

**AN ORDINANCE TO APPROVE THE PURCHASE OF A CONSERVATION
EASEMENT UNDER THE MARYLAND RURAL LEGACY PROGRAM
(Re: Baker 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 2021, Washington County (the "County") was awarded a RLP grant totaling \$1,691,000.00 (the "RLP Funds").

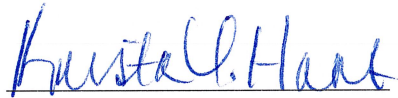
4. David L. and Barbara S. Baker are the fee simple owners of real property consisting of 127 acres, more or less, (the "Property") in Washington County, Maryland. The Property is more particularly described on Exhibit A attached hereto.

5. The County has agreed to pay the sum of Four Hundred Thousand Dollars and No Cents (\$400,000.00), 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 "Baker 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 Baker RLP Easement.

ADOPTED this 4th day of May, 2021.

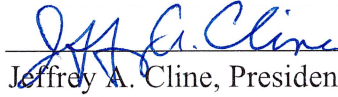
ATTEST:



Krista L. Hart, Clerk

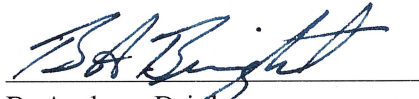
BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

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

ALL those tracts, lots or parcels of land, and all the rights, ways, privileges and appurtenances thereunto belonging on in anywise appertaining, situate in Election District No. 12, Washington County, Maryland, and being more particularly described as follows:

PARCEL NO. 1: ALL that tract or parcel of land, situate in Election District No. 12, Washington County, Maryland, being part of a tract of land called "Eye Trap", and BEGINNING at a stone planted in the middle of the public road leading from "Smoketown" to "Booths' Mill", and running with said road North $22\frac{1}{4}$ degrees East 87.4 perches to a stone, it being the beginning of the Deed from Isaac Hershey to Christian Hershey dated April 6, 1825; and running thence South $68\frac{1}{4}$ degrees East 102 perches to a stone; North $17\frac{1}{2}$ degrees East 30 perches to a stone; thence North $15\frac{3}{4}$ degrees East 40 perches to a stone; thence South 81 degrees East 25.16 perches to the beginning of the South 65 degrees East 51.7 perches line of the Deed from John Emmert and Wife to Jacob Poffenberger dated August 16, 1851, recorded in Liber I.N. No. 6, folios 213 & 214 among the Land Records of Washington County, Maryland; and running thence with the outlines of said Deed South 65 degrees East 51.7 perches to the lands of Mrs. Ann Marie Williams; thence bounding on her lands South $10\frac{1}{2}$ degrees West 18.7 perches to a stone in a lane; thence North $66\frac{1}{2}$ degrees West 2 perches and .5 of a perch to a stone; thence South $43\frac{1}{2}$ degrees West $58\frac{1}{2}$ perches, more or less, to a stone at the end of the 7th or South $43\frac{1}{2}$ degrees West $58\frac{1}{4}$ perches line of a Deed from Jacob Fiery, Trustee, to Jacob Poffenberger dated April 9, 1850, and recorded in Liber I.N. No. 5, folio 52 among the aforesaid Land Records; [thence] South $71\frac{3}{4}$ degrees East 49 perches and .7 of a perch to a stone; [thence] South 15 degrees West 34 perches to a stone, a corner of said Elias Poffenberger's lands; thence leaving the lands of the said Ann Maria Williams and running with the outlines of Elias Poffenberger's Deed for $158\frac{1}{4}$ acre and 10 perches of land; [thence] South 86 degrees West 88.4 perches to a stone; [thence] South $16\frac{1}{2}$ degrees West 4.7 perches to a stone; [thence] South $86\frac{1}{2}$ degrees West 66 perches to a stone; thence leaving the lands of said Elias Poffenberger North 26 degrees East 8 perches to a stone; [thence] North $63\frac{1}{2}$ degrees West 66 perches to the point of beginning; containing $123\frac{3}{4}$ acres and 8 perches of land, more or less.

SAVING AND EXCEPTING THEREFROM all that portion of the hereinbefore described property included in said Deed that was thereafter conveyed by the said Hiram Poffenberger and Catherine Poffenberger, his wife, to the Washington County Railroad Company by Deed dated March 13, 1866, and recorded in Liber I.N. No. 18, folio 505 among the aforesaid Land Records, and all that portion that was thereafter conveyed by the said Hiram Poffenberger by Deed dated April 10, 1872, and recorded in Liber W.McK.K. No. 4, folio 706

one of the Land Records of Washington County aforesaid, to all of the aforementioned Deed reference being hereby made.

PARCEL NO. 2: ALL that tract or parcel of land, situate in Washington County, Maryland, on the West side of the Washington County Branch of the Baltimore and Ohio Railroad, and BEGINNING at a stone planted in the end of the South 43½ degrees West 58½ perches, or 9th line of the Deed from Jacob Poffenberger and Wife to Hiram Poffenberger dated March 29, 1861, and recorded in Liber I.N. No. 15, folios 667 and 668 among the aforesaid Land Records, and running thence with the 10th line of the Deed South 71 ¾ degrees East 4.1 perches to the Western boundary line of the aforesaid branch of the Baltimore and Ohio Railroad; and with [said] line North 5.2 perches to a stone planted on the 9th line of the aforesaid Deed from Jacob Poffenberger and Wife to Hiram Poffenberger; and with that line South 43½ West 5.4 perches to the end of said 9th line [the point of beginning]; containing 10 square perches of land, more or less, and adjoining the above described Parcel No. 1.

PARCEL NO. 3: BEING all that tract or parcel of land, containing 11 acres of land, more or less, situate in Washington County, Maryland, Southwest of and immediately adjoining the above described Parcel No. 1, and being the same property which was conveyed from Mary Hershey to Jacob Poffenberger by Deed dated March 1, 1841, and recorded in Liber Y.Y., folio 48 among the aforesaid Land Records.

SAVING AND EXCEPTING THEREFROM that portion thereof that was thereafter conveyed by the said Jacob Poffenberger and Amelia Poffenberger, his wife, to Hiram Poffenberger by Deed dated March 29, 1861, and recorded in Liber I.N. No. 15, folio 667 among the aforesaid Land Records, and being also the same property that was devised unto the said Hiram Poffenberger by the said Jacob Poffenberger by his Last Will and Testament duly admitted to probate by the Orphans Court of Washington County aforesaid and recorded in Will Book H, folio 88 among the Will Records of Washington County, Maryland, to the aforementioned Will and Deeds reference being made.

AND FURTHER SAVING AND EXCEPTING THEREFROM a parcel of land containing 1.75 acres, more or less, conveyed from David Lynn Baker and Barbara S. Baker, his wife, to David Dodson and Lori Dodson, his wife, by Deed dated August 9, 2010, and recorded in Liber 4095, folio 213 among the aforesaid Land Records, and being Lot 1 on the Plat entitled "Preliminary/Final Plat of Subdivision of Lots 1 & 2 for David & Barbara Baker" recorded at Plat Folio 9874 among the Plat Records of Washington County, Maryland.

THE street addresses of the herein described property are currently known and designated as 18701-18703 Manor Church Road, Boonsboro, Maryland.

BEING part of the property (the remaining lands) which was conveyed from David Lynn Baker and Barbara S. Baker to David Lynn Baker and Barbara S. Baker, his wife, life tenants, and David Michael Baker and Etta May Baker, his wife, remaindermen, by Deed dated December 29, 2020, and recorded in Liber 6476, folio 391 among the Land Records of Washington County, Maryland; AND BEING part of the property which was conveyed from David Lynn Baker to David Lynn Baker and Barbara S. Baker, his wife, by Deed dated September 15, 2006, and recorded in Liber 3108, folio 299 among the aforesaid Land Records.