

# 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.

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Introduced and read first time October 2, 2017.

By order Jessica Feldmark  
Jessica Feldmark, Administrator

Read for a second time at a public hearing on October 16, 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This Resolution was read the third time and was Adopted , Adopted with amendments \_\_, Failed \_\_, Withdrawn \_\_, by the County Council on November 6, 2017.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**, 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 6<sup>th</sup> day of November, 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.

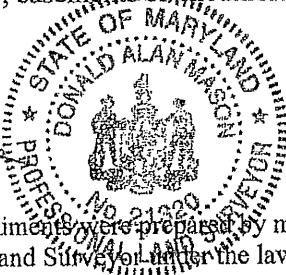
The area contained by the foregoing amounts to 0.17 acres (7,275 square feet) of land more or less.

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

*Donald A. Mason*

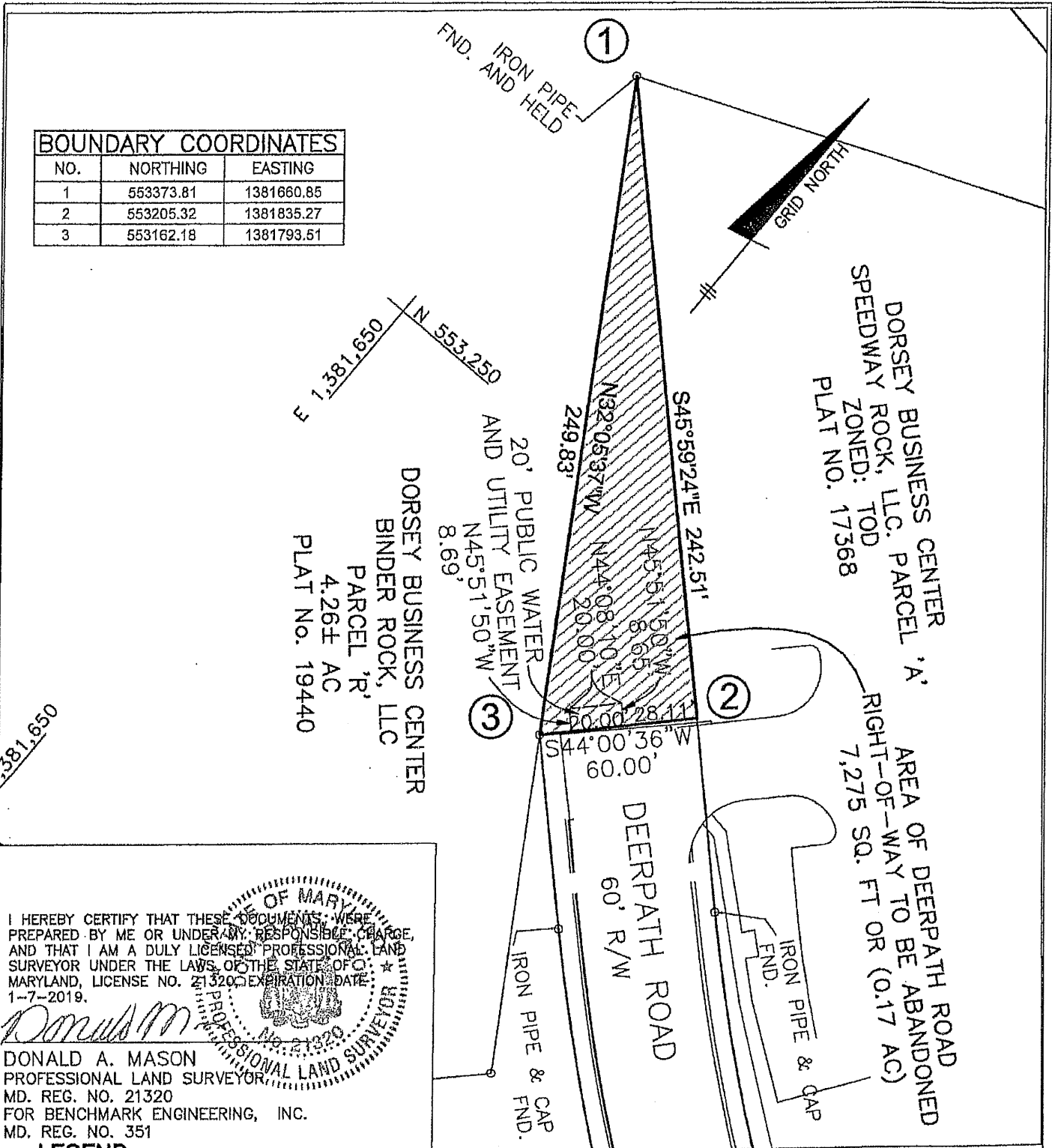
Professional Certification:

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

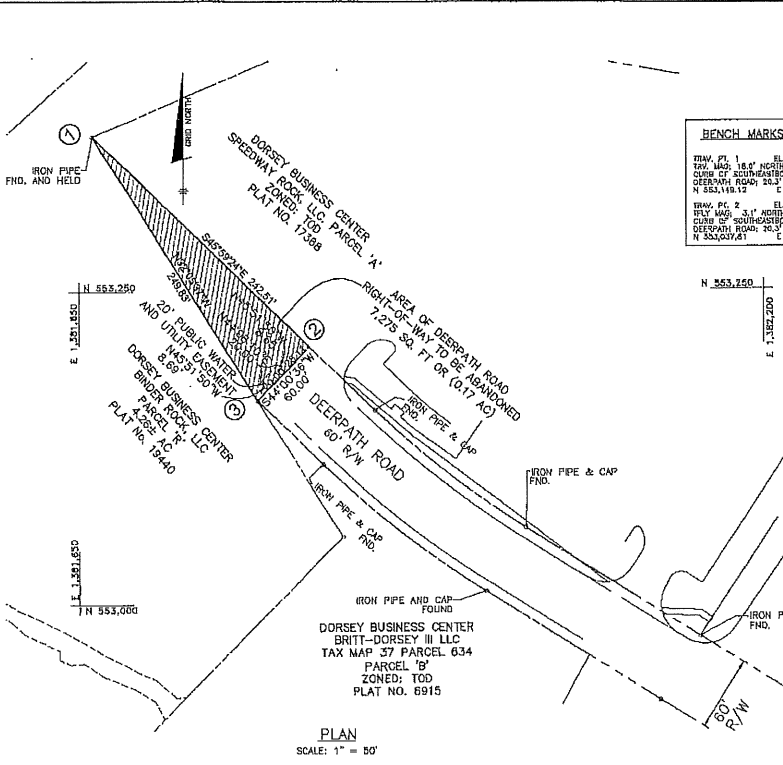
**BENCHMARK**  
 ENGINEERS & LAND SURVEYORS & PLANNERS  
**ENGINEERING, INC.**

8480 BALTIMORE NATIONAL PIKE & SUITE 315  
 ELICOTT CITY, MARYLAND 21043  
 phone: 410-465-8105 & fax: 410-465-8844  
 email: be@be-consulting.com

PROJECT:	<b>DORSEY CENTER, PARCEL S</b>
TITLE:	<b>DEERPATH ROAD EXHIBIT</b>
DATE:	REV. Jan, 2017 PROJECT NO. 1959
DRAFT:	DAM DESIGN: DAM CHECK: DAM

**BOUNDARY COORDINATES**

NO.	NORTHING	EASTING
1	553373.8111	1381660.8514
2	693205.3164	13816352725
3	553162.1632	1381793.6955



**BENCH MARKS—(NAD 83)**

TRAV. PT. 1 EL: 157.73  
 TOTAL MAG. 18.0° NORTHWEST OF CORNER  
 CORNER OF SOUTHEASTBOUND LANE OF  
 DEERPATH ROAD, 25.2' NORTH OF E.C. W/LET  
 N 553,119.12 E 1,381,814.44

TRAV. PT. 2 EL: 154.14  
 TOTAL MAG. 3.1° NORTHWEST OF CORNER  
 CORNER OF SOUTHEASTBOUND LANE OF  
 DEERPATH ROAD, 25.2' NORTH OF E.C. W/LET  
 N 553,037.81 E 1,381,953.40



- NOTES:**
1. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.
  2. RECORDING THIS PLAN IS THE SOLE RESPONSIBILITY OF THE SUBMITTER.
  3. THE PLAN IS SUBJECT TO ALL APPLICABLE REGULATIONS AND ORDINANCES OF THE JURISDICTION IN WHICH IT IS FILED.
  4. THE PLAN IS SUBJECT TO ALL APPLICABLE REGULATIONS AND ORDINANCES OF THE JURISDICTION IN WHICH IT IS FILED.
  5. THE PLAN IS SUBJECT TO ALL APPLICABLE REGULATIONS AND ORDINANCES OF THE JURISDICTION IN WHICH IT IS FILED.
  6. THE PLAN IS SUBJECT TO ALL APPLICABLE REGULATIONS AND ORDINANCES OF THE JURISDICTION IN WHICH IT IS FILED.
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  9. THE PLAN IS SUBJECT TO ALL APPLICABLE REGULATIONS AND ORDINANCES OF THE JURISDICTION IN WHICH IT IS FILED.
  10. THE PLAN IS SUBJECT TO ALL APPLICABLE REGULATIONS AND ORDINANCES OF THE JURISDICTION IN WHICH IT IS FILED.

**THE REQUIREMENTS OF 3-104 OF THE REAL PROPERTY ARTICLE, ANNOTATED CODE OF MARYLAND, 1988 (REPLACEMENT VOLUME OR SUPPLEMENT) AS FAR AS THEY RELATE TO THE MAKING OF THIS PLAN AND THE SERVICE OF UNLAWFUL PRACTICES HAVE BEEN CONSULTED.**

*Donald A. Masou* 1-16-17  
 DONALD A. MASOU  
 REGISTERED PROFESSIONAL LAND SURVEYOR (MARIAND REG. No. 11329)  
 FOR SURVEYING ENGINEERING, INC. (MARIAND REG. No. 351)

SIGNATURE OF OWNER: \_\_\_\_\_ DATE: \_\_\_\_\_  
 JAMES H. IRVIN, DIRECTOR OF PUBLIC WORKS

**TOTAL TABULATION THIS SUBDIVISION**

TOTAL NUMBER OF LOTS AND/OR PARCELS TO BE RECORDED	1
RESIDUALS	N/A
NON-RESIDUALS	N/A
OPEN SPACES	0
ENCLOSURE PARCELS	0
TOTAL AREA OF LOTS AND/OR PARCELS TO BE RECORDED	0.178 AC.
RESIDUALS	N/A
NON-RESIDUALS	N/A
OPEN SPACES	0
ENCLOSURE PARCELS	0
TOTAL AREA OF ROAD RIGHT-OF-WAY TO BE RECORDED	N/A
ENCLOSURE PARCELS	N/A
TOTAL 20069 AREA OF SUBDIVISION TO BE RECORDED	0.174 AC.

APPROVED: FOR PUBLIC WATER AND PUBLIC SEWER SYSTEMS:  
 HOWARD COUNTY 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 PERFORMED BY ME OR UNDER MY SUPERVISION AND THAT I AM A duly licensed PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND UNDER REG. NO. 11329. EXPIRATION DATE: 1-17-2018 AND THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THIS IS A TRUE AND CORRECT STATEMENT OF THE FACTS AND THAT THE PLAN IS SUBJECT TO ALL APPLICABLE REGULATIONS AND ORDINANCES OF THE JURISDICTION IN WHICH IT IS FILED.

DATED FEBRUARY 20TH 1995 AND RECORDED AT 10:00 AM 11:34 PM 2007. RECORDED UNDER THE LAND RECORDS OF HOWARD COUNTY, MARYLAND AND THAT ALL INSTRUMENTS ARE IN PLACE OR WILL BE IN PLACE PRIOR TO THE COMMENCEMENT OF THE PROJECT AS THE CONDITION OF HOWARD COUNTY, MARYLAND IS ACCORDANCE WITH THE ANNOTATED CODE OF MARYLAND, 1988 (REPLACEMENT VOLUME OR SUPPLEMENT).

*Donald A. Masou*  
 DONALD A. MASOU  
 REGISTERED PROFESSIONAL LAND SURVEYOR (MARIAND REG. No. 11329)  
 FOR SURVEYING ENGINEERING, INC. (MARIAND REG. No. 351)

**OWNER'S DEDICATION**

HOWARD COUNTY, MARYLAND, A BODY CORPORATE AND POLICE BY AUTHORITY AGENT JAMES H. IRVIN, DIRECTOR OF PUBLIC WORKS, HEREBY ADOPTS THIS PLAN OF REVISION AND IN CONSIDERATION OF THE APPROVAL OF THIS PLAN BY THE DEPT. OF PLANNING AND ZONING, ESTABLISH THE MARIAND REAL PROPERTY ARTICLE, ANNOTATED CODE OF MARYLAND, 1988 (REPLACEMENT VOLUME OR SUPPLEMENT) AS FAR AS THEY RELATE TO THE MAKING OF THIS PLAN AND THE SERVICE OF UNLAWFUL PRACTICES HAVE BEEN CONSULTED.

SIGNATURE OF OWNER: \_\_\_\_\_ DATE: \_\_\_\_\_ WITNESS: \_\_\_\_\_ DATE: \_\_\_\_\_  
 JAMES H. IRVIN, DIRECTOR OF PUBLIC WORKS

THE SOLE AND ONLY PURPOSE OF THIS PLAN IS TO ABANDON THE PORTION OF DEERPATH ROAD RIGHT-OF-WAY SHOWN, INCLUDING 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  
 ZONING: TOD