN SPACES AND RECREATION AREAS AND, WITH REGARD TO THE SAID EASEMENTS AND RIGHTS OF WAY, HEREBY AGREE TO CONVEY THE SAME TO SAID BOARD, FOR THE USE OF SAID WASHINGTON COUNTY, WITHOUT CONSIDERATION, UPON THE LEGAL ACCEPTANCE OF SAID EASEMENTS AND/OR RIGHTS OF WAY BY SAID BOARD.

THIS DEED AND AGREEMENT OF DEDICATION SHALL BE BINDING UPON OUR GRANTEES, ASSIGNS, AND SUCCESSORS.

WE CERTIFY THAT OUR INTENT TO TRANSFER LOT 1 TO A MEMBER OF THE IMMEDIATE FAMILY AND WE EXPRESSLY HEREBY THAT NO CONVEYANCE OF TITLE WILL BE MADE TO ANYONE NOT A MEMBER OF THE IMMEDIATE FAMILY FOR A PERIOD OF 10 YEARS WITHOUT THE APPROVAL OF THE PLANNING COMMISSION EXCEPT AS MAY BE REQUIRED TO SATISFY A MORTGAGE IN THE CASE OF LOAN FORECLOSURE AND ABLIWE THE COUNTY FROM RESPONSIBILITY FOR ACCEPTANCE OR MAINTENANCE OF THE PRIVATE ROAD OR RIGHT OF WAY.

THERE ARE NO SUITS, ACTIONS AT LAW, LEASES, LIENS, MORTGAGES, TRUSTS, EASEMENTS OR RIGHTS OF WAY AFFECTING THE PROPERTY INCLUDED IN THIS PLAN OF SUBDIVISION EXCEPT THE FOLLOWING:

AND ALL PARTIES AND INTERESTS THERETO HAVE HERETO AFFIXED THEIR SIGNATURES, INDICATING THEIR ASSENT TO THIS PLAN OF SUBDIVISION.

WITNESS OUR HANDS AND SEALS THIS 28th DAY OF June 2016

Thomas J. Gilbert, III
Suzanne L. Gilbert

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF THAT THE PLAN SHOWN HEREON IS CORRECT; THAT IT IS A SUBDIVISION OF ALL OF THE LANDS CONVEYED BY THOMAS J. GILBERT, III AND SUZANNE L. GILBERT HUSBAND AND WIFE BY DEED DATED JUNE 27, 2008 AND RECORDED IN LIBR 3523 FOLIO 661 ON THE LAND RECORDS OF WASHINGTON COUNTY, MARYLAND.

7/6/16
DATE

Carl E. Shover
COUNTY HEALTH OFFICER

CERTIFICATE OF APPROVAL OF INDIVIDUAL WATER SUPPLY & INDIVIDUAL SEWERAGE SYSTEM

I HEREBY CERTIFY THAT THE MINIMUM OWNERSHIP AREA COMPLIES WITH THE MINIMUM WIDTH AND MINIMUM AREA REQUIREMENTS SPECIFIED IN COMAR 26.04.03.03. SUCH MINIMUM OWNERSHIP SHALL REMAIN EQUAL TO THE MINIMUM WIDTH AND MINIMUM AREA SET FORTH IN COMMUNITY CHARTER AND WATER AND WASTE WATER REGULATIONS AND WATER HAVE BEEN MADE AVAILABLE. NOT MORE THAN ONE PRINCIPAL BUILDING MAY BE ENERGED OR CONSTRUCTED ON A LOT, OR LOTS, CONTAINED IN THE MINIMUM OWNERSHIP AREA AS ESTABLISHED BY COMAR 26.04.03.03 (2) UNTIL COMMUNITY SEWERAGE HAS BEEN MADE AVAILABLE.

7/6/16
DATE

Carl E. Shover
COUNTY HEALTH OFFICER

FOX & ASSOCIATES, INC.
ENGINEERS • SURVEYORS • PLANNERS

881 MT. AETNA ROAD
HAGERSTOWN, MARYLAND 21740
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82 WORMAN'S HILL CT. STE. 60
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PHONE: (301)733-0808
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DISTRICT 01
TAX MAP No. 80
DWG. No. C-2834

WASHINGTON COUNTY CIRCUIT COURT (Subdivision Plats, WA) Plat 10637, MSA_S1255_8599, Date available 20160711, Printed 11/08/2016.

Register 88
County/CD# 03_03_08
#6582518 CD#0408
07/11/2016 02:58
C21-RZ
Total: 5.00
Subdivision Name: Gilbert
Subdivision: Gilbert
LR - Plat Fee - 5.00

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Register 88
Subdivision Name: Gilbert
Subdivision: Gilbert
LR - Plat Fee - 5.00

P216767

MSA 5055-8599