

C.G.
COMPARED AND MAILED/DELIVERED
Jeff Setty ES &
to Prospects of Cumberland
April 1, 2003

BOOK 714 PAGE 881

(Filed & Recorded March 31, 2003 @ 11:00 AM)

DEED OF EASEMENT

THIS DEED OF EASEMENT is made this 4th day of March, 2003

by and between **ALLEGANY COAL AND LAND COMPANY**, a Maryland corporation with its principal place of business in Frostburg, Maryland, Grantor, and **THE CITY OF FROSTBURG**, a municipal corporation organized and existing pursuant to the laws of the State of Maryland, Grantee.

WHEREAS, Allegany Coal and Land Company is the owner of certain property situated along New Hope Road in Election District No. 12, Frostburg, Allegany County, Maryland having acquired the same in a deed dated December 17, 1986 and recorded in Deeds Liber 561, folio 618, among the Land Records of Allegany County, Maryland; and

WHEREAS, the City of Frostburg desires to acquire an easement to enter upon and utilize 3.7 acres of Allegany Coal and Land Company's property to layout, construct, improve, maintain, repair, reconstruct and operate a hiking/biking trail to be used as part of the Allegany Highlands Trail and for any other lawful public purpose; and

WHEREAS, Allegany Coal and Land Company has agreed to grant a permanent, exclusive easement to the City of Frostburg and its successors and assigns as provided for herein.

NOW, THEREFORE, in consideration of the sum of Twenty-one Thousand Four Hundred Fifty Dollars (\$21,450.00) as well as other good and valuable consideration, well and truly paid by the Grantee to the Grantor, the receipt whereof acknowledged, the Grantor does hereby grant, bargain, sell and convey unto the Grantee a permanent, right to the free and uninterrupted use, liberty, privilege, easement and right-of-way to enter the Grantor's property described herein for the purpose of constructing, building, maintaining, operating, repairing, reconstructing a hiking/biking trail and for all other lawful governmental uses and all other uses which comport with Program Open Space purpose which the Grantee, its successors and assigns, desires to utilize the servient easement hereby created over, across and through all of those certain lots, tracts or parcels of land lying in Allegany County, State of Maryland, described as follows:

LAW OFFICES
JEPPERT, McMULLEN,
PAYE & GETTY
CUMBERLAND
MARYLAND

ALL that piece or parcel of land situated on the northern right-of-way of the former Cumberland and Pennsylvania Railway and lying between the former railroad and New Hope Road in the City of Frostburg, Allegany County, Maryland, being part of the lands conveyed to Allegany Coal and Land Company filed and recorded as Liber 561, folio 618, Liber 585, folio 674, and Liber 563, folio 348, among the Land Records of Allegany County, Maryland, being further described as follows:

BEGINNING at a point on the northern right-of-way of the former Cumberland and Pennsylvania Railway and thence binding with said right-of-way along a curve to the right, with a radius of 2,049.82 feet, and arc length of 795.55 feet with a chord bearing of (1) South 84 degrees 19 minutes 06 seconds West 790.56 feet to a point; thence leaving said right-of-way, (2) North 65 degrees 13 minutes 43 seconds West 6.33 feet to a point on the Southern right-of-way of New Hope Road; thence with New Hope Road, (3) North 57 degrees 13 minutes 31 seconds East 154.80 feet; thence leaving said right-of-way, (4) North 74 degrees 53 minutes 22 seconds East 169.49 feet to a point; thence (5) North 02 degrees 35 minutes 51 seconds East 180.28 feet to a point on the southern boundary of the former Western Maryland Railway right-of-way, thence binding with the Western Maryland Railway right-of-way (6) North 81 degrees 29 minutes 50 seconds East 602.53 feet to a point, thence leaving said right-of-way with a new division line (7) South 15 degrees 29 minutes 13 seconds East 333.67 feet to the place of beginning.

IT BEING the same property conveyed unto Allegany Coal and Land Company by deed recorded in Deed Liber 561, folio 618, among the Land Records of Allegany County, Maryland.

This instrument and the covenants and agreements contained in this instrument shall inure to the benefit of and be binding and obligatory on the heirs, executors, administrators, successors and assigns and the respective parties.

And further, Grantor reserves the right to cross any hiking/biking trail and further reserves the right to harvest timber from the burdened estate hereby created provided, however, that such timber harvest and access shall not unreasonably interfere with Grantee's use of the Easement Area as a hiking/biking trail.

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MARYLAND

BYRON WEBSTER
XEROGRAPHIC

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And further, Grantor covenants that it will not grant to any other party an easement to enter upon the burdened estate without the prior written approval of the Grantee which shall not be unreasonably withheld.

And further that this land is acquired under a State of Maryland grant from Program Open Space and may not be converted, without written approval of the Secretary of the Department of Natural Resources, the Secretary of the Department of Budget and Management and the Secretary of the Department of Planning, from outdoor public recreation or open space use to any other use. Any conversion in land use may be approved only after the local governing body replaces the land with land of at least equivalent area and of equal recreational or open space value and equal or greater monetary value.

In witness whereof, each party of this instrument has caused it to be executed on the date indicated below.

WITNESS:

ALLEGANY COAL AND LAND COMPANY

Mark Ziffod

By Will Jenkins
Will Jenkins

STATE OF MARYLAND, COUNTY OF ALLEGANY, TO WIT:

I HEREBY CERTIFY that on this 7th day of March, 2003, before me, the undersigned officer, a Notary Public in and for the State and County aforesaid, personally appeared Will Jenkins, who acknowledged the foregoing instrument to be his act and deed; and further certified, under the penalties of perjury, that the actual consideration paid or to be paid for the foregoing conveyance, including the amount of any Mortgage or Deed of Trust assumed by the Grantees, is in the total sum of Twenty-one Thousand Four Hundred Fifty Dollars (\$21,450.00)

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

E. Paul Reake
NOTARY PUBLIC



LAW OFFICES
SHEPPERT, McMULLEN,
PAYE & GETTY
CUMBERLAND
MARYLAND

My Commission Expires:

7/1/05

NOTARY PUBLIC
E. PAUL REAKE
ALLEGANY COUNTY, MARYLAND
COMMISSION EXPIRES 7/1/05
REGISTRATION FEE \$ 5.00
REPT \$ 116.45
BK \$ 2689
11:00 AM

ACCEPTED BY:

GRANTEE
THE CITY OF FROSTBURG

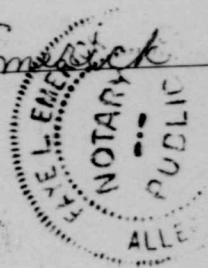
By [Signature]

STATE OF MARYLAND, COUNTY OF ALLEGANY, TO WIT:

I HEREBY CERTIFY that on this 6th day of March, 2003, before me, the undersigned officer, a Notary Public in and for the State and County aforesaid, personally appeared Andrew Fulghum, as City Administrator of The City of Frostburg, who acknowledged the foregoing instrument to be his act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Jaye R. Emrick
NOTARY PUBLIC



My Commission Expires:

12/01/05

THIS IS TO CERTIFY that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

[Signature]
JEFFREY S. GETTY

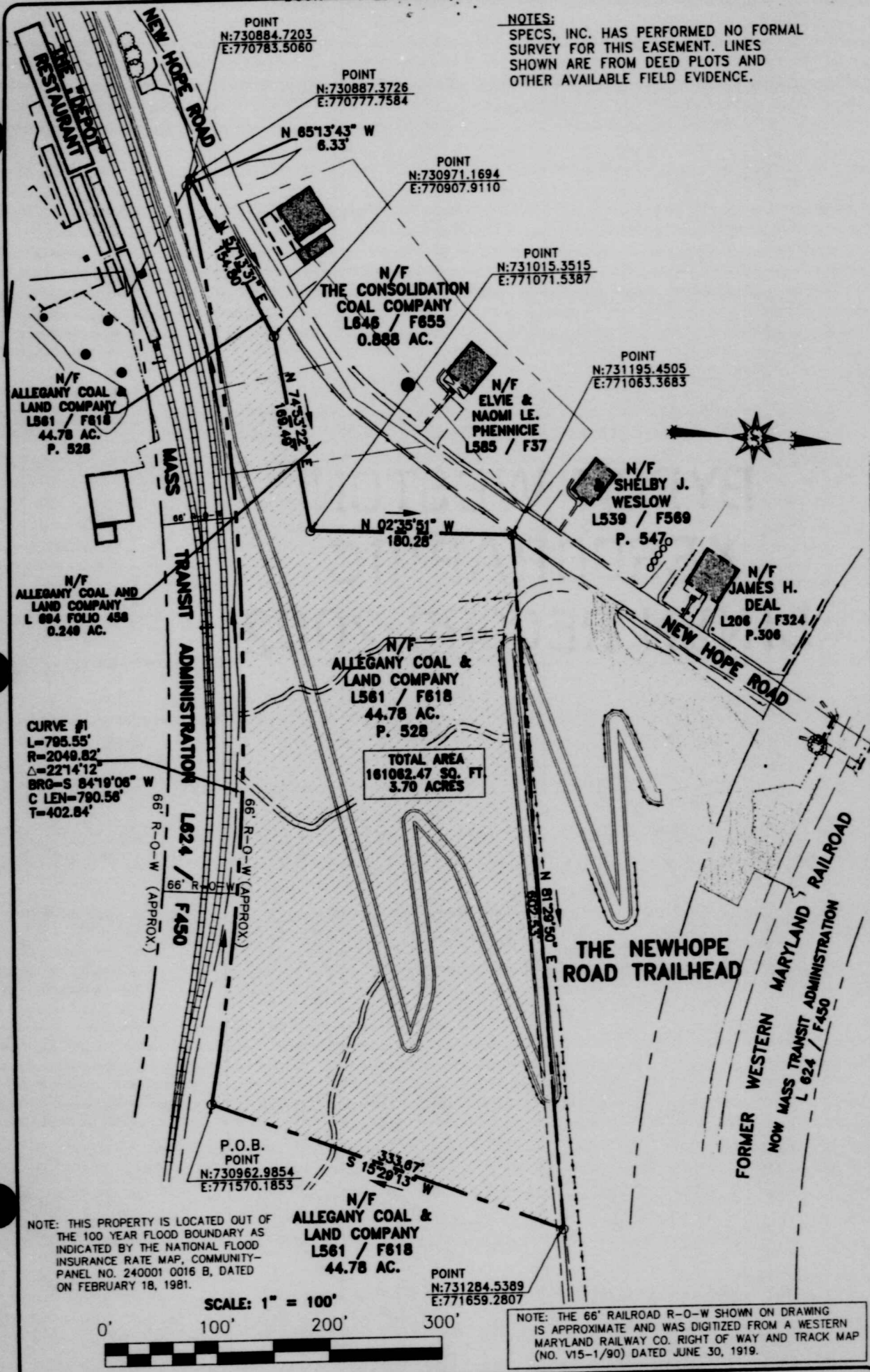
Agricultural Transfer Tax in the
Amount of 11.11
Signature [Signature]

This is to certify that there are no taxes due on the within described property according to the records in the Allegany County Tax & Utility Office.
Account(s): # 12011407

J. Adams 3/31/03
Allegany County Tax Office Date

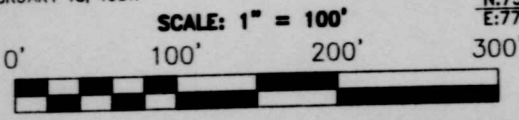
RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Allegany County
[Signature] 3-31-03
Date

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PAYE & GETTY
CUMBERLAND
MARYLAND



NOTES:
 SPECS, INC. HAS PERFORMED NO FORMAL SURVEY FOR THIS EASEMENT. LINES SHOWN ARE FROM DEED PLOTS AND OTHER AVAILABLE FIELD EVIDENCE.

NOTE: THIS PROPERTY IS LOCATED OUT OF THE 100 YEAR FLOOD BOUNDARY AS INDICATED BY THE NATIONAL FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NO. 240001 0016 B, DATED ON FEBRUARY 18, 1981.



PERMANENT EASEMENT
 PREPARED FOR: CITY OF FROSTBURG
 SITUATE ALONG NEW HOPE ROAD _____ ELECTION DISTRICT 12
 FROSTBURG _____ ALLEGANY COUNTY _____ MARYLAND

SPECS SURVEYING & PROFESSIONAL ENGINEERING CONSULTING SERVICES, INCORPORATED
 105 South Centre Street - Cumberland, Maryland 21502
 Tele.No. (301)-777-2510 Fax. No. (301)-777-8419
 Job No.: 110011-2763 Date: November 5, 2002.
 CADD FILE: 110011.DWG - Scale: 1" = 100' Drawn By: HWL

ALLEGANY COUNTY CIRCUIT COURT (Land Records) DDL 714, p. 0885, MSA_CE78_705. Date available 10/17/2005. Printed 10/06/2022.

State of Maryland Land Instrument Intake Sheet
 Baltimore City County: ALLEGANY

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

Check Box if Addendum Intake Form is Attached.

1	Type(s) of Instruments	<input type="checkbox"/> Deed	<input type="checkbox"/> Mortgage	<input type="checkbox"/> Other	<input type="checkbox"/> Other		
		<input type="checkbox"/> Deed of Trust	<input type="checkbox"/> Lease	<input checked="" type="checkbox"/> Deed Easement			
2	Conveyance Type Check Box	<input type="checkbox"/> Improved Sale	<input type="checkbox"/> Unimproved Sale	<input type="checkbox"/> Multiple Accounts	<input type="checkbox"/> Not an Arms-Length Sale [9]		
		Arms-Length [1]	Arms-Length [2]	Arms-Length [3]			
3	Tax Exemptions (if Applicable) Cite or Explain Authority	Recordation					
		State Transfer					
4	Consideration and Tax Calculations	Consideration Amount			Finance Office Use Only		
					Transfer and Recordation Tax Consideration		
		Purchase Price/Consideration	\$	Transfer Tax Consideration	\$		
		Any New Mortgage	\$	X () % =	\$		
		Balance of Existing Mortgage	\$	Less Exemption Amount	- \$		
		Other:	\$	Total Transfer Tax	= \$		
		Other:	\$	Recordation Tax Consideration	\$		
		Full Cash Value	\$	X () per \$500 =	\$		
				TOTAL DUE	\$		
5	Fees	Amount of Fees		Doc. 1	Doc. 2	Agent:	
		Recording Charge	\$ 20.00	\$	\$		Tax Bill:
		Surcharge	\$ 5.00	\$	\$	C.B. Credit:	
		State Recordation Tax	\$	\$	\$	Ag. Tax/Other:	
		State Transfer Tax	\$	\$	\$		
		County Transfer Tax	\$	\$	\$		
		Other	\$	\$	\$		
		Other	\$	\$	\$		
6	Description of Property	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
		12	011407	561/618	23	528	<input type="checkbox"/> (5)
		Subdivision Name		Lot (3a)	Block (3b)	Sect/AR(3c)	Plat Ref.
							SqFt/Acreage (4)
		Location/Address of Property Being Conveyed (2)					
		New Hope Road, Frostburg, Maryland					
		Other Property Identifiers (if applicable)					
		Water Meter Account No.					
		Residential <input type="checkbox"/> or Non-Residential <input type="checkbox"/> Fee Simple <input type="checkbox"/> or Ground Rent <input type="checkbox"/> Amount:					
		Partial Conveyance? <input type="checkbox"/> Yes <input type="checkbox"/> No Description/Amt. of SqFt/Acreage Transferred:					
		If Partial Conveyance, List Improvements Conveyed:					
7	Transferred From	Doc. 1 - Grantor(s) Name(s)			Doc. 2 - Grantor(s) Name(s)		
		Allegany Coal and Land Company					
		Doc. 1 - Owner(s) of Record, if Different from Grantor(s)			Doc. 2 - Owner(s) of Record, if Different from Grantor(s)		
8	Transferred To	Doc. 1 - Grantee(s) Name(s)			Doc. 2 - Grantee(s) Name(s)		
		The City of Frostburg					
		New Owner's (Grantee) Mailing Address					
		37 Broadway, P.O. Box 440, Frostburg, Maryland 21532					
9	Other Names to Be Indexed	Doc. 1 - Additional Names to be Indexed (Optional)			Doc. 2 - Additional Names to be Indexed (Optional)		
10	Contact/Mail Information	Instrument Submitted By or Contact Person				<input checked="" type="checkbox"/> Return to Contact Person	
		Name:	Jeffrey S. Getty			<input type="checkbox"/> Hold for Pickup	
		Firm:	Geppert, McMullen, Paye & Getty			<input type="checkbox"/> Return Address Provided	
		Address:	21 Prospect Square Cumberland, MD Phone: (301) 777-1515				
11	Assessment Information	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER					
		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Will the property being conveyed be the grantee's principal residence?					
		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Does transfer include personal property? If yes, identify:					
		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).					
		Assessment Use Only - Do Not Write Below This Line					
		<input type="checkbox"/> Terminal Verification		<input type="checkbox"/> Agricultural Verification		<input type="checkbox"/> Whole <input type="checkbox"/> Part <input type="checkbox"/> Tran. Process Verification	
		Transfer Number:	Date Received:	Deed Reference:		Assigned Property No.:	
		Year	19	19	Geo.	Map	Sub
		Land			Zoning	Grid	Plat
		Buildings			Use	Parcel	Section
		Total			Town Cd.	Ex. St.	Ex. Cd.
		REMARKS:					
		Distribution: White - Clerk's Office Canary - SDAT Pink - Office of Finance Goldenrod - Preparer AOC-CC-300 (6/95)					

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