

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 _____, 2018.

By order _____
Jessica Feldmark, Administrator

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

By order _____
Jessica Feldmark, Administrator

This Resolution was read the third time and was Adopted __, Adopted with amendments __, Failed __, Withdrawn __, by the County Council on _____, 2018.

Certified By _____
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 ____ day of _____, 2018, that a 20-foot Drainage and Utility
3 Easement is granted to Guilford Overlook Homeowners Association, Inc., comprising
4 approximately 0.0 3acres, 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.