

County Council Of Howard County, Maryland

2015 Legislative Session

Legislative Day No. 8

Resolution No. 119 -2015

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

A RESOLUTION pursuant to Section 4.201 of the Howard County Code, declaring that a certain property interest in a portion of a County right-of-way named Hale Haven Drive located in Ellicott City, Howard County, Maryland containing approximately 0.0538 acres is no longer needed by Howard County, Maryland for public purposes; authorizing the County Executive to grant a permanent access and utility easement to Verizon Wireless; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to grant the easement if he finds that the land may have a further public use.

Introduced and read first time _____, 2015.

By order _____
Jessica Feldmark, Administrator

Read for a second time at a public hearing on _____, 2015.

By order _____
Jessica Feldmark, Administrator

This Resolution was read the third time and was Adopted __, Adopted with amendments __, Failed __, Withdrawn __, by the County Council on _____, 2015.

Certified By _____
Jessica Feldmark, 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**, the County owns and maintains a public right-of-way (“County Property”)
2 named Hale Haven Drive located in Ellicott City, Howard County, Maryland and described in
3 the deeds dated (i) October 1, 1999 and recorded among the Land Records of Howard County,
4 Maryland at Liber 4920, folio 62, and (ii) June 20, 2000 and recorded among the Land Records
5 of Howard County, Maryland at Liber 5135, folio 333; and
6

7 **WHEREAS**, there is an roundabout along Hale Haven Drive, between the intersections
8 with Montgomery Road and Roundhill Road (the “Roundabout”); and
9

10 **WHEREAS**, Verizon Wireless has requested the County to convey an access easement
11 at the Roundabout containing a total of 0.0538 acres (“Easement”), and shown and described,
12 collectively, as “15’ wide access and utility easement area “A”” and “15’ wide access and utility
13 easement area “B”” in the attached Exhibit; and
14

15 **WHEREAS**, the Department of Public Works has reviewed and approved the proposed
16 Easement; and
17

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

23 **WHEREAS**, as a matter of course, even when the County retains fee ownership of the
24 property and continues its use of the property upon which an easement is granted, the County
25 Executive requests the County Council to approve the easement under Section 4.201; and
26

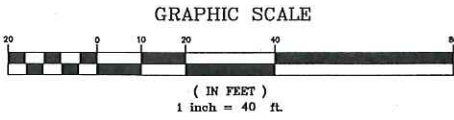
27 **WHEREAS**, the County Council has received a request from the County Executive to
28 waive the advertising and bidding requirements in this instance for the grant of the Easement to
29 Verizon Wireless.
30

1 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
2 Maryland, this ____ day of _____, 2015, that the easement interest to be
3 granted in a portion of the County Property comprising approximately 0.0538 acres, as shown in
4 the attached Exhibit, is no longer needed by the County for public purposes and that an Easement
5 may be granted to Verizon Wireless.

6
7 **AND BE IT FURTHER RESOLVED** that, having received a request from the County
8 Executive and having held a public hearing, the County Council declares that the best interest of
9 the County will be served by authorizing the County Executive to waive the usual advertising
10 and bidding requirements of Section 4.201 of the Howard County Code for the conveyance of
11 the Easement to Verizon Wireless.

12
13 **AND BE IT FURTHER RESOLVED** that, if the County Executive finds that the land
14 to be subject to the Easement may have a further public use which the Easement will deter and,
15 therefore, that the Easement should not be granted, he is not bound to grant the Easement in
16 accordance with this Resolution.

EXHIBIT



OWNER: BALTIMORE GAS & ELECTRIC CO.
P.O. BOX 1475
BALTIMORE, MD 21203
LIBER: 348, FOLIO: 105
AREA: 6.35 AC

OWNER: BALTIMORE GAS & ELECTRIC CO.
P.O. BOX 1475
BALTIMORE, MD 21203
LIBER: 11417, FOLIO: 236
AREA: 1.862 AC

MOORE LARRY FRANKLIN
ZONING: R20
ACCOUNT 02-277921
LIBER: 03897, FOLIO: 00517

HOWARD COUNTY MARYLAND
12,271 SF ±
LIBER: 5135, FOLIO: 333

N 573600.4640
E 1370130.2590
FOUND PROPERTY CORNER

COARD HERBERT C
ZONING: R20
ACCOUNT 02-277948
LIBER: 14764, FOLIO: 00441

HOWARD COUNTY MARYLAND
19,735 S.F. ±
LIBER: 4920, FOLIO: 0062

GRANTEE'S 15' WIDE ACCESS AND UTILITY EASEMENT AREA "B"

EXISTING GATE

EXISTING ± 10' WIDE GRAVEL ROAD

GRANTEE'S 15' WIDE ACCESS AND UTILITY EASEMENT AREA "A"

EXISTING CONCRETE APRON

HALE HAVEN DR

PARTIAL SITE PLAN
SCALE: 1" = 40'



TELECENT ENGINEERING INC.
2216 Commerce Road, Suite 1
Forest Hill, MD 21050
410-692-5816
www.tel-eng.com



6600 Rockledge Drive, Suite 550
Bethesda, MD 20817
Phone: 202-408-0960
Fax: 202-408-0961

SUBMITTALS		
DATE	DESCRIPTION	REV.
05-16-15	EASEMENT	
06-16-15	VZW COMMENTS	

ACCESS AND UTILITY EASEMENT AREA EXHIBIT	
NEW CUT BGE TOWER 281A DONCASTER DRIVE ELLCOTT CITY, MD 21043	
TITLE: PARTIAL SITE PLAN	
PROJECT NO.	1102.211

EXHIBIT

LEGAL DESCRIPTION FOR A 15' WIDE ACCESS AND UTILITY EASEMENT AREA "A"

BEING A PORTION OF A PARCEL OF LAND IN HOWARD COUNTY IN THE STATE OF MARYLAND ACQUIRED BY HOWARD COUNTY AS RECORDED IN DEED BOOK 4920, PAGE 0062 OF THE LAND RECORDS OF CLERK OF THE CIRCUIT COURT OF HOWARD COUNTY, MARYLAND, SUCH PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT A POINT, SAID POINT BEING A FOUND PROPERTY CORNER ON THE MOST NORTH EASTERLY PROPERTY LINE OF A PARCEL WITH TAX MAP NUMBER 0031, GRID 0008, PARCEL NUMBER 0764 AND LOT NUMBER 14, AND ACQUIRED BY HERBERT C COARD AS RECORDED IN DEED BOOK 14764, PAGE 00441 OF THE LAND RECORDS OF CLERK OF THE CIRCUIT COURT OF HOWARD COUNTY, MARYLAND AND THE COMMON MOST SOUTH EASTERLY PROPERTY CORNER OF A PARCEL WITH MAP NUMBER 0031, GRID NUMBER 0008, PARCEL 0746, LOT 13 AND ACQUIRED BY LARRY F MOORE AS RECORDED IN DEED BOOK 03897, PAGE 00517 OF THE LAND RECORDS OF CLERK OF THE CIRCUIT COURT OF HOWARD COUNTY, MARYLAND, SAID PROPERTY CORNER BEING A FOUND REBAR IN CONCRETE WITH MD STATE PLANE COORDINATES OF NORTH 573600.4640 AND EAST 1370130.2590; THENCE DEPARTING SAID POINT SOUTH 59° 16' 42" EAST A DISTANCE OF 226.28' TO THE CENTER LINE AND THE TRUE POINT OF BEGINNING OF A 15' WIDE ACCESS EASEMENT AREA "A", 7.5' ON EACH SIDE;

THENCE NORTH 53° 59' 16" WEST A DISTANCE OF 52.50' THE TERMINUS OF THE 15' WIDE ACCESS EASEMENT AREA "A", 7.5' ON EACH SIDE;

THE ABOVE DESCRIBED ACCESS AND UTILITY EASEMENT AREA CONTAINING 788 SQUARE FEET OR 0.018 ACRES MORE OR LESS AND IS SUBJECT TO ALL MATTERS OF PUBLIC RECORD AS STILL MAY BE IN FORCE AND APPLICABLE. ALL OF THE ABOVE BEARINGS ARE NAD83 MARYLAND STATE PLANE COORDINATES AND THE DISTANCES ARE GROUND.

LEGAL DESCRIPTION FOR A 15' WIDE ACCESS AND UTILITY EASEMENT AREA "B"

BEING A PORTION OF A PARCEL OF LAND IN HOWARD COUNTY IN THE STATE OF MARYLAND ACQUIRED BY HOWARD COUNTY AS RECORDED IN DEED BOOK 5135, PAGE 333 OF THE LAND RECORDS OF CLERK OF THE CIRCUIT COURT OF HOWARD COUNTY, MARYLAND, SUCH PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT A POINT, SAID POINT BEING A FOUND PROPERTY CORNER ON THE MOST NORTH EASTERLY PROPERTY LINE OF A PARCEL WITH TAX MAP NUMBER 0031, GRID 0008, PARCEL NUMBER 0764 AND LOT NUMBER 14, AND ACQUIRED BY HERBERT C COARD AS RECORDED IN DEED BOOK 14764, PAGE 00441 OF THE LAND RECORDS OF CLERK OF THE CIRCUIT COURT OF HOWARD COUNTY, MARYLAND AND THE COMMON MOST SOUTH EASTERLY PROPERTY CORNER OF A PARCEL WITH MAP NUMBER 0031, GRID NUMBER 0008, PARCEL 0746, LOT 13 AND ACQUIRED BY LARRY F MOORE AS RECORDED IN DEED BOOK 03897, PAGE 00517 OF THE LAND RECORDS OF CLERK OF THE CIRCUIT COURT OF HOWARD COUNTY, MARYLAND, SAID PROPERTY CORNER BEING A FOUND REBAR IN CONCRETE WITH MD STATE PLANE COORDINATES OF NORTH 573600.4640 AND EAST 1370130.2590; THENCE DEPARTING SAID POINT SOUTH 60° 52' 19" EAST A DISTANCE OF 174.06' TO THE CENTER LINE AND THE TRUE POINT OF BEGINNING OF A 15' WIDE ACCESS EASEMENT AREA "B", 7.5' ON EACH SIDE;

THENCE NORTH 48° 54' 39" WEST A DISTANCE OF 103.99' THE TERMINUS OF THE 15' WIDE ACCESS EASEMENT AREA "B", 7.5' ON EACH SIDE;

THE ABOVE DESCRIBED ACCESS AND UTILITY EASEMENT AREA CONTAINING 1,560 SQUARE FEET OR 0.0358 ACRES MORE OR LESS AND IS SUBJECT TO ALL MATTERS OF PUBLIC RECORD AS STILL MAY BE IN FORCE AND APPLICABLE. ALL OF THE ABOVE BEARINGS ARE NAD83 MARYLAND STATE PLANE COORDINATES AND THE DISTANCES ARE GROUND.



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DONCASTER DRIVE
ELLICOTT CITY, MD 21043

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LEGAL DESCRIPTION

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