

AMENDED PUBLIC RECREATION FACILITIES AGREEMENT

BEECH TREE SUBDIVISION

THIS AMENDED PUBLIC RECREATION FACILITIES AGREEMENT ("AGREEMENT") is made this 24th day of August, 2011 to amend the Public Recreation Facilities Agreement, dated August 24, 2004 by and between THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION, (hereinafter the "Commission"), a public body corporate and agency of the State of Maryland, and V.O.B. LIMITED PARTNERSHIP, its successors and/or assigns, (hereinafter the "Developer"), with its principal offices located at 8133 Leesburg Pike, Suite 300, Vienna, Virginia 22182.

WHEREAS, the Developer and the Commission entered into a Recreation Facilities Agreement ("RFA" ), dated August 24, 2004 and recorded at Liber 20310, folio 211, for the Beech Tree Subdivision, in the Land Records of Prince George's County, Maryland, whereby the Developer agreed to construct certain recreation facilities; and

WHEREAS, the Developer and the Commission agree that said RFA requires an amendment due to occurrences in the intervening years since the 2004.

NOW THEREFORE, WITNESSETH, in consideration of the promises contained herein and for other good and valuable consideration, the Developer and the Commission hereby agree as follows:

Provision 1.b. (1), (2) and (4) of the RFA shall be amended and restated as follows:

INF. FD. SURE \$ 40.00  
TOTAL 20.00  
Rest. POMS Recd. \$ 20.00  
MIS. MGR. Exp. \$ 50.00  
Sep. 21, 2011 01/23 PM

1. Recreational Facilities

b. Master Plan Hiker/Biker Trail. The trail to be constructed by the Developer on the Parkland along the Collington Branch Stream Valley and in right-of-way or easements of similar character through the community as shown on attached Exhibits 1, 2 and 3 (which are attached hereto and incorporated herein by reference) and the fee-in-lieu of the construction of the section of the Master Plan hiker-biker trail on the southernmost portion of the Parkland (Parcel G-1) are to be provided as follows:

- (1) Construction of the trails shall begin concurrently with the construction on adjacent lots and parcels. Building permits shall not be approved for units on lots adjoining the Master Plan hiker-biker trail until the trail adjacent to such lot is under construction. Location, survey and grubbing trail area and installation of signage announcing the "future trail" every 100 feet along the trail shall constitute evidence of construction.

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(2) Prior to issuance of the 1200<sup>th</sup> building permit, the Developer shall submit detailed construction drawings for construction of the following sections of the Master Plan hiker-biker trail described herein to the Department of Parks and Recreation ("DPR") for review and approval, which trail sections shall be constructed prior to the issuance of the 1,400<sup>th</sup> building permit:

- 3,882± linear feet of 10-foot-wide concrete hiker-biker trail (of which 1,332± linear feet has been completed and accepted by the Commission) located in 50-foot-wide easement through the community, on the west side of the lake;
- 852± linear feet of 10-foot-wide concrete hiker-biker trail (of which 393± linear feet has been completed and accepted by the Commission) located in 30-foot-wide easement through the community along Beech Tree Parkway and Presidential Golf Club Drive.

(4) Prior to issuance of the 2,000<sup>th</sup> building permit, the Developer shall submit detailed construction drawings for the construction of the following sections of the Master Plan hiker-biker trail described herein to DPR for review and approval which trail sections shall be constructed prior to the issuance of the 2,200<sup>th</sup> building permit:

- 9,755± linear feet of 10-foot-wide asphalt hiker-biker trail on dedicated parkland through the Collington Branch Stream Valley Park;
- 284± linear feet of 6-foot-wide concrete connector trails on park parcels through the Collington Branch Stream Valley Park as shown on the approved plan by DPR titled "M-NCPPC TRAIL PLAN".

**Provision 2. a. shall be amended and restated as follows:**

**2. Performance Bond – Public Recreational Facilities**

- a. To guarantee the prompt and satisfactory construction of the recreational facilities set forth in paragraph 1 above, and the complete performance under this RFA, the Developer or its successors and assigns shall deliver to DPR an irrevocable surety bond, Letter of Credit or other suitable financial guarantee (collectively "Performance Bond") as determined by the Commission's Office of the General Counsel at least five (5) weeks prior to application for:

- (1) The first building permit in West Lake-5 (SDP-0617) and/or West Lake-1 (SDP-0512) for the construction of the remaining 2550± linear feet of 10-foot-wide concrete hiker-biker trail and 459± linear feet of 10-foot-wide concrete hiker-biker trail located in easements, as described in Section 1.b.(2) above, through the community, on the west side of the lake, and along Beech Tree Parkway and Presidential Golf Club Drive;
- (2) The 1900th building permit for the construction of the trails on the Parkland as described in Section 1.b (4) above, through the Collington Branch Stream Valley Park.

The amount of the Bond shall be determined by DPR. At least two (2) weeks prior to submission of the Performance Bond, the Developer shall request in writing from DPR a determination as to the amount of the required Performance Bond, in order to allow for timely processing.

This Agreement shall be recorded among the Land Records of Prince George's County. All recording fees shall be paid by the Developer.

All remaining terms, obligations and conditions of the Recreational Facilities Agreement, dated August 24, 2004 and recorded at Liber 20310, folio 211 among the Land Records of Prince George's County, except as amended herein, shall remain in full force and effect, and the parties hereto reaffirm the provisions thereof.


This Amended Agreement shall be attached to the original RFA.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the date first written above.

WITNESS:

V.O.B. Limited Partnership  
A Maryland Limited Partnership


By: Lisa M. Clark


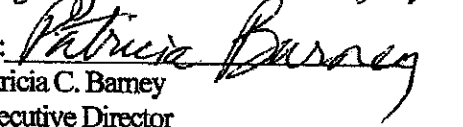
By:   
Bassam Barazi, President

32964 631

THE MARYLAND-NATIONAL CAPITAL  
PARK & PLANNING COMMISSION

WITNESS:

By:   
Joseph C. Zimmerman  
Secretary-Treasurer

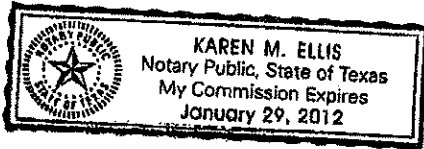
  
By:   
Patricia C. Barney  
Executive Director

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STATE OF MARYLAND  
COUNTY OF PRINCE GEORGE'S

On this 10 day of June, 2011, before me the subscriber, a Notary Public of the State and County aforesaid, personally appeared [Lisa Pean, Resident] who acknowledged that he/she is authorized to execute the above Agreement for the reasons and purposes stated therein.

WITNESS my Hand and official Seal this June day of 10, 2011.



[Handwritten Signature]  
[Signature]  
Notary Public

My Commission Expires: \_\_\_\_\_

STATE OF MARYLAND  
COUNTY OF PRINCE GEORGE'S

*Anju Bennett*

On this 22<sup>nd</sup> day of August, 2011, before me the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Patricia C. Barney, Executive Director for The Maryland-National Capital Park and Planning Commission, and acknowledged that he is authorized to execute the above Agreement for the reasons and purposes stated therein.



WITNESS my Hand and official Seal this 22<sup>nd</sup> day of August, 2011.

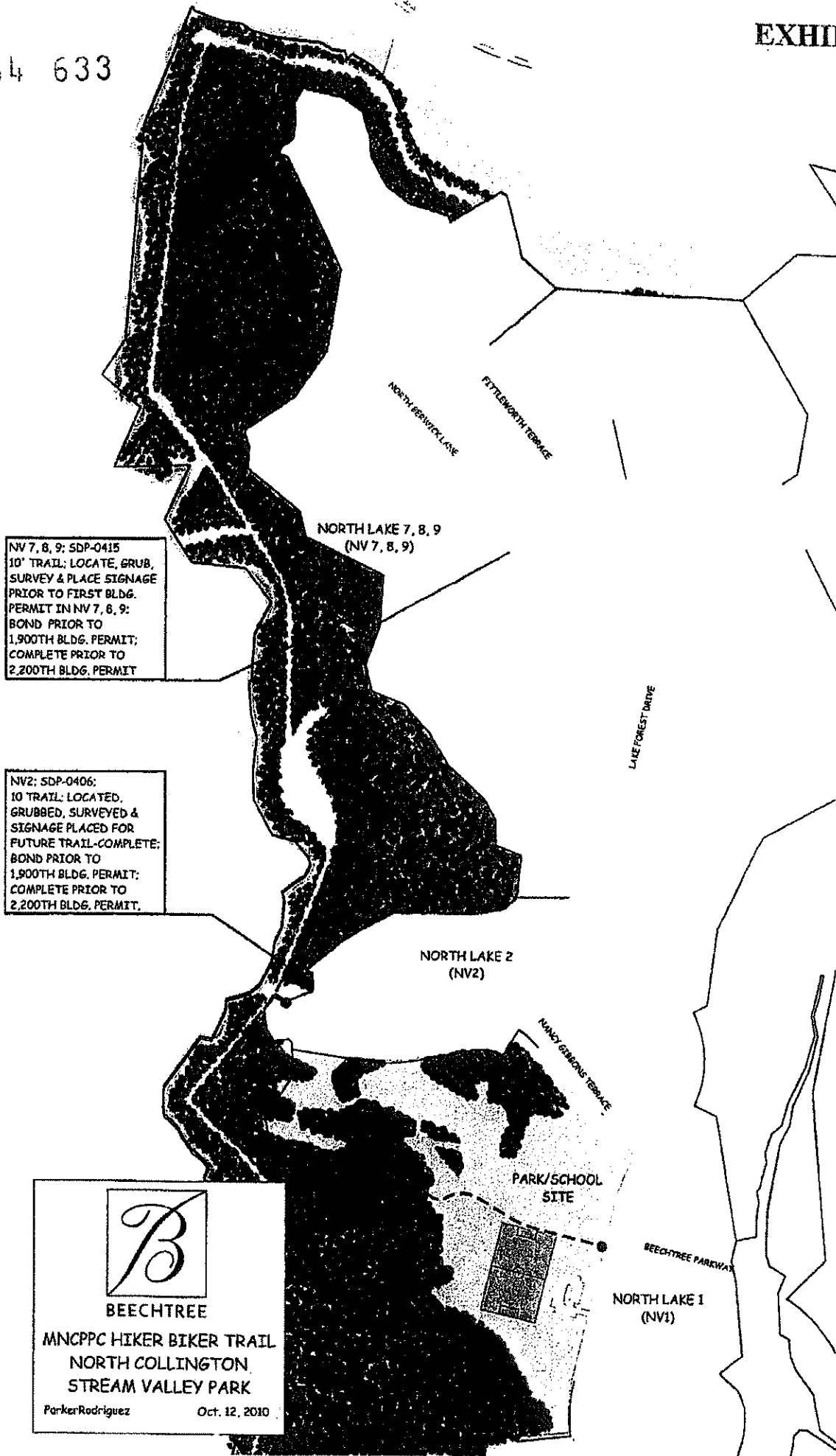
[Handwritten Signature]  
[Signature]  
Notary Public

My Commission Expires: 8/9/14

After recordation return to:


The Maryland-National Capital Park and Planning Commission  
Department of Parks and Recreation  
Park Planning and Development Division  
6600 Kenilworth Avenue  
Riverdale, Maryland 20737  
ATTN: Helen Asan

32964 633



NV 7, 8, 9: SDP-0415  
 10' TRAIL; LOCATE, GRUB,  
 SURVEY & PLACE SIGNAGE  
 PRIOR TO FIRST BLDG.  
 PERMIT IN NV 7, 8, 9:  
 BOND PRIOR TO  
 1,900TH BLDG. PERMIT;  
 COMPLETE PRIOR TO  
 2,200TH BLDG. PERMIT

NV2: SDP-0406:  
 10' TRAIL; LOCATED,  
 GRUBBED, SURVEYED &  
 SIGNAGE PLACED FOR  
 FUTURE TRAIL-COMPLETE:  
 BOND PRIOR TO  
 1,900TH BLDG. PERMIT;  
 COMPLETE PRIOR TO  
 2,200TH BLDG. PERMIT.

  
**BEECHTREE**  
 MNCPPC HIKER BIKER TRAIL  
 NORTH COLLINGTON  
 STREAM VALLEY PARK  
 ParkerRodriguez      Oct. 12, 2010

32964 634

NV1; SDP-0406  
10' TRAIL, 30' ESMNT;  
COMPLETE IN NV1

NV1; SDP-0406  
10' TRAIL, 50' ESMNT;  
COMPLETE IN NV1

WV5; SDP-0617  
10' TRAIL, 50' ESMNT;  
BOND AT FIRST BLDG.  
PERMIT IN WV5,  
COMPLETE PRIOR TO  
1,400TH BLDG. PERMIT

WV1; SDP-0512  
10' TRAIL, 50' ESMNT;  
BOND AT FIRST BLDG.  
PERMIT IN WV1,  
COMPLETE PRIOR TO  
1,400TH BLDG. PERMIT

WV1; SDP-0512;  
10' TRAIL, 30' ESMNT;  
BOND AT FIRST BLDG.  
PERMIT IN WV1,  
COMPLETE PRIOR TO  
1,400TH BLDG. PERMIT

NORTH LAKE 1  
(NV1)

WEST LAKE 5  
(WV5)

WEST LAKE 1  
(WV1)

WEST LAKE 3  
(WV3)

COLLINGTON STREAM VALLEY PARK

LAKE  
PRESIDENTIAL

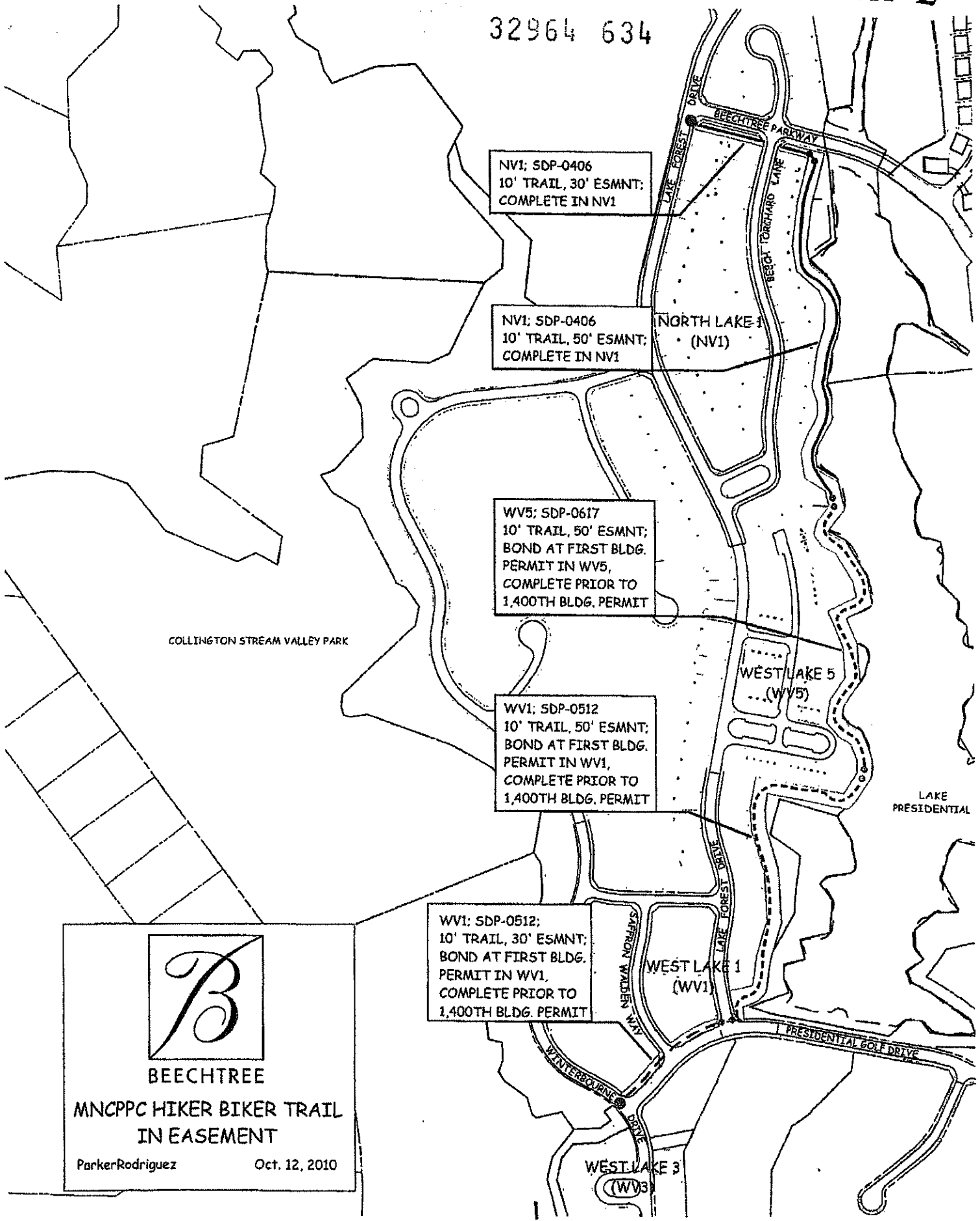


BEECHTREE

MNCPPC HIKER BIKER TRAIL  
IN EASEMENT

ParkerRodriguez

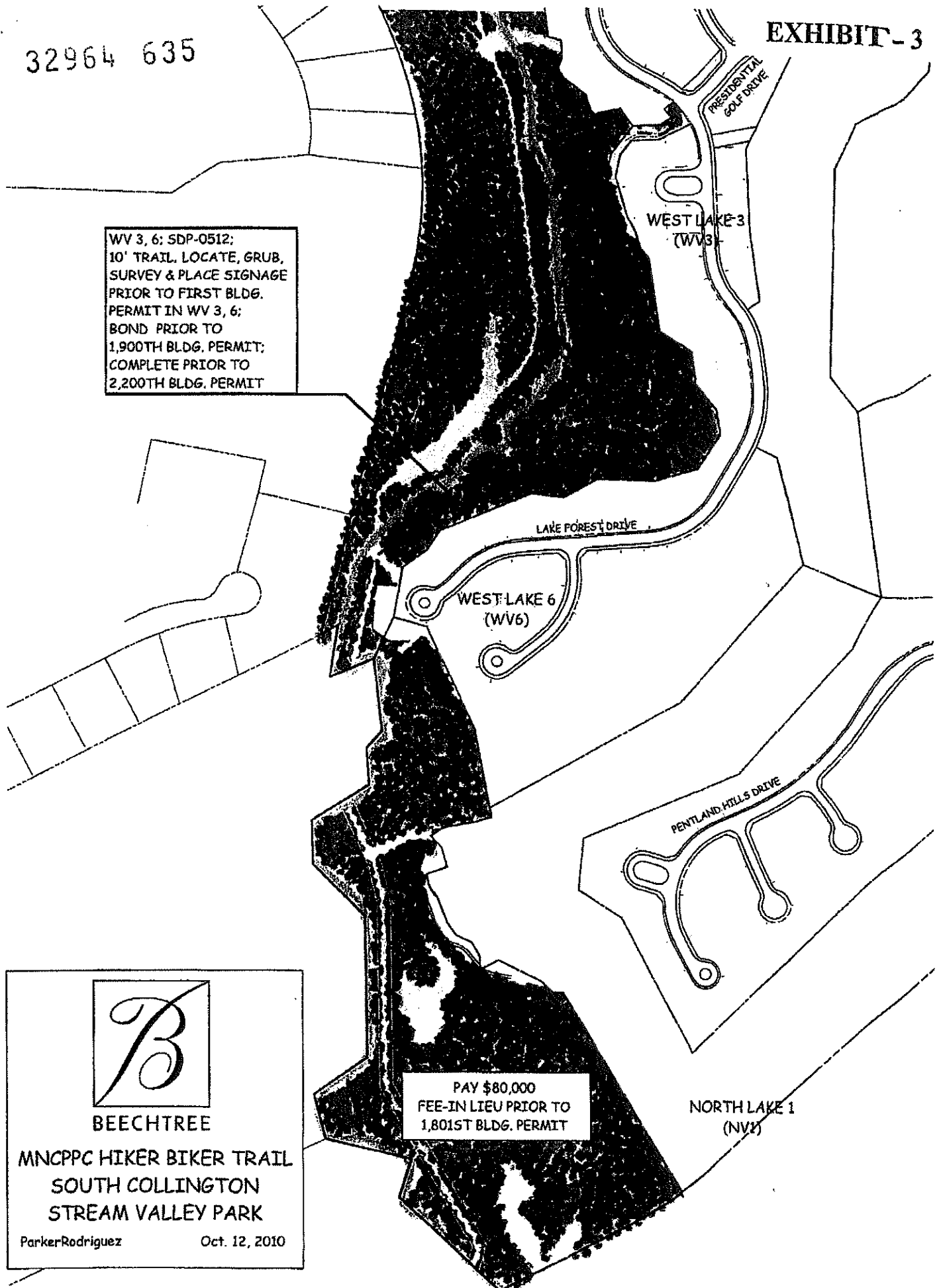
Oct. 12, 2010



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EXHIBIT-3

WV 3, 6: SDP-0512;  
 10' TRAIL, LOCATE, GRUB,  
 SURVEY & PLACE SIGNAGE  
 PRIOR TO FIRST BLDG.  
 PERMIT IN WV 3, 6;  
 BOND PRIOR TO  
 1,900TH BLDG. PERMIT;  
 COMPLETE PRIOR TO  
 2,200TH BLDG. PERMIT




WEST LAKE 3 (WV3)

WEST LAKE 6 (WV6)

NORTH LAKE 1 (NV1)

PAY \$80,000  
 FEE-IN LIEU PRIOR TO  
 1,801ST BLDG. PERMIT

  
**BEECHTREE**  
 MNCPPC HIKER BIKER TRAIL  
 SOUTH COLLINGTON  
 STREAM VALLEY PARK  
 ParkerRodriguez Oct. 12, 2010



2000 FEB -3 A 9 U

CLERK OF THE  
CIRCUIT COURT

**MASTER PRIVATE RECREATION FACILITIES AGREEMENT**

**Beech Tree**

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THIS AGREEMENT made this 31 day of December, 1999, by and between THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION (hereinafter the "Commission"), a public body corporate of the State of Maryland, and V.O. B. Limited Partnership (hereafter "Developer"), with it principal offices located at 8133 Leesburg Pike, Suite 300, Vienna, Virginia 22182.

WHEREAS, the Commission is a public body corporate created by the State of Maryland and authorized by Article 28 of the Annotated Code of Maryland, to maintain and operate a park system within the Metropolitan District; and

WHEREAS, the Commission has delegated authority over the operation of parks and recreation in Prince George's County to the Prince George's County Planning Board (hereinafter the "Planning Board"); and

WHEREAS, the Planning Board is charged by Article 28 of the Annotated Code of Maryland, with the authority to approve subdivision plats for recordation in the designated sections of the Maryland-Washington Regional District located in Prince George's County; and

WHEREAS, Section 24-135 of the Subdivision Regulations of the Prince George's County Code provides that, in conjunction with certain types of development, recreation facilities which equal or exceed the requirements for mandatory dedication may be provided by a subdivision applicant to satisfy the mandatory dedication requirements of the Prince George's County Subdivision Regulations; and

WHEREAS, the Developer is the current owner of certain property which is the subject of a Comprehensive Design Plan (CDP-9706) approved by the County Council, sitting as the District Council, on July 14, 1998. Said property being the same land conveyed to Developer by Substitute Trustees Deed from James M. Greenan and Christopher L. Hamlin, substitute Trustees, dated September 14, 1994, and recorded among the Land Records of Prince George's County, Maryland, at Liber 9791, folio 518, and Substitute Trustees Deed from James M. Greenan and Christopher L. Hamlin, substitute Trustees, dated December 31, 1997, and recorded among the Land Records of Prince George's County, Maryland, at Liber 11913, folio 472, comprising approximately 323.63 acres of land, being in the 3<sup>rd</sup> Election District, Prince George's County, Maryland; and

WHEREAS, the Developer has proposed to provide recreation facilities to satisfy the requirements of Comprehensive Design Plan (CDP-9706), and

IMP FD SURE \$	2.00
RECORDING FEE	25.00
TOTAL	27.00
Rest F086	Rest # 58306
VJ LNS	Dir \$ 798
Feb 03, 2000	09:40 am

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WHEREAS, the Commission has accepted the Developer's proposal.

NOW, THEREFORE, in consideration of the acceptance by the Commission of the Developer's offer to provide private recreation facilities, the mutual promises and obligations contained herein, and for other good and valuable consideration which is hereby acknowledged, the parties hereto have agreed to the following provisions:

1. **Recreation Facilities.** The Developer shall construct on that portion of the property being subdivided, in accordance with the approved Comprehensive Design Plan (CDP-9706), the recreation facilities approved by the Prince George's County Planning Board as specified below:

(a) The recreation facilities to be constructed by the Developer are as follows:

1. Golf Course
2. Equestrian Center
3. Main Community Building
4. Swimming Pool Adjacent to Main Community Building
5. Six (6) Tennis Courts Adjacent to Main Community Building
6. 8-foot-wide Asphalt Trail System (not on public park land)
7. Lake View Park

(b) Construction and bonding of the recreation facilities listed in subparagraph (a), above, shall be completed as follows:

FACILITY	BOND	FINISH CONSTRUCTION
Golf Course	N/A	Complete by 600 <sup>th</sup> building permit
Equestrian Center	N/A	Complete by 2,000 <sup>th</sup> building permit
Main Community Building	Prior to 600 <sup>th</sup> building permit	Complete by 1,000 <sup>th</sup> building permit
Swimming Pool Adjacent to Main Community Building	Prior to 600 <sup>th</sup> building permit	Complete by 1,000 <sup>th</sup> building permit
Six (6) Tennis Courts Adjacent to Main Community Building	Prior to 600 <sup>th</sup> building permit	Complete by 1,000 <sup>th</sup> building permit
8-foot-wide Asphalt Trail System (not on public park land)	Prior to 800 <sup>th</sup> building permit	Complete by 2,200 <sup>th</sup> building permit
Lake View Park	Prior to 600 <sup>th</sup> building permit	Complete by 1,200 <sup>th</sup> building permit

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The applicant shall comply with the recreation phasing triggers in accordance with Condition Number 24 of the District Council Order, dated July 14, 1998, for CDP-9706, or any revision to, or reconsideration thereof which is herein incorporated by reference.

## 2. Performance Bonds for Private Recreation Facilities.

(a) To guarantee the prompt and satisfactory construction of the recreation facilities set forth in paragraph 1, above, the Developer or its successors and assigns shall deliver to the Planning Department, prior to the application for the applicable building permits as indicated herein, an irrevocable performance bond (i.e., surety bond, letter of credit or other suitable financial guarantee). The amount of the performance bond shall be determined by the Planning Department. The Developer shall request in writing from the Planning Department, a determination as to the amount of the required performance bond not less than two weeks prior to filing an application for building permits.

(b) The performance bond shall run to the benefit of the Commission and not be conditional. It is agreed by the parties hereto that the Commission shall use the performance bond if it finds that the Developer has failed to satisfactorily construct the recreation facilities as required by this Agreement, and in accordance with the plans filed with the Commission. The Commission's decision as to the satisfaction of the construction or completion of the facilities shall be binding on all parties. All recreation facilities shall be constructed in accordance with the standards in the Parks and Recreation Facilities Guidelines, the manufacturer's specifications and the guidelines in the latest edition of the Handbook for Public Playground Safety published by the Consumer Products Safety Commission, American Society of Testing and Materials (ASTM) standards, and the American with Disabilities Act (ADA).

(c) In the event that the Performance Bond is used by the Commission for the failure to satisfactorily complete construction of any recreation facilities, the Commission shall not incur any liability for the construction or completion of said recreation facilities.

(d) At such time that the Commission determines the recreation facilities have been completed, and the Developer has executed a Recreation Facility Certification, the Performance Bond or any remainder thereof shall be returned to the Developer.

(e) If the construction of the recreation facilities specified in Paragraph 1, above, is not completed within five (5) years from the date the performance bond was issued, the Commission reserves the right to re-evaluate the amount of the performance bond and to require that the Developer post an additional bond amount.

(f) Definition: For purposes of this Agreement, "performance bond" shall mean surety bond, letter of credit, escrow agreement or other suitable financial guarantee as determined by the Commission's Office of the General Counsel.

3. **Non-discrimination.** The Developer shall not discriminate against any employee or applicant for employment due to age, sex, race, creed, color, national origin or disability.

13614 687

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be properly executed on the day and year first written above.

SEAL/WITNESS:

V.O.B. LIMITED PARTNERSHIP

*[Signature]*  
\_\_\_\_\_

Name:  
Title:

*[Signature]*  
\_\_\_\_\_

ATTEST:

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

*[Signature]*  
\_\_\_\_\_

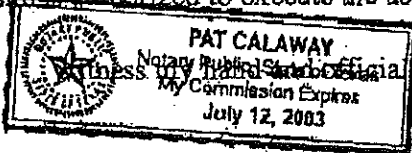
*[Signature]*  
\_\_\_\_\_

Secretary-Treasurer

Trudye Morgan Johnson  
Executive Director

STATE OF MARYLAND TEXAS :  
COUNTY OF PRINCE GEORGE'S : ss  
HARRIS

I HEREBY CERTIFY that before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared BESSAM BRAZI, who acknowledged that he/she is authorized to execute the above Agreement for the reasons and purposes stated therein.



Witness my hand and official seal this 6 day of DEC., 1999

*[Signature]*  
\_\_\_\_\_

Notary Public

My Commission Expires:

STATE OF MARYLAND :  
COUNTY OF PRINCE GEORGE'S : ss

I hereby certify that before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Trudye Morgan Johnson, Executive Director for The Maryland-National Capital Park and Planning Commission, and acknowledged that she is authorized to execute the above Agreement for the reasons and purposes stated therein.

Witness my hand and official seal this 31st day of December, 1999.

*[Signature]*  
\_\_\_\_\_

Notary Public

My Commission expires: 10/12/03

Return to: Cheryl Bressler  
via Inter-office  
4th Floor/M-NCPPC

APPROVED AS TO LEGAL SUFFICIENCY

*[Signature]*  
\_\_\_\_\_

Date 12/14/99