

County Council of Howard County, Maryland

2017 Legislative Session

Legislative Day No. 2

Resolution No. 26-2017

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

A RESOLUTION pursuant to Section 4.201(a) of the Howard County Code, 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.

Introduced and read first time February 6, 2017.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Read for a second time at a public hearing on February 21, 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This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on March 6, 2017.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**, by Deed of Easement dated June 25, 1971 and recorded among the Land
2 Records of Howard County, Maryland (the “Land Records”) in Liber 563, Folio 266, the County
3 acquired a 20-foot Public Water Easement (containing approximately 0.2252 acres) and a 20-
4 foot Public Sewer Easement (containing approximately 0.0521 acres) (collectively the
5 “Easements”); and
6

7 **WHEREAS**, the Easements were acquired using funds from Capital Project No. 425-
8 W&S; and
9

10 **WHEREAS**, the Easements are located on property known as 3570 Court House Drive
11 and owned by the Howard County Housing Commission (the Housing Commission”) by the
12 Deed from Ellicott Terrace, Inc. recorded among the Land Records at Liber 11702, folio 63 on
13 May 11, 2009; and
14

15 **WHEREAS**, the Housing Commission has requested the County to terminate portions of
16 the Easements accommodate the development of the property, and the Housing Commission has
17 prepared the Plat entitled “Plat of Subdivision “Burgess Mill Station, Phase 2” Apartments, A
18 Subdivision of T.M. 25, Parcel 120, Liber 11702, Folio 63” identifying the portions of the
19 Easements to be abandoned and the portion of the Sewer Easement that shall remain, a copy of
20 the plat is attached as Exhibit A; and
21

22 **WHEREAS**, the Department of Public Works has reviewed the request and determined
23 that the portion of the Easements shown on Exhibit A containing a total of approximately 0.2773
24 acres is no longer required by the County; however, the portion of the Public Sewer Easement
25 extending between Court House Drive and Fels Lane and identified as remaining is needed by
26 the County; and
27

28 **WHEREAS**, Section 4.201(a), “Disposition of real property”, of the Howard County
29 Code authorizes the County Council to declare that property is no longer needed for public
30 purposes and authorizes the County Council to waive advertising and bidding requirements for
31 an individual conveyance of County property, including an easement interest acquired by capital

1 funds, upon the request of the County Executive and after a public hearing that has been duly
2 advertised; 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 abandonment of the
6 portion of the Easements as shown on Exhibit A.

7

8 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
9 Maryland, this 6th day of March, 2017, that a 20-foot Public Water
10 Easement (containing approximately 0.2252 acres) and the portion of the 20-foot Sewer
11 Easement (containing approximately 0.0521 acres), as shown in the attached Exhibit A, is no
12 longer needed by the County for public purposes.

13

14 **AND BE IT FURTHER RESOLVED** that, having received a request from the County
15 Executive and having held a public hearing that was duly advertised, the County Council
16 declares that the best interest of the County will be served by authorizing the County Executive
17 to waive the usual advertising and bidding requirements of Section 4.201 of the Howard County
18 Code for the abandonment of the portion of the Easements.

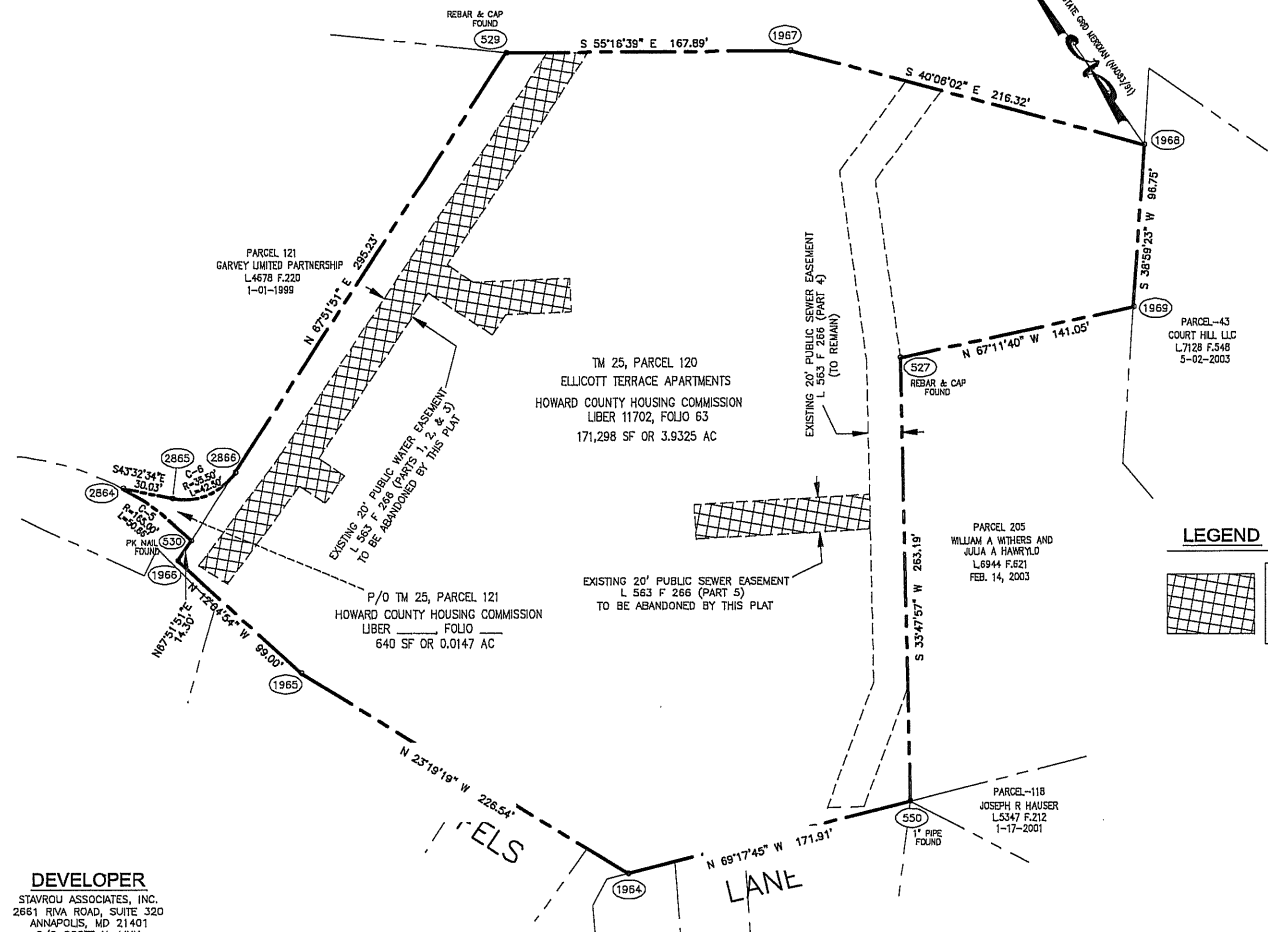
19

20 **AND BE IT FURTHER RESOLVED** that, if the County Executive finds that the
21 Easement may have a further public use and that the portion of the Easements should not be
22 abandoned, he is not bound to abandon the portion of the Easements in accordance with this
23 Resolution.

COURT HOUSE DRIVE
(VARIABLE WIDTH R/W)

CURVE TABLE				
CURVE	RADIUS	LENGTH	DELTA	CHORD
C-5	165.00'	50.89'	173°40'	25.63'
C-6	35.50'	42.50'	88°33'39"	24.21'

COORDINATE TABLE		
NO.	NORTH	EAST
527	584956.6782	1368450.2590
529	585238.3035	1368363.8300
530	585108.8679	1368045.8851
530	584737.8657	1368303.8485
1984	584798.7430	1368143.0405
1985	585008.7703	1368053.3550
1986	585103.5775	1368032.6338
1987	585142.8785	1368501.8184
1988	584977.2096	1368541.1562
1989	584902.0073	1368580.2811
2864	585157.2554	1368030.5672
2865	585135.4886	1368051.2541
2866	585127.0610	1368050.3831



LEGEND

- EXISTING 20' PUBLIC WATER EASEMENT L 563 F 266 (PARTS 1, 2 & 3) TO BE ABANDONED BY THIS PLAT
- EXISTING 20' PUBLIC SEWER EASEMENT L 563 F 266 (PART 5) TO BE ABANDONED BY THIS PLAT

THE REQUIREMENTS 8.3-108, THE REAL PROPERTY ARTICLE, ANNOTATED CODE OF MARYLAND, 1986 REPLACEMENT VOLUME (AS SUPPLEMENTED) AS FAR AS THEY RELATE TO THE MAKING OF THIS PLAT AND THE SETTING OF MARKERS HAVE BEEN COMPLIED WITH.

THOMAS H. HOFFMAN, JR. DATE
PROPERTY LINE SURVEYOR, MD REG. NO. 267

THOMAS CARBO, EXECUTIVE DIRECTOR DATE
HOWARD COUNTY HOUSING COMMISSION

DEVELOPER
STAVROU ASSOCIATES, INC.
2661 RIVA ROAD, SUITE 320
ANNAPOLIS, MD 21401
C/O SCOTT N. LINK
(410) 571-6610

OWNER
HOWARD COUNTY HOUSING COMMISSION
6751 COLUMBIA GATEWAY DR., 3RD FLOOR
COLUMBIA, MD 21046
C/O THOMAS CARBO
(410) 313-6320

EASEMENTS TO BE ABANDONED
SCALE : 1' = 50'

Robert H. Vogel Engineering, Inc.
Engineers • Surveyors • Planners
6407 Main Street, Elkridge, MD 21043 Tel: 410-461-6888

PURPOSE
THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE TM 25, PARCEL 120, CREATE PARCEL A AND ADD VARIOUS EASEMENTS.

APPROVED: FOR PUBLIC WATER AND PUBLIC SEWERAGE SYSTEMS
HOWARD COUNTY HEALTH DEPARTMENT.

HOWARD COUNTY HEALTH OFFICER DATE

APPROVED: HOWARD COUNTY DEPARTMENT OF PLANNING
AND ZONING

CHIEF, DEVELOPMENT ENGINEERING DIVISION DATE

DIRECTOR DATE

OWNER'S CERTIFICATE

HOWARD COUNTY HOUSING COMMISSION, OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, ADOPT THIS FINAL PLAT OF SUBDIVISION, AND IN CONSIDERATION OF THE APPROVAL OF THIS FINAL PLAT BY THE DEPARTMENT OF PLANNING AND ZONING, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES AND GRANT UNTO HOWARD COUNTY, MARYLAND, ITS SUCCESSORS AND ASSIGNS: 1) THE RIGHT TO LAY, CONSTRUCT AND MAINTAIN SEWERS, DRAINS, WATER PIPES AND OTHER MUNICIPAL UTILITIES AND SERVICES IN AND UNDER ALL ROADS OR STREET RIGHTS-OF-WAY AND THE SPECIFIC EASEMENT AREAS SHOWN HEREON; 2) THE RIGHT TO REQUIRE DEDICATION FOR PUBLIC USE OF THE BEDS OF THE STREETS AND/OR ROADS, THE FLOOD PLAINS AND OPEN SPACE WHERE APPLICABLE AND FOR GOOD AND VALUABLE CONSIDERATION, HEREBY GRANT THE RIGHT AND OPTION TO HOWARD COUNTY TO ACQUIRE THE FEE SIMPLE TITLE TO THE BEDS OF THE STREETS AND/OR ROADS AND FLOOD PLAINS, STORM DRAINAGE FACILITIES AND OPEN SPACE WHERE APPLICABLE; 3) THE RIGHT TO REQUIRE DEDICATION OF WATERWAYS AND DRAINAGE EASEMENTS FOR THE SPECIFIC PURPOSE OF THEIR CONSTRUCTION, REPAIR AND MAINTENANCE; 4) THAT NO BUILDING OR SIMILAR STRUCTURE OF ANY KIND SHALL BE ERRECTED ON OR OVER THE SAID EASEMENTS AND RIGHTS-OF-WAY.

WITNESS OUR HANDS THIS DAY OF _____, 2016.

THOMAS CARBO, EXECUTIVE DIRECTOR DATE _____ WITNESS
HOWARD COUNTY HOUSING COMMISSION

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE FINAL PLAT SHOWN HEREON IS CORRECT; THAT IT IS A SUBDIVISION OF THE AGGREGATE OF THE FOLLOWING TWO CONVEYANCES: (1) ALL THAT LAND CONVEYED BY ELLICOTT TERRACE, INC. TO HOWARD COUNTY HOUSING COMMISSION BY DEED DATED APRIL 30, 2009 AND RECORDED IN LIBER 11702, FOLIO 63, AND (2) ALL THAT LAND CONVEYED BY GARVEY LIMITED PARTNERSHIP TO HOWARD COUNTY HOUSING COMMISSION BY DEED DATED _____ 2017 AND RECORDED IN LIBER FOLIO _____. ALL AMONG THE LAND RECORDS OF HOWARD COUNTY, MD.

I ALSO CERTIFY ALL MONUMENTS ARE IN OR WILL BE IN PLACE PRIOR TO THE ACCEPTANCE OF THE STREETS IN THE SUBDIVISION BY HOWARD COUNTY AS SHOWN, IN ACCORDANCE WITH THE ANNOTATED CODE OF MARYLAND, AS AMENDED AND BOUNDARY SURVEY IS IN ACCORDANCE WITH THE HOWARD COUNTY SUBDIVISION REGULATIONS.

HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE, AND THAT I AM A DULY LICENSED PROPERTY LINE SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 267, EXPIRATION DATE JULY 28, 2016.

THOMAS H. HOFFMAN, JR. DATE _____
PROPERTY LINE SURVEYOR, MD. REG. NO. 267

RECORDED AS PLAT No. _____ ON _____
AMONG THE LAND RECORDS OF HOWARD COUNTY, MARYLAND.

PLAT OF SUBDIVISION
"BURGESS MILL STATION, PHASE 2"
APARTMENTS

A SUBDIVISION OF TM 25, PARCEL 120
LIBER 11702 FOLIO 63

ZONED R-A-15

TAX MAP 25, GRID 7, PARCEL 120
SECOND ELECTION DISTRICT HOWARD COUNTY, MARYLAND

SCALE 1" = 50' NOVEMBER 11, 2016

50' 0 50' 100' 150'
GRAPHIC SCALE

SHEET 2 OF 3
F-17-053

12-531 SURVEY (Ving) RECORD PLATS (PLAT).Z.dwg




Howard County

Internal Memorandum

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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January 26, 2017

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