

# County Council Of Howard County, Maryland

2012 Legislative Session

Legislative Day No. 9

Resolution No. 114-2012

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

A RESOLUTION pursuant to Section 4.201 of the Howard County Code, authorizing the County Executive to grant a permanent water main connection easement and a permanent sewer house connection easement to adjacent property owners Charles V. Lewis, Jr. and Leslie M. Ryan on property owned by the County located along Burrows Lane in Ellicott City; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to grant said easements if he finds that the land may have a further public use and submits his finding to the County Council for its consideration.

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Introduced and read first time July 2, 2012.

By order Stephen LeGendre  
Stephen LeGendre, Administrator

Read for a second time at a public hearing on July 16, 2012.

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This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on July 26, 2012.

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**, G&R Rogers Development Corp. (the “Developer”), a Maryland  
2 corporation, is developing a parcel of land in Ellicott City, Maryland (the “Subdivision”), as  
3 shown on a subdivision plat titled “Rockland at Rogers, Lots 1 thru 68, Open Space Lots 69 thru  
4 77 and Common Open Area Lots 78 thru 80 (A Resubdivision of Parcel “B”, The Enclave at  
5 Ellicott Hills, Plat Nos. 15356 & 15357 and a Subdivision of Parcel 99)”, said Plat recorded  
6 among the Land Records of Howard County, Maryland as Plat Numbers 21479 thru 20485 on  
7 February 25, 2011; and

8  
9           **WHEREAS**, Charles V. Lewis, Jr. and Leslie M. Ryan (collectively the “Property  
10 Owners”) are the owners of certain real property known as 2938 Rogers Avenue, Ellicott City,  
11 Maryland (the “Lewis/Ryan Property”), said property acquired from Matthew J. Mundorf and  
12 Michael J. Mundorf by Deed dated March 21, 2008 and recorded among the Land Records of  
13 Howard County in Liber 11166, folio 177, and identified on Tax Map No. 17 as Parcel 99; and

14  
15           **WHEREAS**, the County is the fee simple owner of certain real property known as (i)  
16 Open Space Lot 77 located in the Subdivision by virtue of the Developer’s delivery and  
17 conveyance to the County of that certain deed dated February 7, 2011 and recorded among the  
18 aforesaid Land Records at Liber 13169, folio 473, and (ii) Parcel 278 by virtue of that certain  
19 deed delivered and conveyed by Samuel M. Pistorio and Constance V. Pistorio, said deed dated  
20 June 30, 1982 and recorded among the aforesaid Land Records at Liber 1108, folio 612, (all  
21 collectively the “County Properties”); and

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23           **WHEREAS**, as part of constructing the subdivision, the Developer had to blast through  
24 rock in the area and, allegedly as a result of the blasting, the well located on the Lewis/Ryan  
25 Property was damaged; and

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27           **WHEREAS**, the Developer, at its sole cost and expense, has agreed to provide an  
28 alternative water supply to the Lewis/Ryan Property and also, at its sole cost and expense, has  
29 agreed to connect the Lewis/Ryan Property to the public water main constructed in the  
30 Subdivision; and

1           **WHEREAS**, in order to allow and complete the water house connection, a permanent  
2 water main connection easement (the “Water House Connection Easement”), comprising  
3 approximately .0268 acres on the County Properties, must be granted to the Property Owners in  
4 the location shown on the attached Exhibit A; and

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6           **WHEREAS**, in 2004, under a previous owner, the Lewis/Ryan Property was connected  
7 to the County’s public sewer main pursuant to a Right of Entry Agreement; and

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9           **WHEREAS**, in order to allow continued sewer service to the Lewis/Ryan Property, a  
10 permanent sewer main connection easement (the “Sewer House Connection Easement”),  
11 comprising approximately .00769 acres on the County Properties, must be granted to the  
12 Property Owners in the location shown on the attached Exhibit B; and

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14           **WHEREAS**, the Department of Public Works has reviewed and approved the proposed  
15 Water House Connection Easement and the Sewer House Connection Easement (collectively the  
16 “Easements”); and

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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

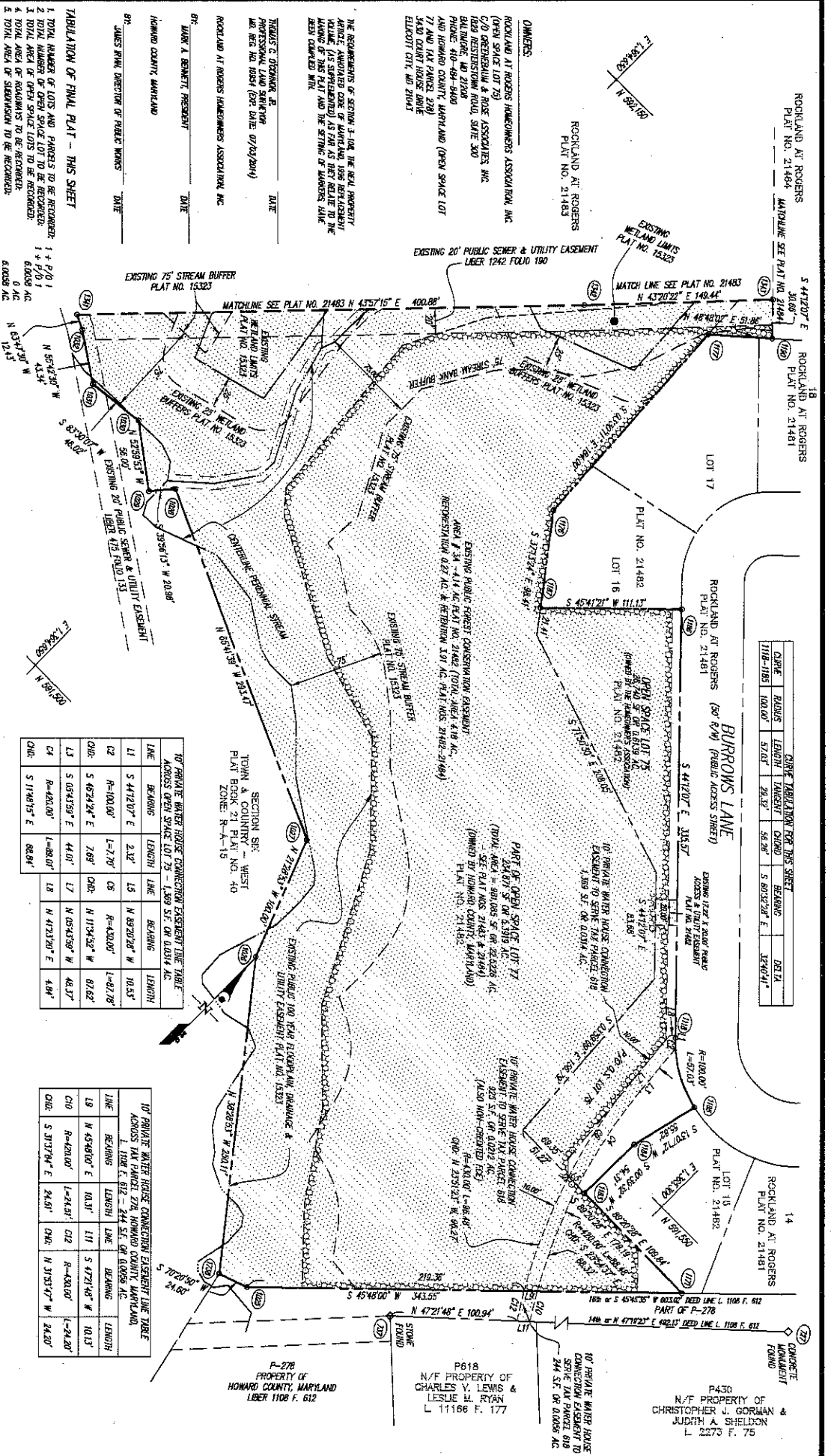
22  
23           **WHEREAS**, the County Council has received a request from the County Executive to  
24 waive the advertising and bidding requirements in this instance for the grant of the Easements to  
25 the Property Owners.

26  
27           **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,  
28 Maryland, this 26<sup>th</sup> day of July, 2012, that a public purpose is served by  
29 granting the Water House Connection Easement, comprising approximately .0268 acres, and the  
30 Sewer House Connection Easement, comprising approximately .00769 acres, to the Property  
31 Owners, as shown on the attached Exhibit A and Exhibit B.

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

**AND BE IT FURTHER RESOLVED** that, if the County Executive finds that the land to be subject to the Easements may have a further public use and that the Easements should not be granted, he may submit his findings and recommendations to the County Council for its consideration without being bound to grant the Easements in accordance with this Resolution.



OWNER'S CERTIFICATION

DATE	PLANS	LENGTH	WIDTH	BEARING	AREA
1/18/1981	100.00'	57.00'	29.33'	S 85°29' E	1,504.14'
	50.00'	50.00'	50.00'	S 85°29' E	2,500.00'

SECTION 15, TOWN & COUNTRY, WEST PLAT BOOK 21 PLAT NO. 40 ZONE: R-1-15

LINE	BEARING	LENGTH	BEARING	LENGTH	
L1	S 44°12'07" E	2.32'	L5	N 69°20'28" W	10.53'
L2	R-100.00'	1-1'20"	C5	R-430.00'	1-02'28"
C10c	S 65°24'24" E	7.89'	C8	N 11°34'32" W	87.62'
L3	S 03°43'59" E	44.01'	L7	N 03°43'59" W	48.37'
C4	R-480.00'	1-08'01"	L8	N 41°23'20" E	4.81'
C10c	S 11°49'15" E	68.84'			

OWNER'S CERTIFICATION

LINE	BEARING	LENGTH	BEARING	LENGTH	
L10	S 43°46'07" E	10.31'	L11	S 47°14'48" W	18.13'
C10	R-420.00'	1-24.31"	C12	R-430.00'	1-24.20"
C10c	S 31°37'04" E	24.91'	C11	N 31°37'04" W	24.20'

**OWNERS:**  
 ROCKLAND AT ROGERS HOMEOWNERS ASSOCIATION, INC.  
 (OPEN SPACE LOT 75)  
 C/O GREENBERG & ROSE ASSOCIATES, INC.  
 1228 WESTINGHOUSE BOUL. SUITE 300  
 BALTIMORE, MD 21202  
 PHONE: 410-664-3900  
 AND HOWARD COUNTY, MARYLAND (OPEN SPACE LOT 17 AND 16)  
 17 AND 16A PAVILION 200  
 17 AND 16A PAVILION 200  
 ELICOTT CITY, MD 21044

**THE REQUIREMENTS OF SECTION 3-104, THE REAL PROPERTY ARTICLE, ANNOTATED CODE OF MARYLAND, 1988, RELATING TO PLATS (AS SUPPLEMENTED) AS FAR AS THEY RELATE TO THE MATTER OF THIS PLAT AND THE SETTING OF MARKERS HAVE BEEN COMPLIED WITH.**

**THOMAS G. OGDONER, JR.**  
 PROFESSIONAL LAND SURVEYOR  
 NO. 10531 (ISS. DATE: 07/20/2014)

**ROCKLAND AT ROGERS HOMEOWNERS ASSOCIATION, INC.**  
 BY: **MARK A. BARNETT, PRESIDENT** DATE: \_\_\_\_\_  
 HOWARD COUNTY, MARYLAND  
 BY: **JAMES RYAN, DIRECTOR OF PUBLIC WORKS** DATE: \_\_\_\_\_

**TABULATION OF FINAL PLAT - THIS SHEET**

1. TOTAL NUMBER OF LOTS AND PARCELS TO BE RECORDED:	1 + P/O 1
2. TOTAL NUMBER OF OPEN SPACE LOTS TO BE RECORDED:	1 + P/O 1
3. TOTAL AREA OF OPEN SPACE LOTS TO BE RECORDED:	6,008.9 AC.
4. TOTAL AREA OF OPEN SPACE LOTS TO BE RECORDED:	0 AC.
5. TOTAL AREA OF SUBDIVISION TO BE RECORDED:	6,008.9 AC.

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

**APPROVED:** HOWARD COUNTY DEPARTMENT OF PLANNING  
 & ZONING  
 DATE: \_\_\_\_\_

**COUNTY HEALTH OFFICER:** DATE: \_\_\_\_\_

**CHEF, HEALTH DEPARTMENT ENGINEERING DIVISION:** DATE: \_\_\_\_\_

**WITNESSES:**  
 BY: **MARK A. BARNETT, PRESIDENT** DATE: \_\_\_\_\_  
 ROCKLAND AT ROGERS HOMEOWNERS ASSOCIATION, INC.  
 BY: **JAMES RYAN, DIRECTOR OF PUBLIC WORKS** DATE: \_\_\_\_\_  
 HOWARD COUNTY, MARYLAND

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

**REVISION PLAT**  
**ROCKLAND AT ROGERS**  
 OPEN SPACE LOTS 75 AND 17  
 (A REVISION TO OPEN SPACE LOTS 75 AND 17 PERMITTED BY ROGERS  
 17 AND 16A PAVILION 200 AND A REVISION TO PLAT SHEET 289)

**PREPARED BY:** GUTSCHICK LITTLE & WEBER, P.A.  
 200 E. BAYVIEW AVENUE  
 SUITE 100  
 BALTIMORE, MD 21202  
 PHONE: 410-528-1000  
 FAX: 410-528-1001  
 WWW: WWW.GUTSCHICKLITTLEWEBER.COM

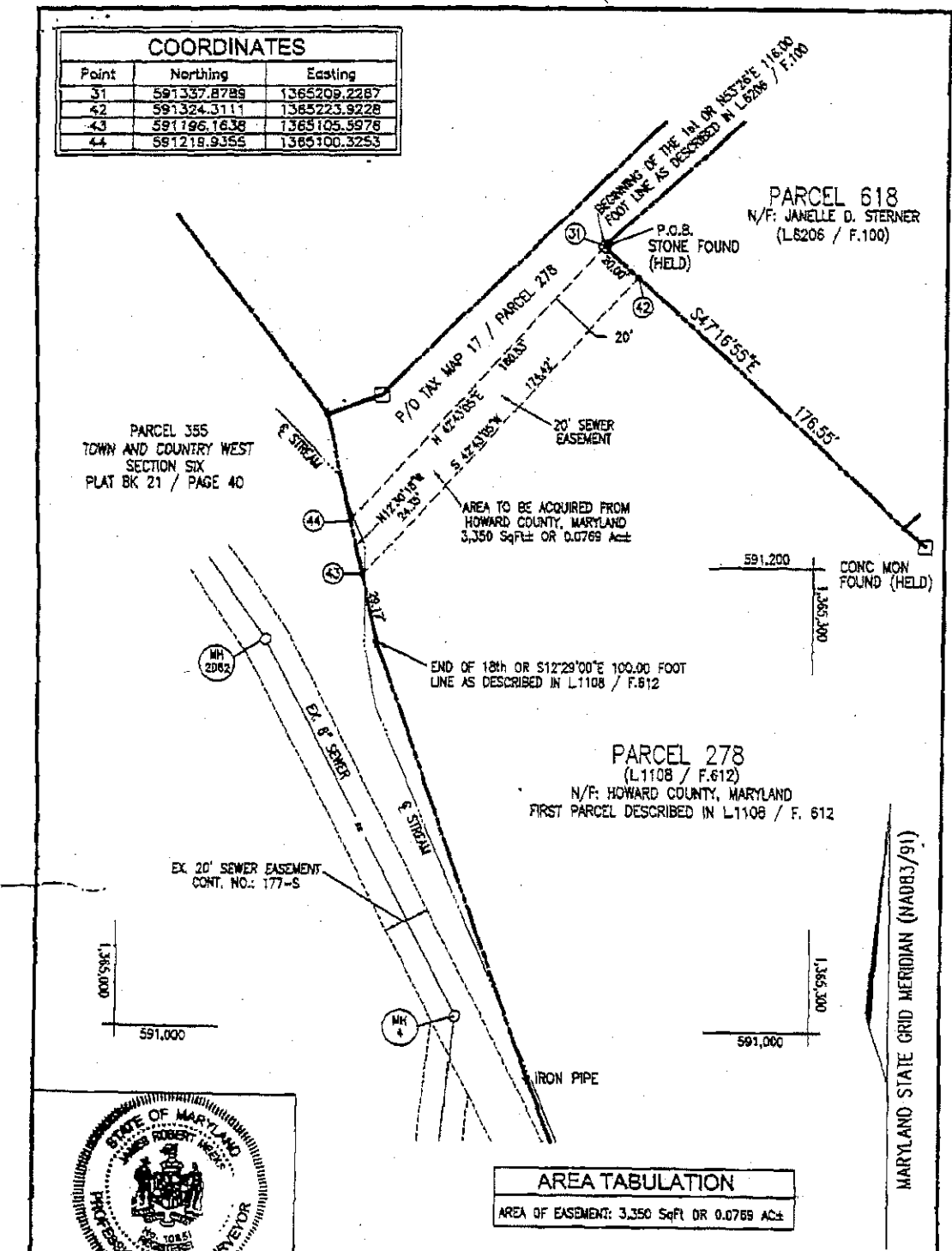
**DATE:** 06/18/2014

**BY:** \_\_\_\_\_

**DATE:** \_\_\_\_\_



COORDINATES		
Point	Northing	Easting
31	591337.8789	1365209.2287
42	591324.3111	1365223.9228
43	591196.1638	1365105.9978
44	591218.9355	1365100.3253



*James Robert Weeks* 8/10/04  
 JAMES ROBERT WEEKS GATE  
 PROFESSIONAL LAND SURVEYOR  
 NO: 10857

AREA TABULATION			
AREA OF EASEMENT: 3,350 Sq Ft OR 0.0769 AC±			

NO.	REVISION	BY	DATE

PREPARED BY:  
 ROBERT H. VOGEL ENGINEERING, INC.  
 8407 MAIN STREET  
 ELLICOTT CITY, MARYLAND 21043  
 (410)-461-7665

PLAT NO.:  
 CAP. PROJ. NO.:  
 SCALE: 1"=50'  
 DATE: AUG. 3, 2004  
 COMPUTED BY: N.D.M.  
 CHECKED BY: J.R.M.  
 FILE: PROJ\2004069\SURV\PARK\_ESMT

HOWARD COUNTY DEPT. OF PUBLIC WORKS  
 SEWER AND UTILITY EASEMENT  
 HOWARD COUNTY DEPARTMENT OF  
 RECREATION AND PARKS  
 TAX MAP 17 / PARCEL 618 LIBER 1108 FOLIO 512  
 SECOND ELECTION DISTRICT  
 HOWARD COUNTY, MARYLAND

APPROVED:  
  
 BUREAU OF ENGINEERING DATE  
 10/28/04  
 REAL ESTATE SER. DIV. DATE

