

County Council Of Howard County, Maryland

2015 Legislative Session

Legislative Day No. 8

Resolution No. 121-2015

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 interest in a portion of real property owned by the County located at the Timbers of Troy Golf Course containing approximately 5,811 square feet is no longer needed by Howard County, Maryland for public purposes; authorizing the County Executive to grant an easement for the installation of fiber optic cable to PEG Bandwidth MD, LLC; 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 land may have a further public use.

Introduced and read first time July 6, 2015.

By order Jessica Feldmark, Administrator

Read for a second time at a public hearing on July 20, 2015.

By order Jessica Feldmark, Administrator

Tabled July 31, 2015

This Resolution was read the third time and was Adopted __, Adopted with amendments __, Failed __, Withdrawn [check], by the County Council on September 8, 2015.

Certified By 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 owns and maintains Timbers of Troy Golf Course (the
2 “Property”); and

3
4 **WHEREAS**, the County acquired portions of the Property from 100 Investment Limited
5 Partnership by deed dated December 15, 1994 and recorded in Liber 3406, folio 504 and folio
6 523, by deed dated February 9, 1996 and recorded in Liber 3679, folio 075, and by deed dated
7 October 3, 1996 and recorded in Liber 3855, folio 023; and

8
9 **WHEREAS**, the County acquired part of the Property from the State Highway
10 Administration of the Department of Transportation, acting for and on behalf of the State of
11 Maryland, by deed dated December 19, 1994 and recorded in Liber 3406, folio 448; and

12
13 **WHEREAS**, PEG Bandwidth MD, LLC, a Delaware limited liability company, has
14 asked the County to grant an easement containing approximately 5,811 square feet for the
15 installation of a fiber optic cable (the “Easement”) that will run alongside Marshalee Drive and
16 through the Timbers of Troy Golf Course, to the cell tower located behind the golf course, as
17 shown in the attached Exhibit; and

18
19 **WHEREAS**, PEG Bandwidth MD, LLC will compensate the County for the conveyance
20 of the Easement; and

21
22 **WHEREAS**, the Department of Public Works has reviewed and approved the proposed
23 Easement; and

24
25 **WHEREAS**, Section 4.201, “Disposition of Real Property,” of the Howard County Code
26 authorizes the County Council to declare that property is no longer needed for public purposes
27 and also authorizes the County Council to waive advertising and bidding requirements for an
28 individual conveyance of real property upon the request of the County Executive; and

1 **WHEREAS**, as a matter of course, even when the County retains fee ownership of the
2 property and continues its use of the property upon which an easement is granted, the County
3 Executive requests the County Council to approve the easement under Section 4.201; and
4

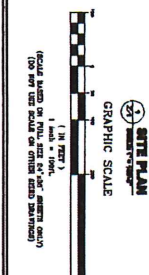
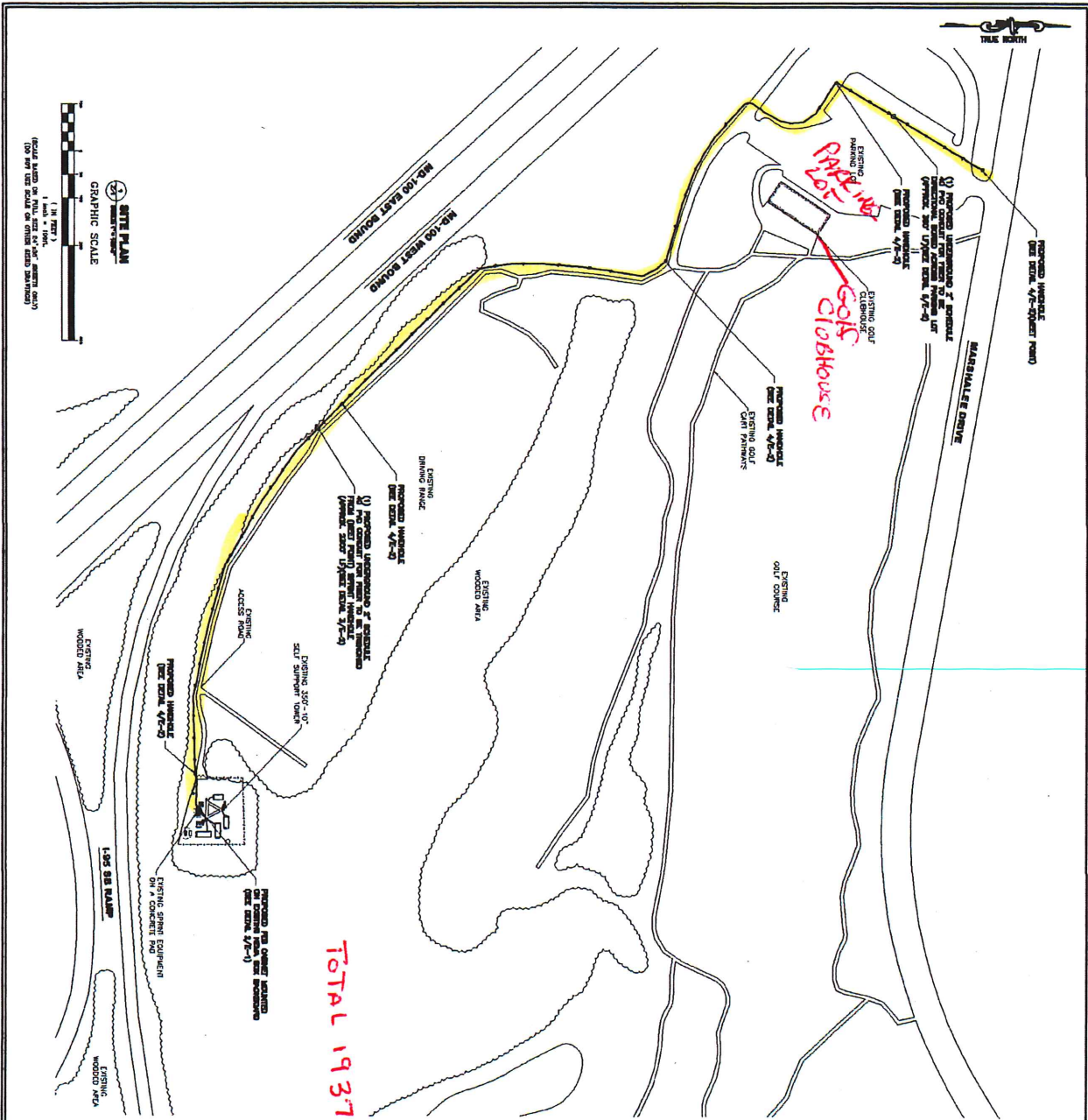
5 **WHEREAS**, the County Council has received a request from the County Executive to
6 waive the advertising and bidding requirements in this instance for the grant of the Easement to
7 PEG Bandwidth MD, LLC.
8

9 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
10 Maryland, this ____ day of _____, 2015, that the easement interest to be
11 granted in a portion of the County Property comprising approximately 5,811 square feet, as
12 shown in the attached Exhibit, is no longer needed by the County for public purposes and that an
13 Easement may be granted to PEG Bandwidth MD.
14

15 **AND BE IT FURTHER RESOLVED** that, having received a request from the County
16 Executive and having held a public hearing, the County Council declares that the best interest of
17 the County will be served by authorizing the County Executive to waive the usual advertising
18 and bidding requirements of Section 4.201 of the Howard County Code for the conveyance of
19 the Easement to PEG Bandwidth MD, LLC.
20

21 **AND BE IT FURTHER RESOLVED** that, if the County Executive finds that the land
22 to be subject to the Easement may have a further public use which the Easement will deter and,
23 therefore, that the Easement should not be granted, he is not bound to grant the Easement in
24 accordance with this Resolution.

EASEMENT 3' WIDE



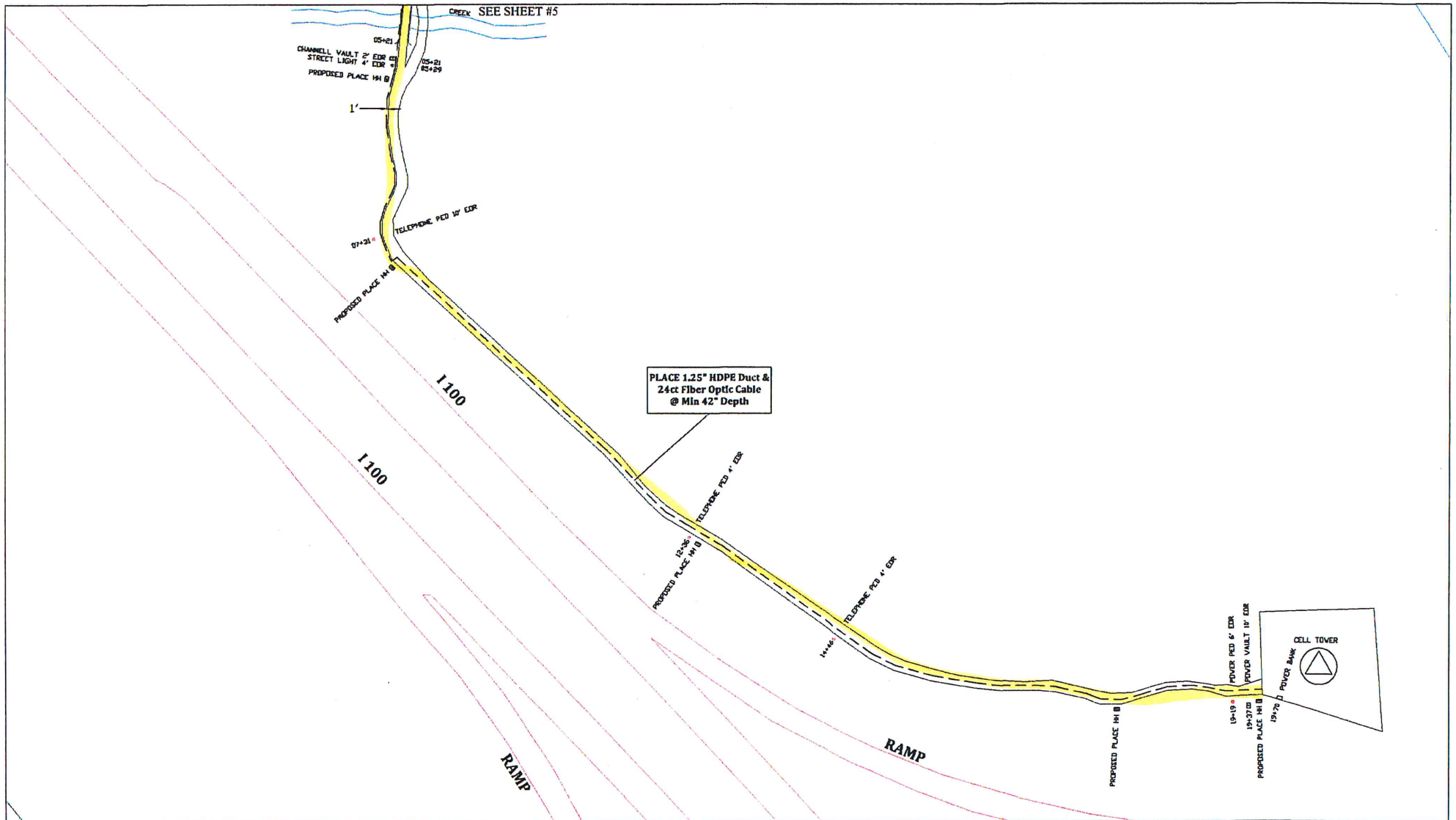
GENERAL NOTES:

1. THIS PLAN AND PROPOSED WORK IS APPROVED IN ACCORDANCE WITH THE PLAN BY THE CITY OF DENVER, COLORADO, AND SHALL NOT BE CONTROLLED BY ANY OTHER AGENCY.
2. THE PROPOSED PROJECT IS SUBJECT TO THE CITY OF DENVER, COLORADO, AND SHALL NOT BE CONTROLLED BY ANY OTHER AGENCY.
3. NO WORK, EXCAVATION, OR CONSTRUCTION SHALL BE PERMITTED UNTIL THE CITY OF DENVER, COLORADO, HAS ISSUED A PERMIT TO CONSTRUCT.
4. THE PROJECT IS UNLAWFUL AND VOID IF ANY PART OF THE PROJECT IS NOT IN ACCORDANCE WITH THE CITY OF DENVER, COLORADO, AND SHALL NOT BE CONTROLLED BY ANY OTHER AGENCY.
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TOTAL 1937'



<p>Alcatel-Lucent</p> <p>3500 CENTRAL EXPRESS BLVD DENVER, COLORADO 80202 TEL: 303.733.2200 FAX: 303.733.2200</p>	<p>811</p> <p>Call before you dig.</p>	<p>APC TOWNHOMES / TROY GOLF COURSE</p> <p>1500 WEST 15TH AVENUE DENVER, COLORADO 80202</p>	<p>2-1</p>	<p>811</p> <p>Call before you dig.</p>
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PLACE 1.25" HDPE Duct &
24ct Fiber Optic Cable
@ Min 42" Depth

Prepared for

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The Colony, TX 75006
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Prepared By
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(802) 885-0317
info@pvcom.com
Vicki Engstrom Drafted By Date
Ivan Roubinsky GCN 03/27/15

Map Summary		Unknown Owned Poles	
Aerial Footage	0	Unknown Owned Poles	0
Pole Footage	1540'	Vertical Owned Poles	0
Unidirectional New Footage	0	Owned Poles	0
Total Buried Footage	1540'	Total # of Poles	0
Storage Loop Footage	0		
Total Footage	1540'		

Sheet # 6

Route/Segment#: 6069 Marshalee Rd
Begin at Tie point on Marshalee Dr run SE to Marshalee Dr Tower.
City/Twp: Elkridge
County: Howard State/Zip: MD/21075
Drawing Scale: 1"=50'