

County Council Of Howard County, Maryland

2017 Legislative Session

Legislative Day No. 2

Resolution No. 25 -2017

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

A RESOLUTION declaring that a total of approximately 7,930 square feet of real property owned by Howard County, Maryland known as a portion of Governors Run Open Space Lot 130 is no longer needed for a public purpose in exchange for the conveyance to the County of 13,000 square feet of land to be designated as Open Space; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code in order to convey the property to the owner of the adjacent property; and providing that the County Executive is not bound to convey the property if he finds that the land may have a further public use.

Introduced and read first time _____, 2017.

By order _____
Jessica Feldmark, Administrator

Read for a second time at a public hearing on _____, 2017.

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 _____, 2017.

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**, Howard County, Maryland is the fee simple owner of Open Space Lot 130
2 on Plat Number 11478 recorded among the Land Records of Howard County, Maryland (the
3 “Land Records”) acquired from the Governors Run Communities, Inc.by Deed recorded among
4 the Land Records at Liber 6121, folio 341 and containing approximately 6.5274 acres (the
5 “County Property); and

6
7 **WHEREAS**, Michael D. Daniel and Kristen M. Daniel (the “Daniels”) are the owners of
8 8330 Governor Kent Terrace, Ellicott City, shown as Lot 100 on Plat Number 11478 and
9 described in the Deed recorded among the Land Records at Liber 4185, folio 248 on February
10 10, 1998 (the “Daniel Property”); and

11
12 **WHEREAS**, the Daniel Property is a flag lot and was landscaped by the developer with a
13 portion of the County Property which portion the Daniels had mistakenly occupied as part of
14 their property and constructed a driveway, hardscape, landscaping, and maintenance features;
15 and

16
17 **WHEREAS**, a portion of the Daniel Property, almost twice the acreage of the
18 encroachment area and to the rear of the Daniel’s house, included a steep forested slope adjacent
19 to the County Property; and

20
21 **WHEREAS**, in order to resolve the matter, the Daniels and the County have agreed to
22 exchange a portion of the County Property where the Daniels’ encroachments are located with a
23 portion of the Daniel Property that is forested; and

24
25 **WHEREAS**, 13,000 square feet of the Daniel Property is proposed to be conveyed to the
26 County in exchange for 7,930 square feet of County Property to be conveyed to the Daniels. The
27 areas to be exchanged between the County and the Daniels and the reconfigured Daniel Property
28 is shown as Lot 201 and the reconfigured County Property is shown as Lot 201 on the attached
29 Exhibit A; and

1 **WHEREAS**, Section 4.201, “Disposition of Real Property”, of the Howard County Code
2 authorizes the County Council to declare that property is no longer needed for public purposes
3 and also authorizes the County Council to waive advertising and bidding requirements for an
4 individual conveyance of real property upon the request of the County Executive; and
5

6 **WHEREAS**, the County Council has received a request from the County Executive to
7 waive the advertising and bidding requirements in this instance for the conveyance of
8 approximately 7,930 square feet of County Property to the Daniels; and
9

10 **WHEREAS**, in exchange, the Daniels will convey approximately 13,000 square feet of
11 the Daniel Property to the County to be designated as Open Space.
12

13 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
14 Maryland, this ____ day of _____, 2017, that 7,930 square feet of the County
15 Property as shown on the attached Exhibit A is no longer needed for a public purpose and may
16 be conveyed to Michael and Kirsten Daniel in exchange for the conveyance of approximately
17 13,000 square feet of the Daniel Property to the County to be designated as part of Open Space
18 Lot 201.
19

20 **AND BE IT FURTHER RESOLVED** that, having received a request from the County
21 Executive and having held a public hearing, the County Council declares that the best interest of
22 the County will be served by authorizing the County Executive to waive the usual advertising
23 and bidding requirements of Section 4.201 of the Howard County Code for the conveyance of
24 7,930 square feet of County Property.
25

26 **AND BE IT FURTHER RESOLVED** that, if the County Executive finds that the
27 County Property may have a further public use and that 7,930 square feet of County Property
28 should not be conveyed, he is not bound to convey such portion of the County Property in
29 accordance with this Resolution.

TM 25 P 321
HOWARD COUNTY, MD
L 6121 F 331
ZONED: RE-D
OPEN SPACE LOT 193
PLATS 11484-11485

OPEN SPACE
LOT 130

OPEN SPACE
LOT 202
289,403 SF
6.6438 AC

TM 25 P 321
KENNETH &
JOSEPHINE GEH
L 5620 F 483
ZONED: R-20
LOT 103
PLAT 11478

TM 25 P 321
DWIGHT & VERA
WEEMS
L 3874 F 6
ZONED: R-20
LOT 102
PLAT 11478

SWAP AREA 1 = 13,000 SF
(TO BE CONVEYED TO HOWARD COUNTY)

SWAP AREA 2 = 7,930 SF
(TO BE CONVEYED TO OWNERS OF LOT 201)

LOT 201
26,770 SF

TM 25 P 321
WILBURT & PEGGY
GOLDEN
L 4165 F 481
ZONED: R-20
LOT 99
PLAT 11478
P 321
COUNTY, MD
F 336
R-20
LOT 200
4859

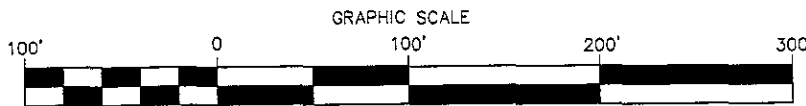
TM 25 P 321
WILBURT & PEGGY
GOLDEN
L 4165 F 481
ZONED: R-20
LOT 99
PLAT 11478

TM 25 P 321
HAMAYOON & MALALLI
AYUBI
L 10291 F 119
ZONED: R-20
LOT 198
PLAT 14859

LOT 197
PLAT 14859

LOT 96
PLAT 11478

LOT 95
PLAT 11478



| COORDINATE TABLE | | |
|------------------|-------------|-------------|
| NO. | NORTH | EAST |
| 234 | 527594.0190 | 857475.6968 |
| 235 | 527189.3967 | 857465.1407 |

PROPERTY SWAP EXHIBIT

GOVERNORS RUN, SECTION 2

LOT 201 AND OPEN SPACE LOT 202

A RE-SUBDIVISION OF LOT 100 AND OPEN SPACE LOT 130,
PLAT OF "GOVERNORS RUN, SECTION 2, LOTS 74 THRU 130"
PLATS 11477-11479

SCALE: 1" = 100'

JANUARY 20, 2017

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