

ORDINANCE NO. ORD-2019-01

**AN ORDINANCE TO APPROVE THE PURCHASE OF A CONSERVATION
EASEMENT UNDER THE MARYLAND RURAL LEGACY PROGRAM
(Re: *Otzelberger RLP 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, State, and federal governments.

3. For FY 2019, Washington County (the "County") was awarded a RLP grant totaling \$2,301,545.00 (the "RLP Funds").

4. Roger L. Otzelberger, Rose Marie Otzelberger, Roger L. Otzelberger, Jr., and Rachel Marie Brown (collectively, the “Property Owner”) is the fee simple owner of real property consisting of 152.35 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 Five Hundred Fourteen Thousand Five Hundred Ninety Dollars (\$514,590.00), which is a portion of the RLP Funds, to the Property Owner for a Deed of Conservation Easement on the Property (the “Otzelberger RLP 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 Otzelberger RLP Easement.

ADOPTED this 5th day of March, 2019.

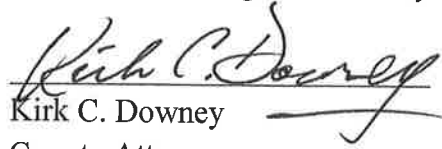
ATTEST:


Krista L. Hart, Clerk

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

BY: 
Jeffrey A. Cline, President

Approved as to legal sufficiency:


Kirk C. Downey
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 those lots, tracts, or parcels of land, and all the rights, ways, privileges and appurtenances thereunto belonging or in anywise appertaining, situate in Election District No. 11, Washington County, Maryland, and being more particularly described as follows:

TRACT A (tax account no. 11-002730):

All that tract of land which is part of a larger tract called "Antietam Works" situate on Elk Ridge Mountain in Sandy Hook District of Washington County, being Lot No. 181 of said larger tract adjoining lands now or formerly of Jacob Yourtree and Christian Rhinehart, and containing 18 acres and 12 perches of land, more or less. A metes and bounds description of the property is found on pages 431, et seq., in the Antietam Iron Works Plat Book on file among the Land Records of Washington County, Maryland.

BEING all of the same property which was conveyed from Roger L. Otzelberger and Margaret Jane Hanes to Roger L. Otzelberger, as to an undivided twenty-five percent (25%) interest, Rose Marie Otzelberger, as to an undivided twenty-five percent (25%) interest, Roger L. Otzelberger, Jr., as to an undivided twenty-five percent (25%) interest, and Rachel Marie Brown, as to an undivided twenty-five percent (25%) interest, as joint tenants and not as tenants in common, by Deed dated December 30, 2003 and recorded in Liber 2227, Folio 394 among the Land Records of Washington County, Maryland.

TRACT B (tax account no. 11-004733):

All those lots or parcels of land, situate, lying and being in Washington County, Maryland, and being more particularly described as follows:

PARCEL NO. 1: BEING all the following tracts or parcels of land lying and being in Samples' Manor, Washington County, Maryland, it being part or parts of the 40-acres tract of the "Brien lands" of which Nancy Johnson died and possessed, contained within the following: [Lot no. 1:] BEGINNING at a stake at the road, thence North 43 degrees East 22 perches to Reichard's land; then with said line to Mary C. Moore's lot; thence North 38 degrees East 15 ½ perches to a road; thence with said road to the point of beginning; containing 3 acres and 34 perches of land, more or less. [Lot no. 2:] BEGINNING at a planted stone standing at the end of the 7th line of a Deed from Meridith and Nicholas to Jacob Yerty and running thence North 6 ¾ degrees West 9 ¾ perches to a stone; North 48 ½ degrees West 37 perches to a stake on the South edge of a road; North 43 degrees East 22 perches to a stake; South 49 degrees East 66 perches to a stone pile; South 5 ½ degrees East 9 ¾ perches to the end of the 8th line of the

aforesaid Deed; thence with said 8th line reversed North 74 degrees West 48 perches to the point of beginning; containing 10 acres and 22 perches of land, more or less.

PARCEL NO. 2: BEING all of a certain tract of mountain land described in a Deed dated December 11, 1840 of the Land Records of Washington County, Maryland, bounded as follows and known as Keepetrieste BEGINNING at a stone planted 2 $\frac{1}{4}$ poles North 34 $\frac{1}{2}$ degrees East from one of Jacob Zearty's corner, and running thence South 34 $\frac{1}{2}$ degrees West 2 $\frac{1}{2}$ poles to said corner of Zerty's land; thence with said land South 26 $\frac{1}{2}$ degrees East 25.5 poles to a stone at the beginning of Isaac Long's Lot No. 181; thence by a division line South 60 degrees East 117 poles to a stone on the top of the mountain; thence North 36 degrees East 13 poles to a stone planted at the end of the 4th line of Samuel Knott's Lot No. 184 $\frac{1}{4}$; thence as a divisional line two courses North 60 degrees West 61 $\frac{3}{4}$ poles to a stone; thence North 63 degrees West 134 $\frac{1}{2}$ poles to the point of beginning; containing 19 acres and 2 roods and 14 perches of land.

PARCEL NO. 3: All that part of a tract of land called "Keep Tryst" lying and being in Washington County, Maryland, distinguished in a survey plat and division of said part of a tract of land called "Keep Tryst" or by whatsoever other named the same may be called as Lot No. 181 $\frac{3}{4}$ BEGINNING at a stone planted on the West side of the Elk Ridge Mountain, and running thence down the mountain North 63 degrees West 126 perches to a stone; thence South 34 $\frac{1}{2}$ degrees West 15 $\frac{1}{2}$ perches to a stone at the beginning of Christian Reinhart's part of said division; thence as a divisional line between them the following courses: South 63 degrees East 134 $\frac{1}{2}$ perches to a stone on the side of the Mountain; South 60 degrees East 61 $\frac{3}{4}$ perches to a stone on the top of the mountain; North 36 degrees East 14 perches to a stone; North 95 degrees [sic] West 70 perches to the point of beginning; containing 18 acres 3 roods and 12 perches of land, more or less.

PARCEL NO. 4: BEING all that tract of land lying in Samples Manor, Washington County, Maryland, and contained within the following metes and bounds: BEGINNING at the Southeast corner of John W. Huffmaster's lot at a stake and running thence South 47 $\frac{1}{2}$ degrees East with due allowance for variation 6.32 perches to a stone; thence North 38 degrees East 15.24 perches to a stake; thence North 56 $\frac{1}{2}$ degrees West 6.48 perches to the Northeast corner of the said Huffmaster's lot; thence with the 2nd line of that lot reversed South 38 degrees West 14.52 perches to the point of beginning; containing 2 roods and 15 $\frac{1}{5}$ perches of land.

PARCEL NO. 5: All of the following tract or parcel of land together with the improvements thereon, and all the rights, ways, privileges, easements and appurtenances thereunto belonging or in anywise appertaining, situate along the Northeast side of the Mountain Road leading from Samples Manor to Pleasantville, in Election District No. 11, Washington County, Maryland, and BEGINNING at a stone planted alongside a hickory tree on the Southwest side of said road, said stone being the beginning of Parcel No. 1 of the Deed

from Luoy May Norris, et al, to Charles C. Parsons dated June 21, 1946 and recorded in Liber 236, Folio 347 among the Land Records of Washington County, Maryland, and running thence with the 1st and 2nd lines of said Parcel No. 1 and reversing the 8th, 7th, 6th, 5th, and 4th lines of Parcel No. 2 of said Deed South 69 degrees East 55.2 perches to a stone pile; thence North 18 degrees East 77 perches; thence North 20 degrees 15 minutes East 79.25 perches to a stone on the South side of a mountain road; thence North 72 degrees West 48 perches to a stone pile; thence South 4 degrees East 10.6 perches to a stone; thence North 45 degrees 30 minutes West 53.4 perches to a fence corner; thence correcting the aforesaid 4th line of Parcel No. 2 South 31 degrees 10 minutes West 728 feet to a stone alongside a chestnut stump thence South 31 degrees 40 minutes West 1377 feet to a concrete marker planted alongside a small sassafras tree on the Northeast side of said Mountain Road, said marker being at or near the end of 5 perches in the 7th line of the aforesaid Parcel No. 1; thence with the remainder of the 7th, 8th, and a portion of the 9th lines of said Parcel No. 1 South 39 degrees 15 minutes East 32.75 perches, more or less, to the end of said line; thence South 67 degrees 30 minutes East 25 perches; thence South 64 degrees 15 minutes East 20.5 perches, more or less, to a chestnut stump alongside a concrete marker, the corner of the parcel of land conveyed by Charles C. Parsons to Charles W. Cavender and Wife by Deed dated September 25, 1946 and recorded in Liber 237, Folio 692 among the aforesaid Land Records; thence binding on said parcel of land North 31 degrees 15 minutes East 1247 feet to a concrete marker; thence South 71 degrees 30 minutes East 342 feet to a concrete marker; thence South 25 degrees 07 minutes West 608 feet to a concrete marker; thence South 35 degrees 40 minutes West 750 feet to a concrete marker, thence North 35 degrees 40 minutes West 258 feet to a point in the Northeast margin of the aforesaid Mountain Road; and with it South 21 degrees 35 minutes West 342 feet to the point of beginning; containing 85.9 acres of land, more or less; TOGETHER WITH the right of way heretofore reserved for the use and benefit of the parcel of land hereinbefore described as the same is set forth in a certain Deed from Charles C. Parsons to Charles W. Cavender and Wife by Deed dated September 25, 1946 and recorded in Liber 237, Folio 692, among the aforesaid Land Records.

LESS AND EXCEPT all that parcel of land conveyed by Gerald L. McCoy and Lillie I. McCoy to Roy L. McCoy and Lois McCoy, his wife, by Deed dated September 29, 1961 and recorded in Liber 372, Folio 429 among the aforesaid Land Records.

LOT NOS. 1 through 5 BEING all of the same property which was conveyed from Margaret Jane Hanes, surviving joint tenant, to Roger L. Otzelberger, as to an undivided twenty-three and three-quarters percent (23.75%) interest, Rose Marie Otzelberger, as to an undivided twenty-three and three-quarters percent (23.75%), Roger L. Otzelberger, Jr., as to an undivided twenty-three and three-quarters percent (23.75%) interest, Rachel Marie Brown, as to an undivided twenty-three and three-quarters percent (23.75%) interest, together as joint tenants

and not as joint tenants and not as tenants in common, and unto Margaret Jane Hanes, as to an undivided five percent (5.0%) interest, together as a tenant in common with the said Roger L. Otzelberger, Rose Marie Otzelberger, Roger L. Otzelberger, Jr., and Rachel Marie Brown by Deed dated December 30, 2003 and recorded in Liber 2227, Folio 399 among the Land Records of Washington County, Maryland. Roger L. Otzelberger, Sr., Personal Representative of the Estate of Margaret Jane Hanes, conveyed the five (5%) interest vested in said Estate to Roger L. Otzelberger, Sr., Rose Marie Otzelberger, Rachel Marie Brown, and Roger L. Otzelberger, Jr., as joint tenants with rights of survivorship, by Deed dated February 21, 2019 and recorded in Liber 5927, Folio 475 among the aforesaid Land Records; *thereafter*, title to the herein described property vested in Roger L. Otzelberger, Sr., Rose Marie Otzelberger, Rachel Marie Brown, and Roger L. Otzelberger, Jr., as joint tenants with rights of survivorship.

BASED on Assessment Records and calculation of the acreage contained in the existing descriptions, the Remaining Lands contain 152.35 acres, more or less.

TOGETHER WITH a right of way or easement over each/all of the tracts or parcels of lands, collectively and in tandem or succession, as needed, for ingress and egress to and from the public road known as "Hoffmaster Road."