

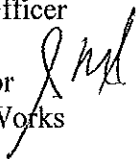


Howard County

Internal Memorandum

Subject: Testimony & Fiscal Impact Statement
Council Resolution No. _____ - 2013 pursuant to Section 4.201 of the Howard County Code, authorizing the County Executive to grant a non-exclusive maintenance easement, a retaining wall easement, and a non-exclusive access easement, collectively comprising a total of 0.1973 acres to CSX Transportation, Inc. on property owned by the County known as Parking Lot B located on Main Street in Ellicott City.

To: Lonnie R. Robbins
Chief Administrative Officer

From: James M. Irvin, Director 
Department of Public Works

Date: April 25, 2013

The Department of Public Works has been designated coordinator for preparation of testimony relative to the above referenced Council Resolution granting a non-exclusive maintenance easement, a retaining wall easement, and a non-exclusive access easement, collectively comprising a total of 0.1973 acres to CSX Transportation, Inc. on property owned by the County known as Parking Lot B located on Main Street in Ellicott City.

The County is the fee simple owner of the property located along Main Street in Ellicott City adjacent to the Patapsco River known as Parking Lot B comprising 0.471 acres (the "County Property"). The County Property was acquired by deed dated March 8, 1982 and recorded among the Land Records at Liber 1092, Folio 399.

CSX Transportation, Inc. ("CSXT") requested permission to enter upon and use a portion of the County Property for the sole purpose of repairing and maintaining CSXT's damaged railroad stone retaining wall located on the County Property, which wall was damaged by the train derailment in August of 2012. The County granted CSXT a right of entry to allow them to begin repair to the retaining wall while the County obtained permission to grant a permanent easement.

In order to allow CSXT to repair and maintain its retaining wall, the following easements must be granted to CSXT:

1. A non-exclusive easement comprising approximately 0.1059 acres, shown as "non-exclusive maintenance easement" on Exhibit A of the Resolution,
2. A retaining wall easement comprising 0.0349 acres, as shown as "retaining wall easement" on Exhibit A of the Resolution, and
3. A non-exclusive access easement comprising 0.0565 acres, shown as "non-exclusive access easement" on Exhibit A of the Resolution.

Lonnie R. Robbins
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The Department of Public Works has reviewed the request and has no objections to the conveyance of the easements. All costs associated with construction of the retaining wall and future maintenance will be borne by CSXT. There is no fiscal impact to the County.

Representatives of this 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.

TDH/mcs

cc: Jennifer Sager

File

TAR/Legislation/Parking Lot B/Testimony