

# County Council Of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 10

## Resolution No. 106 -2021

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 a portion of land containing a total of 0.288 acres owned by Howard County, Maryland located on Maryland Route 103 at Fire Station No. 2 is no longer needed by the County for public purposes; authorizing the County Executive to convey, upon certain consideration, fee simple title to and permanent easement interests in 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 use for the property.

Introduced and read first time June 7, 2021.

By order

Michelle Harrod  
Michelle Harrod, Administrator

Read for a second time at a public hearing on June 21, 2021.

By order

Michelle Harrod  
Michelle Harrod, Administrator

This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on July 6, 2021.

Certified By

Michelle Harrod  
Michelle Harrod, 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 approximately 3.086 acres of land known as  
2 Parcel No. 694 Lot A-2 on Tax Map 24 and described in the deed dated September 11, 1996, and  
3 recorded in the Land Records of Howard County, Maryland at Liber 3816, Folio, 496; and  
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5           **WHEREAS**, the State of Maryland, Department of Transportation, State Highway  
6 Administration has asked for a total of 0.288 acres of land as part of the widening of Maryland  
7 Route 103 as follows:

- 8           1. A portion of the 3.086 acres containing approximately 0.153 acres of land in fee simple;  
9           and
- 10           2. A perpetual easement in a portion of the 3.086 acres of land containing approximately  
11           0.136 acres of land; and  
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13           **WHEREAS**, the land being conveyed to the State either in fee simple or by the grant of  
14 perpetual easement interests is located within Fire Station No. 2 - Ellicott City at 4150  
15 Montgomery Road, Ellicott City, Maryland 21043 and shown on State of Maryland Department  
16 of Transportation State Highway Administration State Roads Commission Plat No. 61252  
17 attached hereto as Exhibit A, collectively the “County Property”; and  
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19           **WHEREAS**, in addition to the conveyance of fee simple title and easement interests in  
20 the County Property, the County will grant a temporary construction easement in approximately  
21 0.217 acres as shown on Exhibit A; and  
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23           **WHEREAS**, in exchange for the conveyance of fee simple title and easement interests,  
24 the State will pay the appraised value of the County Property of \$394,950; and  
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26           **WHEREAS**, the Department of Public Works has reviewed and approved the proposed  
27 conveyance of fee simple title and easement interests in the County Property, as described as  
28 “Fee Simple Area” and “Perpetual Easement Areas”, respectively, as shown in the attached  
29 Exhibit A; and  
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1           **WHEREAS**, Section 4.201, “Disposition of Real Property”, of the Howard County Code  
2 authorizes the County Council to declare that property is no longer needed for public purposes  
3 and also authorizes the County Council to waive advertising and bidding requirements for an  
4 individual conveyance of real property upon the request of the County Executive; and  
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6           **WHEREAS**, the County Council has received a request from the County Executive to  
7 waive the advertising and bidding requirements in this instance for the conveyance of  
8 the County Property to the State of Maryland, Department of Transportation, State  
9 Highway Administration; and **WHEREAS**, Council Resolution 123-2019 amended  
10 Volume I (Storm Drainage) of the Design Manual to provide that development within  
11 the Tiber Branch and Plumtree watersheds provide adequate management and  
12 conveyance of runoff for the 24-hour, 100-year and 3.55-hour, 6.6 inch storm event to a  
13 storm water management facility; and

14           **WHEREAS**, Council Bill 61-2020 amended PlanHoward 2030 to include the Ellicott  
15 City Watershed Master Plan and recognized that the Plan is a comprehensive, long-  
16 range document created by a community-driven vision for historic Ellicott City and the  
17 Tiber-Hudson Watershed; and

18           **WHEREAS**, the land being conveyed to the State that is located within Fire Station No.  
19 2 – Ellicott City and the land being granted for the temporary construction easement  
20 that is approximately 0.217 acres as shown on Exhibit A are adjacent to the Tiber-  
21 Hudson Watershed, which drains to historic Ellicott City; and

22           **WHEREAS**, the widening of Route 103 will increase the amount of impervious surfaces  
23 and reduce the ability for rainwater to infiltrate into the soil and for vegetation to slow the runoff  
24 as it moves downhill to historic Ellicott City.

25  
26           **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,  
27 Maryland, this 6 day of July, 2021, that the County Property as shown in the  
28 attached Exhibit A as the “Fee Simple Area” containing approximately 0.153 acres of land and  
29 “Perpetual Easement Areas” containing approximately 0.136 acres of land in total is no longer  
30 needed by the County for public purposes.

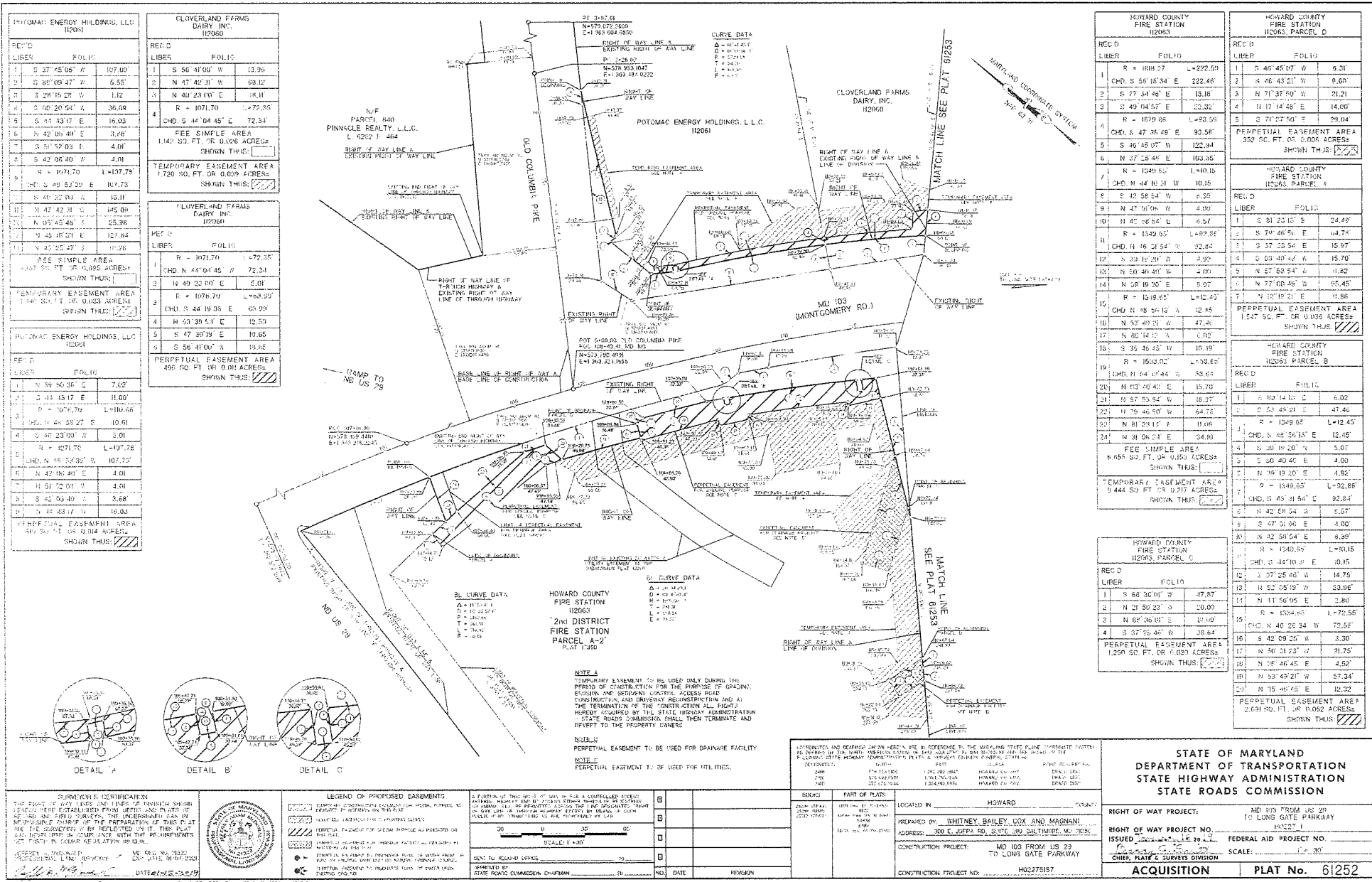
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**AND BE IT FURTHER RESOLVED**, that County Executive may convey fee simple title to and perpetual easements in the County Property to the State of Maryland, Department of Transportation, State Highway Administration upon payment of the appraised value of the County Property.

**AND BE IT FURTHER RESOLVED** that, having received a request from the County Executive and having held a public hearing, the County Council declares that the best interest of the County will be served by authorizing the County Executive to waive the usual advertising and bidding requirements of Section 4.201 of the Howard County Code for the conveyance of the County Property to be conveyed in fee simple or by the grant of perpetual easement interests to the State of Maryland, Department of Transportation, State Highway Administration.

**AND BE IT FURTHER RESOLVED** that if the County Executive finds that all or a portion of the County Property may have a further County public use then he is not bound to convey the fee simple or perpetual easement property interests in accordance with this Resolution.

**AND BE IT FURTHER RESOLVED**, that it is the intent of the County Council that the State of Maryland, Department of Transportation, State Highway Administration project to widen Maryland Route 103 complies with all the applicable storm water management laws and regulations, including Volume 1 (Storm Drainage) of the Howard County Design Manual, so as to ensure that the widening of Maryland Route 103 does not adversely affect the management of storm events in the Tiber-Hudson Watershed and the downhill flow of water to historic Ellicott City



POTOMAC ENERGY HOLDINGS, LLC 12061

REC'D	LIBER	FOLIO	AREA
1	S 37°45'06" W	107.00	
2	S 60°00'47" W	5.55	
3	S 29°15'29" W	1.12	
4	S 60°20'54" W	36.08	
5	S 44°43'17" E	16.03	
6	N 42°06'40" E	3.88	
7	S 51°52'03" E	4.01	
8	S 42°06'40" W	4.01	
9	N 1071.70	L=107.75	
10	CHD. N 49°57'50" E	104.73	
11	S 40°22'01" W	10.11	
12	N 47°42'31" W	145.09	
13	N 05°45'45" E	25.36	
14	N 48°10'01" E	127.84	
15	N 45°25'47" S	10.26	

CLOVERLAND FARMS DAIRY INC. 12060

REC'D	LIBER	FOLIO	AREA
1	S 50°41'00" W	13.96	
2	N 47°42'31" W	89.12	
3	N 40°23'00" E	18.11	
4	R = 1071.70	L=77.35	
5	CHD. S 44°04'45" E	72.34	

FLOVERLAND FARMS DAIRY INC. 12060

REC'D	LIBER	FOLIO	AREA
1	R = 1071.70	L=77.35	
2	CHD. N 44°04'45" W	72.34	
3	N 40°23'00" E	18.11	
4	R = 1076.70	L=60.50	
5	CHD. S 44°19'35" E	65.99	
6	N 60°39'51" E	12.50	
7	S 47°39'19" E	10.65	
8	S 56°41'00" W	10.65	

POTOMAC ENERGY HOLDINGS, LLC 12061

REC'D	LIBER	FOLIO	AREA
1	N 89°50'26" E	7.02	
2	S 44°43'17" E	16.03	
3	S 1076.70	L=106.66	
4	CHD. N 49°57'50" E	104.73	
5	S 40°22'01" W	4.01	
6	N 47°42'31" W	145.09	
7	S 42°06'40" E	3.88	
8	N 45°45'17" W	19.03	

HOWARD COUNTY FIRE STATION 12063

REC'D	LIBER	FOLIO	AREA
1	R = 1088.27	L=222.59	
2	CHD. S 55°18'34" E	222.40	
3	S 77°34'48" E	13.18	
4	S 49°04'57" E	22.32	
5	R = 1079.68	L=93.58	
6	CHD. S 47°38'49" E	93.58	
7	S 46°45'07" W	122.94	
8	N 37°25'46" E	103.55	
9	R = 1049.65	L=110.15	
10	N 44°10'31" W	10.15	
11	S 40°58'54" W	4.00	
12	N 47°16'06" W	4.00	
13	N 1049.65	L=99.86	
14	CHD. N 46°21'54" W	92.84	
15	S 33°12'20" W	4.00	
16	N 50°40'40" W	4.00	
17	N 60°10'20" E	5.07	
18	R = 1049.65	L=112.49	
19	CHD. N 38°54'12" E	12.45	
20	N 52°49'21" W	47.40	
21	N 80°14'12" E	6.02	
22	S 35°36'45" W	10.19	
23	R = 1093.02	L=30.63	
24	CHD. N 54°07'44" W	59.64	
25	N 80°10'40" E	15.70	
26	N 57°53'54" W	15.37	
27	N 76°46'50" W	64.78	
28	N 81°23'17" E	11.06	
29	N 89°06'24" E	54.10	

HOWARD COUNTY FIRE STATION 12063 PARCEL D

REC'D	LIBER	FOLIO	AREA
1	S 46°45'07" W	6.31	
2	S 46°43'21" W	9.60	
3	N 71°31'50" W	21.21	
4	N 17°14'48" E	14.00	
5	S 71°07'50" E	29.04	

HOWARD COUNTY FIRE STATION 12063 PARCEL A

REC'D	LIBER	FOLIO	AREA
1	S 81°23'15" E	24.89	
2	S 79°46'30" E	64.78	
3	S 37°33'54" E	15.97	
4	S 03°40'44" W	15.70	
5	N 57°53'54" W	11.82	
6	N 77°00'49" W	65.45	
7	N 107°12'12" E	11.86	

HOWARD COUNTY FIRE STATION 12063 PARCEL B

REC'D	LIBER	FOLIO	AREA
1	S 80°14'12" E	6.02	
2	S 52°49'21" W	47.40	
3	R = 1049.65	L=12.45	
4	CHD. S 48°56'14" E	12.45	
5	S 30°10'20" W	5.07	
6	S 30°40'40" E	4.00	
7	N 59°19'20" E	1.92	
8	N 1049.65	L=30.86	
9	CHD. S 45°31'54" E	92.84	
10	S 42°06'40" W	5.07	
11	S 47°01'00" E	4.00	
12	N 52°50'54" E	9.29	
13	R = 1049.65	L=10.15	
14	CHD. S 44°10'31" W	10.15	
15	S 37°25'46" W	14.75	
16	N 52°05'19" W	23.96	
17	N 11°56'05" E	2.80	
18	R = 1034.84	L=70.56	
19	CHD. N 40°22'34" W	70.56	
20	S 42°09'25" W	3.30	
21	N 50°21'23" W	21.75	
22	N 58°49'21" W	57.34	
23	N 75°46'48" E	12.32	

HOWARD COUNTY FIRE STATION 12063 PARCEL C

REC'D	LIBER	FOLIO	AREA
1	S 68°30'00" W	47.87	
2	N 21°50'23" W	20.00	
3	N 67°36'00" E	31.00	
4	S 37°25'46" W	38.64	

**SURVEYOR'S CERTIFICATION**  
 THE RIGHT OF WAY LINES AND LINES OF PROPERTY SHOWN HEREON WERE ESTABLISHED FROM SURVEY AND PLATS OF RECORD AND FIELD SURVEYS. THE UNDERSIGNED CAN IN RESPONSIBLE CHARGE OF THE INFORMATION OF THIS PLAT AND THE SURVEYS WERE SETTLED ON IT. THIS PLAT AND HEREON SHOWN COMPLY WITH THE REQUIREMENTS OF THE ENGINEERING PROFESSION.  
 JAMES W. WHITNEY, Surveyor  
 ME REG. NO. 20322  
 DATE: 05/13/2019



**LEGEND OF PROPOSED EASEMENTS**  
 [Symbol] RIGHT OF WAY  
 [Symbol] UTILITY EASEMENT  
 [Symbol] PERPETUAL EASEMENT FOR DRAINAGE FACILITY  
 [Symbol] PERPETUAL EASEMENT TO BE USED FOR UTILITIES

**NOTE A**  
 PERPETUAL EASEMENT TO BE USED DURING THE PERIOD OF CONSTRUCTION FOR THE PURPOSE OF GRADING, EROSION AND SEDIMENT CONTROL, ACCESS ROAD, CONSTRUCTION, AND HIGHWAY RECONSTRUCTION AND AS THE TERMINATION OF THE CONSTRUCTION ALL RIGHTS HEREBY ACQUIRED BY THE STATE HIGHWAY ADMINISTRATION STATE ROAD COMMISSION SHALL THEN TERMINATE AND REVERT TO THE PROPERTY OWNERS.  
**NOTE B**  
 PERPETUAL EASEMENT TO BE USED FOR DRAINAGE FACILITY.  
**NOTE C**  
 PERPETUAL EASEMENT TO BE USED FOR UTILITIES.

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**STATE OF MARYLAND DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ADMINISTRATION STATE ROADS COMMISSION**


RIGHT OF WAY PROJECT: MD 105 FROM US 29 TO LONG GATE PARKWAY  
 ISSUED: 05/13/2019  
 FEDERAL AID PROJECT NO.: H32271  
 SCALE: 1" = 30'  
 CHEF, PLAT 2, SURVEYS DIVISION  
**ACQUISITION PLAT No. 61252**

**Howard County**  
*Internal Memorandum*

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**Subject:** Testimony & Fiscal Impact Statement  
Council Resolution No. \_\_\_\_-2021 declaring that a portion of certain real property consisting of approximately 0.288 acres of Fire Station 2 – Ellicott City located on MD Route 103 and owned by Howard County, Maryland is no longer needed by the County for a public purpose; authorizing the County Executive to convey the described fee simple interest and the permanent easement interest in the property to the State Highway Administration (“SHA”) in exchange for the appraised value; waiving the advertising and bidding requirements of Section 4.201 of the County Code in connection with the property’s conveyance; and providing that the County Executive is not bound to terminate the County’s interest in the property if he finds that the property may have a further public use.

**To:** Lonnie R. Robbins,  
Chief Administrative Officer

**From:** Thomas J. Meunier, Director  
Department of Public Works 

**Date:** May 10, 2021

The Department of Public Works has been designated coordinator for preparation of testimony: i) declaring that approximately 0.288 acres of real property, including 0.153 acres of fee simple interest and a 0.135 acre permanent easement area owned by Howard County is no longer needed for public purposes; ii) authorizing the County Executive to waive the advertising and bidding requirements of Section 4.201 of the Howard County Code in order to convey the property to the adjacent property owner, The State of Maryland, Department of Transportation, State Highway Administration (“SHA”) as part of the widening of Maryland Route 103 and providing that the County Executive is not bound to terminate the County’s interest in the property if he finds that the property may have a further public use; and iii) to facilitate construction of the widening, authorizing the establishment of approximately 0.217 acres of temporary construction easements adjacent to the real property to be conveyed.

The County is owner of approximately 0.153 acres of land (the “Property to be Conveyed”), located within Fire Station No. 2 – Ellicott City at 4150 Montgomery Road, Ellicott City, Maryland 21043 and shown on State of Maryland Department of Transportation State Highway Administration State Roads Commission Plat No. 61252 attached hereto as Exhibit “A”, being part of approximately 3.086 acres of land known as Parcel No. 694 Lot A-2 on Tax Map 24 and described in the deed dated September 11, 1996, and recorded in the Land Records of Howard County, Maryland at Liber 3816, Folio, 496 in the Land Records for Howard County, Maryland (the “County Property”).

Lonnie R. Robbins, Chief Administrative Officer  
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The SHA owns the adjacent land and needs to acquire the Property to be Conveyed in fee simple in order complete the widening of Maryland Route 103. In addition, the SHA needs to acquire approximately 0.135 acres of perpetual easement areas and approximately 0.217 acres of temporary construction easements along Maryland Route 103. The County has determined that the Property to be Conveyed and perpetual easements are no longer needed for a public purpose and the temporary easements have been approved. The County will agree to transfer the Property to be Conveyed and establish the proposed easements subject to the payment of the appraised value of \$394,950.00.

There is no fiscal impact to the County at this time. The transfer will most likely result in lower ad valorem cost for the Fire Department once the property is reassessed by the State Department of Assessments and Taxation.

Representatives of this Department will be present at the public hearing to answer any questions or concerns. If you require any further information concerning this matter or have any additional questions, please do not hesitate to contact me at your convenience.

cc: Jennifer Sager  
File

