

County Council Of Howard County, Maryland

2010 Legislative Session

Legislative Day No. 7

Resolution No. 91 -2010

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

A RESOLUTION pursuant to Section 4.201 of the Howard County Code authorizing the County Executive to grant certain easements on approximately 0.6525 acres of property owned by the County located on Maryland Route 32 as shown on Tax Map 15, Parcel 25, Par A and located near Fox Chase Road to the Maryland State Highway Administration; 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 grant the easements if he finds that the land may have a further public use and submits his finding to the County Council for its consideration.

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**, Howard County is the owner of certain real property located on Maryland
2 Route 32 near Fox Chase Road as acquired by Deed dated August 9, 2002 and recorded among
3 the Land Records of Howard County, Maryland at liber 6872, folio 284, shown on Tax Map 15,
4 Parcel 25, Par A, (the “County Property”); and
5

6 **WHEREAS**, as part of the Maryland State Highway Administration’s (“SHA”) Contract
7 No. HO3895170, Nixon Farm Mitigation Site, road improvements are to be constructed by the
8 SHA; and
9

10 **WHEREAS**, in order to construct the road improvements, the SHA is requiring that the
11 following easements along Maryland Route 32 (collectively, the “Easements”), totaling
12 approximately 0.6525 acres, be granted to SHA:

- 13 1. 0.4336Acres for Perpetual Easement for Ingress and Egress; and
- 14 2. 0.2189 Acres for a Perpetual Easement for the Construction and Maintenance of a
15 Wetlands Mitigation Site; and
16

17 **WHEREAS**, the general vicinity of the Easements is adjacent to the Fox Chase Estates
18 as shown on the attached Exhibit A and a more detailed diagram of the Easements is attached as
19 Exhibit B; and
20

21 **WHEREAS**, the Department of Recreation and Parks has reviewed and approved the
22 proposed Easements; and
23

24 **WHEREAS**, Section 4.201 “Disposition of Real Property” of the Howard County Code
25 authorizes the County Council to declare that property is no longer needed for public purposes
26 and also authorizes the County Council to waive advertising and bidding requirements for an
27 individual conveyance of an easement upon the request of the County Executive; and
28

29 **WHEREAS**, the County Council has received a request from the County Executive to
30 waive the advertising and bidding requirements in this instance for the grant of the Easements to
31 the SHA.

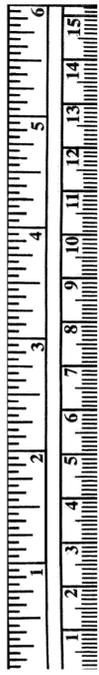
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NOW, THEREFORE, BE IT RESOLVED by the County Council of Howard County, Maryland, this ____ day of _____, 2010, that a public purpose is served by granting the following Easements, as shown in the attached Exhibit B, to the Maryland State Highway Administration:

1. 0.4336Acres for Perpetual Easement for Ingress and Egress; and
2. 0.2189 Acres for a Perpetual Easement for the Construction and Maintenance of a Wetlands Mitigation Site.

AND BE IT FURTHER RESOLVED that, having received a request from the County Executive and having held a public hearing, the County Council declares that the best interest of the County will be served by authorizing the County Executive to waive the usual advertising and bidding requirements of Section 4.201 of the Howard County Code for the conveyance of the Easements to the Maryland State Highway Administration.

AND BE IT FURTHER RESOLVED that, if the County Executive finds that the land to be subject to the Easements may have a further public use and that the Easements should not be granted, he may submit his findings and recommendations to the County Council for its consideration without being bound to grant the easements in accordance with this Resolution.



U.S. EQUIVALENT COORDINATE TABLE

POINT	NORTHING	EASTING
31	592,216.7418	1,323,875.2587
55	591,854.5232	1,324,767.7543
96	591,030.9542	1,324,693.7973
97	590,908.9923	1,324,563.8303
122	590,336.0362	1,323,879.8436
123	590,324.7009	1,323,889.6673
255	590,316.4571	1,323,857.2545
302	591,041.7568	1,324,664.7356
310	591,241.4172	1,324,508.7929
403	591,858.3633	1,324,741.2501
406	591,161.7961	1,324,488.5652
407	591,110.9221	1,324,515.8525
408	591,074.5623	1,324,559.8665
409	591,058.9236	1,324,600.5760

METRIC EQUIVALENT COORDINATE TABLE

POINT	NORTHING	EASTING
31	180,508.0293	403,517.9859
55	180,397.6195	403,790.0191
96	180,146.5952	403,767.4770
97	180,109.4211	403,727.8629
122	179,934.7837	403,519.3834
123	179,931.3287	403,522.3776
255	179,928.8160	403,512.4982
302	180,149.8878	403,758.6189
310	180,210.7444	403,711.0875
403	180,398.7899	403,781.9406
406	180,186.4758	403,704.9221
407	180,170.9694	403,713.2393
408	180,159.8869	403,726.6548
409	180,155.1202	403,739.0631

MINIMUM LOT SIZE CHART

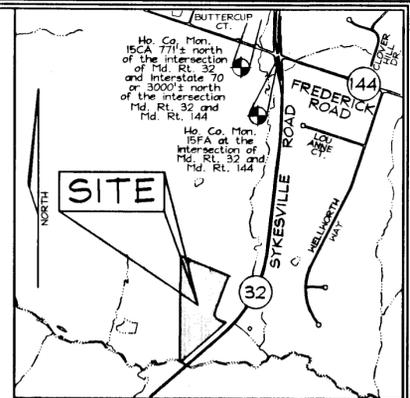
LOT NUMBER	GROSS AREA (sf)	PIPESTEM AREA (sf)	MINIMUM LOT SIZE
6	43,259.700±	694.584±	42,565.116±
7	52,807.670±	1,131.664±	51,676.006±
8	50,746.171±	568.712±	50,177.460±

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	608.32	138.57	13°03'04"	N47°28'28" W	138.27
C2	648.32	147.68	13°03'04"	N47°28'28" W	147.36
C3	70.00	54.98	45°00'00"	N76°30'00" W	53.58
C4	110.00	86.39	45°00'00"	N76°30'00" W	84.19
C5	110.00	86.39	45°00'00"	S76°30'00" E	84.19
C6	70.00	54.98	45°00'00"	S76°30'00" E	53.58
C7	170.00	207.69	70°00'00"	S19°00'00" E	196.02
C8	130.00	158.82	70°00'00"	S19°00'00" E	149.13
C9	980.00	79.46	4°38'45"	N71°40'38" W	79.44
C10	1020.00	82.71	4°38'45"	N71°40'38" W	82.68

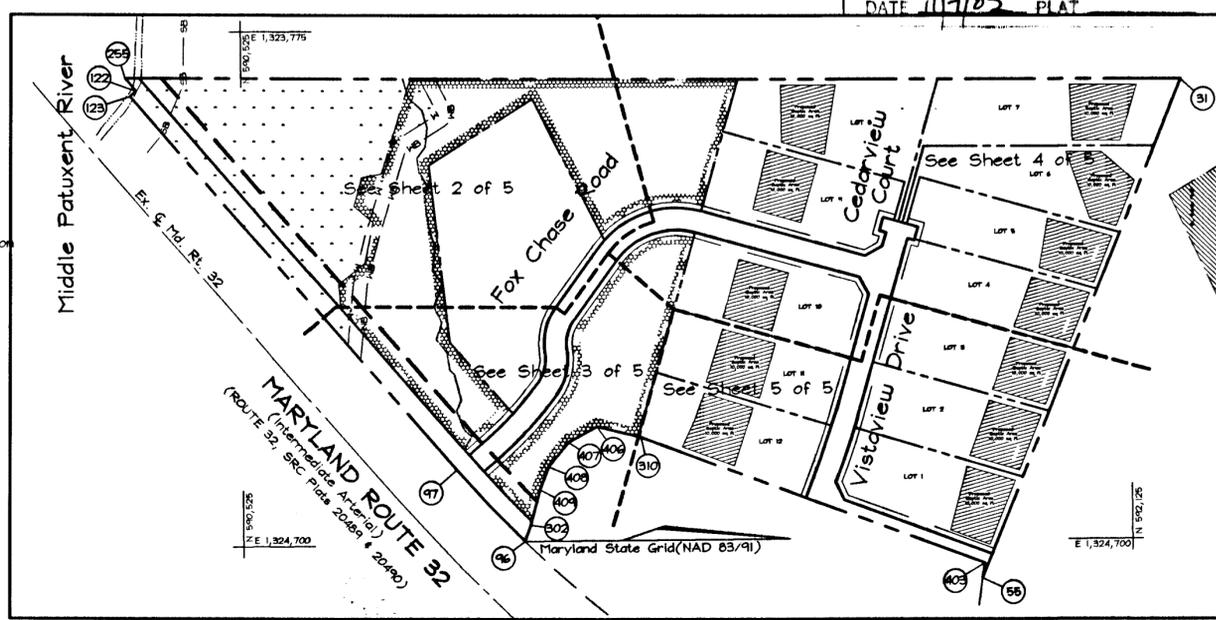
Reservation Of Public Utility And Forest Coservation Easements

*Developer reserves unto itself, its successors and assigns, all easements shown on this plan for water, sewer, storm drainage, other public utilities and forest conservation (designated as "Forest Conservation Area") located in, on, over, and through lots 1-12 and Pres. Parc. A, B & C, any conveyances of the aforesaid lots shall be subject to easements herein reserved, whether or not expressly stated in deed(s) conveying said lot(s). Developer shall execute and deliver deeds for easements herein reserved to Howard County, with a Metes and Bounds Description of 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 obligation under the Forest Conservation Installation and Maintenance Agreement executed by Developer and the county, and the release of Developer's surety posted with said agreement, the county shall accept the easements and record the deed(s) of easement in the land records of Howard County.



STATE DEPT. OF ASSESSMENTS & TAXATION
 HOWARD COUNTY
 Songi, Chastain, Ash
 RECEIVED
 DATE 11/7/02 PLAT

- General Notes continued...
- Denotes Wetland Area outline.
 - Denotes existing Stream.
 - Denotes Wetland Buffer outline.
 - Denotes Stream Buffer outline.
 - Denotes iron pipe found.
 - Denotes rebar and cap set.
 - Denotes concrete monument found.
 - Denotes concrete monument set.
 - There are no burial grounds on-site.
 - Landscaping is provided in accordance with Section 16.124 of the Howard County Subdivision Regulations and the Landscape Manual.
 - Articles of Incorporation for the Homeowners Association were accepted by the State Department of Assessment and Taxation on March 4, 2002, Incorporation number D06687511.
 - Environmental Non-Buildable Preservation Parcels 'A' and 'C' are owned and maintained by Howard County Department of Recreation and Parks with the easement holder being H.O.A. Parcel 'A' is 6.115 acres and Parcel 'C' is 1.585 acres.
 - Non-Buildable Preservation Parcel 'B' is H.O.A. owned and maintained with the easement holder being Howard County. The area of Parcel 'B' is 2.426 acres ±.
 - Using the Cluster Exchange Option described in Section 106 of the Zoning Regulations, the development rights of 7 of the 12 residential lots included on this subdivision plat have been transferred from: "Plat of Easement-Clements Property" Tax Map #6, Grid #2, Parcel #106 Howard County File # F-02-48



GENERAL NOTES

- Subject property zoned RC-DEO per 10/18/93 Comprehensive Zoning Plan.
- Coordinates based on NAD '83, Maryland Coordinate System as projected by Howard County Geodetic Control Stations no. 15CA and no. 15FA. Denotes approximate location (see vicinity map).
 Sta. 15CA N 182,533.6973 E 404,139.3307 El.: 157.3223 (meters)
 N 598,862.638 E 1,325,913.787 El.: 516.148 (feet)
 Sta. 15FA N 181,632.8032 E 404,052.1342 El.: 148.4227 (meters)
 N 595,906.955 E 1,325,627.710 El.: 486.950 (feet)
- This area designates a private sewerage easement of at least 10,000 square feet (or 10,000 square feet per lot for shared drain fields associated with a shared sewage disposal facility) as required by the Maryland State Department of the Environment for individual sewage disposal (COMAR 26.04.03). Improvements of any nature in this area are restricted until public sewage is available. These easements shall become null and void upon connection to a public sewage system. The County Health Officer shall have the authority to grant variances FOR ADJUSTMENTS to the private sewage easement. Recordation of a modified sewage easement shall not be necessary.
- This plat is based on a field run Monumented Boundary Survey performed on or about December 27, 2000 By C.B. Miller and Associates, Inc. All lot areas are more or less (+/-).
- For flag or pipestem lots, refuse collection, snow removal and road maintenance are provided to the junction of the flag or pipestem and road right-of-way line and not to the pipestem lot driveway.
- Driveway(s) shall be provided prior to issuance of a use and occupancy permit to ensure safe access for fire and emergency vehicles per the following requirements:
 A) Width - 12 feet (14 feet serving more than one residence);
 B) Surface - six (6") inches of compacted crusher run base with tar and chip coating (1-1/2" Minimum);
 C) Geometry - Maximum 15% grade, Maximum 10% grade change and 45-foot turning radius;
 D) Structures (culverts/bridges) - capable of supporting 25 gross tons (H25-loading);
 E) Drainage elements - capable of safely passing 100 year flood with no more than 1 foot depth over surface;
 F) Structure clearances - minimum 12 Feet;
 G) Maintenance - sufficient to ensure all weather use
- Distances shown are based on surface measurement and not reduced to NAD '83 grid measurement. Distances shown are more or less.
- No clearing, grading or construction is permitted within wetland or stream system buffers unless approved by the Department Of Planning And Zoning.
- The Floodplain Study for this project is based on FEMA Map No. 2400440015B, dated December 04, 1986.
- Open space tabulation:
 A. Open space required: 24.645Ac. x 5% = 1.24Ac.
 B. Open space provided: 2.426Ac. (Non-Buildable Preservation Parcel 'B' will be owned and maintained by the HOA and will contain the SWM Facility. This Non-Buildable Preservation Parcel will satisfy the open space requirements).
 The Forest Conservation Easement has been established to fulfill the requirements of Section 16.1200 of the Howard County Code and Forest Conservation Act. No clearing, grading or construction is permitted within the Forest Conservation Easement; however, Forest Management Practices as defined in the Deed of Forest Conservation Easements are allowed.
- Denotes Public Forest Conservation Easement. The Forest Conservation Easement has been established to fulfill the requirements of Section 16.1200 of the Howard County Code and Forest Conservation Act.
- Forest Conservation obligations are fulfilled by Afforestation of 5.21acres± on-site and 0.52 acres± to be planted off-site in Friendship Woods preservation parcel 'A'.
- Denotes Wetland Areas. Wetland areas delineated by Exploration Research Inc. and approved under S-01-02 dated September 20, 2000.

DENSITY EXCHANGE TABLE

Receiving Parcel Information	Fox Chase Estates Tax Map 15, Grid 23 Parcel 25
Total Area of Subdivision	24.645acres±
Allowed Density Units	24.645Ac./ld.u./4.25acres= 5d.u.
Maximum Density Units	24.645Ac./ld.u./2.0acres= 12d.u.
Proposed Density Units	12
Number of CEO Units required	7
Sending Parcel Information	7 CEO units from: Plat of Easement Clements Property Tax Map 6, Grid 2 Parcel 106

AREA TABULATION CHART

- Total number of Buildable Lots to be recorded: 12
- Total area of Buildable Lots to be recorded: 12.122Acres±
- Total number of Non-Buildable Preservation Parcels to be recorded: 3
- Total area of Non-Buildable Preservation Parcels to be recorded: 10.126Acres±
- Total area of road widening to be recorded: 0.840Acres±
- Total area of road dedication to be recorded: 1.557Acres±
- Total area of subdivision to be recorded: 24.645Acres±

The Requirements § 3-106, 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.

C.B. Miller
 C.B. Miller (Maryland Property Line Surveyor #135) 7/23/02 Date
 Robert R. Corbett, Vice President 7/23/02 Date

OWNER/DEVELOPER
 Williamsburg Group L.L.C.
 P.O. Box 1018
 Columbia, Maryland 21044

FSH Associates
 Engineers Planners Surveyors
 8318 Forrest Street Elliott City, MD 21043
 Tel: 410-750-2251 Fax: 410-750-7350
 E-mail: FSHAssociates@cs.com

APPROVED: For Private Water and Private Sewerage Systems
 Howard County Health Department

Richard D. Bink 8-23-02 Date
 Howard County Health Officer

APPROVED: Howard County Department of Planning and Zoning

Chad Dammann 8/20/02 Date
 Chief, Development Engineering Division

Robert R. Corbett 10/31/02 Date
 Director

OWNER'S CERTIFICATE

We, Williamsburg Group L.L.C. owners of the property shown and described hereon, hereby adopt this plan of subdivision, and in consideration of the approval of this final plat by the Department of Planning and Zoning, establish the minimum building restriction lines and grant 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 road 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 and Floodplains and Open Space where applicable and for good and other valuable consideration hereby grant 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 erected on or over said Easements and Rights-of-Way.

Witness my hand this 23rd day of July, 2002

Robert R. Corbett
 Robert R. Corbett, Vice President

Charlotta Y. Fitch
 Witness

SURVEYOR'S CERTIFICATE

I hereby certify that the final plat shown hereon is correct; that it is a subdivision of all of the lands conveyed. By Donald L. & Karen B. Campbell to Williamsburg Group L.L.C. by deed dated Dec. 19, 2001 and recorded in the land records of Howard County in liber 5942 folio 60, and that all monuments are in place or will be in place prior to the acceptance of the streets in the subdivision by Howard County as shown, in accordance with the Annotated Code of Maryland, as amended.

C.B. Miller
 C.B. Miller (Maryland Property Line Surveyor #135) 7/23/02 Date

Recorded as Plat No. _____ on _____
 Among the Land Records of Howard County, Maryland.

SUBDIVISION PLAT OF

FOX CHASE ESTATES

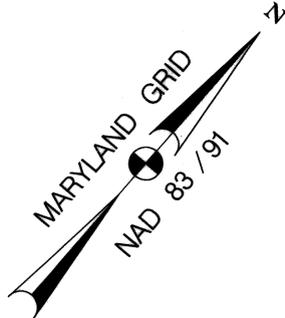
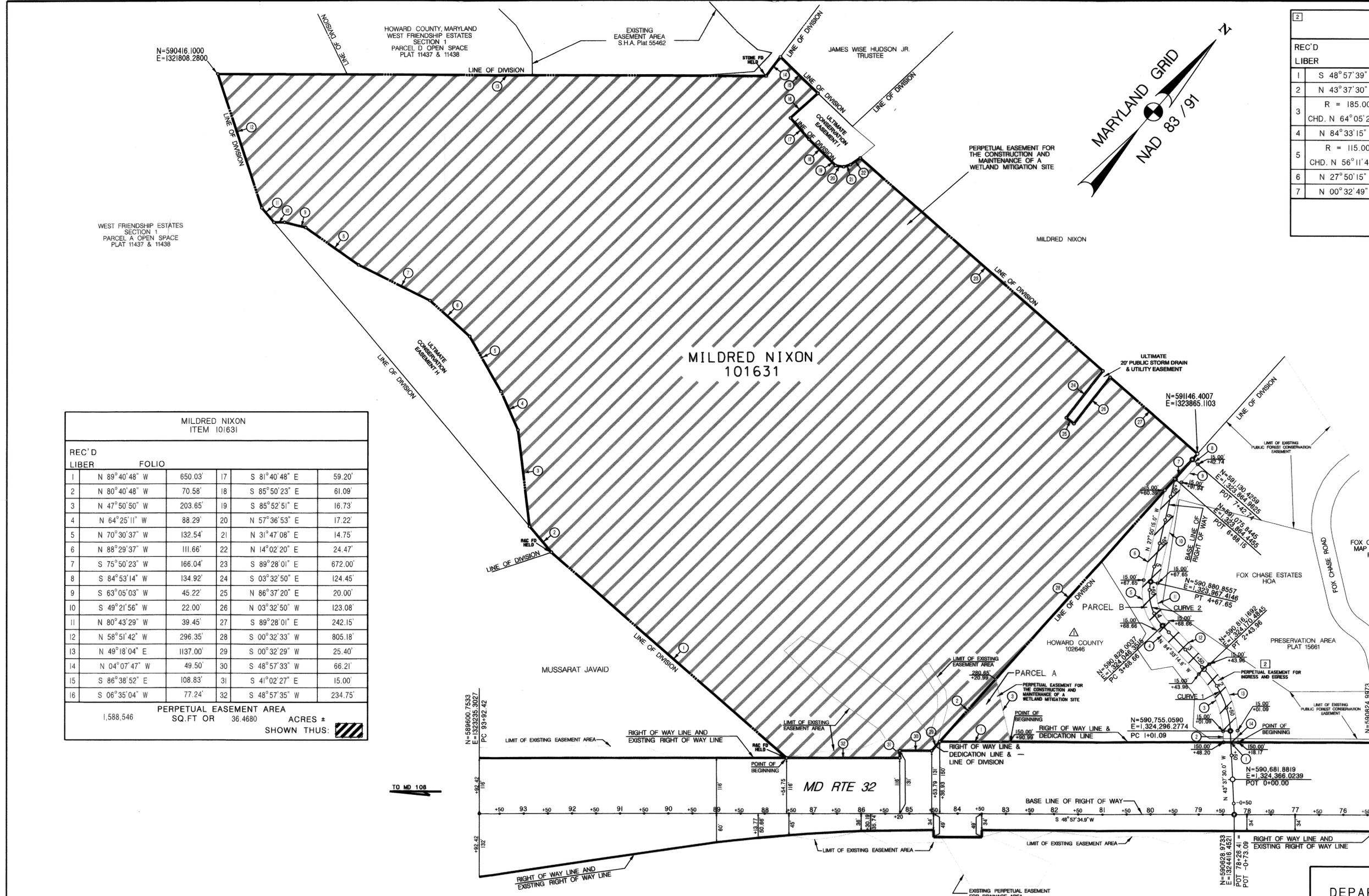
LOTS 1 THRU 12 AND NON-BUILDABLE PRESERVATION PARCELS 'A' 'B' AND 'C'

A SUBDIVISION OF PARCEL 25
 TAX MAP 15 GRID 23
 3RD ELECTION DISTRICT
 HOWARD COUNTY, MARYLAND
 Scale: 1"=50'
 Date: July 23, 2002
 Sheet 1 of 5
 P-01-19; S-01-02

HOWARD COUNTY ITEM 102646 PARCEL B					
REC'D LIBER		FOLIO			
1	S 48°57'39" W	30.03'	8	S 89°27'27" E	14.99'
2	N 43°37'30" W	23.35'	9	S 00°32'33" W	50.79'
R = 185.00'		L=132.15'	10	S 27°50'15" E	216.71'
CHD. N 64°05'22" W		129.36'	R = 85.00'		L=84.14'
3	N 84°33'15" W	124.70'	CHD. S 56°11'45" E		80.75'
R = 115.00'		L=113.84'	12	S 84°33'15" E	124.70'
CHD. N 56°11'45" W		109.25'	R = 215.00'		L=153.58'
4	N 27°50'15" W	192.74'	CHD. S 64°05'22" E		150.34'
5	N 00°32'49" E	86.14'	14	S 43°37'30" E	24.70'
PERPETUAL EASEMENT AREA 18,886 SQ. FT. OR 0.4336 ACRES± SHOWN THUS:					

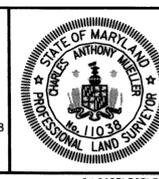
HOWARD COUNTY ITEM 102646 PARCEL A			
REC'D LIBER		FOLIO	
1	S 48°57'35" W	145.95'	
2	N 00°32'33" E	174.69'	
3	S 53°58'11" E	134.07'	
PERPETUAL EASEMENT AREA 9,535 SQ. FT OR 0.2189 ACRES± SHOWN THUS:			

MILDRED NIXON ITEM 101631					
REC'D LIBER		FOLIO			
1	N 89°40'48" W	650.03'	17	S 81°40'48" E	59.20'
2	N 80°40'48" W	70.58'	18	S 85°50'23" E	61.09'
3	N 47°50'50" W	203.65'	19	S 85°52'51" E	16.73'
4	N 64°25'11" W	88.29'	20	N 57°36'53" E	17.22'
5	N 70°30'37" W	132.54'	21	N 31°47'08" E	14.75'
6	N 88°29'37" W	111.66'	22	N 14°02'20" E	24.47'
7	S 75°50'23" W	166.04'	23	S 89°28'01" E	672.00'
8	S 84°53'14" W	134.92'	24	S 03°32'50" E	124.45'
9	S 63°05'03" W	45.22'	25	N 86°37'20" E	20.00'
10	S 49°21'56" W	22.00'	26	N 03°32'50" W	123.08'
11	N 80°43'29" W	39.45'	27	S 89°28'01" E	242.15'
12	N 58°51'42" W	296.35'	28	S 00°32'33" W	805.18'
13	N 49°18'04" E	1137.00'	29	S 00°32'29" W	25.40'
14	N 04°07'47" W	49.50'	30	S 48°57'33" W	66.21'
15	S 86°38'52" E	108.83'	31	S 41°02'27" E	15.00'
16	S 06°35'04" W	77.24'	32	S 48°57'35" W	234.75'
PERPETUAL EASEMENT AREA 1,588,546 SQ. FT OR 36.4680 ACRES± SHOWN THUS:					



CURVE DATA	
CURVE 1	CURVE 2
Δ= 40°55'44.6"	Δ= 56°42'59.6"
D= 28°38'52.4"	D= 57°17'44.8"
R= 200.00'	R= 100.00'
T= 74.64'	T= 53.98'
L= 142.87'	L= 98.99'
E= 13.47'	E= 13.64'

THE RIGHT OF WAY LINES AND LINES OF DIVISION SHOWN HEREON ARE AN INTERPRETATION OF INFORMATION SUPPORTING DEEDS OF RECORD, FIELD SURVEYS PERFORMED UNDER MY SUPERVISION AND STATE HIGHWAY ADMINISTRATION PLATS. THIS PLAT WAS DEVELOPED TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND JUDGMENT.
CHARLES A. MUELLER, JR.
PROFESSIONAL LAND SURVEYOR MD. REG. NO 11038
DATE 9-03-09



LEGEND
 REVERSIBLE EASEMENT FOR SUPPORTING SLOPES AND DRAINAGE DITCHES AS INDICATED BY NOTATION ON PLAT.
 REVERSIBLE EASEMENT OR RIGHT FOR SPECIAL PURPOSE AS INDICATED BY NOTATION ON PLAT.
 PERPETUAL EASEMENT FOR SPECIAL PURPOSE AS INDICATED ON THIS PLAT.
 PERPETUAL EASEMENT FOR DRAINAGE FACILITY AS INDICATED BY NOTATION ON THIS PLAT.
 PERPETUAL EASEMENT TO DISCHARGE FLOW OF WATER FROM OR INTO EXISTING WATERWAY OR NATURAL DRAINAGE COURSE.
 PERPETUAL EASEMENT TO DISCHARGE FLOW OF WATER UPON EXISTING GROUND.
 APPROXIMATE GENERAL DRAINAGE FLOW PATTERN (NOT TO SCALE-FOR EXPLANATORY PURPOSE ONLY)

SENT TO RECORD OFFICE December 2 20 09
 APPROVED BY CHAIRMAN December 2 20 09

BOOKS	REVISIONS	PART OF PLATS
20334 Cadd 24883 GPS 10198 10589 11663 21213 11860	7-07-2009 9-03-2009	20488 20489 20490 20491 55482 55490

LOCATED IN HOWARD COUNTY
 PREPARED BY A.B. CONSULTANTS
 JEG PLAT ENGINEER
 CONSTRUCTION PROJECT: Nixon Farm Mitigation Site
 CONSTRUCTION PROJECT NO: HO3895170

STATE OF MARYLAND
 DEPARTMENT OF TRANSPORTATION
 STATE HIGHWAY ADMINISTRATION
 STATE ROADS COMMISSION
 RIGHT OF WAY PROJECT: Nixon Farm Mitigation Site
 RIGHT OF WAY PROJECT NO: HO389A31
 FEDERAL AID PROJECT NO:
 ISSUED MAY 15 20 09 SCALE 1" = 100'
 CHIEF, PLATS AND SURVEYS DIVISION
 PLAT No. 56630