

ORDINANCE NO. ORD-2023-19

**AN ORDINANCE TO APPROVE THE PURCHASE OF A CONSERVATION
EASEMENT UNDER THE MARYLAND RURAL LEGACY PROGRAM
(Re: James and Linda Clement RLP Conservation Easement)**

RECITALS

1. The Maryland Rural Legacy Program ("RLP") provides the funding necessary to protect large, contiguous tracts of land and other strategic areas from sprawl development and to enhance natural resource, agricultural, forestry, and environmental protection through cooperative efforts among State and local governments.

2. Protection is provided through the acquisition of easements and fee estates from willing landowners and the supporting activities of Rural Legacy Sponsors and local governments.

3. For FY 2023, Washington County (the "County") was awarded a RLP grant totaling \$1,550,000.00 (the "RLP Funds").

4. James and Linda Clement (the "Property Owners") are the fee simple owners of real property consisting of 39.64 acres, more or less (the "Property"), in Washington County, Maryland. The Property is more particularly described on Exhibit A attached hereto.

5. The County has agreed to pay the sum of approximately ONE HUNDRED SEVEN THOUSAND SIX HUNDRED NINETEEN DOLLARS AND NO CENTS (\$107,619.00), which is a portion of the RLP Funds, to the Property Owner for a Deed of Conservation Easement on the Property (the "James and Linda Clement RLP Conservation Easement").

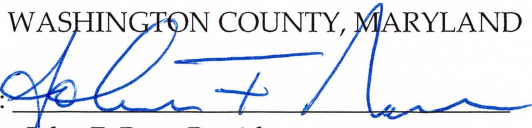
THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Washington County, Maryland, that the purchase of a conservation easement on the Property be approved and that the President of the Board and the County Attorney be and are hereby authorized and directed to execute and attest, respectively, all such documents for and on behalf of the County relating to the purchase of the James and Linda Clement RLP Conservation Easement.

ADOPTED this 10th day of October, 2023.

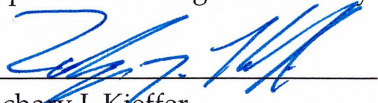
ATTEST:


Dawn L. Marcus, County 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, Maryland 21740

EXHIBIT A - DESCRIPTION OF PROPERTY

ALL those tracts, lots or parcels of land, and all the rights, ways, privileges and appurtenances thereunto belonging or in anywise appertaining, situate in Election District No. 12, Washington County, Maryland, being more particularly described as follows:

17318 Spielman Road, Fairplay, tax account no. 12-000618, per the tax records containing 22.32 acres, part of the lands described in Liber 4868, Folio 235 (Parcel Nos. 1 and 2):

PARCEL NO. 1: BEGINNING at an iron pipe at or near the end of the 10th or North 28 degrees 06 minutes West 1127.68 foot line of Parcel No. 1 of a conveyance from Carroll E. Rang to Charles Ruch and Grace Ruch, his wife, by Deed dated May 14, 1969, and recorded in Liber 488, Folio 507 among the Land Records of Washington County, Maryland, thence with a portion of said 10th line reversed, and along the right of way of the Norfolk & Western Railroad South 18 degrees 43 minutes 42 seconds East 553.14 feet to an iron pipe; thence leaving said right of way of the Norfolk & Western Railroad and running along the lands of [now or formerly] Linsey A. Dean (Liber 567, Folio 682) North 84 degrees 01 minute 56 seconds West 380.40 feet to an iron pipe; thence leaving said lands of L. A. Dean and running through the lands of [now or formerly] Charles Ruch (Liber 488, Folio 507) by lines of division made, three courses North 05 degrees 46 minutes 30 seconds [*no direction*] 152.07 feet to an iron pipe; thence with an existing fence line North 15 degrees 03 minutes 17 seconds East 330.70 feet to an iron pipe; thence North 82 degrees 11 minutes 10 seconds East 100.47 feet to the point of beginning; containing 2.81 acres of land, more or less, and being part of Tract #1, and all of Parcel No. 2 therein of the lands conveyed to Donna L. Edgins from John D. Berryman by Deed dated September 15, 1989, and recorded in Liber 929, Folio 489 among the aforesaid Land Records.

PARCEL NO. 2: BEGINNING at a fence corner post, said post being located at the end 08.6 feet on the 6th or North 81 degrees 02 minutes East 426.3 foot line of the Deed to Charles Ruch, *et ux*, dated May 14, 1969, and recorded in Liber 488, Folio 507 among the aforesaid Land Records, and running thence with the existing fence line along the division line between Robert L. Bowers and the Ruch tract North 89 degrees 46 minutes 28 seconds West 294.19 feet to a corner fence post; thence projecting and extending said line North 89 degrees 46 minutes 28 seconds West 21.19 feet to an iron pipe on the Northern right of way of Maryland Route 63, said iron pipe being 20 feet perpendicularly distant from the center line of said Route 63; thence parallel with said center line North 57 degrees 35 minutes 49 seconds West 67.34 feet to an iron pipe on the aforesaid right of way line and on the Western marginal line of the existing farm land; thence leaving said right of way line and running by and with 8 lines of division made North 48 degrees 32 minutes 05 seconds East 40.64 feet to an iron pipe; thence North 01 degree 42 minutes 34 seconds West 538.91 feet to an iron pipe; thence North 05 degrees 37 minutes 54 seconds 400.50 feet to an iron pipe; thence North 87 degrees 32 minutes 50 seconds West 266.24 feet to an iron

pipe; thence North 07 degrees 02 minutes 36 seconds East 271.23 feet to an iron pipe; thence South 89 degrees 24 minutes 54 seconds East 227.29 feet to an iron pipe; thence South 71 degrees 55 minutes 48 seconds East 139.90 feet to an iron pipe; thence South 84 degrees 01 minute 56 seconds East 380.41 feet to an iron pipe on the Western marginal line of the Norfolk and Western Railroad; thence with said marginal line two courses South 18 degrees 43 minutes 42 seconds East 513.32 feet to an iron pipe thence by a curve to the right having a radius of 1923.49 feet, an arc length of 525.53 feet, by a chord bearing and distance of South 10 degrees 49 minutes 01 second East 523.90 feet to an iron pipe; thence leaving said marginal line and running along or near an existing fence line South 02 degrees 28 minutes 41 seconds West 185.62 feet to a corner fence post; thence with an existing fence line along the lands now or formerly owned by Paul A. Cosgrove, Sr. (Liber 484, Folio 350) two courses North 77 degrees 04 minutes 09 seconds West 243.99 feet to a corner fence post; thence South 07 degrees 11 minutes 22 seconds West 66.20 feet to a corner fence post, it being a corner of the [now or formerly] Paul Cosgrove, Robert Bowers and Charles Ruch properties; thence leaving the Paul Cosgrove tract and running with Robert Bowers tract North 88 degrees 50 minutes 58 seconds 117.73 feet to the point of beginning; containing 19.51 acres of land, more or less, and being the same property described as part of Tract #1, and all of Parcel No. 3 which was conveyed to Donna L. Edgins from John D. Berryman by Deed dated September 15, 1989, and recorded in Liber 929, Folio 489 among the aforesaid Land Records.

SAID PARCEL NOS. 1 and 2 BEING part of (Parcel Nos. 1 and 2) the property which was conveyed from Keith W. Hunter to James Clement and Linda Clement, his wife, by Deed dated November 19, 2014, and recorded in Liber 4868, folio 235 among the Land Records of Washington County, Maryland.

17310 Spielman Road, Fairplay, tax account no. 12-008570, per the tax records containing 5.20 acres, part of the lands described in Liber 4868, Folio 235 (Parcel No. 3):

PARCEL NO. 3: ALL that lot or parcel of land, situate along the North side of Spielman Road in in Election District No. 12, Washington County, Maryland, being shown as "Remaining Lands" on the Plat entitled "Resubdivision of Lots 8, 9 and 10 of Stonehenge Farms and Preliminary/Final Plat of Subdivision of Lot 1 for John D. Berryman" recorded at Plat Folio 8083 among the Plat Records of Washington County, Maryland.

SAID PARCEL NO. 3 BEING part of (Parcel No. 3) the property which was conveyed from Keith W. Hunter to James Clement and Linda Clement, his wife, by Deed dated November 19, 2014, and recorded in Liber 4868, Folio 235 among the aforesaid Land Records.

8311 Prophet Acres Road, Fairplay, tax account no. 12-014422, 7.01 acres described in Liber 5142, Folio 76:

PARCEL NO. 4: ALL that lot or parcel of land, situate along the North side of Spielman Road in in Election District No. 12, Washington County, Maryland, being shown as "Lot 1" on the Plat entitled "Resubdivision of Lots 8, 9 and 10 of Stonehenge Farms and Preliminary/Final Plat of Subdivision of Lot 1 for John D. Berryman" recorded at Plat Folio 8083 among the aforesaid Plat Records; said Lot 1 contains 7.01 acres of land, more or less.

SAID PARCEL NO. 4 BEING all of the property which was conveyed from Margaret K. Carroll Berryman, Trustee, *et al*, to James Clement and Linda Clement, husband and wife, by Deed dated November 20, 2015, and recorded in Liber 5142, Folio 71 among the aforesaid Land Records.

8307 Prophet Acres Road, Fairplay, Lot 9, tax account no. 12-013272, per the tax records containing 1.80 acres; and 8313 Prophet Acres Road, Fairplay, Lot 10, tax account no. 12-013280, per the tax records containing 3.20 acres, described in Liber/Book 5946, Folio/Page 241:

PARCEL NOS. 5 AND 6: ALL those lots or parcels of land, being known as "Lots 9 and 10" of Stonehenge Farms, as more particularly shown and described on the above referenced Plat entitled "Resubdivision of Lots 8, 9 and 10 of Stonehenge Farms and Preliminary/Final Plat of Subdivision of Lot 1 for John D. Berryman" recorded at Plat Folio 8083 among the aforesaid Plat Records.

SAID PARCEL NOS. 5 AND 6 BEING all of the property which was conveyed from Oban Bay, LLC, a Maryland limited liability company, to James Clement and Linda Clement, his wife, by Deed dated March 29, 2019, and recorded in Liber 5946, Folio 241 among the aforesaid Land Records.