

ORDINANCE NO. ORD-2016-03

**AN ORDINANCE TO APPROVE THE PURCHASE OF A CONSERVATION  
EASEMENT UNDER THE MARYLAND RURAL LEGACY PROGRAM  
(Re: Matheny 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 2015, Washington County (the "County") was awarded RLP grants totaling \$1,445,000.00 (the "RLP Funds").

4. James H. Matheny and Ellen I. Matheny (the "Property Owners") are the fee simple owners of real property consisting of 49.3 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 ONE HUNDRED FORTY-FOUR THOUSAND NINE HUNDRED DOLLARS (\$144,900.00), which is a portion of the RLP Funds, to the Property Owners for a Deed of Conservation Easement on the Property (the "Matheny 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 Matheny RLP Conservation Easement.

ADOPTED this 23<sup>rd</sup> day of February, 2016.

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  
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. 12, Washington County, Maryland, and being the property identified by the State Department of Assessments and Taxation as tax account no. 12-011008, as follows:

**Tract No. 1:** All that tract of parcel of land, situate along the South side of MD Route 63 in Election District No. 12, Washington County, Maryland, and BEGINNING at an iron pipe on the South side of Maryland 63, and being at the end of the fifth (5<sup>th</sup>) or South 06 degrees 09 minutes 03 seconds West 18.50 foot line of a parcel of land conveyed by Dolores Myers Smith, et al, to Jack A. Gertz, et al, by Deed dated December 30, 1977 and recorded in Liber 652, folio 135 among the Land Records of Washington County, Maryland, thence along the South side of said road and with a portion of the sixth (6<sup>th</sup>) line of said Deed North 89 degrees 29 minutes 08 seconds East 536.99 feet to a rebar; thence leaving said road and running back therefrom with three (3) lines of division made South 15 degrees 37 minutes 27 seconds West 2428.30 feet to a rebar; thence North 75 degrees 44 minutes 05 seconds West 594.19 feet to a rebar; thence North 17 degrees 34 minutes 38 seconds East 2294.46 feet to the point of beginning; containing 30.00 acres of land, more or less; and being shown graphically as "Lot 1" on a Plat prepared by and on file among the records of Fox & Associates, Inc., as Drawing No. C-1445, entitled "LOT 1 PARCEL TO BE CONVEYED BY JACK A. GERTZ, et al" recorded at Plat Folio 3015 among the Plat Records of Washington County, Maryland.

Tract No. 1 BEING all of the same property which was conveyed from Dorothy Q. Gertz, et al, to James H. Matheny and Ellen I. Matheny, his wife, by Deed dated April 27, 1990 and recorded in Liber 952, folio 513 among the Land Records of Washington County, Maryland.

**Tract No. 2:** All that tract or parcel of land, situate along the South side of Spielman Road, in Election District No. 12, Washington County, Maryland, and being all of Parcel 'A' on a Plat(s) entitled "Preliminary/Final Plat of Subdivision of Lots 4 & 5 and Simplified Plat of Subdivision of Parcel 'A' for JAMES SHAULL" recorded at Plat Folios 5919-5920 among the aforesaid Plat Records; containing 15.50 acres of land, more or less; which Parcel A was added to and made a part of the existing lands of Matheny, as shown on said Plats.

Tract No. 2 BEING all of the same property which was conveyed from James G. Shaull to James H. Matheny and Ellen I. Matheny, his wife, by Deed dated February 26, 1999 and recorded in Liber 1477, folio 973 among the aforesaid Land Records.

**Tract No. 3:** All that lot or parcel or land, situate along the West side of Fairplay Road, in Election District No. 12, Washington County, Maryland, and being shown and designated as all of Parcel 'A' on a Plat entitled "SIMPLIFIED PLAT OF LANDS OF RICHRD A. MORRIS" recorded at Plat Folio 10093 among the aforesaid Plat Records; containing 10.00 acres of land, more or less; and which Parcel A was added to and made a part of the existing lands of Matheny, as shown on said Plat, and which Plat also depicts the above described Tract Nos. 1 and 2, to which said Parcel A was annexed.

Tract No. 3 BEING all of the same property which was conveyed from Richard A. Morris to James H. Matheny and Ellen I. Matheny, his wife, by Deed dated August 13, 2012 and recorded in Liber 4344, folio 338 among the aforesaid Land Records.