

TERMINATION AND RELEASE OF EASEMENT

THIS TERMINATION AND RELEASE OF EASEMENT (this “**Termination**”) is made this ____ day of _____, 202__ by and between RK HOMES ASSOCIATES LLC, a Delaware limited liability company (“**RKHA**”), ROCKSHIRE ASSOCIATION, INC., a Maryland nonstock corporation (“**Rockshire**”), and MAYOR AND COUNCIL OF ROCKVILLE, a municipal corporation in the State of Maryland (“**City**”).

RECITALS

WHEREAS, RKHA is the fee owner of that certain real property known as “Parcel A”, as conveyed to RKHA by Deed dated _____, _____ and recorded among the Land Records of Montgomery County, Maryland in Liber _____, folio _____, and more particularly described in Exhibit A attached hereto and made a part hereof (“**Subject Property**”);

WHEREAS, Rockshire is the fee owner of that certain real property known as “Parcel C”, as conveyed to Rockshire by a Deed dated October 13, 1981 and recorded among the Land Records of Montgomery County, Maryland in Liber 5784, folio 512, and more particularly described in Exhibit B attached hereto and made a part hereof (“**Adjacent Property**”);

WHEREAS the Subject Property and Adjacent Property contain an existing 15-foot wide water line easement as shown on Plat No. 11598 dated June 16, 1977 and recorded among the Land Records of Montgomery County, Maryland (the “**Existing Easement**”);

WHEREAS, the Existing Easement was created for the benefit of the City to provide the City with access to a portion of the Subject Property for the purpose of installation, construction, reconstruction, maintenance, repair, operation and inspection of a water main and appurtenances thereto within the easement area shown and described in the Existing Easement;

WHEREAS, the portion of the Subject Property on which the water system was constructed in being modified, new water mains will be constructed to replace and supplement the existing water system. New water easements will be recorded with the termination of the Existing Easement;

WHEREAS, the Existing Easement is no longer in use and RKHA, Rockshire and City wish to release and terminate the Existing Easement;

WHEREAS, the Existing Easement being released and terminated is described more particularly on Exhibit C attached hereto and made a part of this Termination (the “**Release Area**”).

NOW, THEREFORE, in consideration of the above recitals, incorporated herein by reference, the City hereby releases to RKHA its rights and interests in the Release Area, and further declares the Existing Easement null and void and of no further force or effect with respect to the Release Area.

1. Nothing herein shall be deemed to release or otherwise affect any other easement or right-of-way that RKHA has recorded or may record in connection with the Subject Property.

2. The Existing Easement is hereby released and terminated and shall have no further force or effect and RKHA shall have no further obligations, if any, under the Existing Easement.

3. RKHA, Rockshire and City agree to execute and record this Termination and to provide notice of the Termination of the Existing Easement. This Termination may be executed in multiple counterparts, each of which shall constitute an original and all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, RKHA, Rockshire and City have caused this Termination to be executed as of the day and year written first above.

RK HOMES ASSOCIATES LLC,
a Delaware limited liability company

By: _____
Name:
Title:

STATE OF: _____

COUNTY OF: _____

I HEREBY CERTIFY that on this ____ day of _____, 20____, before the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared _____, known to me (or satisfactorily proven) to be the authorized representative of _____, being authorized so to do, executed the foregoing instrument on behalf of the aforesaid company for the purposes therein.

IN TESTIMONY WHEREOF, I have caused the seal of the court to be affixed, or have affixed my official seal, this ____ day of _____, 20__.

Notary Public

My commission expires: _____

[NOTARIAL SEAL]

[Signature Page follows]

ROCKSHIRE ASSOCIATION, INC.,
a Maryland nonstock corporation

By: _____
Name: _____
Title: _____

STATE OF: _____
COUNTY OF: _____

I HEREBY CERTIFY that on this ____ day of _____, 20____, before the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared _____, known to me (or satisfactorily proven) to be the authorized representative of _____, being authorized so to do, executed the foregoing instrument on behalf of the aforesaid company for the purposes therein.

IN TESTIMONY WHEREOF, I have caused the seal of the court to be affixed, or have affixed my official seal, this ____ day of _____, 20__.

Notary Public

My commission expires: _____
[NOTARIAL SEAL]

WITNESS:

**THE MAYOR AND COUNCIL OF
ROCKVILLE**

Print Name: _____

By: _____
Name: _____
Title: _____

STATE OF: _____

*

*

COUNTY OF: _____

*

I HEREBY CERTIFY that on this _____ day of _____, 202_, before the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared _____, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, who did acknowledge that he/she, having been properly authorized, executed the same on behalf of the Mayor and Council of Rockville, Maryland in the capacity therein stated and for the purposes therein contained.

Witness my hand and official seal this _____ day of _____, 202_.

Notary Public

My commission expires: _____

[NOTARIAL SEAL]

EXHIBIT A
Legal Description of Subject Property

Parcel "A" in the subdivision known as "PLAT 19, ROCKSHIRE VILLAGE CENTER" as per Plat thereof recorded in Plat Book 102 at Plat 11598 among the land records of Montgomery County, Maryland.

Tax Parcel ID: 04-01779638

EXHIBIT B
Legal Description of Adjacent Property

That parcel of land known as Parcel “C” as shown on a plat of subdivision entitled “PLAT 19, ROCKSHIRE VILLAGE CENTER”, recorded among the Land Records of Montgomery County, Maryland, in Plat Book 102, at Plat No. 11598.

Tax Parcel ID: 04-01779640

EXHIBIT C
Description of the Release Area

(attached hereto)