

**JUSTIFICATION STATEMENT**  
**FOR REQUESTED AMENDMENT OF REZONING CONDITION**  
**FOR REZONING CASE NO. R-89-4 AND ORDINANCE NO. 89-57-588**

The Applicant, Longview Lot 1-B, LLC, a Maryland limited liability company, is the owner and developer of a portion of the real property subject to Ordinance No. 89-57-588 and known as 6109 Finn Place, New Market, Maryland 21774 (the “**Applicant’s Property**”). Daniel F. Heath and Patricia M. Heath are the owners (collectively, “**Heath**”) of the other portion of the real property subject to Ordinance No. 89-57-588, which is located at 6101 Finn Place, New Market, Maryland 21774 (the “**Heath Property**”) (collectively, the Heath Property and the Applicant’s Property are hereinafter referred to as the “**Property**”).<sup>1</sup>

In 1989, the Board of County Commissioners of Frederick County, Maryland (the “**BOCC**”) approved Rezoning Case No. R-89-4, Ordinance No. 89-75-588 (“**Ordinance No. 89-75-588**”) for Tax Map 79, Parcels 146 and 179, wherein Daniel F. Heath and Patricia M. Heath and James W. Mills and Linda L. Mills filed the application to rezone 10 acres of land, more or less, from the Agricultural (A) zone to the R-3 Residential zone. The Frederick County Planning Commission (“**Planning Commission**”) recommended approval of the request with the following conditions: (1) The property be developed on public water and sewer systems; (2) The development of this property become part of the Summerfield Planned Unit Development (PUD) so that its residents contribute to and become responsible for the amenities located in the larger adjacent development; (3) Prior to recording of the plats, the property be tested for underground water contamination stemming from existing petroleum tanks on the property.<sup>2</sup>

The BOCC found that there was a substantial change in the character of the neighborhood where the Property was located sufficient to warrant the rezoning with the following conditions: (1) This property must be developed on public water and sewerage systems; (2) *Before any additional lots are recorded, this property must become a part of the Lake Linganore Planned Unit*

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<sup>1</sup> Attached to this Justification Statement is **Exhibit A**, a copy of the SDAT information sheet for each property; **Exhibit B**, a copy of the “Owner Authorization” from Mr. and Mrs. Heath giving the Applicant the authority to submit this rezoning application on their behalf; and **Exhibit C**, a copy of the Plat recorded among the Land Records in Plat Book 70, page 89.

<sup>2</sup> See page 1 of **Exhibit D**, a copy of the Opinions/Findings of Ordinance No. 89-57-588.

*Development so that its residents contribute to and become responsible for the amenities located in the adjacent planned unit development; (3) Before any lots are recorded, the property must be tested for underground water contamination stemming from leaking petroleum storage tanks; and (4) Within 180 days of the effective date of this Ordinance, the applicant shall remove from the property all of the storage, buildings, and equipment related to or used in the excavating business.<sup>3</sup>* The Applicant plans to meet or has met the aforementioned requirements (1), (3), and (4): the Applicant will develop the Applicant's Property on public water and sewerage systems, the Applicant's Property has been tested for underground water contamination stemming from leaking petroleum storage tanks, and the removal of storage, buildings, and equipment related to or used in the excavating business has been completed.

The Applicant requests that Condition Number 2 "*Before any additional lots are recorded, this property must become a part of the Lake Linganore Planned Unit Development so that its residents contribute to and become responsible for the amenities located in the adjacent planned unit development*" be modified. The Applicant requests this modification to Condition Number 2 of Ordinance No. 89-75-588 in part because a homeowners association for six (6) lots on the Applicant's Property would be more appropriate for this smaller planned subdivision since it is not connected, nor is it planned to be connected to the Lake Linganore Planned Unit Development.<sup>4</sup> There would be no homeowners association for the Heath Property as it currently consists of a single-family dwelling with no plans of subdivision. Furthermore, thirty-five (35) years have passed since the Property was rezoned and the development plans for the Property have changed to include **less** residential development for the Property. In addition, the Comprehensive Zoning Map and Land Use Map do not include the Property as part of the adjacent Lake Linganore Planned Unit Development. The Applicant is requesting this amendment to Ordinance No. 89-75-588 in order to modify the BOCC's Condition Number 2 and subject only the Applicant's Property to a homeowners association at such time when new residential dwelling units are built on any portion of the Applicant's Property, since it is not planned to be part of the Lake Linganore Planned Unit Development.

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<sup>3</sup> See page 4 of **Exhibit D**, a copy of the Opinions/Findings of Ordinance No. 89-57-588.

<sup>4</sup> The Applicant has made various attempts to annex the Property into the Lake Linganore Homeowners Association ("LLA"), and LLA has notified the Applicant that it is unable to annex the Property into the LLA at this time.

As shown on the Comprehensive Land Use Plan, the Property is located in the “Low Density Residential” area and adjacent to Deer Crossing Elementary School, the Summerfield residential subdivision of LLA, and other properties that are referenced as “Low Density Residential”.<sup>5</sup> The Property is located in the R-3 zoning district. The Applicant’s Property will remain compatible with surrounding “Low Density Residential” properties when it is developed as a six (6) lot residential subdivision, and the Heath Property will remain compatible with the surrounding “Low Density Residential” properties as a single-family dwelling.<sup>6</sup> In addition, and as shown on **Exhibit F**, which shows the zoning adopted as part of the Countywide Comprehensive Plan, the Property is not included in the Lake Linganore Planned Unit Development (which is located adjacent to the Property). The Property is labeled in “orange” and is indexed as “R-3 - Low Density Residential”.

Since the Applicant intends to build only six (6) residential dwelling units on the Applicant’s Property, it would be considered a minor subdivision.<sup>7</sup> The Heath Property contains one single-family dwelling unit and that will currently remain the only residential dwelling for the Heath Property. There are no current plans to build any new residential dwelling units on the Heath Property. At the commencement of the road construction for the Applicant’s Property, the Applicant intends to install a fence between the Heath Property and the Applicant’s Property, and a gate installed at the driveway entrance of the Heath Property at the request of Mr. and Mrs. Heath. See **Exhibit G** for an example of both the fence and gate, attached hereto and made a part hereof. The Applicant intends to subject the Applicant’s Property to a homeowners association, and will record a Declaration of Covenants, Conditions, and Restrictions for the Applicant’s Property. The Applicant intends for the homeowners association to maintain the aforementioned fence between the Heath Property and the Applicant’s Property.

Based on the foregoing, the Applicant requests that the BOCC Condition Number 2 for Ordinance No. 89-75-588 be modified in order to: (i) subject the Applicant’s Property to its own

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<sup>5</sup> See attached **Exhibit E**, a copy of the Comprehensive Land Use Plan for the Subject Property and surrounding properties.

<sup>6</sup> See attached **Exhibit F**, a copy of the Zoning, adopted as part of the Countywide Comprehensive Plan.

<sup>7</sup> The current zoning for the Subject Property would permit the Applicant to build twenty-three (23) residential dwellings on the Property (on both parcels). However, the Applicant intends to only build six (6) single-family residential dwelling units on the Applicant’s Property. According to Staff, it will be considered a five (5) lot minor subdivision with a remainder lot.

homeowners association at such time when residential dwelling units are built on the Property, instead of the Applicant's Property becoming a part of LLA; and (ii) remove the BOCC Condition Number 2 from the Heath Property.

## Exhibit A

[View Map](#)[View GroundRent Redemption](#)[View GroundRent Registration](#)**Special Tax Recapture:** None**Account Identifier:** District - 09 Account Number - 236236**Owner Information**

<b>Owner Name:</b>	HEATH DANIEL F & PATRICIA M	<b>Use:</b>	RESIDENTIAL
<b>Mailing Address:</b>	5909 ENTERPRISE CT FREDERICK MD 21703-	<b>Principal Residence:</b>	YES
		<b>Deed Reference:</b>	/06850/ 00543

**Location & Structure Information**

<b>Premises Address:</b>	6101 FINN PL NEW MARKET 21774-0000	<b>Legal Description:</b>	LT #1B 5.01 AC W/S BOYERS MILL RD LONGVIEW
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<b>Map:</b> 079E	<b>Grid:</b> 2	<b>Parcel:</b> 0146	<b>Neighborhood:</b> 9010001.11	<b>Subdivision:</b> 0000	<b>Section:</b>	<b>Block:</b> 1B	<b>Lot:</b> 2025	<b>Assessment Year:</b>	<b>Plat No:</b>
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**Town:** None

<b>Primary Structure Built</b>	<b>Above Grade Living Area</b>	<b>Finished Basement Area</b>	<b>Property Land Area</b>	<b>County Use</b>
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1965	1,212 SF	YES	5.0100 AC
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<b>Stories</b>	<b>Basement</b>	<b>Type</b>	<b>Exterior</b>	<b>Quality</b>	<b>Full/Half Bath</b>	<b>Garage</b>	<b>Last Notice of Major Improvements</b>
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1	YES	STANDARD UNIT	FRAME/	4	1 full/ 1 half	1 Detached	
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**Value Information**

	<b>Base Value</b>	<b>Value</b>	<b>Phase-in Assessments</b>	
		As of 01/01/2022	As of 07/01/2024	As of 07/01/2025
<b>Land:</b>	181,000	181,000		
<b>Improvements</b>	230,700	230,700		
<b>Total:</b>	411,700	411,700	411,700	
<b>Preferential Land:</b>	0			

**Transfer Information**

<b>Seller:</b>	<b>Date:</b>	<b>Price:</b>
<b>Type:</b>	<b>Deed1:</b> /06850/ 00543	<b>Deed2:</b>
<b>Seller:</b>	<b>Date:</b>	<b>Price:</b>
<b>Type:</b>	<b>Deed1:</b>	<b>Deed2:</b>
<b>Seller:</b>	<b>Date:</b>	<b>Price:</b>
<b>Type:</b>	<b>Deed1:</b>	<b>Deed2:</b>

**Exemption Information**

<b>Partial Exempt Assessments:</b>	<b>Class</b>	<b>07/01/2024</b>	<b>07/01/2025</b>
<b>County:</b>	000	0.00	
<b>State:</b>	000	0.00	
<b>Municipal:</b>	000	0.00	0.00

**Special Tax Recapture:** None**Homestead Application Information****Homestead Application Status:** Approved 01/12/2011**Homeowners' Tax Credit Application Information****Homeowners' Tax Credit Application Status:** No Application**Date:**

Real Property Data Search ()  
Search Result for FREDERICK COUNTY

[View Map](#)[View GroundRent Redemption](#)[View GroundRent Registration](#)**Special Tax Recapture:** None**Account Identifier:****District - 09 Account Number - 230270****Owner Information**

<b>Owner Name:</b>	LONGVIEW LOT 1-B LLC	<b>Use:</b>	RESIDENTIAL
<b>Mailing Address:</b>	C/O 126 WEST THIRD ST FREDERICK MD 21701	<b>Principal Residence:</b>	NO
		<b>Deed Reference:</b>	/06850/ 00515

**Location & Structure Information**

<b>Premises Address:</b>	6109 FINN PL 0-0000	<b>Legal Description:</b>	LT #1B 5.11 ACRE LONGVIEW						
<b>Map:</b> 079E	<b>Grid:</b> 2	<b>Parcel:</b> 0179	<b>Neighborhood:</b> 9010001.11	<b>Subdivision:</b> 0000	<b>Section:</b>	<b>Block:</b> 1B	<b>Lot:</b> 2025	<b>Assessment Year:</b> 2025	<b>Plat No:</b>
									<b>Plat Ref:</b> 0070/ 0089

**Town:** None

<b>Primary Structure Built</b>		<b>Above Grade Living Area</b>			<b>Finished Basement Area</b>		<b>Property Land Area</b>	<b>County Use</b>
Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage		
			/				5.1100 AC	

**Value Information**

	<b>Base Value</b>	<b>Value</b>	<b>Phase-in Assessments</b>
		As of 01/01/2022	As of 07/01/2024
<b>Land:</b>	181,400	181,400	As of 07/01/2025
<b>Improvements</b>	0	0	
<b>Total:</b>	181,400	181,400	181,400
<b>Preferential Land:</b>	0		

**Transfer Information**

<b>Seller:</b> MILLS, JAMES WAYNE	<b>Date:</b> 01/07/2008	<b>Price:</b> \$300,000
<b>Type:</b> ARMS LENGTH VACANT	<b>Deed1:</b> /06850/ 00515	<b>Deed2:</b>
<b>Seller:</b> MILLS, JAMES W& LINDA	<b>Date:</b> 04/16/1996	<b>Price:</b> \$0
<b>Type:</b> NON-ARMS LENGTH OTHER	<b>Deed1:</b> /06850/ 00512	<b>Deed2:</b>
<b>Seller:</b> GRIMES, ROBERT D	<b>Date:</b> 09/08/1981	<b>Price:</b> \$36,000
<b>Type:</b> ARMS LENGTH IMPROVED	<b>Deed1:</b> /01156/ 00071	<b>Deed2:</b>

**Exemption Information**

<b>Partial Exempt Assessments:</b>	<b>Class</b>	07/01/2024	07/01/2025
<b>County:</b>	000	0.00	
<b>State:</b>	000	0.00	
<b>Municipal:</b>	000	0.00	0.00

**Special Tax Recapture:** None**Homestead Application Information****Homestead Application Status:** No Application**Homeowners' Tax Credit Application Information****Homeowners' Tax Credit Application Status:** No Application**Date:**

**Frederick County**  
**APPLICANT DISCLOSURE FORM**

**Note: While the application is pending, you must supplement this disclosure whenever there is a change in the information provided.**

I. Property that is the subject of the application (Tax Map, Parcel, street address):  
Tax Map 079E2, Parcel 0179, 6109 Finn Place, New Market, MD 21774

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II. Please identify all persons and entities who have any of the following interests in the land that is the subject of the application. (Include the holders of at least a 10% interest in the land):

A. Title owners: Edward M. McCutcheon, Sr.  
Longview Lot 1-B, LLC (sole member)

B. Contract purchasers: \_\_\_\_\_ N/A

C. Trustees (do not include trustees described in a mortgage or deed of trust):  
N/A

D. Agents (including consultants, engineers, attorney) Provide agent name and their firm. Additional agents hired after submission of the application must be provided to the County. Tracie L. Clabaugh, The Clabaugh Law Firm  
Michael Swanson, P.E., LEED AP BD+C, Terra Solutions Engineering, LLC

E. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

III. For each person or entity named in Part II above, indicate that person's or entity's status. If there is more than one person or entity who qualifies as an applicant, provide the name of the applicant that the information pertains to in the space provided:

\_\_\_\_ An individual (Name: \_\_\_\_\_)  
\_\_\_\_ General partnership  
\_\_\_\_ A partnership (Name: \_\_\_\_\_)

- Limited liability partnership
- Limited partnership
- Limited liability limited partnership
- Joint venture

Name all partners: \_\_\_\_\_

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\_\_\_\_ A corporation (Name: \_\_\_\_\_)

Identify all officers and directors by name and title:

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Other business entity (Name: Longview Lot 1-B, LLC)

- Sole proprietorship
- An association
- Limited liability company

Name all owners/members/officers/directors:

Edward M. McCutcheon, Sr., (sole member)

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\_\_\_\_ Receiver (Name: \_\_\_\_\_)

\_\_\_\_ Trustee (Name: \_\_\_\_\_)

\_\_\_\_ Guardian (Name: \_\_\_\_\_)

\_\_\_\_ Personal representative (Name: \_\_\_\_\_)

\_\_\_\_ Fiduciary (Name: \_\_\_\_\_)

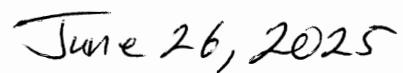
\_\_\_\_ Other representative (Specify: \_\_\_\_\_)

I hereby affirm under penalties of perjury and upon personal knowledge that the information provided herein is true. I also acknowledge that I understand that I have a duty to supplement the information provided herein should that information change while the application is pending.

Signature:



Date:



Edward M. McCutcheon, Sr.,  
Longview Lot 1-B, LLC (sole member)

Name and title (if applicable)

Revised July 2018

# Exhibit B

## APPLICANT DISCLOSURE FORM

**IMPORTANT NOTE: WHILE THE APPLICATION IS PENDING, YOU MUST SUPPLEMENT THIS DISCLOSURE WHENEVER THERE IS A CHANGE IN THE INFORMATION PROVIDED.**

I. Property that is the subject of the application:

16101 Finn Place, New Market, Maryland 21774

II. Please identify all persons and entities who have any of the following interests in the land that is the subject of the application. (Include the holders of at least a 10% interest in the land):

A. Title owners: Daniel F. Heath and Patricia M. Heath

B. Contract purchasers: N/A

C. Trustees (do not include trustees described in a mortgage or deed of trust):

N/A

III. For each person or entity named in Part II above, indicate that person's or entity's status. If there is more than one person or entity who qualifies as an applicant, provide the name of the applicant that the information pertains to in the space provided:

An individual (Name: Daniel and Patricia Heath)

A partnership (Name: \_\_\_\_\_)

General partnership

Limited liability partnership

Limited partnership

Limited liability limited partnership

Joint venture

Name all partners (optional): \_\_\_\_\_

— A corporation (Name: \_\_\_\_\_)

Identify all officers and directors by name and title:

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— Other business entity (Name: \_\_\_\_\_)

- Sole proprietorship
- An association
- Limited liability company

— Receiver (Name: \_\_\_\_\_)

— Trustee (Name: \_\_\_\_\_)

— Guardian (Name: \_\_\_\_\_)

— Personal representative (Name: \_\_\_\_\_)

— Fiduciary (Name: \_\_\_\_\_)

— Other representative (Specify: \_\_\_\_\_)

I hereby affirm under penalties of perjury and upon personal knowledge that the information provided herein is true. I also acknowledge that I understand that I have a duty to supplement the information provided herein should that information change while the application is pending.

Signature:

Dan F. Heath

Name and title (if applicable)  
Daniel F. Heath

Date:

4/14/2025

Patricia M. Heath  
Patricia M. Heath

4/14/2025

Revised June 2007

## Exhibit C

## COORDINATES

PT	NORTHING	EASTING
21	5031 9531	5909 1081
22	5693 9600	6273 7453
173	5506 8009	5211 2581
208	4819 8186	4912 8717
276	4999 9582	4999 7606
277	4658 2986	5679 5678
278	5131 5220	5963 9512

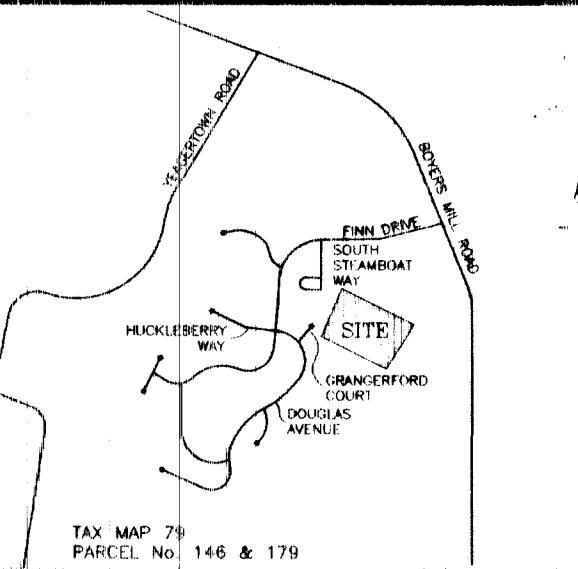
COORDINATES ARE BASED ON AN ASSUMED DATUM

## AREA TABULATIONS

Original area Lot 1-A	218,295 S.F. or	5.0114 Acres ±
+ Parcel "A"	2,133 S.F. or	0.0490 Acres ±
- Parcel "B"	2,133 S.F. or	0.0490 Acres ±
New area Lot 1-A	218,295 S.F. or	5.0114 Acres ±
Original area Lot 1-B	222,751 S.F. or	5.1137 Acres ±
+ Parcel "B"	2,133 S.F. or	0.0490 Acres ±
- Parcel "A"	2,133 S.F. or	0.0490 Acres ±
New area Lot 1-B	222,751 S.F. or	5.1137 Acres ±
Area dedicated to public use	0 S.F. or	0.0000 Acres ±
Total area of additions	4,266 S.F. or	0.0980 Acres ±

NO ROAD GUARANTEE NEEDED

D. Heath

VICINITY MAP  
SCALE: 1" = 2000' +/-

## SURVEYOR'S CERTIFICATION

I hereby certify to the best of my professional knowledge and belief that the plat shown hereon is correct, except for any lines labeled "deed line", which were just transferred from existing records, that it is all of the land conveyed by Henry F. Schroyer and Mary J. Schroyer, his wife, unto Daniel F. Heath and Patricia M. Heath, his wife, as tenants by the entirety, by deed dated December 30, 1974 and recorded in Liber 953 Folio 607; also being all of the land conveyed by James Wayne Mills and Linda Stanifer Mills, his former wife, unto James Wayne Mills by deed dated April 15, 1996 and recorded in Liber 2178 Folio 1109, also being part of the lands as shown on a plat entitled "Longview" and recorded in Plat Book 4 Page 19; all being among the Land Records of Frederick County, Maryland; and that the requirements of the Annotated Code of Maryland, Real Property Book Title 3, Subtitle 1, Section 3-108, 1974 Edition, and the requirements of the Frederick County Code, Section 1-16-108, 1979 Edition, as enacted or amended, so far as it may concern the making of this plat and the setting of monuments and markers have been complied with.

M. Moore

For Thomas, Moore & Associates, Inc.  
Carl F. Thomas  
Property Line Surveyor  
MD Reg. No. 411

## OWNER'S CERTIFICATION AND DEDICATION

We, James Wayne Mills, Daniel F. Heath and Patricia M. Heath owners of the property shown and described herein, consent to and adopt this plan of subdivision, and in consideration of the approval of this plan of subdivision by the Planning Commission, establish the minimum building restriction lines, and dedicate the streets, walkways and other easements to the public use, unless otherwise noted on this plat. We also certify that there are no suits, actions of law, leases, liens, mortgages, trusts, easements or rights-of-way affecting the property in this plan of subdivision, except as herein indicated; and that the requirements of the Annotated Code of Maryland, Real Property Book Title 3, Subtitle 1, Section 3-108, 1974 Edition, and the requirements of the Frederick County Code, Section 1-16-108, 1979 Edition, as enacted or amended, so far as it may concern the making of this plat and the setting of monuments and markers have been complied with.

A confirmatory deed shall be recorded and the recorded addition plat shall be referenced in this and all successive deeds.

3/29/01

James Wayne Mills  
Owner Lot 1-B

D. Heath

3/29/01

Daniel F. Heath  
Owner Lot 1-A

P. M. Heath

3/29/01

Patricia M. Heath  
Owner Lot 1-A

THE PURPOSE OF THIS CORRECTION PLAT IS TO CORRECT THE ORIGINAL BOUNDARIES OF LOTS 1-A &amp; 1-B

ADDITION PLAT/CORRECTION PLAT  
LOT 1-B ADDITION TO LOT 1-A  
(PARCEL "A")AND  
LOT 1-A ADDITION TO LOT 1-B  
(PARCEL "B")

LONGVIEW

SITUATED OFF BOYERS MILL ROAD  
NEW MARKET ELECTION DISTRICT No. 9  
FREDERICK COUNTY, MARYLAND

SCALE: 1" = 100' FEBRUARY, 2001 JOB No. 2061

SYMBOLS	MINIMUM BUILDING RESTRICTION LINES
o Capped rebar set (#411) unless noted otherwise	FRONT: AS SHOWN
□ Stone found unless noted otherwise	SIDE: 10'
o Utility pole & overhead wires	REAR: 40'

Thomas, Moore & Associates, Inc.  
LAND SURVEYORS - CIVIL ENGINEERS - LAND PLANNERS  
129 WEST PATRICK STREET, SUITE 13  
FREDERICK, MD 21701  
301-698-9788

RECORDED PLAT BOOK PAGE

## Exhibit D

# Frederick County Planning Commission

Winchester Hall, 12 East Church St., Frederick, MD 21701



December 14, 1989

Mr. & Mrs. Daniel F. Heath  
6200-B Boyers Mill Road  
New Market, Maryland 21774

RE: Rezoning Case No. R-89-4  
Ordinance No. 89-57-588  
Tax Map 79, Parcels 146 & 179

Dear Mr. & Mrs. Heath:

The Board of County Commissioners, at a public meeting on Thursday, October 5, 1989, granted the above referenced rezoning application, requesting the reclassification of 10 acres of land, more or less, from the Agricultural Zoning District to the R-3 Residential Zoning District, located on the west side of Boyers Mill Road, 3000 ft. north of Md. Rt. 144 with the following conditions:

1. This property must be developed on public water and sewerage systems.
2. Before any additional lots are recorded, this property must become a part of the Lake Linganore Planned Unit Development so that its residents contribute to and become responsible for the amenities located in the adjacent planned unit development.
3. Before any lots are recorded, the property must be tested for underground water contamination stemming from leaking petroleum storage tanks
4. Within 180 days of the effective date of this Ordinance, the applicant shall remove from the property all of the storage, buildings and equipment related to or used in the excavating business.

Ordinance No. 89-57-588, which became effective on December 11, 1989 is enclosed and the official zoning maps have been revised to reflect this zoning change.

Under the provisions of Section 1-19-79, of the Zoning Ordinance, two (2) years after any rezoning is granted, the Planning Commission and Board of County Commissioners may initiate a rezoning application for such land if no building permits have been issued or no substantial construction has begun within the two (2) year period. Said initiation of rezoning may be necessary to aid in assuring the orderly development of the County in accordance with the Comprehensive Plan, the Zoning Ordinance and Article 66B of the Annotated Code of Maryland.

Mr. & Mrs. Daniel Heath  
December 14, 1989  
Page Two

If you have any questions concerning this matter, please do not hesitate to contact me.

Very truly yours,



Michael C. Thompson  
Zoning Administrator

MCT:fms  
Enclosures (1)  
cc: Brenda K. Teach, Acting Administrative Officer  
Dept. of Assessments & Taxation  
file

# Frederick County Planning Commission

Winchester Hall, 12 East Church St., Frederick, MD 21701



December 14, 1989

Mr. & Mrs. James W. Mills  
2921 Gene Hemp Road  
Jefferson, Maryland 21755

RE: Rezoning Case No. R-89-4  
Ordinance No. 89-57-588  
Tax Map 79, Parcels 146 & 179

Dear Mr. & Mrs. Mills:

The Board of County Commissioners, at a public meeting on Thursday, October 5, 1989, granted the above referenced rezoning application, requesting the reclassification of 10 acres of land, more or less, from the Agricultural Zoning District to the R-3 Residential Zoning District, located on the west side of Boyers Mill Road, 3000 ft. north of Md. Rt. 144 with the following conditions:

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2. Before any additional lots are recorded, this property must become a part of the Lake Linganore Planned Unit Development so that its residents contribute to and become responsible for the amenities located in the adjacent planned unit development.
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4. Within 180 days of the effective date of this Ordinance, the applicant shall remove from the property all of the storage, buildings and equipment related to or used in the excavating business.

Ordinance No. 89-57-588, which became effective on December 11, 1989 is enclosed and the official zoning maps have been revised to reflect this zoning change.

Under the provisions of Section 1-19-79, of the Zoning Ordinance, two (2) years after any rezoning is granted, the Planning Commission and Board of County Commissioners may initiate a rezoning application for such land if no building permits have been issued or no substantial construction has begun within the two (2) year period. Said initiation of rezoning may be necessary to aid in assuring the orderly development of the County in accordance with the Comprehensive Plan, the Zoning Ordinance and Article 66B of the Annotated Code of Maryland.

Mr. & Mrs. James W. Mills  
December 14, 1989  
Page Two

If you have any questions concerning this matter, please do not hesitate to contact me.

Very truly yours,



Michael C. Thompson  
Zoning Administrator

MCT:fms  
Enclosures (1)  
cc: Brenda K. Teach, Acting Administrative Officer  
Dept. of Assessments & Taxation  
file

THE EFFECTIVE DATE OF THIS ORDINANCE IS December 11, 1989

ORDINANCE NO. 89-57-588

OPINION, FINDINGS AND ORDINANCE  
OF  
BOARD OF COUNTY COMMISSIONERS  
OF  
FREDERICK COUNTY, MARYLAND

RE: APPLICATION OF DANIEL F. AND PATRICIA M. HEATH  
AND JAMES W. AND LINDA L. MILLS  
REZONING CASE NO. R-89-4

OPINION/FINDINGS

Daniel F. Heath and Patricia M. Heath and James W. Mills and Linda L. Mills filed this application to rezone 10 acres of land, more or less, from the Agricultural (A) zone to the R-3 Residential zone. The property is located west of Boyers Mill Road, approximately 3,000 feet north of Maryland Route 144 in the New Market Planning Region.

The Frederick County Planning Commission recommended approval of the request with the following conditions:

1. The property be developed on public water and sewer systems.
2. The development of this property become part of the Summerfield Planned Unit Development (PUD) so that its residents contribute to and become responsible for the amenities located in the larger adjacent development.
3. Prior to recording of the plats, the property be tested for underground water contamination stemming from existing petroleum tanks on the property.

The Planning Commission based its approval on the compatibility with adjacent development of the Summerfield portion of the Lake Linganore PUD. The Planning Commission also recommended that alignment improvements to Boyers Mill Road be proposed on the Capital Improvements Program (CIP).

The Staff of the Frederick County Planning Commission recommended approval of the request with conditions 1 and 2 stated above and the recommendation that alignment improvements to Boyers Mill Road be proposed on the CIP. The Staff noted a substantial change in the character of the neighborhood and its accessibility through the Summerfield portion of the Lake Linganore PUD.

The property consists of two adjoining five acre

12/11/89  
pc: Co. Atty., P&Z, File

parcels, each containing a single-family residence. The property lies on a relatively flat portion of a ridge extending from Maryland Route 144 to the south and Boyers Mill Road to the north. The property is wooded. The property adjoins the Summerfield portion of the Lake Linganore PUD. Summerfield is currently under construction. Properties to the south and east are undeveloped. The rest of Lake Linganore is located to the northwest and the Town of New Market is to the southeast. Subdivisions in the neighborhood include Longview Estates to the northwest (35 lots, 18 undeveloped) and the New Market Farms to the southeast (32 developed lots). Part of three subdivisions within the Lake Linganore PUD are located in the one mile neighborhood delineated in the Staff Report. These subdivisions are partially developed. Summerfield will ultimately contain 326 dwelling units, commercial uses, and a school. The proposed overall residential density is 2.4 units per acre (including residential and open space acreages). This property has been zoned Agricultural since 1959. Approximately 23 dwelling units could be constructed on this property with the proposed rezoning.

Based on all of the evidence submitted in this case, the Board makes the following specific findings of fact (in addition to the findings above) on each of the matters required by Md. Code Ann. Art. 66B, Sec. 4.05(a):

1. POPULATION CHANGE: Development of this property with 23 dwelling units would generate a population increase of approximately 65 persons. There are 475 households in the one mile neighborhood delineated in the Staff Report, containing approximately 1,344 residents. Since 1977, 284 single-family units, 28 duplex units, and 42 townhouses have been constructed in the neighborhood, increasing the population by 1,002 persons. The proposed rezoning would not cause a substantial or adverse change in the population.

2. AVAILABILITY OF PUBLIC FACILITIES: The development of this property under the proposed rezoning would generate approximately 9 elementary, 5 middle, and 7 high school students. These students would attend New Market Elementary, New Market Middle, and Linganore High Schools. New Market Elementary and Linganore High Schools are currently under capacity. New Market Middle is over capacity. The Frederick County Board of Education is currently planning to construct several new schools. With redistricting, any overcrowding conditions at these schools may be

alleviated. Fire and rescue services to the site are provided by the New Market Fire Department, less than two miles from the site. This is within the recommended distance for residential uses. The property is served by the Frederick County Sheriff's Department and the Maryland State Police. The property is designated S-7, W-7 (no planned service) on the Frederick County Water and Sewerage Plan. With the condition that the property be served by public water and sewer, this property could not develop until water and sewer are adequate and available. With the conditions imposed, the planned and existing public facilities are (or will be) available and adequate to serve the proposed rezoning.

3. PRESENT AND FUTURE TRANSPORTATION PATTERNS: Access to the subject property is gained by a right of way through Summerfield. The right of way is a gravel drive which is about 18 feet wide. The right of way provides access to Boyers Mill Road. Boyers Mill Road is designated as a collector road on the Master Highway Plan. Approximately 230 vehicle trips per day would be generated by the proposed rezoning. The existing road network is adequate to serve the proposed rezoning.

4. COMPATIBILITY WITH EXISTING AND PROPOSED DEVELOPMENT FOR THE AREA: Access to this property must be through the Summerfield development. The property is bounded on two sides by this development. The remainder of the property is bounded by Agricultural uses. The proposed rezoning is compatible with existing and proposed development for the area.

5. RECOMMENDATION OF THE FREDERICK COUNTY PLANNING COMMISSION: The Frederick County Planning Commission recommended conditional approval of the request with the conditions indicated above.

6. RELATIONSHIP OF THE PROPOSED AMENDMENT TO THE FREDERICK COUNTY COMPREHENSIVE PLAN: More than half of the property is designated low density residential on the Frederick County Comprehensive Plan. The remainder of the property is designated Agricultural on the Comprehensive Plan. The boundary line between the two classifications was intended to be the ridge line running through this property. The Board finds that the requested rezoning is substantially consistent with the Frederick County Comprehensive Plan.

The Board finds no mistake in the existing zoning. The Board adopts the one mile neighborhood delineated in the Staff Report. This property has been zoned Agricultural since 1959. The Board finds that there has been change in the character of the neighborhood after the comprehensive rezoning in 1977 so that the Board may look to changes prior to 1977. Since 1977, at least three properties in the neighborhood have been rezoned: New Market West (R-84-22), 97 acres from R-3 to PUD; Yeager (R-85-8), 44 acres from Agricultural to R-1; and Jordan

Associates (R-87-50), 127 acres from Agricultural to R-1. The Board finds that construction has begun on the New Market West rezoning. The Board finds that there has been a substantial change in the character of the neighborhood where the property is located sufficient to warrant the proposed rezoning with the following conditions:

1. This property must be developed on public water and sewerage systems.
2. Before any additional lots are recorded, this property must become a part of the Lake Linganore Planned Unit Development so that its residents contribute to and become responsible for the amenities located in the adjacent planned unit development.
3. Before any lots are recorded, the property must be tested for underground water contamination stemming from leaking petroleum storage tanks.
4. Within 180 days of the effective date of this Ordinance, the applicant shall remove from the property all of the storage, buildings and equipment related to or used in the excavating business.

These conditions were either proposed by the Frederick County Planning Commission or submitted to the Planning Commission for comment pursuant to Frederick County Code, Sec. 1-19-77(c). Accordingly, this application is granted with the conditions indicated above.

ORDINANCE

BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that for the reasons set forth above in its Opinion and Findings, Rezoning Case No. R-89-4 is hereby GRANTED for the rezoning of 10 acres of land, more or less, from the Agricultural (A) zone to the R-3 Residential zone, as described in the record, subject to the following conditions:

1. This property must be developed on public water and sewerage systems.
2. Before any additional lots are recorded, this property must become a part of the Lake Linganore Planned Unit Development so that its residents contribute to and become responsible for the amenities located in the adjacent planned unit development.
3. Before any lots are recorded, the property must be tested for underground water contamination stemming from leaking petroleum storage tanks.

4. Within 180 days of the effective date of this Ordinance, the applicant shall remove from the property all of the storage, buildings and equipment related to or used in the excavating business.

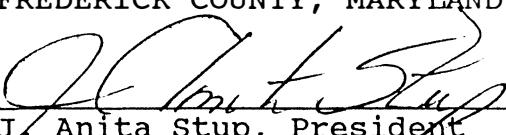
The conditions included with the approval of this request are deemed necessary for the health, safety and welfare of the community and are not severable from the decision to grant the requested rezoning. In the event any of the above conditions are determined to be illegal or unenforceable, the property will revert to its prior Agricultural zoning designation without further action by the Board.

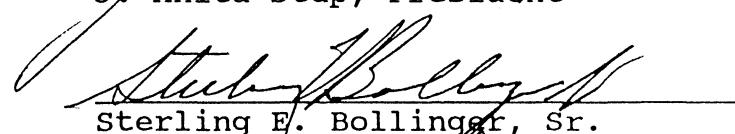
AND BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD, that the Zoning Administrator is hereby authorized and directed to make the appropriate change on the Zoning Map showing this reclassification, with conditions, as indicated above.

The undersigned hereby certify that this Ordinance was approved and adopted on the 5th day of December, 1989.

BOARD OF COUNTY COMMISSIONERS  
OF FREDERICK COUNTY, MARYLAND

By

  
J. Anita Stup, President

  
Sterling E. Bollinger, Sr.

  
Richard L. Grossnickle

  
Charles C. Smith

ATTEST:

Brenda K. Teach  
Brenda K. Teach  
Acting Administrative Officer

Commissioner Mark L. Hoke voted against the motion to grant the requested rezoning.

**NO CONSIDERATION  
NO TITLE EXAMINATION  
EXEMPT FROM TRANSFER  
OR RECORDATION TAXES**

**NO TAX PAYMENT REQUIRED  
Treasurer of  
Frederick County, Maryland**

PER: DKH Date: 1/3/08

**CONFIRMATORY DEED**

This **CONFIRMATORY DEED**, dated December 20, 2007, from **DANIEL F. HEATH** and **PATRICIA M. HEATH**, Grantors, to **DANIEL F. HEATH** and **PATRICIA M. HEATH**, Grantees.

**RECITALS**

By a deed dated December 30, 1974, and recorded among the Land Records of Frederick County, Maryland in Liber 953, folio 607 (the "Original Deed"), the Grantor acquired real property containing 5.0 acres of land, more or less, more particularly described as Lot 1-A as shown on a plat of subdivision entitled "Longview" and recorded among the Land Records of Frederick County, Maryland in Plat Book 4, page 19. In February, 2001, a plat entitled "Addition Plat/Correction Plat, Lot 1-B Addition to Lot 1-A (Parcel "A") and Lot 1-A Addition to Lot 1-B (Parcel "B"), Longview" (the "Plat"), which exchanged property between the owners of Lot 1-A and Lot 1-B, was recorded among the aforesaid Land Records in Plat Book 70, page 89. In December, 2007 a Deed of Exchange between James Wayne Mills (the owner of Lot 1-A) and Daniel F. Heath and Patricia M. Heath, his wife (the owners of Lot 1-B) was prepared and recorded among the aforesaid Land Records in Liber 6850 folio 515 to change the legal description to conform to the Plat.

**see folio 507      Lots are reversed (Mills is 1-B / Heath is 1-A)**

The Grantors, for the consideration recited in the Original Deed to the Grantors referred to above, and for no other consideration, hereby grant and regrant, convey and reconvey, and confirm to the Grantee, in fee simple, all the property located in Frederick County, Maryland, and described as follows:

Lot 1-A (New Area), containing 218,295 sq. feet or 5.0114 acres of land, more or less, as shown on a plat entitled "Addition Plat/Correction Plat, Lot 1-B Addition to Lot 1-A (Parcel "A") and Lot 1-A Addition to Lot 1-B (Parcel "B"), Longview" recorded among the Land Records of Frederick County, Maryland in Plat Book 70, page 89.

Together with all improvements thereon, and the rights, alleys, ways, waters, easements, privileges, appurtenances and advantages belonging or appertaining thereto.

To have and to hold the property hereby conveyed unto the Grantees, in fee simple, forever.

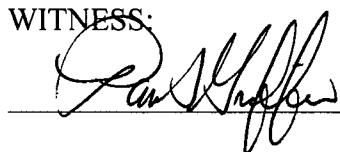
The Grantors covenant to warrant specially the property and will execute such further assurances of the property as may be requisite.

McEVOY & DEAN, P.C.  
8 WEST THIRD STREET  
FREDERICK, MARYLAND 21701

4

WITNESS the hands and seals of the Grantors and Grantees.

WITNESS:



Grantors/Grantees

  
**DANIEL F. HEATH**

(SEAL)

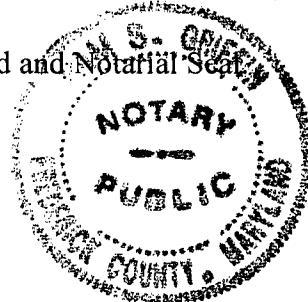
  
**PATRICIA M. HEATH**

(SEAL)

STATE OF MARYLAND, FREDERICK COUNTY, TO WIT:

I hereby certify that on December 20, 2007, before me, the Subscriber, a Notary Public in and for the State and County aforesaid, personally appeared **DANIEL F. HEATH** and **PATRICIA M. HEATH**, and they did acknowledge the foregoing Deed to be their act and deed; and, at the same time, they did further certify under the penalties of perjury that the actual consideration paid or to be paid for the foregoing conveyance, including the amount of any mortgage or deed of trust assumed by the Grantees is in the sum total of \$0.00.

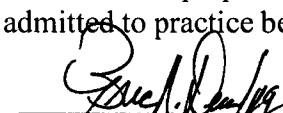
Witness my hand and Notarial Seal



Notary Public  
My Commission Expires:

PAM S. GRIFFIN  
NOTARY PUBLIC STATE OF  
MARYLAND  
MCC 10-201 (1) E-12-11, 1-03

THIS IS TO CERTIFY that this Deed was prepared by and or under the supervision of the undersigned, an attorney at law duly admitted to practice before the Court of Appeals of Maryland.

  
**Bruce N. Dean, Esq.**

*After Recording Return To:*  
**McEVOY & DEAN, P.C.**  
**8 West Third Street**  
**Frederick, MD 21701**  
**Case No. 3283.01**

## State of Maryland Land Instrument Intake Sheet

□ Baltimore City     County: FrederickInformation provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.  
(Type or Print in Black Ink Only—All Copies Must Be Legible)

DI 1850 PG 0545

Space Reserved for Circuit Court Clerk Recording Validation

1 Type(s) of Instruments		( Check Box if addendum Intake Form is Attached )							
<input checked="" type="checkbox"/> Deed <input type="checkbox"/> Deed of Trust		Mortgage Lease	Other _____	Other _____					
2 Conveyance Type Check Box		Improved Sale Arms-Length /1/	Unimproved Sale Arms-Length /2/	Multiple Accounts Arms-Length /3/	Not an Arms-Length Sale /9/				
3 Tax Exemptions (if applicable) Cite or Explain Authority		Recordation Confirmatory Deed State Transfer County Transfer							
4 Consideration and Tax Calculations		Consideration Amount		Finance Office Use Only Transfer and Recordation Tax Consideration					
		Purchase Price/Consideration \$ 0.00		Transfer Tax Consideration \$ _____					
		Any New Mortgage \$ 0.00		Less Exemption Amount \$ _____					
		Balance of Existing Mortgage \$ _____		Total Transfer Tax \$ _____					
		Other: \$ _____		Recordation Tax Consideration \$ _____					
		Other: \$ _____		X ( _____ ) per \$500 \$ _____					
Full Cash Value: \$ _____		TOTAL DUE \$ _____							
5 Fees		Amount of Fees		Doc. 1	Doc. 2				
		Recording Charge \$ 20.00		\$ _____		Agent: _____			
		Surcharge \$ 20.00		\$ _____		Tax Bill: _____			
		State Recordation Tax \$ _____		\$ _____		C.B. Credit: _____			
		State Transfer Tax \$ _____		\$ _____					
		County Transfer Tax \$ _____		\$ _____					
		Other \$ _____		\$ _____		Ag. Tax/Other: _____			
6 Description of Property  SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).		Property Tax ID No. (1)		Grantor Liber/Folio	Map	Parcel No.	Var. LOG		
		09 236236		953/607	79	146	(5)		
		Subdivision Name		Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (4)	
		Addition Plat/Correction Plat, Longview		New Area 1-A		70/89			
		Location/Address of Property Being Conveyed (2) 6101 Finn Lane, New Market, Maryland 21774							
		Other Property Identifiers (if applicable)							
		Residential <input checked="" type="checkbox"/> or Non-Residential <input type="checkbox"/> Fee Simple <input checked="" type="checkbox"/> or Ground Rent <input type="checkbox"/> Amount: _____							
Partial Conveyance? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Description/Amt. of SqFt/Acreage Transferred: _____							
If Partial Conveyance, List Improvements Conveyed:									
7 Transferred From		Doc. 1 – Grantor(s) Name(s)		Doc. 2 – Grantor(s) Name(s)					
		Daniel F. Heath							
		Patricia M. Heath							
		Doc. 1 – Owner(s) of Record, if Different from Grantor(s)		Doc. 2 – Owner(s) of Record, if Different from Grantor(s)					
8 Transferred To		Doc. 1 – Grantee(s) Name(s)		Doc. 2 – Grantee(s) Name(s)					
		Daniel F. Heath							
		Patricia M. Heath							
		New Owner's (Grantee) Mailing Address 6101 Finn Place, Box 75, New Market, MD 21774							
9 Other Names to Be Indexed		Doc. 1 – Additional Names to be Indexed (Optional)		Doc. 2 – Additional Names to be Indexed (Optional)					
10 Contact/Mail Information		Instrument Submitted By or Contact Person		<input checked="" type="checkbox"/> Return to Contact Person <input type="checkbox"/> Hold for Pickup <input type="checkbox"/> Return Address Provided					
		Name: Bruce N. Dean, Esq.							
		Firm: McEvoy & Dean, P.C.							
		Address: 8 West Third Street							
		Frederick, Maryland 21701		Phone: (301) 694-2752					
11 IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER									
Assessment Information		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Will the property being conveyed be the grantees principal residence?					
		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Does transfer include personal property? If yes, identify: _____					
		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).					
Assessment Use Only – Do Not Write Below This Line									
Terminal Verification		Agricultural Verification		Whole	Part	Tran. Process Verification			
Transfer Number		Date Received:		Deed Reference:	Assigned Property No.:				
Year	20	20		Geo.	Map	Sub	Block		
Land				Zoning	Grid	Plat	Lot		
Buildings				Use	Parcel	Section	Occ. Cd.		
Total				Town Cd.	Ex. St.	Ex. Cd.			
REMARKS:									

Space Reserved for County Validation

## DEED

THIS DEED is made December 21, 2007, by **JAMES WAYNE MILLS**, Grantor, unto **LONGVIEW LOT 1-B, LLC**, a Maryland limited liability company, Grantee.

WITNESSETH: That for and in consideration of the sum of **THREE HUNDRED THOUSAND DOLLARS (\$300,000)**, the receipt of which is hereby acknowledged prior to the delivery of these presents, I, the said **JAMES WAYNE MILLS**, do hereby grant and convey, in fee simple, unto **LONGVIEW LOT 1-B, LLC**, a Maryland limited liability company, its successors and assigns, all that lot or parcel of land situate, lying and being in the New Market Election District, Frederick County, Maryland, and described as:

Lot 1-B (New Area), containing 222,751 sq. feet or 5.1137 acres of land, more or less, as shown on a plat entitled "Addition Plat/Correction Plat, Lot 1-B Addition to Lot 1-A (Parcel "A") and Lot 1-A Addition to Lot 1-B (Parcel "B"), Longview" recorded among the Land Records of Frederick County, Maryland in Plat Book 70, page 89.

Being all and the same real property granted to James Wayne Mills by a confirmatory deed from James Wayne Mills, dated December 21, 2007 and recorded among the Land Records of Frederick County, Maryland immediately prior hereto.

TR TAX STATE	1,388.88
TOTAL	1,388.88
Real FRC2	RPL 57815
SD	PAK 332

TOGETHER WITH all of the improvements thereon and all of the rights, ways, roads, waters, easements, privileges and appurtenances thereunto belonging or in anywise appertaining.

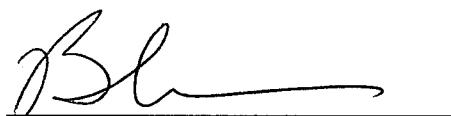
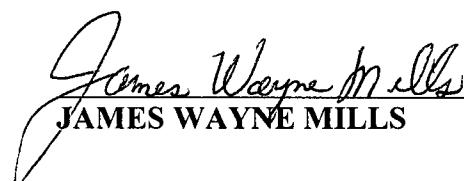
TO HAVE AND TO HOLD the above described real estate unto the said **LONGVIEW LOT 1-B, LLC**, a Maryland limited liability company, its successors and assigns, in fee simple, forever.

APPROVED FOR TRANSFER	
Treasurer of Frederick Co., MD	
Per: <u>John J. McEvoy</u>	Date: <u>1/3/08</u>
Taxes-Water/Sewer-PAID	
Recordation Tax Pd. \$ <u>3600-</u>	

AND the Grantor herein does covenant that he will warrant specially the property herein intended to be conveyed and that he will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of the Grantor on the day and year first above written.

WITNESS:

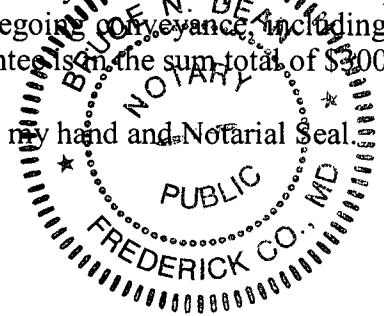



James Wayne Mills  
JAMES WAYNE MILLS (SEAL)

STATE OF MARYLAND, FREDERICK COUNTY, TO WIT:

I hereby certify that on December 21, 2007, before me, the Subscriber, a Notary Public in and for the State and County aforesaid, personally appeared **JAMES WAYNE MILLS**, and he did acknowledge the foregoing Deed to be his act and deed; and, at the same time, he did further certify under the penalties of perjury that the actual consideration paid or to be paid for the foregoing conveyance, including the amount of any mortgage or deed of trust assumed by the Grantee is in the sum total of \$300,000.

Witness my hand and Notarial Seal.




Notary Public  
BRUCE N. DEAN  
My Commission Expires  
NOTARY PUBLIC STATE OF  
MARYLAND  
MY COMMISSION EXPIRES 5/1/09

THIS IS TO CERTIFY that this Deed was prepared by and or under the supervision of the undersigned, an attorney at law duly admitted to practice before the Court of Appeals of Maryland.



BRUCE N. DEAN, Esq.

*After Recording Return To:*

*McEVOY & DEAN, P.C.*

*Attn: 3283.01*

*8 West Third Street  
Frederick, MD 21701*

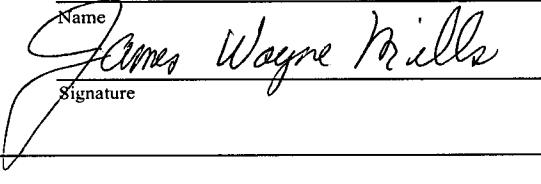
**Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate**  
**Affidavit of Residence or Principal Residence**

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

<b>1. Transferor Information</b>	
Name of Transferor	

<b>2. Reasons for Exemption</b>	
<b>Resident Status</b>	<input checked="" type="checkbox"/> I, Transferor, am a resident of the State of Maryland. <input type="checkbox"/> Transferor is a resident entity under § 10-912(A)(4) of the Tax-General Article of the Annotated Code of Maryland, I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.
<b>Principal Residence</b>	<input type="checkbox"/> Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC §121 and is recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

<b>3a. Individual Transferors</b>	
 Witness	
James Wayne Mills Name  Signature	
<b>3b. Entity Transferors</b>	
Witness/Attest	
Name of Entity	
By	
Name	
Title	

## State of Maryland Land Instrument Intake Sheet BK 6850 PG 0518

□ Baltimore City    □ County: Frederick

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.  
(Type or Print in Black Ink Only—All Copies Must Be Legible)

1 Type(s) of Instruments		Check Box if addendum Intake Form is Attached.						
<input checked="" type="checkbox"/> Deed <input checked="" type="checkbox"/> Deed of Trust		Mortgage Lease	<input checked="" type="checkbox"/> Other Assign <input type="checkbox"/>	<input checked="" type="checkbox"/> Other IDOT <input type="checkbox"/>				
2 Conveyance Type Check Box		Improved Sale Arms-Length /1/	Unimproved Sale Arms-Length /2/	Multiple Accounts Arms-Length /3/	Not an Arms-Length Sale /9/			
3 Tax Exemptions (if applicable) Cite or Explain Authority		Recordation State Transfer County Transfer						
4 Consideration and Tax Calculations		Consideration Amount		Finance Office Use Only Transfer and Recordation Tax Consideration				
		Purchase Price/Consideration \$ 300,000.00		Transfer Tax Consideration \$				
		Any New Mortgage \$ 300,000.00		X ( ) % = \$				
		Balance of Existing Mortgage \$		Less Exemption Amount \$				
		Other: \$		Total Transfer Tax \$				
		Other: \$		Recordation Tax Consideration \$				
Full Cash Value: \$		X ( ) per \$500 = \$						
		TOTAL DUE \$						
5 Fees		Amount of Fees		Doc. 1	Doc. 2			
		Recording Charge \$ 20.00		\$ 20.00		Agent:		
		Surcharge \$ 20.00		\$ 20.00		Tax Bill:		
		State Recordation Tax \$ 3,600.00		\$		C.B. Credit:		
		State Transfer Tax \$ 1,500.00		\$		Ag. Tax/Other:		
		County Transfer Tax \$		\$				
Other \$		\$						
Other \$		\$						
6 Description of Property		District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG	
SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).		09	230270	2178/1109	79	179	(5)	
		Subdivision Name		Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (4)
		Addition Plat/Correction Plat, Longview		New Area 1-B			70/89	
Place		Location/Address of Property Being Conveyed (2) 6109 Finn Lane, New Market, Maryland 21774						
		Other Property Identifiers (if applicable)					Water Meter Account No.	
		Residential <input checked="" type="checkbox"/> or Non-Residential		Fee Simple <input checked="" type="checkbox"/> or Ground Rent	Amount:			
		Partial Conveyance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Description/Amt. of SqFt/Acreage Transferred:				
		If Partial Conveyance, List Improvements Conveyed:						
7 Transferred From		Doc. 1 – Grantor(s) Name(s)			Doc. 2 – Grantor(s) Name(s)			
		James Wayne Mills			Longview Lot 1-B, LLC			
8 Transferred To		Doc. 1 – Owner(s) of Record, if Different from Grantor(s)			Doc. 2 – Owner(s) of Record, if Different from Grantor(s)			
		Longview Lot 1-B, LLC			First United Bank & Trust			
		New Owner's (Grantee) Mailing Address c/o 126 West Third Street, Frederick, Maryland 21701						
9 Other Names to Be Indexed		Doc. 1 – Additional Names to be Indexed (Optional)			Doc. 2 – Additional Names to be Indexed (Optional)			
10 Contact/Mail Information		Instrument Submitted By or Contact Person					<input checked="" type="checkbox"/> Return to Contact Person <input type="checkbox"/> Hold for Pickup <input type="checkbox"/> Return Address Provided	
		Name: Bruce N. Dean, Esq. Firm: McEvoy & Dean, P.C. Address: 8 West Third Street Frederick, Maryland 21701 Phone: (301) 694-2752						
11		IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER						
Assessment Information		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Will the property being conveyed be the grantee's principal residence?				
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Does transfer include personal property? If yes, identify: _____				
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).				
Space Reserved for County Validation		Assessment Use Only – Do Not Write Below This Line						
		Terminal Verification		Agricultural Verification		Whole	Part	Tran. Process Verification
		Transfer Number		Date Received:		Deed Reference:	Assigned Property No.:	
		Year	20	20	Geo.	Map	Sub	Block
		Land			Zoning	Grid	Plat	Lot
		Buildings			Use	Parcel	Section	Occ. Cd.
Total			Town Cd.	Ex. St.	Ex. Cd.			
REMARKS:								

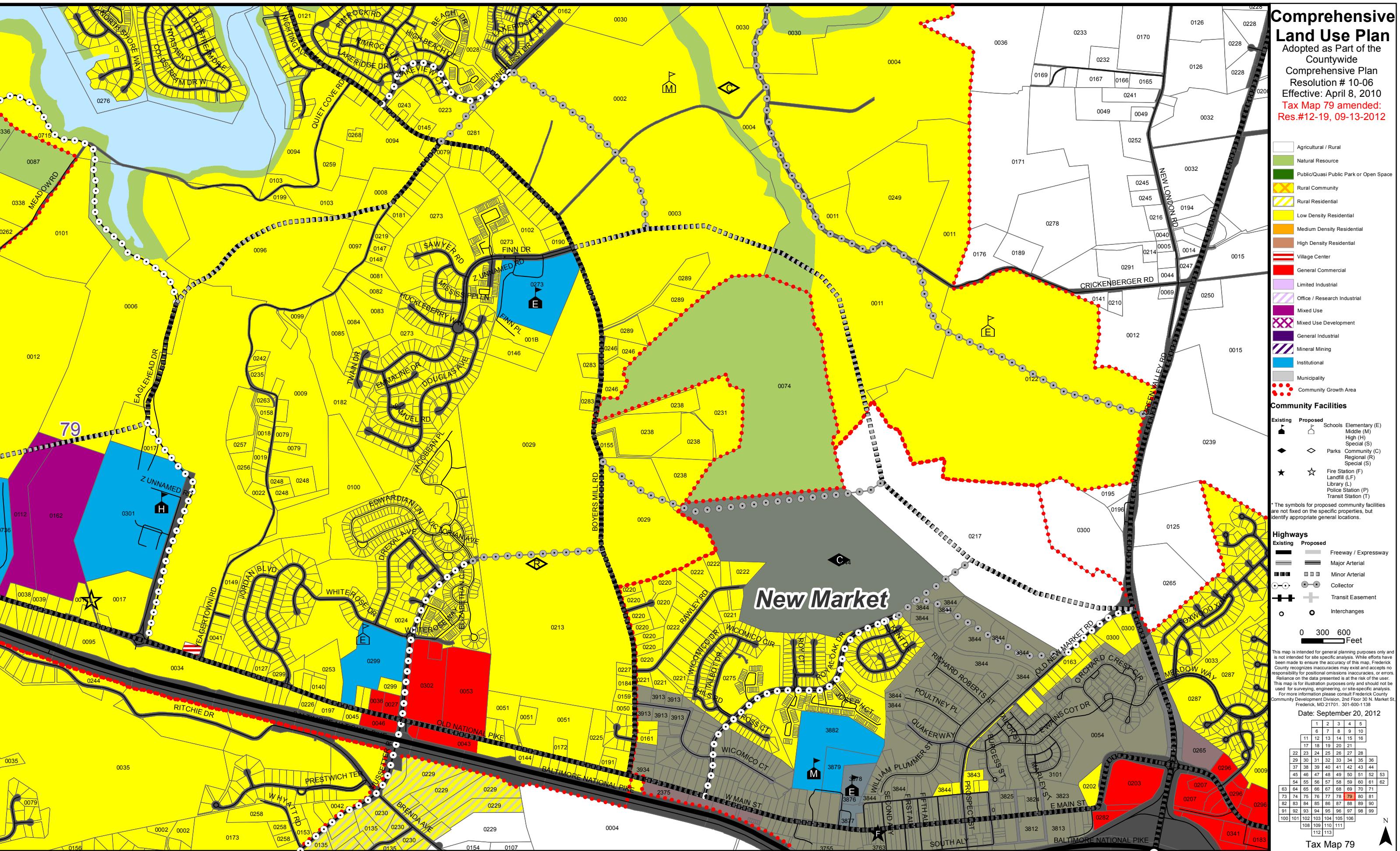
**Longview Lots 1-A & B Zoning Amendment**  
List of Adjoining Property Owners per § 1-19-3.110.2.(C).(6)5

- 1) Board of Education  
191 South East St.  
Frederick, MD 21701  
(property SDAT 27-540619, 10601 Finn Dr., Deer Crossing ES)
- 2) Smith Cline Farm SPV, LLC  
923 N. Pennsylvania Ave.  
Winter Park, FL 32789  
(property SDAT 09-227245, 5920 Boyers Mill Rd.)
- 3) Nicholas & Amber Fry  
6805 Douglas Ave.  
New Market, MD 21774-6263  
(property SDAT 27-539122, Lot # 278B)
- 4) Lake Linganore Association  
6718 Coldstream Dr.  
New Market, MD 21774  
(property SDAT unknown see Eaglehead Summerfield Plat 40-5 Parcel "B", L.1566 / F.110 Exhibit A, #6)
- 5) John & Cari Murphy  
6087 Douglas Ave.  
New Market, MD 21774-6263  
(property SDAT 27-536972, Lot # 279)
- 6) Rollo & Fatima Jones  
10707 Grangerford Ct.  
New Market, MD 21774  
(property SDAT 27-536999, Lot # 281)
- 7) Floyd E. Klauka, Jr.  
10711 Grangerford Ct.  
New Market, MD 21774  
(property SDAT 27-537006, Lot # 282)
- 8) Rachel L. Harrison  
10715 Grangerford Ct.  
New Market, MD 21774  
(property SDAT 27-537014, Lot # 283)
- 9) Lake Linganore Association  
6718 Coldstream Dr.  
New Market, MD 21774  
(property SDAT unknown see Eaglehead Summerfield Plat 40-1 Parcel "B", L.1566 / F.110 Exhibit A, #2)

Refer to maps below

# Exhibit E

**Comprehensive Land Use Plan**  
 Adopted as Part of the Countywide Comprehensive Plan  
 Resolution # 10-06  
 Effective: April 8, 2010  
 Tax Map 79 amended:  
 Res.#12-19, 09-13-2012



# Exhibit F

## Zoning

Adopted as Part of the  
Countywide  
Comprehensive Plan  
Ordinance # 10-05-540  
Effective: April 8, 2010

Tax Map 79 amended:

Ord.#12-22-617, 09-13-2012  
Ord.#13-14-642, 10-11-2013  
Ord.#14-17-672, 10-09-2014  
Ord.#14-20-675, 10-23-2014  
Ord.#14-27-682, 11-24-2014  
Ord.#20-05-005, 11-10-2020

- A - Agricultural
- RC - Resource Conservation
- OSR - Open Space Recreation
- R1 - Low Density Residential
- R3 - Low Density Residential
- R5 - Medium Density Residential
- R8 - Medium Density Residential
- R12 - High Density Residential
- R16 - High Density Residential
- PUD - Planned Unit Development
- VC - Village Center
- GC - General Commercial
- GI - General Industrial
- LI - Limited Industrial
- ORI - Office/Research/Industrial
- MX - Mixed Use
- MXD - Mixed Use Development
- MM - Mineral Mining
- Ie - Institutional
- Municipality

0 300 600  
Feet

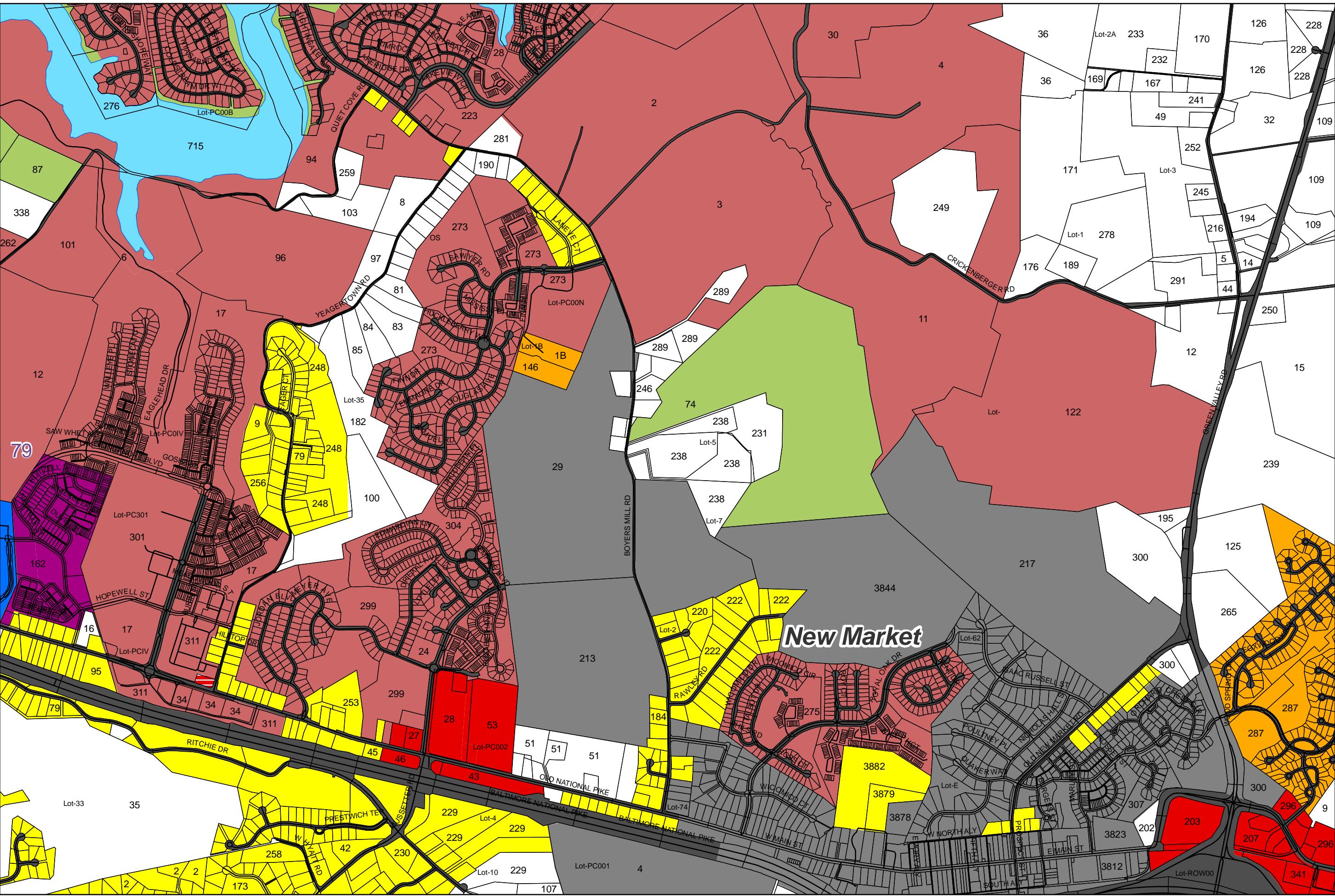
This map is intended for general planning purposes only and is not intended for site specific analysis. While efforts have been made to ensure the accuracy of this map, Frederick County recognizes that inaccuracies may exist and accepts no responsibility for positional inaccuracies, errors, or omissions. Reliance on data presented on this map is at the user's own risk. This map is for planning purposes only and should not be used for surveying, engineering, or site specific analysis. Created by Frederick County IT GIS.

For detailed Zoning District Boundaries consult the official Zoning Map located at:  
Division of Planning and Permitting  
Frederick County Government  
30 N. Market St.  
Frederick, MD 21701  
301-600-1158

Date: Apr 08, 2022

1	2	3	4	5
6	7	8	9	10
11	12	13	14	15
16	17	18	19	20
21	22	23	24	25
26	27	28	29	30
31	32	33	34	35
36	37	38	39	40
41	42	43	44	
45	46	47	48	49
50	51	52	53	
54	55	56	57	58
59	60	61	62	
63	64	65	66	67
68	69	70	71	
72	73	74	75	76
77	78	79	80	81
82	83	84	85	86
87	88	89	90	
91	92	93	94	95
96	97	98	99	
100	101	102	103	104
105	106	107	108	
109	110	111	112	113

Tax Map 79



## Exhibit G

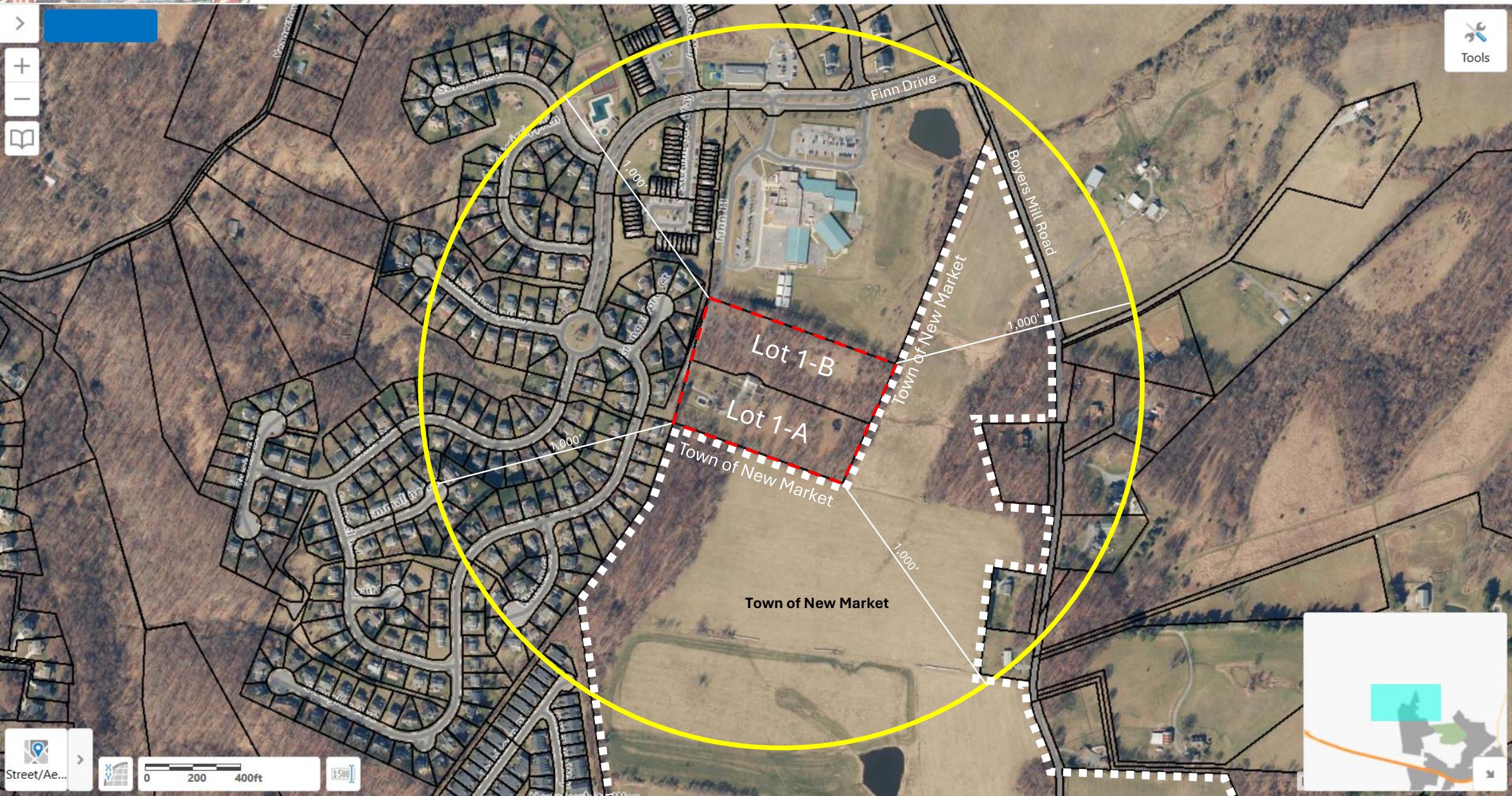


Heath property entrance

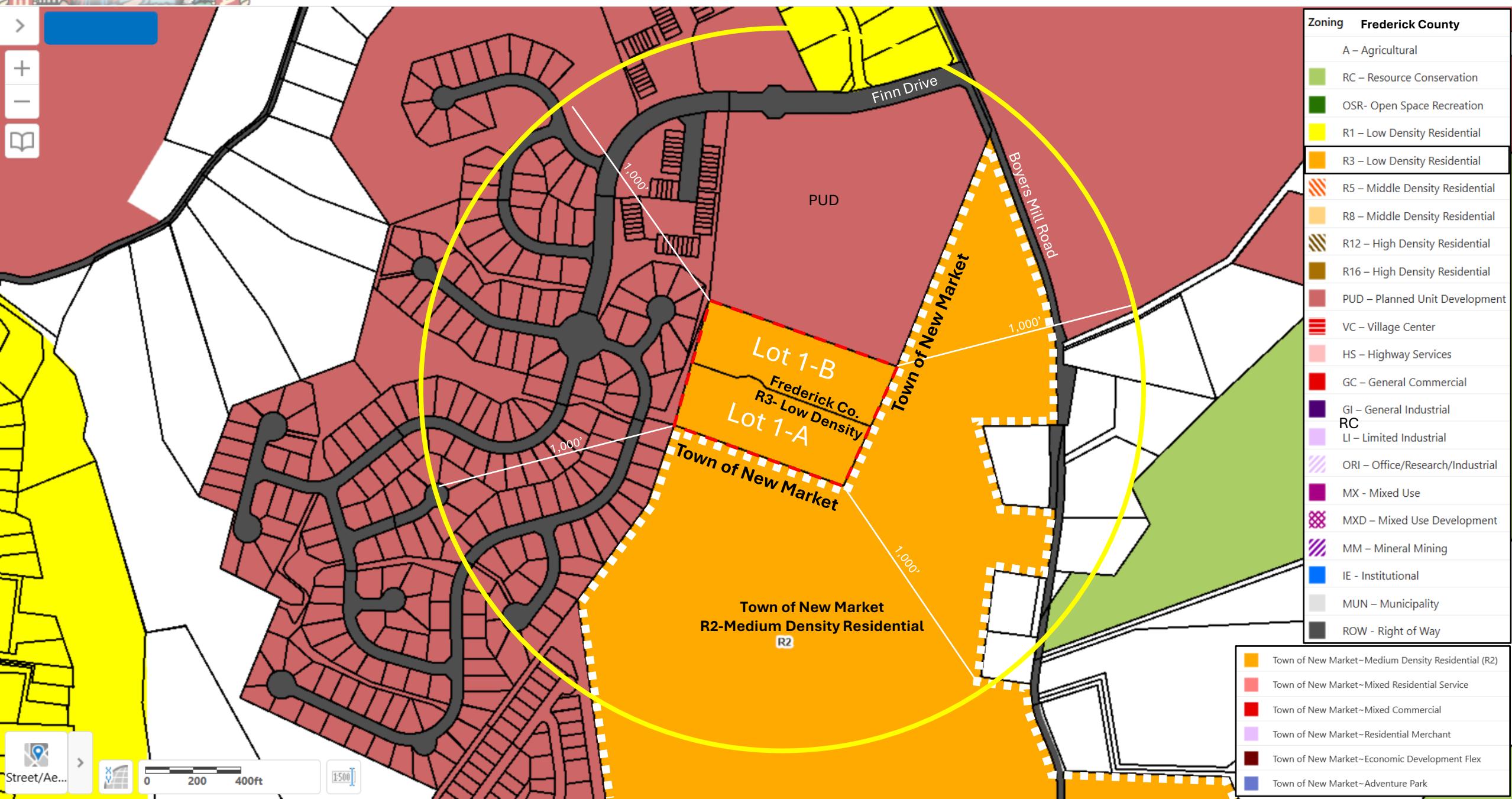
Future HOA is to install a fence along the Heaths northern border with the HOA at the conclusion of the site work to replicate their existing fence but be 6' high.

HOA at the commencement of construction of the road extension is to install an automated security gate at the Heath's entrance similar in style to the image below.







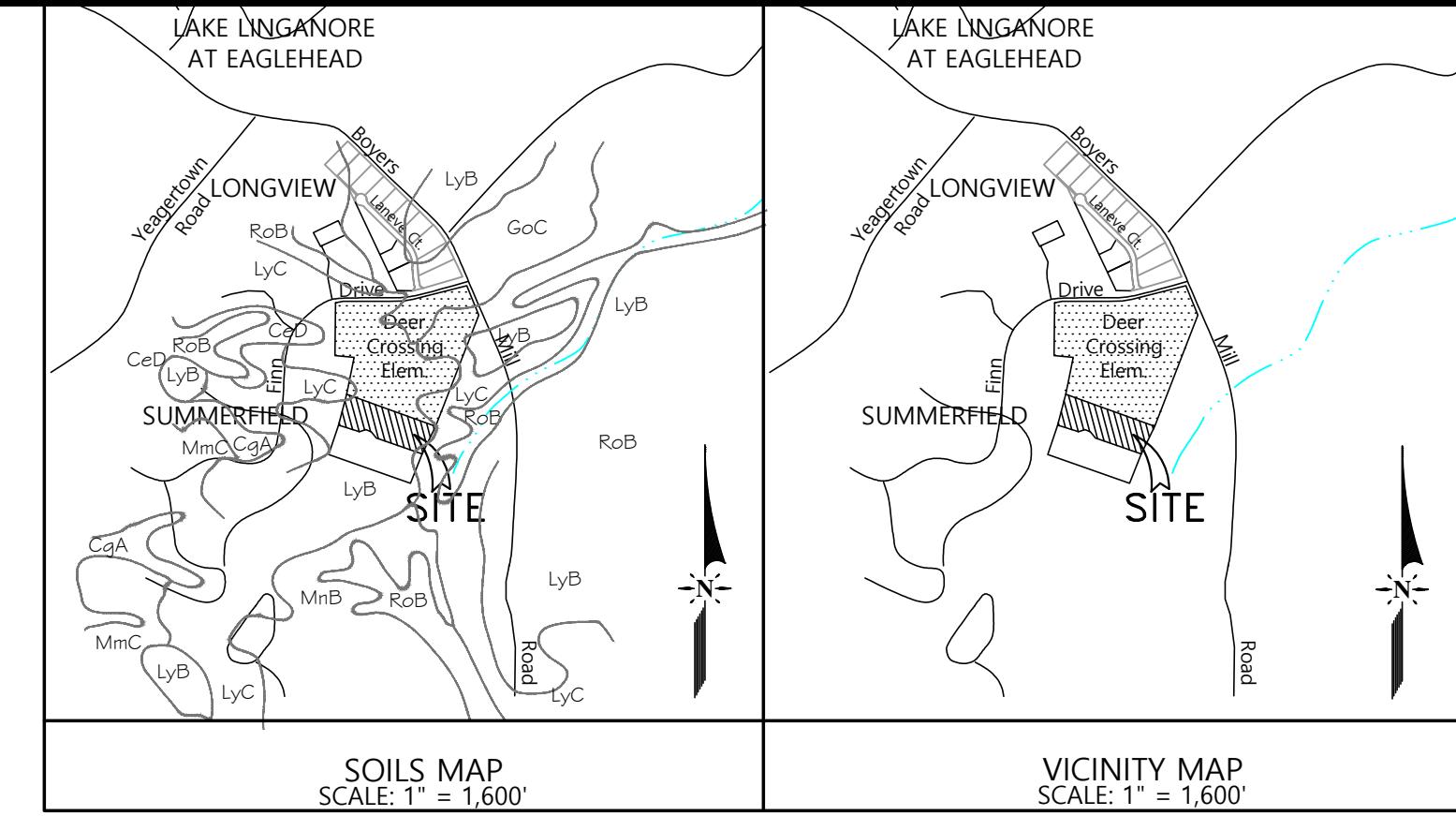


Longview Lots 1-A & B List of Adjoining Property Owners (map) per § 1-19-3.110.2.(C).(6)5





# PRELIMINARY PLAT FOR LONGVIEW ESTATES- LOT 1B (6109 FINN PLACE)



NO.	DATE	REVISION	DESCRIPTION
			TAX MAP: 079E TAX ID: 09-230270 PARCEL: 179

## NEW MARKET ELECTION DISTRICT No. 9 FREDERICK COUNTY, MARYLAND

### Preliminary Plat Notes

SHEET INDEX	
TITLE	SHEET NO.
COVER SHEET	1
OVERALL PLAN	2
LAYOUT	3

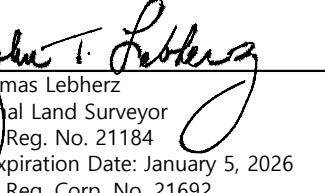
- The purpose of this plan is to establish five (5) new single-family lots and one (1) remainder within Longview Estates, Lot 1B. The Preliminary Plat also reflects an onsite right of way dedication as well as a dedication for the existing public roadway on the adjacent lot. The plan shows a proposed common driveway for access to all six new lots. The plan also reflects a preliminary layout for waterline and sewer line extensions to support the six lots.
- The six proposed lots are located on Tax Map 79E Parcel 179 - Longview Estates, Lot 1B (Plat Book 70, Page 89) and recorded in Liber 06850 at Folio 0615. This land area for this parcel is 51.137 acres. The dedication of right-of-way along the existing Finn Place is 10601 Finn Drive (Eaglehead Subdivision, Parcel N, Plat 9, shown on Plat 0059, Page 0097) as recorded in Liber 01646, Folio 00981.
- The coordinate datum for the project is NAD 83-2007. The vertical datum in NAVD 88.
- Site is currently zoned R-3 (Low-Density Residential) and lies within the New Market Planning Region. The proposed use is Single-family detached and R-3 zoning regulations for use Single-family detached:  
  - Minimum Lot Area: 12,000 S.F.
  - Minimum Area per Dwelling Unit: 12,000 S.F.
  - Minimum Lot Width: 80'
  - Building Setbacks:  
    - Front: 30'
    - Side: 10'
    - Rear: 30'
    - Max. Height: 30'
- This plan has been prepared without the benefit of a Title Report and therefore may not necessarily indicate all encumbrances affecting the subject property.
- Site will be served by public water and sewer. Initial water and sewer categories is S-5/W-5. Application and approval of a Water and Sewerage Plan amendment is required to change S-5/W-5.
- A six foot utility and drainage easement is reserved along all lot lines.
- Soils types:  
  - LyB (Linganore-Hyattstown channery silt loams, 3%-8% slopes, HSG-C, K Factor-0.24)
  - LyC (Linganore-Hyattstown channery silt loams, 8%-15% slopes, HSG-C, K Factor-0.24)

\*both soils are 1/3 restricted
- Area Tabulations:  
  - Total number of lots = 6
  - Total area of Site = 5.11 acres
  - Land area of revised Lots 1 thru 6 = 4.73 acres
  - Area of road dedication on Finn Place = 0.38 acres
- Stormwater Management (SWM) will be provided in accordance with the 2000 Maryland SWM Design Manual and the SWM Act of 2007. The 12' crowned driveway will be treated through Disconnection of Non-Rooftop Runoff (N-2) using a 6' grass shoulders to either side. Some of the crowned 20' public roadway will also be treated by adjacent grass shoulders. Other portions of public roadway will be treated through grass swales with earthen berms.
- This is a minor subdivision and therefore exempt from APFO review and consideration, as determined by NID N276219. An APFO Exemption has been concurrently submitted (A276348).
- Subdivision Preliminary/Final Forest Conservation Plan has been submitted. FRO mitigation will be provided by the transfer of forest banking credits as required per the FRO Plan once approved.
- Eight street trees are shown 1 for every 35' of frontage.
- The common driveway must be constructed and the access easement recorded AND NOTED ON THE FINAL PLAT prior to recordation of the proposed lots 1-6.
- The existing septic system and existing well shall be abandoned per Health Department guidelines.
- Future access to this property shall be in accordance with regulation in effect at the time of development.
- Future development of this property may require road layback work to be done along previously dedicated road right-of-way.
- The property was previously rezoned per Rezoning Case No. R89-04, Ord. 89-57-588. Conditions of that case have been removed prior to approval of this plan.
- The right-of-way dedication across the FCPS property has been approved prior to the approval of this plan.
- Any construction occurring with Finn Place must be coordinated with the FCPS Capital Programs office 301-644-5023 to accommodate school traffic and outside user groups. Construction occurring during the school year must provide advance notice of at least 30 days. Construction occurring during the summer must provide advance notice of at least 2 weeks. FCPS needs to be included in the pre-construction meeting(s) for any work on Finn Place or Finn Drive.

### SURVEYOR'S CERTIFICATION

I hereby certify to the best of my professional knowledge, information and belief, that the Subdivision Plat shown herein is correct; that it is a subdivision of all of the lands conveyed by James Wayne Mills unto Longview Lot 1B, LLC by deed recorded in Liber 6850 at Folio 515 on January 7, 2008 among the Land Records of Frederick County, Maryland, and that the same is in accordance with the Articles of Incorporation, Real Property Book, Title 3, Subtitle 1, Section 3-108 and the requirements of the Frederick County Code, Section 1-16-108, and as enacted or amended so far as it may concern the making of this plat and the setting of monuments and markers have been complied with.

I further certify that I was in "Responsible Charge" as set forth in COMAR Title 09.13.06.12.

  
John T. Leibenz  
Professional Land Surveyor  
Maryland Reg. No. 21184  
License Expiration Date: January 5, 2026  
Maryland Reg. Corp. No. 21692  
Expiration Date: April 10, 2025

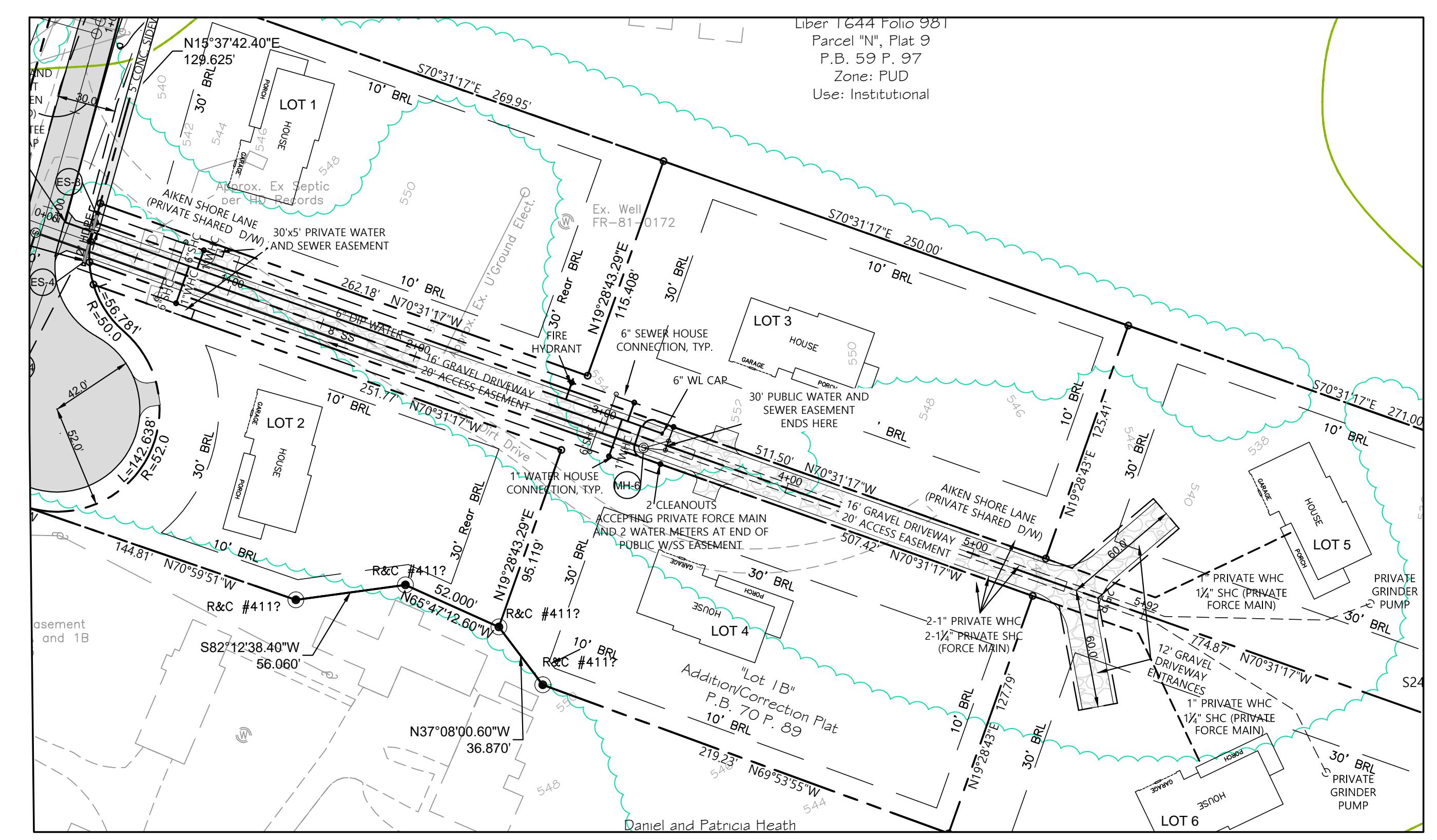
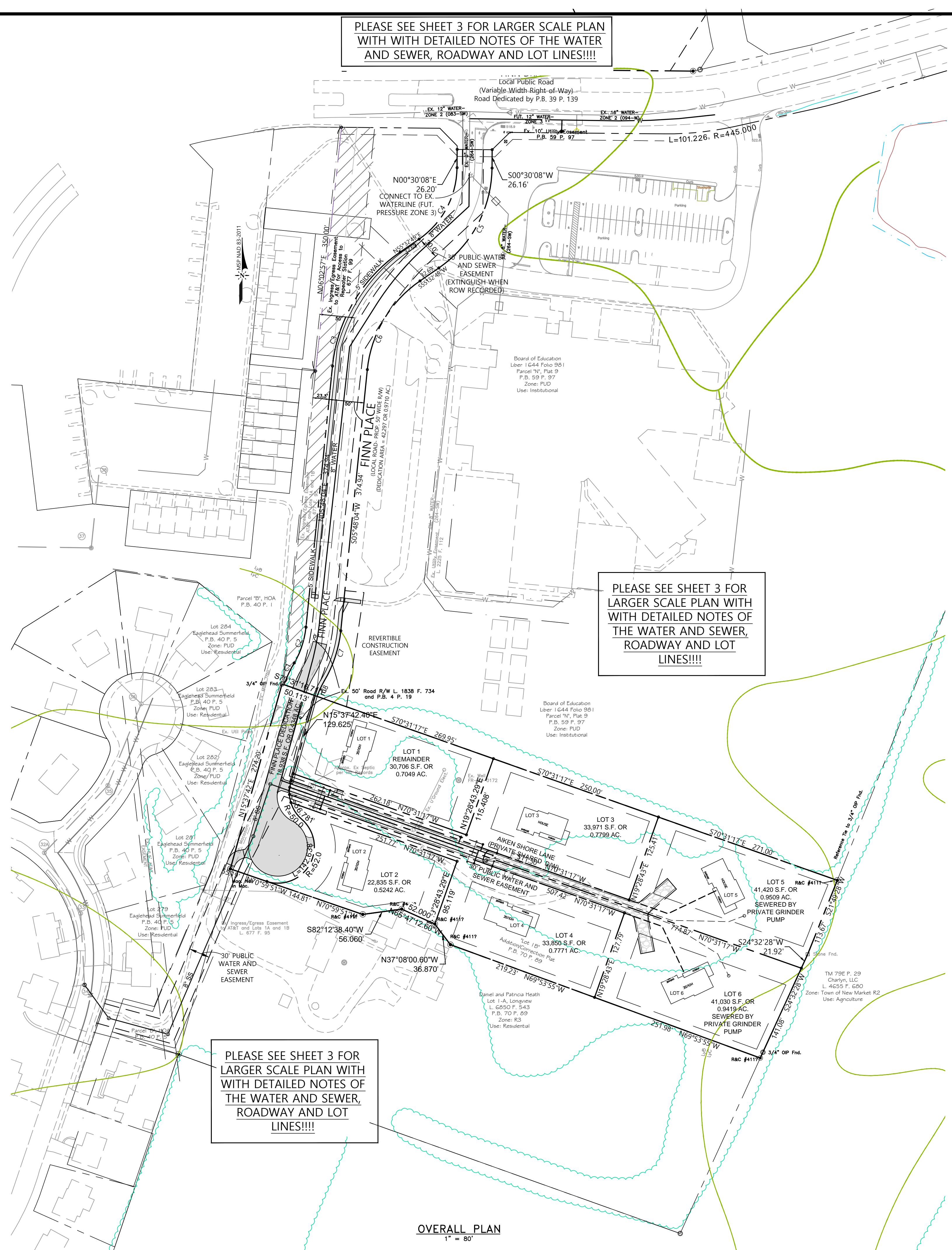
June 4, 2024

  
NOT FOR  
CONSTRUCTION  
Seal & Signature  
PROJECT No.: 280  
DATE: JUNE 2024  
SCALE: N/A  
SHEET No. 1 of 3

### FIRE & RESCUE NOTES

- Fire Department access roads shall be accessible during all types of weather and at all times.
- All Fire Department and Emergency Response access roads have an unobstructed width of 20 feet in accordance with NFPA #1, The Fire Code section 18.2.3.4.1. The roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a durable all-weather driving surface. For common driveways in minor subdivisions this office shall allow this width to be decreased to be 16 feet wide. Fire Department access roads shall have an unobstructed vertical clearance of not less than 13'-6".
- Fire Department access shall be provided and maintained to all structures undergoing construction, alteration, or demolition.
- The access roadways shall provide a minimum turning radii of 40 to 45 feet.
- The property address shall be incorporated into the site monument sign and shall be posted on each building in accordance with the Frederick County Premise Identification Ordinance #05-01-362. A copy of the Ordinance is available from the County Fire Marshal's Office by contacting 301-694-1479 or at [www.co.frederick.mds.us/fe/](http://www.co.frederick.mds.us/fe/)

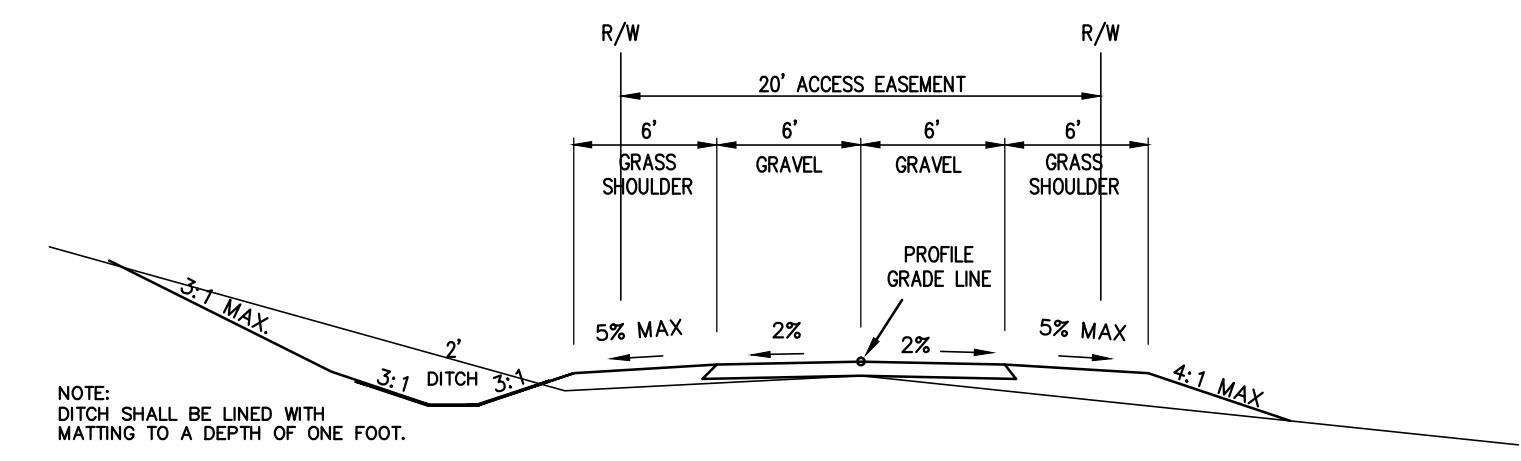
**PLEASE SEE SHEET 3 FOR LARGER SCALE PLAN  
WITH DETAILED NOTES OF THE WATER  
AND SEWER, ROADWAY AND LOT LINES!!!!**



## LOCAL ACCESS STREET - TYPICAL SECTION

\*\* BASED ON LOCAL ACCESS STREETS LOW DENSITY (OPTION "A" ALTERNATE 2) OPEN SECTION MODIFIED WITH THE FOLLOWING:

- 10 FT GRASS SHOULDERS AT MAX 5% ON ONE SIDE
- 2 FT FLAT BOTTOM DITCH
- SIDEWALK ONLY ON ONE SIDE
- 5’-WIDE SIDEWALK



## COMMON DRIVEWAY - TYPICAL SECTION

# LONGVIEW ESTATES- LOT 1B

**Situated at #6109 Finn Place  
New Market Election District No. 9  
Frederick County, Maryland**

**Terra Solutions Engineering, LLC**  
**Commercial & Residential Land Planning and Engineering**  
**5216 Chairmans Court, Unit 105**  
**Frederick, MD 21703**  
**Phone: 301-378-9842 Email: Terrasolutionsengineering@gmail.com**

NOT FOR CONSTRUCTION	
Seal & Signature	
PROJECT No.:	280
DATE:	JUNE 2024
SCALE: 1" = 80' or 1" = 50'	
SHEET No. 2 of 3	

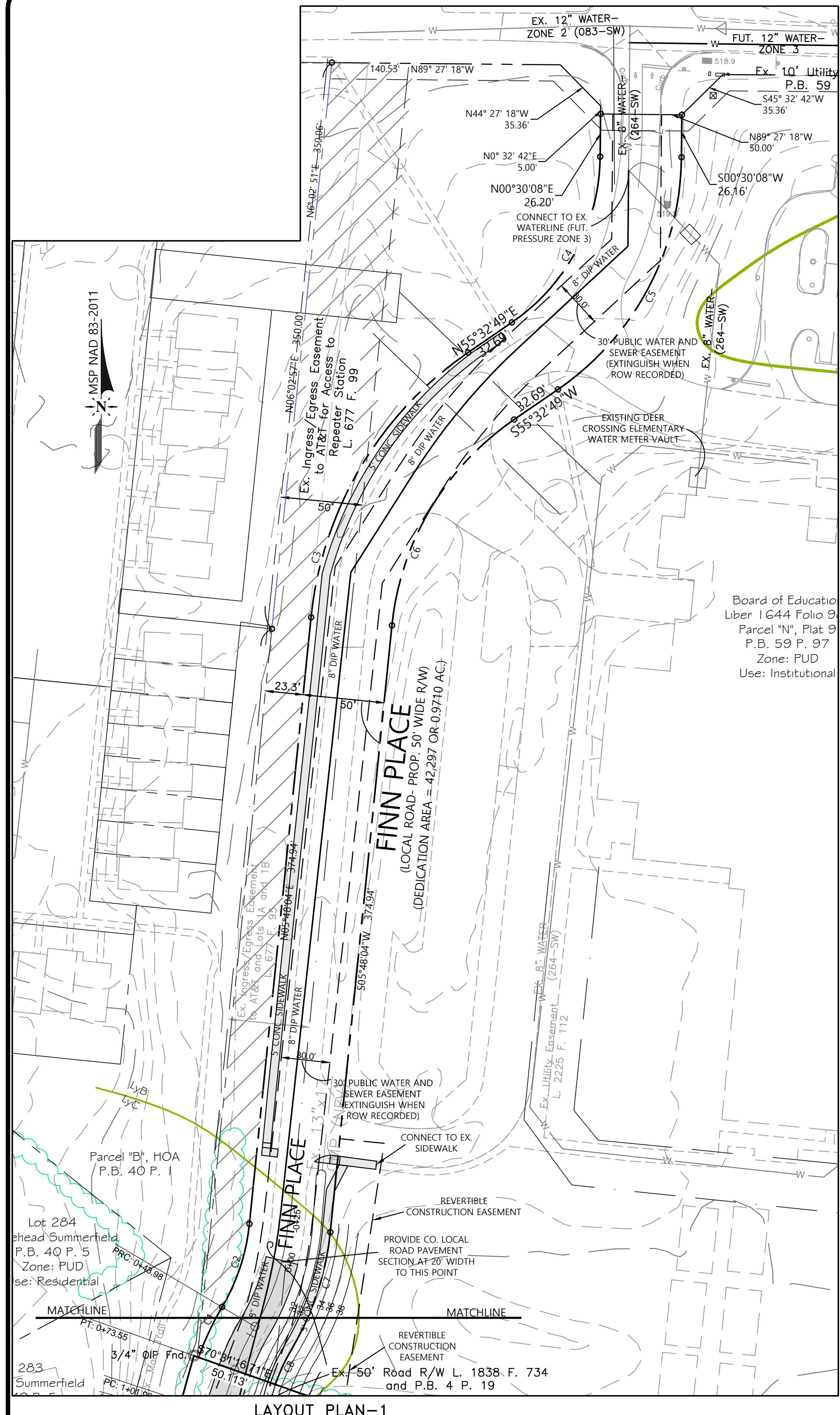
**SURVEYOR'S CERTIFICATION**

I certify to the best of my professional knowledge, information and belief, that the subdivision Plat shown hereon is correct: that it is a subdivision of all of the land described in the Deed from James Wayne Mills unto Longview Lot-1B, LLC by deed recorded in Folio 515 on January 7, 2008 among the Land Records of Frederick County, Maryland; and that the requirements of the Annotated Code of Maryland, Real Estate, Title 3, Subtitle 1, Section 3-108 and the requirements of the Frederick County Code, Section 1-16-108, and as enacted or amended so far as it may concern this plat and the setting of monuments and markers have been met.

I certify that I was in "Responsible Charge" as set forth in COMAR Title 13, Subtitle 1, Section 13-108.

I certify that I was in "Responsible Charge" as set forth in COMAR Title  
 T. Lebherz June 4, 2024  
Lebherz Date  
Land Surveyor  
I. No. 21184  
ation Date: January 5, 2026  
I. Corp. No. 21692  
I. April 12, 2025

te: April 10, 2025



#### SURVEYOR'S CERTIFICATION

I hereby certify to the best of my professional knowledge, information and belief, that the Subdivision Plan shown herein is correct; that it is a subdivision of all of the lands conveyed by James Wayne Mills unto Longview Lot-1B, LLC by deed recorded in Liber G at Folio 515 on 7/2/2023, in the County of Frederick, Maryland, State of Maryland, and that the requirements of the Annotated Code of Maryland, Real Property Book, Title 3, Subtitle 1, Section 3-108 and the requirements of the Frederick County Code, Section 1-16-108, and as enacted or amended so far as it may concern the making of this plat and the setting of monuments and markers have been complied with.

I further certify that I was in "Responsible Charge" as set forth in COMAR Title 09.13.06.12.

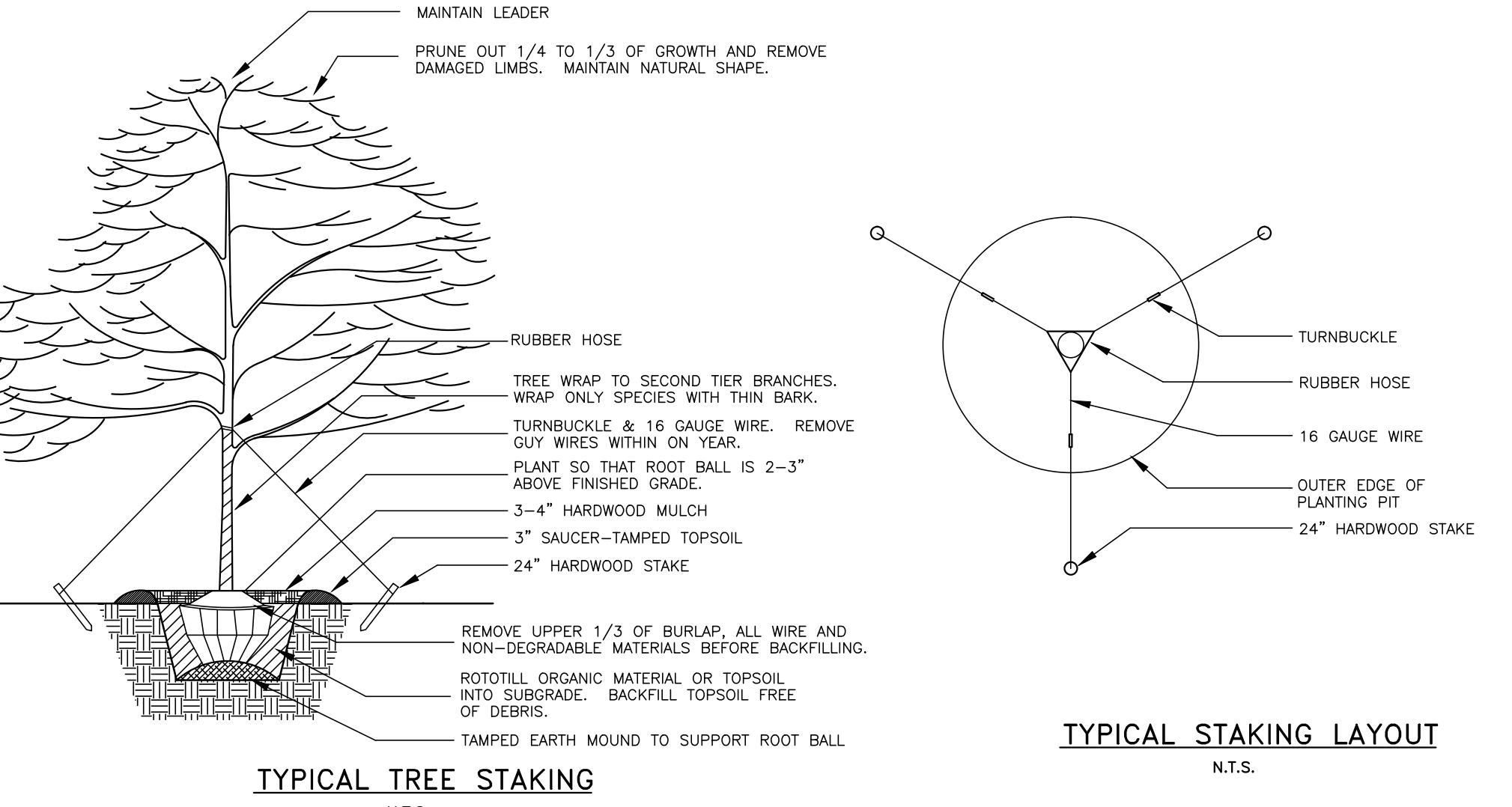
*John Thomas Lohberg*  
John Thomas Lohberg  
Professional Land Surveyor  
Maryland Reg. No. 21184  
License Expiration Date: January 5, 2026  
Maryland Reg. Corp. No. 21692  
Expiration Date: April 10, 2025

June 4, 2024

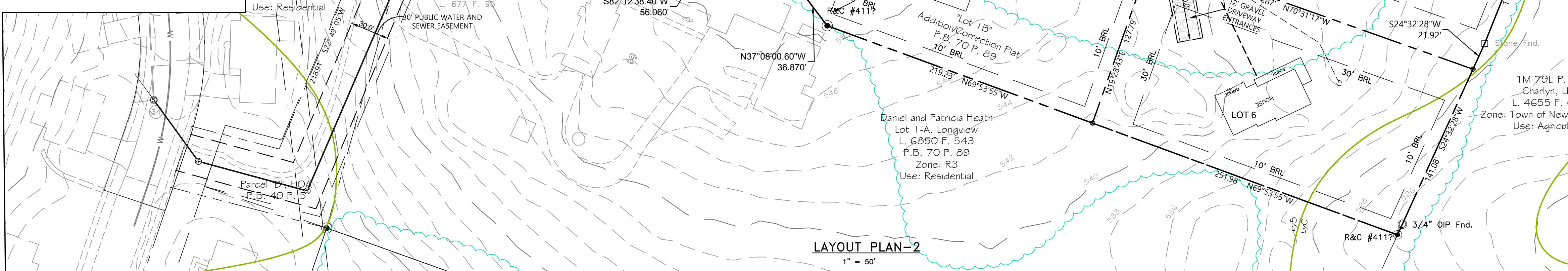
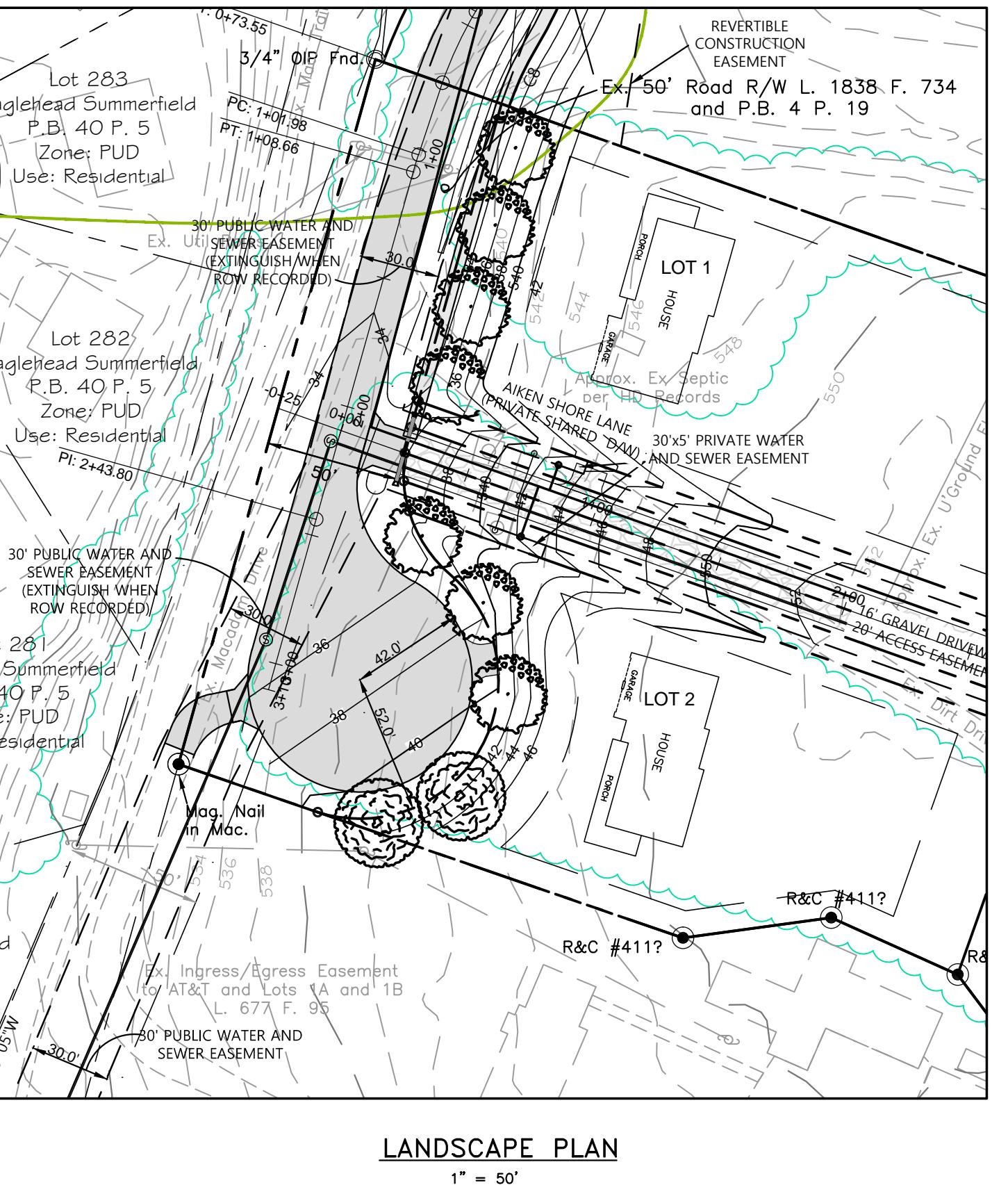
LANDSCAPING SCHEDULE						
SYMBOL	SCIENTIFIC NAME	COMMON NAME	NATIVE?	SIZE	QUANTITY	ROOT
	Cornus florida	Flowering Dogwood	Y	6' to 8' HT.	6	B & B
	Acer rubrum	Red Maple	Y	6' HT.	2	B & B
NATIVE PERCENT 8/8 = 100%						

#### NOTES:

1. LANDSCAPING SHALL BE MAINTAINED IN A LIVING CONDITION
2. NATIVE PLANTS ARE FROM EXHIBIT L1



TYPICAL STAKING LAYOUT  
N.T.S.



Terra Solutions Engineering, LLC Commercial & Residential Land Planning and Engineering 5216 Chairmans Court, Unit 105 Frederick, MD 21703 Phone: 301-376-9842 Email: TerraSolutionsEngineering@gmail.com
<b>Owner/Developer</b> Lot 1-B, Longview, LLC Liber 0850 Folio 515 and P.B. 70 P. 89 Contact: Ted McCutchen

<b>NOT FOR CONSTRUCTION</b> Seal & Signature PROJECT No.: 280 DATE: JUNE 2024 SCALE: 1" = 50' SHEET No. 3 of 3
---

<b>LONGVIEW ESTATES- LOT 1B</b> Property of Lot 1-B, Longview, LLC Liber 0850 Folio 515 and P.B. 70 P. 89 Situated at #6109 Finn Place New Market Election District No. 9 Frederick County, Maryland
<b>PRELIMINARY PLAN- LAYOUT</b>



# LAKE LINGANORE ASSOCIATION

April 16<sup>th</sup>, 2024

To Whom It May Concern,

The Lake Linganore Board of Directors has reviewed the preliminary plans for the Longview Lot 1-B, LLC subdivision. The Board of Directors has voted unanimously and does not want to incorporate this property within the Lake Linganore Association as stipulated by the old rezoning condition #2. Please reach out with any further questions or concerns.

Respectfully,

Michelle Jones  
General Manager  
[Mjones@LakeLinganore.org](mailto:Mjones@LakeLinganore.org)  
301.831.6400x111