

ORDINANCE NO. ORD-2016- 23

**AN ORDINANCE TO APPROVE THE PURCHASE OF A CONSERVATION
EASEMENT UNDER THE MARYLAND RURAL LEGACY PROGRAM
(Re: Kefauver-Canfield 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. William Neill Kefauver and John Wayne Canfield (the "Property Owners") are the fee simple owners of real property consisting of 44.95 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 THIRTY-ONE THOUSAND EIGHT HUNDRED FIFTY DOLLARS (\$131,850.00), which is a portion of the RLP Funds, to the Property Owners for a Deed of Conservation Easement on the Property (the "Kefauver-Canfield 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 Kefauver-Canfield RLP Conservation Easement.

ADOPTED this 15th day of November, 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 includes a long, sweeping flourish that extends to the right.

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 tracts, lots, or parcels of land, and all the rights, ways, privileges and appurtenances thereunto belonging or in anywise appertaining, situate in Election District No. 1, Washington County, Maryland, being part of the property identified by the State Department of Assessments and Taxation as tax account no. 01-000462, and being more particularly described as follows: [the following description is derived from the last Deed of record containing a metes and bounds description, dated March 23, 1964, and recorded in Liber 405, folio 661 among the Land Records of Washington County, Maryland:]

BEING SITUATE along the South side of the country road between Keedysville and Mansfield Monument approximately three-fourths of a mile Northeast from Mansfield Monument, in Election District No. 1, Washington County, Maryland, and being more particularly described as follows:

BEGINNING at a stone at the end of the stone fence or wall, said stone being at the end of three perches on a line drawn South 71 ½ degrees West from a large stump where formerly stood a bounded white oak tree, the beginning of a Deed from Mary Hershey to Susan Hershey dated October 30, 1837 and recorded in Liber TT, folio 133 among the Land Records of Washington County, Maryland, and running thence along an abandoned road dividing the property hereby conveyed from the lands of [now or formerly] Sam Burger as heretofore agreed upon by the said Mary Hershey and John Neikirk by agreement dated 1835, the following two courses and distances, North 1 degree East 4 perches; and North 18 degrees 15 minutes East 26.54 perches to a stone on the North side of a stream of water; thence along the portion of said road that is open to traffic North 51 degrees East 194 feet; thence North 17 degrees East 7.2 perches; thence North 31 degrees 55 minutes East 167 feet to a stone pile; thence North 8 degrees 15 minutes East 36.6 perches; thence North 14 degrees 15 minutes West 16.6 perches; thence North 4 degrees East 17.1 perches; thence North 8 degrees 30 minutes West 8.32 perches; thence in line with a blazed walnut tree along the Northeast side of said road North 64 degrees West 36 perches to a point near the South margin of the aforesaid county road between Keedysville and Mansfield Monument; thence with said road North 53 degrees 40 West 259 feet to a stone in the North margin of said road, said stone being at the Southeast corner of the parcel of land owned by [now or formerly] Rollie A. Griffith and Mary E. Griffith, his wife; thence binding on said parcel North 74 degrees 20 minutes West 575 feet to a stone at the Southwest corner of said parcel; thence South 12 degrees 30 minutes West 388 feet to a post in a fence corner at a turn in the road; thence South 33 degrees 10 minutes West 1416 feet to a post; thence West 115 feet to a post; thence South 13 degrees 25 minutes East 136 feet; thence South 25 degrees 05 minutes West 102 feet to a locust tree; thence South 31 degrees 23 minutes West 41.5 perches, more or less, to a post four feet Southwest from a walnut tree; thence South 50 degrees 22 perches; thence North 71 degrees 30 minutes East 42 perches; thence South 16 degrees East 37 perches; thence North 71 degrees 30 minutes East 71 perches to the point of beginning; containing 116 acres of land, more or less, and being the same property conveyed to A. Tinus Milburn, et ux, by Deed from Rollie A. Griffith and Mary E. Griffith, his wife, dated April 17, 1945 and recorded in Liber 229, folio 685 among the Land Records of Washington County, Maryland; TOGETHER WITH a small triangular parcel of land having an acreage of 0.05 acres, more or less, acquired by the said Rollie A. Griffith and Wife from Harvey S. Lighter in the year 1927 or

thereabouts, and for which no Deed has been recorded in the Land Records of Washington County, Maryland.

SAVING AND EXCEPTING THEREFROM the following out-conveyed parcels:

[i] The parcel described in a Deed from A. Tinus Milburn and Hilda G. Milburn, his wife, to Bernard S. Milburn and Marcia Milburn, his wife, dated February 7, 1949 and recorded in Liber 250, folio 572 among the aforesaid Land Records;

[ii] The parcel described in a Deed from Rolla (aka Rollie) A. Griffith, et al, to Richard H. Fisher and Mary Irene Fisher, his wife, dated June 9, 1949 and recorded in Liber 252, folio 263 among the aforesaid Land Records; and

[iii] Those parcels of land described in the Deed of Easement from William Neill Kefauver and John Wayne Canfield, to the Board of County Commissioners of Washington County, Maryland, to be executed and recorded among the Land Records of Washington County, Maryland, and depicted graphically on the Plat entitled "SURVEY OF C.R.E.P. EASEMENT FOR WILLIAM D. KEFAUVER, III, WILLIAM NEILL KEFAUVER & JOHN WAYNE CANFIELD" recorded at Miscellaneous Plat Folio 669 among the Plat Records of Washington County, Maryland.

BEING part of the same property which was conveyed from Millard D. Kefauver, III, and Neill Kefauver to Millard D. Kefauver, III, William Neil Kefauver and John Wayne Canfield, as joint tenants with the right of survivorship, by Deed dated April 2, 2011 and recorded in Liber 4108, folio 228 among the Land Records of Washington County, Maryland. Millard D. Kefauver, III died on May 29, 2012; title thereafter vested in William Neill Kefauver and John Wayne Canfield as surviving joint tenants.