

County Council Of Howard County, Maryland

2015 Legislative Session

Legislative Day No. 7

Resolution No. 107 -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 a Public Traffic Signal Accessory Device and Utility Easement comprising approximately 0.0183 acres and located along Broken Land Parkway 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 owner; 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This Resolution was read the third time and was Adopted ☒, Adopted with amendments ☐, Failed ☐, Withdrawn ☐, by the County Council on July 6, 2015.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 June 21, 2000 and recorded among the Land
2 Records of Howard County at Liber 5137, folio 0377, between The Howard Research and
3 Development Corporation and Howard County, Maryland (“the County”), the County acquired a
4 Public Traffic Signal Accessory Device and Utility Easement (the “Easement”) located along
5 Broken Land Parkway in Columbia, Maryland; and
6

7 **WHEREAS**, the underlying property owner, Parcel C Property LLC (the “Property
8 Owner”), has submitted “Revision Plat, Downtown Columbia, Warfield Neighborhood, Parcels
9 C-1, C-2, C-4 and D-1 and Columbia Town Center, Lot 40, Section 2, Area 1” to the County for
10 its consideration; and
11

12 **WHEREAS**, the Property Owner has requested the termination of that portion of the
13 Easement containing approximately 0.0183 acres (795 square feet) that is no longer required by
14 the County (except as provided below), as shown cross-hatched in the attached Exhibit as “All
15 Of The First Existing Public Traffic Signal Accessory Device & Utility Easement Per Liber 5137
16 Folio 377 To Be Abandoned By This Plat” (“Abandoned Easement Area”); and
17

18 **WHEREAS**, after the termination of the County’s interest in the Abandoned Easement
19 Area the Property Owner will re-convey to the County the portion of the Abandoned Easement
20 Area outlined in red on the attached Exhibit (“New Easement Area”); and
21

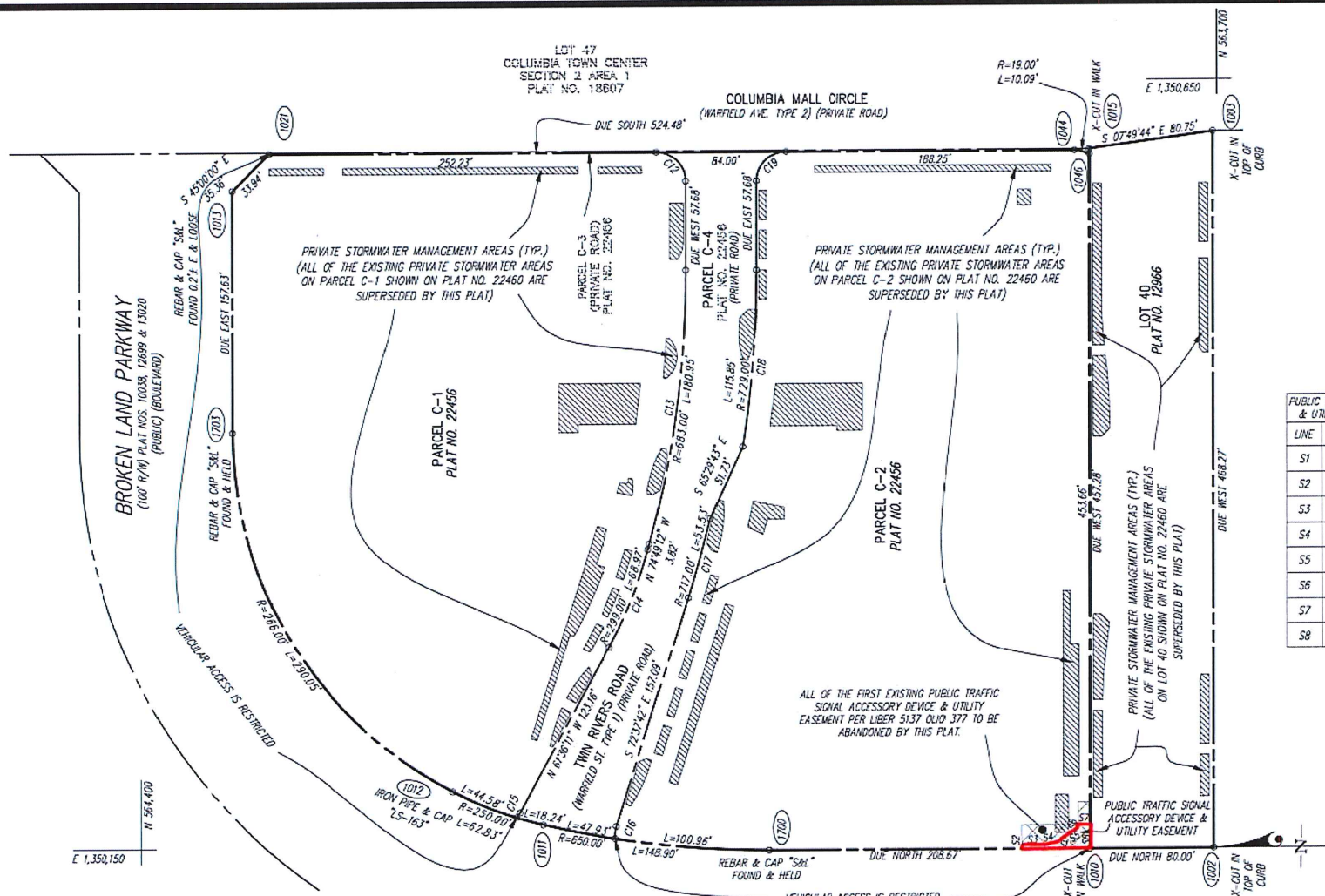
22 **WHEREAS**, Section 4.201, “Disposition of real property”; of the Howard County Code
23 authorizes the County Council to declare that property is no longer needed for public purposes
24 and authorizes the County Council to waive advertising and bidding requirements for an
25 individual conveyance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

29 **WHEREAS**, the County Council has received a request from the County Executive to
30 waive the advertising and bidding requirements in this instance for the abandonment of the
31 Abandoned Easement Area and its conveyance to the Property Owner.

1
2 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
3 Maryland, this 6th day of July, 2015, that the Abandoned Easement Area,
4 being the portion of the Easement containing approximately 0.0183 acres, as shown cross-
5 hatched in the attached Exhibit, is no longer needed by the County for public purposes.
6

7 **AND BE IT FURTHER RESOLVED** that, having received a request from the County
8 Executive and having held a public hearing that was duly advertised, the County Council
9 declares that the best interest of the County will be served by authorizing the County Executive
10 to waive the usual advertising and bidding requirements of Section 4.201 of the Howard County
11 Code for the abandonment of the Abandoned Easement Area and its conveyance to the Property
12 Owner.
13

14 **AND BE IT FURTHER RESOLVED** that, if the County Executive finds that the
15 Abandoned Easement Area may have a further public use and that the Abandoned Easement
16 Area should not be abandoned and conveyed, he is not bound to abandon and convey the
17 Abandoned Easement Area in accordance with this Resolution.



CURVE TABULATION						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
1700-1011	650.00'	148.90'	74.77'	148.57'	N 06°33'45" E	130°27'29"
1011-1012	250.00'	62.83'	31.58'	62.66'	N 20°19'27" E	142°35'54"
1012-1703	266.00'	290.05'	161.34'	275.69'	N 58°45'42" E	62°28'36"
1044-1045	19.00'	10.08'	5.17'	9.97'	S 15°12'36" W	30°25'12"
C12	19.00'	29.85'	19.00'	26.87'	S 45°00'00" W	90°00'00"
C13	683.00'	180.95'	91.01'	180.43'	N 68°24'36" W	15°10'48"
C14	299.00'	68.97'	34.64'	68.82'	N 68°12'41" W	13°13'01"
C15	19.00'	3.68'	1.84'	3.67'	N 56°03'37" W	11°05'07"
C16	19.00'	7.86'	3.99'	7.80'	S 84°26'25" E	23°41'27"
C17	717.00'	53.53'	26.78'	53.52'	S 74°46'02" E	47°6'40"
C18	729.00'	115.85'	58.05'	115.73'	S 85°26'50" E	9°06'19"
C19	19.00'	29.85'	19.00'	26.87'	S 45°00'00" E	90°00'00"

PUBLIC TRAFFIC SIGNAL ACCESSORY & UTILITY EASEMENT LINE TABLE		
LINE	BEARING	LENGTH
S1	DUE NORTH	45.00'
S2	DUE EAST	2.56'
S3	DUE SOUTH	15.69'
S4	S 11°16'06" E	6.23'
S5	S 31°31'18" E	17.83'
S6	DUE EAST	1.90'
S7	DUE SOUTH	8.00'
S8	DUE WEST	15.01'

OWNERS:
 PARCEL C PROPERTY LLC (PARCELS C-1, C-2 & C-4),
 PARCEL D PROPERTY LLC (PARCEL D-1),
 MALL ENTRANCES BUSINESS TRUST (LOT 40), AND
 C/O THE HOWARD HUGHES CORPORATION
 10235 LITTLE PATRICK PARKWAY
 COLUMBIA, MD 21044
 PH: 410-954-5443
 AND
 C/O THE MALL IN COLUMBIA BUSINESS TRUST
 PO BOX 617905
 CHICAGO, IL 60661
 AND
 C/O GENERAL GROWTH PROPERTIES, INC.
 110 NORTH WACKER DRIVE
 CHICAGO, ILLINOIS 60606
 PH: 312-960-5000

APPROVED: FOR PUBLIC WATER & PUBLIC SEWERAGE SYSTEMS IN CONFORMANCE WITH THE MASTER PLAN OF WATER & SEWERAGE FOR HOWARD COUNTY, MD.

COUNTY HEALTH OFFICER _____ DATE _____

APPROVED: HOWARD COUNTY DEPARTMENT OF PLANNING & ZONING

CHIEF, DEVELOPMENT ENGINEERING DIVISION _____ DATE _____

DIRECTOR _____ DATE _____

OWNERS' DEDICATION

PARCEL C PROPERTY LLC, A DELAWARE LIMITED LIABILITY COMPANY; PARCEL D PROPERTY LLC, A DELAWARE LIMITED LIABILITY COMPANY; AND MALL ENTRANCES BUSINESS TRUST, A MARYLAND BUSINESS TRUST; OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREIN, HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND IN CONSIDERATION OF THE APPROVAL OF THIS FINAL PLAN BY THE DEPARTMENT OF PLANNING AND ZONING, ESTABLISH 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, THE BEDS OF THE STREETS AND/OR ROADS, 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, 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 ERECTED ON OR OVER THE SAID EASEMENTS AND RIGHTS-OF-WAY.

WITNESS OUR HANDS THIS _____ DAY OF _____

PARCEL C PROPERTY LLC
 BY: PARCEL C DEVELOPMENT LLC
 BY: PARCEL C BUSINESS TRUST
 BY: THE HOWARD RESEARCH AND DEVELOPMENT CORPORATION, ITS SOLE MANAGING TRUSTEE

BY: _____
 JOHN DOWOLF, VICE PRESIDENT
 ATTEST: _____
 PETER F. RILEY, SECRETARY

PARCEL D PROPERTY LLC
 BY: PARCEL D DEVELOPMENT LLC
 BY: PARCEL D BUSINESS TRUST
 BY: THE HOWARD RESEARCH AND DEVELOPMENT CORPORATION, ITS SOLE MANAGING TRUSTEE

BY: _____
 JOHN DOWOLF, VICE PRESIDENT
 ATTEST: _____
 PETER F. RILEY, SECRETARY

PARCEL C INVESTOR LLC
 BY: KF COLUMBIA LLC
 BY: KETTLER, INC. ITS MANAGER

BY: _____
 ANDREW W. BUCHANAN, PRESIDENT
 ATTEST: _____
 SEAN H. CURTIN, SECRETARY

PARCEL D INVESTOR LLC
 BY: KF COLUMBIA LLC
 BY: KETTLER, INC. ITS MANAGER

BY: _____
 ANDREW W. BUCHANAN, PRESIDENT
 ATTEST: _____
 SEAN H. CURTIN, SECRETARY

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THAT THE REVISION PLAT SHOWN HEREON IS CORRECT; THAT IT IS REVISIONS TO PARCELS C-1, C-2, C-4 AND D-1 AS SHOWN ON A PLAT ENTITLED "DOWNTOWN COLUMBIA, WARFIELD NEIGHBORHOOD, PARCELS C-1 THRU C-4 AND D-1 THRU D-4 AND COLUMBIA TOWN CENTER, LOT 40, SECTION 2 AREA 1 & PARCEL E, SECTION 2 AREA 6" AND RECORDED AS PLAT NOS. 22456 & 22457, AND TO LOT 40 AS SHOWN ON A PLAT ENTITLED "COLUMBIA TOWN CENTER, LOTS 35 THRU 41, SECTION 2 AREA 1" AND RECORDED AS PLAT NO. 12996; ALSO BEING REVISIONS TO PART OF THE LAND COVERED BY PARCEL C BUSINESS TRUST TO PARCEL C PROPERTY LLC, BY A DEED DATED OCTOBER 4, 2013 AND RECORDED IN LIBER 15438 AT FOLIO 478; REVISION TO PART OF THE LAND COVERED BY HOWARD RESEARCH AND DEVELOPMENT HOLDINGS CORPORATION TO MALL ENTRANCES BUSINESS TRUST, BY A DEED DATED NOVEMBER 21, 2003 AND RECORDED IN LIBER 7831 AT FOLIO 540; REVISION TO PART OF THE LAND COVERED BY PARCEL D BUSINESS TRUST TO PARCEL D PROPERTY LLC, BY A DEED DATED NOVEMBER 22, 2011 AND RECORDED IN LIBER 18605 AT FOLIO 242, ALL AMONG THE LAND RECORDS OF HOWARD COUNTY, MARYLAND.

THOMAS C. O'DONNOR, JR. _____ DATE _____
 PROFESSIONAL LAND SURVEYOR
 MARYLAND REGISTRATION NO. 10954 (EXP. 07/03/2016)

RECORDED AS PLAT NUMBER _____ ON
 _____, AMONG THE LAND RECORDS OF
 HOWARD COUNTY, MARYLAND

**REVISION PLAT
 DOWNTOWN COLUMBIA
 WARFIELD NEIGHBORHOOD
 PARCELS C-1, C-2, C-4 AND D-1
 AND
 COLUMBIA TOWN CENTER
 LOTS 40, SECTION 2 AREA 1**

(REVISIONS TO PARCELS C-1, C-2, C-4 & D-1, DOWNTOWN COLUMBIA, WARFIELD NEIGHBORHOOD, PLATS NOS. 22456 & 22457 AND LOT 40, COLUMBIA TOWN CENTER, PLAT NO. 12996)

FDP-DC-WARFIELD-1 TM 36, GRID 1, P/O PARCELS 382 & 460
 5TH ELECTION DISTRICT ZONE-N1 HOWARD COUNTY, MARYLAND
 SCALE: 1"=50' SHEET 2 OF 3 MARCH 2015

GLW GUTSCHICK LITTLE & WEBER, P.A.
 CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
 3909 NATIONAL DRIVE - SUITE 250 - BARTONVILLE OFFICE PARK
 BARTONVILLE, MARYLAND
 TEL: 301-421-4024 FAX: 410-885-1820 CE/VA 301-989-2524 FAX: 301-421-4186
 DRAWN BY: _____ I CHECK BY: _____

PLOTTED: 3/27/2015 7:15 AM, LAST SAVED: 3/26/2015 1:27 PM, PLOTTED BY: Mike Ferguson