

ORDINANCE NO. ORD-2022- 17

AN ORDINANCE TO APPROVE THE ACQUISITION OF REAL PROPERTY

(Showalter Road, Hagerstown, 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 through its power of eminent domain certain real property identified on the attached Schedule A (the "Property") to be used for public purposes at Hagerstown Regional Airport.

2. Notice of a public hearing concerning the County's intent to acquire the Property was advertised in *The Herald-Mail*, a daily newspaper of general circulation, on August 11, 15, and 22, 2022.

3. A public hearing was held on August 30, 2022, as advertised, concerning the County's intent to acquire the Property for a purchase price of One Million Six Hundred Thousand Dollars (\$1,600,000.00), or for such amount as the Circuit Court may otherwise order, all or a portion of which may be expended from the General Fund.

4. The acquisition of the Property is needed for a public purpose and there is a public necessity for the proposed condemnation.

5. The Property will be used to enhance compliance with the Federal Aviation Administration's standards and regulations concerning the Runway Visibility Zone and Runway Object Free Area at Hagerstown Regional Airport.

THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Washington County, Maryland that the acquisition of the Property be approved by exercise of its power of eminent domain pursuant to Md. Code Ann., Local Gov't § 12-401(b)(1).

BE IT FURTHER ORDAINED that the County Attorney's Office is directed to initiate litigation to acquire the Property in the Circuit Court for Washington County, Maryland, and that the President of the Board and the County Clerk be and are hereby

authorized and directed to execute and attest, respectively, for and on behalf of the County, any documents necessary for the acquisition of the Property.

ADOPTED this 13th day of September, 2022.

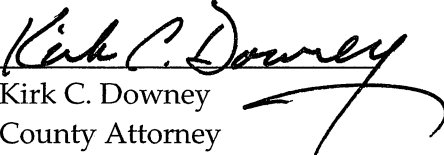
ATTEST:


Krista L. Hart, Clerk

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

BY: 
Jeffrey A. Cline, President

Approved as to legal sufficiency:


Kirk C. Downey
County Attorney

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

SCHEDULE A--DESCRIPTION OF PROPERTY

All those three (3) parcels of land (A, B, and C) situate north of Showalter Road and west of US Rte. 11 (Pennsylvania Avenue) in Election District No. 27, Washington County, Maryland, described generally as follows by reference to Washington County land records:

Parcel A, containing .04 acres, more or less, being part of those lands conveyed by Maryland Economic Development Corporation to First Flight Limited Partnership by deed dated December 31, 1986, and recorded among the Land Records of Washington County, Maryland at Liber 836, folio 438; ownership of said parcel subsequently having vested in First Flight Air Park Condominium, Inc. by operation of that *Condominium Declaration of First Flight Air Park Condominium, Inc.* (the "*Declaration*") dated May 31, 2008, and recorded among the said Land Records at Liber 3511 folio 0557, and as graphically depicted on that *Condominium Plat of First Flight Air Park Condominium, Inc.* (the "*Condominium Plat*") dated May 12, 2008, and recorded among said Land Records at Miscellaneous Plat Nos. 429 - 431; **Parcel B**, containing 2.70 acres, more or less, being part of those lands conveyed by Topflight Owner LLC to New Heights Industrial Park LLC by deed dated January 22, 2020, recorded among said Land Records at Liber 6166, folio 342; and **Parcel C**, containing 0.14 acres, more or less, also being part of those lands conveyed to the aforesaid First Flight Limited Partnership by deed dated December 31, 1986, and recorded among the said Land Records at Liber 836, folio 438; ownership of said parcel subsequently having vested as aforesaid in First Flight Air Park Condominium, Inc. by operation of the *Declaration* and as graphically depicted on the *Condominium Plat*, both dated and recorded as aforesaid.