

**DEED OF PUBLIC ACCESS EASEMENT  
AND AGREEMENT**

This Deed of Public Access Easement and Agreement ("Agreement"), made this 21st day of April, 2009, by and between the Drum Point Property Owners' Association, a non-profit corporation of the State of Maryland, hereinafter called "Grantor", and Board of County Commissioners of Calvert County, Maryland, hereinafter called "Grantee."

WHEREAS, Grantor is a non-profit corporation of the State of Maryland, which, by virtue of a deed recorded among the land records of Calvert County, Maryland, at Liber 683, folio 266, is the fee simple owner of the roads and rights-of-way for said roads in all sections of the subdivision known as Drum Point in the First Election District of Calvert County, Maryland; and

WHEREAS, the general purpose of Grantor, as set forth in the various declarations of conditions, covenants, restrictions, and easements as recorded among the Land Records of Calvert County, Maryland, is to exist as the entity delegated and assigned the powers and duty of maintaining and administering the community properties and facilities, including roads, and administering and enforcing the covenants and restrictions, and collecting and disbursing the assessments and charges created under such covenants; and

WHEREAS, various subdivision plats were recorded among the plat records of Calvert County Maryland, for the purpose of establishing lots and a network of roads within the Drum Point Subdivision; and

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WHEREAS, pursuant to Title 8, Subtitle 4 of the Transportation Article of the Annotated Code of Maryland, the State Highway Administration maintains a Gasoline and Motor Vehicle Revenue Account from which funds, called "State Highway User Revenues" (SHUR), are allocated to the various political subdivisions of the state, including Calvert County, for the purpose, among other things, of maintaining county roads.

WHEREAS, Section 8-101(g) of the Transportation Article of the Annotated Code of Maryland, defines "county road" as: ". . .any public highway: (1) The title to which or the easement for the use of which, is vested in a public body or governmental agency; and (2) That is not a State highway or located in Baltimore City."

WHEREAS, to financially assist Grantor in maintaining the roads, Grantor has requested that Grantee include in its inventory of public roads of Calvert County for the purpose of calculating Grantee's share of the state highway user revenues, various roads within the Drum Point Subdivision that meet the criteria established by the Grantee and the State Highway Administration and to remit to Grantor the portion of Grantee's SHUR that Grantee may determine should reasonably be remitted to Grantor.

Now, therefore, this Deed of Public Access Easement and Agreement witnesseth:

The Grantor does hereby grant to Grantee, its successors and assigns, for the purpose of general free public use, a perpetual easement (unless terminated by the Grantor or Grantee) and right-of-way over, across and through all those roads, portions of roads and rights-of-way as more particularly set forth in Exhibit A, attached hereto and made a part hereof, without restrictive gates, prohibitive signs, or regulations other than restrictions based on size, weight or class of registration, said roads and rights-of-way encompassing certain of the roads presently existing within the Drum Point Subdivision and owned by the Grantor (the "Roads").

To have and to hold the perpetual easement and right-of-way unto the Grantee for use by the general public as public ways in connection with the public roads system of Calvert County, Maryland, subject to paragraph 8 below.

Grantor and Grantee hereby agree that:

1. Grantor is and shall remain responsible for the maintenance of all those roads set forth in Exhibit A as required by the declarations, whether or not SHUR funds are received.

2. Grantor and Grantee incorporate by reference herein the Criteria for Public Easement Roads and Use of State Highway User Revenues in Exhibit B, attached hereto and made a part hereof, which criteria may be subject to change in the future as stated therein.

3. Grantee has no obligation to provide funds to Grantor, other than as contemplated by the terms of this Agreement and pursuant to the procedures and formula set forth in Exhibit B, attached hereto and made a part hereof.

4. The easement herein granted by Grantor to Grantee shall not confer upon Grantee any right to place utilities in the rights-of-way of the roads or confer any other rights to Grantee.

5. Nothing in this document shall be construed to mean that the Grantee is in any way obligated to accept ownership of and/or responsibility for the maintenance of the roads or roadbeds described in attached Exhibit A.

6. The Grantor shall not claim or attempt to claim any SHUR, as provided for in Title 8, Subtitle 4 of the Transportation Article of the Annotated Code of Maryland, to which it believes it may be entitled other than as provided in this grant of easement.

7. The Grantor hereby indemnifies and holds the county harmless from all liability associated with the maintenance of the association roads included in the Grantee's road inventory report and the expenditure of the SHUR.

8. This Public Access Easement and Agreement shall remain in effect so long as a special taxing district is in place for the Drum Point Subdivision and the Drum Point Property Owners' Association maintains the Qualifying Roads set forth in Exhibit "A."

This Public Access Easement shall run with the land and bind Grantor, its successors and assigns.

The Grantor warrants specially said easement, and it will execute such further assurances thereof as the Grantee may request.

In witness whereof, the parties hereto have executed this Deed of Public Access Easement and Agreement as of the date and year first herein written.

Drum Point Property Owners'  
Association:

by:  President

Board of County Commissioners of  
Calvert County

by:  President