

Declaration of Intent Affirming
Real Estate Transfer Exemption from Article II of the
Montgomery County Forest Conservation Law

DEFINITIONS

Grantor: The person(s) that transfers a security, leasehold, or legal or equitable interest of a lot or parcel.

Grantee: The person(s) that receives a security, leasehold, legal or equitable interest in a property, lot or parcel of land.

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

WITNESSETH

The real estate transfer reflects a security, leasehold, or other legal or equitable interest of a lot or parcel by a Grantor to the Grantee.

On this ____ day of _____, 20 ____ stated as follows:

WHEREAS, _____
(Grantor) seeks approval of a subdivision hereinafter referred to as (Development Application); and

WHEREAS, Grantor seeks approval of its Development Application for property located at _____
(Property); and

WHEREAS, the Development Application can be approved only if it complies with or is exempt from Article II of the Montgomery County Forest Conservation Law (Montgomery County Code Chapter 22A, SS 22A-1 *et seq.*, and any amendments thereto) (FCL); and

WHEREAS, the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission (Planning Board) and designated Planning Board staff members are responsible for administering the FCL; and

WHEREAS, Grantor wishes to demonstrate that its Development Application is exempt from the Article II provisions of the FCL; and

WHEREAS, to obtain the exemption, the Grantor must verify that the following conditions exist:

- (1) The subdivision approval is sought for the purpose of effecting the transfer of a legal

or equitable interest in a portion of a lot or parcel for the purpose of providing a security, leasehold or other legal or equitable interest;

- (2) The transfer will not involve a change in land use, new development or redevelopment, or any land disturbing or clearing activities; and
- (3) Both the grantor and grantee file a declaration of intent.

THEREFORE, in consideration of the foregoing promises, the mutual covenants contained herein, and the following terms and conditions, the parties agree as follows:

1. The recitals set forth above are incorporated in full herein.
2. Grantor guarantees that the Property and Development Application conform with the Conditions referenced above
3. For purposes of ensuring compliance with the Conditions, the Planning Board or its designees may enter upon the Property at any time from the date of Applicant's signature of this document until the five-year restriction has expired.
4. If the Grantee violates the Conditions, the exemption will become void and the Property will be subject to an enforcement action under the Section 22-19 of the Forest Conservation Law which requires: the preparation, submission and implementation of a forest conservation plan; an administrative civil penalty under Section 22A-16(d) for the area of forest cut or cleared under the exemption; or both.
5. This agreement shall be recorded by the Owner in the Land Records of Montgomery County, Maryland and shall be binding on the landowner, its administrators, executors, heirs and assigns.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of this paper are true:

Signature of Grantor: _____

Printed name of Grantor: _____

NOTARY STATEMENT

State of _____

County of _____

On this ____ day of _____, 20____, before me, the undersigned individual, personally appeared _____, who acknowledged to be the _____ and that as such being authorized to do so, executed the foregoing instrument for the purposes therein contained.

SEAL

Signature of notary public

My commission expires _____

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of this paper are true:

Signature of Grantee: _____

Printed name of Grantee: _____

NOTARY STATEMENT

State of _____

County of _____

On this ____ day of _____, 20____, before me, the undersigned individual, personally appeared _____, who acknowledged to be the _____ and that as such being authorized to do so, executed the foregoing instrument for the purposes therein contained.

SEAL

Signature of notary public

My commission expires _____