

14/5/ Wood bower

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**DECLARATION OF EASEMENT**

THIS DECLARATION made this \_\_\_\_\_ day of \_\_\_\_\_, 1989 by Murray W. Weiss, and Miriam F. Selig, his wife, owners of a certain tract of land lying and being in Montgomery County, Maryland and being more particularly described as follows:

Maryland and being more particularly described as follows:

personal representative of the Estate of Annie M. Fraiser to Murray W. Weise and Miriam F. Selig, his wife, by deed dated August 4, 1987 and recorded in Liber 7843 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 subsequent to the recordation of the within Declaration among said

Land Records

OCT 31 1953

EDWARD SMITH  
FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
WASH. 25, D. C.

WHEREAS, the said "Declarant" does desire by the execution  
of the within document to declare, grant, and create certain  
agreements 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  
hereafter shall constitute incorporation of the within instrument  
on the record plat by the reference theron.

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 designated 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

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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

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STATE OF MARYLAND

COUNTY OF MONTGOMERY, to wit:

I HEREBY CERTIFY that on this 24 day of October, 1987 before the subscriber, a Notary Public of the state and county aforesaid, personally appeared MERRYL N. KLINE and MELVIN F. SELBY 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 Lechner*  
Betsy Lechner  
Notary Public

My commission expires June 2000



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**CLERK'S INDEX SHEET**  
(For the purposes of proper *Indexing* only)

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

Pursuant to the provisions and requirements of Section 3-601 of Subtitle 5, Real Property Article, Annotated Code of Maryland (1981) Repl. Vol.), the following additional information is declared by the parties hereto to be contained within this instrument:

## 1. THEORIES

### Declaration of Benefit

2. *CONTINUATION AND AUGMENTATION*

Murkey W. Haines and Michael F. Selig  
5819 Tudor Lane  
Rockville, MD 20852

**2. GRANTEE'S NAME AND ADDRESS:**  
Montgomery County Maryland

101 Monroe Street  
Rockville, MD 20850

#### 4. CONSIDERATION (APPLIES ONLY TO DEFENDANT):

**B. PARCEL RENT TAX ACCOUNT Notes:**  
770347

**6. PROPERTY DESCRIPTION:**

Liber 784  
Folio 524

7. STREET ADDRESS OF THE LAND AND PREVIOUS OWNERSHIP OR USE AND INVESTMENT

centermay Rosa

**a. NAME OF TITLE INSURANCE COMPANY**

2/2

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

x Mailed (additional \$0.50 cost)

For: Macris, Hendricks & Witmer, P.A.  
(name)

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

TO BE COMPLETED BY CLERK OF THE COURT

Verified by: \_\_\_\_\_  
(Clerk's Office)