

County Council Of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 10

Resolution No. 108 -2021

Introduced by: The Chairperson at the request of the County Executive

A RESOLUTION pursuant to Section 4.201 of the Howard County Code declaring that a portion of land containing a total of 1.120 acres owned by Howard County, Maryland located at Maryland Route 103 at Old Stockbridge Road and Wesley Lane is no longer needed by the County for public purposes; authorizing the County Executive to convey fee simple title to the property to the State of Maryland; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to convey the property if he finds that the County may have a use for the property.

Introduced and read first time June 7, 2021.

By order Michelle Harrod
Michelle Harrod, Administrator

Read for a second time at a public hearing on June 21, 2021.

By order Michelle Harrod
Michelle Harrod, Administrator

This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on July 6, 2021.

Certified By Michelle Harrod
Michelle Harrod, Administrator

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 **WHEREAS**, the County is the owner of approximately 1.120 acres of land shown as
2 "Howard County, Maryland Items #109604 and #109605" and described and shown as "Fee
3 Simple Area" on the plat entitled "State of Maryland Department of Transportation State
4 Highway Administration State Roads Commission," Plat No. 60215, attached hereto as Exhibit
5 A, which was acquired by the County from: i) Trafalgar House Property, Inc. by a Deed dated
6 April 5, 1994 and recorded among the Land Records of Howard County, Maryland at Liber
7 3218, folio 519; and ii) Meadowland Joint Venture by a Deed dated November 27, 1992 and
8 recorded among the Land Records of Howard County, Maryland at Liber 2748, folio 156
9 (collectively the "Property"); and

10
11 **WHEREAS** the Property known as a part of Maryland Route 103, Meadowridge Road,
12 is shown on the subdivision plats entitled: i) "Willowood, Section One, Lots 1 thru 91" recorded
13 as plat numbers 7729 thru 7733; and ii) "Woodland Village Lots 139 thru 209, & Parcels "C" &
14 "D", Section 2, Area 1" recorded as plat numbers 8580 thru 8582; and

15
16 **WHEREAS**, the Property was mistakenly transferred to the County with the acceptance
17 and acquisition by the County of the adjacent County roads including Wesley Lane, Manchester
18 Way, Sutton Court, Old Stockbridge Drive, and Chatfield Lane; and

19
20 **WHEREAS**, as part of the construction of a traffic signal on Maryland Route 103 at Old
21 Stockbridge Road and Wesley Lane, the State of Maryland, Department of Transportation, State
22 Highway Administration has asked for fee simple ownership of the Property to ensure that the
23 traffic signal improvements are within a State-owned right-of-way; and

24
25 **WHEREAS**, the Department of Public Works has reviewed and approved the proposed
26 conveyance of fee simple title in the Property; and

27
28 **WHEREAS**, Section 4.201, "Disposition of Real Property", of the Howard County Code
29 authorizes the County Council to declare that property is no longer needed for public purposes
30 and also authorizes the County Council to waive advertising and bidding requirements for an
31 individual conveyance of real property upon the request of the County Executive; and

1
2 **WHEREAS**, the County Council has received a request from the County Executive to
3 waive the advertising and bidding requirements in this instance for the conveyance of the
4 Property to the State of Maryland, Department of Transportation, State Highway Administration.
5

6 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
7 Maryland, this 6 day of July, 2021, that the Property as shown in the attached
8 Exhibit A as the "Fee Simple Area" containing approximately 1.120 acres of land in total is no
9 longer needed by the County for public purposes.
10

11 **AND BE IT FURTHER RESOLVED**, that County Executive may convey fee simple
12 title in the Property to the State of Maryland, Department of Transportation, State Highway
13 Administration.
14

15 **AND BE IT FURTHER RESOLVED** that, having received a request from the County
16 Executive and having held a public hearing, the County Council declares that the best interest of
17 the County will be served by authorizing the County Executive to waive the usual advertising
18 and bidding requirements of Section 4.201 of the Howard County Code for the conveyance of
19 the Property in fee simple to the State of Maryland, Department of Transportation, State
20 Highway Administration.
21

22 **AND BE IT FURTHER RESOLVED** that if the County Executive finds that all or a
23 portion of the Property may have a further County public use then he is not bound to convey the
24 fee simple property interest in accordance with this Resolution.

**Office of the County Auditor
Auditor's Analysis**

Council Resolution No. 108-2021

Introduced: June 7, 2021
Auditor: Melanie A. Bishop

Fiscal Impact:

There is no fiscal impact associated with this legislation.

The property to be conveyed to the State has no market value, as confirmed by two appraisals which we reviewed, and the County is not receiving any compensation from the State.

Furthermore, the State has been and will continue to maintain this right-of-way at the intersection of Wesley Lane, which includes recently constructed traffic signal improvements.

Purpose:

The purpose of this legislation is to transfer 1.120 acres of road right-of-way along Maryland Route 103 to the State. This right-of-way had been erroneously transferred to the County with the acceptance of other County roads (Wesley Lane, Manchester Way, Sutton Court, Old Stockbridge Drive, and Chatfield Lane).

Other Comments:

The portions of the right-of-way that were erroneously transferred were conveyed with the Woodland Subdivision and Willowood Subdivision in 1992 and 1994, respectively. The County's practice during that time period was for developers to prepare the road deeds, and the State portions were included in the deeds to the County.