

ORDINANCE NO. ORD-2018-26

**AN ORDINANCE TO APPROVE THE PURCHASE OF A CONSERVATION
EASEMENT UNDER THE MARYLAND RURAL LEGACY PROGRAM
(Re: McCleary 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 2018, Washington County (the "County") was awarded a RLP grant totaling \$1,359,000.00, and for FY 2019, the County was awarded a RLP grant totaling \$2,301,545.00 (the "RLP Funds").

4. The Estate of Warwick E. Browning is the owner (the "Property Owner") of certain real property located in Washington County, Maryland, consisting of approximately 188 acres of land, more or less, (the "Property"). The Property is more particularly described on Exhibit A attached hereto.

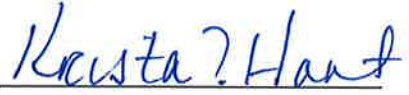
5. The Property Owner has agreed to sell the above-referenced property to Tracy Lynne McCleary (the "Contract Purchaser").

6. The County has agreed to pay the sum of approximately SIX HUNDRED SIXTY-NINE THOUSAND, SIX HUNDRED DOLLARS (\$669,600.00), which is a portion of the RLP Funds, to the Contract Purchaser for a Deed of Conservation Easement on the Property (the "McCleary 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 McCleary RLP Conservation Easement.


ADOPTED this 18th day of Sept, 2018.

ATTEST:



Krista L. Hart, Clerk

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

BY: 
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, Suite 1101
Hagerstown, MD 21740

EXHIBIT A - DESCRIPTION OF EASEMENT PROPERTY

All that tract of land together with any of the improvements thereon and all rights, ways, privileges, waters, alleys and appurtenances thereunto belonging or in anywise appertaining, containing approximately 188 acres, more or less, situate in Election District No. 12, Washington County, Maryland, near the Manor Church, adjoining the lands of said Manor Church, and being part of a tract of land called "Re-survey on Three Springs" and beginning for a description of the same at a stone set at the beginning of part of said land conveyed by John Booth and Drusilla Booth, his wife, to Jacob Wolf by deed dated May 13, 1822, and running thence North $54 \frac{1}{4}$ degrees West $41 \frac{1}{2}$ perches to a stone; thence South 26 degrees West 28 perches to a stone planted on the South side of the bank; thence North 49 degrees West $37 \frac{1}{2}$ perches to a stone at the end of the second line of the aforementioned deed and with it South 34 degrees West 26 perches to a stone; thence South 17 degrees East 6 perches to a stone; thence South 67 degrees West 160 perches to a stone; thence South $30 \frac{1}{4}$ degrees East $70 \frac{1}{2}$ perches to a stone; thence South $47 \frac{1}{2}$ degrees West $83 \frac{1}{4}$ perches to a stone; thence North $83 \frac{1}{2}$ degrees West $22 \frac{1}{4}$ perches to a stone; thence South $47 \frac{1}{2}$ degrees West 56 perches to a stone standing in a line of Jacob Poffenberger's part of the aforementioned land; thence with said land South $83 \frac{1}{2}$ degrees East $120 \frac{1}{2}$ perches to a stone; thence North 21 degrees East 68 perches to a stone; thence South 59 degrees East $90 \frac{1}{2}$ perches to a stone planted on the eleventh line of the aforementioned deed; thence with the said eleventh line North 21 degrees East $191 \frac{1}{2}$ perches to a stone; thence by a straight line to the place of beginning; containing 198 acres of land, more or less.

SAVING AND EXCEPTING THEREFROM, the two parcels of land, conveyed by Daniel Wolf and wife to Jacob Warrenfeltz by the following Deeds dated and recorded among the Land Records of Washington County, Maryland: (i) Deed dated October 7, 1852 and recorded in Liber I.N. 11, Folio 78; and (ii) Deed dated February 4, 1856 and recorded in Liber I.N. 11, Folio 81.

The street address of the herein described property is currently known and designated as 7608 University Road, Boonsboro, Maryland.

BEING all of the same property which was conveyed from Samuel H. Lefever and Ruth L. Lefever, his wife, to Jean Preston Browning, an undivided one-half interest, and to Warwick E. Browning, an undivided one-half interest, by Deed dated January 11, 1965 and recorded in Liber 418, Folio 574 among the Land Records of Washington County, Maryland. Jean Preston Browning died on August 18, 2014. In accordance with the terms of her Last Will and Testament, Warwick E. Browning, Personal Representative of the Estate of Jean Preston Browning, conveyed her one-half interest to himself; title thereafter vested sole in Warwick E. Browning; and

BEING all of the same property which is intended to be conveyed from Jocelyn Browning Cerul, Personal Representative of the Estate of Warwick E. Browning, to Tracy McCleary by Deed to be recorded among the aforesaid Land Records.