

County Council Of Howard County, Maryland

2015 Legislative Session

Legislative Day No. 7

Resolution No. 106 -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 Public Sewer and Utility Easement comprising approximately 0.050 acres and located across 5110 Talbots Landing in Ellicott City 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 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 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This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on July 6, 2015.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 January 4, 1996 and recorded among the  
2 Land Records of Howard County at Liber 3653, folio 0041, between Algirdas J. Brasauskas and  
3 Elizabeth A. Brasauskas and Howard County, the County acquired a sewer and utility easement  
4 (the "Easement") that crosses property located at 5110 Talbots Landing, Ellicott City, Maryland;  
5 and  
6

7           **WHEREAS**, the current owners of 5110 Talbots Landing (the "Property Owners") have  
8 submitted "Plat of Resubdivision Wright Property Lots 5 - 6, a resubdivision of "Wright  
9 Property", Lot 3, Plat 5410" to the County in order to subdivide the property into 2 residential  
10 lots; and  
11

12           **WHEREAS**, the Property Owners have requested the termination of the existing  
13 Easement containing approximately 0.050 acres (2,179 square feet) that is no longer required by  
14 the County, as shown in the attached Exhibit as 20' Public Sewer & Utility Easement (to be  
15 abandoned); and  
16

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

24           **WHEREAS**, the County Council has received a request from the County Executive to  
25 waive the advertising and bidding requirements in this instance for the abandonment of the  
26 portion of the Easement containing approximately 0.050 acres and its conveyance to the Property  
27 Owners.  
28

29           **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,  
30 Maryland, this 6<sup>th</sup> day of July, 2015, that the portion of the Easement

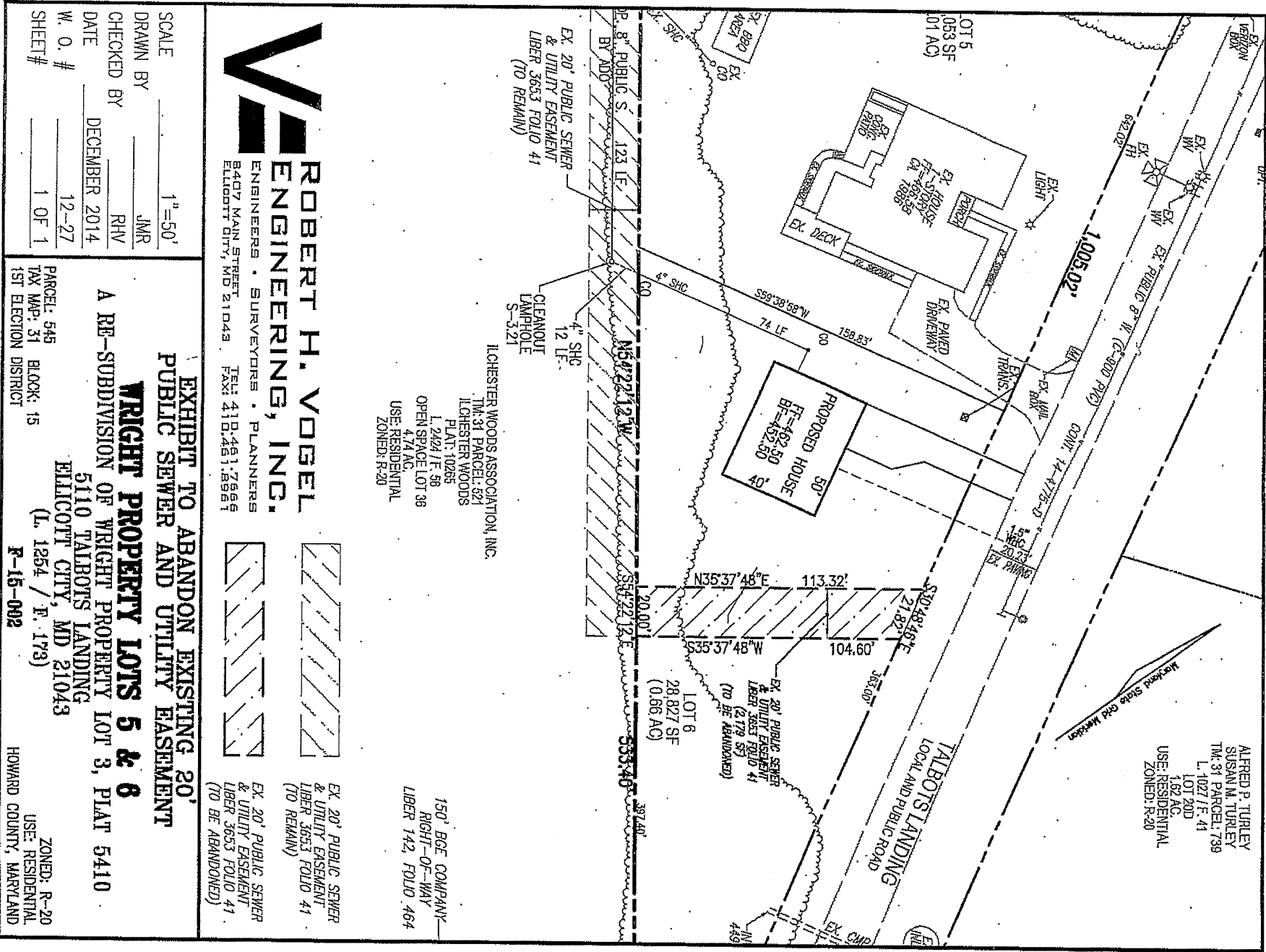
1 containing approximately 0.050 acres, as shown in the attached Exhibit, is no longer needed by  
2 the County for public purposes.

3

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

9

10 **AND BE IT FURTHER RESOLVED** that, if the County Executive finds that the  
11 Easement may have a further public use and that the Easement should not be abandoned and  
12 conveyed, he is not bound to abandon and convey the Easement in accordance with this  
13 Resolution.

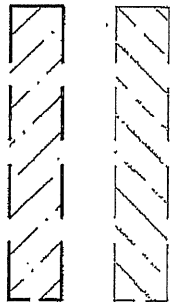


ALFRED P. TURLEY  
 SUSAN M. TURLEY  
 TM: 31 PARCEL: 739  
 L. 1027 / E. 41  
 LOT 20D  
 1.82 AC  
 USE: RESIDENTIAL  
 ZONED: R-20

LOCHESTER WOODS ASSOCIATION, INC.  
 TM: 31 PARCEL: 521  
 LOCHESTER WOODS  
 PLAT: 10255  
 L. 2424 / E. 56  
 OPEN SPACE LOT 36  
 4.74 AC  
 USE: RESIDENTIAL  
 ZONED: R-20



**ROBERT H. VOGEL**  
**ENGINEERING, INC.**  
 ENGINEERS • SURVEYORS • PLANNERS  
 8407 MAIN STREET  
 ELICOTT CITY, MD 21043  
 TEL: 410.481.7856  
 FAX: 410.481.8981



**EXHIBIT TO ABANDON EXISTING 20' PUBLIC SEWER AND UTILITY EASEMENT**

**WRIGHT PROPERTY LOTS 5 & 6**  
**A RE-SUBDIVISION OF WRIGHT PROPERTY LOT 3, PLAT 5410**

5110 TALBOTS LANDING  
 ELICOTT CITY, MD 21043  
 (L. 1254 / E. 173)  
 F-15-002

ZONED: R-20  
 USE: RESIDENTIAL  
 HOWARD COUNTY, MARYLAND

SCALE 1"=50'  
 DRAWN BY JMR  
 CHECKED BY RHV  
 DATE DECEMBER 2014  
 W. O. # 12-27  
 SHEET# 1 OF 1

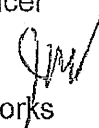


# Howard County

*Internal Memorandum*

**Subject:** Testimony & Fiscal Impact Statement  
Council Resolution No. CR106 - 2015 declaring that a portion of a Public Sewer and Utility Easement comprising approximately 0.050 acres and located across 5110 Talbots Landing in Ellicott City 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 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 abandon the easement if he finds that the easement may have a further public use.

**To:** Lonnie R. Robbins,  
Chief Administrative Officer

**From:** James M. Irvin, Director   
Department of Public Works

**Date:** May 21, 2015

The Department of Public Works has been designated coordinator for the preparation of testimony relative to the termination of a portion of a public sewer and utility easement located at 5110 Talbots Landing in Ellicott City, Maryland.

By Deed of Easement dated January 4, 1996 and recorded among the Land Records of Howard County at Liber 3653, folio 0041, Algirdas J. Brasauskas and Elizabeth A. Brasauskas conveyed to the County a public sewer and utility easement (the "Easement") as required for Capital Project S-6305.

The current owner of the property, has submitted a revision plat titled, "Plat of Resubdivision Wright Property Lot 5-6 A Resubdivision of "Wright Property," Lot 3, Plat 5410" (P&Z File No. F-15-002) to the County for its consideration. The Plat terminates 0.050 acres of the Easement.

The Departments of Public Works and Planning and Zoning have reviewed and approved the proposed termination of the Easement.

The County did not pay for the Easement and the current owner will be responsible for any costs associated with the removal of the existing pipe; therefore there is no fiscal impact to the County.

Lonnie R. Robbins  
Page – 2  
May 21, 2015

Attached is a Resolution requesting approval for the termination of a portion of the Easement and vesting title to the underlying property owner, Algirdas J. Brasauskas and Elizabeth A. Brasauskas.

If you require further information concerning this matter or have any additional questions, please do not hesitate to contact me at your convenience.

cc: Jennifer Sager  
Marsha McLaughlin  
File

RIM/legislation/2015/ Wright Property/Testimony Letter