

County Council of Howard County, Maryland

2017 Legislative Session

Legislative Day No. **14**

Resolution No. **148**-2017

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

AN ACT declaring that a total of approximately 387 square feet of real property located adjacent to South Entrance Road in Columbia 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 Toby's General Partnership or its successor, assignee, or designee.

Introduced and read first time November 6, 2017.

By order

Jessica Feldmark
Jessica Feldmark, Administrator

Read for a second time at a public hearing on November 20, 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This Resolution was ~~read the third time and was~~ Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on December 4, 2017.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 of certain real property which was acquired
2 by the deed dated April 15, 1997 and recorded among the Land Records of Howard
3 County, Maryland (the “Land Records”) in Liber 3999, folio 138 (the “County
4 Property”); and

5
6 **WHEREAS**, the County Property was intended for a previously envisioned
7 intersection alignment that will no longer be constructed; and

8
9 **WHEREAS**, the County Property is adjacent to the property owned by Toby’s
10 General Partnership which is being developed as the New Cultural Center; and

11
12 **WHEREAS**, Orchard Development Corporation (“ODC”) is requesting that the
13 County Property, as shown in the attached Exhibit A, be conveyed to Toby’s General
14 Partnership or its successor, assignee, or designee as part of the New Cultural Center
15 associated with the Final Development Plan entitled “Downtown Columbia Crescent
16 Neighborhood, Phase 2, Final Development Plan” recorded among the Land Records as
17 Plat Nos. 24160-24165; and

18
19 **WHEREAS**, the County Property will be used in the development of the New
20 Cultural Center; and

21
22 **WHEREAS**, the County Property will ultimately be transferred to the Howard
23 County Housing Commission (“Housing Commission”) for development of the New
24 Cultural Center pursuant to a Development Rights and Responsibilities Agreement
25 between Howard County and Howard Research and Development Corporation signed
26 and dated February 3, 2017; and

27
28 **WHEREAS**, the Department of Public Works has reviewed and approved the
29 proposed conveyance of the County Property, as shown in the attached Exhibit A; and

30

1 **WHEREAS**, Section 4.201, “Disposition of Real Property”, of the Howard
2 County Code authorizes the County Council to declare that property is no longer needed
3 for public purposes and also authorizes the County Council to waive advertising and
4 bidding requirements for an individual conveyance of real property upon the request of
5 the County Executive; and

6

7 **WHEREAS**, the County Council has received a request from the County
8 Executive to waive the advertising and bidding requirements in this instance for the
9 conveyance of the County Property to Toby’s General Partnership or its successor,
10 assignee, or designee; and

11

12 **WHEREAS**, this Resolution authorizes conveyance of the County Property to
13 Toby’s General Partnership, or its successor, assignee, or designee; however, depending
14 on the timing of such conveyance in relation to the New Cultural Center regulatory
15 approvals and the anticipated transfer of the County Property to the Housing
16 Commission, the County Property may be conveyed directly to the Housing Commission.

17

18 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard
19 County, Maryland, this ____ day of _____, 2017, that the County
20 Property containing approximately 387 square feet located adjacent to South Entrance
21 Road, as shown in the attached Exhibit A, is no longer needed for a public purpose and
22 may be conveyed to Toby’s General Partnership or its successor, assignee, or designee.

23

24 **AND BE IT FURTHER RESOLVED** that, having received a request from the
25 County Executive and having held a public hearing, the County Council declares that the
26 best interest of the County will be served by authorizing the County Executive to waive
27 the usual advertising and bidding requirements of Section 4.201 of the Howard County
28 Code for the conveyance of the portion of the County Property to Toby’s General
29 Partnership or its successor, assignee, or designee.

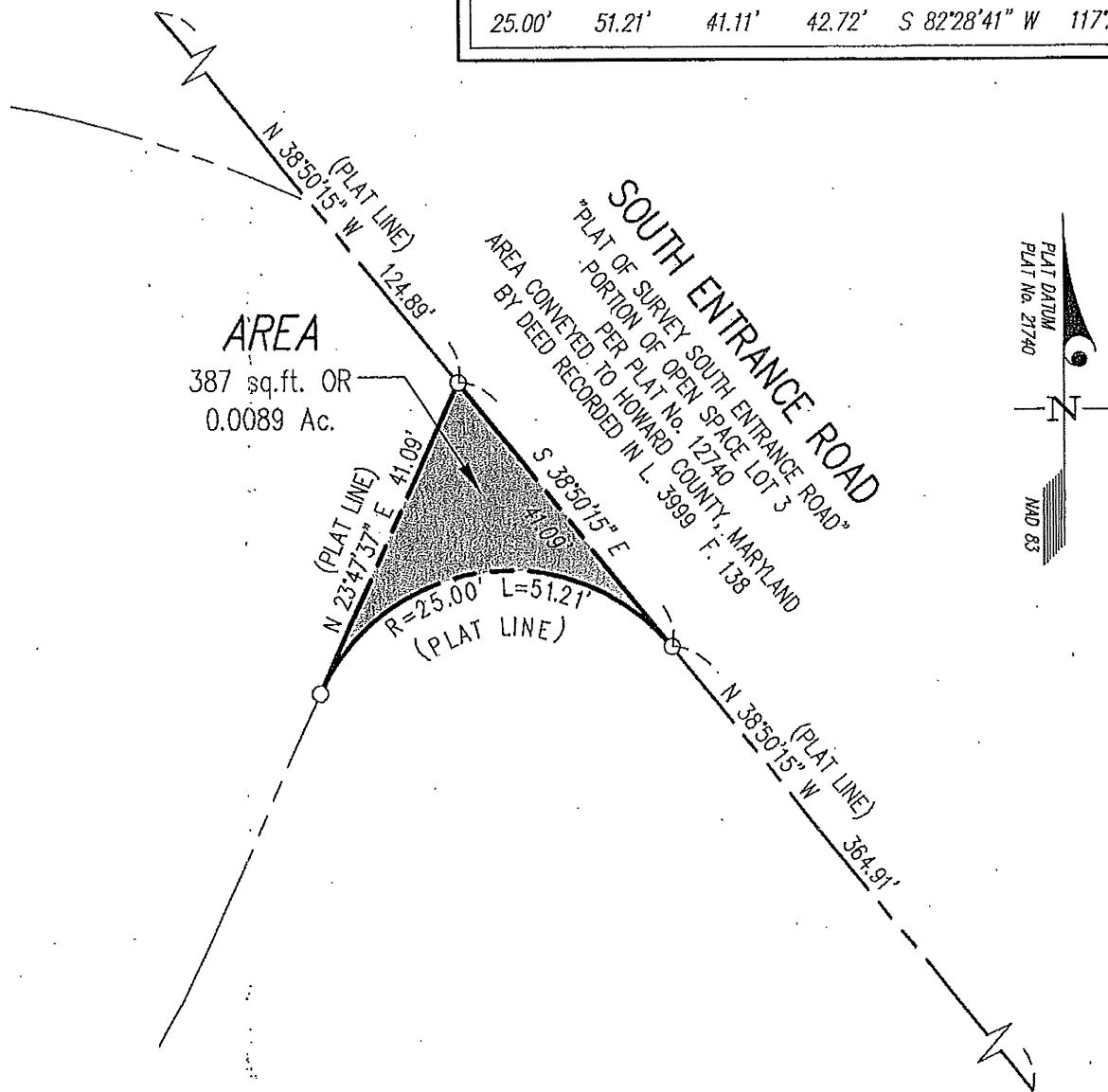
30

1 **AND BE IT FURTHER RESOLVED** that, if the County Executive finds that
2 the County Property may have a further public use and that the portion of County
3 Property should not be conveyed, he is not bound to convey the portion of County
4 Property in accordance with this Resolution.

EXHIBIT 'A'

CURVE TABULATION

RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
25.00'	51.21'	41.11'	42.72'	S 82°28'41" W	117°23'13"



S:\Survey Drawings\15107\SKETCHES\15107 ROW Aband.dwg, PLOTTED: 6/13/2017 1:35 PM, LAST SAVED: 6/13/2017 10:12 AM, PLOTTED BY: Bill Gruening

SKETCH OF A PART OF
 A PORTION OF OPEN SPACE LOT 3
 "PLAT OF SURVEY - SOUTH ENTRANCE ROAD"
 PLAT No. 12740
 PART OF THAT AREA CONVEYED TO
 HOWARD COUNTY, MARYLAND
 BY DEED RECORDED IN L. 3999 AT FOLIO 138

GLW GUTSCHICK LITTLE & WEBER, P.A.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
 3909 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK
 BURTONSVILLE, MARYLAND 20866
 TEL: 301-421-4024 BALT: 410-880-1820 DC/VA: 301-989-2524 FAX: 301-421-4186

REFERENCE :		
PLAT No. 12740		
DRAWN BY :	DATE :	G.L.W. FILE No.
WEG	JUNE 2017	15-107
CHECKED BY :	SCALE :	SHEET:
	1"=20'	1 OF 1

5th ELECTION DISTRICT HOWARD COUNTY, MARYLAND