

  
**Howard County**  
*Internal Memorandum*

**Subject:** Testimony & Fiscal Impact Statement  
Council Resolution No. \_\_\_\_-2016 approving, in accordance with Section 4.203 of the Howard County Code, the transfer of approximately 0.737 acres of land owned by the Board of Education and located along Banbury Drive to Kellogg-CCP, LLC in exchange for the acquisition of 0.737 acres of land owned by Kellogg-CCP, LLC

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

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

**Date:** April 21, 2016

The Department of Public Works has been designated coordinator for preparation of testimony relative to the transfer of approximately 0.737 acres of land owned by the Board of Education and located along Banbury Drive to Kellogg-CCP, LLC in exchange for the acquisition of 0.737 acres of land owned by Kellogg-CCP, LLC.

The Board of Education of Howard County, Maryland (the "Board") is the fee simple owner of Parcel 'G' as shown on subdivision plats titled "Oxford Square 'Green Neighborhood' Resubdivision Plat – Parcels 'C' Thru 'L' And Open Space Lots 1 And 2 (A Resubdivision of Parcel 'A', as shown on plats entitled "Oxford Square, Parcels 'A' And 'B'" and recorded among the Land Records Of Howard County, Maryland as Plat Nos. 21757 thru 21761)" which plats are recorded among the Land Records of Howard County, Maryland (the "Land Records") as Plat Nos. 22390 thru 22395 (the "Plats") by virtue of a deed from Kellogg-CCP, LLC, dated October 30, 2013 and recorded among the aforesaid Land Records in Liber 15373, folio 416 (the "Board Property").

Kellogg-CCP, LLC ("Kellogg") is the fee simple owner of Open Space Lot 1, as shown on the Plats by virtue of a deed from Oxford Square Master Association, Inc. dated March 7, 2014 and recorded among the aforesaid Land Records in Liber 15496, folio 326 (the "Kellogg Property").

The Board and Kellogg have negotiated a land swap for the purpose of enhancing the value and use of their respective parcels. The acreage to be exchanged by parties is 0.737 acres as shown on Exhibit A and Exhibit B which are attached to the Resolution. The Board and Kellogg presented a Resubdivision Plat to the Department of Planning & Zoning titled "Resubdivision Plat Oxford Square 'Green Neighborhood' Parcels 'V' Thru 'Z', 'A-A' Thru 'C-C' And Open Space Lots 244 And 245 (Being A Resubdivision of Open Space Lot 1 As Shown on Plats Entitled "Oxford Square, 'Green Neighborhood', Parcels 'C' Thru 'L' And Open Space Lots 1 And 2" Recorded As Plat Nos. 22390 Thru 22395; A Resubdivision Of Parcel 'G', As Shown On Plats Entitled "Oxford Square, 'Green

Neighborhood' Resubdivision Plat – Parcel 'M' And Revision Plat – Parcels 'C', 'E', 'F', 'G', 'I', 'J', And 'K' Recorded as Plat Nos. 22856 Thru 22859; And A Resubdivision Of Parcels 'E', 'S', And 'T', As Shown On Plats Entitled "Oxford Square, 'Green Neighborhood', Parcels 'R', 'S', And 'T' And Revision Plat – Parcels 'E'" Recorded As Plat Nos. 23103 Thru 23105) And Revision Plat Oxford Square 'Green Neighborhood' Parcel 'B' (Being A Revision to Parcel 'B' As Shown On Plats Entitled "Revision Plat, Oxford Square, "Green Neighborhood", Parcel 'B'" Recorded As Plat Nos. 22218 And 22219)", (P&Z File No. F-15-008) and recorded among the aforesaid Land Records as Plat No. 23710 thru 23715 (the "Revision Plat") which has reconfigured the two parcels. Parcel G is now shown as Parcel BB containing 8.019 acres and Open Space Lot No. 1 is now shown as Parcel AA containing 3.536 acres as shown on Plat No. 23712 of the Revision Plat, a copy of which is attached to this testimony for reference.

Section 4.203 of the Howard County Code provides that when the Board of Education determines that real property of the Board is no longer needed for educational purposes, but that other property is available which is needed for educational purposes and that the owner is willing to convey the other property to the County for the Board of Education in exchange for the school property, then the parties may exchange the property after the Board of Education has received approval of the property exchange from the State Superintendent of Schools, the interagency committee for school construction (IAC) and any other State agencies which must consent to the property transfer.

Section 4.203 further provides that the property transfer may take place provided that the County Executive agrees to the proposed transfer and the County Council approves the transfer by resolution.

The Department of Public Works and the Department of Planning & Zoning have reviewed and recommend approval of the proposed transfer of the Board Property in exchange for the Kellogg Property.

There is no fiscal impact to the Board or County at this time.

Representatives of this department will be present at the public hearing to answer any questions or concerns. If you require any further information concerning this matter or have any additional questions, please do not hesitate to contact me at your convenience.

cc: Jennifer Sager  
Joel Gallihue, Board of Education  
File



Match Line - See Sheet 2

Approximate Location of Existing Fiber Optic Cable (Undeterminable R/W Width) Zayo Bandwidth Northeast, LLC

Existing 13' Construction And Rehabilitation Strip (L. 2380 F. 151)

19' 30" Public & Utility Easement (Plat Nos. 22390 Thru 22395)

0.07538  
37700

1324  
1325  
1326  
1327

10' Principal Structure And Use Setback

13' Public Signage, Street Light Stormwater Management & Utility Easement

Parcel 'A-A'  
3.586 Ac.±  
GREEN NEIGHBORHOOD PARCELS 'C' THRU 'L' AND OPEN SPACE LOTS 1 AND 2 (PLAT NOS. 22390 THRU 22395) ZONED TO OPEN SPACE LOT 1

Part of Existing Public Forest Conservation Easement No. 2 (Plat Nos. 22390 Thru 22395) (Removed by Recordation of This Plat)

Existing 30' Other Structure And Use Setback (Plat Nos. 22856 Thru 22859) And Use Setback

Previously Recorded Parcel Lines Removed by the Recordation of This Plat

Existing 20' Public Drainage & Utility Easement (Plat Nos. 22390 Thru 22395)

Existing Public Drainage & Utility Easement (L. 2438, F. 9 And Plat No. 9924)

Parcel 'B-B'  
0.019 Ac.±  
PARCEL 'C'

GREEN NEIGHBORHOOD RESUBDIVISION PLAT-PARCEL 'H' AND REVISION PLAT-PARCELS 'C', 'E', 'F', 'G', 'I', 'J' AND 'K' (PLAT NOS. 22856 THRU 22859) ZONED TO OPEN SPACE LOT 2

20' Public Water & Utility Easement

Existing 13' Public Signage, Street Light Stormwater Management And Utility Easement (Plat Nos. 22856 Thru 22859)

Existing 10' Principal Structure Setback (Plat Nos. 22856 Thru 22859)

Existing 13' Public Signage, Street Light Stormwater Management And Utility Easement (Plat Nos. 22390 Thru 22395)

Existing 30' Other Structure And Use Setback (Plat Nos. 22390 Thru 22395)

Existing 10' Principal Structure Setback (Plat Nos. 22390 Thru 22395)

Existing 20' Public Drainage & Utility Easement (Plat Nos. 22390 Thru 22395)

Match Line - See Sheet 6

(Meters)  
N 187°26'07" E 207.00  
E 42°28'55" S 125.790  
E 138°7'35.0

126  
127  
128  
129

STATE NORTH  
M.D.  
MARYLAND  
D.R.S.

Match Line - See Sheet 6

Existing Public Stormwater Management, Drainage & Utility Easement (Plat Nos. 22390 Thru 22395)

Banbury

LOT 173	SPACES 220
LOT 174	
LOT 176	
LOT 177	
LOT 178	
LOT 180	
LOT 181	
LOT 182	
LOT 183	
LOT 184	
LOT 185	
LOT 186	
LOT 187	
LOT 188	
LOT 189	
LOT 190	
LOT 191	
LOT 192	
LOT 193	
LOT 194	
LOT 195	
LOT 196	
LOT 197	
LOT 198	
LOT 199	
LOT 200	

639  
754  
266  
267

Match Line - See Sheet 4

10' Principal Structure And Use Setback  
13' Public Signage, Street Light Stormwater Management & Utility Easement

1322  
1323  
1324  
1325  
1326  
1327