

## County Council Of Howard County, Maryland

2013 Legislative Session

Legislative Day No. 6

Resolution No. 59-2013

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

A RESOLUTION pursuant to Section 4.201 of the Howard County Code, authorizing the County Executive to grant a non-exclusive maintenance easement, a retaining wall easement, and a non-exclusive access easement, collectively comprising a total of 0.1973 acres, to CSX Transportation, Inc. on property owned by the County known as Parking Lot B located on Main Street in Ellicott City; 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 and submits his finding to the County Council for its consideration.

Introduced and read first time May 6, 2013.

By order Sheila M. Tolliver  
Sheila M. Tolliver, Administrator

Read for a second time at a public hearing on May 10, 2013.

By order Sheila M. Tolliver  
Sheila M. Tolliver, Administrator

This Resolution was read the third time and was Adopted ☒, Adopted with amendments ☐, Failed ☐, Withdrawn ☐, by the County Council  
on June 3, 2013.

Certified By Sheila M. Tolliver  
Sheila M. Tolliver, 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 is the fee simple owner of certain real property known as  
2     Parking Lot B comprising .471 acres and located along Main Street in Ellicott City adjacent to  
3     the Patapsco River (the "County Property"), acquired by Deed dated March 8, 1982 and recorded  
4     among the Land Records at Liber 1092, Folio 399; and

5  
6       **WHEREAS**, CSX Transportation, Inc. ("CSX"), a Virginia corporation, has requested  
7     permission to enter upon and use, from time to time, a portion of the County Property for the sole  
8     purpose of repairing and maintaining CSX's damaged railroad stone retaining wall located on the  
9     County Property, which wall was damaged by the train derailment in August of 2012; and

10  
11       **WHEREAS**, in order to allow CSX to repair and maintain its retaining wall, the  
12     following easements must be granted to CSX:

- 13       1.     A non-exclusive easement on the County Property comprising approximately  
14             0.1059 acres, as shown on the attached Exhibit A as "non-exclusive maintenance  
15             easement";  
16       2.     A retaining wall easement on the County Property comprising 0.0349 acres, as  
17             shown on the attached Exhibit A as "retaining wall easement"; and  
18       3.     A non-exclusive access easement on the County Property comprising 0.0565  
19             acres, as shown on the attached Exhibit A as "non-exclusive access easement";  
20             and

21  
22       **WHEREAS**, collectively, the non-exclusive maintenance easement, the retaining wall  
23     easement, and the non-exclusive access easement comprise the "Easements"; and

24  
25       **WHEREAS**, the Department of Public Works has reviewed and approved the proposed  
26     Easements; 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**, as a matter of course, even when the County retains fee ownership of the  
3 property and continues its use of the property upon which an easement is granted, the County  
4 Executive requests the County Council to approve the disposition of the easement under Section  
5 4.201; and  
6

7       **WHEREAS**, the County Council has received a request from the County Executive to  
8 waive the advertising and bidding requirements in this instance for the grant of the Easements to  
9 CSX.  
10

11       **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,  
12 Maryland, this 3<sup>rd</sup> day of June, 2013, that promoting safety is served by  
13 granting the Easements, collectively comprising a total of approximately 0.1973 acres, to CSX,  
14 as shown on the attached Exhibit A.  
15

16       **AND BE IT FURTHER RESOLVED** that, having received a request from the County  
17 Executive and having held a public hearing, the County Council declares that the best interest of  
18 the County will be served by authorizing the County Executive to waive the usual advertising  
19 and bidding requirements of Section 4.201 of the Howard County Code for the conveyance of  
20 the Easements to CSX.  
21

22       **AND BE IT FURTHER RESOLVED** that, if the County Executive finds that the land  
23 to be subject to the Easements may have a further public use which the easement will deter and,  
24 therefore, that the easement should not be granted, he may submit his findings and  
25 recommendations to the County Council for its consideration without being bound to grant the  
26 Easements in accordance with this Resolution.









3106 Lord Baltimore Drive  
Suite 110  
Baltimore, Maryland 21244  
410-265-9500

Plat No. LAD No. 3212-1  
Project No. N/A

## **DESCRIPTION OF EASEMENTS**

Howard County, Maryland, Grantor  
To  
CSX Transportation, Inc., Grantee

BEING three irregular strips of land, described hereinafter as a Non-Exclusive Maintenance Easement, a Retaining Wall Easement and a Non Exclusive Access Easement, running in, over, across and through the property conveyed unto Howard County, Maryland, hereinafter described, by deed dated March 18, 1982 and recorded among the Land Records of Howard County in Liber 1092 at Folio 399, being more particularly described based on a field survey performed by Dewberry Consultants LLC. in April, 2013 as follows:

### **NON-EXCLUSIVE MAINTENANCE EASEMENT**

BEGINNING for the same at a point, said point being located on the eastern most right-of-way owned by CSX Transportation, Inc. at the southwestern end of the sixth or North 06 Degrees 32 Minutes 52 Seconds East 191.06 foot line recorded among the Land Records of Howard County in Deed Liber 1092 Folio 399 and dated March 8, 1982, having NAD83 coordinates of North 583,397.55 East 1,370,440.59 as projected from Howard County Geodetic Control Stations Nos. 0089 and 0089AZ thence running with and binding on the face of a stone retaining wall representing the eastern most right-of-way line of the lands owned by CSX Transportation, Inc., as now surveyed:

- (1) North 06 Degrees 23 Minutes 53 Seconds East, 168.75 feet, thence leaving said wall and said sixth line,
- (2) South 83 Degrees 36 Minutes 07 Seconds East 6.50 feet, thence;
- (3) North 00 Degrees 54 Minutes 55 Seconds West 4.32 feet, thence;
- (4) by a non tangent curve to the left having a radius of 2.31 feet and an arc length of 3.63 feet, subtended by a chord of North 43 Degrees 06 Minutes 40 Seconds East 3.27 feet, thence;
- (5) North 00 Degrees 54 Minutes 55 Seconds West 15.50 feet, thence;





- (6) North 89 Degrees 05 Minutes 05 Seconds East 27.00 feet, thence;
- (7) South 01 Degrees 49 Minutes 51 Seconds East 10.53 feet, thence;
- (8) by a tangent curve to the left having a radius of 5.38 feet and an arc length of 8.69 feet, subtended by a chord of South 48 Degrees 07 Minutes 02 Seconds East 7.78 feet, thence;
- (9) South 04 Degrees 27 Minutes 04 Seconds East 48.66 feet, thence;
- (10) by a non tangent curve to the left having a radius of 6.00 feet and an arc length of 9.36 feet, subtended by a chord of South 49 Degrees 33 Minutes 29 Seconds West 8.44 feet, thence
- (11) North 83 Degrees 36 Minutes 07 Seconds West 29.00 feet, thence
- (12) South 06 Degrees 23 Minutes 53 Seconds West 125.45 feet, to a point, located 11.14 feet northwesterly from the end of the fifth or South 83 Degrees 31 Minutes 34 Seconds East 26.14 foot line from a deed between Howard County, Maryland (Grantor) and Stonegate Properties, LLC (Grantee), recorded among the Land Records of Howard County in Deed Liber 11593 Folio 442 and dated March 10, 2009, thence binding reversely on this line;
- (13) North 83 Degrees 40 Minutes 33 Seconds West 15.00 feet, thence, to the place of beginning.

Containing 4,614 square feet or 0.1059 acres, more or less and identified as "Non-Exclusive Maintenance Easement" on Exhibit Plan attached hereto and made a part hereof by reference.

#### **RETAINING WALL EASEMENT**

BEGINNING for the same at a point, on the eastern most right-of-way owned by CSX Transportation, Inc. at the southwestern end of the sixth or North 06 Degrees 32 Minutes 52 Seconds East 191.06 foot line recorded among the Land Records of Howard County in Deed Liber 1092 Folio 399 and dated March 8, 1982, having NAD83 coordinates of North 583,397.55 East 1,370,440.59 as projected from Howard County Geodetic Control Stations Nos. 0089 and 0089AZ thence running with and binding on the face of a stone retaining wall representing the eastern most right-of-way line of the lands owned by CSX Transportation, Inc., as now surveyed:

- (1) North 06 Degrees 23 Minutes 53 Seconds East, 168.75 feet, thence leaving said sixth line, and binding on a portion of the Second line of the "Non-Exclusive Maintenance Easement" created hereon, and for a new line of division, for the following course and distance;
- (2) South 83 Degrees 36 Minutes 07 Seconds East 9.00 feet, thence,
- (3) South 06 Degrees 23 Minutes 53 Seconds West 168.74 feet, to a point, located 17.14 feet northwesterly from the end of the fifth or South 83 Degrees 31 Minutes 34 Seconds East 26.14 foot line from a deed between Howard County, Maryland (Grantor) and Stonegate Properties, LLC (Grantee), recorded among the Land Records of Howard County in Deed Liber 11593 Folio 442 and dated March



10, 2009, said point also being a point located at a distance of 6.00 feet along the eleventh line of the "Non-Exclusive Maintenance Easement" created herein, thence binding on a portion of said line, to the end thereof;

(4) North 83 Degrees 40 Minutes 33 Seconds West 9.00 feet, to the place of beginning.

Containing 1,519 square feet or 0.0349 acres, more or less and identified as "Retaining Wall Easement" on Exhibit Plan attached hereto and made a part hereof by reference.

#### **NON-EXCLUSIVE ACCESS EASEMENT**

BEGINNING for the same at a point, said point being located on the northern right-of-way of The Baltimore & Frederick Turnpike (MD. Rte. 144) also known as Main Street at the southwestern end of the second or North 11 Degrees 25 Minutes 33 Seconds West 64.44 foot line recorded among the Land Records of Howard County in Deed Liber 1092 Folio 399 and dated March 8, 1982, having NAD83 coordinates of North 583,277.66 East 1,370,496.30 as projected from Howard County Geodetic Control Stations Nos. 0089 and 0089AZ thence running with and binding on said line, as now surveyed:

(1) North 11 Degrees 34 Minutes 32 Seconds West, 64.44 feet, to the beginning of the first or South 71 Degrees 06 Minutes 34 Seconds West 51.12 foot line from a deed between Howard County, Maryland (Grantor) and Stonegate Properties, LLC (Grantee), recorded among the Land Records of Howard County in Deed Liber 11593 Folio 442 and dated March 10, 2009, thence binding reversely on the sixth, seventh, eighth and ninth lines of said parcel; as now surveyed: viz

(2) by a tangent curve to the left having a radius of 41.33 feet and an arc length of 18.71 feet, subtended by a chord of North 24 Degrees 31 Minutes 45 Seconds West 18.55 feet, thence;

(3) North 37 Degrees 30 Minutes 09 Seconds West 8.29 feet, thence;

(4) by a tangent curve to the right having a radius of 26.50 feet and an arc length of 20.27 feet, subtended by a chord of North 15 Degrees 35 Minutes 21 Seconds West 19.78 feet, thence;

(5) North 06 Degrees 19 Minutes 27 Seconds East 11.45 feet, thence;

(6) North 83 Degrees 40 Minutes 33 Seconds West 11.14 feet, to a point representing the end of the tenth line of the "Non-Exclusive Maintenance Easement" created herein thence; binding reversely on said line,

(7) North 06 Degrees 23 Minutes 53 Seconds East 15.00 feet, thence leaving said line and running for new lines of division for the following six (6) courses and distances;

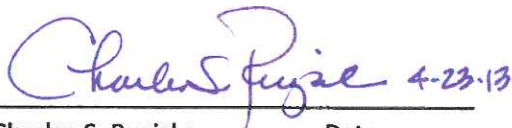
(8) South 83 Degrees 40 Minutes 33 Seconds East 26.12 feet, thence;



- (9) South 06 Degrees 19 Minutes 27 Seconds West 26.45 feet, thence;
- (10) by a tangent curve to the left having a radius of 11.50 feet and an arc length of 8.80 feet, subtended by a chord of South 15 Degrees 35 Minutes 20 Seconds East 8.58 feet, thence;
- (11) South 37 Degrees 30 Minutes 09 Seconds East 16.09 feet, thence;
- (12) by a curve to the right having a radius of 41.50 feet and an arc length of 15.20 feet, subtended by a chord of South 27 Degrees 00 Minutes 24 Seconds East 15.12 feet, thence;
- (13) South 16 Degrees 30 Minutes 39 Seconds East 57.73 feet, to intersect the seventeenth or South 77 Degrees 56 Minutes 15 Seconds West 30.50 foot line of the aforementioned conveyance to Howard County, Maryland, thence binding on said line,
- (14) South 77 Degrees 47 Minutes 16 Seconds West 4.05 feet, to the end thereof, thence;
- (15) South 10 Degrees 49 Minutes 33 Seconds East 6.17 feet, to intersect the northwestern Right-of Way- of Main Street, thence,
- (16) South 66 Degrees 24 Minutes 17 Seconds West 18.00 feet to the place of beginning.

Containing 2,463 square feet or 0.0565 acres, more or less and identified as "Non-Exclusive Access Easement" on Exhibit Plan attached hereto and made a part hereof by reference.

The undersigned, being a licensed surveyor, certifies the preparation of this metes and bounds description and associated exhibit plan is in compliance with the requirements set forth in "COMAR Title 09, Subtitle 13, Chapter 06, Regulation 12" and is correct to the best of my professional knowledge and belief.

 4-23-13

Charles S. Ruzicka                      Date  
Professional Land Surveyor No. 21169  
Dewberry Consultants LLC



