

ORDINANCE NO. ORD-2023-18

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

(Crystal Falls Drive Project – Wolfe 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.

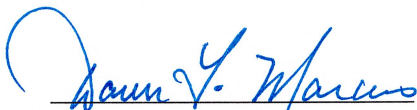
3. A public hearing was not required by Section 1-301, Code of the Public Local Laws of Washington County, Maryland, as the funds utilized to purchase the Easement are not to be expended from the General Fund of the County.

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 day of September, 2023.

ATTEST:



Dawn L. Marcus, Clerk

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY MARYLAND

BY: 

John F. Barr, President

Approved as to legal sufficiency:


Zachary J. Kieffer
Assistant 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 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 5/8" Rebar found in the Westernmost Right-of-Way line for Crystal Falls Drive, said point being 15.00 feet left of and perpendicular to Baseline of Right-of-Way Station 19+94.02 for Crystal Falls Drive, as graphically depicted on said Plat No. 100-10-616 as aforementioned, said point also being in the Second (2nd) or North 61 Degrees West 33-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 Mayor and Council of Hagerstown, by a deed dated May 31, 1918, and recorded among said Land Records in Liber 153, folio 436; thence with said line, for a portion thereof, on a bearing to agree with a recent survey performed by the Division of Engineering for Washington County, Maryland,

1. North 63 Degrees 13 Minutes 33 Seconds West 10.00 feet to a 5/8" Rebar & Cap to be set; thence leaving said line and going back therefrom and across lands of Grantor herein by two (2) new lines of Right-of-Way now established
2. North 26 Degrees 13 Minutes 19 Seconds East 11.44 feet to a 5/8" Rebar & Cap to be set;
3. South 63 Degrees 46 Minutes 41 Seconds East 10.00 feet to a 5/8" Rebar & Cap set in the existing westernmost Right-of-Way line for Crystal Falls Drive; thence with said Right-of-Way line for a portion thereof
4. South 26 Degrees 13 Minutes 19 Seconds West 11.53 feet to the point of beginning, containing an area of 115 square feet or 0.00264 acre of land, more or less.

TOGETHER with the perpetual right to create, use, and/or maintain such stream changes, side ditches, inlet ditches, outlet ditches, pipes, culverts, and all other drainage facilities as are necessary in the opinion of Grantee herein to adequately drain the highway or adjacent property and/or control the flow of water through those drainage structures to be built to protect said highway, as well as the perpetual right to create, use, and/or maintain utilities in and over the same; said area designated as "**PERPETUAL Drainage & Utility Easement**", as depicted on Right-of-Way Plat No. 100-10-616 as aforementioned, and more particularly described as follows:

BEGINNING for the outline hereof at a point at the end of the first (1st) or North 63 Degrees 13 Minutes 33 Seconds West 10.00-foot line of the FEE Simple Right-of-Way tract as described herein, said point being 25.00 feet left of and perpendicular to Baseline of Right-of-Way Station 19+94.42 for Crystal Falls Drive, as graphically depicted on said Right-of-Way Plat No. 100-10-616 as aforementioned, said point being in the Second (2nd) or North 61 Degrees West 33-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 Mayor and Council of Hagerstown, by a deed dated May 31, 1918, and recorded among said Land Records in Liber 153, folio 436; thence with said line, for a portion thereof, on a bearing to agree with a recent survey performed by the Division of Engineering for Washington County, Maryland; thence with the said line, for a portion thereof, on a bearing to agree with a recent survey performed by the Division of Engineering for Washington County, Maryland,

1. North 63 Degrees 13 Minutes 33 Seconds West 31.43 feet to a point; thence leaving said existing property line and line of division and going back therefrom and across lands of Grantor herein by three (3) new lines of Perpetual Easement now established
2. North 26 Degrees 19 Minutes 13 Seconds East 28.38 feet to a point;
3. North 36 Degrees 01 Minute 21 Seconds East 62.21 feet to a point;
4. South 63 Degrees 52 Minutes 21 Seconds East 30.79 feet to a point in the existing westernmost Right-of-Way line for Crystal Falls Drive; thence with said Right-of-Way line for a portion thereof
5. South 26 Degrees 13 Minutes 19 Seconds West 78.60 feet to a 5/8" Rebar & Cap to be set for the FEE Simple tract as described herein; thence with the third (3rd) and second (2nd) lines of said tract, reversed,
6. North 63 Degrees 46 Minutes 41 Seconds West 10.00 feet to a 5/8" Rebar & Cap to be set for said tract;
7. South 26 Degrees 13 Minutes 19 Seconds West 11.44 feet to the point of beginning, containing an area of 3,281 square feet or 0.07532 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 1,306 square feet or 0.0300 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 the 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 November 27, 2002, and recorded among said Land Records in Liber 1888, folio 169; 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.

