

**AMENDMENT TO FOREST AND TREE CONSERVATION  
EASEMENT AND DECLARATION OF COVENANTS**

THIS AMENDMENT TO FOREST AND TREE CONSERVATION EASEMENT AND DECLARATION OF COVENANTS (the “**Amendment**”) is made as of this \_\_\_\_ day of \_\_\_\_\_, 2025 by and between TOWER-DAWSON, LLC, a Maryland limited liability company (“**Grantor**”), 2250 TOWER OAKS BOULEVARD, LLC, a Maryland limited liability company (“**2250 Tower Oaks Boulevard**”), and THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, a municipal corporation organized under the laws of the State of Maryland (the “**City**”) (Grantor, 2250 Tower Oaks Boulevard, and the City collectively the “**Parties**”).

**WITNESSETH:**

WHEREAS, Grantor and the City are Parties to that certain Forest and Tree Conservation Easement and Declaration of Covenants recorded in the Land Records for Montgomery County at Book 33165, page 427 on October 16, 2006 (the “**Forest Conservation Easement**”), which encumbered property is defined in the Forest Conservation Easement (the “**Subject Property**”); and

WHEREAS, subsequent to the recordation of the Forest Conservation Easement, Parcel D of the Subject Property, which contains portions of the Forest Conservation Easement, was conveyed from Grantor to 2250 Tower Oaks Boulevard; and

WHEREAS, at the time the Forest Conservation Easement was recorded, it was envisioned that the Subject Property would be developed pursuant to the approved Concept Plan for Comprehensive Development No. CPD-1-85 (the “**Concept Plan**”) and Final Forest Conservation Plan No. [FTP2001-00015](#) (the “**Forest Conservation Plan**”), as those approvals existed at that point in time; and

WHEREAS, pursuant to Resolution No. 15-23 approving Project Plan Amendment No. PJT2023-00015, the Concept Plan was subsequently modified to reflect a new, additional potential development on the Subject Property; and

WHEREAS, in connection with the amendment to the Concept Plan, the Forest Conservation Plan has also been amended to add areas for forest conservation and remove others, and to reflect the new Sediment Control Permit SCP2024-0015; and

WHEREAS, to reflect the amendments to the Concept Plan and the Forest Conservation Plan, the Parties desire revise the location of the Conservation Easement, which will now be located in the areas shown and depicted on Exhibit "BB" hereto, which is intended to replace Exhibit "B" to the Forest Conservation Easement in its entirety.

NOW, THEREFORE, in consideration of the promises herein made and other good and valuable consideration, the Parties do hereby covenant and agree for themselves and their respective successors and assigns, that:

1. The above recitals are hereby incorporated as substantive provisions of this Amendment.
2. Unless otherwise defined in this Amendment, capitalized terms used in this Amendment shall have the same meanings as set forth for them in the Forest Conservation Easement.
3. Exhibit "BB" to this Amendment expressly terminates, supersedes, and replaces Exhibit "B" to the Forest Conservation Easement in its entirety.
4. The purpose of this Amendment is limited to making adjustments to the areas within the Forest Conservation Easement. Those areas removed from the Forest Conservation Easement by this Amendment will no longer be subject to the Forest Conservation Easement. All other terms and provisions of the Forest Conservation Easement and Forest Conservation Plan shall remain in full force and effect.

[SIGNATURE PAGES FOLLOW]

Parcel Nos. 04-03580382  
04-03580405

IN WITNESS WHEREOF, this Amendment has been duly executed as of the day and year first written above.

**WITNESS:**

**GRANTOR:**

**TOWER-DAWSON, LLC**, a Maryland limited liability company

By: TOWER MD HOLDINGS, LLC,  
Managing Member

\_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF MARYLAND )

) to wit:

COUNTY OF MONTGOMERY )

I hereby certify that on this \_\_\_\_ day of\_\_\_\_, 2025, before me, \_\_\_\_\_, a Notary Public in and for the State and County aforesaid, personally appeared \_\_\_\_\_, known to me (or satisfactorily proven) to be the Authorized Signatory of TOWER MD HOLDINGS, LLC, the Managing Member of TOWER-DAWSON, LLC, a Maryland limited liability company, and that such individual, in such capacity and being authorized to do so, executed the foregoing and annexed instrument on behalf of such limited liability company for the purposes therein contained.

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

Notary Public

My Commission Expires: \_\_\_\_\_ [NOTARIAL SEAL]

Parcel Nos. 04-03580382  
04-03580405

**WITNESS:**

**2250 TOWER OAKS BOULEVARD, LLC**, a  
Maryland limited liability company

By: TOWER OAKS PHASE 2 HOLDINGS, LLC,  
its Sole Member

By: TOWER DAWSON, LLC, Member

By: TOWER MD HOLDINGS, LLC,  
Managing Member

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_

STATE OF MARYLAND

)

) to wit:

COUNTY OF MONTGOMERY

)

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before  
me, a Notary Public in and for the State and County aforesaid, personally appeared \_\_\_\_\_,  
known to me (or satisfactorily proven) to be the \_\_\_\_\_ of 2250 Tower  
Oaks Boulevard, LLC, a Maryland limited liability company, and that such individual, in such  
capacity and being authorized to do so, executed the foregoing and annexed instrument on behalf  
of such limited liability company for the purposes therein contained.

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

Notary Public

My Commission Expires: \_\_\_\_\_ [NOTARIAL SEAL]

Parcel Nos. 04-03580382  
04-03580405

**2250 TOWER OAKS BOULEVARD, LLC**, a  
Maryland limited liability company

By: LERNER TOWER OAKS HOLDINGS,  
LLC, Member

By: LERNER ENTERPRISES, LLC,  
Managing Member

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF MARYLAND )

) to wit:

COUNTY OF MONTGOMERY )

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before  
me, a Notary Public in and for the State and County aforesaid, personally appeared \_\_\_\_\_,  
known to me (or satisfactorily proven) to be the \_\_\_\_\_ of 2250 Tower  
Oaks Boulevard, LLC, a Maryland limited liability company, and that such individual, in such  
capacity and being authorized to do so, executed the foregoing and annexed instrument on behalf  
of such limited liability company for the purposes therein contained.

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

Notary Public

My Commission Expires: \_\_\_\_\_ [NOTARIAL SEAL]

Parcel Nos. 04-03580382  
04-03580405

WITNESS:

CITY:

**THE MAYOR AND COUNCIL OF  
ROCKVILLE**

\_\_\_\_\_  
Print Name:\_\_\_\_\_

By:\_\_\_\_\_  
Name:\_\_\_\_\_  
Title:\_\_\_\_\_

Reviewed for legal sufficiency by:

\_\_\_\_\_  
Robert Dawson  
City Attorney

\* \* \*

STATE OF: \_\_\_\_\_

\*

\*

COUNTY OF: \_\_\_\_\_

\*

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2025, 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 \_\_\_\_\_, 2025.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

[NOTARIAL SEAL]

Parcel Nos. 04-03580382  
04-03580405

**TAX ACCT NOS: 04-03580405, 04-03580393, 04-03580382**

VIKA Maryland, LLC  
20251 Century Blvd.  
Suite 400  
Germantown, MD 20874  
301.916.4100  
vika.com

**EXHIBIT BB  
DESCRIPTION OF PART OF THE PROPERTY OF  
TOWER-DAWSON LLC  
LIBER 18350 FOLIO 687  
BEING PART OF  
PARCELS E & F, BLOCK D  
TOWER OAKS  
PLAT NO. 23507  
AND PART OF THE PROPERTY OF  
2250 TOWER OAKS BOULEVARD, LLC  
BOOK 66096 PAGE 447  
BEING PART OF  
PARCEL D, BLOCK D  
TOWER OAKS  
PLAT NO. 23507  
4TH ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND**

Being part of the property acquired by Tower-Dawson LLC, a Maryland limited liability company, from Tower-Dawson Limited Partnership, a Maryland limited partnership, by deed dated August 29, 2000 and recorded in Liber 18350 at Folio 687 and being part of Parcels E and F, Block D, Tower Oaks, recorded as Plat No. 23507 and being part of the property acquired by 2250 Tower Oaks Boulevard, LLC, a Maryland limited liability company, from 2250 Tower Oaks Boulevard, LLC a Maryland limited liability company, formerly know as 2400 Tower Oaks Boulevard, LLC, a Maryland limited liability company, by confirmatory deed dated August 1, 2022 and recorded in Book 66096 at Page 447 and also being part of Parcel D, Block D, Tower Oak as shown on Plat No. 23507 all among the Land Records of Montgomery County, Maryland and being more particularly described in the datum of Maryland State Grid North (NAD83/2011) as follows:

**PART 1**

Beginning for the same at a point marking the westerly end of the South 77° 09' 40" West, 22.28 foot common plat line of Parcels D and F, Tower Oaks, as shown on said Plat No. 23507, said point also marking the common line of said Tower-Dawson LLC, and 2250 Tower Oaks Boulevard, LLC; thence running reversely with said common plat line

1. North 77° 10' 01" East, 22.28 feet to a point; thence leaving said common plat line and running so as to cross and include a portion of said Parcel F, Block D, Tower Oaks, the following ten (10) courses and distances
2. South 85° 40' 01" East, 70.75 feet to a point; thence
3. South 27° 46' 38" East, 97.41 feet to a point; thence
4. South 79° 35' 40" East, 47.27 feet to a point; thence
5. North 23° 33' 49" East, 45.54 feet to a point; thence

*Our Site Set on the Future.*



6. South 81° 36' 33" East, 69.48 feet to a point; thence
7. South 15° 02' 11" West, 278.84 feet to a point; thence
8. South 16° 17' 56" West, 337.15 feet to a point; thence
9. North 23° 28' 56" West, 116.27 feet to a point; thence
10. North 76° 53' 48" West, 139.08 feet to a point; thence
11. North 89° 59' 39" West, 53.96 feet to a point; thence running so as to cross and include a portion of said Parcel F, Block D, Tower Oaks and said Parcel D, Block D, Tower Oaks
12. North 46° 37' 04" West, 25.79 feet to a point; thence running so as to cross and include a portion of said Parcel D, Block D, Tower Oaks
13. North 10° 47' 01" East, 50.75 feet to a point; thence running with the common line said Parcel D, Block D and Parcel F, Block D, Tower Oaks, the following nine (9) courses and distances
14. North 12° 00' 21" East, 108.61 feet to a point; thence
15. North 18° 00' 21" East, 40.00 feet to a point; thence
16. North 27° 00' 21" East, 42.26 feet to a point; thence
17. North 17° 18' 05" East, 58.85 feet to a point; thence
18. North 25° 39' 54" East, 18.81 feet to a point; thence
19. North 37° 01' 33" East, 31.74 feet to a point; thence
20. North 28° 21' 22" East, 61.32 feet to a point; thence
21. North 12° 30' 21" East, 44.50 feet to a point; thence
22. North 02° 30' 21" East, 72.92 feet to the point of beginning, containing 149,960 square feet or 3.44261 acres of land as shown on Exhibits BB attached.

#### PART 2

Beginning for the same at a point marking the southeasterly end of the North 53° 42' 11" West, 213.00 foot common plat line of Parcel F, Tower Oaks, as shown on said Plat No. 23507 and Parcel A, Block D, Tower Oaks, recorded as Plat No. 21846 among the aforesaid Land Records; thence running reversely with said common plat line of Parcel F, Tower Oaks and Parcel A, Block D, Tower Oaks, the following two (2) courses and distances

1. North 53° 41' 50" West, 213.00 feet to a point; thence
2. North 19° 30' 00" West, 224.39 feet to a point; thence leaving said common plat line of Parcel F, Tower Oaks and Parcel A, Block D, Tower Oaks, and running so as to cross and include a portion of said Parcel F, Tower Oaks, the following two (2) courses and distances
3. South 60° 04' 06" East, 43.54 feet to a point; thence





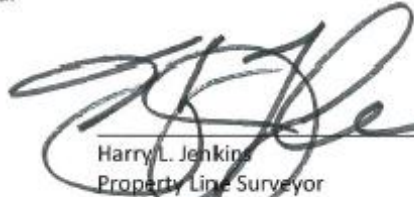
4. South 85° 23' 39" East, 75.10 feet to a point; thence running so as to cross and include a portion of said Parcel F, Tower Oaks and Parcel E, Block D, Tower Oaks
5. North 68° 54' 28" East, 58.56 feet to a point; thence running so as to cross and include a portion of said Parcel E, Block D, Tower Oaks, the following three (3) courses and distances
6. South 63° 34' 53" East, 35.04 feet to a point; thence
7. North 58° 53' 49" East, 29.83 feet to a point; thence
8. North 18° 09' 13" West, 51.90 feet to a point on the common plat line of said Parcels E and F, Block D, Tower Oaks; thence running with the common plat line of said Parcels E and F, Block D, Tower Oaks, the following two (2) courses and distances
9. North 30° 13' 11" West, 17.13 feet to a point; thence
10. North 16° 02' 02" East, 68.19 feet to a point; thence leaving the common plat line of said Parcels E and F, Block D, Tower Oaks and running so as to cross and include a portion of said Parcel E, Block D, Tower Oaks, the following four (4) courses and distances
11. North 03° 12' 49" West, 81.81 feet to a point; thence
12. North 52° 48' 03" East, 29.33 feet to a point; thence
13. North 21° 23' 55" East, 40.82 feet to a point; thence
14. North 67° 15' 28" East, 7.18 feet to the common plat corner of said Parcels E and F, Block D, Tower Oaks; thence leaving said common plat corner of said Parcels E and F, Block D, Tower Oaks and running with the common plat line of said Parcel F, Block D, Tower Oaks and Parcel D, Block D, Tower Oaks, the following four (4) courses and distances
15. North 43° 42' 00" East, 19.18 feet to a point; thence
16. North 32° 41' 36" East, 22.76 feet to a point; thence
17. North 17° 32' 04" East, 20.76 feet to a point; thence
18. North 25° 00' 21" East, 17.68 feet to a point; thence running so as to cross and include a portion of said Parcel D, Block D, Tower Oaks, the following two (2) courses and distances
19. North 27° 46' 40" East, 45.46 feet to a point; thence
20. North 10° 47' 01" East, 223.14 feet to a point; thence running so as to cross and include a portion of said Parcel D, Block D, Tower Oaks and Parcel F, Block D, Tower Oaks
21. South 48° 35' 48" East, 27.35 feet to a point; thence running so as to cross and include a portion of said Parcel F, Block D, Tower Oaks, the following six (6) courses and distances
22. South 89° 59' 39" East, 53.64 feet to a point; thence
23. South 76° 53' 48" East, 126.72 feet to a point; thence
24. South 23° 28' 56" East, 130.25 feet to a point; thence



25. South 15° 34' 56" West, 338.48 feet to a point; thence
26. South 15° 21' 21" West, 290.29 feet to a point; thence
27. South 15° 47' 55" West, 252.62 feet to a point on the common plat line of said Parcel F, Block D, Tower Oaks and the property of The Mayor and Council of Rockville recorded in Liber 21217 at Folio 245 among the aforesaid Land Records; thence running with the common line of said Parcel F, Block D, Tower Oaks and the property of The Mayor and Council of Rockville
28. South 82° 49' 57" West, 115.24 to a point marking the common line of said Parcel F, Block D, Tower Oaks and Parcel A, Block D, Tower Oaks; thence running with the common plat line of said Parcel F, Block D, Tower Oaks and Parcel A, Block D, Tower Oaks
29. North 07° 10' 03" West, 101.62 feet to the point of beginning, containing 291,743 square feet or 6.69750 acres of land and shown on Exhibits BB attached.

The undersigned hereby states that the metes and bounds description hereon was prepared by myself or under my direct supervision and that it complies with the Minimum Standards of Practice for Metes and Bounds Descriptions as established in Title 9, Subtitle 13, Chapter 6, Section .08 and .12 of the Code of Maryland Regulations (COMAR) as enacted and amended.

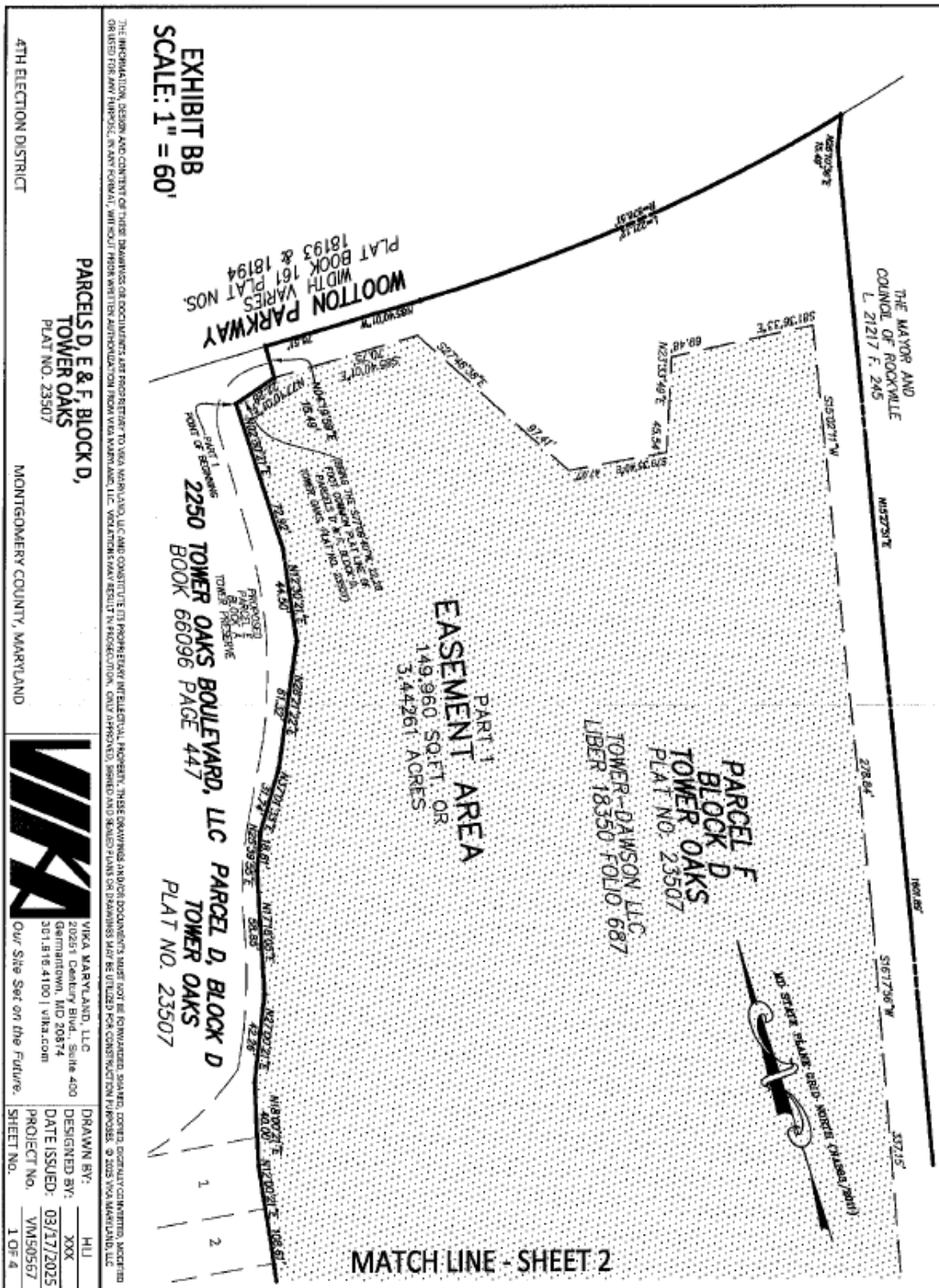
MARCH 26, 2025  
Date

  
Harry L. Jenkins  
Property Line Surveyor  
Maryland No. 606  
License Expires: April 21, 2027



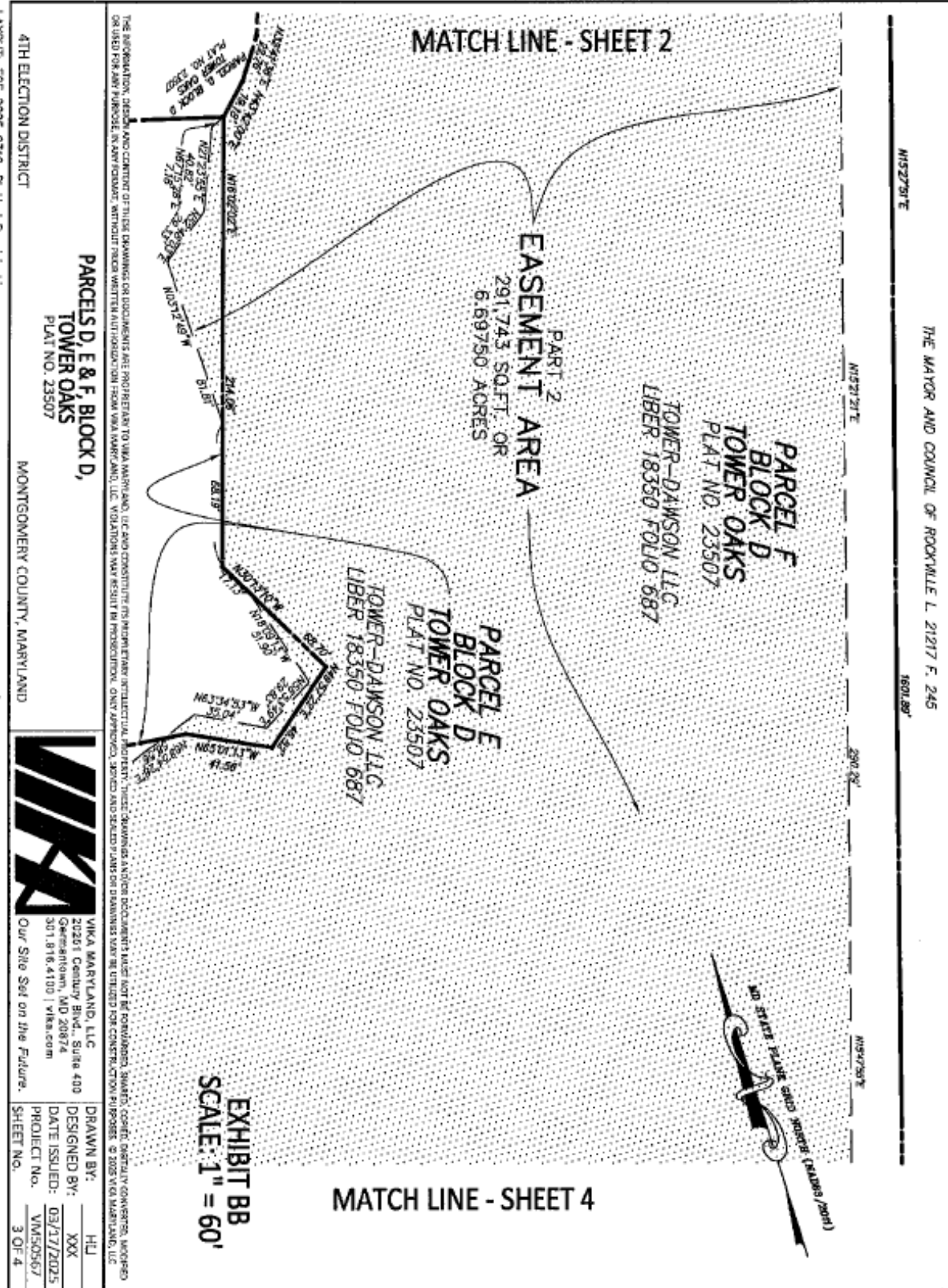
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Parcel Nos. 04-03580382  
04-03580405