

ORDINANCE NO. ORD-2016-27

**AN ORDINANCE TO APPROVE THE PURCHASE OF A CONSERVATION  
EASEMENT UNDER THE MARYLAND RURAL LEGACY PROGRAM  
(Re: Price 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. Leon S. Price and Beverly A. Price (the "Property Owners") are the fee simple owners of real property consisting of 33.11 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 NINETY-SIX THOUSAND THREE HUNDRED THIRTY DOLLARS (\$96,330.00), which is a portion of the RLP Funds, to the Property Owners for a Deed of Conservation Easement on the Property (the "Price 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 Price RLP Conservation Easement.

ADOPTED this 13<sup>th</sup> day of December, 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. Martirano', written over a horizontal line. The signature is stylized and extends to the right of the line.

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 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, and being more particularly described as follows:

TRACT NO. 1: All that tract of land, situate on the West side of Mondell Road in Election District No. 1, Washington County, Maryland, and being more particularly described as follows:

BEGINNING at an iron pin in the fifth or South 50 degrees 46 minutes East 2207 foot line of a Deed from Albert G. Stottlemeyer and Wife to Russell C. Martz and Wife dated December 17, 1947 and recorded in Liber 244, folio 689 among the Land Records of Washington County, Maryland, said point also marking the Northwest corner of a parcel of land reserved by Belia B. Martz in the conveyance to Lori-Land Corporation, a Maryland corporation. Dated September 13, 1968 and recorded in Liber 476,, folio 418 among the aforesaid Land Records, and running thence with the 5<sup>th</sup> line aforesaid as established by the existing fence North 41 degrees 12 minutes West 222.88 feet to a post; [thence] North 39 degrees 51 minutes West 545.83 feet to a post; and North 41 degrees 16 minutes West 995.87 feet to a C & O Canal National Park Service monument on the berm side of the canal; thence with the canal lands North 83 degrees 15 minutes East 180.00 feet to a point; thence by two lines of division made South 41 degrees 56 minutes East 1188.34 feet to a point; and South 64 degrees 10 minutes East 1115.51 feet to a point in the Mondell Road; thence with the road and line of the Stottlemeyer to Martz Deed aforesaid South 24 degrees 54 minutes West 200.00 feet to a point; thence leaving the road and running with land excepted by Belia B. Martz North 61 degrees 02 minutes West 18.50 fee; and North 61 degrees 02 minutes West 666.37 feet to a point; thence South 45 degrees 43 minutes West 195.77 feet to the point of beginning; containing 10.06 acres of land, more or less; the street address of which is currently known and designated as 0 (no street number assigned) Mondell Road, Sharpsburg, Maryland.

TRACT NO. 1 BEING all of the same property which was conveyed from Frederick J. James, III and Helen Joyce James, his wife, to Leon S. Price and Beverly A. Price, his wife, by deed dated July 31, 1972 and recorded in Liber 545, folio 515 among the Land Records of Washington County, Maryland; AND SAID TRACT NO. 1 is further identified by the State Department of Assessments and Taxation as tax account no.01-010115.

TRACT NO. 2, PARCEL NO. 1: ALL that tract or parcel of land, situate on the West side of Mondell Road in Sharpsburg Election District No. 1, Washington County, Maryland, and being more particularly described as follows:

BEGINNING at a post on the West side of Mondell Road, being at or near the beginning point of a Deed from Albert C. Stottlemeyer and Wife to Russell C. Martz and Wife dated December 17, 1947 and recorded in Liber 244 folio 686 among the aforesaid Land Records, and running thence with the lines of said Deed reversed and adjusted South 79 degrees 43 minutes East 4.40 feet to a point in the Mondell Road; thence with the road South 28 degrees 14 minutes West 107.20 feet; [thence] South 20 degrees 41 minutes West 615.59 feet to a point; thence leaving the road and running with Parcel "B" North 64 degrees 10 minutes West 1115.51 feet to a point; [thence] North 41 degrees 56 minutes West 1188.34 feet to a point in the Southern boundary of the National Park

Service C&O Canal lands; thence with the said Southern boundary North 83 degrees 15 minutes East 202.23 feet to a brass marker; [thence] North 80 degrees 56 minutes East 432.94 feet to a point which is 80 degrees 56 minutes West 116.15 feet distant from another brass marker; thence leaving the canal lands South 57 degrees 35 minutes East 476.91 feet to a post; [thence] South 57 degrees 35 minutes East 909.38 feet to a point; [thence] South 79 degrees 43 minutes East 267.80 feet to the point of beginning; containing 29.27 acres of land, more or less.

SAVING AND EXCEPTING FROM SAID TRACT NO. 2, PARCEL NO. 1 that parcel of land containing 5.0 acres, more or less, which was conveyed from Leon S. Price and Beverly A. Price, his wife, to Brenda S. Sagle and John W. Sagle, II, her husband, by Deed dated September 20, 1979 and recorded in Liber 690, folio 610 among the aforesaid Land Records; AND

FURTHER SAVING AND EXCEPTING FROM SAID TRACT NO. 2, PARCEL NO. 1 that parcel of land containing 0.17 acres, more or less, which was conveyed from Leon S. Price and Beverly A. Price, his wife, to John W. Sagle, II, and Carolyn K. Sagle, his wife, by Deed dated May 22, 1998 and recorded in Liber 1414, folio 783 among the aforesaid Land Records, which parcel is shown as Parcel B on a Plat of Subdivision for Leon and Beverly Price and John and Carolyn Sagle recorded at Plat Folio 5565 among the Plat Records of Washington County, Maryland.

TRACT NO. 2, PARCEL NO. 1 BEING part of the same property which was conveyed from Edward H. Stonebraker to Leon S. Price and Beverly A. Price, his wife, by Deed dated October 1, 1975 and recorded in Liber 602, folio 601 among the Land Records of Washington County, Maryland.

TRACT NO. 2, PARCEL NO. 2: All that parcel of land, situate on the West side of Mondell Road approximately 0.57 miles Northward from Powell Road in Election District No. 1, Washington County, Maryland, and being more particularly described as follows:

BEGINNING at an iron pin and cap set, said point being located North 57 degrees 35 minutes 00 seconds West 150.00 feet from the end of the 10<sup>th</sup> (or south 57 degrees 35 minutes East 909.38 feet) line of the lands conveyed by Edward H. Stonebraker to Leon S. Price and Beverly A. Price, his wife, by Deed dated October 1, 1975 and recorded in Liber 602, Folio 601 among the aforesaid Land Records, thence continuing with a portion of the tenth line reversed and running along lands now or formerly of Mary Myers (Liber 358, Folio 468) North 57 degrees 35 minutes 00 seconds West 284.10 feet to a point; thence South 32 degrees 25 minutes 00 seconds West 300.00 feet to a point; thence South 57 degrees 35 minutes 00 seconds East 492.77 feet to an existing fence post; thence South 79 degrees 43 minutes 00 seconds East 62.44 feet to an iron pin and cap set; thence North 57 degrees 35 minutes 00 seconds West 282.16 feet to an iron pin and cap; thence North 35 degrees 39 minutes 28 seconds East 276.92 feet to the point of beginning; containing 2.04 acres of land, more or less; AND BEING shown as Parcel A on a Plat of Subdivision for Leon and Beverly Price and John and Carolyn Sagle recorded at Plat Folio 5565 among the aforesaid Plat Records.

TRACT NO. 2, PARCEL NO. 2 BEING all of the same property which was conveyed from John W. Sagle, II and Carolyn K. Sagle, husband and wife, to Leon S. Price and Beverly A. Price, husband and wife, by Deed dated May 22, 1998 and recorded in Liber 1414, folio 780 among the Land Records of Washington County, Maryland.

SAID TRACT NO. 2, PARCELS NOS. 1 AND 2 are collectively further identified by the State Department of Assessments and Taxation as tax account no. 01-010123.

SUBJECT TO a Scenic Easement granted by Edward H. Stonebraker to the United States of America by Deed of Easement dated November 12, 1973 and recorded in Liber 570, folio 536, and a Scenic Easement granted by Leon S. Price and Beverly A. Price, his wife, to the United States of America dated June 7, 1974 and recorded in Liber 580, folio 505 among the aforesaid Land Records; and

SUBJECT TO a Forestry Declaration of Intent made by Leon Price dated October 6, 2015 and recorded in Liber 5081, folio 34 among the aforesaid Land Records.

THE street address of Tract No. 2, Parcel Nos. 1 and 2 is currently known and designated as 6208 Mondell Road, Sharpsburg, Maryland.