

MEMORANDUM OF LAND RESTRICTIONS FOR DAM OR RESERVOIR

THIS MEMORANDUM made this _____ day of _____, 20____, by _____, (“the Owner”), and the Maryland Department of the Environment, Water Management Administration, (“MDE”);

WITNESSETH, §5-508(b) of the Environment Article, Annotated Code of Maryland, states the following:

- (1) Any term, condition, regulation, or restriction imposed on an appropriation or use of waters of the State or on a reservoir, dam, waterway obstruction, or change in the course, current or cross section of any stream, through a permit issued pursuant to this subtitle, shall be binding on the Owner of the permitted land or facility at the time such permit is issued and on any heirs, successors, or assigns of the Owner's interest in the land or facility.
- (2) As a condition of permit issuance or renewal under this subtitle to construct, reconstruct, change, add to, or repair any dam or reservoir, the Department shall require the Owner of the permitted land or facility to record, in accordance with §§ 3-102 and 3-103 of the Real Property Article, Annotated Code of Maryland, a memorandum prepared by the Department of the terms, conditions, regulations, or restrictions applicable to that land or facility. The recording shall be at the expense of the land Owner.

WHEREAS, the Owner has title to real property located at _____, in the ____ Election District of _____ County, designated in the Tax Records for _____ County as map ____, parcel ____, plat ____, and being that same property acquired by the Owner by deed dated _____, and recorded in the Land Records for _____ County, Maryland, at Liber ____, Folio ____.

WHEREAS, MDE has issued a waterway construction permit to the Owner, which document is expressly incorporated by reference herein, and designated as Waterway Construction Permit No. _____ effective on _____ to construct the _____ on the above described property.

Clerk of the Court:
After recording, please return to
Division Chief
MDE Dam Safety Division
1800 Washington Blvd #440
Baltimore MD 21230

The Owner hereby agrees to abide by the following conditions:

1. The Owner shall comply with §§5-501 through 5-516 of the Environment Article, Annotated Code of Maryland, and as amended from time to time.

2. The Owner shall comply with COMAR 26.17.04.01 through 26.17.04.13, and as amended from time to time.

3. The Owner shall comply with all terms, conditions, and restrictions applicable to the above-described property as contained in or attached to Permit No. _____, as amended or modified from time to time.

4. The Owner acknowledges that any heirs, successors, or assigns of the Owner's interest in the above-described property or facility are bound by conditions 1, 2, and 3 above, in accordance with §5-508(b) of the Environment Article, Annotated Code of Maryland.

5. The Owner shall allow MDE to record this Memorandum at the Owner's expense in accordance with §§3-102 and 3-103 of the Real Property Article, Annotated Code of Maryland, and as amended from time to time, in the Land Records for _____ County as a condition of Permit No. _____ or the renewal of Permit No. _____.

6. The MDE, or its successor, shall maintain a permanent copy of Waterway Construction Permit No. _____ at the offices of the Water Management Administration, 1800 Washington Boulevard, Baltimore, Maryland 21230.

This Memorandum is not based upon monetary consideration.

IN WITNESS WHEREOF the undersigned set their hands and seals this ___ day of _____, 20__.

Witness

BY _____(SEAL)
Owner (Type name here:)

Witness

BY _____(SEAL)
Owner (Type name here:)

STATE OF MARYLAND, COUNTY OF _____

Before me, the undersigned, a notary public for the State and County aforesaid, personally appeared _____, on this ___ day of _____, 20__, who made oath in due form of law that the matters contained in the foregoing Memorandum are true to the best of his/her their information, knowledge, and belief.

My Commission Expires _____

Notary Public

I certify that I am licensed to practice law in the State of Maryland and that I reviewed this document for form and legal sufficiency.

I have reviewed this document

Stephanie Cobb Williams
Assistant Attorney General

Date

Dam Safety Division Staff Engineer

Date

**Instructions for filling out the
Memorandum of Land Restrictions for Dam or Reservoir**

Please Read Carefully

The Memorandum of Land Restrictions for Dam or Reservoir is a legal document prepared by MDE Dam Safety and *may not be retyped or altered by the permittee in any way.*

Line 2: Complete the date that this document is completed.

Line 3: “Owner” is the owner of the real property or title holder. (Individual, individuals, corporations, or other entity that holds title to the particular property that the dam will be constructed on). ***All owners of property must sign.*** In addition to the per page fee, there is a small fee for each signature to have the memorandum of land restrictions recorded. Please check with the Clerk of the Court for your county to determine the correct amount. If two owners, they both must sign. If a joint venture, all parties must sign. If a power of attorney has been appointed, we must have verification of this. If you are a president or vice president of a corporation or association you must sign your name and title as well as type it.

Line 17-21: Complete property description by inserting street address or property address (if one exists), election district, county tax map, parcel number, plat; date of the recordation of the deed and the liber and folio where the deed is recorded in the county land records.

Line 24: Effective date: To be inserted by the Department of the Environment when Permit is issued.

Page 2 Line 15: Insert the date the document was signed.

Page 2 Line 16 and 17 (and 18 and 19 if needed): Owners signature. The owner or owner’s legal representative who has authority to bind corporation or other business entity. Print or type owners name; and title if owned by corporation or other business entity beneath signature. All signatures must be made in presence of notary public.

Page 2. Witness(es) must also sign in presence of notary public

Page 2 Lines 20, 22 and 25: To be completed by the Notary Public.

This document must completed, notarized, and returned to MDE along with a check made out to the clerk of the court before the permit can be issued. If this document is not filled out correctly it will be returned to the permittee and slow down the permit process.

If you have any questions please call Ms. Stephanie Cobb Williams, Assistant Attorney General for MDE at (410) 537-3040.