

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 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

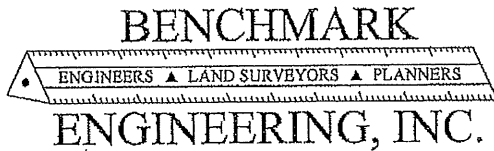
25
26 **WHEREAS**, Section 4.201, “Disposition of Real Property”, of the Howard
27 County Code authorizes the County Council to declare that property is no longer needed
28 for public purposes and also authorizes the County Council to waive advertising and
29 bidding requirements for an individual conveyance 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 6th 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:

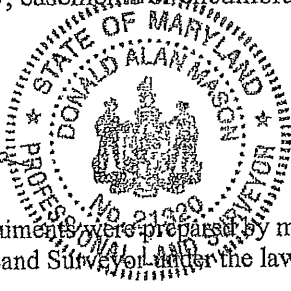
Beginning at an iron pipe found at the northern most right-of-way point of Deerpath Road, said point labeled number 1 with coordinate North 553,373.81, East 1,381,660.85, as shown on the attached plat, to be recorded among the land records of Howard County, Maryland. Thence running with the Eastern edge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

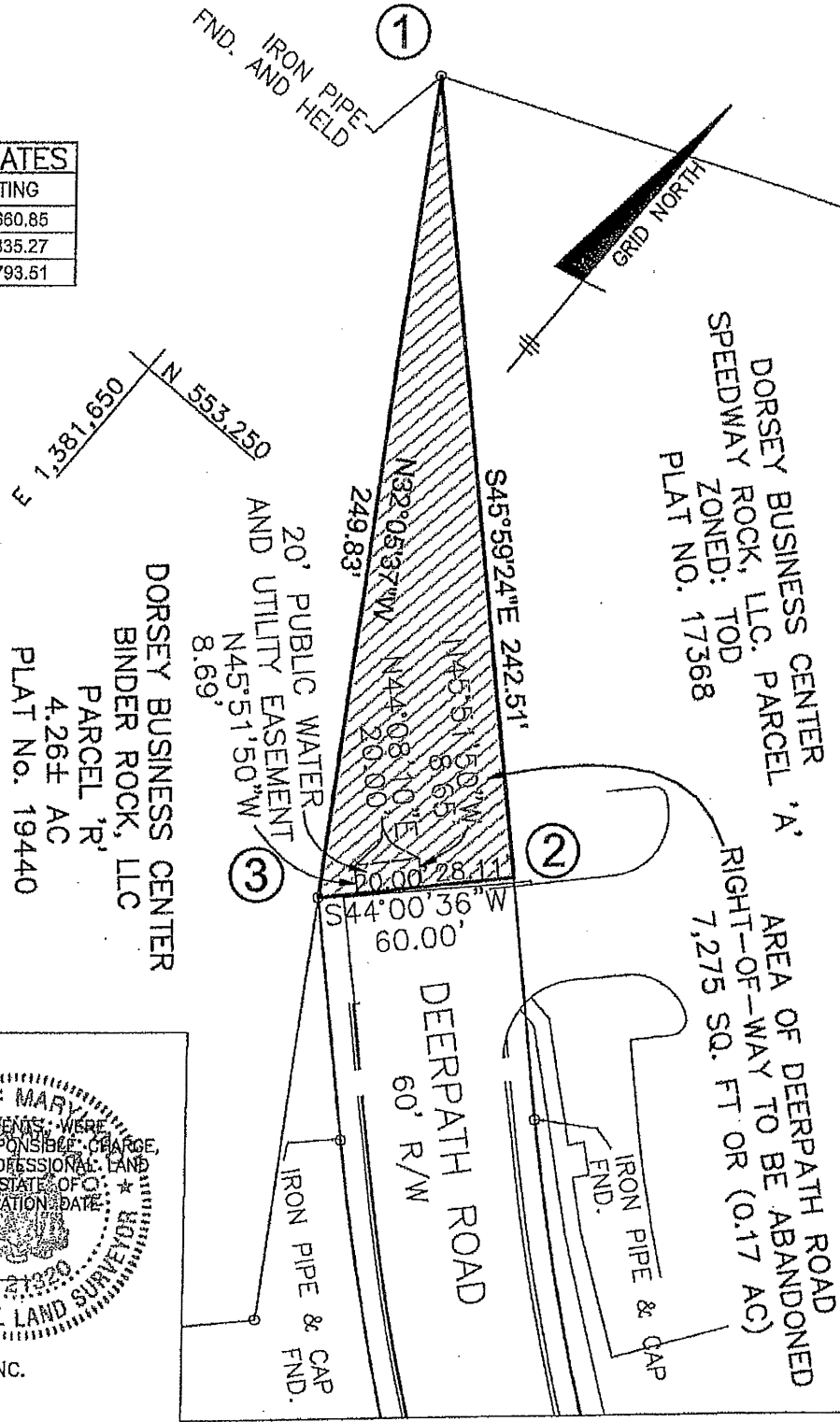
Donald A. Mason



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

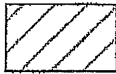
NO.	NORTHING	EASTING
1	553373.81	1381660.85
2	553205.32	1381835.27
3	553162.18	1381793.51



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

LEGEND

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

PLAN
 SCALE: 1" = 50'

BENCHMARK
 ENGINEERS & LAND SURVEYORS & PLANNERS
ENGINEERING, INC.
 8480 BALTIMORE NATIONAL PIKE & SUITE 315
 ELLICOTT CITY, MARYLAND 21043
 phone: 410-465-8105 A fax: 410-465-8844
 email: ben@ben-civilengineering.com

PROJECT:	DORSEY CENTER, PARCEL S
TITLE:	DEERPETH ROAD EXHIBIT
DATE:	REV. Jan, 2017 PROJECT NO. 1959
DRAFT:	DAM DESIGN: DAM CHECK: DAM

Value Estimate – Disposal of portion of Deerpath Road

The following value estimate is for the value of 7275 square feet of land which is part of a closed portion of Deerpath Road.

Based on sales of land with similar zoning in the area, the estimated value is \$8.00 per square foot prior to adjustments.

Adjustments were made to the square foot value due to the subject property's much smaller size than comparable sales, irregular shape, inferior location in some cases and the fact that its value is only possibly to an adjacent property owner.

The County intends to dispose of 7275 square feet. Based on a value of \$0.40 per square foot, the value of the disposal is \$2,910.00.





Howard County

Internal Memorandum

Subject: Testimony & Fiscal Impact Statement
Council Resolution No. 140 - 2017 declaring that a total of approximately 0.017 acres of real property owned by Howard County and 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 property to the developer of the adjacent property, Binder Rock, LLC; 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.

To: Lonnie R. Robbins,
Chief Administrative Officer

From:  James M. Irvin, Director
Department of Public Works 

Date: September 21, 2017

The Department of Public Works has been designated coordinator for preparation of testimony relative to declaring that a total of approximately 0.017 acres of real property owned by Howard County and 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 property to the developer of the adjacent property, Binder Rock, LLC ("Binder Rock"); 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.

On December 7, 2009, the County Council adopted Council Resolution No. 89-2009 (CR 89) which closed a portion of Deerpath Road containing 0.60 acres. CR 89 also required that, prior to the County Council's consideration of a resolution to surplus the road bed of the closed portion of Deerpath Road, a petitioner must submit a resubdivision plan to the Department of Planning and Zoning to consolidate the closed portion of Deerpath Road with adjacent parcels.

Binder Rock has submitted sketch plan number S-17-004 entitled "Dorsey Center, Parcel R, Apartment Building" to the Department of Planning and Zoning which consolidates a portion of the closed portion of Deerpath Road with Parcel R. In order to complete the development, Binder Rock has requested that a portion containing 0.17 acres of the previously closed Deerpath Road be conveyed to Binder Rock.

Lonnie R. Robbins
Page – 2
September 21, 2017

The Department of Public Works has reviewed and approved the proposed conveyance of a portion of Deerpath Road subject to an easement for an existing utility and a price based upon fair market value.

The only fiscal impact to the County is the payment of Two Thousand Nine Hundred and Ten Dollars (\$2,910.00) by Binder Rock to the County.

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.

JMI/ks

cc: Jennifer Sager
File

RIM/Legislation/2017/Deerpath Road - Surplus/Testimony