

County Council Of Howard County, Maryland

2016 Legislative Session

Legislative Day No. 3

Resolution No. 34 -2016

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 convey approximately 2.99 acres of certain real property owned by the County commonly known as Tax Map 34, Parcel 200, Non-Buildable Preservation Parcel E to the Highland Reserve Homeowners' Association, Inc.; and waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code.

Introduced and read first time March 7, 2016.

By order

Jessica Feldmark
Jessica Feldmark, Administrator

Read for a second time at a public hearing on March 21, 2016.

By order

Jessica Feldmark
Jessica Feldmark, Administrator

This Resolution was read the third time and was Adopted___, Adopted with amendments , Failed___, Withdrawn___, by the County Council on April 4, 2016.

Certified By

Jessica Feldmark
Jessica Feldmark, Administrator

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

1 **WHEREAS**, the County is the fee simple owner of certain real property known as Tax
2 Map 34, Parcel 200, Non-Buildable Preservation Parcel E containing approximately 2.99 acres
3 as acquired from MB Highland Reserve LLC Deed dated September 17, 2014 and recorded in
4 the Land Records of Howard County, Maryland in Liber 15918, folio 156 (the “County
5 Property”), as shown in the attached Exhibit A; and
6

7 **WHEREAS**, the County Property is used for a drainfield for a Shared Sewage Disposal
8 Facility to serve certain lots within the Regan Subdivision; and
9

10 **WHEREAS**, Section 18.1204(c) of the County Code requires a preservation parcel
11 containing a drainfield to be owned in perpetuity by the homeowner’s association serving the
12 residential lots; and
13

14 **WHEREAS**, Highland Reserve Homeowners’ Association, Inc. is the HOA that serves
15 the residential lots and the County Property should have been conveyed to it; and
16

17 **WHEREAS**, the Department of Public Works has reviewed and approved the proposed
18 conveyance; and
19

20 **WHEREAS**, Section 4.201, “Disposition of Real Property,” of the Howard County Code
21 authorizes the County Council to declare that property is no longer needed for public purposes
22 and also authorizes the County Council to waive advertising and bidding requirements for an
23 individual conveyance of real property upon the request of the County Executive; and
24

25 **WHEREAS**, the County Council has received a request from the County Executive to
26 waive the advertising and bidding requirements in this instance for the conveyance of the County
27 Property to Highland Reserve Homeowners’ Association, Inc. in order to comply with the
28 requirement of the Howard County Code.
29

30 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
31 Maryland, this 4th day of April, 2016, that the County Property containing

1 approximately 2.99 acres, as shown on the attached Exhibit A, is shall be conveyed to Highland
2 Reserve Homeowners' Association, Inc.

3

4 **AND BE IT FURTHER RESOLVED** that, having received a request from the County
5 Executive and having held a public hearing, the County Council declares that the best interest of
6 the County will be served by authorizing the County Executive to waive the usual advertising
7 and bidding requirements of Section 4.201 of the Howard County Code for the conveyance of
8 the property to Highland Reserve Homeowners' Association, Inc.

PUBLIC FOREST CONSERVATION EASEMENT 'E'
 -REFORESTATION-
 1.00 AC. (total)
 -AFFORESTATION-
 1.69 AC. (total)
 -TOTAL EASEMENT AREA-
 2.69 AC. (total)

LEGEND (TYPICAL)

- WETLANDS
- CL. STREAM OR DITCH
- PUBLIC FOREST CONSERVATION EASEMENT (RETENTION)
- SEPTIC RESERVE AREA
- 1500 SF WELL BOX
- PUBLIC FOREST CONSERVATION EASEMENT (AFFORESTATION OR REFORESTATION)
- SLOPES 15-24.9%
- SLOPES 25% OR GREATER
- PRIVATE EASEMENTS
- PUBLIC 100-YEAR FLOODPLAIN, DRAINAGE, AND UTILITY EASEMENT
- PUBLIC SEWER & UTILITY EASEMENT
- 10' PUBLIC TREE MAINTENANCE & GUARANTEE EASEMENT
- PUBLIC SIGHT DISTANCE & UTILITY EASEMENT
- PUBLIC DRAINAGE & UTILITY EASEMENT
- PUBLIC STORMWATER MANAGEMENT, DRAINAGE & UTILITY EASEMENT
- EXISTING BGE EASEMENT
- COORDINATE
- CURVE DESIGNATION

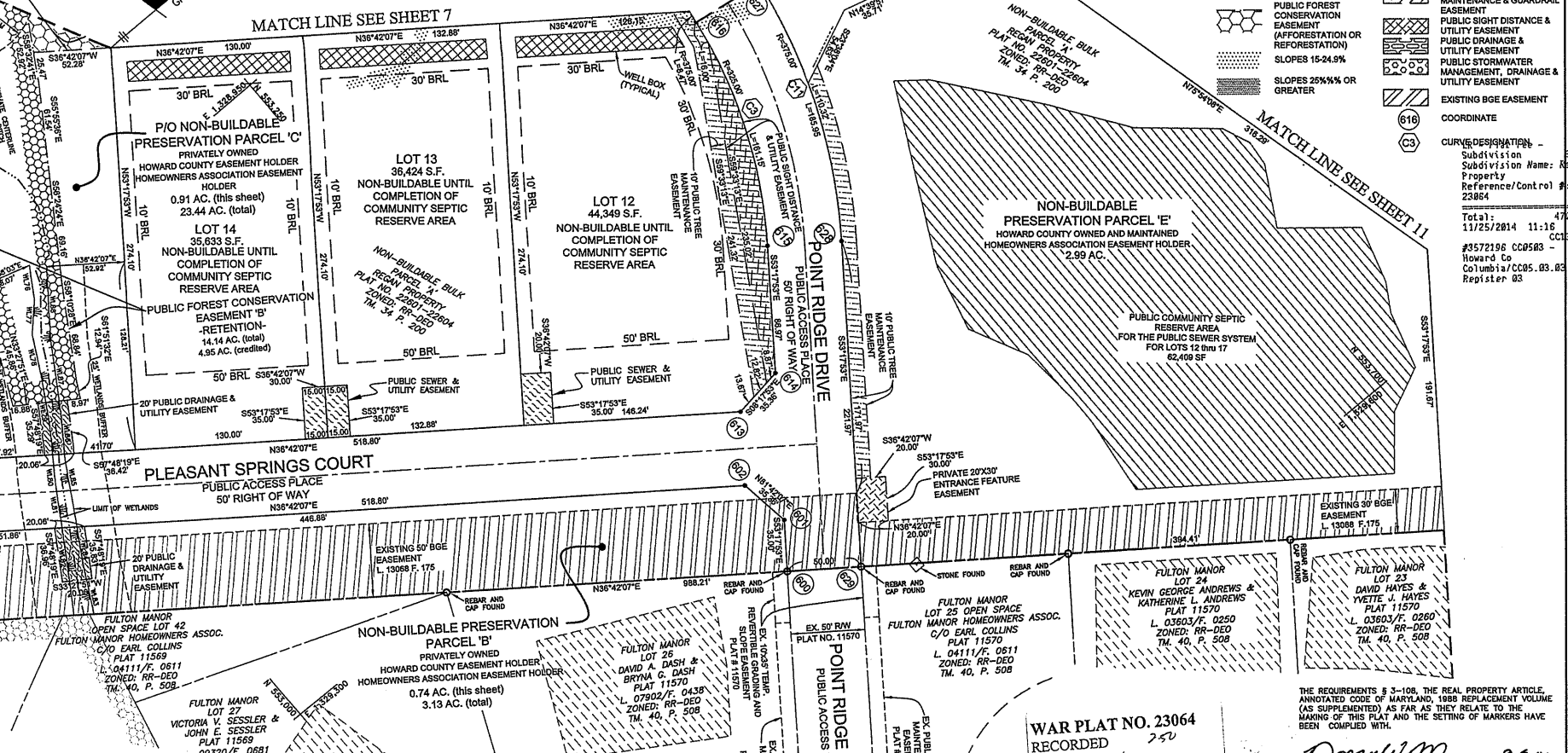


CHART - THIS PLAT

ND/OR PARCELS TO BE RECORDED	3
ACTION PARCELS	0
RESERVATION PARCELS	3
ND/OR PARCELS TO BE RECORDED	NA
ACTION PARCELS	2.67± AC.
RESERVATION PARCELS	4.64± AC.
ND/OR PARCELS TO BE RECORDED	NA
ACTION PARCELS	1.09± AC.
RESERVATION PARCELS	8.40± AC.

OWNER/DEVELOPER:
 MB HIGHLAND RESERVE, LLC
 1656 EAST GUIDE DRIVE
 ROCKVILLE, MD 20850
 301-762-9511

FOR COORDINATES, CURVE INFORMATION, MINIMUM LOT SIZE CHART AND MINIMUM DISTANCES FOR THE WETLANDS AND FLOODPLAIN SEE SHEET 12.

OWNER:
 KELLY R. REGAN
 12859 ROUTE 108
 HIGHLAND, MARYLAND 20777

THE SHARED SEWERAGE SYSTEM WILL BE AVAILABLE TO LOTS 12-17. PLANS FOR THE FACILITY INCLUDING ANY NECESSARY POINT OF DISCHARGE HAVE BEEN APPROVED BY THE DEPARTMENT OF THE ENVIRONMENT.

WAR PLAT NO. 23064
 RECORDED
 11-25-14

THE REQUIREMENTS 5-3-108, THE REAL PROPERTY ARTICLE, ANNOTATED CODE OF MARYLAND, 1988 REPLACEMENT VOLUME (AS SUPPLEMENTED) AS FAR AS THEY RELATE TO THE MAKING OF THIS PLAT AND THE SETTING OF MARKERS HAVE BEEN COMPLIED WITH.

Donald Mason 9-3-14
 DONALD A. MASON DATE
 REGISTERED PROFESSIONAL LAND SURVEYOR MD REG NO. 21320
 FOR BENCHMARK ENGINEERING, INC. MD REG NO. 351

Kelly R. Regan 9/4/14
 KELLY R. REGAN DATE
Martin J. Mitchell 9/2/14
 MARTIN J. MITCHELL MEMBER
 MB HIGHLAND RESERVE, LLC DATE

WATER, PRIVATE SEWER SYSTEMS & PRESERVATION PARCEL 'A', AND S 12-17). USE OF THE SHARED ANCH WITH THE COUNTY PLAN.
 ROSSMAN 10/28/14
 OFFICER 117 DATE 10/28/14
 COUNTY DEPARTMENT OF PLANNING
 11-5-14
 REERING DIVISION DATE
 11/20/14
 DATE

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED BY ME UNDER MY RESPONSIBLE CHARGE AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 21320, EXPIRATION 1-7-2015 AND THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE INFORMATION SHOWN HEREON IS CORRECT, THAT IT IS ALL OF THE LAND ACQUIRED BY KELLY R. REGAN FROM SCOTT T. REGAN, KELLY R. REGAN AND RONALD R. REGAN BY DEED DATED MARCH 14, 2014, AND RECORDED IN LIBER 15586 AT FOLIO 367 AND ALL OF THE LAND ACQUIRED BY MB HIGHLAND RESERVE LLC FROM S T REGAN FARM, LLC, KR HOLDINGS, LLC AND REG, LLC BY DEED DATED MARCH 14, 2014 AND RECORDED IN LIBER 15533 AT FOLIO 484 AND THAT ALL INSTRUMENTS ARE IN PLACE OR WILL BE IN PLACE PRIOR TO ACCEPTANCE OF THE ROADS BY HOWARD COUNTY, IN ACCORDANCE WITH THE ANNOTATED CODE OF MARYLAND, AS AMENDED.

Donald A. Mason
 DONALD A. MASON
 REGISTERED PROFESSIONAL LAND SURVEYOR MD REG NO. 21320
 FOR BENCHMARK ENGINEERING, INC. MD REG NO. 351

9-3-14
 DATE



OWNER'S CERTIFICATE
 "WE, KELLY R. REGAN AND MB HIGHLAND RESERVE, LLC, OWNERS OF THE PROPERTY SHOWN HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND IN CONSIDERATION OF APPROVAL OF THIS FINAL PLAT BY THE DEPARTMENT OF PLANNING AND ZONING, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES AND GRANT UNTO HOWARD COUNTY, MARYLAND, ITS SUCCESSORS AND ASSIGNS, (1) THE RIGHT TO LAY, CONSTRUCT AND MAINTAIN SEWERS, DRAINS, WATER PIPES, AND OTHER MUNICIPAL UTILITIES AND SERVICES, IN AND UNDER ALL ROADS AND STREET RIGHTS-OF-WAY, AND THE SPECIFIC EASEMENT AREAS SHOWN HEREON, (2) THE RIGHT TO REQUIRE DEDICATION FOR PUBLIC USE OF THE BEDS OF THE STREETS AND/OR ROADS, FLOODPLAINS AND OPEN SPACE WHERE APPLICABLE, AND FOR GOOD AND OTHER VALUABLE CONSIDERATION, HEREBY GRANT THE RIGHT AND OPTION TO HOWARD COUNTY TO ACQUIRE THE FEE SIMPLE TITLE TO THE BEDS OF THE STREETS AND/OR ROADS AND FLOODPLAINS, STORM DRAINAGE FACILITIES AND OPEN SPACE WHERE APPLICABLE, (3) THE RIGHT TO REQUIRE DEDICATION OF WATERWAYS AND DRAINAGE EASEMENTS FOR THE SPECIFIC PURPOSE OF THEIR CONSTRUCTION, REPAIR AND MAINTENANCE, AND (4) THAT NO BUILDING OR SIMILAR STRUCTURE OF ANY KIND SHALL BE ERECTED ON OR OVER THE SAID EASEMENTS AND RIGHTS-OF-WAY, WITNESS OUR HANDS THIS 23rd DAY OF SEPTEMBER, 2014."

Martin J. Mitchell 9/2/14
 MARTIN J. MITCHELL MEMBER
 MB HIGHLAND RESERVE, LLC DATE

Kelly R. Regan 9/4/14
 KELLY R. REGAN DATE

Robert M. Kelly 9/2/14
 ROBERT M. KELLY MEMBER
 MB HIGHLAND RESERVE, LLC DATE

Robert M. Kelly 9/4/14
 ROBERT M. KELLY MEMBER
 MB HIGHLAND RESERVE, LLC DATE

RECORDED AS PLAT NO. _____ ON _____
 AMONG THE LAND RECORDS OF
 HOWARD COUNTY, MARYLAND.

PLAT OF RESUBDIVISION
REGAN PROPERTY
 LOTS 2 thru 23; BUILDABLE PRESERVATION
 PARCEL 'A' and NON-BUILDABLE
 PRESERVATION PARCELS 'B' thru 'E'
 A RESUBDIVISION OF LOT 1 AND NON-BUILDABLE BULK PARCEL 'A'
 PREVIOUSLY RECORDED AS PLAT NO. 22601-22604

ECP-12-045, SP-12-004, WP-13-025, F-12-111, WP-13-188.

5th ELECTION DISTRICT OF HOWARD COUNTY, MARYLAND
 TAX MAP: 34 SCALE: AS SHOWN
 GRID: 24 DATE: AUGUST, 2014
 PARCEL: 200 SHEET: 2 OF 12
 ZONED: RR-DEO

Amendment 1 to Council Resolution No. 34-2016

BY: The Chairperson
at the request of the County Executive

Legislative Day No. 4
Date: April 4, 2016

Amendment No. 1

(This amendment corrects a verb tense.)

- 1 On page 2, in line 1, strike "is" and substitute "shall be".

ADOPTED 4/4/16
FAILED _____
SIGNATURE Jessica Johnson

1 approximately 2.99 acres, as shown on the attached Exhibit A, is conveyed to Highland Reserve
2 Homeowners' Association, Inc.

3

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