

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

October 29, 1999

Mr. Milton L. McCarthy
McCarthy & Associates, Inc.
14458 Old mill Road, #201
Upper Marlboro, Maryland 20772

Re: The Overlook at Broad Creek
S #98-071, P #99-091

Dear Mr. McCarthy:

In response to your request, I am writing to clarify this office's position regarding the proposed cul de sac in the Resource Conservation Area (RCA) in Forest Interior Dwelling Bird (FID) habitat, and to state the effect development of the parcel inside the Critical Area will have regarding intrafamily transfer.

I have consulted with the Heritage Division of the Department of Natural Resources and the Science Advisor to the Critical Area Commission. Based on the information submitted, it appears the proposed cul de sac will be sited in an area that is partially cleared for an existing driveway. Therefore, disturbance will only occur within the forest edge, notwithstanding the forest cleared outside of the Critical Area boundary. In any case, this office recommends the cul de sac be eliminated from the Critical Area portion of the site for several reasons. I have outlined them below.

- 1) If disturbance is unavoidable the applicant should follow the development guidelines outlined in the September 17, 1999 letter from the Department of Natural Resources, Heritage and Biodiversity Division.
- 2) Typically, this office does not look favorably on development activities inside the RCA that will be serving development outside the RCA, and in this case, outside the Critical Area. We note the explanation that this cul de sac could potentially serve future lots in the Critical Area created by the intrafamily transfer provision. This brings me to the next point.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

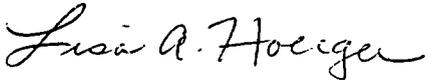
TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Mr. McCarthy
Page Two
October 29, 1999

- 3) The Critical Area parcel will change with the addition of the cul de sac. The County's Critical Area program and the Natural Resources Article state that intrafamily transfers can only be made from parcels that were of record on March 1, 1986. With the creation of the cul de sac, this parcel will change since March of 1986 and will no longer be the parcel that was on record as of March 1, 1986. Therefore, the creation of the cul de sac has the effect of revoking the rights of the property owner in the Critical Area to apply for an intrafamily transfer in the future, as would any change in the property line regardless of whether development was proposed.

If you have any questions regarding these comments, please telephone me at (410) 260-7032.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Kelly Krinetz, PACE
Katharine McCarthy, DNR
Claudia Jones, CBCAC



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CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

October 29, 1999

Ms. Kelly Krinetz
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: The Overlook at Broad Creek
S #98-071, P #99-091

Dear Ms. Krinetz:

I am sending additional comments concerning the above-referenced subdivision request. In the past few weeks, the environmental consultant for the applicant has contacted me regarding my comments about the proposed cul de sac in the Resource Conservation Area (RCA). I have enclosed that letter for your information and the file.

As you can see from this letter, the change to the RCA parcel has the effect of nullifying the rights of the property owner in the Critical Area to subdivide using the intrafamily transfer provisions. Natural Resources Article §8-1808.2 states:

(c) *Permitted parcels of land.* - If a local jurisdiction includes provisions for bona fide intrafamily transfers as part of its local program, the local jurisdiction shall permit a bona fide intrafamily transfer to be made only from parcels of land that:

(1) Were on record on March 1, 1986; and

This provision in the state law does not accommodate parcels that have changed since March of 1986. Therefore, the applicant and property owner of the Critical Area parcel (if they are different parties) should be notified of this situation.

If you have any questions, please telephone me at (410) 260-7032.

Sincerely

Lisa A. Hoerger
Natural Resources Planner

cc: 249-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450





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Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

August 19, 1999

Ms. Kelly Krinetz
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: The Overlook at Broad Creek
S #98-071, P #99-091

Dear Ms. Krinetz:

I have received a copy of the resubmittal for the above-referenced subdivision and have outlined my comments below.

- 1) The applicant states that he intends to use the terminus of Urciolo Court to serve three lots generated by the intra-family transfer provision, however no lot lines are shown.
- 2) It appears a substantial portion of the Critical Area is covered with an extensive expanded Buffer. The newly created lots should not necessitate variances to the County's Critical Area Program. This office will not support variances for newly created lots.
- 3) The original submittal included a letter from the Department of Natural Resources, Heritage and Biodiversity Division stating that this site may support Forest Interior Dwelling Birds (FIDs). Has a survey been performed? The presence of FIDs may affect the configuration of the intra-family transfer lots.
- 4) Where is the east lot line for lot 22? Does it overlap with the Critical Area line?
- 5) Has the applicant identified where reforestation will occur for the proposed clearing?

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-7032.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA 249-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II
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Ren Serey
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STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

May 11, 1999

Ms. Kelly Krinitz
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: The Overlook at Broad Creek
S #98-071, P #99-091

Dear Ms. Krinitz:

I have received the above-referenced subdivision request that involves locating a cul de sac in the Resource Conservation Area (RCA). The construction of the cul de sac will require 7,829 square feet of forest clearing and create 6,100 square feet of impervious area. The position of this office regarding development activities in the RCA that does not serve development in the RCA is that it is not permitted. The outfall is permitted provided the stormwater management system it serves in not in the RCA.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger
Planner

cc: AA 249-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

May 11, 1999

Ms. Kelly Krinitz
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: The Overlook at Broad Creek
S #98-071, P #99-091

Dear Ms. Krinitz:

I have received the above-referenced subdivision request that involves locating a cul de sac in the Resource Conservation Area (RCA). The construction of the cul de sac will require 7,829 square feet of forest clearing and create 6,100 square feet of impervious area. The position of this office regarding development activities in the RCA that does not serve development in the RCA is that it is not permitted. The outfall is permitted provided the stormwater management system it serves in not in the RCA.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-7032.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Planner

cc: AA 249-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



ANNE ARUNDEL COUNTY
Annapolis, Maryland

PLANNING AND CODE ENFORCEMENT
DEVELOPMENT DIVISION

INTER-OFFICE CORRESPONDENCE

January 19, 2000

TO: Chris Soldano
FROM: Joe Elbrich 
SUBJECT: Over Look at Broad Creek

The project consists of two (2) legal parcels that originally existed prior to the critical area date, March 1, 1968, that qualified the parcel, that has a portion in the critical area, for interfamily conveyance.

Because the portion of the parcel, that has a part within the critical area, that is outside the critical area has been conveyed to the developers of that parcel totally outside of the critical area for subdivision and could have been reconfigured and added to that parcel totally outside of the critical area with a reservation of the family conveyance potential.

Because all parties of ownership for all the parcels are joining in the subdivision process for plat purposes, it will be acceptable to approve the major subdivision and reserve the family conveyance potential on the residue of the parcel in the RCA with access to the subdivision roads being partially on the residence.

This should be fully noted on the plat in a purpose note without the need of preparing separate plats to reconfigure and combine portions of the parcels.

P:\DATA\SHARED\SUBDIV\JOE\BRDCRK.JAN

JJE/vck



ANNE
ARUNDEL
COUNTY,
MARYLAND

2664 RIVA ROAD, P.O. BOX 6675
ANNAPOLIS, MARYLAND 21401

DEPARTMENT OF PLANNING AND CODE ENFORCEMENT

December 13, 1999

Mr. David Hursh, PE
J.A. Chisholm, PE, LLC
2661 Riva Road, Suite 320
Annapolis, MD 21401

RE: The Overlook at Broad Creek
Subdivision #1998-071; Project #1999-091

Dear Mr. Hursh:

This Department is in receipt of the above mentioned subdivision application/resubmittal. Based upon the information received by the review agencies and your consultant, the below listed comments must be addressed.

This required information must be submitted, with a revised plat and a single point-by-point response letter directly to Nancy McGuckian, of this Department for transmittal to the appropriate agencies for review, approval and/or additional comments. Please provide separate, marked packages (letter and plan) for each of the denial agencies marked ** below.

**1. PACE/Development Division/Planning and Environmental Sections:
(Kelly Krinetz)

Approval was withheld on December 13, 1999.
Please address these comments:

1. The HOA documents and plat have been returned with comments to be addressed. These comments must be addressed and approval granted by the Office of Law.
2. The Certificate of Title was not included in the packet I received. Please forward a copy of this document as soon as possible for my review.
3. It is my understanding that there is a contract purchaser for this property. If this is the case, the contract purchaser must sign the plat.

4. The following corrections, which were noted in the last set of comments, have not been addressed:
 - a) Parcel 388 has been resubdivided into and currently exists as two parcels. This must be shown accurately on the plat.
 - b) The lot/open space square footages on the plat do not comply with those shown on the final development plan.
5. The steep slope waiver has been written and forwarded to the Director for signature. You will be notified as soon as it is available.
6. Lot 32 will be created as part of this subdivision and was therefore not considered a legal lot as of March 1, 1986. Based upon this there is no family conveyance potential for this lot and the cul-de-sac should be removed from the Critical Area. This comment concurs with those made by the Critical Area Commission. In addition to this fact, the property has undergone an illegal subdivision by deed earlier this year, which would again serve to nullify the family conveyance potential of this area since it is no longer considered a legal lot.



**II. PACE/Development Division/Engineering Section
(Elizabeth Burton/John Bory)

The original plans have been forwarded to Merrill Plait and your Office will be contacted once the review has been completed.

**III. PACE/Development Division/Traffic Section
(Bob Tyson)

Conditional approval was granted on September 15, 1999. The required modifications must be made to the traffic plans prior to submitting the originals for signature.

IV. PACE/Development Division/Utilities Section
(Emmanuel Kuti)

Approval was granted on November 29, 1999.

Overlook @ Broad Creek

December 13, 1999

Page 3

**V. Soil Conservation District
(Lillian Griffith)

Comments were not available at the time of this letter. I have contacted SCD and requested that the comments/approval be forwarded as soon as possible.

**VI. Board of Education
(Chuck Yocum)

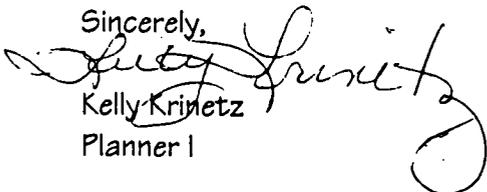
The approval of this project was confirmed November 11, 1999.

VII. Fire Prevention Bureau

Conditional approval was granted on December 9, 1999.

If you should have any questions regarding this correspondence, you can contact me at 410-222-7960. Questions regarding the resubmittal requirements may be addressed to Nancy McGuckian at 410-222-7455.

Sincerely,


Kelly Krinetz
Planner I

cc: file



ANNE
ARUNDEL
COUNTY,
MARYLAND

2664 RIVA ROAD, P.O. BOX 6675
ANNAPOLIS, MARYLAND 21401

DEPARTMENT OF PLANNING AND CODE ENFORCEMENT

September 24, 1999

Ms. Michele Bennett
J. A. Chisholm, P. E., LLC
2661 Riva Road, Suite 320
Annapolis, MD 21401

RE: The Overlook at Broad Creek
Subdivision S#1998-071; Project P#1999-091

Dear Ms. Bennett:

This Department is in receipt of the above mentioned subdivision resubmittal. Based upon the information received by the review agencies and your consultant, the below listed comments must be addressed.

This required information must be submitted, with a revised plat and a single point-by-point response letter directly to Nancy McGuckian, of this Department for transmittal to the appropriate agencies for review, approval and/or additional comments. Please provide separate, marked packages (letter and plan) for each of the denial agencies marked ** below.

**1. PACE/Subdivision Application Center/Planning and Environmental Sections:
(Kelly Krinetz)

Approval was withheld on September 24, 1999.
Please address these comments:

General Comments

1. Urciolo Court should be removed from the Critical Area. The disturbance within the Critical Area had been justified by the assumption that there was further subdivision potential for Lot 32. This is not the case since "intrafamily transfers shall be made only from parcels of land that were legally of record on March 1, 1986." This parcel was not considered a legal parcel at that time. If the relocation of the cul-de-sac results in the loss of a lot along Urciolo Court, it appears that a lot could be "picked up" with adjustments to Plattner Court and the relocation of the access to the pond.

Overlook at Broad Creek

9/24/99

page 2

2. The following items must be submitted for processing:
 - a. Title Certificate
 - b. HOA Documents
 - c. Verification of payment of taxes
 - d. OSD and Recreation fees
 - e. Conservation Easement with a copy of the most recent deed
3. The redlined corrections must be made to the plans. A copy of the plat will be forwarded to the Office of Law with the HOA Documents. This review may generate additional plat corrections.
4. Allocation for sewer and water will be requested once all outstanding comments have been addressed.

**II. PACE/Subdivision Application Center/Engineering Section
(Elizabeth Burton)

Approval was withheld on September 27, 1999
Please address the attached comments.

**III. PACE/Subdivision Application Center/Traffic Section
(Bob Tyson)

Conditional approval was granted on September 15, 1999.
Please address the attached comments.

**IV. PACE/Subdivision Application Center/Utilities Section
(Emmanuel Kuti)

Approval was withheld on September 14, 1999.
Please address the attached comments.

Overlook at Broad Creek
9/24/99
page 3

**VI. Soil Conservation District
(Lillian Griffith)

Comments will be forwarded once they are available.

**VIII. Board of Education
(Chuck Yocum)

Approval was granted on May 13, 1999.

If the final plat for this project is not recorded by November 13, 1999 Anne Arundel County Public Schools reserves the right to re-evaluate this project.

**IX. Fire Prevention Bureau

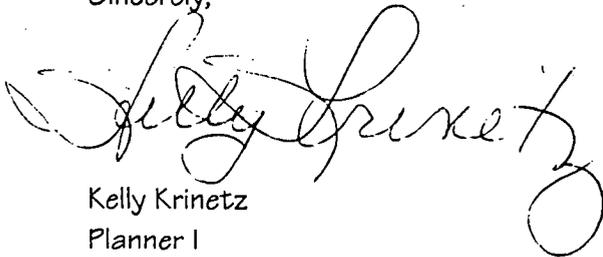
Comments will be forwarded once they are available.

**X. Chesapeake Bay Critical Area Commission

Comments will be forwarded once they are available.

If you should have any questions regarding this correspondence, you can contact me at 410-222-7960. Questions regarding the resubmittal requirements may be addressed to Nancy McGuckian at 410-222-7455.

Sincerely,



Kelly Krinetz
Planner I



ANNE
ARUNDEL
COUNTY,
MARYLAND

2664 RIVA ROAD, P.O. Box 6675
ANNAPOLIS, MARYLAND 21401

DEPARTMENT OF PLANNING AND CODE ENFORCEMENT

Mr. J. A. Chisholm, P.E.
2661 Riva Road, Suite 320
Annapolis, MD 21401

8/9/99

RE: Subdivision Minutes
The Overlook at Broad Creek
S#1998-071; P#1999-091

Dear Mr. Chisholm:

This letter should confirm the results of the Review Meeting held June 24, 1999, concerning the subdivision of The Overlook at Broad Creek (formerly Urciollo Property). Attending the meeting for Plan Review were: Kelly Krinetz, PACE; J. A. Chisholm, Engineer; Mike Conley, Winchester Homes; David Hursh, J. A. Chisholm, P.E. LLC, Elizabeth Burton, PACE and Mimi Kelly, PACE.

- I. The before-mentioned public agencies/individuals reviewed the plan and provided comments. Additional comments were provided by Lisa Hoerger, CBCAC; Bob Tyson, PACE; Lillian Griffith, SCD; Michael Slattery, DNR and Emmanuel Kuti, PACE.
- II. Discussion:
The proposed lots 1 and 2 will be combined as on lot and the proposed structure and driveway shall be located in such a manner as to provide the maximum amount of protection to the specimen tree.
- III. Before Approval, all outstanding agency comments must be addressed. I have attached Utility comments and DNR comments that were not available at the time of the meeting. Any questions regarding those agency comments should be directed to those individual reviewers
- IV. Decision:
 - A. This Office must withhold plan (and plat) approval until the issues set for the in Section II and III have been resolved.
 - B. The resubmittal must be packaged and labeled with the name of the required review agency. This package is to include a point-by-point response letter addressing the major denial comments only, one set of revised plans highlighted in yellow, the set of plans marked up by the reviewing agency, and any other supplemental data necessary for review. Resubmittal in accordance with the attached resubmittal cover sheet must be sent directly to Nancy McGuckian of this Office.



ANNE
ARUNDEL
COUNTY,
MARYLAND

2664 RIVA ROAD, P.O. BOX 6675
ANNAPOLIS, MARYLAND 21401

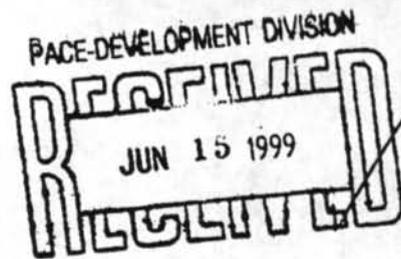
DEPARTMENT OF PLANNING AND CODE ENFORCEMENT

Please do not hesitate to contact this Office at 410-222-7960 if there are any further questions.

A handwritten signature in cursive script, reading "Kelly Krinetz".

Kelly Krinetz
Subdivision Application Center
Department of Planning and Code Enforcement

cc: Subdivision
All Review Agencies
Developer
Engineer



Parris N. Glendening
Governor

Maryland Department of Natural Resources
Forest, Wildlife and Heritage Service
Tawes State Office Building
Annapolis, Maryland 21401

John R. Griffin
Secretary

Carolyn D. Davis
Deputy Secretary

June 9, 1999

Anne Arundel County
Department of Planning & Code Enforcement
2664 Riva Road
Annapolis, MD 21401

RE: **Overlook at Broad Creek, Formerly Uriciolo/Plattner Property, Subdivision #S98-071, Tax Map 50 Block 4 Parcel 177 & 9, Anne Arundel County**

Dear Sirs:

The Wildlife and Heritage Division has no records for Federal or State rare, threatened or endangered plants or animals within this project site. This statement should not be interpreted as meaning that no rare, threatened or endangered species are present. Such species could be present but have not been documented because an adequate survey has not been conducted or because survey results have not been reported to us.

However, the forested area on the project site contains potential Forest Interior Dwelling Bird Habitat. The conservation of this habitat is mandated within the Critical Area (COMAR 27.15.09.04) and must be addressed by the project plan. The following guidelines should be incorporated into the project plan:

1. Restrict development to nonforested areas.
2. If forest loss or disturbance is absolutely unavoidable, concentrate or restrict development to the perimeter of the forest (i.e., within 300 feet of the existing forest edge), particularly in thin peninsulas of upland forest less than 300 feet wide.
3. Limit forest removal to the "footprint" of houses and to that which is absolutely necessary for the placement of roads and driveways.
4. Wherever possible, minimize the number and length of driveways and roads.

5. Roads and driveways should be as narrow and short as possible; preferably less than 25 feet long and 15 feet wide.
6. Maintain forest canopy closure over roads and driveways.
7. Maintain forest habitat up to the edges of roads and driveways; do not create or maintain mowed grassy berms.
8. Maintain or create wildlife corridors (for details, see Critical Area Commission's Guidance Paper on Wildlife Corridors).
9. Do not remove or disturb forest habitat during April-July, the breeding season for most FIDS. This seasonal restriction may be expanded to February-July if certain early nesting FIDS (e.g., Barred Owl) are present.
10. Afforestation efforts should target (1) riparian or streamside areas that lack woody vegetation, (2) forested riparian areas less than 300 feet, and (3) gaps or peninsulas of nonforested habitat within or adjacent to existing FIDS habitat.

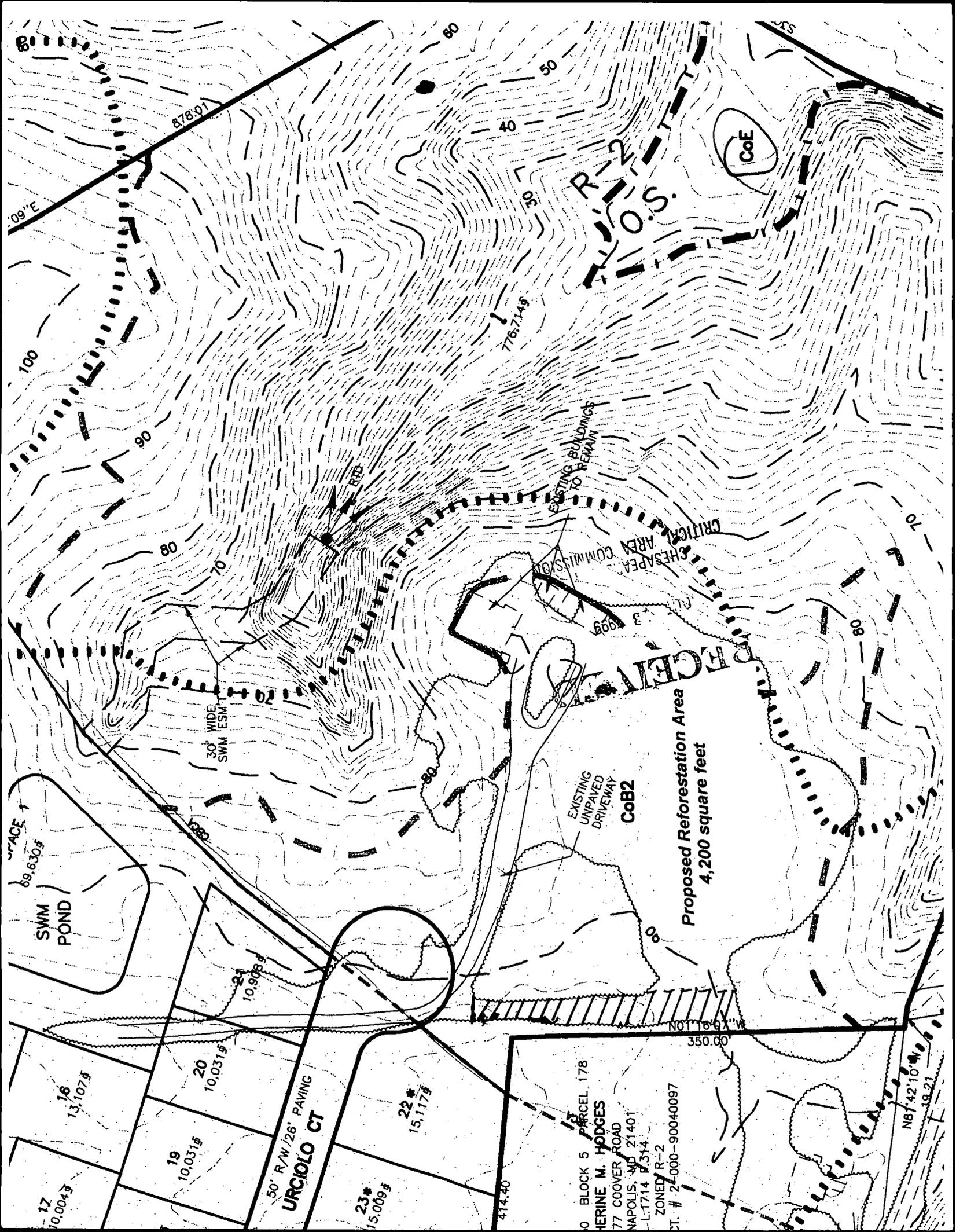
The presence of FIDS habitat can be confirmed by a qualified observer using standardized procedures outlined in Guidance Paper No. 1 of the Critical Area Commission. For additional assistance and a list of qualified observers, please contact Katharine McCarthy, Southern Regional Ecologist for the Wildlife and Heritage Division, at (410) 260-8569 or at the above address.

Sincerely,

Michael E. Slattery

CABF
Michael E. Slattery,
Director,
Wildlife & Heritage Division

ER# 99.0759.AA



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URCIOLO CT

EXISTING BUILDINGS TO REMAIN

CHESAPEAKE COMMISSION CRITICAL AREA

EXISTING UNPAVED DRIVEWAY CoB2

Proposed Reforestation Area
4,200 square feet

30' WIDE SWM ESM

CoE

URCIOLO CT

URFACE 1
69,630g
SWM POND

17
10,004g

16
13,107g

19
10,031g

20
10,031g

23*
15,009g

22*
15,117g

50' R/W/26' PAVING
URCIOLO CT

18
0 BLOCK 5 PARCEL 178
HERINE M. HODGES
77 COOVER ROAD
NAPOLIS, MD 21401
L-1714 #314
ZONED R-2
DT. # 21-000-90040097

350.00'

N81°42'10" W
19.21

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT, made this 3rd day of June, 1999, by and between HERITAGE HARBOUR COMMUNITY ASSOCIATION, INC. ("HHCA") and WINCHESTER HOMES, INC. ("Winchester").

WITNESSETH THAT:

WHEREAS, (i) by virtue of that certain Deed dated May 6, 1996, recorded among the Land Records of Anne Arundel County, Maryland (the "Land Records") in Liber 7470, at folio 597, and by virtue of that certain Deed dated April 28, 1986, recorded among the Land Records in Liber 4075 at Folio 231, HHCA became the owner of those certain parcels of land more particularly described as Parcel D and Parcel B of the Open Space/Recreation Space of Heritage Harbour Community Association, Inc. (collectively, Parcel D and Parcel B may sometimes be known as the "HHCA Property"); and

WHEREAS, Winchester is the contract purchaser of the PMU Family Limited Partnership Property described as consisting a total of 9.72 acres of land, more or less, located at the end of Coover Road in Anne Arundel County, Maryland and as more particularly described in Liber 1957, folio 136 among the Land Records (the "PMU Property") and, as such, has proposed a plan to subdivide the PMU Property into residential lots and in order to facilitate the development of the PMU Property requests from HHCA the granting of a Utility Easement for installation of a sewer line through a portion of HHCA's open space as described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, HHCA, in order to assist Winchester in the development of the PMU Property has agreed to grant the requested Utility Easement.

NOW, THEREFORE, FOR AND IN CONSIDERATION OF the foregoing recitals, each of which is hereby incorporated herein by reference, the mutual agreements of the parties as hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each party hereto, the parties hereby agree as follows:

1. Grant of Permanent Utility Easement and Temporary Construction Easement: HHCA hereby grants to Winchester a Permanent Utility Easement for the installation of a sewer line and a temporary construction easement on a portion of the HHCA Property (hereinafter the "Easement Area") as identified on the attached Exhibit "B" and described on the attached Exhibit "A". The temporary construction easement shall be for the purpose of facilitating construction operation and the temporary placement of construction materials during the installation of the utilities. The temporary construction easement area will be stabilized and will revert to HHCA upon completion of the installation of the utility lines.

2. Cooperation: HHCA will execute such engineering or design documents as

Winchester may reasonably request in order to accomplish the intent of this Agreement provided, that the plans all design do not unreasonably interfere with the user, by HHCA, of the HHCA Property.

3. Construction:

(a) In conjunction with Winchester's construction efforts through the Easement Area, Winchester will assume all costs relative to the work performed by its employees, agents, consultants or contractors including any permits, etc. that are required and all work will meet Anne Arundel County Department of Public Works standards.

(b) Winchester will pay all engineering and recording costs associated with the Easement Area.

(c) Winchester shall restore, grade, mulch and seed all disturbed areas and such restoration work shall be performed in accordance with the sediment and erosion control requirements established by Anne Arundel County. In addition, Winchester will post a two-year

bond in the amount of Ten Thousand Dollars (\$10,000) to cover the correction of erosion problems that might develop after the sewer line is installed.

(d) HHCA agrees that Winchester, its agents, employees, engineers, invitees and/or designees, at their risk and expense, shall have the full right from and after the date this Agreement is executed, to enter upon the HHCA Property at any reasonable time, and from time to time, for purposes of conducting engineering work and for the installation of sewer lines, and Winchester and its agents, employees, engineers, invitees and/or designees shall be provided with access for such purpose.

(e) Winchester shall: (i) keep the HHCA Property free and clear of any and all liens or claims resulting from Winchester's construction in the Easement area and (ii) restore the HHCA Property as close as is reasonably possible to its condition prior to such entry, engineering work, investigations and the like on the Property.

4. **General Provisions:** This Easement Agreement shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, administrators, representatives, successors and assigns. Any conveyance or other disposition of all or any portion of the HHCA Property shall be deemed to include and be subject to the matters contained in this instrument without specific or particular reference hereto. The easements, covenants, restrictions and conditions set forth herein shall run with and bind the land and shall be binding upon all parties having or acquiring any right, title and interest in the described property, or any part thereof, and shall inure to the benefit of and shall bind each owner thereof, from time to time, and the respective personal representatives, successors, and assigns of each owner.

5. **Indemnification:** Winchester agrees to indemnify, defend and hold HHCA harmless from and against any liabilities, obligations, claims, damages, demands, penalties, cause or causes of action, cost and expenses, including, without limitation, reasonable attorney's fees and expenses, whether arising out of injury or death to persons or damage to property resulting from or in consequence of any act of Winchester, its employees, and/or agents, occurring on the Easement Area in connection with the activities described in this Easement Agreement.

6. **Perpetuities:** If the rule against perpetuities or any other rule of law would invalidate this Easement Agreement or any portion hereof or would limit the time during which this entire Easement Agreement or any portion hereof shall be effective due to the potential failure of any interest in property created herein to vest within a particular time, then each such interest in property shall be effective only from the date hereof until the passing of twenty-one (21) years after the death of the last survivor of the members of the Senate of the United States of America representing the State of Maryland who are serving the date hereof, but each such interest in property shall be extinguished after such time, and all other interests in property created herein and all other provisions hereof shall remain valid and effective without modification.

IN WITNESS HEREOF, and intending to be legally bound hereby, the parties hereto have executed or caused to be executed by their duly authorized representatives on their behalf, this instrument on the day and year first above written.

WITNESS:

HERITAGE HARBOUR COMMUNITY ASSOCIATION, INC.

[SEAL]
Frederick H. Lamartin, President

WINCHESTER HOMES, INC., a Delaware corporation

BY: [SEAL]
Keith Kubista, Vice President
Land Development

STATE OF MARYLAND *

COUNTY OF Anne Arundel * to wit:

I HEREBY CERTIFY that on this 3rd day of June, 1999, before me, a Notary Public in and for the State and County aforesaid, personally appeared Frederick H. Lamartin, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing and annexed instrument and acknowledged that said individual executed the same for the purposes therein contained.

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

[Signature]
Notary Public

My Commission Expires: 8/01/01

STATE OF MARYLAND *

COUNTY OF * to wit:

I HEREBY CERTIFY that on this 26 day of May, 1999, before me, a Notary Public in and for the State and County aforesaid, personally appeared Keith Kubista, known to me (or satisfactorily proven) to be the Vice President of Winchester Homes, Inc., a Delaware corporation, and that such corporate officer, being authorized to do so, executed the foregoing and annexed instrument for the purposes therein contained by signing the name of the said corporation.

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

[Signature]
Notary Public

My Commission Expires:

EXHIBIT "A"
DESCRIPTION OF A UTILITY EASEMENT
THROUGH THE PROPERTY OF
HERITAGE HARBOUR COMMUNITY ASSOCIATION, INC.
SECOND TAX ASSESSMENT DISTRICT
ANNE ARUNDEL COUNTY, MARYLAND

Being a strip or parcel of land twenty-five (25) feet wide hereinafter described in, through, over and across the property acquired by Heritage Harbour Community Association, Inc. from U.S. Home Corporation by deed dated May 6, 1996 and recorded among the Land Records of Anne Arundel County, Maryland in Liber 7470 at Folio 597; and also being in, through, over and across the property acquired by Heritage Harbour Community Association, Inc. from U.S. Home Corporation by deed dated April 28, 1986 and recorded among the Land Records of Anne Arundel County, Maryland in Liber 4075 at Folio 231:

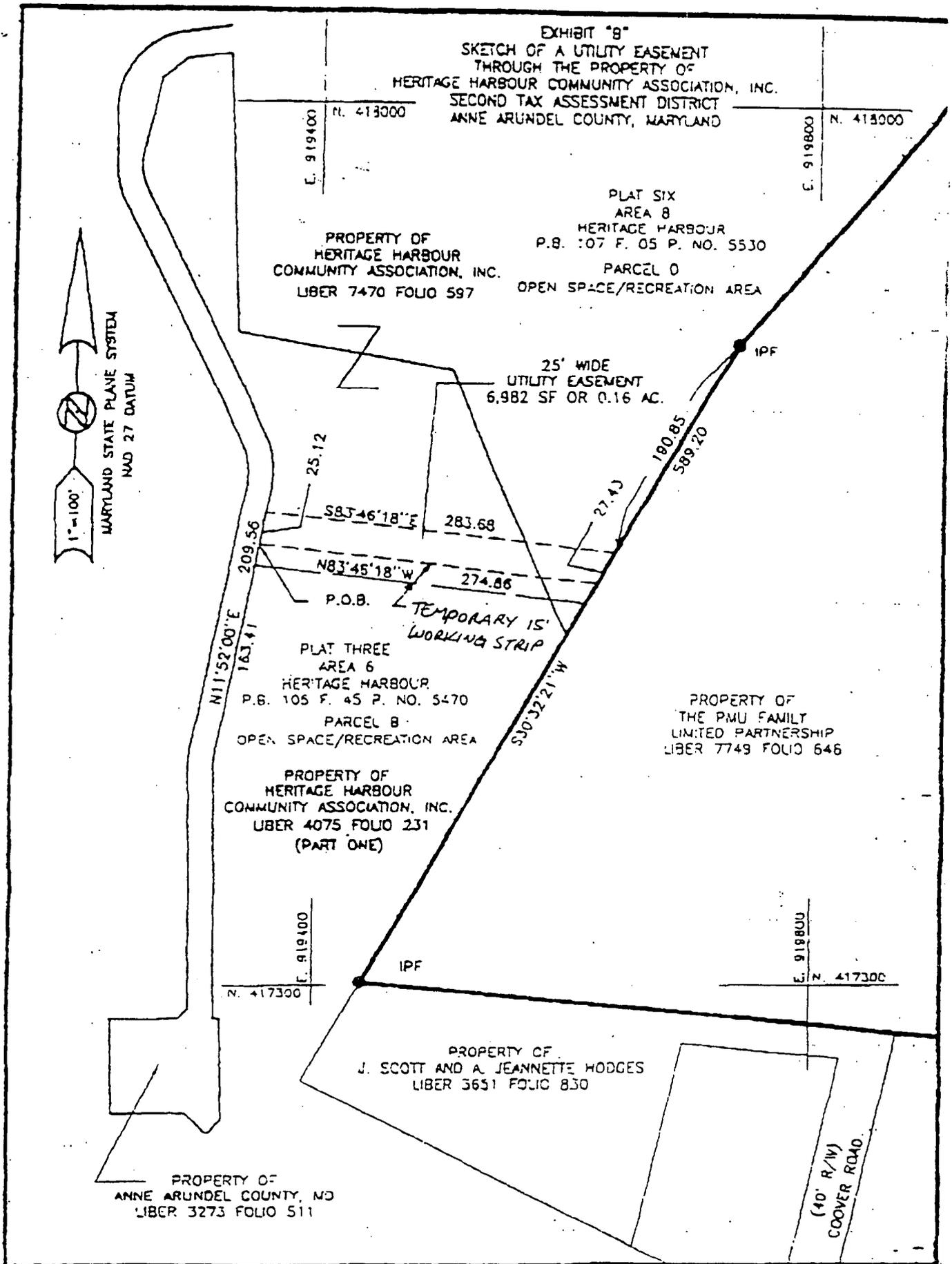
Beginning for the same at a point on the North 11°52'00" East 209.56 foot plat line of Parcel B Open Space/Recreation Area as shown on a plat of subdivision entitled "Plat Three Area 6 Heritage Harbour" recorded among the Land Records of Anne Arundel County, Maryland in Plat Book 105 at Folio 45 as Plat Number 5470, said point being 163.41 feet from the southerly end thereof, thence running with a part of said line

1. North 11°52'00" East, 25.12 feet to a point, thence running so as to cross the property of the grantor
2. South 83°45'18" East, 283.68 feet to a point on the South 30°30'29" West, 265.17 foot plat line of Parcel D Open Space/Recreation Area as shown on a plat of subdivision entitled "Plat Six Area 8 HERITAGE HARBOUR"; recorded among the Land Records of Anne Arundel County, Maryland in Plat Book 107 at Folio 05 as Plat Number 5530; said point being 190.85 feet from an iron pipe found at the beginning thereof, thence running with a part of said line as now surveyed
3. South 30°32'21" West, 27.43 feet to a point, thence running so as to cross the property of the grantor
4. North 83°46'18" West, 274.86 feet to the point of beginning; containing 6,982 square feet or 0.16 of an acre of land.

Tax Account Number for Parcel D Area 8 2-892-02892900

Tax Account Number for Parcel B Area 6 2-892-90025380

(328)



DECLARATION OF ACCESS EASEMENT AND MAINTENANCE AGREEMENT

THIS DECLARATION OF ACCESS EASEMENT AND MAINTENANCE AGREEMENT (Declaration), made this _____ day of _____, 199____, by Winchester Homes, Inc. (hereinafter referred to collectively and individually as "Declarant").

RECITALS

- A. Declarant desires to enter into and execute this Declaration in order to subject its interest in the below- listed property or properties (collectively called "Property") to the operation and effect of this Declaration.
- I. Lots 15/16 shown on Plat Two of Two The Overlook at Broad Creek
- B. Declarant desires to record a subdivision plat known as "The Overlook at Broad Creek" For the property in paragraph A above, which is also shown on Tax Map 50, Parcel 9 and 177 in Blocks 4, 5 and 11.
- C. Declarant also desires to establish or utilize a certain access easement known as 40ft. Private Access Easement (hereinafter called "access easement") for the mutual benefit of certain owners of lots abutting access easement, as shown on or described in the above-referenced deeds and/or plats to provide ingress and egress and for the maintenance of said access easement.
- D. "Owner" shall mean and refer to the owner record, whether one or more persons or entities, of the fee simple title to any lot which is abutting the access easement, including contract sellers, but excluding those having an interest merely as security for the performance of an obligation.
- E. "Lot" shall mean and refer to any piece, portion, plot or parcel of land shown upon any recorded plat of all or part of the property.

NOW, THEREFORE, WITNESSETH: Declarant hereby covenants and agrees that for the mutual benefit of the owners or lots and in consideration thereof, the access easement is hereby subject to the maintenance provisions as herein provided:

1. Each Owner shall have a right of use in common of the access easement.
2. The access easement whether existing or established herein shall be an easement only for the purpose of vehicular and pedestrian ingress and egress. Parking of vehicles or construction or structures within the access easement is prohibited.
3. The cost of construction of the access easement including, but not limited to, the cost of repairing or resurfacing the roadway and snow removal shall be borne by the owner, which said cost shall be borne equally by each such owner, except that any damage to the right-of-way that is caused by the negligence of any owner or the owner's agent, employee, or contractor shall be repaired at the sole cost of said owner. In the event that the nature of such repairs or improvements shall be determined by majority vote of the owners, with the cost of said being borne equally by all of the owners.
4. The obligation to share in the cost of maintenance of the access easement shall constitute a binding obligation of the owner. Each such owner shall contribute a proportionate share of the cost of such maintenance within fifteen (15) days after notice of the cost and copies of invoices substantiating same. Failure to contribute to the cost and maintenance as provided herein shall subject the lot of the defaulting owner to a lien, which lien shall constitute and be enforceable as a contract lien, as established and authorized by Title 14, Subtitle 2, Real Property Article Annotated Code of Maryland.

5. Each owner benefited by the access easement may proceed at law or in equity to prevent the occurrence or continuance of any violation of any provision of this Declaration. All costs of prosecuting any proceeding at law or in equity brought to enforce the provisions of this Declaration, including reasonable attorney's fees and expenses, shall be assessed against the owner of the lot against whom a decision is rendered.

6. Any legal action or remedy specified in this Declaration is not intended to limit any owner's available remedies. Failure of any owner to enforce or to utilize any available remedy herein described shall not constitute a waiver by that owner of any right available to it upon future occurrence or continuance of the same or a different violation.

7. Anne Arundel County, Maryland through its Department of Public Works and the United States Postal Service or the agents of either governmental agency, customarily collect trash and deliver mail, respectively, at the point where the access easement intersects the public roadway system. As an inducement to each of those governmental agencies or their agents to extend their respective services over the access easement, each of those governmental agencies is hereby granted an easement over the access easement to perform the above-described services in the agencies' sole discretion and option.

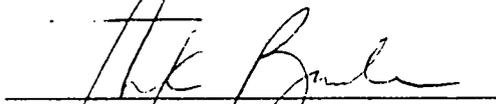
8. The owners shall neither obstruct nor impede in any way the vehicular traffic of the other owners, their guests, invitees, agents and employees over the access easement, and further, the owners shall not construct nor erect any improvements within the access easement other than the paved surface without first obtaining the written consent of each other owner.

9. This Declaration and all terms and conditions set forth herein shall be binding on and inure to the benefit of the owners and each of their respective personal representatives, legal representatives, heirs, successors, and assigns.

IN WITNESS WHEREOF, on the date and year first above written

WITNESS:

Winchester Homes, Inc. (Owner)


Thomas K. Bourke, Vice President

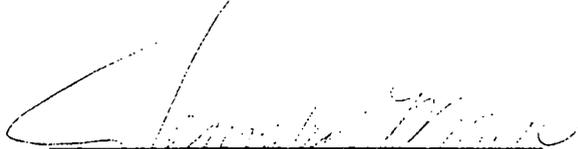
STATE OF MARYLAND, COUNTY OF ANNE ARUNDEL, to wit:

I HEREBY CERTIFY, that on this second day of October 1900 before the subscriber, a Notary Public of the State of Maryland, in and for the County of Anne Arundel, personally appeared Thomas K. Bourke known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Declaration of Access Easement and Maintenance Agreement to be his /her act and further acknowledged that he executed the same for the purposes therein contained.

AS WITNESS my hand and notarial seal.



Jennifer J. Moren, Notary Public
Calvert County
State of Maryland
My Commission Expires June 19, 2001


Notary Public

My Commission Expires:

101

DEED

THIS DEED is made this 30th day of August, 1999, by and between, RICHARD N. RUPRECHT, TRUSTEE OF THE PLATTNER TRUST, an unrecorded Trust Agreement, dated December 22, 1988, GRANTOR; AND WINCHESTER HOMES, INC., a Delaware corporation, GRANTEE.

WITNESSETH, That for and in consideration of the sum of THREE HUNDRED THOUSAND AND NO/100 DOLLARS, (\$300,000.00), which sum the GRANTOR warrants to be the full consideration for the within conveyance, receipt of which is hereby acknowledged, the GRANTOR does hereby grant and convey unto the GRANTEE, its successors and assigns, in fee simple, all that parcel of ground situate, lying and being in the Second Election District of Anne Arundel County, Maryland, and more particularly described as follows:

SEE EXHIBITS "A" and "B", ATTACHED HERETO AND MADE A PART HEREOF.

5-
20-
2100-
3000-
1500-
↓

BEING part of that same property conveyed from Francis B. Plattner and the Plattner Trust, each as to a 50% undivided interest by Deed dated December 22, 1988, and recorded on December 23, 1988, in Liber 4759 at Folio 876, among the Land Records of Anne Arundel County, Maryland; The said Francis B. Plattner having conveyed his 50% undivided interest to The Plattner Trust by deed dated February 27, 1989 and recorded February 28, 1989, in Liber 4799 at Folio 38, among the aforesaid Land Records.

SUBJECT TO covenants, easements and restrictions of record.

TO HAVE AND TO HOLD the said tract of ground and premises above described and intended to be conveyed, together with the buildings and improvements erected thereon and all rights, privileges, appurtenances and advantages thereunto belonging or in anywise appertaining to the proper use and benefit of WINCHESTER HOMES, INC., a Delaware corporation, its successors and assigns, the GRANTEE herein, in fee simple, as Sole Owner.

AND the GRANTOR hereby covenants to warrant specially the property hereby conveyed and to execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of RICHARD N. RUPRECHT, TRUSTEE OF THE PLATTNER TRUST, the GRANTOR.

THE PLATTNER TRUST

BY: Richard N. Ruprecht
Richard N. Ruprecht, Trustee

ACKNOWLEDGEMENT FOLLOWS

LAW OFFICES
WARD A. KLEIN
CHARTERED
CANTERSBURG, MD
(301) 298-2272

ACCT. 2009-0737-1000
ALL LIENS ARE PAID AS
OF 9/3/99 ANNE ARUNDEL COUNTY
BY: [Signature]

RECEIVED FOR TRANSFER
STATE DEPARTMENT OF
ASSESSMENTS & TAXATION
FOR ANNE ARUNDEL COUNTY
WILLIAM E. SIMOUSE

Agricultural Transfer Tax Paid 8/3/99

clp 2nd 9-3-99

99 SEP-3 PM 1:39

STATE OF MARYLAND:

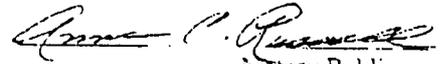
COUNTY OF MONTGOMERY , to wit:

I HEREBY CERTIFY, that on this 30th day of August, 1999, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Richard N. Ruprecht, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Deed and acknowledged that he executed the same, in his capacity as Trustee of The Plattner Trust, for the purposes therein contained.

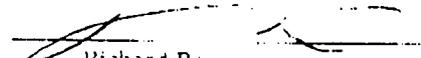
IN WITNESS WHEREOF, I herunto set my hand and official seal.

My Commission Expires:

8/1/2002


Notary Public

The within Deed was prepared by, or under the supervision of, the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.


Richard Ross

GRANTOR ADDRESS: The Plattner Trust
C/O Richard N. Ruprecht
3 Bethesda Metro Center
Suite 380
Bethesda, Maryland 20814

GRANTEE ADDRESS: Winchester Homes, Inc.
6305 Ivy Lane, Suite 800
Greenbelt, Maryland 20770

TAX ID NO.: 02-09376000 (parent account - 24.20 Acres)

PROPERTY ADDRESS: Coover Road, Annapolis, Md. 21401

TITLE INSURER: Commonwealth Land Title Insurance Company

AFTER RECORDING RETURN TO:
Ward & Klein, Chartered
806 W. Diamond Avenue
Gaithersburg, Maryland 20878
File No. 67-06925 9777 TG77

25289v1

STATE OF MARYLAND:

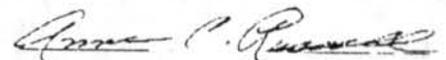
COUNTY OF MONTGOMERY to wit:

I HEREBY CERTIFY, that on this 30th day of August, 1999, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Richard N. Ruprecht, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Deed and acknowledged that he executed the same, in his capacity as Trustee of The Plattner Trust, for the purposes therein contained.

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

My Commission Expires:

8/1/2002


Notary Public

The within Deed was prepared by, or under the supervision of, the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.


Richard Ross

GRANTOR ADDRESS: The Plattner Trust
C/O Richard N. Ruprecht
3 Bethesda Metro Center
Suite 380
Bethesda, Maryland 20814

GRANTEE ADDRESS: Winchester Homes, Inc.
6305 Ivy Lane, Suite 800
Greenbelt, Maryland 20770

TAX ID NO.: 02-09376000 (parent account - 24.20 Acres)

PROPERTY ADDRESS: Coover Road, Annapolis, Md. 21401

TITLE INSURER: Commonwealth Land Title Insurance Company

AFTER RECORDING RETURN TO:
Ward & Klein, Chartered
806 W. Diamond Avenue
Gaithersburg, Maryland 20878
File No. 67-06925 97777677

25289v1

EXHIBIT "A"

Being a part of the property acquired by The Plattner Trust from Francis B. Plattner by deed dated December 22, 1988 and recorded on December 23, 1988, in Liber 4759 at folio 876 and by deed dated February 27, 1989 and recorded on February 28, 1989, in Liber 4799 at folio 38, among the Land Records of Anne Arundel County, Maryland, and being more particularly described as follows:

BEGINNING for the same at a point on the second (2nd) or North 06° 21' 00" East, 957.97 foot deed line as described in the aforesaid deed, said point being 65.54 feet from an iron pipe found at the beginning thereof, thence running with the remainder of said second (2nd) deed line as now surveyed in the Maryland State Plane Coordinate System

1. North 01° 16' 07" West, 890.31 feet to a point, thence running with the third (3rd) or South 59° 35' 00" East, 644.49 foot deed line;
2. South 66° 43' 16" East, 643.31 feet to an iron pipe found, thence running with the fourth (4th) or South 21° 52' 00" East, 24.75 foot deed line and a portion of the fifth (5th) or South 21° 52' 00" East, 858.00 foot deed line;
3. South 29° 32' 09" East, 101.80 feet to a point, thence running so as to cross the property of The Plattner Trust by the following ten (10) new lines of division:
4. South 55° 42' 15" West, 176.90 feet to a point, thence
5. North 62° 13' 47" West, 19.26 feet to a point, thence
6. 63.67 feet along the arc of a curve deflecting to the left, having a radius of 55.00 feet and a chord bearing and a chord of South 60° 55' 57" West 60.17 feet to a point, thence
7. South 04° 05' 40" West, 28.70 feet to a point, thence
8. South 55° 42' 15" West, 169.58 feet to a point, thence
9. South 44° 33' 14" West, 180.31 feet to a point, thence
10. South 38° 06' 17" West, 102.57 feet to a point, thence
11. South 72° 00' 38" East, 4.25 feet to a point, thence
12. 215.73 feet along the arc of a curve deflecting to the right, having a radius of 55.00 feet and a chord bearing and a chord of South 40° 21' 15" West, 101.73 feet to a point, thence
13. South 38° 06' 17" West, 19.24 feet to the point of beginning, containing 283,499 square feet or 6.51 Acres of land, more or less, and as shown on Exhibit "B", being a sketch of part of the property of The Plattner Trust, prepared by Chisholm-Weber Associates.

W. C. ...

THIS DEED made this 27 day of November, in the year Nineteen Hundred Sixty-three (1963), by and between Harry A. Plattner and Marie A. Plattner, his wife, parties of the first part, hereinafter called "GRANTORS" and their son, Francis B. Plattner of Arlington County, Virginia, (Divorced), party of the second part, hereinafter called "GRANTEE".

WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, the receipt whereof in full is hereby acknowledged, the said GRANTORS do hereby bargain, sell, grant and convey unto the said GRANTEE, his heirs and assigns, in fee simple,

ALL that piece, parcel or tract of land situate, lying and being in the Second Election District of Anne Arundel County, Maryland, at the head of Broad Creek, and being described as follows:

BEGINNING for the same at a point on the westernmost side of a 20 foot right of way leading to U. S. Route 50 (John Hanson Highway); said point of beginning being located at the southernmost corner of that conveyance to Harry A. Plattner recorded among the land records of Anne Arundel County, Maryland, in Liber J.H.H. 821, folio 308 and also North 75° 07' 00" West 20.00 feet from an iron pipe marking the beginning of the North 75° 07' 00" West 187.70 foot line of the whole tract, of which this is a part;

THENCE from the point of beginning so fixed, running with and binding on the westernmost side of said 20 foot right of way and also on the South 06° 21' 00" West 350.00 foot line of the above mentioned conveyance to Plattner reversely, North 06° 21' 00" East 350.00 feet to an iron pipe

THENCE leaving said conveyance to Plattner and continuing the last line, North 06° 21' 00" East 957.97 feet to intersect the South 59° 35' 00" East 734.25 foot line of the whole tract;

THENCE leaving said 20 foot right of way and running with part of said South 59° 35' 00" East 734.25 foot line, South 59° 35' 00" East 644.49 feet to an iron pipe at the end of said line;

THENCE with part of the ou lines of the whole tract for the eight following courses and distances, to wit: South $21^{\circ} 52' 00''$ East 24.75 feet to an original boundary stone;

THENCE continuing said line South $21^{\circ} 52' 00''$ East 858.00 feet to an iron pipe;

THENCE South $38^{\circ} 40' 00''$ West 273.90 feet to a 26 inch pine tree at the foot of a hill, South $34^{\circ} 12' 00''$ West 363.00 feet to an iron pipe, North $65^{\circ} 43' 00''$ West 50.00 feet to a point, North $61^{\circ} 25' 00''$ West 269.50 feet to an iron pipe and North $60^{\circ} 31' 00''$ West 407.70 feet to an iron pipe and North $75^{\circ} 07' 00''$ West 20.00 feet to the place of beginning.

CONTAINING 24.20 acres, more or less, within the bounds of this description. All as shown on a plat prepared by J. R. McCrone, Jr., Inc., Registered Professional Engineers and Land Surveyors dated October 16, 1963, said plat attached hereto and recorded herewith.

SUBJECT to a 20 foot right of way as reserved in the deed from Hugh Thomas O'Neill, unmarried, to Harry B. Rauth and wife, dated January 14, 1944, and recorded among the Land Records of Anne Arundel County in Liber J.H.H. 300, folio 143; said right of way being also described in a conveyance from Joseph Anthony Plattner and Gertrude Marguerite, his wife, to Harry A. Plattner and Marie A. Plattner, his wife, by deed dated March 30, 1954, and recorded among the said Land Records in Liber J.H.H. 821, folio 308.

BEING a part of that conveyance from Vincent F. O'Neill, unmarried, to Harry A. Plattner and Marie A., his wife, by deed dated February 13, 1947 and recorded among the aforesaid Land Records in Liber J.H.H. 397, folio 387.

TOGETHER with the buildings and improvements thereon, and all and every rights, roads, ways, waters, privileges and appurtenances thereto belonging, or in anywise appertaining; and especially the right to use in common of the right of way hereinbefore described.

TO HAVE AND TO HOLD the above described property unto and to the proper use and benefit of the said GRANTEE, his heirs and assigns, in fee simple,

AND the said GRANTORS hereby covenant that they will Warrant Specially the title to the property hereby conveyed and that they will execute such other and further Assurances thereof as may be requisite or necessary.

WITNESS the hands and seals of the said GRANTORS.

Harry A. Plattner (SEAL)
Harry A. Plattner

Marie A. Plattner (SEAL)
Marie A. Plattner

TEST:

[Signature]

STATE OF MARYLAND, ANNE ARUNDEL COUNTY, to-wit:

I hereby certify that on this 27 day of November, 1963, before the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Harry A. Plattner and Marie A. Plattner, his wife, and acknowledged the foregoing deed to be their act.

Witness my hand and Notarial Seal,

7.11

Maude B.
Notary Public

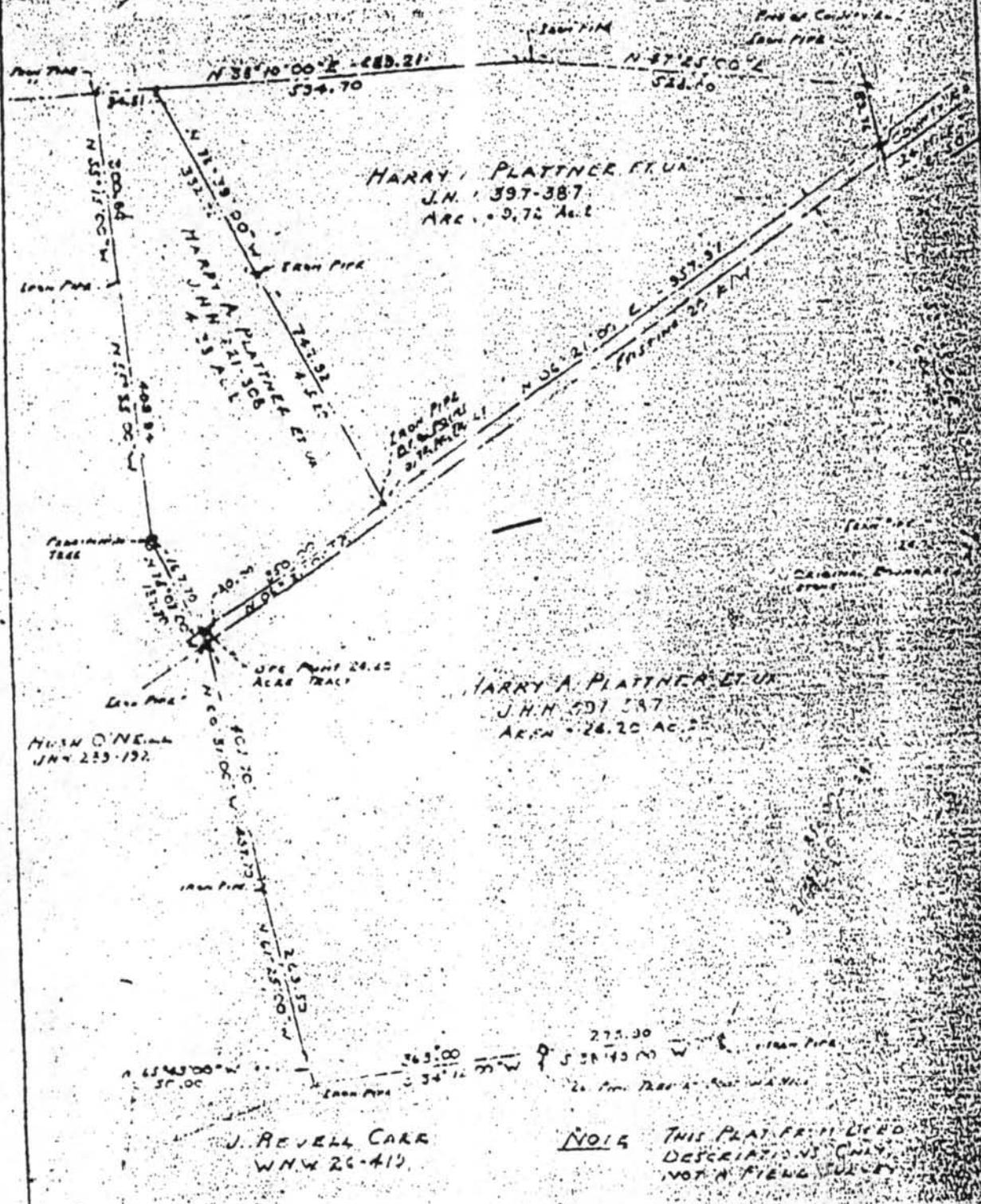


Rec'd for record Dec 4 1963 at 12:35 PM

Valued to Francis B. Plattner

See plat on following page

WALTER L. GARDEN
J.M. 97-28



HARRY A. PLATTNER ET AL
J.M. 397-387
ACRES - 9.76 AC.

HARRY A. PLATTNER ET AL
J.M. 501-387
ACRES - 26.20 AC.

J. REVELL CARR
W.M. 26-412

NOTE THIS PLAT FR. H. DIED
DESCRIPTIONS ONLY
NOT A FIELD SURVEY

PLAT OF HARRY A. PLATTNER PART NW 1/4
BEDDAR CREEK & SOUTH OF U.S. ROUTE
SD. FOR FRANCIS B. PLATTNER
DISTRICT 2 A.A. COUNTY MD

J. R. MCKONE, JR., INC.
REGISTERED PROFESSIONAL ENGINEER
AND SURVEYOR
ANNAPOLIS, MARYLAND
FRANCIS P. FERRIS, CIVIL ENGINEER
TEAPPS, LEONARDTOWN

DATE
JUN. NO.
FILED

N/F

McCARTHY & ASSOCIATES, INC.

REGULATORY and ENVIRONMENTAL
CONSULTANTS

October 5, 1999

Ms. Lisa A. Hoerger
Natural Resources Planner
Chesapeake Bay Critical Area Commission
45 Calvert Street, 2nd Floor
Annapolis, Maryland 21401

RECEIVED

OCT 13 1999

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

Re: The Overlook at Broad Creek
S98-071, P #99-091

Dear Ms. Hoerger:

I am writing in response to your letter, dated August 19, 1999, to Ms. Kelly Krinetz of Anne Arundel County Department of Planning and Code Enforcement, concerning the proposed referenced project. Your letter requests clarification of certain items related to the development of this property within the Chesapeake Bay Critical Area. I will address each of those items sequentially, as outlined in your August 19, 1999 correspondence.

1. The applicant states that he intends to use the terminus of Urciola Court to serve three lots generated by the intra-family transfer provision, however, no lot lines are shown.

The three lots are not shown on the Final Development Plan, but are referenced as lot 1. Lot 1 lies totally within the Chesapeake Bay Critical Area (critical area) and is the parcel subject to a future intra-family transfer to three lots. However, no lots are proposed as a future re-subdivision of lot 1 at this time. Furthermore, it should be noted that the sellers of the property are retaining all the land located within the critical area minus that section of Urciola Court within the critical area, as shown on the Final Development Plan.

2. It appears that a substantial portion of the critical area is covered with an extensive expanded buffer. The newly created lots should not necessitate variances to the county's Critical Area Program. This office will not support variances for newly created lots.

The expanded buffer, as shown on the Final Development Plan, will not be impacted by the project proposal. The only impact located in the critical area is the construction of a portion of the cul-de-sac of Urciola Court, which is located landward of the expanded buffer. It should also be noted that Plattner Court has been relocated to the west to preclude any disturbance within the critical area. As previously stated, the applicant does not own lot 1, which is located entirely within the critical area. As such, the applicant has no control over any future re-subdivision of the lot. Therefore, this comment is irrelevant with respect to the proposed development plan.

14458 Old Mill Road #201
Upper Marlboro, Maryland 20772
301-627-7505 • Fax: 301-627-5571

Ms. Lisa Hoerger
Page 2
October 5, 1999

3. The original submittal included a letter from the Department of Natural Resources, Heritage, Biodiversity Division stating that this site may support Forest Interior Dwelling Birds (FIDs). Has a survey been performed? The presence of FIDS may affect the configuration of the intra-family transfer lots.

A Forest Interior Dwelling Bird (FIDS) survey has not been done for this property. This is due to the fact that there is minimal forest clearing on the property in the critical area. The proposed impact to forest in the critical area is only 4,112 square feet and that clearing is located along the edge of the forest along the critical area boundary at Urciola Court. Furthermore, the cleared forest will be replaced, in-kind, on a 1:1 ratio by infill planting to close a break in the canopy on the southwest section of the property. This reforestation area is shown on the Final Development Plan. We acknowledge that the presence of FIDS may affect the configuration of further intra-family transfer lots.

4. Where is the east lot line for lot 22? Does it overlap with the critical Area line?

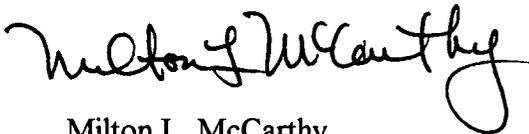
The lot line for lot 22 is formed by the critical area boundary line to the east.

5. Has the applicant identified where reforestation will occur for the proposed clearing?

The proposed reforestation area is shown on the Final Development Plan, due south of the Urciola Court cul-de-sac.

I hope this letter addresses your concerns regarding the above-referenced project. However, if you have any questions or need clarification of any items referenced herein, please contact me at (301) 627-7505.

Very truly yours,



Milton L. McCarthy

McCARTHY & ASSOCIATES, INC.

REGULATORY and ENVIRONMENTAL
CONSULTANTS

47-351

April 28, 1999

Mr. Dave Hursh
Chisholm-Weber Associates
2661 Riva Road
Riva 400, Suite 320
Annapolis, Maryland 21401

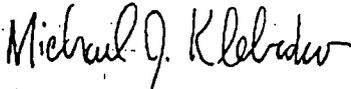
Re: Urciolo-Plattner Subdivision, Anne Arundel County, Maryland

Dear Mr. Hursh:

On April 21, 1999, I performed a wetland delineation in accordance with the 1987 U.S. Army Corps of Engineers *Wetland Delineation Manual*, on the above referenced 9.87-acre Urciolo property and 24.20-acre Plattner property, located at the end of Coover Road, in Anne Arundel County, Maryland. For the most part, the two properties are situated on a knoll within the Broad Creek watershed. The eastern half of the investigation area (Plattner property) slopes steeply toward Broad Creek. The main draw extending up into the Plattner property was investigated for the presence of jurisdictional waters of the U.S., including wetlands. The upper half of the draw is relatively narrow with very steep side slopes. Minor evidence of scour was present in the narrow sections of the swale. However, the swale did not contain hydric soils or evidence of an ordinary high water table. Furthermore, toward the lower end, the swale widened into an area dominated by upland vegetation, including yellow poplar (*Liriodendron tulipifera*), wild onion (*Allium canadense*), Japanese honeysuckle (*Lonicera japonica*) and flowering dogwood (*Cornus florida*). Any evidence of a channel also vanished in this upland area. Based on my field investigation, it is my professional opinion that jurisdictional waters of the U.S., including wetlands, do not exist within this portion of the swale located on the Plattner property. For your information, nontidal wetlands do exist at the lower end of the swale and along Broad Creek, but they appear to be located off site (on the adjacent Heritage Harbour parcel).

The remaining portions of the Plattner and Urciolo properties are clearly dominated by upland vegetation, including Virginia pine (*Pinus virginiana*), yellow poplar, flowering dogwood, oaks (*Quercus sp.*), sassafras (*Sassafras albidum*), American beech (*Fagus grandifolia*), and American holly (*Ilex opaca*). In addition, no signs of wetland hydrology or hydric soils were observed elsewhere on the properties. Therefore, based on the field investigation, it is my professional opinion that jurisdictional waters of the U.S., including wetlands, do not exist on the referenced properties. If you have any questions regarding this determination, please do not hesitate to contact me.

Sincerely,



Michael J. Klebasko, P.W.S.
Certified Wetland Delineator
(#WDCP94MD0310109B)

14458 Old Mill Road • #201
Upper Marlboro, MD 20772

Phone: 301-627-7505 • Fax: 301-627-5571

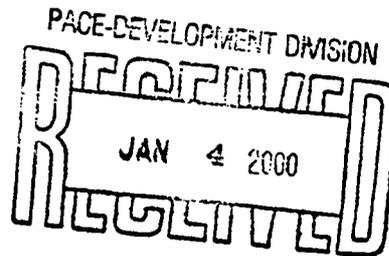
J.A. CHISHOLM, P.E., LLC

*Land Development Consultants
Engineering Planning Surveying*

2661 Riva Road, Suite 320
Annapolis, MD 21401

January 3, 2000

Anne Arundel County
Department of Planning and Code Enforcement
Subdivision Application Center
2664 Riva Road
Annapolis, MD 21401
Attn: Kelly Krinetz



Re: The Overlook at Broad Creek
Subdivision #98-071
Project #99-091

Dear Kelly,

On behalf of our client, Winchester Homes, Inc, the following is a point-by-point response to your comments dated December 13, 1999:

I. PACE/Development Division/Planning and Environmental Sections:

1. The HOA documents and plats are revised as requested by the Office of Law. Enclosed as revised copies for review.
2. Enclosed is the Certificate of Title for the subdivision.
3. All parties as identified in the Certificate of Title are listed on the plat. The title letters has not referenced any contract purchasers.
4. The following corrections are noted:
 - a) Parcel 388 is subject to two (2) deeds. A copy of the deed is enclosed which created the latest parcel. The deed line is shown on the record plat.
 - b) The lot/open space areas are coordinated on the Final Development Plan and record plat.
5. As of the date of this letter, we have not received a copy of the waiver regarding the steep slopes.
6. As discussed in our telephone conversation on January 3, 2000, Andy Chisholm is to discuss with Joe Elbrich of your office the status of the Critical Area Lot.

II. PACE/Development Division/Engineering Section
(Elizabeth Burton/John Bory)

Enclosed are signed plans by Merrill Plait.

III. PACE/Development Division/ Traffic Section
(Bob Tyson)

The modifications have been made to the Traffic Control Plan and signed by the reviewer.

IV. PACE/Development Division/Utilities Section
(Emmanuel Kuti)

Approval granted November 29, 1999.

V. Soil Conservation District
(Lillian Griffith)

We have contacted SCD and expect their approval within a week of this letter. A copy of their approval will be forwarded upon receipt.

VI. Board of Education
(Chuck Yocum)

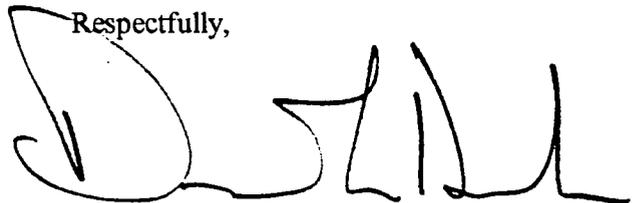
Approval confirmed November 11, 1999.

VII. Fire Prevention Bureau

Conditional approval December 9, 1999. We believe the site is in compliance with the conditions.

Should you have any additional question or concerns, please feel free to contact our office.

Respectfully,

A handwritten signature in black ink, appearing to read 'D. Hursh', written in a cursive style.

David L. Hursh, PE

cc: Mike Conley, Winchester Homes, Inc.

Broad Creek Kelly K.

J. A. CHISHOLM, P. E., LLC

**Land Development Consultants
Engineering Planning Surveying**

2661 Riva Road, Suite 320
Annapolis, MD 21401

August 11, 1999

State of Maryland
Chesapeake Bay Critical Area Commission
45 Calvert Street
2nd Floor
Annapolis, Maryland 21401

Attn.: Ms. Lisa Hoerger

Re: The Overlook at Broad Creek
Subdivision # 98-071
Project # 99-091

Dear Ms. Hoerger:

On behalf of our client, Winchester Homes, Inc., the following is a point-by-point response to your comments for the above referenced project. The Plattner Court cul-de-sac is located outside the critical area, and no disturbance for the cul-de-sac is proposed within the critical area. The stormwater management is not located in the critical area. Urciolo Court is located within the critical area in order to serve the 3 lot potential development within the critical area.

If you have any questions or need additional information, please don't hesitate to contact our office.

Very truly yours,



Michele D. R. Bennett
J. A. Chisholm, P.E., LLC

cc: Keith Kubista, Winchester Homes, Inc., w/o enclosures
Mike Conley, Winchester Homes, Inc., w/o enclosures
Kelly Krinetz, A.A. Co. PACE

plath.doc

RECEIVED

AUG 12 1999

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

LAW OFFICES

WARD & KLEIN

CHARTERED

806 WEST DIAMOND AVENUE
GAITHERSBURG, MARYLAND 20878-1415

(301) 258-9777

FACSIMILE: (301) 670-9026

INTERNET: WWW.WARD-KLEIN.COM

October 12, 1999

SUITE 700
6305 IVY LANE
GREENBELT, MD 20770
(301) 474-9333

SUITE 200
2021 L STREET, N.W.
WASHINGTON, D.C. 20036

SUITE 950
4350 N. FAIRFAX DRIVE
ARLINGTON, VA 22203

COUNSEL TO THE FIRM:
KING & NORDLINGER, L.L.P.

WIN F. WARD[▽]
BENSON KLEIN[▽]
RICHARD ROSS[▽]
WILLIAM H. SCHLADT^{▽*}
SUSAN M. WARRENFELTZ^{▽*}
DAVID M. SCHOENFELD[▽]
MELISSA LIN KLEMENS^{▽**}
JACOB A. GINSBERG[▽]
ILENE G. KANFER[▽]

[▽] MARYLAND AND D.C. BAR
^{*} NEW YORK BAR
^{*} VIRGINIA BAR

Director
Anne Arundel County
2664 Riva Road
Annapolis, Maryland 21401

Re: Certificate of Title - 6.51 Acres

To Whom It May Concern:

I hereby certify that I have carefully examined the title to the hereinafter described property and in my opinion, good and marketable fee simple title is vested as follows, subject to the liens and restrictions set forth below:

PROPERTY:

All that lot or parcel of land, situate, lying and being in the Second Election District of Anne Arundel County, Maryland, and containing 6.51 Acres, more or less, as more particularly described by a metes and bounds description on Exhibit "A" attached hereto and made a part hereof.

Tax Map 50, Block 5, Parcel 9 (to be assigned)
Tax ID No.: 2-000-9010-9408

VESTED IN: WINCHESTER HOMES, INC., a Delaware corporation

Title was conveyed to Winchester Homes, Inc., from Richard N. Ruprecht, Trustee of the Plattner Trust, an unrecorded Trust Agreement, dated December 22, 1988, by deed dated August 30, 1999, and recorded on September 3, 1999, in Liber 9391 at folio 608, among the Land Records of Anne Arundel County, Maryland.

MORTGAGES AND/OR DEEDS OF TRUST: FREE AND CLEAR

JUDGMENT; LIENS: NONE

RESTRICTIONS, RIGHTS OF WAY, ETC.:

1. Subject to a Twenty (20) foot right of way as reserved in the deed from Hugh Thomas O'Neill to Harry B. Rauth and wife, dated January 14, 1944 and recorded among the Land Records of Anne Arundel County, Maryland, in Liber J.H.H.300 at folio 143; said right of way being also described in a conveyance from Joseph Anthony Plattner and Gertrude Marguerite Plattner to Harry A. Plattner and Marie A. Plattner, by deed dated March 30, 1954 and recorded among the aforesaid Land Records in Liber J.H.H. 821 at folio 308, and as shown on a Plat prepared by J. R. McCrone, Jr., Inc, dated October 12, 1963, and recorded with the deed from Harry A. Plattner and Marie A. Plattner, to Francis B. Platter, dated November 27, 1963, recorded in Liber 1714 at folio 306.

NOTE: Terms stated in Deed recorded in Liber 300 at folio 143 reserve the privilege to change said road to a more advantageous position that might be mutually agreed upon.

2. Subject to Right of Way granted to Consolidated Gas Electric Light and Power Company by Instrument dated December 8, 1947 and recorded in Liber J.H.H. 450 at folio 475.
3. Subject to terms and conditions as set forth in an Agreement and Grant of Easement by and between Richard N. Ruprecht, Trustee for the Plattner Trust and Winchester Homes, Inc., dated August 30, 1999 and recorded in Liber 9384 at folio 465.
4. Subject to terms and conditions, covenants, easements and restrictions, as set forth in an Instrument entitled "The Overlook at Broad Creek, Declaration of Easement, Conditions and Restrictions" from The PMU Family Limited Partnership, The Plattner Trust and Winchester Homes, Inc., to Anne Arundel County, Maryland, dated August 30, 1999, and recorded in Liber 9384 at folio 470.

TAXES: Taxes for the fiscal year ending June 30, 2000, were paid in the amount of \$1,377.14

Director
October 14, 1999
Page 3

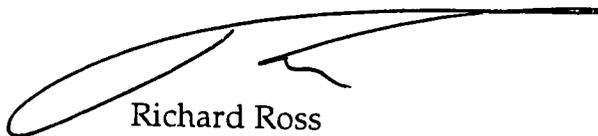
This Title Certificate does not certify against any potential, but unrecorded liens or any state of facts which would be disclosed by a current and accurate survey of the above and noted property.

TITLE EXAM THRU DATE: September 7, 1999

If you have any questions or require any additional information, please do not hesitate to contact me.

Very truly yours,

WARD & KLEIN, CHARTERED

A handwritten signature in black ink, appearing to read "Richard Ross", with a long horizontal flourish extending to the right.

Richard Ross

RR/acr
Cc: Mike Conley, WHI
26780v1

LAW OFFICES

WARD & KLEIN

CHARTERED

806 WEST DIAMOND AVENUE
GAITHERSBURG, MARYLAND 20878

(301) 258-9777

FACSIMILE: (301) 670-9026

INTERNET: WWW.WARD-KLEIN.COM

October 19, 1999

RECEIVED

OCT 20 1999

BMS

SUITE 700
6309 IVY LANE
GREENBELT, MD 20770
(301) 474-9333

SUITE 200
2021 I STREET, N.W.
WASHINGTON, D.C. 20036

SUITE 950
4350 N. FAIRFAX DRIVE
ARLINGTON, VA 22203

COUNSEL TO THE FIRM:
KING & NORDLINGER, L.L.P.

JOHN F. WARD[▼]
BENSON KLEIN[▼]
RICHARD ROSS[▼]
WILLIAM H. SCHLADT^{▼*}
SUSAN M. WARRENFELTZ^{▼*}
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MELISSA LIN KLEMENS^{▼**}
JACOB A. GINSBERG[▼]
ILENE G. KANFER[▼]

▼ MARYLAND AND D.C. BAR
* NEW YORK BAR
* VIRGINIA BAR

Director
Anne Arundel County
2664 Riva Road
Annapolis, Maryland 21401

Re: Certificate of Title - 24.20 Acres Saving & Excepting 6.51 Acres

To Whom It May Concern:

I hereby certify that I have carefully examined the title to the hereinafter described property and in my opinion, good and marketable fee simple title is vested as follows, subject to the liens and restrictions set forth below:

PROPERTY:

All that lot or parcel of land, situate, lying and being in the Second Election District of Anne Arundel County, Maryland, containing 24.20 Acres, more or less.

SAVING AND EXCEPTING THEREFROM all that parcel of land containing 6.51 Acres, more or less.

Being more particularly described by a metes and bounds description on Exhibit "A", attached hereto and made a part hereof.

LEAVING 17.69 Acres, more or less, by computation, as the subject of this Certificate of Title.

Tax Map 50, Block 5, Parcel 9
Tax ID No.: 2-000-0937-6000 (24.20 Acres) parent account

VESTED IN: THE PLATTNER TRUST

Director
October 19, 1999
Page 2

Being part of that land conveyed to Francis B. Plattner and the Plattner Trust, each as to a 50% interest, by deed from Francis B. Plattner, dated December 22, 1988 and recorded on December 23, 1988, in Liber 4759 at folio 876., among the aforesaid Land Records. Francis B. Plattner having conveyed his 50% interest in the property to the Plattner Trust by deed dated February 27, 1989 and recorded February 28, 1989, in Liber 4799 at folio 38, among the aforesaid Land Records, thereby vesting 100% interest in the property in the Plattner Trust.

NOTE: The signatory for the Plattner Trust is as follows:
Richard N. Ruprecht, Trustee of The Plattner Trust, an unrecorded Trust Agreement, dated December 2, 1988.

MORTGAGES AND/OR DEEDS OF TRUST: FREE AND CLEAR

JUDGMENT; LIENS: NONE

RESTRICTIONS, RIGHTS OF WAY, ETC.:

1. Subject to a Twenty (20) foot right of way as reserved in the deed from Hugh Thomas O'Neill to Harry B. Rauth and wife, dated January 14, 1944 and recorded among the Land Records of Anne Arundel County, Maryland, in Liber J.H.H.300 at folio 143; said right of way being also described in a conveyance from Joseph Anthony Plattner and Gertrude Marguerite Plattner to Harry A. Plattner and Marie A. Plattner, by deed dated March 30, 1954 and recorded among the aforesaid Land Records in Liber J.H.H. 821 at folio 308, and as shown on a Plat prepared by J. R. McCrone, Jr., Inc, dated October 12, 1963, and recorded with the deed from Harry A. Plattner and Marie A. Plattner, to Francis B. Plattner, dated November 27, 1963, recorded in Liber 1714 at folio 306.

NOTE: Terms stated in Deed recorded in Liber 300 at folio 143 reserve the privilege to change said road to a more advantageous position that might be mutually agreed upon.

2. Subject to Right of Way granted to Consolidated Gas Electric Light and Power Company by Instrument dated December 8, 1947 and recorded in Liber J.H.H. 450 at folio 475.

Director
October 19, 1999
Page 3

3. Subject to terms and conditions as set forth in an Agreement and Grant of Easement by and between Richard N. Ruprecht, Trustee for the Plattner Trust and Winchester Homes, Inc., dated August 30, 1999 and recorded in Liber 9384 at folio 465.
4. Subject to terms and conditions, covenants, easements and restrictions, as set forth in an Instrument entitled "The Overlook at Broad Creek, Declaration of Easement, Conditions and Restrictions" from The PMU Family Limited Partnership, The Plattner Trust and Winchester Homes, Inc., to Anne Arundel County, Maryland, dated August 30, 1999, and recorded in Liber 9384 at folio 470.

TAXES: Taxes for the fiscal year ending June 30, 2000, were paid in the amount of \$1,377.14

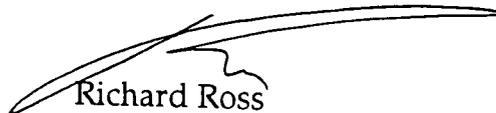
This Title Certificate does not certify against any potential, but unrecorded liens or any state of facts which would be disclosed by a current and accurate survey of the above and noted property.

TITLE EXAM THRU DATE: August 17, 1999

If you have any questions or require any additional information, please do not hesitate to contact me.

Very truly yours,

WARD & KLEIN, CHARTERED



Richard Ross

RR/acr
Cc: Mike Conley, WHI
Cc: Dave Hursh, Chisholm-Weber
27277v1

EXHIBIT "A"

All that piece, parcel or tract of land situate, lying and being in the Second Election District of Anne Arundel County, Maryland, at the head of Broad Creek and being described as follows:

BEGINNING for the same at a point on the westernmost side of a twenty (20) foot right of way leading to U. S. Route 50 (John Hanson Highway); said point of beginning being located at the southernmost corner of that conveyance to Harry A. Plattner recorded among the land records of Anne Arundel County, Maryland, in Liber J.H.H. 821 at folio 308 and also North $75^{\circ} 07' 00''$ West 20.00 feet from an iron pipe marking the beginning of the North $75^{\circ} 07' 00''$ West 187.70 foot line of the whole tract, of which this is a part;

THENCE from the point of beginning so fixed, running with and binding on the westernmost side of said twenty (20) foot right of way and also on the South $06^{\circ} 21' 00''$ West 350.00 foot line of the above mentioned conveyance to Plattner, reversely, North $06^{\circ} 21' 00''$ East 350.00 feet to an iron pipe;

THENCE leaving said conveyance to Plattner and continuing the last line, North $06^{\circ} 21' 00''$ East 957.97 feet to intersect the South $59^{\circ} 35' 00''$ East 734.25 foot line of the whole tract;

THENCE leaving said twenty (20) foot right of way and running with part of said South $59^{\circ} 35' 00''$ East 734.25 foot line, South $59^{\circ} 35' 00''$ East 644.49 feet to an iron pipe at the end of said line;

THENCE with part of the outlines of the whole tract for the eight following courses and distances, to wit:

South $21^{\circ} 52' 00''$ East 24.75 feet to an original boundary stone;

Thence continuing said line South $21^{\circ} 52' 00''$ East 858.00 feet to an iron pipe;

Thence South $38^{\circ} 40' 00''$ West 273.90 feet to a 26 inch pine tree at the foot of a hill;

South $34^{\circ} 12' 00''$ West 363.00 feet to an iron pipe;

Director

October 19, 1999

Page 5

North 65° 43' 00" West 50.00 feet to a point;

North 61° 25' 00 West 269.50 feet to an iron pipe, and;

North 60° 31' 00" West 407.70 feet to an iron pipe, and;

North 75° 07' 00" West 20.00 feet to the place of beginning, containing 24.20 Acres of land, more or less. All as shown on a plat prepared by J. R. McCrone, Jr., Inc., Registered Professional Engineers and Land Surveyors dated October 16, 1963, said plat recorded among the Land Records of Anne Arundel County, Maryland, in Liber 1714 at folio 309.

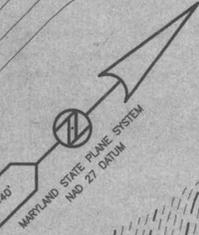
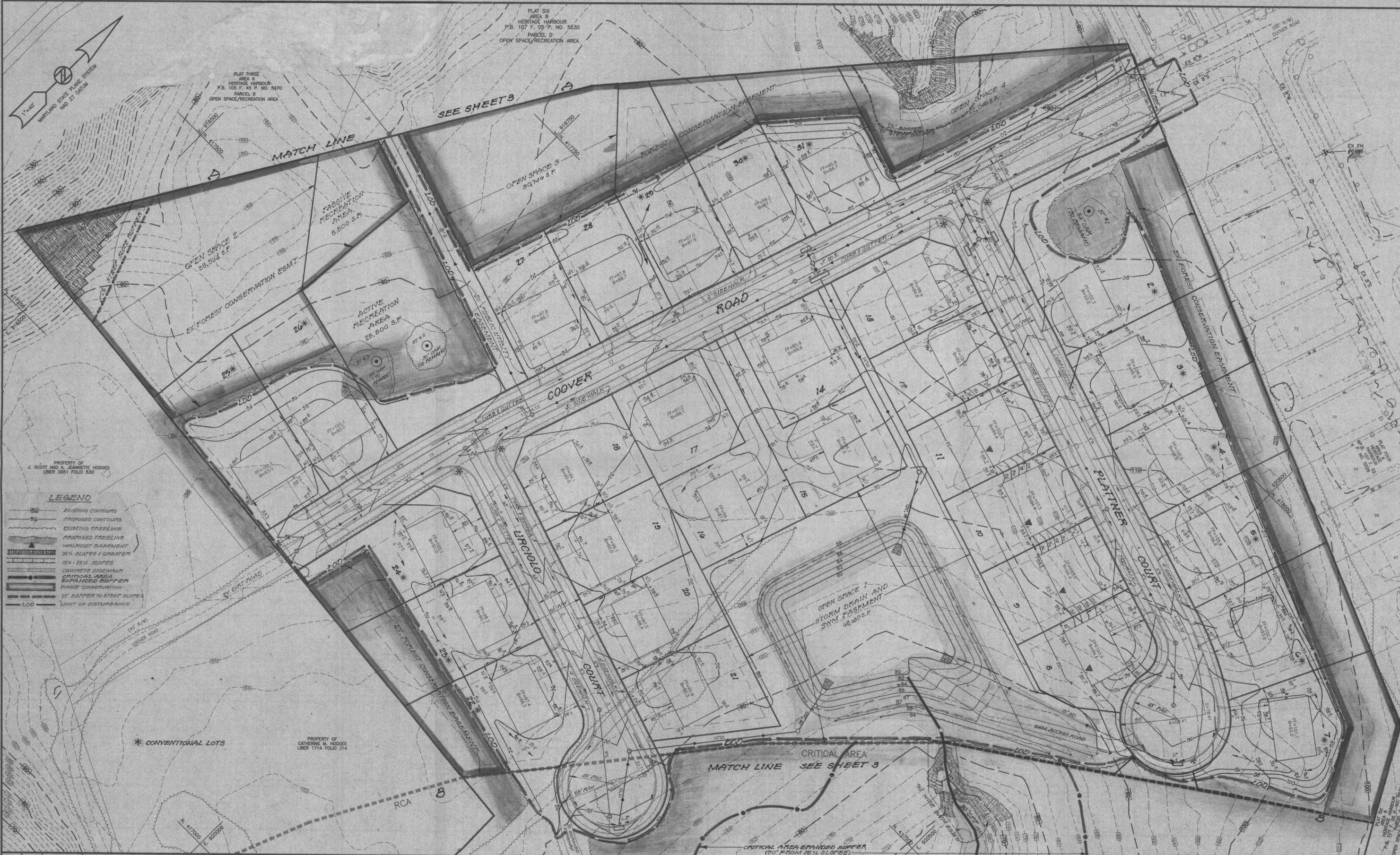
Being all of that land conveyed to Francis B. Plattner and the Plattner Trust, each as to a 50% interest, by deed from Francis B. Plattner, dated December 22, 1988 and recorded on December 23, 1988, in Liber 4759 at folio 876., among the aforesaid Land Records. Francis B. Plattner having conveyed his 50% interest in the property to the Plattner Trust by deed dated February 27, 1989 and recorded February 28, 1989, in Liber 4799 at folio 38, among the aforesaid Land Records, thereby vesting 100% interest in the property in the Plattner Trust.

SAVING AND EXCEPTING THEREFORM, all that parcel of ground conveyed by Richard N. Ruprecht, Trustee of the Plattner Trust, an unrecorded Trust Agreement dated December 22, 1988, to Winchester Homes, Inc., by deed dated August 30, 1999, and recorded on September 3, 1999, in Liber 9391 at folio 608, containing 6.51 Acres, and more particularly described as follows:

BEGINNING for the same at a point on the second (2nd) or North 06° 21' 00" East, 957.97 foot deed line as described in deed from Francis B. Plattner to the Plattner Trust dated February 27, 1989 and recorded among the Land Records of Anne Arundel County, Maryland in Liber 4799 at folio 038, said point being 65.54 feet from an iron pipe found at the beginning thereof, thence running with the remainder of said second (2nd) deed line as now surveyed in the Maryland State Plane Coordinate System

1. North 01° 16' 07" West, 890.31 feet to a point, thence running with the third (3rd) or South 59° 35' 00" East, 644.49 foot deed line;
2. South 66° 43' 16" East, 643.31 feet to an iron pipe found, thence running with the fourth (4th) or South 21° 52' 00" East, 24.75 foot deed line and a portion of the fifth (5th) or South 21° 52' 00" East, 858.00 foot deed line;

3. South 29° 32' 09" East, 101.80 feet to a point, thence running so as to cross the property of The Plattner Trust by the following ten (10) new lines of division;
4. South 55° 42' 15" West, 176.90 feet to a point, thence
5. North 62° 13' 47" West, 19.26 feet to a point, thence
6. 63.67 feet along the arc of a curve deflecting to the left, having a radius of 55.00 feet and a chord bearing and a chord of South 60°55'57" West 60.17 feet to a point, thence
7. South 04° 05' 40" West, 28.70 feet to a point, thence
8. South 55° 42' 15" West, 169.58 feet to a point, thence
9. South 44° 33' 14" West, 180.31 feet to a point, thence
10. South 38° 06' 17" West, 102.57 feet to a point, thence
11. South 72° 00' 38" East, 4.25 feet to a point, thence
12. 215.73 feet along the arc of a curve deflecting to the right, having a radius of 55.00 feet and a chord bearing and a chord of South 40° 21' 15" West, 101.73 feet to a point, thence
13. South 38° 06' 17" West, 19.24 feet to the point of beginning, containing 283,499 square feet or 6.51 Acres of land, more or less.



PROPERTY OF
J. SCOTT AND A. JEANETTE HODGES
LIBER 3551 FOLIO 830

- LEGEND**
- 96 — EXISTING CONTOURS
 - 96 — PROPOSED CONTOURS
 - — EXISTING TREELINE
 - — PROPOSED TREELINE
 - — WALKOUT BASEMENT
 - — 15% SLOPES & GREATER
 - — 15% - 25% SLOPES
 - — CONCRETE SIDEWALK
 - — CRITICAL AREA
 - — EXPANDED BUFFER
 - — FOREST CONSERVATION
 - — 25' BUFFER TO STEEP SLOPES
 - — LOD — LIMIT OF DISTURBANCE

* CONVENTIONAL LOTS

PROPERTY OF
CATHERINE M. HODGES
LIBER 1714 FOLIO 314

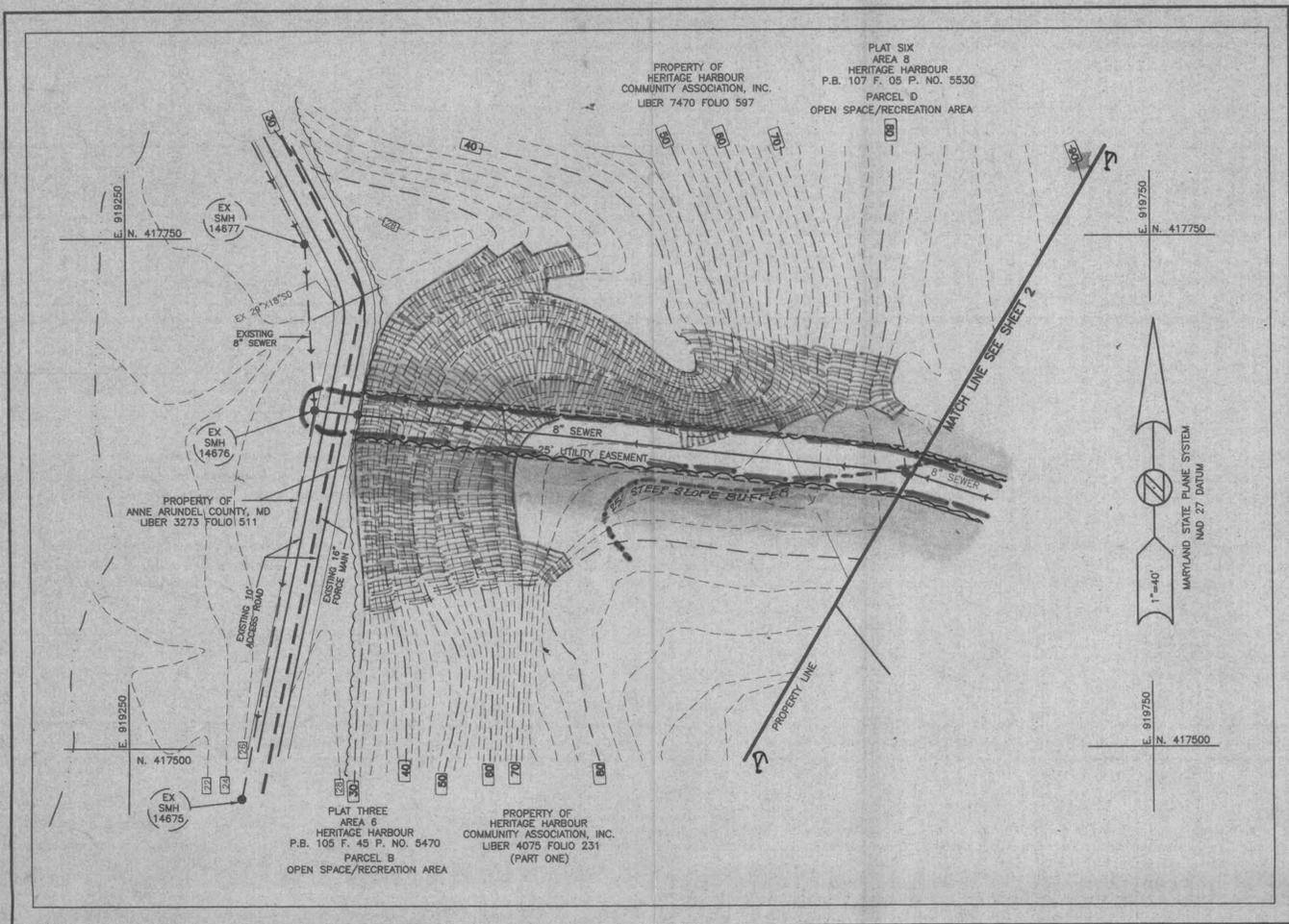
NO.	BY	DATE	REVISIONS

J. A. CHISHOLM, P. E., L.L.C.
LAND DEVELOPMENT CONSULTANTS
ENGINEERING • PLANNING • SURVEYING
2661 RIVA ROAD, RIVA 400, SUITE 320
ANNAPOLIS, MARYLAND 21401
PHONE (410) 224-3990 FAX (410) 224-4203

FINAL DEVELOPMENT PLAN
THE OVERLOOK AT BROAD CREEK
RESIDENTIAL SINGLE FAMILY CLUSTER SUBDIVISION
SCALE: 1000' = 1" (1982) 200' = 1" (R24, R25 & S24) DATE: MAY 1999
TAX MAP 50 PARCELS 9 & 177 BLOCKS 4, 5 & 11
SUBDIVISION NUMBER 98-071 PROJECT NUMBER 99-
SECOND TAX ASSESSMENT DISTRICT ANNE ARUNDEL COUNTY, MD

DEVELOPER: WINCHESTER HOMES, INC.
6335 IVY LANE, SUITE 800
GREENBELT, MARYLAND 20770
PHONE: (301) 489-1120
ATTENTION: KEITH KUBISTA

DESIGN: TB/DJH SHEET 2 OF 3
EMK/CAC DATE: MARCH, 1999 JOB: 97-351-121
APPROVED: JAC SCALE: 1"=40' DWG: UPST2



LEGEND

	EXISTING CONTOURS
	PROPOSED CONTOURS
	EXISTING TREELINE
	PROPOSED TREELINE
	WALKWAY/BASEMENT
	15% SLOPES & GREATER
	15% - 25% SLOPES
	CONCRETE SIDEWALK
	STEEP SLOPE BUFFER
	FOREST CONSERVATION CRITICAL AREA
	EXPANDED BUFFER
	L.O.D.

NO.	BY	DATE	REVISIONS



J. A. CHISHOLM, P. E., L.L.C.
 LAND DEVELOPMENT CONSULTANTS
 ENGINEERING • PLANNING • SURVEYING
 2661 RIVA ROAD, RIVA 400, SUITE 320
 ANNAPOLIS, MARYLAND 21401
 PHONE (410) 224-3990 FAX (410) 224-4203

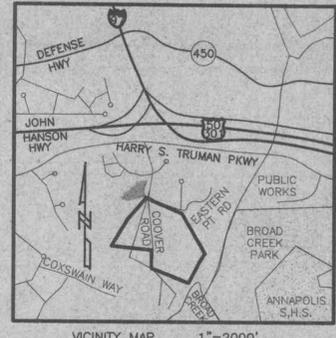
FINAL DEVELOPMENT PLAN
THE OVERLOOK AT BROAD CREEK
 RESIDENTIAL SINGLE FAMILY CLUSTER SUBDIVISION
 SCALE: 1000' #19&20 200' #R24, R25 & S24 DATE: MAY 1999
 TAX MAP 50 BLOCKS 4, 5 & 11 PARCELS 9 & 177
 SUBDIVISION NUMBER 99-071 PROJECT NUMBER 99-
 SECOND TAX ASSESSMENT DISTRICT ANNE ARUNDEL COUNTY, MD

DEVELOPER: WINCHESTER HOMES, INC.
 6305 IVY LANE, SUITE 800
 GREENBELT, MARYLAND 20770
 PHONE: (301) 489-1120
 ATTENTION: KEITH KUBISTA

DESIGN: TB/DLH
EMK/CAC DATE: MARCH, 1999 JOB: 97-351-121
APPROVED: JAC SCALE: AS SHOWN DWG: UPSITE3

SHEET 3 OF 3

FINAL PLAN THE OVERLOOK AT BROAD CREEK



STORMWATER MANAGEMENT CONCEPT
THE STORMWATER MANAGEMENT FOR THE SITE WILL BE PROVIDED BY A PUBLIC STORMWATER MANAGEMENT BASIN. THE QUALITY MANAGEMENT WILL BE PROVIDED BY EXTENDED DETENTION. THE STORAGE FOR QUALITY MANAGEMENT WILL BE DETERMINED WITH AN AVERAGE PERCENT OF IMPERVIOUS AREA OVER THE ENTIRE SITE, BASED ON THE EXISTING ZONING. THE BASIN WILL PROVIDE ATTENUATION OF THE 2 & 10 YEAR 24 HOUR STORM EVENT, AND SAFELY CONVEY THE 100 YEAR 24 HOUR STORM AS REQUIRED BY A. A. CO. CODE.

GENERAL NOTES:

- COORDINATES ARE BASED ON THE MARYLAND STATE COORDINATE SYSTEM NAD 1927 DATUM AS PROJECTED BY THE DEPARTMENT OF PUBLIC WORKS OF ANNE ARUNDEL COUNTY, MARYLAND.
MON. 414-D
N. 414,355.59
E. 917,126.85
ELEV.=119.17
IRON BAR
MON. 414-E
N. 415,347.47
E. 917,359.88
ELEV.=162.43
IRON BAR
- ELEVATIONS ARE BASED ON THE U.S.C. AND G.S. 1929 DATUM PROJECTED BY THE ANNE ARUNDEL COUNTY, MARYLAND DEPARTMENT OF PUBLIC WORKS.
- A LANDSCAPE PLAN FOR THE OVERLOOK AT BROAD CREEK HAS BEEN APPROVED BY THE DEPARTMENT OF PLANNING AND CODE ENFORCEMENT. A LANDSCAPE AND SCREENING AGREEMENT MUST BE SUBMITTED AND APPROVED BY THE DEPARTMENT OF PLANNING AND CODE ENFORCEMENT PRIOR TO ISSUANCE OF BUILDING PERMITS.
- ANY FOREST CLEARING PROPOSED IN ADDITION TO WHAT IS SHOWN ON THE FINAL PLAN AND APPROVED FOREST CONSERVATION PLAN WILL REQUIRE THE APPROVAL OF THE DEPARTMENT OF PLANNING AND CODE ENFORCEMENT. REFORESTATION AND/OR A FEE-IN-LIEU MAY BE REQUIRED.
- THE DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE SUBDIVISION OF THE OVERLOOK AT BROAD CREEK IS RECORDED AMONG THE LAND RECORDS OF ANNE ARUNDEL COUNTY, MARYLAND IN LIBER _____ AT FOLIO _____.
- A MINIMUM OF TWO (2) PARKING SPACES (EXCLUSIVE OF THE GARAGE) SHALL BE PROVIDED FOR EACH UNIT.
- WETLAND AREAS OR 25 FT. UNDISTURBED BUFFERS SHALL NOT BE DISTURBED FOR ANY DEVELOPMENT ACTIVITY. EXCEPT AS SHOWN ON THE APPROVED FINAL DEVELOPMENT PLAN ON FILE IN THE DEPT. OF PLANNING AND CODE ENFORCEMENT, AND AS APPROVED BY THE MD DEPARTMENT OF ENVIRONMENT AND THE ARMY CORP OF ENGINEERS.
- NO TREES SHALL BE PLANTED WITHIN THE PUBLIC UTILITY EASEMENTS.
- ALL FOREST RETENTION/PROTECTION/CLEARING SHALL BE DONE IN ACCORDANCE WITH THE APPROVED FOREST CONSERVATION PLAN ON FILE WITH THE ANNE ARUNDEL COUNTY DEPARTMENT OF PLANNING AND CODE ENFORCEMENT. THIS SITE IS SUBJECT TO A FOREST CONSERVATION EASEMENT RECORDED AMONG THE LAND RECORDS OF ANNE ARUNDEL COUNTY, MARYLAND IN LIBER _____ AT FOLIO _____.
- WAIVER NO. _____ TO PERMIT DISTURBANCE TO THE STEEP SLOPES AND THE ASSOCIATED BUFFER TO CONSTRUCT A STORMWATER MANAGEMENT OUTFALL AND SEWER CONNECTION HAS BEEN GRANTED BY THE DEPARTMENT OF PLANNING AND CODE ENFORCEMENT ON _____.

TAX MAP 50 BLOCKS 5 & 11 PARCEL 374
AREA "C"
HERITAGE HARBOUR
P.B. 106 F. 50 P. NO. 5525
P.B. 107 F. 01-05 P. NO. 5526-5530
ZONED R-2

THE OVERLOOK AT BROAD CREEK
FOREST CONSERVATION ACT COMPLIANCE
(OUTSIDE CBCA)

A) Total Tract Area=34.07 ac.
B) 100 yr. Floodplain=0 ac.
C) Other Deductions (Critical Area)=18.00 ac.
D) Net Tract Area=16.07 ac.
E) Forest Conservation Threshold (20%)=3.21 ac.
F) Existing Forest within Net Tract Area=15.54 ac.
G) Proposed Clearing=10.93 ac.
H) Proposed Forest Conservation Easement=3.70 ac.
I) Reforestation required for proposed clearing (E x I)=0.12 ac. (5,227 s.f.)
J) Reforestation required for proposed clearing (E x I)=0.12 ac. (5,227 s.f.)
K) Credit for retention above Conservation Threshold=0.49 ac. (11,641 s.f.)
L) Net Reforestation Required= (I-J)=2.24 ac.

THE OVERLOOK AT BROAD CREEK
CBCA COMPLIANCE

A) Total area within CBCA=18.00 ac.
B) CBCA classification=RCA (Resource Conservation Area)
C) Existing wooded area=15.78 ac. (687,555 s.f.)
D) Permitted clearing (30%)=7.3 ac. (206,266 s.f.)
E) Clearing proposed=0.12 ac. (5,227 s.f.)
F) Additional clearing permitted on lot 32 (Future)=4.61 ac. (201,039 s.f.)
G) Reforestation required for proposed clearing (E x I)=0.12 ac. (5,227 s.f.)
H) Impervious area permitted (15%)=2.70 ac. (117,641 s.f.)
I) Impervious area proposed=0.45 ac. (19,557 s.f.)
J) Additional impervious area permitted on lot 32 (Future)=2.25 ac. (98,084 s.f.)

SITE ANALYSIS

ZONING	
EXISTING ZONING R-2, RCA AND OS	
CBCA - CHESAPEAKE BAY CRITICAL AREA	
LOT TABULATION	
AREA OF OS ZONE LOTS WITHIN CBCA	0.82 ACRE
AREA OF R2 ZONE LOTS WITHIN CBCA	17.01 ACRE
AREA OF R2 ZONE ROAD RW WITHIN CBCA	0.17 ACRE
TOTAL WITHIN CBCA	18.00 ACRE
AREA OF R2 ZONE LOTS OUTSIDE CBCA	9.23 ACRE
AREA OF R2 ZONE ROAD RW OUTSIDE CBCA	2.37 ACRE
AREA OF R2 ZONE OPEN SPACE OUTSIDE CBCA	3.69 ACRE
AREA OF R2 ZONE REC. AREA OUTSIDE CBCA	0.78 ACRE
TOTAL OUTSIDE CBCA	16.07 ACRE
TOTAL AREA OF SUBDIVISION	18.00 + 16.07 = 34.07 ACRES
MAXIMUM DENSITY OUTSIDE CBCA: (16.07 x 2.5) = 40 UNITS	
CBCA 1 LOT	
NUMBER OF CLUSTER LOTS PROPOSED:	16
NUMBER OF CONVENTIONAL LOTS PROPOSED:	15
NUMBER OF CBCA LOTS PROPOSED:	1
TOTAL NUMBER OF LOTS PROPOSED:	32
MINIMUM LOT SIZE (CLUSTER LOTS):	10,000 SF
AREA OF CLUSTER LOTS:	168,434 SF OR 3.87 ACRES
AREA OF CONVENTIONAL LOTS:	233,502 SF OR 5.36 AC.

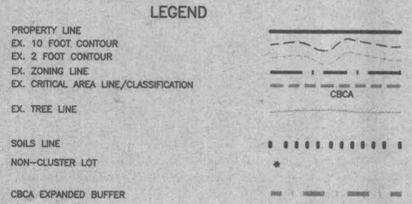


PLAT AREA TABULATION

LOTS	1,178,004 SF	27.06 AC.
PUBLIC ROAD RIGHT OF WAY	110,570 SF	2.54 AC.
OPEN SPACE	160,980 SF	3.69 AC.
ACTIVE REC. AREA	25,500 SF	0.59 AC.
PASSIVE REC. AREA	8,500 SF	0.19 AC.
TOTAL SUBDIVISION	1,484,153 SF	34.07 AC.
TOTAL OF CRITICAL AREA	784,276 SF	18.00 AC.

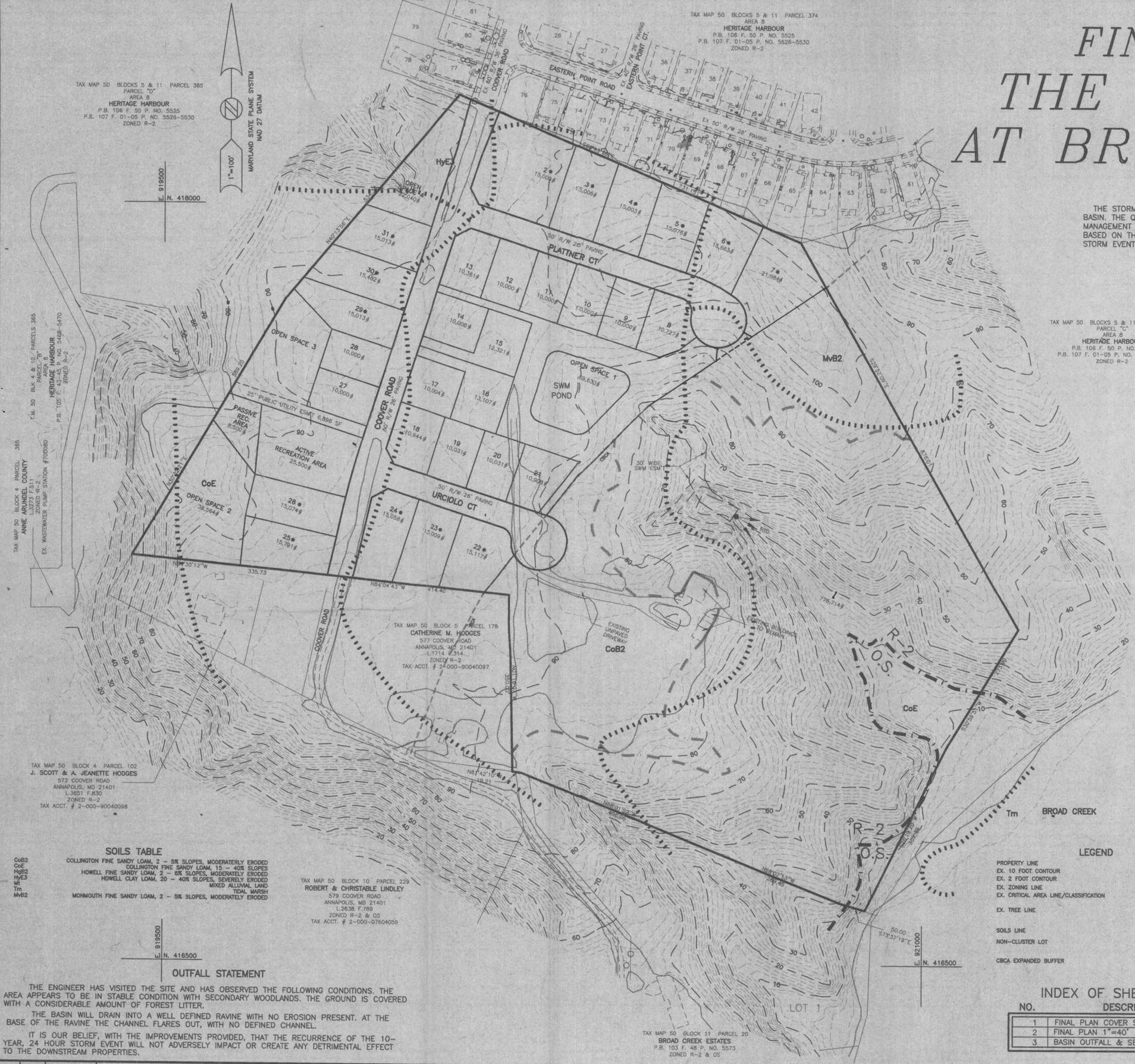
OPEN SPACE TABULATION

OPEN SPACE REQUIRED (18 CLUSTER LOTS X 15,000) + 240,000 SF	
240,000 = 168,434 (CLUSTER LOT AREA) = 71,566	
71,566 SF OR 1.64 AC. OPEN SPACE REQUIRED	
OPEN SPACE PROVIDED	
OPEN SPACE 1	1.80 ACRE
OPEN SPACE 2	0.88 ACRE
OPEN SPACE 3	0.70 ACRE
OPEN SPACE 4	0.50 ACRE
OPEN SPACE PROVIDED = 3.70 ACRES	
SWM ESM WITHIN OPEN SPACE = 1.60 AC.	
NET OPEN SPACE 3.70 - 1.60 = 2.10 AC.	



INDEX OF SHEETS

NO.	DESCRIPTION
1	FINAL PLAN COVER SHEET 1"=100'
2	FINAL PLAN 1"=40'
3	Basin Outfall & Sewer Outfall 1"=40'



TAX MAP 50 BLOCKS 5 & 11 PARCEL 365
AREA "D"
HERITAGE HARBOUR
P.B. 106 F. 50 P. NO. 5525
P.B. 107 F. 01-05 P. NO. 5526-5530
ZONED R-2

TAX MAP 50 BLOCK 4 PARCELS 363
AREA "B"
HERITAGE HARBOUR
P.B. 106 F. 50 P. NO. 5525
P.B. 107 F. 01-05 P. NO. 5526-5530
ZONED R-2

TAX MAP 50 BLOCK 4 PARCEL 365
AREA "C"
HERITAGE HARBOUR
P.B. 106 F. 50 P. NO. 5525
P.B. 107 F. 01-05 P. NO. 5526-5530
ZONED R-2

TAX MAP 50 BLOCK 4 PARCEL 102
J. SCOTT & A. JEANETTE HODGES
572 COOVER ROAD
ANNAPOLIS, MD 21401
L.3651 F.830
ZONED R-2
TAX ACCT. # 2-000-90040098

SOILS TABLE

CoB2	COLLINGTON FINE SANDY LOAM, 2 - 5% SLOPES, MODERATELY ERODED
CoE	COLLINGTON FINE SANDY LOAM, 15 - 40% SLOPES
HgB2	HOWELL FINE SANDY LOAM, 2 - 6% SLOPES, MODERATELY ERODED
HgC3	HOWELL CLAY LOAM, 20 - 40% SLOPES, SEVERELY ERODED
M	MIXED ALLUVIAL LAND
Tm	TOM MARSH
MWB2	MONMOUTH FINE SANDY LOAM, 2 - 5% SLOPES, MODERATELY ERODED

TAX MAP 50 BLOCK 10 PARCEL 229
ROBERT & CHRISTABLE LINDLEY
579 COOVER ROAD
ANNAPOLIS, MD 21401
L.2638 F.788
ZONED R-2 & OS
TAX ACCT. # 2-000-07604059

TAX MAP 50 BLOCK 11 PARCEL 20
BROAD CREEK ESTATES
P.B. 103 F. 48 P. NO. 5573
ZONED R-2 & OS

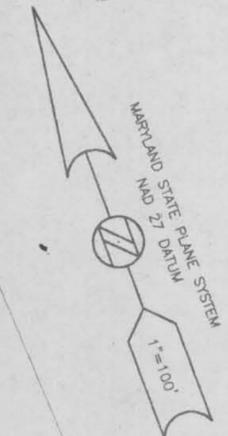
OUTFALL STATEMENT
THE ENGINEER HAS VISITED THE SITE AND HAS OBSERVED THE FOLLOWING CONDITIONS. THE AREA APPEARS TO BE IN STABLE CONDITION WITH SECONDARY WOODLANDS. THE GROUND IS COVERED WITH A CONSIDERABLE AMOUNT OF FOREST LITTER.
THE BASIN WILL DRAIN INTO A WELL DEFINED RAVINE WITH NO EROSION PRESENT. AT THE BASE OF THE RAVINE THE CHANNEL FLARES OUT, WITH NO DEFINED CHANNEL.
IT IS OUR BELIEF, WITH THE IMPROVEMENTS PROVIDED, THAT THE RECURRENCE OF THE 10-YEAR, 24 HOUR STORM EVENT WILL NOT ADVERSELY IMPACT OR CREATE ANY DETRIMENTAL EFFECT TO THE DOWNSTREAM PROPERTIES.

NO.	BY	DATE	REVISIONS
<p>J. A. CHISHOLM, P. E., L.L.C. LAND DEVELOPMENT CONSULTANTS ENGINEERING • PLANNING • SURVEYING 2661 RIVA ROAD, RIVA 400, SUITE 320 ANNAPOLIS, MARYLAND 21401 PHONE (410) 224-3990 FAX (410) 224-4203</p>			
<p>FINAL DEVELOPMENT PLAN THE OVERLOOK AT BROAD CREEK RESIDENTIAL SINGLE FAMILY CLUSTER SUBDIVISION SCALE: 1000' #19&20 200' #R24, R25 & S24 DATE: MAY 1999 TAX MAP 50 BLOCKS 4, 5 & 11 PARCELS 9 & 177 SUBDIVISION NUMBER 98-071 PROJECT NUMBER 99- SECOND TAX ASSESSMENT DISTRICT ANNE ARUNDEL COUNTY, MD</p>			
<p>DEVELOPER: WINCHESTER HOMES, INC. 6305 IVY LANE, SUITE 800 GREENBELT, MARYLAND 20770 PHONE: (301) 468-1120 ATTENTION: KEITH KUBISTA</p>			
DESIGN: TB/DLH	SHEET 1 OF 3		
EMK/CAC	DATE: MARCH, 1999	JOB: 97-351-121	
APPROVED: JAC	SCALE: AS SHOWN	DWG: UPSITE1	

PLAT AREA TABULATION		
LOTS	1,175,512 SF	26.99 AC.
PUBLIC ROAD RIGHT OF WAY	110,570 SF	2.54 AC.
OPEN SPACE	164,071 SF	3.76 AC.
ACTIVE REC. AREA	25,500 SF	0.59 AC.
PASSIVE REC. AREA	8,500 SF	0.19 AC.
TOTAL PLAT	1,484,153 SF	34.07 AC.
TOTAL OF CBCA	784,276 SF	17.86 AC.
TOTAL OS ZONE	35,876 SF	0.82 AC.
TOTAL R2 ZONE	1,448,277 SF	33.25 AC.

FOREST CONSERVATION EASEMENT TABULATION		
WITHIN LOTS 2 THRU 7	35,642 SF	0.82 AC.
WITHIN LOTS 22 THRU 24	13,535 SF	0.31 AC.
WITHIN OPEN SPACE 2	38,564 SF	0.88 AC.
WITHIN PASSIVE REC AREA	8,500 SF	0.20 AC.
WITHIN OPEN SPACE 3	23,851 SF	0.55 AC.
WITHIN LOTS 29 THRU 31	15,598 SF	0.36 AC.
WITHIN OPEN SPACE 4	16,720 SF	0.38 AC.
WITHIN LOTS 25 AND 26	9038 SF	0.21 AC.
TOTAL	161,448 SF	3.71 AC.

CURVE DATA						
NO.	RADIUS	ARC	DELTA	TANGENT	CHORD BEARING	CHORD
C#1	325.00	100.77	17°45'54"	50.79	S63°07'41"E	100.36
C#2	55.00	235.40	245°13'41"	85.95	S68°22'06"W	92.66
C#3	28.00	40.56	82°59'34"	24.77	N30°30'51"W	37.10
C#4	1700.00	15.91	00°32'11"	7.96	S17°43'17"W	15.91
C#5	55.00	243.74	253°54'44"	73.10	S54°56'44"W	87.90
C#6	28.00	36.12	73°54'44"	21.07	N35°03'16"W	33.67
C#7	1700.00	37.24	01°15'19"	18.62	S13°24'06"W	37.24
C#8	1750.00	159.29	05°12'56"	79.70	N15°22'55"E	159.24



J. A. CHISHOLM, P. E., L.L.C.
 LAND DEVELOPMENT CONSULTANTS
 ENGINEERING • PLANNING • SURVEYING
 2661 RVA ROAD, RVA 400, SUITE 320
 ANNAPOLIS, MARYLAND 21401
 PHONE (410) 224-3990

OWNERS' DEDICATION
 PLATTNER TRUST
 DATE BY: RICHARD N. RUPRECHT, TRUSTEE
 THE PMU FAMILY LIMITED PARTNERSHIP
 DATE BY: JOHN R. URCILOLO, LIMITED PARTNER

CONTRACT PURCHASER
 WE ASSENT TO AND DO HEREBY JOIN
 IN THIS PLAN OF SUBDIVISION.
 WINCHESTER HOMES, INC.
 DATE
 BY: KEITH KUBISTA, VICE PRESIDENT

SURVEYOR'S CERTIFICATE
 I, EDWARD MEADE KEISER,
 REGISTERED PROPERTY LINE SURVEYOR
 MARYLAND REGISTRATION NUMBER 608
 8-10-99

APPROVED: (PUBLIC SYSTEMS)
 DIRECTOR OF THE DEPARTMENT OF PLANNING & CODE ENFORCEMENT & FOR THE HEALTH OFFICER, ANNE ARUNDEL COUNTY DEPARTMENT OF HEALTH
 DATE
 REC. PLAT BOOK PAGE PLAT NO.

PLAT TWO OF TWO
THE OVERLOOK
AT BROAD CREEK
 A RESIDENTIAL SINGLE FAMILY DETACHED SUBDIVISION
 CLUSTER DEVELOPMENT
 SUBDIVISION # 1998-071 PROJECT # 1999-091
 TAX MAP 50 BLOCKS 4, 5 & 11 PARCELS 9 AND 177
 SCALE: 1"=100' SITE ZIP CODE 21401 MARCH, 1999
 SECOND ASSESSMENT DISTRICT ANNE ARUNDEL COUNTY, MARYLAND

NOTICE TO TITLE EXAMINERS

- THIS PLAT HAS BEEN APPROVED FOR RECORDING ONLY AND SHALL BECOME NULL AND VOID UNLESS:
 - AN INSPECTION AGREEMENT OR A PUBLIC WORKS AGREEMENT HAS BEEN EXECUTED AND RECORDED WITHIN TWO YEARS AFTER THIS PLAT IS APPROVED.
 - IF REQUIRED, A UTILITY AGREEMENT HAS BEEN EXECUTED AND RECORDED WITHIN TWO YEARS AFTER THIS PLAT IS APPROVED; AND
 - CONSTRUCTION UNDER EACH OF THESE AGREEMENTS HAS BEEN CONTINUOUS WITHOUT INTERRUPTION FOR MORE THAN ONE YEAR AT ALL TIMES.
- A SALE OR CONTRACT OF SALE OF ANY LOTS SHOWN HEREIN MAY NOT BE MADE UNTIL NECESSARY IMPROVEMENTS HAVE BEEN:
 - A. SATISFACTORILY COMPLETED UNDER AN INSPECTION AGREEMENT AND THE SUBDIVIDER HAS PROVIDED THE COUNTY WITH A WAIVER OF THE LIENS FROM ALL CONTRACTORS AND SUBCONTRACTORS; OR
 - B. SATISFACTORILY GUARANTEED BY A PUBLIC WORKS AGREEMENT SUPPORTED BY A SURETY BOND, CERTIFIED CHECK, CASH OR IRREVOCABLE LETTER OF CREDIT FROM A LOCAL BANK OR OTHER SECURITY AS AUTHORIZED BY LAW; AND
 - IF REQUIRED, SATISFACTORILY GUARANTEED BY A UTILITY AGREEMENT, SUPPORTED BY A SURETY BOND, CERTIFIED CHECK, CASH, OR IRREVOCABLE LETTER OF CREDIT FROM A LOCAL BANK OR OTHER SUCH SECURITY AUTHORIZED BY LAW.
- A BUILDING PERMIT OTHER THAN A SAMPLE PERMIT MAY NOT BE ISSUED FOR ANY CONSTRUCTION IN THIS DEVELOPMENT UNTIL THE REQUIREMENTS OF PARAGRAPH 2 ABOVE HAVE BEEN COMPLIED WITH. CERTIFICATES OF USE AND OCCUPANCY MAY NOT BE ISSUED FOR ANY BUILDING OR STRUCTURE IN THE SUBDIVISION UNLESS BASIC IMPROVEMENTS REQUIRED UNDER A PUBLIC WORKS AGREEMENT BY ARTICLE 25, SECTION 3-101 OF THE ANNE ARUNDEL COUNTY CODE HAVE BEEN COMPLETED.

OWNERS' DEDICATION

THE PMU FAMILY LIMITED PARTNERSHIP, A DISTRICT OF COLUMBIA LTD PART., AND THE PLATTNER TRUST, OWNERS OF THE PROPERTY SHOWN HEREON AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE, AND WINCHESTER HOMES, INC., A CONTRACT PURCHASER, HEREBY ADOPT THIS PLAN OF SUBDIVISION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, AND DEDICATE THE STREETS, ALLEYS, WALKWAYS, AND OTHER EASEMENTS, WIDENING STRIPS AND FLOODPLAINS TO PUBLIC USE, SUCH LANDS TO BE DEEDED TO ANNE ARUNDEL COUNTY, MARYLAND ON REQUEST.

THE RECREATION AREAS AND OPEN SPACE PARCELS SHOWN HEREON ARE HEREBY SET ASIDE FOR THE USE OF THE OVERLOOK AT BROAD CREEK SUBDIVISION, AND SHALL IN ACCORDANCE WITH ARTICLE 26, SECTION 3-104 (G) OF THE ANNE ARUNDEL COUNTY CODE, BE CONVEYED TO THE OVERLOOK AT BROAD CREEK HOMEOWNERS ASSOCIATION IMMEDIATELY AFTER RECORDATION OF THIS PLAT.

THERE ARE NO SUITS, ACTIONS AT LAW, LEASES, LIENS, MORTGAGES, TRUSTS, EASEMENTS OR RIGHTS OF WAY AFFECTING THE PROPERTY INCLUDED IN THIS PLAN OF SUBDIVISION, AND ALL PARTIES IN INTEREST THERETO HAVE HEREUNTO AFFIXED THEIR SIGNATURES INDICATING THEIR ASSENT AND WILLINGNESS TO JOIN IN THIS PLAN OF SUBDIVISION.

THE PMU LIMITED PARTNERSHIP

THE PLATTNER TRUST

DATE: BY: JOHN R. URCILO, LIMITED PARTNER DATE: BY: RICHARD N. RUPRECHT, TRUSTEE

WE ASSENT TO AND DO HEREBY JOIN IN THIS PLAN OF SUBDIVISION.
CONTRACT PURCHASERS
WINCHESTER HOMES, INC.

DATE: BY: KEITH KUBISTA, VICE-PRESIDENT

OWNER/DEVELOPER CERTIFICATION

WE FURTHER CERTIFY THAT IRON PIPES MARKED THUS ● AND CONCRETE MONUMENTS MARKED THUS ■ WILL BE SET IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF ANNE ARUNDEL COUNTY, MARYLAND.

WE ASSENT TO AND DO HEREBY JOIN IN THIS PLAN OF SUBDIVISION.
CONTRACT PURCHASERS
WINCHESTER HOMES, INC.

DATE: BY: KEITH KUBISTA, VICE-PRESIDENT

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON IS CORRECT, THAT IT REPRESENTS A SURVEY OF THE PROPERTY BY THE SURVEYOR OR PREPARED UNDER THE SURVEYOR'S DIRECT SUPERVISION;

THAT IT IS A SUBDIVISION OF ALL OF THE PROPERTY ACQUIRED BY THE PLATTNER TRUST FROM FRANCIS B. PLATTNER BY DEED DATED FEBRUARY 27, 1989 AND RECORDED AMONG THE LAND RECORDS OF ANNE ARUNDEL COUNTY, MARYLAND IN LIBER 4799 AT FOLIO 038;

AND THAT IT IS A SUBDIVISION OF ALL OF THE PROPERTY ACQUIRED BY THE PMU FAMILY LIMITED PARTNERSHIP FROM PHILLIE M. URCILO (INDIVIDUALLY AND AS SUCCESSOR TO JOSEPH M. URCILO, SR.), BY DEED DATED DECEMBER 24, 1996 AND RECORDED AMONG THE LAND RECORDS OF ANNE ARUNDEL COUNTY, MARYLAND IN LIBER 7749 AT FOLIO 646;

THE REQUIREMENTS OF SECTION 3-108, REAL PROPERTY ARTICLE, ANNOTATED CODE OF MARYLAND, 1988 REPLACEMENT VOLUME (AS SUPPLEMENTED) AS FAR AS THEY RELATE TO THE MAKING OF THIS PLAT AND SETTING OF MARKERS HAVE BEEN COMPLIED WITH.

DATE: 8-10-99

E. MEADE KEISER, REGISTERED PROPERTY LINE SURVEYOR, MD REG. NO. 608

THE PMU LIMITED PARTNERSHIP

THE PLATTNER TRUST

DATE: BY: JOHN R. URCILO, LIMITED PARTNER DATE: BY: RICHARD N. RUPRECHT, TRUSTEE

PLAT AREA TABULATION

LOTS	1,175,512 SF	26.99 AC.
PUBLIC ROAD RIGHT OF WAY	110,570 SF	2.54 AC.
OPEN SPACE	164,071 SF	3.76 AC.
ACTIVE REC. AREA	25,500 SF	0.59 AC.
PASSIVE REC. AREA	8,500 SF	0.19 AC.
TOTAL PLAT	1,484,153 SF	34.07 AC.
TOTAL CBCA	778,360 SF	17.86 AC.

WAIVERS:

- WAIVER NO. 8045 TO PERMIT DISTURBANCE TO THE STEEP SLOPES AND THE ASSOCIATED BUFFER TO CONSTRUCT A STORMWATER MANAGEMENT OUTFALL AND SEWER CONNECTION HAS BEEN GRANTED BY THE DEPARTMENT OF PLANNING AND CODE ENFORCEMENT ON _____.

J. A. CHISHOLM, P. E., L.L.C.
LAND DEVELOPMENT CONSULTANTS
ENGINEERING • PLANNING • SURVEYING
2661 RIVA ROAD, RIVA 400, SUITE 320
ANNAPOLIS, MARYLAND 21401
PHONE (410) 224-3990

A) BELL ATLANTIC CONSTRUCTION EASEMENT NOTE

IN COMPLIANCE WITH THE PUBLIC SERVICE COMMISSION OF MARYLAND ORDER NUMBER 60316, DATED JUNE 20, 1973, OWNER DOES HEREBY GRANT AND CONVEY UNTO THE BELL ATLANTIC TELEPHONE COMPANY OF MARYLAND, A BODY CORPORATE, HEREINAFTER CALLED GRANTEE, ITS ASSOCIATED AND ALLIED COMPANIES AND THEIR RESPECTIVE SUCCESSORS, ASSIGNS AND LICENSEES, A RIGHT OF WAY/EASEMENT TO CONSTRUCT, OPERATE, MAINTAIN, ENLARGE, REPLACE AND REMOVE TELECOMMUNICATIONS, ELECTRIC, GAS SYSTEMS, CONDUIT, PIPE, MANHOLES, CABLES, WIRE AND FIXTURES UNDER AND OVER THE PROPERTY AS DESCRIBED AS FOLLOWS:

A STRIP(S) OF LAND TEN (10) FEET WIDE AND PARALLEL, CONTIGUOUS AND ADJACENT TO THE PROPERTY LINES OF THE LOTS RECORDED TO THE FULL EXTENT THAT SUCH LINES ABUT RIGHT OF WAYS. TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO SAID PROPERTY AT ALL TIMES FOR THE SAFE AND PROPER OPERATION AND MAINTENANCE THEREOF. THE GRANTEEES AGREE TO REPAIR OR PAY FOR ALL DAMAGE TO CROPS, LAWN, FIELDS, FENCES, DRIVEWAYS AND WALKWAYS ARISING FROM THE CONSTRUCTION AND MAINTENANCE OF THE AFORESAID SYSTEMS.

B) STATEMENT ON CLUSTER DEVELOPMENT

THE LAND DESIGNATED ON THIS PLAT AS OPEN SPACE IS INTENDED FOR USE IN COMMON BY THE RESIDENTS IN THIS SUBDIVISION AND LIES WITHIN A CLUSTER DEVELOPMENT APPROVED BY ANNE ARUNDEL COUNTY IN ACCORDANCE WITH ARTICLE 26, SECTION 4-101 THROUGH 4-103 AND ARTICLE 28, SECTIONS 2-601 THROUGH 42-813 OF THE ANNE ARUNDEL COUNTY CODE.

SUBDIVISIONS OR RESUBDIVISIONS OF THE OPEN SPACE DESIGNATED ON THIS PLAT IS NOT PERMITTED AND USE OF THE LAND IS PERMITTED ONLY FOR PARKS, CONSERVATION, RECREATION, GARDENING, AND SIMILAR PURPOSES FOR THE RESIDENTS OF THIS SUBDIVISION.

C) TEMPORARY CONSTRUCTION EASEMENT

A TEMPORARY EASEMENT IS RESERVED ON ALL LOTS SHOWN HEREON BETWEEN THE RIGHT-OF-WAY LINE AND THE BUILDING RESTRICTION LINE FOR THE PROPOSED CONSTRUCTION OF THE ROADS AND OTHER IMPROVEMENTS REQUIRED UNDER A PUBLIC WORKS AGREEMENT OR A UTILITY AGREEMENT. ONLY THAT WORK NECESSARY FOR THE EXECUTION OF THE APPROVED PLANS UNDER THESE AGREEMENTS SHALL BE PERFORMED WITHIN THE EASEMENTS AND SAID EASEMENTS WILL CEASE TO EXIST UPON COMPLETION OF THESE IMPROVEMENTS AND THE RELEASE OF ANY MAINTENANCE SECURITY HELD BY ANNE ARUNDEL COUNTY, MARYLAND.

D) BELL ATLANTIC NOTE

THIS PLAT HAS BEEN APPROVED FOR RECORDING SUBJECT TO AN AGREEMENT WITH BELL ATLANTIC TELEPHONE COMPANY RECORDED AMONG THE LAND RECORDS OF ANNE ARUNDEL COUNTY, MARYLAND IN LIBER _____ AT FOLIO _____ RECORDED ON _____, 1999.

E) BGE NOTE

THIS PLAT HAS BEEN APPROVED FOR RECORDING SUBJECT TO AN AGREEMENT WITH BALTIMORE GAS AND ELECTRIC COMPANY RECORDED AMONG THE LAND RECORDS OF ANNE ARUNDEL COUNTY, MARYLAND IN LIBER _____ AT FOLIO _____ RECORDED ON _____, 1999.

F) STORMWATER MANAGEMENT CONCEPT

THE STORMWATER MANAGEMENT FOR THE SITE WILL BE PROVIDED BY A PUBLIC STORMWATER MANAGEMENT BASIN. THE QUALITY MANAGEMENT WILL BE PROVIDED BY EXTENDED DETENTION. THE STORAGE FOR QUALITY MANAGEMENT WILL BE DETERMINED WITH AN AVERAGE PERCENT OF IMPERVIOUS AREA OVER THE ENTIRE SITE, BASED ON THE EXISTING ZONING. THE BASIN WILL PROVIDE ATTENUATION OF THE 2 & 10 YEAR 24 HOUR STORM EVENT, AND SAFELY CONVEY THE 100 YEAR 24 HOUR STORM AS REQUIRED BY A. A. CO. CODE.

G) RIGHT TO DISCHARGE

WE HEREBY GRANT AND CONVEY TO ANNE ARUNDEL COUNTY, MARYLAND, THE PERPETUAL RIGHT-TO-DISCHARGE THE FLOW OF STORMWATER FROM SUCH NECESSARY DRAINAGE FACILITIES AND APPURTENANCES TO ADEQUATELY DRAIN THE NATURAL WATERSHED AND ADJACENT PROPERTIES INTO EXISTING WATERWAYS AND/OR NATURAL DRAINAGE COURSES AND/OR UPON EXISTING GROUND. SUCH DISCHARGE POINTS ARE INDICATED BY THE SYMBOLS ◀ AND ▶ RESPECTIVELY, AS SHOWN GRAPHICALLY ON THIS PLAT.

PLATTNER TRUST

DATE: BY: RICHARD N. RUPRECHT, TRUSTEE

H) ALLOCATION AND PUBLIC IMPROVEMENT NOTE

THIS SUBDIVISION PLAT IS SUBJECT TO THE REQUIREMENTS OF ARTICLE 27, TITLE 3 OF THE ANNE ARUNDEL COUNTY CODE AS IT RELATES TO THE ALLOCATION OF WASTEWATER & WATER CAPACITY. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS LAW MAY CAUSE THIS SUBDIVISION PLAT TO BECOME VOID OR CAUSE THE PROPERTIES SHOWN HEREON TO BE SUBJECT TO A LIEN FOR UNPAID CHARGES.

I) DEVELOPMENT PLAN STATEMENT

DEVELOPMENT OF THIS SUBDIVISION SHALL BE UNDERTAKEN ONLY IN ACCORDANCE WITH THE APPROVED FINAL DEVELOPMENT PLAN ON FILE IN THE DEPARTMENT OF PLANNING AND CODE ENFORCEMENT.

SITE ANALYSIS

ZONING

EXISTING ZONING R-2, RCA AND OS
CBCA - CHESAPEAKE BAY CRITICAL AREA

LOT TABULATION

AREA OF OS ZONE LOTS WITHIN CBCA	0.82 ACRE
AREA OF R2 ZONE LOTS WITHIN CBCA	16.88 ACRE
AREA OF R2 ZONE ROAD RW WITHIN CBCA	0.16 ACRE
TOTAL WITHIN CBCA	17.86 ACRE
AREA OF R2 ZONE LOTS OUTSIDE CBCA	9.29 ACRE
AREA OF R2 ZONE ROAD RW OUTSIDE CBCA	2.38 ACRE
AREA OF R2 ZONE OPEN SPACE OUTSIDE CBCA	3.76 ACRE
AREA OF R2 ZONE REC. AREA OUTSIDE CBCA	0.78 ACRE
TOTAL OUTSIDE CBCA	16.21 ACRE
TOTAL AREA OF SUBDIVISION	17.86 + 16.21 = 34.07 ACRES
MAXIMUM DENSITY OUTSIDE CBCA: (16.21 x 2.5) = 40 UNITS	
CBCA 1 LOT	
NUMBER OF CLUSTER LOTS PROPOSED:	16
NUMBER OF CONVENTIONAL LOTS PROPOSED:	14
NUMBER OF CBCA LOTS PROPOSED:	1
TOTAL NUMBER OF LOTS PROPOSED:	31

MINIMUM LOT SIZE (CLUSTER LOTS): 10,000 SF
AREA OF CLUSTER LOTS: 168,243 SF OR 3.86 ACRES
AREA OF CONVENTIONAL LOTS: 234,959 SF OR 5.39 AC.

RECREATION AREA TABULATION

TOTAL RECREATION AREA REQUIRED: (1000 SF x 31) 31,000 SF
TOTAL RECREATION AREA PROVIDED 34,000 SF OR 0.78 AC.
DRY GROUND REC. AREA REQUIRED (31,000 SF x 0.75) 23,250 SF
DRY GROUND (ACTIVE) RECREATION AREA PROVIDED 25,500 SF
PASSIVE RECREATION AREA PROVIDED 8,500 SF

LOT 32 (WITHIN THE CBCA) HAS THE DEVELOPMENT POTENTIAL TO BE RESUBDIVIDED INTO THREE FAMILY CONVEYANCE LOTS. THE EXCESS RECREATION AREA PROVIDED (3,000 SF) IS TO BE CREDITED TOWARDS ANY FUTURE RESUBDIVISION.

OPEN SPACE TABULATION

OPEN SPACE REQUIRED
(16 CLUSTER LOTS x 15,000) = 240,000 SF
240,000 - 168,243 (CLUSTER LOT AREA) = 71,757 SF
71,757 SF OR 1.65 AC. OPEN SPACE REQUIRED

OPEN SPACE PROVIDED
OPEN SPACE 1 1.67 ACRE
OPEN SPACE 2 0.89 ACRE
OPEN SPACE 3 0.70 ACRE
OPEN SPACE 4 0.50 ACRE

OPEN SPACE PROVIDED = 3.76 ACRES
SWM ESM'T WITHIN OPEN SPACE 1 = 1.67 AC.
NET OPEN SPACE 3.76 - 1.67 = 2.09 AC.

R-2

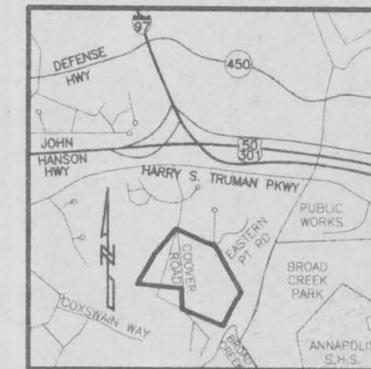
BUILDING RESTRICTION LINES

FRONT: 30' MINIMUM, 20' FOR VARIATION
SIDE: 7' MINIMUM, 20' COMBINED
REAR: 25'
MINIMUM LOT SIZE: 15,000 SF

R-2 CLUSTER

BUILDING RESTRICTION LINES

FRONT: 15'
SIDE: 10'
REAR: 10'
MINIMUM LOT SIZE: 10,000 SF



VICINITY MAP 1"=2000'

GENERAL NOTES

- COORDINATES ARE BASED ON THE MARYLAND STATE COORDINATE SYSTEM, NAD 27 DATUM, PROJECTED BY THE DEPARTMENT OF PUBLIC WORKS OF ANNE ARUNDEL COUNTY, MARYLAND.
MON. 414-D N. 414,355.59 E. 917,126.65 IRON BAR
MON. 414-E N. 415,347.47 E. 917,389.88 IRON BAR
- ELEVATIONS ARE BASED ON THE U.S.C. AND G.S. 1929 DATUM PROJECTED BY THE DEPARTMENT OF PUBLIC WORKS OF ANNE ARUNDEL COUNTY, MARYLAND.
- A LANDSCAPE PLAN FOR THE OVERLOOK AT BROAD CREEK HAS BEEN APPROVED BY THE DEPARTMENT OF PLANNING AND CODE ENFORCEMENT. A LANDSCAPE AND SCREENING AGREEMENT MUST BE SUBMITTED AND APPROVED BY THE DEPARTMENT OF PLANNING AND CODE ENFORCEMENT PRIOR TO ISSUANCE OF GRADING PERMITS.
- THE DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE SUBDIVISION OF THE OVERLOOK AT BROAD CREEK IS RECORDED AMONG THE LAND RECORDS OF ANNE ARUNDEL COUNTY, MARYLAND IN LIBER _____ AT FOLIO _____.
- A MINIMUM OF TWO (2) PARKING SPACES SHALL BE PROVIDED FOR EACH UNIT.
- NO TREES SHALL BE PLANTED WITHIN THE PUBLIC UTILITY EASEMENTS.
- ALL FOREST RETENTION/PROTECTION/CLEARING SHALL BE DONE IN ACCORDANCE WITH THE APPROVED FOREST CONSERVATION PLAN ON FILE WITH THE ANNE ARUNDEL COUNTY DEPARTMENT OF PLANNING AND CODE ENFORCEMENT. THIS SITE IS SUBJECT TO A FOREST CONSERVATION EASEMENT RECORDED AMONG THE LAND RECORDS OF ANNE ARUNDEL COUNTY, MARYLAND IN LIBER _____ AT FOLIO _____.

RECEIVED
AUG 18 1999
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

PACE DEVELOPMENT DIVISION
RECEIVED
AUG 18 1999
RECEIVED

99-091

**THE OVERLOOK AT BROAD CREEK
CBCA COMPLIANCE**

- Total area within CBCA=17.86 ac.
- CBCA classification=RCA (Resource Conservation Area)
- Existing wooded area=15.78 ac. (687,555 s.f.)
- Permitted clearing (30%)=4.73 ac. (206,266 s.f.)
- Clearing proposed=0.12 ac. (5,227 s.f.)
- Additional clearing permitted on lot 32 (Future)=4.61 ac.(201,039 s.f.)
- Reforestation required for proposed clearing (E x 1)=0.12 ac. (5,227 s.f.)
- Impervious area permitted (15%)=2.68 ac. (116,697 s.f.)
- Impervious area proposed=0.45 ac. (19,557 s.f.)
- Additional impervious area permitted on lot 32 (Future)=2.23 ac. (97,140 s.f.)

**THE OVERLOOK AT BROAD CREEK
FOREST CONSERVATION ACT COMPLIANCE
(OUTSIDE CBCA)**

- Total Tract Area=34.07 ac.
- 100 yr. Floodplain=0 ac.
- Other Deductions (Critical Area)=17.86 ac.
- Net Tract Area=16.21 ac.
- Forest Conservation Threshold (20%)=3.24 ac.
- Existing Forest within Net Tract Area=15.54 ac.
- Proposed Clearing=10.93 ac.
- Proposed Forest Conservation Easement=3.71 ac.
- Reforestation required for proposed clearing=2.73 ac. above Conservation Threshold (0.25x G)
- Credit for retention above Conservation Threshold=0.47 ac. (H-E)
- Net Reforestation Required= (I-J)=2.26 ac.

APPROVED:

(PUBLIC SYSTEMS)

RICHARD T. WILCOX, INTERIM DIRECTOR OF THE DEPARTMENT OF PLANNING & CODE ENFORCEMENT & FOR THE HEALTH OFFICER, ANNE ARUNDEL COUNTY DEPARTMENT OF HEALTH

DATE

REC. PLAT BOOK PAGE PLAT INO.

PLAT ONE OF TWO
**THE OVERLOOK
AT BROAD CREEK**
A RESIDENTIAL SINGLE FAMILY DETACHED SUBDIVISION
CLUSTER DEVELOPMENT

SUBDIVISION # 1998-071 PROJECT # 1999-091
TAX MAP 50 BLOCKS 4, 5 & 11 PARCELS 9 AND 177
SCALE: AS SHOWN SITE ZIP CODE 21401 MARCH, 1999
SECOND ASSESSMENT DISTRICT ANNE ARUNDEL COUNTY, MARYLAND