

County Council Of Howard County, Maryland

2014 Legislative Session

Legislative Day No. 2

Resolution No. 19-2014

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 an easement to Baltimore Gas and Electric Company on certain real property owned by the County known as Open Space Lot 11 located 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 easement if he finds that the land may have a further public use.

Introduced and read first time Dec. 3, 2014.

By order Sheila M. Tolliver, Administrator

Read for a second time at a public hearing on Dec. 18, 2014.

By order Sheila M. Tolliver, Administrator

This Resolution was read the third time and was Adopted [checked] Adopted with amendments, Failed, Withdrawn, by the County Council on March 5, 2014.

Certified By Sheila M. Tolliver, 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 certain real property known as Open
2 Space Lot 11 on the subdivision plat entitled “Oak West Section 1, Area 1, Lots 1 thru 11”
3 recorded as Plat Number 7505 in the Land Records of Howard County, Maryland (the “Land
4 Records”) comprising 11.664 acres and located along Oak West Street in Ellicott City (the
5 “County Property”), acquired by Deed dated February 4, 1987 and recorded among the Land
6 Records at Liber 1752, Folio 26 and; and

7
8 **WHEREAS**, Baltimore Gas and Electric Company (“BGE”) has requested permission to
9 enter upon and use, from time to time, a portion of the County Property containing
10 approximately 0.510 acres for the sole purpose of replacing and maintaining utility poles on the
11 County Property, as shown in the attached Exhibit A (the “Easement”); and

12
13 **WHEREAS**, the Department of Public Works has reviewed and approved the proposed
14 Easement; and

15
16 **WHEREAS**, Section 4.201, “Disposition of Real Property,” of the Howard County Code
17 authorizes the County Council to declare that property is no longer needed for public purposes
18 and also authorizes the County Council to waive advertising and bidding requirements for an
19 individual conveyance of real property upon the request of the County Executive; and

20
21 **WHEREAS**, as a matter of course, even when the County retains fee ownership of the
22 property and continues its use of the property upon which an easement is granted, the County
23 Executive requests the County Council to approve the easement under Section 4.201; and

24
25 **WHEREAS**, the County Council has received a request from the County Executive to
26 waive the advertising and bidding requirements in this instance for the grant of the Easement to
27 BGE.

28
29 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
30 Maryland, this 5th day of March, 2014, that an Easement is granted to BGE

1 comprising approximately 0.510 acres, as shown on the attached Exhibit A, for the purpose of
2 replacing and maintaining utility poles.

3

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

9

10 **AND BE IT FURTHER RESOLVED** that, if the County Executive finds that the land
11 to be subject to the Easement may have a further public use which the easement will deter and,
12 therefore, that the Easement should not be granted, he is not bound to grant the Easement in
13 accordance with this Resolution.

EXHIBIT "A"
WMS 2259478
MAY 29, 2013

////// DENOTES BGE EASEMENT



