

County Council of Howard County, Maryland

2023 Legislative Session

Legislative Day No. 7

Resolution No. 101 -2023

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

A RESOLUTION pursuant to Section 4.201 of the Howard County Code, authorizing the County Executive to grant easements to Baltimore Gas and Electric Company so that it may replace and relocate poles and other equipment maintained by Baltimore Gas and Electric Company on property owned by Howard County, Maryland in Ellicott City; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; requiring the Baltimore Gas and Electric Company to comply with the Howard County Historic Preservation Commission's recommendations for the Department of Recreation and Parks' project to expand a parking lot located partially within the Easement Areas to the extent that the Baltimore Gas and Electric Company affects the Department's project; and providing that the County Executive is not bound to grant the easements if he finds that the property may have a further public use.

Introduced and read first time June 5, 2023.

By order Michelle Harrod
Michelle Harrod, Administrator

Read for a second time at a public hearing on June 20, 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 Nov 6, 2023.

Certified By Michelle Harrod
Michelle Harrod, Administrator

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

Tabled 07.05.2023 meet
Tabled 07.31.2023 meet

1 **WHEREAS**, Howard County (the “County”) is the fee simple owner of certain parcels of
2 land known as Parcel 249 of Tax Map 24 and Parcel 221 of Tax Map 25B, having an address of
3 8683 Frederick Road, Ellicott City, Maryland (collectively the “County Property”); and
4

5 **WHEREAS**, Baltimore Gas and Electric Company (“BGE”) is relocating and replacing
6 equipment adjacent to Frederick Road in Ellicott City and has requested permission to enter upon
7 and use a portion containing approximately 0.210 acres of the County Property to install and
8 maintain equipment; and
9

10 **WHEREAS**, the easements requested by BGE (collectively “the Easements”) shall be for
11 locations described as follows (the “Easement Areas”):

- 12 (1) BGE Utility Easement containing 4,616 sq. ft. or 0.1060 acres of land on Tax Map
13 24, Parcel 249; and
- 14 (2) BGE Utility Easement containing 4,525 sq. ft. or 0.1039 acres of land on Tax Map
15 25B, Parcel 221; and
16

17 **WHEREAS**, the proposed Easement Areas are described and shown on Exhibit A and
18 Exhibit B attached hereto; and
19

20 **WHEREAS**, the Department of Public Works has reviewed and approved the proposed
21 Easements; and
22

23 **WHEREAS**, Section 4.201, “Disposition of Real Property”, of the Howard County Code
24 authorizes the County Council of Howard County, Maryland (the “County Council”) to declare
25 that property is no longer needed for public purposes and also authorizes the County Council to
26 waive advertising and bidding requirements for an individual conveyance of real property upon
27 the request of the County Executive; and
28

29 **WHEREAS**, the County Council has received a request from the County Executive to
30 waive the advertising and bidding requirements in this instance for the grant of the Easements to
31 BGE; and

1 WHEREAS, partially within the Easement Areas, the Howard County Department of
2 Recreation and Parks has proposed a parking lot expansion for the Ellicott City Colored School
3 located at 8683 Frederick Road, Ellicott City, and the Howard County Historic Preservation
4 Commission has provided the following suggestions for the proposed parking lot expansion:

- 5 (1) The parking lot expansion should make use of permeable paving;
6 (2) Any new lighting should be consistent with Ellicott City Design Guidelines, and the
7 design should be compatible with the existing character of the surrounding area; and
8 (3) The Department of Recreation and Parks should work with BGE to reduce the
9 number of trees required for removal, and replant when the project is finished.

10
11 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
12 Maryland, this 6 day of November, 2023, that the County Executive may
13 convey the Easements to BGE as follows, and in the locations as shown and described on Exhibit
14 A and Exhibit B attached hereto:

- 15 (1) BGE Utility Easement containing 4,616 sq. ft. or 0.1060 acres of land on Tax
16 Map 24, Parcel 249; and
17 (2) BGE Utility Easement containing 4,525 sq. ft. or 0.1039 acres of land on Tax
18 Map 25B, Parcel 221
19

20 **AND BE IT FURTHER RESOLVED** that, having received a request from the County
21 Executive and having held a public hearing, the County Council declares that the best interest of
22 the County will be served by authorizing the County Executive to waive the usual advertising
23 and bidding requirements of Section 4.201 of the Howard County Code for the conveyance of
24 the Easements to BGE.

25
26 **AND BE IT FURTHER RESOLVED** that to the extent BGE affects the Department of
27 Recreation and Parks' project to expand the parking lot located partially within the Easement
28 Areas, BGE shall comply with the recommendations of the Howard County Historic
29 Preservation Commission.

1 **AND BE IT FURTHER RESOLVED** that, if the County Executive finds that the
2 property may have a further public use with which the Easements will interfere and, therefore,
3 that the Easements should not be granted, he is not bound to grant the Easements in accordance
4 with this Resolution.

Description of a
BGE Utility Easement
on
Tax Map 24 Parcel 249
Ellicott City, Maryland

BEGINNING for the same at a point distant South 31°42'52" East 34.18 feet from a point of commencement at the beginning of the first or South 31°42'52" East 220.61 feet line of Part 2 in a deed from Agnes Carter to Howard County, Maryland dated July 26th, 1995 and recorded among the Land Records of Howard County, Maryland in Liber MDR 3544 at Folio 25; said point of commencement also being Point 108 as shown on a plat entitled "Agnes Carter Property" accompanying said deed and being part thereof, having a plat coordinate value of North 583,565.53 East 1,366,023.94, now converted to North 583,565.79 East 1,366,024.67; thence departing said point so fixed and running with said line, with all bearings herein being referred to the Maryland State Coordinate System NAD83 per said deed, as now surveyed,

1. **South 31°42'52" East for a distance of 115.40 feet to a point; thence departing said line**
2. **South 00°47'00" West for a distance of 16.63 feet to a point; thence**
3. **North 58°17'12" West for a distance of 124.47 feet to a point; and thence**
4. **North 42°37'57" East for a distance of 67.10 feet to the point of beginning,**

CONTAINING 4,616 sq. ft. or 0.1060 acres of land per my survey calculations.

BEING the same easement as shown on a plat attached hereto and intended to be recorded herewith prepared by EN Engineering, entitled, "BGE Utility Easement on Tax Map 24 Parcel 249," and dated May 23, 2023.

This metes and bounds land description and the related survey work was prepared by me or under my direct supervision in accordance with the requirements of COMAR Title 9 Department of Labor, Licensing, and Regulation Subtitle 13, Chapter 06, Minimum Standards of Practice as amended in May of 2017.

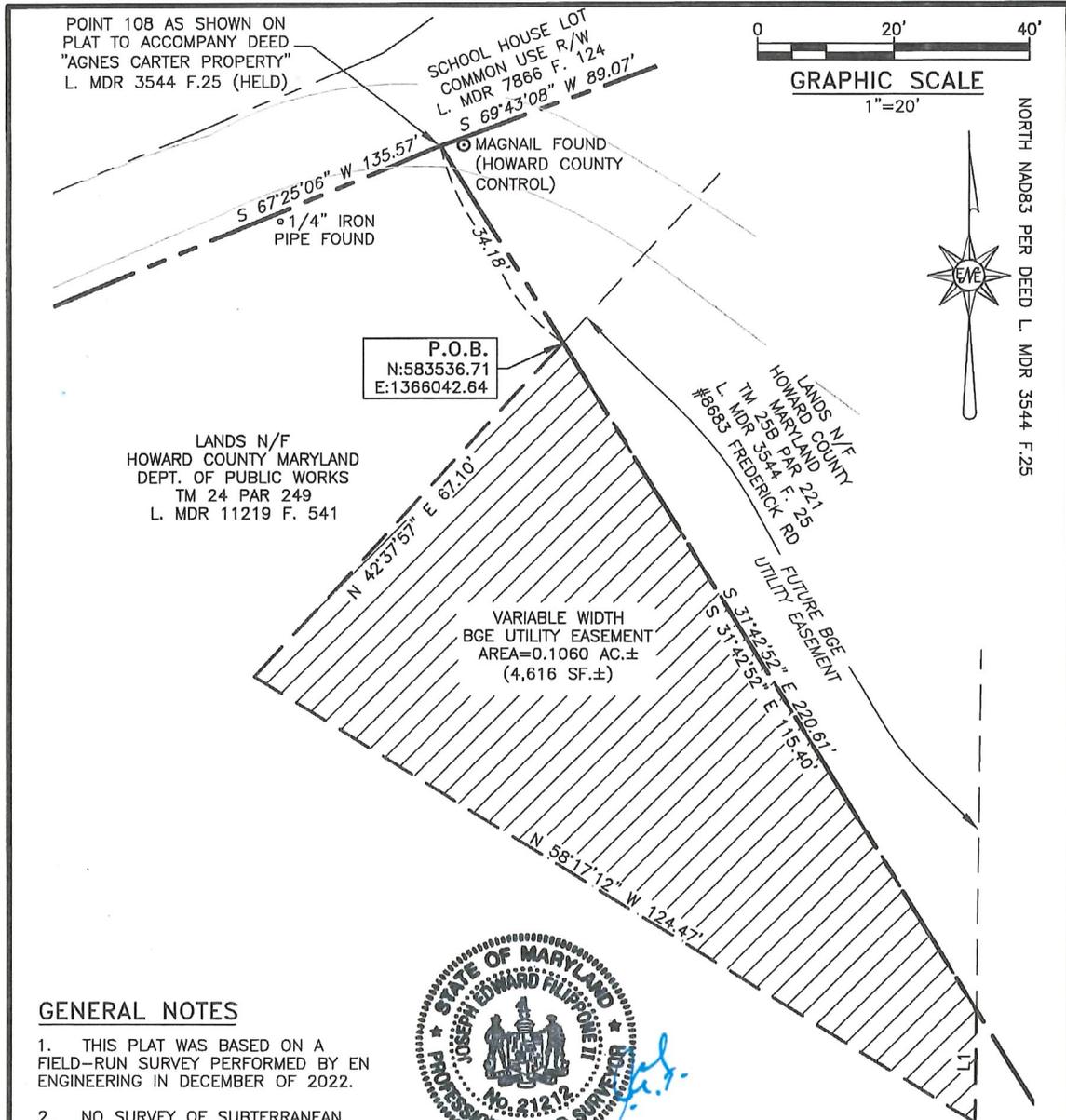


Joseph E. Filippone, II
Maryland Professional Land Surveyor No. 21212
Expiration Date: 1/22/2024



5-23-2023

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GENERAL NOTES

1. THIS PLAT WAS BASED ON A FIELD-RUN SURVEY PERFORMED BY EN ENGINEERING IN DECEMBER OF 2022.
2. NO SURVEY OF SUBTERRANEAN STRUCTURES OR INTERIOR SPACES SUCH AS FOOTINGS, FOUNDATIONS, VAULTS, OR BASEMENTS WAS PERFORMED AS PART OF THIS SURVEY, AND THIS PLAN SHOULD NOT BE CONSTRUED AS CERTIFICATION TO THE EXISTENCE OF LOCATION OF SAME.
4. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH BY AN EXPERT TITLE ABSTRACTOR. THE TITLE INFORMATION SHOWN HEREON WAS DERIVED FROM THE BEST AVAILABLE LAND RECORDS AT THE TIME OF THE SURVEY. A TITLE REPORT COULD REVEAL ADDITIONAL CONVEYANCES, EASEMENTS, OR RIGHTS-OF-WAY NOT SHOWN HEREON.
5. BEARINGS AND COORDINATES SHOWN HEREON ARE REFERRED TO THE MARYLAND COORDINATE SYSTEM NORTH NAD83 PER DEED L. MDR 3544 F.25.



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 00°47'00" W	16.63'

SURVEYOR'S CERTIFICATION

THIS PLAT, AND THE SURVEY WORK ON WHICH IT IS BASED, WAS PREPARED UNDER MY RESPONSIBLE CHARGE, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, IN ACCORDANCE WITH COMAR, TITLE 09, MARYLAND DEPARTMENT OF LABOR, LICENSING, AND REGULATION, SUBTITLE 13, CHAPTER 06, "MINIMUM STANDARDS OF PRACTICE," IN EFFECT AS OF 2017.

Joseph E. Filippone II 5.23.2023
 JOSEPH E. FILIPPONE, II DATE
 MARYLAND PROFESSIONAL LAND SURVEYOR NO. 21212
 EXPIRATION DATE: 1/22/2024



CIVIL ENGINEERS • LAND SURVEYORS • LANDSCAPE ARCHITECTS
 GEOTECHNICAL ENGINEERS • ENVIRONMENTAL
 1630 ROBIN CIRCLE FOREST HILL, MARYLAND 21050
 PHONE (443) 652-6438 WWW.ENENGINEERING.COM

BGE UTILITY EASEMENT
 ON
TAX MAP 24 PARCEL 249
 ELLICOTT CITY, MD 21043

2ND ELECTION DISTRICT HOWARD COUNTY, MARYLAND

SCALE: 1"=20' DATE: 5/23/2023 DRAWN BY: S.A.H. CHECK BY: J.E.F. JOB NO.: 2216002.08

Description of a
BGE Utility Easement
on
Tax Map 25B Parcel 221
8386 Frederick Road
Ellicott City, Maryland

BEGINNING for the same at a point distant South 31°42'52" East 34.18 feet from a point of commencement at the beginning of the first or South 31°42'52" East 220.61 feet line of Part 2 in a deed from Agnes Carter to Howard County, Maryland dated July 26th, 1995 and recorded among the Land Records of Howard County, Maryland in Liber MDR 3544 at Folio 25; said point of commencement also being Point 108 as shown on a plat entitled "Agnes Carter Property" accompanying said deed and being part thereof, having a plat coordinate value of North 583,565.53 East 1,366,023.94, now converted to North 583,565.79 East 1,366,024.67; thence departing said point so fixed, with all bearings herein being referred to the Maryland State Coordinate System NAD83 per said deed, as now surveyed,

1. **North 42°37'57" East for a distance of 50.51 feet** to intersect the southwesterly side of Frederick Road, Route 144 (66' wide); thence binding on and running with said Frederick Road
2. **South 63°42'56" East for a distance of 31.35 feet** to a point; thence departing said Frederick Road
3. **South 00°47'00" West for a distance of 121.46 feet** to intersect said first line; thence running with said line
4. **North 31°42'52" West for a distance of 115.40 feet** to the point of beginning,

CONTAINING 4,525 sq. ft. or 0.1039 acres of land per my survey calculations.

BEING the same easement as shown on a plat attached hereto and intended to be recorded herewith prepared by EN Engineering, entitled, "BGE Utility Easement on 8386 Frederick Road," and dated May 23, 2023.

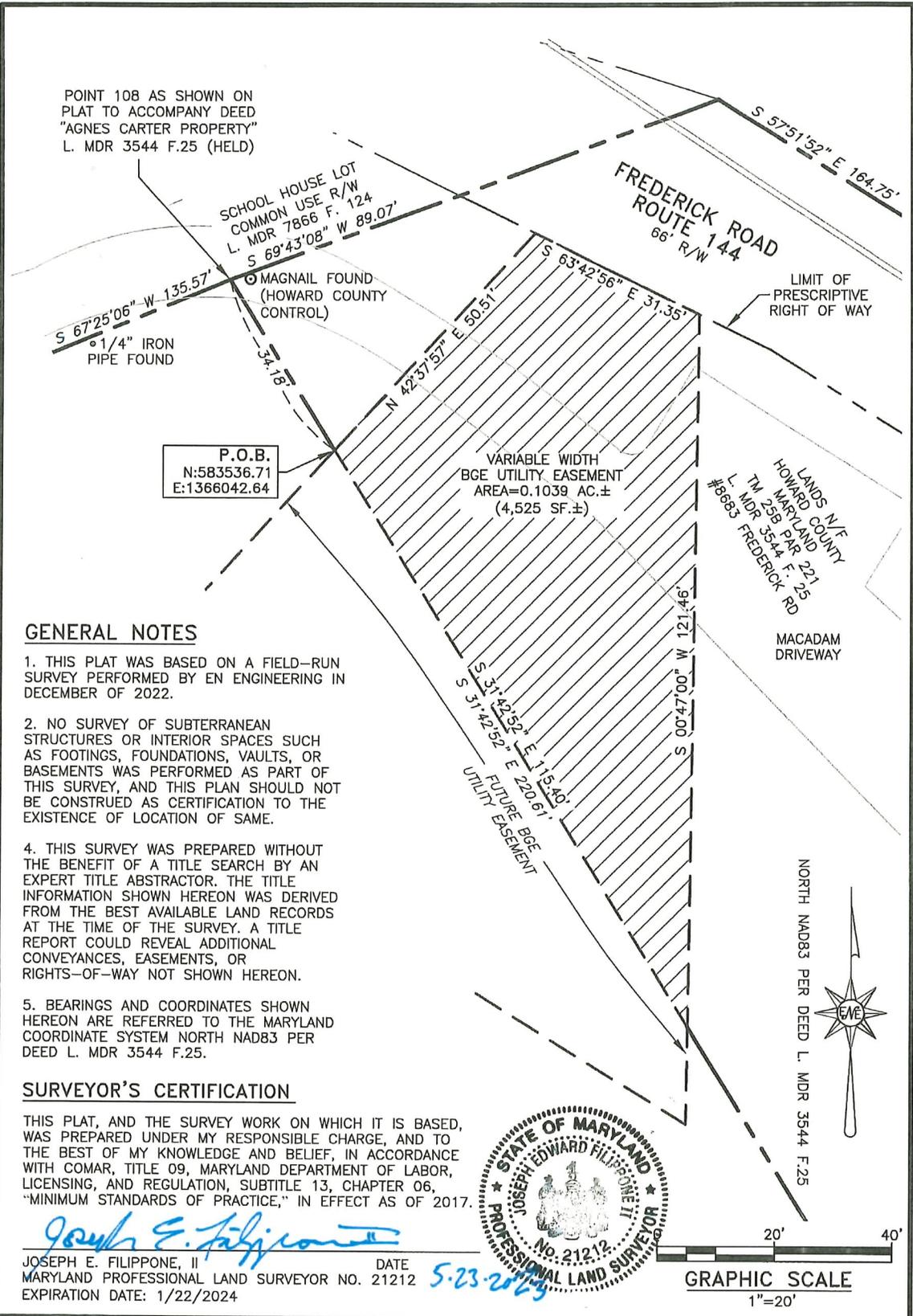
This metes and bounds land description and the related survey work was prepared by me or under my direct supervision in accordance with the requirements of COMAR Title 9 Department of Labor, Licensing, and Regulation Subtitle 13, Chapter 06, Minimum Standards of Practice as amended in May of 2017.



5-23-2023

Joseph E. Filippone, II
Maryland Professional Land Surveyor No. 21212
Expiration Date: 1/22/2024

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POINT 108 AS SHOWN ON
PLAT TO ACCOMPANY DEED
"AGNES CARTER PROPERTY"
L. MDR 3544 F.25 (HELD)

SCHOOL HOUSE LOT
COMMON USE R/W
L. MDR 7866 F. 124
S 69°43'08" W 89.07'

S 67°25'06" W 135.57'
1/4" IRON
PIPE FOUND

MAGNAIL FOUND
(HOWARD COUNTY
CONTROL)

P.O.B.
N:583536.71
E:1366042.64

VARIABLE WIDTH
BGE UTILITY EASEMENT
AREA=0.1039 AC.±
(4,525 SF.±)

FREDERICK ROAD
ROUTE 144
66' R/W

LIMIT OF
PRESCRIPTIVE
RIGHT OF WAY

LANDS N/F
HOWARD COUNTY
TM 25B PAR 221
L. MDR 3544 F. 25
#8683 FREDERICK RD

MACADAM
DRIVEWAY

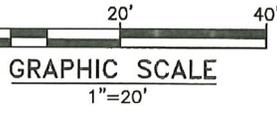
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4. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH BY AN EXPERT TITLE ABSTRACTOR. THE TITLE INFORMATION SHOWN HEREON WAS DERIVED FROM THE BEST AVAILABLE LAND RECORDS AT THE TIME OF THE SURVEY. A TITLE REPORT COULD REVEAL ADDITIONAL CONVEYANCES, EASEMENTS, OR RIGHTS-OF-WAY NOT SHOWN HEREON.
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Joseph E. Filippone
JOSEPH E. FILIPPONE, II DATE 5-23-2023
MARYLAND PROFESSIONAL LAND SURVEYOR NO. 21212
EXPIRATION DATE: 1/22/2024



ENEngineering
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BGE UTILITY EASEMENT
ON
8683 FREDERICK ROAD
ELLICOTT CITY, MD 21043
TAX MAP 25B PARCEL 221

2ND ELECTION DISTRICT		HOWARD COUNTY, MARYLAND	
SCALE: 1"=20	DATE: 5/23/2023	DRAWN BY: S.A.H. CHECK BY: J.E.F.	JOB NO.: 2216002.08

Amendment 1 to Council Resolution 101-2023

BY: Liz Walsh

**Legislative Day 13
Date: November 6, 2023**

Amendment No. 1

(This Amendment requires BGE to comply with the Howard County Historic Preservation Commission's recommendations for the Department of Recreation and Parks' project to expand a parking lot located partially within the Easement Areas.)

1 On the title page, in line 5 of the purpose paragraph, after "Code;", insert: "requiring the
2 Baltimore Gas and Electric Company to comply with the Howard County Historic Preservation
3 Commission's recommendations for the Department of Recreation and Parks' project to expand
4 a parking lot located partially within the Easement Areas to the extent that the Baltimore Gas and
5 Electric Company affects the Department's project;".

6
7 On page 1, line 31, strike "." and substitute: "; and".

8
9 On page 2, line 1, insert:

10 "WHEREAS, partially within the Easement Areas, the Howard County
11 Department of Recreation and Parks has proposed a parking lot expansion for the Ellicott
12 City Colored School located at 8683 Frederick Road, Ellicott City, and the Howard
13 County Historic Preservation Commission has provided the following suggestions for the
14 proposed parking lot expansion:

- 15 (1) The parking lot expansion should make use of permeable paving;
16 (2) Any new lighting should be consistent with Ellicott City Design
17 Guidelines, and the design should be compatible with the existing
18 character of the surrounding area; and
19 (3) The Department of Recreation and Parks should work with BGE to reduce
20 the number of trees required for removal, and replant when the project is
21 finished."

1 On page 2, after line 15, insert:

2 “AND BE IT FURTHER RESOLVED that to the extent BGE affects the
3 Department of Recreation and Parks’ project to expand the parking lot located partially
4 within the Easement Areas, BGE shall comply with the recommendations of the Howard
5 County Historic Preservation Commission.”

I certify this is a true copy of
Am 1 CR 101-2023
passed on November 2023
Michelle Howard
Council Administrator



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 *YK*

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



HOWARD COUNTY HISTORIC PRESERVATION COMMISSION
ELlicott City Historic District ■ LAWYERS HILL Historic District
3430 Court House Drive ■ Ellicott City, Maryland 21043

Administered by the Department of Planning and Zoning

www.howardcountymd.gov
410-313-2350
FAX 410-313-3467
TDD 410-313-2323

August 30, 2023

Jason Thompson
Howard County Department of Recreation and Parks
7120 Oakland Mills Road
Columbia, MD 21046

RE: HPC-23-18; 8683-HO-585 Frederick Road, Ellicott City

Dear Mr. Thompson:

On August 3, 2023, the Historic Preservation Commission (HPC) provided Advisory Comments for the proposed parking lot expansion, which also includes removal of trees, lighting and stormwater management and the replacement and relocation of BGE guy transmission and guy poles at 8683 Frederick Road, Ellicott City. A summary of the Commission's comments is provided below, and more detail can be found in the August HPC minutes, to be approved by the HPC on September 7, 2023

- 1) The Commission commended the parking expansion, as it would help an overlooked, yet important site in Ellicott City's Black history to reach a broader audience. The placement is consistent with the Ellicott City Design Guidelines (although not required as this site is outside of the district), and out of the viewshed of the historic building. If possible, the Commission supported the use of permeable paving for the parking lot expansion.
- 2) Even though the historic building is outside of the Ellicott City Historic District, the Commission recommended new lighting follow Ellicott City Design Guidelines, and should not be too modern in design.
- 3) The Commission advised Department of Recreation and Parks to work with BGE to reduce the number of trees required for removal, and replant when the project is finished.

Please contact Ms. Samantha Holmes at 410-313-4428 or sholmes@howardcountymd.gov if you have any questions.

Sincerely,

Erica Zoren
Chair, Historic Preservation Commission

cc: HO-585, 8683 Frederick Road File

County Council of Howard County, Maryland

2023 Legislative Session

Legislative Day No. 7

Resolution No. 101 -2023

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

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Introduced and read first time June 5, 2023.

By order Michelle Harrod
Michelle Harrod, Administrator

Read for a second time at a public hearing on June 20, 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 _____, 2023.

Certified By _____
Michelle Harrod, Administrator

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

Tabled 07.05.2023 MRA
Tabled 07.31.2023 MRA

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5 **WHEREAS**, Baltimore Gas and Electric Company (“BGE”) is relocating and replacing
6 equipment adjacent to Frederick Road in Ellicott City and has requested permission to enter upon
7 and use a portion containing approximately 0.210 acres of the County Property to install and
8 maintain equipment; and
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10 **WHEREAS**, the easements requested by BGE (collectively “the Easements”) shall be for
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21 Easements; and
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