

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 May 4, 2009.

By order Stephen LeGendre  
Stephen LeGendre, Administrator

Read for a second time at a public hearing on May 18, 2009.

By order Stephen LeGendre  
Stephen LeGendre, Administrator

This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn  by the County Council on June 1, 2009.

Certified By Stephen LeGendre  
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

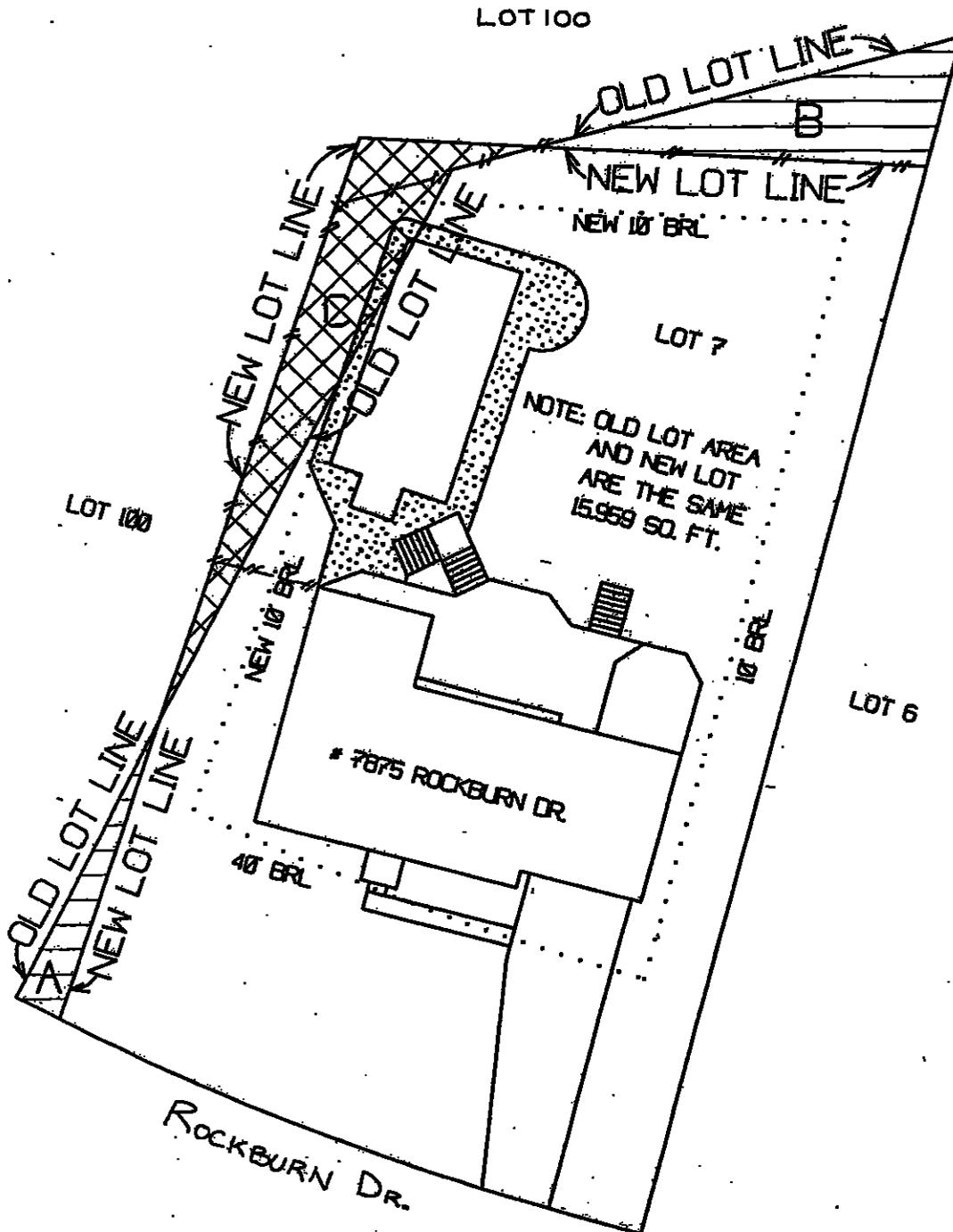
10           **WHEREAS**, the County Council has received a request from the County Executive to  
11 waive the advertising and bidding requirements in this instance for an individual conveyance of  
12 the County Property to the Vicinos.  
13

14           **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,  
15 Maryland, this 1<sup>ST</sup> day of June, 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 SQ. FT. IS TO BE CONVEY FROM LOT 7 THOMAS E. & SUSANNE E. VICINO TO LOT 100 HOWARD COUNTY.
-  AREA "C" 887,893 SQ. FT. IS TO BE CONVEY FROM LOT 100 HOWARD COUNTY. TO LOT 7 THOMAS E. & SUSANNE E. VICINO.
-  RELOCATED WOOD FENCE.



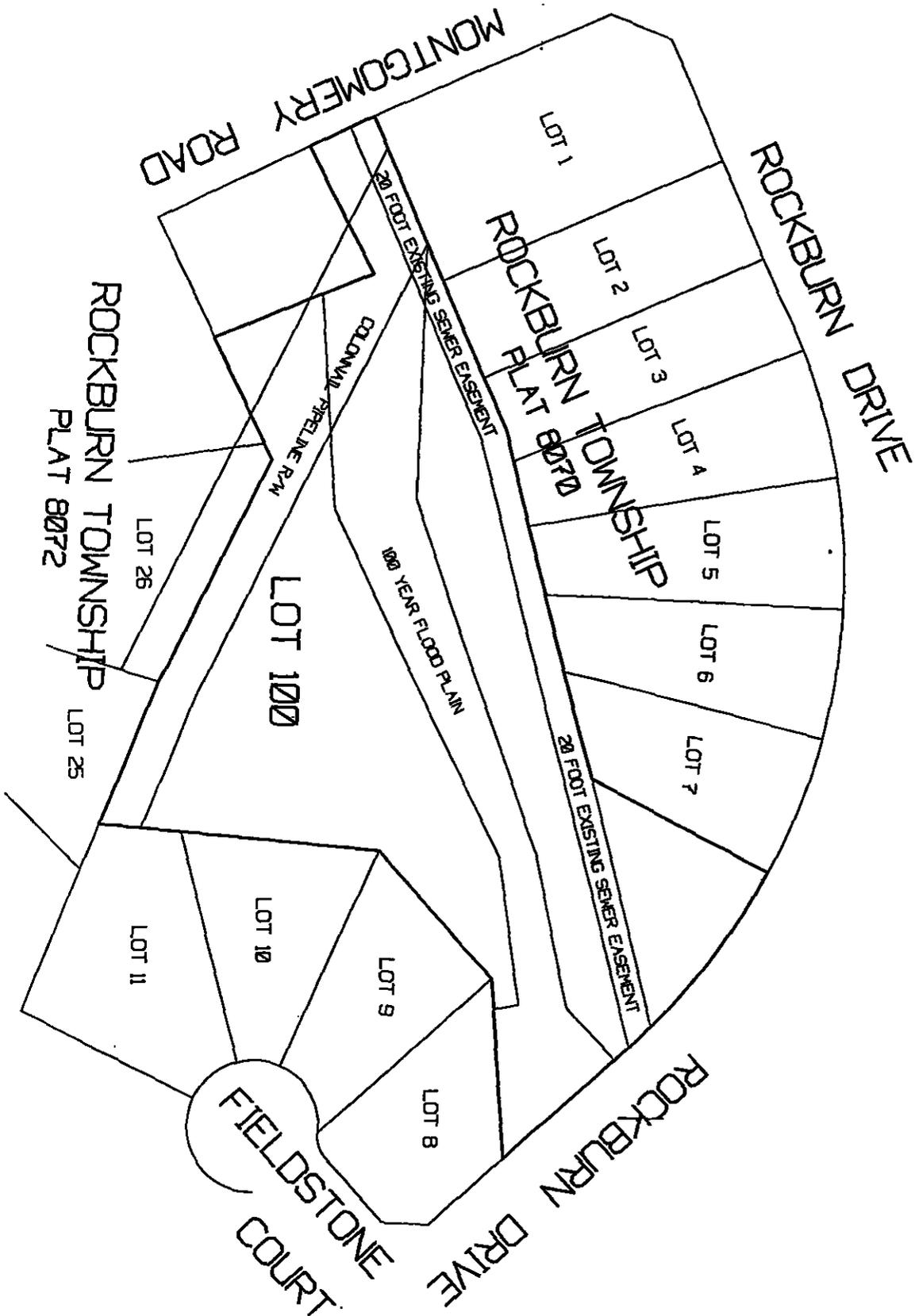
SURVEY ASSOCIATES # 1

CONSULTING LAND SURVEYORS AND PLANNERS

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 316-842-6470

SHEET 1 OF 2

EXHIBIT A



**SURVEY ASSOCIATES #1**

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**SHEET 2 OF 2**

**EXHIBIT B**

