

County Council of Howard County, Maryland

2023 Legislative Session

Legislative Day No. 10

Resolution No. 152 -2023

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

A RESOLUTION pursuant to Section 4.201 of the Howard County Code declaring that a portion of land owned by Howard County, Maryland and located within Centennial Park, along Centennial Lane and Maryland Route 108, is no longer needed by the County for public purposes; authorizing the County Executive to convey, upon certain consideration, fee simple title to 0.834 acres and permanent easement interests in 0.152 acres to the State of Maryland, Department of Transportation, State Highway Administration; 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 convey the property if he finds that the County may have a use for the property.

Introduced and read first time _____, 2023.

By order _____
Michelle Harrod, Administrator

Read for a second time at a public hearing on _____, 2023.

By order _____
Michelle Harrod, Administrator

This Resolution was read the third time and was Adopted___, Adopted with amendments___, Failed___, Withdrawn___, by the County Council on _____, 2023.

Certified By _____
Michelle Harrod, Administrator

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

1 **WHEREAS**, Howard County, Maryland (hereinafter the “County”) is the fee simple
2 owner of approximately 0.834 acres of land located within Centennial Park at Centennial Lane and
3 Maryland Route 108 and shown on State of Maryland Department of Transportation State
4 Highway Administration State Roads Commission Plat Nos. 61286, 61287, and 61288 attached
5 hereto as Exhibit “A”, being part of approximately 63.625 acres of land forming part of Parcel No.
6 9 on Tax Map 30 and described in the deed dated August 18, 1976, and recorded among the Land
7 Records of Howard County, Maryland at Liber 781, Folio, 592 (the “County Property”); and

8
9 **WHEREAS**, the State of Maryland, Department of Transportation, State Highway
10 Administration (the “State”) owns the land adjacent to the County Property and needs to acquire a
11 portion of the County Property as follows (collectively, the “Property to be Conveyed”):

- 12 1. A portion in fee simple of the County Property containing approximately 0.834 acres of
13 land in fee simple, described in the legend on Plat No. 61287 and shown as “Fee Simple
14 Area” on Exhibit A attached hereto; and
- 15 2. A perpetual easement in a portion of the County Property containing approximately 0.072
16 acres of land described in the legend on Plat 61287 and 0.080 acres of land described in
17 the legend on Plat No. 61288, totaling 0.152 acres of land in total and collectively described
18 and shown as “Perpetual Easement Area” on Exhibit A attached hereto; and

19
20 **WHEREAS**, the State also seeks a temporary construction easement in 0.374 acres of the
21 County Property described in the legend on Plat No. 61287 and shown as “Total Temporary
22 Easement Area” on Exhibit A attached hereto; and

23
24 **WHEREAS**, the County Property was originally acquired with State Program Open Space
25 funding and the Property to be Conveyed will need to be replaced on a one to one ratio with land
26 of a greater value; and

27
28 **WHEREAS**, the State will pay the County the appraised value of the Property to be
29 Conveyed in the amount of \$116,423.25, and mitigate the loss of the County Property funded by
30 Program Open Space by conveying 1.01 acres of land located at 9970 Maryland Route 108 to the
31 County; and

1
2 **WHEREAS**, the Howard County Department of Public Works has reviewed and approved
3 the proposed conveyance of the Property to be Conveyed; and
4

5 **WHEREAS**, Section 4.201, “Disposition of Real Property”, of the Howard County Code
6 authorizes the County Council of Howard County, Maryland (the “County Council”) to declare
7 that property is no longer needed for public purposes and also authorizes the County Council to
8 waive advertising and bidding requirements for an individual conveyance of real property upon
9 the request of the County Executive; and
10

11 **WHEREAS**, the County Council has received a request from the County Executive to
12 waive the advertising and bidding requirements in this instance for the conveyance of the Property
13 to be Conveyed to the State.
14

15 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
16 Maryland, this ____ day of _____, 2023, that the Property to be Conveyed as shown
17 on Exhibit A attached hereto as the “Fee Simple Area” containing approximately 0.834 acres of
18 land in total and “Perpetual Easement Area” containing approximately 0.152 acres of land in total
19 is no longer needed by the County for public purposes.
20

21 **AND BE IT FURTHER RESOLVED**, that the County Executive may convey fee simple
22 title to and a perpetual easement in the Property to be Conveyed to the State of Maryland,
23 Department of Transportation, State Highway Administration, upon payment of \$116,423.25 for
24 the Property to be Conveyed and the conveyance to the County by the State of Maryland,
25 Department of Transportation, State Highway Administration of 1.01 acres of land located at 9970
26 Maryland Route 108.
27

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

1 simple title to and the grant of a perpetual easement in the Property to be Conveyed to the State of
2 Maryland, Department of Transportation, State Highway Administration.

3

4 **AND BE IT FURTHER RESOLVED** that if the County Executive finds that all or a
5 portion of the Property to be Conveyed may have a further County public use then he is not bound
6 to convey the fee simple or perpetual easement property interest in accordance with this resolution.