

LAW OFFICES OF
TALKIN & OH, LLP
COLUMBIA OFFICE
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ELLICOTT CITY, MARYLAND 21042-7870

(410) 964-0300
(301) 596-6500
Fax: (410) 964-2008

November 20, 2015

The Honorable Allan H. Kittleman
Howard County Executive
3430 Courthouse Drive
Ellicott City, MD 21043

RE: Request for Disposition of Real Property

Dear Mr. Kittleman:

Please be advised that this office represents Emerson Development II LLC, Emerson Development III LLC, Emerson Development IV LLC, Emerson Development V LLC, Emerson Development VI LLC and Emerson Development VII LLC (collectively, "Emerson Development LLC's" or "Petitioner").

In 2011 and 2013, the Howard County Council adopted the attached Resolution Nos. 112-2011, 113-2011, 119-2011, 28-2013, and 37-2013 (the "Resolutions"). These Resolutions authorized the County to close and convey portions of Sterling Drive and Whiskey Bottom Road to the Emerson Development LLC's along with other County-owned open space parcels in order to create a secure campus for a governmental agency. Attached hereto is an agreement between the Emerson Development LLC's and Howard County, which sets forth the relevant terms of this cooperative effort.

The purpose of this letter is to request the County's further cooperation to close and convey an additional 441 sq. ft. portion of Whiskey Bottom Road as shown on the attached "Exhibit Plat Showing Closing of a Portion of Whiskey Bottom Road" ("Exhibit"). This request has been necessitated by the location and configuration of the current security fence as shown on the Exhibit.

Allan H. Kittleman
November 20, 2015
Page 2 of 2

Thus, pursuant to Section 4.201 of the Howard County Code, please accept this letter on behalf of Petitioner as a request to introduce legislation to dispose of real property contained in the bed of the road and right-of-way following the closing of a portion of Whiskey Bottom Road as referenced and specified on the Exhibit. Furthermore, in consideration of Petitioner's Request for Road Closure to the County Council, a copy of which was provided to your office, we also request that the advertising and bidding requirements for Section 4.201 be waived and that the 441 sq. ft. in question be conveyed by the County to the Petitioner for one dollar and subjected to the terms of the Agreement with all current restrictions on development intact and with the right of reversion in the event that the governmental use on the land were to cease.

Thank you for your time and consideration of this request.

Very truly yours,

Talkin & Oh, LLP

Sang W. Oh / DTB

By: Sang W. Oh

cc: Mary Kay Sigaty, Chair, Howard County Council
Jessica Feldmark, Administrator, Howard County Council
B. Diane Wilson, Chief of Staff
Jahantab Siddiqui, Deputy Chief of Staff
Sandra Schrader, Director of Intergovernmental Affairs
Jennifer Sager, Legislative Coordinator, County Administration
Jim Irvin, Director, Department of Public Works
Tina Hackett, Real Estate Services
Valdis Lazdins, Director, Department of Planning and Zoning
John Byrd, Director, Department of Recreation and Parks

County Council of Howard County, Maryland

2011 Legislative Session

Legislative day # 8

RESOLUTION NO. 112 - 2011

Introduced by: The Chairperson at the request of Emerson Development LLCs

A RESOLUTION to close a portion of Sterling Drive, as shown in Exhibits A and B, in accordance with Section 18.204 of the Howard County Code; and providing that the costs of the closing will be paid by one or more developers.

Introduced and read first time on July 5, 2011.

By order Stephen LeGendre
Stephen LeGendre, Administrator to the County Council

Read for a second time and a public hearing held on July 18, 2011.

By order Stephen LeGendre
Stephen LeGendre, Administrator to the County Council

This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn by the County Council on July 28, 2011.

Certified by Stephen LeGendre
Stephen LeGendre, Administrator to the County Council

NOTE: *[[text in brackets]]* indicates deletions from existing language; TEXT IN ALL CAPITALS indicates additions to existing language. Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **WHEREAS**, Section 18.204 of the Howard County Code provides for the closure of an
2 existing county road by adoption of a County Council Resolution; and

3 **WHEREAS**, Emerson Development II LLC, Emerson Development III LLC, Emerson
4 Development IV LLC, Emerson Development V LLC, Emerson Development VI LLC and
5 Emerson Development VII, LLC (“Emerson Development LLCs”) have petitioned the Howard
6 County Council in accordance with Section 18.204; and

7 **WHEREAS**, The portion of the road to be closed, Sterling Drive, is more particularly
8 described in Exhibit A and shown on the attached plat identified as Exhibit B; and

9 **WHEREAS**, *Howard County, Maryland*, is the fee simple owner of Sterling Drive by
10 deed dated December 27, 2005, and recorded in the Land Records of Howard County, Maryland
11 in Liber 9749, Folio 684 and deed dated May 19, 2007, and recorded in the Land Records of
12 Howard County, Maryland, in Liber 11235, Folio 84; and

13 **WHEREAS**, A portion of Sterling Drive must be closed to accommodate the security
14 requirements for additional development on the adjacent property owned by Emerson
15 Developments LLC; and

16 **WHEREAS**, There are no connecting streets along the portion of Sterling Drive that is
17 proposed to be closed; and

18 **WHEREAS**, The Departments of Public Works, Planning and Zoning, Police, and Fire
19 and Rescue Services have each reviewed the proposal to close this portion of Sterling Drive and
20 each has determined the closure will not affect public safety, the traffic network, or public
21 convenience; and

22 **WHEREAS**, Either Howard County or one of the Emerson Development LLCs will own
23 all of the land adjacent to the proposed closed portion of Sterling Drive; and

1 **WHEREAS**, Notice of the proposed closing and abandoning of Sterling Drive has been
2 posted and advertised and the adjoining property owners have been notified; and

3 **WHEREAS**, One of the Emerson Development LLCs, will fund the closure of a portion
4 of Sterling Drive and the design and construction of the new terminus of Sterling Drive, as
5 described and shown in Exhibits A and B, in accordance with all applicable Howard County
6 standards and specifications.

7 **NOW, THEREFORE, BE IT RESOLVED** By the County Council of Howard County,
8 Maryland this 28th day of July, 2011 that, in accordance with Section 18.204 of
9 the Howard County Code, the closure of a portion of Sterling Drive as shown on Exhibits A and
10 B will not adversely affect public safety, the traffic network, or public convenience.

11 **BE IT FURTHER RESOLVED**, That a portion of Sterling Drive, described and shown
12 in Exhibits A and B, is no longer needed as a public road and shall be closed.

13 **BE IT FURTHER RESOLVED**, That one of the Emerson Development LLCs shall
14 bear all of the costs and expenses associated with closure of a portion of Sterling Drive and the
15 design and construction of the new terminus of Sterling Drive, as described and shown in
16 Exhibits A and B, in accordance with all applicable Howard County standards and specifications.

A

DMW

DAFT McCUNE WALKER INC

Description

2.436 Acre Parcel

A Portion of Sterling Drive

To Be Closed

6th Election District

Howard County, Maryland

Beginning for the same at a point situate on the western right-of-way line of Sterling Drive as laid out and shown on a plat entitled, "Revitz Property Parcels A through R and Open Space Parcels I through R, Sheet 5 of 6" dated January 27, 2003 and recorded among the Land Records of Howard County as Plat No. 15787, said point of being distant 35.47 feet Southeasterly from a point being known and designated as No. RW24 as shown on said plat, thence leaving said point of beginning, referring all courses of this description to the Maryland Coordinate System (NAD 83/1991) and running with and binding on said Sterling Drive right-of-way, (1) Northwesterly by a line curving to the right, having a radius of 630.00 feet, for a distance of 35.47 feet (the arc of said curve being subtended by a chord bearing North 20 degrees 57 minutes 51 seconds West 35.46 feet) to said Point RW24, thence continuing with the western right-of-way line of said Sterling Drive (2) Northwesterly by a line curving to the left, having a radius of 570.00 feet, for a distance of 242.68 feet (the arc of said curve being subtended by a chord bearing North 31 degrees 32 minutes 55 seconds West 240.85 feet) to Point RW25 as laid out on said plat, thence (3) North 43 degrees 44 minutes 45 seconds West 99.65 feet, thence (4) Northwesterly by a line curving to the right, having a radius of 630.00 feet, for a distance of 241.13 feet

Page 1 of 3

(the arc of said curve being subtended by a chord bearing North 32 degrees 47 minutes 03 seconds West 239.66 feet), thence (5) North 21 degrees 49 minutes 10 seconds west 370.86 feet, thence (6) Northwesterly by a line curving to the left, having a radius of 570.00 feet, for a distance of 277.75 feet (the arc of said curve being subtended by a chord bearing North 35 degrees 46 minutes 43 seconds West 275.01 feet), thence (7) North 49 degrees 44 minutes 17 seconds West 337.49 feet to a point being known and designated as RW30 as laid out and shown on a plat dated January 26, 2010 and recorded among the aforesaid land records as Plat No. 20960, thence continuing with the right-of-way of Sterling Drive, (8) Northeasterly by a line curving to the right, having a radius of 61.00 feet, for a distance of 263.68 feet (the arc of said curve being subtended by a chord bearing North 74 degrees 05 minutes 42 seconds East 101.34 feet), thence (9) Southeasterly by a line curving to the left, having a radius of 39.00 feet, for a distance of 46.06 feet (the arc of said curve being subtended by a chord bearing South 15 degrees 54 minutes 15 seconds East 43.43 feet), thence (10) South 49 degrees 44 minutes 17 seconds East 244.99 feet, thence (11) Southeasterly by a line curving to the right, having a radius of 630.00 feet, for a distance of 306.98 feet (the arc of said curve being subtended by a chord bearing South 35 degrees 46 minutes 43 seconds East 303.95 feet), thence (12) South 21 degrees 49 minutes 10 seconds East 370.86 feet, thence (13) Southeasterly by a line curving to the left, having a radius of 570.00 feet, for a distance of 218.13 feet (the arc of said curve being subtended by a chord bearing South 32 degrees 46 minutes 57 seconds East 216.80 feet), thence (14) South 43 degrees 44 minutes 45 seconds East 99.65 feet, thence (15) Southeasterly by a line curving to the right, having a radius of 630.00 feet, for a distance of 268.23 feet (the arc of said curve being subtended by a chord bearing South 31 degrees 32 minutes 55 seconds East 266.21 feet) to a point being known and designated as Point No. 26 as laid out and shown on a plat dated December 5, 2006 and entitled "Revitz Property Parcels D-1 and E1" and recorded among the aforesaid land records as Plat No. 18685, thence continuing

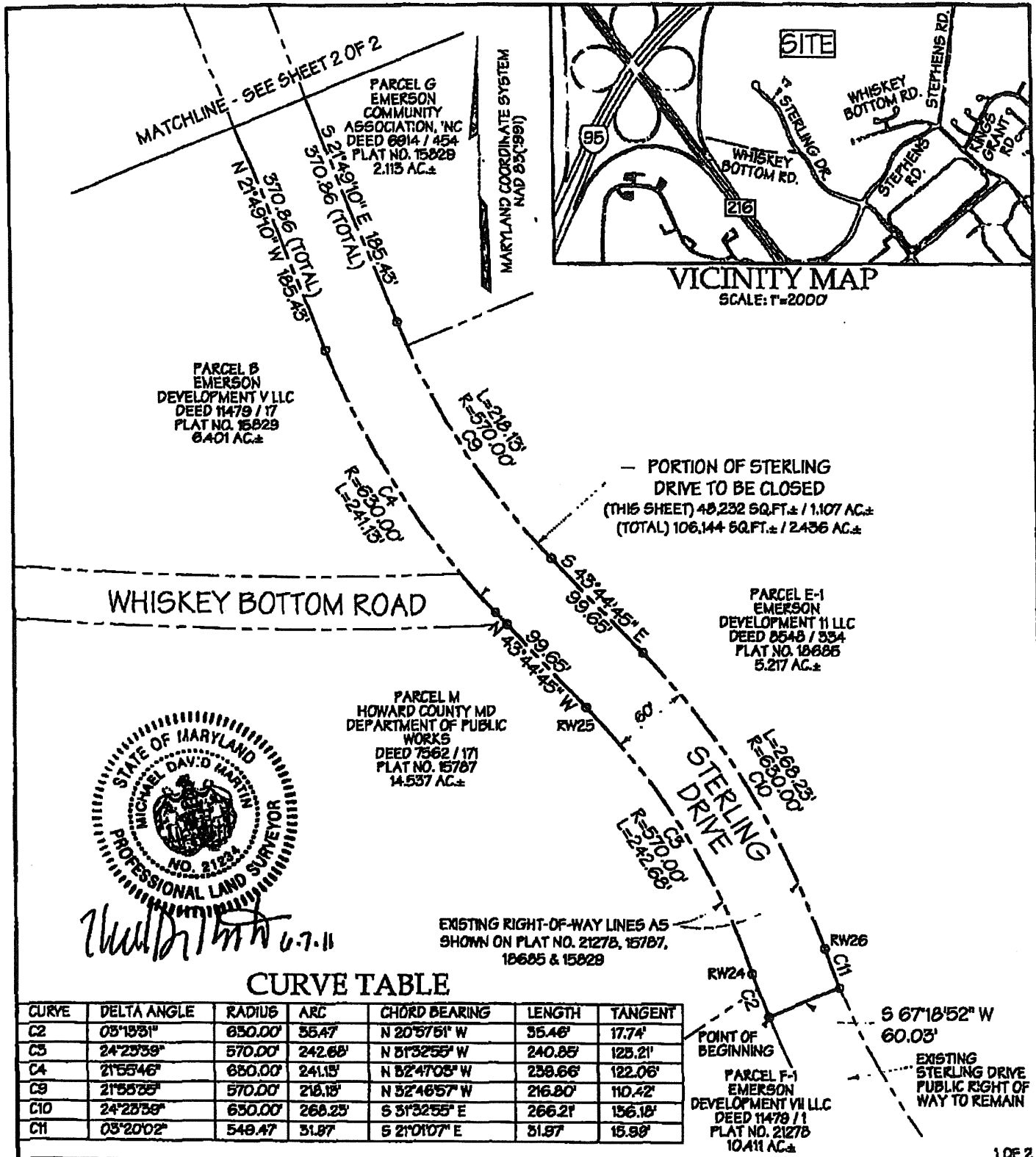
with Sterling Drive (16) Southeasterly by a line curving to the left, having a radius of 549.47 feet, for a distance of 31.97 feet (the arc of said curve being subtended by a chord bearing South 21 degrees 01 minute 07 seconds East 31.97 feet), thence leaving said right-of-way line and running across Sterling Drive (17) South 67 degrees 18 minutes 52 seconds West 60.03 feet to the point of beginning; containing 106,144 square feet or 2.436 acres of land, more or less, as now described by Daft-McCune-Walker on May 19, 2011.

May 19, 2011

Project No. 95054.4A-1 (L95054.4S-1)



B



Michael D. Martin 6-7-11

CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	ARC	CHORD BEARING	LENGTH	TANGENT
C2	03°19'31"	650.00'	35.47'	N 20°57'51" W	35.46'	17.74'
C3	24°23'39"	570.00'	242.68'	N 51°32'55" W	240.85'	125.21'
C4	21°55'46"	650.00'	241.15'	N 52°47'03" W	239.66'	122.06'
C9	21°55'35"	570.00'	218.13'	N 52°46'57" W	216.80'	110.42'
C10	24°23'39"	650.00'	266.25'	S 31°32'55" E	266.21'	136.15'
C11	03°20'02"	549.47'	31.87'	S 21°01'07" E	31.87'	15.98'

**EXHIBIT PLAT
SHOWING CLOSING OF A PORTION OF
STERLING DRIVE**

DMW

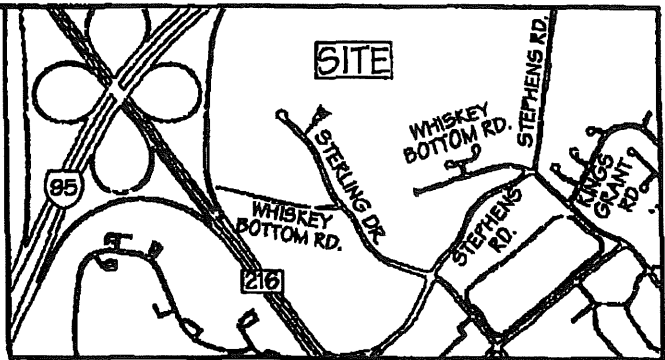
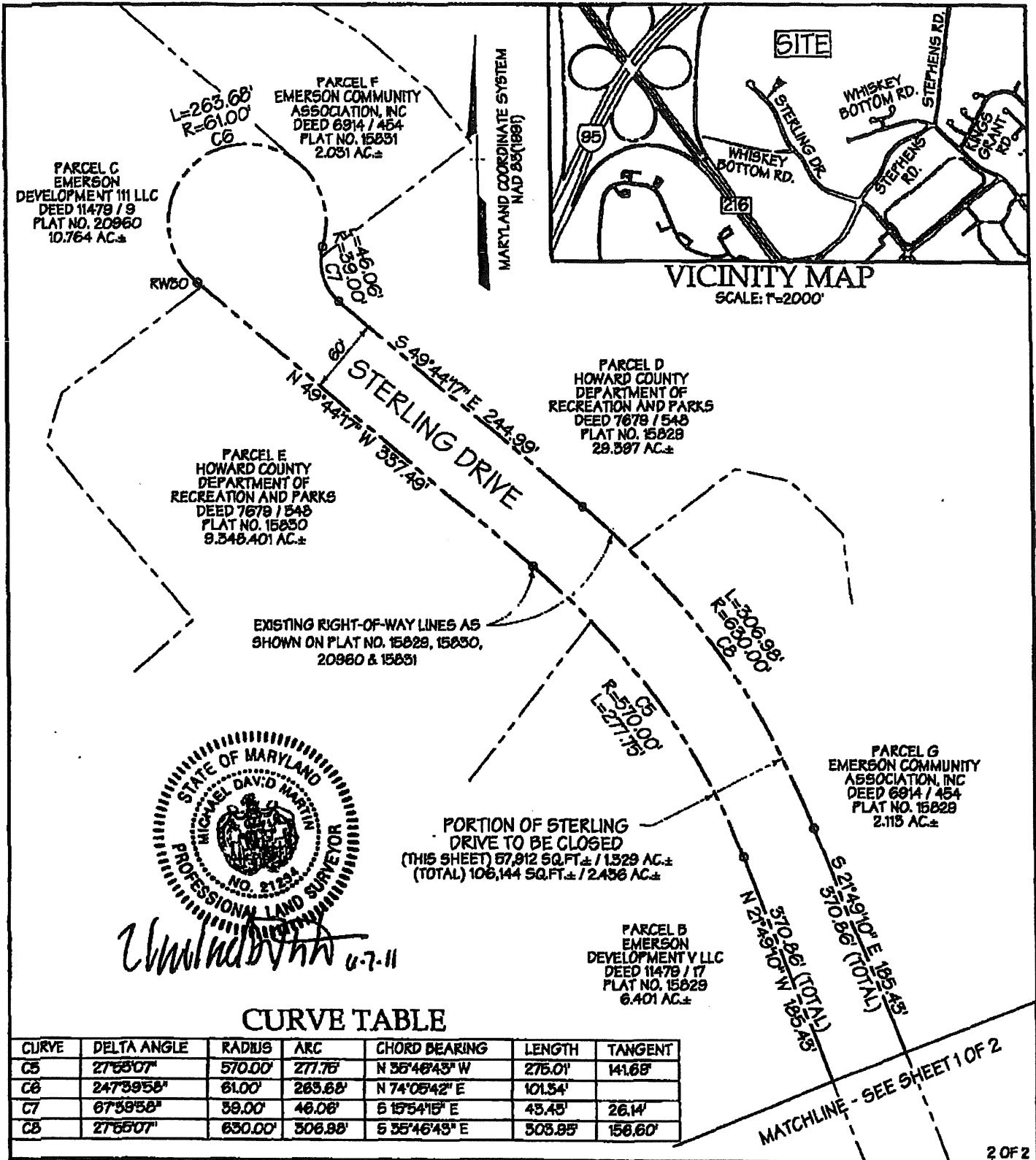
DAFT MCCUNE WALKER INC

200 EAST PENNSYLVANIA TOWSON, MD 21286
P: 410 288 3333 F: 410 288 4782 WWW.DMW.COM

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew: Scale: 1"=100' Date: 06-17-2011
Drawn by: R.C. Checked by: M.D.M. Job No.: 85054.45

B



VICINITY MAP
SCALE: 1"=2000'



Michael David Martin 07-11

CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	ARC	CHORD BEARING	LENGTH	TANGENT
C5	27°55'07"	570.00'	271.76'	N 35°46'43" W	275.01'	141.68'
C6	247°39'58"	61.00'	263.68'	N 74°05'42" E	101.34'	
C7	67°59'58"	39.00'	46.06'	S 15°54'15" E	43.45'	26.14'
C8	27°55'07"	630.00'	306.98'	S 35°46'43" E	303.95'	156.60'

**EXHIBIT PLAT
SHOWING CLOSING OF A PORTION OF
STERLING DRIVE**

DMW

DAFT MCCUNE WALKER INC

200 EAST PENNSYLVANIA TOWSON, MD 21286
P: 410 286 3333 F: 410 290 4786 WWW.DMW.COM

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

6TH ELECTION DISTRICT

HOWARD COUNTY, MARYLAND

Field Crew: Scale: 1"=100' Date: 05-17-2011
Drawn by: R.C. Checked by: M.D.M. Job No: 85054.46

County Council of Howard County, Maryland

2011 Legislative Session

Legislative day # 8

RESOLUTION NO. 113 - 2011

Introduced by: The Chairperson at the request of Emerson Development LLCs

A RESOLUTION to close a portion of Whiskey Bottom Road, as shown in Exhibits A and B, in accordance with Section 18.204 of the Howard County Code; and providing that the costs of the closing will be paid by one or more developers.

Introduced and read first time on July 5, 2011.

By order Stephen M Legendre
Stephen LeGendre, Administrator to the County Council

Read for a second time and a public hearing held on July 18, 2011.

By order Stephen M Legendre
Stephen LeGendre, Administrator to the County Council

This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn by the County Council on July 28, 2011.

Certified by Stephen M Legendre
Stephen LeGendre, Administrator to the County Council

NOTE: [[text in brackets]] indicates deletions from existing language; TEXT IN ALL CAPITALS indicates additions to existing language. Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **WHEREAS**, Section 18.204 of the Howard County Code provides for the closure of an
2 existing county road by adoption of a County Council Resolution; and

3 **WHEREAS**, Emerson Development II LLC, Emerson Development III LLC, Emerson
4 Development IV LLC, Emerson Development V LLC, Emerson Development VI LLC and
5 Emerson Development VII LLC (“Emerson Development LLCs”) have petitioned the Howard
6 County Council in accordance with Section 18.204; and

7 **WHEREAS**, The portion of Whiskey Bottom Road to be closed is more particularly
8 described in Exhibit A and shown on the attached plat identified as Exhibit B; and

9 **WHEREAS**, Howard County, Maryland, acquired a prescriptive right of way for
10 Whiskey Bottom Road west of Sterling Drive by a Resolution of the Board of County
11 Commissioners of Howard County, enacted on October 31, 1961; and

12 **WHEREAS**, A portion of Whiskey Bottom Road must be closed to accommodate the
13 security requirements for additional development on the adjacent property owned by Emerson
14 Developments LLC; and

15 **WHEREAS**, There are no connecting streets along the portion of Whiskey Bottom Road
16 that is proposed to be closed; and

17 **WHEREAS**, The Departments of Public Works, Planning and Zoning, Police, and Fire
18 and Rescue Services have each reviewed the proposal to close this portion of Whiskey Bottom
19 Road and each has determined the closure will not affect public safety, the traffic network, or
20 public convenience; and

21 **WHEREAS**, Either Howard County or one of the Emerson Development LLCs will own
22 all of the land adjacent to the proposed closed portion of Whiskey Bottom Road; and

23 **WHEREAS**, Notice of the proposed closing and abandoning of Whiskey Bottom Road

1 has been posted and advertised and the adjoining property owners have been notified; and

2 **WHEREAS**, One of the Emerson Development LLCs, at its cost and expense, will cause
3 the closure of a portion of Whiskey Bottom Road, as described and shown in Exhibits A and B,
4 in accordance with all applicable Howard County standards and specifications.

5 **NOW, THEREFORE, BE IT RESOLVED** By the County Council of Howard County,
6 Maryland this 28th day of July, 2011 that, in accordance with Section 18.204 of
7 the Howard County Code, the closure of a portion of Whiskey Bottom Road as shown on
8 Exhibits A and B will not adversely affect public safety, the traffic network, or public
9 convenience.

10 **BE IT FURTHER RESOLVED**, That a portion of Whiskey Bottom Road, described
11 and shown in Exhibits A and B, is no longer needed as a public road and shall be closed.

12 **BE IT FURTHER RESOLVED**, That one of the Emerson Development LLCs shall
13 bear all of the costs and expenses associated with closure of a portion of Whiskey Bottom Road.

A

DMW

DAFT MCCUNE WALKER INC

Description

1.873 Acre Parcel

A Portion of Whiskey Bottom Road

To Be Closed

6th Election District

Howard County, Maryland

Beginning for the same at a point being known and designated as Point No. 3283 as laid out and shown on a plat dated March 3, 2003, entitled "Emerson Section 3, Parcels A through C and Open Space Parcels D through I" and recorded among the Land Records of Howard County, Maryland, as Plat No. 15830; thence leaving said point of beginning and running with and binding reversely on the northern right-of-way line of Whiskey Bottom Road as laid out on the aforementioned plat, referring all courses of this description to the Grid Meridian established in the Maryland Coordinate System (NAD 83/1991), (1) South 76 degrees 12 minutes 53 seconds East 642.12 feet to a point being known and designated as No. 3279 as laid out and shown on a plat dated March 3, 2003, entitled "Emerson Section 3, Area 1 Parcels A through C and Open Space Parcels D through I and recorded among the Land Records of Howard County, Maryland, as Plat No. 15829, thence leaving said point and continuing with the northern right-of-way line of Whiskey Bottom Road (2) South 13 degrees 47 minutes 07 seconds West 19.05 feet, thence Southeasterly by a line curving to the left having a radius of 2844.79 feet, for a distance of 751.11 feet (the arc of said curve being subtended by a chord bearing South 84 degrees 49 minutes 55 seconds East 748.93 feet) to a point No. RW 28 as shown on said plat, thence leaving said Whiskey Bottom Road right-of-way line and running with the prolongation of Curve No. 202 as laid

Page 1 of 2

out on said plat (3) Southeasterly by a line curving the left having a radius of 630.00 feet, for a distance of 39.45 feet (the arc of said curve being subtended by a chord bearing South 41 degrees 57 minutes 06 seconds East 39.45 feet) to a point at the distance of 12.51 feet from the beginning of the South 43 degrees 44 minutes 45 seconds East 87.14 foot line of a parcel of land known and designated as Parcel M as laid out and shown on a plat dated January 27, 2003, entitled "Revitz Property" and recorded among the aforesaid land records as Plat No. 15787, thence (4) South 43 degrees 44 minutes 45 seconds East 12.51 feet to Point No. RW 6 as laid out and shown on the last hereinmentioned plat, thence leaving said point and running with and binding on the southern right-of-way line of Whiskey Bottom Road the following three courses: (5) Northwesterly by a line curving to the right having a radius of 2884.79 feet, for a distance of 795.79 feet (the arc of said curve being subtended by a chord bearing North 85 degrees 09 minutes 22 seconds West 793.27 feet), thence (6) South 13 degrees 47 minutes 07 seconds West 20.94 feet, thence (7) North 76 degrees 12 minutes 53 seconds West 624.53 feet to a point being known and designated as 3286 as laid out and shown on the first hereinmentioned plat, thence (8) North 01 degrees 23 minutes 00 seconds East 81.91 feet, to the point of beginning; containing 81,589 square feet or 1.873 acres of land, more or less, as now described by Daft-McCune-Walker, Inc. in May 2011.

May 19, 2011

Project No. 95054.4S (L95054.4S)



Michael David Martin 6-7-11

PARCEL E
HOWARD COUNTY
DEPARTMENT OF
RECREATION AND PARKS
DEED 7679 / 548
PLAT NO. 15830
9,546.401 AC.±

PARCEL B
EMERSON DEVELOPMENT V LLC
DEED 11478 / 17
PLAT NO. 15828
6.401 AC.±

PARCEL M
HOWARD COUNTY MD
DEPARTMENT OF PUBLIC WORKS
DEED 7562 / 171
PLAT NO. 15787
14,557 AC.±

PARCEL H
HOWARD COUNTY
DEPARTMENT OF
RECREATION AND PARKS
DEED 7679 / 548
PLAT NO. 15830
3,956 AC.±

PORTION OF WHISKEY BOTTOM
ROAD TO BE CLOSED
(THIS SHEET) 30,923 SQ. FT.± / 0.710 AC.±
(TOTAL) 61,508 SQ. FT.± / 1.873 AC.±

EXISTING RIGHT-OF-WAY LINES AS
SHOWN ON PLAT NO. 15828 & 15787

CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	ARC	CHORD BEARING	LENGTH	TANGENT
C1	15°48'20"	2884.79'	793.79'	N 85°09'22" W	793.27'	400.44'
C2	16°07'40"	2844.79'	751.11'	S 84°49'55" E	748.93'	377.73'
C3	05°55'18"	680.00'	39.45'	S 41°57'06" E	39.45'	19.73'

EXHIBIT PLAT SHOWING CLOSING OF A PORTION OF WHISKEY BOTTOM ROAD

6TH ELECTION DISTRICT

HOWARD COUNTY, MARYLAND

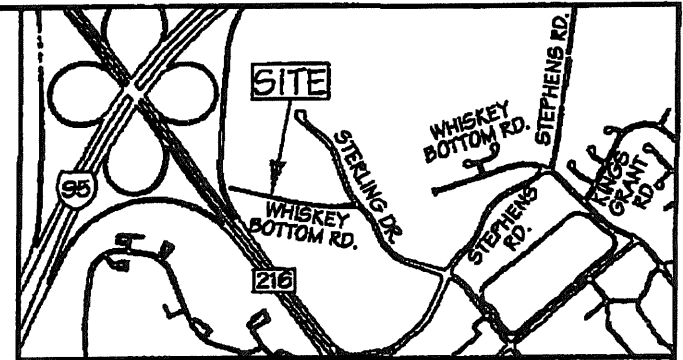
DMW

DAFT MCCUNE WALKER INC

300 EAST PENNSYLVANIA TOWSON, MD 21286
P: 410 328 3253 F: 410 360 4786 WWW.DMW.COM

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew: Scale: 1"=100' Date: 05-17-2011
Drawn by: R.C. Checked by: M.D.M. Job No.: 85054.46

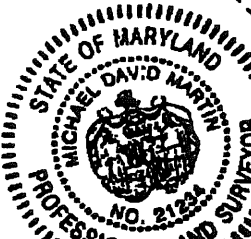


VICINITY MAP
SCALE: 1"=2000'

MARYLAND COORDINATE SYSTEM
NAD 83(1983)

STERLING
DRIVE

WHISKEY BOTTOM ROAD



Michael Martin 6-7-11

MD ROUTE 216 RAMP

PARCEL E
HOWARD COUNTY
DEPARTMENT OF
RECREATION AND PARKS
DEED 7679 / 548
PLAT NO. 15830
9.349,401 AC±

POINT OF
BEGINNING

N 01°23'00" E
81.91'

3285

3286

PARCEL I
HOWARD COUNTY
DEPARTMENT OF
RECREATION AND PARKS
DEED 7679 / 548
PLAT NO. 15830
0.632 AC±

WHISKEY BOTTOM ROAD

PORTION OF WHISKEY BOTTOM
ROAD TO BE CLOSED
(THIS SHEET) 50,666 SQ.FT.± / 1,168 AC±
(TOTAL) 81,539 SQ.FT.± / 1,873 AC±

S 76°12'53" E 642.12'

N 76°12'53" W 624.53'

EXISTING RIGHT-OF-WAY LINES AS
SHOWN ON PLAT NO. 15829 & 15787

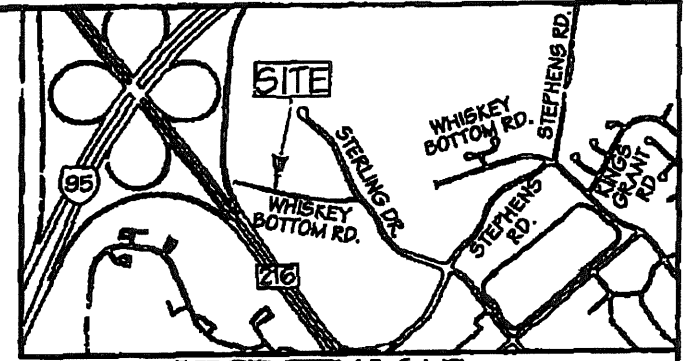
STATE OF MARYLAND
SHA PLAT NO. 37384

PARCEL H
HOWARD COUNTY
DEPARTMENT OF
RECREATION AND PARKS
DEED 7679 / 548
PLAT NO. 15830
3.956 AC±

PARCEL B
EMERSON DEVELOPMENTY LLC
DEED 11479 / 17
PLAT NO. 15829
6.401 AC±

PARCEL M
HOWARD COUNTY MD
DEPARTMENT OF PUBLIC WORKS
DEED 7562 / 171
PLAT NO. 15787
14.537 AC±

MARYLAND COORDINATE SYSTEM
NAD 83(1991)



VICINITY MAP
SCALE: 1"=2000'

B



Michael David Martin 6-7-11

EXHIBIT PLAT
SHOWING CLOSING OF A PORTION OF
WHISKEY BOTTOM ROAD
6TH ELECTION DISTRICT
HOWARD COUNTY, MARYLAND

DMW
DAFT MCCUNE WALKER INC
208 EAST PENNSYLVANIA TOWNSHIP, MD 21288
P: 410 286 3332 F: 410 286 4788 WWW.DMW.COM
A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew:	Scale: 1"=100'	Date: 05-17-2011
Drawn by: R.C.	Checked by: M.D.M.	Job No.: 8505445

County Council Of Howard County, Maryland

2011 Legislative Session

Legislative Day No. 8

Resolution No. 119 -2011

Introduced by: The Chairperson at the request of the County Executive

A RESOLUTION declaring that a total of approximately 64.664 acres of real property owned by Howard County and identified as (1) a portion of the road bed of Sterling Drive and Whiskey Bottom Road and (2) certain open space parcels, are no longer needed for a public purpose and authorizing the County Executive to waive the advertising and bidding requirements of Section 4.201 of the Howard County Code in order to convey the property to the homeowners association serving the adjacent properties, Emerson Development HOA LLC; and providing that the County Executive is not bound to convey the property if he finds that the land may have a further public use and submits his finding to the County Council for its consideration.

Introduced and read first time July 5, 2011.

By order Stephen LeGendre
Stephen LeGendre, Administrator

Read for a second time at a public hearing on July 18, 2011.

By order Stephen LeGendre
Stephen LeGendre, Administrator

This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on July 28, 2011.

Certified By Stephen LeGendre
Stephen LeGendre, 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**, Howard County is the fee simple owner of certain real property known as a
2 portion of Sterling Drive containing approximately 2.436 acres of land, as shown in the attached
3 Exhibit A, sheets 1 and 2, located east of the interchange of Interstate 95 and Md. Route 216 as
4 laid out and shown on a plat dated December 16, 2002 and recorded among the Land Records of
5 Howard County, Maryland as Plat No. 15788, and a plat dated January 16, 2003 and recorded
6 among the Land Records of Howard County, Maryland as Plat Nos. 15829 and 15831; and
7

8 **WHEREAS**, by passage of Council Resolution No. 112-2011, the County Council closed
9 the above referenced portion of Sterling Drive and that portion of Sterling Drive can now be
10 disposed of in accordance with County law; and
11

12 **WHEREAS**, by passage of Council Resolution No. 113-2011, the County Council closed
13 a portion of Whiskey Bottom Road, a prescriptive right-of-way, and the County may now quit
14 claim its interest in such portion of Whiskey Bottom Road, as shown in the attached Exhibit B,
15 sheets 1 and 2, in accordance with County law; and
16

17 **WHEREAS**, Howard County is the owner of certain real property designated as open
18 space and known as: (i) Parcel D containing approximately 29.397 acres of land as shown on
19 plat numbers 15829 and 15832 recorded among the aforesaid Land Records at Liber 7679, folio
20 548, (ii) Parcel E containing approximately 9.348 acres of land as shown on plat number 15830
21 recorded among the aforesaid Land Records at Liber 7679, folio 548, (iii) Parcel H containing
22 approximately 3.956 acres of land as shown on plat number 15830 recorded among the aforesaid
23 Land Records at Liber 7679, folio 548, (iv) Parcel I containing approximately .632 acres of land
24 as shown on plat number 15830 recorded among the aforesaid Land Records at Liber 7679, folio
25 548, (v) Parcel M containing approximately 14.537 acres of land as shown on plat number
26 15787 recorded among the aforesaid Land Records at Liber 7562, folio 171, and (vi) Parcel N
27 containing approximately 2.485 acres of land as shown on plat number 15786 recorded among
28 the aforesaid Land Records at Liber 7562, folio 171; as shown in the attached Exhibit C; and
29

1 **WHEREAS**, the portion of Sterling Drive, any interest in Whiskey Bottom Road, and
2 Parcels D, E, H, I, M and N all comprise the "County Property" and total approximately 64.664
3 acres; and

4
5 **WHEREAS**, the owners of the property adjacent to the County Property are Emerson
6 Development II LLC, Emerson Development III LLC, Emerson Development IV LLC, Emerson
7 Development V LLC, Emerson Development VI LLC Emerson Development VII LLC
8 (collectively, "Emerson Development LLCs"); and

9
10 **WHEREAS**, Emerson Development HOA, LLC ("Emerson Development HOA") has
11 been established to serve the Emerson Development LLC's property and the Emerson
12 Development LLCs have asked that the County Property be disposed of in accordance with
13 Section 4.201 of the Howard County Code to Emerson Development HOA; and

14
15 **WHEREAS**, the Department of Public Works has reviewed and approved the proposed
16 disposal of the County Property; and

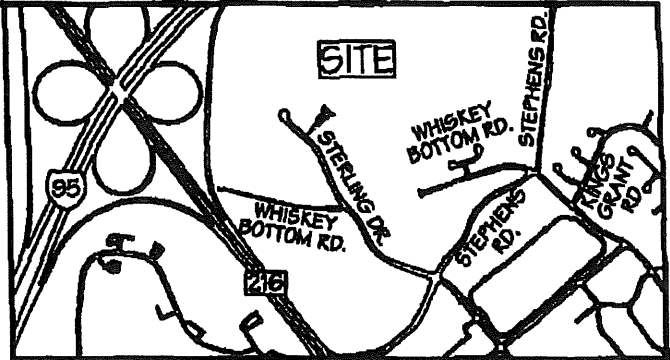
17
18 **WHEREAS**, Section 4.201, "Disposition of Real Property", of the Howard County Code
19 authorizes the County Council to declare that property is no longer needed for public purposes
20 and also authorizes the County Council to waive advertising and bidding requirements for an
21 individual conveyance of real property upon the request of the County Executive; and

22
23 **WHEREAS**, the County Council has received a request from the County Executive to
24 waive the advertising and bidding requirements in this instance for the conveyance of the County
25 Property to Emerson Development HOA.

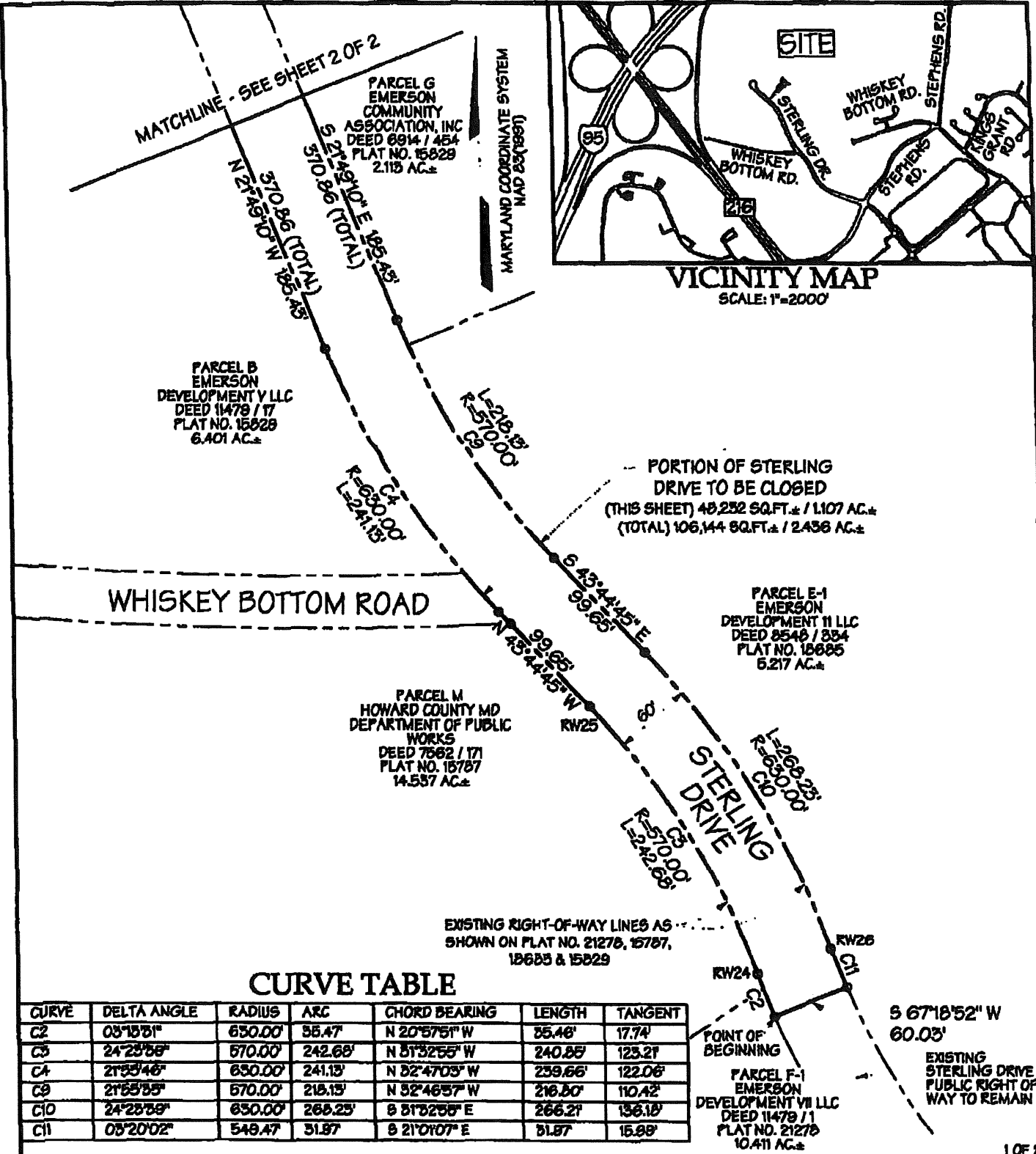
26
27 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
28 Maryland, this 28th day of July, 2011, that a public purpose is served by
29 conveying the County Property comprising approximately 64.664 acres to Emerson
30 Development HOA, as shown in the attached Exhibits A, B and C.

1 **AND BE IT FURTHER RESOLVED** that, having received a request from the County
2 Executive and having held a public hearing, the County Council declares that the best interest of
3 the County will be served by authorizing the County Executive to waive the usual advertising
4 and bidding requirements of Section 4.201 of the Howard County Code for the conveyance of
5 the County Property to Emerson Development HOA.

6
7 **AND BE IT FURTHER RESOLVED** that, if the County Executive finds that the land
8 may have a further public use and that the County Property should not be conveyed, he may
9 submit his findings and recommendations to the County Council for its consideration without
10 being bound to convey the County Property in accordance with this Resolution.



VICINITY MAP
SCALE: 1"=2000'



CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	ARC	CHORD BEARING	LENGTH	TANGENT
C2	03°13'31"	650.00'	55.47'	N 20°57'51" W	35.46'	17.74'
C3	24°28'38"	570.00'	242.68'	N 51°32'55" W	240.85'	123.21'
C4	21°53'46"	650.00'	241.13'	N 32°47'03" W	239.66'	122.06'
C9	21°53'55"	570.00'	218.13'	N 52°46'57" W	216.50'	110.42'
C10	24°28'38"	650.00'	266.25'	S 31°32'55" E	266.21'	136.18'
C11	03°20'02"	549.47'	31.87'	S 21°01'07" E	31.87'	15.89'

EXHIBIT PLAT
SHOWING CLOSING OF A PORTION OF
STERLING DRIVE

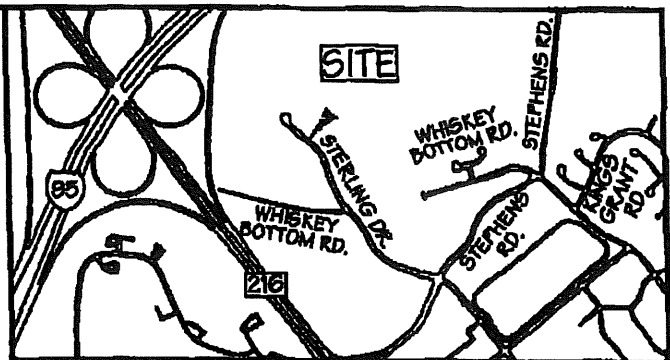
DMW

DAFT MCGUNE WALKER INC

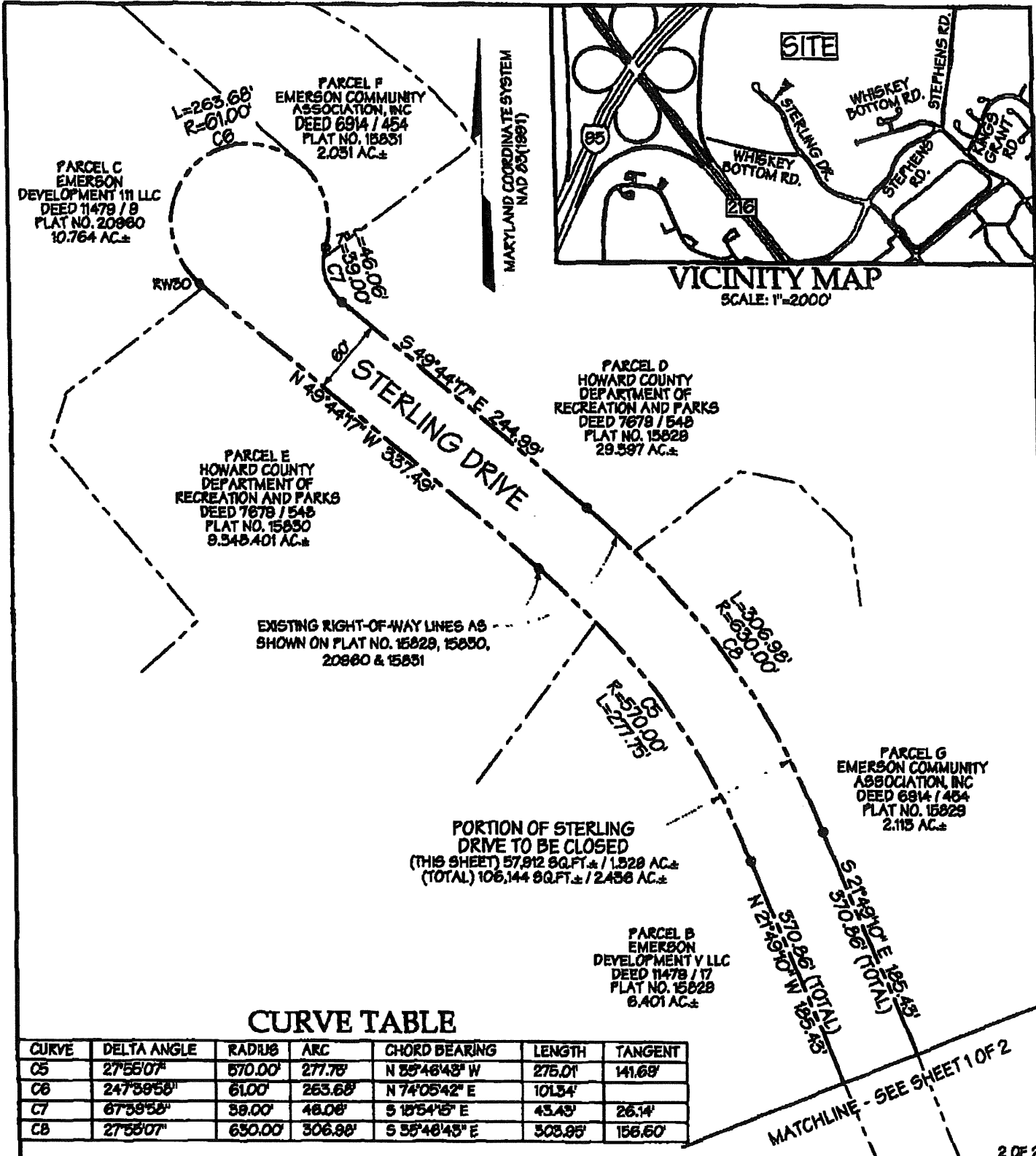
200 EAST PENNSYLVANIA TOWSON, MD 21286
P: 410 256 3523 F: 410 256 4765 WWW.DMW.COM

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew: Scale: 1"=100' Date: 06-17-2011
Drawn by: R.C. Checked by: M.D.M. Job No.: 85054.45



VICINITY MAP
SCALE: 1"=2000'



CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	ARC	CHORD BEARING	LENGTH	TANGENT
C5	27°55'07"	670.00'	277.78'	N 85°48'43" W	275.01'	141.68'
C6	247°38'58"	61.00'	263.68'	N 74°05'42" E	101.34'	
C7	67°59'58"	38.00'	46.08'	S 19°54'15" E	43.49'	26.14'
C8	27°55'07"	630.00'	306.98'	S 58°48'43" E	308.95'	156.60'

EXHIBIT PLAT
SHOWING CLOSING OF A PORTION OF
STERLING DRIVE

DMW

DAFT MCCUNE WALKER INC

200 EAST PENNSYLVANIA TOWOWN, MD 21286
P: 410 286 8388 F: 410 286 4788 WWW.DMW.COM
A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

6TH ELECTION DISTRICT

HOWARD COUNTY, MARYLAND

Field Crew: Scales: 1"=100' Date: 05-17-2011
Drawn by: R.C. Checked by: M.D.M. Job No.: 95084.49

PARCEL E
HOWARD COUNTY
DEPARTMENT OF
RECREATION AND PARKS
DEED 7679 / 548
PLAT NO. 15830
9.348.401 AC.±

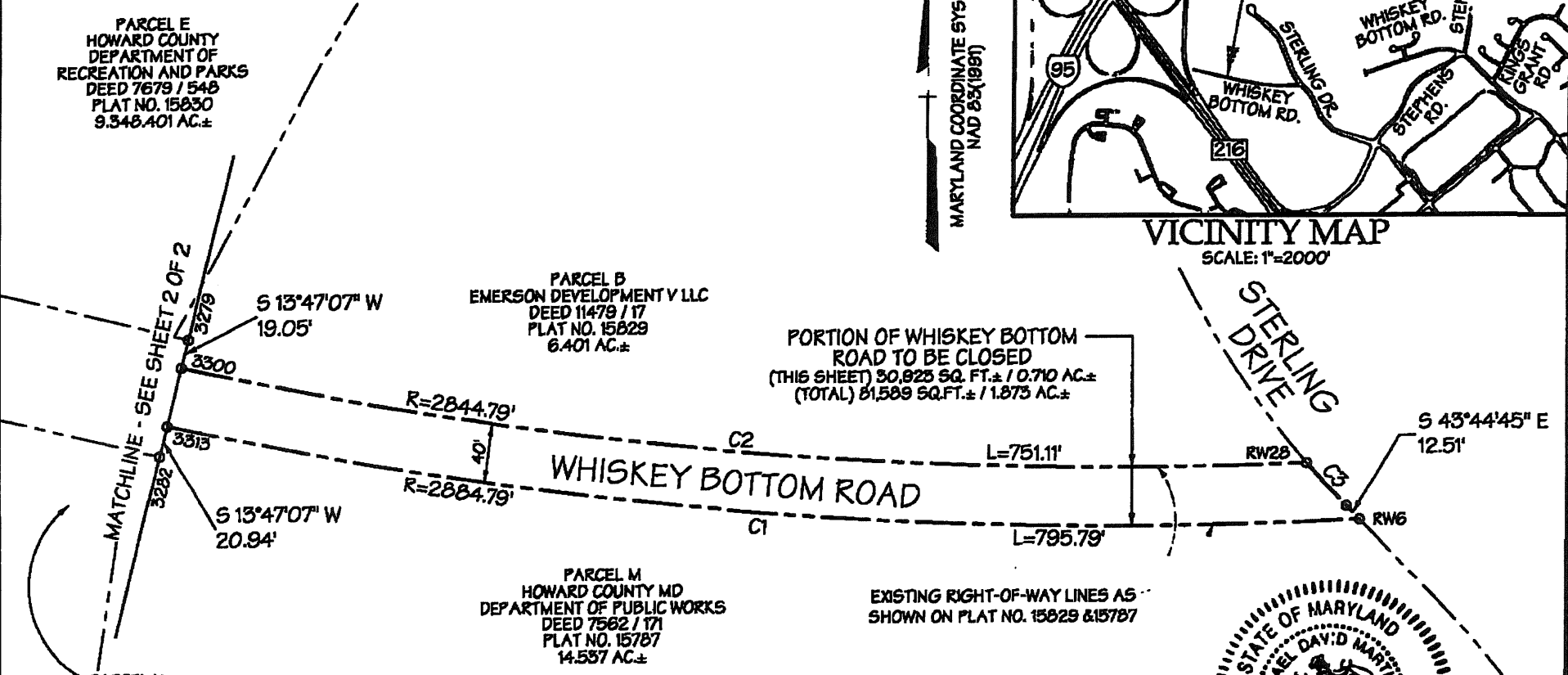
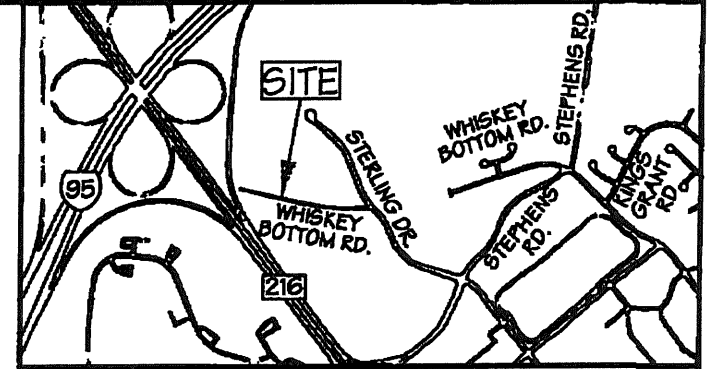
PARCEL B
EMERSON DEVELOPMENT V LLC
DEED 11479 / 17
PLAT NO. 15829
6.401 AC.±

PARCEL M
HOWARD COUNTY MD
DEPARTMENT OF PUBLIC WORKS
DEED 7562 / 171
PLAT NO. 15787
14.537 AC.±

PARCEL H
HOWARD COUNTY
DEPARTMENT OF
RECREATION AND PARKS
DEED 7679 / 548
PLAT NO. 15830
3.956 AC.±

PORTION OF WHISKEY BOTTOM
ROAD TO BE CLOSED
(THIS SHEET) 30,823 SQ. FT.± / 0.710 AC.±
(TOTAL) 81,589 SQ. FT.± / 1.873 AC.±

EXISTING RIGHT-OF-WAY LINES AS
SHOWN ON PLAT NO. 15829 & 15787



CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	ARC	CHORD BEARING	LENGTH	TANGENT
C1	15°48'20"	2884.79'	795.79'	N 85°09'22" W	795.27'	400.44'
C2	15°07'40"	2884.79'	751.11'	S 84°49'55" E	748.93'	377.75'
C3	03°35'18"	630.00'	39.45'	S 41°57'06" E	39.45'	18.75'



Michael D. Martin 6.7.11

EXHIBIT PLAT
SHOWING CLOSING OF A PORTION OF
WHISKEY BOTTOM ROAD

DMW

DAFT MCCUNE WALKER INC

200 EAST PENNSYLVANIA TOWNSHIP, MD 21288
P. 410 298 3320 F. 410 298 4788 WWW.DMW.COM

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

MD ROUTE 216 RAMP

PARCEL E
HOWARD COUNTY
DEPARTMENT OF
RECREATION AND PARKS
DEED 7679 / 548
PLAT NO. 15830
8.348.401 AC±

POINT OF
BEGINNING

N 01°23'00" E
81.91'

PORTION OF WHISKEY BOTTOM
ROAD TO BE CLOSED
(THIS SHEET) 50,666 SQ.FT.± / 1.163 AC±
(TOTAL) 81,568 SQ.FT.± / 1.873 AC±

WHISKEY BOTTOM ROAD

PARCEL I
HOWARD COUNTY
DEPARTMENT OF
RECREATION AND PARKS
DEED 7679 / 548
PLAT NO. 15830
0.632 AC±

N 76°12'53" W 624.53'

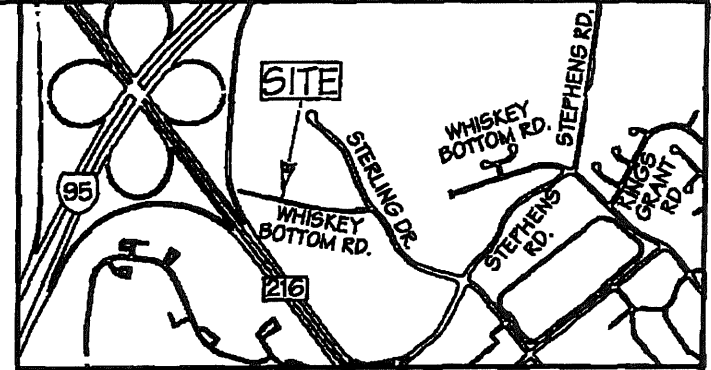
EXISTING RIGHT-OF-WAY LINES AS
SHOWN ON PLAT NO. 15829 & 15787

PARCEL H
HOWARD COUNTY
DEPARTMENT OF
RECREATION AND PARKS
DEED 7679 / 548
PLAT NO. 15830
3.856 AC±

STATE OF MARYLAND
SHA PLAT NO. 37384

PARCEL B
EMERSON DEVELOPMENT V LLC
DEED 11479 / 17
PLAT NO. 15829
6.401 AC±

PARCEL M
HOWARD COUNTY MD
DEPARTMENT OF PUBLIC WORKS
DEED 7562 / 17
PLAT NO. 15787
14.557 AC±



VICINITY MAP

SCALE: 1"=2000'

MARYLAND COORDINATE SYSTEM
NAD 83(1981)

80.00'
S 13°47'07" W
MATCHLINE - SEE SHEET 1 OF 2



Michael D. Martin 6-7-11

EXHIBIT PLAT
SHOWING CLOSING OF A PORTION OF
WHISKEY BOTTOM ROAD

6TH ELECTION DISTRICT

HOWARD COUNTY, MARYLAND

DMW

DAFT MCCUNE WALKER INC

208 EAST PENNSYLVANIA TOWSON, MD 21286
P: 410 288 3333 F: 410 288 4766 WWW.DMW.COM

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

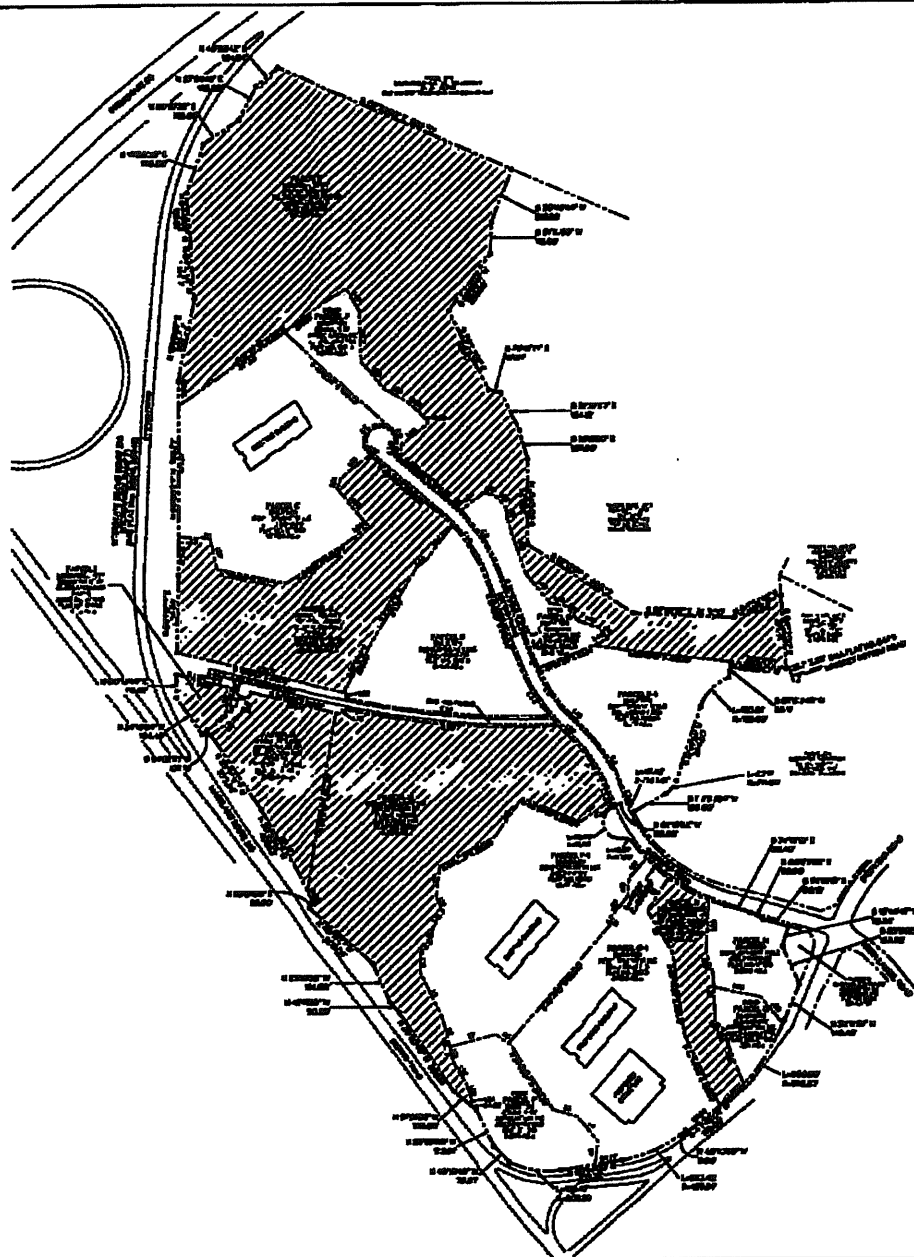
Field Crew: Scale: 1"=100' Date: 05-17-2011
Drawn by: R.C. Checked by: M.D.M. Job No.: 95054.45



VICINITY MAP
Scale 1:25,000

PROPERTY IDENTIFICATION:

- EMERSON SECTION 3 AREA 1
- REVITZ PROPERTY PARCELS
- RECORDING NUMBER
- DATE OF RECORDING
- DATE OF EXPIRATION
- DATE OF RENEWAL
- DATE OF CANCELLATION
- DATE OF RE-RECORDING
- DATE OF RELEASE



LINE TABLE



GRAPHIC SCALE

DMW

DARTMOUTH COLLEGE
PLANNING AND DEVELOPMENT
DEPARTMENT

EMERSON SECTION 3 AREA 1
AND
REVITZ PROPERTY

DATE OF RECORDING

DATE OF EXPIRATION

DATE OF RENEWAL

DATE OF CANCELLATION

DATE OF RE-RECORDING

DATE OF RELEASE

DATE OF RE-RECORDING

DATE OF RELEASE

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DATE OF RE-RECORDING

DATE OF RELEASE

CURVE TABLE



DATE OF RE-RECORDING

DATE OF RELEASE

DATE OF RE-RECORDING

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DATE OF RE-RECORDING

DATE OF RELEASE

County Council of Howard County, Maryland

2013 Legislative Session

Legislative day # 5

RESOLUTION NO. 28 - 2013

Introduced by: The Chairperson at the request of
Several Emerson Development LLCs

A RESOLUTION to close a portion of Sterling Drive, as shown in Exhibits A and B, in
accordance with Section 18.204 of the Howard County Code.

Introduced and read first time on March 26, 2013.

By order Stephen LeGendre
~~Stephen LeGendre~~, Administrator to the County Council

Read for a second time and a public hearing held on April 15, 2013.

By order Stephen LeGendre
~~Stephen LeGendre~~, Administrator to the County Council

This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn by the County Council
on May 6, 2013.

Certified by Stephen LeGendre
~~Stephen LeGendre~~, Administrator to the County Council

NOTE: [[text in brackets]] indicates deletions from existing language; TEXT IN ALL CAPITALS indicates additions to existing language.
~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **WHEREAS**, In accordance with Section 18.204 of the Howard County Code, Emerson
2 Development II, LLC, Emerson Development III, LLC, Emerson Development IV, LLC,
3 Emerson Development V, LLC, Emerson Development VI, LLC, and Emerson Development
4 VII, LLC, (“petitioner”) has petitioned the Howard County Council to close a portion of Sterling
5 Drive; and

6 **WHEREAS**, Section 18.204 of the Howard County Code provides for the closure of an
7 existing county road by adoption of a County Council resolution; and

8 **WHEREAS**, The portion of Sterling Drive to be closed is described in Exhibit A and
9 shown on the attached certified plat identified as Exhibit B; and

10 **WHEREAS**, The County is the fee simple owner of Sterling Drive by deed dated
11 December 27, 2005, and recorded in the Land Records of Howard County, Maryland in Liber
12 9749, Folio 684 and deed dated May 19, 2007, and recorded in the Land Records of Howard
13 County, Maryland, in Liber 11235, Folio 84; and

14 **WHEREAS**, The passage of Council Resolution 112-2011 resulted in the closure of a
15 portion of Sterling Drive; and

16 **WHEREAS**, Petitioner has acquired the rest of the properties along the portion of
17 Sterling Drive that remained open; and

18 **WHEREAS**, This portion of Sterling Drive must be closed to accommodate the security
19 requirements for additional development on the adjacent property owned by petitioner; and

20 **WHEREAS**, There are no connecting streets along the portion of Sterling Drive that is
21 proposed to be closed; and

22 **WHEREAS**, The Departments of Public Works, Planning and Zoning, Police, and Fire
23 and Rescue have each reviewed the proposal to close a portion of Sterling Drive and each has

1 determined that the closure of that portion will not affect public safety, the traffic network, or
2 public convenience; and

3 **WHEREAS**, The petitioner has paid a fee in accordance with Section 18.204 to cover the
4 costs of advertising the proposed closing, notifying adjoining property owners, and posting the
5 road; and

6 **WHEREAS**, Notice of the proposed closing and abandoning of a portion of Sterling
7 Drive has been posted and advertised in accordance with Section 18.204; and

8 **WHEREAS**, The petitioner, at its cost and expense, shall cause the closure of a portion
9 of Sterling Drive, as shown and described in Exhibits A and B, in accordance with all applicable
10 Howard County standards and specifications.

11 **NOW, THEREFORE, BE IT RESOLVED** By the County Council of Howard County,
12 Maryland this 6th day of May, 2013 that, in accordance with Section 18.204 of
13 the Howard County Code, the closure of a portion of Sterling Drive will not adversely affect
14 public safety, the traffic network, or public convenience and the portion of Sterling Drive as
15 shown and described in Exhibits A and B, shall be closed; and

16 **BE IT FURTHER RESOLVED**, That the petitioner shall bear all of the costs and
17 expenses associated with closure of this portion of Sterling Drive.

EXHIBIT A

D M W

DAFT MCCUNE WALKER INC

Description

1.383 Acre Parcel

A Portion of Sterling Drive

To Be Closed

6th Election District

Howard County, Maryland

Beginning for the same at a point being known and designated as Point No. RW19 as laid out and shown on a plat entitled, "Revitz Property Parcels A through H and Open Space Parcels I through R" dated January 27, 2003 and recorded among the Land Records of Howard County as Plat No. 15786, thence leaving said point of beginning and running with and binding on a portion of the western right-of-way line of Sterling Drive, as shown on the abovementioned plat, and referring all courses of this description to the Maryland Coordinate System (NAD 83/1991): (1) Northwesterly with a curve curving to the left, having a radius of 109.00 feet, for a distance of 26.35 feet (the arc of said curve being subtended by a chord bearing North 67 degrees 23 minutes 37 seconds West 26.29 feet); thence (2) North 74 degrees 19 minutes 13 seconds West 152.78 feet, thence (3) North 60 degrees 59 minutes 35 seconds West 52.06 feet; thence (4) North 74 degrees 19 minutes 13 seconds West 90.40 feet; thence (5) Northwesterly by a line curving to the right, having a radius of 630.00 feet, for a distance of 568.95 feet (the arc of said curve being subtended by a chord bearing North 48 degrees 26 minutes 55 seconds West 549.81 feet); thence crossing said Sterling Drive (6) North 67 degrees 18 minutes 52 seconds East 60.03 feet to the eastern right-of-way of said Sterling Drive; thence running with and binding on a portion


Page 1 of 2

EXHIBIT A

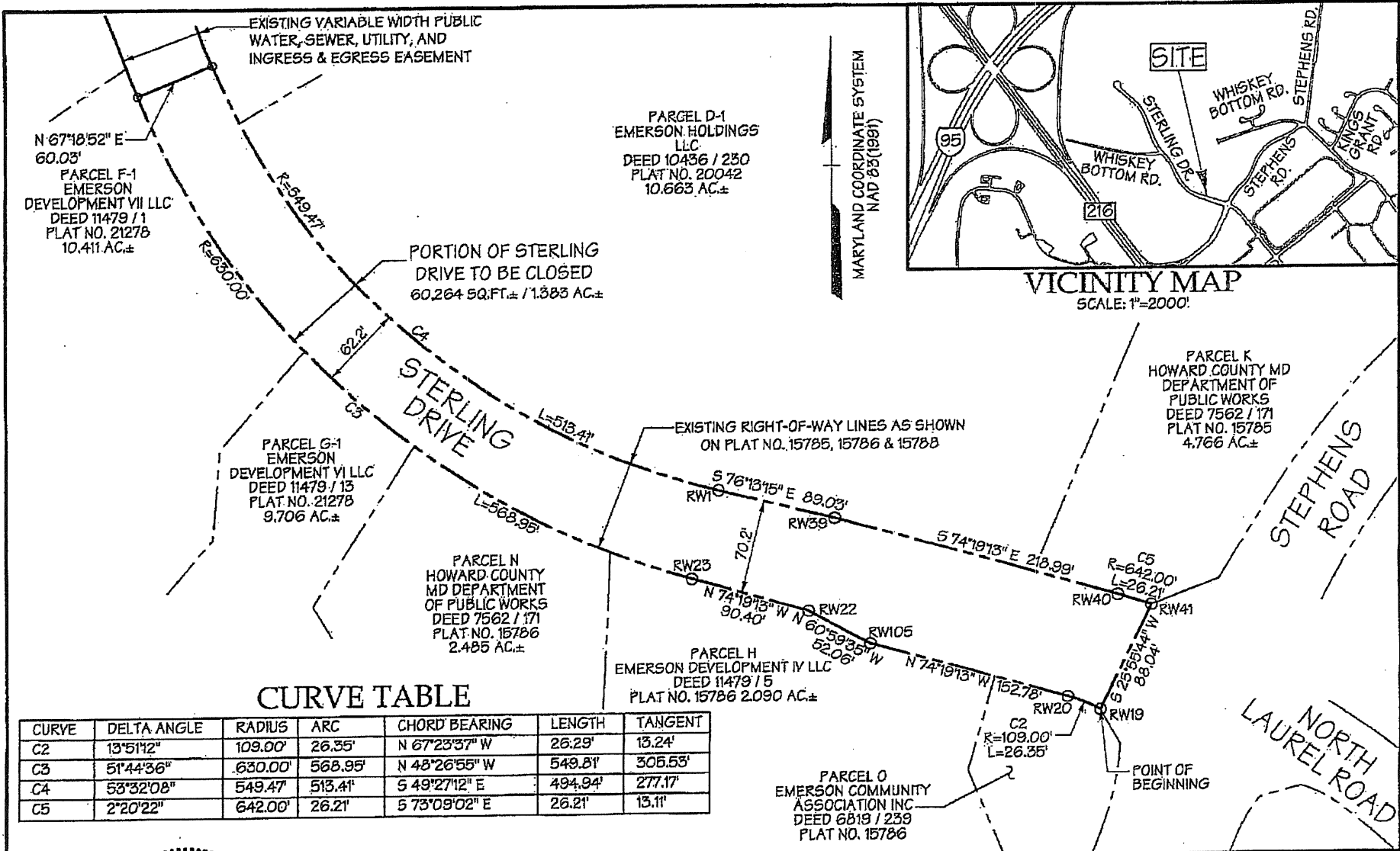
of said eastern right-of-way line of Sterling Drive (7) Southeasterly by a line curving to the left, having a radius of 549.47 feet, for a distance of 513.41 feet (the arc of said curve being subtended by a chord bearing South 49 degrees 27 minutes 12 seconds East 494.94 feet); thence (8) South 76 degrees 13 minutes 15 seconds East 89.03 feet; thence (9) South 74 degrees 19 minutes 13 seconds East 218.99 feet; thence (10) Southeasterly by a line curving to the right, having a radius of 642.00 feet, for a distance of 26.21 feet (the arc of said curve being subtended by a chord bearing South 73 degrees 09 minutes 02 seconds East 26.21 feet; thence crossing said Sterling Drive (11) South 25 degrees 55 minutes 44 seconds West 88.04 feet to the point of beginning; containing 60,264 square feet or 1.383 acres of land, more or less, as now described by Daft-McCune-Walker, Inc.

February 13, 2013

Project No. 95054.7A (L95054.7S)



Michael Martin
2/13/13



CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	ARC	CHORD BEARING	LENGTH	TANGENT
C2	13°51'12"	109.00'	26.35'	N 67°23'37" W	26.29'	13.24'
C3	51°44'36"	630.00'	568.95'	N 48°26'55" W	549.81'	305.53'
C4	53°32'08"	549.47'	513.41'	S 49°27'12" E	494.94'	277.17'
C5	2°20'22"	642.00'	26.21'	S 73°09'02" E	26.11'	13.11'

EXHIBIT B



EXHIBIT PLAT
SHOWING CLOSING OF A PORTION OF
STERLING DRIVE

6TH ELECTION DISTRICT HOWARD COUNTY, MARYLAND

DMW
DAFT MCCUNE WALKER INC

200 EAST PENNSYLVANIA TOWSON, MD 21286
P: 410 286 3537 F: 410 286 4765 WWW.DMW.COM

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew: Scale: 1"=100' Date: 02-12-2013
Drawn by: R.C. Checked by: M.D.M. Job No.: 95054.75

County Council Of Howard County, Maryland

2013 Legislative Session

Legislative Day No. 5

Resolution No. 37 -2013

Introduced by: The Chairperson at the request of the County Executive

A RESOLUTION declaring that a total of approximately 6.149 acres of real property owned by Howard County and identified as (1) a portion of the road bed of Sterling Drive and (2) a certain open space parcel are no longer needed for a public purpose and authorizing the County Executive to waive the advertising and bidding requirements of Section 4.201 of the Howard County Code in order to convey the property to the homeowners association serving the adjacent property, Emerson Development HOA, LLC; and providing that the County Executive is not bound to convey the property if he finds that the land may have a further public use and submits his finding to the County Council for its consideration.

Introduced and read first time March 28, 2013.

By order

Shula M. Jallene
Stephen LeGendre, Administrator

Read for a second time at a public hearing on April 15, 2013.

By order

Shula M. Jallene
Stephen LeGendre, Administrator

This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on May 6, 2013.

Certified By

Shula M. Jallene
Stephen LeGendre, 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**, Howard County is the fee simple owner of certain real property known as a
2 portion of Sterling Drive containing approximately 1.383 acres of land, as described in the
3 attached Exhibit A, pages 1 and 2, and shown in the attached Exhibit B, as acquired by deed
4 dated December 27, 2005, and recorded in the Land Records of Howard County, Maryland in
5 Liber 9749, Folio 684; and

6
7 **WHEREAS**, by passage of Council Resolution No. 28-2013, the County Council closed
8 the above referenced portion of Sterling Drive and that portion of Sterling Drive can now be
9 disposed of in accordance with County law; and

10
11 **WHEREAS**, Howard County is the owner of certain real property designated as open
12 space and known as Parcel K containing approximately 4.766 acres of land as acquired by deed
13 dated ~~September 2, 2003~~ May 20, 2003, and recorded in the Land Records of Howard County,
14 Maryland in Liber 7562, Folio 171, as described in the attached Exhibit C, pages 1 and 2, and
15 shown in the attached Exhibit D; and

16
17 **WHEREAS**, the portion of Sterling Drive and Parcel K all comprise the “County
18 Property” and total approximately 6.149 acres; and

19
20 **WHEREAS**, the owners of the property adjacent to the County Property are Emerson
21 Development II LLC, Emerson Development III LLC, Emerson Development IV LLC, Emerson
22 Development V LLC, Emerson Development VI LLC Emerson Development VII LLC
23 (collectively, “Emerson Development LLCs”); and

24
25 **WHEREAS**, Emerson Development HOA, LLC (“Emerson Development HOA”) has
26 been established to serve the Emerson Development LLC’s property and the Emerson
27 Development LLCs have asked that the County Property be disposed of in accordance with
28 Section 4.201 of the Howard County Code to Emerson Development HOA; and

29
30 **WHEREAS**, the Department of Public Works has reviewed and approved the proposed
31 disposal of the County Property; and

1
2 **WHEREAS**, Section 4.201, "Disposition of Real Property", of the Howard County Code
3 authorizes the County Council to declare that property is no longer needed for public purposes
4 and also authorizes the County Council to waive advertising and bidding requirements for an
5 individual conveyance of real property upon the request of the County Executive; and
6

7 **WHEREAS**, the County Council has received a request from the County Executive to
8 waive the advertising and bidding requirements in this instance for the conveyance of the County
9 Property to Emerson Development HOA.
10

11 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
12 Maryland, this 6th day of May, 2013, that a public purpose is served by
13 conveying the County Property comprising approximately 6.149 acres to Emerson Development
14 HOA, as shown in the attached Exhibits A, B, C and D.
15

16 **AND BE IT FURTHER RESOLVED** that, having received a request from the County
17 Executive and having held a public hearing, the County Council declares that the best interest of
18 the County will be served by authorizing the County Executive to waive the usual advertising
19 and bidding requirements of Section 4.201 of the Howard County Code for the conveyance of
20 the County Property to Emerson Development HOA.
21

22 **AND BE IT FURTHER RESOLVED** that, if the County Executive finds that the land
23 may have a further public use and that the County Property should not be conveyed, he may
24 submit his findings and recommendations to the County Council for its consideration without
25 being bound to convey the County Property in accordance with this Resolution.

EXHIBIT A

DMW

DAFT MCCUNE WALKER INC

Description

1.383 Acre Parcel

A Portion of Sterling Drive

To Be Closed

6th Election District

Howard County, Maryland

Beginning for the same at a point being known and designated as Point No. RW19 as laid out and shown on a plat entitled, "Revitz Property Parcels A through H and Open Space Parcels I through R" dated January 27, 2003 and recorded among the Land Records of Howard County as Plat No. 15786, thence leaving said point of beginning and running with and binding on a portion of the western right-of-way line of Sterling Drive, as shown on the abovementioned plat, and referring all courses of this description to the Maryland Coordinate System (NAD 83/1991): (1) Northwesterly with a curve curving to the left, having a radius of 109.00 feet, for a distance of 26.35 feet (the arc of said curve being subtended by a chord bearing North 67 degrees 23 minutes 37 seconds West 26.29 feet); thence (2) North 74 degrees 19 minutes 13 seconds West 152.78 feet, thence (3) North 60 degrees 59 minutes 35 seconds West 52.06 feet; thence (4) North 74 degrees 19 minutes 13 seconds West 90.40 feet; thence (5) Northwesterly by a line curving to the right, having a radius of 630.00 feet, for a distance of 568.95 feet (the arc of said curve being subtended by a chord bearing North 48 degrees 26 minutes 55 seconds West 549.81 feet); thence crossing said Sterling Drive (6) North 67 degrees 18 minutes 52 seconds East 60.03 feet to the eastern right-of-way of said Sterling Drive; thence running with and binding on a portion

Page 1 of 2

EXHIBIT A

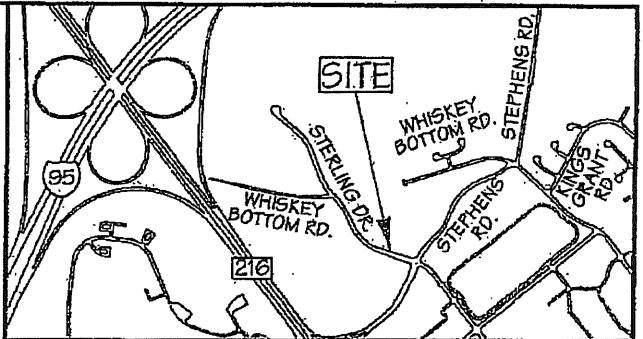
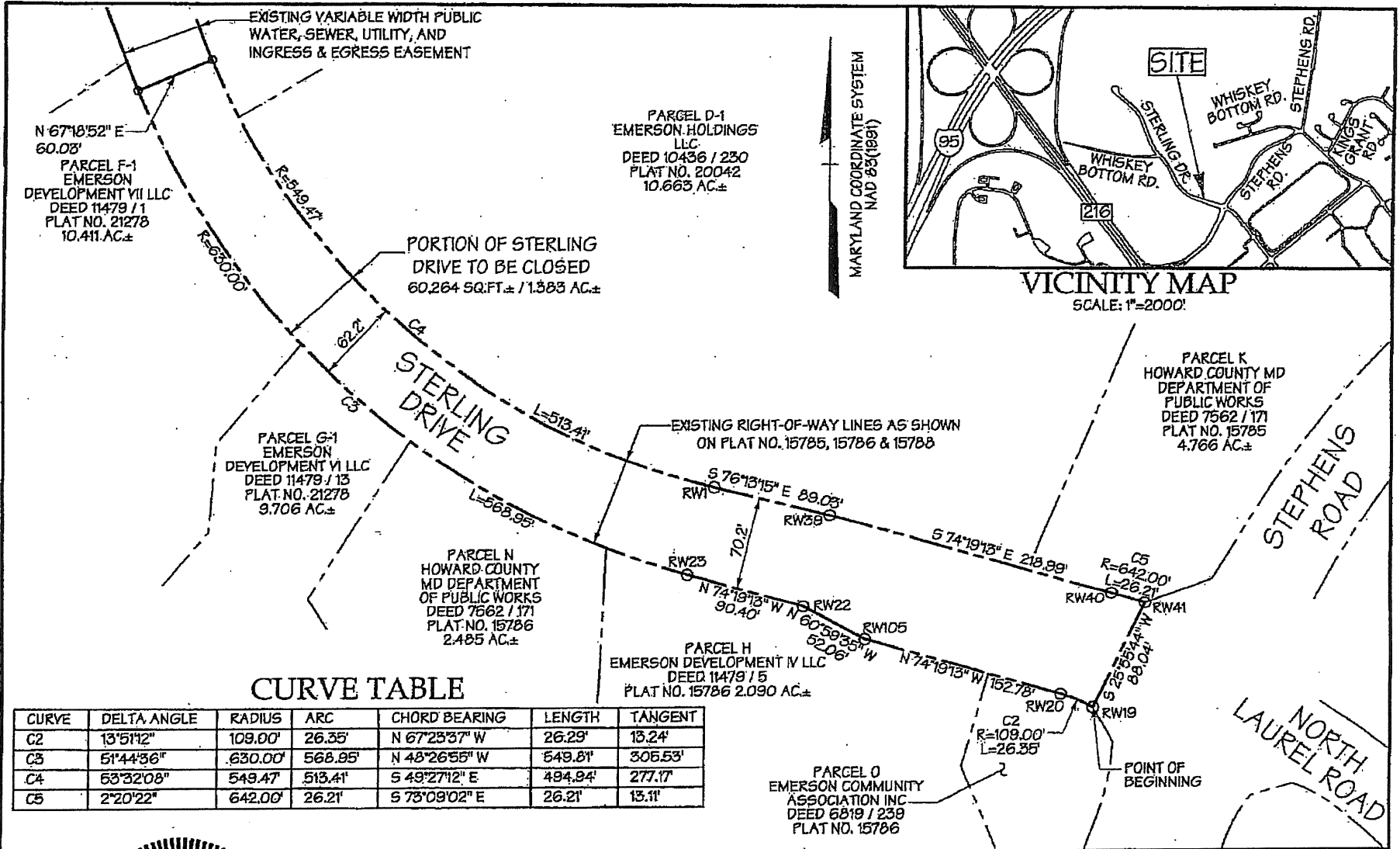
of said eastern right-of-way line of Sterling Drive (7) Southeasterly by a line curving to the left, having a radius of 549.47 feet, for a distance of 513.41 feet (the arc of said curve being subtended by a chord bearing South 49 degrees 27 minutes 12 seconds East 494.94 feet); thence (8) South 76 degrees 13 minutes 15 seconds East 89.03 feet; thence (9) South 74 degrees 19 minutes 13 seconds East 218.99 feet; thence (10) Southeasterly by a line curving to the right, having a radius of 642.00 feet, for a distance of 26.21 feet (the arc of said curve being subtended by a chord bearing South 73 degrees 09 minutes 02 seconds East 26.21 feet; thence crossing said Sterling Drive (11) South 25 degrees 55 minutes 44 seconds West 88.04 feet to the point of beginning; containing 60,264 square feet or 1.383 acres of land, more or less, as now described by Daft-McCune-Walker, Inc.

February 13, 2013

Project No. 95054.7A (L95054.7S)



Michael Martin
2/13/13



VICINITY MAP
SCALE: 1"=2000'

CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	ARC	CHORD BEARING	LENGTH	TANGENT
C2	13°51'12"	109.00'	26.35'	N 67°23'37" W	26.29'	13.24'
C3	51°44'36"	630.00'	568.95'	N 43°26'55" W	549.81'	305.53'
C4	53°32'08"	549.47'	513.41'	S 49°27'12" E	494.94'	277.17'
C5	2°20'22"	642.00'	26.21'	S 73°09'02" E	26.21'	13.11'



Michael David Martini
2/17/13

EXHIBIT PLAT
SHOWING CLOSING OF A PORTION OF
STERLING DRIVE

6TH ELECTION DISTRICT

HOWARD COUNTY, MARYLAND

DMW

DAFT MCCUNE WALKER INC

200 EAST PENNSYLVANIA TOWSON, MD 21286
P: 410 298 3333 F: 410 298 3703 WWW.DMW.COM

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew: Scale: 1"=100' Date: 02-12-2013
Drawn by: R.C. Checked by: M.D.M. Job No.: 95054.75

EXHIBIT B



DAFT MCCUNE WALKER INC

Exhibit C

Description

Parcel K

"Revitz Property"

Plat No. 15785

6th Election District

Howard County, Maryland

Beginning for the same at a point being known and designated as "RW42" as laid out and shown on a plat entitled " Revitz Property, Parcel A through H and Open Spaces Parcels I through R" and recorded among the Land Records of Howard County as Plat No. 15785, said point being situate on the Northern right of way of Stephens Road as laid out on said plat; thence leaving said point of beginning and running with and binding on the outlines of "Parcel K" as laid out on said plat (1) South 69 degrees 53 minutes 29 seconds West 54.33 feet; thence (2) Northwesterly by a line curving to the left, having a radius of 642.00 feet, for a distance of 26.21 feet (the arc of said curve being subtended by a chord bearing North 73 degrees 09 minutes 02 seconds West 26.21 feet); thence (3) North 74 degrees 19 minutes 13 seconds West 65.31 feet; thence (4) North 23 degrees 07 minutes 32 seconds East 222.87 feet; thence (5) North 35 degrees 02 minutes 17 seconds East 163.89 feet; thence (6) North 67 degrees 08 minutes 36 seconds East 155.66 feet; thence (7) North 32 degrees 08 minutes 40 seconds East 51.16 feet; thence (8) North 08 degrees 38 minutes 29 seconds West 196.14 feet; thence (9) North 23 degrees 50 minutes 50 seconds East 26.36 feet; thence (10) North 30 degrees 37 minutes 57 seconds West 56.50

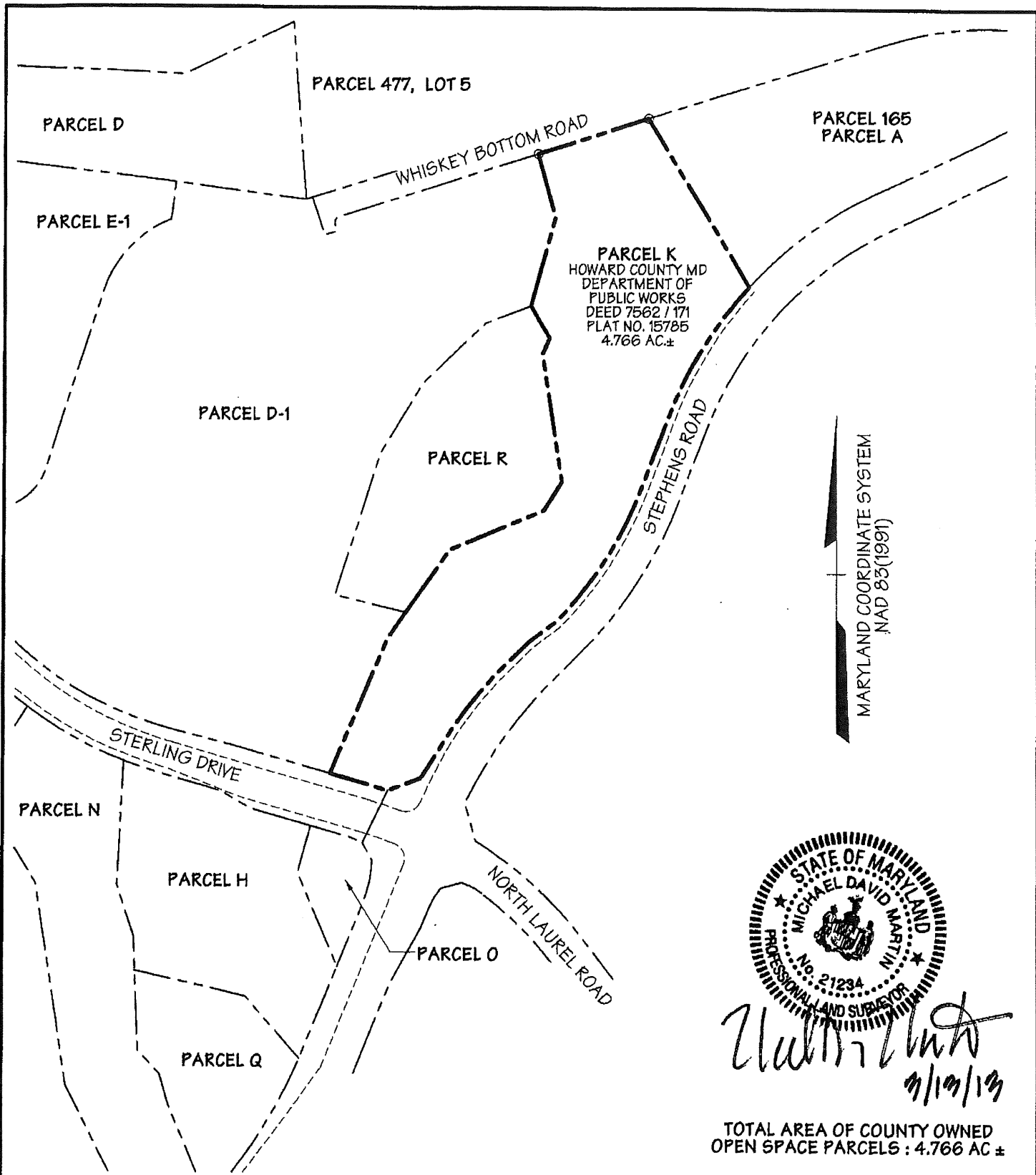
feet; thence (11) North 15 degrees 42 minutes 38 seconds East 139.65 feet; thence (12) North 15 degrees 13 minutes 56 seconds West 100.56 feet; thence (13) North 72 degrees 19 minutes 13 seconds East 180.00 feet; thence (14) South 30 degrees 57 minutes 50 seconds East 297.65 feet; thence (15) Southwesterly by a line curving to the left, having a radius of 630.00 feet, for a distance of 238.19 feet (the arc of said curve being subtended by a chord bearing South 31 degrees 39 minutes 47 seconds West 236.77 feet); thence (16) South 20 degrees 49 minutes 55 seconds West 110.25 feet; thence (17) Southwesterly by a line curving to the right, having a radius of 570.00 feet, for a distance of 248.99 feet (the arc of said curve being subtended by a chord bearing South 33 degrees 20 minutes 46 seconds West 247.01 feet); thence (18) South 53 degrees 08 minutes 35 seconds West 47.33 feet; thence (19) South 45 degrees 51 minutes 36 seconds West 46.95 feet; thence (20) Southwesterly by a line curving to the left having a radius of 636.00 feet, for a distance of 156.48 feet (the arc of said curve being subtended by a chord bearing South 38 degrees 48 minutes 42 seconds West 156.08 feet); thence (21) South 31 degrees 45 minutes 49 second West 62.81 feet to the point of beginning; containing 207,595 square feet or 4.766 acres of land, more or less.

March 13, 2013

Project No. 95054.7S (L95054.7S)



Michael D. Martin
4/10/13



Michael David Martin
 7/19/13

TOTAL AREA OF COUNTY OWNED
 OPEN SPACE PARCELS : 4.766 AC ±

EXHIBIT D
 COUNTY OWNED OPEN SPACE
 PARCEL K
 REVITZ PROPERTY

6TH ELECTION DISTRICT HOWARD COUNTY, MARYLAND

DMW
 DAFT MCCUNE WALKER INC
 200 EAST PENNSYLVANIA TOWSON, MD 21286
 P: 410 296 3333 F: 410 296 4705 WWW.DMW.COM
 A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
 ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew: Scale: 1"=200' Date: 03-07-2013
 Drawn by: C.S. Checked by: M.D.M. Job No.: 95054.45

Amendment 1 to Council Resolution No. 37 -2013

BY: Chairperson at the request
of the County Executive

Legislative Day No. 6
Date: May 6, 2013

Amendment No. 1

(This amendment corrects a date.)

- 1 On page 1, in line 13, strike "September 2, 2003" and substitute "May 20, 2003".

ADOPTED May 6, 2013
FAILED _____
SIGNATURE Shela M. Jelloni

County Council Of Howard County, Maryland

2013 Legislative Session

Legislative Day No. 5

Resolution No. 37-2013

Introduced by: The Chairperson at the request of the County Executive

A RESOLUTION declaring that a total of approximately 6.149 acres of real property owned by Howard County and identified as (1) a portion of the road bed of Sterling Drive and (2) a certain open space parcel are no longer needed for a public purpose and authorizing the County Executive to waive the advertising and bidding requirements of Section 4.201 of the Howard County Code in order to convey the property to the homeowners association serving the adjacent property, Emerson Development HOA, LLC; and providing that the County Executive is not bound to convey the property if he finds that the land may have a further public use and submits his finding to the County Council for its consideration.

Introduced and read first time _____, 2013.

By order _____
Stephen LeGendre, Administrator

Read for a second time or a public hearing on _____, 2013.

By order _____
Stephen LeGendre, Administrator

This Resolution was read the third time and was Adopted ____, Adopted with amendments ____, Failed ____, Withdrawn ____, by the County Council on _____, 2013.

Certified By _____
Stephen LeGendre, 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**, Howard County is the fee simple owner of certain real property known as a
2 portion of Sterling Drive containing approximately 1.383 acres of land, as described in the
3 attached Exhibit A, pages 1 and 2, and shown in the attached Exhibit B, as acquired by deed
4 dated December 27, 2005, and recorded in the Land Records of Howard County, Maryland in
5 Liber 9749, Folio 684; and

6
7 **WHEREAS**, by passage of Council Resolution No. 28-2013, the County Council closed
8 the above referenced portion of Sterling Drive and that portion of Sterling Drive can now be
9 disposed of in accordance with County law; and

10
11 **WHEREAS**, Howard County is the owner of certain real property designated as open
12 space and known as Parcel K containing approximately 4.766 acres of land as acquired by deed
13 dated September 2, 2003, and recorded in the Land Records of Howard County, Maryland in
14 Liber 7562, Folio 171, as described in the attached Exhibit C, pages 1 and 2, and shown in the
15 attached Exhibit D; and

16
17 **WHEREAS**, the portion of Sterling Drive and Parcel K all comprise the “County
18 Property” and total approximately 6.149 acres; and

19
20 **WHEREAS**, the owners of the property adjacent to the County Property are Emerson
21 Development II LLC, Emerson Development III LLC, Emerson Development IV LLC, Emerson
22 Development V LLC, Emerson Development VI LLC Emerson Development VII LLC
23 (collectively, “Emerson Development LLCs”); and

24
25 **WHEREAS**, Emerson Development HOA, LLC (“Emerson Development HOA”) has
26 been established to serve the Emerson Development LLC’s property and the Emerson
27 Development LLCs have asked that the County Property be disposed of in accordance with
28 Section 4.201 of the Howard County Code to Emerson Development HOA; and

29
30 **WHEREAS**, the Department of Public Works has reviewed and approved the proposed
31 disposal of the County Property; and

DEVELOPMENT AND ACCESS AGREEMENT

THIS DEVELOPMENT AND ACCESS AGREEMENT (this "Agreement"), is made this 15th day of November, 2011 ("Effective Date") by and between EMERSON DEVELOPMENT II LLC, EMERSON DEVELOPMENT III LLC, EMERSON DEVELOPMENT IV LLC, EMERSON DEVELOPMENT V LLC, EMERSON DEVELOPMENT VI LLC, EMERSON DEVELOPMENT VII LLC, and EMERSON DEVELOPMENT HOMEOWNERS' ASSOCIATION, LLC (collectively referred to as the "Developer"), and HOWARD COUNTY, MARYLAND, a body corporate and politic of the State of Maryland (the "County"). The Developer and the County are hereinafter referred to collectively as the "Parties."

RECITALS

1. The County owns certain real property in Howard County, Maryland, consisting of 2.436 acres as shown and described on **Exhibit 1** (the "County-Owned Right-of-Way"), attached and made a part of this Agreement which is improved with underground utility lines (the "Utilities") as shown on the **Exhibit 1**.

2. The County also owns open space Parcels D, E, H, I, M and N as shown on Plat Numbers 15832, 15830, 15786 and 15787 in Howard County, Maryland, and described on **Exhibit 2** (the "County Open Space Properties"), attached and made a part of this Agreement, which are designated open space parcels in accordance with the subdivision regulations of Howard County. The County-Owned Right-of-Way Property and County Open Space Properties are referred to collectively, as the "County Property."

3. The State of Maryland owns certain real property in Howard County, Maryland, known as Whiskey Bottom Road as shown on Plat Numbers 15829 and 15787, consisting of 1.873 acres more or less as shown and described on **Exhibit 3** (the "State of Maryland-Owned Right-of-Way"), attached and made a part of this Agreement, over which fee interest the County has an easement and has improved with a water pumping station owned and operated by the County (the "Pumping Station") as shown on the **Exhibit 3**.

4. The Developer owns and intends to develop certain real property in Howard County, Maryland, described on Howard County Tax Map No. 47, Parcels B, C, E-1, F-1, G-1, and H, consisting of 44.589 acres more or less located at the intersection of Maryland Route 216 and Stephens Road as shown and described on **Exhibit 4** (the "Developer-Owned Property"), attached and made a part of this Agreement and seeks to lease the properties as a government office center. The Developer requested the conveyance of the County Property in order to properly secure the Developer Property.

5. At the Developer's request the County Council of Howard County and the County Executive adopted Resolution Number 112-2011 to close a portion of Sterling Drive, Resolution Number 113-2011 to close Whiskey Bottom Road, Resolution Number 118-2011 to reduce the required setbacks for a security fence, and Resolution Number 119-

2011 to authorize the County Executive to convey the County Property to the Developer subject to the County's right to access the Pumping Station and the Utilities as needed from time to time for maintenance, repair, and replacement, for as long as the Developer Property is used as a government office center, as shown on Exhibit 5 as Variable Width Public Water, Sewer, Utility, and Ingress and Egress Access Easement Across a Portion of Sterling Drive and Whiskey Bottom Road.

6. The Developer has agreed to subdivide the Developer-Owned Property and to convey a parcel with a designated private road access to a public road to the County, in exchange for the State Property and at no additional cost, for the relocation of the Pumping Station, which parcel is shown generally on **Exhibit 6**.

NOW, THEREFORE, in consideration of the foregoing recitals, and for other good and valuable consideration, the receipt and adequacy of which they each acknowledge, the parties agree as follows:

Section 1. The foregoing recitals are incorporated herein by reference and made a part hereof.

Section 2. Term. The term of the Agreement shall begin on the Effective Date of this Agreement, and shall continue for a term coincident with the term of the Developer's lease of Developer-Owned Property.

Section 3. Reversion. The deeds conveying the County Property to the Developer are attached hereto as **Exhibits 7** (the "County Property Deeds"). The County Property Deeds shall be recorded within five (5) days of the Effective Date. The conveyance of the County Property shall be subject to a right of reversion in favor of the County (the "Reversion"). At such time as the Developer is not leasing any portion of the Developer Property to a government agency, then upon the County's request, the County Property shall be conveyed to the County at no cost. The Developer's failure to lease, or continue to lease for more than 36 months any portion of the Developer-Owned Property to a government agency shall be the only reason to justify the County's request for the Reversion.

Section 4. Easements Retained. The conveyance of the County Property to the Developer shall be subject to an easement in favor of the County (i) over Sterling Drive and Whiskey Bottom Road for the existing Utilities located in the road beds and (ii) over Whiskey Bottom Road for the Pumping Station as shown on Exhibit 5. Such easements shall permit the County ingress and egress to the Utilities and Pumping Station as needed for maintenance, repair, and replacement. The Developer's lease of the Developer Owned Property shall require the lessee to provide the County access promptly and as needed for the maintenance, repair, and replacement of the Utilities. The Deed of Easement for the utilities and the Pumping Station is attached hereto as **Exhibit 8**. The County shall continue to maintain the infrastructure of the stormwater management pond located on

the Developer's Property in accordance with the Deed of Easement recorded at Liber 7158, folio 053.

Section 5. Resubdivision of the County Property and the Developer Property. Developer, at its expense, shall prepare for approval by the County's Department of Planning and Zoning ("DPZ") a resubdivision of the County Property and the Developer Property to ensure compliance with the subdivision regulations of Howard County. The Developer shall have an ongoing duty to submit all necessary subdivision plats to DPZ. Developer, at its expense, shall provide all legal descriptions of the real property and easements transferred between the County and Developer, including the right of way for Whiskey Bottom Road from the State of Maryland State Highway Administration.

Section 6. New Pumping Station Site. As part of the resubdivision, the Developer shall convey to the County an undeveloped tract of land no smaller than .75 acre with a designated private, non-exclusive road access to a public road suitable in the reasoned determination by the County for use as a new site for the relocation of the existing pumping station ("New Site"). However, if the County determines an alternate location is better suited for the relocated pumping station, the Developer agrees to, subject to its sole discretion, either (i) acquire that site and convey it to the County at no cost to the County or (ii) provide the County with a sum of money equivalent to the fair market value of a 0.5 acre site within the neighborhood or area supported by an appraisal from a qualified appraiser ("Fee-In-Lieu"). The Developer's obligation under this section shall be limited to conveying to the County a tract of land or Fee-In-Lieu as described above and shall be consummated no later than four (4) years from the effective date of this Agreement. Notwithstanding the County's obligation to acquire the New Site or the Fee-In-Lieu within the aforementioned four (4) years, the construction of the new pump station is contingent upon and County's funding of a capital project for such purpose. Developer shall not be responsible for any development, infrastructure or construction costs. The County acknowledges that the New Site may require architectural approval from The Howard Research Development Corporation, which shall be the sole responsibility of the County. Upon the relocation of the existing pumping station, the County shall quit claim any interest to the State Property and the aforementioned Deed of Easement for the utilities and the Pumping Station shall be terminated. After the County quit claims its interest in the State Property, the State Property shall not be subject to the Reversion as set forth in Section 3 above.

Section 7. Open Space Retained. The County Open Space Properties is open space and once conveyed to Emerson Development Homeowners' Association, LLC shall not be improved by the Developer. However, the open space is not open to the public and shall be enclosed by Developer, at its expense, with a security fence as permitted under Council Resolution Number 118-2011.

Section 8. Sterling Drive Terminus. Developer shall at all times ensure there is a terminus and turnaround for Sterling Drive, which can be used by members of the public. Prior to installing a security fence, which would prevent members of the public from being

able to access the existing terminus and turnaround for Sterling Drive, Developer shall design and construct, at its expense, a terminus and turnaround on the publicly maintained portion of Sterling Drive in accordance with the Howard County Design Manual.

Section 9. General.

9.1. Notices. Any communication to be given to a party shall be in writing, shall be deemed to have been given on the 3rd business day after being sent as certified or registered mail in the United States mails, postage prepaid, return receipt requested, or on the next business day after being deposited with a reputable overnight courier service. In the case of the Developer notice shall be sent to:

James F. Knott, Jr.
James F. Knott Realty Group
1 Texas Station Court, Suite 200
Timonium, Maryland 21093

With a copy to:

Sang Oh, Esquire
Talkin & Oh, LLP
5100 Dorsey Hall Drive
Ellicott City, Maryland 21042

In the case of the County, notice shall be sent to:

Director of Department of Planning and Zoning
George Howard Building
3930 Court House Drive
Ellicott City, Maryland 21043

With a copy to:

County Solicitor of Howard County
Carroll Building
3450 Court House Drive
Ellicott City, Maryland 21043

9.2. Effect; Amendment; Counsel. This Agreement shall become effective on its execution and delivery by each party. This Agreement may be amended only by a document signed by each party. Each party has entered into this Agreement after having the opportunity to receive advice of legal counsel and represents to the other that each understands their respective legal obligations under this Agreement.

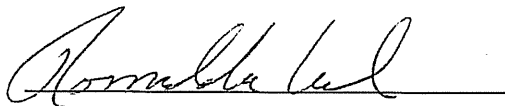
9.3. Governing Law; Jurisdiction. This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of Maryland. The parties hereby irrevocably accept and submit to the jurisdiction of the Circuit Court for Howard County, Maryland, in any action brought to enforce this Agreement, suit, action

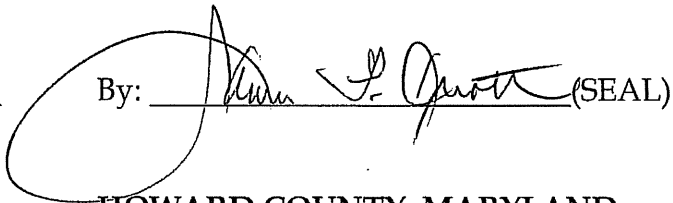
or proceeding and further waive any objection and any right of immunity on the ground of venue, the inconvenience of any forum or the jurisdiction of such courts or from the execution of judgments resulting therefrom.

9.4. Rules of Construction. The enumeration and headings of the sections of this Agreement are merely for convenience of reference and do not constitute representations or warranties, do not impose any obligations whatever and have no substantive significance. Unless the context otherwise requires, whenever used in this Agreement the singular will include the plural, the plural will include the singular, and the masculine gender will include the neuter or feminine gender and vice versa.

WITNESS/ATTEST:

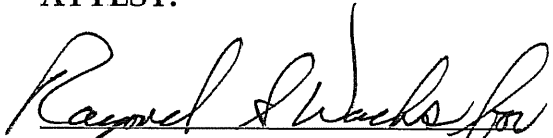
EMERSON DEVELOPMENT II LLC,
EMERSON DEVELOPMENT III LLC,
EMERSON DEVELOPMENT IV LLC,
EMERSON DEVELOPMENT V LLC,
EMERSON DEVELOPMENT VI LLC,
EMERSON DEVELOPMENT VII LLC, AND
EMERSON DEVELOPMENT HOMEOWNERS'
ASSOCIATION, LLC



By:  (SEAL)


HOWARD COUNTY, MARYLAND

ATTEST:

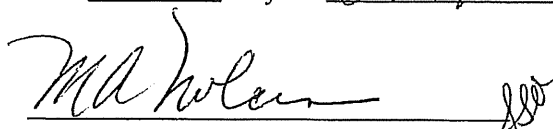

Lonnie R. Robbins
Chief Administrative Officer 11/1/11

By:  (SEAL)
Ken Ulman 11/1/11
Howard County Executive

APPROVED: Department of Public Works

 10/28/11
James M. Irvin, Director

APPROVED as to form and Legal Sufficiency
this 28 day of October, 2011:


Margaret Ann Nolan
County Solicitor
Office of Law
October 2011

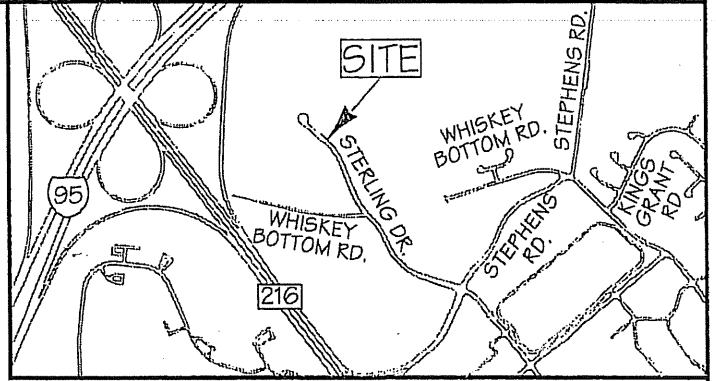
DEVELOPMENT AND ACCESS AGREEMENT
{Exhibits 1- 8 to be added}

MATCHLINE - SEE SHEET 2 OF 2

PARCEL G
EMERSON
COMMUNITY
ASSOCIATION, INC
DEED 6914 / 454
PLAT NO. 15829
2.113 AC.±

PARCEL B
EMERSON
DEVELOPMENT V LLC
DEED 11479 / 17
PLAT NO. 15829
6.401 AC.±

MARYLAND COORDINATE SYSTEM
NAD 83(1991)



VICINITY MAP
SCALE: 1"=2000'

PORTION OF COUNTY OWNED
RIGHT-OF-WAY- STERLING DRIVE
(THIS SHEET) 1.107 AC.±
(TOTAL) 2.436 AC.±

PARCEL E-1
EMERSON
DEVELOPMENT 11 LLC
DEED 8548 / 334
PLAT NO. 18685
5.217 AC.±

PARCEL M
HOWARD COUNTY MD
DEPARTMENT OF PUBLIC
WORKS
DEED 7562 / 171
PLAT NO. 15787
14.537 AC.±

WHISKEY BOTTOM ROAD

60'

STERLING
DRIVE

EXISTING RIGHT-OF-WAY LINES AS
SHOWN ON PLAT NO. 21278, 15787,
18685 & 15829

PARCEL F-1
EMERSON
DEVELOPMENT VII LLC
DEED 11479 / 1
PLAT NO. 21278
10.411 AC.±

EXISTING
STERLING DRIVE
PUBLIC RIGHT OF
WAY TO REMAIN

1 OF 2

EXHIBIT 1
HOWARD COUNTY OWNED RIGHT-OF-WAY
STERLING DRIVE

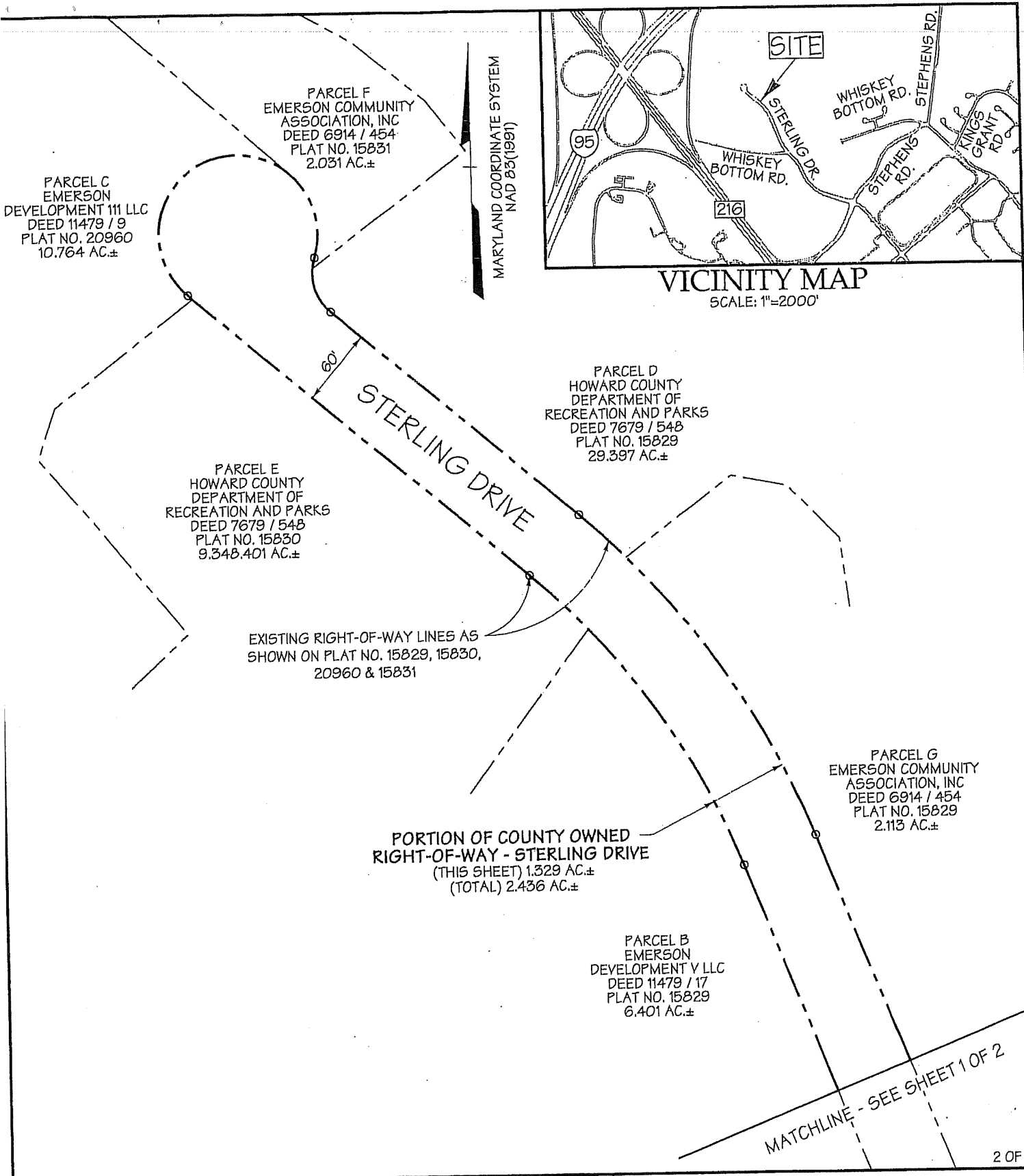
DMW

DAFT MCCUNE WALKER INC

200 EAST PENNSYLVANIA TOWSON, MD 21286
P: 410 286 3333 F: 410 286 4705 WWW.DMW.COM

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew: Scale: 1"=100' Date: 09-29-2011



2 OF 2

EXHIBIT 1
HOWARD COUNTY OWNED RIGHT-OF-WAY
STERLING DRIVE

DMW

DAFT MCCUNE WALKER INC

200 EAST PENNSYLVANIA TOWSON, MD 21286
P: 410 286 3333 F: 410 286 4706 WWW.DMW.COM

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew:	Scale: 1"=100'	Date: 09-29-2011
Drawn by: R.C.	Checked by: M.D.M.	Job No.: 95054.45

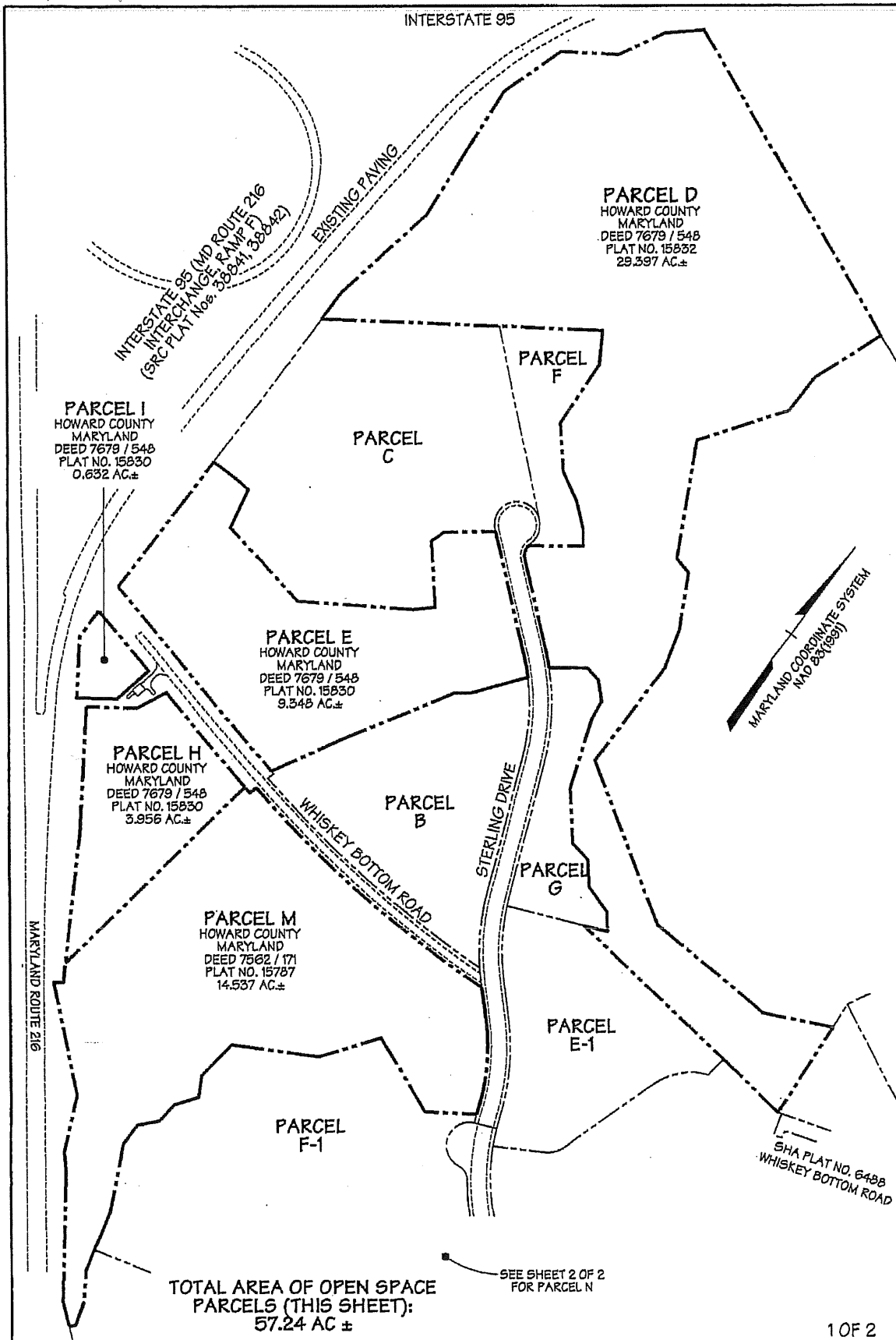


EXHIBIT 2
COUNTY OWNED OPEN SPACE
 PARCELS D, E, H, I, M, AND N
 EMERSON SECTION 3, AREA 1
 AND REVITZ PROPERTY

DMW
 DAFT MCCUNE WALKER INC
 200 EAST PENNSYLVANIA TOWSON, MD 21286
 P: 410 286 3333 F: 410 288 4763 WWW.DMW.COM
 A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
 ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

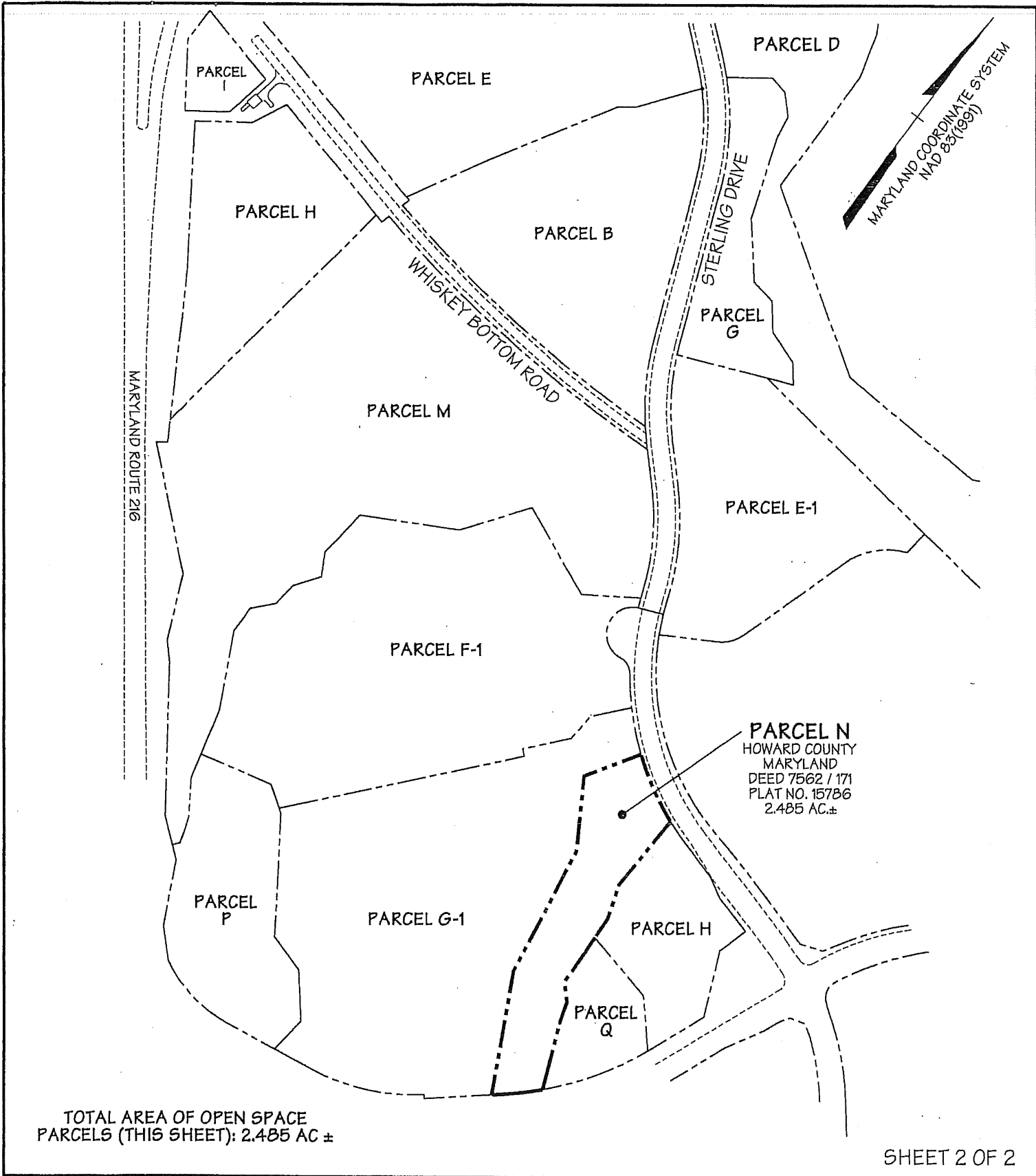


EXHIBIT 2
 COUNTY OWNED OPEN SPACE
 PARCELS D, E, H, I, M, AND N
 EMERSON SECTION 3, AREA 1 &
 REVITZ PROPERTY

DMW

DAFT MCCUNE WALKER INC

200 EAST PENNSYLVANIA TOWSON, MD 21286
 P: 410 286 3333 F: 410 286 4705 WWW.DMW.COM

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
 ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew: Scale: 1"=300' Date: 09-29-2011

PARCEL E
 HOWARD COUNTY
 DEPARTMENT OF
 RECREATION AND PARKS
 DEED 7679 / 548
 PLAT NO. 15830
 9.348.401 AC.±

PARCEL B
 EMERSON DEVELOPMENT V LLC
 DEED 11479 / 17
 PLAT NO. 15829
 6.401 AC.±

PARCEL M
 HOWARD COUNTY MD
 DEPARTMENT OF PUBLIC WORKS
 DEED 7562 / 171
 PLAT NO. 15787
 14.537 AC.±

PARCEL H
 HOWARD COUNTY
 DEPARTMENT OF
 RECREATION AND PARKS
 DEED 7679 / 548
 PLAT NO. 15830
 3.956 AC.±

PORTION OF STATE OF MARYLAND OWNED
 RIGHT-OF-WAY - WHISKEY BOTTOM ROAD
 (THIS SHEET) 0.710 AC.±
 (TOTAL) 1.873 AC.±

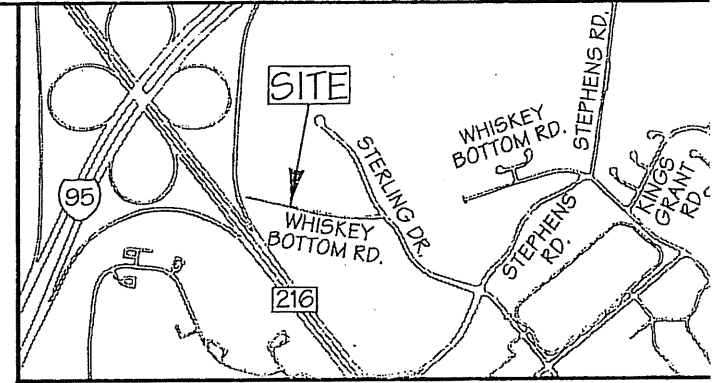
MATCHLINE - SEE SHEET 2 OF 2

40'

WHISKEY BOTTOM ROAD

EXISTING RIGHT-OF-WAY LINES AS
 SHOWN ON PLAT NO. 15829 & 15787

MARYLAND COORDINATE SYSTEM
 NAD 85(1991)



VICINITY MAP
 SCALE: 1"=2000'

STERLING DRIVE

EXHIBIT 3
 STATE OF MARYLAND OWNED RIGHT-OF-WAY
WHISKEY BOTTOM ROAD
 6TH ELECTION DISTRICT

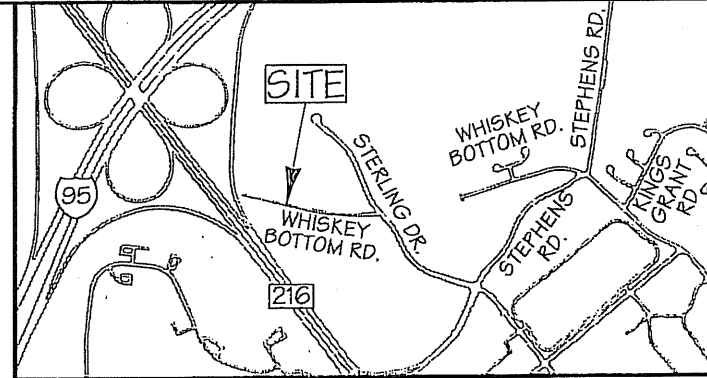
DMW
 DAFT MCCUNE WALKER INC
 200 EAST PENNSYLVANIA TOWSON, MD 21286
 P: 410 286 3333 F: 410 286 4705 WWW.DMW.COM
 A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
 ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew:	Scale: 1"=100'	Date: 09-29-2011
Drawn by: R.C.	Checked by: M.D.M.	Job No.: 95054.45

MD ROUTE 216 RAMP

PARCEL E
HOWARD COUNTY
DEPARTMENT OF
RECREATION AND PARKS
DEED 7679 / 548
PLAT NO. 15830
9.348.401 AC.±

MARYLAND COORDINATE SYSTEM
NAD 83(1991)



VICINITY MAP
SCALE: 1"=2000'

PORTION OF STATE OF MARYLAND OWNED
RIGHT-OF-WAY - WHISKEY BOTTOM ROAD
(THIS SHEET) 1.163 AC.±
(TOTAL) 1.873 AC.±

WHISKEY BOTTOM ROAD

PARCEL I
HOWARD COUNTY
DEPARTMENT OF
RECREATION AND PARKS
DEED 7679 / 548
PLAT NO. 15830
0.632 AC.±

EXISTING RIGHT-OF-WAY LINES AS
SHOWN ON PLAT NO. 15829 & 15787

PARCEL NO. 2
EXISTING PUMPING
STATION
STATE OF MARYLAND
SHA PLAT NO. 37384

PARCEL H
HOWARD COUNTY
DEPARTMENT OF
RECREATION AND PARKS
DEED 7679 / 548
PLAT NO. 15830
3.956 AC.±

PARCEL B
EMERSON DEVELOPMENT V LLC
DEED 11479 / 17
PLAT NO. 15829
6.401 AC.±

PARCEL M
HOWARD COUNTY MD
DEPARTMENT OF PUBLIC WORKS
DEED 7562 / 171
PLAT NO. 15787
14.537 AC.±

MATCHLINE - SEE SHEET 1 OF 2

EXHIBIT 3
STATE OF MARYLAND OWNED RIGHT-OF-WAY
WHISKEY BOTTOM ROAD
6TH ELECTION DISTRICT HOWARD COUNTY, MARYLAND

DMW
DAFT MCCUNE WALKER INC
200 EAST PENNSYLVANIA TOWSON, MD 21286
P: 410 286 3333 F: 410 286 4705 WWW.DMW.COM
A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew:	Scale: 1"=100'	Date: 09-29-2011
Drawn by: R.C.	Checked by: M.D.M.	Job No.: 95054.45

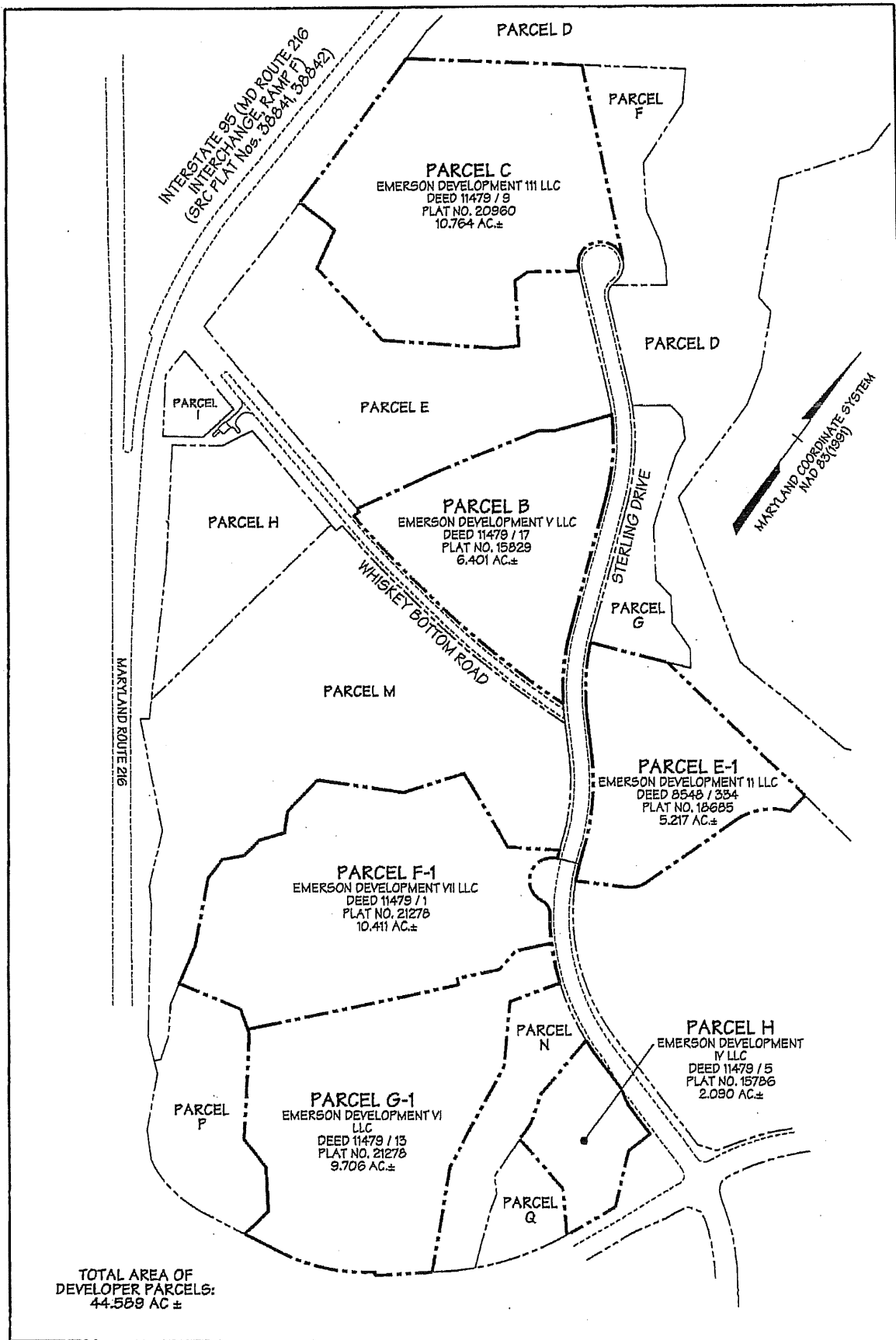


EXHIBIT 4
DEVELOPER OWNED PROPERTY
 PARCELS B, C, E-1, F-1, G-1, AND H
 EMERSON SECTION 3, AREA 1 &
 REVITZ PROPERTY

6TH ELECTION DISTRICT HOWARD COUNTY, MARYLAND

DMW
 DAFT MCCUNE WALKER INC
 230 EAST PENNSYLVANIA TOWNSHIP, MD 21284
 P: 410 298 3332 F: 410 298 4705 WWW.DMW.COM
 A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
 ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew Scale: 1"=300' Date: 09-29-2011
 Drawn by: R.C. Checked by: M.D.M. Job No.: 95054.45

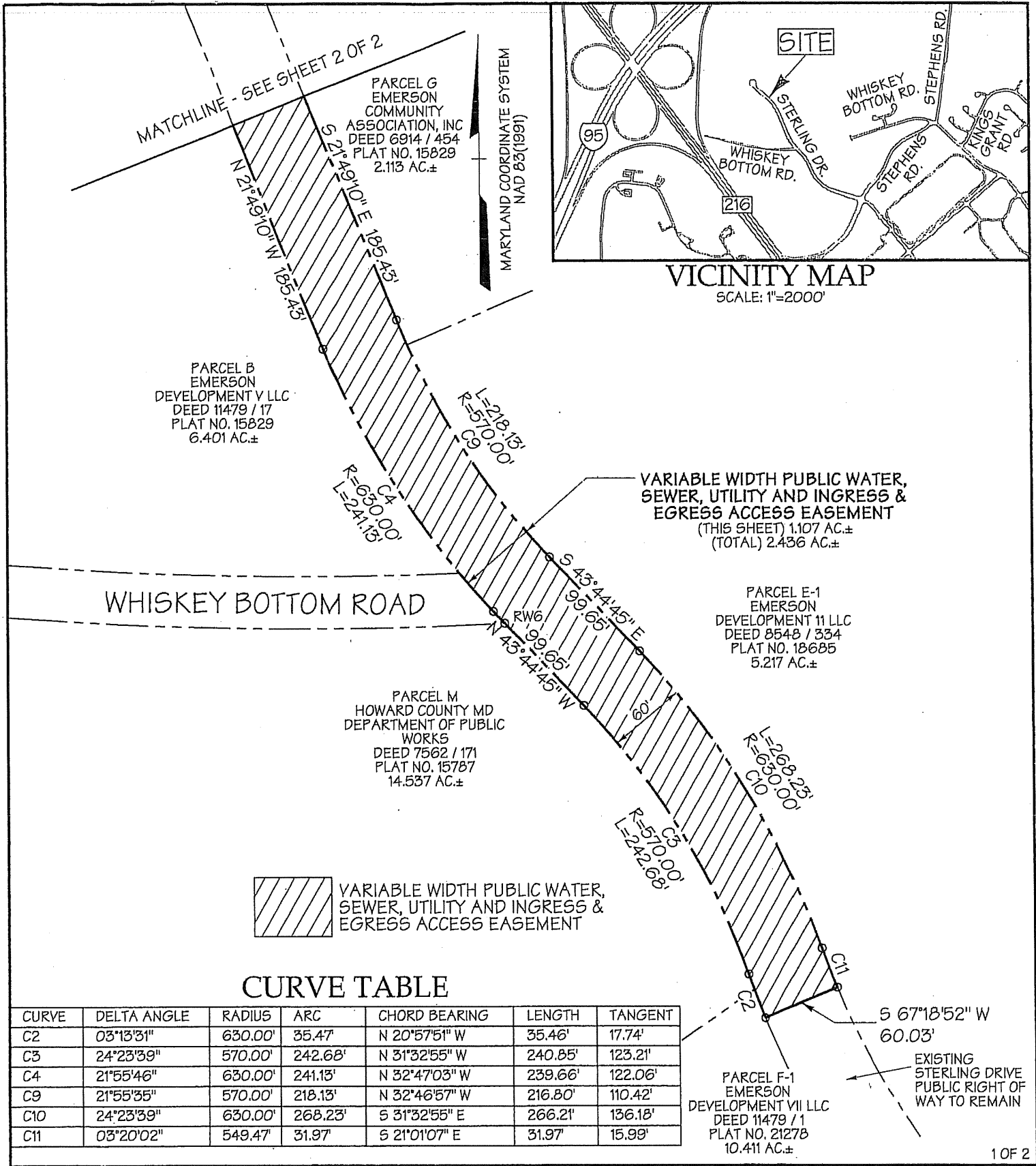


EXHIBIT 5
VARIABLE WIDTH PUBLIC WATER, SEWER, UTILITY, AND
INGRESS & EGRESS ACCESS EASEMENT ACROSS A
PORTION OF STERLING DRIVE

DMW

DAFT MCCUNE WALKER INC

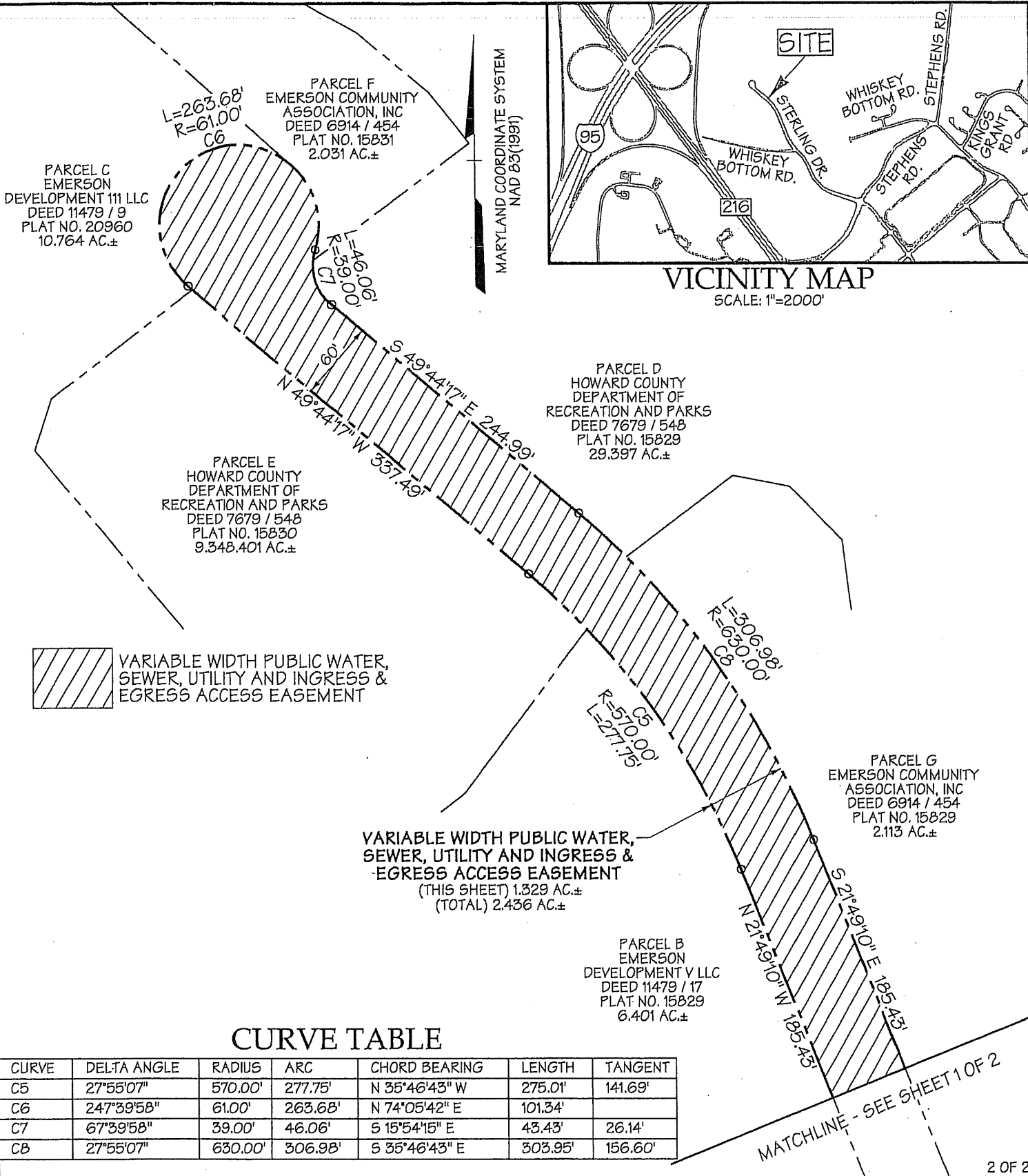
200 EAST PENNSYLVANIA TOWSON, MD 21286
P: 410 296 3333 F: 410 296 4705 WWW.DMW.COM

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew:

Scale: 1"=100'

Date: 09-29-2011



CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	ARC	CHORD BEARING	LENGTH	TANGENT
C5	27°55'07"	570.00'	277.75'	N 35°46'43" W	275.01'	141.69'
C6	24°7'39'58"	61.00'	263.68'	N 74°05'42" E	101.34'	
C7	67°39'58"	39.00'	46.06'	S 15°54'15" E	43.43'	26.14'
CB	27°55'07"	630.00'	306.98'	S 35°46'43" E	303.95'	156.60'

EXHIBIT 5

VARIABLE WIDTH PUBLIC WATER, SEWER, UTILITY, AND
INGRESS & EGRESS ACCESS EASEMENT ACROSS A
PORTION OF STERLING DRIVE

DMW

DAFT MCCUNE WALKER INC

200 EAST PENNSYLVANIA TOWSON, MD 21286
P: 410 286 3333 F: 410 286 4705 WWW.DMW.COM

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew: Scale: 1"=100' Date: 09-29-2011

Drawn by: R.C. Checked by: M.D.M. Job No.: 95054.45

PARCEL E
HOWARD COUNTY
DEPARTMENT OF
RECREATION AND PARKS
DEED 7679 / 548
PLAT NO. 15830
9.348.401 AC.±

PARCEL B
EMERSON DEVELOPMENT V LLC
DEED 11479 / 17
PLAT NO. 15829
6.401 AC.±

PARCEL M
HOWARD COUNTY MD
DEPARTMENT OF PUBLIC WORKS
DEED 7562 / 171
PLAT NO. 15787
14.537 AC.±

PARCEL H
HOWARD COUNTY
DEPARTMENT OF
RECREATION AND PARKS
DEED 7679 / 548
PLAT NO. 15830
3.956 AC.±

VARIABLE WIDTH PUBLIC WATER, SEWER,
UTILITY, AND INGRESS & EGRESS
ACCESS EASEMENT
(THIS SHEET) 0.710 AC.±
(TOTAL) 1.873 AC.±

VARIABLE WIDTH PUBLIC WATER,
SEWER, UTILITY AND INGRESS &
EGRESS ACCESS EASEMENT

CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	ARC	CHORD BEARING	LENGTH	TANGENT
C1	15°48'20"	2884.79'	795.79'	N 85°09'22" W	793.27'	400.44'
C2	15°07'40"	2844.79'	751.11'	S 84°49'55" E	748.93'	377.75'
C3	03°35'18"	630.00'	39.45'	S 41°57'06" E	39.45'	19.73'

EXHIBIT 5

VARIABLE WIDTH PUBLIC WATER, SEWER, UTILITY, AND
INGRESS & EGRESS ACCESS EASEMENT ACROSS A
PORTION OF WHISKEY BOTTOM ROAD

6TH ELECTION DISTRICT

HOWARD COUNTY, MARYLAND

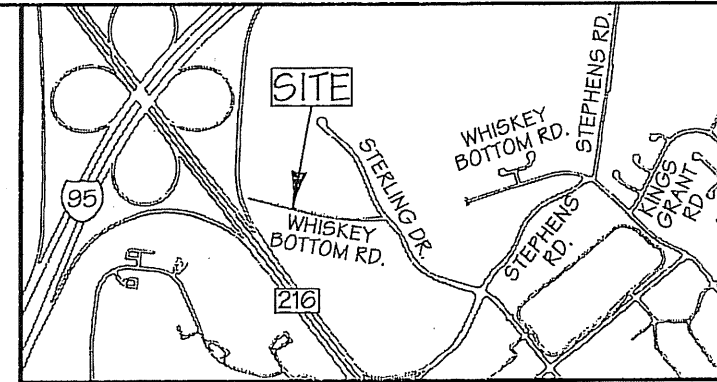
DMW

DAFT MCCUNE WALKER INC

200 EAST PENNSYLVANIA TOWSON, MD 21286
P: 410 286 3333 F: 410 286 4705 WWW.DMW.COM

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew: Scale: 1"=100' Date: 09-29-2011
Drawn by: R.C. Checked by: M.D.M. Job No.: 95054.45



VICINITY MAP

SCALE: 1"=2000'

MARYLAND COORDINATE SYSTEM
NAD 83(1991)

STERLING DRIVE

S 43°44'45" E
12.51'

MATCHLINE - SEE SHEET 2 OF 2

S 13°47'07" W
19.05'

S 13°47'07" W
20.94'

R=2844.79'

R=2884.79'

C2

C1

L=751.11'

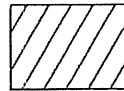
L=795.79'

RW28

C3

RW6

MD ROUTE 216 RAMP



VARIABLE WIDTH PUBLIC WATER, SEWER, UTILITY AND INGRESS & EGRESS ACCESS EASEMENT

PARCEL E
HOWARD COUNTY
DEPARTMENT OF PARKS
DEED 7679 / 548
PLAT NO. 15830
9.348.401 AC.±

VARIABLE WIDTH PUBLIC WATER, SEWER,
UTILITY, AND INGRESS & EGRESS
ACCESS EASEMENT
(THIS SHEET) 1.163 AC.±
(TOTAL) 1.873 AC.±

POINT OF
BEGINNING

N 01°23'00" E
81.91'

3283

3286

PARCEL I
HOWARD COUNTY
DEPARTMENT OF PARKS
DEED 7679 / 548
PLAT NO. 15830
0.632 AC.±

S 76°12'53" E 642.12'

N 76°12'53" W 624.53'

STATE OF MARYLAND
SHA PLAT NO. 37384

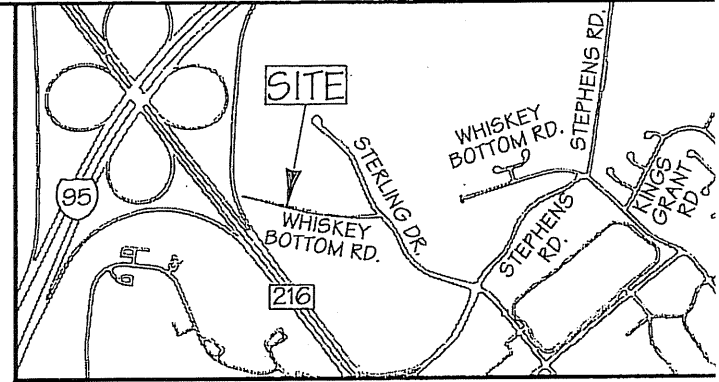
PARCEL H
HOWARD COUNTY
DEPARTMENT OF
RECREATION AND PARKS
DEED 7679 / 548
PLAT NO. 15830
3.956 AC.±

80'
80.00'
S 13°47'07" W
MATCHLINE - SEE SHEET 1 OF 2

PARCEL B
EMERSON DEVELOPMENT V LLC
DEED 11479 / 17
PLAT NO. 15829
6.401 AC.±

PARCEL M
HOWARD COUNTY MD
DEPARTMENT OF PUBLIC WORKS
DEED 7562 / 171
PLAT NO. 15787
14.537 AC.±

MARYLAND COORDINATE SYSTEM
NAD 83(1991)



VICINITY MAP

SCALE: 1"=2000'

EXHIBIT 5

VARIABLE WIDTH PUBLIC WATER, SEWER, UTILITY, AND
INGRESS & EGRESS ACCESS EASEMENT ACROSS A
PORTION OF WHISKEY BOTTOM ROAD

DMW

DAFT MCCUNE WALKER INC

200 EAST PENNSYLVANIA TOWSON, MD 21286
P: 410 298 3333 F: 410 298 4705 WWW.DMW.COM

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew: Scale: 1"=100' Date: 09-29-2011

Drawn by: R.C. Checked by: M.D.M. Job No.: 95054.46

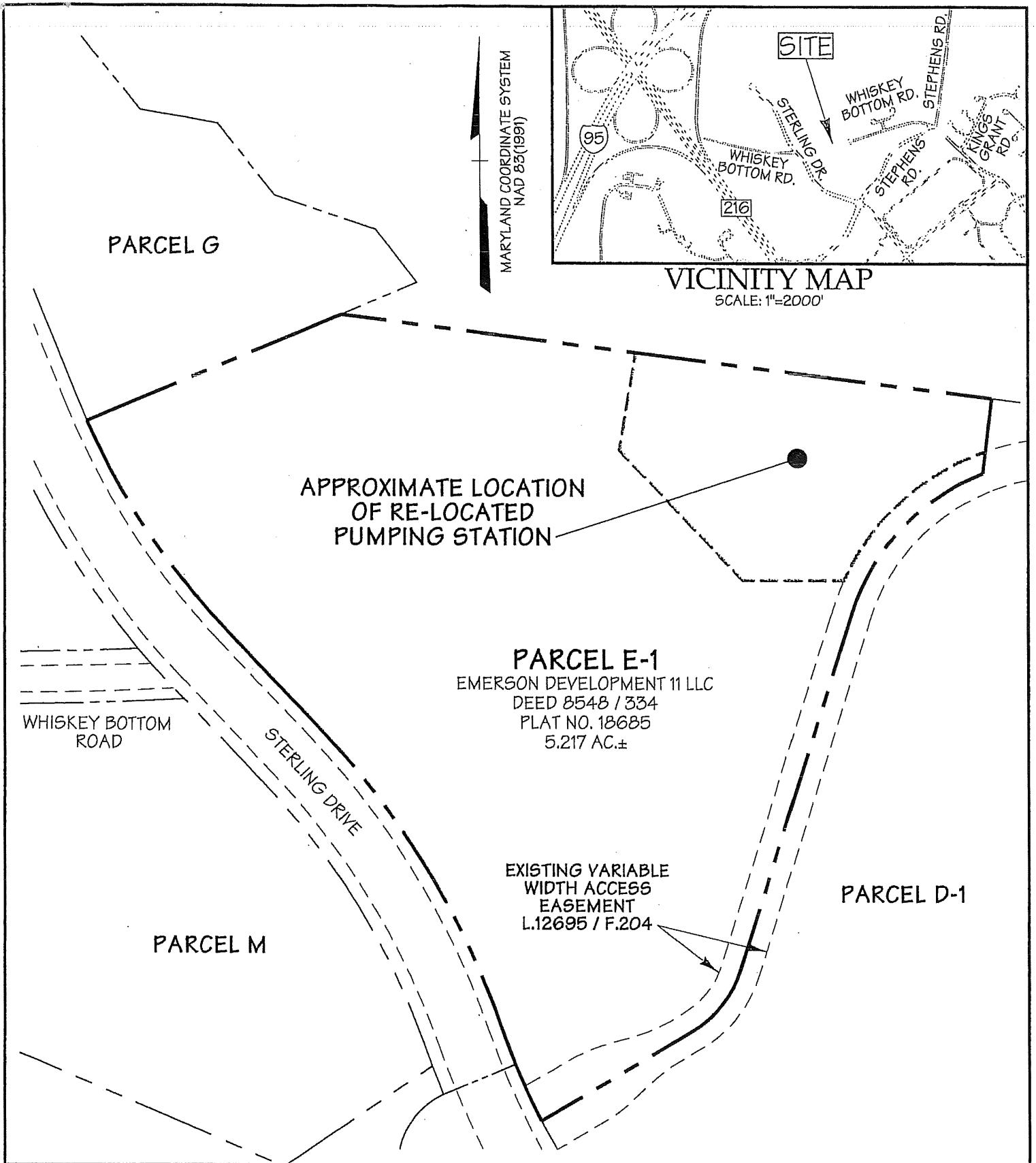


EXHIBIT 6
APPROXIMATE LOCATION OF RE-LOCATED PUMPING STATION ON A PORTION OF EXISTING PARCEL E-1 REVITZ PROPERTY

DMW

DAFT MCCUNE WALKER INC

200 EAST PENNSYLVANIA TOWSON, MD 21286
P: 410 286 3333 F: 410 286 4705 WWW.DMW.COM

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew:	Scale: 1"=100'	Date: 09-29-2011
Drawn by: R.C.	Checked by: M.D.M.	Job No.: 95054.45

EXHIBIT 7

DEED

THIS DEED is made this 13th day of November, 2011 by and between **HOWARD COUNTY, MARYLAND** (the "Grantor"), a body corporate and politic, and **EMERSON DEVELOPMENT HOMEOWNERS' ASSOCIATION, LLC**, (the "Grantee"), a Maryland limited liability company.

WHEREAS, the Grantor owns, in fee simple, that certain real property comprising 62.791 acres, more or less, located within the Sixth Election District of Howard County, Maryland, and more commonly known as a portion of Sterling Drive containing approximately 2.436 acres of land, as laid out on a plat dated December 16, 2002 recorded as Plat No. 15788, and a plat dated January 16, 2003 recorded as Plat Numbers 15829 and 15831 (the "County Owned Right-of-Way"), and open space parcels known as: (i) Parcel D containing approximately 29.397 acres of land, (ii) Parcel E containing approximately 9.348 acres of land, (iii) Parcel H containing approximately 3.956 acres of land, (iv) Parcel I containing approximately .632 acres of land, (v) Parcel M containing approximately 14.537 acres of land, and (vi) Parcel N containing approximately 2.485 acres of land, located within the Sixth Election District of Howard County, Maryland (collectively the "County Open Space Properties"). The Surplus Parcels being shown on the following subdivision plats: (i) titled "Emerson, Section 3, Area 1, Parcels A through C and Open Space Parcels D through I" recorded among the Land Records of Howard County, Maryland (the "Land Records") as Plat Numbers 15828 thru 15832 (the "Emerson Plat") and (ii) titled "Revitz Property, Parcels A through H and Open Spaces Parcel I through R" recorded among the Land Records of Howard County, Maryland as Plat Numbers 15783 thru 15788 (the "Revitz Plat").

WHEREAS, on July 28, 2011 the County Council of Howard County adopted the following: (i) Council Resolution No. 112-2011 which closed a portion of Sterling Drive; (ii) Council Resolution No. 113-2011 which closed a portion of Whiskey Bottom Road, a prescriptive right-of-way, and (iii) Council Resolution No. 119-2011 authorized the County Executive to convey the County-Owned Right-of-Way and the County Open Space Properties to the Grantee, waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code.

NOW, THEREFORE, in consideration of the foregoing recitals which are incorporated herein and Zero Dollars (\$0.00), the receipt and sufficiency of which are hereby acknowledged, the Grantor hereby quitclaims unto the Grantee, its successors and assigns, its interest in the following property: (i) the portion of County Owned Right-of-Way for Sterling Drive shown in Exhibit 1; (ii) the County Owned Open Space shown on Exhibit 2 and depicted as (a) Parcel D containing approximately 29.397 acres of land as shown on the Emerson Plat as Plat Numbers 15829 and 15832, (b) Parcel E containing approximately 9.348 acres of land as shown on the Emerson Plat as Plat Number 15830, (c) Parcel H containing approximately 3.956 acres of land as shown on the Emerson Plat as Plat Number 15830, (d) Parcel I containing approximately .632 acres of land as shown on the Emerson Plat as Plat Numbers 15830, (e) Parcel M containing approximately 14.537 acres of land as shown on the Revitz Plat as Plat Number 15787, (f) Parcel N containing approximately 2.485 acres of land as shown on

the Revitz Plat as Plat Number 15786 and (iii) the County's interest, if any, in that portion of Whiskey Bottom Road as shown in Exhibit 3, **RESERVING UNTO** the Grantor, for Grantor's use in perpetuity, the right to maintain, repair and replace the water pumping station, water and sewer lines and utilities within the County Owned Right-of-Way for Sterling Drive and Whiskey Bottom Road as set forth in a deed of easement to be executed with this deed and recorded among the Land Records immediately following this deed.

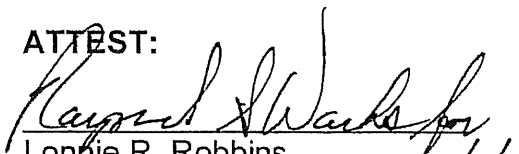
THE PROPERTY BEING part of the Grantor's Parcel conveyed to the Grantor by the following deeds: (i) from Hammond Branch Joint Venture and The Howard Research and Development Corporation dated December 27, 2005, recorded at Liber 9749, Folio 684, (ii) from The Howard Research and Development Corporation dated May 19, 2008, recorded at Liber 11235, Folio 84, (iii) from Emerson Corporation dated May 20, 2003, recorded at Liber 7562, folio 171, and (iv) from Emerson Corporation dated July 16, 2003 recorded at Liber 7679, folio 548, all deeds being recorded among the Land Records of Howard County, Maryland.

TO HAVE AND TO HOLD the Property unto the Grantee, its successors and assigns, subject to the following reservation.

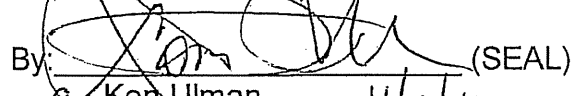
THE GRANTOR RESERVES the right to request the reconveyance of the County Owned Right-of Way and the County Owned Open Space Properties if any of the following Grantee's property: Parcels B, C, E-1, F-1, G-1, and H on Plats Numbered 15829, 20960, 18685, 21278, 21278, and 15786 as recorded in the Land Records, ceases to be used for government purposes for more than thirty-six (36) consecutive months. Upon verification that the Grantee's property has ceased to be used for government purposes, the Grantor shall request in writing, the conveyance of all or part of the County Owned Right-of Way and the County Owned Open Space Properties back to the Grantor. The Grantee shall bear all costs associated with the preparation of revision plats, plans, etc. required by the Howard County Department of Planning & Zoning in order to reconvey the County Owned Right-of Way and the County Owned Open Space Properties to Howard County, Maryland. This right of reverter shall be binding upon the Grantee and its successors and assigns

IN WITNESS WHEREOF, the Grantor has caused this Deed to be executed and delivered by its duly authorized officer and its seal hereto affixed on the date first above written.

ATTEST:


Lonnie R. Robbins
Chief Administrative Officer 11/1/11

**GRANTOR:
HOWARD COUNTY, MARYLAND**

By:  (SEAL)
Ken Ulman 11/1/11
County Executive

[Signatures continue on following page.]

APPROVED:

James M. Irvin
James M. Irvin, Director
Department of Public Works

APPROVED FOR FORM AND LEGAL SUFFICIENCY
this 29 day of October, 2011.

Margaret Ann Nolan
Margaret Ann Nolan
County Solicitor

STATE OF MARYLAND, Baltimore COUNTY, TO WIT:

I HEREBY CERTIFY that on this 15th day of November, 2011, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared ~~Ken~~ Ken Ulman, the County Executive for Howard County, Maryland, the Grantor in the within Deed, who acknowledged the same to be the act of the County and that he executed the foregoing Deed for the purposes therein contained by signing in my presence the name of Howard County, Maryland as County Executive.
* Connie Robbins acting for

AS WITNESS my Hand and Notarial Seal.

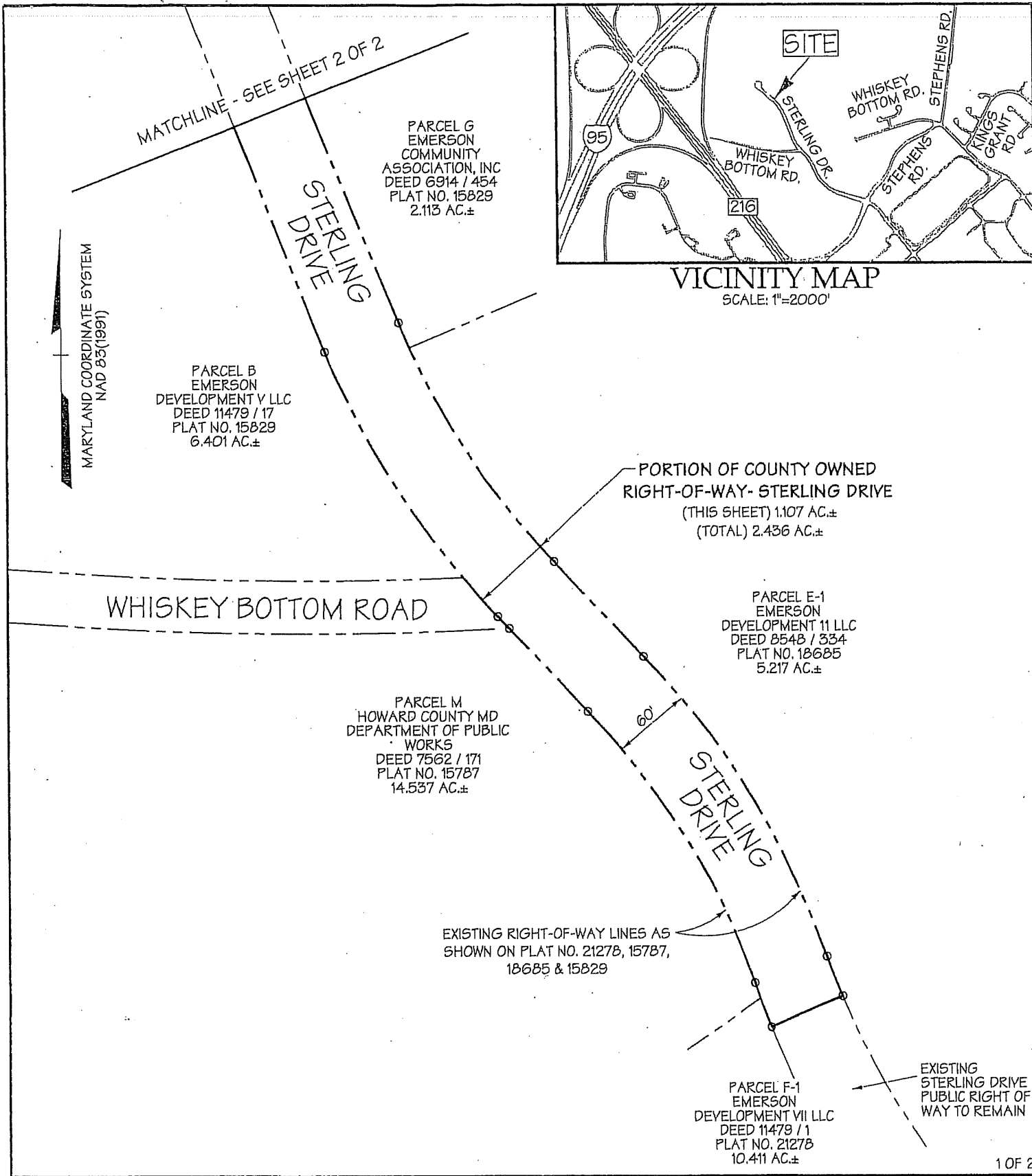
Carl Hackett
Notary Public

My Commission Expires: 8/21/14

THIS IS TO CERTIFY that this instrument was prepared by Howard County, Maryland, the grantee named in the within Deed.

Tina D. Hackett
Tina D. Hackett, Chief
Real Estate Services Division

After Recording, Return To:
Howard County, Maryland
Real Estate Services Division
3430 Court House Drive
Ellicott City, Maryland 21043



1 OF 2

EXHIBIT 1
HOWARD COUNTY OWNED RIGHT-OF-WAY
STERLING DRIVE

DMW

DAFT MCCUNE WALKER INC

200 EAST PENNSYLVANIA TOWSON, MD 21286
P: 410 206 3333 F: 410 206 4705 WWW.DMW.COM

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew: Scale: 1"=100' Date: 09-29-2011

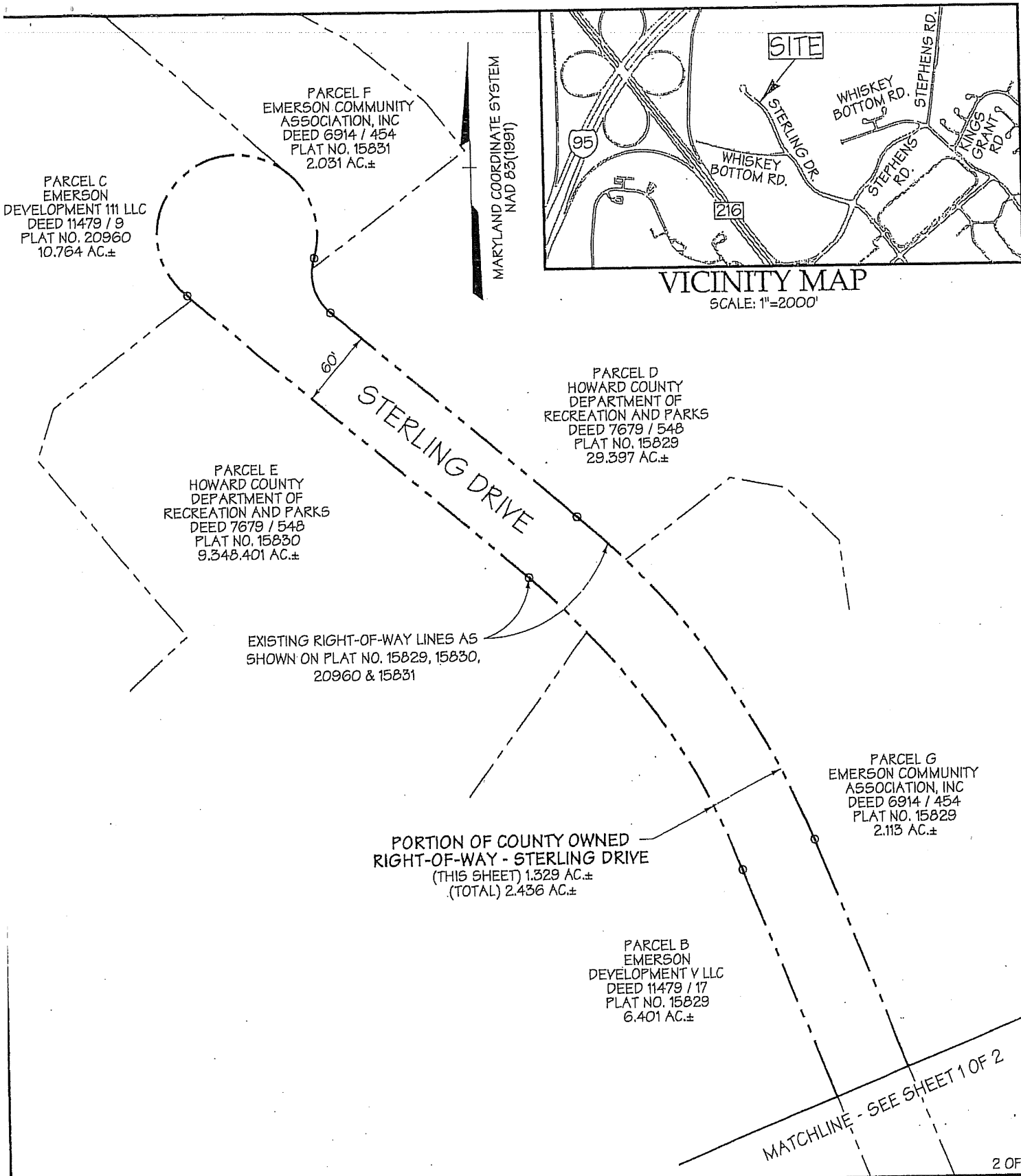


EXHIBIT 1
HOWARD COUNTY OWNED RIGHT-OF-WAY
STERLING DRIVE

DMW

DAFT MCCUNE WALKER INC

200 EAST PENNSYLVANIA TOWSON, MD 21286
P: 410 296 3333 F: 410 296 4705 WWW.DMW.COM

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew:	Scale: 1"=100'	Date: 09-29-2011
Drawn by: R.C.	Checked by: M.D.M.	Job No.: 95054.45

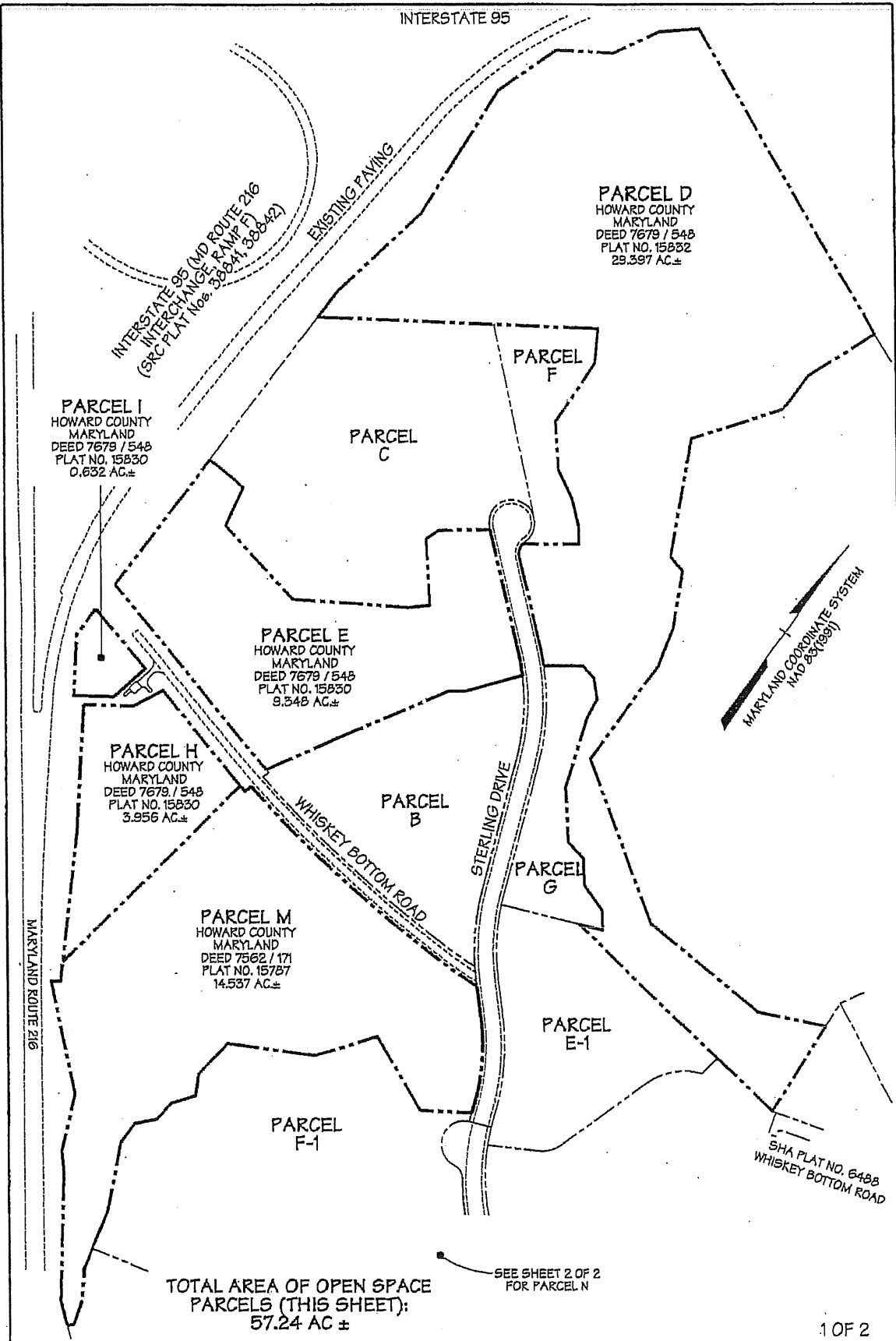


EXHIBIT 2
COUNTY OWNED OPEN SPACE
 PARCELS D, E, H, I, M, AND N
 EMERSON SECTION 3, AREA 1
 AND REVITZ PROPERTY

6TH ELECTION DISTRICT HOWARD COUNTY, MARYLAND

DMW
 DAFT MCCUNE WALKER INC
 200 EAST PENNSYLVANIA TOWSON, MD 21286
 P: 410 258 3233 F: 410 258 4765 WWW.DMW.COM

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
 ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew: Scale: 1"=300' Date: 09-29-2011
 Drawn by: R.C. Checked by: M.D.M. Job No.: 95054.45

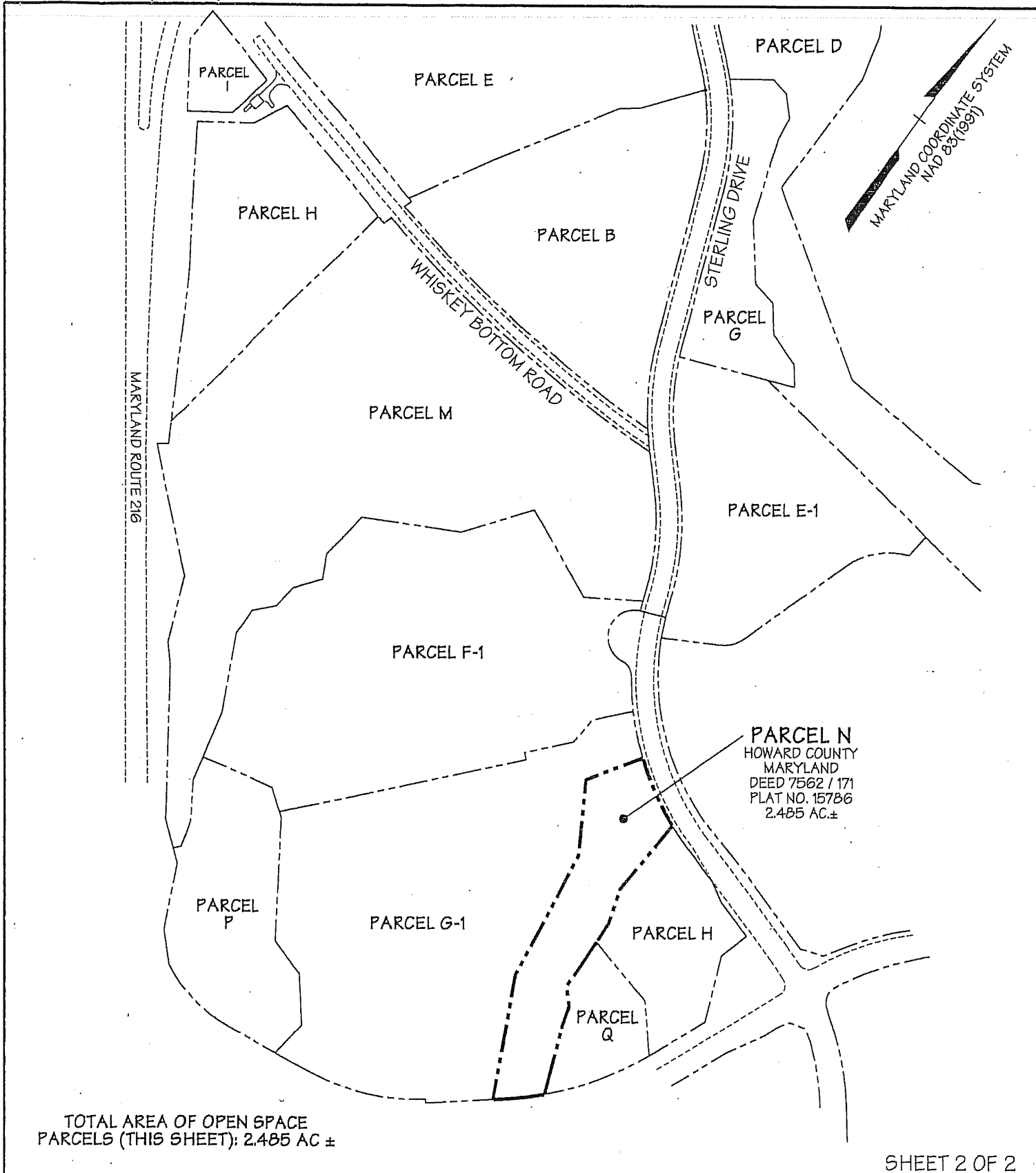


EXHIBIT 2
 COUNTY OWNED OPEN SPACE
 PARCELS D, E, H, I, M, AND N
 EMERSON SECTION 3, AREA 1 &
 REVITZ PROPERTY

DMW

DAFT MCCUNE WALKER INC

200 EAST PENNSYLVANIA TOWSON, MD 21286
 P: 410 296 3333 F: 410 296 4705 WWW.DMW.COM

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
 ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew: Scale: 1"=300' Date: 09-29-2011

PARCEL E
 HOWARD COUNTY
 DEPARTMENT OF
 RECREATION AND PARKS
 DEED 7679 / 548
 PLAT NO. 15830
 9.348.401 AC.±

PARCEL B
 EMERSON DEVELOPMENT V LLC
 DEED 11479 / 17
 PLAT NO. 15829
 6.401 AC.±

PARCEL M
 HOWARD COUNTY MD
 DEPARTMENT OF PUBLIC WORKS
 DEED 7562 / 171
 PLAT NO. 15787
 14.537 AC.±

PARCEL H
 HOWARD COUNTY
 DEPARTMENT OF
 RECREATION AND PARKS
 DEED 7679 / 548
 PLAT NO. 15830
 3.956 AC.±

MATCHLINE - SEE SHEET 2 OF 2

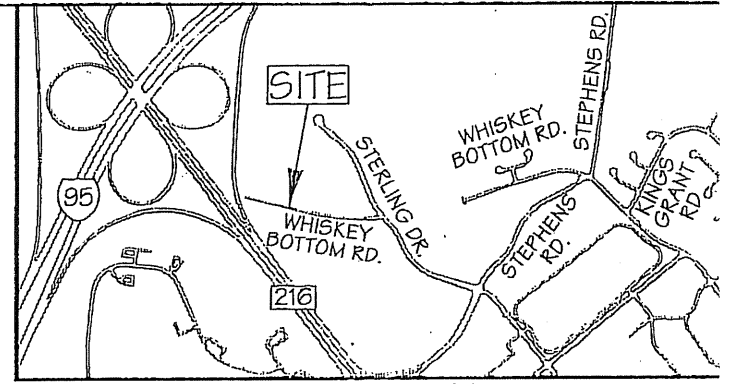
PORTION OF STATE OF MARYLAND OWNED
 RIGHT-OF-WAY - WHISKEY BOTTOM ROAD
 (THIS SHEET) 0.710 AC.±
 (TOTAL) 1.873 AC.±

WHISKEY BOTTOM ROAD

EXISTING RIGHT-OF-WAY LINES AS
 SHOWN ON PLAT NO. 15829 & 15787

40'

MARYLAND COORDINATE SYSTEM
 NAD 83(1991)



VICINITY MAP
 SCALE: 1"=2000'

STERLING DRIVE

EXHIBIT 3
 STATE OF MARYLAND OWNED RIGHT-OF-WAY
WHISKEY BOTTOM ROAD
 6TH ELECTION DISTRICT

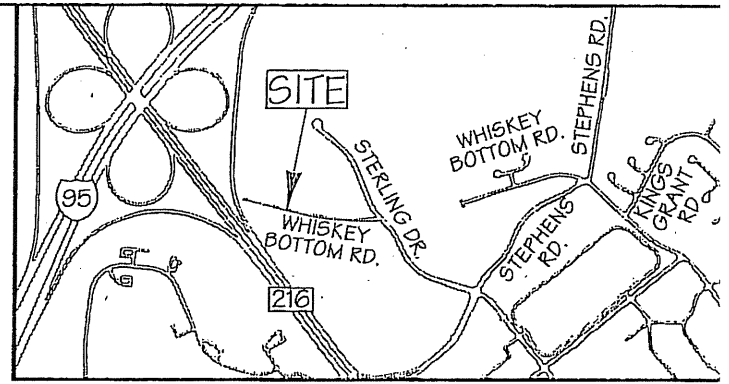
DMW
 DAFT MCCUNE WALKER INC
 200 EAST PENNSYLVANIA TOWSON, MD 21286
 P: 410 286 3333 F: 410 286 4705 WWW.DMW.COM
 A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
 ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew:	Scale: 1"=100'	Date: 09-29-2011
Drawn by: R.C.	Checked by: M.D.M.	Job No.: 95054.46

MD ROUTE 216 RAMP

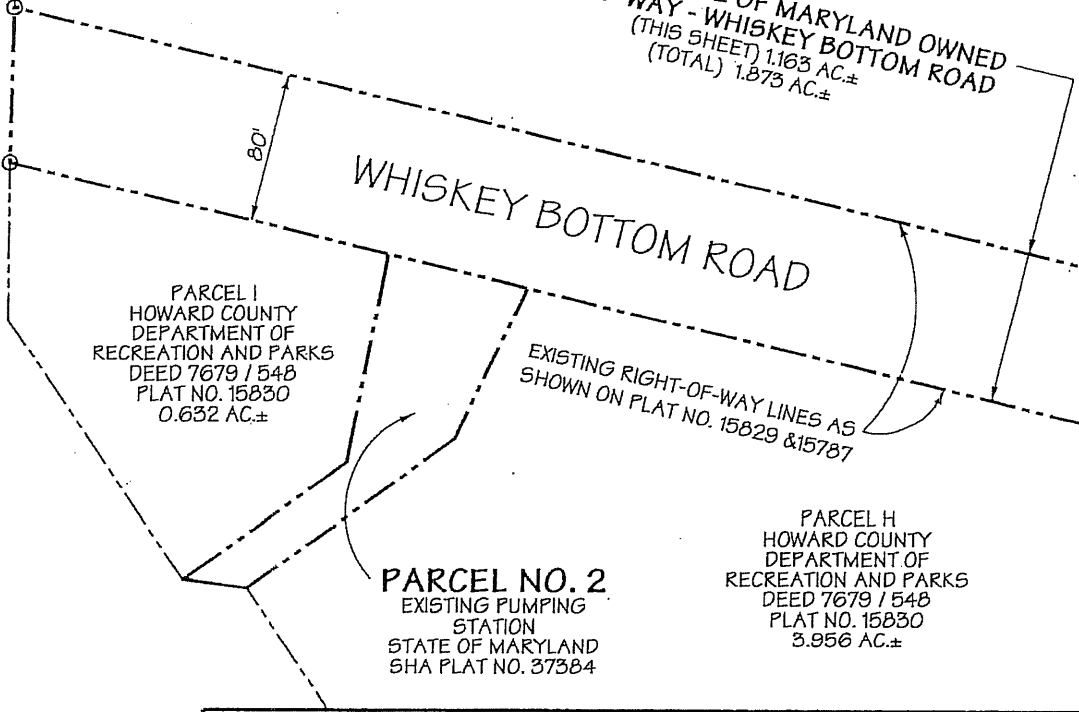
PARCEL E
HOWARD COUNTY
DEPARTMENT OF
RECREATION AND PARKS
DEED 7679 / 548
PLAT NO. 15830
9.348.401 AC.±

MARYLAND COORDINATE SYSTEM
NAD 83(1991)



VICINITY MAP
SCALE: 1"=2000'

PORTION OF STATE OF MARYLAND OWNED
RIGHT-OF-WAY - WHISKEY BOTTOM ROAD
(THIS SHEET) 1.163 AC.±
(TOTAL) 1.873 AC.±



PARCEL I
HOWARD COUNTY
DEPARTMENT OF
RECREATION AND PARKS
DEED 7679 / 548
PLAT NO. 15830
0.632 AC.±

PARCEL NO. 2
EXISTING PUMPING
STATION
STATE OF MARYLAND
SHA PLAT NO. 37384

PARCEL H
HOWARD COUNTY
DEPARTMENT OF
RECREATION AND PARKS
DEED 7679 / 548
PLAT NO. 15830
3.956 AC.±

PARCEL B
EMERSON DEVELOPMENT V LLC
DEED 11479 / 17
PLAT NO. 15829
6.401 AC.±

PARCEL M
HOWARD COUNTY MD
DEPARTMENT OF PUBLIC WORKS
DEED 7562 / 171
PLAT NO. 15787
14.537 AC.±

MATCHLINE - SEE SHEET 1 OF 2

2 OF 2

EXHIBIT 3
STATE OF MARYLAND OWNED RIGHT-OF-WAY
WHISKEY BOTTOM ROAD

6TH ELECTION DISTRICT

HOWARD COUNTY, MARYLAND

DMW

DAFT MCCUNE WALKER INC

200 EAST PENNSYLVANIA TOWSON, MD 21286
P: 410 286 3333 F: 410 286 4706 WWW.DMW.COM

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew:	Scale: 1"=100'	Date: 09-29-2011
Drawn by: R.C.	Checked by: M.D.M.	Job No.: 95054.45

EXHIBIT 8

DEED OF EASEMENT

THIS DEED OF EASEMENT is made this 15th day of November, 2011, by and between **EMERSON DEVELOPMENT HOMEOWNERS' ASSOCIATION, LLC**, (the "Grantor"), a Maryland limited liability company, and **HOWARD COUNTY, MARYLAND** (the "Grantee"), a body corporate and politic.

WHEREAS, the Grantor acquired certain real property comprising 62.791 acres, more or less, located within the Sixth Election District of Howard County, Maryland (the "Property"), and

WHEREAS, a part of the Property is a portion of the right-of-way for Sterling Drive, containing approximately 2.436 acres of land from the County pursuant to a deed intended to be recorded among the Land Records of Howard County, Maryland immediately prior to this Deed of Easement, which deed reserves the County's right to maintain the water pumping station, water and sewer lines and other utilities in the Sterling Drive right-of-way (the "Public Improvements").

NOW, THEREFORE, the Grantor hereby grants and conveys unto the Grantee, its successors and assigns, exclusive easements in, on, over, and through certain portions of the Grantor's Property, all running with the land in perpetuity, all as shown by metes and bounds on the attached Exhibit A and designated thereon as a "variable width public water, sewer, utility, and ingress & egress access easement across a portion of Sterling Drive" and the "variable width public water, sewer, utility, and ingress and egress easement across a portion of Whiskey Bottom Road" (collectively the "Easement").

THE EASEMENT BEING ON A PART of the Property acquired by the Grantor from Howard County, Maryland, by Deed of even date and recorded among the aforesaid Land Records in Liber _____, folio _____, on _____.

GRANTEE, its successors, assigns, employees, agents, and contractors hereby shall have the right to enter upon the Easement whenever it may be necessary to construct, repair, remove, replace, and maintain the Public Improvements, including the right to expand or modify the Public Improvements as needed for the public health, safety, and welfare.

GRANTOR FURTHER AGREES that except for a security fence, no buildings or structures of any kind shall be erected in, on, over, or through the Easement and no trees shall be planted within the Easement, excepting trees that may be planted in a designated tree easement. The Grantor shall not himself and shall not permit others to undertake any act which will impair or conflict with the operation or maintenance of the Public Improvements. Grantor shall provide Grantee access to the Easement as needed for the repair, maintenance and replacement of the shall provide

GRANTOR represents and warrants, as of the date of this Deed of Easement, that it is the sole owner and lawfully seized of a fee simple estate in the Property, Grantor is duly authorized and has the power and right to grant the Easement in, on, or, across and through the Property, and that there exist no liens, security interests or other

encumbrances on or with respect to the Easement. Grantor further covenants that it has not done or suffered to be done any act, matter or thing whatsoever to encumber the Easement, that Grantor shall warrant specially the Easement, and that Grantor shall execute such further assurances of the same as may be required. Notwithstanding the foregoing, if there is any lien holder having a lien interest in and to the Easement, then all lien holders, if so required, will subordinate their lien interest to the Easement by executing either a subordination agreement or a joinder attached hereto and made a part hereof.

All references herein to Grantor shall be deemed plural if more than one person has an interest in the Easement. Any pronoun reference herein shall be deemed to apply to the appropriate gender or person, as the case may be. The term Grantor shall mean Grantor and Grantor's heirs, personal representatives, successors and assigns.

All grants, rights, terms and provisions made and set forth in this Deed of Easement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, personal representatives, successors and assigns.

IN WITNESS WHEREOF, the Grantor has caused this Deed of Easement to be executed and delivered by its duly authorized officer, under seal, on the date first above written.

**EMERSON DEVELOPMENT
HOMEOWNERS' ASSOCIATION, LLC,**
a Maryland limited liability company

WITNESS/ATTEST:

Rosmilda Ward

By: *James F. Knott* (SEAL)
Name: James F. Knott
Title: Authorized member
Member and Authorized Signatory

STATE OF MARYLAND, Baltimore COUNTY, TO WIT:

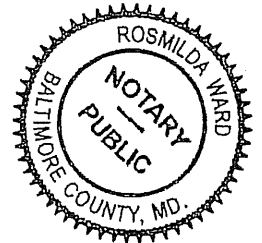
I HEREBY CERTIFY that on this 19th day of October, 2011, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared James F. Knott, the Authorized Member and Authorized Signatory of EMERSON DEVELOPMENT HOMEOWNERS' ASSOCIATION, LLC, the Grantor in the within Deed of Easement, and he acknowledged the same to be the act of the limited liability company for the purposes stated therein.

AS WITNESS my Hand and Notarial Seal.

Rosmilda Ward
Notary Public

My Commission Expires: 12-27-2014

[Signatures continue on the following page.]



ACCEPTED by the Grantee on this 15th day of November, 2011.

ATTEST:

Lonnie R. Robbins
Lonnie R. Robbins
Chief Administrative Officer 11/11

HOWARD COUNTY, MARYLAND
By: Ken Ulman (SEAL)
for County Executive 11/11

APPROVED:

James M. Iryin 10/28/11
James M. Iryin, Director
Department of Public Works

APPROVED FOR FORM AND LEGAL SUFFICIENCY
this 28 day of October, 2011.

Margaret Ann Nolan
Margaret Ann Nolan
County Solicitor

COUNTY EXECUTIVE:

STATE OF MARYLAND, Baltimore COUNTY, TO WIT:

I HEREBY CERTIFY that on this 15th day of November, 2011, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Ken Ulman, the County Executive for Howard County, Maryland, the Grantee in the within Deed of Easement, who acknowledged the same to be the act of the County and that he executed the foregoing Deed of Easement for the purposes therein contained by signing in my presence the name of Howard County, Maryland as County Executive. * Lonnie Robbins acting for

AS WITNESS my Hand and Notarial Seal.

Carl Mully
Notary Public

My Commission Expires: 8/21/14

THIS IS TO CERTIFY that this instrument was prepared by Howard County, Maryland, the grantee named in the within Deed of Easement.

Tina D. Hackett
Tina D. Hackett, Chief
Real Estate Services Division

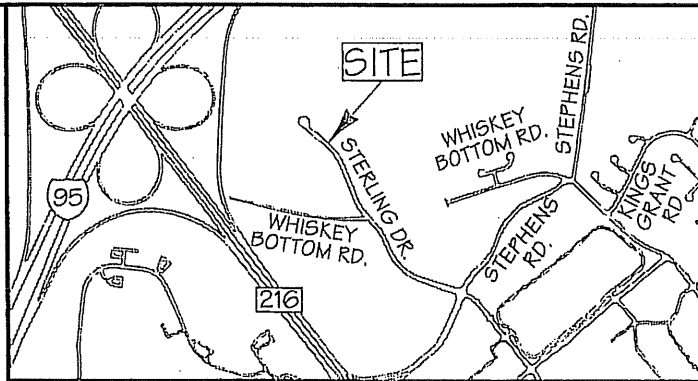
After Recording, Return To:

Howard County, Maryland
Real Estate Services Division
3430 Court House Drive
Ellicott City, Maryland 21043

MATCHLINE - SEE SHEET 2 OF 2

PARCEL G
EMERSON
COMMUNITY
ASSOCIATION, INC
DEED 6914 / 454
PLAT NO. 15829
2.113 AC.±

MARYLAND COORDINATE SYSTEM
NAD 83 (1991)



VICINITY MAP
SCALE: 1"=2000'

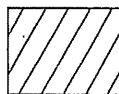
PARCEL B
EMERSON
DEVELOPMENT V LLC
DEED 11479 / 17
PLAT NO. 15829
6.401 AC.±

VARIABLE WIDTH PUBLIC WATER,
SEWER, UTILITY AND INGRESS &
EGRESS ACCESS EASEMENT
(THIS SHEET) 1.107 AC.±
(TOTAL) 2.436 AC.±

WHISKEY BOTTOM ROAD

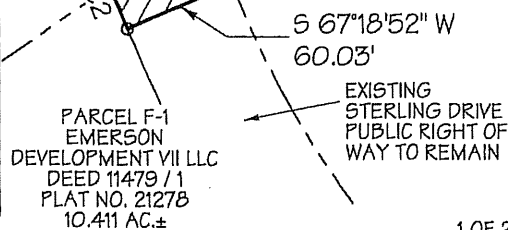
PARCEL E-1
EMERSON
DEVELOPMENT 11 LLC
DEED 8548 / 334
PLAT NO. 18685
5.217 AC.±

PARCEL M
HOWARD COUNTY MD
DEPARTMENT OF PUBLIC
WORKS
DEED 7562 / 171
PLAT NO. 15787
14.537 AC.±

 VARIABLE WIDTH PUBLIC WATER,
SEWER, UTILITY AND INGRESS &
EGRESS ACCESS EASEMENT

CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	ARC	CHORD BEARING	LENGTH	TANGENT
C2	03°13'31"	630.00'	35.47'	N 20°57'51" W	35.46'	17.74'
C3	24°23'39"	570.00'	242.68'	N 31°32'55" W	240.85'	123.21'
C4	21°55'46"	630.00'	241.13'	N 32°47'03" W	239.66'	122.06'
C9	21°55'35"	570.00'	218.13'	N 32°46'57" W	216.80'	110.42'
C10	24°23'39"	630.00'	268.23'	S 31°32'55" E	266.21'	136.18'
C11	03°20'02"	549.47'	31.97'	S 21°01'07" E	31.97'	15.99'



PARCEL F-1
EMERSON
DEVELOPMENT VII LLC
DEED 11479 / 1
PLAT NO. 21278
10.411 AC.±

EXISTING
STERLING DRIVE
PUBLIC RIGHT OF
WAY TO REMAIN

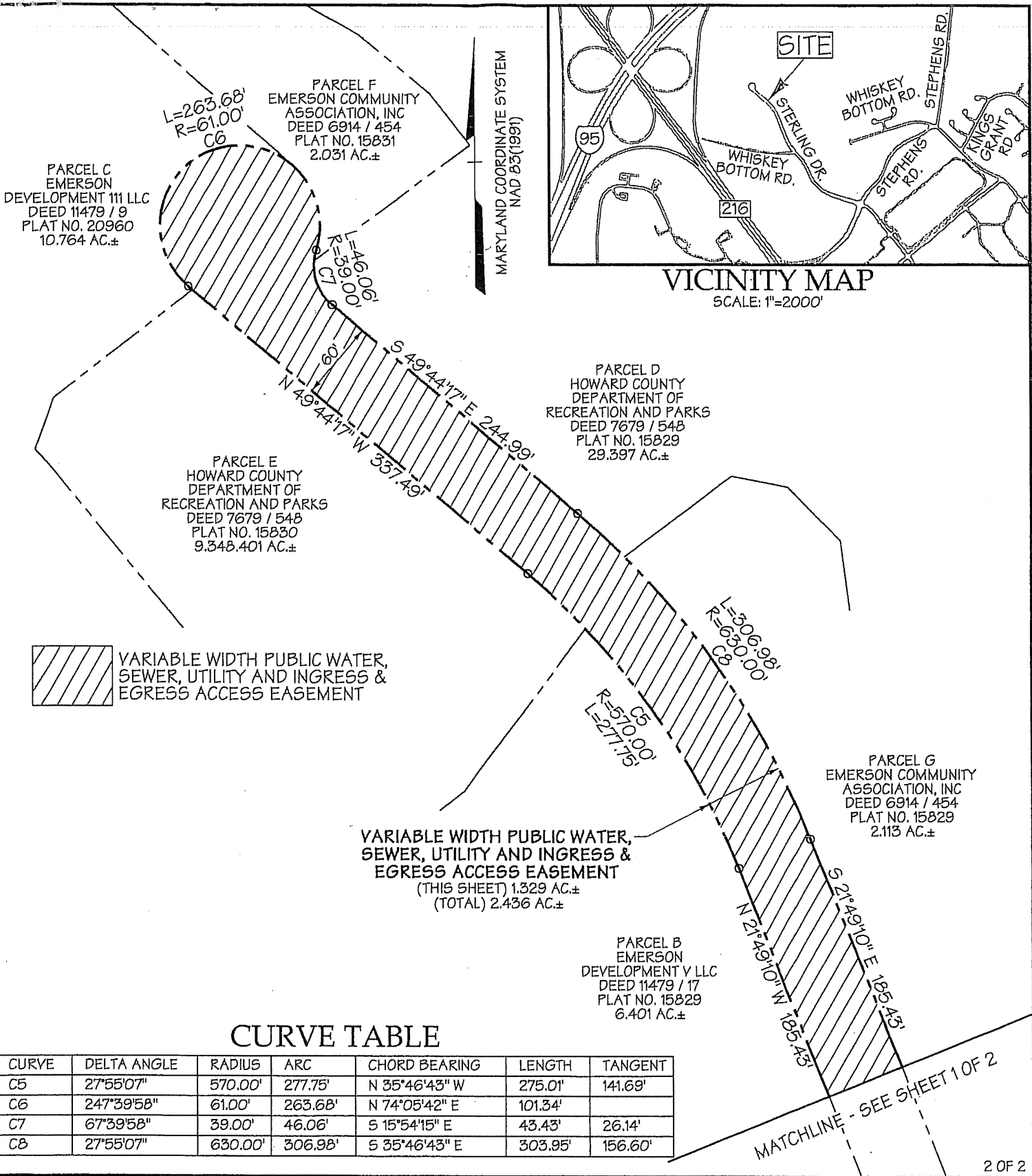
EXHIBIT A
VARIABLE WIDTH PUBLIC WATER, SEWER, UTILITY, AND
INGRESS & EGRESS ACCESS EASEMENT ACROSS A
PORTION OF STERLING DRIVE

DMW

DAFT MCCUNE WALKER INC

200 EAST PENNSYLVANIA TOWSON, MD 21286
P: 410 286 3333 F: 410 286 4706 WWW.DMW.COM

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS



CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	ARC	CHORD BEARING	LENGTH	TANGENT
C5	27°55'07"	570.00'	277.75'	N 35°46'43" W	275.01'	141.69'
C6	247°39'58"	61.00'	263.68'	N 74°05'42" E	101.34'	
C7	67°39'58"	39.00'	46.06'	S 15°54'15" E	43.43'	26.14'
C8	27°55'07"	630.00'	306.98'	S 35°46'43" E	303.95'	156.60'

EXHIBIT A

VARIABLE WIDTH PUBLIC WATER, SEWER, UTILITY, AND INGRESS & EGRESS ACCESS EASEMENT ACROSS A PORTION OF STERLING DRIVE

DMW

DAFT MCCUNE WALKER INC

200 EAST PENNSYLVANIA TOWSON, MD 21286
P: 410 286 3333 F: 410 286 4705 WWW.DMW.COM

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS, ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew: Scale: 1"=100' Date: 09-29-2011
Drawn by: R.C. Checked by: M.D.M. Job No.: 95054.45


PARCEL E
HOWARD COUNTY
DEPARTMENT OF
RECREATION AND PARKS
DEED 7679 / 548
PLAT NO. 15830
9.348.401 AC.±

PARCEL B
EMERSON DEVELOPMENT Y LLC
DEED 11479 / 17
PLAT NO. 15829
6.401 AC.±

PARCEL M
HOWARD COUNTY MD
DEPARTMENT OF PUBLIC WORKS
DEED 7562 / 171
PLAT NO. 15787
14.537 AC.±

PARCEL H
HOWARD COUNTY
DEPARTMENT OF
RECREATION AND PARKS
DEED 7679 / 548
PLAT NO. 15830
3.956 AC.±

VARIABLE WIDTH PUBLIC WATER, SEWER,
UTILITY, AND INGRESS & EGRESS
ACCESS EASEMENT
(THIS SHEET) 0.710 AC.±
(TOTAL) 1.873 AC.±

 VARIABLE WIDTH PUBLIC WATER, SEWER, UTILITY AND INGRESS & EGRESS ACCESS EASEMENT

CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	ARC	CHORD BEARING	LENGTH	TANGENT
C1	15°48'20"	2884.79'	795.79'	N 85°09'22" W	793.27'	400.44'
C2	15°07'40"	2844.79'	751.11'	S 84°49'55" E	748.93'	377.75'
C3	03°35'18"	630.00'	39.45'	S 41°57'06" E	39.45'	19.73'

6TH ELECTION DISTRICT

HOWARD COUNTY, MARYLAND

EXHIBIT A

VARIABLE WIDTH PUBLIC WATER, SEWER, UTILITY, AND
INGRESS & EGRESS ACCESS EASEMENT ACROSS A
PORTION OF WHISKEY BOTTOM ROAD

DMW

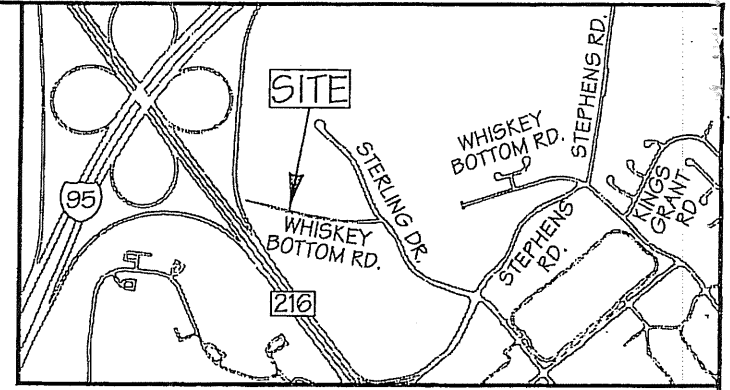
DAFT MCCUNE WALKER INC

200 EAST PENNSYLVANIA TOWSON, MD 21286
P: 410 298 3333 F: 410 298 4705 WWW.DMW.COM

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew: Scale: 1"=100' Date: 09-29-2011
Drawn by: R.C. Checked by: M.D.M. Job No.: 95054.45

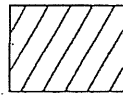
MARYLAND COORDINATE SYSTEM
NAD 83(1991)



VICINITY MAP

SCALE: 1"=2000'

MD ROUTE 216 RAMP



VARIABLE WIDTH PUBLIC WATER, SEWER, UTILITY AND INGRESS & EGRESS ACCESS EASEMENT

PARCEL E
HOWARD COUNTY
DEPARTMENT OF
RECREATION AND PARKS
DEED 7679 / 548
PLAT NO. 15830
9.348.401 AC.±

VARIABLE WIDTH PUBLIC WATER, SEWER, UTILITY, AND INGRESS & EGRESS ACCESS EASEMENT
(THIS SHEET) 1.163 AC.±
(TOTAL) 1.873 AC.±

POINT OF BEGINNING

3283

N 01°23'00" E
81.91'

3286

80'

S 76°12'53" E 642.12'

PARCEL I
HOWARD COUNTY
DEPARTMENT OF
RECREATION AND PARKS
DEED 7679 / 548
PLAT NO. 15830
0.632 AC.±

N 76°12'53" W 624.53'

STATE OF MARYLAND
SHA PLAT NO. 37384

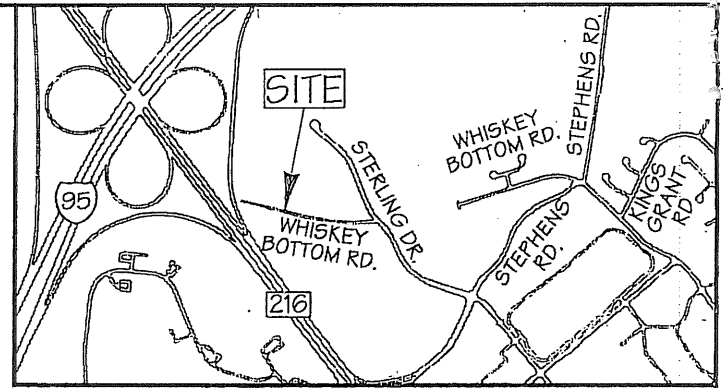
PARCEL H
HOWARD COUNTY
DEPARTMENT OF
RECREATION AND PARKS
DEED 7679 / 548
PLAT NO. 15830
3.956 AC.±

3279
80.00'
S 13°47'07" W
MATCHLINE - SEE SHEET 1 OF 2

PARCEL B
EMERSON DEVELOPMENT V LLC
DEED 11479 / 17
PLAT NO. 15829
6.401 AC.±

PARCEL M
HOWARD COUNTY MD
DEPARTMENT OF PUBLIC WORKS
DEED 7562 / 171
PLAT NO. 15787
14.537 AC.±

MARYLAND COORDINATE SYSTEM
NAD 83(1991)



VICINITY MAP

SCALE: 1"=2000'

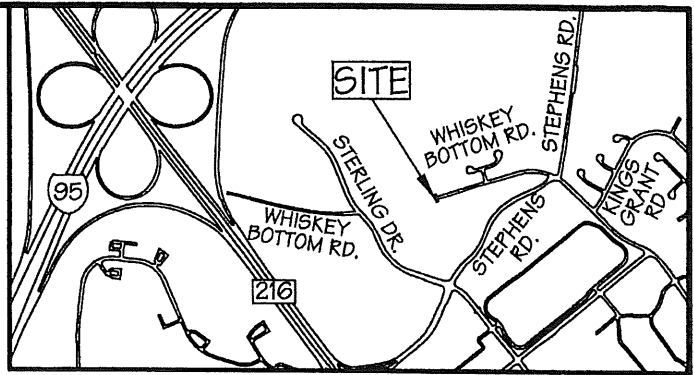
2 OF 2

EXHIBIT A
VARIABLE WIDTH PUBLIC WATER, SEWER, UTILITY, AND
INGRESS & EGRESS ACCESS EASEMENT ACROSS A
PORTION OF WHISKEY BOTTOM ROAD
6TH ELECTION DISTRICT HOWARD COUNTY, MARYLAND

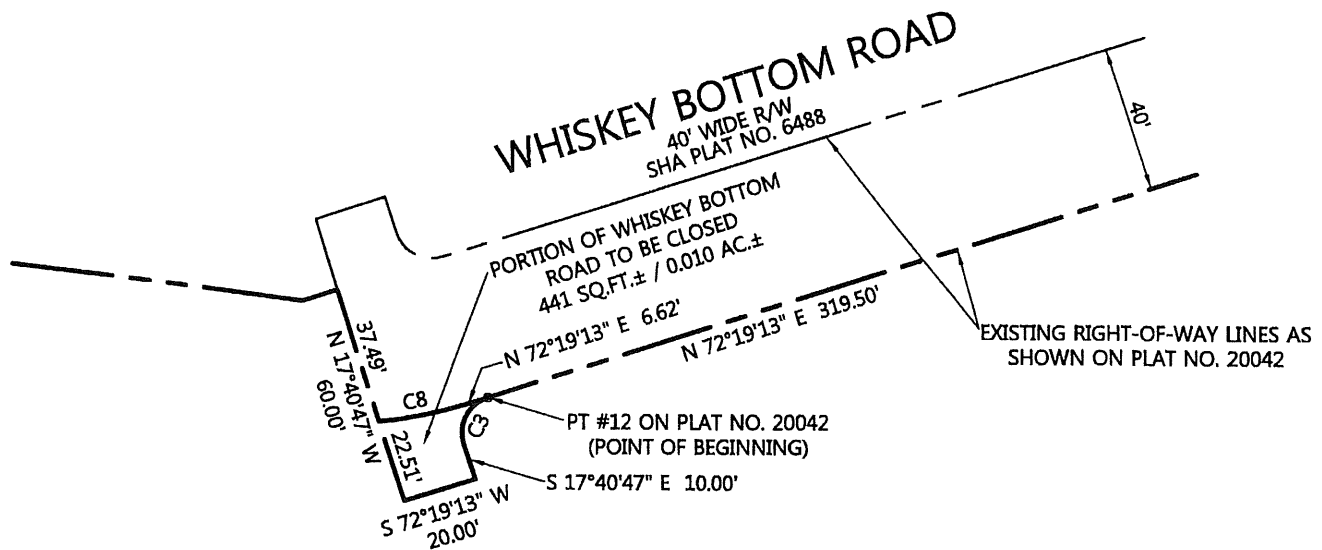
DMW
DAFT MCCUNE WALKER INC
200 EAST PENNSYLVANIA TOWSON, MD 21288
P: 410 286 3333 F: 410 286 4705 WWW.DMW.COM
A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew:	Scale: 1"=100'	Date: 09-29-2011
Drawn by: R.C.	Checked by: M.D.M.	Job No.: 95054.45

MARYLAND COORDINATE SYSTEM
NAD83(1991)



VICINITY MAP
SCALE: 1"=2000'



PARCEL D-2
EMERSON DEVELOPMENT VIII LLC
DEED L. 14572 / F. 034
PLAT NO. 20042
10.633 AC.±



[Handwritten Signature]
11/11/15
EXP. DATE: 1/19/17

CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	ARC	CHORD BEARING	LENGTH	TANGENT
C3	90°00'00"	10.00'	15.71'	N 27°19'13" E	14.14'	10.00'
C8	12°16'27"	110.00'	23.56'	N 78°27'26" E	23.52'	11.83'

EXHIBIT PLAT
SHOWING CLOSING OF A PORTION OF
WHISKEY BOTTOM ROAD

6th ELECTION DISTRICT HOWARD COUNTY, MARYLAND

Field Crew: N/A Scale: 1"=50' Date: 11/11/15
Drawn by: M.D.M. Checked by: D.M. Job No.: 95054



DAFT McCUNE WALKER INC

501 FAIRMOUNT AVENUE SUITE 300 TOWSON, MD 21286
P: 410 296 3333 F: 410 296 4705 WWW.DMW.COM



Description

0.010 Acre Parcel

A Portion of Whiskey Bottom Road

To Be Closed

Sixth Election District,

Howard County, Maryland

Beginning for the same at a point being known and designated as Point No. 12 as laid out and shown on a plat entitled, " Revitz Property, Parcel D-1, a Revision to Parcel D-1 Revitz Property" dated July 16, 2008 and recorded among the Land Records of Howard County as Plat No. 20042, said point also being on the southern right-of-way line of Whiskey Bottom Road ; thence leaving said point of beginning and said southern right-of-way line and running with and binding on a portion of the boundary of Parcel D-1 as laid out on the abovementioned plat, referring all courses of this description to the Maryland Coordinate System (NAD83/1991): (1) Southwesterly by a line curving to the left, having a radius of 10.00 feet, for a distance of 15.71 feet (the arc of said curve being subtended by a chord bearing South 27 degrees 19 minutes 13 seconds West 14.14 feet); thence (2) South 17 degrees 40 minutes 47 seconds East 10.00 feet; thence (3) South 72 degrees 19 minutes 13 seconds West 20.00 feet; thence (4) North 17 degrees 40 minutes 47 seconds West 22.51 feet; thence leaving the boundary of said Parcel D-1 and running across a portion of the existing Whiskey Bottom right-of-way, (5) Northeasterly by a line curving to the left, having a radius of 110.00 feet, for a distance of 23.56 feet (the arc of said curve being subtended by a chord bearing North 78 degrees 27 minutes 26 seconds East 23.52 feet); thence (6) North 72 degrees 19 minutes 13 seconds East 6.62 feet to the point of beginning; containing 441 square feet

or 0.010 acres of land, more or less, as now described by Daft-McCune-Walker, Inc. on

November 11, 2015.

November 11, 2015

Project No. 95054.MS (L95954.MS)

