

ORDINANCE NO. ORD-2018-08

**AN ORDINANCE TO APPROVE THE PURCHASE OF A CONSERVATION  
EASEMENT UNDER THE MARYLAND RURAL LEGACY PROGRAM  
(Re: Coulter 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 2018, Washington County (the "County") was awarded a RLP grant totaling \$1,359,000 (the "RLP Funds").
4. Dwayne Eugene Coulter (the "Property Owner") is the fee simple owner of real property consisting of 78.89 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 TWO HUNDRED SEVENTY-TWO THOUSAND, SIX HUNDRED FIFTEEN DOLLARS AND NO CENTS (\$272,615.00), which is a portion of the RLP Funds, to the Property Owner for a Deed of Conservation Easement on the Property (the "Coulter 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 Coulter RLP Conservation Easement.

ADOPTED this 10<sup>th</sup> day of April, 2018.

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:



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 those lots, parcels or tracts of land, and all the rights, ways, privileges and appurtenances thereunto belonging or in anywise appertaining, situate in Election District No. 8, Washington County, Maryland, and being more particularly described as follows:

### TRACT ONE:

Parcel No. 1: Being part of the tract of land called "Park Hall" and part of a tract called "Foxes Den" beginning to include both parts of a stone planted at the end of the first or South eighteen (18) degrees West forty (40) perch line of the Deed from Jesse Reeder to Francis Reeder for six acres bearing date on the 2<sup>nd</sup> day of October 1815, and running thence South eighty-two (82) degrees East twenty-nine (29) perches to a pile of stones, South eight and one-half ( $8\frac{1}{2}$ ) degrees East twenty-two and seven-tenths (22.7) perches to a stone planted at or near the end of the 12<sup>th</sup> line of "Foxes Den"; thence along the division fence between the lands hereby conveyed and the lands now or formerly belonging to Hiram Reeder South thirty-eight (38) degrees West twenty-one and two-tenths (21.2) perches to a marked locust tree agreed upon by Jacob E. Smith and Philip Brown as a corner; thence as a division line between the lands hereby conveyed and the lands now or formerly belonging to Jacob E. Smith North eighty-two and one-half ( $82\frac{1}{2}$ ) degrees West thirty-one and three-tenths (31.3) perches to a stone pile at the end of eight (8) perches in the South ten (10) degrees West eight (80) perch line of "Foxes Den"; thence South ten (10) degrees West eighteen (18) perches to a stone pile, a corner of the land now or formerly belonging to Jacob E. Smith; thence North seventy-seven and one-half ( $77\frac{1}{2}$ ) degrees West twenty-six and three-tenths (26.3) perches to a stone, North seventy-seven and one-half ( $77\frac{1}{2}$ ) degrees West forty-nine (49) perches to a stone, North twenty (20) degrees East forty-seven and two-tenths (47.2) perches to a stone, North seventy-seven and one-half ( $77\frac{1}{2}$ ) degrees West forty-six and three-fourths ( $46\frac{3}{4}$ ) perches to a stone on the West side of the public road and leading to what is called Locust Group; thence along the West side thereof North twelve and one-half ( $12\frac{1}{2}$ ) degrees West twenty-two and one-fourth ( $22\frac{1}{4}$ ) perches to a stone; thence along said public road North sixty-nine (69) degrees East thirty and one-tenth (30.1) perches to a corner of the lot now or formerly belonging to George Reeder; thence South fifty-five (55) degrees East nine and one-half ( $9\frac{1}{2}$ ) perches to a stone, North nineteen and one-half ( $19\frac{1}{2}$ ) degrees East ten and one-half ( $10\frac{1}{2}$ ) perches into said public road; thence North sixty-nine (69) degrees East twenty-six (26) perches, South seventy-four and one-half ( $74\frac{1}{2}$ ) degrees East nine (9) perches, North seventy-three and one-half ( $73\frac{1}{2}$ ) degrees East eleven (11) perches to a planted stone on the East margin said road; thence leaving said road South seventy-seven (77) degrees East nine (9) perches to a stone, North seventeen and one-half ( $17\frac{1}{2}$ ) degrees East fourteen (14) perches to a stone planted on the North side of the aforesaid road; thence South seventy-seven and one fourth ( $77\frac{1}{4}$ ) degrees East forty-three (43) perches to a stake on the East side of the land leading to Mrs. Francis Reeder's dwelling; thence South fifteen (15) degrees West fifteen and one-tenth (15.1) perches to a stone; thence along said lane South eighteen and one-half ( $18\frac{1}{2}$ ) degrees West to the place of beginning; containing seventy-four and one-fourth ( $74\frac{1}{4}$ ) acres and twenty-seven (27) perches of land, more or less.

Parcel No. 2: Being part of a tract of land called "Strife" and beginning for the tract hereby conveyed at a stone, being the Southwest corner of "Park Hall" School House lot, and running with Locust Grove Public Road to the land now or formerly belonging to G.G. Brane; then South seventy-seven and one-half (77 ½) degrees East about twelve (12) perches to a stake; thence North fourteen (14) degrees East (allowing three (3) degrees to correct the variation of the compass) to the Southeast corner of the said School House lot; thence with a straight line to the place of beginning; containing one (1) acre of land, more or less.

Parcel No. 3: Being a part of a tract of land called "Strife" beginning at a planted stone standing at the end of the 4<sup>th</sup> of South seventeen (17) degrees West twenty-six and six-tenths (26.6) perch line of a Deed from Elias Washington and others to George Reeder, dated May 6, 1854, and running thence with part of the 5<sup>th</sup> line of said Deed North fifty-six and one-fourth (56 ¼) degrees West nine and one-half (9 ½) perches to the middle of the public road leading from Locust Grove to Park Hall; thence along the middle thereof North sixty-seven (67) degrees East twelve and one-half (12 ½) perches to intersect the aforesaid 4<sup>th</sup> line; thence with said 4<sup>th</sup> line South seventeen (17) degrees West ten and eight-tenths (10.8) perches to the place of beginning; containing forty-nine (49) square perches of land, more or less.

**SAVING AND EXCEPTING THEREFROM, the following:**

1. All that parcel of land, recited to contain 3.14 acres, more or less, described and conveyed in a Deed from Richard L. Haynes and Marietta J. Haynes, to Timothy A. Haynes and Patricia K. Haynes, his wife, dated October 1, 1976 and recorded in Liber 623, folio 544, one of the Land Records of Washington County, Maryland.
2. All that parcel of land, recited to contain 3.141 acres, more or less, described and conveyed in a Deed from Richard L. Haynes and Marietta June Haynes to Charles T. Fauble and Cathy A. Fauble, his wife, dated September 27, 1977, and recorded in Liber 645, folio 693, one of the Land Records of Washington County, Maryland.
3. All that parcel of land, recited to contain 3.57 acres, more or less, described and conveyed in a Deed from Richard L. Haynes and Marietta June Haynes to Richard L. Haynes and Marietta June Haynes, his wife, dated June 27, 1984, and recorded in Liber 765, folio 1097, one of the Land Records of Washington County, Maryland.
4. All that parcel of land, recited to contain 3.465 acres, more or less, described and conveyed in a Deed from Richard L. Haynes and Marietta June Haynes to Kevin Leroy Harris and June Lowery Harris, his wife, dated March 12, 1991, and recorded in Liber 986, folio 370, one of the Land Records of Washington County, Maryland.

**TRACT TWO:**

All that tract or parcel of land situate approximately 800 feet East of Locust Grove Road and adjoining the most Southerly property lines of land of Richard L. Haynes as recorded in Liber 356, folio 236, one of the Land Records of Washington County, Maryland, and beginning at an iron pin set at the end of the seventh or North 77 ½ degrees West 49 perches line of a Deed from D. Harold Haynes and Elsie C. Haynes, his wife, to Richard L. Haynes and Marietta June Haynes, his wife, and recorded in Liber 356, folio 236, one of the Land Records of Washington County, Maryland; thence running in a clockwise direction and along the most Southerly lines of the above mentioned Deed and with corrected bearings and distances reflecting the recorded survey, South 72 degrees 33 minutes 12 seconds East 1221.01 feet to a planted stone found; thence along the same North 25 degrees 30 minutes 05 seconds East 136.28 feet to a stone pile found; thence along the same, South 67 degrees 00 minutes 00 seconds East 465.08 feet to an iron pin set in a stone row; thence along lands of Catherine I. Maiorano, South 43 degrees 22 minutes 35 seconds West 308.84 feet to an iron pin set in a stone row; thence South 23 degrees 55 minutes 00 seconds West 109.90 feet to an iron pin set in the stone row; thence with four new lines of division and along lands of D. Harold Haynes, Executors, North 68 degrees 02 minutes 51 seconds West 512.81 feet to an iron pin set; thence South 20 degrees 33 minutes 17 seconds West 209.44 feet to an iron pin set; thence along the Northern side of an existing fence, North 72 degrees 25 minutes 41 seconds West 1236.98 feet to an iron pin set; thence North 41 degrees 31 minutes 00 seconds East 495.50 feet to the place of beginning; containing 16.49 acres of land, more or less.

The street address of the herein described property is currently known and designated as 20727 Park Hall Road, Boonsboro, Maryland.

BEING all of the same property which was conveyed from James G. Cochran and Leslie A. Cochran to Dwayne Eugene Coulter by Deed dated August 25, 2017 and recorded in Liber 5577, folio 84 among the Land Records of Washington County, Maryland.