

ORDINANCE NO. ORD-2024-26

**AN ORDINANCE TO APPROVE THE PURCHASE OF A CONSERVATION
EASEMENT UNDER THE MARYLAND RURAL LEGACY PROGRAM
(Re: Jean E. Izer Revocable Living Trust RLP Conservation Easement)**

RECITALS

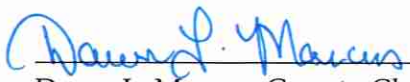
1. The Maryland Rural Legacy Program ("RLP") provides the funding necessary to protect large, contiguous tracts of land and other strategic areas from sprawl development and to enhance natural resource, agricultural, forestry, and environmental protection through cooperative efforts among State and local 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 2024, Washington County (the "County") was awarded a RLP grant totaling \$3,127,000.00 (the "RLP Funds").
4. Sandra D. Izer, Trustee of the Jean E. Izer Revocable Living Trust, (the "Property Owner") is the fee simple owner of real property consisting of 118.78 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 FIVE HUNDRED THOUSAND FIVE HUNDRED FORTY-FOUR DOLLARS AND NO CENTS (\$500,544.00), which is a portion of the RLP Funds, to the Property Owner for a Deed of Conservation Easement on the Property (the "Jean E. Izer Revocable Living Trust 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 Jean E. Izer Revocable Living Trust RLP Conservation Easement.

ADOPTED this 1 day of May, 2024.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND


Dawn L. Marcus, County Clerk

BY: 
John F. Barr, President

Approved as to legal sufficiency:



Aaron Weiss

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 or parcel of land, and all the rights, ways, privileges, and appurtenances thereunto belonging or in anywise appertaining, situate in Election District No. 20, Washington County, Maryland, being the property identified by the State Department of Assessments and Taxation as tax account no. 20-012846, and being more particularly described in accordance with the description contained in the last Deed recorded in Liber 2931, Folio 576 among the Land Records of Washington County, Maryland, as follows:

[a] TRACT NO. 1: Containing forty acres, three roods and twenty perches of land, more or less, and lying on the South side of the public road leading from Downsville to Williamsport.

TRACT NO. 2: Being a piece of land lying on the South side of the public road leading from Downsville to Williamsport, containing about seven acres of land.

TRACT NO. 3: Being a piece of land lying on both sides of the public road leading from Downsville to Williamsport and containing fifty-two acres of land.

BEING all of Parcels 2, 3, and 4 more particularly described in the Deed from Lawrence B. Izer Personal Representative of the Estate of Lewis K. Izer, to Lawrence B. Izer, dated June 11, 1974, and recorded in Liber 579, Folio 629 among the Land Records of Washington County, Maryland. BEING ALSO part of same property which was conveyed from Lawrence B. Izer to Lawrence B. Izer and Jean Elizabeth Izer, his wife, by Deed dated April 14, 1975, and recorded in Liber 593, Folio 545 among the aforesaid Land Records.

[b] TRACT NO. 4: All that tract of land situate in Washington County, Maryland, being part of a tract of land called "Conococheague Manor" and BEGINNING at a stone, it being the beginning of a Deed from James Grimes and Wife to David Neikirk dated April 2, 1832, and running thence with two lines of said Deed South 71½ degrees East 166.4 perches to a stone; North 17 degrees East 81 perches to the beginning of the 2nd parcel mentioned in the aforesaid Deed; thence with the 1st, 2nd, and 3rd and part of the 4th lines of the aforesaid 2nd parcel South 71 degrees 1 perch to a stone; North 17 degrees East 90 perches into the turnpike leading from Downsville to Williamsport; thence with said turnpike North 36 degrees West 1 perch; thence leaving the said turnpike South 17 degrees West 48 perches to the angle of a stone wall, and at the end of the 1st line of a Deed from Peter Showman, Trustee, to David Neikirk dated March 31, 1948, and running thence with the 2nd and 3rd lines of said Deed North 71 degrees West 46¼ perches to a post; and South 17 degrees West 42¼ perches to a stone and to intersect the 3rd line of the 1st mentioned Deed; and with it North 71½ degrees West 123.6 perches; thence with the last or closing line of the 1st mentioned Deed South 14¼ degrees West 81.2 perches to the point of beginning; containing ninety-seven (97) acres and one hundred thirty (130) perches of land, more or less.

Being the same property which was conveyed unto Lawrence B. Izer and Jean Elizabeth Izer, his wife, by Deed dated September 21, 1995, and recorded in Liber 1231, Folio 727 among the aforesaid Land Records.

SAVING AND EXCEPTING THEREFROM certain fee-simple parcels of land conveyed by Lewis K. Izer and Margaret E. Izer, his wife, by Deeds dated and recorded among the aforesaid Land Records, as follows:

[1] Deed to Earl Malatt, et ux, dated May 29, 1947, containing one acre of land, more or less, recorded in Liber 242, Folio 23.

[2] Deed to Thomas R. Rhodes, et ux, dated May 11, 1956, containing 0.4 of an acre of land, more or less, recorded in Liber 310, Folio 579.

[3] Deed to George R. Shank, et ux, dated October 29, 1956, containing .52 of an acre of land, more or less, recorded in Liber 316, Folio 607.

[4] Deed to Raymond C. Cline, et ux, dated July 19, 1957, containing .47 of an acre of land, more or less, recorded in Liber 325, Folio 447.

[5] Deed to Charles Wesley Palmer, et ux, dated July 21, 1960, containing .46 of an acre of land, more or less, recorded in Liber 359, Folio 468.

[6] Deed to Millard Paul Householder, et ux, dated June 27, 1962, containing .46 of an acre of land, more or less, recorded in Liber 381, Folio 529.

[7] Deed to Lawrence B. Izer, et ux, dated June 16, 1964, containing 5.65 acres of land, more or less, recorded in Liber 409, Folio 306.

[8] Deed to Roger Eugene Reed, et ux, dated June 30, 1965, containing 29.22 acres of land, more or less, recorded in Liber 425, Folio 667.

[9] Deed to Lawrence B. Izer, et ux, dated April 21, 1967, containing .57 of an acre of land, more or less, recorded in Liber 453, Folio 640.

[10] Deed to Harry L. Stotler, et ux, dated September 19, 1969, containing .57 of an acre of land, more or less, recorded in Liber 495, Folio 525.

[11] Deed to Lawrence B. Izer, et ux, dated December 30, 1970, containing .97 of an acre of land, more or less, recorded in Liber 517, Folio 74.

[12] Deed to Lloyd F. McFadden, et ux, dated May 14, 1973, containing .57 of an acre of land, more or less, recorded in Liber 560, Folio 317.

[13] Deed to Clyde I. Gaylor, et ux, dated May 14, 1973, containing .57 of an acre of land, more or less, recorded in Liber 560, Folio 349.

AND FURTHER SAVING AND EXCEPTING THEREFROM certain fee-simple parcels of land conveyed by Lawrence B. Izer and Jean E. Izer, his wife, by Deeds dated and recorded among the aforesaid Land Records, as follows:

[14] Deed to Larry Wayne Izer, et ux, dated October 23, 1978, containing 51,117.96 square feet of land, more or less, recorded in Liber 670, Folio 361.

[15] Deed to [Dean] William Gross, et ux, dated October 23, 1978, containing 62,042.91 square feet of land, more or less, recorded in Liber 670, Folio 365.

[16] Deed to Harry Richardson Poole, Jr., et ux, dated July 17, 1979, recorded in Liber 685, Folio 635, and being described as all that lot of land on Natural Well Road approximately 2500 feet from the intersection of Natural Well Road and the Downsville Pike in Washington County, Maryland, and BEGINNING at an iron pipe on the right of way line of Natural Well Road which is the Southeast corner of the Lot No. 4 on the Plat entitled "Revised Preliminary and Final Plat for Lawrence B. and Jean E. Izer" recorded at Plat Folio 967 among the Plat Records of Washington County, Maryland, being also the Southeast corner of the property conveyed by Lawrence B. Izer and Jean E. Izer, his wife, to Larry Wayne Izer and Kay Evonne Izer, his wife, by Deed dated October 23, 1978, and recorded in Liber 670, Folio 361 among the aforesaid Land Records, and running thence along said right of [way] line of Natural Well Road South 48 degrees 17 minutes 23 seconds East 150 feet to a point; thence leaving the roadway and running North 41 degrees 42 minutes 37 seconds East 270 feet to a point; thence North 48 degrees 17 minutes 23 seconds West 150 feet to the Northeast corner of the aforesaid Lot No. 4; and running thence with the Southeast boundary of said Lot No. 4 South 41 degrees 42 minutes 37 seconds West 270 feet to the point of beginning; BEING all of Lot No. 3 on the Plat entitled "Revised Preliminary and Final Plat for Lawrence B. and Jean E. Izer" recorded at Plat Folio 967 among the aforesaid Plat Records.

[17] Deed to Donald W. Crawford, et ux, dated January 17, 1980, containing .57 of an acre of land, more or less, recorded in Liber 696, Folio 79.

[18] Deed to Clyde I. Gaylor, et ux, dated March 1, 1983, containing .46 of an acre of land, more or less, recorded in Liber 739, Folio 1024.

[19] Deed to Harry L. Stotler, et ux, dated December 16, 1993, containing 1.25 acres of land, more or less, recorded in Liber 1130, Folio 941.

[20] Deed to Larry W. Izer, et ux, dated January 27, 1994, containing .63 of an acre of land, more or less, recorded in Liber 1137, Folio 668.

[21] Deed to Larry W. Izer and Kay E. Izer, his wife, dated July 28, 2004, recorded in Liber 2403, Folio 743, conveying 2 tracts as more particularly described therein.

BEING part of the property which was conveyed from Sandra D. Izer to Sandra D. Izer, Trustee of the Jean E. Izer Revocable Living Trust, by Deed dated February 1, 2006, and recorded in Liber 2931, Folio 576 among the Land Records of Washington County, Maryland.

THE street address of the herein described property is currently known and designated as 16152 Natural Well Road, Williamsport, Maryland.

AND SAID PROPERTY is depicted on the Plat entitled "Survey of Rural Legacy Easement for Jean E. Izer Revocable Trust" recorded at Miscellaneous Plat Folio 1029 among the Plat Records of Washington County, Maryland.