

ORDINANCE NO. ORD-2017-05

**AN ORDINANCE TO APPROVE THE PURCHASE OF A CONSERVATION
EASEMENT UNDER THE MARYLAND RURAL LEGACY PROGRAM
(Re: Burns RLP Conservation Easement)**

RECITALS

1. The Maryland Rural Legacy Program ("RLP") provides the funding necessary to protect large, contiguous tracts of land and other strategic areas from sprawl development and to enhance natural resource, agricultural, forestry and environmental protection through cooperative efforts among State and local governments.

2. Protection is provided through the acquisition of easements and fee estates from willing landowners and the supporting activities of Rural Legacy Sponsors and local governments.

3. For FY 2017, Washington County (the "County") was awarded a RLP grant totaling \$946,000.00 dollars (the "RLP Funds").

4. James A. Burns, Angela S. Burns, and Mary Michelle McQuaid (collectively, the "Property Owner") is the fee simple owner of real property consisting of 91.75 acres, more or less, (the "Property") in Washington County, Maryland. The Property is more particularly described on Exhibit A attached hereto.

5. The County has agreed to pay the sum of approximately THREE HUNDRED THIRTY THOUSAND FOUR HUNDRED EIGHTY-NINE DOLLARS AND TWELVE CENTS (\$330,489.12), which is a portion of the RLP Funds, to the Property Owner for a Deed of Conservation Easement on the Property (the "Burns RLP Conservation Easement").

THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Washington County, Maryland that the purchase of a conservation easement on the Property be approved and that the President of the Board and the County Clerk be and are hereby authorized and directed to execute and attest, respectively, all such documents for and on behalf of the County relating to the purchase of the Burns RLP Conservation Easement.

ADOPTED this 11th day of April, 2017.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Vicki C. Lumm
Vicki C. Lumm, Clerk

BY: Terry L. Baker
Terry L. Baker, President

Approved as to legal sufficiency:

A handwritten signature in black ink, appearing to read 'J.M.M.', written over a horizontal line.

John M. Martirano
County Attorney

Mail to:

Office of the County Attorney
100 W. Washington Street, Suite 1101
Hagerstown, MD 21740

EXHIBIT A - DESCRIPTION OF PROPERTY

All that tract, lot, or parcel of land, and all the rights, ways, privileges and appurtenances thereunto belonging or in anywise appertaining, situate on and along the Hagerstown-Sharpsburg Turnpike, in Election District No. 12, Washington County, Maryland, and being more particularly described as follows:

BEING all that farm or tract of land situate near Jones' Cross Roads, and being part of a tract of land called "Saint John," part of a tract called "Perrins Adventure" and part of a tract called "Holmes' Lookout" or by whatever name or names the same may be known all lying contiguous, and BEGINNING for the outlines thereof at a planted stone, it being the beginning of a Deed from Samuel Welty and Lewis Johnson to John H. Moats dated April 1, 1851 and recorded in Liber I.N. No. 5, Folio 785 among the Land Records of Washington County, Maryland, it being also the beginning of a Deed from Thomas Maddox to John Moats dated May 14, 1856 and recorded in Liber I.N. No. 12, Folio 145 among the aforesaid Land Records; and running thence with the last mentioned Deed reversed two lines 75 ½ degrees East 5 4/10 perches to a stone standing in the West margin of the Hagerstown and Sharpsburg Turnpike; and running along the West margin of said turnpike North 10 ½ degrees East 43 perches; North 8 ¼ degrees East 16 perches; North 5 degrees East 51 ¾ perches; North 4 degrees East 24 9/10 perches to [now or formerly] Jacob Huff's land; and with said land North 89 degrees West 43 3/10 perches to a stone; South 2 ¾ degrees West 31 perches to a stone; North 84 degrees West 53 ¼ perches; South 76 degrees West 30 ¾ perches to a stone; then with the outlines of the first mentioned Deed North 41 ½ degrees West 61 9/10 perches; South ¾ degrees West 48 ½ perches to a stone on the division line of a tract of land called "All in One" conveyed by Samuel Gilbert to Henry Welty by Deed dated April 4, 1818; and thence with said division line the six following courses to-wit: South 60 degrees East 19 perches; South 48 degrees East 16 perches; South 49 degrees East 29 perches; South 52 degrees East 16 perches; South 59 degrees East 44 ¼ perches; South 16 degrees 11 perches to the end of the closing line of the aforesaid tract called "Saint John;" thence with it by a straight line to the point of beginning; containing ninety-three (93) acres, one (1) rood and six (6) perches of land., more or less; the street address of which is currently known and designated as 8428 Sharpsburg Pike, Fairplay, Maryland.

SAVING AND EXCEPTING THEREFROM that parcel of land which was conveyed from Council P. Burns, et al, to the State of Maryland State Roads Commission by Deed and Release dated January 8, 1951 and recorded in Liber 260, Folio 311 among the Land Records of Washington County, Maryland.

BEING all of the same property which was conveyed from James A. Burns, Mary Rosina Saitta, and Mary Michelle McQuaid, to James A. Burns and Angela S. Neal, a two-thirds interest, and Mary Michelle McQuaid, a one-third interest, by deed dated August 31, 2015 and recorded in Liber 5074, folio 330 among the Land Records of Washington County, Maryland.