

ATTACHMENT 1

First Amendment to Agreement

This First Amendment to that Agreement entered by and between 17902 Georgia Avenue Limited Partnership (hereinafter "GALP") and the Montgomery County Planning Board of the Maryland – National Capital Park and Planning Commission (hereinafter the "Planning Board"), which agreement was entered on November 25, 1988;

Whereas, GALP is the owner in fee simple of "Parcel B, Block D, Olney, James N. Barnsley's Addition" ("Property"), also known as 17902 Georgia Avenue, Olney, Maryland 20832, subject to easements, rights-of-way, covenants and restrictions of record; and,

Whereas, subdivision of the Property required a review by the Planning Board of the adequacy of the public facilities available to serve the property; and,

Whereas, in order to pass the adequate public facilities review, the size, use and operation of improvements to the property was restricted; and,

Whereas, GALP and the Planning Board agreed that the Property could be subdivided provided the necessary restrictions were contained in an agreement which bound GALP, its successors and assigns, which Agreement was noted on the record plat for the Property; and,

Whereas, by the execution of the Agreement, GALP created restrictions on the Property necessary to meet the conditions of subdivision approval.

Now, Therefore, in consideration of the mutual promises and stipulations set forth herein, other goods and valuable consideration, receipt of which is hereby acknowledged, and in accordance with the approval of the subdivision of the Property and of the promises and covenants contained herein, the parties, their successors and assigns, hereby covenant and agree as follows:

1. The recitals set forth above are hereby incorporated herein by reference and made a part hereof.
2. Item 2 of the Agreement dated November 25, 1998, is hereby deleted in its entirety and replaced by a new Item 2 to read as follows

Development and use of the Property are restricted to 5600 square feet of general office use which use shall generate fewer than 50 peak hour trips of traffic generation, as specified by the conditions of the Planning Board in Preliminary Plan No. 1-88137.

Each and every other provision of the agreement dated November 25, 1988, not specifically and expressly modified herein shall remain in full force and effect.

IN WITNESS WHEREOF, this instrument has been executed by 17902 Georgia Avenue Limited Partnership and the Planning Board on the day and year hereinbefore written.

ATTEST:

17902 Georgia Avenue Limited Partnership

By: _____

Name: _____

Montgomery County Planning Board
