

ORDINANCE NO. ORD-2018-11

**AN ORDINANCE TO APPROVE THE PURCHASE OF A CONSERVATION EASEMENT UNDER THE MARYLAND RURAL LEGACY PROGRAM AND UNDER THE AGRICULTURAL CONSERVATION EASEMENT PROGRAM, A PROGRAM OF THE NATURAL RESOURCES CONSERVATION SERVICE  
(Re: *Firnhaber RLP/ACEP 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. The Agricultural Conservation Easement Program (“ACEP”) provides funding necessary to protect large, contiguous tracts of farmland and grassland areas from sprawl and to enhance local agricultural properties through cooperative efforts among federal, State and local governments.

3. Protection is provided through the acquisition of easements and fee estates from willing landowners and the supporting activities of Rural Legacy Sponsors and local, State, and federal governments.

4. For FY 2018, Washington County was awarded a RLP grant totaling \$1,359,000 (the “RLP Funds”).

5. For FY 2016 through FY 2019, Washington County was awarded an ACEP grant totaling \$760,000 (the “ACEP Funds”).

6. Lyle S. Firnhaber and April J. Firnhaber (collectively, the “Property Owner”) is the fee simple owner of real property consisting of 157.38 acres, more or less, (the “Property”) in Washington County, Maryland. The Property is more particularly described on Exhibit A attached hereto.

7. The County has agreed to pay the sum of approximately Four Hundred Eighty-Nine Thousand, Two Hundred Forty-Nine Dollars and Sixty-Nine Cents (\$489,249.69), which is a portion of both the RLP Funds and the ACEP Funds, to the Property Owner for a Deed of Conservation Easement on the Property (the “Firnhaber RLP/ACEP 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 Firnhaber RLP/ACEP Easement.

ADOPTED this 15<sup>th</sup> day of May, 2018.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF WASHINGTON COUNTY, MARYLAND

Reeki C. Linn

BY: Terry L. Baker  
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, Suite 1101  
Hagerstown, MD 21740

EXHIBIT A  
DESCRIPTION OF EASEMENT 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 East side of Elk Ridge, approximately one mile Northwest of Gapland, in Election District No. 8, as shown on Tax Map No. 84 as Parcel No. 51, in Washington County, Maryland, and as shown on a survey Plat entitled "Survey Plat for Vincent S. Coe" recorded at Plat Folio 1307 among the Plat Records of Washington County, Maryland, and being more particularly described as follows:

BEGINNING at a 12 inch white oak at a fence junction, said tree being at or near the place of beginning in the Deed to Vincent S. and Katherine Coe, recorded in Liber 365, Folio 106 among the Land Records of Washington County, Maryland, thence with the closing line of said Deed reversed, running in part with a fence line North 75 degrees 45 minutes 05 seconds West 1590.98 feet to a 1/2" iron pipe found, corner to [now or formerly] L. Z. Neilands and John Chambers; thence leaving the lands of Neilands and running with Chambers then [now or formerly] Thomas Mullendore North 51 degrees 12 minutes 25 seconds East 245.84 feet; thence North 32 degrees 12 minutes 30 seconds East 207.90 feet to a point in a plowed field; thence with a portion of Lot 64 of "Antietam Iron Works" North 78 degrees 47 minutes 30 seconds West 325.87 feet to a 5/8" rebar set; thence leaving Thomas Mullendore and running with the division line through Lot 65 of "Antietam Iron Works" formerly owned by Naomi Mullendore North 00 degrees 57 minutes 30 seconds East 349.61 feet to a 5/8" rebar set; thence along the North side of said lot 65 North 72 degrees 33 minutes 40 seconds West 2,993.57 feet to a stone pile found at the top of Elk Ridge, corner to Lot 65 and 66; thence North 13 degrees 26 minutes 00 seconds East 326.28 feet to a stone pile found; corner to Lots 66 and 67; thence with a portion of Lot 67 South 73 degrees 21 minutes 55 seconds East 1,056.00 feet to a 5/8" rebar set at the corner of a stone fence; thence with a division line through Lot 67 North 08 degrees 16 minutes 50 seconds East 363.00 feet to a 5/8" rebar set at the corner of the same fence in a line of Lot 68; thence with Lot 68; thence with Lot 68 South 75 degrees 43 minutes 15 seconds East 1,003.14 feet to a stone pile found; thence by a division line through Lots 68 and 69 North 06 degrees 44 minutes 00 seconds East 649.54 feet to a 5/8" rebar set in a line of Lot 70; thence with said lot the following two courses and distances: South 77 degrees 52 minutes 20 seconds East 1,010.36 feet to the junction of a stone fence with a wire fence; thence with the wire fence North 09 degrees 11 minutes 45 seconds East 63.01 feet to a 15" poplar, corner to [now or formerly] Howard C. Market; thence with Marker North 48 degrees 45 minutes 55 seconds East 1,100.91 feet to a 15" tree fence corner; thence South 08 degrees 06 minutes 25 seconds West 972.49 feet to a fence post at the junction of a fence; thence South 37 degrees 53 minutes 40 seconds East 108.90 feet to a point in a plowed field; thence South 86 degrees 10 minutes 15 seconds East 830.60 feet to a steel stake found in a fence line; thence South 02 degrees 20 minutes 55 seconds West 752.59 feet to a steel post found; thence South 82 degrees 23 minutes 30 seconds East 781.94 feet to a steel rod found in a fence line; thence with the fence South 51 degrees 49

minutes 30 seconds West 908.42 feet to a planted stone found in said fence; thence continuing with said fence South 24 degrees 37 minutes 10 seconds West 943.71 feet to the point of beginning; containing 160.08 acres of land, more or less.

SUBJECT TO the Baltimore and Ohio Railroad right of way containing approximately 2.7 acres as shown on the aforementioned Plat recorded at Plat Folio 1307, leaving a net acreage of 157.38 acres, more or less;

SUBJECT TO AND TOGETHER WITH the rights and obligations of ingress and egress and the maintenance and improvement of the same as contained in Agreements recorded in Liber 365, Folio 106; Liber 1020, Folio 45; Liber 1020, Folio 51; Liber 1020, Folio 54; and Liber 1318, Folio 512 among the aforesaid Land Records;

AND ALSO

SUBJECT TO a right of way for the purpose of ingress and egress over the existing private road to and from Lot 65 of "Antietam Iron Works."

THE street address of the herein described property is currently known and designated as 3300 Kaetzel Road, Rohrersville, Maryland.

BEING all of the same property which was conveyed from Gloria J. Bragunier, et al, to Lyle S. Firnhaber and April J. Firnhaber, husband and wife, by Deed dated June 19, 2006 and recorded in Liber 3032, Folio 691 among the Land Records of Washington County, Maryland.