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TAX NOT REQUIRED
Director of Budget and Fina
BALTIMORE COUNTY, MARYL
ART 11 TITLE 3 SURTIFE 2 Director of Budget and Finance BALTIMORE COUNTY, MARYLAND

Baltimore County Cir Crt IMP FD SURE \$40.00 RECORDING FEE \$20.00

\$60.00

JLE SG Feb 19, 2020

02:55 pm

## **DECLARATION FOR** PRIVATE INGRESS, EGRESS, MAINTENANCE AND UTILITY EASEMENT

THIS DECLARATION FOR PRIVATE INGRESS, EGRESS, MAINTENANCE AND UTILITY EASEMENT, is made this 30TH day of January, 2020 by STEWART HENDERSON McLEAN, JR. (the "Declarant").

All references herein are to the Land Records of Baltimore County.

- A. The Declarant is the owner, in fee simple, of all that property commonly known as Lot 1, Tax Account No. 0902200330, by virtue of a Deed dated August 3, 2015 and recorded among the Land Records in Liber JLE No. 36515, folio 320;
- The Declarant has applied for Minor Subdivision approval from Baltimore County. Minor Subdivision Project No. 18-058-M, entitled "Minor Subdivision Plan, McLean Property" for a residential subdivision containing two lots, namely (i) Lot 1, the improvements thereon are known as 6906 Bellona Avenue, and (ii) Lot 2, the improvements thereon to be known as 6904A Bellona Avenue (hereinafter collectively referred to as the "Lots");
  - C. There are improvements constructed on Lot 1, including a residence;
  - D. Lot 2 is currently unimproved;
- E. Access to Lot 1 has always been by way of an improved circular driveway, a portion of which is located upon Lot 2;
- F. The portion of the driveway providing access to Lot 1 that is located upon Lot 2 is shown as "Private Ingress, Egress, Maintenance & Utility Easement (915 Sq. Ft. ±)" on the drawing entitled 'Plat to Accompany A Description of a Private Ingress, Egress, Maintenance and Utility Easement" attached hereto and incorporated herein as Exhibit A, and is hereinafter referred to as the "Easement Area;" and
- Declarant desires to subject Lot 2 to an easement for the benefit of Lot 1, to provide vehicular and pedestrian access and for the installation and maintenance of utilities for the benefit of Lot 1.

H. Declarant desires to provide for the cost of maintenance of the existing driveway and any utilities installed within the Easement Area, and to protect the value and desirability of the Lots for the Declarant and all future owners (hereinafter "Owner" or "Owners"), subject to the terms set forth herein.

NOW, THEREFORE, WITNESSETH, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Declarant does hereby declare:

- 1. The Easement Area shall be subject to a private ingress, egress, maintenance and utility easement for the benefit of Lot 1 for purposes of providing vehicular and pedestrian access and for the purpose of installation and maintenance of utilities to the improvements now or hereafter constructed upon Lot 1.
- 2. The Owner of Lot 1, at their expense, shall have the right and privilege to enter upon the Easement Area, whenever it may be necessary, to maintain or replace the existing driveway and to make openings and excavations and to lay, construct and maintain utilities and appurtenances, provided, however, that the Easement Area shall be restored and left in good condition by the Owner of Lot 1.
- 3. If alternate access to Bellona Avenue for Lot 2 is provided when improvements are constructed upon Lot 2, then Lot 1 shall have the exclusive right to use the Easement Area and the Owner of Lot 1 shall be responsible for all costs to maintain the Easement Area in a clear and passable condition.
- 4. If alternative access to Bellona Avenue for Lot 2 is not provided when improvements are constructed upon Lot 2, then the Owner of Lot 2 shall have the right of use in common with the Owner of Lot 1 of the existing paved driveway within the Easement Area providing ingress, egress and regress to and from the Lots to Bellona Avenue.
  - 5. In the event of joint use of the Easement Area:
- A. The cost of maintenance and repair of the Easement Area, including but not limited to any improvements, maintenance or repairs necessary to maintain the Easement Area in a clear and passable condition from the Lots to Bellona Avenue, shall be borne equally by the Owners of both Lots, except that any party damaging the Easement Area as a result of excessive or improper use shall be responsible for the cost of repairs of damages resulting from such excessive or improper use.
- B. Either Owner shall be fully responsible for any and all damages caused to the Easement Area as a result of said Owner's negligence or the use of the Easement Area by any construction vehicles or equipment for and on behalf of said Owner.

- C. Either Owner shall promptly repair, at said Owner's sole cost and expense, any and all such damage caused by said Owner or said Owner's agents, contractors, or employees as a result of the foregoing.
- 6. The Easement Area shall not be used for parking any vehicle nor shall any obstruction be permitted that may impede the free use of the Easement Area for ingress or egress to or from Bellona Avenue.
- 7. The easements, benefits and obligations set forth in this Declaration shall create a servitude upon that portion of Lot 2 comprising the Easement Area for the benefit of the Owner of Lot 1, which shall be perpetual and which shall run with the titles to Lot 1 and Lot 2, respectively.
- 8. These easements, covenants and conditions shall run with and bind Lot 1 and Lot 2 and shall be binding upon all parties having or acquiring any right, title and interest in Lot 1 and Lot 2, or any part thereof, and shall inure to the benefit of each Owner thereof and the respective personal representatives, heirs and assigns of each Owner.
- 9. Declarant agrees to execute such other and further documentation as may be necessary to effectuate the easement created hereby.

WITNESS:

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, That on this 30TH day of January, 2020, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared STEWART HENDERSON McLEAN, JR., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the aforegoing to be his act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

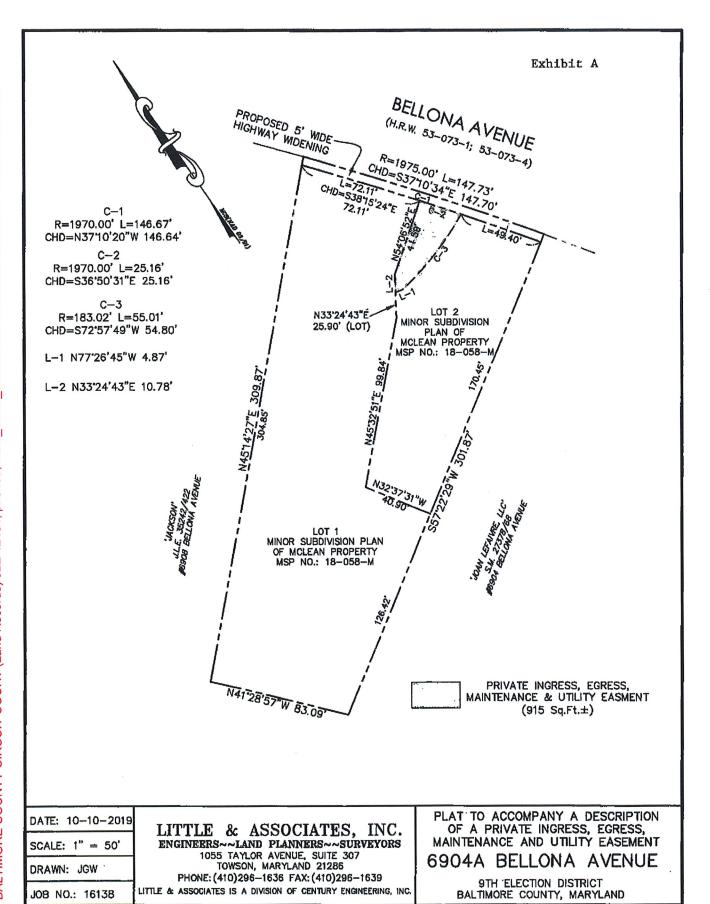
My Commission Expires:  $\frac{1}{2} \frac{35}{2020}$ 

Villa County Public

THIS IS TO CERTIFY that the within instrument has been prepared by or under the supervision of the undersigned Maryland attorney.

JAMES D. O'CONNOR, Esquire

F:\JDO\McLcan-Bellona\Declaration-Drive



State of Maryland Land Instrument Intake Sheet □ Baltimore City County: BALTIMORE Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only. (Type or Print in Black Ink Only—All Copies Must Be Legible) Type(s) Check Box if addendum Intake Form is Attached.) 1 of instruments Deed Deed of Trust Mortgage Other Other Easement Lease 2 Conveyance Type Unimproved Sale Improved Sale Multiple Accounts Not an Arms Arms-Length [1] Length Sale [9] Check Box Arms-Length [2] Arms-Length [3] 3 Tax Exemptions Recordation (if applicable) Easement State Transfer Ofte or Explain Authority County Transfer 4 Consideration Amount Finance Office Use Only Purchase Price/Consideration \$ and Recordation Tax Consideration 0.00 Any New Mortgage 8 Transfer Tax Consideration Consideration Balance of Existing Mortgage \$ S X( )% and Tax Other: 2 Less Exemption Amount Calculations Total Transfer Tax Other: \$ Recordation Tax Consideration ) per \$500 0.00 Full Cash Value: TOTAL DUE \$ \$ 5 Amount of Fees Doc. 1 Doc. 2 Agent: Recording Charge 20.00 \$ S Surcharge S \$ 40.00 Tax Bill: S \$ State Recordation Tax Fees available 02/21/2020, Printed 12/28/2020. State Transfer Tax \$ S C.B. Credit: County Transfer Tax \$ S Other \$ \$ Ag. Tax/Other: \$ 6 Grantor Liber/Folio Parcel No. Var. LOG District Property Tax ID No. (1) Map Description of 0902200330 36515/320 079 276 \_\_ (5) 9 Property Subdivision Name Lot (3a) Block (3b) Sect/AR (3c) Plat Ref. SqFt/Acreage (4) SDAT requires Woodbrook Highlands 01/207 submission of all Location/Address of Property Being Conveyed (2) applicable information. 6906 Bellona Avenue, Baltimore, MD 21212 A maximum of 40 Other Property Identifiers (if applicable) Water Meter Account No. characters will be indexed in accordance Residential X or Non-Residential; Fee Simple X, or Ground Rest! A

Partial Conveyance? Yes 'No Description/Amt. of SqPt/Acreage Transferred:

Private Ingress, Egress Maintenance & Utility Easement containing 915 sq.ft. ± with the priority cited in Real Property Article Section 3-104(g)(3)(i). CE62 42341. Date If Partial Convoyance, List Improvements Conveyed: 7 Doc. 2 - Grantor(s) Name(s) Doc. 1 - Grantor(s) Name(s) Stewart Henderson McLean, Jr. Transferred From Dor. 2 - Owner(s) of Record, if Different from Grantor(s) Doc. 1 - Owner(s) of Record, if Different from Grantor(s) 8 Doc. 2 - Grantee(s) Name(s) Doc. 1 - Grantee(s) Name(s) 0110, MSA Stewart Henderson McLean, Jr. **Transferred** Ta New Owner's (Grantee) Mailing Address 6906 Bellona Avenue, Baltimore, MD 21212 9 Doc. 1 - Additional Names to be Indexed (Optional) Doc. 2 - Additional Names to be Indexed (Optional) ď Other Names Records) JLE 42484, to Be Indexed 10 Contact/Mall Return to Contact Person Instrument Submitted By or Contact Person Nancy M. Smith Information Name: O'Connor, Hammel & Butler, P.A. Firm ☐ Hold for Pickup 100 West Road, Suite 215, Towson, MD 21204 Phone: (410) 321-0595 Address: Return Address Provided IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTCOPY MUST ACCOMPANY EACH TRANSFER X No COUNTY CIRCUIT COURT (Land Will the property being conveyed be the grantee's principal residence? X No Does transfer include personal property? If yes, identify: Yes Information Yes No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required). Assessment Use Only - Do Not Write Below This Line Space Reserved for County Validation Terminal Verification Whole Tran. Process Verification Agricultural Verification Date Received: Deed Reference Assigned Property No.: Transfer Numbe Year 20 Map Sub Block Lot Occ. Cd. Land Buildings Zoning Grid Plat Parce Total REMARKS: BALTIMORE

Distribution:

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AOC-CC-300 (8/2007)

SDAT

19-166