

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This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on July 6, 2021.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
4

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
12

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
18

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
22

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
25

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
30

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

5
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.

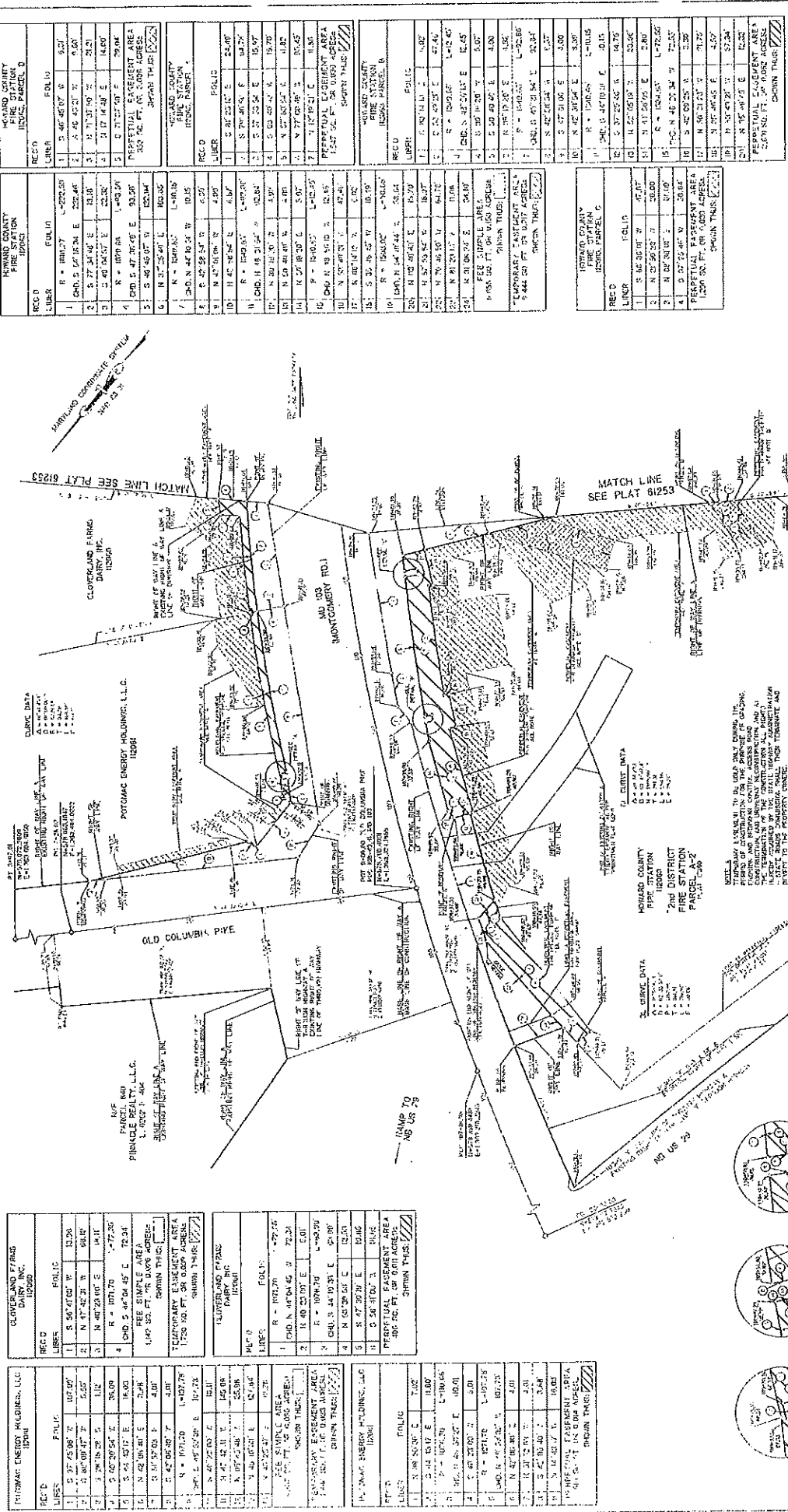
25
26 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
27 Maryland, this 6 day of July, 2021, that the County Property as shown in the
28 attached Exhibit A as the “Fee Simple Area” containing approximately 0.153 acres of land and
29 “Perpetual Easement Areas” containing approximately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

1
2 **AND BE IT FURTHER RESOLVED**, that County Executive may convey fee simple
3 title to and perpetual easements in the County Property to the State of Maryland, Department of
4 Transportation, State Highway Administration upon payment of the appraised value of the
5 County Property.
6

7 **AND BE IT FURTHER RESOLVED** that, having received a request from the County
8 Executive and having held a public hearing, the County Council declares that the best interest of
9 the County will be served by authorizing the County Executive to waive the usual advertising
10 and bidding requirements of Section 4.201 of the Howard County Code for the conveyance of
11 the County Property to be conveyed in fee simple or by the grant of perpetual easement interests
12 to the State of Maryland, Department of Transportation, State Highway Administration.
13

14 **AND BE IT FURTHER RESOLVED** that if the County Executive finds that all or a
15 portion of the County Property may have a further County public use then he is not bound to
16 convey the fee simple or perpetual easement property interests in accordance with this
17 Resolution.
18

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



REC'D	LIBER	PLAT	DATE	DESCRIPTION
1	5	467	4/10/07	E
2	4	467	4/10/07	E
3	4	467	4/10/07	E
4	4	467	4/10/07	E
5	4	467	4/10/07	E

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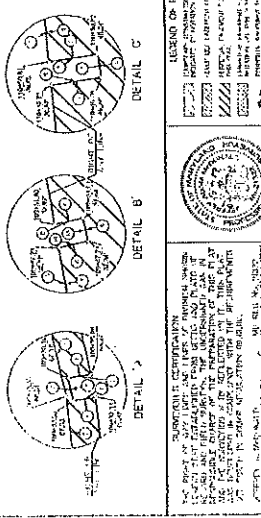
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STATE OF MARYLAND		DEPARTMENT OF TRANSPORTATION		STATE HIGHWAY ADMINISTRATION		STATE ROADS COMMISSION	
<p>RIGHT OF WAY PROJECT: TO LOWE DRIVE FROM US 29</p> <p>RIGHT OF WAY PROJECT NO.: 1500</p> <p>ISSUED: 12/15/09</p> <p>FEDERAL AID PROJECT NO.: 400</p> <p>SCALE: AS SHOWN</p> <p>CONTRACT NO.: 61252</p> <p>PROJECT NO.: 61252</p>							
<p>PROPERTY OWNER: POTOMAC ENERGY HOLDINGS, L.L.C. 110881</p> <p>PROJECT: 2ND DISTRICT FIRE STATION, PARCEL A-2</p>				<p>PREPARED BY: MCDERMOTT INTERNATIONAL, INC. AND MCDERMOTT INTERNATIONAL, INC.</p> <p>DATE: 12/15/09</p>			
<p>PROJECT LOCATION: 2ND DISTRICT FIRE STATION, PARCEL A-2</p> <p>PROJECT NO.: 61252</p>				<p>CONSTRUCTION PROJECT: TO LOWE DRIVE FROM US 29</p> <p>CONSTRUCTION PROJECT NO.: 1500</p>			
<p>PROJECT NO.: 61252</p>				<p>PROJECT NO.: 61252</p>			

LEGEND ON IMPROVED GARMENTS

- 1/4" = 1' CONSTRUCTION EASEMENT
- 1/2" = 1' CONSTRUCTION EASEMENT
- 3/4" = 1' CONSTRUCTION EASEMENT
- 1" = 1' CONSTRUCTION EASEMENT
- 1 1/4" = 1' CONSTRUCTION EASEMENT
- 1 1/2" = 1' CONSTRUCTION EASEMENT
- 1 3/4" = 1' CONSTRUCTION EASEMENT
- 1 7/8" = 1' CONSTRUCTION EASEMENT
- 2" = 1' CONSTRUCTION EASEMENT
- 2 1/4" = 1' CONSTRUCTION EASEMENT
- 2 1/2" = 1' CONSTRUCTION EASEMENT
- 2 3/4" = 1' CONSTRUCTION EASEMENT
- 3" = 1' CONSTRUCTION EASEMENT
- 3 1/4" = 1' CONSTRUCTION EASEMENT
- 3 1/2" = 1' CONSTRUCTION EASEMENT
- 3 3/4" = 1' CONSTRUCTION EASEMENT
- 4" = 1' CONSTRUCTION EASEMENT



NOTES: PROPERTY EASEMENT TO BE USED FOR DRAINAGE FACILITY REPEATED EASEMENT TO BE USED FOR UTILITIES.

THIS MAP IS SUBJECT TO ALL MAPS AND RECORDS ON FILE IN THE OFFICE OF THE REGISTERED PROFESSIONAL ENGINEER AND ARCHITECT FOR THE STATE OF MARYLAND, AND TO ALL ORDINANCES, REGULATIONS, AND RULES OF THE STATE HIGHWAY ADMINISTRATION, AND TO ALL ORDINANCES, REGULATIONS, AND RULES OF THE COUNTY AND MUNICIPALITY IN WHICH THE PROJECT IS LOCATED.

THESE NOTES ARE SUBJECT TO ALL MAPS AND RECORDS ON FILE IN THE OFFICE OF THE REGISTERED PROFESSIONAL ENGINEER AND ARCHITECT FOR THE STATE OF MARYLAND, AND TO ALL ORDINANCES, REGULATIONS, AND RULES OF THE STATE HIGHWAY ADMINISTRATION, AND TO ALL ORDINANCES, REGULATIONS, AND RULES OF THE COUNTY AND MUNICIPALITY IN WHICH THE PROJECT IS LOCATED.

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Howard County
Internal Memorandum

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
Page – 2

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

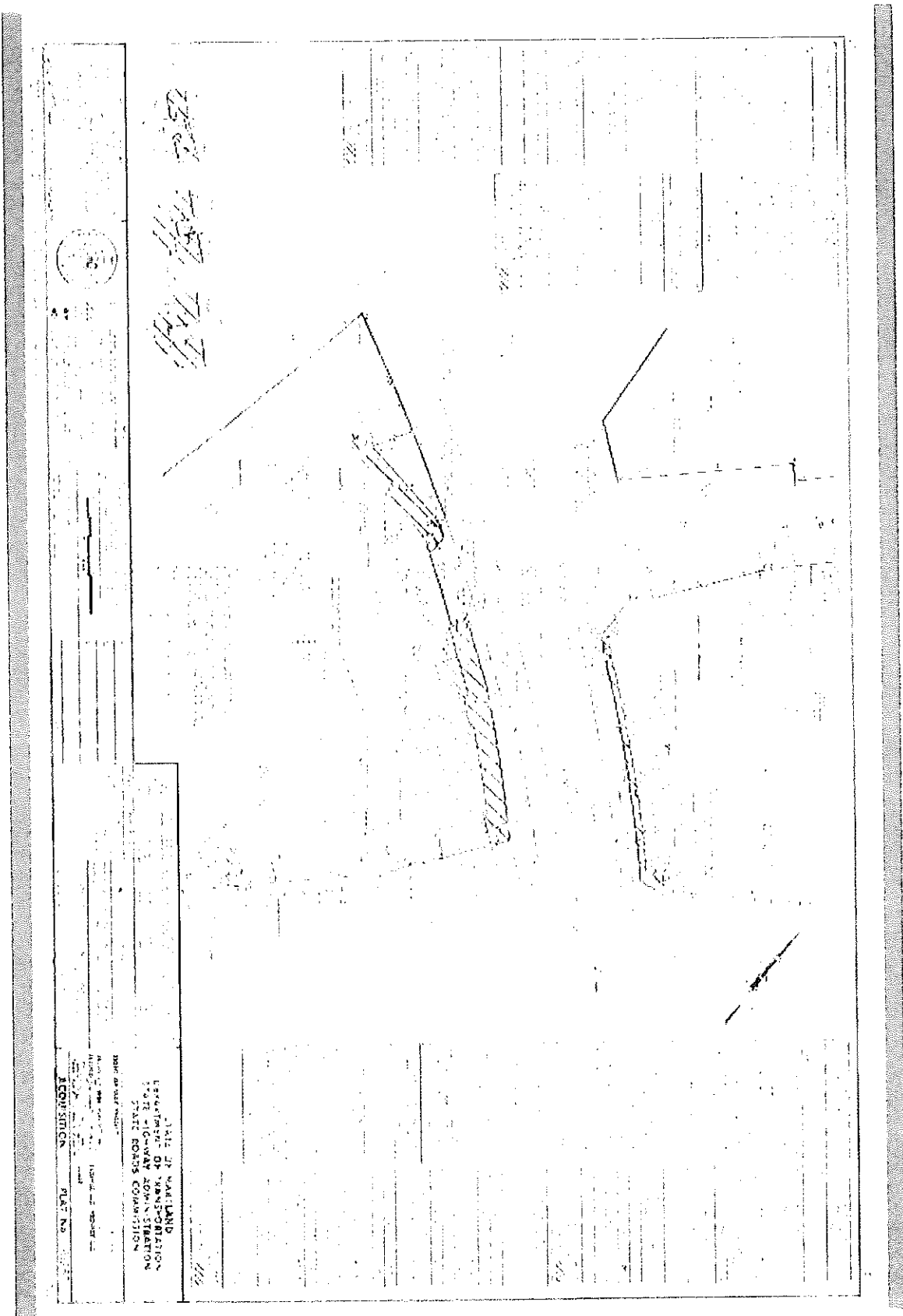


Exhibit "A"

Amendment No. 1 to Council Resolution No. 106-2021

BY: Liz Walsh

Legislative Day 12

Date: July 6, 2021

Amendment No. 1

(This amendment states the intent of the County Council that the State Highway Administration project to widen Maryland Route 103 complies with all the applicable storm water management laws and regulations so as to not adversely affect the management of storm events in the Tiber-Hudson Watershed and the downhill flow of water to historic Ellicott City.)

1 On page 2, in line 8, strike the period and substitute “; and”.

2

3 On page 2, in line 9, insert:

4 “WHEREAS, Council Resolution 123-2019 amended Volume I (Storm Drainage) of the
5 Design Manual to provide that development within the Tiber Branch and Plumtree
6 watersheds provide adequate management and conveyance of runoff for the 24-hour, 100-
7 year and 3.55-hour, 6.6 inch storm event to a storm water management facility; and

8 WHEREAS, Council Bill 61-2020 amended Plan Howard 2030 to include the Ellicott City
9 Watershed Master Plan and recognized that the Plan is a comprehensive, long-range
10 document created by a community-driven vision for historic Ellicott City and the Tiber-
11 Hudson Watershed; and

12 WHEREAS, the land being conveyed to the State that is located within Fire Station No. 2
13 – Ellicott City and the land being granted for the temporary construction easement that is

1

I certify this is a true copy of

Am 1 to CR 106-2021

passed on July 6, 2021

Nicholas...

1 approximately 0.217 acres as shown on Exhibit A are adjacent to the Tiber-Hudson
2 Watershed, which drains to historic Ellicott City; and

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

6
7 On page 2, after line 31, insert:

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

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. 7 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 _____, 2021.

Certified By _____
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
4

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
18

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
22

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
25

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
30

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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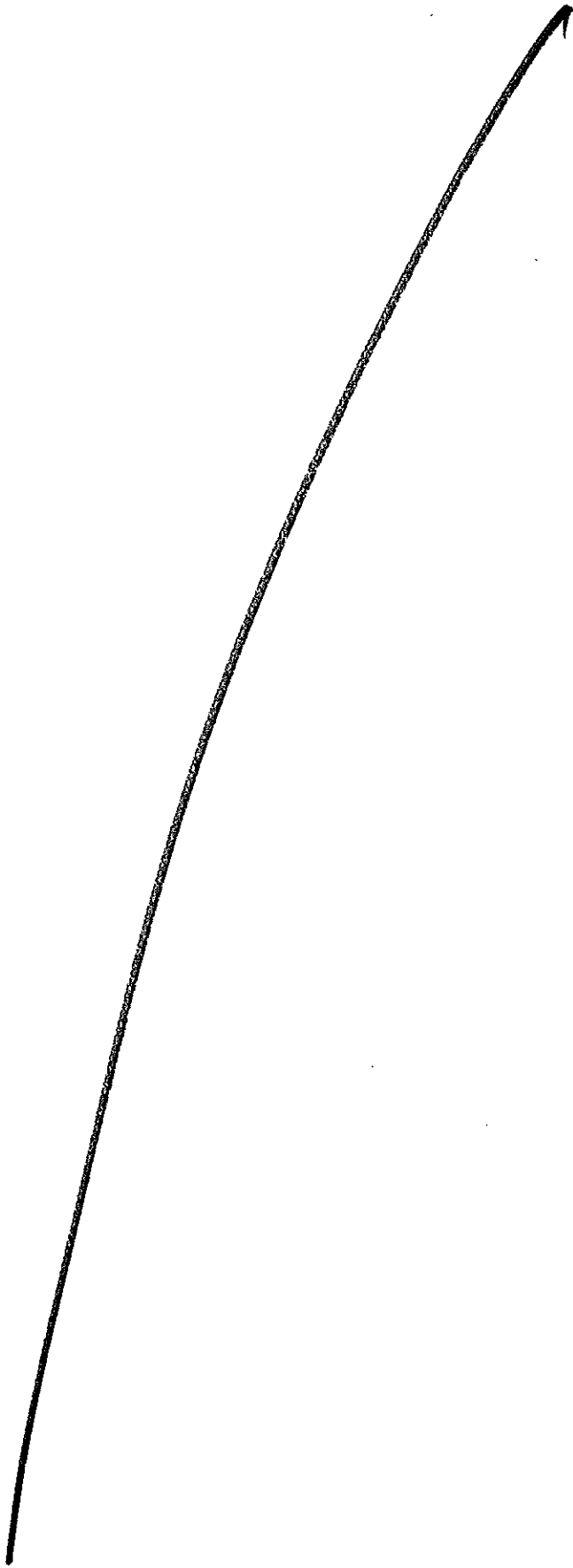
6 **WHEREAS**, the County Council has received a request from the County Executive to
7 waive the advertising and bidding requirements in this instance for the conveyance of the County
8 Property to the State of Maryland, Department of Transportation, State Highway Administration.
9

10 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
11 Maryland, this ____ day of _____, 2021, that the County Property as shown in the
12 attached Exhibit A as the "Fee Simple Area" containing approximately 0.153 acres of land and
13 "Perpetual Easement Areas" containing approximately 0.136 acres of land in total is no longer
14 needed by the County for public purposes.
15

16 **AND BE IT FURTHER RESOLVED**, that County Executive may convey fee simple
17 title to and perpetual easements in the County Property to the State of Maryland, Department of
18 Transportation, State Highway Administration upon payment of the appraised value of the
19 County Property.
20

21 **AND BE IT FURTHER RESOLVED** that, having received a request from the County
22 Executive and having held a public hearing, the County Council declares that the best interest of
23 the County will be served by authorizing the County Executive to waive the usual advertising
24 and bidding requirements of Section 4.201 of the Howard County Code for the conveyance of
25 the County Property to be conveyed in fee simple or by the grant of perpetual easement interests
26 to the State of Maryland, Department of Transportation, State Highway Administration.
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28 **AND BE IT FURTHER RESOLVED** that if the County Executive finds that all or a
29 portion of the County Property may have a further County public use then he is not bound to
30 convey the fee simple or perpetual easement property interests in accordance with this
31 Resolution.



Amendment No. 1 to Council Resolution No. 106-2021

BY: Liz Walsh

Legislative Day 12

Date: July 6, 2021

Amendment No. 1

(This amendment states the intent of the County Council that the State Highway Administration project to widen Maryland Route 103 complies with all the applicable storm water management laws and regulations so as to not adversely affect the management of storm events in the Tiber-Hudson Watershed and the downhill flow of water to historic Ellicott City.)

1 On page 2, in line 8, strike the period and substitute “; and”.

2
3 On page 2, in line 9, insert:

4 “WHEREAS, Council Resolution 123-2019 amended Volume I (Storm Drainage) of the
5 Design Manual to provide that development within the Tiber Branch and Plumtree
6 watersheds provide adequate management and conveyance of runoff for the 24-hour, 100-
7 year and 3.55-hour, 6.6 inch storm event to a storm water management facility; and

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

12 WHEREAS, the land being conveyed to the State that is located within Fire Station No. 2
13 – Ellicott City and the land being granted for the temporary construction easement that is

1 approximately 0.217 acres as shown on Exhibit A are adjacent to the Tiber-Hudson
2 Watershed, which drains to historic Ellicott City; and

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

6
7 On page 2, after line 31, insert:

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

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

Council Resolution No. 106-2021

Introduced: June 7, 2021

Auditor: Melanie A. Bishop

Fiscal Impact:

The fiscal impact to the County will result in compensation of \$394,950 to the General Fund, which is based on the appraisal of the property being conveyed.

The appraisal was ordered by the State and provided to our Office by the Department of Public Works (DPW). Components of the appraised value are:

- | | |
|---|-----------|
| • Fee simple acquisition | \$186,340 |
| • Perpetual easement acquisition | \$148,176 |
| • Temporary easement acquisition | \$26,443 |
| • Temporary loss of 15 parking spaces | \$18,000 |
| • Compensation due to loss of site improvements | \$15,957 |

NOTE: Per the appraisal report, the appraised value includes an assumption that two parking spaces will be permanently lost as a result of the transfer of land to the State. However, DPW indicated the permanent loss of parking spaces has been avoided by reducing the size of the existing parking islands at the first station. According to the Administration, the County will not incur any costs associated with the reduction of the parking islands. The County is not providing any funding for this project, and according to DPW, there is no substantial cost-savings for the maintenance of the areas in question. Any required relocation of utilities located on the property will be the responsibility, and done at the sole cost, of the State Highway Administration.

Purpose:

The purpose of this legislation is to convey 0.288 acres of certain areas of Fire Station No. 2, located at Long Gate Parkway, to the State for a road-widening project.

Other Comments:

Per DPW, the conveyance of this property to the State will not impact the County's decision whether to purchase the Ellicott City Armory.