

**AN ORDINANCE TO APPROVE THE PURCHASE OF A CONSERVATION  
EASEMENT UNDER THE MARYLAND RURAL LEGACY PROGRAM**

***(Re: Harbaugh 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. Robert H. Harbaugh, Jr., and Doris Louise Harbaugh, life tenant, (collectively, the "Property Owner") are the fee simple owners of real property consisting of 47.865 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 One Hundred Forty-Three Thousand Five Hundred Ninety-Five Dollars (\$143,595.00), which is a portion of the RLP Funds, to the Property Owner for a Deed of Conservation Easement on the Property (the "Harbaugh 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 Harbaugh RLP Easement.

ADOPTED this 30 day of July, 2019.

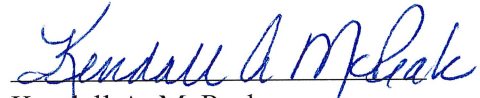
ATTEST:

  
Krista L. Hart, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF WASHINGTON COUNTY, MARYLAND

BY:   
Jeffrey A. Cline, President

Approved as to legal sufficiency:

  
Kendall A. McPeak  
Deputy County Attorney

Mail to:

Office of the County Attorney  
100 W. Washington St., Suite 1101  
Hagerstown, MD 21740

EXHIBIT A  
DESCRIPTION OF EASEMENT PROPERTY

ALL that tract or parcel of land, and all the rights, ways, privileges and appurtenances thereunto belonging on in anywise appertaining, situate along the South side of Millbrook Road, and along the East side of the Baltimore and Ohio Railroad near Trego, in Election District No. 8, Washington County, Maryland, and being more particularly described by metes and bounds according to a survey and description prepared by Joseph H. Seibert, County Surveyor, in Hagerstown, Maryland, on November 20, 1969, as follows:

BEGINNING at a post standing at or near the beginning of Parcel No. 2 of the Deed from Frank B. Mullendore and Wife to Lloyd T. Mullendore and Aileen Grace Mullendore, his wife, dated August 8, 1953 and recorded in Liber 277, Folio 351 among the Land Records of Washington County, Maryland, and running thence with the lines of said Parcel as established by existing fence lines South 2 degrees 51 minutes East 559.9 feet to a post; thence South 64 degrees 49 minutes West 656.2 feet to a post; thence South 71 degrees 12 minutes West 799.45 feet to a post; thence North 68 degrees 09 minutes West 646.7 feet to a post; thence South 77 degrees 49 minutes West 249.5 feet to a post; thence North 16 degrees 00 minutes West 490.5 feet to a post; thence leaving the lines of said Parcel and running so as to exclude the parcel of land retained by Lloyd T. E. Mullendore and Wife North 41 degrees 12 minutes East 172.23 feet to a tree stump; thence North 55 degrees 00 minutes East 117.5 feet to a tree stump; thence North 40 degrees 12 minutes East 111.9 feet to a post; thence North 15 degrees 44 minutes East 87.5 feet to a marked tree; thence North 45 degrees 04 minutes West 16.76 feet to a post; thence North 86 degrees 39 minutes West 88.0 feet to a metal post; thence North 62 degrees 43 minutes West 104.9 feet into the Millbrook Road; thence along or near the center thereof South 56 degrees 42 minutes West 238.1 feet to a point; thence leaving the lands retained and continuing along the Millbrook Road South 59 degrees 01 minutes West 325.8 feet to the East marginal line of the right of way of the Baltimore and Ohio Railroad; thence binding on said right of way North 12 degrees 36 minutes West 399.7 feet to a point; thence by a curve to the left having a radius of 632.6 feet for a distance of 658.59 feet, the chord being North 42 degrees 25 minutes 30 seconds West 629.26 feet to a point; thence leaving said right of way and running North 20 degrees 20 minutes West 400.2 feet to a point; thence North 15 degrees 49 minutes East 747.45 feet to a post; thence South 70 degrees 09 minutes East 882.73 feet to a post; thence South 4 degrees 14 minutes East 1320 feet to a post; thence North 74 degrees 42 minutes East 441.5 feet to a point; thence North 6 degrees 42 minutes West 340.0 feet to a post; thence North 81 degrees 29 minutes East 1255.33 feet to a post; thence South 39 degrees 13 minutes East 426.7 feet to a post; and South 40 degrees 28 minutes East 446.1 feet to the point of beginning; containing 97.9 acres of land, more or less.

SUBJECT TO AND TOGETHER WITH a Reciprocal Deed of Easement by and among Robert H. Harbaugh and Doris Louise Harbaugh, his wife, and Joseph Lyndell Clipp and Fonda

Kay Clipp, his wife, and Merl L. Clipp and Ivy M. Clipp, his wife, and Joseph Edgar Clipp and Vivian M. Clipp, his wife, and Farmers & Merchants Bank of Hagerstown, and Omer T. Kaylor and William C. Wantz, Trustees, dated August 18, 1986 and recorded in Liber 818, Folio 576 among the aforesaid Land Records.

SUBJECT TO AND TOGETHER WITH a Utility Easement and Maintenance Agreement by and between Robert H. Harbaugh and Doris L. Harbaugh and John B. Frocke and Beckie L. Ray, dated August 31, 2001 and recorded in Liber 1701, Folio 768 among the aforesaid Land Records.

SAVING AND EXCEPTING THEREFROM all of the following out-conveyances:

[1] All that lot or parcel of land conveyed from Robert H. Harbaugh and Doris Louise Harbaugh, his wife, to the Board of County Commissioners of Washington County, Maryland, by Deed dated July 7, 1981 and recorded in Liber 718, Folio 977, and confirmed by Confirmatory Deed dated March 11, 1985 and recorded in Liber 780, Folio 594 among the aforesaid Land Records, containing 30.27 acres of land, more or less;

[2] All that lot or parcel of land conveyed from Robert H. Harbaugh and Doris Louise Harbaugh, his wife, to Robert H. Harbaugh, Jr. and Lisa L. Harbaugh, his wife, by Deed dated July 14, 1987 and recorded in Liber 851, Folio 866 among the aforesaid Land Records, containing 3.371 acres, more or less;

[3] All that lot or parcel of land conveyed from Robert H. Harbaugh and Doris Louise Harbaugh, his wife, to Robert H. Harbaugh, Doris Louise Harbaugh, Bernard Thomas Brashears, Jr. and Judy M. Brashears, by Deed dated June 10, 1997 and recorded in Liber 1343, Folio 1033 among the aforesaid Land Records containing 10.34 acres, more or less; and

[4] All that lot or parcel of land conveyed from Doris Louise Harbaugh, life tenant, and Robert H. Harbaugh, Jr., remainderman, to Doris Louise Harbaugh, by Deed dated May 20, 2015 and recorded in Liber 4972, Folio 438 among the aforesaid Land Records, containing 3.25 acres, more or less; AND

FURTHER SAVING AND EXCEPTING THEREFROM that parcel of land containing 2.799 acres, more or less, shown and designated as "Parcel A" on the Plat entitled "SIMPLIFIED PLAT OF A SUBDIVISION OF LAND FOR ROBERT H. AND DORIS L. HARBAUGH" recorded at Plat Folio 3756 among the Plat Records of Washington County, Maryland.

BEING part of the property which was conveyed from Robert H. Harbaugh (deceased) and Doris Louise Harbaugh, his wife, to Robert H. Harbaugh, Jr., with a life estate reserved unto the said Doris Louise Harbaugh, by Deed dated December 13, 2011 and recorded in Liber 4211, Folio 383 among the Land Records of Washington County, Maryland; AND BEING part of the property described in the Confirmatory Deed from Doris Louise Harbaugh [Widow] to Robert H.

Harbaugh, Jr., with a life estate reserved unto the said Doris Louise Harbaugh, dated May 20, 2015 and recorded in Liber 4972, Folio 432 among the aforesaid Land Records.

PER the above recited acreage, the excepted Parcel A, and the State Department of Assessment and Taxation records, the herein described property contains *approximately* 47.865 acres of land, more or less.