

DECLARATION OF COVENANTS AND RESTRICTIONS
FOREST CONSERVATION WITHIN THE CRITICAL AREA

THIS DECLARATION, made this ____ day of _____, 20____ by _____, hereafter referred to as “Declarant”;

WHEREAS, Declarant is seized and possessed of certain land in Harford County, in the State of Maryland, acquired by virtue of a deed dated _____ from _____ to _____ and _____ recorded among the Land Records of Harford County in Liber _____ Folio _____, Tax Map _____ Parcel _____, Account No. _____; and

WHEREAS, certain County laws mandate compliance with various restrictions and/or environmental protection when developing or subdividing the property in that area; and

WHEREAS, County law provides for both on-site and off-site reforestation in relationship to development or subdivision of property, in accordance with the Forest Conservation Plan filed by Declarant in accordance with § 267-63F(3)(b)[7][c];

WHEREAS, Declarant understands that in order to develop or subdivide property, certain forest or trees are required to be replaced in accordance with these County laws; and

WHEREAS, Declarant understands that § 267-63F(3)(b)[7][d] and § 267-63G(4)(a)[1] require the execution and recordation of this Declaration.

NOW, THEREFORE, Declarant hereby declares that the property shown on the aforesaid plat entitled “_____” and recorded in Plat Book _____, Folio _____ (the “Plat”), shall be held, sold, and conveyed subject to the following easements, covenants, and/or conditions which are for the purpose of complying with the Critical Area provisions of the Harford County Code, and which shall run with the real property and be binding on all parties having any right, title, or interest in the described property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

1. The reforestation/afforestation areas on the site shall be retained under this covenant and subject to the limitations and guidelines of the Chesapeake Bay Critical Area Overlay District, Article VII of the Harford County Zoning Code.
2. In the event the retained forest is destroyed or must be removed from its present site, Declarant understands that a Forest Conservation Plan may have to be submitted in accordance with County law.
3. Declarant also understands and accepts that any disturbance, destruction or removal of the forest without following the due process of revising the approved Forest Conservation Plan is subject to the Enforcement provisions of the Chesapeake Bay Critical Area Overlay District, § 267-63. Enforcement.

4. These covenants, conditions and restrictions contained in the Declaration, are binding on Declarant, Declarant's personal representatives, successors or assigns, and this Declaration shall be recorded among the Land Records of Harford County upon execution by Declarant.
5. This Declaration may be terminated or amended in whole or in part with respect to all or a portion of the Property only with the written consent of both the owner of the Property, or affected portion of the Property, at the time of the termination or amendment and the then Director of the Harford County Department of Planning and Zoning. Any instrument terminating or amending this Declaration must be recorded in the Land Records of Harford County, Maryland.

The provisions of this Declaration shall be enforceable by Declarant and/or Harford County, Maryland.

Any person other than Declarant who violates the provisions of this Declaration and/or applicable County Law shall indemnify and hold Declarant harmless from all costs, expenses, fines and penalties incurred or imposed, including attorney's fees incurred by Declarant, as result of such violation.

Witness:

Declarant:

(SEAL)

STATE OF MARYLAND, COUNTY OF HARFORD, TO WIT:

I HEREBY CERTIFY that on this ____ day of _____, 20____, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared _____ and acknowledged the foregoing Declaration to be the act and deed of _____.

AS WITNESS my hand and Notarial Seal.

My Commission Expires:

Notary Seal

After recording, return to:

Harford County Government
Department of Planning and Zoning
Environmental Planning Section
220 S. Main St.
Bel Air, MD 21014