

AFTER RECORDING, PLEASE RETURN TO:
James D. O'Connor, Esquire
O'Connor, Hammel & Butler, P.A.
100 West Road, Suite 215
Towson, Maryland 21204
File No. 19-166

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

TOTAL \$60.00
JLE SG
Feb 19, 2020 02:55 pm

TAX NOT REQUIRED

Director of Budget and Finance
BALTIMORE COUNTY, MARYLAND
COUNTY TRANSFER TAX JS
ART 11 TITLE 3 SUBTITLE 2, 11-3-202
RECORDATION TAX JS
T.PART 12-108 Date 02-19-2020

**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;

B. 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

G. 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:

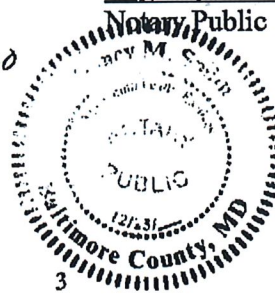
Nancy M. Smith Stewart Henderson McLean, Jr. {SEAL}
STEWART HENDERSON McLEAN, JR.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

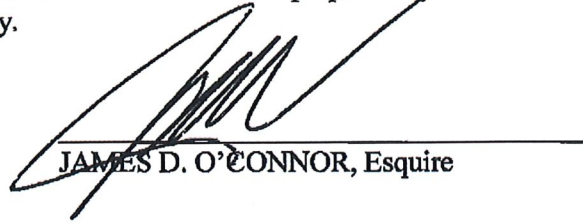
I HEREBY CERTIFY, That on this 30TH day of January, 2020, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared STEWART HENDERSON McLEAN, JR., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing 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: 12/25/2020 Nancy M. Smith
Notary 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:\D\O\McLean-Bellona\Declaration-Drive

Exhibit A

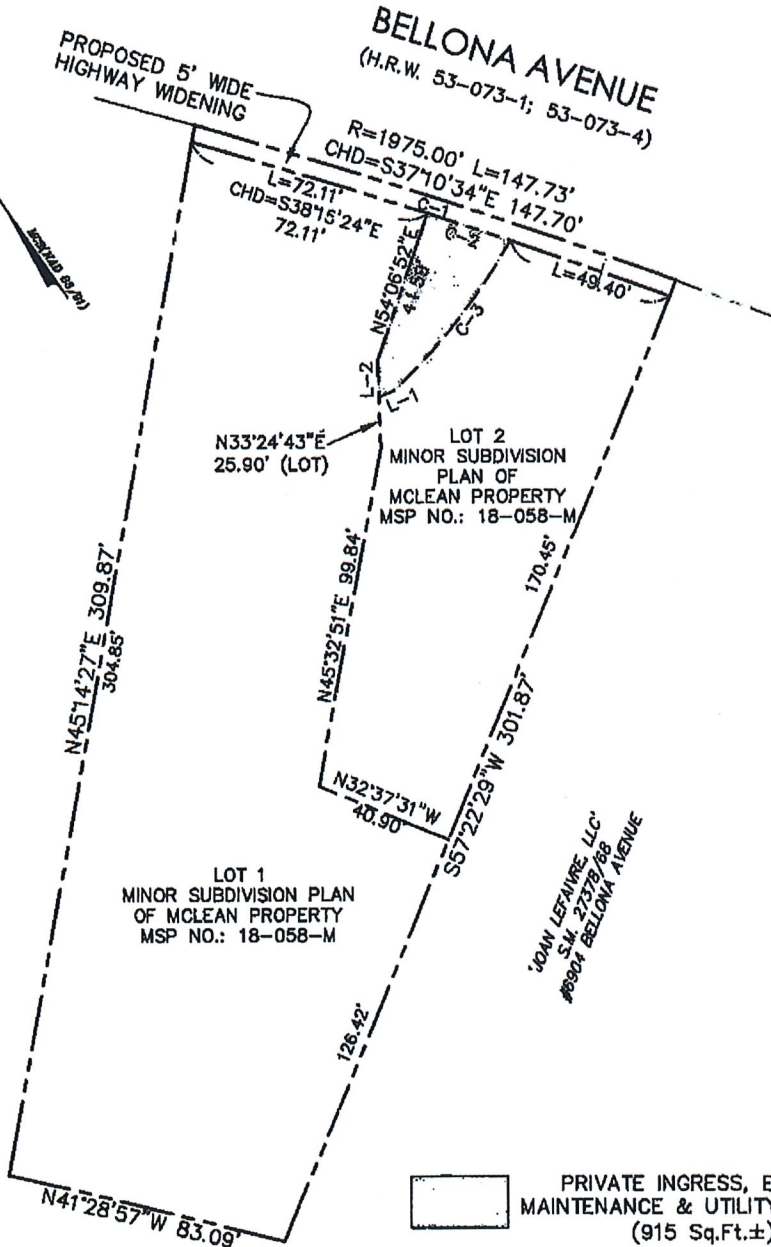
C-1
 R=1970.00' L=146.67'
 CHD=N37°10'20"W 146.64'

C-2
 R=1970.00' L=25.16'
 CHD=S36°50'31"E 25.16'

C-3
 R=183.02' L=55.01'
 CHD=S72°57'49"W 54.80'

L-1 N77°26'45"W 4.87'

L-2 N33°24'43"E 10.78'



DATE: 10-10-2019

SCALE: 1" = 50'

DRAWN: JGW

JOB NO.: 16138

LITTLE & ASSOCIATES, INC.
 ENGINEERS~~LAND PLANNERS~~SURVEYORS
 1055 TAYLOR AVENUE, SUITE 307
 TOWSON, MARYLAND 21286
 PHONE: (410)296-1636 FAX: (410)296-1639
 LITTLE & ASSOCIATES IS A DIVISION OF CENTURY ENGINEERING, INC.

PLAT TO ACCOMPANY A DESCRIPTION
 OF A PRIVATE INGRESS, EGRESS,
 MAINTENANCE AND UTILITY EASEMENT
6904A BELLONA AVENUE
 9TH ELECTION DISTRICT
 BALTIMORE COUNTY, MARYLAND

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 42484, p. 0109, MSA_CE62_42341. Date available 02/21/2020. Printed 12/28/2020.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 42484, p. 0110, MSA_CE62_42341, Date available 02/21/2020, Printed 12/28/2020.

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.

Form with sections 1-11: Type(s) of Instruments, Conveyance Type, Tax Exemptions, Consideration and Tax Calculations, Fees, Description of Property, Transferred From, Transferred To, Other Names to Be Indexed, Contact/Mail Information, and Assessment Information.

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Space Reserved for County Validation