

Appendix D.1
Addendum To The Memorandum Of Understanding
Between Maryland DNR And Harford County
Regarding Expansion Of The Maryland Reserve Boundary
At Otter Point Creek

ADDENDUM TO
MEMORANDUM OF UNDERSTANDING

THIS ADDENDUM TO MEMORANDUM OF UNDERSTANDING ("Addendum") made this 15th day of June, 2006, by and between the MARYLAND DEPARTMENT OF NATURAL RESOURCES ("Department"), having an address at 580 Taylor Avenue, Tawes State Office Building, Annapolis, MD. 21401, and HARFORD COUNTY, MARYLAND ("County"), having an address at 220 South Main Street, Bel Air, Maryland 21014.

WHEREAS, the Department and the County entered into a Memorandum of Understanding dated July 19, 1990 ("MOU") relating to inclusion of the County's Leight Park, which incorporates the County's Anita C. Leight Estuary Center, ("Leight Park") as part of the Otter Point Creek component of Maryland's Chesapeake Bay National Estuarine Research Reserve ("the Reserve"); and

WHEREAS, the MOU provided for all of the property that was then part of Leight Park to be included in the Reserve; and

WHEREAS, since the MOU was executed, the County has acquired additional property and made it part of Leight Park, which additional property the County and the Department would like to add to the Otter Point Creek component of the Reserve; and

WHEREAS, Article I of the MOU provides that additional property acquired by the County at Leight Park may be included in the Reserve upon approval by the County, the Department and the National Oceanographic and Atmospheric Administration ("NOAA"); and

WHEREAS, NOAA approval cannot be given by the signature on this Addendum of any representative of NOAA, but rather NOAA approval of including additional property in the Reserve is pursuant to the Coastal Zone Management Act, the National Environmental Policy Act and other laws and regulations, with the approval being effective upon the publication of the final decision in the Federal Register; and

WHEREAS, the parties have agreed to adopt this Addendum to the MOU in order to evidence their approval of the inclusion of additional property at Leight Park in the Reserve, subject to the approval of NOAA; and

NOW, THEREFORE, the Department and the County do hereby agree that the MOU is amended by the adoption of this ADDENDUM, to expand the Otter Point Creek component of the Reserve as provided in this Addendum.

1. The Otter Point Creek component of the Reserve is expanded to include all of the properties shown on the map appended to the Addendum as Exhibit A entitled "Harford Land Trust", which is attached and incorporated by reference. The Parcels

comprising the total acreage are described in documents filed among the Land Records of Harford County as follows:

2006 Otter Point Creek component of the Reserve (Addendum) (acreages are approximate) includes all of the properties described in a deed recorded in the Harford County Land Records at Liber 4360, folio 364. The five parcels totaling 32.101 acres are described in a metes and bounds description entitled "Property Description of Part of Lands of Victor Bruce Hirshauer Revocable Trust" dated May 10, 2001 (Exhibit B), which is attached and incorporated by reference.

Parcel One – 8.39 acres
Parcel Two – 1.377 acres
Parcel Three – 14.256 acres
Parcel Four – 7.758 acres
Parcel Five – 0.32 acres

Totaling 32.101 acres

2. The expansion of the Otter Point Creek Component in the Reserve is subject to the approval of NOAA, which shall be evidenced by the publication of NOAA's final decision in the Federal Register.

3. Except as amended by this Addendum, all provisions of the MOU shall remain in full force and effect between the parties.

IN WITNESS WHEREOF, the Department and the County have hereunto set their hands and seals as of the day and year above written.

Witness:

MARYLAND DEPARTMENT OF
NATURAL RESOURCES

Eileen Mosley

C. Ronald Franks
C. Ronald Franks
Secretary

Witness:

HARFOR COUNTY, MARYLAND

Lou A. Piotrowski

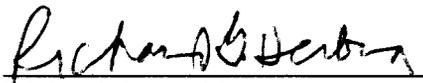
David R. Craig
David R. Craig
County Executive 5/16/06

Approved for form and legal sufficiency


Assistant Attorney General

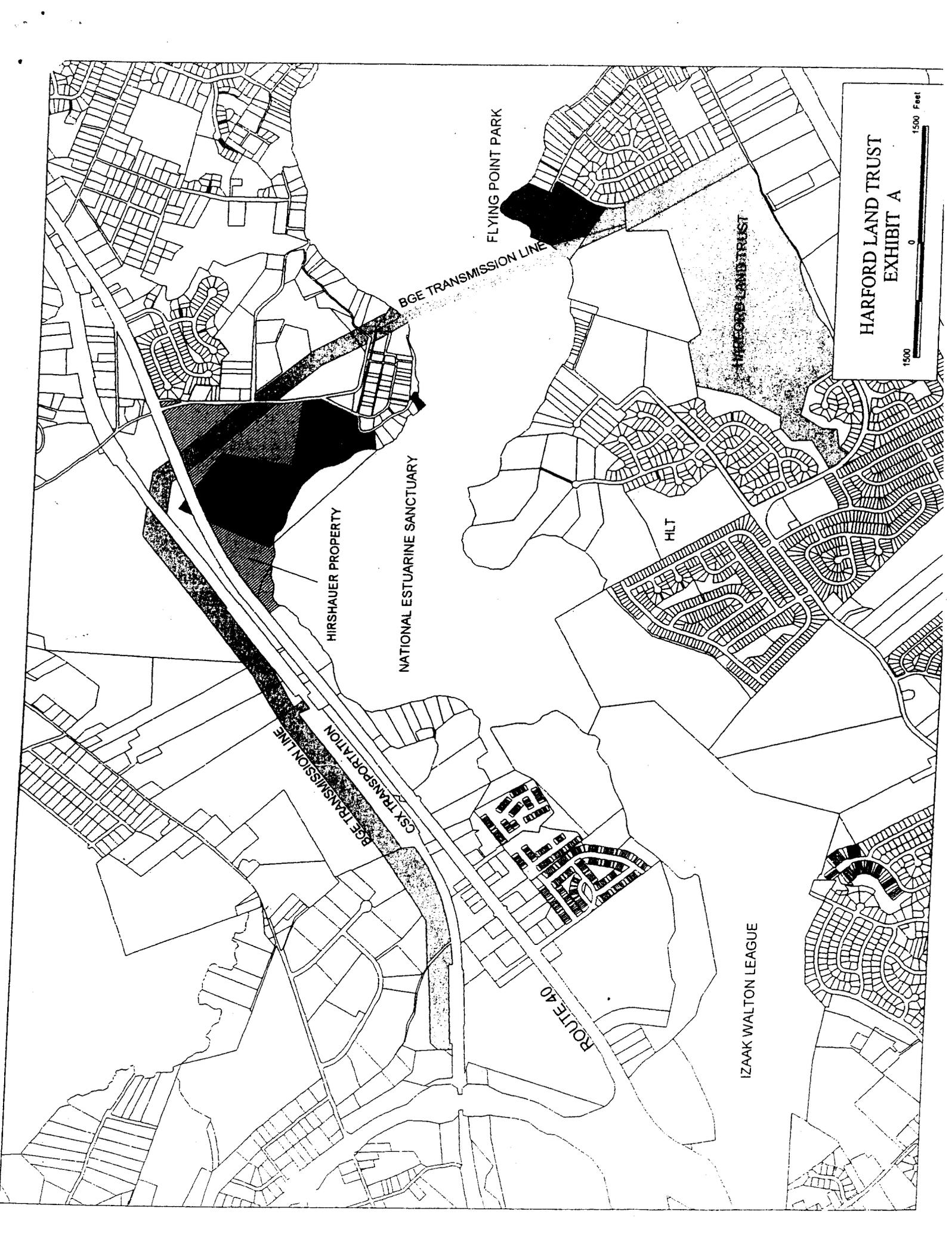
Approved for form and legal sufficiency

This 15th day of May, 2006


Richard G. Herbig,
Senior Assistant County Attorney

Approved this 10th day of
May, 2006


Joseph E. Pfaff, Director
Department of Parks and Recreation



HARFORD LAND TRUST
EXHIBIT A



FLYING POINT PARK

BGE TRANSMISSION LINE

HARFORD LAND TRUST

HIRSHAUER PROPERTY

NATIONAL ESTUARINE SANCTUARY

HLT

BGE TRANSMISSION LINE
GSX TRANSPORTATION

ROUTE 40

IZAAK WALTON LEAGUE

Property Descriptions
Part of Lands of
Victor Bruce Hirshauer

PARCEL ONE

Beginning at a point in the southeast side of the right of way of U.S. Route 40, now known as the Pulaski Highway and on that point of said right of way which is shown on State Roads Commission Plat No. 1425; thence binding on the northeast boundary of that tract of land called "Marsh Triangle" which was conveyed from the State of Maryland to Victor J. Hirshauer by deed dated 15 February 1966 and recorded among the land records in Liber 742, Page 433, for 2 courses and distances:

- 1) S70° - 49' - 38" E 266.83 Ft.
- 2) S59° - 49' - 38" E 169.00Ft.; thence binding on lands of Harford County conveyed from Anita Corrine Leight by deed dated 22 December 1986 as recorded among the land records in Liber 1179, Folio 106, for 3 courses and distances:
 - 3) S67° - 34' - 38" E 171.00 Ft.
 - 4) S83° - 34' - 38" E 118.00 Ft.
 - 5) N29° - 08' - 21" E 928.65 Ft. to a point in the southeast right of way line of U.S. Route 40; thence binding on said right of way for 2 courses and distances:
 - 6) Along a curve to the left of radius 5652.58 Ft. and an arc length of 1148.59 Ft. with chord bearing S64° - 01' - 55 W 1146.61 Ft., thence
 - 7) S58° - 12' - 46" W 111.53 Ft. to the point of beginning containing 8.39 acres, more or less.

PARCEL TWO

That parcel of land containing 1.377 acres called "Marsh Triangle" as fully described in a deed dated 15 February 1966 from the State of Maryland to Victor J. Hirshauer and recorded among the land records in Liber 742, Page 433.

PARCEL THREE

That parcel of land lying southwesterly of a 250 feet wide right of way previously conveyed to the Baltimore Gas and Electric Company by Victor J. Hirshauer, Edna M. Hirshauer, and Victor Bruce Hirshauer by deed dated 10 March 1977 and recorded among the land records in Liber 1022, Page 1080, more particularly described as follows:

Beginning at the point in the southeasterly right of way line of U.S. Route 40 at the point of intersection of the southwest side of the aforementioned 250 feet wide right of way of the Baltimore Gas and Electric Company, thence binding on the southeast right of way line of U.S. Route 40

- 1) S74° - 16' - 03" W 361.00 Feet, thence leaving U.S. Route 40
- 2) S52° - 12' - 34" E 663.70 Ft.
- 3) S17° - 27' - 54" W 814.86 Ft.
- 4) S77° - 32' - 04" E 881.00 Ft. to a point in the center of Otter Point Road; thence binding on the center of Otter Point Road for 3 courses and distances:
 - 5) N7° - 11' - 29" W 61.28 Ft.
 - 6) N1° - 34' - 32" E 156.04 Ft.
 - 7) N6° - 02' - 36" E 32.00 Ft.; thence leaving Otter Point Road and binding on the southwest side of the 250 feet wide right of way of the Baltimore Gas and Electric Company.
 - 8) N32° - 56' - 20" W 1457.79 Ft. to the point of beginning, containing 14.256 acres, more or less.

Beginning at a point in the southeasterly right of way line of U.S. Route 40 at the point of intersection with the northeast side of the aforementioned 250 feet wide right of way of the Baltimore Gas and Electric Company; thence binding on said right of way

1) $S32^{\circ} - 56' - 20''$ E 1068.69 Ft. to the middle of the Otter Point Road

thence binding on the middle of Otter Point Road for 3 courses and distances:

2) $N5^{\circ} - 29' - 03''$ E 173.19 Ft.

3) $N2^{\circ} - 48' - 15''$ E 186.18 Ft.

4) $N8^{\circ} - 23' - 46''$ E 239.05 Ft.; thence leaving the center of Otter Point

Road and binding on the southwest right of way of Otter Point Road, said right of way having been conveyed and described in a deed dated 16 January 1935 from Victor E. Hirshauer and Frances Hirshauer, and Victor J. Hirshauer and Edna M. Hirshauer to the State Roads Commission of Maryland and recorded among the land records in Liber 234, Folio 327, for 3 courses and distances:

5) $N81^{\circ} - 36' - 14''$ W 15.00 Ft.

6) Along a curve to the left having a radius of 981.66 Ft. and an arc length of 410.06 Ft. with chord bearing $N3^{\circ} - 34' - 14''$ W 407.08 Ft.

7) $N15^{\circ} - 32' - 14''$ W 60.65 Ft. to the southeast right of way of the U.S. Route 40; thence binding on the southeast right of way line of U.S. Route 40.

8) $S74^{\circ} - 16' - 03''$ W 608.01 Ft. to the point of beginning containing 7.758 acres, more or less.

PARCEL FIVE

Beginning at a point when the northeast right of way of Otter Point Road intersects the southeast right of way line of U.S. Route 40, said right of way having previously been conveyed and described in a deed dated 16 January 1935 from Victor E. Hirshauer and Frances Hirshauer, and Victor J. Hirshauer and Edna M. Hirshauer to the State Roads Commission and recorded among the land records in Liber 234, Folio 327; thence binding on the northeast right of way line of U.S. Route 40.

1) $N74^{\circ} - 27' - 46''$ E 103.61 Ft.; thence leaving U.S. Route 40 and binding on the center of an abandoned segment of the Otter Point Road for 3 courses and distances:

2) $S4^{\circ} - 26' - 05''$ E 98.76 Ft.

3) $S8^{\circ} - 23' - 15''$ W 100.00 Ft.

4) $S15^{\circ} - 18' - 15''$ W 151.92 Ft. to a point in the northeast right of way line of Otter Point Road, thence binding on the northeast right of way of said road along a curve to the left of radius 1011.66 Ft. and arc length of 263.88 Ft. with chord bearing $N8^{\circ} - 03' - 53''$ W 260.31 Ft.; thence $N15^{\circ} - 32' - 14''$ W 60.65 Ft. to the point of beginning containing 0.32 acres, more or less.

Being part of the lands described in a deed dated 28 January 1999 from Victor Bruce Hirshauer to Victor Bruce Hirshauer, Trustee of the Victor Bruce Hirshauer Revocable Trust Agreement, Dated December 4, 1998 and recorded among the land records in Liber 2943, Folio 584.