

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council Of Howard County, Maryland

2012 Legislative Session

Legislative Day No. 14

### Resolution No. 174 -2012

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

AN ACT removing a provision in Council Resolution No. 143-2006 that required certain construction on or before December 31, 2008 or the County's acceptance of a portion of Forrest Avenue would be null and void.

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Introduced and read first time \_\_\_\_\_, 2012.

By order \_\_\_\_\_  
Stephen LeGendre, Administrator

Read for a second time at a public hearing on \_\_\_\_\_, 2012.

By order \_\_\_\_\_  
Stephen LeGendre, Administrator

This Resolution was read the third time and was Adopted\_\_\_, Adopted with amendments\_\_\_, Failed\_\_\_, Withdrawn\_\_\_, by the County Council on \_\_\_\_\_, 2012.

Certified By \_\_\_\_\_  
Stephen LeGendre, Administrator

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1           **WHEREAS**, on October 30, 2006, the County Council of Howard County  
2 adopted Council Resolution No. 143-2006 (“CR 143-2006”); and

3  
4           **WHEREAS**, CR 143-2006 declared that it was in the interest of the public health,  
5 safety, and welfare of the citizens of Howard County to accept the dedication of a portion of  
6 Forrest Avenue abutting lots 677 through 726 which is from the existing paved terminus at  
7 Highland Avenue to its western most point as shown on the plat entitled “Plat of Har-wood”  
8 recorded among the Land Records of Howard County, Maryland at liber 60, folio 155 in  
9 1893; and

10  
11           **WHEREAS**, a copy of CR 143-2006 is attached as Exhibit A; and

12  
13           **WHEREAS**, CR 143-2006 was considered by the Council because the County  
14 had received Final Plan F-06-133 for the construction of moderately priced residential  
15 units to be accessed by a newly constructed public road on that portion of Forrest Avenue  
16 abutting lots 677 through 726 from the existing paved terminus of the publicly owned  
17 portion of Forest Avenue at Highland Avenue to the western most point of Forrest Avenue  
18 as shown on the Harwood Park Plat; and

19  
20           **WHEREAS**, the construction of such portion of Forrest Avenue is to be in  
21 accordance with the County’s current standards for construction of a public road and  
22 Meadowlark LLC, the developer of F-06-133, is willing to construct such portion of Forrest  
23 Avenue at its expense; and

24  
25           **WHEREAS**, CR 143-2006 provided that the acceptance of that portion of Forest  
26 Avenue would be null and void with no further action required by the Council if  
27 construction was not commenced on or before December 31, 2008; and

28  
29           **WHEREAS**, on November 13, 2007, the Developer entered into a Developer  
30 Agreement with the County and posted all security to cover the construction of the  
31 roadway; and

1           **WHEREAS**, due to the economy, the Developer has not been able to begin the  
2 actual construction of the project; and

3

4           **WHEREAS**, because the Developer entered into a Developer Agreement and  
5 posted all necessary security to cover the project, the County now wishes to give the  
6 Developer more time to begin construction; and

7

8           ***NOW, THEREFORE, BE IT RESOLVED*** by the County Council of Howard  
9 County, Maryland, that, in order to provide the Developer with time to begin  
10 construction, page 2, lines 10 through 12 of Council Resolution No. 143-2006 are  
11 stricken, inclusive and in their entirety.

## County Council Of Howard County, Maryland

2006 Legislative Session

Legislative Day No. 13

Resolution No. 143 -2006

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

A RESOLUTION declaring that it is in the interest of the public health, safety, and welfare of the citizens of Howard County to accept the dedication of a portion of Forrest Avenue abutting lots 677 through 726 which is from the existing paved terminus at Highland Avenue to its western most point as shown on the plat entitled "Plat of Har-wood" recorded among the Land Records of Howard County, Maryland at liber 60, folio 155 in 1893.

Introduced and read first time Oct 4, 2006.

By order

Sheila M. Tolliver  
Sheila M. Tolliver, Administrator

Read for a second time at a public hearing on Oct 18, 2006.

By order

Sheila M. Tolliver  
Sheila M. Tolliver, Administrator

This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on Oct 30, 2006.

Certified By

Sheila M. Tolliver  
Sheila M. Tolliver, Administrator

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1           **WHEREAS**, prior to the establishment of Howard County, Maryland as a charter form  
2 of government and the adoption of the Howard County Zoning Regulations (“Zoning  
3 Regulations”) and the Howard County Subdivision and Land Development Regulations  
4 (“Subdivision Regulations”), a certain parcel of land was subdivided and streets for the ingress  
5 and egress to the lots were set forth on a recorded plat entitled “Plat of Har-wood” recorded  
6 among the Land Records of Howard County, Maryland at liber 60, folio 155 in the year 1893, a  
7 copy of which is attached hereto as Exhibit A (“Harwood Park Plat”); and

8  
9           **WHEREAS**, at the time of the recordation of the Harwood Park Plat, there was not a  
10 requirement that the owner of the subdivided property construct the streets shown on the plat;  
11 and

12           **WHEREAS**, the Harwood Park Plat constitutes an offer of dedication of the streets  
13 shown on the Harwood Park Plat for use by the public for the ingress and egress to the lots  
14 created in the Harwood Park Plat; and

15  
16           **WHEREAS**, a portion of the public road known as “Forest Avenue” between Athol  
17 Avenue and Highland Avenue was accepted into the Howard County Road System as a  
18 prescriptive road in 1961 by the County Commissioners of Howard County, Maryland; and

19  
20           **WHEREAS**, the County has received Final Plan F-06-133 for the construction of  
21 moderately priced residential units to be accessed by a newly constructed public road on that  
22 portion of Forrest Avenue abutting lots 677 through 726 from the existing paved terminus of the  
23 publicly owned portion of Forest Avenue at Highland Avenue to the western most point of Forrest  
24 Avenue as shown on the Harwood Park Plat; and

25  
26           **WHEREAS**, the construction of such portion of Forrest Avenue shall be in accordance with  
27 the County’s current standards for construction of a public road and the developer of F-06-133 is  
28 willing to construct such portion of Forrest Avenue at its expense; and

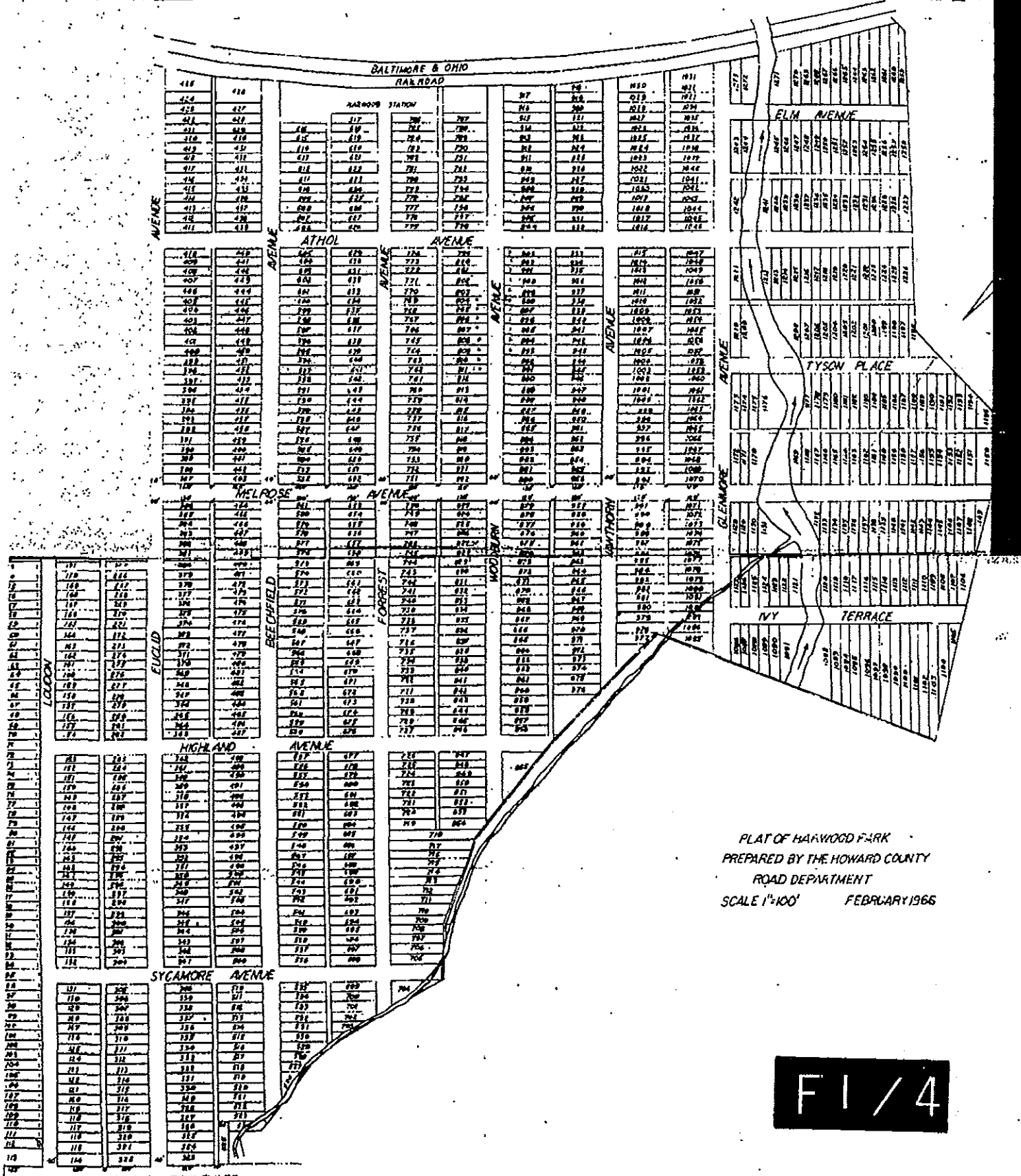
29  
30           **WHEREAS**, the County desires to accept the offer of dedication of Forrest Avenue (laid  
31 out as forty (40) feet in width) abutting lots 677 through 726 which is from the existing paved

1 terminus of Forest Avenue at Highland Avenue to the western most point of Forrest Avenue as  
2 shown on the Harwood Park Plat to provide a public road for the ingress and egress to such lots.

3  
4 **NOW, THEREFORE, BE IT RESOLVED** that it is in the interest of the public health,  
5 safety, and welfare of the citizens of Howard County to accept the offer of dedication of Forrest  
6 Avenue forty (40) feet in width abutting lots 677 through 726 which is from the existing paved and  
7 publicly maintained terminus of Forest Avenue at Highland Avenue to the western most point of  
8 Forrest Avenue as shown on the Harwood Park Plat.

9  
10 **AND BE IT FURTHER RESOLVED**, if the construction of Forrest Avenue is not  
11 commenced on or before December 31, 2008 pursuant to F-06-133 then this resolution shall be  
12 null and void without the necessity of further action by the County Council.

# Exhibit A



PLAT OF HARWOOD PARK  
 PREPARED BY THE HOWARD COUNTY  
 ROAD DEPARTMENT  
 SCALE 1"=100' FEBRUARY 1966

**FI / 4**

BALTIMORE WASHINGTON BOULEVARD