



St. Mary's County Department of Land Use and Growth Management
 23150 Leonard Hall Drive, Leonardtown, Md. 20650
 Phone (301) 475-4200, ext. 1500 Fax (301) 475-4672
AGREEMENT TO TRANSFER DEVELOPMENT RIGHTS



INSTRUMENT OF FINAL TRANSFER TO BOARD OF COUNTY COMMISSIONERS
 (TO BE USED WHEN TDR IS BEING TRANSFERRED TO THE BOARD OF COUNTY COMMISSIONERS FOR USE ON A RECEIVING PARCEL)

THIS AGREEMENT, made this ____ day of ____, 20__ by and between _____ (hereinafter jointly and severally referred to as "Transferor") and the Board of County Commissioners of St. Mary's County, Maryland (hereinafter referred to as "Transferee").

WHEREAS, the Transferor is the fee simple owner of certain real property (hereinafter referred to as the "Receiving Parcel") located in the _____ zoning district as defined in the St. Mary's County Comprehensive Zoning Ordinance (adopted September 14, 2010), as amended, (the "Ordinance").

WHEREAS, the Receiving Parcel is more specifically described by metes and bounds and/or plat of survey prepared by a duly licensed surveyor named therein which is attached hereto as **Exhibit A** and incorporated by reference herein.

WHEREAS, the Transferor has received development rights for use on the Receiving Parcel pursuant to an Agreement to Transfer Development Rights (either an Instrument of Original Transfer or Instrument of Intermediate Transfer) described below:

[LIST ANY PRIOR INSTRUMENTS OF INTERMEDIATE TRANSFER CONVEYING DEVELOPMENT RIGHTS TO TRANSFEROR BY LIBER AND FOLIO RECORDING REFERENCES]

WHEREAS, it is the desire and intention of the parties to enter into an agreement by which the Transferors shall convey to the Transferee the development rights set forth below for the Receiving Parcel in order to obtain final approval for the use of such development rights on the Receiving Parcel.

NOW, THEREFORE, for no monetary consideration and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby covenant and agree as follows:

FIRST: The Transferor hereby grants, conveys and assigns to the Transferee, the Transferee's successors and assigns, a total of _____ developments right(s) as defined in Chapter 26 of the Zoning Ordinance and the serial number of each development right being transferred pursuant to this instrument of transfer are as follows:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

The serial numbers of any additional development right(s) being transferred by this instrument, if any, are attached hereto as **Exhibit C**, which is incorporated herein.

SECOND: The Transferor acknowledges and covenants that all provisions of this instrument shall run with and bind the Receiving Parcel.

THIRD: The Transferor hereby represents to the Transferee that the Transferor is the bona fide owner of all of the developments rights being conveyed herein and is conveying the same free and clear of any liens or encumbrances. Attached hereto as **Exhibit B** is a Certificate of Title prepared by an attorney licensed to practice law in Maryland in the format approved by the County Attorney for St. Mary's County.

FOURTH: The parties covenant and agree that all of the provisions of this agreement may be enforced by the Board of County Commissioners, the St. Mary's County Planning Director and their respective designees. This instrument may not be amended, except with the consent of the Board of County Commissioners of St. Mary's County, Maryland. This instrument may be executed in counterparts.

WITNESS the hands and seals of the parties on the date first written above.

WITNESS:

Transferor _____ (SEAL)
Date _____

Transferee _____ (SEAL)
Date _____

Transferee
BOARD OF COUNTY COMMISSIONERS OF ST.
MARY'S COUNTY, MARYLAND

By: _____ (SEAL)
Phillip J. Shire, Director
Authorized Representative of the Board of County
Commissioners Pursuant to § 26.8.6 of the
Comprehensive Zoning Ordinance
Date _____

PURSUANT TO SECTION 26.7.4 OF THE ZONING ORDINANCE THE UNDERSIGNED COUNTY ATTORNEY DOES HEREBY APPROVE THIS INSTRUMENT FOR LEGAL SUFFICIENCY.

County Attorney

STATE OF MARYLAND, City/County of ST. MARY'S, to wit:

I HEREBY CERTIFY that on this _____ day of _____, 20____, before the undersigned, a Notary Public of the state and county aforesaid, personally appeared Phillip J. Shire, in said person's capacity as the authorized representative of the Board of County Commissioners of St. Mary's County, Maryland pursuant to § 26.8.6 of the St. Mary's County Comprehensive Zoning Ordinance, the **Transferee**, personally known to me or satisfactorily proven to me to be the person executing the within instrument, and acknowledged that, being authorized to do so, said person executed the within instrument in the aforesaid capacity, as the act and deed of the **Transferee**.

WITNESS my hand and notarial seal.

NOTARY PUBLIC
My Commission expires:

TRANSFEROR ACKNOWLEDGMENTS

INDIVIDUAL ACKNOWLEDGMENTS (Use When an Individual Is Executing the Instrument)

STATE OF _____, City/County of _____, to wit:

I HEREBY CERTIFY that on this _____ day of _____, 20____, before the undersigned, a Notary Public of the state and county aforesaid, personally appeared _____, personally known to me or satisfactorily proven to me to be the aforesaid **Transferor**, and said Transferor acknowledged the foregoing Agreement to Transfer Development Rights-Instrument of Original Transfer to be said Transferor's voluntary act.

WITNESS my hand and notarial seal.

NOTARY PUBLIC
My Commission expires:

STATE OF _____, City/County of _____, to wit:

I HEREBY CERTIFY that on this _____ day of _____, 20____, before the undersigned, a Notary Public of the state and county aforesaid, personally appeared _____, personally known to me or satisfactorily proven to me to be the aforesaid **Transferor**, and said Transferor acknowledged the foregoing Agreement to Transfer Development Rights-Instrument of Original Transfer to be said Transferor's voluntary act.

WITNESS my hand and notarial seal.

NOTARY PUBLIC
My Commission expires:

ENTITY ACKNOWLEDGMENT
(Use When An Entity is Executing the Instrument)

STATE OF _____, City/County of _____, to wit:

I HEREBY CERTIFY that on this _____ day of _____, 20____, before the undersigned, a Notary Public of the state and county aforesaid, personally appeared _____, in said person's capacity as the _____ of _____, the **Transferor**, personally known to me or satisfactorily proven to me to be the person executing the within instrument, and acknowledged that, being authorized to do so, said person executed the within instrument in the aforesaid capacity, as the act and deed of the **Transferor**.

WITNESS my hand and notarial seal.

NOTARY PUBLIC

My Commission expires:

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**EXHIBIT A
TO INSTRUMENT OF FINAL TRANSFER
RECEIVING PARCEL DESCRIPTION**

**EXHIBIT B
TO INSTRUMENT OF FINAL TRANSFER**

CERTIFICATE OF TITLE

The undersigned hereby certifies that he/she is an attorney admitted to practice law in the State of Maryland and, being familiar with the Land Records, Circuit Court Records, Orphans Court Records, UCC Records and other records of St. Mary's County and the State of Maryland, has caused to be examined the foregoing records, or such of them that may relate to the title and encumbrances on the development rights described in the attached Instrument of Final Transfer and in accordance with Section 26.9.3 of the St. Mary's County Comprehensive Zoning Ordinance, the undersigned hereby certifies that:

The development rights set forth in the attached Instrument of Final Conveyance have not been previously used, nor are the development rights restricted or encumbered in any way, and that the Transferor set forth in the attached Instrument of Final Transfer is the bona fide owner of all of the development rights set forth in the attached Instrument of Final Transfer.

Attached to the Instrument of Final Transfer as **Exhibit B-1** are copies of the recorded Instrument(s) of Original Transfer and Instrument(s) of Intermediate Transfer, which constitute all of the prior deeds of transfer for the development rights being conveyed to the Board of County Commissioners by the attached Instrument of Final Transfer.

Respectfully submitted as of 8:30 a.m. on _____, 20____. (Certificate of Title Must be dated no later than 60 days from the date of the review by the County Attorney's office).

Printed Name: _____

Address _____

Phone Number: _____

EXHIBIT B-1 TO INSTRUMENT OF FINAL TRANSFER

ATTACH COPIES OF ALL INSTRUMENTS OF ORIGINAL TRANSFER AND
INSTRUMENTS OF INTERMEDIATE TRANSFER FOR THE DEVELOPMENT RIGHTS

