

County Council Of Howard County, Maryland

2015 Legislative Session

Legislative Day No. 8

Resolution No. 120-2015

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 County Open Space known as Parcel 82 on Tax Map 35 located on Guilford Road containing approximately 4195 square feet is no longer needed by Howard County, Maryland for public purposes; authorizing the County Executive to convey a driveway easement 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 grant the easement if he finds that the property may have a further public use.

Introduced and read first time July 16, 2015.

By order

Jessica Feldmark
Jessica Feldmark, Administrator

Read for a second time at a public hearing on July 20, 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This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council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 31, 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**, the County acquired an Open Space Lot known as Parcel 82 on Tax Map
2 35 by Deed dated July 10, 2006 recorded among the Land Records of Howard County, Maryland
3 (the “Land Records”) in Liber 10142, folio 232, (the “County Property”); and
4

5 **WHEREAS**, the adjacent property owners, Sean and Jeannine Grantham (the “Adjacent
6 Property Owners”) have requested an easement containing approximately 4195 square feet on
7 the County Property for use as a driveway to provide ingress and egress for their lot located at
8 7374 Guilford Road, as shown in the attached Exhibit; and
9

10 **WHEREAS**, other methods of ingress and egress to the Granthams’ property are
11 problematic due to environmental impacts, such as wetlands’ disturbance and extensive tree
12 removal, and limited sight distance where the current methods of ingress and egress intersect
13 with Guilford Road; and
14

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

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

25 **WHEREAS**, the County Council has received a request from the County Executive to
26 waive the advertising and bidding requirements in this instance for the conveyance of an
27 easement interest in 4195 square feet of the County Property to the Adjacent Property Owners
28 for use as a driveway across the County Property, on the basis that if the driveway is no longer
29 needed by the Adjacent Property Owners or if the Adjacent Property Owners cease to use the
30 driveway, the easement interest shall be terminated.
31

1 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
2 Maryland, this 31st day of July, 2015, that the easement interest to be
3 granted in a portion of the County Property comprising approximately 4195 square feet, shown
4 on the attached Exhibit, is no longer needed by the County for public purposes and the easement
5 may be granted to the Adjacent Property Owners.

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 disposition of the driveway easement to the Adjacent Property Owners.

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.

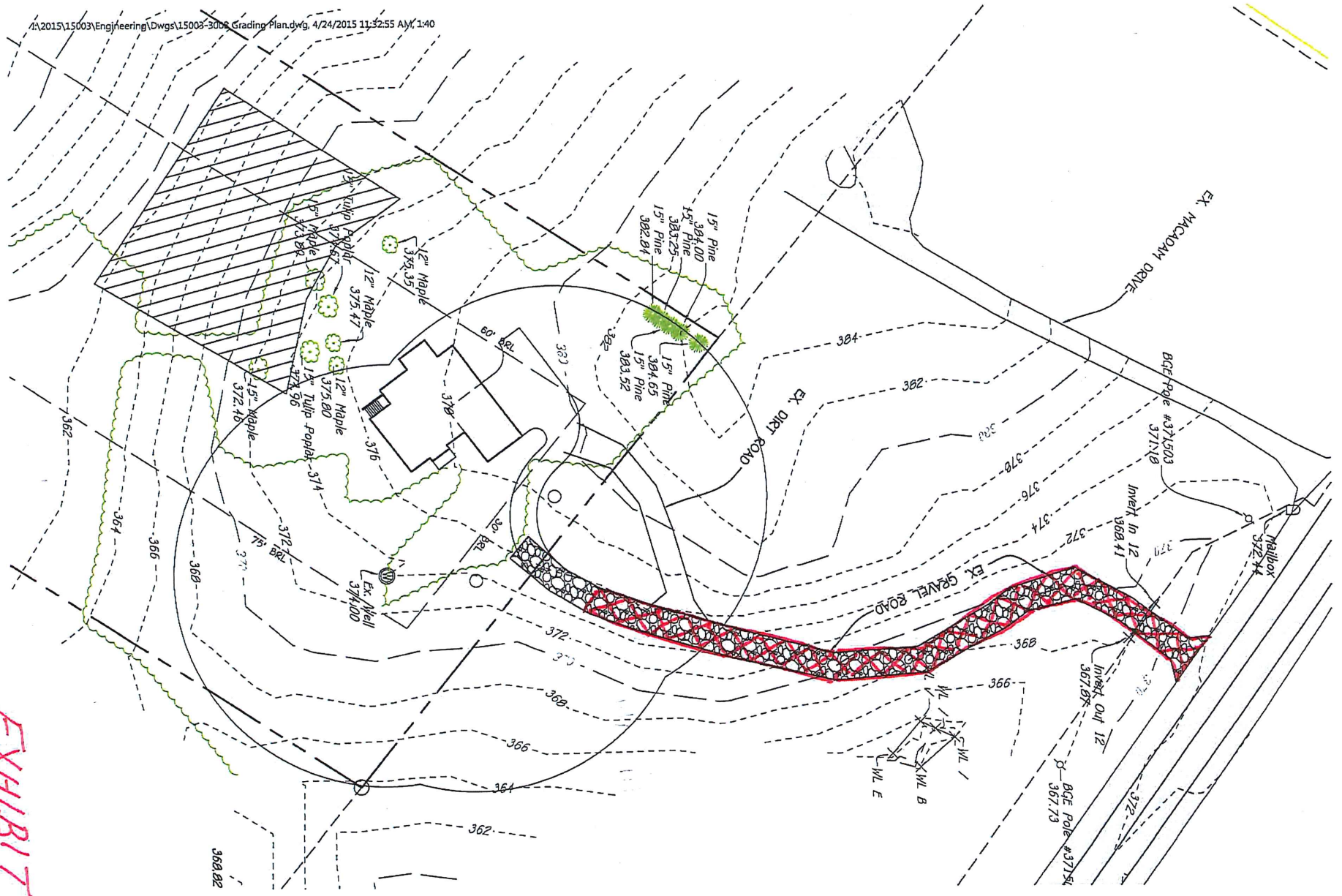


EXHIBIT A