

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**”).¹

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.²

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*

¹ 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.

² 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.³ 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.⁴ 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.

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

⁴ 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”.⁵ 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.⁶ 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.⁷ 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

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

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

⁷ 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

Owner Name:HEATH DANIEL F & PATRICIA M

Use:RESIDENTIAL

Principal Residence:YES

Mailing Address:5909 ENTERPRISE CT
FREDERICK MD 21703-

Deed Reference:/06850/ 00543

Location & Structure Information

Premises Address:6101 FINN PL
NEW MARKET 21774-0000

Legal Description:LT #1B 5.01 AC
W/S BOYERS MILL RD
LONGVIEW

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
079E	2	0146	9010001.11	0000			1B	2025	
									Plat Ref: 0070/ 0089

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1965	1,212 SF	YES	5.0100 AC	

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	YES	STANDARD UNIT	FRAME/	4	1 full/ 1 half	1 Detached	

Value Information

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

Transfer Information

Seller:

Date:

Price:

Type:

Deed1: /06850/ 00543

Deed2:

Seller:

Date:

Price:

Type:

Deed1:

Deed2:

Seller:

Date:

Price:

Type:

Deed1:

Deed2:

Exemption Information

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

Owner Name:LONGVIEW LOT 1-B LLC

Use:RESIDENTIAL

Mailing Address:C/O 126 WEST THIRD ST
FREDERICK MD 21701

Principal Residence:NO

Deed Reference:/06850/ 00515

Location & Structure Information

Premises Address:6109 FINN PL
0-0000

Legal Description:LT #1B 5.11 ACRE
LONGVIEW

Map:079E

Grid:2

Parcel:0179

Neighborhood:9010001.11

Subdivision:0000

Section:

Block:

Lot:1B

Assessment Year:2025

Plat No:

Plat Ref:0070/ 0089

Town: None

Primary Structure Built

Above Grade Living Area

Finished Basement Area

Property Land Area
5.1100 AC

County Use

Stories

Basement

Type

Exterior

Quality

Full/Half Bath

Garage

Last Notice of Major Improvements

Value Information

Base Value

Value

Phase-in Assessments

As of

As of

As of

01/01/2022

07/01/2024

07/01/2025

Land:181,400

Improvements0

Total:181,400

Preferential Land:0

181,400

181,400

Transfer Information

Seller: MILLS, JAMES WAYNE

Date: 01/07/2008

Price: \$300,000

Type: ARMS LENGTH VACANT

Deed1: /06850/ 00515

Deed2:

Seller: MILLS, JAMES W& LINDA

Date: 04/16/1996

Price: \$0

Type: NON-ARMS LENGTH OTHER

Deed1: /06850/ 00512

Deed2:

Seller: GRIMES, ROBERT D

Date: 09/08/1981

Price: \$36,000

Type: ARMS LENGTH IMPROVED

Deed1: /01156/ 00071

Deed2:

Exemption Information

Partial Exempt Assessments:

Class

07/01/2024

07/01/2025

County:

000

0.00

State:

000

0.00

Municipal:

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

- 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: _____

☐ A corporation (Name: _____)

Identify all officers and directors by name and title:

☒ 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)

☐ 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:

June 26, 2025

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:
6601 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:

_____ 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:

Date:

Dan F. Heath
Name and title (if applicable)
Daniel F. Heath

4/14/2025

Patricia M. Heath
Patricia M. Heath

4/14/2025

Revised June 2007

Exhibit C

COORDINATES

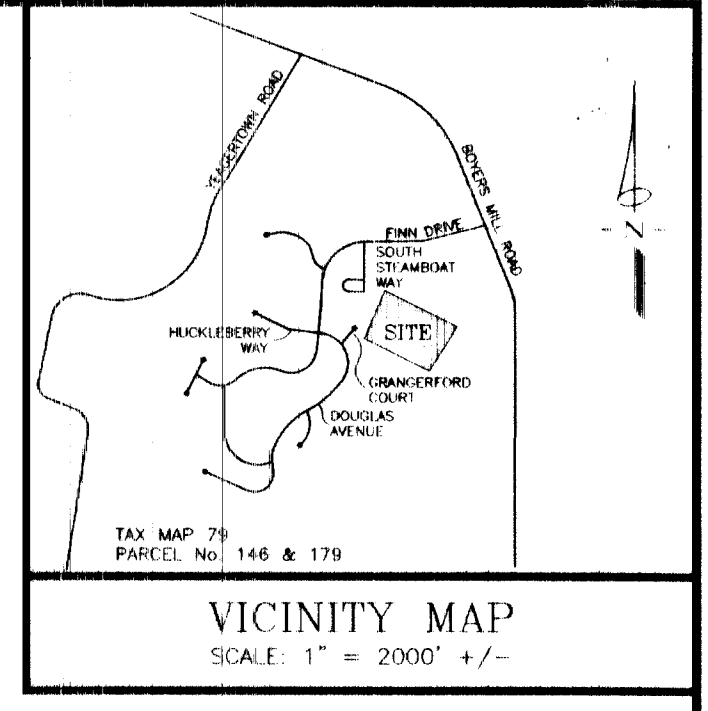
PT	NORTHING	EASTING
21	5031.9531	5909.1081
22	5093.9600	6273.7453
173	5506.8009	5211.2581
208	4819.8186	4912.8717
276	4999.9582	4999.7608
277	4658.2986	5679.5678
278	5131.5220	5963.9512

COORDINATES ARE BASED ON AN ASSUMED DATUM

AREA TABULATIONS

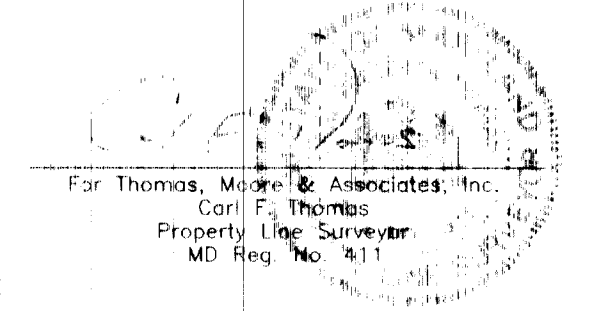
Original area Lot 1-A	218,295 S.F.	or	5.0114 Acres ±
+ Parcel "A"	2,133 S.F.	or	0.0490 Acres ±
- Parcel "B"	2,133 S.F.	or	0.0490 Acres ±
New area Lot 1-A	218,295 S.F.	or	5.0114 Acres ±
Original area Lot 1-B	222,751 S.F.	or	5.1137 Acres ±
+ Parcel "B"	2,133 S.F.	or	0.0490 Acres ±
- Parcel "A"	2,133 S.F.	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



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 "dead 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 Stanier 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.



OWNER'S CERTIFICATION AND DEDICATION

We, James Wayne Mills, Daniel F. Heath and Patricia M. Heath owners of the property shown and described hereon, 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 hereon 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 Date James Wayne Mills Owner Lot 1-B
3/29/01 Date Daniel F. Heath Owner Lot 1-A
3/29/01 Date Patricia M. Heath Owner Lot 1-A

OWNERS:

James Mills
P.O. Box 731
New Market, MD 21778
301-698-1961
&
Daniel & Patricia Heath
C/O Dan's Auto Body Inc.
5909 Enterprise Court
Frederick, MD 21702
301-662-1599

APPROVED:

Frederick County Planning Commission

4/11/2001 DATE SECRETARY or CHAIRMAN

TO THE CLERK OF THE COURT:
This plat complies with Section 1-16-7 of the Frederick County Code, 1979.

N/A
DATE DIRECTOR OF PLANNING

APPROVED:

Frederick County Health Department

6 April 2001 DATE

James E. Roman, M.D. APPROVING AUTHORITY

NOTES:

- This plat was prepared without the benefit of a title report and therefore may not indicate all encumbrances on this property.
- A six foot (6') drainage and utility easement is reserved along all exterior lot lines.
- Current Zoning: A (Agricultural).
- Parcels "A" and "B" have no improvements other than those shown hereon.
- Application is hereby made for your approval of the indicated transfer of land solely for adding to additional holdings and not for development. Any future subdivision of this land will be submitted in the regular manner for approval in accordance with the existing subdivision regulations.

The owners have sworn and subscribed before me, in my presence, this day of March, 2001. A notary public in and for the State of Maryland.

Carl F. Thomas, Notary Public
My Commission expires November 10, 2003

SYMBOLS

- Capped rebar set (#411) unless noted otherwise
- Stone found unless noted otherwise
- Utility pole & overhead wires

MINIMUM BUILDING RESTRICTION LINES

FRONT: AS SHOWN
SIDE: 10'
REAR: 40'

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

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,

A handwritten signature in cursive script, appearing to read "Michael C. Thompson".

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:

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. 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,

A handwritten signature in cursive script, appearing to read "Michael C. Thompson".

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
J. Anita Stup, President

Sterling E. Bollinger, Sr.
Sterling E. Bollinger, Sr.

ATTEST:

Richard L. Grossnickle
Richard L. Grossnickle

Brenda K. Teach
Brenda K. Teach
Acting Administrative Officer

Charles C. Smith
Charles C. Smith

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: [Signature]

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.

DEED	20.00
RECORDING FEE	20.00
TOTAL	40.00
Real PROP	Ref: 6 57011
SKD OF	DLK 4 587
Jan 07, 2008	01/12/08

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.

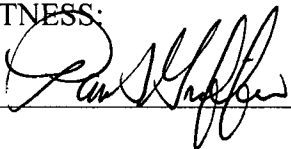
To have and to hold the property hereby conveyed unto the Grantees, in fee simple, forever.

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

WITNESS the hands and seals of the Grantors and Grantees.

WITNESS:



Grantors/Grantees

 (SEAL)

DANIEL F. HEATH

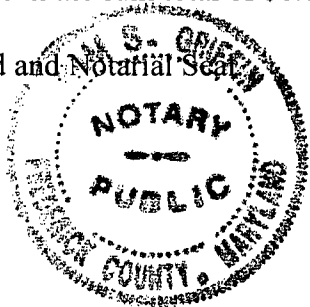
 (SEAL)

PATRICIA M. HEATH

STATE OF MARYLAND, FREDERICK COUNTY, TO WIT:

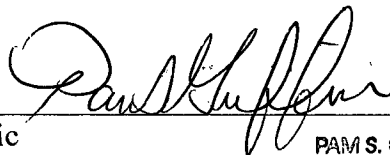
I hereby certify that on December 20, 2007, before me, the Subscriber, a Notary Public in and for the State and County aforesaid, personally appeared **DANIEL F. HEATH** and **PATRICIA M. HEATH**, and they did acknowledge the foregoing Deed to be their act and deed; and, at the same time, they did further 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
MY COMMISSION EXPIRES 12/1/09

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.
8 West Third Street
Frederick, MD 21701
Case No. 3283.01

State of Maryland Land Instrument Intake Sheet
☐ 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)

SKD 6850 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	<input type="checkbox"/> Mortgage <input type="checkbox"/> Lease	<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____				
2	Conveyance Type Check Box	<input type="checkbox"/> Improved Sale Arms-Length /1/	<input type="checkbox"/> Unimproved Sale Arms-Length /2/	<input type="checkbox"/> Multiple Accounts Arms-Length /3/	<input type="checkbox"/> 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				
		Purchase Price/Consideration \$ 0.00			Transfer Tax Consideration \$				
		Any New Mortgage \$ 0.00			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				
		Recording Charge \$ 20.00			\$				
		Surcharge \$ 20.00			\$				
		State Recordation Tax \$			\$				
		State Transfer Tax \$			\$				
		County Transfer Tax \$			\$				
		Other \$			\$				
		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).	District	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)							Water Meter Account No.
		Residential <input checked="" type="checkbox"/> or Non-Residential <input type="checkbox"/>							Fee Simple <input checked="" type="checkbox"/> or Ground Rent <input type="checkbox"/>
		Amount: \$							
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							
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		
		Name: Bruce N. Dean, Esq.					<input type="checkbox"/> Hold for Pickup		
		Firm: McEvoy & Dean, P.C.					<input type="checkbox"/> Return Address Provided		
		Address: 8 West Third Street							
		Frederick, Maryland 21701							
		Phone: (301) 694-2752							
		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 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).				
Assessment Use Only – Do Not Write Below This Line									
Terminal Verification		Agricultural Verification		Whole		Part			
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

Distribution: White – Clerk's Office
Pink – Office of Finance
AOC-CC 300 (4/05)

Canary – SDAT
Goldenrod – Preparer

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.

BY JAMES WAYNE MILLS
 TR TAX STATE 1,300.00
 TOTAL 1,340.00
 Recd FRO2 Rptd 4 57015
 SIO IF DIA 5 552
 Jan 08 1100 07:00 PM

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: [Signature] Date: 1/3/08
 Taxes-Water/Sewer-PAID
 Recordation Tax Pd. \$ 3600-

LAW OFFICES

McEvoy & Dean

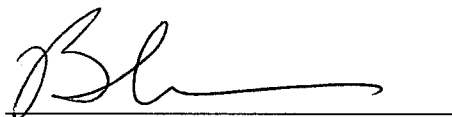
A PROFESSIONAL CORPORATION
 8 WEST THIRD STREET
 FREDERICK, MARYLAND 21701

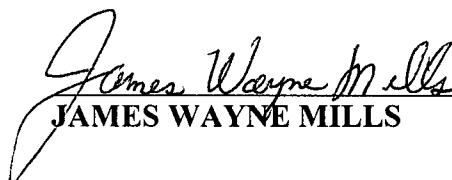
104

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:

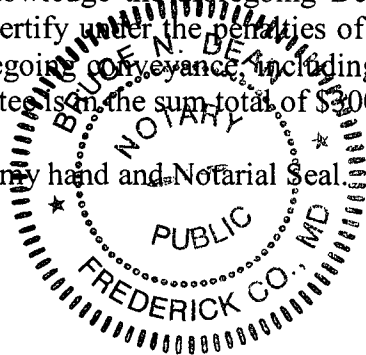



 (SEAL)
JAMES WAYNE MILLS

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
My Commission Expires
BRUCE N. DEAN
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

LAW OFFICES

McEVOY & DEAN

A PROFESSIONAL CORPORATION
8 WEST THIRD STREET
FREDERICK, MARYLAND 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.

1. Transferor Information	
Name of Transferor	

2. Reasons for Exemption	
Resident Status	<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.
Principal Residence	<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.

3a. Individual Transferors	
<div style="display: flex; align-items: center;"> <div style="border-bottom: 1px solid black; width: 100%;"></div> </div> <div style="display: flex; justify-content: space-between; padding: 5px 0;"> Witness James Wayne Mills </div>	<div style="display: flex; align-items: center;"> <div style="border-bottom: 1px solid black; width: 100%;"></div> </div> <div style="display: flex; justify-content: space-between; padding: 5px 0;"> Name James Wayne Mills </div> <div style="display: flex; align-items: center; margin-top: 5px;"> <div style="border-bottom: 1px solid black; width: 100%;"></div> </div> <div style="display: flex; justify-content: space-between; padding: 5px 0;"> Signature </div>
3b. Entity Transferors	
<div style="border-bottom: 1px solid black; height: 40px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 40px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 40px;"></div>	<div style="border-bottom: 1px solid black; height: 40px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 40px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 40px;"></div>

☐ 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)

Type(s) of Instruments		(Check Box if addendum Intake Form is Attached.)					
		X Deed X Deed of Trust	Mortgage Lease	X Other Assign	X Other IDOT		
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]		
Tax Exemptions (if applicable)		Recordation					
Cite or Explain Authority		State Transfer					
		County Transfer					
Consideration and Tax Calculations		Consideration Amount				Finance Office Use Only	
		Purchase Price/Consideration	\$ 300,000.00	Transfer and Recordation Tax Consideration			
		Any New Mortgage	\$ 300,000.00	Transfer Tax Consideration \$			
		Balance of Existing Mortgage	\$	X (%) = \$			
		Other:	\$	Less Exemption Amount - \$			
				Total Transfer Tax = \$			
		Other:	\$	Recordation Tax Consideration \$			
				X () per \$500 = \$			
		Full Cash Value:	\$	TOTAL DUE \$			
Fees		Amount of Fees	Doc. 1	Doc. 2	Agent:		
		Recording Charge	\$ 20.00	\$ 20.00	Tax Bill:		
		Surcharge	\$ 20.00	\$ 20.00	C.B. Credit:		
		State Recordation Tax	\$ 3,600.00	\$	Ag. Tax/Other:		
		State Transfer Tax	\$ 1,500.00	\$			
		County Transfer Tax	\$	\$			
		Other	\$	\$			
		Other	\$	\$			
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.
		Addition Plat/Correction Plat, Longview		New Area 1-B			70/89
		Location/Address of Property Being Conveyed (2)					
		6109 Finn Lane, New Market, Maryland 21774					
		Other Property Identifiers (if applicable)					Water Meter Account No.
		Residential ✓ or Non-Residential		Fee Simple ✓ or Ground Rent	Amount:		
		Partial Conveyance? Yes No		Description/Amt. of SqFt/Acreage Transferred:			
		If Partial Conveyance, List Improvements Conveyed:					
Transferred From		Doc. 1 – Grantor(s) Name(s)			Doc. 2 – Grantor(s) Name(s)		
		James Wayne Mills			Longview Lot 1-B, LLC		
		Doc. 1 – Owner(s) of Record, if Different from Grantor(s)			Doc. 2 – Owner(s) of Record, if Different from Grantor(s)		
Transferred To		Doc. 1 – Grantee(s) Name(s)			Doc. 2 – Grantee(s) Name(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					
Other Names to Be Indexed		Doc. 1 – Additional Names to be Indexed (Optional)			Doc. 2 – Additional Names to be Indexed (Optional)		
Contact/Mail Information		Instrument Submitted By or Contact Person					<input checked="" type="checkbox"/> Return to Contact Person
		Name: Bruce N. Dean, Esq.					<input type="checkbox"/> Hold for Pickup
		Firm McEvoy & Dean, P.C.					<input type="checkbox"/> Return Address Provided
		Address: 8 West Third Street					
		Frederick, Maryland 21701 Phone: (301) 694-2752					
		IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER					
		Assessment Information	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will the property being conveyed be the grantee's principal residence?		
			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does transfer include personal property? If yes, identify:		
			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	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:					

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

- Legend**
- Agricultural / Rural
 - Natural Resource
 - Public/Quasi Public Park or Open Space
 - Rural Community
 - Rural Residential
 - Low Density Residential
 - Medium Density Residential
 - High Density Residential
 - Village Center
 - General Commercial
 - Limited Industrial
 - Office / Research Industrial
 - Mixed Use
 - Mixed Use Development
 - General Industrial
 - Mineral Mining
 - Institutional
 - Municipality
 - Community Growth Area

- Community Facilities**
- Existing** **Proposed**
- Schools: Elementary (E), Middle (M), High (H), Special (S)
 - Parks: Community (C), Regional (R), Special (S)
 - Fire Station (F), Landfill (LF), Library (L), Police Station (P), Transit Station (T)

* The symbols for proposed community facilities are not fixed on the specific properties, but identify appropriate general locations.

- Highways**
- Existing** **Proposed**
- Freeway / Expressway
 - Major Arterial
 - Minor Arterial
 - Collector
 - Transit Easement
 - Interchanges

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 inaccuracies may exist and accepts no responsibility for positional omissions, inaccuracies, or errors. Reliance on the data presented is at the risk of the user. This map is for illustration purposes only and should not be used for surveying, engineering, or site-specific analysis. For more information please consult Frederick County Community Development Division, 2nd Floor 30 N. Market St. Frederick, MD 21701. 301-600-1138

Date: September 20, 2012

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	114	115

Tax Map 79

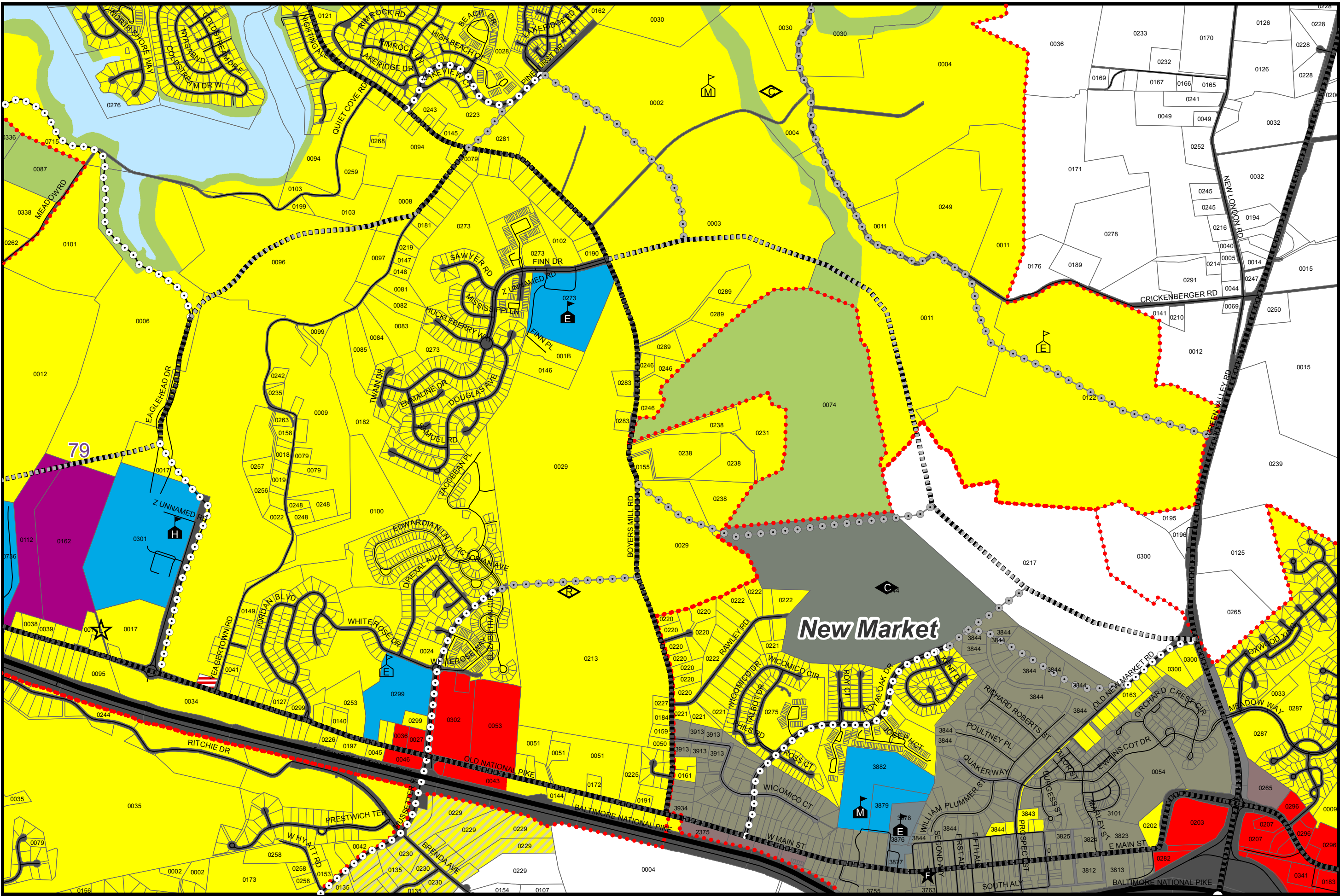


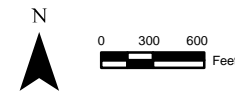
Exhibit F

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, 07-11-2013
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
- OR1 - Office/Research/Industrial
- MX - Mixed Use
- MXD - Mixed Use Development
- MM - Mineral Mining
- Ie - Institutional
- Municipality



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 the data presented on this map is at the risk of the user. This map is for illustration purposes only and should not be used for surveying, engineering, or site-specific analysis. Created by Frederick County IIT GIS.

For detailed Zoning District Boundaries consult the official Zoning Maps located at:
Division of Planning and Permitting
Frederick County Government
30 N. Market St.
Frederick, MD 21701
301-600-1138

Date: Apr 08, 2022

1	2	3	4	5
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11	12	13	14	15
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101	102	103	104	105
106	108	109	110	111
112	113			

Tax Map 79

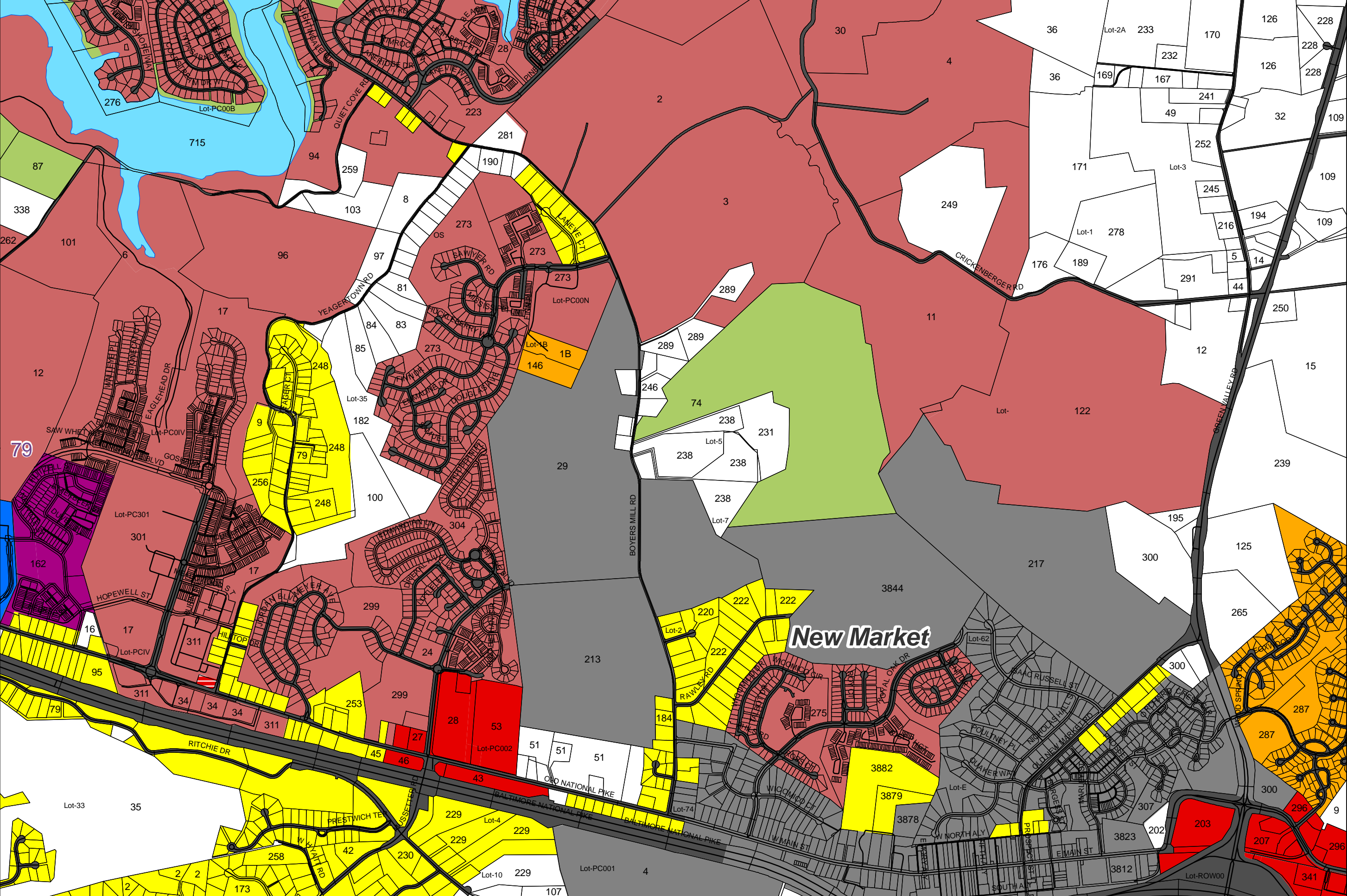


Exhibit G

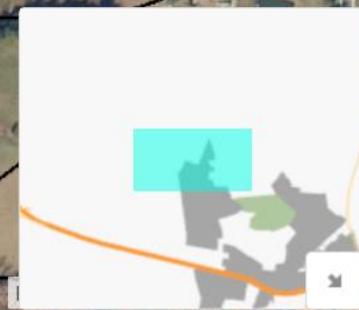
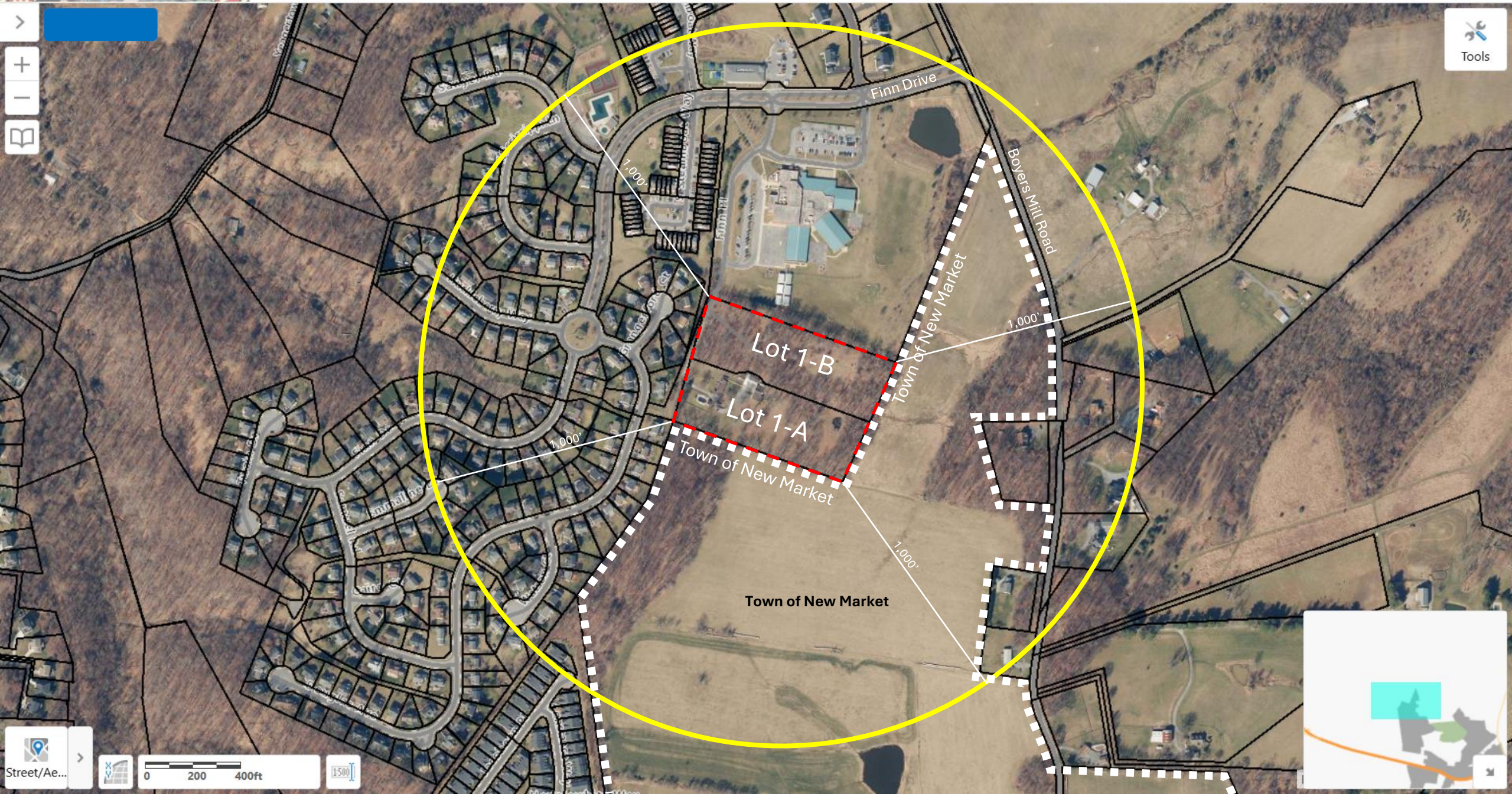


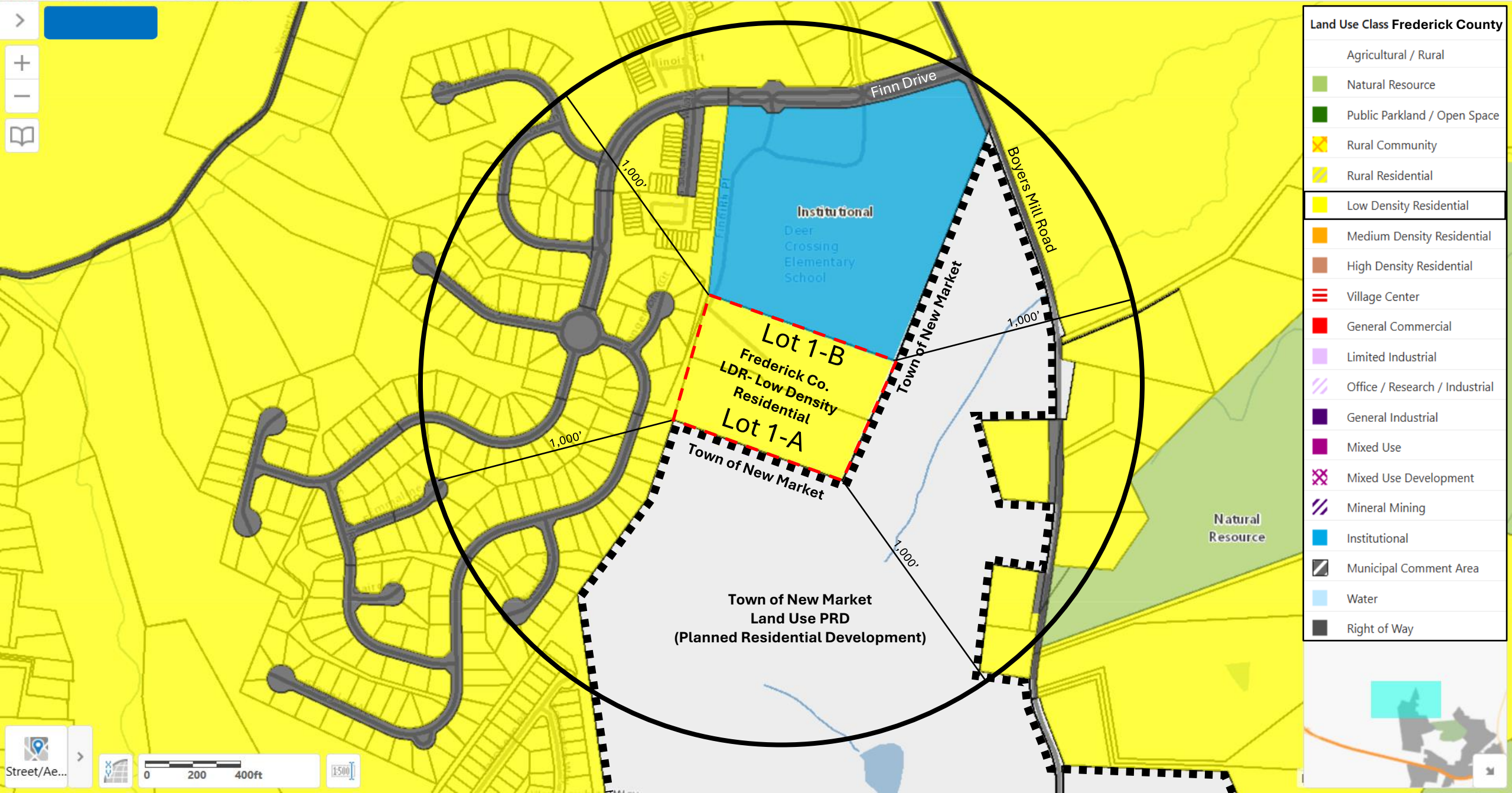
Heath property entrance

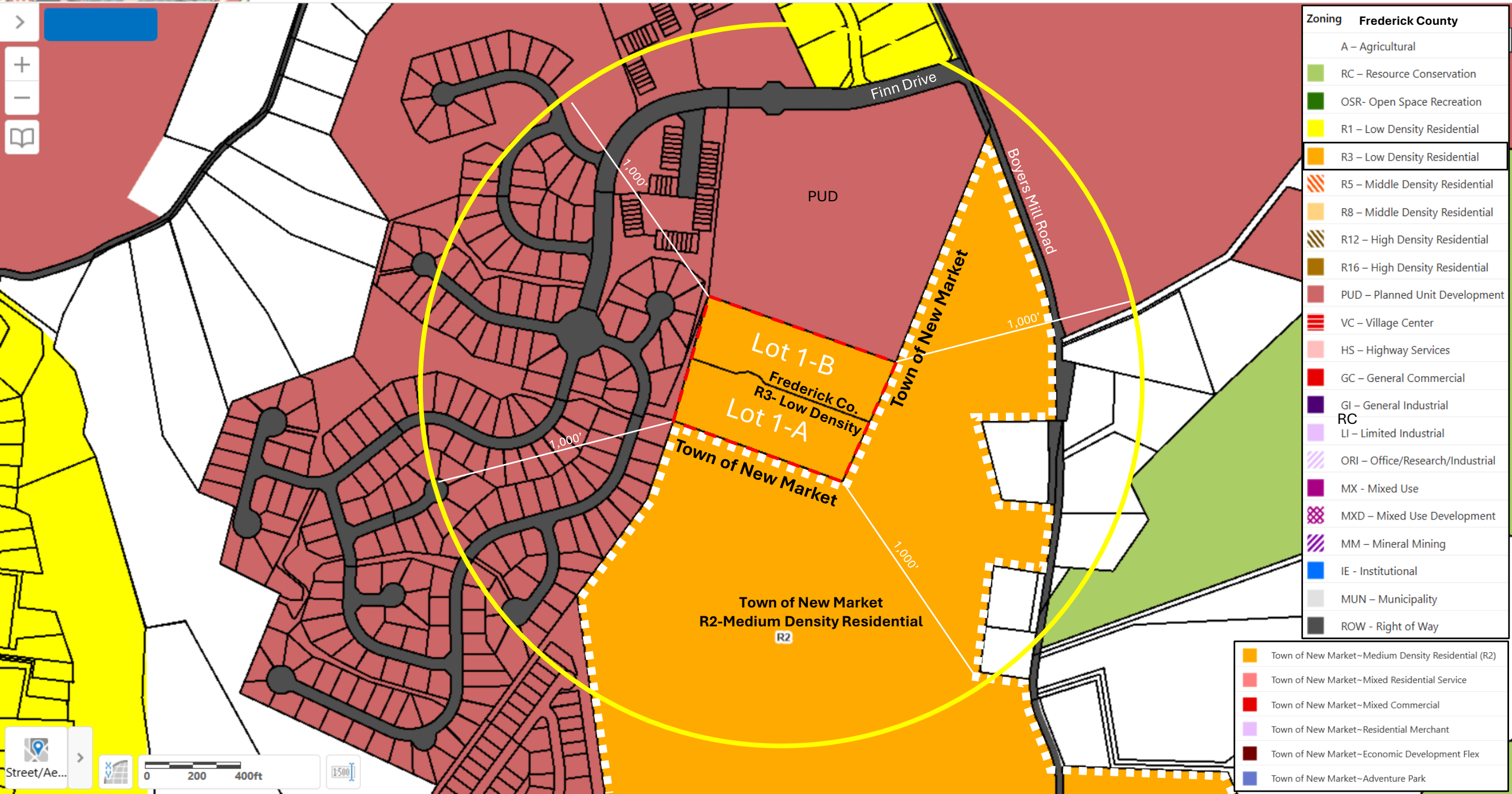
Future HOA is to install a fence along the Heaths northern border with the HOA at the conclusion of the site work to replicate their existing fence but be 6' high.

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.











Adjoining Property Owners Inset Map



(SDAT ID unknown) Lake Linganore Association
see Parcel "B", Plat 40-1
(L.1566 / F.110)

1

Board of Education
10601 Finn Pl.
SDAT 27-540619
Deer Crossing ES

Finn Pl.

9

8

Rachel L. Harrison
10715 Grangerford Ct.
SDAT 27-537014

Floyd E. Klauka, Jr.
10711 Grangerford Ct.
SDAT 27-537006

7

6

Rollo & Fatima Jones
10707 Grangerford Ct.
SDAT 27-536999

5

John & Cari Murphy
6087 Douglas Ave.
SDAT 27-536972

4

Lake Linganore Association
see Parcel "B", Plat 40-5
(SDAT ID unknown) (L.1566 / F.110)

3

Nicholas & Amber Fry
6085 Douglas Ave.
SDAT 27-539122

2

Charlyn, LLC
5920 Boyers Mill Rd.
SDAT 09-227245

Longview Lot 1-A

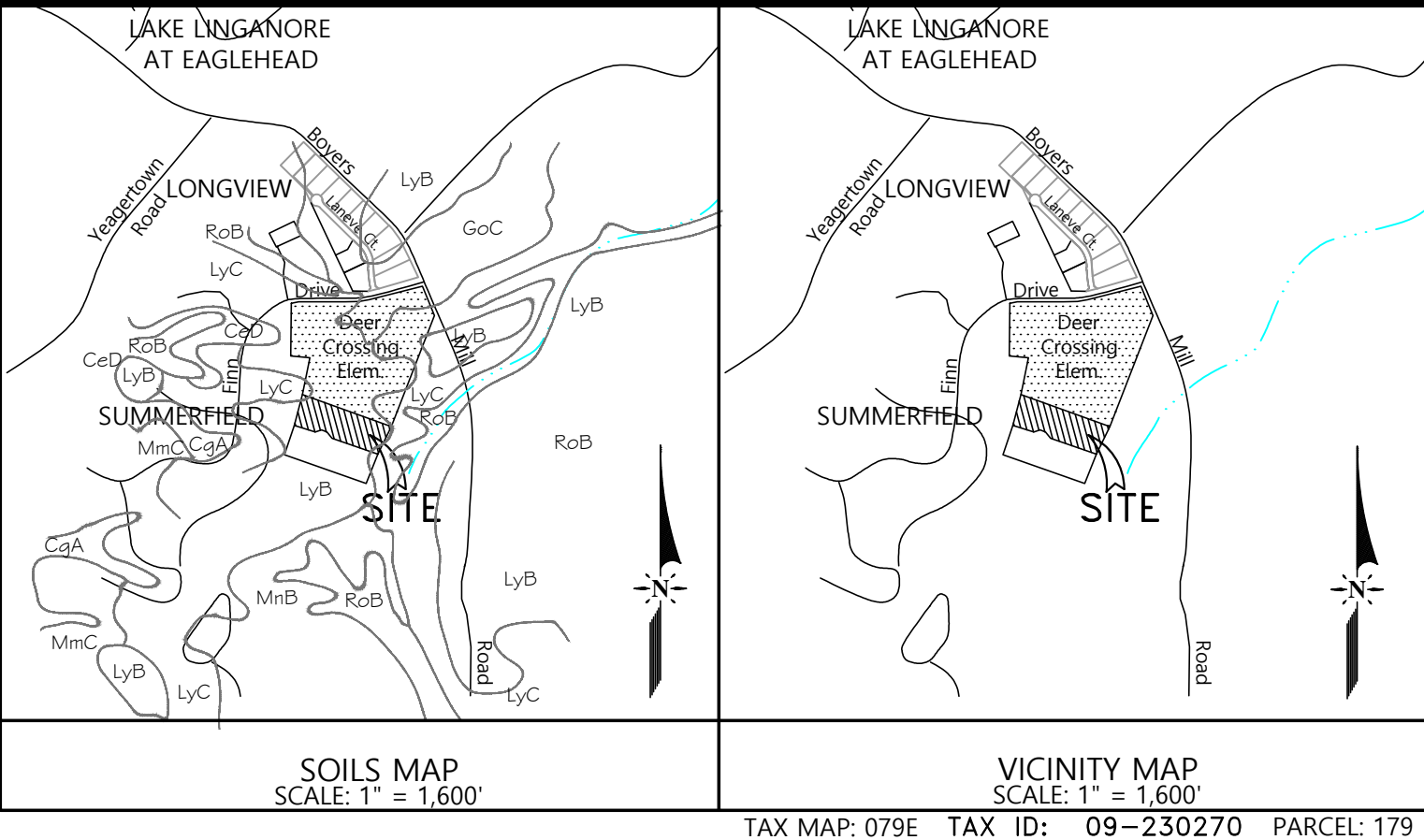
Longview Lot 1-B

Town of New Market

Douglas Ave.

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

NEW MARKET ELECTION DISTRICT No. 9
FREDERICK COUNTY, MARYLAND



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

Preliminary Plat Notes

- 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 00515. The land area for this parcel is 5.1137 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 01644, Folio 00981.
- The coordinate datum for the project is MSP (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 comprehensive map is Low Density Residential.
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-3/W-3.
- A six foot utility and drainages 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).
- A Combined 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 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 hereon 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 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 T. Leber June 4, 2024
John Thomas Leber Date
Professional Land Surveyor
Maryland Reg. No. 21184
License Expiration Date: January 5, 2026
Maryland Reg. Corp. No. 21692
Expiration Date: April 10, 2025

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.md.us/fed

LONGVIEW ESTATES- LOT 1B

Property of Lot 1-B, Longview, LLC
Liber 6850 Folio 515 and P.B. 70 P. 89
Situated at #6109 Finn Place
New Market Election District No. 9
Frederick County, Maryland

PRELIMINARY PLAN- COVER SHEET

Terra Solutions Engineering, LLC
Commercial & Residential Land Planning and Engineering
2216 Charmaine Court, Unit 105
Frederick, MD 21701
Phone: 301-375-9942 Email: Terrasolutionsengineering@gmail.com

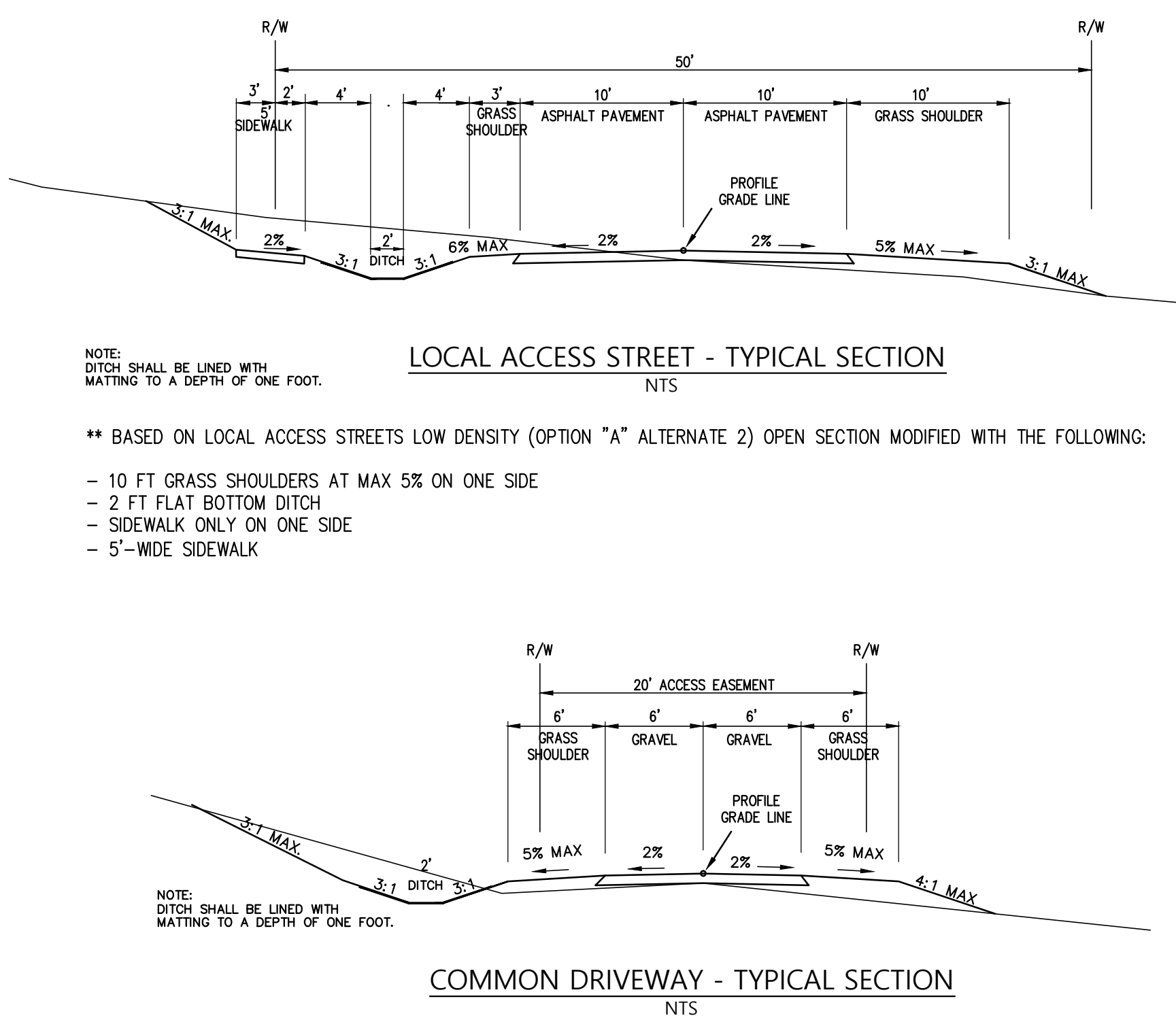
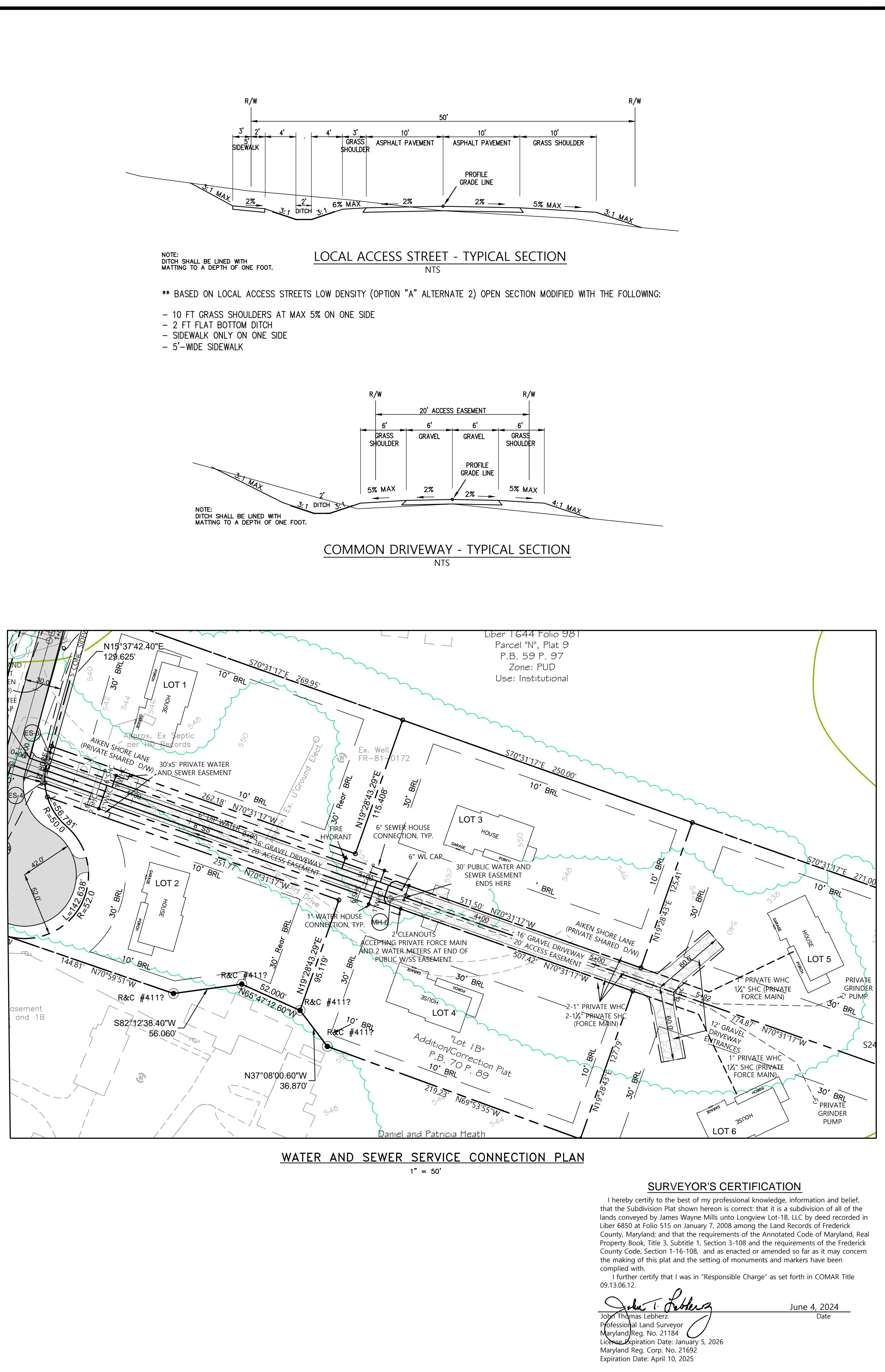
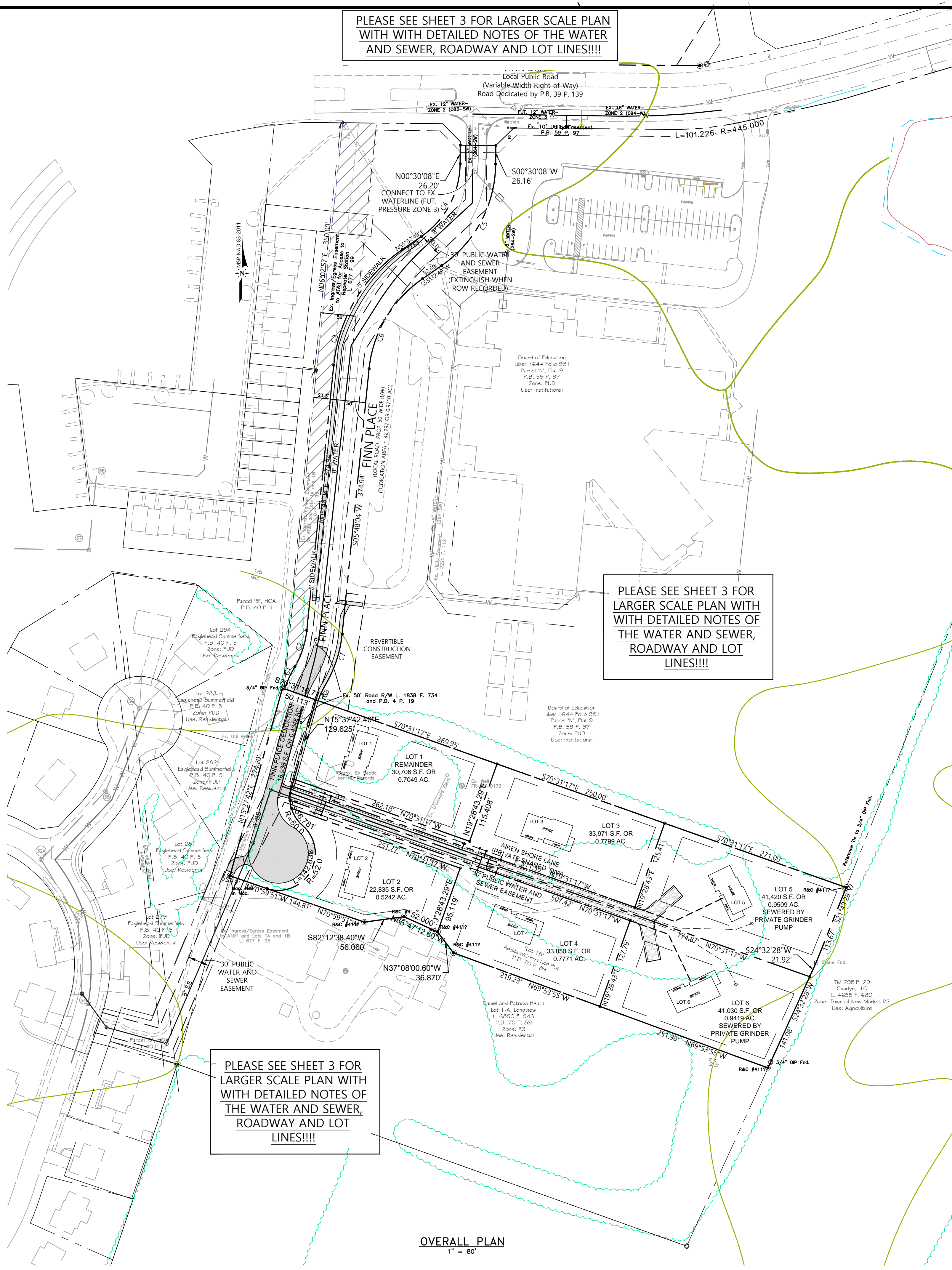
Owner/Developer
Lot 1-B, Longview, LLC
126 West Third Street
Frederick, MD 21701
Contact: Ted McCutcheon

NOT FOR
CONSTRUCTION

Seal & Signature

PROJECT No.: 280
DATE: JUNE 2024
SCALE: N/A
SHEET No. 1 of 3

File#:	S-084
A/P #:	PP276347
Due Date:	



SURVEYOR'S CERTIFICATION

I hereby 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 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 requirements of the Annotated Code of Maryland, Real Property Code, 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. Leherz
John Thomas Leherz
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
Date

LONGVIEW ESTATES- LOT 1B

Property of Lot 1-B, Longview, LLC

Liber 6850 Folio 515 and P.B. 70 P. 89

Situated at #6109 Finn Place

New Market Election District No. 9

Frederick County, Maryland

PRELIMINARY PLAN-OVERALL PLAN

Terra Solutions Engineering, LLC

Commercial & Residential Land Planning and Engineering

6216 Chancellors Court, Unit 105

Frederick, MD 21701

Phone: 301-376-9842 Email: TerraSolutionsEngineering@gmail.com

Owner/Developer

Lot 1-B, Longview, LLC

126 West Third Street

Frederick, MD 21701

Contact: Ted McCutcheon

NOT FOR CONSTRUCTION

Seal & Signature

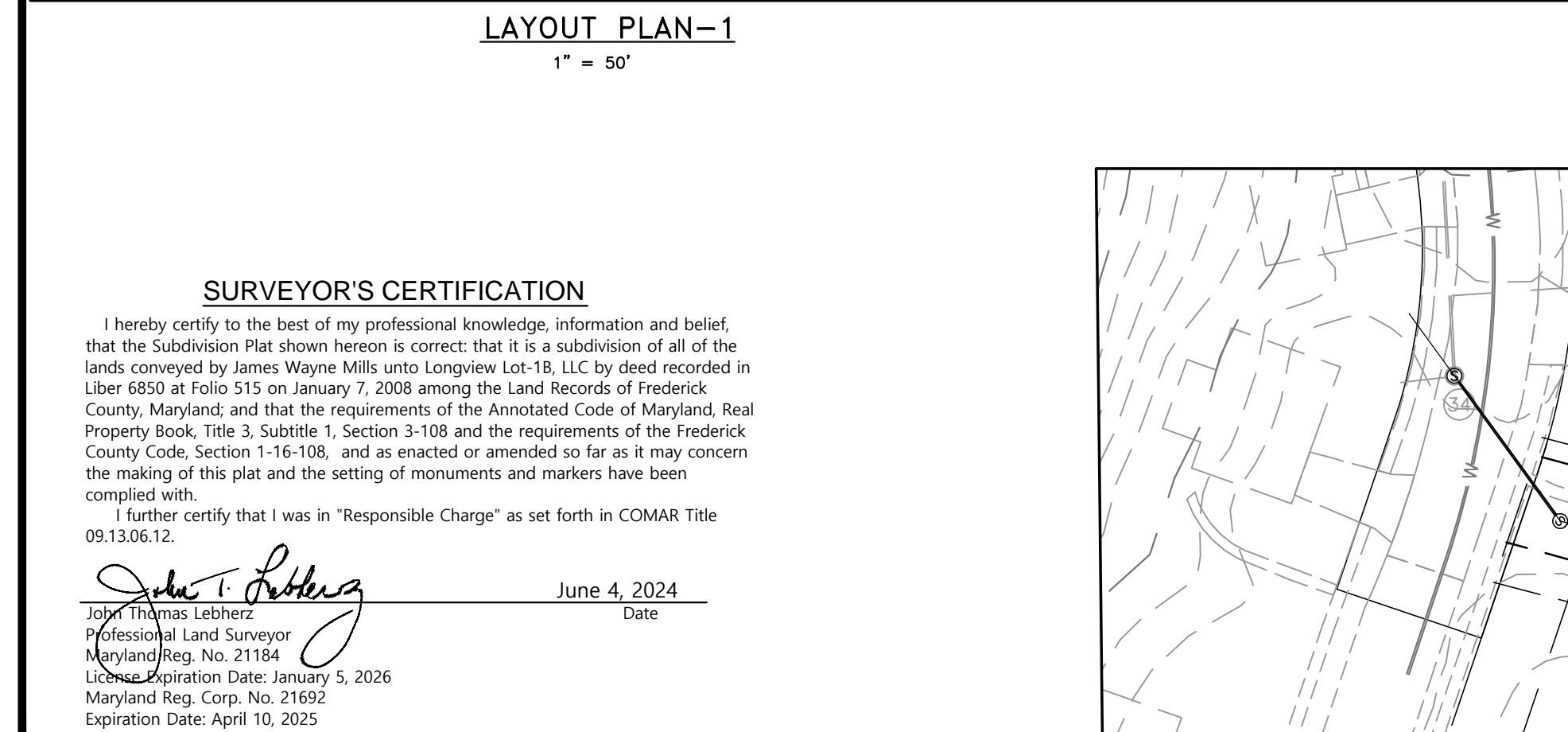
PROJECT No.: 280

DATE: JUNE 2024

SCALE: 1" = 80' or 1" = 50'

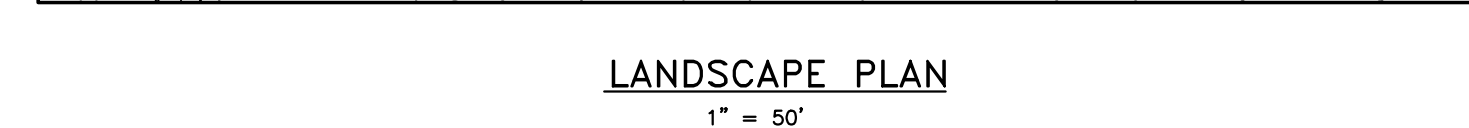
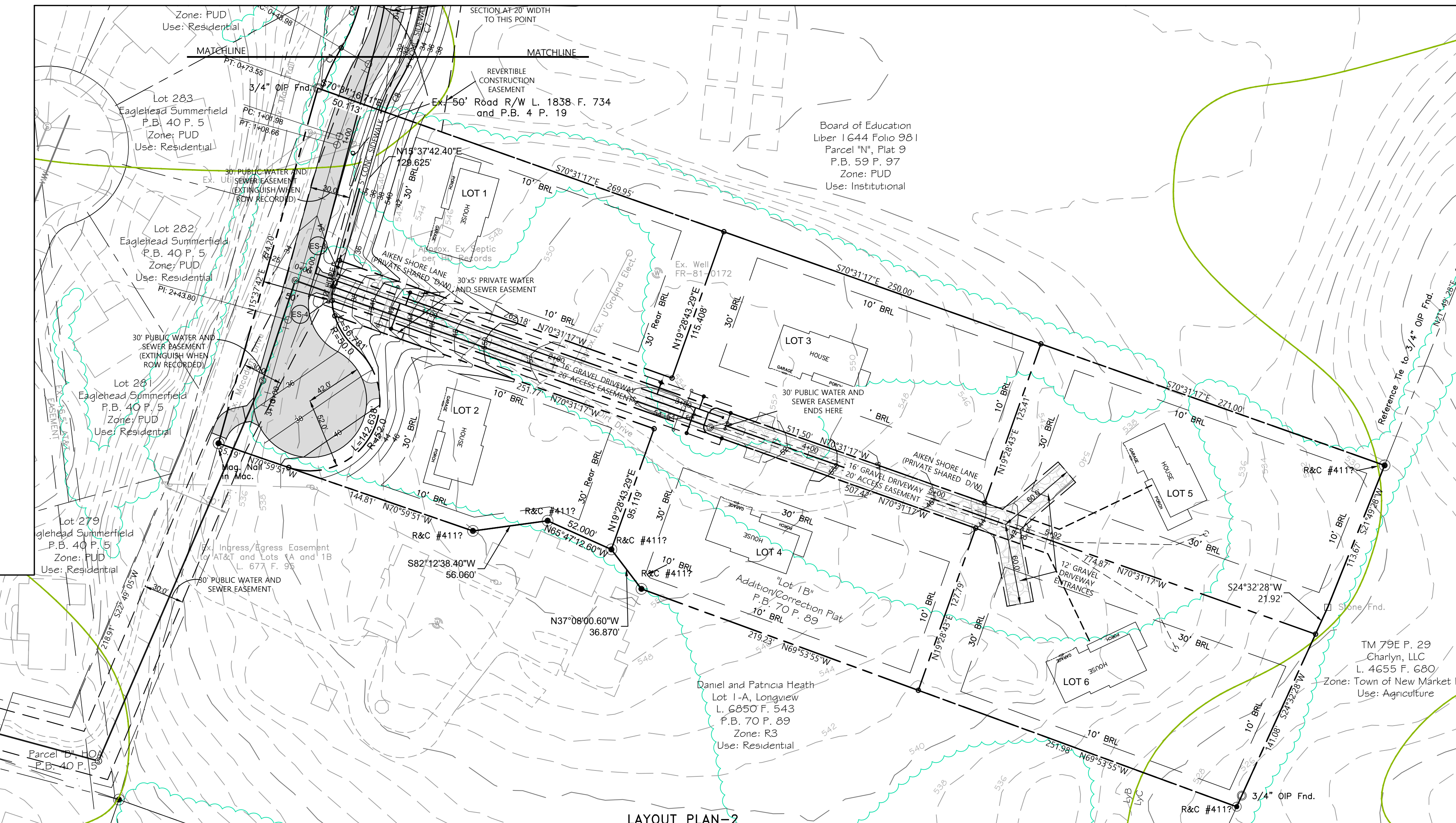
SHEET No. 2 of 3

© Terra Solutions Engineering, LLC EST. 2010



NOTES:

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



**NOT FOR
CONSTRUCTION**

Seal & Signature

PROJECT No.:	280
DATE:	JUNE 2024
SCALE:	1" = 50'
SHEET No.	3 of 3

[illegible]



LAKE LINGANORE ASSOCIATION

April 16th, 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

301.831.6400x111