

ORDINANCE NO. ORD-2022- 14

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

(Re: Kelbaugh RLP Conservation 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 governments.

3. For FY 2022, Washington County (the "County") was awarded a RLP grant totaling \$1,554,300.00 (the "RLP Funds").

4. Frank L. Kelbaugh, Jr. (the "Property Owner"), is the fee simple owner of real property consisting of 13.26 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 THIRTY THOUSAND FOUR HUNDRED FORTY-THREE DOLLARS AND THIRTY CENTS (\$30,443.30), which is a portion of the RLP Funds, to the Property Owner for a Deed of Conservation Easement on the Property (the "Kelbaugh RLP Conservation 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 Kelbaugh RLP Conservation Easement.

ADOPTED this 9th day of August, 2022.

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 black ink, appearing to read "Kendall A. Desaulniers", written over the printed name.

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

ALL that tract or parcel of land, and all the rights, ways, privileges, and appurtenances thereunto belonging or in anywise appertaining, situate along the West side of relocated Maryland Route No. 67 approximately 0.2 miles South of intersection with the Brownsville Road in Election District No. 8, Washington County, Maryland, being the property identified by the State Department of Assessments and Taxation as tax account no. 08-003173, and being more particularly described in accordance with the description contained in the deed recorded in Liber 1422, folio 660 among the Land Records of Washington County, Maryland, as follows:

Beginning at a point in the West right of way line of relocated Maryland Route #67, at the intersection with the sixth line of Parcel No. 1 of a deed from Annie E. Reid to Francis Massey Castle recorded in Liber 188, folio 598 among the Land Records of Washington County, Maryland, and running thence with the following corrected courses and distances as determined in a survey made by Davis, Renn & Shrader, Inc., South 34 degrees 38 minutes 45 seconds West 46.08 feet to a point thence South 32 degrees 31 minutes 13 seconds West 101.95 feet to a point; thence South 13 degrees 18 minutes 19 seconds West 105.91 feet to a point; thence South 32 degrees 16 minutes 47 seconds West 77.32 feet to a point; thence South 27 degrees 52 minutes 35 seconds West 176.68 feet to a point; thence South 01 degree 42 minutes 26 seconds East 56.95 feet to a point; thence South 03 degrees 20 minutes 21 seconds West 54.28 feet to a point; thence South 47 degrees 03 minutes 07 seconds West 54.66 feet to a point; thence South 30 degrees 43 minutes 25 seconds West 50.94 feet to a point; thence South 29 degrees 05 minutes 56 seconds West 50.88 feet to a point; thence South 22 degrees 08 minutes 37 seconds West 101.30 feet to a point; thence South 21 degrees 08 minutes 36 seconds West 101.29 feet to a point; thence South 17 degrees 48 minutes 42 seconds West 55.01 feet to a point; thence South 20 degrees 40 minutes 00 seconds West 45.76 feet to a point; thence South 18 degrees 22 minutes 34 seconds West 150.12 feet to a point; thence South 16 degrees 05 minutes 34 seconds West 50.16 feet to a point; thence South 05 degrees 33 minutes 26 seconds West 18.73 feet to a point; thence leaving said right of way and running with the lands of [now or formerly] Glenn E. Martin recorded in Liber 476, folio 170 [among the aforesaid Land Records] North 67 degrees 37 minutes 00 seconds West 304.79 feet to a point; thence continuing with said land and at or near an existing fence line North 45 degrees 18 minutes 00 seconds West 312.90 feet to an existing corner fence post; thence with an existing fence line at the land formerly owned by the Baltimore and Ohio Railroad now C.X.S., the following four (4) courses: North 40 degrees 40 minutes 23 seconds East 282.24 feet to an existing fence post; thence North 34 degrees 42 minutes 13 seconds East 330.67 feet to an existing fence post; thence North 28 degrees 16 minutes 33 seconds East 312.72 feet to an existing fence post; thence North 21 degrees 02 minutes 02 seconds East 318.01 feet to a corner fence post; with the land of [now or formerly] Robert F. Werner recorded in Liber 794, folio 678 [among the aforesaid Land Records] South 58 degrees 27 minutes 01 second East 421.98 feet to the point of beginning; containing 13.26 acres of land, more or less.

THE above-described property being shown and designated on the Plat of Property Survey for Mr. Frank Kelbaugh prepared by Davis, Renn & Shrader, Inc., Surveyors, being designated as Project No. 867024, consisting of one page, and recorded at Plat Folio 2044 among the Plat Records of Washington County, Maryland,

BEING all of the same property which was conveyed from Frank L. Kelbaugh, Jr., and Patti Lynn Kelbaugh to Frankl L. Kelbaugh, Jr., by deed dated June 17, 1998, and recorded in Liber 1422, folio 660 among the Land Records of Washington County, Maryland.

TOGETHER with the right of way to said lands from the Public Road at Brownsville over the road leading by the property now or formerly owned by William E. Boteler to the Brownsville Station and thence along the Railroad and Creek by a road formerly used by William H. Boteler to reach said lands; AND SUBJECT TO a right of way to the Potomac Edison Company dated August 11, 1937, and recorded Liber 206, folio 237 among the aforesaid Land Records.