

County Council Of Howard County, Maryland

2018 Legislative Session

Legislative Day No. 1

Resolution No. 13 -2018

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

A RESOLUTION pursuant to Section 4.201 of the Howard County Code, authorizing the County Executive to grant an easement on approximately 0.03 acres of certain real property owned by the County commonly known as a portion of Open Space Lot 18 to the Guilford ~~Highland Reserve~~ Overlook Homeowners Association, Inc.; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to grant the easement if he finds that the land may have a further public use.

Introduced and read first time January 2, 2018.

By order

Jessica Feldmark
Jessica Feldmark, Administrator

Read for a second time at a public hearing on January 16, 2018.

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 February 5, 2018.

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 fee simple owner of certain real property known as Open
2 Space Lot 18 as acquired from Plogger, LLC by Deed dated July 1, 2014 and recorded in the
3 Land Records of Howard County, Maryland in Liber 15800, folio 090 (the “County Property”),
4 as shown in the attached Exhibit A; and

5
6 **WHEREAS**, the County Property contains approximately 2.03 acres; and

7
8 **WHEREAS**, in order to provide adequate drainage to serve the adjacent development at
9 Guilford Overlook, the developer of the adjacent property, Plogger, LLC, has asked for a 20-foot
10 Drainage and Utility Easement over 0.03 acres of the County Property, as shown and described
11 in the attached Exhibit A as “Private 20’ Drainage & Utility Easement”, be conveyed to the
12 Guilford Overlook Homeowners Association, Inc.; and

13
14 **WHEREAS**, the Department of Recreation and Parks has reviewed and approved the
15 proposed Drainage and Utility Easement; and

16
17 **WHEREAS**, Section 4.201, “Disposition of Real Property,” of the Howard County Code
18 authorizes the County Council to declare that property is no longer needed for public purposes
19 and also authorizes the County Council to waive advertising and bidding requirements for an
20 individual conveyance of real property upon the request of the County Executive; and

21
22 **WHEREAS**, as a matter of course, even when the County retains fee ownership of the
23 property and continues its use of the property upon which an easement is granted, the County
24 Executive requests the County Council to approve the easement under Section 4.201; and

25
26 **WHEREAS**, the County Council has received a request from the County Executive to
27 waive the advertising and bidding requirements in this instance for the grant of a Drainage and
28 Utility Easement across 0.03 acres of the County Property to Guilford Overlook Homeowners
29 Association, Inc.

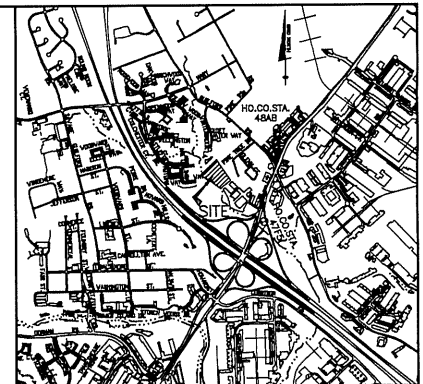
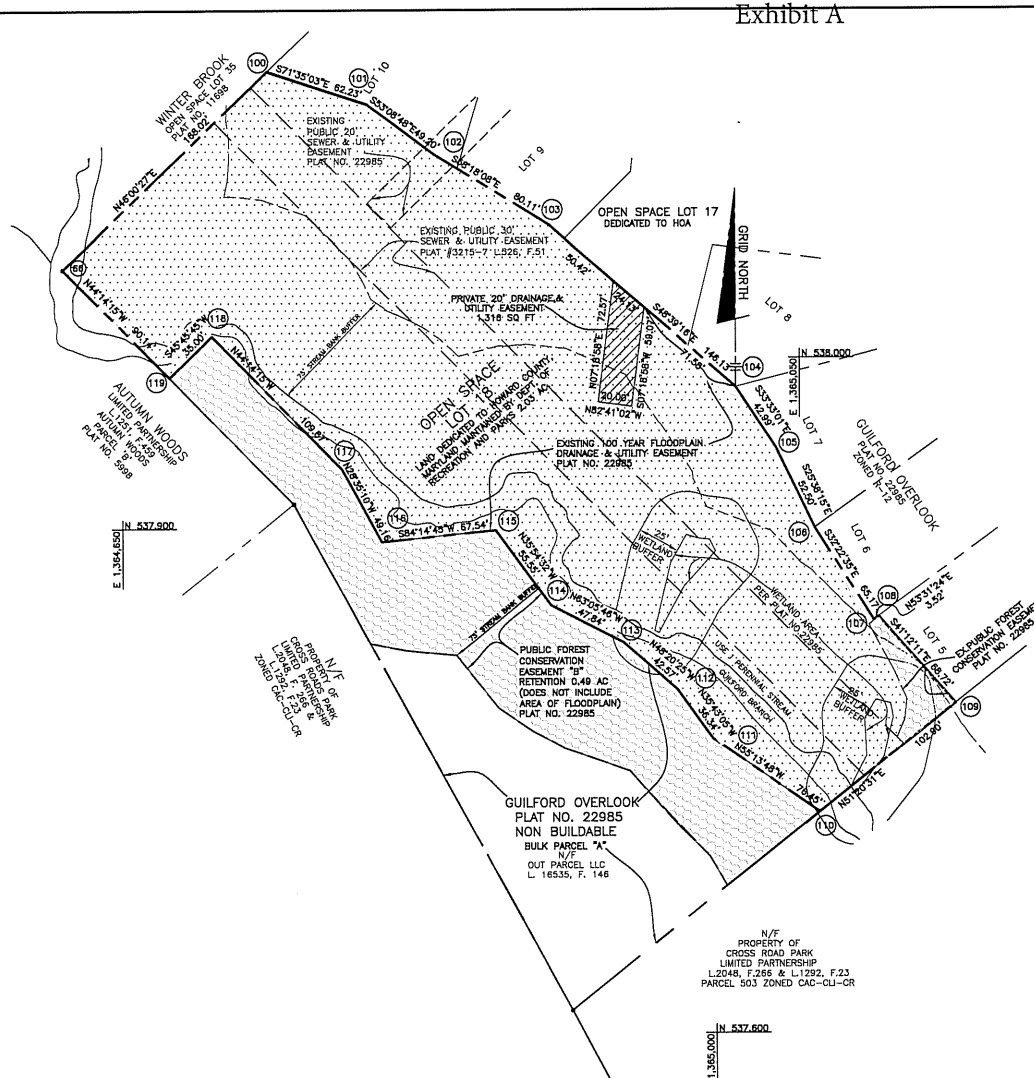
1 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
2 Maryland, this 5th day of February, 2018, that a 20-foot Drainage and Utility
3 Easement is granted to Guilford Overlook Homeowners Association, Inc., comprising
4 approximately 0.03 acres, as shown and described in the attached Exhibit A.

5
6 **AND BE IT FURTHER RESOLVED** that, having received a request from the County
7 Executive and having held a public hearing, the County Council declares that the best interest of
8 the County will be served by authorizing the County Executive to waive the usual advertising
9 and bidding requirements of Section 4.201 of the Howard County Code for the conveyance of
10 the Drainage and Utility Easement to Guilford Overlook Homeowners Association, Inc.

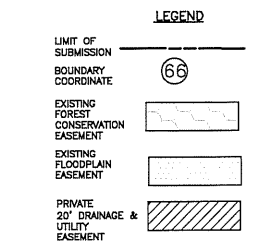
11
12 **AND BE IT FURTHER RESOLVED** that, if the County Executive finds that the land
13 to be subject to the easement may have a further public use which the easement will deter and,
14 therefore, that the Drainage and Utility Easement should not be granted, he is not bound to grant
15 the easement in accordance with this Resolution.

- NOTES:**
- 1.) ϕ DENOTES IRON PIPE (IPF) OR REBAR & CAP (RCF) FOUND
 - 2.) HORIZONTAL (NAD83) AND VERTICAL (NAD83) DATUMS ARE RELATED TO THE MARYLAND STATE PLANE COORDINATE SYSTEM PROJECTED FROM HOWARD COUNTY CONTROL STATIONS 4775 AND 4848 PER PLAT NO. 22984
 - 3.) STA. NO. 4775 N 535.985.0520 E 1,365.653.4720 L 234.597
STA. NO. 4848 N 539.384.4442 E 1,366.415.7836 L 225.856
 - 4.) SUBJECT PROPERTY ZONED R-12, PER THE OCTOBER 6, 2013 HOWARD COUNTY COMPREHENSIVE ZONING PLAN.
 - 5.) THERE ARE NO HISTORIC FEATURES OR CEMETERIES ON THIS SITE.
 - 6.) ALL AREAS ON THIS PLAN ARE "MORE OR LESS"
 - 7.) THIS PLAN IS BASED ON A PREVIOUSLY RECORDED PLAT NO. 22984.
 - 8.) THE LOTS SHOWN HEREON COMPLY WITH THE MINIMUM OWNERSHIP WIDTH AND LOT AREA AS REQUIRED BY THE MARYLAND STATE DEPARTMENT OF THE ENVIRONMENT.
 - 9.) UNLESS NOTED AS "PRIVATE", ALL EASEMENTS ARE PUBLIC.
 - 10.) THIS PLAN IS SUBJECT TO THE AMENDED 5th EDITION OF THE HOWARD COUNTY SUBDIVISION REGULATIONS AND THE AMENDED HOWARD COUNTY ZONING REGULATIONS.
 - 11.) RESERVATION OF PUBLIC UTILITY AND FOREST CONSERVATION EASEMENTS: DEVELOPER RESERVES UNTO ITSELF, ITS SUCCESSORS AND ASSIGNS, ALL EASEMENTS SHOWN ON THIS PLAN FOR WATER, SEWER, STORM DRAINAGE, OTHER PUBLIC UTILITIES AND FOREST CONSERVATION (DESIGNATED AS "FOREST CONSERVATION AREA") LOCATED IN, ON, OVER AND THROUGH LOTS/PARCELS. ANY CONVEYANCES OF THE ADDRESAID LOT/PARCELS SHALL BE SUBJECT TO THE EASEMENTS HEREIN RESERVED, WHETHER OR NOT EXPRESSLY STATED IN THE DEED(S) CONVEYING SAID LOT(S) PARCELS. DEVELOPER SHALL EXECUTE AND DELIVER DEEDS FOR THE EASEMENTS HEREIN RESERVED TO HOWARD COUNTY WITH A METES AND BOUNDS DESCRIPTION OF THE FOREST CONSERVATION AREA UPON COMPLETION OF THE PUBLIC UTILITIES AND THEIR ACCEPTANCE BY HOWARD COUNTY, AND IN THE CASE OF THE FOREST CONSERVATION EASEMENT(S), UPON COMPLETION OF THE DEVELOPER'S OBLIGATION UNDER THE FOREST CONSERVATION INSTALLATION AND MAINTENANCE AGREEMENT EXECUTED BY THE DEVELOPER AND THE COUNTY, AND THE RELEASE OF DEVELOPER'S SURETY POSTED WITH SAID AGREEMENT. THE COUNTY SHALL ACCEPT THE EASEMENT AND RECORD THE DEED(S) OF EASEMENT IN THE LAND RECORDS OF HOWARD COUNTY.
 - 12.) THE FOREST CONSERVATION EASEMENT HAS BEEN ESTABLISHED TO FULFILL THE REQUIREMENTS OF THE SECTION 16.12.00 OF THE HOWARD COUNTY CODE AND FOREST CONSERVATION ACT. NO GRADING, GRADING OR CONSTRUCTION IS PERMITTED WITHIN THE FOREST CONSERVATION EASEMENT; HOWEVER, FOREST MANAGEMENT PRACTICES AS DEFINED IN THE DEED OF FOREST CONSERVATION EASEMENT ARE ALLOWED.
 - 13.) LANDSCAPING FOR THIS SUBDIVISION WAS PREVIOUSLY ADDRESSED IN ACCORDANCE WITH SECTION 16.12.4 OF THE HOWARD COUNTY CODE AND THE LANDSCAPE MANUAL.
 - 14.) FOREST CONSERVATION WAS PREVIOUSLY ADDRESSED UNDER F-11-059.
 - 15.) NO GRADING, REMOVAL OF VEGETATION COVER OR TREE-FALLING AND NEW STRUCTURES SHALL BE PERMITTED WITHIN THE LIMITS OF WETLANDS, STREAM(S) OR THEIR REQUIRED BUFFERS, FLOODPLAIN AND FOREST CONSERVATION EASEMENT AREAS.

BOUNDARY COORDINATES		
POINT #	NORTHING	EASTING
66	538053.9040	1364615.0963
100	538170.6016	1364735.9714
101	538171.7207	1364799.6026
102	538121.4313	1364834.3865
103	538079.3391	1364902.5455
104	537982.8087	1365012.2481
105	537946.9783	1365036.0090
106	537899.6497	1365058.7231
107	537844.6146	1365093.6174
108	537846.7058	1365096.4458
109	537795.0034	1365141.7103
110	537730.7255	1365081.3493
111	537774.3237	1364998.5496
112	537803.6908	1364977.4741
113	537831.9873	1364945.6698
114	537853.6347	1364903.0077
115	537898.6274	1364870.4277
116	537891.8558	1364803.2280
117	537935.0232	1364779.7060
118	538013.7400	1364703.0569
119	537989.3228	1364677.9811



VICINITY MAP
SCALE: 1" = 2000' (ADC MAP: 19, GRID: K-7)



THE REQUIREMENTS 3-108, THE REAL PROPERTY ARTICLE, ANNOTATED CODE OF MARYLAND, 1988 REPLACEMENT VOLUME (AS SUPPLEMENTED) AS FAR AS THEY RELATE TO THE MAKING OF THIS PLAN AND THE SETTING OF MARKERS HAVE BEEN COMPLIED WITH.

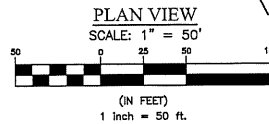
DONALD A. MASON
REGISTERED PROFESSIONAL LAND SURVEYOR
MARYLAND NO. 21320

HOWARD COUNTY, MARYLAND DATE

AREA TABULATION CHART - THIS SUBMISSION

TOTAL NUMBER OF LOTS AND/OR PARCELS TO BE RECORDED	
BUILDABLE	0
NON-BUILDABLE	0
OPEN SPACE	0
PRESERVATION PARCELS	0
TOTAL AREA OF LOTS AND/OR PARCELS TO BE RECORDED	0.0 AC.
BUILDABLE	0.0 AC.
NON-BUILDABLE	0.0 AC.
OPEN SPACE	2.03 AC.
PRESERVATION PARCELS	0
TOTAL AREA OF ROADWAY TO BE RECORDED	0
(INCLUDING WIDENING STRIPS)	0
TOTAL AREA OF SUBDIVISION TO BE RECORDED	2.03± AC.

BENCHMARK
ENGINEERS & LAND SURVEYORS & PLANNERS
ENGINEERING, INC.
5490 BALTIMORE NATIONAL PIKE A SUITE 315 A ELKTON CITY, MARYLAND 21043
(P) 410-405-8103 (F) 410-485-8844
WWW.BE-CIVILENGINEERING.COM



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 CERTIFICATE

I HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED BY ME 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 AND I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THAT THE INFORMATION SHOWN HEREON IS CORRECT, THAT IT IS PART OF LAND ACQUIRED BY HOWARD COUNTY, MARYLAND FROM PLUGGER LLC ET. AL. BY DEED DATED JULY 1, 2014 AND RECORDED IN LIBER 15800 AT FOLIO 90 AND THAT ALL MONUMENTS ARE IN PLACE OR WILL BE IN PLACE PRIOR TO ACCEPTANCE OF THE ROADS BY HOWARD COUNTY, IN ACCORDANCE WITH THE ANNOTATED CODE OF MARYLAND, AS AMENDED.

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

OWNER'S CERTIFICATE

"HOWARD COUNTY, MARYLAND, OWNER OF THE PROPERTY SHOWN HEREON, HEREBY ADOPTS THIS PLAN OF SUBDIVISION, AND IN CONSIDERATION OF APPROVAL OF THIS FINAL PLAN BY THE DEPARTMENT OF PLANNING AND ZONING, ESTABLISHES THE MINIMUM BUILDING RESTRICTION LINES AND GRANTS UNTO HOWARD COUNTY, MARYLAND, ITS SUCCESSORS AND ASSIGNS, (1) THE RIGHT TO LAY, CONSTRUCT AND MAINTAIN SEWERS, DRAINS, WATER PIPES, AND OTHER MUNICIPAL UTILITIES AND SERVICES, (2) THE RIGHT TO ACQUIRE ALL ROADS AND STREET RIGHTS-OF-WAY, AND THE SPECIFIC EASEMENT AREAS SHOWN HEREON, (3) THE RIGHT TO REQUIRE DEDICATION FOR PUBLIC USE OF THE BEDS OF THE STREETS AND/OR ROADS, FLOODPLAINS AND OPEN SPACE WHERE APPLICABLE, AND FOR SOOD AND OTHER VALUABLE CONSIDERATION, HEREBY GRANTS THE RIGHT AND OPTION TO HOWARD COUNTY TO ACQUIRE THE FEE SIMPLE TITLE TO THE BEDS OF THE STREETS AND/OR ROADS AND FLOODPLAINS, STORM DRAINAGE FACILITIES AND OPEN SPACE WHERE APPLICABLE, (4) THE RIGHT TO REQUIRE DEDICATION OF WATERWAYS AND DRAINAGE EASEMENTS FOR THE SPECIFIC PURPOSE OF THEIR CONSTRUCTION, REPAIR AND MAINTENANCE, AND (5) THAT NO BUILDING OR SIMILAR STRUCTURE OF ANY KIND SHALL BE ERRECTED ON OR OVER THE SAID EASEMENTS AND RIGHTS-OF-WAY, WITNESS OUR HANDS THIS DAY OF , 2017."

HOWARD COUNTY, MARYLAND DATE WITNESS DATE

THE PURPOSE OF THIS REVISION PLAT IS TO CREATE A 20' PRIVATE DRAINAGE AND UTILITY EASEMENT ON OPEN SPACE LOT 18.

RECORDED AS PLAT NO. _____ ON _____ AMONG THE LAND RECORDS OF HOWARD COUNTY, MARYLAND.

**REVISION PLAT
GUILFORD OVERLOOK**

OPEN SPACE LOT 18
PREVIOUSLY RECORDED AS PLAT NO. 22985

6TH ELECTION DISTRICT OF HOWARD COUNTY, MARYLAND
TAX MAP: 47 SCALE: AS SHOWN
GRID: 6 DATE: OCTOBER, 2017
PARCEL: 499 SHEET: 1 OF 1
ZONED: R-12



DESCRIPTION OF A PRIVATE DRAINAGE AND UTILITY EASEMENT
Howard County, Maryland
To
Guilford Overlook Homeowners Association, Inc.

BEING a strip of land 20 feet wide, as described as follows, in, through, over and across the property of the grantee acquired from Plogger LLC, et. al, by deed dated July 1, 2014 and recorded among the Land Records of Howard County, Maryland, in Liber 15800 at Folio 090.

BEGINNING for the same at a point located on the common line of Open Space lot 17 and 18 as shown on a plat entitled Revision Plat, Guilford Overlook, Open Space Lot 18 intended to be recorded among the land records of Howard County, Maryland, said point being locate 50.42' from point 103 shown on the aforesaid plat, thence running the following four (4) courses and distances;

- 1) Running along the common line of open space lot 17 and 18, South 48 degrees 39 minutes 16 seconds East, 24.13 feet, thence leaving said lot line and running across Open Space, lot 18
- 2) South 07 degrees 18 minutes 58 seconds West, 59.07 feet, to a point, thence
- 3) North 82 degrees 41 minutes 02 seconds West, 20.00 feet to a point, thence
- 4) North 07 degrees 18 minutes 58 seconds East, 72.57 feet, to the point of beginning

The area contained by the foregoing amounts to 1, 316 square feet or 0.03 acres of land, more or less subject to any rights of way, easements or encumbrances of record or anyway appertaining there to.

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.

Page 1 of 1



Prepared: October 9, 2017

Amendment 1 to Council Resolution No. 13-2018

BY: The Chairperson at the
request of the County Executive

Legislative Day No. 2
Date: February 5, 2018

Amendment No. 1

(This amendment corrects the name of the Homeowners Association.)

- 1 In the title, in the fourth line, strike "Highland Reserve" and substitute "Overlook".

ADOPTED 2/5/18
FAILED _____
SIGNATURE Jessica Feldman