

County Council Of Howard County, Maryland

2016 Legislative Session

Legislative Day No. 8

Resolution No. 103 -2016

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

A RESOLUTION approving and authorizing the execution of a Development Rights and Responsibilities Agreement by Howard Research And Development Corporation and Howard County in accordance with Title 16, Subtitle 17 of the Howard County Code; authorizing the Executive to make changes to the Agreement, under certain conditions; authorizing the County Executive to execute the Agreement; providing for the effective date of this Resolution, and generally relating to the Agreement.

Introduced and read first time _____, 2016.

By order _____
Jessica Feldmark, Administrator

Read for a second time at a public hearing on _____, 2016.

By order _____
Jessica Feldmark, Administrator

This Resolution was read the third time and was Adopted___, Adopted with amendments___, Failed___, Withdrawn___, by the County Council on _____, 2016.

Certified By _____
Jessica Feldmark, 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**, section 7-301 *et seq.* of the Land Use Article of the Maryland
2 Annotated Code (“State law”) grants Howard County the authority to establish
3 procedures and requirements for the consideration and execution of Development Rights
4 and Responsibilities Agreements; and

5
6 **WHEREAS**, the Howard County Council adopted Council Bill No. 4-2010 on
7 March 1, 2010, effective May 4, 2010, that enacted Sections 16.1700 *et seq.* of the
8 Howard County Code (the “County law”) authorizing the County to enter into such
9 Development Rights and Responsibilities Agreements; and

10
11 **WHEREAS**, on March 11, 2016, Howard Research and Development (“HRD”)
12 petitioned the County to enter into a Development Rights and Responsibilities Agreement
13 (the “Proposed Agreement”); and

14
15 **WHEREAS**, the Proposed Agreement between HRD and Howard County,
16 Maryland (“County”) is intended to constitute a Development Rights and Responsibilities
17 Agreement as provided for in the State law and the County law; and

18
19 **WHEREAS**, prior to submission of the Proposed Agreement to the County, in
20 accordance with County law, a pre-submission community meeting was held on February
21 20, 2106 on the Proposed Agreement; and

22
23 **WHEREAS**, on March 16, 2016, the County reviewed HRD’s petition and
24 determined to accept the petition and initiate the process of considering the Proposed
25 Agreement; and

26
27 **WHEREAS**, the County submitted to the Planning Board the Proposed
28 Agreement, along with amendments to the Downtown Columbia Plan, a General Plan
29 Amendment; *PlanHoward 2030*, the general plan of Howard County; and the Howard
30 County Zoning Regulations; and

1 **WHEREAS**, on May 10, 2016, the Howard County Planning Board
2 recommended approval of the Proposed Agreement, finding it to be consistent with the
3 general plan of Howard County, the Downtown Columbia Plan amendments with
4 modifications, *PlanHoward 2030* amendments, and the Howard County Zoning
5 Regulations amendments with modifications; and
6

7 **WHEREAS**, in conjunction with Planning Board review, revisions have been
8 made to the Proposed Agreement consistent with discussion before the Planning Board
9 and these revisions have resulted in a Revised Development Rights and Responsibilities
10 Agreement (the “Revised Agreement”), substantially in the form attached to this
11 Resolution as Exhibit 1; and
12

13 **WHEREAS**, the Revised Agreement reflects the Joint Recommendations for
14 affordable housing in Downtown Columbia developed among HRD, the County, the
15 Howard County Housing Commission, and the Columbia Downtown Housing
16 Corporation; and
17

18 **WHEREAS**, the Planning Board has found the revisions made to the Proposed
19 Agreement in the Revised Agreement are also consistent with the general plan of Howard
20 County; and
21

22 **WHEREAS**, the criteria set forth in County law have been met and the County
23 Executive may execute the Revised Agreement.
24

25 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard
26 County, Maryland this ____ day of _____, 2016 that the Development Rights
27 and Responsibilities Agreement, substantially in the form attached as Exhibit 1, having
28 met the criteria set forth in Title 16, Subtitle 17 of the Howard County Code, is hereby
29 approved.
30

1 **AND BE IT FURTHER RESOLVED**, that the County Executive is hereby
2 authorized to execute the Development Rights and Responsibilities Agreement in the
3 name of and on behalf of the County.
4

5 **AND BE IT FURTHER RESOLVED**, by the County Council of Howard
6 County, Maryland that the County Executive, prior to execution and delivery of the
7 Development Rights and Responsibilities Agreement, may make such changes or
8 modifications to the Agreement as he deems appropriate in order to accomplish the
9 purpose of the transactions authorized by this Resolution, provided that such changes or
10 modifications shall be within the scope of the transactions authorized by this Resolution;
11 and the execution of the Agreement by the County Executive shall be conclusive
12 evidence of the approval by the County Executive of all changes or modifications to the
13 Agreement, and the Agreement shall thereupon become binding upon the County in
14 accordance with its terms.
15

16 **AND BE IT FURTHER RESOLVED**, by the County Council of Howard
17 County, Maryland that the County Executive, prior to execution and delivery of the
18 Development Rights and Responsibilities Agreement, shall attach the Council-approved
19 versions of any legislation that serves as an Exhibit to the Agreement.
20

21 **AND BE IT FURTHER RESOLVED**, by the County Council of Howard
22 County, Maryland that this Resolution shall take effect when Council Bill Nos ____, ____,
23 ____, and ____-2016 take effect and if Council Bill Nos ____, ____, ____, and ____-2016 do
24 not become effective, this Resolution shall be null and void without the necessity of
25 further action by the County Council.