

LIBER 1968 PAGE 0142

LR - Government
Instrument 0.00
Agency Name: Bd of GC
Commissioners
Instrument List:
Declaration
Describe Other:
Reference/Control #:
GC Commissioners
=====
Total: 0.00
10/25/2016 01:50
CC11-PP
#7173292 CC0402 -
Garrett
County/CC04.02.01 -
Register 01

**SUPPLEMENTAL DECLARATION OF COVENANTS AND RESTRICTIONS
FOR THE MCHENRY BUSINESS PARK**

THIS SUPPLEMENTAL DECLARATION, Made this 24th day of October, 2016, by THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND (“the County”).

WITNESSETH:

Explanation

By Declaration of Covenants, Conditions, and Restrictions dated December 4, 2012, and recorded December 4, 2012 in Liber No. 1702 at Page 0433, among the Land Records of Garrett County, Maryland (“the Declaration”), the County established the McHenry Business Park (“the Park”).

By Resolution No. 2016-4 dated September 6, 2016, the County modified certain covenants, conditions, and restrictions set forth in the Declaration. A copy of Resolution No. 2016-4 is attached hereto as Exhibit A and incorporated herein as if more fully set forth.

NOW, THEREFORE, the County amends the Declaration and declares as follows:

1. The Explanation set forth above is hereby incorporated as a substantive provision of this Supplemental Declaration.

2. The provisions of Article 3 (Restrictions), Section 3.1, Permitted Land Uses, are deleted in its entirety, and a new Article 3 (Restrictions), Section 3.1, Permitted Land Uses, is inserted in its place, to appear as follows:

3.1. Permitted Land Uses: Any commercial enterprise, EXCEPTING, HOWEVER, that no heavy manufacturing or commercial enterprises where retail sales comprise more than 35% of the entities' gross annual income, are permitted to operate within the Business Park.

3. All other covenants, conditions, and restrictions set forth in the Declaration shall remain in full force and effect.

4. AssetBook, LLC owns property within the McHenry Business Park and joins in this Supplemental Declaration for the purpose of consenting to the revisions as set forth herein.

[remainder of page intentionally left blank]


IN WITNESS WHEREOF, the parties have executed this Supplemental Declaration as of the day and year first above written.

ATTEST:

THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND



KEVIN G. NULL,
County Administrator

By  (SEAL)

PAUL C. EDWARDS,
Chairman



STATE OF MARYLAND,
GARRETT COUNTY, TO-WIT:

I HEREBY CERTIFY, That on this 24th day of October, 2016, before me, a Notary Public in and for the State and County aforesaid, personally appeared PAUL C. EDWARDS, known to me, or satisfactorily proven to be, the Chairman of THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND, and that he, as such Chairman, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing, in my presence, the name of THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND, by himself as Chairman.

WITNESS my hand and Notarial Seal the date aforesaid.





NOTARY PUBLIC

My Commission Expires:

07/08/17

[signatures continue on the following page]

ATTEST:

ASSETBOOK, LLC

J Robert Major Jr.

James Wilkes
Name: James Wilkes
Title: Implementation Specialist

By *J Robert Major Jr.* (SEAL)
JOHN R. MAJOR, JR.,
Chief Executive Officer/Member

STATE OF MARYLAND,
GARRETT COUNTY, TO-WIT:

I HEREBY CERTIFY, That on this 18 day of October, 2016, before me, a Notary Public in and for the State and County aforesaid, personally appeared JOHN R. MAJOR, JR., known to me, or satisfactorily proven to be, the Chief Executive Officer and Member of ASSETBOOK, LLC, and that he, as such Chief Executive Officer/Member, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing, in my presence, the name of ASSETBOOK, LLC, by himself as Chief Executive Officer/Member.

WITNESS my hand and Notarial Seal the date aforesaid.

Lisa Durst Davis

NOTARY PUBLIC

My Commission Expires:
1/16/18



Please return to:
Kim E. Durst
Garrett Co. Dept. of Economic Development
203 South Fourth Street, Room 208
Oakland, MD 21550

THE BOARD OF GARRETT COUNTY COMMISSIONERS

203 South Fourth Street - Courthouse - Room 207, Oakland, Maryland 21550
 www.garrettcountry.org • countycommissioners@garrettcountry.org
 301-334-8970 301-895-3188 FAX 301-334-5000

Board of Commissioners

Paul C. Edwards
 James C. Hinebaugh, Jr.
 S. Larry Tichnell

County Administrator

Kevin G. Null
County Attorney
 Gorman E. Getty III

RESOLUTION NO. 2016 - 4

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND, MODIFYING CERTAIN PROVISIONS OF THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR THE MCHENRY BUSINESS PARK.

EXPLANATION

THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND, a body politic and corporate, and a political subdivision of the State of Maryland ("the County"), on December 4, 2012, passed and adopted a certain Declaration of Covenants, Conditions, and Restrictions ("the Declaration") for the McHenry Business Park ("the Park"), which Declaration is recorded among the Land Records of Garrett County, Maryland, in Liber No. 1702 at Page 0433. The County incorporates by reference the Declaration as if fully set forth herein.

Pursuant to the Declaration, Article 3, Section 3.1, Permitted Land Uses, only businesses engaged in light manufacturing, information technology development, or administrative, financial, professional, and technical services are permitted to operate within the Park.

The County has determined that the existing restrictions on land uses in the Park is burdensome, impairs the marketability of property, and that a modification of the permitted land uses within the Park would be consistent with the general purpose and common scheme of development established by the Declaration.

NOW, THEREFORE, BE IT RESOLVED by The Board of County Commissioners of Garrett County, Maryland, as follows:

1. The Explanation set forth above is incorporated as a substantive portion of this Resolution;
2. The County hereby modifies Article 3, Section 3.1, Permitted Land Uses, to read as follows:
 - 3.1. Permitted Land Uses: Any commercial enterprise, EXCEPTING, HOWEVER, that no heavy manufacturing or commercial enterprises where retail sales comprise more

LIBER 1968 PAGE 0346

than 35% of the entities' gross annual income, are permitted to operate within the Business Park.

3. The foregoing modification shall run with, and for the benefit of, and shall apply to all lots in the McHenry Business Park; and

4. The County otherwise ratifies and affirms the application of the Declaration for all past, present, and future lots, occupants, purchasers, and industries in the McHenry Business Park.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

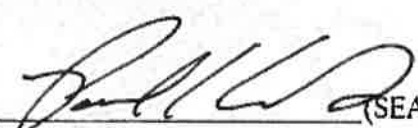
PASSED AND ADOPTED this 6th day of September 2016.

ATTEST:

THE BOARD OF COUNTY COMMISSIONERS
OF GARRETT COUNTY, MARYLAND



KEVIN G. NULL
County Administrator

By:  (SEAL)

PAUL C. EDWARDS
Chairman

By:  (SEAL)

JAMES C. HINEBAUGH JR.
County Commissioner

By:  (SEAL)

S. LARRY MICHNELL
County Commissioner