

# County Council Of Howard County, Maryland

2014 Legislative Session

Legislative Day No. 13

## Resolution No. 124-2014

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 convey certain real property owned by the County containing approximately 3 acres to the Howard County Housing Commission; 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 land if he finds that the land may have a further public use.

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Introduced and read first time \_\_\_\_\_, 2014.

By order \_\_\_\_\_  
Sheila M. Tolliver, Administrator

Read for a second time at a public hearing on \_\_\_\_\_, 2014.

By order \_\_\_\_\_  
Sheila M. Tolliver, Administrator

This Resolution was read the third time and was Adopted \_\_\_\_, Adopted with amendments \_\_\_\_, Failed \_\_\_\_, Withdrawn \_\_\_\_, by the County Council on \_\_\_\_\_, 2015.

Certified By \_\_\_\_\_  
Sheila M. Tolliver, 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**, the County is the owner of real property as described as 8.1041 acres of  
2 land identified on Tax Map 47 as Parcel No. 59, acquired by the deed dated July 25, 2013 and  
3 recorded in the Land Records for Howard County (the “County Property”) in Liber 15118, Folio  
4 113; and

5  
6           **WHEREAS**, in order to construct a day resource center and small efficiency apartments  
7 on the property, a portion of the County Property needs to be conveyed to the Howard County  
8 Housing Commission (the “Commission”); and

9  
10           **WHEREAS**, by passage of Council Resolution No. 36-2014, the Council approved the  
11 conveyance of 1.7386 acres of the County Property to the Commission; and

12  
13           **WHEREAS**, based on the County Property’s zoning, a minimum of 3 acres is required  
14 for the proposed use of the property and, accordingly, more acreage is needed than what was  
15 approved in CR 36-2014; and

16  
17           **WHEREAS**, in accordance with zoning requirements, the Commission is now requesting  
18 that 3 acres of the County Property shown as Parcel A on the subdivision plat entitled “Day  
19 Resource Center Parcels A-C”, as shown in the attached Exhibit A, be conveyed to the  
20 Commission in accordance with Section 4.201 of the Howard County Code; and

21  
22           **WHEREAS**, the Department of Public Works has reviewed and approved the proposed  
23 conveyance of the County Property; and

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

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

1 property shown as Parcel A and containing approximately 3 acres to the Howard County  
2 Housing Commission.

3  
4 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,  
5 Maryland, this \_\_\_\_ day of \_\_\_\_\_, 2014, that the real property shown as  
6 Parcel A on the subdivision plat entitled “Day Resource Center Parcels A-C” and containing  
7 approximately 3 acres is conveyed to the Howard County Housing Commission, as shown on the  
8 attached Exhibit A.

9  
10 **AND BE IT FURTHER RESOLVED** that, having received a request from the County  
11 Executive and having held a public hearing, the County Council declares that the best interest of  
12 the County will be served by authorizing the County Executive to waive the usual advertising  
13 and bidding requirements of Section 4.201 of the Howard County Code for the conveyance of  
14 the property to the Howard County Housing Commission.

15  
16 **AND BE IT FURTHER RESOLVED** that, if the County Executive finds that the land  
17 may have a further public use and that the County Property should not be conveyed he is not  
18 bound to convey the County Property in accordance with this Resolution.

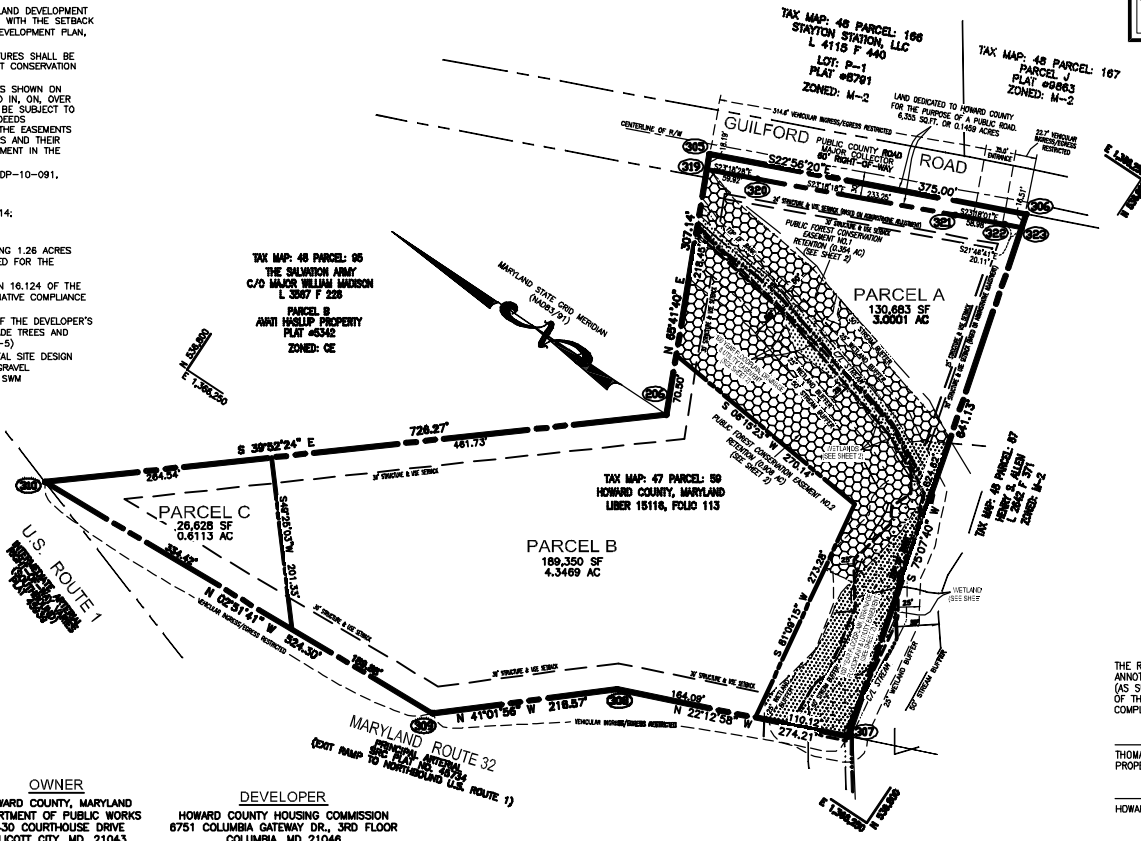
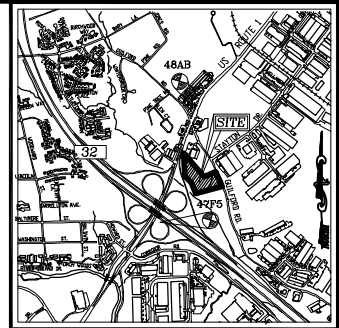
**GENERAL NOTES**

- COORDINATES BASED ON NAD '83/91, MARYLAND COORDINATE SYSTEM AS PROJECTED BY HOWARD COUNTY, GEODETIC CONTROL STATION NO. 47FS AND 48AB  
47FS N: 535,650.412, E: 1,346,654.455  
48AB N: 538,384.4474, E: 1,346,415.7804
- THIS PLAT IS BASED ON A FIELD RUN BOUNDARY SURVEY PERFORMED BY ROBERT H. VOGEL ENGINEERING, INC. DATED JULY 2015.
- ⊕ DENOTES REBAR WITH CAP SET MARKED (PROP.MARK 21204).
- ⊕ DENOTES IRON PIPE OR IRON BAR FOUND.
- ⊕ DENOTES ANGLAR CHANGE IN BEARING OF BOUNDARY OR RIGHT-OF-WAY.
- ⊕ DENOTES STONE OR MONUMENT FOUND.
- AREAS SHOWN HEREIN ARE MORE OR LESS.
- THE SUBJECT PROPERTY IS ZONED CE-CU PER THE OCTOBER 6, 2013 COMPREHENSIVE ZONING PLAN.
- FLOODPLAIN STUDY PREPARED BY ROBERT H. VOGEL ENGINEERING, INC. DATED FEBRUARY 2010.
- WETLANDS SHOWN ON-SITE ARE BASED ON A FIELD INVESTIGATION PREPARED BY ESA, INC. DATED DECEMBER 2007, UPDATED JULY 17, 2014. THERE ARE NO PROPOSED DISTURBANCES TO THE WETLANDS OR ASSOCIATED BUFFERS.
- A NOISE STUDY IS NOT REQUIRED FOR THIS PROJECT.
- WATER AND SEWER SERVICE WILL BE GRANTED UNDER THE PROVISIONS OF SECTION 18.122B OF THE HOWARD COUNTY CODE. PUBLIC WATER IS AVAILABLE UNDER CONTRACT NO. 852-W. PUBLIC SEWER IS AVAILABLE UNDER CONTRACT NO. 235-S.
- THERE ARE NO BURIAL GROUNDS, CEMETERIES, OR EXISTING STRUCTURES (HISTORIC OR NOT) LOCATED ON THE SUBJECT PROPERTY.
- THIS PLAT IS SUBJECT TO THE AMENDED FIFTH EDITION OF THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS. DEVELOPMENT OR CONSTRUCTION ON THIS PROPERTY MUST COMPLY WITH THE SETBACK AND BUFFER REGULATIONS IN EFFECT AT THE TIME OF SUBMISSION OF THE SITE DEVELOPMENT PLAN, WAIVER PETITION APPLICATION, OR BUILDING/GRADING PERMIT APPLICATION.
- NO GRADING, REMOVAL OF VEGETATIVE COVER OR TREES, PAVING, AND NEW STRUCTURES SHALL BE PERMITTED WITHIN THE REQUIRED WETLANDS, STREAM(S) OR THEIR BUFFERS, FOREST CONSERVATION EASEMENT AREAS, OR 100 YEAR FLOODPLAIN.
- DEVELOPER RESERVES UNTO ITSELF, ITS SUCCESSORS AND ASSIGNS, ALL EASEMENTS SHOWN ON THIS PLAN FOR WATER, SEWER, STORM DRAINAGE, OTHER PUBLIC UTILITIES, LOCATED IN, ON, OVER AND THROUGH PARCEL N. ANY CONVEYANCES OF THE AFORESAID PARCEL N SHALL BE SUBJECT TO THE EASEMENTS HEREIN RESERVED, WHETHER OR NOT EXPRESSLY STATED IN THE DEEDS CONVEYING SAID PARCEL N. DEVELOPER SHALL EXECUTE AND DELIVER DEEDS FOR THE EASEMENTS HEREIN RESERVED TO HOWARD COUNTY. UPON COMPLETION OF THE PUBLIC UTILITIES AND THEIR ACCEPTANCE BY HOWARD COUNTY, THE COUNTY SHALL RECORD THE DEED OF EASEMENT IN THE LAND RECORDS OF HOWARD COUNTY.
- PREVIOUS DPZ FILES : AA-14-008, BA-08-027V, BA-10-024V, SDP-96-098, SDP-100-091, SDP-15-023, & WP-15-\_\_\_\_\_
- THE PROPERTY IS LOCATED WITHIN THE METROPOLITAN DISTRICT.
- TRAFFIC STUDY WAS PREPARED BY THE TRAFFIC GROUP, DATED SEPTEMBER 26, 2014.  
APPROVED \_\_\_\_\_
- FOREST STAND DELINEATION PREPARED BY ESA, INC. DATED APRIL 2010.
- THE FOREST CONSERVATION OBLIGATION FOR THIS PLAN WILL BE MET BY RETAINING 1.28 ACRES OF FOREST WITHIN TWO FOREST CONSERVATION EASEMENTS. NO SURETY IS REQUIRED FOR THE ON-SITE RETENTION.
- THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 16.124 OF THE HOWARD COUNTY CODE, THE LANDSCAPE MANUAL, AND THE NEW TOWN ALTERNATIVE COMPLIANCE PROVISIONS OF THE LANDSCAPE MANUAL.
- FINANCIAL SURETY FOR THE REQUIRED LANDSCAPING HAS BEEN POSTED AS PART OF THE DEVELOPER'S AGREEMENT FOR THIS SITE IN THE AMOUNT OF \$8,400 FOR THE REQUIRED 15 SHADE TREES AND 28 EVERGREENS. A DRY WELLS CONSISTING OF A GRAVEL INFILTRATION TRENCH (M-5)
- STORMWATER MANAGEMENT FOR THIS PROJECT IS BEING PROVIDED BY ENVIRONMENTAL SITE DESIGN UTILIZING TWO MICRO-BORRETENTION FACILITIES AND DRY WELLS CONSISTING OF A GRAVEL INFILTRATION TRENCH (M-5) TO ACCOMMODATE THE TOTAL ESD VOLUME REQUIRED. SWM FACILITIES TO BE PRIVATELY OWNED AND MAINTAINED.

- BA-08-027V REQUESTED THE VARIANCE OF SECTION 127.2.e.2.a.(1) OF THE ZONING REGULATIONS TO REDUCE THE SETBACK FOR RETAINING WALLS, EXTERIOR BUILDING EGRESS STAIRS AND WALKWAY FROM 20' TO A MINIMUM OF 4 FEET; SECTION 127.2.e.2.a.(2) OF THE ZONING REGULATIONS TO REDUCE THE SETBACK FOR PARKING SPACES AND LOADING FROM 40 FEET TO A MINIMUM OF 9 FEET ALONG MARYLAND ROUTE 32; SECTION 127.2.e.2.a.(2) OF THE ZONING REGULATIONS TO REDUCE THE PARKING SPACES AND DRIVE AISLES FROM 40 FEET TO 15 FEET ALONG GULFORD ROAD. THESE VARIANCES WERE GRANTED ON JULY 30, 2008.
- BA-10-024V REQUESTED TO REDUCE THE 20 FOOT SETBACK FROM AN EXTERNAL PUBLIC STREET RIGHT OF WAY TO A MINIMUM OF 4 FEET FOR RETAINING WALLS, EXTERIOR STAIRS AND WALKWAYS (SECTION 127.2.e.2.a.(1)); TO REDUCE THE 40 FOOT SETBACK FROM THE MD 32 EXTERNAL PUBLIC STREET RIGHT OF WAY TO A MINIMUM OF 9 FEET FOR PARKING SPACES AND LOADING SPACES (SECTION 127.2.e.2.a.(2)); AND TO REDUCE THE 40 FOOT SETBACK FROM THE GULFORD ROAD PUBLIC STREET RIGHT OF WAY TO 15 FEET FOR PARKING SPACES (SECTION 127.2.e.2.a.(2)). THESE VARIANCES WERE GRANTED 11/5/10.
- PER AA CASE NO. AA-14-008, THE STRUCTURE AND USE SETBACK FOR A HOUSING COMMUNITY HOUSING DEVELOPMENT ZONE TO AN M-2 ZONE (SECTION 87) HAS BEEN REDUCED FROM 25' TO 20' FOR A PARKING LOT, A TRASH ENCLOSURE, AND THE STRUCTURE AND USE SETBACK HAS BEEN REDUCED FROM PUBLIC STREET RIGHT-OF-WAY FROM 30' TO 24' FOR A BUILDING (SECTION 128.1(c)).
- REFERENCE WP-15-\_\_\_\_\_ APPROVED \_\_\_\_\_ TO REQUEST APPROVAL TO DISTURB THE 50' STREAM BUFFER.

**COORDINATE TABLE**

NO.	NORTH	EAST
206	536907.2367	1366665.6067
305	537033.6559	1366945.5231
306	536888.3102	1367091.6784
307	536523.7558	1366472.0256
308	536777.6086	1366389.3483
309	536940.9770	1366276.1715
310	537484.6216	1366199.9994
319	537026.1874	1366978.9472
320	536971.1345	1366952.6519
321	536756.9192	1367044.9299
322	536702.7456	1367068.2610
323	536684.0727	1367075.7214



**LEGEND**

- 100 YEAR FLOODPLAIN, DRAINAGE & UTILITY EASEMENT
- PUBLIC FOREST CONSERVATION EASEMENT (RETENTION)
- EXISTING WETLANDS

THE REQUIREMENTS §3-108, THE REAL PROPERTY ARTICLE, ANNOTATED CODE OF MARYLAND, 1988 REPLACEMENT VOLUME, (AS SUPPLEMENTED) AS FAR AS THEY RELATE TO THE MAKING OF THIS PLAT AND THE SETTING OF MARKERS HAVE BEEN COMPLIED WITH.

THOMAS M. HOFFMAN, JR  
PROPERTY LINE SURVEYOR, MD REG. NO. 267  
DATE \_\_\_\_\_  
HOWARD COUNTY, MARYLAND  
DATE \_\_\_\_\_

**AREA TABULATION**

NUMBER OF PARCELS TO BE RECORDED	3
AREA OF PARCELS TO BE RECORDED	7.9582 AC
AREA OF ROADWAY TO BE RECORDED	0.1459 AC
AREA TO BE RECORDED	8.1041 AC

**ROBERT H. VOGEL ENGINEERING, INC.**  
ENGINEERS SURVEYORS PLANNERS  
8407 MARY STREET  
ELICOTT CITY, MD 21043 TEL: 410-461-2666  
FAX: 410-461-2666

**OWNER**  
HOWARD COUNTY, MARYLAND  
DEPARTMENT OF PUBLIC WORKS  
3430 COURTHOUSE DRIVE  
ELICOTT CITY, MD, 21043  
410-313-4401

**DEVELOPER**  
HOWARD COUNTY HOUSING COMMISSION  
6751 COLUMBIA GATEWAY DR., 3RD FLOOR  
COLUMBIA, MD 21046  
(410) 313-6320

APPROVED: FOR PUBLIC WATER AND PUBLIC SEWERAGE 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

**OWNER'S CERTIFICATE**

HOWARD COUNTY, MARYLAND, OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, ADOPT THIS FINAL PLAT OF SUBDIVISION, AND IN CONSIDERATION OF THE APPROVAL OF THIS FINAL PLAT BY THE DEPARTMENT OF PLANNING AND ZONING, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES AND GRANT 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 OR STREET RIGHTS-OF-WAY AND THE SPECIFIC EASEMENT AREAS SHOWN HEREON; 2) THE RIGHT TO REQUIRE DEDICATION FOR PUBLIC USE OF THE BEDS OF THE STREETS AND/OR ROADS, THE FLOOD PLAINS AND OPEN SPACE WHERE APPLICABLE AND FOR GOOD AND VALUABLE CONSIDERATION, HEREBY GRANT THE RIGHT AND OPTION TO HOWARD COUNTY TO ACQUIRE THE FEE SIMPLE TITLE TO THE BEDS OF THE STREETS AND/OR ROADS AND FLOOD PLAINS, 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; 4) THAT NO BUILDING OR SIMILAR STRUCTURE OF ANY KIND SHALL BE ERRECTED ON OR OVER THE SAID EASEMENTS AND RIGHTS-OF-WAY.

WITNESS OUR HANDS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

HOWARD COUNTY, MARYLAND WITNESS

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THE FINAL PLAT SHOWN HEREON IS CORRECT; THAT IT IS A SUBDIVISION OF THE LAND CONVEYED BY TSC/ROUTE 32, L.L.C. TO HOWARD COUNTY, MARYLAND BY DEED DATED JULY 25, 2013 AND RECORDED AMONG THE LAND RECORDS OF HOWARD COUNTY, MD. IN LIBER 15118, FOLIO 113.

I ALSO CERTIFY ALL MONUMENTS ARE IN OR WILL BE IN PLACE PRIOR TO THE ACCEPTANCE OF THE STREETS IN THE SUBDIVISION BY HOWARD COUNTY AS SHOWN, IN ACCORDANCE WITH THE ANNOTATED CODE OF MARYLAND, AS AMENDED AND BOUNDARY SURVEY IS IN ACCORDANCE WITH THE HOWARD COUNTY SUBDIVISION REGULATIONS.

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE, AND THAT I AM A DULY LICENSED PROPERTY LINE SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 267, EXPIRATION DATE JULY 28, 2016.

THOMAS M. HOFFMAN, JR. DATE  
PROPERTY LINE SURVEYOR, MD. REG. NO. 267

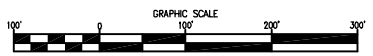
RECORDED AS PLAT No. \_\_\_\_\_ ON \_\_\_\_\_  
AMONG THE LAND RECORDS OF HOWARD COUNTY, MARYLAND.

**PLAT OF SUBDIVISION  
DAY RESOURCE CENTER  
PARCELS A-C**

A SUBDIVISION OF T.M. 47, PARCEL 59  
LIBER 15118, FOLIO 113

ZONED CE-CU  
TAX MAP 47, BLK: 12, PARCEL 59  
SIXTH ELECTION DISTRICT HOWARD COUNTY, MARYLAND

SCALE 1" = 100' OCTOBER 10, 2014



SHEET 1 OF 2

F-14-130