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CLERK'S OFFICE  
MONTGOMERY COUNTY, MD.

PRESERVATION OF HISTORIC RESOURCES

DEED OF EASEMENT

THIS DEED OF EASEMENT, made this 22nd day of  
September, 1981, by and between

JEFF MISKIN

, Grantor

and Montgomery County, Maryland, Grantee.

WITNESSETH, WHEREAS, the Grantee, by Ordinance No. 9-4, adopted July 24, 1979, which became effective as Chapter 24-A of the Montgomery County Code entitled "Preservation of Historic Resources", established an Historic Preservation Commission for the purpose generally of protection, preservation, continued use and enhancement of historic resources, all as is more particularly provided for by law; and,

WHEREAS, the property hereinafter described has been recommended for designation as an Historic Site by Historic Preservation Commission, and this easement will promote the protection, preservation, continued use and enhancement of said property, and, WHEREAS, the Grantee is possessed with the power and duty to accept, hold and administer this easement, and,

WHEREAS, the Grantor has received certain funds and assistance, as hereinafter set out, through the auspices of the Historic Preservation Commission with which to carry out and comply with the agreed upon requirements and recommendations of said Commission, including the granting of this easement.

NOW, THEREFORE, in consideration of these premises and receipt of a non-interest bearing loan in the amount of Twenty Thousand and 00/100 Dollars (\$20,000.00), and other good and valuable considerations, the receipt of which is hereby acknowledged, Jaff Miskin, Grantor,

does hereby grant and convey unto Montgomery County, Maryland, its successors and assigns forever, an easement, as hereinafter set out, over and through all that lot or parcel of land together with all the improvements thereon and all appurtenances, rights and interests thereunto belonging, situate, lying and being in Montgomery County, Maryland, and more particularly described as: lot numbered One (1) in Block lettered "P" and part of lot numbered Two (2) in Block lettered "P" in the subdivision known as "GOSHEN ESTATES" as per plat thereof duly recorded in Plat Book 105 at Plat No. 12195 among the Land Records of Montgomery County, Maryland the part of lot numbered Two (2) in Block lettered "P", being more particularly described as follows: Beginning for the same at a point on the north side of Brink Road, said point being the front common corner of lots 1 and 2; thence running with the common line of said lots (1) N 25° 17' 00" W 469.80 feet to the rear common corner of said lots, thence (2) S 58° 10' 00" W 15.00 feet, thence running so as to cross said lot 2, (3) S 27° 24' E 468.13 feet to the place of beginning, containing 3501 square feet, or 0.080 acres of land.

The terms of said easement are as follows:

(A) Duration and Nature of Easement. The Easement shall be perpetual in duration. The parties agree that it is and shall be considered an easement in gross and as such is inheritable and assignable and runs with the land as an incorporeal property interest in the property enforceable by Grantee and its successors and assigns with respect to the property and against Grantor and Grantor's heirs, successors and assigns, all of whom are collectively referred to herein as "Grantee" and "Grantor" respectively. The easement is subject to any and all presently existing valid encumbrances, easements and rights of way upon the property.

(B) Public Access. Upon specific request of the Grantee, and the agreement of the Grantor as to time, and dates, the Grantor covenants and agrees to make the grounds of the property open to the public on not more than six occasions each calendar year. This particular covenant shall expire fifty (50) years from the date hereof.

(C) Maintenance and Administration. Grantor shall keep and maintain the property, including the improvements thereon,

-3-

In good, clean and safe condition and shall maintain, repair and administer the Property to preserve the historic, aesthetic and cultural character and appearance of the Property and the easement. The maintenance, repair and administration of the Property shall further conform to the requirements of Paragraph D of this Easement. This covenant does not require reconstruction of any improvements which are destroyed in whole or in part by casualty loss unless insurance proceeds are available for such purposes.

(D) The Grantor and Grantee hereby agree to, and incorporate herein by reference, all the terms and conditions of Chapter 24-A of the Montgomery County Code, entitled "Preservation of Historic Resources" and particularly as it applies to changes, alterations, work permits, inspection, penalties, appeal, and in general, the rights and duties of both the Grantor and Grantee.

In addition, the Grantor and Grantee hereby agree that this easement shall be construed and interpreted as being created under the Real Property Title 2 Section 2-118 of the Annotated Code of Maryland.

IN WITNESS WHEREOF, we have hereunto set our hands and seals.

Witness Jeffrey D. Moskin Grantor Jeffrey D. Moskin  
Witness \_\_\_\_\_ Grantor \_\_\_\_\_  
(Seal) (Seal)

Subscribed and acknowledged before me:

The following party joins as Grantee and Mortgagee:

Attest: Jeffrey D. Moskin MONTGOMERY COUNTY, MARYLAND  
By: Jeffrey D. Moskin

Subscribed and acknowledged before me:

MSA 5811-0655

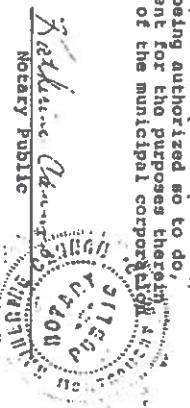
STATE OF MARYLAND }  
COUNTY OF MONTGOMERY } ss.

I HEREBY CERTIFY that on this 22nd day of September, 1981, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared JEFFREY MISKIN, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and he acknowledged the within agreement to be his act.

  
Notary Public  
NOTARY PUBLIC  
MONTGOMERY CO.

STATE OF MARYLAND }  
COUNTY OF MONTGOMERY } ss.

I HEREBY CERTIFY that on this 22nd day of September, 1981, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared ROBERT W. WILSON, who acknowledged himself to be the agent of Montgomery County, Maryland, a municipal corporation, and that he, as such agent, being authorized so to do, executed the foregoing agreement for the purposes therein contained by signing the name of the municipal corporation by himself as agent.

  
Notary Public  
NOTARY PUBLIC  
MONTGOMERY CO.

Parcel ID. No.: 01-03-02 900136

01-03-02900147

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## PARTIAL RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT (the "Release") is made this 31<sup>st</sup> day of August, 2005, between and among JEFF MISKIN (the "Grantor"), MONTGOMERY COUNTY, MARYLAND (the "County"), PATRICIA ~~JONES~~ VILLANI ("Adjacent Property Owner"), and HUNTMMASTER ROAD, LLC (the "Property Owner"), and recites as follows:

## RECITALS

R-1. On or about September 22, 1981, a Preservation of Historic Resources Deed of Easement (the "Easement") was granted by the Grantor to Montgomery County, Maryland as to that certain property (the "Property") described in the Easement as the same is recorded among the Land Records of Montgomery County, Maryland (the "Land Records") on or about December 18, 1981 in Liber 5811 at folio 652, et seq.

R-2. The Property was subsequently subdivided or resubdivided into Lots 4 and 5 of Block T, Goshen Estates Subdivision, as set forth on that certain plat recorded in the Land Records in Plat Book No. 160 at Plat No. 18088. Lot 4 of Block T, Goshen Estates Subdivision was subsequently conveyed to the Property Owner. Lot 5 of Block T, Goshen Estates Subdivision was subsequently conveyed to the Adjacent Property Owner.

R-3. The parties hereto have determined and agreed that it is not necessary that the provisions of the Easement should be applicable to or encumber a portion of Lot 4, Block T, Goshen Estates Subdivision, Montgomery County, Maryland (the "Released Property") said Released Property being described on Exhibit A attached hereto and made a part hereof, and the purpose of this Partial Release of Easement is intended to permanently release and extinguish the Easement as it relates to the Released Property.

**NO FEE - MONTG. CO. MD.**

NOW THEREFORE, in consideration of the Recitals, which are hereby incorporated into this Release by this reference, the parties hereto mutual agree to, and the County does hereby specifically extinguish and release the Easement as it relates to the Released Property. Grantor and Adjacent Property Owner join in this Release to evidence their agreement, concurrence and consent to the release granted hereby. The provisions of this Release shall be effective upon its due execution and recordation among the Land Records of Montgomery County, Maryland.

IN WITNESS WHEREOF, the parties have executed this Release as of the date and year first written above.

WILLIAM GORDON, CLERK OF COURT  
MOLLY O. WUHL, CLERK'S OFFICE

30109 b14

WITNESS/ATTEST:

MONTGOMERY COUNTY,  
MARYLAND

Rebecca Demarck

By: Bruce R.  
Bruce Rorer, Chief  
Administrative Officer

Rebecca Demarck

Jeff Miskin

Patricia J. Villani

Patricia J. Villani

HUNTMMASTER ROAD, LLC  
a Maryland limited liability company

Paul Gootzeit

By: Paul Gootzeit, Manager

STATE OF MARYLAND

)

ss.

COUNTY OF MONTGOMERY

)

I HEREBY CERTIFY that on this 21<sup>st</sup> day of August, 2005, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Bruce Rinker who acknowledged himself or herself to be the agent of Montgomery County, Maryland a municipal corporation, and the he or she, as such agent, being authorized so to do, executed the foregoing Release for the purposes therein contained by signing the named municipal corporation by himself or herself as agent.


My Commission Expires: January 1, 2008

Notary Public

STATE OF MARYLAND

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ss.

COUNTY OF MONTGOMERY

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ss.

I HEREBY CERTIFY that on this 22<sup>nd</sup> day of August, 2005, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared JEFF MISKIN, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and he acknowledged the within Release to be his act.



Notary Public

My Commission Expires: January, 2009

STATE OF MARYLAND

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ss.

COUNTY OF MONTGOMERY

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ss.

I HEREBY CERTIFY that on this 22<sup>nd</sup> day of August, 2005, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared PATRICIA JONES VILLANI, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and she acknowledged the within Release to be her act.




Notary Public

My Commission Expires: January, 2009

30109 b1b

STATE OF MARYLAND

)  
ss.

COUNTY OF MONTGOMERY

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I HEREBY CERTIFY that on this 22<sup>nd</sup> day of August, 2005, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared PAUL GOOTZET, Manager of Huntmaster Road, LLC, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and he acknowledged that he is the Manager of Huntmaster Road, LLC, and he acknowledged on behalf of said entity the within Release to be its act.

My Commission Expires: June 1, 2009

Gerald F. Chapman  
Notary Public

ATTORNEY CERTIFICATION

This instrument was prepared by Gerald F. Chapman, Esq., an attorney duly admitted to practice before the Court of Appeals of Maryland.

Gerald F. Chapman  
GERALD F. CHAPMAN

After recording, please return to:

Gerald F. Chapman, Esq.  
GERALD F. CHAPMAN LLC  
6917 Arlington Road, Suite 214  
Bethesda, MD 20814

GN  
bk

## EXHIBIT A TO PARTIAL RELEASE OF EASEMENT

## Description of

Area to Be Removed from the  
Historic Preservation Easement

Goshen Estates - Lot 4

1.633 Acres

Brink and Huntmaster Roads

Laytonsville

First Election District

Montgomery County, Maryland

Beginning for the same on the north right-of-way line of Brink Road (70 feet wide) at the southwest corner of Lot 4 as laid out and shown on the plat of "Lots 4 & 5, Blk 'T; Goshen Estates" dated April 1989 and recorded among the Land Records of Montgomery County, Maryland, in Plat book 160 no. 18088, thence leaving the road and running with and binding on a portion of the North 27 degrees 10 minutes 00 seconds West 225.00 feet line of said Lot 4, as now surveyed, and referring all bearings of this description to said plat,

North 27 degrees 10 minutes 02 seconds West 211.00 feet to a point, thence leaving the outline of Lot 4 and running through and across said lot the three following courses, viz:

North 71 degrees 38 minutes 00 seconds East 295.77 feet to a point, thence

South 72 degrees 52 minutes 01 seconds East 67.12 feet to a point, and thence

North 32 degrees 08 minutes 12 seconds East 28.88 feet to the west right-of-way of Huntmaster Road (70 feet wide), intersecting the South 26 degrees 41 minutes 00 seconds East 237.00 feet line of said lot at the distance of 85.29 feet from its beginning, thence running with and binding on the remaining portion of said line, and also running with and binding on said road, the two following courses, viz:

South 26 degrees 44 minutes 51 seconds East 151.71 feet to a point, and thence

South 22 degrees 05 minutes 56 seconds West 32.77 feet to the north right-of-way of Brink Road, thence running with and binding on said lot and also with said road the three following courses, viz:

South 71 degrees 11 minutes 30 seconds West 192.70 feet to a point, thence

By a tangent curve to the left in a southwesterly direction with the radius of 1035.00 feet for the distance of 118.02 feet, the arc of which is subtended by a chord bearing South 67 degrees 55 minutes 30 seconds West 117.95 feet to a point, and thence

South 64 degrees 39 minutes 30 seconds West 31.09 feet to the beginning.

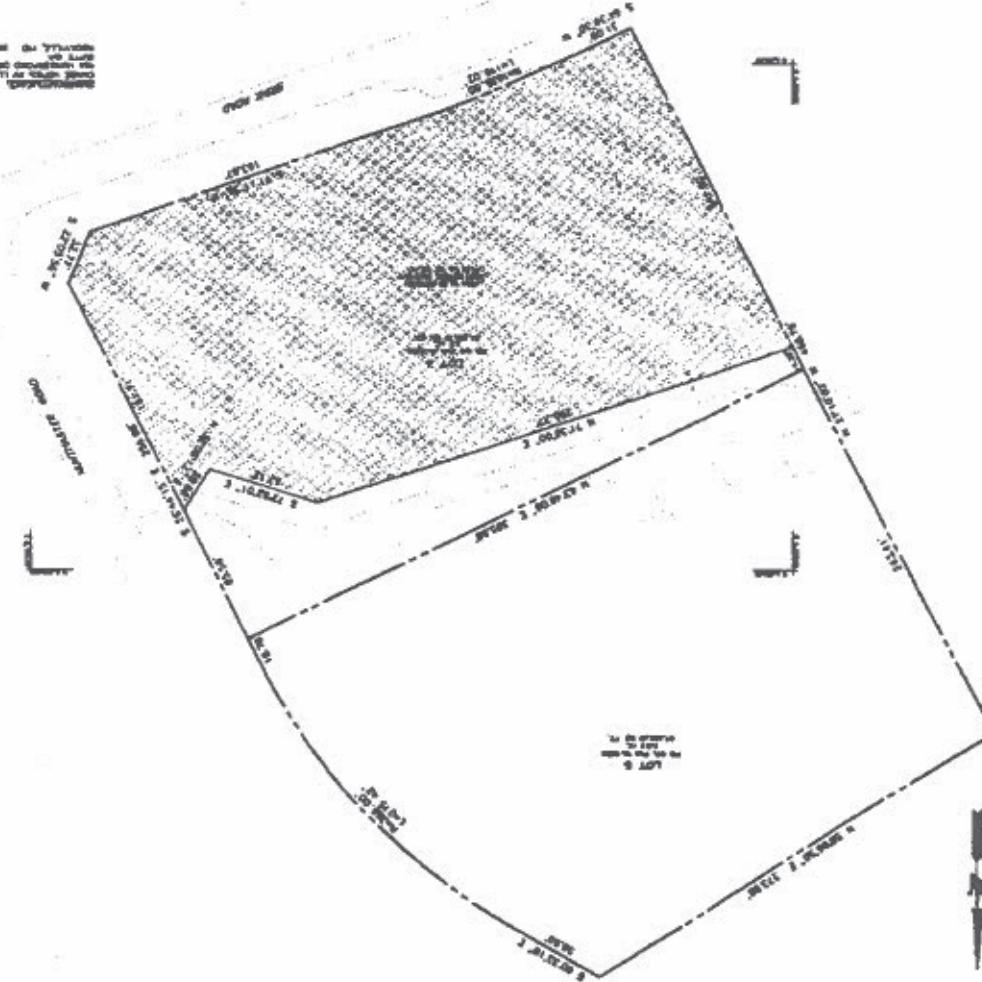
Containing 71151.6 square feet, or 1.633 acres, of land, more or less.

Being part of Lot 4 as laid out and shown on the plat of "Lots 4 & 5, Blk 'T; Goshen Estates" dated April 1989 and recorded among the Land Records of Montgomery County, Maryland, in Plat book 160 no. 18088.

*C. W. Jr.*

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TOTAL PAGE



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RLG-23-2005	16/08	Christopher consultants
CROSSOVER CONSULTANTS		
LOT 68	BLK 1	RECORDS
CUSHION STAMPS		
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non-dimensional		
Land Surveyor's Signature		
Date		
Name		
Address		
Phone		
Fax		
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MO CIRCUIT		
COUNTY		
STATE		
ZIP		
CITY		
CROSSOVER CONSULTANTS		
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OFFICE OF THE COUNTY ATTORNEY

Douglas M. Duncan  
County Executive

Charles W. Thompson, Jr.  
County Attorney

September 1, 2005

Molly Ruhl

Circuit Court for Montgomery

County, Maryland

Courthouse

Rockville, Maryland 20850

RE: Partial Release of an Historic Easement

Dear Ms. Ruhl:

Please record the attached document on behalf of Montgomery County, Maryland, and waive the usual recording fee.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Vickie L. Gaul".

Vickie L. Gaul  
Associate County Attorney