

## County Council of Howard County, Maryland

2024 Legislative Session

Legislative Day No. 12

### Resolution No. 159 -2024

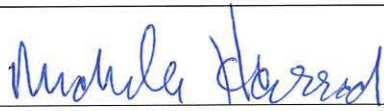
Introduced by: The Chairperson at the request of the County Executive

Short Title: Conveyance of a portion of a 20<sup>22</sup> ' public right of way easement – approximately 930 square feet

Title: A RESOLUTION pursuant to Section 4.201 of the Howard County Code declaring that a portion of a 20' public right of way easement to make openings and excavations, and to lay construct and maintain drains, water pipes and other municipal utilities and services containing approximately 930 square feet is no longer needed by the County for public purposes; authorizing the County Executive to terminate the easement interest and convey the property to the fee simple owner, Trotter 5857, LLC; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code in order to convey the easement interest to Trotter 5857, 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 4, 2024.

By order

  
Michelle Harrod, Administrator

Read for a second time at a public hearing on Nov 18, 2024.

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This Resolution was read the third time and was Adopted ☒, Adopted with amendments ☒, Failed ☐, Withdrawn ☐, by the County Council on Dec 2, 2024.

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

1           **WHEREAS**, as part of Capital Project WP-8054 – Phase 2 –Anderson Avenue Water  
2 Main Extensions , the County acquired a 20’ right of way easement to make openings and  
3 excavations, and to lay construct and maintain drains, water pipes and other municipal utilities  
4 and services (the “20’ Public Water and Utility Easement”) by Deed and Agreement dated  
5 February 2, 1974 and recorded among the Land Records of Howard County, Maryland in Liber  
6 671, folio 165, on February 27, 1974, in and through that certain real property commonly known  
7 as 6399 Anderson Avenue, Hanover, Maryland 21076 and shown as Parcel 232 on Tax Map 38  
8 (the “Property”); and  
9

10           **WHEREAS**, Trotter 5857, LLC is the fee simple owner (the “Owner”) of the Property;  
11 and  
12

13           **WHEREAS**, the Owner has requested that the County release a portion of the 20’ Public  
14 Water and Utility Easement containing approximately 930 square feet, as described and shown  
15 as “Ex. 20’ Public Water R/W L.671 F.165 To Be Extinguished By This Plat (930 SF)” (the  
16 “Easement to be Abandoned”) on the attached final subdivision plat F-24-017 titled “The Aerie  
17 in Elkridge, Lots 1-8 and Open Space Lots 9 and 10” (the “Plat”); and  
18

19           **WHEREAS**, the County has reviewed the plans submitted by the Owner under Contract  
20 No. 14-5114-D titled “The Aerie in Elkridge, Public Water and Public Sewer Plans, Contract No.  
21 14-5114-D” (the “Plans”), and has determined that the Easement to be Abandoned is no longer  
22 required for public purposes; and  
23

24           **WHEREAS**, in accordance with the Plans, the Owner shall modify the existing water  
25 main and construct an 8” water main on the Property dedicated to the County and located on the  
26 portion of the Property described and shown as “Public 30’ Water, Sewer and Utility Easement”  
27 (the “30’ Public Water, Sewer and Utility Easement”) on the Plat and, subject to the County’s  
28 acceptance, shall convey the 30’ Public Water, Sewer and Utility Easement to the County; and  
29

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

1 also authorizes the County Council to waive advertising and bidding requirements for an individual  
2 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 Easement  
6 to be Abandoned to the Owner.  
7

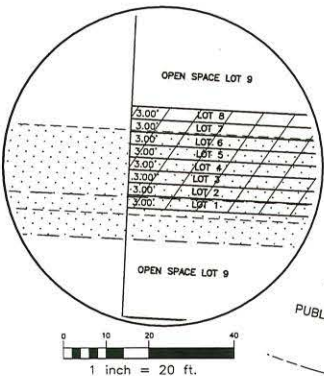
8 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,  
9 Maryland, this 2 day of December, 2024, that the Easement to be Abandoned, a  
10 portion ~~containing a portion~~ of the 20' Public Water and Utility Easement containing  
11 approximately 930 square feet, shown as "Ex. 20' Public Water R/W L.671 F.165 To Be  
12 Extinguished By This Plat (930 SF)" on the attached Plat, is no longer needed by the County for  
13 public purposes and may be conveyed to Trotter 5857, LLC.  
14

15 **AND BE IT FURTHER RESOLVED** that, having received a request from the County  
16 Executive and having held a public hearing, the County Council declares that the best interest of  
17 the County will be served by authorizing the County Executive to waive the usual advertising and  
18 bidding requirements of Section 4.201 of the Howard County Code for the conveyance of the  
19 Easement to be Abandoned to Trotter 5857, LLC.  
20

21 **BE IT FURTHER RESOLVED** that if the County Executive finds that the Easement to  
22 be Abandoned should not be terminated, he is not bound to terminate the County's easement  
23 interests in accordance with this Resolution.  
24



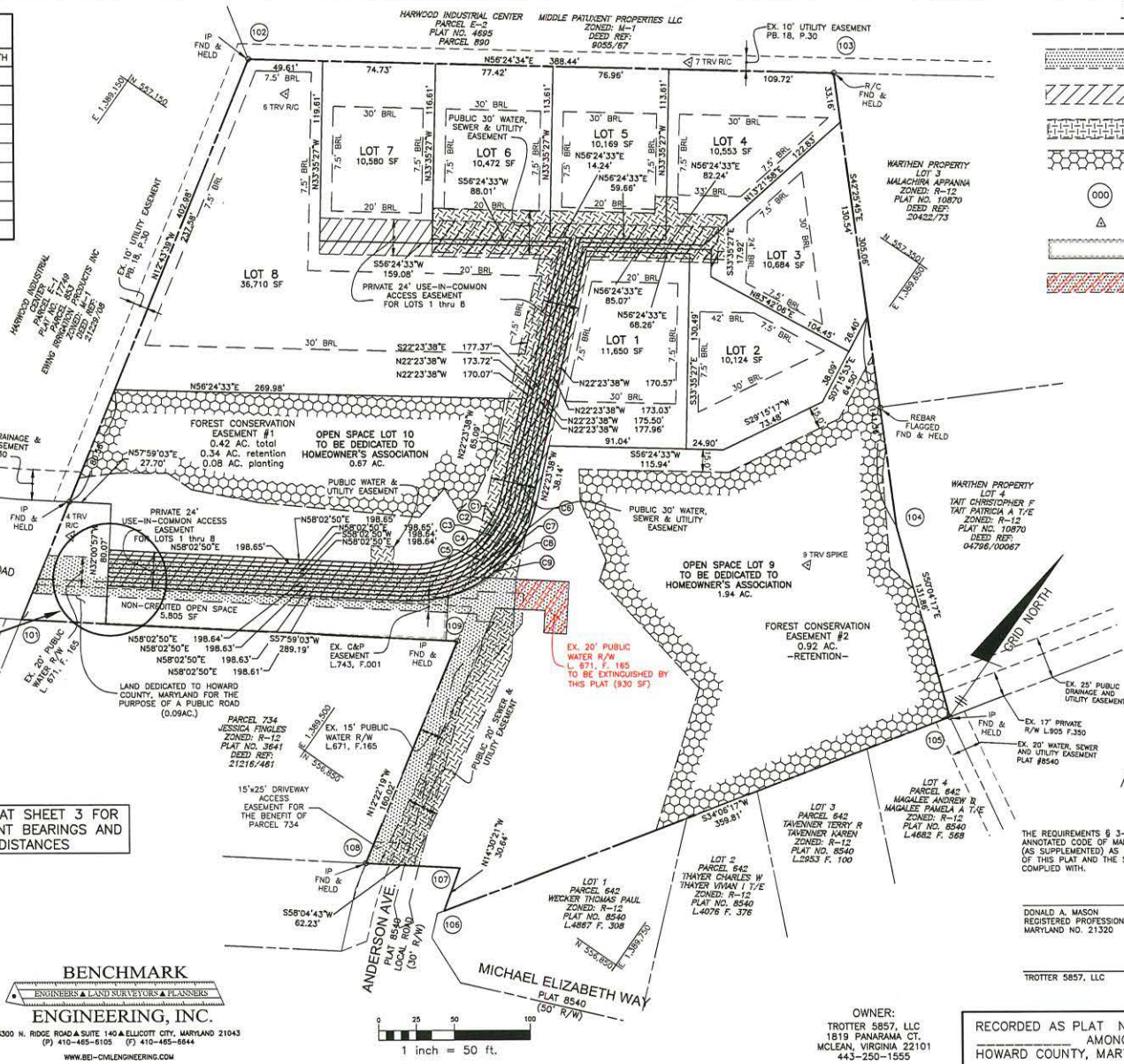
CURVE	RADIUS	ARC LENGTH	DELTA	TANGENT	CHORD DIRECTION	CHORD LENGTH
C1	60.00'	84.28'	80°28'44"	50.77'	N17°50'44"E	77.52'
C2	63.00'	88.49'	80°28'44"	53.31'	N17°50'41"E	81.39'
C3	66.00'	92.70'	80°28'44"	55.85'	N17°50'38"E	85.27'
C4	69.00'	96.91'	80°28'44"	58.39'	N17°50'35"E	89.14'
C5	72.00'	101.13'	80°28'44"	60.93'	N17°50'32"E	93.02'
C6	74.99'	105.34'	80°28'44"	63.46'	N17°50'30"E	96.89'
C7	77.99'	109.55'	80°28'44"	66.00'	N17°50'28"E	100.76'
C8	80.99'	113.76'	80°28'44"	68.54'	N17°50'25"E	104.64'
C9	84.00'	117.99'	80°28'44"	71.08'	N17°50'22"E	108.53'



POINT #	NORTHING	EASTING
101	556814.4493	1389296.3881
102	557207.5230	1389207.6070
103	557422.4300	1389531.1830
104	557197.2597	1389737.0018
105	557112.6270	1389838.1190
106	556814.7014	1389636.3721
107	556844.3644	1389628.6975
108	556811.4590	1389575.8770
109	556967.7640	1389541.5910

#### TABULATION CHART

TOTAL NUMBER OF LOTS AND/OR PARCELS TO BE RECORDED	8
BUILDABLE	2
OPEN SPACE	2
BUILDABLE BULK PARCELS	0
NON-BUILDABLE BULK PARCELS	0
TOTAL AREA OF LOTS AND/OR PARCELS TO BE RECORDED	2,554 AC.
BUILDABLE	2,554 AC.
OPEN SPACE	2,554 AC.
BUILDABLE BULK PARCELS	N/A
NON-BUILDABLE BULK PARCELS	N/A
TOTAL AREA OF ROADWAY TO BE RECORDED (INCLUDING WIDENING STRIPS)	0.09 AC.
TOTAL AREA OF SUBDIVISION TO BE RECORDED	5.25 AC.



**BENCHMARK**  
ENGINEERS & LAND SURVEYORS & PLANNERS  
**ENGINEERING, INC.**  
3300 H. RIDGE ROAD SUITE 140 & ELLICOTT CITY, MARYLAND 21043  
(P) 410-465-1108 (F) 410-465-0844  
WWW.BE-CHALLENGERENGINEERING.COM

APPROVED: FOR PUBLIC WATER AND PUBLIC SEWER 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

**SURVEYOR'S CERTIFICATE**  
I HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED BY ME UNDER MY RESPONSIBLE CHARGE, AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 21320, EXPIRATION DATE 1-7-2025 AND I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF THAT THE INFORMATION SHOWN HEREON IS CORRECT, THAT IT IS ALL OF THE LANDS CONVEYED BY LINDA M. SHORNER TO TROTTER 5857, LLC, BY DEED DATED JANUARY 30, 2018 AND RECORDED IN THE LAND RECORDS OF HOWARD COUNTY IN LIBER 18048 AT FOLIO 06 AND THAT ALL MONUMENTS ARE IN PLACE OR WILL BE IN PLACE PRIOR TO ACCEPTANCE OF THE ROADS BY HOWARD COUNTY, IN ACCORDANCE WITH THE ANNOTATED CODE OF MARYLAND, AS AMENDED.

DONALD A. MASON  
REGISTERED PROFESSIONAL LAND SURVEYOR MD REG. NO. 21320  
FOR BENCHMARK ENGINEERING, INC. MD REG. NO. 351

DATE

**OWNER'S CERTIFICATE**  
TROTTER 5857, LLC, OWNER OF THE PROPERTY SHOWN HEREON, HEREBY ADOPTS THIS PLAN OF SUBDIVISION, AND IN CONSIDERATION OF APPROVAL OF THIS FINAL PLAN BY THE DEPARTMENT OF PLANNING AND ZONING, ESTABLISHES THE MINIMUM BUILDING RESTRICTION LINES AND GRANTS UNTO HOWARD COUNTY, MARYLAND, 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, FLOODPLAINS AND OPEN SPACE WHERE APPLICABLE, AND FOR GOOD AND OTHER VALUABLE CONSIDERATION, HEREBY GRANTS 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 ERECTED ON OR OVER THE SAID EASEMENTS AND RIGHTS-OF-WAY, WITNESS OUR HANDS THIS DAY OF \_\_\_\_\_, 2024.

TROTTER 5857, LLC

DATE

WITNESS

DATE

RECORDED AS PLAT NO. \_\_\_\_\_ ON \_\_\_\_\_ AMONG THE LAND RECORDS OF HOWARD COUNTY, MARYLAND.

**THE AERIE IN ELKRIDGE**  
LOTS 1-8 AND OPEN SPACE LOTS 9 & 10

1st ELECTION DISTRICT OF HOWARD COUNTY, MARYLAND  
TAX MAP: 38  
GRID: 14  
PARCEL: 232  
ZONED: R-12

SCALE: AS SHOWN  
DATE: MAY 2024  
SHEET: 2 OF 3

F-24-017

**Amendment 1 to Council Resolution No. 159-2024**

**BY: The Chairperson at the request  
of the County Executive**

**Legislative Day No. 13  
Date: December 2, 2024**

**Amendment No. 1**

*(This amendment corrects the symbol for feet and removes redundant language.)*

- 1 In the short title, strike “ ”” and substitute “ ’ ”.
- 2
- 3 On page 2, in line 10, strike “containing a portion”.

I certify that this a true copy of

Am 1 CR 159-2024  
passed on December 2, 2024  
Michael J. Dwyer  
Council Administrator



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