

County Council of Howard County, Maryland

2021 Legislative Session


Legislative day # 3

RESOLUTION NO. 28 - 2021

Introduced by: Chairperson at the request of the County Executive

A RESOLUTION confirming the reappointment of Bert Hash to the Martin Luther King, Jr. Holiday Commission.

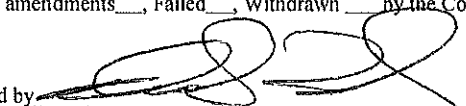
Introduced and read first time on February 3, 2021.

By order   
Theo Wimberly, Acting Administrator to the County Council

Read for a second time and a public hearing held on February 16, 2021.

By order   
Theo Wimberly, Acting Administrator to the County Council

This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn  by the County Council on March 1, 2021.

Certified by   
Theo Wimberly, Acting Administrator to the County Council

NOTE: [[text in brackets]] indicates deletions from existing language; TEXT IN SMALL CAPITALS indicates additions to existing language. Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.



**Office of the County Auditor**  
**Auditor's Analysis**

**Council Resolution No. 28-2020**

Introduced: March 1, 2021

Auditor: Maya Cameron

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Fiscal Impact:

There is minimal fiscal impact from this legislation.

The County has received revenue of \$1,500 in fees (in accordance with Section 18.204(e) of the Howard County Code) to cover the costs of the advertisement and posting of the road closure and notification to the adjoining property owners.

The County incurred a cost of \$120 in advertising fees due to the lack of initial 30-day notice to the public, which resulted in the County having to repost the advertisement.

Per the Department of Public Works (DPW), there are no associated maintenance costs for this roadway, as this portion of Roxbury Road has no active use.

Purpose:

The purpose of this resolution is to close a portion of Roxbury Road which is owned by the County, in accordance with Section 18.204 of the Howard County Code.

The County seeks to close this road portion with the intent of selling it to the petitioner (Dean Dubbe) to be incorporated into their farmland.

Other Comments:

- The properties adjacent to this section of Roxbury Road currently have executed a Maryland Environmental Trust Easement.
- An appraisal of the property has not been conducted. However, if Council Resolution 28-2020 is approved, an appraisal would be performed should the Executive propose legislation to transfer the property.
- We reviewed the deed confirming ownership of Lots 4, 7, and 8, which belong to Roxbury View LLC and the petitioner.

**Sayers, Margery**

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**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

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

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, *ET AL.* \* IN THE  
Plaintiffs \* CIRCUIT COURT  
v. \* FOR HOWARD COUNTY  
ROXBURY VIEW, LLC, *ET AL.* \* CASE NO. C-13-CV-19-00983  
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 23<sup>rd</sup> 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

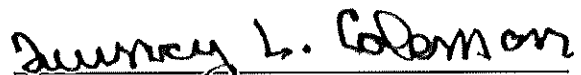
ORDERED AND DECREED that there are a total of three residential development rights reserved among Lots 2, 4 and 8, as shown on the Plat; and it is further

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  
03/23/2021 10:16:09 AM  
against the Maryland Environmental Trust to any party.

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



## *Executive Appointment*

*Whereas...* The Howard County Executive reposes special trust and confidence in the ability and character of Bert Hash; and

*Whereas...* by its Resolution No. CR28-2021 dated March 1, 2021 the County Council did advise and consent to this appointment.

*Now therefore,* by virtue of the authority vested in me by Section 6.300 of the Howard County Code and Section 404 of the Howard County Charter, I hereby appoint

***Bert Hash***

A Member of the

**Howard County Martin Luther King, Jr.  
Holiday Commission**

This REAPPOINTMENT shall become effective  
as of March 1, 2021 and shall extend to March 1, 2024.

*IN WITNESS WHEREOF, I have set my hand  
and affixed the seal of Howard County, Maryland,  
on this 1<sup>st</sup> day of March 2021.*

Calvin Ball  
Howard County Executive

