

CERTIFICATE OF COMPLIANCE AGREEMENT

THIS AGREEMENT, made this _____ day of _____, _____, by and between _____ (“Developer”), _____ (“Agent”), and the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission (“Planning Board”).

WHEREAS, Developer sought to develop certain property situate in Montgomery County, Maryland and was required to submit an application for _____ plan review with the Planning Board, the application was captioned _____ Plan # _____ (“Plan”);

WHEREAS, the Plan, in accordance with applicable state and county law, was reviewed and approved by the Planning Board, expressly subject to certain terms and conditions of approval;

WHEREAS, a condition of the Plan approval required Developer to submit for Planning Department approval a Forest Conservation Plan (“FCP”) prepared in accordance with Montgomery County forest conservation laws, regulations, and guidelines.

WHEREAS, the FCP must provide for such things as achieving required afforestation/reforestation and for the placement of a conservation easement on forested areas to be preserved either on the property proposed for development or other property within the same watershed, unless the Planning Board or Planning Department has approved the afforestation/reforestation on property in a different watershed as part of the approved Forest Conservation Plan;

WHEREAS, Agent has identified and acquired various easement rights to certain offsite areas, other than the property proposed for development, which are suitable for the placement of a forest conservation easement which will meet the requirements of the forest conservation law (“Easement Areas”);

WHEREAS, the rights of the Agent to provide such conservation easement and the acceptance by the owner of the property being burdened by the limitations and obligations set forth in the easement are established by a Conservation Easement Agreement recorded among the Montgomery County Land Records in Liber _____, Folio _____ (“Conservation Easement”);

WHEREAS, Developer desires to utilize some or all of Agent’s rights and interest in the Easement Area to satisfy some or all of Developer’s obligations under the forest conservation law and Plan approval;

WHEREAS, the Conservation Easement contemplated the Agent conveying some or all of its rights to one or more developers required to achieve obligations under the forest conservation law which conveyance would be evidenced by the execution and recordation of this Certificate of Compliance;

NOW THEREFORE, in consideration of the foregoing recitals, which are expressly incorporated herein, the parties agree as follows:

1. That this Agreement shall be appended to the Conservation Easement and make the Owner liable for all terms, conditions, and restrictions contained therein.
2. That the obligations set forth herein and in the Conservation Easement are being assumed by the Owner in satisfaction of Developer's requirements under the forest conservation law.
3. The Agent warrants that the Agent is fully vested of the forest conservation rights being conferred to Developer, and that the Agent is capable of conveying such rights to Developer, and that the Agent has not already conveyed the rights to any other party. The referenced project is required to provide _____ acres of offsite forest mitigation and shall utilize _____ acres of existing forest mitigation of the total available _____ acres on the _____ mitigation project owned by _____.
4. The property from which the conservation rights are being conveyed is located within the same watershed as is the project being developed or in another watershed with Maryland-National Capital Park and Planning Commission approval.

IN WITNESS WHEREOF, the parties have executed this Agreement for the purposes contained herein.

WITNESS:

DEVELOPER:

Printed Name _____

Developer

Developer Address:

Agent:

Printed Name: _____

(Notary block must appear on the same page as the signature being notarized)

STATE OF MARYLAND *

COUNTY OF * to wit:

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

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

NOTARY PUBLIC

[NOTARIAL SEAL]

Commission Expires:

MARYLAND-NATIONAL CAPITAL
PARK & PLANNING COMMISSION:

Printed Name: _____

(Notary block must appear on the same page as the signature being notarized)

STATE OF MARYLAND *
COUNTY OF * to wit:

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

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

NOTARY PUBLIC

[NOTARIAL SEAL]

Commission Expires: