

ORDINANCE NO. ORD-2016-25

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

(Re: Miller [Jay & Robin] 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. Jay R. Miller and Robin A. Miller, his wife, (the "Property Owners") are the owners of real property consisting of 177.13 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 SIX HUNDRED SEVENTY-THREE THOUSAND FIVE HUNDRED DOLLARS (\$673,500.00), 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 Seven Hundred Thirty-Four Thousand One Hundred Fifteen Dollars (\$734,115.00), to the Property Owners for an agricultural land preservation easement on the Property (the "Miller [Jay & Robin] IPP Easement").

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Washington County, Maryland, that the purchase of the Miller [Jay & Robin] IPP Easement is approved and that the President of the Board and the County Clerk be and are hereby authorized

ADOPTED this 15th day of November, 2016.

ATTEST:

Vicki C. Lumm
Vicki C. Lumm, Clerk

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

BY: Terry L. Baker (SEAL)
Terry L. Baker, President

Approved as to legal sufficiency:

John M. Martirano
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. 20, Washington County, Maryland, on the North side of the road known as "The New Road" leading to Grimes Station on the Norfolk and Western Railroad and to Bakersville from the public road which goes from Downsville to Dam #4 on the Chesapeake and Ohio Canal, being part of the tract called "Chews Farm" or "Resurvey of Chews Farm," and being more particularly described as follows:

BEGINNING at a post where formerly stood a stone at the beginning of the North 11 degrees East 298 perch line or division line in the Will of Daniel Rentch recorded in Wills Liber D, Folio 1 among the Will Records of the Register of Wills for Washington County, Maryland, said post stands on the North margin of the road leading from Grimes Station on the Norfolk and Western Railroad to the road from Downsville to Dam #4 on the Chesapeake and Ohio Canal, thence with the aforementioned line North 11 degrees 10 minutes East 2425 feet to a post at the East end of a fence which divides the original farm owned by Andrew Rentch into two parts, thence with said fence North 87 degrees 7 minutes West 1010 feet to a post on the West margin of a private lane, and with the West margin of said line one course and distance North 13 degrees 5 minutes East 388 feet to a post; then leaving said lane North 87 degrees 45 minutes West 2353 feet to a post in the 8th line of a Deed from Elie Beatty to Daniel Rentch dated 1814 and recorded in Liber Z, Folio 353 among the Land Records of Washington County, Maryland, and with said line South 0 degrees 25 minutes West 2865 feet to a stone in the roots of a tree in the aforementioned public road; thence with the North margin of said road South 89 degrees 20 minutes East 2835 feet to the point of beginning; containing 190.2 acres of land.

SAVING AND EXCEPTING THEREFROM the following parcels divided from the farm:

[1] Lots 1, 2, 3, and 4 shown and designated on the Plat(s) entitled "Final Plat of Subdivision of Lots 1, 2, 3, & 4 River Run Estates" recorded at Plat Folios 8038, 8039 and 8040 among the Plat Records of Washington County, Maryland; and

[2] Parcels A and B shown and designated on the Plat entitled "Simplified Plat of Subdivision of Parcels A & B for River Run Estates" recorded at Plat Folio 10522 among the aforesaid Plat Records.

The Property now contains approximately 177.33 acres as set forth on the above referenced Plat Folio 10522 as "Remaining Lands."

BEING part of (the Remaining Lands) the same property which was conveyed from Paul O. Schetrompf to Jay R. Miller and Robin A. Miller, husband and wife, by Deed dated October 30, 2003 and recorded in Liber 2173, folio 480 among the Land Records of Washington County, Maryland.