

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

(Crystal Falls Drive Project – Stanley 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 February 27, 2024.
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 Property and 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 Property and Easement.


ADOPTED this 27th day of February, 2024.

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
Interim 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 designated **TEMPORARY EASEMENT**, 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 East 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:

The right to use the area designated as **TEMPORARY EASEMENT to be Used Only during the Period of Construction**, encompassing 2,628 square feet; 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.

Together affirming a **Prescriptive Easement** 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; said area designated as "**PRESCRIPTIVE AREA – P.308**", as depicted on Right-of-Way Plat No. 100-10-616 :

Whereas Crystal Falls Road has been a deeded right of way [since] January 6, 1887, Road Book 2, Page 327.

Whereas the road has a deeded width of thirty (30) feet, fifteen (15) feet when measured from centerline.

Whereas the County road crosses a stream needing a drainage structure and supporting slopes to support and maintain the roadbed within the right of way.

Whereas said drainage structure is in need of replacement for the safety of vehicle traveling on the County maintained road, and a new structure will need to be maintained in perpetuity.

Whereas it is the responsibility of the County to maintain a safe road network.

Whereas the said drainage structure and supporting slopes are outside of the existing deeded right of way and have been located occupying the lands of the Grantor open, notorious, continued, and uninterrupted for at least the statutory period of twenty (20) years.

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, thence with said Right-of-Way line for a portion thereof, on a bearing to agree with recent survey performed by the Division of Engineering for Washington County, Maryland,

1. North 26 Degrees 13 Minutes 19 Seconds East 24.75 feet to a 5/8" Rebar & Cap to be set; thence leaving said Right-of-Way line and across lands of Grantor herein by a curve of prescriptive easement now determined, said curve having a radius of 39.55 feet, a length of 28.25 [feet], a tangent of 14.76 feet, and a chord bearing and distance of
2. South 06 Degrees 13 Minutes 10 Seconds West 27.90 feet to a point in the last or North 58 Degrees West 15.72-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 Richard L. Rogers & Judith L. Rogers, by a deed dated June 11, 1994, and recorded among said Land Records in Liber 1184 at folio 922; thence with said line for a portion thereof
3. North 56 Degrees 23 Minutes 25 Seconds West 9.54 feet to the point of beginning, containing an area of 163 square feet or 0.00374 acre of land, more or less.

BEING a portion of the lands of Grantor herein as described in a deed dated March 31, 2010, and recorded among said Land Records in Liber 3849 at folio 489; 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.