

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.

Introduced and read first time July 3, 2017.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Read for a second time at a public hearing on July 17, 2017.

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This Resolution was read the third time and was Adopted , Adopted with amendments ____, Failed ____, Withdrawn ____, by the County Council on July 26, 2017.

Certified By Jessica Feldmark
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

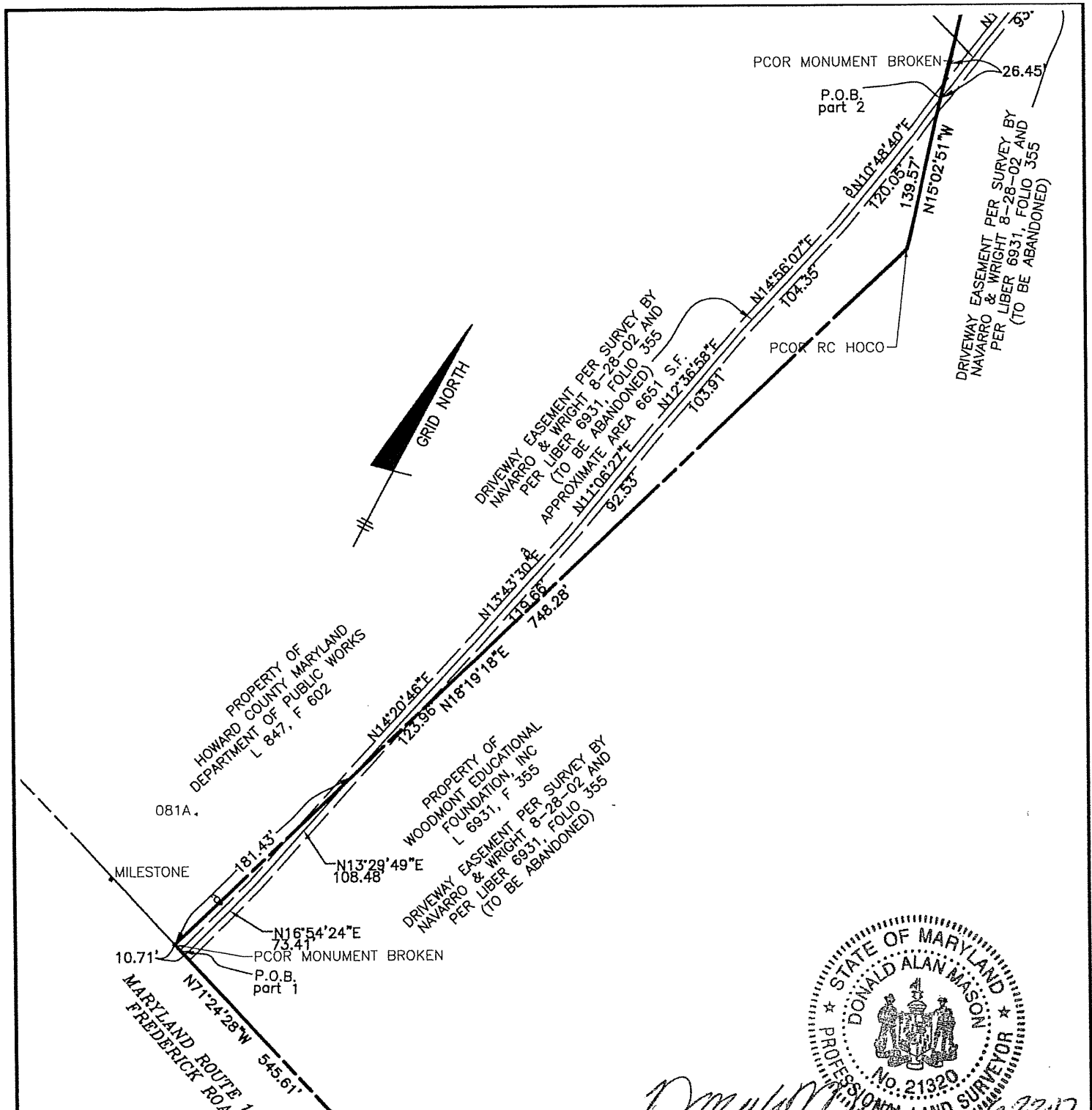
26 **WHEREAS**, Section 4.201 “Disposition of real property” of the Howard County Code
27 authorizes the County Council to declare that property is no longer needed for public purposes
28 and authorizes the County Council to waive advertising and bidding requirements for an
29 individual conveyance of 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 26th day of July, 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.



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



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.

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