

RAILROAD RIGHT-OF-WAY EASEMENT AGREEMENT PROCESS

St. Mary's County owns a portion of a 66' wide strip of land that extends between Brandywine and Lexington Park, Maryland, known as the Railroad Right-of-Way. The abandoned rail line was acquired from the Department of General Services of the United States in June 1970 and has historically been utilized as an electric facilities right-of-way and utility corridor. A formal Agreement between SMECO, St. Mary's County and the State Highway Administration was executed on October 9, 1979 to deed portions of same to the State for the dualization of Maryland Route 235. From time to time, crossings of and easements along the right-of-way are required by adjacent property owners in order to gain access to portions of their property. The Commissioners of St. Mary's County do not grant crossings of the right-of-way as a matter of course. Requests shall be reviewed on a case by case basis and neither SMECO nor the Commissioners of St. Mary's County can convey any interest in the Railroad Right-of-Way unless mutually agreed to as follows:

STEP 1 – The applicant's attorney shall submit a draft easement ([*easement template attached here*](#)) to the Office of the County Attorney, attention of Brandy McKelvey, PO Box 653, Leonardtown, MD 20650 or brandy.mckelvey@stmarysmd.com, as well as an 8 ½" x 11" Exhibit A. This exhibit shall include a metes and bounds plot of the easement premises, and shall identify all existing features, including SMECO facilities, within the right-of-way, as well as the required work within the right-of-way. In addition to the formal Exhibit A the County requires a vicinity map, showing the overall property, be submitted for review and use during the subsequent presentation to the Commissioners of St. Mary's County.

STEP 2 – The Office of the County Attorney will forward draft easement and Exhibit A to staff at the Department of Recreation and Parks and the Department of Public Works and Transportation, and any other interested department or agency, for review to determine if it is functionally acceptable and consistent with ordinances, policies and plans.

STEP 3 – After the review by Department of Recreation and Parks and the Department of Public Works and Transportation, staff will return the draft easement and Exhibit A, including any review comments, to the Office of the County Attorney for legal review. If acceptable, the Office of the County Attorney will then forward the draft easement and Exhibit A to SMECO and METCOM for review.

STEP 4 – Upon review and approval, an authorized agent of SMECO and METCOM will execute and return the easement and Exhibit A to the Office of the County Attorney.

STEP 5 – The Office of the County Attorney will then sign for legal sufficiency and return to the appropriate County department for presentation to the Commissioners of St. Mary's County during a regularly scheduled business meeting.

STEP 6 – If approved by the Commissioners of St. Mary's County, the signed easement agreement will be returned to the Office of the County Attorney for forwarding to the applicant's attorney. The applicant's attorney will be responsible for recording the easement agreement in the Land Records of St. Mary's County, and payment of the recording fees. Once recorded, the applicant's attorney will return a recorded copy of the easement agreement and Exhibit A to the Office of the County Attorney.