

# County Council of Howard County, Maryland

2009 Legislative Session

Legislative day # 15

## RESOLUTION NO. 89 - 2009

Introduced by: The Chairperson at the request of  
Speedway Rock LLC, Binder Rock LLC, and Deerpath Rock, LLC.

A RESOLUTION to close a portion of Deerpath Road, as shown in Exhibits A and B, in  
accordance with Section 18.204 of the Howard County Code.

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Introduced and read first time on November 2, 2009.

By order Stephen M. LeGendre  
Stephen LeGendre, Administrator to the County Council

Read for a second time and a public hearing held on November 16, 2009.

By order Stephen M. LeGendre  
Stephen LeGendre, Administrator to the County Council

This Resolution was read the third time and was Adopted ☐, Adopted with amendments ☒, Failed ☐, Withdrawn ☐ by the County Council  
on December 7, 2009.

Certified by Stephen M. LeGendre  
Stephen LeGendre, Administrator to the County Council

NOTE: [[text in brackets]] indicates deletions from existing language; TEXT IN ALL CAPITALS indicates additions to existing language.  
Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1           **WHEREAS**, in accordance with Section 18.204 of the Howard County Code, Speedway  
2   Rock LLC, Binder Rock LLC, and Deerpath Rock, LLC (collectively referred to as the  
3   “petitioner”) have petitioned the Howard County Council to close a portion of Deerpath Road;  
4   and

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

7           **WHEREAS**, the portion of Deerpath Road to be closed is approximately ~~1,130~~ 460 feet  
8   long at the northwest dead-end of the road and is more particularly described in Exhibit A and  
9   shown on the attached plat identified as Exhibit B; and

10          **WHEREAS**, the road was conveyed to Howard County, Maryland by Dorsey Business  
11   Center Limited Partnership in a deed dated February 20, 1990, recorded among the land records  
12   of Howard County, Maryland on March 8, 1990, at Liber 2138, Folio 436; and

13          **WHEREAS**, petitioner and petitioner’s clients, tenants, and invitees are the exclusive  
14   users of the portion of Deerpath Road to be closed; and

15          **WHEREAS**, there are no homes or connecting streets along the portion of Deerpath  
16   Road to be closed; and

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

21          **WHEREAS**, the petitioner owns the majority of the land adjacent to the proposed closed  
22   portion of Deerpath Road; and

23          **WHEREAS**, the petitioner has paid a fee in accordance with Section 18.204 to cover the

1 costs of advertising the proposed closing, notifying adjoining property owners, and posting  
2 Deerpath Road; and

3 **WHEREAS**, notice of the proposed closing and abandoning of a portion of Deerpath  
4 Road has been posted and advertised and the adjoining property owners have been notified in  
5 accordance with Section 18.204; and

6 **WHEREAS**, the petitioner, at its cost and expense, will cause the closure of the portion  
7 of Deerpath Road, as described and shown in Exhibits A and B, in accordance with all applicable  
8 Howard County standards and specifications; and

9 **WHEREAS**, prior to the County Council's consideration of a resolution to surplus the  
10 road bed of the closed portion of Deerpath Road, the petitioner shall submit a resubdivision plan  
11 to the Department of Planning and Zoning to consolidate the closed portion of Deerpath Road  
12 with adjacent parcels.

13 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,  
14 Maryland this \_\_\_\_\_ day of \_\_\_\_\_, 2009 that, in accordance with Section 18.204 of  
15 the Howard County Code, the closure of ~~1,130~~ 460 linear feet of Deerpath Road as shown on  
16 Exhibits A and B will not adversely affect public safety, the traffic network, or public  
17 convenience.

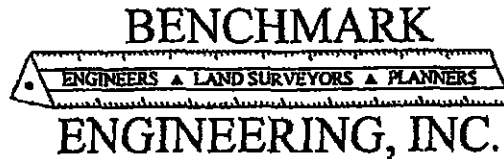
18 **BE IT FURTHER RESOLVED**, that the portion of Deerpath Road described and  
19 shown in Exhibits A and B is no longer need as a public road and shall be closed.

20 **BE IT FURTHER RESOLVED**, that the petitioner shall bear all of the costs and  
21 expenses associated with closure of the described portion of Deerpath Road.

22 **BE IT FURTHER RESOLVED**, that, prior to the County Council's consideration of a  
23 resolution to surplus the road bed of the closed portion of Deerpath Road, the petitioner shall

- 1 submit a resubdivision plan to the Department of Planning and Zoning to consolidate the closed
- 2 portion of Deerpath Road with adjacent parcels.

# Exhibit A



1.1 0.1 2 2 10

**DESCRIPTION**  
**TAX MAP 37, P/O PARCEL 289**  
**HOWARD COUNTY, MARYLAND**  
**0.60 ACRES (26,317 SQUARE FEET), MORE OR LESS**

All that parcel of land situated, lying and being in the first election district of Howard County, Maryland, said parcel being part of the land obtained by Howard County, Maryland from Dorsey Business Center Limited Partnership by deed dated February 20, 1990 and recorded among the land records of Howard County, Maryland in liber 2138 at folio 0436, said parcel being more particularly described as follows:

Beginning at an iron pipe found at the northern most right-of-way point of Deerpath Road, said point labeled number 1 with coordinate North 553,373.81, East 1,381,660.85, as shown on the plat entitled Right-of-Way Abandonment Dorsey Business Center, Section 1, to be recorded among the land records of Howard County, Maryland. Thence running with the Eastern edge of said right-of-way:

- 1) South 45 degrees 59 minutes 24 seconds East, 316.26 feet to a an iron pipe and cap found, thence along said right-of-way line;
- 2) 153.12 feet along the arc of a curve to the left having a radius of 730.09 feet and a chord bearing and distance of South 51 degrees 59 minutes 54 seconds East, 152.84 feet to an iron pipe and cap found, thence along said right-of-way line;
- 3) South 58 degrees 00 minute 24 seconds East, 83.96 feet to a point on the right-of-way line, thence leaving said right-of-way line for a new line of division;
- 4) South 31 degrees 59 minutes 36 seconds West, 60.00 feet to point on the western edge of said right-of-way, thence along said right-of-way line;

- 5) North 58 degrees 00 minute 24 seconds West, 83.96 feet to an iron pipe and cap found, thence along said right-of-way line;
- 6) 165.71 feet along the arc of a curve to the right having a radius of 790.09 feet and a chord bearing and distance of North 51 degrees 59 minutes 54 seconds West, 165.40 feet an iron pipe and cap found, thence along said right-of-way line;
- 7) North 45 degrees 59 minutes 24 seconds West, 73.74 feet to a point on the right-of-way line, thence along said right-of-way line;
- 8) North 32 degrees 05 minutes 37 seconds West, 249.83 feet to a point on the right-of-way line, thence along said right-of-way line returning to the point of beginning.

The area contained by the foregoing amounts to 0.60 acres (26,317 square feet) of land more or less.

Subject to any rights of way, easements or encumbrances of record or anywise appertaining thereto. This description is based on the plat entitled Right-of-Way Abandonment Plat Dorsey Business Center, Section 1, to be recorded among the land records of Howard County, Maryland.



Donald A. Mason

MD Professional Land Surveyor

MD Registration No. 21320

For Benchmark Engineering, Inc.

MD Registration No. 351



9-22-09

Date

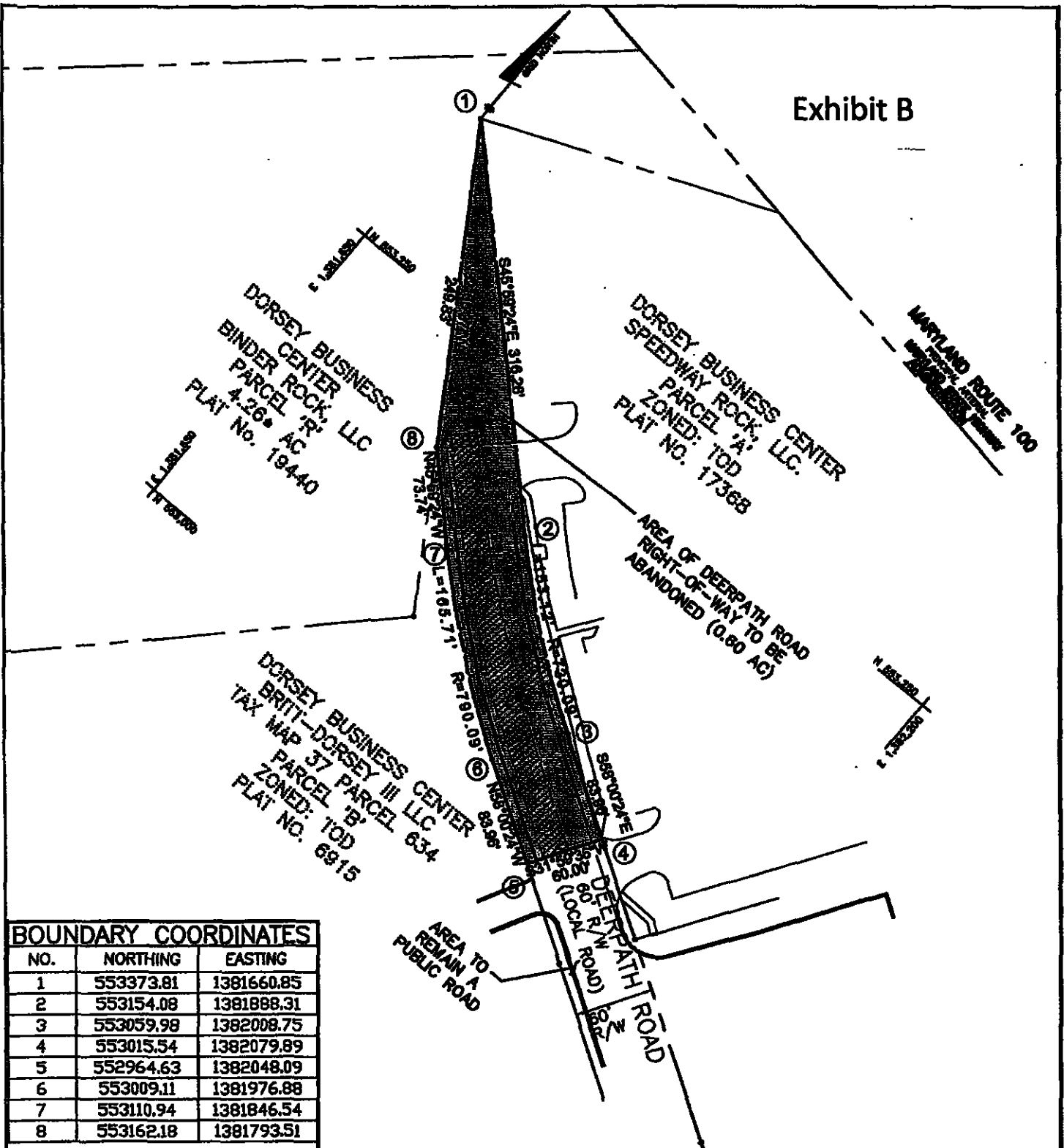
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8480 BALTIMORE NATIONAL PIKE \* SUITE 418 \* ELLICOTT CITY, MARYLAND 21043

410-465-6105 \* 410-465-6644 (FAX) \* [www.bei-civilengineering.com](http://www.bei-civilengineering.com)

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# Exhibit B



## LEGEND



AREA TO BE CONVEYED TO  
BINDER ROCK, LLC  
26,317 SQ FT ± OR 0.60AC±

## PLAN

SCALE: 1" = 100'

## BENCHMARK

ENGINEERING, INC.

9450 BALTIMORE NATIONAL PIKE & SUITE 416  
ELLSWORTH CITY, MARYLAND 21043  
PHONE: 410-483-6165 & FAX 410-483-6844  
EMAIL: BENCHMARK@BENCHMARK.COM

PROJECT: BINDER PROPERTY

TITLE: DEERPETH ROAD EXHIBIT

DATE: REV. SEPT 2009 PROJECT NO. 1959

DRAFT: WEO DESIGN: JC CHECK: JC

Amendment 1 to Council Resolution No. 89-2009

BY: Chairperson at the request  
of the County Executive

Legislative Day No. 16  
Date: December 7, 2009

Amendment No. 1

*(This amendment:*

- 1. Changes the length of the road to be closed;*
- 2. Provides that the petitioner shall submit a resubdivision plan to DPZ; and*
- 3. Substitutes a new exhibit in order to remove reference to a parcel that does not exist.)*

1 On page 1, in line 7, and on page 2, in line 11, in each instance, strike "1,130" and substitute  
2 "460".

3  
4 On page 2, in line 8, after "specifications" strike the period and substitute "; and"

5  
6 On page 2, after line 8, insert:

7 "WHEREAS, prior to the County Council's consideration of a resolution to surplus the road bed  
8 of the closed portion of Deerpath Road, the petitioner shall submit a resubdivision plan to the  
9 Department of Planning and Zoning to consolidate the closed portion of Deerpath Road with  
10 adjacent parcels.".

11  
12 On page 2, after line 17, insert:

13 "BE IT FURTHER RESOLVED, that, prior to the County Council's consideration of a  
14 resolution to surplus the road bed of the closed portion of Deerpath Road, the petitioner shall  
15 submit a resubdivision plan to the Department of Planning and Zoning to consolidate the closed  
16 portion of Deerpath Road with adjacent parcels.".

17  
18 Remove Exhibit B, as attached to the Resolution as prefiled, and substitute the amended Exhibit  
19 B as attached to this Amendment.

APPROVED December 7, 2009  
BY: \_\_\_\_\_  
STEPHEN M. GENDRE