

County Council Of Howard County, Maryland

2015 Legislative Session

Legislative Day No. 8

Resolution No. 120-2015

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 property interest in a portion of County Open Space known as Parcel 82 on Tax Map 35 located on Guilford Road containing approximately 4195 square feet is no longer needed by Howard County, Maryland for public purposes; authorizing the County Executive to convey a driveway easement 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 grant the easement if he finds that the property 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This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on July 31, 2015.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 known as Parcel 82 on Tax Map  
2 35 by Deed dated July 10, 2006 recorded among the Land Records of Howard County, Maryland  
3 (the “Land Records”) in Liber 10142, folio 232, (the “County Property”); and  
4

5           **WHEREAS**, the adjacent property owners, Sean and Jeannine Grantham (the “Adjacent  
6 Property Owners”) have requested an easement containing approximately 4195 square feet on  
7 the County Property for use as a driveway to provide ingress and egress for their lot located at  
8 7374 Guilford Road, as shown in the attached Exhibit; and  
9

10           **WHEREAS**, other methods of ingress and egress to the Granthams’ property are  
11 problematic due to environmental impacts, such as wetlands’ disturbance and extensive tree  
12 removal, and limited sight distance where the current methods of ingress and egress intersect  
13 with Guilford Road; and  
14

15           **WHEREAS**, Section 4.201 “Disposition of real property” of the Howard County Code  
16 authorizes the County Council to declare that property is no longer needed for public purposes  
17 and authorizes the County Council to waive advertising and bidding requirements for an  
18 individual conveyance of the property upon the request of the County Executive and after a  
19 public hearing that has been duly advertised; and  
20

21           **WHEREAS**, as a matter of course, even when the County retains fee ownership of the  
22 property and continues its use of the property upon which an easement is granted, the County  
23 Executive requests the County Council to approve the easement under Section 4.201; and  
24

25           **WHEREAS**, the County Council has received a request from the County Executive to  
26 waive the advertising and bidding requirements in this instance for the conveyance of an  
27 easement interest in 4195 square feet of the County Property to the Adjacent Property Owners  
28 for use as a driveway across the County Property, on the basis that if the driveway is no longer  
29 needed by the Adjacent Property Owners or if the Adjacent Property Owners cease to use the  
30 driveway, the easement interest shall be terminated.  
31

1           **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,  
2 Maryland, this 31<sup>st</sup> day of July, 2015, that the easement interest to be  
3 granted in a portion of the County Property comprising approximately 4195 square feet, shown  
4 on the attached Exhibit, is no longer needed by the County for public purposes and the easement  
5 may be granted to the Adjacent Property Owners.

6  
7           **AND BE IT FURTHER RESOLVED** that, having received a request from the County  
8 Executive and having held a public hearing that was duly advertised, the County Council  
9 declares that the best interest of the County will be served by authorizing the County Executive  
10 to waive the usual advertising and bidding requirements of Section 4.201 of the Howard County  
11 Code for the disposition of the driveway easement to the Adjacent Property Owners.

12  
13           **AND BE IT FURTHER RESOLVED** that, if the County Executive finds that the land  
14 to be subject to the Easement may have a further public use which the Easement will deter and,  
15 therefore, that the Easement should not be granted, he is not bound to grant the Easement in  
16 accordance with this Resolution.

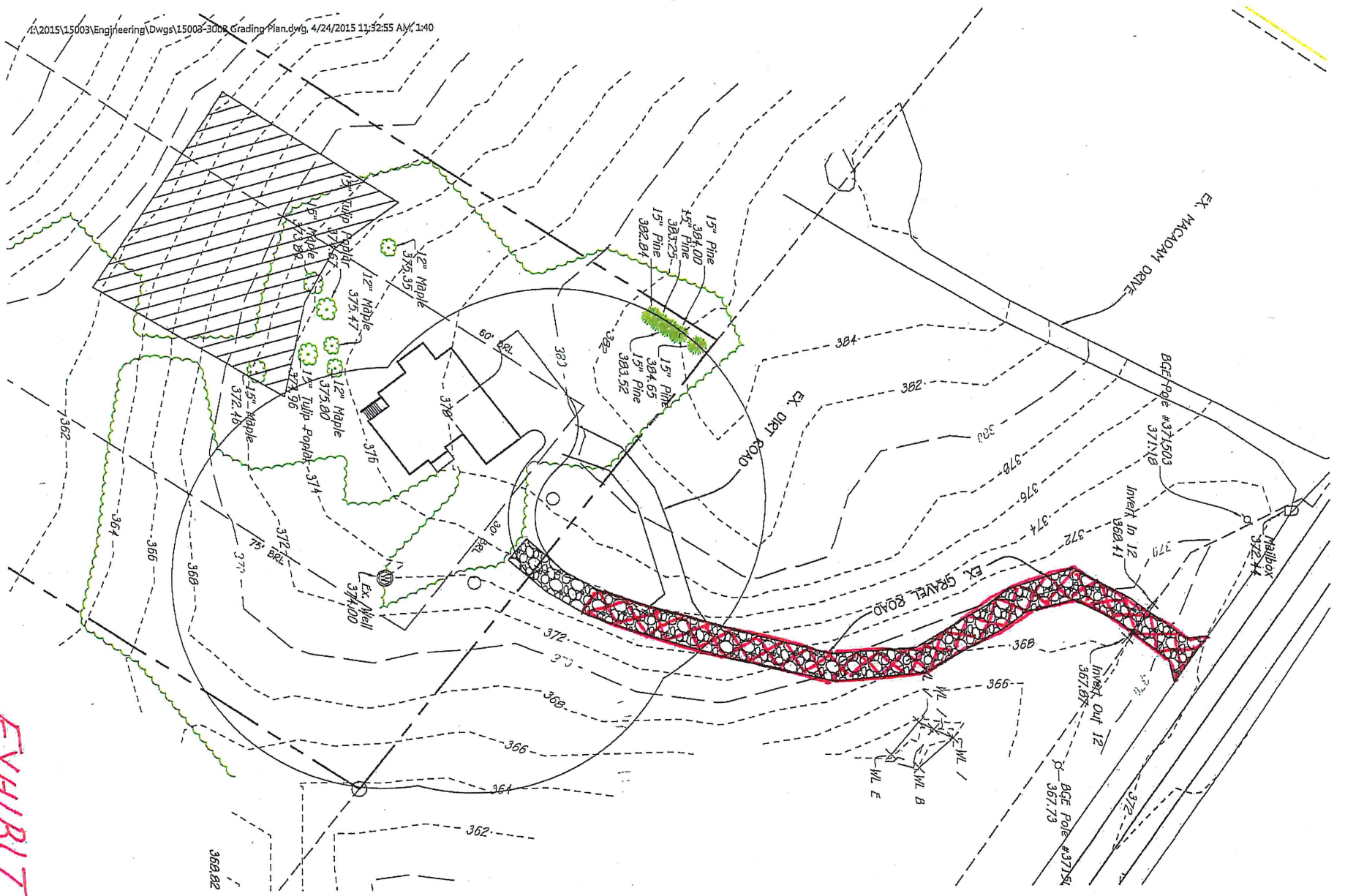


EXHIBIT A




# Howard County

*Internal Memorandum*

**Subject:** Testimony & Fiscal Impact Statement  
Council Resolution No. 120 - 2015 pursuant to Section 4.201 of the Howard County Code declaring that a portion of County Open Space known as Parcel 82 on Tax Map 35 located on Guilford Road containing approximately 4195 square feet is no longer needed by Howard County, Maryland for public purposes; authorizing the County Executive to convey a driveway easement 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 grant the easement if he finds that the property may have a further public use.

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

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

**Date:** June 24, 2015

The Department of Public Works has been designated coordinator for the preparation of testimony relative to the conveyance of an easement.

The County acquired an Open Space Lot known as Parcel 82 on Tax Map 35 from the State Highway Administration, Maryland Department of Transportation, by deed dated July 10, 2006 recorded among the Land Records of Howard County, Maryland in Liber 10142, folio 232 (the "County Property"). The County Property was conveyed subject to two existing easements for access to adjacent properties.

Sean and Jeannine Grantham own property located at 7374 Guilford Road which is adjacent to the County Property. Mr. and Mrs. Grantham have requested an easement containing approximately 4195 square feet on the County Property for use as a driveway (the "Easement") to provide ingress and egress to the house they intend to construct on their property. The existing easement for ingress and egress to the Grantham's property is problematic due to environmental impacts, such as wetlands' disturbance, extensive tree removal and limited sight distance where the existing ingress and egress easement intersects Guilford Road.

The Department of Public Works and the Department of Recreation and Parks have reviewed the proposed conveyance of the Easement. We do not believe that the conveyance of the Easement through the County Property to the Granthams' property will have any adverse effect on the use of the remainder of the County Property. The County will continue to use the property as open space.

Lonnie R. Robbins  
Page – 2  
June 24, 2015


The Department of Public Works performed an in-house appraisal valuation to determine the value for the conveyance of the Easement to the Granthams. The estimated fair market value of the Easement is \$1,720.00. The Granthams have agreed to pay the fair market value of the Easement to the County. Once the legislation is approved, the County will prepare a Deed of Easement agreement to be executed by the Granthams and the County for the conveyance of the Easement, with the condition that if the driveway is no longer needed or used by the Granthams for access, the easement interest shall be terminated. This Deed of Easement will then be recorded in the land records. The Granthams will pay all costs associated with the construction and future maintenance of their driveway. Based on the above information, there is no fiscal impact to the County. The Granthams will pay the County \$1,720.00 for the conveyance of the Easement.

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  
Raul Delerme, Department of Recreation & Parks  
File

RIM/Legislation/2015/Grantham

**Howard County**  
*Internal Memorandum*

Subject: Value of Access Easement across County Property  
To: Tina D. Hackett, Chief of Real Estate Services Division  
From: Joseph Happel III, Land Acquisition Specialist   
Date: June 15, 2015

The County has been asked to grant an access easement across Parcel 82 on Tax Map 35 to an adjacent property owner. The County property is open space land, contains 5.26 acres and is zoned RR-DEO.

The attached three comparable land sales have been reviewed to estimate the value of the County property. All of the sales are fairly recent, occurred in 2014, and are the same zoning as the County property. Adjustments were made to the sales for location, size and topography. In addition, all of the sales had an approved percolation test or septic system already installed. Therefore, for appraisal purposes, the assumption will be made that the County property could have a positive percolation test.

After adjustments, the sales indicate a range of values from \$400,000.00 to \$428,000.00 for the County property. After consideration of the sales and adjustments for comparability, it is estimated that the County property has a fair market value of \$425,000.00. This value estimate assumes that the County property has full utility for residential uses. Since the County property is open space land, has an irregular shape for development and is encumbered by a stream, stream buffer, an existing driveway and an existing access easement, the estimated value is discounted due to the property's lack of development potential. The County property is considered to have only open space uses, so the fee value of the parcel is estimated to be 25% of \$425,000.00 or \$106,250.00.

The adjacent property owner has requested an access easement totally 4,195 square feet. The County property has a fee simple value of \$0.46 per square foot. Since the County is only granting an easement and not relinquishing its entire bundle of rights, the value of the access easement is 90% of fee value or \$0.41 per square foot. Therefore, the estimated value of the access easement is \$1,719.95, rounded to \$1,720.00.

Enclosures

- Exhibit A - Drawing showing the property and the cross hatched easement area
- Exhibit B - General area plan showing the property location
- Exhibit C - Three comparable sales used in the value analysis

TDH/ks

cc: File

RIM/Legislation/2015/Grantham

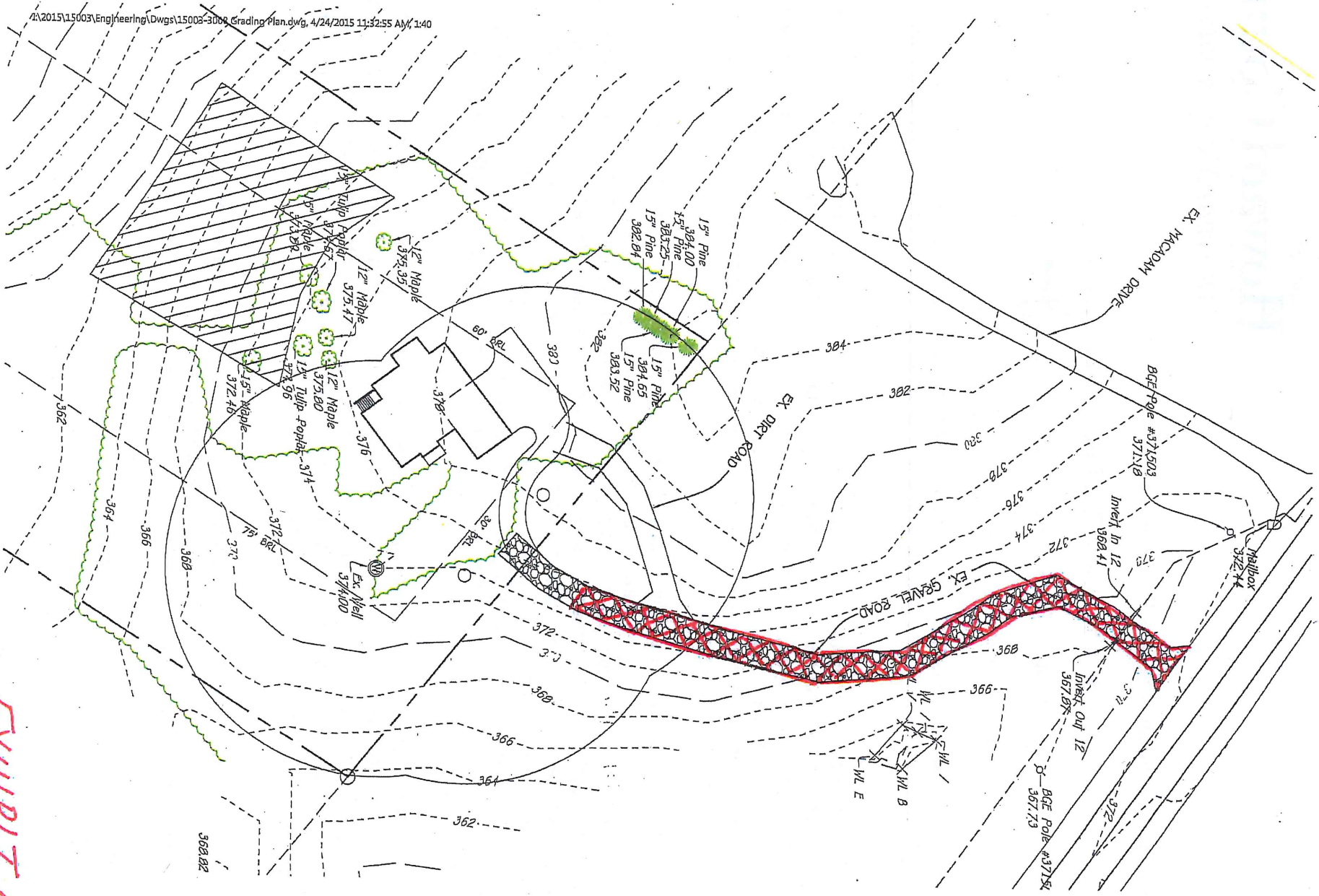
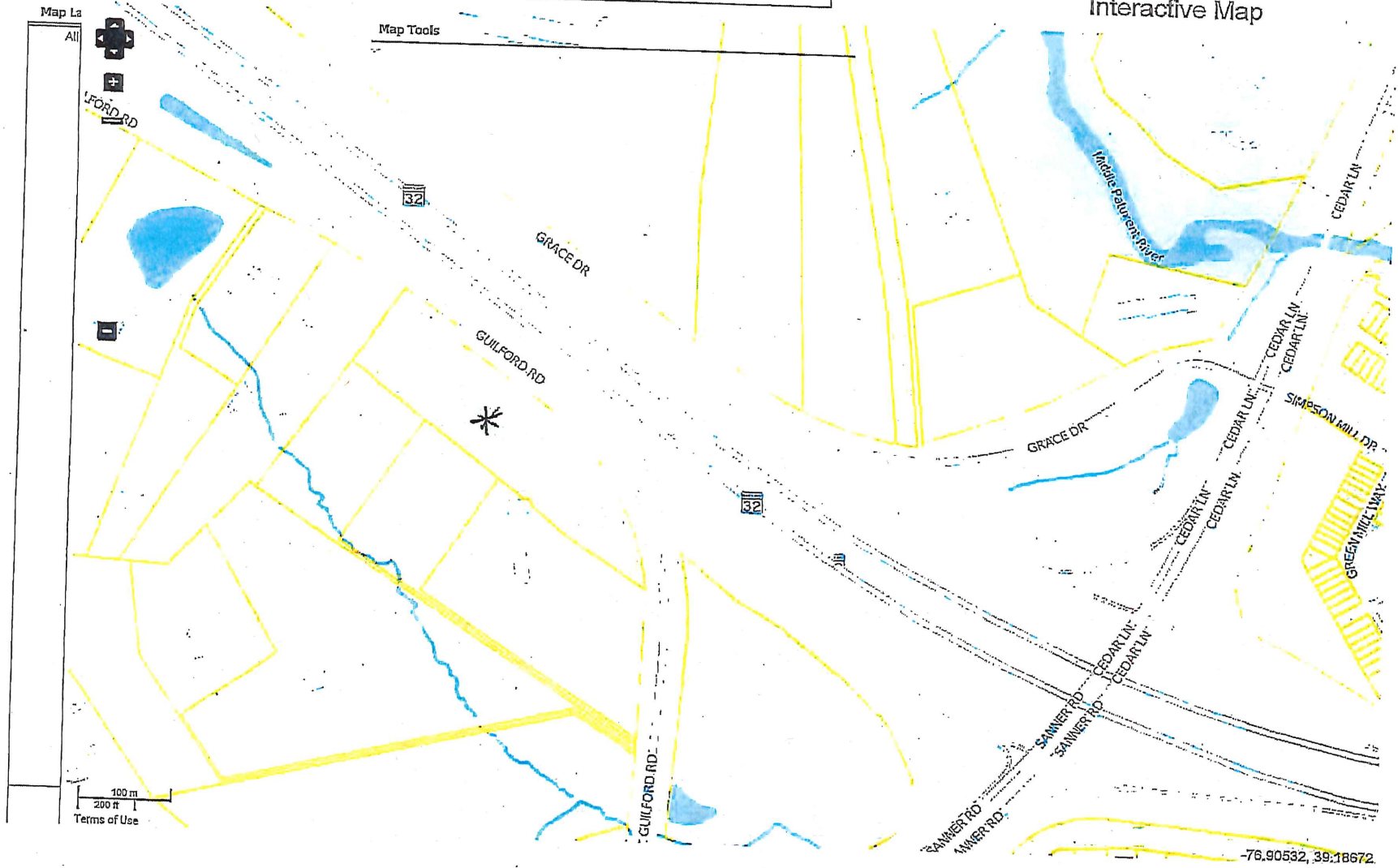


EXHIBIT A





\* County Property

EXHIBIT C

Karen H. Belinko Appraisals, LLC

Comparable Land Sales - Lot 1

Sale No. 1

**Location:** 8220 Hunterbrooke Lane  
Fulton, MD 20759

**County:** Howard, 5<sup>th</sup> E.D.  
**Map Reference:** T.M. 46, Grid 7, Parcel 89, Lot 1  
Plat No. 20296

**Grantor:** Douglas P. Bruns  
**Grantee:** David Lee & Sue Lee

**Deed Reference:** Liber 15563, folio 258  
**Record Date:** April 30, 2014

**Consideration:** \$420,000

**Site Data:**

Size Approx. 3.017 acres  
Shape Good  
Zoning RR-DEO  
Utilities Approx. Public electricity and telephone. Septic approved and well installed.  
Topography Gently sloping, all wooded.

**Improvements:** None at time of sale.

**Analysis of Sale:** Normal arms length transaction in the marketplace.

**Financing:** Cash Sale

**Highest & Best Use:** Use within the existing zoning classification.

**Sale Verified With:** Agent, Christina Elliott

**Date Inspected:** April 2015

**Remarks:** No commissions were paid, a savings of 5 percent. This lot is at the end of a cul-de-sac, with a gravel road extended. This lot, however, can extend its driveway from the paved surface. Recorded lot at time of sale. On the market for 28 days

EXHIBIT C

Karen H. Belinko Appraisals, LLC

**Sale No. 2**

**Location:** 13750 Lakeside Drive  
Clarksville, MD 21029

**County:** Howard, 5<sup>th</sup> E.D.  
**Map Reference:** T.M. 34, Grid 7, Parcel 396, Lot 9  
Plat No. 6012

**Grantor:** Robert James Scott  
**Grantee:** Mohammad Najib Roshan

**Deed Reference:** Liber. 15742, folio 191  
**Record Date:** August 20, 2014

**Consideration:** \$342,500

**Site Data:**

Size Approx. 3.0 acres  
Shape Rectangular  
Zoning RR-DEO  
Utilities Public electricity and telephone. Approved perk for four bedrooms and drilled well. No natural gas.  
Topography Downward sloping and partially wooded. Stream/wetlands to rear.

**Improvements:** None at time of sale.

**Analysis of Sale:** Normal arms length transaction in the marketplace.

**Financing:** Cash Sale

**Highest & Best Use:** Use within the existing zoning classification.

**Sale Verified With:** Agent, Sharon Keeny

**Date Inspected:** April 2015

**Remarks:** Easement for gas pipeline along rear corner. This buyer reconfigured septic area to allow for a 3-car garage and walkout, and has relisted for sale at \$395,000. Recorded lot at time of sale. On the market for 253 days.

EXHIBIT C

Karen H. Belinko Appraisals, LLC

**Sale No. 3**

**Location:** 13061 Hall Shop Road  
Highland, MD 20777

**County:** Howard, 5<sup>th</sup> E.D.  
**Map Reference:** T.M.40, Grid 10, Parcel 518, Lot 3  
Plat No, 19650

**Grantor:** Adam H. Ta  
**Grantee:** Naseen Rafiq

**Deed Reference:** Liber.15594, folio 428  
**Record Date:** May 21, 2014

**Consideration:** \$447,000

**Site Data:**

Size Approx. 3.0 acres  
Shape Irregular, flag lot stem  
Zoning RR-DEO  
Utilities Public electricity and telephone. Private well and septic.  
Topography Gently sloping, shared pipestem.

**Improvements:** None at time of sale.

**Analysis of Sale:** Normal arms length transaction in the marketplace.

**Financing:** Cash Sale

**Highest & Best Use:** Use within the existing zoning classification.

**Sale Verified With:** County records, MRIS, inspection. Attempts to verify with Broker were not successful.

**Date Inspected:** April 2015

**Remarks:** Recorded lot at time of sale. Pond view. Walking distance to Schooley Mill Park. On the market for 792 days.