

County Council Of Howard County, Maryland

2015 Legislative Session

Legislative Day No. 8

Resolution No. 122-2015

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 portion of County Open Space known as part of Parcel 130, Lot 1 on Tax Map 17 located on N. Pine Orchard Lane containing approximately 0.1098 acres is no longer needed by Howard County, Maryland for public purposes; authorizing the County Executive to convey a fee simple interest to the adjacent property owners; 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 convey the property if he finds that it 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 acquired an Open Space Lot containing approximately 4.229
2 acres known as Parcel 130, Lot 1 on Tax Map 17 by Deed dated January 23, 1989 recorded
3 among the Land Records of Howard County, Maryland (the “Land Records”) in Liber 1977,
4 folio 350; and

5
6 **WHEREAS**, the adjacent property owners, Security Development Corporation (the
7 “Adjacent Property Owners”) are constructing certain recreational improvements on the adjacent
8 property and have requested permission to extend those improvements onto a portion of the
9 County’s Open Space lot; and

10
11 **WHEREAS**, the recreation improvements being constructed on the adjacent property
12 include a fenced dog park separated by retaining walls, a tot lot, benches, outdoor grills, a gazebo
13 and picnic tables; and

14
15 **WHEREAS**, the Adjacent Property Owners will encroach upon approximately 0.1098
16 acres (the “County Property”) of the County’s Open Space lot, as shown in the attached Exhibit
17 A; and

18
19 **WHEREAS**, the Adjacent Property Owners will record a revised plat that merges the
20 County Property with their privately-owned adjacent open space, as shown in the attached
21 Exhibit B; and

22
23 **WHEREAS**, the effect of the revised plat is that the County Property will remain non-
24 buildable open space that will ultimately be conveyed to a private Community Association; and

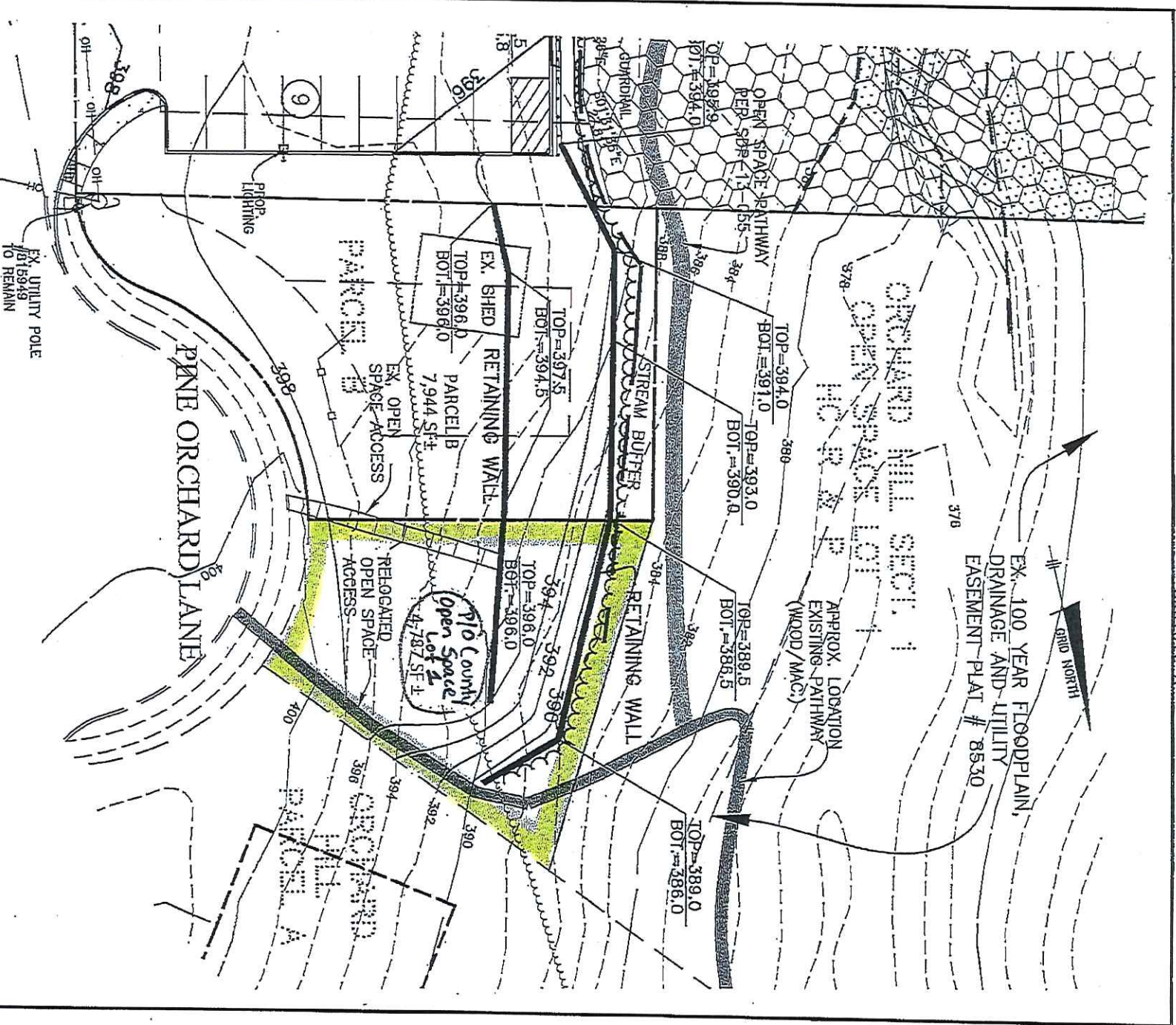
25
26 **WHEREAS**, Section 4.201 “Disposition of real property” of the Howard County Code
27 authorizes the County Council to declare that property is no longer needed for public purposes
28 and authorizes the County Council to waive advertising and bidding requirements for an
29 individual conveyance of the property upon the request of the County Executive and after a
30 public hearing that has been duly advertised; and

1 **WHEREAS**, the County Council has received a request from the County Executive to
2 waive the advertising and bidding requirements in this instance for the fee simple conveyance of
3 the County Property to the Adjacent Property Owners.

4
5 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
6 Maryland, this ____ day of _____, 2015, that the County Property comprising
7 approximately 0.1098 acres, shown on the attached Exhibit A, is no longer needed by the County
8 for public purposes and that a fee simple interest may be conveyed to the Adjacent Property
9 Owners.

10
11 **AND BE IT FURTHER RESOLVED** that, having received a request from the County
12 Executive and having held a public hearing that was duly advertised, the County Council
13 declares that the best interest of the County will be served by authorizing the County Executive
14 to waive the usual advertising and bidding requirements of Section 4.201 of the Howard County
15 Code for the fee simple conveyance of the property to the Adjacent Property Owners.

16
17 **AND BE IT FURTHER RESOLVED** that, if the County Executive finds that any or all
18 of the County Property may have a further public use, he is not bound to convey the property in
19 accordance with this Resolution.

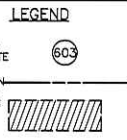


BENCHMARK ENGINEERING, INC.
 1100 WEST 10TH AVENUE, SUITE 100
 DENVER, COLORADO 80202
 TEL: 303-733-1100 FAX: 303-733-1101
 WWW.BENCHMARKENGINEERING.COM
 ALSO PROVIDER OF THE 100 YEAR FLOODPLAIN, DRAINAGE AND UTILITY EASEMENT PLAT # 8530

PLAN
 SCALE: 1" = 30'

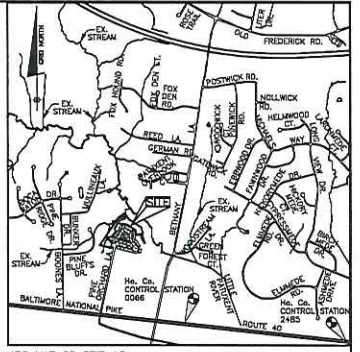
PROJECT: ORCHARD PARK SECTION 3
TITLE: OPEN SPACE EXHIBIT
DATE: APR. 2015 **PROJECT NO.** 1796

- NOTES:**
- 1.) Δ DENOTES IRON PIPE (IPP) OR REBAR & CAP (RCF) FOUND
 - 2.) COORDINATES BASED ON NAD'83, MARYLAND COORDINATE SYSTEM AS PROJECTED BY HOWARD COUNTY GEODETIC CONTROL STATIONS NO. 0066 AND NO. 2585.
 - 3.) SUBJECT PROPERTY ZONED R-A-15, PER THE COMPREHENSIVE ZONING PLAN, MAPS AND AMENDED REGULATIONS, EFFECTIVE OCTOBER 6, 2013.
 - 4.) THERE ARE NO HISTORIC FEATURES OR CEMETERIES ON THIS SITE.
 - 5.) ALL AREAS ON THIS PLAN ARE "MORE OR LESS".
 - 6.) THIS PLAN IS BASED ON A REVISION TO PREVIOUSLY RECORDED PLAT NO. 8530 & 23151 AND FIELD RUN SURVEY WORK PERFORMED BY BENCHMARK ENGINEERING, INC., ON ABOUT NOVEMBER, 2012.
 - 7.) THIS PLAN IS SUBJECT TO THE FOLLOWING DEPARTMENT OF PLANNING AND ZONING FILE NUMBERS F-88-291, F-15-050, 89-88-71, S0P-89-07, S0P-90-135.
 - 8.) THIS PROPERTY IS WITHIN THE METROPOLITAN DISTRICT WATER AND SEWER SHALL BE PUBLIC. DRAINAGE AREA IS WITHIN THE MIDDLE PATUXENT WATERSHED. WATER AND SEWER SERVICE TO THESE LOTS WILL BE GRANTED UNDER THE PROVISIONS OF SECTION 18.122.B OF THE HOWARD COUNTY CODE. PUBLIC WATER AND SEWAGE ALLOCATION WILL BE GRANTED UNDER THE PROVISIONS OF ISSUANCE OF THE BUILDING PERMIT IF CAPACITY IS AVAILABLE AT THAT TIME. PUBLIC WATER AND SEWER CONTRACT NOS. ARE C-309-S AND 20-W&S.
 - 9.) UNLESS NOTED AS "PRIVATE", ALL EASEMENTS ARE PUBLIC.
 - 10.) THIS PLAN IS SUBJECT TO THE AMENDED FIFTH EDITION OF THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS PER COUNCIL BILL 45-2003 AND THE ZONING REGULATIONS PER COUNCIL BILL 32-2013. DEVELOPMENT OR CONSTRUCTION ON THESE LOTS MUST COMPLY WITH SETBACKS AND BUFFER REGULATIONS IN EFFECT AT THE TIME OF SUBMISSION OF THE SITE DEVELOPMENT PLAN, WAIVER PETITION APPLICATION, OR BUILDING/GRADING PERMIT.
 - 11.) THIS PLAN IS EXEMPT FROM THE REQUIREMENTS FOR FOREST CONSERVATION PER SECTION 18.1222(b)(1)(iv) OF THE HOWARD COUNTY CODE BECAUSE THIS PLAN CREATES NO ADDITIONAL BUILDABLE LOTS.
 - 12.) STORMWATER MANAGEMENT WAS PREVIOUSLY ADDRESSED UNDER GP-88-71 AND S0P-89-71.
 - 13.) LANDSCAPING PREVIOUSLY ADDRESSED UNDER S0P-90-135.
 - 14.) NO TRAFFIC STUDY IS REQUIRED FOR THIS PROJECT.
 - 15.) NO NOISE STUDY IS REQUIRED FOR THIS PROJECT.
 - 16.) NO CLEARING, EXCAVATING, FILLING, ALTERING DRAINAGE OR IMPERVIOUS PAVING MAY OCCUR WITHIN THE FLOODPLAIN AREA.
 - 17.) OPEN SPACE LOT 3 IS TO BE PRIVATELY OWNED AND MAINTAINED.
 - 18.) NO GRACING, REMOVAL OF VEGETATIVE COVER, TREES, PAVING OR NEW STRUCTURES SHALL BE PERMITTED WITHIN THE REQUIRED WETLANDS, STREAMS, THEIR BUFFERS, FOREST CONSERVATION ESSENTIAL AREAS AND 100 YEAR FLOODPLAIN.



BENCH MARKS

HO. CO. #0066 (NAD '83)	ELEV. 386.52
STANDARD DISC ON CONCRETE MONUMENT	
RT. 40 BY ENCHANTED FOREST SHOPPING CENTER	
N 587380.50	E 1,352603.44
HO. CO. #2485 (NAD '83)	ELEV. 390.17
STANDARD DISC ON CONCRETE MONUMENT	
ISLAND AT CORNER OF RT. 40 AND DODGWOOD DR.	
N 589595.27'	E 1356570.78'



COORDINATE CHART (NAD '83)

No.	NORTH	EAST
100	589875.18	1350868.54
101	589974.28	1350779.30
102	589118.39	1350808.68
103	589131.51	1350875.10
104	589248.51	1350953.04
105	589321.86	1350932.22
106	589446.70	1351015.38
107	589411.66	1351215.41
108	589284.77	1351415.09
109	589161.63	1351439.61
110	589210.24	1351592.75
111	589355.12	1351545.76
112	589378.00	1351288.43
113	589679.31	1351161.14
114	589594.94	1351039.28
115	589516.88	1350975.62
116	589927.73	1350583.14
117	588855.66	1350888.73
118	588881.85	1350875.89

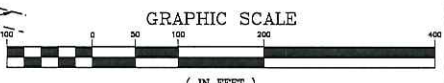
THE REQUIREMENTS §§ 3-108, THE REAL PROPERTY ARTICLE, ANNOTATED CODE OF MARYLAND, 1986 REPLACEMENT VOLUME (AS SUPPLEMENTED) AS FAR AS THEY RELATE TO THE MAKING OF THIS PLAN AND THE SETTING OF MARKERS HAVE BEEN COMPLIED WITH.

DONALD A. MASON
REGISTERED PROFESSIONAL LAND SURVEYOR MD REG NO. 21320
FOR BENCHMARK ENGINEERING, INC. MD REG NO. 351

STEVEN K. BREEDEN
DATE

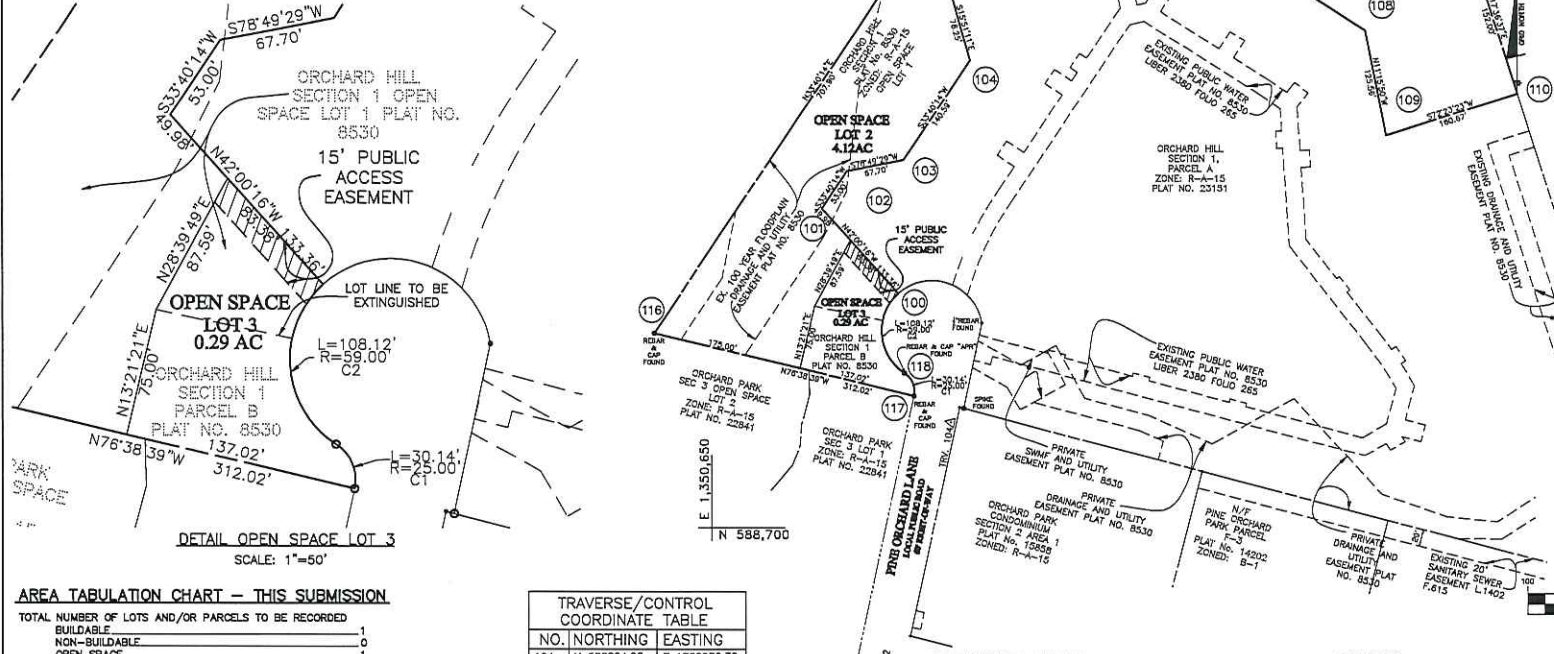
JAMES R. WOXLEY III
DATE

JAMES IRVIN
DATE



THE PURPOSE OF THIS REVISION PLAT IS TO REVISE THE COMMON LOT LINE BETWEEN PARCEL 'B' AND OPEN SPACE LOT 1 CREATE NEW OPEN SPACE LOT 2 AND OPEN SPACE LOT 3

RECORDED AS PLAT NO. _____ ON _____
AMONG THE LAND RECORDS OF HOWARD COUNTY, MARYLAND.



AREA TABULATION CHART - THIS SUBMISSION

TOTAL NUMBER OF LOTS AND/OR PARCELS TO BE RECORDED	1
BUILDABLE	0
NON-BUILDABLE	0
OPEN SPACE	1
PRESERVATION PARCELS	0
TOTAL AREA OF LOTS AND/OR PARCELS TO BE RECORDED	0.29± AC.
BUILDABLE	0.29± AC.
NON-BUILDABLE	0
OPEN SPACE	0.29± AC.
PRESERVATION PARCELS	0
TOTAL AREA OF ROADWAY TO BE RECORDED (INCLUDING WIDENING STRIPS)	0
TOTAL AREA OF SUBDIVISION TO BE RECORDED	4.41± AC.

APPROVED: FOR PUBLIC WATER AND PUBLIC SEWER SYSTEMS. HOWARD COUNTY HEALTH DEPARTMENT

HOWARD COUNTY HEALTH OFFICER _____ DATE _____

APPROVED: HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING.

CHIEF, DEVELOPMENT ENGINEERING DIVISION _____ DATE _____

DIRECTOR _____ DATE _____

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE, AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 21320, EXPIRATION 1-7-2017 AND THAT IT IS PART OF THE LAND CONVEYED BY SECURITY DEVELOPMENT CORPORATION TO SECURITY DEVELOPMENT CORPORATION BY DEED DATED AUGUST 18, 1988 AND RECORDED IN LIBER 1869 AT FOLIO 378, PART OF THE LAND CONVEYED BY THOMAS W. KASHLAR TO SECURITY DEVELOPMENT CORPORATION BY DEED DATED NOVEMBER 30, 1987 AND RECORDED IN LIBER 1788 AT FOLIO 187 AND ALL OF THE LAND CONVEYED BY SECURITY DEVELOPMENT CORPORATION TO HOWARD COUNTY, MARYLAND BY DEED DATED JANUARY 23, 1989 AND RECORDED IN LIBER 1977 AT FOLIO 350 AND THAT ALL MONUMENTS ARE IN PLACE OR WILL BE IN PLACE PRIOR TO ACCEPTANCE OF THIS PLAN BY HOWARD COUNTY, IN ACCORDANCE WITH THE ANNOTATED CODE OF MARYLAND, AS AMENDED.

DONALD A. MASON _____ DATE _____
REGISTERED PROFESSIONAL LAND SURVEYOR MD REG NO. 21320
FOR BENCHMARK ENGINEERING, INC. MD REG NO. 351

BENCHMARK ENGINEERING, INC.
8402 BALTIMORE NATIONAL PIKE, SUITE 315 • ELLICOTT CITY, MARYLAND 21043
(7) 410-485-6168 (F) 301-710-0866
(F) 410-485-8844
WWW.BE-CVLENDENGINEERING.COM

OWNERS

OPEN SPACE LOT 1 PARCEL B HOWARD COUNTY DEPARTMENT OF SECURITY DEVELOPMENT PARKS AND RECREATIONS 3300 N RIDGE ROAD, SUITE 170 ELLICOTT CITY, MARYLAND 21043

PARCEL B HOWARD COUNTY MARYLAND OWNER OF OPEN SPACE LOT 1 SHOWN HEREON, HEREBY ADOPTS THIS PLAN OF SUBDIVISION, AND IN CONSIDERATION OF APPROVAL OF THIS FINAL PLAN BY THE DEPARTMENT OF PLANNING AND ZONING, ESTABLISHES THE MINIMUM BUILDING RESTRICTION LINES AND GRANTS 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 RIGHTS-OF-WAY, AND THE SPECIFIC EASEMENT AREAS SHOWN HEREON, (2) THE RIGHT TO REQUIRE DEDICATION FOR PUBLIC USE OF THE STREETS AND/OR ROADS, FLOODPLAINS AND OPEN SPACE WHERE APPLICABLE, AND FOR FOOD AND OTHER VALUABLE CONSIDERATION, HEREBY GRANTS 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 WATERWAYS 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 ERRECTED ON OR OVER THE SAID EASEMENTS AND RIGHTS-OF-WAY, WITNESS MY HAND THIS _____ DAY OF _____, 2015.

BY: STEVEN K. BREEDEN _____ DATE _____ WITNESS _____ DATE _____
BY: JAMES R. WOXLEY III _____ DATE _____ WITNESS _____ DATE _____
BY: JAMES IRVIN _____ DATE _____ WITNESS _____ DATE _____

OWNER'S CERTIFICATE

SECURITY DEVELOPMENT CORPORATION, OWNER OF THE PARCEL B AND HOWARD COUNTY MARYLAND OWNER OF OPEN SPACE LOT 1 SHOWN HEREON, HEREBY ADOPTS THIS PLAN OF SUBDIVISION, AND IN CONSIDERATION OF APPROVAL OF THIS FINAL PLAN BY THE DEPARTMENT OF PLANNING AND ZONING, ESTABLISHES THE MINIMUM BUILDING RESTRICTION LINES AND GRANTS 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 RIGHTS-OF-WAY, AND THE SPECIFIC EASEMENT AREAS SHOWN HEREON, (2) THE RIGHT TO REQUIRE DEDICATION FOR PUBLIC USE OF THE STREETS AND/OR ROADS, FLOODPLAINS AND OPEN SPACE WHERE APPLICABLE, AND FOR FOOD AND OTHER VALUABLE CONSIDERATION, HEREBY GRANTS 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 WATERWAYS 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 ERRECTED ON OR OVER THE SAID EASEMENTS AND RIGHTS-OF-WAY, WITNESS MY HAND THIS _____ DAY OF _____, 2015.

BY: STEVEN K. BREEDEN _____ DATE _____ WITNESS _____ DATE _____
BY: JAMES R. WOXLEY III _____ DATE _____ WITNESS _____ DATE _____
BY: JAMES IRVIN _____ DATE _____ WITNESS _____ DATE _____

REVISION PLAT

ORCHARD HILL
OPEN SPACE LOTS 2 AND 3

RESUBDIVISION OF ORCHARD HILL, SECTION 1 PARCEL 'B' AND OPEN SPACE LOT 1 PREVIOUSLY RECORDED AS PLAT NO. 8530

2ND ELECTION DISTRICT OF HOWARD COUNTY, MARYLAND
TAX MAP: 17 GRID: 19 PARCEL: 130 ZONED: R-A-15

SCALE: AS SHOWN
DATE: APRIL, 2015

SHEET: 1 OF 1