

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) HMS 5046, p. 0344, MSA\_CE63\_5004. Date available 08/04/2005. Printed 06/16/2011

11.CC  
HSC--ECS  
CLACK, H.C.  
PHD 879  
977

LIBER 5046 FOLIO 344

CLERK'S OFFICE  
MONTG. CO., MD.

1977 NOV -9 AM 10: 33

# This Right of Way

Made this 28th day of September in the year  
of our Lord one thousand nine hundred and seventy-seven, by and between

D. H. ASSOCIATES, INC.

a corporation, organized and existing under the laws of the State of Maryland  
, party of the first part, and the  
WASHINGTON SUBURBAN SANITARY COMMISSION, a public corporation of the  
State of Maryland, organized and existing under the laws of the said State, party of  
the second part.

**Witnesseth:** That in consideration of the sum of One Dollar (\$1.00) to it in hand  
paid by the party of the second part, the receipt of which is hereby acknowledged, the  
said party of the first part does hereby grant and convey unto the said party of the  
second part, its successors and assigns, the easement and right of way hereinafter  
described for the installation, construction, reconstruction, maintenance, repair, operation  
and inspection of a sanitary sewer and appurtenances thereto, including  
service connections----- within said easement and right of way,  
together with the right of ingress and egress along and over said right of way, for any  
and all of such purposes; the said right of way and easement being described as follows:

Being a strip or parcel of land hereinafter described, in, through,  
over and across the property acquired by the owner from Tilden Plaza  
Investors, a Maryland Limited Partnership, existing under the Laws of  
the State of Maryland, by Calvin R. Sanders, Rodney L. Hanson, and  
Kenneth denOuter, surviving General Partners, by deed dated December  
30, 1971, and recorded among the Land Records of Montgomery County,  
Maryland, in Liber 4167 at Folio 812, said property also being part of  
Lot 6, Block 1, as shown on a plat of subdivision entitled, "Lot No. 5  
and 6, Block 1, Tolson Center", and recorded among the aforesaid Land  
Records in Plat Book 87 as Plat No. 9232.

Beginning for the said strip or parcel of land at a point at the  
most westerly corner of the aforesaid Lot 6, said point being on the  
easterly right of Old Georgetown Road, as shown on Maryland State  
Highway Administration Right of Way Plat No. 32724; and running thence  
along said easterly right of way line

1. 104.60 feet along the arc of a curve deflecting to the right having a radius of 586.62 feet and a chord bearing North 26°22'06" East, true, 104.46 feet to a point; thence leaving said right of way line and running across the aforesaid Lot 6.
2. South 15°34'21" West, true, 92.76 feet to a point on the ninth or South 79°00'06" West, 252.60 foot deed line of the aforesaid deed, said point being also on the first or North 79°00'06" East 163.88 foot deed line, as described in a deed from William T. Joyce, et al, to S & R, Inc., dated May 20, 1976 and recorded among the aforesaid Land Records in Liber 4785 at Folio 751; thence running reversely with said first deed line and also with the aforesaid ninth deed line
3. South 78°51'03" West, true, 21.91 feet to the place of beginning, containing 1070 square feet or 0.0246 of an acre of land.

AND ALSO:

The right of the Washington Suburban Sanitary Commission to use, one (1) additional strip or parcel of land ten (10) Feet wide, lying easterly of the above described strip or parcel of land and adjacent, contiguous and parallel thereto, during the period of the original construction only of the said sanitary sewer within the above described easement and right of way for any and all purposes pertinent thereto.

The Grantee and/or its agent, on completion of construction will restore the property to as near as practicable the original condition.

**To Have and to Hold** *said easement and right of way for a sanitary sewer and appurtenances theretor, including service/<sup>connections</sup> <sup>above described</sup> or mentioned and hereby intended to be granted and conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining, unto and to the only proper use, benefit and behoof forever of the said Washington Suburban Sanitary Commission, its successors and assigns.*

And the party of the first part, for itself, its successors and assigns, covenants and agrees with the party of the second part, its successors and assigns, as follows: FIRST: that it will obtain the written consent of the Commission before it erects or permits to be erected any building or structure, or before it fills or excavates within the above described easement and right of way. SECOND: that the party of the second part, its successors and assigns, shall at all times have right of ingress and egress over said easement and right of way for the purpose of installing, constructing, reconstructing, maintaining, repairing, operating and inspecting the sanitary sewer and appurtenances therefor, including service/connections within said easement and right of way said ingress and egress to be along the line herein designated and along such other lines as the party of the first part may designate. THIRD: that it will warrant specially said easement and right of way and will execute such further assurances thereof as may be requisite.

In Testimony Whereof

the said D H ASSOCIATES, INC. a corporation, has caused these presents to be signed by [Signature] its President, attested by [Signature] its Secretary, and its corporate seal to be hereunto affixed the day and year first hereinabove written.

D H ASSOCIATES, INC.

Attest:

[Signature] By [Signature] Secretary (Corporate seal)

[Signature] By [Signature] Richard A. Healand, President

STATE OF Maryland :
COUNTY OF Montgomery : SS

On this the 28th day of Sept, 1978, before me, Jay Stephen Ross officer, personally appeared Richard A. Healand who acknowledged himself to be President of the D H ASSOCIATES, INC. a corporation, and that he as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as President

In Witness Whereof, I hereunto set my hand and official seal.

My Commission expires July 1, 1978 [Signature] Jay Stephen Ross, Notary Public

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) HMS 5046, p. 0346, MSA\_CE63\_5004. Date available 08/04/2005. Printed 06/16/2011

11.C.C. AGR -> BCS CLK.CI.M.C. JAN 12 1978

LIBER 5077 FOLIO 702

CLERK'S OFFICE MONTG. CO., MD.

1978 JAN 12 AM 10:05

# This Right of Way

Made this 3rd day of JANUARY in the year of our Lord one thousand nine hundred and seventy-eight, by and between

S & R, INC.

a corporation, organized and existing under the laws of the State of Maryland, party of the first part, and the WASHINGTON SUBURBAN SANITARY COMMISSION, a public corporation of the State of Maryland, organized and existing under the laws of the said State, party of the second part.

**Witnesseth:** That in consideration of the sum of One Dollar (\$1.00) to it in hand paid by the party of the second part, the receipt of which is hereby acknowledged, the said party of the first part does hereby grant and convey unto the said party of the second part, its successors and assigns, the easement and right of way hereinafter described for the installation, construction, reconstruction, maintenance, repair, operation and inspection of a sanitary sewer and appurtenances thereto, including service connections-----within said easement and right of way, together with the right of ingress and egress along and over said right of way, for any and all of such purposes; the said right of way and easement being described as follows:

Being a strip or parcel of land hereinafter described in, through, over and across the property acquired by the owner by the two (2) following deeds recorded among the Land Records of Montgomery County, Maryland, the first from William T. Joyce and Margaret Mary Joyce, his wife, and Austin B. Rohrbaugh, Jr. and Margaret E. Rohrbaugh, his wife, dated May 20, 1976 and recorded in Liber 4785 at Folio 751 and the second from Frank J. Cifala and Nola Cifala, his wife, dated December 20, 1976 and recorded in Liber 4888 at Folio 22.

Beginning for the said strip or parcel of land at the beginning of the first or North 79°00'06" East, 163.88 foot deed line, as described in the aforesaid deed recorded in Liber 4785 at Folio 751, said point being at the end of the ninth or South 79°00'06" West, 252.60 foot deed line, as described in a deed from Tilden Plaza Investors, a Maryland Limited Partnership to D.H. Associates, Inc., a Maryland Corporation dated December 30, 1971 and recorded among the aforesaid Land Records in Liber 4167 at Folio 812, and said point also being on the easterly right of way of Old Georgetown Road (Maryland Route 187), as shown on a

11

LIBER 5077 FOLIO 703

Maryland State Highway Administration Right of Way Plat No. 32724; and running thence with part of the aforesaid first deed and also reversely with part of the aforesaid ninth deed line

1. North 78°51'03" East, true, 21.91 feet to a point; thence running across the lands, as described in the aforesaid two (2) deeds recorded in Liber 4785 at Folio 751 and Liber 4888 at Folio 22, the two (2) following courses and distances
2. South 15°34'21" West, true, 210.03 feet to a point; thence
3. South 12°13'19" West, true, 150.20 feet to a point on the fourth or South 86°46'46" West, 217.41 foot deed line, as described in the aforesaid deed recorded in Liber 4888 at Folio 22, said point also being on the eleventh or North 86°35'48" East, 1470.09 foot deed line of Parcel Two, as described in a deed from Alvin Lothrop Luttrell to Old Georgetown Associates, a Limited Partnership, dated August 26, 1974, and recorded among the aforesaid Land Records in Liber 4571 at Folio 43, thence running reversely with part of the said eleventh deed line and with part of the aforesaid fourth deed line,
4. South 86°37'43" West, true, 10.69 feet to a point on the aforesaid easterly right of way line of Old Georgetown Road; thence running along said easterly right of way line, the two (2) following courses and distances,
5. 236.39 feet along the arc of a curve deflecting to the left having a radius of 4619.65 feet and a chord bearing North 11°11'21" East, true, 236.37 feet to a point; thence
6. 118.12 feet along the arc of a curve deflecting to the right having a radius of 586.62 feet and a chord bearing North 15°29'31" East, true, 117.92 feet to the place of beginning, containing 5,504 square feet or 0.1264 of an acre of land.

AND ALSO:

The right of the Washington Suburban Sanitary Commission to use, one (1) additional strip or parcel of land ten (10) feet wide, lying easterly of the above described strip or parcel of land and adjacent, contiguous and parallel thereto, during the period of the original construction only of the said sanitary sewer within the above described easement and right of way for any and all purposes pertinent thereto, including the right to trim or cut down trees during the course of the original construction.

The grantee and/or its agent, on completion of construction, will restore the property to as near as practicable the original condition.

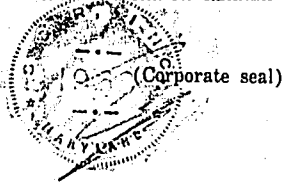
**To Have and to Hold** said easement and right of way for a sanitary sewer and appurtenances thereto, including service/<sup>connections</sup> above described or mentioned and hereby intended to be granted and conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining, unto and to the only proper use, benefit and behoof forever of the said Washington Suburban Sanitary Commission, its successors and assigns.

And the party of the first part, for itself, its successors and assigns, covenants and agrees with the party of the second part, its successors and assigns, as follows: FIRST: that it will obtain the written consent of the Commission before it erects or permits to be erected any building or structure, or before it fills or excavates within the above described easement and right of way. SECOND: that the party of the second part, its successors and assigns, shall at all times have right of ingress and egress over said easement and right of way for the purpose of installing, constructing, reconstructing, maintaining, repairing, operating and inspecting the sanitary sewer and appurtenances thereto, including service connections---- within said easement and right of way said ingress and egress to be along the line herein designated and along such other lines as the party of the first part may designate. THIRD: that it will warrant specially said easement and right of way and will execute such further assurances thereof as may be requisite.

In Testimony Whereof the said S & R, INC. a corporation, has caused these presents to be signed by Anton Schmidt its President, attested by Richard Allen Rankin its Secretary, and its corporate seal to be hereunto affixed the day and year first hereinabove written.

S & R, INC.

Attest: *Richard Allen Rankin*  
By: *Anton Schmidt* Anton Schmidt President  
Richard Allen Rankin Secretary



STATE OF Maryland :  
COUNTY OF Montgomery : SS

On this the 3rd day of January, 19 78, before me, Mary Ann Russell the undersigned officer, personally appeared Anton Schmidt, who acknowledged himself to be President of the S & R INC. a corporation, and that he as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as President

In Witness Whereof, I hereunto set my hand and official seal.

My Commission expires July 4, 1978. *Mary Ann Russell*  
Mary Ann Russell  
Notary Public  
Montgomery County, Md.

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) HMS 5077, p. 0704, MSA\_CE63\_5035. Date available 08/04/2005. Printed 06/16/2011

STATE OF Maryland  
COUNTY OF Montgomery

LIBER 5077 FOLIO 705

On this the  
before me,  
officer, personally appeared  
who acknowledged himself to be

day of January, 19 1988  
the undersigned

and that he as such  
so to do, executed the foregoing instrument for the purposes therein contained, by signing  
the name of the corporation by himself as  
of the  
a corporation,  
being authorized

In Witness Whereof, I hereunto set my hand and official seal.

Notary Public

My Commission expires .....

Right of Way

FROM

S & R, INC.

TO

WASHINGTON SUBURBAN  
SANITARY COMMISSION

215NW6

Recorded for Record on the ..... day  
of ..... A. D. 19.....  
at ..... o'clock ..... M., and recorded in  
Liber No. .... at Folio ..... one of  
the Land Records for the .....

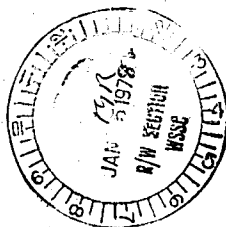
Clerk.

Return to

WASHINGTON SUBURBAN  
SANITARY COMMISSION  
4017 Hamilton Street, Hyattsville, Md.

CONTRACT NO. 77AW&S3108-A (L-2793)  
SKETCH NO. A-10664

Along the easterly side of Old  
Georgetown Road, 400 ft. south  
of Executive Boulevard



MONTGOMERY COUNTY CIRCUIT COURT (Land Records) HMS 5077, p. 0705, MSA\_CE63\_5035. Date available 08/04/2005. Printed 06/16/2011

1979 MAY 31 AM 10:10

CLERK'S OFFICE  
MONTGOMERY COUNTY, MDD E E DTHIS DEED made this 14<sup>th</sup> day of May, 1979,

by and between WILLIAM T. JOYCE & MARGARET M. JOYCE, AUSTIN B. ROHRBAUGH, JR. & MARGARET E. ROHRBAUGH, GRANTORS, and MONTGOMERY COUNTY, MARYLAND, GRANTEE, hereinafter called the "COUNTY".

W I T N E S S E T H :

That in consideration of the sum of TWO HUNDRED THIRTY-TWO THOUSAND AND FIVE HUNDRED DOLLARS (\$232,500) and other good and other good and valuable consideration, the receipt of which is hereby acknowledged, the said GRANTORS does hereby grant, convey in fee simple, and release unto the COUNTY, a body corporate, its successors and assigns, all those pieces or parcels of ground and other rights situate and lying in Montgomery County, Maryland, and more particularly described as follows:

FEE TAKING

## PARCEL 1

Being part of a tract of land acquired by W.T. Joyce and Austin B. Rohrbaugh, Jr. by deed dated September 10, 1957, and recorded among the Land Records of Montgomery County at Liber 2384 at Folio 113, and beginning for the same at a point on the 11th or North 81°11'50" East 1215.22 foot line of said conveyance, said 11th line also being the southernmost line of a plat of subdivision entitled "Lot 5 and 6, Block 1, Tolson Center" as recorded among the said Land Records at Plat Book 87, Plat 9232, said point of beginning located 163.875 feet from the westernmost point of said plat and running thence with the line of that plat as now surveyed in the datum of the Washington Metropolitan Area Transit Authority.

1. North 78°58'23" East 89.143 feet to intersect a curve to the left, said point of intersection not being a point of tangency, said curve also being the 5th line of a conveyance from the said W.T. Joyce, et al, to D and H Assoc., Inc. as recorded among the said Land Records at Liber 4785 at Folio 581 and running thence with the lines of said conveyance the following five courses
2. Along the arc of said curve for a distance of 82.523 feet having a radius of 420.00 feet and a chord bearing and distance of South 45° 24'39" East 82.396 feet to a point of tangency, thence
3. South 51°01'43" East 38.00 feet, thence

NO FEE - MONTG. CO. MD.



4. South 38°58'17" West 80.00 feet, thence
5. North 51°01'43" West 38.00 feet, to a point of tangency of a curve to the right, thence
6. Along the arc of said curve for a distance of 141.163 feet having a radius of 500.00 feet and a chord bearing and distance of North 42°56'26" West 140.956 feet to the place of beginning containing 11998.53 square feet or 0.27545 acres, all as shown on on a drawing entitled "Right of Way Plan of Executive Boulevard", Montgomery County Project Number 77-3855.

## PARCEL 2

Being part of the same tract of land acquired by W.T. Joyce and Austin B. Rohrbaugh, Jr. by deed dated September 10, 1957, and recorded among the Land Records of Montgomery County at Liber 2384, Folio 113 and beginning for the same at a point at the end of the 14th or South 51°00'00" East 61.00 foot line of a conveyance from W.T. Joyce, et al, to S. and R. Incorporated as recorded at Liber 4785, Folio 751 of the said Land Records and running thence with the 14th and 13th lines of said conveyance reversed and as now surveyed in the datum of the Washintgon Metropolitan Area Transit Authority the following two courses

1. North 51°01'43" West 61.00 feet, thence
2. North 38°58'17" East 80.00 feet, to a point on the 5th line of a conveyance from W.T. Joyce, et al, to the Washington Metropolitan Area Transit Authority as recorded among the Land Records at Liber 4974, Folio 030, and running thence with part of the 5th and 4th lines of said conveyance, reversed and as now surveyed
3. South 51°01'43" East 224.938 feet, to a point of tangency with a curve to the right
4. Along the arc of said curve for a distance of 127.578 feet having a radius of 517.465 feet and a chord bearing and distance of South 43°57'56" East 127.256 feet, thence with part of the 6th or South 89°00'00" West 1052.34 foot line of the aforesaid Liber 2384, Folio 113, as now surveyed
5. South 86°45'03" West 100.373 feet to intersect a curve to the left, said point of intersection not being a point of tangency, thence
6. Along the arc of said curve for a distance of 52.081 feet having a radius of 437.465 feet and a chord bearing and distance of North 47°37'06" West 52.050 feet, to a point of compound curvature, so as to form the westerly right of way line of Executive Boulevard, thence still with said proposed right of way

7. Along the arc of a curve to the left, for a distance of 118.169 feet, having a radius of 6990.00 feet and a chord bearing and distance of North 51°30'46" West 118.168 feet, to a point of reverse curvature, and still with the said right of way line

8. Along the arc of said curve to the right for a distance of 45.779 feet, having a radius of 7010.00 feet and a chord bearing and distance of North 51°48'36" West 45.779 feet to intersect the 15th line of the aforesaid Liber 4785, Folio 752, said point of intersection not being a point of tangency, thence with said 15th line reversed and as now surveyed

9. North 38°58'17" East 1.623 feet to the point of beginning, containing 26767.60 square feet or 0.61450 acres, all as shown on a drawing entitled "Right of Way Plan of Executive Boulevard", Montgomery County Project Number 77-3855.

And the said GRANTORS do further grant and convey unto the COUNTY, its successors and assigns, easements for the purpose of creating graded slopes necessary for stabilizing and draining the roadway and abutting property of 1,900 square feet, more or less, of the remaining property of said GRANTORS as it abuts the land conveyed to the County for construction of Executive Boulevard. Said slopes to extend varying distances from 6 feet minimum to 12 feet maximum into said property from the south line of the proposed 80 foot wide right of way for Executive Boulevard, all as shown on the construction drawings for Montgomery County Department of Transportation, Montgomery County, Maryland.

Said slope easement shall be extinguished after all construction requirements have been completed and accepted by Montgomery County, Maryland.

TOGETHER WITH ALL the rights, privileges, easements, appurtenances and advantages thereto belonging or appertaining.

TO HAVE AND TO HOLD the above granted property and rights unto the said COUNTY, its successors or assigns in fee simple.

AND the said GRANTOR does hereby covenant that he will warrant specially the property hereby conveyed, and that he will execute such further assurances of said lands as may be requisite.

WITNESS his hand and seal the day and year first above written.

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) HMS 5327, p. 0268, MSA\_CE63\_5285. Date available 08/04/2005. Printed 06/16/2010

ATTEST:

Betty E. Smar  
William T. Joyce

William T. Joyce (SEAL)  
WILLIAM T. JOYCE

Margaret M. Joyce  
Jack P. Simons

Margaret M. Joyce (SEAL)  
MARGARET M. JOYCE

Evelyn A. Bowers  
Evelyn A. Bowers

Austin B. Rohrbaugh, Jr. (SEAL)  
AUSTIN B. ROHRBAUGH, JR.

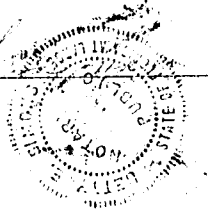
Evelyn A. Bowers

Margaret E. Rohrbaugh (SEAL)  
MARGARET E. ROHRBAUGH

STATE OF MARYLAND :  
: SS:  
COUNTY OF MONTGOMERY :

I hereby certify that on this 1st day of May, 1979, before the subscriber, a Notary Public in and for the aforesaid State and County personally appeared WILLIAM T. JOYCE, the person whose name is subscribed to the within instrument and did acknowledge the foregoing deed to be his act.

Betty E. Smar  
Notary Public  
Betty E. Smar

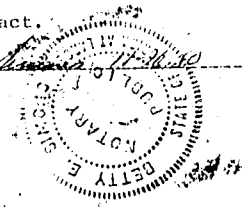


My Commission Expires:  
Notary Public, State of Maryland at Large  
My Commission Expires Nov. 16, 1980

STATE OF MARYLAND :  
: SS:  
COUNTY OF MONTGOMERY :

I hereby certify that on this 1st day of May, 1979, before the subscriber, a Notary Public in and for the aforesaid State and County personally appeared MARGARET M. JOYCE, the person whose name is subscribed to the within instrument and did acknowledge the foregoing deed to be her act.

Betty E. Smar  
Notary Public



My Commission Expires:  
Notary Public, State of Maryland at Large  
My Commission Expires Nov. 16, 1980

CLERK'S NOTATION  
Document submitted for record  
in a condition not permitting  
satisfactory photographic  
reproduction.

STATE OF MARYLAND :  
: SS :  
COUNTY OF MONTGOMERY :

I hereby certify that on this 17 day of May, 1979, before the subscriber, a Notary Public in and for the aforesaid State and County personally appeared AUSTIN B. ROHRBAUGH, JR. the person whose name is subscribed to the within instrument, and did acknowledge the foregoing deed to be his act.

H. Preston Stearn  
Notary Public  
H. Preston Stearn

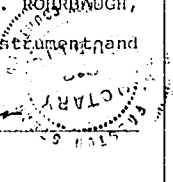


My Commission Expires: 7/1/80

STATE OF MARYLAND :  
: SS :  
COUNTY OF MONTGOMERY :

I hereby certify that on this 17 day of May, 1979, before the subscriber, a Notary Public in and for the aforesaid State and County personally appeared MARGARET E. ROHRBAUGH, the person whose name is subscribed to the within instrument, and did acknowledge the foregoing deed to be her act.

H. Preston Stearn  
Notary Public  
H. Preston Stearn



My Commission Expires: 7/1/80

I hereby certify that I am an attorney duly admitted to practice before the Court of Appeals of Maryland and that the within instrument was prepared under my supervision.

Francis L. Ghey  
Francis L. Ghey

CLERK'S NOTATION  
Document submitted for record  
in a condition not permitting  
satisfactory photographic  
reproduction.

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) HMS 5327, p. 0270, MSA\_CE63\_5285. Date available 08/04/2005. Printed 06/16/2005

JAN 24 1979

4-1-49860

All Taxes for the year 1978 shall be paid on the date of collection of the tax. If the tax is not paid on the date of collection, the tax shall be subject to a penalty of 1% per month. The tax shall be paid to the County Treasurer. The tax shall be paid in full. The tax shall be paid in full. The tax shall be paid in full.

TRANSFER TO GOVERNMENTAL, RELIGIOUS,  
OR CHARITABLE ORGANIZATION

*[Signature]*

RECAPTURE TAX PAID \$238.11

TENANT LEASE: THIS PROPERTY HAS BEEN BUILT  
IN ACCORDANCE WITH THE MONTGOMERY COUNTY  
ZONING ORDINANCES.

RECORDED IN THE OFFICE OF THE  
CLERK OF THE SUPERIOR COURT  
MONTGOMERY COUNTY, MARYLAND  
JAN 24 1979  
CLERK E. G. WILSON

LIBER 5327 FOLIO 272

Montgomery County, Maryland  
County Office Building  
Rockville, Maryland 20850

OFFICE OF  
THE COUNTY ATTORNEY

TELEPHONE  
AREA CODE 301  
278-1348

May 24, 1979

Robert L. Hagman  
Attorney at Law  
Suite 236  
414 Hungerford Drive  
Rockville, Maryland 20850

Re: CIP Project #77-3855  
Executive Boulevard  
Joyce, et al., Property

Dear Mr. Hagman:

Enclosed is a deed on the above-captioned property.  
Please record this deed as soon as possible in order for settle-  
ment to be made promptly.

Present this letter when recording this deed as  
proof of the County's authorization to record it on its behalf  
and to avoid paying the usual recording fee.

Please call me when the deed has been recorded.

Sincerely,

PAUL A. MCGUCKIAN  
COUNTY ATTORNEY

*Francis T. Lacey*  
Francis T. Lacey  
Assistant County Attorney

PAMCG:FTL:law  
Enclosure

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) HMS 5327, p. 0272, MSA\_CE63\_5285. Date available 08/04/2005. Printed 06/16/2010

LIBER 5490 FOLIO 700

1980 MAR -6 PM 2:17

CLERK'S OFFICE  
MONTGOMERY COUNTY, MD

NO. FEE - MONTG. CO. MD.

D E E D

THIS DEED, made this 5<sup>th</sup> day of MARCH, 1980,  
by and between D.H. ASSOCIATES, INC., Party of the First Part,  
hereinafter called the "GRANTORS", and MONTGOMERY COUNTY,  
MARYLAND, Party of the Second Part, hereinafter called the  
"COUNTY".

W I T N E S S E T H:

That in consideration of the sum of FIVE HUNDRED SIXTY-  
EIGHT THOUSAND AND FOUR HUNDRED FORTY-SIX DOLLARS (\$568,446) and  
other good and valuable consideration, the receipt of which is  
hereby acknowledged, the said GRANTORS do hereby grant, convey  
in fee simple, and release unto the COUNTY, a body corporate,  
its successors and assigns, all that piece or parcel of ground  
situate and lying in Montgomery County, Maryland, and more  
particularly described as follows:

FEE TAKING

Being part of a tract of land acquired by  
D.H. Associates by deed dated December 30,  
1971, and recorded among the Land Records  
of Montgomery County, Maryland, in Liber  
4167 at Folio 812, and being further described  
as part of Lot 6, of a subdivision known as  
"Lots 5 and 6, Block 1, Tolson Center" as  
per plat of subdivision recorded in Plat Book  
87, Plat 9232 of the Land Records of  
Montgomery County, Maryland, and

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) HMS 5490, p. 0700, MSA CE63 5448. Date available 07/01/2005. Printed 06/16/2

beginning for the same at a point located on the first line of Liber 4167 Folio 812 and also being a point on the existing right of way line of Maryland Route 187, known as Old Georgetown Road, said point of beginning being located 57.760 feet along the arc of the said first line from the beginning of that line, thence leaving said first line so as to cross the parcel and form the westerly right of way lines of Executive Boulevard for the following two courses

1. North 80°04'25" East 63.616 feet, thence
2. South 51°01'43" East 60.055 feet to intersect the 9th line of said conveyance, thence running with part of said 9th line
3. North 78°58'23" East 117.176 feet to an iron pipe, thence with part of the 8th line of said conveyance
4. North 11°01'37" West 9.707 feet to a point on the proposed easterly right of way line of Executive Boulevard, thence along the following two courses to form the said easterly right of way lines
5. North 51°01'43" West 132.314 feet, thence
6. North 03°46'19" West 54.325 feet to intersect the existing right of way line of Old Georgetown Road, said existing right of way line being also the 5th line of Liber 4167 Folio 812 thence along the lines of said existing right of way and of said conveyance the following five courses
7. South 43°35'15" West 37.612 feet, thence
8. South 20°32'44" West 47.130 feet, thence
9. South 17°13'22" West 50.980 feet, thence
10. North 58°12'09" West 40.000 feet to intersect the arc of a curve to the left, said point of intersection not being a point of tangency, thence
11. Along the arc of said curve to the left for a distance of 50.00 feet, having a radius of 586.620 feet and a chord bearing and distance South 29°21'21" West for 49.958 feet, to the place of beginning containing 14,309.32 square feet or 0.32850 acres, all as shown on a drawing entitled "Right of Way Plan of Executive Boulevard" Montgomery County Project No. 77-3855.

**SLOPE EASEMENT**

The Grantors do further grant and convey unto the said county, its successors or assigns, the storm drainage right of way and easement hereinafter described for the maintenance, repair, operation, installation, construction, reconstruction and inspection of a storm drain and appurtenances thereto within said easement and right of way,



LIBER 5490 FOLIO 702

together with a right of ingress and egress along and over said right of way for any and all of such purposes; the said right of way and easement being described as follows:

Being part of a parcel of land acquired by D.H. Associates, Inc. by deed dated December 30, 1971, and recorded among the Land Records of Montgomery County at Liber 4167 Folio 812 and being further described as part of Lot 6 of a subdivision known as Lots 5 and 6, Block 1, "Tolson Center" as per plat of subdivision recorded in Plat Book 87, Plat 9232 of the Land Records of Montgomery County and beginning for the same at a point located on the North 43°36'58" East 45.28 foot line of the southerly right of way of Old Georgetown Road, Route 187, as shown on said plat and as now surveyed in the datum of the Washington Metropolitan Area Transit Authority, to be North 43°35'15" East 45.28 feet, said point of beginning being located 7.668 feet from the end of that line and being further identified as being at the end of the North 03°46'19" West 54.325 foot line of proposed Executive Boulevard. Thence with the southerly right of way lines of Old Georgetown Road (Md. Route 187) the following two courses:

1. North 43°35'15" East 7.668 feet, thence
2. North 35°44'44" East 7.619 feet, thence leaving the said southerly right of way line of Old Georgetown Road so as to include a portion of the said Lot 6
3. South 39°55'12" East 14.753 feet, thence
4. South 50°04'48" West 15.00 feet, thence
5. North 39°55'12" West 12.00 feet, to the point of beginning, containing 196.66 square feet or 0.004514 acres, all as shown on a drawing entitled, "Right of Way Plan of Executive Boulevard" Montgomery County Project No. 77-3855.

The Grantors do grant and convey unto the said county, its successors or assigns, the storm drainage right of way and easement hereinafter described for the maintenance, repair, operation, installation, construction, reconstruction and inspection of a storm drain and appurtenances thereto within said easement and right of way, together with a right of ingress and egress along and over said right of way for any and all of such purposes; the said right of way and easement being described as follows:

Being part of a parcel of land acquired by D.H. Associates, Inc., by deed dated December 30, 1971, and recorded among the Land Records of Montgomery County at Liber 4167 Folio 812 and being further

described as part of Lot 6 of a subdivision known as "Lots 5 and 6, Block One, Tolson Center", as per plat of subdivision recorded in Plat Book 87 Plat 9232 of the Land Records of Montgomery County and beginning for the same at a point located on the arc of a curve to the right, and also being the same as curve number two as shown on the aforesaid plat and also being a point on the existing right of way line of Maryland Route No. 187, known as Old Georgetown Road, said point of beginning being located 57.760 feet along the aforesaid arc from the westernmost corner of Lot 6, thence leaving said arc line and the southerly right of way line of Old Georgetown Road, so as to cross the parcel and form the westerly right of way line of proposed Executive Boulevard for the following course:

1. North 80°04'25" East 17.00 feet, thence leaving said westerly right of way line of proposed Executive Boulevard and through Lot 6
2. South 09°55'35" East 20.00 feet, thence
3. South 80°04'25" West 31.339 feet, to intersect the aforesaid curve of arc length 57.76 feet and radius of 586.62 feet and being the same southerly right of way of Old Georgetown Road, thence
4. Along the arc of that curve to the right for a distance of 24.609 feet having a radius of 586.62 feet and a chord bearing and distance of North 25°42'44" East 24.609 feet, to the point of beginning, containing 485.51 square feet or 0.01115 acres, all as shown on a drawing entitled "Right of Way Plan of Executive Boulevard", Montgomery County Project No. 77-3855.

TOGETHER WITH all the rights, privileges, easements, appurtenances and advantages thereto belonging or appertaining.

TO HAVE AND TO HOLD the above granted property unto the said COUNTY, its successors and assigns, forever in fee simple.

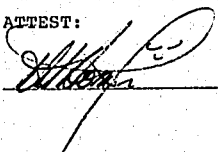
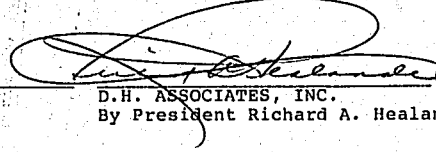
AND the said GRANTORS do hereby covenant that they will warrant specially the said property hereby conveyed, and that they will execute such further assurances of said land as may be requisite.

WITNESS their hands and seals the day and year first above written.

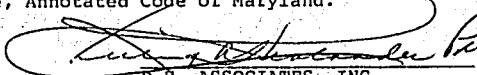
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By execution and delivery of this Deed, the Party of the first part expressly reserves its rights to an adjustment of the sales price in accordance with paragraph 5(a) of the "Option Contract" dated January 7, 1980 (as accepted by Executive Order RW 01-80 dated January 10, 1980); said rights under paragraph 5(a), and all other portions of said contract relating thereto, shall survive the execution and delivery of this deed and are not merged herein.

ATTEST:


  (SEAL)  
D.H. ASSOCIATES, INC.  
By President Richard A. Healander

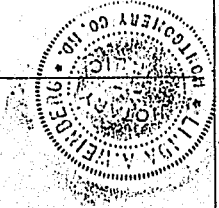
THIS IS TO CERTIFY that the property transferred hereby does not constitute all or substantially all of the property and assets of the transferror corporation and defined by the General Laws of the State of Maryland, contained in the Corporations and Associations Volume, Annotated Code of Maryland.

 (SEAL)  
D.H. ASSOCIATES, INC.  
Richard A. Healander

STATE OF MARYLAND :  
                                  :    ss:  
COUNTY OF MONTGOMERY :

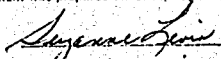
I hereby certify that on this 5<sup>th</sup> day of March, 1980, before me, the subscriber, a Notary Public of the aforesaid State and County, personally appeared Richard A. Healander personally well known (or satisfactorily proven) to be the President of D.H. ASSOCIATES, INC. whose name is subscribed to the within instrument and did acknowledge the same to be the act and deed of said corporation.

  
Notary Public  
LINDA A. WEINBERG



My Commission Expires: 7-1-82

I hereby certify that I am an attorney duly admitted to practice before the Court of Appeals of Maryland and that the within instrument was prepared under my supervision.

  
SUZANNE LEVIN

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Montgomery County Government

March 5, 1980

MR. CLERK:

Please record the attached deeds with no charge to Montgomery County, Maryland.

A handwritten signature in cursive script, appearing to read "Suzanne Levin".

Suzanne Levin  
Assistant County Attorney

County Office Building  
Rockville, MD 20850  
301-279-1346

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Department of Finance, Division of Revenue  
51 Monroe Street, Suite 401, Rockville, Maryland 20850, 301/279-1070

MAR 5 1980

4-1-1736960

All Taxes on assessments certified to the Collector of Taxes for Montgomery County Md. by ~~25-10~~ have been paid Dept. of Finance Montgomery County, Md. This statement is for the purpose of permitting recardation and is not assurance against further taxation even for prior periods, nor does it guarantee satisfaction of outstanding tax sales.

**EXEMPT FROM TRANSFER TAX  
MONTGOMERY COUNTY, MARYLAND**

BY *R. Reed*

TRANSFER TO GOVERNMENTAL, RELIGIOUS,  
OR CHARITABLE ORGANIZATION

HEREBY CERTIFY THIS PROPERTY HAS BEEN DULY  
TRANSFERRED IN THE MONTGOMERY COUNTY  
ASSESSMENT BOOKS.  
*I. Shuman* 5064  
TRANSFER CLERK, ASSESSMENT DEPARTMENT