

County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 17

Resolution No. 165-2021

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 portions of a Sewer and Utility Easement, containing approximately 1,189 square feet is no longer needed by the County for public purposes; authorizing the County Executive to convey the easement interest in the property to the fee simple owner, PS Atlantic Coast 2021 B LLC; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code in order to convey the easement interests to PS Atlantic Coast 2021 B LLC; and providing that the County Executive is not bound to terminate the easement interests if he finds that the easements may have a public use.

Introduced and read first time Nov 1, 2021.

By order Michelle Harrod
Michelle Harrod, Administrator

Read for a second time at a public hearing on Nov 15, 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 Dec 4, 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**, as part of Capital Project SP-6021- Contract 609S-27, the County acquired
2 a right of way for a sewer main (the "Sewer and Utility Easement") by (1) Deed and Agreement
3 dated December 11, 1975 and recorded among the Land Records of Howard County, Maryland
4 in Liber 753, folio 272, on January 23, 1976, and by (2) Deed and Agreement dated December
5 11, 1975 and recorded among the Land Records of Howard County, Maryland in Liber 753, folio
6 276, on January 23, 1976, on that certain real property commonly known as 9235 Berger Road,
7 Columbia Maryland 21046; and

8
9 **WHEREAS**, PS Atlantic Coast 2021 B LLC is the fee simple owner (the "Owner") of
10 that certain real property commonly known as 9225, 9235, 9245, and 9255 Berger Road,
11 Columbia, Maryland and shown as Parcels A-3, A-4, A-5 and A-6 on Tax Map 42 (collectively,
12 the "Property"); and

13
14 **WHEREAS**, the Owner has requested that the County release a portion containing 1,189
15 square feet of the Sewer and Utility Easement, as described and shown as "Ex. 20' Public Sewer
16 & Utility Easement To Be Abandoned By This Plat 1,189 SF or 0.02729" (the "Easement to be
17 Abandoned") on the attached revision plat titled "Resubdivision Plat, Connell Property, Parcels
18 A-3, A-4, &A-7, a Resubdivision of Parcels A-5 & A-6 as Shown on a Plat Entitled "Connell
19 Property ParcelsA-3, A-4, A-5 &A-6" and Recorded as Plat no. 23858" (the "Plat"); and

20
21 **WHEREAS**, the County has reviewed the plans submitted by the Owner: (i) SDP-20-077
22 titled "Site Development Plan, ezStorage Columbia Expansion, 9225, 9235, 9245, 9255, 9265
23 Berger Road, 6th Election District, Howard County, Maryland", and (ii) Contract No. 20-5148-D
24 titled "Final Sewer Construction Plan, ezStorage Columbia Expansion, Berger Road, 6th Election
25 District, Howard County, Maryland, Contract No. 20-5148-D" (collectively, the "Plans"); and

26
27 **WHEREAS**, in accordance with the Plans, the Owner shall modify the existing sewer
28 main and construct a new 8-inch sewer main on the Property within the easement area dedicated
29 to the County described and shown as "20' Public Sewer & Utility Easement" on the Plat; and

1 **WHEREAS**, on the Plat is an easement described and shown as “Ex. 20’ Drainage &
2 Utility Easement Plat No. 8806 to be abandoned by this Plat” containing 4,829 square feet which
3 may be abandoned pursuant to Section 4.201(d) of the County Code; and
4

5 **WHEREAS**, the County has determined that the Easement to be Abandoned is no longer
6 required for public purposes; and
7

8 **WHEREAS**, Section 4.201 “Disposition of real property” of the Howard County Code
9 authorizes the County Council to declare that property is no longer needed for public purposes and
10 also authorizes the County Council to waive advertising and bidding requirements for an individual
11 conveyance of real property upon the request of the County Executive; and
12

13 **WHEREAS**, the County Council has received a request from the County Executive to
14 waive the advertising and bidding requirements in this instance for the conveyance of the Easement
15 to be Abandoned to the Owner.
16

17 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
18 Maryland, this 6 day of Dec, 2021, that the Easement to be Abandoned, a
19 portion containing 1,189 square feet of a Sewer and Utility Easement, shown as “Ex. 20’ Public
20 Sewer & Utility Easement to be Abandoned by this Plat 1,189 sf or 0.02729” on the attached Plat,
21 is no longer needed by the County for public purposes and may be conveyed to PS Atlantic Coast
22 2021 B LLC.
23

24 **AND BE IT FURTHER RESOLVED** that, having received a request from the County
25 Executive and having held a public hearing, the County Council declares that the best interest of
26 the County will be served by authorizing the County Executive to waive the usual advertising and
27 bidding requirements of Section 4.201 of the Howard County Code for the conveyance of the
28 Easements to be Abandoned to PS Atlantic Coast 2021 B LLC.
29

1 **BE IT FURTHER RESOLVED** that if the County Executive finds that the Easement to
2 be Abandoned should not be terminated, he is not bound to terminate the County's easement
3 interests in accordance with this Resolution.

POINT	NORTH	EAST
1	548914.8306	1360241.6656
2	549511.0711	1360283.4312
3	549463.1180	1359910.0088
4	548855.5603	1359708.7915
5	548984.0488	1359899.0088

GENERAL NOTES (CONTINUED)

12. ALL COMMERCIAL, INDUSTRIAL OR APARTMENT LOTS SHALL HAVE A MINIMUM FRONTAGE OF 60 FEET ON AN APPROVED PUBLIC ROAD WHICH PROVIDE ACCESS TO THE PROPERTY. LOTS FOR INDIVIDUAL BUSINESS WITHIN A COMMERCIAL CENTER OR INDUSTRIAL DEVELOPMENT THAT HAVE SHARED ACCESS AND PARKING MAY BE APPROVED BY THE DEPARTMENT OF PLANNING AND ZONING WITHOUT PUBLIC ROAD FRONTAGE.

13. THERE ARE NOT WETLANDS, STREAMS, FLOODPLAIN OR BUFFERS ON THE SUBJECT PARCELS.

14. THE PROPERTY IS LOCATED IN THE METROPOLITAN DISTRICT. DEVELOPER RESERVES UNTO ITSELF, ITS SUCCESSORS AND ASSIGNS, ALL EASEMENTS SHOWN ON THIS PLAN FOR WATER, SEWER, STORM DRAINAGE, OTHER PUBLIC UTILITIES, LOCATED IN, ON, OVER AND THROUGH PARCELS A-3, A-4 AND A-7. ANY CONVEYANCES OF THE AFORESAID PARCELS SHALL BE SUBJECT TO THE EASEMENTS HEREIN RESERVED, WHETHER OR NOT EXPRESSLY STATED IN THE DEED(S) CONVEYING SAID PARCELS. DEVELOPER SHALL EXECUTE AND DELIVER DEEDS FOR THE EASEMENTS HEREIN RESERVED TO HOWARD COUNTY WITH METES AND BOUNDS DESCRIPTION. UPON COMPLETION OF THE PUBLIC UTILITIES AND THEIR ACCEPTANCE BY HOWARD COUNTY, AND IN THE CASE OF THE FOREST CONSERVATION EASEMENTS), UPON COMPLETION OF THE DEVELOPER'S OBLIGATIONS UNDER THE FOREST CONSERVATION INSTALLATION AND MAINTENANCE AGREEMENT EXECUTED BY THE DEVELOPER AND THE COUNTY, AND THE RELEASE OF DEVELOPER'S SURETY POSTED WITH SAID AGREEMENT, THE COUNTY SHALL ACCEPT THE EASEMENTS AND RECORD THE DEED(S) OF EASEMENT IN THE LAND RECORDS OF HOWARD COUNTY.

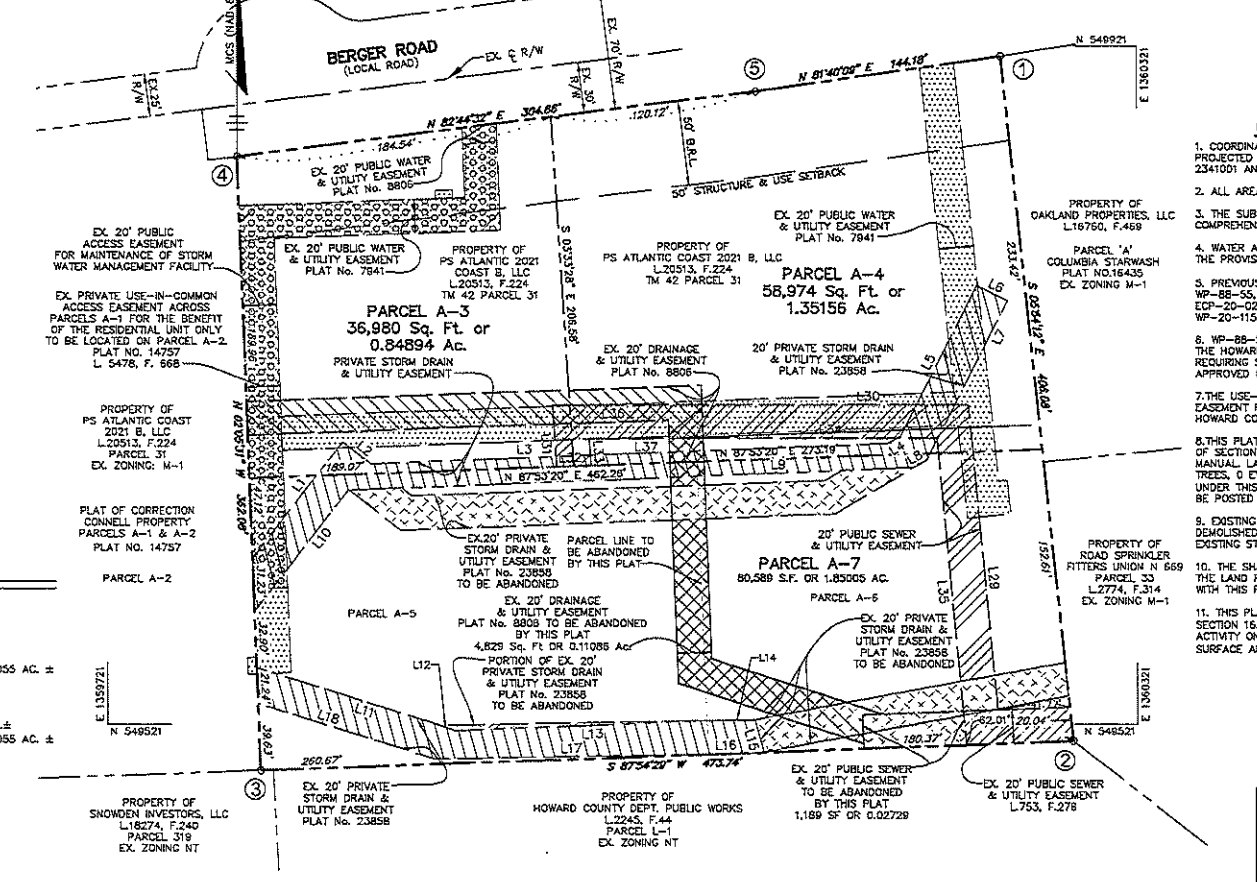
LEGEND

	EX. 20' PUBLIC WATER & UTILITY EASEMENT
	EX. 20' PUBLIC STORM DRAIN & UTILITY EASEMENT TO BE ABANDONED—4,629 SQ. FT. OR 0.10386 AC.
	EX. 20' PUBLIC STORMWATER MANAGEMENT, DRAINAGE & UTILITY EASEMENT
	EX. 20' PUBLIC SEWER & UTILITY EASEMENT
	EX. 20' PUBLIC SEWER & UTILITY EASEMENT TO BE ABANDONED—1,189 SF OR 0.02729
	EX. 20' PUBLIC DRAINAGE & UTILITY EASEMENT
	20' PUBLIC SEWER & UTILITY EASEMENT
	EX. PRIVATE USE-IN-COMMON ACCESS EASEMENT FOR PARCEL A-2 & STORM WATER MANAGEMENT FACILITY ON PARCEL A-2
	20' PRIVATE STORM DRAIN & UTILITY EASEMENTS TO BE ABANDONED

TOTAL TABULATION THIS SUBMISSION TOTALS

TOTAL NUMBER OF LOTS TO BE RECORDED:	3
BUILDABLE PARCELS	0
NON-BUILDABLE LOTS	0
OPEN SPACE	0
PRESERVATION PARCELS	0
TOTAL AREA OF LOTS TO BE RECORDED:	4.05055 AC. ±
BUILDABLE PARCELS	0
NON-BUILDABLE LOTS	0
OPEN SPACE	0
PRESERVATION PARCELS	0
TOTAL AREA OF ROAD RIGHT-OF-WAY TO BE RECORDED INCLUDING WIDENING STRIPS:	D AC. ±
TOTAL GROSS AREA OF SUBDIVISION TO BE RECORDED	4.05055 AC. ±

EASEMENT LINE TABLE		EASEMENT LINE TABLE		EASEMENT LINE TABLE		EASEMENT LINE TABLE	
LINE #	BEARING	DISTANCE	LINE #	BEARING	DISTANCE	LINE #	BEARING
L1	N 37°44'14" E	86.47	L7	S 26°28'58" W	105.27	L13	N 87°38'47" E
L2	S 51°37'33" E	21.01	L8	S 68°10'43" W	6.62	L14	N 88°38'19" E
L3	N 67°52'25" E	391.79	L9	S 81°39'25" W	320.03	L15	S 14°55'55" E
L4	N 37°14'43" E	8.17	L10	S 31°44'14" W	89.70	L16	S 81°34'22" W
L5	N 28°28'50" E	89.41	L11	S 12°22'50" E	112.43	L17	S 85°58'22" W
L6	S 63°11'02" E	70.00	L12	S 67°59'31" E	8.87	L18	N 17°22'50" W



Pennoni

8880 McGaw Road, Suite 100
Columbia, Maryland 21045
(C) 410-897-8900 (F) 410-997-9282

APPROVED: FOR PUBLIC WATER AND PUBLIC SEWERAGE SYSTEMS HOWARD COUNTY HEALTH DEPARTMENT

HOWARD COUNTY HEALTH OFFICER _____ DATE _____

APPROVED: HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING.

CHIEF, DEVELOPMENT ENGINEERING DIVISION _____ DATE _____

DIRECTOR _____ DATE _____

D. DARRIN KIRK
PROFESSIONAL LAND SURVEYOR
NO. REGISTRATION No. 21543
(EXPIRES DECEMBER 21, 2021)

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THAT THE FINAL PLAN SHOWN HEREON IS CORRECT, THAT IT IS ALL THE LANDS CONVEYED BY CASO SERVICE LLC TO PS ATLANTIC COAST 2021 B, LLC BY DEED DATED APRIL 28, 2021 AND RECORDED IN THE LAND RECORDS OF HOWARD COUNTY, MARYLAND IN LIBER 20513 AT FOLIO 224; AND THAT IS A RESUBDIVISION OF PARCEL A-3, A-4, A-5 & A-6, AS SHOWN ON A PLAT ENTITLED "CONNELL PROPERTY PARCELS A-3, A-4, A-5 & A-6 AND RECORDED IN THE AFORESAID LAND RECORDS AS PLAT NO. 23856. THAT ALL MONUMENTS ARE IN PLACE OR WILL BE IN PLACE PRIOR TO THE ACCEPTANCE OF THE STREETS IN THE SUBDIVISION BY HOWARD COUNTY AS SHOWN IN ACCORDANCE WITH THE ANNOTATED CODE OF MARYLAND AS AMENDED. I CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE, AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 21543, EXPIRATION DATE DECEMBER 21, 2021.

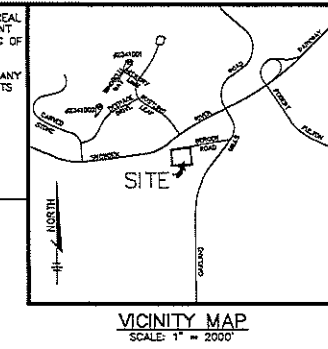
OWNER'S CERTIFICATE

WE, PS ATLANTIC COAST 2021 B, LLC, A DELAWARE LIMITED LIABILITY COMPANY, OWNERS OF THE PROPERTIES SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION AND, IN CONSIDERATION OF THE APPROVAL OF THIS FINAL PLAT BY THE DEPARTMENT OF PLANNING AND ZONING, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES AND GRANT UNTO HOWARD COUNTY, MARYLAND AND ITS SUCCESSORS AND ASSIGNS, (1) THE RIGHT TO LAY, CONSTRUCT AND MAINTAIN SEWERS, DRAINS, WATER PIPES AND OTHER MUNICIPAL UTILITIES AND SERVICES, IN AND UNDER ALL ROADS AND STREET RIGHTS-OF-WAY AND THE SPECIFIC EASEMENT AREAS SHOWN HEREON; (2) THE RIGHT TO REQUIRE DEDICATION FOR PUBLIC USE THE BEDS OF THE STREETS AND/OR ROADS AND FLOODPLAINS AND OPEN SPACE WHERE APPLICABLE, AND FOR GOOD AND OTHER VALUABLE CONSIDERATION, HEREBY GRANT THE RIGHT AND OPTION TO HOWARD COUNTY TO ACQUIRE THE FEE SIMPLE TITLE TO THE BEDS OF THE STREETS AND/OR ROADS AND FLOODPLAINS, STORM DRAINAGE FACILITIES, AND OPEN SPACE WHERE APPLICABLE; (3) THE RIGHT TO REQUIRE DEDICATION OF WATERWAYS AND DRAINAGE EASEMENTS FOR THE SPECIFIC PURPOSE OF THEIR CONSTRUCTION, REPAIR AND MAINTENANCE, AND (4) THAT NO BUILDING OR SIMILAR STRUCTURE OF ANY KIND SHALL BE ERRECTED ON OR OVER THE SAID EASEMENTS AND RIGHTS-OF-WAY.

WITNESS MY/OUR HANDS THIS _____ DAY OF _____ 2021.

PS ATLANTIC COAST 2021 B, LLC, A DELAWARE LIMITED LIABILITY COMPANY
BY: PUBLIC STORAGE, A MARYLAND REAL ESTATE INVESTMENT TRUST, ITS SOLE MANAGING MEMBER

ANDRES FRIEDMAN _____ DATE _____
SENIOR VICE PRESIDENT



GENERAL NOTES

1. COORDINATES BASED ON NAD 83, MARYLAND COORDINATE SYSTEM AS PROJECTED BY HOWARD COUNTY GEODETIC CONTROL STATIONS No. 2341001 and No. 2341002.

2. ALL AREAS ARE MORE OR LESS.

3. THE SUBJECT PROPERTY IS ZONED M-1 PER THE 10-06-13 COMPREHENSIVE ZONING PLAN.

4. WATER AND SEWER SERVICE TO THESE LOTS WILL BE GRANTED UNDER THE PROVISIONS OF SECTION 16.122.B OF THE HOWARD COUNTY CODE.

5. PREVIOUS DEPT. OF PLANNING AND ZONING FILE No's. S-88-39, WP-88-56, F-88-134, F-89-228, F-01-143, SDP-88-118, ECP-20-028, SDP-89-70, SDP-01-078, F-16-050, SDP-20-077 & WP-20-115.

6. WP-88-55 WAS A REQUEST TO HAVE SECTIONS 18.119 AND 16.120 OF THE HOWARD COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATIONS, REQUIRING SUBMISSION OF A SKETCH AND PRELIMINARY PLANS WAS APPROVED ON NOVEMBER 10, 1987.

7. THE USE-IN-COMMON MAINTENANCE AGREEMENT FOR SHARED ACCESS EASEMENT FOR PARCELS A-2, A-3, A-4, AND A-7 RECORDED IN HOWARD COUNTY LAND RECORDS IN LIBER 16979 AT FOLIO 259.

8. THIS PLAT HAS BEEN PREPARED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 16.124 OF THE HOWARD COUNTY CODE AND LANDSCAPE MANUAL. LANDSCAPE PLANTING FOR 13 SHADE TREES, 0 ORNAMENTAL TREES, 0 EVERGREEN TREES AND 0 SHRUBS HAVE BEEN APPROVED UNDER THIS PLAN. A FINANCIAL SURETY IN THE AMOUNT OF \$3,900 MUST BE POSTED WITH THE DEVELOPER AGREEMENT FOR THIS PROJECT.

9. EXISTING STRUCTURES ON PARCELS A-5 AND A-6 ARE TO BE DEMOLISHED. ONE BUILDING IS PROPOSED FOR PARCEL A-7. THERE ARE EXISTING STRUCTURES ON PARCELS A-3 AND A-4 TO REMAIN.

10. THE SHARED ACCESS CROSS PARKING EASEMENT WAS RECORDED IN THE LAND RECORDS OF HOWARD COUNTY, MARYLAND SIMULTANEOUSLY WITH THIS PLAT FOR PARCELS A-3, A-4 IN LIBER 16979 AT FOLIO 259.

11. THIS PLAT IS EXEMPT FROM FOREST CONSERVATION REQUIREMENTS OF SECTION 16.120(b)(4)(ii) BECAUSE THE PROPOSED DEVELOPMENT IS "AN ACTIVITY ON A PREVIOUSLY DEVELOPED AREA COVERED BY AN IMPERVIOUS SURFACE AND LOCATED IN THE PRIORITY FUNDING AREA."

OWNER
PS ATLANTIC COAST 2021 B, LLC
701 WESTERN AVENUE
GLDNDALÉ, CA 91201
TEL. 618-860-0351

PURPOSE STATEMENT

THE PURPOSE OF THIS PLAT IS TO RESUBDIVIDE PARCELS A-5 AND A-6 AND CREATE PARCEL A-7, ADD 20' PUBLIC SEWER & UTILITY EASEMENT, A PRIVATE STORM DRAIN & UTILITY EASEMENT AND ABANDONED PORTIONS OF 20' PRIVATE STORM DRAIN EASEMENTS AND 20' PUBLIC DRAINAGE & UTILITY EASEMENT.

RECORDED AS PLAT No. _____ ON _____ AMONG THE LAND RECORDS OF HOWARD COUNTY, MARYLAND.

RESUBDIVISION PLAT CONNELL PROPERTY PARCELS A-3, A-4, & A-7

A RESUBDIVISION OF PARCELS A-5 & A-6 AS SHOWN ON A PLAT ENTITLED "CONNELL PROPERTY PARCELS A-3, A-4, A-5 & A-6" AND RECORDED AS PLAT NO. 23856

FILE NO. S-89-39, WP-89-55, F-88-134, F-89-228, F-01-143, F-16-050, & WP-20-115

6TH ELECTION DISTRICT HOWARD COUNTY, MARYLAND
GRID NO. 10 TAX MAP NO. 42 PARCEL 31 ZONED: M-1
SCALE: 1" = 50' DATE: 08.10.21 SHEET: 1 OF 1

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

Council Resolution No. 165-2021

Introduced: November 1, 2021

Auditor: Melanie A. Bishop

Fiscal Impact:

There is no fiscal impact as a result of this legislation. The property owner will be removing existing public sewer infrastructure in the associated easement and relocating it at their own cost.

The cost to the County of maintaining the associated public sewer infrastructure is expected to be neutral, as there will be no change to the County's maintenance responsibilities for this infrastructure before and after its relocation.

Purpose:

The purpose of this legislation is to declare that portions of a public sewer easement are no longer needed by the County for public purposes. The public sewer infrastructure in the easement to be abandoned is expected to be removed and relocated to an existing or new County sewer easement.

Other Comments:

The Real Estate Services Division provided the following information related to this legislation:

- This easement was originally acquired in 1976 for a total of \$122.
- The easement being abandoned affects one parcel owned by one entity, PS Atlantic Coast 2021 B, LLC.