

County Council Of Howard County, Maryland

2014 Legislative Session

Legislative Day No. 2

Resolution No. 18 -2014

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 to the Columbia Association, Inc., a Maryland Corporation, on certain real property owned by the County that goes under Cradlerock Way located in Columbia; 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 _____, 2014.

By order _____
Sheila M. Tolliver, Administrator

Read for a second time at a public hearing on _____, 2014.

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This Resolution was read the third time and was Adopted __, Adopted with amendments __, Failed __, Withdrawn __, by the County Council on _____, 2014.

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**, the County owns and maintains a public right-of-way named Cradlerock
2 Way, including but not limited to bridge #HO-112, (the “Cradlerock Way Bridge”) located in
3 Columbia, Howard County, Maryland and described in the deed dated June 19, 1990 and
4 recorded among the Land Records of Howard County, Maryland at Liber 0757, folio 403 and the
5 associated Developer/Owner Road Conveyance Agreement between the County and recorded
6 among the Land Records at Liber 757, folio 394; and

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8 **WHEREAS**, under the Cradlerock Way Bridge is (i) a pedestrian pathway for
9 community use which was constructed by and maintained by the Columbia Association, Inc. (the
10 “Association”) and (ii) a storm water easement in a drainage channel connecting to Lake Elkhorn
11 (the “Drainage Channel”); and

12
13 **WHEREAS**, the Association desires to repave the Pathway and remove and replace the
14 retaining wall supporting the Pathway and maintain the Drainage Channel in accordance with the
15 plans titled “Columbia Association Cradlerock Way Retaining Wall Repairs”; and

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17 **WHEREAS**, the Association has requested the County to convey to the Association an
18 easement for the portion of the Pathway and Drainage Channel under the Cradlerock Way
19 Bridge, as described and shown in the attached Exhibits A and B; and

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21 **WHEREAS**, the Department of Public Works has reviewed and approved the proposed
22 Easement; and

23
24 **WHEREAS**, Section 4.201, “Disposition of Real Property,” of the Howard County Code
25 authorizes the County Council to declare that property is no longer needed for public purposes
26 and also authorizes the County Council to waive advertising and bidding requirements for an
27 individual conveyance of real property upon the request of the County Executive; and

28
29 **WHEREAS**, as a matter of course, even when the County retains fee ownership of the
30 property and continues its use of the property upon which an easement is granted, the County
31 Executive requests the County Council to approve the easement under Section 4.201; and

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WHEREAS, the County Council has received a request from the County Executive to waive the advertising and bidding requirements in this instance for the grant of the Easement to the Association.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Howard County, Maryland, this ____ day of _____, 2014, that an Easement is granted to Columbia Association, Inc., comprising approximately 0.0295 acres, as described and shown on the attached Exhibits A and B.

AND BE IT FURTHER RESOLVED that, having received a request from the County Executive and having held a public hearing, the County Council declares that the best interest of the County will be served by authorizing the County Executive to waive the usual advertising and bidding requirements of Section 4.201 of the Howard County Code for the conveyance of the Easement to the Association.

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

EXHIBIT - A

LEGAL DESCRIPTION OF
AN EASEMENT TO ALLOW FOR THE CONSTRUCTION AND
MAINTENANCE OF A PATHWAY AND RETAINING WALL
WITHIN THE HOWARD COUNTY ROAD RIGHT OF WAY
OF CRADLEROCK WAY
(BENEATH THE BRIDGE)
PLAT BOOK 23, PAGE 32
COLUMBIA VILLAGE OF OWEN BROWN
SECTION 1, AREA 1
6TH ELECTION DISTRICT
HOWARD COUNTY, MARYLAND

BEING part of the right-of-way for Cradlerock Way as shown on plat book 23, page 32 as recorded among the Land Records of Howard County, Maryland and located in Columbia Village of Owen Brown, Section 1, Area 1, 6th Election District of Howard County, Maryland and more particularly described as follows:

BEGINNING for the same at a point located on the northerly right-of-way line of Cradlerock Way, 80 feet wide, said point is also located on the southerly property line of Parcel B-2, Plat Number 3718 as recorded among the same Land Records and situated an arc distance of 60.84 feet deflecting to the right which has a radius of 3,460.00 feet and a chord bearing and distance of South 87 degrees 54 minutes 12 seconds West, 60.84 feet from the end of the easterly or South 02 degrees 56 minutes 05 seconds East, 266.15 foot line of said Parcel B-2, thence leaving said point of beginning and running across said right-of-way of Cradlerock Way

1. South 05 degrees 39 minutes 01 seconds East, 80.20 feet to a point on the southerly right-of-way line of Cradlerock Way, thence running along a portion of said southerly right-of-way line
2. 16.04 feet along the arc of a curve deflecting to the right having a radius of 3,540.00 feet and a chord bearing and distance of South 88 degrees 26 minutes 31 seconds West, 16.04 feet to a point, thence leaving said southerly right-of-way line and running again across the same right-of-way
3. North 05 degrees 39 minutes 01 seconds West, 80.22 feet to a point on the abovementioned northerly right-of-way line, thence running along a portion of said northerly right-of-way line
4. 16.04 feet along the arc of a curve deflecting to the left having a radius of 3,460.00 feet and a chord bearing and distance of North 88 degrees 32 minutes 12 seconds East, 16.04 feet to the point of beginning, containing 1,283 square feet or 0.0295 acre of land, more or less.



M. Rosman 06/03/13

EXHIBIT-B

PARCEL D-1
VILLAGE OF OWEN BROWN
SECTION 1, AREA 3
PLAT No. 3718

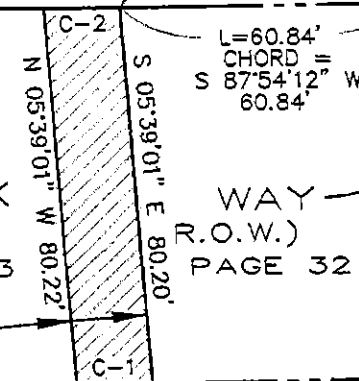
PARCEL B-2
VILLAGE OF OWEN BROWN
SECTION 1, AREA 3
PLAT No. 3718

PARCEL B-1
VILLAGE OF OWEN BROWN
SECTION 1, AREA 3
PLAT No. 3718



S 30°30'37" W
268.00'

L=195.39'



CRADLEROCK
(80' WIDE
PLAT BOOK 23

WAY
R.O.W.)
PAGE 32

16 FEET WIDE
EASEMENT TO ALLOW FOR THE CONSTRUCTION AND
MAINTENANCE OF A PATHWAY AND RETAINING WALL
WITHIN HOWARD COUNTY ROAD RIGHT OF WAY
OF CRADLEROCK WAY
(BENEATH THE BRIDGE)
1,283 S.F. OR 0.0295 Ac.

LOT 287
VILLAGE OF OWEN BROWN
SECTION 1, AREA 1
PLAT 4334

OPEN SPACE
LOT 280
VILLAGE OF OWEN BROWN
SECTION 1, AREA 1
P.B. 27, PAGE 53

100 YEAR FLOOD PLAIN
AND DRAINAGE EASEMENT
VILLAGE OF OWEN BROWN
SECTION 1, AREA 1
P.B. 27, PAGE 53

VILLAGE OF OWEN BROWN
SECTION 1, AREA 2
P.B. 23, PAGE 43

CURVE DATA				
CURVE	RADIUS	ARC	CHORD BEARING	CORD DISTANCE
C-1	3,540.00'	16.04'	S 88°26'31" W	16.04'
C-2	3,460.00'	16.04'	N 88°32'12" E	16.04'



M.N. Roshan 06/02/13
M.N. ROSHAN, L.S. DATE
MD REG. No. 11049

PLAT SHOWING
AN EASEMENT TO ALLOW FOR THE CONSTRUCTION AND
MAINTENANCE OF A PATHWAY AND RETAINING WALL
WITHIN HOWARD COUNTY ROAD RIGHT OF WAY
OF CRADLEROCK WAY, PLAT BOOK 23, PAGE 32
COLUMBIA VILLAGE OF OWEN BROWN, SECTION 1, AREA 1
6TH ELECTION DISTRICT, HOWARD COUNTY, MARYLAND
SCALE: 1" = 40' DATE: JUNE 2, 2013

PREPARED BY:



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FILE No.
CA 146