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BOARD OF COUNTY COMMISSIONERS

August 1, 2017

Agenda

- 10:00 A.M. INVOCATION AND PLEDGE OF ALLEGIANCE
CALL TO ORDER, *President Terry L. Baker*
APPROVAL OF MINUTES – JULY 25, 2017
- 10:05 A.M. COMMISSIONERS' REPORTS AND COMMENTS
- 10:10 A.M. REPORTS FROM COUNTY STAFF
- 10:15 A.M. CITIZENS PARTICIPATION
- 10:20 A.M. CIVIL WAR RAIL TRAIL PROJECT – *Chip Wood, Consultant and Dan Spedden, Hagerstown – Washington County Convention & Visitors Bureau*
- 10:35 A.M. PROPERTY ACQUISITIONS FOR TREGO ROAD BRIDGE PROJECT AND TREGO MOUNTAIN ROAD NORTH AND SOUTH CULVERT REPLACEMENT – *Susan Small, Real Property Administrator, Engineering Department*
- 10:40 A.M. PURCHASE OF 14201 PENNSYLVANIA AVENUE, HAGERSTOWN, MD – *Susan Small, Real Property Administrator, Engineering Department*
- 10:45 A.M. REQUEST TO DECLARE REAL PROPERTY AS SURPLUS PROPERTY AND CONVEYANCE OF THE SAME – *Susan Small, Real Property Administrator, Engineering Department*
- 10:50 A.M. EMERGENCY NUMBERS SYSTEM BOARD SECURITY SYSTEM FUNDING REQUEST – APPROVAL TO SUBMIT - *Stephanie Lapole, Grant Manager, Office of Community Grant Management; David Hays, Director, Division of Emergency Services and Bardona Woods, Assistant Director, Department of Emergency Communications*
- 10:55 A.M. CLOSED SESSION
(To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals; to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; to consult with staff, consultants, or other individuals about pending or potential litigation; and to consult with counsel to obtain legal advice on a legal matter.)
- 11:25 A.M. ADJOURNMENT



Agenda Report Form

Open Session Item

SUBJECT: CIVIL WAR RAIL TRAIL—Appeal to Resurrect Project

PRESENTATION DATE: August 1, 2017

PRESENTATION BY: Chip Wood, P.E, Consulting Environmental Engineer and Dan Spedden, President, Hagerstown-Washington County Convention & Visitors Bureau

RECOMMENDED MOTION: N/A. Discussion Only.

REPORT-IN-BRIEF: Report requests BoCC to take a fresh look at the CWRT project that the BoCC voted to halt in July of 2012. Report was prepared utilizing County and State records, County and State policies and it provides the author's assessment of where further County and State actions are needed that will implement their policies. Reasons for BoCC action include:

1. BoCC is on record for embracing the CWRT project in March and May of 2012.
2. County Planning and Zoning policy says CWRT will reduce current County-wide deficiency of park land with walking and jogging facilities. The worst deficiency lies in south county.
3. County records show that 700 County residents support the CWRT project versus only 80 residents who oppose the project. 345 residents of south county support the project.
4. Grant funding is available from multiple state agencies and private entities.
5. \$1.2 million of public monies already invested for the trail development is being wasted.

DISCUSSION: Request for BoCC to request County staff to review the attached reports and to make a report of their assessment within 60 days, via a BoCC Meeting Agenda Item. Report is 85 pages in length and presents too much technical discussion for a 15 minute presentation today.

FISCAL IMPACT: N/A

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: Volume 1—Abridged Report
Volume 2 – Report (full length)

AUDIO/VISUAL NEEDS: Connection to receive flash drive for Power Point Presentation

PLAIN FACTS

ABOUT THE

CIVIL WAR RAIL TRAIL

Volume 1 – Abridged Report

By: Chip Wood, P.E., Consulting Environmental Engineer, Retired

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Printed July 21, 2017



**THREE GENERATIONS OF A HAGERSTOWN FAMILY ENJOYING
WESTERN MARYLAND RAIL TRAIL**

CIVIL WAR RAIL TRAIL

Addressed To:

**Board of County Commissioners of Washington County
Mark Belton, Secretary, Maryland Department of Natural Resources
Robert Bruchey II, Mayor of City of Hagerstown
State Delegation Members
Washington County Residents**

Volume 1 – Abridged Report

COVER

CWRT Map

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One-Page Summary

Report—Volume 1 (9 pages)

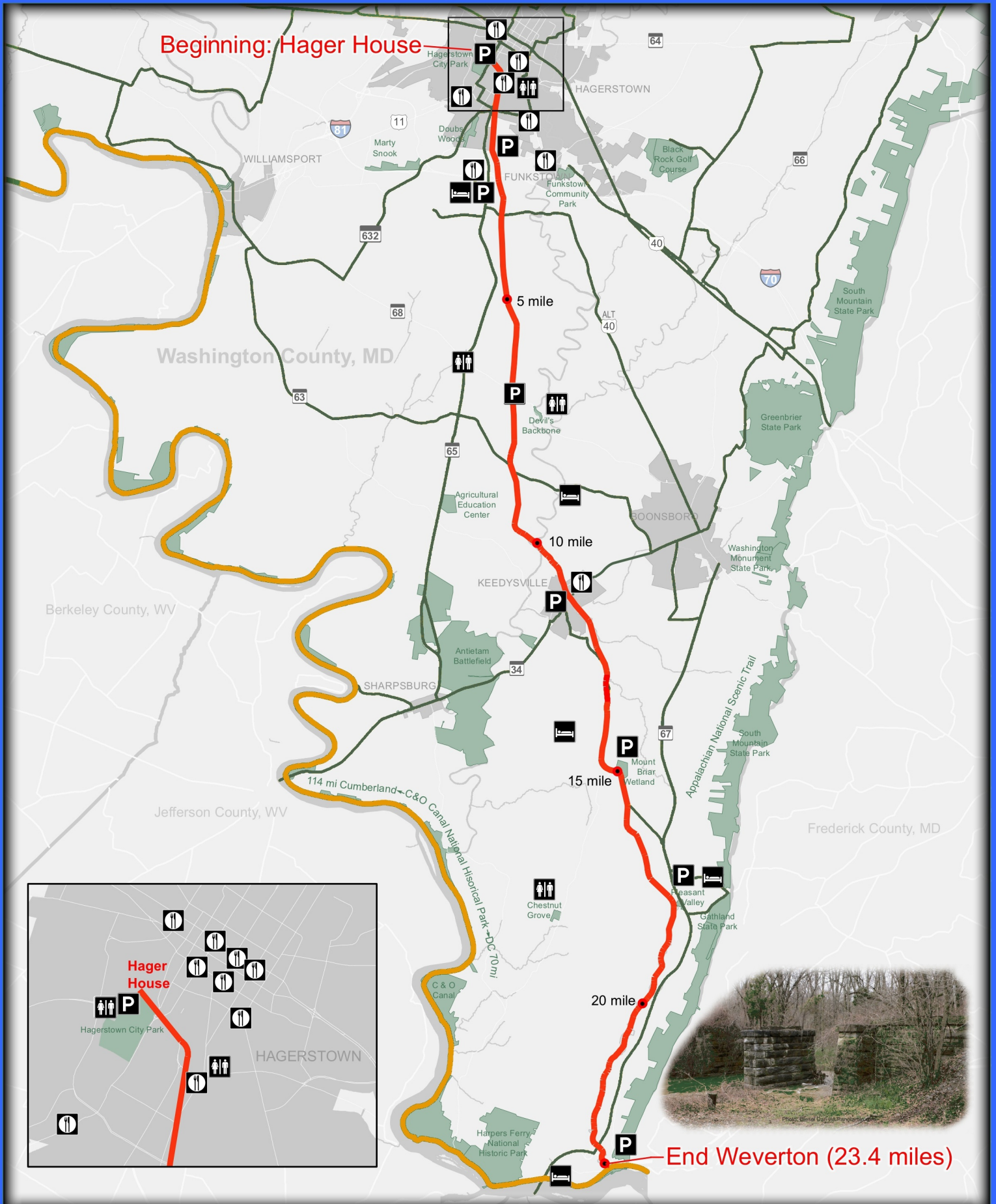
Appeal to County Residents to Write to Elected Officials (to be written)

CVB Endorsement Letter

Photograph (from TCBT)

Web Link to Six Driving Maps (to be established)

The Civil War Railroad Trail



● Proposed Rail Trail
 — Shared Road Bike Trail
 — Dedicated Bike Trail (C&O Canal)

CIVIL WAR RAIL TRAIL

Introduction

This report has been prepared by a concerned citizen of Washington County, Maryland. The purpose of the report is to arouse enthusiasm and action for construction of a public park project known as the Civil War Rail Trail (CWRT.) Written in an engineering format, the report strives to depict all the principal items at issue and to provide a balanced and an objective viewpoint.

The report is addressed to: the Board of County Commissioners (BoCC) of Washington County, the Secretary of the Maryland Department of Natural Resources, the Mayor of the City of Hagerstown, the members of the State Delegation of Washington County and the residents of Washington County.

On July 10, 2012, the BoCC voted to terminate the County's preliminary study and pursuit of the CWRT project. So in April 2016, I decided to work as a volunteer engineer to research the reasons for the rejection. Initially, my research found that, in July of 2012, the BoCC's decision was made in a perfect storm of misinformation and half-truths.

So I took on the task of continuing the CWRT study, and was able to clarify much of the misinformation and reach a new level that would enable the BCC and the public to make a more informed decision on whether to resume the study.

To the maximum effort possible, I have presented the facts as they are found in official County and State records and policies. After extracting the facts of various actions from the official records, the facts are then compared to the official policies to determine whether the County and State are following their own designated programs.

The work here is not represented as a finished state of information. It is only an interim product and needs further development work. Hopefully, by providing some pertinent plain facts, this report will dispel much of the opposition and inspire a public demand to have the park brought into being. Then perhaps proud County residents and visitors can enjoy the variety of health and recreational benefits that the CWRT offers.

This Volume 1 report is written for those who prefer a short summary of my research. For those readers who have further questions, you may find more in-depth information in Volume 2, which is a longer report. Volume 2 includes everything in Volume 1 plus more information on CWRT benefits and opposition, and provides backup documentation.

Thanks to visionary citizens in the past who supported development of the wonderful parks we have today, Washington County residents can enjoy access to something like 14 federal, state and local parks. Hopefully the CWRT will happen to complement that past effort. Needs for and benefits of the CWRT will be delineated in the report.

PLAIN FACTS ABOUT THE CIVIL WAR RAIL TRAIL

One-Page Summary

1) What is the Civil War Rail Trail?

The CWRT is a proposed park project that consists of constructing a paved or unpaved trail about 10 feet in width within a railroad corridor about 24 miles long and 66 feet wide. The corridor's north end starts at City Park in Hagerstown. From there the corridor goes in a southerly direction and ends at the C&O Canal towpath. The CWRT will offer amenities such as health, recreational, educational, cultural and commuting benefits, and tourist attractions. Unlike most other trails and parks in Washington County, the CWRT will accommodate people of all ages and people with mobility impairments, i.e., handicapped. Therefore, it can be called a "Family Health and Recreation Trail."

2) Appeals for Action

The project is now caught in a deadlock between the County and the State – and this deadlock needs to be broken. Therefore, both the Board of County Commissioners (BoCC) and the State Department of Natural Resources (DNR) need to initiate actions toward developing the park for public use. Recommended BoCC actions include: Rescinding their July 10, 2012 decision to stop pursuit of the trail; notifying DNR that BoCC supports a renewed study for trail development; and making an appeal to DNR to have its legal staff evaluate allegations of a flawed title to corridor property. (Appeals for DNR to initiate action are included later in the report.)

3) Five Reasons for Action

- a) BoCC embraced CWRT in March 2012 and May 2012 communications, citing health, recreation, economic, educational, cultural, commuting and tourism benefits.
- b) County Planning & Zoning says CWRT will reduce current county-wide deficiency of park land with walking and jogging facilities. The worst deficiency lies in south county.
- c) 700 county residents support this trail versus only 80 residents who oppose it. 345 residents who want the trail live in south county -- where most of the opposition resides.
- d) Grant funding is available from multiple state agencies and private entities.
- e) \$1.2 million of public monies already invested for trail development is being wasted unless the trail is built. Wasted lost interest amounts to \$36,000 per year, every year.

4) Oppositions' Concerns Answered

Most of the oppositions' concerns on record are either mistaken, half-truths or have workable answers. Consider the rights of the public, most of whom want the trail, versus the rights of a few property owners who want to bar public access to the rail corridor.

5) Driveways and Sheds Need Remedial Action

About 38 driveways serving residences utilize portions of the corridor property. Such driveways are in potential non-conformance with the County's subdivision ordinance. These driveways need an engineering review to devise remedial actions. About 14 sheds in the corridor are encroachments and violations to the County Building Code. The County should advise owners of violating sheds to remove them from the corridor.

Report--Volume 1

I. What is the Civil War Rail Trail?

The CWRT is a proposed project that consists of constructing a public park utilizing about 18 miles of unused railroad corridor owned by Maryland Department of Natural Resources (DNR), plus about 6 miles of corridor owned by CSX that still has infrequent active trains on it. The park will feature a trail, either paved or unpaved, about 10 feet in width. The “rail-trail” will be inside the 24-mile long railroad corridor that has an average width of 66 feet. The trail inside the 6-mile active corridor will be situated beside the existing tracks and is sometimes called a “rail with trail.”

The CWRT will offer amenities such as family health, recreational, educational, cultural and commuting benefits, and tourist attractions. Unlike most other trails and parks in Washington County (WaCo), the CWRT will accommodate people of all ages and people with mobility impairments, i.e., handicapped – hence, it can be called a “Family Health and Recreation Trail.”

The trail will run in a north-south direction. The north end will start at the City Park in Hagerstown, then follow an active, but rarely used, CSX rail line for 6 miles, which ends at the Roxbury prison complex. In this active rail segment, the trail path will run beside the existing CSX rail road tracks. This is called a “rail-with-trail.” Continuing in a southerly direction for about 18 miles, the track rails have been removed. On this segment, the corridor goes through the Roxbury prison complex, through the town of Keedysville, through Pleasant Valley, and then terminates at the C & O Canal towpath on the shore of the Potomac River. DNR discussions in the past indicate the trail will probably be rerouted around the prison complex.

Currently, in year 2017, some short segments of the CWRT corridor are cleared for hikers and bikers. One biker reports that the 1.5-mile segment between Manor Church Road and Route 68 was traversable. Currently, there are parking lots at City Park, Keedysville, Gapland Park and Weverton that can serve trail users.

II. Appeals for Action

The purpose here is to appeal to the WaCo Board of County Commissioners (BoCC) and to DNR to take active roles in developing the trail.

A. General Appeal to Activate Trail Development

On behalf of the 700 County residents, and the 330 non-county residents (1030 total), who pay state taxes, and 19 organizations—all of whom expressed support for the CWRT in year 2012—this writer makes an appeal to both the BoCC and the DNR to initiate an active role in developing the CWRT for public use. Despite the overwhelming number of State residents, i.e., 1030, who were in favor of the CWRT in the year 2012, surprisingly

the BoCC acted on the behest of about 80 residents and three organizations and voted to stop pursuit of the CWRT project.

B. Project Now Caught in a Deadlock That Needs to Be Broken

After the BoCC announced that they were ceasing their support of the project on July 10, 2012, the state DNR immediately announced that it would not move forward without local support. These two actions put the project in a deadlock where the BoCC won't act until the DNR does something and the DNR won't act until the BoCC does something. Thus, one of the principal objects of this report is to encourage both the BoCC and the DNR to take the necessary initiatives to break this deadlock.

C. Specific Appeals for BoCC and DNR Action

Appeals for BoCC action include:

- 1) Rescind the BoCC's decision of July 10, 2012 to stop pursuit of the trail.
- 2) Notify DNR that the BoCC supports the trail project.
- 3) Authorize county engineers to evaluate driveways that use the trail to serve residences when those driveways are in non-conformance with the county's current subdivision ordinance.
- 4) Authorize county engineers to investigate sheds that are built on the right-of-way (or corridor) and that are in violation of the county's building code.
- 5) Ask DNR to have its legal staff determine whether there is clear title to the right-of-way land.

Appeals for DNR action include:

- 1) Start clearing and mowing and marking the right-of-way so neighbors know DNR is asserting ownership and people can find the trail boundaries and walk or ride on the trail.
- 2) Notify adjoining property owners that encroachments such as sheds, junk vehicles, etc. must be removed from the right of way.
- 3) Work with county engineers to coordinate the redesign of non-compliant driveways with the design of the trail path.
- 4) Evaluate the allegation of lack of clear property title.

D. Consider Public Taxpayer Rights versus Individual Property Owner Rights

In 1991, DNR purchased the southern portion of the rail road corridor, 18 miles in length and 66 feet in width, from CSX for \$550,000. This segment is known as the Weverton to Roxbury Rail-Trail Corridor. The purpose of DNR's purchase was to provide for future recreational trail uses for local communities, Washington County and the State. Now, in year 2017, considering 3 % compound interest, the \$550,000 would be worth almost \$1.2 million (not counting inflation.) What are the rights of the tax-paying citizens who expect to enjoy that trail as opposed to the rights of adjoining property owners and others who object to public use of the trail? A \$1.2 million taxpayer investment sits there undeveloped, with no program in place to put the money to use. Is this money to be

wasted? Hence both DNR and BCC need to act to justify the expenditure of the funds invested. Continued inaction costs the taxpayers \$36,000 every year in lost interest.

III. Reasons for Action--Benefits

As attested by the following excerpts from BoCC communications, the trail will provide a variety of benefits, including health, recreation, economic, cultural, educational, tourism and commuting enhancement.

A. Benefits of the Trail—Excerpts from a BoCC Letter and Press Release

“This 23.4 mile project is an investment in not only recreation, but also economic development and tourism in our community. . . .” “. . . and this investment . . . would generate revenue and jobs as witnessed after the construction of other trail projects in the State . . .”

“. . . the trail would connect population centers to public lands either directly or thru connecting bike-friendly roads that cross the trail. Communities that would benefit from the trail are Hagerstown, Keedysville, Boonsboro, and Sharpsburg.”

“We envision the trail as not just for recreational use, but also potentially as a transportation corridor that could be used by commuters. Residents could use the trail as a means to access commuter connections to the MARC system in Brunswick . . . or commuting to the city center of Hagerstown.”

. . . “The trail is expected to create healthy lifestyle opportunities, tourism, and economic development for County citizens . . .”

“According to Centers for Disease Control . . .” “good health starts where you live . . .” “Improvement in health has a positive impact on the foundations of healthy and happy communities. . . .” “If the proposed trail . . . comes to fruition, it is expected that small businesses would locate along the route, and at least 200 new jobs could be created . . .” “Research shows that this project could have an estimated \$6.4 million in positive economic impact.”

Note: The aforementioned excerpts were taken from a BoCC letter to DNR of March 16, 2012 and a BoCC press release of May 16, 2012.

B. County P&Z Reports a County-Wide Need for More Walking/Jogging Areas

According to the Department of Planning and Zoning policy effective in 2011-2017, the County as a whole has a large deficit in walking and jogging facilities. This deficit is common all across the County and development priorities should include construction of new fitness trails and walking paths within existing parks and any new residential development. Another P&Z goal is to promote recreational opportunities for all ages, sexes, skill levels,

and special groups, such as the physically and mentally handicapped –which goal the CWRT fulfills.

The County's goal for parkland is 15 acres per 1000 population. In the county's southern region (approximately all land more than 2 miles south of Williamsport), the existing ratio is 9.5 acres per 1000 population -- which represents a disappointing shortfall from the planning goal of 15. Calculations show that 139 acres of new parkland are needed to meet the county's goal and the CWRT would provide 178 acres toward this goal.

In support of P&Z's reported need for more park land in south county, my analysis shows that 345 residents of south county are for the CWRT as opposed to the 80 residents (most of whom live in south county) who are against the CWRT. Why deprive a majority of south county residents of their needs because of a relatively few opponents?

C. Cultural and Educational Features – Promoted by County Planning and Zoning

Civil War Heritage Area: Washington County is part of a larger Heritage Area. The Heart of the Civil War Heritage Area (HCWHA), that also includes parts of Frederick and Carroll Counties.

WaCo has received recognition for its Civil War Heritage Areas and Civil War Heritage Routes, which encompass a significant area of the County, and includes all of the municipalities. A *rail-to-trail* route has been identified (i.e., the CWRT) and may provide a connection to those sites near the abandoned railroad bed which runs through the great valley from Hagerstown to Weverton. Various Civil War organizations may provide grant funding.

D. State Programs for Trails – Grant Funding is Available (from DNR website)

Trails in a neighborhood make it easier for people to incorporate exercise into their daily routines. Trails by another name are "linear parks"-- safe havens for walking and jogging, bicycling, family and social outings that connect people to places they want to go. Communities need trails . . . giving people of all skills and abilities the option to be active. According to a study in year 2010, Maryland State Parks have an estimated annual economic benefit to local economies and the State of more than \$650 million annually.

In a DNR newsletter from May 2016, Governor Larry Hogan announced \$14.9 million in grants for bicycle, pedestrian and multi-use trails across the state. The Maryland Department of Transportation (MDOT) is awarding a total of 63 grants, including \$2.77 million in Bikeways Program grants and, \$1.03 million in Recreational Trails Program grants. The largest of the grants includes \$6.5 million in funding to repair the C&O Canal Aqueduct in Washington County. The grants will support economic development in the State by enhancing Maryland's attractiveness as a cycling and tourism destination. Note: The \$6.5 million grant is 36 % of the \$18 million preliminary estimate done by the County engineers to construct the 24 miles of the CWRT. Where is any protest on this?

E. Demonstrated Successes of Park Facilities Similar to the CWRT

Torrey C. Brown Rail Trail – Baltimore County (20 miles), 467,000 visitors in 2015
Western Maryland Rail Trail - Washington County (22 miles), 150,000 visitors in 2015
C&O Canal Towpath –Washington County (78 miles), 1.1 million visitors per year
C&O Canal Towpath – Williamsport section, 433,000 visitors per year
Antietam National Battle Field – Washington County, 400,000 visitors per year
Great Allegheny Passage rail trail – 22 miles in Allegany County, Md. – nearly 100,000 visitors each year come to the Cumberland, Md. visitor center
City of Hagerstown Cultural Trail (which would connect to the CWRT) – newly opened in 2016, no visitor count available
Civil War Rail Trail – some segments are useable, e.g., 1.5 miles between Rte. 68 and Manor Church Road, no visitor count available

All indications point to the CWRT becoming a great tourist boon for the City of Hagerstown – ride your bike from C&O Towpath to restaurants, art museum, library and Maryland Theater in downtown Hagerstown. Also, there are Civil War sites to visit and a restaurant in Keedysville.

IV. History of BoCC Action

In January of 2012, BCC gave approval for County engineering to investigate prospects for preparing a formal feasibility study and then, after a public meeting in June 2012, the BCC voted to halt the work in July of 2012.

A. Brief History of BoCC Action

In March of 2012, the BoCC embraced the CWRT in a letter issued to DNR. Subsequently, in May of 2012, the BoCC issued a press release praising the potential healthy lifestyles and economic development and which would create some 200 new jobs. Then after a public meeting on June 21, 2102, the BoCC apparently soured on the project and voted to forsake it on July 10, 2012. Up until that BoCC vote in July 2012, the county engineering staff had been working for about six months to justify the need for a formal feasibility study to develop the CWRT.

In July of 2012, the State MDOT offered the County a grant of \$100,000 toward a feasibility study –but the BoCC inexplicably rejected the grant offer and then killed the project with no prior public notice. The BoCC’s vote to reject the trail project was done even though County P&Z policy then advised of the need for a trail project and even though there was an overwhelming number of County residents who were in favor of the trail. Major reasons cited in the BoCC meeting minutes and in a subsequent Herald Mail article included resident opposition and an uncertainty about DNR’s legal ownership of the corridor land. One particularly crucial factor was an assertion from a local attorney (i.e., Bill Daly), that the state DNR did not have a clear title to the rail corridor and thus building the trail would constitute infringing on some individual property owner’s rights.

When DNR learned of the BoCC vote to halt the CWRT, DNR announced that it too would halt all of its development activities. Thus, as a consequence of both the BoCC and the DNR forsaking the project, the result is an emergent deadlock between the BoCC and DNR.

B. Perfect Storm of Misinformation, Preliminary Information and Half-Truths

Unfortunately, at the time of the BoCC's vote in July 2012, the BoCC was deluged by a perfect storm of misinformation, preliminary information and half-truths. The state of information developed by the county engineering staff was at best very preliminary – yet, many took it as a final product. Additionally, many assertions presented by those opposing the trail were simply mistaken or half-truths. Also, many assertions opposing the trail have workable answers that will dispel the assertions.

Another aggravating factor at this time was the tumultuous economic climate. The County was still under the cloud of economic uncertainty as a result of the 2009 recession and then new demands emerged for County funding, such as the layoff of school nurses, the withdrawal of state support of the county teacher pensions, a backlog of County road repairs, and the need to assist the City of Hagerstown for a new stadium for the Suns.

C. “For” and “Against” Trail Statistics

Analysis of petitions, letters, emails, and speakers' comments indicates those FOR the trail include 700 WaCo residents (of which 345 have south county addresses) plus 331 residents of Maryland who do not live in WaCo. Thus a total count of $331 + 700 = 1031$ are “FOR” and represent state taxpayers who paid to purchase the trail. Additionally, 19 organizations provided letters of support for the trail.

Analysis of similar sources indicates a maximum of 80 County residents, most of whom live in south county, who are “AGAINST” the trail. Of the 80 residents who are against, they include owners of about 30 properties that either adjoin or are close to the trail. Additionally, 3 organizations provided letters of opposition to the trail.

Question: On May 12, 2012, the County sent out 800 notification letters to owners of all properties within 500 feet of the proposed trail. Hence, consider the response of only 80 residents who oppose is rather miniscule compared to the 700 county residents who are in favor of the trail. Why do the preferences of 80 residents outweigh the preferences of 700 residents? Why do the preferences of 80 residents, most of whom live in south county, outweigh the preferences of 345 residents who live in south county – especially when County Planning says south county has a shortage of walking and jogging areas?

D. Phases for Trail Development—Explanation

Some comments from the public indicated confusion on the process for trail development. The typical phase sequence for developing a trail includes: Feasibility Study, Planning, Design, Construction and Operation and Maintenance. The planning

phase will review whether the name of the trail will stay as the CWRT and whether the trail will be paved or crushed gravel. A feasibility study looks at the viability of an idea with an emphasis on identifying potential problems and attempts to answer one main question: Will the idea work and should you proceed with it? Developing a feasibility study does not violate any one's property rights, although the final results of the study may displease some property owners.

Developing a feasibility study does not mean or imply the project is approved for construction. Developing a feasibility study should include public participation. Having a feasibility study prepared is necessary when governing officials need to make decisions on budget expense priorities. Which projects should be selected for funding and why?

V. Oppositions' Concerns Answered

Comments opposing the trail – expressed in writing in some 55 letters or emails and voiced by 22 speakers at the public meeting -- were collected and analyzed. Research finds that, many assertions presented by those opposing the trail were simply mistaken or half-truths. Additionally, the state of information developed by the county engineering staff was at best very preliminary – yet, many took it as a final product. Also, many assertions opposing the trail have workable answers.

- 1) Why CWRT Trail Name? – Trail connects three urban centers that experienced significant Civil War events. Both Union and Confederate troops went through Pleasant Valley. Also, trail connects with four other significant Civil War sites.
- 2) Why the Need for Another Trail? – County Planning declares need for more walking and jogging park facilities that are amenable to wide range of ages and mobility impairments. Such needs are especially prevalent in south county.
- 3) Driveways Serving Residences Will Be Impaired – Driveway configurations need to be reviewed by County engineering for compliance with County ordinances
- 4) Development Fears – County Planning and Zoning has strenuous policies to discourage urban sprawl and strive to preserve rural and agricultural living.
- 5) Liability Insurance Increases – Maryland has 66 state parks with thousands of adjoining property owners who accept their costs for their property liability insurance.
- 6) Trail Facilities & Potential Uses – Individual sites for parking and toilet facilities have not been proposed. Planning process will make proposals.
- 7) Financial & Construction Schedule – County's estimates of \$18 million for construction over a 28 year period were very preliminary and subject to change as trail planning process is developed. Approximately 28 to 30 bridges must be rebuilt that make for a high one-time cost. At least four sources of government grant funding and several sources of private grant funding are possible.

Concerns 8) to 14): Maryland State Park System Can Manage Development Planning and Day to Day Details

8) Adjoining Property Owners –Use Concerns. No view-sheds, e.g., situations where DNR would require adjoining property owners to limit the height of their sheds or crops, are anticipated. DNR may provide some privacy fencing and vegetative screening. Trail crossings for livestock and farm equipment are easy to design. Some homes are close to the trail – look at homes in Sharpsburg, some are 3 feet from the curb while others have a public alley at the rear of their property. Also, look at homes in Funkstown, some are situated only a few feet from the street curb. Crime and vandalism: Maintenance Supervisor of the 20-mile long TCBT rail trail in Baltimore County reports that no crime incidents have occurred in past five year period of 2012 to 2017.

9) Trail Maintenance-- Recurring Needs – State Park System has the management experience to plan and operate trails. Signs along trail announce rules. Police service can come from DNR police, MD State Police and County Sheriff.

10) Prison – Enhanced security cameras and fencing or route trail around prison.

11) Area Environmental Impacts – need to be addressed in planning process.

12) Property Ownership--DNR, Landowners & Taxpayers. DNR needs to pursue allegations that DNR does not really own portions of the property it paid for. DNR needs to clear, mow and maintain its 18 miles of right-of-way.

13) Eminent Domain – DNR declares that it does not use Eminent Domain to acquire land for parking lots, toilet facilities, etc. DNR purchases only from willing sellers.

14) Trail Users' Safety -- DNR provides signage posting of speed limits. MDOT provides guidelines for trail crossings of state highways.

15) Maryland Farm Bureau's Assertion. MBF's letter asserted that “. . . adjacent land owners should have to approve any trail that is installed next to their property . . .” This assertion was found to be not true.

16) Senator Munson Bill of 1994 – This bill severely restricted DNR from engaging in trail development activities and it was not passed – so it is not law.

VI. Driveways and Shed Encroachments Need Special Attention

Opposition expressed concerns that some property owners have driveways that either cross the proposed trail or run beside the proposed trail within the DNR right-of-way – and that these driveways could be adversely altered by construction of the CWRT. Other comments expressed fears that sheds constructed in the DNR right-of-way would have to be removed. Such concerns raise questions on legalities.

A state survey done in 1993 found 14 sheds or similar structures encroaching in the DNR rail road right-of-way. Moreover, such sheds are potential violations of the County's building codes. Sheds are not allowed off the property of the shed owner. The same survey identified at least 38 residential driveways, which after recent review, appear to be potentially non-conforming to the provisions in the County's current subdivision

ordinance. Thus, DNR and the County need to work together to remove such encroachments.

Driveways that serve private residences are regulated by County ordinances. County engineering staff needs to identify and then review any driveways of resident concern and determine if they meet current driveway configuration requirements and, if not, then determine how the non-conforming driveways can be remedied at the time of trail construction. Any reconfiguring of driveways needs to be coordinated with the CWRT design and construction. Driveways serving residences must be configured to accommodate emergency vehicles, such as fire, police and ambulances. Also, driveways serving residences must have a County Driveway Entrance Permit.

As a general rule with property law, any portion of a driveway that is situated on another owner's land needs necessary easement documentation. Thus, if the driveway comes onto the CWRT, then the driveway owner must obtain an easement from the trail owner, i.e., DNR.

Driveway Benefits: After these driveways are reviewed by County engineering staff and then modified to meet the current ordinance, the property owners will then have legalized driveways that are amenable to emergency vehicles and their property is then increased in sale value. Also, the property owners may incur a savings on their fire insurance costs.

VII. Wrap Up

In my research of this project, I attempted to read every opposing comment and have provided an answer to the best of my ability. See Chapter 6 of the Volume 2 report for more in depth treatment on opposing comments. For those objections where I could not provide a satisfactory answer, hopefully a successive feasibility study by either the state or county can address them.

END

Lobbying Appeal: Appeal to County residents to express their support for CWRT by writing to or emailing to BCC members and State Delegation members. (To be written)

Visit **HAGERSTOWN** & Washington County, Maryland

April 11, 2017

Board of County Commissioners
Washington County Maryland
100 west Washington Street, Room 226
Hagerstown, MD 21740

To the Board of County Commissioners,

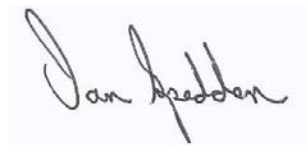
The President and Board of Directors of the Hagerstown/Washington County Convention and Visitors Bureau are in full support of the development of the 24-mile-long Civil War Rail Trail in Washington County Maryland. We have had very positive experiences with Recreational Trails in Washington County.

Recreational Trails are important to the overall strategy for economic development and revitalization. Visitors to our trails build and strengthen local business. The Appalachian Trail, C&O Canal tow path, and the Western Maryland Rail Trail have provided opportunities for construction and maintenance, rentals, shuttles, guided tours, historic preservation, lodging, and dining that have added millions of dollars to our economy.

Recreational Trails are also a valuable quality of life amenity for Washington county residents. Trails promote healthy life styles, preserve scenic, quality, improve pedestrian and cyclist safety, and improve home and property values.

The CVB encourages you to pursue the development of the 24-mile-long Civil War Rail Trail to improve the quality of life for our citizens and to grow and revitalize our economy.

Sincerely Yours,



Dan Spedden, President



**Mother Doing Her Exercise Walk with Child Cyclist on TCBT
(Torrey C. Brown Trail—Baltimore County)**



**Residence Adjoining TCBT with Self-Serving Refreshment Stand for
Supplemental Income. House Uses 1/4 Mile of Trail for Driveway Lane**



Agenda Report Form

Open Session Item

SUBJECT: Property Acquisitions for Trego Road Bridge Project and Trego Mountain Road North and South Culvert Replacement

PRESENTATION DATE: August 1, 2017

PRESENTATION BY: Susan Small, Real Property Administrator, Engineering Department

RECOMMENDED MOTION: Move to approve option agreements for easement and fee simple acquisitions along Trego Road, Trego Mountain Road, Twilight Lane and Alva Court for the purpose stated and to adopt an ordinance approving the purchase of said areas and to authorize the execution of the necessary documentation to finalize the acquisitions.

REPORT-IN-BRIEF: Five properties in the area of Trego Road and Trego Mountain Road in Keedysville will require partial acquisitions and temporary construction easements to allow for culvert replacement and drainage improvements on Trego Mountain Road and a bridge replacement on Trego Road.

DISCUSSION:

Property Address	Temporary Construction Easement (square feet)	Fee Simple Area (square feet)
3524 Trego Mountain Road	5,828 SF	3,649 SF
3515-3539 Twilight Lane	2,353 SF	1,043 SF
4128 Trego Road	3,384 SF	2,742 SF
4239 Trego Road	1,703 SF	691 SF
19906 Alva Court	1,255 SF	N/A

FISCAL IMPACT: This is a budgeted CIP project

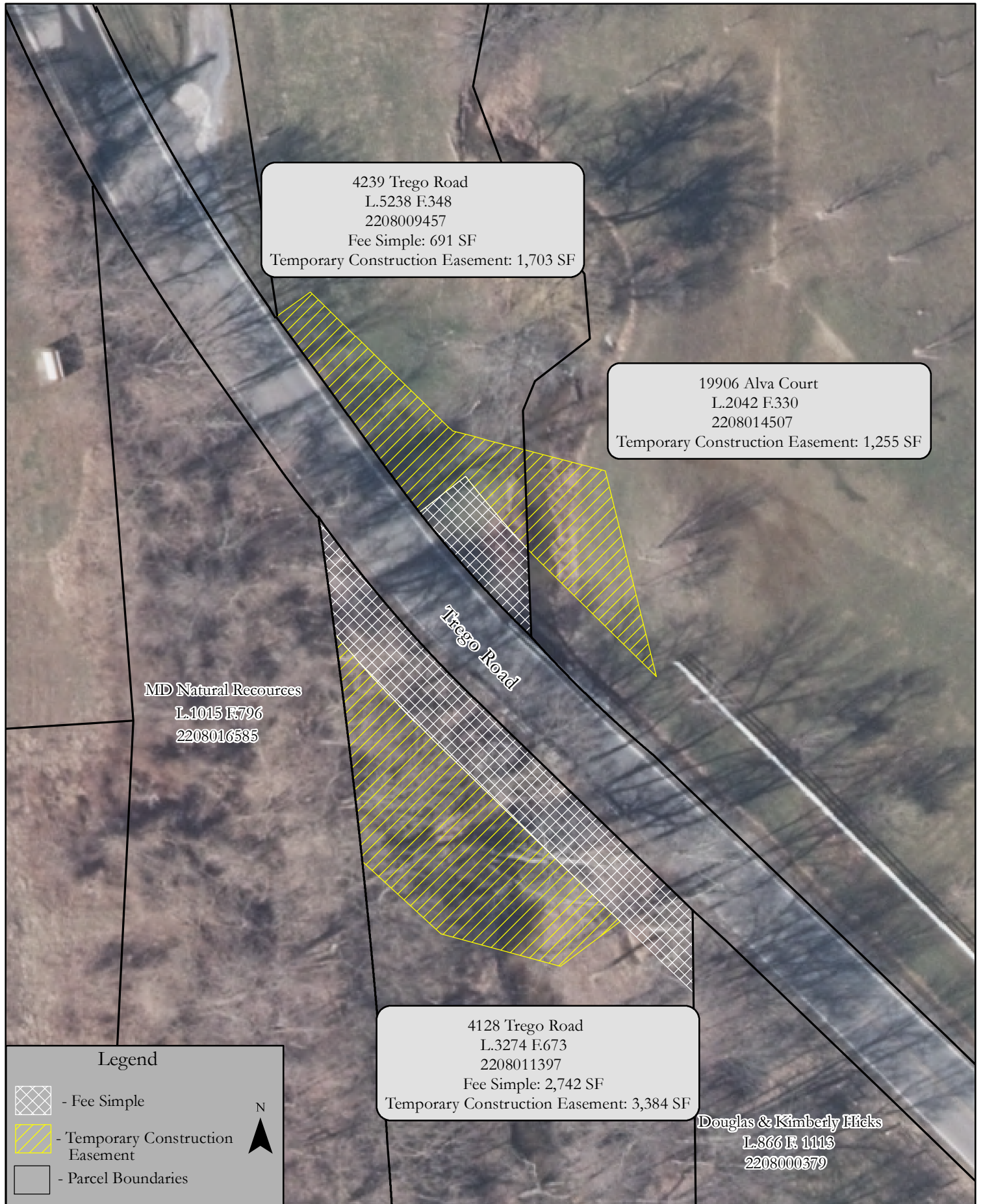
CONCURRENCES: Director of Engineering

ALTERNATIVES: N/A

ATTACHMENTS: Aerial map

AUDIO/VISUAL NEEDS: N/A

Trego Road Bridge Replacement






Douglas & Kimberly Hicks
L.866 F.1113
2208000379

Trego Mountain Road Culvert Replacements

3515-3539 Twilight Lane
L:4231 F:86
Fee Simple: 1,043 SF
Temporary Construction Easement: 2,353 SF

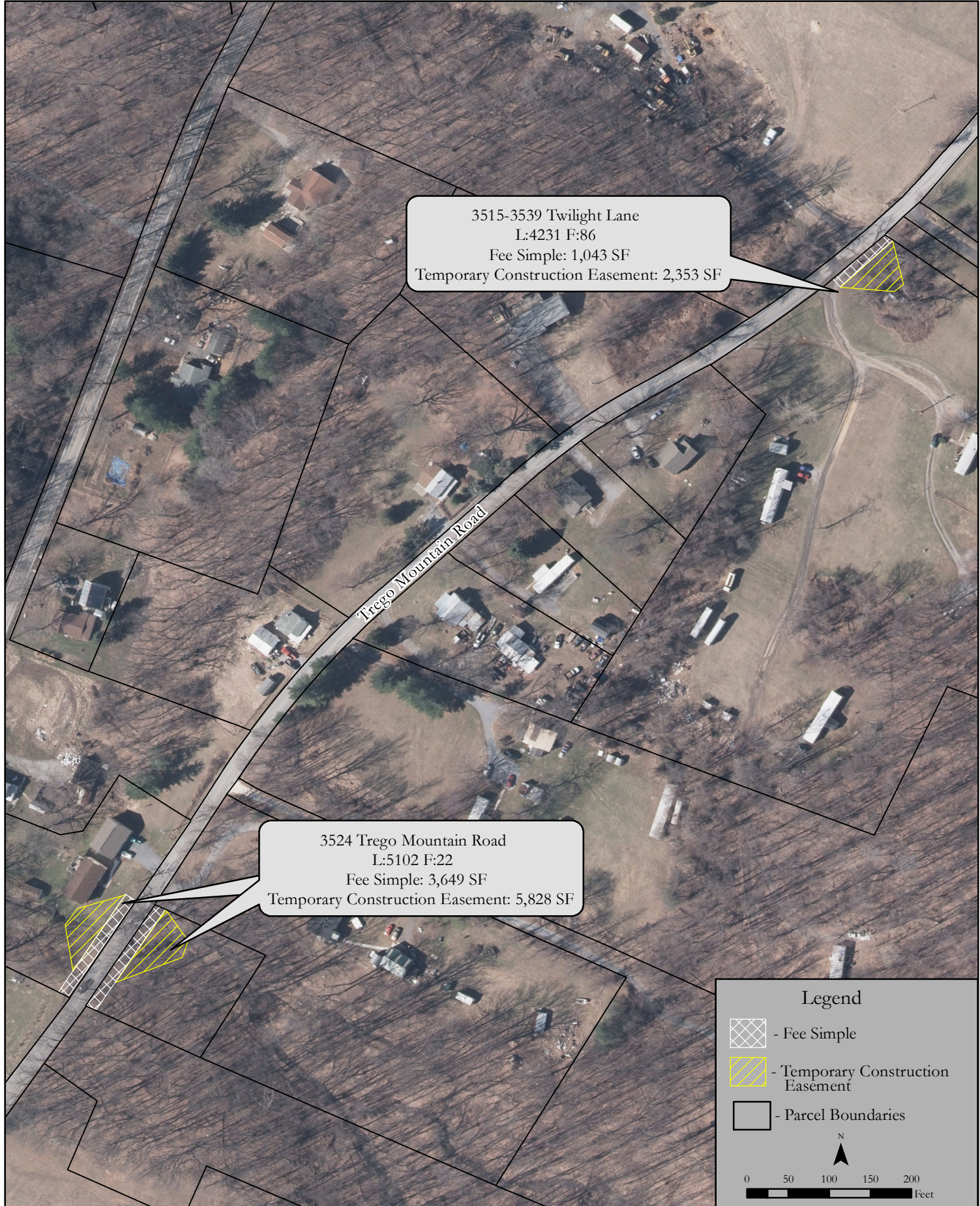
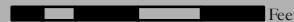
3524 Trego Mountain Road
L:5102 F:22
Fee Simple: 3,649 SF
Temporary Construction Easement: 5,828 SF

Legend

-  - Fee Simple
-  - Temporary Construction Easement
-  - Parcel Boundaries

N

0 50 100 150 200 Feet



ORDINANCE NO. ORD-2017-_____

AN ORDINANCE TO APPROVE THE PURCHASE OF REAL PROPERTY

(Trego Mountain Road/Trego Road Culvert/Bridge Project: Property acquisitions)

Part of 3524 Trego Mountain Road, Keedysville, MD

Part of 3515-3539 Twilight Lane, Keedysville, MD

Part of 4128 Trego Road, Keedysville, MD

Part of 4239 Trego Road, Keedysville, MD

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 certain real property identified on the attached Schedule A (the "Property") to be used for public purposes.

2. The County approved the purchase of the Property during its regular meeting on August 1, 2017. 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 are not to be expended from the General Fund of the County.

3. The purchase of the Property is necessary to allow for culvert replacement and drainage improvements on Trego Mountain Road and a bridge replacement on Trego Road.

THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Washington County, Maryland that the purchase of 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 Property.

ADOPTED this ____ day of _____, 2017.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Vicki C. Lumm, Clerk

BY: _____
Terry L. Baker, President

Approved as to legal sufficiency:

John M. Martirano
County Attorney

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

SCHEDULE A--DESCRIPTION OF PROPERTY

PROPERTY ACQUISITION NO. 1:

Part of 3524 Trego Mountain Road, Keedysville, MD

All those parcels of land consisting of an aggregate area of 3,649 square feet or 0.0838 acres of land, more or less, situate along the westerly side of Trego Mountain Road approximately 400 feet northerly from its intersection with Chestnut Grove Road, in Election District No. 8, Washington County, Maryland.

Being a portion of the property conveyed unto Michael L. Sigler, Jr. and Heather N. Doody from Penny K. Bowers, by deed dated June 18, 2015 and recorded among the Land Records of Washington County, Maryland at Liber 5002, folio 150.

PROPERTY ACQUISITION NO. 2:

Part of 3515-3539 Twilight Lane, Keedysville, MD

All that parcel of land consisting of 1,043 square feet or 0.0239 acres of land, more or less, situate along the easterly side of Trego Mountain Road approximately 1,600 feet northerly from its intersection with Chestnut Grove Road in Election District No. 8, Washington County, Maryland.

Being a portion of the land conveyed by Lionel M. Abbott, Trustee of the Lionel M. Abbott Revocable Trust Agreement and Helen M. Abbott Trustee of the Lionel M. Abbott Revocable Trust unto LSE Enterprises, LLC, a Maryland Limited Liability Company, by deed dated May 16, 2011 and recorded among the said Land Records of Washington County, Maryland, in Liber 4231, folio 86.

PROPERTY ACQUISITION NO. 3:

Part of 4128 Trego Road, Keedysville, MD

All that parcel of land consisting of 2,742 square feet or 0.0629 acres of land, more or less, situate along the westerly side of Trego Road approximately 300 feet southerly from its intersection with Trego Mountain Road in Election District No. 8 of Washington County, Maryland.

Being a portion of the land conveyed by Ernest G. Reese unto Troy M. Webb and Victoria A. Staubs by deed dated April 6, 2007 and recorded among the Land Records of Washington County, Maryland, in Liber 3274, folio 673.

PROPERTY ACQUISITION NO. 4:
Part of 4239 Trego Road, Kedysville, MD

All that parcel of land consisting of 691 square feet or 0.059 acres of land, more or less, situate along the easterly side of Trego Road approximately 300 feet southerly from its intersection with Trego Mountain Road in Election District No. 8 of Washington County, Maryland.

Being a portion of the land conveyed by Dustin Tilghman Thompson unto Joshua M. Propst by dee dated May 19, 2016 and recorded among the Land Records of Washington County, Maryland, in Liber 5238, folio 348.



Agenda Report Form

Open Session Item

SUBJECT: Purchase of 14201 Pennsylvania Ave, Hagerstown, MD

PRESENTATION DATE: August 1, 2017

PRESENTATION BY: Susan Small, Real Property Administrator, Engineering Department

RECOMMENDED MOTION: Move to approve agreement of sale to purchase property at 14201 Pennsylvania Avenue for the purpose of the future Showalter Road Extended and improve the safety at the intersection of Pennsylvania Ave and Showalter Road.

REPORT-IN-BRIEF: On May 16, 2017 County Staff presented to the Board a verbal agreement with the seller to purchase the property at \$150,000. The purchase agreement was tabled until costs on razing the buildings were identified.

DISCUSSION: A bid of \$17,600 was recently obtained to raze the buildings on the property. An offer was presented that reflected the costs involved and the property owner counter-offered with the original proposal of \$150,000. Staff is seeking the Board's approval to move forward with a formal agreement of sale and settlement.

FISCAL IMPACT: \$150,000. There is an available budget in the Capital Improvement Plan (CIP) (RD068).

CONCURRENCES: Director of Engineering

ALTERNATIVES: N/A

ATTACHMENTS: Aerial Map

AUDIO/VISUAL NEEDS: N/A

14201 Pennsylvania Avenue




14201 Pennsylvania Avenue
Property Location


Showalter Road

Pennsylvania Avenue

Legend

 - 14201 Pennsylvania Ave

0 75 150 225 300 Feet

N 



Agenda Report Form

Open Session Item

SUBJECT: Request to Declare Certain Real Property as Surplus Property and Conveyance of the Same.

PRESENTATION DATE: August 1, 2017

PRESENTATION BY: Susan Small, Real Property Administrator, Engineering Department

RECOMMENDED MOTION: Move to declare certain real property located at 13526 Pennsylvania Ave (the “property”) as surplus property and authorize the advertising of the County’s intent to convey the Property.

REPORT-IN-BRIEF: The Board of County Commissioners of Washington County, Maryland (the “Board”) purchased certain real property located at 13526 Pennsylvania Avenue to accommodate the road construction and improvements to the Pennsylvania Avenue and Maugans Avenue intersection and widening along Maugans Avenue. The house which was located on the Property was razed to make way for the needed right of way and road improvements. There are 14,200 square feet of unimproved land remaining.

DISCUSSION: Pennsylvania Avenue 2003, LLC has submitted a signed Letter of Intent to purchase the property for \$72,100. They would like a 90-day study period and closing to be scheduled 30 days after the expiration of the study period. There are no other contingencies.

FISCAL IMPACT: \$72,100 in revenue from the sale of the property

CONCURRENCES: County Attorney

ALTERNATIVES: N/A

ATTACHMENTS: Aerial

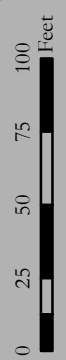
AUDIO/VISUAL NEEDS: N/A

13526 Pennsylvania Avenue



Legend

- 13526 Pennsylvania Avenue
- Parcel Boundaries





Agenda Report Form

Open Session Item

SUBJECT: Emergency Number Systems Board Security System Funding Request – Approval to Submit

PRESENTATION DATE: August 1, 2017

PRESENTATION BY: Stephanie Lapole, Grant Manager, Office of Community Grant Management, David Hays, Director, Division of Emergency Services and Bardona Woods, Assistant Director, Department of Emergency Communications

RECOMMENDED MOTION: Move to approve the submission of a funding request to the Emergency Number Systems Board in the amount of \$79,467.39 and accept awarded funding.

REPORT-IN-BRIEF: The Emergency Number Systems Board was established by the Maryland General Assembly to coordinate the implementation, enhancement, maintenance and operation of county or multi-county 911 systems. Washington County Emergency Services is requesting to purchase and install a completely updated security system for the primary Public Safety Answering Point. Included in the funding request are 32 electronic door locks (22 are 911 specific), 17 security cameras, 3 video stations, associated equipment and licenses.

DISCUSSION: The Office of Community Grant Management has reviewed the funding request. There is no matching fund requirement associated with this request.

FISCAL IMPACT: There will be recurring annual maintenance expenses in the amount of \$2,446 which will be reflected for the first time in the FY20 Emergency Services proposed operating budget. The total annual maintenance expense for 4 years is \$9,784. The Emergency Number Systems Board covers all first year maintenance costs.

Annual Maintenance Expenses

Cameras	\$1,755.00
Electronic Door Reader	\$1,103.26
Intercom Connection	\$67.20
Upgrade to Enterprise Costs for Readers	\$1,320.26
Non 911 Equipment & Labor Costs	<u>\$5,538.28</u>
	\$9,784.00

CONCURRENCES: Director, Office of Community Grant Management

ALTERNATIVES: Deny approval for submission of this request

ATTACHMENTS: N/A

AUDIO/VISUAL NEEDS: N/A