

**BALTIMORE COUNTY, MARYLAND  
LOCAL OPEN SPACE (LOS) FEE INSTALLMENT AGREEMENT**

**THIS LOS FEE INSTALLMENT AGREEMENT**, (the “Agreement”), **Waiver NO.** \_\_\_\_\_, made this \_\_\_ day of \_\_\_\_\_, 201\_, by and between BALTIMORE COUNTY, MARYLAND, a body corporate and politic of the State of Maryland (the “County”) and \_\_\_\_\_, a \_\_\_\_\_ (the “Applicant”).

WITNESSETH:

WHEREAS, the Applicant wishes to record a Record Plat pursuant to the Development Plan or Amended Development Plan which was approved on \_\_\_\_\_, and

WHEREAS, the County has enacted a Local Open Space Manual which requires that developers provide a certain amount of local open space, and further establishes procedures for payment of a *fee* in lieu of local open space; and

WHEREAS, on \_\_\_\_\_, 201\_, the Applicant requested a waiver for a reduction of some or all of the required Local Open Space fee requirements, which said waiver, No. \_\_\_\_\_ was granted by the County on \_\_\_\_\_, 201\_, provided the Applicant pay to the County a LOS fee in the amount of \_\_\_\_\_ Dollars (\$\_\_\_\_\_ ) (the “LOS fee”); See Exhibit “A”, attached hereto and incorporated herein; and

WHEREAS, the Applicant has demonstrated, to the satisfaction of the Director of Permits, Approvals and Inspections (the “Director”), that a financial hardship exists, and that paying the full LOS fee at the present time is not fiscally prudent, and has requested permission to provide to the County an Irrevocable Letter of Credit in the amount of \_\_\_\_\_ Dollars (\$\_\_\_\_\_ ) (the “ILC”); and

WHEREAS, the County is willing to accept the ILC upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the premises and the rights and obligations of the parties hereto, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The foregoing recitals are incorporated herein as part of this Agreement.
2. The Applicant shall furnish the County with the ILC in a form approved by the Office of Law and the Office of Budget and Finance

3. Prior to the issuance of the Building Permit, the Applicant shall provide to the County payment as set forth on the attached Exhibit "B," which is made a part herein. The Applicant shall make payments of a portion of the LOS fee on a pro-rata basis established by the total amount of LOS Waiver Fee to be paid divided by the number of new lots on the Development Plan. The payments shall be made prior to issuance by the Department of Permits, Approvals and Inspections of a Building Permit.
4. The Applicant may apply for a reduction of the ILC in accordance with this Agreement when:
  - a.) The County has determined that 50% of the required LOS fee has been paid.
  - b.) A second reduction may be applied for when 75% of the required LOS fee has been paid.

When 100% of the required LOS fee has been paid, the County will release and return the ILC to the financial institution. The LOS fee shall be paid in full no later than *forty-eight (48)* months after the date of the recordation of the Plat. If any payment remains due at such time, the County shall have the right to draw upon the ILC.

This Agreement shall be given effect and shall be governed by and construed in all respects in accordance with the laws of the State of Maryland.

AS WITNESS, the hands and seals of the parties hereto.

WITNESS:

APPLICANT

(Type name of company or partnership above signature line)

\_\_\_\_\_

\_\_\_\_\_ (SEAL)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

[Signatures continued on next page]

WITNESS:

BALTIMORE COUNTY, MARYLAND

\_\_\_\_\_

By: \_\_\_\_\_

Fred Homan  
Administrative Officer

Date: \_\_\_\_\_

**Recommended for Approval By:**

**Recommended for Approval By:**

\_\_\_\_\_  
Arnold Jablon,  
Deputy Administrative Officer  
Director, Department of Permits  
Approvals and Inspections

\_\_\_\_\_  
Office of Budget and Finance

**APPROVED FOR LEGAL FORM AND SUFFICIENCY\***

(Subject to Execution by A Duly Authorized County  
Administrative Official and County Council, if Indicated)

\_\_\_\_\_  
**OFFICE OF THE COUNTY ATTORNEY**

\*Approval of Legal Form and Sufficiency Does Not Convey.  
Approval or Disapproval of Substantive Nature of Transaction.  
Approval is Based Upon Typeset Document.  
All Modifications Require Re-Approval.

EXHIBIT "A"

(LOS FEE WAIVER APPROVAL LETTER

Staple a copy of the approval letter to this page

EXHIBIT "B"

PROJECT NAME \_\_\_\_\_

LOS WAIVER FEE NUMBER \_\_\_\_\_

Number of lots per approved development plan \_\_\_\_\_

Amount of Fee in lieu required:       \$ \_\_\_\_\_

Amount due per lot:                       \$ \_\_\_\_\_