

County Council of Howard County, Maryland

2017 Legislative Session

Legislative Day No. **13**

Resolution No. 140 -2017

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

AN ACT declaring that a total of approximately 0.17 acres of real property identified as a portion of Deerpath Road is no longer needed for a public purpose and authorizing the County Executive to waive the advertising and bidding requirements of Section 4.201 of the Howard County Code in order to convey the County's property interest to the developer of the adjacent property, Binder Rock, LLC.

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**, on December 7, 2009, the County Council of Howard County
2 adopted Council Resolution No. 89-2009 (“CR 89”); and

3
4 **WHEREAS**, CR 89 closed a portion of Deerpath Road containing 0.60 acres; and

5
6 **WHEREAS**, CR 89 also required that, prior to the County Council’s
7 consideration of a resolution to surplus the road bed of the closed portion of Deerpath
8 Road, a petitioner shall submit a resubdivision plan to the Department of Planning and
9 Zoning to consolidate the closed portion of Deerpath Road with adjacent parcels; and

10
11 **WHEREAS**, in this instance, Binder Rock, LLC (“Binder Rock”), has submitted
12 sketch plan number S-17-004, entitled “Dorsey Center, Parcel R, Apartment Building” to
13 the Department of Planning and Zoning which consolidates the closed portion of
14 Deerpath Road Parcel S with Parcel R owned by Binder Rock; and

15
16 **WHEREAS**, in order to complete the development, Binder Rock, has requested
17 that a portion containing 0.17 acres of the 0.60 acres of previously-closed Deerpath Road,
18 as described in the attached Exhibit A and as shown in the attached Exhibits B and C, be
19 conveyed to Binder Rock; and

20
21 **WHEREAS**, the Department of Public Works has reviewed and approved the
22 proposed conveyance of its property interest in the portion of Deerpath Road subject to
23 easements for the existing utilities within the road and for a price based upon the fair
24 market value; and

25
26 **WHEREAS**, Section 4.201, “Disposition of Real Property”, of the Howard
27 County Code authorizes the County Council to declare that property is no longer needed
28 for public purposes and also authorizes the County Council to waive advertising and
29 bidding requirements for an individual conveyance of real property upon the request of
30 the County Executive; and

1 **WHEREAS**, the County Council has received a request from the County
2 Executive to waive the advertising and bidding requirements in this instance for the
3 conveyance of the portion containing 0.17 acres of Deerpath Road to Binder Rock,
4 subject to easements for the existing utilities within the road and for a price based upon
5 the fair market value.

6

7 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard
8 County, Maryland, this ____ day of _____, 2017, that the portion of
9 Deerpath Road comprising approximately 0.17 acres, as described in the attached Exhibit
10 A and as shown in the attached Exhibits B and C, is no longer needed for a public
11 purpose and may be conveyed to Binder Rock, LLC.

12

13 **AND BE IT FURTHER RESOLVED** that, having received a request from the
14 County Executive and having held a public hearing, the County Council declares that the
15 best interest of the County will be served by authorizing the County Executive to waive
16 the usual advertising and bidding requirements of Section 4.201 of the Howard County
17 Code for the conveyance of the portion of Deerpath Road to Binder Rock, LLC, subject
18 to easements for the existing utilities within the road and for a price based upon the fair
19 market value;

20

21 **AND BE IT FURTHER RESOLVED** that, if the County Executive finds that
22 the County Property may have a further public use and that the portion of Closed
23 Deerpath Road should not be conveyed, he is not bound to convey the portion of Closed
24 Deerpath Road in accordance with this Resolution.



Christopher A. Malagari, P.E., President
Donald A. Mason, P.E., L.S., Vice President
Ellicott City, MD
410-465-6105 410-465-6644 FAX

DESCRIPTION
TAX MAP 37, P/O PARCEL 289
HOWARD COUNTY, MARYLAND
0.17 ACRES (7,275 SQUARE FEET), MORE OR LESS

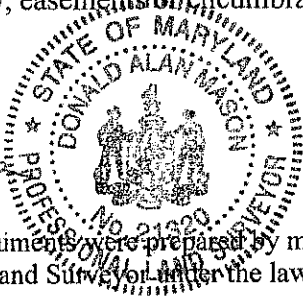
All that parcel of land situated, lying and being in the first election district of Howard County, Maryland, said parcel being part of the land obtained by Howard County, Maryland from Dorsey Business Center Limited Partnership by deed dated February 20, 1990 and recorded among the land records of Howard County, Maryland in liber 2138 at folio 0436, said parcel being more particularly described as follows:

Beginning at an iron pipe found at the northern most right-of-way point of Deerpath Road, said point labeled number 1 with coordinate North 553,373.81, East 1,381,660.85, as shown on the attached plat, to be recorded among the land records of Howard County, Maryland. Thence running with the Eastern edge of said right-of-way:

- 1) South 45 degrees 59 minutes 24 seconds East, 242.51 feet to a point, thence crossing said right-of-way line;
- 2) South 44 degrees 00 minutes 36 seconds West, 60.00 feet to point on the western edge of said right-of-way, thence along said right-of-way line;
- 3) North 32 degrees 05 minutes 37 seconds West, 249.83 feet to the point of beginning.

The area contained by the foregoing amounts to 0.17 acres (7,275 square feet) of land more or less.

Subject to any rights of way, easements or encumbrances of record or anywise appertaining thereto.

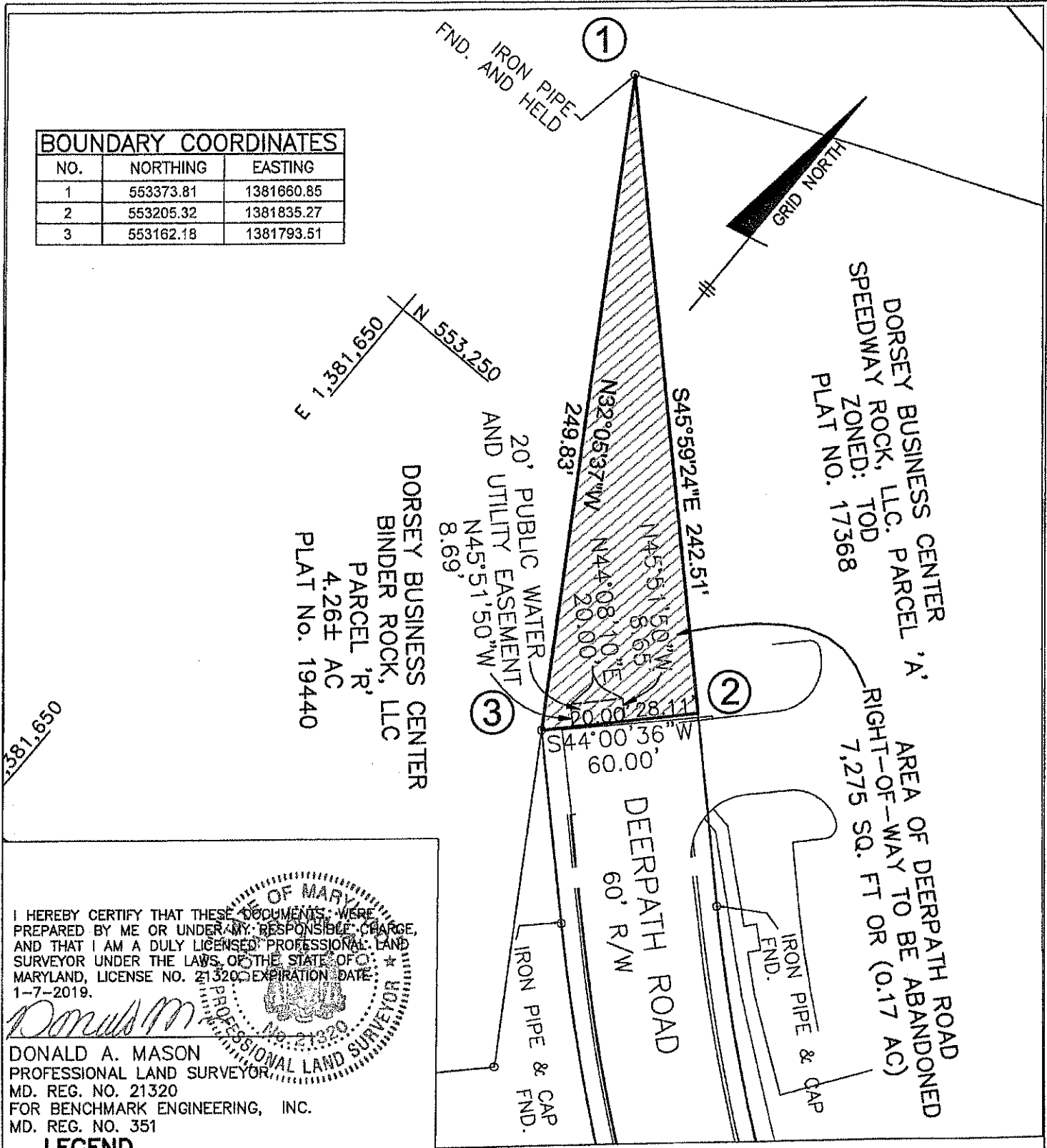


Professional Certification:

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 01-07-2019.

BOUNDARY COORDINATES

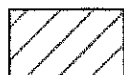
NO.	NORTHING	EASTING
1	553373.81	1381660.85
2	553205.32	1381835.27
3	553162.18	1381793.51



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.

Donald A. Mason
 DONALD A. MASON
 PROFESSIONAL LAND SURVEYOR
 MD. REG. NO. 21320
 FOR BENCHMARK ENGINEERING, INC.
 MD. REG. NO. 351

LEGEND

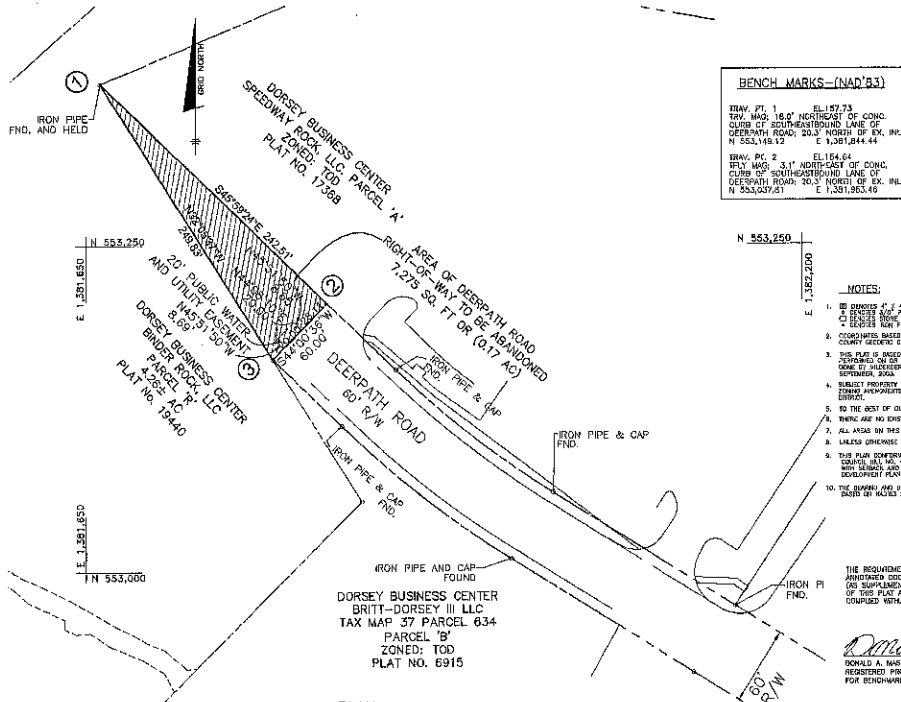
 AREA TO BE CONVEYED TO BINDER ROCK, LLC
 7,275 SQ FT ± OR 0.17AC±

PLAN
 SCALE: 1" = 50'

<p>BENCHMARK ENGINEERS • LAND SURVEYORS • PLANNERS ENGINEERING, INC.</p> <p>8480 BALTIMORE NATIONAL PIKE & SUITE 315 ELLICOTT CITY, MARYLAND 21043 phone: 410-465-8105 • fax: 410-465-8844 email: ben@ben-cvllengineering.com</p>	<p>PROJECT: DORSEY CENTER, PARCEL S</p>
	<p>TITLE: DEERPETH ROAD EXHIBIT</p>
	<p>DATE: REV. Jan, 2017 PROJECT NO. 1959</p>
	<p>DRAFT: DAM DESIGN: DAM CHECK: DAM</p>

BOUNDARY COORDINATES

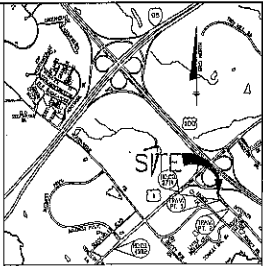
NO.	NORTHING	EASTING
1	553373.8111	1381860.8514
2	653205.3164	13818352725
3	653162.1832	1381793.6855



BENCH MARKS - (NAD'83)

TRAV. PT. 1 EL. 157.73
 20' WIDE, 18.0' NORTHWEST OF CONC. CURB OF SOUTHEASTBOUND LANE OF DEERPATH ROAD; 20.0' NORTH OF SW. INLET N 553,145.12 E 1,381,844.44

TRAV. PT. 2 EL. 154.64
 20' WIDE, 3.1' NORTHWEST OF CONC. CURB OF SOUTHEASTBOUND LANE OF DEERPATH ROAD; 20.0' NORTH OF SW. INLET N 553,027.81 E 1,381,863.49



- NOTES:**
1. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED TO BE IN METERS.
 2. COORDINATES BASED ON THE NAD 83 DATUM.
 3. THIS PLAN IS BASED ON A FIELD SURVEY CONDUCTED ON 08/14/07 BY BENCHMARK ENGINEERING, INC. AND A BENCHMARK SURVEY CONDUCTED ON 08/14/07 BY BENCHMARK ENGINEERING, INC. THE BENCHMARK SURVEY DATA IS AVAILABLE TO THE PUBLIC UPON REQUEST.
 4. SUBJECT PROPERTY IS ZONED TOD PER THE 2/17/04 COMPREHENSIVE ZONING PLAN AND COMP LITE ZONING ORDINANCES EFFECTIVE MAY 26, 2004 AND LIES WITHIN THE METROPOLITAN WATER & SEWER DISTRICT.
 5. TO THE BEST OF OUR KNOWLEDGE THERE ARE NO OTHER LOCATIONS ON-SITE.
 6. THERE ARE NO EXISTING UTILITIES, RECORDS PLATES OR RECORDS ON THIS SITE.
 7. ALL UTILITIES ON THIS PLAN ARE "AS SHOWN OR LESS".
 8. UNLESS OTHERWISE NOTED AS "SHOWN", ALL UTILITIES ARE "AS SHOWN".
 9. THIS PLAN CONFORMS TO THE REQUIREMENTS OF THE SUBDIVISION REGULATIONS FOR "LOT" AND "BLOCK" SUBDIVISIONS AS SET FORTH IN THE SUBDIVISION REGULATIONS OF THE CITY DEVELOPMENT PLAN, WATER UTILITIES DIVISION, OR BENCHMARK ENGINEERING, INC.
 10. THE OWNER HAS ADVISED THE PROPERTY LINES ON THIS PLAN ARE BASED ON A SURVEY FOR A CURRENT SURVEY.

THE REQUIREMENTS § 3-100, THE REAL PROPERTY ARTICLE, ANNOTATED CODE OF MARYLAND, 1988 EDITION, WITH ALL AMENDMENTS TO DATE AS THEY RELATE TO THE MAKING OF THIS PLAN AND THE RIGHTS OF MORTGAGEE HAVE BEEN COMPLIED WITH.

EDWARD A. WISOR
 REGISTERED PROFESSIONAL LAND SURVEYOR MARYLAND REG. NO. 21,320
 FOR BENCHMARK ENGINEERING, INC. MARYLAND REG. NO. 351

1-16-17

ENGINEER
 BENCHMARK ENGINEERING, INC.
 3430 COURTHOUSE DRIVE
 ELKRDGE, MARYLAND 21043
 410-463-8106

OWNER
 HOWARD COUNTY, MARYLAND
 3430 COURTHOUSE DRIVE
 ELKRDGE, MARYLAND 21043
 410-313-2350

DEVELOPER
 MARK LEVY
 C/O BINDER ROCK, LLC
 5800 DEERPATH ROAD
 SUITE 100
 ELKRDGE, MARYLAND 21075
 410-578-2242

TOTAL TABULATION THIS SUBDIVISION

TOTAL NUMBER OF LOTS AND/OR PARCELS TO BE RECORDED	1
BUILDABLE	1
NON-BUILDABLE	N/A
OPEN SPACES	0
RESERVATION PARCELS	0
TOTAL AREA OF LOTS AND/OR PARCELS TO BE RECORDED	0.174 AC.
BUILDABLE	0.174 AC.
NON-BUILDABLE	N/A
OPEN SPACES	0
RESERVATION PARCELS	0
TOTAL AREA OF ROAD RIGHT-OF-WAY TO BE RECORDED (INCLUDING MARGINS STRIPS)	N/A
TOTAL GROSS AREA OF SUBDIVISION TO BE RECORDED	0.174 AC.

PLAN
 SCALE: 1" = 50'

APPROVED: FOR PUBLIC WATER AND PUBLIC SEWER 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

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AND THAT I AM A FULLY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 21,320, EXPIRES 01/31/2018 AND THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THAT THIS PLAN IS CORRECT AND THAT IT IS PART OF THE LANDS CONVEYED BY DORSEY BUSINESS CENTER LIMITED PARTNERSHIP, A MARYLAND LIMITED PARTNERSHIP TO HOWARD COUNTY, MARYLAND, A BODY CORPORATE AND POLITICAL, DATED FEBRUARY 20TH 1990 AND RECORDED AT LIBERTY 2120, FOLIO 420; RECORDED UNDER THE LAND RECORDS OF HOWARD COUNTY, MARYLAND AND THAT ALL MEASUREMENTS ARE IN PLACE OR WILL BE IN PLACE PRIOR TO THE ACCEPTANCE OF THE SUBDIVISION BY HOWARD COUNTY, AS DEMAND IN ACCORDANCE WITH THE ANNOTATED CODE OF MARYLAND, AS NOW AMENDED.

EDWARD A. WISOR
 REGISTERED PROFESSIONAL LAND SURVEYOR MARYLAND REG. NO. 21,320
 FOR BENCHMARK ENGINEERING, INC. MARYLAND REG. NO. 351

OWNER'S DEDICATION

HOWARD COUNTY, MARYLAND, A BODY CORPORATE AND POLITICAL, BY AUTHORIZED AGENT JAMES M. IRWIN, DIRECTOR OF PUBLIC WORKS, HEREBY ADOPTS THIS PLAN OF SUBDIVISION AND IN CONSIDERATION OF THE APPROVAL OF THIS FINAL PLAN BY THE DEPT. OF PLANNING AND ZONING, ESTABLISH THE MARGINAL RESERVATION RECORDATION LINES AND GRANT LAND HOWARD COUNTY, MARYLAND, THE SUBDIVISION AND HEREBY, 1) THE RIGHT TO USE, CONVEY AND ASSIGNMENT, WATER MAINS AND OTHER MUNICIPAL UTILITIES AND SERVICES IN AND UNDER ALL RIGHTS AND STREET RIGHTS-OF-WAY AND THE SPECIFIC DEDICATED AND SHOWN HEREON; 2) THE RIGHT TO RESERVE RECORDATION FOR PUBLIC USE THE BASIS OF THE PUBLIC WATER MAINS, FLOODPLAIN AND OPEN SPACE WARE APPLICABLE, AND FOR GOOD AND OTHER VALUABLE CONSIDERATION, HEREBY GRANT THE RIGHT TO HOWARD COUNTY TO ACQUIRE THE FEE SIMPLE TITLE TO THE SIDES OF THE STREETS AND/OR ROADS AND FLOODPLAIN, STORM DRAINAGE FACILITIES AND OPEN SPACE WHERE APPLICABLE; 3) THE RIGHT TO REQUIRE RELOCATION OF WATERMAINS AND DRAINAGE CONDUITS FOR THE SPECIFIC PURPOSE OF THEIR CONSTRUCTION, REPAIR AND MAINTENANCE; AND 4) THAT NO BUILDING OR SIMILAR STRUCTURE OF ANY KIND SHALL BE ERRECTED ON OR OVER THE SUB EXISTENTS AND RIGHTS-OF-WAY, WITHIN THE LINES AND DIV OF

SIGNATURE OF OWNER DATE WITNESS DATE

JAMES M. IRWIN, DIRECTOR OF PUBLIC WORKS

THE SOLE AND ONLY PURPOSE OF THIS PLAN IS TO ABANDON THE PORTION OF DEERPATH ROAD RIGHT-OF-WAY SHOWN, ESTABLISH THE PUBLIC WATER AND UTILITY EASEMENT.

RECORDED AS PLAT _____ AMONG THE LAND RECORDS OF HOWARD COUNTY, MARYLAND.

REVISION PLAT
DORSEY CENTER
 PARCEL 'S'

1st ELECTION DISTRICT OF HOWARD COUNTY, MARYLAND
 TAX MAP NO. 37 GRID NO. 24 SCALE, AS SHOWN
 PARCEL: 375 DATE: AUGUST, 2007
 SHEET: 1 OF 1

ZONED: TOD