

# County Council of Howard County, Maryland

2017 Legislative Session

Legislative Day No. 10

## Resolution No. 109-2017

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 the County's interest for a use-in-common gravel driveway located across property adjacent to the County's Cooksville Highway shop is no longer needed by Howard County, Maryland for public purposes; authorizing the County Executive to terminate and convey its interest to the owner of the property; 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 terminate the interest if he finds that the property may have a further public use.

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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This Resolution was read the third time and was Adopted\_\_\_, Adopted with amendments\_\_\_, Failed\_\_\_, Withdrawn\_\_\_, by the County Council on \_\_\_\_\_, 2017.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**, the County is the owner certain real property located at 14212 Frederick  
2 Road, Woodbine, commonly known as the Cooksville Highway Shop, shown as Parcel 168 on  
3 Tax Map 8 which was acquired by two deeds: the deed dated September 22, 1977 recorded  
4 among the Land Records of Howard County, Maryland (the “Land Records”) in Liber 847, folio  
5 602 and the (ii) the deed dated July 27, 1990 recorded among the Land Records at Liber 2220,  
6 folio 032, all of which property is shown on Plat Number 9492 (the “County Property”); and  
7

8           **WHEREAS**, a portion of the County Property was conveyed to Woodmont Academy,  
9 Inc. by deed dated September 3, 2002 and recorded among the Land Records in Liber 6427, folio  
10 289 which was subsequently conveyed by Woodmont Academy, Inc. to Woodmont Educational  
11 Foundation, Inc. by deed dated March 1, 2003 and recorded among the Land Records at Liber  
12 6931, folio 355 (the “Woodmont Property”); and  
13

14           **WHEREAS**, the description of the property conveyed in the deed to Woodmont  
15 Educational Foundation Inc references the following “Together with an easement for the use in  
16 common with Howard County of a gravel driveway passing thought Tract C as shown on a  
17 survey by Navarro & Wright dated August 28, 2002.”; and  
18

19           **WHEREAS**, St. Mary Coptic Orthodox Church has entered into a contract to purchase  
20 the Woodmont Property from Woodmont Educational Foundation, Inc. and has requested that  
21 the County’s interest in the portion of the driveway crossing over the County Property be  
22 terminated, as shown in the attached Exhibit; and  
23

24           **WHEREAS**, the driveway is not in use by the County; and  
25

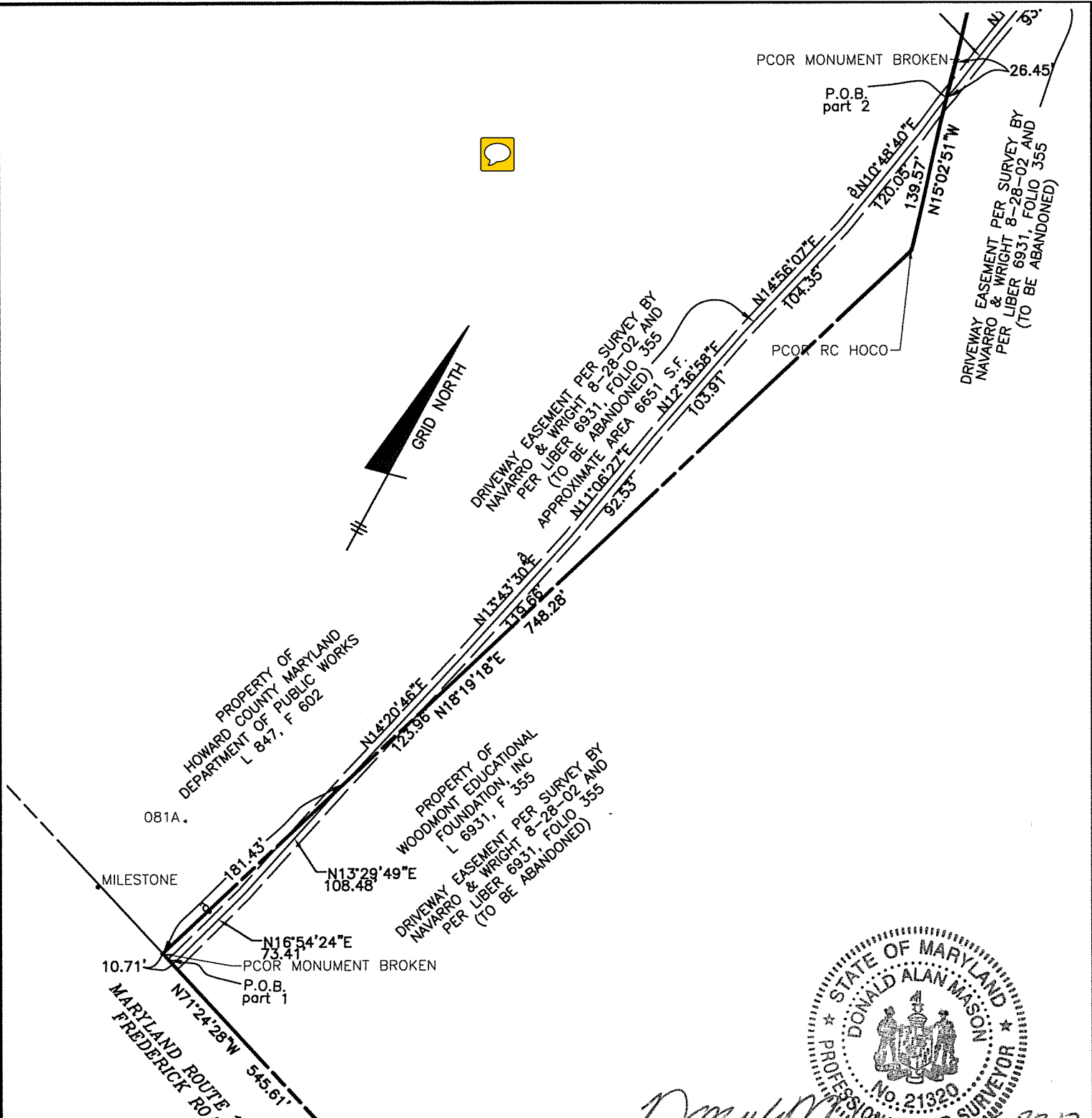
26           **WHEREAS**, Section 4.201 “Disposition of real property” of the Howard County Code  
27 authorizes the County Council to declare that property is no longer needed for public purposes  
28 and authorizes the County Council to waive advertising and bidding requirements for an  
29 individual conveyance of the property upon the request of the County Executive and after a  
30 public hearing that has been duly advertised; and  
31

1           **WHEREAS**, the County Council has received a request from the County Executive to  
2 waive the advertising and bidding requirements in this instance for the termination and  
3 conveyance of the County’s interest in the driveway approximately 6,651 square feet to the  
4 owner of the Woodmont Property.

5  
6           **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,  
7 Maryland, this \_\_\_\_\_ day of \_\_\_\_\_, 2017, that the driveway comprising  
8 approximately 6,651 square feet, shown on the attached Exhibit, is no longer needed by the  
9 County for public purposes.

10  
11           **AND BE IT FURTHER RESOLVED** that, having received a request from the County  
12 Executive and having held a public hearing that was duly advertised, the County Council  
13 declares that the best interest of the County will be served by authorizing the County Executive  
14 to waive the usual advertising and bidding requirements of Section 4.201 of the Howard County  
15 Code for the termination of the County’s interest in the driveway and the conveyance to the  
16 owner of the Woodmont Property.

17  
18           **AND BE IT FURTHER RESOLVED** that, if the County Executive finds that driveway  
19 easement may have a further public use, he is not bound to terminate the easement and convey  
20 the property interest to the owner of the Woodmont Property in accordance with this Resolution.



*Donald A. Mason*  
 DONALD A. MASON  
 REGISTERED PROPERTY LAND SURVEYOR #21320  
 DATE 6-22-17

I HEREBY CERTIFY THAT THESE DOCUMENTS, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE, AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 21320, EXPIRATION DATE 1-7-2019.

**BENCHMARK**  
 ENGINEERS ▲ LAND SURVEYORS ▲ PLANNERS  
**ENGINEERING, INC.**  
 8480 BALTIMORE NATIONAL PIKE ▲ SUITE 315  
 ELLICOTT CITY, MARYLAND 21043  
 PHONE: 410-465-8105 FAX: 410-465-8644

PLAT NO.  
 DESIGN BY: DAM  
 DRAWN BY: DAM  
 SCALE: 1" = 100'  
 DATE: 5-3-2017

EXHIBIT FOR ABANDONMENT OF A  
 USE-IN COMMON DRIVEWAY  
 HOWARD COUNTY DEPARTMENT OF PUBLIC WORKS  
 TAX MAP: 8 PARCEL: 168  
 4th ELECTION DISTRICT  
 HOWARD COUNTY, MARYLAND

APPROVED:  
 DEVELOPMENT ENG. DIVISION  
 \_\_\_\_\_ DATE  
 REAL ESTATE SERVICES  
 DIVISION  
 \_\_\_\_\_ DATE