

# County Council Of Howard County, Maryland

2011 Legislative Session

Legislative Day No. 8

## Resolution No. 119 -2011

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

A RESOLUTION declaring that a total of approximately 64.664 acres of real property owned by Howard County and identified as (1) a portion of the road bed of Sterling Drive and Whiskey Bottom Road and (2) certain open space parcels, 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 properties, 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.

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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This Resolution was read the third time and was Adopted \_\_, Adopted with amendments \_\_, Failed \_\_, Withdrawn \_\_, by the County Council on \_\_\_\_\_, 2011.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**, Howard County is the fee simple owner of certain real property known as a  
2 portion of Sterling Drive containing approximately 2.436 acres of land, as shown in the attached  
3 Exhibit A, sheets 1 and 2, located east of the interchange of Interstate 95 and Md. Route 216 as  
4 laid out and shown on a plat dated December 16, 2002 and recorded among the Land Records of  
5 Howard County, Maryland as Plat No. 15788, and a plat dated January 16, 2003 and recorded  
6 among the Land Records of Howard County, Maryland as Plat Nos. 15829 and 15831; and

7  
8           **WHEREAS**, by passage of Council Resolution No. 112-2011, the County Council closed  
9 the above referenced portion of Sterling Drive and that portion of Sterling Drive can now be  
10 disposed of in accordance with County law; and

11  
12           **WHEREAS**, by passage of Council Resolution No. 113-2011, the County Council closed  
13 a portion of Whiskey Bottom Road, a prescriptive right-of-way, and the County may now quit  
14 claim its interest in such portion of Whiskey Bottom Road, as shown in the attached Exhibit B,  
15 sheets 1 and 2, in accordance with County law; and

16  
17           **WHEREAS**, Howard County is the owner of certain real property designated as open  
18 space and known as: (i) Parcel D containing approximately 29.397 acres of land as shown on  
19 plat numbers 15829 and 15832 recorded among the aforeseaid Land Records at Liber 7679, folio  
20 548, (ii) Parcel E containing approximately 9.348 acres of land as shown on plat number 15830  
21 recorded among the aforeseaid Land Records at Liber 7679, folio 548, (iii) Parcel H containing  
22 approximately 3.956 acres of land as shown on plat number 15830 recorded among the aforeseaid  
23 Land Records at Liber 7679, folio 548, (iv) Parcel I containing approximately .632 acres of land  
24 as shown on plat number 15830 recorded among the aforeseaid Land Records at Liber 7679, folio  
25 548, (v) Parcel M containing approximately 14.537 acres of land as shown on plat number  
26 15787 recorded among the aforeseaid Land Records at Liber 7562, folio 171, and (vi) Parcel N  
27 containing approximately 2.485 acres of land as shown on plat number 15786 recorded among  
28 the aforeseaid Land Records at Liber 7562, folio 171; as shown in the attached Exhibit C; and

1           **WHEREAS**, the portion of Sterling Drive, any interest in Whiskey Bottom Road, and  
2           Parcels D, E, H, I, M and N all comprise the “County Property” and total approximately 64.664  
3           acres; and

4  
5           **WHEREAS**, the owners of the property adjacent to the County Property are Emerson  
6           Development II LLC, Emerson Development III LLC, Emerson Development IV LLC, Emerson  
7           Development V LLC, Emerson Development VI LLC Emerson Development VII LLC  
8           (collectively, “Emerson Development LLCs”); and

9  
10           **WHEREAS**, Emerson Development HOA, LLC (“Emerson Development HOA”) has  
11           been established to serve the Emerson Development LLC’s property and the Emerson  
12           Development LLCs have asked that the County Property be disposed of in accordance with  
13           Section 4.201 of the Howard County Code to Emerson Development HOA; and

14  
15           **WHEREAS**, the Department of Public Works has reviewed and approved the proposed  
16           disposal of the County Property; and

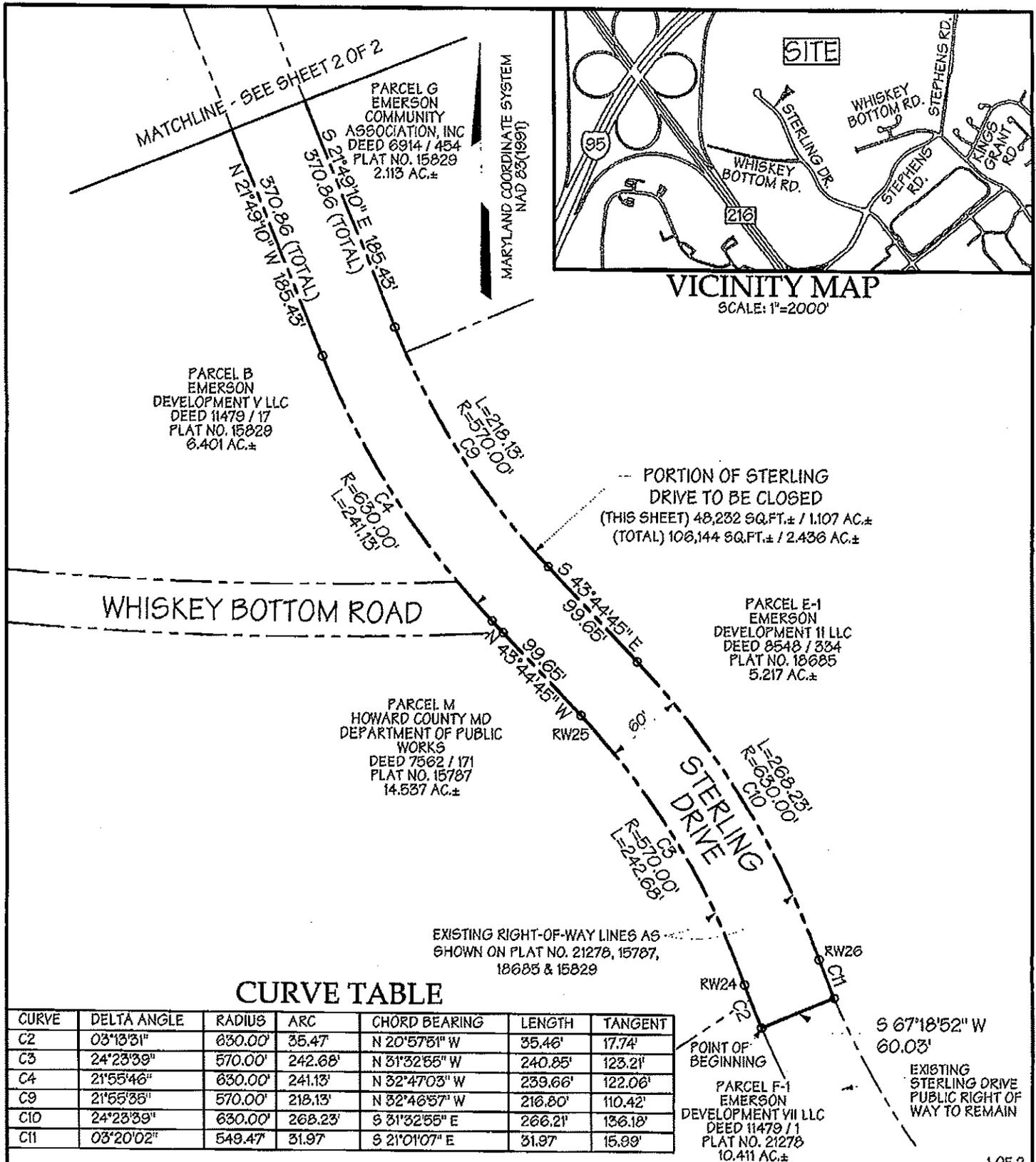
17  
18           **WHEREAS**, Section 4.201, “Disposition of Real Property”, of the Howard County Code  
19           authorizes the County Council to declare that property is no longer needed for public purposes  
20           and also authorizes the County Council to waive advertising and bidding requirements for an  
21           individual conveyance of real property upon the request of the County Executive; and

22  
23           **WHEREAS**, the County Council has received a request from the County Executive to  
24           waive the advertising and bidding requirements in this instance for the conveyance of the County  
25           Property to Emerson Development HOA.

26  
27           **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,  
28           Maryland, this \_\_\_\_ day of \_\_\_\_\_, 2011, that a public purpose is served by  
29           conveying the County Property comprising approximately 64.664 acres to Emerson  
30           Development HOA, as shown in the attached Exhibits A, B and C.

1           **AND BE IT FURTHER RESOLVED** that, having received a request from the County  
2 Executive and having held a public hearing, the County Council declares that the best interest of  
3 the County will be served by authorizing the County Executive to waive the usual advertising  
4 and bidding requirements of Section 4.201 of the Howard County Code for the conveyance of  
5 the County Property to Emerson Development HOA.

6  
7           **AND BE IT FURTHER RESOLVED** that, if the County Executive finds that the land  
8 may have a further public use and that the County Property should not be conveyed, he may  
9 submit his findings and recommendations to the County Council for its consideration without  
10 being bound to convey the County Property in accordance with this Resolution.



**CURVE TABLE**

CURVE	DELTA ANGLE	RADIUS	ARC	CHORD BEARING	LENGTH	TANGENT
C2	03°13'31"	630.00'	35.47'	N 20°57'51" W	35.46'	17.74'
C3	24°23'39"	570.00'	242.68'	N 31°32'55" W	240.85'	123.21'
C4	21°55'46"	630.00'	241.13'	N 32°47'03" W	239.66'	122.06'
C9	21°55'35"	570.00'	218.13'	N 32°46'57" W	216.80'	110.42'
C10	24°23'39"	630.00'	268.23'	S 31°32'55" E	266.21'	136.18'
C11	03°20'02"	549.47'	31.97'	S 21°01'07" E	31.97'	15.99'

**EXHIBIT PLAT**  
SHOWING CLOSING OF A PORTION OF  
**STERLING DRIVE**

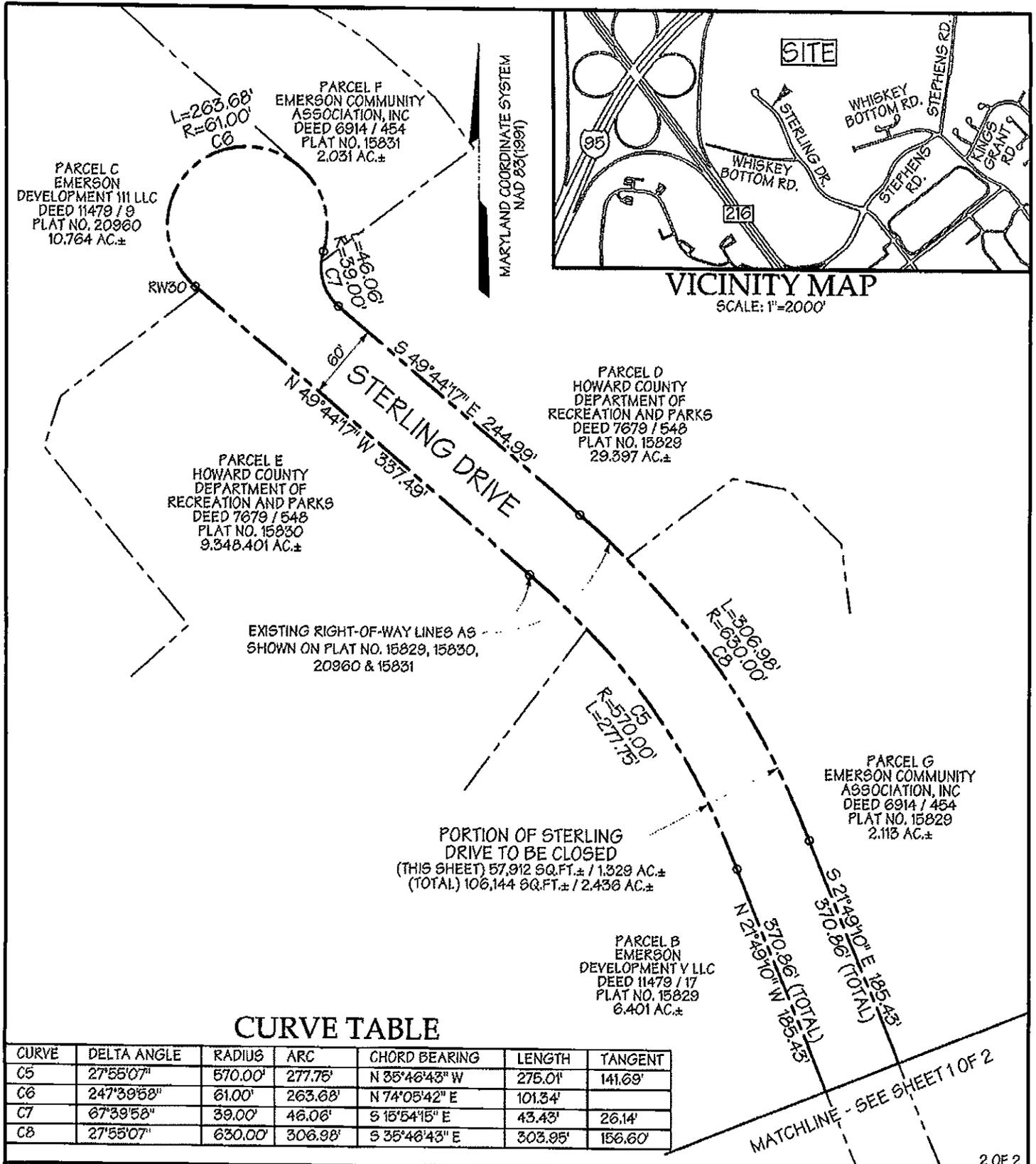
**DMW**

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"=100' Date: 05-17-2011  
Drawn by: R.C. Checked by: M.D.M. Job No.: 85054.45



**CURVE TABLE**

CURVE	DELTA ANGLE	RADIUS	ARC	CHORD BEARING	LENGTH	TANGENT
C5	27°55'07"	570.00'	277.75'	N 35°46'43" W	275.01'	141.69'
C6	247°39'58"	61.00'	263.68'	N 74°05'42" E	101.34'	
C7	67°39'58"	39.00'	46.06'	S 15°54'15" E	43.43'	26.14'
C8	27°55'07"	630.00'	306.98'	S 35°46'43" E	303.95'	156.60'

**EXHIBIT PLAT  
SHOWING CLOSING OF A PORTION OF  
STERLING DRIVE**

**DMW**

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Field Crew: Scale: 1"=100' Date: 05-17-2011  
Drawn by: R.C. Checked by: M.D.M. Job No.: 95054.46

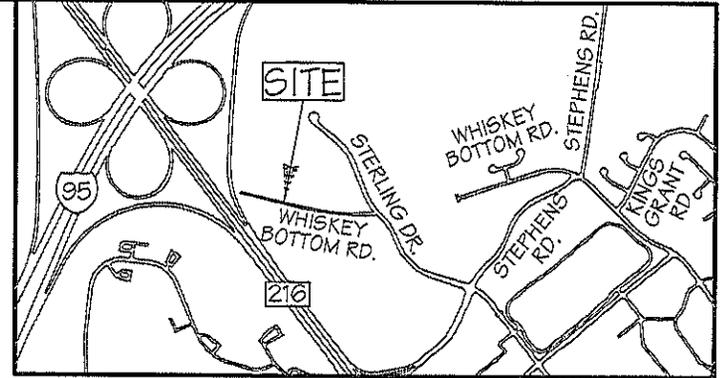
PARCEL E  
HOWARD COUNTY  
DEPARTMENT OF  
RECREATION AND PARKS  
DEED 7679 / 548  
PLAT NO. 15830  
9.348.401 AC.±

PARCEL B  
EMERSON DEVELOPMENT V LLC  
DEED 11479 / 17  
PLAT NO. 15829  
6.401 AC.±

PARCEL M  
HOWARD COUNTY MD  
DEPARTMENT OF PUBLIC WORKS  
DEED 7562 / 171  
PLAT NO. 15787  
14.537 AC.±

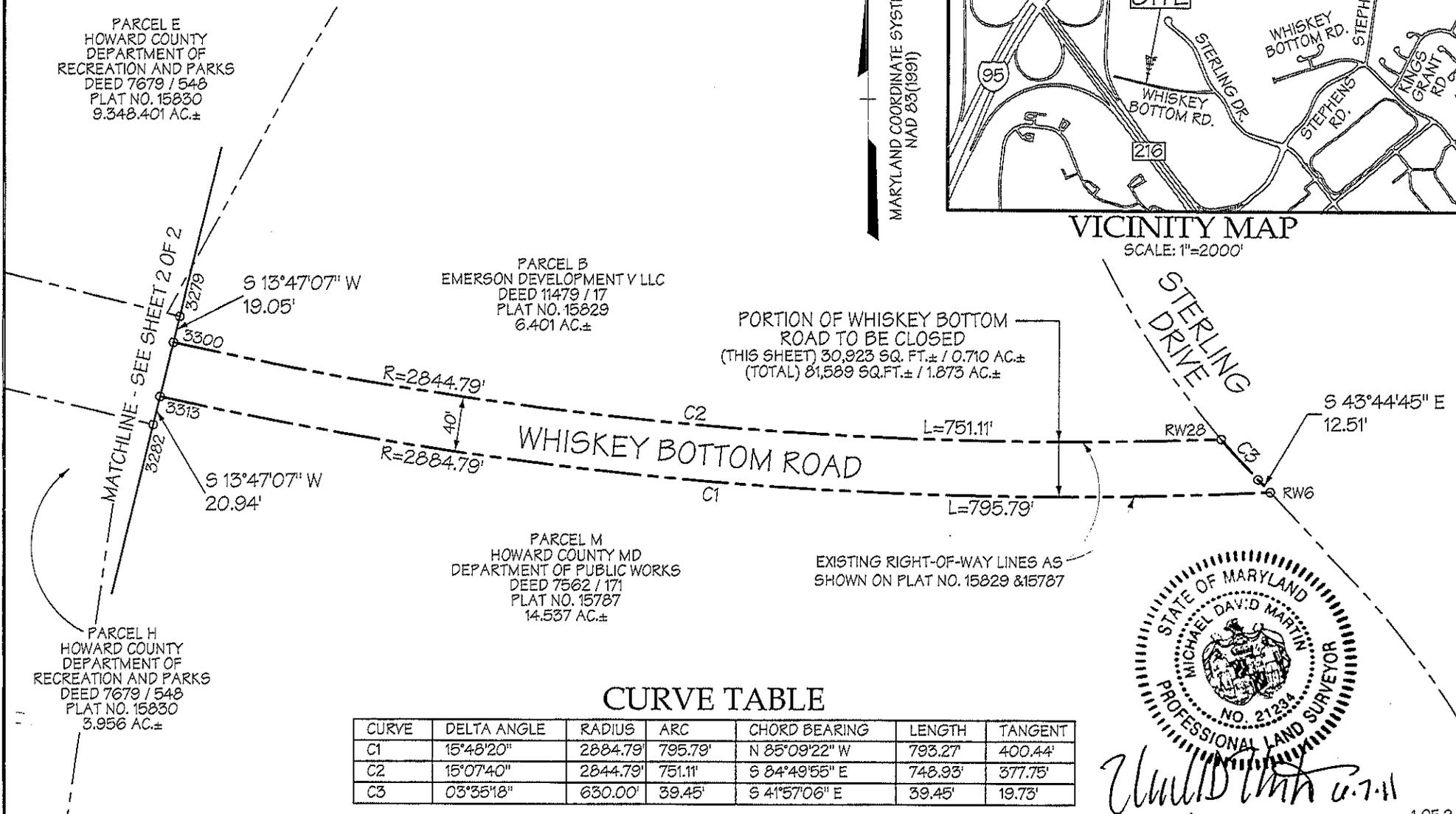
PARCEL H  
HOWARD COUNTY  
DEPARTMENT OF  
RECREATION AND PARKS  
DEED 7679 / 548  
PLAT NO. 15830  
3.956 AC.±

MARYLAND COORDINATE SYSTEM  
NAD 83(1991)



VICINITY MAP  
SCALE: 1"=2000'

PORTION OF WHISKEY BOTTOM ROAD TO BE CLOSED  
(THIS SHEET) 30,923 SQ. FT.± / 0.710 AC.±  
(TOTAL) 81,589 SQ.FT.± / 1.873 AC.±



EXISTING RIGHT-OF-WAY LINES AS SHOWN ON PLAT NO. 15829 & 15787

CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	ARC	CHORD BEARING	LENGTH	TANGENT
C1	15°48'20"	2884.79'	795.79'	N 85°09'22" W	793.27'	400.44'
C2	15°07'40"	2844.79'	751.11'	S 84°49'55" E	748.93'	377.75'
C3	03°35'18"	630.00'	39.45'	S 41°57'06" E	39.45'	19.73'



*Michael D. Martin* 05-17-11

EXHIBIT PLAT  
SHOWING CLOSING OF A PORTION OF  
**WHISKEY BOTTOM ROAD**  
6TH ELECTION DISTRICT

**DMW**  
DAFT MCCUNE WALKER INC  
200 EAST PENNSYLVANIA TOWSON, MD 21286  
P: 410 298 3333 F: 410 298 4705 WWW.DMW.COM  
A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,  
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew: Scale: 1"=100' Date: 05-17-2011  
Drawn by: R.C. Checked by: M.D.M. Job No.: 95054.46

MD ROUTE 216 RAMP

PARCEL E  
HOWARD COUNTY  
DEPARTMENT OF  
RECREATION AND PARKS  
DEED 7679 / 548  
PLAT NO. 15830  
9.348.401 AC.±

POINT OF  
BEGINNING

N 01°23'00" E  
81.91'

3283

3286

PARCEL I  
HOWARD COUNTY  
DEPARTMENT OF  
RECREATION AND PARKS  
DEED 7679 / 548  
PLAT NO. 15830  
0.632 AC.±

PORTION OF WHISKEY BOTTOM  
ROAD TO BE CLOSED  
(THIS SHEET) 50,666 SQ.FT.± / 1.163 AC.±  
(TOTAL) 81,589 SQ.FT.± / 1.873 AC.±

WHISKEY BOTTOM ROAD

S 76°12'53" E 642.12'

N 76°12'53" W 624.53'

EXISTING RIGHT-OF-WAY LINES AS  
SHOWN ON PLAT NO. 15829 & 15787

PARCEL H  
HOWARD COUNTY  
DEPARTMENT OF  
RECREATION AND PARKS  
DEED 7679 / 548  
PLAT NO. 15830  
3.956 AC.±

STATE OF MARYLAND  
SHA PLAT NO. 37384



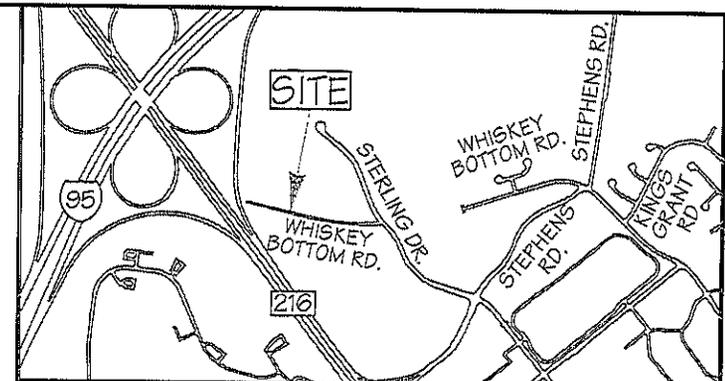
*Michael D. Martin* 6-7-11

6TH ELECTION DISTRICT

HOWARD COUNTY, MARYLAND

# EXHIBIT PLAT SHOWING CLOSING OF A PORTION OF WHISKEY BOTTOM ROAD

MARYLAND COORDINATE SYSTEM  
NAD 83(1991)



VICINITY MAP  
SCALE: 1"=2000'

PARCEL B  
EMERSON DEVELOPMENT V LLC  
DEED 11479 / 17  
PLAT NO. 15829  
6.401 AC.±

PARCEL M  
HOWARD COUNTY MD  
DEPARTMENT OF PUBLIC WORKS  
DEED 7562 / 171  
PLAT NO. 15787  
14.537 AC.±

MATCHLINE - SEE SHEET 1 OF 2  
S 13°47'07" W  
80.00'

3282

3279

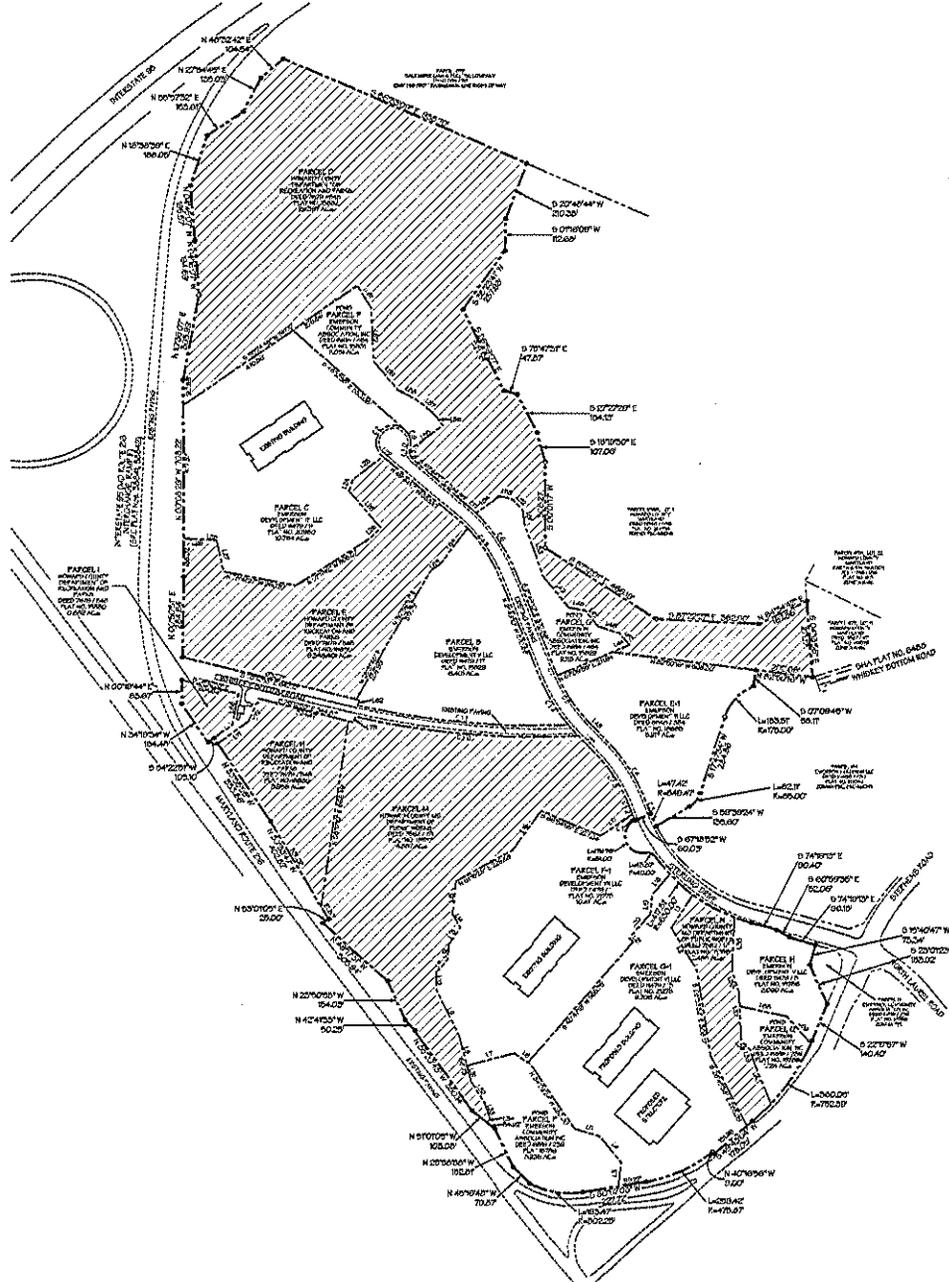
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Field Crew:	Scale: 1"=100'	Date: 05-17-2011
Drawn by: R.C.	Checked by: M.D.M.	Job No.: 95054.45



LINE TABLE

LINE NO.	BEARING	DISTANCE
1	N 00°00'00" E	21.00
2	S 89°59'59" W	76.00
3	N 00°00'00" E	52.00
4	S 89°59'59" W	143.00
5	N 00°00'00" E	28.00
6	S 89°59'59" W	103.00
7	N 00°00'00" E	14.00
8	S 89°59'59" W	47.00
9	N 00°00'00" E	7.00
10	S 89°59'59" W	23.50
11	N 00°00'00" E	3.50
12	S 89°59'59" W	13.50
13	N 00°00'00" E	1.75
14	S 89°59'59" W	6.75
15	N 00°00'00" E	0.875
16	S 89°59'59" W	3.375
17	N 00°00'00" E	0.4375
18	S 89°59'59" W	1.6875
19	N 00°00'00" E	0.21875
20	S 89°59'59" W	0.84375
21	N 00°00'00" E	0.109375
22	S 89°59'59" W	0.421875
23	N 00°00'00" E	0.0546875
24	S 89°59'59" W	0.2109375
25	N 00°00'00" E	0.02734375
26	S 89°59'59" W	0.10546875
27	N 00°00'00" E	0.013671875
28	S 89°59'59" W	0.052734375
29	N 00°00'00" E	0.0068359375
30	S 89°59'59" W	0.026296875
31	N 00°00'00" E	0.00341796875
32	S 89°59'59" W	0.0131484375
33	N 00°00'00" E	0.00170896875
34	S 89°59'59" W	0.00657421875
35	N 00°00'00" E	0.000854484375
36	S 89°59'59" W	0.003287109375
37	N 00°00'00" E	0.0004272421875
38	S 89°59'59" W	0.0016435546875
39	N 00°00'00" E	0.00021362109375
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59	N 00°00'00" E	0.000000206444309375
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62	S 89°59'59" W	0.00000040117864375
63	N 00°00'00" E	0.000000051547321875
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65	N 00°00'00" E	0.000000025773671875
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75	N 00°00'00" E	0.00000000125147321875
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77	N 00°00'00" E	0.000000002503941516875
78	S 89°59'59" W	0.00000001001577237109375
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83	N 00°00'00" E	0.000000002503941516875
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90	S 89°59'59" W	0.00000001001577237109375
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93	N 00°00'00" E	0.00000000125147321875
94	S 89°59'59" W	0.000000005007886084375
95	N 00°00'00" E	0.000000002503941516875
96	S 89°59'59" W	0.00000001001577237109375
97	N 00°00'00" E	0.000000005007886084375
98	S 89°59'59" W	0.00000002503941516875
99	N 00°00'00" E	0.00000000125147321875
100	S 89°59'59" W	0.000000005007886084375

CURVE TABLE

LINE NO.	BEARING	DISTANCE	CHORD BEARING	CHORD DISTANCE	ARC DISTANCE
1	N 00°00'00" E	21.00	N 00°00'00" E	21.00	21.00
2	S 89°59'59" W	76.00	S 89°59'59" W	76.00	76.00
3	N 00°00'00" E	52.00	N 00°00'00" E	52.00	52.00
4	S 89°59'59" W	143.00	S 89°59'59" W	143.00	143.00
5	N 00°00'00" E	28.00	N 00°00'00" E	28.00	28.00
6	S 89°59'59" W	103.00	S 89°59'59" W	103.00	103.00
7	N 00°00'00" E	14.00	N 00°00'00" E	14.00	14.00
8	S 89°59'59" W	47.00	S 89°59'59" W	47.00	47.00
9	N 00°00'00" E	7.00	N 00°00'00" E	7.00	7.00
10	S 89°59'59" W	23.50	S 89°59'59" W	23.50	23.50
11	N 00°00'00" E	3.50	N 00°00'00" E	3.50	3.50
12	S 89°59'59" W	13.50	S 89°59'59" W	13.50	13.50
13	N 00°00'00" E	1.75	N 00°00'00" E	1.75	1.75
14	S 89°59'59" W	6.75	S 89°59'59" W	6.75	6.75
15	N 00°00'00" E	0.875	N 00°00'00" E	0.875	0.875
16	S 89°59'59" W	3.375	S 89°59'59" W	3.375	3.375
17	N 00°00'00" E	0.4375	N 00°00'00" E	0.4375	0.4375
18	S 89°59'59" W	1.6875	S 89°59'59" W	1.6875	1.6875
19	N 00°00'00" E	0.21875	N 00°00'00" E	0.21875	0.21875
20	S 89°59'59" W	0.84375	S 89°59'59" W	0.84375	0.84375
21	N 00°00'00" E	0.109375	N 00°00'00" E	0.109375	0.109375
22	S 89°59'59" W	0.421875	S 89°59'59" W	0.421875	0.421875
23	N 00°00'00" E	0.0546875	N 00°00'00" E	0.0546875	0.0546875
24	S 89°59'59" W	0.2109375	S 89°59'59" W	0.2109375	0.2109375
25	N 00°00'00" E	0.02734375	N 00°00'00" E	0.02734375	0.02734375
26	S 89°59'59" W	0.10546875	S 89°59'59" W	0.10546875	0.10546875
27	N 00°00'00" E	0.013671875	N 00°00'00" E	0.013671875	0.013671875
28	S 89°59'59" W	0.052734375	S 89°59'59" W	0.052734375	0.052734375
29	N 00°00'00" E	0.0068359375	N 00°00'00" E	0.0068359375	0.0068359375
30	S 89°59'59" W	0.026296875	S 89°59'59" W	0.026296875	0.026296875
31	N 00°00'00" E	0.00341796875	N 00°00'00" E	0.00341796875	0.00341796875
32	S 89°59'59" W	0.0131484375	S 89°59'59" W	0.0131484375	0.0131484375
33	N 00°00'00" E	0.00170896875	N 00°00'00" E	0.00170896875	0.00170896875
34	S 89°59'59" W	0.00657421875	S 89°59'59" W	0.00657421875	0.00657421875
35	N 00°00'00" E	0.000854484375	N 00°00'00" E	0.000854484375	0.000854484375
36	S 89°59'59" W	0.003287109375	S 89°59'59" W	0.003287109375	0.003287109375
37	N 00°00'00" E	0.0004272421875	N 00°00'00" E	0.0004272421875	0.0004272421875
38	S 89°59'59" W	0.0016435546875	S 89°59'59" W	0.0016435546875	0.0016435546875
39	N 00°00'00" E	0.00021362109375	N 00°00'00" E	0.00021362109375	0.00021362109375
40	S 89°59'59" W	0.00082177734375	S 89°59'59" W	0.00082177734375	0.00082177734375
41	N 00°00'00" E	0.0001068359375	N 00°00'00" E	0.0001068359375	0.0001068359375
42	S 89°59'59" W	0.000410888671875	S 89°59'59" W	0.000410888671875	0.000410888671875
43	N 00°00'00" E	0.00005341796875	N 00°00'00" E	0.00005341796875	0.00005341796875
44	S 89°59'59" W	0.00020544434375	S 89°59'59" W	0.00020544434375	0.00020544434375
45	N 00°00'00" E	0.000026722171875	N 00°00'00" E	0.000026722171875	0.000026722171875
46	S 89°59'59" W	0.000102722171875	S 89°59'59" W	0.000102722171875	0.000102722171875
47	N 00°00'00" E	0.0000133610859375	N 00°00'00" E	0.0000133610859375	0.0000133610859375
48	S 89°59'59" W	0.00005128888671875	S 89°59'59" W	0.00005128888671875	0.00005128888671875
49	N 00°00'00" E	0.00000668354421875	N 00°00'00" E	0.00000668354421875	0.00000668354421875
50	S 89°59'59" W	0.00002571537109375	S 89°59'59" W	0.00002571537109375	0.00002571537109375
51	N 00°00'00" E	0.000003341770546875	N 00°00'00" E	0.000003341770546875	0.000003341770546875
52	S 89°59'59" W	0.0000130861484375	S 89°59'59" W	0.0000130861484375	0.0000130861484375
53	N 00°00'00" E	0.000001654463059375	N 00°00'00" E	0.000001654463059375	0.000001654463059375
54	S 89°59'59" W	0.000006417852234375	S 89°59'59" W	0.000006417852234375	0.000006417852234375
55	N 00°00'00" E	0.000000825941516875	N 00°00'00" E	0.000000825941516875	0.000000825941516875
56	S 89°59'59" W	0.00003207886084375	S 89°59'59" W	0.00003207886084375	0.00003207886084375
57	N 00°00'00" E	0.0000004129907578125	N 00°00'00" E	0.0000004129907578125	0.0000004129907578125
58	S 89°59'59" W	0.0000160315443046875	S 89°59'59" W	0.0000160315443046875	0.0000160315443046875
59	N 00°00'00" E	0.000000206444309375	N 00°00'00" E	0.000000206444309375	0.000000206444309375
60	S 89°59'59" W	0.00000801777237109375	S 89°59'59" W	0.00000801777237109375	0.00000801777237109375
61	N 00°00'00" E	0.0000001030946609375	N 00°00'00" E	0.0000001030946609375	0.0000001030946609375
62	S 89°59'59" W	0.0000040117864375	S 89°59'59" W	0.0000040117864375	0.0000040117864375
63	N 00°00'00" E	0.000000051547321875	N 00°00'00" E	0.000000051547321875	0.000000051547321875
64	S 89°59'59" W	0.0000020117864375	S 89°59'59" W	0.0000020117864375	0.0000020117864375
65	N 00°00'00" E	0.000000025773671875	N 00°00'00" E	0.000000025773671875	0.000000025773671875
66	S 89°59'59" W	0.000001004706875	S 89°59'59" W	0.000001004706875	0.000001004706875
67	N 00°00'00" E	0.00000001253854375	N 00°00'00" E	0.00000001253854375	0.00000001253854375
68	S 89°59'59" W	0.0000005015421875	S 89°59'59" W	0.0000005015421875	0.0000005015421875
69	N 00°00'00" E	0.0000000625941516875	N 00°00'00" E	0.0000000625941516875	0.0000000625941516875
70	S 89°59'59" W	0.000002507886084375	S 89°59'59" W	0.000002507886084375	0.000002507886084375
71	N 00°00'00" E	0.0000000125147321875	N 00°00'00" E	0.0000000125147321875	0.0000000125147321875
72	S 89°59'59" W	0.0000005007886084375	S 89°59'59" W	0.000000	