

# 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  
Jessica Feldmark, Administrator

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

By order

Jessica Feldmark  
Jessica Feldmark, Administrator

Tabled July 31, 2015  
This Resolution was read the third time and was Adopted\_\_\_, Adopted with amendments\_\_\_, Failed\_\_\_, Withdrawn ☒, by the County Council  
on September 8, 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 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  
29



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

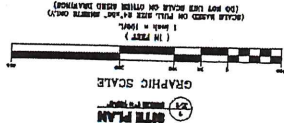
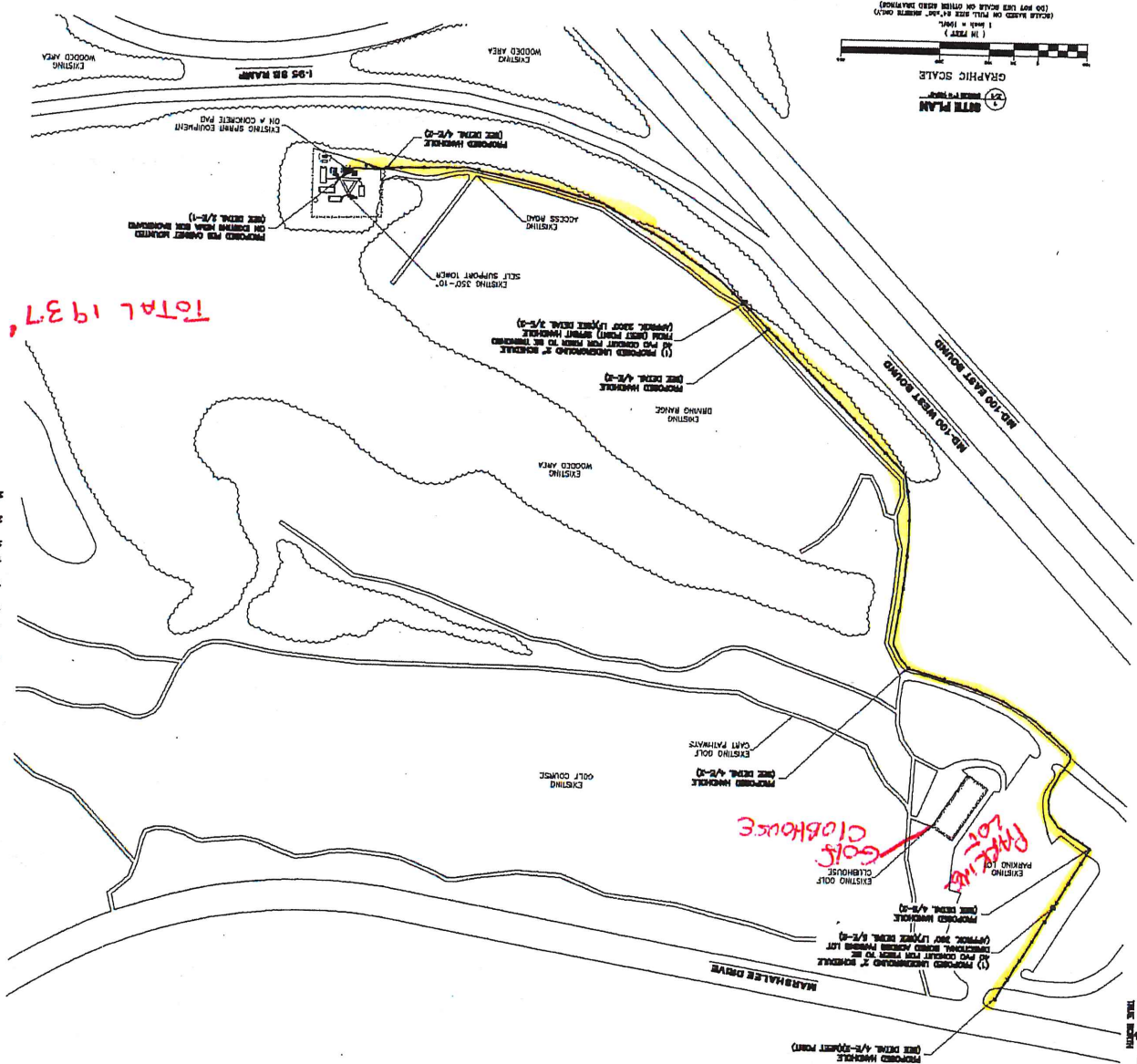
9       **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,  
10 Maryland, this \_\_\_\_ day of \_\_\_\_\_, 2015, that the easement interest to be  
11 granted in a portion of the County Property comprising approximately 5,811 square feet, as  
12 shown in the attached Exhibit, 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



Call before you dig  
811

APC TOWN / TROY GOLF COURSE  
WITH ADJACENT  
8000 MARSHALL DRIVE  
BETHESDA, MARYLAND 20817

SHEET NO. 2 OF 4

2-1

SITE PLAN

DATE: 10/20/2023  
SCALE: AS SHOWN  
CHECKED BY: JAV

DESIGNED BY: JAV

DATE: 10/20/2023  
ISSUED FOR: REVISED

REVISIONS OF PREVIOUS EDITIONS

DATE: 10/20/2023  
BY: JAV

DATE: 10/20/2023  
BY: JAV

DATE: 10/20/2023  
BY: JAV

DATE: 10/20/2023  
BY: JAV

DATE: 10/20/2023  
BY: JAV

DATE: 10/20/2023  
BY: JAV

DATE: 10/20/2023  
BY: JAV

GENERAL NOTES:

1. THE PLAN AND PROPOSED EASEMENT ARE SHOWN ON THE PLAN BY A YELLOW LINE. THE EASEMENT IS 3' WIDE.
2. THE PROPOSED EASEMENT SHALL BE USED FOR THE PURPOSES OF THE PROPOSED PROJECT.
3. THE EASEMENT SHALL BE USED FOR THE PURPOSES OF THE PROPOSED PROJECT.
4. THE EASEMENT SHALL BE USED FOR THE PURPOSES OF THE PROPOSED PROJECT.
5. THE EASEMENT SHALL BE USED FOR THE PURPOSES OF THE PROPOSED PROJECT.
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16. THE EASEMENT SHALL BE USED FOR THE PURPOSES OF THE PROPOSED PROJECT.
17. THE EASEMENT SHALL BE USED FOR THE PURPOSES OF THE PROPOSED PROJECT.
18. THE EASEMENT SHALL BE USED FOR THE PURPOSES OF THE PROPOSED PROJECT.
19. THE EASEMENT SHALL BE USED FOR THE PURPOSES OF THE PROPOSED PROJECT.
20. THE EASEMENT SHALL BE USED FOR THE PURPOSES OF THE PROPOSED PROJECT.
21. THE EASEMENT SHALL BE USED FOR THE PURPOSES OF THE PROPOSED PROJECT.
22. THE EASEMENT SHALL BE USED FOR THE PURPOSES OF THE PROPOSED PROJECT.



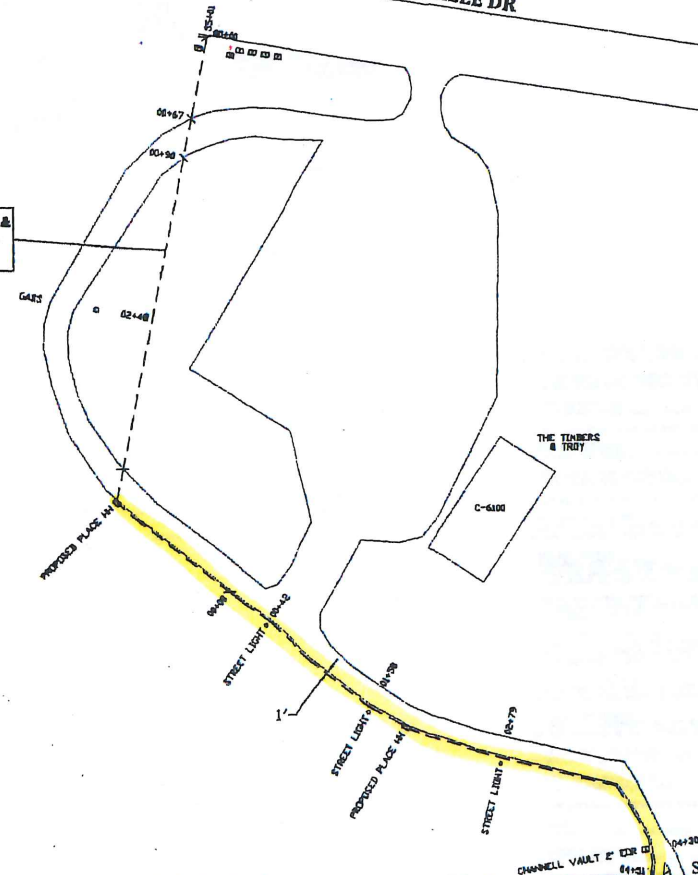
SEE SHEET #4

UNKNOWN VAULT & TELEPHONE PO  
POWER VAULT  
POWER VAULT  
POWER VAULT

MARSHALEE DR

PLACE 1.25" HDPE Duct &  
24ct Fiber Optic Cable  
@ Min 42" Depth

1100  
1100



SEE SHEET #6

Prepared for

FWI Band of Fibre LLC  
9400 Stone Creek Dr, Suite 100  
The College, TX 79404  
Chris Conner (512) 990-0111  
chris.conner@fwi.com

Prepared By  
Frederick Valley Communications Corp.  
3518 Rte 101, Springfield, VT  
(802) 899-9117  
office@fvc.com

Field Engineer: David Rye  
Jesse Hunsberry QUA 42/27/13

Map Summary

Aerial Footage	0
Minor Footage	1999'
Directional Bore Footage	48'
Total Bored Footage	2039'
Source Loop Footage	0
Total Footage	2039'

Unknown Owned Poles	0
Verizon Owned Poles	0
Owned Poles	0
Total # of Poles	0

Sheet # 5



Route/Segment#: 6069 Marshalee Rd

Begin at Tic point on Marshalee Dr run SE to Marshalee Dr Tower.

City/Twp: Elkridge

County: Howard

Drawing Scale: 1"=50'

State/Zip: MD/21075








# Howard County

## Internal Memorandum

Subject: Value Analysis of Fiber Optic Easement across County Property

To: Tina D. Hackett, Chief of Real Estate Services Division

From: Joseph Happel III, Land Acquisition Specialist 

Date: June 23, 2015

The County has been asked to grant a fiber optic easement consisting of 5,811 square feet across Parcel 687 on Tax Map 37 to PEG Bandwidth MD, LLC. The County property is open space land utilized as the Timbers of Troy Golf course consisting of 206.398 acres which is zoned PEC and R-20.

The attached is a value analysis using four comparable sales to estimate the Before and After acquisition value of the County property and the value of the easement area. Adjustments were made to the sales for market condition/date of sale, location, land size/acreage, frontage/access and topography.

After adjustments, the sales indicate a range of values from \$19,381,276.00 to \$25,347,760.00 for the County property. After consideration of the sales and adjustments for comparability and open space uses as a golf course, it is estimated that the County property has a fair market value of \$22,880,431.00.

Since the County is only granting an easement and not relinquishing its entire bundle of rights, the diminished value of the easement is 80% of fee value; therefore, valued at 20% of the fee simple value. The estimated value of a 5,811 square foot fiber optic easement is \$11,831.00.

### Enclosures

Exhibit A - Spreadsheet valuation of the subject property.

Exhibit B - Analysis of the Comparable Sales.

Exhibit C - SDAT listings of the subject property and four comparable sales.

Exhibit D - Three page plat of the subject's site showing the property and proposed location of the fiber optic line by use of a dashed line.

Exhibit E - Three pages of GIS illustrations showing the location of the site, the zoning, and the wetlands and floodplain areas located on the subject property.

TDH/jh

cc: File

RIM/Legislation/2015/Timbers of Troy



Exhibit A



Troy Hill Golf Course - Fiber Optics

Summary of Value									
BEFORE VALUE									
Sq. Ft.	\$ per Sq. Ft.								
8,990,697	\$2.54			\$22,880,431					
Site Improvements (Spot Value based on Assessment)				\$3,500,000					
Total BEFORE Value				\$26,380,431					
AFTER VALUE - Unencumbered Value									
Unencumbered Parcel Value:									
8,984,886	\$2.54			\$22,865,642					
Site Improvements (Spot Value based on Assessment)				\$3,500,000					
Fiber Optic Easement (80% Diminished Value)									
5,811	\$2.54		20%	2957.68					
Total AFTER Value:				\$26,368,600					
BEFORE VALUE:				\$26,380,431					
AFTER VALUE:				\$26,368,600					
Market Value of the Easement Acquisition				\$11,831					
Reconciliation of Value									
Diminished value of the easement area is				80%					
Easement equals 1937' long by 3' wide w/ square foot				5,811					
Fair Market Value per Square Foot				\$2.54					
Fair Market Value of the 5,811 s.f. Fiber Optic Easement				\$11,831					

Exhibit A



## Exhibit B

### Timbers of Troy Golf Course - Fiber Optics

#### ANALYSIS OF COMPARABLE SALES

All of the comparable sales are sales that range in size from 9.8 acres to 50.002 acres and sold between February 2012 and August 2014. On the previous page are the adjustments to the comparable sales. The following factors are considered in adjusting each sale as compared to the subject property. The sales are given equal weight as being representative of market value.

**Date of Sale:** All of the comparable sales are indicative of market conditions and activity with in the Howard County area. One of the four comparable sales has a house while the other three comparable sales are land sale. The market demand for land is stable with increasing sale prices from both developers and homebuilders. This demand is demonstrated in the sales of existing and new homes as well as residential and commercial land sales. To reflect this active market demand an upward adjustment of 4% per year is applied. All of the sales require an upward adjustment for Market condition. Sale 4 is the most current sale requiring a minimal market adjustment. Sales 1, 2, 3 require larger adjustments due to the date of their sale. To reflect market demand an upward adjustment of 4% per annum is applied.

**Location:** Sale 2 is located in Elkridge same as the subject property; therefore, no adjustment is required. Sales 1 is located in Laurel requiring an upward adjustment. Sale 3 is located in Sykesville and Sale 4 are located in Highland; whereby, both sales require downward adjustments due to their desirable and superior locations.

**Size:** The size of the comparable sales are all smaller that the subject property requiring an upward adjustment to all of the comparable sales.

**Frontage/Access:** The frontage and access for the subject parcel and comparable sales 1, 3 and 4 are considered adequate for the property. Sale 2's frontage is superior with frontage on Washington Blvd. and Ducketts Lane; therefore, a downward adjustment is made.

**Topography:** The adjustment for topography reflects the potential cost of grading and clearing the parcel as well as the mitigation of wetland, streams, and reforestation problems. The subject property is irregular in shape, is level with rolling slopes and is used as a golf course. Sale 1, 3 and 4 are similar to the subject property with sale 2 being level and considered superior to the subject property; therefore, a downward adjustment is made.

#### MARKET VALUE OF UNIMPROVED SUBJECT PARCEL

After considering the above sales and the adjustments for comparability as discussed and other market sales data providing an indication of market value, the subject property, as an unimproved parcel, is estimated to have a market value, as of June 23, 2015 of \$2.54 sq. ft. for the easement area. This represents the above estimate of market value derived from the comparable sales. This is supported by the median value of \$100,856 or \$2.54 sq. ft. The net adjusted values range between \$93,902 and \$122,810.

#### CORRELATION AND FINAL VALUE

The appraisal process considered the sales comparison approach, the cost approach, and the income approach. The applicability of each approach is based on the nature and type of property being appraised. Although the subject property is improved, the improvements are not adversely affected; therefore, the property is valued as unimproved with a "spot value" given the improvements. The improvements are given an estimated value based upon the tax assessment. Both before and after the proposed acquisition, the subject property is valued as



## Exhibit B

an unimproved parcel, so only the sales comparison approach was used. This provided an opinion of market value for the subject parcel, before the acquisition. Considered an unimproved parcel, the Cost and Income approaches were not considered applicable. Sales of similar residential parcels or lots were analyzed with adjustments made for comparability using the Sales Comparison Approach. After considering the above sales and the adjustments for comparability as discussed and other market sales data providing an indication of market value, the subject property, as an unimproved parcel, is estimated to have a market value, as of June 23, 2015 of \$2.54 sq. ft.

Summary of Value				
BEFORE VALUE				
Sq. Ft.		\$ per Sq. Ft.		
8,990,697		\$2.54		\$22,880,431
Site Improvements (Spot Value based on Assessment Value)				\$3,500,000
Total BEFORE Value				\$26,380,431
AFTER VALUE - Unencumbered Value				
Unencumbered Parcel Value:				
8,984,886		\$2.54		\$22,865,642
Site Improvements (Spot Value based on Assessment Value)				\$3,500,000
Fiber Optic Easement (80% Diminished Value)				
5,811		\$2.54		20%
				2957.68
Total AFTER Value:				\$26,368,600
BEFORE VALUE:				
				\$26,380,431
AFTER VALUE:				
				\$26,368,600
Market Value of the Easement Acquisition				\$11,831



## Real Property Data Search (w3)

Guide to searching the database

Search Result for HOWARD COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 01 Account Number - 274813			
Owner Information					
Owner Name:	HOWARD COUNTY MARYLAND		Use:	EXEMPT COMMERCIAL NO	
Mailing Address:	3430 COURT HOUSE DR ELLICOTT CITY MD 21043-4300		Principal Residence:	Deed Reference: /04082/ 00225	
Location & Structure Information					
Premises Address:	6100 N MARSHALEE DR ELKRIDGE 21075-0000		Legal Description:	PAR G-1 206.398 A MARSHALEE DR GOLFC CEN 9500 RSB OF PAR B&G	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: 12300
0037	0010	0687		- 0000	G 1. 2015 Plat Ref:
Special Tax Areas:			Town:	NONE	
			Ad Valorem:	102	
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1997	9042		206.3900 AC	000000	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
		CLUB HOUSE			
Value Information					
	Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2014 As of 07/01/2015		
Land:	6,689,300	6,689,300			
Improvements	3,784,600	3,435,400			
Total:	10,473,900	10,124,700	10,473,900	10,124,700	
Preferential Land:	0			0	
Transfer Information					
Seller: HOWARD COUNTY MARYLAND		Date: 10/09/1997	Price: \$0		
Type: NON-ARMS LENGTH OTHER		Deed1: /04082/ 00225	Deed2:		
Seller:		Date:	Price:		
Type:		Deed1:	Deed2:		
Seller:		Date:	Price:		
Type:		Deed1:	Deed2:		
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2014	07/01/2015		
County:	420	10,473,900.00	10,124,700.00		
State:	420	10,473,900.00	10,124,700.00		
Municipal:	420	0.00/0.00	0.00/0.00		
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

1. This screen allows you to search the Real Property database and display property records.
2. Click here for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.



Real Property Data Search ( w3)

Guide to searching the database

## Search Result for HOWARD COUNTY

Account Identifier: **District - 06 Account Number - 406378**

## Total Transfer

Sale Date:	08/16/2013	Sale Type:	ARMS LENGTH VACANT
Sale Number:	029321		VACANT
From:	HIGDON EULA P TRUSTEE	Consideration:	\$1500000.00
To:	CM HIGDON LC		

## Location Information

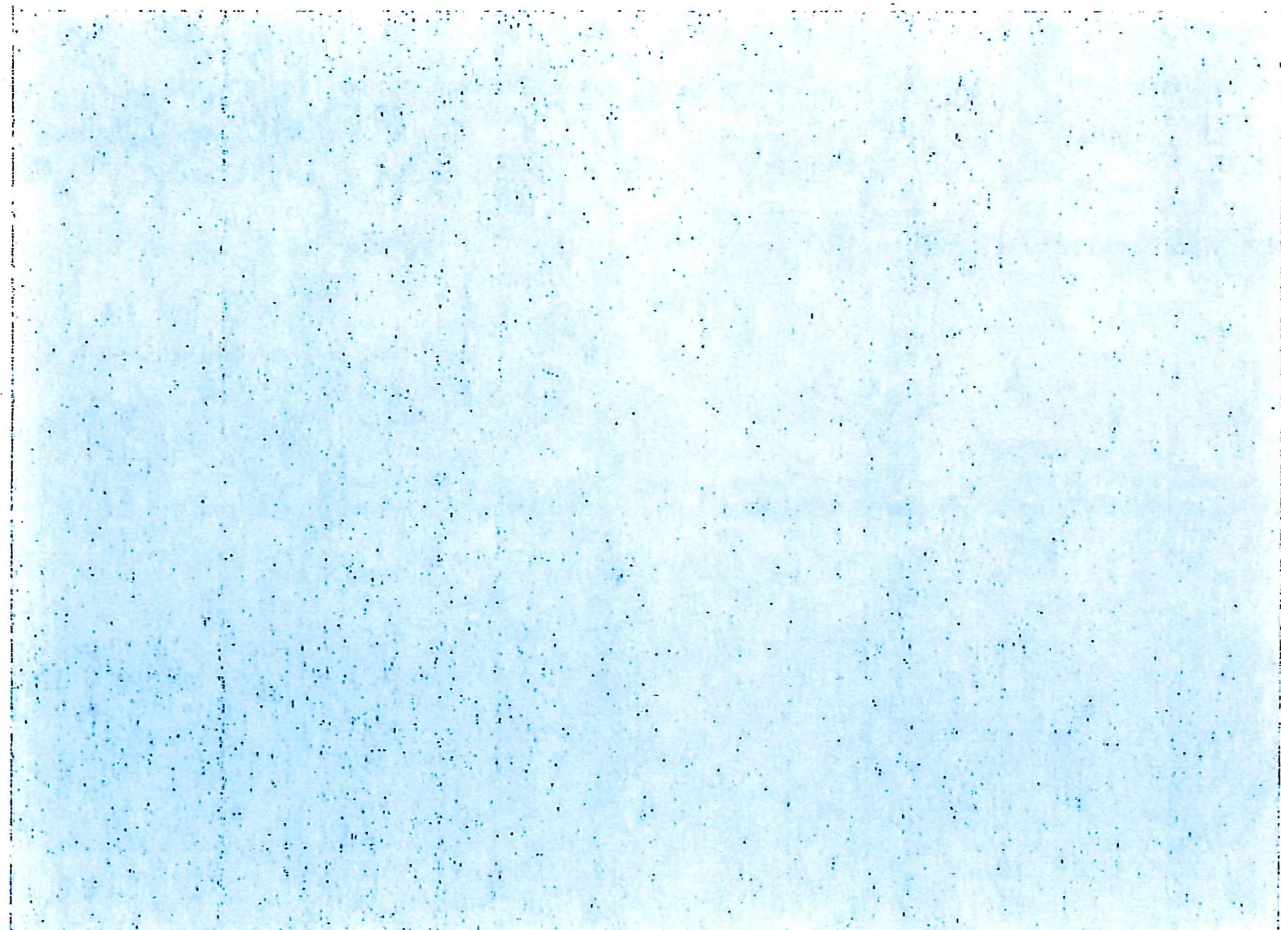
Location:	10883 SCAGGSVILLE RD LAUREL	Liber/Folio 1:	/ 15161/ 00365
		Liber/Folio 2:	
		Use:	R RESIDENTIAL
Subdivision:	0000 LAUREL	Town:	14000 NONE
Status:		BPRUC:	

Class:

Map:	Grid:	Parcel:	Section:	Block:	Lot:
0046	0011	0056			

## Structure Data

Year Built	Stories	Grade	Basement	Type	Exterior	Enclosed Area
Land Area:	11.3590 AC					





Real Property Data Search (w3)

Guide to searching the database

## Search Result for HOWARD COUNTY

Account Identifier: **District - 01 Account Number - 186124**

## Total Transfer

Sale Date:	02/07/2012	Sale Type:	ARMS LENGTH VACANT
Sale Number:	18121		VACANT
From:	DUCKETTS RIDGE LLC	Consideration:	\$2640000.00
To:	BOARD OF EDUCATION OF HOWARD		

## Location Information

Location:	6501 DUCKETTS LN ELKRIDGE	Liber/Folio 1:	/ 13768/ 00436
		Liber/Folio 2:	
		Use:	E
Subdivision:	0000	Town:	14000
	LEGACY @ DUCKETTS RIDGE	BPRUC:	NONE
Status:			
Class:			

Map:	Grid:	Parcel:	Section:	Block:	Lot:
0037	0012	0569			

## Structure Data

Year Built	Stories	Grade	Basement	Type	Exterior	Enclosed Area
Land Area:	9.8440 AC					



Real Property Data Search (w3)

Guide to searching the database 7

## Search Result for HOWARD COUNTY

Account Identifier: District - 03 Account Number - 311872

## Total Transfer

Sale Date:	10/31/2012	Sale Type:	ARMS LENGTH VACANT
Sale Number:	023306		VACANT
From:	DRJ CONSTRUCTION LLC	Consideration:	\$1200000.00
To:	JERICO LLC		

## Location Information

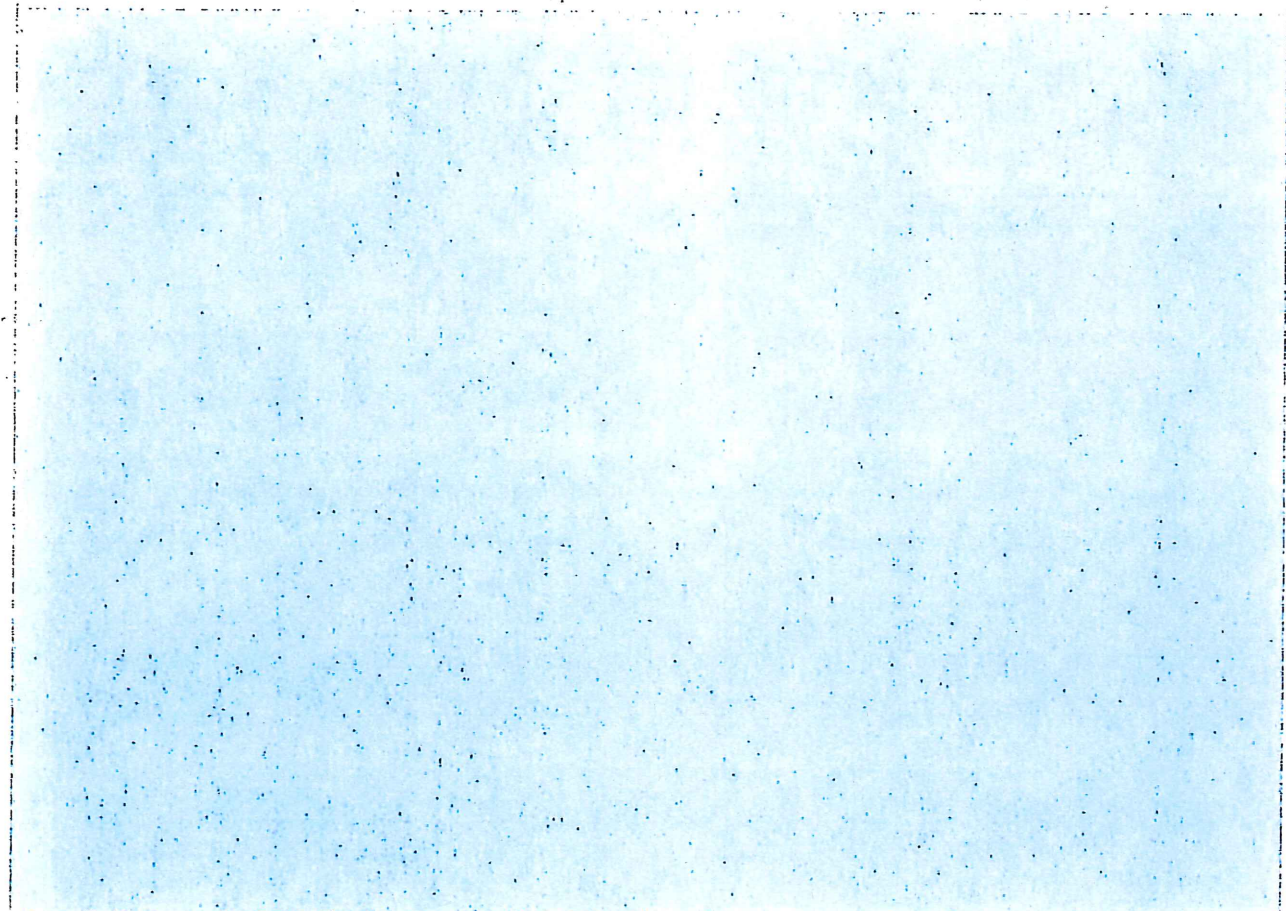
Location:	1304 HAY MEADOW LN SYKESVILLE	Liber/Folio 1:	/ 14410/ 00243
		Liber/Folio 2:	
		Use:	A AGRICULTURAL
Subdivision:	0000 HAY MEADOW	Town:	14000 NONE
Status:		BPRUC:	

Class:

Map:	Grid:	Parcel:	Section:	Block:	Lot:
0009	0011	0335			PAR B

## Structure Data

Year Built	Stories	Grade	Basement	Type	Exterior	Enclosed Area
2013				STANDARD UNIT	WOOD SHINGLE	8,771 SF
Land Area:	50.0020 AC					





Real Property Data Search ( v3)

Guide to searching the database 2

## Search Result for HOWARD COUNTY

Account Identifier: District - 05 Account Number - 595738

## Total Transfer

Sale Date:	04/08/2014	Sale Type:	ARMS LENGTH VACANT
Sale Number:	034059		VACANT
From:	S T REGAN FARM LLC	Consideration:	\$5,170,000.00
To:	MB HIGHLAND RESERVE LLC		

## Location Information

Location:	POINT RIDGE DRIVE HIGHLAND	Liber/Folio 1:	/ 15533/ 00484
		Liber/Folio 2:	
		Use:	R RESIDENTIAL
Subdivision:	2601 REGAN PROPERTY	Town:	14000 NONE
Status:		BPRUC:	

Map:	Grid:	Parcel:	Section:	Block:	Lot:
0034	0024	0200			PAR D

## Structure Data

Year Built	Stories	Grade	Basement	Type	Exterior	Enclosed Area
------------	---------	-------	----------	------	----------	---------------

Land Area:	24.8600 AC
------------	------------



3, 01 DE 1953

[illegible]



SEE SHEET #4

UNKNOWN VAULT & TELEPHONE POLE  
UNKNOWN VAULT  
UNKNOWN VAULT  
UNKNOWN VAULT  
UNKNOWN VAULT

MARSHALEE DR

PLACE 1.25" HDPE Duct &  
24ct Fiber Optic Cable  
@ Min 42" Depth

GAS

02440

PROPOSED PLACE HI

STREET LIGHT POLES

STREET LIGHT

PROPOSED PLACE HI

STREET LIGHT

UNKNOWN VAULT & TELEPHONE POLE  
04426

SEE SHEET #6

Exhibit D

Proposed by:

PREPARED BY  
FREDERICK VALLEY COMMUNICATIONS CORP.  
510 CAMDEN DRIVE, SUITE 100  
THE COLONY, TX 75866  
CRAIG@FVCC.COM (817) 966-3116  
FVCC.COM

Prepared by:  
Frederick Valley Communications Corp.  
233 River St., Springfield, VT  
(802) 884-5117  
info@fvc.com

Field Engineer: [blank] Digital File: [blank]  
Issue: [blank] Date: 01/27/13

Map Summary

Actual Footage	0'
New Footage	1999'
Directional Bore Footage	14'
Trench Backfill Footage	2039'
Storage Loop Footage	0'
Total Footage	2039'

Unknown Owned Poles	0
Vertical Owned Poles	0
Owned Poles	0
Total # of Poles	0

Sheet # 5



Route/Segment#: 6069 Marshalee Rd

Begin at Tie point on Marshalee Dr run SE to Marshalee Dr Tower.

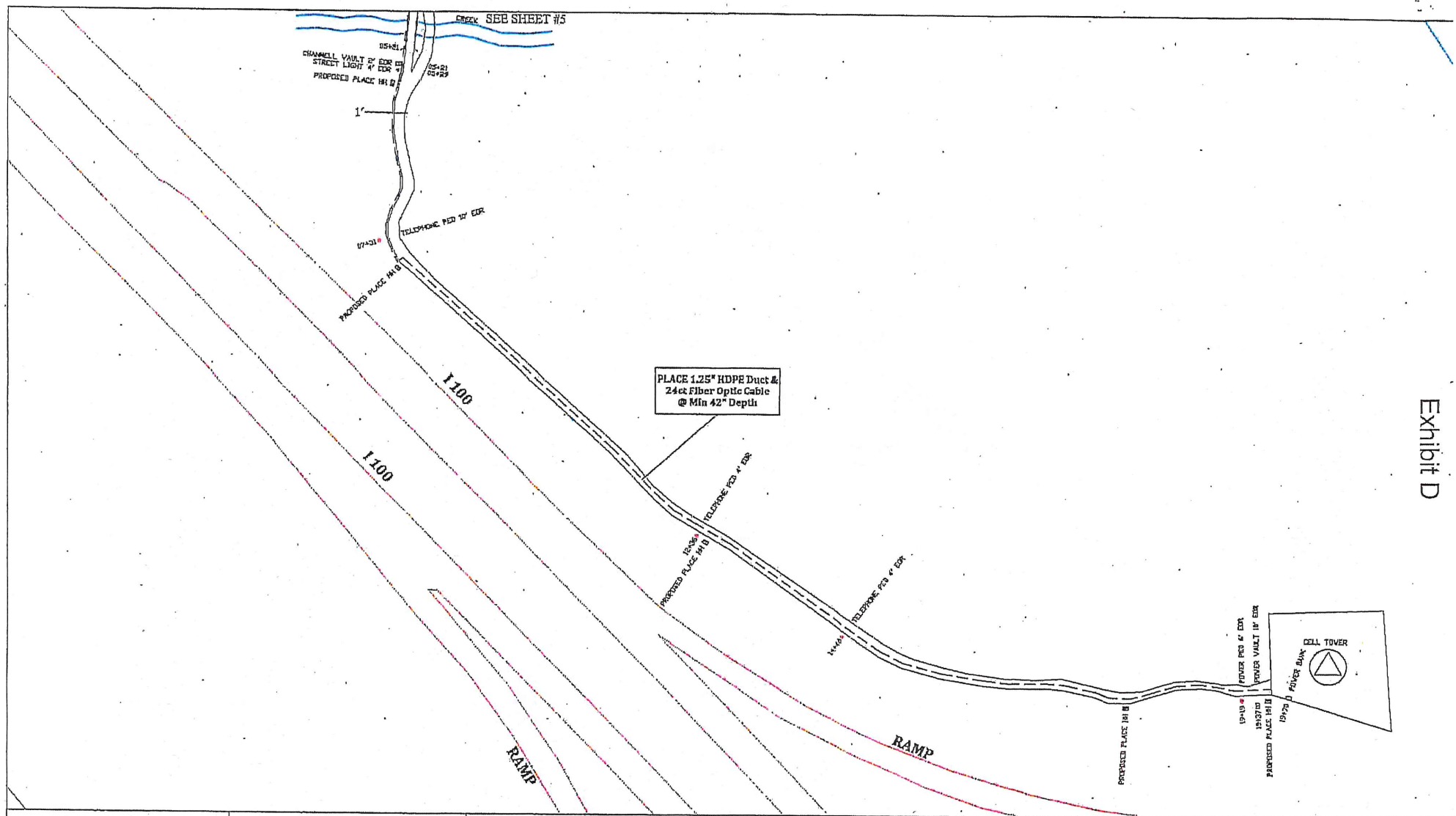
City/Twp: ElkrIDGE


County: Howard

State/Zip: MD/21075

Drawing Scale: 1"=50'





Prepared for:  TCO Roadway VA, LLC 3300 New Creek Dr. Suite 100 The Dalles, WA 99156 Dan Conarty (509) 848-4511 5-2024 (revised) (revised) (revised)	Prepared by: Frederick Valley Construction Co., Inc. 3311 River St. SE, Suite 100 (509) 766-5217 fvalco@valco.com Valco Engineering (revised) (revised) (revised) Date: 01/21/18	Aerial Footage <u>0</u> Pipe Footage <u>1540'</u> Directional Hole Footage <u>0</u> Total Buried Footage <u>1540'</u> Storage Loop Footage <u>0</u> Total Footage <u>1540'</u>	Map Summary  Unknown Owned Poles <u>0</u> Unknown Street Poles <u>0</u> Owned Poles <u>0</u> Total # of Poles <u>0</u>	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/Zlp: MD/21075  Drawing Scale: 1"=50'
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