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WOOD PAVING

169058100579

DECLARATION OF EASEMENT

THIS DECLARATION made this \_\_\_\_\_ day of \_\_\_\_\_, 1969 by  
Murray W. Weiss, and Miriam P. Selig, his wife, owners of a  
certain tract of land lying and being in Montgomery County,  
Maryland and being more particularly described as follows:

All of that parcel of land conveyed by Arthur Frazier,  
personal representative of the Estate of Annie M. Frazier to  
Murray W. Weiss and Miriam P. Selig, his wife, by deed dated  
August 4, 1967 and recorded in Liber 7643 at Folio 524, which  
said tract of land the Declarant herein does contemplate dividing  
into building lots and recording the same among the Subdivision  
Plats of the Land Records of Montgomery County, Maryland subse-  
quent to the recordation of the within Declaration among said  
Land Records.

WHEREAS, the said "Declarant" does desire by the execution  
of the within document to declare, grant, and create certain  
easements and make public certain agreements with Montgomery  
County, Maryland which said items shall be binding on the Declar-  
ant, its successors and assigns, and on the land and improvements  
as hereinbefore set forth in perpetuity, so that reference to the  
within Declaration on the Subdivision Plats to be recorded, shall  
hereafter shall constitute incorporation of the within Declaration  
on the record plat by the reference thereon.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH that the said  
Murray W. Weiss and Miriam P. Selig, Declarant herein, does  
hereby covenant and agree as follows:

1. That Montgomery County, Maryland, or its duly design-  
ated agents shall have the right to enter upon the land  
abutting all tertiary streets located on the hereinabove  
mentioned property for the purposes of installing and  
maintaining public improvements including but not limited  
to:
  - a. Street paving, curb and gutter, sidewalks
  - b. Street signs
  - c. Traffic control and devices
  - d. Storm drainage
  - e. Street lights

2. That the said recorded plats shall show thereon the easements which are created by the within document and shall be labeled Public Improvements Easement or P.I.E.

3. That the aforesaid easement as created under Paragraph 1 herein unless otherwise shown on the recorded plats, shall be ten (10) feet in width and shall be contiguous with and parallel and adjacent to the right-of-way lines of all of the aforesaid tertiary streets.

The said "Declarant", for itself, its successors and assigns, does covenant and agree that the granting by the said "Declarant" of the easement herein shall not obligate Montgomery County, Maryland to provide maintenance in parking areas adjacent to tertiary streets unless such areas are disturbed during the installation and/or maintenance of the public improvements as set forth in Paragraph 1 herein.

4. The Declarant herein does covenant and agree that no fence, wall, other than for decorative purposes, or permanent structures, shall be erected within the public improvements easement as hereinbefore set forth other than those structures which shall be approved by the Department of Transportation of Montgomery County, Maryland.

5. No trees or large shrubs shall be planted in the public improvements easement other than ornamental shrubs for decorative purposes.

6. The Declarant herein does grant and convey said easement as herein set forth unto Montgomery County, Maryland in perpetuity.

Whenever the word or words , Murray W. Weiss and Miriam F. Selig and "Declarant" appear herein, they shall be deemed to include the successor and assigns of the same.

IN WITNESS WHEREOF, the said parties hereunto set their hands and seals on the date first herein before set forth

By:

  
Murray W. Weiss

  
Miriam F. Selig

189058 FMS 01

STATE OF MARYLAND

COUNTY OF MONTGOMERY, to wit:

I HEREBY CERTIFY that on this 24 day of October, 1999  
before the subscriber, a Notary Public of the State and County  
aforesaid, personally appeared MERRY W. WISS and MERRIN F. SEIG  
personally well known to me (or satisfactorily proven) to be the  
person whose names are subscriber to the within instrument, and  
did each acknowledge the foregoing declaration to be their act.

Betsy Leckner  
Notary Public  
My commission expires June 1, 2000  
Betsy Leckner



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ATTACHED TO AND MADE A PART OF THAT CERTAIN INSTRUMENT DATED THE

DAY OF \_\_\_\_\_, 198\_\_

**CLERK'S INDEX SHEET**

(For the purpose of proper indexing only)

Pursuant to the provisions and requirements of Section 3-601 of Subtitle 5, Real Property Article, Annotated Code of Maryland (1987) Repl. Vol., the following additional information is declared by the parties hereto to be contained within this instrument:

**1. TYPE OF INSTRUMENT:**

Declaration of Rescission

**2. GRANTOR'S NAME AND ADDRESS:**

Murley W. Welles and Mirlan P. Selig  
5819 Tudor Lane  
Rockville, MD 20852

**3. GRANTEE'S NAME AND ADDRESS:**

Montgomery County Maryland  
101 Monroe Street  
Rockville, MD 20850

**4. CONSIDERATION (APPLIES ONLY TO DEEDS):**

**5. PARCEL ID/TAX ACCOUNT NO(S):**

770347

**6. PROPERTY DESCRIPTION:**

Liber 7843  
Folio 524

**7. STREET ADDRESS OF THE LAND AND PREMISES DESCRIBED IN THIS INSTRUMENT:**

Centerway Road

**8. NAME OF TITLE INSURANCE COMPANY:**

N/A

Mr. Clerk: After recording please see that the original of the foregoing instrument is:

☒ Mailed (additional \$0.50 cost)

OR

☐ Held at Clerk's Office

For: Mectis, Hendricks & Wimer, P.A.  
(name)

9220 Wightman Road, Suite 120 Gaithersburg, MD 20879  
(address)

**DO NOT WRITE BELOW THIS LINE  
TO BE COMPLETED BY CLERK OF THE COURT**

MD CIRCULAR COURT (Land Records) [MSA CE 63 9016] BAS 9058, p. 0582 Printed 10/16/2008 Online 06/22/2005

Verified by: *SA*

(Clerk's Office)