

ORDINANCE NO. ORD-2017-02

**AN ORDINANCE TO APPROVE THE PURCHASE OF A CONSERVATION  
EASEMENT UNDER THE MARYLAND RURAL LEGACY PROGRAM  
(Re: Otto Farm 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 a RLP grant totaling \$990,000.00 dollars, and for FY 2017, the County was awarded a RLP grant totaling \$946,000.00 (the "RLP Funds").

4. Otto Farm Limited Liability Company (the "Property Owner") is the fee simple owner of real property consisting of 137.7175 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 FOUR HUNDRED TEN THOUSAND ONE HUNDRED FIFTY-TWO DOLLARS AND FIFTY CENTS (\$410,152.50), which is a portion of the RLP Funds, to the Property Owner for a Deed of Conservation Easement on the Property (the "Otto Farm 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 Otto Farm RLP Conservation Easement.

ADOPTED this 28<sup>th</sup> day of February, 2017.

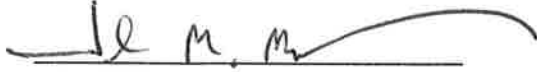
ATTEST:

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.

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 that tract, lot, or parcel of land, and all the rights, ways, privileges and appurtenances thereunto belonging or in anywise appertaining, situate on the Northernmost side of the road leading from Sharpsburg, Maryland to Sheperdstown, West Virginia, in Election District No. 1, Washington County, Maryland, and being more particularly described as follows:

BEING part of a tract called "Fertile Grove" and part of a tract called "Mt. Pleasant," lying and being in the County and State aforesaid, and beginning at a stone standing on the north side of the aforementioned road, it being also the end of the forty-eighth line of "The Resurvey on the Addition to Piles Delight," and running thence along the North side of said road South 46 degrees West 44  $\frac{3}{4}$  perches to a post; thence leaving the road North 68 degrees West 13  $\frac{3}{4}$  perches to the North side of the Norfolk and Western Railroad; and with it South 23 degrees West 13  $\frac{1}{4}$  perches; South 19  $\frac{1}{2}$  degrees West 10  $\frac{1}{2}$  perches; South 35 degrees West 12 perches to Beeler's Land; and with it North 47 degrees West 34  $\frac{1}{4}$  perches to Beeler's Lane; and with it North 28 degrees East 24  $\frac{1}{2}$  perches; North 60 degrees West 216  $\frac{1}{2}$  perches; North 8 degrees East 14 perches to a stone on a bluff; thence with the Chesapeake & Ohio Canal North 86 degrees East 26 perches; North 70  $\frac{1}{2}$  degrees East 15 perches; South 71 degrees East 4  $\frac{3}{4}$  perches; North 67 degrees East 12 perches; North 53 East 10  $\frac{1}{4}$  perches; North 75  $\frac{1}{2}$  degrees East 15 perches; North 46  $\frac{1}{2}$  degrees East 5  $\frac{1}{4}$  perches; North 45 degrees East 7  $\frac{1}{2}$  perches; North 53 degrees East 11 perches to land now or formerly owned by John Remsburg; and with said land South 35 degrees East 29  $\frac{1}{2}$  perches; South 71 degrees East 15 perches; South 74  $\frac{1}{2}$  degrees East 166 perches to a post a corner of [now or formerly] Elizabeth Grove's land; and with said land South 18 degrees West 65  $\frac{3}{4}$  perches to the North side of the aforesaid public road leading from Sharpsburg, Maryland to Sheperdstown, West Virginia; and with it South 52  $\frac{3}{4}$  degrees West 9  $\frac{2}{10}$  perches to the point of beginning; containing 143  $\frac{1}{2}$  acres of land, more or less; the street address of which is currently known and designated as 17432 Sheperdstown Pike, Sharpsburg, Maryland.

SAVING AND EXCEPTING THEREFROM those parcels of land conveyed from John E. Otto and Alice B. Otto, his wife, by deeds dated and recorded among the Land Records of Washington County, Maryland: [i] Deed to James Snyder dated January 17, 1893 and recorded in Liber 99, Folio 556, containing 130 square perches of land, more or less, and [ii] Deed to Harry J. E. Thomas dated October 18, 1910 and recorded in Liber 134, Folio 504, containing one (1) acre of land, more or less; AND FURTHER

SAVING AND EXCEPTING THEREFROM the property described in the Deed [of Scenic Easement] from Ruth E. Otto to the United States of America dated October 31, 1974 and recorded in Liber 587, Folio 299 among the aforesaid Land Records.

BEING part of the same property which was conveyed from Rebecca G. Wyand to Otto Farm Limited Liability Company by Deed dated December 21, 1999 and recorded in Liber 1544, Folio 485 among the Land Records of Washington County, Maryland.