

Cliff M. Blondes

From: Cliff M. Blondes [blondcb@verizon-uc.com]
Sent: Thursday, September 05, 2002 12:11 PM
To: Gayle and Kenneth Brooks; Jerry and Nancy Greenberg; Sonia Rickman; Tracy De Jong
Subject: Easements

I have reviewed the plats and easements information that the HOA has on file.

There is Declaration of Terms and Provisions of Public Utility Easements dated 10/23/68 and recorded in the land records of Montgomery County in Liber 3834 at folio 457. This established a 10' wide utility easement on both sides of the entranceway and along the townhouse parking areas and along the areas contiguous to the street in the single family area. The Declaration does not require that the grantees (City & Utilities) perpetually maintain the property, only that they restore it to its original condition upon "entering" it. While not a land use expert, I do not think that perpetual maintenance is implied in the grant of an easement (Tracy, can you check this out?).

Plat Nos. 14391 and 14392 establish the boundary lines of the entrance area. I have attached portions of these plats in tif format for your review. We should consider retaining the services of a surveyor to determine where the HOA's and City of Rockville's property lines are and where the easement actually is. After accomplishing this task we then can determine how to proceed. (Tracy, do you know any reasonably priced surveyors?).

Please give me a call if you want to stop by and review any of the documents (they won't scan well) so that we can discuss this issue in more detail at our next meeting on 9/18.

Cliff

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