

# 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.

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Introduced and read first time July 6, 2020.

By order

  
Diane Schwartz Jones, Administrator

Read for a second time at a public hearing on July 20, 2020.

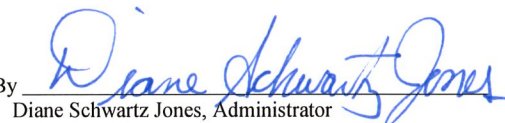
By order

  
Diane Schwartz Jones, Administrator

This Resolution was read the third time and was Adopted X, Adopted with amendments \_\_, Failed \_\_, Withdrawn \_\_, by the County Council

on July 29, 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

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

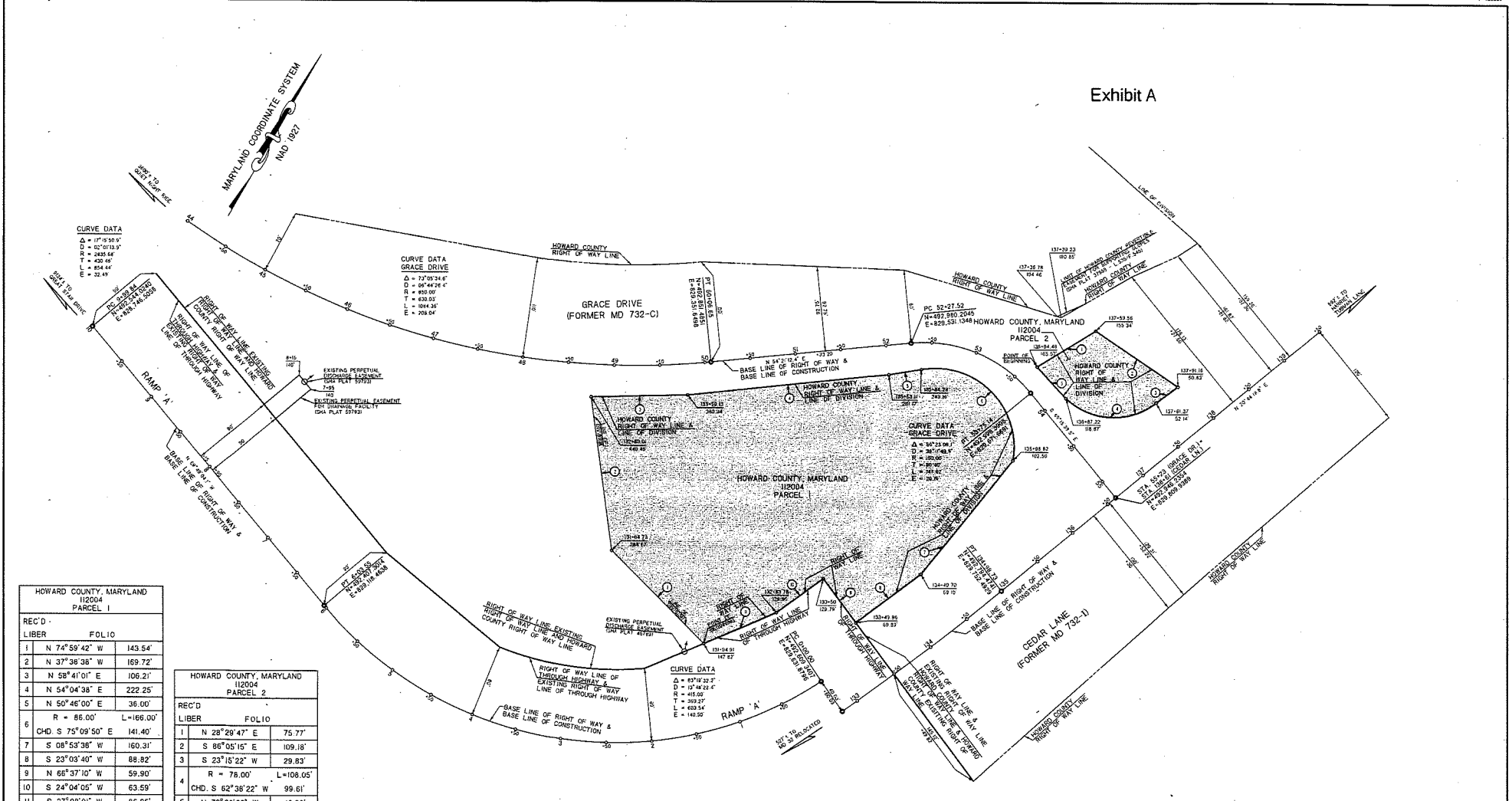
5           **WHEREAS**, Section 4.201 “Disposition of real property” of the Howard County Code  
6 authorizes the County Council to declare that real property is no longer needed for public purposes  
7 and may be disposed of by resolution.  
8

9           **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,  
10 Maryland, this 29<sup>th</sup> day of July, 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.

Exhibit A



**CURVE DATA**  
 $\Delta = 17^{\circ}18'50''$   
 $D = 107^{\circ}01'13''$   
 $R = 485.68'$   
 $T = 430.48'$   
 $L = 884.86'$   
 $E = 52.49'$

**CURVE DATA**  
 $\Delta = 72^{\circ}02'14''$   
 $D = 95^{\circ}44'26.4''$   
 $R = 493.00'$   
 $T = 420.05'$   
 $L = 1004.36'$   
 $E = 700.04'$

**CURVE DATA**  
 $\Delta = 30^{\circ}23'08''$   
 $D = 86^{\circ}48'41''$   
 $R = 450.00'$   
 $T = 302.27'$   
 $L = 623.54'$   
 $E = 38.98'$

**CURVE DATA**  
 $\Delta = 83^{\circ}18'22''$   
 $D = 17^{\circ}48'21.4''$   
 $R = 445.00'$   
 $T = 302.27'$   
 $L = 623.54'$   
 $E = 143.50'$

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=169.00'
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'
12	S 37°08'01" W 86.95'
FEE SIMPLE AREA 98,329 SQ. FT. OR 2.257 ACRES± SHOWN THUS:	

HOWARD COUNTY, MARYLAND	
112004 PARCEL 2	
REC'D	FOLIO
1	N 28°28'47" 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°36'22" W 99.61'
6	N 72°36'36" W 46.98'
FEE SIMPLE AREA 8,273 SQ. FT. OR 0.190 ACRES± SHOWN THUS:	

**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.  
 PATTIANNIE SMITH  
 PROFESSIONAL LAND SURVEYOR MD RES. NO. 21267  
 EXP. DATE 6/30/2021  
 DATE: 8-5-2019



**LEGEND OF PROPOSED EASEMENTS**

- TEMPORARY CONSTRUCTION EASEMENT FOR SPECIAL PURPOSE AS INDICATED BY NOTATION ON THIS PLAT
- PERPETUAL EASEMENT FOR SUPPORTING SLOPES
- PERPETUAL EASEMENT FOR SPECIAL PURPOSE AS INDICATED BY NOTATION 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 GRADING

A PORTION OF RIGHT OF WAY IS FOR AN EXPRESSWAY AND NO ACCESS, OTHER THAN LOCAL, OR RESTRICTION ON TRAFFIC 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 \_\_\_\_\_  
 APPROVED BY STATE HIGHWAY COMMISSION CHAIRMAN \_\_\_\_\_

BOOKS	PART OF PLATS
1845 TRAY	5241
2347 TRAY	5207
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2347 TRAY	5300

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 130027  
 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  
 RIGHT OF WAY PROJECT NO. AX766 1  
 ISSUED August 5, 2019  
 FEDERAL AID PROJECT NO. \_\_\_\_\_  
 SCALE: 1"=50'  
**ACQUISITION** PLAT No. 61440