

County Council Of Howard County, Maryland

2012 Legislative Session

Legislative Day No. 15

Resolution No. 179 -2012

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 development rights on approximately 68.1924 acres owned by Howard County, Maryland located at 6555 Belmont Woods Road, Elkridge, Maryland, are no longer needed by the County for public purposes; authorizing the County Executive to sell the development rights and, accordingly, place a preservation easement on the property; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; providing that the County Executive is not bound to sell the development rights or place the preservation easement if he finds that it may have a further public use and submits his finding to the County Council for its consideration; and providing for a certain effective date.

Introduced and read first time December 3, 2012.

By order Stephen LeGendre
Stephen LeGendre, Administrator

Read for a second time at a public hearing on December 17, 2012.

By order Stephen LeGendre
Stephen LeGendre, Administrator

This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on January 7, 2013.

Certified By Stephen LeGendre
Stephen LeGendre, 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 real property located at 6555 Belmont Woods
2 Road in Elkridge, Maryland comprising approximately 68.1924 acres (the “Belmont Property”,
3 as shown in the attached Exhibit A), being part of the property conveyed by The Board of
4 Trustees of Howard Community College to the County by Deed dated June 21, 2012, recorded in
5 the Land Records of Howard County, Maryland on or about July 9, 2012 in Liber 14129, folio
6 538; and

7
8 **WHEREAS**, the County acknowledges the County’s and community’s interest in
9 preserving the historic and environmental attributes of the Belmont Property; and

10
11 **WHEREAS**, the County has decided to sell the development rights that currently exist
12 on Belmont Property, which are no longer needed for a public purpose, and accordingly place a
13 preservation easement on the property; and

14
15 **WHEREAS**, it is the County’s intention to use the revenue generated by the sale of
16 development rights from the Belmont Property for capital costs associated with the Belmont
17 Property, although the final decision on how the revenue is used must be made through the
18 enactment of each year’s Annual Budget and Appropriation Ordinance; and

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

25
26 **WHEREAS**, the County Council has received a request from the County Executive to
27 waive the advertising and bidding requirements in this instance for the sale of the development
28 rights that currently exist on the Belmont Property.

29
30 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
31 Maryland, this ____ day of _____, 2013, that the development rights currently

1 existing on the Belmont Property are no longer needed by the County for public purposes and
2 may be sold, and, ~~accordingly~~ consistent with Sections 103 and 128.L of the Howard County
3 Zoning Regulations, a preservation easement ~~may~~ will be placed on the Belmont Property upon
4 the sale of the development rights.

5
6 **AND BE IT FURTHER RESOLVED** that having received a request from the County
7 Executive and having held a public hearing that was duly advertised, the County Council
8 declares that the best interest of the County will be served by authorizing the County Executive
9 to waive the usual advertising and bidding requirements of Section 4.201 of the Howard County
10 Code for the sale of the development rights.

11
12 **AND BE IT FURTHER RESOLVED** that, if the County Executive finds that the
13 development rights may have a further public use and that the preservation easement should not
14 be placed on the Belmont Property, he may submit his findings and recommendations to the
15 County Council for its consideration without being bound to sell the development rights and
16 place a preservation easement on the Belmont Property in accordance with this Resolution.

17
18 **AND BE IT FURTHER RESOLVED** that this Resolution shall be effective on January
19 10, 2013.

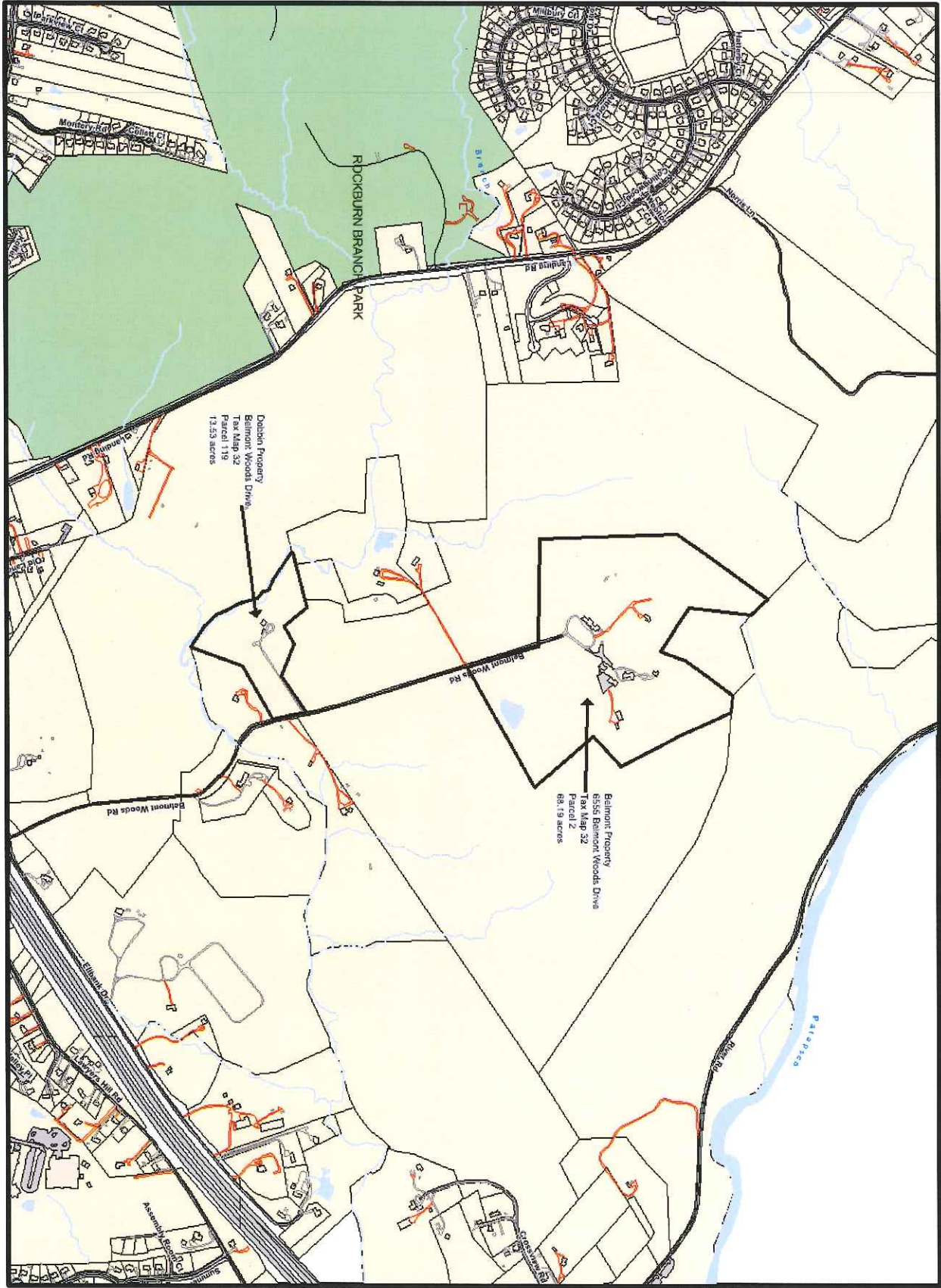


Exhibit A

Amendment 1 to Council Resolution No. 179 -2012

BY: Chairperson at the request
of the County Executive

Legislative Day No. 1
Date: January 7, 2013

Amendment No. 1

(This amendment:

1. Adds a statement acknowledging the importance of preserving the Belmont property;
2. Sets forth the intention to use revenue for a certain purpose; and
3. References the authority under which a preservation easement will be placed on the property; and
4. Makes technical corrections.)

1 In the title, in the seventh line, strike “place” and substitute “grant”.

2

3 On page 1 in line 7, insert:

4 “WHEREAS, the County acknowledges the County’s and community’s interest in
5 preserving the historic and environmental attributes of the Belmont Property; and”.

6

7 On page 1, in line 11 insert:

8 “WHEREAS, it is the County’s intention to use the revenue generated by the sale of
9 development rights from the Belmont Property for capital costs associated with the Belmont
10 Property, although the final decision on how the revenue is used must be made through the
11 enactment of each year’s Annual Budget and Appropriation Ordinance; and”.

12

13 On page 1, in line 25:

- 14 1. After “sold” insert a comma;
- 15 2. Strike “accordingly” and substitute “consistent with Sections 103 and 128.L of the
16 Howard County Zoning Regulations”; and
- 17 3. Strike “may” and substitute “will”.

ADOPTED January 7, 2013
FAILED _____
SIGNATURE Stephen M. Gellen

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Introduced and read first time _____, 2012.

By order _____
Stephen LeGendre, Administrator

Read for a second time at a public hearing on _____, 2012.

By order _____
Stephen LeGendre, Administrator

This Resolution was read the third time and was Adopted __, Adopted with amendments __, Failed __, Withdrawn __, by the County Council on _____, 2013.

Certified By _____
Stephen LeGendre, Administrator

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4 Trustees of Howard Community College to the County by Deed dated June 21, 2012, recorded in
5 the Land Records of Howard County, Maryland on or about July 9, 2012 in Liber 14129, folio
6 538; and

7
8 **WHEREAS**, the County has decided to sell the development rights that currently exist
9 on Belmont Property, which are no longer needed for a public purpose, and accordingly place a
10 preservation easement on the property; and

11
12 **WHEREAS**, Section 4.201, “Disposition of real property”, of the Howard County Code
13 authorizes the County Council to declare that real property is no longer needed for public
14 purposes and authorizes the County Council to waive advertising and bidding requirements for
15 an individual conveyance of real property upon the request of the County Executive and after a
16 public hearing that has been duly advertised; and

17
18 **WHEREAS**, the County Council has received a request from the County Executive to
19 waive the advertising and bidding requirements in this instance for the sale of the development
20 rights that currently exist on the Belmont Property.

21
22 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
23 Maryland, this ____ day of _____, 2013, that the development rights currently
24 existing on the Belmont Property are no longer needed by the County for public purposes and
25 may be sold and, accordingly, a preservation easement may be placed on the Belmont Property
26 upon the sale of the development rights.

27
28 **AND BE IT FURTHER RESOLVED** that having received a request from the County
29 Executive and having held a public hearing that was duly advertised, the County Council
30 declares that the best interest of the County will be served by authorizing the County Executive

1 to waive the usual advertising and bidding requirements of Section 4.201 of the Howard County
2 Code for the sale of the development rights.

3

4 **AND BE IT FURTHER RESOLVED** that, if the County Executive finds that the
5 development rights may have a further public use and that the preservation easement should not
6 be placed on the Belmont Property, he may submit his findings and recommendations to the
7 County Council for its consideration without being bound to sell the development rights and
8 place a preservation easement on the Belmont Property in accordance with this Resolution.

9

10 **AND BE IT FURTHER RESOLVED** that this Resolution shall be effective on January
11 10, 2013.

