

County Council of Howard County, Maryland

2023 Legislative Session

Legislative Day No. 10

Resolution No. 152 -2023

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 owned by Howard County, Maryland and located within Centennial Park, along Centennial Lane and Maryland Route 108, is no longer needed by the County for public purposes; authorizing the County Executive to convey, upon certain consideration, fee simple title to 0.834 acres and permanent easement interests in 0.152 acres to the State of Maryland, Department of Transportation, State Highway Administration; 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 Sept 5, 2023.

By order Michelle Harrod
Michelle Harrod, Administrator

Read for a second time at a public hearing on Sept 18, 2023.

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 Oct 2, 2023.

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 0.834 acres of land located within Centennial Park at Centennial Lane and
3 Maryland Route 108 and shown on State of Maryland Department of Transportation State
4 Highway Administration State Roads Commission Plat Nos. 61286, 61287, and 61288 attached
5 hereto as Exhibit “A”, being part of approximately 63.625 acres of land forming part of Parcel No.
6 9 on Tax Map 30 and described in the deed dated August 18, 1976, and recorded among the Land
7 Records of Howard County, Maryland at Liber 781, Folio, 592 (the “County Property”); and

8
9 **WHEREAS**, the State of Maryland, Department of Transportation, State Highway
10 Administration (the “State”) owns the land adjacent to the County Property and needs to acquire a
11 portion of the County Property as follows (collectively, the “Property to be Conveyed”):

- 12 1. A portion in fee simple of the County Property containing approximately 0.834 acres of
13 land in fee simple, described in the legend on Plat No. 61287 and shown as “Fee Simple
14 Area” on Exhibit A attached hereto; and
- 15 2. A perpetual easement in a portion of the County Property containing approximately 0.072
16 acres of land described in the legend on Plat 61287 and 0.080 acres of land described in
17 the legend on Plat No. 61288, totaling 0.152 acres of land in total and collectively described
18 and shown as “Perpetual Easement Area” on Exhibit A attached hereto; and

19
20 **WHEREAS**, the State also seeks a temporary construction easement in 0.374 acres of the
21 County Property described in the legend on Plat No. 61287 and shown as “Total Temporary
22 Easement Area” on Exhibit A attached hereto; and

23
24 **WHEREAS**, the County Property was originally acquired with State Program Open Space
25 funding and the Property to be Conveyed will need to be replaced on a one to one ratio with land
26 of a greater value; and

27
28 **WHEREAS**, the State will pay the County the appraised value of the Property to be
29 Conveyed in the amount of \$116,423.25, and mitigate the loss of the County Property funded by
30 Program Open Space by conveying 1.01 acres of land located at 9970 Maryland Route 108 to the
31 County; and

1
2 **WHEREAS**, the Howard County Department of Public Works has reviewed and approved
3 the proposed conveyance of the Property to be Conveyed; and
4

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

11 **WHEREAS**, the County Council has received a request from the County Executive to
12 waive the advertising and bidding requirements in this instance for the conveyance of the Property
13 to be Conveyed to the State.
14

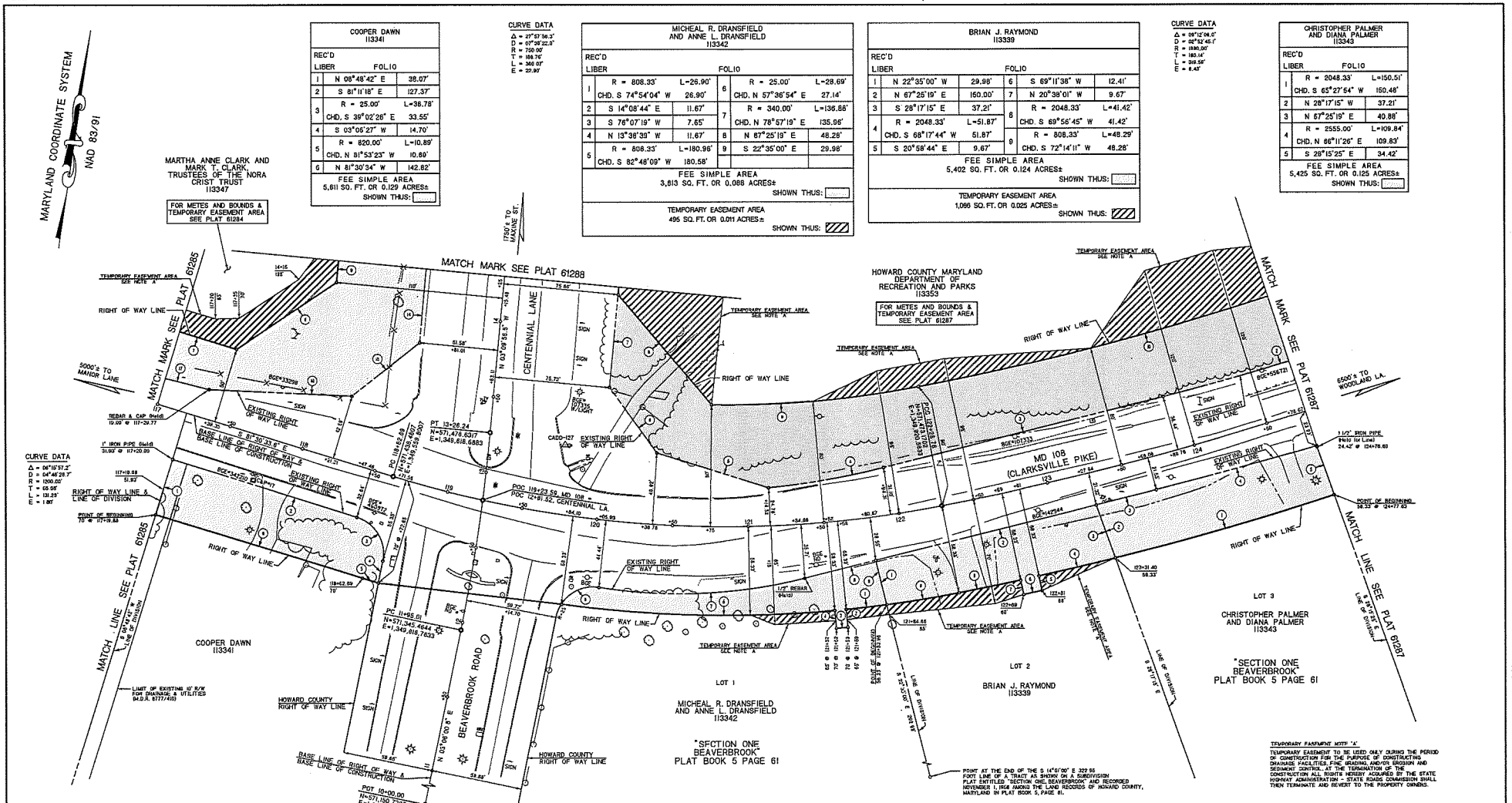
15 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
16 Maryland, this 2 day of October, 2023, that the Property to be Conveyed as shown
17 on Exhibit A attached hereto as the “Fee Simple Area” containing approximately 0.834 acres of
18 land in total and “Perpetual Easement Area” containing approximately 0.152 acres of land in total
19 is no longer needed by the County for public purposes.
20

21 **AND BE IT FURTHER RESOLVED**, that the County Executive may convey fee simple
22 title to and a perpetual easement in the Property to be Conveyed to the State of Maryland,
23 Department of Transportation, State Highway Administration, upon payment of \$116,423.25 for
24 the Property to be Conveyed and the conveyance to the County by the State of Maryland,
25 Department of Transportation, State Highway Administration of 1.01 acres of land located at 9970
26 Maryland Route 108.
27

28 **AND BE IT FURTHER RESOLVED** that, having received a request from the County
29 Executive and having held a public hearing, the County Council declares that the best interest of
30 the County will be served by authorizing the County Executive to waive the usual advertising and
31 bidding requirements of Section 4.201 of the Howard County Code for the conveyance of fee

1 simple title to and the grant of a perpetual easement in the Property to be Conveyed to the State of
2 Maryland, Department of Transportation, State Highway Administration.

3
4 **AND BE IT FURTHER RESOLVED** that if the County Executive finds that all or a
5 portion of the Property to be Conveyed may have a further County public use then he is not bound
6 to convey the fee simple or perpetual easement property interest in accordance with this resolution.



COOPER DAWN
113341

REC'D LIBER	FOLIO
1	N 08°48'42" E 38.07'
2	S 81°11'18" E 127.37'
3	R = 25.00' L=38.78'
4	CHD. S 39°02'28" E 33.55'
5	S 03°00'27" W 14.70'
6	R = 820.00' L=10.89'
7	CHD. N 81°53'25" W 10.49'
8	N 81°30'34" W 142.92'

FEE SIMPLE AREA
5,611 SQ. FT. OR 0.129 ACRES±
SHOWN THUS: [diagonal lines]

CURVE DATA
Δ = 27°53'32.3"
D = 07°00'25.2"
R = 759.00'
L = 188.35'
T = 366.07'
E = 29.97'

MICHEAL R. DRANSFIELD
AND ANNE L. DRANSFIELD
113342

REC'D LIBER	FOLIO
1	R = 808.33' L=28.90'
2	CHD. S 74°54'04" W 28.90'
3	S 14°08'44" E 11.67'
4	S 76°07'19" W 7.65'
5	N 13°38'39" W 11.67'
6	R = 25.00' L=28.90'
7	CHD. N 57°36'54" E 27.14'
8	R = 340.00' L=138.85'
9	N 87°25'19" E 48.28'
10	R = 808.33' L=180.58'
11	S 22°35'00" E 29.98'

FEE SIMPLE AREA
3,813 SQ. FT. OR 0.088 ACRES±
SHOWN THUS: [diagonal lines]

TEMPORARY EASEMENT AREA
495 SQ. FT. OR 0.011 ACRES±
SHOWN THUS: [hatched pattern]

BRIAN J. RAYMOND
113339

REC'D LIBER	FOLIO
1	N 22°35'00" W 29.98'
2	N 67°25'19" E 150.00'
3	S 28°17'15" E 37.21'
4	R = 2048.33' L=51.87'
5	CHD. S 68°17'44" W 51.87'
6	S 69°11'38" W 12.41'
7	N 20°38'01" W 9.67'
8	R = 2048.33' L=41.42'
9	CHD. S 89°56'45" W 41.42'
10	R = 808.33' L=48.29'
11	CHD. S 72°14'11" W 48.28'

FEE SIMPLE AREA
5,402 SQ. FT. OR 0.124 ACRES±
SHOWN THUS: [diagonal lines]

TEMPORARY EASEMENT AREA
1,099 SQ. FT. OR 0.025 ACRES±
SHOWN THUS: [hatched pattern]

CURVE DATA
Δ = 09°12'04.6"
D = 08°18'45.1"
R = 188.00'
L = 180.44'
T = 98.58'
E = 9.47'

CHRISTOPHER PALMER
AND DIANA PALMER
113343

REC'D LIBER	FOLIO
1	R = 8048.33' L=150.51'
2	CHD. S 65°27'54" W 150.48'
3	N 28°17'15" W 37.21'
4	N 67°25'19" E 40.88'
5	R = 2555.00' L=109.84'
6	CHD. N 86°11'26" E 109.83'
7	S 28°15'25" E 34.42'

FEE SIMPLE AREA
5,425 SQ. FT. OR 0.125 ACRES±
SHOWN THUS: [diagonal lines]

CURVE DATA
Δ = 04°18'57.2"
D = 04°06'28.1"
R = 1000.00'
L = 58.88'
T = 13.23'
E = 1.87'

COORDINATES AND BEARINGS SHOWN HEREIN ARE IN REFERENCE TO THE MARYLAND STATE PLANE COORDINATE SYSTEM, AS DEFINED BY THE NORTH AMERICAN DATUM OF 1983, ADJUSTED IN 2011, AND BASED ON THE FOLLOWING STATE HIGHWAY ADMINISTRATION PLATS & SURVEYS DIVISION CONTROL STATIONS:

DESIGNATION	NORTH	EAST	BOOK/PAGE	POINT DESCRIPTION
CAD-2	57118.9520	12484.8917	12306/9	REBAR & CAP
CAD-3	57133.2850	12472.7740	12306/9	REBAR & CAP
CAD-97	57055.4026	125072.5423	2404/15	REBAR & CAP

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

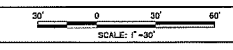
SURVEYOR'S CERTIFICATION
THE RIGHT OF WAY LINES AND LINES OF DIVISION SHOWN HEREON WERE ESTABLISHED FROM DEEDS AND PLATS OF RECORD AND FIELD SURVEYS. THE UNDERSIGNED WAS IN RESPONSIBLE CHARGE OF THE PREPARATION OF THIS PLAT AND THE SURVEYING WORK REFLECTED ON IT. THIS PLAT WAS DEVELOPED IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN COMAR REGULATION 09.13.03.

PROFESSIONAL LAND SURVEYOR
MARK A. WILD
M.A. Wild
M.D. REG. NO. 21704
EXP. DATE 06/30/2021
DATE 11-25-2021



LEGEND OF PROPOSED EASEMENTS

- [diagonal lines] TEMPORARY CONSTRUCTION EASEMENT FOR SPECIAL PURPOSE AS INDICATED BY NOTATION ON THIS PLAT.
- [hatched pattern] TEMPORARY EASEMENT FOR SPECIAL PURPOSE AS INDICATED ON THIS PLAT.
- [dotted pattern] TEMPORARY EASEMENT FOR SPECIAL PURPOSE AS INDICATED BY NOTATION ON THIS PLAT.
- [cross-hatched pattern] TEMPORARY EASEMENT TO DISCHARGE FLOW OF WATER FROM OR INTO AN EXISTING WATERWAY OR NATURAL DRAINAGE COURSE.
- [wavy lines] TEMPORARY EASEMENT TO DISCHARGE FLOW OF WATER UPON EXISTING GROUND.



SENT TO RECORD OFFICE _____ 30 _____
APPROVED BY: _____ 30 _____
STATE ROADS COMMISSION CHAIRMAN

BOOKS	PART OF PLATS	DATE	REVISION
2301	2414 (TRAY)		
2301	2414 (TRAY)		

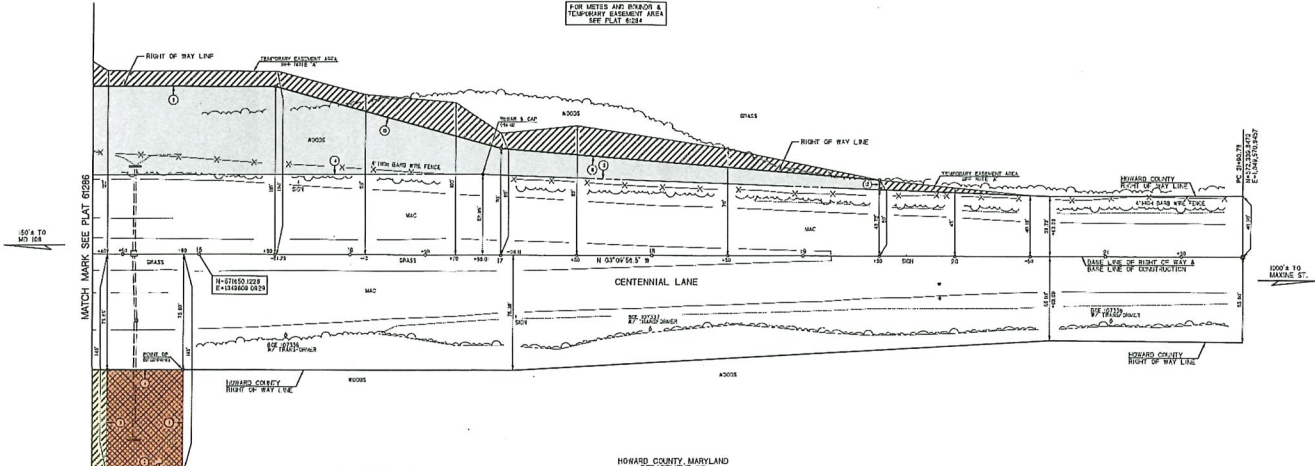
LOCATED IN _____ HOWARD _____ COUNTY
PREPARED BY: PLATS & SURVEYS DIVISION
ADDRESS: 211 E. MADISON STREET BALTIMORE MD 21202
CONSTRUCTION PROJECT: MD 108 AT CENTENNIAL LANE AND BEAVERBROOK ROAD INTERSECTION IMPROVEMENTS
CONSTRUCTION PROJECT NO. HO1495187

RIGHT OF WAY PROJECT: MD 108 AT CENTENNIAL LANE / BEAVERBROOK ROAD
RIGHT OF WAY PROJECT NO. HO1495187
ISSUED November 27, 2021 FEDERAL AID PROJECT NO. _____
SCALE: 1"=30'
ACQUISITION PLAT No. 61286



MARTHA ANNIE CLARK AND
MAUD T. CLARK
TRUSTEES OF THE NORA
CREST TRUST
10347

FOR METERS AND HORIZON &
TEMPORARY EASEMENT AREA
SEE PLAT 61287



HOWARD COUNTY, MARYLAND
DEPARTMENT OF
RECREATION AND PARKS
10353, PARCEL B

NO. OF LINES	FC/LIO	
1	N 88°50'04" E	69.40
2	S 03°00'50" E	50.00
3	S 88°50'04" W	69.35
4	N 03°13'19" W	50.00

PERPETUAL EASEMENT AREA
3.462 SQ. FT. OR 0.000 ACRES
SHOWN THEREIN

HOWARD COUNTY, MARYLAND
DEPARTMENT OF
RECREATION AND PARKS
10353
TEMPORARY EASEMENT AREA
SEE PLAT 61287

TEMPORARY EASEMENT AREA 'X'
TEMPORARY EASEMENT TO BE USED ONLY DURING THE PERIOD
OF CONSTRUCTION FOR THE PURPOSE OF CONSTRUCTION
OR MAINTENANCE OF THE PROPOSED ROAD OR ROAD
IMPROVEMENTS. THE PERPETUAL EASEMENT AND
CONSTRUCTION EASEMENT HEREBY ACQUIRED BY THE STATE
HIGHWAY ADMINISTRATION SHALL BE IN CONFORMANCE WITH
THE REQUIREMENTS AS SET FORTH IN THE PROPERTY CODES.

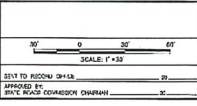
CONTRIBUTOR'S CONTRIBUTION
THE RIGHT OF WAY LINES AND LINES OF DIVISION SHOWN
HEREIN HAVE BEEN ESTABLISHED FROM THE PLAT OF
RECORD AND PART D SUBJECTS. THE UNDERSIGNED HAS NO
RESPONSIBILITY FOR THE PROVIDER OF THIS PLAN
AND THE SURVEYED WORK MANIFESTED BY IT. THIS PLAN
HAS BEEN DRAWN IN COMPLIANCE WITH THE REQUIREMENTS
SET FORTH IN COMAR REGULATION 09.18.08.

MARK A. WILD
PROFESSIONAL LAND SURVEYOR
NO. REG. NO. 2704
FOR STATE OF MARYLAND
DATE 11-25-2019



LEGEND OF PROPOSED EASEMENTS

- TEMPORARY EASEMENT TO BE USED ONLY DURING THE PERIOD OF CONSTRUCTION FOR THE PURPOSE OF CONSTRUCTION OR MAINTENANCE OF THE PROPOSED ROAD OR ROAD IMPROVEMENTS.
- PERPETUAL EASEMENT FOR SURVEYING PURPOSES.
- CONSTRUCTION EASEMENT FOR SURVEYING PURPOSES AS PROVIDED BY THE STATE.
- CONSTRUCTION EASEMENT FOR SURVEYING PURPOSES AS PROVIDED BY THE STATE.
- CONSTRUCTION EASEMENT TO BE USED ONLY DURING THE PERIOD OF CONSTRUCTION FOR THE PURPOSE OF CONSTRUCTION OR MAINTENANCE OF THE PROPOSED ROAD OR ROAD IMPROVEMENTS.



NO.	REVISION	DATE

CONTRIBUTOR AND SEARER'S NAMES AND IN REFERENCE TO THE MARYLAND STATE PLAT COMMISSION SYSTEM
AT 2500 BY THE NORTH AMERICAN SYSTEM OF SURVEYING TO THE SURVEYED AND THE BASIS OF THE
PLAT OF RECORD. SHOWS A PERPETUAL EASEMENT AND A CONSTRUCTION EASEMENT.

REVISION	DATE	BY	FOR

BOOKS	PART OF PLAT

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

RIGHT OF WAY PROJECT: MD 108 AT CENTENNIAL LANE / BEAVERBROOK ROAD

RIGHT OF WAY PROJECT NO. HO149.1

ISSUED DATE: 2.7.19.19

FEDERAL AID PROJECT NO. _____

SCALE: 1" = 30'


ACQUISITION PLAT No. 61288

11-25-2019 DRAWN BY: [Name] CHECKED BY: [Name] FOR: [Name] DATE: 11-25-2019


Howard County
Internal Memorandum

Subject: Testimony & Fiscal Impact Statement
Council Resolution No. -2023 declaring that portions of certain real property located at Centennial Park and located at Centennial Lane and MD Route 108 and owned by Howard County, Maryland are no longer needed by the County for a public purpose.

To: Brandee Ganz
Chief Administrative Officer

From: Yosef Kebede, Director
Department of Public Works 

Date: August 24, 2023

The Department of Public Works (DPW) has been designated coordinator for preparation of testimony: i) declaring that 0.834 acres of real property 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 108 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) facilitating construction of the widening, authorizing the establishment of approximately 0.374 acres of temporary construction easements and approximately 0.152 acres of perpetual easements adjacent to the real property to be conveyed.

The County is owner of approximately 0.834 acres of land (the “Property to be Conveyed”), located within Centennial Park at Centennial Lane and Maryland Route 108 and shown on State of Maryland Department of Transportation State Highway Administration State Roads Commission Plat Nos. 61286, 61287, and 61288 attached hereto as Exhibit “A”, being part of approximately 63.625 acres of land known as Parcel No. 9 on Tax Map 30 and described in the deed dated August 18, 1976, and recorded in the Land Records of Howard County, Maryland at Liber 781, Folio, 592 in the Land Records of Howard County, Maryland (the “County Property”).

The SHA owns the adjacent land and needs to acquire the Property to be Conveyed in fee simple for the widening of Maryland Route 108. In addition, the SHA needs to acquire approximately 0.152 acres of perpetual easements and approximately 0.374 acres of temporary easements along Maryland Route 108 and Centennial Lane. The County has determined that the Property to be Conveyed is no longer needed for a public purpose and the proposed easements have been approved subject to the payment of the appraised values as set forth below:

Brandee Ganz, Chief Administrative Officer
Page – 2

	Acreage	Proposed Compensation/ Appraised Value
Proposed R/W	0.834	\$100,129.48
Temporary Easements	0.374	\$4,484.57
Perpetual Easements	0.152	\$11,809.20
Total		\$116,423.25

Due to the County Property having been originally bought with funds from Program Open Space (POS) and having engaged in POS conversion requirements discussions with the Maryland Department of Natural Resources (MDNR), the State agency responsible for the administration of Program Open Space, the proposed 0.834 acre Property to be Conveyed and the 0.152 acres of perpetual easements to be created within Centennial Park adjacent to the Property to be Conveyed are required to be replaced on a one-to-one basis with land of equal or greater appraised value, area, and recreational value. The SHA agreed to mitigate the County's loss of parkland and the acquisition of the proposed perpetual easements. SHA acquired and will transfer to the County, the 1.01 acre McTague property located at 9970 Route 108, Ellicott City, Maryland 21042, adjacent to Centennial Park. The McTague property is valued at \$285,000.00, following the demolition of the improvements on the property by SHA. The 0.374 acres of temporary easements associated with this SHA project will not require POS conversion per discussions with MDNR.

The McTague property, known as Parcel No. 126 on Tax Map 30, comprising 1.01 acre, was acquired by SHA by deed dated August 16, 2021, recorded in Book 20928, Page 2 in the Land Records of Howard County, Maryland. The McTague property is shown and labelled "P. 126" on the map attached hereto as Exhibit "B". The Department of Recreation and Parks (DRP) has both recommended and approved the McTague property as a replacement property for the required POS conversion process.

There is no detrimental fiscal impact to the County at this time.

Representatives of DPW and DRP 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
Nick Mooneyhan

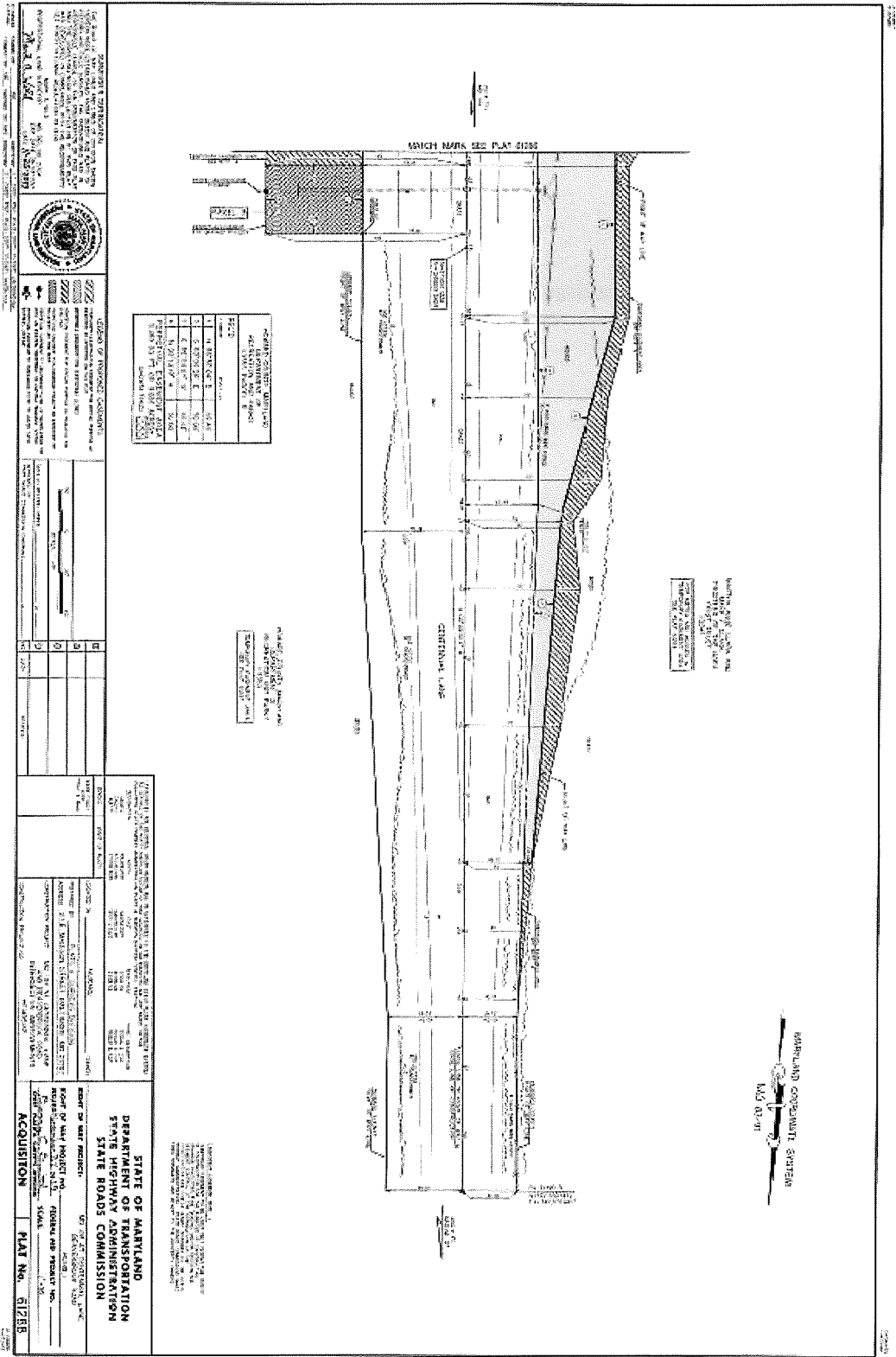


Exhibit "A"



Exhibit "B"

Office of the County Auditor
Auditor's Analysis

Council Resolution No. 152-2023

Introduced: September 5, 2023

Auditor: Rebecca Gold

Fiscal Impact:

The fiscal impact as a result of this legislation is the County receiving property valued at \$285,000 from the State for no consideration. The County will also receive a \$116,423.25 payment from the State in exchange for the conveyance of land and easements of the same value.

Purpose:

This legislation proposes to convey County property (including a 0.834 acre Right of Way, a 0.374 temporary easement, and a 0.152 permanent easement) to the State Highway Administration (SHA). The conveyance of property to the State is for the purpose of widening a section of Maryland Route 108. In turn, the State will pay the County the value of the land and convey 1.01 acres of State-owned property, known as the McTague property, to the County.

Other Comments:

During our review of the appraisals, we noted that the property to be conveyed was appraised at a value of \$118,295.25. Per the Administration, the difference of \$1,875 represents payment for asphalt in the fee simple and temporary easement areas acquired by SHA from the County.

The payment from the State will be recognized in Capital Project N3978 (Parkland Acquisition Program). The funds will be used for parkland acquisition.

The transfer of the McTague property to the County satisfies the one-to-one replacement requirements imposed by the State upon the loss of open space under Program Open Space funding. The McTague property will be included at Centennial Park as additional open space.

The temporary easement is being done retroactively to acknowledge the State's right to have used the land during the Maryland Route 108 construction.