

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 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This Resolution was read the third time and was Adopted X, Adopted with amendments, Failed, Withdrawn, by the County Council on July 29, 2020.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

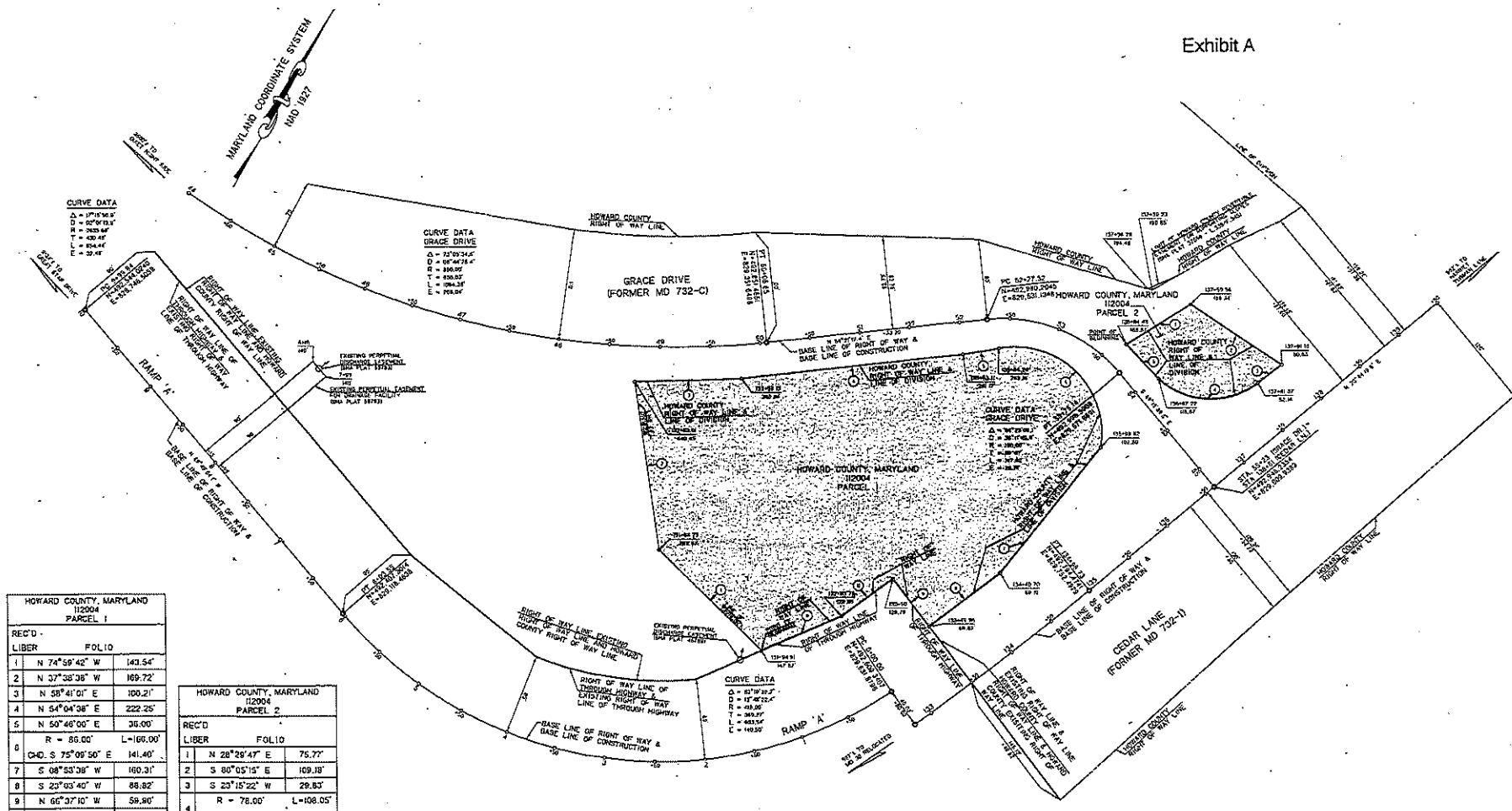
5           **WHEREAS**, Section 4.201 "Disposition of real property" of the Howard County Code  
6 authorizes the County Council to declare that real property is no longer needed for public purposes  
7 and may be disposed of by resolution.  
8

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



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 100.21'
4	N 64°04'38" E 222.25'
5	N 50°48'00" E 30.00'
R = 86.00' L = 166.00'	
CHD. S 75°09'50" E 141.40'	
7	S 08°53'38" W 109.31'
8	S 23°03'40" W 88.82'
9	N 66°37'10" W 58.80'
10	S 24°04'05" W 63.88'
11	S 37°08'01" W 86.95'
FEE SIMPLE AREA 98,320 SQ. FT. OR 2.257 ACRES± SHOWN THUS: [Symbol]	

HOWARD COUNTY, MARYLAND 112004 PARCEL 2	
REC'D LIBER	FOLIO
1	N 28°28'47" E 75.77'
2	S 80°05'15" E 109.18'
3	S 23°15'22" W 29.83'
R = 78.00' L = 108.05'	
CHD. S 62°38'22" W 99.61'	
5	N 72°30'36" W 46.98'
FEE SIMPLE AREA 6,273 SQ. FT. OR 0.140 ACRES± SHOWN THUS: [Symbol]	

**SURVEYOR'S CERTIFICATION**  
THE RIGHT OF WAY LINES AND LINES OF DIVISION SHOWN HEREON WERE ESTABLISHED FROM OLD 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 03.03.01.  
PATTIANNIE SMITH  
PROFESSIONAL LAND SURVEYOR  
DATE 8-5-2019



**LEGEND OF PROPOSED EASEMENTS**  
 [Symbol] TEMPORARY CONSTRUCTION EASEMENT FOR SPECIAL PURPOSE AS NOTICED BY NOTATION ON THIS PLAT.  
 [Symbol] EASEMENT FOR SUPPORTING EGRESS.  
 [Symbol] PERMANENT EASEMENT FOR SPECIAL PURPOSE AS NOTICED ON THIS PLAT.  
 [Symbol] PERMANENT EASEMENT FOR SERVICE FACILITY AS NOTICED BY NOTATION ON THIS PLAT.  
 [Symbol] PERMANENT EASEMENT TO DISCHARGE FLOW OF WATER FROM OR INTO AN EXISTING WATERWAY OF NATURAL OR MAN-MADE COURSE.  
 [Symbol] PERMANENT EASEMENT TO DISCHARGE FLOW OF WATER UPON EXISTING GROUND.

A PORTION OF RIGHT OF WAY IS SHOWN AN EXPRESSWAY AND NO ACCESS EITHER VEHICULAR, PEDESTRIAN, OR BICYCLE WILL BE PERMITTED ACROSS THE LINES BOUND BY SUCH PUBLIC ROAD CONNECTIONS AS ARE AUTHORIZED BY LAW.  
 SCALE: 1"=50'  
 SENT TO RECORD OFFICE: [Date]  
 APPROVED DATE: [Date]  
 STATE BOARD OF PROFESSIONAL SURVEYORS

NO.	DATE	REVISION

BOOK	PAGE	PLAT

LOCATED IN: HOWARD COUNTY  
 PREPARED BY: PLATS & SURVEYS DIVISION  
 ADDRESS: 211 E. MADISON STREET BALTIMORE, MD 21202  
 CONSTRUCTION PROJECT: TMDL SWM RETROFIT GROUP 1 DISTRICT 7 BMP 10027  
 RIGHT OF WAY/PERPETUAL EASEMENT  
 CONSTRUCTION PROJECT NO.: AX765282R

STATE OF MARYLAND DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ADMINISTRATION STATE ROADS COMMISSION	
RIGHT OF WAY PROJECT:	2-TMDL SWM RETROFIT - GROUP 1 - DISTRICT 7
RIGHT OF WAY PROJECT NO.:	AX766 1
ISSUED:	August 5, 2019
FEDERAL AID PROJECT NO.:	
SCALE:	1"=50'
<b>ACQUISITION</b>	<b>PLAT No. 61440</b>

**Office of the County Auditor  
Analysis of Draft Legislation**

**Council Resolution No. 109-2020**

Introduced: July 6, 2020

Auditor: Maya Cameron

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Fiscal Impact:

The fiscal impact to the County as a result of this legislation cannot be determined.

*According to the Department of Public Works (DPW), no appraisal was performed on the property known as Grace Pond. Additionally, there is no State Department of Assessments and Taxation (SDAT) record or Tax ID for this property.*

The deed for Grace Pond was conveyed on July 27, 2016, from the State Highway Administration to Howard County with the consideration of \$1.00.

Per the DPW, the County has not performed any maintenance on this pond. Therefore, transferring the pond back to the State would not result in any cost savings to the County.

Purpose:

The purpose of this legislation is to:

- 1) Declare that the County-owned property described as "Grace Pond," containing 2.447 acres, is no longer needed by the County for public purposes;
- 2) Authorize 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
- 3) Provide that the County Executive is not bound to convey the property if he finds that the County may have a public use for it.

Other Comments:

According to the Administration, the pond is not currently being counted towards the County's MS4 permit. Therefore, no County credits will be lost.

The DPW has indicated that the property is used as storm drainage. It would be both owned and operated by the State should this proposed legislation pass.

This property is part of a road right of way for Maryland Route 32 and Cedar Lane. The property is zoned as a Residential Environmental District.