

ORDINANCE NO. ORD-2021-14

**AN ORDINANCE TO APPROVE THE ACQUISITION AND CONVEYANCE OF
REAL PROPERTY**

(Professional Boulevard Extension)

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 20, 2021.
3. A public hearing was not required by Section 1-301, Code of the Public Local Laws of Washington County, Maryland, as the Property is being donated and no funds will be utilized from the General Fund of the County for the acquisition of the Property.
4. The acquisition of the Property is necessary for improvements to Professional Boulevard in Washington County, Maryland.
5. The County also approves the conveyance of a portion of Professional Boulevard back to CHIEF as identified in the attached Exhibit A.
6. Notice of Intention to Convey Real Property was duly advertised pursuant to Section 1-301, Code of the Public Local Laws of Washington County, Maryland, in *The Herald Mail*, a daily newspaper of general circulation, on June 21, 28, and July 5, 2021.

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 and conveyance of the Property.

ADOPTED this 20th day of July, 2021.

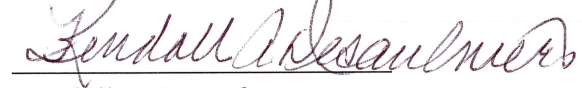
ATTEST:


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 dark ink, reading "Kendall A. Desaulniers", written over a horizontal line.

Kendall A. Desaulniers
Deputy 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:

All that strip of land lying Westerly of the lands N/F/K/A Rosewood Village and approximately 280 feet Easterly of the round-a-bout for the intersection of N/F Yale Drive and N/F Professional Boulevard East, between the lines noted as "Right-of-Way Line," as shown and/or indicated on the hereinafter mentioned plats, all of which are made a part hereof, so far as Grantor's property and/or rights may be affected by the proposed extension of N/F Professional Boulevard and the appurtenances thereto belonging, or anywise appertaining, in Election District No. 18 of Washington County, Maryland, being more particularly described as follows:

BEGINNING for the outline hereof at a point in the existing northerly margin of Right-of-Way for N/F Professional Boulevard East, said point being 50 feet left of and perpendicular to Baseline of Right-of-Way station 2+82.71, as shown on a plat prepared by the Division of Engineering for Washington County, Maryland, titled "PROFESSIONAL BOULEVARD EXTENDED – YALE DRIVE TO ROSEWOOD VILLAGE," intended 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 Plats Nos. 100-10-583 and 100-10-584; thence crossing lands of Grantor herein by five (5) new lines of Right-of-Way now established, on a bearing to agree with a recent survey performed by the Division of Engineering for Washington County, Maryland,

1. South 51 Degrees 50 Minutes 34 Seconds East 237.88 feet to a point; thence by a tangent curve to the left having a radius of 850.00 feet, an arc length of 166.90 feet, and subtended by a chord with a bearing and distance of
2. South 57 Degrees 28 Minutes 04 Seconds East 166.63 feet to a point; thence
3. South 63 Degrees 05 Minutes 35 Seconds East 334.27 feet to a point; thence by a tangent curve to the right having a radius of 950.00 feet, an arc length of 248.87 feet, and subtended by a chord with a bearing and distance of
4. South 55 Degrees 35 Minutes 17 Seconds East 248.16 feet to a point; thence
5. South 48 Degrees 04 Minutes 59 Seconds East 531.56 feet to a point in the fourteenth (14th) or South 41° 54' 00" West 1,754.96 foot line of Grantor's deed, said line being the existing property line and line of division between Grantor's land and the lands N/F of Rosewood Village II-A, LLC (L.6137 f.432), all of which is shown on the aforementioned Right-of-Way plats; thence binding upon said existing property line and line of division, and with a portion thereof
6. South 41 Degrees 55 Minutes 01 Second West 100.00 feet to a point; thence leaving said existing property line and line of division and going back therefrom and across Grantor's land by five (5) new lines of Right-of-Way now established
7. North 48 Degrees 04 Minutes 59 Seconds West 531.56 feet to a point; thence by a tangent curve to the left having a radius of 850.00 feet, an arc length of 222.68 feet, and subtended by a chord with a bearing and distance of
8. North 55 Degrees 35 Minutes 17 Seconds West 222.04 feet to a point; thence
9. North 63 Degrees 05 Minutes 35 Seconds West 334.27 feet to a point; thence by a

- tangent curve to the right having a radius of 950.00 feet, an arc length of 186.54 feet, and subtended by a chord with a bearing and distance of
10. North 57 Degrees 28 Minutes 04 Seconds West 186.24 feet to a point; thence
 11. North 51 Degrees 50 Minutes 34 Seconds West 237.88 feet to a point in the existing Southerly margin of Right-of-Way for N/F Professional Blvd. East; thence with a portion thereof
 12. North 38 Degrees 09 Minutes 26 Seconds East 100.00 feet to the point of beginning, containing an area of 151,619 square feet or 3.4807 acres of land, more or less.

TOGETHER WITH two (2) ten (10) foot wide **PERPETUAL DRAINAGE AND UTILITY EASEMENTS** running contiguous with the outer lines of the above-described FEE SIMPLE Right-of-Way lines established herein, and graphically depicted on the said Right-of-Way Plats Nos.100-10-583 and 100-10-584, being more particularly described as follows:

PERPETUAL DRAINAGE AND UTILITY EASEMENT NO. 1:

BEGINNING for the outline hereof at a point 50 feet left of and perpendicular to Baseline of Right-of-Way station 2+92.71, said point being in the first (1st) line of the FEE SIMPLE Right-of-Way area as described herein, being ten (10) feet from the beginning thereof, said point also being in the marginal line of the existing ten (10) foot wide Perpetual Drainage and Utility Easement, all of which is graphically depicted on said Right-of-Way Plat No. 100-10-583; thence leaving said Right-of-Way and going back therefrom and running contiguous with the marginal line of the existing ten (10) foot wide Perpetual Drainage and Utility Easement and with a portion thereof

1. North 38 Degrees 09 Minutes 26 Seconds East 10.00 feet to a point at the corner of the said existing ten (10) foot wide Perpetual Drainage and Utility Easement; thence leaving said existing easement and going back therefrom and across lands of Grantor herein by five (5) new lines of Easement now established
2. South 51 Degrees 50 Minutes 34 Seconds East 227.88 feet to a point; by a tangent curve to the left having a radius of 840.00 feet, an arc length of 164.94 feet, and subtended by a chord with a bearing and distance of
3. South 57 Degrees 28 Minutes 04 Seconds East 164.67 feet to a point;
4. South 63 Degrees 05 Minutes 35 Seconds East 334.27 feet to a point; by a tangent curve to the right having a radius of 960.00 feet, an arc length of 251.49 feet, and subtended by a chord with a bearing and distance of
5. South 55 Degrees 35 Minutes 17 Seconds East 250.77 feet to a point;
6. South 48 Degrees 04 Minutes 59 Seconds East 531.56 feet to a point in the fourteenth (14th) or South 41°54'00" West 1,754.96 foot line of Grantor's deed, said line being the existing property line and line of division between Grantor's land and the lands N/F of Rosewood Village II—A, LLC (L.6137 f.432), all of which is shown on the aforementioned Right-of-Way Plat No. 100-10-584; thence binding upon said existing property line and line of division, and with a portion thereof
7. South 41 Degrees 55 Minutes 01 Second West 10.00 feet to a point at the end of the fifth (5th) line of the FEE SIMPLE Right-of-Way established herein; thence leaving said existing property line and line of division and going back therefrom, binding upon the

FEE SIMPLE Right-of-Way established herein, and with a portion thereof reversed

8. North 48 Degrees 04 Minutes 59 Seconds West 531.56 feet to a point; thence by a tangent curve to the left having a radius of 950.00 feet, an arc length of 248.87 feet, and subtended by a chord with a bearing and distance of
9. North 55 Degrees 35 Minutes 17 Seconds West 248.16 feet to a point; thence
10. North 63 Degrees 05 Minutes 35 Seconds West 334.27 feet to a point; thence by a tangent curve to the right having a radius of 850.00 feet, an arc length of 166.90 feet, and subtended by a chord with a bearing and distance of
11. North 57 Degrees 28 Minutes 04 Seconds West 166.63 feet to a point; thence
12. North 51 Degrees 50 Minutes 34 Seconds West 227.88 feet to the point of beginning, containing an area of 15,098 square feet or 0.3466 acre of land, more or less.

PERPETUAL DRAINAGE AND UTILITY EASEMENT NO. 2:

BEGINNING for the outline hereof at a point 50 feet right of and perpendicular to Baseline of Right-of-Way station 2+92.71, said point being in the eleventh (11th) line of the FEE SIMPLE Right-of-Way area as described herein, being ten (10) feet from the end thereof, said point also being in the marginal line of the existing ten (10) foot wide Perpetual Drainage and Utility Easement, all of which is graphically depicted on the said Right-of-Way Plat No. 100-10-583; thence with a portion of the eleventh (11th) line of the FEE SIMPLE Right-of-Way area reversed

1. South 51 Degrees 50 Minutes 34 Seconds East 227.88 feet to a point; thence by a tangent curve to the left having a radius of 950.00 feet, an arc length of 186.54 feet, and subtended by a chord with a bearing and distance of
2. South 57 Degrees 28 Minutes 04 Seconds East 186.24 feet to a point; thence
3. South 63 Degrees 05 Minutes 35 Seconds East 334.27 feet to a point; thence by a tangent curve to the right having a radius of 850.00 feet, an arc length of 222.68 feet, and subtended by a chord with a bearing and distance of
4. South 55 Degrees 35 Minutes 17 Seconds East 222.04 feet to a point; thence
5. South 48 Degrees 04 Minutes 59 Seconds East 531.56 feet to a point in the fourteenth (14th) or South 41° 54' 00" West 1,754.96 foot line of Grantor's deed, said line being the existing property line and line of division between Grantor's land and the lands N/F of Rosewood Village II—A, LLC (L.6137 f.432), all of which is shown on the aforementioned Right-of-Way Plat No. 100-10-584; thence binding upon said existing property line and line of division, and with a portion thereof
6. South 41 Degrees 55 Minutes 01 Second West 10.00 feet to a point; thence leaving said existing property line and line of division and going back therefrom and across the lands of Grantor herein by five (5) new lines of Easement now established
7. North 48 Degrees 04 Minutes 59 Seconds West 531.56 feet to a point; by a tangent curve to the left having a radius of 840.00 feet, an arc length of 220.06 feet, and subtended by a chord with a bearing and distance of
8. North 55 Degrees 35 Minutes 17 Seconds West 219.43 feet to a point;
9. North 63 Degrees 05 Minutes 35 Seconds West 334.27 feet to a point; by a tangent curve to the right having a radius of 960.00 feet, an arc length of 188.50 feet, and subtended

by a chord with a bearing and distance of

10. North 57 Degrees 28 Minutes 04 Seconds West 188.20 feet to a point;
11. North 51 Degrees 50 Minutes 34 Seconds West 227.88 feet to a point at the corner of the said existing ten (10) foot wide Perpetual Drainage and Utility Easement; thence with a portion thereof
12. North 38 Degrees 09 Minutes 26 Seconds East 10.00 feet to the point of beginning, containing an area of 15,026 square feet or 0.3449 acre of land, more or less.

TOGETHER WITH a PERPETUAL DRAINAGE EASEMENT as graphically depicted on the said Right-of-Way Plat No. 100-10-584, being more particularly described as follows:

BEGINNING for the outline hereof at a point 60 feet left of and perpendicular to Baseline of Right-of-Way station 16+74.86, said point also being in the fifth (5th) line of the PERPETUAL DRAINAGE AND UTILITY EASEMENT NO. 1 as described herein, and with a portion thereof reversed

1. North 48 Degrees 04 Minutes 59 Seconds West 22.03 feet to a point; thence leaving said line of PERPETUAL DRAINAGE AND UTILITY EASEMENT NO. 1 and going back therefrom and across lands of Grantor herein by three (3) new lines of Easement now established
2. North 66 Degrees 41 Minutes 32 Seconds East 114.75 feet to a point;
3. South 20 Degrees 45 Minutes 21 Seconds East 20.02 feet to a point;
4. South 66 Degrees 41 Minutes 32 Seconds West 104.63 feet to the point of beginning, containing an area of 2,194 square feet or 0.0504 acre of land, more or less.

TOGETHER with the right to use two (2) temporary easements designated as "TEMPORARY EASEMENT 'A' (NORTHERLY SIDE OF PROPOSED PROFESSIONAL BLVD.) TO BE USED ONLY DURING THE PERIOD OF CONSTRUCTION," and "TEMPORARY EASEMENT 'B' (SOUTHERLY SIDE OF PROPOSED PROFESSIONAL BLVD.) TO BE USED ONLY DURING THE PERIOD OF CONSTRUCTION," all of which is graphically depicted on the said Right-of-Way Plats Nos. 100-10-583 and 100-10-548, encompassing an aggregate area of 222,169 square feet or 5.1003 acres of land, more or less.

BEING a portion of the property conveyed unto Grantor herein by a deed dated June 14, 2011, and recorded among the Land Records of Washington County, Maryland, in Liber 4105, folio 110.

PROPERTY CONVEYANCE:

All those two (2) portions of land lying Westerly of the lands N/F/K/A Rosewood Village and approximately 280 feet Easterly of the round-a-bout for the intersection of N/F Yale Drive and N/F Professional Boulevard East; AREA NO. 1 designated as "PORTION OF EXISTING DRAINAGE AND UTILITY EASEMENT HEREBY VACATED," and AREA NO. 2 designated as "PORTION OF EXISTING PERPETUAL DRAINAGE EASEMENT HEREBY VACATED," as

shown and/or indicated on a plat prepared by the Division of Engineering for Washington County, Maryland, and intended 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 No. 100-10-583, in Election District No. 18 of Washington County, Maryland, being more particularly described as follows:

Area No. 1:

BEGINNING for the outline hereof at a point 50 feet right of and perpendicular to Baseline of Right-of-Way station 2+82.71, said point being at the beginning of the fifth (5th) or North 38 degrees 09 minutes 26 seconds East 100.00 foot line of Grantor's deed, designated as "Drainage and Utility Easement Area No. 2"; thence with said line

1. North 38 Degrees 09 Minutes 26 Seconds East 100.00 feet to a point at the end of said fifth (5th) line, said point being at the beginning of the first (1) line of the newly established Right-of-Way for Professional Boulevard, as shown on the said Right-of-Way Plat No. 100-10-583; thence with a portion thereof
2. South 51 Degrees 50 Minutes 34 Seconds East 10.00 feet to a point in the fifteenth (15th) or South 38 Degrees 09 Minutes 26 Seconds West 120.00 feet line of Grantor's deed, designated as "Drainage and Utility Easement Area No. 2"; thence leaving said newly established Right-of-Way line and crossing Professional Boulevard and with a portion of the said fifteenth (15th) line
3. South 38 Degrees 09 Minutes 26 Seconds West 100.00 feet to a point in the eleventh (11th) line of the newly established Right-of-Way for Professional Boulevard, as shown on the said Right-of-Way Plat No. 100-10-538; thence with a portion thereof
4. North 51 Degrees 50 Minutes 34 Seconds West 10.00 feet to the point of beginning, containing an area of 1,000 square feet or 0.0230 acre of land, more or less.

BEING a portion of the property designated as "10' WIDE PERPETUAL DRAINAGE AND UTILITY EASEMENT" on a plat previously recorded among the Land Records of Washington County, Maryland, in the Washington County Lands and Right-of-Way No. 100-10-550, and referred to as "Drainage and Utility Easement Area No. 1," as listed under "GRANT NO. 2: PERPETUAL EASEMENTS FOR DRAINAGE AND UTILITY" in Grantor's deed, dated March 3, 2016, and recorded among the Land Records of Washington County, Maryland, in Liber 5188, folio 378.

Area No. 2:

BEGINNING for the outline hereof at a point at the corner at the existing ten (10) foot wide PERPETUAL DRAINAGE AND UTILITY EASEMENT as graphically depicted on the said Right-of-Way Plat No. 100-10-583, said point also being at the beginning of the second (2nd) or North 38 Degrees 09 Minutes 26 Seconds East 120.00 feet line of Grantor's deed, designated as "Drainage Facility Area No. 8" and listed under the heading "GRANT NO. 3: PERPETUAL DRAINAGE FACILITY EASEMENT," thence with the third (3rd) line of said deed

1. North 38 Degrees 09 Minutes 26 Seconds East 120.00 feet to a point at the end of said third (3rd) line; thence with the fourth (4th) line of said deed by a corrected bearing and distance
2. South 25 Degrees 13 Minutes 54 Seconds East 212.00 feet to a point at the beginning of the fifth (5th) line of Grantor's deed as aforementioned; thence with a portion thereof by a corrected bearing
3. South 64 Degrees 37 Minutes 48 Seconds West 27.97 feet to a point in the proposed ten (10) foot wide PERPETUAL DRAINAGE AND UTILITY EASEMENT, as shown on the said Right-of-Way Plat No. 100-10-583; thence with a portion thereof
4. North 51 Degrees 50 Minutes 34 Seconds West 177.07 feet to the point of beginning, containing an area of 13,589 square feet or 0.3120 acre of land, more or less.

BEING a portion of the land designated as "PERPETUAL EASEMENT FOR DRAINAGE FACILITY NO. 8" on a plat previously 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 No. 100-10-550, referred to as "Drainage Facility Area No. 8," and listed under "GRANT NO. 3: PERPETUAL DRAINAGE FACILITY EASEMENTS," as transferred to Grantor herein by the aforementioned deed recorded among the said Land Records in Liber 5188, folio 378.