

County Council Of Howard County, Maryland

2012 Legislative Session

Legislative Day No. 9

Resolution No. 114 -2012

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 a permanent water main connection easement and a permanent sewer house connection easement to adjacent property owners Charles V. Lewis, Jr. and Leslie M. Ryan on property owned by the County located along Burrows Lane in Ellicott City; 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 said easements if he finds that the land may have a further public use and submits his finding to the County Council for its consideration.

Introduced and read first time _____, 2012.

By order _____
Stephen LeGendre, Administrator

Read for a second time at a public hearing on _____, 2012.

By order _____
Stephen LeGendre, Administrator

This Resolution was read the third time and was Adopted___, Adopted with amendments___, Failed___, Withdrawn___, by the County Council on _____, 2012.

Certified By _____
Stephen LeGendre, 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

1 **WHEREAS**, G&R Rogers Development Corp. (the “Developer”), a Maryland
2 corporation, is developing a parcel of land in Ellicott City, Maryland (the “Subdivision”), as
3 shown on a subdivision plat titled “Rockland at Rogers, Lots 1 thru 68, Open Space Lots 69 thru
4 77 and Common Open Area Lots 78 thru 80 (A Resubdivision of Parcel “B”, The Enclave at
5 Ellicott Hills, Plat Nos. 15356 & 15357 and a Subdivision of Parcel 99)”, said Plat recorded
6 among the Land Records of Howard County, Maryland as Plat Numbers 21479 thru 20485 on
7 February 25, 2011; and

8
9 **WHEREAS**, Charles V. Lewis, Jr. and Leslie M. Ryan (collectively the “Property
10 Owners”) are the owners of certain real property known as 2938 Rogers Avenue, Ellicott City,
11 Maryland (the “Lewis/Ryan Property”), said property acquired from Matthew J. Mundorf and
12 Michael J. Mundorf by Deed dated March 21, 2008 and recorded among the Land Records of
13 Howard County in Liber 11166, folio 177, and identified on Tax Map No. 17 as Parcel 99; and

14
15 **WHEREAS**, the County is the fee simple owner of certain real property known as (i)
16 Open Space Lot 77 located in the Subdivision by virtue of the Developer’s delivery and
17 conveyance to the County of that certain deed dated February 7, 2011 and recorded among the
18 aforesaid Land Records at Liber 13169, folio 473, and (ii) Parcel 278 by virtue of that certain
19 deed delivered and conveyed by Samuel M. Pistorio and Constance V. Pistorio, said deed dated
20 June 30, 1982 and recorded among the aforesaid Land Records at Liber 1108, folio 612, (all
21 collectively the “County Properties”); and

22
23 **WHEREAS**, as part of constructing the subdivision, the Developer had to blast through
24 rock in the area and, allegedly as a result of the blasting, the well located on the Lewis/Ryan
25 Property was damaged; and

26
27 **WHEREAS**, the Developer, at its sole cost and expense, has agreed to provide an
28 alternative water supply to the Lewis/Ryan Property and also, at its sole cost and expense, has
29 agreed to connect the Lewis/Ryan Property to the public water main constructed in the
30 Subdivision; and

1 **WHEREAS**, in order to allow and complete the water house connection, a permanent
2 water main connection easement (the “Water House Connection Easement”), comprising
3 approximately .0268 acres on the County Properties, must be granted to the Property Owners in
4 the location shown on the attached Exhibit A; and

5
6 **WHEREAS**, in 2004, under a previous owner, the Lewis/Ryan Property was connected
7 to the County’s public sewer main pursuant to a Right of Entry Agreement; and

8
9 **WHEREAS**, in order to allow continued sewer service to the Lewis/Ryan Property, a
10 permanent sewer main connection easement (the “Sewer House Connection Easement”),
11 comprising approximately .00769 acres on the County Properties, must be granted to the
12 Property Owners in the location shown on the attached Exhibit B; and

13
14 **WHEREAS**, the Department of Public Works has reviewed and approved the proposed
15 Water House Connection Easement and the Sewer House Connection Easement (collectively the
16 “Easements”); and

17
18 **WHEREAS**, Section 4.201, “Disposition of Real Property”, of the Howard County Code
19 authorizes the County Council to declare that property is no longer needed for public purposes
20 and also authorizes the County Council to waive advertising and bidding requirements for an
21 individual conveyance of real property upon the request of the County Executive; and

22
23 **WHEREAS**, the County Council has received a request from the County Executive to
24 waive the advertising and bidding requirements in this instance for the grant of the Easements to
25 the Property Owners.

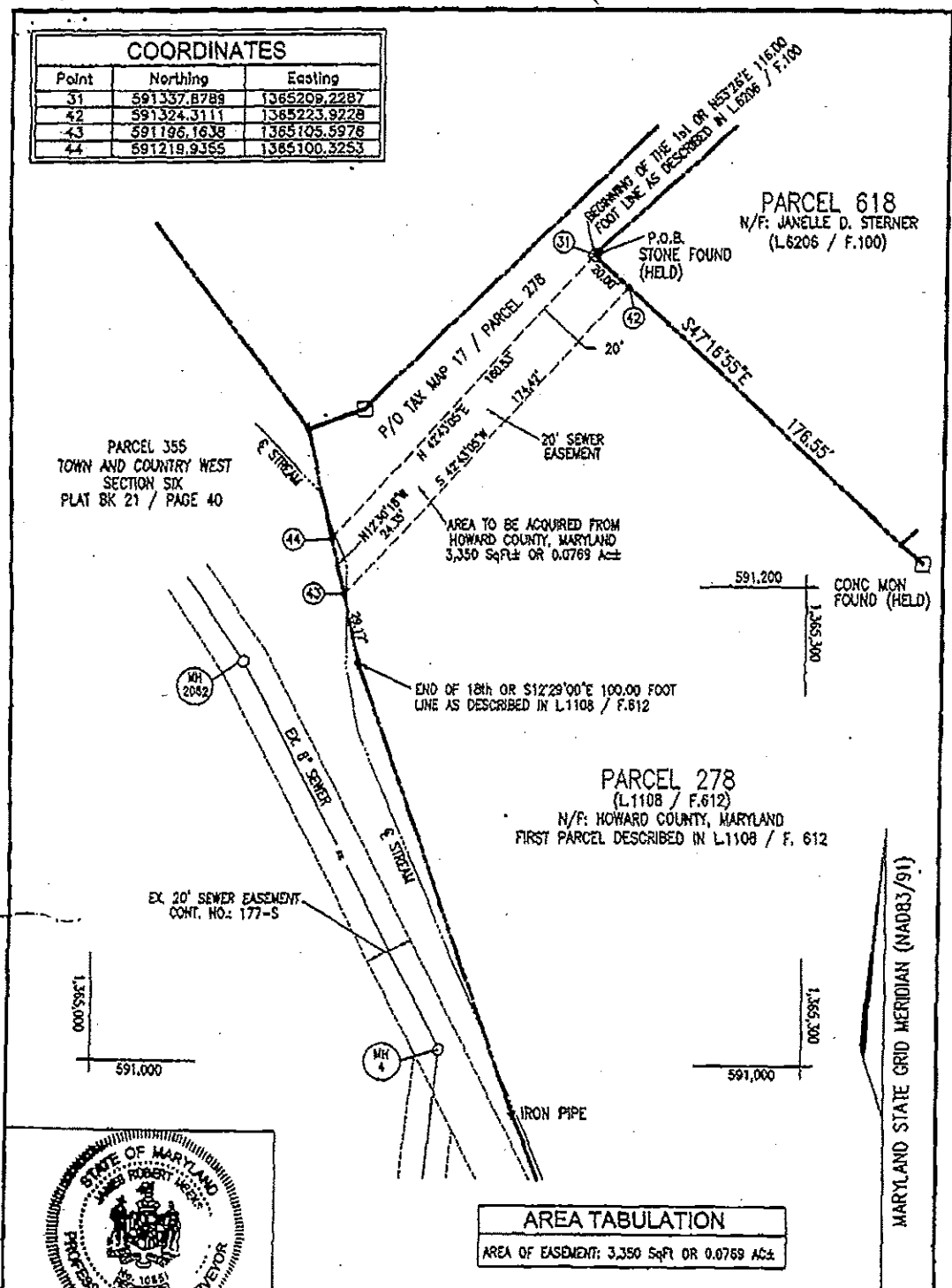
26
27 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
28 Maryland, this ____ day of _____, 2012, that a public purpose is served by
29 granting the Water House Connection Easement, comprising approximately .0268 acres, and the
30 Sewer House Connection Easement, comprising approximately .00769 acres, to the Property
31 Owners, as shown on the attached Exhibit A and Exhibit B.

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

AND BE IT FURTHER RESOLVED that, if the County Executive finds that the land to be subject to the Easements may have a further public use and that the Easements should not be granted, he may submit his findings and recommendations to the County Council for its consideration without being bound to grant the Easements in accordance with this Resolution.

COORDINATES		
Point	Northing	Easting
31	591337.8789	1365209.2287
42	591324.3111	1365223.9228
43	591196.1638	1365105.5978
44	591219.9355	1365100.3253



AREA TABULATION	
AREA OF EASEMENT:	3,350 SqFt OR 0.0769 AC ±



James R. Weeks
 JAMES ROBERT WEEKS
 PROFESSIONAL LAND SURVEYOR
 NO: 10857

NO.	REVISION	BY	DATE

PREPARED BY:
 ROBERT H. VOGEL ENGINEERING, INC.
 2407 MAIN STREET
 ELLICOTT CITY, MARYLAND 21043
 (410)-461-7666

PLAT NO.:
 CAP. PROJ. NO.:
 SCALE: 1"=50'
 DATE: AUG. 3, 2004
 COMPUTED BY: N.D.M.
 CHECKED BY: J.R.M.
 \EK\PROJ\2034069\SURV\PARK_ESMT

HOWARD COUNTY DEPT. OF PUBLIC WORKS
 SEWER AND UTILITY EASEMENT
 HOWARD COUNTY DEPARTMENT OF
 RECREATION AND PARKS
 TAX MAP 17 / PARCEL 618 LIBER 1108 FOLIO 612
 SECOND ELECTION DISTRICT
 HOWARD COUNTY, MARYLAND

APPROVED:
R. H. Vogel
 BUREAU OF ENGINEERING DATE
 10/23/04
 REAL ESTATE SER. DIV. DATE