

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 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This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on July 31, 2015.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 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

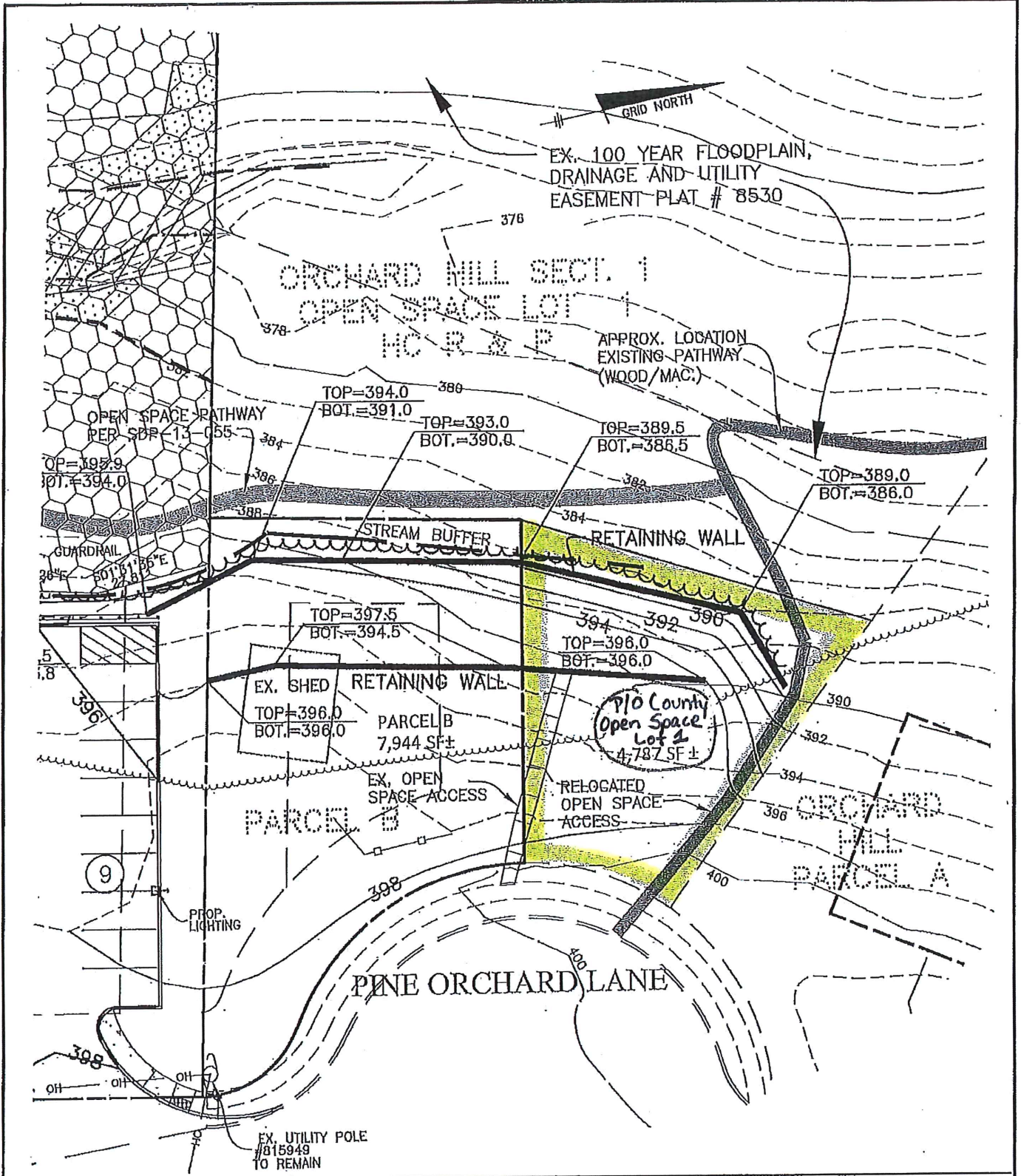
25
26 **WHEREAS**, Section 4.201 “Disposition of real property” of the Howard County Code
27 authorizes the County Council to declare that property is no longer needed for public purposes
28 and authorizes the County Council to waive advertising and bidding requirements for an
29 individual conveyance 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 31st day of July, 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

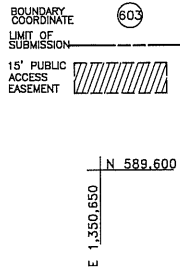
17 **AND BE IT FURTHER RESOLVED** that, if the County Executive finds that any or all
18 of the County Property may have a further public use, he is not bound to convey the property in
19 accordance with this Resolution.



<p>BENCHMARK ENGINEERING, INC. <small>6140 BAYVIEW HIGHWAY, SUITE 318 • TULSA, OKLA. 74116-8105 (918) 410-4100 (918) 410-4111</small></p>	<p>PLAN SCALE: 1" = 30'</p>	<p>PROJECT: ORCHARD PARK SECTION 3</p> <p>TITLE: OPEN SPACE EXHIBIT</p> <p>DATE: APR. 2015 PROJECT NO. 1796</p>
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- NOTES:
- 1.) * DENOTES IRON PIPE (IP) OR REBAR & CAP (RCF) FOUND
 - 2.) DENOTES TRAVERSE POINT.
 - 3.) COORDINATES BASED ON NAD'83, MARYLAND COORDINATE SYSTEM AS PROJECTED BY HOWARD COUNTY GEODETIC CONTROL STATIONS NO. 0066 AND NO. 2585.
 - 4.) SUBJECT PROPERTY ZONED R-A-15, PER THE COMPREHENSIVE ZONING PLAN, MAPS AND AMENDMENTS REGULATIONS, EFFECTIVE OCTOBER 6, 2013.
 - 5.) THERE ARE NO HISTORIC FEATURES OR CEMETERIES ON THIS SITE.
 - 6.) ALL AREAS ON THIS PLAN ARE "MORE OR LESS".
 - 7.) THIS PLAN IS BASED ON A REVISION TO PREVIOUSLY RECORDED PLAT NO. 8530 & 23151 AND FIELD SURVEY WORK PERFORMED BY BENCHMARK ENGINEERING, INC., ON ABOUT NOVEMBER, 2012.
 - 8.) THIS PLAN IS SUBJECT TO THE FOLLOWING DEPARTMENT OF PLANNING AND ZONING FILE NUMBERS F-88-291, F-15-050, GP-88-71, SDP-88-07, SDP-90-135.
 - 9.) 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 16.122.B OF THE HOWARD COUNTY CODE. PUBLIC WATER AND SEWER 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-500-5 AND 20-1065.
 - 10.) UNLESS NOTED AS "PRIVATE", ALL EASEMENTS ARE PUBLIC.
 - 11.) 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.
 - 12.) THIS PLAN IS EXEMPT FROM THE REQUIREMENTS FOR FOREST CONSERVATION PER SECTION 16.1202(b)(1)(ii) OF THE HOWARD COUNTY CODE BECAUSE THIS PLAN CREATES NO ADDITIONAL BUILDABLE LOTS.
 - 13.) STORMWATER MANAGEMENT WAS PREVIOUSLY ADDRESSED UNDER GP-88-71 AND SDP-89-71.
 - 14.) LANDSCAPING PREVIOUSLY ADDRESSED UNDER SDP-90-135.
 - 15.) NO TRAFFIC STUDY IS REQUIRED FOR THIS PROJECT.
 - 16.) NO NOISE STUDY IS REQUIRED FOR THIS PROJECT.
 - 17.) NO CLEARING, EXCAVATING, FILLING, ALTERING DRAINAGE OR IMPERVIOUS PAVING MAY OCCUR WITHIN THE FLOODPLAIN AREA.
 - 18.) OPEN SPACE LOT 3 IS TO BE PRIVATELY OWNED AND MAINTAINED.
 - 19.) NO GRADING, REMOVAL OF VEGETATIVE COVER, TREES, PAVING OR NEW STRUCTURES SHALL BE PERMITTED WITHIN THE REQUIRED WETLANDS, STREAMS, THEIR BUFFERS, FOREST CONSERVATION EASEMENT AREAS AND 100 YEAR FLOODPLAIN.

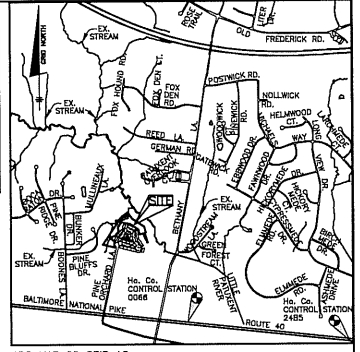
LEGEND



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 DOGWOOD DR.
N 586956.27 E 1356570.78'



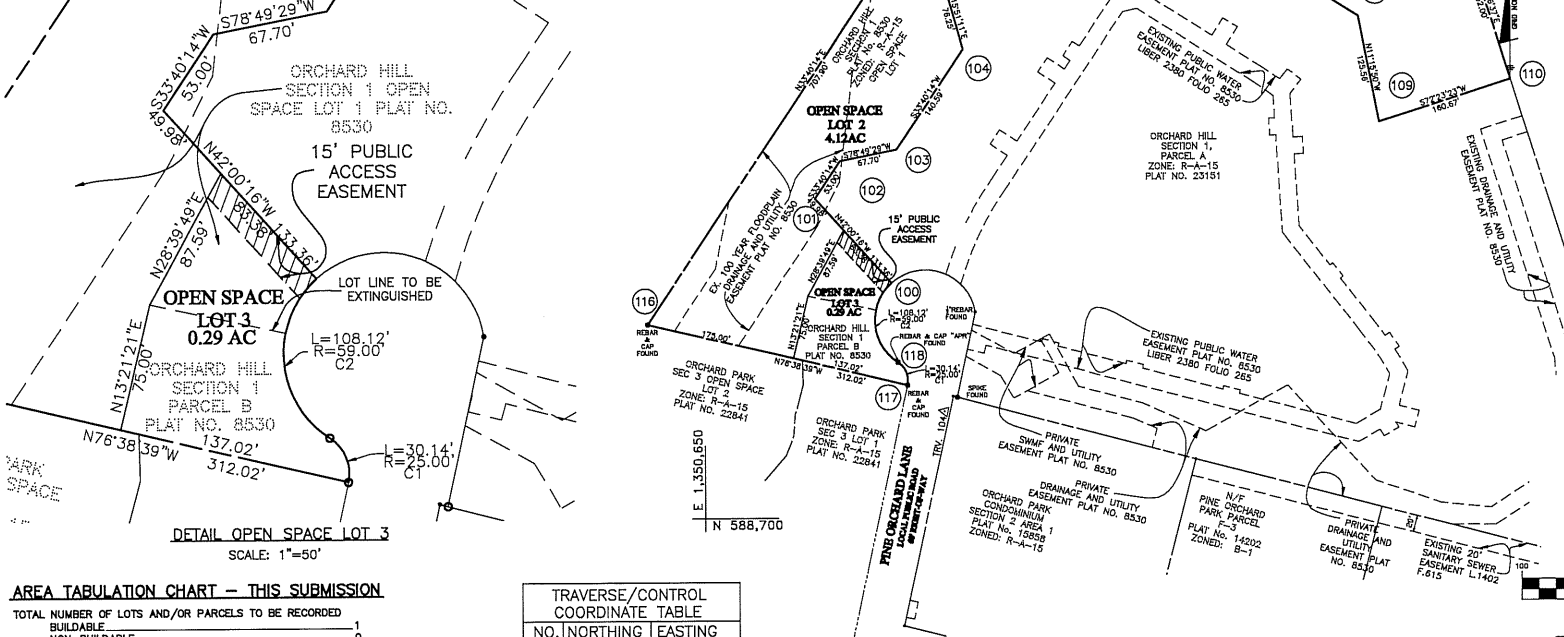
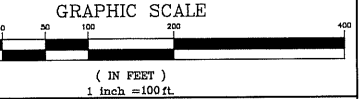
VICINITY MAP SCALE: 1" = 2000'

COORDINATE CHART (NAD '83)

No.	NORTH	EAST
100	589975.18	1350868.54
101	589074.28	1350779.30
102	589118.39	1350808.68
103	589131.51	1350875.10
104	589248.51	1350953.04
105	589321.86	1350932.22
106	589448.70	1351015.38
107	589411.68	1351215.41
108	589284.77	1351415.09
109	589161.63	1351439.61
110	589210.24	1351582.75
111	589355.12	1351546.76
112	589532.00	1351268.43
113	589679.31	1351161.14
114	589594.94	1351039.26
115	589516.88	1350975.62
116	589827.73	1350583.14
117	589955.86	1350886.73
118	588881.85	1350875.89

THE REQUIREMENTS # 3-108, THE REAL PROPERTY ARTICLE, ANNOTATED CODE OF MARYLAND, 1988 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	DATE
REGISTERED PROFESSIONAL LAND SURVEYOR MD REG. NO. 21320	FOR BENCHMARK ENGINEERING, INC. MD REG. NO. 351
STEVEN K. BREEDEN	DATE
JAMES R. MOXLEY III	DATE
JAMES IRVIN	DATE



AREA TABULATION CHART - THIS SUBMISSION

TOTAL NUMBER OF LOTS AND/OR PARCELS TO BE RECORDED	
BUILDABLE	1
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	4.12± AC.
PRESERVATION PARCELS	0
TOTAL AREA OF PARCELS TO BE RECORDED (INCLUDING MENDING STRIPS)	4.41± AC.
TOTAL AREA OF SUBDIVISION TO BE RECORDED	4.41± AC.

TRAVERSE/CONTROL COORDINATE TABLE

NO.	NORTHING	EASTING
104	N 588824.90	E 1350930.30
112	N 588514.86	E 1350835.37

CURVE TABLE

CURVE	LENGTH	RADIUS	TANGENT	CHORD LENGTH	CHORD BEARING	DELTA
C1	30.14'	25.00'	17.21'	28.35'	N22°27'58"W	62.04°11'
C2	108.12'	59.00'	76.89'	83.62'	S04°30'14"E	104°52'58"

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 16, 1988 AND RECORDED IN LIBER 1869 AT FOLIO 378, PART OF THE LAND CONVEYED BY THOMAS W. KAHLER 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 550 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.

8480 BALTIMORE NATIONAL PIKE SUITE 315 ELLICOTT CITY, MARYLAND 21043
(P) 410-465-8188 (F) 301-710-5888
(F) 410-465-8844
WWW.BE-ENGINEERING.COM

OWNERS

OPEN SPACE LOT 1 SECURITY DEVELOPMENT CORPORATION
3300 N RIDGE ROAD, SUITE 170 ELLICOTT CITY, MARYLAND 21043

PARCEL B HOWARD COUNTY DEPARTMENT OF PARKS AND RECREATIONS
P.O. BOX 417 ELLICOTT CITY, MARYLAND 21041

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 THE BEDS OF THE STREETS AND/OR ROADS, FLOODPLAINS AND OPEN SPACE WHERE APPLICABLE, AND FOR GOOD 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 ERIGED ON OR OVER THE SAID EASEMENTS AND RIGHTS-OF-WAY, WITNESS MY HAND THIS DAY OF

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

THE PURPOSE OF THIS REVISION PLAN 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.

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
PARCELS: 130
ZONED: R-A-15

SCALE: AS SHOWN
DATE: APRIL, 2015

SHEET: 1 of 1