

# County Council Of Howard County, Maryland

2010 Legislative Session

Legislative Day No. 2

## Resolution No. 10 -2010

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

A RESOLUTION approving a public interest use for telecommunications antennas and associated ground equipment on land owned by James and Ruth Welling; 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 telecommunications antennas 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 \_\_\_\_\_, 2010.

By order \_\_\_\_\_  
Stephen LeGendre, Administrator

Read for a second time at a public hearing on \_\_\_\_\_, 2010.

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This Resolution was read the third time and was Adopted\_\_\_, Adopted with amendments\_\_\_, Failed\_\_\_, Withdrawn\_\_\_, by the County Council on \_\_\_\_\_, 2010.

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**, James and Ruth Welling executed a Deed of Easement dated June 27, 1984  
2 and recorded among the Land Records of Howard County, Maryland at Liber 1262, Folio 222,  
3 (the “Easement”) extinguishing the development rights on their property consisting of  
4 approximately 122 acres of land in Howard County located at 13550 Old Frederick Road,  
5 Sykesville (the “Property”) as shown on the maps attached as Exhibits A and B, respectively;  
6 and

7  
8           **WHEREAS**, the Easement restricts the use of the Property to agriculture and related uses  
9 as set forth in the Agricultural Land Preservation Act of the Howard County Code; and

10  
11           **WHEREAS**, Section 15.509(j)(1) of the pre-1993 revision of the Howard County Code  
12 allows the County to release from such an easement up to one acre of land for “public interest  
13 use” if the Howard County Agricultural Land Preservation Board recommends the release, the  
14 County Council finds that the proposed use is in the public interest, and the property owner pays  
15 the County for the release at the price per acre that the County paid to acquire the easement, with  
16 interest; and

17  
18           **WHEREAS**, the Owner has submitted a request to the Department of Planning and  
19 Zoning (“DPZ”) for approval of a public interest use on the Property, specifically the installation  
20 of six telecommunications antennas on an existing silo and accessory ground equipment on 1,750  
21 square feet of the Property as shown on the attached maps marked Exhibit C (the “Release  
22 Area”); and

23  
24           **WHEREAS**, DPZ reviewed the Owner’s request to release the Release Area from the  
25 Easement and recommended approval of the request to the Agricultural Land Preservation  
26 Board; and

27  
28           **WHEREAS**, the Agricultural Land Preservation Board reviewed the findings of DPZ  
29 and, after a public meeting on January 11, 2010, recommended that the Release Area be released  
30 from the Easement, as long as the telecommunications antennas and accessory ground equipment  
31 are required because the Release Area is required for a public interest use; and

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**WHEREAS**, because the Easement was purchased by the County, the Owner is required to repay the County the amount of approximately \$66.76 for the released acreage.

**NOW, THEREFORE, BE IT RESOLVED**, by the County Council of Howard County, Maryland this \_\_\_\_ day of \_\_\_\_\_, 2010, that for the reasons cited by the Department of Planning and Zoning and the Agricultural Land Preservation Board at its meeting on January 11, 2010, the County Council finds that the proposed use of 1,750 square feet of the Property for telecommunications antennas and accessory ground equipment is in the public interest and therefore approves the public interest use of 1,750 square feet of the Property, as shown on Exhibit C, owned by James and Ruth Welling, and the release of the 1,750 square feet, as shown in Exhibit C, from the Easement;

**AND BE IT FURTHER RESOLVED** by the County Council of Howard County, Maryland that it approves the request of James and Ruth Welling to amend the Deed of Easement dated June 27, 1984 and recorded among the Land Records of Howard County, Maryland at Liber 1262, Folio 222 to release the 1,750 square feet of the Property, as shown in Exhibit C, for telecommunications antennas and accessory ground equipment, there being payment due to the County in the amount of approximately \$66.76 because this was a purchased easement;

**AND BE IT FURTHER RESOLVED** by the County Council of Howard County, Maryland that if the telecommunications antennas and accessory ground equipment is no longer needed for a public interest use then the current owner of the Property shall amend the Deed of Easement dated June 27, 1984 and recorded among the Land Records of Howard County, Maryland at Liber 1262, Folio 222 to include the 1,750 square feet of the Property, as shown in Exhibit C, as part of the Property subject to the Easement.

-76°58'55"



39°19'45"

39°19'45"

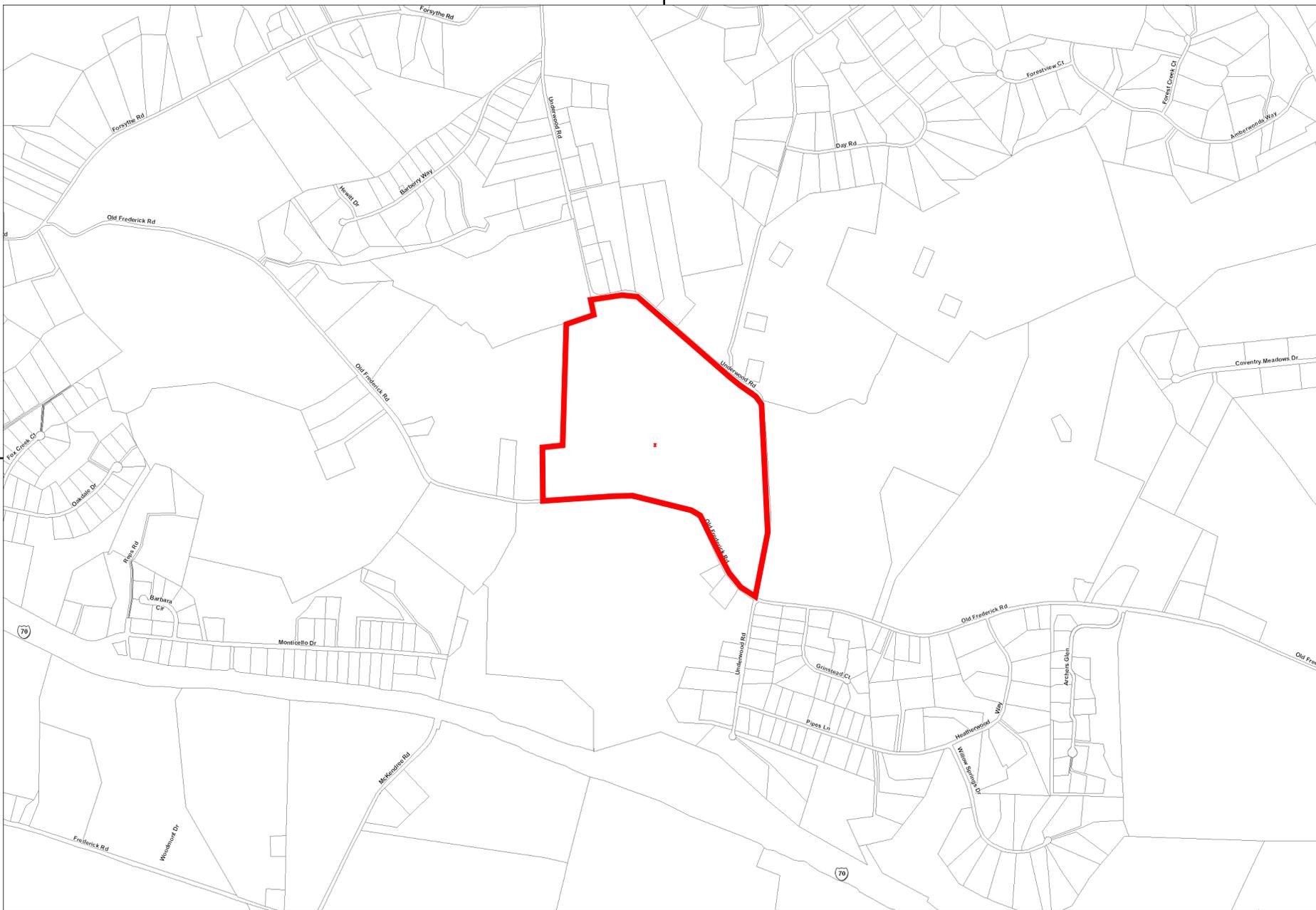
Disclaimer: Howard County, Maryland assumes no responsibility for the accuracy of this report or the information contained herein or derived therefrom. The user assumes all risks and liabilities whatsoever resulting from or arising out of the use of this information. There are no oral agreements or warranties relating to the use of this report.

-76°58'55"



By: Joy Levy  
Office: Resource Conservation Division  
Map Width: 1.33 mi.  
Print Date: 4/17/2009

-76°58'55"



39°19'44"

39°19'44"

-76°58'55"

Disclaimer: Howard County, Maryland assumes no responsibility for the accuracy of this report or the information contained herein or derived therefrom. The user assumes all risks and liabilities whatsoever resulting from or arising out of the use of this information. There are no oral agreements or warranties relating to the use of this report.



**Welling Property**  
Location

By: Joy Levy  
Office: Resource Conservation Division  
Map Width: 2.91 mi.  
Print Date: 12/18/2009

-76°58'59"



Proposed T-Mobile 20' x 25' Telecommunications Compound

1,750 sq. ft. area to be released

Proposed T-Mobile Improvements to Ex. 80' Steel Silo

39°19'48"

39°19'48"

-76°58'59"

Disclaimer: Howard County, Maryland assumes no responsibility for the accuracy of this report or the information contained herein or derived therefrom. The user assumes all risks and liabilities whatsoever resulting from or arising out of the use of this information. There are no oral agreements or warranties relating to the use of this report.



By: Joy Levy  
Office: Resource Conservation Division  
Map Width: 1,080.58 ft.  
Print Date: 12/22/2009