

County Council Of Howard County, Maryland

2013 Legislative Session

Legislative Day No. 14

Resolution No. 169-2013

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

A RESOLUTION declaring that a total of approximately 1.59 acres of real property owned by Howard County and identified as Open Space Lot 399 is no longer needed for a public purpose; authorizing the County Executive to waive the advertising and bidding requirements of Section 4.201 of the Howard County Code in order to convey the property to Taylor Properties Community Association; and providing that the County Executive is not bound to convey the property if he finds that the land may have a further public use.

Introduced and read first time _____, 2013.

By order _____
Shelia M. Tolliver, Administrator

Read for a second time at a public hearing on _____, 2013.

By order _____
Shelia M. Tolliver, Administrator

This Resolution was read the third time and was Adopted____, Adopted with amendments____, Failed____, Withdrawn____, by the County Council
on _____, 2014.

Certified By _____
Shelia M. Tolliver, 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**, Howard County is the fee simple owner of certain real property known
2 Open Space Lot 399 containing approximately 1.59 acres of land, as shown in the attached
3 Exhibit A, acquired by Deed dated January 21, 2004 and recorded among the Land Records at
4 Liber 8657, Folio 268 (“County Property”) pursuant to the Subdivision and Land Development
5 Regulations for the subdivision entitled “Autumn View, Section 5, Phase 5 – Lots 380-396 and
6 Open Space Lot 399” (Plat No. 16535, F-03-208); and

7
8 **WHEREAS**, a driveway was constructed on the Open Space Lot 399 to serve residential
9 properties known as 4210, 4212, and 4214 College Avenue, as shown in the attached Exhibit B;
10 and

11
12 **WHEREAS**, Taylor Properties Community Association, the owner of the adjacent
13 property, open space lot 412, has requested that the County Property be disposed of in
14 accordance with Section 4.201 of the Howard County Code to Taylor Properties Community
15 Association; and

16
17 **WHEREAS**, the Department of Public Works has reviewed and approved the proposed
18 disposal of the County Property; and

19
20 **WHEREAS**, Section 4.201, “Disposition of Real Property”, of the Howard County Code
21 authorizes the County Council to declare that County Property is no longer needed for public
22 purposes and also authorizes the County Council to waive advertising and bidding requirements
23 for an individual conveyance of real property upon the request of the County Executive; and

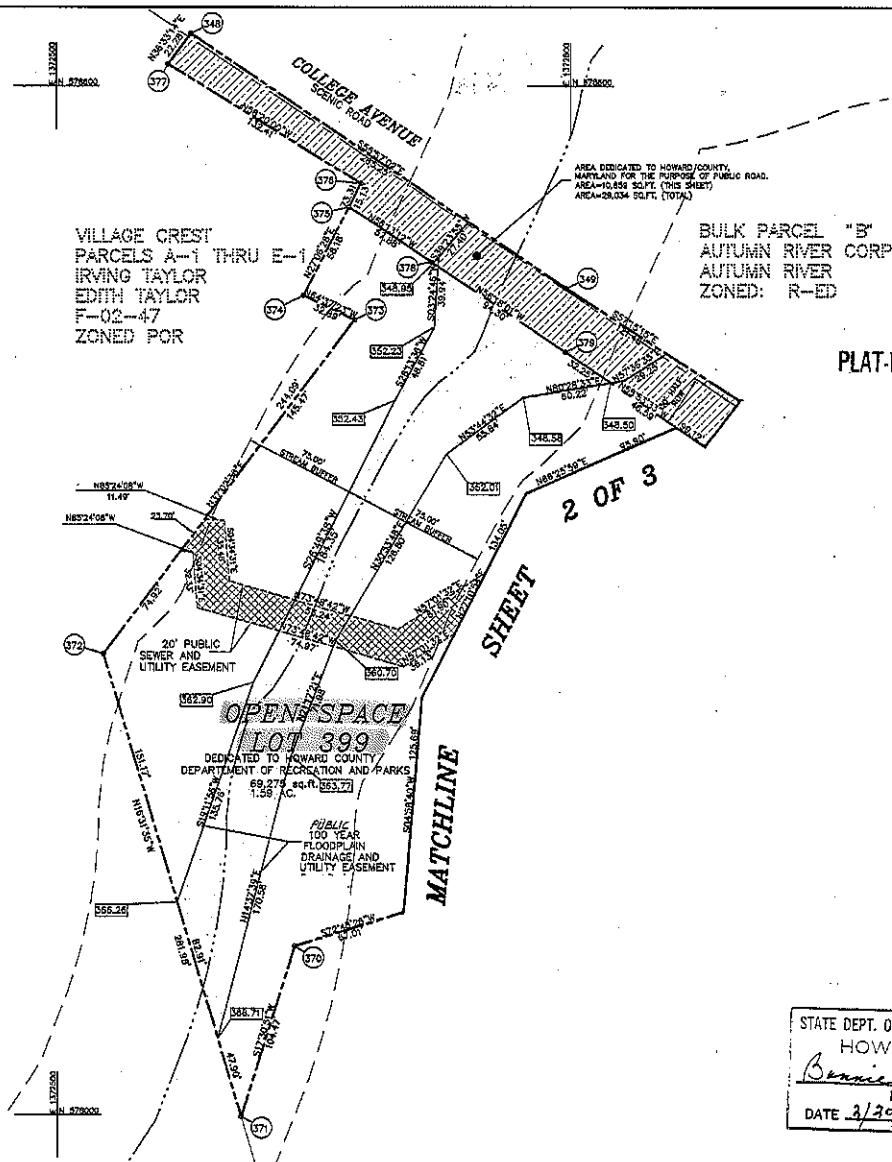
24
25 **WHEREAS**, the County Council has received a request from the County Executive to
26 waive the advertising and bidding requirements in this instance for the conveyance of the County
27 Property to Taylor Properties Community Association.

28
29 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
30 Maryland, this ____ day of _____, 2014, that a public purpose is served by

1 conveying the County Property comprising approximately 1.59 acres, as shown in the attached
2 Exhibit A, to Taylor Properties Community Association.

3
4 **AND BE IT FURTHER RESOLVED** that, having received a request from the County
5 Executive and having held a public hearing, the County Council declares that the best interest of
6 the County will be served by authorizing the County Executive to waive the usual advertising
7 and bidding requirements of Section 4.201 of the Howard County Code for the conveyance of
8 the County Property to Taylor Properties Community Association.

9
10 **AND BE IT FURTHER RESOLVED** that, if the County Executive finds that the land
11 may have a further public use and that the County Property should not be conveyed he is not
12 bound to convey the County Property in accordance with this Resolution.



PLAT-M.D.R. NO. **16535**

OWNER
AUTUMN VIEW BUSINESS TRUST
8050 MAIN STREET
ELLCOTT CITY, MD 21043

THE REQUIREMENTS OF 1-3-108, THE REAL PROPERTY ARTICLE, ANNOTATED CODE OF MARYLAND, 1988 REPLACEMENT VOLUME, ARE HEREBY COMPLIED WITH AS FAR AS THEY RELATE TO THE MAKING OF THIS PLAN AND THE SETTING OF MARKERS HAVE BEEN COMPLIED WITH.

[Signature] 1/19/04
JOHN W. MILDENBERG, SURVEYOR
RONALD L. SPANH, SOLE TRUSTEE
DATE 1-19-04

AREA TABULATION (THIS SHEET)	
NUMBER OF BUILDABLE LOTS	0
NUMBER OF BULK PARCELS	0
NUMBER OF OPEN SPACE LOTS	1
NUMBER OF LOTS OR PARCELS	1
AREA OF BUILDABLE LOTS	0 AC ±
AREA OF BULK PARCELS	0 AC ±
AREA OF OPEN SPACE LOTS	1.59 AC ±
AREA OF RECREATIONAL OPEN SPACE	0 AC ±
AREA OF 100 YEAR FLOODPLAIN	0.53 AC ±
AREA OF ROADWAY	0.24 AC ±
AREA	1.53 AC ±

APPROVED: FOR PUBLIC WATER AND PUBLIC SEWERAGE SYSTEMS
HOWARD COUNTY HEALTH DEPARTMENT

[Signature] 2-5-04
HOWARD COUNTY HEALTH OFFICER MR. DATE

APPROVED: HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

[Signature] 2/4/04
CHIEF, DEVELOPMENT ENGINEERING DIVISION MR. DATE

[Signature] 2/4/04
DIRECTOR DATE

OWNER'S STATEMENT

AUTUMN VIEW BUSINESS TRUST, OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND IN CONSIDERATION OF THE APPROVAL OF THIS FINAL PLAT BY THE DEPARTMENT OF PLANNING AND ZONING, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES AND GRANT UNTO HOWARD COUNTY, MARYLAND, ITS SUCCESSORS AND ASSIGNS, 1) THE RIGHT TO LAY, CONSTRUCT AND MAINTAIN SEWERS, DRAINS, WATER PIPES AND OTHER MUNICIPAL UTILITIES AND SERVICES IN AND UNDER ALL ROADS AND STREET RIGHT-OF-WAYS AND THE SPECIFIC EASEMENTS SHOWN HEREON, 2) THE RIGHT TO REQUIRE DEDICATION FOR PUBLIC USE, THE BEDS OF THE STREETS AND/OR ROADS AND FLOODPLAINS AND OPEN SPACE WHERE APPLICABLE, AND FOR GOOD AND OTHER VALUABLE CONSIDERATION, HEREBY GRANT THE RIGHT AND OPTION TO HOWARD COUNTY TO ACQUIRE THE FEE SIMPLE TITLE TO THE BEDS OF THE STREETS AND/OR ROADS AND FLOODPLAINS, STORM DRAINAGE FACILITIES AND OPEN SPACE WHERE APPLICABLE, 3) THE RIGHT TO REQUIRE DEDICATION OF WATERWAY AND DRAINAGE EASEMENTS FOR THE SPECIFIC PURPOSE OF THEIR CONSTRUCTION, REPAIR AND MAINTENANCE, AND 4) THAT NO BUILDING OR SIMILAR STRUCTURE OF ANY KIND SHALL BE ERECTED ON OR OVER THE SAID EASEMENT AND RIGHTS-OF-WAY.

WITNESS MY HAND THIS 19 DAY OF January 2004

[Signature]
RONALD L. SPANH, SOLE TRUSTEE

[Signature]
WITNESS

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE FINAL PLAT SHOWN HEREON IS CORRECT, AND IT IS A SUBDIVISION OF THE LAND CONVEYED BY BONNIE BRANCH CORPORATION TO AUTUMN VIEW BUSINESS TRUST BY DEED DATED FEBRUARY 28, 2003 AND RECORDED AMONG THE LAND RECORDS OF HOWARD COUNTY MARYLAND IN LIBER 6018 AT FOLIO 337, AND THAT ALL MONUMENTS ARE IN PLACE OR WILL BE IN PLACE PRIOR TO THE ACCEPTANCE OF THE STREETS IN THE SUBDIVISION BY HOWARD COUNTY AS SHOWN IN ACCORDANCE WITH THE ANNOTATED CODE OF MARYLAND AS AMENDED, AND THE BOUNDARY SURVEY IS IN ACCORDANCE WITH THE HOWARD COUNTY SUBDIVISION REGULATIONS.



[Signature] 1/19/04
DATE

RECORDED AS PLAT ON AMONG THE LAND RECORDS OF HOWARD COUNTY, MD.

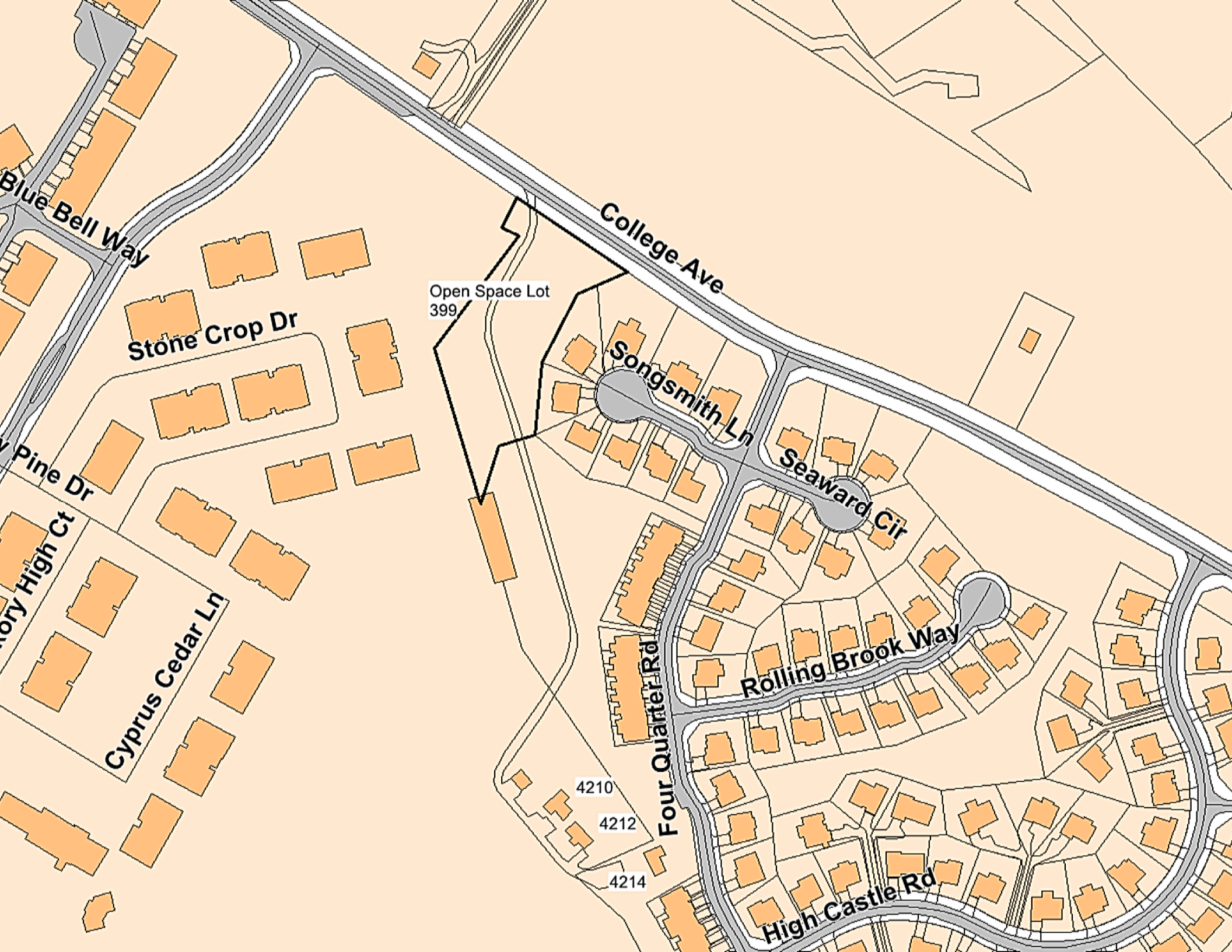
AUTUMN VIEW
SECTION 5, PHASE 5
LOTS 380-396 AND
OPEN SPACE LOT 399 SHEET 3 OF 3

TAX MAP 25 SECOND ELECTION DISTRICT SCALE: 1"=50'
PARCEL NO. 75 HOWARD COUNTY, MARYLAND DATE: JAN. 2004
ORD 21 EX. ZONING R-ED DPZ FILE NOS. P-03-011
DPZ FILE NOS. S-89-01, P-02-09
AMENDED S-08-01, P-01-05, S-08-01
PB-329, PB 334, P-03-011

MILDENBERG, BOENDER & ASSOC., INC.
Engineers Planners Surveyors

5072 Derry Hall Drive, Suite 202, Ellicott City, Maryland 21042
(410) 997-0286 Bldg. (301) 623-5522 Wash. (410) 997-0286 Fax.

PLAT FEE-A 2.50
PLAT RECORD 2.50
TOTAL 5.00
RECORDED 1/19/04
NEW 1/19/04
FEB 26 2004 16535



Open Space Lot
399

College Ave

Stone Crop Dr

Songsmith Ln

Seaward Cir

Rolling Brook Way

Four Quarter Rd

High Castle Rd

Cyprus Cedar Ln

Pine Dr

High Ct

Blue Bell Way

4210

4212

4214