

# County Council Of Howard County, Maryland

2019 Legislative Session

Legislative Day No. 9

## Resolution No. 109-2019

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

A RESOLUTION authorizing the County Purchasing Agent to waive the formal competitive bidding requirements of Title 4, Subtitle 1 of the Howard County Code so that the County may enter into an agreement with 20006 Delaware Inc., a Delaware corporation, successor in interest to TSG Developments (Maryland) LLC, a Delaware limited liability company, formerly known as MI Developments (Maryland) Inc., to construct certain stormwater improvements along Davis Avenue.

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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This Resolution was read the third time and was Adopted \_\_, Adopted with amendments \_\_, Failed \_\_, Withdrawn \_\_, by the County Council on \_\_\_\_\_, 2019.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**, Section 4.106(e)(2) of the Howard County Code provides that the County  
2 Council may, by resolution, authorize the County Purchasing Agent to waive the formal  
3 competitive bidding requirements for any single purchase or sale if, in the judgment of the  
4 County Council, the waiver will best serve the interest of the County; and

5  
6           **WHEREAS**, 20006 Delaware Inc., a Delaware corporation, successor in interest to TSG  
7 Developments (Maryland) LLC, a Delaware limited liability company, formerly known as MI  
8 Developments (Maryland) Inc., a corporation in accordance with the laws of the State of  
9 Delaware and registered with and in good standing with the Maryland State Department of  
10 Assessments and Taxation (the “Developer”), is the owner of certain real property located in  
11 Laurel, Howard County, Maryland described in the confirmatory deed recorded among the Land  
12 Records of Howard County at Liber 14104, Folio 118 on June 25, 2012 confirming the  
13 acquisition from Laurel Racing Association, Limited Partnership recorded among the Land  
14 Records at Liber 10518, Folio 157 on February 9, 2007 (the “Property”); and

15  
16           **WHEREAS**, the Developer intends to develop the Property and to construct certain  
17 improvements along Davis Avenue extended as well as the construction of Sea Biscuit Lane and  
18 Laurel Park Way along with other internal, private roads as shown on SDP 15-043 and  
19 associated stormwater management practices; and

20  
21           **WHEREAS**, the County is the owner of the stormwater management pond located at  
22 9384 Davis Avenue, Laurel, Howard County, constructed under Capital Project Number D-1112  
23 Davis Avenue Area Drainage Improvements (the “County Pond”) and which capital project  
24 requires the construction of a stormwater drainage pipe from the County Pond through the  
25 Property; and

26  
27           **WHEREAS**, the Developer designed and is willing to install a bypass storm drain system  
28 (the “Bypass”) through the Property to convey stormwater flow from the County Pond and the  
29 improvements serving the Property which is included in the Approved Plans and Specifications  
30 described in the Developer Agreement; and

31

1           **WHEREAS**, the construction of the Bypass and other improvements to the County Pond  
2 will meet the County’s goal of improving the existing storm drainage function of the County  
3 Pond; and  
4

5           **WHEREAS**, the Developer has proposed a cost sharing agreement between the County  
6 and the Developer to pay for constructing a portion of the Bypass based upon the proportional  
7 amount of runoff in the storm drain system that is from the County Pond; and  
8

9           **WHEREAS**, accordingly, the County’s estimated portion of the cost to construct the  
10 Bypass shall not exceed Six Hundred Four Thousand Five Hundred Ninety-Seven Dollars and  
11 Fifteen Cents (\$604,597.15); and  
12

13           **WHEREAS**, the Director of the Department of Public Works has determined the most  
14 cost effective and efficient way to construct the Bypass is to enter into a cost sharing agreement  
15 with the Developer, which owns the property needed for the construction of the Bypass and will  
16 dedicate the required easements to the County because the Developer owns the property needed  
17 for the construction of the Bypass and shall dedicate the required easements to the County; and  
18

19           **WHEREAS**, approval of this Resolution is limited to a waiver of County competitive  
20 bidding requirements and shall not be deemed approval of any development project or site  
21 development plan.  
22

23           **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,  
24 Maryland, this \_\_\_\_\_ day of \_\_\_\_\_, 2019, pursuant to Section 4.106(e)(2) of the  
25 Howard County Code, it declares that the best interests of the County will be served by  
26 authorizing the County Purchasing Agent to waive the competitive bidding requirements of  
27 Subtitle 1, “Purchasing”, of Title 4, “Contracts, Purchasing and Property”, of the Howard  
28 County Code so that the County may enter into an agreement with 20006 Delaware Inc., a  
29 Delaware corporation, successor in interest to TSG Developments (Maryland) LLC, a Delaware  
30 limited liability company, formerly known as MI Developments (Maryland) Inc., for the

1 construction of a bypass storm drain system through the County Property to convey stormwater  
2 overflow to the County Pond.

3

4 **AND BE IT FURTHER RESOLVED** by the County Council of Howard County,  
5 Maryland that this waiver of competitive bidding requirements shall not be interpreted or  
6 construed as approval of any development project or site development plan.