

# County Council Of Howard County, Maryland

2015 Legislative Session

Legislative Day No. 8

## Resolution No. 119-2015

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 certain property interest in a portion of a County right-of-way named Hale Haven Drive located in Ellicott City, Howard County, Maryland containing approximately 0.0538 acres is no longer needed by Howard County, Maryland for public purposes; authorizing the County Executive to grant a permanent access and utility easement to Verizon Wireless; 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 grant the easement if he finds that the land may have a further public use.

Introduced and read first time July 6, 2015.

By order

Jessica Feldmark  
Jessica Feldmark, Administrator

Read for a second time at a public hearing on July 20, 2015.

By order

Jessica Feldmark  
Jessica Feldmark, Administrator

This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council

on July 31, 2015.

Certified By

Jessica Feldmark  
Jessica Feldmark, Administrator

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

1           **WHEREAS**, the County owns and maintains a public right-of-way (“County Property”)  
2 named Hale Haven Drive located in Ellicott City, Howard County, Maryland and described in  
3 the deeds dated (i) October 1, 1999 and recorded among the Land Records of Howard County,  
4 Maryland at Liber 4920, folio 62, and (ii) June 20, 2000 and recorded among the Land Records  
5 of Howard County, Maryland at Liber 5135, folio 333; and

6  
7           **WHEREAS**, there is an roundabout along Hale Haven Drive, between the intersections  
8 with Montgomery Road and Roundhill Road (the “Roundabout”); and

9  
10           **WHEREAS**, Verizon Wireless has requested the County to convey an access easement  
11 at the Roundabout containing a total of 0.0538 acres (“Easement”), and shown and described,  
12 collectively, as “15’ wide access and utility easement area “A”” and “15’ wide access and utility  
13 easement area “B”” in the attached Exhibit; and

14  
15           **WHEREAS**, the Department of Public Works has reviewed and approved the proposed  
16 Easement; and

17  
18           **WHEREAS**, Section 4.201, “Disposition of Real Property,” of the Howard County Code  
19 authorizes the County Council to declare that property is no longer needed for public purposes  
20 and also authorizes the County Council to waive advertising and bidding requirements for an  
21 individual conveyance of real property upon the request of the County Executive; and

22  
23           **WHEREAS**, as a matter of course, even when the County retains fee ownership of the  
24 property and continues its use of the property upon which an easement is granted, the County  
25 Executive requests the County Council to approve the easement under Section 4.201; and

26  
27           **WHEREAS**, the County Council has received a request from the County Executive to  
28 waive the advertising and bidding requirements in this instance for the grant of the Easement to  
29 Verizon Wireless.

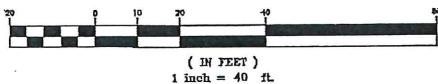
1           **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,  
2 Maryland, this 31<sup>st</sup> day of July, 2015, that the easement interest to be  
3 granted in a portion of the County Property comprising approximately 0.0538 acres, as shown in  
4 the attached Exhibit, is no longer needed by the County for public purposes and that an Easement  
5 may be granted to Verizon Wireless.

6  
7           **AND BE IT FURTHER RESOLVED** that, having received a request from the County  
8 Executive and having held a public hearing, the County Council declares that the best interest of  
9 the County will be served by authorizing the County Executive to waive the usual advertising  
10 and bidding requirements of Section 4.201 of the Howard County Code for the conveyance of  
11 the Easement to Verizon Wireless.

12  
13           **AND BE IT FURTHER RESOLVED** that, if the County Executive finds that the land  
14 to be subject to the Easement may have a further public use which the Easement will deter and,  
15 therefore, that the Easement should not be granted, he is not bound to grant the Easement in  
16 accordance with this Resolution.

**EXHIBIT**

**GRAPHIC SCALE**



OWNER: BALTIMORE GAS & ELECTRIC CO.  
P.O. BOX 1475  
BALTIMORE, MD 21203  
LIBER: 348, FOLIO: 105  
AREA: 6.35 AC

OWNER: BALTIMORE GAS & ELECTRIC CO.  
P.O. BOX 1475  
BALTIMORE, MD 21203  
LIBER: 11417, FOLIO: 236  
AREA: 1.862 AC

MOORE LARRY FRANKLIN  
ZONING: R20  
ACCOUNT 02-277921  
LIBER: 03897, FOLIO: 00517

HOWARD COUNTY MARYLAND  
12,271 SF ±  
LIBER: 5135, FOLIO: 333

N 573600.4640  
E 1370130.2590  
FOUND PROPERTY CORNER

COARD HERBERT C  
ZONING: R20  
ACCOUNT 02-277948  
LIBER: 14764, FOLIO: 00441

HOWARD COUNTY MARYLAND  
19,735 S.F. ±  
LIBER: 4920, FOLIO: 0062

GRANTEE'S 15' WIDE ACCESS AND UTILITY EASEMENT AREA "B"

EXISTING GATE

EXISTING ± 10' WIDE GRAVEL ROAD

GRANTEE'S 15' WIDE ACCESS AND UTILITY EASEMENT AREA "A"

EXISTING CONCRETE APRON

HALE HAVEN DR

**PARTIAL SITE PLAN**  
SCALE: 1" = 40'



TELECENT ENGINEERING INC.  
2216 Commerce Road, Suite 1  
Forest Hill, MD 21050  
410-692-5816  
www.tel-eng.com



6600 Rockledge Drive, Suite 550  
Bethesda, MD 20817  
Phone: 202-408-0960  
Fax: 202-408-0961

**SUBMITTALS**

DATE	DESCRIPTION	REV.
05-16-15	EASEMENT	
06-16-15	VZV COMMENTS	

**ACCESS AND UTILITY EASEMENT AREA EXHIBIT**

NEW CUT BGE TOWER 281A DONCASTER DRIVE ELLCOTT CITY, MD 21043	
TITLE: <b>PARTIAL SITE PLAN</b>	
PROJECT NO.	1102.211

## EXHIBIT

### LEGAL DESCRIPTION FOR A 15' WIDE ACCESS AND UTILITY EASEMENT AREA "A"

BEING A PORTION OF A PARCEL OF LAND IN HOWARD COUNTY IN THE STATE OF MARYLAND ACQUIRED BY HOWARD COUNTY AS RECORDED IN DEED BOOK 4920, PAGE 0062 OF THE LAND RECORDS OF CLERK OF THE CIRCUIT COURT OF HOWARD COUNTY, MARYLAND, SUCH PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT A POINT, SAID POINT BEING A FOUND PROPERTY CORNER ON THE MOST NORTH EASTERLY PROPERTY LINE OF A PARCEL WITH TAX MAP NUMBER 0031, GRID 0008, PARCEL NUMBER 0764 AND LOT NUMBER 14, AND ACQUIRED BY HERBERT C COARD AS RECORDED IN DEED BOOK 14764, PAGE 00441 OF THE LAND RECORDS OF CLERK OF THE CIRCUIT COURT OF HOWARD COUNTY, MARYLAND AND THE COMMON MOST SOUTH EASTERLY PROPERTY CORNER OF A PARCEL WITH MAP NUMBER 0031, GRID NUMBER 0008, PARCEL 0746, LOT 13 AND ACQUIRED BY LARRY F MOORE AS RECORDED IN DEED BOOK 03897, PAGE 00517 OF THE LAND RECORDS OF CLERK OF THE CIRCUIT COURT OF HOWARD COUNTY, MARYLAND, SAID PROPERTY CORNER BEING A FOUND REBAR IN CONCRETE WITH MD STATE PLANE COORDINATES OF NORTH 573600.4640 AND EAST 1370130.2590; THENCE DEPARTING SAID POINT SOUTH 59° 16' 42" EAST A DISTANCE OF 226.28' TO THE CENTER LINE AND THE TRUE POINT OF BEGINNING OF A 15' WIDE ACCESS EASEMENT AREA "A", 7.5' ON EACH SIDE;

THENCE NORTH 53° 59' 16" WEST A DISTANCE OF 52.50' THE TERMINUS OF THE 15' WIDE ACCESS EASEMENT AREA "A", 7.5' ON EACH SIDE;

THE ABOVE DESCRIBED ACCESS AND UTILITY EASEMENT AREA CONTAINING 788 SQUARE FEET OR 0.018 ACRES MORE OR LESS AND IS SUBJECT TO ALL MATTERS OF PUBLIC RECORD AS STILL MAY BE IN FORCE AND APPLICABLE. ALL OF THE ABOVE BEARINGS ARE NAD83 MARYLAND STATE PLANE COORDINATES AND THE DISTANCES ARE GROUND.

### LEGAL DESCRIPTION FOR A 15' WIDE ACCESS AND UTILITY EASEMENT AREA "B"

BEING A PORTION OF A PARCEL OF LAND IN HOWARD COUNTY IN THE STATE OF MARYLAND ACQUIRED BY HOWARD COUNTY AS RECORDED IN DEED BOOK 5135, PAGE 333 OF THE LAND RECORDS OF CLERK OF THE CIRCUIT COURT OF HOWARD COUNTY, MARYLAND, SUCH PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT A POINT, SAID POINT BEING A FOUND PROPERTY CORNER ON THE MOST NORTH EASTERLY PROPERTY LINE OF A PARCEL WITH TAX MAP NUMBER 0031, GRID 0008, PARCEL NUMBER 0764 AND LOT NUMBER 14, AND ACQUIRED BY HERBERT C COARD AS RECORDED IN DEED BOOK 14764, PAGE 00441 OF THE LAND RECORDS OF CLERK OF THE CIRCUIT COURT OF HOWARD COUNTY, MARYLAND AND THE COMMON MOST SOUTH EASTERLY PROPERTY CORNER OF A PARCEL WITH MAP NUMBER 0031, GRID NUMBER 0008, PARCEL 0746, LOT 13 AND ACQUIRED BY LARRY F MOORE AS RECORDED IN DEED BOOK 03897, PAGE 00517 OF THE LAND RECORDS OF CLERK OF THE CIRCUIT COURT OF HOWARD COUNTY, MARYLAND, SAID PROPERTY CORNER BEING A FOUND REBAR IN CONCRETE WITH MD STATE PLANE COORDINATES OF NORTH 573600.4640 AND EAST 1370130.2590; THENCE DEPARTING SAID POINT SOUTH 60° 52' 19" EAST A DISTANCE OF 174.06' TO THE CENTER LINE AND THE TRUE POINT OF BEGINNING OF A 15' WIDE ACCESS EASEMENT AREA "B", 7.5' ON EACH SIDE;

THENCE NORTH 48° 54' 39" WEST A DISTANCE OF 103.99' THE TERMINUS OF THE 15' WIDE ACCESS EASEMENT AREA "B", 7.5' ON EACH SIDE;

THE ABOVE DESCRIBED ACCESS AND UTILITY EASEMENT AREA CONTAINING 1,560 SQUARE FEET OR 0.0358 ACRES MORE OR LESS AND IS SUBJECT TO ALL MATTERS OF PUBLIC RECORD AS STILL MAY BE IN FORCE AND APPLICABLE. ALL OF THE ABOVE BEARINGS ARE NAD83 MARYLAND STATE PLANE COORDINATES AND THE DISTANCES ARE GROUND.



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#### SUBMITTALS

DATE	DESCRIPTION	REV.
05-16-15	EASEMENT	
06-16-15	VZW COMMENTS	

#### ACCESS AND UTILITY EASEMENT AREA EXHIBIT

NEW CUT BGE TOWER 281A DONCASTER DRIVE ELLICOTT CITY, MD 21043	
TITLE	
LEGAL DESCRIPTION	
PROJECT NO.	1102.211




# Howard County

## Internal Memorandum

**Subject:** Testimony & Fiscal Impact Statement  
Council Resolution No. 119 - 2015 pursuant to Section 4.201 of the Howard County Code, declaring that a portion of County right-of-way named Hale Haven Drive located in Ellicott City, Howard County, Maryland containing approximately 0.0538 acres is no longer needed by Howard County, Maryland for public purposes; authorizing the County Executive to grant a permanent access and utility easement to Verizon Wireless; 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 grant the easement if he finds that the land may have a further public use.

**To:** Lonnie R. Robbins,  
Chief Administrative Officer

**From:** James M. Irvin, Director   
Department of Public Works

**Date:** June 24, 2015

The Department of Public Works has been designated coordinator for preparation of testimony relative to the above referenced Council Resolution that provides for the conveyance of a permanent access and utility easement to Verizon Wireless.

The County acquired a public right-of-way from Curtis B. Sykes and Virginia B. Sykes by deeds dated (i) October 1, 1999 and recorded among the Land Records of Howard County, Maryland at Liber 4920, folio 62, and (ii) June 20, 2000 and recorded among the Land Records of Howard County, Maryland at Liber 5135, folio 333. The right of way was acquired for the construction of the roundabout along Hale Haven Drive, between the intersections of Montgomery Road and Roundhill Road.


The County has reviewed and approved the request from Verizon Wireless for the conveyance of a permanent access and utility easement on County right-of-way, said easement consisting of 0.0538 acres.

There is no fiscal impact to the County. The easement will be conveyed to Verizon Wireless at no cost.

Representatives of this department will be present at the public hearing to answer any questions or concerns. If you require any further information concerning this matter or have any additional questions, please do not hesitate to contact me at your convenience.

cc: Jennifer Sager  
Steve Sharar  
Tom Meunier  
File

  
**Howard County**  
*Internal Memorandum*

Subject: Value of Access Easement across County Property (Verizon)  
To: Tina D. Hackett, Chief of Real Estate Services Division  
From: Joseph Happel III, Land Acquisition Specialist   
Date: June 15, 2015

The County has been asked to grant an access easement across Parcel 832 on Tax Map 31 to Verizon Wireless. The County property is a residue from property acquired for construction of the road connection between Hale Haven Drive and Doncaster Drive.

The attached four comparable land sales have been reviewed to estimate the value of the County property. All of the sales are fairly recent and are the same zoning as the County property. Adjustments were made to the comparable sales for date of sale, size, access and existing encumbrances.

After adjustments, the sales indicate a range of values from \$85,000.00 to \$116,000.00 for the County property. After consideration of the sales and adjustments for comparability, it is estimated that the County property has a fair market value of \$95,000.00. This value estimate assumes that the County property has full utility for residential uses. Since the County property is a residue and does not contain sufficient size for development, the estimated value is discounted due to the property's lack of development potential. The County property is considered to have only open space uses, so the fee value of the parcel is estimated to be 25% of \$95,000.00 or \$23,750.00.

Verizon Wireless has requested an access easement totally 2,348 square feet or 0.0538 acres. The exact acreage of the residue is not known because one of the original parcels acquired by the County is now encumbered by a roadway. For the purposes of this value estimate, the area of the residue is estimated to be 15,000 square feet. Therefore, the residue has a fee simple value of \$1.58 per square foot. Within a portion of the access easement being requested, there already exists storm drainage constructed for the road improvements and since the County is only granting an easement and not relinquishing its entire bundle of rights, the value of the access easement is 50% of fee value or \$0.79 per square foot. Therefore, the estimated value of the access easement is \$1,854.92, rounded to \$1,900.00.

Enclosures

Exhibits A – Plat plan of the cross hatched easement area

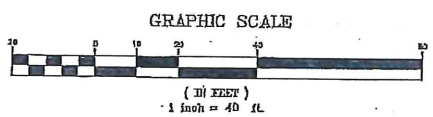
Exhibits B – Four comparable sales used in the value analysis

TDH/ks

cc: File

RIM/Legislation/2015/Verizon

# EXHIBIT A



MOORE LARRY FRANKLIN  
ZONING: R20  
ACCOUNT 02-277921  
LIBER: 03897, FOLIO: 00517

OWNER: BALTIMORE GAS  
& ELECTRIC CO.  
P.O. BOX 1475  
BALTIMORE, MD 21203  
LIBER: 11417, FOLIO: 235  
AREA: 1.682 AC

OWNER: BALTIMORE GAS  
& ELECTRIC CO.  
P.O. BOX 1475  
BALTIMORE, MD 21203  
LIBER: 318, FOLIO: 105  
AREA: 6.35 AC

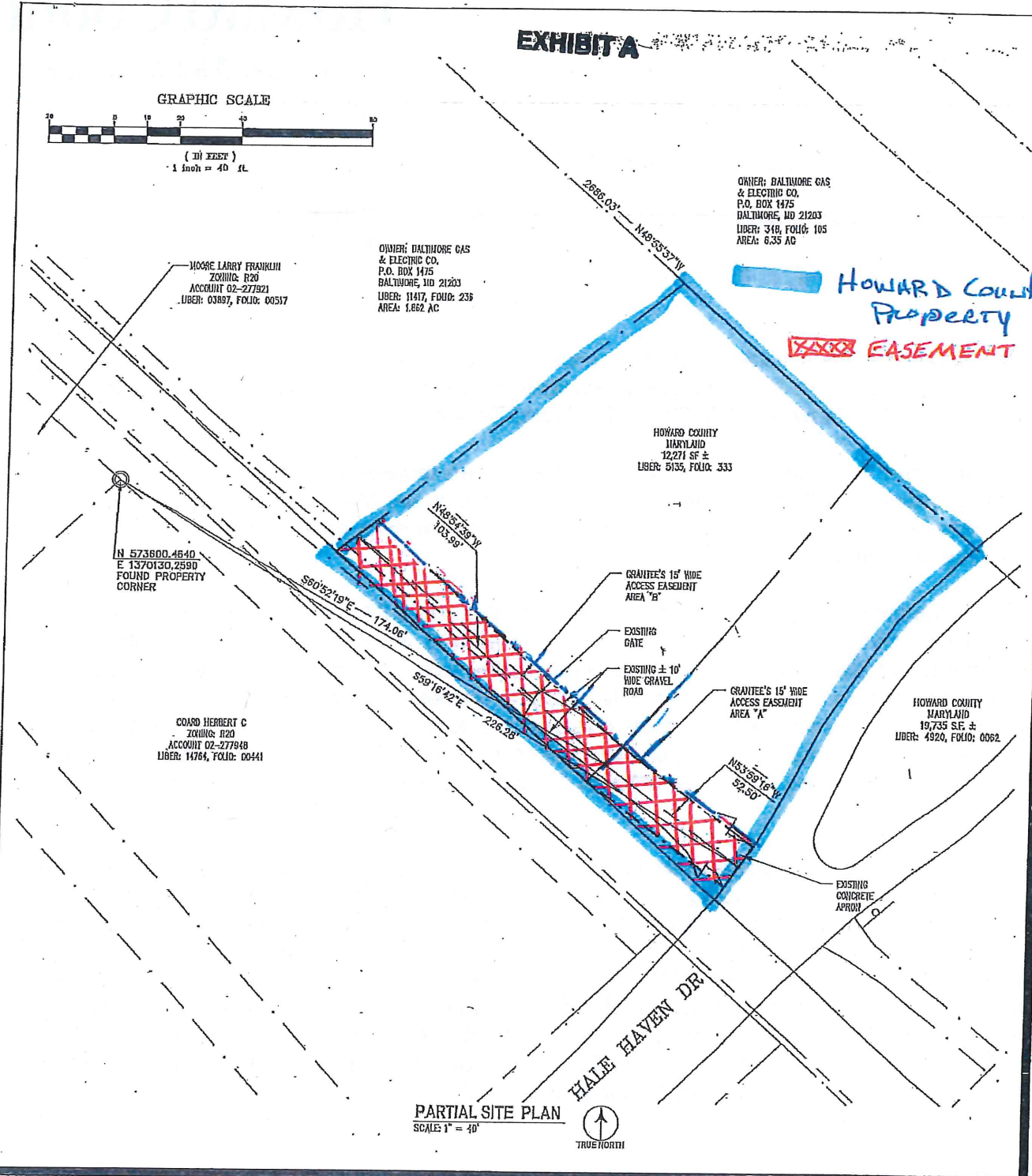
**HOWARD COUNTY  
PROPERTY**  
**EASEMENT**

HOWARD COUNTY  
MARYLAND  
12,271 SF ±  
LIBER: 5135, FOLIO: 333

N 573600.4640  
E 1370130.2590  
FOUND PROPERTY  
CORNER

COARD HERBERT C  
ZONING: R20  
ACCOUNT 02-277948  
LIBER: 14764, FOLIO: 00441

HOWARD COUNTY  
MARYLAND  
19,735 SF ±  
LIBER: 4920, FOLIO: 0062



PARTIAL SITE PLAN  
SCALE 1" = 40'



TELECENT ENGINEERING INC  
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entrex  
communication services, inc.  
6600 Rockledge Drive, Suite 550  
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Phone: 202-408-0960  
Fax: 202-408-0961

SUBMITTALS		
DATE	DESCRIPTION	REV.
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ACCESS EASEMENT AREA EXHIBIT	
NEW CUT BGE TOWER 281A DONCASTER DRIVE ELLCOTT CITY, MD 21043	
TITLE: PARTIAL SITE PLAN	
PROJECT NO.	1102.211



## EXHIBIT B

WILLIAM F. SNIDER & ASSOCIATES  
REAL ESTATE APPRAISING AND CONSULTING

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### MARKET VALUE OF SUBJECT PARCEL

In estimating the market value of the parcel, the following sales of residential lots are included to represent market activity in the subject area.

**SALE NUMBER:** 1

**GRANTOR:** Alicia A. Cool & Jeffery A. Cool, P.R.

**GRANTEE:** Harmony Builders, Inc.

**LOCATION:** 4218 Club Court, Ellicott City

**SUBDIVISION:** Lot 16, Crestleigh, Section II, plat book 7/16

**SALES PRICE:** \$ 281,000

**LIBER/FOLIO:** 14863/089

**DEED DATE:** 4/19/13

**RECORD DATE:** 4/23/13

**COUNTY:** Howard, 2nd

**TAX MAP: 24 GRID: 23 PARCEL: 696**

**ZONING:** R-20

**LAND SIZE:** 44,262 sf.

**FRONTAGE:** 52.36 ft.

**DEPTH:** irregular

**UTILITIES:** All public available

**IMPROVEMENTS:** None at time of sale

**MORTGAGE:** None indicated

**ANALYSIS OF SALE:** Normal arm's length transaction

**HIGHEST AND BEST USE:** Development as permitted by the zoning classification

**VERIFIED BY:** Land Records, Inspection

Larger in size than the subject, this is the sale of a lot in an older subdivision within an area of older homes. It is considered equal in location. The topography has sloping frontage and a level grassy building site. It is considered slightly inferior to the level topography of the subject. The frontage/access to a public street is considered superior.

**EXHIBIT B**

*WILLIAM F. SNIDER & ASSOCIATES  
REAL ESTATE APPRAISING AND CONSULTING*

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**SALE NUMBER:** 2

**GRANTOR:** Jeffery Z. Henline

**GRANTEE:** Lakestone Homes, LLC.

**LOCATION:** 3036 Mullineaux Lane, Ellicott City

**SUBDIVISION:** Lot 2, Henline Property, plat 16349

**SALES PRICE:** \$ 260,000

**LIBER/FOLIO:** 15429/290

**DEED DATE:** 12/30/13

**RECORD DATE:** 4/11/14

**COUNTY:** Howard, 2nd

**TAX MAP:** 17 **GRID:** 19 **PARCEL:** 329

**ZONING:** R-20

**LAND SIZE:** 29,838 sf.

**FRONTAGE:** 128.95 ft.

**DEPTH:** 225.16 ft.

**UTILITIES:** All public available

**IMPROVEMENTS:** None at time of sale

**MORTGAGE:** None indicated

**ANALYSIS OF SALE:** Normal arm's length transaction

**HIGHEST AND BEST USE:** Development as permitted by the zoning classification

**VERIFIED BY:** Land Records, Inspection

Larger in size than the subject, this is the sale of a lot in a newer minor subdivision within an area of older homes and subdivisions. It is considered slightly inferior in location on Mullineaux Lane off Boones Lane. The level topography is considered equal to the subject. The frontage/access to a public street is considered superior.

**EXHIBIT B**  
*WILLIAM F. SNIDER & ASSOCIATES*  
*REAL ESTATE APPRAISING AND CONSULTING*

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**SALE NUMBER:** 3

**GRANTOR:** Normandy Oaks Baker, LLC

**GRANTEE:** NVR, Inc.

**LOCATION:** 2706 Rose Lane, Ellicott City

**SUBDIVISION:** Lot 2, Normandy Oaks, plat 22396-97

**SALES PRICE:** \$ 285,000

**LIBER/FOLIO:** 15599/172

**DEED DATE:** 5/13/14

**RECORD DATE:** 5/23/14

**COUNTY:** Howard, 2nd

**TAX MAP:** 18 **GRID:** 13 **PARCEL:** 51

**ZONING:** R-20

**LAND SIZE:** 22,476 sf.

**FRONTAGE:** 5.02 ft. flag

**DEPTH:** irregular

**UTILITIES:** All public available

**IMPROVEMENTS:** None at time of sale

**MORTGAGE:** None indicated

**ANALYSIS OF SALE:** Normal arm's length transaction

**HIGHEST AND BEST USE:** Development as permitted by the zoning classification

**VERIFIED BY:** Land Records, Inspection

Larger in size than the subject, this is the sale of a lot in a new subdivision within an area of older subdivisions and homes. It is considered slightly inferior in location. The level wooded topography is considered equal to the subject. The frontage/access to a public street is considered superior.

**EXHIBIT B**  
*WILLIAM F. SNIDER & ASSOCIATES*  
*REAL ESTATE APPRAISING AND CONSULTING*

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**SALE NUMBER:** 4

**GRANTOR:** Diane M. Sooy, et al

**GRANTEE:** Viking Development Corporation

**LOCATION:** 3060 Saint Johns Lane, Ellicott City

**SUBDIVISION:** Lot 16, Woodberry, plat 8995

**SALES PRICE:** \$ 215,000

**LIBER/FOLIO:** 15723/001

**DEED DATE:** 7/29/14

**RECORD DATE:** 8/06/14

**COUNTY:** Howard, 2nd

**TAX MAP:** 17 **GRID:** 22 **PARCEL:** 144

**ZONING:** R-20

**LAND SIZE:** 14,069 sf.

**FRONTAGE:** 94.89 ft.

**DEPTH:** average 147 ft.

**UTILITIES:** All public available

**IMPROVEMENTS:** None at time of sale

**MORTGAGE:** None indicated

**ANALYSIS OF SALE:** Normal arm's length transaction

**HIGHEST AND BEST USE:** Development as permitted by the zoning classification

**VERIFIED BY:** Land Records, Inspection

Larger in size than the subject, this is the sale of a lot in an older subdivision within an area of older homes. It is considered equal in location. The level topography is considered equal to the subject. The frontage/access to a public street is considered superior.