Tax ID No.: **insert tax Id number**

DEED OF RELEASE OF CONSERVATION EASEMENT

(for removal of all onsite easements and compensated offsite in forest mitigation bank)

DEFINITIONS

**Grantor**: (insert name of grantors) , fee simple owner(s) of real property subject to Plan approval conditioned on recordation of a Category I conservation easement agreement.

**Grantee**: Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission ("Commission").

**Property**: Lot \_\_\_\_, Block \_\_\_\_, Subdivision: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Recorded among the Land Records of Montgomery County, Maryland in Plat Book Number \_\_\_\_\_ as Plat No. \_\_\_\_\_\_.

**Planning Board**: Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission.

**Planning Director**: Director of the Montgomery County Planning Department of The Maryland-National Capital Park and Planning Commission, or the Director's designee.

**Plan**: Forest Conservation Plan No. \_\_\_\_\_\_\_\_\_\_\_\_ approved by the Planning Board pursuant to Chapter 22A of the Montgomery County Code.

**Exhibit 1**: Record plat showing existing conservation easement(s).

**Exhibit 2**: Description and sketch of the existing conservation easement(s) over and across the Property, as recorded in the Montgomery County Land Records.

**Exhibit 3**: Resolution of the Montgomery Planning Board authorizing removal of conservation easement(s).

**Exhibit 4**: Certificate of Compliance to use an Off-site Forest Mitigation Bank, as recorded in the Montgomery County Land Records.

WITNESSETH

THIS DEED OF RELEASE OF CONSERVATION EASEMENT (“Release”) is made this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_by the Montgomery County Planning Board (“Planning Board”) of the Maryland-National Park and Planning Commission (“M-NCPPC”).

WHEREAS, in conjunction with [**insert parent plan type and plan number such as preliminary plan 120250110**] known as **[insert original plan name]**, the Grantor granted a Conservation Easement to the Commission as shown on Plat **[insert plat number]**, Exhibit 1 attached hereto and incorporated by reference into the terms of this agreement; and

WHEREAS, the conservation easement was recorded in the Land Records of Montgomery County at **[insert book and page number of conservation easement]** (“Conservation Easement”), on **[insert day conservation easement was recorded in land records]**, Exhibit 2 attached hereto and incorporated by reference into the terms of this Agreement; and

WHEREAS, the Conservation Easement shown on Plat **[insert plat number]** affected Property in the Subdivision known as **[insert subdivision name]**, such the Property being the same as the real property located at **[insert address of the property]**); and

WHEREAS, on **[insert mailing date of the planning board’s resolution authorizing the release of the easement]**, by MCPB Resolution No. **[insert resolution number]**, attached hereto as Exhibit 3 and incorporated by reference, the Planning Board approved a forest conservation plan amendment associated with plan number **[insert plan number]**, including the removal of **[include amount of easement to be permanently released]** acres of the Conservation Easement on the Property subject to the purchase of forest mitigation bank credit in an M-NCPPC approved off-site forest bank; and

WHEREAS, the required mitigation was accomplished through the purchase of the required forest credits as certified by the Montgomery County Planning Department staff in the Certificate of Compliance recorded on [insert date] in the Land Records of Montgomery County at **[insert book and page number of Certificate of Compliance]**, attached hereto as Exhibit 4 and incorporated by reference.

NOW, THEREFORE, in consideration of the above provisions and other consideration, the receipt and sufficiency of which are hereby acknowledged, the Commission does hereby release the **[indicate the amount of conservation easement that will be permanently released]** acres of Conservation Easement located on the Property.

WITNESS, the following signatures and seals on the day and year first above written.

|  |  |  |
| --- | --- | --- |
| ATTEST: |  | THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION |
|  |  |  |
| Joseph C. Zimmerman  Secretary-Treasurer |  | Anju Bennett  Acting Executive Director |

NOTARY STATEMENT

State of Maryland

County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

On this\_\_\_\_\_\_\_\_\_\_ day of\_\_\_\_\_\_\_\_, \_\_\_\_\_ before me, the undersigned individual, personally appeared Anju Bennett, who acknowledged to be the Acting Executive Director, of Maryland National Park and Planning Commission, and that as such being authorized to do so, executed the foregoing instrument for the purposes therein contained.

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

|  |
| --- |
| **SEAL** |
|  |

Signature of notary public

My commission expires

# ATTORNEY OR GRANTOR CERTIFICATION

In accordance with Section 3-104(f)(1) of the Real Property Article of the Annotated Code of Maryland, I certify that this instrument was prepared by the undersigned, the Grantor or an attorney admitted to practice before the Court of Appeals of Maryland.

Include Grantor’s or Attorney’s signature

Print Grantor’s or Attorney’s Name

AFTER RECORDING PLEASE RETURN TO:

DARC Division

Montgomery County Planning Department

8787 Georgia Avenue

Silver Spring, MD 20910