

ORDINANCE NO. ORD-2016-20

**AN ORDINANCE TO APPROVE THE PURCHASE OF A CONSERVATION  
EASEMENT UNDER THE MARYLAND RURAL LEGACY PROGRAM  
(Re: *Matson 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 2016, Washington County (the "County") was awarded RLP grants totaling \$990,000.00 (the "RLP Funds").

4. Lawrence H. Matson and Karen L. Matson (the "Property Owners") are the fee simple owners of real property consisting of 23.70 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 SIXTY EIGHT THOUSAND ONE HUNDRED DOLLARS (\$68,100.00), which is a portion of the RLP Funds, to the Property Owners for a Deed of Conservation Easement on the Property (the "Matson 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 Matson RLP Conservation Easement.

ADOPTED this 11<sup>th</sup> day of October, 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:

A handwritten signature in black ink, appearing to read "J. M. M.", written over a horizontal line. The signature is stylized and extends to the right with a long, sweeping flourish.

John M. Martirano  
County Attorney

Mail to:  
Office of the County Attorney  
100 W. Washington Street  
Hagerstown, MD 21740

EXHIBIT A  
DESCRIPTION OF PROPERTY  
Page 1 of 3

All that tract of farm land, and all the rights, ways, privileges and appurtenances thereunto belonging or in anywise appertaining, situate on the West side of Coffman Farm (also known as "Coffman Farm Road") approximately 1200 feet Northwest of the Keedysville corporate limits, and approximately 0.4 miles Northwest of the intersection of Coffman Road and Maryland Route 34 in Election District No. 19, Washington County, Maryland, and being more particularly described in accordance with a boundary survey made by Associated Engineering Sciences, Inc., dated April 11, 1991 and attached to the Deed recorded in Liber 991, Folio 310 among the Land Records of Washington County, Maryland, as hereinafter further described, as follows:

BEGINNING at a rebar and cap set at the point of beginning of the Deed to Samuel Pry dated August 29, 1848 and recorded in Liber 48, Folio 717 among the Land Records of Washington County, Maryland, thence with the first line of said Deed and along a 65 foot private roadway as shown on Washington County Plat No. 461 South 66 degrees 30 minutes 26 seconds East 660.85 feet to a railroad spike set in the center of Coffman Road; thence along or near the center thereof South 16 degrees 00 minutes 25 seconds West 1481.61 feet to a rebar and cap set in the center of a gravel lane, formerly an old county road; thence along or near the center of the old road bed the following seven courses and distances; South 63 degrees 02 minutes 28 seconds West 320.18 feet to a rebar and cap set; thence with a curve to the left having a radius of 815.00 feet, a central angle of 25 degrees 31 minutes 47 seconds, a length of 363.15 feet and a chord bearing and distance of South 50 degrees 16 minutes 35 seconds West 360.15 feet to a rebar and cap set; thence South 37 degrees 38 minutes 01 second West 185.35 feet to a rebar and cap set; thence with a curve to the right having a radius of 115.00 feet, a central angle 69 degrees 41 minutes 00 seconds, a length of 139.86 feet, and a chord bearing and distance of South 72 degrees 28 minutes 31 seconds West 131.40 feet to a rebar and cap set; thence with a curve to the right having a radius of 1080.00 feet, a central angle of 9 degrees 39 minutes 38 seconds, a length of 182.09 feet, and a chord bearing and distance of North 67 degrees 51 minutes 10 seconds West 181.88 feet to a rebar and cap set; thence with a curve to the left having a radius of 1100.00 feet, a central angle of 11 degrees 56 minutes 02 seconds, a length of 229.11 feet, and a chord bearing and distance of North 68 degrees 59 minutes 22 seconds West 228.70 feet to a rebar and cap set; thence with a nontangential curve to the right having a radius of 250.00 feet, a central angle of 30 degrees 04 minutes 55 seconds, a length of 131.26 feet, and a chord bearing and distance of North 72 degrees 44 minutes 00 seconds West 129.75 feet to a rebar and cap set; thence North 52 degrees 48 minutes 07 seconds West 310.75 feet to a P.K. nail set in the centerline of the end of a stone bridge over the Antietam Creek; thence leaving the road and running along the Eastern side of Antietam Creek the following four courses and distances: North 35 degrees 33 minutes 16 seconds East 277.28 feet to a point; thence North 56 degrees 38 minutes 54 seconds East 103.95 feet to a point; thence North 28 degrees 08 minutes 54 seconds East 125.40 feet to a point; thence North 02 degrees 08 minutes 54 seconds East 108.90 feet to a point; thence South 72 degrees 21 minutes 06 seconds East 775.15 to a rebar and cap set, passing over a rebar set on line at 25.00 feet and a second rebar set on line at 400.00 feet; thence North 10 degrees 45 minutes 00 seconds East 1634.49 feet to the point of beginning, passing over a rebar set on line at 800.00 feet from the end thereof, and containing 36.40 acres of land, more or less. BEING the same as Tract No. 2 of Parcel No. 3 in the Deed from Samuel C. Strite, Guardian of the property of Jennifer Susan Butts, aka Jennifer Dorsey Butts, to Jennifer D. Butts dated August 31, 1984 and

recorded in Liber 772, Folio 1069 among the Land Records of Washington County, Maryland; AND BEING all the same property which was conveyed from Jennifer D. Butts to Lawrence D. Matson and Karen L. Matson, his wife, by Deed dated April 19, 1991 and recorded in Liber 991, Folio 310 among the aforesaid Land Records.

TOGETHER WITH that lot or parcel of land, situate on the West side of Coffman Road, approximately 1200 feet Northwest of the Keedysville Corporate Limits, and approximately 0.4 miles Northwest of the intersection of Coffman Road and Maryland Route 34, in Election District No. 19, Washington County, Maryland, and being more particularly described in accordance with a survey made by Associated Engineering Sciences, Inc., as follows:

BEGINNING at a rebar and cap set in the middle of a gravel lane, formerly an old county road, said rebar and cap at the beginning of the third or South 63 degrees 02 minutes 28 seconds West 320.18 feet line of a Deed to Lawrence H. Matson and Karen L. Matson, his wife (Liber 991, Folio 310), thence with the extension of the 2<sup>nd</sup> line of said Deed South 16 degrees 00 minutes 25 seconds West 17.29 feet to intersect the South 70 degrees 48 minutes 32 seconds West 535.07 foot line of Lot 6 of Keedysville Knolls (Plat Folio 1238); thence along lands of [now or formerly] Charles R. Jenkins (Liber 828, Folio 523) the following three courses and distances, South 63 degrees 32 minutes 42 seconds West 398.33 feet to a point; thence South 46 degrees 21 minutes 14 seconds West 263.60 feet to a point; thence South 39 degrees 30 minutes 14 seconds West 259.20 feet to a point at the Northwest corner of lands of (now or formerly) Carl S. Muesson (Liber 709, Folio 11) and the Northeast corner of land of (now or formerly) William R. Harrill (Liber 735, Folio 596); thence along lands of Harrill (Liber 735, Folio 596) and (Liber 769, Folio 831) the following four courses and distances, North 83 degrees 38 minutes 21 seconds West 150.20 feet to a point; thence North 65 degrees 35 minutes 21 seconds West 175.94 feet to a point; thence North 72 degrees 02 minutes 46 seconds West 304.45 feet to a 1/2" iron pipe found; thence North 53 degrees 52 minutes 24 seconds West 215.72 feet to a railroad spike found in the center of the Keedysville Road; thence in or near the center of said road North 22 degrees 38 minutes 43 seconds East 26.68 feet to a point on the North side of the road in the tenth, or North 52 degrees 48 of minutes 07 seconds West 310.75 foot line of the aforementioned Deed to Matson (Liber 991, Folio 310); thence with the approximate center of an old county roadbed and with the lines of said deed reversed the following eight courses and distances; South 52 degrees 48 minutes 07 seconds East 217.65 feet to a rebar and cap set; thence with a nontangential curve to the left having a radius of 250.00 feet, a central angle of 30 degrees 04 minutes 55 seconds, a length of 131.26 feet, and a chord bearing and distance of South 72 degrees 44 minutes 00 seconds East 129.75 feet to a rebar and cap set; thence with a curve to the right having a radius of 1100.00 feet, a central angle of 11 degrees 56 minutes 02 seconds a length of 229.11 feet, and a chord bearing a distance of South 68 degrees 59 minutes 22 seconds East 228.70 feet to a rebar and cap set; thence with a curve to the left saving a radius of 1080.00 feet, a central angle of 9 degrees 39 minutes 38 seconds, a length of 182.09 feet, and a chord bearing and distance of South 67 degrees 51 minutes 10 seconds East 181.88 feet to a rebar and cap set; thence with a curve to the left, having a radius of 115.00 feet, a central angle of 69 degrees 41 minutes 00 seconds, a length of 139.86 feet, and a chord bearing and distance of North 72 degrees 28 minutes 31 seconds East 131.40 feet to a rebar and cap set; thence North 37 degrees 38 minutes 01 second East 185.35 feet to a rebar and cap set in or near the center of the aforementioned gravel lane; thence in or near the center thereof with a curve to the right having a radius of 815.00 feet, a central angle of 25 degrees 31 minutes 47 seconds, a length of 363.15 feet, and a chord bearing and distance of North 50 degrees 16 minutes 35 seconds East 360.15 feet to a rebar and cap set; thence North 63 degrees 02 minutes seconds East 320.18 feet to the point of beginning; containing 0.58

acres of land, more or less; said tract being the gap of land lying between the boundary of Keedysville Knolls, previously established, and shown on Washington County Plat 1238, and the boundary of the lands of Larry Matson as described in the aforementioned Deed (Liber 991, Folio 310). BEING all of the same property which was conveyed from Charles R. Jenkins, et al, to Lawrence H. Matson and Karen L. Matson, his wife, by Quit-Claim Deed dated October 13, 1992 and recorded in Liber 1109, folio 275 among the Land Records of Washington County, Maryland; and BEING ALL of the same property which was conveyed from William R. Harrill to Lawrence H. Matson and Karen L. Matson, his wife, by Quitclaim Deed dated May 2, 2006 and recorded in Liber 3018, Folio 390 among the aforesaid Land Records.

SAVING AND EXCEPTING THEREFROM the following out-conveyed parcels:

(1) That parcel of land identified as Lot Numbered Two (2) on the Plat of Lot 1 & 2 Lawrence H. Matson recorded at Plat Folios 8693-8694 among the Land Records of Washington County, Maryland, as described in the Deed from Lawrence H. Matson and Karen L. Matson, husband and wife, to Eric Hale Matson, dated December 8, 2006 and recorded in Liber 3186, Folio 285, and the Deed dated February 23, 2007 and recorded in Liber 3236, Folio 26 among the aforesaid Land Records; said Lot 2 contains a "Gross Area" of 7.1499 acres, per Plat Folio 8693.

(2) That parcel of land identified as Lot Numbered One (1) on the above referenced Matson Plat Folios 8693-8694, as described in the Deed from Lawrence H. Matson and Karen L. Matson, husband and wife, to Janel Hartman and Jay Hartman, husband and wife, dated December 8, 2006 and recorded in Liber 3186, Folio 288 among the aforesaid Land Records, and the Deed dated February 23, 2007 and recorded in Liber 3236, Folio 22 among the aforesaid Land Records; said Lot 1 contains a "Gross Area" of 6.1330 acres, per Plat Folio 8693.

The above-described property containing 23.70 acres is also shown on a plat prepared by Associated Engineering Services, Inc. dated January, 2006, entitled "Stormwater Management Plan, Lot 1 & 2 Lawrence H. Matson" and recorded as Plat No. 8693 among the Land Records of Washington County, Maryland.