

INTRODUCED _____
PUBLIC HEARING _____
COUNCIL ACTION _____
EXEC. ACTION _____
EFFECTIVE DATE _____

County Council of Howard County, Maryland

2009 Legislative Session

Legislative Day No. 4

Bill No. 19-2009

Introduced by: Courtney Watson
at the request of John Boyd

AN ACT to allow certain parcels that are subject to specified conservation easements to be removed from the Metropolitan District under specified circumstances, and generally relating to public utilities.

Introduced and read first time _____, 2009. Ordered posted and hearing scheduled.

By order _____
Stephen LeGendre, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2009.

By order _____
Stephen LeGendre, Administrator

This Bill was read the third time on _____, 2009 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this __ day of _____, 2009 at __ a.m./p.m.

By order _____
Stephen LeGendre, Administrator

Approved by the County Executive _____, 2009.

Ken Ulman, County Executive

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

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that
2 Subsection 1 “Criteria for Removal of Parcel(s)” and Subsection (5) “Administrative
3 Procedures Upon Enactment of Ordinance” of Section 18.125 “Removal of parcel(s) from
4 Metropolitan District” of Subtitle 1 “Public Utilities” of Title 18 “Public Works” of the
5 Howard County Code are amended to read as follows :

6
7 **Title 18. Public Works.**

8 **Subtitle 1. Public Utilities.**

9 **Sec. 18.125. Removal of parcel(s) from Metropolitan District.**

10 (1) Criteria for Removal of Parcel(s): Parcel(s) of land which meet all of the following
11 criteria may be removed from the metropolitan district:

12 (a) The parcel is contiguous to non-Metropolitan District property; and

13 (b) The parcel is contiguous to the perimeter of the Metropolitan District; and

14 (c) There is no water or sewer connection to the parcel, or allocation of water or
15 sewage treatment units; and

16 (d) (i) In accordance with subtitle 5, "Maryland Agricultural Land Preservation
17 Foundation" of title 2 of the Agricultural Article of the Annotated Code of Maryland or
18 subtitle 5, "Agricultural Land Preservation," of title 15 of the Howard County Code:

19 [[(i)]] 1. The parcel is all or part of an agricultural land preservation
20 district; and

21 [[(ii)]] 2. The owner has made written application to sell an agricultural
22 land preservation easement to the Maryland Agricultural Land Preservation
23 Foundation or to sell development rights to Howard County ; OR

24 (II) THE PARCEL IS SUBJECT TO A PERMANENT CONSERVATION, PRESERVATION, OR
25 SIMILAR EASEMENT THAT IS HELD BY A GOVERNMENTAL UNIT, THE MARYLAND
26 ENVIRONMENTAL TRUST, OR A LOCAL LAND TRUST THAT QUALIFIES UNDER § 170(H)(3) OF
27 THE INTERNAL REVENUE CODE.

1 (5) Administrative Procedures Upon Enactment of Ordinance: Whenever settlement has
2 occurred for the acquisition of an [[agricultural land preservation]] easement UNDER THIS
3 SECTION, for the acquisition of development rights or for the fee simple acquisition for
4 agricultural preservation:

5 (a) The owner shall notify the director of public works of the date that settlement
6 has occurred.

7 (b) The director of public works shall notify the county council and the office of
8 planning and zoning of the date that settlement has occurred.

9 (c) The director of public works shall notify the director of finance that the
10 parcel(s) have been removed from the Metropolitan District and are no longer subject to
11 provisions of Howard County law affecting the financing of improvements to the
12 Metropolitan District.

13 (d) The director of public works shall revise all required copies of the
14 Metropolitan District plat to reflect removal of the parcel(s) from the Metropolitan District.

15
16 ***Section 2. And Be It Further Enacted by the County Council of Howard County,***
17 ***Maryland, that this Act shall become effective 61 days after its enactment.***