

County Council of Howard County, Maryland

2024 Legislative Session

Legislative Day No. 12

Resolution No. 159 -2024

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

Short Title: Conveyance of a portion of a 20' public right of way easement – approximately 930 square feet

Title: A RESOLUTION pursuant to Section 4.201 of the Howard County Code declaring that a portion of a 20' public right of way easement to make openings and excavations, and to lay construct and maintain drains, water pipes and other municipal utilities and services containing approximately 930 square feet is no longer needed by the County for public purposes; authorizing the County Executive to terminate the easement interest and convey the property to the fee simple owner, Trotter 5857, LLC; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code in order to convey the easement interest to Trotter 5857, LLC; and providing that the County Executive is not bound to terminate the easement interests if he finds that the easements may have a public use.

Introduced and read first time _____, 2024.

By order _____
Michelle Harrod, Administrator

Read for a second time at a public hearing on _____, 2024.

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 _____, 2024.

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**, as part of Capital Project WP-8054 – Phase 2 –Anderson Avenue Water
2 Main Extensions , the County acquired a 20’ right of way easement to make openings and
3 excavations, and to lay construct and maintain drains, water pipes and other municipal utilities
4 and services (the “20’ Public Water and Utility Easement”) by Deed and Agreement dated
5 February 2, 1974 and recorded among the Land Records of Howard County, Maryland in Liber
6 671, folio 165, on February 27, 1974, in and through that certain real property commonly known
7 as 6399 Anderson Avenue, Hanover, Maryland 21076 and shown as Parcel 232 on Tax Map 38
8 (the “Property”); and
9

10 **WHEREAS**, Trotter 5857, LLC is the fee simple owner (the “Owner”) of the Property;
11 and
12

13 **WHEREAS**, the Owner has requested that the County release a portion of the 20’ Public
14 Water and Utility Easement containing approximately 930 square feet, as described and shown
15 as “Ex. 20’ Public Water R/W L.671 F.165 To Be Extinguished By This Plat (930 SF)” (the
16 “Easement to be Abandoned”) on the attached final subdivision plat F-24-017 titled “The Aerie
17 in Elkridge, Lots 1-8 and Open Space Lots 9 and 10” (the “Plat”); and
18

19 **WHEREAS**, the County has reviewed the plans submitted by the Owner under Contract
20 No. 14-5114-D titled “The Aerie in Elkridge, Public Water and Public Sewer Plans, Contract No.
21 14-5114-D” (the “Plans”), and has determined that the Easement to be Abandoned is no longer
22 required for public purposes; and
23

24 **WHEREAS**, in accordance with the Plans, the Owner shall modify the existing water
25 main and construct an 8” water main on the Property dedicated to the County and located on the
26 portion of the Property described and shown as “Public 30’ Water, Sewer and Utility Easement”
27 (the “30’ Public Water, Sewer and Utility Easement”) on the Plat and, subject to the County’s
28 acceptance, shall convey the 30’ Public Water, Sewer and Utility Easement to the County; and
29

30 **WHEREAS**, Section 4.201 “Disposition of real property” of the Howard County Code
31 authorizes the County Council to declare that property is no longer needed for public purposes and

1 also authorizes the County Council to waive advertising and bidding requirements for an individual
2 conveyance of real property upon the request of the County Executive; and

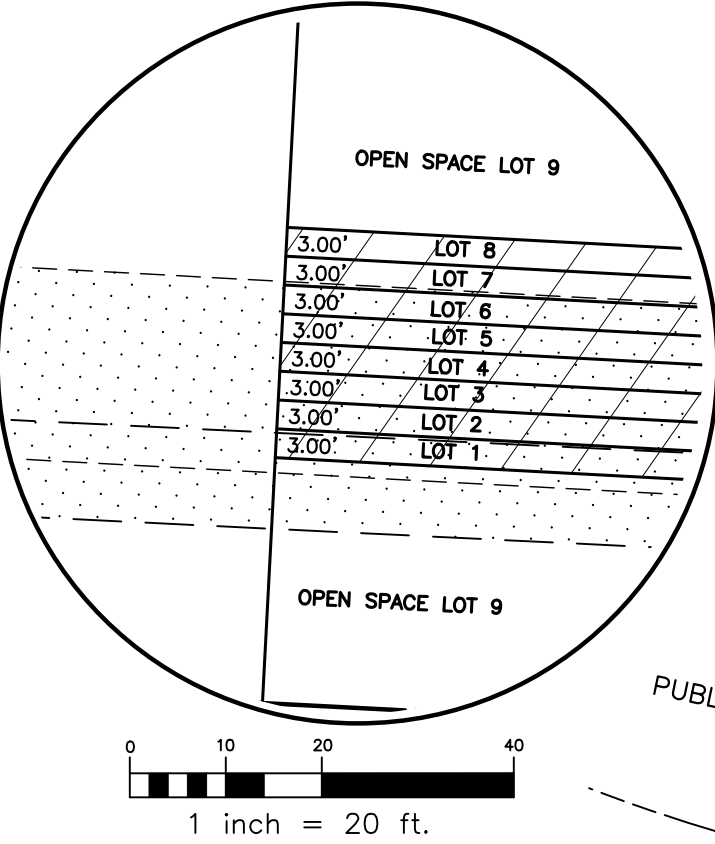
3
4 **WHEREAS**, the County Council has received a request from the County Executive to
5 waive the advertising and bidding requirements in this instance for the conveyance of the Easement
6 to be Abandoned to the Owner.

7
8 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
9 Maryland, this ____ day of _____, 2024, that the Easement to be Abandoned, a
10 portion containing a portion of the 20' Public Water and Utility Easement containing
11 approximately 930 square feet, shown as "Ex. 20' Public Water R/W L.671 F.165 To Be
12 Extinguished By This Plat (930 SF)" on the attached Plat, is no longer needed by the County for
13 public purposes and may be conveyed to Trotter 5857, LLC.

14
15 **AND BE IT FURTHER RESOLVED** that, having received a request from the County
16 Executive and having held a public hearing, the County Council declares that the best interest of
17 the County will be served by authorizing the County Executive to waive the usual advertising and
18 bidding requirements of Section 4.201 of the Howard County Code for the conveyance of the
19 Easement to be Abandoned to Trotter 5857, LLC.

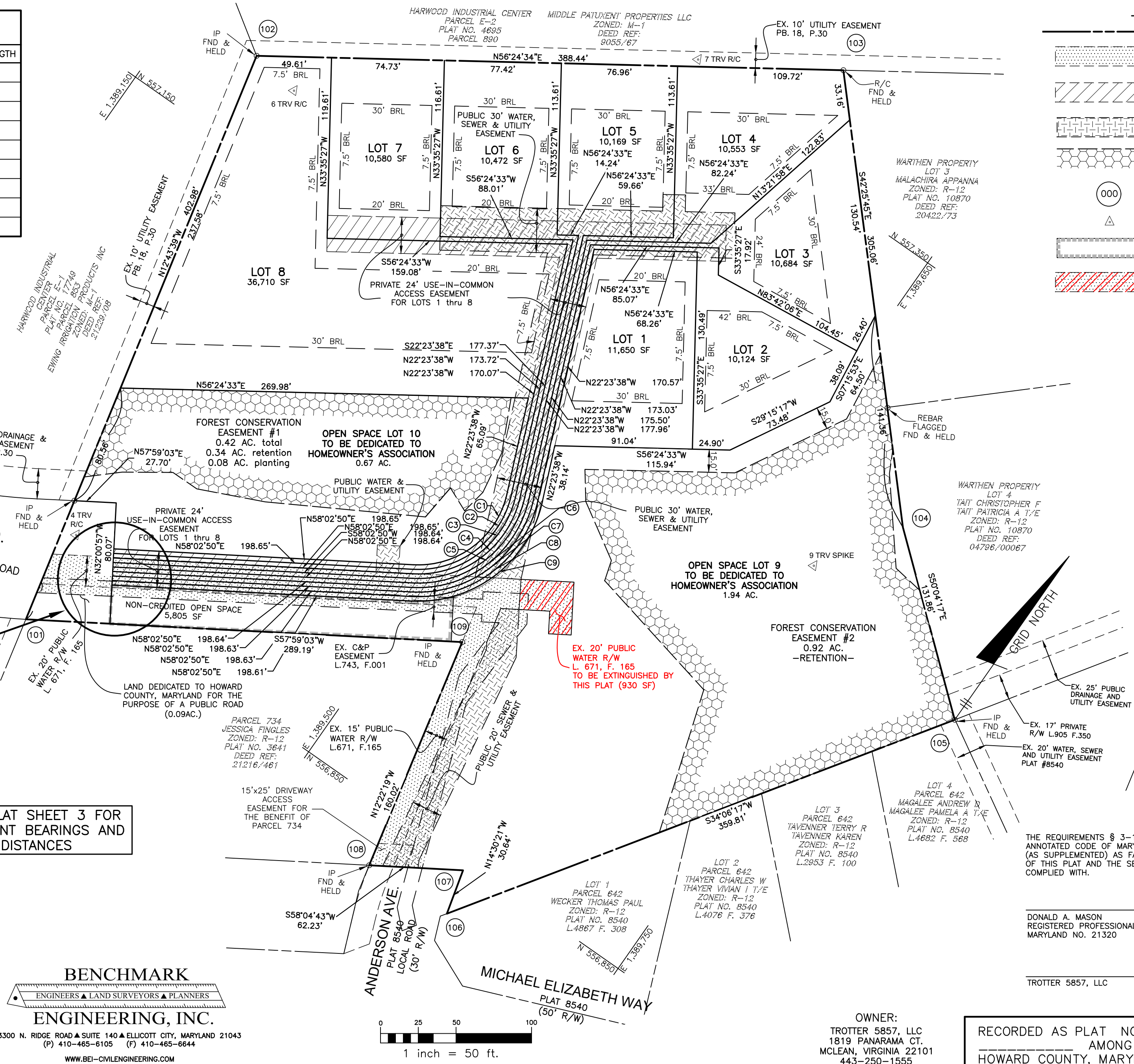
20
21 **BE IT FURTHER RESOLVED** that if the County Executive finds that the Easement to
22 be Abandoned should not be terminated, he is not bound to terminate the County's easement
23 interests in accordance with this Resolution.

CURVE TABLE						
CURVE	RADIUS	ARC LENGTH	DELTA	TANGENT	CHORD DIRECTION	CHORD LENGTH
C1	60.00'	84.28'	80°28'44"	50.77'	N17°50'44"E	77.52'
C2	63.00'	88.49'	80°28'44"	53.31'	N17°50'41"E	81.39'
C3	66.00'	92.70'	80°28'44"	55.85'	N17°50'38"E	85.27'
C4	69.00'	96.91'	80°28'44"	58.39'	N17°50'35"E	89.14'
C5	72.00'	101.13'	80°28'44"	60.93'	N17°50'32"E	93.02'
C6	74.99'	105.34'	80°28'44"	63.46'	N17°50'30"E	96.89'
C7	77.99'	109.55'	80°28'44"	66.00'	N17°50'28"E	100.76'
C8	80.99'	113.76'	80°28'44"	68.54'	N17°50'25"E	104.64'
C9	84.00'	117.99'	80°28'44"	71.08'	N17°50'44"E	108.53'



BOUNDARY COORDINATES		
POINT #	NORTHING	EASTING
101	556814.4493	1389296.3881
102	557207.5230	1389207.6070
103	557422.4300	1389531.1830
104	557197.2597	1389737.0018
105	557112.6270	1389838.1190
106	556814.7014	1389636.3721
107	556844.3644	1389628.6975
108	556811.4590	1389575.8770
109	556967.7640	1389541.5910

TABULATION CHART	
TOTAL NUMBER OF LOTS AND/OR PARCELS TO BE RECORDED	8
BUILDABLE	2
OPEN SPACE	0
BUILDABLE BULK PARCELS	0
NON-BUILDABLE BULK PARCELS	0
TOTAL AREA OF LOTS AND/OR PARCELS TO BE RECORDED	2.55± AC.
BUILDABLE	2.61± AC.
OPEN SPACE	N/A
BUILDABLE BULK PARCELS	N/A
NON-BUILDABLE BULK PARCELS	N/A
TOTAL AREA OF ROADWAY TO BE RECORDED (INCLUDING WIDENING STRIPS)	0.09± AC.
TOTAL AREA OF SUBDIVISION TO BE RECORDED	5.25± AC.



LEGEND	
[Symbol]	LIMIT OF SUBMISSION
[Symbol]	EXISTING EASEMENT
[Symbol]	PRIVATE USE-IN-COMMON EASEMENT
[Symbol]	PUBLIC EASEMENT
[Symbol]	FOREST CONSERVATION EASEMENT
[Symbol]	COORDINATE DESIGNATION
[Symbol]	TRAVERSE
[Symbol]	NON-CREDITED OPEN SPACE
[Symbol]	EX. 20' PUBLIC WATER R/W L. 671, F. 165 TO BE EXTINGUISHED BY THIS PLAT (930 SF)

SEE PLAT SHEET 3 FOR EASEMENT BEARINGS AND DISTANCES

SEE BLOWUP DETAIL

BENCHMARK
ENGINEERS & LAND SURVEYORS & PLANNERS
ENGINEERING, INC.
3300 N. RIDGE ROAD SUITE 140 • ELICOTT CITY, MARYLAND 21043
(P) 410-465-8105 (F) 410-465-6644
WWW.BEI-CIVILENGINEERING.COM

OWNER:
TROTTER 5857, LLC
1819 PANARAMA CT
MCLEAN, VIRGINIA 22101
443-250-1555

THE REQUIREMENTS § 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 A. MASON REGISTERED PROFESSIONAL LAND SURVEYOR MARYLAND NO. 21320
TROTTER 5857, LLC DATE

APPROVED: FOR PUBLIC WATER AND PUBLIC SEWER SYSTEMS, HOWARD COUNTY HEALTH DEPARTMENT
HOWARD COUNTY HEALTH OFFICER DATE

APPROVED: HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
CHIEF, DEVELOPMENT ENGINEERING DIVISION DATE

DIRECTOR 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 DATE 1-7-2025 AND I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF THAT THE INFORMATION SHOWN HEREON IS CORRECT, THAT IT IS ALL OF THE LANDS CONVEYED BY LINDA M. SKINNER TO TROTTER 5857, LLC, BY DEED DATED JANUARY 30, 2018 AND RECORDED IN THE LAND RECORDS OF HOWARD COUNTY IN LIBER 18048 AT FOLIO 06 AND THAT ALL MONUMENTS 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 REGISTERED PROFESSIONAL LAND SURVEYOR MD REG. NO. 21320 DATE
FOR BENCHMARK ENGINEERING, INC. MD REG. NO. 351

OWNER'S CERTIFICATE

TROTTER 5857, LLC, OWNER OF THE PROPERTY SHOWN HEREON, HEREBY ADOPTS THIS PLAN OF SUBDIVISION, AND IN CONSIDERATION OF APPROVAL OF THIS FINAL PLAT BY THE DEPARTMENT OF PLANNING AND ZONING, ESTABLISHES THE MINIMUM BUILDING RESTRICTION LINES AND GRANTS 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 THE BEDS OF THE STREETS AND/OR ROADS, FLOODPLAINS AND OPEN SPACE WHERE APPLICABLE, AND FOR GOOD AND OTHER VALUABLE CONSIDERATION, HEREBY GRANTS 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 ERRECTED ON OR OVER THE SAID EASEMENTS AND RIGHTS-OF-WAY, WITNESS OUR HANDS THIS _____ DAY OF _____, 2024."

TROTTER 5857, LLC DATE
WITNESS DATE

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

THE AERIE IN ELKRIDGE
LOTS 1-8 AND OPEN SPACE LOTS 9 & 10

1st ELECTION DISTRICT OF HOWARD COUNTY, MARYLAND
TAX MAP: 38 SCALE: AS SHOWN
GRID: 14 DATE: MAY 2024
PARCEL: 232 SHEET: 2 OF 3
ZONED: R-12