

## CITY OF HAGERSTOWN, MARYLAND

### **A RESOLUTION AUTHORIZING THE EXECUTION OF A WATER LINE EASEMENT AGREEMENT BETWEEN THE CITY OF HAGERSTOWN AND HOPEWELL ROAD, LLC (“DEVELOPER”) AND C/E HOPEWELL MANOR ASSOCIATES, LLLP (“ASSIGNOR”) FOR THE PURPOSE OF RELOCATING A WATER LINE ON LAND SITUATED ON THE SOUTH SIDE OF HOPEWELL ROAD, HAGERSTOWN, MARYLAND**

#### RECITALS

WHEREAS, the City of Hagerstown, Maryland is a Municipal Corporation existing under and by virtue of the laws of the State of Maryland; and

WHEREAS, Developer is the contract purchaser of that certain parcel of property consisting of +/- 54.8262 acres located in Washington County, Maryland (the **“Property”**), as more particularly shown and identified as **“LANDS OF HOPEWELL ROAD LLC”** on the **“Waterline Easement Plat”** drawing prepared by Frederick Seibert & Associates, Inc. and dated August 26, 2022 (the **“Plat”**), a copy of which is attached hereto and incorporated herein as **Exhibit A to the Water Line Easement Agreement**; WHEREAS, the Property is improved with an existing eight inch (8”) water line and the requisite appurtenances (the **“Existing Waterline”**) that is located within twenty-foot (20’) wide permanent easements on Property and more particularly shown and indicated on **Exhibit A** as the **“Existing Private Waterline Easement Area #1”** **“Existing Private Waterline Easement Area #2,”** and the **“New Waterline Easement Area”**;

WHEREAS, Assignor is party to the attached Water Line Easement Agreement for the purpose of offering to dedicate the Existing Private Water Line to the City;

WHEREAS, the Existing Waterline has been maintained by the City and, offered for dedication to the City, and by operation of the attached Water Line Easement Agreement is formally accepted by the City for dedication;

WHEREAS, on or about November 23, 2021, the City and the Developer entered into Water Line Agreement which contemplated entry into a more formal Water Line Easement Agreement once the location of the New Water Line Easement Area was determined by the parties; and

WHEREAS, the Developer intends to develop the Property with an industrial building, and the proposed layout of the building requires the relocation of the Existing Waterline to a different location on the Property, which area is shown and indicated as **“20’ RELOCATED WATER LINE EASEMENT”** on **Exhibit A** (the **“Relocation Area”**). Both parties acknowledge that the Relocated Water Line may ultimately not be in the area depicted on Exhibit A;

WHEREAS, the Parties agree that the relocation of the Existing Waterline on the Property to the Relocation Area, or some other mutually agreed-upon portion of the Property, is appropriate and further agree to work together to facilitate the relocation;

WHEREAS, the Mayor and Council have determined that it is in the best interests of the City to enter into the attached Water Line Easement Agreement; and

WHEREAS the Water Line Easement Agreement does not obligate the City to serve the Property with water, except in accordance with the all steps, laws, policies and procedures of the City, Washington County and the State of Maryland.

**NOW, THEREFORE, BE IT RESOLVED, ENACTED AND ORDAINED** by the Mayor and Council of the City of Hagerstown, Maryland, as its duly constituted legislative body, as follows:

1. That the foregoing Recitals be and are hereby incorporated herein as if set forth *verbatim*.
2. That the Mayor and City Staff be and are hereby authorized to execute and deliver the Water Line Easement Agreement between the City and Hopewell Road, LLC, and C/E Hopewell Manor Associates, LLLP, a copy of which is attached hereto and incorporated herein by reference and to act as signatory on behalf of the City on any other documentation necessary to effectuate the purpose of this ordinance.

**BE IT FURTHER RESOLVED, ENACTED AND ORDAINED THAT** this Resolution shall become effective upon its approval.

WITNESS AND ATTEST  
AS TO CORPORATE SEAL

\_\_\_\_\_  
Donna K. Spickler, City Clerk

MAYOR AND COUNCIL OF THE  
CITY OF HAGERSTOWN, MARYLAND

By: \_\_\_\_\_  
Emily N. Keller, Mayor

Date of Introduction: September 27, 2022  
Date of Passage: September 27, 2022  
Effective Date: September 27, 2022

PREPARED BY:  
SALVATORE & MORTON, LLC  
CITY ATTORNEY