

County Council of Howard County, Maryland

2020 Legislative Session

Legislative Day No. 10

Resolution No. 109-2020

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 property containing 2.447 acres, owned by Howard County, Maryland is no longer needed by the County for public purposes; authorizing the County Executive to convey, at no cost, fee simple title to the property to the State of Maryland; 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 convey the property if he finds that the County may have a public use for it.

Introduced and read first time _____, 2020.

By order _____
Diane Schwartz Jones, Administrator

Read for a second time at a public hearing on _____, 2020.

By order _____
Diane Schwartz Jones, Administrator

This Resolution was read the third time and was Adopted___, Adopted with amendments___, Failed___, Withdrawn___, by the County Council on _____, 2020.

Certified By _____
Diane Schwartz Jones, 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 owner of the 2.447 acres of land shown as “Howard County,
2 Maryland 11204 Parcel 1” and “Howard County, Maryland 11204 Parcel 2” on the plat entitled
3 “State of Maryland Department of Transportation State Highway Administration State Roads
4 Commission”, Plat No. 61440, a copy of which is attached hereto as **Exhibit A**, which was
5 acquired by the County from the State Highway Administration of the Maryland Department of
6 Transportation, acting for and on behalf of the State Highway Administration (the “State”) by a
7 Standard Road Conveyance Deed dated July 27, 2016 and recorded among the Land Records of
8 Howard County, Maryland at Liber 17386, folio 498 (the “Property”); and
9

10 **WHEREAS**, the Property is currently the site of a pond known as “Grace Pond” which
11 functions as a stormwater management best management practice (“BMP”) identified as
12 “BMP130027”; and
13

14 **WHEREAS**, Grace Pond takes drainage from the adjacent Maryland Department of
15 Transportation right-of-way along MD 32 and was selected as a retrofit project to meet the State’s
16 Municipal Separate Storm Sewer System (“MS4”) restoration credit requirements due to the
17 significant quantity of runoff from the adjacent state right-of-way along MD 32; and
18

19 **WHEREAS**, so that the State can meet its MS4 restoration credit requirements, the County
20 wishes to convey Grace Pond (BMP130027) to the State at no cost, and including the transfer of
21 all maintenance responsibility of Grace Pond in perpetuity; and
22

23 **WHEREAS**, BMP130027 is included in State construction contract, AX7665282R, where
24 notice to proceed was issued on April 23, 2019 and the anticipated completion date is June 30,
25 2020; and
26

27 **WHEREAS**, the Property is currently owned by the County and a previously negotiated
28 right of entry is in place while the State performs work under AX7665282R; and
29

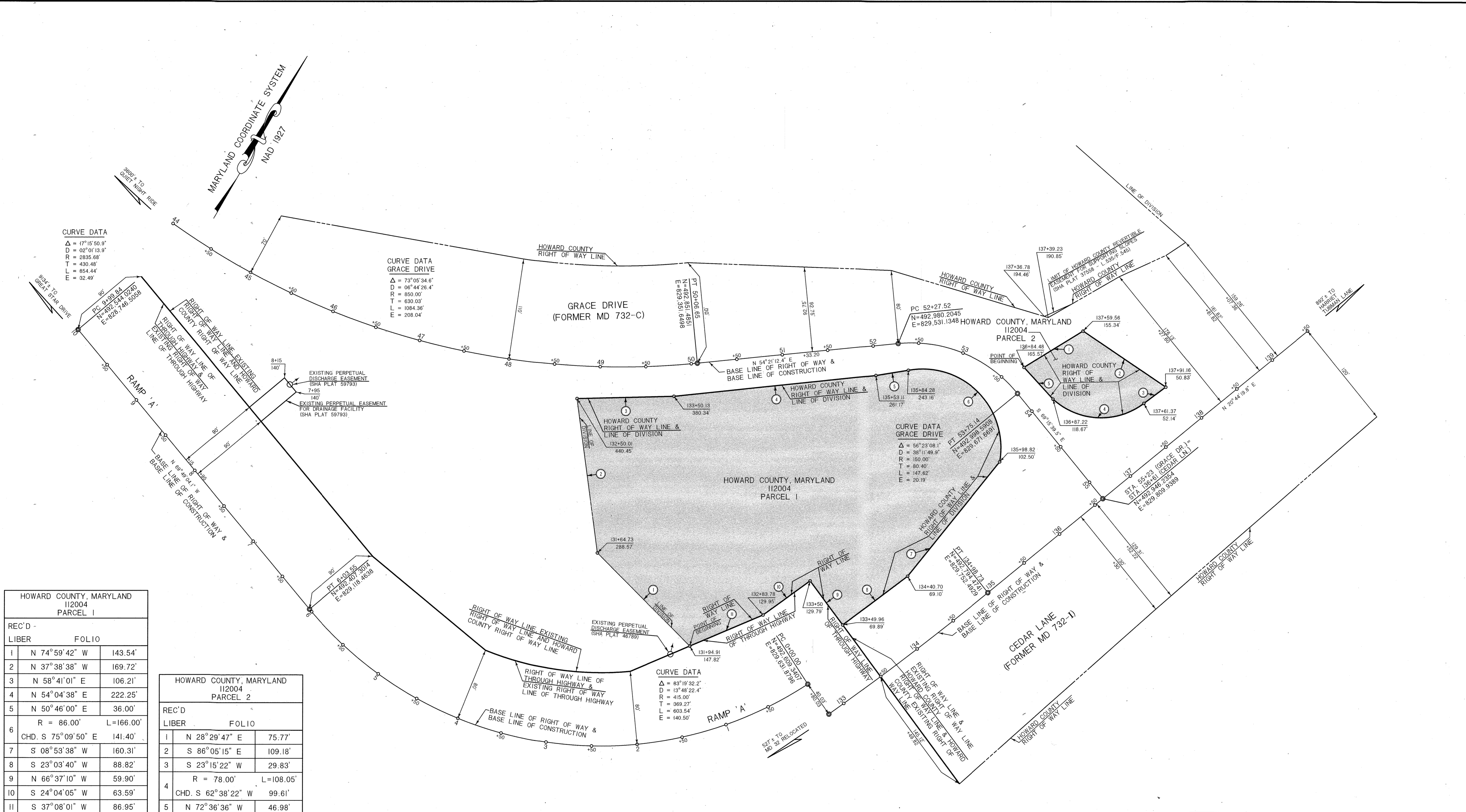
1 **WHEREAS**, it is necessary to transfer ownership of the Property from the County to the
2 State to ensure that the State can continue to operate and maintain Grace Pond in perpetuity in
3 order to meet all applicable law; and
4

5 **WHEREAS**, Section 4.201 “Disposition of real property” of the Howard County Code
6 authorizes the County Council to declare that real property is no longer needed for public purposes
7 and may be disposed of by resolution.
8

9 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
10 Maryland, this ____ day of _____, 2020, that the Property containing 2.447 acres of
11 land shown as “Howard County, Maryland 11204 Parcel 1” and “Howard County, Maryland 11204
12 Parcel 2” on the plat entitled “State of Maryland Department of Transportation State Highway
13 Administration State Roads Commission”, Plat No. 61440, a copy of which is attached hereto as
14 **Exhibit A**, is no longer needed by the County for public purposes.
15

16 **AND BE IT FURTHER RESOLVED**, that the County Executive may convey fee simple
17 title to the Property to the State.
18

19 **AND BE IT FURTHER RESOLVED** that if the County Executive finds that all or a
20 portion of the Property may have a further County public use then he is not bound to convey the
21 Property in accordance with this Resolution.



CURVE DATA
 $\Delta = 17^\circ 15' 50.9"$
 $D = 02^\circ 01' 13.9"$
 $R = 2835.68'$
 $T = 430.48'$
 $L = 854.44'$
 $E = 32.49'$

CURVE DATA GRACE DRIVE
 $\Delta = 73^\circ 05' 34.6"$
 $D = 06^\circ 44' 26.4"$
 $R = 850.00'$
 $T = 630.03'$
 $L = 1084.36'$
 $E = 208.04'$

CURVE DATA GRACE DRIVE
 $\Delta = 56^\circ 23' 08.1"$
 $D = 38^\circ 11' 08.9"$
 $R = 150.00'$
 $T = 80.40'$
 $L = 147.62'$
 $E = 20.19'$

CURVE DATA
 $\Delta = 83^\circ 19' 32.2"$
 $D = 13^\circ 48' 22.4"$
 $R = 415.00'$
 $T = 369.27'$
 $L = 603.54'$
 $E = 140.50'$

HOWARD COUNTY, MARYLAND 112004 PARCEL 1		
REC'D LIBER	FOLIO	
1	N 74° 59' 42" W	143.54'
2	N 37° 38' 38" W	169.72'
3	N 58° 41' 01" E	106.21'
4	N 54° 04' 38" E	222.25'
5	N 50° 46' 00" E	36.00'
6	R = 86.00' L=166.00'	
7	CHD. S 75° 09' 50" E	141.40'
8	S 08° 53' 38" W	160.31'
9	S 23° 03' 40" W	88.82'
10	N 66° 37' 10" W	59.90'
11	S 24° 04' 05" W	63.59'
	S 37° 08' 01" W	86.95'

FEE SIMPLE AREA
98,329 SQ. FT. OR 2.257 ACRES±
SHOWN THUS: [shaded area]

HOWARD COUNTY, MARYLAND 112004 PARCEL 2		
REC'D LIBER	FOLIO	
1	N 28° 29' 47" E	75.77'
2	S 86° 05' 15" E	109.18'
3	S 23° 15' 22" W	29.83'
4	R = 78.00' L=108.05'	
5	CHD. S 62° 38' 22" W	99.61'
6	N 72° 36' 36" W	46.98'

FEE SIMPLE AREA
8,273 SQ. FT. OR 0.190 ACRES±
SHOWN THUS: [shaded area]

SURVEYOR'S CERTIFICATION
 THE RIGHT OF WAY LINES AND LINES OF DIVISION SHOWN HEREON WERE ESTABLISHED FROM DEEDS AND PLATS OF RECORD AND FIELD SURVEYS. THE UNDERSIGNED WAS IN RESPONSIBLE CHARGE OF THE PREPARATION OF THIS PLAT AND THE SURVEYING WORK REFLECTED ON IT. THIS PLAT WAS DEVELOPED IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN COMAR REGULATION 09.13.06.

PATTIANNE SMITH
 PROFESSIONAL LAND SURVEYOR MD REG. NO. 21267
 EXP. DATE 6/13/2021
 DATE **8-5-2019**



LEGEND OF PROPOSED EASEMENTS

- TEMPORARY CONSTRUCTION EASEMENT FOR SPECIAL PURPOSE AS INDICATED BY NOTATION ON THIS PLAT.
- REVERTIBLE EASEMENT FOR SUPPORTING SLOPES.
- PERPETUAL EASEMENT FOR SPECIAL PURPOSE AS INDICATED ON THIS PLAT.
- PERPETUAL EASEMENT FOR DRAINAGE FACILITY AS INDICATED BY NOTATION ON THIS PLAT.
- PERPETUAL EASEMENT TO DISCHARGE FLOW OF WATER FROM OR INTO AN EXISTING WATERWAY OR NATURAL DRAINAGE COURSE.
- PERPETUAL EASEMENT TO DISCHARGE FLOW OF WATER UPON EXISTING GROUND.

A PORTION OF RIGHT OF WAY IS FOR AN EXPRESSWAY AND NO ACCESS, EITHER VEHICULAR, PEDESTRIAN OR ANIMAL WILL BE PERMITTED ACROSS THE LINES DESIGNATED "RIGHT OF WAY OF THROUGH HIGHWAY" EXCEPT BY MEANS OF SUCH PUBLIC ROAD CONNECTIONS AS ARE AUTHORIZED BY LAW.

SCALE: 1" = 50'

SENT TO RECORD OFFICE _____ 20_____
 APPROVED BY: STATE ROADS COMMISSION CHAIRMAN _____ 20_____
 NO. DATE REVISION

BOOKS	PART OF PLATS
19385 TRAV 23338 TRAV 23352 M&B 23698 M&B	52411 53057 53313 53559 59793
	46789 (REV. 7/16/80) 37558 (REV. 10/2/68) 52414 (REV. 7/17/92) 52410 (REV. 10/17/90) 53059 (REV. 12/23/92) 52408 (REV. 10/23/92)

LOCATED IN HOWARD COUNTY

PREPARED BY: PLATS & SURVEYS DIVISION
 ADDRESS: 211 E. MADISON STREET BALTIMORE MD 21202

CONSTRUCTION PROJECT: TMDL SWM RETROFITS GROUP 1 DISTRICT 7 BMP I30027 RIGHT OF WAY/PERPETUAL EASEMENT
 CONSTRUCTION PROJECT NO: AX7765282R

**STATE OF MARYLAND
 DEPARTMENT OF TRANSPORTATION
 STATE HIGHWAY ADMINISTRATION
 STATE ROADS COMMISSION**

RIGHT OF WAY PROJECT: 2-TMDL SWM RETROFITS - GROUP 1 - DISTRICT 7
 AX766_1

RIGHT OF WAY PROJECT NO.: AX766_1
ISSUED August 5, 2019 FEDERAL AID PROJECT NO. _____
 SCALE: 1" = 50'

ACQUISITION **PLAT No. 61440**

Barry C. Smith
 CHIEF, PLATS & SURVEYS DIVISION