


# Howard County

## Internal Memorandum

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**Subject:** Testimony & Fiscal Impact Statement

Council Resolution No. \_\_\_\_\_ - 2017 declaring that a portion of a 20-foot Water Easement and a 20-foot Sewer Easement, comprising a total of approximately 0.2773 acres, is no longer needed by Howard County, Maryland for public purposes; authorizing the County Executive to terminate the property interest, vesting title to the underlying property owner, the Howard County Housing Commission; 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 abandon such portion of the easement if he finds that such portion of the easement may have a further public use.

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

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

**Date:** January 26, 2017

The Department of Public Works has been designated coordinator for preparation of testimony relative to declaring that a portion of a 20-foot Water Easement and a 20-foot Sewer Easement, comprising 0.2773 acres, is no longer needed by Howard County, Maryland for public purposes.

The County acquired a 20-foot Public Water Easement (containing approximately 0.2252 acres) and a 20-foot Public Sewer Easement (containing approximately 0.0521 acres)(collectively, the "Easement") using funds from Capital Project No. 425-W&S.

The Easements are located on the property known as 3570 Court House Drive, which is owned by the Howard County Housing Commission (the "Housing Commission") by Deed from Ellicott Terrace, Inc., and recorded among the Land Records at Liber 11702, folio 63, on May 11, 2009.

The Housing Commission has requested the County to terminate portions of the Easements to accommodate the development of the property, and the Housing Commission has prepared the Plat entitled "Plat of Subdivision 'Burgess Mill Station, Phase 2' Apartments, A Subdivision of T.M. 25, Parcel 120, Liber 11702, Folio 63" identifying the portions of the Easements to be abandoned, as well as the portion of the Sewer Easement that shall remain – copy attached as Exhibit A.

The Department of Public Works has reviewed the request and determined that the portion of the Easements shown on Exhibit A, containing a total of approximately 0.2773 acres, is

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no longer required by the County; however, the portion of the Public Sewer Easement extending between Court House Drive and Fels Lane and identified as remaining is needed by the County.

Section 4.201(a), "Disposition of real property," of the Howard County Code authorizes the County Council to declare that the property is no longer needed for public purposes and authorizes the County Council to waive advertising and bidding requirements for an individual conveyance of County property, including an easement interest acquired by capital funds, upon the request of the County Executive and after a public hearing that has been duly advertised.

The County Council has received a request from the County Executive to waive the advertising and bidding requirements in this instance for the abandonment of the portion of the Easements as shown in Exhibit A.

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  
File