

County Council of Howard County, Maryland

2022 Legislative Session

Legislative Day No. 1

Resolution No. 16-2022

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 1,669 square feet or 0.0383 acres owned by Howard County, Maryland located on Main Street in Ellicott City is no longer needed by the County for public purposes; authorizing the County Executive to convey, upon certain consideration, fee simple title to 8308 Main Street, LLC while retaining easement interests; 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 Jan 4, 2022.

By order Michelle Harrod
Michelle Harrod, Administrator

Read for a second time at a public hearing on Jan 18, 2022.

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This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on March 7, 2022.

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

Tabled Feb 7, 2022

1 **WHEREAS**, the County is the owner of approximately 25,936 square feet of land shown
2 on Tax Map No. 25A as Parcel 181, being Lot No. 4 as shown on a subdivision plat entitled “The
3 Talbott Lumber Company, Lots 1-5” and recorded among the Land Records of Howard County
4 as Plat No. 11559 on December 28, 1994, the “County Property”; and
5

6 **WHEREAS**, a portion of the County Property is currently used as a parking lot area and
7 sidewalk area; and
8

9 **WHEREAS**, 8308 Main Street, LLC is the owner of the property adjacent to the County
10 Property and has asked for the conveyance, in fee simple, of a portion of the County Property
11 containing 1,669 square feet or 0.0383 acres, as described in Exhibit A and shown in Exhibit B,
12 the “Property to be Conveyed”; and
13

14 **WHEREAS**, as identified as Capital Project No. C-0360, Howard County will reserve a
15 7-foot wide public access perpetual easement and a 10-foot by 10-foot public utility perpetual
16 easement, and a perpetual conservation easement prohibiting into perpetuity the construction of
17 new structures on the property as described in Exhibit A and as shown in Exhibit B; and
18

19 **WHEREAS**, in exchange for the conveyance of fee simple title, subject to the County’s
20 easement interests, 8308 Main Street, LLC will pay the appraised value of the Property to be
21 Conveyed and the cost of the appraisal; and
22

23 **WHEREAS**, the Department of Public Works has reviewed and approved the proposed
24 conveyance of fee simple title, subject to the County’s easement interests, and upon the
25 guarantee that the property to be conveyed shall first be offered to the County for purchase for
26 the same appraised value amount if 8308 Main Street, LLC decides to convey the property or
27 changes its use in the Property to be Conveyed; and
28

29 **WHEREAS**, Section 4.201, “Disposition of Real Property”, of the Howard County Code
30 authorizes the County Council to declare that property is no longer needed for public purposes

1 and also authorizes the County Council to waive advertising and bidding requirements for an
2 individual conveyance of real property upon the request of the County Executive; and
3

4 **WHEREAS**, the County Council has received a request from the County Executive to
5 waive the advertising and bidding requirements in this instance for the conveyance of the
6 Property to be Conveyed to 8308 Main Street, LLC.
7

8 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
9 Maryland, this 7 day of March, 2022, that the Property to be Conveyed as
10 described in Exhibit A and as shown in Exhibit B, containing approximately 1,669 square feet or
11 0.0383 acres of land in total is no longer needed by the County for public purposes.
12

13 **AND BE IT FURTHER RESOLVED**, that County Executive may convey fee simple
14 title to the Property to be Conveyed to 8308 Main Street, LLC, upon payment of the appraised
15 value of the Property to be Conveyed and the cost of the appraisal, upon the guarantee that the
16 property to be conveyed shall first be offered to the County for purchase for the same appraised
17 value amount if 8308 Main Street, LLC decides to convey the property or changes its use, and
18 with the reservation to the County of a perpetual easement and a perpetual conservation
19 easement prohibiting into perpetuity the construction of new structures on the property for a 7-
20 foot wide public access easement and a 10-foot by 10-foot public utility easement
21

22 **AND BE IT FURTHER RESOLVED** that, having received a request from the County
23 Executive and having held a public hearing, the County Council declares that the best interest of
24 the County will be served by authorizing the County Executive to waive the usual advertising
25 and bidding requirements of Section 4.201 of the Howard County Code for the fee simple
26 conveyance of the Property to be Conveyed to 8308 Main Street, LLC.
27

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

1 **AND BE IT FURTHER RESOLVED** that 8308 Main Street, LLC shall guarantee that
2 the property to be conveyed shall first be offered to the County for purchase for the same
3 appraised value amount if 8308 Main Street, LLC decides to convey the property or changes its
4 use.

SCHEDULE "A"
DESCRIPTION OF
PART OF LOT 4
THE TALBOTT LUMBER COMPANY
CONVEYED TO
HOWARD COUNTY, MARYLAND
IN LIBER 3496, FOLIO 6

BEING A piece of parcel of land, situated in the 2nd Election District of Howard County, Maryland; transferred to Howard County, Maryland from Ellicott City Restoration Foundation, Inc. by a deed dated May 1, 1995 and recorded among the Land Records of Howard County, Maryland in Liber 3496 at Folio 6; also being part of Lot 4 as shown on a subdivision plat titled "The Talbott Lumber Company, Lots 1-5" and recorded among the aforesaid Land Records as Plat No. 11559; and now being more particularly described in the datum of the Maryland State Plane Coordinate System (NAD 1983) and in accordance with a boundary survey performed by Adcock & Associates, LLC as follows:

BEGINNING FOR THE same at the existing building corner, said point also being the front corner of Lots 4 and 5 as shown on a plat of subdivision title "The Talbott Lumber Company, Lots 1-5" and recoded among the aforesaid Land Records as Plat No. 11559; thence leaving said existing building corner and running with and along the outline of Lot 4 the following three (3) courses and distances

1. North 49°41'23" West 16.43 feet to a point; thence,
2. North 39°53'55" East 39.67 feet to a point; thence,
3. North 13°12'05" West 32.42 feet to a point; thence running through, over and across said Lot 4 the following nine (9) courses and distances
4. North 41°59'57" East 1.29 feet to a point; thence,
5. South 49°43'25" East 9.15 feet to a point; thence,
6. North 40°51'17" East 6.31 feet to a point; thence,
7. South 49°08'55" East 12.30 feet to a point of curvature; thence
8. 24.32 feet along a tangent curve to the left having a radius of 15.00 feet (Chord: North 84°24'53" East 21.75 feet) to a point of tangency; thence,
9. North 37°59'12" East 5.14 feet to a point; thence
10. South 52°00'48" East 6.27 feet to a point; thence
11. South 40°17'12": East 0.94 feet to a point at the end of the North 40°17'12" East 86.50 feet plat line between Lots 4 and 5 of the aforesaid plat; thence running reversely with and along said plat line the following course and distance,
12. South 40°17'12" West 86.50 feet to the point of the beginning.

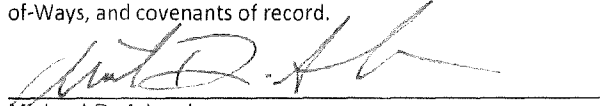
The area of land contained by the foregoing amounts to 1,669 square feet or 0.0383 of an acre, more or less.

Subject to a 7.00 feet wide access easement for handicap access from the remainder of Lot 4 to Frederick Road, said easement running parallel and to the West of the ninth (9th) and tenth (10th) line as described hereon, and also to a 10' x 10' public utility easement and a perpetual conservation easement prohibiting into perpetuity the construction of new structures on the property as shown on attached Schedule "B".

Also subject to and together with rights of way, easements, encumbrances, and appurtenances of record.

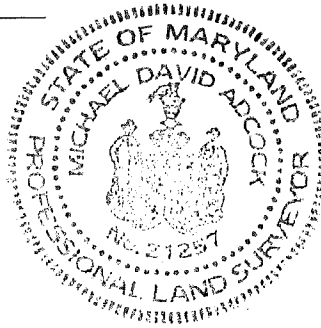
PROFESSIONAL CERTIFICATION

The undersigned either personally prepared this metes and bounds description, or was in responsible charge over its preparation and the work reflected in it. This metes and bounds description is in compliance with COMAR Sections 09.13.06.08 and 09.13.06.12 of the Minimum Standards of Practice as now adopted by the Maryland Board for Professional Land Surveyors. This metes and bounds description was prepared without the benefit of the Title Report, and is subject to all easements, Rights-of-Ways, and covenants of record.



Michael D. Adcock
Professional Land Surveyor, Exp. 6-16-23

Prepared by: Michael D. Adcock
Registered Professional Land Surveyor
Adcock & Associates, LLC
5389 Enterprise Street, Suites B-C
Sykesville, MD 21784



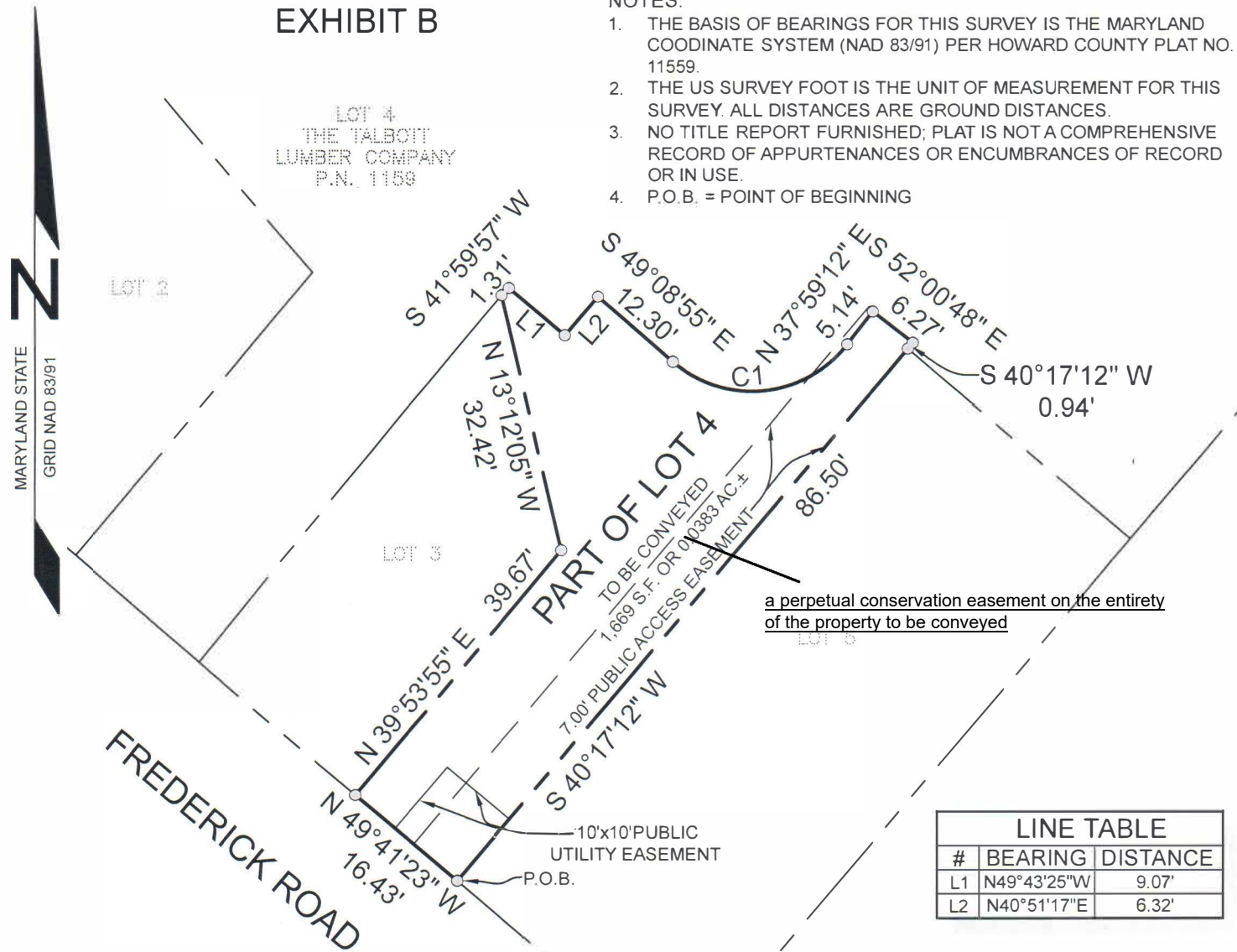
December 21, 2021

EXHIBIT B

LOT 4
THE TALBOTT
LUMBER COMPANY
P.N. 1159

NOTES:

1. THE BASIS OF BEARINGS FOR THIS SURVEY IS THE MARYLAND COODINATE SYSTEM (NAD 83/91) PER HOWARD COUNTY PLAT NO. 11559.
2. THE US SURVEY FOOT IS THE UNIT OF MEASUREMENT FOR THIS SURVEY. ALL DISTANCES ARE GROUND DISTANCES.
3. NO TITLE REPORT FURNISHED; PLAT IS NOT A COMPREHENSIVE RECORD OF APPURTENANCES OR ENCUMBRANCES OF RECORD OR IN USE.
4. P.O.B. = POINT OF BEGINNING



a perpetual conservation easement on the entirety of the property to be conveyed

LINE TABLE		
#	BEARING	DISTANCE
L1	N49°43'25"W	9.07'
L2	N40°51'17"E	6.32'

CURVE DATA

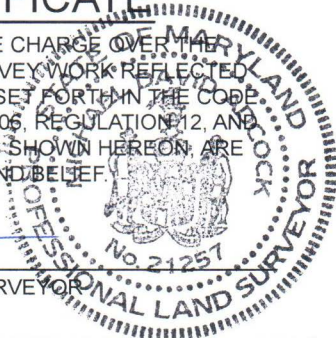
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	DELTA ANGLE	CHORD BEARING	TANGENT
C1	15.00'	24.32'	21.75'	92°52'55"	N 84°24'53" E	15.78'

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I WAS IN RESPONSIBLE CHARGE OF THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED IN IT, IS IN COMPLIANCE WITH REQUIREMENTS SET FORTH IN THE CODE OF MARYLAND TITLE 9, SUBTITLE 13, CHAPTER 06, REGULATION 12, AND THE POSITION OF EXISTING IMPROVEMENTS AS SHOWN HEREON ARE CORRECT, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MICHAEL D. ADCOCK, PROFESSIONAL LAND SURVEYOR
NO. 21257, EXPIRATION DATE: 06-16-2023

I CERTIFY THIS PLAT TO BE CORRECT; IT IS THE RESULT OF AN ACTUAL FIELD SURVEY, BASED ON DATA FOUND AMONG THE LAND RECORDS OF HOWARD COUNTY, MARYLAND, AS REFERENCED HEREON. PLAT NO. 11559



PLAT OF SURVEY FOR
PART OF LOT 4
**THE TALBOTT
LUMBER COMPANY**
CONVEYED TO
HOWARD COUNTY, MARYLAND
IN LIBER 3496, FOLIO 6

DATE: DECEMBER 8, 2021

SCALE: 1"=20'

FILE NO.: 21-173

Adcock & Associates · LLC

Engineers · Surveyors · Planners

5389 Enterprise Street Suites B-C Sykesville, Maryland 21784 Phone: 443.325.7682 Email: mike@saaland.com

County Council of Howard County, Maryland

2022 Legislative Session

Legislative Day No. 1

Resolution No. 16-2022

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 1,669 square feet or 0.0383 acres owned by Howard County, Maryland located on Main Street in Ellicott City is no longer needed by the County for public purposes; authorizing the County Executive to convey, upon certain consideration, fee simple title to 8308 Main Street, LLC while retaining easement interests; 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 _____, 2022.

By order _____
Michelle Harrod, Administrator

Read for a second time at a public hearing on _____, 2022.

By order _____
Michelle Harrod, Administrator

This Resolution was read the third time and was Adopted ____, Adopted with amendments ____, Failed ____, Withdrawn ____, by the County Council on _____, 2022.

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

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2 on Tax Map No. 25A as Parcel 181, being Lot No. 4 as shown on a subdivision plat entitled “The
3 Talbott Lumber Company, Lots 1-5” and recorded among the Land Records of Howard County
4 as Plat No. 11559 on December 28, 1994, the “County Property”; and

5
6 **WHEREAS**, a portion of the County Property is currently used as a parking lot area and
7 sidewalk area; and

8
9 **WHEREAS**, 8308 Main Street, LLC is the owner of the property adjacent to the County
10 Property and has asked for the conveyance, in fee simple, of a portion of the County Property
11 containing 1,669 square feet or 0.0383 acres, as described in Exhibit A and shown in Exhibit B,
12 the “Property to be Conveyed”; and

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14 **WHEREAS**, as identified as Capital Project No. C-0360, Howard County will reserve a
15 7-foot wide public access perpetual easement and a 10-foot by 10-foot public utility perpetual
16 easement, as described in Exhibit A and as shown in Exhibit B; and

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18 **WHEREAS**, in exchange for the conveyance of fee simple title, subject to the County’s
19 easement interests, 8308 Main Street, LLC will pay the appraised value of the Property to be
20 Conveyed and the cost of the appraisal; and

21
22 **WHEREAS**, the Department of Public Works has reviewed and approved the proposed
23 conveyance of fee simple title, subject to the County’s easement interests, in the Property to be
24 Conveyed; and

25
26 **WHEREAS**, Section 4.20, “Disposition of Real Property”, of the Howard County Code
27 authorizes the County Council to declare that property is no longer needed for public purposes
28 and also authorizes the County Council to waive advertising and bidding requirements for an
29 individual conveyance of real property upon the request of the County Executive; and

1 **WHEREAS**, the County Council has received a request from the County Executive to
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14 10-foot public utility easement
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**SCHEDULE "A"
DESCRIPTION OF
PART OF LOT 4
THE TALBOTT LUMBER COMPANY
CONVEYED TO
HOWARD COUNTY, MARYLAND
IN LIBER 3496, FOLIO 6**

BEING A piece of parcel of land, situated in the 2nd Election District of Howard County, Maryland; transferred to Howard County, Maryland from Ellicott City Restoration Foundation, Inc. by a deed dated May 1, 1995 and recorded among the Land Records of Howard County, Maryland in Liber 3496 at Folio 6; also being part of Lot 4 as shown on a subdivision plat titled "The Talbott Lumber Company, Lots 1-5" and recorded among the aforesaid Land Records as Plat No. 11559; and now being more particularly described in the datum of the Maryland State Plane Coordinate System (NAD 1983) and in accordance with a boundary survey performed by Adcock & Associates, LLC as follows:

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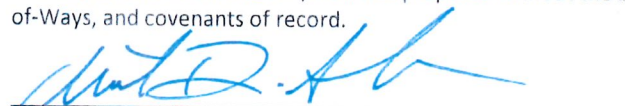
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Subject to a 7.00 feet wide access easement for handicap access from the remainder of Lot 4 to Frederick Road, said easement running parallel and to the West of the ninth (9th) and tenth (10th) line as described hereon, and also to a 10' x 10' public utility easement as shown on attached Schedule "B".

Also subject to and together with rights of way, easements, encumbrances, and appurtenances of record.

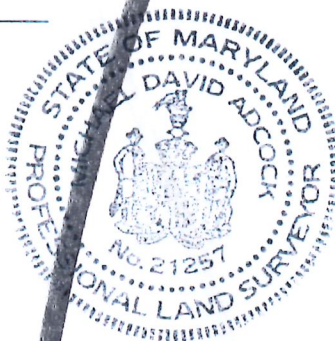
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Michael D. Adcock
Professional Land Surveyor, Exp. 6-16-23

Prepared by: Michael D. Adcock
Registered Professional Land Surveyor
Adcock & Associates, LLC
5389 Enterprise Street, Suites B-C
Sykesville, MD 21784



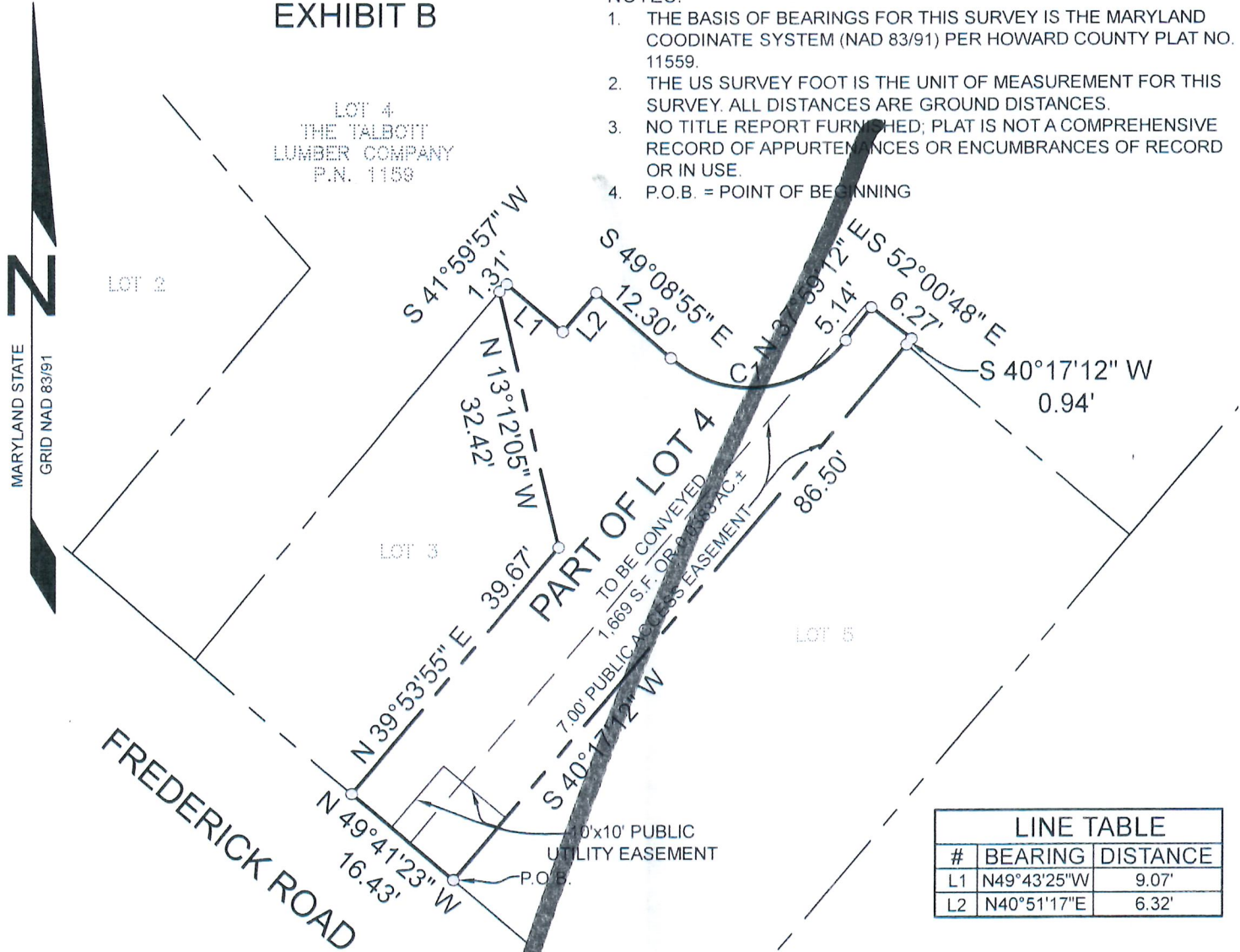
December 21, 2021

EXHIBIT B

NOTES:

1. THE BASIS OF BEARINGS FOR THIS SURVEY IS THE MARYLAND COORDINATE SYSTEM (NAD 83/91) PER HOWARD COUNTY PLAT NO. 11559.
2. THE US SURVEY FOOT IS THE UNIT OF MEASUREMENT FOR THIS SURVEY. ALL DISTANCES ARE GROUND DISTANCES.
3. NO TITLE REPORT FURNISHED; PLAT IS NOT A COMPREHENSIVE RECORD OF APPURTENANCES OR ENCUMBRANCES OF RECORD OR IN USE.
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LOT 4
THE TALBOTT
LUMBER COMPANY
P.N. 11559



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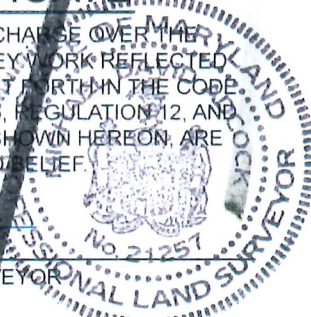
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Michael D. Adcock
MICHAEL D. ADCOCK, PROFESSIONAL LAND SURVEYOR
NO. 21257, EXPIRATION DATE: 06-16-2023

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**THE TALBOTT
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DATE: DECEMBER 8, 2021
SCALE: 1"=20'
FILE NO.: 21-173

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Engineers · Surveyors · Planners

5389 Enterprise Street Suites B-C Sykesville, Maryland 21784 Phone: 443.325.7682 Email: mike@saaland.com