



MONTGOMERY COUNTY DEPARTMENT OF PARKS
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Agenda Item No. _____
Agenda Date: December 7, 2006

November 22, 2006

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Mary Bradford, Director of Parks
Michael F. Riley, Chief, Park Development Division

FROM: William E. Gries, Land Acquisition Specialist

SUBJECT: Resolution Authorizing the Sale of Approximately 87.01 acres of Advance Land Acquisition Revolving Fund Properties in Montgomery County to the State Highway Administration of the Maryland Department of Transportation as Right-of-Way for the Intercounty Connector.

RECOMMENDATION:

Staff recommends that the Montgomery County Planning Board approve the attached resolution (Attachment 1) authorizing the Commission to convey to the State Highway Administration (SHA) of the Maryland Department of Transportation approximately 87.01 acres, unimproved, of Advance Land Acquisition Revolving Fund (ALARF) properties (4 parcels) as right-of-way for the Intercounty Connector (ICC). The amount to be paid by SHA for these properties will be \$7,531,259.20.

BACKGROUND:

Rather than repeat all the background information that relates to the Commission's role and history in using its ALARF monies to acquire master planned rights-of-way for the ICC, staff would like to refer the Board to Attachment 2, a memo dated June 30, 2006 which transmitted packet materials for Agenda Item #19 of the Planning Board's meeting on July 6, 2006. Agenda Item #19 on that date recommended that the Board authorize, as a first phase real estate transfer, the sale of approximately 130 acres of ALARF funded ICC rights-of-way (14 parcels) to SHA for \$19,835,172.31.

The Board approved that action on July 6, 2006, the full Commission confirmed it on July 27, 2006 and the sale to SHA was completed on or about August 1, 2006.

We are now at the point where we can conclude the second phase of real estate transfers for the ICC. This second phase includes only the remaining ALARF funded properties (4 parcels) that are needed by SHA for the project. Subsequent real state transfers will include parklands (not ALARF properties) that will be needed for the project. It is expected that these parkland transfers will occur in three additional phases tied to the three (3) design/build contracts for the ICC.

The four (4) ALARF properties recommended for conveyance to SHA at this time were initially thought to involve partial acquisitions of larger properties, but that is no longer the case. Each ALARF property will now involve a total taking, with the exception of the former Forster property. The conveyance of a portion of the Forster property is being dealt with according to a separate Memorandum of Understanding between the Commission and SHA entered into in May of 1997, prior to the Forster property being acquired. A copy of this MOU is included as Attachment 3. The specifics regarding the four (4) ALARF properties recommended for transfer to SHA at this time are as follows:

Parcel #1. This parcel consisting of 16.877 acres, formerly owned by Kapiloff, is located between Shady Grove Road on the west and Redland Road on the east. Survey documents prepared in 1972 originally showed the area to contain 16.65 acres, but that has increased slightly based on new survey data.

Parcel #2. This parcel consisting of 23.33 acres, formerly owned by Briggs Chaney Associates, is located south of Briggs Chaney Road, near Dogwood Drive. Only 10.9663 acres will be used for the project, the balance will be considered excess to the project and per the Record of Decision will be converted to parkland after the project is completed.

Parcel #3. This parcel consisting 26.71 acres, formerly owned by Bonifant, is located south of Bonifant Road, across from the Trolley Museum. Only 4.59 acres will be used for the project, the balance will be considered excess to the project and per the Record of Decision will be converted to parkland after the project is completed. Staff will continue to work with SHA to refine limits of disturbance on this property in accordance with earlier mandatory referral comments.

Parcel #4. This parcel consisting of 103.12 acres, formerly owned by Forster, is located east of New Hampshire Avenue, near Cape May Road. Only 20.094 acres will be used for the project and that is all that is being conveyed to SHA. According to the Memorandum of Understanding regarding the Forster property entered into in May of 1997 between the Commission and SHA, as mentioned above, SHA paid the Commission, in advance, \$500,000 towards the proportionate cost of the ICC right-of-way required from the Forster property.

This arrangement is reflected in the final total amount being paid by SHA for the 20.094 acres. The payment breakdown is as follows:

Total cost of 103.12 Forster property: \$2,097,308.03
Price per acre: \$20,338.52
20.094 acres @ \$20,338.53 = \$408,682.22
Total interest on \$408,682.22 to 1/1/07: \$169,341.34
Acquisition cost + interest = \$578,023.56
\$578,023.56 less \$500,000 paid in advance = \$78,023.56
Total due M-NCPPC for 20.094 acres = \$78,023.56

SUMMARY:

The combined acreage of the four above described parcels is 87.01 acres and the cost basis of their acquisition was \$4,204,802.88. Using a simple interest calculation equal the rate of return earned on U.S. Treasury Certificates during the time these properties were held by the Commission, to a settlement date of January 1, 2007, the total interest due is \$3,826,456.32. The combined amount of these two figures is \$8,031,259.20, less the \$500,000 advanced for Forester, resulting in a proceed of \$7,531,259.20 to the Commission for this transaction. See the summary chart identified as Attachment 4.

Also, included in this memorandum as Attachment 5 are copies of maps showing the four ALARF properties in question.

Assuming the Montgomery County Planning Board approves the staff recommendation contained in this memorandum, this matter will be scheduled for final action by the Full Commission at its regularly scheduled meeting in December. Full Commission action is required as all ALARF properties are titled in the name of the Commission. This schedule should allow sufficient time to meet a settlement date before January 1, 2007. If that date is not met, however, we intend to settle shortly thereafter.



MONTGOMERY COUNTY DEPARTMENT OF PARKS
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB 06-
M-NCPPC 06-

RESOLUTION

WHEREAS, the Maryland-National Capital Park and Planning Commission (Commission), acquired land for right-of-way along the master planned alignment of the Intercounty Connector (ICC), between I-370 on the west and the Montgomery and Prince George's County line on the east; and

WHEREAS, the Commission acquired this land using the Advance Land Acquisition Revolving Fund (ALARF) to prevent development from occurring within the right-of-way of the master planned ICC in order that the Commission could convey this land to the State Highway Administration (SHA) of the Maryland Department of Transportation for the ICC; and

WHEREAS, on May 29, 2006, the Federal Highway Administration, U. S. Department of Transportation, issued its Record of Decision on the ICC, which allows the SHA to complete the acquisition of the land needed as right-of-way for the ICC; and

WHEREAS, the SHA has requested that the Commission convey 4 parcels of land, consisting of approximately 87.01 acres, to SHA for right-of-way for the ICC; and

WHEREAS, Section 7-106, Article 28, Annotated Code of Maryland provides that the Commission may convey these lands to SHA for right-of-way for the ICC provided that the SHA repays the Commission for the purchase price of the land, plus interest; and

WHEREAS, the SHA has offered the Commission the sum of \$7,531,259.20, which includes \$3,826,456.32 in interest, for the 4 parcels of land identified as all or portions of Tax Account Numbers 09-02064322 (16.877 acres), 05-02840828 (23.33 acres), 05-01630748 (26.71 acres), and 05-00260817 (20.094 acres); and

WHEREAS, the Commission's Secretary-Treasurer has confirmed that the amount offered by SHA for the 4 parcels of land reimburses the Commission for the purchase of the land, plus simple interest, calculated at the same rate of return earned by U.S. Treasury Certificates from the time the Commission acquired the land to January 1, 2007; and

WHEREAS, the Montgomery County Planning Board received and considered a recommendation from staff of the Commission at its regularly scheduled meeting on Thursday, December 7, 2006, that the land may be transferred to SHA under the provisions of Section 7-106, Article 28, Annotated Code of Maryland; and

WHEREAS, on Thursday, December 7, 2006, the Montgomery County Planning Board determined pursuant to Section 7-106, Article 28, Annotated Code of Maryland that Commission may transfer the land to SHA and that the transfer is in the public interest; and

WHEREAS, the Montgomery County Planning Board approved the conveyance of 4 parcels of land to SHA, consisting of 87.01 acres, more or less, as described herein, in fee simple.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 7-106, Article 28, Annotated Code of Maryland, the Maryland-National Capital Park and Planning hereby declares that the Commission may transfer 4 parcels of land, consisting of 87.01 acres, more or less, as described herein, to SHA for right-of-way for the ICC and that the transfer is in the public interest.

BE IT FURTHER RESOLVED, that pursuant to Section 7-106, Article 28, Annotated Code of Maryland, the Maryland-National Capital Park and Planning Commission hereby approves the conveyance of the land described herein to SHA, upon the payment by SHA of \$7,531,259.20 to the Maryland-National Capital Park and Planning Commission.

* * * * *

This is to certify that the forgoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner _____, seconded by Commissioner _____, with Commissioners _____, _____, _____ and _____ voting in favor of the motion, at its regularly scheduled meeting held on December 7, 2006 in Silver Spring, Maryland.

Bruce Crawford
Acting Executive Director

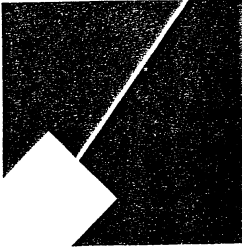
* * * * *

This is to certify the foregoing is a true and correct copy of a resolution adopted by The Maryland-National Capital Park and Planning Commission on motion of Commissioner _____, seconded by Commission _____, with Commissioners _____,

_____, _____, _____, _____,
_____, _____, _____, _____, and
_____ voting in favor of the motion at its regular meeting held on
Wednesday, December 20, 2006 in Silver Spring, Maryland.

Bruce Crawford
Acting Executive Director

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

9500 Brunett Avenue
Silver Spring, Maryland 20901

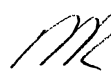
Agenda Date: July 6, 2006

Agenda Item # 19

June 30, 2006

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Michael F. Riley, Chief, Park Development Division 

FROM: William E. Gries, ^{weg} Land Acquisition Specialist

SUBJECT: Resolution Authorizing the Sale of Approximately 130 Acres of Advance Land Acquisition Revolving Fund Properties in Montgomery County to the State Highway Administration of the Maryland Department of Transportation as Right-of-Way for the Intercounty Connector.

RECOMMENDATION:

Staff recommends that the Montgomery County Planning Board approve the attached resolution authorizing the Commission to convey to the State Highway Administration (SHA) of the Maryland Department of Transportation approximately 130 acres of Advance Land Acquisition Revolving Fund (ALARF) properties (14 parcels) as right-of-way for the Intercounty Connector (ICC). The amount to be paid by SHA for these properties will be \$19,835,172.31.

BACKGROUND:

On May 29, 2006 the Federal Highway Administration issued its Record of Decision (ROD) on the proposed Intercounty Connector between I-370 in Montgomery County and Route 1 in Prince George's County. With the ROD being issued, SHA is now in a position where it can begin to complete the acquisition of properties needed for the right-of-way to support the project. This acquisition effort, as it relates to M-NCPPC owned properties, will be undertaken in several phases. The first phase is to include all

M-NCPPC owned properties that were acquired through ALARF and are to be purchased by SHA in their entirety. The action recommended to the Board at this time relates only to the ALARF properties that are to be purchased in their entirety. Subsequent phases will include: 1) ALARF properties that are to be purchased as partial takings, 2) parklands that are to be purchased under Contract A for the Project (I-370 to Rte. 97), 3) parklands that are to be purchased under Contract B for the Project (Rte. 97 to Rte. 29), and 4) parklands that are to be purchased under Contract C for the Project (Rte. 29 to I-95). The exact order for pursuing the subsequent phases of acquisition are not confirmed at this point. As the other phases of acquisition are ready for transfer, the Board will need to take additional actions approving those conveyances.

Since 1973, as a right-of-way protection measure, the Commission has used its ALARF to acquire properties threatened by development in the master planned alignment of the ICC. As required by Article 28, all ALARF purchases were presented to the District Council for its approval prior to their acquisition. To date, the Commission has acquired 18 such right-of-way properties consisting of approximately 300 acres, at a cost of nearly \$18 million. Further, Article 28 requires that when ALARF properties are to be used for their intended public purpose, that the Commission sell the properties to the construction agency for the project (in this case SHA) for its cost, plus interest. Historically, this is a simple interest calculation based on the same rate of return earned on U.S. Treasury Certificates during the time the property was held by the Commission.

In this first phase of real estate conveyance to SHA for ICC right-of-way, 14 unimproved ALARF properties are involved. These include:

- 1 & 2) Two parcels consisting of 22.69 acres formerly owned by Kapiloff, located east of Shady Grove Road.
- 3) One parcel consisting of 1.10 acres formerly owned by Baker, located east of Muncaster Mill Road.
- 4) One parcel consisting of 9.88 acres formerly owned by Sandy Spring Builders, located west of Emory Lane.
- 5) One parcel consisting of 1.0 acres, formerly owned by Vrataric, located east of Sycamore Lane.
- 6) One parcel consisting of 8.9 acres, formerly owned by Willson, located east of Layhill Road.
- 7) One parcel consisting of 5.57 acres, formerly owned by Armando, located east of Layhill Road.
- 8) One parcel consisting of 20.44 acres, formerly owned by Lanigan, located south of Cavendish Drive.

- 9) One parcel consisting of 17.36 acres, formerly owned by The Gudelsky Company, located south of Twig Road.
- 10) One parcel consisting of 8.03 acres, formerly owned by Nees and Kassow, located south of Nees Lane.
- 11 & 12) Two parcels consisting of 10.62 acres, formerly owned by Marlow, located east of Rte. 29.
- 13) One parcel consisting of 22.02 acres, formerly owned by Gudelsky II Associates, located east of Rte. 29,
- 14) One parcel consisting of 2.92 acres, formerly owned by Bryant, located north of Briggs Chaney Road.

These fourteen properties were acquired by the Commission at a cost of \$11,929,739 between March of 1980 and September of 1994. Using the interest calculation discussed above and a settlement date of August 1, 2006, the total amount to be paid to M-NCPPC for these properties is \$19,835,172.31. This figure was calculated by staff at SHA and confirmed by the Commission's Finance Department. Exhibit "A" attached to this memorandum shows the deed date, purchase price, and purchase price + interest, for each parcel to be conveyed in this transaction. You will note on Exhibit "A" that there is an asterisk in the Purchase Price + Interest column for items identified as Tag numbers 11 and 12. This reflects a prior land transfer agreement between SHA and M-NCPPC, dated 10/15/04, involving SHA land within Matthew Henson State Park and the properties included in Tag numbers 11 and 12.

As indicated earlier in this memorandum, that the Commission had acquired 18 properties as ICC right-of-way using ALARF. The four ALARF properties not included above will be dealt with in a subsequent real estate transaction involving ALARF properties that are partial takings. These include:

- 1) One parcel consisting of 26.7 acres, formerly owned by Bonifant, located south of Bonifant Road.
- 2) One parcel consisting of 16.65 acres, formerly owned by Kapiloff, located east of Shady Grove, west of Redland Road.
- 3) One parcel consisting of 23.3 acres, formerly owned by Briggs Chaney Associates, located south of Briggs Chaney Road.
- 4) One parcel consisting of 103.13 acres, formerly owned by Forster, located east of New Hampshire Avenue.

The combined acreage in these four parcels is 169.78 acres and the cost basis of their acquisition was more than \$5.9 million. These acquisitions were made between

October 1973 and September 1996. Staff will come back to the Board with the details on these transactions when they are finalized.

Also, attached to this memorandum is a copy of the "draft" deed proposed for this transaction. All 14 properties to be conveyed are included in one document. Copies of maps showing all 18 ALARF properties are included for the Board's information as well.

Assuming the Montgomery County Planning Board approves the staff recommendation in this regard, this matter will be scheduled for final action by the Full Commission at its regularly scheduled meeting on July 19, 2006. Full Commission action is required as all the ALARF properties are titled in the name of the Commission. This should allow us sufficient time to meet August 1, 2006 target date for settlement.

MEMORANDUM OF UNDERSTANDING
3/5/97

THIS MEMORANDUM OF UNDERSTANDING (MOU) executed in duplicate, made and entered into this 5th day of May, 1997, by and between the State Highway Administration of the Maryland Department of Transportation acting for and on behalf of the State of Maryland, hereinafter called "SHA", and the Maryland-National Capital Park and Planning Commission, a Body Corporate, hereinafter referred to as the "COMMISSION".

WHEREAS, the COMMISSION is the owner of a 103.1277 acre parcel of land situated in Montgomery County, pursuant to a deed dated August 22, 1996, and recorded among the Land Records of Montgomery County in Liber 14350/folio 213 and as shown on Exhibit "A", hereinafter called the "PROPERTY"; and

WHEREAS, SHA's portion of the Department of Transportation's Consolidated Transportation Program (CTP), Fiscal Years 1996-2001, currently provides Right-of-Way funding beginning FY97 for protective buying for the Intercounty Connector Project, hereinafter referred to as "ICC"; and

WHEREAS, SHA has determined that 46.5 acres+/- of the PROPERTY may be needed for one of two possible alignments of the ICC, hereinafter referred to as the "ICC PARCELS"; and

WHEREAS, COMMISSION has acquired the PROPERTY, in it's entirety, inclusive of the ICC PARCELS in advance with funds from its Advance Land Acquisition Revolving Fund; and

WHEREAS, SHA has agreed to pay to the COMMISSION the sum of \$500,000.00 toward costs incurred by the COMMISSION in acquiring the PROPERTY in order to reserve the ICC PARCELS for use as ICC right-of-way, if needed, hereinafter referred to as the "PAYMENT"; and

WHEREAS, SHA and the COMMISSION agree that the acquisition of the PROPERTY is in the best interest and welfare of the citizens of Montgomery County and the State of Maryland.

NOW, THEREFORE, THIS MEMORANDUM OF UNDERSTANDING WITNESSETH: that for and in consideration of the mutual covenants and promises between the parties hereto, and in further consideration of the sum of One Dollar (\$1.00) paid to each party by the other, the adequacy and receipt of which is hereby acknowledged, the parties hereby agree as follows:

I. SHA RESPONSIBILITIES

1. SHA shall make the PAYMENT (\$500,000) to the COMMISSION. The PAYMENT shall be applied toward the cost of purchasing the ICC PARCELS within the PROPERTY, upon receipt of an invoice from the COMMISSION.
2. In the event the PAYMENT is less than the purchase price for the selected ICC PARCEL, SHA agrees to provide an additional payment to the COMMISSION as may be necessary to cover the purchase price of the ICC PARCEL.

II. COMMISSION RESPONSIBILITIES

1. Within 30 days of the execution of this MOU, the COMMISSION shall provide to SHA an invoice for the amount of \$500,000.00 to be applied toward the purchase price of the ICC PARCELS within the PROPERTY.
2. The COMMISSION shall provide SHA, along with the invoice, evidence that it has acquired the PROPERTY, including the ICC PARCELS, by submitting to SHA copies of the recorded deed and its title insurance policy.
3. If within five (5) years of the date of this MOU, SHA determines that neither of the ICC PARCELS are needed for the ICC, the COMMISSION shall at SHA's request, credit the PAYMENT amount to SHA to be applied to other property previously purchased or other property to be purchased by the COMMISSION on behalf of SHA which may be required right-of-way for the selected alignment of the ICC, subject to II. 7 below.
4. The PAYMENT made by SHA, for the ICC PARCEL, shall be proportionate to the purchase price and costs associated with the purchase of the PROPERTY, inclusive of the ICC PARCEL, and shall include but not be limited to the purchase price of the land, appraisal fees, land survey expenses, settlement costs, document preparation fees, recordation fees, title examination, and taxes. Copies of all additional expenses should be included with the invoice for final reconciliation purposes.
5. If the PAYMENT exceeds the purchase price for the selected ICC PARCEL, the COMMISSION shall credit SHA for other properties purchased by the COMMISSION for ICC right-of-way, in the amount of the excess, or if no other ICC right-of-way is necessary, the COMMISSION shall reimburse SHA for that portion of the PAYMENT which has not been used plus annual simple interest at the rate of 6%.
6. Upon final reconciliation, based on an approved SHA appraisal of Fair Market Value of the purchase price of the selected ICC PARCEL, the COMMISSION shall convey the ICC PARCEL to SHA via SHA standard warranty deed, good and marketable title, free and clear of all liens and encumbrances.
7. In the event SHA does not require any property from the COMMISSION, the COMMISSION shall return the PAYMENT plus annual simple interest at a rate of 6%, to SHA within 30 days of SHA's notification to the COMMISSION of SHA's determination that no property is required from the COMMISSION.

III. GENERAL

1. This MOU shall inure to and be binding upon the parties hereto, their respective agents, successors, and assigns.
2. This MOU and the rights and liabilities of the parties hereto shall be determined in accordance with Maryland law.
3. The recitals (WHEREAS clauses) are incorporated herein as a part of the MOU.

IN WITNESS WHEREOF, the parties hereto have caused this MOU to be executed by their proper and duly authorized officers, on the day and year first above written.

STATE HIGHWAY ADMINISTRATION

Genny Fletcher
WITNESS

BY: Parker F. Williams 3/22/97
Parker F. Williams Date
Administrator

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

Linda D. Stroyan
Assistant Attorney General

RECOMMENDED FOR APPROVAL

Neil J. Pedersen
Neil J. Pedersen, Director
Office of Planning

Douglas Rose
Douglas Rose
Chief Engineer

Gayle M. Seward
Gayle M. Seward, Director
Office of Finance

Robert H. Tresselt
Robert H. Tresselt, Deputy Director
Office of Real Estate

APPROVED AS TO LEGAL SUFFICIENCY

MP
M-NCPPC Legal Department
Date 3/7/97

Return to M-NCPPC
Department of Finance

MARYLAND-NATIONAL CAPITAL PARK AND
PLANNING COMMISSION

A. E. Navarre
WITNESS

BY: Trudy Morgan Johnson 3/20/97
Trudy M. Johnson Date
Executive Director

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

FUNDS CERTIFIED AVAILABLE
N/A
By: Swath 3/19/97
For Secretary-Treasurer

Return to M-NCPPC
Department of Finance

This Deed, made this 22nd day of August, 1996, by and between
COLESVILLE ASSOCIATES, a General Partnership, by GILBERT EISNER and
STANLEY FORSTER, General Partners
party of the first part, and
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
9500 Brunett Avenue, Silver Spring, MD 20901
party of the second part:

Whereby, that in consideration of TWO MILLION NINETY-SEVEN THOUSAND THREE HUNDRED EIGHT
the said party of the first part does grant and convey unto and 03/100 Dollars (\$2,097,308.03)
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
its successors
party of the second part, / their and assigns, in fee simple
all that piece or parcel of land situate,
lying and being in Montgomery County, State of Maryland, described as follows to wit:

SEE "EXHIBIT A" ATTACHED HERETO AND MADE A PART HEREOF.

CHEN, WALSH, TECLER & McCABE
200A MONROE STREET, SUITE 300
ROCKVILLE, MARYLAND, 20850

BEING THE SAME PROPERTY CONVEYED TO DENA FORSTER ET AL. BY DEED
DATED DECEMBER 21, 1992 RECORDED AT LIBER 11012 AT FOLIO 442,
THE SAID DENA FORSTER ET AL. BEING THEN THE GENERAL PARTNERS OF
COLESVILLE ASSOCIATES, A GENERAL PARTNERSHIP.

AGRICULTURE TRANSFER TAX STATE
AMOUNT OF \$ 0.00
SIGNATURE CH

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Montgomery County
Date 8/7/96

And the said party of the first part covenants that it will warrant specially and
generally the property hereby conveyed;

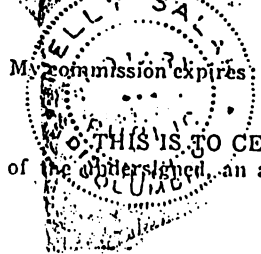
and that it will execute such further assurances of said land as may be requisite.
COLESVILLE ASSOCIATES, a General Partnership
our hands and seals.
EST: By: Gilbert M. Eisner
GILBERT EISNER, General Partner Authorized Signatory
Stanley Forster
STANLEY FORSTER, General Partner Authorized Signatory
To Wit:
NO FEES
STATE OF Washington
COUNTY OF DC

IMP. PD. STATE	0.00
IMP. PD. STATE	0.00
RECORDING FEE	0.00
RECORDATION F	0.00
TR. TAX STATE	0.00
TOTAL	0.00

On this 20, day of August, 1996, before me,

the undersigned officer, personally appeared
GILBERT EISNER, General Partner of COLESVILLE ASSOCIATES
known to me (or satisfactorily proven) to be the person whose name subscribed to the within
instrument and acknowledged that he executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal.



NELLY SALAH
Notary Public District of Columbia
My Commission Expires August 14, 1999
Nelly Salah

THIS IS TO CERTIFY that the within instrument was prepared by or under the supervision
of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

Kenneth B. Tecler
KENNETH B. TECLER, Attorney

FILED
MONTGOMERY COUNTY CLERK'S OFFICE

96 SEP -5 P 3:41 02

Return to M-NCPPC
Department of Finance

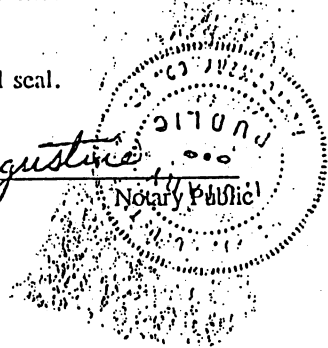
STATE OF MARYLAND
COUNTY OF MONTGOMERY

ON this 20TH day of AUGUST, 1996 before me,

the undersigned officer, personally appeared STANLEY FORSTER, General Partner of COLESVILLE ASSOCIATES known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Kevin J. Augustine
Notary Public



My Commission Expires: **KEVIN J. AUGUSTINE
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires January 10, 1999**

SEP

MARYLAND

TO

Received for Record on the _____ day
of _____, A.D. 19____
at _____ o'clock _____ M., and recorded in
Liber No. _____ at Folio _____, one of
the Land Records for _____
County, State of Maryland.
Clerk.

WASHINGTON LAW REPORTER FORM 80
1001 Conn. Ave., N.W., #238, Wash., D.C. 20036-5504

SEP 4 1996

5-1-260817

All Taxes on assessments certified to the
Collector of Taxes for Montgomery County
Md. by _____ have been paid Dept. of
Finance Montgomery County, Md. This
statement is for the purpose of permitting
recording and is not assurance against
further taxation even for prior periods, nor
does it guarantee satisfaction of outstand-
ing tax sales.

TRANSFER TO GOVERNMENTAL, RELIGIOUS,
OR CHARITABLE ORGANIZATION

Stanley Forster

LF 14350.215



SHELDIA Associates, Inc.
Consulting Engineers .

4660 Trindle Road, Suite 301, Camp Hill, PA 17011 • Telephone (717) 730-4160 • Fax (717) 730-4170

METES AND BOUNDS DESCRIPTION OF
UPPER PAINT BRANCH STREAM VALLEY PARK
PARK PARCEL 11

DENA N. FORSTER et al. PROPERTY
COLESVILLE ELECTION DISTRICT NO. 5
MONTGOMERY COUNTY, MARYLAND

Being the same land conveyed to Dena N. Forster et al. by deed dated December 21, 1992, and recorded in Liber 11012 at Folio 442. Said property being more particularly described as follows:

BEGINNING at a point on the southerly line of Good Hope Road near the realigned intersection of Cape May Road as shown on the Montgomery County Department of Transportation Project Number 773854 Plat No. 10 and Project Number 803399 Plat No. 57 and being a corner in common with Montgomery County Parcels 12A and 12B as recorded in Liber 9634 at Folio 246; thence from the point of beginning and running with the southwesterly line of Montgomery County South 52°44'03" East 777.65 feet to an iron pipe; thence South 66°44'59" East 280.40 feet to an iron pipe, said pipe being a corner in common with Maryland National Capital Parks and Planning Commission (MNCP&PC) Parcel 10B as recorded in Liber 8898 at Folio 283; thence running with the westerly line of MNCP&PC Parcel 10B and continuing with a MNCP&PC Parcel reserved for the proposed intercounty connector as recorded in Liber 8898 at Folio 278 and a MNCP&PC Parcel 10A as recorded in Liber 8898 at Folio 283 South 19°43'04" East 2218.77 feet to an iron pipe, said pipe being a corner in common with Landfare, Parcel A, Block C as recorded in Plat Book 114 as Plat #13573 and Colesville Farm Estates, Lot 11, Block H as recorded in Plat Book 44 as Plat No. 3278 and 3279; thence running with the northerly line of Colesville Farm Estates, Block H, Lots 1 through 11, a 60 feet wide right of way of Lyons Street, and Block G, Lots 1 through 4, North 87°15'52" West 1941.60 feet to an iron pipe, said pipe being a corner in common with Colesville Farm Estates, Block G, Lot 1, a MNCP&PC Parcel as recorded in Liber 1041 at Folio 3 and Montgomery County Parcel as recorded in Liber 9410 at Folio 614; thence running with the easterly line of the Montgomery County Parcel North 16°50'53" West 733.04 feet to a point; thence 269.46 feet along the arc of a curve to the left having a radius of 1202.72 feet and a chord bearing and distance of South 45°27'36" West 268.90 feet; thence 359.86 feet along the arc of a curve to the right having a radius of 762.50 feet and a chord bearing and distance of South 52°33'43" West 356.53 feet; thence South 50°03'30" West 85.79 feet to a point, said point lying in the northerly line of Montgomery County Parcel as recorded in Liber 9410 at Folio 614; thence running with the said northerly line North 88°02'36" West 8.90 feet to a point, said point being a corner in common with Montgomery County Parcel as recorded in Liber 5303 at Folio 239; thence running with the easterly line of said parcel and continuing with the line of the State of Maryland as recorded in Liber 13123 at Folio 261 and Liber 4066 at Folio 449 North 06°50'47" West 402.34 feet to a point, said point being a corner in common with the State of Maryland; thence running with the northerly line of said State of Maryland North 84°25'51" West 151.11 feet to a point, said point lying in the

D:\WORDPROL\JOBS740\MTS\BND\$.DES

Rockville, MD • Washington, D.C. • New York, N.Y. • Camp Hill, PA • Woodbridge, N.J.

SH
A
I
SHELADIA Associates, Inc.

METES AND BOUNDS DESCRIPTION OF
UPPER PAINT BRANCH STREAM VALLEY PARK
PARK PARCEL 11

DENA N. FORSTER et al. PROPERTY
COLESVILLE ELECTION DISTRICT NO. 5
MONTGOMERY COUNTY, MARYLAND
PAGE 2

easterly right of way of New Hampshire Avenue, Maryland Route 650, SHA Right of Way Project No. M529-301-371 Plat Numbers 52915 and 53662; thence running with said right of way line 72.22 feet along the arc of a curve to the left having a radius of 2356.83 feet and a chord bearing and distance of North 07°39'14" West 72.22 feet; thence North 08°31'54" West 378.01 feet; thence North 09°40'39" West 159.54 feet to a point, said point being the intersection of aforesaid right of way and the southerly right of way line of Cape May Road (30 feet wide); thence running with the said southerly right of way line of Cape May Road North 39°44'07" East 46.83 feet; thence 25.62 feet along the arc of a curve to the left having a radius of 52.00 feet and a chord bearing and distance of North 49°47'46" East 25.36 feet; thence North 35°42'26" East 63.06 feet; thence North 39°44'07" East 286.59 feet to a point, said point being a corner in common with Montgomery County Parcel as recorded in Liber 5685 at Folio 105; thence running with the said Parcel 363.75 feet along the arc of a curve to the right having a radius of 340.00 feet and a chord bearing and distance of South 45°06'50" East 346.65 feet to a monument found; thence 341.91 feet along the arc of a curve to the left having a radius of 385.00 feet and a chord bearing and distance of South 39°54'23" East 330.79 feet to a monument found; thence 250.54 feet along the arc of a curve to the right having a radius of 3669.83 feet and a chord bearing and distance of South 89°22'45" East 250.49 feet to a monument found; thence North 39° 44' 07" East 498.77 feet to a monument found; thence North 50°15'53" West 865.00 feet to a point lying in the aforementioned southerly right of way line of Cape May Road; thence running with said line North 39°44'07" East 178.82 feet; thence North 49°41'24" East 275.51 feet; thence South 39°52'13" East 20.00 feet; thence North 49°41'24" East 157.75 feet; thence 111.44 feet along the arc of a curve to the right having a radius of 629.84 feet and a chord bearing and distance of North 54°45'31" East 111.29 feet; thence South 31°41'29" East 4.22 feet; thence 118.32 feet along the arc of a curve to the right having a radius of 1110.92 feet and a chord bearing and distance of North 61°21'14" East 118.26 feet; thence North 63°44'46" East 90.74 feet to the point and place of beginning.

Containing 4,492,243 square feet or 103.1277 acres of land.

All according to a survey prepared by Sheladia Associates, Inc. dated July 26, 1996 and titled "Plat of Survey - Upper Paint Branch Stream Valley Park, Park Parcel 11, Dena N. Forster et al. Property".

State of Maryland Land Instrument Intake Sheet

Baltimore City County: Montgomery

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

1	Type(s) of Instruments	<input checked="" type="checkbox"/> Deed		<input type="checkbox"/> Mortgage	<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____
		<input type="checkbox"/> Deed of Trust		<input type="checkbox"/> Lease		
2	Conveyance Type Check Box	<input type="checkbox"/> Improved Sale		<input type="checkbox"/> Unimproved Sale	<input type="checkbox"/> Multiple Accounts	<input type="checkbox"/> Not an Arms-Length Sale [9]
		Arms-Length [1]		Arms-Length [2]	Arms-Length [3]	
3	Tax Exemptions (if Applicable)	<input type="checkbox"/> Recordation				
		<input type="checkbox"/> State Transfer		SEE EXEMPT LETTER FROM MNCP&PC		
4	Consideration and Tax Calculations	Consideration Amount		Finance Office Use Only		
		Purchase Price/Consideration \$ 2,097,308.03		Transfer and Recordation Tax Consideration		
5	Fees	Amount of Fees		Doc. 1		Doc. 2
		Recording Charge		\$ -0-		\$
		Surcharge		\$		\$
		State Recordation Tax		\$		\$
		State Transfer Tax		\$		\$
		County Transfer Tax		\$		\$
6	Description of Property	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.
		5-1	260817			
SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).		Subdivision Name		Lot (3a)	Block (3b)	Sect/AR(3c)
		"SEE EXHIBIT A"		Location/Address of Property Being Conveyed (2)		
		Other Property Identifiers (if applicable)			Water Meter Account No.	
		Residential <input type="checkbox"/> or Non-Residential <input type="checkbox"/> Fee Simple <input type="checkbox"/> or Ground Rent <input type="checkbox"/> Amount:				
		Partial Conveyance? <input type="checkbox"/> Yes <input type="checkbox"/> No Description/Amt. of SqFt/Acreage Transferred:				
		If Partial Conveyance, List Improvements Conveyed:				
7	Transferred From	Doc. 1 - Grantor(s) Name(s)		Doc. 2 - Grantor(s) Name(s)		
		COLESVILLE ASSOCIATES, a General Partnership, by GILBERT EISNER and *				
8	Transferred To	Doc. 1 - Owner(s) of Record, if Different from Grantor(s)		Doc. 2 - Owner(s) of Record, if Different from Grantor(s)		
		THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION				
9	Other Names to Be Indexed	New Owner's (Grantee) Mailing Address				
		9500 Brunett Avenue, Silver Spring, MD 20901				
		Doc. 1 - Additional Names to be Indexed (Optional)		Doc. 2 - Additional Names to be Indexed (Optional)		
		*STANLEY FORSTER, General Partners				
10	Contact/Mail Information	Instrument Submitted By or Contact Person			Return to Contact Person	
		Name: Kenneth B. Tecler, Esquire			<input checked="" type="checkbox"/> Hold for Pickup by LTIC	
		Firm: Chen, Walsh, Tecler & McCabe			<input type="checkbox"/> Return Address Provided	
		Address: 200-A Monroe Street, Suite 300				
		Rockville, MD 20850 Phone: (301) 279-9500				
		11 IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER				
		Assessment Information		<input type="checkbox"/> Yes <input type="checkbox"/> No Will the property being conveyed be the grantee's principal residence? <input type="checkbox"/> Yes <input type="checkbox"/> No Does transfer include personal property? If yes, identify: _____ <input type="checkbox"/> Yes <input type="checkbox"/> No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).		
Assessment Use Only - Do Not Write Below This Line						
<input type="checkbox"/> Terminal Verification <input type="checkbox"/> Agricultural Verification <input type="checkbox"/> Whole <input type="checkbox"/> Part <input type="checkbox"/> Tran. Process Verification						
Transfer Number:		Date Received:		Deed Reference:		Assigned Property No.:
Year	19	19	Geo.	Map	Sub	Block
Land			Zoning	Grid	Plat	Lot
Buildings			Use	Parcel	Section	Occ. Cd.
Total			Town Cd.	Ex. St.	Ex. Cd.	
REMARKS:						
Distribution: White - Clerk's Office Canary - SDAT Pink - Office of Finance						

Maryland National Capital Park and Planning Commission
Remaining ALARF Acquisitions

<u>FIG</u>	<u>TAG</u>	<u>TAX ACCOUNT</u>	<u>ACREAGE</u>	<u>LIBER/FOLIO</u>	<u>DEED DATE</u>	<u>PURCHASE PRICE</u>	<u>PURCHASE PRICE + INTEREST AS OF 1/1/07</u>
Corr1-C (Kapiloff)	10	09-02064332	16.877 ac.*	5660/297***	2/18/81	\$948,500.00	\$2,472,863.45
Corr1-R (Briggs Chaney Assoc.)	30	05-02840828	23.33 ac.*	9522/030	10/19/90	\$2,743,008.66	\$4,643,307.94
Corr 1-L (Bonifant)	2	05-01630748	26.71 ac.*	4456/848	10/14/73	\$104,612.00	\$337,064.25
Corr 1-N (Forster)	8	05-00260817	20.094 ac.** 87.011 ac.	14350/213	8/22/96	\$408,682.22**** \$ 4,204,802.88	\$78,023.56***** \$7,531,259.20
Total							

* Total acquisition.

** Partial acquisition.

*** Also includes part of Liber/folio at 5660/289

**** Prorated from total acquisition cost based on property acquired (\$2,097,308.03/103.12 ac. = \$20,338.52 X 20.094 ac.).

***** \$500,000 deducted from amount due to previous contribution by SHA to acquire property.

ATTACHMENT #5

ALARF 1 - KAPILOFF PROPERTY



Map compiled on June 28, 2006 at 11:07 AM | Site located on base sheet no - 223NW07

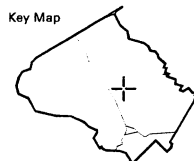
NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

Key Map



N

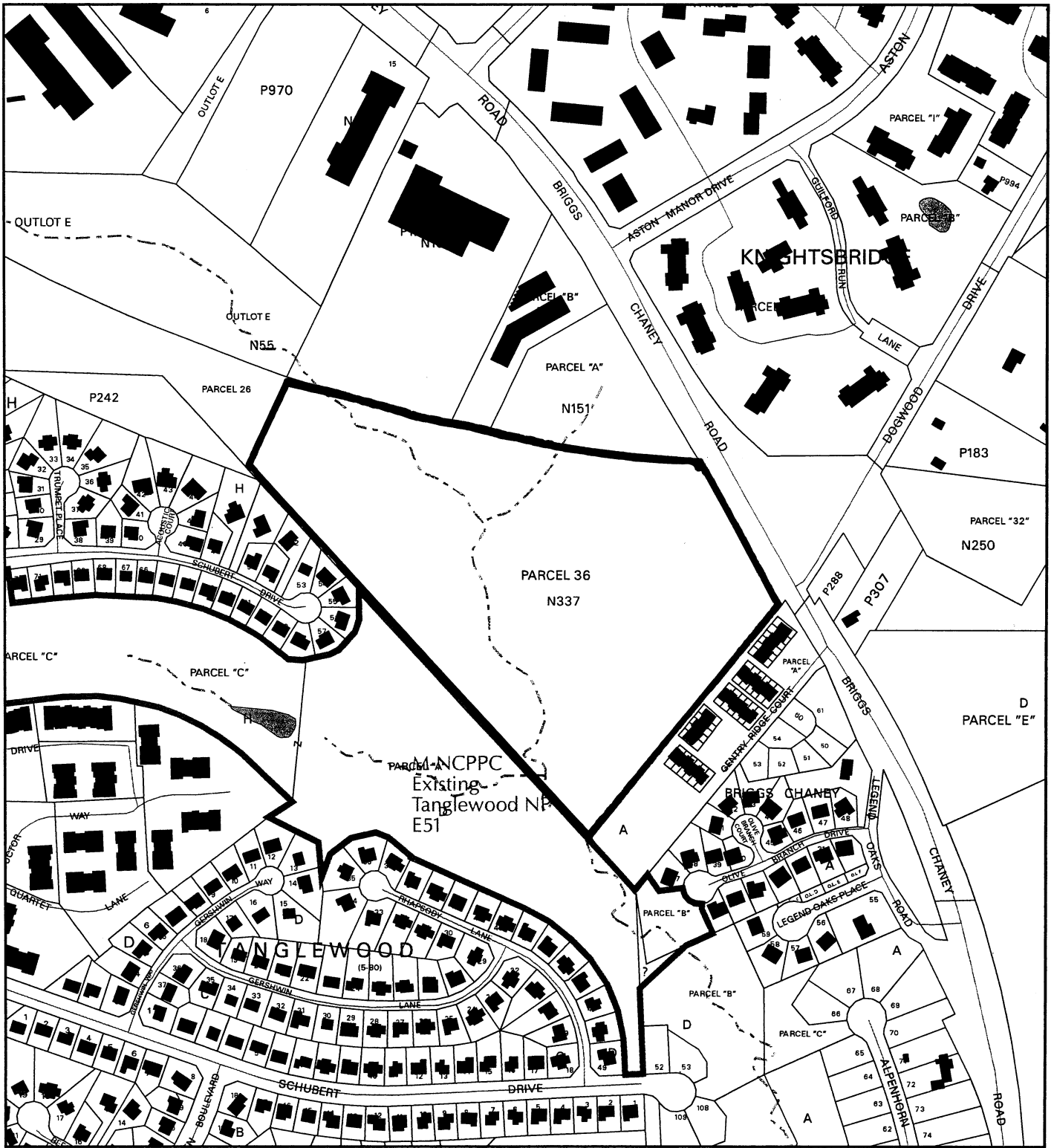


Research & Technology Center



1 inch = 600 feet
1 : 7200

ALARF 2 - BRIGGS CHANEY ROAD ASSOCIATES PROPERTY



Map compiled on June 28, 2006 at 11:10 AM | Site located on base sheet no - 217NE04

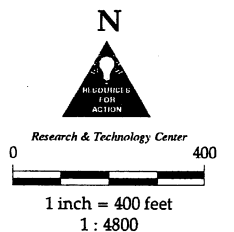
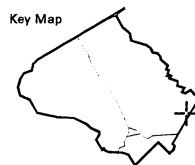
NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland -National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

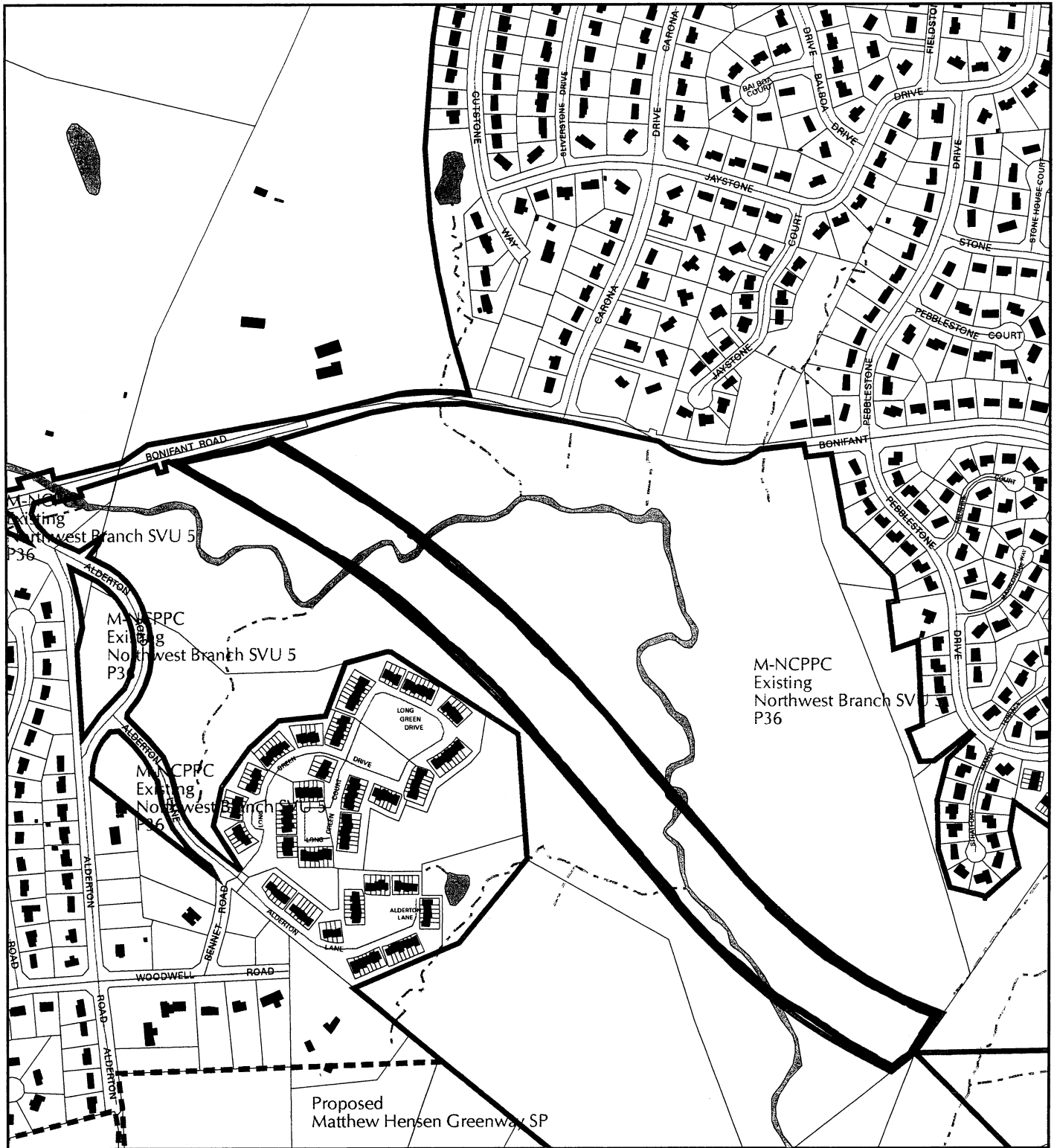
Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

Key Map



ALARF 3 - BONIFANT PROPERTY



Map compiled on June 28, 2006 at 11:01 AM | Site located on base sheet no - 219NW01

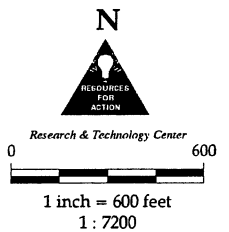
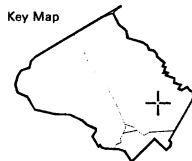
NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland -National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

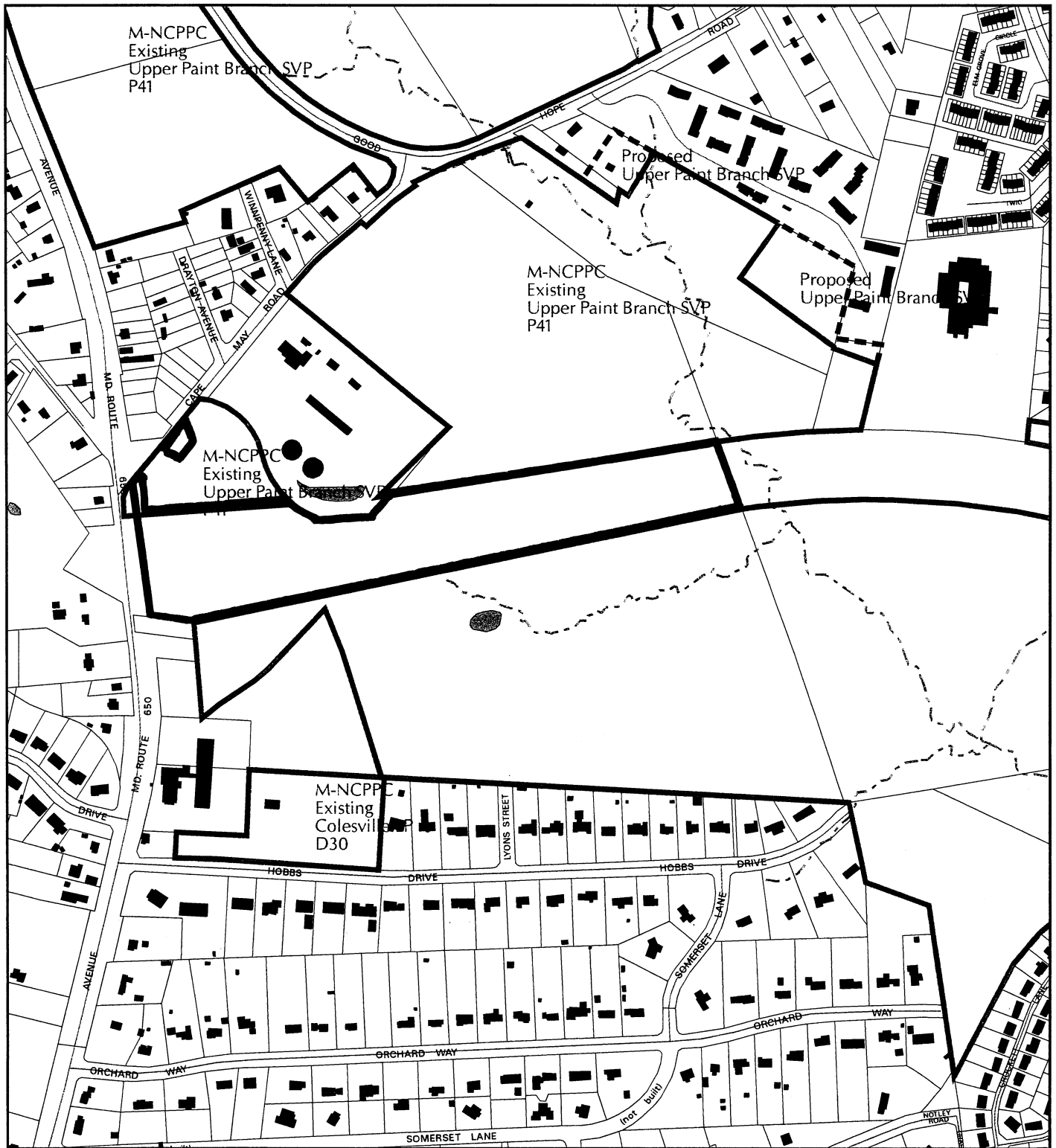
This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

Key Map



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

ALARF 4 - FORSTER PROPERTY



Map compiled on June 28, 2006 at 11:13 AM | Site located on base sheet no - 219NE01

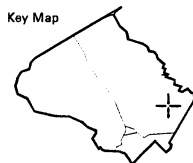
NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

Key Map



N



Research & Technology Center



1 inch = 600 feet
1 : 7200