

APRIL 1, 2021

CONTACT: LIBBY DEVLIN, OWNER/RESIDENT/MANAGER OF ROCKLAND FARM

PHONE: (908) 310 - 9891

EMAIL: LIBDEV6360@GMAIL.COM

RE: UPDATE ON STATUS OF NEGOTIATIONS BETWEEN WHITE'S FERRY & ROCKLAND FARM: ROCKLAND ASKS FOR 50 CENTS PER CAR

Rockland is a historic farm that has been owned and managed as agricultural open space by the Rust family and its descendants since 1817. Compensation for the use of its ferry landing would help Rockland to preserve the farmland as well as its architectural and environmental resources.

Rockland spent many years trying to resolve a dispute with White's Ferry, Inc. for fair compensation of Rockland's landing on the Virginia bank of the Potomac River. From 1952 through 2004, Rockland was paid \$5.00/year for the use of its landing per the terms of a license agreement Rockland Farm owners' grandparents had negotiated with the owners of White's Ferry. Those negotiations began in 1947. Back then the ferry carried only a few travelers per day. Ridership grew substantially in the last half of the 20th century and White's Ferry increased the size of the ferry boat accordingly. Since 2004, when White's Ferry, Inc. breached the terms of the license agreement, White's Ferry made several million dollars in profits while Rockland received nothing.

In November 2020, the Loudoun County Circuit Court ruled that White's Ferry had been trespassing on Rockland's property since breaching the license agreement and had no right to operate the ferry business without Rockland's permission. Since that decision, Rockland has been trying to negotiate with the owners of White's Ferry for reasonable compensation for the use of its landing. Rockland came up with several options for how to structure such a deal but favors one suggested by two Loudoun County Board Supervisors of a fee for each vehicle that transits its landing. White's Ferry rejected that idea and instead made the same offer they made at trial (before the Court ruled in Rockland's favor) of a permanent easement or purchase of the Virginia landing. The offer for the landing was a small fraction of the value to the ferry operation for such permanent rights. Financial information obtained through the court case made White's Ferry's diminutive offer for the landing obvious. In turn, Rockland offered to buy the whole ferry operation.

On February 12, 2021, Rockland's owners learned that Chuck Kuhn had entered into a contract to purchase the ferry operation and associated land. Rockland owners were surprised to hear of this transaction because they were literally in the process of arranging a date to meet with White's Ferry and County officials to discuss and finalize the terms of Rockland's acquisition of the Maryland landing and ferry operation. When Mr. Kuhn announced his intention to purchase the ferry at an undisclosed price, negotiations between White's Ferry and Rockland immediately ended.

Rockland was hopeful that it could come to an agreement on fair compensation for the use of its landing with Mr. Kuhn to get the ferry up and running as quickly as possible and immediately communicated its hope for a per vehicle transit fee as an easy way to come to terms. Though Mr. Kuhn communicated with Rockland his intentions to raise the ferry's fees by at least \$1.00, Mr. Kuhn refused to entertain any such offer of number of cents per vehicle. Instead, he reiterated White's Ferry's offer to buy a permanent easement. Because the landing is part of Rockland's history and its owners want to preserve Rockland as a working farm with ongoing streams of income from the use of its land, the owners were not interested in a permanent sale or easement.

On February 22, Rockland proposed to Mr. Kuhn a fee of \$0.50 per vehicle that transits its landing. The terms of the deal could be settled in several different ways: from a monthly or annual transit fee per vehicle with a long-term lease; to having the vehicle count maintained by a neutral third party; to negotiating a transit fee independent of vehicle count. Rockland also offered to purchase the ferry at the price Mr. Kuhn paid for it. To assuage Mr. Kuhn's concerns about monthly reconciliation of vehicle counts, Loudoun County offered to count the vehicles for White's Ferry.

Instead, Mr. Kuhn continued to push for a permanent easement and threatened to convince County, State, and Maryland officials to pursue condemnation of the Virginia landing if Rockland did not agree to his offer for a permanent easement. Mr. Kuhn gave a deadline of 5:00 PM on Friday, March 26th for Rockland to agree to his terms.

Mr. Kuhn's offer for a permanent sale or easement of Rockland's landing remained a small fraction of the value of the ferry operation. Given that Court records and recent P & L statements show the ferry's net income to be several hundreds of thousands of dollars per year (even during COVID-19), Rockland felt Mr. Kuhn's offer was not enough to make it worth giving up permanent rights to their land. Rockland continues to assert that \$0.50 per vehicle is reasonable fee for the use of its landing.

Rockland remains open to working with White's Ferry, County and State officials to get the ferry operating again but insists on fair compensation for the ongoing use of its landing.