

ORDINANCE NO. ORD-2023-17

**AN ORDINANCE TO APPROVE THE PURCHASE OF AN EASEMENT INTEREST
IN REAL PROPERTY**

(Crystal Falls Drive Project – Rogers Property)

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 purchase an easement interest in real property identified on the attached Exhibit A (the "Easement") to be used for public purposes.

2. The County approved the purchase of the Easement on September ^{19th DLM} ~~12~~, 2023.

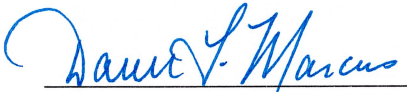
3. A public hearing was not required by Section 1-301, Code of the Public Local Laws of Washington County, Maryland, as the funds utilized to purchase the Easement are not to be expended from the General Fund of the County.

4. The purchase of the Easement is necessary for the Crystal Falls Drive road project in Washington County, Maryland.

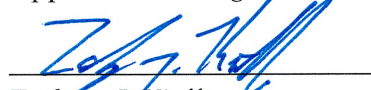
THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Washington County, Maryland, that the purchase of the Easement be approved and that the President of the Board and the County Clerk be and are hereby authorized and directed to execute and attest, respectively, all such documents for and on behalf of the County relating to the purchase of the Easement.

ADOPTED this ^{19th} ~~12~~ day of September, 2023.

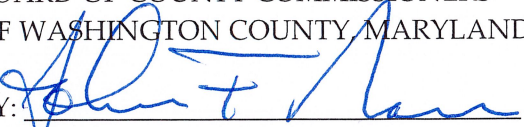
ATTEST:


Dawn L. Marcus, Clerk

Approved as to legal sufficiency:


Zachary J. Kieffer
Assistant County Attorney

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

BY: 

John F. Barr, President

Mail to:

Office of the County Attorney

100 W. Washington Street, Suite 1101

Hagerstown, MD 21740

EXHIBIT A--DESCRIPTION OF PROPERTY

All that land lying between the outermost lines labeled "RIGHT-OF-WAY LINE" and the innermost lines labeled "Existing Right-of-Way lines hereby vacated", as shown or indicated on a plat prepared by the Division of Engineering for Washington County, Maryland titled "CRYSTAL FALLS DRIVE – Bridge Replacement (W3051)" and intending to be recorded among the Land Records of Washington County, Maryland, in the County Road Plat Book as Right-of-Way Plat No. 100-10-616, all of which plat is made a part hereof, so far as the property and/or rights may be affected by the proposed improvements, and the appurtenances thereto belonging, or in anywise appertaining, situate along the West side of Crystal Falls Drive approximately 1,300 feet Northerly from its intersection with Cavetown Church Road, South of the Corporate Limits of Smithsburg, in Election District No. 7 of Washington County, Maryland, and more particularly described as follows:

BEGINNING for the outline hereof at a point in the existing easternmost Right-of-Way line for Crystal Falls Drive, said point being 15.00 feet right of and perpendicular to Baseline of Right-of-Way Station 19+63.57 for Crystal Falls Drive, as graphically depicted on said Plat No. 100-10-616 as aforementioned, said point also being in the fourth (4th) or North 56-1/2 Degrees West 28.6-perch line of Grantor's deed, said line also being the existing property line and line of division between Grantor herein and the adjoining lands of N/F H. Douglas Stanley and Debra J. Stanley, by a deed dated March 31, 2010, and recorded among said Land Records in Liber 3849, folio 489; thence with said line for a portion thereof, reversed and on a bearing to agree with a recent survey performed by the Division of Engineering for Washington County, Maryland,

1. South 56 Degrees 23 Minutes 25 Seconds East 10.08 feet to a point; thence leaving said line and going back therefrom and across the lands of Grantor herein by two (2) new lines of Right-of-Way now established,
2. South 26 Degrees 13 Minutes 19 Seconds West 46.72 feet to a 5/8" Rebar & Cap to be set;
3. North 63 Degrees 46 Minutes 41 Seconds West 10.00 feet to a 5/8" Rebar & Cap to be set in the existing easternmost Right-of-Way line for Crystal Falls Drive; thence with said Right-of-Way line for a portion thereof,
4. North 26 Degrees 13 Minutes 19 Seconds East 48.02 feet to the point of beginning, containing an area of 474 square feet or 0.01087 acre of land, more or less.

TOGETHER with the right to use the area designated **TEMPORARY EASEMENT to be Used Only during the Period of Construction**, encompassing 7,207 square feet or 0.16545 acre of land, more or less; the outline of which is graphically depicted on the said Right-of-Way Plat No. 100-10-616. The purpose of the Temporary Easement shall be to provide working space for grading and access upon Grantor's property during the performance of the impending Washington County Division of Engineering Contract No. BR-CF-139-14. The Temporary Easement shall revert to Grantor by operation of law upon the completion and acceptance of the Project by the County.

BEING a portion of the lands of Grantor herein as described in a deed dated June 11, 1994, and recorded among said Land Records in Liber 1184, folio 922; further shown on Right-of-Way Plat No. 100-10-616, as aforementioned, a reduced copy of which is attached hereto and made a part hereof in **ATTACHMENT 'A'**.

SUBJECT to all easements, rights-of-way, covenants, conditions, and restrictions of record applicable thereto.

