

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council Of Howard County, Maryland

2013 Legislative Session

Legislative Day No. 13

Bill No. 54 -2013

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

AN ACT pursuant to Section 612 of the Howard County Charter, approving a multi-year Developer Agreement and Right of Entry for a Major Public Water System between Howard County, Waverly Woods Development Corporation, and Waverly Woods Owner's Association, Inc., for the construction and acquisition of the Waverly Woods 12-inch Water Main Extension; and authorizing the County Executive to take certain actions in connection with the Agreement.

Introduced and read first time _____, 2013. Ordered posted and hearing scheduled.

By order _____
Sheila M. Tolliver, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2013.

By order _____
Sheila M. Tolliver, Administrator

This Bill was read the third time on _____, 2013 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Sheila M. Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2013 at ___ a.m./p.m.

By order _____
Sheila M. Tolliver, Administrator

Approved/Vetoed by the County Executive _____, 2013

Ken Ulman, County Executive

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**, Waverly Woods Development Corporation (the “Developer”) and Waverly
2 Woods Owner’s Association (the “Owner”) are fee simple owners of certain real property known
3 as Waverly Woods and, in order to provide water service to the property, the Developer and
4 Owner have undertaken to construct the Waverly Woods 12-inch Water Main Extension (the
5 “Water Main”); and
6

7 **WHEREAS**, the Developer and Owner have requested the County to reimburse the
8 Developer for the costs of constructing the Water Main and the County has determined that the
9 Water Main is a major facility designated on the Howard County Master Plan for Water and
10 Sewerage, Water or Sewer Map and shall be sized to accommodate properties outside of the
11 subdivision; and
12

13 **WHEREAS**, the County desires to acquire, maintain, and operate the Water Main as
14 part of the Howard County Metropolitan District for public water and sewer service; and
15

16 **WHEREAS**, pursuant to Howard County Code Sections 20.611 and 20.613, in-aid-of-
17 construction charges and ad valorem charges, respectively, are collected on lots within the
18 Howard County Metropolitan District to finance the acquisition and operation of the County’s
19 water and sewerage systems; and
20

21 **WHEREAS**, Section 14 of the Developer Agreement and Right of Entry for a Major
22 Public Water System (the “Reimbursement Obligation”), a copy of which is attached hereto,
23 requires the payment to Developer by the County of funds from in-aid-of-construction charges
24 and ad valorem charges in a later fiscal year to reimburse the Developer for the approved costs of
25 constructing the Water Main over a period of ten (10) to fifteen (15) years and therefore requires
26 County Council approval as a multi-year agreement pursuant to Section 612 of the Howard
27 County Charter.
28

29 **NOW, THEREFORE,**
30

31 *Section 1. Be It Enacted by the County Council of Howard County, Maryland that, in*

1 *accordance with Section 612 of the Howard County Charter, it approves the Reimbursement*
2 *Obligation of the Developer Agreement and Right of Entry for a Major Public Water System*
3 *between Howard County, Maryland, Waverly Woods Development Corporation, and Waverly*
4 *Woods Owner's Association, Inc., in substantially the form as the attached Exhibit, for a term of*
5 *10 years with the option to renew for up to five (5) one -year renewal terms .*

6
7 ***Section 2. And Be It Further Enacted*** *by the County Council of Howard County, Maryland that*
8 *the County Executive is hereby authorized to execute the Developer Agreement and Right of*
9 *Entry for a Major Public Water System for such term in the name of and on behalf of the County.*

10
11 ***Section 3. And Be It Further Enacted*** *by the County Council of Howard County, Maryland that*
12 *the County Executive, prior to execution and delivery of the Developer Agreement and Right of*
13 *Entry for a Major Public Water System, may make such changes or modifications to the*
14 *Agreement as he deems appropriate in order to accomplish the purpose of the transactions*
15 *authorized by this Act, provided that such changes or modifications shall be within the scope of*
16 *the transactions authorized by this Act; and the execution of the Agreement by the County*
17 *Executive shall be conclusive evidence of the approval by the County Executive of all changes or*
18 *modifications to the Agreement, and the Agreement shall thereupon become binding upon the*
19 *County in accordance with its terms.*

20
21 ***Section 4. And Be It Further Enacted*** *by the County Council of Howard County, Maryland that*
22 *this Act shall be effective immediately upon its enactment.*