

County Council Of Howard County, Maryland

2015 Legislative Session

Legislative Day No. 7

Resolution No. 106 -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 Public Sewer and Utility Easement comprising approximately 0.050 acres and located across 5110 Talbots Landing in Ellicott City is no longer needed by Howard County, Maryland for public purposes; authorizing the County Executive to terminate the property interest, vesting title to the underlying 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 abandon the easement if he finds that the easement may have a further public use.

Introduced and read first time June 1, 2015.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Read for a second time at a public hearing on June 15, 2015.

By order Jessica Feldmark
Jessica Feldmark, Administrator

This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on July 6, 2015.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 ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 **WHEREAS**, by Deed and Agreement dated January 4, 1996 and recorded among the
2 Land Records of Howard County at Liber 3653, folio 0041, between Algirdas J. Brasauskas and
3 Elizabeth A. Brasauskas and Howard County, the County acquired a sewer and utility easement
4 (the “Easement”) that crosses property located at 5110 Talbots Landing, Ellicott City, Maryland;
5 and

6
7 **WHEREAS**, the current owners of 5110 Talbots Landing (the “Property Owners”) have
8 submitted “Plat of Resubdivision Wright Property Lots 5 - 6, a resubdivision of “Wright
9 Property”, Lot 3, Plat 5410” to the County in order to subdivide the property into 2 residential
10 lots; and

11
12 **WHEREAS**, the Property Owners have requested the termination of the existing
13 Easement containing approximately 0.050 acres (2,179 square feet) that is no longer required by
14 the County, as shown in the attached Exhibit as 20’ Public Sewer & Utility Easement (to be
15 abandoned); and

16
17 **WHEREAS**, Section 4.201, “Disposition of real property”, of the Howard County Code
18 authorizes the County Council to declare that property is no longer needed for public purposes
19 and authorizes the County Council to waive advertising and bidding requirements for an
20 individual conveyance of County property, including an easement interest acquired by capital
21 funds, upon the request of the County Executive and after a public hearing that has been duly
22 advertised; and

23
24 **WHEREAS**, the County Council has received a request from the County Executive to
25 waive the advertising and bidding requirements in this instance for the abandonment of the
26 portion of the Easement containing approximately 0.050 acres and its conveyance to the Property
27 Owners.

28
29 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
30 Maryland, this 6th day of July, 2015, that the portion of the Easement

1 containing approximately 0.050 acres, as shown in the attached Exhibit, is no longer needed by
2 the County for public purposes.

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

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

