

County Council of Howard County, Maryland

2026 Legislative Session

Legislative Day No. 1

Resolution No. 22 -2026

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

Short Title: Private Road Easement and Use in Common Easement Termination - College Avenue, Ellicott City, Maryland

Title: A RESOLUTION pursuant to Section 4.201 of the Howard County Code declaring that a private road easement and use in common easement serving County property located on College Avenue in Ellicott City 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 terminate and quitclaim the County's interest, if any, in and to a private road easement and a use in common access easement to the owners of the adjacent properties: Ingrid Wilson and Michael Joseph Coffey; Patricia Driscoll and John Eric Morris; and Diane E. Caruso, the Personal Representative of the Estate of Patricia E. Sadler; and providing that the County Executive is not bound to quitclaim the private road easement and the use in common access easement if he finds that the private road easement and use in common easement may have a further public use.

Introduced and read first time _____, 2026.

By order _____
Michelle Harrod, Administrator

Read for a second time at a public hearing on _____, 2026.

By order _____
Michelle Harrod, Administrator

This Resolution was read the third time and was Adopted __, Adopted with amendments __, Failed __, Withdrawn __, by the County Council on _____, 2026.

Certified By _____
Michelle Harrod, 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**, Howard County, Maryland (the “County”), acquired Open Space Lot 21 in
2 the Autumn Overlook subdivision, located at 3961 College Avenue, by Deed dated December
3 22, 2014, and recorded among the Land Records of Howard County (the “Land Records”) in
4 Liber 15958, folio 178 (the “County Parcel”); and

5

6 **WHEREAS**, the County Parcel was historically accessible by way of a 10-foot Private
7 Road Easement (the “Private Easement”) across properties located at 3879, 3899, and 3919
8 College Avenue and shown on the plat entitled “Cotter Property, Lot 1 and Lot 2” attached as
9 Exhibit A recorded among the Land Records as Plat No. 13151 (the “Plat”); and

10

11 **WHEREAS**, the County Parcel also benefited from a “25’ Use In Common Access
12 Easement for Lots 1, 2 and the Spahn Property” shown on the Plat (the “Use In Common
13 Easement”); and

14

15 **WHEREAS**, the Private Easement and the Use In Common Easement provided access to
16 the County Parcel, formerly known as the Spahn Property; and

17

18 **WHEREAS**, Ingrid Wilson and Michael Joseph Coffey; Patricia Driscoll and John Eric
19 Morris; and Diane E. Caruso, the Personal Representative of the Estate of Patricia E. Sadler
20 (collectively the “Adjacent Property Owners”) are the fee simple owners of the adjacent
21 properties; and

22

23 **WHEREAS**, the Department of Recreation and Parks and the Department of Public
24 Works have reviewed and approved the proposed quitclaim of the Private Easement and the Use
25 In Common Easement for no consideration and had determined that the County no longer
26 requires the Private Easement or the Use In Common Easement for access to the County Parcel
27 or existing County sewer facilities because access is available directly from College Avenue;
28 and

29

30 **WHEREAS**, Section 4.201 “Disposition of real property” of the Howard County Code
31 authorizes the County Council to declare that property is no longer needed for public purposes and

1 also authorizes the County Council to waive advertising and bidding requirements for an individual
2 conveyance of real property upon the request of the County Executive; and

3

4 **WHEREAS**, the County Council has received a request from the County Executive to
5 waive the advertising and bidding requirements in this instance for the conveyance in the form of
6 a quitclaim deed to the Adjacent Property Owners of the 10-foot Private Road Easement and the
7 Use In Common Easement.

8

9 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
10 Maryland, this ____ day of _____, 2026, that the following easements are no longer
11 needed by the County for public purposes and may be conveyed by quitclaim deed to the adjacent
12 property owners, Ingrid Wilson and Michael Joseph Coffey; Patricia Driscoll and John Eric
13 Morris; and Diane E. Caruso, the Personal Representative of the Estate of Patricia E. Sadler:

14 (1) The 10' Private Road Easement shown on the Plat; and
15 (2) The 25' Use In Common Access Easement for Lots 1, 2 and the Spahn Property shown on
16 the Plat.

17

18 **AND BE IT FURTHER RESOLVED** that, having received a request from the County
19 Executive and having held a public hearing, the County Council declares that the best interest of
20 the County will be served by authorizing the County Executive to waive the usual advertising and
21 bidding requirements of Section 4.201 of the Howard County Code for the conveyance of the
22 Private Easement and Use In Common Access Easement by quitclaim deed.

23

24 **BE IT FURTHER RESOLVED** that if the County Executive finds that the easements
25 should not be terminated, he is not bound to terminate the County's easement interests in
26 accordance with this Resolution.

Exhibit A

U.S. EQUIVALENT COORDINATE TABLE		
NO.	NORTH	EAST
1	582059.581	1370005.089
2	582055.771	1370208.023
3	582114.128	1370216.085
4	582046.464	1370518.467
5	582100.395	1370546.514
6	581945.943	1370821.061
7	581580.874	1370472.891
8	581608.340	1370443.810
9	581535.661	1370374.967
10	581508.251	1370403.950
11	581435.937	1370334.755
12	581514.160	1370185.303
13	581482.019	1370180.965
14	581543.280	1370190.512
15	581588.359	1370185.185
16	581624.024	1370163.819
17	581620.203	1370067.097
18	581641.803	1370062.921
19	581706.728	1370031.796
20	581758.974	1369981.113
21	581798.940	1369956.590
22	581846.226	1369952.190
23	581908.445	1369962.138
24	581958.142	1369975.571
25	582012.297	1370000.122
26	582013.742	1369984.308
27	582058.761	1370048.781
28	581958.561	1370009.045
29	581912.459	1369993.553
30	581866.835	1369984.056
31	581828.755	1369980.348
32	581797.270	1369990.306
33	581759.003	1370022.483
34	581722.956	1370056.009
35	581676.305	1370083.123
36	581621.329	1370095.606

LINE TABLE		
COORD. NO.	BEARING	DISTANCE
12 TO 13	N03°42'42"W	67.00'
13 TO 14	N08°51'28"E	62.00'
14 TO 15	N06°44'22"W	45.39'
15 TO 16	N30°55'34"W	41.58'
16 TO 17	S87°44'16"W	96.80'
17 TO 18	N10°56'28"W	22.00'
18 TO 19	N25°36'48"W	72.00'
19 TO 20	N44°48'W	72.79'
20 TO 21	N31°31'58"W	46.89'
21 TO 22	N05°18'58"W	47.49'
22 TO 23	N09°05'02"E	63.01'
23 TO 24	N15°07'32"E	51.48'
24 TO 25	N24°23'12"E	59.46'
25 TO 26	N84°46'48"W	15.88'
26 TO 1	N24°23'12"E	50.33'

WETLAND CHART		
LINE	BEARING	DISTANCE
W1	S44°46'23"W	79.39'
W2	S32°37'05"W	106.39'
W3	S32°25'24"W	93.81'
W4	S19°41'34"W	49.60'
W5	S05°41'31"W	59.06'
W6	S18°46'33"W	130.70'
W7	S18°57'53"W	179.00'
W8	N18°57'53"E	189.14'
W9	N18°46'33"E	128.41'
W10	N05°41'31"E	59.23'
W11	N19°41'34"W	54.29'
W12	N32°25'24"E	96.04'
W13	N32°37'05"E	107.76'
W14	N40°46'23"E	70.11'

582300

1370500

LAND DEDICATED TO HOWARD COUNTY,
MARYLAND FOR THE PURPOSE OF A
PUBLIC ROAD 0.34 ACRES ±

COLLEGE AVENUE
(SCENIC ROUTE)
MINOR COLLECTOR

NOTE: COORDINATES BASED ON NAD' 83,
MARYLAND COORDINATE SYSTEM AS PROJECTED
BY HOWARD COUNTY GEODETIC CONTROL
STATIONS NO.25R1 AND 25R2

PLANS FOR PUBLIC WATER AND PUBLIC SEWER HAVE
BEEN APPROVED BY THE DEPARTMENT OF ENVIRONMENT
AND THESE FACILITIES WILL BE AVAILABLE TO ALL LOTS
OFFERED FOR SALE

SIGNED BY: *Christopher R. Cotter* DATE 3-30-98
OWNER

AREA TABULATIONS (TOTAL)

TOTAL NUMBER OF BUILDABLE LOTS TO BE RECORDED : 2
TOTAL AREA OF BUILDABLE LOTS TO BE RECORDED : 7.74 ACRES
TOTAL AREA OF ROAD RIGHT OF WAY TO BE RECORDED : 0.34 ACRES
TOTAL AREA OF OPEN SPACE TO BE RECORDED : 0.0 ACRES
TOTAL AREA OF SUBDIVISION : 8.08 ACRES

THE REQUIREMENTS S-3-108, THE REAL PROPERTY ARTICLE, ANNOTATED
CODE OF THE 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

SURVEYOR:
John C. Mellem DATE 3-25-98
JOHN C. MELLEMA, SR.

OWNER:
Christopher R. Cotter DATE 3-30-98 *Janet H. Cotter* DATE 3-30-98
CHRISTOPHER R. COTTER JANET H. COTTER

APPROVED : FOR PUBLIC WATER AND PUBLIC SEWERAGE SYSTEMS HOWARD COUNTY
HEALTH DEPARTMENT.

Jane M. Boyd, M.D. (ca) DATE 4-22-98
HOWARD COUNTY HEALTH OFFICER *JK*

APPROVED : HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING.

John D. Brumley DATE 4/20/98
CHIEF, DEVELOPMENT ENGINEERING DIVISION *MK*

Judge R. Rector DATE 4/27/98
DIRECTOR *JK*

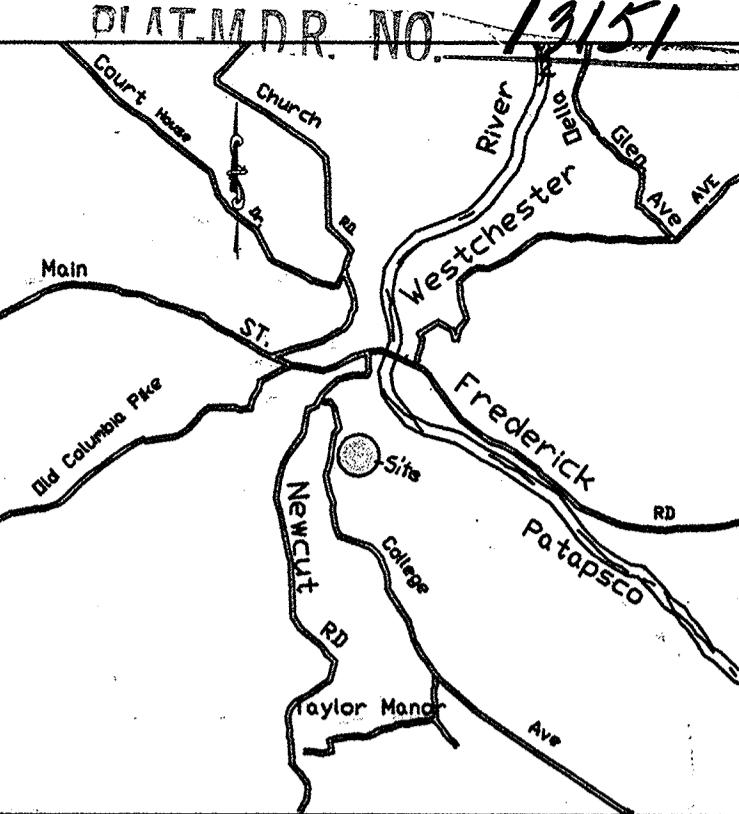
OWNER'S STATEMENT

WE, CHRISTOPHER R. COTTER AND JANET H. COTTER, OWNERS OF THE SAID 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 ROADS AND STREET RIGHTS-OF-WAY AND THE SPECIFIC EASEMENT AREAS SHOWN HEREON; 2) THE RIGHT TO REQUIRE DEDICATION FOR PUBLIC USE THE BEDS OF STREETS AND/OR ROADS AND FLOODPLAINS AND OPEN SPACE WHERE APPLICABLE AND FOR THE GOOD AND VALUABLE CONSIDERATION, HEREBY GRANT THE RIGHT AND OPTION TO HOWARD COUNTY TO ACQUIRE THE FEES 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 THE SAID EASEMENTS RIGHT-OF-WAY.

WITNESS MY/OUR HANDS THIS 30TH DAY OF MARCA, 1998

Christopher R. Cotter DATE 3-30-98 *Janet H. Cotter* DATE 3-30-98 *John D. Brumley* DATE 4/20/98
WITNESS WITNESS WITNESS

LINE TABLE		
COORD. NO.	BEARING	DISTANCE
1 TO 27	S88°55'28"E	43.70'
27 TO 28	S21°37'54"W	107.79'
28 TO 29	S18°34'29"W	48.64'
29 TO 30	S11°45'31"W	46.60'
30 TO 31	S05°33'45"W	38.26'
31 TO 32	S17°33'07"E	33.02'
32 TO 33	S40°03'30"E	50.00'
33 TO 34	S42°55'32"E	49.23'
34 TO 35	S30°09'55"E	53.96'
35 TO 36	S12°47'33"E	56.37'
36 TO 17	S87°44'16"W	28.53'



VICINITY MAP
SCALE : 1" = 1200'

GENERAL NOTES:

1. THERE ARE EXISTING DWELLINGS ON LOT 1 & 2. NO NEW CONSTRUCTION OR ADDITIONS TO EXISTING STRUCTURES WILL BE BUILT AT A DISTANCE LESS THAN ALLOWED BY THE APPLICABLE ZONING AND SUBDIVISION REGULATIONS.
2. THE LOTS SHOWN HEREON COMPLY WITH THE MINIMUM OWNERSHIP WIDTH AND LOT AREA AS REQUIRED BY THE MARYLAND STATE DEPARTMENT OF ENVIRONMENT.
3. SUBJECT PROPERTY ZONED "R-ED" PER 10-18-93 COMPREHENSIVE ZONING PLAN.
4. COORDINATES BASED ON NAD 83, MARYLAND COORDINATE SYSTEM AS PROJECTED BY HOWARD COUNTY GEODETIC CONTROL STATIONS NO. 25R1 AND 25R2.
5. THIS PLAT IS BASED ON FIELD RUN MONUMENTED BOUNDARY SURVEY PERFORMED ON OR ABOUT JULY 17, 1997 BY JOHN C. MELLEMA, INC.
6. B.R.L. DENOTES BUILDING RESTRICTION LINE.
7. □ DENOTES CONCRETE MONUMENT OR STONE FOUND.
8. ALL AREAS ARE MORE OR LESS (±).
9. ALL DISTANCES SHOWN ARE BASED ON SURFACE MEASUREMENT AND NOT REDUCED TO NAD '83 GRID MEASUREMENT.
10. THIS PROPERTY IS EXEMPT FROM STORM WATER MANAGEMENT.
11. THE 25 FOOT WETLANDS BUFFER IS CONTAINED WITHIN THE 75 FOOT STREAM BUFFER.
12. THE PURPOSE OF THIS PLAT IS TO SEPARATE THE EXISTING DWELLINGS ON LOT 1 & 2.
13. THIS PROPERTY SERVED BY PUBLIC WATER AND SEWER.
14. THIS SUBDIVISION PLAT IS EXEMPT FROM THE FOREST CONSERVATION PLAN REQUIREMENTS WITH THE FILING OF A DECLARATION OF INTENT FOR REAL ESTATE TRANSACTION.
15. THERE ARE EXISTING WETLANDS, STREAM AND STREAM BUFFERS ON THIS SITE. NO CLEARING, GRADING OR CONSTRUCTION IS PERMITTED WITHIN THE REQUIRED WETLANDS AND STREAM BUFFERS.
16. THIS SUBDIVISION PLAT IS EXEMPT FROM THE LANDSCAPING REQUIREMENTS SINCE NO NEW DWELLINGS ARE PROPOSED. THIS SUBDIVISION PLAN IS FOR REAL ESTATE TRANSACTIONS ONLY.
17. PUBLIC WATER AND/OR SEWER ALLOCATIONS FOR THIS DEVELOPMENT IS SUBJECT TO SECTION 18.1228 OF THE HOWARD COUNTY CODE. ALLOCATION WILL BE MADE AT THE TIME OF FINAL PLAT APPROVAL, IF CAPACITY IS AVAILABLE AT THAT TIME.
18. WETLAND SURVEY BY: MELLEMA ENVIRONMENTAL SERVICES
19. DRIVEWAYS/ROADWAYS SERVING TWO (2) OR MORE LOTS ARE REQUIRED TO MEET THE FOLLOWING SPECIFICATIONS FOR FIRE AND EMERGENCY SERVICE VEHICLES ACCESS:
 - A) 10'-0" -RESIDENTIAL DRIVEWAY SIXTEEN (16) FEET.
 - B) CONSTRUCTION - SIX (6) INCHES OF COMPACTED "CRUSHER RUN" BASE WITH A "TAR AND CHIP" COATING
 - C) TURNING RADIUS- FORTY FIVE (45) FEET
 - D) BRIDGES AND CULVERTS- DESIGNED TO SUPPORT VEHICLES WITH A GROSS VEHICLE WEIGHT OF TWENTY FIVE (25) TONS
 - C) TURNING RADIUS- FORTY FIVE (45) FEET
 - D) MAINTENANCE- DRIVEWAYS MUST BE MAINTAINED FOR ALL WEATHER USE
- E) GRADE- THE MAXIMUM ALLOWABLE GRADE SHALL BE 15 PERCENT, WITH THE DURABLE AND SUSTAINED GRADE OF 8 PERCENT. THE TRANSITION FROM THE ROAD TO THE DRIVEWAY SHALL NOT EXCEED 8 PERCENT
- F) HOUSE NUMBERING- WHERE ONE (1) DRIVEWAY SERVES MORE THAN ONE (1) LOT (COMMON DRIVEWAYS), A HOUSE NUMBER SIGN MUST BE PLACED AT EACH LOT ENTRANCE AND A RANGE OF STREET ADDRESS HOUSE NUMBER SIGN WHERE THE COMMON DRIVEWAY INTERSECTS WITH THE MAIN ROAD
20. A USE IN COMMON DRIVEWAY ACCESS EASEMENT AND DECLARATION OF MAINTENANCE OBLIGATION AGREEMENT FOR LOTS 1, 2 AND THE SPAHN PROPERTY MUST BE FILED IN THE LAND RECORDS OF HOWARD COUNTY, MARYLAND IMMEDIATELY AFTER RECORDATION OF THIS PLAT
21. THIS PROPERTY IS LOCATED IN THE ELLICOTT CITY HISTORIC DISTRICT, THEREFORE ANY CHANGES TO THE EXTERNAL APPEARANCE OF THE PROPERTY, INCLUDING NEW DRIVEWAYS, TREE CLEARING ETC, REQUIRE APPROVAL FROM THE HISTORIC DISTRICT COMMISSION
22. ANY FUTURE DEVELOPMENT OF THIS PROPERTY WILL REQUIRE STORM WATER MANAGEMENT
23. POOL DECKING IS AT GROUND LEVEL AND THEREFORE MAY BE WITHIN 7.5' B.R.L.

STATE DEPT. OF ASSESSMENTS & TAXATION
HOWARD COUNTY
Dannie Best-Dree
RECEIVED BY:
DATE: 4/27/98 PLAT

FILED APR 27 1998

