

County Council Of Howard County, Maryland

2015 Legislative Session

Legislative Day No. 8

Resolution No. 123-2015

Introduced by: Greg Fox

A RESOLUTION ratifying the conveyance of 0.157 of an acre of real property in Clarksville by the County to the State Highway Administration.

Introduced and read first time July 6, 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This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on July 31, 2015.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 SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **WHEREAS**, Howard County conveyed 0.157 of an acre of real property to the
2 State of Maryland, for use by the State Highway Administration, by Deed of Donation
3 dated November 20, 2014, and recorded among the Land Records of Howard County,
4 Maryland in Liber 15889, folio 246 on or about November 21, 2014 (“the SHA
5 Conveyance”); and

6
7 **WHEREAS**, the property that was transferred in the SHA Conveyance was part
8 of an approximately 7.768-acre real property in Clarksville (“the Gateway Property”) that
9 was the subject of Council Resolution No. 111-2008, approved on November 3, 2008,
10 with the Resolution, based on Howard County Code Section 4.201, authorizing “sale” by
11 the County Executive of the Gateway Property for the purpose of the redevelopment of
12 the Gateway Property; and

13
14 **WHEREAS**, the First Amendment to the contract of sale for the 7.761 acres of
15 real property to Greenstone Ventures II, LLC, dated November 27, 2013, obligated the
16 County to “convey” the 0.157 of an acre to the State Highway Administration (i.e., the
17 SHA Conveyance); and

18
19 **WHEREAS**, the Office of Law advised that the authorization for “sale” in
20 Resolution No. 111-2008 constituted the necessary legal authority for the SHA
21 Conveyance, for which the County received no State funds, because under Maryland law
22 the sale of real property can occur in exchange for non-monetary consideration, as was
23 the case for the SHA Conveyance; and

24
25 **WHEREAS**, while recognizing the Office of Law’s advice in this matter, the
26 County Council nevertheless wishes to ratify the conveyance of the real property that was
27 the subject of the SHA Conveyance based on both historical practice and, more
28 importantly, Howard County Code Section 4.201(b), that delineates between conveyance
29 and selling of property.

1 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard
2 County, Maryland, this 31st day of July, 2015 that in line with the intent of
3 Howard County Code Section 4.201(b) that the County Council hereby ratifies the
4 County's conveyance, for non-monetary consideration, of 0.157 of an acre of real
5 property to the State of Maryland, for use by the State Highway Administration, by Deed
6 of Donation dated November 20, 2014, and recorded among the Land Records of Howard
7 County, Maryland in Liber 15889, folio 246 on or about November 21, 2014.