

County Council Of Howard County, Maryland

2015 Legislative Session

Legislative Day No. 7

Resolution No. 107 -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 a Public Traffic Signal Accessory Device and Utility Easement comprising approximately 0.0183 acres and located along Broken Land Parkway 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 owner; 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This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on July 6, 2015.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 June 21, 2000 and recorded among the Land  
2 Records of Howard County at Liber 5137, folio 0377, between The Howard Research and  
3 Development Corporation and Howard County, Maryland (“the County”), the County acquired a  
4 Public Traffic Signal Accessory Device and Utility Easement (the “Easement”) located along  
5 Broken Land Parkway in Columbia, Maryland; and  
6

7           **WHEREAS**, the underlying property owner, Parcel C Property LLC (the “Property  
8 Owner”), has submitted “Revision Plat, Downtown Columbia, Warfield Neighborhood, Parcels  
9 C-1, C-2, C-4 and D-1 and Columbia Town Center, Lot 40, Section 2, Area 1” to the County for  
10 its consideration; and  
11

12           **WHEREAS**, the Property Owner has requested the termination of that portion of the  
13 Easement containing approximately 0.0183 acres (795 square feet) that is no longer required by  
14 the County (except as provided below), as shown cross-hatched in the attached Exhibit as “All  
15 Of The First Existing Public Traffic Signal Accessory Device & Utility Easement Per Liber 5137  
16 Folio 377 To Be Abandoned By This Plat” (“Abandoned Easement Area”); and  
17

18           **WHEREAS**, after the termination of the County’s interest in the Abandoned Easement  
19 Area the Property Owner will re-convey to the County the portion of the Abandoned Easement  
20 Area outlined in red on the attached Exhibit (“New Easement Area”); and  
21

22           **WHEREAS**, Section 4.201, “Disposition of real property”; of the Howard County Code  
23 authorizes the County Council to declare that property is no longer needed for public purposes  
24 and authorizes the County Council to waive advertising and bidding requirements for an  
25 individual conveyance of County property, including an easement interest acquired by capital  
26 funds, upon the request of the County Executive and after a public hearing that has been duly  
27 advertised; and  
28

29           **WHEREAS**, the County Council has received a request from the County Executive to  
30 waive the advertising and bidding requirements in this instance for the abandonment of the  
31 Abandoned Easement Area and its conveyance to the Property Owner.

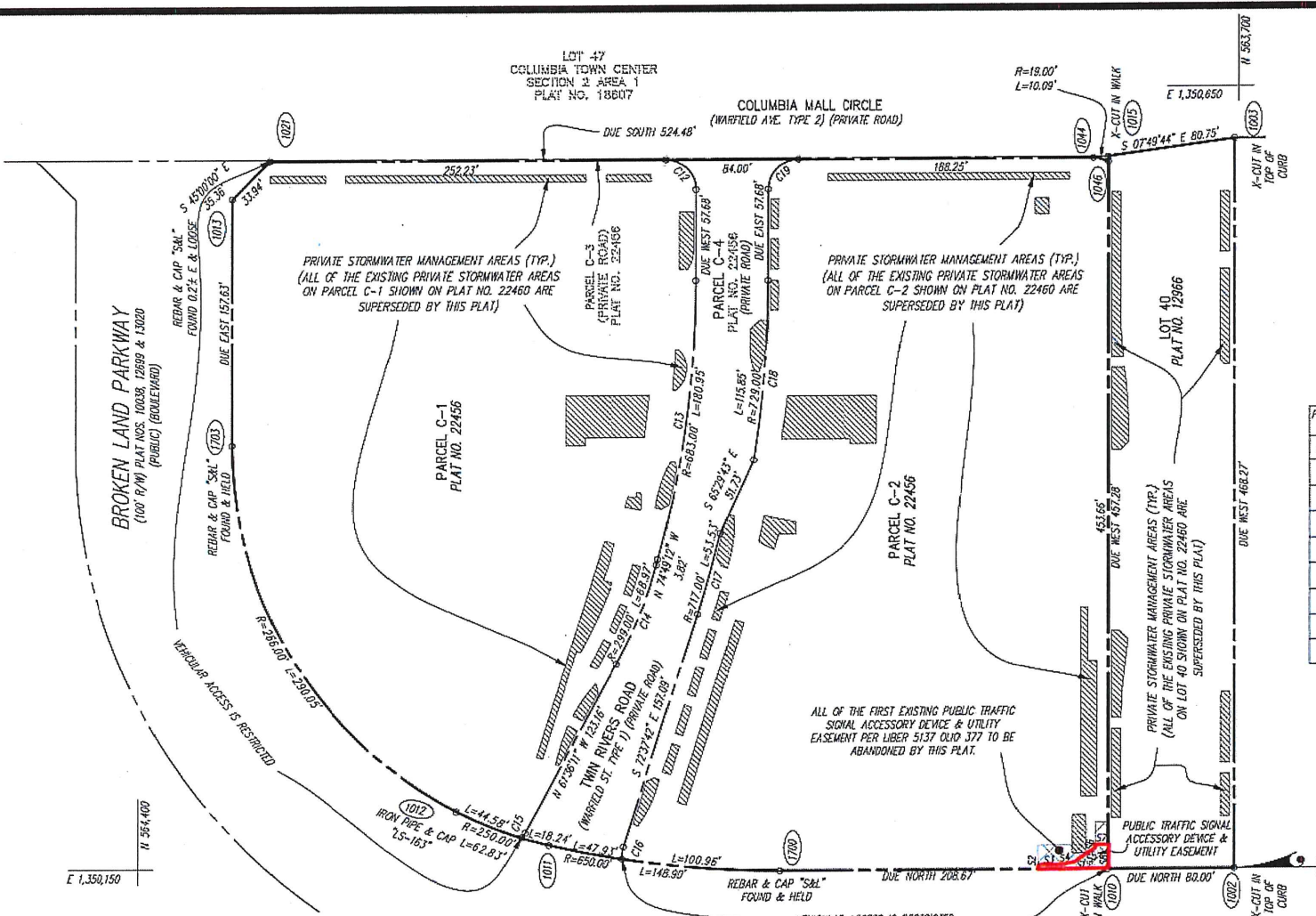
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

**NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County, Maryland, this 6<sup>th</sup> day of July, 2015, that the Abandoned Easement Area, being the portion of the Easement containing approximately 0.0183 acres, as shown cross-hatched in the attached Exhibit, is no longer needed by the County for public purposes.

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

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





CURVE TABULATION						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
1700-1011	650.00'	148.90'	74.77'	148.57'	N 06°33'45" E	13°07'29"
1011-1012	250.00'	62.83'	31.58'	62.66'	N 20°19'27" E	14°23'54"
1012-1703	266.00'	290.05'	161.34'	275.89'	N 58°45'42" E	62°28'36"
1044-1046	19.00'	10.09'	5.17'	9.97'	S 15°12'36" W	30°25'12"
C12	19.00'	29.85'	19.00'	26.87'	S 45°00'00" W	90°00'00"
C13	683.00'	180.95'	91.01'	180.43'	N 82°24'36" W	15°10'48"
C14	299.00'	68.97'	34.64'	68.82'	N 68°12'41" W	13°13'01"
C15	19.00'	3.68'	1.84'	3.67'	N 56°03'37" W	11°05'07"
C16	19.00'	7.86'	3.99'	7.80'	S 84°28'25" E	23°41'27"
C17	717.00'	53.53'	26.78'	53.52'	S 74°46'02" E	4°16'40"
C18	729.00'	115.85'	58.05'	115.73'	S 85°26'30" E	9°19'19"
C19	19.00'	29.85'	19.00'	26.87'	S 45°00'00" E	90°00'00"

PUBLIC TRAFFIC SIGNAL ACCESSORY & UTILITY EASEMENT LINE TABLE		
LINE	BEARING	LENGTH
S1	DUE NORTH	45.00'
S2	DUE EAST	2.56'
S3	DUE SOUTH	15.69'
S4	S 11°16'06" E	6.23'
S5	S 31°31'18" E	17.63'
S6	DUE EAST	1.90'
S7	DUE SOUTH	8.00'
S8	DUE WEST	15.01'

**OWNERS:**  
 PARCEL C PROPERTY LLC (PARCELS C-1, C-2 & C-4)  
 PARCEL D PROPERTY LLC (PARCEL D-1)  
 MALL ENTRANCES BUSINESS TRUST (LOT 40), AND  
 C/O THE HOWARD RESEARCH AND DEVELOPMENT CORPORATION  
 10275 UTILE PATIENT PARKWAY  
 COLUMBIA, MD 21044  
 P/O: 410-854-5443  
 AND  
 C/O THE MALL BY COLUMBIA BUSINESS TRUST  
 PO BOX 817995  
 CHICAGO, IL 60681  
 AND  
 C/O GENERAL GROWTH PROPERTIES, INC.  
 110 NORTH WACKER DRIVE  
 CHICAGO, ILLINOIS 60606  
 P/O: 312-958-9000

**OWNERS' DEDICATION**

PARCEL C PROPERTY LLC, A DELAWARE LIMITED LIABILITY COMPANY, PARCEL D PROPERTY LLC, A DELAWARE LIMITED LIABILITY COMPANY, AND MALL ENTRANCES BUSINESS TRUST, A MARYLAND BUSINESS TRUST, OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND IN CONSIDERATION OF THE APPROVAL OF THIS FINAL PLAN BY THE DEPARTMENT OF PLANNING AND ZONING, ESTABLISH THE MINIMUM DRAINAGE 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 GRANT THE RIGHT AND OPTION TO HOWARD COUNTY TO ACQUIRE THE FEE SIMPLE TITLE TO THE BEDS OF THE STREETS AND/OR ROADS, 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 ERRECTED ON OR OVER THE SAID EASEMENTS AND RIGHTS-OF-WAY.

**WITNESS OUR HANDS THIS DAY OF**

PARCEL C PROPERTY LLC BY: PARCEL C DEVELOPMENT LLC BY: PARCEL C BUSINESS TRUST BY: THE HOWARD RESEARCH AND DEVELOPMENT CORPORATION, ITS SOLE MANAGING TRUSTEE	PARCEL D PROPERTY LLC BY: PARCEL D DEVELOPMENT LLC BY: PARCEL D BUSINESS TRUST BY: THE HOWARD RESEARCH AND DEVELOPMENT CORPORATION, ITS SOLE MANAGING TRUSTEE
BY: JOHN DEMOLF, VICE PRESIDENT ATTEST: PETER F. RILEY, SECRETARY	BY: JOHN DEMOLF, VICE PRESIDENT ATTEST: PETER F. RILEY, SECRETARY
BY: PARCEL C INVESTOR LLC BY: C/O COLUMBIA LLC BY: KETTLER, INC. ITS MANAGER	BY: PARCEL D INVESTOR LLC BY: C/O COLUMBIA LLC BY: KETTLER, INC. ITS MANAGER
BY: ANDREW W. BUCHANAN, PRESIDENT ATTEST: SEAN H. CURTIN, SECRETARY	BY: ANDREW W. BUCHANAN, PRESIDENT ATTEST: SEAN H. CURTIN, SECRETARY

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THAT THE REVISION PLAT SHOWN HEREON IS CORRECT; THAT IT IS REVISIONS TO PARCELS C-1, C-2, C-4 AND D-1 AS SHOWN ON A PLAT ENTITLED 'DOWNTOWN COLUMBIA, WARFIELD NEIGHBORHOOD, PLATS NOS. 22456 & 22457' AND PARCELS C-1 AND C-4 AND D-1 FROM D-4 AND COLUMBIA TOWN CENTER, LOT 40, SECTION 2 AREA 1 & PARCEL E, SECTION 2 AREA B' AND RECORDED AS PLAT NOS. 22456 & 22457, AND TO LOT 40 AS SHOWN ON A PLAT ENTITLED 'COLUMBIA TOWN CENTER, LOTS 35 THRU 41, SECTION 2 AREA 1' AND RECORDED AS PLAT NO. 12996, ALSO BEING REVISIONS TO PART OF THE LAND CONVEYED BY PARCEL C BUSINESS TRUST TO PARCEL C PROPERTY LLC, BY A DEED DATED OCTOBER 4, 2013 AND RECORDED IN LIBER 15435 AT FOLIO 428, REVISION TO PART OF THE LAND CONVEYED BY HOWARD RESEARCH AND DEVELOPMENT HOLDINGS CORPORATION TO MALL ENTRANCES BUSINESS TRUST, BY A DEED DATED NOVEMBER 21, 2003 AND RECORDED IN LIBER 7851 AT FOLIO 540, REVISION TO PART OF THE LAND CONVEYED BY PARCEL D BUSINESS TRUST TO PARCEL D PROPERTY LLC, BY A DEED DATED NOVEMBER 22, 2011 AND RECORDED IN LIBER 13605 AT FOLIO 242, ALL AMONG THE LAND RECORDS OF HOWARD COUNTY, MARYLAND.

THOMAS C. O'CONNOR, JR. DATE  
 PROFESSIONAL LAND SURVEYOR  
 MARYLAND REGISTRATION NO. 10954 (EXP. 07/03/2016)

RECORDED AS PLAT NUMBER \_\_\_\_\_ ON  
 \_\_\_\_\_, AMONG THE LAND RECORDS OF  
 HOWARD COUNTY, MARYLAND

**REVISION PLAT  
 DOWNTOWN COLUMBIA  
 WARFIELD NEIGHBORHOOD  
 PARCELS C-1, C-2, C-4 AND D-1  
 AND  
 COLUMBIA TOWN CENTER  
 LOTS 40, SECTION 2 AREA 1**

(REVISIONS TO PARCELS C-1, C-2, C-4 & D-1, DOWNTOWN COLUMBIA, WARFIELD NEIGHBORHOOD, PLATS NOS. 22456 & 22457 AND LOT 40, COLUMBIA TOWN CENTER, PLAT NO. 12996)

FDP-DC-WARFIELD-1 TM 36, GRID 1, P/O PARCELS 382 & 460  
 5th ELECTION DISTRICT ZONE-N1 HOWARD COUNTY, MARYLAND  
 SCALE: 1"=50' SHEET 2 OF 3 MARCH 2015

**GLW GUTSCHICK LITTLE & WEBER, P.A.**  
 CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS  
 3909 NATIONAL DRIVE - SUITE 200 - BURTOWNVILLE OFFICE PARK  
 BURTOWNVILLE, MARYLAND 21038  
 TEL: 301-421-4024 FAX: 301-860-1820 DC/VA: 301-982-2324 FAX: 301-421-4182  
 DRAWN BY: \_\_\_\_\_ CHECK BY: \_\_\_\_\_

**APPROVED:** FOR PUBLIC WATER & PUBLIC SEWERAGE SYSTEMS IN CONFORMANCE WITH THE MASTER PLAN OF WATER & SEWERAGE FOR HOWARD COUNTY, MD.

COUNTY HEALTH OFFICER \_\_\_\_\_ DATE \_\_\_\_\_

**APPROVED:** HOWARD COUNTY DEPARTMENT OF PLANNING & ZONING

CHEF, DEVELOPMENT ENGINEERING DIVISION \_\_\_\_\_ DATE \_\_\_\_\_

DIRECTOR \_\_\_\_\_ DATE \_\_\_\_\_

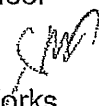


# Howard County

*Internal Memorandum*

**Subject:** Testimony & Fiscal Impact Statement  
Council Resolution No. CR107 - 2015 declaring that a portion of a Public Traffic Signal Accessory Device and Utility Easement comprising approximately 0.0183 acres and located along Broken Land Parkway 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 owner; 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 Public Traffic Signal Accessory Device and Utility Easement located at 11100 Broken Land Parkway, Columbia, Maryland.

By Deed and Agreement dated June 21, 2000 and recorded among the Land Records of Howard County at Liber 5137, folio 377, The Howard Research and Development Corporation conveyed Traffic Signal Accessory Device and Utility Easements (the "Easement") to the County as required for Capital Project T-7047.

The current owner of the property, Parcel C Property, LLC, has submitted a Revision Plat entitled, "Revision Plat, Downtown Columbia, Warfield Neighborhood, Parcels C-1, C-2, C-4 and D-1 and Columbia Town Center, Lot 40, Section 2, Area 1" to the County for its consideration. The Revision Plat terminates a 0.0183 acre portion of the Easement and re-conveys a new easement area to the County.

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 a new easement is being conveyed to the County at no cost, therefore there is no fiscal impact.

Attached is a Resolution requesting approval for the termination of a portion of the Easement and vesting title to the underlying property owner, Parcel C Property, LLC.

Lonnie R. Robbins  
Page – 2  
May 21, 2015

Representatives of this department will be present at the public hearing to answer any questions or concerns. 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