

Introduced Nov 5, 2012
Public Hearing Nov. 19, 2012
Council Action Dec. 3, 2012
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.

Introduced and read first time November 5, 2012.

By order

Stephen LeGendre
Stephen LeGendre, Administrator

Read for a second time at a public hearing on November 19, 2012.

By order

Stephen M. LeGendre
Stephen LeGendre, Administrator

This Resolution was read the third time and was Adopted , Adopted with amendments __, Failed __, Withdrawn __, by the County Council on December 3, 2012.

Certified By

Stephen M. LeGendre
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

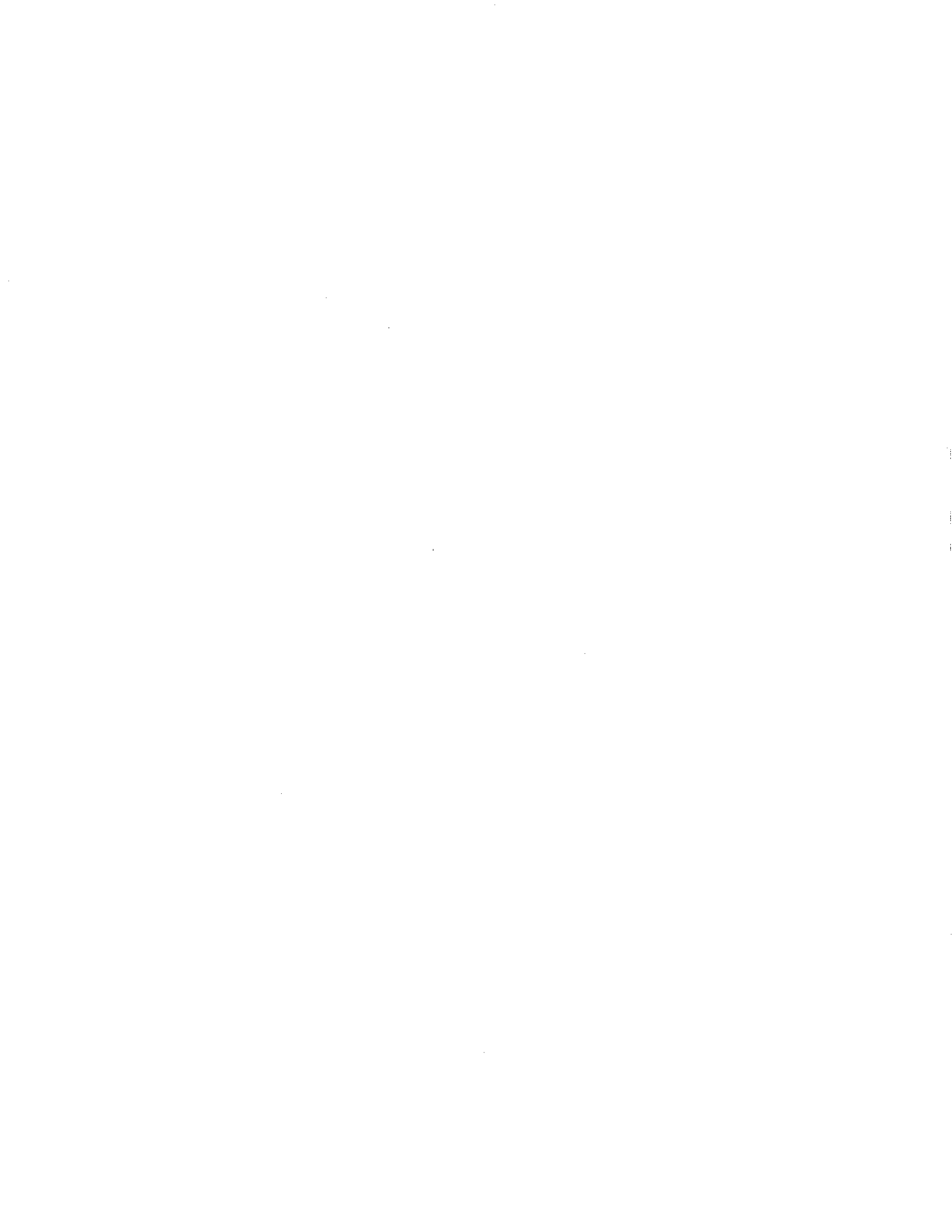
24
25 **WHEREAS**, CR 143-2006 provided that the acceptance of that portion of Forest
26 Avenue would be null and void with no further action required by the Council if
27 construction was not commenced on or before December 31, 2008; and

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, Administrator

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

By order 
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, 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

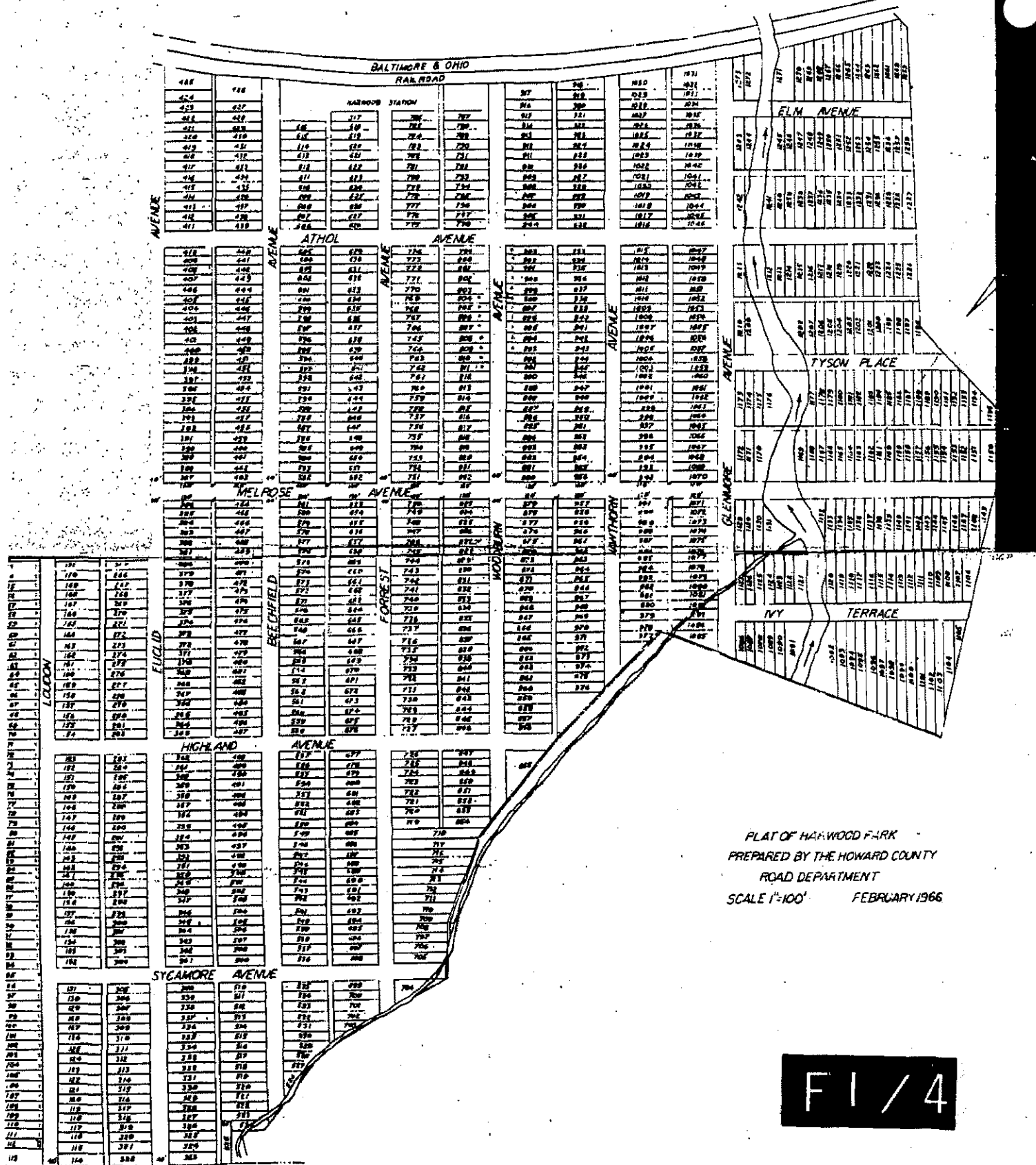
29
30 **WHEREAS**, the County desires to accept the offer of dedication of Forrest Avenue (laid
31 out as forty (40) feet in width) abutting lots 677 through 726 which is from the existing paved

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



Howard County

Internal Memorandum

Subject: Testimony & Fiscal Impact Statement
Council Resolution No. _____ - amending 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

To: Lonnie R. Robbins
Chief Administrative Officer

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

Date: October 18, 2012

The Department of Public Works has been designated coordinator for the preparation of testimony relative to amending 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.

In 2006, Resolution 143-2006 was approved to identify Forrest Avenue as a public road. Page 2, Lines 10-12 of the Resolution required the developer to start construction of Forrest Avenue on or before December 31, 2008. On November 13, 2007, Meadowlark, LLC, the developer, entered into a developer agreement titled "Timber Ridge" (P&Z File No. F-06-133) for the construction of the public improvements and posted all security to cover the construction of the roadway. Due to the economy, the developer has not been able to start construction of his project.

Since the timeframe noted in the Resolution has passed, the department is requested that the Resolution be amended to remove the deadline date to allow the developer to move forward with construction of Forrest Avenue as soon as the economy improves. Upon the approval of this resolution, the department will amend the developer agreement to grant the developer additional time to complete construction.

There is no fiscal impact to the County as all work will be done by the developer.

A representative of the department will be present at the public hearing. If you require further information concerning this matter or have any additional questions, please do not hesitate to contact me at your convenience.

cc: ✓ Jennifer Sager
File

TAR/Legislation/ForrestAvenue/Testimony

