



Howard County
Internal Memorandum

Subject: Testimony & Fiscal Impact Statement
Council Resolution No. _____ - authorizing the County Executive to convey certain real property owned by the County containing approximately 2.142 acres to Rock Realty, Inc.; 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 the land may have a further public use.

To: Lonnie R. Robbins
Chief Administrative Officer

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

Date: November 20, 2014

The Department of Public Works has been designated coordinator for the preparation of testimony relative to the conveyance of land to Rock Realty, Inc.

Howard County is the current owner of approximately 2.142 acres commonly known as 7101 Dorsey Run Road, Jessup, Maryland, acquired from the Maryland Environmental Service ("MES") by deed dated September 25, 2012 and recorded in the Land Records for Howard County in Liber 14328, folio 477.

Prior to the County acquiring ownership from MES, MES and Rock Realty, Inc. had entered into a Right of First Refusal Agreement dated October 8, 1999 (the "1999 Agreement") whereby the parties agreed that before MES would make or accept an offer to sell the property, Rock Realty, Inc. would have a right of first refusal to purchase the property. In order to be cooperative and facilitate the 2012 transfer of the property to the County, Rock Realty, Inc. entered into a Waiver and Release of Right of First Refusal, which waived its right of first refusal to purchase the property.

MES constructed and operated a yard waste compost site on the property which was used by Anne Arundel, Baltimore and Howard Counties pursuant to the Yard Debris Composting Intergovernmental Agreements ("IGA"). The IGA provided that if the Counties no longer had a use for the compost site, the site would be closed and the property conveyed to the Counties. Since the property is located in Howard County, the Counties agreed the property should be conveyed to Howard County.

Rock Realty, Inc. contacted the County and indicated that it wanted to purchase the property. In light of Rock Realty, Inc.'s prior cooperation with the County and in order to honor the spirit of the 1999 Agreement, the County is agreeable to selling the property to Rock Realty, Inc.

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The Department of Public Works has reviewed and approved the proposed conveyance of the property. The property is currently being used by the contractor who is constructing Capital Project J-4148B, Dorsey Run Road Extended. After the 18 month construction period, the County has no further use for the property. The conveyance to Rock Realty, Inc. will be subject to the County's agreement with its contractor and Rock Realty, Inc. does not oppose the contractor's use of the property.

The fiscal impact to the County is the payment by Rock Realty, Inc. of the fair market value of the property as determined by a current appraisal.

A representative of the department will be present at the public hearing. If you require further information concerning this matter or have any additional questions, please do not hesitate to contact me at your convenience.

cc: Jennifer Sager
File