

ORDINANCE NO. ORD-2020-27

**AN ORDINANCE TO APPROVE THE PURCHASE OF A CONSERVATION
EASEMENT UNDER THE MARYLAND RURAL LEGACY PROGRAM
(Re: Olden 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 2020, Washington County (the “County”) was awarded a RLP grant totaling \$1,502,982.00 (the “RLP Funds”).

4. Branch Banking & Trust, Corporate Trustee of the Vera V. Marker Trust for the Benefit of Monica J. Marker, is the fee simple owner of real property consisting of 184.12 acres, more or less, (the “Property”) in Washington County, Maryland. The Property is more particularly described on Exhibit A attached hereto.

5. The Property Owner has agreed to sell the above-referenced Property to Drew S. Olden (the “Contract Purchaser”), who has agreed to execute a Deed of Easement upon acquiring title to the Property.

6. The County has agreed to pay the sum of approximately Five Hundred Forty-Six Thousand Three Hundred Sixty Dollars and No Cents (\$546,360.00), which is a portion of the RLP Funds, to the Contract Purchaser, after he has acquired good and marketable title to the Property, in exchange for a Deed of Conservation Easement on the Property (the “Olden 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 Olden RLP Easement.

ADOPTED this 25th day of August, 2020.

ATTEST:



Krista L. Hart, Clerk

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

BY: 
Jeffrey A. Cline, President

Approved as to legal sufficiency:



B. Andrew Bright
Assistant County Attorney

Mail to:

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

EXHIBIT A
DESCRIPTION OF EASEMENT PROPERTY

Parcel 1, First Tract (West side of Road)

Situate along the east side of Rohrersville Road, approximately 2000 feet south of its intersection with Trego Road, in Election District No. 8, in Washington County, Maryland, and being more particularly described in accordance with a survey by Frederick, Seibert and Associates, Inc. as follows:

Beginning at a set iron pin along the west side of Rohrersville Road, said point being the southeastern corner of the herein described parcel, thence running in a clockwise direction along the lands now or formerly of Robert W. Oakes, L/E and Denise M. Painter (Liber 4935, folio 487), the lands now or formerly of Deborah Stump Gay (Liber 5445, folio 435) and the lands now or formerly of Timothy R. and Catherine E. Gaddis (Liber 1492, folio 915) S75°46'25"W 1536.92 feet to a found iron pin, thence along the lands now or formerly of Lyle S. and April J. Firnhaber (Liber 3150, folio 1) S84°40'38"W 557.28 feet to a set iron pin, thence along the lands now or formerly of MD Natural Resources, C/O Land & Prop MGMT E-3 (Liber 1015, folio 796) N18°25'43"W 33.57 feet to a point, thence N10°14'40"W 64.96 feet to a point, thence N11°28'52"W 100.02 feet to a point, thence N11°52'55"W 100.01 feet to a point, thence N10°23'36"W 100.08 feet to a point, thence N12°37'36"W 100.00 feet to a point, thence N13°11'59"W 100.00 feet to a point, thence N11°52'55"W 100.01 feet to a point, thence N10°27'02"W 100.07 feet to a point, thence N15°36'12"W 100.14 feet to a point, thence N13°01'40"W 100.00 feet to a point, thence N11°25'25"W 100.02 feet to a point, thence N13°05'41"W 107.65 feet to a point, thence by a curve to the left having a radius of 5772.85 feet, an arc length of 100.75 feet, a chord bearing of N14°07'36"W, and a chord distance of 100.75 feet to a set iron pin, thence N18°56'00"W, and a chord distance of 100.75 feet to a set iron pin, thence N18°56'00"W 100.92 feet to a point, thence N15°33'27"W 100.65 feet to a point, thence N17°56'32"W 93.51 feet to a set iron pin, thence along the lands now or formerly of Dorothy Wierer (Liber 4857, folio 101) N00°59'06"W 879.40 feet to a set iron pin, thence along Parcel 2 of the lands now or formerly of Branch Banking & Trust Corporation, Trustee N81°43'55"E 1781.69 feet to a point, thence along the west side of Trego Road S16°16'50"E 123.87 feet to a point, thence S18°41'29"W 61.61 feet to a point, thence S17°03'45"E 70.53 feet to a point, thence by a curve to the left having a radius of 221.74 feet, an arc length of 121.02 feet, a chord bearing of S33°30'21"E, and a chord distance of 119.52 feet to a point, thence along the west side of Rohrersville Road S12°26'18"E 107.08 feet to a point, thence S18°00'08"E 378.68 feet to a point, thence by a curve to the left having a radius of 2904.79 feet, an arc length of 103.23 feet, a chord bearing of S11°29'15"E, and a chord distance of 103.23 feet to a point, thence S77°29'40"W 7.00 feet to a point, thence by a curve to the left having a radius of 2911.79 feet, an arc length of 37.61 feet, a chord bearing of S12°52'32"E, and a chord distance of 37.61 feet to a point, thence by a curve to the left having a radius of 2911.79 feet, an arc length of 152.46 feet, a chord bearing of S14°44'44"E, and a chord distance of 152.44 feet to a point,

thence by a curve to the left having a radius of 2911.79 feet, an arc length of 62.20 feet, a chord bearing of S16°51'27"E, and a chord distance of 62.19 feet to a point, thence S17°28'09"E 188.81 feet to a point, thence S72°31'51"W 14.00 feet to a point, thence S17°28'09"E 350.00 feet to a point, thence N72°31'51"E 14.00 feet to a point, thence S17°28'09"E 249.71 feet to a found iron pin, thence along the lands now or formerly of Audrey D. and James L. Tritapoe (Liber 914, folio 139) S72°26'35"W 377.06 feet to a found iron pin, thence S17°33'25"E 336.89 feet to a point, thence N75°39'41"E 375.65 feet to a found iron pin, thence by a curve to the right having a radius of 11412.16 feet, an arc length of 14.42 feet, a chord bearing of S16°31'07"E, and a chord distance of 14.42 feet to the place of beginning;

Containing 107.74 acres of land more or less (104.74 acres less saving and excepting below)

SAVING AND EXCEPTING therefrom a parcel or tract of real property, together with the improvements thereon, situate approximately 600 feet West of Rohrersville at a point approximately 1000 feet south from Trego Road, in Election District No. 8, Washington County, Maryland, and being More particularly as follows:

Beginning at a point N56°12'08"W 429.76 feet from the northwest corner of the lands now or formerly of Audry D. Tritapoe and James L. Tritapoe (Liber 914, folio 139) and running thence in a clockwise direction S79°31'43"W 326.70 feet to a point, thence N10°28'17"W 400.00 feet to a point, thence N79°31'43"E 326.70 feet to a point, thence S10°28'17"E 400.00 feet to the place of beginning; containing 0.92 acres of land, more or less; said lands being now or formerly of Monica J. Marker (Liber 4857, folio 106) and also being Lot 2 as shown on the Preliminary/Final Plat, Lot 2, of Howard C. Marker, recorded among the Land Records of Washington County, Maryland, in Plat folio 10323.

Said lands are conveyed subject to and together with any conditions, restrictions, easements or rights-of-way of record and applicable thereto.

Said lands being part of the First Tract of Parcel 1 of the lands conveyed in a deed from Stacey Norbeck, Successor Trustee of the Vera V. Marker Irrevocable Trust, First United Bank & Trust, Maryland Region, Corporate Trustee, Stacy Norbeck and James A. List, Successor Trustees of the Howard C. Markers Disclaimer Trust created under the Howard C. Marker Revocable Trust, and Dorothy Wierer, to Branch Banking & Trust, Corporate Trustee of the Vera V. Marker Trust for the Benefit of Monica J. Marker, dated October 31, 2014, recorded among the Land Records of Washington County, Maryland, in Liber 4859, folio 154.

Parcel 1, Second Tract

Situate approximately 3000 feet west of Rohrersville Road and approximately 1500 feet southeast of Trego Mountain Road, in Election District No. 8, Washington County, Maryland, and being more particularly described in accordance with a survey by Frederick, Seibert and Associates, Inc. as follows:

Beginning at a found pipe at the end of the third or N87°19'32"W 2924.86 feet line of a deed from Matthew R. Schroebel and Sharon A. Schroebel, to Matthew R. Schroebel and Sharon A. Schroebel (Liber 1156, folio 722), said point being the southwestern corner of the herein described parcel, running thence in a clockwise direction along the lands now or formerly of David W. Sowers and Elizabeth S. Sowers (Liber 4857, folio 106) N06°48'38"E 509.74 feet to a found iron pin in stone pile, thence along the lands now or formerly of Kevin J. Pifer and Sandra J. Pifer (Liber 1206, folio 988), the lands now or formerly of Christopher S. Best and Jeannie S. Best (Liber 1107, folio 713) and the lands now or formerly of Dennis M. Rose and Charlotte M. Rose (Liber 1194, folio 607) S86°45'11"E 2853.32 feet to a set iron pin, thence along the lands now or formerly of Dorothy Wierer (Liber 4857, folio 101) S01°23'12"E 491.64 feet to a found iron pin, thence along the lands now or formerly Matthew R. Schroebel and Sharon A. Schroebel (Liber 1156, folio 722) N87°07'12"W 2924.78 feet to the place of beginning;

Containing 33.12 acres of land more or less;

Said lands are conveyed subject to and together with any conditions, restrictions, easements or right-of-way of record and applicable thereto;

Said lands being the Second Tract of Parcel 1 of the lands conveyed in a deed from Stacey Norbeck, Successor Trustee of the Vera V. Marker Irrevocable Trust, First United Bank & Trust, Maryland Region, Corporate Trustee, Stacy Norbeck and James A. List, Successor Trustees of the Howard C. Markers Disclaimer Trust created under the Howard C. Markers Revocable Trust, and Dorothy Wierer, to Branch Banking & Trust, Corporate Trustee of the Vera V. Marker Trust for the benefit of Monica J. Marker, dated October 31, 2014, recorded among the Land Records of Washington County, Maryland, in Liber 4859, folio 154.

Parcel 2

Situate along the west side of Trego Road, approximately 480 feet north of its intersection with Rohrersville Road, in Election District No. 8, Washington County, Maryland, and being more particularly described in accordance with a survey by Frederick, Seibert and Associates, Inc. as follows:

Beginning at a set iron pin along the west side of Trego Road, said point being the southeastern corner of the herein described parcel, thence running in a clockwise direction along the Parcel 1 First Tract of the lands now or formerly of Branch Banking & Trust Corporation, Trustee S81°43'55"W 1781.69 feet to a set iron pin, thence along the lands now or formerly of Dorothy Wierer (Liber 4857, folio 101) N53°09'03"E 1613.15 feet to a set iron pin, thence along the

southwest side of Trego Road S45°17'27"E 141.41 feet to a point, thence S42°43'36"E 148.47 feet to a point, thence S38°34'35"E 180.27 feet to a point, thence by a curve to the right having a radius of 644.06 feet, an arc length of 239.15 feet, a chord bearing of S27°56'21"E and a chord distance of 237.77 feet to a point, thence S17°18'07"E 158.86 feet to the place of beginning;

Containing 16.64 acres of land more or less;

Said lands are conveyed subject to and together with any conditions, restrictions, easements or rights-of-way of record and applicable thereto.

Said lands being the Second Parcel of the lands conveyed in a deed from Stacey Norbeck, Successor Trustee of the Vera V. Marker Irrevocable Trust, First United Bank & Trust, Maryland Region, Corporate Trustee, Stacy Norbeck and James A. List, Successor Trustees of the Howard C. Markers Disclaimer Trust created under the Howard C. Marker Revocable Trust, and Dorothy Wierer, to Branch Banking & Trust, Corporate Trustee of the Vera V. Marker Trust for the Benefit of Monica J. Marker, dated October 31, 2014, recorded among the Land Records of Washington County, Maryland, in Liber 4859, folio 154.

Parcel 1, First Tract (East side of Road)

Situate along the east side of Rohrersville Road, approximately 2000 feet south of its intersection with Trego Road, in Election District No. 8, Washington County, Maryland, and being more particularly described in accordance with a survey by Frederick, Seibert and Associates, Inc. as follows:

Beginning at a found iron pin along the east side of Rohrersville Road, said point being the southwestern corner of the herein described parcel, thence running in a clockwise direction by a curve to the left having a radius of 11599.16 feet, an arc length of 207.20 feet, a chord bearing of N17°02'21"W, and a chord distance of 207.19 feet to a point, thence N17°33'03"W 526.55 feet to a point, thence N72°26'57"E 8.00 feet to a point, N17°33'03"W 349.00 feet to a point, thence S72°26'57"W 8.00 feet to a point, thence N17°33'03"W 88.81 feet to a point, thence by a curve to the right having a radius of 2724.79 feet, an arc length of 58.20 feet, a chord bearing of N16°56'21"W, and a chord distance of 58.20 feet to a point, thence S73°40'22"W 8.00 feet to a point, thence by a curve to the right having a radius of 2732.79 feet, an arc length of 476.96 feet, a chord bearing of N11°19'38"W, and a chord distance of 476.36 feet to a point, thence N83°40'22"E 11.00 feet to a point, thence by a curve to the right having a radius of 2721.79 feet, an arc length of 237.52 feet, a chord bearing of N03°49'38"W, and a chord distance of 237.45 feet to a point, thence by a curve to the right having a radius of 2721.79 feet, an arc length of 131.14, a chord bearing of N00°03'11"E, and a chord distance of 131.13 feet to a found iron pin, thence along the lands now or formerly of Vaughn D. Crawl and Lucinda S. Crawl (Liber 4288, folio 244) S83°07'37"E 402.83 feet to a found iron pin, thence N06°10'02"W 404.77 feet to a found iron pin, thence along the lands now or formerly of Elizabeth A. and Joan F. Hoos (Liber 1585, folio 714) and the lands now or formerly of Robert R. and Claudia C. Stewart (Liber 794,

folio 1016) N82°05'08"E 316.54 feet to a found concrete monument, thence along the lands now or formerly of Walter E. Little (Liber 625, folio 652) and the lands now or formerly of Darrell R. and Linda Wilhelm (Liber 775, folio 412) and the lands now or formerly of Oliver and Amy Garrett (Liber 5323, folio 237) and the lands now or formerly of Ruth H. and Jean P. Cowell (Liber 2512, folio 573) and the lands now or formerly of Dennis L. Clemm and Terry L. Clemm (Liber 6029, folio 340) S04°16'03"E 1814.99 feet to a set iron pin, thence along the lands now or formerly of Christina and Stewart Willems (Liber 861, folio 461) S02°27'56"E 507.60 feet to a found planted stone, thence along the lands now or formerly of Stewart M. Willems (Liber 738, folio 355) S75°58'16"W 363.19 feet to the place of beginning;

Containing 29.27 acres of land more or less;

Said lands are conveyed subject to and together with any conditions, restrictions, easements or rights-of-way of record and applicable thereto.

Said lands being part of the First Tract of Parcel 1 of the lands conveyed in a deed from Stacey Norbeck, Successor Trustee of the Vera V. Marker Irrevocable Trust, First United Bank & Trust, Maryland Region, Corporate Trustee, Stacy Norbeck and James A. List, Successor Trustees of the Howard C. Markers Disclaimer Trust created under the Howard C. Marker Revocable Trust, and Dorothy Wierer, to Branch Banking & Trust, Corporate Trustee of the Vera V. Marker Trust for the Benefit of Monica J. Marker, dated October 31, 2014, recorded among the Land Records of Washington County, Maryland, in Liber 4859, folio 154.

Parcel 1, First Tract (Between the Two Roads)

Situate along the west side of Rohrersville Road and the east side of Trego Road just above the intersection of Rohrersville Road and Trego Road, in Election District No. 8, Washington County, Maryland, and being more particularly described in accordance with a survey by Frederick, Seibert and Associates, Inc. as follows:

Beginning at a point along the east side of Trego Road, said point being the southwestern corner of the herein described parcel, thence running in a clockwise direction N16°50'20"W 149.54 feet to a found iron pin, thence along the lands now or formerly of George W. and Debbie M. Baugher (Liber 1324, folio 514) N81°50'24"E 143.14 feet to a found iron pin, thence by a curve to the right having a radius of 631.51 feet, an arc length of 83.93 feet, a chord bearing of S14°56'22"W and a chord distance of 83.87 feet to a point, thence S16°16'36"W 44.69 feet to a point, thence by a curve to the left having a radius of 2076.40 feet, an arc length of 44.54 feet, a chord bearing of S16°20'53"W and a chord distance of 44.54 feet to a point, thence N86°26'11"W 51.79 feet to the place of beginning;

Containing 0.35 acres of land more or less;

Said lands are conveyed subject to and together with any conditions, restrictions, easements or rights-of-way of record and applicable thereto.

Said lands being part of the First Tract of Parcel 1 of the lands conveyed in a deed from Stacey Norbeck, Successor Trustee of the Vera V. Marker Irrevocable Trust, First United Bank & Trust, Maryland Region, Corporate Trustee, Stacy Norbeck and James A. List, Successor Trustees of the Howard C. Markers Disclaimer Trust created under the Howard C. Marker Revocable Trust, and Dorothy Wierer, to Branch Banking & Trust, Corporate Trustee of the Vera V. Marker Trust for the Benefit of Monica J. Marker, dated October 31, 2014, recorded among the Land Records of Washington County, Maryland, in Liber 4859, folio 154.

All tracts/parcels described herein being all of the same property which is intended to be conveyed from Branch Banking & Trust, Corporate Trustee of the Vera V. Marker Trust for the Benefit of Monica J. Marker, to Drew S. Olden by Deed to be recorded among the aforesaid Land Records.