

ORDINANCE NO. ORD-2018-10

**AN ORDINANCE TO APPROVE THE PURCHASE OF A CONSERVATION
EASEMENT UNDER THE MARYLAND RURAL LEGACY PROGRAM AND UNDER
THE AGRICULTURAL CONSERVATION EASEMENT PROGRAM, A PROGRAM OF
THE NATURAL RESOURCES CONSERVATION SERVICE
(Re: *Benton RLP/ACEP 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. The Agricultural Conservation Easement Program (“ACEP”) provides funding necessary to protect large, contiguous tracts of farmland and grassland areas from sprawl and to enhance local agricultural properties through cooperative efforts among federal, State and local governments.
3. Protection is provided through the acquisition of easements and fee estates from willing landowners and the supporting activities of Rural Legacy Sponsors and local, State, and federal governments.
4. For FY 2018, Washington County was awarded a RLP grant totaling \$1,359,000 (the “RLP Funds”).
5. For FY 2016 through FY 2019, Washington County was awarded an ACEP grant totaling \$760,000 (the “ACEP Funds”).
6. Harry E. Benton, Jr. (the “Property Owner”) is the fee simple owner of real property consisting of 201.5 acres, more or less, (the “Property”) in Washington County, Maryland. The Property is more particularly described on Exhibit A attached hereto.
7. The County has agreed to pay the sum of approximately Six Hundred Forty-Five Thousand, Six Hundred Eighty-Seven Dollars and Fifty Cents (\$645,687.50), which is a portion of both the RLP Funds and the ACEP Funds, to the Property Owner for a Deed of Conservation Easement on the Property (the “Benton RLP/ACEP 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 Benton RLP/ACEP Easement.

ADOPTED this 15th day of May, 2018.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Vicki C. Lunn

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

Approved as to legal sufficiency:

John M. Martirano

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 EASEMENT PROPERTY

All the following real property, situate along the Southwest side of Jordan Road and along the West side of the Norfolk and Western Railroad in Election District No. 12, Washington County, Maryland, and being more particularly described in a description prepared by Joseph H. Seibert, County Surveyor, on or about March 17, 1971, as follows:

BEGINNING at a planted stone at the beginning of the first tract of Parcel No. 1 of the Deed from Gilbert W. Hovermale, Trustee, to Jacob Wilson Corwell, et al, dated April 9, 1969 and recorded in Liber 486, folio 319 among the Land Records of Washington County, Maryland, and running thence with the line of said tract North $12 \frac{1}{4}$ degrees East 59 perches to a stone; thence South $89 \frac{1}{2}$ degrees East 4 perches; thence North 3 degrees East $22 \frac{1}{10}$ perches; thence South 85 degrees East $20 \frac{6}{10}$ perches; thence North $4 \frac{1}{2}$ degrees East 13 perches; thence South $66 \frac{3}{4}$ degrees East $51 \frac{2}{10}$ perches; thence North 17 degrees East $37 \frac{6}{10}$ perches; thence North $61 \frac{3}{4}$ degrees East 5 perches; thence North $38 \frac{1}{4}$ degrees East 29 perches; thence North 27 degrees East 8 perches; thence South $65 \frac{1}{2}$ degrees East $21 \frac{8}{10}$ perches; thence North $24 \frac{1}{2}$ degrees East 13 perches; thence North $27 \frac{1}{2}$ degrees West $6 \frac{6}{10}$ perches; thence North $8 \frac{1}{2}$ degrees East $12 \frac{2}{10}$ perches; thence North $79 \frac{1}{4}$ degrees West $10 \frac{75}{100}$ perches; thence North $27 \frac{1}{2}$ degrees East $70 \frac{4}{10}$ perches to a post in the Southwest margin of the said Jordan Road; thence along the margin thereof South 47 degrees 31 minutes East 471.23 feet to a point; thence South 57 degrees 38 minutes East 944.0 feet to a post; thence South 57 degrees 01 minute East 645.68 feet to a post; and South 78 degrees 26 minutes East 161.92 feet to the West marginal line of the right of way of the Norfolk and Western Railway Company; thence binding on said right of way South 26 degrees 58 minutes West 1542.73 feet to a point; and by a curve to the left having a radius of 1465.69 feet for a distance of 945.32 feet, the chord being South 8 degrees 29 minutes 23 seconds West 929.02 feet to a point; thence leaving the railroad and running South $87 \frac{1}{2}$ degrees West 3812 feet, more or less, to the point of beginning; containing 201.5 acres of land, more or less.

Being all of the same property which was conveyed from Daniel Lee Benton, et al, to Harry E. Benton, Jr, by deed dated May 28, 2015 and recorded in Liber 4980, folio 321 among the Land Records of Washington County, Maryland.