

County Council Of Howard County, Maryland

2008 Legislative Session

Legislative Day No. 14

Resolution No. 139-2008

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 a water and sewer easement owned by Howard County, Maryland and located across property known as Parcel 211, Lot 143 on Tax Map 43 within the paper street known as Piedmont Drive in the Sixth Election District of Howard County, Maryland is no longer needed by the County for public purposes; authorizing the County Executive to terminate the easement interest, vesting title to the fee simple owner, JLN Development, 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 terminate the easement if he finds that it may have a further public use and submits his finding to the County Council for its consideration.

Introduced and read first time _____, 2008.

By order _____
Sheila M. Tolliver, Administrator

Read for a second time at a public hearing on _____, 2008.

By order _____
Sheila M. Tolliver, Administrator

This Resolution was read the third time and was Adopted___, Adopted with amendments___, Failed___, Withdrawn___, by the County Council on _____, 2009.

Certified By _____
Sheila M. Tolliver, Administrator

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL 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 40' Right-Of-Way for a sewer and a water main and
2 appurtenances from Vivian S. Simpson by Deed and Agreement dated January 14, 1978 and
3 recorded among the land records of Howard County in Liber 868, Folio 450 (the "Easement"),
4 the Easement being more particularly described on the plats attached to said Deed and
5 Agreement ; and
6

7 **WHEREAS**, JLN Development, LLC, a Maryland limited liability company, is the
8 current owner of the property where the Easement is located; and
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10 **WHEREAS**, JLN Development, LLC has determined that the location of the Easement
11 will interfere with the development of the property and has requested that the County terminate
12 the Easement as shown in Exhibit "A" attached hereto and made a part hereof; and
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14 **WHEREAS**, the County has reviewed the request by JLN Development, LLC for the
15 abandonment and the termination of the Easement, and, since no utilities were ever constructed
16 within the Easement, has determined that the termination of the Easement will not interfere with
17 the existing service in the area and the Easement is no longer required for public purposes; and
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19 **WHEREAS**, Section 4.201, "Disposition of real property", of the Howard County Code
20 authorizes the County Council to declare that property is no longer needed for public purposes
21 and also authorizes the County Council to waive advertising and bidding requirements for an
22 individual conveyance of an easement upon the request of the County Executive and after a
23 public hearing that has been duly advertised; and
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25 **WHEREAS**, the County Council has received a request from the County Executive to
26 waive the advertising and bidding requirements in this instance for an individual conveyance of
27 the Easement to JLN Development, LLC.
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29 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
30 Maryland, this ____ day of _____, 2009, that the Easement shown in Exhibit
31 "A" is no longer needed by the County for public purposes; and

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BE IT FURTHER RESOLVED that, having received a request from the County Executive and having held a public hearing that was duly advertised, 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 termination of the Easement and to deliver to JLN Development, LLC the documents necessary to evidence and complete said termination; and

BE IT FURTHER RESOLVED that if the County Executive finds that the Easement may have a further public use and should not be terminated, he may submit his findings and recommendations to the County Council for its consideration without being bound to terminate the Easement in accordance with this resolution.

