

County Council Of Howard County, Maryland

2019 Legislative Session

Legislative Day No. 6

Resolution No. 64 -2019

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 water and utility easement conveyed to Howard County, Maryland is no longer needed by the County for public purposes; authorizing the County Executive to terminate the County's easement interest, provided the fee simple owner, Kellogg-CCP, LLC relocates the currently-existing water main and grants the County a new easement for the relocated water main, and providing that the County Executive is not bound to terminate the easement interest if he finds that the easement may have a further public use.

Introduced and read first time _____, 2019.

By order _____
Jessica Feldmark, Administrator

Read for a second time at a public hearing on _____, 2019.

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 _____, 2019.

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 acquired a 20-foot water and sewer easement and the adjacent
2 20' Temporary Construction Strip, as shown in the attached Exhibit and as described in the Deed
3 and Agreement dated June 22, 1987 and recorded among the Land Records of Howard County,
4 Maryland in Liber 1680, Folio 560 (the "Easement") on certain property that is now owned by
5 Kellogg- CCP, LLC (the "Owner"); and
6

7 **WHEREAS**, the easement was acquired as part of Capital Project W-8153 (Contract 44-
8 1490-W-2), and the Owner has established the Oxford Square subdivision; and
9

10 **WHEREAS**, the currently existing 8-inch water main that runs through the Easement
11 needs to be abandoned and moved in order to accommodate the construction of a noise wall
12 adjacent to the CSX transportation railroad tracks;
13

14 **WHEREAS** the Owner will be relocating the water main and has requested the Easement
15 to be terminated;
16

17 **WHEREAS**, the County has determined that the Easement as described and shown in the
18 attached Exhibit is no longer required for public purposes upon the relocation of the water main
19 and the acquisition of a new easement from the Owner; 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 may be disposed of by Resolution.
24

25 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
26 Maryland, this ____ day of _____, 2019, that the Easement as shown in the
27 attached Exhibit is no longer needed by the County for public purposes, upon the relocation of
28 the currently-existing water main and the acquisition of a new easement from the Owner.
29

1 **AND BE IT FURTHER RESOLVED**, that County Executive may terminate the
2 Easement, provided the fee simple owner, Kellogg-CCP, LLC, relocates the currently-existing
3 water main and grants the County a new easement for the relocated water-main.

4
5 **AND BE IT FURTHER RESOLVED** that if the County Executive finds that all or a
6 portion of the Easement may have a further public use and should not be terminated he is not
7 bound to terminate the County’s easement interest in accordance with this resolution.

Exhibit

HOWARD COUNTY CIRCUIT COURT (Land Records) GSP 1600, p. 0562, MSr., CE53, 1665 Data available 12/17/2003. Printed 08/10/2012

