

ORDINANCE NO. ORD-2020-21

AN ORDINANCE TO APPROVE THE PURCHASE OF REAL PROPERTY

*(Frog Eye Road Bridge Rehabilitation Project:
Property acquisition – situate along both sides of Frog Eye Road,
Washington County, Maryland)*

RECITALS

1. The Board of County Commissioners of Washington County, Maryland (the "County") believes that it is in the best interest of the citizens of Washington County to acquire certain real property identified on the attached Exhibit A (the "Property") to be used for public purposes.
2. The County approved the acquisition of the Property on July 14, 2020.
3. A public hearing was not required by Section 1-301, Code of the Public Local Laws of Washington County, Maryland, as the funds utilized to purchase of the Property are not to be expended from the General Fund of the County.
4. The acquisition of the Property is necessary for the Frog Eye Road Bridge Rehabilitation Project in Washington County, Maryland.
5. The County has agreed to pay the sum of approximately Nine Thousand Dollars and No Cents (\$9,000.00) to the Property Owner.

THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Washington County, Maryland that the acquisition of 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 acquisition of the Property.

ADOPTED this 14th day of July, 2020.

ATTEST:



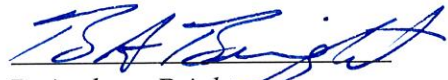
Krista L. Hart, Clerk

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

BY: 

Jeffrey A. Cline, President

Approved as to legal sufficiency:

A handwritten signature in blue ink, appearing to read "BA Bright", written over a horizontal line.

B. Andrew Bright
Assistant County Attorney

Mail to:

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

EXHIBIT A--DESCRIPTION OF PROPERTY

PROPERTY ACQUISITION:

Situate along the both sides of Frog Eye Road, Knoxville, Maryland

All those two parcels of land, together with the appurtenances thereto belonging, or in anywise appertaining, lying between the lines designated "Existing Private Right-of-Way Lines hereby Vacated" and the outermost lines designated "Right-of-Way Line" and "Right-of-Way & Existing Right-of-Way Line" as shown and/or indicated on the hereinafter mentioned plat, all of which plat is made a part hereof, so far as the Grantor's property and/or rights may be affected by the proposed culvert and supporting structural improvements and the appurtenances thereto belonging, or anywise appertaining, situate along the both sides of Frog Eye Road, in Election District No. 11 of Washington County, Maryland, and more particularly described as follows:

Parcel No. 1: (North side of Frog Eye Road)

Beginning for the outline hereof at a 5/8-inch rebar and cap set in the 3rd or North 30 Degrees 00 Minutes East 94.05 foot line of the Grantor's deed, recorded among the Land Records of Washington County, Maryland, in Liber 787, folio 741, said point being 15 feet right of and perpendicular to Baseline of Right-of-Way Station 18+68.82 as graphically depicted on a plat prepared by the Division of Engineering for Washington County, Maryland, titled "FROG EYE ROAD Bridge Replacement Project #14-225", dated June 15, 2020, and intending to be recorded among the Land Records of Washington County, Maryland, in the Washington County Lands and Right-of-Way Plat Book as Right-of-Way Plat Nos. 100-10-608 and 100-10-609; thence running with a portion of the aforementioned third line of the Grantor's deed, reversed and on a bearing to agree with a recent survey performed by the Division of Engineering for Washington County, Maryland:

1. South 28 Degree 57 Minutes 21 Seconds West 10.00 feet to a point in the North marginal line of a private Right-of-Way for Frog Eye Road, intending to be vacated as shown on the aforementioned plat; thence running with a portion thereof for the following 5 courses
2. South 61 Degrees 02 Minutes 39 Seconds East 152.05 feet to a point; by a tangent curve to the left having a radius of 395.52 feet, an arc length of 69.07 feet, and subtended by a chord with a bearing and distance of
3. South 66 Degrees 02 Minutes 48 Seconds East 68.98 feet to a point;
4. South 71 Degrees 02 Minutes 58 Seconds East 21.61 feet to a point; by a tangent curve to the right having a radius of 1178.71 feet, an arc length of 106.88 feet, and subtended by a chord with a bearing and distance of
5. South 68 Degrees 27 Minutes 07 Seconds East 106.84 feet to a point;

6. South 65 Degrees 51 Minutes 16 Seconds East 470.85 feet to a point in the existing western marginal line of Right-of-Way for Maryland Route 67, AKA Rohrsersville Road; thence binding on said Right-of-Way and with a portion thereof
7. North 35 Degrees 26 Minutes 19 Seconds East 10.20 feet to a 5/8-inch rebar and cap set near the end of the last or South 37 degrees 17 Minutes West 163.79 foot line of the Grantor's deed; thence leaving the aforesaid Right-of-Way for Rohrsersville Road and running back therefrom with the existing 30-foot prescriptive Right-of-Way for Frog Eye Road and across the Grantor's land by 5 lines of Right-of-Way now established
8. North 65 Degrees 51 Minutes 16 Seconds West 461.45 feet to a 5/8-inch rebar and cap set; leaving the said existing 30-foot prescriptive Right-of-Way for Frog Eye Road and continuing across the Grantor's land
9. North 59 Degrees 45 Minutes 45 Seconds West 144.94 feet to a 5/8-inch rebar and cap set;
10. North 64 Degrees 29 Minutes 55 Seconds West 99.83 feet to a 5/8-inch rebar and cap set;
11. North 71 Degrees 49 Minutes 16 Seconds West 116.00 feet to the point of beginning, containing an area of 13,262 feet or 0.3045 acre of land, more or less

Being a portion of the tract of land referred to as "PARCEL NO. 1" as conveyed unto the Grantor herein by Bernhard E. Richert, Jr. and Marilyn Kaye Richert by a deed dated June 25, 1985, and recorded among the Land Records of Washington County, Maryland in Liber 787, folio 741.

Together with the right to use the area designated as Temporary Easement to be Used Only during the Period of Construction, encompassing 9,643 square feet or 0.2214 acre of land, more or less, the outline of which is graphically depicted on the said Right-of-Way Plat Nos. 100-10-608 and 100-10-609. The purpose of the Temporary Easement shall be to provide working space for grading and access upon the Grantor's property during the performance of the impending Washington County Department of Public Works Contract No. _____. The Temporary Easement shall revert to the Grantor by operation of law upon the completion and acceptance of the Project by the County.

Parcel No. 2: (South side of Frog Eye Road)

Beginning for the outline hereof at a 5/8-inch rebar and cap set in the South marginal line of the existing 30-foot prescriptive Right-of-Way for "Frog Eye Road", said point being near the end of the penultimate or North 57 Degrees 54 Minutes East 234.25 foot line of the Grantor's deed, recorded among the Land Records of Washington County, Maryland, in Liber 787, folio

741, said point being 15 feet left of and perpendicular to Baseline of Right-of-Way Station 16+49.88 as graphically depicted on a plat prepared by the Division of Engineering for Washington County, Maryland, titled "FROG EYE ROAD Bridge Replacement Project #14-225", dated June 15, 2020, and intending to be recorded among the Land Records of Washington County, Maryland, in the Washington County Lands and Right-of-Way Plat Book as Right-of-Way Plat Nos. 100-10-608 and 100-10-609; thence running with a portion of the aforementioned penultimate line of the Grantor's deed, reversed and on a bearing to agree with a recent survey performed by the Division of Engineering for Washington County, Maryland:

1. North 57 Degrees 57 Minutes 54 Seconds East 12.85 feet, passing through a 5/8 inch rebar found at 3.43 feet along the line, to a point in the South marginal line of a private Right-of-Way for Frog Eye Road, intending to be vacated as shown on the aforementioned plat; thence with a portion thereof for the following 4 courses
2. North 71 Degrees 02 Minutes 58 Seconds West 4.94 feet to a point; by a tangent curve to the right having a radius of 405.38 feet, an arc length of 70.81 feet, and subtended by a chord with a bearing and distance of
3. North 66 Degrees 02 Minutes 48 Seconds West 70.72 feet to a point;
4. North 61 Degrees 02 Minutes 39 Seconds West 184.98 feet to a point; by a tangent curve to the left having a radius of 2096.46 feet, an arc length of 157.03 feet, and subtended by a chord with a bearing and distance of
5. North 63 Degrees 11 Minutes 23 Seconds West 156.99 feet to a point in the existing line of division between the Grantor's land and a parcel of land formerly occupied by the Baltimore and Ohio Railroad Company and conveyed to the State of Maryland by CSX Transportation, Inc., by virtue of a quit claim deed dated September 6, 1991, and recorded among the Land Records of Washington County, Maryland, in Liber 1015, folio 796; thence binding on said parcel of land and with a portion thereof
6. South 40 degrees 38 Minutes 39 Seconds West 10.40 feet to a 5/8 inch rebar and cap set in the aforementioned line of division; thence leaving said parcel, following the existing 30-foot prescriptive Right-of-Way for Frog Eye Road, and crossing the Grantor's land by 3 lines of Right-of-Way now established, by a curve to the right having a radius of 2086.46 feet, an arc length of 159.14 feet, and subtended by a chord with a bearing and distance of
7. South 63 Degrees 13 Minutes 45 Seconds East 159.10 feet to a point;
8. South 61 Degrees 02 Minutes 39 Seconds East 184.98 feet to a point; by a tangent curve to the left having a radius of 415.52 feet, an arc length of 69.41 feet, and subtended by a chord with a bearing and distance of

9. South 65 Degrees 49 Minutes 45 Seconds East 69.32 feet to the point of beginning, containing an area of 4,156 square feet or 0.0954 acre of land, more or less

Being a portion of the tract of land referred to as "PARCEL NO. 2" as conveyed unto the Grantor herein by Bernhard E. Richert, Jr. and Marilyn Kaye Richert by a deed dated June 25, 1985, and recorded among the Land Records of Washington County, Maryland, in Liber 787, folio 741.

Together with the right to use the area designated as Temporary Easement to be Used Only during the Period of Construction, encompassing 4,868 square feet or 0.1117 acre of land, more or less, the outline of which is graphically depicted on the said Right-of-Way Plat Nos. 100-10-608 and 100-10-609. The purpose of the Temporary Easement shall be to provide working space for grading and access upon the Grantor's property during the performance of the impending Washington County Department of Public Works Contract No. _____. The Temporary Easement shall revert to the Grantor by operation of law upon the completion and acceptance of the Project by the County.