

ORDINANCE NO. ORD-2016-116

AN ORDINANCE TO APPROVE THE PURCHASE OF REAL PROPERTY

(Garis Shop Road Bridge Rehabilitation Project : Property acquisition – 10026 Garis Shop Road, Hagerstown, Washington County, Maryland)


RECITALS

1. The Board of County Commissioners of Washington County, Maryland (the "County") believes that it is in the best interest of the citizens of Washington County to purchase certain real property identified on the attached Schedule A (the "Property") to be used for public purposes.
2. The County approved the purchase of the Property in open session on September 20, 2016.
3. A public hearing was not required by Section 1-301, Code of the Public Local Laws of Washington County, Maryland as the funds utilized to purchase the Property are not to be expended from the General Fund of the County.
4. The purchase of the Property is necessary to allow for bridge rehabilitation and the addition of a parking area and access to the stream that will support the Antietam Water Trail program.


THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Washington County, Maryland that the purchase of 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 Property.

ADOPTED this 20th day of September, 2016.

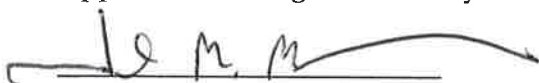
ATTEST:


Vicki C. Lumm, Clerk

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

BY: 
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, Room 202
Hagerstown, MD 21740

SCHEDULE A--DESCRIPTION OF PROPERTY

PROPERTY ACQUISITION NO. 1:

Part of 10026 Garis Shop Road, Hagerstown, Maryland

All that parcel of land consisting of 22,576 square feet or 0.5183 acres of land, more or less, situate along the northerly side of Garis Shop Road approximately two hundred fifty (250) feet easterly of its intersection with Wagaman Road, in Election District No. 10, Washington County, Maryland.

The above parcel of land being part of the property conveyed by deed dated August 21, 1971 from Eston S. Fox and Ethel S. Fox, his wife, to P. Lowell Fox and Sonja J. Fox, his wife, and recorded among the Land Records of Washington County, Maryland, in Liber 529, folio 336.

Garis Shop Rd Stone Arch-W4021 14-178/

Legal Description - Fox to BOCC

Fee Simple Property Transfer

And Temporary Construction Easements

Prepared by Bryan E. Hale, June 20, 2016

Checked by:

Revised by: Bryan Hale, August 17, 2016



(Expiration/Renewal Date: 02-08-2017)

The following description has been personally prepared by, or under the direction of, State of Maryland Property Line Surveyor No. 515 as set forth in the Annotated Code of Maryland (COMAR) Title 09.13.06.08(6)

ELECTION DISTRICT NO. 23

THIS DEED AND DEED OF EASEMENT is made this ____ day of _____, 2016 by and between the **P. LOWELL FOX and SONJA J. FOX, his wife** (hereinafter sometimes referred to as "Grantors") and the **BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, MARYLAND**, a body corporate and politic and a political subdivision of the State of Maryland (hereinafter sometimes referred to as "Grantee")

WITNESSETH: That for and in consideration of the sum of _____ dollars (\$ _____), and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the Grantors do hereby grant and convey, forever in **fee simple**, all right, title and interest, free and clear of all liens and encumbrances, in and to all that lot or parcel of land, together with the improvements thereon, situate in Election District No. 10 of Washington County, Maryland, along northerly side of Garis Shop Road approximately two hundred and fifty (250) feet easterly of its intersection with Wagaman Road, more particularly described as follows:

Beginning for the outline hereof at a 5/8 inch rebar with surveyors cap No. 515 set on the northerly right-of-way line of Garis Shop Road approximately 123 feet from the northwesterly corner of the Rose Mill Stone Arch Bridge No. W4021; thence crossing the Grantors' lands by three (3) new lines of division now made on bearing to agree with MD Grid (NAD 83-91)

1. North 01 degrees 32 minutes 27 seconds East 55.00 feet to a 5/8 inch rebar with surveyors cap No. 515 set, the said rebar having Maryland Grid coordinates of N. 700,693.84, E. 1,112,955.99 as determined from a recent survey performed by KCI Technologies of Sparks, MD;

2. North 54 degrees 27 minutes 30 seconds East 107.80 feet to a 5/8 inch rebar with surveyors cap No. 515 set, the said rebar having Maryland Grid coordinates of N. 700,759.51, E. 1,113,043.70; and
3. North 01 degrees 32 minutes 27 seconds East 75.00 feet to a 5/8 inch rebar with surveyors cap No. 515 set on the westerly bank of Antietam Creek; thence
4. North 80 degrees 43 minutes 04 seconds East 47.93 feet to a point at or near the center of the Creek; thence down the Creek
5. South 18 degrees 30 minutes 00 seconds East 107.51 feet to a point at the ruins of a stone dam; thence down the Creek
6. South 01 degrees 29 minutes 46 seconds West 103.00 feet to a point on said northerly right-of-way line of Garis Shop Road near Rose Mill Stone Arch Bridge; thence with the said right-of-way line
7. North 88 degrees 27 minutes 33 seconds West 170.00 feet to the point of beginning, containing 22,576 square feet or 0.5183 acres, more or less.

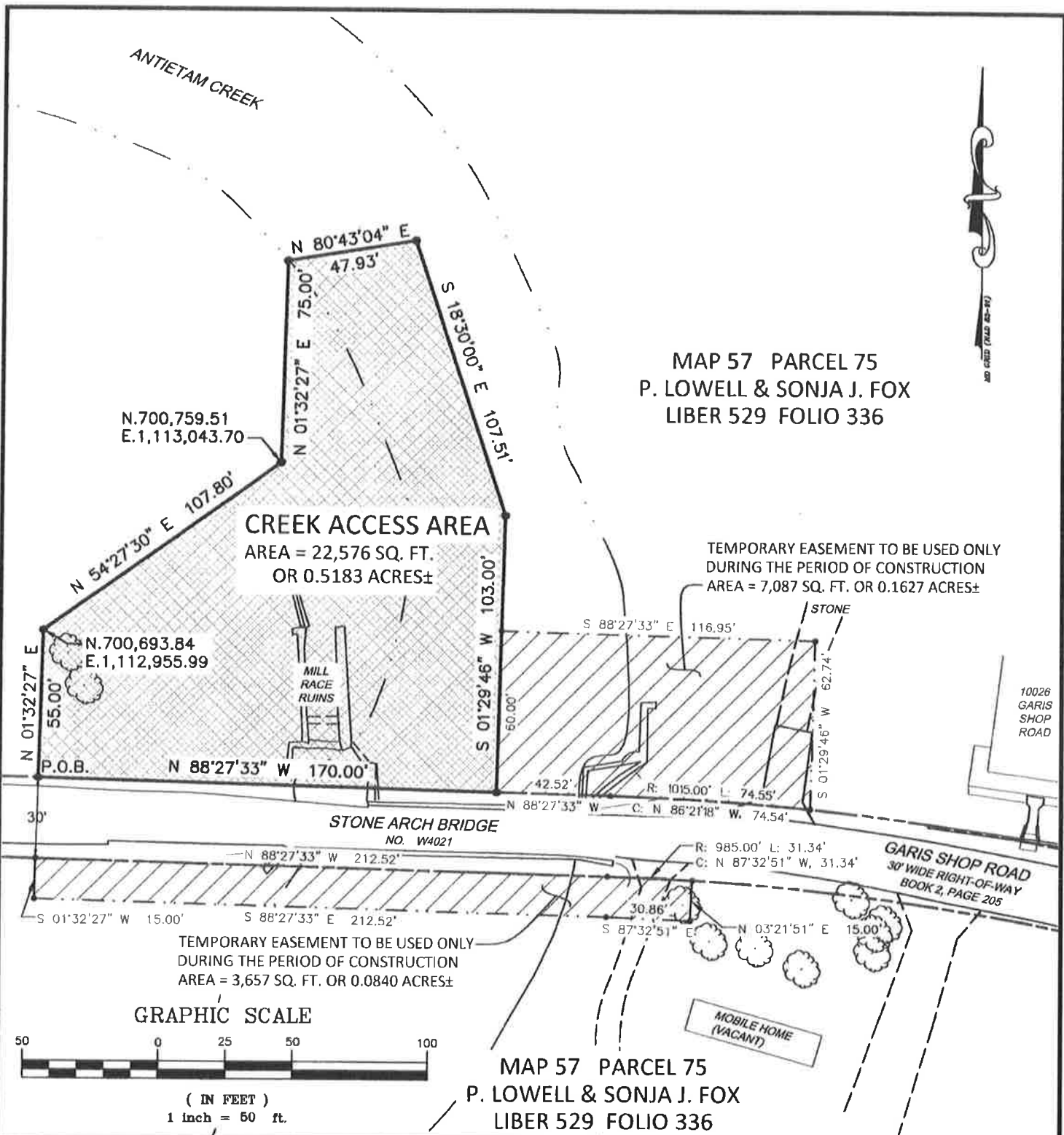
BEING a portion of that real estate conveyed by Eston S. Fox and Ethel S. Fox, his wife, unto the Grantors herein by a deed, dated August 21, 1971, and recorded among the Land Records of Washington County, Maryland in Liber 529 on folio 336 and further shown on Deed Exhibit 'A' attached hereto.

ALSO: the Grantors do hereby grant and convey unto the Grantee the temporary right, during the period of the pending bridge rehabilitation project, to use the two (2) areas designated **TEMPORARY EASEMENT TO BE USED ONLY DURING THE PERIOD OF CONSTRUCTION**, encompassing an aggregate area of 10,744 square feet or 0.2466 acres of land, more or less, the outlines of which are graphically depicted on the Attached Exhibit 'A.' The purpose of the Temporary Construction Easements shall be to provide for slope grading and working room during the performance of the impending Washington County Division of Engineering and Construction Management Project No. BR-GS-178-14. The Temporary Construction Easements shall revert to the Grantors by operation of law upon the completion and acceptance of the said Project by the County.

AND ALSO, the Grantors do hereby convey unto the Grantee a **Permanent and Perpetual Sight Distance Easement**, encompassing an area of 2,264 square feet or 0.0520 acres of land, more or less, for the purpose of preserving and maintaining a clear line of sight across the Grantors' lands between the traffic approach areas of the intersection of Garis Shop Road and

Wagaman Road as more particularly shown on Deed Exhibit 'B' attached hereto. Without limitation, the Grantors shall not allow or suffer to exist upon the Perpetual Easement area any buildings, walls, trees, structures, screens or crops having an elevation taller than 24 inches above grade. The preceding sentence does not apply to poles or tree trunks that are determined by the County to not adversely affect traffic safety visibility.

SUBJECT to all easements, rights of way, covenants conditions and restrictions of record applicable thereto.



08/17/16
 Date
 BEH
 Drawn
 Checked

Washington County, Maryland
 DIVISION OF ENGINEERING &
 CONSTRUCTION MANAGEMENT
 Washington County Administration Building
 80 West Baltimore St., Hagerstown, MD 21740
 Phone: 240-313-2400 Fax: 240-313-2401

EXHIBIT 'A'
CREEK ACCESS PROPERTY, SIGHT DISTANCE
& TEMPORARY CONSTRUCTION EASEMENTS

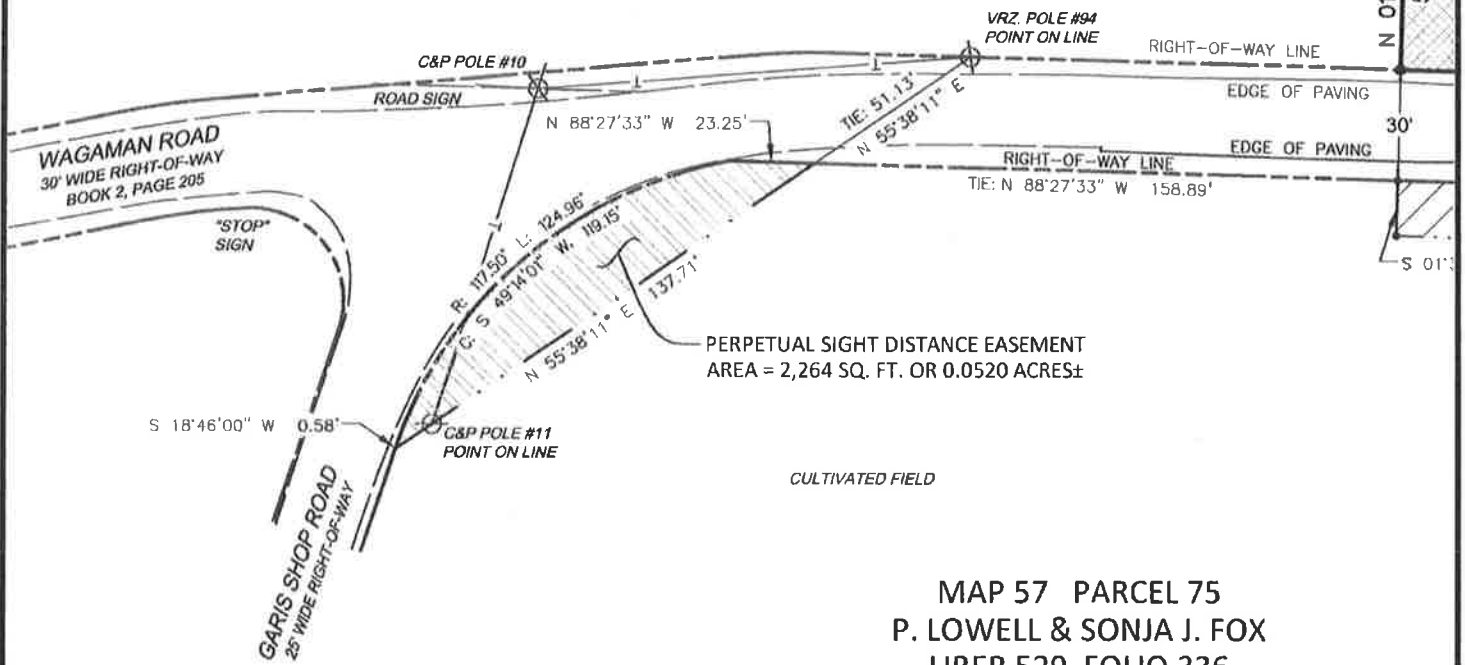
1" = 50'
 Scale
 Project
 Number
 14-178



MAP 57 PARCEL 75
 P. LOWELL & SONJA J. FOX
 LIBER 529 FOLIO 336

CREEK ACCESS AREA

CULTIVATED FIELD



GRAPHIC SCALE



(IN FEET)
 1 inch = 50 ft.

MAP 57 PARCEL 75
 P. LOWELL & SONJA J. FOX
 LIBER 529 FOLIO 336

08/17/16

Date
 BEH
 Drawn

Checked

Washington County, Maryland



DIVISION OF ENGINEERING &
 CONSTRUCTION MANAGEMENT

Washington County Administrative Annex Building
 80 West Baltimore St., Hagerstown, MD 21740
 Phone: 240-313-2400 Fax: 240-313-2401

EXHIBIT 'B'

CREEK ACCESS PROPERTY, SIGHT DISTANCE
 & TEMPORARY CONSTRUCTION EASEMENTS

1" = 50'
 Scale

Project
 Number
 14-178