

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 at 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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the County Council of Howard County, Maryland, this ____ day of _____, 2013, that a public purpose is served by conveying the County Property comprising approximately 6.149 acres to Emerson Development HOA, as shown in the attached Exhibits A, B, C and D.

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 County Property to Emerson Development HOA.

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

EXHIBIT A



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

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.

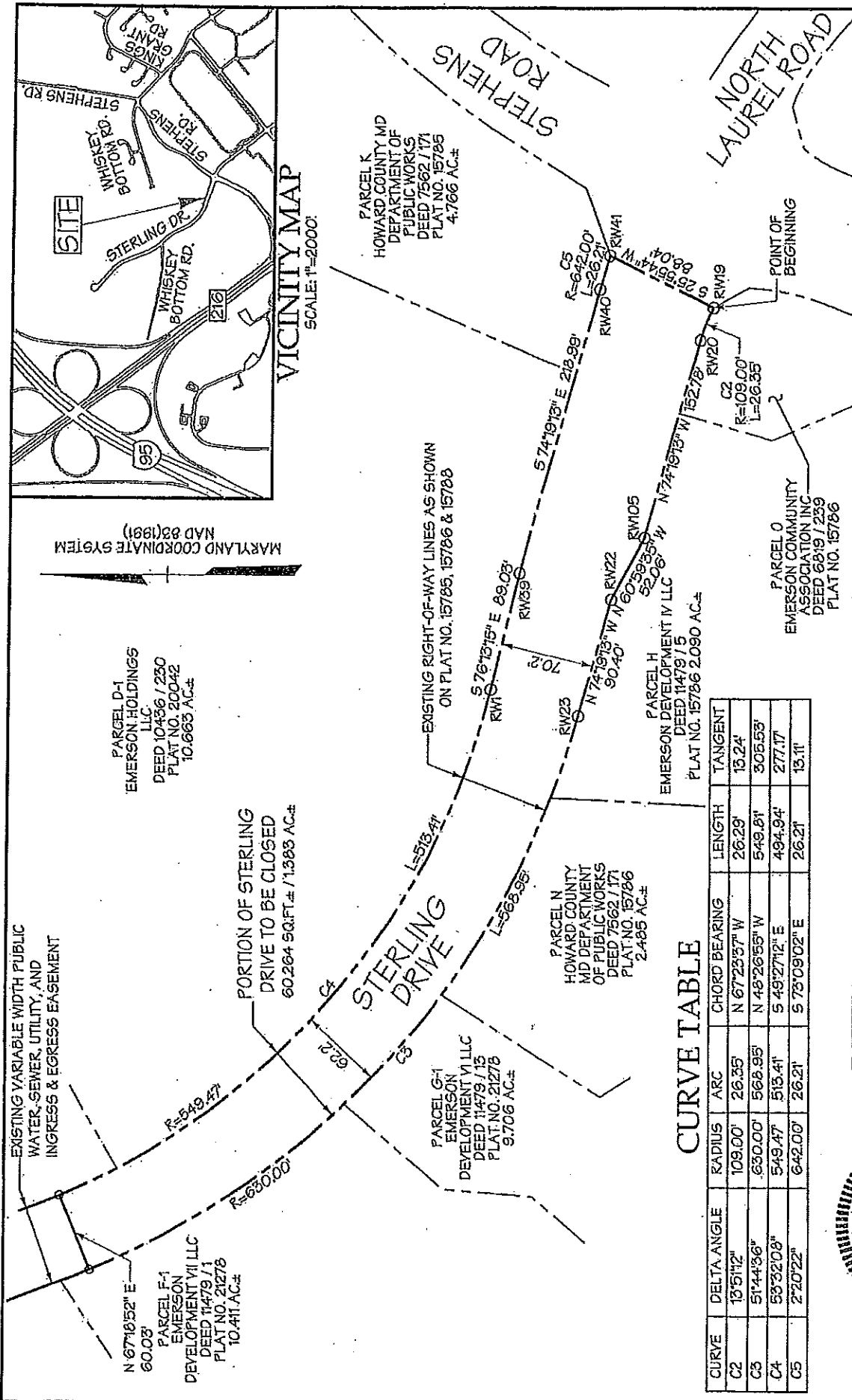
February 13, 2013

Project No. 95054.7A (L95054.7S)



Michael Martin
2/13/13

EXHIBIT B



CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	ARC	CHORD BEARING	LENGTH	TANGENT
C2	13°51'12"	109.00'	26.35'	N 67°23'57" 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	26.21'	13.11'



EXHIBIT PLAT
SHOWING CLOSING OF A PORTION OF
STERLING DRIVE

DMW

DAFT MCCUNE WALKER INC
300 EAST PENNSYLVANIA TOWSON, MD 21286
P: 410 246 3333 F: 410 246 4705 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

6TH ELECTION DISTRICT

HOWARD COUNTY, MARYLAND



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

Page 1 of 2

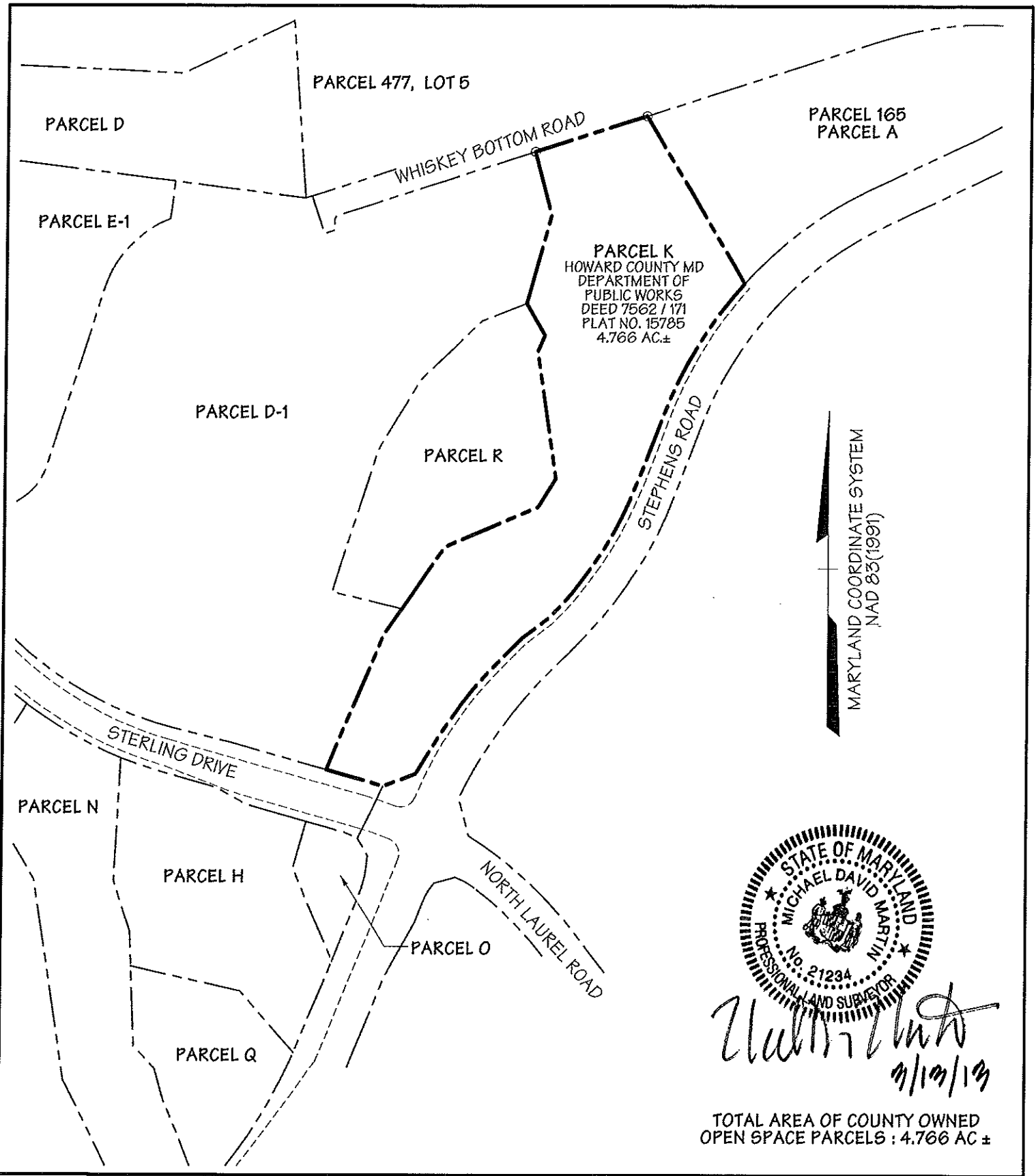
feet; thence (11) North 15 degrees 42 minutes 38 seconds East 139.65 feet; thence (12) North 15 degrees 13 minutes 56 seconds West 100.56 feet; thence (13) North 72 degrees 19 minutes 13 seconds East 180.00 feet; thence (14) South 30 degrees 57 minutes 50 seconds East 297.65 feet; thence (15) Southwesterly 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 David Martin
4/17/13





Michael David Martin
 9/19/13
 TOTAL AREA OF COUNTY OWNED
 OPEN SPACE PARCELS : 4.766 AC ±

EXHIBIT D
 COUNTY OWNED OPEN SPACE
 PARCEL K
 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"=200'	Date: 03-07-2013
Drawn by: C.S.	Checked by: M.D.M.	Job No.: 95054.45