

Public Hearing Draft Ovid Hazen Wells Recreational Park Master Plan Update - JULY 25, 2014

Appendix 9: Deed of Conveyance

LIBER 5667 FOLIO 33

COPIES CERTIFIED AVAILABLE
 by: G. E. Maravene
 Secretary-Treasurer

DEED OF CONVEYANCE OF FEE SIMPLE REMAINDER
 ESTATE SUBJECT TO RESERVED LIFE ESTATE

THIS DEED, made this 6th day of March, 1981, by
 and between HALLIE A. WELLS, a widow, of Montgomery County,
 Maryland, party of the first part, and THE MARYLAND-NATIONAL
 CAPITAL PARK AND PLANNING COMMISSION, a corporate body politic,
 party of the second part:

WITNESSETH:

That for and in consideration of the sum of Ten Dollars
 (\$10) in hand paid, the receipt of which is hereby acknowledged,
 and other good and valuable consideration, I, the said Hallie
 A. Wells, party of the first part, do hereby grant and convey
 unto The Maryland-National Capital Park and Planning Commission,
 party of the second part, its assigns and successors, in fee
 simple all of the following described pieces or parcels of land
 situate, lying and being in Montgomery County, State of Maryland,
 being the same lands which the said party of the first part,
 Hallie A. Wells and her deceased husband Ovid H. Wells, obtained
 from Charles Burdette and Vivien M. Burdette, his wife, by deed
 dated June 16, 1949, recorded at Liber 1267 Folio 389 among the
 Land Records of Montgomery County, Maryland, and from Addie S.
 Watkins, Unmarried, by deed dated August 6, 1941, recorded at
 Liber 841 Folio 291 among the Land Records of Montgomery County,
 Maryland, and from Fred B. Fort and Emily E. Fort, his wife, by
 deed dated September 10, 1941, recorded at Liber 853 Folio 47
 among the Land Records of Montgomery County, Maryland, as more
 fully described as follows, to wit:

(See Exhibit A)

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TOGETHER WITH the buildings and improvements thereon erected, made or being, and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or in anywise appertaining, all the aforesaid to be held by the party of the second part in fee simple.

TO HAVE AND TO HOLD the lands and premises herein described and hereby intended to be conveyed, together with the rights, privileges, appurtenances, and advantages thereto belonging or appertaining unto and to the use, benefit and behoof forever of The Maryland-National Capital Park and Planning Commission, party of the second part.

ACCEPTANCE by the party of the second part of the conveyance herein shall be evidence of the party of the second part's agreement to the conditions herein stated.

AND, the party of the first part covenants that she will warrant specially the property hereby conveyed, that she is seized of the land hereby conveyed; that she has a right to convey said land; that she has done no act to encumber said land, except such acts as appear of record; and that she will execute such further assurances of said land as may be requisite.

RESERVING, SAVING AND EXCEPTING unto HALLIE A. WELLS, the party of the first part, a life estate interest in approximately 4 acres, as generally delineated in Exhibit B, improved with her place of residence, several outbuildings, a garden and a fish pond. The life estate area is located north of Skylark Road near its intersection with Newcut Road. During the term of this life estate, the party of the second part, its successors and assigns, shall be responsible for maintaining said property and all improvements, including lawn mowing and maintenance of the driveway from Skylark Road to the life estate area, at the current level of repair and maintenance and shall be responsible for the payment of all utilities which are normally associated with residential use, exclusive of telephone. At the demise of Hallie A. Wells, or in the event she vacates the premises prior to her death, she or her heirs shall have ninety (90) days to remove personal property and deliver the premises to the party of the second part.

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THIS Grant and Conveyance are subject to covenants running with the land as follows:

1. The land and improvements hereby conveyed shall be used as open space, for parkland, and/or for recreation in such manner as to evidence the conservation of soil, water, woods and wildlife, and to that end, shall be so maintained.

2. The party of the second part shall erect and maintain near the entrance of said real property, so as to be easily discernible by the public, a bronze plaque approximately 18"x24" in size, inscribed with the following legend:

OVID HAZEN WELLS PARK

This property consisting of approximately 290 acres was donated to The Maryland National Capital Park and Planning Commission by HALLIE AUSMUS WELLS in loving memory of her husband OVID HAZEN WELLS. This area is to be maintained as a permanent open space, park and/or recreation area for the public benefit.

3. Subject to the availability of funds, the party of the second part shall, by June 1, 1983, as an initial development of the subject property, prepare and make available for the benefit and use of the general public, a portion of the property hereby conveyed. Initial development may consist of but not be limited to picnic areas, athletic fields, multi-use courts, playgrounds, landscaping, interpretative facilities, etc. or any other use consistent with this deed.

4. In consideration of the grant hereby made, the party of the second part agrees to acquire from Fairhill Farm Antiques, at a price not to exceed \$60,000, the Hershell-Spillman Carousel (circ. 1910-1915) which operated for many years at the Smithsonian Institute on the mall in Washington, D.C. The subject carousel is 40 feet in diameter, carries 36 animals and two chariots. The purchase of this carousel is to be completed within two(2) months following the recording of this deed. The carousel shall be installed in a park managed by the

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party of the second part and shall be operational no later than June 1, 1982. When this carousel is placed in operation, the party of the second part shall dedicate same in the name of OVID HAZEN WELLS. At such time as the property hereby conveyed is serving sufficient numbers of park users to justify the placement of a carousel on the property, the party of the second part agrees to relocate the OVID HAZEN WELLS carousel to this property provided that this carousel has not been destroyed by fire, vandalism, act of God or other means.

5. The property hereby conveyed is subject to an agricultural lease between Hallie A. Wells and Robert M. Tregoning originating on the 1st day of April 1979 and terminating on March 31, 1982. The party of the second part, following conveyance of this property, shall honor said lease throughout its remaining term and shall be entitled to collect all rentals paid therefrom.

6. In addition to the improvements within the life estate area, there is a second set of improvements located on the subject property also consisting of a home and several outbuildings. The current tenants leasing these improvements shall have until June 1, 1981 to vacate and deliver the premises to the party of the second part. All rents paid by the current tenants shall following the recording of this deed and prior to their vacating of the premises shall be paid to the party of the second part.

7. The covenants contained herein shall exist in perpetuity, to the fullest extent possible in the furtherance of the intentions of the parties hereto to create a permanent public benefit.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed on the day and year first above written.

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ATTEST:

James L. Wells
James L. Wells

Hallie A. Wells
Hallie A. Wells

ATTEST:

A. Edward Navare
Secretary-Treasurer

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

By: Thomas H. Conate, Jr.
Executive Director

STATE OF MARYLAND

COUNTY OF MONTGOMERY, to wit:

I HEREBY CERTIFY that on this 5 day of March, 1981, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared HALLIE A. WELLS, widow and unmarried, and did acknowledge the foregoing deed to be her act.

WITNESS my hand and seal.

Clifford G. Conate, Jr.
Notary Public
CLIFFORD G. CONATE, JR.

My commission expires: July 1992

I HEREBY CERTIFY that this deed was prepared by me and that I am an attorney duly admitted to practice before the Court of Appeals of Maryland.

Laurie Sue Borman
LAURIE SUE BORMAN

AFFIDAVIT OF CONSIDERATION

I, HALLIE A. WELLS, hereby certify 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 grantee, is in the sum total of \$ 10.00.

Witness:

J. L. Wells
J. L. Wells

Hallie A. Wells
Hallie A. Wells

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EXHIBIT "A"

1. Conveyance from Burdette to Wells - Liber 1267, Folio 389

Part of a tract of land called "The Resurvey of Locust Bottom", etc., or by whatever name or names the same may be known, contained within the metes and bounds, courses and distances following to wit: BEGINNING for the same at a stone now planted on the north side of the public road leading from Clarksburg to Cedar Grove and at the end of the 3rd line of the original tract called "Dorsetshire" and also the 4th line of a conveyance from Kenneth A. Haters and others to James T. Johnson for 110 acres of land more or less, bearing date the 19th day of February, 1898 and of record in Liber 10-2, Folio 274, among the Land Records of Montgomery County, Maryland and running thence with the said 3rd line and the 5th line of said conveyance North 55° East 73 perches to a stone now planted at the end of said line; then with a line of Charles Barber's land South 16° 24' East 85.92 perches to a stone at the corner of George Watkin's land and then with the said land South 3° 20' East 140 perches to a stone; still South 3° 20' East 4.49 perches to a stake on the south side of the public road, and thence bounding on said road South 81° 12' West 7.97 perches, then with the east side of said road North 41° 48' West 162.71 perches to a stone a corner of Johnson's land and then with said land North 20° 15' East 69 perches to the place of beginning, containing 91-3/10 acres of land, more or less.

It being also the same land surveyed by Charles J. Maddox, Surveyor on the 1st day of September 1918, and the same land particularly mentioned and described in the case of Elizabeth J. Burdette vs. Charles Burdette #3489 Equity, in which said cause there is filed the Certificate of Survey and the plat made by Maddox, also being the land conveyed by Elizabeth J. Burdette and Charles Burdette and wife by deed dated May 20, 1919 and recorded among the Land Records of said County in Liber 280, Folio 198.

Saving and excepting from the above tract of land containing 91-3/10 acres the following described land as surveyed by George Burcher John, Surveyor as follows: BEGINNING at a stake now driven 20.0 rods short of the end of the 2nd line of the whole tract of which this parcel is a part and running thence by two lines of division now made, (1) South 79-1/2° West 39.9 rods to a stone now to be planted; (2) North 27° West 50.0 rods to a point in the north edge of the stone surface of the road leading from Clarksburg to Cedar Grove at the end of 16.0 rods on the 1st line of the whole tract and passing a stone to be planted 1.7 rods short of the end of

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the line; thence with the whole tract, (3) North 61-1/2° East 57.0 rods to a stone to be planted on the north side of the said road; thence leaving the road (4) South 10° East 65.92 rods to the beginning and containing 17 acres and 13 square rods of land.

II. Conveyance from Watkins to Wells, Liber 841, Folio 291

Parts of a tract of land in said Montgomery County, Maryland, known as "Cow Pasture", described in six parcels as follows:

Parcel No. 1, Beginning for the same at the end of the second line of a tract of land called "Locust Bottom", and running thence North 25° West 71 perches South 51° West 83-3/4 perches to the end of 79 perches on the fifth line of that part of "Cow Pasture" that was conveyed by Henry Griffith to Josias Harrison on May 27th, 1779, then running with the said fifth line South 3-1/2° East 61 perches to the end thereof, thence North 87° East 100 perches, then by a straight line to the beginning, containing 50 acres, more or less.

Saving and Excepting therefrom all that part thereof described as follows:

Beginning for the same at the end of 194 feet on the fourth line of a conveyance from Oliver T. Watkins and Eleanor T. Watkins to Edward K. Watkins by deed dated August 3rd, 1871, and of record in Liber EBP-9 at Folio 69, one of the Land Records of said County, and running thence with said fourth line, North 87° East 1446 feet, thence North 3° West 9 feet to a stone, thence South 87° West 1466 feet to a stone, thence South 3° East 9 feet to the place of beginning, containing 14,976 square feet.

Parcel No. 2, Beginning for the same at the end of 30-1/2 perches on the fifth line of second part of a deed from Henry Griffith to Josias Harrison for part of said tract, and running thence with said deed South 3-1/2° East 48-1/2 perches, then North 51° East 84 perches to the end of the third line of tract called "Locust Bottom", then with a straight line to the beginning, containing 9-1/2 acres.

Parcel No. 3, Beginning for the same at the end of the third line of a tract of land called "Locust Bottom", and running thence South 86-1/2° West 69 perches to the end of 30-1/2 perches on the fifth line of the second part of a conveyance made May 27th, 1779 by Henry Griffith to Josias Harrison for part of "Cow Pasture", then with said line reverse North 3-1/2° West 30-1/2 perches, North 66° East 80 perches to the end of the fifth line of "Locust Bottom", then reversely with said tract South 29° East 30 perches, South 29° West 30 perches to the beginning, containing 22-5/8 acres.

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Parcel No. 4. Parts of tracts of land called "Cow Pasture" and "Hawkins Mistake", described as follows: Beginning for the same at the end of the fourth line of a tract of land called "Resurvey on Locust Level" and running thence with said tract, the two following courses, South 20° East 20 perches, West 60 perches, then leaving the "Resurvey on Locust Level" and running North 12° West 54 perches to the end of the second line of said tract called "Hawkins Mistake" and then by a straight line to the beginning, containing 12/58 acres.

Parcel No. 5. All that parcel described as follows: Beginning at the end of the third line of a conveyance from Oliver T. Watkins and Eleanor J. Watkins to Edward K. Watkins, dated August 3rd, 1871 and recorded in Liber EBP-9 at Folio 69, one of the Land Records of said County, and running thence South 3-1/2° East 30 feet to the center of the public road, thence with the public road South 86° 27' East 194 feet, then North 3-1/2° East 80 feet to a point South 3° East 9 feet from a stone, thence South 87° West 194 feet, to the place of beginning, containing 10,670 square feet.

Subject to the right of the public to use the portion included in the public road.

Parcel No. 6. All that parcel described as follows: Beginning for the same at the end of the fourth line of a conveyance from Oliver T. Watkins and Eleanor J. Watkins to Edward K. Watkins, dated August 3rd, 1871 and running thence North 87° East 26 feet, thence South 10° East 194 feet, thence North 17° 38' West 194 feet, to the place of beginning, containing 2,506 square feet.

III. Conveyance from Fort to Wells - Liber 853, Folio 47

Parcel No. 1. Part of a tract of land in said County known as "Locust Levels" part of "Resurvey on Locust Level", part of "Locust Bottom" and part of "Cow Pasture" described as follows:

Beginning for the same at the end of the 2nd line of "Locust Bottom", it being the beginning of a conveyance from Vincent Brewer to Oliver T. Watkins for 156-1/8 acres, and running thence with said conveyance North 25° West 71 perches and thence with the lines of a conveyance from Oliver T. Watkins and wife to Edward K. Watkins for 22-5/8 acres, reversed North 29° East 30 perches, North 29° West 30 perches to the 5th line of said conveyance from Brewer to Watkins, thence with outlines of said conveyance, North 50° East 14 perches, South 86° East 48 perches, North 35° East 28 perches,

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North 64° East 40 perches, South 10° East 40 perches, South 42° East 20 perches, South 12-1/2° West 4 perches, North 57-1/2° East 11-7/10 perches to the end of the 2nd line of a conveyance from Oliver T. Watkins and wife to William G. Doman for 2 acres, 2 rods and 32 perches of land, thence with the said 2nd line reversed South 47° East 29-13/100 perches to a marked white oak tree, thence leaving said conveyance South 35° West 19-42/100 perches to a bounded maple tree in a marsh, then bounding on the lines of a lot containing 37-3/4 acres, conveyed to Christopher E. Watkins, et al to Eleanor J. Watkins by deed dated October 27th, 1894 and recorded in Liber JA-46 at Folio 41, one of the Land Records of said Montgomery County, Maryland; South 32-1/2° West 32-3/10 perches to a stone, South 21-3/4° East 20-54/100 perches to a point at or near the end of 41-33/100 perches on the 3rd line of a conveyance from Steppen G. Cassass and wife to Oliver T. Watkins for 143 acres, then with said line South 60° West 22-33/100 perches to a corner of the land conveyed to Eleanor J. Watkins, as above mentioned, still with said 3rd line South 60° West 16-34/100 perches to the end thereof thence with the 4th line of said conveyance from Cassass to Watkins, South 25° West 60 perches, and then with a straight line to the place of beginning, containing 120-55/100 acres, more or less.

Together with a Right-of-Way described in a deed from James M. Barber to Charles H. Barber, dated April 21st, 1900 and recorded in Liber TD-15, at Folio 119, one of the Land Records of said County.

Excepting three acres, described in a deed from Charles H. Barber and wife to Arthur L. Watkins and wife, dated March 18th, 1919 and recorded in Liber 278 at Folio 208, one of the said Land Records, described as follows: Beginning at a stone where formerly stood a marked white oak tree at the end of the 12th line of said conveyance and running thence with said 12th line reversed, North 47° West 29.13 perches to the beginning thereof, thence with the line of said conveyance reversed South 57-1/2° West 11.3 perches to the beginning of said line; thence leaving the outlines of said property, and running across the land conveyed by said deed in a Southeasterly direction to a point on the 13th outline of said property where the dividing line between the lands of Obediah King and Mary Oden Corner; then with the 13th line reversed North 35° East to the beginning, containing three acres, more or less.

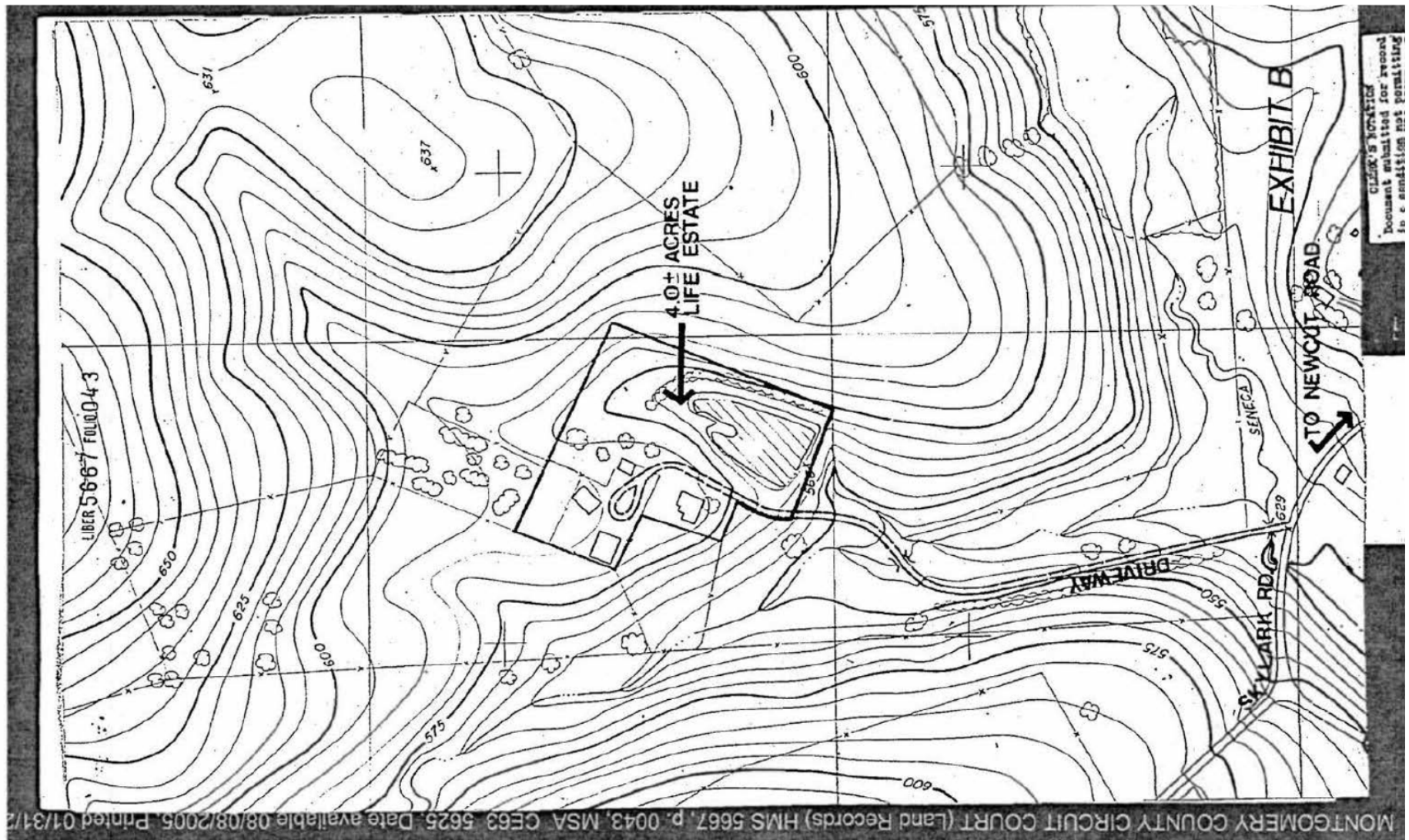
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Parcel No. 2. Part of same land conveyed to Charles H. Barber by Vernon A. Mullinix et al, by deed dated December 9th, 1933 and recorded in Liber 562 at Folio 306, one of the Land Records of said Montgomery County, Maryland, and beginning for the same at the beginning of the 13th line of the aforesaid conveyance, it being a point marked by a stone planted in the ground, bounding with said 13th line, South 86° 5' East 48 perches to the end thereof, then with the 14th line, North 38° East 30 perches to the end thereof, it being marked by a large post planted in the ground and being also the beginning of the survey of the aforesaid conveyance; then crossing the land of said conveyance South 69° 40' West 44 perches to a stone, South 78° 30' West 24.5 perches to the beginning, containing 3 acres, 28 square perches, more or less. Being the same land described in deed from Charles H. Barber and wife to Harvey W. King and wife, dated March 28th, 1939 and recorded in Liber 727 at Folio 443, one of the Land Records of said Montgomery County, Maryland.

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MAR 5 1981
2-1-30451
30462
30440

All Taxes on developments referred to the Collector of Taxes for Montgomery County Md. by 3-6-81 have been paid Dept. of Finance Montgomery County, Md. This statement is for the purpose of permitting recordation and is not assurance against further taxation even for prior periods, nor does it guarantee satisfaction of outstanding tax sales.

RECEIVED BY THE CLERK OF THE
MONTGOMERY COUNTY, MARYLAND
BY CE

TRANSFER TO GOVERNMENTAL, RELIGIOUS,
OR CHARITABLE ORGANIZATION

HEREBY CERTIFY THIS PROPERTY HAS BEEN DULY
TRANSFERRED ON THE MONTGOMERY COUNTY
ASSESSMENT BOOKS.
B. Williams # 25371
TRANSFER CLERK, ASSESSMENT DEPARTMENT
2-1-30451
30462
30440

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MONTGOMERY COUNTY CIRCUIT COURT (Land Records) HMS 5667, p. 0044, MSA CE63 5625, Date available 08/08/2005, Printed 01/31/2

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Elected & Appointed Officials

Montgomery County Council

Craig Rice, President
George Leventhal, Vice President
Nancy Floreen
Phil Andrews
Roger Berliner
Marc Elrich
Cherri Branson
Nancy Navarro
Hans Riemer

County Executive

Isiah Leggett

The Maryland National Capital Park and Planning Commission

Elizabeth M. Hewlett, Chairman
Francoise Carrier, Vice Chairman

Commissioners

Montgomery County Planning Board

Francoise Carrier, Chair
Marye Wells-Harley, Vice Chair
Amy Presley
Norman Dreyfuss
Casey Anderson

Prince George's County Planning Board

Elizabeth M. Hewlett, Chairman
Dorothy F. Bailey, Vice Chairman
Manuel R. Geraldo
John P. Shoaff
A. Shuanise Washington

BACK COVER - DOCUMENT INFORMATION AND INFORMATION DESK BAR CODE