

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT (“Agreement”), made this 4th day of December 2023, by and between WALNUT HILL PROPCO, LLC, a Maryland limited liability company (“Walnut Hill Owner”), KING FISHER ASSOCIATES, LLC (“8939 Owner”) and the CITY OF GAITHERSBURG, a municipal corporation of the State of Maryland (hereinafter referred to as “Gaithersburg”) (collectively the “Parties”).

W I T N E S S E T H:

WHEREAS, Walnut Hill Owner is the fee simple owner of the subject property known as Parcel B, Block A, “Walnut Hill Section One” subdivision recorded in the Land Records of Montgomery County, Maryland at Plat 4267 situated in the northeast quadrant of the intersection of MD Route 355 and South Westland Drive, consisting of 360,477 square feet or 8.28 acres with a current property address of 16531 South Frederick Avenue, Gaithersburg, Maryland, (said property not currently within the City of Gaithersburg corporate limits), and identified as Area A on the Annexation Plan and described in the corresponding metes and bounds attached hereto and made a part hereof as Exhibit A (the “Walnut Hill Property”). The tax account number of the Walnut Hill Property is 09-00794560; and

WHEREAS, Walnut Hill Owner is the fee simple owner of the abandoned right of way for Maryland Route 355 as described in Equity Case Number 31265, consisting of 17,441 square feet, of which all but 148 square feet is currently located within the City of Gaithersburg corporate limits, and identified and described as Area A-1 on Exhibit A (the “Abandoned ROW Property”). The tax account number of the Abandoned ROW Property is 09-00794571; and

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) KAB 67756 p. 0190, MSA_CE63_67713. Date available 02/20/2024. Printed 03/14/2024.
NO FEE - MONTG. CO. MD.

WHEREAS, the Walnut Hill Property and the Abandonment ROW Property shall hereinafter be referred to as the “Development Property”; and

WHEREAS, Owner, in connection with the initiation of the annexation of the Walnut Hill Property, developed a concept plan for the southwest portion of Development Property (“Concept Plan” defined and referenced below) and also intends certain other improvements to the Development Property to accommodate the planned bus rapid transit (“BRT”) and BRT station within the Route 355 right-of-way along the Development Property frontage, thus resulting in a gateway project that promotes Gaithersburg’s transportation goals; and

WHEREAS, 8939 Owner is the fee simple owner of the subject property known as Parcel B, Block G, “Walnut Hill Section One” subdivision recorded in the Land Records of Montgomery County, Maryland at Plat No. 24052, situated in the northeast quadrant of MD Route 355 and North Westland Drive, consisting of 20,886 square feet with a current property address of 8939 North Westland Drive, Gaithersburg, Maryland (said property not currently within the City of Gaithersburg corporate limits), and identified and described as Area B on Exhibit A (the “8939 Property”). The tax account number of the 8939 Property is 09-03664857; and

WHEREAS, the Walnut Hill Property and the 8939 Property are hereinafter referred to collectively as the “Complete Property”; and

WHEREAS, pursuant to the provisions of Maryland Code Local Government Division II- Municipalities, Title 4, Subtitle 4 – Annexation (the “Maryland Code”), Walnut Hill Owner and 8939 Owner petitioned Gaithersburg to annex the Walnut Hill Property, the 8939 Property, and the property located at 8941 North Westland Drive consisting of 10,784 square feet (collectively the “Annexation Property”), pursuant to annexation petition X-9510-2023 (the “Annexation Petition”); and

WHEREAS, Walnut Hill Owner and the 8939 Owner own more than 25% of the assessed valuation of the Annexation Property and there are no persons residing within the area of the Annexation Property who are registered voters in the precinct within which the Annexation Property is located; and

WHEREAS, the Annexation Property is currently located within the jurisdictional boundaries of Montgomery County, Maryland; and

WHEREAS, the Annexation Property is contiguous to and adjoins the existing corporate boundaries of Gaithersburg and is identified as within the boundaries of the City's designated Maximum Expansion Limits ("MEL") as depicted in the Growth Element of the City's 2003 Master Plan, adopted April 6, 2009; and

WHEREAS, pursuant to Section 4-404 of the Local Government Article of the Annotated Code of Maryland, Gaithersburg has introduced a resolution to annex the Annexation Property pursuant to the Annexation Petition; and

WHEREAS, the annexation of the Annexation Property will promote Gaithersburg's goal of annexation within Gaithersburg's urban growth areas; and

WHEREAS, pursuant to Section 4-406 of the Local Government Article of the Annotated Code of Maryland, all required public notice and hearings pertaining to the proposed annexation have been published and conducted by Gaithersburg; and

WHEREAS, Gaithersburg intends to annex the Annexation Property as requested by the Annexation Petition; and

WHEREAS, the Walnut Hill Property and 8939 Property are currently classified in the CRT 2.25; C 1.5, R .75, H-45 Zone under the zoning regulations of Montgomery County, Maryland; and

WHEREAS, Gaithersburg has recommended that the Walnut Hill Property be placed in the C-2 General Commercial zoning classification and the 8939 Property be placed in the C-D Corridor Development zoning classification as set forth in Chapter 24 of the Code of the City of Gaithersburg (the “Zoning Code”); and

WHEREAS, the Abandoned ROW Property will remain in the R-A zoning classification as originally assigned by Resolution R-8-69 (Item 8) on March 17, 1969, as part of the X-099 Annexation; and

WHEREAS, the proposed C-2 zoning for the Walnut Hill Property and the proposed C-D zoning for the 8939 Property do not permit development of the annexed land with uses that would be substantially different from or densities that are substantially higher than what may be granted under the existing CRT 2.25, C 1.5, R .75, H-45 Zone by the Montgomery County Zoning Ordinance and therefore no affirmative action by the Montgomery County Council is required; and

WHEREAS, this Annexation Agreement is intended to govern the future development of the Development Property and the 8939 Property, but does not address the 8941 North Westland Drive property; and

WHEREAS, in an effort to achieve approval of a Final Site Plan and Record Plat and all necessary development approvals and permits for development of the Development Property (the “Development Approvals”), the Walnut Hill Owner has submitted a Concept Plan of the proposed development located in the southwest corner of the Development Property for the retail pad site (Retail Pad Site defined and referenced below) (the “Proposed Retail Pad Site Development”), a copy of which is attached hereto as Exhibit B, which said Concept Plan, by approval of this Annexation Agreement will be accepted by Gaithersburg as fully complying with the requirements

of Article III, Division 12 of the Zoning Code; and the Walnut Hill Owner has also identified herein in Section 3 the additional improvements proposed for the remainder of the Development Property (the "Additional Proposed Development") with the Proposed Retail Pad Site Development and the Additional Proposed Development collectively referred to as the "Overall Development"; and

WHEREAS, Walnut Hill Owner and Gaithersburg agree to work cooperatively in an expeditious manner and to use best efforts to process the necessary Development Approvals in order to facilitate Walnut Hill Owner's effort to commence the Proposed Retail Pad Site Development and the Additional Proposed Development in a timely manner; and

WHEREAS, the Walnut Hill Owner shall have the option of pursuing the Development Approvals for the Overall Development at one time or may pursue separate Development Approvals for the Proposed Retail Pad Site Development and the Additional Proposed Development;

WHEREAS, on October 16, 2023, Gaithersburg adopted Resolution No. R-57-23 expanding the boundaries of the City to encompass the Annexation Property and placing the Walnut Hill Property within the C-2 Zone and the 8939 Property within the C-D Zone, which annexation and zoning shall take effect forty-five days following the approval of Resolution No. R-57-23, on November 30, 2023, unless a timely petition for referendum is filed in accordance with Section 4-407 of the Local Government Article of the Annotated Code of Maryland; and

WHEREAS, the Parties desire to execute this Annexation Agreement to establish the conditions under which the Development Property and 8939 Property shall be developed.

NOW, THEREFORE, in consideration of the foregoing recitals, each of which shall be deemed a part of this Annexation Agreement, and for other good and valuable consideration, the

receipt and sufficiency of which the parties acknowledge, the parties covenant and agree as follows:

1. Upon annexation of the Walnut Hill Property into Gaithersburg, the Walnut Hill Property shall be zoned General Commercial (C-2).

2. The Concept Plan accepted by Gaithersburg as fully complying with the requirements of Article III, Division 12 of the Zoning Code shall include:

- a. an approximately 57,851 square foot retail pad site in the southwest corner of the Development Property (the "Retail Pad Site");
- b. a retail building containing between 4,500 square feet and 5,500 square feet of gross floor area (the "Retail Building") on the Retail Pad Site;
- c. a maximum of six (6) gasoline canisters including twelve (12) pumping stations provided as an accessory use to the Retail Building; and
- d. Parking spaces within the Retail Pad Site to be allocated toward the total number of parking spaces for the Overall Development.

3. The Additional Proposed Development shall include:

- a. pedestrian connections in and around the Retail Pad Site;
- b. dedication at no cost when requested by the appropriate governmental entity in writing of the land area along the North Frederick Avenue frontage of the Development Property to accommodate the future BRT system only (the "Dedication Area"). Until such time as construction is commenced for the BRT, Walnut Hill Owner may continue to occupy and use the proposed Dedication Area in a manner consistent with its current uses;

- c. subject to approval by the appropriate governmental entity, retention of all existing driveway entrances to the Development Property except for a middle driveway entrance along South Westland Drive that will be eliminated;
- d. reconfiguration of the parking in the southeast portion of the Walnut Hill Property to provide continuous parking arrays running parallel to South Westland Drive;
- e. retention of the 33 parking spaces located immediately east of the northeast corner of the Retail Pad Site as shown on the Overall Plan attached as Exhibit C; unless Walnut Hill Owner seeks and the City approves elimination of said spaces;
- f. demolition of the existing pad site structure located in the southeast corner of the Walnut Hill Property;
- g. a minimum of 430 parking spaces for the Development Property;
- h. 10 percent of the surface parking lot area of the Development Property devoted to planting area and environmental site design, which shall include the existing green panel frontage along North Frederick Avenue, including any green panel area within the proposed Dedication Area for the BRT; and
- i. A minimum of two percent (2%) of the surface parking lot spaces converted to Electric Vehicle (EV) charging spaces and a minimum of three percent (3%) of the surface parking lot spaces identified as ready to convert to an EV charging space. The EV charging spaces may be disbursed throughout the Development Property as determined by the Walnut Hill Owner.

4. The Walnut Hill Owner may pursue the Development Approvals, including the Preliminary/Final Site Plan for the Overall Development at one time or may pursue separate Development Approvals for the Proposed Retail Pad Site Development and the Additional Proposed Development, but in all instances the Preliminary/Final Site Plan and the other Development Approvals must be substantially in accordance with the approved Concept Plan and the improvements identified above in Section 3. In the event the Walnut Hill Owner pursues separate Development Approvals for the Additional Proposed Development, all improvements identified as the Additional Proposed Development must occur prior to the earlier of the issuance of a Use and Occupancy permit for the Retail Pad Site or December 31, 2026, except that with respect to the surface parking landscaping in accordance with Section 3h above, if the issuance of the use and occupancy permit for the Retail Building use or December 31, 2026 is not hospitable to planting then the landscaping must occur during the first planting season following the earlier of either of these events.

5. Within six (6) months of the effective date of the annexation of the Development Property, the Walnut Hill Owner shall:

- a. Complete the following items:
 - i. Remove all trash from the Development Property; and
 - ii. Repair and/or replace the fence along the eastern Walnut Hill Property line in accordance with Section 14 herein.
- b. Meet and confer with City staff and develop and approve a plan of action (the "Plan of Action") to complete the following tasks, which Plan of Action shall include specificity on all required improvements related to each task and identify a time frame for completion of each task:

- i. Improve lighting on the north side of the Development Property;
- ii. Improve open area between the two existing shopping center buildings;
- iii. Clean up rear of Development Property, including consolidation of dumpsters and recycling containers;
- iv. Improve pad site building located adjacent to N. Westland Drive; and
- v. Prepare a Comprehensive Sign Package for the Development Property to be approved by the Planning Commission, which shall include the removal of the following non-conforming signs: a) Multi-tenant sign located at the southwest corner; b) Monument sign located at the center entrance along North Frederick Road; c) Pole sign located at the northwest corner; and d) Monument sign located at the North Westland Drive entrance.

6. In connection with the future redevelopment of the Development Property beyond the redevelopment identified in this Annexation Agreement, the minimum parking standard on the Development Property shall be one parking space per 300 square feet of gross floor area.

7. Gaithersburg agrees that the roofed dumpster enclosure located on the Retail Pad Site shall not be considered an accessory structure and as such, is not subject to any setback requirements, but is subject to architectural review and approval as part of the site plan review process.

8. In accordance with City Code Section 20-34(a)(4), Gaithersburg agrees to the establishment of a lease line parcel reflecting the Retail Pad Site and a separate lease line parcel

reflecting the pad site located in the northwest corner of the Walnut Hill Property currently occupied by a bank, pursuant to the minor subdivision procedures.

9. Walnut Hill Owner will be obligated to comply with the City of Gaithersburg's stormwater management requirements related to the development of the Retail Pad Site. Neither the demolition of the buildings located on the existing pad sites on the southern and northern ends of the Development Property nor the installation of any additional landscaping on the Development Property shall be subject to any additional stormwater management requirements beyond the requirements for the existing stormwater management, but will require the submission of a sediment and erosion control plan, and will be subject to stormwater fees and compliance with stormwater facility maintenance and inspection requirements.

10. Walnut Hill Owner agrees to make certain façade improvements to the existing improvements on the Development Property generally consistent with the Elevation Concept Plans attached hereto as Exhibit D and subject to Staff approval, which shall include new canopies, new paint, improved lighting, new façade cladding materials and roofline articulation (the "Elevation Improvements"). The Elevation Improvements must be completed prior to the issuance of the use and occupancy permit for the Retail Building or by December 31, 2026, whichever is first to occur.

11. Gaithersburg agrees that the minor site revisions located along the frontage of the proposed future grocery store consisting of grading changes, sidewalk improvements, landscaping improvements and elimination of parcel pick-up lane (the "Grocery Site Improvements") as indicated on the Overall Plan (Exhibit C), may be submitted for Staff review and approval and are subject to issuance of any applicable, required building permits.

12. In connection with issued Montgomery County Building Permit COMBUILD-1027849 for the Aldi delivery work; pending Montgomery County

Building Permit COMBUILD-1034259 for the Aldi tenant fit out work, including the Aldi facade; and pending Montgomery County Building Permit COMBUILD-1043458 for the remaining facade renovations, Gaithersburg and Walnut Hill Owner agree as follows:

a. Walnut Hill Owner and its tenant Aldi will abandon pending Building Permit applications COMBUILD-1034259 and COMBUILD-1043458 in Montgomery County and file new building permit applications for the same respective scope of work in the City of Gaithersburg (the “City Building Permit Applications”). In connection with the City Building Permit Applications, Gaithersburg agrees to:

- i. Credit the building permit review fees paid by Walnut Hill Owner and Aldi to Montgomery County toward the cost of required City permitting fees. The owner shall pay the remaining fees for City permits, if any are due after applying this credit.;
- ii. Review the City Building Permit Applications under the 2018 International Building Code; and
- iii. Expedite the review of the City Building Permit Applications and use best efforts to complete the review and issue permits within six weeks of receipt of both the City Building Permit Applications and Site Plan approval, if required for any of the improvements.

b. Walnut Hill Owner will work to obtain Montgomery County’s agreement to complete the outstanding inspections and close out Building

Permit COMBUILD-1027849 and Gaithersburg agrees to cooperate as necessary to effectuate the closing out of said permit by Montgomery County.

13. Walnut Hill Owner will obtain, without any required fees, City Use and Occupancy permits for all existing occupied buildings and spaces on the Development Property within three (3) months of the execution of this Agreement. For tenants that produce a valid Montgomery County Use and Occupancy permit, the City will issue a Use and Occupancy permit without conducting any inspections. Any leasable space not subject to a valid Montgomery County Use and Occupancy permit shall be subject to an inspection by the City prior to the issuance of the City Use and Occupancy permit.

14. Walnut Hill Owner agrees that in conjunction with the Proposed Development it will seek review and approval from the Gaithersburg Cultural Arts Advisory Committee in accordance with the City's Art in Public Places Program to commission an artist to install a mural along the northern and western façades of the most southern building on the Development Property, which said mural will be a minimum of 400 square feet in size and will be completed prior to the issuance of the use and occupancy permit for the Retail Building. The mural shall not be considered signage.

15. Walnut Hill Owner shall be permitted to replace the existing fence located along the eastern Walnut Hill Property line with a new fence measuring the greater of eight feet in height or the height of the existing fence, subject to a fence permit, without permission of the City Manager or their designee, provided the Owner complies with all notice requirements pursuant to Zoning Code Section 24-167.

16. Within thirty (30) days of the Effective Date (herein defined) Walnut Hill Owner shall provide Gaithersburg copies of all as-built stormwater facilities and infrastructure within Walnut Hill Owner's possession or which Walnut Hill Owner's may create.

~~17. Walnut Hill Owner agrees not to seek a subdivision of the Development Property, with the exception of the minor subdivision to establish the Retail Pad Site and the pad site in the northwest corner of the Development Property currently occupied by a bank as lease line parcels as provided for in Section 8 herein or consolidation of the abandoned right-of-way with the current Parcel B, Block A, until after Gaithersburg's adoption of a new Land Use Element of the Master Plan, provided that if Gaithersburg has not adopted a new Land Use Element within seven years of the Effective Date (herein defined), Walnut Hill Owner may seek a subdivision of the Development Property.~~

18. Upon annexation of the 8939 Property into Gaithersburg, the Property shall be zoned Corridor Development (C-D).

19. The Parties agree to execute all documents and take such actions that are necessary to carry out the terms and conditions of this Annexation Agreement and to cooperate and use best effort to adhere to the Development Schedule, attached as Exhibit E.

20. This Annexation Agreement shall not become effective until the Annexation Resolution becomes effective pursuant to Section 4-407 of the Code, (hereinafter "Effective Date of Annexation").

21. This Annexation Agreement shall remain valid for twenty-five (25) years following the Effective Date (the "Effective Period") or upon redevelopment of fifty percent (50%) or more of the Walnut Hill Property to a use other than a retail shopping center, whichever is first to occur, and shall automatically terminate thereafter and shall be of no further force or effect. At any time

prior to the Effective Date of Annexation, Walnut Hill Owner may withdraw their Petition for Annexation. Only in the event that the Walnut Hill Owner withdraws the Petition may the 8939 Owner withdraw the Petition as it relates to the 8939 Property.

22. To the extent any rezoning after the termination of the Effective Date results in any of the existing uses being deemed non-conforming, such uses shall be classified as legal non-conforming uses and shall be able to continue, provided said use does not increase or expand and is otherwise in conformance with the City's Zoning Ordinance (Chapter 24 of the City Code).

23. To the extent Gaithersburg rezones the Development Property during the Effective Period, the uses identified on Exhibit F, attached hereto, shall continue to be allowed uses on the Development Property.

24. The provisions of this Annexation Agreement are and shall be deemed to be covenants running with the land and shall be binding upon Owner and the 8939 Owner and their respective successors and assigns with an interest in the Development Property and the 8939 Property, respectively.

25. This Agreement shall be amended only in writing, signed by (or on behalf of) the Parties hereto.

26. This Agreement shall be recorded in the Land Records of Montgomery County, subsequent to the approval of the annexation resolution.

27. The Recitals and Exhibits set forth above are hereby incorporated by reference and made a part of this Agreement.

28. This Agreement constitutes the entire agreement and understanding of the Parties hereto with respect to the subject matter hereof and supersedes all prior communications, representations, agreements, and understandings, oral or written, by the Parties relating thereto.


IN WITNESS WHEREOF, each of the Parties hereto has executed and delivered this Annexation Agreement as of the date first set forth above, as evidenced by their respective signatures and acknowledgements on the following pages.

[Signature Pages Follow]

ATTEST

CITY OF GAITHERSBURG

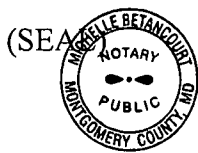
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By: 
Tanisha Briley
City Manager

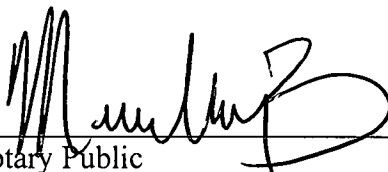
STATE OF MARYLAND
COUNTY OF MONTGOMERY

I hereby certify that on this 4~~th~~ day of December, 2023, before me, a Notary Public in and for the State and County aforesaid, personally appeared Tanisha Briley, who acknowledged herself to be the City Manager of the City of Gaithersburg, a municipal corporation, and that she, as City Manager, being authorized to do so, executed the foregoing instrument on behalf of the corporation for the purposes therein contained, and acknowledged the same to be the act and deed of the corporation, by signing the name of the City of Gaithersburg by herself as City Manager.

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



Michelle Betancourt
NOTARY PUBLIC
Montgomery County
State of Maryland
My Commission Expires
January 23, 2024


Notary Public

My commission expires: 1/23/24

WALNUT HILL PROPCO, LLC, a Maryland
Limited Liability Company

By: [Signature]

Name: JASON KLUG

Its: Authorized Person

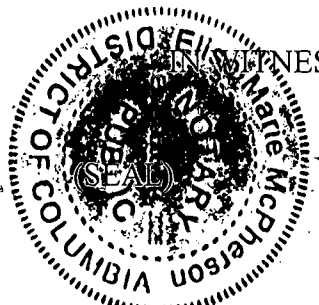
Date: 11/27/23

STATE OF District of Columbia

COUNTY OF Washington) ss:
)

I HEREBY CERTIFY that on the 27th day of November, 2023, before me, the
subscriber, a Notary Public in and for the aforesaid jurisdiction, personally appeared
Jason Klug, the Authorized Person of Walnut Hill Propco, LLC,
a Maryland Limited Liability Company, who acknowledged himself/herself to me, and that he/she
executed the foregoing instrument for the purposes therein contained by signing his/her name on
behalf of Walnut Hill Propco, LLC.

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



Elise Marie McPherson
Notary Public

My commission expires: October 14, 2026

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) KAB 67756, p. 0206, MSA_CE63_67713. Date available 02/20/2024. Printed 03/14/2024.

KING FISHER ASSOCIATES, LLC, a Maryland
Limited Liability Company

By: [Signature]
Name: JOHN W. DANIEL

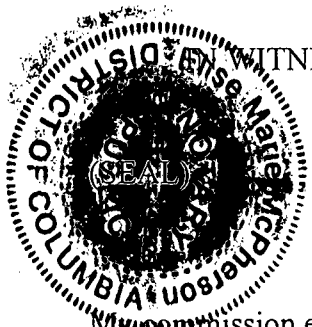
Its: MANAGER

Date: 11/27/23

STATE OF District of Columbia
COUNTY OF Washington) ss:
)

I HEREBY CERTIFY that on the 27th day of November, 2023, before me, the
subscriber, a Notary Public in and for the aforesaid jurisdiction, personally appeared
John Daniel, the Manager of King Fisher Associates,
LLC, a Maryland Limited Liability Company, who acknowledged himself/herself to me, and that
he/she executed the foregoing instrument for the purposes therein contained by signing his/her
name on behalf of King Fisher Associates, LLC.

My commission expires: _____ WITNESS WHEREOF, I hereunto set my hand and official seal.



[Signature: Elise Marie Whorse]
Notary Public

My commission expires: October 14, 2026

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) KAB 67756, p. 0207, MSA_CE63_67713. Date available 02/20/2024. Printed 03/14/2024.

RESOLUTION NO. R-57-23

RESOLUTION OF THE MAYOR AND CITY COUNCIL
AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND
EXECUTE AN ANNEXATION AGREEMENT FOR THE WALNUT
HILL SHOPPING CENTER AT 16531 SOUTH FREDERICK AVENUE
AND THE VACANT LOT AT 8939 NORTH WESTLAND DRIVE

ANNEXATION X-9510-2023

WHEREAS, the owners of the property known as the Walnut Hill Shopping Center located at 16531 South Frederick Avenue and the vacant land located at 8939 North Westland Drive, Montgomery County, Maryland, containing approximately 364,027 square feet (8.357 acres) of land (the "Granite Partners Property") have filed a Petition for Annexation seeking annexation into the City of Gaithersburg; and

WHEREAS, the Mayor and Council have determined that an Annexation Agreement between the City of Gaithersburg and the owners of the Granite Partners Property should be entered into setting forth the terms and conditions of the annexation in connection with the annexation of the Granite Partners Property, which is a portion of the total area being annexed as part of Annexation Petition X-9510-2023:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council, that the City Manager be and is hereby authorized to negotiate and execute an Annexation Agreement with the owners of the Granite Partners Property relative to Annexation Petition X-9510-2023.

ADOPTED by the City Council this 16th day of October, 2023.

DocuSigned by:
Jud Ashman
JUD ASHMAN, MAYOR and
President of the Council

THIS IS TO CERTIFY, that the foregoing Resolution was adopted by the City Council, in public meeting assembled on the 16th day of October, 2023.

DocuSigned by:
Tanisha Briley
Tanisha Briley, City Manager

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) KAB 67756, p. 0208, MSA_CE63_67713. Date available 02/20/2024. Printed 03/14/2024.

RESOLUTION NO. R-56-23

RESOLUTION AUTHORIZING THE ANNEXATION TO THE CITY OF GAITHERSBURG OF APPROXIMATELY 402,829 SQUARE FEET (9.25 ACRES) OF LAND LOCATED ADJACENT TO THE PRESENT CORPORATE LIMITS AND TO ESTABLISH C-2 AND CD ZONING FOR SAID LAND, KNOWN AS THE WALNUT HILL COMMERCIAL PROPERTIES, LOCATED AT 16531 SOUTH FREDERICK AVENUE, 8939 NORTH WESTLAND DRIVE, AND 8941 NORTH WESTLAND DRIVE, AND INCLUDING A PORTION OF THE RIGHT OF WAY OF NORTH WESTLAND DRIVE AND A PORTION OF THE ABANDONED MARYLAND 355 RIGHT OF WAY

ANNEXATION X-9510-2023

WHEREAS, the Mayor and City Council have received a petition requesting the enlargement of the corporate boundaries of the City of Gaithersburg so as to include the Walnut Hill Commercial Properties, also known as Parcel B Block A, Parcels A-2 and B Block G, a portion of the North Westland Drive right of way, and a portion of the abandoned Maryland 355 right of way, all of which are currently not within the corporate limits of the City of Gaithersburg and whose boundaries are described in more detail hereafter; and

WHEREAS, the signatures of the said petition for annexation have been verified and it has been ascertained that the persons signing said petition are owners of not less than twenty-five percent (25%) of the assessed valuation of the real property located in the area to be annexed, and constitute not less than twenty-five percent (25%) of the persons who reside in the area to be annexed, and who are registered as voters in County elections in the precincts in which the territory to be annexed is located; and

WHEREAS, the properties are within the defined maximum expansion limits of the City of Gaithersburg and identified in the City's adopted Municipal Growth Element; and

WHEREAS, the properties are contiguous to and adjoining the existing corporate boundaries of the City of Gaithersburg and do not create an unincorporated area that is bounded on all sides by the real property presently in the boundaries of the City, real property proposed to be in the boundaries of the City of Gaithersburg as a result of the proposed annexation; or any combination thereof; and

WHEREAS, under the annexation petition, the properties would be rezoned from Montgomery County's CRT-2.25 C-1.5 R-0.75 H-45 ("Commercial Residential Town") Zone to the City of Gaithersburg's C-2 (General Commercial) Zone and CD (Corridor Development) Zone; and

WHEREAS, the Mayor and City Council introduced the resolution requesting approval of the petition to annex the property into the City of Gaithersburg on May 15, 2023; and

WHEREAS, the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission (M-NCPPC) on July 13, 2023 voted unanimously to support the proposed annexation and transmit their comments to the County Council, including that the proposed land uses, densities, and proposed C-2 and CD zoning are not substantially different from those authorized under the current County zoning and the proposed density is not more than 150% of the density that could be allowed for the entire property under current County zoning; and

WHEREAS, the City of Gaithersburg Planning Commission reviewed the X-9510-2023 annexation petition during their July 19, 2023 meeting and found:

- 1) The proposed X-9510-2023 annexation and associated plan are in compliance with the City's Master Plan and Strategic Plan; and
- 2) The proposed zoning of C-2 (General Commercial) and CD (Corridor Development) for annexation X-9510-2023 is appropriate; and
- 3) The proposed X-9510-2023 annexation and associated plan can be served by both existing and future public facilities; and

WHEREAS, the Mayor and City Council following the proper notification for the public hearing by publication not fewer than two (2) times, at not less than weekly intervals, in *The Washington Post*, a newspaper of general circulation in the City of Gaithersburg and posting of the property, conducted a public hearing on the X-9510-2023 petition on September 5, 2023 and held the record open for additional written testimony until September 29, 2023; and

WHEREAS, the Mayor and City Council reviewed an Annexation Plan submitted by the applicant, identified as Exhibit 23 and the Staff Analysis and Fiscal Impact Report, identified as Exhibit 94; and

WHEREAS, the Mayor and City Council conducted the X-9510-2023 policy discussion on October 16, 2023 and upon review of the record, testimony, recommendations, and findings;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council that the corporate boundaries of the City of Gaithersburg be, and they hereby are, enlarged by including therein the following area:

DESCRIPTION OF PROPERTY

Metes and Bounds Description

Parcel B, Block A

Being all of Parcel B, Block A, Section One Walnut Hill, recorded as Plat No. 4267 among the Land Records of Montgomery County, Maryland, identified as tax account number 16-09-00794560 and addressed as 16531 South Frederick Avenue, and being more particularly described in the datum of W.S.S.C. as follows:

Beginning for the same at the southwesterly point of Lot 1, Block A, recorded as Plat No. 4267, said point lying on the northern right of way line of South Westland Drive and also being the southeast point of Parcel B, Block A, recorded as Plat No. 4267, said point being marked by a found rebar marker; thence along the northern right of way line of said South Westland Drive:

- 1.) South 40° 50' 43" West, 390.00 feet to a point on the northern right of way line of South Westland Drive; thence leaving said right of way line of South Westland Drive and turning northeast the following five (5) courses and distances
- 2.) 31.41 feet along the arc of a non-tangent curve to the right having a radius of 20.00 feet, a central angle of 89° 58' 58", and a chord bearing and distance of South 85° 50' 43" West, 28.28 feet to a point; thence
- 3.) North 49° 09' 17" West, 356.90 feet to a point; thence
- 4.) 366.94 feet along the arc of a tangent curve to the right having a radius of 1,418.16 feet, a central angle of 14° 49' 30", and a chord bearing and distance of North 41° 44' 32" West, 365.92 feet to a point; thence
- 5.) North 34° 19' 47" West, 127.99 feet to a point; thence
- 6.) 31.41 feet along the arc of a non-tangent curve to the right having a radius of 20.00 feet, a central angle of 89° 58' 58", and a chord bearing and distance of North 10° 40' 13" East, 28.28 feet to a point on the southerly right of way line of North Westland Drive, variable width right-of-way (Plat Book 54, Plat Number 4267); thence along the southerly right of way line of North Westland Drive
- 7.) North 55° 40' 13" East, 390.00 feet to a rebar point found, said point lying on the southerly right of way line of North Westland Drive and being the northwest corner of Lot 10, Block A, recorded as Plat No. 4267, and also being the northeast corner of Parcel B, Block A, recorded as Plat No. 4267; thence leaving said right of way of North Westland Drive the following two (2) courses and distances

- 8.) South 34° 19' 47" East, 279.12 feet to a point, said point located near the middle of the southwesterly line of Lot 7, Block A, recorded as Plat No. 4267; thence
- 9.) South 49° 09' 17" East 508.08 feet to the point of beginning, containing 342,991 square feet or 7.87399 acres of land, as shown on a survey prepared by Jerod S. Foor of Bohler Engineering on June 15, 2023.

Parcel A-2, Block G

Being all of Parcel A-2, Block G, Section One, Walnut Hill, recorded as Plat No. 8290 among the Land Records of Montgomery County, Maryland, identified as tax account number 16-09-00794695 and addressed as 8941 North Westland Drive, and being more particularly described in the datum of W.S.S.C. as follows:

Beginning for the same at a point marking the southerly common corner of Parcel A-2, Block G, Walnut Hill, recorded as Plat No. 8290 and Parcel B, Block G, Section One Walnut Hill, recorded as Plat No. 24052, said point also located on the northerly right of way line of North Westland Drive; thence leaving said common line of Parcel A-2 and Parcel B, and running with said northerly right of way line of North Westland Drive

- 1.) South 55° 40' 13" West, 90.00 feet to a point marking the common corner of Parcel A-2, Block G, Walnut Hill, recorded as Plat No. 8290 and Lot 1, Walnut Hill Limited Partnership Addition to Walnut Hill, recorded as Plat No. 11382; thence leaving said northerly right of way line of North Westland Drive and running with the common line of said Parcel A-2 and Lot One the following two (2) courses and distances
- 2.) North 34° 19' 47" West, 116.17 feet to a point on the common line of Parcel A-2, Block G, Walnut Hill and Lot One, Walnut Hill Limited Partnership Addition to Walnut Hill; thence
- 3.) North 51° 01' 53" East 90.29 feet to a point on the common line of Parcel A-2 and Parcel B, Block G, recorded as Plat No. 24052; thence leaving the common line of Parcel A-2 and Lot One, Walnut Hill Limited Partnership Addition to Walnut Hill and running with the common line of said Parcel A-2 and Parcel B, Block G
- 4.) South 34° 19' 47" East 123.47 feet to the point of beginning, containing 10,784 square feet or 0.24757 acres of land, as shown on a survey prepared by Jerod S. Foor of Bohler Engineering on June 15, 2023.

Parcel B, Block G

Being all of Parcel B, Block G, Section One Walnut Hill, recorded as Plat No. 24052 among the Land Records of Montgomery County, Maryland, identified as tax account number 16-09-03664857 and addressed as 8939 North Westland Drive, and being more particularly described as follows:

Beginning for the same at a point marking the southerly common corner of said Parcel B, Block G, Section One Walnut Hill, recorded as Plat No. 24052 and Lot 1, Block G, Walnut Hill, recorded as Plat No. 4267, said point also located on the northerly line of North Westland Drive; thence leaving said common line of Parcel B and Lot 1, and running with said northerly line of North Westland Drive

- 1.) South 55° 40' 13" West, 160.66 feet to a point marking the common corner of Parcel B, Block G and Parcel A-2, Block G, Walnut Hill, recorded as Plat No. 8290; thence leaving said northerly line of North Westland Drive and running with the common line of said Parcel B and Parcel A-2 the following course and distance
- 2.) North 34° 19' 47" West, 123.47 feet to a point on the common line of Lot One, Walnut Hill Limited Partnership Addition to Walnut Hill, recorded as Plat No. 11382; thence running with the said common line of Lot One
- 3.) North 51° 01' 53" East, 161.19 feet to a point on the common line of Lot 1, Block G, Walnut Hill, recorded as Plat No. 4267; thence running with the said common line of Lot 1
- 4.) South 34° 19' 47" East, 136.51 feet to the point of beginning, containing 20,886 square feet or 0.47948 acres of land, as shown on a survey prepared by Jerod S. Foor of Bohler Engineering on June 15, 2023.

Part of the North Westland Drive Right of Way

Being a portion of the North Westland Drive Right of Way, recorded as Plat No. 4267 among the Land Records of Montgomery County, Maryland, and being more particularly described as follows:

Beginning for the same at a point marking the common corner of Parcel B, Block G, Section One Walnut Hill, recorded on Plat No. 24052 and Lot 1, Block G, Section One Walnut Hill, recorded as Plat No. 4267, said point also being located on the northern right of way line of North Westland Drive; thence leaving the northern right of way line of North Westland Drive and crossing said right of way

- 1.) South 42° 28' 33" East 70.71 feet to a point on the southern right of way line of North Westland Drive, said point also being the common corner of Parcel B, Block A and Lot 10, Block A, Section One Walnut Hill, recorded as Plat No 4267; thence along said southern right of way line of North Westland Drive
- 2.) South 55° 40' 13" West 405.00 feet to a common point on the southern right of way line of North Westland Drive and the abandoned Maryland 355 right of way recorded in Liber 183 at Folio 35 as Equity Case 31265, said point marked by an X-cut recently set; thence continuing along the common line between the southern right of way line of North Westland Drive and the abandoned Maryland 355 right of way line

- 3.) South 10° 40' 13" West 7.07 feet to a point on the existing City of Gaithersburg corporate line established by Resolution R-08-69 (Annexation X-099); thence leaving said common line between the southern right of way line of North Westland Drive and the abandoned Maryland 355 right of way recorded in Liber 183 at Folio 35 as Equity Case 31265
- 4.) North 34° 19' 47" West 75.00 feet along the existing City of Gaithersburg corporate line established by Resolution R-08-69 to a point on the northern right of way line of North Westland Drive; thence continuing along the existing City of Gaithersburg corporate line and northern right of way line of North Westland Drive
- 5.) North 55° 40' 13" East 399.98 feet to the point of beginning, containing approximately 28,365 square feet or 0.651 acres of land.

Part of the Abandoned Maryland 355 Right of Way

Being a portion of the Abandoned Maryland 355 Right of Way, recorded in Liber 183 at Folio 35 as Equity Case 31265 among the Circuit Court Records of Montgomery County and also included in a deed recorded in Book 65758 at Page 81 among the Land Records of Montgomery County, Maryland, identified as tax account number 16-09-00794571, and being more particularly described in two parts as follows:

Part 1:

Beginning at the intersection of the eastern right of way line of South Frederick Avenue / Maryland Route 355 (variable width right of way) and the southern right of way line of North Westland Drive (variable width right of way) (Plat Book 54, Plat Number 4267); thence with said southern right of way line

- 1.) North 55° 40' 13" East 15.00 feet to a point; thence departing said southern right of way line and with the division line between Parcel B, Block A, Section One, Walnut Hill (Plat Book 54, Plat Number 4267), on the north and lands of Walnut Hill Propco, LLC (Book 65758 Book 81) on the south
- 2.) 31.41 feet along the arc of a non-tangent curve to the left having a radius of 20.00 feet, a central angle of 89° 58' 58", and a chord bearing and distance of South 10° 40' 13" East 28.28 feet to a point; thence departing said division line and with a line through said lands of Walnut Hill Propco, LLC
- 3.) North 34° 19' 47" West 15.00 feet to a point on the eastern right of way line of said South Frederick Avenue / Maryland Route 355; thence continuing with said eastern right of way line
- 4.) North 10° 40' 13" East 7.07 feet to the point of beginning, containing approximately 73 square feet or 0.002 acres of land, as shown on a survey prepared by Jerod S. Foor of Bohler Engineering on June 15, 2023.

Part 2:

Beginning at the intersection of the eastern right of way line of South Frederick Avenue / Maryland Route 355 (variable width right of way) and the northern right of way line of South Westland Drive (variable width right of way) (Plat Book 54, Plat Number 4267); thence with said northern right of way line

- 1.) South 80° 50' 43" East 6.96 feet to a point; thence departing said southern right of way line of South Westland Drive and with a line through the lands of Walnut Hill Propco, LLC (Book 65758 Book 81)
- 2.) North 49° 09' 17" West 15.52 feet to a point on the division line between Parcel B, Block A, Section One, Walnut Hill (Plat Book 54, Plat Number 4267), on the north and said lands of Walnut Hill Propco, LLC on the South; thence with said division line
- 3.) 31.41 feet along the arc of a non-tangent curve to the left having a radius of 20.00 feet, a central angle of 89° 58' 58", and a chord bearing and distance of North 85° 50' 43" East 28.28 feet, to a point on the northern right of way line of said South Westland Drive; thence with said northern right of way line
- 4.) South 40° 50' 43" West 14.67 feet to the point of beginning, containing approximately 74 square feet or 0.002 acres of land, as shown on a survey prepared by Jerod S. Foor of Bohler Engineering on June 15, 2023.

And together containing approximately 147 square feet or 0.004 acres of land.

BE IT FURTHER RESOLVED, by the Mayor and City Council, that this Resolution shall become effective forty-five (45) days following its adoption, unless a prompt petition for referendum thereon shall be filed as permitted by law, and provided further that the notice required by law shall be published not fewer than two (2) times, at not less than weekly intervals, in *The Washington Post*, a newspaper of general circulation in the City of Gaithersburg.

BE IT FURTHER RESOLVED, by the Mayor and City Council, that the 342,991 square foot property described above as Parcel B, Block A, Section One Walnut Hill, recorded as Plat No. 4267, being land annexed to the City, be and is hereby classified in the C-2 (General Commercial) Zone, upon the effective date of this Resolution.

BE IT FURTHER RESOLVED, by the Mayor and City Council, that the 147 square foot property described above as part of the Abandoned Maryland 355 Right of Way, recorded in Liber 183 at Folio 35 as Equity Case 31265 among the Circuit Court Records of Montgomery County, being land annexed to the City, be and is hereby classified in the C-2 (General Commercial) Zone, upon the effective date of this Resolution.

BE IT FURTHER RESOLVED, by the Mayor and City Council, that the 10,784 square foot property described above as Parcel A-2, Block G, Walnut Hill, recorded as Plat No. 8290, being land annexed to the City, be and is hereby classified in the CD (Corridor Development) Zone, upon the effective date of this Resolution.

BE IT FURTHER RESOLVED, by the Mayor and City Council, that the 20,886 square foot property described above as Parcel B, Block G, Section One Walnut Hill, recorded as Plat No. 24052, being land annexed to the City, be and is hereby classified in the CD (Corridor Development) Zone, upon the effective date of this Resolution.

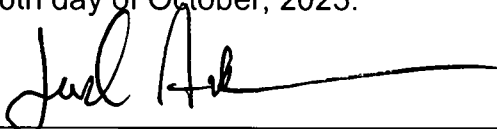
BE IT FURTHER RESOLVED, by the Mayor and City Council, that all or a portion of this annexation shall be subject to the terms and conditions of an annexation agreement by and between one or more of the Property Owners and the City of Gaithersburg and any amendment which may be hereafter enacted thereto.

BE IT FURTHER RESOLVED, by the Mayor and City Council, that promptly after this Resolution shall become effective, the City Manager or designee shall send copies of said Resolution to the following:

<u>Number of Copies</u>	<u>Agency</u>
1	Department of Legislative Reference
1	Clerk of the Circuit for Montgomery County
1	Supervisor of Assessments for Montgomery County
1	Maryland-National Capital Park and Planning Commission (M-NCPPC)

BE IT FURTHER RESOLVED, by the Mayor and City Council, that the property described above and persons residing therein, if any, shall, after the effective date of this Resolution, be subject to all of the Charter laws, ordinances and resolutions of the City of Gaithersburg, Maryland.

ADOPTED by the City Council this 16th day of October, 2023.



 JUD ASHMAN, MAYOR and
 President of the Council

THIS IS TO CERTIFY, that the foregoing Resolution was adopted by the City Council, in public meeting assembled on the 16th day of October, 2023. The Annexation will become effective on the 30th day of November, 2023.



 Tanisha Briley, City Manager

EXHIBIT "A"

Annexation Plan and Metes and Bounds

BOHLER//

12825 Worldgate Drive, Suite 700
Herndon, VA 20170
703.709.9500

AREA A
METES AND BOUNDS DESCRIPTION

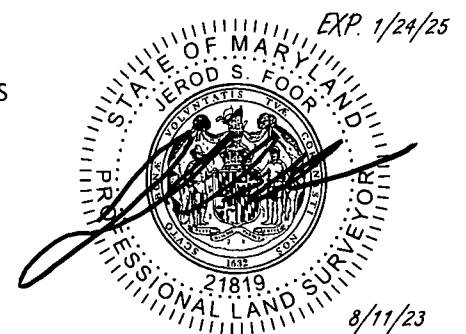
PARCEL B, BLOCK A
SECTION ONE, WALNUT HILL
PLAT BOOK 54 PLAT NO. 4267

LANDS OF
WALNUT HILL PROPCO LLC
LIBER 65758 FOLIO 81
GAITHERSBURG DISTRICT
MONTGOMERY COUNTY, MARYLAND

BEGINNING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LIMITS OF SOUTH WESTLAND DRIVE WITH THE DIVISION LINE BETWEEN PARCEL B, BLOCK A, SECTION ONE, WALNUT HILL (PLAT BOOK 54 PLAT NO. 4267), ON THE NORTH AND LANDS OF WALNUT HILL PROPCO LLC (LIBER 65758 FOLIO 81) ON THE SOUTH, THENCE WITH SAID DIVISION LINE, THE FOLLOWING FIVE (5) COURSES AND DISTANCES;

1. 31.41 FEET ALONG THE ARC OF THE CURVE TO THE RIGHT, HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 89° 58' 58", AND A CHORD BEARING AND DISTANCE OF SOUTH 85° 50' 43" WEST, 28.28 FEET, THENCE;
2. CONTINUING, NORTH 49° 09' 17" WEST, 356.90 FEET, THENCE;
3. CONTINUING, 366.94 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1418.16 FEET, A CENTRAL ANGLE OF 14° 49' 30", AND A CHORD BEARING AND DISTANCE OF NORTH 41° 44' 32" WEST, 365.92 FEET, THENCE;
4. CONTINUING, NORTH 34° 19' 47" WEST, 127.99 FEET, THENCE; TO THE BEGINNING OF A CURVE, THENCE;
5. CONTINUING, 31.41 FEET ALONG THE ARC OF THE CURVE TO THE RIGHT, HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 89° 58' 58", AND A CHORD BEARING AND DISTANCE OF NORTH 10° 40' 13" EAST, 28.28 FEET TO THE EASTERLY RIGHT-OF-WAY LIMITS OF NORTH WESTLAND DRIVE, VARIABLE WIDTH RIGHT-OF-WAY (PLAT BOOK 54 PLAT NUMBER 4267), THENCE WITH SAID EASTERLY RIGHT-OF-WAY LIMITS;
6. NORTH 55° 40' 13" EAST, 390.00 FEET TO A REBAR FOUND, THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LIMITS, AND WITH THE DIVISION LINE BETWEEN LOTS 1-10, BLOCK A, SECTION ONE, WALNUT HILL (PLAT BOOK 54 PLAT NO. 4267) ON THE NORTH, AND SAID PARCEL B ON THE SOUTH, THE FOLLOWING TWO COURSES AND DISTANCES;
7. SOUTH 34° 19' 47" EAST, 279.12 FEET, THENCE;
8. CONTINUING, SOUTH 49° 09' 17" EAST, 508.08 FEET TO A REBAR FOUND ON THE SAID WESTERLY RIGHT-OF-WAY LIMITS OF SOUTH WESTLAND DRIVE, THENCE WITH SAID RIGHT-OF-WAY LIMITS;
9. SOUTH 40° 50' 43" WEST, 390.00 FEET TO THE POINT OF BEGINNING

CONTAINING 342,991 SQUARE FEET OR 7.874 ACRES



MONTGOMERY COUNTY CIRCUIT COURT (Land Records) KAB 67756, p. 0218, MSA_CE63_67713. Date available 02/20/2024. Printed 03/14/2024.



12825 Worldgate Drive, Suite 700
Herndon, VA 20170
703.709.9500

AREA A-1 (PART 1)
METES AND BOUNDS DESCRIPTION

LANDS OF
WALNUT HILL PROPCO LLC
LIBER 65758 FOLIO 81
GAITHERSBURG DISTRICT
MONTGOMERY COUNTY, MARYLAND

BEGINNING AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LIMITS OF SOUTH FREDERICK AVENUE - MD RTE. 355 (VARIABLE WIDTH RIGHT-OF-WAY) AND THE EASTERLY RIGHT-OF-WAY LIMITS OF NORTH WESTLAND DRIVE (VARIABLE WIDTH RIGHT-OF-WAY) (PLAT BOOK 54 PLAT NUMBER 4267), THENCE WITH SAID EASTERLY RIGHT -OF-WAY LIMITS;

1. NORTH 55° 40' 13" EAST, 15.00 FEET, THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LIMITS AND WITH THE DIVISION LINE BETWEEN PARCEL B, BLOCK A, SECTION ONE, WALNUT HILL (PLAT BOOK 54 PLAT NUMBER 4267), ON THE NORTH AND LANDS OF WALNUT HILL PROPCO LLC (LIBER 65758 FOLIO 81), ON THE SOUTH;
2. 31.41 FEET ALONG THE ARC OF THE CURVE TO THE LEFT, HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 89° 58' 58", AND A CHORD BEARING AND DISTANCE OF SOUTH 10° 40' 13" WEST, 28.28 FEET, THENCE DEPARTING SAID DIVISION LINE AND WITH A LINE THROUGH SAID LANDS OF WALNUT HILL PROPCO LLC;
3. NORTH 34° 19' 47" WEST, 15.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LIMITS OF SAID SOUTH FREDERICK AVENUE – MD RTE. 355, THENCE CONTINUING WITH SAID NORTHERLY RIGHT-OF-WAY LIMITS;
4. NORTH 10° 40' 13" EAST, 7.07 FEET TO THE POINT OF BEGINNING.

CONTAINING 73 SQUARE FEET OR 0.002 ACRES

TOGETHER WITH:

AREA A-1 (PART 2)
METES AND BOUNDS DESCRIPTION

LANDS OF
WALNUT HILL PROPCO LLC
LIBER 65758 FOLIO 81
GAITHERSBURG DISTRICT
MONTGOMERY COUNTY, MARYLAND

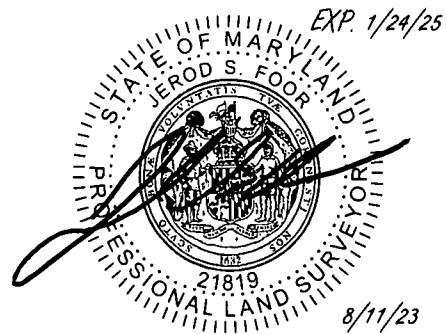
BEGINNING AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LIMITS OF SOUTH FREDERICK AVENUE - MD RTE. 355 (VARIABLE WIDTH RIGHT-OF-WAY) AND THE WESTERLY LIMITS OF SOUTH WESTLAND DRIVE (VARIABLE WIDTH RIGHT-OF-WAY) (PLAT BOOK 54 PLAT NUMBER 4267), THENCE WITH SAID WESTERLY RIGHT-OF-WAY LIMITS;

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) KAB 67756, p. 0219, MSA_CE63_67713. Date available 02/20/2024. Printed 03/14/2024.

BOHLER //

1. SOUTH 80° 50' 43" WEST, 6.96 FEET, THENCE DEPARTING THE WESTERLY RIGHT-OF-WAY LIMITS OF SAID SOUTH WESTLAND DRIVE AND WITH A LINE THROUGH THE LANDS OF WALNUT HILL PROPCO LLC (LIBER 65758 FOLIO 81);
2. NORTH 49° 09' 17" WEST, 15.52 FEET TO THE DIVISION LINE BETWEEN PARCEL B, BLOCK A, SECTION ONE, WALNUT HILL (PLAT BOOK 54 PLAT NUMBER 4267), ON THE NORTH AND SAID LANDS OF WALNUT HILL PROPCO LLC, ON THE SOUTH, THENCE WITH SAID DIVISION LINE;
3. 31.41 FEET ALONG THE ARC OF THE CURVE TO THE LEFT, HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 89° 58' 58", AND A CHORD BEARING AND DISTANCE OF NORTH 85° 50' 43" EAST, 28.28 FEET, TO THE WESTERLY RIGHT-OF-WAY LIMITS OF SAID SOUTH WESTLAND BOULEVARD, THENCE WITH SAID WESTERLY RIGHT-OF-WAY;
4. SOUTH 40° 50' 43" WEST, 14.67 FEET TO THE POINT OF BEGINNING.

CONTAINING 74 SQUARE FEET OR 0.002 ACRES



BOHLER //

12825 Worldgate Drive, Suite 700
Herndon, VA 20170
703.709.9500

AREA B
METES AND BOUNDS DESCRIPTION

PARCEL B, BLOCK G
SECTION ONE, WALNUT HILL
PLAT NO. 24052

GAITHERSBURG DISTRICT
MONTGOMERY COUNTY, MARYLAND

BEGINNING AT THE INTERSECTION OF THE DIVISION LINE BETWEEN PARCEL B, BLOCK G, SECTION ONE, WALNUT HILL (PLAT NO. 24052), ON THE SOUTH AND LOT 1, BLOCK G, SECTION ONE, WALNUT HILL (PLAT BOOK 54 PLAT NUMBER 4267), ON THE NORTH WITH THE WESTERLY RIGHT-OF-WAY LIMITS OF NORTH WESTLAND DRIVE (VARIABLE WIDTH RIGHT-OF-WAY) (PLAT BOOK 54 PLAT NUMBER 4267), THENCE WITH SAID WESTERLY RIGHT-OF-WAY LIMITS;

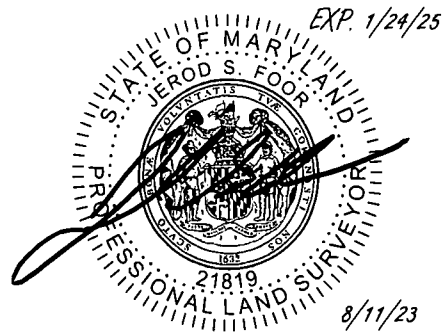
1. SOUTH 55° 40' 13" WEST, 160.66 FEET TO THE DIVISION LINE BETWEEN SAID PARCEL B, BLOCK G, SECTION ONE, WALNUT HILL, ON THE NORTH AND PARCEL A, BLOCK G, SECTION ONE, WALNUT HILL (PLAT NUMBER 8290), ON THE SOUTH, THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LIMITS AND WITH SAID DIVISION LINE;

2. NORTH 34° 19' 47" WEST, 123.47 FEET TO THE DIVISION LINE BETWEEN SAID PARCEL B, ON THE EAST AND LOT ONE, WALNUT HILL LIMITED PARTNERSHIP ADDITION TO WALNUT HILL (PLAT BOOK 101 PLAT NUMBER 11382), ON THE WEST, THENCE WITH SAID DIVISION LINE;

3. NORTH 51° 01' 53" EAST, 161.19 FEET TO THE DIVISION LINE BETWEEN SAID LOT ONE, WALNUT HILL LIMITED PARTNERSHIP ADDITION TO WALNUT HILL, ON THE SOUTH AND SAID PARCEL B, BLOCK G, SECTION ONE, WALNUT HILL, ON THE NORTH, THENCE WITH SAID DIVISION LINE;

4. SOUTH 34° 19' 47" EAST, 136.51 FEET TO THE POINT OF BEGINNING.

CONTAINING 20,886 SQUARE FEET OR 0.479 ACRES



MONTGOMERY COUNTY CIRCUIT COURT (Land Records) KAB 67756, p. 0221, MSA_CE63_67713. Date available 02/20/2024. Printed 03/14/2024.

EXHIBIT "B"

Concept Plan

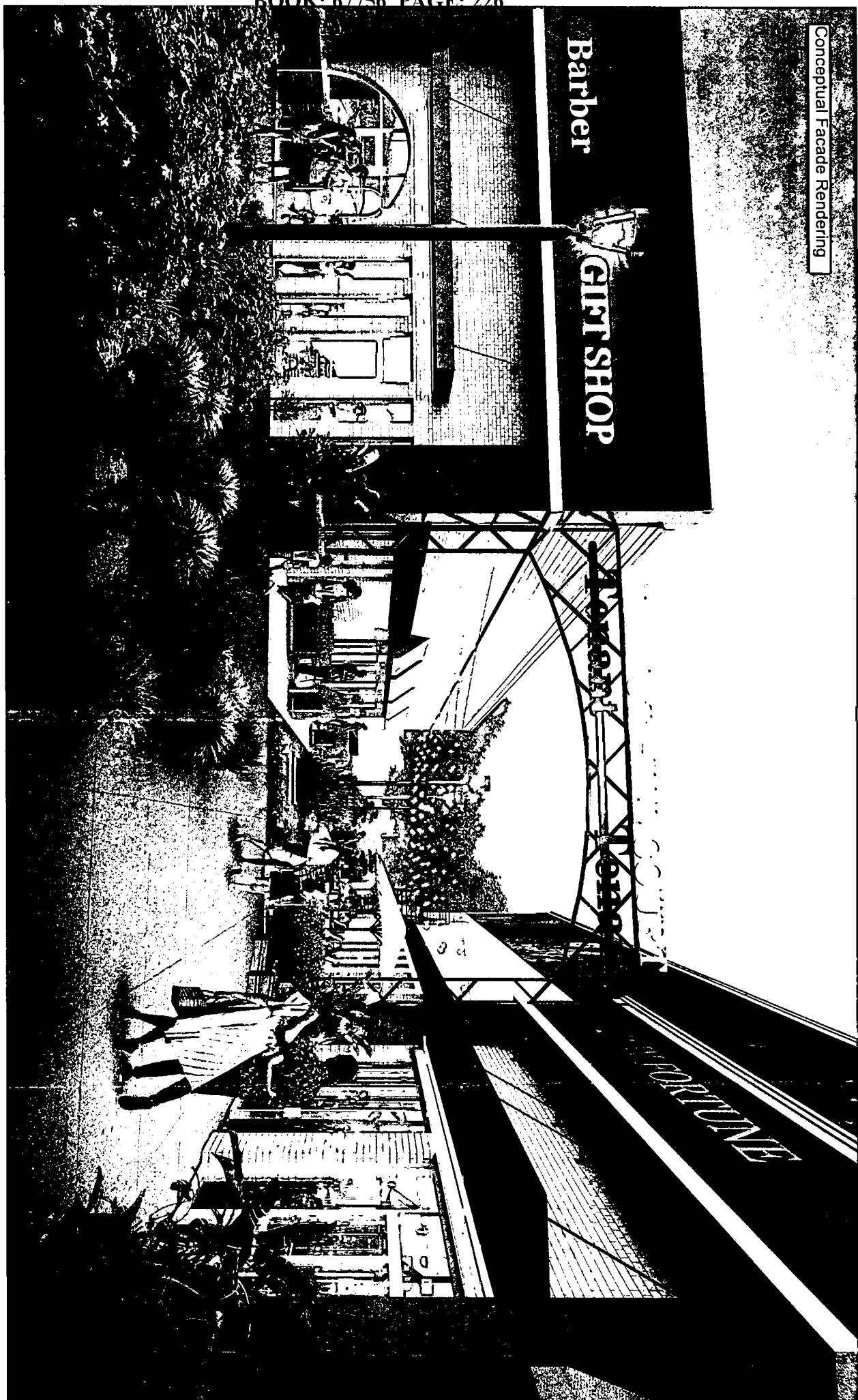


Conceptual Facade Rendering

Conceptual Facade Rendering



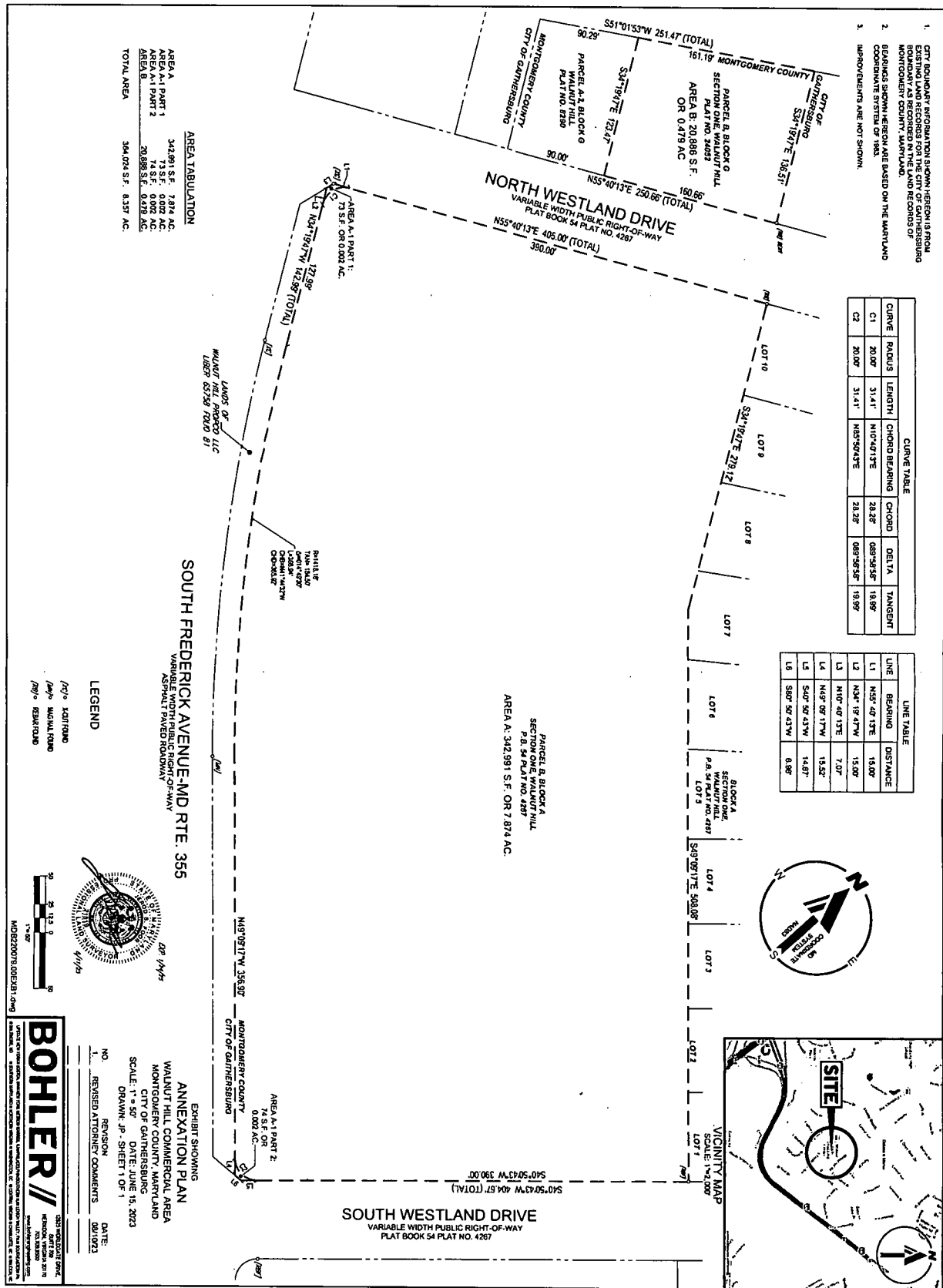
Conceptual Facade Rendering

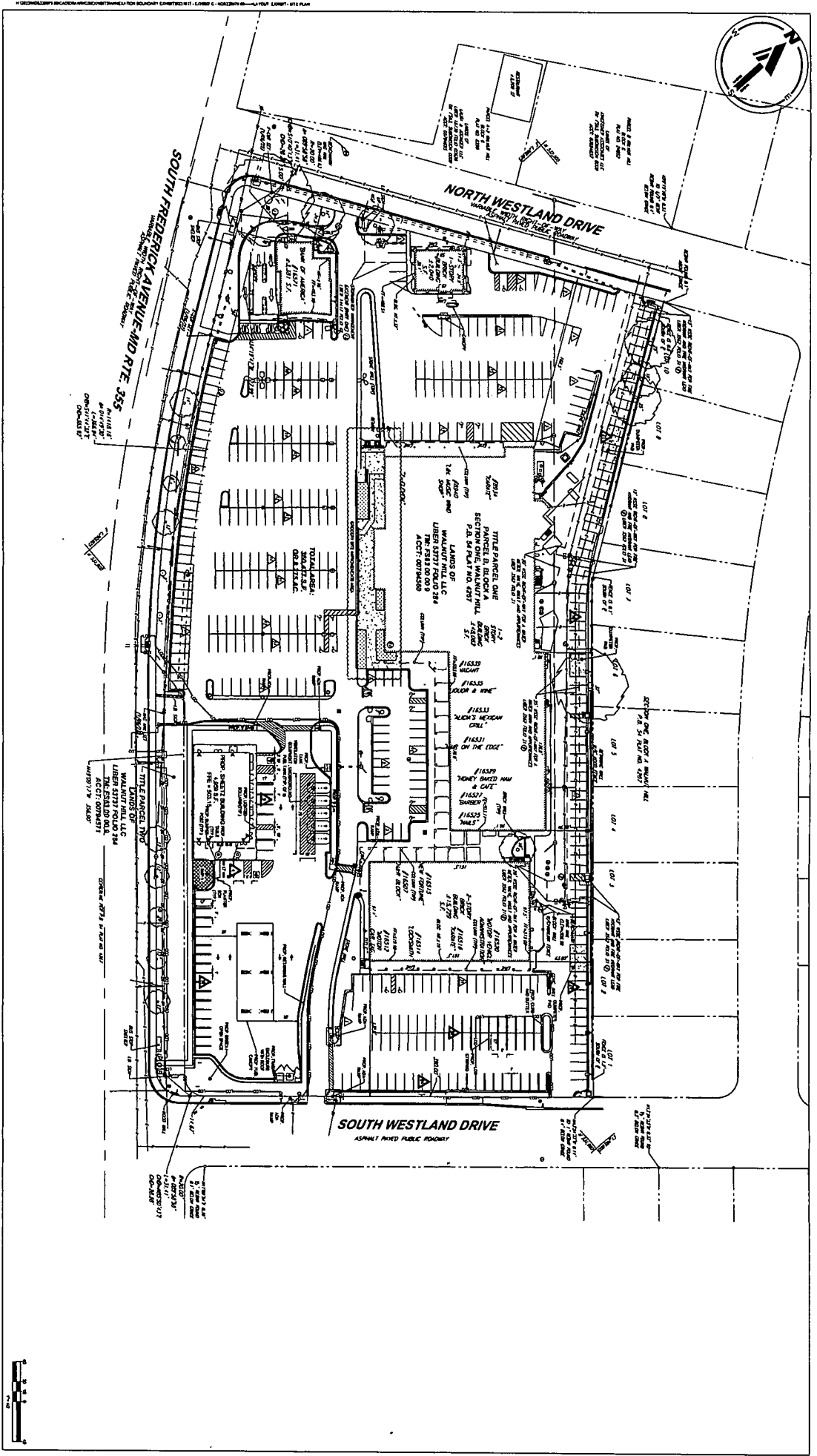


- CITY BOUNDARY RECONSTRUCTION SHOWN HEREON IS FROM EXISTING LAND RECORDS IN THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.
- BEARINGS SHOWN HEREON ARE BASED ON THE MARYLAND COORDINATE SYSTEM OF 1983.
- IMPROVEMENTS ARE NOT SHOWN.

CURVE TABLE						
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA	TANGENT
C1	20.00'	31.41'	N10°40'13"E	28.32'	089°56'55"	18.99'
C2	20.00'	31.41'	N85°54'45"E	28.32'	089°56'55"	18.99'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N55°40'13"E	15.00'
L2	N84°19'41"W	15.00'
L3	N10°40'13"E	7.07'
L4	N69°09'17"W	15.32'
L5	S40°50'43"W	14.87'
L6	S80°50'43"W	8.86'





BOHLER //

18701 MEL FORD BLVD., SUITE 310
BOWIE, MARYLAND 20715
Tel: (301) 261-2200
Fax: (301) 269-4501
MD@bohlerEng.com

EXHIBIT - OVERALL PLAN
GRANITE PARTNERS WALNUT HILL

16531 S FREDERICK AVENUE, GAITHERSBURG, MD 20877

DATE: 02/20/2024

Conceptual Facade Rendering

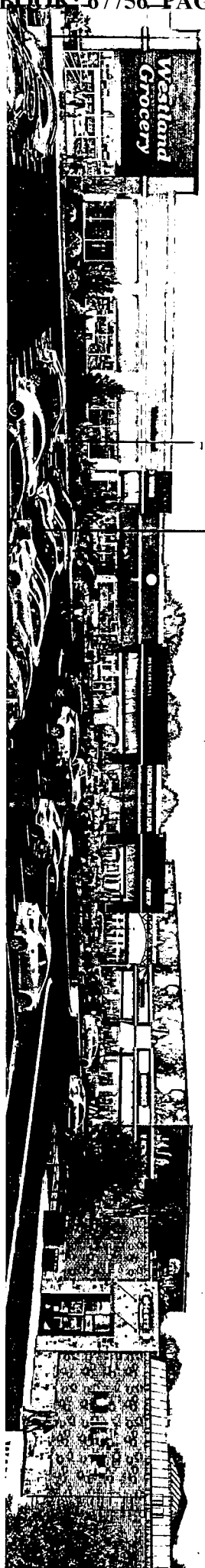


EXHIBIT "C"

Overall Plan

EXHIBIT "D"

Elevation Concept Plans

Exhibit "E"

Development Schedule

Development Schedule

October 20, 2023

Task	Date
Annexation becomes effective [45 days after approval of Annexation Resolution]	November 30, 2023
File Preliminary/Final Site Plan	Fourth quarter 2023/First quarter 2024
Planning Commission action on Preliminary/Final Site Plan	Second/Third quarter, 2025
Opening of anchor grocery store tenant	Second quarter, 2024
Completion of Elevation Improvements	Third quarter, 2025
Anticipated opening of retail pad site and completion of all Property improvements	Fourth quarter, 2025

Walnut Hill Shopping Center

Permitted Future Uses

- (1) Retail stores and shops such as grocery stores, drugstores, variety stores and bakeries, provided that goods baked on the premises shall be sold only on the premises and at retail.
- (2) Personal service businesses such as shoe repair shops, beauty parlors and barbershops, and laundries and dry cleaning establishments which are self-service or pick-up stations only.
- (3) Banks, offices, restaurants (Class A and Class C), bars and similar services.
- (4) Offices for professional or business purposes, including but not limited to medical, law, real estate, insurance and manufacturer's representatives' offices.
- (5) Private clubs, lodges and fitness centers.
- (6) Animal hospitals, animal boarding places and pet shops.
- (7) Repair and business services, including but not limited to carpenter, cabinet, plumbing or electrical shops, laundry or dry cleaning establishments, bicycle, appliance or other local repair shops and printing or publishing shops.
- (8) Cocktail lounges, theaters, and indoor amusement and recreational facilities.
- (9) Retail, service and general commercial uses similar to the foregoing.
- (10) Accessory uses and structures.
- (11) Restaurants
- (12) Satellite television antennas and towers, poles, antennas or other structures intended for use in connection with transmission or receipt of radio or television signals.
- (13) Automobile service center.
- (14) Child and/or adult day care centers.

- (15) Public uses which do not include any residential use, including but not limited to single-family or multiple-family dwellings.
- (16) Telecommunications facilities located entirely within an existing structure or located on the rooftop of an existing structure.
- (17) Small cell telecommunications facilities.

Addendum to Land Instrument Intake Sheet

	Tax ID	Map	Subdivision Name	Block	Plat Reference	Location/Property
Area A	09-00794560	FS63	0009	A	4267	16531 S Frederick Ave
Area A-1	09-00794571	FS63	0009	A	4267	Frederick Road
Area B	09-03664857	FS63	0009	G	24052	8939 N Westland Drive

State of Maryland Land Instrument Intake Sheet

Baltimore City County: Montgomery

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.

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Form with sections 1-11 including Type(s) of Instruments, Conveyance Type Check Box, Tax Exemptions, Consideration and Tax Calculations, Fees, Description of Property, Transferred From, Transferred To, Other Names to Be Indexed, Contact/Mail Information, and Assessment Information.

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MONTGOMERY COUNTY CIRCUIT COURT (Land Records) KAB 67756, p. 0237, MSA_CE63_67713. Date available 02/20/2024. Printed 03/14/2024.

LR - Government
Instrument 0.00
Agency Name: City of
Gaithersburg
Instrument List:
Agreement / Easement
Describe Other:
Ref:

=====
Total: 0.00
02/15/2024 01:33
CC15-JhH
#17894197 CC0602 -
Montgomery
County/CC06.02.04 -
Register 04



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