

ORDINANCE NO. ORD-2016-24

AN ORDINANCE TO APPROVE AN AGRICULTURAL LAND PRESERVATION
EASEMENT
THROUGH AN INSTALLMENT PURCHASE PROGRAM (IPP)

(Re: Miller [Myron & Fern] IPP Easement)

RECITALS

1. The Board of County Commissioners of Washington County, Maryland (the "County") currently has an active Agricultural Land Preservation Program.

2. By Ordinance No. ORD-2016-14 (the "Ordinance") adopted by the County on July 12, 2016, the Board established a local program for the preservation of agricultural land and purchase of agricultural land preservation easements through an Installment Purchase Program and to preserve productive agricultural land and woodland which provides for the continued production of food and fiber for the citizens of Washington County and protects farmland/open space from the impacts from development (the "IPP Easement").


3. Myron J. Miller and Fern L. Miller, his wife, (the "Property Owners") are the owners of real property consisting of 71.25 acres, more or less, (the "Property") in Washington County, Maryland. The Property is more particularly described on Exhibit A attached hereto.

4. The County has agreed to pay the principal sum of TWO HUNDRED SEVENTY THOUSAND DOLLARS (\$270,000.00), payable in installment payments extending over ten (10) years and interest accruing on the outstanding value of the easement at a rate of two percent (2%), for a total sum of TWO HUNDRED NINETY-FOUR THOUSAND THREE HUNDRED DOLLARS (\$294,300.00), to the Property Owners for an agricultural land preservation easement on the Property (the "Miller [Myron & Fern] IPP Easement").

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Washington County, Maryland, that the purchase of the Miller [Myron & Fern] IPP Easement is 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 Miller [Myron & Fern] IPP Easement.

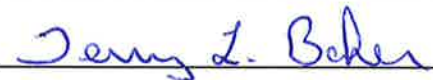
ADOPTED this 15th day of November, 2016.

ATTEST:



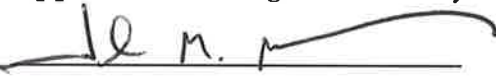
Vicki C. Lumm, Clerk

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

BY:  (SEAL)

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

EXHIBIT A

Description of Easement Property

All that tract of farm land, and all the rights, ways, privileges and appurtenances thereunto belonging or in anywise appertaining, situate in Election District No. 9, Washington County, Maryland, and being more particularly described as follows:

BEGINNING for the outlines thereof at a stone set up on the West side of the road leading from Leitersburg to Ringgold, Maryland, also a corner of what was formerly Kemp Bell's Land, and running North 36 degrees East 111 perches; thence North 59 degrees West 6.1 perches; thence North 33½ degrees East 42 perches; thence by the lands owned by William H. Hoffman North 65½ degrees West 73.8 perches to a stone; thence by lands of Luther Strochlager South 32½ degrees West 36 perches to a stone; thence South 37 degrees West 107½ perches; thence by land formerly belonging to Kemp Bell South 54¼ degrees East 80 perches to the point of beginning; containing 71.25 acres of land, more or less.

BEING all of the same property which was conveyed from Stephen L. Ebersole and Lorena M. Ebersole, his wife, to Richard D. Miller and Ethel M. Miller, husband and wife, an undivided one-half (1/2) interest, and Myron J. Miller and Fern L. Miller, husband and wife, an undivided one-half (1/2) interest, by Deed dated February 15, 2006 and recorded in Liber 2928, Folio 12 among the Land Records of Washington County, Maryland. Richard D. Miller died on June 29, 2007, and Ethel M. Miller conveyed all of her right, title and interest to Myron J. Miller and Fern L. Miller, his wife, by Deed dated July 19, 2016, and recorded in Liber 5296, Folio 332 among the aforesaid Land Records; title thereafter vested in Myron J. Miller and Fern L. Miller, as husband and wife.