

County Council Of Howard County, Maryland

2013 Legislative Session

Legislative Day No. 14

Resolution No. 170 -2013

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

A RESOLUTION pursuant to Section 4.201 of the Howard County Code declaring that a portion of a Sewer Easement comprising approximately 0.0893 acres is no longer needed by Howard County, Maryland for public purposes; authorizing the County Executive to terminate the property interest, vesting title to the underlying property owner, RHEES Hanover, LLC; and 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 abandon the easement if he finds that the easement may have a further public use.

Introduced and read first time December 2, 2013.

By order Sheila M. Tolliver  
Sheila M. Tolliver, Administrator

Read for a second time at a public hearing on December 14, 2013.

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This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on January 6, 2014.

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**, by Deed and Agreement dated March 27, 1970, between Contee Sand and  
2 Gravel Company, Inc. and Howard County, Maryland, the County, with capital funding under  
3 contract 181-S, acquired a sewer easement (the “Easement”) for the construction of a sewer main  
4 on property located at 7461 Coca Cola Drive, Hanover, Maryland; and  
5

6           **WHEREAS**, RHEES Hanover LLC (“RHEES”) is the current owner of 7461 Coca Cola  
7 Drive, Hanover; and  
8

9           **WHEREAS**, Capital Project S-6268, Coca Cola Drive Sewer Rehabilitation, approved  
10 the relocation and rehabilitation of a portion of the sewer main; and  
11

12           **WHEREAS**, by Deed of Easement dated October 5, 2012 between RHEES and the  
13 County, recorded among the Land Records of Howard County, Maryland in Liber 14437, folio  
14 379, the County acquired an easement, with capital project funds, for the relocation of a portion  
15 of the existing Easement; and  
16

17           **WHEREAS**, RHEES has requested the termination of that portion of the existing  
18 Easement containing approximately 0.0893 acres that is no longer required by the County, as  
19 described and shown in the attached Exhibits; and  
20

21           **WHEREAS**, Section 4.201, “Disposition of real property”, of the Howard County Code  
22 authorizes the County Council to declare that property is no longer needed for public purposes  
23 and authorizes the County Council to waive advertising and bidding requirements for an  
24 individual conveyance of County property, including an easement interest acquired by capital  
25 funds, upon the request of the County Executive and after a public hearing that has been duly  
26 advertised; and  
27

28           **WHEREAS**, the County Council has received a request from the County Executive to  
29 waive the advertising and bidding requirements in this instance for the abandonment of the  
30 Easement and its conveyance to RHEES.  
31

1           **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,  
2 Maryland, this 6<sup>th</sup> day of January, 2014, that the portion of the Easement  
3 containing approximately 0.0893 acres, as described and shown in the attached Exhibits, is no  
4 longer needed by the County for public purposes.

5  
6           **AND BE IT FURTHER RESOLVED** that, having received a request from the County  
7 Executive and having held a public hearing that was duly advertised, the County Council  
8 declares that the best interest of the County will be served by authorizing the County Executive  
9 to waive the usual advertising and bidding requirements of Section 4.201 of the Howard County  
10 Code for the abandonment of the Easement and its conveyance to RHEES.

11  
12           **AND BE IT FURTHER RESOLVED** that, if the County Executive finds that the  
13 Easement may have a further public use and that the Easement should not be abandoned and  
14 conveyed, he is not bound to abandon and convey the Easement in accordance with this  
15 Resolution.





3106 Lord Baltimore Drive - Suite 110  
Baltimore, Maryland 21244-2662  
Tel #: (410) 265-9500  
Fax #: (410) 265-8875

Project #: S-6268  
Plat #: 30-4582-S-05

DESCRIPTION FOR RELEASE OF SEWER EASEMENT  
HOWARD COUNTY, MARYLAND  
TO  
RHEES HANOVER, LLC

**BEING** a strip of land, running in, through, over and across the parcel of land described in a conveyance between CROSSROADS VENTURE LLC and RHEES HANOVER, LLC by deed dated June 27, 2008 and recorded among the Land Records of Howard County, Maryland, in Liber 11278, Folio 218.

BEGINNING for the same at a point, said point having a coordinate of North 554,289.64 feet East 1,387,376.31 feet in the Maryland State Reference System NAD' 83/91 as projected by NAD 1983 (CORS) NGS\_Station\_ID= 32 43 015 and NAD 1983 (CORS) NGS\_Station\_ID= 35 41 004R, said point being 516.90 feet from the end of the South 69 degrees 14 minutes 29 seconds West 901.08 feet line as shown on MDR plat no. 20446 recorded among the Land Records of Howard County, Maryland and being described by the following six (6) courses, as now surveyed by George A. Wigfield, Dewberry & Davis LLC, on October 7, 2009, referring to the true meridian, viz:


- L1) North 32 degrees 40 minutes 57 seconds East for a distance of 176.96 feet to a point;
- L2) North 61 degrees 50 minutes 00 seconds East for a distance of 7.83 feet to a point;
- L3) North 81 degrees 21 minutes 01 seconds East for a distance of 59.87 feet to a point,
- L4) South 61 degrees 50 minutes 00 seconds West for a distance of 59.03 feet to a point;
- L5) South 32 degrees 40 minutes 57 seconds West for a distance of 144.79 feet to a point,
- L6) Binding on the aforementioned plat line, South 69 degrees 14 minutes 29 seconds West 33.60 feet to the point of beginning. Containing 3,888 square feet or 0.0893 acres of land, more or less.

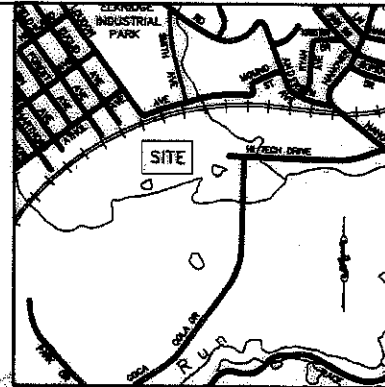
Intended to be recorded herewith as Plat No 30-4582-S-05.

I prepared or responsibly oversaw the preparation of the metes and bounds as set forth in the regulation stated in Chapter 09.13.06.08.12 of the Maryland Minimum Standards for Surveyors.



TRAVERSE TABLE			
POINT	NORTHING	EASTING	DESCRIPTION
109	554436.7011	1387494.4671	R&C
110	554343.5730	1387392.7225	R&C

 EXISTING PUBLIC 20' SEWER RIGHT-OF-WAY TO BE RELEASED  
3,888 SQ. FT. OR 0.0893 AC.



VICINITY MAP  
SCALE: 1" = 2000'



**RHEES HANOVER, LLC**  
LIBER 11278 FOLIO 218  
PARCEL I-1 PLAT #20445  
(FORMER LAND UNIT No. 2 PLAT #19885)

EXISTING PUBLIC 20' SEWER RIGHT-OF-WAY LIBER 530 FOLIO 349

Maryland Reference System NAD83


EXISTING PUBLIC 20' SEWER RIGHT-OF-WAY TO BE RELEASED  
3,888 SQ. FT.  
0.0893 AC.

EXISTING PUBLIC 20' SEWER RIGHT-OF-WAY TO BE RELEASED LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 32°40'57" E	176.96'
L2	N 61°50'00" E	7.83'
L3	N 81°21'01" E	59.87'
L4	S 61°50'00" W	59.03'
L5	S 32°40'57" W	144.79'
L6	S 69°14'29" W	33.60'

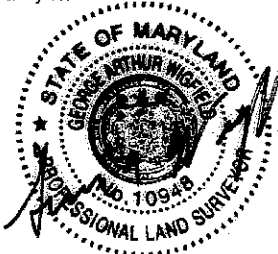
**NOTES:**

- Coordinates shown hereon are based in the Maryland State Reference System, NAD83/91 also being Howard County Geodetic Control Stations 38DA AND 38GA.
- This plat is based on a field run boundary survey performed on or about October 2008 by Dewberry & Davis LLC for the purpose of locating the easement on the subject parcel and on the ground by others.
- I prepared or responsibly oversaw the preparation of the metes and bounds as set forth in the regulation stated in Chapter 08.13.06.08.12 of the Maryland Minimum Standards for Surveyors.

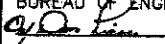

POB N 554289.6442 E 1387376.3129  
**KELLOGG-CCP, LLC**  
LIBER 12358 FOLIO 479  
PARCEL "Q"



**Dewberry**  
Dewberry & Davis LLC  
3106 LORD BALTIMORE DRIVE - SUITE #110  
BALTIMORE, MARYLAND 21244-5800  
PHONE: (410) 265-9500 FAX: (410) 265-8875



REVISION

PLAT NO. 30-4582-S-05 PROJECT NO. S-6268  SCALE: 1" = 50' DATE: APRIL 21, 2011	HOWARD COUNTY DEPARTMENT OF PUBLIC WORKS RELEASE OF SEWER EASEMENT  RHEES HANOVER, LLC TAX MAP 38 PARCEL 285 LIBER 11278 FOLIO 218 FIRST ELECTION DISTRICT HOWARD COUNTY, MARYLAND	APPROVED: BUREAU OF ENGINEERING  DATE 5/11/11 REAL ESTATE SERVICES DIVISION  DATE 5/11/11
--	---	--

