



Memo

To: Dennis Matthey, CA Board of Directors
From: Real Estate Services
Date: November 12, 2020
RE: Public Easements Found on Recorded Plats

The Howard County easement process has evolved over time into a two step process: First, easement boundaries are located on the record plat (what would commonly be referred to as the drawings). Then, a deed of easement must be recorded (the written details associated with easement terms and conditions). Many of the early Howard County utility easements for water, sewer and storm water features that were recorded on the record plat stopped short of the formal deed of easement recordation process. Procedures and policies have changed and current Howard County processing requires both locating the easement on the plat as well as a recorded deed of easement. Consequently, there are many instances where Howard County will not recognize easements until the deed of easement recordation is completed.

The location of utility easements on the records plats generally infer maintenance responsibilities. However, Howard County will not assume maintenance responsibilities until a deed of easement has been recorded. Recording the deeds of easements is an administrative step for utility easements which include detailed maintenance responsibilities that should be assigned to Howard County.

In cases where there are insufficient deeds for easements - which are oftentimes associated with storm water features-, Howard County will submit a work order to CA to repair the public infrastructure. When these instances arise, it is in CA's best interest to "formally" grant a deed of easement to Howard County in order to move maintenance responsibilities for public infrastructure features from CA to Howard County.

Since CA has already accepted the easement reservation on the recorded plat, CA staff would like the CA BOD to approve a resolution allowing the CA Open Space Real Estate Services Department to process deeds of easements for Howard County utility easements shown on previously recorded plats without having to present the request to the BOD. The resolution would provide for approval of the deed of easement subject to the review and approval of CA's Real Estate Services staff and CA's legal department, as well as a signature approval by CA's Vice President and CFO.

RESOLUTION AUTHORIZING EASEMENT

The Columbia Association (“CA”) Board of Directors (the “Board”) has considered whether to grant an easement, subject to staff final review, to Howard County, Maryland relating to easements shown on previously recorded plats located on CA owned property, (the “Easement”). The Board makes the following findings with respect to the Easement:

1. The execution and performance of the Easement is taken exclusively for the promotion of the social welfare of the people of Columbia;
2. The Easement is expected to produce civic betterments or social improvements consisting of improved public facilities and public access; and
3. The Easement produces benefits for the people of Columbia that are necessary incidents to the accomplishment of CA’s purpose to promote the social welfare of the people of Columbia.

Having made these findings, the Board hereby authorizes the execution of the Easement on behalf of CA.

BE IT SO RESOLVED

_____, 2020