

County Council of Howard County, Maryland

2023 Legislative Session

Legislative Day No. 7

Resolution No. 102 -2023

Introduced by: The Chairperson at the request of the County Executive

A RESOLUTION authorizing the County Executive to grant a deed of easement to Baltimore Gas and Electric Company so that Baltimore Gas and Electric Company may install communication facilities on property owned by Howard County, 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 5, 2022. By order Michelle Harrod
Michelle Harrod, Administrator

Read for a second time at a public hearing on June 20, 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This Resolution was read the third time and was Adopted , Adopted with amendments __, Failed __, Withdrawn __, by the County Council on July 5, 2022.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

1 **WHEREAS**, Howard County, Maryland (hereinafter the “County”) is the fee simple
2 owner of approximately 37.7 acres of land shown as Parcel 200 on Tax Map 47 (the “County
3 Property”); and
4

5 **WHEREAS**, the County Property is subject to (1) a free and uninterrupted right of
6 way/easement by Deed dated December 29, 1964, from the Howard County Metropolitan
7 Commission, recorded among the Land Records of Howard County, Maryland (the “Land
8 Records”) in Liber 431, Folio 86, and (2) a free and uninterrupted right of way by Deed dated
9 June 28, 1972, from Howard County, Maryland, recorded among the Land Records in Liber 616,
10 Folio 710 (collectively the “Existing Easement Agreement”), for the purpose of constructing,
11 operating and maintaining overhead electrical transmission lines only within the easement area
12 on the County Property described in the Existing Easement Agreement (the “Easement Area”);
13 and
14

15 **WHEREAS**, Baltimore Gas and Electric Company (“BGE”) has requested an
16 amendment to the Existing Easement Agreement so that BGE may install communication
17 facilities on the County Property within a portion of the Easement Area as shown on Exhibit A
18 attached hereto (the “Amended Easement Area”) for use in connection with BGE’s electric
19 utility business and for any other communication purpose, including the provision of
20 infrastructure to enable internet providers to reach communities within Howard County (the
21 “Communication Facilities”); and
22

23 **WHEREAS**, the Communication Facilities include, but are not limited to, wires, cables,
24 fiber optic cables, and conduits; and
25

26 **WHEREAS**, BGE will be required to restore, at BGE’s expense, the County Property to
27 a condition equal to or better than its condition immediately preceding any opening, excavation,
28 or other work in the Amended Easement Area for the installation or maintenance of the
29 Communication Facilities; and
30

1 **WHEREAS**, the Department of Public Works has reviewed and approved the proposed
2 Amendment to Existing Easement Agreement; and

3
4 **WHEREAS**, because a use is requested for the Amended Easement Area, in addition to
5 those uses for which the original easement was granted, an easement for the proposed new use
6 must be conveyed to BGE in accordance with the Howard County Code; and

7
8 **WHEREAS**, Section 4.201, “Disposition of Real Property”, of the Howard County Code
9 authorizes the County Council of Howard County, Maryland (the “County Council”) to declare
10 that property is no longer needed for public purposes and also authorizes the County Council to
11 waive advertising and bidding requirements for an individual conveyance of real property upon
12 the request of the County Executive; and

13
14 **WHEREAS**, the County Council has received a request from the County Executive to
15 waive the advertising and bidding requirements in this instance for the Amendment to Existing
16 Easement Agreement in order to install Communications Facilities within the Amended
17 Easement Area, as shown in the attached Exhibit A.

18
19 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
20 Maryland, this 5 day of July, 2023, that the Amended Easement Area as shown in
21 the attached Exhibit A is not needed by the County for public purposes and that an additional
22 non-exclusive permanent easement may be conveyed in the Amended Easement Area for the
23 installation of Communications Facilities in accordance with the Amendment to Existing
24 Easement Agreement.

25
26 **AND BE IT FURTHER RESOLVED**, that the County Executive may enter into the
27 Amendment to Existing Easement Agreement.

28
29 **AND BE IT FURTHER RESOLVED** that, having received a request from the County
30 Executive and having held a public hearing, the County Council declares that the best interest of
31 the County will be served by authorizing the County Executive to waive the usual advertising

1 and bidding requirements of Section 4.201 of the Howard County Code for the Amendment to
2 Existing Easement Agreement.

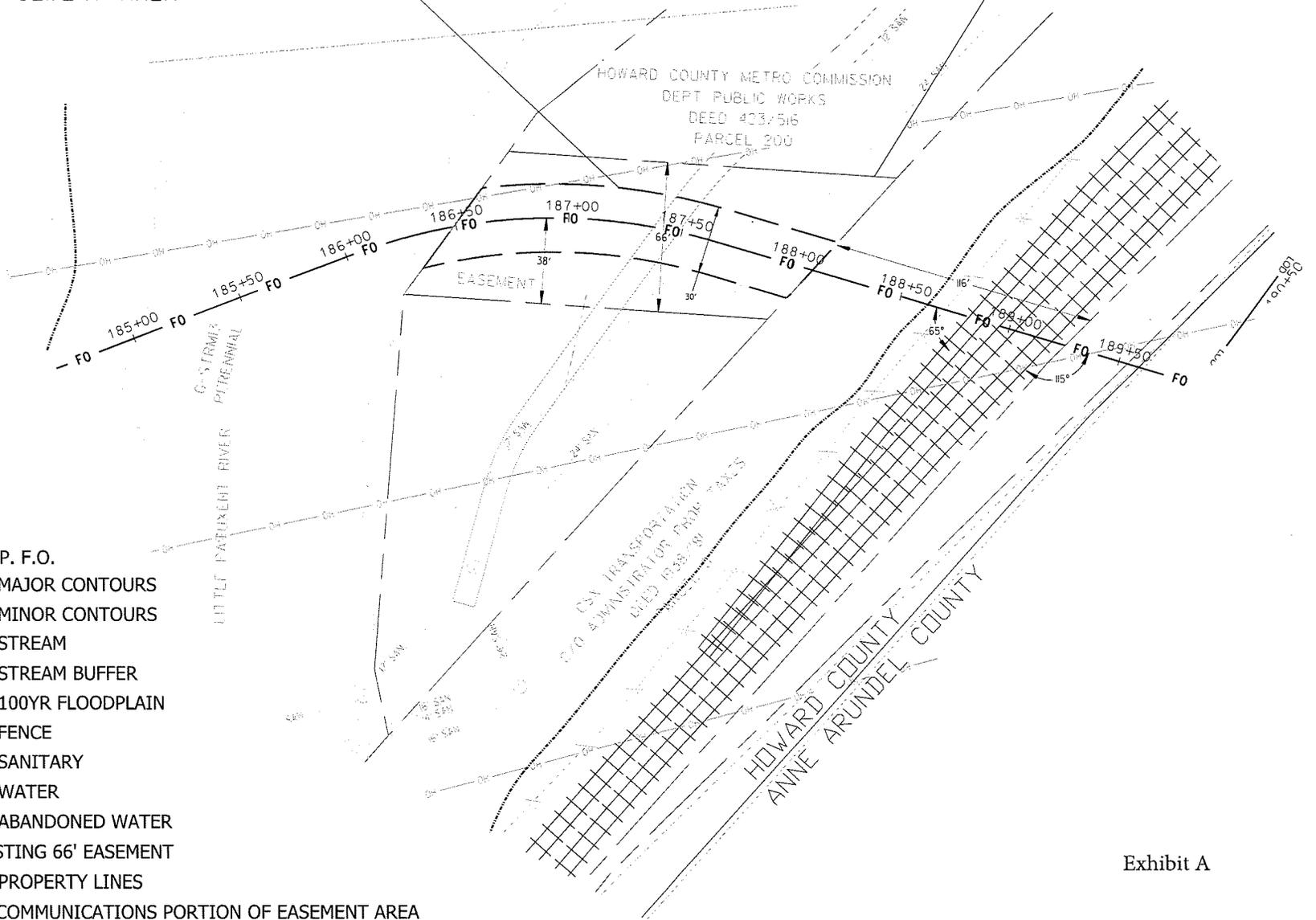
3
4 **AND BE IT FURTHER RESOLVED** that if the County Executive finds that all or a
5 portion of the Amended Easement Area may have a further County public use and an additional
6 easement in the Amended Easement Area should not be conveyed then he is not bound to convey
7 the additional easement in accordance with this Resolution.



30' COMMUNICATIONS PORTION OF EASEMENT AREA

EXISTING 66' EASEMENT

HOWARD COUNTY METRO COMMISSION
DEPT PUBLIC WORKS
DEED 403/516
PARCEL 200



LEGEND

- F0 — PROP. F.O.
- EX. MAJOR CONTOURS
- EX. MINOR CONTOURS
- EX. STREAM
- EX. STREAM BUFFER
- EX. 100YR FLOODPLAIN
- X — X EX. FENCE
- S — 8" SAN EX. SANITARY
- W — 6" W EX. WATER
- Wx — 6" W EX. ABANDONED WATER
- — — — — EXISTING 66' EASEMENT
- — — — — EX. PROPERTY LINES
- — — — — 30' COMMUNICATIONS PORTION OF EASEMENT AREA

Exhibit A



Howard County

Internal Memorandum

Subject: Testimony & Fiscal Impact Statement
Council Resolution No. __ - 2023, authorizing the County Executive to grant an easement to Baltimore Gas and Electric Company pursuant to an amendment to deeds of easement (the "Amendment to Deeds") so that Baltimore Gas and Electric Company may install communication facilities on property owned by Howard County, 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 grant the easement if he finds that the property may have a further public use.

To: Brandee Ganz
Chief Administrative Officer

From: Yosef Kebede, Director 
Department of Public Works

Date: May 25, 2023

The Department of Public Works (the "Department") has been designated coordinator for preparation of testimony relative to the above referenced Council Resolution that provides for the amendment of prior deeds of easement to the Baltimore Gas and Electric Company ("BGE") located on property owned by Howard County, Maryland, shown as Parcel 200 on Tax Map 47 (the "County Property").

The County Property is subject to (1) a free and uninterrupted right of way/easement by Deed dated December 29, 1964, from the Howard County Metropolitan Commission, recorded among the Land Records of Howard County, Maryland (the "Land Records") in Liber 431, Folio 86, and (2) a free and uninterrupted right of way by Deed dated June 28, 1972, from Howard County, Maryland, recorded among the Land Records in Liber 616, Folio 710 (collectively the "Existing Easement Agreement"), for the purpose of constructing, operating and maintaining overhead electrical transmission lines only within the easement area on the County Property described in the Existing Easement Agreement (the "Easement Area").

BGE has requested an amendment to the Existing Easement Agreement to install communication facilities on the County Property within a portion of the Easement Area granted in the Existing Easement Agreement (the "Amended Easement Area") for use in connection with BGE's electric utility business and for any other Communication Purpose, including the provision of infrastructure to enable internet providers to reach communities within the County (the "Communication Facilities"). The Communication Facilities include, but are not limited to, wires, cables, fiber optic cables, and conduits.

BGE will be required to restore at BGE's expense the County Property to a condition equal to or better than its condition immediately preceding any opening, excavation, or other work in the Amended Easement Area for the installation or maintenance of the Communication Facilities.

Page 2 of 2

The Department of Public Works has reviewed and approved the proposed Amendment to Deeds.

Section 4.201, "Disposition of Real Property", of the Howard County Code authorizes the County Council to declare that property is no longer needed for public purposes and authorizes the County Council to waive advertising and bidding requirements for an individual conveyance of real property upon the request of the County Executive.

The County Council has received a request from the County Executive to waive the advertising and bidding requirements in this instance for the Amendment to Deeds in order to allow for the installation of the Communications Facilities in the Amended Easement Area.

There is no fiscal impact to the County.

Representatives of the 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