

Sayers, Margery

From: Ed Diver <diverdude777@yahoo.com>
Sent: Monday, April 5, 2021 1:26 PM
To: CouncilMail
Cc: Les
Subject: Updated information regarding CR 28-20
Attachments: Order GRANTING MET's MSJ 3-23-2021.pdf

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Howard County Council Members:

Three weeks ago my wife and I called your attention to potential issues regarding CR 28-20.

Since that time the following has happened in regard to the primary issues we raised:

1: Howard County Circuit Court Coleman ruled **summarily** that Dean and Gina Dubbe, their corporation Roxbury View, Charles and Denise Sharp and their corporation Sharp's Wildhorse Farm were in violation of the Maryland Environmental Trust (MET) associated with their "farm." See attached. From that order the court:

- ORDERED AND DECREED that by erecting an impermissible, residential dwelling structure on Lot 7 of the Chase Farm Property as shown in the Plat, Defendants/Cross-Claim Plaintiffs/Counterclaim Plaintiffs, Roxbury View, LLC and Gina and Dean Dubbe, have violated and breached the Conservation Easement; and it is further
- ORDERED AND DECREED that Roxbury View, LLC and Gina and Dean Dubbe must **remove and demolish the residential dwelling** on Lot 7 within a reasonable time not to exceed six months from the date of the entry of this Order; and it is further
- ORDERED AND DECREED that Roxbury View, LLC and Gina and Dean Dubbe must remove and properly dispose of all construction debris or other material related to the removal of the residential structure on Lot 7, re-grade and re-seed the disturbed area of the footprint of the house, curtilage to the house, and the parking area and driveway, to the former topography and restore the land area on Lot 7 to a permissible use; and it is further

There are additional issues related to the ongoing litigation that were not settled during the summary trial; some of which are related to incorrectly engineered land drawings.

2: Dean and Gina Dubbe were notified by Howard County Zoning that a zoning inspection would be occurring. Within one day of that notice, all evidence of their violations was removed from the property. This exact sequence of events occurred during a prior MET inspection only to have the behavior promptly resume. Now, once again, the Dubbes are back to storing or permitting the storage of commercial vehicles on their RC4/MET property.

Once again, we request and suggest that further consideration of this matter be tabled until such time as these two significant outstanding issues have been resolved.

Ed and Leslie McCauley
 15105 Roxbury Rd
 Glenelg, MD 21737
 (908)310-7776

From: Les lie <diverchick2011@gmail.com>
Sent: Monday, March 15, 2021 10:37 AM
To: CouncilMail <CouncilMail@howardcountymd.gov>
Cc: Fred Coover <fcoover@cooverlaw.com>; Tori Upperman <tupperman@cooverlaw.com>; Jessica Pena

<jpena@cooverlaw.com>

Subject: CR 28-20

Howard County Council Members:

We feel it important for the County Council to be aware of the following information as it pertains to CR-20-28, Dean Dubbe owner of Roxbury View seeking to purchase Howard County land adjacent to Roxbury Rd.

The council should know the following:

1: Dean and Gina Dubbe, their corporation Roxbury View, Charles and Denise Sharp and their corporation Sharp's Wildhorse Farm are being sued by the Maryland Environmental Trust (MET) along with the Ed and Leslie McCauley for multiple violations of the MET easement covering their land which is adjacent to the Howard County land under consideration.

2: Dean and Gina Dubbe and their corporation Roxbury View have had Zoning complaint filed per their misuse of their property.

We request that further consideration of this matter be tabled until such time as the two significant outstanding issues have been resolved.

Ed and Leslie McCauley
15105 Roxbury Rd
Glenelg, MD 21737
(908)310-7776

EDWARD T. MCCAULEY, III, <i>ET AL.</i>	*	IN THE
	*	CIRCUIT COURT
Plaintiffs	*	FOR HOWARD COUNTY
v.	*	CASE NO. C-13-CV-19-00983
ROXBURY VIEW, LLC, <i>ET AL.</i>	*	
	*	
Defendants	*	
* * * * *		

ORDER

UPON CONSIDERATION of the Motion for Summary Judgment filed by Defendant/Cross-Claim Plaintiff/Counterclaim Defendant, the Maryland Environmental Trust, responses thereto, and upon a hearing conducted on March 22, 2021, it is this the 23rd day of March, 2021, by the Circuit Court for Howard County, Maryland,

ORDERED, that the Maryland Environmental Trusts’ Motion be and the same is hereby **GRANTED**; and it is further

ORDERED AND DECREED that no residential dwelling structures may be constructed on the entirety of the Chase Farm Property encumbered by and described within the Maryland Environmental Trust Deed of Easement dated May 15, 1978 and recorded in the Land Records of Howard County, Maryland in Liber 898, folio 225 (“Conservation Easement”) and depicted as subdivided in the Plat entitled “Subdivision Plat- Lots 6 thru 8 Chase Farm- A Resubdivision of Lots 3 and 5” recorded among the aforesaid Land Records as Plats WAR 24078 and 24079 (“Plat”), unless such structure is a replacement to one of the four residential dwelling structures identified in Exhibit C to the Conservation Easement; and it is further

ORDERED AND DECREED that by erecting an impermissible, residential dwelling structure on Lot 7 of the Chase Farm Property as shown in the Plat, Defendants/Cross-Claim Plaintiffs/Counterclaim Plaintiffs, Roxbury View, LLC and Gina and Dean Dubbe, have violated and breached the Conservation Easement; and it is further

ORDERED AND DECREED that Roxbury View, LLC and Gina and Dean Dubbe must remove and demolish the residential dwelling on Lot 7 within a reasonable time not to exceed six months from the date of the entry of this Order; and it is further

ORDERED AND DECREED that Roxbury View, LLC and Gina and Dean Dubbe must remove and properly dispose of all construction debris or other material related to the removal of the residential structure on Lot 7, re-grade and re-seed the disturbed area of the footprint of the house, curtilage to the house, and the parking area and driveway, to the former topography and restore the land area on Lot 7 to a permissible use; and it is further

ORDERED AND DECREED that there are a total of three residential development rights reserved among Lots 2, 4 and 8, as shown on the Plat; and it is further

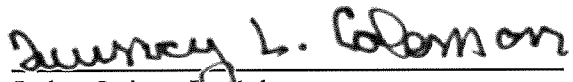
ORDERED AND DECREED that no residential dwelling structures of any size or type may be constructed on Lot 6 shown on the Plat; and it is further

ORDERED AND DECREED that the reserved right to replace the “guest house” referenced in the Easement must be exercised on Lot 2 unless conveyed by the owner of Lot 2 to another Lot owner thus extinguishing any reserved right to build a second residential structure on Lot 2; and it is further

ORDERED AND DECREED that no money damages of any type will be awarded against the Maryland Environmental Trust to any party.

03/23/2021 10:16:09 AM

Date: 03/23/2021



Judge Quincy L. Coleman
Circuit Court for Howard County

Quincy L. Coleman, Judge

Entered: Clerk, Circuit Court for
Howard County, MD
March 25, 2021