

TUCKER HILL ✓

No Title Examination

CONSERVATION EASEMENT

THIS Conservation Easement made this 25th day of April, 1979, by and between Lucille Hall, Administratrix of the Estate of Lucy B. Tucker, deceased, as Grantors, and the Mayor and Aldermen of the City of Annapolis, a Municipal Corporation, Grantee,

WHEREAS, the said Grantors, are the owners in fee of the real property, hereinafter described, situate in the Sixth Assessment District, Anne Arundel County, Maryland; and

WHEREAS, the said land of the said Grantors have certain attractive natural features; and

WHEREAS, the Mayor and Aldermen of the City of Annapolis have determined the use and benefit to be derived from the flood plain of the headwaters of College Creek of the City of Annapolis will be substantially enhanced by the preservation of the scenic features of said area hereinafter described to the extent consistent with construction requirements for development, soil conservation and approved forestry practices; and

WHEREAS, it has been determined by the Planning and Zoning Commission of the City of Annapolis that a conservation easement over and upon the lands of the said Grantors is important and necessary for the preservation of the scenic and ecological value of the headwaters and flood plain of College Creek for the people of the City of Annapolis; and

WHEREAS, the Grantors are willing to grant to the Mayor and Aldermen of the City of Annapolis, the use as hereinafter impressed upon their said lands and thereby the protection to the natural environment of said area will result in the restricted use and enjoyment by the Grantors of their property because of the imposing of conditions in connection herewith hereinafter expressed;

NOW THEREFORE, in and for the consideration of the premises, this being a gift and of the covenants to be observed, the Grantors do hereby grant and convey unto the Mayor and Aldermen of the City of Annapolis, its successors and assigns, an estate, interest and conservation easement in said real property of said Grantors, of the nature and character and to the extent hereinafter expressed to be and to constitute a servitude upon said real estate of the Grantors, which estate, interest, easement and servitude will result from the restrictions hereby imposed upon the use of said

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property of said Grantors, and to that end and for the purpose of accomplishing the intent of the parties hereto said Grantors covenant on behalf of themselves, their heirs, successors and assigns, to do and refrain from doing, severally and collectively, upon the Grantors' said property, hereinafter described, the various acts hereinafter mentioned, it being hereby agreed and expressed that the doing and the refraining from said acts, and each thereof, upon said property is and will be for the benefit of the people of the City of Annapolis.

The restrictions hereby imposed upon the use of the said property of the Grantors, and the acts which said Grantors so covenant to do and refrain from doing upon their said property in connection therewith are and shall be as follows:

1. That no structures of any kind will be placed or erected upon said described premises.
2. That the general topography of the landscape shall not be altered and that no excavation or topographic changes shall be made without the written approval of the Planning and Zoning Commission of the City of Annapolis and the Mayor and Aldermen of the City of Annapolis.
3. That no use of said described property, which, in the opinion and judgement of said City of Annapolis Planning and Zoning Commission and the Mayor and Aldermen of the City of Annapolis, will or does materially alter the landscape or other attractive scenic features of said land, other than those specified above and the removal of underbrush, injured or dead trees and trees having a girth of less than twelve inches, shall be done or suffered without the written consent of the said Planning & Zoning Commission of the City of Annapolis and the Mayor and Aldermen of the City of Annapolis.
4. The land of the Grantors, hereinafter referred to and to which the provisions of this instrument apply, is situate in the City of Annapolis, Sixth Assessment District of Anne Arundel County, and is particularly described as follows:

DESCRIPTION AND PLAT

BEGINNING for the same at a concrete monument which marks a boundary common to the property of the City of Annapolis Police Station and the property of Margaret P. Stallings and the property of the herein named Grantors; said concrete monument having coordinates (based upon Annapolis City Grid) N22,742.49 E21,448.70 all as shown on a plat entitled "Tucker Hill" intended to be recorded among the Plat Records of Anne Arundel County.

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Thence from the point of beginning so fixed leaving the property of the City of Annapolis Police Station and binding on the common boundary line between the property of Margaret P. Stallings and the property of the herein named Grantors, South 41 degrees 31 minutes 55 seconds West 115.50 ft. to intersect the northernmost right-of-way line of Brewer Avenue; thence leaving the property of Margaret P. Stallings and binding on the right-of-way line of Brewer Avenue the following two courses and distances: South 87 degrees 37 minutes 48 seconds West 34.93 ft.; thence South 02 degrees 22 minutes 12 seconds East 44.74 ft.; thence leaving said Brewer Avenue and running for a line parallel to and distant 15 ft. southerly from the northernmost outline of Lot 7 shown on the aforementioned plat, South 87 degrees 37 minutes 48 seconds West 85.58 ft.; thence running for a line parallel to and distant 20 ft. southeasterly from the northwesternmost outline of said Lot 7, South 59 degrees 46 minutes 13 seconds West 95.49 ft.; thence binding on part of the westernmost outline of said Lot 7, South 02 degrees 22 minutes 12 seconds East 60.38 ft.; thence leaving said Lot 7 and binding on the common boundary line between the property of R. A. Maddocks, the property of G. L. Parks, the property of J. J. Stilwell, and the property of the herein named Grantors, South 87 degrees 37 minutes 48 seconds West 111.38 ft.; thence leaving the property of J. J. Stilwell and binding on the common boundary line between the property of W. B. Walters and the property of the herein named Grantors, the following three courses and distances: South 36 degrees 00 minutes 35 seconds West 100.66 ft.; South 10 degrees 49 minutes 35 seconds West 66.38 ft.; North 66 degrees 55 minutes 25 seconds West 39.71 ft. to intersect the northeasternmost right-of-way line of Woodlawn Avenue; thence leaving the property of W. B. Walters and binding on the northeasternmost right-of-way line of Woodlawn Avenue, North 47 degrees 41 minutes 25 seconds West 69.53 ft.; thence binding on the easternmost right-of-way line of Woodlawn Avenue, North 07 degrees 53 minutes 03 seconds East 174.73 ft.; thence leaving said Woodlawn Avenue and binding on the common boundary line between the property of M. C. Scott, the property of H. W. Christy, and the property of the herein named Grantors, the following three courses and distances: South 82 degrees 06 minutes 57 seconds East 170.00 ft.; North 07 degrees 53 minutes 03 seconds East 135.00 ft.; North 82 degrees 06 minutes 57 seconds West 54.00 ft.; thence leaving the property

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of H. W. Christy and binding on the common boundary line between the property of J. R. Rayhart and the property of the herein named Grantors, North 07 degrees 53 minutes 03 seconds East 60.00 ft.; thence leaving the property of J. R. Rayhart and binding on the easternmost outline of Lot 6 shown on the aforementioned plat, North 07 degrees 53 minutes 03 seconds East 50.00 ft.; thence binding on part of the rear outline of Lot 2 and binding on the rear outline of Lots 3, 4, and 5 shown on the aforementioned plat, South 82 degrees 06 minutes 57 seconds East 180.00 ft.; thence binding on part of the easternmost outline of Lot 5, North 07 degrees 53 minutes 03 seconds East 25.00 ft.; thence binding on the common boundary line between the property of S. Yianoulou and the property of the herein named Grantors, South 82 degrees 06 minutes 57 seconds East 200.25 ft.; thence leaving said last mentioned common boundary line and binding on the common boundary line between the property of the City of Annapolis Police Station and the property of the herein named Grantors, South 09 degrees 29 minutes 40 seconds West 39.60 ft. to the point of beginning.

Containing 2.245 acres of land, more or less, within the bounds of this description.

Being a part of that conveyance from Robert Moss, Trustee to Norman E. Tucker and Lucy B. Tucker, his wife by deed dated March 6, 1917 and recorded among the Land Records of Anne Arundel County in Liber G.W. No. 137, folio 105.

Being also a part of that conveyance from John R. Rawlings to Norman E. Tucker and Lucy B. Tucker, his wife by deed dated October 2, 1920 and recorded among the Land Records of Anne Arundel County in Liber W.N.W. No. 33, folio 1; The said Norman E. Tucker and Lucy B. Tucker having since departed this life; for reference see Register of Will Records Administrative Docket G.M.N. No. 5, folio 139, File No. 13807, wherein Lucille Hall was appointed Administratrix of the Estate of Lucy B. Tucker.

Being also the "Conservation Easement" as shown on the plat entitled "Tucker Hill" intended to be recorded among the Plat Records of Anne Arundel County.

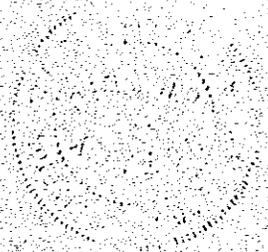
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STATE OF MARYLAND, ANNE ARUNDEL COUNTY, to wit:

I HEREBY CERTIFY, that on this 25<sup>th</sup> day of April, 1979, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared LUCILLE HALL, Administratrix of the Estate of Lucy B. Tucker, deceased, and that she, as such Administratrix being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing, in my presence, and she acknowledged the foregoing Deed of Easement and Agreement to be her act and deed.

AS WITNESS my Hand and Notarial Seal.

Raymond A. Harrington  
Raymond A. Harrington  
Notary Public  
My Commission Expires  
July 1, 1982.



APPROVED and ACCEPTED this 3<sup>rd</sup>  
day of MAY, 1979

THE MAYOR AND ALDERMEN OF THE  
CITY OF ANNAPOLIS

ATTEST:

Margaret D. Burket  
City Clerk, Margaret D. Burket

By John C. Apostol  
JOHN C. APOSTOL, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Eugene W. Leason  
EUGENE W. LEASON, CITY ATTORNEY

DATE

5/3/79

Mailed to: Eugene W. Leason

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IN WITNESS WHEREOF, the Grantors have hereunto set their hands the day and year in this instrument first above mentioned.

By: Lucille Hall (SEAL)  
Lucille Hall, Administratrix  
of the Estate of Lucy B. Tucker,  
Deceased

WITNESS:

Nancy Ireland

By: J. P. Smith (SEAL)  
The Mayor and Aldermen of the  
City of Annapolis

ATTEST:

Margaret D. Burket  
Margaret D. Burket, City Clerk