

County Council Of Howard County, Maryland

2011 Legislative Session

Legislative Day No. 3

Resolution No. 22 -2011

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

A RESOLUTION approving a public interest use for a monopole cell tower and accessory ground equipment on land owned by Trent Kittleman; finding that the proposed use is in the public interest; approving an amendment to certain deeds of easement to release the land used for the monopole cell tower and accessory ground equipment for a public purpose; and providing that the release is contingent on a certain payment to the County.

Introduced and read first time _____, 2011.

By order _____
Stephen LeGendre, Administrator

Read for a second time at a public hearing on _____, 2011.

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 _____, 2011.

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**, Trent Kittleman is the fee simple owner (the “Owner”) of approximately
2 116 acres of land in Howard County known as 3000 Kittleman Lane, West Friendship, Howard
3 County, Maryland and as described in the Deed dated February 19, 2010 recorded among the
4 land records of Howard County, Maryland (the “Land Records”) at Liber 12311, Folio 446 (the
5 “Property”), as depicted in the attached map marked Exhibit A; and
6

7 **WHEREAS**, the Property is subject to an Agricultural Land Preservation Easement
8 pursuant to a Deed of Easement recorded in the Land Records on October 8, 1992 at Liber 2561,
9 Folio 462 (the “Easement”); and
10

11 **WHEREAS**, the Easement extinguishes the development rights on the Property and
12 restricts the use of the Property to agriculture uses as set forth in the Easement and the
13 Agricultural Land Preservation Act, Sections 15.500 *et seq.* of the Howard County Code (the
14 “Act”); and
15

16 **WHEREAS**, Section 15.516 of the Act allows the County to release from the Easement
17 up to one acre of land for a “public interest use,” as defined under the Act, if the Howard County
18 Agricultural Land Preservation Board recommends the release, the County Council finds that the
19 proposed use is in the public interest, and the property owner pays the County for the release at
20 the price per acre that the County paid to acquire the easement, with interest; and
21

22 **WHEREAS**, the Owner has submitted a request to the Department of Planning and
23 Zoning (“DPZ”) for approval of a release of a portion of the Property from the Easement for a
24 public interest use on the Property, specifically the installation of a monopole cell tower and
25 accessory ground equipment on 875 square feet of the Property as shown on the attached
26 Exhibits B, C and D (the “Release Area”); and
27

28 **WHEREAS**, DPZ reviewed the Owner’s request to release the Release Area from the
29 Easement and recommended approval of the request to the Agricultural Land Preservation
30 Board; and
31

1 **WHEREAS**, the Agricultural Land Preservation Board reviewed the findings of DPZ
2 and, after a public meeting on December 14, 2010, recommended that the Release Area be
3 released from the Easement, as long as the monopole cell tower and accessory ground equipment
4 are required for a public interest use; and

5
6 **WHEREAS**, because the Easement was purchased by the County, the Owner is required
7 to repay the County the amount of approximately \$310 for the release of the Release Area from
8 the Easement.

9
10 **NOW, THEREFORE, BE IT RESOLVED**, by the County Council of Howard County,
11 Maryland this ____ day of _____, 2011, that for the reasons cited by the
12 Agricultural Land Preservation Board at its meeting on December 14, 2010, the County Council
13 finds that the proposed use of 875 square feet of the Property for the monopole cell tower and
14 accessory ground equipment is in the public interest and therefore approves the public interest
15 use of 875 square feet of the Property, as shown on Exhibits B, C and D, owned by Trent
16 Kittleman, and the release of the 875 square feet from the Easement;

17
18 **AND BE IT FURTHER RESOLVED** by the County Council of Howard County,
19 Maryland that it approves the request of Trent Kittleman and authorizes the County to amend the
20 Easement to release the 875 square feet of the Property, as shown in Exhibits B, C and D for a
21 monopole cell tower and accessory ground equipment, there being payment due to the County in
22 the amount of approximately \$310 because this was a purchased easement;

23
24 **AND BE IT FURTHER RESOLVED** by the County Council of Howard County,
25 Maryland that if the monopole cell tower and accessory ground equipment are no longer needed
26 for a public interest use then the current owner of the Property shall amend the Easement to
27 include the 875 square feet of the Property, as shown in Exhibits B, C and D, as part of the
28 Property subject to the Easement.



Exhibit A

39°17'27"



-76°58'40"

-76°58'40"

39°17'27"

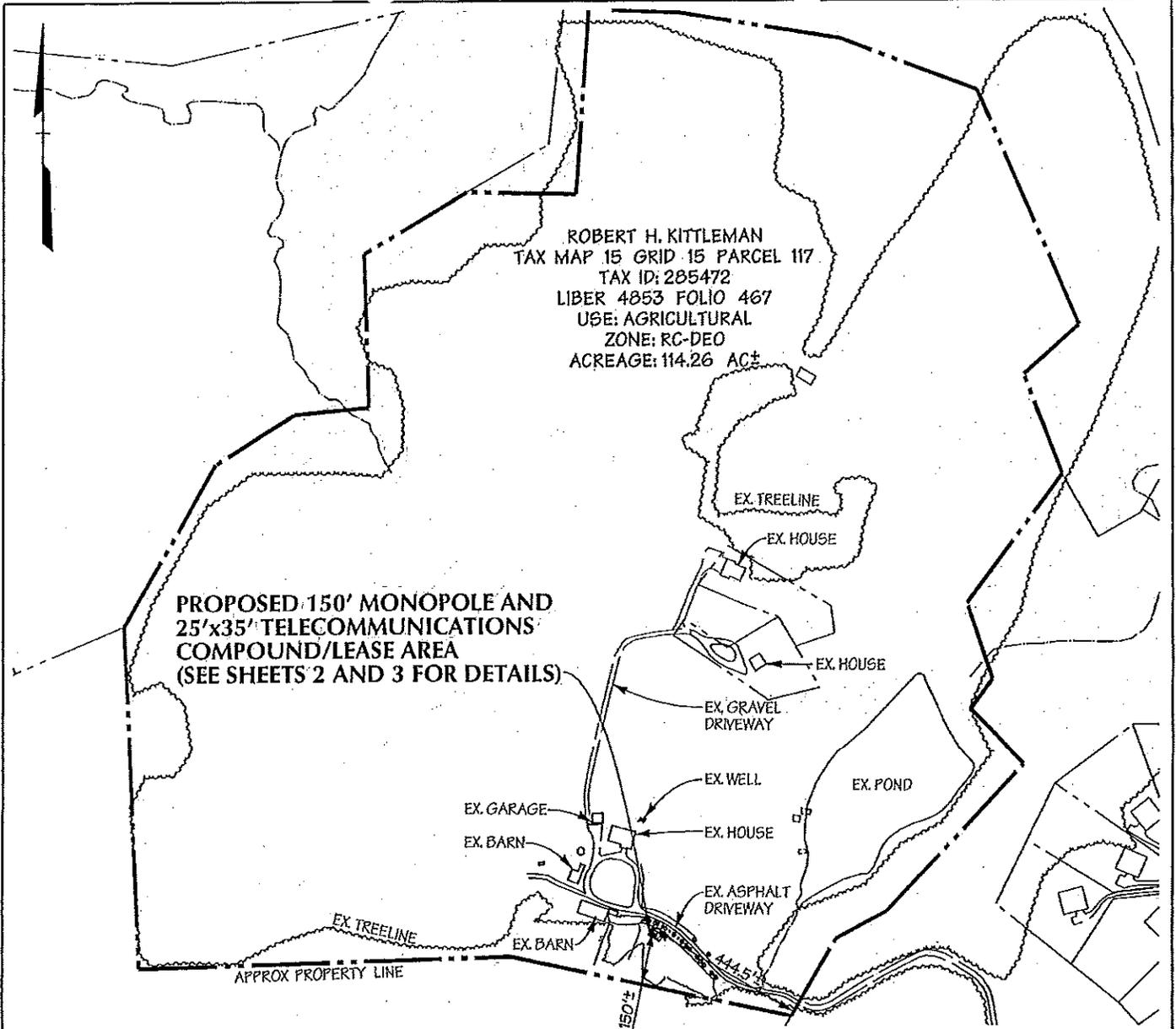
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By: Joy Levy
Office: Resource Conservation Division
Map Width: 3.84 mi.
Print Date: 11/30/2010

Kittleman Property
Location

Howard County
M A R Y L A N D



ROBERT H. KITTLEMAN
 TAX MAP 15 GRID 15 PARCEL 117
 TAX ID: 285472
 LIBER 4853 FOLIO 467
 USE: AGRICULTURAL
 ZONE: RC-DEO
 ACREAGE: 114.26 AC±

PROPOSED 150' MONOPOLE AND
 25'x35' TELECOMMUNICATIONS
 COMPOUND/LEASE AREA
 (SEE SHEETS 2 AND 3 FOR DETAILS)

DATA SOURCE:

THE INFORMATION SHOWN HEREON PROVIDED BY HOWARD COUNTY GIS. THIS PLAN IS NOT THE RESULT OF A DMW BOUNDARY OR TOPOGRAPHIC SURVEY AND TO BE USED FOR INFORMATIONAL PURPOSES ONLY.

SITE PLAN

SCALE: 1"=400'

	DATE	REVISION /ISSUE	BY
C	10-21-09	REVISED COMPOUND LOCATION	MTS
B	8-10-09	REVISED COMPOUND LOCATION	RC
A	4-24-09	ISSUED FOR REVIEW	GMO

DEPT.	INIT.	DATE	APP'D	REVISIONS
RF ENGINEER				
RF MANAGER				
ZONING				
OPS				
CONSTRUCTION				
SITE AC.				

SITE NO. 7BAN241B
 KITTLEMAN PROPERTY

T-Mobile Northeast LLC

12050 BALTIMORE AVENUE
 BELTSVILLE, MD 20705
 (240) 264-8800 FAX: (240) 264-8610

3104 N. FOX VALLEY DRIVE
 WEST FRIENDSHIP, MD 21794

TAX MAP 15 GRID 15 PARCEL 117

DRAWING TITLE:

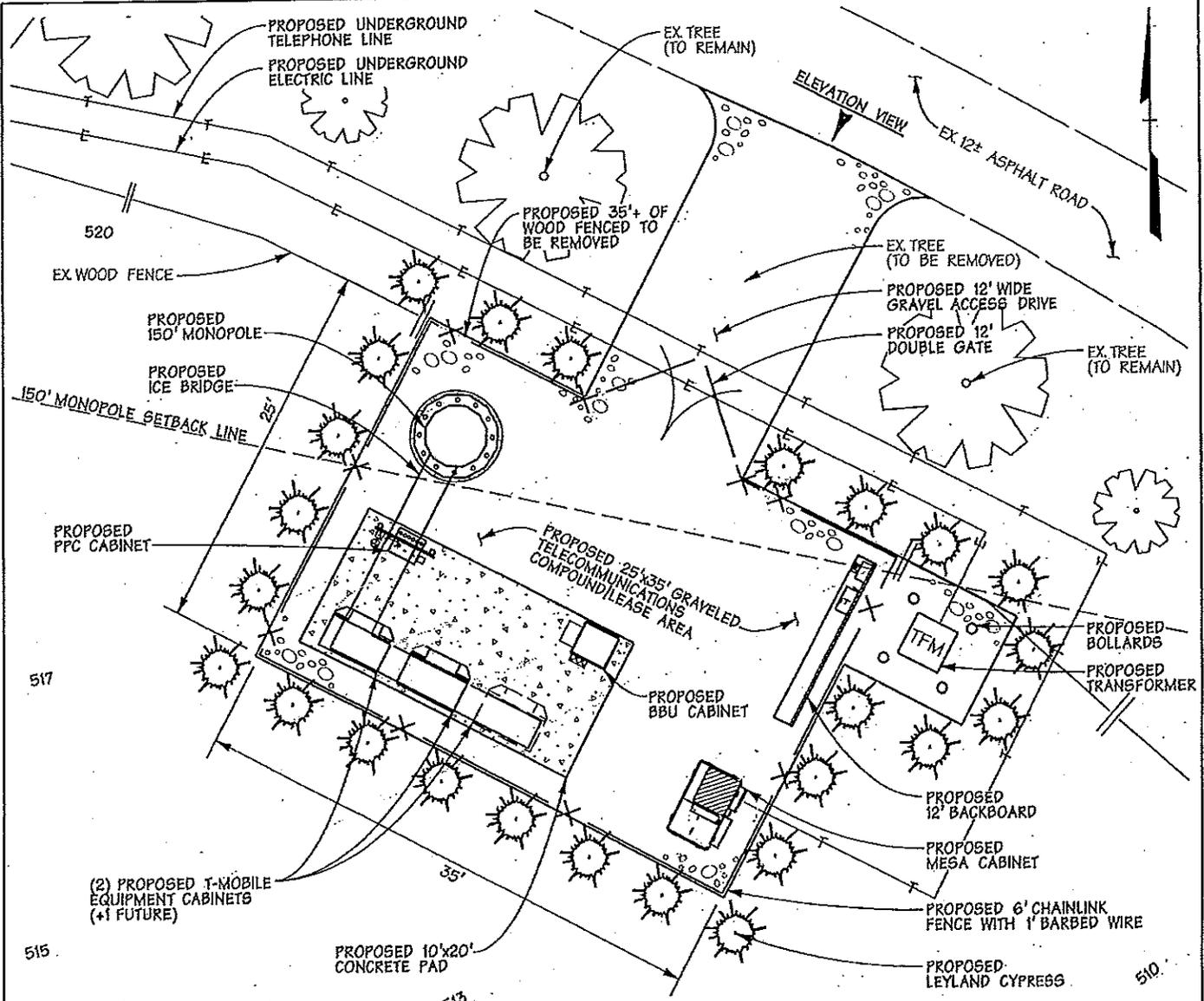
LEASE EXHIBIT

SCALE: AS SHOWN	DRAWN BY: GMO
PROJECT #: 09058	CHECKED BY: MDM
SHEET 1 OF 3	DATE: 4-22-09

DMW
 DAFT MCCUNE WALKER INC
 200 EAST PENNSYLVANIA AVENUE • TOWSON, MD 21286
 P: 410 296 3333 F: 410 296 4705 WWW.DMW.COM

3rd DISTRICT

HOWARD COUNTY, MD



NOTE: POWER/TELCO ROUTING TO BE DETERMINED BY UTILITY COMPANIES

COMPOUND DETAIL

SCALE: 1"=10'

DATA SOURCE:

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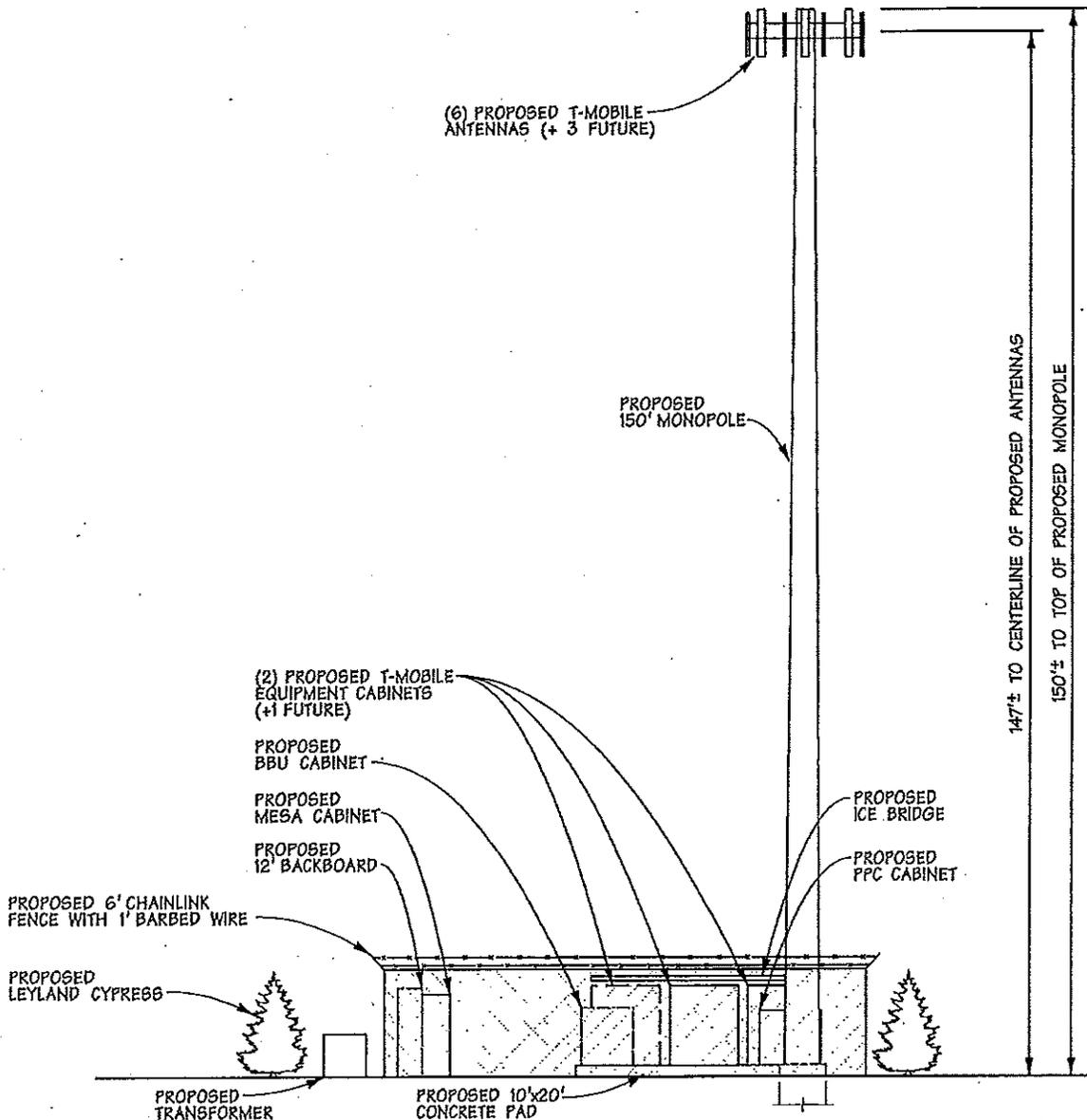
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TAX MAP 15 GRID 15 PARCEL 117

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3rd DISTRICT HOWARD COUNTY, MD



MONOPOLE ELEVATION

NOT TO SCALE

NOTE:

TO BE USED FOR ILLUSTRATIVE PURPOSES ONLY. ALL REFERENCES TO THE MONOPOLE AND ITS FOUNDATION ARE DIRECTED TO THE DESIGN AND DETAIL DRAWINGS BY THE POLE SUPPLIER.

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HOWARD COUNTY, MD

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