



St. Mary's County Department of Land Use and Growth Management

23150 Leonard Hall Drive, Leonardtown, Md. 20650
Phone (301) 475-4200, ext. 1500 Fax (301) 475-4672

PUBLIC SAFETY TOWER SET-BACK AGREEMENT



This DECLARATION OF AGREEMENT, Made this _____ day of _____, 20____, by _____, hereafter referred to as "Grantor" and between _____, hereafter referred to as "Grantee".

WHEREAS, the Grantor, Owner of that parcel of land known as _____ located in the _____ Election District of St. Mary's County, Maryland and described on a plat and recorded among the Land Records of St. Mary's County, Maryland in Liber _____, Folio _____, and being a part of the land conveyed to Owner by deed dated _____ and recorded among the Land Records of St. Mary's County, Maryland, at Liber _____, Folio _____, and

WHEREAS, the Grantee, Owner of that parcel of land known as _____ located in the _____ Election District of St. Mary's County, Maryland and described on a plat recorded among the Land Records of St. Mary's County, Maryland in Liber _____, Folio _____, and being the land conveyed to Owner by deed dated _____ and recorded among the Land Records of St. Mary's County, Maryland, at Liber _____, Folio _____, and

WHEREAS, St. Mary's Comprehensive Zoning Ordinance (CZO), Section 51.3.91.b.10 requires that a public safety tower be set-back a distance of 100% of the height of the tower from any residence, historic site, building or other structure not associated with the tower; and

WHEREAS, if said setback is to be on an adjoining property. A notarized statement of agreement or an easement must be obtained from the adjoining property owner; and

WHEREAS the Grantee intends to construct a public safety tower to a height of _____ feet and the required setback of 100% of the tower's height will extend onto the adjoining (Grantor's) property; and

WHEREAS, it is the intention of the Grantor to consent to the construction of a Public Safety tower for the benefit of Grantee, and the St. Mary's County Department of Public Safety, to allow Grantee to construct a tower within _____ feet from the property line and/or _____ feet from any structure not associated with the tower; and

WHEREAS, it is the intention of the Grantor that this Agreement shall run with the land identified herein in perpetuity and to be binding on all the owners and occupants of the aforesaid land, their heirs, successors and assigns.

NOW, THEREFORE, the Grantor does hereby declare that the above-described land shall henceforth be held, sold and conveyed subject to and together with an agreement for the benefit of the Grantee to encroach into the minimum required tower setbacks as described above.

IN WITNESS WHEREOF, the Grantor and Grantee has caused these presents to be executed as of the day and year first above written.

_____(SEAL)
Grantor

_____(SEAL)
Grantor

_____(SEAL) _____(SEAL)
Grantor Grantor

STATE OF MARYLAND, St. Mary's County, to wit:

I HEREBY CERTIFY that on this _____ day of _____, 20__, before the undersigned, a Notary Public of the state and county aforesaid, personally appeared _____, and _____, Grantors, and they acknowledged the foregoing Agreement to be their voluntary act.

WITNESS my hand and notarial seal.

NOTARY PUBLIC
My Commission expires:

_____(SEAL) _____(SEAL)
Grantee Grantee

_____(SEAL) _____(SEAL)
Grantee Grantee

STATE OF MARYLAND, St. Mary's County, to wit:

I HEREBY CERTIFY that on this _____ day of _____, 20__, before the undersigned, a Notary Public of the state and county aforesaid, personally appeared _____ and _____, Grantees, and they acknowledged the foregoing Agreement to be their voluntary act.

WITNESS my hand and notarial seal.

NOTARY PUBLIC
My Commission expires: