

FIRST AMENDMENT TO WATER SERVICE AREA AGREEMENT

This First Amendment to Water Service Area Agreement, made and entered into this 25th day of November, 2003, by and between the Board of County Commissioners of Frederick County, a body politic and corporate of the State of Maryland (hereinafter the "County") and the Town of New Market, Maryland, a body politic and corporate of the State of Maryland (hereinafter the "Town").

WITNESSETH

WHEREAS, the County and the Town entered into a Water Service Area Agreement ("WSAA") dated April 29, 2003, which among other items, provided that the "Water and sewer taps for Royal Oaks and Marley Gate listed in the Allocation Schedule must be secured by separate Multi Year Tap Agreements with the County, unless such taps have already been purchased outright;" and

WHEREAS, the WSAA contemplated execution of the Multi Year Tap Agreements ("MYTA") prior to recordation of any lots on the subject property, "but not later than December 1, 2003;" and

WHEREAS, the parties desire to extend the time within which the MYTAs for both water and sewer taps may be executed;

NOW THEREFORE, the parties agree as follows:

1. The recitals set forth above are incorporated herein by reference as if fully set forth.
2. The parties hereby amend footnote #2 on page 4 of the WSAA to read as follows:

² Multi Year Tap Agreements for Royal Oaks and Marley Gate must be executed before any lots on the subject properties are recorded, but not later than February 6, 2004, after which time the taps identified in the Allocation Schedule will be returned to the County's water and sewer tap allocation pool.
3. All other provisions of the WSAA remain unchanged.

Witness the execution of this First Amendment to Water Service Area Agreement, as of the day and year first above written.

WITNESS/ATTEST:

Loyle M. Grossnickle
WK 11/25/03 11-25-03

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND

By: John L. Thompson, Jr. (SEAL)
John L. Thompson, Jr., President

TOWN OF NEW MARKET, Maryland

By: Winslow Burhans (SEAL)
Winslow Burhans, Mayor

Patricia A. Mann
Town Attorney 12/24/03