

County Council Of Howard County, Maryland

2011 Legislative Session

Legislative Day No. 10

Resolution No. 146 -2011

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 Preservation Parcel U in the Riverwood subdivision subject to a Forest Conservation Easement comprising approximately 0.11 acres is no longer needed by Howard County, Maryland for public purposes provided that, in exchange for the conveyance of such .11 acres, .30 acres is conveyed to the County and encumbered with a Forest Conservation Easement; authorizing the County Executive to terminate the property interest, vesting title to the adjacent property owner, Winchester Homes, Inc.; 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 property may have a further public use and submits his finding to the County Council for its consideration.

Introduced and read first time Sept. 6, 2011.

By order Stephen M Legendre
Stephen LeGendre, Administrator

Read for a second time at a public hearing on Sept. 19, 2011.

By order Stephen M Legendre
Stephen LeGendre, Administrator

This Resolution was read the third time and was Adopted , Adopted with amendments___, Failed___, Withdrawn___, by the County Council on October 3, 2011.

Certified By Stephen M Legendre
Stephen LeGendre, 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 acquired Non-Buildable Preservation Parcel ‘U’ by Deed dated
2 December 14, 2007 by Elioak LLC and recorded among the Land Records of Howard County,
3 Maryland (the “Land Records”) in Liber 11377, folio 604, as shown on the subdivision plat
4 entitled “Plat of Revision Riverwood Phases 1 and 2 Lots 4, 10, 21-25, 37-39, 60 & 61 & Non-
5 Buildable Preservation Parcels C, D, R, T, U, V, W, X, & Y” which is subject to a Forest
6 Conservation Easement dated December 14, 2007 and recorded among the Land Records in
7 Liber 11101, folio 685 (the “Preservation Parcel”); and

8
9 **WHEREAS**, Winchester Homes, Inc. (the “Developer”) has presented a plat of revision
10 and resubdivision titled “Riverwood Phases 1 and 2 Lots 81-84 & Non-Buildable Preservation
11 Parcels ‘R’ & ‘EE’” to the Department of Planning and Zoning for the reconfiguration of the
12 Preservation Parcel to swap a .11 acre area of the Preservation Parcel (as shown on the attached
13 Exhibit A as the area “Area to be conveyed to the Developer”) for a .30 acre area of what is now
14 a part of Lots 4, 46, 47, and 78 which Developer intends to encumber with a Forest Conservation
15 Easement (as shown on the attached Exhibit A as the area “Area to be conveyed to the County”);
16 and

17
18 **WHEREAS**, Section 4.201 “Disposition of real property” of the Howard County Code
19 authorizes the County Council to declare that property is no longer needed for public purposes
20 and authorizes the County Council to waive advertising and bidding requirements for an
21 individual conveyance of an the property upon the request of the County Executive and after a
22 public hearing that has been duly advertised; and

23
24 **WHEREAS**, the County Council has received a request from the County Executive to
25 waive the advertising and bidding requirements in this instance for the conveyance of .11 acres
26 of the Preservation Parcel to the Developer.

27
28 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
29 Maryland, this 3rd day of October, 2011, that the portion of the Preservation
30 Parcel comprising .11 acres, shown on the attached Exhibit A as “Area to be conveyed to the
31 Developer”, is no longer needed by the County for public purposes provided that the .30 acres as

1 shown on the attached Exhibit A as the “Area to be conveyed to the County” is conveyed to the
2 County.

3
4 **AND BE IT FURTHER RESOLVED** that, having received a request from the County
5 Executive and having held a public hearing that was duly advertised, the County Council
6 declares that the best interest of the County will be served by authorizing the County Executive
7 to waive the usual advertising and bidding requirements of Section 4.201 of the Howard County
8 Code for the disposition of the portion of the Preservation Parcel identified on Exhibit A as the
9 “Area to be conveyed to the Developer”.

10
11 **AND BE IT FURTHER RESOLVED** that, if the County Executive finds that any or all
12 of the Preservation Parcel may have a further public use and that the any or all of the
13 Preservation should not be abandoned and conveyed, he may submit his findings and
14 recommendations to the County Council for its consideration without being bound to abandon
15 and convey any or all of the Preservation Parcel in accordance with this Resolution.



Howard County

Internal Memorandum

Subject: Testimony & Fiscal Impact Statement
Council Resolution No. _____ - 2011 authorizing the County Executive to terminate the property interest on approximately 0.11 acres of land owned by the County known as a portion of Preservation Parcel U, located within the Riverwood subdivision, vesting title to Winchester Homes, Inc., 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 land may have a further public use and submits his finding to the County Council for its consideration.

To: Lonnie R. Robbins
Chief Administrative Officer

From: James M. Irvin, Director *JMI*
Department of Public Works

Date: August 25, 2011

The Department of Public Works has been designated coordinator for the preparation of testimony relative to the conveyance of land to Winchester Homes, Inc.

The County acquired ownership of Non-Buildable Preservation Parcel 'U' as shown on the subdivision plat entitled "Plat of Revision, Riverwood, Phases 1 and 2, Lots 4, 10, 21-25, 37-39, 60 & 61 & Non-Buildable Preservation Parcels C, D, R, T, U, V, W, X, & Y" by Deed dated December 14, 2007 from Elioak LLC, recorded in the Land Records of Howard County, Maryland in Liber 11377, folio 604.

Winchester Homes, Inc. has presented a plat of revision and resubdivision entitled "Riverwood, Phase 1 and 2, Lots 81-84 & Non-Buildable Parcels 'R' & 'EE'" to the Department of Planning and Zoning for the reconfiguration of Preservation Parcel "U" by exchanging a 0.11 acre area of the preservation parcel, which is subject to a forest conservation easement, for a 0.30 acre area of what is now part of Lots 4, 46, 47 and 78. The remainder of existing Preservation Parcel 'U' will be combined with the 0.30 acre area of land, and encumbered by a forest conservation easement, to create Non-Buildable Preservation Parcel 'EE'.

The County has received a request to terminate its property interest in the 0.11 acre portion of the preservation parcel in exchange for the 0.30 acre area of land. The intent of this resubdivision is to permanently protect existing forest within the subdivision of Riverwood. Since there will be an exchange of land, there is no fiscal impact to the County.

If you require further information concerning this matter or have any additional questions, please do not hesitate to contact me at your convenience.

cc: Jennifer Sager
File
TAR/Legislation/Riverwood/Testimony

