

County Council Of Howard County, Maryland

2014 Legislative Session

Legislative Day No. 13

Resolution No. 125-2014

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

A RESOLUTION pursuant to Section 4.201 of the Howard County Code, authorizing the County Executive to convey certain real property owned by the County containing approximately 2.142 acres to Rock Realty, Inc.; 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 land if he finds that the land may have a further public use.

Introduced and read first time December 1, 2014.

By order

Jessica Feldmark
Jessica Feldmark, Administrator

Read for a second time at a public hearing on December 15, 2014.

By order

Jessica Feldmark
Jessica Feldmark, Administrator

Tabled January 5, 2015
This Resolution was read the third time and was Adopted __, Adopted with amendments , Failed __, Withdrawn __, by the County Council
on July 6, 2015.

Certified By

Jessica Feldmark
Jessica Feldmark, Administrator

NOTE: [[Text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Text with strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment

1 **WHEREAS**, Howard County, Maryland (the “County” or “Howard County”) is the
2 current owner of approximately 2.142 acres commonly known as 7101 Dorsey Run Road, Jessup
3 Maryland shown as Parcel 690, P/O Part “B” (formerly referenced as Lot 6) on Tax Map 43 (the
4 “Property”), as shown in the attached Exhibit A, acquired by deed dated September 25, 2012
5 (“2012 Transfer”) from the Maryland Environmental Service (“MES”) and recorded in the Land
6 Records for Howard County in Liber 14328, Folio 477-483; and

7
8 **WHEREAS**, previous to the County acquiring ownership from MES, MES and Rock
9 Realty, Inc. had entered into a Right of First Refusal Agreement dated October 8, 1999 (the
10 “1999 Agreement”), whereby the parties to the Agreement agreed that before MES would make
11 or accept an offer to sell the Property, Rock Realty, Inc. would have a right of first refusal to
12 purchase the Property; and

13
14 **WHEREAS**, pursuant to the Yard Debris Composting Intergovernmental Agreements
15 dated June 16, 1995, as amended, between MES and the Counties (“IGA”), MES constructed and
16 operated a yard waste compost site called the Dorsey Run Road Composting Facility (the
17 “Facility”) on the Property which was used by Anne Arundel, Baltimore and Howard Counties
18 (the “Counties”); and

19
20 **WHEREAS**, the IGA provided that if the Counties no longer had a use for the Facility,
21 the Facility would be closed and the Property would be conveyed to the Counties; and

22
23 **WHEREAS**, because the Property is located in Howard County, the Counties agreed that
24 the Property should be conveyed to Howard County; and

25
26 **WHEREAS**, in order to be cooperative and facilitate the 2012 Transfer of the Property to
27 the County, Rock Realty, Inc. entered into a Waiver and Release of Right of First Refusal dated
28 August 13, 2012 by virtue of which Rock Realty, Inc. waived its right of first refusal to purchase
29 the Property, and released all its rights, interests and claims under the 1999 Agreement; and

1 **WHEREAS**, Rock Realty, Inc. has indicated that it wants to purchase the Property; and

2
3 **WHEREAS**, in light of Rock Realty, Inc.’s prior cooperation with the County and in
4 order to honor the spirit of the 1999 Agreement, the County is agreeable to selling the Property
5 to Rock Realty, Inc.; and

6
7 **WHEREAS**, the County has licensed the use of the Property to a contractor who is
8 constructing the Dorsey Run Road improvement project for a term of 18 months pursuant to a
9 License Agreement dated September 22, 2014; and

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11 **WHEREAS**, the County has no use for the Property beyond the 18 month construction
12 period relative to the Dorsey Run Road improvements; and

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14 **WHEREAS**, Rock Realty, Inc. does not oppose the presence of the County’s contractor
15 on the Property and the conveyance to Rock Realty, Inc. shall be subject to the License
16 Agreement; and

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18 **WHEREAS**, the Department of Public Works has reviewed and approved the proposed
19 conveyance of the Property; and

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21 **WHEREAS**, Rock Realty, Inc. will acquire the Property for fair market value; and

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

27
28 **WHEREAS**, the County Council has received a request from the County Executive to
29 waive the advertising and bidding requirements in this instance for the conveyance of the real
30 property known as Parcel 690, Lot 6 on Tax Map 43 and containing approximately 2.142 acres to
31 Rock Realty, Inc.

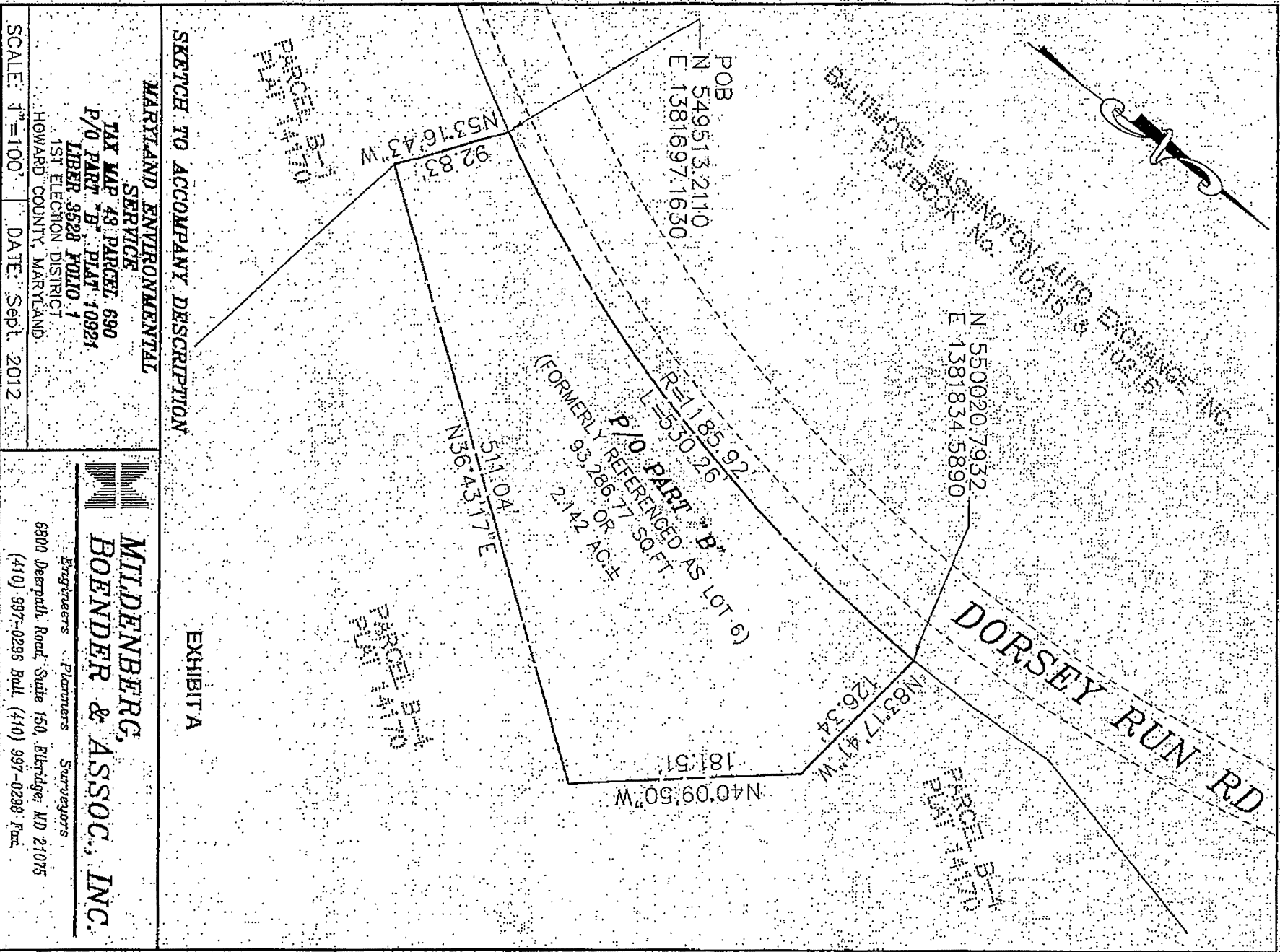
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NOW, THEREFORE, BE IT RESOLVED by the County Council of Howard County, Maryland, this 6th day of July, ²⁰¹⁵2014, that a public purpose is served by conveying the real property shown as Parcel 690, P/O Part "B" (formerly referenced as Lot 6) on Tax Map 43 containing approximately 2.142 acres, as shown in the attached Exhibit A, to Rock Realty, Inc., subject to the License Agreement dated September 22, 2014.

AND BE IT FURTHER RESOLVED that, the Property shall be conveyed for a price that shall exceed the sum of the actual costs incurred by the County plus the value of the share of the Property used by Howard County when the Property was used as a yard waste compost site and shall not be less than \$841,000.

AND BE IT FURTHER RESOLVED that, having received a request from the County Executive and having held a public hearing, the County Council declares that the best interest of the County will be served by authorizing the County Executive to waive the usual advertising and bidding requirements of Section 4.201 of the Howard County Code for the conveyance of the Property to Rock Realty, Inc.

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



Amendment 1 to Council Resolution No. 125-2014

BY: The Chairperson at the
request of the County Executive

Legislative Day No. 8
Date: July 6, 2015

Amendment No. 1

(This amendment establishes a minimum sale price.)

1 On page 2, in line 21, strike “fair market value” and substitute On page 3, at line 7,
2 insert:
3 “**AND BE IT FURTHER RESOLVED** that, the Property shall be conveyed for a price that shall
4 exceed the sum of the actual costs incurred by the County plus the value of the share of the
5 ~~property~~ Property used by Howard County when the ~~property~~ Property was used as a yard waste
6 compost site and shall not be less than \$841,000”.
7

7/6/15
RECEIVED _____
FILED _____
SIGNATURE Jessica Aldrich

Amendment 2 to Amendment 1 to Council Resolution No. 125-2014

BY: Mary Kay Sigaty

Legislative Day No. 8

Date: July 6, 2015

Amendment No. 2

(This amendment sets a specific minimum sale price and makes technical corrections.)

1 In line 1 strike “On page 2, in line 21, strike “fair market value” and substitute “” and
2 substitute:

3 “On page 3, at line 7, insert:

4 “AND BE IT FURTHER RESOLVED that, the Property shall be conveyed for”

5
6 In lines 2 and 3, capitalize each instance of “property”.

7
8 In line 3, immediately following “site”, insert “and shall not be less than \$841,000.”

7/6/15
FILED _____
SENATOR Jessica Feldman

County Council Of Howard County, Maryland

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Introduced and read first time _____, 2014.

By order _____
Sheila M. Tolliver, Administrator

Read for a second time at a public hearing on _____, 2014.

By order _____
Sheila M. Tolliver, Administrator

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

Certified By _____
Sheila M. Tolliver, Administrator

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