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EXECUTIVE DIRECTOR  
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August 6, 1999

Mr. Raymond Nix  
Development Review Division  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Denit Property Open Space Maintenance Covenant  
Preliminary Plan 1-92004

Dear Ray:

Thanks for advising me that the Planning Board approved the records plats for the above referenced preliminary plan. In accordance with your direction, enclosed for staff review and comment is the proposed Declaration of Covenants pertaining to maintenance of the open space/agricultural areas.

Upon receipt of staff comments, we will prepare the final covenant for signatures and recordation.

Very truly yours,



Martin J. Hutt

cc: Brenda Hough  
Dan Caywood

## DECLARATION OF COVENANTS

THIS DECLARATION made this            day of            1999, by NationsBank, N.A., Trustee for the Helen P. Denit Trust for Charitable and Educational Purposes (hereinafter called the "Grantor"), owner of the following described property: all that portion of the lands described in Attachment "A", and shown on Maryland Nation Capital Park and Planning Commission approved Preliminary Plan of Subdivision 1-92004 ( the "Subject Property").

### WITNESSETH:

WHEREAS, on May 8, 1997, the Montgomery County Planning Board (the Planning Board") approved Preliminary Plan of Subdivision Plan 1-92004 (the "Preliminary Plan") subject to certain terms and conditions relating to the open space/agricultural areas shown on the Preliminary Plan; and

WHEREAS, the Grantor, its successors, assigns and transferees must develop the Subject Property in accordance with the terms and conditions of the approval of the Preliminary Plan as it relates to the open space/ agricultural areas; and

WHEREAS, the Grantor has full authority to execute deeds, mortgages, other covenants, and other rights, titles and interests in the real property owned by Grantor.

NOW THEREFORE, in consideration of the approval by the Planning Board of the aforesaid Preliminary Plan does hereby covenant with the Planning Board as follows:

1. The Grantor, its successors, assigns and transferees will assure perpetual maintenance of the private open space/ agricultural areas, including maintenance of any private storm water management facilities located on the Subject Property.
2. This Covenant shall run with the Subject Property and shall bind the Grantor, its successors, assigns and transferees.
3. The transfer of the Subject Property by the Trustee shall constitute the transference and assignment of any and all responsibilities and obligations contained herein to said successors, assigns and transferees and Grantor shall be released totally from same responsibilities and obligations.

IN TESTIMONY WHEREOF the said Grantor has hereunto set its hand and seal the day and year first above written.

ATTEST:

\_\_\_\_\_

HELEN P. DENIT TRUST  
FOR CHARITABLE AND  
EDUCATIONAL PURPOSE

BY: NATIONSBANK, N.A.  
TRUSTEE

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF MARYLAND  
CITY OF BALTIMORE

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 1999, before me, the subscriber, a Notary Public in and for the aforesaid jurisdiction, personally appeared \_\_\_\_\_ personally well known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she may execute the same for the purpose therein contained.

\_\_\_\_\_  
Notary Public

MY COMMISSION EXPIRES: \_\_\_\_\_

Parcel I.D. No.

Instrument: Open Space Covenant

Grantor: NationsBank, N.A, Trustee, Helen P. Denit  
Trust for Charitable and  
Educational Purposes

Address: MD 4-302-17-07  
P.O. Box 995  
Baltimore, Maryland 21203

ATTACHMENT A

Legal Description of Property

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