

County Council Of Howard County, Maryland

2011 Legislative Session

Legislative Day No. 8

Resolution No. 121 -2011

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 portions of a Water and Utility Easement and a Sewer and Utility easement, collectively comprising approximately 0.6669 acres, are no longer needed by Howard County, Maryland for public purposes; authorizing the County Executive to terminate the property interest, vesting title to the adjacent property owner, Trinity Homes at Cypress Springs, LLC; 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 abandon the easements if he finds that the easements may have a further public use and submits his finding to the County Council for its consideration.

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**, the County acquired a Water and Utility Easement, comprising
2 approximately 0.9664 acres, by that certain Deed dated April 14, 1994 conveyed to the County
3 by Myrtle M. Young and recorded among the Land Records of Howard County, Maryland in
4 Liber 3240, folio 481 and by that certain Deed dated June 6, 1994 conveyed to the County by
5 Marjorie C. Irby and recorded among the Land Records of Howard County, Maryland in Liber
6 3280, folio 391, (collectively the “Water and Utility Easement”), as shown on the attached
7 Exhibit A, sheets 1 and 2; and

8
9 **WHEREAS**, the County acquired a Sewer and Utility Easement, comprising
10 approximately 0.5471 acres, by that certain Deed dated June 5, 1995 conveyed to the County by
11 Marjorie C. Irby and recorded among the Land Records of Howard County, Maryland in Liber
12 3503, folio 578 (the “Sewer and Utility Easement”), as shown on the attached Exhibit A, sheets 1
13 and 2; and

14
15 **WHEREAS**, Trinity Homes at Cypress Springs, LLC (the “Developer”) has presented a
16 subdivision plat titled “Cypress Springs-Phase I, Lots 1-13, Open Space Lots 14-17, and Non-
17 Buildable Bulk Parcels A-D” to the Department of Planning and Zoning for the development of
18 the underlying property; and

19
20 **WHEREAS**, as part of the development, the Developer proposes to relocate a portion of
21 the the Water and Utility Easement, comprising approximately 0.3029 acres, and a portion of
22 the Sewer and Utility Easement, comprising approximately 0.3640 acres (collectively, the
23 “Easements”), as shown in the attached Exhibit A, sheets 1 and 2; and

24
25 **WHEREAS**, Section 4.201 “Disposition of real property” of the Howard County Code
26 authorizes the County Council to declare that property is no longer needed for public purposes
27 and authorizes the County Council to waive advertising and bidding requirements for an
28 individual conveyance of an easement interest upon the request of the County Executive and
29 after a public hearing that has been duly advertised; and

1 **WHEREAS**, the County Council has received a request from the County Executive to
2 waive the advertising and bidding requirements in this instance for the abandonment of the
3 Easements and their conveyance to the Developer.

4
5 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
6 Maryland, this ____ day of _____, 2011, that the Easements, as shown on the
7 attached Exhibit A, sheets 1 and 2, are no longer needed by the County for public purposes.

8
9 **AND BE IT FURTHER RESOLVED** that, having received a request from the County
10 Executive and having held a public hearing that was duly advertised, the County Council
11 declares that the best interest of the County will be served by authorizing the County Executive
12 to waive the usual advertising and bidding requirements of Section 4.201 of the Howard County
13 Code for the abandonment of the Easements and their conveyance to the Developer.

14
15 **AND BE IT FURTHER RESOLVED** that, if the County Executive finds that any or all
16 of the Easements may have a further public use and that the any or all of the Easements should
17 not be abandoned and conveyed, he may submit his findings and recommendations to the County
18 Council for its consideration without being bound to abandon and convey any or all of the
19 Easements in accordance with this Resolution.

CURVE TABLE

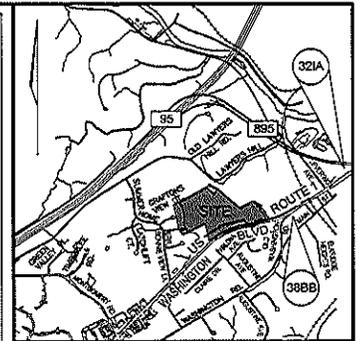
CURVE	CHORD BEARING	CHORD LENGTH	TANGENT DIST.	ARC BEARING	LENGTH
C1	S 64°36'16"W	822.89	457.81	S 89°35'56"E	106.00
C2	N 62°32'18"E	870.00	452.09	S 27°08'18"E	106.00

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 21°30'42"W	106.00'
L2	S 50°28'18"E	96.33'
L3	S 27°08'18"E	106.85'
L4	S 72°55'32"W	47.32'
L5	S 33°34'08"E	16.50'
L6	S 42°04'52"W	48.80'

COORDINATE LIST

BY	NORTHING	EASTING
3	564650.6018	1392088.5460
4	564760.1352	1391885.5656
12	563610.2896	1391228.1636
13	563590.7660	1391307.3524
22	563838.2164	1391816.8842
23	563440.8328	1391900.0846
24	563814.3586	1392700.6576
25	563891.0170	1393180.1157
26	563927.8162	1393152.8208
27	563941.5644	1393143.6971
28	563985.4542	1393188.9344
31	564111.6385	1393222.1826
32	564172.9271	1393347.6745
33	563810.0822	1393041.7532
36	563378.0743	1391928.0819
37	563748.4478	1392711.9931
38	564722.2711	1391860.9238
40	564691.4433	1391832.7222
41	564542.4785	1392001.3444
42	564608.7089	1392071.2665
63	564220.2144	1392588.0076
124	563772.0247	1391862.6739
134	563720.0406	1391210.3615
137	564288.9743	1391097.7457
140	563577.7029	1392822.5380
214	564706.4433	1391865.0150
282	564271.5434	1393086.7437

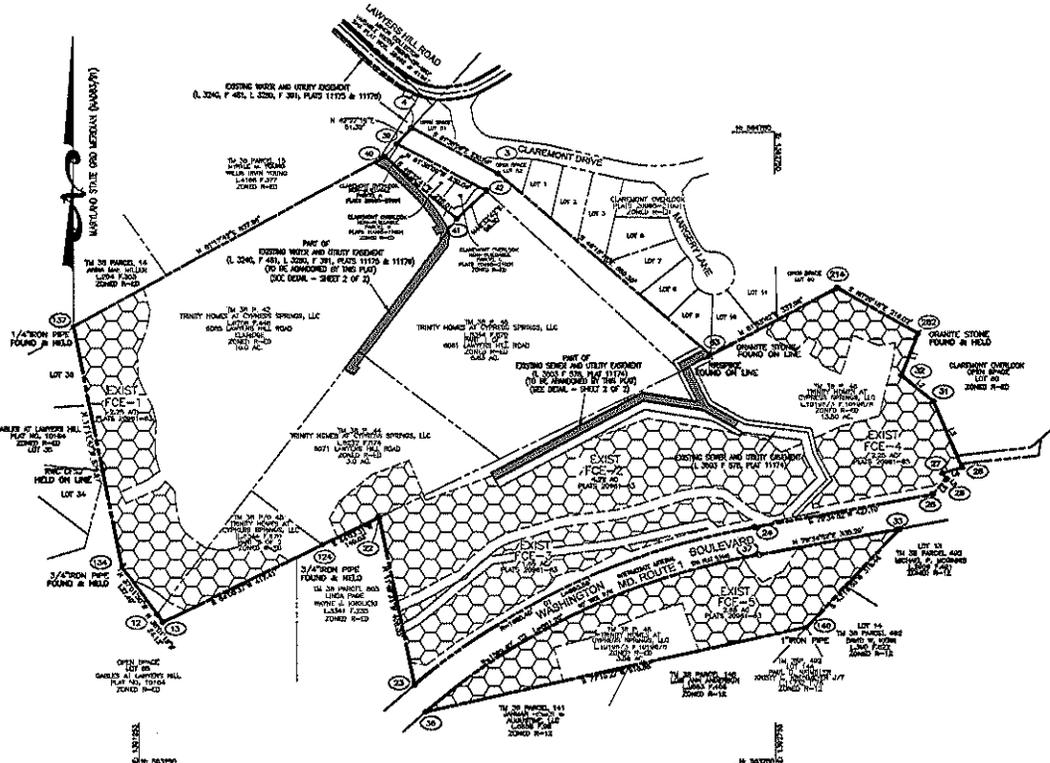


VICINITY MAP

SCALE: 1" = 200'
ADC MAP: 17 H-16

GENERAL NOTES:

- COORDINATES BASED ON NAD 83/91, MARYLAND COORDINATE SYSTEM AS PROJECTED BY HOWARD COUNTY, GEODETIC CONTROL STATION No. 321A AND 388B.
321A N 565,085.463 E 1,395,212.248 ELEV. 27.696'
388B N 564,007.846 E 1,393,649.875 ELEV. 27.696'
- THIS PLAT IS BASED ON A BOUNDARY SURVEY PREPARED BY ROBERT H. VOGEL ENGINEERING INC., DATED APRIL 2004.
- BR/ DENOTES BUILDING RESTRICTION LINE.
- R DENOTES REBAR WITH CAP SET.
- O DENOTES IRON PIPE OR IRON BAR FOUND.
- ∠ DENOTES ANGULAR CHANGE IN BEARING OF BOUNDARY OR RIGHT-OF-WAY.
- ◇ DENOTES STONE OR MONUMENT FOUND.
- AREAS SHOWN HEREON ARE MORE OR LESS.
- THE SUBJECT PROPERTY IS ZONED R-ED PER THE 10/18/1993 COMPREHENSIVE ZONING PLAN AND PER THE COMP LITE ZONING REGULATIONS EFFECTIVE ON 07/28/05.
- APPLICABLE DEPARTMENT OF PLANNING AND ZONING FILE NUMBERS: SP-05-08
- TO THE BEST OF THE OWNERS KNOWLEDGE, THERE ARE NO BURIAL/CEMETERY LOCATIONS ON SITE.
- THERE IS AN EXISTING DWELING/STRUCTURE LOCATED ON PARCEL 46 TO REMAIN.
- THIS SITE IS NOT LOCATED IN A HISTORIC DISTRICT, HOWEVER THE DWELLING ON PARCEL 46 IS THE OLD GRACE CHURCH RECTORY LISTED ON THE HISTORIC SITES INVENTORY AS HO-449.
- THE DEVELOPER RESERVES UNTO ITSELF, ITS SUCCESSORS AND ASSIGNS, ALL EASEMENTS SHOWN ON THIS PLAT FOR WATER, SEWER, STORM DRAINAGE, OTHER PUBLIC UTILITIES AND FOREST CONSERVATION LOCATED IN, ON, OVER AND THROUGH LOTS/PARCELS, ANY CONVEYANCES OF THE APFORESAID LOTS/PARCELS SHALL BE SUBJECT TO THE EASEMENTS HEREIN RESERVED, WHETHER OR NOT EXPRESSLY STATED IN THE DEED(S) CONVEYING SAID LOTS/PARCELS. DEVELOPER SHALL EXECUTE AND DELIVER DEEDS FOR THE EASEMENTS HEREIN RESERVED FOR HOWARD COUNTY WITH A METES AND BOUNDS DESCRIPTION OF THE FOREST CONSERVATION AREA. UPON COMPLETION OF THE PUBLIC UTILITIES AND THEIR ACCEPTANCE BY HOWARD COUNTY, AND IN THE CASE OF THE FOREST CONSERVATION EASEMENT(S), UPON COMPLETION OF THE DEVELOPER'S OBLIGATIONS UNDER THE FOREST CONSERVATION INSTALLATION AND MAINTENANCE AGREEMENT EXECUTED BY THE DEVELOPER AND THE COUNTY, AND THE RELEASE OF DEVELOPER'S SURETY POSTED WITH SAID AGREEMENT, THE COUNTY SHALL EXCEPT THE EASEMENTS AND RECORD THE DEED(S) OF EASEMENT IN THE LAND RECORDS OF HOWARD COUNTY.



LEGEND

- PART OF EXISTING WATER AND UTILITY EASEMENT (L 3240 F 481, L 3280 F 391, PLATS 11175 & 11176) (TO BE ABANDONED BY THIS PLAT)
- PART OF EXISTING SEWER AND UTILITY EASEMENT (L 3503 F 578, PLAT 11174) (TO BE ABANDONED BY THIS PLAT)
- EXISTING PUBLIC FOREST CONSERVATION EASEMENT (PLATS 20961-20963)

ROBERT H. VOGEL ENGINEERING, INC.
8407 MAIN STREET
ELLCOTT CITY, MARYLAND 21043
410-481-7666

OWNER/DEVELOPER
TRINITY HOMES AT CYPRESS SPRINGS, LLC
3675 PARK AVE., SUITE 301
ELLCOTT CITY, MARYLAND 21043-4511
410-480-0023

PURPOSE

THE PURPOSE OF THIS PLAT IS TO ABANDON 1) PART OF AN EXISTING WATER AND UTILITY EASEMENT (L 3240, F 481, L 3280 F 391) AND 2) PART OF AN EXISTING SEWER AND UTILITY EASEMENT (L 3503 F 578).

THE REQUIREMENTS OF §58-04 OF THE REAL PROPERTY ARTICLE, ANNOTATED CODE OF MARYLAND, 1986 REPLACEMENT VOLUME, (AS SUPPLEMENTED) AS FAR AS THEY RELATE TO THE MAKING OF THIS PLAT AND THE SETTING OF MARKERS HAVE BEEN COMPLIED WITH.

THOMAS M. HOFFMAN, JR. DATE
PROPERTY LINE SURVEYOR, MARYLAND REG. NO. 297

TRINITY HOMES AT CYPRESS SPRINGS, LLC DATE
BY TRINITY QUALITY HOMES, INC.

OWNER'S CERTIFICATE

TRINITY HOME AT CYPRESS SPRINGS, LLC, OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HEREBY ADOPTS THIS PLAN IN CONSIDERATION OF THE APPROVAL OF THIS PLAT OF EASEMENT ABANDONMENT BY THE DEPARTMENT OF PLANNING AND ZONING, TO ABANDON VARIOUS EASEMENTS.

TRINITY HOMES AT CYPRESS SPRINGS
TRINITY QUALITY HOMES INC., MEMBER
MICHAEL PFALZ, PRESIDENT

WITNESS

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE FINAL EASEMENT PLAT SHOWN HEREON IS CORRECT; THAT IT DEPICTS A FOREST CONSERVATION EASEMENT ON ALL OR A PORTION OF THE LAND CONVEYED BY WILLIAM M. CARLOS, JR. TO TRINITY HOMES AT CYPRESS SPRINGS, LLC BY A DEED DATED APRIL 2, 2004 AND RECORDED IN LIBER 8232 AT FOLIO 574 AND ALL THE LAND CONVEYED BY JAYCE E. ADOCCO, PERSONAL REPRESENTATIVE OF THE ESTATE OF MARGARET A. POLARD TO TRINITY HOMES AT CYPRESS SPRINGS, LLC BY A DEED DATED MAY 13, 2004 AND RECORDED IN LIBER 8344 AT FOLIO 670 AND ALL THE LAND CONVEYED BY IRONIC B. WILSON TO TRINITY HOMES AT CYPRESS SPRINGS, LLC BY A DEED DATED DECEMBER 13, 2005 AND RECORDED IN LIBER 9706 AT FOLIO 446 AND ALL THE LAND CONVEYED BY JAMES C. IRBY AND JANE IRBY ALLEN TO TRINITY HOMES AT CYPRESS SPRINGS, LLC BY TWO DEEDS DATED AUGUST 3, 2006 AND RECORDED IN LIBER 10196 AT FOLIO 003 AND IN LIBER 10196 AT FOLIO 009 AMONG OF THE LAND RECORDS OF HOWARD COUNTY, MARYLAND. ALL MONUMENTS ARE IN PLACE.

THOMAS M. HOFFMAN, JR. DATE
PROPERTY LINE SURVEYOR, MARYLAND REG. NO. 297



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

PLAT OF EASEMENT ABANDONMENT
TRINITY HOMES AT
CYPRESS SPRINGS, LLC
PROPERTIES
ZONED R-ED

TAX MAP No. 38, BLK: 3, PARCEL Nos. 42,44,45 & 46
FIRST ELECTION DISTRICT
HOWARD COUNTY, MARYLAND

SCALE : 1" = 200' JUNE 23, 2011
GRAPHIC SCALE
200' 0 200' 400' 600'

APPROVED: HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

DIRECTOR _____ DATE _____

COORDINATE LIST		
ROW#	NORTHING	EASTING
3	564652.6018	139798.4460
4	564760.1352	139189.5656
24	563034.3586	139200.0576
31	56411.5385	139322.1976
32	564172.9271	139304.8745
39	564792.2711	139186.9238
40	56481.4463	139163.7222
41	564842.4785	139201.3644
42	564602.7689	139307.2663
63	564203.2144	139298.0078
782	56471.5434	139308.7437
414	564379.4342	139286.1379

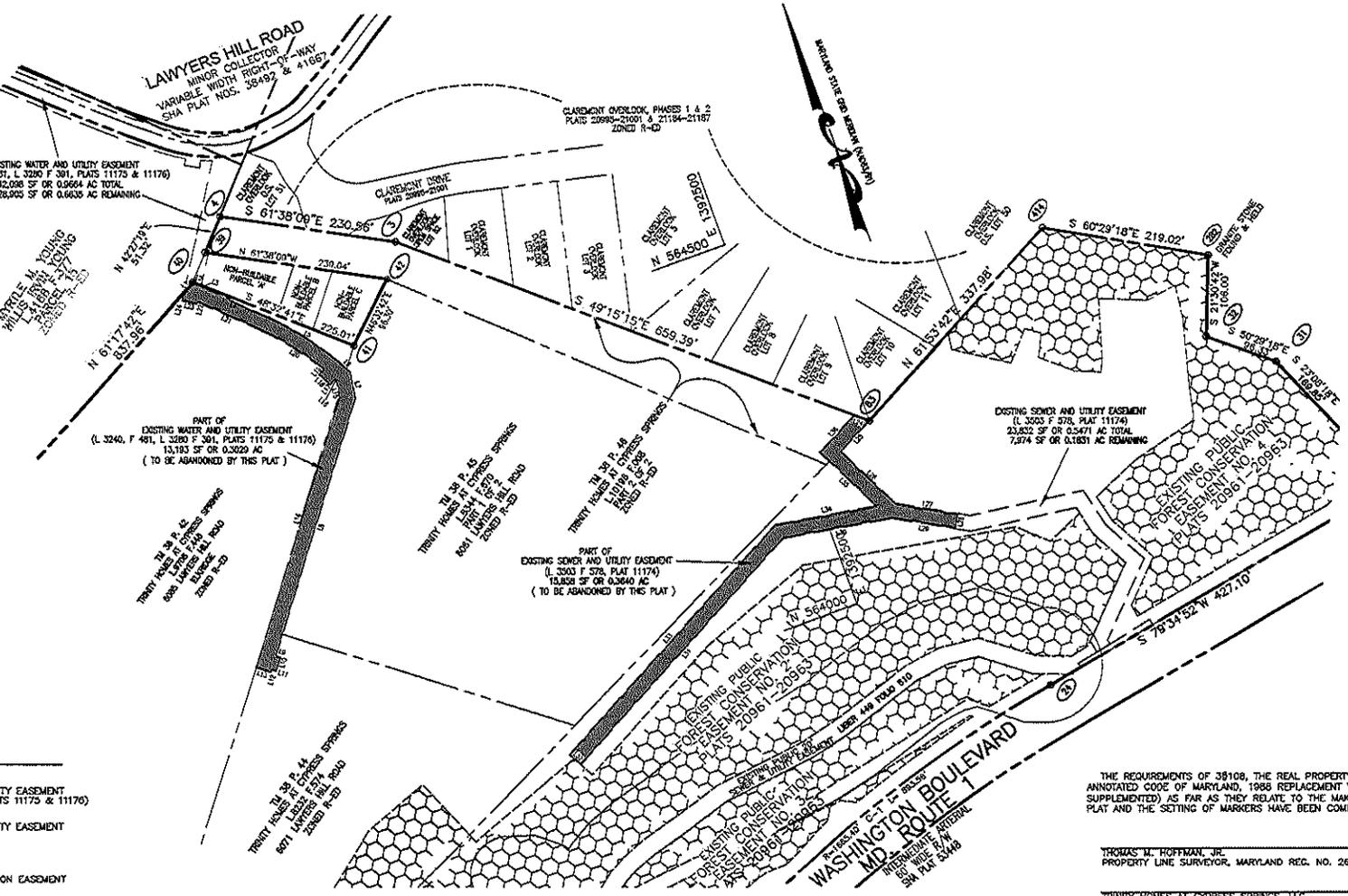
LINE TABLE		
EXISTING WATER AND UTILITY EASEMENT (L 3240 F 481, L 3280 F 391) (TO BE ABANDONED BY THIS PLAT)		
LINE	COURSE	
L1	N89°17'42"E	17.81
L2	S48°39'41"E	11.71
L3	S26°53'21"E	7.41
L4	S21°02'04"E	26.80
L5	R=410.00' L=107.47' CH=337.41721'E	107.18
L6	S38°33'10"W	29.47
L7	S7°15'17"W	35.29
L8	S7°15'17"W	35.29
L9	S10°00'00"W	20.00
L10	S10°00'00"W	20.00
L11	N19°09'06"W	6.09
L12	S17°11'17"W	35.50
L13	N17°11'17"E	35.50
L14	N17°11'17"E	35.50
L15	N89°10'11"E	21.50
L16	S12°23'23"W	10.00
L17	N12°23'23"E	10.00
L18	N12°23'23"E	20.00
L19	N12°23'23"E	20.00
L20	N12°23'23"E	20.00
L21	N12°23'23"E	20.00
L22	N12°23'23"E	20.00
L23	N12°23'23"E	20.00
L24	N12°23'23"E	20.00

LINE TABLE		
EXISTING SEWER AND UTILITY EASEMENT (L 3303 F 578) (TO BE ABANDONED BY THIS PLAT)		
LINE	COURSE	
L25	S49°15'15"E	21.42
L26	S55°23'18"E	16.29
L27	S59°00'00"E	20.00
L28	S59°00'00"E	20.00
L29	S59°00'00"E	20.00
L30	S59°00'00"E	20.00
L31	S59°00'00"E	20.00
L32	S59°00'00"E	20.00
L33	S59°00'00"E	20.00
L34	S59°00'00"E	20.00
L35	S59°00'00"E	20.00
L36	S59°00'00"E	20.00
L37	S59°00'00"E	20.00
L38	S59°00'00"E	20.00
L39	S59°00'00"E	20.00
L40	S59°00'00"E	20.00

LEGEND	
	PART OF EXISTING WATER AND UTILITY EASEMENT (L 3240 F 481, L 3280 F 391, PLATS 11175 & 11176) (TO BE ABANDONED BY THIS PLAT)
	PART OF EXISTING SEWER AND UTILITY EASEMENT (L 3303 F 578, PLAT 11174) (TO BE ABANDONED BY THIS PLAT)
	EXISTING PUBLIC FOREST CONSERVATION EASEMENT (PLATS 20961-20963)

ROBERT H. VOGEL ENGINEERING, INC.
 847 MAIN STREET
 ELICOTT CITY, MARYLAND 21043
 410-461-7666

OWNER/DEVELOPER
 TRINITY HOMES AT CYPRESS SPRINGS, LLC
 3675 PARK AVE., SUITE 301
 ELICOTT CITY, MARYLAND 21043-4511
 410-460-0023



DETAIL
 SCALE : 1" = 100'

THE REQUIREMENTS OF 38108, THE REAL PROPERTY ARTICLE, ANNOTATED CODE OF MARYLAND, 1986 REPLACEMENT VOLUME, (AS SUPPLEMENTED) AS FAR AS THEY RELATE TO THE MARKING OF THIS PLAT AND THE SETTING OF MARKERS HAVE BEEN COMPLIED WITH.

THOMAS M. HOFFMAN, JR. _____ DATE
 PROPERTY LINE SURVEYOR, MARYLAND REG. NO. 267

TRINITY HOMES AT CYPRESS SPRINGS, LLC _____ DATE

PURPOSE
 THE PURPOSE OF THIS PLAT IS TO ABANDON 1) PART OF AN EXISTING WATER AND UTILITY EASEMENT (L 3240, F 481, L 3280 F 391) AND 2) PART OF AN EXISTING SEWER AND UTILITY EASEMENT (L 3303 F 578).

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

PLAT OF EASEMENT ABANDONMENT
TRINITY HOMES AT CYPRESS SPRINGS, LLC
PROPERTIES

ZONED R-ED
 TAX MAP No. 38, BLK. 3, PARCEL Nos. 42,44,45 & 46
 FIRST ELECTION DISTRICT
 HOWARD COUNTY, MARYLAND

SCALE : 1" = 100' JUNE 23, 2011

GRAPHIC SCALE

SHEET 2 OF 2



OWNER'S CERTIFICATE

TRINITY HOMES AT CYPRESS SPRINGS, LLC, OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HEREBY ADOPTS THIS PLAN IN CONSIDERATION OF THE APPROVAL OF THIS PLAT OF EASEMENT ABANDONMENT BY THE DEPARTMENT OF PLANNING AND ZONING, TO ABANDON VARIOUS EASEMENTS.

TRINITY HOMES AT CYPRESS SPRINGS, LLC _____ WITNESS _____
 MICHAEL PENN, PRESIDENT

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE FINAL EASEMENT PLAT SHOWN HEREON IS CORRECT; THAT IT DEFINES A FOREST CONSERVATION EASEMENT ON ALL OR A PORTION OF THE LAND CONVEYED BY WILLIAM M. CARROLL, JR. TO TRINITY HOMES AT CYPRESS SPRINGS, LLC BY A DEED DATED APRIL 2, 2004 AND RECORDED IN LIBER 8032 AT FOLIO 374 AND ALL THE LAND CONVEYED BY JOYCE G. ADOCK, PERSONAL REPRESENTATIVE OF THE ESTATE OF MARGARET A. POLARD TO TRINITY HOMES AT CYPRESS SPRINGS, LLC BY A DEED DATED MAY 13, 2004 AND RECORDED IN LIBER 8344 AT FOLIO 670 AND ALL THE LAND CONVEYED BY IRVING S. WILSON TO TRINITY HOMES AT CYPRESS SPRINGS, LLC BY A DEED DATED DECEMBER 13, 2005 AND RECORDED IN LIBER 9706 AT FOLIO 448 AND ALL THE LAND CONVEYED BY JAMES C. IRBY AND JANE IRBY ALLEN TO TRINITY HOMES AT CYPRESS SPRINGS, LLC BY TWO DEEDS DATED AUGUST 13, 2008 AND RECORDED IN LIBER 10198 AT FOLIO 033 AND IN LIBER 10196 AT FOLIO 008 AMONG THE LAND RECORDS OF HOWARD COUNTY, MARYLAND. ALL MONUMENTS ARE IN PLACE.

THOMAS M. HOFFMAN, JR. _____ DATE
 PROPERTY LINE SURVEYOR, MARYLAND REG. NO. 267

APPROVED: HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

DIRECTOR _____ DATE _____