County Council Of Howard County, Maryland

2020 Legislative Session

Legislative Day No. 12

Resolution No. 140 -2020

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

A RESOLUTION pursuant to Section 4.201 of the Howard County Code, authorizing the County Executive to grant easements to Baltimore Gas and Electric Company so that BGE may place equipment on poles owned by the County in three locations in Ellicott City; 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 grant the easements if he finds that the property may have a further public use.

Introduced and read first time September 8, 2020.	By order Diane Schwartz-Jones, Administrator
Read for a second time at a public hearing on September 21	_, 2020.
	By order <u>Diane</u> Schwartz-Jones, Administrator
This Resolution was read the third time and was Adopted, Adopted with a	mendments, Failed, Withdrawn, by the County Council
on October 5, 2020.	
	Certified By Lane Richwart Jone, Diane Schwartz-Jones, 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 is the fee simple owner of poles (collectively the "County				
2	Property") that are used to provide utilities; and				
3					
4	WH	EREAS, Baltimore Gas and Electric Company ("BGE") is relocating equipment out			
5	of the Patap	sco River in Ellicott City and has requested permission to enter upon and use, from			
6	time to time, a portion of the County Property containing approximately 0.0166 acres for the sole				
7	purpose of in	nstalling and maintaining equipment (collectively, the "Easement"); and			
8					
9	WH	EREAS, the locations for the proposed Easement, as shown collectively on the map			
10	attached as Exhibit A as red lines and red squares, are specifically as follows:				
11	1.	A proposed guy pole to be located at the rear of 8267 Main St., as shown and			
12		described in Exhibit B;			
13	2.	A proposed anchor and relocated pole to be located at 3726 Old-Columbia Pike,			
14		as shown and described in Exhibit C; and			
15	3.	A head guy wire between 3726 Old Columbia Pike and 8267 Main Street, that			
16		will run across a portion of County property located at Tax Map 25A Parcel 263			
17		and that will also run across private property, as shown and described in Exhibit			
18		D; and			
19					
20	WH	EREAS, the Department of Public Works has reviewed and approved the proposed			
21	Easement; an	nd			
22					
23	WH	EREAS, Section 4.201, "Disposition of Real Property", of the Howard County Code			
24	authorizes the County Council to declare that property is no longer needed for public purposes				
25	and also authorizes the County Council to waive advertising and bidding requirements for an				
26	individual conveyance of real property upon the request of the County Executive; and				
27					
28	WHI	EREAS, the County Council has received a request from the County Executive to			
29	waive the advertising and bidding requirements in this instance for the grant of the Easement to				
30	BGE.				
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NOW, THEREFORE, BE IT RESOLVED by the County Council of Howard County,
Maryland, this _____ day of _____, 2020, that the County Executive may
convey an Easement to BGE comprising approximately 0.0166 acres, as shown and described in
the Land Descriptions in the attached Exhibits B, C, and D, for the purpose of installing and
maintaining equipment.

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AND BE IT FURTHER RESOLVED that, having received a request from the County Executive and having held a public hearing, the County Council declares that the best interest of the County will be served by authorizing the County Executive to waive the usual advertising and bidding requirements of Section 4.201 of the Howard County Code for the conveyance of the Easement to BGE.

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AND BE IT FURTHER RESOLVED that, if the County Executive finds that the property may have a further public use with which the easement will interfere and, therefore, that the Easement should not be granted, he is not bound to grant the Easement in accordance with this Resolution.

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Exhibit A

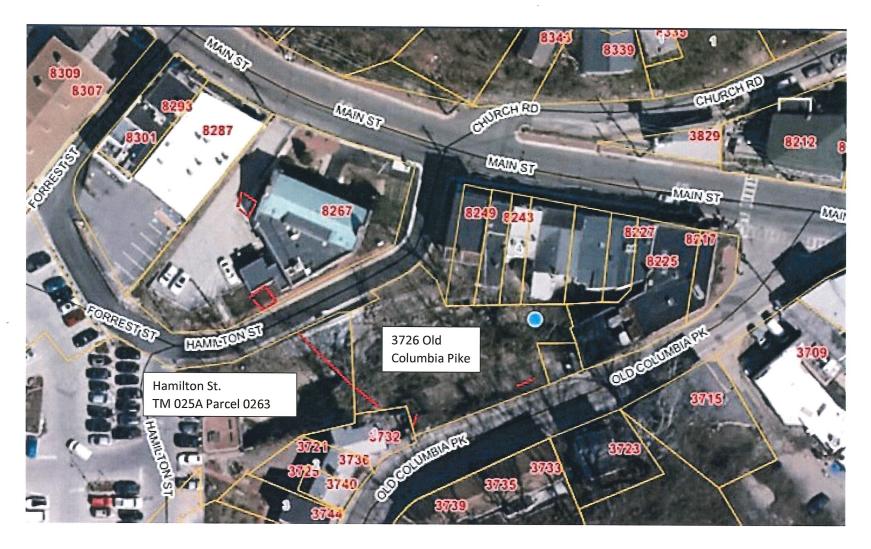


Exhibit B



<u>EN Job No.: 1920901.07</u> <u>Phase 0.0018</u> <u>December 31, 2019</u> <u>Page 1 of 1</u>

Land Description for a 5' BGE Easement Located at #8267 Main Street, Parcel 296 of Tax Map 25A 2nd Election District, Howard County, Maryland

BEGINNING FOR THE SAME at a point on the northerly side of Hamilton Street, a variable width Street in Ellicott City, distant North 63°03'29" East 0.82 feet from the beginning of the fifth or South 76°24'18" West 60.17 feet line of a conveyance described in a deed from United Postal Service to Howard County, Maryland dated September 26, 2008 and recorded among the Land Records of Howard County in Deed Liber MDR 11373 at Folio 316; thence departing said point so fixed and the northerly side of said Hamilton Street, with all bearings herein being referred to the Maryland State Coordinate System NAD 83/2011 as now surveyed:

- 1. North 30º49'55" West for a distance of 5.01 feet; thence
- 2. North 63º03'29" East for a distance of 5.01 feet; thence
- 3. <u>South 30°49'55" East for a distance of 5.01 feet to intersect the northerly side of said</u> <u>Hamilton Street and the fifth or South 62°33'36" West 24.64 feet line of said deed; and</u> <u>thence running with the northerly side of said Hamilton Street</u>
- 4. South 63º03'29" West for a distance of 5.01 feet to the point of beginning.

CONTAINING in all 25 square feet or 0.0006 acres of land, per my survey calculation.

BEING the same lands as shown on a plat attached hereto and intended to be recorded herewith entitled, "Exhibit A, 5' BGE Easement on 8267 Main Street" prepared by EN Engineering and dated December 31, 2019.

This metes and bounds land description and the related survey work was prepared by me or under my direct supervision in accordance with the requirements of COMAR Title 9 Department of Labor, Licensing, and Regulation Subtitle 13, Chapter 06, Minimum Standards of Practice as amended in May of 2017.

J<u>oseph E. Filippone, II</u> <u>Maryland Professional Land Sorveyor No. 21212</u> Expiration Date: 1/22/2027



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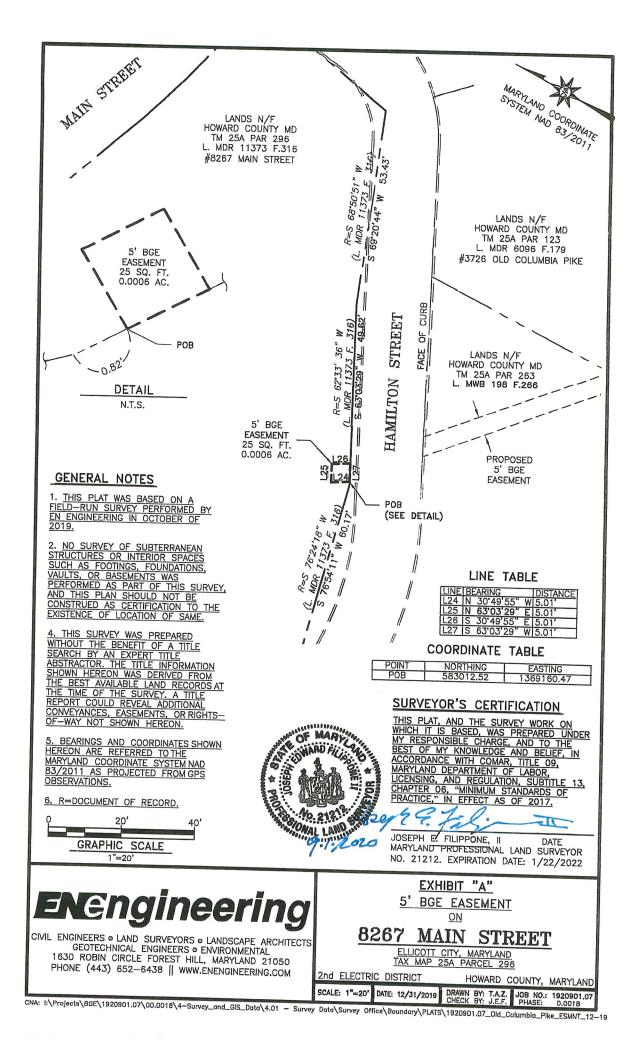


Exhibit C



EN Job No.: 1920901.07 Phase 0.0018 December 31, 2019 Page 1 of 2

Land Description for Three 5' BGE Easements At #3726 Old Columbia Pike, Parcel 123 of Tax Map 25A 2nd Election District, Howard County, Maryland

BEGINNING FOR EASEMENT A at a point on the northerly side of Old Columbia Pike, a variable width Street in Ellicott City, being distant South 68°41'11" West 10.50 feet from the beginning of the thirteenth or South 68°49'49" West 93.91 feet line of a conveyance in a deed from Howard County Housing Commission to Howard County, Maryland dated February 5, 2002 and recorded among the said Land Records in Liber MDR 6096 Folio 179; thence departing said point so fixed, binding on the said first line and running with the northerly side of said Old Columbia Pike, with all bearings herein being referred to the Maryland State Coordinate System NAD 83/2011 as now surveyed:

- 1. South 68°41'11" West for a distance of 15.32 feet; thence departing said Old Columbia Pike and said thirteenth line
- 2. North 21°18'49" West for a distance of 5.75 feet; thence
- 3. North 68°41'11" East for a distance of 15.32 feet; thence
- 4. South 21°18'49" East for a distance of 5.75 feet to the point of beginning.

CONTAINING in all 88 square feet or 0.0020 acres of land, per my survey calculation.

BEGINNING FOR EASEMENT B at a point on the northerly side of Old Columbia Pike, a variable width Street in Ellicott City, said point being at the end of the thirteenth or South 68°49'49" West 93.91 feet line of a conveyance in a deed from Howard County Housing Commission to Howard County, Maryland dated February 5, 2002 and recorded among the said Land Records in Liber MDR 6096 Folio 179; thence departing said point so fixed, and binding on the first or North 16°10'49" West 19.91 feet line of said deed, with all bearings herein being referred to the Maryland State Coordinate System NAD 83/2011 as now surveyed:

- 1. North 16°19'27" West for a distance of 7.55 feet; thence departing said first line
- 2. North 23°11'14" East for a distance of 9.05 feet; thence

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- 3. South 66°48'46" East for a distance of 5.00 feet; thence
- 4. South 23°11'14" West for a distance of 14.68 feet to intersect the said thirteenth line of said deed; thence binding on the said thirteenth line in part and running with the northerly side of said Old Columbia Pike
- 5. South 68°41'11" West for a distance of 0.28 feet to the point of beginning.

CONTAINING in all 60 square feet or 0.0014 acres of land, per my survey calculation.

BEGINNING FOR EASEMENT C at a point distant North 82°11'11" East 12.37 feet from the end of the second or South 80°54'37" West 34.00 feet line of a conveyance in a deed from Howard County Housing Commission to Howard County, Maryland dated February 5, 2002 and recorded among the said Land Records in Liber MDR 6096 Folio 179; thence departing said second line and said point so fixed, with all bearings herein being referred to the Maryland State Coordinate System NAD 83/2011 as now surveyed:

- 1. North 48°52'22" West for a distance of 16.68 feet to intersect the third or North 02°41'49" West 66.69 feet line of said deed; thence binding on said third line in part
- 2. North 01°25'15" West for a distance of 6.79 feet; thence departing said third line
- 3. South 48°52'22" East for a distance of 25.63 feet to intersect said second line of said deed; thence binding on part of the said second line
- 4. South 82°11'11" West for a distance of 6.63 feet to the point of beginning.

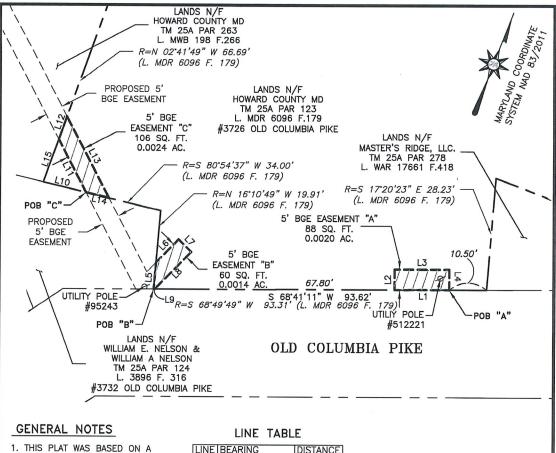
CONTAINING in all 106 square feet or 0.0024 acres of land, per my survey calculation.

ALL BEING the same lands as shown on a plat attached hereto and intended to be recorded herewith entitled, "Exhibit A, Three 5' BGE Easements on 3726 Old Columbia Pike" prepared by EN Engineering and dated December 31, 2019.

This metes and bounds land description and the related survey work was prepared by me or under my direct supervision in accordance with the requirements of COMAR Title 9 Department of Labor, Licensing, and Regulation Subtitle 13, Chapter 06, Minimum Standards of Practice as amended in May of 2017.

Joseph E. Filippone, II Maryland Professional Land Surveyor No. 21212 Expiration Date: 1/22/2020

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FIELD-RUN SURVEY PERFORMED BY EN ENGINEERING IN OCTOBER OF 2019.

2. NO SURVEY OF SUBTERRANEAN STRUCTURES OR INTERIOR SPACES SUCH AS FOOTINGS, FOUNDATIONS, VAULTS, OR BASEMENTS WAS PERFORMED AS PART OF THIS SURVEY, AND THIS PLAN SHOULD NOT BE CONSTRUED AS CERTIFICATION TO THE EXISTENCE OF LOCATION OF SAME.

4. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH BY AN EXPERT TITLE ABSTRACTOR. THE TITLE INFORMATION SHOWN HEREON WAS DERIVED FROM THE BEST AVAILABLE LAND RECORDS AT THE TIME OF THE SURVEY, A TITLE REPORT COULD REVEAL ADDITIONAL CONVEYANCES, EASEMENTS, OR RIGHTS-OF-WAY NOT SHOWN HEREON.

5. BEARINGS AND COORDINATES SHOWN HEREON ARE REFERRED TO THE MARYLAND COORDINATE SYSTEM NAD 83/2011 AS PROJECTED FROM GPS OBSERVATIONS.

6. R=DOCUMENT OF RECORD. 20

GRAPHIC SCALE

LINF	B	EARING		DISTANCE
L1	S	68'41'11"	W	15.32'
L2	N	21'18'49"		5.75'
L3	N	68 41'11"	E	15.32'
L4	S	21.18,49"		5.75'
L5	N	16'19'27"		7.55'
L6	N	23 11'14"		9.05'
L7	S	66 48 46"	Ε	5.00'
L8	S	23 11'14"	W	14.68'
L9	S	68 41'11"	W	0.28'
L10	Ν	82 11'11"	E	12.37'
L11	Ν	48'52'22"		16.68'
L12	Ν	01'25'15"	W	6.79'
L13	S	48'52'22"	Е	25.63'
L14	S	82'11'11"	W	6.63'
L15	Ν	01'25'15"	W	12.66'

(coc	TABLE	
POINT		NORTHING	EASTING
POB	"A"		1369339.84
POB	"B"	582929.20	1369262.41
POB	"C"	582947.40	1369234.78

SURVEYOR'S CERTIFICATION

THIS PLAT, AND THE SURVEY WORK ON WHICH IT IS BASED, WAS PREPARED UNDER MY RESPONSIBLE CHARGE, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, IN ACCORDANCE WITH COMAR, TITLE 09, MARYLAND DEPARTMENT OF LABOR, LICENSING, AND REGULATION, SUBTITLE 13, CHAPTER 06, "MINIMUM STANDARDS OF PRACTICE," IN EFFECT AS OF 2017.

JOSEPH E. FILIPPONE, II DATE MARYLAND PROFESSIONAL LAND SURVEYOR NO. 21212. EXPIRATION DATE: 1/22/2020



SIONAL LAND No. 21212

OF MARK Street

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Exhibit D

ENEngineering.

EN Job No.: 1920901.07 Phase 0.0018 December 31, 2019 Page 1 of 2

Land Description for a 5' BGE Easement At #3732 Old Columbia Pike, Parcel 124 of Tax Map 25A 2nd Election District, Howard County, Maryland

BEGINNING FOR THE SAME at a point on the northerly side of Old Columbia Pike, a variable width Street in Ellicott City, said point being at the beginning of the first or South 71-1/2 ° West 121- ½ feet line of a conveyance described in a deed from John Rettger et al to William E. Nelson and William A. Nelson dated December 26, 1996 and recorded among the Land Records of Howard County in Deed Liber MDR 3896 at Folio 316; thence departing said point so fixed, binding on the said 1st line in part and running with the northerly side of said Old Columbia Pike, with all bearings herein being referred to the Maryland State Coordinate System NAD 83/2011 as now surveyed:

- 1. South 68°41'11" West for a distance of 5.03 feet; thence departing said Old Columbia Pike and said first line
- 2. North 48°52'22" West for a distance of 30.45 feet to intersect the fifth or North 85° East 170 feet line of said deed; thence binding on said fifth line in part
- 3. North 82°11'11" East for a distance of 6.63 feet; thence departing said fifth line
- 4. South 48°52'22" East for a distance of 23.20 feet; thence
- 5. North 23°11'14" East for a distance of 3.70 feet to intersect the first or North 16°10'49" West 19.91 feet line of a conveyance in a deed from Howard County Housing Commission to Howard County, Maryland dated February 5, 2002 and recorded among the said Land Records in Liber MDR 6096 Folio 179; thence binding on part of the lastly mentioned first line reversely
- 6. South 16°19'27" East for a distance of 7.55 feet to the point of beginning.

CONTAINING in all 155 square feet or 0.0036 acres of land, per my survey calculation.

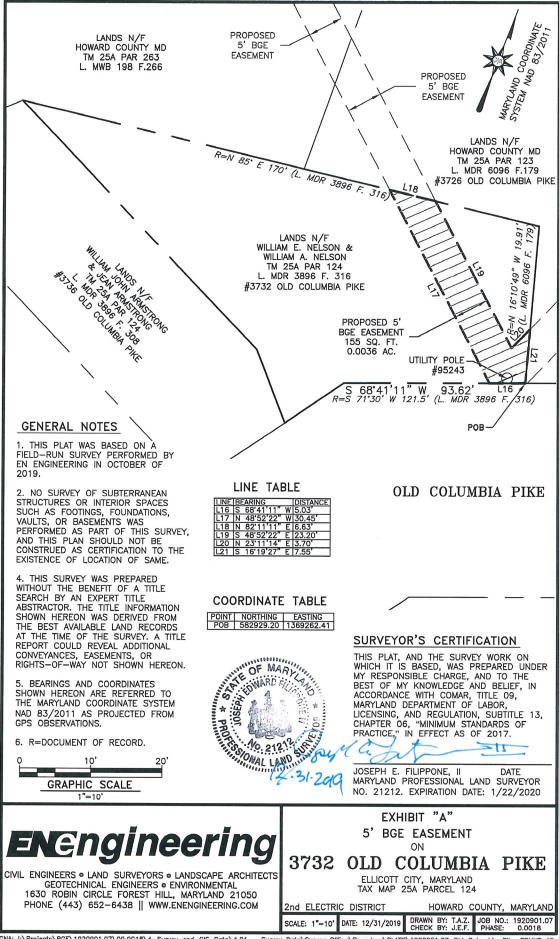
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BEING the same lands as shown on a plat attached hereto and intended to be recorded herewith entitled, "Exhibit A, 5' BGE Easement on 3732 Old Columbia Pike" prepared by EN Engineering and dated December 31, 2019.

This metes and bounds land description and the related survey work was prepared by me or under my direct supervision in accordance with the requirements of COMAR Title 9 Department of Labor, Licensing, and Regulation Subtitle 13, Chapter 06, Minimum Standards of Practice as amended in May of 2017.

Joseph E. Filippone, II Maryland Professional Land Surveyor No. 21212 Expiration Date: 1/22/2020

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Exhibit E



EN Job No.: 1920901.07 Phase 0.0018 December 31, 2019 Page 1 of 1

Land Description for a 5' BGE Easement On Parcel 263 of Tax Map 25A 2nd Election District, Howard County, Maryland

BEGINNING FOR THE SAME at a point on the face of curb of the southerly side of Hamilton Street, a variable width Street in Ellicott City, distant South 63°34'06" West 78.62 feet from the PC of a curve in the said face of curb; thence departing said point so fixed and the southerly side of said Hamilton Street, with all bearings herein being referred to the Maryland State Coordinate System NAD 83/2011 as now surveyed:

- South 48°52'22" East for a distance of 54.17 feet to intersect the third or North 02°41'49" West 66.69 feet line of a conveyance in a deed from Howard County Housing Commission to Howard County, Maryland dated February 5, 2002 and recorded among the Land Records of Howard County in Liber MDR 6096 Folio 179; thence binding on said third line in part
- 2. South 01°25'15" East for a distance of 6.79 feet; thence departing said third line
- 3. North 48°52'22" West for a distance of 60.83 feet to intersect the southerly side of said Hamilton Street and said face of curb; and thence binding on and running with said face of curb and the southerly side of Hamilton Street
- 4. North 63°34'06" East for a distance of 5.41 feet to the point of beginning.

CONTAINING in all 288 square feet or 0.0066 acres of land, per my survey calculation.

BEING the same lands as shown on a plat attached hereto and intended to be recorded herewith entitled, "Exhibit A, 5' BGE Easement on Tax Map 25A Parcel 263" prepared by EN Engineering and dated December 31, 2019.

This metes and bounds land description and the related survey work was prepared by me or under my direct supervision in accordance with the requirements of COMAR Title 9 Department of Labor, Licensing, and Regulation Subtitle 13, Chapter 06, Minimum Standards of Practice as amended in May of 2017.

