

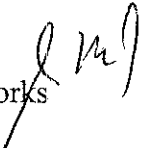


# Howard County

## Internal Memorandum

**Subject:** Testimony on Council Resolution No. 89 - 2009  
Resolution for the Closure of a Portion of Deerpath Road

**To:** Lonnie R. Robbins  
Chief Administrative Officer

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

**Date:** October 29, 2009

The Department of Public Works has reviewed the proposed legislation concerning the closing of a portion of Deerpath Road. In accordance with Section 18.204(g) of the Howard County Code, the department is required to develop a report of the closing of a portion of Deerpath Road. The Department's findings are as follows:

1. The Department of Planning and Zoning has reviewed the road closure and has the following concern:

a. The portion of Deerpath Road right of way proposed to be abandoned is not usable as a separate parcel. Therefore the Department of Planning and Zoning request that the following condition be added to the Council Resolution:

The Petitioners must submit to the Department of Planning and Zoning a resubdivision plan to consolidate the Deerpath Road right of way into one or more of the adjacent parcels. The closure of this portion of Deerpath Road will not be complete until the resubdivision plat is recorded and the requirements of the subdivision regulations have been met.

2. The Department of Public Works has reviewed the legislation and the following is provided:

a. Deerpath Road is owned by the County in fee simple by deed dated February 20, 1990 and recorded among the Land Records of Howard County, Maryland in Liber 2138, Folio 436. The road right of way is approximately 60 feet wide and .47 miles in length.

b. The road closure was posted on Friday October 16, 2009.

c. The Traffic Engineering Division evaluated the partial closure with respect to pedestrian and vehicular traffic circulation. Deerpath Road was constructed as a closed-section access street terminating at a commercial entrance. The road currently provides access from Douglas Legume Drive to a commercial office building and an undeveloped parcel (SDP-07-016). The only primary intersection occurs at Douglas Legume Drive and is controlled with a stop sign on the Douglas Legume Drive approach. There are no other cross streets, and access to the commercial parcels is accomplished by simple driveway entrances.

Lonnie R. Robbins

Page – 2

October 29, 2009

The paved section measures approximately 44 feet wide within a 60-foot right of way. The portion of road under consideration for closing is approximately 330 feet long with a sidewalk on the north side, and terminates at a commercial driveway. The tapering right of way continues for an additional 130 feet for a total of approximately 460' which is different from the Council Resolution page 1 line #6 which list the total as 1,130'. Except for the petitioner's parcel located at 6800 Deerpath Road, there are no existing driveways or other access points along this section of road frontage. As of this writing, there have been no documented vehicular or pedestrian operational problems to report. Similarly, there are no school crossings affected or accident data to report.

Except for the petitioner's parcel located at 6800 Deerpath Road, access to the existing parcels will not change. Vehicular or pedestrian traffic patterns will remain similar to those observed today. We anticipate no impact on the surrounding road network. Therefore, based on our evaluation, the partial road closure is feasible.

d. The Bureau of Utilities maintains two water mains in this portion of Deerpath Road, one constructed under 14-1447-D and the other under 14-4248-D. A 20' wide public water and utility easement will be required prior to the conveyance of the road bed.

3. The attached Memorandum to Stephen LeGendre, Executive Secretary, County Council provides information related to adjacent property owners who may be affected by this legislation.

4. The Howard County Police Department has evaluated the proposed closing and indicates that the closure will not affect response times or have any impact on public safety or create problems for the department.

5. The Department of Fire and Rescue Services has evaluated the proposed closing and indicates that the closure will have no impact on the services provided by the department.

6. The Baltimore Gas & Electric Company (BGE) indicates that their records show they have gas and electric facilities located within the area of the proposed closing. They do not have any agreements to cover these facilities. BGE objects to the closing prior to the execution of a Deed of Easement to BGE for the facilities or the petitioner requesting and receiving permission from BGE to relocate the existing facilities outside of the road right of way at the petitioner's expense.

In conclusion, the closure will not have any adverse effect on public safety or convenience to the commercial community. The Department of Public Works supports the legislation to close a portion of Deerpath Road. The department recommends that the County retain ownership to the abandoned portion of Deerpath Road until such time as the following items have been accomplished:

1. Reservation of easements for the County's 20' wide public water and utility easements and for BGE's existing gas and electric facilities.

Lonnie R. Robbins

Page – 3

October 29, 2009

The department also recommends the following amendments to the Resolution.

1. An amendment to the Resolution requiring the Petitioners to submit to the Department of Planning and Zoning a resubdivision plan to consolidate the Deerpath Road right of way into one or more of the adjacent parcels. The closure of this portion of Deerpath Road will not be complete until the resubdivision plat is recorded and the requirements of the subdivision regulations have been met.
2. An amendment to the Resolution to change the road length of 1,130 feet found on page 1 line #6 to 460 feet.
3. An amendment to the Resolution to remove the designation of Parcel S from the exhibit since the right of way has not been surplussed or resubdivided.

When the Petitioner starts to process his subdivision plans, the County will consider a request from the petitioner to surplus the portion of the roadbed to be closed. A Council Resolution will be required to surplus the property.

There will be no fiscal impact to the County. The petitioner will be required to file all necessary subdivision plans, site development plans and developer agreements with the County and perform all construction activities.

Should you have any questions concerning this matter, please contact me on Extension 4401.

JMI/mcs

Attachments

cc: Jennifer Sager, Legislative Coordinator  
Marsha S. McLaughlin, Director, Planning & Zoning  
William F. Goddard III, Fire Chief  
William McMahon, Chief of Police  
File

tar/legislation/Deerpath/-testimony



# Howard County

## Internal Memorandum

**Subject:** Proposed Council Resolution to Close a Portion of Deerpath Road  
Verification of Adjacent Property Owners

**To:** Stephen LeGendre, Executive Secretary  
County Council

**From:** Tina D. Hackett, Chief *Tina D. Hackett*  
Real Estate Services Division

**Date:** September 24, 2009

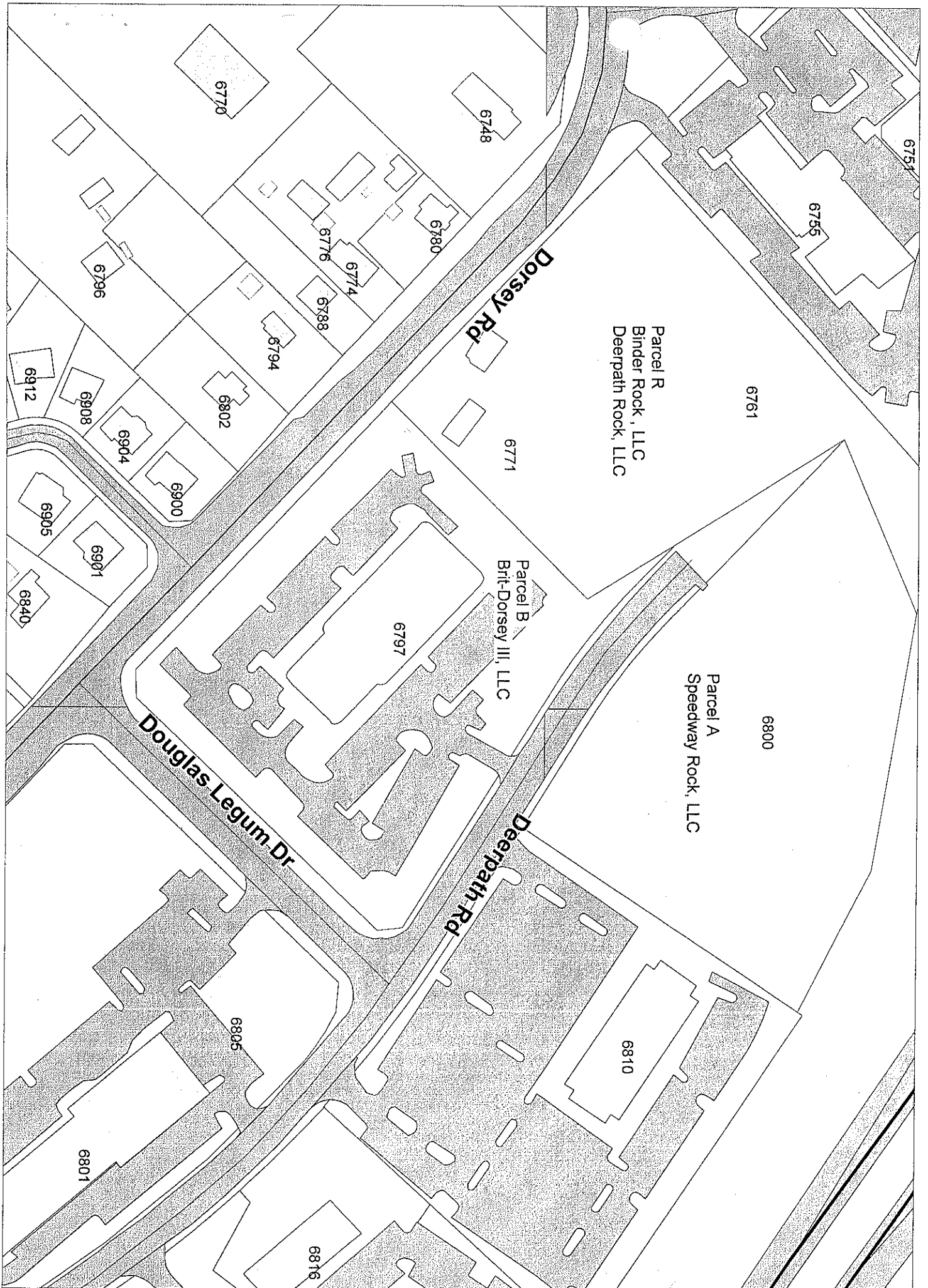
The following information is provided relative to the resolution to close a portion of Deerpath Road:

1. Howard County, Maryland is the fee simple owner of Deerpath Road by deed dated February 20, 1990 and recorded in the Land Records of Howard County, Maryland in Liber 2138, Folio 436. The road is approximately 60 feet wide and .47 miles in length.
2. Speedway Rock, LLC, c/o Rock Realty Inc., 6800 Deerpath Road, Suite 100, Elkridge, Maryland 21075 owns the adjacent property shown on Tax Map 37, Parcel 634, Parcel A.
3. Binder Rock, LLC & Deerpath, Rock, LLC, c/o Rock Realty Inc., 6800 Deerpath Road, Suite 100, Elkridge, Maryland 21075 own the adjacent property shown on Tax Map 37, Parcel 375, Parcel R.
4. Brit-Dorsey III LLC, 5410 Edson Lane, Suite 200, Rockville, Maryland 20852-3195 owns the adjacent property shown on Tax Map 37, Parcel 634, Parcel B.

A copy of the tax map identifying the location of the road and the adjacent properties is attached for your use. If you require any additional information, please contact me on extension 3260.

Attachment  
cc: File

T:\Admin\REAL\Legislation\DeerpathRd\Council.doc







*A Member of  
Constellation Energy*

2009 OCT 29 P 1:26

RECEIVED  
DEPT. OF PUBLIC WORKS

October 27, 2009

Tina D. Hackett  
Real Estate Services Division  
Howard County  
3430 Courthouse Drive  
Ellicott City, Maryland 21043

**RE: Petition for Road Closing – a portion of Deerpath Rd**

Dear Tina:

This letter is in response to your inquiry, dated September 18, 2009.

Our records indicate that BGE, has facilities located within the area of the proposed closings. We do not currently have any agreements to cover these facilities. These facilities were installed under franchise rights and will, now, require an easement to be granted to BGE. Therefore, we object to the closings prior to, either, (A) the execution of a deed of easement that will allow BGE to continue to operate, maintain and have access to our existing facilities or (B) the petitioner requesting and receiving permission to relocate the existing facilities, at the petitioner's expense.

I invite the petitioner to contact me, directly, to advise which scenario they may wish to pursue. Once BGE is able to reach an agreement with the petitioner, we may withdraw our objection to the petitioner's request.

As you may know, records are not always complete, or up to date, and that other BGE facilities may exist in the subject area. If BGE facilities are found in the subject area, it shall be the responsibility of the petitioner to provide an easement for access, operation and maintenance of said facilities. Furthermore, should any subsequent relocation of BGE facilities be necessary in order to utilize the closing area, the relocation costs will be the sole responsibility of the petitioner.

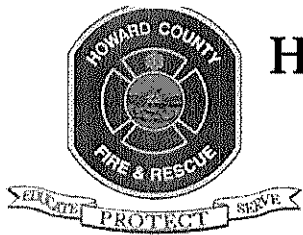
Petitioners are hereby informed that any proposed improvements in the vicinity of any existing BGE facilities, are subject to all federal, state, and local rules and regulations regarding applicable gas pipeline standards and electrical standards including the National Electric Safety Code (NESC). These standards should be closely reviewed in order to maintain adequate clearances from the existing BGE facilities. The NESC website is:

<http://standards.ieee.org/nesc/>

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Meeker", written over a horizontal line.

Richard Meeker, Property Development Analyst  
cc: file – SC 09-027



# HOWARD COUNTY DEPARTMENT OF FIRE AND RESCUE SERVICES

6751 Columbia Gateway Drive, Suite 400, Columbia, Maryland 21046

410-313-6000 • [www.hcdfrs.org](http://www.hcdfrs.org)

William F. Goddard, III, *Fire Chief*

Ken Ulman, *County Executive*

**TO:** James M. Irvin, Director  
Department of Public Works

**FROM:** William F. Goddard III, Fire Chief

**DATE:** October 21, 2009

**SUBJECT:** Closing of a Portion of Deerpath Road

I have reviewed the proposed Resolution to close a portion of Deerpath Road. Members of my staff have surveyed the area and have found this to be an undeveloped parcel of land with access never provided. Based on these findings this Resolution should have no impact on the services provided by the Department of Fire and Rescue Services.

Should you require further feel free to contact me.



*An accredited fire service agency since 1999*





# Howard County

## Internal Memorandum

**Subject:** Closing of a Portion of Deerpath Road

**To:** James M. Irvin, Director  
Department of Public Works

**Through:** William Malone, Chief *William Malone*  
Bureau of Highways

**From:** Diane Schwarzman, Chief *Diane Schwarzman*  
Traffic Engineering Division

**Date:** October 14, 2009

In response to your request for information and comment on the proposed partial closing of Deerpath Road, the following represents our observations and findings.

The Traffic Engineering Division evaluated the partial closure with respect to pedestrian and vehicular traffic circulation.

Deerpath Road was constructed as a closed-section access street terminating at a commercial entrance. The road currently provides access from Douglas Legum Drive to a commercial office building and an undeveloped parcel SDP-07-016. The only primary intersection occurs at Douglas Legum Drive and is controlled with a stop sign on the Douglas Legum Drive approach. There are no other cross streets, and access to the commercial parcels is accomplished by simple driveway entrances.

The paved section measures approximately 44 feet wide within a 60-foot right of way. The portion of road under consideration for closing is approximately 330 feet long with a sidewalk on the north side, and terminates at a commercial driveway. The tapering right-of-way continues for an additional 130 feet for a total of approximately 460' which is different from the Council Resolution page 1, line #6 which states 1130 feet. Except for the petitioner's parcel located at 6800 Deerpath Road, there are no existing driveways or other access points along this section of road frontage. As of this writing, there have been no documented vehicular or pedestrian operational problems to report. Similarly, there are no school crossings affected or accident data to report.

Except for the petitioner's parcel located at 6800 Deerpath Rd, access to the existing parcels will not change. Vehicular and pedestrian patterns will remain similar to those observed today. We anticipate no impact on the surrounding road network. Therefore, based on our evaluation, the partial road closure is feasible.



INTEROFFICE MEMORANDUM

2009 OCT -5 P 2: 28

RECEIVED  
DEPT. OF PUBLIC WORKS

**SUBJECT:** Deerpath Road Closing  
Water and Sewer Easements

**TO:** Tina Hackett, Chief  
Real Estate Services Division

**FROM:** Jeffrey K. Welty, Deputy Chief  
Bureau of Utilities

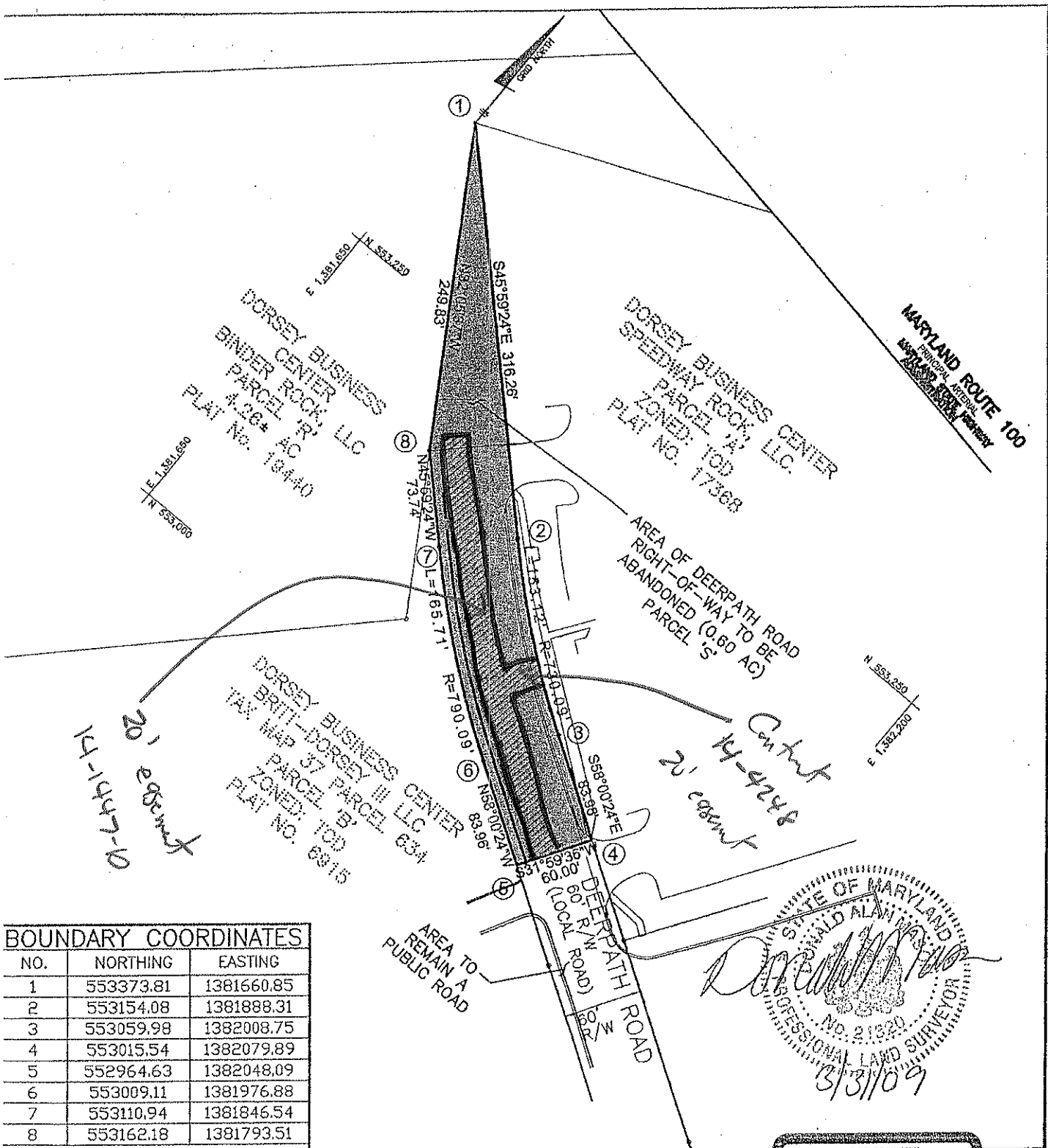
A handwritten signature in dark ink, appearing to be 'J. Welty'.

**DATE:** October 5, 2009

The following are my comments on the Deerpath Road closure:

- 1) Per the attached sketch, The Bureau of Utilities maintains two watermain in this portion of Deerpath Road, one constructed under contract 14-1447-D and the other constructed under contract 14-4248-D. We will require 20' public easements around each.

Should you have any questions, please call me at extension 4974.



1       **WHEREAS**, in accordance with Section 18.204 of the Howard County Code, Speedway  
2     Rock LLC, Binder Rock LLC, and Deerpath Rock, LLC ("petitioner") has petitioned the Howard  
3     County Council to close a portion of Deerpath Road; and

4       **WHEREAS**, Section 18.204 of the Howard County Code provides for the closure of an  
5     existing county road by adoption of a County Council resolution; and

6       **WHEREAS**, the portion of Deerpath Road to be closed is approximately 1,130 feet long  
7     at the northwest dead-end of the road and is more particularly described in Exhibit A and shown  
8     on the attached certified plat identified as Exhibit B; and

9       **WHEREAS**, the road was conveyed to Howard County, Maryland by deed recorded  
10    among the land records of Howard County on February, 20, 1990, at Liber 2138, Folio 436; and

11    **WHEREAS**, petitioner and petitioner's clients, tenants, and invitees are the exclusive  
12    users of the portion of the road to be closed; and

13    **WHEREAS**, there are no homes or connecting streets along the portion of the road to be  
14    closed; and

15    **WHEREAS**, the Departments of Public Works, Planning and Zoning, Police, and Fire  
16    and Rescue have each reviewed the proposal to close of a portion of Deerpath Road and each has  
17    determined the closure of this portion of Deerpath Road will not affect public safety, the traffic  
18    network, or public convenience; and

19    **WHEREAS**, the petitioner owns the majority of the adjacent land; and

20    **WHEREAS**, the petitioner has paid a fee in accordance with Section 18.204 to cover the  
21    costs of advertising the proposed closing, notifying adjoining property owners, and posting the  
22    road; and

23    **WHEREAS**, notice of the proposed closing and abandoning of a portion of Deerpath



# Howard County

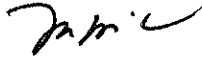
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2009.09.29 P 2:08  
*Internal Memorandum*

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Subject: Partial Closure of Deerpath Road (Council Resolution No. xxx-2009)

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

From: Marsha S. McLaughlin, Director   
Department of Planning and Zoning

Date: September 29, 2009

The Department of Planning and Zoning has no objections regarding CR No. xxx-2009, which proposes to close the end of Deerpath Road, in accordance with Exhibits A and B. However, the Department believes that Parcel S, the Deerpath Road right-of-way proposed to be abandoned, is not usable as a separate parcel.

Therefore, the Department requests the following condition be added to the Council Resolution:

1. The petitioners must submit to the Department of Planning and Zoning a resubdivision plan to consolidate Parcel S into one or more of the adjacent parcels. The closure of this portion of Deerpath Road will not be complete until the resubdivision plat is recorded.

Please contact me if you have any questions.

cc: Tina Hackett, Chief  
RES, DPW  
Tom Butler, Deputy Director  
Dace Blaumanis

## Carl Katenkamp

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**From:** Tina Hackett  
**Sent:** Monday, September 28, 2009 7:20 PM  
**To:** Carl Katenkamp  
**Subject:** FW: Deerpath Road Closure - no comments

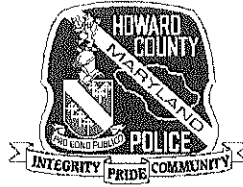
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**From:** Evelyn Tomlin  
**Sent:** Monday, September 28, 2009 1:32 PM  
**To:** Tina Hackett  
**Subject:** Deerpath Road Closure - no comments

Tina,  
We have no comments regarding the closing of Deerpath Road.

Evelyn E. Tomlin, Chief  
Bureau of Environmental Services  
Department of Public Works  
6751 Columbia Gateway Drive, Suite 514  
Columbia, MD 21046  
410-313-6451  
410-313-6490 fax

KEN ULMAN  
County Executive

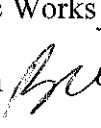


WILLIAM J. MCMAHON  
Chief of Police

**HOWARD COUNTY DEPARTMENT OF POLICE**  
3410 Courthouse Drive, Ellicott City, Maryland 21043

**DATE:** September 21, 2009

**TO:** Mr. James M. Irvin, Director  
Department of Public Works

**FROM:** William J. McMahon   
Chief of Police

**SUBJECT:** Closing of Deerpath Road

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After reviewing the material provided by your office on closing a portion of Deerpath Road, the police department has no concerns. This area currently dead-ends at a commercial business and closing the road will not affect response times or have an impact to public safety.

Thank you allowing the police department to provide input in this process. If you have any further questions, please feel free to contact my office at extension 2203.

2009 SEP 22 PM 1:39  
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DIRECTOR'S OFFICE

