RW 2024-008-01, -02, -03 J.O. 221-0 Item 1 (FCE) Election District 10, c 03

# FOREST CONSERVATION DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS

THIS DECLARATION, made this 23<sup>rd</sup> day of January, 2024 by WILLIAM RONALD COLEMAN, JR. and JENNIFER D. COLEMAN (the "Declarants"); and BALTIMORE COUNTY, MARYLAND, A BODY CORPORATE AND POLITIC (the "County").

WHEREAS, the Declarants are the owners in fee simple of all that property, situate and lying in the Tenth (10th) Election District and Third (3rd) Councilmanic District of Baltimore County, Maryland, and more particularly described in a Deed dated March 9, 2017, and recorded in the Land Records of Baltimore County in Book JLE 38791, page 77, from 3901 Briar Knoll, LLC to William Ronald Coleman, Jr. and Jennifer D. Coleman (the "Property"); and

WHEREAS, Code of Maryland Regulations, as amended (hereafter referred to as "COMAR") Section 08.19.05.02 requires the establishment of long-term protective measures for all land retained as forest, afforested, or reforested areas defined in Md. Code Ann. Nat. Res. § 5-1601.

WHEREAS, the Baltimore County Environmental Protection and Sustainability ("EPS") has primary responsibility for developing and implementing a local forest conservation program within Baltimore County pursuant to Md. Code Ann. Nat. Res.§ 5-1603; and

WHEREAS, in order to protect the environmental quality of the areas of the Property, said areas containing (i) 22.773 acres (991,997.45 sq. ft.), more or less, as designated as "Proposed Forest Conservation Easement No. 1", and (ii) 6.8224 acres (297,185.9 sq. ft.), more or less as designated as "Proposed Forest Conservation Easement No. 2" (the "Forest Conservation Easements"), both as shown and designated on Baltimore County Real Estate Compliance Drawing No. RW 2024-008-01, -02, -03, which is attached hereto and made part of hereof, the Declarants desire to protect said Forest Conservation Easements by imposing covenants, conditions and restrictions which will bind the lots and the present and future owners thereof. The County shall have the legal right to enforce the covenants, conditions and restrictions as set forth herein together with the enforcement rights referenced in Section 4.

NOW, THEREFORE, in consideration of the benefits derived by the Declarants and their successors in interest, the said Declarants, for themselves, their personal representatives, heirs and/or assigns, do hereby agree as follows:

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LR - Government in Instrument in Agency Name:
COLEMAN/BALTIMORE COUNTY
Instrument List:
Manageribe Other:
Seref: 8

BOOK: 49038 PAGE: 232

- 1. Except as provided for in an approved Forest Conservation Plan pursuant to § 33-6-110 of the Baltimore County Code, as amended (hereafter referred to as "the Code"):
- a. Existing vegetation within the Forest Conservation Easements shall not be disturbed. This includes, but is not limited to, disturbance by tree removal, shrub removal, clearing, mowing, burning, spraying, and grazing;
- b. Soil disturbance shall not take place within the Forest Conservation Easements by grading, stripping of topsoil, plowing, cultivating, or other practices;
  - c. Filling or dumping shall not occur within the Forest Conservation Easements;
- d. Animals shall not be housed, grazed, or otherwise maintained within the Forest Conservation Easements;
- e. Pesticides shall not be stored, used, or applied within the Forest Conservation Easements, except for the spot spraying of noxious weeds consistent with the recommendations of the University of Maryland Cooperative Extension Service;
- f. Motorized vehicles shall not be stored or operated within the Forest Conservation Easements, except for planting, maintenance, and emergency use approved by EPS;
  - g. Materials shall not be stored within the Forest Conservation Easements;
- h. Logging and timber harvesting operations shall not occur within the Forest Conservation Easements except in accordance with a Forest Management Plat that has been approved by EPS as part of the Forest Conservation Plan.
- 2. <u>Waiver by EPS</u>. The aforementioned covenants, conditions and restrictions may be waived or modified by variance only by EPS as provided in Code § 33-6-116.
- 3. <u>Easement for Access</u>. The Declarants hereby grant to Baltimore County, Maryland, an easement of access to the Forest Conservation Easements on, over, and across Briar Knoll Circle, for the limited purposes of inspecting and maintaining the Forest Conservation Easements and to ensure compliance with the Forest Conservation Plan and Title 6 of Article 33 of the Code, and for no other use or purpose.

## 4. <u>Miscellaneous</u>.

- a. Enforcement shall be pursuant to the Enforcement Procedures of §§ 33-6-118 et seq. of the Code. Invalidation of any one or more of these covenants by judgment or court order shall in no way affect any other provisions, which shall remain in full force and effect.
- b. Any failure by any party entitled to enforce any of the covenants, conditions and restrictions herein contained, shall in no event be deemed a waiver of the right to do so thereafter as to the same breach, or as to one occurring prior to, or subsequent thereto.

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c. These covenants shall run with and be binding upon the Property and shall inure to the benefit of and be binding upon the Declarants, their personal representatives, heirs and/or assigns. These covenants and the rights and liabilities arising hereunder are governed by and shall be determined in accordance with the laws of the State of Maryland.

{The remainder of this page is left blank intentionally; the signature page follows.}

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

WITNESS: **DECLARANTS:** (Seal) William Ronald Coleman, Jr. (Seal) STATE OF MARYLAND } to wit: CITY/COUNTY OF Baltimore 2024 MC I HEREBY CERTIFY that on this 23 day of January , 2023, before me, the subscriber, a Notary Public, personally appeared William Ronald Coleman, Jr., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Forest Conservation Declaration of Protective Covenants, Conditions and Restrictions, who acknowledged the foregoing instrument to be his act, and IN MY PRESENCE SIGNED AND SEALED THE SAME. AS WITNESS my hand and Notarial Seal. Matthew Cech

My Commission Expires: <u>September 27, 2016</u>

{Notary acknowledgements continue on the following page.}

MC

STATE OF MARYLAND }
to wit:

CITY/COUNTY OF <u>Balhimore</u>}

I HEREBY CERTIFY that on this <u>23</u> day of <u>January</u>, <del>2023</del>, before me, the subscriber, a Notary Public, personally appeared Jennifer D. Coleman, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Forest Conservation Declaration of Protective Covenants, Conditions and Restrictions, who acknowledged the foregoing instrument to be her act, and IN MY PRESENCE SIGNED AND SEALED THE SAME.

AS WITNESS my hand and Notarial Seal.

Matthew Cech Notary Public

My Commission Expires: September 27, 2026

## **ATTORNEY CERTIFICATION**

This is to certify that the within instrument was prepared by the undersigned, an attorney admitted to practice before the Supreme Court of Maryland.

Robert D. Porter

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APPROVED:	DATE: Apr. 30, 2024
Horacio Tablada, Director	
Environmental Protection and Sustainab	ility
APPROVED FOR LEGAL FORM AND SUFFI	CIENCY*
(Subject to Execution by A Duly Authorize	<del>-</del>
Administrative Official and County Counc	cil, if Indicated)
Timothy Chance, Esquire OFFICE OF THE COUNTY ATTORNEY *Approval of Legal Form and Sufficiency Approval or Disapproval of Substantive N Approval is Based Upon Typeset Docume	•
	APPROVED AND ACCEPTED this 6th
ATTEST/WITNESS	Day of May, 2024 BALTIMORE COUNTY, MARYLAND:
Margaret on Saundle	BY: D'Andrea L. Walker
,	County Administrative Officer

All language on this page is required by Baltimore County for this document.

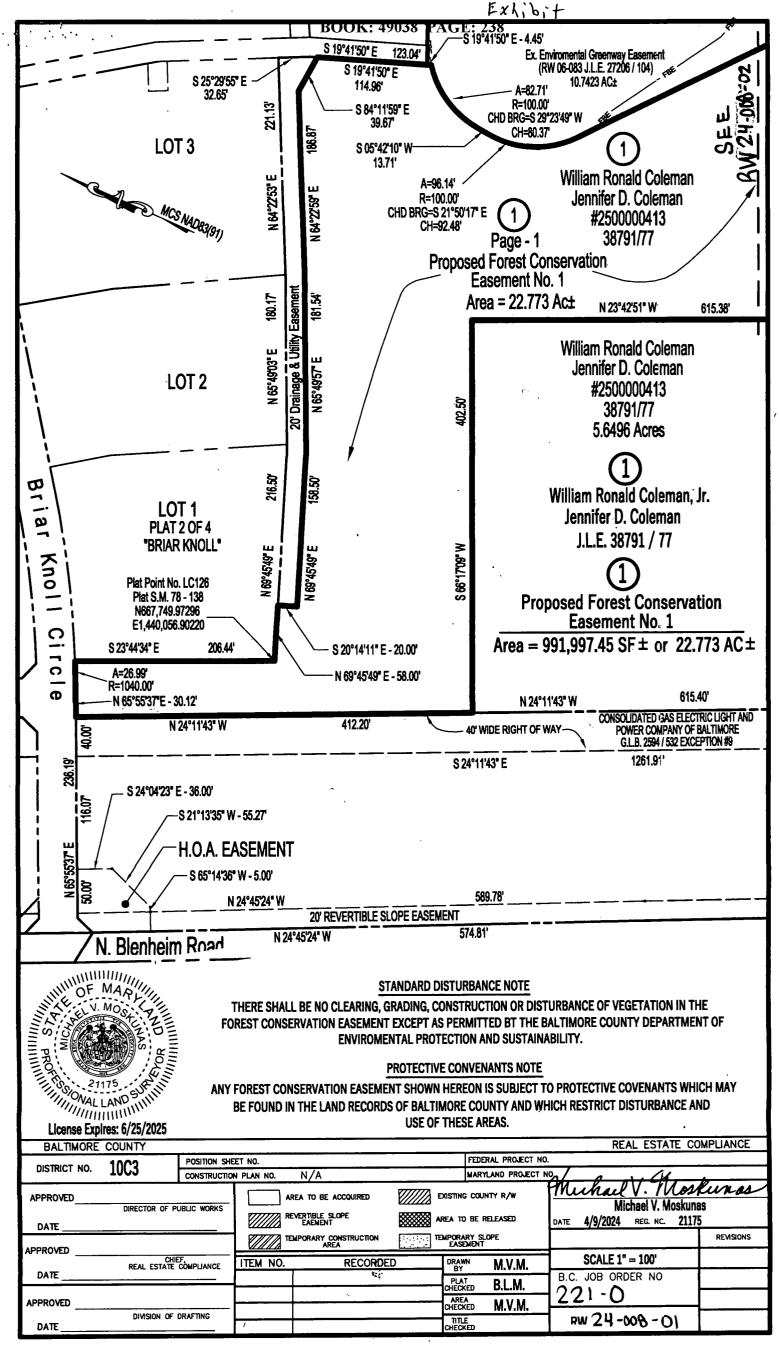
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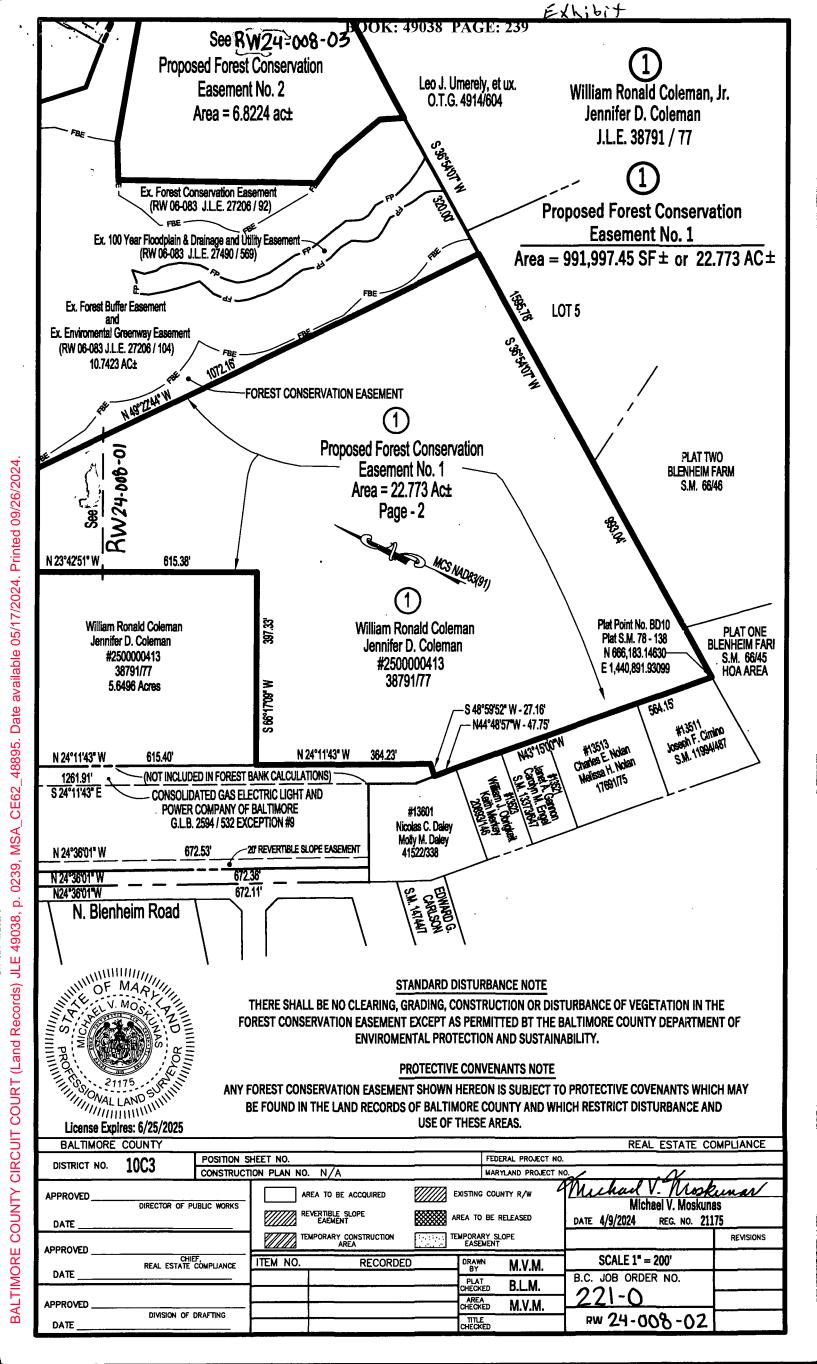
### **JOINDER BY LENDER**

See Purchase Money Deed of Trust dated March 9, 2017, from William Ronald Coleman, Jr. and Jennifer D. Coleman (for the benefit of Rosedale Federal Savings and Loan, successor by merger to Chesapeake Bank of Maryland), and recorded among the Land Records of Baltimore County, Maryland in Book JLE 38791, page 82 (the "Deed of Trust"). The undersigned Lender joins herein to assent to the terms and provisions of the foregoing instrument and assents to waive and subordinate the lien of said Deed of Trust to the legal operation and effect of the interest being acquired by Baltimore County under the foregoing instrument.

WITNESS:	ROSEDALE FEDERAL SAVINGS AND LOAN SAVIN
Carla C. Ritter	By: CORPORATE Senior Vice Precident SEAI
STATE OF MARYLAND, CITY/COUNTY	OF Bolhmore, to wit:
Savings and Loan, and, being authorized so	day of Jones , in the year , a Notary Public, personally appeared Senior View President of Rosedale Federal of to do s/he acknowledged the foregoing Joinder by NMY PRESENCE SIGNED AND SEALED THE
AS WITNESS my hand and Notarial Seal.	Colo O State Supplied A C. A. A. C. A. C. A. A. C. A.
My Commission expires: 1/8/24	Notary Public * PUBLIC PUBLIC NOTARY MORE COMMITTEE TO THE PUBLIC NOTARY
This is to certify that the within instr	ument was prepared by an attorney admitted to

practice before the Supreme Court of Maryland.





BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 49038, p. 0240, MSA\_CE62\_48895. Date available 05/17/2024. Printed 09/26/2024

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### ATTORNEY CERTIFICATION

SUBDIVISION/PROJECT NAME: "Briar Knoll" Lot 7 "Conservancy Area" Plat 1 of 4

PUBLIC WORKS AGREEMENT NO.: 100601

COUNTY REVIEW GROUP NO.: X-410

FINAL DEVELOPMENT PLAN DATED: 4/21/2005

FOR PROJECT KNOWN AS: "Briar Knoll" Lot 7 "Conservancy Area" Plat 1 of 4

THE UNDERSIGNED HEREBY CERTIFIES, REPRESENTS AND OPINES TO BALTIMORE COUNTY, MARYLAND, that:

- 1. The undersigned is an attorney duly admitted to practice before the Supreme Court of Maryland and in good standing thereunder.
- 2. The undersigned maintains, or has maintained for the benefit of the undersigned, professional liability insurance coverage under policy no: 41024-10, issued by Minnesota Lawyers Mutual Insurance Company, insurer, with limits of liability of \$1,000,000.00. Such policy is in force and effect as of the date of this Certification, benefiting the County in case of loss, injury or damage arising from any errors or omissions related to the issuance of this Certificate by the undersigned and the County's reliance thereon.
- 3. The attached instrument, Forest Conservation Declaration of Protective Covenants, Conditions and Restrictions (the "Instrument"), was prepared by me or under my supervision, and conforms in all material respects to the prescribed form for such Instrument as set forth in The Baltimore County, Maryland, Department of Permits, Approvals and Inspections, Real Estate Compliance Right of Way Documents Manual, May 2007 edition.
- 4. The undersigned has caused a diligent examination of the Land Records of Baltimore County, Maryland to be made to ascertain the status of record title to the real property (the "Property") described in, and to be encumbered or conveyed by, the Instrument. Based solely upon examination of such records as on file through the date of this certification (the "Examination Date"), by the undersigned, the undersigned certifies, represents and opines to Baltimore County, Maryland that:
  - a. Title to the interest being acquired by Baltimore County, Maryland pursuant to the Instrument is vested in William Ronald Coleman, Jr. and Jennifer D. Coleman by virtue of a Deed from 3901 Briar Knoll, LLC dated March 9, 2017 and recorded among the Land Records of Baltimore County, Maryland in Book JLE 38791, page 77.
  - b. The Instrument is in appropriate form for the conveyance of, or creation of encumbrance on, the Property.

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- c. Following the due execution and acknowledgment of the Instrument by the parties named therein, the signatory(ies) thereon having the authority to so bind the grantor entity(ies) referenced therein (if applicable), and its delivery to and acceptance by the County, and its recordation among the Land Records, the Instrument will be effective in accordance with its terms to create or convey the interest in the Property which the Instrument purports to create or convey, without the requirement or joinder of any other party having an interest of record in the Property (including, but not limited to, beneficiaries of easements, rights of way, security instruments, and/or agreements) as of the Examination Date.
- d. I have no personal knowledge of conflicting interests (including, but not limited to, rights or claims of parties in possession, adverse claims, and/or equitable interests not shown by the public records) that would interfere with or jeopardize Baltimore County's use of the herein granted easement or fee simple area for the purposes set forth in this Instrument.
- 5. This Certification is made and delivered subject to the express understandings and agreements:
  - a. The execution and delivery of this Certification by the undersigned was an express condition precedent to the agreement of Baltimore County, Maryland to accept the Instrument from the parties named therein as granting or joining in the same.
  - b. This Certification of title is rendered to Baltimore County, Maryland for its benefit, with the understanding that Baltimore County, Maryland will rely upon the truth, accuracy and completeness of the certifications, representations and opinions herein set forth.
  - c. This Certification of title may be relied upon by Baltimore County, Maryland authorities. It may not be relied upon by any other person or entity without the prior written consent of the undersigned.
  - d. The undersigned assumes no liability for any lien, encumbrance, and/or defect in title to or ownership of the Property, of whatever nature or character, arising subsequent to the Examination Date of which the undersigned had no personal knowledge. The undersigned assumes no responsibility for any lien, encumbrance, title defect or any other matter affecting title to the Property of which the undersigned had no personal knowledge and not appearing of record among the Land Records of Baltimore County, Maryland as of the Examination Date.

{The remainder of this page is left blank intentionally; the signature page follows.}

Date: February <u>2</u>, 2024

PORTER LAW LLC

By:

Robert D. Porter, Member 222 Courthouse Court, Suite 3-I Towson, Maryland 21204

### **ENGINEER CERTIFICATION**

SUBDIVISION/PROJECT NAME	Knoil" Lot / "Conservancy Area" Plat 1 of 4
PUBLIC WORKS AGREEMENTS NO.: 100	601
COUNTY REVIEW GROUP NO. X-410	<u> </u>
FINAL DEVELOPMENT PLAN DATED: 4/2	1/2005
FOR PROJECT KNOWN AS: "Briar Knoll" L	ot 7 "Conservancy Area" Plat 1 of 4

I HEREBY declare, affirm, and certify under penalties of perjury that the following listed record plat(s) and right-of-way plat(s) comply in all material respects with the above-referenced Final Development Plan, Public Works Agreement, and/or County Review Group, as applicable, that the construction plans relative to said final development plan agree with the said listed subdivision plat(s) submitted herewith and right-of-way plat(s), and that said subdivision plat(s) and right-of-way plat(s) were was prepared in compliance with Baltimore County, Department of Permits and Development Management, Bureau of Land Acquisition, Drafting Section, Design Manual, dated September, 1996 and revised May 2007.

I FURTHER agree to indemnify, protect, and hold harmless Baltimore County, Maryland, its agents, employees, successors, and/or assigns from and against any and all costs, liability, penalties, fines, forfeitures, attorney's fees, judgments, and related litigation costs arising from any negligent errors and omissions contained in this certification, it being fully understood and acknowledged that Baltimore County, its successors and/or assigns, shall be a third party beneficiary of an agreement, whether oral or written, between my client Ronald and Jennifer Coleman, and myself for the preparation of this Certification.

Date: 02/02/24

RW 24-008-01, RW24-008-02 RW 24-008-03 Muhael V. Moskinai (SEAL)



Name: Michael V. Moskunas
Company: Site Rite Surveying, Inc.
Address: 200 E. Joppa Road, Room 105
Towson MD 21286
Telephone No (410) 339-5413

Professional Liability Insurance

Company: Hanover Insurance Company

Policy No.: <u>LHQA90575706</u>
Policy Limits: <u>1,000,000 aggregate</u>
1,000,000 each claim

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