

County Council Of Howard County, Maryland

2009 Legislative Session

Legislative Day No. 5

Resolution No. 22 -2009

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

A RESOLUTION declaring that 837.893 square feet of Open Space Lot 100 of the subdivision known as Rockburn Township owned by Howard County, Maryland is no longer needed by the County for a public purpose; authorizing the County Executive to transfer the property to Thomas Vicino and Susann Vicino in exchange for 837.893 square feet of Lot 7 of the subdivision known as Rockburn Township owned by Thomas Vicino and Susann Vicino; waiving the advertising and bidding requirements of Section 4.201 of the County Code in connection with the property's conveyance; and providing that the County Executive is not bound to terminate the County's interest in the property if he finds that it may have a further public use and submits his finding to the County Council for its consideration.

Introduced and read first time _____, 2009.

By order _____
Stephen LeGendre , Administrator

Read for a second time at a public hearing on _____, 2009.

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 _____, 2009.

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**, Thomas and Susann Vicino (the “Vicinos”) have requested that Howard
2 County convey 837.893 square feet of Open Space Lot 100 of the subdivision known as
3 “Rockburn Township, Section 1 – Area 1, Lots 1 thru 102” and recorded among the land records
4 of Howard County, Maryland (“Land Records”) as Plat numbered 8070 (“Rockburn Township
5 Plat”) (the “County Property”) in exchange for the conveyance of 837.893 square feet of Lot 7 as
6 shown on the Rockburn Township Plat and known as 7875 Rockburn Drive (the “Vicino
7 Property”); and
8

9 **WHEREAS**, the County Property is described in the attached Exhibit “A” as 837.893
10 square feet of Open Space Lot 100 as shown on the Rockburn Township Plat acquired by a deed
11 from Rockburn Township to Howard County, Maryland dated September 7, 1988 and recorded
12 in the Land Records at Liber 1879, Folio 782 containing approximately 3.46 acres of land
13 subject to a Confirmatory Deed of Easement and Agreement for a sewer and utility easement
14 recorded among the Land Records at liber 1621, folio 486 (the “Sewer Easement”), as shown in
15 the attached Exhibits “B” and “C”; and
16

17 **WHEREAS**, the Vicino Property is described in the attached Exhibit “A” as 837.893
18 square feet of Lot 7 as shown on the Rockburn Township Plat acquired by deed from the Ryland
19 Group, Inc. to the Vicinos recorded in the Land Records on June 11, 1990 at Liber 2185, Folio
20 76 containing approximately .366 acres; and
21

22 **WHEREAS**, the Vicinos have requested this transfer in order to eliminate
23 encroachments into Open Space Lot 100 including an in-ground swimming pool, fence, and
24 shed constructed within the County Property or within the setback imposed by the Howard
25 County Zoning Regulations; and
26

27 **WHEREAS**, the County has reviewed the Vicinos’ request and has determined that the
28 removal of the shed, relocation of the fence, and exchange of an equal amount of property could
29 serve to bring the Vicino’s property into compliance with the Howard County Code and Howard
30 County Zoning Regulations without the considerable cost of relocating the swimming pool and
31 could serve to avoid necessary court action; and

1
2 **WHEREAS**, this exchange does not release the Vicinos from a fine of \$200.00 assessed
3 by the County and the obligation to remove the shed and relocate the fence within Lot 7; and
4

5 **WHEREAS**, Section 4.201 "Disposition of real property" of the Howard County Code
6 authorizes the County Council to declare that property is no longer needed for public purposes
7 and also authorizes the County Council to waive advertising and bidding requirements for an
8 individual conveyance of such property upon the request of the County Executive; and
9

10 **WHEREAS**, the County Council has received a request from the County Executive to
11 waive the advertising and bidding requirements in this instance for an individual conveyance of
12 the County Property to the Vicinos.
13

14 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
15 Maryland, this ____ day of _____, 2009, that the County Property is no longer needed
16 by the County for public purposes as long as the Sewer Easement remains in full force and effect
17 and the County shall receive the same amount of property from the Vicinos.
18

19 **AND BE IT FURTHER RESOLVED** that, having received a request from the County
20 Executive and having held a public hearing, the County Council declares that the best interest of
21 the County will be served by authorizing the County Executive to waive the usual advertising
22 and bidding requirements of Section 4.201 of the Howard County Code for the conveyance of
23 the County Property to the Vicinos;
24

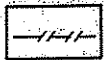
25 **AND BE IT FURTHER RESOLVED** that, if the County Executive finds that the
26 County Property may have a further public use and should not be disposed of, he may submit his
27 findings and recommendations to the County Council for its consideration without being bound
28 to dispose of the property by this Resolution.



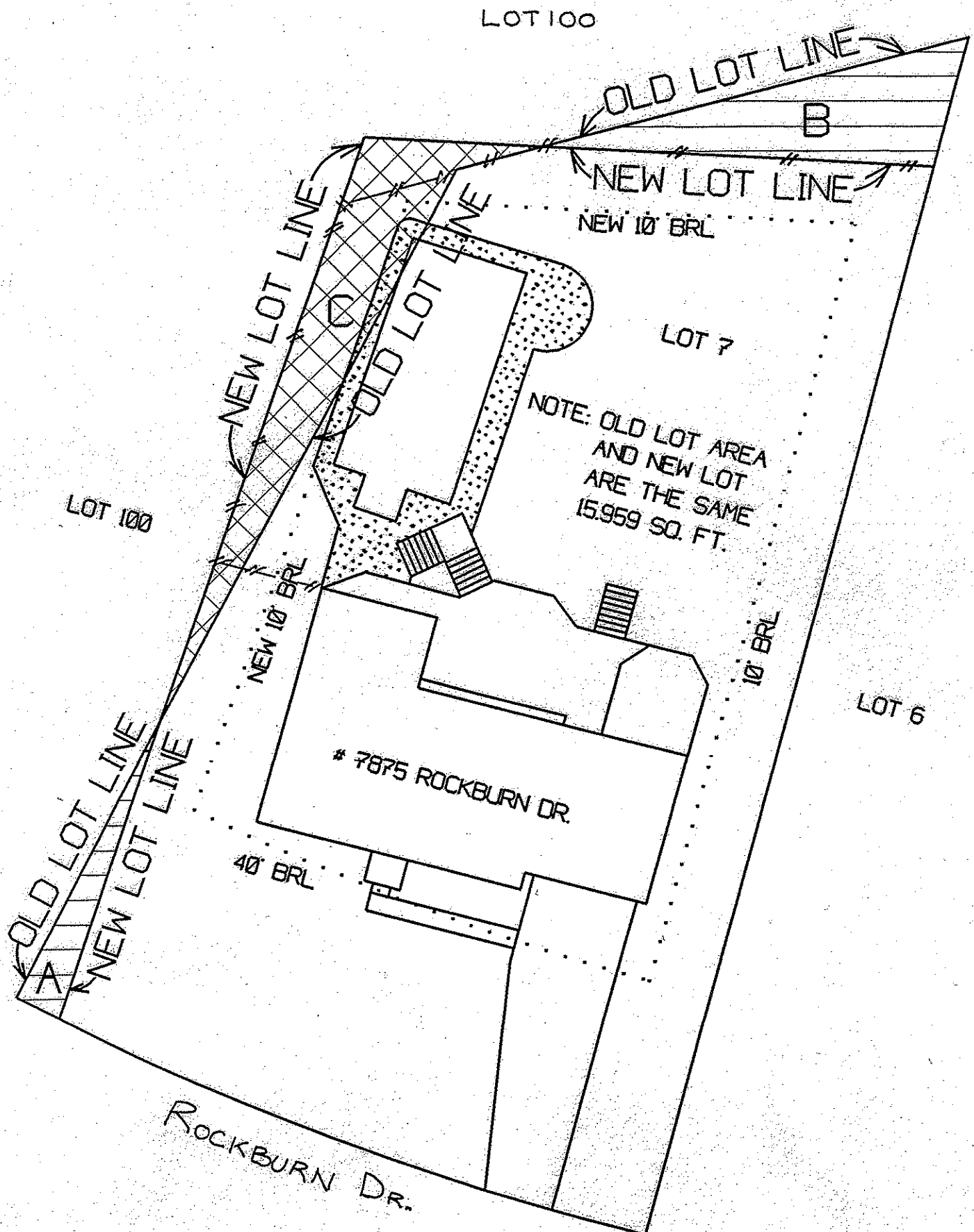
AREA "A" 167,544 SQ. FT. & AREA "B" 670,349 SQFT.
IS TO BE CONVEY FROM LOT 7 THOMAS E. & SUSANNE E. VICINO
TO LOT 100 HOWARD COUNTY.



AREA "C" 837,893 SQFT. IS TO BE COVEY FROM LOT 100 HOWARD
COUNTY. TO LOT 7 THOMAS E. & SUSANNE E. VICINO.



RELOCATED WOOD FENCE.

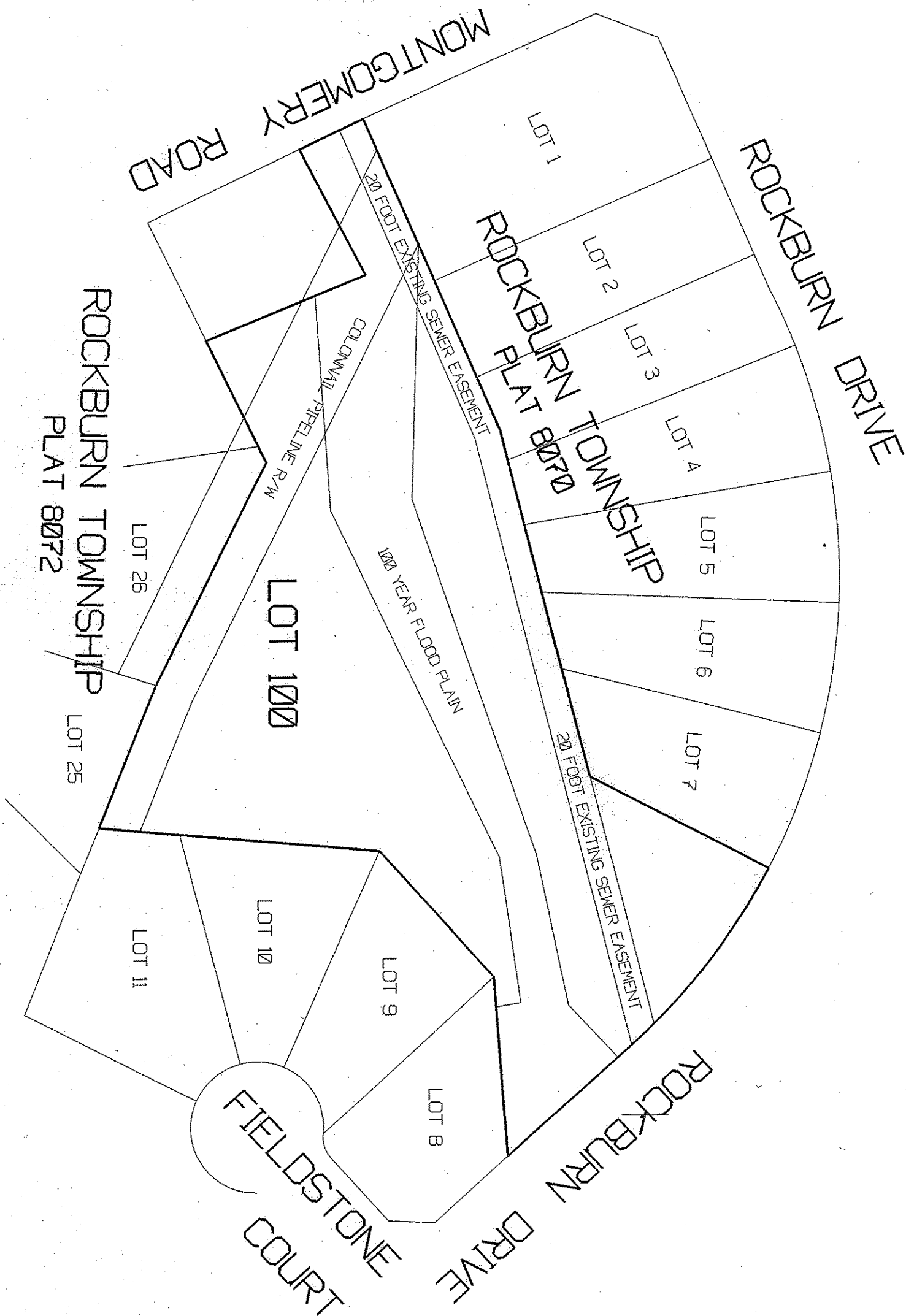


SURVEY ASSOCIATES # 1

SHEET 1 OF 2

CONSULTING LAND SURVEYORS AND PLANNERS

9890 LYON AVENUE
LAUREL MARYLAND 207423
301 206-5470



SURVEY ASSOCIATES # 1

SHEET 2 OF 2

CONSULTING LAND SURVEYORS AND PLANNERS

9890 LYON AVENUE
LAUREL MARYLAND 207423
301 206-5470

COORDINATE CHART NAD 27		
No.	NORTH	EAST
1	584417.7941	860808.7945
2	584223.2454	860757.8848
3	584244.0250	860739.9900
4	584377.8938	860818.0430
5	584244.0218	860763.2651
6	584233.7822	860855.0888
7	584381.5832	860803.5450

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

GARY E. LANE DATE
PROPERTY LINE SURVEYOR NO. 574

THOMAS E. VICINO DATE

SUSANN E. VICINO DATE

TOTAL AREA TABULATION
TOTAL NUMBER OF LOTS AND/OR PARCELS TO BE RECORDED 1
TOTAL AREA OF LOTS AND/OR PARCELS 0.8884 AC.
TOTAL AREA OF ROADWAYS TO BE RECORDED 0.0 AC.
TOTAL AREA OF RESUBDIVISION TO BE RECORDED 0.8884 AC.

SURVEY ASSOCIATES #1
CONSULTING LAND SURVEYORS AND PLANNERS
8800 LYON AVENUE
LAUREL, MARYLAND 20742
301 208-8470

LOT 6
N/F
GEORGE AMI & KAREN A. SCHMITTLE
L. 3058 F. 165
ROCKBURN TOWNSHIP
PLAT BOOK # 8070

N504.400

N504.250

E860.700

OWNERS

THOMAS E. VICINO
SUSANN E. VICINO
7875 ROCKBURN DRIVE
ELLICOTT CITY, MARYLAND 21043
443 745-5068

CURVE DATA					
No.	RADIUS	Δ	ARC	TAN	CHORD
9	475.00	12 18 13"	102.00	5.19	81.88

THE PURPOSE OF THIS PLAT IS TO RESUBDIVIDE LOT 7, IN ROCKBURN TOWNSHIP PLAT BOOK # 8070 AND PART OF LOT 100 IN ROCKBURN TOWNSHIP PLAT BOOK # 8072 INTO NEW LOT 103.

GENERAL NOTES

- COORDINATES BASE ON NAD 27 MARYLAND COORDINATES SYSTEM AS PROJECTED BY HOWARD COUNTY GEODETIC CONTROL STATIONS #254884 & #254885.
- SUBJECT PROPERTY ZONED RSC PER 2/2/04 ZONING PLAN.
- THERE IS AN EXISTING DWELLING LOCATED ON LOT 7 TO REMAIN. NO NEW BUILDING EXTENSIONS OR ADDITIONS TO THE EXISTING DWELLING ARE TO BE CONSTRUCTED AT A DISTANCE LESS THAN THE ZONING REGULATION REQUIREMENTS.
- ALL LOT AREAS ARE "MORE OR LESS".
- THERE ARE NO WETLANDS, STREAMS OR 100-YEAR FLOODPLAIN LOCATED ON THIS SITE.
- BRL DENOTES BUILDING RESTRICTION LINE.
- NO CEMETERIES, BURIAL GROUNDS OR HISTORIC STRUCTURES EXIST WITHIN THE LIMITS OF THIS SITE.
- 0 DENOTES IRON PIPE FOUND AND HELD.
- 0 DENOTES IRON PIPE TO BE SET.
- THIS RESUBDIVISION IS EXEMPT FROM THE REQUIREMENTS OF SECTION 18-208 OF THE HOWARD COUNTY CODE FOR FOREST CONSERVATION BECAUSE, IN ACCORDANCE WITH SECTION 18-208(a) (1) (ii) OF THE SAME CODE, IT IS A RESUBDIVISION THAT DOES NOT CREATE ANY NEW ADDITIONAL LOTS.
- THIS RESUBDIVISION IS IN THE METROPOLITAN DISTRICT.
- THIS PLAT IS BASED ON A FIELD RUN BOUNDARY SURVEY PERFORMED ON OR ABOUT APRIL 2008 BY SURVEYS ASSOCIATES.
- THERE ARE NO STEEP SLOPES ON-SITE, WITH A CONTINUOUS AREA OF 28,808 SF OR GREATER.
- THIS RESUBDIVISION PLAT CREATES NO ADDITIONAL LOTS OR DEVELOPMENT AND REQUIRES NO LANDSCAPING.

OWNERS DEDICATION

WE, THOMAS E. & SUSANN E. VICINO, OWNERS OF THE PROPERTY SHOWN HEREON, HEREBY ADOPTE THIS PLAN OF RESUBDIVISION AND IN CONSIDERATION OF APPROVAL OF THIS FINAL PLAT BY THE DEPARTMENT OF PLANNING AND ZONING, ESTABLISHES THE MINIMUM BUILDING RESTRICTION LINES AND CHARTS WITHIN HOWARD COUNTY, MARYLAND, ITS SUCCESSORS AND ASSIGNS, (1) THE RIGHT TO LAY, CONSTRUCT AND MAINTAIN SEWER, WATER PIPES AND OTHER MUNICIPAL UTILITIES AND SERVICES IN AND UNDER ALL ROADS AND STREET RIGHTS OF WAY, AND THE SPECIFIC EASEMENTS AREAS SHOWN HEREON, (2) THE RIGHT TO REQUIRE DEDICATION FOR PUBLIC USE THE DEEDS OF THE STREETS AND/OR ROADS WHERE APPLICABLE, (3) THE RIGHT TO REQUIRE DEDICATION OF EASEMENTS AND SEWER EASEMENTS FOR THE SPECIFIC PURPOSE OF THEIR CONSTRUCTION, REPAIR AND MAINTENANCE, AND (4) THAT NO BUILDING OR SIMILAR STRUCTURE OF ANY KIND SHALL BE ERRECTED OR OTHERWISE SITED EASEMENT AND RIGHTS OF WAY, WITHIN OUR HANDS THIS DAY OF

THOMAS E. VICINO DATE WITNESS DATE
SUSANN E. VICINO DATE WITNESS DATE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THAT THE INFORMATION SHOWN HEREON IS CORRECT, THAT IT IS ALL THE PROPERTY ACQUIRED BY THOMAS E. & SUSANN E. VICINO FROM THE LAND GRIPPING A BODY CORPORATE OF THE STATE OF MARYLAND BY DEED DATED MAY 25th, 1990 AND RECORDED IN LIBER 285 AT FOLIO 78 AND THAT ALL MONUMENTS ARE IN PLACE, IN ACCORDANCE WITH THE ANNOTATED CODE OF MARYLAND, AS AMENDED.

GARY E. LANE ND. PLS No. 574 DATE

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

PLAT OF RESUBDIVISION
ROCKBURN TOWNSHIP
SECTION 1 - AREA 1
LOT 103

FIRST ELECTION DISTRICT OF HOWARD COUNTY, MARYLAND
TAX MAP No. 85 SCALE: 1" = 20'
PARCEL # 789, GRID: 22 DATE: APRIL 2008
ZONER: RSC SHEET 1 OF 1