

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 February 6, 2017.

By order Jessica Feldmark, Administrator

Read for a second time at a public hearing on February 21, 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This Resolution was read the third time and was Adopted ✓, Adopted with amendments __, Failed __, Withdrawn __, by the County Council on March 6, 2017.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 “Land
3 Records”) acquired from the Governors Run Communities, Inc. by Deed recorded among the Land
4 Records at Liber 6121, folio 341 and containing approximately 6.5274 acres (the “County
5 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 described
9 in the Deed recorded among the Land Records at Liber 4185, folio 248 on February 10, 1998 (the
10 “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 their
14 property and constructed a driveway, hardscape, landscaping, and maintenance features; and
15

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

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

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

30 **WHEREAS**, Section 4.201, “Disposition of Real Property”, of the Howard County Code
31 authorizes the County Council to declare that property is no longer needed for public purposes and

1 also authorizes the County Council to waive advertising and bidding requirements for an individual
2 conveyance of real property upon the request of the County Executive; and
3

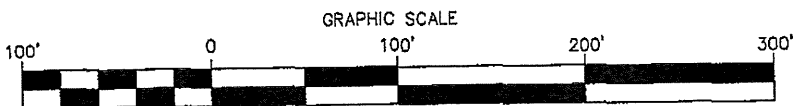
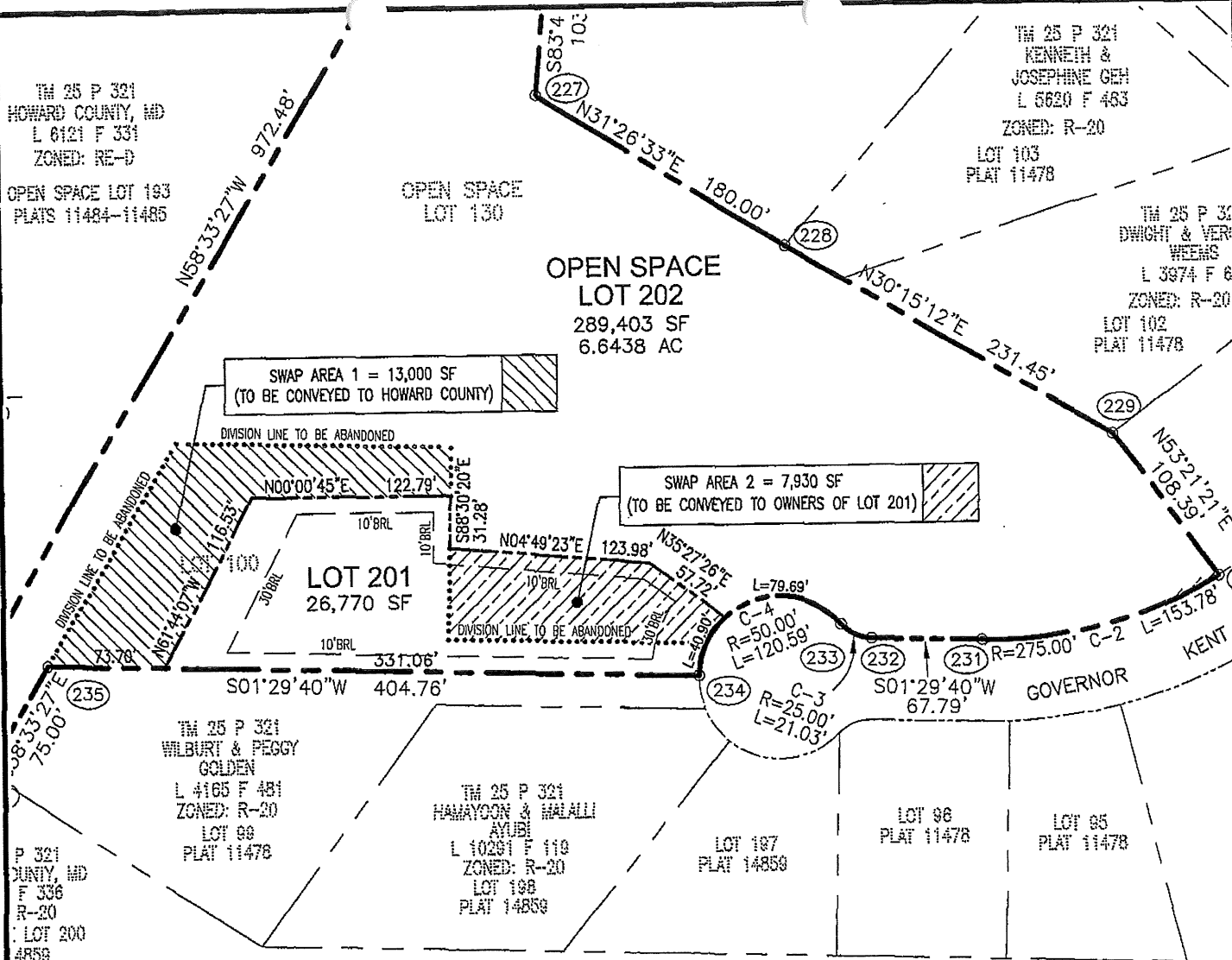
4 **WHEREAS**, the County Council has received a request from the County Executive to
5 waive the advertising and bidding requirements in this instance for the conveyance of
6 approximately 7,930 square feet of County Property to the Daniels; and
7

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

11 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
12 Maryland, this 6th day of March, 2017, that 7,930 square feet of the County
13 Property as shown on the attached Exhibit A is no longer needed for a public purpose and may be
14 conveyed to Michael and Kirsten Daniel in exchange for the conveyance of approximately 13,000
15 square feet of the Daniel Property to the County to be designated as part of Open Space Lot 201.
16

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

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



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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Howard County

RECREATION & PARKS

SUBJECT: Testimony in Support of Land Exchange Between the County and Michael and Kristen Daniel

TO: Lonnie Robbins, Chief Administrative Officer

FROM: John R. Byrd, Director
Department of Recreation and Parks

DATE: December 21, 2016

The County Administration requests favorable support of a land exchange between Howard County and Michael D. and Kristen M. Daniel.

The Department of Recreation and Parks supports the proposed land exchange between the County and the Daniels to resolve an Open Space encroachment issue. While we do not usually resolve these with a land exchange we feel there is a mutual benefit in this situation.

During a routine review of a nearby pathway complaint it was discovered that a landscape and mowing encroachment existed at 8330 Governor Kent Terrace, Ellicott City 21043 and had existed since the subdivision was completed because the developer had graded and seeded the area as part of the front yard, and it had been used as such ever since. Further review of the property revealed that a portion of the Daniels lot to the rear of the house included a steep forested slope adjacent to existing open space. It became apparent that a practical solution to the issue would be to allow a land exchange of existing forested land rather than imposing a fine for and removal/restoration of the encroachment which has a lesser environmental value.

Thank you for considering this proposal.

JRB:sb

cc: Jennifer Sager
Raul Delerme
Bryan Moody